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PROCEEDINGS AND DEBATES OF THE *100th* CONGRESS, SECOND SESSION

SENATE—*Wednesday, April 27, 1988*

(Legislative day of Monday, April 25, 1988)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable WYCHE FOWLER, JR., a Senator from the State of Georgia.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Eternal God, Father of us all, You have given us Your word: "Call unto me, and I will answer thee, and shew thee great and mighty things, which thou knowest not."—Jeremiah 33:3.

In view of the critical, complicated condition of domestic and international affairs, thank You, Mighty God, for this word of assurance and hope. As the Senate struggles with the possible, may we in faith believe that with You nothing is impossible. When low-grade frustration invades—when a sense of futility permeates—lift minds and hearts toward You and help us to take Your promise seriously. Grant patience, wisdom, and strength to the Members of the Senate when discouragement and a sense of helplessness and nonachievement troubles. We ask this in the name of Him in whom dwells all power in heaven and on Earth.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 27, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WYCHE FLOWER, JR., a Senator from the State of Georgia, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. FOWLER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. BYRD. Mr. President, I hope that the Senate will be able to vote on the trade bill conference report today. The distinguished Republican leader and I have been talking about a possible time. We are advancing the thought that we might be able to vote at, say, 2 o'clock or 3 o'clock this afternoon. Then the Senate can go on to the AIDS legislation. The leader and I will continue in our discussions and our efforts.

I do not know of anything else at the moment. I ask that my time be reserved. I yield the floor.

The ACTING PRESIDENT pro tempore. Without objection, it shall be reserved.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader, Mr. DOLE, is recognized.

VOTE ON TRADE BILL CONFERENCE REPORT

Mr. DOLE. Mr. President, as the distinguished majority leader has indicated, we do hope we can have a vote on the trade bill conference report early afternoon, and we will continue to discuss together those possibilities. I think we have had adequate debate. It seems to me we ought to vote on the conference report and move on to other business. As I understand, there are only one or two objections to doing that, and I hope that those Senators would be able to give us permission to do that in early afternoon.

BICENTENNIAL MINUTE

APRIL 24, 1872: LAST CONFEDERATE STATE REPRESENTED IN SENATE

Mr. DOLE. Mr. President, 116 years ago this week, on April 24, 1872, Matt Whitaker Ransom took the oath of office as Senator from North Carolina. As a result from the first time since 1860, every State in the Union was once again represented in the U.S. Senate.

Although the Northern States fought the Civil War to preserve the Union, they had not been eager to readmit the secessionist States once the war had ended. They feared for recently freed slaves, and worried that Southern agrarian legislators would not support national industrial expansion. During "Congressional reconstruction," Southern States came under Federal rule. Not until 1868 were the first of the former Confederate States readmitted, and not until 1872 had they all taken their place in the Senate.

Matt Ransom was an appropriate man to complete this process. Before the war he had been a lawyer and Whig politician in North Carolina. In 1856, after the Whig Party collapsed, Ransom felt no affinity for either the Know-Nothings or the Republicans, and joined the Democratic Party. However, he remained a strong Union man, and in 1861 was sent by his State as a Peace Commissioner to seek a compromise between the Confederacy and the Union. When war came, Ransom volunteered as a private and was quickly commissioned a lieutenant colonel of a North Carolina regiment. Rising to brigadier general, he fought in many battles and was several times wounded before surrendering his brigade at Appomattox. Returning to law practice after the war, he was elected to the Senate in 1872. Here, he played a key role in achieving the compromise that settled the disputed Presi-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

dential election of 1876 and ended military reconstruction in the South. Ransom's 23 years in the Senate ended when a Populist Coalition finally defeated the old soldier for reelection in 1895.

Mr. President, I reserve the remainder of my time.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30, with Senators permitted to speak therein for not to exceed 5 minutes each. The Senator from Wisconsin is recognized.

HOW NUCLEAR TERRORISM COULD COME TO UNITED STATES

Mr. PROXMIRE. Mr. President, on March 21, the Senate voted 53 to 30 against a resolution of disapproval aimed at blocking an administration proposed 30-year blanket consent for shipment of plutonium to Japan. That vote fell short of the majority required to block the administration's proposal. As a result of that failing March vote, the 90-day period of time to stop the blanket 30-year go ahead for plutonium shipments to Japan expired a couple of days ago.

According to Paul Leventhal, president of the Nuclear Control Institute, these shipments will sharply increase the prospect of widespread nuclear terrorism. Leventhal writes in the May issue of the Bulletin of the Atomic Scientists that this carte blanche arrangement with Japan will allow the Japanese to separate and use more United States controlled plutonium as fuel in its nuclear reactors than the United States has in all its nuclear weapons. That processed Japanese plutonium will be weapons grade. In a few years it will constitute hundreds of tons and easily more than a million pounds.

Keep in mind that it takes only 15 pounds of plutonium to fabricate an atomic bomb. Who will safeguard this weapons grade plutonium? The Japanese guards are unarmed. Obviously, only a relatively very small theft by terrorists could provide precisely the kind of enormous terrorist threat that would make airline hijacking seem like kindergarten stuff. The Defense Department under Secretary Weinberger strongly opposed the agreement and said so. But Weinberger's replacement, Secretary Carlucci, reversed the Weinberger position and in doing so paved the way for the Senate failure to disapprove the agreement. Richard Perle and Frank Gaffney, two former Defense Department officials known for their hardheaded realism denounced the agreement as "seriously flawed." They also called the notion that the 30 year advance consent was "a reasonable approximation of the case-by-case approach," required by the Nonproliferation Act, "ludicrous."

There are other serious problems with this agreement. For example, the transportation of this plutonium to Japan will require flights over a polar route, but these planes will be close to United States territory and also be allowed to make emergency landings at military bases in Alaska. In his article on this agreement Leventhal writes:

> The U.S. Nuclear Regulatory Commission lays down standards for casks for air transport of plutonium; one rule is that they must survive an impact with an unyielding target at 288 miles per hour, the maximum allowed airspeed of aircraft below 10,000 feet. The Batelle-PNC prototype was designed to satisfy the NRC standards. In midsummer 1986 it was tested in a simulated crash on the ground at Sandia National Laboratories in New Mexico. It failed the test.

So the transportation of this enormously destructive material will pose a nightmare threat to the safety of Americans for years to come. But it is the prospect of processed weapons grade plutonium falling into the hands of terrorists that most deeply concerns this Senator. A Defense Department report on protection of plutonium in commerce was released from the Pentagon just before Secretary Weinberger left. It stated:

> Opportunities for terrorist acts, including attempts to steal civilian plutonium, will increase substantially as a result of the increased commercial use of plutonium.

The Defense Department report called for two critical protection requirements. Neither were included in the agreement. One was arming all guards. The second was basing protection measures on realistic scenarios of terrorist action. The Japanese will not arm their guards. They do not regard terrorism as a domestic threat.

Mr. President, it does not take much imagination to recognize what a tempting target this mountain of processed uranium sitting in Japan represents. There it will sit, protected only by unarmed guards, and with no concern for terrorist depredations. A swift terrorist raid, the lifting of a few hundred pounds of processed plutonium and the terrorists would have more than enough to reduce Washington, New York, Atlanta, Phoenix, and Chicago to a king size reminders of Hiroshima. The seizure might be even more smooth and peaceful. Only about 15 years ago, Locheed bribed a Japanese Prime Minister with a $1.4 million payoff. The Japanese are as honest as Americans—perhaps more honest. But a few thousand dollars carefully dispersed to key members of the unarmed guard and this massively destructive weapons grade plutonium could be well on its way to the destruction of American cities or the decapitation of America's leadership.

It is a painful irony that the Japanese have been to date the only real victims of wartime nuclear explosion. Just a couple of weeks ago the bombing of a USO club in Naples, Italy, was linked to the Japanese Red Army terrorist group. It is a fact that terrorists organizations in Japan are still active. But doesn't Japan have a good nonproliferation record? It does, indeed. The fact is that the Japanese have been our firm friends. They are staunch supporters of freedom and democracy. This should not blind us, however, to the fact that there are persons in that country of more than 100 million, as in every other large country, who can harbor festering resentments for many years.

Mr. President, the failure of this body to block the United States-Japan Nuclear Cooperation Agreement last March 21 may come back to haunt this body and our country with a vengeance in this world of increasing terrorism.

I ask unanimous consent that the article by Paul Levanthal, entitled "U.S.-Japan Accord Invites Proliferation," published by the Bulletin of the Atomic Scientists, May issue, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S.-JAPAN ACCORD INVITES PROLIFERATION

(By Paul Leventhal)

The inventory of plutonium in the spent fuel of commercial nuclear power reactors worldwide is growing at an astonishing rate. By the end of the century it will reach 2,000 metric tons, 10 times the amount of plutonium contained in nuclear weapons today. Since the future of all that potential nuclear weapons material is still undecided, Japan's plans to separate large quantities of plutonium into weapons-usable form, albeit for commercial use, may set a significant and dangerous precedent.

These plans raise important questions for U.S. and world security: Could 7-14 kilograms (15-30 pounds) of plutonium, enough to make a bomb or two, slip out of the plants that are preparing to process tons of the material? What would happen if terrorists got hold of it? Can shipments of plutonium be flown from Europe to Japan, month after month for decades, without endangering the earth and its inhabitants? How will these activities affect efforts to constrain the spread of nuclear weapons?

Although these questions may prove as important as the outcome of superpower arms reduction talks, in Washington the issue is a yawner. Americans are not actively concerned about nuclear proliferation. It is therefore not surprising that a Reagan administration proposal to give Japan blanket approval to recover, transport, and use plutonium from U.S.-supplied nuclear fuel over the next 30 years has not been a leading issue on Capitol Hill. The existing agreement, signed in 1968 and not scheduled to expire until 2003, requires case-by-case approval of all Japanese spent-fuel reprocessing and plutonium-use requests. The United

States supplies over 90 percent of the low-enriched uranium fuel that Japan uses in its 35 operating power reactors.

The carte blanche arrangement would allow Japan to separate and use more U.S.-controlled plutonium as fuel in its nuclear power reactors than the United States now has in all of its weapons. Yet it is not the proliferation and terrorism threat posed by the commercial use of so much plutonium that has prompted the sharpest response in Congress. Rather, Congress has focused on the environmental and safety threat posed by prospective air shipments of the plutonium from Europe over Canada and the United States to Japan.

Details of the agreement began coming out several months before it was submitted to Congress last November. In March 1987 the Nuclear Control Institute reported problems with the shipping casks that would be used. Because plutonium oxide powder is both fissile and highly toxic, an air shipment would consist of a number of secure, crash-proof containers, each holding a small quantity of plutonium. Battelle-Columbus in Ohio and the Japanese nuclear fuel company PNC (Power Reactor and Nuclear Fuel Development Corporation) have designed a prototype cask weighing 2.3 metric tons (5,000 pounds) to hold about seven kilograms (15 pounds) of plutonium.

The U.S. Nuclear Regulatory Commission (NRC) lays down standards for casks for air transport of plutonium: one rule is that they must survive an impact with an unyielding target at 288 miles per hour, the maximum allowed air-speed of aircraft below 10,000 feet. The Battelle-PNC prototype was designed to satisfy the NRC standards. In midsummer 1986 it was tested in a simulated crash on the ground at Sandia National Laboratories in New Mexico. It failed the test.

During summer 1987 the trade journal Nuclearfuel reported that the new agreement, then under interagency review, was encountering strong opposition in the Defense Department and the NRC. Agency officials were concerned about the agreement's legality and about whether the United States could suspend the blanket approval in the future if circumstances warranted. They also found the safeguards and physical security arrangements inadequate.

The prospect of regular flights carrying highly toxic plutonium landing for refueling in Alaska prompted an alliance during the summer between the state's conservative Republican senator, Frank Murkowski, and its liberal Democratic governor, Steve Cowper, to keep the flights out of the state. Ottawa helped their cause by informing the Reagan administration last fall that at the present time it would not permit plutonium flights across Canadian territory.

Murkowski adroitly pointed out in Senate debate that if Canada said no, the alternate route could well be over the northern United States with a refueling stop in Washington state. He quickly lined up cosponsors for a bill he introduced with Sen. William Proxmire, Wisconsin Democrat, requiring an actual worst-case crash test of a 747 loaded with casks and dummy material before such flights were permitted over U.S. territory. Congress attached the Murkowski-Proxmire amendment to the budget reconciliation bill and made it law before going home for Christmas.

Cowper, for his part, sued to stop the agreement from being sent to Congress until an environmental impact statement could be prepared and reviewed—a process that usually takes about two years. A federal judge refused to block the president from proceeding. Late in 1987 the administration released a sketchy environmental assessment document from which it was possible to determine the number of flights planned and the size of the cargos, although the document shed little light on the actual environmental impact of the plan.

By early March 1988 the administration told Murkowski that an alternate flight plan would be used that could avoid crossing the United States or Canada, thanks to a new version of the 747 freighter that could reach Japan nonstop. There would be provision for emergency landings in Alaska, but only at military bases far from populated areas.

Murkowski declared victory and signaled his support of the agreement, but it remains to be seen whether Alaskans will be content with an arrangement that allows landings in their state when a plutonium cargo plane is in trouble. In addition, Japan will not be happy if it still has to meet the actual worst-case crash test requirement to qualify for emergency landings on U.S. territory. Some of their own experts believe that shipping casks of the enormous weight being developed might not be able to survive the extreme forces of a high-speed crash. Thus, this airborne version of the saga of the garbage barge nobody wanted may continue.

Although the administration has sought to accommodate congressional concerns about Japanese plutonium air shipments—partly in order to gain essential support from Murkowski and others for the agreement—it has strongly resisted congressional efforts to reject the agreement as unlawful or to condition its implementation on Japan's willingness to strengthen terms for protecting against proliferation and terrorism. The State Department, under the direction of Ambassador-at-Large Richard T. Kennedy, believes it cut the best possible deal with the Japanese and that Japan would not agree to any concessions demanded by Congress.

But critics argue that the administration has renegotiated the current agreement, which will not expire for 15 years, in order to weaken U.S. nonproliferation laws, since Congress would never agree to amend these laws. The principal sticking point is the so-called programmatic consent: advance U.S. approval for Japan to transfer, separate, and use in its power program, over the life of the 30-year agreement, a minimum of 153 tons of plutonium from fuel originating in the United States. This consent even extends to a large reprocessing plant that Japan plans to build but for which safeguards and physical protection have not been developed.

Original sponsors of the Nuclear Non-Proliferation Act of 1978, including Democratic senators Alan Cranston of California and John Glenn of Ohio, regard this arrangement as a violation of the law's basic requirement for careful case-by-case review of plutonium-related requests. Each review, known as a "subsequent arrangement," is to give "foremost consideration" to whether the proposed transfer or reprocessing will take place under conditions that will provide the United States with "timely warning" of any diversions of plutonium. The administration contends that the law does not bar a one-time subsequent arrangement in the form of a programmatic consent for an advanced nation of "no proliferation risk" such as Japan.

In December, majorities of the Senate Foreign Relations and House Foreign Affairs committees sent letters to the president advising him that they had found the agreement to be in violation of U.S. atomic energy law. The letters reminded President Reagan that, according to a procedure he signed into law in 1985, a legally defective agreement should be resubmitted to Congress, which then would have to approve the agreement before it could come into force. Otherwise, so long as the president asserts that the agreement is legal, it comes into force automatically unless both houses vote disapproval within a fixed period of time—a much more difficult task for Congress.

Aside from the legalities, the committees were responding to concerns raised by the NRC in a letter of opposition to the president, warning that international safeguard measurements for large future Japanese plutonium facilities were inadequate. Measurement uncertainties of "hundreds of kilograms of plutonium" per plant per year could result. The NRC rejected the administration's contention that advanced safeguard "concepts" spelled out in the agreement could compensate for inherent weaknesses in accounting and control of nuclear materials. The commission also questioned whether the agreement would allow the United States to supend its blanket approval if need be.

Defense Secretary Casper Weinberger had written a letter opposing the agreement on similar grounds. But by the time the agreement reached Capitol Hill, Frank Carlucci had replaced Weinberger at the Pentagon. Only a few months earlier, as National Security Council director, Carlucci had presided over the administration's decision to side with the State and Energy departments and go with the agreement over Defense Department and NRC objections. Now he proceeded to enforce that decision in the Pentagon.

In January Carlucci advised the two committees that Defense now supported the agreement and that his predecessor's letter would be withheld on grounds of executive privilege. This caused such an outcry on Capitol Hill that an interagency group soon began making the rounds of congressional offices to show the Weinberger letter privately to members who wanted to see it. Its contents, however, remain classified.

An earlier congressionally mandated Pentagon report on protection of plutonium in commerce was released just before Weinberger's departure despite State Department efforts to have it modified. It stated: "Opportunities for terrorist acts, including attempts to steal civilian plutonium, will increase substantially as a result of the increased commercial use of plutonium." The report called for certain minimum physical protection requirements, including two that were not incorporated in the agreement: arming all guards and basing protection measures on realistic scenarios of terrorist action. Guards are not armed in Japan; nor is terrorism regarded as a domestic threat.

Two former high Pentagon officials Richard Perle and Frank Gaffney, Jr., eventually wrote to members of Congress that during the time they were responsible for reviewing the agreement, "the Defense Department regarded this agreement as seriously flawed." They described as "ludicrous" the prevailing view that a 30-year advance consent was "a reasonable approximation of the case-by-case approach" required by the Non-Proliferation Act.

The administration seems determined to ignore these criticisms, including a comptroller general's report that the agreement does not meet the requirements of law, rather than agree to tough conditions that it believes the Japanese will refuse to meet. President Reagan responded to the committees' letters by raffirming his belief that the agreement meets all legal requirements. He attached a letter signed by the general counsels of four agencies, now including the Defense Department, backing him up. He refused to resubmit the agreement to permit an up-or-down vote, which means the agreements will come into force after 90 legislative days (in late April as of this writing).

Cranston, who led the charge against the accord in the Senate Foreign Relations Committee, was joined by the most unlikely of allies, the committee's ranking Republican, arch-conservative Jesse Helms of North Carolina, in introducing the Atomic Energy Law Enforcement Act. The bill would have stopped the clock and prevented the agreement from coming into force without both houses first voting their approval. But it soon became clear that Cranston's preferred strategy was to move for action on a disapproval resolution that had been introduced by Senate Majority Leader Robert Byrd and Minority Leader Robert Dole.

The strategy backfired. On March 21 Byrd called up the resolution. Although Cranston had said that he was expecting 65-70 votes for disapproval, 13 of those senators were among the 17 absentees on that Monday. In addition, neither Cranston nor Foreign Relations Committee Chairman Claiborne Pell of Rhode Island participated in the debate because they were preoccupied with negotiations with the administration on the Intermediate-Range Nuclear Forces Treaty in preparation for a committee markup. When the votes were counted after a limited debate, the disapproval resolution was defeated 53-30. Both critics and supporters of the agreement were stunned. Everyone had expected the disapproval resolution to pass.

The chances of stopping or modifying the agreement seemed all but lost as a result of the Senate vote. The State Department, which had been reluctantly negotiating conditions on the agreement with House Asian Affairs Subcommittee Chairman Stephen Solarz, New York Democrat, in anticipation of a defeat in the Senate, suddenly lost interest in further discussions. Solarz canceled a hearing on the agreement. If the accord comes into force, as expected, Congress will have demonstrated that it is prepared to confront the plutonium danger only when it is immediately overhead but not when it is somewhere else and years away.

Mr. PROXMIRE. I yield the floor.

Mr. McCAIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arizona, Mr. McCAIN.

FRAUD AND THE ELDERLY

Mr. McCAIN Mr. President, I have been looking into the problems of fraud and the elderly in some depth as both a Member of Congress, and now Member of the U.S. Senate. As we speak here today, terrible crimes are being perpetrated against senior citizens across this country.

At this very moment some elderly citizen is answering a phone and being told that they are the recipient of a prize which they have won, and that all they need to do is give the caller their credit card number in order that they might receive this prize.

At this very moment, some elderly citizen in Arizona has found someone at their door who tells them that they need their roof repaired or their driveway repaved, and they need to pay them the money immediately in order to have that done.

At this very moment some senior citizen is investing perhaps their entire life savings in a life care facility which has been marketed as a way to ensure that their retirement and health needs will be met in their remaining days. Unfortunately, due to mismanagement or outright fraud, they will never receive the benefits of the investment of their life savings.

Mr. President, the examples of fraud perpetrated against seniors—and members of all age groups for that matter—goes on and on. I am confident that everyone of my colleagues is aware of incidents of fraud that have impacted their constituents. As a result of my experiences with Arizonans—particularly senior citizens—who've been victims of consumer fraud, I've developed a real burden for the problem. Several weeks ago, I testified before the Federal Trade Commission on this matter. At the hearing, I laid before the FTC a proposal to strengthen the fight against consumer fraud and solicited their imput. Since the hearing, I have communicated extensively with the FTC regarding this issue, and have benefited a lot from their expertise.

Yesterday, I introduced a bill which is a culmination of this effort. The bill would step up the fight against those elements of our society that use fraudulent means to enrich themselves and cheat honest consumers.

Mr. President, there is no room in a free market for fraud. Fraud destroys the very basis and integrity of what makes free markets effective.

And as much as I am a strong believer in free markets and minimal Government intervention in those markets, there is no reason why the Federal Government should not do whatever it can to rid our economy of consumer fraud. Unfortunately, consumer education is not enough to combat fraud. Consequently, one of the most justifiable roles for the Government in policing the economy is ensuring a marketplace that consumers can have confidence in.

Mr. President, let me briefly describe some of the problems our senior citizens, and indeed Americans of all ages, are facing.

HEALTH CARE FRAUD

Health fraud or quackery is one of our Nation's leading health care problems. Current projections by the National Council Against Health Fraud are that health quackery is costing Americans close to $25 billion per year. Health care fraud is the most prevalent and damaging type of fraud committed against older Americans. Older Americans—as a group—experience deteriorating health and a greater number of terminal illnesses. In searching for a way to extend life and combat illness they can be prey for perpetrators of health quackery.

Health care fraud is not only cruel and costly to consumers, it can be life threatening. In some cases the quack cure may be deadly. In other cases the quack cure may be harmless—in and of itself—but a victim may be led to exchange a physician-recommended course of treatment for the quack cure. Again, the result may be damaging.

An example from my own State of Arizona illustrates the problem. Recently, an advertisement appeared in Arizona newspapers promoting a "new cancer cure." The ad read:

> Cancer patients undergo a six-day therapy of daily "Tumorex" injections administered by a licensed M.D. or R.N. This is augmented by amino acid capsules taken ½ hour before each meal. Treatment is given Monday through Saturday. Any enzyme program must be discontinued 24 hours before the first days of treatment. In most cases, six days of treatment are sufficient; however, 12 days or more are required for some severe cases. Colon cleansing is important before treatment and imperative after treatment. $2,500 includes the 6 or 12 day treatment, and transportation (meals and lodging not included). We suggest cashier's or traveler's checks, however Mastercard and Visa are acceptable.

It has been discovered that "Tumorex" is really the amino acid L-Argenine, which can be purchased at local health food stores for $5.50 for 100 tablets.

TELEMARKETING FRAUD

Another area of growing consumer fraud is telemarketing—that is marketing by telephone. While telemarketing fraud is certainly not confined to older Americans, it is often most successful amongst this group—especially with those who live alone, are lonely, or who may have recently suffered the loss of someone close. Medical and health services, work-at-home schemes, and home repair frauds are common exploitations in addition to normal fraudulent merchandising schemes. While many of these deceptions appear legitimate on the surface, unfortunately their true nature is usually not discovered until the consumer does not receive the ordered item, receives a copy rather than an authentic item, or suffers some financial or health loss.

I have found numerous examples of telemarketing fraud perpetrated against Arizonans. In order to illustrate the type of problem with which we are dealing, I would like to touch on one of these examples.

Recently a Scottsdale woman fell prey to the largest telemarketing scam to date preying on Arizonans. It involved a nationwide, shop-at-home program. This program, which was aired over nationwide television, involved the listing of various items for sale. The funds for these items are sent to the company, which in turn cashes the checks and never delivers the merchandise. At the present time, this operation has generated over 1,300 compliants.

THE "LIFE-CARE" INDUSTRY

Mr. President, while most life-care communities are reputable and definitely fill a need, there are enough cases of seniors losing huge investments due to fraud or mismanagement that the Federal Government should scrutinize these problems.

Life-care communities can be a practical solution to the problem of assuring independent and supportive living for older Americans as long as possible, and guaranteeing that 24-hour nursing care is available when necessary. This type of living arrangement, however, is often more costly than others. An entrance fee is usually required—which can range from $20,000 to $100,000, in addition to a monthly fee that can range from $650 to $1,200. In exchange for the fees, the resident is assured of housing and services for life—regardless of health.

The Congressional Research Service estimates that there are between 300 and 600 life-care communities operating today, serving approximately 90,000 residents. Regulation of the life-care industry is handled by individual State governments. To date, fewer than 20 States have adopted legislation regulating continuing care communities. Because of the lack of Federal or widespread State standards and regulation, the life-care industry has had problems with both fraud and unintentional mismanagement, including the occasional misrepresentation of financial risks; the occasional misrepresentation of the mortgage-lender's interest; the potential misuse of the entrance fee financing; and, kickback schemes and self-dealing.

FTC NEEDS MORE ENFORCEMENT AUTHORITY

In addition Mr. President, we have a Federal Trade Commission operating under very severe budget restrictions and with several shortcomings in its enforcement authority. It is an agency with an important mission that must be given more resources and tools to accomplish the job of effectively attacking consumer fraud.

I have had several meetings with Commissioners from the FTC. They are willing and eager to attack this evil that has inflicted itself upon our society.

Mr. President, at this point I would like to ask unanimous consent that the text of the bill I introduced yesterday be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1)

Mr. McCAIN. The following section-by-section analysis summarizes what this bill I am introducing would do:

SECTION-BY-SECTION ANALYSIS

SECTION 2. FINDINGS ARE SELF-EXPLANATORY

SECTION 3. FALSE ADVERTISEMENTS REGARDING HEALTH CARE SERVICES

Health care fraud is costing America's seniors nearly $25 billion annually. This bill would amend the FTC Act to clearly prohibit the dissemination of any false advertisement for the purpose of inducing the purchase of health care services. Currently, the FTC Act only prohibits the dissemination of false advertising regarding health care products. Consumers of fraudulently advertised services can be damaged just as much as those who fall prey to fraudulently advertised products.

SECTION 4. EXPANDED FTC ENFORCEMENT TOOLS

In my research on consumer fraud enforcment, I came across several instances where the FTC Act should be strengthened in order to give the Commission a more complete and effective set of tools to combat consumer fraud.

(a) *Venue for Fraud Cases.* Presently, the Commission may face real problems about where to bring an enforcement suit against a scam operation where a number of defendants are involved. In order to help the Commission bring a unified, consolidated action against such operation, this bill would expand the permissible venues and allow the FTC to sue in places other than where a defendant resides or transacts business, if a court determines that it's in the interests of justice.

(b) *Expanded Subpoena Authority.* This bill would amend the existing FTC Act to clearly enable the Commission to use its investigative subpoena power to obtain physical evidence—like drugs and medical devices—and not just documentary evidence as the existing Act discusses. The limitation of the present Act serves no useful purpose in our efforts to stop consumer fraud.

(c) *Greater Access To Postal Data.* The bill would amend postal service regulations to give the FTC access to mail sent from parties suspected of consumer fraud. This would greatly assist efforts to track down "scam" artists and protect consumers. These so-called "mail covers" don't allow the FTC to open or intercept the mail—just keep the records of where the mail is sent. This can be critically important in tracking down operators peddling fraudulent schemes.

(d) *Expanded Ability To Collect Financial Evidence On Suspects.* The Financial Privacy Act prohibits the FTC from obtaining bank or financial records of con artists. Often the FTC must first contact that suspect. Obviously that can result in the disappearance of evidence. The states do not have such a notice restriction. I propose a narrow amendment that would clarify the authority of the FTC, if it first obtains court approval, to gain access to the financial records of consumer fraud suspects. This would increase the effectiveness of federal enforcement efforts, while still protecting legitimate privacy rights.

(e) *Enforcement Assistance From States.* Over the years, a number of people have suggested ways to involve the State Attorneys-General and their offices in consumer fraud enforcement actions. Some of these proposals probably go too far and some could create unintended problems, but there are situations where the FTC's mission of protecting consumers could be enhanced by using the resources of the State Attorneys-General.

This bill would provide that the Commission may "deputize" State Attorneys-General to enforce Commission rules. This limited delegation might be expanded by a subsequent Congress if it works satisfactorily, but it does provide the FTC with some latitude in this deputization. It could be used on a "blanket basis" by designating all State Attorneys-General as co-equal enforcers of entire rules—like the FTC's used car rule or the funeral rule—or it could be used on a case-by-case basis in other situations.

Clearly the more resources we can effectively target against a consumer fraud the better off our society will be. This provision is a measured expansion of our tools in this fight.

SECTION 5. TELEMARKETING

The FTC has in place the "Mail Order Rule", which protects consumers against late or undelivered mail order merchandise. This rule ought to be extended to telemarketing. This would not address all telemarketing problems, such as product misrepresentation. But, shipping delays and non-delivery are problems that would and should be covered by an expanded FTC rule. There is no reason why orders by phone should be treated differently than orders by mail. This section of the bill requires the FTC to extend the mail order rule to telemarketing.

SECTION 6. LIFE CARE

In the area of life-care, it is important to note that most life-care operators are honest and above-board. But, nonetheless, fraud does occur, and the states do not appear to have filled the regulatory void. This bill would make an FTC examination of the practices in the "Life-Care" industry a priority, and would require a rulemaking if the investigation demonstrates that one is needed.

Mr. President, in closing, let me just say that the time is overdue for the Federal Government to effectively address the issue of protecting our citizens—particularly our senior citizens—who fall prey to the avaricious, evil, despicable people who would deprive them of their life savings and even of their health. While the FTC has done a commendable job, given the tools they've been provided, quite frankly the tools at their disposal are not sufficient to effectively accomplish the task of protecting our senior citizens and other consumers from fraudulent business schemes.

Mr. President, I believe this bill would provide the FTC with more effective enforcement tools to accomplish their tasks of protecting Americans from this most evil disease, which is afflicting our entire society.

Mr. President, I hope interested parties will review the proposal which I have introduced and provide me with their comments and suggestions on how it might be improved. Our battle to protect our senior citizens and other consumers from fraudulent business schemes is a high priority, and I hope that, even though time is rapidly running out in this session of Congress, we can—and should—see enactment of this bill with whatever improvements can be devised.

EXHIBIT 1

S. 2336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Fraud Prevention Act".

FINDINGS

SEC. 2. The Congress finds that—

(1) Consumer fraud is a pervasive and persistent problem for American businesses and consumers.

(2) Consumer fraud costs Americans billions of dollars each year, and it undermines legitimate commercial activities by businesses of all sizes and in all fields.

(3) Consumer fraud schemes commonly exceed the jurisdictional boundaries of any single court or state.

(4) The perpetrators of consumer fraud use various means to escape prosecution, including rapid flight, jurisdictional diversity, and fictitious legal entities.

(5) One of the most pervasive types of consumer fraud is health fraud, which has been estimated to cost Americans more than $10,000,000,000 annually. In addition to being costly, such fraud can be life-threatening.

(6) Consumer fraud involving telemarketing is estimated to cost consumers billions of dollars annually. Telemarketing involving investment fraud alone is estimated to cost $1,000,000,000 each year.

(7) The Federal Trade Commission and the attorneys general of the States have initiated a cooperative attack on telemarketing fraud. The success of this program has been hampered by jurisdictional limitations and inadequate resources.

(8) Consumer fraud is a particular burden for senior citizens, who are more frequently defrauded than other consumers.

(9) The ability of the Federal Trade Commission to attack consumer fraud has been limited due to inadequate authority, and legislation is needed to enhance the Commission's ability to protect consumers from such abuses.

FALSE ADVERTISMENTS CONCERNING SERVICES

SEC. 3. Section 12(a) of the Federal Trade Commission Act (15 U.S.C. 52(a)) is amended by inserting "services," immediately after "devices," each place it appears.

EXPANDED ENFORCEMENT TOOLS

SEC. 4. (a) VENUE.—(1) Subsections (a) and (b) of section 13 of the Federal Trade Commission Act (15 U.S.C. 53) are each amended by adding at the end thereof the following: "Whenever it appears to the court that the interests of justice require that any other person, partnership, or corporation should be a party in such suit, the court may cause such person, partnership, or corporation to be summoned whether or not they reside or transact business in the district in which the suit is brought, and to that end process may be served in any district.".

(2) Section 13 of the Federal Trade Commission Act (15 U.S.C. 53) is amended by redesignating subsection (c) as subsection (d) and inserting immediately after subsection (b) the following:

"(c) Any process of the Commission under this section may be served by anyone duly authorized by the Commission—

"(1) by delivering a copy of such process to the person to be served, to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served;

"(2) by leaving a copy of such process at the residence or the principal office or place of business of such person, partnership, or corporation; or

"(3) by mailing a copy of such process by registered mail or certified mail addressed to such person, partnership, or corporation at his or her or its residence or principal office or place of business.

The verified return by the person so serving such process setting forth the manner of such service shall be proof of the same, and the return post office receipt for such process mailed by registered mail or certified mail as provided in this subsection shall be proof of the service of the same.".

(b) SUBPOENA.—(1) Section 20(a) of the Federal Trade Commission Act (15 U.S.C. 57b-1(a)) is amended by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following:

"(7) The term 'physical evidence' means any object or device including any medical device, food product, drug, nutritional product, cosmetic product, or audio or video recording.".

(2) Section 20(c)(1) of the Federal Trade Commission Act (15 U.S.C. 57b-1(c)(1)) is amended—

(A) by inserting "physical evidence or" immediately after "any" the second time it appears;

(B) by inserting "to produce such physical evidence for inspection," immediately before "to produce";

(C) by inserting "physical evidence," immediately after "concerning"; and

(D) by inserting "evidence," immediately before "material, answers,".

(3) Section 20(c)(3) of the Federal Trade Commission Act (15 U.S.C. 57b-1(c)(3)) is amended—

(B) by inserting "physical evidence or" immediately before "documentary material";

(B) in subparagraph (A)—

(i) by inserting "physical evidence or" immediately before "documentary"; and

(ii) by inserting "evidence or" immediately after "permit such";

(C) in subparagraph (B), by inserting "evidence or" immediately before "material"; and

(D) in subparagraph (C), by inserting "evidence or" immediately before "material".

(4) Section 20(c)(10) of the Federal Trade Commission Act (15 U.S.C. 57b-1(c)(10)) is amended by inserting "physical evidence or" immediately before "documentary material" each place it appears.

(c) POSTAL DATA.—Notwithstanding any other provision of law, the United States Postal Service shall, within 180 days after the date of enactment of this Act, amend its regulations in part 233 of title 39, Code of Federal Regulations, concerning mail covers to provide that the Federal Trade Commission may, in the course of investigating violations of law, use mail covers under the same procedures and to the same extent now permitted law enforcement agencies.

(d) FINANCIAL DATA.—Section 1109(a)(3) of Public Law 95-360, approved November 10, 1978, is amended—

(1) by redesignating subparagraph (E) as subparagraph (F);

(2) in subparagraph (D), by striking "or"; and

(3) by inserting immediately after subparagraph (D) the following new subparagraph;

"(E) dissipation, removal, or destruction of assets that are subject to forfeiture, seizure, redress, or restitution under any law of the United States by reason of having been obtained in violation of law; or".

(e) ASSISTANCE OF STATE ATTORNEYS GENERAL.—(1) The Commission may appoint State attorneys general to assist Commission attorneys to enforce Commission rules when the public interest so requires.

(2) Each person appointed under this subsection is subject to removal by the Commission.

RULEMAKING ON TELEMARKETING

SEC. 5. (a) RULEMAKING.—Within 180 days after the date of enactment of this Act, the Federal Trade Commission shall amend its rule in part 435 of title 16, Code of Federal Regulations, concerning mail order merchandise, to apply also to telemarketing. Except as specified in the remainder of this subsection, the amended rule shall apply to telemarketing to the same extent and in the same manner as it now applies to mail order sales.

(b) TELEMARKETING REQUIREMENTS.—As part of the rulemaking required by subsection (a) of this section the Commission shall consider including in the final rule a requirement that—

(1) each telemarketer shall inform the person, partnership, or corporation to whom the telemarketing is directed that such person, partnership, or corporation is entitled to a refund of any money paid for the product or service which is the subject of the telemarketing if delivery of the product or service is not made—

(A) within the time period included in the offer of the product or service, or

(B) if no time period is included in such offer, within 30 days after the date the offer is made; and

(2) if such telemarketer—

(A) makes an unsolicited telephone call to a person, partnership, or corporation or otherwise communicates with such person, partnership, or corporation offering a free gift or prize and invites such person, partnership, or corporation to respond,

(B) a specific product or service is offered or sold in connection with such telephone call or other communication, and

(C) there is no Federal statute governing such telephone call or other communication involving such product or service,

such person, partnership, or corporation may cancel an order of such product or service not later than the expiration of three days after the date on which there is a sales agreement.

(c) REBUTTABLE PRESUMPTION.—Such amended rule shall include a rebuttable presumption that if a telemarketer does not keep adequate records to show compliance with the requirements described in subsection (b) of this section, such telemarketer shall be considered to be in violation of such requirement.

(d) LIMITATION.—For purposes of this section, a financial institution or other participant in a payment system used to pay for products or services offered or sold through telemarketing, including the credit or payment authorization aspect of such payment system, is not, by virtue of such participation, a telemarketer nor a person, partnership, or corporation which acts in concert with, or on behalf of, a telemarketer.

(e) DEFINITIONS.—For purposes of this section—

(1) the term "telemarketer" means a person, partnership, or corporation which engages in telemarketing; and

(2) the term "telemarketing" means the use of a telephone in the ordinary course of business to communicate with a person, partnership, or corporation an offer for sale or to complete a sale of a product or service.

LIFE CARE HOME STUDY

SEC. 6. (a) STUDY.—The Federal Trade Commission shall conduct a study of unfair or deceptive acts or practices in the life care home industry, including acts or practices engaged in by life care homes. Within 24 months of the date of enactment of this section, the Commission shall report the findings and conclusions of the study to Congress. If the Commission finds a rulemaking is warranted under section 18 of the Federal Trade Commission Act, the Commission shall, promptly after completion of the study, initiate a trade regulation rule proceeding under such section 18 respecting unfair or deceptive acts or practices in the life care home industry. If the Commission determines a rulemaking is not warranted, the Commission shall include in the report to Congress the reasons for such determination.

(b) DEFINITIONS.—For purposes of subsection (a)—

(1) The term "life care home" includes the facility or facilities occupied, or planned to be occupied, by residents or prospective residents where a provider undertakes to provide living accommodations and services pursuant to a life care contract, regardless of whether such facilities are operated on a profit or nonprofit basis.

(2) The term "life care contract" includes a contract between a resident and a provider to provide the resident, for the duration of such resident's life, living accommodations and related services in a life care home, including nursing care services, medical services, and other health-related services, which is conditioned upon the transfer of an entrance fee to the provider and which may be further conditioned upon the payment of periodic service fees.

THE BEAUTY OF SPRING

Mr. **LEAHY**. Mr. President, while awaiting the leaders to come to the floor, and as deputy whip, I have occasion to be on the floor; and inasmuch as I am not taking time from others, I would like to note something that all of us who are spending time in Washington are aware of and that people in other parts of the country might not be aware of. That is, our Nation's Capitol, at any time of the year, is an impressive place. It attracts visitors from all 50 States and from around the world. In my estimation—and I say this having spent 3 years in law school in Washington and now 14 years in the Senate—no time of the year is Washington more beautiful than during this time.

I first came to the city of Washington when I was 18, with my mother and father and my sister, Mary. I was about to complete my sophomore year in college, and we took a family trip and came down here. I had always seen pictures of Washington, but I remember my reaction, as an 18-year-old college student, in seeing this beautiful city.

Every day I run into Vermonters. It is a State of a half-million people, and I think most of them are here, because I have met many of them in the past few days, talking about the beauty of this city. My mother came here at Easter time and enjoyed the cherry blossoms.

What we have to note is the wonderful use of both Government and private resources in making this so beautiful. A former First Lady of this country, Lady Bird Johnson, deserves a lot of credit for her beautification program; but, also, leaders in Congress, leaders in the city Government, and leaders in the Federal Government have, for years, made the resources possible, and it should be a matter of pride to all Americans.

Like the distinguished Presiding Officer [Mr. FOWLER], I have had an opportunity to visit other parts of the world, other capitals of the world. I know of no capital I have ever visited anywhere in the world that can equal the beauty of our own capital, and certainly none can equal the beauty of Washington in the spring.

I just want to note that, Mr. President, while we are waiting for the next speaker, because those who have not had the opportunity to see Washington in the spring have much to look forward to. I hope the day may well come.

I mention this not without a certain amount of pride in my own State of Vermont. In fact, I have the best of all possible worlds: I can enjoy spring here in Washington and, following by a couple of weeks, spring in Vermont. That is a joy to behold. I hope, also, that those who have enjoyed spring here would then see what spring can be in one of the most beautiful rural spots in America.

I can look out from the porch of my own home and look out over the mountains and the valleys and see Camel's Hump Mountain. Spring is beautiful in Vermont, as the apple blossoms start coming out, the forsythia blooms, the trees turn green, the flowers start to grow. But as I look at Camel's Hump, one of the most beautiful spots in our State, I see a darkening ring across the top, caused by acid rain.

I know that Prime Minister Mulroney of Canada is going to be here. I intend to meet with him while he is here, and I pledge my strong support in his efforts to do something about acid rain.

The time for action is now. We talk about more and more study of acid rain. The time for study has passed. We know the damage. The time for action is now.

The Prime Minister of Canada shares those concerns. Much of his country is facing the damage that my own part of New England is facing from acid rain. The scientific evidence is clear. It is now time to act.

So I encourage everybody to enjoy the beauty of Washington this spring and then come to Vermont a couple of weeks later and see the beauty of our State, but also to share our concern over the damage caused by acid rain.

The **ACTING PRESIDENT** pro tempore. The Chair recognizes the Senator from Illinois and advises him that the time for morning business has almost expired.

EXTENSION OF MORNING BUSINESS

Mr. **BYRD**. Mr. President, I ask unanimous consent that the time for morning business be extended for an additional 10 minutes, so Senators may speak therein.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

The Senator from Illinois, Mr. SIMON.

THE MIDDLE EAST

Mr. **SIMON**. Mr. President, last night at 11:30, I turned on Nightline. I knew that Ted Koppel was having this 3-hour town meeting in Jerusalem with Palestinians and Israeli citizens. I turned it on thinking I would watch it for 1 hour because at 11:30, I am not interested in listening for 3 hours, with all due respect, to Nightline and everything else. I turned it on at 11:30, and I watched it until it concluded at 20 minutes to 3 this morning. It was gripping, and it just said in stark terms what we really ought to know, but you saw the emotional confrontation, you saw the volatility, and you saw the potential at the same time of where, with the right kind of leadership, we can pull this thing together, and it has to be done.

It is tougher now that we have had the eruptions on the West Bank and the Gaza strip. There is just no question about it.

But we ought to be doing everything we can to encourage our Secretary of State and this administration and the next administration, whatever that administration is, to move on this issue. What clearly is the situation is that we need some interim steps to get to the point where the two sides are going to work out some kind of an effective compromise.

What those interim steps are is not real clear. But I have a few ideas. The Presiding Officer probably has a few ideas. I think we all have some ideas.

One of the lines that came through, and I do not remember who said it, was when they said the Palestinians are saying either kill us or give us our freedom. That is pretty stark but it is there.

The Gaza strip people, particularly—I visited there a few years ago now and saw the hopelessness—belong to no country. Somehow it has to get evolved and it has to be evolved at the same time in a way that protects and gives a future for Israel.

This thing has to get worked out. And if I can just underscore why every Member of the U.S. Senate, no matter where you live, ought to be interested. If there is an unthinkable World War III it is not likely to happen, despite all the money we spend, because Soviet tanks march through central Europe or despite all the things they worry about we are going to send our missiles into Moscow. It is most likely to happen at some trouble spot around the world in Central America or the Persian Gulf. And clearly the most volatile is the Middle East where the two superpowers find themselves on opposite sides.

Here in the Senate, in the administration, wherever, let us do everything we can to get the two sides together to see if we can get this thing worked out. It has to become a greater priority of this administration, of this Government. The United States is the only Government that can provide the catalyst just as ABC was the catalyst for bringing both sides together even though it was a heated exchange. The United States has to be the catalyst for bringing both sides together and I hope we can succeed. We have no choice but to push and push strongly.

I yield the floor, Mr. President.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

OMNIBUS TRADE AND COMPETITIVENESS ACT—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the conference report on H.R. 3.

The Senate resumed consideration of the conference report.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I come before you today to add my name to those Senators who have serious concerns about the anticompetitive features of this bill, including the plant notification provision.

Let me tell you what I think is good for American trade in this measure. This bill contains many provisions which I believe are essential to enhancing America's competitive position in the world marketplace—both at the negotiating table and in private business.

For example, it is necessary to extend negotiating authority for the President and U.S. Trade Representative to fulfill their mission in GATT. This bill strengthens our laws dealing with unfair trade practices. It repeals the windfall profit tax. The trade bill also contains a 1-year extension of the Export-Import Bank war chest, to combat unfairly subsidized financing that other governments give their exporters. All of those features, Mr. President, are certainly desirable.

For our farmers, the trade bill extends the authorization for the Export Enhancement Program [EEP] through 1990, and provides for triggered marketing loans if the GATT negotiations fail to produce an agricultural trade agreement. For America's small businesses, this bill provides increased authority and direction for the Small Business Administration's Office of International Trade. Again, these are all desirable features.

Mr. President, I certainly consider myself a free trader, but I am among those who insist on fair trade. We should insist on reciprocity for U.S. exports in foreign markets. I have helped to open foreign markets for Kentucky products, and I will continue those efforts. I believe it is the Federal Government's responsibility to help improve the competitive position of American businesses in our global marketplace. Competitiveness is the issue. What offends me about this trade bill are its anticompetitive features. Most objectionable is the plant closing provision. This is a domestic labor issue, having no place on this bill or any other piece of international trade legislation.

I share the President's concerns regarding the plant closing provision. Further, American business is overwhelmingly united in its opposition to the National Federation of Independent Businesses, from the Chamber of Commerce to the American Business Conference; they are all emphatically opposed to this provision.

Many businesses already provide plant closing notification. As many as two-thirds of the workers in America have plant closing notice requirements stipulated in their contracts. Many other businesses are considering the notification in their future contracts with employees.

At the same time, the provision in this bill is essentially very easy to comply with. So what is at issue here? It was summed up quite clearly in a letter I received recently from the National Federation of Independent Business. Mr. John Motley, director of government affairs there, wrote to me:

> It is impossible to regulate the life cycle of a business, and it is harmful to the economy when the Government tries to do so.

I strongly support the concept of notifying workers of plant closing plans. This strikes me as a humane, responsible business practice. At the same time, I am fundamentally opposed to the concept of federally mandated plant closing notification. This strikes me as an excessive and dangerous intrusion by the Federal Government into the private sector. Moreover, it would provide fertile ground for a litigation explosion, to establish when companies are obligated to notify workers under this provision. That does not make for a more competitive economy.

I might say, parenthetically, Mr. President, that with regard to the litigation explosion, that is something that we ought to be addressing and, in the judgment of this Senator, ought to be addressing at the Federal level. We have done nothing about product liability. We have done nothing about tort reform We talk about competitiveness and yet we continue to fail to bring to the floor and discuss issues that make us less competitive. It seems to me our agenda items are going in the wrong direction. We should be considering, as I indicated, legislation that will make America more competitive: balancing the budget, tort reform, a variety of other measures that go in the right direction in putting America back in the competitive position.

Yet the budget impact of this bill is evidence that no thought was paid to our budget deficit. The bill would create $2.4 billion in new budget authrity and $1.6 billion in new budget outlays and revenue losses over the next 6 years. It also would authorize an additional $3.7 billion in new appropriations over that period, for a total $6.1 billion price tag. That is more than the entire amount budgeted for energy programs in the first budget resolution the Senate recently passed.

Further, these budget estimates do not include the costs of additional busywork created by the bill. This bill establishes at least 160 new Government jobs and 30 Federal and State agencies, offices, advisory panels, and commissions. It also calls for 150 new studies. Just what we need, Mr. President—a few more studies. Our trade negotiators should spend their time opening foreign markets to U.S. exports, not writing reports to pile up on bureaucrats' desks.

For these reasons, I intend to vote against this bill and, should it be necessary, vote to sustain the President's veto. I am hopeful that a trade bill without the anticompetitive features of this trade bill can be enacted this year. I pledge my support for that effort, and I believe that it is possible to achieve it.

Sadly, the critical need to improve our trade situation has been frustrated by the politics of this bill. There are some who have decided to sacrifice this needed legislation in order to force a veto and somehow "embarrass" this side of the aisle on trade issues. It is an election year, after all, and there are those who think that creating an issue is more important than protecting America's trade position.

In addition, there are some who never liked the United States-Canada Free Trade Agreement and want to poison the well for that piece of trade legislation as well.

So, there was a political decision to tack the plant closing provision on this bill. It is a labor relations measure that has no relevance to a trade competitiveness package which they hope will draw the veto of the President and give people something to talk about in November. I certainly hope that the voters remember who decided to sacrifice trade for the political aspects of this year: Those who insisted on a controversial, nongermane, and utterly anticompetitive amendment to this important trade initiative.

I also hope the voters remember who decided that a trade bill was just another opportunity for the Federal Government to squander their hard-earned tax dollars on meaningless studies, commissions, and new bureaucratic layers. I think we ought to take another hard look at this bill, and try to clean it up considerably, taking out provisions that waste money and stir up controversy here at home. We need to be united as a country if we are to compete effectively abroad, and we should start now by putting more work into this trade bill, instead of the political rhetoric that we will hear.

I might just say, in conclusion, Mr. President, that it seems to this Senator that the politics of the trade issue have been vastly overstated, anyway. The two Presidential candidates that will likely face off in November have been conspicuously free traders. Governor Dukakis was the most free trade Democratic candidate for President. The Vice President certainly has been in that category. He even went into South Carolina having opposed the textile bill and blew away all of his opponents in that primary.

I think the American people, by and large, like the way we have handled the competition in this country. They like consumer alternatives, they want to have choices, and they are reluctant to go down the road of protectionism, which I fear this bill take us.

So, Mr. President, I hope the conference report will not be approved and, if the President vetoes the measure, as I believe he will, I hope the veto will be sustained.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I stand to lend my full support to the comprehensive trade bill. This legislation represents over 3 years of work and compromise between the Members of Congress from both sides of the aisle, the business community and the administration.

The recent trade figures illustrate that the United States still faces a major problem in the international market place. In spite of a dramatically reduced value of the dollar, the trade deficit figures continue to set new records.

I will concede that passage of the trade bill will not immediately correct all of our economic and trade problems. It is simply one important ingredient in the prescription needed to nurse the economy out of its supply side induced illness. The other much needed active ingredients is a healthy dosage of deficit reduction.

Mr. President, today we have the opportunity to start the healing process.

In the 1987 State of the Union Address, the President noted that it was time that the United States became a trade partner rather than a trade patsy. The overwhelming vote in the House of Representatives indicated that the American people, speaking through their elected leaders, agree and are tired of the United States playing the patsy of the international marketplace. I regret that the President has now abandoned his rallying cry on the trade bill and now threatens to abandon America's farmers, workers and businesses.

This bill contains tough agricultural provisions. This was a high priority for those of us from agricultural States and we succeeded. The export enhancement program is continued and strengthened. Fortunately, after fighting the Congress on this issue for years, the Reagan administration has finally accepted this valuable program so the United States can regain its assertiveness in the world marketplace. We will be watching closely to ensure that its implementation matches its intent.

The bill also contains a boost for the foreign agriculture service so the United States can better market its products worldwide.

We have also successfully attacked artificial and unfair meat inspection requirements which other countries have used to deny legitimate U.S. sales overseas. The legislation calls for the removal of unfair Japanese and Korean barriers to our agricultural exports to those nations. It also gives the President a new weapon he can use to fight stalling tactics in new agricultural negotiations through the use of a triggered marketing loan.

In short, Mr. President, the trade bill is a big plus for American farmers and ranchers.

Those initiatives will give a big shot in the arm to American agriculture at a time when we are still attempting to recover from one of the toughest periods our food-producing community has ever experienced. This trade bill also demands fairness for all United States products in foreign markets, reforms the Foreign Corrupt Practices Act so that business can be conducted in a realistic manner, repeals the windfall profits tax on oil, calls for sanctions against Toshiba and Kongsberg who sold valuable technology to the Soviet Union, better protects United States intellectual property rights and grants the President authority to negotiate trade opening agreements, to name a few provisions.

My colleagues have already discussed the details of many of these provisions. I would like to take a moment to discuss two important provisions which I had the privilege to offer in the Senate.

Last year, during hearings of the Senate Commerce Committee, I offered two amendments; one to create an Office of Barter in the Department of Commerce and another provision to grant the President the authority to investigate and, if necessary, stop foreign takeovers which threaten the national security. I am pleased that the final bill contains versions of both of these provisions.

The role of international barter, which is the cashless exchange of goods for goods, has grown dramatically in recent years. Unfortunately, the United States has stood on the sidelines while our competitors creatively used this means of exchange to expand exports. The creation of an Office of Barter within the Department of Commerce would help American agriculture and business to identify barter opportunities and help the United States dispose of surplus food commodities through the use of barter. It can also alert the U.S. Government to opportunities where surplus government-owned commodities could be used to secure goods and services required by the U.S. Government overseas.

The new Office can be operated with existing staff and will not require the expenditure of additional Federal money. This Office will direct attention to this recently ignored export opportunity. Should this legislation become law, I encourage the Secretary of Commerce to appoint a creative and innovative individual to this Office. Our trading partners have demonstrated that barter can be an important tool to expand trade. Our use of this Office to expand export opportunities for the United States is only limited by our imagination and dedication.

Mr. President, I am also delighted that the comprehensive trade bill contains the so-called Exon-Florio amendment on foreign investment.

This legislation was, in part, the result of my efforts to encourage the administration to protect the national interest in the Goodyear/Goldsmith and Fujitsu/Fairchild takeover attempts. These efforts revealed that our investment policy regarding national security needed to be improved. With the reduced value of the dollar and the reduced value of stock prices, American firms are increasingly vulnerable to foreign takeover.

If the United States is to maintain its national security, there are certain industries and technologies which must remain under American control. The Exon-Florio language would give the President appropriate and effective tools to protect the national security even in a rising tide of foreign investment. The provision would give the President the authority to investigate and, if necessary, stop foreign takeovers, mergers, or acquisitions which threaten the national security. This is a provision which was negotiated over many months by the Senate and House and in recent weeks, line by line with the administration. Through compromise and concession on all sides, the administration's opposition melted away.

The provision uses the term "national security" as a standard of review. As in other laws using the term, national security is to be read in a broad and flexible manner. The use of this provision will certainly depend on the facts and circumstances of each situation.

The mechanics of the Exon-Florio amendment are simple. The President or his designee are given 30 days after receiving sufficient notice to determine whether to initiate a national security investigation.

The provision, as requested by the administration, leaves the issue of sufficient notice and its form and source entirely to the President to establish through regulation. If an investigation is necessary, it shall be completed within 45 days. Following the completion of the investigation, the President has 15 days to determine whether to use the power to suspend or prohibit the affected merger. To exercise the power granted under this provision, the President must find that there is credible evidence that leads him to believe that the foreign interest exercising control might take action that threatens to impair the national security.

Also, the President must find that provisions of law other than the International Emergency Economic Powers Act and the Exon-Florio provision do not provide adequate and appropriate authority to protect the national security.

The final version represents a careful balance between the national desire to continue an open investment policy with adequate protection for the national security, the business community's desire to provide investor certainty and the administration's desire to avoid creating needless bureaucracy. I worked hard with my colleagues and the administration to craft a provision which balanced the interest of all parties.

With respect to the plant closing provisions, I especially regret that the President has zeroed in on only one provision of a 2,000 page bill. Certainly this comprehensive bill is not perfect. There are individual provisions which I oppose. I authored an imported food labeling amendment which won overwhelming support in the Senate and was opposed by the House and administration in conference and had to be dropped from the bill.

The point is that we have all had to make compromises. We have all had to give up something that we felt strongly about to develop the consensus through compromise that was necessary to put this important bill together.

I am also concerned that the legislation sought by the President and included in the House bill to allow the import of subsidized Soviet furs was included in the comprehensive trade bill.

But once again, I emphasize, this is not a perfect bill. It is not a bill written by any one individual. It is a bill that has been hashed, rehashed, compromised, recompromised. It is a bill that deserves the support of this body, and also it deserves the signature of the President of the United States.

I joined with my friend from Minnesota, Senator DURENBERGER, and cosponsored the successful effort to keep the Soviet fur provision out of the Senate bill. But, once again, we did not have our way.

I am also concerned that the bill retains a provision allowing additional duty-free Caribbean ethanol into the United States. I actively opposed this provision since it allows certain trading companies to transship heavily subsidized wine alcohol through the Caribbean Basin countries to avoid payment of import duties on fuel ethanol produced outside the Caribbean.

However, in a mammoth bill, you have to balance the good with the bad. There is by far more good in this bill than bad. On balance, this bill is good for America—and the President should reconsider his veto threat.

The much-discussed plant closing provision was put into appropriate focus by Walter S. Mossberg in the "Outlook" column of the April 25 Wall Street Journal. The paper reports that "as is common here (in Washington), the provision is being blown out of all proportion."

This media standard of the business community reports that—

> In fact, the plant-closing language is nothing more than a modest effort to make sure that the few companies inclined to do so don't hide plans to close a plant until the last minute leaving workers and communities in the lurch.

The paper further notes that many major companies already give notice to workers; our successful international competitors require similar notice; and that there is a "formidable list of exemptions" to protect companies from this provision.

Mr. President, I ask unanimous consent that the entire text of Mr. Walter S. Mossberg's "The Outlook" column be included in the RECORD at the end of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EXON. I am hopeful that the President will thoughtfully review the whole trade bill and reconsider his politics of confrontation. We have a chance to enact a trade bill which is good for America.

I hope when we enact this bill, it will go to the President and he will agree to sign it. If that should not be the case, for whatever reason, I hope that the Congress of the United States would have the courage and the foresight to override any veto by the President.

It is time to stand up to our trading partners and demand fairness. Our trade illness will not cure itself. We must take action.

I urge my colleagues to vote in favor of the comprehensive trade bill and, if necessary, to follow through if there is a Presidential veto, as threatened.

I thank the Chair, and I yield the floor.

EXHIBIT 1

[From the Wall Street Journal, Apr. 25, 1988]

PLANT-CLOSINGS QUARREL DISTORTS A MODEST IDEA

(By Walter S. Mossberg)

WASHINGTON.—This capital's latest cause celebre is something called "plant closings," a provision in the pending trade bill that would require many employers to give their workers and local governments 60 days' notice of plans to close a plant or conduct a widespread layoff.

As is common here, the provision is being blown out of all proportion. Discussions of it are laden with ideological and pseudoeconomic rhetoric characteristic of political debate in an election year.

President Reagan and the business lobbies assert that the entire trade bill should be vetoed if the plant-closings language stays. They call the provision a European style government intrusion on business that would impair U.S. firms' competitiveness in world markets.

Meanwhile, the Democrats and their union allies contend that the plant-closings measure is a major step toward helping U.S. economic adjustment. They say it's a social reform of such profound importance that preserving it is worth losing a trade bill they have sought for years.

In fact, the plant-closings language is nothing more than a modest effort to make sure that the few companies inclined to do so don't hide plans to close a plant until the last minute, leaving workers and communities in the lurch. It is squarely in the tradition of such social reforms as the child labor and minimum wage laws. These act to soften the social consequences of free market decisions and thus permit the market continued public acceptance without the sort of deep government involvement often practiced abroad.

As social reforms go, the plant-closings provision appears fairly minor. According to business and labor, many big companies already offer some form of advance layoff notice. The U.S. Chamber of Commerce opposes the provision, but the group nevertheless says it "encourages" businesses to give advance layoff notices when possible.

The Reagan Administration's own Task Force on Economic Adjustment and Worker Dislocation, which included representatives from General Electric, USX and other major corporations, declared in 1986 that "advance notification to employees and the community of plant closings and large scale permanent layoffs is good industrial practice." The panel didn't call for writing the idea into law, but it cited evidence that advance notice doesn't hurt productivity.

Furthermore, the idea isn't exactly novel. Most major U.S. trading partners, including Canada, Japan and West Germany, have such regulations already, and they seem to be competing just fine.

In the smoke of ideological charge and countercharge, it's important to note what the plant-closings provision wouldn't accomplish. It wouldn't bar a single closing or layoff. It wouldn't require companies to get worker or government approval to close plants or conduct layoffs. It wouldn't affect companies with under 100 workers, or any company laying off less than a third of its work force, unless 500 workers are involved.

It merely requires stable companies that know well beforehand of plans to close plants or order mass layoffs to share this information 60 days in advance with the affected workers and local governments. That's all.

The provision includes a formidable list of exceptions. Companies that are "faltering," and trying to raise capital—those for whom advance notice might pose financial problems—are exempt. So are those closing plants due to "unforeseeable" business developments, or strikes or lockouts. So are plant closings due to the sale of a business or consolidations with local areas, if workers are offered new positions.

Business groups have thrown up a barrage of objections to the provision. They contend that the exemptions aren't broad enough and that the need to give advance notice of a closing would somehow thwart expansion at many businesses and drive weak firms into bankruptcy.

But these arguments hide a deeper reason employers and the White House are fighting what amounts to a simple industrial practice that business concedes has merits. They fear that the plant-closings measure will somehow set a precedent for further "labor engineering" by the government. They are worried, too, about litigation and bureaucratic restraints.

There are many items in the trade bill that will indeed affect America's ability to compete in world markets, but the plant closings measure isn't one of them. And it is strange indeed that the fate of the massive bill is turning on language that has nothing directly to do with trade. The ideological debate over the provision doesn't bode well for the ability of the nation's leaders to graple with the really important economic issues that America surely will face in the years just ahead.

Mr. HOLLINGS. Mr. President, Senator Exon was the author of and a conferee on the provision now included in the trade bill which gives the administration authority to review mergers, acquisitions, or takeovers of the U.S. companies which might threaten the national security. The President is authorized to seek appropriate relief in the district courts of the United States in order to implement and enforce this provision. Is it the Senator's understanding that the term "appropriate relief" has the meaning ascribed to it in the Senate's Report 100-80 which was released by the Senate Conference Committee following the committee's consideration of the Exon foreign investment amendment?

Mr. EXON. Yes, Mr. President, Chairman Hollings, is correct. The words "appropriate relief" have remained in the statute throughout congressional deliberations, and the meaning of "appropriate relief" as described in Senate Report 100-80 language has not been changed. While the conference report language adopts a slightly different description, this was done for the purpose of brevity rather than to reflect any intent to alter the meaning of "appropriate relief."

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Ms. Mikulski). The Senator from Delaware.

Mr. ROTH. Madam President, I will vote for the omnibus trade bill because I believe this legislation which has broad bipartisan support is important to the continuation of American economic prosperity as we move toward the 21st century.

Of course, insofar as Government action is concerned we all know that this legislation alone is not the answer to our trade deficit. In fact, it is widely agreed that action by the Congress on issues not covered by this legislation, particularly the huge budget deficit, would do the most to reduce our trade deficit. Ultimately, of course, the answer to the trade deficit lies with the private sector.

Moreover, at the same time that we have maintained strong economic performance in our overall economy, the trade statistics in real or constant dollar terms demonstrate that we are already turning the corner on trade. These statistics show that the U.S. merchandise trade deficit peaked in the third quarter of 1986 and we have said an almost 18.3-percent improvement in this merchandise deficit since that time.

These facts, however, could lead us to the wrong conclusion. They could lead us to underestimate the significance of the legislation we are voting on today. While not perfect, there is no doubt in my mind that this bipartisan bill represents a significant step forward in U.S. trade policy.

Two different impressions, however, have dominated the public assessment of congressional efforts on trade during the 4-year development of this legislation. At times the very length of the bills—both the House and Senate bills were each about 1,000 pages long—and the very technical and detailed nature of the provisions seemed to convey that the omnibus trade legislation was simply a nearly endless series of minor changes to U.S. trade law of little national moment. At other times, the bills conveyed a more ominous than omnibus impression. It seemed clear that the detailed generic and procedural changes proposed to our trade laws were actually just a new means to achieve a protectionist result.

While at times I believe that each of these impressions was correct over the last 4 years, neither is correct in describing the final product that has emerged from the Senate Finance Committee and the House Ways and Means Committee.

I agree with the Washington Post when it called this final product "landmark legislation."

Landmark means "an event considered as a * * * turning point of a period." I believe that this bill deserves our votes because it is a positive and necessary turning point for U.S. trade policy.

There have been several "turning points" for U.S. trade policy since the infamous protectionist Smoot-Hawley tariffs that brought with them the Great Depression. Most notable were the passage of the Reciprocal Trade Agreements Act of 1934 which dismantled the Smoot-Hawley tariffs, the postwar decision by this country to seek multilateral trade liberalization through the general agreement on tariffs and trade [GATT] and the Trade Act of 1974 which broadened our efforts for trade liberalization beyond the traditional tariff cutting exercise to include the elimination of nontariff barriers to trade, such as government procurement rules.

Each of these "turning points" in U.S. trade policy was a response to a new economic reality. The Reciprocal Trade Agreements Act of 1934 was a response to the economic disaster caused by the Smoot-Hawley tariffs. The post-war decision to seek multilateral trade liberalization was a response to the inefficiency and political problems of bilateral trade negotiations. The Trade Act of 1974 was a response to the economic reality that nontariff barriers to trade were proliferating as the traditional method of restricting trade through tariffs was declining.

But why do we need "landmark" trade legislation now? What is the new economic reality that is propelling another "turning point" in U.S. trade policy?

As I see it, the economic phenomenon that calls for important new trade legislation is the relationship of the U.S. economy to the emerging global economy. The following illustrates the importance of this relationship.

On trade, imports which accounted for only 2.4 percent of our gross national product [GNP] in 1946 and rose only about 1 percentage point in 1966 to 3.3 percent of GNP, comprised 8.7 percent of GNP in 1986. Exports, though substantially below imports, amounted to $224 billion in 1986 compared to $29 billion in 1966 and $12 billion in 1946. U.S. exports, were responsible for one of nine manufacturing jobs in this country in 1984, the latest year for which statistics are available. Currently, one of three acres of American farmland produces for export, now, with the dollar down, the potential for major increases in U.S. exports and the jobs they create is great.

Of course, our economic links with the world are not limited to trade. There are new communication links and most importantly, our financial interrelationships. In 1987 foreigner-owned assets in the United States were valued at $1.5 trillion and our assets in the rest of the world are at least equally impressive, through the number is deceiving. The statistics tell us that the United States owns $1.1 trillion in assets abroad, but these assets are substantially undervalued because our direct investments are included at so-called book value rather than the actual value they are worth today.

The simple fact is that, like it or not, our future is now caught up with that of the world economy. This new integration of our fate with that of other countries, however, is not necessarily a threat to our well-being. In fact, it can bring us a higher standard of living, as we benefit from lower prices and a wider choice of products, and it can create many jobs for Americans as we sell more goods, farm products and services in the world export market that has already grown to $2 trillion per year.

I believe this 1988 omnibus trade bill is landmark legislation because it clearly lays out the terms for U.S. leadership of the new global economy. The bottom-line of all the policy changes and changes to the trade decisionmaking process incorporated in this bill is that the U.S. Congress is putting in place the terms for U.S. participation in the new global economy that will help assure that we Americans get our fair share of the benefits of the new global economy.

This is not a protectionist bill and it is not backward-looking. It assumes that economic links between countries will continue to multiply, but this bill is firm at the same time that it is forward-looking. It is firm in the view that the United States must prosper and share in the benefits of the emerging global economy.

What are the terms for U.S. participation in the new emerging global economy?

First, is the necessity for other countries to open their markets to U.S. goods, services, agriculture and investment.

Second, is the commitment by the U.S. Government to encourage its industries and workers to adjust to international competition, and

Third, is the recognition that there are some responsible limits that the U.S. Government must set to the access of foreign goods to our market.

I strongly agree with these three terms and I have initiated legislation in each of these areas to establish a more coherent direction to U.S. trade policy and to establish a trade policy that is capable of promoting U.S. economic interests now and in the coming decades.

With a bill as lengthy and as technical as this one, it is easy to miss these underlying objectives, and particularly because I am responsible for a number of key provisions in this legislation I would like to take a few minutes to elaborate on each of the terms for U.S. leadership in the global economy.

LIMITS TO THE U.S. MARKET

I will start with the third point I have put forward—limits to the U.S. market—because I expect that it is this point which instinctively raises the most eyebrows.

I think there is broad agreement that the American market is unique as a strong magnet for attracting imports because of its size, the relative ease of access and willingness to purchase foreign goods and the degree of cultural similarity among our people.

In general, Americans benefit from the natural pro trade disposition of our country.

Nevertheless because we are such a ready market for foreign products, I believe it is the responsibility of our Government to set down clearly limits to foreign access to our market that are vital to our own national economic interests.

As I see it, these fundamental limits relate to two issues; imports that threaten the viability of an industry essential to our national security and imports that infringe U.S. intellectual property rights.

On the first issue, imports and our national security, I cosponsored legislation with Senator BYRD which is incorporated in this bill. This legislation tightens current law which permits the President to restrict imports, if those imports are threatening an industry critical to our national security.

Under current law, the President is under no deadline to make a decision when an industry petitions the Government for help because it believes that imports are threatening its very existence and that its existence is critical to U.S. national security.

Recent history has demonstrated the weakness of this section of the law. In March 1983, the machine tools industry, an industry essential to military production, petitioned the Government for help. But with no deadline for action in the law, the machine tool industry's request languished. Meanwhile, at least 25 percent of U.S. machine tool companies that were in existence in 1983 either went out of business, were purchased by other companies, or moved their operations overseas. Finally on May 20, 1986, over 2 years after the Secretary of Commerce had warned that machine tool imports were threatening our national security, the President took action to negotiate restraints on imports.

Under our provisions this situation will no longer occur. Our legislation would require that the Presidential decision be taken on these cases in a timely manner; that is, within 90 days after a recommendation is made by the Secretary of Commerce. Our legislation would also assure involvement of the Secretary of Defense in the decisionmaking process.

Next, to me one of the most egregious examples of unfair trade practices occurs when foreigners either pirate U.S. technological inventions and innovations or export goods into this country which infringe U.S. patents, trademarks and copyrights. Such goods should not be given access to the U.S. market.

Senator LAUTENBERG and I sponsored legislation on intellectual property rights which is included in this trade legislation that would stop imports of products that infringe U.S. intellectual property rights. Surely, if we are to encourage research and development in the private sector, their inventions, innovations and creative work must be protected from infringement. Our innovativeness has been key to America's success as a nation. It is key to our future prosperity as well.

I would also note that the GATT agreement which establishes the basis for the liberal world trading system established after World War II recognizes, in articles XX and XXI, that these two bases—national security and intellectual property protection—are legitimate areas for trade restrictions within the framework of an open world trading system.

OPENING FOREIGN MARKETS

Most important to continued U.S. economic leadership is the opening of foreign markets.

There are many provisions in this trade bill which are directed at doing just that. While we should keep in mind that we already do sell a substantial amount of goods abroad, and that macroeconomic policies play a key role in our export success, it is also true that there is much room for U.S. export growth, if foreign government barriers and distortions of trade do not prevent us from achieving our full export potential.

As ranking member and former chairman of the Governmental Affairs Committee, I have for a long time been particularly keenly aware of the extent to which our own government's organization for trade policy decisionmaking limits our ability to convince other countries to open their markets to U.S. goods, services, and agriculture. Consequently, I am pleased that this legislation takes a number of steps to reorganize our Government in a manner that will promote the opening of foreign markets.

First, this legislation delegates certain specific authority to the United States Trade Representative, USTR. This is consistent with my desire to create a cabinet Department of Trade. One reason why I have been so committed to this effort has been because I have wanted to give our chief trade negotiator more stature within the U.S. Government and, therefore, more clout in trade negotiations with other countries.

The current situation outlined in a letter to the conferees on this bill from the labor-industry coalition for international trade explains in the most effective way just how little clout our top trade negotiator now possesses. The letter explains the relative power of various agency heads as follows:

> The Secretary of the Treasury has a free hand in setting the value of the dollar. Under world court decisions the Secretary of State can make binding provisions to give away American technology. The Secretary of Defense can on his own authority put America's strategic bombers into the air and our fleets to sea. The Secretary of Commerce can effectively tax imports of dumped and subsidized products and halt exports for national security reasons. Yet the U.S. Trade Representative—our Nation's top trade negotiator—"must pass on to the President for his personal decision such matters as reviewing an ITC (International Trade Commission) patent infringement determination with respect to sneakers or deciding whether duty free treatment should be given to imports from developing countries of rubber pants for babies.

This situation is simply ludicrous.

While this trade bill does not establish a Department of Trade, it does contain a key organizational provision, which I urged be adopted as an important step in augmenting the power of our top trade negotiator. This provision has been referred to as the transfer of authority provision, although it is more accurate to refer to it as the delegation of authority provision. The provision delegates to the U.S. Trade Representative the authority to determine what action should be taken by the United States in resolving foreign unfair trade practices.

In these negotiations, the USTR seeks to get the foreign country to eliminate its unfair trade practice. If the foreign country does not agree to eliminate the practice, the USTR can take retaliatory action, for example, the USTR could decide to raise U.S. tariffs on products important to the other country. If that country refuses to lower its barriers on U.S. exports. A credible threat of possible retaliatory action by the United States is often just what is needed to get the foreign country to eliminate a particular trade barrier.

The delegation of the authority to the USTR to make the final decision in these situations will give the USTR the credibility he or she needs in these negotiations. It will be a strong signal to other countries that our top negotiator means business and can exert economic pressure to get barriers removed. At the same time, this change is not radical. The authority is only delegated to the USTR who serves at the direction of the President, and the language of the provision provides for involvement of the President in specific cases should the President want to do so.

While this organizational step is helpful, the next step will be to ensure the USTR has the full complement of staff necessary to aggressively pursue negotiations on all key trade barriers. This gets me back to the need for a Department of Trade to back-up our top negotiator. I would hope that the Congress will make the Trade Department a top priority in the next session.

The second important change in trade decisionmaking in our Government involves the relationship between the Congress and the executive branch.

For many years, the turf battle between the executive branch agencies on trade has been compounded by a tug of war between the Congress and the executive branch. While I think the tension between the Executive and Congress has on occasion helped open foreign markets, often it has been counterproductive. It encourages coun- tries to either ride out the storm or to play off one branch of the Government against the other.

Under our Constitution, the power on trade rests with the Congress. Historically, however, much of this power has been delegated to the President. In the last 10 years, it has been clear that the Congress wants to become more directly involved in trade.

An important point about this bill is that it shifts back to the Congress more responsibility for trade. But it also demonstrates that we have learned some lessons from these years of tension between Congress and the executive branch. This trade bill seeks to involve the Congress more in trade, but in a positive way by bringing the full weight of American power—the executive and the Congress as a team—to the trade negotiating table. We have found new ways to get Congress more directly involved in trade that will help us to gain trade concessions from our trading partners rather than simply scoring rhetorical points in debates between the two branches of our Government.

The key example here is a provision offered by myself and the chairman of the Senate Finance Committee, Senator **Bentsen**. This provision provides the President with the so-called fast-track negotiating authority he needs to vigorously pursue new international trade agreements. With fast-track authority, the President can bring a trade agreement for congressional approval under tight time deadlines and for a simple vote for or against, without amendment. It is not considered likely to get a major trade agreement through Congress without such authority and our trading partners would accurately perceive that if the President does not have this authority, he is not really in a position to seriously negotiate.

Our provision would grant the President fast-track negotiating authority for 5 years. At the end of the first 3 years, however, the President would need to demonstrate tangible evidence of progress in these negotiations. If he cannot, and either the House or the Senate passes a resolution of disapproval because of the lack of progress the President's authority would be ended. If progress is being made, the President's negotiating authority continues for 2 more years.

This procedure was carefully crafted to constructively use the power of the Congress to back up the President and put maximum pressure on our trading partners to eliminate unfair trade practices and open up their markets. Since the bill links U.S. participation in multilateral trade negotiations to progress in these negotiations, it increases the likelihood for near-term agreements in such important areas as trade in agriculture, trade in services as well as the protection of intellectual property rights.

Aside from these organizational points. I also want to emphasize my strong support for a key policy change in this general area of opening foreign markets; that is to require strong enforcement of trade agreements. There is no point in signing trade agreements, promising our industries better access to foreign markets, unless we intend to enforce these agreements. This bill makes clear that if a country violates a trade agreement in which it agrees to stop an unfair trade practice or to open its market, the violation will result in reciprocal action by the United States against the products of that foreign country that is commensurate with the harm to the United States.

A good example here is the agreement between the United States and the European Community [EC] on pasta trade. Europe has unfairly subsidized its pasta exports for years. The GATT—the international trade organization that seeks to stop unfair trade—ruled that the EC was violating international agreements by subsidizing pasta. Still, for many years the EC continued to significantly subsidize pasta until it signed an agreement with the United States last year on this issue. This trade bill makes clear that should the EC violate the agreements it has signed with us on this subsidy issue the President of the United States, will take appropriate action.

The mandatory action—with certain exceptions—called for in this legislation is limited to violations of trade agreements where we and our trading partners have mutually agreed on rules for fair trade. The legislation gives the President more flexibility in deciding what action to take if a foreign country does something we consider to be unfair, but which is not unfair under a trade agreement to which we are a party. I think it is appropriate to give the President more flexibility in this situation. If we compel unilateral trade sanctions by the United States where others do not agree that anything unfair has taken place, I am concerned that we provoke relatiatory trade actions against the United States.

There is a final point I want to make on the provisions in this bill aimed at opening foreign markets. This bill makes very clear that the United States is seeking to make significant progress under GATT in developing international rules to promote both equitable and expanding trade in agriculture, services, and intellectual property rights and other areas. If progress is not made, we are fully prepared to pursue other avenues for trade liberalization. Already we have entered a bilateral agreement with Israel and we are now considering an historic bilateral agreement with Canada as well. Our basic goal is to open foreign markets in a mutually advantageous way and this trade bill makes clear that we will use whatever methods are most effective and timely to accomplish that purpose.

POSITIVE ADJUSTMENT

As part of our protrade policy it is important that we help those harmed by trade. One set of provisions of this legislation relates to how our Government responds to industries that are hurt by import competition; the other set of provisions relates to what we do to assist individual Americans who are hurt by trade. The provisions in both these areas are based on the view that we will achieve a higher standard of living and broader prosperity in this country if we put in place Government policies to promote "positive adjustment" to changes in economic conditions.

The Organization for Economic Cooperation and Development [OECD] has encouraged key industrial nations to adopt "positive adjustment" policies for many years now as a new means to promote stronger economic performance in all our economies. As incorporated in this legislation, positive adjustment means actions that will enable a domestic industry to be better able to compete successfully with imports after a temporary period of import protection or if not, to experience an orderly transfer of resources to more productive pursuits.

In this bill positive adjustment also refers to policies that will help workers dislocated by trade to "experience an orderly transition to productive pursuits."

I am particularly pleased that the Congress has incorporated policies to promote positive adjustment as a key component of this bill because I have been pressing legislative initiatives in this area involving both workers and firms.

This trade bill includes my proposals for reform of the trade adjustment assistance program to help workers hurt by trade. I strongly believe that those who benefit from trade must stand by those who are hurt by trade. That is why I have led the effort in the Senate to continue the trade adjustment assistance program, the only Federal program designed to help workers who are out of work as a result of imports. Since the program started in 1974 many workers have been helped, including approximately 11,150 Delaware workers.

Last year as well as in the Carter years, I fought to preserve this program, which consists mainly of extended unemployment compensation. At the same time, I have pushed a provision to provide retraining for these workers. In order to receive the extended unemployment benefits, workers would be required to participate in such retraining, where appropriate. The purpose of the training is to qualify them for new jobs.

Under my proposal which is incorporated in this bill, the President is required to negotiate within 2 years a small import fee with U.S. trading partners to pay for the program. Financing the program with a very small import fee would make the program a fiscally responsible response to the difficult problem of trade-impacted workers. In fact, once the fee is in place, it will reduce the Federal deficit by $200 million per year. Incidentially, Hong Kong has imposed a similar import fee for trade promotion since the 1960's.

We should also help firms make the transition.

I learned a great deal in my experience helping lead the effort to enable the Chrysler Corp. to become competitive in the 1970's. One important lesson was that it makes sense when the Government is providing special assistance to an industry and its workers to expect the firm or firms that benefit and the workers to do their part to make sure that the Government assistance is successful and that the general public benefits.

Our trade laws provide for temporary assistance to industries hurt by import competition—even though that competition may be fair. Back in 1985, I introduced legislation to reform this law, section 201 of the Trade Act of 1974, because there were some basic flaws in this statute. While I did not disagree with the idea of helping industries and their workers hurt by imports by providing a temporary period for import protection, the law did not encourage the industry and its workers to take actions to become more competitive or otherwise adjust during the period of import relief. Yet, the price of the import relief was being borne by the general public in the form of higher prices. Moreover, the law was not written in a way so as to prevent the continual extension of import relief beyond a temporary period or repeated requests for such relief. In fact, of 58 investigations that took place under this statute between 1974 and 1986, 13 involved industries that had been the subject of prior investigations.

Therefore, my legislation on reforming this statute proposed a new requirement that industries and unions seeking import relief should outline for the Government their proposals for actions they would take to become competitive, if a temporary period of import relief were granted. In addition, I proposed that we increase the pressure for adjustment by limiting this period of relief.

I am very pleased that these concepts are incorporated in this final trade bill.

CONCLUSION

In conclusion, I want to commend both Senator BENTSEN and Congressman ROSTENKOWSKI for their leadership on this legislation. These have been tumultuous times in trade and the pressure for legislation that could have been very harmful to our national interests were ever present.

I also want to be sure that it is better known that this consensus and this responsibility approach on trade, in my opinion, would not have been possible to develop without the support and participation of the administration in the deliberations on trade here in the Congress. The administration played a key role in guiding the final drafting of the sections of this bill dealing with trade itself, particularly those sections dealt with by the Finance and Ways and Means Committees. As a result, I think it is accurate to say that the trade portions of this bill represent U.S. trade policy that is generally supported on a bipartisan basis and by both the Congress and the executive branch. This is an important point that I hope our trading partners will not misunderstand as the final consideration of this bill proceeds.

It is most unfortunate that Congress decided to expand this bill beyond the trade provisions themselves, and to make this bill into a so-called omnibus bill including issues only tangentially related to trade. It was this decision, bringing under the rubric of this bill such a broad range of issues, that greatly increased the inevitability of a veto of this legislation. Those issues should have stood on their own.

But it is the nature of our legislative process that items of a diverse nature are often mixed together. On the matter of plant closings, I think that it is reasonable and proper that workers be given prior notice. It's important for them, their families, and their communities. The plant closing provision in this legislation is the compassionate and decent thing to do. While this matter could have been handled in separate freestanding legislation, we should not let the provision in this bill be a reason for abandoning the significant work that has been accomplished on this trade bill.

On trade policy itself, I think there is now little debate that the bill we are voting on today is the product of a broad bipartisan effort and that it charts a sensible and important new direction for U.S. trade policy. For this reason, I will vote in favor of this legislation and I would urge the President to sign this legislation.

Mr. BENTSEN. Madam President, my good friend from Delaware was very much a part of this legislation, very attentive, very supportive. He made a major contribution.

This is a bipartisan effort, on the part of both sides. There is no question that we asked the administration to be a part of it, and they were. But they did not want all those points, and neither did anyone else. This is a consensus; this is a compromise.

Senator ROTH played a major part in the Trade Adjustment Assistance Program. The administration did not agree with it, really tried to abolish it. But it is Senator ROTH's provisions in this bill that put that program on a sound fiscal and policy basis to carry on into the future. I was delighted to support him on that and to work that one out. But it was bipartisan—a Republican who was sponsoring it.

I look at some of the other issues. I look at the question of the authority for the USTR.

The Senator from Delaware, Senator ROTH, and Senator BAUCUS were also very influential, very interested in that particular situation.

The conference agreed at the President's request not to delegate the President's authority on import protections to the U.S. Trade Representative but the conference did provide for this delegation of authority when it comes to deciding to retaliate against violations of trade agreements.

That is a very critical important part.

So how did it work out? That meant the administration got half of what they wanted and the Congress got half of what they wanted. So it was a compromise.

The distinguished Senator from Delaware played a major part in that one.

So as you look at this piece of legislation, you see fingerprints all over it from both this side of the aisle and that side of the aisle and the administration, but we have a bill of over 1,000 pages, with hundreds and hundreds of items in it, major items, terribly important to our country in trying to turn this trade deficit around. This bill is not going to solve it all, not going to correct all that deficit, but it sure is going to help us get away from the ad hoc response we have been seeing the last 3 or 4 years from trade.

There has been a move toward protectionism in this country by the administration. What they have done is they have not asked for something in return as they put that in for those industries. This bill calls for that. Sure, you are going to be competitive if you get that kind of protection. That is written into this legislation. That helps the whole country when they do that, and not just that industry.

But I want to express my strong appreciation to the distinguished Senator from Delaware and I am delighted to have his support for this important piece of legislation. That is quite important.

I yield the floor.

Mr. DASCHLE. Madam President, for the past couple of years, virtually everyone in this body has addressed the need to come to grips with the so-called twin towers of deficit—budget and trade.

And rightfully so. Is there any doubt that these twin deficits have more to do with creating uneasinesss in the markets and uncertainty about the future than virtually any other factors.

Each one of us has said that, it is up to Congress to show the courage, to show the determination, to show the leadership, to solve those problems in this Congress. Not next year, not in the next administration, but now.

Well, we have taken our "best shot" at the first tower—the budget deficit. Last December we passed the budget compromise, and this month we passed a budget resolution which represents our most determined effort in reducing the size of the Federal deficit.

Frankly, in spite of the rhetoric, in spite of the best intentions of everyone involved, the deficit reduction package was not even close to what is needed to address the problem seriously. And most Senators know it.

Given existing constraints, there was little the Budget Committee could do but pass a resolution which recognizes the limits of this agreement, and make the best of it.

In a real sense, all we have done is to defer Federal budget decisions beyond the next election to the next Congress and the next administration.

The first of the twin towers, after all is said and done, is virtually as high as when we started all of this.

So now the Senate finds itself in a position to confront the second tower.

And we face the same choices. We can defer our decisions beyond the next election to the next Congress and the next administration.

Or, we can seize the opportunity now before us and act with the will, the courage, and the leadership necessary to begin tearing down this tower now in this Congress.

Having virtually failed in our first challenge, how can we possibly face failing now?

Who among us truly believes that significant reduction in the trade debt will occur without real change in policy and structure?

Who among us would suggest that by doing nothing, we can regain our once dominant position as an agricultural exporter?

Who among us could ignore the vast changes in our globalized economy and not conclude there is a dire need for change?

How is it possible that we can admit that we have now become the biggest debtor nation in the world, yet sit here with the opportunity to reverse this trend and do nothing?

Madam President, if we turn away now, if we fail to take up the challenge, if we choose no action, this Nation may deserve what befalls it.

In the time that I have been here, I have seen numerous examples of cooperative effort in solving the problems of this country. The list is long, and it deals with a broad range of issues confronting virtually every committee of the Senate.

But I have never witnessed a more bicameral, bipartisan effort than that accomplished with the work on this bill.

I applaud the distinguished Senator from Texas, the chairman of the Finance Committee, for his leadership. In addition, the ranking member, the Senator from Oregon, as well as the chairman of the Ways and Means Committee, truly deserve our sincere gratitude for the investment in time and effort they made on this legislation.

The effort was a monumental one. More than 2 years in the making, a thousand page bill that is just the antithesis of much of the legislation which passes around here. Where some bills this long get drafted overnight, this bill took 30 months. Where some bills are the product of one or two people, this bill was crafted by more than 150. Where some bills are shoved in a partisan nature down the throats of the other side, this bill was the epitome of bipartisanship.

So now, having steered a bill through the committees, having it pass both the Senate and House, having witnessed an agreement emerge from conference and pass the House, we find ourselves here, at the very last stage, threatened with a veto.

After agreeing to virtually every demand put upon the conference by the administration, the President is holding out for yet one more. He says that unless we drop a single requirement that businesses with 100 or more employees inform their people of an impending plant closing, he will veto the bill. That is hard to believe. We are told that the most stressful experiences in anyone's life are the loss of health, family, or work. It has actually been documented that the loss of one's job is one of the most stressful experiences one will endure. Yet, this administration will not support even this mild requirement which says, if someone who has worked 20 years in a factory is about to lose his job, that news should be broken to him 2 months in advance, not the day before.

The administration's own Task Force on Economic Adjustment supports notification. So does almost every large corporation in America. Even the Wall Street Journal editorialized in favor of notification on the front page of its paper yesterday.

What a sad commentary that in spite of the bipartisan work, in spite of the investment in time, in spite of common agreement on most of the remaining 998 pages of legislation in this bill, our differences with the White House have come down to this.

Well, Madam President, my colleagues have already elaborated on so many of the reasons why we must pass this bill over the President's objections.

The President's negotiating authority in this bill is essential to our successful efforts in the Uruguay Round of multilateral talks.

The significant changes in both section 201 and 301 clearly recognize the radically changed globalized environment within which this country must operate.

And the trade adjustment assistance provisions will, at long last, provide the necessary tools to ensure that regardless of the impact of our newfound interdependency, good workers will continue to have good jobs.

Having said all of this, Madam President, there is one section of the bill that in and of itself is a good enough reason for anyone from an agricultural State to support this bill.

In the 100th Congress, there will be no legislation which will have the immediate impact, nor the far-reaching effect upon agriculture, as will this bill. In fact, one could argue that this bill in many ways will have an even greater impact on agriculture than many of the provisions of the farm bill itself. This legislation does more for the international prospects for agricultural trade than any bill upon which I have voted since coming to Congress.

So while my colleagues have so ably described many of the other provisions of this bill, let me remind those Senators from agricultural States what we have done in this bill.

First, and foremost, this bill gives our trade representatives power to negotiate. What could be more fundamental to our needs than that?

As we negotiate with out trading partners, it should be clear to everyone that we now negotiate from a position of weakness. Especially, it seems, when it comes to agriculture. This Nation has a critical need to provide our negotiators with the muscle they need to tear down the barriers which continue to exist in agricultural trade.

Second, this bill takes action against countries which are using meat inspection requirements as a poorly disguised trade impediment. The European Economic Community's third country meat directive may never be addressed effectively if we fail to address it in this bill, as we do with the meat inspection reciprocity provisions.

Third, let me remind my colleagues that we increase the Export Enhancement Program [EEP] by 150 percent in this bill. Frankly, I cannot think of a more significant tool in our entire agricultural trade arsenal than EEP. The additional authority for the utilization of EEP in this bill is perhaps the strongest step we could take to ensuring our long-term access to international markets. Without it, I have grave doubts that we will have any hope of regaining our once dominant position in agricultural trade in the near future.

Fourth, if multilateral subsidy negotiations fail within the next 2 years, this bill calls for the full implementation of the marketing loan.

I daresay there is not an agricultural Senator who has not watched with some surprise, the dramatic effect marketing loans have had on cotton and rice. What better way do we have of ensuring the same for other grain than fully implementing the marketing loan?

Finally, this bill, significantly changes the structure within the Department of Agriculture for dealing with trade.

It creates an office to assist in dealing with unfair trade barriers.

It increases resources for the development of value-added pork, beef, and poultry.

It provides for a study on the impact of imported honey on the domestic industry.

It, at long last, provides an improved system of identifying the total value and volume of agricultural imports and its impact on American agriculture.

It ensures producers of corn-based ethanol in this country, that they will have virtually unlimited opportunity to compete effectively in the domestic market in the coming decade.

And finally, it makes wood and wood products fully eligible for use in Public Law 480 market development projects.

Madam President, the list speaks for itself.

For the good of my State of South Dakota, for the good of every agricultural State, for the good of this country, this bill makes sense.

It speaks to a new era. An era of increased competitiveness. An era of increased interdependence. An era of globalized economic change. We have little choice.

As we confront the second of the twin towers this year, we can once again defer action—until the next Congress, the next President, the next year.

Or we can take this major step now—this week.

After all of this effort, after all of this time, let us do it now—before the tower expands even further, before we have even less choice than we do right now.

The **PRESIDING OFFICER**. The Senator from Mississippi.

Mr. **COCHRAN**. Madam President, I rise to speak against this conference report with great reluctance.

I have genuine respect and affection for the managers of this legislation, the distinguished Senator from Texas, Mr. BENTSEN; Mr. PACKWOOD, the Republican Senator from Oregon; and for the distinguished Senator from Missouri, Mr. DANFORTH, who has worked so hard to put together this conference report and to bring it to the Senate today.

Let me say, also, that I am not voting against the conference report because it contains a provision on plant closings, but because it reflects an overall protectionist attitude that will make America less competitive in the international marketplace.

I served as a conferee on the agriculture title of the trade bill, and I support some of the provisions, not only in that title but also throughout this bill.

But I did not sign the conference report, and I cannot vote for the bill.

I have been very disappointed by the Congress' failure to review and modernize some of our more antiquated and out-of-date laws that impede and restrict American business and workers as they try to compete in the world market with foreign firms.

I recall last year introducing legislation calling for a competitiveness impact statement to be issued whenever a new law or regulation considered by the Congress or the administration would relate to commerce or business, an impact statement that would measure the effect of that new law or new regulation on our efforts to compete with foreign firms in the international marketplace. I believe we have been overlooking the fact that many of the laws we already have and some we are considering are going to make it very difficult for American businesses to win the battle for customers and markets around the world.

One illustration of this comes to mind. I recall the day Malcolm Baldrige, our beloved former Secretary of Commerce, came to the Capitol to talk to a number of us about the problems some of our antitrust laws are causing American firms in their effort not only to hold market share in the United States but also to expand their share of the international market. I recall specifically his story about a heavy truck manufacturer some years ago, when seven or eight American firms were preeminent in that field of business.

Paccar, the firm that made the Peterbilt trucks, had 15 to 18 percent of the U.S. market. Other firms involved in the business were Ford, General Motors, International Harvester, Freightliner, Mack, and White.

The Paccar board and officers were trying to decide whether to buy Freightliner, which was for sale. They consulted attorneys to determine whether they should try to buy Freightliner in order to increase the power of Paccar to hold market share in the United States and elsewhere in the world.

The lawyers reviewed the antitrust laws, specifically the provisions of chapter 7 of the Clayton Act, together with Federal court decisions and statements made by officials of the Department of Justice and the Federal Trade Commission, to determine whether opposition to a merger or acquisition could be expected. In the end, the attorneys advised against the purchase because of the likelihood that the proceedings would be drawn out over a long period of time and could be very expensive. Paccar took the advice.

Freightliner was then bought by Daimler-Benz of West Germany, the largest truck manufacturer in the world. With that purchase, Daimler-Benz came into the United States with a ready-made distribution system and established customers. Daimler-Benz took a significant share of the U.S. market through that one transaction.

The next firm to come on the market was Mack Truck. Paccar went through the same drill of consulting attorneys to decide whether a purchase would be good business because of Mack's share of the U.S. domestic market. Giving the same reasons they gave in the Freightliner situation, the lawyers once again advised against a purchase attempt.

What happened? Renault of France came over and bought Mack Truck.

Later White went on the block for sale. Paccar, for the same reasons, reluctantly decided not to try to buy White. Volvo from Sweden bought White.

This series of transactions, Madam President, illustrates how the market share held by American companies in our domestic economy, the largest economy in the world, has been eroded over time by purchases made by foreign firms. Not only have we seen U.S. business suffer a great domestic loss in these transactions; they have also suffered a loss in the world market as well, all because of U.S. laws that restrict and impede our ability to compete.

The end of the story is that Cummins Engines, an Indiana firm which made and sold diesel engines to those heavy truck manufacturers, lost half its business to companies in Sweden, West Germany, and France, where the purchasers of the U.S. firms had their own suppliers. The ripple effect continued, so that thousands of American jobs were lost as a result of that one sequence of events.

I am suggesting, Madam President, that we are approaching the trade dilemma, the inability of American firms to win in the international market, from the wrong direction. We are creating new laws, new agencies, new bureaus, new Government jobs here in Washington to try to deal with a trade imbalance that could be better corrected if we took a look at the laws we have, the old impediments and some of the new ones we are about to enact, that continue to make it difficult for American firms to improve our international trade balance.

I am disappointed by the emphasis of this legislation. I think the emphasis is wrong, and I am not going to vote for the bill for that reason.

Let me give another example to illustrate why I think this bill should not be passed, why the President ought to veto it, and why we ought to sustain that veto.

There are a number of small-to medium-sized American firms that are doing very well in the international marketplace despite some of the burdens that our procedures, regulations, and antiquated laws place upon them.

I specifically refer to a report prepared last year under the auspices of the American Business Conference. The report was based on a 9-month study by McKinsey & Co. management consultants. Their report, entitled "Winning in the World Market," analyzed the ways in which some of our mid-sized, high-growth manufacturers and service companies have taken advantage of opportunities in the international market and, through aggressive marketing, investment, technology utilization, and research, have proven that American firms can compete and can penetrate hard-to-find markets in the international arena.

I am going to place in the RECORD, with the permission of the Senate, a copy of a letter I received from the American Business Conference last November. It is signed by Arthur Levitt, chairman of both the American Business Conference and the American Stock Exchange, and by William Lilley III, who at that time was president of the American Business Conference.

I ask unanimous consent, Madam President, that a copy of that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN BUSINESS CONFERENCE,
Washington, DC, November 17, 1987.

Hon. THAD COCHRAN,
U.S. Senate,
Washington, DC.

DEAR THAD: Attached is a copy of *Winning in the World Market.* It is the product of a nine-month investigation by McKinsey and Company of the international management practices of member firms of the American Business Conference. We think you will find it interesting reading.

This report illustrates how one segment of the American economy—midsize high-growth manufacturers and service companies—use entrepreneurial initiative to penetrate some of the most difficult foreign markets. It also demonstrates the importance of capital costs and, accordingly, reduction of the federal deficit, for business expansion and economic growth. It underscores the need for a first-class educational system. It shows that the world economy is far too intertwined to permit protectionist legislation.

The report should help to correct several misconceptions about how companies win internationally. First, large size and deep financial pockets are not necessary. Our best international performers began their overseas ventures in their corporate infancies and were able to make their foreign ventures profitable early. The international business of ABC's entrepreneurial firms outgrew the international operations of their larger and smaller American corporate cousins by a factor of five—with foreign sales increasing nearly 20 percent annually for the years 1981-1986, a period characterized by a high dollar and deteriorating trade and payment balances.

The results of our study also find that international competitiveness is increasingly becoming an exercise of investment. That means the creation, acquisition, and development of overseas marketing, sales and distribution networks and the deployment of foreign-based production, service and research facilities. Investment by ABC companies in overseas facilities has not been at the cost of American jobs. ABC companies create jobs in this country at an average annual rate of nearly 14 percent. Establishing a presence abroad and competing with foreign firms on their turf is an important way for ABC firms to defend and enhance their position in the American market.

Nor do ABC firms move facilities abroad to exploit cheaper labor. Our firms typically move abroad to get close to their customers, serve growing markets efficiently, exploit favorable capital costs, and capture innovation whenever it happens. Under these circumstances, trade alone does not adequately measure international competitiveness. World market share, wherever produced and consumed, is increasingly the measure of the competitive position of our nation's leading edge companies.

The conventional paradigm of how companies compete in the world marketplace is changing. In the past, economists have taught us that comparative advantage resided in the realm of natural resources, factor costs (such as cheap labor) and economic scale. For most of our members, however, intellectual rather than physical factors determine the difference between winners and losers. Technology, innovation, marketing skills and just plain good management—products of human capital—drive competition as factor costs of production converge among industrialized economies and improvements in communication make the world smaller.

While much has been written about competitiveness in recent months, *Winning in the World Market* is unique in concentrating upon real world business practice. By citing examples this study will, we hope, bring to earth an important national debate that is fast rising into the mists of abstraction.

No one should dismiss competitiveness as a mere "buzzword." At bottom competitiveness determines economic growth, job creation, and the standard of living of all Americans. These issues do not move in and out of intellectual fashion; they are abiding concerns.

We enclose a press release which was released with the report along with an article from *The Washington Post* about our findings. We welcome any thoughts you have about the report.

Sincerely,

ARTHUR LEVITT, Jr.,
Chairman, American Business Conference; Chairman, American Stock Exchange.

WILLIAM LILLEY III,
President, American Business Conference.

Mr. COCHRAN. Madam President, I am not going to take the time of the Senate to discuss in detail the 48-page report of the American Business Conference. It describes very clearly why we do not need protectionist legislation and why we do need businesses that are not afraid to take advantage of the opportunities that exist for success in the international market today.

There are U.S. firms which are winning in the world market. This report tells how they are winning, why they are winning; and they are winning in spite of a lot of rules, regulations and laws that this Congress has put in the path of those firms.

Rather than create more bureaucracy, more redtape, more agencies which are supposed to be helping us become more competitive, I suggest we need fewer agencies, less redtape, fewer restrictions, and more modern antitrust laws which will permit our companies to do a better job using our technology, our economic resources, and our human capital in a more productive and efficient way.

I wish to highlight some of the findings in this report. If businesses follow these guidelines, Madam President, I am confident we are going to see a balance restored to our trade, with American firms gaining profit, not headaches, from the effort to compete in the international marketplace:

First, making international expansion an integral component of the firm's future, not a sideline.

Second, understanding that successful export strategies must be accompanied by investment in a permanent foreign presence.

Third, focusing on the products of human capital—technology, innovation, marketing and management—rather than trying to compete on the basis of traditional comparative advantages, such as cheap labor and economic scale.

Fourth, establishing a presence abroad and competing with foreign firms on their turf to defend and enhance their position in the American market.

Fifth, getting close to the customer, serving growing markets efficiently and effectively, exploiting favorable capital costs and capturing innovation.

Sixth, recruiting and utilizing talented foreign nationals—individuals who best understand local markets, business practice, and employees.

This study shows that investment by the companies studied, investment in overseas facilities, has not cost American jobs. On the contrary, these companies create jobs in the United States at an average annual rate of nearly 14 percent.

I think the evidence is overwhelming, Madam President, that what we need more than we need this bill is an effort to modernize, to take advantage of the opportunities that do exist. Rather than fear competition from abroad, American firms need to take advantage of those opportunities that exist internationally, no longer looking solely to the U.S. market as the market for our produced goods and services.

Madam President, I ask unanimous consent that a copy of the Washington Post article dated November 15, 1987, describing the report of the American Business Conference, be included at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 15, 1987]

HOW SOME FIRMS BECOME FOREIGN SUCCESS STORIES—REPORT CREDITS PERSISTENCE, CREATION OF NICHE MARKETS

(By Cindy Skrzycki)

For many American firms, cracking foreign markets is Mission Impossible.

Some don't show enough commitment and initiative, bow out too soon, or simply consider themselves defeated before they ever get started. Others are content to concentrate on domestic markets.

Some of that attitude, which put America at a competitive loss in the world, has been changing with the dramatic drop in the dollar. An increasing number of U.S. companies are making drives abroad and finding success as their products become more price-competitive with foreign goods.

Even American car manufacturers finally are stepping up exports to difficult markets such as Japan.

But long before more clement competitive winds began blowing—when the dollar was at its height and choking off U.S. exports—there were companies that not only made dents in foreign markets, but exploited them by emphasizing investment and "intellectual" factors such as technology, innovation, marketing and management.

A study of such success stories was released last week by the American Business Conference (ABC), a coalition of 100 high-growth, midsize companies.

The group also hopes that its report, which is rich in example, will boost its lobbying effort in Washington to supplant restrictive and protectionist measures contained in pending trade legislation with measures that emphasize bilateral trade and multilateral negotiations.

The report, called Winning in the World Market, is a nine-month effort by management consultants McKinsey and Co. to examine how ABC member companies, with average sales of $360 million, managed to increase foreign sales almost 20 percent annually for the years 1981 to 1986.

Foreign sales of the ABC companies increased 17 percent annually between 1981 and 1984, while exports rose 15.2 percent.

By contrast, a group of 1,453 other U.S. companies doing business abroad had an annual decline in sales averaging 1.8 percent and 10.2 percent in exports during that period.

Even more recently, when the international performance of most companies improved as the dollar weakened in relation to other currencies, the ABC companies outstripped competitors in foreign sales and export growth.

"Much of what we found falls into the category of common sense," said Richard Cavanagh, a partner at McKinsey and Co.

"In general, the same principles of competition—innovation, competing on value, not price, creating and leasing niche markets, and getting and staying close to customers—works as well in Paris as in Peoria," Cavanagh said.

Simple as that sounds, many of the companies that gained footholds abroad do not have the advantages of size, name recognition and the resources of major exporters such as General Electric Co. or IBM Corp.

But they have successfully, cultivated niche markets, developed products with singular appeal and adopted attitudes that are decidedly global.

Their stories seem to fly in the face of common perceptions that U.S. companies face insurmountable barriers in entering foreign markets and that they leave home markets only to take advantage of cheap labor and economies of scale.

Daniel Greenberg, chairman of Electro Rent Corp., which rents and leases electronic equipment, said his company's entry into foreign markets violated most of the classic approaches to international expansion.

"We knew we would lose money for a couple of years, it would take far too much of our time and the markets we were looking at didn't justify the effort," said Greenberg. "Then we promptly went out and developed two major markets."

The company, which has a joint venture in Japan and is about to break into Europe, expects its foreign sales to grow from their current 10 percent level to 25 percent between 1993 and 1995.

Greenberg predicted that sales will be boosted in part by a higher yen, which makes prices of Electro Rent equipment more competitive.

Loctite Corp., a manufacturer of industrial adhesives and glues that does 60 percent of its business in 80 countries, has surmounted different types of obstacles in each of its markets.

In Japan, it was a game of inches. The company first had an ad hoc licensing arrangement, then minority participation, and then a joint venture before it finally was able to create a wholly owned subsidiary.

In France, it was creating advertising that had local appeal.

Loctite's U.S. advertising campaign for Super Glue features a man stuck to the ceiling with his shoes on. To appeal to a French audience, the model became a prostitute in a tight leather skirt (that doesn't fly up) who ends up being stuck to the ceiling by her procurers.

"We learn so much from being involved in foreign markets that we probably generate more business domestically," said Ken Butterworth, chairman and chief executive of Loctite in Newington, Conn.

Besides determination and a global outlook, many ABC companies have innate advantages that ease their entry into foreign markets.

"One reason is their uniqueness. Many of them create their own niche markets at home and abroad. As niche players, they face little or no competition overseas initially. These companies enjoy the benefits of being first movers," the McKinsey report noted.

For example, customers came calling for Cray Research Inc.'s supercomputers. Overseas distributors asked Loctite for appointments.

Others have unusual technical advances to offer, such as Millipore Corp., a worldwide producer of products for fluid analysis and purification with annual sales of $443 million. Hasbro Inc. and Dunkin' Donuts have unusual concepts—toys and doughnuts—with mass appeal that they readily adapted to foreign markets.

Outside some of the advantages ABC companies have capitalized on, there are certain approaches and management techniques that characterize their success outside home markets.

Those that started the earliest did the best, Cavanagh noted. "They began as corporate infants to explore international markets," he said.

Loctite had only $1 million in sales while Pall Corp., a $400 million company that makes highly specialized industrial filters, decided to enter the European market when it had only $15 million in sales and the Common Market was still just an idea.

"The big companies in the U.S. never needed to find a reason to go overseas," said Abraham Krasnoff, Pall's vice chairman and chief executive. "Inertia is a difficult thing to overcome."

Once the decision is made, the progression then is to start with a modest but well organized export program.

"The sequence almost always begins with the establishment of an incountry sales, distribution and service network—a requirement for healthy export sales and a prerequisite for long-term success in the local market," said the report.

The point also was made that failing to lay this foundation may be part of the reason U.S. exports have made such a slow recovery since 1985, despite a lower dollar. For example, non-ABC, medium-sized companies had export growth of only 2.1 percent from 1984 to 1986 while 34 ABC companies with an international presence had growth close to 21 percent, the report said.

Most of the ABC companies also find it essential to put foreign nationals in charge of their foreign operations.

"The only way we can do business is where there are no cultural barriers between local management and customers. I believe in establishing a country organization around the right local national; if you can't find the right person, don't do it," advised Ray Stata, chairman and president of Analog Devices Inc.

A review of 562 foreign subsidiaries of ABC companies showed that 86 percent were managed by local nationals, though sometimes finding the right person can take years.

Comdisco Inc., a computer leasing and service company, spent four years finding a Japanese to lead its joint venture operation.

Loctite will launch operations in China with a native of the People's Republic who earned an MBA in Boston.

In addition, many ABC chief executives are natural champions of international ventures, since they often are foreign-born or began their careers in foreign countries with ABC companies.

Besides early entry into foreign markets through exporting, many ABC companies went the joint venture, acquisition and licensing routes.

But most ABC companies—some 80 percent—ultimately have direct ownership in mind. Safeguard Business Systems, for instance, enters into joint ventures with buyback clauses.

Most ABC companies do so well overseas that they graduate to establishing overseas production facilities, with some 80 percent of revenues coming from foreign production last year.

Like Japanese auto makers who are increasingly locating plants in the United States to insulate themselves against currency swings and the threat of protectionism, ABC companies cite some of the same reasons for manufacturing outside the United States.

Part of the payback from setting up foreign operations is extracting two-way benefits either by gaining intelligence about competitors or keeping on top of new technology, new product applications and manufacturing processes.

Electro Rent's Greenberg said his company's foreign foray was a strategy to hedge technological bets.

"The U.S. and Japan are locked up in a long-term war on many scientific and electronic fronts," said Greenberg. "I wanted to be in both markets."

Loctite's Butterworth said his company "bothered" simply because it is very profitable.

In fact, the financial return for many of the companies, Cavanagh noted, was almost immediate: 64 percent were profitable in the first year and 75 percent within two years.

"It's a series of small, pay-as-you-go smart bets," said Cavanagh. "And it proves you don't have to be big or have deep pockets to compete overseas."

Overall, the experience of ABC companies "may serve to turn conventional wisdom on its head," said William Lilley, president of the American Business Conference.

The group also hopes to use its findings to make headway on the trade front.

"The report should serve to reorient the competitiveness debate away from a single-minded concern about obstacles to international success, toward a view that encompasses the opportunities that exist abroad [and] how our companies exploit those opportunities and what public policies promise to help international growth," said Arthur Levitt, chairman of the American Business Conference.

Other trade experts were less optimistic about companies being able to surmount trade barriers and currency fluctuations.

"An overwhelming determinant of our ability to compete has been exchange rate fluctuations," said Jerry Jasinowski, chief economist for the National Association of Manufacturers. "There is nothing companies can do, in many cases, to overcome enormous swings in rates that have cut American firms out of markets and dramatically increased imports coming into this country."

Noted another trade expert: "Trade barriers are not a mirage. Many of our most competitive industries have been badly damaged by them."

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I am hoping that we can reach an agreement as to a time for a vote on the conference report as early as we can today as reasonably possible. There are some Senators who still want to speak and of course they have a right to speak and they have a right to speak as long as they want to speak. But I hope that our speakers would try to cut short their remarks. I could easily speak 2 to 3 hours and I am sure there are some here who could speak

much longer than that. But I am willing to cut mine to 5 or 10 minutes and perhaps put the speech in the RECORD.

We will all have an opportunity to speak again because I am constrained to believe that the President is not going to yield to those who have asked that he not veto the bill. He is going to do that, I feel sure. We will have an opportunity, in that event, to speak at whatever length the Senators want once we get that veto message.

I hope that we can agree. I am trying to get with the Republican leader. We have discussed this already and we had talked in terms of hopefully voting at 1 o'clock today.

The Prime Minister of Canada will speak to a joint meeting at 4 o'clock p.m. today, which means that we will have to leave the Senate, by, I guess, 20 minutes prior to 4 o'clock or 15 minutes prior to 4 o'clock. Then, by the time the Senate can return following the speech, it will probably be 4:45.

I hope that we will not have to be in session Friday, because I see no necessity for it if we can complete action on the trade bill, the AIDS bill, the veterans supplemental appropriations, and the conference report on the veterans compensation bill. Those last two items, I should think, would not take any or much time. There is one other matter I have discussed with the Republican leader which should not take much time. So it is conceivable that all of this can be done by the close of business tomorrow at a reasonable hour. Otherwise, we will have to be in Friday.

So I just say this in an effort to lay out what our hopes for the program is. If we could agree now to a vote—I had hoped it would be 1 o'clock, but perhaps that is not achievable. The important thing is that we set the time now so that we can work within it.

Otherwise, if we do not set a time now, we probably will not finish this bill before we go over to the House for the joint meeting. That means we will come back here at 4:30, 4:45, or 5. Perhaps we would finish and maybe we would not. And perhaps if we did, it might be 6 or 7 or 8 or 9 o'clock. So I have taken the floor at this time because the time is moving on.

The distinguished Republican leader has been exploring the matter on his side and I would yield to him at this time for any comments he wishes to make.

Mr. DOLE. Mr. President, I have been in contact with Senator MURKOWSKI on this side. He has a meeting at noon. He said he would try to be on the Senate floor before 12:30, at which time he hoped he would be able to indicate that we could vote and how much time he would want before the vote.

I share the view of the majority leader. I would like to have a 2 o'clock vote if we could have a 2 o'clock vote, then we could be assured of getting on something else and coming back after the joint meeting and maybe finishing the AIDS legislation or whatever it might be.

So he will be here and I will be here waiting for him when he arrives and perhaps we can work out that time.

Mr. BYRD. Mr. President, would the distinguished leader feel comfortable with an order that we vote on the trade bill no later than 3 o'clock today at the moment? That, it would seem to me, would give Senators ample time in which to speak and perhaps later we could shorten that time.

Mr. DOMENICI. Will the majority leader yield?

Mr. BYRD. Yes.

Mr. DOMENICI. Mr. President, I might say to the Republican leader that I have been waiting for a while on the floor and I have a budget conference, but I can accommodate the Senate. So long as you can protect me for a half an hour, I would not object. I think my friend, Senator BOSCHWITZ, needs 10 minutes.

Mr. BOSCHWITZ. Ten or 15 minutes.

Mr. DOMENICI. From our standpoint, we need that much time. We will be waiting after a couple of Senators here. I believe Senator KENNEDY said he would settle for 10 minutes. I would say that he could go ahead of me, even though I have been waiting, if it is all right with the leaders.

Mr. BENTSEN. Mr. President, I do not know of any further speakers, other than Senator KENNEDY and myself for a closing statement. There may be some others, but I do not know of any.

Of course, we have been going on now for several days. We started last Friday. There have been quite a number of times when we just have not been able to get any speakers over here, so it has not been for the lack of opportunity to get to the floor. I do hope that we can wrap it up by 3 o'clock.

Mr. BYRD. I thank the Senator.

Mr. RIEGLE. Madam President, I just want to indicate, too, that if it can be accommodated, I would like to have a period of time somewhere if it can be slotted in, maybe 10 minutes.

Mr. BYRD. I will not impose on the time of the distinguished Senator from Mississippi further right now. I understand that the Republican leader expects a call in the next few minutes?

Mr. DOLE. We are trying to reach Senator MURKOWSKI right now to see if we can start no later than 3 o'clock.

Mr. DOMENICI. May I ask the leader at this time if I can have 30 seconds more? Senator KENNEDY has a meeting he must attend. I was going to seek recognition, having been here ahead of him, but I would ask he be next and have 10 minutes and I will follow after him having up to 30 minutes after the distinguished Senator from Mississippi has completely finished.

Mr. KENNEDY. Madam President, I appreciate the courtesy of the Senator from New Mexico. As all of us, marking up the defense authorization, our subcommittee is making a presentation to the full committee. Ten minutes would be satisfactory as soon as possible to the Senator from New Mexico, that would be very satisfiactory to me.

Mr. DOMENICI. I make that a request, Madam President.

The **PRESIDING OFFICER.** Is there objection to the request?

Mr. BYRD. Madam President, I have no objection to this request.

Mr. BENTSEN. Madam President, I would like to have 20 minutes for a closing statement as the manager of the legislation for the majority. If the unanimous request is being made, I want to include that.

Mr. BYRD. Madam President, I have no objection to that.

Mr. DOMENICI. Did we include Senator BOSCHWITZ for up to 15 minutes? He has stated that, and I just wanted to cover him on that.

The **PRESIDING OFFICER.** No; the unanimous-consent request by the Senator from New Mexico as originally stated said KENNEDY 10 minutes, DOMENICI 30, BENTSEN 20 minutes for closing. There was no clear——

Mr. DOMENICI. I ask for Senator BOSCHWITZ, up to 15; all following, obviously, the distinguished Senator from Mississippi.

Mr. BENTSEN. I wanted Senator RIEGLE included in that. Was that stated?

Mr. RIEGLE. It has not been stated by the Chair, but if that could be accommodated, I would appreciate it.

Mr. BENTSEN. How much time?

Mr. RIEGLE. Ten minutes.

Mr. BENTSEN. Ten minutes

Mr. REID. I need 10 minutes.

Mr. BENTSEN. And Senator REID, 10 minutes.

Mr. BYRD. We have all kinds of requests now. Senators have to be accommodated or else they will object.

I am going to not impose on the Senator from Mississippi further. I hope we can at least agree for final vote by 3 o'clock, or no later than 3:15; because if we have a vote at 3:15, it is going to be a 15-minute rollcall vote. That pushes us up pretty close to the time Senators will need to go to the other body, those that are going.

I will remain on the floor, hoping that we can get a time for final vote.

The **PRESIDING OFFICER.** The Chair will restate the unanimous-consent request.

The Senator from New Mexico has made a unanimous-consent request that has been refined by other Senators. I will state the unanimous-consent request to be sure.

The Senator from New Mexico has asked that subsequent to the inclusion of the remarks of the Senator from Mississippi, the Senator from Massachusetts [Mr. KENNEDY] be allowed to speak for 10 minutes; followed by the Senator from New Mexico [Mr. DOMENICI] for 30 minutes; to be followed by Senator RIEGLE of Michigan, for 10 minutes; followed by the Senator from Minnesota, [Mr. BOSCHWITZ] for 10 minutes; ensuring that the Senator from Texas, the manager of the bill [Mr. BENTSEN] be allowed a 20-minute closing statement.

Is there objection to that request?

Mr. STEVENS. Reserving the right to object, does that allocate all the time?

The PRESIDING OFFICER. There is no time agreement. The unanimous-consent request deals with, in a sense, the order for Senators to speak, and then allows a general framework to be followed, because it is the majority leader's intent that we move to vote as quickly as possible.

Mr. BENTSEN. Reserving the right to object, was the Senator from Nevada taken care of in that request?

The PRESIDING OFFICER. The Senator from Nevada will preside after the Senator from Maryland vacates the chair.

Mr. BENTSEN. I would like to make a request on behalf of the Senator from Nevada for 10 minutes.

The PRESIDING OFFICER. The Senator from Nevada is listed.

Mr. BYRD. Reserving the right to object.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. BYRD. Madam President, I understand Mr. MURKOWSKI wants up to an hour?

Mr. DOLE. That is correct.

Mr. BYRD. So I am going to make my request, also. I would like 10 minutes.

Mr. DOLE. Majority leader, I would like 10 minutes, also, but I am going to get my 10 out of MURKOWSKI's.

The PRESIDING OFFICER. This is a very elaborate unanimous consent.

Mr. BYRD. Madam President, I object, for the moment.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER (Mr. REID). Under the unanimous consent request, the Senator from Massachusetts is recognized for 10 minutes.

Mr. KENNEDY. Mr. President, it is no secret that President's Reagan's threat to veto the trade bill is directed squarely at the plant closing provision in title VI. The administration may complain publicly about other provisions, but that is only smoke to hide the fact that the President is threatening to bring down the whole trade bill because of a fair and modest provision that is overwhelmingly popular with the American people.

The administration has seen the same poll that we saw last summer, showing that 86 percent of the American public favor an advance notice requirement. The administration has seen that this is not a regional issue—that 80 percent or more of the public in every region of the country favor such a provision. The administration wants the plant closing provision removed to curry favor with their business friends, and they don't mind killing the entire trade bill to accomplish this purpose. The need for the plant closing provision is clear. Since 1981, 40,000 plants have shut down. Nearly 2 million people have lost their jobs each year. Yet the administration does not want workers to know their jobs are in danger and to have time to plan for new ways to provide for their families.

A look at the provision shows just how unreasonable and ideological a position the administration has taken. Notice is required 60 days before a plant with more than 50 employees closes. Notice is also required before a company lays off one-third of its work force or lays off 500 people. That is all. It is a reasonable provision, and a matter of basic fairness to workers, who deserve time to look for new jobs or sign up for retraining before their jobs are lost.

Every legitimate objection raised by business to earlier versions of this provision has been addressed. There is an exemption for small business. No employer with fewer than 100 workers is covered. There are also exceptions for faltering companies and unforeseeable business circumstances. Many other exceptions and qualifications have been added out of concern—sometimes exaggerated concern—for the needs of business. The only objection that has not been met is the arrogant view that Congress has no business telling business how to treat its workers.

On the merits, opponents of the plant-closing provision have no case. Their arguments are offered out of desperation, and the veto threat is their only real ammunition.

Opponents say that notice is a good thing, but it should be voluntary. The fact is that voluntary notice does not work. The General Accounting Office has found that the average blue-collar worker gets only 7 days' notice. A study by the Bureau of Labor Statistics showed that two out of three workers receive no notice at all when their plants close.

It is true that responsible companies already give notice, but there are far too many other companies that do not. For years, we have heard opponents of mandatory notice urge business to do a better job of giving voluntary notice, and it has not made a difference. We do not rely on voluntary compliance with environmental protection standards or with occupational health and safety standards, and we should not rely on voluntary compliance with advance notice standards.

Opponents of the plant closing provision also say that it does not belong in the trade bill. But people who live in the glass house of this fragile bill should be careful how they throw stones. If we want to discuss extraneous provisions that have little to do with trade, we might start with the windfall profit tax repeal or the special patent extension for the Warner-Lambert Co.

In fact, an advance notice requirement is essential in any bill addressing the competitiveness of the American economy. If business really wants a world-class work force to meet foreign competition, then workers and State agencies must have time to adjust to economic change.

The importance of notice is emphasized in a GAO study, which found that worker adjustment programs are twice as effective when early notification is given.

With advance notice, the rapid response teams provided for in title VI of the bill will be taking action before workers are out on the street—getting workers ready for new jobs, directing them to training for different jobs, giving them hope that the loss of a job held for many years will not spell personal disaster. Advance notice also saves taxpayers' money by reducing the period of time workers will need unemployment compensation.

The possibilities for effective adjustment are not just hypothetical. The Secretary of Labor's own task force on worker dislocation praised the effectiveness of the Canadian system, which includes advance notice as a key component. We have also seen the results in Massachusetts. The International Union of Electrical Workers, the General Electric Co., and the Commonwealth of Massachusetts cooperated to establish a worker assistance center before employees were laid off from a General Electric plant in Lynn. The union was given much more than 60 days notice of the impending layoffs. Before any workers lose their jobs, they are contacted by representatives of the worker assistance center and offered the services available at the center.

The center has been in operation barely a year, but its results are impressive, 93 percent of the workers affected have been reached by the center, because they were still on the job. A third of the workers involved with the center have already been reemployed, at jobs averaging over nearly $11 per hour—approximately 90 percent of their average wages at GE. Another third of the workers are in training for new jobs. The rest are now ready for new jobs, and in the process of being placed. With advance notice—and with more centers like this—we can put far more people back to work quickly across the country and avoid much of the trauma that initially occurs when plants are closed and jobs are lost.

Opponents also make the bogus argument that advance notice requirements will cost jobs. A study by Nathan Associates purported to show that advance notice requirements will lead to fewer jobs. The study tried to compare job creation in countries with advance notice to job creation in countries without such a requirement, as if this were the only factor determining job creation. Even with this far—fetched assumption, the study had to manipulate the statistics to reach the desired conclusion. It left Japan off the list of countries with plant closing requirements. In gauging job growth in the United States, it picked a period that followed the highest unemployment since the Great Depression.

When I asked GAO to analyze the Nathan study, GAO economists concluded that it ignored important factors, reached conclusions without support, and chose arbitrary bases for comparison without explanation. In other words, the study is not worth the paper it is printed on.

The final desperate argument by opponents of this provision is the fabrication of horror stories about what might happen if notice is required. We asked the Office of Technology Assistance if Canadian businesses encountered such situations because of the notice requirements. The answer was a resounding "no." OTA simply could not find any evidence that Canadian businesses regard advance notice as a problem.

The real horror stories are not what might happen if we adopt an advance notice requirement. The real horror stories are what is happening every day in every one of our States because we do not have a plant closing law.

The conference report on the trade bill contains many provisions of interest to American business—repeal of the windfall profit tax in the oil industry, dilution of the Foreign Corrupt Practices Act standards, increased protection for intellectual property, liberalization of export control regulations, increased export assistance and loans for small business, and strengthened enforcement of U.S. export rights under trade agreements. American workers get a program for adjustment after they have lost their jobs—a program that can be effective ony if accompanied by an advance notice requirement.

The Senate should pass this legislation, and pass it overwhelmingly. We can then be proud not only of our work on the trade problems of American business, but on the problems created by trade for American workers.

Let me stress that this provision is at the very center of the trade crisis—40,000 plants have closed since 1980. Ten million workers have lost their jobs. That is what a trade crisis is about: it is about lives broken, and jobs lost when America cannot compete. Those workers and their families do not care whether their prospects were shattered by overvalued currency or trade barriers.

They want to know how to make the trade crisis something other than a personal tragedy, and this modest provision will help. It will give workers and their families time to adjust; time to get their next job, time to budget for a coming storm.

This bill is thick with provisions for virtually every sector of the American trade economy. We deal with quotas, with patents, with profits and taxes. But if, at the end of the day, we cannot tell the American working family that we have helped them, then we will have wasted our time and their money. The bottom line of the trade crisis does not stop on the corporate balance sheet—it stops in the family checkbook.

It is an act of arrogance and a warrant for shame that the one provision in this bill that helps American families cope with the trade crisis has been singled out for veto.

Mr. President, I have some additional remarks concerning the education provision in title VI of the conference report. In our efforts to enhance our competitive position in the world marketplace, we must not forget that it is the next generation which must be prepared to take on the competitive battles which await them. Young people currently in our schools must complete their education; they must have the skills they will need to enter the work force today; and they must have the skills they will need to undergo the retraining throughout their working lives which ever-evolving technology will require. It is our responsibility to see that they finish their education and that when they do they are equipped to meet the demands of today's marketplace and of tomorrow's.

The conference report on the Omnibus Trade and Competitiveness Act contains several important education programs which will address these needs. The reauthorization of the Education for Economic Security Act provides instruction in math and science, subjects which must be improved in our schools if we are to meet and beat the competition abroad. Funds are authorized to improve foreign language instruction, obviously critical in a world market. The teaching of technology is supported through training technology centers, technology education, and technology literacy. Also included is the Star Schools Program which will provide math, science, and foreign language instruction to underserved areas through the use of advanced technology such as satellite communication.

Important programs are included for secondary school students to ensure that they are equipped with basic skills, and that measures are taken to reduce the dropout rate and to bring students who have dropped out back into the schools. Without an educated work force, businesses are unable to find employees, and the country as a whole is severely inhibited in its ability to compete.

In addition, several programs are included to attack the enormous literacy crisis facing this country: a program to develop literacy assistance on the worksite, a literacy program for limited english proficient individuals, and the student literacy corps, a program which I strongly support and have promoted as well in my own State of Massachusetts.

The Student Literacy Corps is a worthwhile new strategy that I support in the battle against illiteracy. This program gives undergraduates the opportunity to volunteer a few hours a week as tutors in schools and other community agencies as part of special college credit courses.

The idea is long overdue. America prides itself on being an advanced nation, but its high rate of illiteracy mocks the term. At international gatherings, President Reagan, in common with most 20th century American Presidents, represents the country with the poorest literacy record of all the industrialized nations.

Vast numbers of citizens lack basic reading skills. According to the best available estimate, 20 million adults—1 in every 6 people over 18 years of age—cannot read the warning on a can of pesticide or a pack of cigarettes, a newspaper headline, or a letter from their child's teacher.

As President Reagan has said, "The hidden problem of adult illiteracy holds back too many of our citizens and as a nation, we, too, pay a price." He is absolutely right. And the price will go higher. Illiteracy costs the Nation heavily in reduced international competitiveness, increased poverty, higher welfare an unemployment benefits, lesser skills in the Armed Forces, industrial accidents, lost productivity, and dead-end lives of crime and drugs.

Illiteracy also represents an insidious threat to our constitutional democracy, as growing numbers of Americans find themselves unable to participate effectively in the political process, and become more susceptible to appeals based on prejudice and demogoguery.

Current Federal efforts to attack illiteracy are grossly insufficient. Funds available under the Adult Education Act reach only 4 percent—a tiny fraction—of eligible recipients. But new spending of the magnitude necessary to reach the growing numbers of illiterates in need of assistance is out of the question. The challenge is to do more without spending more—which is where the Student Literacy Corps comes in.

The program is based on a model developed by Norman Manasa, director of the Washington Education Project here in the District of Columbia. It is currently running on a demonstration basis, funded by private contributions, at colleges in New York, Chicago, and in my own State at four colleges in the Boston area: Boston College, Bunker Hill Community College, Endicott College, and Stonehill College. I had the opportunity to see the program in operation in Boston earlier this month, and to speak to undergraduates and their professors, and to elementary schoolteachers, principals, and students about the superb effectiveness of the program and the assistance and support it has provided.

The promise of these programs is so compelling that the time has come for a national program. The legislation included in this measure will provide $20 million over the next 2 years to launch Student Literacy Corps projects at colleges and universities across the country. Startup grants of $25,000 per institution will be available to cover initial costs, mainly faculty salaries. Participating undergraduates will enroll in semester-long elective courses at their colleges, comparable to courses in clinical legal education at law schools. The courses will be offered in a variety of departments such as economics, sociology, education, and humanities, and students will be assigned as tutors in a number of settings, primarily elementary and secondary schools, but also including Head Start centers, institutions for the disabled, adult education programs, prisons, and other facilities where supervised classroom-type settings are available. The undergraduates will receive academic instruction from their college professors and on-the-job training from classroom teachers in the community, using texts and instructional materials already on hand at each agency.

The Federal funds will be sufficient to begin Student Literacy Corps projects at 800 of the Nation's 3,300 colleges. If 130,000 undergraduates enroll in these courses over a 2-year period, they will generate nearly 8 million hours of tutoring. Valued at $20 an hour, their instruction will be worth $160 million in tutorial services, an eightfold return on the $20 million Federal investment.

A literacy corps may be the closest thing to a free lunch that Congress will ever see. It will be almost as free as voting—and it will give us better voters and citizens. The benefits that accrue to pupils who are taught to read will be measured in terms of citizens who will become employable in an increasingly technological economy, who will be able to take care of themselves and their families, and who will contribute to the Nation's future economic strength.

In addition to reversing the distressing trend toward illiteracy, the program will harness the idealism, enthusiasm, and social commitment of young Americans. The Literacy Corps has the potential for the 1980's that President Kennedy's Peace Corps had in the 1960's.

Young Americans in this supposedly "me" generation are as ready, willing, and eager to respond to the challenge of serving the community as their parents were a generation ago. But someone has to ask—and point the way. This legislation will help to do so.

Finally, I am pleased that this bill includes a provision providing financial assistance to help renovate and repair higher education facilities. It is no secret that the Nation's colleges and universities have an aging physical plant, especially with respect to scientific research facilities. According to a recent National Science Foundation survey of research universities, 89 percent of the research administrators surveyed repored that the number of research projects at their universities are limited by facilities and 92 percent indicated that the type of research projects undertaken is limited by the availability of facilities. Half of the research administrators indicated their research facilities were in fair to poor condition.

Basic research is crucial to the Nation's economic competitiveness. As Benno Schmidt, the president of Yale University recently noted in congressional testimony: "Fundamental scientific research—that is, inquiry into the most basic questions concerning our human nature and the physical world in which we live—creates the intellectual climate in which our modern civilization flourishes. It affects not only the laboratory and the factory, but ultimately influences the whole spectrum of cultural activity." We cannot continue to expect path breaking research if it must be performed in obsolete research facilities.

H.R. 3 establishes a new program for the repair, renovation and where appropriate construction of scientific research facilities at America's colleges and universities. The program will be administered by the National Science Foundation and funds will be awarded on the basis of merit review. However, this bill also takes steps to ensure that colleges, smaller universities, and colleges that serve a large percentage of disadvantaged students will also get funds to help improve the quality of their research facilities.

The plant closing provision, the worker adjustment program, and the education provisions are vital to fostering a well-educated and skilled workplace.

I urge the President to reconsider, and I urge my colleagues to support the conference report.

I thank again the Senator from New Mexico for his courtesy.

The PRESIDING OFFICER. The Senator from New Mexico is now recognized.

Mr. DOMENICI. Mr. President, let me address an issue that obviously, coming from a State that has oil and gas production, has been of serious consequence to me. This is a trade bill, and many are confusing a trade bill with other policies.

I would like to make a couple of points about our dependence upon foreign oil as part of this enormous trade deficit because I do believe the importation of crude oil to the United States from foreign countries, be it Canada, Mexico or the Middle East, is a tremendously important part of the trade deficit.

I hope every one knows that the trade deficit, with reference to the importation of oil from overseas, is growing, not going away. As a matter of fact, the latest numbers we have show that this will be the second year in a row when the adverse impact of oil imports on the trade deficit will increase.

Let me repeat the gross numbers. Of the trade deficit, that portion which is energy imports, for the year 1987, it is $36.5 billion. So whatever we are saying in the United States to all our people about the trade deficit, they ought to know right off the top that $36 billion of it is from having to buy oil from overseas and in 1986, it was $29 billion.

The reason I raise this issue is because I regret to say that I am not going to support this trade bill. I will give a few reasons shortly as to why.

I believe the President is going to veto this bill. My best assessment is, that the President's veto will be sustained.

But I hear it said by some that if this trade bill, exactly as it was delivered to the U.S. Senate, all 500 pages becomes law you will not see the repeal of the windfall profits tax. Let me reiterate. Some say that unless we pass this bill, as is, with less than one-fifth of it being in the area of trade legislation and the rest being in other matters—since there are so many sources of information around here I will not say who but they are in positions of leadership in this body or the other body or they allege to speak for the House or perhaps speak for the Senate—in its entirety, exactly as it was sent over here to us, becomes law, you will not again see a repeal of the windfall profits tax as an issue coming to us that we can send to the President for signature.

I guess, Mr. President, being what I am and being as forthright and as honest as I can be, I really cannot believe that anyone in a position of leadership will say to the American people, "If this bill in its entirety, every single sentence of this 500-page monster produced by eight committees, only one of which is supposed to have anything to do with trade, if it is not signed into law, forget repeal of the windfall profits tax."

Now, why do I say this with a degree of earnestness and concern? Mr. President, I am convinced that no one can dispute the following fact. The United States of America desperately needs to move toward energy independence. Anyone who thinks that goal has left the scene is mistaken. As a matter of fact, I heard from a very distinguished American, since we are here talking about trade, that, if the Japanese had as many natural resources as these United States, they would not only set a goal of energy independence about 10, 12, 14 years down the line, but they would say, "We will be an exporter of energy within 20 or 25 years." I agree.

So it seems to this Senator that if we are desperately in need of an energy policy that reduces our dependence and that would have a dollar for dollar reduction in this trade deficit, we ought to do the one thing everyone who knows anything about energy policy says we ought to do. We ought to repeal the windfall profits tax—that tax hovering over an industry small and large that says, if the price of oil goes up a couple more dollars, we are going to take 71 cents of every dollar and give it to the Federal Government instead of putting it back into the ground to produce oil. Our neighbor Canada, in the heat of the crisis, passed a windfall profit tax and they have taken it off. So I submit to anyone who is voting for this bill in its entirety because they feel threatened by somebody around here saying you take it or leave it, you vote for this bill or we are taking our marbles and going home and you are not going to see a windfall profits tax repeal again, that is an incredible statement. It cannot conceivably be predicated upon what is good for the American people, American industry, and for all of those who are taken to the floor so concerned about working men and women and America's economic growth. I can assure you that our continued dependence upon foreign oil is more significant on the negative side in terms of jobs in America, in terms of the trade deficit, and in terms of the future of this great Nation than all of the provisions in this bill combined and multiplied threefold.

So I rise to state I am voting against this bill for reasons that I think are entirely justified. I hope in the next few moments to elaborate upon them. But to those who are worried about what is going to happen to the windfall profits tax, I want to tell you what people in my oil patch, at least some of them, are saying: As bad as we want the repeal of the windfall profit tax, as serious as it is to have this tax hanging over the industry, large and small, do not vote for something that is bad or risky for America's economic growth in order to get it, repealed because we do not need it that bad. What we need is a vibrant American economy continuing to grow. And I will add not what my oil patch friends and independents say to me but my own view. Sooner or later—and I presume sooner rather than later—with the defeat of this bill, we will repeal the windfall profit tax because we can only sit around and stand an absurdity for only so long. And veiled kind of threats, take it or leave it, just are not going to work in the waning days of this Congress. I do not know how, but I submit the committees of jurisdiction are going to have more than one opportunity. And the distinguished chairman from Texas, the chairman of the committee, is going to have more than one opportunity this year to take windfall profit tax repeal over to the House. And he is going to argue, as he did on this bill, I am sure, that it is in the absolute unequivocal interest of the United States that we get rid of that onerous, ridiculous infringement upon our ability to produce more oil for ourselves instead of buying it overseas.

Now, repeal of the windfall profits tax is not a total energy policy moving toward energy independence. But at least, in a country as diverse in opinion as ours, there is almost unanimous understanding that this provision, the windfall profit tax, ought to go.

So while I have been here 15 years and I understand the players and I understand the game and I understand the institutions, I want to say that I really cannot believe my ears when I hear that somebody someplace is saying, "You take this bill in its entirety or we will not repeal the windfall profit tax ever." Or at least it will not happen this year because there are those who will have to pout about losing this bill, and therefore we will cut off our nose to spite our face.

Now, having said that, I come to my second point. Let me talk about plant closure for just 1 minute.

Mr. President, I regret that we have injected into a so-called trade bill, a bill which I thought from the beginning was aimed at increasing America's ability to export, increasing our competitiveness in this ever more competitive world market, a plant closure bill. It is a compassionate provision, yet it also deals with more than closings. It applies to partial layoffs at marginal plants, and a good argument can be made that it will make it far more difficult for marginal plants to survive. But I would like to make this point. Certainly it is not a trade issue. The plant closure issue will not sell a single bushel of wheat, a single computer, a single American car, or a single piece of American laser technology reduced to an instrument of diagnosis for medicine or otherwise. It will not prevent, on the other hand, a single Toyota from being sold here. It is simply not a trade issue. There is no one who can come to the floor and say it will do any of these things that I have just described, which I assumed in the generic sense was what we were trying to do—perhaps sell more wheat, perhaps sell more of the products of our manufacturers and in a way compete better so that we also might buy fewer foreign products. I thought that this was what we were trying to do. So I regret that that issue has found its way into this bill.

Now, having said that, some will say that this bill is better than none. Some will say that America is in such a trade mess that we ought to do something. I am hearing candidates for national office stump the streets saying we have to fix the mess that exists in America.

Well, Mr. President, I really would like to talk about "the mess."

What mess are we talking about? Are we talking about jobs? Are we talking about the American economy? Are we talking about growth? Are we talking about manufacturing jobs? Are we talking about unemployment? Are we talking about interest rates? Are we talking about all of these things versus our competitors in the world?

I have heard a number cast around that jobs affected by plant closures might be as many as 2 million. Mr. President, in the last 5 years in this recovery—66 months going on 67 now—unequivocally the longest peacetime recovery in America's history, 15 million new jobs have been created.

Mr. President, since we do not want to take a lot of time here on the floor, I will just make the statement as I see it. Those who run around the United States saying that those 15 million new jobs are not real jobs, those who are running advertisements saying we ought to return to the good, old days when we had good jobs, let me just say that is pure bunk. The 15 million jobs that have been produced in the American economy which led to 5.5 percent unemployment in the United States today, across this land, not 9 or 10, which is what we had 7 or 8 years ago. There are nine States that I can count just as I look down the list—nine States that have unemployment under 4 percent which everyone will admit is full employment. As a matter of fact, States that have that kind of unemployment I can tell you right now are importing workers. I would bet that States with that kind of unemployment are having working men and women drive 150 miles from adjoining States to take jobs because they are at full employment.

When I find that 16 States in the United States have unemployment under 5 percent, I ask who has a trade bill that is going to do better than that? Where is it? Is there somebody that is a proponent of this trade bill that wants to tell the American people and the working men and women out there, you pass this and we will do better than 15 million jobs in 5 years?

I know of no one who can tell the American people that because it cannot be done. I know of no one who can say pass this trade bill, it is going to so improve the American economy that unemployment in the State of Massachusetts which is 3.6 percent is going to be still lower. How? Or right here in the neighboring State of Virginia where unemployment is 4 percent, where is the trade bill? Where is the trade bill that is going to make it lower. Is it this bill that shows us how to do better than that? Not a chance.

Mr. President, I had planned, but I will not do it today, to try to get rid of a few myths. You know, there are some who think the United States of America economy that is producing jobs and opportunity for Americans is somehow doing terribly in this world. They are telling the American people we have a real mess to fix up. Well, Mr. President, I will give us just this general statement. Where is the mess? Out of the whole set of industrialized countries, a powerhouse of production of material goods and wealth, thanks to America's civility and generosity, they are growing. The Soviet Union is looking out there at these free nations with an entrepreneural economy and wondering what in the world is happening to them. As a matter of fact, the growth and prosperity of the industrialized free world probably has much to do with the Soviet Union change in attitudes and willingness to negotiate as our military preparedness.

Mr. President, in terms of job growth and income growth, for all the mess that everybody keeps saying we have, there are only two countries in the world who have had both income growth and substantial job growth in the past 5 years. If you listen to what people would say, you would surely think it is not America. Well, it just happens to be the United States of America and Japan. All the rest of them in Europe, France, Germany, Italy, all of them combined, they do not approach having both the kind of job growth we do and income growth. As a matter of fact, some of them have less jobs in order to have income growth. As a matter of fact, West Germany, which we seem to be so worried about, settles for about 8½-percent unemployment under their economic policy because they want to export, and they want to keep interest rates low through their own domestic policy manipulations. They have almost twice the unemployment rate that the United States has, and the job growth in that country, the Republic of West Germany, does not even hold a stick to the United States during this last 5-plus years of growth.

Now, Mr. President, I do believe that, in spite of this, the American people, my constituents in New Mexico, and many across America, are justifiably unsettled. They may be justifiably worried. It may be the drug problem that is worrying them. It may be their children not getting a good education that is worrying them. And indeed, Mr. President, it may be that we have had changing jobs in the past 5 to 6 years because the world economy has changed so rapidly because of science and technology. Computers added to the minds of men are producing new goods for the marketplace more rapidly than in all of history. And I must say that is going to continue.

The United States will move with those times. We will train and retrain. Our manufacturers will put new product lines and marketed quickly, trade bill or no trade bill. This trade bill, or one that we might be inspired to produce that is three times better, will not eliminate the need for the United States of America to be changing rapidly in terms of what it manufactures, how it produces manufactured goods, and an ever-increasing productivity level by our people. That is as certain as day follows night.

We did not believe it to be possible. We thought we could continue to operate just as we had from the industrial revolution through the Second World War and up until 12 or 15 years ago. The United States of America, business and labor, thought we would just do business as we always did. We would produce steel just as we had for years. We would produce cars just as we had. And no political leader could have told them they had to change because they would not believe us.

But, Mr. President, we have changed. The competition from our allies whom we encourage to grow and prosper have modeled their education system after ours and they are doing better than us. Are we going to stand up now and say to Japan, stop doing so well in education, or are we going to say we have to improve ours. I assume it is the latter because the former is a joke.

They surely will not. They have learned that they are committed to a superior education.

If you want to know what we ought to do to be competitive, we ought to make sure our young people get a better education. We ought to do more math and science. We ought to make sure that science and technology are married up more rapidly in the American marketplace so that our manufacturing industries can use the fruits of science and technology far more rapidly.

We are learning these realities from those who learn from us. That is how America is going to have a future. We ought to make permanent the research and development tax credit for American business. That will keep American business competitive. And we can go on and on.

It is not strange that none of those things that I have mentioned yet have anything to do with what is in this bill? As a matter of fact, I do not find much of those matters what will really help make America competitive.

I looked at the technology transfer sections, for example. I am convinced that they are not going to work. Instead of decentralizing the Government's effort, they centralized it just to make it more difficult in my humble opinion to get technology transfered from the science centers to the universities and the manufacturing institutions large and small in our Nation. Yes, a good intention, but it probably will not work.

Then I find in this bill, as is our proclivity in bills of this type, that we did not settle with trying to draft some trade language. We had to put in place a series of new agencies, personnel, and new reports. I will put in the RECORD a list when I am finished with my remarks. But, in typical fashion, we have created in this bill 30 new Federal and State agencies, offices, advisory panels, and commissions. This bill requires between 100 and 165 new reports, studies, reviews. The Senate bill included 165 of those reports; somewhere around 160 new jobs, at a minimum. It authorizes some new entitlement programs—all in the name of enhancing our trading capabilities.

Mr. President, I have the entire list of new agencies, offices, and commissions. It is double-spaced, only seven pages long, and it will not take too much of the RECORD. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

New agencies, offices and commission

	Cumulative total
Office of Training Technology Transfer, Department of Education	1
Training Technology Transfer Advisory Board	2
Advisory councils to centers of international business education	8
Regional centers in international business education	14
National trade data bank	15

	Cumulative total
Private sector advisory committee to evaluate the National Commission on Agricultural Trade and Export Policy	16
Office of Trade Assistance in Department of Agriculture	17
Clearinghouse on State and local initiatives of productivity, technology and innovation	18
Regional centers for transfer of manufacturing technology (2 or 3).	21
National Commission on Superconductivity	22
Visiting committee on advanced technology (Replaces present NBS visiting committee)	23
National Institute of Standards and Technology (Expanded National Bureau of Standards, NBS)	24
Competitiveness Policy Council	25
Special advisory committee on sale in Japan of U.S.-made auto parts and accessories	26
Office of Barter and Countertrade in Commerce Department	27
Joint United States-Polish Commission to Oversee United States Aid to Poland	28
Trade and Development Program [TDP] as independent agency	29
TDP advisory board	30
New personnel:	
Director National Center for Gifted and Talented	1
100 new foreign agriculture service positions	101
11 members National Trade Data Committee	112
20 members advisory committee on commercial operations of Customs Service	132
Market development cooperator	133
United States and foreign commercial service officers for each multilateral development bank to promote U.S. exports	137
5 new full-time employees for the National Critical Materials Council	142
5 members special advisory committee on sale in Japan of U.S.-Made auto parts and accessories	147
8 members Joint United States-Polish Commission to Oversee United States Aid to Poland	155
5 members advisory board for Trade and Development Program	160
Reports, Reviews, and Studies total	+100

Four new types of investigation (Many more than four will actually result) are required:

(1) USTR is required to initiate an investigation of Japanese trade barriers in several industries;

(2) USTR must initiate section 301 investigations regarding trade liberalization priorities;

(3) Commerce is required to conduct expedited antidumping investigations of certain products; and

(4) USTR is required to investigate certain countries regarding lack of foreign market openness in telecommunications trade.

Requires SBA to prepare reports on policy options for a number of export related issues affecting small business.

Requires SBA to report on costs incurred by small business in pursuit of legitimate claims under trade laws.

Director of NIST shall keep Congress fully and currently informed with regard to all of the activities of NIST.

President shall report to Congress at the time he submits his FY 1990 budget on his policies and budget proposals for semiconductors, fiber optics, and superconduction.

Secretary of Education is required to make 3 new evaluations.

Study by Director of Office of Training Technology Transfer.

National School Drop-Out Study.

Evaluation by Secretary of dislocated worker assistance.

Annual report by Secretary of Labor on dislocated worker assistance.

Evaluations and Reports on Demonstration Programs for dislocated workers (5 different evaluations).

Annual long-term agriculture strategy report; no sunset.

USDA reorganization evaluation; due April 30, 1989.

FAS reorganization study; due April 30, 1989.

Annual report to Senate and House Agriculture Committees from FAS office of trade assistance; no sunset.

Annual FAS report to Congress on value-added beef, pork, and poultry products; no sunset.

Agricultural attache report; ongoing reports, no sunset.

Annual report to Congress on marketing programs for forces products; no sunset.

Canadian wheat import licensing study; due 90 days after enactment.

Annual import inventory statistical report; no sunset.

Honey study; due 60-90 days after enactment.

Dairy import quota study; due 180 days after enactment.

Report on intermediate export credit; due 180 days after enactment.

Report on imported meat & poultry products; due 90 days after enactment.

Study of circumvention of agricultural quotas; due 180 days after enactment.

Study of lamb imports; due 180 days after enactment.

Rose study; due 240 days after enactment.

Require FDA, (Food and Drug Administration), to evaluate and report annually on pesticide residue in domestic and imported food products.

Require FDA to enter into cooperative agreements with food importing countries to obtain foreign pesticide use data, and report on foreign pesticide use.

Require FDA to a review to determine the potential use of rapid pesticide detection methods.

Requires Federal Maritime Commission to report on discriminatory foreign shipping practices.

Secretary of Commerce shall submit a report to Congress on new export promotion intermediaries.

Secretary of Treasury shall report to Congress each year on international economic policy including exchange rate policies.

Secretary of Treasury shall study the feasibility of establishing an international debt management authority and report to Congress on progress being made in discussion with other countries.

Requires the Commerce Secretary to report to Congress evaluating U.S. export services and on possible integration of domestic and foreign export services.

Directs National Academy of Sciences to conduct study of the current export control system and make recommendations for regulatory and legislative reforms.

Requires Secretary of Commerce, in consultation with Sec. of Energy, to study existing restrictions on crude oil exports in relation to national security and energy interests.

Requires annual reports by the President on costs of illegal technology.

Requires federal banking agencies to submit an annual report on the level of exposure of banking institutions to troubled debt.

Directs federal banking regulatory agencies to conduct a study of debt service obligations associated with sovereign debt of developing countries.

Requires Secretary of Treasury, in consultation with IMF, to study the feasibility of reducing international debt through IMF.

Requires Chairman of Export-Import Bank working with international organizations, to prepare a report on the tied aid credit practices in other countries.

Requires the Secretary of Treasury, in conjunction with the Secretary of State, Federal Reserve, Comptroller of the Currency, FDIC, SEC and Department of Commerce, to report to Congress at least every four years on foreign treatment of U.S. financial service institutions.

Directs Federal Reserve Board to submit a report to Congress on the inclusion of loan loss reserves as part of banks' primary capital for regulatory purposes.

Requires Secretary of Commerce to conduct nationwide survey of current technology extension programs.

A minimum of 32 Reports, Reviews, Studies, Determinations, Recommendations.

Requires Secretary of Commerce to make an annual report to Congress for the next five years on the effect of the patent process amendments contained in this trade bill.

Secretary of Commerce shall prepare annual report on sales of U.S.-made auto parts to Japan.

Secretary of State shall report to Congress within 6 months of enactment on ways to improve reporting on the status of worker rights abroad.

Secretary of State shall prepare an annual report on the trade policies and trade practices of U.S. trading partners.

Council on Federal Participation in Sematech is required to study on progress to achieving defense and civilian goals of Sematech and to report annually to Congress.

Mr. DOMENICI. Mr. President, because I know some very good people spent a lot of time working very hard on this bill, I regret two things. First, I regret that I cannot vote for it. Second, I regret to say that I am not one of those who think the American job machine is broken down. As a matter of fact, quite to the contrary, I am one who is committed to maintaining it, seeing if we can keep this business cycle, this addition of new jobs in the American marketplace, continuing.

What a coincidence. The day before we are going to vote on this take-it-or-leave-it bill, the most current economic review of America's activities in the private sector and the public sector was released. There have been those who thought that Black Monday was going to ruin the American economy. Again, I am not going to take the Senate's time. I am going to insert in the

RECORD the latest set of economic data about this fantastic American economy.

I ask unanimous consent to have this material printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Change—Quarter-to-quarter annual rates

	Percent
Real GNP	2.3
Personal consumption expenditures	3.8
Nonresidential fixed investment	21.0
Residential investment	−9.4
Exports of goods and services	10.2
Imports of goods and services	5.2
Government purchases of goods and services	−10.0
Federal	23.3
State and local	1.5

Mr. President, suffice it to say, the prophets of gloom are wrong again. Not only did this cycle of growth continue, but also, in almost every single category that is relevant to jobs and competitiveness, lo and behold, things are moving positively, not negatively. Even in plant investment by American business, investment is dramatically up, jobs are up, unemployment is down, growth is up.

Mr. President, there is nothing wrong with the American job machine.

One closing thought: I will acknowledge that there may be some who would like the stability of 20 years ago. There may be some who do not like the fact that Hewlett-Packard, a $10 billion American company, has told us that 50 percent of their products are 3 years old or younger. There may be some who say, "Gee, we wish it was moving slower."

Yes, the 3,500 American growth companies, growing at 12 percent to 15 percent, are telling us that 50 percent of their products are 5 years old or younger. There may be some who say, "Wouldn't it be nice to go back to the good old days, when things moved more slowly?" Yes, there may be some who want to return to the days when an 18-year-old could leave a high school, walk down the street, and go to work for United States Steel and stay there 40 years, doing the same job, and retire.

Mr. President, if those were the good old days they are gone forever, not only from America; they are literally gone from the material and wealth-producing countries of the world, because competition forced us to change.

Mr. President, there may be those who think that that was a good time for America. Frankly, I am excited about the fact that, as I look at the job demographics, there are more and more white-collar workers in America. What is wrong with that? I would think we ought to be saying, "Hooray." It probably means that our kids have to get a better education. It probably means that we have to train them better. But what is wrong with that?

If America can flourish and prosper with less of the work that requires manual labor and more that is related to brain power and new skills, I say that is an America I want to be a part of. We either are part of it or we are not going to make it in the new, free world economy that we helped create, that is producing more goods and wealth for the world than anything anybody ever conceived of. We will either compete with it or we can pass trade bill after trade bill and we will wither on the vine, just as certain as day follows night.

Mr. President, there are a number of provisions in this bill that, in good conscience, I must say are an improvement in the trade policies of this country. But my final point is this: I really do not believe, in the name of an American economy that is truly a marvel, that we ought to take any risks. I believe there are risks in this bill that this Senator is not willing to take. I do not think you ought to take something that is working immensely well and assume it is broken down and that we have to fix it. If you are going to take steps that are supposed to be enhancing steps, you ought to be very careful; you ought to be sure you know what you are doing.

Mr. President, there is a great deal more that can be said about the truth and the reality of jobs in the United States. Our exporting market is going up and growing—17-percent growth in our export market last year. Our trade problem is not that our exports that are going down; it is our imports that are going up.

Mr. President, I am for those kinds of things in the field of education, in the field of science and technology, in the field of manufacturing excellence, in the field of research for American business, in the field of enhancing the ability of more and more of our young people to get into science and engineering, and making sure that we retain our science supremacy and regain our technology supremacy—I am for those things. But I do not think this bill does any of those.

So I hope we get a trade bill. I am not at all worried if things continue on as they are and we work on the other things that are not part of this bill—the fiscal deficit of America. It is a problem. We are not going to do anything about that with this bill. This bill will actually make the deficit a little worse.

So, Mr. President, it took me a while because I understand the good people who worked on this bill. I understand the usual rationale. "It is better than when it left the Senate. It could have been worse." And that is generally part of the way we do things here, and I find no fault with it.

But in this case, being better than when it left the Senate is not good enough, and being better than what the House produced some 7 months ago just is not good enough, and especially since there are some risks built into it that I do not think we ought to take.

I yield the floor.

Mr. RIEGLE and Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, the Senator from Minnesota——

Mr. BYRD. Mr. President, I was hoping we could get the time agreement now, but I will wait.

Mr. RIEGLE. If the majority leader wants to take the time of the minority leader to try to do that now, I was going to make an accommodation with my friend from Minnesota. We were both under the same expectation of speaking next. I would be willing to allow him to go first for 10 minutes if it is only going to be 10, and then I could follow that. I think we ought to both yield to the leaders so they can seek the unanimous-consent agreement.

The PRESIDING OFFICER. The Senator from Michigan has the floor and has yielded to the majority leader.

Mr. BYRD. I thank both Senators.

Mr. President, the distinguished Republican leader and I have a list of the names and the times which Senators have indicated that they would want to use. It adds up to 3 hours and 25 minutes providing we do not get another request before we sit down. That would carry us to around 4:30 if we were in session. This is a joint meeting. It is not a joint session.

I can go either way. We could set a vote for no later than 4:30 and we would not go out. Not all Senators are going over there. My list of Senators does not show a great number on my side going over. It is a joint meeting and not a joint session. The Senators who are not going could speak during that time. Or we can set it for 5:30 and close down the shop a little while.

Mr. DOLE. Mr. President, will the majority leader yield?

Mr. BYRD. I yield.

Mr. DOLE. It is whatever the majority leader prefers. I have been trying to furnish speakers during that period from 4 until 5. We have one request for 60 minutes which would fit right in there.

Mr. BYRD. It would fit in very nicely, would it not?

Mr. President, let us proceed with the names and the time limits and at least try to get that done.

Mr. GRAMM. Mr. President, will the distinguished majority leader yield?

Mr. BYRD. I am happy to yield.

Mr. GRAMM. I am a little bit concerned about where we are going from here. I think setting a time limit so we can vote on the trade bill is a good thing.

I am concerned, however, about the possibility of bringing up a bill that would change the law under the immigration package that not is statute before that package has an opportunity to go into effect. I am very much opposed to that for numerous reasons.

I would like to ask the majority leader, if we are able to set a time limit here and get on with the business of the Senate, is it his intention to bring up that immigration bill before the recess?

Mr. BYRD. The Senator knows that I can only bring it up by unanimous-consent before the recess, and I will make that request. I have indications that that request would be objected to. It would be my intention to move, but that is a debatable motion.

I understand that there would probably be a cloture motion offered on that motion to take up, and the distinguished Republican leader and I have discussed this, hoping that it would be agreeable to vote on the cloture tomorrow, Thursday, and so that the Senate would not have to be here on Friday to vote on cloture. I hope we can complete our business tomorrow and be out.

Mr. GRAMM. If the distinguished majority leader will continue to yield, I would simply like to say that there would be an additional way to bring it up and that would be to end the legislative day today and to bring it up tomorrow in that period where the motion to move to it is not debatable.

Am I to understand that that is not the intention of the distinguished majority leader?

Mr. BYRD. I can do that but that is not 100 percent safe. There are ways to prevent the majority leader from even doing that.

Mr. GRAMM. I am aware of it, but I am also aware it is a very time consuming and difficult process.

Mr. BYRD. Not necessarily. Sometimes it is and sometimes it is not. I can remember a few times when it has been and a few times when it has not been. I do not want to disclose all of the jewels in my jewel box at this moment. I simply want to answer the Senator forthrightly.

Mr. GRAMM. I thank the distinguished majority leader.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, the following Senators have requested the times which will be stated not necessarily in the order in which they are enumerated. Senator Byrd 10 minutes; Senator Bentsen, 20 minutes—Senator Bentsen wishes to close and should be entitled to close—Senator Boschwitz, 10 minutes; Senator Dole, 10 minutes; Senator Metzenbaum, 15 minutes; Senator Murkowski, 60 minutes; Senator Melcher, 15 minutes; Senator Levin, 10 minutes; Senator Wilson, 10 minutes; Senator Reid, 10 minutes; Senator Gramm, 5 minutes; Senator Graham, 5 minutes; Senator Rudman, 10 minutes; Senator Riegle, 10 minutes, Senator DeConcini, 5 minutes; and Senator Heflin, 5 minutes.

That adds up, I believe, to exactly 3 hours and 30 minutes.

Mr. President, I ask unanimous consent that at least we lock in those times and in each case that the request bear the words "not to exceed."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Now, I guess we need to set an outside time for the final vote.

Mr. DOLE. 5:30.

Mr. BENTSEN. 5:30.

Mr. BYRD. Mr. President, the distinguished Republican leader and the distinguished chairman have suggested the hour of 5:30.

Mr. DOLE. No later.

Mr. BENTSEN. No later.

Mr. BYRD. No later than 5:30, and I am going to make the request. Senators have had plenty of time to contact the floor. They have known this discussion was going on.

I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered. The vote will be no later than 5:30.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the question of agreeing to the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I thank all Senators and especially the Republican leader.

The PRESIDING OFFICER. The Senator from Michigan has the floor. The Senator from Michigan is recognized for 10 minutes.

Mr. RIEGLE. Mr. President, I thank the Chair.

Mr. President, the Senator from Minnesota and I were both for some length of time now anticipating to speak at this time.

As a courtesy to him I am prepared to have him go ahead of me if we could have an understanding he will speak for 10 minutes and I will be recognized when he is finished.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan?

Hearing none, the Senator from Minnesota is recognized for 10 minutes; following the 10 minutes, the Senator from Michigan will be recognized for 10 minutes.

Mr. BOSCHWITZ. I thank my friend from Michigan. I will certainly not exceed 10 minutes and I understand that I should not.

Mr. President, since the Second World War we have had a remarkable worldwide economic recovery and much of that economic recovery was based upon the opening of world trade, especially the ability of nations to trade with one another. For the period following the Second World War, certainly this Nation benefited enormously from expanded trade, expanded productive capacity and from its ability to expand its economy to accommodate the burgeoning world trade.

Mr. President, it is quite clear that if every nation passed a bill like the trade bill that we have before us now, the continued expansion of world trade would not occur; indeed there would probably be a contraction.

My friend, the Congressman from the district in which I live, Congressman Frenzel, has stated that much of the bill we have before us will, if enacted, result in mirror legislation, identical legislation, being passed in other countries. And in the event that occurs, we must ask ourselves: Will we be better off? Will our trade increase? Will world trade be constricted or will it be allowed to grow in the nature that will help third and fourth world countries rise out of their rather poor conditions and join the industrialized world?

In my judgment, while this bill has many good features—and I will talk about them—if this legislation is mirrored by the other major trading nations, there will be incessant trade wars and incessant retaliation; the actions taken on our side of the waters will create some of that pressure. World trade will be constrained rather than expanded and everyone will suffer from that, including ourselves.

Mr. President, much has been made of the plant closing provision in this bill. Frankly, I think the provisions are not that significant. Indeed the impact of these plant-closure provisions on business has been very much overrated. Although I support plant closing notification in concept because it respects the dignity of the employee, I would like to outline my thoughts on why it shouldn't be in this bill by drawing on my business experience over a couple of decades.

I worked in a plywood manufacturing plant owned by my brother. It was very interesting. When our order file got low, if it got down to a week or 10 days, people actually slowed down a little bit. And when our order file lengthened and stretched out, they worked like beavers.

The idea that a plant can close all of a sudden and nobody has any notice of it, that it simply happens out of the blue is a fiction. Everybody in town knows if a plant is not modernizing. Everybody in town knows when a plant has a very low order file. Certainly the employees know. Certainly everybody knows when that plant is not doing maintenance and repair and when that plant is not doing well. And, conversely, they know when the plant is doing very well.

The idea of a plant closing when it is doing extraordinarily well without notice is, I think, unheard of. I have seen the GAO report regarding plant closings, but I do not think it takes into account the realism that accompanies a plant closing. If a plant is going to close, that fact usually is very well known throughout the community, certainly among the employees. There normally are no surprises; certainly no surprises around here and no surprises in business, either.

Although I am very concerned about the report of a plant closing on the workers and community, I don't believe such a provision has a proper place in this trade bill.

It will constrain the willingness and ability of people to acquire businesses. Ironically, it will constrain our ability to become competitive.

It is interesting that a bill that is supposed to make the United States more competitive in world trade should have a plant closing provision in it. Is it there in the name of competitiveness? Certainly not. Is it going to make us more competitive to have a plant closing provision? Certainly nobody would maintain that.

I spoke on the steps of the Senate yesterday to a high school class. One of the teachers asked whether I think it is fair that an employee of a decade or two or three is suddenly put out of work. I said, "Well, it is like a school closing or a school consolidation. Is there any question that it is going to occur months, perhaps even years, in advance, as you see the enrollment go down and the talk begins that perhaps there should be consolidation; likewise as you see the order file of a plant go down and the employees begin to work not 40 hours a week, but 36 or 32 hours or they begin to have some layoff of peripheral people. Is it not also clear that the plant is in trouble and may have to close?"

Quite clearly, plant closing notification is not a provision which will make America more competitive. Just as important, this provision will not do much to soften the blow of a plant closing on the workers and their community.

But my opposition to this bill is not based solely on the plant closing provisions in this bill. Instead, I am far more concerned about the substantive trade provision and their impact on our competitiveness.

My friend from New Mexico pointed out the large number of new commissions, agencies, and offices, State and Federal, that are going to be created by this bill. There are 30 in all, and perhaps even more. It is very difficult to know if there are more. I understand the bill will require the preparation of an additional 150 or 160 reports.

I recently was at the Department of Defense and the Secretary told me that the Department of Defense is required to make 715 reports—715 reports—annually to the Congress of the United States. I must tell you, Mr. President, I do not know of many Senators who would read a dozen of them. I am not sure that I have ever read a single one of them. I do not think that very many of them are considered. Some of them are useful. I would imagine of that number, however, 600 of them could be done away with and no one would be the wiser or nobody would miss them. A lot of paper would be saved. A lot of time would be saved. A lot of hours would be saved.

Quite frankly, it has been very difficult to review this legislation in time for the vote. I see that the conference report is about 1,300 pages long. The final copy was received just days in advance of consideration of this bill, hardly time to give the indepth kind of consideration necessary.

There are some good things in this bill. I do not mean to denigrate them all. In the event this bill passed, we will probably turn to the Canadian free trade agreement. I think that we should turn to it and begin consideration of it, though I do not agree with everything in it.

Some of the uncertainty that has hung over the world trade arena for some years as we developed legislation will be erased. The administration's authority to negotiate international trade agreements will also be expanded. That is a good provision. There are a number of other provisions that I think are particularly good, but which I will identify only by reference.

The bill will improve the antidumping law. It will improve protection for intellectual property rights. It will beef up the position of the USTR, which I think is positive. It will implement the harmonized system for classifying goods. It will implement the Nairobi Protocol for duty-free items. It will clarify the Foreign Corrupt Practices Act. It will beef up U.S. services to promote exports. It will initiate new export promotion programs, and on and on.

There are, however, many negative aspects to the bill. It will be hard on agriculture. The 301 amendments will be particularly difficult to deal with, in my judgment.

I see that my time has expired, Mr. President. I will give a longer and more complete statement of my views on this subject when the bill is returned to us after the veto which, as the majority leader said, he fully expects, and so do I.

I yield the floor and I thank my friend from Michigan.

(Mr. SHELBY assumed the Chair.)

The PRESIDING OFFICER. The Senator from Ohio?

Mr. METZENBAUM. Mr. President, I ask unanimous consent that I may yield to the Senator from Michigan for 10 minutes without losing my right to the floor at the conclusion of his remarks.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Michigan is recognized for 10 minutes.

Mr. METZENBAUM. I thank the Senator from Michigan.

Mr. RIEGLE. Mr. President, despite what some of the earlier comments have been from colleagues who have just spoken, we truly have a trade crisis on our hands. We do not have to look any further back than what the stock market did a week and a half ago when the Dow Jones industrial average was knocked down over 100 points in a single day because of the trade statistics for the month of February being reported. Those trade statistics showed an enormous monthly deficit for the United States, and that has been the pattern, now, for several years. That monthy deficit indicated an annual trade deficit level of $166 billion.

That means the United States is continuing to hemorrhage scarce capital at the rate of $1 billion every 2½ days. That money is hemorrhaging out of the country, being spent on a gigantic wave of foreign goods coming into the United States way beyond what we are able to sell the rest of the world.

We could sell the rest of the world far more but they will not buy it. They will not buy it even when our products are better and cheaper than theirs as they are in many cases.

There are a number of countries that want to sell their products here but will not let us sell our products in their countries. Japan is the worst offender by far, with all kinds of devices to engage in unfair trade and trade cheating. Taiwan and Korea and other countries also follow that same pattern.

As a result we have this massive deficit. There are about 500 pages in the bill itself, and every page, every line will help this country. It will help workers in the United States.

I heard talk earlier from a colleague about: well, let us give up on the blue-collar jobs and let us just go out and have the nice white-collar jobs. Well, the fact of the matter is that a very large part of the middle class of this country was established and maintained on what we call blue-collar jobs because many of those jobs are manufacturing sector jobs, they are high value-added jobs, and they are jobs that allow somebody to earn a middle-class income.

By that I mean an income that has not only a decent wage associated with it but health protection benefits, retirement benefits, and a wage that enables a worker over a period of years to accumulate enough money to buy a home, become a homeowner, to set some money aside to send children on for advanced training and education and college. These are valuable jobs. Those are the jobs that really built this country.

To just give them away and replace them in many cases with minimum wage jobs or service industry jobs that very often have no health insurance and no retirement pay is not a very good exchange. It does not help this country. That is not a solution.

The solution is to insist that other countries in this global economy play fair if they want to trade in the United States.

There was an article just this week in the Chicago Tribune. I hold it up here. It says, "Japanese denounce trade bill." I am not surprised that they denounced the trade bill. The Japanese do not like this bill because it requires them to play fair in world trade. And playing by unfair rules has been very beneficial to them. Last year the Japanese had a $60 billion trade surplus with the United States. $60 billion surplus. That means they are taking $5 billion a month out of our economy.

Taiwan last year had a trade surplus approaching $18 billion. They are taking $1.5 billion a month out of our economy. Taiwan is an area that is one-quarter the size of the State of Ohio.

So there is all kinds of trade cheating going on in the world today. The centerpiece of this bill is a super 301 procedure that will put a stop to the trade cheating. All that does is give our workers and our companies a fair chance to compete overseas and to sell our goods and to provide jobs right here at home, jobs that we need; good jobs, middle-class jobs, jobs that enable people over a working lifetime to acquire a house and to be able to provide for their retirement and to send their kids on to college. What we are talking about here is preserving, an essential part of the American job base. We certainly see it in manufacturing but it goes out into other job areas as well.

Some have said that the plant closing provision is sufficient grounds to veto this bill, and sadly the President has said that. Well, the President is just wrong on that issue and it is a real shame. Yesterday or 2 days ago in the Wall Street Journal they nailed this issue right on the front page and they made it very clear. This is what the Wall Street Journal had to say on that issue:

> The provision is being blown out of all proportion. Discussions of it are laden with ideological and pseudoeconomic rhetoric characteristic of political debate in an election year.

They go on to say:

> In fact the plant closings language is nothing more than a modest effort to make sure that the few companies inclined to do so do not hide plans to close a plant until the last minute leaving workers and communities in the lurch.

They further go on to say:

> According to business and labor, many big companies already offer some form of advance layoff notice.

They go on to add that:

> President Reagan's own task force on economic adjustment and worker dislocation, which included companies like General Electric and USX and other major corporations, said in their report, "Advanced notification to employees and the community of plant closings and large scale permanent layoffs is good industrial practice."

That was the President's own report saying that. But let me tell you something. If we do not learn how to work together, labor and management and communities, and care about each other and work as a team we are not going to be able to fight off this world competition. If managers see a plant closing coming they ought to share that information with the communities and with the workers because maybe a way can be found to head it off. If not, then everybody can plan and try to find some way to ease the shock.

That makes good sense because if we do not care about each other we are not going to have the kind of productivity in this country that it is going to take to excel and turn this trade deficit around.

In fact, if a company does not know it is going to have to have the layoff or the plant closing ahead of time, if they cannot foresee it, then they are under no obligation to have to make an announcement and the law specifically would say that.

So what we are talking about here is not a reason to veto the bill. We are talking about an excuse to veto the bill. Frankly, the administration does not think we need a trade bill. The President was out in Cleveland not too long ago, and he said in effect that he thought the trade deficit was good for us. Well, he is wrong on that issue. The trade deficit is very damaging to this country and it damages our long-term prospects.

The New York Federal Reserve Board has estimated that by 1990 or 1991 we are going to owe the rest of the world some $1 trillion, $1 trillion is a 1 thousand billion.

We were a creditor nation from 1984 going all the way back to 1914. Through the depression and the world wars we had great economic strength on a global basis. That has been squandered in the last few years. We have become a debtor nation. We have passed all the other nations on the debtor nation list. We now owe more money than any other country in the world, in fact, almost as much as all the rest combined. And we are adding new international debt at the rate of $1 billion every 2½ days because our Government has refused to face up to the trade cheating and the other areas where we need to strengthen our national economic performance.

That is what this trade bill is all about. This country needs it. Every worker, every kid in this country needs this bill passed. And we are going to pass it here today. But the President has threatened to veto it.

I would hope that every citizen of this country if they only ever send one letter or make one phone call to the White House on an issue will use this as the occasion and say to the President: "Look, we need this trade bill because we need to secure our economic future. So sign the bill."

It has been passed overwhelmingly in the House by virtually all of the Democrats and a large number of the Republicans. It is going to have strong bipartisan support here when it passes.

Ask the President to put his signature on that bill and make this bill law. Let us do something to help this country for a change. Let us do something to help strengthen ourselves and our ability to compete in international trade and to stop the trade cheating by other nations.

What is wrong with that? Especially when we are adding international debt at the rate of $1 billion every 2½ days. That is what this is all about. We are talking about the future of the people of this country and their job prospects a year and 2 and 3 and 4 years down the road. When students come here from Michigan, as they did the other day, they talk about being worried about their job prospects because they see all these jobs going overseas because of this enormous trade deficit.

Well, it is a real worry, and we ought to help them. That is what we are here for. When I hear all this sophistry about the plant-closing provisions or that the Japanese trade Minister is whining and complaining about it: They have no justification to say one word about it, because they have been cheating from A to Z in international trade with us now for years, and that is why they have a $60 billion trade surplus despite the enormous fall in the value of the dollar which should have corrected that problem a long time ago. They will not take our products. They will not let us bid on construction projects. They will not allow our agricultural goods in. They will not allow our manufactured goods in. They did not allow our components to go into computers years ago when they wanted to build their own industry and starve our industry.

They believe in one-way trade. Not two-way trade.

Well, what this bill says is look, it is time for fair rules. It is time for fair rules in international trade. And if we cannot compete on a fair basis then we are going to slide behind. But I can guarantee you that if we are going to have to go out there and compete in the face of unfair rules that we do not do anything about, then we cannot possibly succeed and that is what the data shows.

The PRESIDING OFFICER. The Senator from Michigan has spoken for 10 minutes.

Mr. RIEGLE. We must pass this bill today by an overwhelming majority and ask the President of the United States to sign that bill into law.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I want to say a few final words about the plant closing provision of this trade bill. The issue here is a human one. It is about millions of workers who have devoted their lives to a job; who toil and sweat to help their company prosper and who then get tossed on the street, without the courtesy of even a moment's warning. It is about the cities and towns in this country that bend over backward to attract and maintain business through tax breaks and road construction and other benefits only to be left holding the bag when employers shut down without warning. What happens to these hard-working, dedicated Americans and their communities when an employer suddenly pulls the plug? How do they begin to pick up the pieces?

No section of our country has been spared the devastation of sudden business shutdowns. Workers and families suffer without regard to gender, race, or class.

In my own State of Ohio, 425 employees at the Owens-Corning Research and Development Center outside Columbus lost their jobs on 1 day's notice in October 1986. They came to work on Monday and were told not to come back on Tuesday. These were professionals with years of service and a long-term vocational commitment. Eighteen months later, a local church leader observed that the employees were so stunned they were practically nonfunctional—some still have not recovered.

In Oakland, CA, more than 500 employees at Blue Cross lost their jobs last summer. All 500 received 1 week's notice. They were nonmedical support staff: Mostly claims processors and clerical personnel. Of the 500 who were terminated, 99 percent were female, 70 percent were minority, and 50 percent were single heads of households. These 500 Californians had 1 week in which to figure out how they would pay their car loans, their mortgages, their child care expenses.

Sudden plant closings are shattering experiences, but they are especially devastating for small communities. Take Owatonna, a town of 20,000 in southern Minnesota. In 1986, 2 weeks before Christmas, 125 production workers arrived at their machine plant at 7:30 a.m. One hour later, at 8:30 a.m., the plant was closed and all 125 workers were sent home. We all know the scars left in a small town when one of its major employers walks out with no advance warning.

Last week I received a letter about a plant closing in my neighboring State of Pennsylvania. The letter describes an experience that is tragically familiar to us all:

> On Friday, March 18, 1988, at approximately 3:15 p.m., J. Melvin Freed, Inc., located in Perkasie, PA, assembled all production and maintenance employees in the plant's warehouse. The employees' shift ended at 3:45 p.m. The company's president announced to the employees that their jobs were terminated. The plant, equipment, and inventory was sold to Erie Scientific Co, of Puerto Rico, a competitor of J. Melvin Freed, Inc. After the company's 10 minute announcement of the plant closure, they were generous enough to inform the employees they would be paid until 3:45 p.m. This plant has been in operation for countless numbers of years. Generations of families worked at this plant. The emotional strain on the workers and the community in which the plant is located cannot be described in words.

The advance notice requirement will not end the tragedy of plant closings. But it will act as a shock absorber. It will give workers and their communities the chance to adjust, to seek new direction. Workers will have time to train for new careers, to find new jobs without losing their homes or cars because they cannot make their payments. Communities will have time to attract new business, to shore up their tax base. After the years of skill and sweat from their employees, after the years of tax exemptions, new roads, and free sewer hookups from their communities, companies owe this much. They owe their employees and communities a chance to make it without them.

I have heard arguments that this 60-day notice requirement will put employers out of business. But reasonable people recognize that it will do no such thing. Thousands of employers in this country routinely give advance notice as a matter of sound business practice. Union contracts often require far more than 60 days notice before a shutdown. American companies give advance notice when operating in Canada, in Europe, in Japan, in Taiwan. How can advance notice be anticompetitive when all our major foreign competitors already require it?

In conclusion, I want to appeal to you, Mr. President, I would ask that you examine what your own task force has said about the importance of advance notice. Consider what the GAO and the National Academy of Sciences have said about the tragic lack of adequate notice given by employers in this country. Look at what the American people are saying: Mayors, city councils, churches, civil rights groups, newspapers, and 86 percent of the public all want this advance notice provision.

Most of all, Mr. President, I ask that you look into your own heart. You were once a union leader. You cared then about the interests of employees. Surely, as President of the United States, you must care about American workers now. You must realize that advance notice is a matter of simple human decency. The men and women who built this country deserve a chance to begin rebuilding their lives before the factory gates close. They have earned it. Right now, Mr. President, you are earning your place in history. You can be remembered as the President who turned his back on millions of American workers or as the President who stood with workers when they were the most vulnerable.

I yield the floor.

Mr. SANFORD. Mr. President, 3 years ago, Congress began work on a large, multifaceted, complex—and controversial—trade bill. This bill originated with the Democratic leadership's concern and dismay over geometrically growing U.S. trade deficits, a growing public sentiment that we as a nation were losing our competitive edge, that our role as the world's economic leader was rapidly fading, and that our trading partners were not playing fair with us.

The two bills that emerged out of this atmosphere in mid-1987 were cited as protectionist and pork barrel. There was a great deal of skepticism that the largest House-Senate conference ever could even organize itself much less produce a bill acceptable to the Congress, the administration, business, labor, and our trading partners.

I congratulate the conferees. They have accomplished what few thought they could. They have produced a sound and solid bill that strikes a compromise between the administration's concern that we may send a protectionist signal to our trading partners and Congress' concern that the trade deficit is out of control and must be corrected. The bill, as it has emerged, gives us added tools to reduce our $160 billion trade deficit and increase U.S. exports. It does not contain any extremist provisions that might provoke retaliation abroad or rattle world financial markets.

The 1988 Omnibus Trade and Competitiveness Act strengthens our trade and tariff laws. It is not protectionist. It makes it clear to our trading partners that we are serious about fair and evenhanded rules of the trading game. It is a reciprocal bill, aimed at world trade with the fewest possible restraints.

The bill gives the President and the U.S. Trade Representative broadened powers to negotiate trade matters and a wider range of options in imposing sanctions against nations that persist in engaging in unfair trade practices with us. The bill sends a clear message to the world that we will seek and enforce fair international rules to create a stable, predictable world trade environment for the benefit of all nations. Such stability and predictability is needed not only by the United States, but by all nations, especially developing countries for whom dependable, open, long-term markets are critical for economic well-being and, in some cases, for survival.

The bill provides retraining for workers displaced by imports. It gives relief to industries injured by imports so that they can become more competitive. And it provides a $2.5 billion export enhancement program for agricultural products competing against subsidized European Community products. It also provides a program to assist small businesses export.

The bill gives the administration what it wants in a trade bill. I might say, it virtually forces a stubborn administration to take what it must have. The administration will receive negotiating authority for the Uruguay Round talks under the GATT and United States adherence to the harmonized commodity description of coding system.

The United States is taking the lead in the new GATT round to establish international free trade rules for services, for dealing with trade-related investment practices which distort trade, and for establishing a more effective international trade dispute mechanism. We are also trying to reform agricultural trade rules. The harmonized system will standardize our customs classifications with those of more than 50 other nations, reducing confusion, and therefore costs, in international trade.

I am very pleased that the conference dropped the so-called Bryant amendment. This provision would have been onerous, requiring detailed public disclosure of all foreign investments exceeding 5 percent of the ownership of a U.S. company or property. The measure was aimed at the symptom, not the problem.

Our problem is lack of political courage to curtail the excessive budget and trade deficits. A decline in the value of the dollar is a response to these twin deficits. A cheap dollar brings in foreign funds for our budget deficit and makes U.S. products more attractive abroad. But it also makes U.S. assets very attractive to foreigners. It is the deficit problem that we must address. The bill requires that we annually assess the impact of the Federal budget deficit on the U.S trade balance.

North Carolina is a vibrant, dynamically growing State. Part of our growth is due to the influx of foreign companies into the State. We have over 425 foreign firms from some 28 countries which have invested over $620 million in the State. These companies have created over 115,000 new jobs for North Carolinians. Placing undue constraints on foreign investment would be detrimental to economic development and job creation in the State.

The trade bill eases export controls for exports of high-technology equipment. It does not go as far as I would have liked, but it is an improvement over current controls both through streamlining licensing requirements as well as reducing the list of controlled items.

The act also excludes Toshiba and Kongsberg products from the United States market for 3 years as a penalty against their willful violation of an agreement not to sell high-technology, military-application equipment to the Soviets. The measure is designed to punish the violating companies without excessively harming U.S. companies who rely on imports of Toshiba or Kongsberg parts and components for incorporation into U.S. products.

The bill also contains a provision requiring 60 days advance notification of plant closings for plants employing more than 100 workers. This advance notice will give workers and their communities a chance to plan financially for lean times, to search for other employment, or, where possible or appropriate, to buy plants through employee stock ownership plans or other creative approaches.

It is a shame that this provision is being so hotly challenged by the President. It affects a very small percentage of U.S. firms. Many corporations already have agreements with their employees to give advance notice of plant closings. The measure contains a very broad escape clause for faltering companies and for unforeseen circumstances. It should be included. For the President to veto this crucial trade legislation because of this very modest provision to protect working people is a reckless and petulant show of irresponsible leadership.

The 1988 Omnibus Trade and Competitiveness Act provides the foundation for a comprehensive approach to our trade deficit. It addresses the issue of the level playing field or, put differently, the issue of whether we are playing the trading game under rules stacked against us. It also gives incentives and support to U.S. exporters. Almost 200 Congressmen spent several years drafting it. It is an outstanding example of the leadership, vision, dedication, and thorough understanding of the trade issue by Senate Finance Committee Chairman LLOYD BENTSEN.

The trade bill truly represents a broad consensus of the Congress and the American public. A veto will damage business and manufacturing, decrease farm prices, reduce available jobs, and cripple our trade negotiators who are presently struggling to gain back the U.S. foreign trade position lost by this administration. A President Reagan veto of this legislation, so urgently needed because of his own negative trade policies, would be the final irony.

The **PRESIDING OFFICER.** Who seeks recognition?

Mr. **LEVIN** addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Michigan.

Mr. **LEVIN.** Mr. President, I understand that under the unanimous-consent agreement I have been allotted 10 minutes. Is that correct?

The **PRESIDING OFFICER.** The Senator is correct.

Mr. **LEVIN.** Mr. President, for far too long, our country's trade policy has been in a time warp—we have been acting as if we were still living in the 1950's, when the American economy dominated the world economy, and we could easily afford to be generous to other countries struggling to build or rebuild their industries. Successive administrations have ignored the fact that the countries devastated by World War II have long since recovered from that war, and are now major trading competitors with active and coherent trade policies. It is time that we woke up to the reality of international trade in the 1980's. It's time that we begin to do as much for our workers and businesses as other countries do for theirs.

Mr. President, the legislation before us today represents a first step toward recognizing the competitive reality of today's world economy. This conference report is the culmination of over 3 years of work by those in Congress who realize that we need to take action to address the enormous and unacceptable imbalance in our Nation's trade with the rest of the world. Because this trade bill is the product of years of drafting, compromise, and redrafting, it will come as no surprise that it is not the bill I would have written. I do not like everything in it, and I wish it contained some provisions that were left out. But on the whole, this bill should improve our ability to deal with the problems which caused the United States to run a $170 billion trade deficit last year.

We should be skeptical about the idea that legislation can "solve" the serious problems that have brought about our trade imbalances. And, in fact, this bill does not directly tackle what everyone acknowledges to be one of the major causes of the trade deficit: our Federal budget deficit. But it does attempt to deal with two reasons why foreign countries are selling so much more in the United States than we can sell abroad. First, it addresses the fundamental lack of fairness in our trade relations with many countries. And second, it contains measures that will improve the competitiveness of American manufacturing, agriculture, and service industries.

A realistic trade policy must include effective tools for fighting unfair foreign trade barriers. Under current law, the President is authorized to take a whole range of actions—up to and including actual retaliation—to get other countries to open their markets to our goods. I have advocated establishing a mechanism that would require the President to act aggressively against unfair practices by our trade partners. Last year, I offered a proposal to reduce our largest bilateral trade deficits by requiring the President to estimate how much foreign barriers are costing our firms and negotiate for an end to these barriers. If negotiations, failed, my bill would have required the President to retaliate so as to offset the cost of the unfair barriers to U.S. businesses. Although its approach differed somewhat, I also supported the Gephardt amendment, which was offered in the Senate by Senator RIEGLE. And I supported the compromise Riegle-Danforth amendment to the Senate trade bill, although it did not go as far as I would have liked in terms of mandating tough action against unfair trade practices.

Common sense should tell us that if other countries close their doors to our products and refuse to open those doors, we may need to have a crowbar—the threat of retaliation—to pry those doors open. Since this President and his predecessors have been reluctant to pick up the crowbar, if we have to open foreign markets closed to our products, Congress needs to provide the crowbar and press for its use.

Unless we apply effective pressure on foreign governments who discriminate against our goods, the only pressure they will feel will come from domestic interest groups who benefit from the status quo. The status quo in Japan, for example, includes quotas on our beef, citrus, and fruit juices, and an outright ban on our rice. Just this past Saturday, Japanese farmers smashed an American car, set fire to boxes of American oranges, and burned a United States flag to protest the possibility that their government might consider loosening restrictions on agricultural imports from the United States.

Just imagine those actions, burning boxes of American oranges in Japan just on the possibility that the Japanese Government might consider allowing our citrus in freely. Right now there are restrictions in writing on our citrus, restrictions in writing on so many other products, including our beef.

I ask unanimous consent, Mr. President, that at the end of my remarks the written restrictions or quotas that exist on American products in Japan and two news articles on United States-Japanese trade be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. Nobody can deny that the Japanese Government will face intense domestic opposition to dismantling trade barriers. They have got to make difficult political choices. But it seems to me that they will not be willing to make those tough choices unless we keep up the pressure for fair trade.

The Riegle-Danforth amendment, also known as the "Super 301" provision, has emerged from the conference committee in a weaker form than when it passed the Senate. In my view, it gives the President too many options for avoiding retaliation against foreign trade barriers. For example, in cases involving trade barriers which are unreasonable or discriminatory, but do not violate a specific trade agreement, the President and Trade Representative would retain the same discretion to act or not act that they have under current law. Granted, "Super 301" puts a process into place that should develop a momentum of its own, and will make it somewhat more difficult for the President to avoid taking forceful action. But a President who is determined not to retaliate can still avoid retaliation in many if not most unfair trade cases.

If past experience is any guide, we should be concerned about giving too many "outs" to a President. Successive administrations—and I was critical of the previous, Democratic administration in this regard—have not seemed capable of comprehending and endorsing the basic principle of fairness in trade. They have gone out of their way to avoid backing up tough talk on trade with tough action on trade.

Still, although Riegle-Danforth in its current form doesn't go far enough, it is an improvement over current law. It sets up a process for identifying priority foreign countries and priority foreign unfair trade practices which have a significant effect on U.S. exports, and initiating unfair trade cases against the offending countries. It reduces the ways in which the President can justify failure to act forcefully for the elimination of unfair practices. And it establishes a benchmark to judge the success or failure of this process: The total value of the identified unfair barriers and practices must be eliminated over a 3-year period, as measured by increased U.S. exports to the unfair trading countries.

This bill will make it somewhat more difficult for Presidents to shy away from aggressively attacking unfair trade practices: Those unfair practices probably account for 15 to 20 percent of the overall trade deficit. Get rid of barriers and you'll likely reduce the trade deficit substantially.

We surely must establish trade relations with other countries based on principles of fairness and reciprocity. For the sake of our children and grandchildren who are going to be exchanging goods with other countries 25 and 50 years from now, it is essential that we establish now a new ground rule in the area of trade: We will treat other countries no better—and no worse—than they treat us. America can no longer afford to play on a field tilted against us.

At the same time, we all recognize—and this legislation recognizes—that a large chunk of our trade deficit is accounted for by our own lack of competitiveness. There's no question that foreign countries can and will compete against us successfully in our own market and in third country markets. In some areas, they are beating us fair and square.

This bill contains a number of useful provisions that will help us compete into the 1990's. It targets Federal funding for math and science education, and sponsors basic research in key industries like semiconductors. It revamps and expands worker retraining programs to help those who lose jobs because of imports. And it improves programs to promote American exports.

Another portion of our trade deficit, as I indicated earlier, is accounted for by the immense Federal budget deficit. The budget deficit causes interest rates to be higher than they otherwise would be, and these higher interest rates attract foreign investment in the Government securities that are used to finance the deficit. The increased demand for dollars needed to make these investments causes the dollar's value to rise. As a result, the dollar is overvalued relative to what it otherwise would be, and our goods are more expensive in the international market than they otherwise would be. Although this bill does not address the budget deficit's contribution to the trade deficit, its passage shouldn't in any way lessen our commitment to deal with that problem as well.

Finally, the conference report contains a provision I offered as an amendment to the Senate trade bill, which requires the U.S. Trade Representative to conduct a study of the auto import barriers maintained by other auto-producing countries, and the effect these barriers have in terms of diverting foreign autos into the United States. The United States is virtually the only auto-producing country in the world which imposes no restraint on auto imports. This study should help policymakers to understand the effect on our auto industry of maintaining a passive automotive trade policy while other auto producing countries restrict the entry of imported autos into their markets. The study will appear as part of the next issue of USTR's annual report on foreign trade barriers, which will be published next March.

Mr. President, President Reagan will be making a fundamental mistake if he vetoes this legislation. The theorists inside and outside of the administration have been telling us for the past several years that the trade deficit will go away on its own if we will only let the laws of economics work. While they preached the free trade gospel, our trade deficit grew from $27 billion in 1981 to $171 billion in 1987. Their mystical attachment to a theory makes for good articles in journals of economics, but it makes for a lousy trade policy in the world in which we must compete, where others pay by different rules. Unfair trading practices make a mockery of the desirable goal of free trade.

By passing this legislation, Congress is sending a message to our competitors that we are discarding a "hands off" approach to trade. The programs and initiatives contained in this bill will not magically make the United States more competitive or reduce our dangerously high trade deficits. But they will at least give us a fighting chance to achieve these goals. This trade bill represents a crucial step toward injecting a bit of reality into our trade policy.

EXHIBIT I

EMBASSY OF JAPAN,
Washington, DC, August 14, 1984.

Hon. WILLIAM E. BROCK,
U.S. Trade Representative, Office of the U.S. Trade Representative, Washington, DC.

SIR: I have the honor to refer to the recent consultations held between the Government of Japan and the United States Government in accordance with the notification of July 30, 1979 and to inform you, on behalf of the Government of Japan, that it intends to implement certain measures concerning imports of fresh oranges, orange juice, grapefruit juice, and beef as indicated in the Annex hereto, in accordance with the relevant laws and regulations in force in Japan.

Accept, Sir, the renewed assurances of my highest consideration.

YOSHIO OKAWARA,
Ambassador of Japan.

ANNEX

I. Fresh oranges and orange juice

(1) Fresh Oranges: (a) The Government of Japan will increase its import quotas on fresh oranges in accordance with the following schedule:

	Metric tons
JFY 1984	93,000
JFY 1985	104,000
JFY 1986	115,000
JFY 1987	126,000

For these purposes, "fresh oranges" means oranges and tangerines classified under headings Nos. 08.02 and 08.11 of the Japanese customs tariff schedules.

(b) The Government of Japan will allocate the increment in import quota over the JFY 1983 level between the annual quota and the off-season quota, taking into consideration the supply and demand situation in both countries.

(2) Orange Juice: The Government of Japan will increase its import quotas on orange juice in accordance with the following schedule:

	Metric tons
JFY 1984	7,000
JFY 1985	7,500
JFY 1986	8,000
JFY 1987	8,500

For these purposes, "orange juice" means 5 to 1 concentrate or equivalent, classified under Statistical Code Nos. 20.07-111, 121, 131, and 141 of the Japanese customs tariff schedules.

II. Grapefruit juice

The Government of Japan will eliminate import quotas and licensing requirements on grapefruit juice on April 1, 1986.

In preparation for the elimination, the Government of Japan will issue licenses for imports to meet any amount of domestic demand for JFY 1984 and JFY 1985.

For these purposes, "grapefruit juice" means grapefruit juice classified under Statistical Code Nos. 20.07-112, 122, 132, and 142 of the Japanese customs tariff schedules.

III. Beef

(1) The Government of Japan will exert efforts to exploit the demand for high-quality beef with a view to realizing in JFY 1987, the importation of 58,400 metric tons of high-quality beef, within the special and general quotas on a global basis. The increase of 27,600 metric tons over the JFY 1983 level will be phased in incrementally in even amounts each year.

"High-quality beef" will be defined according to the definition agreed to in April 1978.

(2) The hotel quota will be increased from the current 3,000 metric tons per year to 4,000 metric tons per year in JFY 1984 and will be maintained at that level through JFY 1987.

(3) The Government of Japan will introduce a new measure in the Livestock Industry Promotion Corporation's transactions in beef so as to facilitate consultations between foreign suppliers and Japanese users, within the framework of the principle of unified management of beef importation by the Livestock Industry Promotion Corporation.

IV. Beef (customs duties)

(1) The Government of Japan has no intention to initiate any increase in the customs duty on beef (Statistical Code Nos. 02.01-111, 119, 121, 129, 139) (the rate of 25 percent is applied currently) under the present price stabilization system of beef.

(2) In the event that a situation makes it impossible to maintain the customs duty on beef at the above mentioned level, the Government of Japan will notify the United States Government of such developments in advance where possible and be prepared to enter into consultations with a view to reaching a mutually acceptable solution, which may include the possibility of appropriate adjustments of the GATT concessions.

V. Other

The Government of Japan will be prepared to consult with the United States Government at a mutually convenient time during JFY 1987 on matters related to the importation in JFY 1988 and thereafter concerning fresh oranges, orange juice, and beef.

[From the New York Times, Apr. 24, 1988]

JAPANESE FARMERS HOLD ANGRY RALLY AGAINST U.S. TRADE DEMANDS

TOKYO, April 23.—Farmers smashed and burned an American car, set fire to boxes of American oranges and burned a United States flag today in a rally to protest American demands that Japan end restrictions on imported beef and oranges.

The rally was staged in the town of Kokonoe in Kyushu in western Japan as American negotiators ended a week of meetings on trade with no new agreements.

A United States trade representative left for the United States today after failing to persuade Japan to drop import quotas on citrus and beef. "The two sides remain very far apart," said Michael B. Smith, the representative.

"My own opinion is that we moved further apart," he said at a news conference at the United States Embassy before his departure.

The Kyodo News Service said the farmers who destroyed the car at the demonstration were following the example of United States Congressmen who smashed a tape recorder made by the Toshiba Corp. last July as a sign of protest at sales of high-technology milling machines to the Soviet Union by a Toshiba subsidiary.

At the rally, about 300 farmers chanted "Down with U.S. demands!" during a rainstorm, while a man jumped onto an American car and smashed its windows with a large hammer.

The farmers, wearing head bands saying "Protect Japanese agriculture," then piled boxes of American oranges on the car and set it on fire along with a large American flag.

Three members of Japan's Parliament, including former Deputy Minister of Agriculture Seishiro Eto, attended the rally.

Scenes of the demonstration were shown on evening television news broadcasts.

At the trade talks, Mr. Smith said, the two sides differ on three important issues: Japan wants a transition period before it fully opens its market; it wants to negotiate the level of foreign access during the transition; and, after the market is open, Japan wants new or additional "border measures" such as tariffs to protect its markets.

Mr. Smith said Washington would agree to a transition period as long as Japan reciprocated by significantly increasing foreign access to its markets.

Takashi Sato, the Agriculture, Forestry and Fisheries Minister, will leave for Washington this week to continue the talks, he said.

[From the Washington Post, Apr. 23, 1988]

JAPANESE OFFICIAL BLASTS TRADE LEGISLATION

(By Stuart Auerbach)

Japan's trade minister, Hajime Tamura, yesterday attacked a House-passed trade bill as arrogant, protectionist and motivated by "anti-Japanese feeling and racial discrimination."

"It seems the measures taken are not only aimed at the trade problem but are also based on racial discrimination against the Japanese," United Press International quoted him as saying in Tokyo.

Tamura was quoted by Reuters as saying that Japan would rely on President Reagan to veto the bill and avoid a confrontation between the United States and its foremost Pacific ally.

"We understand the U.S. administration has been fighting protectionism in Congress and we trust in its good judgment," he said.

Tamura's comments were typical of those coming from business leaders and government officials in Japan, who objected to the bill's focus on foreign unfair trade tactics and the sanctions imposed against Toshiba Corp. and a Norwegian arms firm for the illegal sale of militarily sensitive technology to the Soviet Union.

In a White House speech yesterday, Reagan repeated his veto threat, primarily because of a labor-backed provision that would require businesses to give workers and communities 60 days' notice before instituting layoffs or closing plants with more than 100 employees.

Business strongly opposed the measure and Reagan said it would harm U.S. competitiveness.

While threatening the veto, Reagan pushed Congress to come back "with a good trade bill this year."

The president didn't specify what he meant, but White House aides said he would accept a bill stripped of the plant-closing notification provision, although there is some pressure within the administration to try to get other measures from the legislation.

But Senate Majority Leader Robert C. Byrd (D-W.VA.), urging the president to sign the legislation, warned that it will be difficult to get another bill through Congress this year.

"If we can't override, we will not have a bill," he said. "This is it."

The bill sailed through the House Thursday by a 3-to-1 margin, more than enough to override a veto.

But the margin of victory is expected to be closer when the Senate votes next week, probably on Tuesday.

A key Republican voice on trade, Sen. John C. Danforth (Mo.), announced yesterday that he would support the bill on a veto vote.

Danforth's position is expected to bring along other Republican votes.

"This is a major piece of legislation" that marks "a significant change in U.S. trade policy, but a responsible change," he said.

In Tokyo, the trade minister, Tamura, called the ban on government purchases of Toshiba products "outrageous" and said the United States was displaying "great power arrogance" by imposing sanction on foreign companies that already had been punished in their own countries.

Mr. LEVIN. Mr. President, I yield back the remainder of my time and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the Senator from Nebraska be recognized for 10 minutes to be followed by the Senator from New Jersey for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KARNES. I thank my distinguished colleague from New Jersey.

Mr. President, on July 21, 1987, when the Senate voted to pass its version of the Omnibus Trade and Competitiveness Act, I stated that I voted for the bill with reservations. Senator DANFORTH inserted in the RECORD at that time a letter, which I signed.

This letter expressed the view of the 16 Senators who signed it that the original Senate bill contained "some remarkably bad" provisions and that we reserved the right to vote against the conference report when it came before the Senate. Mr. President, I ask unanimous consent that a copy of this letter appear in the RECORD following my statement.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit No. 1.)

Mr. KARNES. The issue before the Senate today is adopting the conference report referred to in the letter I just asked be inserted in the RECORD. Much of the ambivalence I felt toward this measure when it was before the Senate last July I feel toward the conference report today. As with all measures of this scope, the conference report contains both good and bad provisions. It is the duty of every Senator under these circumstances to weigh the good provisions against the bad provisions and to vote for or against the report based on whether the entire report, on balance, is supportable. While there are many things about this conference report I strongly support, there are also provisions I strongly oppose. I wish to discuss all these aspects of the report before us so that my colleagues will fully understand my views about this legislation and my upcoming vote.

First, let me address those aspects of the conference report to the Omnibus Trade and Competitiveness Act of 1988 that I support. The first provision of the report grants the President the authority to negotiate multilateral and bilateral trade agreements through the middle of 1993. Further, fast-track legislative procedures will be used to enact implementing legislation of such agreements. The negotiating authority and the fast-track procedures are subject to future congressional review. I support this granting of authority to the President and would encourage the administration to negotiate aggressively to remove barriers to trade and investment in multilateral and bilateral forums. It is through such negotiations that we can best achieve a world economy based on free and fair trade. Thus, I am glad that this critical granting of negotiating authority is included in the report.

I support many of the provisions included in the bill concerning international banking and finance issues. The bill streamlines export licensing procedures to allow domestic producers to move into the international marketplace more efficiently. While we should take great care to ensure sensitive technologies are not transferred to the Soviet Union, we should not unduly hamper the activities of exporters. The report's provisions strike a careful balance in this area. The report eases restrictions on export trading companies in order to strengthen their role in promoting American exports around the world. The activities of the foreign commercial service are strengthened, as well. Finally, the report takes action to clarify the Foreign Corrupt Practices Act to free American exporters from the fear of being penalized for inadvertent errors or standard practices.

Mr. President, as a member of the Senate Agriculture Committee, I am extremely proud of the provisions in this conference report to expand agricultural exports. It is a forward-looking proposal. American agriculture can compete with any country in the world and the measure before us would make sure that we market our agricultural products aggressively and effectively. The provisions include a strengthening of the foreign agricultural service, an expansion of the Export Enhancement Program, increased funding for the Targeted Export Assistance Program, and the establishment of a triggered Marketing Loan Program designed to enhance our negotiating position at the new GATT round. I am disappointed, however, that a provision I cosponsored concerning wheat gluten was dropped in the course of the conference. Nevertheless, I generally support the agriculture-related provisions of the conference report as presented by subconference 6.

The small business provisions in this measure would make important contributions by ensuring that small businesses are included in export markets. Small businesses are often intimidated by the complexities of exporting. I support the provisions in the conference report to provide specialized services to make the export market more accessible to small businesses.

During deliberations on the Senate verison of this trade legislation, I supported an amendment repealing the windfall profit tax. Currently, the price of oil is under the taxable threshold mandated by the windfall profit tax. Although no revenues have been recently collected, oil companies are continually burdened by the cumbersome requirements and expensive administrative costs associated with IRS filings. To continue requiring oil companies to file detailed reports, is counter productive and unnecessary. Thus, I find this provision, which is retained in the conference report, to be an important contribution to this legislation.

In sum, Mr. President, I consider the above provisions to be real contributions to the effort to improve our trade position. They promote the freeing up of the international trading system through multilateral and bilateral negotiations, the elimination of unfair foreign trade practices, and the expansion of U.S. exports. They address the specific problems facing the United States in the international trading system without resorting to protectionism or solutions that will prove more costly to the United States than the problems they are attempting to address. While the above proposals will not eliminate our current trade deficits, because they are caused in large part by the shortcomings of our own domestic economic policies, they will reduce that share of the trade deficit due to deficiencies in our trade laws.

Mr. President, while there are many good things about this measure, as I stated, there are also things that are either inappropriate or wrong-headed. The fact is there are many things that should not be in this conference report. They should not be in it because either they do not concern trade matters or they move our trade policy in the wrong direction. These provisions, in many cases, seriously weaken the measure. Clearly, the report would be better without them. Unfortunately, Mr. President, I also believe these provisions increase the likelihood of a Presidential veto of this legislation. Having said all this, let me discuss the provisions in the bill that I think are of dubious merit.

Mr. President, during floor consideration of this bill the Senate failed to strike a provision in the Labor Committee's proposal to require employers to provide advance notification of layoffs or plant closings. That provision is retained in the conference report. I fail to understand why this provision is in this report. The proponents of this requirement seem to be under the false impression that the American business community can absorb an endless number of Government-mandated requirements without losing its competitive edge or ability to adjust to rapidly changing market conditions. The governments of Western Europe have tried this approach and it has not worked. They are now attempting to move away from such requirements in order to make their industries more competitive. Mr. President, I am surprised and disheartened that we seem determined to copy the mistakes of the Western Europeans.

The conference report also contains a provision to require the administration to negotiate the creation of a new international debt management facility. While this proposal is rather obtuse, it is likely to prove expensive and counterproductive. I see no need to force the administration to enter such negotiations. While we should be paying close attention to the international debt crisis, I do not see this proposal as being helpful in resolving this problem.

The conference report bars the Federal Reserve from granting primary dealer status to foreign firms from countries that do not offer our firms the same opportunities. While I share the goal of this proposal; namely, opening foreign markets to U.S. firms, it is likely that it may have a harmful effect. Foreign investment in the United States has many benefits for the U.S. economy. This provision on primary dealers may well discourage foreign investors from investing in the United States. There is no need to run the risk of scaring away foreign investment. This provision takes that unnecessary risk.

This conference report also contains a provision that will be detrimental to the farmers of my State. This provision would expand the duty-free importation of ethanol through the Caribbean Basin Initiative. This provision is going to result in the direct substitution of European-produced wine alcohol for U.S.-produced corn alcohol. Nebraska currently produces 11 million gallons of ethanol annually. Within the next 2 years it is anticipated that the current level of production will be expanded by 50 million gallons. Allowing the duty-free importation of ethanol, as this conference report would allow, will only serve to undermine the Nebraska ethanol industry. In fact, it will displace the consumption of 80 million bushels of corn.

Also, it is estimated that extending this special preference will result in the loss of $120 million in lost tariff revenues. While I support the efforts to improve economic conditions in the Caribbean Basin, this provision will not benefit the people of the Caribbean as much as it will benefit European wine alcohol producers. I cannot understand why we would want to grant a special benefit to European wine producers who have already benefited from large-scale subsidies. As far as this Senator is concerned, this provision encourages a form of indirect dumping that can only hurt U.S. corn farmers and ethanol producers, whether they be in Nebraska and other parts of the country. This provision should not be in this bill.

Finally, Mr. President, the legislation before us is a costly measure. According to the administration, this conference report contains $2.4 billion in new budget authority. In these times when the Federal Government is running large budget deficits, it is unfortunate that this trade bill will contain new spending authority of this magnitude. The fact is that the existing Federal Government deficits are contributing to our balance of trade problems. Compounding our problems with the fiscal deficit by establishing more spending programs in this bill may well negate the positive proposals in the bill to reduce our trade deficit. I would have hoped that this conference report would have reflected greater fiscal restraint.

Having stated my views on several specific provisions in the conference report, both good and bad. I now want to state my views on the conference report as a whole. This question requires a discussion of the history behind this conference report. The path followed by this legislation has been a long and winding one. The House of Representatives originally passed a bill that was overtly protectionist, containing the so-called Gephardt amendment. The Senate, much to its credit, passed a much more responsible bill. I supported the Senate bill, although with profound reservations, which I referred to at the opening of my remarks. It was my hope that the House-Senate conference would produce a report that would represent a responsible trade policy and a bill that could be signed by the President.

Unfortunately, while the House-Senate conference made considerable progress in deleting many protectionist provisions, the conference report does not meet with the hopes and expectations of this Senator. This is a tragedy because I believe we came very close to achieving a historic agreement with the administration on the future of our trade policy. Partisan and special interests seem to have foreclosed the opportunity to achieve such an agreement. Turning this trade bill into a partisan issue will only serve to undermine our overall trade policy. Under these circumstances, I have decided to vote against this conference report and support the President's veto, which is certain to occur. I do so with the hope that if the President's veto is sustained the Congress will move quickly to resolve the outstanding issues with the administration and pass a bill that will be signed. I pledge to lend my support to such efforts. Thus, I will vote against this conference report. Nevertheless, I hope we will still be able to use the good aspects of the legislation before us to establish a strong, bipartisan trade policy. Regrettably, at this point, I believe that defeating this conference report is the only way we can arrive at such a bipartisan trade policy. Thus, I urge my colleagues to support President Reagan by voting against this conference report.

EXHIBIT 1

We are voting in favor of the Omnibus Trade Act, but with profound reservations. The bill contains a great many good provisions and some remarkably bad ones.

Ours is a "yes, but * * *" vote. We wish to see the conferees develop a sound final product that can be signed into law. Failing that, we reserve our rights to vote against the conference report when it comes before the Senate later this year.

John H. Chafee, William V. Roth, Jr., Arlen Specter, Robert W. Kasten, Jr., Alfonse M. D'Amato, Strom Thurmond, John C. Danforth, John Heinz, Christopher S. Bond, Larry Pressler, Frank H. Murkowski, Don Nickles, Charles E. Grassley, Paul S. Trible, Jr., David Karnes, John W. Warner.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the Senator from Arizona be allowed to speak for 2 minutes prior to the 10 minutes allocated to the Senator from New Jersey.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. I thank the Senator from New Jersey.

Mr. President, we have heard many statements here today discussing the pros and cons of the conference report on H.R. 3, the trade bill. I have read and reread the conference report. I had the opportunity to be a conferee dealing specifically with the Judiciary Committee subconference.

This bill is not perfect, but then, there is no such thing as perfection when dealing with such a complex and multifaceted issue. Those who want to find a political reason to oppose this bill will do so, whether it is because the President says he does not like one provision of it, or for some other reason. However, careful scrutiny of this bill shows that it does confront the international trade crisis facing our Nation today. This crisis has been brought about in large part by the basic unfair practices of our trading partners.

Mr. President, I think the chairman and the ranking member and the members of the Finance Committee and the conference committee deserve a great deal of credit for putting across the message to these nations that their trade barriers, listed in a 300-page blue book that the U.S. Trade Representative publishes, will no longer be tolerated. This bill will help reduce the number of pages in the blue book.

Mr. President, I support the conference report on H.R. 3, the trade bill and I congratulate the distinguished chairman of the Finance Committee, Senator BENTSEN and his equally distinguished counterpart from the House side, Congressman ROSTENKOWSKI, as well as the other participants in the conference for the tremendous amount of time and effort that they devoted to this omnibus legislation. This bill represents a fundamental and long overdue restructuring of our trade policies. This landmark piece of legislation represents 3 years of dedicated work culminating in the first coherent and comprehensive effort ever undertaken to restore America's international economic standing and to reestablish a system of free and fair trade in the international market.

It has been 12 years since the last time our trade laws were examined. Yet for the past 10 years we have been sinking deeper and deeper into an international trade crisis affecting every man, woman, and child in this Nation. We tried to ignore the crisis. For a while the artificially high dollar allowed us to buy imports galore, not caring that sales of our own products were lagging and not caring that our trading partners had abandoned the principles of free trade in order to take full advantage of the American market. Then the shocks of the crisis began to hit us, one after the other. The dollar started falling. The stock market crashed. And last year—our sixth consecutive year of record trade deficits—our trade debt equaled $171 billion. Every monthly report on the Nation's trade position sounded another alarm. Just over a week ago an unexpected rise in February's trade deficit totals sent another shock wave through U.S. financial markets. The results—the stock market fell another 100 points.

The bill before us today is neither a quick fix nor is it a protectionist backlash. It is a competitiveness bill, a bill that announces to our trading partners that after years of mounting trade deficits, sky rocketing unemployment, and plunging stocks, the United States is back in the race to regain its position as a leader in international trade. Most importantly, it restores the principles of free and fair trade as the ground rules by which our trading partners must play if they want to deal with the United States. This bill will let them know that the old double standard where the American market was wide open to them but their markets were closed tight to us is gone, once and for all.

We have all become very familiar with a 300-page blue book that the U.S. Trade Representative publishes. This publication lists the trade barriers of our allies. Japan alone has 20 pages of barriers ranging from high citrus and chocolate tariffs to a virtual prohibition against United States participation in construction projects. It is my hope that with the passage of this bill, this book will slim down considerably in size—or disappear entirely. We aren't asking for charity. We aren't asking for trade breaks. We aren't trying to invent new rules to give us the type of lopsided trade advantage that some of our trading partners have accumulated. What we are trying to do is restore the rules of free and fair trade that will allow each trading nation to benefit.

Mr. President, in examining the specific provisions of the conference report, I would like to highlight certain specific provisions which I believe will be particularly important to both the Nation and to my own State of Arizona.

First, as chairman of the Judiciary Committee subconference 11, I commend my colleagues, Senator LEAHY and Senator HATCH, who as coconferees worked with me to improve U.S. intellectual property protection by amending our patent law.

This bipartisan compromise on process patent legislation will expand the scope of an important aspect of this Nation's intellectual property laws, tailoring our law more closely to that found in foreign countries. This provision in the trade bill will stimulate domestic investment and reduce the loss of jobs, particularly in new technology areas.

The importance of strengthening process patent protection was first recognized in 1966 by President Johnson's Commission on the Patent System; then in 1979 by President Carter's domestic policy review on industrial innovation, and again in 1985 by President Reagan's Commission on Industrial Competitiveness. Most recently, it was included in President Reagan's competitiveness initiative of 1987.

America's leading position in technology innovation throughout the world is credited in large part to the stimulus of its patent system, which stems ultimately from article I, section 8, clause 8 of the Constitution which states:

> The Congress shall have Power to promote the progress of Science and useful Arts, by securing for limited Times to Authors and Investors the exclusive Right to their respective Writings and Discoveries.

In the past two decades, however, it has become necessary to modernize our patent laws. The inadequate protection contained in U.S. process patent law has emerged as a major factor in the dynamics of global innovation and economic competition. In contrast to Japan and nearly all of the Western European nations, the United States does not provide patent protection against the importation, and subsequent use or sale, of products made abroad using a process patented in the United States, except for a limited form of protection under section 337 of the Tariff Act enforced by the International Trade Commission [ITC].

This bill will give process patent owners the right to exclude others from using or selling the United States, or importing into the U.S. products made by their process. Any such unauthorized act will become an act of patent infringement under title 35 of the U.S. Code.

The U.S. patent laws recognize three basic types of inventions for which patents may be obtained: products, methods of use, and methods of manufacture. Patents on the last are also known as process patents. Process patents have become increasingly important to a number of industries, especially in the areas of industrial and pharmaceutical chemicals, optical fibers, and above all in the field of biotechnology and bioengineering research. Biotechnology companies are often built around a new process for artificial manufacture of a substance that occurs in nature and is therefore itself unpatentable. A well known example is the Genetech Corp. whose principal assets since its founding in 1976 have been process patents on revolutionary new ways of making human insulin and growth hormone.

I have met with representatives of the biotechnology industry and it is very troubling that U.S. process patent law does not adequately protect the patent holders. This is particularly important given the recent reports that Japan has targeted the biotechnology industry. Currently, the United States dominates the world in the field of biotechnology. That may not continue to be true if we are unable to protect our processes from piracy.

Another U.S. industry which will receive needed intellectual property protection from this bill is the semiconductor industry—an industry that forms the basis for the entire electronics industry and one that is coming under increasing pressures from abroad. The importance of effective process patent protection to this industry can be seen in the series of cases being brought by the U.S. semiconductor companies against foreign semiconductor manufacturers for patent infringement. In 1985, Texas Instruments brought actions in Federal court and before the ITC alleging infringement by eight major Japanese companies and one Korean semiconductor manufacturer. These cases resulted in settlement agreements with the Japanese companies and an exclusion order being issued against the Korean firm.

The latest action under section 337 involves a patent infringement claim brought by Intel Corp. against Korean producer of EPROM's. In both of these cases, the key patents infringed are process patents. Under section 337 of the Tariff Act, U.S. companies can only seek to get imports blocked through the ITC action. With this legislation, U.S. companies will in addition be able to sue the importers of products made by an infringing process.

It is extremely important that the United States provide adequate legal protection to those companies that invest millions of dollars in research and development of state-of-the-art manufacturing technologies. Expanding the scope of our laws to bring them into conformity with the European Patent Convention and the national laws of many industrialized countries is necessary to protect the continued growth of American business.

The section of the bill which modifies the remedies that American industry has in appealing for relief against unfair foreign trade practices is also of considerable importance, particularly in light of the problems that industries such as copper and steel have faced in recent years. While the bill does not go as far as I would like in terms of the modifications to section 301, it does make some significant changes which will provide a fairer playing field. For example, the bill requires the U.S. Trade Representative to take remedial action when it has been proven that a foreign country has violated existing trade agreements or has taken unjustifiable actions. In the case of domestic copper producers, this provision will either ensure compliance by foreign countries or subject those violators to strict penalty actions. For those countries which comply with the trade agreements and subscribe to fair trade, there should be no repercussions. And that is the way it should be. We should only require and implement penalties when it is demonstrated that a foreign country has in fact violated trade agreements. Punishment for violations of trade agreements should help to ensure free and fair trade in all U.S. commodities, including copper.

In terms of the modifications to section 201, the addition of "international negotiations" to the list of actions which the President may use to remedy serious injury as a direct result of foreign imports will provide a less injurious remedy, but will still move us closer to a system of free and fair trade. Several years ago, when the U.S. copper industry brought a section 201 petition before the International Trade Commission, injury was found and remedies were recommended to the President. Because of concerns about the impact of tariffs or quotas, the President chose not to impose a remedy. Had the remedy of "international negotiations" been available, it would have provided an avenue of relief not retaliatory in nature.

Mr. President, there are other provisions in the bill which may aid the copper industry in future trade disputes with foreign competitors. The "third-country dumping" provision will help eliminate the practice of using a third country to refine or alter products for their ultimate import into the United States, thereby circumventing antidumping laws. The bill also sets forth a series of objectives for trade negotiations, including worker rights. This provision will make it more difficult for those countries which fail to recognize legitimate rights of workers to negotiate favorable trade agreements with the United States. The country of Chile, as one example, has continued to practice intolerable labor policies. Yet, the United States has failed to restrain unfair copper trading policies in Chile even though labor treatment, human rights violations, and trading practices continue to be deplorable.

The trade bill also contains provisions to help the United States maintain its strength in the trade of agricultural commodities. America's skill in the field of agriculture has never been questioned. In 1986 U.S. agricultural exports totaled nearly $203 billion. We have the capability to export far more, but unfair trade barriers have thwarted efforts to increase our exports and, in fact, we have seen a decline in recent years.

The trade bill addresses the problem of unfair trade barriers by directing the U.S. Trade Representative to work more aggressively with the Japanese Government to open up agriculture markets. Beef and citrus are two important commodities for which there is great consumer demand in both Korea and Japan, but the Governments of those nations have consistently thwarted all efforts to increase our exports in these areas. Recently a film produced in Japan suggested that United States food products were tainted, inedible or dangerous. The information in the film was blatantly false, but it indicates the extent to which Japanese farm groups will go to prevent the Japanese consumer from enjoying the benefits of the American breadbasket. For my constituents in Arizona, as well as for farmers throughout America, the trade bill represents improved hope for additional export markets.

Mr. President, the trade bill contains a number of key provisions to effect trade related unemployment. Our declining export status has a direct and lasting effect on the American work force. Efforts at alleviating this effect have been a prime concern to those of us who truly want to shape a workable trade policy. The fact that 10.8 million workers lost their jobs between 1981 and 1986 makes the provisions in this bill for retraining dislocated workers all the more important. In my State alone 6,280 copper workers in Arizona were laid off at 6 mines with very little or no advance notice.

Education is perhaps the single most important key to maintaining America's competitive edge. This bill will improve our competitiveness in the world markets through the provisions which authorize about $780 million for education and training programs. Many of the public school districts in my State have been organizing district and county wide literacy, drop-out prevention and basic skills improvement programs. The funds authorized by this bill will provide much needed support to these schools. The Star Schools Program is especially critical to a State like Arizona where the use of telecommunications can enable widely dispersed rural schools to access math, science and foreign language curricula and provide instruction which would otherwise not be available to them. In fact, Arizona State University will be applying to be one of the regional centers under the Star School Program.

The three State universitites in Arizona all have very active research centers. Being located in the sunbelt has made them particularly attractive to private industry looking to enter into joint research projects. The $85 million authorized by this bill for upgrading university research facilities will only improve our ability to remain abreast of technological developments through university based research programs. Through the education and training programs authorized by this bill, we will be investing in our most valuable resource—the American people. The additional resources which this bill makes available to Arizona and other States strengthens their ability to educate and train individuals for their full participation in this competitive world.

Many of my constituents have expressed concern about recent appalling examples of foreign corporations selling extremely sensitive high technology items to the Soviet Union in blatant violation of trade agreements with our allies. In the case of the Japanese company Toshiba, the Japanese court administered the equivalent of a parking ticket penalty when it fined Toshiba $15,000 and suspended jail sentences for both of the Japanese executives charged in the case. This bill helps rectify these inadequate penalties for Toshiba and a Norwegian firm, Kongsberg, which had been caught in similar violations. It mandates 3- year-sanctions which prohibit them from contracting with the U.S. Government and prohibits importation of their products. And the bill goes one step farther: it mandates sanctions for 2 to 5 years against any foreign person or company if the President determines that a violation has occurred.

The bill also emphasizes the importance of the advisory role of the private sector in formulating trade policy. It streamlines licensing requirements and eases restrictions on exports of most medical equipment. Finally, it provides the U.S. Trade Representative with the authority to negotiate the opening of international telecommunications markets in order to ensure that our own telecommunications manufacturers receive the same market access throughout the world that foreign producers have in our market.

I find it somewhat ironic that a massive trade bill of more than 1,000 pages, which was developed on a bipartisan basis over a 3-year period, is now being opposed by the administration and many businesses on the basis of a single provision—plant closings.

I would have opposed the plant closing provision originally incorporated in S. 1420. However, that provision was significantly scaled back on the floor and, in its final form, I believe it was both fair and reasonable. Let me explain the major modifications that were made on the floor:

Increased the size of the business that would be affected by the provision from 50 to 100 full time employees and defined full time workers as those employed 20 hours a week or more for a period of 6 months.

Placed an additional requirement for the triggering of the layoff notice provision. In addition to requiring that 50 or more employees at a single site would also have to be laid off, the layoff would have to comprise at least one-third of the total work force at the site. The language was further modified in conference to require that notice be given if 500 or more employees are affected regardless of whether or not that number amounted to one-third of the work force at the site.

Reduced the notice period from between 90 and 180 days to 60 days.

Exempted seasonal or part time workers from the provisions.

Eliminated the provision that required a company to disclose information about its financial condition prior to a plant closing or mass layoff.

Exempted an employer if he or she was actively pursuing measures such as raising capital that would avoid or indefinitely postpone the closing and notice would prevent such actions from succeeding.

Mr. President, I simply find it hard to believe that this provision is so onerous that business is willing to sacrifice every other positive feature in this bill to enhance the United States competitive position in the arena of world trade. Even a conservative newspaper like the Wall Street Journal says:

> In fact, the plant closing language is nothing more than a modest effort to make sure that the few companies inclined to do so don't hide plans to close a plant until the last minute, leaving workers and communities in the lurch.

Notice of plant closings or mass layoffs will give employees time to seek other employment or retraining, and it will give communities an opportunity to plan and adjust to the loss of a major employer. Many of these communities have provided business with tax and other incentives to locate their plants in a particular community, and it seems only fair that the community should have some notice of an impending closing.

I know there are many who believe the plant closing provision is an unnecessary, unwarranted and unfair burden on business. But what about fairness for the American worker? An estimated 2 million Americans are left unemployed each year due to plant closings and mass layoffs and, according to a Government Accounting Office [GAO] report, the median length of notice involving companies with 100 or more employees is a mere 7 days for blue collar workers and 14 days for white collar workers. A full 23 percent of these employers provide no notice at all. When one takes into account all plant closings, two out of every three workers receive no notice at all. I think American workers deserve better treatment.

There are other good reasons for plant closing notice as well. The Office of Technology Assessment estimates that prior notice will save $300 million a year in unemployment compensation costs since advance notice reduces unemployment by an average of 27 percent. A Task Force on Dislocated Workers established by President Reagan's Secretary of Labor, Mr. Brock, concluded that "advance notification is an essential component of a successful worker readjustment program"—a program for which the task force recommended $980 million. That amount is authorized in this bill and will be financed through the imposition of an import fee. It should also be noted that the United States is the only Western industrial nation in the world with no advance notice requirement, and this notice has clearly not affected those nations' competitive position in the world. Finally, 86 percent of the American people favor a law requiring companies to give advance notice of a plant closing.

Mr. President, I know the disruption that plant closings can cause workers and communities alike. Between 1982-86, 6,280 Arizona copper workers were laid off. Had the workers and communities had advance notice, I am certain that some of the pain and anguish that occurred could have been mitigated. The Arizona Department of Economic Security has advised me that employers who have sought help from that agency's pre-layoff assistance unit have experienced good employee morale, despite the pending layoff. At Gates Learjet in Tucson, productivity actually went up as a result of early intervention. Despite the allegations of doom on the part of industry, I believe this provision will promote a more cooperative relationship among workers, employers and State and local officials. I certainly do not believe that this provision should doom the trade bill.

In sum, Mr. President, I believe we have every right to be proud of this bill. It sends the right messsage to our trading partners and it makes the necessary corrections in our international trade policy to allow us to get back on our economic feet. I urge the Senate's adoption of the conference report.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the Senator from Utah [Mr. HATCH] be allocated 10 minutes immediately following the 10 minutes allocated to the Senator from Montana [Mr. MELCHER].

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I rise to support the conference report on H.R. 3 because it reaffirms our national commitment to an open international economic system and to economic growth that will provide challenging and rewarding opportunities for our children.

Is the conference report on H.R. 3 a good trade bill? As I listen to the administration try to explain its position, it becomes unclear to me whether they oppose this legislation on substantive grounds. The administration supported the Finance Committee report, then opposed the substantially more open-trade oriented bill that the Senate passed. The administration reportedly offered to accept the conference report if Congress stripped a plant closing provision. But now some officials say the bill contains other unacceptable provisions. No wonder everyone's confused.

This legislation is too important to fall victim to muddled objections and thinly veiled political ideology. The conference report on H.R. 3 is much more than just another trade bill.

This bill extends trade negotiating authority and trade agreement implementing authority for 5 years. The administration seems to feel this authority is desirable but unnecessary. Yet, our trading partners will not negotiate seriously with a U.S. administration that does not have the authority to implement an agreement. As a result, multilateral trade talks involving the United States will remain at a standstill. The trade ministers' interim report due at the end of the year could become the epitaph of the new round of multilateral negotiations if U.S. representatives do not have full authority to negotiate. Without progress in multilateral trade talks, U.S. businesses would see no reason to invest in new capacity. Without investment, American job growth could literally grind to a halt.

But extending negotiating authority is more than a self-help measure for a troubled domestic economy. It is a reaffirmation of America's commitment to an open trading system—a reaffirmation the world economy desperately needs to hear. I believe history will show this administration's biggest economic mistake was to leave the world economy leaderless. By ignoring the international repercussions of its radical economic experiments, the administration has sown confusion and uncertainty throughout the world. As a result, countries as diverse as Japan, Taiwan, Mexico, and Italy hoarded dollars, creating trade imbalances that have returned to haunt us. Getting GATT talks back on track is the surest way to restore direction to the world economy before it runs aground on a protectionist barrier reef or sinks in the depths of recession.

The trade bill supplements multilateral talks by making U.S. actions against violators of trade agreements more predictable. By clarifying the circumstances under which the United States will retaliate against violations, the bill strengthens our ability to settle trade disputes and discourage new barriers. This puts muscle in U.S. law until we can put teeth in the GATT. But it also reaffirms the commitment of this Government to support the legitimate efforts of American exporters in competitive world markets.

This bill recognizes, moreover, that American workers in export- and import-sensitive industries have had to wrestle with problems that go far beyond trade agreement violations. Many of our workers have had to deal with the sudden collapse of the very markets that grew fastest in the 1970's—the markets of our closest developing neighbors now stagnant and lifeless under unsustainable debt burdens. To earn hard currency for debt payments, these countries have resorted to panic exports. Because of the premium their debt payments put on dollars, they must sell soybeans, textiles, machinery, steel, and even light aircraft at any price. The simultaneous loss of fast-growing export markets and new wave of desperate import competition has devastated parts of America's manufacturing and farming sectors. This bill reaffirms our commitment to those sectors of our economy as well as to the rank and file of heavily indebted developing countries. The bill takes steps to resolve the dilemma of unsupportable and stifling debt burdens under which both developing countries and their U.S. suppliers suffer. It asks Treasury to open negotations in search of a solution and to explore the potential of an international debt facility to broaden our debt management options. More broadly, the bill recognizes that America's solution to its own debt problems may lie in the steps we take to resolve those of our neighbors. That is what economic interdependence is all about.

The bill's education provisions illustrate the depth of the commitments this legislation reaffirms. I am particularly pleased it includes funds I have long sought for high school basic skills and school drop-out programs. These and other education programs in the bill recognize that America's scarcest resource will soon be human skills. Part of this bill is providing the support our children need to be the best they can possibly be.

Other provisions make a commitment to future economic progress by reviving and restructuring trade adjustment assistance. No one disputes the premise of trade adjustment: those who most benefit from open trade help those it hurts find better and more rewarding work. This bill brings that premise to life. It expands eligibility for assistance to secondary workers; it provides flexible training vouchers and conditions readjustment allowances on training; it institutes a small uniform import fee to fund the retraining programs; and it expedites assistance for workers in industries the ITC finds injured by imports. Trade adjustment reaffirms the partnership between Government and workers which has eroded in recent years. Workers embrace change only if they are secure in the knowledge that they can find new opportunities without disrupting their lives. This is the kind of partnership on which advanced capitalist economies depend and thrive. Strengthening it will keep us open and responsive to global change.

This conference report wisely rejects four approaches that tend to characterize uncompetitive economies in decline. First, it dropped the Gephardt amendment which put the responsibility for our trade deficit on the shoulders of our most productive trading partners. The amendment could have led to more disarray in the world economy and shut out products out of world markets.

Second, the conference dropped provisions that would automatically have triggered tariffs and quotas, even if they were highly regressive. In doing this, the bill protects our commitment to the poor and to those on fixed incomes who can ill afford the inflation that automatic import relief might bring.

Third, the conference report avoids the kinds of investment restrictions that have depressed job growth throughout Latin America. The Bryant amendment might have offered information on foreign investors. But it could have provided that information only at the risk of driving foreign investors out of the very job-creating projects Governors and mayors across the country are striving to encourage. American savings should finance investment to create jobs, but in light of our low savings rate, we need foreign investment.

Fourth, this conference report comes within a hair's breadth of avoiding special interest provisions altogether. It is true and regrettable that lamb import impediments survive in an attenuated form, but this is the closest to a clean trade bill I have seen in years. And as such, it reaffirms our commitment to legislation in the national interest.

This bill embodies commitments to support open trade; to support trade-sensitive industries in the face of unfair barriers; to support both American and foreign victims of the debt crisis; to support skill development for our children; to support the workers on whose acceptance of change we rely to meet the challenges of the future;

to avoid blaming others for our problems; to avoid regressive tariffs that could hurt the poor; to encourage job-creating investment; and to legislate in the national interest. If anything is missing from this framework of interrelated commitments, it is the commitment to encourage trust on the plant floor, between worker and management.

This is why I believe plant closing notification is more than a helpful afterthought. The provision asks businesses that employ over 100 people to give 60 days' notice if they can reasonably foresee a closing or a major layoff. Some argue this is precisely the kind of law that led to arthritis in European economies, yet they conveniently overlook the list of robust, competitive economies such as Japan, Taiwan, and Hong Kong that have already enacted plant closing legislation.

Some argue notification is the camel's nose under management's tent: pass this and other laws will follow that seriously restrict employers' ability to run their businesses. But our job is to vote based on the merits of bills before us, not based on fears of bills as yet unwritten. The conferees have carefully rejected harmful amendments and included beneficial ones. Here we have a proposal to restore decency to a dark corner of American business practice. The average American plant closing notification is down to 7 days. This proposal is good and long overdue.

This vote is the Senate's one chance to speak out purely on the merits of the bill. This legislation broadly reformulates the Nation's commitments on trade, economic growth, and the nature of the opportunities we intend to offer our children. Yet it avoids protectionist excesses. Every one of us can feel good about this report. It has potential to bring us together on one of the most divisive and corrosive issues of our time. That alone deserves the support, in my view, of every Member.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. MELCHER. Yes, I am delighted to yield to the distinguished majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that the time not be charged against Mr. MELCHER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the situation is this: Several Senators who did not notify the leaders that they wanted time have come over and gotten consent to speak. That is all well and good, but we run the chance, if that continues, of getting down to the point where we will not have enough time left for those who got their requests in in a timely fashion.

So, I ask unanimous consent, and I have discussed this with the distinguished Republican leader, that the vote on final adoption of the conference report occur no later than 5 o'clock p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that no requests be entertained by the Chair for additional time except when all others whose names are on the list have had their time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Then if there remains a little time and another Senator wishes to speak it would be agreeable.

Mr. DOLE. Or could we add that unless some Senator would yield part of his time to another Senator.

Mr. BYRD. Yes, unless a Senator yields part of his time to another Senator.

Mr. President, has that request been ordered?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I had earlier intended to have the Senate stand in recess for a brief window so as to allow the Senate to be out of session while the joint meeting in the House Chamber is taking place. I will not make that request so that Senators may utilize the period of time when some of us will be over on the other side of the Hill listening to Prime Minister Mulroney.

I understand that Mr. MURKOWSKI will be agreeable perhaps to taking that window. He has an hour allotted to him.

I yield to the distinguished Republican leader if he has any comments.

Mr. DOLE. We had hoped, and I will contact Senator MURKOWSKI, he might speak from 3:30 until 4:30, followed by Senator BENTSEN and then maybe the majority leader would close the debate.

Mr. BYRD. No, I do not need to close the debate.

Mr. DOLE. I will check with Senator MURKOWSKI.

Mr. BYRD. I will get my statement in at some point. But Mr. BENTSEN is the only one who has asked to close, he being the manager.

Mr. DOLE. I will check.

Mr. BYRD. Very well.

I thank the distinguished Senator from Montana for yielding.

The PRESIDING OFFICER (Mr. HEFLIN). The Senator from Montana.

Mr. MELCHER. I thank the majority leader.

Mr. President, I support this conference report on the omnibus trade bill. It has taken a long time to come to fruition. But this bill is very badly needed to help fight our worsening trade imbalance.

This bill contains many provisions that will help workers and U.S. industries. But many others have discussed those points.

So, Mr. President, I would like to concentrate my remarks on the agriculture title of this bill.

First, I want to make it clear that the agriculture sections in the bill are not protectionist. There are no provisions, none, in the agriculture title that would provoke retaliation from other nations. That is the first point.

The second point is that the agriculture trade title is export oriented. We are not dealing with imports of agriculture products. We are dealing with exporting agriculture products in this title and in this particular bill.

What we are attempting to do is to help our farmers and processors sell their products on the world market. If you look back a few years, until about the period of 1979, 1980, or 1981, we exported about 43 billion dollars' worth of U.S. agriculture commodities each year. But after 1981 it went into a decline until in the mid-1980's that amount had dropped to about $28 billion per year. In other words, it would be about 40 percent. That is bad enough.

It is even worse than that when you look back a little bit further into the seventies and we saw our agricultural exports climbing over the decade of the seventies until we reached that point in 1980 and 1981 when we were actually exporting about $43 to $44 billion per year in U.S. agricultural commodities and products.

What happened then in the mid-eighties is, instead of that growth continuing, it took a nosedive. And there were many reasons for that. I will not go into why they took a nosedive, but I will touch on points that are in this bill to help avoid that happening again and to keep us on a climbing pattern of increasing agricultural exports each year, because exports for our farm and ranch producers in this country are absolutely crucial for the farm economy.

In order to export, our farmers and ranchers, of course, must compete. The sad part of it is they not only have to compete against farmers and ranchers in other countries, they have to compete also against other governments in countries that have subsidized their exports.

When we review what the cost of production is and the efficiency of our own producers, we find that we do a better job, costwise, in producing wheat than probably any other group of farmers on Earth in other countries. The same is true for corn and soybeans and dairy products and for fruits and vegetables. Our producers can compete with any producers in any other country.

But the problem is that some governments arrange to keep our products out that are highly competitive and very much a good buy for their consumers; and other countries subsidize the exporting of their farmers' production.

It is foolish for anyone to take this floor in opposition to this bill and say that unfair trade practices by other countries really do not make much difference. Well, these unfair trade practices make all the difference.

We ought to just look at the U.S. wheat flour industry as one example. When we discuss with the U.S. flour millers in this country what happened, they tell us what happened to their markets when they were forced to compete with subsidized wheat flour from the European Community; that they did not have a market abroad any more. It just dried up, because the European Community subsidized exports of their flour and they took the market away. They just captured the market.

Well, that is just one example, but there are many other examples of different commodities that can be made where the same thing happens.

It is obvious that our farmers, as well as those in agribusiness, should not have to compete with other governments. That is not a fair fight. That is why the agricultural trade title of this bill is very much needed.

This title will continue to make our products competitive. It makes it a fair fight. Under this bill, we will match the subsidies of other countries that subsidize their exports. We are going to use their tactics until we can obtain some resolution of this trade strife through negotiations.

This bill will continue and expand the Export Enhancement Program until 1990. We will be writing a new farm bill, we hope, next year and have it ready for 1990.

Mr. President, I want to make it clear that this program is a targeted program. This Export Enhancement Program that we have is a targeted program. It is targeted against other countries that use subsidies to harm exports of our commodities.

You might wonder how that works. Well, if we want to make a wheat sale—let us just use that as an example—we find out from the country we are trying to sell the wheat to what their other bids are. They tell us that another country, such as Canada, has made this kind of an offer or the European Community has made this kind of an offer. Well, we just match that. And that is what we call export enhancement.

We are playing the same game that they do. And we are forced into it because, unless we match that lower price of their subsidized sale, then obviously we cannot make the sale. The Export Enhancement Program has been one of the most successful of the farm programs enacted in 1985 and it must continue. And this bill ensures that it will.

But we do not stop there. The agricultural trade title improves upon the Targeted Export Assistance Program and strengthens the Foreign Agricultural Service. The Dairy Export Incentive Program is amended to make it a more effective means to enhance the export of our dairy products. If the Secretary of Agriculture will use the tools we are giving him in this bill, I am confident that we will see an increase in the export of our dairy products.

It contains provisions like the triggered marketing loan; that is, this final version of the trade bill contains in the agricultural title this provision. And the triggered marketing loan provisions are designed to force other countries to enter into negotiations to stop their export subsidization and to open their closed markets to U.S. products.

The emphasis is not upon market protection but, rather, upon market development. The markets are there. The food is needed abroad.

First, we must get the restrictions removed from those countries that have restrictions against our food products. Then we must move to compete through promotion and infrastructure development activities.

Mr. President, I have listened with a great deal of interest to the debate on this bill during the past several days. I must confess my surprise at some of the arguments against this bill.

I may be incorrect, but I thought I heard one of my colleagues indicate earlier that having a trade deficit was a sign of a healthy economy. In other words, a good thing; to leave it alone; it will take care of itself.

Mr. President, last month we bought almost $14 billion more worth of goods from overseas; that is, $14 billion more than we sold abroad.

Well, 14 billion dollars' worth of trade deficit in 1 month is not a success story. It is a story of failure. This is not a healthy trade economy and it is certainly not good for our long-term security.

When we combine the fiscal deficit, the Treasury deficit, with our trade deficit, that is a sure-fire recipe for economic disaster. So we have to correct both. On the Treasury deficit, we have to have a reduction in spending or more revenue coming into the Treasury.

We have to do that. And we have to, right along with that, correct the trade deficit.

Mr. President, Tom Sawyer connived some friends into thinking that whitewashing a fence was a game that they would enjoy. We cannot whitewash the potential disaster looming for our economy if trade deficits of this magnitude continue.

Agricultural exports must grow from the United States. We have got a surplus of agriculture commodities in the United States, and that surplus must decline. Aside from making sure that the hungry people of our country have access to our surplus commodities, the rest of it must go in the U.S. exports from this country.

The rest of it must go into U.S. exports from this country. And when that happens, we find that as sure as night follows day, that as the surplus of U.S. commodities goes down, the prices for those commodities to our farmers and ranchers goes up. And also that helps us because then the dollars of export of U.S. agricultural commodities goes up.

In the Federal outlays we get a double-barreled benefit from this. As the prices of U.S. farm products go up, then the Federal outlays for deficiency payments in order to help the farm products go down. So that is a second good thing that happens.

First of all we get rid of the U.S. surplus partially through exports; and that makes the price go up for the farmers. And then as the prices go up for farmers and their prices are better, then Federal outlays for deficiency payments to these producers goes down. Then of course, that helps reduce the Federal deficit.

In order for that to happen, it just does not happen by sitting around and waiting for lightning to strike. You have to take action here in Congress. That is what this trade bill did for agricultural producers. It takes action. It enhances, builds up, speeds up, broadens out exports of agricultural commodities by raising prices to our producers.

It does so by developing new markets. It does so by meeting the competition of other countries that subsidize their agricultural exports. That is action. That is what has been needed. We need more of it, not less; more of it, and that is what this bill does. It is a solid step in the right direction and I urge my colleagues to support it, and I urge the President to sign it into law.

Mr. President, I ask unanimous consent that a summary of the major provisions agreed to in this conference report on agricultural trade be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF MAJOR PROVISIONS AGREED TO BY SUBCONFERENCE NO. 6—AGRICULTURAL TRADE AND H.R. 3, THE OMNIBUS TRADE BILL

Agricultural Trade Policy.—The Conference agreement will provide that it is the policy of the United States to provide agricultural commodities for export at competitive prices; to support the principle of free and fair trade in agricultural commodities; to support the negotiating objectives set forth in the Conference agreement; and to seek the elimination of barriers to agricultural trade.

Long-term Agricultural Trade Strategy Reports.—The Conference agreement will require the Secretary of Agriculture to prepare annual long-term agricultural trade strategy reports establishing policy goals for United States agricultural trade and exports. The reports must set forth recommended levels of spending on international activities of the Department of Agriculture for 1, 5, and 10 year periods.

Triggered Marketing Loan.—The Conference Agreement will require the President to submit a certification to Congress no later than 45 days after January 1, 1990, as to whether there has been significant progress toward achieving an agreement with respect to agricultural trade under the General Agreement on Tariffs and Trade (GATT). If the President cannot certify that there has been significant progress toward reaching an agreement, the President must instruct the Secretary of Agriculture to implement a marketing loan program for the 1990 crops for wheat, feed grains, and soybeans unless the President determines that the implementation of a marketing loan would harm further negotiations. If the President so determines, an expanded Export Enhancement Program must be implemented unless the implementation of such a program would be a substantial impediment to achieving an agreement under the GATT. The President is authorized to stop the implementation of either of these programs at any time if they have their intended effect, namely, they spur the GATT negotiatons and the President determines that continued implementation would harm further negotiations.

Export Enhancement Program.—The Conference agreement will extend the authorization for the export enhancement program (EEP) through 1990 and increase the ceiling on the value of commodities that can be used under that program from $1.5 billion to $2.5 billion. The Conference agreement also provides that in carrying out the program, the Secretary of Agriculture may consider for participation all interested United States exporters, processors, users, and foreign purchasers, and may give priority to sales to countries that have traditionally purchased United States agricultural commodities and products.

Targeted Export Assistance Program.—The Conference agreement will authorize an increase in the level of funding for the Targeted Export Assistance Program (TEA) for 1988 from $110,000,000 to $215,000,000. This increase is subject to appropriations. The TEA program is also amended to provide discretionary authority to the Secretary of Agriculture to provide compensation for expenses incurred by trade associations in defending countervailing duty actions instituted after January 1, 1986, in foreign countries.

Dairy Export Incentive Program.—The Conference agreement will require that payments in commodities under the Dairy Export Incentive Program be made in the form of generic commodity certificates. Further, if the generic commodity certificates are exchanged for dairy products, the Secretary of Agriculture must ensure that the dairy products are sold for export and that the sales do not displace usual United States export sales of dairy products.

Agricultural Trade With Countries With Large Trade Surpluses.—The Conference agreement will provide that if a country has a substantial positive trade balance with the United States, the Secretary of Agriculture, in consultation with the Secretary of State, may develop an appropriate plan under which that country may purchase United States agricultural commodities for use in development activities in developing countries.

Foreign Agricultural Service.—The Conference agreement will strengthen the Foreign Agricultural Service (FAS) of the Department of Agriculture by providing for an overall increase in authorized appropriations for fiscal years 1988 through 1990 of $20,000,000. The increase is to be used for general market development activities, including market development efforts in developing countries, and to increase and quality of international trade shows. The Conference agreement will also provide for a minimum level of FAS personnel of 900 and would call for the designation of senior FAS officers as Minister-Counsellors.

Reciprocal Meat Inspection.—The Conference agreement will provide that if the Secretary of Agriculture determines that a foreign country applies meat inspection standards that are not based on scientific standards, the Secretary must consult with the United States Trade Representative and they must make a recommendation to the President as to what action should be taken. The President may require that a meat article produced in the foreign country not be permitted entry into the United States unless it is determined that the meat article has met the standards applicable to meat articles in commerce within the United States.

Trade With Japan.—The Conference agreement will provide that it is the sense of Congress that the import barriers imposed by Japan on agricultural products, including rice, citrus, and beef should be removed. The provision draws an analogy between those import barriers and the barriers recently determined by a GATT panel to be inconsistent with the GATT.

Trade With Korea.—The Conference agreement will provide that it is the sense of Congress that Korea should permit greater access to its markets by United States beef producers. Further, the United States Trade Representative should aggressively pursue negotiations to gain greater access to the Korean market for United States beef and should try to achieve a reduction in beef import tariffs imposed by Korea.

Wood and Wood Products.—The Conference agreement will make wood and wood products fully eligible for use in Public Law 480 market development projects and in the short and intermediate term export credit guarantee programs. The substitute will also establish a cooperative national forest products marketing program that is designed to improve the competitiveness of the United States forest products industry.

Marketing Orders.—The Conference agreement will provide for an additional period during which marketing order requirements could be in effect if the Secretary of Agriculture determines it is necessary to prevent circumvention of a marketing order by imports. The necessity for such additional period must be reviewed, on request, every 3 years. The additional period can be no longer than 35 days and the Secretary must take certain issues into consideration when deciding whether to establish the additional period.

Imported Meat and Poultry Products.—The Conference agreement will require the Secretary of Agriculture, within 90 days after enactment of the Act, to submit a report to Congress specifying the planned distribution of resources of the Department of Agriculture for sampling imports of meat, poultry, and egg products to ensure compliance with the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act governing permitted levels of pesticide, drugs, and other residues in such products. The report must also respond to a 1987 Inspector General audit report.

Other Provisions.—The conference agreement also contains a provision concerning the export credit guarantee program. The Conference agreement also calls for studies to be conducted concerning egg imports, rose imports, the Canadian wheat import licensing scheme, the use of intermediate export credit, dairy imports, sugar imports, and honey imports.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, the omnibus trade bill is a prime example of how to sink a piece of legislation with good intentions. H.R. 3 should not become law because its flaws far out weigh its pluses.

Not one of us, from either side of the aisle, has denied the need to examine the reasons for America's current standing in the international arena. Many of us wholeheartedly support the idea of overhauling those aspects of U.S. trade policy which are barriers to improving our trade position, and I want to acknowledge the efforts of those Senators who have worked so hard on this bill.

There are many things about H.R. 3 that are meritorious. For example, several of us have been working for a long time on process patent protection. The trade bill contains provisions which will prevent foreign companies from pirating American process patents and then selling products made with these new manufacturing methods in the United States. In contrast to many of our trading partners, our current patent law does not provide this protection for American innovators when products are manufactured abroad and then shipped back to the United States.

America's patent system has been one of the key reasons for our technological leadership; these amendments will help preserve this leadership, particularly in such dynamic industries as fiber optics, pharmaceuticals, and biotechnology and engineering. The process patent protection provisions will effectively help to break down barriers to U.S. competitiveness and remove serious disadvantages faced by American business and industry.

Unfortunately, we cannot say the same thing about other provisions of H.R. 3. In exchange for the process patent amendments and other policy improvements, the Senate is being asked to adopt a very costly, anticompetitive precedent in labor policy.

Some of my colleagues have argued that the good in this bill outweighs the bad and that we should support it. Mr. President, the price is too high. I must vote against this conference report, and will vote to sustain a Presidential veto if necessary, because I do not believe the good aspects of this bill should be held hostage to the economic terrorism of provisions which restrict the ability of companies to close or layoff workers and which could not be enacted on their own merits. Let us be clear about one thing: the vote to adopt the conference report is not a vote on trade reform.

Why do I feel so strongly about these so-called simple notice provisions? Because, if you take the time to read the provisions, you recognize that they are not simple at all. Even the author of the "Outlook" column in Monday's Wall Street Journal failed to read and understand the language of these provisions. Contrary to the assertion that these provisions are being "blown out of proportion" by the President and the business community, these new requirements will have serious adverse impacts on American competitiveness—the very issue we are trying to address with this trade bill. Supporting the conference report with these particular sections is like taking two steps forward in trade policy and five steps back.

First, these provisions do not apply only to closings. They also apply to layoffs. Layoffs are a necessary and ongoing part of any company's adjustment to new economic conditions. This bill, by imposing regulations on layoffs, not only slows down a company's ability to adjust to change, but also forces the transfer of resources from productive uses to meeting the requirements of compliance.

Second, these provisions apply to any company or facility which employs 100 workers or more. I believe it is important to remember that there are many independent companies which may employ over 100 workers, but which are still relatively small enterprises. We are not talking only about General Motors, USX, or any other Fortune 500 company.

Third, though we all agree that there are circumstances under which the notice provisions are unreasonable and should not be applied, it is impossible to anticipate every such instance. Language in this bill which attempts to accommodate these very real circumstances is, of course, ambiguous. Employers will find it risky to rely on these exemptions. Many entities, including any individual worker, unions, local governments, or public interest groups, are authorized to sue under this bill. Employers will have to endure lengthy and costly litigation until the courts establish through case law what we in Congress have failed to do—articulate understandable and practical standards.

Let me provide a few examples.

Let us say the Utah Co., which is heavily dependent on petroleum, experiences a sudden hike in the cost of manufacturing due to a shift in oil prices and must immediately layoff a third of its work force in order to compensate for this price increase. The union representing the workers files suit in Federal court charging that the foreign political situation influencing the oil price increase was forseeable. A judge will ultimately decide whether or not the hike in oil prices was forseeable, but this decision will be issued years after the fact when arm-chair quarter-backing is at its best.

It is kind of funny that the best market analysts money can buy could not predict the stock market crash, but these provisions require companies to predict 60 days into the future or be penalized. I would not be surprised if some companies will simply send out a notice routinely to protect their right to respond to market realities.

Let us say a Salt Lake company, which employs 300 people, has decided to eliminate the third shift involving 75 workers for a 4-month period. Because the layoff was for less than 6 months and did not affect one-third of its work force, the company did not give notice. The union filed suit arguing that this action constituted a plant closing under the definition that it was a temporary shut down of an operating unit. The courts will end up deciding if this event was a plant closing or a layoff.

Let us take a third example. Let us say ABC Corp. buys a facility from Acme Industries and signs a purchase agreement which states its intention to hire at least two-thirds of the employees with no more than a 6-month break in employment. If the company later finds it can rehire only half of the workers, or that it must wait an additional month to rehire, suits may be filed charging violations not only of the plant closing statute but of the purchase agreement as well. Even if notice is given, the employer may still be held liable under the purchase agreement.

Let us say a Salt Lake City company moves its warehouse facility to Provo, UT but wants to keep all its current employees. A suit is filed against the company charging that it should have given notice because Provo is not a reasonable commuting distance. Again, this issue can be resolved only through the courts, and while the company cannot be enjoined from moving, it has no way of predicting the real cost of the move.

To take another example, let us say the Ogden Corp. is in financial difficulty and may have to close. There is a chance they could survive if they got some additional orders, but giving 60-days notice to their workers and to the local government would guarantee that no customer would buy from them. The sponsors of these provisions claim that the "faltering company" exemption is the ultimate protection for companies in this situation.

Let me read the language of this provision. Section (b)(1) states:

> An employer may order the shutdown of a single site of employment before the conclusion of the 60-day period if as of the time that notice would have been required the employer was actively seeking capital or business which, if obtained, would have enabled the employer to avoid or postpone indefinitely the shutdown and the employer reasonably and in good faith believed that giving the notice required would have precluded the employer from obtaining the needed capital or business.
>
> (b)(2) An employer may order a plant closing or mass layoff before the conclusion of the 60-day period if the closing or mass layoff is caused by business circumstances that were not reasonably foreseeable as of the time that notice would have been required.

There are enough qualifiers in this one provision to make even a second-rate attorney rich. What company would put itself into this legislative swamp of confusion? And, in the conference report, the sponsors make clear this gobbledy-gook is really just a defense an employer might raise in court. In sum, this language, like all of these provisions, promises much but provides little.

As the examples indicate, these alleged simple provisions, Mr. President, cede traditional management decisions to the judicial branch of Government. And, frankly, this reliance on a case-by-case examination to determine the propriety of each company's procedures in closing a facility or in laying off workers is an indication that even the proponents of these provisions realize that a 60-day notice standard cannot be applied across-the-board.

My question to the Senate is why must we aggravate the financial problems of American companies by requiring adherence to a new Federal standard everyone of us knows will be inappropriate in a substantial number of cases?

Congress cannot second-guess the reasons that many firms gave short or no advance notice of a plant closing or permanent layoff. I do not believe that business owners and plant managers as a whole deliberately withold announcement of a decision to close the plant from their employees without cause.

The GAO report often cited by proponents states that 23 percent of firms with more than 100 employees provide no specific notice to those workers who will be affected by a plant closure or mass layoff. That translates into 77 percent who do give notice—voluntarily. Of these, according to the GAO survey, 46 percent give more than 2 weeks notice; and 9 percent give 3 months or more.

The danger of these statistics, however; is that they are incomplete. We are expected to believe that all of the employers comprising the 23 percent who gave no notice, or the 54 percent who gave notice of 2 weeks or less, had no legitimate reason for delaying an announcement.

While the bill would reduce the penalty incurred by an employer for failure to give notice by the amount of wages paid, the bill gives no credit for other employer initiatives to assist workers make the transition to new jobs. As a matter of fact, severance pay and lump-sum adjustment payments were specifically deleted from the conference report as applying to the offset. Many companies offer job search assistance, relocation allowances, career counseling, and placement assistance. Some offer retraining programs or allowances. What incentive is there, Mr. President, for an employer to offer readjustment programs above and beyond their obligation under the law?

If employers are as hard hearted as some of the sponsors would have us believe, then a predictable consequence of these provisions will be the elimination of many of the positive programs we say we support.

I have been fascinated at the lack of discussion to date of the $980 million the President recommended that we include in the trade bill to help dislocated workers. Mr. President, along with most of my colleagues on both sides of the aisle, I support the provisions in this bill for a revised dislocated worker program under the Job Training Partnership Act. JTPA has been a help to hundreds of thousands of dislocated workers since its inception in 1983, but it can do more. The $980 million investment Congress proposes to make in this program is recognition of the fact that retraining and other transitional assistance is the way to help those workers who are affected by a closing or layoff. A mandatory requirement for 60 days notice will not save these workers' jobs—if anything it will hasten the day of reckoning.

Finally, new Federal regulations making it far more difficult for business to shift resources from one use to another will have a wholly negative impact on our global competitiveness and on our ability to create jobs. Entrepreneurs will be discouraged from taking risks; growth and expansion will be slowed even under optium economic conditions since employers will always have to "play it safe."

We need only to look at the employment growth of our trading partners—or more specifically, the lack thereof—to prove this point. The Wall Street Journal article says that Canada, Japan, and West Germany "seem to be competing just fine." If that is true, it isn't because of their plant closing law. It is important to note that these nations have significantly higher unemployment rates than the United States and have been unable to generate anywhere near the same rate of job growth. Several of our Western European friends and some of the unions in those countries are reportedly reevaluating their restrictive labor-management policies in order to improve employment conditions for their workers. They want to copy the United States.

No, Mr. President, this is not a simple notice provision. It is not simple because it applies to layoffs. It is not simple because it jeopardizes small and medium size companies. It is not simple because it prompts an avalanche of costly, wasteful litigation. It is not simple because, despite the rhetoric that notice should be mandated for the benefit of workers, it will not save a single job. It is not simple because it will seriously affect the flexibility of American business to allocate resources productively and will ultimately cost American jobs.

Conventional political wisdom tells us that it is unwise to vote against this trade bill. We are told that unless we support this legislation, the Democratic leadership will block any consideration of the positive features found in the bill. There will be no alternative. That is a call the majority is within its rights to make, but it certainly establishes a deplorable precedent and raises serious questions about the motives of some with regard to this bill.

I hope my colleagues have the courage to stand up against these threats and vote to support a trade bill that is unencumbered by this kind of anticompetitive mandate. I hope they understand that this nation cannot remain competitive, when we establish the precedent that basic business decisions must first be approved by a judge.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ADAMS). The Senator has yielded the floor.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged pro rata against all remaining time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, is time coming pro rata off the allotted time to the Senators who were included in the order?

The PRESIDING OFFICER. The Chair has ruled that the time comes equally from all parties to whom time has been allocated.

Mr. BYRD. I thank the Chair. So that Senators will know if they are not here to speak and there has to be a quorum call, the time comes off everyone's time.

I believe I have 10 minutes, less the pro rata share.

The PRESIDING OFFICER. The majority leader is correct.

Mr. BYRD. I will take my little bit of time right now.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, it has become fashionable in some circles in the United States to cite the decline in America's economy as the barometer of America's declining leadership in the West. America is in its declining years, according to this theory, and we best pull in our belts, make the best of it, husband our resources, and scale down our commitments to our long-time allies and to our friends, from the Pacific to the Persian Gulf.

What is the genesis of these theories? It always comes back to the fact that our economic house is in disarray, and that is best demonstrated by the twin deficits in our national budget and in our trade balance with our trading partners.

Mr. President, no more clear testimony can be given to the intertwined relationship between our economic health and our national security than those theories. We cannot sustain ourselves, our alliances, our commitments, if these imbalances continue.

Let me hasten to add that this is not a problem exclusive to our relations with Japan. A great deal of attention has been focused on our ever increasing trade gap with Japan, and with good reason, for in absolute terms the increase in our deficit with Japan is far greater than with any other country.

However, when the increase in bilateral trade deficits is viewed as a percentage increase, over the period 1981–87, it is equally obvious that America's trade problem is a global phenomenon, not just a Japanese phenomenon. Japan ranks only seventh in terms of the percentage increase in our bilateral trade deficits with our top 10 trading partners. The Japanese deficit has increased by 224 percent in those years, but the deficit with Western Germany has increased by 848 percent, and the trade deficit with the United Kingdom has increased 426 percent.

The increased deficit in percentage terms of our bilateral trade has been greater in the cases of France, Italy, Taiwan, and Mexico as well, than Japan's percentage increase.

So America's trade problem is worldwide—but, Mr. President, the problem begins at home. We have had years of neglect, years of inaction, years of whistling in the dark, years of rosy scenarios and no policy.

This is a landmark bill, which, for the first time in the history of our trade legislation, attempts to address the full range of the problem, from the international competitiveness of the United States, to unfair barriers abroad, from the need to address Third World debt, to the need to manage our currency in relation to other currencies. Like any bill of this proportion, after 3 years of work, with the participation of most of the committees in both Houses of Congress, it has defects, disappointments, and gaps.

But overall it is an effort the Nation can be proud of, and that the Senate can be proud of. It is the product of bipartisan effort, having had 71 votes in this Senate with 2 other sure votes absent at the time, which indicates clearly that 73 Senators were in support of this bill when it passed the Senate; 73 out of 100.

And I have not given up hope that the President will yet see fit to sign it. Yes, we are aware that there are problems that the President has with the bill, and the conferees have removed many, many provisions which the administration found to be objectionable. We have accommodated the administration's concerns in many areas. The administration's views were taken into account.

I appeal to the President to reconsider his opposition to this legislation. It is legislation that the United States needs, and in fact, needs urgently. It is in our national security interest. It is in the interest of putting pressure on dangerous and growing mercantilist trading practices among some of our most important trading partners. It is the opposite of protectionist, for its goal is to reduce protectionism and to promote open markets worldwide.

This bill is comprehensive. Opening up new markets, retraining our workers, protecting our national security, beefing up section 301, putting muscle behind the drive for better trained workers, giving our scientists and inventors the copyright and patent protection they deserve—these are the elements of a comprehensive, long overdue overhaul of our trade policy. My colleagues have spoken at length on the many contributions this measure makes. We can all be proud of it.

I commend the Senators who have put this omnibus bipartisan bill together and the conferees on both sides of the Hill and on both sides of the aisle who have labored for months to work out the differences between the two Chambers and the White House. I urge its adoption by a wide majority.

And so to the President of the United States, I urge you to put aside your objections to this provision or that provision and to sign this legislation. Mr. President, put down your veto pen. We are at the 11th hour when it comes to dealing with our Nation's trade problems. There is no time left on the shot clock. This is the three-point play. The President can put this game into overtime. I expect he will. We will have to vote again. But this vote defines who takes the ball down the court first when we go into overtime.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The majority leader has 3 minutes and 30 seconds remaining.

Mr. BYRD. Mr. President, I ask unanimous consent that I may reserve that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I suggest the absence of a quorum, with the understanding that the time is taken pro rata from the time of all Senators whose names were included in the order.

The PRESIDING OFFICER. That is the understanding. That will be done. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, I yield myself 10 minutes of the allocated time and reserve the remainder.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes. The remainder of his time will be reserved.

Mr. BENTSEN. Mr. President, the Senate version of this bill passed the Senate on July 21 of last year—9 months ago—and since that time it has been under continuous public scrutiny. The administration, foreign governments, and the press have had a better chance to study this trade bill than any trade bill since World War II, and more Members of both Houses have participated in the conference than any other trade bill in the history of our country.

There has been so much public scrutiny for so long that all the bad policy has been cooked out of this bill. It is sound, bipartisan legislation. This legislation was written jointly by Democrats and Republicans. Fifty-eight Senators cosponsored this bill. Twenty-five of those are Republicans. As I looked around the Chamber during the debates, I could identify specific provisions of this bill with specific Members, both Democrats and Republicans. I spoke earlier of the Senator from Delaware, Senator ROTH, and his efforts with regard to trade adjustment assistance. Here was a Republican Senator who played a major role. The administration had opposed the trade adjustment assistence provision, but over the administration's opposition we put it in because we thought it was fiscally sound legislation.

I went to visit with the President last year and said, "Mr. President, as the new chairman of the Finance Committee, I am sure not seeking confrontation. I am looking for cooperation, seeing if we cannot have a bipartisan trade bill to help develop a trade policy for this country."

I look at other Senators, chairmen of committees like Senator LEAHY of Agriculture, Senator SARBANES of Banking, Senator DECONCINI of Judiciary, they dropped or modified scores of pieces of legislation at the request of this administration. Some think we have gone too far in the cause of bipartisanship on this bill to accommodate the concerns of the administration, but I say this conference has made changes that the administration proposed that made good sense, and we rejected those provisions that unreasonably undermined the purposes of the bill.

Let me cite you some examples. The conference agreed to the President's request not to delegate the President's authority on import protection to the U.S. Trade Representative, but the conference did provide for delegation of that authority to take action against violations of trade agreements. Senator BAUCUS and Senator ROTH, a Democrat and a Republican, sponsored that one.

The President suggested a provision making reciprocity a consideration in trade retaliation cases, and another making it possible for U.S. patentholders to prevent the importation of patented articles without having to prove injury. The conference accepted those ideas.

This Senate voted against giving the President the authority to proclaim changes in rates of duty in the Tokyo Round of GATT negotiations. This time the President convinced us he should have that authority, and we put it in this bill.

In the closing days of the trade conference, two Cabinet officers and the Trade Ambassador came into my office and said, "Senator, we have to have some more concessions; we have to bring something out of this meeting with you and with Senator DANFORTH." I said, "Gentlemen, I have four pages here, single spaced, hundreds of items where we made changes or deleted provisions to accommodate the administration's requests. We have already done that."

They said, "Well, there are just 11 more." I said, "That day is past. We worked very hard to make an accommodation. You are not going to write this bill and neither are we. It is the product of all of us working together to develop a good trade policy for our country."

The bill reasserts the constitutional role of Congress in trade and international economic policy without doing violence to our Nation's leadership of the free world on trade.

Since 1934, when Cordell Hull convinced the Congress that delegating authority to the President on trade negotiations was in the best interests of this country, Congress has gradually given away the powers that it might otherwise have exercised on the condition it keep a role in making trade policy. We cannot go out and negotiate the details. We know that. Congress is not constituted to accomplish that. But we have to be a part of the policy.

And we have to have communications between us. In the past Congress relied on the executive branch to carry out congressional policy. But in return the executive branch honored Congress' constitutional role in trade. That is what we are reinstituting here.

This administration has called into question all of those delegations of authority by repeatedly making trade and international economic policy without consulting with the Congress. If this administration can do that, then the next President can do it as well, be that President a Democrat or a Republican.

At this point this bill is not going to apply to President Reagan. It will apply to the next President and to the next Senate. None of us knows whether Democrats or Republicans are going to control this Senate, or whether that President will be a Democrat or a Republican.

I say to my Republican friends, I want our trade laws defended from the partisanship of the next President whether he is a Democrat or a Republican because it serves the interest of this country. It serves the interest of my State and their States, too. If we do not put this bill into law, then the ability of each of us to defend the interests of our States has been diminished. In effect, the administration is saying it knows best on trade, and the Congress should keep quiet on this issue. The administration told Senator MURKOWSKI that it knew best about the opening of the Kansai Airport project in Japan to American bids. But the Senator's provision on this bill mandating a section 301 investigation into that problem was put in the bill. And it resulted in action on that front. Once it was put into the trade bill, it really caught the attention of the Japanese Government.

The administration told Senator COHEN and Senator DOMENICI that it knew best in not acting on the problems of seriously injured domestic industries in their States. But it is this legislation that requires the President to take appropriate Federal action when a domestic industry is seriously injured, and is willing to do its share to pull itself up by its own bootstraps.

The administration told Senator ROTH it knew best in trying to knock out the trade adjustment assistance provisions that I was talking about earlier. But we put them in the bill because Senator ROTH made a good case.

The administration told Senator HEINZ, Senator D'AMATO, and Senator MOYNIHAN that getting the Europeans to cease unfair trade practices that hurt Pennsylvania and New York pasta producers was not possible at this moment, but it was the provision that those Senators put into this bill that conditioned settlement of the citrus case on the Europeans living up to their part of the deal on pasta that got the administration to pay attention to their concerns.

I could give you a lot of similar examples, on both the Republican and on the Democratic side. In each case, without this bill, Congress would have been ignored. If this bill fails to pass, you can bet the next administration will learn a very important lesson. You do not have to worry with the U.S. Senate on trade. Its bark is a lot worse than its bite.

In 1985, a number of us in the Senate were concerned that the dollar was too high. The former Secretary of the Treasury kept the dollar at artificially high levels. He said the high dollar was a sign of the strength of America.

The PRESIDING OFFICER. The 10 minutes that the Senator has allocated to himself has expired.

Mr. BENTSEN. How much time does the Senator from Texas have left?

The PRESIDING OFFICER. The Senator has 9 minutes and 50 seconds remaining.

Mr. BENTSEN. I will allow myself another 3 minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. BENTSEN. But that policy changed when the President put in a new Secretary of the Treasury. But what about the next President? This bill would require the next Secretary of the Treasury to reveal the administration's exchange rate policy. In 1981, a number of Senators fresh from the experience of approving the Tokyo Round of trade agreements urged the administration to enforce those agreements, but it remained inactive against foreign trade agreement violations from January 1, 1981, to April 1987, over 6 years. That policy began to change when this bill began to move. This bill requires the next administration to act against foreign violations of trade agreements unless the Trade Representative can and does invoke one of five carefully limited exceptions.

When the administration enters into trade negotiations with other countries without consulting with the Congress, such as they did on subsidies with Mexico, on the free trade agreement with Canada, and on exchange rates, what does it teach the next administration? If we fail to bring this free-lance style of negotiating within accepted procedures today, each Senator will be less able to come to the aid of his constituents in trade negotiations. And every American trade negotiator for the next 10 years will be weaker because he will not be able to promise that the American Congress and the American President will be united on trade policy.

Under this bill, the committees of Congress have a seat at the negotiating table, and under this bill Congress can revoke the expedited legislative procedures for congressional action on trade agreements if the administration fails to consult. That is all we ask. The next President will speak with authority on trade if this bill is enacted.

Mr. President, when I hear the trade minister of Japan denounce this bill as protectionist, and as racist, I am absolutely outraged. This bill has been exposed to extensive and intensive Japanese lobbying for 9 months. Japan spent over $60 million last year hiring lobbyists and public relations firms principally to work on this Congress, the administration, and editorial writers across the country. All this just to say to us that the bill is racist and protectionist. I ask, how many refugees have they taken into Japan from other countries? How many refugees from foreign lands have we taken into this country.

I saw the two Senators from Hawaii of Japanese ancestry pass a bill here with an enormous majority to recompense what we thought was a wrong done to people of Japanese ancestry in this country.

As far as the claim of protectionism is concerned, let us look at what has happened to the level of Japanese protectionism. According to the World Bank 29 percent of imports to Japan from the industrialized world are subject to protection.

The PRESIDING OFFICER. The additional time which the Senator has yielded to himself has expired.

Mr. BENTSEN. How much time does the Senator from Texas have?

The PRESIDING OFFICER. The Senator has 7½ minutes.

Mr. BENTSEN. Two more minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. BENTSEN, While the Japanese Trade Minister is making accusations of protectionism, what about this administration? It has been granting ad hoc special-interest import protection responding to the sectors in our economy that cried the loudest, that had the most political muscle.

What we really need is a consistent trade policy for our country. In 1981, the European Community had import protection on 10 percent of its imports from industrial countries. The United States had 9 percent protected. In 1986, European protection had risen 13 percent, but U.S. protection had risen beyond that of Europe. It covered 15 percent of our imports from industrialized countries.

What we are asking for is that with regard to any country that has full access to our markets, we be entitled to full access to their markets. That is the thrust of this legislation: Break down those barriers to trade; let our products in as we would let yours in.

This bill changed the law to help prevent partisanship in trade procedures such as choosing the chairman of the International Trade Commission or the members of the private-sector advisory committees on trade on a partisan basis. That helps Republicans and Democrats. None of us prospers from a partisan trade policy.

This bill would serve the interests of our country, not the interests of either political party. As chairman of the committee responsible to the Senate on trade policy, I am not going to sit by while an administration, Democrat or Republican, takes over economic policy through delegations we in Congress have given to the administration.

Mr. President, I reserve the remainder of my time.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 10 minutes.

Mr. REID. Mr. President, I rise in support of this Omnibus Trade and Competitiveness Act of 1987, known as H.R. 3. I support the bill for a lot of reasons.

We have heard talk here the last few days about the weak dollar, and we know that it has not led to a decrease in the trade balance. It proves the need for barrier-lowering bills such as this, for only one reason. There are a number of important provisions in this bill. There is new negotiating authority that is authorized in this legislation.

We have the super 301 provisions, for which I think the conferees should be commended. The work they have done on this one provision, if nothing else was done on the bill, is certainly a step forward. This is the so-called "little Gephardt" provision of the bill, which took the good and the bad of the provisions that came from the House, and the conferees worked on it, and they have come up with a balance that is really good. It brings out to the American public that Congress is willing to do something about fair trade.

We hear much about fair trade, and I think that if we took a poll of everyone in the Senate, everyone would acknowledge that free trade is certainly best. But unless we have fair trade tied to this concept of free trade, it is meaningless. For too long we have heard people talk about free trade, without adding the necessary partner to that, and that is fair trade. I think that is what the super 301 provision does—it brings about a more fair trade for this country.

Another important provision of this bill is that it provides adjustment assistance to workers displaced by foreign competition. In effect, it says that these people who have been displaced because of foreign competition will have jobs; they will be able to do something; they will be trained to do something meaningful. That is important.

We have heard speeches on the Senate floor—among those given by the Presiding Officer Mr. Adams, related to plant closing, and the statements have been good.

I was watching a television program over the weekend, and it brought out a very interesting point. The man who was talking is the Governor of the State of Massachusetts. He stated that the State of Massachusetts has a provision similar to our plant-closing provision, on a State level. It has worked very well. He also pointed out that a person who was Secretary of Labor for this country, a person who has had wide-ranging experience in government, wrote a book, and one portion of the book talked about plant closing and how important it was to maintain a competitive edge for this country.

He went on to say that this man said there should be a plant closing provision in this country, but it should be at least a year, not the watered-down 60 days we have. The person who wrote that is George Shultz, presently Secretary of State.

I think we should all take note of the fact that this plant closing provision is not something that someone came up with as some kind of figment of someone's imagination. They did not come up with it without any prior thought. This is something that has been talked about for decades in this country. It is the law in other places in the world, and it has worked well; and no greater authority than our fine Secretary of State, George Shultz, says it is a good provision of law.

Also, there is a provision in this bill which is something I offered an amendment on, on the Senate floor, last year, which was adopted, and the conferees accepted it. It deals with the National Critical Materials Council.

We have heard many speeches on the Senate floor about the need for a long-range policy that deals with oil, oil imports, something to create and stimulate production of oil in this country. It is good that we talk about that. But we never hear anything about a minerals policy.

This country also needs a minerals policy. We do not have one. This bill goes a small step forward to creating a minerals policy. In fact, the National Critical Materials Council will go forward to establish a minerals policy. But it will also do something about critical materials like superconducting materials and ceramics, on which we have no policy in this country. The National Critical Materials Council strengthens a badly needed coordinating body. This council is needed more than ever before, because these advances in ceramics and superconducting materials will revolutionize the world. Think what would happen if we could find a better way to conduct electricity.

I can remember, as a young boy, in the southern part of the State of Nevada, the power lines that used to carry the power—and still do—from Hoover-Boulder Dam to southern California.

Standing under one of these power lines, you could hear the snap and the crackle 24 hours a day. I did not realize, as a young boy, what that was. I now realize that it is the loss of power as it travels several hundred miles from Nevada to California. Superconducting materials would prevent that, would save all the energy needed to manufacturer more power.

The United States must be in the forefront of the effort to develop superconducting materials and ceramics. If we are not, we will forever lose our place in the world economy.

Mr. President, I should like to say a word or two about the chairman of the Finance Committee. Without his efforts, this bill would not be in the place it is now. If there were ever an example of why experience is necessary and why experience is good for this body and Congress generally, it is the work that Senator Lloyd Bentsen has done on this bill. I do not believe that this bill would be anywhere near the point it is at today but for the fact that Senator Bentsen has patiently moved this bill to the point where it is today.

Many other people would have thrown their arms up and said: "We can't do a trade bill. There is too much difference between the House version and the Senate version. He wants this, they want this, and we just can't do it." But he has done it, and I think patience has been the watchword for this man.

Mr. President, his participation should put to rest the claim that this bill is a protectionist measure. All we need to do is look at the chairman's background, to indicate that he would be no part of a protectionist bill. Here is a man who comes from a family in

Texas who are successful business people—ranching, landholdings, insurance business, and still involved in businesses. In fact, his father, some 93 years old, works on a daily basis in some of the family holdings.

Does this hardheaded businessman sound like the type who would support a protectionist bill? The answer is, of course not. We know that this chairman, among all others, would not allow the United States to be treated any differently from the way it should be.

Unfair barriers to U.S. exports in this bill are real. There is legislation prompting the Japanese to adopt voluntary quotas. Why do we have that? Because of the chairman of the Finance Committee. The Japanese agreed to these voluntary import quotas principally because of the work that was done by the chairman.

He has been fighting for a strong trade bill for 3 years at least that I know of, and I just am forever impressed with the background of the chairman of the Finance Committee, born in Texas, speaks Spanish, educated in Texas, had a military career that is certainly one that we should all be proud of, rose from the rank of private to major in the Air Force during World War II. He has been a judge. He came to Congress I think when he was 28 years old, served a number of terms in the House of Representatives, elected to the Senate in 1970. Certainly we all acknowledge in this body his superb political skills.

The PRESIDING OFFICER. The time of the Senator from Nevada has expired.

Mr. REID. I ask unanimous consent for an additional 1 minute.

The PRESIDING OFFICER. I will state to the Senator that under the order that has been entered it must be granted from another Member.

Mr. BENTSEN. I grant 1 minute from the time of the Senator from Texas.

The PRESIDING OFFICER. The Senator is recognized.

Mr. REID. I thank the Senator. The superb political skills about which I speak are no better represented than in this bill because it did take superb political skills.

I want to express the gratitude of this entire body to the chairman of the Finance Committee for allowing this Senate the opportunity to be able to vote on this most important piece of legislation.

The PRESIDING OFFICER. The time of the Senator from Nevada has expired.

Mr. BENTSEN. Mr. President, I yield myself 1 minute and thank the distinguished Senator from Nevada for his very gracious remarks. He has made a contribution to this legislation.

The PRESIDING OFFICER. Pursuant to the order, the Chair is reducing each speaker's time by 30 seconds because of the two quorum calls. The time that is remaining will be divided according to the order.

The Chair recognizes the Senator from California.

Mr. WILSON. I thank the Chair.

Mr. President, I grant myself 10 minutes less 30 seconds, as the Chair has just described.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. Mr. President, on Monday, my distinguished colleague and friend from Oregon, Senator PACKWOOD, the ranking member of the Finance Committee, addressed the very serious subject of this trade legislation. He suggested that the appropriate approach was a very critical analysis of its provisions in a weighing of the pros and cons, a very careful balancing.

I admire him for that approach and the leadership that he and the distinguished chairman of the committee have given to this critically important legislation.

But I would have to say that I think as the good and bad points must be weighed we need to focus on certain specifics.

I have found that in this instance, while there is very much that is good, the deficiencies that the conference report still contains are serious deficiencies, sufficiently so that I think that the President is correct in seeking a different bill, one that does not have these flaws in it. They are not minor flaws. They are serious flaws.

Much discussion has taken place with respect to plant closing. Would the trade bill be perfect if the plant closing provision were not contained in it? No, it would not be perfect. On balance, were the plant closing provision stricken from it, would the balance be in favor of the bill? I think it would, though it would by no means be cleansed of all of its offending provisions.

Before addressing the problems created by the plant-closing provision, I would like to note some of the other provisions that weigh against enactment of the trade bill.

The provision intended to prevent so-called circumvention of the so-called voluntary restraint agreements on steel will further choke off California and other States in the West from badly needed, affordable, quality steel.

If we continue to unilaterally expand import restrictions on steel—with no end in sight—the figleaf of voluntariness will be gone with the wind of protectionism, if you will excuse the allusion.

Mr. President, the direct budgetary cost of the bill is detrimentally high, and this is worse than simply ironic in light of the acknowledged connection between our budget deficit and our trade deficit. Do we really need to spend $10 million of taxpayer's money on a so-called Council on Competitiveness? Wouldn't this sum of money do more to help our competitiveness if we used it to help a small business finance an export sale?

I suspect not, because I think that it is the forerunner of an industrial policy that would cost us far more both in tax dollars and in terms of really counterproductive depreciation of the competitiveness that we really need.

And talk about Congress struggling to reinvent the wheel, we already have a Council on Competitiveness paid for by the private sector and very ably chaired by the CEO of one of our country's most internationally competitive companies: John Young of Hewlett-Packard. And, Mr. President, HP is competitive because it spent its own money to become competitive without the dubious benefit of a Federal study.

Mr. President, beyond these objectionable provisions, there was one action taken by the conferees on the trade bill—one small, unnoticed action on one small Senate amendment—that speaks volumes on the impact that trade contractionists—that is protectionists—had on the bill: The conferees on the trade bill decided that we do not need to know the cost to the U.S. economy of our protectionism.

They want to know about costs of foreign protectionism, and they want to know about the dollar impact by our budget deficit on our trade deficit. But, they decided that they just did not want anyone to know about the costs to consumers and the costs to American workers of import restraints. They did not want precise figures from the International Trade Commission on the costs to consumers because we have restrained fairly traded car imports from Japan; they did not want to know how much it costs our economy to restrain fairly traded steel imports; they did not want to know how much more low-income families must pay for clothing because of the international textile and apparel cartel—the Multi-Fiber Arrangement.

Those who successfully worked to delete my amendment to the trade bill that would require annual and ad hoc reports on the costs of import restraint programs are frightened of the impact of the truth. They feel that they have a better chance to maintain and expand U.S. protectionism if information on the resulting harm is not known to business and the public.

The trade bill conferees want to provide expanded adjustment benefits to workers who are harmed by fairly traded imports, but they do not want to help workers and businesses hurt by an unanticipated cutoff of such products—a program which would require the type of information that my amendment would have yielded. They do not care that plant workers are laid off or not hired for the lack of fairly traded imported steel because of a so-called VRA.

Apparently, to the trade bill conferees, ignorance is protectionist bliss.

Now, let's talk about the plant closing provision.

Mr. President, every economist—liberal or conservative—has recognized that our economy has been a massive job creation machine. Furthermore, by comparison, despite the fact that we are providing so much more open access to our market than we are allowed by our trading partners, we are creating jobs while their employment levels are hardly moving.

The United States has produced millions of new jobs, more than Europe, Japan, Canada, and Australia combined in a comparable period. So, there is really no comparison.

Why is that? Why during the very time that we are suffering this trade deficit have we been able to be the generator of millions of jobs when they are not? There are many reasons.

There are many reasons why our economy has created so many jobs and is continuing to create jobs. One very basic reason—and I do not want to over simplify it—but one very basic reason is the freedom of employers to negotiate freely with employees, without undue Government interference.

We have a vibrant economy because it has liquidity.

Investment is encouraged when we leave unencumbered to two keys to production: Capital and labor.

If we want to create a horrendous disincentive to investment of capital, we could require that any investment be held at least 60 days beyond the date that its owner decided to sell it. This would be plainly stupid and we would never do it.

Well, the plant closing provision is just as stupid, for it would reduce market liquidity and therefore impose on the market a great disincentive to hire. Let us not forget, as we hear talk of the need to protect by legislation the interests of those who may be laid-off, that we must also protect the interests of those looking for a job.

There are so many circumstances under which an employer may find it necessary to curtail employment that we cannot foresee all of them. We should not sit in judgment with the best intentions in the world trying to provide for the welfare of workers. We will do more harm by this provision than we will do good.

If you tell an employer who is losing sales due to circumstances beyond his control that he must do something heroic in order to protect his workers, which will make him yet more expensive, you simply hasten his demise. It is like throwing a drowning man an anchor rather than a life preserver.

I would ask my friends who support this legislation to bear in mind that labor leaders can be wrong. They have not been historically the best economists for their own membership. Time and again they have prescribed solutions which were more than costly to their own people. Labor leaders do not create jobs. Government regulations do not create jobs. Investment and labor create jobs in combination and if there is not investment, then the labor will be unemployed.

We should be worried not only about those who are presently employed, Mr. President. We need to be concerned about those who would like to be who will require investment in new small businesses in order to be employed, and it is small business, Mr. President, that has given the millions of new jobs that America has created in these last few years.

Mr. President, what we see is a fear on the part of small business of the legislation on plant closing, that to quote a Wall Street Journal news story, headlined that they fear that it "presages more laws mandating worker benefits."

Well, memory is not so short, Mr. President, that anyone on this floor cannot recall how this provision began. It is distinctly watered down at the present moment. It is the result of the requirement on the part of its author that he compromise and compromise and compromise. And, candidly, rather than compromising, we should simply have, with all due respect for his good intentions, advised him that this is counterproductive. It is not in the interests of American workers to so depress the climate for investment that we do not bring the needed capital required for the creation of new small businesses or for the expansion of them so that they can employ yet more workers.

Mr. President, I ask unanimous consent that this article from the Wall Street Journal of August 17 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BUSINESS IS WORRIED THAT BILL ON PLANT CLOSINGS PRESAGES MORE LAWS MANDATING WORKER BENEFITS

(By Alan Murray)

WASHINGTON.—White House economist Beryl Sprinkel claims the Senate-passed measure would destroy U.S. job growth. The National Association of Manufacturers says it would retard investment. Conservative columnist Warren Brookes calls it an "economic neutron bomb."

Behind all that immodest rhetoric, employment experts say, lies a very modest proposal to require advance notification of plant closings.

In its watered-down version, the plant-closing measure would require large companies to give employees 60 days' notice of major closings—a practice already common at most of the nation's largest and most successful concerns. And the legislation is chock full of loopholes through which hard-pressed companies can easily escape.

"You have to have pretty unenlightened, closed-minded management not to be able to adjust to something like this," says Russell Sutherland, recently retired vice president for engineering and technology at Deere & Co. "It's not that horrendous."

The fierce fight over the plant-closing legislation, like much of what goes on in Washington these days, has become a triumph of symbol over substance. The AFL-CIO is vigorously promoting the measure, in an effort to demonstrate its clout in a Democratic-controlled Congress. And business is equally determined to defeat it.

"The paranoia level is really, really high," says Mary Tavenner, a lobbyist for the National Association of Wholesaler-Distributors. "The labor unions perceive themselves as controlling Congress right now, and the business groups are trying to keep the tanks from coming over the hill."

"The Chamber of Commerce, in particular, has its back in the air because of the whole problem of labor legislation," charges Howard Samuel, president of the Industrial Union Department of the AFL-CIO. "Anything that happens, they are going to oppose and go red in the face. It has very little to do with the substance."

LABOR'S REGULATORY AGENDA

The plant-closing measure was approved by the Senate last month as part of its trade bill, but it will be up to House-Senate conferees to decide whether that provision remains in the final bill. The House-passed trade bill hasn't any similar provision, although the House Education and Labor Committee approved a stronger plant-closing bill in June.

The real issue in the plant-closing battle is the business community's fear—and labor's hope—that the measure will be "the camel's nose under the tent." The unions have a long list of legislative proposals that would force more benefits from business, such as a higher minimum wage, mandated health benefits and parental leave. Many members of Congress, facing severe budget constraints on their ability to expand government programs, are inclined to support labor's regulatory agenda.

"The government can't fund new programs, so instead it is going to put its hands in business's pockets," says Pete Lunnie, director of labor relations for the National Association of Manufacturers.

"There is a total package up there, which together all works in the direction of imposing rigidities on our labor market," agrees Mr. Sprinkel. "We don't want to repeat the failed experiment of Western Europe resulting from mandated costs on the private sector."

POLICY WITH BROAD SUPPORT

Despite such fears, a look at the substance of the plant-closing legislation indicates it is a mild measure, and reflects a policy supported by most of academia and the business community, as well as labor.

In the first place, most of America's top companies already give their employees advance notice of plant closings. A study of 224 large corporations by the Conference Board, a business research group, found that about 87% of them gave employees some advance notice of closings, and nearly half gave more than three months' notice—well over the 60 days required in the proposed law.

Furthermore, the practice of giving advance notice has been endorsed not only by labor groups but also by most major business organizations. The National Association of Manufacturers, a leader in the fight against the plantclosing proposal, "considers that early notice of plant closings is beneficial in assisting the dislocated worker find new employment," according to its official policy book. The Business Roundtable urges companies closing plants "to provide the longest practicable notification to affected workers and communities."

VOLUNTARY VS. MANDATORY PRACTICE

And a recent Labor Department task force on the subject also agreed that "advance notification to employees and the community of plant closings and largescale permanent layoffs is good employer practice."

Administration and business groups argue that they support *Voluntary* notice, but not *mandatory* notice. "We don't have any quarrel that employers should provide advance notification," says Mr. Lunnie. "We just don't want legislation."

An extensive study by the National Academy of Sciences concluded that the benefits of requiring two to three months' advance notice of plant closings more than outweigh any costs. Failure to give notice, the study argued, increases the duration of workers' unemployment, which in turn increases the cost of unemployment insurance to the government. Moreover, the study found that while many of the nation's largest companies routinely give advance notice, most small and medium ones don't. A General Accounting Office survey of companies smaller than those in the Conference Board study, for example, found that fewer than 20 percent gave more than a months notice.

EFFECT ON COMMUNITY

Experts also argue that large plant closings can have a devastating effect on small communities. Early notice makes it easier for the community to make needed adjustments in such things as school budgets and other services affected by a shrinking tax base.

"Quite frankly, it surprised me" that so many companies didn't give notice, says Mr. Sutherland, who served on the academy's study panel. "We felt that it had to be mandatory."

Critics of the legislation say the burden of advance notice is too great for small companies. But the Senate measure exempts those with fewer than 100 employees. Critics also complain that the bill affects layoffs as well as closings, but the measure only includes layoffs that exceed six months and involve at least one-third of the work force.

Business lobbyists also complain that public notice can undermine the efforts of companies trying to get credit or business they need to stay open. But in order to win votes for the proposal, the authors—Sen. Howard Metzenbaum (D., Ohio) and Sen. Edward Kennedy (D., Mass.)—added an exception for companies actively seeking credit or business in the hopes of staying afloat.

The result, says David Mowery of the Academy of Sciences, "is quite a bit less far-reaching than what is on the books in many European nations."

Mr. WILSON. Mr. President, I suggest that the fears are not exaggerated, that those that are concerned that this is the foot in the door, the nose of the camel under the edge of the tent, are correct in having those fears.

The plant closing provision threatens the goose that lays the golden egg of expanding employment.

Unfortunately, as is too often the case, organized labor is taking a narrow, parochial, and counter productive position that has few short-term benefits for its members but levies a great long-term cost on the entire Nation—and especially on those now looking for work.

As I indicated at the start of my statement, I believe that there are a number of good provisions in this bill—provisions that I hope to see enacted as the legislative process continues.

Among those provisions I consider to be needed urgently is the so-called "Super 301". It recognizes that the only way to effectively deal with those who engage in wholesale unfair trade practices is to negotiate with them on a wholesale basis. We cannot afford the resources and we cannot afford the time to continue the industry-by-industry, product-by-product, retail negotiation schedule that has been followed to date.

We need to engage some of our trading partners—such as Japan, South Korea, Taiwan, and Germany—in broad, mini-GATT-like negotiations to address the broad range of trade disputes we have with them. The super 301 provides the mandate for these negotiations, and, if necessary a measured response.

I do want to emphasize that my statement should in no way be read to be critical of the work of the U.S. Trade Representative, Ambassador Clayton Yeutter. He has done an outstanding job, time after time, as has his small, efficient and over-worked staff. But despite their efforts against unfair trading practices overseas, and, on occasion, against know-nothing attitudes within some corners of the administration, the mischievous ingenuity of some of our trading partners requires a broader-based remedial effort.

These are also provisions in the omnibus trade bill that address special concerns of my State of California—a State which boasts the sixth largest economy in the world. These provisions are not designed to protect California industries from fairly traded imports. Rather, they are designed to help meet unfair restraints on trade in important foreign markets.

Mr. President, California is the largest agricultural producing State in the country. For Californians, a robust agricultural export market means new jobs and an improvement in our national trade deficit.

As a member of the Senate Agriculture Committee, I successfully offered several amendments to the agricultural title of the trade bill. Each amendment, as included in the final bill now before us, has been geared to putting more muscle in our trade laws, to fight barriers to free trade, and to bolster our competitiveness.

For example, the bill contains a provision based on the "Safe Food Imports Act," which I authored, requiring the Food and Drug Administration to improve its monitoring, testing, and enforcement procedures to protect the public health from imported fruit and vegetables bearing illegal pesticide residues.

This amendment not only protects the public health but also ensures a measure of equity for the American farmer by requiring foreign growers to abide by the same rules that apply to America's farmers.

Mr. President, there is another provision included in the agricultural title of the bill that is of particular importance to the growers in my State. It would effectively double the assistance available under the Targeted Export Assistance Program—or the "TEA Program" as its friends like to call it—from $110 million to $215 million for this fiscal year.

The TEA Program, which I authored and included in the 1985 farm bill, has been called the "star of the 1985 farm bill." It has proven overwhelmingly successful in expanding exports by fighting fire with fire. The additional funding will make possible support for additional organizations that have been victimized by underhanded foreign competition.

Mr. President, it is no secret that our agricultural producers have faced great difficulty, and in many cases, the flat out impossibility, when trying to export agricultural products to Japan.

We address this problem in the bill with a sense of the Congress resolution, which I authored along with my colleague, Senator PRYOR, calling on the Government of Japan to remove its import barriers to United States agricultural exports, including rice, beef, and citrus.

Mr. President, we have afforded our trading partners, including Japan, liberal access to our markets and they had better afford us liberal access to theirs. The balmy days of easy access into U.S. markets are over for as long as it takes to knock down tariffs, quotas, and other protectionist barriers that are keeping U.S. agricultural exports out.

The economic well being of California's agricultural industry depends heavily on expanding foreign exports. The agricultural title of the trade bill provides the key to opening new markets and competing worldwide with foreign producers.

Another major component of California's vast and varied economy are industries that depend on intellectual property protection. Therefore, I am pleased that the trade bill includes a provision modeled on S. 335, the "Anti-Piracy and Market Access Act."

I introduced this bill at the start of the 100th Congress, and I am pleased to have worked with a number of my colleagues, including the Senator from Missouri [Senator DANFORTH], the Senator from Pennsylvania [Senator HEINZ], the distinguished chairman of the Finance Committee [Senator BENTSEN], and especially the Senator from Maine [Senator MITCHELL] to have it included in H.R. 3.

Adoption of my antipiracy and market access bill by the trade conferees is evidence that the Congress fully appreciates the harm being caused to a variety of U.S. industries. There is no doubt that the negotiating leverage provided by this bill will ultimately lead to billions of dollars of increased international sales for the U.S. movie and music industries.

My bill, as incorporated in H.R. 3, requires the President to enter into negotiations with all countries where piracy is flourishing and markets are closed to U.S. distributors of music, movies, and other U.S. products and services dependent on protection of their patents, copyrights, and trademarks—so-called "intellectual property." Such unfair trade practices cause between $23 to $40 billion in harm each year to U.S. industry, as was shown in a study recently completed by the U.S. International Trade Commission.

Under the Wilson provisions, an annual review is conducted of international piracy, trademark counterfeiting, and patent infringement, as well as significant market barriers for intellectual property-based products. Negotiations with countries found to be causing significant problems must be given priority treatment, with a 6-month timetable for completion. Other trade negotiations designed to end unfair trade practices are generally conducted on a timetable of more than 12 months.

Another enhancement provided by the Wilson provisions requires the U.S. Trade Representative to "self-initiate" these negotiations each year. This is a major change to present law that requires U.S. industries being injured to petition for relief—a long and expensive process.

If the negotiation brings no remedy at the end of the 6-month time limit—which may be extended for 3 months under exceptional circumstances—the President is instructed to take whatever action he feels is appropriate to resolve the dispute—including possible retaliation by limiting imports from the offending country.

Mr. President, a coalition of industries supported this legislation, and their work to have it included in the final bill was instrumental in achieving success. Specifically, I was pleased to receive strong support from the movie and music industries, as well as from associations representing computer software producers, pharmaceutical companies, and the computer industry, all of which suffer massive losses each year due to closed markets and piracy.

One other provision in the bill that will be extremely helpful to an important U.S. service industry will expedite the handling of international airline disputes. This industry is a significant one for our economy, generating a great deal of revenue each year. We cannot allow disputes over fair access to foreign markets for our air carriers to lay festering, thereby robbing our companies of vital revenues. Death by delay is too often a tactic employed by major world trading companies, and this provision, which I sponsored, directly confronts this dilatory posture.

The trade bill will bring our tariff schedules in line with the newly established harmonized tariff code which will help resolve some of the bureaucratic impediments to trade.

The trade bill makes an important change in our trade laws that has served as an impediment to expanded trade under the terms of the United States-Israel Free Trade Agreement—an agreement I was proud to support.

The bill also repeals the oil windfall profits tax which has certainly outlived its usefulness. It refines the Foreign Corrupt Practices Act, and it makes very helpful changes to our export control laws that allows us to focus more precisely on the truly critical technologies that should be kept out of the hands of our enemies.

While the omnibus trade bill must stand on its own, it is worthwhile to consider what was in the two bills that went to conference.

Among the objectionable items dropped were the infamous Gephardt amendment, mandatory 201 sanctions, private right of action and trade scofflaw provisions, and the Bryant amendment.

With these provisions in mind, I voted against the trade bill when it was considered by the Senate last July. With these provisions deleted, and with others greatly modified, it looks a lot less frightening. So while we started with a Senate and House amalgamation that constituted the trade equivalent of a Stephen King novel, despite the improvements, it is still a horror for our economy.

Mr. President, to the extent that we can achieve fairness in international trade, we will have accomplished what is best for American consumers and businesses alike.

Well, Mr. President, we need a good trade bill to provide the platform for a comprehensive assault on the unfair trade practices of our trading partners. Therefore, it is my hope that after the President's veto, the House and Senate leadership will bring back a trade bill—unencumbered by extraneous, anticompetitive, antigrowth giveaways to the agenda of organized labor—and that we will see it enacted.

Mr. President, in closing, I do want to commend the extraordinary efforts of the distinguished chairman of the Finance Committee, Senator BENTSEN. I regret that an extraneous provision such as plant closing legislation has glommed itself onto his trade bill. I regret that somehow the very simple and straightforward word "omnibus,' as in "Omnibus Trade Bill" has been twisted by some engaged in the legislative process to mean "anything goes."

Mr. President, I regret that I must oppose my friend from Texas, for I woud be pleased to vote for the work product of the Finance and Ways and Means Committees. But, Mr. President, for the reasons I have outlined, on balance, I cannot.

Mr. President, there is much good in this legislation. I must tell you that it pains me, as someone who has worked specifically with the distinguished chairman of the committee and even more with the distinguished Presiding Officer on inserting into it a title having to do with the protection of intellectual property rights, the protection of copyrights, patents, and trademarks, that I cannot vote for this legislation.

I intend, Mr. President, to vote for some bill soon that will have not only this but other needed protections to American exporters, be it those of farm produce or those of high technology, to whom we owe a requirement that the Government be as assertive as we can be under the super 301 and intellectual property provisions and other needed provisions in this legislation to see that they are granted equity.

Mr. President, how much time remains?

The DEPUTY PRESIDENT pro tempore (Mr. MITCHELL). The Senator's time has expired.

Mr. WILSON. I had that feeling by the look upon your face.

Well, then, I thank the Chair for his forbearance, as well as for his generosity in assisting me in placing this title in the legislation.

Mr. President, I will conclude simply by saying that I think the chairman of the committee, the ranking member, and others deserve credit. They have stripped mightily to produce good legislation.

As a cosponsor of the bill that they have produced, I was pleased and proud to be a cosponsor. It is not their fault that extraneous provisions have been added.

I hope, when they are stricken, we will see this year the kind of trade bill America needs.

Mr. GRAHAM. Mr. President, I ask unanimous consent that I may utilize the time allotted to the Senator from Alabama [Mr. HEFLIN].

The DEPUTY PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I wish to congratulate the chairman of the Finance Committee and the members of the committee and the conference committee who have given us an opportunity today to vote on this important legislation. I will do so with enthusiasm because I believe it represents an important step forward in America's ability to regain its competitive position in the world.

I also wish to thank the chairman particularly for including in this bill language which recognizes the importance of the Caribbean Basin. I know that the chairman was a sponsor when the Caribbean Basin Initiative was originally passed and that this continues to be an area of the world of special importance to him, as it is of special importance to our Nation.

The bill gives this focus to the Caribbean Basin by recognizing Caribbean Basin Initiative as the foundation upon which we can build mutually beneficial trade with our neighbors in the region. By doing so, we recognize, Mr. President, that the greatest problem facing our region, the region which we share with neighbors in Central America and the Caribbean, that our greatest problem together is an economic one.

Moreover, this action underscores the need for a comprehensive, sustainable, and long-term economic regional policy. Economic development is crucial if emerging democracies in this region are to successfully consolidate their gains and improve the lives of their people. And I would point out, Mr. President, that there is no single area in the world which has more democracies per square mile than does the Eastern Caribbean. The success of those emerging democracies, as well as those in Central America, is crucial to our national security. Our security depends, in large part, on their success.

This legislation is a useful first step—but I emphasize that it is only a first step in the road to reform. Indeed, one measure which is not included in this bill is an amendment which I introduced and the Senate adopted during Senate consideration which called for an extension of the CBI through 1999. The conference committee withdrew this amendment with my concurrence. I concurred because I would like the Finance Committee and this Congress to take a new look at a more comprehensive CBI legislation, legislation such as that which has been introduced in this Chamber by Senators Kerry, McCain, and myself, and by Congressman Gibbons, Pickle, Fascell, and others in the House of Representatives.

The Legislative Calendar, I recognize, Mr. President, is filling up. Nevertheless, it is imperative that the United States send a clear message of positive commitment to the Caribbean Basin and to do so this year. We have just finished a very strenuous, long running, and divisive debate on our policy toward Nicaragua. Our friends in the region are questioning the direction of our future policy in the region. We now have an opportunity for a newly defined and sustained relationship with the countries of Central America and the Caribbean, a relationship that is characterized by more than episodic crisis management.

We often in this Nation and in this Chamber speak of the need to listen to what our Latin friends are telling us; to listen to their advice; to take that advice into account as we formulate national policy.

I can tell my colleagues that what our Caribbean Basin neighbors are telling us is that they desperately need our economic help. They are not looking for handouts. They are looking for the simple opportunity to trade so that they can meet their debt obligations, so that they can have the economic growth, the fruits and the benefits of free enterprise economic systems.

That is why we, as a Nation, have placed great confidence in the long-term usefulness of a special trading relationship in the Caribbean Basin. That is why they want us to improve and build upon this foundation. The CBI enhancement legislation we have introduced is vitally important to our neighbors.

The connection between trade, the ability to retire debt, and the mutual benefits that are derived by all concerned by now should be clear to everyone. Trade translates into debt retirement and healthy economies. That is the heart of the CBI reform.

Mr. President, I sincerely hope that the Finance Committee, upon completion of the trade bill, recognizing the other important measures which are before that committee, can include on its action agenda the Caribbean Basin reform. I hope that the committee can hold whatever hearings are required and move the bill in the near future. How we handle the Caribbean reform legislation, how expeditiously we consider it, will send an important message to our basin neighbors as to not only the sustainability of our commitment, but the degree to which they can depend upon our friendship.

Mr. President, I yield the remainder of my time to Senator Bentsen.

APPOINTMENT BY THE VICE PRESIDENT

Mr. BYRD. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the Right Brian Mulroney, Prime Minister of Canada, into the House Chamber for the joint meeting today.

The PRESIDING OFFICER (Mr. Breaux). Without objection, it is so ordered.

OMNIBUS TRADE AND COMPETITIVENESS ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The DEPUTY PRESIDENT pro tempore. The Senator from Texas.

Mr. BENTSEN. Mr. President, I suggest the absence of a quorum to be charged equally to the remaining time as allocated.

The DEPUTY PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The DEPUTY PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, let me clarify, again, my position with regard to the pending legislation before this body, the trade bill, and my particular opposition to section 2424. I have spoken at some length yesterday on the merits of this legislation as it applies to the State of Alaska, the residence of this junior Senator. I have indicated that this proposed section is discriminatory. It is discriminatory to my State because, Mr. President, it takes a resource and excludes the exporting of that resource by the State of Alaska only.

To be specific, Mr. President, section 2424 limits refined exports of products from new refinery, and limits that only in the State of Alaska. It limits it to 50 percent of the annual output, or no more than 70,000 barrels a day.

Mr. President, no other State has restrictions on the right to export refined product or for that matter any manufactured product, so why should restrictions be placed, particularly in a trade bill, a bill whose intention is clearly to maintain the open markets that have been a tradition of the United States, a bill that is to expand our trade opportunities with our neighboring countries—or one State?

If this bill passes, no other State, as I have indicated, will have restrictions on the right to export refined products except in Alaska. Here we find it in our trade bill, an attack on one State's efforts to develop primary processing capacity that allows its citizens to benefit from creating a value-added product.

Mr. President, if this bill passes of where we are it will dictate that oil that is produced in our State from our oil wells may be shipped to any other State in the United States and that State can refine it and export it in unlimited quantities, assuming that it gets an export permit from the Department of Commerce, but will prohibit it from being exported from Alaska.

Mr. President, I am particularly thankful to many of my colleagues who have addressed this injustice and particularly my senior colleague, Senator STEVENS, the senior Senator from Alaska. Unfortunately, Senator STEVENS is not feeling well. He has a very, very bad cold. I am sure he would be joining with me today otherwise.

Senator STEVENS, in a colloquy with our majority leader, indicated a concern over the constitutional aspects here, where one State is pointed out; one State is taken to task; one State is discriminated against. It is clearly, Mr. President, in my opinion, unconstitutional.

I was particularly moved at the commentary by our majority leader on that aspect. I know that our Governor and those in the State of Alaska feel very strongly about the constitutionality of this and, indeed, if the trade bill should move ahead, I feel quite confident that they will see fit to challenge it in the appropriate courts.

But there are others in this body, including the chairman of the Finance Committee, the senior Senator from Texas, who have spoken on the injustice of this legislation. I am particularly gratified at their consideration and concern.

A number of Senators on both sides of the aisle have risen as a consequence of this issue being brought to light, the discriminatory direction that the trade bill has taken as it reflects the resource marketing of products from our State, and I want to thank all my colleagues who have spoken on our behalf.

The question that we have before us, Mr. President, is what kind of a vehicle at this late date might we use to achieve our objective to throw out the provision that discriminates against Alaska? Again, the chairman of the Finance Committee was most gracious in attempting to pursue alternatives to address the concerns of both the Senators from Alaska. As a consequence, I am most grateful for his efforts.

Unfortunately, the parliamentary procedures seem to involve the development of a Senate concurrent resolution.

Mr. President, I have that resolution before me and I have given it a great deal of thought, as to whether or not it would be appropriate to present such a resolution which I understand, under the parliamentary procedure, would necessitate unanimous consent before this body and then it would have to go back to the House while the trade bill would be held here and would face the exposure to unanimous consent over there as well.

Again, if I may recognize the majority leader's contributions to the concern we have over this discriminatory matter, his very gracious comments and encouragement he has given is most grateful.

Mr. BENTSEN. If the Senator will yield for a moment, I want to thank him for his gracious remarks, and if I can be of help at a further time, I will be glad to do so.

Mr. BYRD. Mr. President, allow me, I want to associate myself with the remarks of the distinguished Senator from Texas [Mr. BENTSEN]. I believe that the language, at least on its surface, appears to me in one of the provisions to be unconstitutional, at least it appears to me to be on the surface. I am sure it is discriminatory, and the other provision is certainly discriminatory against the State of Alaska.

There is no question in my mind on that part, and I associate myself with the remarks of the two Senators from Alaska. I can understand how they feel put upon, and I do not think it was intentional in that respect, but I certainly empathize with them and sympathize with them. And I would like to find some way to correct the inequity.

Mr. MURKOWSKI. I thank the majority leader, and I thank the chairman of the Finance Committee for the expression of their sentiments. Unfortunately, the procedure proposed under the submission of a Senate concurrent resolution requiring unanimous consent is quite unlikely in the mind of the Senators from Alaska.

As a consequence, Mr. President, I have decided not to proceed with the submission of the Senate concurrent resolution, even though it does appear the only way at this late date that we could seek some relief because it would provide the necessary vehicle for striking that provision which specifically discriminates against the State of Alaska.

I want to take this opportunity to reflect a little bit of the history of just how this section, section 2424, occurred because this is not something that the Senators from Alaska just brought to the attention of this body.

As I indicated earlier, I spoke at length yesterday against this section, and I think the history of this bill and I intend to share with my colleague, that portion of the bill, section 2424, will be significant and important in reflecting on just what went awry and why we are left with this discriminatory action being included in the trade bill.

I have heard it said on this floor from time to time there are two finished products which most people would rather not watch while they are being made, and that is sausage and legislation. I think the President would agree with me when I capsulize this history that a bit of sausage went into the making of section 2424.

On March 4, 1987, H.R. 1416 was introduced in the House of Representatives. The bill, as introduced, would have amended the Export Administration Act. I have that before me, Mr. President, and would ask that be made a part of the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD as follows:

H.R. 1416—A BILL TO RESTRICT OIL EXPORTS TO NONCONTIGUOUS COUNTRIES

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVISIONS TO EXISTING RESTRICTIONS.

Section 7(d)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2406(d)(1)) is amended to read as follows:

"(1) No domestically produced crude oil may be exported from the United States, subject to paragraph (2) of this subsection. The prohibition contained in the preceding sentence shall not apply to—

"(A) crude oil which is exported to an adjacent foreign country to be refined and consumed in that country in exchange for the same quantity of crude oil being exported from that country to the United States; except that, with respect to domestically produced crude oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652), such exchange must result through convenience or increased efficiency of transportation in lower prices for consumers of petroleum products in the United States as described in paragraph (2)(A)(ii) of this subsection, or

"(B) crude oil which is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign country and reenters the United States."

SEC. 2. APPLICABILITY OF RESTRICTIONS TO PRODUCTS OF EXPORT REFINERIES.

Section 7(d) of the Export Administration Act of 1979 (50 U.S.C. App. 2406(d)) is amended by adding at the end thereof the following:

"(5)(A) The provisions of paragraphs (1) through (4) of this subsection shall apply to the export of any refined petroleum product, or partially refined petroleum product, which is produced by an export refinery to the same extent as the provisions of paragraphs (1) through (4) of this subsection apply to the export of domestically produced crude oil.

"(B) For purposes of this paragraph—

"(i) the term 'refine petroleum product' means gasoline, kerosene, distillates, propane or butane gas, diesel fuel, and residual fuel oil:

"(ii) the term 'partially refined petroleum product' means a mixture of hydrocarbons which existed in liquid phase in underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities, and which has been processed through a crude oil distillation tower, including topped crude oil and other unfinished oils, but excluding refined petroleum products; and "(iii) the term 'export refinery' means, with respect to a proposed export, any crude oil refinery which, were it to make the proposed export, would have exported more than 33 percent of all refined petroleum products and partially refined petroleum products produced by that refinery—

"(I) during the 1-year period ending on the day of such proposed export, in the case of a refinery that has been in commercial operation for 1 year or more, or

"(II) during the period in which it has been in commercial operation, in the case of a refinery that has been in commercial operation for less than 1 year.

"(C) Within 180 days after the date of the enactment of this paragraph, the Secretary shall issue such regulations as may be necessary to carry out this paragraph.".

Mr. MURKOWSKI. That would prohibit the export of all crude oil from the United States. Second, it would create an exception to the crude ban for equal exchange swaps of ANS or Alaska crude oil with Canada and Mexico. It would prohibit the export of Alaskan North Slope crude oil to be used, to be refined in any refinery in the United States in excess of 33 percent of its annual average output.

The sponsors of the bill indicated that it was intended to stop the export of some 3,000 barrels a day of crude oil from another part of Alaska, from the Cook Inlet area. Three thousand barrels a day, Mr. President, is a very small amount. That is about one tanker every 6 months, and one would wonder why would you make an issue over that?

Well, the excuse was we do not allow by law the export of Alaska North Slope crude oil, and if we allow it from another part of the State, the nose of the camel, so to speak, will get under the tent.

That was not kept in perspective because the realities are this was State royalty crude oil, one barrel out of every eight, and they were saying the State of Alaska did not even have the right to sell its own oil from another part of the State.

The sponsor of the bill indicated that no other refineries were intended to be affected by the provision because no other refinery was doing what was proposed in Alaska. What the Alaska proposed refinery wanted to do was to export North Slope crude oil.

Mind you, as I have said again and again, There is a prohibition against the export of Alaskan North Slope crude oil, but there is no prohibition on any States ability to export refined products, from ANSoil but that was what was proposed in H.R. 1416.

What happened to H.R. 1416? Despite the intent of the authors, it was discovered the bill would affect at least one other refinery, and that was a refinery in the foreign trade zone in Hawaii which received over 28,000 barrels a day of Alaskan North Slope crude oil. That refinery was exporting all of that product to the Pacific rim countries with no restrictions, so it was decided when the sponsors of H.R. 1416 were confronted with the fact that the proposed refinery in Alaska was not going to do anything new, instead of reassessing the merits of their legislation, they simply fixed the Hawaiian problem. The bill was amended to affect only refineries in Alaska and the contiguous 48 states.

H.R. 1416, as amended, was approved by the House Foreign Affairs Subcommittee on International Trade for inclusion in the full committee title of H.R. 3.

We began to get opposition. On March 24, 1987, the Secretary of Energy, John Herrington, sent a letter to the House Foreign Affairs Committee Chairman, Chairman FASCELL, expressing the Department's opposition to the provision.

I have that letter, and I ask unanimous consent that be made part of the RECORD, Mr. President.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,
Washington, DC, March 24, 1987.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs, United States House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express the Department's strong opposition to section 331 of H.R. 3, the House Omnibus Trade Bill, as approved for full committee action by the House Foreign Affairs Subcommittee on International Economic Policy and Trade on March 18. This provision would prohibit the export of domestically produced crude oil from the United States, thereby reversing recent and ongoing Administration efforts to improve the economic efficiencies of energy trade with both Canada and Pacific Rim countries; in addition, it would impose an objectionable new prohibition on exports of refined products from the United States.

Subsection (a) of section 331, although captioned, "To Noncontiguous Countries," in fact would ban the export of any domestically produced crude oil, including exports to Canada, except in extremely narrow categories. While one of these exceptions refers to exports to an adjacent foreign country "in exchange for the same quantity of crude oil being exported from the United States," this is inadequate to preserve U.S.-Canadian crude oil trade because little or no such trade realistically could be conducted through exchanges.

Exports of refined petroleum products from the U.S. only recently were completely deregulated. Yet subsection (b) of section 331 would impose new restrictions on exports of products from a U.S. refiner, more than one-third of whose production goes to exports. Imposing new restrictions on refined petroleum product exports in all probability would require the reimposition of export licensing. Such a requirement would cripple the ability of exporters to respond to the dynamics of the petroleum spot market.

As you are aware, free and fair trade initiatives have been a cornerstone of our international energy policy. We have encouraged all countries to remove trade restrictions in order to enhance our individual as well as global energy security and to promote market forces as the most efficient allocator of energy resources. Japan, for example, has responded to pressure from our bilateral talks and International Energy Agency discussions by opening its petroleum product market; and Canada has removed previous restrictions on crude oil exports to U.S. refiners.

We have been able to impress upon our allies the importance we give to this effort by taking steps to lift some of the restrictions on exports of our domestic crude oil. In June 1985, crude oil exports to Canada, other than oil produced in Alaska's North Slope or from the Naval Petroleum Reserves, were permitted in implementation of the President's March 1985 "Shamrock Summit Agreement," which preceded Canada's liberalization of its own crude oil exports to the U.S. Then in June 1986, restrictions on exports of crude oil from Alaska's Cook Inlet were lifted. The action to lift Cook Inlet restictions was initiated by the 1983 Reagan-Nakasone agreement in which the President made a commitment to review the removal of U.S. trade barriers, including crude oil export prohibitions.

Although, at present, only 16 thousand barrels per day are exported to Canada and a relatively small amount of Cook Inlet crude oil of about 5 thousand barrels per day has been sold to Taiwan and Korea, lifting these restrictions has been an important symbolic step.

Reversing these actions would send the wrong signal to our allies and weaken our influence on the international community. While we consistently urge countries to look to the U.S. for stable and secure supplies of energy, provisions such as section 331 would impede this effort. Furthermore, it is important to note that because of the integrated nature of the oil market, U.S. vulnerability to the effects of supply disruptions depends primarily on worldwide dependence on insecure supply sources rather than on the level of U.S. imports. Allowing U.S. oil exports would reduce worldwide dependence on insecure sources.

For these reasons, the Department opposes section 331 and strongly urges that it be stricken from the bill.

The Office of Management and Budget advises that from the standpoint of the President's program, there is no objection to the presentation of this report.

Yours truly,
JOHN S. HERRINGTON.

Mr. MURKOWSKI. I thank the Chair.

In his letter, Secretary Herrington indicated that the provision would prohibit the export of domestic crude, reversing efforts by the administration to improve the economic efficiencies of energy trade with Canada and Pacific rim countries.

He further indicated section 331 would also impose objectionable new provisions on the export of refined products. In his letter, he stated that refined products were deregulated in 1981 and that the provision would impose new restrictions on exports from refiners who exported more than one-third of their products.

He further indicated that the administration had been active in encouraging all countries to remove trade restrictions which hurt global energy security and cited progress made with

Japan to open up its markets to U.S. petroleum products.

Secretary of Energy Herrington also indicated that the proposed ban on crude oil would invalidate action taken by the administration in June of 1986 to allow the export of the crude oil I previously spoke of, the 3,000 barrels from Cook Inlet, which was being sold to Taiwan and Korea.

I should add, clearly these are two separate areas—one is the North Slope, Prudhoe Bay, and another is a smaller amount of oil available from the Cook Inlet area.

Secretary Herrington expressed the Department of Energy's concern that section 331 would send a wrong signal to our allies at a time when we were encouraging them to look to us for stable and secure supplies of energy.

On April 24, the Department of Energy submitted further information on its opposition to section 331. In addition to the concerns I just cited, the Department of Energy stated that the refined export limit could hamper U.S. capability to meet commitments to NATO allies in time of emergency.

On April 27, 1987, during House debate on H.R. 3, the Cabinet sent a letter to House Speaker WRIGHT expressing concerns over provisions of H.R. 3 which could result in veto with regard to section 331. The letter stated:

> Restrictions on oil and oil product exports would reverse efforts toward free trade with Canada and energy trade with the Pacific Rim, burden U.S. refineries, jeopardize our ability to meet national defense requirements, and be economically inefficient.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. TRADE REPRESENTATIVE,
EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC, April 27, 1987.

Hon. JAMES C. WRIGHT, JR.,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On February 19, 1987, President Reagan proposed comprehensive legislation (H.R. 1155) to improve America's competitiveness. Since then, we have spent hundreds of hours with the committees of the House discussing H.R. 3, the "Trade and International Economic Policy Reform Act of 1987." Substantial changes to this bill have been proposed, and will soon be considered by the Rules Committee and by the full House. We appreciate that some of those changes are improvements, but we are disappointed that the improvements have been offset by seriously troublesome new proposals. In addition, numerous objectionable provisions in the bill as introduced have not been removed.

The President's overriding trade policy objective is simple: to foster economic growth by opening markets. This objective has become an American tradition. Since the establishment of the reciprocal trade agreements program in 1934, it has been consistently endorsed and successfully implemented by nine Presidents and twenty-seven Congresses. We know that the 10th Congress shares this objective.

In this spirit, the President's wide-ranging legislative proposals are designed to foster American competitiveness by:

Renewing negotiating authority in a way that would strengthen the 53-year partnership between the Legislative and Executive Branches in the development of agreements to remove barriers to trade;

Improving our export performance by streamlining export controls, removing ambiguities in the Foreign Corrupt Practices Act, and enabling more small exporters to take advantage of export trading companies;

Improving the Trade Act of 1974 to better ensure attainment of its objectives—specifically, amending Section 301 to explicitly allow consideration of reciprocity and to establish a deadline for dispute settlement, and amending Section 201 to provide expedited import relief for perishable products, provide additional relief options, and make it easier to obtain relief during a recession;

Improving our antidumping and countervailing duty laws by establishing tough new anti-circumvention provisions and providing a predictable pricing test for non-market economies;

Strengthening enforcement of U.S. intellectual property rights;

Replacing Trade Adjustment Assistance with a new, $980 million worker readjustment program that would provide speedy assistance to three times the number of workers covered by current programs; and

Adapting our outdated antitrust, product liability, and regulatory statutes to the realities of international competition.

We are pleased that H.R. 3 accepts many of the President's proposals. However, many provisions are so contrary to our objective of opening markets that it would be impossible for us to recommend that he approve the entire package in its present form. For example:

Mandatory retaliation provisions, contrary to their intent of making fair trade more "automatic," would in fact make retaliation and counter-retaliation more automatic. Cases under Section 301 of the Trade Act of 1974 are especially delicate because they often involve issues for which international standards of fairness are ambiguous. A statutory hair-trigger could encourage nationalistic reactions by our trading partners, reversing the recent pattern of successfully negotiated market-opening settlements of these cases.

Mandatory retaliation against "excessive trade surplus" countries is doubly inappropriate because such a standard wrongly suggests that bilateral trade imbalances are necessarily improper. Instead of reconsidering this current provision, it appears that some are prepared to lend support to an even more destructive amendment (commonly known as the Gephardt amendment) requiring annual 10 percent cuts in bilateral trade deficits.

Mandatory retaliation on a sector-specific basis (as proposed for telecommunications and primary securities dealers) is also a compound error, because it violates the principle that has made trade-liberalizing agreements possible: Reciprocal balances of concessions across all sectors. Sectoral reciprocity cuts both ways; if adopted by our trading partners, it would prevent the U.S. from running surpluses in sectors like agriculture and aircraft, where we have an advantage.

The requirement to close our government procurement markets unilaterally could violate our international commitments; subject us to retaliation, seriously damage our credibility in pending government procurement negotiations; and raise U.S. government procurement costs.

Restrictions on direct and portfolio investment such as the proposed registration and disclosure requirements and the provision for blocking investments would invite foreign mirror legislation, deny capital to the U.S. economy that is helping to finance growth and job creation, undercut our efforts to promote open investment policies in other countries, and possibly violate treaty commitments.

Mandating currency negotiations and intervention to achieve a legislated exchange rate objective could trigger the very exchange rate instability we are seeking to avoid, disrupt trade, and impair economic growth.

The proposed international debt facility could have costly tax revenue and expenditure impacts (as much as $2 billion annually), undermine ongoing negotiations with debtors, and impair their ability to get new loans. The inclusion of debt forgiveness in a legislatively mandated menu of options for commercial banks could have similar adverse effects.

Proposed amendments to antidumping and countervailing duty law would have enormous trade chilling effects. They are inordinately costly, would likely provoke retaliation and mirror legislation, and would flatly violate our international obligations. Implementation of the proposal on worker rights under Section 301 would likely assure retaliation from the worst violators of the new provisions and would prove counterproductive to our efforts to promote worker rights.

The agriculture title would increase outlays for dairy price supports by up to $300 million each year—and consumer costs by up to $500 million—by distorting the formula used to calculate milk supply.

The shipping title would institute a market share test of fairness that is fundamentally anti-competitive, could lead to government allocation of cargoes, and would impose an enormous data gathering and negotiating burden.

Restrictions on oil and oil product exports would reverse efforts toward free trade with Canada and energy trade with the Pacific Rim; burden U.S. refineries, jeopardizing our ability to meet national defense requirements; and be economically inefficient.

Finally, we must directly confront one fundamental misperception that has impaired constructive debate on trade legislation. That is the charge that President Reagan has made inadequate use of Presidential trade powers. Nothing could be further from the truth. The Reagan record has demonstrated an unprecedented exercise of those trade powers:

For the first time, unfair trade practices have been formally investigated on the Administration's own motion, resolved in most cases, and retaliated against when necessary.

A record number of market-opening settlements of unfair trade cases has resulted from unprecedented use of Presidential unfairness determinations and threats of retaliation, while counter-retaliation by foreign governments has been minimized.

Textile import quotas have been negotiated or imposed in record numbers and with unprecedented degrees of restraint.

Of the recommendations presented to the President under Section 201 of the Trade

Act, two-thirds have resulted in import relief—far higher than the record of prior Administrations.

Rigorous enforcement of antidumping and countervailing duty laws—strongly supported by the President—has resulted in a record number of orders for offsetting duties.

We find it deeply ironic that Congress would respond to this unprecedented use of Presidential discretion by restricting the discretion of future Presidents. We cannot accept the premise that the test of a "tough" trade bill is the extent to which it removes Presidential discretion. The opposite is true. Presidential involvement in trade policy has been the decisive factor in the market-opening achievements of this Administration. This is as it should be: Presidents are elected to make decisions affecting the national economic interest, and the President's voice carries great weight with our trading partners as the voice of all Americans.

This Administration has made significant—and largely successful—efforts to improve international economic policy coordination. We have reached understandings with our major trading partners on measures to achieve increased growth, reduced trade imbalances, and greater exchange rate stability. On that score, we would point out that H.R. 3 would add roughly $3.2 billion to the budget deficit over the next three years—and as much as $9 billion if the proposed debt facility is established—at a time when we have promised ourselves and our trading partners to reduce it. In addition to the debt facility and expanded dairy price support outlays described above, H.R. 3 would expand the Trade Adjustment Assistance program while providing full funding for the $980 million job search and training program designed to replace it, and would create new Federal grants in areas where State or private funding is more appropriate (education, semiconductor research).

Our trade laws are fundamentally sound. Our responsibility is to ensure that they are well maintained and well implemented, without undermining the principle of trade expansion on which they are based. Regrettably, many provisions of H.R. 3 do not meet that test. Unless substantial changes are made, we could not recommend that this bill become law.

Sincerely,

James A. Baker III, Secretary of the Treasury; George P. Shultz, Secretary of State; Clayton Yeutter, U.S. Trade Representative; Malcolm Baldrige, Secretary of Commerce; Richard Lyng, Secretary of Agriculture; Caspar W. Weinberger, Secretary of Defense; John S. Herrington, Secretary of Energy; James C. Miller III, Director, Office of Management and Budget; Bill Brock, Secretary of Labor; Elizabeth H. Dole, Secretary of Transportation; William Bennett, Secretary of Education; Beryl W. Sprinkel, Chairman, Council of Economic Advisers.

Mr. MURKOWSKI. Mr. President, on April 29, Representative Young from Alaska proposed an amendment to strike section 331 from H.R. 3. After extensive debate, the Congressman was forced to withdraw the amendment. I ask unanimous consent that that floor debate be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Mr. Young of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am allowed under the rule to offer an amendment to strike section 331. At this point, I will agree not to offer this amendment in view of the ongoing discussions we are having with the sponsors of this section.

However, I must restate my objection to section 331, which was added to the trade bill without the benefit of a hearing. The section places new restrictions on the export of a limited quantity of Alaska crude oil. These limitations far exceed the North Slope crude oil limitations found in current law. Further, the section precludes export from a proposed refinery in Valdez, AK, which would, in part, supply American overseas military facilities.

This section is strongly opposed by the administration. It would have an impact far beyond Alaska, on maritime interests, foreign relations, and other refineries. Other States and other refineries will be impacted by section 331. In Alaska, this section would preclude financing for a refinery project which would provide hundred of jobs in a State with a high unemployment rate.

I am strongly opposed to the section, but I am hopeful that we can continue a constructive discussion with the sponsors of section 331.

Mr. DeLay. Mr. Chairman, will the gentleman yield?

Mr. Young of Alaska. I yield to the gentleman from Texas.

Mr. DeLay. Mr. Chairman, I appreciate the tactics that the gentleman has taken, and I want to reemphasize the hypocrisy that is in this bill. We just passed the Gephardt amendment, that has all kinds of hypocrisy in it, that calls for retaliation against unfair trade practices but does not mandate the United States to lift its barriers. We have a new entitlement program, when everybody knows that most of the problem of having a trade deficit comes from our budget deficit. We have the Bryant amendment, that damages our foreign investments that have paid for our national debt and helped us with our balance of payments, helping us to avoid economic catastrophe. And now we have in this bill a limitation of exports of oil and refined products, shutting down a market in a bill that the proponents say opens markets. We pick one market, exported oil and refined products from Alaska, and restrict them from being sold to Japan and Canada, countries that have just removed previous restrictions on crude oil exports to the United States refiners.

I think that this is another reason to vote against this bill.

Mr. Lagomarsino. Mr. Chairman, will the gentleman yield?

Mr. Young of Alaska. I yield to the gentleman from California.

(Mr. Lagomarsino asked and was given permission to revise and extend his remarks.)

Mr. Lagomarsino. Mr. Chairman, I support the amendment that was to be offered by my distinguished colleague from Alaska to delete section 331, title III, of H.R. 3. These amendments would address provisions in the bill which prohibit crude oil exports and limit refined product exports. Reversing the recent efforts made to open Canadian and Pacific rim markets will send the wrong signals to our allies about our trade policy. Furthermore, the Department of Energy's recently released energy security study points out that free and competitive markets are necessary for the development of economic alternatives to insecure energy supplies. In addition by permitting more competition for Cook inlet oil, incentives would be provided to explore and develop more energy resources.

Mr. Chairman, subsection (b) in particular causes special problems since it is directed at Alaska Pacific Refining [APRI], a company that intends to construct a state-of-the-art refinery in southeast Alaska. APRI was established by Campbell Energy Corp. which is located in my district. This subsection would severely limit the export of refined petroleum products, which under current law can be exported without limitations. Subsection (b) would put APRI out of business. Hundreds of jobs that would be created in the construction and maintenance of the refinery would be lost. APRI intends to sell some of its output to the defense fuel supply agency. By supplying the military overseas, it will reduce the current 100-percent dependence of our Pacific rim bases on foreign-originated refined products.

Mr. Chairman, the Department of Energy strongly opposes section 331 and I support this amendment.

Mr. Armey. Mr. Chairman, will the gentleman yield?

Mr. Young of Alaska. I yield to the gentleman from Texas.

Mr. Armey. I thank the gentleman for yielding.

Mr. Chairman, I would like to express my disappointment that the gentleman is not going to offer his amendment. I understand his reasons, and I can appreciate them.

I would like to take a moment to point out the patent absurdity of having this provision in the law. It is absured to believe that we can correct our balance of payments with a trade bill that shuts down exports when it is a decline in exports that is primarily responsible for our balance-of-payments problem. It is crazy to shut down the development of a critical high linkage industry in this economy when it is our budget deficits, which could be abated by its expansion that is such a critical cure of this trade deficit problem to me.

I understand that it is in the area of trade that we often get the most erroneous and errant legislation because of its complex problems, but this provision in this bill not only betrays good economics, but betrays the intent and purpose of the bill.

I wish the gentleman well with his other efforts, and I hope quite frankly on the basis of this provision alone that this body will defeat the bill.

Mr. Young of Alaska. I thank the gentlemen for speaking in favor of my position.

Mr. Wolpe. Mr. Chairman, I move to strike the last word.

(Mr. Wolpe asked and was given permission to revise and extend his remarks.)

Mr. Wolpe. Mr. Chairman, let me say first of all that on this matter I am speaking on behalf of myself and also my distinguished colleague and good friend, the gentleman from Connecticut [Mr. McKinney], who is unable to be here today.

As many Members know, Mr. McKinney's efforts to prevent the export of Alaskan oil date back to the 1970's, and we are the coauthors of the provisions in section 331.

I must reaffirm my opposition, opposition that has been expressed by this entire Congress on several occasions, to the export of

Alaskan oil. As this Congress has determined many times in the past, the export of Alaskan oil is not in the interests of our national security, it is not in the interests of sound U.S. energy policy, it is not in the interests of the American consumer, and it is not in the interests of the American worker.

I must object strenuously to any attempts to exploit loopholes in the current restrictions on the export of Alaskan crude by exporting refined oil in its place. For that reason section 331 contains a provision making the output of an export refinery—any refinery exporting more than 33 percent of its output annually—subject to the restrictions that presently cover crude oil.

That said, let me clarify that I am not opposed to the construction of a refinery in Alaska which can meet the requirements of section 331. I understand from press reports that the company planning to build a refinery at Valdez feels that it can operate within those restrictions, and I certainly would encourage it to investigate that possibility. But the export of Alaskan oil must be resisted by this body, as it has been in the past.

It makes no sense to export Alaskan oil because such exports would threaten our national security. We are net importers of oil. Indeed, our dependency on foreign oil is increasing at an astounding rate, up from 27 percent last year to 33 percent this year. The Department of Energy estimates we will import half our oil by 1990. Giving up our precious and dwindling Alaskan supplies will further increase our dependence on unstable sources of foreign oil. It was not so long ago that the United States was devastated by an oil embargo, today we watch a volatile war between Iraq and Iran and military escorts through the Suez Canal. Can anyone doubt that our goal must be to limit dependence on foreign sources of oil as much as possible?

Exporting Alaskan oil makes no sense because it can only increase our astounding trade deficit. It has been argued that by shipping our precious raw materials to Japan we can balance the flood of Japanese finished products that glut our market. This thinking is flawed on two accounts. First, any oil exported will have to be matched by the importations of an equal quantity of foreign oil at higher prices. Make no mistake about this, Mr. Young's amendment could increase the trade deficit by over $700 million.

Second, we cannot let the exploitation of our natural resources provide a smoke screen masking the serious problem underlying our trade inequities with Japan. This trade bill creates real opportunities for American industry to regain its competitiveness abroad, it makes no sense to clutter it with deficit balancing smoke and mirrors.

Exporting Alaskan oil makes no sense because it hurts the American worker. Simply put, exporting Alaskan oil means exporting U.S. jobs. By encouraging the spending of U.S. dollars on foreign flagships and idling U.S. flagships, this amendment would further harm an already struggling U.S. maritime industry. By diverting oil trade from the United States to the Pacific rim this amendment will also hurt dock workers up and down our west coast. Estimates indicate that the Young amendment would cost the American worker between 6,000 and 8,000 permanent jobs.

Let me say that I greatly respect the persistence of the gentleman from Alaska on this matter, but sadly, Alaska's gain in this instance would be America's loss.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I am pleased to yield to my distinguished chairman, the gentleman from Washington.

Mr. BONKER. I thank the gentleman for yielding.

Mr. Chairman, I want to applaud the work that the gentleman from Michigan has done in strengthening provisions in the Export Administration Act dealing with the export of North Slope oil and of U.S. crude oil, and refined petroleum products, and also appreciate the concerns of the gentleman from Alaska. If I were to represent that area, an oil-producing State, I certainly would like to see any restrictions removed so that the highest price possible could be obtained. But as the gentleman from Michigan has noted, what may be in Alaska's best economic interest may not necessarily be in our Nation's best economic or energy interests.

Mr. Chairman, I would note that the reason the committee took up this matter is not necessarily because it is an export-promotion issue, but that we were in the process of amending the Export Administration Act as it dealt with national security controls on technology.

The section on materials in short supply is also in the Export Administration Act, and we felt it appropriate to strengthen the provisions in the act dealing with Alaskan North Slope and other oil exports. What we have done actually is to bring some uniformity and consistency to the varying provisions that now exist in five separate statutes that currently govern crude oil exports, by placing them under the conditions of the Export Administration Act, as the gentleman has explained, subject to exceptions on certain exports to Canada and Mexico.

Second, section 331 beefs up the congressional role in reviewing and approving crude oil and refined petroleum exports so that we can assure exports will benefit American consumers and refiners, and of course will be in the best national interest.

Lastly, Mr. Chairman, just to place this matter on record, this section of H.R. 3 closes loopholes in the current law to assure that refineries that export more than 33 percent of their output also meets consumer and national interest tests. We are specifically concerned with the proposed refinery to be built in Valdez, AK, that would process North Slope crude oil for export to Asia.

Mr. Chairman, I want to commend the gentleman for raising the issue at this time on the House floor, and express my appreciation for whatever reason the gentleman chooses to withdraw his amendment. The committee will continue to work with the gentleman, if it is his desire, and we may hold hearings later on to have a review and an update on the status of Alaskan North Slope oil.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. Mr. Chairman, I yield to the gentleman from Alaska [Mr. Young].

Mr. YOUNG of Alaska. Mr. Chairman, I would like to compliment both gentlemen.

I do not agree with the section. I do agree with the colloquy that has taken place, and I understand their strong beliefs and their positions.

Hopefully, as we work through this process, they will look a little more favorably on the position we have concerning the refinery in Alaska.

Under the proposal that has been suggested by the gentleman from Michigan, we hope to work out the problems as we go forth with the bill into the Senate, so my Alaskans can have the opportunity for employment and the opportunity in fact to deliver some of the fuels that come in the North Slope, not only to foreign countries, but domestically within our borders.

Mr. AUCOIN. Mr. Chairman, I rise in strong opposition to the amendment that would have been offered by Mr. YOUNG of Alaska and am happy he has reconsidered his amendment. We've covered this ground before and I have to say that his amendment would be nothing but bad news for the Oregonians I represent and for the Pacific Northwest. I want to commend my colleague Mr. BONKER for his fine arguments in this regard. I feel it is definitely in this country's best interest to maintain the current ban on export of Alaskan crude oil, and I think the provisions in section 331 of the bill we are considering today are important in strengthening congressional oversite of crude oil exports. With this provision we will ensure that Congress has a say in the impact of exports on consumers, refiners, and national interest. Especially now, when U.S. dependency on foreign oil is on the rise, we should not be taking any action which would increase the chance that U.S. resources will be diverted to other countries. For 15 years, our policy has been to require that domestic users of oil have top priority in obtaining oil from Alaska's North Slope. There is no question that this amendment is well intentioned, and I have enormous respect for my friend from Alaska. However, there is also no question that if this amendment should pass, we will lose American jobs, hurt our national defense, and begin an increased dependence on foreign oil. I hope my friend from Alaska will withdraw his amendment.

Mr. MCMILLEN of Maryland. Mr. Chairman, I rise in opposition to the amendment which was to be offered by the gentleman from Alaska. Over the years, the gentleman has been an effective proponent of exporting Alaska oil. But over those same period of years, Congress has declared that oil from Alaska's giant North Slope fields cannot be exported unless the President first finds, and Congress subsequently agrees, that such an export will benefit U.S. national security interests.

My colleague's amendment would have struck a section of the trade bill that closes two loopholes in the current restriction on the export of Alaska oil.

First, it would close a loophole that now allows the export of crude oil from Alaska's Cook Inlet field. This field is not in the North Slope area of Alaska and therefore is not covered by the current restrictions on crude oil exports. Last year, the House—as part of its Omnibus Trade bill—adopted a provision placing restrictions on Cook Inlet oil exports which are almost identical to the provision which the gentleman from Alaska seeks to strike today.

The second loophole that section 331 closes is to prevent the construction of a refinery in Alaska whose stated purpose is to export more than half of its production to Pacific rim countries. The refinery would use North Slope crude oil and evade the restrictions because it only prohibits crude oil, not refined petroleum products, from being exported.

Mr. Chairman, this refinery is a brazen attempt to bypass congressional intent. Every barrel of petroleum product refined from Alaska North Slope crude oil is a barrel of North Slope crude that is no longer available for domestic use. This crude oil will have to be replaced by foreign crude oil, increasing our dangerous dependency on imported oil.

Furthermore, the proponents of the refinery have openly declared that "because of high United States labor costs" they intend to use building parts and steel from South Korea to build the refinery, together with components from Japan and financing from Japan and South Korea.

In other words, Mr. Chairman, not only do we lose the oil, but we lose the steel and other industrial jobs that are involved in the construction of the refinery.

For this refinery which will bring very little to the United States, we will lose between 7,000 and 8,000 U.S. merchant marine, shipyard repair and related jobs. As you know, these are jobs we can ill afford to lose. Furthermore, the vessels that it would deprive of U.S. cargoes are those that we need in the event of a national emergency.

Finally, Mr. Chairman, I would point out to my colleagues that every barrel of crude oil or petroleum product that we will be forced to buy to replace the oil products exported from Alaska will cost more than the exported products. That means our trade deficit will balloon even more—by over $700 million. This flies in the face of the purpose of the trade bill which we are considering today.

The Young amendment simply runs contrary to the national defense, energy and consumer interests of the United States.

Mr. MURKOWSKI. Further, on April 30, General Counsel H. Lawrence Garrett of the Department of Defense sent a letter to Representative YOUNG expressing the Defense Department's opposition to section 331, restating the concerns included in the Cabinet letter to Speaker WRIGHT.

I ask unanimous consent that that letter be printed in the RECORD, Mr. President.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GENERAL COUNSEL,
DEPARTMENT OF DEFENSE,
Washington, DC, April 30, 1987.

Hon. DON YOUNG,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN YOUNG: This letter is in response to your request for the views of the Department of Defense concerning section 331 of H.R. 3, 100th Congress, the House Omnibus Trade Bill.

Section 331 would prohibit the export of domestically produced crude oil and restrict the export of refined petroleum products to no more than 33 percent of the output from refineries in the continental United States and Alaska.

Generally, one-third of the Department's peacetime petroleum product requirements are for use overseas. During the past several years, 15 percent of our overseas requirements have been satisfied by domestic refiners. As such the Department of Defense could be deprived of the competition from these refineries that successfully compete for overseas requirements.

As an element of our emergency preparedness planning, the Department of Defense is vitally interested in preserving its domestic supply base during peacetime, thus assuring its availability during wartime. Our reliance on domestic sources for overseas use would increase dramatically in wartime for United States Armed Forces support and to satisfy United States' commitments to support North Atlantic Treaty Organization and other Allied Forces. We are concerned that the proposed legislation could impede implementation of these existing emergency authorities.

The Department of Defense position on this matter was stated in the April 27, 1987 cabinet letter to the Speaker of the House of Representatives, with a copy to each member. In that letter, signed by Mr. Weinberger, it was noted "Restrictions on oil and oil product exports would reverse efforts toward free trade with Canada and energy trade with the Pacific Rim; burden U.S. refineries, jeopardizing our ability to meet national defense requirements; and be economically inefficient.

Sincerely,

H. LAWRENCE GARRETT III.

Mr. MURKOWSKI. Despite the strong opposition of the administration based on the principles of free trade and our national defense, on April 30 the House passed H.R. 3 with section 331. I ask unanimous consent that a copy of H.R. 3, section 331, be printed in the RECORD.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

SUBTITLE B—EXPORT CONTROLS

SEC. 331. OIL EXPORTS.

(a) TO NONCONTIGUOUS COUNTRIES.—Section 7(d)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2406(d)(1)) (hereafter in this subtitle referred to as "the Act") is amended to read as follows:

"(1) No domestically produced crude oil may be exported from the United States, subject to paragraph (2) of this subsection. The prohibition contained in the preceding sentence shall not apply to—

"(A) crude oil which is exported to an adjacent foreign country to be refined and consumed in that country; except that, in the case of any such export to an adjacent foreign country of any domestically produced crude oil transported by pipeline over rights-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652), such export must be made in exchange for the same quantity of crude oil being exported from that country to the United States, and such exchange must result through convenience or increased efficiency of transportation in lower prices for consumers of petroleum products in the United States, or

"(B) crude oil which is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign country and reenters the United States.".

(b) EXPORTS OF PRODUCTS OF EXPORT REFINERIES.—Section 7(d) of the Act (50 U.S.C. App. 2406(d)) is amended by adding at the end the following:

"(5)(A) The provisions of paragraphs (1) through (4) of this subsection shall apply to the export of any refined petroleum product, or partially refined petroleum product, which is produced by an export refinery to the same extent as the provisions of paragraphs (1) through (4) of this subsection apply to the export of domestically produced crude oil.

"(B) For purposes of this paragraph—

"(i) the term 'refined petroleum product' means gasoline, kerosene, distillates, propane or butane gas, diesel fuel, and residual fuel oil;

"(ii) the term 'partially refined petroleum product' means a mixture of hydrocarbons which existed in liquid phase in underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities, and which has been processed through a crude oil distillation tower, including topped crude oil and other unfinished oils, but excluding any refined petroleum product; and

"(iii) the term 'export refinery' means, with respect to a proposed export, any crude oil refinery within the continental United States or Alaska which, were it to make the proposed export, would have exported more than 33 percent of all refined petroleum products and partially refined petroleum products produced by that refinery—

"(I) during the 1-year period ending on the day of such proposed export, in the case of a refinery that has been in commercial operation for 1 year or more, or

"(II) during the period in which it has been in commercial operation, in the case of a refinery that has been in commercial operation for less than 1 year.

"(C) Within 180 days after the date of the enactment of this paragraph, the Secretary shall issue such regulations as may be necessary to carry out this paragraph.".

(c) TECHNICAL AMENDMENT.—Section 28 of the Outer Continental Shelf Lands Act (43 U.S.C. 1354) is amended by striking "1969" each place it appears and inserting "1979".

Mr. MURKOWSKI. Mr. President, during the Senate Banking Committee portion of the trade bill, the Senate conferees decided against including provisions similar to section 331 in the Senate version of the bill. Some of the conferees expressed concern that the crude oil ban intended only to affect Cook Inlet oil would hinder efforts of independent producers on the west coast, particularly California, to export their crude oil. In addition, several refineries operating in the continental United States expressed their concern over the 33-percent limitations as it affected their export of refined product made from North Slope crude oil.

It is appropriate to reassert here that the west coast refineries refine and export 200,000 barrels of North Slope crude oil per day, but the supporters of section 331 were not about to allow Alaska, or a refinery that might be built in Alaska, to export any of Alaska's North Slope crude oil, if it was refined in Alaska.

On May 5, I received a letter from Secretary Herrington expressing the Department of Energy's opposition to section 331. I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF ENERGY,
Washington, DC, May 5, 1987.

Hon. FRANK H. MURKOWSKI,
U.S. Senate, Washington, DC.

DEAR SENATOR MURKOWSKI: This responds to your request for the Department's views on section 331 (the "Wolpe Amendment") of

H.R. 3, the House Omnibus Trade Bill, as passed by the House of Representatives on April 30, 1987. The Department of Energy strongly opposes the enactment of this provision, because it could significantly injure or impede U.S. trade and our energy and national security. In this regard, in an April 27th letter to Speaker Wright, I and other members of the Cabinet identified section 331 and many other features of H.R. 3 as examples of provisions that are so contrary to our objective of opening markets that it would be impossible for us to recommend that the President approve the entire package in its present form.

Section 331 would essentially prohibit the export of any domestically produced crude oil to any country except Canada or Mexico; where Alaska North Slope (ANS) crude is involved, only equal exchange transactions with Canada or Mexico would be allowed. In addition, the Amendment would establish an objectionable new prohibition against any export of refined petroleum products by a refinery located in Alaska or the lower 48 states (but excluding Hawaii), if as a result of that export the refinery would have exported more than 33 percent of its production during the preceding one-yer period, or during such shorter period as a new refinery may have been in operation.

Crude Oil Provisions. Current restrictions on the export of crude oil have resulted in an excess supply of oil on the West Coast, impacting U.S. wellhead prices and inhibiting development of domestic energy resources. The Administration's efforts to liberalize U.S. energy trade in order to relieve the excess supply situation and assist the economically hard-hit oil industry would be reversed by the crude oil provisions of the Wolpe Amendment. Allowing crude oil exports would foster the energy security of the U.S. and its Pacific Rim allies, since energy vulnerability in the integrated world oil market is associated more with worldwise dependence on insecure sources of supply than with the level of U.S. imports. Authorizing U.S. oil exports should stimulate further development of U.S. energy resources, reduce U.S. net imports, and reduce worldwide dependence on less secure sources of supply.

An express purpose of section 331 is to nullify the President's recent lifting of controls on the export of oil produced from the State waters of Alaska's Cook Inlet. Thus far, contracts for about 5,000 barrels per day of this oil have been negotiated with Korea and Taiwan. While quantitatively insignificant, the Administration considers this a symbolically important indication of America's own commitment to free trade, as well as to international cooperation in preparing for potential oil supply disruptions. Free and fair trade initiatives have been a cornerstone of our international energy policy. We have encouraged all countries to remove trade restrictions in order to enhance our individual as well as global energy security and to promote market forces as the most efficient allocator of energy resources. Japan, for example, has responded to pressure from our bilateral talks and International Energy Agency discussions by opening its petroleum product market, and Canada has removed previous restrictions on crude oil exports to U.S. refiners. We have been able to impress upon our allies the importance we give to this effort by taking steps to lift some of the restrictions on exports of our own domestic crude oil.

The Wolpe Amendment's broad crude oil export prohibition would have other ramifications. For example, it would make it impossible even to consider permitting exchanges with Japan of California heavy crude oil, recently suggested by industry, in return for refined products delivered to U.S. military forces overseas.

Refined Product Provisions. The refined product provisions of the Wolpe Amendment would reverse the liberalization of export controls on refined petroleum products by imposing discriminatory and potentially burdensome and injurious new restrictions. The obvious target of these provisions is a proposed refinery in Valdez, Alaska, which we understand would, in part, supply U.S. overseas military facilities.

We also object to the product provisions because of other harmful effects which they may have. For example, these provisions do not contain any exception from their export prohibition for exports of jet fuel or other products to U.S. military forces overseas, or to our NATO allies during a period of mobilization. Thus this legislation could jeopardize the ability to fulfill U.S. and NATO defense requirements abroad.

Similarly, the Wolpe Amendment omits any exception from its export prohibition for refineries located in Foreign Trade Zones (FTZs), other than an FTZ in Hawaii. There are two existing and, we are informed, six proposed FTZ export refineries on the U.S. Gulf Coast which could be adversely affected by the Wolpe Amendment. The general exclusion of Hawaii is an unexplained discriminatory feature of the section.

A threatened shut-off of product exports by a U.S. refinery also could retard promising developments in our trade with Mexico, which recently departed from a policy of product autarky; e.g., rather than shipping fuel oil by tanker from eastern to western Mexico, it now exports surplus fuel oil to the U.S. in the Gulf Coast area while importing fuel oil from the U.S. in the West.

Finally, we are very concerned that implementation of the product provisions in section 331 could entail some burdensome reregulation of the petroleum industry. In all probability, it would necessitate general reimposition of export licensing of products. Moreover, as data on product exports presently is not collected by refinery, creation of a new reporting system for all refineries could prove essential. Moreover, although the applicant for an export license might be unaffiliated with the producing refinery, the exporter could be subjected to a potential export prohibition based on the refinery's own export performance.

For all of the above reasons, the Department of Energy strongly opposes section 331 of H.R. 3.

The Office of Management and Budget advises that enactment of section 331 would not be in accord with the program of the President.

Yours truly,

JOHN S. HERRINGTON.

Mr. MURKOWSKI. Although the Members indicated opposition to section 331, to protect the existing operations of export refiners, the junior Senator from Texas introduced an amendment reaffirming the status quo for existing refiners, no restrictions on exported product. However, no mention was made about future refineries. But on July 21, 1987, the Senate passed a trade bill, and I am pleased to say that trade bill was without the crude oil and refined product export provisions, to which the junior Senator from Alaska objects.

On the day the Senate trade bill passed, the Department of Energy was contacted with respect to the first House proposal to reconcile the differences between the House- and Senate-passed versions of the bill.

I ask unanimous consent that there be printed in the RECORD the "Congressional Proposal to Restrict Refined Product Exports" dated July 21.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL PROPOSAL TO RESTRICT REFINED PRODUCT EXPORTS—PROPOSED COMPROMISE BETWEEN THE PRODUCT EXPORT PROVISIONS OF THE HOUSE AND THE SENATE TRADE BILLS

BACKGROUND

The Omnibus Trade Bill recently passed by the House of Representatives includes a provision (the "Wolpe Amendment") which would prohibit the export of any domestically produced crude oil to any country except Canada and Mexico[1] and would forbid any export of refined petroleum products by any refinery in Alaska or the lower 48 states if, as a result of such export, the refinery would have exported more than 33% of its prior year production of refined petroleum products. The product export restrictions in the "Wolpe Amendment" appear originally to have been aimed at a proposed refinery to be located at the Valdez, Alaska terminus of the Trans Alaskan Pipeline. This refinery would yield refined petroleum products from Alaskan North Slope crude oil, the export of which is strictly prohibited, and would legally (under current statutes) export the majority of these petroleum products. The Department of Energy understands that these exports would, in part, supply U.S. overseas military facilities. The Administration has stated its opposition to the restrictions that this provision would impose on both crude oil and refined product exports.

In contrast to the House bill, the Omnibus Trade Bill under consideration in the Senate contains a provision (the "Gramm Amendment") which would prohibit the imposition of restrictions on exports of petroleum products from existing refineries unless the President determined that such restrictions were necessary; this would effectively maintain the status quo under current law. The Senate bill does not address the issue of restrictions on exports from refineries built in the future, such as one proposed to be built at Valdez, Alaska.

Reportedly, there is a proposal, which has been described only vaguely to DOE staff, for reconciling the difference between the respective product export provisions of the House and Senate bills. As of July 21, 1987, the DOE understanding of the provision is as follows: it would replace the Wolpe and Gramm amendments with a provision which would prohibit future refineries (i.e. refineries not yet constructed) in Alaska and the lower 48 states from exporting more than 33% of their production unless such exports were transported on U.S.-flag ships.

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[1] In the case of Alaskan North Slope crude oil, the provision would allow only equal exchange transactions with Canada and Mexico.

EXPORT RESTRICTIONS DAMAGE OUR ECONOMY AND ENERGY SECURITY

The compromise proposal on product export restrictions would have harmful results and constitute an undesirable precedent.

Of most immediate concern, requiring that certain product exports be shipped on U.S.-flag vessels would discriminate against such exports. It would reduce the level of these exports and reduce the incentive to produce domestic oil. This is because transporting oil on U.S.-flag ships generally costs substantially more than carrying it on foreign-flag ships. In a competitive market, the exporter would be unable to obtain a higher price to recoup the higher transport costs. Instead, the exporter would receive a lower profit, which would reduce the incentive to export. Ultimately, this would lead to a smaller market for U.S. crude oil producers, which would result in less production of domestic oil.

In general, when our domestic industries can sell their goods abroad more profitably than at home, the economy benefits from their exports. Given the large U.S. merchandise trade deficit existing today, it is particularly desirable to encourage further exports of American goods.

Restrictions on refined product exports would harm domestic oil refiners as well as U.S. producers of crude oil. These restrictions would reduce the profitability of their operations and would discourage investment in oil refineries and in exploration and development for new oil reserves.

These product export restrictions would reduce the nation's energy security, because they would result in a lower level of domestic production. Although gross imports may be lower as a result of these restrictions, net imports (imports minus exports) actually would be higher. More importantly, these restrictions would result in higher levels of free world dependence on Persian Gulf and other OPEC oil suppliers.

Restricting exports of refined petroleum products would be inconsistent with the Nation's policy in several important areas.

This proposal goes against U.S. efforts to remove impediments to trade, and it does not work toward promoting exports in order to reduce the national trade deficit.

The proposal also would indicate an inadequate level of concern about the Nation's energy security. It would be difficult to explain the imposition of additional export restrictions during a period when the domestic oil industry is suffering and when worldwide dependence on oil suppliers in the unstable Persian Gulf region is projected to rise.

In addition, imposing new oil export restrictions would be inconsistent with the Nation's international energy policy, under which the Administration has promoted removal of energy trade barriers in other countries.

Implementation of new product export restrictions on export refineries in Alaska and the lower 48 states would represent a significant change from current law, under which there are no restrictions on exports of refined products. To the extent that new export refineries were built despite the new restriction, it could be necessary to impose some burdensome re-regulation of the domestic petroleum industry and to reimpose export licensing for oil products. In addition, the restriction could require creation of a new reporting system to collect data from refineries. Another anticipated problem is the possibility that a product exporter could have no affiliation with the producing refinery but would be nevertheless subject to a prohibition based on the refinery's own export performance.

The application of this proposal in an inconsistent manner to Hawaii (exports not restricted) compared to the lower 48 states and Alaska (exports from new refineries restricted except on U.S.-flag ships) has not been explained. Furthermore, the proposal apparently omits any exception for new refineries located in Foreign Trade Zones (FTZs), other than an FTZ in Hawaii.

Mr. MURKOWSKI. According to the Department of Energy, the proposal would replace the House and Senate versions with a provision to prohibit future refineries in Alaska and the lower 48 from exporting more than 33 percent of the product, unless such exports were sent on U.S.-flag vessels.

Well, it soon became clear that our energy security was not the reason behind the provision, but, rather, the special-interest groups.

After analysis of the provision, Mr. President, both my office and the Department of Energy strongly objected to the proposed compromise. Further, on August 7, the senior Senator from Alaska, Senator STEVENS, entered into the CONGRESSIONAL RECORD a statement objecting to section 331 to H.R. 3. I ask unanimous consent that that statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the Congressional Record, Aug. 7, 1987]

EFFECTS OF TRADE BILL ON ALASKA

Mr. STEVENS. Mr. President, H.R. 3, as reported by the House, contained two provisions that have no business in a trade enhancement measure and are particularly inappropriate in a country plagued by the trade deficits we are presently experiencing.

The first provision would ban the export of crude oil from the United States. The short term effect of the provision would be to obstruct planned shipments of crude oil from the Cook Inlet area of Alaska to Taiwan. The disadvantages of this provision were described articulately by Senator MURKOWSKI in the recent debate over the trade bill. Restrictions such as this one ultimately will cost U.S. consumers substantial sums by increasing shipping costs for crude oil.

The other provision creates what is called an "export refinery" category under the Export Administration Act and limits the ability of such refineries to export no more than one-third of their output. The sponsors of this legislation make no effort to hide the fact that it is aimed at preventing one refinery—the Alaska Pacific Refinery planned for Valdez, AK—from being built. It has been crafted to exclude all existing refineries from its effect. Moreover, it runs contrary to a well-conceived provision adopted by the Senate Banking Committee in a trade bill which reduced Federal authority over the export of refined petroleum products.

It is a mistake to enact legislation aimed at denying one group of entrepreneurs the right to develop a facility that will enable the United States to increase value-added exports. The House provision would deny U.S. suppliers the opportunity to sell several hundred million dollars worth of equipment to establish the proposed refinery at Valdez. It would obliterate $200 million worth of jobs. In my State, where unemployment is up and the economy is depressed, this project would be a tremendous benefit. For the Nation, the refinery would provide desperately needed additional capacity to produce jet fuel, gasoline, and diesel. It would provide a source of refined product for the U.S. military overseas.

The export refinery amendment is opposed by several Federal agencies for reasons as diverse as its potential to interfere with our NATO commitments and its contradiction of international trade policy.

I wish to commend the Senate Banking Committee, and this body as a whole, for certain specific action it took with regard to the 1987 trade enhancement bill we just approved. They did not include these two legislative restrictions in the Senate version of the trade bill. Their decision in this regard has served the national interest well, and I strongly urge the conferees to be unwavering in their efforts to reflect this position in the legislation they craft with the House.

Mr. MURKOWSKI. Mr. President, on September 14, 1987, I sent letters to the Senate conferees expressing my strong objection to section 331. In my letter I included a letter from Secretary Herrington expressing the administration's opposition. I ask unanimous consent that my letter be printed in the RECORD, as well as a letter from Secretary Herrington.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 14, 1987.

Hon. WILLIAM PROXMIRE,
Chairman, Senate Banking Committee, U.S. Senate, Washington, DC.

DEAR BILL: I understand you will be one of the Banking Committee's conferees for the trade bill. I am therefore contacting you to express my concern over provisions in H.R. 3 regarding export controls on crude oil and refined petroleum products. As you may recall, during the Senate Banking Committee's consideration of amendments to the Export Administration Act, the Committee wisely decided against expanding current export controls for crude and refined petroleum products. During the upcoming conference, I urge you to continue to oppose the inclusion of Section 331 of the House trade bill in the conference report.

Section 331(a) would expand the restrictions in the Export Administration Act which prohibit the export of crude oil transported through the Trans-Alaska Pipeline to *all* domestically produced crude oil. This would invalidate the 1986 federal regulations permitting the export of oil from state owned lands in the Cook Inlet region of Alaska. Such action would force the State of Alaska to break the contract it has signed with the government of Taiwan for the sale of state royalty oil from Cook Inlet and reverse efforts to improve efficiency in energy trade with countries in the Pacific Rim and Canada. In light of existing statutes regulating crude oil exports, this prohibition is unwarranted.

Crude oil exports are currently subject to four statutes in addition to the EAA: the Outer Continental Shelf Lands Act, the

Mineral Leasing Act, the Naval Petroleum Reserves Production Act and the Energy Policy and Conservation Act. These statutes require presidential findings concerning national security and are sufficient for protecting U.S. energy security.

Section 331(b) would restrict the export of refined products from any refinery that exports more than 33% of its production. Exports of refined petroleum products were only recently completely deregulated. Imposing new restrictions on refined petroleum products could necessitate reinstitution of export licensing, inhibiting the ability of U.S. refiners to respond to rapid changes in the petroleum spot market. It would also pose a dangerous threat to U.S. treaty obligations to our NATO allies.

Section 331 runs counter to our efforts to promote U.S. exports by streamlining export controls. I urge you to seek the complete deletion of this section in conference. I am enclosing for your information a copy of Energy Secretary Herrington's letter to me expressing the Administration's opposition to these provisions.

Sincerely,

FRANK H. MURKOWSKI,
U.S. Senator.

U.S. SENATE,
Washington, DC, September 14, 1987.

Hon. JOHN S. HERRINGTON,
Secretary, U.S. Department of Energy, Washington, DC.

DEAR SECRETARY HERRINGTON: I am contacting you as a follow-up to your letter of May 5, 1987 regarding DOE's position on Section 331 of H.R. 3, (the "Wolpe Amendment").

I appreciated the efforts of the Department to prevent the inclusion of similar provisions in the Senate version of the trade bill. During the upcoming conference I urge you to continue to aggressively oppose this provision.

I understand that a compromise may be proposed on the refined product provisions, Sec. 331(b), that would require the use of U.S. flag vessels in the shipment of refined products. I am equally opposed to this approach and hope that DOE will seek the complete removal of Section 331 rather than agree to such a compromise.

Again, I appreciate your support on this issue. I look forward to hearing from you.

With warm regards,

FRANK H. MURKOWSKI,
U.S. Senator.

Mr. MURKOWSKI. On September 28, 1987, I received a letter from Senator HEINZ indicating the strong sentiment against section 331 which was expressed during the Banking Committee markup of the trade legislation.

On October 8, 1987, I received a response from Senator PROXMIRE indicating that he would keep my concerns in mind during consideration of the provisions of the conference.

On October 17, 1987, in response to my request for the Department of Commerce position on section 331, I received a memo indicating their opposition to section 331. I ask unanimous consent that the Department of Commerce notation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION 331, TITLE III, H.R. 3 (OIL EXPORT CONTROLS)

Summary: Section 331 would permit the export of Alaskan North Slope (ANS) oil to adjacent countries on a barrel for barrel exchange; it would place all other categories of crude oil under the controls of the Export Administration Act, which effectively bans exports except to adjacent countries.

Section 331 would also prohibit refineries in Alaska and the continental United States from exporting more than 33 percent of its production.

Comments: Section 331 makes all domestic crude oil subject to the Export Administration Act, thereby removing entirely the Presidential discretion (under specified conditions) to permit exports under the Outer Continental Shelf Lands Act, the Mineral Lands Leasing Act, the Energy Policy and Conservation Act, and the Naval Petroleum Reserve Act. While there is nominally some Presidential discretion to allow exports under the Export Administration Act (EAA), at least one of the EAA conditions is impossible to fulfill.

Passage of provisions such as Section 331 would contravene the provisions of the U.S.-Canada Free Trade Agreement; it would also undermine our efforts to remove trade barriers and open up markets in the current GATT discussions, in the International Energy Agency, and in bilateral relations with our trading partners.

The restrictions on crude oil exports overturns a decision made by the Secretary of Commerce that has resulted in economic efficiencies in the sale of Cook Inlet crude oil. It also effectively breaks sales contracts entered into by Taiwan and Korea, and raises questions about our reliability as a supplier.

The provision limiting refined product exports is flagrantly discriminatory. As the provision is written, and as the sponsors of the provisions explicitly stated, the 33 percent threshold and the geographical scope of the provision was intended to apply to just one refinery, the Alaska Pacific Refinery project in Valdez. Very few mainland refineries would be expected to export more than 33 percent of their production; and export refineries in the Virgin Islands and Hawaii, which might surpass the 33 percent threshold, are excluded because they are not in Alaska nor the continental United States.

The sponsors claim that the purpose of Section 331 was to deny the planned refinery the use of a "loophole" in Secton 7(d) of the Export Administration Act, which prohibits the export of crude oil transported through the Trans Alaska Pipeline. They apparently ignored the fact that there are no restrictions on the export of refined products produced from that crude oil. If exports of Alaskan refined products is a "loophole," then there surely are many others using it, notably in PAD V (Western U.S.), which refines about 800,000 barrels a day of Alaskan crude and accounts for more than half our total exports.

Section 331 restricts exports of refined products in order to close a "loophole" on ANS crude oil, yet gives Canada access to ANS crude oil for the first time, which would appear to be another "loophole." This inconsistency should not be resolved by denying Canadian access because it could seriously damage our ongoing negotiations for freer energy trade in the U.S.-Canada Free Trade Area negotiations.

Quantitative restrictions on refined oil product exports conflicts with our commitments under NATO.

Quantitative restrictions on refined product exports might require a return to validated licensing procedures for all exporting refineries in Alaska and the continental United States. The unavoidable delays in processing license applications will effectively deter or eliminate some export marketing opportunities.

The provision on refined product exports is flagrantly discriminatory. It is aimed at just one refinery, the Alaska Pacific refinery project in Valdez. The ostensible purpose of the provision is to close a "loophole" in Section 7(d) of the Export Administration Act (which prohibits the export of crude oil transported through the Trans Alaska Pipeline). However, as the provision is written, the banning of exports of more than 33 percent of production would apply to very few, if any, mainland refineries; and the geographical limitation of Section 331 to Alaska and the continental United States would exclude the export refineries on the Virgin Islands and Hawaii, the only ones that are likely to surpass the 33 percent threshold.

Mr. MURKOWSKI. On November 4, 1987, Secretary Herrington sent a letter to Senator PROXMIRE expressing the Department of Energy's strong opposition to section 331. I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF ENERGY,
Washington, DC., November 4, 1987.

Hon. WILLIAM PROXMIRE,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you in your capacity as a Manager on the part of the Senate to the conference on section 331 (the "Wolpe Amendment") of H.R. 3. The Department of Energy strongly opposes the enactment of this provision, because it could significantly injure or impede U.S. trade and our energy and national security.

Section 331 would essentially prohibit the export of any domestically produced crude oil to any country except Canada or Mexico; where Alaska North Slope (ANS) crude is involved, only equal exchange transactions with Canada or Mexico would be allowed. In addition, the Amendment would establish an objectionable new prohibition against any export of refined petroleum products by a refinery located in Alaska or the lower 48 states (but excluding Hawaii), if as a result of that export the refinery would have exported more than 33 percent of its production during the preceding one-year period, or during such shorter period as a new refinery may have been in operation.

Crude Oil Provisions: Current restrictions on the export of crude oil have resulted in an excess supply of oil on the West Coast, affecting U.S. wellhead prices and inhibiting development of domestic energy resources. The Administration's efforts to liberalize U.S. energy trade in order to relieve the excess supply situation and assist the economically hard-hit oil industry would be reversed by the crude oil provisions of the Wolpe Amendment. Allowing crude oil exports would foster the energy security of the U.S. and its Pacific Rim allies, since energy vulnerability in the integrated world oil market is associated more with worldwide dependence on insecure sources of supply than with the level of U.S. imports. Authorizing U.S. oil exports should stimulate further development of U.S. energy resources, reduce U.S. net imports, and reduce worldwide dependence on less secure sources of supply.

An express purpose of section 331 is to nullify the President's recent lifting of controls on the export of oil produced from the State waters of Alaska's Cook Inlet. Thus far, contracts for about 5,000 barrels per day of this oil have been negotiated with Korea and Taiwan. While quantitatively insignificant, the Administration considers this a symbolically important indication of America's own commitment to free trade, as well as to international cooperation in preparing for potential oil supply disruptions. Free and fair trade initiatives have been a cornerstone of our international energy policy. We have encouraged all countries to remove trade restrictions in order to enhance our individual as well as global energy security and to promote market forces as the most efficient allocator of energy resources. Japan, for example, has responded to pressure from our bilateral talks and International Energy Agency discussions by opening its petroleum product market, and Canada has removed previous restrictions on crude oil exports to U.S. refiners. We have been able to impress upon our allies the importance we give to this effort by taking steps to lift some of the restrictions on exports of our own domestic crude oil.

Refined Product Provisions: The refined product provisions of the Wolpe Amendment would reverse the liberalization of export controls on refined petroleum products by imposing discriminatory and potentially burdensome and injurious new restrictions. The obvious target of thee provisions is a proposed refinery in Valdez, Alaska, which we understand would, in part, supply U.S. overseas military facilities.

We also object to the product provisions because of other harmful effects which they may have. For example, these provisions do not contain any exception from their export prohibition for exports of jet fuel or other products to U.S. military forces overseas, or to our NATO allies during a period of mobilization. Thus this legislation could jeopardize the ability to fulfill U.S. and NATO defense requirements abroad.

Similarly, the Wolpe Amendment omits any exception from its export prohibiton for refineries located in Foreign Trade Zones (FTZs), other than an FTZ In Hawaii. There are two existing and, we are informed, six proposed FTZ export refineries on the U.S. Gulf Coast which could be adversely affected by the Wolpe Amendment. The general exclusion of Hawaii is an unexplained discriminatory feature of the section.

A threatened shutoff of product exports by a U.S. refinery also could retard promising developments in our trade with Mexico, which recently departed from a policy of product autarky; *e.g.,* rather than shipping fuel oil by tanker from eastern to western Mexico, it now exports surplus fuel oil to the U.S. in the Gulf Coast area while importing fuel oil from the U.S. in the West.

Restricting product trade could result in an inefficient refinery mix which could create an imbalance in the slate of products produced.

Finally, we are very concerned that implementation of the product provisions in section 331 could entail some burdensome re-regulation of the petroleum industry. In all probability, it would necessitate general reimposition of export licensing of products. Moreover, as data on product exports presently is not collected by individual refinery, creation of a new reporting system for all refineries could prove essential. Although the applicant for an export license might be unaffiliated with the producing refinery, the exporter could be subjected to a potential export prohibition based on the refinery's own export performance.

For all of the above reasons, the Department of Energy strongly opposes section 331 of H.R. 3.

The Administration is working with the Congress to craft responsible trade legislation that resolves the serious concerns we have identified in the present bills. However, if the final product retains provisions which will be counterproductive to our objectives of enhancing the competitiveness of U.S. business and expanding global trade opportunities, the President's senior advisers will not be able to recommend that he sign the bill.

The Office of Management and Budget advises that there is no objection to the presentation of these views to the Congress.

Yours truly,

JOHN S. HERRINGTON.

Mr. MURKOWSKI. On November 17, 1987, House Foreign Affairs drafted a proposed compromise. The compromise was intended to address the concerns raised by California crude producers and gulf and west coast refiners that would be hurt by the crude oil ban and the limit on refined exports.

I ask unanimous consent that that draft be printed in the RECORD, along with the accompanying spread sheet.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WOLPE AMENDMENT TO H.R. 3

DOE POSITION

Subsection (b) of Section 331 of H.R. 3, the House Omnibus Trade Bill, would impose new restrictions on exports of products from a U.S. refiner, more than one-third of whose production goes to exports. The Department of Energy (DOE) objects to this provision, not only for regulatory and trade reasons, but also because the restricting of exports of petroleum products could severely hamper the U.S. capability to support its NATO allies.

BACKGROUND

One of the founding principles of the NATO program is to secure the collective defense of its members; therefore, its primary focus has been on military preparedness. The NATO framework, however, also has embodied a "civil structure," composed of a system of committees and subcommittees, including those concerned with civil emergency planning. It is within this civil emergency planning area that the bulk of NATO oil crisis planning and operations occur.

Within the civil structure, the Petroleum Planning Committee is responsible for establishing the NATO Wartime Oil Organization (NWOO)—the key crisis management body—and for coordinating overall NATO civil and military energy programs. The Petroleum Planning Committee is one of eight NATO planning boards/committees designed to ensure that all civil emergency planning activities are dealt with in a coordinated manner. It consists of NATO Secretariat personnel and member country national representatives and meets twice a year.

The purpose of NATO's oil emergency program is to ensure the continued availability and distribution of petroleum for essential civil and military use.

Reflecting the realities of the post-1973 oil scene, NATO's plans to share oil are no longer designed to operate solely during wartime, but can be activated during a non-military "crisis" as well. Although there is no formal NATO definition of crisis, NATO civil planning considers a crisis to be when "external circumstances affect the overall defense posture of the Alliance or when a threat to NATO has caused nations to consider bringing emergency legislation into force."

In NATO's system, oil is to be distributed in accordance with NATO defense priorities at the time in conjunction with essential civilian needs. NATO's Atlantic Council can activate the system in the event of war or if the defense needs of member countries are not being met, regardless of whether there is an oil supply shortfall or not.

NATO's oil sharing scheme is activated by political decisions with no predetermined quantitative criteria; the primary emphasis is on NATO defense requirements but in theory NWOO must be prepared to manage the Alliance's entire oil supply. Thus, the NWOO could be activated in situations short of war where NATO is not engaged in hostilities.

The U.S. Government participates in the NATO Wartime Oil Organization, which would be activated during a crisis or war to assess allied oil requirements and arrange for oil supplies to meet those requirements. NATO looks to North America (the United States and Canada) to support resupply requests in situations where oil supplies for the essential civil and military needs of the Alliance have been interrupted or are inadequate.

ANALYSIS

DOE has reviewed refinery production data for refineries operating on the U.S. East Coast and U.S. Gulf Coast (the locations of the most likely candidate refineries for U.S. Government requests to export petroleum products to Europe in an emergency). These data indicate that over time a number of refineries—seven on the U.S. East Coast and 15 on the U.S. Gulf Coast—could be subjected to the one-third production ceiling which the proposed Wolpe amendment to the Trade Bill would impose. At least one-third of these refineries' production comprises distillates and aviation fuels (including naphtha-jet and kerosene jet fuels), the principal fuels that would support U.S. and allied military requirements. Most of these refineries also produce motor gasoline, lubricants, and residual fuel oil, which could also be required for either military or essential civilan use. It is impossible to predict how NATO requirements would be borne by particular refineries, and some refineries could be impacted disproportionately. This legislation could complicate U.S. efforts to meet its NATO commitments.

PROPOSED STAFF COMPROMISE PACKAGE ON UNRESOLVED EXPORT CONTROL ISSUES

Item	House section	Senate section	Issue	Staff recommendation
19	331	1020	Oil exports	Senate recedes—Sec. 1020; House recedes—Sec. 331 with amendment that: restricts all crude oil exports from Alaska; restricts refined petroleum exports from any refinery beginning operations after 4/30/87 if average annual output exceeds 33 percent; and directs President to study and report to Congress on effects of possible crude oil exports from the continental U.S. on energy security, consumer prices, and domestic supply (similar to Murkowski study in 1985 EAAA).
24	332c	1006	Reexports (a) Finished products.	(a) House recedes with amendment that: Clarifies "extraordinarily sophisticated" exception to the elimination of reexport controls among COCOM countries; gives discretion to the Secretary to require reexport authorization for noncompliant COCOM countries; authorizes the Secretary to require notification for reexports among COCOM countries for highly critical goods.
			(b) Parts and components.	(b) Combination of provisions: Senate recedes on 25 percent de minimus level, clarifies percentage is based on controlled U.S. content, and adds explicit language to prevent evasion; House recedes with amendment to allow for exception for highly critical parts or components.
25	332d	1005	Exports to Free World countries.	Senate recedes with amendment to add exception for goods that the Secretary has determined are not commercially available from sources outside the United States (effect is to allow Secretary to continue licensing requirements to the Free World for goods up to the PRC green that are * * *).

Mr. MURKOWSKI. Again, the House did not attempt to reassess the merits of their arguments that Alaska was attempting to be used as some kind of loophole in the Export Administration Act.

Mr. President, the compromise would ban only crude oil exports from Alaska. Exports from any other State, as I have indicated previously, could be exported free with the exception of requiring a Department of Commerce export license. Second, Mr. President, it would limit refined product exports to only refineries in Alaska. That again is the point of the Senator from Alaska, the crass discrimination shown by this proposed compromise.

My office contacted the Senate conferees to express our strong opposition to the proposal. The Department of Energy, on February 26, through Deputy Secretary of Energy Bill Martin, sent letters to Senators PROXMIRE and GARN expressing the Department of Energy's strong opposition to the House proposal. I ask unanimous consent that that communique be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY OF ENERGY,
Washington, DC, February 26, 1988.

Hon. WILLIAM PROXMIRE,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you in your capacity as a Manager on the part of the Senate to Subconference 3 of H.R. 3. I would like to express our strong concern over the House Foreign Affairs Committee proposal dated February 11, 1988, regarding oil export controls. The proposal would:

—restrict all crude oil exports from Alaska but permit not more than 50,000 b/d in swaps with Canada;

—restrict refined petroleum exports from any refinery beginning operations after 4/30/87 if average annual output exceeds 33%; and

—direct the President to study and report to Congress on effects of possible crude oil exports from the continental U.S. on energy security, consumer prices and domestic supply (similar to Murkowski study in 1985 EAA).

The Department of Energy strongly opposes this proposal.

We are informed that legislative language has not yet been drafted, and the exact meaning of some of these provisions is not clear. Our understanding is that in addition to adopting the entirely new second and third parts of the proposal, the intention behind the first part is to depart from existing law by: (1) converting the present ban on exports of domestically-produced crude oil transported through the Trans-Alaska Pipeline into a ban on all exports from Alaska of domestically-produced crude oil, regardless of whether the oil is transported through the Trans-Alaska Pipeline; and (2) eliminating, for up to 50,000 barrels per day in crude oil exports from Alaska, conducted in the form of "swap" transactions, the current precondition that there be proof of the economic savings that would be enjoyed as a result of any swap transactions allowed under section 7(d) of the Export Administration Act (50 U.S.C. App. 2406(d)).

Crude Oil Provisions

We oppose the inclusion of language which, in effect, would nullify the President's recent lifting of controls on the export of oil produced in Alaska's Cook Inlet. Even though only 5,000 barrels per day of Cook Inlet oil currently are under contract to be exported, these exports to Pacific Rim countries represent an important element to our efforts to negotiate trade liberalization with our allies, and contribute to the energy security of the recipients by displacing oil from less secure sources. As noted in the Secretary's letter to you of November 4, 1987, concerning section 331 (the Wolpe Amendment), current restrictions on the export of crude oil have resulted in lower U.S. wellhead prices, thereby inhibiting development of domestic energy resources. Allowing crude oil exports would foster the energy security of the U.S. and its Pacific Rim allies, since energy vulnerability in the integrated world oil market is associated more with worldwide dependence on insecure sources of supply than with the level of U.S. imports. Authorizing U.S. oil exports should stimulate further development of U.S. energy resources, reduce U.S. *net* imports, and reduce worldwide dependence on less secure sources of supply.

While quantitatively insignificant, the Administration considers Cook Inlet exports a symbolically important indication of America's own commitment to free trade, as well as to international cooperation in preparing for potential oil supply disruptions. Free and fair trade initiatives have been a cornerstone of our international energy policy. We have encouraged all countries to remove trade restrictions in order to enhance our individual as well as global energy security and to promote market forces as the most efficient allocator of energy resources. Japan, for example, has responded to pressure from our bilateral talks and International Energy Agency discussions by opening its petroleum product market, and Canada has removed previous restrictions on crude oil exports to U.S. refiners. We have been able to impress upon our allies the importance we give to this effort by taking steps to lift some of the restrictions on exports of our own domestic crude oil.

Although the Department has no objection to Congress' authorizing exchanges with Canada involving up to 50,000 barrels per day of Alaskan oil, it nonetheless must be emphasized that such an authorization would not satisfy the commitments of the United States with respect to exports of Alaskan oil under the recently signed Free Trade Agreement (FTA) with Canada. The FTA obliges the Administration to secure legislation allowing the export of up to 50,000 barrels per day of Alaskan oil to Canada, without conditioning those particular exports on direct linkage with offsetting imports of Canadian oil into the United States. Of course, Canada's crude oil exports to the U.S. far exceed U.S. crude exports to Canada, and are likely to continue to do so. But conditioning the permission to export Alaskan oil on the existence of an offsetting exchange would significantly limit the utility of the U.S. export authorization to Canadian refiners.

A provision to initiate the Alaskan oil export obligation incurred under the FTA will be contained in the bill to implement the Agreement, which the President is required to transmit to the Congress along with the Agreement itself. Thus, it should be understood that any swaps of Alaskan oil with Canada which the Congress sees fit to authorize in H.R. 3 would be in addition to the 50,000 barrels of exports to be provided for under the FTA and its implementing bill.

Refined Product Provisions

The provisions in the second part of the proposal, which do not appear limited in application to Alaska, are somewhat unclear in presentation; we assume the meaning to be that further exports would be prohibited if the exports from a particular refinery's production would exceed one-third of its average annual output.

The Administration strongly opposes any restriction on the export of refined products from newly operating refineries. Entirely apart from our policy objections to such restraints, in the future they could pose difficult and cumbersome enforcement problems, as well as complicate the establishment of new refineries in Foreign Trade Zones, since there would be a limit on their ability to function as export refineries. Indeed, there are at least four new or planned refineries in Gulf Coast states that could be affected by this restriction.

Energy Security Study

Finally, we oppose the provision for a new study and report on the effects of crude oil exports.

An in-depth interagency study on the costs/benefits of exporting oil which was mandated by Congress was completed in June of 1986. The study focused on the export of Alaska North Slope oil but also covered the oil situation in the lower forty-eight states. It thoroughly examined the impact of exporting Alaska oil on employment, trade, maritime industry and foreign policy, as well as the fiscal effects of such action. The study recommended that the possibility of oil exports be reviewed by appropriate Federal agencies considering changing energy market conditions. The review process is in place. We do not believe an additional study would provide any more information than has already been gathered.

In the Secretary's earlier correspondence concerning the oil export provision of H.R. 3, he made it clear that it is an example of the kind of provision that is so contrary to our objective of opening markets that it would be impossible to recommend that the President approve the entire package in its present form. The House Foreign Affairs Committee proposal of February 11, 1988, is as objectionable to the Department as the original oil export restrictions in H.R. 3. Therefore the Department strongly opposes the Committee proposal and we urge the Senate conferees to reject it.

The Administration is working with the Congress to craft responsible trade legislation that resolves the serious concerns we have identified in the present bills. However, if the final product retains provisions which will be counterproductive to our objectives of enhancing the competitiveness of U.S. business and expanding global trade opportunities, the President's senior advisers will not be able to recommend that he sign the bill.

The Office of Management and Budget advises that enactment of the Committee proposal on oil exports would not be in accord with the program of the President.

Yours truly,

WILLIAM F. MARTIN.

Mr. MURKOWSKI. In March, the Senate sent a counterproposal to the House recommending that section 331 be removed from the conference report. On March 28, the House sent a counterproposal to: first eliminate the proposed ban on crude exports; second, to permit 50,000 barrels of ANS crude to Canada pursuant to the FTA; third, require Commerce to study the impact of crude oil exports on U.S. security; fourth, to ban refined products from new refineries if they exceed more than 33 percent annual output; fifth, extend the prohibition on ANS crude export for 5 years; and sixth, permit refined exports if surpluses exist on the west coast.

Mr. President, the chairman of the Senate Banking Committee then proposed that the Senate offer a counteroffer and the Proxmire proposal would: first, eliminate proposed ban on export of crude; second, permit 50,000 barrels of ANS crude to go to Canada; and third, ban refined products from new refineries only in Alaska if they exceed 33 percent.

I ask unanimous consent that the counterproposal from the Senator from Wisconsin be printed in the RECORD.

(Mr. KERRY assumed the chair.)

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR PROXMIRE'S COUNTERPROPOSAL ON ALASKAN OIL

Item 19 of the House's March 28 proposal states with regard to oil exports:

1. No new controls on crude exports;
2. Permit 50,000 b/d Alaskan crude exports to Canada pursuant to FTA;
3. Require Commerce to study impact of crude exports on U.S. national security, energy security, etc.;
4. Ban refined petroleum exports if more than 33% average annual output is exported; but exempt ethane, butane, and propane;
5. Extend EAA 7(d) for five years;
6. Permit refined exports if surplus exists in West Coast petroleum districts.

My proposal is to accept points 1, 2, and 3 of the House offer. With regard to point 4 I would limit the new proposed ban on refined petroleum products solely to new refineries in Alaska and accept the other portions of item 4 of the House offer. I would also accept point 6 of the House offer.

With regard to item 5, while I do not quarrel with the principle of extending the prohibition on Alaskan North Slope crude exports, I propose that we not extend it separately from extending the rest of the Export Administration Act.

Mr. MURKOWSKI. I thank the Chair.

The Senate conferees voted against offering the Proxmire proposal, and fortunately it too was withdrawn. The House proposal then countered with a proposal to, first, eliminate proposed ban on crude exports; second, permit 50,000 barrels of ANS crude to Canada pursuant to the Canadian Free Trade Act; third, study the impact of crude exports on national security; and, fourth, limit refined exports from refineries in Alaska to 50 percent of the annual average output.

One might ask what policy reason was given for changing the gap from 33 percent to 50 percent during the course of the debate? It became apparent that there was none. It was only an attempt to strike a deal, and a deal that would affect only Alaska.

The Senate rejected this proposal, I am very pleased to say, but offered the following: first, to eliminate the proposed ban on crude exports; second, to permit 50,000 barrels of ANS pursuant to the Canadian Free Trade agreement; third, to limit refined exports to 50 percent average annual output, excluding sales to the United States bases overseas, and to United States-flag airlines overseas capping exports of new refineries in Alaska, including sales to U.S. military facilities, and flag carriers to 90,000 barrels per day. The addition of an overall 90,000 barrels cap on new refineries only in Alaska was of course the new twist, but again, not one made on the basis of our energy security or certainly economic factors.

The House rejected the Senate because they felt the 90,000 barrels per day cap would still allow the Alaska refinery to perhaps go forward. I would remind the Chair again that this refinery is not yet built and the question of the economics of it ever being built let alone without any restrictions is purely conjecture because the issue of exporting refined products to the markets of the Pacific rim are fraught with the reality that Japan, Korea, Taiwan, have substantial unused refining capacity. They do not want the refined product. They want the crude. They want to take the crude, refine it, and put it into their own markets.

So it is a very iffy business to talk about building a refinery and hoping to export the product into that market. Nevertheless, what we have before us is strictly a discriminatory provision in the trade bill that would not allow the export of refined product from Alaska free of whatever market level it might achieve but rather reduce it to 50 percent of its annual output or no more than 70,000 barrels a day.

You can appreciate, Mr. President, the formidable opposition that financiers, those involved in financing such a proposal, would feel when indeed they were capped at a specific amount of production because of legislation affecting only the State of Alaska.

Despite the evidence that the refinery would not do anything that refineries in other States were doing, some of the conferees were determined to stop Alaska from benefiting from the creation of a value-added primary processing facility, to provide new jobs, and to provide a new tax base. So they offered another counterproposal that would eliminate a proposed ban on crude exports, permit 50,000 barrels to Canada pursuant to the FTA, study the impacts of crude exports and limit refined exports from new refineries in Alaska to 50 percent annual average output, excluding sales to United States-based and flagged carriers but capping total exports at 70,000 barrels per day.

The 70,000 barrel cap, not based on energy security considerations or economic reasons, was simply an attempt to stop Alaska from doing what any refinery operating in any other State could do and that is refine and export North Slope crude oil.

Disappointing, yes. Yet, despite the strong opposition expressed by the administration, and many others, I want to thank those members of the conference, those conferees who worked very diligently in trying to turn this thing around, a compromise finally was agreed to. That is the compromise they have in the trade bill known as section 2424. What it came down to was the conferees were arguing over the export of 20,000 barrels of refined product from new refineries in Alaska.

As you can see from the very conception of this provision, it was fraught with problems. In addressing the opposition with the original provision, it was gradually whittled down to accommodate the concerns of every other State that would have been affected except Alaska. It accommodated the west coast States—Washington which has a refining capacity, and certainly California, Hawaii, but it did not accommodate Alaska. It discriminated against Alaska.

I think the people of Alaska deserve something better. I think the people of America deserve something better from the Congress than discrimination against one State. That is why I was so appreciative of the majority leader, so appreciative of my senior colleague, Senator STEVENS, who raised the point of the constitutionality. I feel strongly that our Governor and our legislative body, should it come to pass and should it be necessary, will pursue litigation on the constitutionality of such an exclusion if indeed this trade bill goes anywhere.

Even in the conferees' efforts to accommodate the concerns of every other State, they were obviously not successful in my opinion. According to the Department of Commerce, in order to ensure that products from new refineries in Alaska did not exceed the limit, every drop of refined product from a new refinery in Alaska would have to be traced, whether it was sold in East Asia, or in the United States. And the reason was because unknown refiners on the west coast could buy the Alaska refined product with no difficult, commingle it with other refined products possibly made from ANS crude refined on the west coast, and export it.

Mr. President, I have an Alaska petroleum products export summary provision which I ask unanimous consent be entered into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALASKAN PETROLEUM PRODUCT EXPORTS

SUMMARY OF PROVISION

The Subconferees agreed to impose the following ceiling on the export from Alaska, or from other states in an uncommingled or untransformed condition, of refined products of any new Alaskan refineries: (1) 50% of each refinery's annual production exclusive of sales to U.S.-flag airlines and the U.S. military; but (2) subject to an aggregate ceiling of 70,000 barrels per day, inclusive of their airline/military sales.

REASONS FOR OPPOSITION

Despite the exceptions for exports of commingled or transformed product from other states, the Department of Commerce would not be able to effectively enforce compliance; nonetheless, the Department would be obliged to issue regulations that could cause a burden on exporters of refined pertroleum products from the West Coast.

The intractable problems arise from the shipment of refined products from Alaska to other locations in the United States, mainly on the West Coast. To insure against ineligible exports, the mechanism would have to track the Alaskan products through each change of ownership to the ultimate consumer; an owner might decide to export without knowing the source of the product or the status of eligible Alaskan exports.

Although commingled or transformed products could be exported from the West Coast, Commerce would have to decide whether to guard against evasion, e.g., where "commingling" is with a minimal quantity of non-Alaskan product.

Another issue is how one determines when the export limit (50 percent of production or an overall 70,000 barrels per day total) is reached. The volume of exports from Alaska would have to be reconciled with exports of Alaskan products from the West Coast; this would require painstaking accounting both on export volumes and on the date of the exports. And although the conference report says the 70,000 would be allocated "on a first-come, first-served basis," there is no explanation of how this can be implemented if two or more refineries are producing for export.

Finally, as a matter of general principle, the Administration opposes implementing in the Omnibus Trade Bill any particular part of the U.S.-Canada Free-Trade Agreement (FTA) in isolation from the overall fast-track FTA implementing bill.

Mr. MURKOWSKI. Mr. President, I have talked for nearly a half hour on the history of section 2424, how this provision got in. We were discussing it as far back as March 4, 1987. The point that I want to make very, very clear is that the opposition to this discriminatory action that is in the trade bill today did not just come about. It was carefully tailored by those who see no difficulty in discriminating against one State by those that are looking to their own best interests at the expense of our State of Alaska.

I think, Mr. President, it has come down to a matter of principle. We are all aware that many years ago in this body there was a vote authorizing the expedited passage of the regulatory legislation which allowed the pipeline that was built from Alaska, Prudhoe Bay to Valde, 800 miles, to become a reality. As we know, Mr. President, that was a tie vote. The Vice President had to break the tie. At that time there was a great concern over whether or not a hot pipeline through permafrost would fracture, whether it would withstand the earthquakes, whether the caribou and the moose would cross it. We found that the caribou and moose go across it, they go under it, and they fed on top of it. That is where the grass first grows in the spring. Indeed, today, 24 percent of the domestic crude oil produced in the United States comes from that pipeline, and comes as a consequence of the authorization of this body to expedite the permit.

One might ask, where would this Nation be today and where would our energy security be without it?

We also had a provision in there that mandated that the shipment of crude oil carried in that pipeline from the State of Alaska had to be limited to the other 49 States of the Union, that none of that crude oil could be exported.

The Jones Act mandates that the carriage of oil by ship between two American ports be in American flag vessels, with American crews. As a consequence, a substantial portion of the United States merchant marine today is involved in the carriage of oil from Valdez, AK, to Washington and California, down to the Panama Canal, where it passes the isthmus in the pipeline and is taken by smaller U.S. flag vessels on the Atlantic Isthmus of Panama to the gulf coast.

There is some of the history. But we aren't debating the merits of the crude oil ban, another example of discrimination with regard to efforts to let Alaska's crude oil find its markets wherever they might be, because obviously there are transportation benefits, if some of that oil were sold in the Pacific rim countries and we imported more oil from Mexico.

Nevertheless, there is a matter of principle here, and the senior Senator from Alaska and the Representatives from Alaska and myself share that principle, that no longer can we stand aside and watch Alaska be discriminated against, when all other States are exempt. As a consequence, we have seen fit to make a stand on this issue, and make a stand now. I think the summary of the history reflects that we put all sides on notice of our concerns. As a consequence, the action that will be taken by this body later is going to speak for itself with, and faces the certainty of a Presidential veto. We don't know the ultimate fate of the bill but we think we have made a significant record on it, nevertheless.

Mr. President, I would like to be able to support this bill. It contains several provisions of interest to me and my State.

The windfall profit tax elimination is certainly one. I know that my colleagues feel very strongly about certain aspects.

In my remaining time, I would like to share another provision of interest to me in this bill, and it is section 1305. It requires USTR to initiate a 302 investigation into barriers to United States construction services in Japan.

Mr. President, this is commonly known in Washington as the Kansai Airport provision. It directs the United States Trade Representative to open an investigation into barriers on United States architectural design, engineering, and construction firms trying to do business in Japan.

I worked hard for the inclusion of this provision. There has been some confusion about this provision, since it mentions section 302 and not section 301, as is the usual case. The reason for this is that section 302 is the procedural section. Section 302 triggers a finding of fact. If there is a reason to believe that there were unfair trade practices, then it recommends the initiation of an investigation, and at that point it becomes a 301.

What is the problem here? Why do we need the provision? The answer is elementary. It is strictly fairness.

At the rear of the Chamber, on the easel, is a chart, and I respectfully request attention to it.

When one looks at the chart, it looks like an F-16 taking off. What we are seeing is Japanese participation in the United States market in the area of architectural design, engineering, and construction.

We have another chart which I ask to be shown at this time. This chart shows United States participation in the Japanese market in the same area of architectural design, engineering, and construction. I do not know whether you can see it with the naked eye, but the only thing on there are two Mrs. Fields' Cookie Shop stores that one very enterprising United States company was able to build in Japan.

The history of this issue is not a happy one. The administration has been negotiating with the Japanese for over 2 years. During that period, we went through four chief American negotiators. Facing them was a complete Japanese Ministry of Construction, with 26,000 employees and a budget of about $31 billion.

Last Sunday, Mr. Clyde Prestowitz, the former Counsellor on Japan of the Commerce Department, had an interesting piece in the New York Times. This article uses the construction talks as a kind of bad example of what has going wrong with the United States-Japan trade negotiations over the past several years. I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JAPAN TALKS TRADE WHILE AMERICA SLEEPS

(By Clyde V. Prestowitz)

Recently the United States Government triumphantly announced that it had solved a major trade dispute with Japan. After years of negotiations, an accord was reached under which American construction companies will be allowed to bid on designated public works projects in Japan.

The agreement comes, not coincidentally, just as Congress is debating trade legislation and during a period when Japanese companies are doing $3 billion worth of construction work here, while American companies are doing almost none in Japan.

I hope that this deal, and others, will prove a bonanza for American industry. But history, and my own experience as a United States trade negotiator, suggest otherwise.

Since the Strauss-Ushia agreement of 1978, there have been annual announcements of new accords on everything from baseball bats to semiconductors. In each case, it was said that Japan was doing exactly what we wanted it to do. But the question remains why, in every case, the results have not materialized.

A large part of the answer is to be found in American negotiating practices. In the first place, the United States has never worked out a clear strategy for trade with Japan. Decisions about what issues to put on the agenda are not made on the basis of careful analysis of the relative strengths and weaknesses of the American or Japanese industries. Nor do they go on the agenda after an evaluation of where the United States can get the best economic results. In fact, the United States Government does not have the ability to produce the studies required to make those determinations.

Instead, issues are put on the negotiating agenda in an ad hoc manner by a series of interagency committees loosely coordinated by the Office of the Trade Representative. Each agency has a favorite problem left over from past negotiations. New issues come to the office's attention either as the result of complaints from industry or from the chance discoveries of its own staff. But they do not come from any trade strategy.

The Japanese are continually amazed by our lack of planning. During one series of negotiations in Tokyo in 1982, an official of Japan's Economic Planning Agency told me that he could not even understand the American agenda. His agency, he said, had carefully analyzed American and Japanese industry and believed there were more important issues for the Americans to negotiate than the ones we had proposed.

In Washington, Japanese diplomats are part of the power elite. All speak flawless English and most have studied at American universities. They attend Congressional hearings, speak at our universities and appear on "Nightline" and other television shows.

By contrast, only about 10 percent of the American Embassy staff in Tokyo speaks any Japanese and only two or three have enough fluency to give a speech in Japanese or appear on a Japanese talk show. While the Japanese are full players in Washington, Americans in Tokyo have difficulty even understanding what is said.

In keeping with their dislike of bureaucracy, American trade negotiators believe in being "lean and mean." Usually, during negotiations, they are outnumbered at least 2 to 1. The American team often smiles condescendingly at the legions of staff members that always accompany the Japanese negotiators and feed them a constant stream of high-quality information. But as one Japanese official said, if you are too lean, you starve. And if you starve, how can you really be mean?

In addition, the American representatives are not usually as knowledgeable as the Japanese about the issues selected by the United States team. American negotiators are often political appointees who change jobs frequently and who have had little previous experience with the issues they are discussing. During the construction talks, for example, the head of the American team changed four times. In fact, at a critical stage in the bargaining, the talks had to be delayed because the leader of the American team resigned. In addition, none of the chief American negotiators had any experience in the construction industry. By contrast, the Japanese team was led by officials with long experience in construction and who kept their continuity during the talks.

The American system of political appointees also leads to poor coordination. Officials who come and go simply do not have the time to develop the relationships they need for a true esprit de corps. Moreover, there is pressure to go for quick agreements, rather than to plan for the long term. And there is always competition for the limelight by people who need to build credentials before returning to private life.

High-powered lobbying also complicated the negotiator's life. The Japanese retain a large number of political operatives and former American trade officials in Washington to represent their interests. Indeed, one of the largest contracts to come out of the construction negotiations so far was the $225,000 annual retainer charged by a major Washington lobbying firm to provide information and advice to the Japanese construction industry during the talks. In my experience, it is not unusual for such lobbyists to know the details of Cabinet-level trade discussions minutes after the meetings.

Looming over all of this is the fact that Japanese officials understand they do not have to concede much because the United States is more interested in harmonious political and security relations between the two countries than it is in trade. During the construction talks, the Japanese were informed by some of their lobbyists that despite recommendations for retaliation by sub-Cabinet American officials, there was nothing to fear. The real United States objective was to reach an agreement that would discourage Congress from passing a tough trade bill.

Finally, American negotiators suffer from the "movement is progress" syndrome and are ready to travel at the drop of a hat. Consequently, most of the talks are held in Tokyo, where the Japanese can play on their home court. American negotiators are entitled to a rest day after trips as far away as Tokyo. But to take that day would be to admit weakness to their peers. Quite simply, one reason our negotiators do so poorly is that they are always half asleep.

Mr. MURKOWSKI. Mr. President, as the article notes, recently the administration announced that the Kansai problem had been resolved, and I certainly hoped it had.

Since the announcement, I have held my peace, waiting for the actual text of the United States-Japan Agreement to appear. A month has gone by and still the text has not appeared.

According to recent information, a slip seems to be developing in the details of the agreement. Japanese negotiators have begun to remove parts of it from the table. The agreement was supposed to set up a new regime to allow the U.S. firms to compete in a list of 14 projects. Our Japanese negotiators are trying to restrict what is in the projects.

Let me give an example that occurred recently. A leading American firm, a firm that has extraordinary, expert advance radar technology for aircraft approach, would like to provide basic radar for the expansion of Tokyo's Haneda Airport. When I say that, I mean they would like to have an opportunity to bid. According to the information I have, the Japanese negotiators are saying now, "We agreed to give you access to phase III of Haneda, in the area of architectural design, engineering, and construction, but the radar is in phase II."

Similar nibbling is going on, on the fringes of other Japanese projects. I suspect that a major Japanese electronics firm which is part of a major Japanese company is very interested in seeing that American radar does not find its way into the upgrade of the airports in Japan.

All we are asking for is an opportunity to bid, and we are being told that phase III is open and phase II is not.

Obviously, one can only go along so long with those kinds of excuses.

An even more significant problem seems to be developing with a well-known American construction firm which wants to show its commitment to the Japanese market by setting up a subsidiary in Tokyo. The firm would spend $1 million. It would move a number of people to Japan. It would hope to be a real part of the local economy competing not just for products on the list of the 14 products that were indicated as the market open to the United States but others as well.

I am reliably informed, Mr. President, that the Japanese construction ministry has told the United States firm that it cannot get the construction license because its subsidiary would be a Japanese firm and a Japanese firm cannot use overseas experience of its parent to show that it is a reliable well-experienced firm.

The American firm could open a branch office, but then they would be restricted to only those limited 14 projects.

Mr. President, this is a new variation of the catch 22. In other words, how do we get there from here?

Over and over, Mr. President, we have been told by the Japanese construction industry that the only problem is that the United States firms do not try hard enough. That is nonsense. American firms have kept trying even in the face of unprecedented hostility.

Mr. President, I want to make it absolutely clear to our negotiators, particularly Ambassador Yeutter and Secretary Verity, and to my friends, the Japanese, I want this agreement to succeed. I worked very hard for it. It will take an effort from our industry, but Americans are willing to compete in Japan if we are just given the opportunity.

But, Mr. President, it is imperative that a written agreement be finalized immediately so that our industry and our Government understands and knows the rules of the game, and it may be a bit of a game. The Japanese negotiators are somehow trying to change the principles of the agreement by taking phases or parts away from the 14 projects and our Government will have to consider taking formal action under our trade laws.

That brings me back to the trade bill. This trade bill, as I have indicated, calls for an investigation by the U.S. Trade Representative under our trade law. If the bill is defeated or if the President's veto is sustained, I intend to continue to urge our Government to undertake a 302 investigation. If the Japanese negotiators finish their work, if there is no change in the text of the agreement, then Japan will certainly have nothing to be concerned about under a 302 investigation.

Last, Mr. President, I am absolutely convinced that the new Japanese Government is supporting efforts to have Japan open up its markets, just as the Nakasone government was, but somehow the bureaucracy, the reluctance of the Cabinet seems to cause objections to arise after clear and concise agreements, agreements made in good faith by both sides, negotiators from Japan and our negotiators and somehow these seem to run afoul and once again we seem to find ourselves in a frustrated position.

So, Mr. President, it would be my hope that as we reflect on our efforts to encourage Japan to open up its markets and recognize the significant role that Japan plays in providing quality consumer products as well as other manufactured goods to the markets of the United States and we recognize the significance of our relationship with Japan, which is the most important bilateral relationship the United States enjoys, that the Japanese indeed recognize an old American business practice and that is take care of your best customer, and clearly the United States is the best customer of Japan. Clearly, our negotiators have made great progress, but we seem to be having some current problems and it is imperative that they be resolved. So, as we reflect on the merits of this trade bill and the application of those portions of the trade bill which I strongly support, I must conclude my comments today with a reference to the difficult situation that the Senator from Alaska is faced with.

We have in section 2424 a deeply flawed piece of legislation that does not belong in a trade bill that is designed to open up the markets of this country and indeed to open up free trade in our country.

Section 2424, that portion which is discriminatory, specifically to the State of Alaska, that portion which limits refined exports of product from any new refinery only in Alaska to 50 percent of the annual output or 70,000 barrels a day and does not address any limitations in other States in the Union, is clearly discriminatory and clearly has implications that violate the intent of the Constitution. As I have indicated no other State has restrictions on the right to export refined product or any other manufactured product.

I would like to cite one other inconsistency, one other discriminatory aspect of this particular legislation that involves a part of the agreement with the Canadian free trade proposal that is pending at this time.

It is rather interesting that particular agreement as this trade bill provides for the authority, and this is the first authority of any consequence, the authority to ship 50,000 barrels of crude oil from Alaska, and that is North Slope crude oil, from Alaska to Canada. If one will observe his geography he will recognize that all of the oil that is produced in Alaska comes out of Alaska, out of Valdez, goes along with the Pacific coast. When it leaves southeastern Alaska it enters the waters of British Columbia. The next States are Washington, Oregon, California, where that oil eventually is unloaded and utilized in refineries in those States and, of course, a portion of its goes through the Panama Canal and is picked up and refined in the gulf coast.

The point I want to make is that this provision of this proposed trade bill we have before us as well as the Canadian free trade legislation authorizes 50,000 barrels a day of Alaskan North Slope crude oil to Canada. It specifically states that that oil must go to one of the lower 48 States first before it can go to Canada.

The logic of that is further evidence of the discrimination, the self-interests that are experienced in the trade bill as it relates to my State of Alaska.

I suggest that this oil which is going in tankers, going by Vancouver, British Columbia, where 50,000 barrels would be allowed to go for refining because the Vancouver area and the British Columbia area depend on Albertan oil for the most part, when they have Alaska oil going right by. Still, if you want to get that oil from Alaska to Canada, to Vancouver, British Columbia, you have to send it down to the lower 48 States and then you can export it back.

I again think that further substantiates, Mr. President, my case for the injustice, and as a consequence, my opposition to this bill has been pretty clearly enunciated by now as well as that of the senior Senator from Alaska, Senator STEVENS.

I am very pleased that the administration has gone on record, too, and I would like to conclude by noting that on April 11, Senator STEVENS and I sent letters to the chairman and ranking member of the Finance Committee saying we could not support the pending bill, the trade bill, section 2424, with this in it.

Unfortunately, despite all the efforts of all the interested parties to remove the provision, section 2424 still is in the bill.

Mr. President, I ask unanimous consent that that communication from the senior Senator from Alaska and myself be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 11, 1988.

Hon. LLOYD BENTSEN,
U.S. Senate,
Washington, DC.

DEAR LLOYD: We understand that the Senate conferees to the trade bill will be meeting soon to review the overall conference report. Therefore, we are contacting you to alert you to our strong opposition to Section 331 as approved by the subconferees, and to request the Senate conferees recommend the provision be removed from the conference report.

Section 331 would restrict the export of refined petroleum products from new refineries only in Alaska if they exceed 50% annual average output or 70,000 bbls per day. The sponsors of the provision claim it is intended to close a "loophole" in Section 7(d) of the Export Administration Act, which prohibits the exports of crude oil transported through the Trans-Alaska Pipeline. This is clearly not the case. The statutory provision applies only to crude oil transported through the Trans-Alaska Pipeline. In fact, more than 800,000 bbls of ANS crude is refined each day on the West Coast, and much of this is exported. Therefore, if there is a "loophole" in Section 7(d), this provision does not close that loophole—it simply discriminates against Alaska.

Commerce officials have indicated that regulations to implement Section 331 would place a substantial burden on all exporters of refined petroleum products from the West Coast. To insure that shipments of refined products from Alaska to the West Coast are not subsequently exported, Commerce would have to track the Alaskan products through each change of ownership to the ultimate consumer, placing an enormous burden on an industry in which products are resold many times.

It is clear that this provision is not aimed at protecting our national security, but rather at preventing Alaskans from benefitting from the creation of value added exports in the same manner in which other states which refine and export ANS oil benefit.

In a piece of legislation aimed at developing a cohesive national trade policy and reaffirming our commitments to exporting, we find it outrageous that the subconferees would agree to include a provision which is blatantly protectionist and which discriminates against one state.

We hope that you will carefully review our concerns in the upcoming conference and move to recommend the removal of Section 331 from the conference report.

Sincerely,

FRANK H. MURKOWSKI,
U.S. Senator.
TED STEVENS,
U.S. Senator.

U.S. SENATE,
Washington, DC, April 11, 1988.

Hon. BOB PACKWOOD,
U.S. Senate,
Washington, DC.

DEAR BOB: We understand that the Senate conferees to the trade bill will be meeting soon to review the overall conference report. Therefore, we are contacting you to alert you to our strong opposition to Section 331 as approved by the subconferees, and to request the Senate conferees recommend the provision be removed from the conference report.

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We hope that you will carefully review our concerns in the upcoming conference and move to recommend the removal of Section 331 from the conference report.

Sincerely,

FRANK H. MURKOWSKI,
U.S. Senator.
TED STEVENS,
U.S. Senator.

Mr. MURKOWSKI. So as a consequence, Mr. President, my decision pending on the vote on the trade bill must be to vote in opposition to this bill.

It is my hope that the time that has been spent on this matter as it affects our State of Alaska has been highlighted in an appropriate manner to reflect upon the gross injustice, the inconsistencies associated with those who are responsible for this being included in the trade bill, that portion of the bill section 2424 which discriminates against our State. It is hoped by the junior Senator from Alaska that we will have an opportunity at some point in time to appropriately address this matter by eliminating the provision that discriminates against Alaska and that Alaska can be treated in a manner in which all the rest of the 49 States can be treated.

As a consequence, it is the hope of the junior Senator from Alaska that we will have an adequate record to support actions at a later time to address this.

I wish to again thank my colleagues who have stood in support of this injustice. I particularly wish to thank the majority leader, Senator BYRD, for his support on this matter. And, of course, debate on Alaska would not be complete without a reference to my good friend and colleague, the senior Senator from Alaska, Senator STEVENS, who for many, many years has stood on the floor of the Senate, in an offensive posture, when necessary, and defensive posture, when appropriate, with regard to the interests of our State. I am pleased to share this opportunity to express the senior Senator's frustration, yet the positive hope that justice will be done at an appropriate time in the not-too-distant future.

My colleague, the Senator from Wisconsin, would like some of my remaining time. I ask the Chair at this time how much time does the junior Senator from Alaska have remaining?

The PRESIDING OFFICER. The Senator from Alaska has 49 seconds remaining.

Mr. MURKOWSKI. Mr. President, I conclude my remarks and defer to the Senator from Wisconsin. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska can yield to the Senator from Wisconsin that 30 seconds he has remaining but no further time. The Senator from Wisconsin can seek time, under the unanimous-consent order, only from the Senator from New Hampshire or the Senator from Kansas. That is the agreement of the unanimous-consent order propounded by the majority leader.

Mr. MURKOWSKI. I yield my remaining time to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 30 seconds.

Mr. KASTEN. Mr. President, I ask unanimous consent that I be yielded 3 minutes of the time from the Senator from New Hampshire.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The Senator from Wisconsin is recognized for 3 minutes.

Mr. KASTEN. Mr. President, I was a cosponsor of the original trade bill introduced last February. I voted in favor of the omnibus trade bill last July. It is with regret that I must vote against the conference report on H.R. 3, because there is much in the bill I strongly support.

When the President vetoes the bill, I will vote to sustain his veto. I will do so in the hope and belief that we will then have an improved trade bill that we can all support this session.

I voted in favor of the bill when it passed the Senate last year with the understanding that I would review the conference report, and would make an independent decision based on that conference report. Many of the protectionist provisions have been removed from this legislation. However, there is still too much wrong with it for me to be able to support it.

I understand that my senior colleague from Wisconsin, the chairman of the Banking Committee and author of the original Foreign Corrupt Practices Act, is so disturbed by the changes made to this act that he has announced his opposition to the conference report.

I respect my friend's judgment on this issue, and believe he has raised some valid points. I, join him in his opposition to this legislation but I have a number of other important objections.

As the distinguished Senator from New Mexico has pointed out, the Office of Management and Budget and the Congressional Budget Office preliminary estimates on this bill show the total outlay and revenue loss from this bill through 1993 to be $7.752 billion.

I am particularly troubled by the high Government spending and numerous make-work studies mandated by this trade legislation.

This legislation creates 30 new Federal and State agencies, offices, advisory panels, and commissions.

Estimates of the number of studies, reports and reviews which would be required by this legislation range from 100 to 170.

It also requires the establishment of over 150 new Government positions. This is just too much needless bureaucracy.

The President made it clear last summer that he would veto this legislation if it contained plant closing provisions. He will make good on that threat.

In a letter to me dated April 26, Clayton Yeutter, the U.S. Trade Representative, outlined the difficulties in this legislation. I would like to quote two paragraphs from that letter:

> In time all this vague language will be interpreted by the courts, and the legislation may then become administratively livable. But that still does not make it sound policy. Proponents argue that other countries have such laws, and some of our states have them, so why worry. But you and I should ask what the impact has been on economic performance, and on job creation.
>
> Western Europe has plant closing legislation—and an unemployment rate of about 10%, nearly twice that of the U.S. Obviously other factors are involved in explaining that difference, but plant closing legislation clearly has not ameliorated Europe's unemployment problem, and will not do so. Such legislation provokes employers to be cautious in opening new plants and hiring additional workers, and it encourages them to substitute capital for labor just as quickly as possible.

Mr. President, I think it is a shame that plant closing is an issue in this debate. It is a domestic labor issue best handled through collective bargaining or by the States. It is not a trade issue, and should not be included in this legislation.

I look forward to working with my colleagues, in a bipartisan manner, to enact a better trade bill within the next several weeks. We must pass a trade bill this year, and I am confident that we will.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have sufficient time to do that. The Senator can ask that time be divided equally between the two speakers.

Mr. KASTEN. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be equally divided between the two speakers.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. WIRTH. Mr. President, I ask unanimous consent to be able to address the Senate for 1 minute.

Mr. BYRD. Mr. President, I will object, but I would yield the Senator 1 minute from my time.

The PRESIDING OFFICER. The Senator from Colorado is recognized for not to exceed 1 minute.

Mr. WIRTH. I thank the majority leader for yielding.

(The remarks of Mr. WIRTH pertaining to a nongermane subject appear at a later point in today's RECORD.)

The PRESIDING OFFICER. Who seeks recognition?

Mr. BENTSEN. Mr. President, I suggest the absence of a quorum, with the time being charged to the remaining speakers.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The majority leader has 1 minute.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I take my minute.

Mr. President, following the vote on the pending conference report, I ask unanimous consent that Mr. BENTSEN and Mr. DANFORTH each have 5 minutes, following which the Senate will go to the AIDS bill.

Mr. President, it would be well if we could get some amendments out of the way on the AIDS bill today. We hope to finish that bill tomorrow and not be in Friday. So the work we do today will be that much less for tomorrow.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. DOLE. Will the majority leader yield?

Mr. BYRD. Yes.

Mr. DOLE. Is it also true that you would like to complete action, if it is possible, on a veterans supplemental tomorrow?

Mr. BYRD. Yes, I would like to finish the veterans supplemental appropriations bill tomorrow and the conference report on the veterans' compensation bill. There is another little matter which the distinguished leader and I have talked about. We will get into that a little bit later.

Mr. DOLE. Right.

Mr. BYRD. But there are several amendments, I understand, to the AIDS bill. And there will be several votes tomorrow. So we will start early tomorrow. We will have to go late to finish. So if we stay a little longer today it may help us to get out a little earlier tomorrow.

Mr. DOLE. If the majority leader would yield?

Mr. BYRD. Yes.

Mr. DOLE. I would encourage Members of this side with interest in the AIDS legislation to be here following the vote prepared to start so we do not take up 30, 45 minutes waiting for someone to arrive.

We will notify those who have an interest immediately so they will be available, after the conclusion of the remarks by Senators BENTSEN and DANFORTH, to move right into AIDS legislation.

Mr. BYRD. I thank you. We will do the same on this side.

The PRESIDING OFFICER. The time of the majority leader has expired.

The distinguished minority leader, the Senator from Kansas. The Senator from Kansas has 6 minutes and 58 seconds.

Mr. DOLE. Mr. President, America needs a coordinated trade policy based on a clear understanding of our national self-interest. With the extraordinary trade deficits that have developed over the last few years, it is easy to lose sight of our purpose in addressing the issue of international trade. Trade should not be a political issue. It should not be an ideological issue.

Trade is simply the buying and selling of goods on the open market. But the key is that there must be a market—and that market must be open to all potential participants.

LEGISLATION AND THE TRADE DEFICIT

We cannot expect to legislate away our trade deficit. Much will have to be done to make certain that there is a demand for our products overseas. But changing our trade laws will not have an overwhelming effect on the economies of countries which provide potential markets. And without a strong economy, no country will be able to increase its purchase of our goods.

Similarly, modifying our trade laws will, in itself, do little to reduce the debt burden of some lesser-developed countries that cripples their ability to improve their economies and provide a stronger market for our goods. As I have often noted in the context of our deficit, when you are forced to spend more and more on debt payments, you have less and less left in the private economy to invest or buy goods.

Changing our trade laws also will do little to make our goods more price competitive, more innovative, or of higher quality. We have the basic responsibility for this in our own country. We cannot take the easy way out and, with any credibility, argue that the responsibility lies somewhere else.

It bears repeating that modifying our trade laws will do little to reduce our own budget deficit which is at the root of many of our trade problems.

That does not mean, however, that the Government should do nothing or that nothing worthwhile can be done to improve our trade laws. Too often in the past we have taken an inflexible position in favor of "free" trade that demanded our markets be open to foreigners, but did little to ensure that foreign markets were open to our goods. We have a responsibility to assure that our companies have a fair opportunity to sell their goods wherever they have a competitive product.

DOLE RECORD

I have supported legislation and policies which have stimulated United States and world trade. I supported legislation which authorized United States implementation of the Tokyo round modifications of the general agreements on tariffs and trade, as well as negotiations of the current Uruguay round of trade agreement negotiations. I have taken a leadership role in innovative programs like the Israeli free trade agreement and the Caribbean Basin Initiative.

At the same time, I have sought to be pragmatic about the problems facing our firms and workers. There is no question that in many instances, the United States does not enjoy the same range of opportunities in foreign markets that foreign exporters have in U.S. markets. It is also clear from the number of unfair trade practice cases which have been brought successfully under GATT-sanctioned U.S. trade statutes that many foreign firms do not trade fairly here in the United States. I have consistently supported strengthening the laws which deal with these problems.

It is from this perspective that I have reviewed the conference report on H.R. 3, the omnibus trade bill.

CONFERENCE REPORT

The conference report before us today contains some provisions which have substantial merit. For instance, it is often overlooked that the legislation would extend trade agreement negotiating authority in various areas and reauthorize the "fast-tract" process which has done much to facilitate agreements in the past. In addition, the conference agreement includes a modified version of the Byrd-Dole "super-301" provision to reform the procedure for enforcing our rights under trade agreements and our response to unfair foreign trade practices. The conference agreement would also implement the harmonized commodity description and coding system.

And, of course, the conference agreement would repeal the "windfall profit" tax, a misguided piece of legislation that should never have been enacted in the first place.

However, it seems to me that this legislation has taken on an ideological aspect that should make each of us question whether this legislation will improve our ability to compete in this international marketplace, and, in some instances, it should make us wonder whether this is a trade bill or merely a grab-bag of election year statements designed more to sound good to various groups than to improve our international trade deficit.

PLANT CLOSINGS AND LAYOFFS

Undoubtedly, the nontrade provision which has received the most debate is the provision mandating 60 days' notice for plant closings and layoffs.

There really is no reason to go into detailed debate on this issue now. The merits and problems with this provision are known to all of us. However, two points are worth emphasizing.

First, it is odd that, in legislation that is intended to improve our ability to compete in the international marketplace, we would include a provision which inevitably will discourage U.S. companies from expanding to take advantage of any new market opportunities which might arise. It is common sense that a company whose costs will rise if it is forced to lay off employees, will be reluctant to build additional capacity to serve new customers.

Second, on a practical level, this is the one provision that we are certain will result in a Presidential veto. The conferees knew this at the time the provision was agreed to. It is very unfortunate that political considerations on the part of some led to the inclusion of this nontrade provision of questionable merit in this major trade legislation.

Unfortunately, the plant closing and layoff notification provision is not the only questionable provision included in this conference report. I will not try to recite a comprehensive list at this time. However, we should be aware of some of the more troublesome items.

STRATEGIC EXPORT CONTROL SANCTIONS

The conference report requires the President to impose import and Government procurement bans on our free-world Cocom allies if one of their companies violates its own Government's strategic export controls. This is the provision that started out as a response to the Toshiba-Kongsberg case.

I have no complaint about applying sanctions against Toshiba. Their actions imperiled our national defense and we certainly have a right to express our concern.

However, this provision's prospective effect, combined with the lack of adequate discretion given to the President, are grave cause for concern. You can imagine the outrage that we would express if a similar provision enacted by a foreign government who decided that our courts did not adequately interpret our laws. As a practical matter, we would be at risk that this would happen, and we certainly run a major risk that we will be discouraging voluntary cooperation by our allies in the future.

It just is not in our national interest to have this kind of provision in the law. It may sound good, but it is likely to hurt us at least as much as any other country.

FOREIGN DEALERS IN THE BOND MARKET

The conference report also bars the Federal Reserve from granting or continuing "primary dealer" status for foreign investment banking houses to sell U.S. securities unless U.S. firms have similar opportunities in their countries.

The major problem with this provision is that, whether we like it or not, we are increasingly dependent upon foreigners for our borrowing. In fact, approximately 12 percent of our debt is now held by foreigners.

As I understand it, the genesis of this provision was the treatment of United States investment banking firms in Japan. Japan uses an allocation system for placing its debt, while the United States uses an auction system. It was argued that United States firms were not being allocated large enough portions of Japanese debt and that this sort of provision would encourage a change in that practice.

Now it is being reported in the financial press that some of the affected United States firms are concerned this may have adverse effect on their overall effort in Japan. And we know that we risk higher Federal borrowing costs here if we discourage foreign investment.

All in all, it is hard to argue that this provision is in our national interest.

INTERNATIONAL DEBT FACILITY

Another provision which should be scrutinized carefully is a study, followed by negotiation to create a new international agency for lesser-developed country debt.

This may sound like a good idea to some. However, there are some serious drawbacks. At best, this provision is likely to undermine our country's current efforts to resolve this problem at a time when our strategy seems to be obtaining some results. At worst, this facility may result in additional pressures for the United States to bail out either the countries who have received the loans or the banks who have made them, at the expense, of course, of increasing our own serious budget deficit.

EXPORT CONTROLS ON REFINED OIL

The conference report limits the volume of refined oil products that may be exported from new Alaskan refineries.

I can understand the motivation behind limiting these exports to 50 percent of annual output. However, in legislation purportedly designed to help reduce our trade deficit, it is hard to rationalize this limitation on exports. I know that it would be difficult for me to argue that wheat farmers in Kansas should not be allowed to export their grain.

Of course, this provision will also be very difficult to enforce, since it is impossible to determine the source of petroleum once it has been refined, but the provision should have been dropped on the fairness issue alone.

AGRICULTURAL MARKETING LOANS

The conference report provides for marketing loans for wheat, feedgrains, and soybeans, or, alternatively, a mandate to spend at least $2 billion in a superexport enhancement program.

Once again, it is likely that this will have an effect which is the opposite of what is intended when other countries mirror our actions. Furthermore, such a broad proposal, in addition to having a potentially massive effect on the budget, could hurt the chance of getting a decent GATT agreement on agriculture.

BUDGET IMPACT

According to administration estimates, this legislation will create $2.4 billion in new budget authority and $1.6 billion in new budget outlays and revenue losses over the next 6 years. It would also authorize an additional $3.7 billion in new appropriations over that period.

TRADE ADJUSTMENT ASSISTANCE

In addition to the agricultural marketing loans, the spending items include a new entitlement authority for trade adjustment assistance, as well as assorted subsidies and special interest provisions such as small business loans with higher lending limits unrelated to trade and a mandatory forest products marketing program.

The conference agreement would expand the Trade Adjustment Assistance Program to include workers in businesses that supply goods and services to firms directly affected by import competition, would expand eligibility for TAA to workers in the oil and gas industry, retroactive to September 30, 1988, and would create a new entitlement to training.

The extension of trade adjustment assistance to workers in the oil and gas industry, retroactive to September 30, 1985, while ignoring workers in other industries, seems to be a particularly questionable policy.

I can understand the depressed state of the oil and gas industry and the interests in trying to help those who have lost their jobs in that sector of the economy. But I also have constituents in Hays, KS, who would have had trade adjustment assistance under the Senate bill, but who were dropped from the conference report. It is going to be difficult to tell them they used to be employed in the wrong industry.

Finally, establishing a new entitlement program for training under the trade adjustment assistance should also cause concern. Retraining workers may be a worthwhile goal, but the conference report does not provide a realistic funding mechanism.

This new entitlement program, along with the rest of the Trade Adjustment Assistance Program, is to be funded by general revenues until such time as the President can gain agreement from the GATT countries to permit imposition of a tariff on imports to pay for it. Unfortunately, such a tariff is now illegal under the GATT, and the prospects for change are slim, at best.

CBI ETHANOL

I am personally disappointed in a provision in the conference report concerning ethanol produced in Caribbean Basin countries. For some time now we have had a policy of encouraging domestic ethanol production. There are good reasons for this. It creates an additional market for our grain production, gives us an additional measure of energy independence, and provides us with a fuel that improves the quality of the air we breath.

When we enacted those incentives, we made an explicit decision that we were encouraging domestic production. However, in order to spur economic development in the Caribbean, we provided an exception from duties that otherwise would apply to ethanol imported from CBI countries.

This exception contained a loophole that allowed Caribbean countries to act merely as conduits for ethanol produced from feedstock from Brazil and Europe. For example, overproduction of European wine was shipped to the Caribbean to be turned into ethanol which was then shipped, duty-free, to the United States

Of course, when we enacted the Caribbean Basin Initiative, we anticipated that the duty-free treatment would lead to increased use of Caribbean sugar, not European wine, in ethanol production.

As a result, we included limitations in the 1986 tax reform legislation to close the loophole. Now, the conference report would grandfather, through 1989, every plant that anyone has never heard about. Even plants that have not been built yet will be able to use this loophole.

What this provision has to do with improving the ability of our industry to compete in the world marketplace is a mystery to me. In fact, how much of an impact this provision will have for the Caribbean is unknown. The major Caribbean ethanol interests have indicated their intention to invest the profits into fermentation facilities capable of using local feedstocks. Time will tell.

Perhaps a review of the Caribbean ethanol provisions is in order. However, it seems to me that this would be best done after we had sufficient data to understand the consequences and as part of a full review of the effectiveness of the Caribbean Basin Initiative in its entirety.

OTHER ITEMS

There are many other items that, at least, should be questioned. As I understand it, the conference agreement creates 30 new Federal and State agencies, offices, advisory panels, and commissions; and it requires between 100 and 165 new reports, studies, and reviews.

For instance, the conference agreement creates and funds a new Council on Competitiveness; as I mentioned previously, it requires negotiation to create a new International Agency for Lesser-Developed Country Debt, and it requires additional pesticide monitoring for imported food.

I am not certain that these new councils, agencies, and studies will do much to improve our international trade position. Each standing alone may not be all that significant, but, taken together, we have to wonder whether we are creating a better international environment for our business, or whether we are just being asked to vote on what would be called a "Christmas tree" or unrelated and special interest provisions if this were a tax bill.

CONCLUSION

In conclusion, I would reemphasize that this legislation contains good and worthwhile provisions, reforms that should help our industry compete more fairly in international commerce.

Many of my colleagues deserve praise for their efforts, including the chairman, Mr. **Bentsen**, and ranking member, Mr. **Packwood**, of the Finance Committee, as well as the distinguished Senators from Missouri [Mr. **Danforth**] and Rhode Island [Mr. **Chafee**].

They and others have worked long and hard. Many of the basic provisions are sound. Unfortunately, this legislation has been burdened with additional items that, taken together, have made it impossible for me to support the final product.

It is my sincere hope that we will have a further opportunity to send to the President legislation that will work to reduce our trade deficit without burdening our economy or the Federal deficit with extraneous provisions.

As George Will pointed out on the Brinkley show last Sunday, none of us can hope to understand every provision in legislation that goes on for over 1,000 pages. We would have been better served if the conference report had been broken into more manageable portions.

Certainly, there was no reason why the plant closing and layoff notification provisions, as well as other provisions unrelated to the enhancement of international trade, could not have been separated from the trade bill.

Mr. President, I regretfully urge my colleagues to reject this conference report.

Mr. President, I have enjoyed listening to the excellent debate on trade. I have also watched with interest during the past several months, as trade legislation developed, first in the House, then in the Senate, and finally in conference. I want to compliment again all those who participated, particularly the chairman of the Senate Finance Committee, Senator **Bentsen**, who has done his usual outstanding job.

Also, Senator **Packwood**, the ranking Republican on the Finance Committee, and Senator **Danforth**, who certainly, for the past several years, with Senator **Bentsen** and others, have been providing real leadership on trade legislation.

I realize that this is a very important vote to them. I also believe that the President wants a trade bill, as reflected by his letter I had printed in the **Record** yesterday. And I know there is a strong difference of opinion.

But, in my view, the difference should not be just hanging our hat on the plant-closing provision. Nevertheless, that one provision, the President has warned us, is enough to warrant a veto. Still, there are other undesirable provisions that have been outlined to us by the Trade Representative, by the Treasury Secretary, and visits with the President at the White House. I hope that my colleagues on this side of the aisle, in addition to all the meritorious reasons given on the bill itself, would understand the President is serious about this legislation; that the administration has been cooperating in an effort to get a good trade bill. This is not just a veto exercise.

In the President's letter he made clear he wants a trade bill; that he will work with us to get a trade bill. Certainly, the conference report is going to pass today, and I assume we will act on the veto when we return from our recess. I do not believe anyone has flatly closed the door on any additional trade legislation this year if, in fact, the veto should be sustained on this particular legislation.

I know this is a difficult vote for many of my colleagues on this side of the aisle. I also realize that Senator **Danforth** and others have been working vigorously to do what they appropriately can to override the President's veto because they do have a sharp disagreement. But in my view the President's veto should be sustained. That question is not before us today. So I urge my colleagues to demonstrate a strong expression of support for the President by a significant number of negative votes against the conference report.

Mrs. KASSEBAUM. Mr. President, I rise today in opposition to the conference report on the trade bill. I do so despite the fact that I believe our conferees have done a remarkable job of avoiding many of the pitfalls created by the original House and Senate bills.

In fact, there is much in this bill that represents sound policy and commendable compromise on many difficult issues. Unfortunately, like nearly all legislation that comes before us, this bill also has its flaws. Each of us has to decide whether the good outweighs the bad and I finally concluded I could not at this point, support this bill.

I think nearly all of us agree that it is essential that we become more vigorous in pursuing our legitimate complaints against unfair trade practices and that we become more assertive in protecting and advancing our own interests. This legislation makes progress on these points with provisions shaped by our conferees from the Finance Committee.

In addition, this legislation recognizes the need to more fully utilize the General Agreement on Trade and Tariffs in a positive manner. It is important to improve dispute settlement mechanisms in the GATT, as well as directing our negotiators to work towards a more effective system of international trading disciplines and procedures.

I also support the agricultural provisions in this bill and the long-overdue repeal of the windfall profit tax, which has the dubious distinction of costing the taxpayers more to enforce than it raises in revenue, since it raises no revenue.

Balanced against those positive provisions are others that raise concern about the direction they could take us. For example, I have some reservations about provisions of section 301 which transfer determination, decisionmaking, and implementation authority from the President to the Trade Representative and incorporating strict deadlines for action. It is unclear to me that this actually strengthens, rather than weakens, our hand in trade negotiations.

More importantly, section 301 requires mandatory initiation of an action in certain circumstances, strict timetable for decisions and mandatory retaliation in the event that an agreement is not reached. These provisions take us in a direction that is more inflexible and more confrontational. While I understand the frustration of those who feel we have been too flexible for too long, I am not certain that rigidity is a more effective route.

I am concerned, too, that these provisions move the United States away from deciding issues based on multilateral considerations toward an approach which is bilateral at best and unilateral in some circumstances.

Another of my concerns is this bill's approach to trade adjustment assistance to help sectors of the economy which require relief in the event they are unable to compete with a foreign product. This bill actually takes two approaches to this issue since it contains $400 million for trade adjustment assistance and about $1 billion for a new program called the Worker Training Adjustment Program.

Moreover, the bill takes a troubling approach to funding for trade adjustment assistance by leveling an across-the-board fee on all imports. This type of fee is currently illegal under GATT and the bill orders our negotiators to seek GATT agreement to make it legal. This could well be an argument we would regret winning. It would open the door for other nations to levy their own import fees and erect new, legal barriers to our products.

Finally, Mr. President, there is the matter of the plant closing provisions contained in this bill. Frankly, I think this is a largely peripheral issue which has taken on a life of its own and become a political symbol to both sides. Although the provision was watered down significantly during the debate on the floor as well as in conference, the mandatory provision was retained.

By itself, this provision would not cause me to vote against this bill. However, I believe it raises a legitimate concern that we are creating a new category of Government regulation for industry. While it is clear that some corporations have acted irresponsibly in failing to notify workers about impending layoffs or plant closings, it is not clear to me how this provision would help make our industries more competitive in world trade. It could, in fact, make them more inefficient and less capable of responding to market conditions.

Based on these concerns, I will vote against this legislation. It is time to get our own economic house in order and to utilize those laws which we have on the books to get our trade deficit under control and to encourage our trading partners to do the same. I have never believed this can be achieved by erecting new barriers around our markets. It can only be achieved by insisting that our trade partners open their markets to our products.

While this bill is not blatantly protectionist, it contains protectionist features that could undermine all of our efforts to move the rest of the world toward genuinely free and fair trading rules.

Mr. President, after reviewing this legislation, I was tempted to shrug off my concerns and simply vote for it. I am aware of all the hard work put into this effort by our conferees. I am aware too that if, as announced, the President vetoes this legislation and the veto is sustained, the next round of GATT negotiations may very well be postponed.

However, I am convinced that some of the problems with this bill can be resolved in fairly rapid order if the trade issue remains the priority that I believe it demands from us. While I don't think that all of my concerns can or should be addressed, I think we can adopt a strong and effective trade bill this year if we want to. It is my hope we will do so.

Mr. SIMON. Will the distinguished Senator yield for a brief colloquy?

Mr. HOLLINGS. Yes, I yield to my colleague.

Mr. SIMON. I understand that the conference report establishes a number of advanced technology initiatives, including an advanced technology program to foster public and private cooperation aimed at industrial technology development and greater utilization of existing technology research by business.

Is my understanding correct that the Advanced Technology Program is intended to be a very broad-based program and could therefore include initiatives aimed at improving the use of information technology and developing new information technologies?

Mr. HOLLINGS. Yes, the Senator's understanding is correct. The ATP Program is intended to encompass all types of industrial technology.

Mr. SIMON. I thank my friend.

Mr. CRANSTON. Mr. President, I rise in strong support of the conference report on H.R. 3, the Omnibus Trade and Competitiveness Act of 1988. We have before us today a historic bill. This is the most comprehensive trade bill in over a decade and 199 conferees have worked diligently over the past 9 months to reconcile the House and Senate bills. I believe they have done an admirable job. I do not endorse every provision in this bill. I didn't get everything I wanted—nobody did. But it's a good bill—good for American workers, good for American companies, good for America. I hope the President will refrain from his rhetorical speeches and realize this is a bill deserving of his signature.

For too long, Mr. President, America has been floundering without a national trade policy. In 1981, our merchandise trade balance was =$34 billion. Last year the trade deficit hit a record $171 billion. America needs a forceful, coordinated trade policy oriented toward opening foreign markets and spurring global economic growth. An effective trade policy requires far-reaching improvements in our competitive capabilities. The trade bill before us today will not wipe out our negative trade balance over night, or even over the next year. But it can, and in my opinion does, make a significant step in the right direction. We must not miss this opportunity to create a more comprehensive and coordinated national trade policy, and we must not let the President sidetrack our efforts because of his objection to one small provision in this bill of over 1,000 pages.

Mr. President, there are too many good provisions in this bill to have it vetoed. For starters, I assume the President wants the authority to negotiate trade agreements. Without passage of the trade bill, President Reagan and the next President would be without such authority. The bill attempts to set a national policy by requiring the President to report annually on a trade policy agenda, setting forth trade objectives and priorities. It also sets forth overall U.S. trade negotiating objectives including such important items as services, intellectual property, workers rights, and high technology. In addition, the bill implements the harmonized system, the new international customs classification system which will be extremely beneficial to all importers and exporters. The bill also greatly enhances our intellectual property laws.

I am extremely pleased that the conferees included my program to build cooperative programs between businesses and schools. I introduced this provision in the first session of the 100th Congress as S. 8, the Alliance for Education Act. In the following months S. 8 was added to the trade bill as a part of the Education for Economic Security Act. In the conference agreement, S. 8 emerged as the Partnerships for Excellence Program, with an authorization of $10 million annually among organizations in the private sector, higher education institutions, local and State education agencies and others to improve and enhance education.

S. 8, and originally introduced, reflected my deep belief that if we are to revitalize education in America—and we must—the effort must be joined by every segment of the community, working together for the betterment of education. We are just beginning to comprehend the value of linking the resources of the private and nonprofit sectors with the needs of the schools. The fact is, the private business sector depends more and more upon education—education in schools and education in the corporation—to supply its skilled workers and to help its managers sustain quality and productivity. What we have in H.R. 3 is a very modest yet extremely promising demonstration program which, in my view, offers one of the most effective routes to educational improvement we have yet seen.

The conference report also includes a number of provisions that will benefit American agriculture. I'm pleased the agreement authorizes an increase in the level of funding for the Targeted Export Assistance Program. This program provides grant assistance to agricultural commodities which have been adversely affected by unfair trade practices. These grants have been used to promote a number of agricultural products including many produced in my own State of California. I also support the provision allowing the Secretary of Agriculture to advance the date of a marketing order by up to 35 days to prevent circumvention of the order by imported produce. Additionally, I'm also pleased to know the agreement authorizes the President to implement provisions of the U.S.-EC Citrus/Pasta Agreement. This should finally end the nearly 20-year-old citrus dispute against European Community tariff preferences and provide for tariff reductions on fresh almonds exported to the EC.

Equally important is what is not in the bill. I am pleased that the conferees have dropped the Gephardt amendment, in favor of the Senate approach to combat unfair trade practices. The conferees have significantly strengthened our hand in dealing with unfair trading practices without resorting to protectionism. While there may be situations requiring retaliation, the Gephardt amendment was simply too rigid and could have led to protectionist trade wars. I am also pleased that the Bryant amendment was dropped. I understand concern over increased foreign investment, but the Bryant amendment could have a stifling effect on our economy.

Mr. President, I am particularly pleased that the bill before us today includes such significant reforms of our national security export control system. Last year the National Academy of Sciences published a comprehensive report on export controls and estimated that the overall cost of the current system on our economy, in terms of lost sales and reduced R&D, was $17 billion. With the state of our trade balance, this is a cost we can't afford, particularly in our leading edge industries. Last March I introduced S. 652, the High Technology Trade Enhancement Act. This was a major rewriting of our export control laws intended to establish the Department of Commerce as the lead agency—ending the Department of Defense's de facto veto over the system—and to delicense and decontrol to the extent possible without jeopardizing national security. I believe the current system of overcontrol harms both our economic and national security. By refocusing our control resources on higher levels of technology, technology that is truly critical, we will do a better job of preventing diversions while promoting more exports. Although the trade bill does not make all the changes I called for, it incorporates much of my bill and will eliminate many of the barriers to competitiveness faced by our high tech exporters.

I would like to highlight a few of the major export control provisions in the bill. First of all, it will put to rest, once and for all, the administration's foolish idea of charging a fee for licensing exports. It will also enhance our trade with the People's Republic of China, a huge untapped market, by allowing distribution licenses and providing a presumption of approval for exports to the Peoples Republic of China for trade shows.

The greatest complaints I have heard from exporters throughout California concern the frustration with Defense Department stonewalling, bureaucratic infighting, and the deaf ear industry experts get from the administration. This bill gets at all of these issues. The bill allows the President to include industry advisors to Cocom meetings and strengthens the role of technical advisory committees. It also provides a timetable for resolution of disputes between commerce and defense on individual licenses and on which items should be on the control list. More importantly, the bill clarifies that DOD should only be reviewing licenses for national security reasons, not foreign policy, which has too often been the case.

As Senator PROXMIRE stated on the floor last summer:

> Section five authorizes the control of exports to noncontrolled countries for the purposes of preventing their diversion to the Soviet Union or any other controlled country.

While I question the role of DOD in the review of West/West licenses, clearly that role is limited to assessing the risk of diversion to controlled countries. The joint report of DOD's role required by the bill should provide a constructive evaluation of DOD's participation in the system. At a minimum, it should review DOD's past practices in reviewing free world licenses and evaluate what unique contribution DOD makes.

Another major portion of the bill has to do with exports to Cocom nations. Upon enactment, exports below the PRC green line will be delicensed. In addition, all licensing requirements will be eliminated for Cocom/5(k) countries that are certified to have effective export control systems, and reexport controls are eliminated within Cocom except for highly critical goods or specified end users. These actions will lead to a totally license-free Cocom and a truly effective multilateral control regime. Our exporters will benefit tremendously from these actions which should reverse the trend of deamericanizing products. The bill also revises and expedites the foreign availability process, establishing for the first time a West/West foreign availability determination. Also noteworthy is the elimination of unilateral controls, which have done nothing but harm U.S. companies.

Mr. President, I am pleased that the bill authorizes funds for regional export assistance centers. This concept stems from my bill to authorize a Western Regional Export Licensing Office. The Commerce Department will soon open an Export Control Office in southern California. This will serve as a model for an office in northern California, and for offices throughout the Nation in areas of high tech concentration. It is particularly important that the Western region, which has the bulk of high tech exports, have easy access to export control services, which up to now have only been available in Washington.

Mr. President, I would also like to speak to the Toshiba sanctions provision in the bill. I voted for the Garn amendment last summer, as did 91 of my colleagues. However, I stated from the very beginning that the sanctions would have a serious impact on U.S. companies and employees, and on our relations with our Cocom allies. I worked hard in conference to modify the original Garn language. While I still have reservations about the final conference agreement, I believe we have been successful in lessening the impact on Americans. I trust that the administration, in carrying out this section, will write regulations that follow the intent of Congress to limit hardship on U.S. industry and consumers. Items from a sanctioned party that may be viewed as finished products, but are used as a part of a larger system, should be exempt from the ban. I think it is also important to note that in sanctioning the parent Toshiba Corp., we are not indicating any involvement by the parent in the diversion by Toshiba Machine Co. Finally, it is important that we recognize the cooperation we have received from Japan and other Cocom allies in response to the Toshiba incident export controls will only be effective if we have the cooperation of our allies. We should be careful in taking unilateral action which might damage allied cooperation.

Finally, Mr. President, I would like to speak to the issue which is at the heart of the veto threat. I believe the trade bill's plant closing provision is a very reasonable compromise over legislation originally introduced in the Senate early in the 100th Congress. I supported the provision when it passed the Senate and I support it now. Just as the loss of employment can be devastating to an individual, the loss of substantial numbers of jobs can be devastating to families and to communities. Our present national average of 7 days notice before plant closings or mass layoffs is a tragedy for millions of dislocated workers and thousands of local communities. The modest 60-day advance notice provision we here enact will lead, based on what we know about voluntary notice, to increased participation of worker adjustment programs, significant declines in unemployment and underemployment for dislocated workers, easier adjustment to change for local communities and substantial savings in unemployment insurance costs for employers.

This is a good trade bill Mr. President. It sets forth a national trade policy which we have been sorely lacking. It addresses the priorities of business, it addresses and priorities of labor, it addresses the priorities of Democrats, and it addresses the priorities of Republicans. In short, it addresses the priorities of America. It is not everything everyone wanted. It is not going to solve all of our trade problems. But it is a good bill Mr. President.

I urge my colleagues to vote in favor of the conference report, and I urge the President to sign the bill—for the good of America.

Mr. RIEGLE. Mr. President, there are a number of clarifications that several of my colleagues and I believe are needed to ensure that congressional intent is clear on the provision which is called the "world markets opening initiative," and is more commonly called super 301.

Mr. Leader, in this amendment, which we coauthored, with Senator Danforth and Senator Dole, would you agree that the USTR must initiate the super 301 process?

Mr. BYRD. As my distinguished colleague knows, the super 301 provision requires the U.S. Trade Representative to report to Congress no later than May 29, 1989 and April 29 in subsequent years on the priority countries and barriers. This is a mandatory report which must be submitted to Senate Finance and House Ways and Means, and is the beginning of the super 301 process.

Would the distinguished chairman of the Finance Committee tell us how his committee will oversee the implementation of super 301?

Mr. BENTSEN. During debate on the amendment, most Senators made it clear that if an administration chose to do nothing about barriers, that the committees had an obligation to pursue options to insure that congressional intent was upheld. Although the committee self-initiation provision has been removed from the bill, this should not be viewed as a weakened interest in seeing that the objectives of this provision are implemented. It is my intention to have an oversight hearing after the U.S. Trade Representative reports on the priority countries and their practices in order to insure the adequacy of these determinations. Further, it is the firm intention of the Finance Committee to carefully monitor the administration's enforcement of this provision and to reserve all rights available under the law to make sure that it is fully implemented. The committee has multiple means at its disposal to assure effective compliance and accountability for this provision. I am confident that the Ways and Means Committee has similar intentions.

Mr. DANFORTH. Would the distinguished Republican leader answer this question. There may be some confusion about the outside time limits on the super 301 provision which the distinguished leader coauthored. What is your understanding of the outside time limits for the super 301 cases?

Mr. DOLE. The conferees have invoked outside time limits on all 301 cases. For violations of trade agreements, an investigation must be completed within 18 or 12 months in subsidy and nontrade agreement violation cases. One month after such investigations are completed, action must occur unless a 6-month extension is sought for specific reasons. I wish to clarify that the investigatory period is not intended to delay the process to the maximum timeframe. In some instances, investigations are already completed on certain of the practices and therefore retaliation, if practices are not ended could be imposed within as little as 30 days, unless a 6-month extension was implemented. Therefore, the maximum dates for action of July 1991 for trade agreement violations or January 1991 for subsidy and nontrade agreement cases would not necessarily apply to practices which have already been the subject of investigation by the USTR.

Mr. DANFORTH. I say to the Senator from Michigan [Mr. Riegle], I want to make sure that we all understand the applicability of waiver provisions in super 301, that these waivers would be used sparingly but there should be some discretion left to the trade representative. Is that your understanding of the provision?

Mr. RIEGLE. Yes, in the underlying 301 provision, action in the case of trade agreement violations is mandatory subject to specific waivers. Cases involving unreasonable or discriminatory practices are expected to be acted upon where there is a reasonable indication that such action will be effective in changing the country's practice or barrier. Since super 301 is intended to address priority barriers in priority countries, it is expected that nonretaliation in the underlying 301 statute would be used more sparingly as befits the importance of these cases. It is expected that in the instance of unsuccessful resolution of these practices, retaliation would occur for the full value of all the priority barriers. The flexibility afforded the USTR in the underlying 301 statute should be viewed in the context of the intentions of super 301 and section 301 which are clear: If barriers in these priority countries are not eliminated, there is a direct cost associated with it—USTR must take retaliatory action in an amount equivalent in value to the estimated value of the foreign burden or restriction on U.S. commerce. Practices which are not violations of trade agreements are treated equally in assessing the extent of a problem with a priority country. In the event of a negotiated agreement to eliminate the practices within 3 years, all practices subject to that agreement would be considered on the "mandatory" track.

Mr. RIEGLE. Would the distinguished Senator from Missouri address a question? Several Members have inquired as to whether the super 301 procedure requires one aggregate 301 case adding up to the total value of the priority barriers, or a number of individual cases on the same track. How do you see this issue being implemented by the U.S. Trade Representative?

Mr. DANFORTH. The bill makes it clear that whether "priority practice" 301 cases are bundled into a single case or treated separately, the initial value benchmark and subsequent progress reports will ultimately include an aggregation of the value of individual barriers or cases.

The bill does not specify or need to specify that each "priority practice" case be bundled into a single 301 case. Such a distinction could, for example, have the effect of discouraging the initiation of cases on generalized practices that affect the entry of a variety of products—such as Japan's limits on department store outlets; currency manipulations by certain countries, et cetera. As a practical matter, there is no difference between the parallel treatment of several 301 cases and the movement of a single case involving multiple practice. At the end of the day, success is measured against a benchmark that is the aggregation of the value of each identified barrier or practice. If there is no such evidence in the case of one practice or one component of a multiple practice case, it must be accounted for by measurable action.

Mr. BYRD. I would like to ask my colleagues a question. When we drafted this amendment, I was specifically concerned about barriers which replace barriers. I referred to this as the peeling of the onion. The distinguished Senator from Missouri has called it mowing the lawn. The conference report does not specifically address this issue, although it was the clear intent of the authors that this matter be resolved. The reason for the valuation estimates reqired by the bill is to provide a "benchmark" or "results-based measure" against which to judge success in the elimination of barriers and market distorting practices. This provision was specifically included to preclude the barriers behind barriers problem.

Annual progress reports to Congress must provide "evidence that demonstrates, in the form of increased U.S. exports, substantial progress toward the elimination of such barriers and market distorting practices." Obviously, if any negotiated settlement fails to eliminate each of the barriers to the entry of a given product, or if a new barrier has simply replaced the old, this will be clear from the failure of U.S. exports to reach anticipated levels.

Should the level of U.S. exports fail to meet expectations because of another barrier, this does not require a new 301 cycle to get at the new version of a previously "eliminated" practice. The bottom line is that a barrier keeps out our exports. If a new barrier replaces an old one which has been removed, the problem remains, and it should not take another 301 case to eliminate it.

In fact, the annual report explicitly states that if evidence cannot be provided that barriers have been eliminated or offset, then the 301 case must be reinstated by the USTR under section 304 with respect to such barriers and market distorting practices. This is identical to the situation in the area of negotiated agreements, where 301 cases may be suspended in the context of negotiated settlements but must be reinstated when "the President determines that the foreign country is not in compliance with such agreement."

Mr. RIEGLE. I would agree with the majority leader's assessment of this important issue.

As the Senator from Missouri knows, the super 301 section contains a significant difference from current practice. The provision requires the measurement of progress for priority barriers in priority countries. That measure is increased U.S. exports.

Mr. DANFORTH. The distinguished Senator is correct. This is a result-oriented approach which is measured in terms of increased U.S. exports. It was designed specifically to allow the measurement of success or failure of this super 301 process and is the reason for my strong support of this provision. It is reciprocity with teeth.

Mr. RIEGLE. I look forward to working with my colleague to ensure that this super 301 process opens markets and creates business for U.S. industries and our workers.

Mr. HOLLINGS. Mr. President, I am going to vote for this trade bill even though I have many serious reservations about this bill. This Congress has been presented with a great opportunity to reform our trade laws. Domestic industries which have been hurt by unfairly traded imports have a wide array of remedies available to them. Unfortunately, these laws have been poorly administered and weakly enforced. According to GAO, petitioners, who are often denied relief, are increasingly unwilling to make the investment of time and money to pursue these remedies. In 1986 and early 1987, I undertook an examination of our trade law remedies. In March of last year, I introduced a trade bill to toughen up enforcement. That bill, S. 891, made needed changes in the trade statutes and also provided for a value-added tax to be used to reduce the Federal deficit and retire our national debt. I was pleased to see the Senate version of the trade bill contained some provisions that I proposed in S. 891, including a private right of action for customs fraud.

On the Senate floor last June 1, I proposed an amendment taken from S. 891 to reform our antidumping law. This amendment would have changed current Commerce Department practice which is in contradiction of the statute and the GATT antidumping code. My amendment would have changed the law to bring our practice into conformity with the practices of our trading partners that have active antidumping laws. My amendment would have corrected the current policy or our own Commerce Department which works to the disadvantage of U.S. industry and U.S. workers. The Senate accepted my amendment without dissent. Unfortunately for American workers, the conferees dropped my amendment. This is a mistake. It is a mistake that preserves a current interpretation by Commerce of the statute and the GATT antidumping code which seriously weakens our antidumping law as a remedy for U.S. companies injured by unfair imports.

I have a number of concerns about the trade law changes made in subconference 1. Many good provisions were dropped in conference at the urging of the administration. The private right of action for customs fraud was dropped. A scofflaw provision for multiple offenders was dropped. It is hard to understand how anyone could object to these two provisions; one of which would provide a private remedy for fraudulent or grossly negligent acts and the other would direct the Secretary of the Treasury to bar from importing any person convicted of fraud three times over a 7-year period. Both of these provisions would have provided a badly needed backup to the overworked, overloaded Customs Service, and would have resulted in more violators being caught.

In other areas, provisions were modified, weakened, or watered-down by the conferees. I won't take the time to go through them all here, but let me list a few. In sections 301 and 201, a number of "outs" were provided for the President to allow him not to take action against foreign companies and governments. It is my firm conviction, which is upheld by the evidence, that if you give the President an "out," he will use it to avoid taking action even where action is warranted.

In section 201, you will see a lot of language about "positive adjustment." Positive adjustment under this bill means an industry is able to compete successfully after relief under 201 terminates or the domestic industry experiences an orderly transfer of resources to other productive pursuits. In reality, this means that apparel workers for example—women, minorities, new immigrants—would be better advised to get jobs in more productive pursuits, perhaps in service industries: flipping hamburgers, emptying trash, doing laundry.

Some provisions in the bill—provisions wanted by the administration—were strengthened. The President got what he wanted:

First, tariff and nontariff negotiating authority for 5 years with "fast-track" treatment.

Second, tariff proclamation authority; and

Third, implementation of the harmonized code.

The President wanted this authority to pursue his objectives in the GATT round and to pursue other bilateral free trade agreements. If future bilateral or multilateral agreements have as many problems as the one with Canada, we better take a hard look at these agreements in the future.

In summary, the trade law provisions in this bill will do little to combat our trade deficit, and represent only marginal improvement in current law for U.S. industries and U.S. workers.

There are provisions in this bill which I believe are necessary. The Exon amendment in subconference 7 will give the President much needed authority to suspend or prohibit foreign takeovers which threaten national security.

The technology provisions which came out of subconference 9 build upon proven Commerce Department programs and will help U.S. industry in two key areas—manufacturing and speeding the commercialization of new scientific discoveries. The United States faces serious problems in both areas. We must find ways of making Federal research programs do more in these critical fields.

To help manufacturing and commercialization, we upgraded the existing National Bureau of Standards, turning it into a National Institute of Standards and Technology with an explicit mission to help industry improve manufacturing and process technologies. Second, we authorized joint Federal-State centers and other targeted efforts to get taxpayer-supported NBS research and expertise out to the people who need them most, small and medium-sized manufacturers. Third, we authorized an Advanced Technology Program, under which the Commerce Department will continue to encourage multicompany research consortia and will, in selected cases, provide limited seed money. All three will help the United States maintain its leadership in industrial technology.

Finally, I would like to express my concern about one provision—the so-called Bryant amendment—which has been dropped from the bill. Regretfully, the Senate and House conferees could not reach an agreement on this issue. I am very concerned about the lack of good information on foreign investment. The United States is now the largest debtor in the world and it is estimated that by 1991, the United States will be in debt to the tune of $1 trillion. In order to make sound public policy, I believe it is essential that we in the Congress have access to information collected by the executive branch. It is amazing to me that some would argue that the U.S. Congress cannot be trusted with this information. We cannot make decisions in the dark. Let me assure the Senate that this issue is not dead. Our net debtor situation worsens each and every day as concerns about this situation grow. As chairman of the Senate Commerce Committee, I intend to continue to look at this important issue.

In conclusion, I will, despite my reservations, vote for this bill. The Congress has fallen short of its goal to produce a bill which would reduce our trade imbalance and strengthen our industrial competitiveness. I believe, however, that there are some successes in this bill and some headway has been made toward improving the effectiveness of our trade laws.

It would be a shame to lose what measured progress we have made. Nine Senate committees and fourteen House committees have labored and negotiated with each other and administration for nearly 2 years. In reality, this is probably the only chance we have to vote for an omnibus trade bill this year. As chairman of the Commerce Committee, I was a part of this process and even though I may not agree with everything in the bill, I will vote for it.

Mr. RUDMAN. Mr. President, I would like to take this opportunity to engage my colleague from Arizona, Mr. DeConcini, the distinguished chairman of the Judiciary Subcommittee on Patents, Copyrights and Trademarks, in a brief discussion of the process patent provisions included in the trade bill. Senator, it is my understanding that title IX of H.R. 3 relating to process patents does nothing to change current law or practice regarding parallel imports, sometimes known as gray market goods.

Mr. DeCONCINI. That is correct. The process patent provisions are not intended to address the issue of gray market goods or parallel importation.

Mr. RUDMAN. I thank the Senator for clarifying this matter.

Mr. QUAYLE. Mr. President, I must regretfully vote against the omnibus trade bill.

There are, I'm glad to say, a number of positive provisions in this measure such as the reauthorization for the President to negotiate trade agreements and a number of export promotions—including my own auto parts amendment. Yet on the whole, I believe the bad outweighs the good. Chief among my objections is the plant-closing language. It doesn't belong in this bill, but it is by no means the only misguided provision of the bill.

The trade bill restricts the Federal Reserve in dealing with any foreign-based brokerage houses. Under this provision, the Fed is given no discretion. Mr. President, this is a potentially dangerous, undeniably isolationist action. The Fed should not be bound by such strict guidelines that could threaten our economy.

The House and Senate Budget Committees are now meeting in conference to craft a final budget resolution for fiscal year 1989. In accordance with the budget summit agreement the Senate resolution reduces the deficit by $7.2 billion—the trade bill will add about $6.1 billion.

Over 100 new reports are to be issued, about 160 new Government jobs are created with 30 new Federal and State agencies. Mr. President, we must streamline bureaucracy and redtape if we are to become competitive, not increase it. This bill even creates a Council on Competitiveness—a Friends of Industrial Policy Club to pick and choose which industry wins and which industry loses rather than letting the consumers make those choices.

Our economy is healthy. A good trade bill could help us but a bad trade bill would be devastating at this point. Our economy grew at 4 percent last year and it will grow at a rate of between 2 and 4 percent this year—steady, sustainable growth. Domestic car sales were up more than 6 percent over last year. The number of working oil and gas rigs is increasing—an important factor when one considers that 25 percent of our trade deficit is payments for oil. Industrial production is up as well—as it has been for 6 straight months. This is no time to enact legislation that could wither our economic expansion.

Mr. President, a perfect example of the type of provisions that could stagnate our economy is the plant-closing provision in this bill. It is not merely a plant-closing language, it is business-closing language. Grocery stores, farms, loading docks, banks, car dealers, janitorial services, warehouses, restaurants, and department stores will all be covered by it. Proponents will tell you that it is just a little notification bill. This is not so.

The real purpose of this provision is to buy time to pressure an employer into changing his mind about the business closing and to make layoffs difficult and expensive. It is an effort of the labor unions to whittle away at the concept of employment-at-will, and to substitute the concept of just cause for discharge. This is but the first of many steps down this long road.

This is also an antilayoff provision. It is designed to delay, impede, frustrate and make very costly the economically necessary process of layoffs and in more distressful circumstances, business closings. This language was designed to be unworkable so that employers will be forced to keep workers far longer than is necessary and pay them full wages at the same time. This is essentially a kind of mandated severance pay.

Mr. President, most businesses do not know 60 days in advance that layoffs will be required. How many brokerage firms on Wall Street correctly predicted the October 19, 1987, stock market crash? Yet this bill requires businesses to have complete knowledge of market conditions 60 days in advance. Those who do not obey are punished with 2 months of mandated severance pay, or civil fines and back pay claims. All this because employers have no control over the uncontrollable. This bill may as well command the Sun to set or the tides to recede.

To the business community the layoff provision of this bill is the most objectionable part of the language. It requires an employer to give 60 days advance written notice to affected employees whenever 50 or more are laid off during any 90-day period. This is a deliberate blurring of the distinction between layoffs and a plant closing. Nowhere in the language is there any clear distinction.

There are plenty of other reasons why this is bad legislation. First, it is an intrusion into free collective bargaining. It puts the Federal Government in the position of deciding what is currently agreed upon by free choice of the parties. Employers are already required to bargain over the effects of a business closing.

We are told that we must have mandatory notice because worker-adjustment assistance is more effective if advance notice is given. We are told that we must have mandatory notice because large companies give advance notice already. Ironically, the legislation does not tie the receipt of notice to the worker-adjustment assistance money. All companies will be required to give notice and pay the equivalent of severance pay for 60 days, but not all those employees or places of business will receive worker-adjustment assistance money. Large companies that give notice do so voluntarily, not because they are forced to do so by the Government.

We have a huge trade deficit. We have to do something about it. We are told that we must pass the trade bill to make American business more competitive and more flexible in today's global economy. The so-called, plant closing language, is part of this plan.

The true effect of the plant closing language will be the opposite. It will make American business less flexible, less capable of absorbing economic shocks, and less competitive.

Petronius the Arbiter, who, for those of you who have not been briefed by your staffs, lived two centuries before the birth of Christ, recognized the tendency to change something in order to "* * * create the illusion of progress while producing confusion, inefficiency, and demoralization." This is precisely what we are doing with this language. We are trying to create the illusion of progress, but the result will be inefficiency.

What, then, is the purpose of this language? It is to get the camel's nose under the tent. We all know that the plan is to set the precedent of having 60 days' notice, only to embellish it in the coming year or two. Does anyone deny it? It is printed in the Bureau of National Affairs' Daily Labor Report. Furthermore, the leadership of the labor unions is willing to ditch $1.6 billion in worker-adjustment assistance money, just to get the plant-closing language. That's how important it is to them. The cat is out of the bag, ladies and gentlemen.

I regret further that this language has not been dropped because it will have tremendous adverse impact on litigation and costly jury trials for American companies who are trying to lay off workers in response to market conditions. Every notification for layoffs will be an opportunity to get money from the employer's deep pockets. Ask the steel industry, this language applies to them. Right now steel companies pay laid-off employees approximately 90 percent of their pay, plus all insurance benefits. The practice in the steel industry is for people to report for work based on sales orders and related production orders on hand each week. That is not 60 days in advance. They can't predict 60 days in advance when individuals on layoff might come back to work. So what is language like this going to do to the Nation's steel industry?

Finally, we are told that we must have mandatory notification because foreign countries do it and they are doing fine. This is not true. The European Economic Community of nations has had mandatory plant-closing laws since 1975. This law, along with a plethora of other workers' rights and mandated benefits laws have had the aggregated effect of suffocating job creation in those countries. Incidentally, there has been no net job creation in the EEC since 1975. In Europe, the risk of laying off an employee is so high that employers substitute capital for labor whenever possible. That will be the effect of this language in our own country. Employers will learn from the Europeans, too.

Despite rehetoric to the contrary, more trade relief has been granted in this administration than in any other. President Reagan is the only President to self-initiate a 301 case. Breaking down trade barriers to markets in countries that seemingly don't care about the welfare of their own consumers and businesses is a long and tedious process. There is much more to be done, but we have made much progress—for example our exports have risen by 20 percent over the last 6 months. Given this progress now is no time to give up in frustration and enact poorly advised trade legislation.

In conclusion, I am told that this is a good bill, that it isn't going to have an adverse effect on business, but I can't help but call to mind the words of another Roman poet, Phaedrus, of the first century, A.D. who said "non semper ea sunt quae videntur"—"things are not always what they seem"—a gem to warn the unwary. In "H.M.S. Pinafore," William S. Gilbert put it this way: "Things aren't always what they seem, Skim milk masquerades as cream."

Mr. President, this language isn't cream. It's skim milk and I am sorry that the leadership decided to keep it in the trade bill because it is going to sour the whole thing.

CLEARINGHOUSE ON STATE AND LOCAL INITIATIVES

Mr. BUMPERS. Mr. President, there is no monopoly here in Washington on wisdom on how to make America more competitive.

In fact, we here in Washington may know less about how to meet the competitiveness challenge than do State and local government officials.

In fashioning a national strategy on the competitiveness challenge, we should recognize that there are limits on what the Federal Government can and should do.

We should be careful not to undertake Federal Government initiatives when it would be more effective to provide support to State and local government initiatives.

This is the philosophy behind the provision in this conference report to establish a clearinghouse on State and local initiatives. I am proud to have proposed this clearinghouse and I am delighted that it has been included in the conference report.

HISTORY OF THE PROPOSAL

It has been only a year since I first proposed that the clearinghouse be established.

The legislative history of the clearinghouse is somewhat complicated, so let me take a minute to outline it.

On April 7, 1987, I introduced S. 930, the Competitiveness Enhancement Act of 1987. This bill was one of three bills I introduced as a comprehensive agenda on competitiveness.

S. 930 proposed that the Federal Government establish a center on State and local initiatives on productivity, technology, and innovation—133 Congressional Record at S4724-28 (Apr. 7, 1987). I proposed that the new center be located in the office of productivity, technology, and innovation in the Department of Commerce.

On April 30 the Subcommittee on Science, Research, and Technology of the House Committee on Science, Space, and Technology held a hearing on H.R. 2219, the House version of S. 930, a bill introduced by Congresswoman Claudine Schneider and subcommittee chairman Doug Walgren. I submitted a statement for the record at that hearing and a representative of the National Governors Association testified in favor of the clearinghouse.

On May 19 the Senate Commerce Committee held a hearing on S. 930 and I testified. Prior to the hearing Senators Ford, Gore, and Inouye, all members of the Committee, agreed to cosponsor S. 930. Their leadership, and that of the chairman of the committee, Senator Hollings, was crucial in securing favorable action on the clearinghouse.

On June 22 the Senate Commerce Committee reported S. 930 as section 202 of S. 907, the Technology Competitiveness Act of 1987. Senate report 100-80. S. 907 then was merged with other bills to become S. 1420, the omnibus trade and competitiveness act of 1987. Section 202 of S. 907 became section 4102 of S. 1420.

During debate on S. 1420, I offered and the Senate accepted an amendment making technical changes in section 4102—133 Congressional Record at S10163-10168 (July 17, 1987). The Senate then substituted the text of S. 1420 for the text of H.R. 3, the House version of the omnibus trade bill.

Prior to House action of H.R. 3, the House Committee on Science, Space, and Technology had not reported any bill to be included in the House trade bill. Before the conference on the trade bill began, however, the House Committee on Science, Space, and Technology reported H.R. 2916, which became, in effect, the House version of the technology provisions in the Senate trade bill. House Report 100-266 (Aug. 4, 1987).

The clearinghouse was included as title IV of H.R. 2916.

The conference on the clearinghouse issue was relatively simple because the Senate and House versions of the clearinghouse were so similar.

Knowing that the clearinghouse would energe from the conference on the trade bill, Senator Hollings and I offered an amendment to the continuing appropriations resolution to provide $500,000 in funding in fiscal 1988 for the clearinghouse—133 Congressional Record S17944-45 (Dec. 11, 1987). The conference on the C.R. reported an appropriation of $250,000 for the clearinghouse for this year. House Report 100-498 (Dec. 22, 1987).

This means that the Commerce Department can set up the clearinghouse this year. It doesn't have to wait to see if there is funding for it in the fiscal 1989 appropriation bill for the Department.

Now the conference committee on H.R. 3, the omnibus trade bill has, in fact, adopted the House and Senate proposals to establish the clearinghouse (sec. 5122).

COMMON THEMES

Throughout the legislative history of the clearinghouse, all of its supporters have agreed on the purpose and need for the clearinghouse.

The purpose of the clearinghouse is to help us all learn more from the initiatives of State and local governments to enhance the competitiveness of our Nation.

State and local governments need to learn from one another and we here in Washington need to learn as well.

The need for the clearinghouse is to help us all to avoid reinventing the wheel on initiatives which meet the competitiveness challenge.

The variety of initiatives undertaken by State and local governments is impressive and growing. It is becoming increasingly difficult to keep track of these initiatives.

The purpose of the clearinghouse is not to provide financial support to State and local governments to finance these initiatives.

The need for the clearinghouse is not to help the Federal Government to undertake similar initiatives.

The clearinghouse is being established to learn and to champion these State and local initiatives, not to put them under Federal financial control nor to finance similar programs at the Federal level.

The greatest virtues of these State and local initiatives are their variety and the fact that they are nurtured by local coalitions of business, labor, and government leaders. If these initiatives are federalized we will lose the variety and it will be more difficult to fashion the partnerships which are crucial to the success of these initiatives.

In short, we should learn from these initiatives, but we should not think that the success of a State or local initiative can be duplicated if a similar initiative is undertaken by the Federal Government.

The clearinghouse should understand this point better than anyone else. It should continually caution Federal officials and the Congress to avoid duplicating or competing with these initiatives. It should caution us here in Washington not to swamp or overshadow these initiatives with Federal programs.

We should first seek ways to support these State and local initiatives and to preserve local control of them.

We have a great temptation here in Washington to launch our own programs, to show that we also care very deeply about the competitiveness challenge. But, the best approach we can take in many cases is to champion State and local initiatives and restrain ourselves in undertaking our own initiatives.

LEADERSHIP AND CONFIDENCE

The clearinghouse is a new institution. It needs strong leadership. It needs astute leadership, particularly at the beginning.

In the end, the clearinghouse will be effective if it can win the confidence of the State and local government officials, or Federal officials, and of the Congress.

State and local officials must know that they can trust the clearinghouse to provide support, to make their life easier, to help them with problems with Federal officials, to be their champion in Washington, and to understand the imperative of local control.

Federal officials must know that they can turn to the clearinghouse to learn how to avoid duplicating or competing with State and local initiatives. They must know that they will find the clearinghouse able to identify those initiatives which are better left to State and local government control.

The Congress must know that it can trust the clearinghouse to provide competent advice on how it can support State and local governments and establish its own partnership with them.

Finally, the Secretary of Commerce must give the clearinghouse the support it needs within the Department. I know that there has been some disagreement on where the clearinghouse should be located in the Department. It has been my judgment that it should be located in the Office of Productivity, Technology, and Innovation. I have long supported the activities of this Office, while the administration has demonstrated a complete absence of appreciation for its efforts. The clearinghouse will strengthen OPTI and give OPTI a broader mandate and increased resources.

In the first several years, the clearinghouse will primarily play a technical role. When it becomes an expert on the initiatives of State and local governments, it may begin to become an advisor to other Federal Government agencies and to the Congress on how Federal Government programs should be managed to provide maximum support to State and local governments. When the clearinghouse begins to assume a broader role in policymaking, it may be appropriate to reconsider the location of the office within the Department. But, initially, placing the clearinghouse in OPTI is the best option.

WORKING TOGETHER

Clearly, there is much that needs to be done to regain our competitive edge in international trade.

The Federal Government needs to work closely with State and local governments just as labor and management need to work together.

There is too much to be done for the Federal Government to compete with and duplicate State and local efforts.

State and local governments should build on each other's initiatives.

The bottom line with the clearinghouse is that we all need to work together, to learn from one another, and to support one another. There is no alternative if we are to avoid becoming a second-rate economic power.

I look forward to working with the Secretary of Commerce and the leadership of OPTI in ensuring that the clearinghouse is an effective and well respected agency.

There are two staff persons whom I would like to thank for their efforts on this bill, Pat Windham of the Senate Commerce Committee staff and Ric Erdheim who served on Congresswoman SCHNEIDER's staff during development of this legislation. Both of them were consummate professionals on the clearinghouse proposal and it would not have been included in this trade bill but for their assistance. Pat and Ric are the kind of staff who make the Congress work effectively in the national interest.

FILLED MILK

Mr. HEINZ. Mr. President, the Omnibus Trade Act contains a provision implementing the Harmonized Code. I support that action but want to make sure that one issue of interpretation is fully clarified. It relates to filled milk, which is skim milk to which nondairy fats have been added, making it very similar to condensed milk. Both products are used for the same purposes, such as baking and confectionary production.

In the past several years, the Customs Service has issued differing rulings as to whether this product had as chief value milk or sugar. If it were the former, it would be subject to dairy quotas. Chief value is found by determining which component of a product has the highest value in the amounts used.

This confusion has permitted foreign producers to declare their filled milk to be in chief value sugar and thereby evade the dairy quota. The Customs Service had not made a chief value investigation in this case, so foreign producers had no difficulty declaring their filled milk to be in chief value sugar.

These declarations, however, were not accurate. A recent study conducted by Borden, Inc. determined that the chief value for the Australian filled milk that they tested was unquestionably milk and that the result was representative for all Australian filled milk. They found that a 42 pound case of Australian filled milk produced by Nestle/Carnation contained $4.14 worth of milk and $2.60 worth of sugar. This clearly shows that filled milk is in chief value milk, and should therefore be subject to dairy quotas.

Subsequent work by the Customs Service has led to the same conclusion, as recent correspondence demonstrates. Mr. President, I ask that three letters from the Service be printed in the RECORD.

As a result, I no longer believe there is doubt as to the proper classification of filled milk as milk, and I want to be sure that the Harmonized Code reflects that fact.

Specifically, I would ask the chairman of the Finance Committee to reassure me that it is the intent of Congress that, under the Harmonized System Nomenclatures, all imports of these products be subject to dairy quotas. Accordingly, sweetened condensed filled milk and related sweetened condensed milk substitutes should be classified under 1901.90.30 USTSA, which is subject to a quota of 2,721 kilograms per year under 9904.10.60.

Mr. BENTSEN. The Senator from Pennsylvania is correct. It is our intention that filled milk be classified as he has indicated. This is consistent with the Customs Service's position on this subject.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE,
Washington, DC, December 7, 1987.
MARK S. ZOLNO, ESQ.,
Burditt, Bowles, Radzius & Ruberry Ltd., Chicago, IL

DEAR MR. ZOLNO: We have reviewed the question of the classification of sweetened condensed filled milk manufactured by Nestle Australia Ltd., in light of the recent data submitted by the company.

In July 1987, based on evidence that the product was in chief value of milk, the Customs Service reconsidered its 1984 decision that the product was in chief value of sugar, and concluded on the basis of the evidence submitted that, in fact, it was chief value of milk and therefore classifiable as an article of milk in item 118.30, TSUS, and subject to the quota restraints in item 950.11, TSUS.

Recently, you submitted additional data from the Nestle company to establish the actual component costs of the product. This evidence reflected that the product is in chief value of sugar. On the basis of these cost figures it has been determined that the product is in chief value of sugar.

Therefore, the sweetened condensed filled milk produced at the cost figures provided woud be classified under the provision for edible preparations, not specially provided for in item 183.05, TSUS. Entries of this product should be accompanied by affidavits from company officials in support of the cost figures submitted with each entry. Such statements should also include any payments from whatever source which might affect the final cost of this product.

As you are aware, it is anticipated that the proposed United States Tariff Schedule Annotated in the Harmonized Nomenclature (USTSA) is scheduled to replace the TSUS on January 1, 1988. Under the USTSA, sweetened condensed filled milk will be classified not according to the component of the chief value but the essential character of the product. Since the essential character of the product is deemed to be milk, it will be classified as an article of milk in 1901.90.30, USTSA, and subject to the quota limitations in item 9904.10.60.

Sincerely,
JOHN DURANT,
ACTING DIRECTOR, COMMERCIAL
Ruling Division.

DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE,
Washington, DC, November 25, 1987.
DEBORAH B. LEAHY, ESQ.,
Sidley & Austin, Washington, DC.

DEAR MS. LEAHY: Your letter of September 4, 1987, concerns the tariff status of sweetened condensed filled milk under the United States Tariff Schedule Annotated in the Harmonized System Nomenclature (USTSA).

You state that sweetened condensed filled milk is a food preparation consisting of approximately 20-26 percent nonfat milk solids, 40-44 percent sugar, 7-9 percent vegetable oil. You note that it is primarily used for baking purposes.

In classifying the product in the USTSA, you point out that under Rule 3(b), General Rules of Interpretation, commodities which are mixtures and not subject to Rule 3(a), are classifiable according to the essential nature of the product. Tests to be applied in this regard are the nature of the material and the role it plays in relation to the use of the product. You point out that the sweetened condensed filled milk is a milk product, and that in its use in baking, the milk provides one of the desired qualities in the baked article.

The USTSA is scheduled to go into effect on January 1, 1988. The USTSA provision applicable to the above-described merchandise is 1901.90.30, USTSA, which provides for articles of milk not specially provided for. It would also be subject to quota under 9904.10.60. This classification represents the present position of the Customs Service regarding the dutiable status of the merchandise under the proposed USTSA. If there are changes before enactment this advice may not continue to be applicable.

Sincerely,
JOHN DURANT,
Acting Director, Classification and Value Division.

DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE,
Washington, DC, July 17, 1987.
Hon. GILLESPIE V. MONTGOMERY,
House of Representatives, Washington, DC.

DEAR MR. MONTGOMERY: In your letters of June 26, 1987, to Secretary Baker and myself, you expressed concern about Customs failure to complete the investigation into the component costs of the foreign manufacture of sweetened condensed filled milk.

The product consists of nonfat milk solids, sugar and vegetable oil. Customs issued a decision in 1984 that, based on the information supplied by the foreign producer, the product was in chief value of sugar and, therefore, classifiable under the provision for other edible preparations in item 183.05, Tariff Schedules of the United States (TSUS), and not subject to quota restrictions. However, this conclusion has been challenged by the domestic producers who maintain that the product is in chief value of milk and, therefore, classifiable in item 118.30, TSUS, and subject to quota restrictions under item 950.11, Appendix to the Tariff Schedules, of 6,000 pounds per year.

In an attempt to resolve the question of the component in chief value, Customs initiated an investigation at a foreign production plant to obtain information on the cost of the materials used. Despite interviews with plant executives and requests for additional information, all of the necessary cost information has not been provided.

In view of the length of time the investigation has been under way, and the apparent reluctance of the foreign manufacturers to provide the requested supporting data, it has been concluded that a decision on the matter should be made based on a review of the evidence of record. The data provided by domestic producers reflects that in comparing the costs of sugar, milk, and vegetable oil, both on a domestic and world value basis, milk is the component of chief value. Accordingly, we now take the position that sweetened condensed filled milk composed of nonfat milk solids, sugar and vegetable oil are in chief value of milk and therefore classifiable under the provision for articles of milk in item 118.30, TSUS, and subject to quota restrictions under item 950.11, TSUS.

If we can be of any further assistance, please do not hesitate to call on us.

Yours faithfully,
MICHAEL H. LANE,
Deputy Commissioner.

Mr. CHAFEE. Mr. President, I would like to engage my colleague from New Hampshire, Senator RUDMAN, and my colleague from Texas, the distinguished chairman of the Senate Finance Committee, Mr. BENTSEN, in a brief discussion about the intellectual property rights provisions contained in H.R. 3 as agreed to by conferees.

I wish to clarify that this bill does nothing to change current law or practice regarding parallel imports, sometimes known as gray market goods.

Mr. RUDMAN. I share the Senator's interest in this matter. It is our understanding that this legislation does nothing to alter the substantive rights of parallel or independent importers, or intellecual property right owners.

Mr. BENTSEN. The Senators are correct. This bill does not change current law with respect to gray market imports since the underlying statutes governing patents, copyrights, trademarks, or mask works have not been changed.

Mr. CHAFEE. I thank my colleagues.

Mr. GLENN. Mr. President, I rise today with my esteemed colleague from Ohio, Senator METZENBAUM, to address an issue of great significance to Mercury Stainless Corp. This company faces severe import penetration of 60-inch stainless steel material and has been handicapped in its efforts to regain market share. Moreover, efforts to remedy this imbalance through negotiations have so far failed, making the need for seeking a legislative solution apparent.

Mr. METZENBAUM. Mr. President, I join with my friend and colleague from Ohio and reiterate the need for restraining the growth of imports of 60-inch stainless steel material to enable Mercury to regain some market share lost due to circumstances beyond its control. It is very appropriate to raise this issue today as we consider the conference report on the omnibus trade bill, which is aimed at curbing unfair trade practices but does not address the problem faced by Mercury.

Senator GLENN and I are interested in the continued operation and prosperity of the former Enduro stainless plant in Massillon, OH, now owned by Mercury Stainless Corp. In 1984, the U.S. Justice Department required that Republic Steel divest Enduro when the LTV Corp. merged with Republic. However, due to internal management and external market problems, Enduro went into bankruptcy shortly thereafter and the plant was closed. Enduro emerged from bankruptcy earlier last year under new ownership and resumed production as part of Mercury. Today, the plant is fully operational and employs 438 people. It is the only U.S. manufacturer of 60-inch continuous rolled stainless steel.

This success notwithstanding, the Enduro plant has had great difficulty in reentering the domestic market due to the high level of imports from Europe. The voluntary restraint agreements [VRA's] were negotiated on the basis of market conditions that existed in 1984. At this early stage of the VRA's, imports of 60-inch stainless steel were minimal, and there was no need to specifically cover this steel product in the bilateral agreements. Since then, however, conditions have changed dramatically. During the period from 1984 through 1986, Enduro's market share of 60-inch stainless steel material was completely eroded by imports, particularly those of Finland and Spain.

Mr. GLENN. I would like to add to my colleague's comments that Mercury is currently considering building a Greenfield steel mill for cold rolling of 60-inch wide material in Massillon. Mercury has told us that it will be unable to pursue its expansion plans unless some progress is made on restraining imports. This plant is very important to the economic well-being of the Massillon area. At peak capacity it will employ up to 2,000 Ohioans.

Last October, Senator METZENBAUM and I wrote to U.S. Trade Representative Clayton Yeutter, urging him to investigate import conditions in this market and press Finland and Spain into restraining their exports of this material into the United States. In December, Ambassador Yeutter informed us that the importation of this material from Spain was being monitored to determine whether shifting was occurring. He also indicated that efforts to press Finland to restrain its exports would continue.

Since then, no progress has been made through negotiations.

Mr. METZENBAUM. Not satisfied with these efforts, Senator GLENN and I have begun considering offering a bill similar to H.R. 3589 which would impose quantitative restrictions on the importation of this material. We remain, however, interested in resolving this situation without having to resort to legislated quantitative restrictions.

Consequently, in an effort to highlight the injury occurring to our constituent due to unrestrained import growth, the Senate steel caucus will request meetings in the near future with the Ambassadors of the nations involved and the U.S. Trade Representative. We seek to negotiate a remedy to this imbalance which has had such an injurious effect on our constitutent.

If the import situation continues unabated, Mercury's plans for building a new mill will be jeopardized. This would be extremely unfortunate since this new mill would be the first of its kind to be built in the United States in over 30 years and would mean thousands of jobs for Ohio.

Mr. BENTSEN. I commend my colleagues from Ohio for their eloquent statements on behalf of Mercury. Through their remarks today and through prior correspondence I have become familiar with the circumstances facing Mercury stainless steel in Ohio. I encourage the Senate steel caucus to hold these meetings and I'd be interested in attending them.

Mr. GLENN. Senator METZENBAUM and I thank the distinguished chairman of the Finance Committee for his comments. As my colleague from Ohio explained earlier, the current VRA's do not address this market because conditions there simply were not a problem when they were negotiated. But next year, the Finance Committee will take up the reauthorization of the steel VRA's. Would the distinguished chairman agree to consider this problem?

Mr. BENTSEN. Given the conditions in this particular market which you and Senator METZENBAUM have so clearly described, this is a reasonable request, assuming that current market conditions remain unchanged.

Mr. GLENN. I would like to thank my friend from Texas for his courtesy and his offer to consider Mercury's problem.

Mr. METZENBAUM. I, too, would like to thank the distinguished chairman for his graciousness and offer to further explore this matter.

DOMESTIC SUBSIDY PROVISION

Mr. BENTSEN. Mr. President, I would like to clarify for the record an important issue concerning the provision in the bill on the treatment of domestic subsidies under the countervailing duty law. Both the House and the Senate bills contained amendments to the definition of domestic subsidy, and the House receded to the Senate provision. The administration has indicated that the Senate provision is acceptable.

While the House and Senate provisions are similar in statutory language, there are significant differences in the two provisions, particularly with respect to legislative history, differences which the statement of managers does not clarify. Because of the importance of this issue in the administration of the countervailing duty law, I want to clarify that the conference agreed to the Senate provision.

SECTION 1322 OF H.R. 3

Mr. DANFORTH. Mr. President, it has come to my attention that during the April 21 debate on H.R. 3, a colloquy occurred on the House floor concerning section 1322 of the conference report.

Section 1322 deals with enforcement of the President's steel program. Specifically, it provides explicit authority to enforce quantitative restrictions on steel imports when the steel product is exported from a country that is covered by a VRA—an "arrangement" country—and transshipped or transformed in a country not covered by a VRA—a "nonarrangement" country—before entering the United States.

The April 21 colloquy on the House floor states that the provision is "not likely to apply" to certain countries and avers that one country in particular is not engaged in circumvention. I would like to clarify that the conferees intended this authority to be used by the administering authority whenever circumvention of the VRA's is occurring. Moreover, it is generally understood that such circumvention may be occurring when imports from a foreign country or insular possession increase dramatically, surging from a negligible amount prior to implementation of the President's steel program to significant levels using steel from VRA countries. Would the chairman of the Senate Finance Committee and the vice chairman of the conference care to comment on these observations?

Mr. BENTSEN. Mr. President, the statements made by my distinguished colleague from Missouri are correct. I would also note that the conferees squarely rejected a House proposal aimed at exempting one country—Thailand—from application of the provision.

Mr. HEINZ. Mr. President, I believe that improved GATT subsidies rules are an important objective in the Uruguay round. But I also want to clarify that in this bill we are not authorizing any repetition of the Tokyo round debacle where the United States gave away the injury test in countervailing duty cases and received in return nothing more than a vague set of subsidy rules and an ineffective dispute settlement mechanism.

There should not be any misconception on the part of the executive branch that it can bring back an agreement that purports to substitute GATT dispute settlement procedures for U.S. countervailing duty remedies or weakens the U.S. CVD law through a higher injury standard, subsidy definitions with new loopholes, or review by international panels as a replacement for the U.S. courts.

A strong position against subsidies is the foundation of a free market philosophy, and I want there to be no doubt that we are not in this bill authorizing the executive branch to deviate from these important market principles.

Can the manager of the bill provide any reassurance on this point?

Mr. BENTSEN. I certainly share the Senator's concern in this regard and can assure him there is nothing in this bill that either authorizes or encourages the U.S. Trade Representative—or others in the administration—to accept any agreement that would include the changes in subsidies discipline outlined by the Senator.

Mr. KERRY. Mr. President, this bill is one of the most important pieces of economic legislation this Congress has considered in many years. It is the product of years of work. This legislation represents a turning point in the way in which Congress responds to the demands of a global competitive economy in transition, and the role that Government, business and labor can play in bringing about a more competitive American economy. The long decline in American productivity growth and real standard of living can be reversed, and we can once again be confident that our country is prepared and equipped to play a continued leadership role in world economic affairs.

As others have noted throughout the debate on this measure, the causes of the trade deficit are complex and many. These factors range from the unfair trade practices of other nations to the overvalued dollar caused by a huge budget deficit, from the failings of American management and industry to make the changes and investments needed to keep America competitive, to even the unnecessary restriction that we have put upon ourselves with overly burdensome national security export controls.

This legislation today is a comprehensive approach to the trade deficit—the remedies it contains are as diverse as the causes of our trade deficit itself. It is a bill which reforms our critical trade laws to allow us to more effectively respond to unfair trade practices, and to adjust to the surges and temporary disequilibria that accompany fair trade. The trade bill sets strong standards for U.S. trade policy in this regard, and sends clear signals to the administration and to our trading partners that the U.S. Congress will not shirk from the enforcement of international trade agreements. Yet the trade bill—as it has emerged from the conference committee does not, in my view, resort to protectionism; on the contrary it seeks expanded trade and increased U.S. exports. It is a good bill, one that we need, and I urge the President to sign it. If he chooses instead to veto the bill, I hope that Congress will reflect the overwhelming support that Americans have expressed for action on the trade deficit and override the veto.

One of the remarkable aspects of this legislation is the sweeping nature of its approach. The bill represents the work and contributions of almost every key committee of Congress, including all three committees on which I serve: Commerce, Small Business, and Foreign Relations. These committees have contributed some of the most innovative and important sections of the entire bill, sections which seek to expand U.S. exports, improve the Nation's technical and educational resources, promote and encourage public-private partnerships in a variety of fields, and establish new institutions for addressing U.S. competitiveness at all levels of society. In fact, some of the most important provisions of this bill have been nearly invisible during the debate of the past 2 weeks because the need for such steps is so fundamentally necessary as to be almost unanimously agreed to.

For example, in the area of science and technology, the Commerce Committee has contributed legislation which makes significant improvements in our Nation's capacity to play a leadership role and remain internationally competitive. Included in this section is a proposal which I coauthored which establishes a new program in the Commerce Department to support Center's for Excellence in Manufacturing Technology. The bill also contains the provisions from the Senate trade bill which would rename and refocus the National Bureau of Standards, creating in its place a National Institute of Technology with an expanded role in support of industrial competitiveness. These are major steps which should considerably enhance U.S. long-term competitiveness along the lines suggested in the 1986 report of the Senate Democratic Working Group on Economic Competitiveness, on which I served.

One provision from the Senate Foreign Relations Committee section of the bill which has been retained is the program called "Training for Trade"—a tied-aid program at the Trade and Development Program which will improve U.S. exports of high technology and other products to the People's Republic of China.

This program is one I developed and introduced as separate legislation on October 10, 1986 and again in March 1987. It is directed toward assisting American firms in opening new markets in the People Republic of China. That country is obviously a major, long-term market for the export of U.S. goods and services. This legislation is an effort to make America a leading competitor in the largest and most important trade market to emerge in more than 40 years.

As a member of the Small Business Committee, I am pleased that the conference report contains several measures which include steps designed to expand exports by U.S. small businesses and make the export promotion assistance programs of the SBA more effective. In this regard, I believe that the additional $5 million authorization for small business development centers to provide export-related services to small businesses is particularly significant.

Although I do not serve on the Banking Committee, in February I joined Senator CRANSTON in introducing S. 652, a bill which follows the recommendations of the National Academy of Sciences in proposing long overdue reforms to the Nation's system of high technology export controls. While I wish that the conference committee had included more of the reforms we proposed in this legislation, I am pleased that the compromise does contain important steps in this area. The high-technology market is one of the most crucial sectors of the U.S. economy, and our exports of electronics, computers, and aerospace materials are a central feature of this market. Existing American policy, despite sincere efforts in previous years, does not allow for high-technology products to flow to our allies abroad as freely as they could. Thus, the restrictions on U.S. exports serve to hamper our long-run national security interests by limiting our export capacity without adequately reesponding to our present national security demands.

At the present time, export controls impose an unnecessary burden on American manufactuers of high-technology products in an already highly competitive market. First, the extent of these controls supports a perception among our foreign trade partners that the United States is not a dependable source of goods, particularly those which require a continuing flow of service and replacement parts on a specific timetable. In addition, re-export regulations the demand for American products. Finally, the expenses incurred in the complex and lengthy licensing process result in increased nonproductive overhead costs which discourage many American companies, large and small, from entering the export market.

I am pleased to see that many reform provisions were included in the trade bill reported by the conference committee. It has become increasingly evident in recent years that, despite the well-intentioned efforts of previous congressional legislation, there is a definitive need for reform in the American export control system. This Congress must continue to work for the maintenance of competitiveness in U.S. industry, and to overcome existing regulation which serves only to undermine our national security and economic interests.

Mr. President, the last issue I wish to address is the most controversial provision, and certainly the boldest aspect of the entire bill, the requirement that companies provide 60 days advance notification of plant closings or major layoffs.

At the heart of this provision is the recognition that in a dynamic world economy with immense and rapid technological changes, workers will be displaced from their jobs. Indeed, from 1981 to 1986 the Bureau of Labor Statistics estimates that more than 11 million workers lost their jobs under circumstances suggesting that they would not get them back.

Mr. President the solution to the massive dislocation of workers and disruptions to personal and family life is not to erect trade barriers or retard technological advancement. Such actions would in the long-run reduce our standard of living.

Instead the solution can be found in the tightly crafted legislation formulated by my distinguished colleague and the chairman of the Committee on Labor and Human Resources, Senator EDWARD KENNEDY. That legislation provides $980 million annually to retrain and provide related services to dislocated workers as part of the Job Training Partnership Act [JTPA].

Under this program, funds will be provided to States that develop comprehensive worker adjustment programs approved by the Secretary of Labor. In addition, the Secretary of Labor will have funds available for demonstration programs and other discretionary purposes related to the problems of dislocated workers.

But all of these programs designed to ease the transition from one job to another will be much more successful if there is advance notification of plant closings or massive layoffs.

The Office of Technology Assessment [OTA] and a panel from the National Academy of Sciences have both indicated that advance warnings about plant closings, or layoffs, enables workers to plan career changes and to put adjustment assistance to better use.

Mr. President, that is exactly what this legislation accomplishes. It combines assistance to dislocated workers with a requirement for advance notification. The legislation before us has been rewritten and perfected. The length of the notification period has been reduced to 60 days—providing the minimum suggested by OTA but also recognizing that a longer notification period might impose unreasonable costs on business firms.

Small firms are exempted from the notification procedures and other exemptions are provided. The legislation does not require consultation or disclosure of information, and there are exemptions for closings due to unanticipated circumstances and for "faltering" firms for which the announcement of layoffs would jeopardize their survival.

In conclusion, Mr. President, this legislation belongs in an omnibus trade bill. It will make us more competitive by insuring that dislocated workers are adequately retrained and quickly re-employed in our changing workforce.

In conclusion, I am extremely pleased with the product of so much hard work. I believe that this bill is firm, without being over zealous or protectionist. It is comprehensive. It addresses the scope of causes, beyond pure trade law, that give rise to our competitive problems.

Being competitive in today's world means being able to earn—not borrow—a rising standard of living for all of our citizens. New technologies and successful economic development strategies abroad have created a fundamentally new and highly competitive challenge for the United States.

We can meet that challenge—and this bill is a good start. But it will take more than just the Congress. The innovation America needs will come from the ingenuity, talents, brains and brawn of each individual citizen and firm. It will come from all across this Nation. Together, we will rebuild America's economic competitiveness, and make our economy, and our Nation, the world's leader once again. And in doing so, we will increase the opportunities and decrease the insecurities for every person and every family in Massachusetts and throughout the Nation.

SECTION 1908 OF THE TRADE BILL: DUTY-FREE SALES ENTERPRISES

Mr. MATSUNAGA. Mr. President, I rise to thank the chairman of the Finance Committee for his superb work on this bill and especially for his support of the Duty-Free Sales Enterprise Act which I sponsored in our committee. This legislation will, for the first time, provide a clear and reasonably statutory basis for the operation of duty-free stores and for their regulation by the Customs Service. Duty-free stores are an important part of the economy for many States and localities, including Texas, Hawaii, Los Angeles, San Francisco, and others far too numerous to mention.

Mr. President, since this legislation was considered by the Senate Finance Committee, several changes have been made to it. I would like to ask the distinguished chairman of the Senate Finance Committee a series of questions in order to ensure that I correctly understand these changes.

Mr. BENTSEN. I will be delighted to respond to the Senator's questions.

Mr. MATSUNAGA. Section (b)(3)(B) provides that duty-free stores at airports are to adopt procedures, in accordance with regulations of the Customs Service, to limit sales of merchandise to so-called personal use quantities, as defined in section 8(G). It is my understanding that this provision does not authorize the Customs Service to prescribe by regulation specific quantities of merchandise that may be sold to a particular customer, but rather only to provide guidance to operators of duty-free stores as to the distinction between "retail" and "wholesale" quantities of merchandise. Does the Senator agree with my interpretation?

Mr. BENTSEN. Yes. Nothing in this legislation would authorize the Customs Service to prescribe specific limits on the quantity of merchandise that may be sold to a specific customer. There are far too many different types of situations which may arise for the Federal Government to attempt to tell an operator of a duty-free store what constitutes personal use. The provision in question is intended to permit the Customs Service only to ensure that airport duty-free stores are not wholesale operations; the provision is not authority to limit the legitimate business activities of duty-free stores beyond that.

Mr. MATSUNAGA. I thank the Senator for confirming my understanding. My next question relates to section (b)(3)(D), which provides that the Customs Service may not require that merchandise sold in a duty-free store be marked to indicate that it was sold by a duty-free store unless the Service finds a pattern at a particular location involving specific items of merchandise in which the goods are reimported into the United States without the individual declaring them as having been acquired in the United States. First, I understand that before marking can be required, the Customs Service must document a pattern of reimportation and, if it does, marking can only be required on the types of merchandise found to be involved in the reimportation.

Mr. BENTSEN. The Senator is correct. Episodic or occasional instances of reimportation would not constitute a pattern. The Senator is also correct that we intend for marking to be imposed if a pattern of reimportation is found only on the specific types of merchandise involved in the reimportation. Furthermore, before marking may be imposed, the operator of the duty-free store which would be affected must be given an opportunity to discuss the matter with appropriate officials of the Customs Service.

Mr. MATSUNAGA. I am concerned that even in those rare instances in which marking will be required, the marking of merchandise could be costly to the operator and could diminish the value of the merchandise. How, for example, could one mark a crystal liquor decanter without diminishing its value?

Mr. BENTSEN. I share the Senator's concern and wish to make clear that we fully intend for the Customs Service to consider the cost of marking and to choose the least costly system. Moreover, no marking may be required at all if it would diminish the value of the item. Thus, a crystal decanter could not be required to be indelibly marked, since any marking would necessarily diminish its value. The same would be true for most items of clothing, leather goods, jewelry, and other items.

Mr. MATSUNAGA. Section (b)(3)(F) sets forth three ways in which an airport duty-free store may deliver merchandise to the purchaser. Under this section, merchandise may be delivered in a so-called sterile area, at the exit point or by placing the merchandise on the plane for carriage as passenger baggage. That section also provides that if the duty-free store attempted to effect delivery in one of these ways but, in a specific instance, could not, it may then arrange to get the merchandise to its customer by any other reasonable means. As an example, this exception would apply where unbeknownst to the duty-free store a passenger changed flight reservations. When this section was drafted, it was clearly intended that the first three delivery methods be the exclusive delivery methods for airport duty-free stores. The fourth method is available only where a duty-free store which is authorized to deliver merchandise through one of the first three methods runs into a problem in an isolated case.

Mr. BENTSEN. Again, the Senator's understanding is correct. The legislation sets forth three alternative delivery methods for an airport duty-free store. One or more of these methods must be used, unless, after making a good faith effort in a specific case, a problem such as the Senator describes arises, in which case the operator of the duty-free store may use any reasonable method to make delivery of the merchandise.

Mr. MATSUNAGA. I thank the Senator for his answers to my questions and for confirming my understanding of these provisions.

Mr. MOYNIHAN. Mr. President, the conference agreement on H.R. 3 includes a section on telecommunications which we all hope will result in a freer and more open world market in telecommunications trade.

We agreed in conference to delete similar provisions in both bills which would have protected binding contracts from any retaliation taken under this provision. The administration insisted it needed total discretion to act, without the constraint of a binding contract rule. The statement of managers makes clear, however, that the deletion of the provision on contract sanctity does not license the administration to disregard the negative impact of retaliatory actions on domestic purchasers of equipment and services.

This negative impact could be particularly severe in the case of the regional operating companies which are not permitted to manufacture telecommunications equipment for their own use. These companies are legally obliged to rely on suppliers to meet their obligations under multiyear investment projects. Changes in these companies' telecommunications networks must be made systematically over time and with compatible components if investments already made in these networks are to remain useful and if new services are to be made available to consumers on a broad basis.

Accordingly, the administration must make every effort to avoid interfering with the binding contracts of these companies. Whatever considerations may be relevant in the case of most domestic companies, the arguments are particularly strong against retaliatory actions which interfere with the binding contracts of the regional operating companies.

INTELLECTUAL PROPERTY

Mr. LAUTENBERG. Mr. President, I applaud the efforts led by Senator **BENTSEN** and so many others in managing to achieve agreements on this very significant trade and competitiveness legislation.

In the months that have passed since the Senate approved the legislation, evidence in support of the measures have only mounted. Specifically with respect to the need to protect intellectual property, which I would like to address at this point. I refer to the recent finding of the International Trade Commission.

The ITC found that the piracy and inadequate protection of American intellectal property has resulted in worldwide losses of close to $24 billion. In some industrial sectors, losses amount to a shockingly high proportion of total sales affect by intellectual property. In the case of scientific and photographic goods, losses amounted to 21 percent; software and computers, 17 percent; electronics, 10 percent; entertainment, 9 percent; and pharmaceuticals, 8 percent.

Mr. President, these are some of America's most competitive industries. They are exporting industries. And there innovation, and their technology, are being ripped off. America is losing sales. It is losing jobs. And it is losing its competitive edge.

That is why it is so important that we approve the provisions of this conference report, to strengthen intellectual property protection. That is why it is so disturbing that the President has threatened to veto this important legislation—legislation not to protect markets, to protect American ideas. Legislation not to hinder trade, but to stop unfair trade.

America's economic edge is its technology and its innovation. But, if we're to enjoy the fruits of our labor—the jobs and growth that are to come from innovation—we need to stop the piracy of American intellectual property. I refer to U.S. patents, copyrights, trademarks, trade secrets, and semiconductor masks.

In my State, this is a critical issue. New Jersey is among the most inventive States in the Nation. Research-based firms are plowing millions of dollars into the development of new products and processes. They need the assurance that others will not be able to take a free ride on the investment.

It takes as much as $150 million if not more to develop and bring a new pharamceutical product to market. Yet, an average chemist could duplicate it with ease. A new family of semiconductor chips may cost $100 million or more to design, yet can be copied for less than $1 million.

We need to take action. The conference report before us would do that. It incorporates a number of important reforms of intellectual property right protection. I would like to take a few moments to discuss those.

SECTION 337

Mr. President, this conference report includes amendments to section 337 of the Tariff Act of 1930, to remove hurdles that stand in the way of innovators' ability to get protection from the International Trade Commission. These changes were originally embodied in S. 486, which I was pleased to sponsor and be joined by Senator **ROTH** and others.

Section 337 of the Tariff Act of 1930 empowers the ITC to exclude imports when the importer engages in unfair acts such as the piracy of American inventions. But, the law needs to be improved. Currently, one has to prove that imports would destroy or injure a U.S. industry, an industry that is efficient and economically operated.

To exclude foreign goods, proof of piracy should be enough. That is what this trade measure would do, by removing the requirement that injury be proved. Infringement is injury.

We also relax the so-called industry requirement, under which inventors must now exploit their invention by production in the United States in order to secure relief. For better or worse, we are more and more an information based economy. For those who make substantial investments in research, there should be a remedy. For those who make substantial investments in the creation of intellectual property and then license their creations, there should be a remedy.

Mr. President, as the original author of the section 337 reforms, it has been my intent that substantial investment should be judged in the light of the facts and circumstances of the particular person or entity seeking to enforce the right. This provision should enable independent inventors and small businesses who otherise lack the capacity to produce their product to seek relief under section 337. Substantial investment for these intellectual property owners should be defined in terms of the labor, time, as well as financial resources they have committed to developing, patenting or licensing their inventions. Smaller businesses should not be denied the right to seek relief merely because they may have made smaller financial investments than large companies, in developing or exploiting an intellectual property right.

The legislation would address other problems with section 337. It would make sure that the ITC acts promptly on emergency complaints. The legislation makes clear that once a firm is found guilty and subject to an exclusion order, that firm has the burden of proof if it wants to reopen the case. It makes clear that where a party seeks a limited exclusion order, and a defendant defaults without good cause, relief should be forthcoming. To deter port shopping, the legislation gives the ITC the power to order the seizure and forfeiture of goods, as opposed to simply ordering their exclusion from the U.S. market.

PROCESS PATENT REFORM

The conference report also incorporates process patent reform. Its changes are based on the text of S. 1200, which Senator DeConcini, Senator Hatch and I were able to craft after a great deal of effort. Mr. President, I want to applaud my colleagues on the Patent Subcommittee for their hard work in securing a compromise with the House. This represents the culmination of an effort that has spanned many years.

This trade measure would finally make it a violation of U.S. patent law, to import into the United States or sell products in our country, that were made abroad through the unauthorized use of American patented processes.

A great deal of discussion and thought has been given to the issue of whether and to what extent parties whom one might characterize as innocent should be held liable for damages or subject to an injunction. On the other hand, a basic principle of the process patent legislation has been that an importer or seller of products shall be liable for infringement, even though the importer or seller does not actually use the patented process. Particularly where the party actually using the process may be operating abroad, the importer or seller is the only party reachable in U.S. courts. The importer or seller can then turn to the party using the process.

Mr. President, the compromise before us is an effort to reconcile these issues. Is it a perfect resolution? Of course not. But, it is a good compromise and one that deserves support.

NEGOTIATING MULTINATIONAL IP STANDARDS

Mr. President, while 337 and process patent reform will help rid the American market of infringing goods, we need to do more about infringement abroad. We must take steps to increase intellectual property right protection in other countries. At stake are American exports and American jobs.

The conference report sets out negotiating objectives for the next trade round. I am pleased that the bill includes intellectual property right protection as one of our major objectives. We need minimum international standards of protection.

While there exist international agreements on intellectual property, they often require only that the Nation provide national treatment—meaning that foreigners get the same protection as citizens. In many cases, this means no protection at all. The conventions were never intended to be used as enforcement mechanism, nor do they have bilateral or multilateral dispute settlement provisions. They are not self-executing. That's why we need to negotiate new multilateral agreements to strengthen intellectual property protection.

UNFAIR TRADE INVESTIGATIONS AND MARKET ACCESS

The conference report would also require the USTR to identify priority nations that deny protection of intellectual property. Those top infringing countries would then become the target of unfair trade investigations. Mr. President, these provisions had their origin in S. 335, which I was pleased to join in sponsoring. It is critical that we take swift action against those nations that would bar our industries from their markets and deny them a fair chance to compete.

Mr. President, our trade deficit cannot be erased overnight. We need to remove unfair trade practices. We need to promote American competitiveness. American innovation is key to American competitiveness. That innovation is tied up in our patents, copyrights, trademarks and semiconductor mask works. We need to protect those rights, and take action to gain respect for those rights abroad.

This is one of many steps we need to take. This is one of the many steps included in the conference report before us. I urge my colleagues to support the conference report.

Mr. GRAHAM. Senator Inouye, I am disappointed that the trade bill conference report does not include a provision that, beyond any question the Department of Agriculture and the present administration might have, would authorize the Secretary of Agriculture to carry out a special sugar reexport program that was previously adopted by Congress.

Mr. INOUYE. It is a disappointment, Senator Graham. As the author of the Sugar Reexport Program that Congress passed as part of the continuing resolution last December. This program provides a mechanism allowing friendly CBI countries and the Philippines to ship an additional 400,000 tons of raw sugar to refiners in the United States. This program would cost the taxpayers no money, would not affect the domestic sugar producers, would benefit the United States refiners, and most importantly, would provide a much needed sugar market for the economically strapped economies of the Caribbean and the Philippines.

Mr. GRAHAM. Senator Inouye, you and I, joined by many of our colleagues, have written the President expressing our strong desire to see this needed program become a reality. Has the President or the Secretary of Agriculture informed you what changes to the program's language they feel are necessary to allow the speedy implementation of this innovative program?

Mr. INOUYE. Unfortunately, Senator Graham, I have had not communication from the administration indicating how we might amend the present language to bring about the implementation of the Sugar Reexport Program. For my part, I believe that Congress has already provided the Secretary with the authority he requires to put this program into operation.

Mr. GRAHAM. I thank the Senator, and I hope we can continue to work together and with our colleagues in both the House and the Senate to address a serious foreign policy problem—how to assist our friends in the developing world who are largely dependent on their sugar production.

Mr. INOUYE. I thank the Senator and will certainly continue to press for the administration to carry out the law that Congress has already mandated.

MARKETING ORDER PROVISION

Mr. LAUTENBERG. Mr. President, I would like to address a provision in the Omnibus Trade and Competitiveness Act dealing with the importation of grapes and other fruit into the United States. I worked closely with the chairman of the Senate Agriculture Committee, Senator LEAHY, on this issue, and would like to commend him for his efforts to work out a fair compromise.

The compromise in the conference report on this issue would give the Secretary of Agriculture discretion to advance the starting date of a marketing order for up to 35 days. In order to exercise his discretion, the Secretary would have to determine that the additional period is necessary to prevent an imported commodity from circumventing the grade, size, quality, or maturity standards of an existing marketing order.

The need for such an additional period would be examined every 3 years, upon request, to determine if it is necessary to prevent imported commodities from circumventing the marketing order. It is my understanding that if no significant evidence of circumvention is found during the review, the Secretary would drop the extension of the marketing order.

I would have preferred to see the Senate provision, which I helped to craft, prevail on this issue. The Senate provision would have limited the authority given to the Secretary to extend the marketing orders to 30 days and would have required that the Secretary make certain findings each year before extending the marketing order. It represented a fair balance between the needs of the domestic grape growers and the needs of the consumers and those whose livelihoods depend on the import of grapes. Nonetheless, the compromise worked out by the conferees is far more acceptable than the provision in the House bill.

Mr. President, a little background is helpful to understand why this issue is so important to me and New Jersey. As many of my colleagues know, marketing orders are standards issued by the Department of Agriculture which regulate the size, quality, grade, and other characteristics of imported and domestic commodities. Some marketing orders are effective all year round, while others are effective for some portion of the year. Historically, if the domestic commodity is available all year, the marketing order is effective all year. By the same token, if the domestic commodity is seasonal, the marketing order standards are only effective for the period of time the domestic commodity is on the market.

The House provision would have given the Secretary extremely broad authority to advance the effective date of any marketing order governing commodities to prevent the import of commodities that don't meet the marketing order standards. The exercise of this extremely broad authority would have had an extremely negative impact on grapes and other imported fruit that moves through the ports on the eastern seaboard. It could have stopped them altogether.

Let me explain why. The marketing order for grapes is now in effect from April 20 to August 15, the time when Californian grapes are on the market. From December until April 20, when the marketing order goes into effect, the ports in Delaware, New Jersey, Pennsylvania, and New York enjoy a thriving trade from imported fruit from New Zealand, Australia, Morocco, Chile, and Argentina. These shipments of fruits are the lifeblood of these ports.

Grapes are the single most important commodity handled at the Ports of Philadelphia. They are critical to the port region economy, and result in hundreds of jobs. About 28 million cases of grapes alone pass through the Ports of South Jersey and Philadelphia yearly. Annually, that represents about 25 percent of the man-hours in the ports, totaling about $45 million in direct fees and $120 million in indirect fees to businesses throughout the Delaware Valley.

However, once the marketing order on grapes goes into effect, no imported grapes move through the ports. That is because the marketing order imposes discriminatory standards on the imported grapes. Imported grapes must meet shipping point standards at the point where they enter the domestic market. But when they enter the domestic market, they have often undergone 2 weeks or more of land and ocean transport from the place of packing.

In contrast, domestic grapes are permitted to meet those same standards at the packing plant, shortly after harvest and before packing and shipping. Thus, they are able to meet the rigorous shipping point standards at a much earlier point in time. Even if domestic grapes are later placed in cold storage for several weeks and then shipped across the United States, as they frequently are, they are not required to be reinspected after shipping. At that delivery point, domestic grapes are inspected, if at all, under the delivery point standards, which are much less rigorous.

What this means is that while domestic grapes are inspected a few days after being picked, Chilean grapes are inspected upon arrival in the United States, 18 to 22 days after being picked. Yet they must meet the same standards of quality.

Since the Department of Agriculture does not inspect domestic and imported grapes at comparable stages in their shipment under the marketing order, once the marketing order goes into effect, imported grapes are at a severe disadvantage. It's not surprising that few imported grapes enter the U.S. market during the marketing order period and for several weeks prior to its effective date. And the discriminatory standard for grapes has a chilling effect on imports of other fruit, since they are shipped on the same vessels.

It's not only the ports who suffer from the dearth of imported grapes and other fruit during the marketing order period, and who will therefore suffer more if the marketing order is indiscriminately advanced. The consumer suffers too. The consumer is deprived of the commodity that would otherwise come in during the time period that would be covered under the expanded marketing order. The consumer is deprived since exporters do not want to risk sending commodities to our market that may not meet the shipping point standards, so they send very few or none at all.

Also, the consumer ends up paying higher prices for any imported grapes that do make it to this country. Because of lack of competition for domestic grapes just prior to and during the period the marketing order is in effect, the domestic grape growers can demand and receive higher prices for grapes from the consumer.

Advancing the effective date of the marketing order by 35 days will not benefit the ports or the consumer. But it will certainly be far less damaging than a permanent ban on imported fruit that could have resulted under the House provision.

This provision emerged as a response to complaints by domestic growers that imported grapes enter our country before the effective date of the marketing order, are stored, and then are released during the time the marketing order is in effect without meeting the standards which the domestic grapes must meet.

I would dispute that this actually happens. In an administrative hearing before the Agricultural Marketing Service on the issue of advancing the marketing order from May 1 to April 10, the California Desert Grape League and the California Desert Grape Administrative Committee made this very argument. It was based on a "cold storage" study that supposedly proved that grapes were brought in before the effective date of the marketing order, were stored, and then sold after the date of the marketing order without meeting its standards. However, that study was based on nothing more than telephone interviews and has been challenged by the importers of grapes.

Further, even assuming that grapes do come in to the country prior to the marketing order and enter the market during the marketing order period, there is little evidence that the grapes are substandard. The records kept by the Delaware River Port Authority indicate that this is not a problem. Last year, from April 10 to May 1, only three-tenths of 1 percent of the Chilean grapes failed to meet the standards.

Mr. President, one way to address the issue of allegedly substandard grapes would be for the Department of Agriculture to inspect Chilean grapes at the point of shipment in Chile. These inspections could be done on a user fee basis under terms and conditions that currently apply to the grading inspections of Mexican produce within the boundaries of Mexico. I see no reason why this cannot be done here.

Permitting inspections at the point of origin was touched on during the discussion on this issue. But it has not been thoroughly reviewed by Congress. I would encourage the Senate Agriculture Committee to look at this matter and hold a hearing on the feasibility of such a proposal. I look forward to working with my colleagues on this issue in the future.

Mr. GRASSLEY. Mr. President, I have previously spoken about certain issues which concern me in the trade bill—the ethanol problem, the creation of a Council on Competitiveness, the duplication in the education provision and H.R. 5, the budget considerations and the plant-closing notification provision. The labor and employment provisions have been masked as a simple plant-closing notification requirement.

Mr. President, I have listened with much interest to the arguments for and against the plant-closing notification requirement.

Some are characterizing it as a simple, straightforward provision aimed at helping ease workers and their families through the difficulties that result from plant closings. This sounds fair. It sounds humane.

Unfortunately, I wish it were as simple as it looks. And would like to caution my colleagues, as well as urge them to take a closer look.

I am concerned that, while protecting employees' right to notice of a plant shutdown or layoff, it may very well also create a framework for the loss of American jobs as it regulates the sale of businesses within our economy. I have reviewed the plant-closing provision, which is anything but "simple," and it has left me with more questions than answers.

The notification requirement will have some impact on every business transaction where business ownership is transferred. Just what that impact is, however, has not been fully assessed.

For example, what are an employer's obligations in the situation of a hostile takeover and the ouster of management? I can foresee a situation where an employer's stock is purchased, without current management's desire or approval. After a sufficient amount of the stock is bought, the buyer may put in its own management and restructure the company. In the event of any layoffs, who would be liable to the employees in such a situation—the old management, powerless in the face of the hostile takeover, or the new management coming in to generate more productivity, more profits and ultimately more jobs?

And, what will happen where a publicly traded company goes private and restructures the company? It would appear to me that such a transaction would qualify as a transfer of ownership of the business and the employer would be subject to the requirements of this legislation.

The bill, while having the good intention of giving American workers notice about the loss of their job, so that they can plan for possible unemployment, may, in fact, result in a premature loss of jobs. An employer may have a buyer interested in the business, but rather than wait to see if the buyer will hire the employees as part of the transaction, the selling employer may just choose to lay the employees off, with notice, as provided in the bill.

I can anticipate how some employers might react to this legislation—in every paycheck, an employee will receive a notice that his or her employment may terminate within 60 days. In this way, the employer fulfills the legal requirements, but the employee is constantly questioning whether the plant will be sold, or the employer will shut the doors.

And one final point concerns the role of the States on this subject. This bill invites the States, as well as the local governments, to become involved in legislating on plant-closing notification requirements. I am in favor of giving the States more control over the affairs and business of their citizens. But we have developed a policy of Federal control over labor relations matters.

The National Labor Relations Act and its various amendments over the years are clear in their intent to preempt the field on employment matters. This gives us uniformity and ensures that employees, not matter where they live, have the right to "engage in concerted activity * * * for mutual aid or protection." Likewise, employers with plants in different States are subject to the same laws.

This bill seeks to drastically change the Federal system which is in place. The result will no doubt be a patchwork of State laws and local ordinances providing for all sorts of requirements in the area of employee notification.

Mr. President, I do not have all the answers to these questions. And more importantly, I don't think that the legislation answers these questions either. One fact is certain, however. The legal community will certainly profit by enactment of this plant closing legislation. The unanswered questions will get resolved in the courts, at great expense to employees and employers. Business transactions will be held up and jobs will no doubt be permanently lost as the courts interpret the law. I am confident that the courts will, over a period of years, clarify the law as they apply it. But the only winners in this situation will be attorneys, and the losers will be American workers and industry.

We are in incharted waters. We need to proceed more cautiously in the area of plant closing legislation. I regret that it is a part of this trade bill.

Because it may very well hurt the workers we are trying to help, I think Congress would be wise to cool the politically charged rhetoric and give more consideration to these serious questions before forging ahead with the plant closing notification.

Mr. President, I have concluded that I must vote against the conference report to the trade bill. I say this reluctantly because there are a number of good provisions that should be passed.

I support most of the provisions that truly deal with trade and that are "pro-American." But I have serious problems with the "anti-American" provisions, such as the section 1910 which will allow the United States to be flooded with duty-free, foreign-subsidized alcohol.

The Iowa and national corn growers inform me that for every gallon of ethanol that we produce domestically, $4 of economic activity is generated.

Section 1910 will allow up to 200 million gallons of foreign subsidized ethanol to displace our domestic market.

This means that the United States will lose $800 million in economic activity. I can assure you that this will hit at the heart of our rural economies.

We get a lot of rhetoric from politicians about their concern about our rural economy. Everyone wants to get on the bandwagon by cosponsoring legislation to help rural Americans.

Well, if you are truly concerned about the rural economy and rural development, you will vote against legislation that will destroy $800 million in economic activity. That is what this legislation does—destroys $800 million in rural economic activity.

I cannot vote to steal $800 million from rural Americans for a trade bill, that may or may not help our trade posture.

Mr. President, we also hear politicians express a lot of concern about America's farmers. If we are truly concerned, would we vote to devastate a major domestic market for our Nation's farmers? A number of us in Congress have worked hard with our farmers to encourage the development of America's ethanol market.

Now we are saying that our farmers come first—that is, unless five profiteering companies in the Caribbean want their pocketbooks padded.

We tell farmers that we are fed up with European Community subsidies, and that we are going to get tough—that is, unless we can help sneak some subsidized European wine through the Caribbean into the United States—and duty-free at that.

Mr. President, some argue that we must accept the bad, to get the good. Unfortunately, sometimes that might be the case. I say this time, the price is too stiff. Why should rural America have to forfeit $800 million in economic activity so that we can pad the pocketbooks of profiteers? Why should farmers forfeit a 90 million bushel market which could have been used to produce 200 million gallons of domestic ethanol?

Some argue that there are many good things in here for farmers. They argue that our farm groups either support the trade bill or are at least neutral.

Ask these people how many farm groups support this Caribbean ethanol giveaway provision. None of them.

As the farm groups if they like having to pay that kind of price to get a trade bill.

Let's not kid ourselves here. Farm groups have worked hard on this trade package. And there are some good provisions for agriculture. So when someone comes in at the very last minute, after years of hard work, and some success, and says hold it, you are going to have to give up a chunk of your domestic market and rural economy to get the trade provisions you want—it makes it extremely difficult to say "no." The deals off.

And there is a different kind of subtle, yet effective pressure that can be applied as well. I have been reminded by some of provisions that I sponsored in the trade bill. The message is, if I put my foot down over ethanol, that I might lose my other provisions, or perhaps the trade bill as a whole.

I guess I just don't believe that the U.S. Congress has become so weak, that it would buckle to a handful of profiteers that want to make a fast buck at the tremendous expense of U.S. taxpayers, farmers, ethanol producers, and our rural economy.

What we ought to do, is vote against the conference report—not in order to kill the important trade provisions—but in order to strip from the bill those provisions that are anti-American, like, the section 1910 ethanol provision, and others that are frankly not trade related.

We have that opportunity to clean up this bill. The President is going to veto this legislation. Therefore, for those of us concerned about our farmers, concerned about destroying $800 million in rural economic activity, and concerned about giving away $120 million of taxpayer dollars, simply to fill the pockets of five profiteers—we have the opportunity to say "no." We don't have to pay this heavy price for a trade bill.

Mr. President, today, Iowa's Cedar Rapids Gazette editorial included some pretty telling points, as well as some good suggestions. I ask that the editorial be printed in the RECORD for the benefit of my colleagues, but let me highlight a couple of its points.

The Gazette says, and I quote:

> Congress has turned the trade bill into a huge garbage can. Lawmakers have thrown in all kinds of extraneous amendments.* * * if President Reagan follows through with his promise and vetoes the bill, Congress should seriously consider splitting the omnibus bill into smaller, more digestible packages. The "trade" part of the trade bill should be allowed to rise and fall on its own merits, free of excess baggage.

Mr. President, I would also like to share with my colleagues a copy of yesterday's editorial in the Des Moines Register. This, too, really hits it on the head. It says, and I quote:

> Congress all along has had the ability to cope with the trade deficit. Mainly, coping would require getting the Nation's fiscal affairs in order, halting the massive federal borrowing.* * * But that's too tough. Congress can't bring itself to perform its most basic duties adequately, so instead it postures and pretends it can do something about the trade deficit by passing a trade bill.* * * At least it is called a trade bill, but it's really a Christmas tree. It's one of those massive bills that everyone tries to attach his pet project to.

Mr. President, I am not ready to give five companies in the Caribbean and the European wine producers an early Christmas, particularly at the terrible expense to our own farmers, rural Americans, and taxpayers. My colleagues should not be willing to do this either.

Let's vote against this bill and clean it up so that we can get a good trade bill yet this Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Cedar Rapids (IA) Gazette, Apr. 27, 1988]

TRADE BILL IS TOO BIG

Charles Grassley was apparently one of the few lawmakers in Washington to read the fine print in the remarkably lengthy omnibus trade bill expected to pass the Senate today. The Iowa senator said he found a lot to like about the bill. He also discovered a great deal of foolishness.

Last week, Grassley complained about one provision that would allow five companies operating outside the United States to import 200 million gallons of ethanol duty-free. This would reduce demand for domestic corn by 65 million bushels at a time when every government agency in the country is trying to boost demand for surplus U.S. corn, Grassley says. To top it all off, the provision will cost U.S. taxpayers $120 million in lost tariff collections.

The trade bill also authorizes a $450 million expenditure for an education program. The problem is, 80 percent of this education money—more than $370 million—has already been approved by Congress in a bill that now awaits the President's signature.

Grassley also objects to trade bill provisions creating 30 new agencies, offices, advisory panels and commissions; requiring 100 to 165 new reports, studies and reviews; and establishing 160 new government jobs.

"It's regrettable that this bill is so expansive and expensive," Grassley said.

The criticism is on target. Congress has turned the trade bill into a huge garbage can. Lawmakers have thrown in all kinds of extraneous amendments—pork-barrel spending authorizations, special sanctions for Toshiba Corp., a labor-backed provision regarding layoffs and plant closings, and on and on. Many of the amendments have little to do with trade. The bill has become a bloated 1,000-page document, and few lawmakers who vote on it know its full content.

The production of expansive omnibus bills, of course, has become standard operating procedure in Congress. But it's not a good way to make law.

Many aspects of the trade bill, for example, are sensible. It creates a comprehensive worker retraining program, provides import relief for domestic industries, establishes procedures to combat unfair trade practices and develops an export enhancement program for agriculture. But in order to vote in favor of these sensible measures, a lawmaker must be willing to swallow some patently wasteful and counterproductive provisions.

If President Reagan follows through with his promise and vetoes the bill, Congress should seriously consider splitting the omnibus bill into smaller, more digestible packages. The "trade" part of the trade bill should be allowed to rise or fall on its own merits, free of excess baggage.

[From the Des Moines (IA) Register, Apr. 26, 1988]

REALLY A CHRISTMAS TREE

Congress all along has had the ability to cope with the trade deficit. Mainly, coping would require getting the nation's fiscal affairs in order, halting the massive federal borrowing.

But that's too tough. Congress can't bring itself to perform its most basic duties adequately, so instead it postures and pretends it can do something about the trade deficit by passing a trade bill.

At least it's called a trade bill, but it's really a Christmas tree. It's one of those massive bills that everyone tries to attach his pet project to. The focus of disagreement between the President and Congress—a requirement that workers be given notice of plant closings—is one example. It would be a lobbying goal of labor with or without a trade bill to attach it to.

Hardly anyone knows everything that is in the 1,000-page bill, but there are scores of provisions tailored for individual industries and companies. The label on the package is trade, but the contents look suspiciously like pork.

That's why it's bound to pass. Even if President Reagan vetoes the current version over the plant-closing provision, the bill will eventually pass in some form. Congress has too much invested—nearly three years of the work of two dozen committees—to let it go for naught. Besides, the bill gives members a chance to assert that they addressed the trade problem, even if they didn't.

Will the bill make a difference on trade? Not much. It would expand the President's power to retaliate for "unfair" foreign trade practices, but the President already has wide latitude on trade, and that wouldn't change much. It would transfer some authority from the President to the U.S. trade representative, but the trade representative is an appointee who serves at the will of the President anyway.

There are some needed provisions, such as the relaxation of export controls that have hampered U.S. firms' ability to sell abroad. There is more assistance for workers displaced by foreign competition. It is perceived as a "tough" trade bill, which may be of some help in trade negotiations.

But the bill is hardly the epic turnaround in U.S. trade policy that its backers claim it to be. It is neither awfully bad nor especially praiseworthy. It is merely something Congress, in its inimitable fashion, has done. If the U.S. trade picture improves, it won't be because of this bill.

Mr. LAUTENBERG. Mr. President, I rise in support of final passage of the conference report on the trade bill, which contains many provisions to help address our Nation's trade deficit. It tightens up our trade remedy laws to deal with unfair trade barriers in other countries, and also contains provisions for education, worker training and export promotion to help us become more competitive.

We must face the truth about our trade deficit. It's time Uncle Sam stopped playing Uncle Sap when it comes to trade. For too long, America's trade policy has meant the export of American jobs, not the export of American goods. The toleration of unfair trading practices instead of their destruction.

We have the numbers to show it. Our trade deficit for 1987 was over $170 billion. Roughly $50 billion of last year's deficit was in cars, trucks, and other automotive products. America's economic base is eroding. We're losing markets abroad and jobs at home. Some of those markets will be lost forever if we don't act now.

Although total jobs have grown by 10 percent since 1980, manufacturing jobs fell by more than 1 million in the same period. While service sector jobs have made up for some lost ground, often, they do so at a significantly lower salary.

We've all seen the damage done by $170 billion in trade deficits. From basic manufacturing to high technology, the cost has been enormous. No one has paid more of that cost than American workers. And rightly, they have asked their elected representatives what they intend to do about the problem.

Because while industry and workers confront unfairness in foreign trade, they confront indifference in their own Government. The administration first denied that we had a trade problem; then resisted solutions that would make an impact.

With this trade bill, I think we've started down the right path. Congress has begun to do away with ritual incantations about free trade and to focus on making our trade fair. Although the elimination of unfair trading practices will not, by itself, eliminate our trade deficit, it will help.

This bill takes aim at unfair trading practices. And then makes sure our laws help us hit the bullseye.

First, the bill gives the President a 5-year grant of authority to negotiate with our trading partners for more open, fair, and equitable market access for United States exporters in the next round of international trade talks begun in Uruguay. With this authority, he will negotiate the reduction or elimination of barriers to U.S. trade. It also sets up a fast track procedure for the approval of any trade agreements.

For more than 50 years, the President's authority to negotiate trade agreements has been acknowledged to be the foundation of an effective trade policy. These multilateral talks may provide a way to reestablish discipline in the international trading system and open up foreign markets to U.S. goods and services. Finally, the fast track procedure assures that when a multilateral trading agreement is reached, it will get quick consideration by the Senate.

Second, this bill reforms section 301, which gives the President the authority to enforce U.S. rights under trade agreements and to obtain the elimination of unfair trade practices by foreign governments. Section 301 is in large part a negotiating tool to make sure foreign countries live up to their trade agreements, and eliminate unreasonable or discriminatory trade practices. Section 301 authorizes the President to take a range of actions as negotiating leverage and, if all else fails, to retaliate to enforce U.S. rights.

If section 301 is to pack any punch against unfair trading practices, we must do more than launch investigations into such practices. We must be ready to retaliate. Because if a referee blows his whistle and never walks off the yardage, pretty soon the game deteriorates. That's what's happening now in trade.

This bill contains provisions to ensure aggressive, systematic enforcement of section 301. These provisions serve notice on our trading partners that unless trade becomes a two-way street, we're going to barricade the block. The bill strengthens section 301 by providing that unfair foreign barriers to U.S. exports will be met with certain retaliation if they are not eliminated. It gives the U.S. Trade Representative greater authority to identify unfair trade practices. It requires dollar for dollar retaliation for those practices identified as unjustified. And it expands the scope of activities that can trigger retaliatory actions by including denial of workers rights, foreign cartels, and export targeting as unfair trade practices.

For some industries, scrapping foreign trade barriers is too late. They've already been injured by foreign trade barriers, and need help to get back on their feet. This trade bill provides such help by expanding the remedies available under section 201 of the Trade Act, which authorizes relief to industries injured by imports.

This bill increases the President's options for granting trade relief when an industry and its workers have clearly been injured by imports. It expands the actions the President can take to include import relief, adjustment measures, auctioned quotas, orderly marketing agreements, international negotiations, legislative proposals, and other actions. By expanding the range of actions available to the President, it encourages him to use section 201 if it is justified.

This bill also takes aim at markets that have been closed to our telecommunications industry. It provides specific negotiating authority and remedies to address the lack of foreign market openness in telecommunications trade. It also requires the U.S. Trade Representative to conduct annual reviews to determine if a country has violated a telecommunications trade agreement or otherwise denied us market opportunities, and allows such a finding to count as a violation of a trade agreement for purposes of section 301 of our trade laws. These provisions will go a long way toward remedying the inequities that have kept our telecommunications industry out of foreign markets. Mr. Presient, this marks the culmination of a long effort, that goes back to the 98th Congress, in which I joined Senator DANFORTH and others, to address these inequities. Since the break up of AT&T, we've seen foreign products flood our market, as our doors were opened wide; while foreign doors remained closed. It's time we took action.

This bill also contains safeguards for those workers whose jobs are endangered by foreign imports. It requires major employers to provide 60 days notice of a plant closing or major layoff. Such a requirement provides workers with a reasonable advance warning of a decision that will have a major impact on their lives. The 60 days notice will enable them to plan their future by looking for another job or moving to another town. Sixty days notice will also give local governments, business, and social service organizations time to prepare for the loss of jobs in a community.

Mr. President, this bill is more than a trade bill, it's a bill to enhance U.S. competitiveness. It includes provisions to improve the transfer and commercialization of technology; to enhance the training and adjustment by workers to new circumstances; and to improve education in science and foreign languages. It also contains provisions to open markets for our telecommunications industry, and an expanded program of trade adjustment assistance.

For all of these reasons, I support this bill, and urge my colleagues to adopt it.

Mr. BUMPERS. Mr. President, I am pleased to rise today to speak on the small business title of the omnibus trade bill. Originally introduced in the Senate by Senator SASSER as S. 1344 and cosponsored by Senator WEICKER and myself, the bill addresses the needs of small business in a bipartisan manner. The Senate Small Business Committee held two hearings on the House counterpart, H.R. 1854, at this time last year, and after meeting with representatives of the administration numerous times to receive their comments, the committee favorably reported out the final version of S 1344 with a unanimous vote last June. The bill was then included as title 39 of the Senate version of H.R. 3.

This an important, yet overlooked section of the bill, it is intended to get American small business involved in international trade. It does not erect barriers to imports, it does not limit competition. It does help provide for the dissemination of basic information and assistance to small businesses to help them enter and compete in international markets.

The ability of small business to expand and realize its potential in international trade is of the utmost importance in coming to grips with our overwhelming deficit in trade. Small business employs 48 percent of the work force, has created 80 percent of all new jobs last year and produces 38 percent of the GNP of our Nation. However, there are many small businesses which are capable of exporting which are not doing so. In 1983, the General Accounting Office estimated that firms with 250 or fewer employees which did not export could generate exports of $4.2 billion annually. According to the U.S. Department of Commerce, only an estimated 8 percent of all manufacturing companies were exporting their products in 1983. And of this group, the bulk of the goods exported (fully 70 percent were coming from 1,000 larger-sized firms. The remaining 92 percent of the manufacturing firms did not export to any signficicant extent. Clearly there are many firms, both large and small, which are capable of exporting which are not doing so.

We both in the legislative branch as well as in the executive branch, need to do all we can to encourage businesses, and particularly small businesses, to become more involved in marketing their products overseas. The small business title included in H.R. 3 does just this.

Specifically, the legislation will:

Provide increased authority and direction for the SBA's Office of International Trade; and authorize $3.5 million to perform the functions outlined in the bill.

Provide an additional $5 million in export assistance grants to be used by the SBDC network to provide export related services to small business.

This will include providing basic information to small businesses on existing trade promotion and trade financing programs, such as those offered by the Export Import Bank, the Department of Commerce, the SBA and others.

This is based on existing programs being developed in the SBDC system, which have proven to be very successful—specifically, the SBDC Program in Florida, the Alabama International Trade Center, and others.

The agreement will increase the lending limit for the section 7(a) and section 504 SBA guaranteed loan programs from $500,000 to $750,000.

Also, trade oriented small businesses can put together a package of $1.25 million, including working capital, by applying for a guaranteed loan of up to $1,000,000 and combining this with up to $250,000 under the 7(a) program, on the condition that the first loan is sold off in the secondary markets.

MISCELLANEOUS

The legislation also requires SBA to examine and develop policy options for a number of export related issues affecting small business, such as expedited trade remedies procedures for small business.

It also contains a sense of the Congress resolution regarding the need for better representation of small business in trade negotiations and some specific suggestions on this issue.

RELATING TO SUPER 301

Mr. PACKWOOD. Mr. President, there has been a great deal said about changes in this bill to section 301 and the so-called super 301 provisions, and I want to be sure that there is no misunderstanding in this body over what the super 301 provision actually does and does not say.

It does mandate that the administration select some trade liberalization priorities for self-initiation of section 301 cases in 1989 and 1990. It does not say which or how many cases the administration is to self-initiate. Such determinations were properly left to administration discretion, the goal being to direct the administration to focus its efforts on cases, the pursuit of which, it believes, are likely to result in the greatest benefit to United States and world trade.

The super 301 provision does say that, once self-initiated under its terms, a case is to follow the procedures set out in the statute for section 301 cases in general. The super 301 provision does not say that retaliation is any more or less mandatory in a case self-initiated by virtue of the super 301 requirements than in a general section 301 case.

Finally, Mr. President, I note that however many 301 cases the administration might choose to self-initiate, it always remains open for interested industries to follow the normal and relatively simple course of petitioning the USTR for initiation of a particular case. The super 301 provision prescribes only a special process for self-initiation of some priority cases in 1989 and 1990. It does not and should not displace the regular procedure for interested industries to petition for initiation of section 301 cases.

SECTION 1322 STEEL IMPORTS

Mr. President, I would like once again to clarify a very important point regarding the intent of section 1322 of the conference agreement, the provision relating to enforcement of steel quotas negotiated in voluntary restraint agreements.

Some of our most loyal and important allies, such as Thailand, are concerned that their traditional export shipments of about 120,000 metric tons of steel to the United States may be jeoparidized even though no circumvention through Thailand, or by Thailand through another country, is occurring.

I would like to clarify that this new authority is discretionary, is meant to apply only when circumvention is occurring to the detriment of the U.S. Steel VRA Program, and is not likely to apply to traditional exporters of minimal shipments of steel products like those in Thailand who are not involved in circumvention efforts.

DOMESTIC SUBSIDIES

Mr. President, I would like to speak to the issue of the conference provision on actionable domestic subsidies.

In conference, we were able to resolve the question of the proper way to define a countervailable subsidy, so as to prevent unfair trade which injures U.S. companies without penalizing our exporters. The provision adopted by the conferees requires that, in the future, the Commerce Department must look to the availability, in fact, of a governmental program, and not just its nominal availability, in determining whether that program is provided to a specific industry or group of industries within a country. This has not always been the practice of the Commerce Department in the past.

The provision adopted by the conferees is identical to the provision which appeared in the Senate version of this bill. The report of the Finance Committee on this provision noted with approval the holding in *Cabot Corporation* v. *United States,* 620 F. Supp. 722 (CIT 1985). Cabot held that a subsidy need only be provided in fact to a specific industry or group of industries for the subsidy to be countervailable. The Finance Committee report rejected the notion that the Commerce Department must determine the individual competitive benefit of a governmental program that is generally available both in law and in fact.

Since the Finance Committee's report was issued, three decisions of the Court of International Trade have been handed down which elaborate on the original holding and rationale of Cabot. One of those options, *PPG Industries* v. *United States,* 662 F. Supp. 258 (CIT 1987), was written by the same judge who authored Cabot.

The holdings of those cases, *PPG, Can-Am Corp.* v. *United States,* 664 F. Supp. 1444 (CIT 1987), and *Al-Tech Specialty Steel* v. *United States,* 661 F. Supp. 1206 (CIT 1987), accurately reflect the interpretation of the provision on domestic subsides as contained in the conference report.

Mr. DANFORTH. Mr. President, one of the provisions adopted by the conferees in subconference 1 concerns "diversionary input dumping." Unlike the sweeping provision proposed in the House bill, the conference agreement—embodied in section 1318 of the bill—is aimed at the limited situation where a foreign company is found dumping a product that can be used as an input of a downstream product, and that company then sells the input to an affiliate at a low transfer price for assembly into a downstream product that is to be sold in the United States.

Section 1318 authorizes the Commerce Department to use the cost of production of the component, rather than the fictitious transfer price, if Commerce is required to construct the value of the downstream product. The conferees intended this to permit Commerce to use either the producer's own cost of production or an arm's length price.

In addition, the conferees expressly agreed that there should be no "double counting"; that is, any cost item included in the cost of production of the component (including overhead items and sales expenses) should not then be counted again in the constructed value of the downstream product. With these guarantees, the conferees believe that the amendment is fair and does not violate GATT rules.

STATEMENT IN OPPOSITION TO THE CONFERENCE REPORT ON H.R. 3, THE OMNIBUS TRADE AND COMPETITIVENESS ACT OF 1988

Mr. HATFIELD. Mr. President, last summer when this body passed S. 1420, the Senate trade bill, I stated that while there were provisions which had my total support, the legislation contained other sections which were protectionist in nature and which could harm our trade capabilities. Consequently, I voted against S. 1420 with the knowledge and hope that true trade reform would occur only by combining the best aspects of the Senate and House trade bills during the conference committee negotiations.

The goal was difficult, but certainly within reach: craft a compromise which strengthened our trade laws, which clarified our trade policy, which avoided provisions protectionist in intent or effect, and which had bipartisan support in Congress and the support of the administration.

After 9 months of negotiation involving 17 subconferences and almost 200 conferees, and recognizing the countless hours invested in this endeavor by Senators, Congressmen, the administration and their staffs, it is particularly discouraging to have this conference report, in its current form, come before the Senate. With this report, we find ourselves in the very posture so many of my colleagues worked so hard to avoid: a massive bill containing objectionable provisions which many will oppose and which the President will veto.

Mr. President, my views on trade and trade policy are straightforward: I support only that legislation which will promote the free flow of goods and services between countries. This is not a matter of simply weighing the good and bad provisions, voting yea or nay depending on the tipping of the scale. When it comes to international trade and international relations, it is not good enough that the bill contains a bare majority of supportable provisions. The presumption is that in the absence of a bill, which, in its entirety, clearly promotes free and fair trade, trade legislation should not be enacted. Unfortunately, this conference report does not overcome that presumption. It is with some sense of frustration and regret, then, that I announce my opposition to this conference report on H.R. 3, the Omnibus Trade and Competitiveness Act of 1988.

Mr. President, the globalization of our markets has occurred at a remarkably rapid pace and the economies of the world have become increasingly interdependent as a result. Our interest in promoting American commerce and trade cannot be viewed in isolation from our other geopolitical interests. What we in Congress enact today in seeking to improve our trading relationship with other countries will not only have a dramatic effect on our own economy but could also clearly impact the dynamics of our overall relations with our trading partners and allies. I am very concerned about, and cannot support, legislation which would needlessly complicate our often delicate relationships with foreign countries and which ultimately could curtail our Nation's continued economic growth, which relies so heavily on foreign investment.

Ours is a debt-driven economy and certainly greater effort must be dedicated toward reduction of our trade and budget deficits. Unfortunately this bill accomplishes neither of these goals. The severity of these problems must not prompt us to enact legislation which limits flexibility or which could result in the enactment of potentially protectionist measures.

This legislation would have a local as well as national and international impact. I represent a State which has a healthy, and growing trading relationship with Pacific rim countries such as Japan, Korea, Taiwan, and China. Oregon traditionally has exported more from our ports than we have imported; annual revenue estimates exceed $3.6 billion. Many of the State's employers, particularly those in the timber and agriculture industries, have strong export programs. Likewise, Oregon is the beneficiary of an increase in direct foreign investment. Companies such as Epson, NEC, and Fujitsu have located manufacturing facilities in Oregon's "sunset corridor," an area west of Portland known for its concentration of high technology businesses. These firms not only directly employ Oregonians, but seek to do business with local component parts suppliers and other local businesses. As one who seeks to foster economic development, I am unable to support a bill which runs the risk of dampening Oregon's growing trade economy.

As with all bills of this size and scope, this conference report contains some very good, and badly needed, provisions. Certainly this country needs some sort of intelligible, comprehensive trade policy and many sections of the legislation would help formulate such a policy. The required submission of an annual trade policy agenda by the President, the expanded congressional consultation responsibilities of the U.S. Trade Representative, and the clarification of USTR's role in trade matters will assist in the formulation of such a coherent policy.

The extension of the President's negotiating authority for bilateral and multilateral nontariff barrier agreements and tariff agreements and the provisions for "fast track" congressional consideration of those agreements also will assist greatly in the upcoming round of GATT negotiations, in the pursuit of free trade agreements with other countries, and ultimately in improving America's trade position.

Many other provisions in the bill, including implementation of the harmonized commodity description and coding system, enhanced protection of intellectual property rights, export promotion, education programs, and greater coordination of international economic policy and currency exchange rates, also deserve my full support. Yet contained in this conference report are provisions which concern me greatly and which, when taken together, overshadow those beneficial provisions.

Ostensibly, one of the purposes of this trade bill is to improve our access into foreign markets. The issue of fair trade with other countries, of market access, is an important one. Negotiations should occur at the highest levels of Government on trade reciprocity and the President, be he Democrat or Republican, must have complete flexibility to respond to the exigencies of the time regarding fair trade with foreign countries and the compliance with trade agreements.

With this in mind Mr. President, section 301 and the "super 301" provisions of the conference report greatly concern me. The bill completely transfers to the U.S. Trade Representative the President's authority and discretion in enforcing our trade agreements and responding to unfair trade practices. This type of wholesale delegation of Presidential discretion and flexibility is bad precedent and bad policy.

I cannot support the congressional mandate that in cases of suspected violations of trade agreements or other "unjustifiable" practices, the USTR must take retaliatory action within a limited period of time in an amount equivalent in value to the foreign burden or restriction on U.S. commerce. Our relations with foreign governments are sensitive, complicated and based on a diversity of interests, commerce and trade being only two. In negotiating specific issues, governments often rely on the full spectrum of interests to come to agreement on any one matter. Our mutual interests in national security or foreign assistance, for example, can be a basis of agreement on trade. Likewise, a healthy and reciprocal trading relationship can be the basis of agreement on other important international issues.

Unfortunately, this super 301 provision simply serves to further restrict the President's available options in such negotiations with foreign governments and forces the administration to base trade action, which has international implications covering a whole range of issues, on the narrow industrial interest involved rather than on a policy or vision which is broader and more national in scope. On that basis alone, I cannot support this legislation.

Mandated action is also prescribed under section 201, which provides for import relief for domestic industries damaged by imports, though the provision was vastly improved over the earlier Senate version. Under this section, if the International Trade Commission reports that an affirmative injury to a domestic industry occurred, it must recommend the action to help the damaged industry and that action must be in the form of tariffs, tariff-rate quotas, quantitative restrictions, adjustment measures, or a combination thereof. Within 60 days of the ITC report, the President must take all appropriate and feasible action which he determines will help the domestic industry to make a positive adjustment. Again, this type of approach, though providing for some discretion, does nothing to assist in making American industry more competitive and continues the trend of restricting the panoply of options available to the President in promoting reciprocal trade and in assisting domestic industries when such assistance is appropriate.

The conference report also imposes a retroactive 3-year sanction against Toshiba Machine and Kongsberg Trade prohibiting the domestic importation or governmental procurement of their products and prohibiting governmental contracting or procurement with their parent corporations. While their actions which lead to this provision must be condemned, I do not believe Congress should impose sanctions. The implications of a congressionally mandated sanction against a foreign government, and the obvious impact such an action will have on our relations with these two countries in matters other than trade are as ominous as they are clear. This is an inappropriate manner of response and one which should be removed from the bill. The appropriate course of action should be determined by the President after consultation with the Congress and with the Japanese and Norwegian governments.

These are just a few reasons why I cannot support this conference report; there are others, including its cost, the number of studies and commissions created, the expansion of the trade adjustment assistance program, and the creation of special trust funds to name just a few.

Unlike many of my colleagues, I am not basing my decision on the plant closing notification provision. I supported that provision in the Senate version and, when taking a good look at the wording of the section, find the present controversy to be more symbolic than substantive.

The provision, as presently worded, adequately addresses the legitimate rights of workers while minimizing the burden placed on smaller businesses and companies experiencing economic difficulties or unforeseen business circumstances. As I have mentioned briefly here, there are other provisions in this bill with far greater implications for this country and which create greater concern for me.

Mr. President, I will be the first to fault the administration for its failure to pursue more actively or visibly negotiations with other countries regarding greater access to their markets or regarding trade practices. As with other issues, the leadership vacuum in this area created by the President has created an environment which prompts a congressional response. Unfortunately this bill, with all its laudatory and necessary provisions, contains measures which are inappropriate in addressing our trade concerns and which could cause more problems than they seek to solve. As one who fully supports free and fair trade, who is leery of provisions mandating executive action which could lead to protectionist measures, and who appreciates how commerce impacts the conduct of foreign relations, I am left with no choice but to oppose this conference report.

DOMESTIC SUBSIDIES

Mr. BAUCUS. Mr. President, the Senate trade bill made a significant clarification of the definition of a domestic subsidy. It was virtually identical with the House amendment with regard to the generally available rule, and I am pleased that the House and the Senate agreed on this amendment. This has been a highly controversial issue over the last 6 years. However, the Court of International Trade in 1985 made a decision in *Cabot Corp* v. *United States* that resolved this controversy. 620 F. Supp 722, CIT Oct. 4, 1985. The Court ruled that the Department of Commerce had unduly narrowed the definition and reestablished the definition as it existed in 1979 when the Congress approved the U.S. agreement to the Subsidies Code. The Subsidies Code did not change or narrow the definition of an actionable domestic subsidy and Congress did not amend prior law at that time. The Court recognized that the countervailing duty law remains today as it was prior to 1979.

Both the Senate amendment and the House amendment simply codify the case of Cabot Corp versus United States. This is made absolutely clear in both the Senate and House reports on this section. I also made it absolutely clear when I offered this amendment in the Finance Committee and the committee record reflects that agreement.

I trust that the administration will now comply with the law from this point forward in determining that such subsidies are countervailable as required in both the Senate and House amendments to H.R. 3, intervening decisions notwithstanding. Congress has acted and this controversy is now resolved in conformance with the CIT decision in the Cabot case.

Mr. WARNER. Mr. President, I rise in opposition to H.R. 3, The Omnibus Trade and Competitiveness Act.

I am unable to support this bill after very carefully weighing the many provisions it contains. Some, such as the extension of the Presidential trade negotiating authority, the toughening up of procedures to confront foreign infringements on U.S. intellectual property rights, and the repeal of the onerous and anachronistic windfall profit tax are needed improvements to our Nation's competitive posture.

Unfortunately, these positive provisions are counterbalanced by special interest items still in the bill that will, if anything, limit American competitiveness. Notable, among these is the requirement for a 60-day advance notice before closing a plant or laying off a substantial number of employees. This provision makes it all but impossible to consider this as a bill that will do anything positive for our trade balance.

Mr. DURENBERGER. Mr. President, 9 months ago I voted against the Senate version of the trade bill because I believed the adoption of protectionist legislation would have increased worldwide trade tensions and would have endangered the stability of a post-World War II international trading system which has brought about the greatest increase in global economic well being in history. While the Senate bill was less protectionist than the House bill, the latter was so bad for business and the economy in my State that I feared a mid-road compromise between two very bad bills.

To the credit of the conferees, especially conference chairman DAN ROSTENKOWSKI and Vice Chairman LLOYD BENTSEN, and the influence of Ambassador Clayton Yeutter, the conferees moved to the "fair" side of the Senate bill. The conference agreement that we shall soon vote on is vastly superior to the original House version of the trade bill and the version that was adopted in the Senate. By jettisoning the overtly protectionist provisions in both bills, the conferees have crafted a reasoned compromise that addresses the concerns I expressed last year.

The bill is not a Democratic protectionist bill, and so DICK GEPHARDT voted against it. But the bill also moves away from our commitment to purely free trade, and so BILL FRENZEL also voted against the bill. I believe passage of the conference compromise represents an important milestone in our international trade relations and will serve to open more markets to American exporters and chart a course for a new round of worldwide negotiations for fair trade.

A SHIFTING VIEW OF WORLD TRADE

Mr. President, the conference compromise being considered today is the most important trade legislation the Senate has considered in more than a half century. The compromise represents an historic shift in this Nation's commitment to the idea of a worldwide trading system predicated on our notion of "free trade;" and moves in the direction of defining "fair trade."

This gradual shift in trade philosophy reflects the evolving changes in the world marketplace, and America's role in that marketplace. It reflects the simple reality that in the last decade, our free trade philosophy has gradually eroded as more and more American industries have faced stiff, and sometimes unfair competition from foreign competitors, while foreign countries have refused to open their markets to our exporters. The predictable result is that more and more of our trade has been restricted, while tensions with our trading partners have escalated over a host of issues.

The landscape of world trade is littered with a host of restrictions, quotas, and subsidies, which give little credence to the idea that free trade is the operative rule in world trade. The United States has entered into agreements with nearly every major textile and apparel exporter to limit imports. Every since Jimmy Carter was President, we have adopoted a variety of restrictions on the import of steel. Automobile imports from Japan have been restricted for more than 6 years. Machine tool imports are also restricted. And semiconductor pricing has been controlled for more than a year.

Yet despite the multiplicity of limits we impose on imports, we still maintain a relatively open market, while our trading partners maintain subsidies and nontariff barriers that effectively preclude American manufacturers from entering their markets. We've been engaged in a row with the Japanese over beef, citrus and rice imports for more than a decade. European Community export subsidies have devastated the American farmer. Japanese construction projects have been effectively closed to American bidders. And the supercomputer, semiconductor, and telecommunications markets have barely opened in the past few years.

Another critical factor in our changing view of world trade, was the unexpected increase in the value of the dollar which began in 1982 and peaked in early 1985. As the dollar began its upward spiral, more and more American companies saw their market share at home shrink as imports poured in from all over the world, especially from the Pacific Rim countries. At the same time, the strong dollar led many of these American companies to move their production offshore in order to remain competitive.

This contributed to the substantial deflation and unemployment in many parts of the country, our Iron Range being but one example. A new phrase came into the lexicon of American business—the "hollowing" of the American corporation. Blue-collar jobs in corporate America began to disappear, while managers of multinational corporations became salesmen and marketers for products designed and manufactured abroad.

And when the dollar began to fall after the Plaza accord in early 1985, American companies were slow to regain their markets both at home and abroad. We found that foreign companies would rather cut profit margins and shave production costs in order to maintain their share of the American market. The end result was that the declining dollar could not, by itself, reverse our trade deficit. Only recently have we begun to see a significant change in our export growth. But we still have a long way to go before our trade deficit will turn into a trade surplus.

For the past 6 years, there has been a tension between the Reagan administration and the members of the Senate Finance Committee who have sought to redefine our national trade policy through a legislative approach which emphasizes a leveling of the playing field in international trade as the "price of admission" to the American market. And for too long, the administration has resisted making changes in our trade laws which would shift our trading philosophy from "free" trade to "fair" trade.

The battle ground on trade policy has often taken place over administration nominees for appointment to the International Trade Commission ITC. Examples that come to mind are the two battles we had over the appointment of Susan Liebeler to be ITC Chairman, and the disagreements between the committee and the administration over the nominations of Ron Cass, Lynn Schlitt and Anne Brunsdale.

As the Senate Finance Committee members pushed for a more activist role in trade policy, my distinguished colleague on the committee, JACK DANFORTH, became the leading advocate of a trade policy based on the concept of reciprocity in market opportunities. His landmark address to the Keidanren in Tokyo in 1982 signaled an effort on his part to exert congressional leadership in forcing stronger United States action on trade policy, especially as it related to Japan and the newly industrialized nations of the Pacific Rim.

Jack Danforth, and Lloyd Bentsen also pressed the administration for a greater role for Congress to shape trade policy. The failure of the administration to adequately consult with Congress on its goals, strategies and objectives for the Canadian-American free trade negotiations nearly led to Finance Committee disapproval of the "fast track" procedure for considering the agreement. The one-vote margin in favor of the fast track only resulted after the President and the newly appointed U.S. Trade Representative, Clayton Yeutter, made commitments to the committee that the administration would provide real consultations with the Congress on trade policy and trade negotiations.

The basic disagreement over trade policy between the members of the Finance Committee and the administration has been ongoing for more than 5 years. During the time the Republicans controlled the Senate, the Republicans were extremely loyal to the administration on such controversial issues as Social Security, tax law changes, and budget cutting measures. Yet, at the same time, members on both sides of the aisle recognized that wrenching changes were occurring throughout the economy as a result of the appreciation of the dollar and the flood of imported products.

In response to the growing trade deficit, protectionist voices began to be heard on Capitol Hill. Bob Dole predicted that 1983 would be the "Year of Trade" on Capitol Hill. But with the economy beginning to move forward after the 1982 recession, protectionist pressures diminished and the administration successfully avoided a confrontation over trade policy.

By 1985, as imports continued to surge, the Democratic House passed a major piece of protectionist legislation, while in the Republican Senate Jack Danforth, and Lloyd Bentsen, were developing a more workable bipartisan trade bill which ultimately became the model for the Senate trade legislation introduced in early 1987. This bill had more than 50 cosponsors. The President successfully fended off pressures to adopt a trade bill in 1986, in part because the Finance Committee devoted nearly the entire year working to adopt the President's tax reform initiative. At the same time, Clayton Yeutter brought a new aggressiveness to American trade policy.

Yet today, after more than 3 years of work, and after the administration finally recognized that both Republicans and Democrats can work together to develop sound trade policy, the President has threatened to veto this bill. He believes that Congress will quickly resubmit another trade bill to the White House without a provision that provides for advance notification of plant closings. The Democratic leadership has clearly indicated that with fewer than 60 legislative days left in this session, the chances of reconvening the 13 conferences are slim to none.

And there's no certainty that the bill that would emerge out of those conferences would not be more protectionist, and more partisan. It would certainly have even more self-served provisions than this one already has. There is no certainty that the Bryant amendment on foreign investment would not reappear in the bill. Or that the House would not insist on reinserting the protectionist changes in the countervailing duty and anti-dumping laws that it originally included in its version of the legislation. Every knowledgeable observer in the Congress and in the administration I have talked to concedes this is the best trade bill that will emerge during this Congress.

I think that today is the best opportunity we have for responsible trade legislation. The economy is basically healthy and optimistic today, and therefore the pressures of protectionism have faded. Yet, based on past experience, it will take at least 2 years to draft and pass another trade bill as comprehensive as the one before us today. Should the economy slow in the next 18 months, protectionist pressures will resurface and we could face the prospect of forcing a partisan showdown over trade protectionism that can only harm our economy.

NEW ROUND AUTHORITY

In my view, the most important feature of this legislation is the new round negotiating authority granted to the administration. This grant of authority provides our Government and the next administration with the tools necessary to enter into bilateral and multilateral negotiations aimed at improving the world's trading system. And it sends a message to our trading partners that trade negotiations must lead to a more open and fair world trading system which permits American agriculture, mining, manufacturing, high technology, and service industries fairer access to world markets.

For too long, many of the European and Pacific Rim nations have viewed trade with the United States as a one-way relationship—their industries can sell whatever they want in the United States. But through an elaborate system of tariff and nontariff barriers, they close their doors to American exports. At the same time, many of our trading partners have granted selected sectors of their economies direct and hidden subsidies which make it impossible for American companies and farmers to compete at home and abroad.

Mr. President, under the new round negotiating authority granted to our trade representatives in this bill, our negotiating position at the Uruguay GATT round is clear cut: Trade must be a two-way street. The playing field of international trade must be leveled so that Americans have the same opportunity to compete abroad as we allow other countries to compete in the United States. And that means ending unfair subsidies, protecting patents and copyrights, and opening all markets.

The existence of protectionist barriers to imports is the most pervasive problem facing American exporters in the world market. At the same time, it is corrosive of the entire international trading system, distorting its operation in a multiplicity of ways and adding to the inability of overall trade to grow at more than an insignificant pace.

Under this legislation, one of the principal objectives of the new GATT round is the revision of the GATT with regard to agricultural trade. Such revisions will increase U.S. agricultural exports by eliminating barriers to trade and clarifying GATT rules for agriculture. At the same time, our negotiators must resolve questions under the GATT pertaining to export subsidies, market pricing, and market access.

UNITED STATES-CANADA FREE TRADE AGREEMENT

It is important to emphasize that the grant of negotiating authority for the GATT round, and a resolution of the critical issue of agriculture subsidies is an essential element in the implementation of the United States-Canada Free Trade Agreement. In examining the free trade agreement, it is readily apparent that American agriculture could well be disadvantaged as a result of the elimination of tariffs between our two countries. Canada has a systematic and pervasive policy of subsidizing agriculture and has refused to eliminate any but the smallest of subsidies.

I would not be inclined to vote for the free trade agreement if the United States was not prepared to negotiate meaningful reductions in agriculture subsidies in the multilateral talks at the Uruguay round. I believe this legislation gives the next administration adequate tools to convince our trading partners, including the Canadians, that we will not tolerate unfair subsidies that prevent American farmers from selling in world markets.

TWO AMERICAS

Mr. President, in recent years we have become a two-tier society. Residents of States along the east and west coasts have enjoyed prosperous growth as jobs in financial, legal, and import services have expanded, while the Nation's heartland has endured a prolonged depression in agriculture, mining, and basic manufacturing.

However, the pockets of "services prosperity" along the coasts will not long endure if this Nation's manufacturing and agricultural base is destroyed by unfair foreign subsidies and closed foreign markets. As a warning for the future, we cannot ignore the recent loss of profitability of many of our high-tech companies, including companies in my State, who have been battered by unfair competition from Japan and Taiwan, while they are effectively barred from selling their products in these countries. These protectionist barriers must be eliminated, and the best way to remove these barriers is through active and aggressive negotiations with our trading partners.

SECTION 201 ESCAPE CLAUSE CASES

Mr. President, the Senate version of the trade bill severely restricted the President's ability to deny import relief to industries harmed by competition from fairly traded foreign manufacturers. Both in the Senate Finance Committee and on the Senate floor I joined Senator **Packwood** in offering amendments that would have retained the President's current broad discretion in reaching a decision on import relief under section 201.

The failure of those amendments, and the consequent handcuffing of the President's discretion in these cases, convinced me to vote against the Senate trade bill because it would have insulated our domestic industries from the vigor of international competition. And it would have guaranteed lost sales and profits for some of our most competitive export industries, especially American agriculture and high technology.

The section 201 provisions contained in the Senate bill would have prevented the President from denying import protection if he determined that the costs to the overall economy outweighed the benefits gained from import protection. Nor could the President consider how such protection would affect American consumers or the retailers and importers who serve those consumers.

Whenever we grant import relief to a particular industry under section 201, we are required to compensate the affected trading partner. That means for every industry that gets import relief, another American industry has to pay in the form of increased import competition in our market or the loss of access to important overseas markets.

In other words, we have to open up our market to an equivalent amount of imports, or our trading partners can invoke their right to raise their tariffs on our exports. As a result, in some instances, we may have to trade off some of our strongest and most competitive industries, our exporters, to provide guaranteed import protection to industries that, for whatever reason, have lost their international competitiveness.

Too often, the easiest target for countries to demand compensation is agriculture. If the President knows that a country is going to retaliate against our agriculture exports, shouldn't he have the option of denying import relief to an industry because it will further devastate our agricultural economy?

Recent history suggests that our trading partners do exact a price from American business and farmers when the United States unilaterally takes action to restrict their products. When the United States imposed tariffs on imports of Canadian shakes and shingles, the Canadians immediately retaliated against United States computers, books, and some auto parts. Shortly after the timber case, the Canadians imposed an 85 cents per bushel tariff on American corn.

The conferees have rejected the narrow and restrictive rules the Senate imposed on the President, and have substantially broadened the menu of options available to the President in import relief cases. At the same time, the conferees have retained a broad measure of the President's current authority to weigh the effects of import relief on the overall economy in reaching a decision on the scope of import relief, if any, that should be provided under section 201.

The conference compromise addresses the concerns I raised during last year's debate and is sufficiently expansive to ensure that section 201 proceedings do not turn into a protective haven for those domestic industries that would rather raise barriers to imports than invest in the productive equipment necessary to meet competition.

UNFAIR FOREIGN TRADE PRACTICES

The conference compromise sets strict deadlines for the administration to take action against unfair and unreasonable trade practices and mandates retaliation when our trading partners do not live up to agreements to end unfair trade practices. Again, the conference compromise improves on the Senate version of the trade bill, by providing the administration far broader flexibility to delay, defer, or decide not to retaliate when it is determined that it would not be in the economic or national security interests of the country.

In my view, the unfair trade practice provisions of this compromise are vital to maintain the integrity of the negotiating process in international trade. Sanctions against unfair trade practices are a last resort to be considered, but are vital if our negotiators are going to have credibility with our trading partners to convince them to live up to the agreements they enter into.

Moreover, I believe we have responsibly addressed the question of how to deal with those countries which maintain a consistent pattern of unfair trading practices which effectively bar American companies from selling in foreign markets. Under the super 301 procedure that was originally crafted in the Senate, and further modified in conference, we have directed the administration to focus its resources on eliminating those barriers which have the most significant potential to increase U.S. exports.

Mr. President, we all have heard of instances where foreign countries agree to eliminate barriers to U.S. trades, only to later find that a whole new series of secondary barriers are erected which effectively nullify the foreign original commitment to open its market. Minnesota companies trying to sell supercomputers have found this to be the case when they try to sell their products in Japan.

Access to the American market is the greatest leverage this country holds over the rest of the world. The message of the section 301 amendments included in this bill and the provisions adopted regarding countries that maintain consistent patterns of unfair trade practices is simple: If other countries will not live up to trade agreements negotiated in good faith, we will deny them access to our markets.

AGRICULTURAL TRADE

When it comes to unfair trade practices involving agricultural trade, the conference compromise strengthens the President's hand to thwart such practices by extending the authorization for the Export Enhancement Program [EEP] through 1990 and by increasing the ceiling on the value of commodities that can be used under that program from $1.5 to $2.5 billion.

If the U.S. Trade Representative [USTR] believes that a foreign government's unfair trade practice or export subsidy impairs or threatens sales of U.S. agricultural commodities on the world market, USTR will continue to be able to use surplus commodities under the EEP to offset and nullify the effects of the foreign government subsidy. The effectiveness of the EEP has been demonstrated in recent years when the United States used the program against the European Community to gain wheat, corn, and soybean sales to the Soviet Union. And we used the program successfully to win wheat sales to the People's Republic of China, and most recently a 600,000-ton wheat sale to India.

The conference compromise also puts pressure on our trading partners to seriously negotiate at the Uruguay GATT Round on agriculture trade issues. If, by 1990, the President cannot certify to Congress that significant progress is being made toward resolving agriculture trade and subsidy issues, the Secretary of Agriculture is given authority to implement a marketing loan program for the 1990 crops of wheat, feed grains, and soybeans to help our farmers sell abroad.

If foreign governments think they can take away our export markets by unfairly subsidizing their exports, and if foreign governments are unwilling to negotiate a reduction in export subsidies for agriculture, through the EEP Program and the threat of the marketing loan program the United States will have the tools we have needed for a long time to meet and beat that unfair competition.

TRADE ADJUSTMENT ASSISTANCE

We are in a period of rapid change in economic technology in the United States and throughout the world. Workers are not as mobile as managers and cannot keep up with changes as readily. But change is both inevitable and good for us as a country and as a world trading power. Trade adjustment assistance [TAA] is a tool we can use to help our industries, workers, and our communities adapt to rapid changes in the world economy and become more competitive.

The conference agreement authorizes an annual appropriation of $980 million for funding the Job Training Partnership Act and for TAA. The legislation also expands the eligibility for TAA to workers or firms that supply essential goods and services to companies that have had to close because of increased imports.

The key to the expansion of benefits under TAA hinges on the ability of the President to seek GATT approval to permit the imposition of a small import duty to fund TAA-type programs. This fee cannot exceed the cost of operating these worker retraining programs, up to a maximum level of 0.15-percent ad valorem.

It is my hope that our trading partners will agree to the imposition of such an import fee. This funding mechanism will provide greater certainty to workers who lose their jobs because of foreign competition that Federal funds will be available to allow them to make the difficult and painful adjustment to a new profession.

Trade adjustment assistance is a vital component of an open trading system. Since World War II, the United States has maintained the most open trading system. But implicit in our commitment to free trade, is the reality that in some instances, foreign competition is likely to produce economic dislocation to workers and firms in some parts of the economy. Trade adjustment assistance is a program which recognizes the reality of such economic dislocation and the Federal Government's special responsibility to ease this dislocation and adjustment.

We have used TAA for workers on Minnesota's Iron Range and other parts of northeastern Minnesota. Our experience proves that TAA is essential to both the workers dislocated by foreign imports as well to the communities that share in the difficult transition. TAA works. There just isn't enough money committed to it.

The current TAA Program is funded through regularly authorized and appropriated funds. However, in recent years, the fiscal pressures created by the budget deficit have made it increasingly difficult to ensure that sufficient funds are available for the TAA Program. Because of the record trade deficits and increasing import competition, trade adjustment assistance is more important than ever.

If we are to maintain our commitment to an open trading system, it is incumbent on the Congress to keep its commitment to fund an adjustment assistance program for those workers who lose their jobs because of import competition. That is precisely what an import fee would achieve.

Mr. President, it seems eminently fair to this Senator that those who benefit and those who profit from imported products be required to pay part of the cost of retraining for American workers whose jobs are lost because of foreign competition. Even if the maximum 0.15-percent fee were imposed, the costs to American importers and consumers of foreign products would be miniscule.

We all know that one of the main reasons that our import bill has grown so high is that many American companies have chosen to move their domestic facilities abroad because they find it more profitable to take advantage of lower wages that prevail in less developed countries. But what about the workers left behind? They can't move to Taiwan or South Korea. They have to make a serious and difficult readjustment back into the labor force.

Who should pick up the tab for retraining and adjustment? I can see no reason that importers, and those who benefit from moving operations abroad should not bear this cost.

ADVANCE NOTIFICATION OF PLANT CLOSINGS

Mr. President, it is clear that the most controversial aspect of the conference compromise concerns the provision requiring companies with more than 100 employees to provide advance notice of their intention to close a plant. When this issue has presented to the Senate last year, I voted in favor of the advance notice amendment for several reasons.

In my view, advance notice of a plant closing is nothing more than a matter of decency and courtesy that an employer should extend to the employees affected and the communities involved. Every one of us knows of a situation where the main employer in a small town has closed down its plant with barely a few days notice, and left the citizens of the community devastated. It happens in small towns and it happens in big cities. No employee or city is immune.

There are many socially responsible companies in Minnesota and throughout this Nation who make every effort to provide advance notice of their intention to close a facility. For example, companies in the steel industry and in the automobile industry include a plant closing provision in their collective-bargaining agreements.

But there are many irresponsible companies who close the plant gate with barely a few days notice. In fact, according to the General Accounting Office, the median length of notice provided by companies that close a facility or have a permanent layoff is 7 days for blue-collar workers and 14 days for white-collar workers.

Mr. President, we all know that communities heavily subsidize businesses through the provision of public utilities, sewer, water, schools. The Federal, State, and local governments provide a variety of other subsidies by way of development grants, SBA loans, EDA grants, tax-exempt bonds, tax abatements, and a host of other incentives to attract businesses to particular communities. After committing so many resources to attract and maintain companies in their towns, it is just irresponsible and arrogant for a company to pick up and leave town with barely a week's notice.

This is especially true in small rural communities. I've seen the devastation which occurs when the major employer in a small town such as Jackson or Aitkin or Fairmont, MN, decides to pickup and leave the community to relocate in the sunbelt. It's not just the jobs lost in the plant; it's the blow to the entire community, and the loss of tax base to fund basic public services which are predicated on plant commitments.

In a small town like Jackson, there just are not enough other jobs available to cushion the shock of a plant closing. And it is not easy to immediately attract new companies to these small towns to replace the jobs lost. In such cases, it is vital that the community and the affected workers be given sufficient advance notice to enable them to begin to make the painful transition from relative prosperity to the uncertainty resulting from plant closing.

The purpose of advance notice is not to stop companies from shutting down and moving out. The business is going to do that regardless. The purpose is simply to allow for transition by the community and the workers and to allow small business suppliers who have depended on providing goods and services to the company that's closing the opportunity to rechannel their business efforts.

Mr. President, workers, communities, and State retraining officials need more than 7 days to deal with the hardships resulting from a massive plant closing. Studies conducted by the Office of Technology Assessment and the GAO have found several benefits that result when advance notice is provided. For example, advance notice allows State authorities the chance to deploy retraining and readjustment services by the time the job loss takes effect. It allows companies, labor, and local authorities the time to plan and develop adjustment assistance programs before workers are dislocated.

Advance notice makes it easier to enroll workers in adjustment programs before they are laid off, and easier to enlist managers and workers as active participants in displaced worker projects before the closing or layoff. Various reports show that advance notice increases worker participation in assistance programs because it is easier to let workers know that help is available before they become unemployed and out of touch.

In addition to improving the efficiency and effectiveness of adjustment programs, advance notice may decrease the cost of a layoff to the company. The National Center on Occupational Readjustment [NaCOR] states that outplacement services are most cost effective if initiated while the worker is still employed at the plant, during the period between the announcement and the actual closing.

Mr. President, I believe there should be uniformed Federal legislation concerning advance notice of plant closings. Currently, there are three States which impose some type of advance notice requirement—Maine, Hawaii, and Wisconsin. Eight other States, including Minnesota, have considered adopting such legislation. If this issue is not addressed at the Federal level, I fear that we will see the development of a fragmented set of advance notification rules that will ultimately encourage businesses to leave socially responsible States that adopt such laws and reward States that allow businesses to pick up and leave town without a day's notice.

Although the advance notice provision included in the bill does not preempt State law, adoption of a Federal law will surely diminish the momentum for adoption of conflicting legislation in the State legislatures. Mr. President, the longer we delay a Federal advance notice rule, the greater the potential for fragmentation at the State level.

Just look at the debate we have had over uniform product liability standards. After having built up a set of 50 different product liability laws throughout the country, the business community has been urging Congress to preempt those laws with a single uniform standard. Mr. President, in all candor, the business community cannot have it both ways. They cannot in one breath ask for a uniform set of product liability laws, and then turn around and demand that the Federal Government not establish a uniform law for plant closings.

Mr. President, the argument advanced by opponents of a uniform advance notification law is simply that it will stifle the flexibility of American business to react to changes in the marketplace and will slow the growth of our economy as has happened in Western Europe. I do not accept the premise that our economy will be stifled simply because companies are required to notify employees of their intention to close a plant.

It is convenient for critics of advance notice to cite the slow economic growth that has occurred in Europe and to blame that problem on European plant closing laws. Yet it is not just the European countries that have advance notice rules on the books. In Canada, there are advance notice rules for closings and layoffs. In Japan, there are advance notice rules. In Taiwan, there are advance notice rules. In Hong Kong, there are advance notice rules.

Every one of the Pacific Rim countries identified above have grown far faster than the United States in the past 10 years. How do the critics of advance notice rules explain that? And the fact that advance notice rules have been in existence in Canada, Europe, and the Pacific Rim, has not stopped American multinationals from closing plants in the United States and moving their operations to these countries.

Mr. President, I think the plant closing admendment that is included in this bill is far more reasonable than the plant closing legislation that was defeated in the House in 1985 and far better than the plant closing provision that was adopted by the Democrats in the Senate Labor Committee. The House bill would have required 90 days notice and would have provided no exemptions for faltering companies which could be jeopardized by providing advance notice. The House bill did not contain a provision terminating employer liability where an employer provides wages and benefits in lieu of notice.

When the plant closing provisions were reported out of the Senate Labor Committee, the notice requirement was 6 months, and the workers and the affected communities had the right to open an employer's books before the plant shut down. That clearly went too far and it was only after Republicans including myself, Senator Packwood, Senator Heinz, and Senator D'Amato interceded that the provision was ultimately modified to be more responsive to the complaints of the business community.

Mr. President, I am not convinced that the advance-notice provision included in this bill will harm American business. I hope the President will reconsider his opposition to the provision because I believe his concerns are unwarranted.

HIGH TECHNOLOGY AND INTELLECTUAL PROPERTY ISSUES

The conference agreement contains several advanced technology initiatives that will enhance this Nation's ability to retain its technological superiority. For example, it establishes an Advance Technology Program to serve as a focal point for cooperation between the public and private sectors in the development of industrial technology and to encourage business to use the research, research techniques, and know-how developed at Federal research facilities.

In addition, the conference agreement incorporates legislation I introduced in early 1987 which establishes a Presidential Commission that will examine options for coordinating business and Government development of high-temperature superconductors. This emerging technology holds many promises in the field of energy conservation and high-speed supercomputing. This Commission should lay the foundation for better coordination between the Government, industry, and university researchers in developing commercial applications of high-temperature superconductors.

This legislation also brings needed relief to our high-technology companies that have faced unfair competition from foreign companies that have infringed their patents and copyrights. The conference agreement strengthens the effectiveness of section 337 by eliminating the requirement to show that patent or trademark infringement injures a domestic industry.

We have eliminated the requirement that a domestic industry must show that it is economically and efficiently operated, while broadening the basis for finding that an industry actually exists in the United States. By so doing, the legislation encompasses universities and other intellectual property owners who engage in extensive licensing of their rights to manufacturers in the United States and abroad.

EXPORT CONTROLS

The conference agreement streamlines our current export control rules and limits the ability of the Defense Department to block high-tech exports to Western nations. According to a recent study prepared by the National Academy of Sciences, U.S. companies lose nearly $9 billion in export sales because of export controls which bar U.S. companies from exporting products that are commercially available from other Western countries. This policy just does not make sense in a world where we no longer have a monopoly on high-tech products.

While the conference compromise streamlines our export control rules for nonsensitive high-technology products, it also includes two provisions that mandate sanctions for 2 to 5 years in any case where there is credible evidence that a foreign person has violated Cocom regulations and the violations have resulted in a serious impact on the strategic balance of forces.

The legislation also imposes tough trade sanctions against Japan's Toshiba Corp. and Norway's Kongsberg Vaapenfabrikk for their sale of computer-controlled machine tools, milling equipment, and computer controls to the Soviet Union. There is no doubt that the sale of this equipment has significantly enhanced the ability of the Soviet Union to operate fleets of submarines that are barely audible and detectable by the United States Navy and the navies of our allies.

Mr. President, there is strong evidence that the sale of this equipment was motivated out of a simple desire of the companies to earn a profit on export sales. There was no concern about compromising the security of the United States and its allies. There was no concern about transferring sensitive technology to the Soviet Union. The only concern was with profit, and the real economic losers are the American taxpayers who will be expected to finance the advanced technologies necessary to counter the new threat from the Soviet navy.

There is a price that Toshiba and Kongsberg will pay for their breach of Western mutual security. They will be denied access to a large part of this, the richest market in the world. Let this be a warning to our other trading partners: The United States will demand that our allies share the economic burden of guaranteeing Western security, and any efforts by our allies to circumvent the Cocom rules will come with a very heavy price.

Moreover, there is a responsibility that our European and Japanese allies have to share a greater burden in helping the Third World lift itself into greater economic prosperity. The United States has been absorbing nearly two-thirds of the exports of Third World countries. The Europeans have imported less than 25 percent, and the Japanese less than 10 percent. These countries have to do more to open their markets and share the burden of economic development.

OBJECTIONS TO THE BILL

Mr. President, there are some apects of the conference agreement that I find especially troubling. Of most concern is the provision that allows two more companies in the Caribbean basin to export ethanol into the United States duty free. These facilities are merely acting as processors for cheap European Community wine and are undercutting American farmers who have been processing ethanol for corn. There is no justification for this extension of the grandfather provision that was adopted in 1986.

The conference agreement lifts the embargo on the import of Soviet furskins, despite the unanimous sense of the Senate resolution urging the Senate conferees to maintain the embargo. I have already contacted the Secretary of Commerce and informed him of my intention to introduce legislation that would raise the tariff on such imports if there is any evidence that the Soviets are dumping fur in the United States market. I expect that the Commerce Department will closely monitor this situation and will take appropriate action to ensure that the Soviets will not use their state subsidies to undercut the American fur farmer.

I am also disappointed that the conferees deleted a provision included in the Senate bill that would have reclassified and temporarily suspended the duty on A/W paper imported for use only in the production of reverse osmosis filters. I intend to resubmit this issue for consideration when the Senate Finance Committee next considers a miscellaneous tariff bill.

Mr. President, when I voted against the Senate version of the trade bill last year, I noted that the Senate bill created 81 new Federal and State agencies, offices, advisory panels, and commissions, and created between 520 and 1,000 new Government jobs. Although some of those commissions and panels had valid purposes, others appeared wasteful of the taxpayers' money.

The conference compromise reduces the number of new Federal and State agencies and panels from 81 to 30 and reduces the number of new Government jobs to 160. Although this is a vast improvement over the Senate bill, I still believe that at a time of severe pressures on our budget, it is unwise to increase spending for all of these new panels.

CONCLUSION

Mr. President, this conference agreement will not, by itself, solve our trade deficit. That is ultimately the responsibility of the American business community and the employees of those companies. However, it will help level the playing field of international trade, and will strengthen our negotiators' hands in the tough bargaining that lies ahead at the Uruguay GATT Round. I am pleased to vote in favor of this bill and I urge the President to sign this into law.

Mr. HARKIN. Mr. President, I rise to express my support for the Omnibus Trade and Competitiveness Act.

This bill represents 3 years of effort, and thousands of hours of work by both Houses of Congress. We had to act because the Reagan administration didn't. A $170 billion trade deficit in 1987, and the transformation of the United States from a net creditor to a debtor nation, have failed to wake up this administration to the dimensions of our current trade crisis.

Unfortunately, as our trade deficits continue to mount—with figures for February reaching $14 billion—the President still refuses to deal with the problem, as indicated by his public threats to veto the omnibus trade bill.

The bill we will be voting on today is not perfect, and does not contain a number of provisions which I had hoped it would include. But it does mark a good first step toward tackling the trade crisis. For these reasons, it deserves the support of the Senate.

First, this bill contributes to the expansion of foreign markets for our domestic industries, and in particularly for the farmers in my State of Iowa, who depend on foreign trade for much of their livelihood. Specifically, this bill increases by 150 percent the Export Enhancement Program. This program, which uses surplus commodities to lower U.S. agricultural export prices, enables the American grain industry to sell its huge surplus of stocks overseas.

The conference report also includes a triggered marketing loan for the 1990 crops of feed grains, soybeans, and wheat. This provision requires the President to submit a certification to Congress no later than 45 days after January 1, 1990, as to whether there has been significant progress toward achieving an agreement with respect to agricultural trade under the talks on General Agreement on Tariffs and Trade [GATT].

The report requires that payments in commodities under the Dairy Export Incentive Program [DEIP] be made in the form of generic commodities. Furthermore, if the generic commodity certificates are exchanged for dairy products, the Secretary of Agriculture must ensure that the dairy products are sold for export and that the sales do not displace U.S. sales of dairy products.

This bill includes other positive measures for American agriculture.

It strengthens the Foreign Agricultural Service of the Department of Agriculture by increasing its authorization for fiscal years 1988 to 1990 by $20 million. This increase is directed to be used for general market development activities, including market development efforts in developing countries.

The report provides that if the Secretary of Agriculture determines that a foreign country applies meat inspection standards, the Secretary must consult with the USTR, which must then make a recommendation to the President as to what action he should take. The President may then prohibit entry in the United States of a foreign-produced meat article if that product fails to meet the standards that apply to meat articles in commerce with the United States.

The report calls upon Japan to remove its import barriers on agricultural products, including rice, citrus, and beef. It also urges Korea to permit greater access to its markets to United States beef producers.

The bill further requires the Secretary of Agriculture, within 90 days after the President signs it into law, to submit a report to Congress specifying the planned distribution of resources of the Agricultural Department for sampling imports of meat, poultry, and egg products to ensure compliance with Federal laws governing permitted levels of pesticide, drugs, and other residues in such products.

The conference report institutes dramatic changes in the structure within the Department of Agriculture for dealing with trade. It creates an office to deal with unfair trade barriers. It authorizes funds for the development of value-added pork, beef, and poultry. It creates an improved system for identifying the total value and volume of agricultural imports and its impact on American agriculture. And it insures producers of corn-based ethanol in the United States that they will have virtually unlimited opportunity to compete effectively in our domestic market.

In short, the trade bill acknowledges the importance of agricultural trade to the U.S. farm economy and its central role in our entire trade situation.

In this decade, farm trade surpluses have been on the decline. That drop has contributed to our growing overall deficit. The agricultural title of this bill will reverse this decline. To compete against farmers and government programs in the Common Market and countries like Australia and Argentina, American farmers need the assistance of an activist, export-oriented government. We need expanded services in the Department of Agriculture, we need a Trade Representative who pushes foreign governments to remove their unfair trade barriers, and we need a strong export enhancement program.

The trade bill recognizes the changing realities in the world agricultural market. In this new market, our Government must take action, it must develop new markets, and it must expand our trading opportunities. The conference report takes a major step toward accomplishing these goals.

The conference report also incorporates into existing trade law a stronger worker rights provision, which tracks legislation I introduced last year with Senator **Reigle** of Michigan. Under the agreement, violations of internationally recognized worker rights will be considered an unfair trade practice under section 301 of the Trade Act, and the U.S. Trade Representative will be empowered to take actions against other nations that engage in such abuses.

In Morocco today, 11-year-old girls work 90 to 110 hours a week, earning 13 cents an hour weaving rugs for which the girls earn $19.34 and which are sold for $500 in New York.

International trade should promote—not undermine—living standards and working conditions in both the developing and the developed world. Too often, as in the case of Morocco, Thailand, and elsewhere, economic growth is built on the systematic repression of its domestic labor force. The workers rights provision in this trade bill will contribute to stopping child labor, foreign union-busting, and subhuman working conditions in the developing world, so that all countries can compete on the quality of their product, not on the misery and suffering of the people who make it.

The trade bill also strengthens section 301 procedures—our laws against unfair practices that bar our companies from competing in foreign markets. In cases where an existing trade agreement is violated, the U.S. Trade Representative must act to induce the violator to correct the action or provide compensation equal to the value of the harm done to U.S. commerce. The bill imposes time limits for actions by U.S. Trade Representative, and requires our trade representative to identify priority areas for trade liberalization and identify countries which consistently engage in trade distorting practices.

Finally, the conference report includes a plant closing provision, which the President has warned would cause him to veto the entire omnibus trade bill. This provision is a very modest one. It represents a sincere and honest effort to allay the concerns of various opponents of advanced notification.

Originally, the provision required employers to give communities and employees 180 days advance notice of anticipated plant closings. As ultimately passed, the bill requires only 60 days advance notice and provides several exemptions for size and situation.

Is that really out of line? Is it too much to ask that a company give an employee who has worked there for 20, maybe 30 years notice that he or she is going to be laid off? Is it too much to ask that a firm tell a community that depends on it for its revenue that it is pulling out of town?

Every civilized nation in the world—Japan, Western Europe, Canada, Australia—every one of them requires their companies to give their employees advance notification of a plant closing. If this trade bill is signed into law, the United States will join them. It's about time. If the President refuses to accept this provision, then I hope the House and Senate will override his veto.

While I support the bulk of this conference report, the bill does not contain a number of sections which I believe would have made it an even more effective tool for the conduct of our trade and economic policy, and includes a section which I oppose because it potentially could harm American ethanol producers.

First, the conference dropped a House-passed amendment that required an inventory of major foreign ownership in the United States. This provision, which I unsuccessfully tried to attach to the trade bill during Senate consideration last summer, is a simple and modest requirement.

The purpose of this provision is to require all foreign investors who acquire more than 5 percent of a U.S. business enterprise or of U.S. real estate to provide basic information about themselves and about the investment to the Department of Commerce. The amendment further requires that if the foreign investor has an interest of 25 percent or more in a U.S. company that investor must disclose the same kind of information currently required of U.S. companies whose stock is traded on the U.S. exchanges.

This provision is not designed to discourage foreign investment in the United States. It places no new restriction, limitation, preconditions, or preclearance requirements of any kind on any foreign investment in the United States. It simply requires disclosure of significant foreign interests in U.S. business and real estate.

We can no longer hide from the issue of foreign investment. In the last 7 years, foreign ownership of U.S. assets has tripled to $1.5 billion. That inflow ranks as one of the greatest financial transformations of the postwar era, helping turn us from the world's largest creditor into its largest debtor.

This issue will not die with the removal of the foreign investment provision from the trade bill. I have introduced S. 1697, the Foreign Investment Disclosure Act, which was the subject of hearings by the Senate Commerce Committee in March. I will pursue further action on this matter this year.

Second, the conference report does not contain the provision of the Senate-passed Alternative Agricultural Products Research Act. That bill provides for necessary research to broaden markets for our crops. The research is targeted to find nonfood uses for crops, such as biodegradable plastics, adhesives, and industrial oils. This effort would have considerable impact on the U.S. trade balance. It would benefit farm income and economic development in our rural areas. Moreover, it would result in a decrease of Government farm payments.

We have three choices in how we deal with the capacity to produce row crops. First, we can produce more and more, which results in lower prices for our farmers. Second, we can leave part of our capacity idle. Third, we can find new things to do with our capacity. The Alternative Agricultural Products Research Act provides for research to move vigorously toward that third choice.

The Senate acted wisely in adopting this amendment and in passing S. 970, a separate bill which I introduced, which embodies the language of this amendment. I was disappointed that the conferees dropped this measure and I express my strong hope and determination to see this proposal become public law.

Finally, I take strong exception to a provision that opens a strong loophole in the law for the duty-free import of ethanol shipped from the Caribbean Basin. This loophole will undercut domestic ethanol production, reduce demand for American-grown corn, and undermine efforts to encourage expansion of the U.S. ethanol industry.

This provision will permit certain trading companies to transship heavily subsidized European wine alcohol through Caribbean Basin countries to avoid the payment of import duties on fuel ethanol produced outside the Caribbean.

The Caribbean Basin Economic Recovery Act, adopted in 1983, imposed a 35 percent substantial transformation requirement before CBI ethanol could enter the United States duty-free. The 1986 Tax Reform Act substantially tightened that provision, requiring ethanol facilities in the Caribbean region to use increasing levels of local sugar cane in the production of fuel grade ethanol for duty-free export to the United States. That act required that by 1989 CBI producers use 75 percent CBI feedstock for duty-free treatment, incrementally increasing levels from 30 percent in 1987 to 60 percent this year. The omnibus trade bill exempts five Caribbean Basin companies from this feedstock requirement. This special treatment for ethanol imported from the Caribbean Basin is likely to displace sales of ethanol produced from domestic sources.

While I support the omnibus trade bill, I will continue to pursue the matter of duty-free ethanol imports in the United States. The conference report calls for the International Trade Commission and the General Accounting Office to conduct a study and report to Congress in 1 year with their findings the effect on the U.S. ethanol industry of the feedstock requirement for Caribbean Basin ethanol. This study should identify the importance to the Caribbean nations, as well as to the United States, of strong but fair feedstock requirements.

Furthermore, the ethanol provision should be reviewed as the Caribbean Basin Initiative comes up for reconsideration in the next 2 years. During hearings on extending the Caribbean Basin Economic Recovery Act, the question of setting an appropriate feedstock requirement for Caribbean ethanol must be pursued.

I supported the Senate position, which provided for an increase in CBI feedstock levels, and urged the Senate conferees to reject the House position to open up the U.S. market to duty-free CBI ethanol. I assure my colleagues that I will monitor the impact of this provision on our domestic ethanol industry and, particularly, its effect on the Iowa economy.

Despite this provision, I believe that the seriousness of the U.S. economic and trade crisis warrants adoption of the omnibus trade bill. In order to reverse the dramatic slide in our trade imbalance, we must strengthen our trade laws. We must enact new mechanisms for addressing the unfair trade practices of our trade competitors. And we must fund training and educational programs to help make our workers and our industries more competitive and to soften the impact of increased foreign competition. This bill marks a good first step toward reversing the decline of America's position in the world economy and strengthening our industrial and agricultural economies.

Mr. DODD. Mr. President, as I stand here to voice my strong support for the conference report on H.R. 3, the Omnibus Trade and Competitiveness Act, I can't help but think of baseball.

Playoffs. Two out, last of the ninth, man on third. They're at bat but we're up a run. So close to the end and the season flashes before your eyes. The quick start after spring training. The solid run up to the all-star break and then the long, hot, dry spells of August, so marked by highs and stinging lows that you can't believe September brought solid ground. Steady, stunning September when we found the rhythm, coalesced as a team, beat the odds to be where we are today: One run up, two out, last of the ninth. And what do you know, up strides their batting champ, the batting champ—baseball's Great Communicator. Suddenly, it's all very simple. He either makes an out or it's over. All the work, the months, all the comebacks, all gone with one stroke of the pen—bat.

The passage of this conference report is of vast importance to the future prosperity and competitiveness of our Nation. I just hope we don't choke in the last of the ninth under the threat of the Big Bat.

This trade conference report represents 3 years of tireless bipartisan effort. It is undoubtedly the most comprehensive review of U.S. trade laws in over 12 years. But even more than the collective effect of the individual provisions, the result of this massive trade conference is significant because of the message it sends both here and abroad that trade policy in the United States—what it is, how we make it, where we apply it, who it affects—is from now on regarded by Congress and the American people as central to the formation and application of both our domestic and foreign policy.

We have linked the reform of trade policy with Federal programs that can enhance our productivity and ability to compete in the global marketplace. We have broadened the trade debate to include provisions related to international education and training. We have sought to craft the trade debate to realistically define the reach of trade policy by understanding its limits, recognizing that the goal of trade policy is not to make the world over but to help us comprehend it and meet its challenge. We have worked to channel the trade debate to ensure that we promote free and fair trade without falling prey to punitive formulas for retaliation.

We have done it all after exhaustive debate and disagreement and deliberation and finally—decisiveness. And when the air clears of all the bombast, it can be said that we have done it while reflecting the views of the vast majority of Republicans and Democrats in this Chamber.

It's not perfect legislation, but legislation rarely is—as my colleagues would readily agree. I disagree with some provisions. But we've all had our day in court and the conferees have come up with a package whose component parts are supported nearly unanimously by the administration and Congress, Republican and Democrat alike.

And despite all that this bill accomplishes as the first of an ongoing set of commitments toward achieving long-term U.S. competitiveness, all we hear is talk of the inevitable stroke of the President's veto pen. Why?

It's not because the bill is too protectionist. It's not because of Toshiba or foreign investment disclosure or negotiating authority. It's not 201 or 301 or trade adjustment assistance. It's not because of export controls or intellectual property rights or workers' rights. In the last of the ninth with two out and one on, the Big Bat comes out to take on plant closings.

Let's talk about the plant-closing provision—both substantively and as it is construed as veto bait by the President.

Quite simply, under the provision, firms employing 100 or more employees are required to provide a 60-day notice to their employees and the community if there is to be a plant closing or massive layoff of 6 months or more. A massive layoff is defined as one that affects one-third of the full-time employees and at least 50 employees. In very large firms, massive is a layoff of at least 500 employees. An employer who fails to provide such notice would be required to provide the workers with a day's pay for each day such notice is short of the 60 days and would be liable for fines up to $500. There are numerous exemptions for employers, including, if there were economic circumstances that the employer could not foresee, or if such notice would interfere with attempts to keep the plant open or if the employer did not have such knowledge 60 days in advance. This provision would only affect 2 percent of all businesses in the United States while it would protect up to 49 percent of the U.S. work force.

In my view, the plant closings provision should hardly be construed as revolutionary or draconian from the perspective of either labor or business. Walter S. Mossberg wrote in Monday's Wall Street Journal, that the provision is a "modest" idea. In fact, I'll take a moment to defer to Mr. Mossberg's assessment. He wrote:

> * * * The plant-closings language is nothing more than a modest effort to make sure that a few companies inclined to do so don't hide plans to close a plant until the last minute, leaving workers and communities in the lurch. It is squarely in the tradition of such social reforms as the child-labor and minimum-wage laws. These act to soften the social consequences of free-market decisions and thus permit the market continued public acceptance without the sort of deep Government involvement often practiced abroad.

Does the plant-closings provision belong in this trade bill? Yes. When all is said and done and we look beyond the short-term implications of this trade bill, I think there would be unanimous agreement in this body in the hope that the overriding long-term effect of this legislation is to help increase our Nation's competitiveness. To do so cannot mean taking only trade specific steps. The goal of international competitiveness reaches far beyond trade policy's grasp. Competitiveness means investing now in our future—bolstering our own domestic foundations to improve our systems of education and training and enhancing our commitments to research and development. These are no longer investments that would be nice to do if we could afford them; they are investments that we must make because we cannot afford not to.

Investing in the well-being of the American labor force is part of our commitment to a competitive future for our country and that is what the plant-closings provision is all about. All the major developed countries in the world have provisions in law or practice that require advance notice. Our firms operating abroad comply with these provisions and many major union contracts in the United States already have provisions requiring 60 or more days notice. The plant-closings provision enhances the ability of workers to seek counseling and engage in training and retraining and it confers on our workers the respect and dignity that they deserve. What a small price to pay for the working men and women of America.

Why is the plant-closings provision veto bait? In all candor, I don't know. The substance of the issue doesn't warrant it. The collective wisdom of the myriad of analyses on the subject agrees that it is a modest and competitive enhancing proposal. What is certain is that the veto threat emanating from the other end of Pennsylvania Avenue threatens a fundamental legislative accomplishment, and as such it is both myopic and reckless.

But it's a political year and in political years as in playoff games there are hidden agendas and smokescreens and secret weapons and psyching the other guy out—wearing him down, staring him down, hoping that he chokes in the last of the ninth with one on and two out and the batting champ striding toward the plate. And so I come back to baseball.

Take it from a Red Sox fan—when you choke in the last of the ninth, one out away from victory, it's a long time between playoffs. But when the team rallies to take on the batting champ and he strikes out—even lines out—in the last of the ninth, the victory is sweet. The most formidable bat never beat a team that was united in its determination to succeed.

That kind of determination exists in this body to see to it that we pass this trade bill conference report with enough votes to assure an override of the President's veto.

Mr. WEICKER. Mr. President, I rise today to support the Senate adoption of the conference report of H.R. 3, the Omnibus Trade and Competitiveness Act of 1988. Congress has labored on the issue of trade legislation reform for 3 years and on balance I believe that a good bill has been crafted. A veto of H.R. 3 would be disappointing and unjustified.

There are three major achievements in this bill. First, for the administration, the bill grants the President authority to negotiate and sign trade agreements with our trading partners. Additionally, the administration is given greater powers to eliminate unfair trade barriers and open overseas markets to our exports. Second, for U.S. businesses, the trade bill reforms and streamlines our export control laws, gives greater protection to intellectual property rights and patents, and enlarges U.S. export promotion and marketing programs. Third, the Nation's working men and women will be given greater assistance in coping with the impacts of international competition, and benefit from education and vocational programs to enhance the teaching of foreign languages, math, and the sciences. The bill also includes a humane requirement that employees be given advance notice of the closing of a business or plant.

Mr. President, as a conferee on H.R. 3, I know full well the efforts that were taken to fashion a bill that would not be protectionist. However, let's recognize that this is a strong bill and with reason; our trade deficit was $156 billion in 1986 and $171 billion in 1987. While I believe budget deficits are still the largest hurdle to overcome in eliminating the trade deficit, there is a compelling need to enact H.R. 3 to reform our trading system and put our Nation on a more competitive footing in world markets.

As ranking member of the Senate Small Business Committee, I worked closely with my colleagues to develop new initiatives to help and encourage small businesses to export. As hearings before the committee clearly demonstrated, thousands of small businesses have the potential to enter export markets if given the assistance and training. The Small Business Committee's contribution to H.R. 3 provides $5 million for small business development center export assistance grants to provide export related services to small business. Small Business Administration [SBA] loan levels are increased to provide small business with additional capital for increased manufacturing and export resources. Another $3.5 million is slated for the SBA's Office of International Trade to make more staff, resources, and information available to small business as they seek to enter or expand their presence in world markets. I believe that all of these provisions are sorely needed.

I am disturbed over the threatened veto of the trade bill because of provisions requiring the advance notification by employers of the closing or expected layoffs at a business or plant. Specifically, H.R. 3 would require 60 days advance notice of a plant closing that results in employment loss of at least 50 employees at a specific site, or a layoff of more than 6 months. No employer with fewer than 100 full-time employees is covered by these requirements. Exceptions to the notice requirements are provided for unforeseeable business circumstances, faltering companies, and closure or layoffs from temporary projects or undertakings. Opponents of this provision contend that, while on their face these provisions are relatively innocent, they represent "the nose of the camel under the tent" in terms of further congressional intervention in business dealings. Let me say very clearly that I support these notification requirements. An employee and the community deserve to be notified of the loss of a job or the closing of a plant in order to prepare for the personal, economic, and social consequences.

Mr. President, I urge my colleagues to approve the conference report. Congress has worked hard and responsibly to develop a trade bill to increase our competitive standing in world commerce. This legislation is worthy of the Senate's support.

Mr. WALLOP. Mr. President, there are many objectionable provisions in this conference report, aside from the plant closing provision most frequently mentioned by those upset about the way this trade bill has been finalized. When the Congress of the United States deliberately throws away the interests of one State, we are all in trouble. And with this legislation now before us I fear that we are in trouble.

How can this bill in any seriousness be called the Omnibus Trade and Competitiveness Act of 1988, when provisions in it deliberately set out to kill any so-called competitive edge this bill was originally designed to create?

If this bill was truly designed to enhance and expand American trade, then it would not contain provisions that single out one energy-producing State in this country and slap it with strict, restrictive export controls for refined petroleum products. Mr. President, I am referring to the provision in this "Trade and Competitiveness Act" that prohibits a new refinery in Alaska which refines Alaskan crude from exporting more than 70,000 barrels per day of refined petroleum products. This provision is absurd on its face, and insulting in its entirety. Already, Mr. President, thousands of barrels of Alaskan crude are sent to California, refined, blended, and then shipped out of the country. This legislation makes Alaska nothing more than a slave State, and it tramples on the rights of all small States.

What next? Why not tell the State of Wyoming that in spite of the fact that we have one of the world's largest deposits of trona, that we are only allowed to export 12,000 tons of the refined soda ash product for overseas export. The trona could be shipped to another State and then processed there for export, but under this scenario, similar to what is now being imposed upon Alaska, the State of Wyoming would still only be able to export 12,000 tons of soda ash for foreign export. The idea is absolutely absurd, as is the provision included in the trade bill on Alaska. It sets a terrible precedent.

With all the rhetoric on this legislation, one would have to assume that the United States, and the President, have done absolutely nothing in the trade area for the last 7 years. It should come as no surprise that what the administration has done has not been mentioned by the proponents of this trade bill. What has been done? Let me just list a few of the trade actions that have been taken by this administration. While the Congress has been talking action, the President has been taking action.

Some of these actions have included import quotas on sugar, the voluntary import quotas on Japanese auto imports in 1982, motorcycle import duties, textile import quotas and stainless and specialty steel quotas in 1983 and protection for U.S. clothing producers in 1984. And, there has been more. In 1985 there were 5-year quotas placed on machine tool imports, there were tariffs on pasta from EEC nations and restraints on woodchip imports from Canada. Then in 1986, Hong Kong, South Korea, Taiwan, and Japan limited textile exports to the United States; import restrictions were placed on Canadian shingles, and Japan and Taiwan voluntarily restrained machine tool exports. Have we forgotten the trade restrictions imposed on Japanese semiconductors and Chinese textile exports? Unfortunately, the memory capabilities of the majority of the Members of Congress has to be characterized as convenient.

Mr. President, we have not been idly sitting on our front porch watching the world go by. We have acted, the President has acted. I, along with others, do not believe that the authority to take retaliatory action against unfair trading practices should be transferred to the Office of the Special Trade Representative.

I also do not believe we should even be contemplating slapping all the consumers in America with a hidden tax on the foreign products they may choose to buy. That is also what this legislation does, aside from the plain and simple fact that this import tariff to fund the Trade Adjustment Assistance Program is now illegal under GATT. I ask you, does this make us more competitive as a Nation? I think not.

Unfortunately, the majority of the Members of Congress have swallowed the myth that America has lost its competitive edge—that now we can only try to close our market to ourselves and to buy only what we make—that we now must assume the role of the economic and industrial student, rather than the world's economic and industrial teacher.

To those who insist upon this black prophecy, I say rubbish. We must never lose faith in ourselves as an economic leader, innovator and achiever because the rest of the world has not. Japan certainly has not. In 1985, the United States was home to an estimated 44 percent of Japan's overseas investment.

I read an interesting article recently which contained several statements of Hiroshi Takeuchi, chief economist of Japan's long-term credit bank as believing that Japan's wealth is coming to America because it represents the best potential return on investment. he also said that:

> The Japanese role will be to assist the United States by exporting money to rebuild your economy. This is evidence that our economy is fundamentally weak while your's is fundamentally strong.

Throughout most of our 200-plus years of existence as a Nation, the United States has been a net recipient of foreign investment. We should welcome the return of global confidence in the strength and vitality of our business environment.

In terms of job creation, the United States has no equal in the entire world. Since 1982, about 13 million net new jobs have been added to the U.S. economy, and since 1975 that figure is over 25 million. And, in spite of what critics say, all those new jobs have not been flipping hamburgers at the local Burger King. Also included in that growing service sector are jobs for computer technicians, software specialists, accountants and health care workers.

And, America is not losing its manufacturing sector. On the contrary, it is only growing stronger and more efficient. In 1960, some 20.8 percent of our gross national product was generated by manufacturing with 24.8 percent of the work force employed in that sector. By 1984, manufacturing accounted for 21.8 percent of GNP, but employed only 16.2 percent of the work force. The actual number of manufacturing employees has remained the same at around 20 million.

U.S. manufacturing output per worker is still the highest in the world in absolute terms. Each American worker produced approximately $31,000 worth of goods in 1981 for instance, compared with $23,700 that year for each Japanese worker and $24,900 per German worker. Recently because of incentives provided by foreign competition along with Federal tax cuts and reduced Federal regulation, our past trend toward low productivity growth is reversing itself as well.

Contrary to what has become a recently ingrained belief fostered by the Democratic Party, America's tradition of inventiveness and productivity does still continue today. It continues in the manufacture of computers, program software, superconductors, biotechnology and advanced medical equipment. In this last decade the United States has created more jobs and grown faster than most of its advanced competitors.

It may just come as a surprise to most Americans, as Washington Times columnist Warren Brookes has pointed out, that since 1982 Japanese employment has risen only 3.5 percent, in a period when United States employment soared more than 11 percent. American workers and consumers are increasing their living standards; Japanese are not.

We are making a political issue out of a global economic issue, and I fear our businesses, both large and small, our farmers and our ranchers, our manufacturers, and our service companies will suffer for it. Mr. President, when this bill originally passed the Senate, an article appeared in the Wyoming State Tribune last year which forecasted the potential loss of up to 300 jobs in my home State. In my opinion, this conference report is no real improvement over the Senate-passed bill, and I do fear that my State which is just on the edge of expanding its export markets in soda ash, coal, beef, wool and many other agricultural products will surely suffer as a result of this legislation. Mr. President, I ask that this article, as well as an editorial from today's Wall Street Journal, "Politics vs. Reality," be printed in their entirety immediately following my remarks in the Record.

Mr. President, I will vote against this conference report, in an effort to protect my State from losing jobs, and from losing the export ground we have worked so hard to gain in the last decade. I believe this legislation not only throws away the interests of Alaska, but Wyoming and every other State in America. It does not make us more competitive, but it will make us less competitive.

There being no objection, the material was ordered to be printed in the Record, as follows:

Trade Legislation Said Threat to 300 State Jobs

A national group opposed to protectionist legislation claims Wyoming could lose 300 jobs if major trade legislation now before Congress is approved.

The 300 jobs represent 3 percent of the total manufacturing employment in Wyoming, said Richard Fink, president of the Citizens for a Sound Economy.

"If the U.S. embarks on a binge of protectionism, we can fully expect other nations to retaliate against American exports," Fink said this week.

Fink noted foreign export of Wyoming products has risen by 1,800 percent in recent years, from $6 million in 1977 to $114 million in 1983 and said that represents 5 percent of all manufacturing in Wyoming.

He said $33 million of that $114 million was in agricultural products—6 percent of the state's total agricultural production.

All nations being threatened with new U.S. tariffs have said they will retaliate, Fink said.

"Wyoming risks losing major exports if the U.S. falls into the trap of charge and counter-charge on trade," Fink said.

Fink said 3,258 Wyoming jobs are directly dependent on foreign export sales.

Some of the legislation CSE is trying to defeat includes new tariffs against any foreign country which refuses to reduce its trade surplus with the United States.

"We urge Congress to enact legislation that will expand trade, not restrict it," Fink said. "Congress must not overlook the enormous and unjustifiable cost to American consumers of slapping on import controls.

"A protectionist trade bill would do great damage to the U.S. economy. It must be avoided at all costs."

Politics vs. Reality

Business is embarked on a capital-spending binge, yesterday's Commerce Department economic statistics made clear. New factories, machine tools, computers, bulldozers, trucks, rail cars and what have you are being bought at a rate 32.5% above a year ago. Clearly something very interesting is going on. Clearly as well, some of our most vocal politicians are trying desperately to pretend it isn't happening.

Boards of directors don't sink billions of dollars of shareholders' money into heavy equipment unless they are optimistic about the business future. Neither last fall's stock crash, nor the advanced age of the current economic recovery, nor the pessimism of some of our more lugubrious economic philosophers is deterring them.

There are micro as well as macro reasons. On the micro side, rapidly advancing manufacturing technology—utilizing newly invented computer software to control orders, production and distribution—makes possible sharp gains in manufacturing productivity. Economist Paul Craig Roberts says the improvements are the highest of the postwar era, averaging 4.6% a year compared with 2.3% in the 1970s, 2.7% in the 1960s and 2% in the 1950s.

Productivity increases generate wealth. Rising wealth creates new jobs, more than replacing the old jobs lost through the new efficiencies. That is why the sharp rise in productivity has been accompanied by a sharp decline in unemployment, to the lowest level in 14 years. Assertions by union leaders and liberal politicians that the new jobs are inferior are simply wrong. Practically any computer job is superior to an assembly-line job in pay and working conditions to cite one example. Some individuals laid off by the new technology may indeed fare worse, but in a macroeconomic sense, the proof of the pudding is to be found in statistics that show the real, disposable personal income of Americans rising at a robust 2.6% annual rate.

But, the political rhetoricians ask, what about the trade deficit? Well, the trade deficit, as nearly as it can be measured (which is to say hardly at all), fell in the first quarter. But aside from that it is not entirely clear what it is about the trade deficit that is supposed to worry us other than the way it is being used to try to pass a monstrous trade bill. For example, there should be little to worry us in the fact that multinational companies, both foreign and domestic, are buying the most advanced production equipment they can find in Japan and Europe to equip factories in the U.S. They also are ordering large amounts of American equipment, as a sharp rise in machine-tool orders since last summer attests.

And what about the federal budget deficit? Well, estimates of that are being pared as well, to somethng under $150 billion. A buoyant economy, it seems, has caused federal revenues to rise faster than was expected.

Which brings us to the question of whether federal policy has had anything at all to do with this resurgent economic vigor. The first answer is that a free people make their own economy through hard work, imagination and willingness to take risks. The second answer is that federal policies are indeed important. They determine whether there is a climate for growth, or suffocation.

We now have a climate for growth. It is no accident that business is expanding rapidly in the first year of the full impact of the 1986 tax reform. New supply-side tax rates, a product of more than 10 years of political effort, are in place. They are doing exactly what we and all those others who fought for them said they would do, encouraging work and investment. The federal tax code no longer can be said to penalize success. When you don't penalize success, you get more of it.

Government is containing inflation. Commerce put the first-quarter GNP deflator—the most comprehensive inflation measure—at a relatively benign 2.4% annual rate. That is below the 2.7% rate in the fourth quarter last year. The high inflation of the 1970s wipe out a large chunk of the nation's capital, not to mention its infrastructure. That lost capital now is being replaced by new, more efficient capacity.

None of what we have described above is anything like what we are hearing from Messrs. Jackson and Dukakis on the campaign trail or from Senate Majority Leader Byrd as he explains how shutting down foreign trade is going to make us all rich. The politics of decline is alive and well in the Democratic Party and receives an inordinate amount of attention from the Washington-centered press. But something quite different from the politics of decline put all those impressive economic numbers on the board: the politics of growth.

Mr. DASCHLE. Mr. President, I feel compelled to rise to address some of the erroneous statements that have been made in this Chamber and in the media regarding this legislation.

I am particularly concerned that some have attempted to mischaracterize the agricultural section of the bill as a weak attempt to improve our declining position in agricultural trade. Obviously, this legislation will be an important tool to reverse the precipitous decline in our agricultural exports.

It should be obvious to any informed observer that the number of producer organizations supporting this conference report is proof enough of the benefit this will present for the agricultural economy. Those farm organizations formally endorsing this conference report include the National Farmers Union, the American Farm Bureau, the National Association of Wheatgrowers, the Rice Millers' Association, the American Soybean Association, and the National Farmers Organization.

The agricultural provisions follow the same standard that I applied to the entire trade bill. They force the President to take action on agricultural trade. It is far from a toothless bill, as one Senator described these provisions. As the Senator from Texas, the chairman of the Finance Committee said, "this bill does restrict the President's discretion. It restricts his legal authority to do nothing."

Some have charged that the triggered marketing loan and the added authority for the export enhancement program are totally discretionary and might be changed by the 1990 farm bill. Obviously, when one reads the provisions agreed to by the conferees, the language is anything but discretionary.

This administration has placed great emphasis on the GATT negotiations and the potential that an international agreement will be reached on the elimination of agricultural subsidies. Any impartial observer of these negotiations would have to conclude that they have been less than successful to date.

In very strongly worded language, this trade bill directs the President to implement a triggered marketing loan if multilateral subsidy negotiations fail within the next 2 years. All agricultural experts understand the effect that the cotton and rice marketing loan had in improving the exports of those commodities.

It is equally understood that most of our foreign competitors are justifiably concerned that such a marketing loan might be implemented by the United States. The mere threat of a marketing loan may well do more to advance these subsidy negotiations than all of the recent discussions between our trade negotiators.

The bill requires the President to activate a marketing loan for the 1990 crop, which obviously will occur before the 1990 farm bill is considered by Congress, if sufficient progress has not been made to reach this international agreement. Only if he certifies that this marketing loan will harm his negotiations can he choose not to activate the marketing loan.

In that case, an expanded Export Enhancement Program must be implemented unless this would also harm his negotiations. Both of these programs are placed on the President's desk to spur on these negotiations. He cannot simply choose to do nothing, which would truly be the result of a discretionary program.

If any President chose not to use these programs without just cause, he would be in violation of the law, and neither the Congress, nor the Senate Agriculture Committee would stand still for such a clear disregard of congressional intent.

Second, this legislation extends and increases by 150 percent the authorization for the Export Enhancement Program [EEP]. This program was originally included in the 1985 farm bill. It has been the single most important export tool in regaining the market position we have earned during recent months in agricultural exports. The mere mention of the Export Enahancement Program brings complaints from our foreign competitors who are well aware of its effectiveness in the international market.

In addition, a concern has been raised about the effect this legislation could have on the domestic ethanol industry. As a long-time supporter of alternative liquid fuels development in this country, no one is more sensitive than I to the threat of unfair competition in this area. With this perspective in mind, I am confident that a potential threat to domestic producers has been averted through the efforts of the Senate trade bill conferees.

During the initial stages of the conference on the trade bill, the House advocated an open-ended CBI ethanol provision which could have opened the doors to unlimited volumes of Caribbean ethanol. This proposal would have allowed ethanol producers in Caribbean basin initiative [CBI] nations to transship non-CBI alcohol through CBI countries to avoid paying an import duty until 1992.

The practice of simply dehydrating non-CBI ethanol in CBI countries for the purpose of avoiding tariff is unfair to the domestic ethanol industry and is inconsistent with the spirit of the omnibus trade bill. I am pleased that the conferees have acknowledged this fact in the final conference agreement.

As a result of our insistence on the Senate side, several modifications were made to the House CBI ethanol proposal which protect the legitimate interests of the domestic ethanol industry against unfair foreign competition. First, the conference agreement only affects five Caribbean facilities which made capital investments before the CBI loophole was closed by enactment of the Tax Reform Act of 1986. Second, the provision expires at the end of 1989 when all CBI producers will be required to meet the local content requirements established in the Tax Reform Act. Third, strict volume limitations have been imposed by this bill on each Caribbean facility in the House amendment, which insures that the floodgates will not be opened to ethanol imports. And finally, only two of the five companies covered by the provision are currently on-line and producing, which is expected to reduce the actual import level below that set by the Senate ceiling.

Mr. President, the Senate conferees have insured that imports of dehydrated product from Caribbean countries will be substantially below the levels that could be harmful to the domestic industry. In fact, certain domestic interests have advised me that the potential adverse impact of the House language has been greatly diminished by these limitations.

It is my hope that the Congress will build on this foundation in subsequent legislation to further promote the interests of the domestic ethanol industry by carrying forward the promising market expansion that has begun in the past year. Such expansion holds tremendous promise for our farmers, our motorists and the environment of our congested urban areas.

There also has been erroneous statements made regarding the cost of this legislation. Some have labeled this conference report with a $6 billion price tag. Once again, this misses the mark by a wide margin. The Congressional Budget Office is unable to substantiate any such figure, and in fact, estimates the total first year authorizations of this trade bill at $1.8 billion. Of that, only approximately $200 million are actual outlays.

Another erroneous assertion was made that this conference report will mandate a $500,000 payment to a Washington law firm. Nowhere in this bill can this be found, because, quite frankly, it doesn't exist. The legislation does authorize the Secretary to provide financial assistance to producer groups fighting foreign attacks on our domestic agricultural programs, such as that encountered by the Nation's corn producers against a Canadian subsidy suit.

Some Senators have expressed concern that the section 301 changes in this bill may result in retaliation against agricultural exports, if not used properly by the President. Obviously, that is the case now. Retaliation against agricultural products could occur as a result of existing section 301 complaints.

These section 301 provisions, in part sponsored by a bipartisan list of Senators, including Senators BYRD, DOLE, RIEGLE, and DANFORTH, will require the President to aggressively pursue unfair trade practices. At the same time, however, limited discretionary authority is provided the President to balance the needs of specific economic sectors, such as agriculture.

The list of agricultural organizations endorsing this legislation is all that needs to be said to put this concern to rest. If retaliation were a real possibility, you can be certain these organizations would not be supporting this bill.

Finally, this legislation contains one of my provisions that forces the President to take action against countries using meat inspection requirements as poorly disguised trade barriers.

Let me conclude, Mr. President, by saying that the agricultural provisions of the trade bill are by far as important as any single agricultural program I have supported. Any President who understands the importance of trade and is a tough trade negotiator will thank the Agriculture Committee and this Congress for providing him with the tools he needs to negotiate away trade barriers.

No longer will any President be able to stand idly by while our trade position drops like it has during the past 6 years. This legislation will improve our bargaining position in the international market. It will also make certain that action, rather than silence, is the response agricultural producers receive when they seek the assistance of this Government in fighting unfair trade barriers.

It is the reason why it has received bipartisan support from the Agriculture Committee. It is the reason why the House has approved this language. And, it is the reason why agricultural producer groups from across the philosophical spectrum support this bill. That is why it should receive the support of the Senate and should be signed into law by President Reagan.

Mr. BENTSEN. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Texas has 2 minutes and 45 seconds.

Mr. DOLE. I yield any time I have left.

Mr. BENTSEN. I thank the distinguished leader for the minority.

Let me say that I have always enjoyed the exchange in working with the distinguished Senator from the State of Kansas. He is an able leader for his point of view and his party.

My concern is that this trade bill is not a Phoenix that is going to rise suddenly from the ashes, pure in form.

I heard someone earlier say this was not a perfect bill. I have been in the Senate now for some 17 years. I have not found that perfect bill. Many times I wish I could just vote for 95 percent of a bill. But you cannot do that. You vote it up or down.

I think this is good legislation. What we have done is say to the President of the United States that you are going to be denied something that exists under present law. You are going to be denied the opportunity, in time of trade crisis, to do nothing. The President has to respond.

The bill calls for accountability on the part of the President. Not this President. We are talking about the next President. We do not know whether he is going to be a Democrat or a Republican. But this is a bipartisan piece of legislation.

I can go through a long list of Republican Senators and Democratic Senators who have been a part of this compromise. I can tell you of the innumerable times we have met with this administration to accommodate some of their desires and some of their concerns.

If this piece of legislation does not pass, I can tell you that under the present laws, the only mandatory laws are the laws limiting imports into our market.

Our tariffs are permanent laws. Our antidumping and countervailing duty laws, which assess penalty duties against unfair imports, are permanent laws which mandate action. But our laws to open markets and negotiate reductions in foreign trade barriers are not mandatory. Some of them are not even enforced.

So if this bill is not enacted, we will leave the next President with the authority to restrict trade, but not the authority to open it.

That concerns me because we have seen a rise of protectionism around the world. We have seen a return to mercantilism, there is very little free trade left. What this bill does is to open markets, to encourage trade around the world so all nations can prosper.

We have a bill here introduced with 48 cosponsors to give this Nation a bipartisan trade policy for world leadership and competitiveness, based on a consensus between the executive and legislative branches here at home. To lose this chance over a peripheral issue like plant closing notification is much too high a price to pay.

For those who think we will automatically have a new bill, that is not the way it is. All those amendments that were offered before can be offered again. We have a very crowded agenda on the Finance Committee and on the floor of the U.S. Senate; high priority items to accomplish. The House can have a closed rule, but that is not the case here under our rules. The fight would have to be taken up again. The weeks and weeks we spent on the floor of the Senate and the months and months we spent in conference negotiating out the differences, those are the choices. That is what we face again.

The bill has provisions that affect every Senator. We are talking about trying to promote agriculture and restoring our fair market share in the world for U.S. farmers. We are talking about repealing an unfair windfall profits tax that is a disincentive for drilling in this country. We are talking about protecting patents and copyrights, and the research money that has been spent in this country on intellectual property when it is stolen by others and shipped back to us in the form of products. These are the things that are in this legislation, that we will let pass by if this bill goes down the tube.

I ask my colleagues, Democrats and Republicans alike, to vote for a major piece of trade legislation that will help open up the markets of the world.

Mr. President, do I have all the time remaining?

The PRESIDING OFFICER. The Senator has 42 seconds remaining.

Mr. BENTSEN. I am asking, are there others who have time remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has time, and the Senator from Texas, Senator GRAMM, has time.

Mr. BENTSEN. I retain my time. I yield the floor to the two Senators.

The PRESIDING OFFICER. The Senator from Texas, Senator BENTSEN, retains his time.

Mr. BYRD. Mr. President, Mr. GRAMM, I understand, does not wish to utilize his time.

The PRESIDING OFFICER. The Senator from New Hampshire, Senator RUDMAN, has 2 minutes.

Mr. BYRD. Mr. President, I am informed by the staff on the other side of the aisle neither Mr. GRAMM nor Mr. RUDMAN wishes to use the time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the conference report.

Mr. BYRD. Mr. President, I ask unanimous consent that the call for the regular order be automatic at the close of 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The yeas and nays have been ordered, and the clerk will call the role.

The assistant legislative clerk called the role.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—63

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Heflin
Heinz
Hollings
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nickles
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Stennis
Weicker
Wirth

NAYS—36

Armstrong
Boschwitz
Cochran
D'Amato
Dole
Domenici
Evans
Garn
Gramm
Grassley
Hatch
Hatfield
Hecht
Helms
Humphrey
Karnes
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Pressler
Proxmire
Quayle
Rudman
Simpson
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NOT VOTING—1

Biden

So the conference report was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECOGNITION OF SENATORS BENTSEN AND DANFORTH

The PRESIDING OFFICER. Under the previous order, the Senators from Texas and Missouri are recognized for 5 minutes each.

The Senate will be in order. The Senate will be in order. Those Senators who have conversations that do not relate to the business before the Senate please adjourn to the Cloakroom.

The Senator from Texas.

Mr. BENTSEN. I yield my time to my distinguished colleague.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, I thank the Chair. I thank the Senator from Texas.

I note that the Senate is not in order.

The PRESIDING OFFICER. The Senate is not in order. Those Senators who have business other than that before the Senate please adjourn to the Cloakroom.

The Senator from Missouri is recognized.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Those Senators who have conversations that do not relate to the business before the Senate please adjourn to the Cloakroom.

The Senator from Missouri is recognized.

Mr. DANFORTH. Mr. President, I want to express my appreciation to all those who have supported this bill and worked so hard for its enactment—especially to Senator BENTSEN, the chairman of the Finance Committee, who has really done a remarkable job of negotiating on this bill and bringing it to the point where it is now.

I also want to express my appreciation to the majority leader, Senator BYRD, for his considerable effort; and to the many staff people who have worked so hard on this, especially Jeff Lang and Josh Bolten of the finance majority and minority stall; Sue Schwab and Marjorie Chorlins of my staff; and so many more.

Mr. President, I wanted to give my thoughts as to where we are now and where I think we are going from here.

First, let me say that I believe that this bill is dead. I said that a week ago last Thursday when the decision was made to keep the plant-closing provision in the legislation. I did not believe at that time it was possible for us to avoid a Presidential veto with the plant-closing measure in this legislation. Nor did I believe that there was any more than an outside chance of overriding a veto. It is not that I am against the plant closing provision as it appears in the bill. I think it is a perfectly reasonable provision. But from the outset, it has been clear to me that the bill just could not carry it. This legislation has gone on for so long. We have been working on it for so long that it has been a marathon. It has been somewhat like swimming the English Channel, but with an added element. It is as though you get about a mile from the shore, and somebody hands you a 200-pound barbell and says, "Will you please carry this barbell the last mile? We simply could not do it. So the bill is going to be vetoed.

We had 63 votes for the bill. That is in my opinion, the high water mark. We might lose a few in the meantime. I do not think we are going to gain any more. So it is my judgement that we should face reality and recognize that the chance of overriding the President's veto is nill.

The following question has been raised repeatedly: Is it possible for there to be a second bill? I have said in arguing for this legislation that it is doubtful. It is doubtful that we can have a second bill. But, Mr. President, that is where the action is going to be now. The question is whether we can proceed with legislation without the plant-closing provison. We cannot pass a trade bill with the plant closing provision in it. So can we have a bill? I do not know. I hope that we can.

We have come so far with this legislation. It is really remarkable, when you think about it, what we have accomplished. We have produced a consensus on what trade legislation should look like. We have a consensus that involves a strong majority of the House and of the Senate. We have a consensus that includes both the business leadership of this country and the labor leadership of this country, except on the issue of the plant-closing provision. Even the President is apparently willing to sign onto the bill. At least that was the word I was getting from the administration; that except for plant closing, the President would have signed the bill. This consensus on what trade legislation should look like is itself a mighty accomplishment. I think we should take some heart from that accomplishment. It would appear, then, that we are in a position to pass another trade bill. Whether we can do so is up to the administration, and it is up to the leadership of the Congress.

It is partly up to the administration. What will the veto message look like? If the veto message focuses on plant closing, and maybe the Alaskan oil issue—a very short list—I think that would be a very encouraging sign from the administration. If, on the other hand, the administration has a very long list of all the complaints anybody can think of about the details of the bill, that clearly would be a sign to the Congress that the administration is not serious about trade legislation this year.

Similarly, the question of whether or not we are going to have another bill is partly up to the leadership of the Congress. Are our friends on the other side of the aisle willing to press forward with a bill that does not have the plant-closing provision in it? Do they want a trade bill passed this year or do they not? All of us are politicians, and I understand the value some may see in having this bill as a political issue rather than as the law of the land. But that is a question that will have to be asked on the other side of the aisle.

Then, of course, there is the question of time. But I think that if we want a bill badly enough, we will make the time. We will make the time to pass it, and we will make the effort to keep that bill streamlined and simplified, the kind of thing that the President would sign.

Mr. President, we have come a long way. This bill is dead, in my opinion. But the trade components of this bill are very much alive.

This particular vehicle, I think—I am confident—cannot survive. But the trade legislation in particular, worked out between the Finance Committee and the Ways and Means Committee, surely can survive. It is important legislation, and there is a future for it.

So it is my hope that the administration, in preparing its veto message, will keep that message as streamlined as possible and that they will show that they want to enact trade legislation; and, further, that the leadership of Congress, both in the House and the Senate, will begin working today to pass a bill which the President can sign.

Mr. BENTSEN. Mr. President, will the Senator yield?

Mr. DANFORTH. I yield.

Mr. BENTSEN. Mr. President, there can be absolutely no question about this side of the isle wanting a trade bill. We had only one on this side of the aisle who voted against it—almost unanimous.

There can be no question about the chairman of the Finance Committee and the chairman of the Ways and Means Committee wanting a bill. We have devoted months on end working on this piece of legislation, because we think it is very important that Congress share in this responsibility.

There can be no question about our having had bipartisan support for this and having negotiated time and time again with this administration and making concessions to them.

As the distinguished Senator from Missouri was citing the other day, we had two of the Cabinet officers in my office. They said, "We just have to have something more out of these negotiations," and I brought out four pages of single line items that we had conceded or changed or compromised to try to help them.

You just do not get a perfect bill around here. This is a consensus bill, and I think it is good legislation. Whether or not we will be able to bring it back if it is vetoed and we cannot override it—and obviously the odds are very much against us. We had an exact count on what this vote was. We said it was 63 to 36 this morning, because people had taken positions, and it would be quite an uphill thing to try to get them converted. I do not give up hope on that, but it is obviously uphill. To bring it back again and go through the months and months of negotiation, we do not have the time to do that. It is going to be exceedingly difficult to do.

I think it is a high risk on the part of the administration to do this, if they want a bill. I am not sure they want a bill. It will be recalled that they came in with 11 more items they wanted that day, and we could not get them to say that plant closing was the only item. We never could get them to say that.

I do no know what the final result will be. I want to say that the distinguished Senator from Missouri has been an enormous help on this piece of legislation, has given long hours of commitment. We both obviously think it is a good piece of legislation. We have to see what we can work out.

I know what the agenda is. I listened to the majority leader of the Senate and I listened to the Speaker of the House going over the agenda for the rest of the year. I said: "You have forgotten a few extras like technical corrections and our committee taking up the welfare bill."

We listened to the Prime Minister of Canada today, and we still have the trade bill to take up and finish. We have not finished the conference report on catastrophic illness because we have been tied up on this piece of legislation.

I hope, if this does not work out, we can do something about it.

Mr. HATCH. Mr. President, will the Senator yield?

The **PRESIDING OFFICER.** Under the time allocated under the previous order, all time has expired on this matter.

Is there a request for additional time?

Mr. HATCH. I ask unanimous consent that we have an additional 30 seconds.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. HATCH. Mr. President, I can say to the distinguished Senator from Texas that I know he has worked very hard and long on this bill, and he has had mixed emotions about it.

If the plant closing legislation is taken out, I think we can pass the final conference report, and that will please everybody, or virtually everybody, on both sides of the aisle. It really comes down to that, and I think the White House will have to accept it. That is what I suggest has to be done. If it is done, I think we will have a bill here and I think everybody will be pleased, and this Senator will vote for it.

Mr. KENNEDY. Mr. President, as one who has felt very strongly in support of the plant-closing provisions, I am quite amazed that after we have had a vote of 63 Members of this body, after we have had 63 votes, which is enough to stop a filibuster, bipartisan in nature, one of the real architects of this program is suggesting that Congress change its mind. That message of 63 ought to be that the President change his mind.

I listened to the Senator talk about barbells and the last mile across the English Channel. What about barbells on the backs of American workers?

Ten million have lost their jobs. Forty thousand plants have closed down over the period of the last 8 years. The Bureau of Labor Statistics says two-thirds of them had no notice whatsoever. Barbells?

Mr. President, I quite frankly cannot remain silent when we have just had the most extraordinary work that has been done by the chairman of the Fiannce Committee, Senator BENTSEN, working with the Republican members of that committee, over many months, and concerned about a wide range of different industries and interests. Now, at the last hour, when we send this down to the President's desk, someone comes up, after all that work, and says, "Throw in the towel."

I would certainly hope that the advice of the Senator from Missouri would be rejected by this body and that the message that would go down from this body is that the President of the United States change his mind.

All that is being asked here is decency and notification. You are going to lose your job. You worked in that plant 30 years. Give them 60 days.

Mr. President, the thing I cannot understand in the debate on this matter, in opposition to this provision, is that they say it is not relevant to the trade bill. We have a billion dollars in there for retraining workers. Many of those workers have lost their jobs. Whether it is currency fluctuation, trade barriers, whatever, they have lost them.

What we have recognized during the course of this debate and the course of the hearings is that if you take that billion dollars, with 60 days' notice, you are going to increase the value of that investment by 2—$2 billion. Whose money is this? It is taxpayers' money. They have an interest. Barbells? Taxpayers' money. They have an interest in that.

After all is said and done about plant closing, our greatest competitor, Japan, has a plant closing bill. It does not slow down their economy. OTA did a study in terms of plant-closing provisions in Canada, reviewing not only Canadian industries, but also American industries doing business in Canada. No objections. It is working.

Now we hear, Mr. President, after all this work we got to throw in the towel. This Senator is not prepared to throw in the towel. I give assurance that there is going to be some effort to circumvent this body in terms of piling up the goodies that exist in this for special industries. We are going to debate that plant closing again day in and day out.

I think it is just important that the workers of America understand it and the taxpayers of America understand it. We are not going to let them down. We are going to try to take that barbell off their shoulders.

Mr. HATCH. Mr. President, will the Senator yield for a few minutes about the same subject?

Mr. KENNEDY. I yield.

Mr. HATCH. I know we want to get to a less controversial subject called AIDS. But nevertheless, let me just say in response to the distinguished Senator from Massachusetts, the rhetoric sounds good but he has known from the beginning that if plant closing was on this bill, the President was going to veto it.

I hasten to point out to my distinguished friend and colleague from Massachusetts that there is a little document in this country called the Constitution of the United States, and under the Constitution, the President has one way of teaching the Congress that he has some rights in legislation, too. He has more than one, but one particular way that he is going to use on this particular occasion, and that happens to be his right to veto.

In accordance with that vote, he has enough votes to sustain his veto. That is a constitutional right that the President can exercise.

He should not be criticized and, by the way, the bill's program for worker retraining is his. He is the one who suggested it and we helped put it in on this side. I do not want to see that lost either.

I think it would be pathetic after all this time knowing that the President said he is going to veto a plant-closing bill and there are plenty of good reasons to do that.

By the way, where they have plant-closing laws they have higher unemployment than we do, and there is another good reason, because they have plant-closing laws among other things.

It is nice to stand here and say they are for the workers. I do not think that is true.

Let me say the President has a right to veto and he has a right to be sustained if he can get the votes.

It is a constitutionally sound process because if he did not have that right we would walk all over him all the time.

The Congress is the more powerful body of the three separated powers, and there is no use kidding about it, and that was so under the Constitution and we assert that power all the time. It is a right the President has to fight us when we consider something he considers wrong.

When the President says from the beginning of this process that he would veto this bill if plant-closing legislation was on it, then I think it is incumbent upon him to do it. And there is good reason to do it because of that.

That is domestic legislation that has nothing to do with trade legislation. And would it not be pathetic to politically make a big brouhaha that we cannot have trade legislation because organized labor is insisting on having this provision that has nothing to do with trade on this bill? And then they want to blame the President. Come on. Let us be fair.

Like I say we can talk about this all night. We had a couple weeks of this and I think I am saying this and I will say it unequivocally: I think I could hope to deliver the votes. Take plant closing off there and put the bill up exactly the way it is and even though the White House does not like a whole raft of provisions in that bill—and I have to say I do not like some of them. I like other provisions. It is a classic compromise. I will do everything in my power to help deliver the votes overwhelmingly for the trade bill, and I do not think the President can veto it again. I do not think he will.

That is not some idle offer. I am telling you I will go to work to do it, not that I am that important, but I know darn well we can deliver the votes over here.

The President happens to be right on it. I think we ought to quit playing politics with that issue and do what we ought to do, what is right for this country, and take the domestic issue out of this issue and let us support the chairman of the Finance Committee and the others who have worked so hard, the ranking member and others. Let us support them and let us pass the bill, and if the President does not like it, that will be too bad and then we assert out rights under the Constitution.

But he sent us his message and I think he has the votes to sustain his veto. And why play games about it, like there cannot be a trade bill because we cannot have plant closing, because organized labor has inundated the whole country. They represent 18 percent of the workers and are now insisting to the whole country their domestic piece of legislation has to be on here. Come on. Who is kidding whom?

If we want trade legislation we will deliver it on this side and we will deliver every doggone item on there except plant closing, even though I hate some of them. This is the principle that we should not ignore.

The problem with this Congress is that we are going to saddle business with everything and in the process we are going to have the high unemployment and the socialism that other countries have that are ruining their countries.

This is an offer that I do not think you should refuse, those who want to have a trade bill, those who are really sincere about it.

I am telling you if you want a trade bill, take that off, and we will deliver the votes for you and we will have a trade bill and we do not care what the White House says at that particular point, and I think they will cooperate with us at that point.

But, by gosh, do not tell me the President does not have a right to veto. That is a constitutional prerogative of the President of the United States and it should be exercised and I am mad at him when he does not exercise it enough for this profligate Congress and, frankly, he ought to exercise it more often.

I hope we can go this less controversial matter called AIDS and get this bill passed, and it needs to be passed, and I hope it is one that we can get the President to sustain and sign.

ACQUIRED IMMUNODEFICIENCY SYNDROME RESEARCH AND INFORMATION ACT

The **PRESIDING OFFICER**. Under the previous order, the Senate will now proceed to the consideration of S. 1220, to amend the Public Health Service Act, which the clerk will report.

The legislative clerk read as follow:

A bill (S. 1220) to amend the Public Health Service Act to provide for a comprehensive program of education, information, risk reduction, training, prevention, treatment, care, and research concerning acquired immunodeficiency syndrome.

The Senate proceeded to consider the bill, which has been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

That this Act may be cited as the "Acquired Immunodeficiency Syndrome Research and Information Act of 1987".

REFERENCE

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

TITLE I—AIDS AS A NATIONAL PUBLIC HEALTH EMERGENCY

DECLARATION OF EMERGENCY

SEC. 101. (a) The Secretary of Health and Human Services is directed to determine that acquired immunodeficiency syndrome presents a public health emergency for purposes of section 319 of the Public Health Service Act.

(b) Section 319(a) is amended by inserting "the Administrator of Health Resources and Services," before "or the Director".

(c) Section 319(b) is amended by striking out "$30,000,000" the second place it appears in subsection (b)(1) and inserting in lieu thereof "$60,000,000".

REPORT BY THE SECRETARY OF HEALTH AND HUMAN SERVICES

SEC. 102. Within 60 days after the end of each fiscal year, the Secretary of Health and Human Services shall prepare and transmit to the Congress a report on the expenditure by the Department of Health and Human Services of amounts appropriated for such fiscal year for programs, projects, and activities relating to acquired immunodeficiency syndrome. Each such report shall include—

(1) a specification, for each office and agency of such Department, of the amount obligated for each such program, project, or activity for such fiscal year;

(2) a description of each such program, project, and activity;

(3) a summary of the progress made by each such program, project, or activity in combatting acquired immunodeficiency syndrome;

(4) a summary of the evaluations conducted under sections 2421 and 2440 of the Public Health Service Act; and

(5) the plan prepared by the Director of the Centers for Disease Control under section 2401 of such Act.

AIDS CLINICAL EVALUATION UNIT AT THE NATIONAL INSTITUTES OF HEALTH

SEC. 103. (a) The Director of the National Cancer Institute shall establish, in the Clinical Center at the National Institutes of Health, a clinical evaluation unit which—

(1) shall conduct clinical evaluations of experimental treatments for acquired immunodeficiency syndrome and related illnesses developed within the preclinical drug development program of the National Cancer Institute; and

(2) may conduct clinical evaluations of experimental treatments for such syndrome which are developed at any other national research institute of the National Institutes of Health or by any other individual or entity.

(b) The Director of the National Institutes of Health shall provide the clinical evaluation unit required under subsection (a) with such personnel and such administrative and support services as may be necessary to enable the unit to carry out its functions.

(c) The establishment of the clinical evaluation unit required under subsection (a) shall not result in the reduction of the number of beds or any support services under the auspices of the national research institutes of the National Institutes of Health which are available for the provision of clinical care for individuals with any disease or disorder.

ADDITIONAL PERSONNEL FOR THE FOOD AND DRUG ADMINISTRATION, THE NATIONAL INSTITUTES OF HEALTH, AND THE CENTERS FOR DISEASE CONTROL

SEC. 104. *(a) Notwithstanding any other provision of law, the Secretary of Health and Human Services, through the Commissioner of Food and Drugs, may, in accordance with the civil service and classification laws, appoint and fix the compensation of not more than 40 employees for the Food and Drug Administration in addition to the number of employees assigned to such Administration.*

(b) Notwithstanding any other provision of law, the Secretary of Health and Human Services, through the Director of the National Institutes of Health may, in accordance with the civil service and classification laws, appoint and fix the compensation of not more than 300 employees for the National Institutes of Health in addition to the number of employees assigned to such Institutes.

(c) Notwithstanding any other provision of law, the Secretary of Health and Human Services, through the Director of the Centers for Disease Control, may, in accordance with the civil service and classification laws, appoint and fix the compensation of not more than 350 employees for the Centers for Disease Control in addition to the number of employees assigned to such Centers.

(d) To carry out this section and section 103, there are authorized to be appropriated $100,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.

EXPEDITING THE AWARD OF GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS

SEC. 105. *(a) Within 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall develop and implement a plan to expedite the award of grants, contracts, or cooperative agreements by any agency of the Department of Health and Human Services for projects relating to acquired immunodeficiency syndrome (including projects initiated by investigators not in response to any solicitation for proposals). Except as provided in subsection (b), the plan shall provide that, in the case of any application for a grant, contract, or cooperative agreement which is made in response to a solicitation for proposals—*

(1) such grant, contract, or cooperative agreement shall be awarded; or

(2) such application shall otherwise be acted upon,

within 6 months after the date on which such solicitation is issued.

(b) The plan required under subsection (a) shall provide that, in any case in which the Secretary of Health and Human Services determines that a specific grant, contract, or cooperative agreement relating to acquired immunodeficiency syndrome cannot be awarded or otherwise acted upon in the 6-month period required by such subsection, the Secretary shall—

(1) cause to be included in the solicitation for such grant, contract, or cooperative agreement a statement specifying the time period in which such approval will be made or such action will be taken; and

(2) transmit a copy of such solicitation and statement to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives.

RESPONSES TO REQUESTS FOR ALLOCATIONS OF SPACE, SERVICES, OR PERSONNEL TO BE USED IN COMBATTING ACQUIRED IMMUNODEFICIENCY SYNDROME

SEC. 106. *(a) The Director of the Office of Personnel Management or the Administrator of General Services, as the case may be, shall respond to any priority request made by the Director of the National Institute of Allergy and Infectious Diseases or the Director of the Centers for Disease Control within 21 calendar days after the date on which such request is made. If the Director of the Office of Personnel Management or such Administrator does not disapprove any such request within such 21-day period, such request shall be deemed to have been approved.*

(b)(1) The Director of the National Institute on Allergy and Infectious Diseases shall transmit a copy of each priority request made by such Director under this section to the Secretary of Health and Human Services, the Assistant Secretary of Health and Human Services for Health, and the Director of the National Institutes of Health on the day such priority request is made under subsection (a).

(2) The Director of the Centers for Disease Control shall transmit a copy of each priority request made by such Director under this section to the Secretary of Health and Human Services and the Assistant Secretary of Health and Human Services for Health on the day such priority request is made under subsection (a).

(3) Any official described in paragraph (1) or (2) may, after receiving a copy of a priority request under such paragraph, may transmit the comments and recommendations of such official with respect to such request to the Director of the Office of Personnel Management or the Administrator of General Services, as the case may be, within 7 days after the date on which such request is made.

(c) The Director of the Office of Management and Budget shall not take any action to prevent the Director of the National Institute of Allergy and Infectious Diseases or the Director of the Center for Disease Control from making any priority request under this section.

(d) For purposes of this section, the term "priority request" means any request which is designated as a priority request by the Director of the National Institute of Allergy and Infectious Diseases or the Director of the Centers for Disease Control in carrying out activities with respect to acquired immunodeficiency syndrome and which—

(1) in the case of a request made to the Director of the Office of Personnel Management, is a request for the allocation of personnel to carry out activities relating to such syndrome; and

(2) in the case of a request made to the Administrator of General Services, is a request for space or administrative or support services to be used in the carrying out of such activities.

TECHNICAL ASSISTANCE

SEC. 107. *The Secretary of Health and Human Services, through the Public Health Service, shall provide technical assistance to State and local governments and public and nonprofit private entities carrying out programs, projects, and activities relating to acquired immunodeficiency syndrome. To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1988, 1989, and 1990.*

USE OF CONSORTIA FOR RESEARCH AND DEVELOPMENT

SEC. 108. *The Secretary of Health and Human Services shall request the National Academy of Sciences and other similar appropriate nonprofit institutions to provide recommendations to the Secretary concerning—*

(1) whether the research and development of vaccines and drugs for the prevention and treatment of acquired immunodeficiency syndrome would be enhanced by the creation of consortia of—

(A) businesses involved in such research and development;

(B) nonprofit research institutions; or

(C) combinations of such businesses and institutions,

designed to combine and share resources needed for such research and development; and

(2) the appropriate participation, if any, of the Federal Government in such consortia.

INFORMATION FOR HEALTH AND PUBLIC SAFETY WORKERS

SEC. 109. *(a) Within 90 days after the date of enactment of this Act, the Secretary of Health and Human Services, through the Director of the Centers for Disease Control, shall develop and implement an emergency program to disseminate information to all health workers, public safety workers, and emergency service workers in the United States concerning methods to reduce in the workplace the risk of becoming infected with the human immunodeficiency virus. The information disseminated under this section shall be based on guidelines issued by the Directors of the Centers for Disease Control.*

(b) The Director of the Centers for Disease Control shall transmit the guidelines issued under subsection (a) to the Secretary of Labor. The Secretary of Labor shall use such guidelines as the basis for a standard which such Secretary shall issue under the Occupational Safety and Health Act of 1970.

TITLE II—INTERNATIONAL EFFORTS

SUPPORT OF INTERNATIONAL EFFORTS

SEC. 201. *(a) The Secretary of Health and Human Services, under section 307 of the Public Health Service Act and through the Director of the National Institutes of Health—*

(1) shall make grants to, enter into contracts and cooperative agreements with, and provide technical assistance to, international organizations concerned with public health; and

(2) may provide technical assistance to foreign governments,

in order to promote and expedite international clinical research concerning the development of vaccines for, and treatment and testing with respect to, acquired immunodeficiency syndrome.

(b) The Secretary of Health and Human Services, under section 307 of the Public Health Service Act and through the Director of the Centers for Disease Control, shall make grants to, enter into contracts and cooperative agreements with, and provide technical assistance to, international organizations concerned with public health, and may provide technical assistance to foreign governments, in order to support—

(1) programs of education, information, and risk reduction relating to acquired immunodeficiency syndrome;

(2) projects to train individuals to develop skills and technical expertise for use in com-

batting acquired immunodeficiency syndrome; and

(3) epidemiological research relating to acquired immunodeficiency syndrome.

(c) No grant may be made under this section unless an application therefor is submitted to the Secretary in such form, at such time, and containing such information as the Secretary may by regulation prescribe.

(d) Not less than 50 percent of the amounts available to carry out subsection (b) for any fiscal year shall be used for grants through the World Health Organization and, in the case of activities in the Western Hemisphere, grants through the Pan American Health Organization. Grants made under this subsection shall be in furtherance of the global strategy of the World Health Organization Special Programme on Acquired Immunodeficiency Syndrome.

(e) The authority of the Secretary of Health and Human Services to enter into contracts under this section shall be to such extent or in such amounts as are provided in appropriation Acts.

INTERNATIONAL DATA BANK

SEC. 202. (a) The Secretary of Health and Human Services, through the National Library of Medicine, shall establish, maintain, and operate the International Acquired Immunodeficiency Syndrome Research Data Bank (hereafter in this section referred to as the "Data Bank"). The Data Bank shall collect, catalog, store, and disseminate insofar as feasible through the use of information systems accessible to the public, general practitioners, and investigators, the results of research relating to, and the results of treatment of, acquired immunodeficiency syndrome which is undertaken in any country in order to permit the use of such results by any person involved in research relating to, and the treatment of, acquired immunodeficiency syndrome in any country.

(b) The Secretary of Health and Human Services shall establish a schedule of charges for users of the Data Bank from other countries for information obtained from the Data Bank.

AUTHORIZATION OF APPROPRIATIONS

SEC. 203. To carry out this title, there are authorized to be appropriated $50,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.

TITLE III—PUBLIC INFORMATION EFFORTS

NATIONAL INFORMATION DISSEMINATION EFFORTS

SEC. 301. The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE XXIV—ACQUIRED IMMUNODEFICIENCY SYNDROME

"PART A—NATIONAL INFORMATION PROGRAMS

"NATIONAL ACQUIRED IMMUNODEFICIENCY SYNDROME INFORMATION PROGRAM

"SEC. 2401. The Director of the Centers for Disease Control shall annually prepare a comprehensive plan, including a budget, for a National Acquired Immunodeficiency Syndrome Information Program. The plan shall contain provisions to implement the provisions of this part and provisions for such other activities as the Director considers necessary and appropriate to disseminate information concerning acquired immunodeficiency syndrome. The Director shall submit such plan to the Secretary. The authority of the Director to carry out such Program and plan is not the exclusive authority for the Director to carry out information activities with respect to acquired immunodeficiency syndrome.

"CLEARINGHOUSE

"SEC. 2402. The Secretary, through the Director of the Centers for Disease Control, shall establish a clearinghouse to make information concerning acquired immunodeficiency syndrome available to Federal agencies, States and political subdivisions of States, public agencies concerned with public health and education, public and private entities, organizations, and institutions, minority organizations, community-based organizations, and the general public. The clearinghouse shall—

"(1) develop and obtain educational materials, curricula, and methods directed toward reducing the transmission of the acquired immunodeficiency syndrome virus;

"(2) provide support for individuals who provide instruction in methods and techniques of education relating to the prevention of acquired immunodeficiency syndrome and in the use of the materials and curricula described in paragraph (1); and

"(3) conduct, or provide for the conduct of, evaluations of the materials, curricula, and methods described in paragraph (1) and the efficacy of such materials, curricula, and methods in preventing infection with the acquired immunodeficiency syndrome virus.

"GRANTS AND CONTRACTS FOR INFORMATION DISSEMINATION

"SEC. 2403. (a) The Secretary, through the Director of the Centers for Disease Control, shall make grants to, and enter into contracts with, national organizations having the ability to rapidly disseminate information concerning acquired immunodeficiency syndrome to groups at high risk of becoming infected with the acquired immunodeficiency syndrome virus. Payments under such grants and contracts shall be used for the development and operation of programs directed toward such groups, and the development of educational materials directed toward such groups, relating to acquired immunodeficiency syndrome and infection with the acquired immunodeficiency syndrome virus.

"(b) No grant may be made and no contract may be entered into under this section unless an application therefor is submitted to the Secretary at such time, in such form, and containing such information as the Secretary may prescribe.

"COMMUNITY EDUCATION, INFORMATION, AND RISK REDUCTION DEMONSTRATION PROGRAMS

"SEC. 2404. (a) The Secretary, through the Director of the Centers for Disease Control, shall make grants to public and private nonprofit entities (including community-based organizations) for the development, establishment, or expansion of demonstration programs for the conduct of targeted education, information, and risk reduction activities relating to acquired immunodeficiency syndrome. In making grants under this section, the Secretary shall give priority to programs and activities directed toward high risk populations in which there is a significant number of cases of acquired immunodeficiency syndrome or other significant evidence of infection with the acquired immunodeficiency virus.

"(b) No grant may be made to support a demonstration program under this section unless an application therefor is submitted to the Secretary in such form and at such time as the Secretary may by regulation prescribe. Each such application shall contain—

"(1) information demonstrating that the entity applying for the grant has identified needs for the conduct of education, information, and risk reduction activities relating to acquired immunodeficiency syndrome in the area in which the program will be developed, established, or expanded;

"(2) assurances that such entity will provide education and information concerning acquired immunodeficiency syndrome under the program in a manner which is medically accurate and factually correct;

"(3) assurances that any educational or informational materials developed with a grant under this section shall be of a content, and shall be presented in such a manner, which is specifically directed to the group for which such materials are intended;

"(4) a description of the manner in which such entity has planned the program in consultation with, and of the manner in which such entity will consult during the conduct of the program with—

"(A) appropriate local officials and community groups for the area to be served by the program;

"(B) groups representing individuals who are at high risk of contracting acquired immunodeficiency syndrome; and

"(C) individuals having expertise in health education,

in order to ensure that activities conducted under the program will be directed appropriately at the individuals needing such education, information, and risk reduction;

"(5) information demonstrating, in the case of an entity which is a community-based organization, that—

"(A) the organization has continuing relationships with the portion of the population in the area to be served by such organization who is at risk of contracting acquired immunodeficiency syndrome; and

"(B) the organization has established or will establish relationships with public and private entities in such area which provide services to individuals with acquired immunodeficiency syndrome;

"(6) a description of—

"(A) the objectives established by the entity for the conduct of the program; and

"(B) the methods the entity will use to evaluate the activities conducted under the program to determine if such objectives are met; and

"(7) such other information as the Secretary may by regulation prescribe.

"(c) In making grants under this section to support programs described in subsection (a), the Secretary shall give preference to community-based organizations which are located in, have a history of service in, and will serve under the program, areas—

"(1) in which there is a significant incidence of acquired immunodeficiency syndrome;

"(2) in which there has been a significant increase in the incidence of acquired immunodeficiency syndrome; or

"(3) in which there is a significant risk of becoming infected with acquired immunodeficiency syndrome virus,

as determined by the Secretary by regulation.

"(d) The Secretary may review the content of any educational or informational materials developed with a grant under this section only for scientific and factual validity.

"PUBLIC INFORMATION CAMPAIGNS

"SEC. 2405. (a) The Secretary, through the Director of the Centers for Disease Control, shall make grants to public and nonprofit private entities, and shall enter into contracts with public and private entities, for the development and dissemination of public service announcements and paid ad-

vertising messages relating to acquired immunodeficiency syndrome that warn individuals about activities which place them at risk of becoming infected with the acquired immunodeficiency syndrome virus. The Director shall make every effort to insure that not less than 90 percent of American households receive such messages at a frequency of not less than 15 times during a six-month period.

"(b) No grant may be made and no contract may be entered into under this section unless an application therefor is submitted to the Secretary at such time, in such form, and containing such information as the Secretary may prescribe.

"TELEPHONE HOTLINES

"SEC. 2406. (a) The Secretary, through the Public Health Service, shall maintain a toll free twenty-four hour telephone service to provide information to the public concerning acquired immunodeficiency syndrome.

"(b) The Secretary, through the Public Health Service, shall establish and maintain a telephone service to provide medical and technical information to individuals and organizations who provide care and treatment services for individuals with acquired immunodeficiency syndrome. Such telephone service shall be available during the normal business hours of the Public Health Service.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 2407. To carry out this part, there are authorized to be appropriated $115,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.".

STATE PREVENTION PROGRAMS

SEC. 302. Title XXIV (as added by section 301 of this Act) is further amended by adding at the end thereof the following new part:

"PART B—STATE PREVENTION PROGRAMS

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 2411. For the purpose of allotments under section 2412, there are authorized to be appropriated $150,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.

"ALLOTMENTS

"SEC. 2412. (a) The Secretary shall, for each of the fiscal years 1988, 1989, and 1990, allot to each State an amount determined in accordance with subsections (c) and (d). The Secretary shall, in accordance with section 2413, make payments for each such fiscal year to each State from the allotment for the State if the Secretary approves for each such fiscal year an application submitted by the State pursuant to section 2415.

"(b) The Secretary may not make payments under an allotment under subsection (a) to a State for a fiscal year unless the State agrees that amounts received by the State pursuant to such subsection will be expended only in accordance with section 2414.

"(c)(1) The allotment for a State under subsection (a) for a fiscal year shall be the greater of—

"(A) the amount described in paragraph (2); or

"(B) the amount determined in accordance with subsection (d).

"(2)(A) If the total amount appropriated under section 2411 for any fiscal year exceeds $100,000,000, the amount referred to in paragraph (1)(A) is $300,000 for such fiscal year.

"(B) If the total amount appropriated under section 2411 for any fiscal year equals or exceeds $50,000,000, but is less than $100,000,000, the amount referred to in paragraph (1)(A) is $200,000 for such fiscal year.

"(C) If the total amount appropriated under section 2411 for any fiscal year is less than $50,000,000, the amount referred to in paragraph (1)(A) is $100,000 for such fiscal year.

"(d)(1) The amount referred to in subsection (c)(1)(B) is the sum of the amounts determined under subparagraphs (A) and (B) of paragraph (2).

"(2)(A) The Secretary shall allot 60 percent of the amounts appropriated under section 2411 for any fiscal year to States in accordance with this subparagraph. Of the amount available for allotments under this subparagraph for a fiscal year, the Secretary shall allot to each State for such fiscal year an amount which bears the same ratio to such available amount as the population of the State bears to the population of all States.

"(B) The Secretary shall allot 40 percent of the amounts appropriated under section 2411 for any fiscal year to States in accordance with this subparagraph. Of the amount available for allotments under this subparagraph for a fiscal year, the Secretary shall allot to each State for such fiscal year an amount which bears the same ratio to such available amount as the number of reported cases of acquired immunodeficiency syndrome in the State bears to the number of reported cases of acquired immunodeficiency syndrome in all States.

"(3) To the extent that all of the amounts appropriated under section 2411 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to the States because—

"(A) one or more States have not submitted an application or description of activities in accordance with section 2415 for the fiscal year;

"(B) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(C) some State allotments are offset or repaid under section 2418(a)(3);

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this paragraph.

"PAYMENTS UNDER ALLOTMENTS TO STATES

"SEC. 2413. (a)(1) For each fiscal year, the Secretary shall make payments, as provided by section 6503 of title 31, United States Code, to each State from its allotment under section 2412 from amounts appropriated for that fiscal year.

"(2) Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for the purposes for which it was made for the next fiscal year.

"(b) The Secretary, at the request of a State, may reduce the amount of payments under subsection (a) by—

"(1) the fair market value of any supplies or equipment furnished the State; and

"(2) the amount of the pay, allowances, and travel expenses of any officer or employee of the Government when detailed to the State and the amount of any other costs incurred in connection with the detail of such officer or employee, when the furnishing of supplies or equipment or the detail of an officer or employee is for the convenience of and at the request of the State and for the purpose of conducting activities described in section 2414. The amount by which any payment is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment or in detailing the personnel, on which the reduction of the payment is based, and the amount shall be deemed to be part of the payment and shall be deemed to have been paid to the State.

"USE OF ALLOTMENTS

"SEC. 2414. (a) Except as provided in subsection (b), amounts paid to a State under this part may be used by the State for—

"(1) the development, establishment, or conduct of public information activities relating to the prevention and diagnosis of acquired immunodeficiency syndrome for each population or community in the State in which there is a a significant number of individuals at high risk of contracting such syndrome;

"(2) the development, establishment, or conduct of public information activities for the general public relating to the prevention and diagnosis of acquired immunodeficiency syndrome;

"(3) the development, establishment, or conduct of risk reduction activities relating to acquired immunodeficiency syndrome, including research into the prevention and control of such syndrome;

"(4) the conduct of demonstration projects for the prevention and control of acquired immunodeficiency syndrome;

"(5) the provision of technical assistance to community-based organizations, public and nonprofit private entities, schools, and employers in developing information programs relating to acquired immunodeficiency syndrome; and

"(6) the conduct of education, training, and skills improvement activities in the prevention and control of acquired immunodeficiency syndrome for health professionals (including allied health professionals), public safety workers, teachers, school administrators, and other appropriate education personnel.

"(b) A State may not use amounts paid to it under section 2413 to—

"(1) provide inpatient services;

"(2) make cash payments to intended recipients of health services;

"(3) purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

"(4) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds;

"(5) provide financial assistance to any entity other than a public or nonprofit private entity; or

"(6) conduct any testing for infection with the acquired immunodeficiency syndrome virus or conduct any counseling relating to any such testing.

The Secretary may waive the limitation contained in paragraph (3) upon the request of a State if the Secretary finds that there are extraordinary circumstances to justify the waiver and that granting the waiver will assist in carrying out this part.

"(c) Of the amount paid to any State under section 2413, not more than 5 percent may be used for administering the funds made available under such section. The State will pay from non-Federal sources the remaining costs of administering such funds.

"APPLICATION AND DESCRIPTION OF ACTIVITIES

"SEC. 2415. (a) In order to receive an allotment for a fiscal year under section 2412 each State shall submit an application to the Secretary. Each such application shall *be in such form and submitted by such date as the Secretary shall require.*

"(b) Each State shall certify that the State will make copies of each application required by this section available for public inspection and comment prior to the submission of such application.

"(c) As part of the annual application required by subsection (a), the chief executive officer of a State shall certify as follows:

"(1) The State agrees to use the funds allotted to it under section 2412 in accordance with the requirements of this part.

"(2) The State agrees, in carrying out this part, to place priority on activities directed towards individuals in populations and communities identified under section 2414(a)(1).

"(3) In the case of a State in which there is a large number of individuals who are intravenous drug abusers, the State agrees to place priority on activities under this part directed at such drug abusers.

"(4) The State agrees that information provided under this part will be scientifically accurate and factually correct.

"(5) In the case of a State in which there is a significant incidence of reported cases of acquired immunodeficiency syndrome, the State agrees—

"(A) to use at least 50 percent of the total amount paid to the State under section 2413 for any fiscal year for grants to local governments and community-based organizations in areas in the State in which there is a significant incidence of reported cases of acquired immunodeficiency syndrome; and

"(B) to require such governments and organizations to use such grants for the conduct by such governments and organizations of activities described in section 2414.

"(6) The State agrees that Federal funds made available under section 2413 for any period will be so used as to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs and activities for which funds are provided under that section and will in no event supplant such State, local, and other non-Federal funds.

"TECHNICAL ASSISTANCE

"SEC. 2416. The Secretary may provide training and technical assistance to States with respect to the planning, development, and operation of programs to carry out this part. The Secretary may provide such training and technical assistance directly or through grants and contracts.

"ANNUAL REPORT

"SEC. 2417. Each State shall prepare and transmit to the Secretary an annual report on activities conducted with payments to the State under this part.

"AUDITS

"SEC. 2418. (a)(1) Each State shall establish fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of and accounting for Federal funds paid to the State under section 2413.

"(2) Each State shall provide for one of the following:

"(A) A financial and compliance audit of the funds provided the State under section 2413. Such audits shall be performed biennially, shall cover expenditures in each fiscal year, and shall be conducted in accordance with standards established by the Comptroller General for the audit of governmental organizations, programs, activities, and functions.

"(B) A single financial and compliance audit of each entity administering funds provided under section 2413. An audit of such an entity shall be conducted biennially, shall cover expenditures in each fiscal year, and shall be conducted in accordance with standards of the Comptroller General referred to in subparagraph (A).

Within 30 days after completion of an audit under subparagraph (A) or (B), a copy of the audit report shall be transmitted to the State legislature and the Secretary. For purposes of subparagraphs (A) and (B), the term 'financial and compliance audit' means an audit to determine whether the financial statements of an audited entity present fairly the financial position and the results of financial operations in accordance with generally accepted accounting principles, and whether the entity has complied with laws and regulations that may have a material effect upon the financial statements.

"(3) Each State shall, after being provided by the Secretary with adequate notice and opportunity for a hearing within the affected State, repay to the United States amounts found not to have been expended in accordance with the requirements of this part or the certification provided under section 2415(c). If such repayment is not made, the Secretary shall, after providing the State with adequate notice and opportunity for a hearing, offset such amounts against the amount of any allotment to which the State is or may become entitled under section 2412.

"(4) The State shall make copies of the reports and audits required by this section available for public inspection within the State.

"(5) The Comptroller General of the United States shall, from time to time, evaluate the expenditures by States of allotments under this part in order to assure that expenditures are consistent with the provisions of this part.

"(b) The Secretary, in consultation with appropriate national organizations, shall develop model criteria and forms for the collection of data and information with respect to services provided under this part in order to enable States to share uniform data and information with respect to the provision of such services.

"WITHHOLDING

"SEC. 2419. (a)(1) The Secretary shall, after adequate notice and an opportunity for a hearing conducted within the affected State, withhold funds from any State which does not use its allotment in accordance with the requirements of this part or the certification provided under section 2415(c). The Secretary shall withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

"(2) The Secretary may not institute proceedings to withhold funds under paragraph (1) unless the Secretary has conducted an investigation concerning whether the State has used its allotment in accordance with the requirements of this part or the certification provided under section 2415(c). Investigations required by this paragraph shall be conducted within the affected State by qualified investigators.

"(3) The Secretary shall respond in an expeditious manner to complaints of a substantial or serious nature that a State has failed to use funds in accordance with the requirements of this part or the certification provided under section 2415(c).

"(4) The Secretary may not withhold funds under paragraph (1) from a State for a minor failure to comply with the requirements of this part or the certification provided under section 2415(c).

"(b)(1) The Secretary shall conduct in several States in each fiscal year investigations of the use of funds received by the States under this part in order to evaluate compliance with the requirements of this part and the certification provided under section 2415(c).

"(2) The Comptroller General of the United States may conduct investigations of the use of funds received under this part by a State in order to insure compliance with the requirements of this part and the certification provided under section 2415(c).

"(c) Each State, and each entity which has received funds from an allotment made to a State under this part, shall make appropriate books, documents, papers, and records available to the Secretary or the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity upon a reasonable request therefor.

"(d)(1) In conducting any investigation in a State, the Secretary or the Comptroller General of the United States may not make a request for any information not readily available to such State or an entity which has received funds from an allotment made to the State under this part or make an unreasonable request for information to be compiled, collected, or transmitted in any form not readily available.

"(2) Paragraph (1) does not apply to the collection, compilation, or transmittal of data in the course of a judicial proceeding.

"CRIMINAL PENALTY FOR FALSE STATEMENTS

"SEC. 2420. Whoever—

"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in connection with the furnishing of items or services for which payment may be made by a State from funds allotted to the State under this part; or

"(2) having knowledge of the occurrence of any event affecting his initial or continued right to any such payment conceals or fails to disclose such event with an intent fraudulently to secure such payment either in a greater amount that is due or when no such payment is authorized,

shall be fined not more than $25,000 or imprisoned for not more than five years, or both.

"EVALUATIONS

"SEC. 2421. The Secretary shall conduct, or arrange for the conduct of, evaluations for services provided and activities carried out with payments to States under this part.".

TITLE IV—TRAINING

ESTABLISHMENT OF PROGRAMS

SEC. 401. Title XXIV (as added by section 301 of this Act and amended by section 302 of this Act) is further amended by adding at the end thereof the following new part:

"PART D—TRAINING

"FELLOWSHIPS AND TRAINING

"SEC. 2451. (a) The Secretary, through the Director of the Centers for Disease Control, shall establish fellowship and training programs to be conducted by the Centers for Disease Control to train individuals to develop skills in epidemiology, surveillance, testing, counseling, education, information, laboratory analysis, and risk reduction relating to acquired immunodeficiency syndrome. Such programs shall be designed to enable health professionals and health personnel trained under such programs to work, after receiving such training, in na-

tional and international efforts to combat acquired immunodeficiency syndrome.

"(b) Any individual receiving a fellowship or receiving training under subsection (a) shall not be counted in determining the number of full time equivalent employees of the Department of Health and Human Services for the purpose of any limitation on the number of such employees established by law prior to, on, or after the date of enactment of this title.

"(c) To carry out this section, there are authorized to be appropriated $20,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.

"CONTINUING MEDICAL EDUCATION

"SEC. 2452. (a) The Secretary shall make grants to nonprofit national organizations representing health care workers to assist in the payment of the costs of projects to train such workers concerning—

"(1) appropriate infection control procedures to reduce the transmission of acquired immunodeficiency syndrome; and

"(2) the provision of care and treatment to individuals with acquired immunodeficiency syndrome and related illnesses.

"(b) No grant may be made under this section unless an application therefor is submitted to the Secretary in such form, at such time, and containing such information, as the Secretary may prescribe.

"(c) The Federal share of the costs of a project supported with a grant under this section shall be 33 percent.

"(d) To carry out this section, there are authorized to be appropriated $4,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.".

TRAINING OF HEALTH PROFESSIONALS WITH RESPECT TO ACQUIRED IMMUNODEFICIENCY SYNDROME

SEC. 402. Part F of title VII is amended by inserting after section 788 the following new section:

"TRAINING WITH RESPECT TO ACQUIRED IMMUNODEFICIENCY SYNDROME

"SEC. 788A. (a)(1) The Secretary, through the Public Health Service, may make grants to and enter into contracts with schools of medicine and osteopathy to assist in meeting the costs of such schools in providing projects to—

"(A) train faculty of schools of medicine, nursing, osteopathy, dentistry, public health, and allied health to teach students in such schools to provide care and treatment for individuals with acquired immunodeficiency syndrome; and

"(B) develop and disseminate curricula relating to the care and treatment of individuals with acquired immunodeficiency syndrome.

"(2) In making grants under this section, the Secretary shall give preference to projects which will—

"(A) train, or result in the training of, health professionals and allied health professionals who will provide treatment for minority individuals with acquired immunodeficiency syndrome and other individuals who are at high risk of contracting such syndrome; and

"(B) train, or result in the training of, minority health professionals and minority allied health professionals to provide treatment for individuals with acquired immunodeficiency syndrome.

"(b) No grant or contract may be made under this section unless an application therefor is submitted to the Secretary in such form, at such time, and containing such information, as the Secretary may prescribe.

"(c)(1) Any application for a grant or contract under this subsection shall be subject to appropriate peer review by peer review groups composed principally of non-Federal experts.

"(2) The Secretary may not approve or disapprove an application for a grant or contract under this subsection unless the Secretary has received recommendations with respect to such application from the appropriate peer review group required under paragraph (1) and has consulted with the National Advisory Council on Health Professions Education with respect to such application.

"(d) For purposes of this section, the term 'school of nursing' has the same meaning as in section 853(2).

"(e) To carry out this section, there are authorized to be appropriated $11,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.".

TITLE V—SERVICE PROGRAMS

STATE SERVICE PROGRAMS

SEC. 501. Title XXIV (as added by section 301 of this Act and as amended by sections 302 and 401 of this Act) is further amended by inserting after part B the following new part:

"PART C—HEALTH SERVICES

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 2431. For the purpose of allotments under section 2432, there are authorized to be appropriated $100,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.

"ALLOTMENTS

"SEC. 2432. (a) The Secretary shall, for each of the fiscal years 1988, 1989, and 1990, allot to each State an amount determined in accordance with subsections (c) and (d). The Secretary shall, in accordance with section 2433, make payments for each such fiscal year to each State from the allotment for the State if the Secretary approves for each such fiscal year an application submitted by the State pursuant to section 2435.

"(b) The Secretary may not make payments under an allotment under subsection (a) to a State for a fiscal year unless the State agrees that amounts received by the State pursuant to such subsection will be expended only in accordance with section 2434.

"(c)(1) The allotment for a State under subsection (a) for a fiscal year shall be the greater of—

"(A) the amount described in paragraph (2); or

"(B) the amount determined in accordance with subsection (d).

"(2)(A) If the total amount appropriated under section 2431 for any fiscal year equals or exceeds $50,000,000, the amount referred to in paragraph (1)(A) is $175,000 for such fiscal year.

"(B) If the total amount appropriated under section 2411 for any fiscal year is less than $50,000,000, the amount referred to in paragraph (1)(A) is $100,000 for such fiscal year.

"(d)(1) From the total amount appropriated under section 2431 for any fiscal year, the Secretary shall allot to each State for such fiscal year an amount which bears the same ratio to such total amount as the number of reported cases of living individuals with acquired immunodeficiency syndrome in the State bears to the number of reported cases of living individuals with acquired immunodeficiency syndrome in all States.

"(2) To the extent that all the funds appropriated under section 2431 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to the States because—

"(A) one or more States have not submitted an application or description of activities in accordance with section 2435 for the fiscal year;

"(B) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(C) some State allotments are offset or repaid under section 2437(a)(3);

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this paragraph.

"PAYMENTS UNDER ALLOTMENTS TO STATES

"SEC. 2433. (a)(1) For each fiscal year, the Secretary shall make payments, as provided by section 6503 of title 31, United States Code, to each State from its allotment under section 2432 from amounts appropriated for that fiscal year.

"(2) Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for the purposes for which it was made for the next fiscal year.

"(b) The Secretary, at the request of a State, may reduce the amount of payments under subsection (a) by—

"(1) the fair market value of any supplies or equipment furnished the State; and

"(2) the amount of the pay, allowances, and travel expenses of any officer or employee of the Government when detailed to the State and the amount of any other costs incurred in connection with the detail of such officer or employee, when the furnishing of supplies or equipment or the detail of an officer or employee is for the convenience of and at the request of the State and for the purpose of conducting activities described in section 2434. The amount by which any payment is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment or in detailing the personnel, on which the reduction of the payment is based, and the amount shall be deemed to be part of the payment and shall be deemed to have been paid to the State.

"USE OF ALLOTMENTS

"SEC. 2434. (a)(1) Except as provided in subsection (b), amounts paid to a State under this part may be used by the State for—

"(A) the payment of compensation for the services of physicians, nurses, and social workers who plan, manage, provide, or arrange for the provision of, health care services for eligible individuals in the home and in community-based settings, including community-based respite and day care programs;

"(B) the provision of referrals to other appropriate services;

"(C) the identification, location, and provision of outreach to eligible individuals, including infants and children, needing health care services in the home or in the community;

"(D) the provision of appropriate training and recruitment of individuals who provide services to eligible individuals;

"(E) the provision of outpatient mental health services;

"(F) the provision of outpatient drug abuse treatment services;

"(G) the coordination of the provision of health care services in the home for eligible individuals; and

"(H) the coordination of other health and social services provided for eligible individuals by public and private institutions and voluntary organizations in order to ensure the provision of such services and to maximize the use of funds provided under this part and other Federal laws.

"(2) A State may use amounts paid to it under section 2433 to provide health care services in the home for eligible individuals through grants to health care organizations. In making such grants, a State shall give priority to certified home health care programs, hospitals, or community-based programs that have demonstrated an ability to deliver health care services.

"(3) A State may use amounts paid to it under section 2433 to recruit and train community-based physicians and other individuals for the provision of services to eligible individuals.

"(4) In carrying out the activities under this part, the State shall give priority to activities directed towards minorities and populations at high risk of contracting acquired immunodeficiency syndrome.

"(b) A State may not use amounts paid to it under section 2433 to—

"(1) provide inpatient services;

"(2) make cash payments to intended recipients of health services;

"(3) purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

"(4) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

"(5) provide financial assistance to any entity other than a public or nonprofit private entity.

The Secretary may waive the limitation contained in paragraph (3) upon the request of a State if the Secretary finds that there are extraordinary circumstances to justify the waiver and that granting the waiver will assist in carrying out this part.

"(c) Of the amount paid to any State under section 2433, not more than 5 percent may be used for administering the funds made available under such section. The State will pay from non-Federal sources the remaining costs of administering such funds.

"APPLICATION AND DESCRIPTION OF ACTIVITIES

"SEC. 2435. (a) In order to receive an allotment for a fiscal year under section 2432 each State shall submit an application to the Secretary. Each such application shall be in such form and submitted by such date as the Secretary shall require.

"(b) Each State shall certify that the State will make copies of the applications required by this section available for public inspection.

"(c) As part of the annual application required by subsection (a), the chief executive officer of a State shall certify as follows:

"(1) The State agrees to use the funds allotted to it under section 2432 in accordance with the requirements of this part.

"(2) The State agrees to identify each population in the State at high risk of contracting acquired immunodeficiency syndrome, including minority populations, and to provide services under this part to each such population.

"(3) The State agrees that it will, to the maximum extent feasible, provide services under this part to individuals who are low-income individuals and not receiving equivalent services under the State's Medicaid plan approved under title XIX of the Social Security Act.

"(4) The State agrees to use funds available to the State under section 2334(c) to establish a State Acquired Immunodeficiency Syndrome Council which shall—

"(A) monitor, review, and evaluate, not less often than annually, the allocation and adequacy of services for eligible individuals within the State; and

"(B) be comprised of residents of the State, including representatives of the principal State agencies involved in providing services to eligible individuals and representatives of community-based organizations providing services to eligible individuals.

"TECHNICAL ASSISTANCE

"SEC. 2436. The Secretary may provide training and technical assistance to States with respect to the planning, development, and operation of programs to carry out this part. The Secretary may provide such training and technical assistance directly or through grants and contracts.

"AUDITS

"SEC. 2437. (a)(1) Each State shall establish fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of and accounting for Federal funds paid to the State under section 2433.

"(2) Each State shall provide for one of the following:

"(A) A financial and compliance audit of the funds provided the State under section 2433. Such audits shall be performed biennially, shall cover expenditures in each fiscal year, and shall be conducted in accordance with standards established by the Comptroller General for the audit of governmental organizations, programs, activities, and functions.

"(B) A single financial and compliance audit of each entity administering funds provided under section 2433. An audit of such an entity shall be conducted biennially, shall cover expenditures in each fiscal year, and shall be conducted in accordance with standards of the Comptroller General referred to in subparagraph (A).

Within 30 days after completion of an audit under subparagraph (A) or (B), a copy of the audit report shall be transmitted to the State legislature and the Secretary. For purposes of subparagraphs (A) and (B), the term 'financial and compliance audit' means an audit to determine whether the financial statements of an audited entity present fairly the financial position and the results of financial operations in accordance with generally accepted accounting principles, and whether the entity has complied with laws and regulations that may have a material effect upon the financial statements.

"(3) Each State shall, after being provided by the Secretary with adequate notice and opportunity for a hearing within the affected State, repay to the United States amounts found not to have been expended in accordance with the requirements of this part or the certification provided under section 2435(c). If such repayment is not made, the Secretary shall, after providing the State with adequate notice and opportunity for a hearing, offset such amounts against the amount of any allotment to which the State is or may become entitled under section 2432.

"(4) The State shall make copies of the reports and audits required by this section available for public inspection within the State.

"(5) The Comptroller General of the United States shall, from time to time, evaluate the expenditures by States of allotments under this part in order to assure that expenditures are consistent with the provisions of this part.

"(b) The Secretary, in consultation with appropriate national organizations, shall develop model criteria and forms for the collection of data and information with respect to services provided under this part in order to enable States to share uniform data and information with respect to the provision of such services.

"WITHHOLDING

"SEC. 2438. (a)(1) The Secretary shall, after adequate notice and an opportunity for a hearing conducted within the affected State, withhold funds from any State which does not use its allotment in accordance with the requirements of this part or the certification provided under section 2435(c). The Secretary shall withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

"(2) The Secretary may not institute proceedings to withhold funds under paragraph (1) unless the Secretary has conducted an investigation concerning whether the State has used its allotment in accordance with the requirements of this part or the certification provided under section 2435(c). Investigations required by this paragraph shall be conducted within the affected State by qualified investigators.

"(3) The Secretary shall respond in an expeditious manner to complaints of a substantial or serious nature that a State has failed to use funds in accordance with the requirements of this part or the certification provided under section 2435(c).

"(4) The Secretary may not withhold funds under paragraph (1) from a State for a minor failure to comply with the requirements of this part or the certification provided under section 2435(c).

"(b)(1) The Secretary shall conduct in several States in each fiscal year investigations of the use of funds received by the States under this part in order to evaluate compliance with the requirements of this part and the certification provided under section 2435(c).

"(2) The Comptroller General of the United States may conduct investigations of the use of funds received under this part by a State in order to insure compliance with the requirements of this part and the certification provided under section 2435(c).

"(c) Each State, and each entity which has received funds from an allotment made to a State under this part, shall make appropriate books, documents, papers, and records available to the Secretary or the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity upon a reasonable request therefor.

"(d)(1) In conducting any investigation in a State, the Secretary or the Comptroller General of the United States may not make a request for any information not readily available to such State or an entity which has received funds from an allotment made to the State under this part or make an unreasonable request for information to be compiled, collected, or transmitted in any form not readily available.

"(2) Paragraph (1) does not apply to the collection, compilation, or transmittal of data in the course of a judicial proceeding.

"CRIMINAL PENALTY FOR FALSE STATEMENTS

"SEC. 2439. Whoever—

"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in connection with the furnishing of items or services for which payment may be made by a State from funds allotted to the State under this part; or

"(2) having knowledge of the occurrence of any event affecting his initial or continued right to any such payment conceals or fails to disclose such event with an intent fraudulently to secure such payment either in a greater amount that is due or when no such payment is authorized,

shall be fined not more than $25,000 or imprisoned for not more than five years, or both.

"EVALUATIONS

"SEC. 2440. The Secretary shall conduct, or arrange for the conduct of, evaluations for services provided and activities carried out with payments to States under this part.

"DEFINITION

"SEC. 2441. For purposes of this part, the term 'eligible individual' means an individual who is infected with the acquired immunodeficiency syndrome virus and who has clinical symptoms resulting from such infection.".

TITLE VI—RESEARCH

ACQUIRED IMMUNODEFICIENCY SYNDROME ADVISORY BOARD

SEC. 601. Part B of title IV is amended by adding at the end thereof the following new section:

"ACQUIRED IMMUNODEFICIENCY SYNDROME ADVISORY BOARD

"SEC. 409. (a) The Director of NIH shall establish in the National Institutes of Health an Acquired Immunodeficiency Syndrome Advisory Board (hereafter in this section referred to as the 'Advisory Board').

"(b) The Advisory Board shall be composed of seven appointed members and nonvoting ex officio members as follows:

"(1) The Director of NIH shall appoint—

"(A) four members from individuals who are scientists, physicians, and other health professionals, who are not officers or employees of the United States, and who represent the specialties and disciplines relevant to acquired immunodeficiency syndrome; and

"(B) three members from the general public who are knowledgeable with respect to acquired immunodeficiency syndrome, including at least one member who is an individual who is infected with the human immunodeficiency virus.

Of the members appointed under this paragraph, at least three shall by virtue of training or experience be knowledgeable in research in the fields of health education, nursing, data systems, public information, and community program development, and of the members appointed under subparagraph (A), at least one shall be an expert in public health. In making appointments under this paragraph, the Director of NIH shall request recommendations from the Institute of Medicine of the National Academy of Sciences.

"(2) The following shall be ex officio members of the Advisory Board:

"(A) The Director of NIH, the Director of the National Cancer Institute, the Director of the National Institute on Allergy and Infectious Diseases, and the Surgeon General of the United States (or the designees of such officers).

"(B) Such other officers and employees of the United States as the Advisory Board determines necessary for the Advisory Board to carry out its functions.

"(c) Members of the Advisory Board shall serve without compensation in addition to that received in their regular public employment. While away from their homes or regular places of business in the performance of duties for the Advisory Board, all members of the Advisory Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

"(d) The term of office of an appointed member of the Advisory Board is four years, except that no term of office may extend beyond the expiration of the Advisory Board. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. If a vacancy occurs in the Advisory Board, the Director of NIH shall make an appointment to fill the vacancy not later than 90 days from the date the vacancy occurred.

"(e) The Director of NIH shall select the chairman of the Advisory Board from the members of the Advisory Board.

"(f) The Director of NIH shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with an executive director and one other professional staff member. In addition, the Director of NIH shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with such additional professional staff members, such clerical staff members, such services of consultants, such information, and (through contracts or other arrangements) such administrative support services and facilities, as the Director of NIH determines are necessary for the Advisory Board to carry out its functions.

"(g) The Advisory Board shall meet at the call of the chairman, but not less often than four times a year.

"(h) The Advisory Board shall—

"(1) review and evaluate the implementation of the National Research Program on Acquired Immunodeficiency Syndrome established under section 447;

"(2) for the purpose of assuring the most effective use and organization of resources respecting research concerning acquired immunodeficiency syndrome, advise and make recommendations to the Congress, the Secretary, the Director of NIH, the Director of the National Institute on Allergy and Infectious Diseases, and the heads of other appropriate Federal agencies for the implementation and revision of such Program; and

"(3) maintain liaison with other advisory bodies related to Federal agencies involved in activities related to acquired immunodeficiency syndrome.

"(i) In carrying out its functions, the Advisory Board may establish subcommittees, convene workshops and conferences, and collect data. Such subcommittees may be composed of Advisory Board members and nonmember consultants with expertise in the particular area addressed by such subcommittees. The subcommittees may hold such meetings as are necessary to enable them to carry out their activities.

"(j) The Advisory Board shall prepare and transmit to the Director of NIH an annual report which—

"(1) describes the Advisory Board's activities in the fiscal year for which the report is made; and

"(2) contains the Advisory Board's recommendations with respect to the Program.

"(k) The Advisory Board shall terminate on September 30, 1992.

"(l) The Director of NIH shall make appointments to the Advisory Board within 90 days after the date of enactment of this section.".

IMPROVING THE CAPABILITY OF THE NATIONAL INSTITUTES OF HEALTH TO COMBAT ACQUIRED IMMUNODEFICIENCY SYNDROME

SEC. 602. (a) Subpart 6 of part C of title IV is amended by adding at the end thereof the following new sections:

"NATIONAL RESEARCH PROGRAM ON ACQUIRED IMMUNODEFICIENCY SYNDROME

"SEC. 447. (a) There shall be the National Research Program on Acquired Immunodeficiency Syndrome (hereafter in this subpart referred to as the 'Program'), which shall consist of—

"(1) an expanded, intensified, and coordinated research program on acquired immunodeficiency syndrome conducted and supported by the Institute, including an expanded and intensified basic and clinical research program relating to the prevention and treatment of acquired immunodeficiency syndrome; and

"(2) demonstration, education, and other programs for health professionals for the detection, diagnosis, prevention, and treatment of acquired immunodeficiency syndrome and for the provision of counseling concerning acquired immunodeficiency syndrome.

"(b) The Director of the Institute shall be responsible for the administration of the Program.

"(c) To carry out the Program, the Director of the Institute shall establish projects to promote cooperation between Federal agencies, State, local, and regional public health agencies, and private entities, in research concerning the diagnosis, prevention, and treatment of acquired immunodeficiency syndrome.

"(d) In carrying out the Program, the Director of the Institute shall—

"(1) coordinate activities under the Program with other activities relating to acquired immunodeficiency syndrome conducted by the other national research institutes and the agencies of the National Institutes of Health; and

"(2) give special emphasis to the continued development of activities relating to the cause of acquired immunodeficiency syndrome and to the coordination of such activities with related activities conducted by the other national research institutes.

"(e) The Director of the Institute shall prepare and transmit to the Secretary, for inclusion in the Secretary's annual report under section 102 of the Acquired Immunodeficiency Syndrome Information and Research Act of 1987, a report—

"(1) describing and evaluating the progress made in such fiscal year in research, treatment, education, and training with respect to acquired immunodeficiency syndrome conducted or supported by the Institute;

"(2) summarizing and analyzing expenditures made in such fiscal year for activities respecting acquired immunodeficiency syn-

drome conducted or supported by the Institute; and

"(3) containing such recommendations as the Director of the Institute considers appropriate.

"SPECIAL AUTHORITIES OF THE DIRECTOR

"SEC. 447A. In carrying out the Program, the Director of the Institute—

"(1) shall develop and expand clinical trials of treatments and therapies for acquired immunodeficiency syndrome and infection with the acquired immunodeficiency syndrome virus;

"(2) may establish or support the large-scale development and preclinical screening, production, or distribution of specialized biological materials and other therapeutic substances for research relating to acquired immunodeficiency syndrome and set standards of safety and care for persons using such materials;

"(3) may, in consultation with the advisory council for the Institute, support (A) research relating to acquired immunodeficiency syndrome outside the United States by highly qualified foreign nationals which can be expected to benefit the American people, (B) collaborative research involving American and foreign participants, and (C) the training of American scientists abroad and foreign scientists in the United States;

"(4) may, in consultation with the advisory council for the Institute, support appropriate programs of education and training (including continuing education and laboratory and clinical research training);

"(5) may encourage and coordinate research relating to acquired immunodeficiency syndrome by industrial concerns where such concerns evidence a particular capability for such research;

"(6)(A) may, in consultation with the advisory council for the Institute, acquire, improve, repair, operate, and maintain laboratories, other research facilities, equipment, and such other real or personal property as the Director of the Institute determines necessary;

"(B) may, in consultation with the advisory council for the Institute, make grants for the renovation of facilities; and

"(C) may, in consultation with the advisory council for the Institute, acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34) by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Program for a period not to exceed ten years; and

"(7) subject to section 405(b)(2) and without regard to section 3324 of title 31, United States Code, and section 3709 of the Revised Statutes (41 U.S.C. 5), may enter into such contracts and cooperative agreements with any public agency, or with any person, firm, association, corporation, or educational institution, as may be necessary to expedite and coordinate research relating to acquired immunodeficiency syndrome.

"NATIONAL ACQUIRED IMMUNODEFICIENCY SYNDROME RESEARCH CENTERS

"SEC. 447B. (a)(1) The Director of the Institute may enter into cooperative agreements with and make grants to public or private nonprofit entities to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for, centers for basic and clinical research into, and training in, advanced diagnostic, prevention, and treatment methods for acquired immunodeficiency syndrome.

"(2) A cooperative agreement or grant under paragraph (1) shall be entered into in accordance with policies established by the Director of NIH and after consultation with the Institute's advisory council.

"(b) Federal payments made under a cooperative agreement or grant under subsection (a) may be used for—

"(1) the renovation or leasing of space;

"(2) staffing and other basic operating costs, including such patient care costs as are required for research;

"(3) clinical training, including training for allied health professionals, continuing education for health professionals and allied health professions personnel, and information programs for the public respecting acquired immunodeficiency syndrome; and

"(4) demonstration purposes.

As used in this subsection, the term 'training' does not include research training for which National Research Service Awards may be provided under section 487.

"(c) Support of a center under subsection (a) may be for a period of not to exceed five years. Such period may be extended by the Director for additional periods of not more than five years each if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"ASSOCIATE DIRECTOR FOR PREVENTION

"SEC. 447C. (a) There shall be in the Institute an Associate Director for Prevention to coordinate and promote the programs in the Institute concerning the prevention of infectious diseases, including acquired immunodeficiency syndrome. The Associate Director shall be appointed by the Director of the Institute from individuals who because of their professional training or experience are experts in public health or preventive medicine.

"(b) The Associate Director for Prevention shall prepare for inclusion in the biennial report made under section 407 a description of the prevention activities of the Institute, including a description of the staff and resources allocated to those activities.

"VIRUS AND SERUM BANK

"SEC. 447D. The Director of the Institute shall establish, or provide for the establishment of, a virus and serum bank in which all human immunodeficiency virus serotypes and serum are available to qualified investigators and organizations.".

(b) Section 446 is amended—

(1) by inserting "the cause, prevention, treatment, and care of individuals with" after "with respect to"; and

(2) by inserting before the period a comma and "including acquired immunodeficiency syndrome".

NATIONAL RESEARCH SERVICE AWARDS

SEC. 603. Section 487(a) is amended by adding at the end thereof the following new paragraph:

"(4) The Secretary, through the Directors of the national research institutes, shall make National Research Service Awards under subparagraphs (A)(ii), (A)(iv), and (B) of paragraph (1) for the training of individuals to participate in national research efforts relating to acquired immunodeficiency syndrome.".

DRUG ABUSE RESEARCH

SEC. 604. (a) Section 516(a) is amended—

(1) by striking out "and" at the end of paragraph (1)(B);

(2) by striking out the period at the end of paragraph (2)(C) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(3) for the study and demonstration of effective methods to reduce the transmission of the acquired immunodeficiency syndrome virus among intravenous drug abusers.".

(b) Section 517 is amended by adding at the end thereof the following new sentence: "Of the amounts appropriated under this section for any fiscal year (beginning with fiscal year 1988) $25,000,000 shall be available for projects under section 516(a)(3).".

Mr. KENNEDY. Mr. President it is my privilege to bring comprehensive bipartisan legislation on AIDS to the Senate floor today.

This legislation, which was reported unanimously from the Labor and Human Resources Committee, will accelerate and coordinate our Nation's response to this deepening public health crisis.

It will educate all Americans about AIDS risks and enable them to make informed choices to protect themselves; it will develop care and treatment services for people with AIDS that are more economical and appropriate; and it will accelerate the search for AIDS vaccines and cures by putting Federal funds to work faster.

Many of us in the Senate are far more familiar today with the problems that are posed by this new epidemic than we were 1 year ago. We know far more about what is needed to combat this deadly plague, and how to stop its spread.

Over the past year, several eminent institutions and individuals have provided leadership to the Nation on how to control and conquer this disease.

America can take satisfaction that—in these difficult times—a rational policy on AIDS has been offered by a group of able and skilled health professionals who have provided us with medical advice, not political or ideological advice. Special credit goes to Surgeon General Everett Koop, the National Academy of Sciences Panel on AIDS, the U.S. Public Health Service, and the Presidential Commission on the HIV Epidemic. This legislation reflects their careful study and recommendations. Moreover, S. 1220 represents a truly bipartisan effort on the part of the Senate. The distinguished Senator from Pennsylvania, Senator SPECTER, helped make this legislation more responsive to the problem of AIDS among minorities. Recommendations of the minority leader, Senator DOLE, the Senator from California, Senator WILSON, and the Republican AIDS working group, have been included to provide funds directly to the States for AIDS education and the care of people with AIDS.

We know that the AIDS virus is a threat to Americans in all walks of life. It is a sexually transmitted disease that does not discriminate between men and women, young and old, or blacks and whites. According to the U.S. Public Health Service, by 1991, AIDS will claim more lives each year than the entire Vietnam war. We must act immediately and decisively to halt this killer. More than 60,000 Americans have come down with AIDS. Nearly 35,000 are already dead. Between 1 and 2 million Americans are already infected with the virus that causes AIDS. It has been estimated that 50 percent of those infected will become ill—over time, some researchers say an even larger percentage may develop the deadly disease. Unless research produces a surprise breakthrough in the treatment area, we are guaranteed to be facing a steadily increasing death toll and astronomical costs. In 1991, the annual cost of AIDS to our society is projected to be $64 billion—nearly $9 billion for direct care and $55 billion in lost productivity.

The vast majority of deaths will occur among people who are already carrying the AIDS virus.

The legislation before us will enable us to take many of the steps we now realize are vital to containing this epidemic. It will enable us to provide humane and effective treatment to those who are ill. And it will enable us to continue and accelerate the excellent progress we have made toward unraveling the mysteries of the AIDS virus through research. This bill is not about money, it is about leadership. We will vote here today for the establishment of a coherent national strategy for addressing this public health crisis. S. 1220 is not a budget-buster. In fact, its authorizing totals reflect the spending mark for AIDS set by the Budget Committee and actually appropriated by the Senate in fiscal year 1988. S. 1220 provides crucial guidelines for using the money that will be spent on AIDS with maximum efficiency.

The total amount authorized by the bill is $665 million—this total includes $75 million for drug treatment programs that were originally a part of the ADAMHA reauthorization. However, because of the urgency of the AIDS problem among drug users, this provision has been added to S. 1220.

S. 1220 provides $590 million for AIDS education, training, and care efforts as well as cooperative international projects. Fully $250 million of this total goes directly to the States to use in the frontline battle against this illness. While S. 1220 will help enhance and accelerate our research programs on AIDS, it does not set a dollar amount for AIDS research. Because AIDS research is moving at a rapid pace, the funding decisions are best left to the budget and appropriations process. S. 1220 is the compressive battle plan clearly accomplishable within both the President's budget request and the Senate Budget Committee chairman's mark. It reflects the Senate's desire for greater utility and accountability of AIDS funding and our willingness to carry through on the virtually unanimous recommendations of our country's public health experts.

This legislation requires the Government to cut in half the amount of time it now takes to put Federal AIDS research dollars to work in laboratories and clinics. We are facing a crisis and must be prepared to retool Federal systems to meet the AIDS emergency. The Nation's commitment to basic biomedical research has already produced remarkable advances in our fundamental understanding of AIDS. We must now accelerate our effort to translate these findings into action at the bedside. Doing so will require more manpower for the National Institutes of Health, the Centers for Disease Control, the Food and Drug Administration, and the Health, Services and Resources Administration. This legislation provides the resources to hire that manpower.

Our immediate obligation is to insure that more and more of our fellow citizens do not become infected. That is why our bill calls for a comprehensive national plan of education, prevention and risk reduction. At the moment, these steps are the only tools available to combat AIDS. We must target our prevention and education effort on those individuals whose behavior places them at highest risk, including adolescents. Intravenous drug users, gay and bisexual men, blacks and Hispanics, and women of childbearing age. This bill will achieve the essential goal of providing widespread information to all citizens about how they can protect themselves from AIDS.

This initiative will bring the creative minds of the scientific community into the effort to devise new approaches to prevention. It will also provide additional resources to the National Institute on Drug Abuse to test new methods of reducing transmission among IV drug users. They are a key group to target to stop the further spread of AIDS into the heterosexual community.

The national information program called for in this bill is unique in its goals and its approach. We will use the full power of advertising media to make sure an accurate message about the true danger of AIDS reaches every American home.

Our national information program will create a clearinghouse at the CDC with model education materials and methods that will be widely available. The AIDS information hotlines will be expanded. Grants are provided to local organizations to create their own programs in their home communities. A special set-aside is provided to fund AIDS prevention efforts for minorities.

This bill also provides for improved international assistance and cooperation. The AIDS epidemic is likely to continue to plague the Nation well into the next decade and even into the next century. The number of people infected is staggering and it will continue to escalate.

The magnitude of this scourge—which has been called a possible catastrophe and health disaster of pandemic proportion—may soon surpass any disease in this century and possibly any disease in history.

Unfortunately, AIDS is here to stay. Because of it, our world has changed and may never be quite the same. AIDS is a fact of life that our children and our children's children must learn to contend with. There is much that we can do to moderate its impact, but we may never be able to make it disappear.

AIDS is a crisis for industrial and developing countries alike. We know that 5 to 10 million people throughout the world are already infected—of whom 1 to 2 million live in the United States.

Within 5 years, there may be 50 to 100 million people worldwide infected with the virus. Approximately 5 to 10 million will be Americans. These unthinkable numbers and the equally alarming projections by the Public Health Service are convincing evidence that no sector of society is safe from this crisis.

Families, schools, businesses, recreational institutions, and governments at every level are all being forced to confront the dilemmas, distress, and even the hysteria provoked by AIDS.

From a local perspective, the number of cities and States with significant numbers of new cases increased at unprecedented levels over the last year. There are now 20 U.S. cities with more than 500 total cases of AIDS, 38 States and the District of Columbia have each reported more than 100 cases since June 1981.

In the face of the potential escalation of the disease, every week, every month counts in the battle against it.

The many features of this legislation speak directly to this national health emergency. It will provide for immediate training of health and public safety workers around the country on proper infection control measures to limit the spread of the disease. It declares AIDS a national health emergency. It will establish procedures to speed the awarding of research grants and contracts and establish a special mechanism to expedite any priority request pertaining to AIDS through the Department of Health and Human Services.

The bill also calls for immediate investigation of the feasibility of a private-public consortium to conduct research on new AIDS drugs and vaccines.

Every health professional in this country needs to become more familiar with this disease. That applies not only to physicians and nurses, but to mental health professionals, dentists, and emergency personnel. To achieve this goal quickly, the bill provides resources for health professions, schools, and national professional organizations, so that they can quickly develop curricula and methods to reach not only health professions students, but practicing professionals in the field.

The National Academy of Sciences has projected that AIDS will cost somewhere between $8 and $16 billion per year in health care expenses by 1990. Much of this expenditure will be used to support the cost of hospital care. Yet hospital care is often not the best care for those with AIDS. Often, more compassionate and more cost-effective care can be given in alternative settings—provided that appropriate support systems are in place. Our bill gives funding to all States to assist efforts to move the treatment of AIDS out of the hospital and into the home and the community. Right now, there are urban hospitals in which 25 percent of the beds are occupied by people with AIDS-related illnesses. We must involve more community physicians, and provide more opportunities for day care and home care as alternatives to costly hospital services. The funds in this initiative would also support hospice care.

In cities like San Francisco, New York, and many others, many of these services have been provided through the generous and dedicated work of volunteers. In some cities, church groups have established humane community hospice care. This has been important for those who know the double pain of deadly illness and societal rejection. Such philanthropic work must and will continue. Even more can be done if States share the Federal dollars provided by this bill with community-based groups. We urge them to do so—as does the President's Commission on the HIV epidemic.

It is now almost 7 years since medical researchers recognized the presence of this new and lethal killer in our midst. What first appeared to be an obscure illness threatening only a handful of people has developed into an international mightmare. The Senate has a role to play in reducing the pain, the tears, and the dying that AIDS has unleashed on the Nation. It is not just a matter of dollars, it is a matter of will. We have the tools available today to arrest the onset of the illness in people already infected with the virus. Learning to use these tools may well mean the difference between life and death for hundreds of thousands of our fellow citizens. We already possess the knowledge to prevent the continued spread of AIDS infection. Sharing that knowledge will require a frank and open discussion of the new facts of life that AIDS has imposed on civilization. Every man, every woman, and every child in the Nation needs to be informed about the behaviors that can put them at risk of becoming infected with the AIDS virus. Anyone who believes that a child should be sheltered from this information about AIDS must consider the following: The price of withholding that information could be the very life of that child.

Because the best hope of victory over AIDS lies in biomedical research, this bill will strengthen and expand our national research effort. It will establish an AIDS Advisory Board at the National Institutes of Health, and bring new researchers and new research institutions into the battle against the virus.

As we face this new and considerable challenge, we must not forget our many strengths. We are, in fact, poised to handle this challenge more effectively than we have been at any previous point in our history. Biomedical research and public health science have given us tools of incredible sophistication and understanding. History has given us democratic institutions and constitutional traditions in which highly charged issues can be decided rationally for the common good, with full protection for the fundamental rights of individuals. I urge my colleagues to join me in support of this vital legislation, to demonstrate to the Nation our commitment to do all that is in our power to defeat this deadly foe and protect our citizens and the citizens of the world from the growing danger that hangs over our civilization. We need endurance, determination, and competent national leadership. We also need a carefully thought out plan to direct our considerable capabilities. With Senator Hatch, I am proud to offer such a program here. It has been endorsed by more than 100 of the Nation's leading scientists, public health officials, labor organizations, and professional groups. It has been reported unanimously by the Labor and Human Resources Committee, and I urge my colleagues to enact it.

The **PRESIDING OFFICER**. The Senator from Massachusetts yields the floor.

Mr. **HATCH**. Mr. President, I am pleased to join Senator Kennedy today in support of this compromise, bipartisan legislation, which addresses a significant part of the pressing national problem caused by the AIDS virus. This compromise incorporates ideas contained in legislation introduced by Senator Kennedy and ideas contained in legislation introduced by Senator Dole, Senator Wilson, myself, and other Republicans, S. 1374, and ideas offered by others both inside the Senate and out, including the President's Commission on AIDS.

Some have called AIDS the No. 1 threat to our national, and possibly international, health. In my own State of Utah, more than 60 people had contracted this deadly disease when S. 1220 passed the committee. Today, that number has increased until there are more than 110 people with AIDS in my State. They are among the more than 58,000 cases of AIDS reported in this country, an increase of more than 20,000 since S. 1220 passed the committee. Already, more than one-half of these people have died, underscoring the tragic consequences of this devastating disease.

Many more are probably affected. Another 250,000 to 400,000 people may have symptoms called "AIDS Related Complex" or ARC, which result from infection with the AIDS virus. Many of these individuals will either develop AIDS or die from complications associated with ARC.

Again, the tragedy does not end there. It is estimated that up to 1.5 million Americans have been exposed to the AIDS virus. Between 30 percent and 50 percent of these individuals are expected to die within the next 5 years unless a cure can be found.

The Department of Health and Human Services has declared AIDS the Nation's No. 1 public health problem. It has already launched a three pronged attack—initiating research on treatments, generating research on a vaccine, and educating the public about how to prevent the spread of AIDS.

The President has also responded. He has created a Presidential Commission to evaluate the many medical, social, ethical, and moral questions raised by this disease. In addition, he has taken a highly visible role, using his office to inform Americans about this dreaded disease. And, I want to congratulate that Commission, which, after a rocky start, has been doing an excellent job of gathering ideas, making recommendations, and quelling fears.

Still, much more needs to be done. S. 1220 declares AIDS a public health emergency and provides the Secretary of Health and Human Services with the additional resources and authority he needs to address this crisis.

Second, this legislation stipulates that the United States will participate and contribute to international efforts to prevent the spread of AIDS and to find a cure.

Third, it provides for a dramatic increase in our efforts to prevent the spread of the disease by authorizing $120 million for the Center for Disease Control to develop public information programs and $150 million to States to inform their citizens about various activities that may put them at risk of becoming infected.

Fourth, the bill establishes a $100 million grant program to States to pay for the training of community based providers, outreach, coordination of services, and home health care services.

That home health care services is very important to me as one of the leaders in the Congress in trying to bring home health care under a long-term home health care program to the American people. This bill goes a long way towards doing that with regard to the No. 1 public health problem, AIDS.

Fifth, the bill establishes training programs for health care providers through fellowships at CDC, training grants to schools of medicine, osteopathy, and health science centers, and funding for continuing medical education.

I should also note at this point that both the information grants and the service grants contain authority for training.

Finally, the bill endeavors to enhance our national research efforts.

This legislation does not, and is not intended to, address every issue related to AIDS. It is intended to extend our Federal research efforts, to increase our public information campaigns, and to improve our ability to provide compassionate services to individuals who are infected with AIDS.

There are issues which have been intentionally left for other legislation. For example, this legislation does not address testing, counseling, or nondiscrimination. While I have strong feelings about these issues and plan to actively support legislation in these areas at the appropriate time, I hope, during our debate today, we can avoid the temptation to focus on such issues instead of the provisions of S. 1220.

Like all compromises, no one supports all of the provisions. There are parts that Senator KENNEDY would change and parts that I would alter if given the choice. In addition, we have tried to accommodate concerns raised by other Members of this body, the administration, and the public subsequent to the committee action on S. 1220. I hope my colleagues feel these changes address their concerns and further improve and refine the bill. But I am confident that when this package is viewed in its entirety, it can be supported by everyone in this body. This doesn't mean that other Members of this body won't have amendments which may further improve or refine this legislation and I look forward to the debate on the floor.

Viewed in its entirety, this legislation takes a balanced approach and deserves expeditious approval by the Senate. I hope the House will also give it prompt consideration so that it may be sent to the President for his signature.

In closing, I would like to thank Senator KENNEDY and his staff for the work they put into this compromise. I would also like to commend Senator DOLE for his leadership in this area, and another great leader Senator WILSON, and of course Senator D'AMATO, who have worked so hard to see that this body takes a responsible approach to the AIDS problem.

I have enjoyed working with Senator CRANSTON, who has a great interest in this matter and has certainly tried to aid all of us in helping to resolve these problems surrounding this bill. There are others as well. I do not want to take the time of the Senate to mention everybody, but I have mentioned, I think, a number of my colleagues who deserve a lot of credit on this bill.

S. 1220 paves the way for real progress in the war on AIDS. The Kennedy-Hatch bill is a balanced approach. It provides for compassionate treatment and hope for a cure to our citizens who are already infected. And, for the general public, it provides lifesaving information. I urge my colleagues to support this bipartisan, effective compromise.

I hope that we can have a good debate and that everybody will realize that there are certain matters that we cannot put in this bill because we need the consensus that it takes to have this bill pass, not only the Senate, but the 435-member House of Representatives as well.

I want to thank all concerned. This is a very, very important bill. It will help solve a very, very important issue that will help, I think, millions of people in our country and will set standards for health all over the world.

I think it is worth our effort to see that it is passed and I hope that we can pass it certainly by the end of tomorrow. If we can, it will be a wonderful thing.

Mr. President, I yield the floor.

Mr. CRANSTON. Mr. President, I want to thank Senator KENNEDY and Senator HATCH for the leadership they have provided on this measure and I also thank both of them for their comments about my efforts in this regard.

Mr. HATCH. I thank my colleague for his kind remarks.

Mr. CRANSTON. I am very pleased to rise in strong support of S. 1220, the AIDS Research and Information Act of 1987. As a principal cosponsor of this measure——

Mr. HATCH. Will the Senator please yield? I forgot to do something I promised I would do.

The distinguished Senator from New Mexico, Senator DOMENICI, has asked to be added as a cosponsor. So I ask unanimous consent that he be added as a cosponsor.

The PRESIDING OFFICER (Mr. DODD). Without objection, it is so ordered.

Mr. HATCH. I thank my friend.

Mr. CRANSTON. As a principal cosponsor of this measure when it was introduced nearly a year ago, I am delighted that the Senate is taking action on the most comprehensive AIDS legislation to be considered by this body.

AIDS is an epidemic unlike anything this Nation has ever before encountered. It is caused by a small, but insidious, virus that destroys a person's immune system leaving him or her prey to any number of diseases.

People with AIDS die a painful and tragic death. And more than 32,000 Americans have died—the majority of whom were struck in the prime of their lives. More than 58,000 Americans have been diagnosed with AIDS since the epidemic began—nearly 13,000 in California alone. Tens of thousands more suffer from AIDS-related complex and hundreds of thousands, possibly millions, more have been infected with the HIV virus.

Yet, we have no comprehensive policy to deal with the epidemic, to stop its further spread, to find treatments and make them available to as many people as possible, and to ensure that people with AIDS receive compassionate and appropriate medical and support services. Although I am pleased that the President has requested $1.3 billion for AIDS for fiscal year 1989, this administration, in general—with the exception of Surgeon General Koop—has not demonstrated the leadership necessary to bring an end to this epidemic. Only the Presidential Commission on AIDS appointed by the President—which, of course, is not a part of the administration—has recently begun to display the kind of vision and commitment needed to combat this terrible killer.

Mr. President, despite that void, Congress has responded, with increasing approriations year after year for research, education, and other public health activities related to AIDS. This legislation is aimed at providing some clear policy directives as to how that funding should be spent. It is based on the recommendations of numerous public heath experts, including the Presidential Commission on AIDS, and represents the best consensus for what this country's priorities should be in this area.

S. 1220 would accelerate research, establish a new grant program to provide home health services to people with AIDS, and launch an aggressive education and prevention campaign. I am particularly pleased that the committee floor amendment includes a provision I authored to setup three long-term care projects relating to AIDS. These projects would enable people with AIDS to move out of the hospital and into more appropriate residential settings where they could receive nursing and attendant care. This program will be of a particular benefit to San Francisco, which is in the process of converting the former public health hospital at the Presidio, currently being used as a language school by the Army, into a nursing home for people with AIDS.

S. 1220 would also send a message to the American people that the Federal Government is serious about ending the AIDS tragedy. More than 50 Senators have cosponsored this measure. They have done so because of the good it will do toward combating this epidemic.

However, as most of my colleagues know, there are several amendments—hostile, killer amendments—that may be offered. They would undo much of the good in this bill. They promote a particular political agenda, not sound public health policy.

Mr. President, we must not let the AIDS debate become politicized. We must stand firm in support of our public health experts. We must do what it takes to save people's lives. Ending AIDS requires a total commitment. Preserving life demands no less. I urge all my colleagues to support this measure.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I rise as a cosponsor, a strong supporter of S. 1220, a bill to authorize the comprehensive Federal AIDS Program. It includes AIDS research, education, information, and risk reduction in health care. I want to particularly commend Senators KENNEDY and HATCH for steering this legislation both through committee and on to the floor. It has taken and will take much statesmanlike activity on their part to make sure we get the matter to a final vote.

Many other Senators have been deeply involved in this matter. Senator CRANSTON, Senator WILSON, and many others, have been deeply involved in the AIDS crisis from its onset.

This legislation provides an opportunity for the Senate to take a positive step toward expanding programs and activities that will enhance the Federal Government's efforts to address the public health crisis that has resulted in thousands of deaths and threatens to kill thousands more.

To date, Congress' response to the AIDS crisis has been to consistently double the administration's request for AIDS funding and to anticipate the needs of the scientists, public health officials, and health care providers in this country.

The Congress has also responded to the call for more education and for more prevention programs to stop the spread of this fatal disease.

For fiscal year 1988, the Congress approved more than $900 million in the Labor, Health, and Human Services bill for AIDS funding. Of that amount, more than $300 million was appropriated for education and prevention programs. This is approximately three times the amount spent in 1987.

I am sure most of my colleagues also remember that during the consideration of that bill, there was debate about what should or should not be included in federally financed AIDS education materials. I suspect there may be similar amendments offered to the legislation before us today.

I hope that during the course of the voting on this bill that the voices which would most influence the votes of my colleagues would be those expert in medicine and science rather than those expert in philosophy.

We are not dealing with anything other than a scientific mystery; a deadly mystery, but a scientific mystery that will be solved by science and education. Fear and ignorance will only compound the problems we face. Only exacerbate the cylce of death that associates with this disease.

As late as last week, when I met with several classes of high school students from my State of Connecticut, they asked the question as to what should they do in terms of a classmate, or a would-be classmate, who might have AIDS. I explained to them that in the course of pursuing this issue over the past several years, I had obviously had close associations with those afflicted with AIDS.

We have spoken; we have embraced; we have shaken hands; we have broken bread together. AIDS is nothing to be afraid of in terms of casual contact. There are specific, very specific ways one gets AIDS, and it relates to specific courses of sexual contact and drug use, not casual contact. It is time to get fear and ignorance out of the arguments because we cannot move on the scientific and education fronts so long as fear and ignorance drive our responses to AIDS. So let our votes on the Senate floor be guided solely by principles of education and of science.

I do not ask for compassion for that is something that abounds on this floor among all 100 Members. Nobody has a lock on it. Compassion resides in the hearts of each man and woman here. But in the decisions we now have to make in the next 24 or 48 hours, let us forget about voting as Republican or Democrat, conservative or liberal. Let the votes, the yeas and the nays, be based on scientific evidence. Then we will do right by the final version of whatever it is that we pass.

One aspect of the AIDS education that particularly concerns me is the absolute necessity of ensuring that our children receive complete and accurate information about AIDS. In its original form, S. 1220 outlined six ways in which a State may spend Federal AIDS education money, and nowhere in the outline did the bill specify that a State may use its funds for AIDS programs for school-aged children. I now understand that at my request an amendment to include such programs in the priority list is part of the managers' package of amendments.

Mr. President, I could not agree more with the Surgeon General when he said:

> We must tell young people the truth about AIDS and about the way it is spread. We must talk sense to them, and their parents, and their teachers. This is no rose garden, but we have got to make the effort. We have to educate and inform them, even though we do so in the midst of all the other complex aspects of sexual relations in America. their lives are at stake, and so is the physical and spiritual life of this country.

The problem is that if you do not tell your youngster—not youngsters generic—but your youngster—everything, should the wrong thing happen in terms of activity, there is no second chance. There is no second chance because there is no vaccine and there is no chemotherapy available now to save the AIDS victim.

Were it up to me, do I feel that telling young children about all this is in their best interests? Absent any other factor, I do not think anyone in this Chamber or anybody listening who would say this is the type of story you like telling children. But given the choice between a youngster alive and a youngster dead, yes, I will tell my children exactly what they need to know. I might add I am not asking that this be done by U.S. Senators or those not experienced in ways of either education or science. Clearly, it is up to professionals to do the job. They are capable of doing it only prevented from doing so if we will it. That would be an exercise in ignorance, and is nothing this Government should attack its name to.

So, Mr. President, the bill we are considering today can make a difference as to whether certain of our neighbors will live or die. In addition to expanding Federal AIDS education programs, S. 1220 authorizes health care services, training of health professionals in the development of new treatment programs. It contains provisions to expedite the already record-breaking pace of research under way to find cures and new treatments for AIDS.

This body, I might add, should take particular satisfaction, if there is any satisfaction to be had in something as tragic as this, in the fact that it was the first institution of our democracy to recognize the urgency of research when appropriated $47 million to further the clinical trials of AZT several years back.

Well, research has accelerated way beyond $47 million, but nobody can ever view the Senate and say we were asleep on watch when this threat was posed to the Nation. But, however far we've come, more is required. This bill contains the types of provisions which are a comprehensive response to a crisis demanding our attention, demanding our resources, demanding our willingness to care about each other.

One last point. The goodness of this Nation has always evidenced itself when it came to people's hurts by never asking how the hurt came to be. Much of the pain and the suffering that has occurred during the history of this Nation did not have glorious beginnings. But it never mattered. We all went to the side of our neighbors when needed. I do not think this is the time in our Nation's history to start asking why. It is very simply a time to recognize tragedy, suffering, tears, and pain.

Now finally, in terms of money, we are marshaling the resources of a great Nation to go to the side of the dying. In this legislation we finally are setting policy. Policy not based on philosophy, religious beliefs or partisanship, but policy encompassing compassion and knowledge that one day will bring an end to tragedy. I think there is an assumption in this country, as to the preciousness of each human life. I do not ever want to see that assumption changed because, if it does, then our Nation is changed. That would be the single most tragic death from AIDS.

I yield the floor.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, thank you.

My thanks to the distinguished Chair and ranking member of the committee who have worked so hard to bring this legislation to the floor along with many others whom, as the Senator from Connecticut has just observed, have added their effort. I think of the Senator from Connecticut who has just made a very soft-voiced, very eloquent statement. I see my friend and colleague from California. There are many on this floor who have been concerned and who are grateful that finally this legislation is before us.

In particular, I thank my distinguished friend from Utah whose leadership in this body in the field of health matters has made a vital difference, one of fundamental importance to the serious efforts that Congress is making to deal with the national challenge of AIDS and other serious health menaces.

Mr. President, I am pleased today to join in what is and should be a bipartisan effort to enact Senate bill 1220. This measure has been carefully crafted because of the personal involvement of its sponsors, and there are many original cosponsors, the leadership on both sides of the aisle, and the staffs of the committee. S. 1220 represents the long-awaited commitment by Congress to the eventual elimination of the scourge of AIDS.

Mr. President, that might seem a presumptious statement. But I say "elimination" advisedly because even though that goal may seem presently distant to some, perhaps even out of reach, however difficult it may be we cannot seek a lesser goal. We cannot be satisfied with any lesser objective. S. 1220 builds on the commitments that have been made to date in research and education, and it makes a thorough forthright statement that this Nation is prepared to wage the war on AIDS so that those who have died of this disease will not have died in vain.

So that their untimely deaths will one day seem the more shocking and tragic as we look back from a future time when others more fortunate need not fear that they will surely die from contracting AIDS.

The families, too, of those who have died need to know that their anguish was heard and felt by a compassionate society that responded to their suffering and to the suffering of their loved ones, not with condemnations but with a shared sense of loss, and much more importantly, with a determination that as soon as humanly possible we will accelerate treatment and cure. Cure may not come soon, Mr. President. Indeed, it certainly cannot and tragically cannot come soon enough for many. But it must come and it must come not 1 day later than the first day possible through our maximum effort.

Mr. President, the statistics are bad enough. As of April 18, 59,491 AIDS cases have been diagnosed, and of that number, 33,280 have died, many of them from my home State of California.

But those statistics alone do not begin to tell the full story, because statistics are cold. There will be some who are quick to point out that the total fatalities from other diseases are greater than from AIDS. That is true. But what that really useless comparison leaves unsaid is that in such comparisons, those other diseases, unlike AIDS, are not 100-percent fatal to those who contract them. AIDS has been almost 100-percent fatal and within relatively short timeframes.

Yes, treatment for AIDS has provided some hope that those who are diagnosed with AIDS today may live longer than those who preceded. But the fundamental fact of fatality continues to haunt us as it did when first we learned of the lethality of this terrible disease. That basic and unrelenting reality is why we must all report S. 1220. It is not enough for Congress simply to appropriate funds on an annual basis. What is needed, and what this legislation provides, is a continuing charter to those both in and out of Government which spells out the long-term goals and instructions for the Nation in what we must not call a war on AIDS unless we are prepared to commit to the resources necessary to win it, however long that takes.

For instance, the charter includes provisions in which I have a particular interest. I was involved in drafting the development of a subacute research facility in San Francisco, a former public health facility being used by the Army.

It is a classroom for language training. I have been involved as well in a provision that the Department of Health and Human Services submit to the Congress an annual report aggregating all the Federal expenditures on AIDS. I have been involved as well in provisions for better educational programs to reach minority populations, particularly Hispanics who have suffered a disproportionately high incidence of this dreadful disease.

We are in this war on AIDS for the duration. We will not let up until we have won that war and the statistics have fallen and fallen and fallen until with God's help one day we will be able to achieve what we did with polio, and reach a virtual total elimination. But until that time, Mr. President, it is essential that education go forward as the great preventive that will greatly reduce whatever task may otherwise await us in terms of treatment, and there is cause for optimism on that basis, Mr. President. Those most vulnerable, those most at risk are our educable population, and indeed the experience in the city of San Francisco is distinctly encouraging on that score. It is true that those who have been educated have reduced the risk, and the dread statistics I recited a moment ago give promise of falling earlier than we had hoped.

Mr. President, by passing this legislation, we will demonstrate that we are prepared to learn the lessons of today so that we can apply them to similar maladies that may strike in the future. We do not know what new strain of virus may prove to be dangerous to future populations. While AIDS is the virus that stalks us today, another virus equally deadly may strike a different target at some other time. And the lessons that we learn from dealing with AIDS will assist us not only in combating that immediate and terrible scourge, but may very likely provide us with the kind of necessary assistance, the knowledge and experience that can prevent the incredible toll being taken as we anticipate and deal with early in effective fashion different viruses in the future.

With S. 1220, not only will we develop the protocols in a laboratory, the technicians, and have the epidemiology of treatment, the skills of education and communication, with groups that are difficult to reach; we will also hone the industries of government at all levels to legislate and manage the administration of this war and whatever campaigns in the future are required by some new threat.

In a world where researchers—funded in large measure by Congress—are making geometric advances in the development of new medical drugs and devices, people have come to expect that those discoveries will be available to treat and cure the illnesses that kill. Yet, Congress also prescribes the law that regulates the approval of drugs and it authorizes reimbursement for those drugs—procedures that often lag far behind the discoveries themselves, so that promised surcease is too often held at arm's length from those desperately crying out for it.

AIDS, more than any other medical issue visible today, has highlighted these apparent conflicts—conflicts which we must deal with if we are to keep faith with the expectation of the American people that we can and will do all possible to advance the first opportunity for humane treatment and interdiction of these plagues.

S. 1220 will help us do that because it sets the tone for the future. Mr. President, I believe that the hopes of the Nation and its concern about AIDS rests with this bill. It is not the final step, but it is desperately required as a further substantial—not beginning, but, really, a giant step forward from those first beginnings that we have made.

I submit that S. 1220 will prove to be a measure the effect of which will go far beyond immediate concerns. I am pleased to have been afforded the opportunity, working with the committee and other cosponsors, to play a role in crafting its provisions. I will do all possible to lend my support to its passage on the floor and, further, to see to it that it is implemented as it must be, to realize our hopes, to advance that day, just as soon as possible, when we can really seriously hope to minimize the suffering not simply of the victims of AIDS but also of those who love them.

Mr. President, I am grateful for the generosity of my colleague from Utah, the manager of this legislation, for the role he has asked me to play in assisting him in the floor management of the bill. I expect that S. 1220 will receive, as it should, overwhelming approval by the Senate and by the House and that the President will sign it.

In so doing, Congress and the President will have brought credit on themselves. More important, we will have kept faith with the American people in their desire that we deal with this terrible tragedy as early and as effectively as human effort can permit.

I yield the floor.

Mr. SIMON. Mr. President, I rise today in support of S. 1220. I commend the chairman and his staff for their fine and diligent efforts on this measure. And I appreciate the support and leadership of the Labor Committee ranking minority member, our colleague from Utah. His efforts will continue to be critical in our bipartisan address of this issue.

Almost 1 year has passed since I joined Senator KENNEDY as an original cosponsor of the Comprehensive AIDS Research, Information and Care Act. In that period of time, which may seem brief by legislative standards, over 11,000 additional lives have been taken by this disease.

Since the 1986 publication of "Confronting AIDS," the Institute of Medicine/National Academy of Sciences blueprint for public health policy with regard to AIDS, we have known what needs to be done to launch an all-out war on this disease. We have watched some of our cities struggle, with meager Federal assistance, to address the care and treatment needs of people with AIDS.

As a result, model care and treatment programs have been developed in some areas. AIDS, more than any disease in recent memory, has magnified the flaws in our health care delivery system. In June 1987, Surgeon General Koop called for the immediate establishment of an AIDS health care network. We should rise to that challenge.

We have watched our State governments struggle with legislation to assist. In response to unwarranted fears, and as a result of lack of public education, policies that restrict sound public health practices have been enacted. I hope we have learned from some of those efforts.

We have watched as other nations of the world have initiated comprehensive public health policies. It was early in 1986 when the British Department of Health and Social Security embarked on a national advertising campaign to prevent the spread of AIDS. The quantified results of that campaign were published last year, again providing us with valuable lessons concerning AIDS education and risk reduction.

And beyond our domestic war on AIDS, we are witnessing an international dilemma. As the Nation with the greatest AIDS population, and as a world leader, we have a responsibility to cooperate internationally in the war on AIDS.

We have the opportunity to make giant strides in those directions today.

S. 1220 is a bipartisan effort. It addresses the need for more staff and expedited action at the National Institutes of Health and Centers for Disease Control and the Food and Drug Administration. It creates a comprehensive national research program, and international outreach and cooperation plan, care and treatment programs for people with AIDS.

The education effort authorized in the bill is critical if we are to stop the spread of AIDS. How many Americans know the facts about how AIDS is—and is not—spread? It is my sense that when a public health official stands before a group of teenagers and tells them they should "avoid exchanging body fluids"—those teenagers are going to walk away without knowing specifically what it is they ought to avoid.

We must be clear in our message. So far, the most effective weapon we have against AIDS is education.

There are many Americans who, because of our failure to educate, do not consider themselves at risk. I want them to know the facts and to act accordingly. AIDS is spreading twice as quickly in the heterosexual community as in the gay community. Our Nation's young people desperately need responsible, practical information.

And on that point, I would like to stress the important role that voluntary testing and counseling can play in our AIDS education and risk prevention efforts.

People who know they have AIDS rarely spread it. The waiting list at voluntary test centers has been both appalling and dangerous. The waiting period in Chicago is still over 1 month.

I believe we ought to be doing more to help people make educated choices. I understand that there is no need to amend the legislation before us in order to expand authority for Federal support of testing and counseling in our mainstream public health delivery system. But I do not believe we have been doing all that we can in this area.

In the next few weeks I will be considering a variety of options that will help those Americans who are trying to educate themselves, who have indicated a desire to know their seropositive status. I am sensitive to various concerns with expanding Federal support of voluntary testing centers. But I am equally aware of the grave need that has existed over the past year, evidenced both by waiting lists and statements made by the Centers for Disease Control. And when the legislation before us is enacted, it is my sense that the demand on those centers will only increase. We need to do more to be prepared for that.

A triumph over this disease will be a triumph for us all. It will take medical breakthroughs that we will then be able to apply to leukemia and other diseases. It will take improvements in our health care delivery system that will serve us well as we face the medical problems of the future. Most of all, it will take compassion and commitment.

We have needed those qualities in the past—in the rebuilding of Europe after the Second World War, in the fight for civil rights, in the war on poverty. Each one of those challenges taught us something about ourselves—who we are, what we stand for.

As we engage ourselves in the fight against AIDS, we are strengthened by those past commitments, and we build for our children a tradition of caring that will help them to meet the challenges of the future.

There are issues that divide us morally and politically. AIDS must not be one of them. The policy questions surrounding AIDS need not be complicated, because at its heart, the issue is really very simple.

Our people are dying; we have to help.

Mr. President, I want to join in commending Senator KENNEDY and Senator HATCH for their leadership on this matter, and I am pleased to be a cosponsor of the legislation.

It does a number of things that obviously need to be done in the area of providing services, in improving research, and in the area of education.

Just looking at the graph back here, since this bill was introduced in July of last year, there have been more than 11,000 additional AIDS deaths. It is a pretty dramatic kind of figure.

The one thing that is not in here—and I understand the reason for it not being here, but I think it should be called to the attention of this body—is assistance to the centers that provide testing and counseling.

We have some long waiting periods in some areas until people can get tested. People who know they have AIDS rarely spread the disease. But if they do not know, that is when the danger period is there. If they have to wait at a testing center for a period of weeks—in some cases it has been months now—to get tested, that is a problem.

My understanding is that that particular provision was not added because of the complication and the controversy regarding confidentiality and antidiscrimination provisions. I hope that at some point in the near future we can work out that particular controversy and assist these centers that provide testing and counseling and really do an extremely important service, to see that we prevent the spread of this disease. I am pleased to support this legislation.

The PRESIDING OFFICER (Mr. LEAHY). Who seeks recognition?

Mr. HELMS. Mr. President, as the Chair well knows, we have before us a piece of legislation authorizing over $600 million for AIDS education, treatment, and research. I welcome the opportunity to debate this bill and the amendments that I and others intend to offer.

I believe the American people have the right to know and we have the duty to provide them with the information as to how each of us stands on routine testing, traditional measures to control the AIDS epidemic, and the use of the American taxpayers' dollars and—I use these words advisedy—to promote sodomy.

Let me say at the outset, Mr. President, that from the beginning in connection with this bill, I have offered to enter into a time agreement, provided that I could be assured by a unanimous consent agreement, with respect to 5 of the 11 amendments which I have proposed—and the contents of which I have shared with the distinguished managers of the bill—that no second-degree amendment be in order.

I met this morning with the able Senator from Massachusetts [Mr. KENNEDY], in his office, for a period of 30 minutes or more, and we reached a tentative conclusion about three of those five amendments. Since that time, there has been an alteration as to one of them. So, at worst, we are 40 percent of the way there.

My point is this: Under the parliamentary procedures of the Senate, when a Senator offers an amendment and when he obtains the yeas and nays on that amendment, he automatically loses the floor, and then it is not a matter of the first Senator being recognized. Under the traditions of the Senate—and I do not agree with those traditions—the managers of the bill have priority recognition.

And in this case, a second degree would be an absolute certainty and the second degree would water down and make meaningless the underlying amendment or, to put it in blunt words, it would gut the underlying amendment, the Helms amendment, in each case. That I am unwilling to do.

I hope that we can have further conference between the managers of the bill and the Senator from North Carolina and any others who may be interested. But I want to work out something.

It is not my decision nor was it my judgment that the Senate should be in session tonight. I am agreeable to it and I can certainly understand the majority leader's wish and intent to move along on all pieces of legislation. I want to cooperate with him in that connection, and I shall.

Now, first, Mr. President, let us establish one fact about the AIDS epidemic. I agree with what amounts to the Biblical injunction that we should hate the sin and love the sinner. I may not love the sinners. I do not say that I can go that far, but I sympathize with anybody who has a terminal disease, however he or she gets it. But there is not one case of AIDS on record in this country that did not have its origin in sodomy.

Yet this bill as it now stands does not make any declaration about abstinence. In fact, it would authorize the expenditure of funds that would encourage and condone sodomy. And this Senator is unwilling to spend one penny of the American taxpayer money to encourage, condone, or promote sodomy.

I will not tolerate and I will strongly oppose the use of taxpayers' money, the millions of dollars of it, to encourage or advocate or condone sexual activity outside of monogamous marriage. That is my predicate. If we can work out language in my amendment or if we can work it out so that my amendment at least can face the test of a Senate vote, fine. We can be through with this bill sometime tomorrow. But that remains to be seen.

The homosexual community in Washington, in various cities in California, and in New York is up in arms about any amendment that I may offer to the pending bill.

I have heard rumblings from the people who reside around Dupont Circle in Washington, DC, and elsewhere. They do not like my amendments, but they do not know what my amendments are. They just know that they do not like them. And they are basing their dislike on previous votes on previous amendments offered by the Senator from North Carolina.

There is a homosexual newspaper published in Washington, Mr. President. It is called the Washington Blade, and on April 22, a few days ago, they devoted much of the edition of that newspaper to this bill, stating their apprehensions about amendments that I may offer. If they are unwilling to confront the reality that what they are doing is an engraved invitation to sodomy and to AIDS and they are unwilling to face up to that fact, then they have plenty to worry about from the Senator from North Carolina.

This newspaper, the Washington Blade, went to great length in the April 22 edition to detail each of the amendments that I have offered on the subject of AIDS since August 1, 1986, if I recall.

On the inside page is identified how each Member of the Senate voted and it specifies what the homosexual community has done to change votes on those amendments that I have offered.

The Washington Blade discussed in some detail how the homosexual lobbyists lined up 24 deans of public health schools around the country to lobby their Senators to oppose any amendments. Now bear in mind, Mr. President, neither these homosexuals nor the deans from these public health schools had the foggiest notion of what my amendments would be or what they would provide. They just knew they were against them.

I do not think, Mr. President, anyone will doubt that AIDS is a public health emergency. We have all discussed that at great length on many occasions in this Chamber.

Hundreds of thousands of people will die of this epidemic by the turn of the century assuming a cure is not found. But it need not happen if we can have a turnaround in this Nation on the question of morality and personal conduct. People do not have to risk getting AIDS if they do not engage in sodomy or drug use or if they do not engage in activities with people who are infected with AIDS already. All they have to do and all we have to do is to persuade the American people at large that no sexual activity outside of monogamous marriage and abstinence from illegal drug use is the only way to go. But they do not like that.

I do not think Senators really are fully aware of how taxpayers' moneys already are being used.

Today at lunchtime I showed a videotape of a 30-minute video television program produced with taxpayers' money. I am not going to try to describe the contents of this video production. Certainly I will not do it in detail. But I will say that every Senator present who saw just a little bit of that tape was aghast that the tax money of the American people was used to produce this program which was intended and had as its purpose to say to homosexuals in effect it is all right if you do it right.

The Senators found that videotape revolting and indeed it is revolting.

Hundreds of thousands of people will die of AIDS by the year 2000, but they need not. We can do something about it. But we cannot do something about it if we say, well, people are going to do it anyhow and "it," of course, is engaging in homosexual practices.

I am going to discuss in detail during the time this bill is before the Senate how the AIDS issue is being used by some around this country to promote sodomy and, incidentally, the decriminalization of drugs. These people have rebuffed any attempts to treat AIDS as traditional venereal diseases as other epidemics in this country have been treated. They have continued to cloak the AIDS epidemic in a veil of civil rights, and that is the ultimate in absurdity.

The American people need our help. They need for us to take a stand and to the extent of my power we are going to take a stand. At least Senators will have an opportunity one way or another to vote on the vital question of what shall the morality of this country be, especially in terms of the expenditure of millions of dollars of Federal funds.

I am not going to stand aside or stand back for anyone who says that the American taxpayers' money ought to be used to promote, encourage, condone homosexuality. And that may be the crux of this debate.

The Senate is not divided on the question of wanting to do something about AIDS. The Senate is not divided on the subject of sympathy for those who do have it.

I am concerned that if we continue to allow American taxpayers' money to be used to encourage sodomy, then the AIDS epidemic is going to continue to grow and grow and grow, and the forecast about the consequences by the year 2000 probably are grossly underestimated.

So, Mr. President, I look forward to this debate. I say again to the managers of the bill that I am willing to enter into a time agreement, provided that second-degree amendments by unanimous consent will not be in order to no more than five amendments that I propose to offer. As I said at the outset, I have 11 amendments. I will call up some, if not all, of the rest of them. But I have five in particular which focus in upon what I tried to say here this evening.

I am not retreating from it. I do not want to stay here all night. I do not want to prolong the consideration of this bill. But I am prepared to do what I can, with my limited ability and strength, to prevent the expenditure of the American taxpayers' money for the advocacy of homosexuality, the condoning of homosexuality, or the encouragement of it. It is just as simple as that.

Mr. President, I thank you and I yield the floor.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 1980

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1980:

At the appropriate place in the pending amendment, add the following new section:

SEC. . Notwithstanding any other provision of law. The Prohibition of Discrimination in the Provisions of Insurance Act of 1986 (D.C. law 6-170) is hereby repealed.

Mr. HELMS. Mr. President, I am aware of the parliamentary situation with respect to the possibility of a committee substitute, but I am propounding this amendment in order to move us along. It would not prohibit me from offering the amendment later on again, which I intend to do in the event of the adoption of the committee amendment, as a substitute.

In my case, Mr. President, present D.C. law 6-170 would be repealed by this amendment. Now, the D.C. law 6-170 prohibits health, life, and disability insurers from testing insurance applicants for the AIDS virus. Furthermore, this District of Columbia law would require insurance companies to insure HIV-positive applicants at a standard rate for 5 years.

I think a great many Senators are familiar with the amendment that I am offering this evening. It would accomplish the same end as the amendment which passed the Senate by a vote of 55 to 44 on September 30 of last year. Furthermore, the pending amendment is identical to an amendment which passed the Senate on August 1, 1986, by voice vote after a tabling motion failed 53 to 41, and again on October 15, 1986, this amendment was passed by a voice vote. So that is the history of it.

Mr. President, despite Senate passage of my amendment every time I brought this amendment to the floor, the House of Representatives has refused to act favorably on it, so I am obliged to propose it again and I am going to offer it until it becomes enacted into law and signed by the President.

During the fall of last year, I was hopeful that the D.C. Council would come to its senses. Shortly after the vote on September 30, you could hear the rustlings from the D.C. Council that perhaps changes needed to be made in the D.C. AIDS insurance law, with all sorts of rhetoric, discussion, and that sort of thing. On November 23, D.C. Council Member John Ray, the sponsor of the D.C. AIDS law, proposed changes in it and shortly thereafter the D.C. Council held hearings on that proposal. A few days later the Senate/House conference dropped my amendment which had been, as I say, passed by the Senate. The interest of the D.C. Council to make changes in the law came to an abrupt halt at that point, nothing more has been done.

I feel, Mr. President, that this Congress has given the D.C. Council more than enough time to realize the problems which this law of the D.C. Council has caused. Yet, as they have done for the past 18 months—in fact, the past 15 years—they continue to dig in their heels and keep their heads in the sand ignoring the harm they are doing to thousands of good, decent citizens of the District of Columbia.

Now, then, there is a real insurance crisis in the Disitrict of Columbia. A study from 1½ years ago indicates that 82 percent of the city's top 50 life insurance companies have stopped altogether writing life insurance. If a D.C. resident wants to buy insurance, he or she can't unless he or she goes to Virginia or Maryland or somewhere else. It is not being written in the District of Columbia because of this foolish D.C. law. Now, these insurance companies, according to the study to which I just alluded, represented approximately 60 percent of the total insurance written in the District of Columbia in the year 1985, and I am sure that by now, Mr. President, this figure has risen dramatically. Life insurance, first-rate life insurance is now extremely difficult, if not impossible, to obtain in the District of Columbia.

The story is not much different with health insurance. To my knowledge, no normal studies have been done, but as of about a year age, 50 insurance companies had stopped writing health insurance for the residents of the District of Columbia. Now, this hardship is real. Let me quote from a letter I received from a D.C. resident. This lady wrote:

> I am writing in support of repealing the D.C. law prohibiting insurance companies from denying coverage to persons who test positive for the AIDS virus . . .
>
> As a self-employed writer in Washington, I know all too well the problems caused by this drastic law, which has had the effect of endangering my security because no insurance company will insure me, regardless of the fact that my health is excellent (and always has been) and I can afford, and am willing to pay, for coverage.
>
> Because I live in the District of Columbia, I cannot get even the most basic health coverage, which I discovered when I needed insurance . . . and took on what proved to be an arduous and discouraging search for a policy. I began by calling my former insurance agent . . . He said now neither AETNA or [sic] any of the other insurance companies he handled would cover individuals in the District. I turned to the Yellow Pages next, and called each agent listed, one by one and got the same response.
>
> I tried to get group insurance through organizations, but ran into roadblocks because of bureaucratic problems which required long waiting periods of many months or premiums that were out of sight.
>
> Finally, I came upon an insurance agent who said he could get me a policy because I qualified as a small business (sole proprietor); I promptly applied and sent in the first premium. Two and a half months later, I have not yet been approved, which is again a consequence of the D.C. law.

Mr. President, I do not think this lady is alone. Thousands of D.C. residents cannot shield themselves from health catastrophes because of the action by the District of Columbia City Council. I think it is time for Congress to exercise its constitutional authority to remedy this egregious situation.

I might mention that during the debate this past fall one Senator raised the issue of States rights, and I do not have to remind Senators that the District of Columbia is not a State. Article 1, section 8, clause 17 specifically gives U.S. Congress the authority, and I think the duty, to legislate over the District of Columbia. This constitutional authority was recognized under the Home Rule Act. While giving the District home rule, it reserved the right of Congress to:

> * * * exercise its constitutional authority as legislative for the District, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to Council by this Act, including legislation to amend or repeal any law in force in the District prior to or after enactment of this Act and any act passed by the Council.

Mr. President, this Congress has the authority and in my opinion the duty to overturn this unwise and unjust law and I urge adoption of the amendment.

As I have said before when we have debated this proposal, repeal of D.C. Law 6-170, it is supported by about 600 black ministers in the District of Columbia who represent approximately 150,000 members of their churches. And surely we are not going to disregard the wishes of that many people.

Mr. President, I ask unanimous consent that an article from the March 28 Washington Post be printed in the Record. It is entitled "AIDS Law Drives Insurance Firms from D.C."

There being no objection, the article was ordered to be printed in the Record, as follows:

AIDS Law Drives Insurance Firms From D.C.—Many City Residents Are Buying Policies in the Suburbs

(By Sandra G. Boodman)

When insurance broker Judy Hoff gets a telephone call from a District resident who wants to buy life insurance, she has a proposition: If the customer is willing to go to Maryland or Virginia, she can sell a policy.

Although Hoff's clients invariably agree, she dislikes the practice. "I don't feel that I have any choice," said Hoff, who sometimes meets customers in the suburban homes of their friends or relatives. "The fact is that none of the companies I deal with will write insurance policies in the District."

The reason is simple: Since 1986 the District has barred insurers from testing life or health insurance applicants for AIDS and from denying coverage to those who test positive. The law, one of the most stringent in the country, has led to a mass exodus by insurance companies whose officials claimed that it was too risky for them to continue doing business without the freedom to test whomever they chose.

Although the law, which was vigorously opposed by the insurance industry, was intended to make insurance available to people at risk for developing AIDS, opponents and proponents of the law agree that it has not served that purpose.

"The law has sent a signal not only to insurance companies but to private businesses that routine testing will not be tolerated," said Stephen Smith, chairman of the Metropolitan Washington Committee on AIDS Issues, a coalition of gay rights groups, "But it has not resulted in access to insurance without the requirement of testing, which was the ultimate goal. That's because the District has so little bargaining power vis a vis a national industry."

Because of variations in interpretations of the law and a lack of regulations that could clarify it, District residents face the frustrating task of trying to find a company that will write insurance. Agents and brokers such as Hoff are confused about whether it is legal to sell policies to District residents outside the District, where companies are free to test for AIDS.

"I think one way or another people can find [insurance]," said Leslie Jackson, a spokesman for the D.C. Life Underwriters Association, which represents nearly 800 agents.

It's not a nice, tight law that you can understand. . . . It all depends on how the legal departments [of insurance companies] interpret the law.

"Some companies make a flat rule saying they not sell to anyone who gives a District residential address," said Lawrence H. Mirel, executive director of the D.C. Insurance Federation, a trade association that represents insurance companies.

"Others will sell to people who live in the District but work in Virginia or Maryland. Still others say, "Step across the border and we'll sign you up."

Sometimes the decision varies within a company. The policy at Metropolitan Life, one of the nation's largest insurance companies, is that agents may not sell individual policies to District residents regardless of where the paper work is signed.

But Metropolitan agents in suburban offices in Maryland and Virginia took different positions. One said he would not sell a District resident insurance under any circumstances. Another said he could probably write a policy if an applicant had a relative with a suburban address.

"Emphatically, that's not okay," said Leonard N. Henderson, senior Washington representative for Metropolitan. "But one would have to believe that there may be some type of usurpation of the situation by various agents."

Although the testing law specifically prohibits any practice that "circumvents or contravenes" the statute, there is disagreement among city officials about what that means.

Beverly J. Burke, special counsel to the D.C. corporation counsel, says the law is unclear. "If a company is doing business regularly in the District but attempting to entice people to go outside the District for the purpose of testing, which is prohibited in the District, maybe that's a circumvention . . . and maybe the law should be tested."

But Marguerite Stokes, the superintendent of insurance, said that unless a resident is forced to leave the city to buy insurance, the practice is legal.

"Our laws stop at our borders," Stokes said. "You can't tell a citizen they can't go across the District line to do whatever they want to." Stokes said that although her office has received complaints about agents telling customers they must go to Virginia or Maryland to get insurance, she has not received enough information to conduct an investigation.

Despite the uncertainties about the District law, officials say, a policy bought in Maryland or Virginia by a District resident is valid and cannot be contested on the basis that it was obtained outside the city. That is because the transaction is governed by the law in the state where the policy was purchased, they say.

Because no regulations have been issued to implement the District's law, companies rely on their lawyers' interpretations. Although the law says that the District government was to have established written regulations 90 days after the enactment of the law in August 1986, none has been issued. "I have no excuse or explanation to give you," said Stokes, whose staff is responsible for writing regulations. "It is just that they are not done."

No one knows how many of the 644 companies licensed to sell insurance in the District have stopped writing policies. A 1986 study by two Howard University professors showed that more than 40 of the 50 largest companies doing business in the city had stopped issuing new policies here, but only one firm, according to Stokes, did not renew its license.

Group life insurance policies, which cover more than 85 percent of District residents, have been unaffected by the law because insurers can pass on increased costs to companies.

Acadia Mutual Life Insurance Co., a 119-year-old firm headquartered in the District, is one of the few companies still selling new individual life insurance. "The first and foremost reason is that this is our home state," said general counsel C. Lawrence Evans. If it were not, "I think we'd have to very seriously consider not selling here," Evans said. He said that Acadia does not know whether it has paid any AIDS claims but added that "the existing law has us very concerned because of the proven mortality of people who test positive."

D.C. Council member John Ray (D-At Large), who sponsored the law, said that while it is an "inconvenience to the consumer," it has sent a message to insurers that AIDS discrimination will not be tolerated.

"It's a question of whether you want to throw in the towel," Ray said. "If you let companies [test] without sound actuarial data, it'll be AIDS today and another disease tomorrow."

Increasingly, insurance companies nationwide are requiring applicants for individual life insurance policies over $100,000 to take a blood test that detects a variety of conditions and diseases, including AIDS. The D.C. law does not prohibit testing for other conditions, only for the Human Immunodeficiency Virus, which causes AIDS.

"It used to be that they only asked for tests for people who were applying for million-dollar policies, then it was $500,000, then it was $250,000, now it's $100,000," said Jackson of the D.C. Life Underwriters. "The testing labs are more sophisticated, and they're able to tell a lot more. Now some companies want blood profiles of everybody."

The District law, which has survived a legal challenge mounted by the industry and an attempt by Sen. Jesse Helms (R-N.C.) to persuade Congress to freeze all spending by the city unless the law was rescinded, is one of the few remaining statutes barring the use of the AIDS test for insurance purposes.

A Wisconsin law on which the District statute was modeled was repealed by the state legislature last year. Attempts to prohibit testing by insurance commissioners in New York and Massachusetts have been overturned by federal judges in those states, and testing is under way pending appeal of those decisions.

California, which bars the use of the AIDS test, permits the use of the T-cell test, which measures the functioning of the immune system.

In response to the furor the law has created, Ray proposed amendments in December that would allow companies to test applicants for policies in excess of $100,000 and to deny insurance to those who test positive. For policies under $100,000, and for health insurance, rates could be raised or insurance denied if the superintendent of insurance approved the action based on experience or upon "sound actuarial principles."

Neither the insurance industry nor gay rights advocates supported Ray's amendments. Industry officials maintained that AIDS would still be treated differently than other serious conditions. Gay rights activists objected because they said it is still not known what percentage of persons testing positive will develop AIDS and because they believe that infected people should not be denied health and life insurance.

Although Ray thinks that a compromise is possible, Smith, of the Metropolitan Washington Committee on AIDS Issues, is not optimistic.

"No one feels particularly motivated to move from their position," he said. "We don't feel that anything that would be acceptable to us would get any assurance from the industry to sell insurance here. Apparently they feel they can do without selling insurance in the city."

In the meantime, Hoff is left in an uncomfortable situation.

"I'm the kind of person who likes to follow the letter of the law," she said, "but when the letter of the law is so gray, it's difficult for me to do that and know that I'm serving my clients.

"This is one of the issues I find myself most torn about, because I'm a consumer advocate at heart and an agent on the job," she said. "This particular law isn't doing what it was intended to do. It doesn't provide a benefit to the consumer, just a barrier."

Mr. HELMS. Mr. President, I thank the Chair.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I do not think we are going to take a great deal of time with this amendment. It is an issue which the Senate has visited on three different occasions, going back to 1986. It has expressed itself in support of the approach which the Senator from North Carolina has taken although it is an approach that I would not favor. I find some difficulty in understanding the logic, the rationale, and the reasoning of the Senator from North Carolina when he says this really is not a States' rights issue because we have a constitutional provision in here recognizing that the District of Columbia is not a State. The concept, as I understand—and we certainly have a view about this—was to try to let the people in the local community make some judgment and some resolution of public policy issues that they are faced with. And, whether it is a State, in this case it is the D.C. Council.

Effectively, what we are saying is the U.S. Senate knows better than those in the local communities, better than the home folks.

Well, in this case, Mr. President, the amendment of the Senator from North Carolina would virtually permit the use of any kind of testing for AIDS as a condition to gain life insurance or health insurance, and effectively vitiate the actions that were taken by the D.C. Council, even though we passed it three different times. The language which has been accepted by the Senate has been different from that which has come out of the committee.

So the Senator from North Carolina is trying again.

Mr. President, we are reaching at least with regard to the District of Columbia a very important and basic question. That is how are we going to fund the medical expenses of AIDS in our society. That is an issue which is put to some extent before this body. It has been an issue which has been reviewed by the National Academy of Sciences, and is being studied now by the Academy of Science. Because, obviously, if we are going to prohibit any of the private sector from being involved in any of this at all, it is going to fall on the taxpayers, the public, completely. And I think it is reasonable to ask whether there are any parts of that financial burden which ought to be borne by the private sector as a matter of public policy.

We can see instances where if there is at least some degree of burden-sharing that there would be incentives in the private sector for prevention and encouraging prevention, and that would be clearly in the national interest as a public health policy issue. And there would be encouragement for various research areas to try to gain earlier resolution to the problems of AIDS. It is a complicated issue and it is a complicated question.

The Senator from North Carolina has made a very quick, easy answer and the Senate will probably accede to that position shortly.

I find it more complicated and more troublesome as we are going to be facing an issue of very serious dimensions, not only from a health point of view but also from a cost point of view.

So, Mr. President, I am aware of what the votes are on this particular issue. We have spent a good deal of time on it in the past. As I have stated, I do not favor it. But it does seem to me that the die is cast by the Senate in support for the position. Although I will voice vote my opposition to it, I do not object if the will of the Senator from North Carolina is to voice vote this particular amendment.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, it is not really complicated, I say to my good friend from Massachusetts. He claims that unless we have the D.C. Law 6-170, there will be a class of uninsurables. Let us look at that.

Mr. President, there are many other groups of people who are unable to get insurance, people who have diabetes, for example, who have had heart attacks, cancer, or other diseases. For these individuals as well as those who have contracted the AIDS virus, there have already been jurisdictions which have enacted legislation creating risk pools where insurance companies will pool together to insure those who are otherwise uninsurable.

According to the Congressional Research Service, 11 States that I know of—there may be more, but I know of 11 States—have enacted legislation creating the risk pool where the insurance companies will pool together to insure those who are otherwise uninsurable.

Just for the record, the 11 States that I happen to know about include Nebraska, Montana, Iowa, Tennessee, Connecticut, and Florida, Indiana, Minnesota, North Dakota, Rhode Island, and Wisconsin.

But I appreciate the Senator's willingness to take the amendment. I will not request a rollcall vote on it because, as I say, the Senate has acted on this amendment favorably time and time again. I am willing to go on a voice vote.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER [Mr. DECONCINI]. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I will be very brief on this. I am not as knowledgeable as either one of the floor managers or the distinguished Senator from North Carolina on the issue. But I just want to be recorded in opposition to the amendment, whether it goes on voice vote or not. I voted against it before.

If I had been Governor of my State, which I was for 4 years, and such a bill had come before me as this law in the District of Columbia, I do not know what I would have done. I do not know whether I would have vetoed the bill or whether I would have signed it and let it become law.

That part of it is very complex and the Senator from Massachusetts, I think, has spoken extremely well on it; that is, does the private sector have any obligation for the staggering medical costs that are going to go up exponentially to take care of AIDS patients in this country. But my real opposition to it goes beyond that.

When we granted the District of Columbia home rule we were saying, "You are not a State, but we are going to let you run your affairs. We are not going to tell you what traffic laws you can enforce, we are not going to tell you how much property tax to levy, and we are not going to tell you how to run your schools. You can do everything as a State insofar as we are concerned." That really is what home rule was all about.

While the District of Columbia is not a State, it seems to me that argument hangs by a very slender thread, to say that we have the right in Congress to tell the District of Columbia that even though you have elected a mayor and a city council to make these decisions we, the Congress, will decide which one of the laws you pass we will approve.

That was not what was intended under home rule, and in my opinion it is arrogant in the extreme on the part of Congress on an issue such as this dealing with who is going to write insurance and what is going to be covered in the District for the U.S. Congress to say we will tell you who can write insurance and under what conditions.

If insurance becomes unavailable as it might to the people of the District because the companies may decide that if they cannot test people who apply for health insurance in the District, if they cannot test them before issuing a policy, group or otherwise, then they will move out.

Do you know what happened in the States of West Virginia and Florida on product liability? They passed a law in both States that told the insurance companies how they could write product liability insurance in the State, and the State was going to give them some relief under the tort laws of those States, but in exchange, premiums must be reduced by x percent. They passed those bills, and the Governors of those two States signed them.

Shortly thereafter, it became painfully apparent to those two States that no insurance company was going to write insurance in those two States under those terms and conditions.

It did not take West Virginia and Florida very long to repeal those laws, because nobody was going to write insurance; and if nobody is willing to write health insurance in the District of Columbia, the people in this city will do either of two things: They will either turn the mayor and the council out, under the best democratic traditions in this country, and replace them with somebody who agrees with the Senator from North Carolina, or they will persuaded the present officeholders that that law is bad and that they are about to relieve them of their duties, and, therefore, that law will be changed.

It is not the prerogative of the U.S. Congress to do it for them.

Mr. President, I remember that under the constitution of 1874 in the State of Arkansas—the same constitution that set the Governor's salary at $10,000 a year. That is what I worked for—$10,000 a year.

Incidentally, I knew it when I ran for the office. I knew it paid $10,000 a year. I left my first paycheck on the chest of drawers in the Governor's mansion, and the maid saw it and thought it was hers, and she quit.

We finally got the Governor's salary up to $35,000 in Arkansas. People were embarrassed that we had allowed an 1874 constitution to leave the Governor's salary at $10,000 all these years.

I chaired the committee, after I left the Governor's office, to change the constitution so that my colleague, Senator PRYOR, could get a lot more money. That is not the story that I started out to tell.

The story I started out to tell is that the same constitution of 1874 limited the interest rate that any financial institution in my State could charge to 10 percent. In the late 1970's, when interest rates began to get up to 15 percent and ultimately to 21 percent and 22 percent and the banks and savings and loans and the other financial institutions in my State were limited to 10 percent, money began to fly out of the State by the millions and billions, and nobody wanted to vote to raise interest rates.

Everybody in Arkansas was up here saying to me: "You people have got to pass a Federal law overriding our interest rates." A politician is going to be awfully cautious before he introduces a bill in the U.S. Congress to tell the people of Arkansas what the interest rate will be, particularly when he is proposing to raise it.

Well, I will shorten the story by saying that it finally took place. The people of Arkansas realized that they were shooting themselves in the foot. They did not want to raise the interest rates higher than 10 percent, but they did not enjoy seeing billions of dollars fly out of the savings accounts and financial institutions in Arkansas to other States, where they could draw 15 percent interest on savings.

Do you know what they did? They got a petition together to raise the interest rates under the constitution, and they voted on it, and it passed. So, Congress had no business telling the people of Arkansas how much interest they ought to pay. Under the most dire circumstances, I suppose, under some circumstances, I might have ultimately voted that way. But they took care of it. It was a States' rights issue.

Mr. President, that is what we have here. We should not have the right in Congress, whether you agree or disagree—and I am not saying that the Senator from North Carolina is wrong on the substance. I am simply saying that it is not our prerogative to tell the people of the District how to run their business. I promise you that the people of the District will take care of it at such time as they deem it is such a burden that they no longer want that law on the books. That is what accountability in politics is all about.

So, Mr. President, as I say, maybe we are going to adopt this amendment on a voice vote. But I just want to be recorded as saying, under the doctrine of States' rights and the belief that we do not have the right to meddle in the District's affairs here, I will vote, "No."

Mr. KENNEDY. Mr. President, will the Senator from Arkansas yield for a question?

Mr. BUMPERS. I am happy to yield.

Mr. KENNEDY. This amendment of the Senator from North Carolina would say, in effect, that any of those who want life or health insurance should be tested. They would have to be tested in order to be able to gain that insurance. He has made the reasons for that.

Does the Senator from Arkansas wonder with me why we do not do the same with regard to smoking? We know that the cost of smoking is billions of dollars a year. Why do we not do the same for those insurance companies for smoking, if we are going to say that we are going to permit the testing because we do not want to hurt the private sector insurance companies? Why not say that they have to be tested for smoking and thereby exclude them?

Does the Senator from Arkansas see a certain commonality? If we are going to do it on one, what is to prohibit us from doing it on another?

I have not asked that question of the Senator from North Carolina, whether he would amend his amendment to permit the insurance companies to give tests for smokers, which costs billions of dollars a year—about $60 billion, direct and indirect. Maybe we could encourage those people to stop smoking.

I am wondering what the Senator from Arkansas thinks.

Mr. BUMPERS. I will say to the Senator from Massachusetts that the analogy sounds almost perfect. I doubt that the Senator from North Carolina would agree with us that the analogy is perfect. But I had a difficult time making the distinction between the two.

I might also say to the Senator from Massachusetts that there is this additional problem: One of the best agents in the country, told me recently that there are between 1.5 and 2 million in this country—that is a lot of people—who have tested positive for HIV. We used to think that maybe 70 percent of those people who had tested positive would ultimately get AIDS and die. We now know that every single one of those people is going to get AIDS and is going to die.

You think about the awesomeness of that. You think about the staggering social and economic cost of that. But it is also worth pointing out that some of those people who are testing positive will not get AIDS for as long as 12 years, maybe 15 years. But if they live that long, they will get it.

So, what you have here is a situation where people may be perfectly legitimate insurance risks for the foreseeable future and may have an appendectomy, may have their gallbladder removed, but would not be allowed to buy insurance if they tested positive, even though that particular insurance company may never have any burden for the condition of AIDS.

Mr. KENNEDY. I thank the Senator from Arkansas for his comments.

Mr. CRANSTON. Mr. President, I rise in opposition to the amendment being offered by the Senator from North Carolina. I believe that it is totally inappropriate for the U.S. Senate to interfere with a law that was passed by the District of Columbia almost 2 years ago dealing with insurance. As my colleagues well know, insurance issues in general have been traditionally left to the States to decide. We would be reversing that longstanding policy by now trying to reverse the D.C. insurance law.

The industry should be able to work out an agreement through the regular local process without the Senate intruding in its business.

Although I do not believe that the central issue raised by this amendment is whether the D.C. law is good public policy or not, we in the Congress must begin to address the issues raised by that law. In addition to coping with a fatal disease, individuals with AIDS are also forced to confront discrimination—in housing, employment, health care, insurance, and many other areas. That is a major deterrent for individuals at risk to agree to be tested and receive counseling.

Mr. President, at the same time that we are encouraging people to be tested for the AIDS antibody and to be counseled with respect to avoiding transmission of the virus, this amendment could be interpreted as sending a message that the Senate does not believe that the test result should be kept confidential. I do not think that is a message that the Senate should support directly or indirectly.

Mr. President, I have twice opposed this amendment on earlier occasions, and for all the reasons I have cited, I believe it should be defeated.

Let me say beyond this amendment that I take strong exception to the statement by the Senator from North Carolina that the bill before us would promote, encourage, or condone sodomy. It does not promote any form of sexual activity and it should not. The Federal Government should not promote sexual activity of any kind, homosexual or heterosexual. That is not the business of the U.S. Government. But we must recognize that the AIDS epidemic presents us with a crucial challenge: Hundreds of thousands of lives are at stake—men and women, and children yet to be born to parents carrying the AIDS virus. Every public health expert has told us that education is the only weapon we now have to stop more people from becoming infected with the AIDS virus, since no preventative has yet been found. Education is more than simply informing people what AIDS is and how it is transmitted. It is teaching individuals how to avoid unsafe practices that put them and others at mortal risk—and, most importantly, convincing and motivating them to change those behaviors.

I repeat our promoting and encouraging homosexuality is simply not the issue before us. Our Government does not and should not promote or encourage homosexuality—or any other form of sexual activity. What the Government must do is its utmost to save lives by preventing the further spread of AIDS. Every minute's delay in communicating effectively means more people will be infected and more will die. We must stand up for human life and oppose any attempts to censor vital, life-saving education about AIDS.

Education is more than simply informing people what AIDS is and how it is transmitted. It is teaching individuals how to avoid unsafe practices that put them and others at mortal risk—and, most importantly, convincing and motivating them to change those behaviors.

Messages that simply tell people to "just say no" are not enough. If we are serious about saving lives, people must be given realistic alternatives, in language and terms that they can understand and relate to.

I reject the notion that frank and open discussions and materials written in the vernacular to encourage sexually active individuals—men or women, heterosexual or homosexual—to take certain precautions, like wearing condoms, encourages or promotes sexual activity. Teaching drug users to clean their needles doesn't encourage or promote intravenous drug use, any more than saying "If you drink, don't drive" promotes or encourages drinking.

We can no longer afford to turn our backs on reality. People do use illegal drugs. People do engage in various modes of sex outside of marriage. We can no longer be squeamish about discussing and dealing with the dangers and how to avoid them, when every minute's delay in communicating effectively means more people will be infected and more people die from this dread disease.

Mr. ARMSTRONG. Mr. President, I believe we are about to vote on and accept the amendment offered by our colleague from North Carolina, but I just want to be sure there is a clear understanding what we are doing here.

If I understand the amendment it simply repeals a D.C. statute the effect of which is to say to insurance companies that you can test people when they apply for insurance to find out if they smoke, to find out if they have had heart attacks, to find out if they have diabetes or if they have a family history that makes them a medical risk that you can test them for anything under the Sun or Moon, for that matter, but the one thing you cannot do under the D.C. statute is to ask a question that is obviously germane, relevant, significant, and sensible to assessing the insurance risk of a person who applies for life insurance or other kinds of insurance, and that is whether or not they have the potential to come down with AIDS.

If I understand the D.C. statute correctly, and I think we have summed it up accurately, it seems to me that the Senate is well justified in voting again, as we have on three or four previous occasions, to repeal this unwise statute.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. ARMSTRONG. Of course, I am very pleased to yield.

Mr. HELMS. Just 1 minute, Mr. President.

The Senator from Arkansas in his eloquent fashion was pleading States' rights against my amendment. The fact of the matter is that Arkansas is a State, but the District of Columbia is not a State, and the Senator may lament the fact if he wishes that the Congress has some say-so over the District of Columbia, but his quarrel is not with the Senator from North Carolina. His quarrel is with the Constitution of the United States, because the Constitution gives Congress explicit authority to govern the District of Columbia, and no similar authority is provided for the State of Arkansas, for the State of Colorado, or the State of North Carolina, or any other State.

I am ready to vote, Mr. President.

I thank the Senator from Colorado.

Mr. ARMSTRONG. I thank the Senator from North Carolina.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 1980) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1981

(Purpose: To encourage States and local governments to allow physicians to notify spouses of AIDS carriers of the risks such spouses face)

Mr. ARMSTRONG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ARMSTRONG] proposes an amendment numbered 1981.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will read the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with. I believe a copy of it has been furnished and, in fact, has been previously furnished to Senators. Unless there is a reason to continue reading, I renew my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . (a) Notwithstanding any other provision of law or of this Act, or an amendment made by this Act, no State or local government organization shall be eligible to receive any funds authorized under this Act, or an amendment made by this Act, if such organization has any law, policy, or practice that—

(1) forbids, discourages, or hinders spousal notification in AIDS cases; or

(2) holds any physician, or any person in the State or local government organization's department of health (or comparable agency) who is authorized to act on behalf of any physician, criminally or civilly liable for spousal notification in AIDS cases.

(b) The Secretary of Health and Human Services shall require State or local government organizations to certify that such organizations meet the requirements of this section before such organizations are awarded funds under this Act, or an amendment made by this Act.

(c)(1) Upon application of a State or local government organization, the Secretary of Health and Human Services may waive the requirements of subsection (a) with respect to that organization for a period not to exceed two years if the Secretary determines that such a waiver is necessary.

(2) A State or local government organization shall be eligible to receive funds under this Act, or an amendment made by this Act, during any period not to exceed two years in which the Secretary has waived the requirements of subsection (a) with respect to that organization.

(d) For purposes of this section—

(1) the term "State or local government organization" means any State or political subdivision of any State or any department, agency, special purpose district, or other instrumentality of a State or of a political subdivision of any State; and

(2) the term "spousal notification in AIDS cases" means the act of any physician, or of any person in the State or local government organization's department of health (or comparable agency) who is authorized to act on behalf of any physician, in confidentially notifying the spouse of any patient who has tested positive for the presence of the probable causative agent of acquired immune deficiency syndrome that such test was positive, even if the patient refuses to consent to such notification.

Mr. ARMSTRONG. Mr. President, I apologize to the clerk. There may have been some misunderstanding, but we had furnished copies of the amendment to the managers and so I know of no benefit or no advantage to be gained by anyone in further reading of the amendment.

Mr. President, the subject of this amendment is the notification of a spouse when a physician determines that a patient in his or her care is infected with the AIDS virus. This amendment encourages the States to act to remove any prohibition against such spousal notice. It does not make the notice mandatory.

Early in the discovery of the AIDS crisis, some States passed laws with very, very strict confidentiality standards; standards so strict that virtually no information could be released about an AIDS patient. With the growing recognition of the risks which this dread disease poses to people in the families and in the surroundings of AIDS victims, some of these early laws have been modified. But there remain on the books some laws which pose real questions about the ability of a health care provider, a physician or others, to notify a spouse, particularly if the patient will not cooperate in that notification.

Mr. President, I want to make it clear that this amendment is not addressed to theoretical or abstract concerns, so I am going to cite several quite specific examples in States where a problem could well arise if a physician sought to notify the spouse of a victim of AIDS of the risk to which he or she might have as a result of this disease.

In Wisconsin, for example, the State law allows the results of tests for the AIDS virus to be disclosed without written consent to the patient's health care providers, people such as the dentist, eye doctor, employees of those health care providers, to hospitals, to the State epidemiologists, and to funeral directors. But, Mr. President, the results of the AIDS test cannot be disclosed to a spouse without the written consent of the patient.

In Massachusetts, according to an article published on July 30, 1987, in the New York Times, a case in Boston arose where a man diagnosed with the AIDS virus asked his doctor to keep the information confidential.

Mr. HATCH. Will the Senator yield for a minute or two?

Mr. ARMSTRONG. Yes, I am happy to yield to the distinguished Senator from Utah.

(Mr. BURDICK assumed the chair.)

Mr. HATCH. Mr. President, I have been conferring with the distinguished majority floor manager. There is some belief that maybe we can work out the language on the distinguished Senator's amendment so that it is acceptable by both sides on this issue. I know what the distinguished Senator is driving at and what he would like to accomplish.

I think if we could set aside the distinguished Senator's amendment and allow Senator HELMS to bring up his needles amendment, perhaps it will give us time to maybe work out the language and see if we can get an agreement between the floor managers of the bill and the distinguished Senator from Colorado. We could also accommodate a few other Senators, because there will be a vote on the needles amendment, as I understand it, and I do not think we have to have a very long debate on that particular amendment. If we could do that, I would personally appreciate it and I think we might be able to work out the language on the distinguished Senator's amendment.

Mr. ARMSTRONG. Mr. President, that would be perfectly agreeable to me. At some point in time, I do want to take the time to discuss the amendment, but it certainly does not have to be now.

Mr. HATCH. If the distinguished Senator would grant that, I think we could move ahead, if the distinguished Senator from North Carolina is available.

Mr. ARMSTRONG. Before we reach a determination on that, let me inquire of the managers what they think the timetable would be were we to lay this aside and move on to the other amendment.

Mr. HATCH. I cannot speak for the majority leader, but let me just see if it is possible to bring up this amendment and have a vote and that that would be the last amendment for this evening. If that would be the last amendment for this evening, it would give us over the evening and until tomorrow to see if we can accommodate the distinguished Senator from Colorado and perhaps all others concerned.

Mr. ARMSTRONG. That would be perfectly agreeable to me, Mr. President. If the manager or the leader would like to make such a motion, that would be fine, or I would be glad to make it myself.

Mr. KENNEDY. Will the Senator yield?

Mr. Armstrong. Yes, of course, I am happy to yield.

Mr. KENNEDY. Mr. President, the question about the spousal notification is something which Senator HATCH and members of our committee have addressed in other legislation, to include that, with adequate protections on the question of confidentiality. It is an issue which the committee has been working on for some period of time.

I think we are wiser not to get into the whole testing issue on this legislation—we will have follow-on legislation—since this is just in research.

But I would be glad to try and see if we cannot build into the amendment the kind of protections, in terms of confidentiality, which will encourage the testing, which I think all of us want to see, and achieve the objective of the Senator from Colorado. That is a public policy question on which we do not have a difference, but we would with regard to the way this is drafted at the present time.

I hope, if the Senator feels that we could work something out within that broader context, that we will try and work that out in the course of the evening and we very well could accept the Senator's amendment, but it is difficult to do that the way it is constructed now.

If that is the objective of the Senator, which I believe it is, I think we ought to be able to work that out. We will be glad to try. I think it is better to try and negotiate those particular words rather than just take up the time of the Senate.

Mr. ARMSTRONG. Mr. President, that is perfectly agreeable to me. In fact, I am under the impression that my staff had furnished to the staff of the Senator from Massachusetts and the Senator from Utah earlier in the day—that is, several hours ago—the text of this amendment. Of course, we are delighted to entertain any further suggestings.

But let me make it clear, Mr. President, that this is not a complicated amendment. This is not something that involves unknown issues. It simply says that, as a matter of national policy, as a condition of receiving aid under this bill, that States may not prohibit their health care providers from notifying the spouses of victims of potential risks. It does not say that they have to require them to notify. That might be a wise idea. It might be a step that some States would wish to take. It certainly would be a step that many physicians, as a matter of conscience, following their oaths as health care providers, would wish to take. The amendment does not do that.

The amendment simply says that a State may not have a policy or a law prohibiting such notification. So I do not want to leave the impression with the Senator from Massachusetts or anyone else that this is a highly technical or complex matter. It is not. But it is a good proposition and it is going to be just as good a proposition tomorrow, as far as I am concerned.

If they want to read it overnight, that suits me fine.

Mr. HATCH. That is why I think we can work it out and hope we can work it out. It would allow us to go forward and perhaps allow us to have a vote so Senators may be accommodated.

Mr. ARMSTRONG. Mr. President, is it the Senator's desire that we lay it aside or that it just be withdrawn at this time?

Mr. HATCH. If the Senator would withdraw it, with the right to bring it back.

Mr. ARMSTRONG. Either way is fine with me.

I see the leader is on the floor. Let me just say, as a matter of scheduling, that very early in the morning I must be away from the Hill. So if it were to recur at 9 o'clock in the morning, I would be off doing a television broadcast that I am committed to. I would prefer it not come up than. I would be glad to either lay it aside and let the leader bring it up or the managers bring it up at a time that I can be present.

Mr. HATCH. I believe we will be on the bill for at least a period of time tomorrow.

Mr. BYRD. Yes.

Mr. HATCH. So I think we can accommodate the Senator if he would withdraw the amendment.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Senator for his cooperation. I believe the distinguished Senator from North Carolina has an amendment.

Could we reach an agreement as to the time on it so that Senators would know? I understand there is going to be a rollcall vote. Some of the Senators are away from the Hill and it will take a few minutes for them to get here. If we can give them some advance notice as to the time, they could be here then when the rollcall starts.

Mr. HELMS. What does the distinguished majority leader have in mind? He may want to inquire of Senator WEICKER and Senator KENNEDY as to their wishes on the thing.

Mr. BYRD. Would a half-hour equally divided be sufficient?

Mr. HELMS. Mr. Leader, to be on the safe side let us make it 40 minutes equally divided for the proponents and the opponents, and I will try not to use my 20 minutes.

Mr. BYRD. Has the Senator offered his amendment?

Mr. HELMS. Not yet.

Mr. BYRD. Would he like to offer it?

Mr. HELMS. Let me do that so we can have it officially before the

Senate, if the Senator would yield for that purpose.

Mr. BYRD. Yes.

AMENDMENT NO. 1982

Mr. HELMS. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from North Carolina (Mr. HELMS] proposes an amendment numbered 1982.
>
> At the appropriate place in the pending amendmnent, add the following new section:
>
> SEC. . None of the funds provided under this Act or an amendment made by this Act shall be used to provide hypodermic needles or syringes.

Mr. BYRD. Mr. President, I ask unanimous consent that there be 40 minutes on the amendment to be equally divided between Mr. HELMS and Mr. KENNEDY.

Before the Chair acts on that request, do we understand there will be no amendment to it?

Mr. KENNEDY. Yes.

Mr. BYRD. Otherwise, we might get an amendment. So no amendment to it, and there will be 40 minutes equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Does the Senator wish to get the yeas and nays now so we can notify Senators?

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I thank all Senators.

Mr. HELMS. Mr. President, this amendment is quite simple in what it says, as the distinguished clerk made clear when he read it. It is very brief. It will assure that the tax dollars of the American people shall not be used to aid and abet an activity which is illegal in every State of this Union under Federal law. And I am talking about the use of illicit drugs.

Unless we close this loophole, then not only will the Federal Government be saying it is OK, in effect, to use drugs, but it is possible that Federal moneys will be used to provide clean needles. And in particular, this amendment would prohibit moneys appropriated under this act from being used to provide hypodermic needles or syringes to people who shoot up, who use drugs, illegal drugs.

Now, I recall, Mr. President, reading a report a few years ago recommending that the Federal Government dispense so-called clean needles to drug addicts as a method of AIDS prevention. So what this proposal does is to say: Go ahead, fellows, but just use clean needles. I thought we were in the midst of a campaign to eradicate drugs, but I find out that we are going to swap one problem and exacerbate it to try and solve another one, and we are going to mess up both ways. That is pretty much how the Federal Government operates, and Congress, I might add, in general.

Nonprescription intravenous drug use is illegal in every State and it is presently illegal under Federal laws. I do not need to tell anybody in this Chamber or elsewhere that illegal drug use is killing and injuring and ruining thousands upon thousands of people in this country. As I say, we are supposed to be in an all-out war against drugs. Yet here comes the Federal Government saying: Boys, just keep on shooting yourself up with drugs and we are going to give you nice little clean needles to do it. What kind of encouragement is that in our war on drugs?

It is nothing more than patty-cake.

Up to now we have spent about $4 billion in efforts to prevent or control the use of narcotics and other dangerous drugs and I thought when I read that report a few years ago proposing that the Federal Government dispense clean needles or finance agencies other than the Federal Government to do it, I said this cannot be so. This is ridiculous. I figured that nobody in his or her right mind would embrace such an idea which was an absolute retreat from the drug war, and for the purpose of taking up arms, supposedly, against the AIDS epidemic.

It is not going to help either way. It is going to hurt both ways.

So, I say do not give the drug addicts needles. I find the State and local governments are now seriously reviewing, at least one local government has in fact approved, such a needles program where drug addicts are given needles to use.

The extent of the AIDS epidemic, so it is said, justifies the public health officials dispensing these needles and syringes to be used for an illegal activity.

Here we have to face up to another black-and-white issue. There is not any in-between. And the American people, and particularly our young people coming along, have got to choose between one side or the other. Drug use is immoral. Drug use is illegal. Drug use is killing thousands of Americans. And I do not think we ought to give up the war on drugs for the sake of another battle against AIDS.

If you do not think we are in a drug war, let us review a few facts:

According to information provided by the Department of Justice, there have been dramatic increases in cocaine use in all sections of the country and in every age group. Cocaine-related cases in hospital emergency rooms has tripled since 1981. More young people are experimenting with crack than ever before in our Nation's history. According to a cited report 4.1 percent of all high school seniors used crack during 1986. The Lord knows what the figures were in 1987.

While some studies indicate a decline in drug use among high school seniors, except for cocaine, many experts believe that the level of drug use in the United States exceeds that of any other developed nation on the face of the Earth. According to the National Institute on Drug Abuse, more than one-half of American youth try illegal drugs before they complete high school. Approximately 23 million Americans used an illegal drug within the month prior to being surveyed in the 1985 National Household Survey on Drug Abuse. Cocaine-related emergency admissions increased fivefold over the past 5 years and the number of people who died of cocaine use increased almost four times during the same period.

Mixing heroin and cocaine has become a common practice. According to the National Institute on Drug Abuse, the number of both heroin and cocaine emergency room admissions tripled from 1,121 in the 12-month period ending June 1983 to 3,029 in 1987.

Heroin-related emergency room admissions increased between 1982 and 1987 from 9,096 to 10,773. Heroine-related deaths, according to the National Institute on Drug Abuse, increased from 1982 to 1986 with a slight decline in 1987.

Drug users are not the only ones dying in the drug war, Mr. President. The shopkeeper, the gas station attendant, the bank teller, the pedestrian, and thousands of others are dying at the hands of the drug addict. Drug use is feeding the fires of crime. How many times have you picked up the paper and read about an atrocious violent crime which was linked to drug use?

According to the National Institute of Justice, Mr. President, evidence of the relationship between crime and drugs continues to surge.

In the March/April 1987 NIJ Reports, the Institute reported:

> * * * The 1984 drug testing research in Manhattan showed, for example, that more than half those charged with murder, manslaughter, robbery, and burglary tested positive for one or more drugs. And the more recent 1986 data on two samples of arrestees in Manhattan showed that between 59 percent and 92 percent of those charged with robbery tested positive for cocaine, as did more than 70 percent of those charged with burglary.

The Institute also reported that drug abuse is strongly linked to criminal careers. The Institute reports:

> * * * A majority of the "violent predators" among prison and jail inmates had histories

of heroin abuse, frequently in combination with alcohol and other drugs. California prison and jail inmates who were addicted to heroin reported committing 15 times as many robberies, 20 times as many burglaries, and 10 times as many thefts as non-drug users. A growing number of homicides in major cities are suspected to be drug-related.

And, Mr. President, we cannot forget another innocent casualty of the drug war—the children who are born addicted to heroin. In New York State alone, the New York State Division of Substance Abuse estimates that in 1987 8,000 children were born to drug addicts and over 500,000 children under 18 live with parents who are drug addicts.

These raw facts cannot be ignored. Drug use is linked to pain, suffering, and death of drug users. It has facilitated violent crime which has harmed millions of innocent people. It has caused pain and suffering among our children and infants who are born to drug addict parents.

Distributing clean needles won't help to diminish these atrocities, Mr. President. In fact, it may just be adding fuel to a fire that is already killing millions of Americans.

The raw facts about drug abuse cannot be ignored. We must continue to fight both battles by getting drug addicts off of drugs; by getting the drug peddler off the street and by stopping the import of drugs at our border. Then and only then, can we really solve the AIDS problem in our drug population. Distributing clean needles is not the answer.

I urge the adoption of my amendment.

I reserve the remainder of my time. By the way, Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. BURDICK). Ten minutes and forty seconds.

Mr. HELMS. I thank the Chair.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. Five minutes.

Mr. HATCH. I yield 5 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. Senator KENNEDY has control of the time.

Mr. KENNEDY. I yield 5 minutes.

Mr. WEICKER. Mr. President, I rise in opposition to the amendment. The amendment is exceedingly broad and in no way relates specifically to the arguments made by the distinguished Senator from North Carolina. The amendment says none of the funds provided under this act or amendment shall be used to provide hypodermic needles or syringes.

Can you imagine in the year 1988 telling our hospitals, our research centers, our health organizations that in the conquest of the disease, they cannot use hypodermic needles or syringes?

This amendment does not say hypodermic needles or syringes as it relates to drug use. It just bans the funds being used for hypodermic needles or syringes. Even though you are asking the National Institutes of Health to conduct a program of clinical trials, of developing vaccines and cures, none of the moneys can be used for hypodermic needles or syringes. Even though you are asking the World Health Organization to combat the disease and conduct trials and engage in research in epidemiology, they cannot use hypodermic needles or syringes. Even though there is a provision of the bill that says you are going to give home health care or health care in a community setting, the nurses and doctors cannot use hypodermic needles or syringes.

That is exactly the way this amendment is drawn. It is drawn to prohibit one of the main tools of medicine from being used in the fight against AIDS.

Maybe it is that people have feelings as to whether or not free needles should be provided to drug users. Obviously, there is as much disagreement among the States and cities as there probably is within this body, but that has nothing to do with this amendment, absolutely nothing to do with it. It prohibits the hospitals, the doctors, the nurses, and the research centers from using or having funds allocated to them for hypodermic needles and syringes.

I am sure that we are going to have varioius intellectual battles out here during the course of this legislation. But this really does not require much thought by anybody in this body in terms of their up and down vote on this amendment.

To say that hypodermic needles and syringes cannot be used in the treatment of AIDS or in trying to ascertain the cure for AIDS, we might as well pack up and go home; that is it; no point in even having an AIDS bill.

Usually, as everyone knows, the Senator from Connecticut gets rather exercised in these matters, but I think the amendment speaks for itself in terms of the fact, logic, common sense, practice, medicine, science, you name it. Res ipsa loquitur. I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as I understand the sentiment of the Senator from North Carolina, I believe his amendment is so poorly written that it would destroy many health provisions in this bill, which I think does have bipartisan support.

Let me take one example, something near and dear to me, and that is home health care, probably the most compassionate, economic and practical means available for helping AIDS victims and, I might add, having people help treat and assist the patient in a home where he or she is surrounded by loved ones.

Who would oppose this policy? Really no one. I do not think anybody opposes home health care. In fact, home health care provisions I have sponsored in the past have been routinely passed by the Senate.

But under this amendment for patients being treated at home under a program funded by section 2434, a doctor cannot visit the home, cannot provide an antibiotic or even chemotherapy.

This amendment would destroy the ability of doctors to combat this dread disease. It would gut our ability to treat the disease, run tests, or even draw blood. I know what my distinguished colleague is trying to do, but I think the amendment is poorly written.

So I hope really that my colleagues will vote this amendment down. I think it is a mistaken amendment whose only impact will be to destroy our ability to combat this disease and find a cure.

I am personally against this amendment. I appreciate what my distinguished friend from North Carolina is trying to do, but I really do not think it helps this bill or helps in the final analysis or the long run, and it can do tremendous harm.

I think the distinguished Senator from Connecticut is right in what he has said. I hope we vote this amendment down.

Mr. CRANSTON addressed the Chair.

Mr. KENNEDY. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 15 minutes on his side.

Mr. CRANSTON. Mr. President, I rise in opposition to the amendment. It would do nothing positive to stop the AIDS epidemic. It would hinder States and localities from conducting programs that they find work best.

Mr. President, giving out clean needles or allowing drug addicts to exchange needles is, obviously, a very controversial proposal, but it is designed to reduce the risk of transmission among IV drug users. It is only being tested experimentally in one or two cities. Other cities and States, however, are carefully following those experiments to see if they are successful in stopping the spread of this horrible disease, AIDS.

We do not know if it will work, but we certainly should not preclude cities and States from implementing any program that will help stop this epidemic.

The public health experts should decide, and we should listen to their advice and not make decisions that ignore their advice.

I would also add, Mr. President, that this amendment would likely prevent home health care agencies and health professionals funded under this act from being able to utilize needless or syringes in providing care to AIDS patients. How cruel can we be? What purpose does that serve?

Although I do not believe that was the intent of the Senator from North Carolina, it is another example of how any broad-sweeping prohibition can hinder necessary, needed public health efforts.

Mr. President, I want to stress that the issue is not whether we approve of illegal drug use. Of course we do not. No Member of this body favors this devastating abuse which is destroying so many lives, including so many children, but that is not the issue involved in this amendment.

The issue is whether or not we are going to let public health officials do whatever is necessary or works to halt the spread of AIDS. That is what is at stake, whether health officials are given the leeway they need to experiment and to find effective ways to do the job of preventing the spread of AIDS.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield myself 5 minutes.

Mr. President, I think the Senators from Connecticut and from Utah have outlined the failing of this particular amendment in its basic construction, No. 1, none of the funds provided under this act or an amendment made by this act should be used to provide hypodermic needles or syringes, and they have correctly pointed out that if this amendment is accepted, we are basically saying no to IV feeding, no to IV antibiotics in hospice care, in skilled nursing home care. We are saying no to experimental drugs; we are saying no to chemotherapy. That is the effect of this language, Mr. President. That basically undermines care and attention for those people who have the disease. It makes no sense.

Now, we are not advocating, as sponsors of this legislation, a free distribution of needles. We are saying let us not deny cities where AIDS is burning through some neighborhoods the power to try new solutions. For example, in New York, 50 percent of those who are IV users have AIDS. What we have found in some of the various experimental programs is you have a needle exchange. There is nothing in this legislation that says give the CDC the power to distribute needles. That is a complete misrepresentation, a distortion, and a misstatement of fact. The only programs which were permitted are permitted for needle exchange: bad needle, infected with AIDS, clean needle. Give the clean needle to the expectant mother who is a drug addict, so the baby will not have AIDS.

We hear people crying crocodile tears, "How are we going to stop those little infants from having AIDS?" Well, this may not be the answer, but in some areas where there has been experimentation, they have virtually halted the explosion of AIDS to IV users. The classic example is the experiment that has taken place in Amsterdam.

Now, I do not know whether it makes sense or it does not make sense. We have a number of communities that are attempting to try this. We have this program under serious research and examination. But the effect of the amendment of the Senator from North Carolina would include all of the other disastrous effects, if the amendment is accepted.

Mr. President, I hope that the Senate would in this case follow what has been sound public health policy and be willing to support the construction of language which is included in this legislation. Nothing is requiring communities to do it, nothing is urging communities to do it. But as we are facing an enormous potential scourge, I do not believe we want to prohibit at least some opportunities of flexibility in local communities.

I reserve the remainder of my time.

Mr. HELMS addressed the chair.

The PRESIDING OFFICER (Mr. Ford). Who yields time? The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair. May I inquire how much time remains on each side?

The PRESIDING OFFICER. The Senator from North Carolina has 10 minutes 36 seconds, the Senator from Massachusetts has 7 minutes 59 seconds.

Mr. HELMS. I thank the Chair.

Mr. President, I had to step aside so that all the red herrings could move around the Chamber. In the case of a controversial amendment I guess Senators who are opposed to it will grab any herring they can find. Let me say for the record that this amendment now pending would not in any way preclude a health care worker from using a needle. To say otherwise is res ipsa loquitur, as the lawyers say. It is res ipsa absurdum to use a little more Latin. It is the height of absurdity.

The amendment says we shall not provide hypodermic needles or syringes, and I am tempted to say to the managers of the bill that if they feel more comfortable about it—and of course they will not—I will be glad to enter into unanimous consent that we modify the amendment to read that none of the funds provided under this act or an amendment made by this act shall be used to provide hypodermic needles or syringes to drug addicts. If that will make them feel more comfortable, fine. And I am confident that that notion will not appeal to them. Anyway, the legislative intent by the author of the amendment is now part of the Record.

Now, the distribution of so-called clean needles as a solution to the AIDS epidemic has been met with concern by a lot of folks in drug enforcement, and I say again that we are in the process here of swapping the devil for the witch. Where does our interest lie? Are we willing to exacerbate the drug problem in order to hopefully make some stab at doing something about AIDS or appearing to be doing something about AIDS?

Last year, on October 27, the Drug Enforcement Administrator, John C. Long, spoke before the International Association of Chiefs of Police. I think it is worthwhile to consider what Mr. Long said about the use of sterile needles and the caution that he expressed. Here is what he said:

> When I was in London about a month ago addressing the International Police Exhibition and Conference, I was asked about distribution of sterile needles, the so-called Dutch model.

And I might add parenthetically that is what Senator Kennedy was talking about just a moment ago.

> I responded, as a law enforcement officer, the notion appalls me. It sends the wrong signal.

And of course it does, Mr. President.

> It is a mixed signal. How can we tell people that drug abuse is wrong and harmful and then provide them with the means to use drugs?

And he continued:

> Upon my return to Washington, I began to research this issue. I learned that in Amsterdam where this needle exchange program is ongoing, the distribution of sterile needles in exchange for dirty ones increased from 25,000 to 600,000 in one year.

He said:

> What does this tell you about the fear of AIDS? What it does tell me is that there is a substantial heroin abuse problem in Amsterdam.

Mr. Long goes on to quote the chief medical officer of Zurich concerning this very issue, needles, the providing of needles to drug addicts. The chief medical officer of Zurich according to Mr. Long said:

> For me to give out freely an instrument absolutely necessary for suicidal behavior poses ethical problems especially when you know that the effect is rather questionable.

He said:

> Before we implement this type of policy, I believe that we must look at the consequences of this action. Two of our States, Texas and Georgia, do not now have a prescription policy regarding needles. An individual can go to a pharmacy and buy sterile syringes without a doctor's prescription. Combined, these two States have about 16 percent of the AIDS patients.

What does this tell us, you ask? This tells us that even if sterile needles are available, that the heroin addict is not going to exchange his needles for clean ones. Heroin is used in groups. It is a social behavior. Will dispensing clean needles change this behavior? Then he concludes, "As soon as a needle is used and it becomes dirty, will addicts throw them away and not reuse them? I do not think so."

And neither, Mr. President, do I. So regardless of the red herring, the viewing with concern, the declaration of alarm, this amendment is good. It is essential. And I think that the Administrator of the Drug Enforcement Administration is right and his concerns have not been unheard because the International Association of Chiefs of Police, an association of more than 14,000 policemen from every State in this country, has formally condemned the distribution of clean needles so-called as a way to reduce the spread of AIDS.

So I say again my amendment does not require the dispensing of clean needles. Neither does the bill. My point is that there is nothing in this bill to assure that Federal dollars will not be used for that purpose. I just want to close that door before it is opened wide. My amendment will simply ensure that Federal dollars are not used to dispense needles or syringes, and if the Senators are truly concerned about the fears that they have expressed, let them suggest that the amendment be modified by unanimous consent to read, "None of the funds provided under this act or an amendment made by this act shall be used to provide hypodermic needles or syringes for drug addicts," and reading that into the RECORD, I intend it to be legislative history as to the intent of this amendment.

I reserve the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. Seven minutes, 58 seconds.

Mr. KENNEDY. Mr. President, it should be quite clear to the membership that this amendment has been poorly drafted. Now we are finding a difference in the rationale evidently for the Senator's amendment.

I will just take a moment or two to correct the RECORD on the points that have been made by the Senator from North Carolina. The Senator from North Carolina referenced the study that was done in Amsterdam, talking about the quotes of the police chiefs, that 1 year the treatment centers were dealing with 25,000 and the next year 600,000. And the way the Senator from North Carolina would say it, give them the needles and they are just increasing in terms of drug use. Baloney. The police chiefs did not say that the number of drug addicts were increasing, but that the number attending treatment centers increased. And if he will read the rest of that speech, he will find out that the police chiefs said that they brought the spread of AIDS into the drug community virtually to a halt; stopped it. It was a success. He made our point. He made the point. And the only regret of those involved in the program is that the program was not open 24 hours a day.

We are not advocating that this is the only program. It has been a successful exchange. You have to give the dirty needle, and you get a clean one. It does halt the spread of this within the drug or IV community.

Mr. President, that may or may not have been a great success. People in Amsterdam believe it does. No one is advocating here that that be adopted in any city or community. No one is. But I am not dealing with the Senator from North Carolina or anyone else on being concerned about individuals. It is the whole drug utilization program. But, Mr. President, we are facing an enormous public health issue. And we have less than a handful of communities and States under very restricted conditions that are even attempting it on the basis of local decisions. And even if it was adjusted to the way that the Senator now has redescribed it, whatever that might be, with the time limit here tonight on a bill that has been before this Senate now for months and months and months, it just does not make sense.

Mr. President, I would be prepared to yield back the remainder of the time if the others are prepared. How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes and 50 seconds. The Senator from North Carolina has 2 minutes and 10 seconds.

Mr. KENNEDY. I suggest the absence of a quorum with the time to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina has 1 minute and 35 seconds left.

Mr. HELMS. I thank the Chair.

Mr. President, I noticed the mention by the Senator about the Amsterdam project. Amsterdam has been held up as the success story of the needle/exchange programs. Two things need to be underscored. First, there is evidence to show that despite the needle exchange program, HIV infection has spread in the addict population. Second, even if the program has succeeded, the Netherland's lax treatment of drug use needs to be contrasted with America's war on drugs in order to evaluate the efficacy of a needle exchange program here in the United States.

The best illustration of how Amsterdam treats drug use appeared in the Washington Post on November 15, 1987. Senators might recall the article. It was entitled, "Coffee, Tea or Marijuana? Dutch Let Cafes Sell Drugs." The article discussed the coffeehouses in Amsterdam which sell cakes and other baked goods containing marijuana or hashish. Despite some crackdown by officials, according to the article, more than 200 coffee shops continue to sell openly pot pastries as well as small plastic packets of marijuana and hashish.

The article points out that the police were instructed by highed officials that their lowest priority was prosecuting small-scale sellers or possessors of soft drugs. Instead, police seek to prevent sales to children under 16; soft drugs in large quantities and coffee-shop advertising.

The insinuation that the Netherlands is soft on soft drugs has been corroborated by information provided by the Netherlands Embassy. From these materials, it is clear that soft drug users are not targeted:

> The possession of small amounts of drugs for personal use is not generally the target of active investigative work and does not generally lead to prosecution, though it is in an offense as such.

I say all this, Mr. President, to show the contrast between this country and others, such as the Netherlands, which have implemented a needle exchange program.

And how successful has this program been, Mr. President?

It depends on who you ask, Mr. President. According to a paper prepared by E.C. Buning and others of the Drug Department in Amsterdam, Holland, the program has been successful.

> Preliminary findings from an evaluation study of the needle and syringe exchange indicate that i.v. addicts share less than in the early eighties. There is no evidence, that a needle and syringe exchange encourages addicts to inject more.

The writer does admit, however, that since there were no control groups in their study, the effects of the measures taken to contain AIDS, including the needle and syringe exchange, are difficult to determine.

Johanna A.R. Van Den Hoek's report to the Third International AIDS Conference doesn't indicate a success. In his presentation, he commented on the results of an epidemiological study which began in December 1985. An abstract of his comments as they appear in the Third International Conference on AIDS on page 69 reads as follows:

> In December 1985 an epidemiological study among drug addicts in Amsterdam

> was initiated. As of 15th October 1986, 243 drug users had entered the study of whom 80 percent were IV users. . . . At entry into the study 66/243 or (27 percent) were anti-HIV seropositive; 64/66 were IV users. . . . Significant changes in lifestyle were found among participants toward a less risky behavior (smaller proportion reporting daily IV use and using often the same needle/syringe; increasing proportion using needle/syringe exchange program). However, among 50 HIV-seronegatives followed up, 4 HIV-seroconversions have [converted], indicating that till now the prevention measures taken in Amsterdam have had only a limited influence on the speed with which HIV spreads among the drug users.

So, Mr. President, even in the "model" programs, the success rate is not as high as some would want you to believe. One thing is clear, if we adopt the Netherland's approach, we will have to retreat in our war on drugs. I, as one Senator, am not willing to do that.

I say Amsterdam has been held up as a success story of the needle exchange program but two things need to be underscored, Mr. President. First, the evidence clearly shows that despite the needle exchange program HIV infection has spread in the addict population. Second, if the program has succeeded, the Netherlands lax treatment of drug use needs to be contrasted with the war on drugs that is being conducted in this country, if you are going to try to evaluate the efficacy of a needle exchange program in the United States.

My statement refers to illustrations of how the Amsterdam drug-use treatment appeared and has been conducted in a story in the Washington Post on November 15 of last year.

Mr. President, with that, I am prepared to vote.

I yield back the balance of my time.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Massachusetts.

Mr. KENNEDY. I yield myself 1 minute.

Mr. President, you do not have to reach an evaluation of the Amsterdam program in order to reject this amendment.

As has been pointed out by my colleague from Utah, the Senator from Connecticut, and the Senator from California, none of the funds provided under this act shall be used to provide hypodermic needles or syringes. That virtually prohibits any kind of help and assistance for any of those people receiving home care, hospice care, IV feedings, and anything else. The language is simple. It would undermine a very essential part of this legislation. I hope the Members will vote "no."

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. BYRD. Mr. President, there will be no more votes after this one, unless there is a close vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Washington [Mr. ADAMS], the Senator from Texas [Mr. BENTSEN], the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Florida [Mr. CHILES], the Senator from South Dakota [Mr. DASCHLE], the Senator from Iowa [Mr. HARKIN], the Senator from Montana [Mr. MELCHER], the Senator from Rhode Island [Mr. PELL], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "nay."

Mr. SIMPSON. I announce that the Senator from Nebraska [Mr. KARNES], the Senator from Oregon [Mr. PACKWOOD], the Senator from Vermont [Mr. STAFFORD], and the Senator from Alaska [Mr. STEVENS].

The PRESIDING OFFICER [Mr. CONRAD]. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 19, nays 66, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—19

Armstrong
Bond
Danforth
Garn
Gramm
Grassley
Hecht
Helms
Humphrey
McCain
McClure
Nickles
Roth
Rudman
Shelby
Simpson
Symms
Thurmond
Wallop

NAYS—66

Baucus
Bingaman
Boschwitz
Breaux
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Conrad
Cranston
D'Amato
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Glenn
Gore
Graham
Grassley
Hatch
Hatfield
Heflin
Heinz
Hollings
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Specter
Trible
Warner
Weicker
Wilson
Wirth

NOT VOTING—15

Adams
Bentsen
Biden
Boren
Bradley
Chiles
Daschle
Harkin
Karnes
Melcher
Packwood
Pell
Stafford
Stennis
Stevens

So the amendment (No. 1982) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, as I understand the floor situation, there will be no further votes tonight. I am quite prepared to stay here myself. We can debate any of the issues involved in this legislation.

We have an amendment in the form of a technical amendment which I intend to offer on behalf of the Senator from Utah and myself.

I was not aware there would be any objection to the acceptance of that amendment, and I would be glad to either offer it and have it accepted or offer it, debate it, and dispose of it tonight.

I had refrained from offering that amendment because it appeared there were going to be efforts to try and disassemble the total package.

But I am quite prepared to offer it, and I will offer that at this time.

I would be glad to dispose of it tonight or to have it there for consideration tomorrow.

Just as a point of inquiry, I would like to know is there going to be objection to the manager's amendment which by and large is a technical amendment?

Mr. HELMS. Mr. President, does the Senator yield the floor?

Mr. KENNEDY. Yes.

Mr. HELMS. Mr. President, I am not sure. Let me consider it for a moment.

I suggest the absence of a quorum.

The PRESIDING OFFICER [Mr. GORE]. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I asked for the quorum call because I am not certain what the Senator from Massachusetts has in mind. Is he going to offer a substitute, or is he going to offer what I have here, which is a perfecting amendment?

Mr. KENNEDY. The perfecting amendment is what I intended to offer.

Mr. HELMS. You said a substitute.

Mr. KENNEDY. I apologize. I misspoke. It is a perfecting amendment.

Mr. HELMS. Mr. President, I suggest the Senator go ahead. He does not have to have unanimous consent to do that.

Mr. KENNEDY. The Senator is quite correct. The Senator is very much aware that, if we offer that, there will be the opportunity to take any of those amendments and reexamine them. This is offered on behalf of the whole committee. I intend to offer that at the appropriate time so that Members will know. If they want to key their amendments, they will be able to do it to the technical amendment. It is technical, and it would be offered on behalf of the Senator from Utah and myself.

But, as the Senator is aware, from a parliamentary point of view, we could begin to get into the various technical amendments. I suppose I cannot really object to that too much. Even so, I would be glad to do that. That probably makes sense even at this time.

Mr. **HELMS**. If I understand the Senator correctly, he does not want to ask unanimous consent for the perfecting amendment at this time?

Mr. **KENNEDY**. Well, Mr. President, I would, unless there is some problem with that for the Senator from North Carolina. That would obviously ensure that that is then at the desk and it is the technical amendment. If I just send it to the desk, all the other potentials arise. I do not know why we are not up front. I would ask unanimous consent just so we are protected.

Mr. **HELMS**. Mr. President, I suggest the Senator withhold that. Maybe I can help a bit. I believe the distinguished majority leader wanted an amendment to be laid down tonight for consideration tomorrow.

Mr. **BYRD**. Yes.

Mr. **HELMS**. Suppose I do that, with the understanding that it will be laid aside.

AMENDMENT NO. 1983

Mr. **HELMS**. Mr. President, I send an amendment to the desk and ask that it be stated.

The **PRESIDING OFFICER**. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1983.

At the appropriate place in the pending amendment add the following new section:

SEC. . None of the funds provided under this Act or an amendment made by this Act shall be used to provide hypodermic needles or syringes to drug addicts.

Mr. **HELMS**. Mr. President, we will discuss this a little bit further in the morning at the wish of the majority leader. I am prepared to lay it aside for this evening, if that is his wish.

Mr. **BYRD**. Mr. President, would it be possible to get a time agreement on this amendment and then this would allow us to vote on the amendment in the morning reasonably early?

Mr. **HELMS**. May I ask the majority leader approximately what time he would expect us to be on the bill tomorrow?

Mr. **BYRD**. Yes. I would hope to be on the bill by 9:30.

Mr. **HELMS**. I would say an hour, equally divided, would be adequate, with the understanding that probably neither side would use that much time.

Mr. **BYRD**. One hour equally divided.

Mr. **HELMS**. If that is satisfactory to the distinguished Senator from Massachusetts.

Mr. **KENNEDY**. Yes.

Mr. **HELMS**. Or less. We can talk about that.

Mr. **BYRD**. If we could have a vote by 10 o'clock.

Mr. **HELMS**. That would be cutting it a little short.

Mr. **BYRD**. Could the Senator say 40 minutes, equally divided?

Mr. **HELMS**. Why not?

Mr. **BYRD**. Mr. President, I ask unanimous consent that there be 40 minutes on the amendment, equally divided, with no amendments to the amendment.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **KENNEDY**. Mr. President, I ask for the yeas and nays.

The **PRESIDING OFFICER**. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. **BYRD**. Mr. President, I ask unanimous consent that the time start running on the amendment tomorrow morning at 9:30 a.m. This would mean that there would be a rollcall vote at 10:10.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **BYRD**. I thank all Senators for their cooperation and courtesy. There will be no more rollcall votes this evening.

Does the manager or ranking member have anything further?

Mr. **KENNEDY**. Mr. President, if I could have the attention of the Senator from North Carolina. We have the technical amendments. Does the Senator from North Carolina have any objection to my asking unanimous consent that they be considered and agreed to en bloc? It is just in terms of drafting other amendments so that Members will know. I was going to do it later on in the process.

Mr. **HELMS**. Mr. President, I will have to object to that, respectfully.

EXTENSION OF APPLICATION TIME UNDER LEGALIZATION PROGRAM FOR CERTAIN ALIENS

Mr. **BYRD**. Mr. President, if there be no further action on this bill tonight, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 633, H.R. 4222, an act to amend the Immigration and Nationality Act to extend the application period under the legalization program.

Mr. **GRAMM**. Mr. President, reserving the right to object. Will the distinguished majority leader yield?

Mr. **BYRD**. Yes, I am happy to yield.

Mr. **GRAMM**. Mr. President, I am going to exercise my right to object. When we first passed the immigration bill and set into place landmark legislation to try to address the flood of illegal aliens coming into the country, there was a substantial falloff in the number of people who were coming into the country illegally.

I would like my colleagues to know that over the last year we have had a 60 percent increase in our index, which is the measure we have of how many people are entering America illegally, and that is the number of people who are being apprehended.

I thought my colleagues would like to know that when these people who are apprehended coming in illegally have been questioned about why they have decided to enter the country illegally, in trying to ascertain what has happened that caused a 60 percent increase over the last year, their response has basically been that, while the number of people coming in illegally fell off when we passed the bill, there has been a growing consensus that we were not going to enforce the law.

As a result, that word has spread and as a result we have had a mammoth increase in the number of people entering the country illegally.

Mr. President, if we came in now and changed the law on the very eve of it going into effect, the net result would be to cast further doubt on the credibility of the law and I think that would bring numerous people across the border illegally.

I think, secondly, there is a potential for a cruel hoax here and that is 201 Members of the House voted against this bill. The president has said he is going to veto the bill. That veto with that vote in the House would clearly be sustained.

There are people out there tonight who are trying to decide whether, on May 4, they want to get in line to get an opportunity to sign their name and pay a fee to get the best gift that this world can give you, which is the right to live in America.

If this bill comes up, if it should be adopted by the Senate, they are going to be uncertain as to what is going to happen and a lot of people that have got a chance to live in America legally are not going to be there in line, thinking they are going to get 7 more months. That is not going to happen.

So for the sake of saying to the world we are going to enforce the law and for the sake of the people who are going to be misled, I would be constrained to object.

The **PRESIDING OFFICER**. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, The Senate must act this week on the bill (H.R. 4222) to extend the application period for the amnesty program, which under current law will end on May 4.

Our Judiciary Subcommittee hearings have shown that, while Immigration Service and church and community groups around the country have done an extraordinary job in implementing the amnesty, more time is clearly needed.

By a quirk in the Immigration Reform Act of 1986, one amnesty program—for Special Agricultural Workers—does not end until November 30. However, the main amnesty program ends next week, on May 4. The Senate should correct this imbalance, and allow the two amnesty programs to run concurrently.

The House bill now ready for action by the Senate makes no change in the criteria for amnesty. The requirements established by Congress in the 1986 act would remain intact. We would simply be allowing more time for those who qualify to get their applications in.

To date, some 1.3 million applications have been received. Despite this success, survey after survey, including studies by the Immigration Service itself, have shown that there is still extraordinary misinformation and fear about the program, and large numbers of potentially eligible applicants have been inhibited from coming forward.

As the May 4 deadline has approached, the Immigration Service has tried to overcome these fears, and immigration officers are permitting persons to file brief applications, to be supplemented later.

But the demand is overwhelming, and there is not enough time to meet it. More time is clearly needed for the process to run its course. Experts have testified before our Immigration Subcommittee that as many as 500,000 qualified persons will not have applied by the May 4 deadline.

A recent article in the New York Times describes a compelling situation in Los Angeles. The director of a voluntary agency says that under the initial INS regulations, the agency informed as many as a thousand applicants that they were not qualified and should not apply. However, recent changes in the regulations—in the "known to Government" rule, to name but one—would now permit them to qualify. As the director says, getting the word out about the rule change "is not something you can do on Spanish-language TV. Cases like these are why an extension is so important."

This frustrating experience is being repeated in hundreds of agencies around the country struggling desperately to implement the amnesty program before the deadline is reached.

A survey by the Immigration Service itself conducted last October found among the potentially eligible population that: 39 percent didn't know how to apply; 45 percent didn't have the money to apply; 49 percent believed they aren't eligible and don't try; and 25 percent were afraid of the Immigration Service.

And these concerns have been echoed in a survey earlier this year funded by the Ford Foundation.

What is needed most is more time. Last week, the House passed a bi-partisan measure to extend the application period for 6 months. The House-passed measure would simply bring the regular amnesty program in line with the special agricultural worker amnesty also established under the 1986 reform law. The application deadline under the agricultural amnesty is November 30, rather than the shorter May 4 deadline for the regular amnesty.

This legislation makes no other change in the legalization program. The criteria for amnesty remain precisely as Congress established them under the 1986 law.

No one who isn't already qualified for amnesty would benefit from this extension bill.

Experts who appeared before our Immigration Subcommittee earlier this month indicated that as many as 500,000 qualified persons will not have applied by May 4. The Congressional Budget Office estimates that some 100,000 may be excluded.

Whatever the exact number, it is obvious that literally thousands of people who are eligible for amnesty have not come forward yet—and will not come forward by the deadline next Wednesday.

Extension of the deadline will not require additional appropriations. The program is fully funded through application fees. And the Immigration Service will have to keep its legalization offices open for another several months anyway, not only to receive applications under the longer agricultural worker amnesty, but also to process applications already submitted under the basic legalization program.

The other costs mentioned in the Congressional Budget Office estimate are already appropriated in the Immigration Reform Act of 1986 and other statutes.

Also, the Congressional Budget Office estimates do not take into account the enforcement benefits of legalization. Congress passed an amnesty program, partly because it was the humanitarian thing to do, but also because we wanted to turn our enforcement efforts to the future. The goal was to help the Immigration Service by removing the burden of deporting people who already had deep roots in this country. The more people who qualify for amnesty, the fewer the Immigration Service has to use its resources against in its enforcement work.

There is no justification for cutting off the program on May 4. I urge the Senate to adopt the House-passed bill, and grant a 6-month extension of the deadline.

Mr. President, in all candor, I find it extremely difficult to comprehend the intense opposition that some Senators are bringing to this issue. We know who the hundreds of thousands of victims of the May 4 deadline are. They are the people who are the most fearful of Government and the INS. They are the poorest and the least educated fellow human beings in our midst. They live in the worst conditions. They are the most likely to be victims of discrimination and crime. They exist in the deepest shadows of our society. They speak the least English, they read the fewest newspapers, they see the least television. They know the fewest friends, and they have the fewest contracts with the outside world. Often, they are afraid even to be seen on the streets or in public. In a sense, they are 500,000 Anne Franks, locked in the attics of America—but with one great difference, because they have a chance for a better life.
life.

Of all people in America, they are the least likely to know their rights. But they do have rights, because in 1986 the U.S. Congress gave them rights. And now, through no fault of their own, those rights are about to slip away, because an unseeing and uncaring Congress is refusing to act.

Some Members of the Senate actually seem eager to nullify those rights by insisting on the May 4 deadline.

In a situation like this, opponents of extending the deadline may have the upper hand—because when time is short, the advantage usually goes to those bent on preventing Congress from acting.

But the Senators who oppose us now are some of the same Senators who opposed Amnesty from the start. They filibustered against it in 1986, and they are threatening to filibuster against it now.

Well, the Senate rejected their harsh and unfair arguments, then, and we should reject them again now.

And we should do so with all the more conviction of the rightness of our action, because extending the deadline is no nose under the tent. It is no second amnesty.

It is no invitation to any person in any other country to come to the United States illegally, in the hope that some future Congress will grant some future amnesty. It is no more an invitation of that sort, than repeal of the windfall profit tax on oil is an invitation to the oil industry to jack up its prices.

We all know that we extend deadlines for taxes—why not for amnesty?

Congress enacted the amnesty program in good faith, and we should not implement it in bad faith. The simple truth is, the May 4 deadline has turned out to be too short and too harsh. To refuse to extend it is cruel and vindictive—and it is mean-spirited and out of character for Congress to look the other way, while the door of America closes on the rights of so many.

Justice in America is often said to be blind. But it is not blind today. We see with relentless clarity what we are doing. We know that the hopes and perhaps the very lives of hundreds of thousands of men, women, and children in communities across America are at stake.

They may not be American citizens—yet. But they are here in the land of America, and they have rights under the laws of America.

A simple extension is simple justice. I urge the Senate to enact it—and I ask this question of any Senator who would deny this modest and eminently fair relief—how do you think it feels to slam the door of America on 100,000 fingers? Does that make America America?

Mr. President, I ask unanimous consent that a series of articles and editorials supporting extension of the deadline may be printed in the RECORD, together with a list of the large number of organizations around the country favoring the extension.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Apr. 11, 1988]

THE ALIEN AMNESTY DEADLINE SHOULD BE EXTENDED—DESPITE THE GOOD JOB THE INS HAS DONE

(By Doris M. Meissner)

The congressional immigration legalization program gives all eligible aliens one year to apply for legal status, yes or no?

No.

Congress fashioned four separate legalization programs. One is for people illegally in the United States since Jan. 1, 1972. There is no deadline for their applications. The second is for agricultural workers who worked in the US for specified periods during 1984, 1985, or '86. They have until Dec. 1, 1988, to apply.

A third is for Cubans and Haitians, for whom federal assistance but not legal status has been granted since 1981. They have until Nov. 6, 1988, to apply. Finally, there is the general legalization for all other illegal aliens who can show continuous residence here since Jan. 1, 1982. Their application period ends May 4, unless Congress extends the deadline.

When Congress mandated legalization, its intent was both altruistic—authorizing legal status for people who "have contributed for years toward our economic and social well-being"—and pragmatic—strengthening future immigration enforcement under employer sanctions by allowing the government "to target its enforcement efforts on new flows of undocumented aliens."

To achieve these objectives, the maximum possible number of those eligible must apply. That number is in the range of 1.8 to 2.6 million for the general legalization, the biggest and best known of the programs. So far, just under 1.15 million have come forward. A late surge may bring the number to 1.3 million—or 500,000 people short of the low point of the range.

To "meet our goal of every possible person who's eligible," the Immigration and Naturalization Service (INS) has announced it will now allow an additional 60 days for documentation to be submitted as long as a skeletal application is filed by the May 4 deadline. It will also reimburse assistance organizations and states for referring new applicants.

These steps cap an already exemplary record of efficient application processing, adjustments in regulations where needed, evening and weekend hours, and attractive offices staffed with courteous, sympathetic personnel.

Even so, INS's research shows that while immigrant groups are aware of the legalization program, many individuals wrongly believe they are ineligible. An aggressive publicity campaign to overcome these misimpressions has not yet generated a real rise in application rates.

So it is curious that INS is actively campaigning against legislation that would do the one thing it cannot: extend the life of the program. Officials argue that extension is not needed, because more people have already applied than in any other nation's program. They assert that extension requires concomitant adjustments in the enforcement provisions of the immigration reform law. Finally, they say that an extension would be confusing and would require a congressional appropriation to cover costs.

These arguments do not hold up. More people have applied here than elsewhere because there were more here to start with. Extension does not presume a change in the equation upon which immigration reform was based; it simply allots more time to accomplish what was already bargained for.

A later deadline would be no less confusing than the numerous changes in eligibility and documentation requirements which have (properly) been made all along to improve the program. And cost factors can be addressed by shifting personnel and consolidating offices, as INS has also done all along, to comply with the congressional requirement that legalization be self-financing.

The only real issue before Congress is whether additional time will generate a substantially larger number of applications. No one can say for certain. What can be said is that legalization has been a massive undertaking that represents a great leap into the unknown for the government, assistance organizations, and eligible aliens alike.

Important elements, such as court rulings on key issues in the government's regulations and effective community outreach, are only now falling into place. And even if another half million or more apply, the remaining illegal population in the country will still be about twice the number legalized, given the eligibility restrictions Congress set. So it is strongly in our interest to ensure that the maximum number of those who can qualify do so. A deadline is necessary. But it should err on the side of inclusion.

There is no "right" period of time to ensure a successful program. Other countries' programs have ranged from two months to two years, most having extended the time initially designated. In the US case, the different application deadlines among the discrete programs are arbitrary, creatures of the chaotic nature of the legislative process. If Congress was comfortable allowing some to have until Dec. 1, 1988, to gain legal status, it should be willing to tender the same offer to all.

Should Congress correct itself now? Yes!

[From the New York Times, Apr. 24, 1988]

GIVE ILLEGAL ALIENS MORE TIME

The 1986 Immigration Reform and Control Act provided amnesty for the estimated 1.4 million to 2 million undocumented aliens who have been in the United States since before 1982. But with the May 4 deadline less than two weeks away, only 1.2 million have applied. Fairness justifies an extension.

The new law deters illegal immigrants by sanctions against employers who hire them, and offers legal status to aliens who have lived in the shadows for years. This amnesty got off to a slow start, in part because of administrative problems that the Immigration and Naturalization Service now admits.

It also took time for aliens to feel comfortable crossing the new welcome mat at the door of an agency responsible for catching illegals. Now, with the deadline looming, the process finally has begun to run more smoothly and community outreach efforts are more effective.

Applications are flooding in at a rate of more than 10,000 a day, up from about 2,000 a day in January. Rather than give these efforts more time to reap results, the Immigration Service clings to the requirements that aliens must apply for amnesty by May 4. The I.N.S. makes only a grudging concession—an additional 60 days to submit supporting documents.

With more time, another 100,000 to 500,000 aliens who deserve a chance at legal status might come out of the shadows. The House therefore recently voted 213 to 201 to extend the amnesty deadline, without expanding eligibility, to Nov. 30. The Senate should take up similar legislation this week.

Still, the Immigration Service objects, citing low-ball estimates of those eligible and suggesting that most of those likely to apply will do so by May 4. The agency urges a Presidential veto. But given the last-minute surge in applications, why not extend the deadline to accommodate as many eligible aliens as possible?

Little harm could come from erring on the side of generosity. That would do justice to the Immigration Service's own progress in overcoming the aliens' fears. Congress and the Administration need to unite—in a hurry—to give aliens seeking amnesty what they need most: a little more time.

[From the Tribune (San Diego, CA), Apr. 2, 1988]

EXTEND AMNESTY, AFFIRM PROMISE

"Live the dream that brought you to America," says the message on the milk carton, "Legalization ends May 4, 1988. Apply now."

As the year of amnesty enters its final month, the Immigration and Naturalization Service is making a media blitz. Some would say it's too little, too late, Amnesty advocates answer, "Now that it's finally moving, let's not stop."

More than 2 million people were expected to apply for legalization. Only about 1.1 million people have done so. Another 400,000 farm workers have applied for a special farm-workers' amnesty.

Considering the fears of the undocumented to come out of hiding, the million amnesty applications represent a massive leap of faith. But hundreds of thousands have remained in hiding. They are fearful, resigned, suspicious or simply unaware they may qualify for amnesty.

The Carnegie Foundation, in a study of amnesty, blames the INS for poor communication, regulatory changes, processing delays and other bureaucratic problems.

A Transcentury Foundation study concludes that the program has been "more useful" to men than to women; to Mexicans over other nationalities; to people in California over other states, and to blue-collar workers over middle/class aliens. "Checks and balances in the U.S. government," the study adds, "have made it much more difficult for the United States to provide amnesty for illegal immigrants than it was for the governments of Canada and Australia."

America's cherished system of checks and balances should not be compromised for legalization. But the importance of this program for the country's future as a land of legal immigrants makes extension vital.

Thursday, the House Judiciary Committee approved a bill to extend the legalization program to Nov. 30—the same date the farm-worker legalization program will end.

The INS opposes it, which is understandable, because of the bureaucratic difficulties of continuing the effort. But these difficulties should not hinder the higher purpose of making amnesty available to all who could qualify. We urge Congress to pass this extension and the INS to implement it.

History will not look at whether the amnesty program was accomplished within the original dates set by Congress. Nor will future generations care who was to blame for its failure.

Amnesty will be judged on whether it succeeded in bringing the majority of undocumented people into the light of law. Even with an extension, millions of people who came after the 1982 cutoff date will not be included.

We dream of the day when they will be. The amnesty that Congress has passed is the first step toward a new era when an alien nation without rights no longer will be hidden in this land of rights. Sadly, that era is still far off. But setting a precedent of amnesty is vital to heal the wounds in our society caused by the crime and injustice of illegal immigration.

The amnesty is only a beginning, not an end. A beginning for illegal aliens to become permanent residents and citizens. A beginning for America to renew its commitment to immigrants. A beginning for legalized immigrants to achieve the American dream—and for America to harness those dreams.

[From the Dallas Times Herald, Dec. 20, 1987]

GIVE AMNESTY MORE TIME

No single law has had more impact on Texas during the past year than the Immigration Reform and Control Act of 1986, which provides amnesty for undocumented aliens who have lived in the United States continuously since Jan. 1, 1982. After years of wrangling, Congress passed the act to help control the flow of illegal immigrants into the United States. It was signed into law on Nov. 6, 1986.

Implementation of the law required a delicate touch, but the responsible organization, the Immigration and Naturalization Service, has proceeded with a heavy hand. Still, the INS was the only government agency that could do the job.

Suddenly, by the stroke of the presidential pen, the INS was told to switch gears; from the agency that tenaciously hunted down illegals and deported them to a kind-hearted agency extending the olive branch of amnesty.

Little wonder illegal aliens reacted with fear and suspicion.

While the INS originally projected that about 4 million undocumented aliens would apply for amnesty, only about 1 million have surfaced. Yet the backlog on processing applications is huge—only about 15 percent of the applications have reached a final determination. And many experts feel the INS is letting other business go to deal with the amnesty overload.

Granted, the INS was given a massive task in establishing 107 amnesty centers around the country and publicizing the new law. But imagine how overloaded the system would be if the expected number of illegals had applied.

Distrust of the INS is not the only reason for the slow rate of amnesty applications. Lack of knowledge is another key factor. That's why the Dallas Times Herald has made this story a top priority—publishing information in Spanish as well as English. But in New York, for instance, where only about one-fifth of illegals believed to be there had applied for amnesty a year after the law was passed, efforts to publicize the new law have only recently begun to pick up steam.

It's unfortunate that public service announcements about amnesty are rarely shown on television during prime time.

Still, given time, the public education program will be successful. Eventually, the word will spread and most illegals will understand the opportunity they are being offered. That, however, is only part of the remedy.

A Times Herald survey being published today indicates as many as 40 percent of those eligible for the legalization program are not applying—not because they aren't aware of the program, but because they cannot meet the rigorous documentation requirements, fear the government and are afraid they will be separated from their families.

The question of family unity is critical. Splitting up homes is hardly the American way, and illegal aliens must be treated by American standards. Legal or not, they are here. It demeans us to use totalitarian methods to cure our immigration problems. Congress has been unwilling to deal with the question of spouses and children. In October the lawmakers voted down an amendment to extend amnesty to members of a qualified illegal's nuclear family. Last week, by one vote, House-Senate conferees killed a comparable amendment that was to be attached to the omnibus spending bill.

Congress should reconsider. While splitting up families may be justified on abstruse, technical grounds, we find it distasteful to force people to trade their spouses and children for a chance at U.S. citizenship. The INS has said children won't be deported, which leaves spouses at risk.

It seems the INS is having a difficult time adapting to its new role. The agency cannot resist playing hardball with illegals, with continuing raids and the recent directive that illegals better not be foolish enough to return home for Christmas without U.S. government permission—granted only for medical emergencies.

That's a wonderful way to encourage people to come forward.

Until either the INS or Congress finds the courage and compassion to assure illegals they can apply for amnesty without jeopardizing their families, the application rate will remain too low.

For immigration reform to work as planned, those eligible for amnesty must receive it. Sanctions against employers who hire undocumented aliens, which had to be delayed because of the INS' fault education program, are now rumbling into action. That's essential. It cuts off the primary attraction of the United States to illegals—jobs.

But there are problems with employer sanctions as well. Fraud has surfaced in many cases, especially in the Special Agriculture Worker program. In Florida, for instance, as many as half of the 42,000 SAW applicants are suspected of using bogus documents to back up their claims.

The INS has also had a problem of districts using different guidelines. This creates confusion and encourages illegals to "shop" for a district to suit their needs. Clearly, all illegals should meet the same standards.

Gauging the effectiveness of immigration reform is difficult. Its ultimate goal is to bring U.S. borders under control. But the only quantitative tool available to measure its success is the number of apprehensions. Although border arrests have dropped by 30 percent since the law's implementation, there's no way to tell if this means fewer illegals are crossing the border or if it is simply the result of less stringent enforcement.

Given the numerous problems, it seems apparent that the May 4, 1988, deadline for amnesty applications must be extended. Rep. Charles Schumer, D-N.Y., is ready to introduce a bill for a one-year extension, and Congress should approve it.

Extending the arbitrary deadline only enables more qualified illegals to apply for amnesty: it does not alter the qualification requirements. While some deadline must be kept to encourage illegals to act quickly, there is no reason not to extend it long enough for the INS and Congress to get their act together.

GROUPS SUPPORTING EXTENSION OF DEADLINES FOR AMNESTY APPLICATIONS

AFL-CIO.

American Civil Liberties Union.

American Council for Nationalities Service.

American Immigration Lawyers Association.

American Jewish Committee.

Asian Pacific American Legal Center.

Church World Service, National Council of Churches, USA.

International Ladies Garment Workers Union.

Lutheran Immigration and Refugee Services.

Mexican American Legal Defense and Education Fund.

National Council of La Raza.

National Association of Counties.

The Presiding Bishop's Fund for World Relief Migration Ministry, the Episcopal Church.

U.S. Catholic Conference.

U.S. Conference of Mayors.

World Relief of the National Association of Evangelicals.

American Association of University Professors.

American Public Welfare Association.

City of Chicago.

Chicago Committee on Immigrant Protection (over 40 groups).

Coalition for Humane Immigration Reform of Los Angeles (over 40 groups).

Coalition of Florida Farmworker Organizations.

El Concilio Del Condado De Ventura (Ventura, California).

Farmworker Justice Fund.

Greater Miami United.

Haitian Refugee Center.

Hebrew Immigrant Aid Society.

International Institute of Rhode Island.

International Institute of the New Jersey Area.

LEAP Immigration Project (Seattle).

League of United Latin American Citizens.

Massachusetts Immigrant and Refugee Advocacy Coalition (over 40 groups).

National Association of Latino Elected and Appointed Officials.

National Coalition for Haitian Refugees (over 20 groups).

National Jewish Community Relations Advisory Council (over 120 groups).

National Rainbow Coalition.

New York Association of New Americans, Inc.

Nicaraguan American Women's Civic Association.

North Texas Immigration Coalition.

Orange County Coalition for Immigrant Rights.

Rhode Island Immigration Reform Steering Committee.

San Diego Immigration Law Coalition (over 20 groups).

San Francisco Coalition for Immigrant and Refugee Rights.

Service Employees International Union.

Southwest Voter Registration and Education Project.

Texas Bar Association, Immigration and Nationality Committee.

Volunteers of Legal Service (New York).

Washington Lawyers Committee for Civil Rights under Law.

American Bar Association.

Archbishop Theodore McCarrick, Newark.

California State Assembly, (unanimous support for resolution).

Cardinal Joseph Bernardin, Chicago.

Cardinal Bernard Law, Boston.

Governor Mario Cuomo, New York.

Governor Michael Dukakis, Massachusetts.

Immigration Reform Network of Pennsylvania (more than 40 groups).

Illinois Governors Task Force.

Mayor Raymond Flynn, Boston.

Mayor Tom Bradley, Los Angeles.

Mayor Art Agnos, San Francisco.

Mayor Wilson Goode, Philadelphia.

Mayor Ed Koch, New York City.

Doris Meissner, Carnegie Endowment for International Peace.

Mexican American Bar Association of Texas.

National Conference of State Legislatures.

National Council of State Human Service Administrators.

National Governors' Association.

National League of Cities.

Nationalities Service Center of Philadelphia.

New Jersey Immigration Policy Network (more than 40 groups).

David North, New TransCentury Foundation.

North Texas Immigration Coalition (more than 25 groups).

Rhode Island Immigration Reform Steering Committee.

San Diego City Council.

Ventura County (CA) Task Force.

The PRESIDING OFFICER. Is there objection to the request?

Mr. GRAMM. Would the distinguished majority leader yield?

Mr. BYRD. Mr. President, I ask unanimous consent that there may be not to exceed 5 minutes for both Senators to speak on this request, while reserving my right to the floor.

Mr. GRAMM. I appreciate the distinguished majority leader yielding. First of all, let us make it clear that the amnesty provision put people who came to America illegally in front of 14 million people who have applied to come to America legally. We set out the most generous amnesty provision that I am aware has ever been offered anywhere by any developed nation on Earth. Twelve months in which people had an opportunity to come forward and document that they had been here since 1982.

Now we have gone out and advertised that people should come forward. We have taken the extraordinary step of saying that, come midnight on the 4th, you do not have to have applied; you do not have had to have had the paperwork in; you simply have to be in line by midnight on the 4th to sign your name and to pay the fee and that then you have got 2 months to do the paperwork.

How anybody can call that cruel and inhuman, I do not know. The plain fact is that we have had a 60-percent inflow, 60-percent increase in the inflow of illegal aliens. And why is that happening? It is happening, Mr. President, because there is clear belief that there are going to be additional grantings of amnesty. There is clear belief that we are not going to enforce the law.

I did not vote for the immigration bill but I have faithfully worked to try to execute the law and enforce the law because it is the law of the land. And to try to change it now on the eve of implementation is to send the wrong signal all over the world.

Finally, the distinguished Senator from Massachusetts is not being humane with this action. This bill is not going to become law. We know it is not going to become law. We know the President is going to veto it. We know 201 people voted against it in the House.

Let us not mislead people. Let us tell people: If you are not in that line at midnight on the 4th you are going to lose the chance of a lifetime. Do not be misled that somehow there are going to be 7 more months. I think that is a cruel action and it is not keeping faith with what we said we would do.

That is why I do object to the unanimous-consent request.

The PRESIDING OFFICER. Objection is heard. Under the previous unanimous-consent request, however, there is time remaining for debate.

Mr. BYRD. Does anyone wish more time?

Mr. President, I move that the Senate proceed to consideration of Calendar Order No. 633, H.R. 4222.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

CLOTURE MOTION

Mr. BYRD. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The legislative clerk read as follows:

> We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of H.R. 4222, an act to amend the Immigration and Nationality Act to extend the application period under the legalization program.
>
> Senators Edward M, Kennedy, Paul Simon, Donald W. Riegle, Dennis DeConcini, Bill Bradley, Tom Daschle, Patrick Leahy, Wyche Fowler, Barbara A. Mikulski, Howard Metzenbaum, John Melcher, Max Baucus, Brock Adams, Terry Sanford, Daniel Inouye, and John F. Kerry.

The PRESIDING OFFICER. The question is in the motion to proceed.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIME MINISTER MULRONEY'S REMARKS TO A JOINT MEETING OF THE CONGRESS

Mr. WIRTH. Mr. President, this afternoon many of us had the pleasure of hearing the distinguished Prime Minister of Canada address a joint meeting of the Congress. In one of the best speeches that we have heard in a joint meeting for some time, I was particularly impressed with the two major themes raised by the Prime Minister: one, the importance of our moving ahead on the joint trade agreement with Canada, which will follow, we hope, soon after we dispense with the trade agreement here and, second, the issue of acid rain.

The Prime Minister hit very strongly the absolute imperative that we as a country take on this issue. I want to echo that, Mr. President, and point out that our administration has dragged its feet. It says we have to study an issue that we all know perfectly well that has done very, very significant damage, not only to our ecosystem but to that of Canada, as well.

We do not have to study this any further, Mr. President. What we have to do now is move ahead and take the measures that we all know have to be taken.

Only recently a very strong study done by the Environmental Defense Fund further added to the evidence that is out there of the need to move.

Mr. President, I hope all of us take heed of Prime Minister Mulroney's speech and that we as a country move as rapidly as the Canadians have.

REGARDING ACID RAIN

Mr. President, as I said, this afternoon the Prime Minister of Canada addressed a joint meeting of the U.S. Congress. As many Members of the Senate have emphasized before, the Congress does not lightly or frequently afford to the leaders of other nations such an opportunity. However, it is right and fitting that the Congress extend such an honor to Prime Minister Mulroney.

Throughout our history, Canada has been an unswerving friend and ally of the United States. We share a fundamental commitment to the principles of democracy and freedom. And today, as always, people and commerce move freely between our two nations. In fact, Canada is our biggest trading partner and is also our largest and fastest growing export market.

In short Mr. President, Canada is a tried and true friend of the United States. We should be working together to solve common problems and promote our shared ideals. On many issues, we are doing that. But there is one profound exception: acid rain.

The Prime Minister raised that issue during his address to the Congress this afternoon, and well he should. It is a deep embarrassment to this Senator that it is necessary that the Prime Minister of Canada must once again travel to this city to urge that our two nations join together in an effort to halt acid rain.

There is now an overwhelming body of evidence that acid rain is killing lakes, streams, and forests in Canada and in the United States. The high mountain lakes of the Rocky Mountains, the Sierras, and the Cascades are especially vulnerable and there is new evidence that acid rain is a much more serious threat to these lakes than we realized. And a few days ago, the New York Times reported that acid rain is a major cause of fish kills and biological damage to lakes along the Atlantic coast.

The time for action to control acid rain is past due. Today I rise to add my voice to that of Prime Minister Mulroney—let's get on with the job of controlling acid rain.

What is that evidence of acid rain damage? The Environment and Public Works Committee's report on S. 1894 documents that acid rain is destroying lakes and streams across a large part of the Northeast and in Canada. The Office of Technology Assessment reported that 3,000 lakes and 23,000 miles of streams in the eastern United States already have been acidified or have virtually no acid neutralizing capacity left. OTA also has estimated that at least 180 brook trout ponds in the Adirondacks will no longer support fish populations.

The Ontario Ministry of the Environment has estimated that 20 percent of the 50,000 lakes in eastern Canada have been altered by acid rain. And finally, OTA has concluded that 117,000 lakes and 112,000 miles of streams in the eastern United States are vulnerable to acid rain.

Most of the acid rain studies and monitoring have taken place in the eastern United States. But that doesn't mean this is a problem that is limited to that part of the country. Those of us from the West can not afford to be complacent about acid rain, because the high mountain lakes of the Rockies, the Cascades, and the Sierras are especially vulnerable to acid rain.

In fact, two recent studies suggest that the threat of acid rain in the West is a great deal more serious than we had previously thought. In one study, the Forest Service monitored the deposition of sulfate at high elevations in Wyoming's Wind River mountain range. That study was important because up to this point, all of the sampling has been done at much lower elevations even though scientists have always feared that acid depositions will be much greater at high elevations than at low elevations.

The results of that study are sobering. At one site, the Forest Service observed a sulfate deposition total of 11.86 kilograms/hectare [Kg/HA]. That statistic may not mean much to those of us in Congress, but it should. The State of Minnesota has pioneered legislation to control acid rain by setting limits on sulfate deposition. Minnesota decided that to protect their lakes, they had to set a limit on sulfate deposition of 11.0 Kg/HA.

Our high elevation lakes are even more vulnerable than Minnesota's lakes, because there is so little acid neutralizing capacity in so many of the glacial valleys of the Rockies. And we are already seeing acid depositions at this one site in the Wind River range that exceeds the limit that Minnesota adopted to protect its lakes.

The West's alpine lakes are in danger. We may already be seeing the effects of acid rain. Another study last year documented that when snow melts in the spring at these high elevations, the acidity that accumulated in the snow during the winter is released into the high mountain lakes and streams in a very short time. This causes what is known as an acid pulse. And another study that is soon to be released shows that these acid pulses are responsible for the crash in the populations of salamanders that inhabit these mountain lakes.

Should we care if salamanders disappear from high mountain lakes—we most certainly should. Just as canaries were once used to warn of dangerous gas levels in underground mines, salamanders are a warning to us that these lakes are in trouble. They are a signal that the silent threat of acid rain is a real and serious threat in Colorado, just as it is a threat to lakes and streams in Maine.

Mr. President, we know that lakes and streams are being acidified. We know that when these aquatic ecosystems lose their ability to neutralize acidity, they quickly become sterile bodies of water. And just a few days ago, the New York Times reported that acid rain is a significant cause of the eutrophication that is strangling the Chesapeake and other large bodies of water in the East.

We also know what is causing acid rain: emissions of sulfur dioxide and nitrogen oxides. We know the sources of those emissions. And we know how to reduce those emissions.

The National Academy of Sciences has told us that we need to reduce acid deposition by 50 percent. To reach that goal, we need to reduce emissions by at least 50 percent. There are no secrets here, there are no mysteries. We know what has to be done.

The Canadian Government, to its credit, has taken decisive action. The Federal and provincial governments are committed to reducing sulfur dioxide emissions from 1980 levels by 50 percent—and to doing that by 1994. In addition, any new pollution source will have to reduce emissions from an existing source before any new source can be constructed.

What is the Environmental Protection Agency doing as acid rain spreads across the Nation? Nothing. Every time a new study is released showing that acid rain is killing lakes and forests, EPA tells us that action would be premature. Every time Congress holds a hearing, EPA tells us that we need more studies and more delay.

This morning, we read in the papers that the United States now is demanding the right to increase emissions of nitrogen oxides. That is outrageous in itself. It is even more outrageous when one considers that EPA itself projects that utility emissions of this ingredient of acid rain in the Rocky Mountain West will increase by 100 percent between now and the year 2010. Instead of seeking international sanctions for increasing emissions of this pollutant, the United States should be taking the lead in seeking worldwide reductions in emissions of this pollutant.

Mr. President, I said earlier that I am embarrassed by this administration's refusal to even acknowledge the problem of acid rain. We know the problem is serious and getting worse. We know what causes acid rain. And we know how to stop it.

The time for action is past due. The Senate has on its calendar a bill—S. 1894—that would stop the acidification of lakes in the Northeast and prevent acid rain in the West. It is time that the Congress began debating how we are going to stop acid rain across the continent. It is time that we joined with our neighbor to the North in an effort to stop acid rain.

MEDICARE CATASTROPHIC LOSS PREVENTION ACT OF 1987

Mr. ROTH. Mr. President, on October 27, 1987, the Senate passed the Medicare Catastrophic Loss Prevention Act of 1987 (S. 1127), and Congress just now is beginning conference deliberations. The finished product of this conference will have substantial impact on every Medicare beneficiary—almost 30 million Americans—with the vast majority living on fixed incomes. Catastrophic insurance should be in the forefront of every Senator's mind. Often, the conference report to a bill is considered a "done deal." In this case, however, I urge my colleagues to reflect again on the implications of the legislation.

While some amendments offered to the bill were improvements, others will only put a greater financial burden on the elderly. For example, in its original form the bill would have unfairly penalized Federal retirees. As a matter of fact, Federal retirees would have had to pay more for the new Medicare package than their private sector counterparts because of the way in which the annual supplemental premium is based on tax liability. Unlike in the private sector, Federal annuitants often do not receive a Social Security check which is generally counted as nontaxable income. A Federal retiree's entire pension would be used as a base to calculate what the supplemental premium should be for that year. As accepted by the Senate, this amendment has corrected the inequitable situation Federal retirees were faced with initially.

The catastrophic insurance bill was improved further with the addition of the amendment which will make preventive tests such as mammograms count toward the catastrophic cap. This provision will encourage people to think ahead and seek medical attention for early detection of a wide range of diseases. In the long run, the Medicare population will benefit by a reduction in morbidity and mortality in cancer and blindness and perhaps other diseases as well.

Finally, the amendment I offered that was accepted establishes an independent catastrophic health insurance trust fund [CHITF], which is essential to the future health of the new catastrophic program. An autonomous trust fund will allow the Secretary of Health and Human Services to separately monitor the assets, liabilities, and general financial stability of the new program. Arming the Secretary with the CHITF will bolster his ability to accurately oversee and maintain a deficit neutral and self-financing benefit. This provision is essential to the integrity of the catastrophic insurance bill.

The prescription drug package, however, threatens the fiscal premise on which catastrophic insurance is based. Not only does the prescription drug provision bite into the private sector medigap market, but cost projections show that it threatens the fiscal stability of the catastrophic benefit. Even with the establishment of a separate trust fund, the prescription drug amendment will threaten the integrity of the entire Medicare trust fund as it is pushed precariously closer toward financial crisis.

Following passage of this legislation as news of its provisions spread at home, the more senior citizens in Delaware learned about catastrophic insurance, the less it appealed to them. Prior to Senate passage of the bill, a substantial number of Delaware seniors wrote and telephoned me in opposition to catastrophic insurance. While the arguments against the bill varied, the consensus was that the catastrophic bill will raise premiums for all Medicare beneficiaries, most of whom do not need this benefit. More recently, I have been contacted by members of the National Committee to Preserve Social Security and Medicare who now also oppose final passage of the bill. Concern of the elderly about the bill has not diminished with time—it has increased. Simply put, the more seniors know about the ramifications of the legislation, the less they like it.

I would like to share with my colleagues a guest editorial submitted to the Delaware State News, Monday, February 22, 1988. Mr. David L. Kusheloff, the author of this editorial is an active and concerned Delaware senior citizen. I believe that Mr. Kusheloff eloquently describes his feelings and the feelings of many seniors on the bill.

FACTS NEEDED ON NEW BILL

Social Security checks would be cut or new heavy taxes would be imposed on old people only under the terrible "catastrophic insurance" plan now in Congress.

Any candidate who doesn't tell that to senior citizen groups is not giving them all the facts and ought to be ashamed of himself. Any legislator who works against this monstrous bill deserves his constituents' encouragement.

A combination of reduced checks and higher taxes is also a cruel possibility. The House version of "catastrophic insurance" calls for reduced Social Security checks. The Senate version calls for new high taxes on the elderly. And the two versions are now in a Congressional "conference committee" to be combined into one bill. Passage seems almost certain, because most of the bill's victims don't know what it would do to them.

There's no time to lose. Senior citizens who want to take responsibility for their own lives should not let candidates get away with painting rosy pictures of this terrible bill. And senior citizens should write at once to Senators Roth and Biden and Representative Carper urging them to fight this bill as, indeed, Senator Roth is already doing and should be urged to continue doing.

I am a Democrat, but this has nothing to do with politics. It has to do with the safety of both Medicare and Social Security; the way this "catastrophic insurance" plan is set up represents the end to both Social Security and Medicare as conceived by Franklin Delano Roosevelt and John F. Kennedy.

Please, my brother and sister senior citizens, get the facts. Any time some candidate tells you how "good" the "catastrophic" plan is, ask him whether it isn't true that it cuts Social Security checks and imposes heavy new taxes on old people only. Ask him whether it isn't true that the way the bill is financed represents a terrible departure from all such previous bills, none of which levied a tax on old people only—in effect, a tax on old age.

Check out the possible "benefits" of this bill and see whether you would choose them, if you had a free choice, at the cost of an absolutely certain sharp reduction in the income you depend upon to maintain a decent and dignified quality of life in these later years.

DAVID L. KUSHELOFF,
Wilmington.

While I do share the desire to protect our elderly citizens from the devastating effect of catastrophic health care expenses, I do not believe that S. 1127 is the appropriate solution. The financing of the bill is complicated and not fiscally sound. As a matter of fact, if the Senate version were passed, Medicare beneficiaries would be paying five premiums—the basic Part B monthly premium, the catastrophic monthly premium, the prescription drug monthly premium, the Catastrophic annual supplemental premium, and the prescription drug annual supplemental premium. In short, we are seeing a groundswell of opposition from our senior citizens which demands that we reconsider our actions on catastrophic insurance.

KOREAN HELICOPTERS

Mr. DOLE. Mr. President, there is an important issue related to the trade bill which I want to bring to the attention of my colleagues. For the past several months, the Government of Korea has been deliberating on a decision to purchase antisubmarine helicopters for the Korean Navy. The three competitors are a British, a French, and an American-made helicopter which is currently in service with the U.S. fleet.

The Korean military has found the American helicopter, the SH-2, to be technically superior to the other systems and best capable to meet the mission requirements. Nevertheless, there is much speculation that Korea may not purchase the SH-2.

Mr. President, I believe it would be a serious mistake if the Korean Government chose another system. The SH-2 helicopter is the most capable aircraft from a military point of view and would be fully interoperable with U.S. Navy helicopters. If the Koreans buy a non-American system, it will not be compatible with the same U.S. equipment which will be called upon to defend Korea in a crisis.

It makes no sense to me to have an American ally which is defended every day by American troops, American equipment, and American dollars—it makes no sense to have that country turn around and purchase a system which cannot operate effectively with our own forces.

Mr. President, I know many of my colleagues have written to the Korean Ambassador on this issue and I hope that the Korean Government will pay attention. The American helicopter is militarily superior. Our two countries will be more effective in the event of war because ammunition, spare parts, and maintenance can be shared.

The issue of fair trade is important and this issue of helicopter procurement is important for relevant security reasons. The Korean Government should heed the voice of their own military and choose the SH-2 helicopter as soon as possible.

CRYOGENIC AVIATION: THE SOVIET BREAKTHROUGH

Mr. MATSUNAGA. Mr. President, when the Russians launched the world's first "Sputnik" spacecraft more than three decades ago, the accomplishment shocked and galvanized our Nation. It was recognized instantly as a historic feat.

Eleven days ago, the Soviets announced another scientific "first" which, curiously enough, has gone virtually unnoticed to date in this country. I refer, Mr. President, to the world's first aircraft flight powered by liquid hydrogen in an engine modified to accept cryogenic fuel. It spells the advent of cryogenic aviation and represents a milestone in the march toward a hydrogen economy.

On Saturday, April 16, Tass, the official Soviet news agency, issued a report that the first test flight of the experimental craft, dubbed the TU-155, had been made the day before as the first in a series. "Intensive work is now underway to design aircraft using cryogenic fuel," Tass reported. I am informed that Cable News Network carried filmed reports on the event from Russian television, footage which contrasted the pollution evident in a conventional Russian jet plane with the clear plume from the experimental craft. Initial reports are sketchy but presumably the plane was on hydrogen fuel throughout the flight, not just after it became airborne; we in the United States have used the fuel experimentally in flight but not on takeoff.

The Tass announcement made the following observation and I quote:

> Hydrogen can be obtained and liquefied in any point of the globe. Only water and energy are needed. This is the best of fuels as regards ecology.

Indeed it is, Mr. President. This is a point I have raised more than once on this floor—on at least four occasions in fact, because that is the number of times that I have introduced my bill for a national research and development program in hydrogen. In doing so I have stressed the priority placed on hydrogen development by other industrial nations, such as West Germany, Japan, Canada, the Netherlands, and Brazil as well as the People's Republic of China and, as we now begin to appreciate more fully, the Soviet Union. Given the importance that the current adminstration has placed on the development of a transatmospheric aircraft and the recognition that hydrogen would be the fuel of choice for such a craft, it is a mystery to me why the administration has neither welcomed nor supported my legislation. Perhaps, now that the Soviets appear to have again stolen a technological march on us in this regard, administration officials might be moved to reconsider their position on S. 1296, my bill now under committee consideration.

However, I will not hold my breath on this score, since as recently as this month the Department of Energy advised the Senate Energy and Natural Resources Committee that my bill was "premature" because the Department's own efforts involving hydrogen were properly directed at "basic research" to prepare for the use of hydrogen "as an alternative energy carrier in the future." Well, Mr. President, 2 weeks after this statement was made the future arrived—on the wings of a Soviet, not an American carrier. While the U.S. Department of Energy, "prepares for the future," our principal competitor, the Soviet Union is demonstrating the future by virtue of its "intensive work" on the design of aircraft using cryogenic fuel, Mr. President, I don't see much evidence that we plan to be an active technological participant in that picture.

In recent months I have joined my colleagues in writing letters to both President Reagan and General Secretary Gorbachev urging them to place global environmental issues on their summit agendas. It is heartening to me that the Soviets are emphasizing hydrogen's ecological advantages in their announcement, noting that the "replacement of oil-based motor fuel" will "decrease the harmful effect of aircraft on the atmosphere."

Mr. President, evidence is mounting of the need for accelerating the development of alternative, nonpolluting energy. Scientists predict that continued release at current levels of carbon dioxide and other greenhouse gases into the atmosphere will lead to an increase in global temperatures of between 1.5 and 4.5 degrees centigrade over the next 75 to 100 years. This raises the prospects of shifts in the world's grain belts, coastal flooding, and inceased mortality due to heat.

What is deeply unsettling about these concerns is the apparent inadequacy of our decisionmaking measurements to weigh them. Conventional economic logic is not geared to cope with the vastly disparate time scales involved in these considerations and, consequently, economic inertia results. By the time discounted value analysis can come into play in making these global decisions, the environmental course already has been set.

But there is no scientific dispute, Mr. President, that global climatic change is progressing at a rate ten times faster than previously, because an analysis of ice age data is clear-cut on this point. As an aside, Mr. President, Dr. Stephen H. Schneider, a senior scientist at the National Center for Atmospheric Research at Boulder, CO, points out that the most recent sample of this data was excavated by Soviet scientists and transported by U.S. aircraft from Russia to France for analysis there in French laboratory facilities.

Actions which slow down the rate of this disturbing trend buy time for gaining more knowledge and ability to adjust to its consequences. In this regard, no action holds greater promise than that of developing an alternative, nonpolluting energy source such as liquid hydrogen, which is abstracted from water and which reforms into harmless water when burned.

When the chips were down after Sputnik back in 1957 it did not take this great country of ours too long to catch up in the space race. We became the first to land a man on the moon, under the dynamic and inspiring leadership of President John F. Kennedy. Similarly, today, we can recapture our pioneering position in aviation and space. But it cannot be done with the "business as ususal" attitude of the Energy Department, where the ingredient of this name appears to be lacking—at least at policy levels. It will take effort—the kind of effort suggested in my bill, S. 1296.

I urge my colleagues to join me in cosponsoring this bill, which already has undergone hearings in the Senate, and on similar legislation in the House. It is not too late to move on this bill and to pass it before the second congressional session of the 100th Congress. But as the news from Moscow indicates, my bill will come none too soon for international competition in aviation and space. The time to act on it is now.

Mr. President, I delayed speaking on the historic Soviet announcement until today, because this evening Dr. Roland Sagdeyev, chief architect of Soviet space policy, as director of Moscow's Institute of Space Research, and principal Advisor to General Secretary Gorbachev on strategic defense policy, will address the bipartisan "Congressional Roundtable on U.S.-Soviet Relations" in room H-130 of this Capitol.

Over the past 6 years, Mr. President, I have developed a close working relationship and warm friendship with Dr. Sagdeyev, and I urge my colleagues to attend the dinner to listen to him and perhaps attend the session after dinner which starts at just about 7:15 p.m. I am sure he will have some startling and revealing matters to discuss.

MARTHA KIME PIPER: IN MEMORIAM

Mr. HOLLINGS. It was with great sadness that we learned of the death Monday of Dr. Martha Kime Piper, the distinguished president of Winthrop College in Rock Hill, SC. Dr. Piper was Winthrop's eighth president and the first woman president of a 4-year State-supported college or university in the Carolinas. She took the helm at Winthrop 2 years ago after serving as chancellor at the University of Houston-Victoria in Texas.

As a university professor and administrator for a quarter century, Dr. Piper earned a reputation as an educator and manager of uncommon abilities—a reputation that extended well beyond the borders of South Carolina. In her brief 2 years at Winthrop, she worked tirelessly to bolster the school's academic strengths and financial support. She will be missed by the students and facilty of Winthrop—and by the entire higher education community in South Carolina.

MILLER BREWING CO.: A FINE CORPORATE CITIZEN OF EDEN, NC

Mr. HELMS. This morning I sent a note of congratulations Mr. James M. Daly, Jr., resident manager of the Miller Brewing Co. facility in Eden, NC. This facility next week will observe its 10th anniversary as a fine corporate citizen of my State.

Here's what I wrote to Mr. Daly:

JESSE HELMS,
U.S. Senate, April 27, 1988.

MR. JAMES M. DALY, Jr.,
Resident Manager, Miller Brewing Co., Eden, NC.

DEAR MR. DALY: I genuinely appreciate your thoughtful letter and invitation in connection with the 10th anniversary luncheon on May 4. Because of medical treatments scheduled for Mrs. Helms, I won't be able to be with you.

Miller Brewing is a fine corporate citizen of North Carolina. Your company has been a highly beneficial and constructive part of the Eden area, and your management and employees have made enormous contributions to the community life of the entire area.

Congratulations to all of you. Now let's go for another decade!

Sincerely,

Mr. President, during the past decade the Miller Co. has established an exemplary record of good citizenship. Its management and employees are deeply involved in the community affairs of the area where they live and work. Employees serve on the boards of such organizations as the Eden United Way, Morehead Hospital, Eden YMCA, Salvation Army, Eden School Board, Tri-City Rescue Squad, Eden Chamber of Commerce, Rockingham Community College, Cherokee Council of the Boy Scouts of America, Friends of the Eden Library, Rockingham County Council of Mental Retardation.

Miller Brewing Co. strives to improve the quality of life for all residents in Rockingham County. The company, through its parent company Philip Morris, financially supports many organizations including the Eden YMCA, Morehead Hospital, Rockingham County Public Library, Rockingham County Arts Council, Children's Theatre of Eden, and the Eden United Way.

The Miller Co. has also sponsored numerous events including the Heritage Festival, Greensboro Symphony In-School Program, Jaycee's Fourth of July Celebration, and the Miller 500 Classic. And it provides 1,100 jobs for the local community, and contributes $325 million to the State economy each year.

I commend the Miller Co. and its employees on their involvement in their community. I am confident that they will continue to be a fine corporate citizen and a helpful neighbor during the next 10 years and thereafter.

WEIRTON STEEL—THE CONTINUING SUCCESS STORY

Mr. BYRD. Mr. President, from time to time in the past, I have spoken regarding the accomplishments of the people of Weirton, WV. These are people who—through grit, determination, and hard work—joined together to save their jobs and their community. Theirs is a success story that has been recognized throughout the free world. Theirs is one of the largest wholly employee-owned companies in this country, providing more than 8,000 jobs in the northern panhandle area of my home State.

This success story was made possible by the earlier enactment of legislation creating the employee stock ownership plan [ESOP], a tax deductible financing technique, which our former colleague, Senator Russell Long, introduced here in the Senate, and which I was privileged to cosponsor at that time, and which became law. By use of the ESOP and through their willingness to sacrifice, and work together in a united effort, Weirton residents, owners, and employees of the Weirton Steel Corp., have turned potential devastation into success, and a bright future for themselves and their children.

This past weekend the Washington Post contained in its Parade section a salute to the people of Weirton and the Weirton Steel Corp. I extend my congratulations as well, and I ask that the article which appeared in Parade be printed in its entirety in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE TOWN THAT SAVED ITSELF

Five and a half years ago, when I first traveled to Weirton, W.Va. (population: 25,370), it was a dying mill town in the Ohio Valley—dying because its economic heart, Weirton Steel, was on the verge of being shut down by its owner, the Pittsburgh-based National Steel Corp. Weirton was in many ways similar to other distressed communities in the Rust Belt, its jobs being lost to foreign competition, its sons and daughters laid off by the mills and leaving to seek a future elsewhere.

Everywhere in Weirton were houses foreclosed on by the banks and up for sale—with no buyers. Empty shops stood near parking lots filled with repossessed cars, while the unemployed went from door to door seeking odd jobs so they could feed their families. Anguished parents watched helplessly as their families broke apart.

But this was no ordinary steel plant. It produced some of the best tinplate in the world. And this was no ordinary town.

About 27 percent of Weirton's residents worked for Weirton Steel, and they had only one remote chance to save the plant: to buy it under an ESOP (Employee Stock Ownership Plan). A majority of the unionized workers had to vote for give-backs. These included a 20 percent cut in hourly wages, a no-strike clause and no cost-of-living increases. National Steel could cover employees' pensions through Nov. 1, 1988, should the plant fail under ESOP prior to that date. There was every possibility of failure: The antiquated plant needed hundreds of millions of dollars in new capital investment, and an ESOP never before had been attempted in a company so large. In effect, the people of Weirton were being called upon to walk alone in the dark toward a future no one could predict.

When I left Weirton that autumn in 1982, the town was bitterly divided: Some older workers wanted to take their pensions and let the place close. Others wanted to risk what they had in the hope of buying a secure future for their kids. I was sure that the town would go under. Too much was being asked of it; the people were too fearful.

However, on Sept. 23, 1983, by a vote of 5273 to 731, the workers decided to accept ESOP and to buy the company. They had stepped into the unknown.

Last fall, I returned to Weirton—but it was a different place.

Guido and Eudora "Doedee" Magnone will live in the same house where, five years before, Guido had angrily told me, "The fat cats don't want us around! They don't want us to survive!" This time, I sat with the Magnones in their kitchen and asked them to look back.

"Everybody was fighting for their lives," recalled Guido, now 52. "We were scared to death. In 1982, people were leaving . . . the family was breaking up. There's nothing more important to us than the family." But things got better, and now 31 percent of Weirton's residents are employed by the company, which is thriving. "I could see a big difference when Mr. Loughhead came in," Guido said. Robert L. Loughhead was brought in as chairmn, president and chief executive officer of Weirton Steel in July 1983. He succeeded Jack Redline, now retired. "Redline," said Guido, "was more responsible than anyone for the passage of ESOP. Now we have the EPG [Employee Participation Groups, begun by Loughhead]. They meet in different departments once a week. And then they come into the mills, and mill workers and management sit together solving problems.

"Then there's SPC—Statistical Process Control—an idea that comes from Japan. Weirton is trying to give its customers 100 percent quality steel, so that when it gets to your plant, you don't have to inspect it, like you had to before. It means continuous quality control. And then there's constant communication between the employees and management."

Throughout the plant there are TV sets and VCRs for which a new tape, like a newsletter, is produced each week. It informs everyone about problems at the plant, management planning, the financial state of the business.

"These are good things," said Guido. "There are a lot of good things happening. We're gradually breaking the line dividing employees and management. Middle management is starting to listen to us, because top management is telling them, 'you better listen.' "

In 1989, the employees will begin to elect members of the board of directors.

The new president, chairman and CEO is Herbert Elish, 54, who succeeded Loughhead last June. He visits a different division of the mill weekly and often has breakfast with the workers. If management and employees cannot agree on a problem, management's decision is accepted. And at Weirton Steel, management is acutely conscious that the employees ultimately will elect the directors who make the major decisions and who hire and fire top management.

I asked the Magnones about their children, whose layoffs and leaving had so wounded them. They were happy to report that all had returned to the mill.

"So many people were laid off when you were here," recalled Doedee, 50. She added that some had gone to California, Florida and Texas to find work. "And now they're back. Oh, it's happier times now," she said, shaking her head and smiling.

Herbert Elish has been on the board of directors since ESOP began. He called "extraordinary" the workers' achievements for, in his words, "creating a company for themselves and saving this community where, in most cases, it would have been lost." He added, "There's a community involved and people involved who are worth working with to make sure this success is permanent."

And success reigns at Weirton. There have been 16 straight profitable quarters since it began operating under employee ownership on Jan. 11, 1984. Last year, for example, Weirton Steel earned $120.8 million—before $40.2 million in profits were shared by employees—on sales on $1.3 billion and shipments of 2.8 million tons of steel.

The workers' decision to adopt ESOP was particularly blessed, in light of the subsequent rise in value of the Japanese yen and U.S. restraints on steel imports (primarily from Japan and Europe). In 1984, according to the American Iron and Steel Institute, imports supplied 29.8 percent of the United States' demand for steel. In 1987, the figure had dropped to 21.3 percent. The company today is earning record profits—more than double those of 1986. Weirton Steel now employs 8100 individuals and has an annual payroll of $280 million. The average steelworker's hourly pay at the mill is about $15, plus benefits.

In 1987, the company paid $14.8 million in state and local taxes, and its shipped tonnage made Weirton the nation's seventh-largest steel company in terms of sales production and shipment. It is the largest 100 percent employee-owned industrial company in the nation and fully finances its own pension plan. In the United States today, there are more than 8000 ESOP companies, employing 8 million people.

Said Elish, "To me, the way this company works is really an example of industrial democracy . . . In other companies, decisions are made at high levels and communicated down. Here, the employees vote and participate in decision-making . . . The purpose of business is a lot of things. It's to make people money and all that, but there's a greater purpose: It's to allow the people who work in the company good lives."

As to the future, Elish said, "If we do the right thing—all of us together—I think our future and Weirton's is great."

The night before I left Weirton, I went to the Hideaway Club, where a fund-raiser was being held for the United Way. It was crowded with Weirton Steel employees and other townsfolk. And, working side by side as volunteer bartenders, were Charles Cronin, Weirton Steel's director of corporate public relations, and Walter Bish, president of the Independent Steelworkers Union.

I sat for a while with Cronin, 55, who has been at Weirton Steel for 24 years. "My faith in the company has never wavered," he said. "Even through the dark days of '82 and '83, when there was doubt that we would ever survive, I kept the faith. And I was one of many." He credited ESOP with the new friendliness between management and labor and said he once had seldom talked with union leadership. "I can now pick up a phone and call union people," he said. "We go on trips together. We go to meetings together."

"We're together now," added Cronin, "because in the beginning we had to be. And we finally learned: If we didn't stand together, we'd all sink alone. Those were frightening times, but they scared some sense into us. We learned a bitter lesson, but we learned it well."

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 11:02 a.m., a message from the House of Representatives, delivered by Mr. Hays one of its reading clerks announced that the Speaker has signed the following enrolled bills and joint resolutions:

H.R. 5. An act to improve elementary and secondary education, and for other purposes;

H.R. 2139. An act for the relief of John H. Teele;

H.R. 3971. An act to establish procedures to implement the Convention on the Civil Aspects of International Child Abduction, done at the Hague on October 25, 1980, and for other purposes;

S.J. Res. 190. Joint resolution to authorize and request the President to issue a proclamation designating June 6-12, 1988, as "National Fishing Week";

H.J. Res. 421. Joint resolution designating May 1988 as "National Digestive Disease Awareness Month";

H.J. Res. 508. Joint resolution designating May 1988 as "Older Americans Month"; and

H.J. Res 541. Joint resolution commending the State of Israel and its people on the occasion of the fortieth anniversary of the reestablishment of the independent State of Israel.

The enrolled bills and joint resolutions were subsequently signed by the Acting President pro tempore [Mr. FOWLER].

At 5:52 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of the amendments of the Senate to the bill (H.R. 2616) to amend title 38, United States Code, to improve health-care programs of the Veterans' Administration.

MEASURES PLACED ON THE CALENDAR

The Committee on Governmental Affairs was discharged from the further consideration of the following bill, which was placed on the calendar:

H.R. 2889. An act for the relief of Frances Silver.

The Committee on the Judiciary was discharged from the further consideration of the following joint resolution, which was placed on the calendar:

S.J. Res. 300. Joint resolution to designate the week of May 8, 1988, through May 14, 1988, as "Just Say No Week."

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, April 27, 1988, he had presented to the President of the United States the following enrolled joint resolution.

S.J. Res. 190. Joint resolution to authorize and request the President to issue a proclamation designating June 6-12, 1988. as "National Fishing Week."

REPORTS OF COMMITTEES

The following reports of committees were submitted.

By Mr. BYRD (for Mr. BIDEN), from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 794. A bill to amend chapter 13 of title 18, United States Code, to impose criminal penalties and provide a civil action for damage to religious property and for injury to persons in the free exercise of religious beliefs (Rept. No. 100-324).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

S. 1828. A bill for the relief of San Juan County Nursing Home, of Blanding, Utah.

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment and with a preamble:

S. Con. Res. 95. A concurrent resolution to express the sense of the Congress with respect to the denial of health insurance coverage for disabled adopted children.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of March 14, March 18, March 23, and April 19, 1988 at the end of Senate proceedings.)

*In the Air Force there are 52 appointments to the grade of brigadier general (list begins with Harold B. Adams) (REF. 749).

*In the Navy there are 34 promotions to the grade of rear admiral (lower half) (list begins with Philip Shepard Anselmo) (REF. 751).

*Joseph J. Went, U.S. Marine Corps, to be general (Ref. 804).

*Lt. Gen. James R. Brown, U.S. Air Force, to be placed on the retired list in the grade of Lieutenant general (REF. 898).

*Lt. Gen. Murphy A. Chesney, U.S. Air Force, to be placed on the retired list in the grade of Lieutenant general (REF. 899).

*Lt. Gen. David L. Nichols, U.S. Air Force, to be placed on the retired list in the grade of lieutenant general (REF. 900).

* Maj. Gen. Jimmie V. Adams, U.S. Air Force, to be lieutenant general (REF. 901).

*Lt. Gen. Thomas G. McInerney, U.S. Air Force, to be reassigned in the grade of lieutenant general (REF. 902).

*Maj. Gen. Monte B. Miller, U.S. Air Force, to be Surgeon General, USAF (REF. 903).

**In the Air Force there are 6 appointments to the grade no higher than lieutenant colonel (list begins with Allan J. Swaim, Jr.) (REF. 904).

**In the Air National Guard there are 29 promotions tot he grade of lieutenant colonel (list begins with William R. Albair) (REF. 905).

**In the Army Reserve there are 31 appointments to the grade of colonel and below (list begins with Robert C. Andersen) (REF. 906).

**In the Army there are 2 promotions to the grade of lieutenant colonel and below (list begins with Thomas M. Longazel) (REF. 907).

**Frederick C. Jenks, U.S. Marine Corps, to be major (REF. 908).

**In the Naval Reserve there are 2 appointments to the grade of commander (list begins with William M. Asher) (REF. 909).

**In the Naval Reserve there are 2 appointments to the grade of commander (list begins with Robert D. Walker) (REF. 910).

**In the Naval Reserve there are 49 appointments to the grade of commander and below (list begins with Richard D. Balk) (REF. 911).

**In the Naval Reserve there are 46 appointments to the grade of ensign (list begins with George R. Adams) (REF. 912).

**In the Naval Reserve there are 19 appointments to the grade of captain and below (list begins with Richard J. Wagoner) (REF. 913).

**In the Air Force there are 58 appointments to the grade colonel and below (list begins with Jose B. Bueno) (REF. 914).

**In the Army National Guard there are 87 promotions to the grade of colonel and below (list begins with Harvey L. Bell) (REF. 915).

**In the Army Reserve there are 979 promotions to the grade of colonel and below (list begins with William M. Bost) (REF. 916).

**In the Army Reserve there are 1,812 promotions to the grade of lieutenant colonel (list begins with John C. Abshier) (REF. 917).

**In the Army there are 266 promotions to the grade of lieutenant colonel (list begins with Robert E. Abodeely) (REF. 918).

**In the Naval Reserve there are 77 appointments to the grade of lieutenant commander and below (list begins with Emil C. Casciano) (REF. 919).

**In the Navy there are 1,070 appointments to the grade of ensign (list begins with Matthew Bradford Aaron) (REF. 920).

**In the Naval Reserve there are 2,476 appointments to the grade of ensign (list begins with Todd A. Abler) (REF. 921).

*Keith A. Smith, U.S. Marine Corps Reserve, to be placed on the retired list in the grade of lieutenant general (REF. 925).

**In the Army there are 38 promotions to the grade of lieutenant colonel and below (list begins with Paul B. Anderson) (REF. 928).

**In the Naval Reserve there are 464 promotions to the grade of captain (list begins with Richard Sanford Abele) (REF. 929).

*Gen. Jack I. Gregory, U.S. Air Force, to be placed on the retired list in the grade of general (REF. 937).

*Lt. Gen. Merrill A. McPeak, U.S. Air Force, to be general (REF. 938).

*Maj. Gen. Peter T. Kempf, U.S. Air Force, to be lieutenant general (REF. 939).

**In the Navy there are 307 promotions to the grade of captain (list begins with Raymond Maurice Allee) (REF. 941).

*Lt. Gen. Howard G. Crowell, Jr., U.S. Army, to be placed on the retired list in the grade of lieutenant general (REF. 951).

*Lt. Gen. Emmett Paige, Jr., U.S. Army, to be placed on the retired list in the grade of lieutenant general (REF. 952).

*Maj. Gen. Bruce R. Harris, U.S. Army, to be lieutenant general (REF. 953).

*Maj. Gen. Edwin S. Leland, Jr., U.S. Army, to be lieutenant general (REF. 954).

*Lt. Gen. Thurman D. Rodgers, U.S. Army, to be reassigned in the grade of lieutenant general (REF. 955).

*Lt. Gen. Aloysius G. Casey, U.S. Air Force, to be placed on the retired list in the grade of lieutenant general (REF. 963).

*Maj. Gen. Anthony J. Burshnick, U.S. Air Force, to be lieutenant general (REF. 964).

*Maj. Gen. Donald L. Cromer, U.S. Air Force, to be lieutenant general (REF. 965).

*Maj. Gen. Clifford H. Rees, Jr., U.S. Air Force, to be lieutenant general (REF. 966).

*Gen. Glenn K. Otis, U.S. Army, to be placed on the retired list in the grade of general (REF. 967).

*Lt. Gen. Harold M. Davis, Jr., U.S. Army, to be placed on the retired list in the grade of lieutenant general (REF. 968).

*Lt. Gen. Elvin R. Heiberg, U.S. Army, to be placed on the retired list in the grade of lieutenant general (REF. 696).

*Lt. Gen. Vaughn O. Lang, U.S. Army, to be placed on the retired list in the grade of lieutenant general (REF. 970).

*Lt. Gen. Max W. Noah, U.S. Army, to be placed on the retired list in the grade of lieutenant general (REF. 971).

*Lt. Gen. William E. Odom, U.S. Army, to be placed on the retired list in the grade of lieutenant general (REF. 972).

*Maj. Gen. Richard G. Graves, U.S. Army, to be lieutenant general (REF. 973).

*Maj. Gen. James F. McCall, U.S. Army, to be lieutenant general (REF. 974).

*In the Navy there are two promotions to the grade of rear admiral (list begins with James E. Eckelberger) (REF. 976).

*James Elmer Koehr, U.S. Navy, to be rear admiral (lower half) (REF. 977).

*Lt. Gen. Quinn H. Becker, U.S. Army, to be placed on the retired list in the grade of lieutenant general (REF. 991).

*Maj. Gen. Frank F. Ledford, U.S. Army, to be Surgeon General, U.S. Army (REF. 992).

*Lt. Gen. Casper T. Spangrud, U.S. Air Force, to be placed on the retired list in the grade of lieutenant general (REF. 1003).

*Lt. Gen. William E. Thurman, U.S. Air Force, to be placed on the retired list in the grade of lieutenant general (REF. 1004).

*Maj. Gen. Ralph E. Havens, U.S. Air Force, to be lieutenant general (REF. 1005).

*Maj. Gen. John M. Loh, U.S. Air Force, to be lieutenant general (REF. 1006).

*Thomas R. Morgan, U.S. Marine Corps, to be place on the retired list in the grade of general (REF. 1007).

**In the Air Force there are 2 promotions to the grade of major (list begins with David N. Anderson) (REF. 1008).

**In the Air Force there are 48 appointments from the Uniformed Services University of the Health Sciences to a grade to be determined by the Secretary of the Air Force (list begins with David E. Anisman) (REF. 1009).

**In the Marine Corps there are 8 appointments from the U.S. Air Force Academy to the grade of second lieutenant (list begins with Mark W. Gilson) (REF. 1010).

**In the Air Force there are 1,334 appointments to a grade no higher than captain (list begins with James D. Aadland) (REF. 1011).

**In the Air Force there are 74 appointments to the grade of second lieutenant (list begins with Stephen G. Ash) (REF. 1012).

**In the Army there are 2,508 promotions to the grade of major (list begins with Mary M. Aaron) (REF. 1013).

**In the Marine Corps there are 103 promotions to the grade of Captain and below (list begins with Truman D. Anderson) (REF. 1014).

**In the Marine Corps there are 178 appointments to the grade of second lieutenant (list begins with Brian T. Alexander) (REF. 1015).

**In the Marine Corps there are 434 appointments to the grade of second lieutenant (list begins with Daniel L. Adams) (REF. 1016).

Total: 12,633.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCLURE:

S. 2327. A bill entitled the "Undetectable Firearms Act of 1988"; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 2328. A bill to amend title 38, United States Code, to toll the time limitation for eligiblity for and entitlement to educational assistance and training and rehabilitation services and assistance for any period during which the applicant suffers from alcoholism; to the Committee on Veterans Affairs.

By Mr. BUMPERS (for himself, Mr. Pryor, Mr. Conrad, Mrs. Kassebaum and Mr. Johnston):

S. 2329. A bill to amend the provisions of the Toxic Control Act relating to asbestos in the Nation's schools by extending the deadlines for local educational agencies to submit asbestos management plans to State Governors and to begin implementation of those plans and by requiring a sufficient number accredited contractors and laboratories; to the Committee on Environment and Public Works.

By Ms. MIKULSKI:

S. 2330. A bill to promote the integration of women in the development process in developing countries; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCLURE:

S. 2327. A bill entitled the "Undetectable Firearms Act of 1988"; to the Committee on the Judiciary.

UNDETECTABLE FIREARMS ACT

Mr. McCLURE. Mr. President, I rise today to introduce the "Undetectable Firearms Act of 1988." This is a piece of legislation that was crafted after long negotiations with the Department of Justice, law enforcement groups and gun ownership groups.

This bill does not ban existing firearms, does not leave the Secretary discretion to interpret the law and is a substantial revision from earlier proposals of those who would like to ban firearms.

This is not a perfect solution but is a good starting point for future consideration.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1.—(a) Short Title.—This Act may be cited as the "Undetectable Firearms Act of 1988".

Sec. 2. Undetectable firearms.—(a) Section 922 of title 18, United States Code, is amended by adding at the end thereof a new subsection (p) as follows:

"(p)(1) It shall be unlawful for any person to manufacture, assemble, import, sell, ship, or deliver, or knowingly possess, transfer, or receive any firearm that—

"(A) is not as detectable as the Minimum Security Standard Exemplar, after removal of grips, stocks, and magazines, by walk-through metal detectors calibrated and operated to detect the minimum security standard exemplar; or

"(B) is not detectable by use of cabinet x-ray systems, as defined in regulations prescribed by the Federal Aviation Administration (14 CFR 108.17) designated for inspection of carry-on baggage. Nothing in this section shall be construed as requiring that the Federal Aviation Administration utilize the Minimum Security Standard Exemplar as a Federal Aviation Administration detection standard.

"(2) For purposes of this section—

"(A) the term 'firearm' does not include a firearm described in subsection 921(a)(3)(B) of this title; and

"(B) the term 'Minimum Security Standard Exemplar' means a firearm substitute used for testing that resembles a revolver, is made of material type 17-4 PH stainless steel and weighs 3.7 ounces: *Provided*, That nothing in this bill should be construed to require that a firearm be made of any particular material or be of any particular weight so long as the detectability standard is met.

(b) Section 925 of title 18, United States Code, is amended by adding at the end thereof a new subsection (f) as follows:

"(f) The Secretary shall not authorize, under subsection (d) of this section, the importation or bringing in of any firearm that is unlawful under subsection 922(p) of title 18, United States Code.

(c) The first sentence of section 925(d) of title 18, United States Code, is amended by striking out "The Secretary" and inserting in lieu thereof "Except as provided in subsection (f) of this section, the Secretary".

(d) The Administrator of the Federal Aviation Administration shall conduct such research and development as may be necessary to improve the effectiveness of airport security metal detectors and airport security x-ray systems with respect to detection of firearms prohibited by subsection 922(p) of title 18, United States Code.

(e) When appropriate because of changed technology, the Secretary of the Treasury shall promulgate regulations to amend the definition of the term 'Minimum Security Standard Exemplar' contained in the amendments made by this Act if the effect of the existing regulations would be to render the provisions of subsections 922(p) and 925(f) of title 18, United States Code, or any previous regulations issued under this subsection pertaining to those subsections, inapplicable to one or more types of firearms.

(f) This subsection shall not apply to the manufacture, possession, transfer, receipt, shipment, or delivery of a firearm, under such rules and regulations as the Secretary shall prescribe, by a licensed manufacturer or anyone acting pursuant to a contractual arrangement with a licensed manufacturer, for the purpose of examining and testing such a firearm in connection with the making of a determination of whether the provisions of paragraph (1) of subsection 922(p) apply to such firearm. The Secretary shall ensure that rules and regulations adopted pursuant to this paragraph do not impair the manufacture or prototype firearms or the development of new technology.

(g) The Secretary shall permit the conditional importation or bringing in of a firearm by a licensed importer or licensed manufacturer, for examination and testing in connection with the making of a determination as to whether the importation or bringing in of such firearm will be allowed under this subsection if the importation or bringing in of such firearm is not prohibited under subsection 925(d) of title 18, United States Code.

(h) The Attorney General, in consultation with the Secretary of the Treasury and the Secretary of Transportation, shall conduct such study as required to identify available state-of-the-art equipment capable of detecting the Minimum Security Standard Exemplar while distinguishing innocuous metal objects likely to be carried on one's person sufficient for reasonable passage of the public.

(i) Section 922 of title 18, United States Code, is further amended by adding at the end of subsection (p) as added by this Act, a new subsection (q) as follows:

"(q) Whoever, during and in relation to the commission of a crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which he may be prosecuted in a court of the United States, uses or carries a firearm the manufacture or importation of which is prohibited by the provisions of subsection 922(p) as added by this Act, shall, in addition to the punishment provided for the commission of such crime of violence or drug trafficking crime, be sentenced to a term of imprisonment for not less than five years. For purposes of this subsection, the term 'drug trafficking crime' has the meaning set forth in subsection 924(c) of this title.

(j) This Section shall become effective thirty days after the date of enactment of this Act but it shall be a bar to prosecution under this Section that the firearm model was manufactured on or before March 1, 1988.

Sec. 3. Clarification of Definition of Drug Trafficking Crimes in which use or Carrying of Firearms and Armor Piercing Ammunition is Prohibited.—Paragraph (2) of subsection 924(c) of title 18 of the United States Code and paragraph (2) of subsection 929(a) of title 18 of the United States Code are both amended to read as follows:

"(2) for purposes of this subsection, the term 'drug trafficking crime' means any felony punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1901 et seq.)."

Sec. 4. Mandatory Penalty for Using or Carrying a Firearm in Committting Assults on Federal Officers.—Section 111 of title 18 of the United States Code is amended by adding "other than a firearm," after the words "deadly or dangerous weapon," in the second paragraph and by adding a new paragraph at the end thereof as follows:

"Whoever, during and in relation to the commission of any such acts, uses a firearm shall be imprisoned for ten years (which term shall not run concurrently with any other term of imprisonment) and may be fined in accordance with the provisions of this title, or both.".

Sec. 5. Possession of a Firearm or Dangerous Weapon in a Federal Courthouse.—(a) Chapter 44 of title 18 of the United States Code is amended by adding at the end thereof a new section 930 as follows:

"Section 930. Possession of firearms and dangerous weapons in a Federal courthouse.

"(a) Except as provided in subsection (d), whoever knowingly possesses or causes to be present any firearm or dangerous weapon in a Federal courthouse, or attempts to do so, shall be sentenced to imprisonment for not more than one year, or fined in accordance with the provisions of this title, or both.

"(b) Except as provided in subsection (d), whoever knowingly possesses or causes to be present any firearm or dangerous weapon in a Federal court facility, or attempts to do so, shall be sentenced to imprisonment for not more than two years, or fined in accordance with the provisions of this title, or both.

"(c) Whoever knowingly possesses or causes to be present any firearm or dangerous weapon in a Federal courthouse, or attempts to do so, with intent that the firearm or dangerous weapon be used in the commission of a crime, shall be sentenced to imprisonment for not more than five years, or fined in accordance with the provisions of this title, or both.

"(d) Subsections (a), and (b), shall not apply to any act performed in the lawful performance of official duties by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law, and shall not apply to the possession of a firearm or dangerous weapon by a judge of the United States, a United States Magistrate, Tax Court judge, or a bankruptcy judge.

"(e) Nothing in this section shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt; nor shall anything in this section interfer with or limit in any way the power of a court of the United States to promulgate rules or orders regulating, restricting, or prohibiting the possession of weapons within any building, or upon any grounds appurtenant thereto, housing any such court or any of its proceedings.

"(f) As used in this section—

(1) the term 'Federal courthouse' means a building which houses a court of the United States or is the site of a proceeding before a judge or court of the United States, a United States Magistrate, a bankruptcy judge, a Tax Court or a Federal grand jury;

"(2) the term 'Federal courtroom' means that part of a Federal courthouse in which is conducted a proceeding before a judge or court of the United States, a United States Magistrate, a bankruptcy judge, a Tax Court or a Federal grand jury;

"(3) the term 'Federal court facility' means those parts of a Federal courthouse which include Federal courtroom, judges' chambers, witness rooms, jury deliberation rooms, attorney conference rooms, prisoner holding cells, offices of clerks of court, offices of the United States Attorney and the United States Marshal, probation and parole offices, any other area or part of a Federal courthouse used exclusively to provide operational or administrative support for the official activities of a court of the United States, and corridors or passageways directly adjacent to any of the foregoing parts or areas of a Federal courthouse; and

"(4) the term 'dangerous weapon' means any device designed to expel or hurl a projective capable of causing injury to persons or property, switch-blade knife, and any knife having a blade over three inches in length.

(b) Notice to the effect of subsections 930 (a) and (b) of title 18, United States Code shall be posted conspicuously at each public entrance to each Federal courthouse, and the failure to so post or maintain such notice shall be an affirmative defense to any violation of those subsections.

(c) The analysis at the beginning of chapter 44 of title 18 of the United States Code is amended by adding at the end thereof the following:

"930. Possession of firearms and dangerous weapons in Federal courthouses.".

Sec. 6. Permitting Consideration of Pretrial Detention for Certain Firearms and Explosives Offenses.—Paragraph (1) of subsection 3142(f) of title 18 of the United States Code is amended by—

(1) striking out "or" before subparagraph (D);

(2) redesignating subparagraph (D) as subparagraph (E); and

(3) inserting a new subparagraph (D) as follows:

"(D) an offense under 18 U.S.C. 844(a) that is a violation of 18 U.S.C. 842(d), (h), or (i), or an offense under 18 U.S.C. 924(a) that is a violation of 18 U.S.C. 922(d), (g), (h), (i), (j), or (o); or".

Sec. 7. (a) Expansion of Possession of Explosives Offense to Certain Airports and Strengthening of Penalty.—Subsection 844(g) of title 18 of the United States Code is amended—

(1) by inserting "in an airport that is subject to the regulatory authority of the Federal Aviation Administration or" after "possesses an explosive";

(2) by inserting "or airport" after "such building"; and

(3) by striking out "not more than one year, or fined not more than $1,000, or both" and inserting in lieu thereof "not more than five years, or fined under this title, or both *Provided* that the provisions of this subsection shall not be applicable to the possession of ammunition (as that term is defined in regulations issued pursuant to this chapter) in an airport that is subject to the regulatory authority of the Federal Aviation Administration if such ammunition is either in checked baggage or in a closed container.".

Sec. 7. (b) Strengthening Offense of Using or Carrying an Explosive in the Commission of a Federal Felony.—Subsection 844(h) of title 18 of the United States Code is amended—

(1) by striking out "unlawfully" in paragraph (2); and

(2) by striking out "shall be sentenced" and all that follows through the remainder of the subsection and inserting in lieu thereof the following: "including a felony which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device, shall, in addition to the punishment provided for such felony, be sentenced to imprisonment for five years. In the case of a second or subsequent conviction under this subsection, such person shall be sentenced to imprisonment for ten years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the felony in which the explosive was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein.".

Sec. 8. Prohibition Against Transferring Firearms to Nonresidents.—Paragraph (5) of subsection 922(a) of title 18 of the United States Code is amended by striking out "resides" and all that follows through "(or other than that in which its place of business is located if the transferor is a corporation or other business entity);" and inserting in lieu thereof: "does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the transferor resides;".

SEC. 9. (a) COMMERCE NEXUS FOR TRAFFICKING IN STOLEN FIREARMS.—Subsection 922(j) of title 18 of the United States Code is amended by striking out the words "or which constitutes," and inserting in lieu thereof "which constitutes, or which has been shipped or transported in,".

SEC. 9. (b) COMMERCE NEXUS FOR TRAFFICKING IN FIREARMS WITHOUT SERIAL NUMBERS.—Subsection 922(k) of title 18 of the United States Code is amended by inserting "or to possess or receive any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered and has, at any time, been shipped or transported in interstate or foreign commerce" after "altered".

SEC. 10. (a) TECHNICAL AND CONFORMING AMENDMENTS.—Subparagraph (1)(B) of subsection 923(d) of title 18 of the United States Code is amended by striking out "(h)" and inserting in lieu thereof "(n)".

(b)(1) Paragraph (1) of subsection 925(a) of title 18 of the United States Code is amended by inserting "possession," before "or importation".

(2) Subsection 925(c) of title 18 of the United States Code is amended by striking out the word "conviction" and inserting in lieu thereof the word "disability".

(c) Paragraph (3) of subsection 922(g) of title 18 of the United States Code is amended by inserting "who" before the words "is an unlawful user".

(d) Subsection 923(a) of title 18 of the United States Code is amended by striking out the period after the word "licensing" in the second sentence.

(e) Subsection 924(a) of title 18 of the United States Code is amended by striking out", and shall become eligible for parole as the Parole Commission shall determine" both places those words appear. This amendment shall be effective with respect to any offense committed after November 1, 1987.

(f) Paragraph (1) of subsection 924(c) of title 18 of the United States Code is amended by striking out the second comma following the words "drug trafficking crime" the first time those words appear, by striking out the comma following the words "drug trafficking crime" the second time those words appear, and by striking out the second comma following the words "drug trafficking crime" the third time those words appear.

(g) Paragraph (1) of subsection 929(a) of title 18 of the United States Code is amended by striking out the comma following the words "drug trafficking crime" the second time those words appear, and by inserting a comma following the "device" the first time that word appears.

(h) Paragraph (5) of subsection 842(d) of title 18 of the United States Code is amended to read as follows:

"(5) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).".

(i) Paragraph (3) of subsection 842(i) of title 18 of the United States Code is amended to read as follows:

"(3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or".

By Mr. SPECTER:

S. 2328. A bill to amend title 38, United States Code, to toll the time limitation for eligibility for and entitlement to educational assistance and training and rehabilitation services and assistance for any period during which the applicant suffers from alcoholism; to the Committee on Veterans' Affairs.

TOLL OF TIME LIMITATION IN CASES OF ALCOHOLISM

Mr. SPECTER. Mr. President, in a 4-to-3 ruling, the United States Supreme Court recently concluded that the Veterans' Administration [VA] may define alcoholism as a condition resulting from "willful misconduct" on the part of a veteran, when evaluating a request for extension of eligibility for veterans' educational benefits. In the two cases, Traynor versus Turnage and McKelvey versus Turnage, the Veterans' Administration denied a request by two recovered alcoholic veterans who sought an extension of time to utilize their educational benefits unused because of their previous disability.

The Court was reviewing a Veterans' Administration regulation which defines primary alcoholism—alcoholism not attributable to an underlying psychological difficulty—as presumptively the result of willful misconduct on the veteran's part. Simply stated, unless there is a psychological basis for the disability, the VA regulation deems a veteran to have become an alcoholic by his own volition. The four members of the Court who constituted a majority in these cases, which challenged the VA regulation, relied upon the fact that Congress has not taken any affirmative action to repeal the Veterans' Administration regulation, or to specify that primary alcoholism is a disability warranting an exemption from the willful misconduct provision.

The Supreme Court was not called upon to pass on the wisdom or enlightenment of the VA regulation; Congress is, and in my view, the regulation fails woefully. Accordingly, I am today introducing the "Veterans, Administration Educational Benefits Clarification Act of 1988." This legislation is quite simple in its method but extremely significant and necessary in its effect. The legislation would amend title 38 of the United States Code to exclude primary alcoholism as a disability relevant to a determination of willful misconduct. With this exclusion, the VA will be prevented from denying an extension of educational benefits because the veteran was, at one time, an alcoholic.

Congress should reject the Veterans' Administration regulation's implication that alcoholism is the result of personal weakness, and is undeserving of sensitive and enlightened consideration. Congress, in the Rehabilitation Act Amendments of 1978, recognized alcoholism as a qualified handicap and clearly specified that discrimination by Federal agencies because of alcoholism is not permissible. Section 504 of the act provides in part that, "[N]o otherwise qualified handicapped individual shall solely by reason of his handicap be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance or under any program or activity conducted by any executive agency." In the recent Supreme Court cases, the Supreme Court indicated that the Rehabilitation Act would have resulted in a decision for the plaintiffs but for Congress' failure to reject the willful misconduct standard as it applies to alcoholics.

Mr. President, I think the Court was wrong, and that the Rehabilitation Act clearly makes the VA's contrary regulation a nullity. But the Court has ruled, and our recourse now is to respond with curative legislation.[1]

The Veterans' Administration regulation upheld by the Court relies on a gross generalization in concluding that individuals suffering from alcoholism have willfully created their conditions. There is increasing evidence that this simply is not correct. Indeed, the primary reason that Congress deemed alcoholism a disease protected by the Rehabilitation Act was the overwhelming weight of medical and scholarly evidence to the contrary. In fact, the American Medical Association has defined alcoholism as a disease since 1957. The causes of primary alcoholism are, to quote Justice Blackmum's dissent in Traynor, "varied and complex, only some of which conceivably could be attributed to a veteran's will." The American Medical Association and the American Psychiatric Association, as well as the National Council on Alcoholism, emphasized in their respective amicus briefs in Traynor that the distinction between primary alcoholism and other types of alcoholism is unrefined and medically unreliable. Making such a distinction is particularly difficult with respect to alcoholics like the petitioners in the Supreme Court case, who began drinking as children, long before any underlying psychiatric disorders were diagnosed. Additionally, there are numerous studies suggesting that heredity plays a significant role in the development of primary alcoholism. Further evidence suggests a genetic basis for alcoholism, due to an inability to properly metabolize alcohol.

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[1] During the Senate debate on the applicability of Section 504 of the Rehabilitation Act to alcoholism, substantial authority was noted for the proposition that alcoholism should be characterized as a physical or mental impairment. Senator Hathaway stated that: "If alcoholism and drug addiction are clearly physical and/or mental, alcoholics . . . are clearly handicapped individuals for the purpose of Sections 503 and 504. To exclude from the protection of this law only persons suffering from these two impairments solely on the basis of the impairment is plainly discriminatory."

Senator Hathaway further stated that: "the Rehabilitation Act expresses a general preference in terms of social costs and equality of individual lives for reintegrating the handicapped into productive society rather than shunting them aside and spending millions for poor custodial care. There is no reason to reverse that preference where alcoholics . . . are concerned."

The general preference expressed by Senator Hathaway is wholly consistent with the purposes and mission of the Veterans Administration. The creation of the VA and the benefits which it administers seek to assist the reintergration of military personnel into civilian society. Veterans' educational benefits provide long-term benefits to both the individual and to society. By excluding some veterans who yearn for—and need—educational opportunities, the VA's regulation undercuts and is inconsistent with the VA's basic purpose and the needs of society.

Mr. President, there appears to be increasingly persuasive evidence that alcoholism results from a variety of factors, many of them physiological. Primary alcoholism is a difficult issue, requiring enlightened and sensitive treatment of each individual, not broad generalizations about fault that are not supported by medical evidence.

The assumptions underlying the VA's regulation no longer are accurate and the present regulation does a disservice to veterans. We should require that the regulation be changed promptly. I urge my colleagues to support this legislation and, by doing so, support those veterans who are in particular need of our help, not our condemnation.

I ask unimous consent that a copy of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TOLL OF TIME LIMITATION IN CASES OF ALCOHOLISM.

(a) ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE.—Section 1431(d) of title 38, United States Code, is amended—

(1) in clause (1), by inserting "or because of alcoholism" after "willful misconduct"; and

(2) in the matter following clause (2), by inserting "or alcoholism, as the case may be," after "disability".

(b) TRAINING AND REHABILITATION SERVICES AND ASSISTANCE.—Section 1503(b)(1) of title 38, United States Code, is amended—

(1) by inserting "or alcoholism" after "medical condition"; and

(2) by inserting "or alcoholism, as the case may be," after "such condition".

(c) POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE.—Section 1632(a) of title 38, United States Code, is amended—

(1) in paragraph (2)(A), by inserting "or because of alcoholism" after "willful misconduct";

(2) in paragraph (2)(B)—

(A) by inserting "or alcoholism, as the case may be," after "physical disability" the first place it appears; and

(B) by inserting "or alcoholism, as the case may be" after "physical disability" the second place it appears; and

(3) in paragraph (3), by inserting "or alcoholism, as the case may be," after "disability".

(d) VETERANS' EDUCATIONAL ASSISTANCE.—Section 1662(a)(1) of title 38, United States Code, is amended—

(1) in the first sentence—

(A) by inserting "or because of alcoholism" after "willful misconduct"; and

(B) in clause (B), by inserting "or alcoholism, as the case may be" after "disability"; and

(2) in the second sentence, by inserting "or alcoholism, as the case may be," after "disability".

(e) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Section 1712(b)(2) of title 38, United States Code, is amended—

(1) in the first sentence—

(A) by striking out "willful misconduct," and inserting in lieu thereof "willful misconduct or because of alcoholism,"; and

(B) in clause (B), by inserting "or alcoholism, as the case may be" after "disability"; and

(2) in the second sentence, by inserting "or alcoholism, as the case may be," after "disability".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall apply with respect to—

(1) applications for educational assistance under chapters 30, 32, 34, and 35 of title 38, United States Code; and

(2) applications for training and rehabilitation services and assistance under chapter 31 of such title,

submitted before, on, or after the date of the enactment of this Act.

By Mr. BUMPERS (for himself, Mr. PRYOR, Mr. CONRAD, Mrs. KASSEBAUM, and Mr. JOHNSTON):

S. 2329. A bill to amend the provisions of the Toxic Substances Control Act relating to asbestos in the Nation's schools by extending the deadlines for local educational agenices to submit asbestos management plans to State Governors and to begin implementation of those plans, and by requiring a sufficient number of accredited contractors and laboratories; to the Committee on Environment and Public Works.

EXTENSION OF CERTAIN DEADLINES UNDER THE TOXIC SUBSTANCES CONTROL ACT

Mr. BUMPERS. Mr. President, this bill is pretty simple. It is similar to H.R. 4215 in the House to extend deadlines under the Asbestos Hazard Emergency Response Act [AHERA] for slightly more than 6 months. I would like to thank Senators PRYOR, CONRAD, KASSEBAUM, and JOHNSTON for joining me as original Senate cosponsors of this measure.

As my colleagues know, Congress passed AHERA in 1986 to attack and clean up asbestos in schools. The law directs our schools to inspect for asbestos and to submit management plans to State Governors by October 12, 1988. In addition, implementation of the plans must begin by July 9, 1989. Because our schools have run into a number of problems in meeting these requirements, we think Congress should give them a short but reasonable extension so they can better comply. We also believe the EPA should be required to make more accredited inspectors and laboratories available.

Mr. President, we all know about the dangers of asbestos. It is a debilitating human carcinogen. And while we all want to see it eliminated, we still must do the job right. Right now, Mr. President, I see our schools struggling because of two difficulties: scarce resources and a lack of guidance. Asbestos abatement aside, we all know and appreciate the tough position our schools are in. Tight budgets, underpaid teachers, and the heavy responsibility of educating our young people give our schools a steep agenda to meet. While we want to ensure that our children can learn and grow in an asbestos-free environment, we also have to realize that the people picking up these costs—our schools—are not deep pocket. The EPA and other professionals estimate that it will cost roughly $4,000 to inspect an average-sized school. While that's not a lot of money on Capitol Hill, for a public school with a strapped budget it can be a serious obstacle. A short extension will carry schools in some States into their next budget cycle and allow them to plan properly, especially since many schools didn't allocate for fiscal year 1988 because final EPA regs weren't issued until late 1987. That's the least we can do, because Federal grant money in this area is also scarce.

Furthermore, AHERA also requires asbestos inspections to be conducted by EPA-trained professionals. Although the EPA is making an effort to provide more training, right now there are not enough certified inspectors. This has led to a wide discrepancy in price quotes for private contract work. A short extension will allow more inspectors to get out in the field to help make bidding more competitive. Our bill also directs the EPA to ensure that more inspectors and laboratories are made available.

Finally, AHERA requirements are complicated, and asbestos removal is a dangerous business. The EPA has not developed a fully comprehensive approach by promulgating, for example, enforcement guidelines and official standards for management plans, and there is uncertainty over the precise roles which both the EPA and our schools will play. Many fear that in a panic to meet the deadlines many schools will simply opt for wholesale removals, risking shoddy abatement, and the stirring up of dangerous asbestos fibers. Mr. President, it would be an irony in the extreme if in the effort to clean up asbestos we actually increased fiber levels by improper removal. And that's why it's important to do the right job. I think a 6-month extension will allow our schools to do that, without compromising our commitment to an asbestos-free environment for our kids.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINES FOR CERTAIN ASBESTOS REQUIREMENTS.

(a) Submission of Management Plans to State Governors.—Section 205(a) of the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by striking out "Within 720 days" and all that follows through "section 203(i))" and inserting in lieu thereof the following: "Not later than May 1, 1989 (or not later than August 1, 1989, if there are no regulations under section 203(i))".

(b) Initiation of Implementation of Management Plans.—Section 203(i)(1) of such Act is amended by striking out "within 990 days after the date of the enactment of this title" and inserting in lieu thereof "not later than February 1, 1999".

(c) Requirements if EPA Fails To Promulgate Regulations.—

(1) Inspection of schools.—Section 204(b)(1) of such Act is amended by striking out "within 540 days after the date of the enactment of this title" and inserting in lieu thereof "not later than November 1, 1988".

(2) Development of operation and maintenance plans.—Section 204(c) of such act is amended by striking out "within 720 days after the date of the enactment of this title" and inserting in lieu thereof "not later than May 1, 1989".

(3) Submission of management plans to state governors.—Section 204(d)(1)(A) of such Act is amended by striking out "within 810 days after the date of the enactment of this title" and inserting in lieu thereof "not later than August 1, 1989".

(4) Initiation of implementation of management plans.—Section 204(d)(1)(B) of such Act is amended by striking out "within 990 days after the date of the enactment of this title" and inserting in lieu thereof "not later than February 1, 1990".

(d) Ensuring Availability of Sufficient Accredited Contractors and Laboratories.—Section 206(a) of the Toxic Substances Control Act is amended by adding at the end thereof the following new sentence: "The Administrator shall, to carry out the functions of clauses (1), (2), and (3) of this subsection, ensure that there are a sufficient number of

(1) persons, accredited by a State under subsection (b) or an Administrator-approved course under subsection (c); and

(2) laboratories accredited under subsection (d) to carry out the purposes of this Act in a timely manner.".

Mr. CONRAD. Mr. President, I am pleased to join my friend from Arkansas in introducing this important piece of legislation. The bill we are introducing today would give local school districts an additional 6 months in which to comply with the asbestos removal guidelines under the Asbestos Hazard Emergency Response Act of 1986 [AHERA].

AHERA was crucial legislation, and extending the law's asbestos deadlines is not something that I take lightly. The last thing anybody wants to do is put kids at risk to such gruesome killers as lung cancer and mesothelioma, which destroys the membranes lining the chest.

But we've got another problem. According to the law, inspections can only be conducted by EPA-trained professionals. However, in states such as North Dakota, there is a shortage of EPA certified inspectors. This shortage will prevent many schools from meeting the current October AHERA deadline. And because we have so few EPA trained personnel, some contractors are inflating their prices to outrageous levels.

The State of North Dakota has taken positive steps to alleviate this shortage. During the next couple weeks, courses will be conducted in North Dakota to train as many as 140 people for asbestos identification and abatement. Until now, a North Dakotan who wanted to be certified had to travel all the way to Kansas.

But even after taking the certification course, people will not know whether they passed for 3 or 4 weeks. Then come the bids, the time required to conduct inspections, and the time needed to formulate asbestos management plans. Completing all of these steps would, in many cases, take schools beyond the October deadline. And without an extension, many schools that have made a good faith effort to comply with AHERA could be slapped with heavy fines.

I completely understand why some people fear that an extension could send the wrong signal to those responsible for asbestos identification and abatement. But, I don't think that it will. Instead, a 6-month extension will send a message that Congress wants a thorough job done and will not tolerate potentially life-threatening shortcuts. And it will show that we are willing to give those schools who need it a little more time to put together an adequate asbestos management plan. I honestly don't believe that the short extension we are advocating would encourage schools to sit on their hands. It just gives them some breathing room.

A 6-month deadline extension will help alleviate the burden that has been placed on many of our schools, which already face tight budgets and low teacher salaries. In many cases, the extension also will carry schools into their next budget cycle. This bill provides a pragmatic solution to a difficult problem, and deserves prompt action by Congress.

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. Heinz, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of S. 684, a bill to amend the Internal Revenue Code of 1986 to make permanent the targeted jobs credit.

S. 1052

At the request of Mr. Specter, the name of the Senator from Arizona [Mr. McCain] was added as a cosponsor of S. 1052, a bill to establish a national center for the U.S. Constitution within the Independence National Historical Park in Philadelphia, PA.

S. 1220

At the request of Mr. Kennedy, the name of the Senator from Louisiana [Mr. Breaux] was added as a cosponsor of S. 1220, a bill to amend the Public Health Service Act to provide for a comprehensive program of education, information, risk reduction, training, prevention, treatment, care, and research concerning acquired immunodeficiency syndrome.

At the request of Mr. Hatch, the name of the Senator from New Mexico [Mr. Domenici] was added as a cosponsor of S. 1220, supra.

S. 1301

At the request of Mr. Leahy, the name of the Senator from Illinois [Mr. Simon] was added as a cosponsor of S. 1301, a bill to amend title 17, United States Code, to implement the Berne Convention for the Protection of Literary and Artistic Works, as revised on July 24, 1971, and for other purposes.

S. 1856

At the request of Mr. Sasser, the names of the Senator from Rhode Island [Mr. Pell], and the Senator from Hawaii [Mr. Inouye] were added as cosponsors of S. 1856, a bill to amend chapter 25 of title 44, United States Code, to provide an authorization for the National Historical Publications and Records Commission programs, and for other purposes.

S. 1877

At the request of Mr. Bradley, the name of the Senator from Pennsylvania [Mr. Specter] was added as a cosponsor of S. 1877, a bill to restore balance among sources of supply for the Nation's sweetener needs, and for other purposes.

S. 2015

At the request of Mr. Kennedy, the name of the Senator from New York [Mr. D'Amato] was added as a cosponsor of S. 2015, a bill to amend the Immigration and Nationality Act to extend for 1 year the application period under the Legalization Program.

S. 2031

At the request of Ms. Mikulski, the name of the Senator from New Jersey

[Mr. Lautenberg] was added as a cosponsor of S. 2031, a bill to amend title 5, United States Code, to include inspectors of the Immigration and Naturalization Service, inspectors of the U.S. Customs Service, and revenue officers of the Internal Revenue Service with the immediate retirement provisions applicable to certain employees engaged in hazardous occupations.

S. 2033

At the request of Mr. Thurmond, the name of the Senator from Arkansas [Mr. Bumpers] was added as a cosponsor of S. 2033, a bill to amend title 18, United States Code, with respect to child protection and obscenity enforcement, and for other purposes.

S. 2036

At the request of Mr. Thurmond, the name of the Senator from Colorado [Mr. Armstrong] was added as a cosponsor of S. 2036, a bill to redefine "extortion" for purposes of the Hobbs Act.

S. 2042

At the request of Mr. Durenberger, the name of the Senator from Arkansas [Mr. Pryor] was added as a cosponsor of S. 2042, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

S. 2083

At the request of Mr. Heinz, the name of the Senator from Nevada [Mr. Hecht] was added as a cosponsor of S. 2083, a bill to ensure that certain railroad retirement benefits paid out of the dual benefits payments account are not reduced, and for other purposes.

S. 2119

At the request of Mr. Heinz, the name of the Senator from South Dakota [Mr. Daschle], and the Senator from North Carolina [Mr. Sanford] were added as were cosponsors of S. 2119, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from income of amounts received under qualified group legal services plans.

S. 2123

At the request of Mr. Kennedy, the name of the Senator from Maryland [Mr. Sarbanes] was added as a cosponsor of S. 2123, a bill to provide hunger relief, and for other purposes.

S. 2156

At the request of Mr. Lugar, the name of the Senator from Illinois [Mr. Dixon] was added as a cosponsor of S. 2156, a bill to amend the National School Lunch Act to require eligibility for free lunches to be based on the nonfarm income poverty guidelines prescribed by the Office of Management and Budget.

S. 2170

At the request of Mr. Graham, the names of the Senator from New Jersey [Mr. Bradley], the Senator from Florida [Mr. Chiles], and the Senator from California [Mr. Wilson] were added as cosponsors of S. 2170, a bill to support democracy and respect for human rights in Haiti.

S. 2183

At the request of Mr. Pressler, the names of the Senator from Mississippi [Mr. Cochran] and the Senator from South Dakota [Mr. Daschle] were added as cosponsors of S. 2183, a bill to improve the provision of services under the Medicare and Medicaid programs to individuals with Alzheimer's disease or related disorders and to amend the Public Health Service Act to provide assistance for education, research, and treatment programs relating to such disease and disorders.

S. 2207

At the request of Mr. Murkowski, the name of the Senator from Pennsylvania [Mr. Specter] was added as a cosponsor of S. 2207, a bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to provide assistive simians and dogs to veterans who, by reason of quadriplegia, are entitled to disability compensation under laws administered by the Veterans' Administration.

S. 2216

At the request of Mr. Cochran, the names of the Senator from Kentucky [Mr. McConnell], the Senator from Missouri [Mr. Danforth], the Senator from Maine [Mr. Cohen], the Senator from Ohio [Mr. Glenn], the Senator from Florida [Mr. Graham], and the Senator from Rhode Island [Mr. Chafee] were added as cosponsors of S. 2216, a bill to designate the National Space Technology Laboratories in Bay St. Louis, MS, as the "John C. Stennis Space Center."

S. 2299

At the request of Mr. Leahy, the name of the Senator from Arizona [Mr. DeConcini] was added as a cosponsor of S. 2299, a bill to eliminate the exemption for Congress from the application of certain provisions of Federal law relating to employment, and for other purposes.

SENATE JOINT RESOLUTION 261

At the request of Mr. Pressler, the names of the Senator from Alaska [Mr. Stevens], the Senator from West Virginia [Mr. Rockefeller], the Senator from California [Mr. Cranston], and the Senator from West Virginia [Mr. Byrd] were added as cosponsors of Senate Joint Resolution 261, a joint resolution designating the month of November 1988 as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 266

At the request of Mr. Symms, the name of the Senator from Tennessee [Mr. Gore] was added as a cosponsor of Senate Joint Resolution 266, a joint resolution to designate the week beginning June 12, 1988, as "National Scleroderma Awareness Week."

SENATE JOINT RESOLUTION 291

At the request of Mr. Cochran, the names of the Senator from Alabama [Mr. Heflin], the Senator from Idaho [Mr. Symms], the Senator from Mississippi [Mr. Stennis], the Senator from South Carolina [Mr. Thurmond], the Senator from Minnesota [Mr. Durenberger], the Senator from Michigan [Mr. Levin], and the Senator from Alaska [Mr. Stevens], were added as cosponsors of Senate Joint Resolution 291, a joint resolution to designate the month of September 1988 as "National Sewing Month."

SENATE CONCURRENT RESOLUTION 103

At the request of Mr. DeConcini, the name of the Senator from Oklahoma [Mr. Boren] was withdrawn as a cosponsor of Senate Concurrent Resolution 103, a concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Charles E. Thornton, Lee Shapiro, and Jim Lindelof, citizens of the United States who were killed in Afghanistan.

SENATE CONCURRENT RESOLUTION 112

At the request of Mr. Baucus, the names of the Senator from Mississippi [Mr. Stennis], the Senator from New Mexico [Mr. Bingaman], the Senator from Oklahoma [Mr. Boren], the Senator from North Carolina [Mr. Sanford], the Senator from Wisconsin [Mr. Proxmire], and the Senator from Montana [Mr. Melcher], were added as cosponsors of Senate Concurrent Resolution 112, a concurrent resolution expressing the intent of Congress regarding certain provisions of Public Laws 100-202 and 100-223.

SENATE RESOLUTION 418

At the request of Mr. Karnes, the names of the Senator from Minnesota [Mr. Boschwitz], the Senator from Missouri [Mr. Bond], and the Senator from Delaware [Mr. Roth] were added as cosponsors of Senate Resolution 418, a resolution to expedite consideration of the diesel fuel tax.

SENATE RESOLUTION 421

At the request of Mr. Cranston, the name of the Senator from Colorado [Mr. Wirth] was added as a cosponsor of Senate Resolution 421, a resolution expressing the sense of the Senate that W. Clark Durant III, Chairman of the Board of Directors of the Legal Services Corporation, be reprimanded and should resign.

AMENDMENTS SUBMITTED

ACQUIRED IMMUNODEFICIENCY SYNDROME RESEARCH AND INFORMATION ACT

HELMS AMENDMENT NO. 1980

Mr. HELMS proposed an amendment to the bill (S. 1220) to amend the Public Health Service Act to provide for a comprehensive program of education, information, risk reduction, training, prevention, treatment, care, and research concerning acquired immunodeficiency syndrome; as follows:

At the appropriate place in the pending amendment, add the following new section:

SEC. . Notwithstanding any other provision of law, The Prohibition of Discrimination in the Provision of Insurance Act of 1986 (D.C. Law 6-170) is hereby repealed.

ARMSTRONG AMENDMENT NO. 1981

Mr. ARMSTRONG proposed an amendment to the bill S. 1220, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . (a) Notwithstanding any other provision of law or of this Act, or an amendment made by this Act, no State or local government organization shall be eligible to receive any funds authorized under this Act, or an amendment made by this Act, if such organization has any law, policy, or practice that—

(1) forbids, discourages, or hinders spousal notification in AIDS cases; or

(2) holds any physician, or any person in the State or local government organization's department of health (or comparable agency) who is authorized to act on behalf of any physician, criminally or civilly liable for spousal notification in AIDS cases.

(b) The Secretary of Health and Human Services shall require State or local government organizations to certify that such organizations meet the requirements of this section before such organizations are awarded funds under this Act, or an amendment made by this Act.

(c)(1) Upon application of a State or local government organization, the Secretary of Health and Human Services may waive the requirements of subsection (a) with respect to that organization for a period not to exceed two years if the Secretary determines that such a waiver is necessary.

(2) A State or local government organization shall be eligible to receive funds under this Act, or an amendment made by this Act, during any period not to exceed two years in which the Secretary has waived the requirements of subsection (a) with respect to that organization.

(d) For purposes of this section—

(1) the term "State or local government organization" means any State or political subdivision of any State or any department, agency, special purpose district, or other instrumentality of a State or of a political subdivision of any State; and

(2) the term "spousal notification in AIDS cases" means the act of any physician, or of any person in the State or local government organization's department of health (or comparable agency) who is authorized to act on behalf of any physician, in confidentially notifying the spouse of any patient who has tested positive for the presence of the probable causative agent of acquired immune deficiency syndrome that such test was positive, even if the patient refuses to consent to such notification.

HELMS AMENDMENT NO. 1982

Mr. HELMS proposed an amendment to the bill S. 1220, supra; as follows:

At the appropriate place in the pending amendment, add the following new section:

SEC. . None of the funds provided under this Act or an amendment made by this Act shall be used to provide hypodermic needles or syringes.

HELMS AMENDMENT NO. 1983

Mr. HELMS proposed an amendment to the bill S. 1220, supra; as follows:

At the appropriate place in the pending amendment, add the following new section:

SEC. . None of the funds provided under this Act or an amendment made by this Act shall be used to provide hypodermic needles or syringes to drug addicts.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9 a.m., on Thursday, May 12, 1988, in SR-301, Russell Senate Office Building, to hold a hearing on S. 182 and its House companion, H.R. 435. S. 182, introduced by Senator RIEGLE, would amend title 3, United States Code, and the Uniform Time Act of 1966, to establish a single poll closing time in the continental United States for Presidential general elections. H.R. 435 passed the House of Representatives on November 10, 1987, and was received in the Senate and referred to the Rules Committee on that date.

Members of Congress and other individuals and organizations interested in testifying or submitting a statement for the hearing record are requested to contact Jack Sousa, chief counsel of the Rules Committee, on 224-5648.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Productivity, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Wednesday, April 27, 1988 to conduct a hearing on "Youth Employment and School to Work Transition."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, April 27, 1988, on the subject of Nuclear Regulatory Commission restructuring.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 27, 1988 in executive session to markup the following bills:

Fiscal year 1988 supplemental authorization bill.

Department of Defense amended Budget Authorization Act, 1989.

Amended Military Construction Authorization Act, 1989.

Authorization for civil defense programs for fiscal years 1989 and 1990.

Fiscal year 1989 authorization for defense activities of the Department of Energy.

S. 1826, Defense Supplies Security and Control Reform Act of 1987.

S. 1892, Defense Industrial Base Preservation Act of 1987.

S. 2152, to increase the Department of Defense transfer authority.

S. 2254, Defense Industry and Technology Act of 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Communications, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on April 27, 1988, to hold a hearing on S. 1935, the Communications Transfer Fee Act of 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, April 27, 1988 to receive testimony on matters relating to the October 19 market break.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Wednesday, April 27, 1988, to conduct hearings on S. 2073, the Thrift Charter Enhancement Act of 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MISSOURI RIVER STREAMBANK STABILIZATION

● Mr. EXON. Mr. President, last night just before the Senate adjourned it took action which I wholeheartedly support and for which I have worked long and hard. By approving S. 2100, the Senate cleared the way for much needed streambank stabilization work on the Missouri River. I have been working toward that end for a portion of the Missouri River which borders Nebraska for many years. It is a big victory for Nebraska to see the necessary legislation approved here in the Senate and I will be working with our colleagues in the House of Representatives to ensure this legislation's quick passage in the other body.

As early as 1978, Congress recognized the significance and the recreational value of a portion of the Missouri River below the Gavins Point Dam between Nebraska and South Dakota. At that time, Congress designated this stretch of the river as the Missouri National Recreation River. Unfortunately, the Federal Government never followed through with the streambank stabilization measures this area needed. Our late colleague, Senator Zorinsky, and I worked together on this problem for a long time because we fully recognized the significance of the Missouri National Recreation River. Since I have been in the Senate this has been an issue of contention between Nebraska and the Federal Government. Bureaucratic bungling between Federal agencies has plagued our efforts. I am pleased that our efforts have now come to fruition and that the Senate's support for streambank stabilization on this segment of the river has once again been reaffirmed.

Passage of S. 2100 will indeed be good news for those Nebraskans and South Dakotans who live in the area. They, too, have worked very hard toward this end. In a bigger sense, however, this legislation is good news for all Americans who believe that rivers protected under our wild and scenic rivers system are a national treasure and deserve to be protected. It does no good to designate a river for protection but then allow it to lose its value due to inattention and poor stewardship. This is truly a victory for the Missouri National Recreation River and I commend my colleagues on the Environment and Public Works Committee for complying with my many requests over the years and correcting a problem which has for far too long gone unaddressed.●

MILITARY BASE CONSOLIDATIONS

● Mr. ROTH. Mr. President, I understand that today the Senate Committee on Armed Services is considering legislation which I originally introduced, along with Representative Richard Armey, to facilitate the consolidation of some U.S. military bases.

This base consolidation initiative is the product of long, complex consultations between myself, Representative Armey, Secretary Carlucci, the senior Senator from Georgia [Sam Nunn], the senior Senator from Virginia [John Warner], House Chairman Les Aspin, and a host of staff. The work was not easy, and all involved parties were obliged to make some serious concessions in order to achieve consensus.

I believe that the final product which we can lay before the committee is fair and balanced. The Secretary of Defense has established a bipartisan Commission on the Consolidation of Military Bases. This legislation empowers the Secretary to act upon the recommendations of the Commission and lays down the manner in which he may proceed to close bases.

First, and most important, the legislation provides that, if any closures are to take place, the Secretary of Defense must, within 15 days of receipt of the Commission's report, himself report to the Congress that he intends to implement all of the Commission's recommendations. I stress all, Mr. President, because the Secretary may not pick or choose among the Commission's reommendations. There is no danger of a Secretary playing politics here. He must accept the Commission's recommendation as a whole or not at all.

In addition, if the Secretary decides that closures are to be implemented, he may not drag them out for political purposes. Closures must be initiated no later than September 30, 1995. In other words, we are not giving carte blanche to the Secretary of Defense. Rather, we are opening a window for a finite period of time in order that the Secretary may carry out a specific task which is vital to the security and the budgetary health of this Nation. When the task is completed, the window will be closed.

The work will proceed promptly and, in my opinion, efficiently. The commission must report its findings to the Secretary no later than December 31, 1988, and, as I mentioned earlier, the Secretary then has 15 days within which to decide whether or not to accept all of its recommendations. I do not believe that this strict timetable is unrealistic. The Department of Defense already has the necessary data on the financial position of its various bases and the roles they play—or do not play—in the preservation of U.S. national security. In short, I believe that the Commission can meet this deadline and turn in a top quality analysis.

The formulators of this initiative are fully aware that some local communities can be negatively impacted by the closure of military facilities. Consequently, this legislation allows the Secretary of Defense to make economic adjustment assistance available to impacted communities.

When military property is determined to be available for sale, the Secretary of Defense shall first inform other Federal instrumentalities of the availability of the property and, if offers are received, the property shall be sold to these instrumentalities at fair market value, if all the necessary funding will be available within a reasonable period of time.

If no fair market value offers are received, the Secretary may convey DOD property at less than fair market value if DOD can, nonetheless, prove that this course of action will produce savings. In addition, property may be conveyed to State or local governments at less than market value if the property in question is to be used for airport, education, or health purposes in accordance with a State or local reuse plan.

Mr. President, this legislation is long overdue and I am saddened to have to admit already that when this proposal comes to the floor it will, most likely, prove extremely controversial. There is no one in this body who is unacquainted with the budgetary crisis facing this Nation. And yet we persist in maintaining military bases which have no visible military use. We no longer need to guard the pony express routes to the wild west. We no longer need to maintain moated forts to guard against assault by British sailing ships. We no longer need to maintain the mass of bases called for in World War II when we were a nation under arms.

We all know why these unnecessary bases have been kept open. We have maintained them for selfish political reasons in order to maintain a flow of defense dollars into our States. But the budgetary good times are gone and, if I may steal a phrase from Herblock of the Washington Post, "Fort Pork Barrel must close."

We simply cannot justify throwing money away to maintain bases for our own political purposes. The eye of the public is on us, and if we wish to continue to criticize $900 wrenches, $600 toilet seat covers, and $200 hammers, we are going to have to acknowledge that some of the Pentagon waste and abuse emanates from this Chamber and stop it.

Mr. President, a conservative estimate of the potential savings of allowing DOD to consolidate its bases—and I stress a conservative estimate—is $2 billion annually. That figure derives from the Grace Commission, which mentions that savings could actually prove greater.

How can we conceivably justify throwing away $2 billion per year? That money would be folded into the Treasury to reduce the national debt. Conversely, the savings could be utilized to make savings in the overall defense budget. Either way, the U.S. taxpayer would know that they were receiving some return on their $2 billion rather than pumping it into Senators' statewide popularity campaigns.

In closing Mr. President, I repeat that the eye of the public is upon us. This matter has attracted increasing attention in the national press. When the Senate comes to consider this matter, the senior Senator from Georgia, the senior Senator from Virginia, and I will be on the floor to fight for passage of base consolidation legislation. Then we will see which Members of this Chamber are truly dedicated to rooting out fraud, waste, and abuse from our national defense budget.●

JUDITH WALKER STATEMENT ON BETTER CHILD CARE

● Mr. SIMON. Mr. President. Judith Walker, the Commissioner of the Department of Human Services in Chicago recently testified before the Labor and Human Resources Committee in favor of Senator DODD's Act for Better Child Care. As a cosponsor of this bill, I join Judith Walker in recognizing the need to expand child care opportunities for poor and working class families.

As Commissioner Walker states, "The passage of this bill is critical to the self-sufficiency of low-income families and the safety and development of the Nation's children." We must make the availability of quality child care a national priority. I ask that Judith Walker's statement appear in the RECORD.

The statement follows:

TESTIMONY ON THE ACT FOR BETTER CHILD CARE BEFORE THE SENATE LABOR AND RESOURCES COMMITTEE

The Act for Better Child Care ("ABC") is a comprehensive effort to improve the quality and accessibility of day care for low-income families. The passage of this bill is critical to the self-sufficiency of low-income families and the safety and development of the Nation's children.

Day care is an employment issue. The low wage jobs prevalent today do not allow families to pay the high price of private day care. In most families it is necessary for both parents to work in order to support their children, making day care a critical issue for their pre-schoolers, and after-school care a need for their older children. In single parent families the day care need is all the more urgent. Single mothers in Illinois earned an average of $7,195 in 1984—nowhere near enough to allow them to pay the going rate of $1,800-$3,000 per year per child for nonsubsidized care.

Day care is also a welfare issue. If more subsidized day care were available, more AFDC mothers would be able to free themselves from the welfare system and earn a living. Unfortunately, few long-term AFCD recipients have the education and training to qualify for well-paid jobs. To support their families, parents must have subsidized day care. A couple of days off of the typical minimum-wage service industry job when informal child care arrangements fall through can mean the loss of a job—and a return to welfare.

Most importantly, day care is a children's issue. Those who will make up our society in the coming years deserve more than custodial care. Improved standards for licensing of facilities and increased training of day care workers will translate to better quality care for the Nation's young.

We are concerned about the portion of the current bill which is being interpreted by some to exclude religious institutions from participation in ABC programs. We understand that negotiations are taking place which will ensure that sections 19 and 20 of the bill will not restrict the creation of needed daycare slots.

One other area of concern in the bill is section 11, which delineates the composition of statewide ABC advisory groups. This list of participants neglects to include local units of Government, which often operate Federal child care programs. It is important that governments that run programs funded through ABC be represented on these advisory bodies.

With these minor improvements, the Act for Better Child Care promises to address the array of day care issues facing low-income Americans today.

I thank you in advance for your support on this crucial bill to support children and families.●

STATUE TO HONOR FEMALE VIETNAM VETERANS

● Mr. PRYOR. Mr. President, I am proud to join with many of my colleagues in cosponsoring S. 2042, legislation to authorize the construction of a statue to honor the female veterans who served our country proudly during the Vietnam war.

Today, the Vietnam Veterans Memorial on the Mall in Washington stands as a moving testament to those who died in Vietnam and to those who survived. Unfortunately, the statue at the memorial does not include a female soldier. I believe that this oversight should be remedied.

Last night, a TV movie illustrated some of the important roles that women played in Vietnam. In fact, Mr. President, the movie understated their contribution. Few people know that over 10,000 American women served in Vietnam during the war. Their bravery and their sacrifices should be formally recognized by the Government.

On behalf of the over 3,000 female veterans in my home State of Arkansas, and on behalf of our male veterans, many of whom have commented directly to me on their disappointment that women were not included in the Vietnam Memorial, I urge the Senate to act expeditiously on this worthwhile piece of legislation.●

UPDATED REPORT BY THE CONGRESSIONAL RESEARCH SERVICE ON THE CONTINUING RESOLUTION FOR FISCAL YEAR 1988

● Mr. LEVIN. Mr. President, on March 4, I submitted to the RECORD a Congressional Research Service report which looked into the continuing resolution for fiscal year 1988 and focused on the number of items which were in the final version of that legislation but which were in neither the House-nor the Senate-passed bills.

The report, dated February 24, 1988, indicated that 47 items in the fiscal year 1988 continuing resolution originated in the conference committee. However, I have recently received an updated version of this CRS report, dated April 1, 1988, which indicates that there were 13 conference originated items in that continuing resolution. The significant difference between the two reports was attributed by CRS to a refinement in the methodology for determining whether an item was originated by the conference.

As I indicated in my remarks of March 4, I am not making any judgment as to the merits of any of these conference originated items. However, I believe that it would be better as a matter of procedure and that there would be less public cynicism if items that were adopted in conference, which were in neither the House nor the Senate passed bills, were separately listed somewhere in the conference report. In fact, the reduction in the list of conference originated items from 47 to 13 with respect to the huge continuing resolution for fiscal year 1988 suggests that the compilation of such a list for future pieces of legislation would not be burdensome and would, in fact, be well worth the effort in counteracting the popular impression that legislation is chock full of such conference originated items. Furthermore, the fact that CRS itself initially was in error as to the number of conference originated items points out the difficulty that outside observers can have in preparing such a list and points out the value in having the Appropriations Committee itself make such a compilation.

I commend this updated CRS report to the attention of my colleagues and ask that this report be printed in the RECORD.

The report follows:

[CRS Report for Congress, Apr. 1, 1988]

CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1988: CONFERENCE INITIATIVES IN PUBLIC LAW 100-202

(By James Saturno, Analyst in American National Government, Government Division)

ABSTRACT

This report provides information on provisions included in the FY 1988 Continuing Resolution (P.L. 100-202) which appear to have been initiated by the conferees. This information includes data regarding funding for appropriation accounts and related provisions in the law.

NOTE

This report revises and supersedes one that was originally prepared at the request of Honorable Carl Levin of Michigan, and was inserted in the Congressional Record (daily edition) of March 4, 1988 at pp. S2083-2085. It is reproduced for general congressional use with the permission of Senator Levin.

INTRODUCTION

This report provides information on conference initiatives included in the fiscal year 1988 continuing resolution (Public Law 100-202). For the purposes of this report, the term "initiative" includes: (1) changes in specific appropriations accounts that exceed the scope of the difference between House and Senate recommendations, and (2) provisions which appear to be new language in the law (i.e. language not included in earlier House- or Senate-passed versions of H.J. Res. 395[1]).

The term "initiative" does not include cases in which the dollar amounts were below the scope of the difference between House and Senate recommendations. These are shown in Table 1 for informational purposes, but are not specified in Table 2.

Additionally, this report is based primarily on examination of language in the Continuing Resolution as enacted which did not appear in the earlier House- or Senate-passed or reported individual appropriations bills. The term "initiative" as used in this report, however, also excludes provisions which were addressed in any of the reports which accompanied the individual appropriations bills.

Items cited as conference initiatives for this report were not necessarily considered to be in violation of the rules.

A conference agreement is generally confined to the specific areas of disagreement between the two chambers. However, the second chamber to act on a measure may sometimes cast its version in the form of an amendment in the nature of a substitute for the entire text as passed by the first chamber. It may be difficult, if not impractical, in this type of situation to identify each matter in disagreement and the scope of disagreement, because technically the House and Senate are in disagreement over the entire text of the measure.[2] In the case of the FY 1988 Continuing Resolution, each of the 13 appropriations bills included by reference in H.J. Res. 395 by the House was the subject of separate amendments in the nature of a substitute in the Senate. In the absence of a point of order or a ruling by the Parliamentarian of either house it is not possible to determine for this report the latitude allowed the conferees in such circumstances.

The first part of this report consists of two tables compiled from data supplied by the House Appropriations Committee. The first table summarizes the number of appropriation accounts in each of the 13 appropriations acts which comprise the Continuing Resolution. This table indicates cases in which the conference agreement appropriated funds at a level that was either greater than or less than the recommendations of both the House and the Senate. The second table specifies each of those accounts in which the conference agreement appropriated funds at a higher level than the recommendation of either house. The data for Table 2 are not sufficient to allow judgements to be made about the overall budgetary impact of the Act. It may be noted, however, that the Act complied with the budgetary constraints set in the congressional-presidential summit agreement on the budget reached November 20, 1987. Additionally, this does not take into consideration any restructuring of accounts undertaken by the conferees.

The second part includes a selection of excerpts from the joint Explanatory Statement of the Committee of Conference. These were used to determine new language inserted in the law by the conferees. To generate an initial list, it was inferred that provisions beginning with langue such as "the conferees insert," "the conferees direct," but which included no indication of the house of origin, were inserted at the initiative of the conferees. Provisions so identified were then subjected to further screening by searching for any mention of them in the House and Senate versions of the Continuing Resolution and the individual appropriations bills as they were passed or reported in each house, and then by searching in the accompanying reports. Assistance for this was provided by the staffs of the Appropriations and Budget committees and subject specialists from other CRS research divisions.

TABLE 1.—APPROPRIATIONS ACCOUNTS IN THE FISCAL YEAR 1988 CONTINUING RESOLUTION FUNDED EITHER LESS THAN OR GREATER THAN THE RECOMMENDATIONS OF BOTH HOUSES OF CONGRESS[1]

Appropriations act	Number of accounts: Total number	Conference agreement less than either House or Senate recommendation	Conference agreement greater than either House or Senate recommendation
Commerce, Justice, and State, the Judiciary	72	53	2
Department of Defense	59	7	9
District of Columbia	4	3	0
Energy and Water Development	38	16	1
Foreign Operations	41	1	2
HUD–Independent Agencies	55	39	2
Department of the Interior	80	18	6
Labor, HHS, Education	101	59	1
Legislative Branch	94	27	2
Military Construction	16	2	1
Rural Development, Agriculture	96	10	3
Department of Transportation	55	13	1
Treasury, Postal Service, and General Government	54	30	1
Total	773	278	31

[1] Accounts were identified using tubular data supplied by the House Appropriations Committee.

TABLE 2.—APPROPRIATIONS ACCOUNTS FUNDED FOR FISCAL YEAR 1988 AT A LEVEL GREATER THAN EITHER HOUSE OR SENATE RECOMMENDATIONS[1]

Account	House recommendation	Senate recommendation	Conference agreement
(A) Commerce, Justice, and State, the Judiciary and Related Agencies:			
Title II—Department of Justice: (1) Legal activities—independent counsel			$7,000,000
Title V—Related agencies: (2) Commission on the bicentennial of the U.S. Constitution—salaries and expenses	$15,750,000	$14,750,000	21,000,000

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[1] Both the House and Senate versions of H.J. Res. 395 incorporated by reference 13 separate appropriations bills as they had been either passed or reported in their respective house.

[2] For more information see U.S. Library of Congress. Congressional Research Service. Resolving Legislative Differences in Congress: Conference Committees and Amendments Between the Houses. Report No. 84-214 GOV by Stanley Bach. Washington, 1984.

TABLE 2.—APPROPRIATIONS ACCOUNTS FUNDED FOR FISCAL YEAR 1988 AT A LEVEL GREATER THAN EITHER HOUSE OR SENATE RECOMMENDATIONS [1]—Continued

Account	House recommendation	Senate recommendation	Conference agreement
(B) Department of Defense:			
Title II—Operatons and maintenance:			
(1) Operations and maintenance, Marine Corps Reserve	67,938,000	68,621,000	69,500,000
(2) Operations and maintenance, Air Force Reserve	994,767,000	997,391,000	1,000,981,000
(3) Operations and maintenance, Army National Guard	1,855,978,000	1,838,951,000	1,856,542,000
Title III—Procurement:			
(4) Aircraft procurement, Army	2,587,357,000	2,672,582,000	2,718,406,000
(5) Procurement of ammunition, Army	1,978,413,000	2,211,723,000	2,273,592,000
(6) Weapons procurement, Navy	5,365,860,000	5,944,502,000	5,967,019,000
(7) National Guard and reserve equipment	912,000,000	916,000,000	1,200,000,000
(8) Procurement, defense agencies	1,195,833,000	1,194,034,000	1,266,263,000
Title VIII—General Provisions: (9) Military and civilian pay raise ($2,513,120,000 was proposed in the contingency column of the budget)		775,000,000	875,000,000
(C) District of Columbia			
(D) Energy and Water Development:			
Title I—Department of Defense—Civil: (1) Construction, general	1,150,142,000	1,166,136,00	1,200,000,000
(E) Foreign operations:			
Title I—Multilateral economic assistance:			
(1) Contribution to the International Development Association	830,100,000	845,000,000	915,000,000
(2) International operations and programs	232,961,900	238,380,000	244,648,000
(F) Department of Housing and Urban Development—Independent Agencies:			
Title I—Department of Housing and Urban Development: (1) Emergency Shelter Grants Program			8,000,000
Title II—Independent Agencies: (2) Environmental Protection Agency—buildings and facilities	7,500,000	18,200,000	23,500,000
(G) Department of the Interior:			
Title I—Department of the Interior:			
(1) Bureau of Land Management—construction and access	1,981,000	2,736,00	3,430,000
(2) Bureau of Land Management—Oregon and California grant lands	57,817,000	58,134,000	58,475,000
(3) U.S. Fish and Wildlife Service—construction and anadromous fish	21,054,000	19,437,000	25,062,000
(4) National Park Service—construction	86,056,000	81,331,000	93,017,000
(5) Bureau of Indian Affairs—construction	73,967,000	65,780,000	83,225,000
Title II—Related agencies: (6) Forest Service—State and Private Forestry	67,734,000	73,894,000	76,469,000
(H) Departments of Labor, Health and Human Services, and Education:			
Title II—Department of Health and Human Services: (1) National Institutes of Health—Research Resources	338,991,000	367,415,000	368,153,000
(I) Legislative branch:			
Title I—Congressional operations (Senate):			
(1) Office of the Secretaries for the majority and minority		905,000	918,000
(2) Congressional Awards Program			189,000
(J) Military Construction: (1) Military construction, Air Force	1,115,950,000	1,179,014,000	1,241,254,000
(K) Rural Development, Agriculture:			
Title I—Agricultural programs:			
(1) Office of the Assistant Secretary for Special Services			416,000
(2) Agricultural Research Service—buildings and facilities	14,680,000	49,967,000	57,815,000
Title II—Rural development programs: (3) Farmers Home Administration—Office of the Administrator	394,000		600,000
(L) Department of Transportation:			
Title I—Department of Transportation: (1) Federal Highway Administration—bridge capacity improvements (highway trust fund)			237,000
(M) Treasury, Postal Service, and general government:			
Title II—Postal Service: (1) Payment to Department of Labor			1,000

[1] This table was derived from data supplied by the House Appropriations Committee.

SELECTED PROVISIONS IN THE ACT MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1988 (PUBLIC LAW 100-202) THAT APPEAR TO BE NEW LANGUAGE INSERTED BY THE CONFEREES [1]

SECTION 101—CONTINUING APPROPRIATIONS.

(A) Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1988:

Waiver of section 15(a) of the State Department Basic Authorities Act of 1956.—Appropriates $4,500,000 as proposed by the Senate instead of $4,000,000 as proposed by the House and includes new language waiving section 15(a) of the State Department Basic Authorities Act of 1956, p. 494.

Establishing a new permanent appropriation.—Inserts a new provision which establishes a permanent appropriation for the North Atlantic Assembly ($100,000 annually), the Interparliamentary Union ($90,000), and the U.S.-Mexico and U.S.-Canada groups ($50,000 each), to be divided equally between House and Senate delegations, p. 498.

Prohibition of waivers of FCC cross-ownership rules.—Inserts new language which prohibits the use of funds appropriated by this Act or any other Act to repeal, modify, or reexamine regulations of the Federal Communications Commission regarding cross-ownership of a daily newspaper and a television station in a major media market, or to extend the time period of current grants of temporary waivers to achieve compliance with such regulations, p. 504.

Small Business Development Centers program.—* * * new language clarifies SBA's authority to make a grant in one year even if all, or almost all, of the performance is to occur the following year.

The conference agreement includes new language which prohibits the Small Business Administration from expending any funds to adopt or implement any rules or regulations for the Small Business Development Centers program, although it may reexamine the need for regulations and the nature thereof.

In addition, SBA is prohibited from accomplishing indirectly and outside the regulatory process what they are prohibited from doing by regulation, p. 509.

Waiver of section 701 of the U.S. Information and Cultural Exchange Act of 1948 and sections 201(2) and 204 of H.R. 1777 (not enacted).—Inserts new language to earmark $36,900,000 for the television service and waives sections 201(2) and 204 of H.R. 1777 (the Foreign Relations Authorization Act, fiscal years 1988 and 1989) and section 701 of the United States Information and Cultural Exchange Act of 1948, as amended, p. 512.

Transfer authority for USIA and the Board for International Broadcasting.—Inserts new language which permits funds provided to the U.S. Information Agency and the Board for International Broadcasting for facilities modernization, including unobligated balances available from prior years, to be transferred between the two agencies . . . with the proviso that such transfers will be subject to the approval of the House and Senate Appropriations Committees pursuant to section 608 of this Act, p. 514.

(B) Department of Defense Appropriations Act, 1988:

(C) District of Columbia Appropriations, 1988:

(D) Energy and Water Development Appropriations Act, 1988:

(E) Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988:

(F) Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988:

Recoupling section 8 vouchers and the rental rehabilitation program.—The conferees have agreed on language "recoupling" Section 8 vouchers with the rental rehabilitation program. Without the committee of Section 8 vouchers for approximately 50 percent of the units made available under rental rehabilitation grants, the program would no longer serve a sufficiently adequate number of low-income families. The issue was not addressed by either House, p. 839.

Emergency shelter grants.—Inserts language appropriating $8,000,000 for emergency shelter grants, p. 841.

Korean War Memorial fund.—Language has also been added, which was not included in either the House or Senate bills, that permits interest to be paid on contributions to the Korean War Memorial Fund and the use of up to $125,000 of the fund for administrative support costs, p. 844.

(G) Department of the Interior and Related Agencies Appropriations Act, 1988:

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[1] The information for this compilation was obtained from the Joint Explanatory Statement of the Committee of Conference as included in the Conference Report to Accompany H.J. Res. 395, Making Further Continuing Appropriations for the Fiscal Year Ending September 30, 1989 (H. Report 100-498). These provisions listed here do not appear in the individual appropriations bills, which were incorporated by reference into the Joint Resolution by the House and Senate. They also do not appear in the reports which accompany those bills. All passages are verbatim excerpts from the Joint Explanatory Statement, as are all of the page citations.

(H) Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1988:

(I) Legislative Branch Appropriations Act, 1988:

(J) Military Construction Appropriations Act, 1988:

Homeporting.—Adds language which provides that any limitation on fiscal year 1987 funds for homeporting at Everett, Washington shall not apply unless the limitation was enacted by September 30, 1987, p. 1029.

(K) Rural Development, Agriculture and Related Agencies Appropriations Act, 1988:

(L) Department of Transportation and Related Agencies Appropriations Act, 1988:

Exemption for a Highway widening demonstration project.—Inserts (sec. 352) permanent authorizing language, including a permanent exemption from any limitation on obligations for Federal-aid highways and highway safety construction programs. The House and Senate bills contained no similar provisions, p. 1134.

(M) Treasury, Postal Service, and General Development Appropriations Act, 1988:

National security and emergency preparedness telecommunications initiatives.—Inserts a provision proposed by the Administration which would make available from existing resources funding for national security and emergency preparedness telecommunications initiatives that are carried out by the National Communications System, p. 1179.

Non-disclosure agreements.—Inserts a provision regarding non-disclosure agreements, p. 1179.●

A CHILD IS A TERRIBLE THING TO WASTE

● Mr. SIMON. Mr. President, today I am including in the RECORD an excellent and thought-provoking article by Diane Granat, that appeared in the Washingtonian in December 1987. The article is an enlightening case-study of one prekindergarten classroom at the Garrison School here in Washington, DC. This article is also far more than a case-study, for it speaks to an alarming and growing national problem among very young children who are entering our school system ill-equipped to handle even the most rudimentary tasks, let alone know how to say more than their own names. This is a disturbing problem, and when left unaddressed these problems only grow more complicated.

The statistics in this article are alarming. Among our 4- and 5-year-olds it is estimated that: 1 in 4 children are poor; 14 percent are the children of teenage mothers; and at least 25 percent may never graduate from high school.

These are the children most vulnerable to falling through the cracks as they enter the school system. When these problems are left unaddressed, these children become prime candidates for dropping out, welfare dependency, and teen parenting. Many of these children are the offspring of teen mothers who are unable to or unprepared to provide these children with the developmental stimulation and instruction they desperately need at a young age.

Mr. President, there are answers to these problems and ways to better prepare these young children before they enter the school system and before their problems are irreversible. The Committee on Economic Development published a new study last year entitled "Children in Need." This study estimated that for every $1 invested in early prevention and intervention programs can save $4.75 in later costs of remedial education, welfare, and crime. Every $1 invested in programs such as Women, Infants and Children [WIC] saves as much as $3 in hospital costs for problems such as premature or low-birth-weight babies. The average cost of prenatal care is about $400, while the average cost for intensive care for an underweight newborn is $13,600. We know these programs work and, yet, Headstart for preschoolers serves only 19 percent of the income eligible children and WIC serves only 40 percent of the income eligible mothers.

Prevention is the wisest investment we can make to solve many of the problems we face in our schools. We literally have a choice of "paying now, or paying later." In Illinois, it cost about $3,000 per year to provide preschool education for 3-, 4-, and 5- year-olds, but $30,000 to incarcerate someone at the Marion, IL prison.

Yet, our Nation spends only $1 billion on educating children 5 years and younger, while it spends hundreds of billions on educating children over 5. The situation is improving but far from ideal. The number of children enrolled in preschools has risen. Unfortunately though, the greatest increase has been among families with incomes over $35,000, where over 50 percent of 3-year-olds were enrolled in preschool. Among those with incomes of less than $10,000 a year, only 17 percent of 3-year-olds were enrolled.

Finally, we need to serve more than just newborns and preschoolers. We also need to address the home life of children in the critical first through third years of life. Most parents have few, if any, of the parenting skills necessary to meet all of their children's needs and to properly prepare them for school. Poverty only exacerbates this entire problem. In Missouri, a highly innovative Parents as Teachers Program sends educators into homes to teach child-rearing skills to parents with children up to age 3. Followup tests of children who have participated in this program have shown that these children are significantly more advanced than a control group on intellectual skills and social development. These programs need to be readily available to those in need in order that we may spread these success stories.

In the report of the task force on the Chicago Public Schools of which I chaired in 1985, one of the primary recommendations was to improve preschool education and its availability for 3- and 4-year-olds. I continue to support these recommendations to expand preschool and preventive education and health programs, and I will continue in my work to draw attention to these children who are the future of our world and deserving of a better chance.

Mr. President, I ask that this statement and the attached article be printed in the RECORD.

The material follows:

[From the Washingtonian magazine, December 1987]

A CHILD IS A TERRIBLE THING TO WASTE

(By Diane Granat)

One day last year in Joan Grant's pre-kindergarten classroom at the Garrison School, the four-year-olds were fiddling with some straws. One boy held a straw to his lips and pretended to take a long draw on it.

"What are you doing?" Grant asked.

"That's how you smoke a joint," the child answered.

"What's a joint?" his teacher asked with mock naiveté.

"It's smoking herb," chimed in the other four-year-olds.

"Oh, you mean like rosemary, parsley, and thyme?"

"Miss Grant," sighed a child, "you don't know nothing."

Wise to the ways of their world at a very young age, the children in Grant's District of Columbia classroom are what sociologists call the "educationally disadvantaged." Some will refute that label, but others will never shake the ill effects of poverty. They are street smart, but they may never learn the skills needed to cope in a larger world.

Garrison School, at 12th and S streets, Northwest, is three blocks from Logan Circle, where young professional people are renovating Victorian houses, and six blocks from a fearsome heroin-and-cocaine market. It is a neighborhood where one-third of the families live below the federal poverty line, with income this year of less than $11,200 for a family of four. At Cardozo, the local high school, eleventh-graders rank in the bottom quarter of the nation in reading. Despite Logan Circle's gentrification, street crime and prostitution still thrive there.

Hidden from the well-off newcomers are the grim lives of the neighborhood's worst-off youngsters. Two blocks from the school, a six-year-old finds his mother knocked out from drugs. A neighbor watches as the child fills a tin pan with water, splashes his mother's face, and puts a cold pack on her neck without a hint of panic, appearing well-practiced in the task. On street corners, children as young as ten serve as runners for drug dealers, delivering packets of cocaine or crack. In cramped apartments, toddlers are exposed to sex in the rooms they share with mothers and their boyfriends.

These are the sad scenes, but they're not the full picture. The children of heroin addicts are far fewer than the children of police officers, government workers, or store clerks. Two-thirds of the area's residents live above the poverty line, and even those caught in the meanest economic conditions display enormous resiliency. Most parents are well-meaning, struggling to do well by their children. But many, Grant says, just don't know how.

For 30 years as a teacher at Garrison, and while living in the same house on 13th Street for all of her 53 years, Grant has watched the changes in the neighborhood's children. She is not always happy with what has happened to them.

The children come to Grant at the age of four or five or six, with speech that is barely intelligible. They often are unable to identify colors or their body parts, and they answer only to names like "Baby Brother." Their attention spans are so short that they squirm when Grant reads them a four-page story. Some straggle in late or take naps when they get to school because they get little sleep in their noisy homes. They know the players on *Miami Vice*, but not on *Mister Roger's Neighborhood*.

Although Grant usually teaches prekindergarten, this year she is experimenting with a combined pre-kindergarten, kindergarten, and first grade—a mix of ages that prompts her to call her classroom "a little red schoolhouse."

In the classroom, Grant tries to rescue the children who could easily fall through the cracks in the educational system. "Through some strange providential feeling, I think I'm going to make a difference," she says. If she can catch them early enough, with her demanding but good-humored style, she thinks that maybe she can break poverty's brutal cycle. But, she admits, "It's a war from the start."

Reflecting on the area's epidemic of unwed, pregnant teenagers, Grant says: "For the past ten years I've gotten a whole new mother. The mothers are like children. The mothers end up calling me Mama."

As much as she faults parents who do not prepare their children for school, she believes they are victims of a much larger social problem. "Nobody has cared about these people. They are just written off." As for the children, "something's happened to them by the age of six. It's like they never had a chance."

Children in America are officially invisible from the moment they leave the hospital after birth until they must begin their formal schooling at the age of five or six. Kindergarten is often the rite of passage from their parents' hands to the community's hands, the point at which they start down this nation's traditional avenue of opportunity.

But by kindergarten it may be too late.

Too many children at the age of five lack the tools necessary to succeed in school. They are hurt as early as conception with a woman's decision to continue smoking, drinking, or using drugs during her pregnancy—any of which can inhibit a baby's development. As infants, they do not receive nourishing meals, timely immunizations, and regular medical care. Their vision, hearing, and speech problems are not picked up early, when they are easier to fix. At three and four, they miss out on valuable preschool programs like Head Start. They may be physically battered; more commonly, they are emotionally deprived, with their curiosity and joy in learning already stunted.

None of these are exclusive problems of the poor. Low birth weight and crippling diseases do not respect social class, and cruelty and indifference can be present in the wealthiest homes. Swaddling an infant in Baby Dior or enrolling a toddler in Gymboree classes or any of the other perquisites of prosperity are no guarantee of success.

Poverty, nevertheless, is the most exacerbating factor in problems among the young. Says David A. Hamburg, president of the Carnegie Corporation of New York: "Almost every form of childhood damage is more prevalent among the poor—increased infant mortality, gross malnutrition, recurrent and untreated health problems, child abuse, educational disability, low achievement, early pregnancy, alcohol and drug abuse, and failure to become economically self-sufficient." With the inner city's stresses, child psychiatrist Stanley Greenspan says, "if you wanted a prescription for failure, you couldn't plan it in a better way."

Of the four- and five-year-olds entering school in the United States this fall—the high school graduating class of the year 2000—experts estimate that:

One in four is poor.

Fourteen percent are the children of teenage mothers.

As many as 15 percent are immigrants who speak a language other than English.

One in six has no health insurance.

At least 25 percent may never graduate from high school.

In metropolitan Washington, 12 percent of the children aged five and under—roughly 26,000 young children—were living below the poverty line at the time of the 1980 Census. Within DC, 29 percent of the children in that age group—or 11,515 children—lived in poverty.

Although nationally there are more poor white children than black children, a black child is nearly three times more likely to be born in poverty than a white one, and in Washington the majority of poor children are black. Regardless of race, the area's poor children are not confined to DC—as indicated above, more than half live in the suburbs.

"Look at the statistics and you see how many children are in desperate trouble, and how many of those children are in desperate trouble through no fault of their own," says Democratic Congressman George Miller, of California, chairman of the House Select Committee on Children, Youth, and Families. "They have committed no crime, they have done nobody wrong. They just happened to be born poor, in some instances to be born as a minority, to be born in the wrong neighborhood. And they're in trouble, they're so badly damaged by the time they reach their fifth birthday. There aren't a lot of five-year-olds who have struck out at society to the point of deserving that kind of treatment."

In this city of riches, it is easy to say the problem is someone else's. But as Chicago businessman-philanthropist Irving Harris says: "It is not only the poor who are in trouble. We are all in trouble."

When a child's life goes sour, we all pay the price down the line. We pay for training illiterate workers who cannot meet the demands of today's technical jobs; we pay for welfare and health care for the economically dependent; we pay for crime control and prisons and security systems for our homes.

For all the often-expressed criticism of liberals as "throwing money at problems," there is a growing consensus among policymakers that there are programs that work, and they work in a cost-effective way.

Experts know that preventive steps in the early years can change a child's life, and also save society money in the long run. For every dollar spent on first-rate preschool programs like Head Start, studies show that we can save $4.75 later in the cost of remedial education, welfare, and crime. Every dollar invested in the Special Supplemental Food Program for Women, Infants, and Children (referred to as WIC) saves as much as three dollars in hospital costs for a newborn.

Yet the budgets for these programs are not large enough to serve all who need help. Fewer than 20 percent of those eligible are served by Head Start, and 40 percent of those in need receive help through the WIC food program for women, infants, and children. Even though the foundation for learning is laid in a child's first six years, the US spends $308 billion on education for ages six and above, but just a few billion dollars on the early years.

"Our nation knows what has to be done to help educationally disadvantaged children," says Marian Wright Edelman, president of the Children's Defense Fund. "What has been lacking is the political will."

This may be changing. As the Reagan era closes, the political winds are shifting to favor a greater investment in young children. Congress gradually is spending more on poor children, and Democratic presidential candidates have made the needs of children a central platform issue for 1988. The Committee for Economic Development, a panel of the nation's top corporate executives, in September called for greater public spending on the health and education of disadvantaged children from conception through first grade. And political polls have found baby-boom voters willing to pay more taxes for early childhood services.

The motivation for investing in young children springs as much from pragmatism as it does from compassion. "It's a matter of self-interest," says Kirk O'Donnell, president of the Center for National Policy, a liberal think tank. "The world is changing, and in the new world, a keen mind is as important as broad shoulders were in the old world. We cannot afford high illiteracy, high dropout rates, and a waste of human resources and still compete in the modern world.

"You're talking about making people a useful part of society," O'Donnell says. "You're talking about the future."

When Joan Grant looks at the children who come her way at the Garrison School, she often wonders if they would have a better chance educationally if she could get to their mothers when they are first pregnant.

"The moment the mother conceives, her attitude has to change," Grant says. "When I look at a sixteen-year-old who is pregnant and smoking a cigarette, I know something will be wrong."

Grant doesn't have to look very far. Down the hall from her classroom at Garrison is a therapeutic nursery for preschoolers with emotional and developmental problems. "A lot of these kids wouldn't be here if their mothers had gotten good prenatal care or it they weren't teen mothers," says Mary Lee Stein, the nursery's social worker. Two of last year's nursery graduates are in Grant's class this year.

Across the street from Garrison lives sixteen-year-old Sondra—her name and those of several other youngsters have been changed here to protect their privacy—who was Grant's pre-kindergarten pupil twelve years ago and whose own baby is due this month. When she was seven months pregnant—a point at which she should have been seeing a doctor at least every two weeks—Sondra has not been to the Howard University clinic in two months because of a Medicaid snafu.

"I am a high-risk pregnancy because I've had infections—you know, girl infections—and because I'm sixteen," says Sondra, as she sits on her front stoop. "My mother been telling me if anything happens to me and my baby, I got a suit." Two months before the baby's due date, Sondra was eager to go into labor. "I want this baby to come now. I want a small baby."

The odds for Sondra's baby are not great. Without proper prenatal care, the chances are much higher that her baby will be born too soon or too small. And the odds for good health are about the same for the children of seven or eight other girls in her sixth-grade graduating class from Garrison who Sondra says are pregnant or have had babies this year.

The incidence of underweight babies—those born at 5.5 pounds or less—is much higher among poor, unmarried, black teenagers than among other mothers, according to the National Academy of Sciences' Institute of Medicine. Low-birth-weight babies are more vulnerable to lung disease, brain hemorrhages, infections, and other serious illnesses. They are 40 times more likely than normal-weight infants to die in their first 28 days, and those who survive often have permanent disabilities such as cerebral palsy or mental retardation, or subtle neurological handicaps—the kind that can be found in classrooms like Grant's.

The causes are many for low birth weight—poor nutrition, high blood pressure, and genital-tract infections in the mother are among them—but three leading factors are smoking, drinking, or drug abuse by expectant mothers. By decreasing the oxygen flow to a fetus, cigarette smoking slows fetal growth, doubles the chance of low birth weight, and increases the risk of stillbirth. Doctors believe a moderate level of alcoholic drinking can damage a fetus, and the babies of heavy drinkers can be born with fetal alcohol syndrome, which can involve nervous system dysfunction and other defects. Drug use by pregnant women can cause congenital abnormalities and drug-dependent fetuses who experience withdrawal symptoms at birth.

Even without these risk factors, babies born to teenagers are in danger because their mothers may not get adequate prenatal care. According to the Children's Defense Fund (CDF), 77 percent of all expectant mothers in the US get care in the first three months of their pregnancy—in the period when most organ development takes place in the fetus—but only 54 percent of teenage mothers do so. In DC, the situation is worse: Only 60 percent of DC mothers received early care in the mid-1980s, and only 43 percent of teen mothers, according to CDF.

The fact that almost 13 percent of the babies born in the District in 1984 were underweight—compared to a national average of less than 7 percent—is related to the fact that DC has the worst infant mortality rate in the nation.

The rate of infant mortality—deaths from birth until a child's first birthday—was 21 per 1,000 live births in DC, almost twice the national average of 10.8 per 1,000 live births. Even compared with blacks in other large cities, DC's blacks fare poorly. According to the CDF, in 1984 the District was second only to Indianapolis in the frequency of infant deaths in the black population.

Although ignorance or lack of motivation are two key reasons why many poor, young women do not see an obstetrician or midwife early in their pregnancies, lack of access to proper care is also an obstacle.

Sara Rosenbaum, director of the Children's Defense Fund health division, says a study of maternity care in the District several years ago showed that there were no clinics in key areas of the city; patients faced lengthy waits for an appointment; pregnant women were being billed for services that should have been free; and there were no Spanish-language applications for Medicaid, the national health-insurance program for the very poor.

Last May the city announced several steps that Rosenbaum thinks might help. They include free care for expectant mothers with annual incomes of less than $20,000; a roving van that provides education and referrals to pregnant women; shorter waiting times and evening hours at some clinics; and child care for children of women being examined.

The city also will take advantage of congressional action last year that allowed states to extend Medicaid coverage to all pregnant women and infants whose family incomes are above the eligibility level for Aid to Families with Dependent Children (AFDC) but below the federal poverty line. Until this change, the only way a poor woman not on welfare could receive Medicaid was after she incurred huge medical bills.

Several private efforts to encourage healthier babies also are under way in Washington. One is the "Beautiful Babies Right from the Start" campaign on WRC-TV, which has heightened public awareness of the issue.

Another, less-publicized effort is the Better Babies Project, supported with public and private funds. Aimed at reducing the number of underweight infants born in nine Census tracts in Northeast DC, Better Babies uses peer counselors to find pregnant women, link them to prenatal services, and provide them with health, education, and social supports. Research results will not be available until 1991, but the project's directors are encouraged by the large number of prospective mothers volunteering for the program.

Preventing low birth weights not only saves lives and avoids health and learning problems later, but several studies indicate that significant savings are involved.

The Institute of Medicine calculated the average cost of prenatal care for a woman at about $400 while figuring an average cost of $13,616 for initial intensive care for an underweight newborn. Almost 20 percent of low-birth-weight babies must be rehospitalized in their first year, at a cost of at least $375 a day—and potentially as high as $1,000 a day in an intensive-care nursery.

As philanthropist Irving Harris put it to a congressional panel this fall: "Womb rent is the cheapest rent."

At lunchtime on the first day of school this fall, every child in Grant's class except one ate Garrison's free lunch: sloppy joe on a bun, a pear half, French fries, and milk.

The one who didn't eat it, six-year-old Catherine, brought this in her bag from home: a Kraft cheese snack, potato chips, cookies, two miniature candy bars, and a grape-flavored drink.

Grant was annoyed and told Catherine's mother so. "Don't send her that mess. You paid at least three dollars for that junk. You could buy a pound of hamburger for that. At least make her a sandwich, if you insist on sending something."

Garrison provides free lunches and breakfasts to 310 of its 372 pupils. To qualify for a free meal, the yearly income for a family of four must be $14,560 or less. For children in a family of four earning under $20,720 a year, meals for ten cents are available.

Educating parents about Garrison's government-subsidized meals is one of Grant's crusades. She knows that many children exist on sugary, salty diets and that some of her pupils aren't getting enough to eat at home. And she knows that empty stomachs get in the way of learning. "On Monday mornings they're very hungry. School lunch is what saves them."

It is a rare child anywhere who eats as well as he should, and in many hectic, middle-class homes the meals come up short nutritionally. In the inner city the problem is complicated by poverty—especially for families who earn just enough to be ineligible for food stamps—ignorance, and neglect.

Edward Jackson, who owns a corner grocery across from Garrison, sees that neglect on school mornings. "Kids come by before school asking to buy a penny cookie. 'Look,' I say, 'have you had your breakfast yet?' They say, 'Nah, mommy said to go buy some cookies.' "

Diet problems—which can lead to tooth decay, anemia, obesity, hypertension, and diabetes—often can be traced back before a child's birth, when an expectant mother's bad eating habits can hinder fetal development. Low-income children who are born too small and grow poorly tend to score below average on intelligence tests, according to pediatrician David Paige, a professor at The Johns Hopkins University.

If babies and toddlers do not take in enough calories, they have less energy and are less likely to involve themselves in the world around them, which can slow their intellectual growth, Paige says. Researchers have found that children with iron-deficient diets, in particular, are less alert and have lower educational test scores than those with adequate diets.

In infancy, breast milk is the best nourishment, and it helps fight off infection by immunizing a baby with the mother's antibodies. Yet, for cultural reasons, many young, low-income, poorly educated women shun breast-feeding.

Lillie Williams, a Howard University professor who chairs DC's Committee for Breast-Feeding Promotion, says these mothers see bottle-feeding as socially preferable and more convenient; they view nursing as old-fashioned and something that will make them less desirable to men. Although breast-feeding is on the rise among affluent white women—in Northwest DC's mostly white Ward 3, breast-feeding was used in 1986 by nearly 80 percent of the new mothers, according to a city survey—it has not caught on in low-income areas.

Many young mothers have little understanding about feeding an infant. At the DC Parent Child Center, a child-care and parent-education program six blocks from Garrison, a counselor recalls watching a teenage mother give a popsicle to her three-month-old baby on a hot summer day because she thought it would cool off the baby—oblivious to the fact that the sugar, additives, and freezing temperature could hurt the infant. At the Parent Child Center, teachers try to expose children to vitamin-rich foods in the hope that the children might influence their parents' shopping patterns.

Through aid such as food stamps, school lunches and breakfasts, meals in day-care centers, surplus food distribution, and WIC, the US has made a major dent in hunger and malnutrition in the past two decades.

But the Children's Defense Fund says progress is slowing because of efforts by the Reagan administration to snip away at these programs—the most notorious case being the Agriculture Department's attempt to classify ketchup as a vegetable on the school-lunch menu.

WIC is an example of a program with proven cost-effectiveness but one that children's advocates believe is underfunded.

Through WIC, vouchers good for iron-fortified cereals, fruit juices, cheeses, and other high-protein foods are supplied to low-income women who are pregnant, have recently delivered, or are nursing, and to infants and children up to the age of five who are diagnosed as being at nutritional risk. To qualify in DC, income for a family of four must be $20,720 a year or less.

Several studies have documented how high-risk women participating in the WIC program tend to deliver bigger, healthier babies less likely to be premature. One finding was that the head sizes of WIC babies were significantly larger than those of comparable newborns, which may imply better brain development. Another new study shows less anemia in children receiving high-iron foods through WIC. Other evidence points to improved cognitive development among babies whose mothers participated in the WIC program while pregnant and among preschoolers who started in WIC as infants.

Despite these positive results, the Agriculture Department reports that nationally, only 40 percent of the eligible women and children are involved in the WIC program; the program's reach is better in the District, where WIC serves half of those in need.

While WIC's most impressive results are with pregnant women and infants, some officials are worried about federal pressure on the states to concentrate on expectant mothers at the expense of children between one and five.

On Garrison's playground one day in September, one of Joan Grant's five-year-olds fell and cut her leg. Within minutes the girl's mother fetched the sobbing child and took her to the Howard University Hospital emergency room, where doctors put ice packs on the small wound and sent her home.

Why the emergency room for such a minor injury? "Because they don't have to pay," Grant guesses.

Health care for impoverished children often works in this ad hoc fashion, with parents turning to emergency rooms for sudden illnesses but skimping on preventive measures such as regular checkups and prompt immunizations. Finances play a key role, particularly for working parents who don't have health insurance but earn too much to receive Medicaid, which covers medical bills for the very poor. Inadequate medical care in the inner city also is a factor.

On the whole, Grant finds her students healthier today than they were ten or fifteen years ago. Most are immunized against major childhood diseases, and many of the poorest families take advantage of Medicaid. But some still face serious sickness because of their environments. In crowded apartments, communicable diseases spread rapidly. Last winter one of Grant's pupils was hospitalized with frostbite when the landlord refused to fix her family's furnace. Accidents also are a major concern; in October, a nine-year-old boy and his nine-month-old sister living near Garrison were critically burned while playing with matches.

At the Shaw Community Health Center, a clinic used by many Garrison families, pediatrician Leticia Oswald confirms Joan Grant's opinion that poor children tend to be less sickly these days. But Oswald says an enduring problem is anemia—an inadequate supply of the red blood cells that carry oxygen to the tissues—which often results from low-iron diets. High lead absorption is another problem, which may occur when children ingest dirt dusted with lead-based paint flakes. In addition, Oswald says, she regularly sees symptoms of carelessness—such as children burned by curling irons—and victims of sexual abuse.

The general improvement in the health of poor children that Oswald and Grant note fits a national pattern—experts have seen major gains across the US with the advent of Medicaid and other government medical help.

Vaccine drives have substantially reduced the incidence of measles, rubella, mumps, polio, diphtheria, pertussis, and tetanus. The provision of medical and dental care to children in Head Start has improved their health. Medicaid has opened the door to medical care for millions; according to CDF's Sara Rosenbaum, the poor used health care half as often as middle-class families before Medicaid, but that disparity has now ended. And studies have shown that children who receive preventive care through Medicaid's Early and Periodic Screening, Diagnosis, and Treatment program (EPSDT) have fewer abnormalities than non-participants.

"It's extremely cheap to provide these services, when you consider that prevention programs like immunizations and metabolic screening have a payoff of as much as $14 for every dollar invested," says Sam Flint of the American Academy of Pediatrics.

Still, like many programs for the poor, these services do not reach all the children who need them. In the early 1980s, federal budget cuts led many states to reduce the number of poor persons insured by Medicaid. Flint figures that 52 percent of children below the poverty line do not receive Medicaid benefits. Only a fraction of the nation's needy children receive EPSDT help, and although there has been progress in the immunization of school-aged children, fewer children between the ages of one and four are getting vaccinated on time. Half of all black preschoolers are not fully immunized, according to the Children's Defense Fund.

Because Medicaid is a federal-state partnership, there are large differences in the extent and quality of medical services from state to state. And the District, according to one congressional expert, "is not a well-organized, well-run city for health services for the poor." Rosenbaum says the same problems that are associated with maternity care in DC—language barriers for Hispanics, for example—also plague pediatric care.

Frederick Green, a pediatrician and professor at George Washington Medical School, says the maldistribution of doctors in DC is a problem. The majority of DC doctors practice in Ward 3 in Northwest, whereas the vast majority of young children live in Wards 6, 7, and 8 in Southeast, Green says. "Only about 10 percent are in practice in those three areas." The fact, Rosenbaum says, is a chronic problem for the poor: "Doctors go where the money is."

To help remedy this, Ruth Rucker, director of the DC Parent Child Center, suggests having a mobile health van that would provide immunications and checkups for children. Another key, Green says, is "to motivate people to use the services that are available." Even when Medicaid is working well, it does not reach many families who badly need help with their medical bills—the so-called working poor.

"When we say Medicaid is for the poor, we don't really mean that. We mean the poorest of the poor. And in some states, even among the poorest of the poor, if the father is living at home they won't get coverage," says Democratic Congressman Henry Waxman, of California, chairman of a House health subcommittee.

Of the roughly 35 million Americans without private or public health insurance—many from middle-income homes—one-third are children, according to the CDF. The children without insurance are often like those in Grant's classroom: Their mothers work at fast-food restaurants or as temporary clerks and don't receive health coverage.

Even those who have private insurance may not be reimbursed for well-child checkups. "Children need preventive care more than they need acute and chronic care, but insurance generally covers only acute and chronic care," says Sam Flint.

In Grant's pre-kindergarten class two years ago, eighteen of her twenty pupils were veterans of a nursery school or daycare center. Last year just six or seven of the nineteen children had preschool experience before they turned four.

"I was away 21 days last year because I was wiped out," Grant says. "You get a group of children who don't answer to their names. I had one child who couldn't find something red, like a red flower or red book, and there were other children who had never held a crayon in their hands.

"The year before last, when I had a delightful group, I didn't miss more than two days. The children with earlier training came in the first day and said, 'I can do all this.' They were self-directed, they didn't hang around my desk or stick to their mothers. When I told them the story of the three little pigs, one boy jumped up and said, 'Can I do the rest?' I did not have to teach the alphabet that year, any numbers up to 25, colors, or body parts. And they had good social skills, too. I always heard pleases and thank-yous. I told those children, 'I'm so glad you found your way to my room.'"

Grant's observations of how group experiences help prepare young children for elementary school add her voice to a national chorus of support for high-quality early-childhood education.

The number of American children enrolled in preschools has risen dramatically in the last fifteen years. In 1970, 21 percent of three- and four-year-olds were enrolled in nursery schools, a figure that climbed to 39 percent in 1985, according to the House Select Committee on Children. But while more than half of all three-year-olds in families with incomes above $35,000 attend preschool, a Columbia University study found that in families earning less than $10,000 a year, only 17 percent of three-year-olds were in preschool.

The District is ahead of local suburban counties in providing an early-childhood classroom—either pre-kindergarten or Head Start—in every city elementary school. Suburban school districts offer Head Start, but pre-kindergarten classes are less common.

Although there has been much criticism lately of academic content in some nursery schools—which has given early schooling something of a bad name—research has shown intellectual and social gains for low-income youngsters in good preschools, as well as a long-term payoff in reduced dropout, illiteracy, and welfare-usage rates.

How early should early-childhood education begin?

For children at risk, many experts think training should begin soon after birth. This does not mean producing "gourmet babies" who read and speak French; rather, it involves teaching parents how to stimulate and respond to their infants in appropriate ways.

The push for very early intervention acknowledges the Committee for Economic Development's point that even if every state offered excellent preschool to all low-income four-year-olds, the extra year of school may not make up for several years of deprivation. What is needed, the CED says, are programs for parents, infants, and toddlers outside the traditional boundaries of schools.

Eleanor Szanton, director of the National Center for Clinical Infant Programs, says, "There has been an explosion of research the last twenty years that has identified how much more infants can do and are aware of and how vulnerable they are. That is being translated into all these new books for parents that are scaring them half to death. But this research also has shown us new ways of working with infants and families."

Scientists know that with the brain's rapid growth during infancy, the first year of life is a ripe time for learning, especially if a baby has an environment rich in sensory and emotional experiences. Scientists also have established that there are key mother-child interactions in infancy that lay the groundwork for a child's personality and intellect.

Stanley Greenspan, a child psychiatrist on the faculty of the George Washington Medical School, says that instead of wooing their infants, overstressed mothers may be aloof or may overstimulate them. The result can be infants with disorganized sleeping and eating patterns who appear to withdraw from the human world, or toddlers who are aggressive and impulsive. Later they could have trouble with language or difficulty knowing what is real, controlling moods, or concentrating on learning.

Intense work with troubled families can prevent such problems, Greenspan says. Considering, for instance, that language development starts at about four months of age, Greenspan says a speech defect can be identified long before a youngster turns three and parents say, "John is not talking."

One state that has been a pathfinder in infant education is Missouri, where the Parents as Teachers Program sends educators into homes to teach child-rearing skills to parents with children up to the age of three. Early conclusions show that children in the program scored much higher on intelligence tests than a comparison group.

The DC Parent Child Center, at 13th and W streets, Northwest, is one of the few local agencies that serves low-income children from birth to three years of age. The program is one of 36 such centers nationwide that are run under Head Start's aegis.

Director Ruth Rucker calls PCC "one-stop shopping" because its services cover everything from day care to a medical clinic to speech therapy. But a central theme is parent education, particularly for teenagers enrolled in PCC's junior-parent classes.

"Birthing a child does not mean that person has the know-how to be a parent. They don't see it demonstrated at home and they don't get it from newspapers or magazines, because some of them can't read," Rucker says. "If you don't get the parent and child from birth to age three, you have lost an awful lot of ground, because so much of their learning develops in that time and so many patterns are established for life."

One PCC service sends staff members into the homes of needy women with infants and toddlers. They teach mothers how to stimulate their babies, and help with the basics of survival.

"These are people who are underdogs all their lives and have a baby so they can have someone to love," says Rucker. "When PCC comes knocking on the door, to some parents it's like a dream come true." But the PCC program drains its resources; in some areas, staffers must work in pairs because of the high crime rate.

For preschoolers living near Garrison, there are a variety of services, although several, like PCC, have long waiting lists. There is a Head Start class down the hall from Grant's classroom, and several churches offer day care.

One exceptional program housed at Garrison but open to children citywide is the therapeutic nursery run by psychiatrist Alberta Vallis. Geared to childen from two to six who have psychological and learning disorders, the nursery emphasizes language skills and good behavior and requires that parents spend one hour a week in the classroom and with the nursery's social worker. Vallis also pulls in, on a temporary basis, children from other Garrison classrooms who have trouble paying attention.

In the nursery, Vallis and her staff won't let the children shake their heads in answer to a question, insisting that they use words. They try to interest a child in a book for at least four minutes, and when an active three-year-old pops out of his chair after one minute, Vallis gently presses him down again. The children's emotional well-being is a central concern, given that several are the children of drug addicts or have lost parents or siblings at an early age—in at least one case from alleged physical abuse.

Vallis's brand of therapy is only available at two DC schools, and she thinks the program needs to be expanded because the schools have a captive audience of children who may never get to mental-health clinics.

Says Vallis: "I'd rather take care of five babies today than five criminals in fifteen years. And the city can handle that. It doesn't cost that much."

For low-income children, early education more than pays for itself. The most powerful proof comes from twenty years of research on the Perry Preschool Project in Ypsilanti, Michigan.

Tracking 123 poor black youngsters who amended the Perry program in the early 1960s, the High/Scope Educational Research Foundation found that when compared to children who did not go to preschool, the Perry youngsters had better grades in elementary school; that they needed less special education; and that twice as many went on to college or vocational training. By age nineteen, more of the Perry graduates held jobs, and fewer were pregnant as teens, arrested for crimes, or on welfare.

David Weikart, High/Scope's president, told Congress that an initial investment of about $5,000 per child for one year of preschool (and later another $1,000 for post-secondary education) produced long-term savings to taxpayers of about $5,000 for special education, $3,000 for crime, and $16,000 for welfare assistance. Moreover, preschool alumni were likely to pay $5,000 more in taxes because of improved lifetime earnings. Put simply, for every dollar invested, the return to society comes to about $4.75.

The largest national preschool program for disadvantaged youngsters is Head Start, created in 1965 during President Lyndon Johnson's War on Poverty. Head Start is more than education; children receive nutritious meals, plus vaccinations and medical and dental care. Their parents, who help run the program, often emerge with career training and jobs.

Head Start programs vary from place to place, but Weikart says graduates of good programs—which may be similar to Ypsilanti's Perry preschool—are less often placed in special education and more likely to finish high school.

Head Start's political popularity made it one of the few social programs to escape President Reagan's budget cuts in the early 1980s. Nonetheless, Head Start felt the pinch when items such as child-care meals are cut. And because of funding limits, Head Start still enrolls just one-fifth of the 2.5 million poor children who need it.

One caveat that educators raise about preschools for children of any income level is that they must be appropriate to three- and four-year-olds—emphasizing play, building confidence and social skills, and focusing on a child's own interests—rather than becoming watered-down versions of third grade.

It is easy to blur the need for early-childhood education with the need for child care. And experts say that given the high cost of day care, much of the demand for early education in public schools in really a smoke screen for free child care.

Connie Mair, DC's director of early-childhood education, concedes the dual motivation, for the city's pre-kindergarten classes. "Historically, we've wanted young children to have educational experiences as early as possible, to get them into a stimulating environment. But now the school board is also responding to today's working mother who needs child care."

Good day care is one of this country's unmet needs—for families of any social class. In 1987, 57 percent of all mothers with children younger than six were in the labor force, but the supply of child care has not kept up with these new demographics. For women in the inner city struggling to get off welfare, the need is even more acqute.

Welfare-reform legislation moving through 'Congress this year would provide more federal support for child care so women could work their way off public assistane. But based on its past record, Congress generally balks at expending federal involvement in child care. According to Children's Defense Fund officials, the federal government is now devoting fewer resources to help poor familes pay for child care than it did in 1981.

At Garrison, rooms are leased to the Learning Corner, a privately owned day-care center that accepts children as young as four months old. the center, open from 7 am to 6 pm, also cares for Garrison pupils before and after school for $30 a week. Several local churches offer child care, and at nearby Cardozo, High School, teenage mothers who want to finish school can use an infant-care center at the school.

Grandparents often fill the child-care gap in the Garrison neighborhood. But many small children are left in the care of older siblings—who may be just six or seven years old themselves.

The sad part for parents who do find day care is that not all programs are well run. They may be staffed by untrained, underpaid people, and there is high staff turnover. "Day care for infants and todlers in most underclass communities is so bad it is almost beyond descripiton," says Judith Musick, director of Illinois's Ounce of Prevention Fund. Adds Marti Worshtil, of the Prince George's County Office for Children and Youth: "The more the parent can pay, the better the day care."

In the doll corner in Garrison's pre-Kindergarten, Joan Grant used to watch the little girls at play. "You shut up," a four-year-old would shout at the baby-doll as she slammed it into a toy carriage.

On the playground this fall, a little boy stood beside the slide and reached up the skirt of a classmate, grabbing at her as she tried to push him away. "Even at four they know about sex; they sleep in one bed with the mother and boyfriend," Grant says.

Children imitate what they see, and physicial and sexual abuse are very familiar to some low-income children. The worst cases become newspaper headlines—"NE Boy, Twelve, Charged in Toddler's Beating Death," and "Death of Eight-month-old in DC Raises Disturbing Questions," to cite two within a month's time last summer. Children's Hospital officials say they see about 1,500 cases of abuse and neglect annually, and national statistics show a rise in the number of serious incidents.

At the Parent Child Center, concern about abuse is so strong that when the staff checks children each morning for rashes or signs of illness, they also scan for welts or bruises. Part of this is self-interest; they don't want parents to pick up their children at the end of the day and accuse staff members of having inflicted the injuries.

In her 30 years of teaching, grant says she has taken two child-abuse cases to court. But she also has seen evidence of physicial punishment that, while not clear-cut abuse, may have gone too far.

Grant once noticed that a boy had strange marks on his leg. When confronted, the mother admitted to lashing him with a belt.

"He's only four," Grant said. "What could he have done to make you so mad?"

The mother answered that the boy had taken a bite out of a block of cheese in the refrigerator. "I would rather him bite a piece of cheese than take out a knife and hurt himself." Grant told her.

More common than physical beatings, Grant says, are the psychological assaults by parents. "They tell them, 'You are stupid, you are dumb, you are bad,' I have cried at what I heard one mother say to a child: 'You are the ugliest, stupidest thing I ever saw in my life.' The pain of the physical abuse is going to go away, but the pain of emotional abuse lives on and on and on."

Last year a four-year-old in Grant's room never uttered a word, and her older sister also never spoke in school. Grant asked the mother why the girls didn't talk and the mother said she had no idea. "Then at three o'clock when she would come for them, I discovered why they were not talking. They wanted to show her something they had done during the day and she fussed at them the whole time. She would say, 'Shut up, I don't have time to look at that. I'm tired, I've got to fix your dinner. You're going to go in and look at television.' "

Much of the battle for a teacher like Grant is against the environment: the drugs, crime, run-down housing, teenage pregnancy, absentee males, and other inner-city maladies. As psychiatrist Alberta Vallis puts it: "The enemy outside is pervasive."

Grant has had children bring in drug needles from the street and tell her how to use them. One boy told a visitor—with some embellishment—that "everything they got for grown-ups they got for kids. They even got reefer bubble gum."

Some of the most piteous cases involve children of drug abusers. One five-year-old, the son of a heroin addict, has trouble making logical connections. When Grant asks him to tell her something about a red leaf, he replies: "The red leaf is yellow." Another boy told Grant he was sleepy when he got to school because "my mother and her friends smoke herb at night and listen to music, and I can't go to sleep."

Crime is another stubborn reality. Behind Garrison's playground is an abandoned building; Grant's children tell stories about it that sound like the work of a child's active imagination. "I saw somebody drinking at that white house. It was somebody who raped kids," Andre says. Adds Robert: "The house over there, a whole lot of dead bodies in it, and a whole bunch of guns, and blood on sticks and knives."

When the teacher's aide is asked about their stories, she says, "Those aren't tales. A woman was raped there last year, and homeless people live there. Those things go on."

Crime even hinders Garrison's Head Start teachers from recruiting pupils. "Fifteen years ago we went door to door to find kids. You can't do that anymore. It's just not safe," says teacher Beryl Hager.

Garrison's enrollment area stretches from 9th to 16th Streets, NW., reaching from Logan Circle and Shaw to the fringes of Dupont Circle and Adams Morgan. Housing prices in the area have soared as affluent whites have bought property there, forcing low-income families into an ever-shrinking supply of affordable homes. PCC's Rucker says it is not unusual to find fifteen persons living in a three-bedroom apartment, and the conditions can be deplorable.

One of the most negative influences is the absence of men in many homes. Only six children in Grant's class last year had both a mother and father at home; most live with their mothers or grandparents.

Those men in the community who have stable jobs try to function as role models. One is Sterling Robinson, a DC police officer assigned to Garrison; he tries to befriend the children. Another is shopkeeper Edward Jackson on 11th Street. Children call him Jack and bring him their report cards; if they have too many Cs, he won't sell them candy.

"The kids come down here, and I try to father them," Jackson says. "Sometimes they get more attention from me than they do at home. They ask me if I will adopt them."

Andrea Irby, Garrison's principal, is determined to keep the social pathology—especially the drug-and-sex traffic—away from the school yard. And she tries to counteract the negative influences by hunting down good role models in the community. One Garrison program brings in mentors from the nearby Metropolitan Baptist Church to work with top students.

But Irby and Grant and other Garrison teachers face a dilemma that Daniel Patrick Moynihan highlights in his recent book, Family and Nation: "On balance, the school is a weak institution compared with the home."

Grant knows that to change children's lives she needs to change their parents' lives; when she looks at her brightest students, she often finds they are from stable homes with working parents. Yet even in the poorest homes, she thinks the children have a good chance if their parents have some hope for bettering their own lives.

But too many young single mothers have no self-esteem. Some were Grant's pupils fifteen or twenty years ago, and some still need her help. Once recently she lent a mother a picture book called "Leo the Late Bloomer" to explain how her child was slow to develop. When the mother returned the book, she let it slip that her eleven-year-old brother had read it to her. When Grant discovered some other parents were illiterate, she arranged a reading class for them.

One of Grant's success stories is Anita Bailey. Bailey was on public assistance when Grant taught her daughters a few years ago. "I told her she's too smart to sit home and collect that check," Grant says. She started using Bailey as a volunteer in her classroom, then helped her find a day-care job. Bailey later took courses in early-childhood education at Howard University. Today she is a teacher's aide at Garrison and president of the PTA, and her two daughters are in the school's gifted-and-talented program.

"Unless there's a miracle," Grant says, "I can usually tell on the first day of school who can make it and who can't."

But she doesn't give up on any of her pupils. She wants to prove that the kindergarten experience need not be too late.

"If I were in college the last five years and did all that reading and theorizing and then was thrown into a classroom like this, I would have quit. But having a few years under your belt, you always feel like you can make a difference."

Grant has a gentle touch that makes her students feel special. Consider Tyrell who was hazed last year because he wore eyeglasses. She told him, "I picked you for this room because you wear glasses and so do I. I picked you so I would not feel lonely." The rest of the day Tyrell proudly sat up, straightening his glasses.

Grant can also be stern and forceful with the children. She will not let them gesture of shake their heads, and she nags them to enunciate every word: "You have to move your lips. See how I use my lips and my teeth and my tongue?" After the class quickly memorized a poem, she said to a visitor: "All it took was insisting they listen to me. If teachers insist upon excellence, that's what they get."

For the ten months that children are in Grant's care, she does everything in her power to overcome any handicaps they bring to school. And they get constant encouragement. When the children learn a lesson well, they chant: "I did good. I did real good. I'm a super kid."

"Children are not born dumb. We make them dumb by not encouraging the best," Grant says. And then she delivers her message for parents and teachers and society about how to treat little children:

"Most people say, 'I love my child to death.' But I always say to love that child to life."

Hurried Kids: A Look at the Pressures of the Suburbs

The kindergarten pupils in Maura Freibaum's classroom were looking droopy one day last spring. So she pulled them into a circle and asked them how they felt.

"Like a melted ice cream cone," one little girl said.

To Freibaum, a teacher at Montgomery County's Somerset Elementary School, the melted ice cream cone was an apt image for the condition in which she finds many five-year-olds in affluent suburbia today. Freed from the basic worries that confront impoverished children at places like DC's Garrison School—whether they will have enough to eat, whether the apartment will be warm in winter—children at places like Somerset face their own set of pressures. Some are shuttled to day care before and after school, some live in broken homes, some deal with an unrelenting push to excel. And many young children, Freibaum says, are in the same shape as the adults around them: tired and stressed.

"Children here may not live in noisy homes where people are smoking dope," she says, "but stresses make it possible for a child to be treated as a *thing*—you move 'em from place to place—rather than someone you're involved with as a person.

"I see things basic to children that cut across class lines. They can happen in poverty, they can happen any old place. Deprivation comes in a lot of forms."

In *Privileged Ones*, the last volume of his "Children of Crisis" series, Harvard psychiatrist Robert Coles looks for parallels in the psychological lives of children different from one another by virtue of fate or family circumstance, or wealth, poverty, or race.

"How does one compare," Coles asks, "a boy's struggle with the consequences of poverty or racial prejudice with a rich boy's struggle with a self-centered, possessive parent who is lavish with gifts but unyielding with demands? How does one compare suffering—a migrant girl's effort, against enormous odds, to find some place or objects that signify constance, in contrast with another girl's wish that for at least once her corporation-executive father will stay put for more than a year or two so that she won't be moving, always moving, from suburb to suburb?"

By any standard yardstick, children in places like Somerset have an easier start in life. They come from the kind of homes Coles calls "comfortable, comfortable places": spacious houses with playrooms filled with games, toys, and books. In Somerset, a leafy Chevy Chase community, the average family income is three times higher than it is near Garrison School.

The children in well-to-do neighborhoods are often a step ahead when they get to kindergarten. In the first weeks of school this fall, when Freibaum asked her pupils to name some "B" words, the products of *Sesame Street* and nursery schools easily rattled off twenty words that start with "B." When she asked them to become "happy statues" the children—in T-shirts from the Yale peabody Museum and Franklin Institute and other places they have visited—knew exactly how to freeze like a statue. At story time, the children shouted, "I know that book. I have that book at home."

"The kids are bright, they are sweet, they are well put together," Freibaum says. "These kids are going to make it." Much like Joan Grant at Garrison School, Maura Freibaum is a skilled teacher with a sense of amusement and affection for five-year-olds. But she worries that her pupils are short-changed by being in a classroom all day with 29 children, one teacher, and a part-time aide. In contrast, in Grant's DC classroom, eighteen children are assigned to one teacher and a part-time aide.

"It's herd and feed," Freibaum complains. "If I have a kid who has a problem, I've got less than ten seconds to calm him down before I lose the group. That kid is stressed and so am I. Five-year-olds need 'lap time,' and there isn't enough of that."

Freibaum thinks all-day kindergartens should be staffed like day-care centers—were more adults look after the children—because active five-year-olds can't cope well in a large group six hours a day.

"If we all agree that young children, for whatever reasons, are going to be taken care of outside the home, we need to staff those situations with great care and great thought about what five-year-olds need. If we don't, we're going to have negative behaviors emerge that we hadn't counted on."

On the bulletin board outside Freibaum's classroom are family portraits drawn by the children. Under his stick-figure family, one boy dictated a caption about his father: "He's tired."

"Harried-parent spill-over is endemic to Washington," says a kindergarten teacher in an upper-middle-class neighborhood in the District. "Being frantic is in the air. And you see the residual effect in the kids; the kids are tense."

At Somerset, Freibaum says, "the parents are sensitive and conscientious and they know what is good for children. But it's hard to pull it all together with today's societal pressures."

One situation Freibaum often sees is parents who are so busy that they would rather do something for their children than teach them how to do it themselves. "There's a difference between putting a kid's bag on his back and pushing him out the door, and saying, 'What do you need to gather for school today?' "

With well-educated parents in high-powered professions, one enormous pressure on many young children in Washington is the drive to achieve. In Arlington, one mother signing up two years in advance for a special kindergarten program bragged that her daugher could read 30 words "and she's only three." Near Georgetown, a kindergarten teacher says a mother brought her pre-school son to the elementary school every day and told him, "you will fail everything if you don't learn your letters," the teacher recalls. "By the time the kid got to me, he was traumatized."

Educators are increasingly concerned about learning burnout, or what Tufts University professor David Elkind has labeled "the hurried-child syndrome," in which children are taught too much too soon.

As nursery schools have taken over the kindergarten curriculum, there has been a push to teach reading, writing, and arithmetic in kindergarten, even though many five-year-olds are not mature enough for such subjects. Rather than have children fall further behind in first grade, a growing number of parents and teachers are holding back children for a second year of kindergarten. And some states—including Virginia—are responding by setting earlier cutoff dates for kindergarten entrance, requiring a child to be five years old by September 30 rather than December 31.

At Somerset, high expectations are evident at the meeting for kindergarten parents before school begins. "Do the kindergarteners get report cards?" asked one father. "Will the kindergarten children have an opportunity to use the computer?" another asked.

Even though many Somerset parents say they don't want to push their children, some kids already have decided to push themselves. After a few weeks of school this fall, one mother told Freibaum that her five-year-old son complained that school wasn't hard enough. "We had to convince him," said the mother, "that kindergarten isn't supposed to be hard. It's supposed to be fun."

WILL POLITICIANS DO MORE THAN KISS BABIES?

Children cannot vote or lobby or speak for themselves, Marian Wright Edelman often says in her role as president of the Children's Defense Fund. But this year—on the White House campaign trail, in the halls of Congress, in the nation's state houses—the needs of children are getting more attention.

No longer appealing only to compassion and moral outrage, politicians are speaking from the perspective of American competitiveness and investing in the future. They are talking about the wisdom of spending money on preventive programs rather than paying for the social wreckage later. And they have found one issue—child care—that cuts across class lines and attracts dual-career baby boom voters.

The rhetoric has yet to be followed by a significant commitment to services for young children. Kids' advocates in Congress say they still must scratch and claw for money even for services with proven effectiveness.

Bill Harris—the founder of KidsPac, a political-action committee that supports candidates who favor children's issues—has long believed it is "good economics and good science" to support early-childhood programs. But it wasn't until he hired Peter Hart to do a nationwide poll that Harris became convinced that it is also good politics.

Hart found that children's issues rank as high as foreign trade in the minds of many voters. Seventy percent said the next President should work to improve early-childhood health, and 52 percent want more attention for preschool education. Hart found that people from 18 to 34 years old would much rather pay more in taxes for early-childhood services than for defense or cutting the national deficit. "Baby boomers," Hart says, "are now child-conscious."

In Congress, support for children's programs has been building since 1983, when members began to see evidence of the damage done by the 1982 recession and by budget cuts to social services, such as school lunches and Medicaid. "With escalating poverty rates and infant mortality headed in the wrong direction, it finally dawned on politicians that we really screwed kids," says one children's lobbyist.

The first step, led by George Miller and fellow California congressman Henry Waxman, was to fend off new spending reductions. Then, starting last year, Congress began to expand funds for programs affecting children, such as Medicaid coverage for pregnant women and infants. This year's focus has been on welfare reform, with senator Daniel Patrick Moynihan of New York trying to move attention away from "welfare queens" and on to the fact that children comprise two-thirds of those receiving benefits.

One reason for the shift on Capitol Hill was a change in the rhetoric. In late 1982 the House created the Select Committee on Children, and the panel deflated the

Reagan administration's "wasteful spending" arguments by demonstrating that not funding programs with a proven track record will cost far more later. The committee also won support from conservatives, such as abortion opponent Henry Hyde, congressman from Illinois. Says Hyde: "The complaint about pro-lifers is they lose interest as soon as the baby is born. I want to exemplify a more comprehensive approach to human life."

Despite these advances, these services do not reach all who need them. "The dollar amounts are embarrassing," Miller says.

Adds senator Dale Bumpers of Arkansas: "Any member of the US Senate would say we've got to produce healthy babies and see that they stay healthy and educate them. But if you go down to the Appropriations Committee and try to get $200 million for one of these programs, all you get are budget constraints and no money. Plenty of money for MX missiles and Trident submarines, but no money for the thing that determines if this country will survive as a viable civilization."

While lobbyists for poor children—such as the Children's Defense Fund and Center for Budget and Policy Priorities—are well respected in Washington, they lack the clout of a monied interest group like the defense industry, or groups with a huge voter base, such as the nation's elderly.

Beyond the traditional children's lobbyists like CDF, Congress is hearing from two other important groups: the nation's governors and business leader.

In the past few years, the governors have taken a a major role in shaping the domestic agenda. Concerned about infant mortality, southern governors pushed Congress to separate eligibility for Medicaid from AFDC so more expectant mothers and infants could be served. And in their push for school reforms, the governors have called for more spending on early-childhood programs.

From the private sector, a study on "Children in Need" came out in September from the Committee for Economic Development, made up of 225 corporate leaders. Voicing concern about how the failure of children in school could spell economic failure for the country, the CED called for early and sustained intervention in the lives of disadvantaged children. Such aid could cost $11 billion the first year.

Another important step occurred last spring when Primerica Corporation chairman William Woodside recruited top corporate executives to testify for more spending on Chapter I, which helps disadvantaged children with reading and math.

Woodside says, "The product of the educational system has a direct business impact. If you don't have an educated work force, who's going to run your plants? If you have a permanent underclass, who will buy your products? It's much easier to make this point than trying to argue the moral or ethical issues."

WHAT WORKS: THE BEETHOVEN PROJECT AND OTHER GOODS IDEAS

On a hot Sunday in May, 25 infants were welcomed into the world of the Robert Taylor Homes on Chicago's south side. At a naming ceremony in a community gymnasium, every baby born since January 1 of this year was held up to an audience of friends and relatives by their proud mothers—including one who was thirteen years old—and a few fathers.

The Robert Taylor Homes are about the last place in America where anyone would want to begin life—a desolate two-mile stretch of brick high-rises. This public-housing project is populated mostly by black single mothers and their children living in a world where unemployment, welfare checks, drug habits, gang terror, and dropping out of school are embedded ways of life.

But in 6 of the 28 Taylor buildings, an experiment started this year to try to end that pattern for the project's youngest residents. Every baby born in those buildings after January 1 can take part in the Center for Successful Child Development program, informally known as the Beethoven Project because it focuses on each child who will enter kindergarten at the nearby Beethoven Elementary School in the fall of 1993. The baby-naming ceremony was a symbolic demonstration of the value that will be placed on young lives.

The Beethoven Project—a public-private collaboration inspired by Chicago businessman and philanthropist Irving Harris—is a womb-to-kindergarten program. Although it is new, Beethoven's early and comprehensive intervention in the lives of disadvantaged youngsters is likely to be watched closely by policymakers searching for programs to break the poverty cycle.

Whether funded by the Government, a foundation, a church, or one individual, what are the qualities of a good program for young children?

Looking at examples around the country, the National Governors' Association concluded that any program first must care for a family's basic needs: food, clothing, shelter, medical care, and income. Secondly, the NGA said that intervention must begin as early as possible in a child's life to have any chance of success.

The NGA says the best programs tend to reach into families' homes, rather than expecting them to report to agency offices; must target multiple problems in a family and use several agencies to fix them; must mix public and private funds; must include some evaluation report; and must stress parent involvement.

Child-poverty expert Lisbeth B. Schorr, the author of a forthcoming book on how to help disadvantaged children, says the best programs for high-risk children weave together health, education, and family-support services. Another key, she says, is establishing trust and respect between families in need and the individuals helping them.

The NGA and the Committee for Economic Development have compiled lists of outstanding prevention programs around the country. They include the Christian Community for Action day-care program in Annandale, and Maryland's Family Support Centers, which are drop-in programs for teen parents and their young children.

The services of Chicago's Beethoven Project are not novel: medical care, nutrition advice, infant day care, Head Start classes, and other family supports. What makes Beethoven special is that it is so comprehensive and it targets all the children in a defined community. The goal is a 1993 class of kindergarteners ready to learn at a school with the lowest achievement scores in Chicago, says project director Gina Barclay McLaughlin.

"Many children from poor families enter kindergarten unprepared to take advantage of the educational system," McLaughlin says. "These children will almost certainly fail in school. If more than one or two such children are in a kindergarten class of 30, the whole class will be shortchanged because teachers cannot cope with the resulting class disruption."

Harris, whose $600,000 contribution to Beethoven will be matched over the next three years by the federal government, says: "If a child fails to make a success of school and is unable to join the job market, by my calculations it is going to cost $300,000 or more, on average, to take care of that child. We either invest in that child up front or pay much more later." Harris, chairman of the Pittway Corporation, has given away $20 million over the past twenty years, much of it to help children and families.

The Beethoven Project expects to involve 120 to 150 children for each of the next three years, and officials say just 1 mother out of the first 60 eligible refused to participate.

As soon as a woman gets pregnant in any of the six targeted buildings, the Beethoven project wants her. "We're looking at bringing a healthy baby into the world as the key, so we attempt to teach the mothers about the importance of good nutrition, having drug-free bodies, and getting prenatal care to spot the danger signs of an early delivery," says Gwen LaRoche of the Chicago Urban League, one of the project's cosponsors.

Trained home visitors, who come from the Taylor Homes, scout our expectant mothers, but it can be tricky finding them in the first trimester of their pregnancy. "Quite often," McLaughlin says, "these people are not excited about parenting. A lot of them are teenagers, and there's a great deal of denial. This is not planned parenthood."

After a child's birth, home visitors call on the family weekly. Each new parent is given a photo album, and the home visitor regularly takes pictures and talks about developmental milestones: smiling, grasping a rattle, eating the first bowl of cereal. A central goal is teaching parents about child behavior, that it is normal for a baby to blow food in his mother's face or have temper tantrums.

Besides going into homes, Beethoven will operate a drop-in center in one of the Taylor buildings. For the most part, Beethoven will rely on existing health, food, education, and child-care services in the neighborhood. Already, there have been so many problems with Chicago's public-health system that Beethoven will hire its own medical personnel.

A key to Beethoven's community acceptance is its use of a local advisory board to shape the program. The home visitors are former welfare recipients themselves, and they form mentor relationships that often are impossible for outside "do-gooders" to achieve.

Beethoven's planners are aware that as they provide services for children, they must also take steps to improve the lives of parents: get them back to school, into job training, into literacy classes. Researchers will measure the social, emotional, and academic success of those in the Beethoven project against children from other Taylor buildings.

"The roots of behavior problems may exist in kindergarten, but you don't really see them emerge until adolescence. You don't see the real effectiveness of intervention, especially with something like juvenile delinquency, until later, during the vulnerable years," says Sydney Hans, a University of Chicago professor evaluating the project.

Hans says the project is likely to be imitated long before research results are in. Illinois governor James Thompson wants to expand the program and Senator Edward Kennedy of Massachusetts has used Beethoven as a model for federal legislation that would spend $125 million to create comprehensive child-development centers for low-income children.

Here are publications with information about other promising prevention programs: *The First Sixty Months* ($12.50) and *Bringing Down the Barriers* ($15), both available from the National Governors' Association, 444 North Capitol Street, Washington, DC 20001; *Children in Need: Investment Strategies for the Educationally Disadvantaged* ($11.55), from the Committee for Economic Development, 1700 K Street, Northwest, Washington, DC 20006; and *Opportunities for Success: Cost-Effective Programs for Children,* free from the House Select Committee on Children, House Annex II, Room 385, Washington, DC 20515. *Within Our Reach: Breaking the Cycle of Disadvantage,* by Lisbeth B. Schorr, will be published in May by Doubleday/Anchor Books.

GOOD INVESTMENTS IN CHILDREN

WIC (Food for Women, Infants, Children): Reduces infant mortality, increases birth weight. A $1 investment in prenatal portion saves up to $3 in short-term hospital costs.

Prenatal Care: Reduces prematurity, low birth weight, and infant mortality. A $1 investment saves $3.38 in cost of care for underweight infants.

Medicaid: Reduces infant mortality; fewer abnormalities among children receiving Early Periodic Screening, Diagnosis, and Treatment. Every $1 spent on comprehensive prenatal care for Medicaid recipients saves $2 in infant's first year.

Childhood Immunization: Reduces, rubella, mumps, measles, polio, diphtheria, tetanus, and pertussis. Every $1 spent on childhood immunization saves $10 in later medical costs.[1]

Preschool Education: Increases school success and employability; reduces welfare dependence. A $1 investment in quality preschool saves $4.75 in later social costs.

HOW TO HELP: WHERE YOU CAN LEND A HAND TO A CHILD

"Judge not the poor for their poverty, but rather judge the community for its indifference."—Talmudic saying.

December is a traditional time of giving. But after the toys and food baskets have been collected, there is more that can be done for Washington's children in need.

These suggestions highlight local organizations that serve young children disadvantaged mainly by poverty. All can use financial contributions, which are tax deductible. Some, as noted, also can use volunteers or donations of clothing, toys, and food. If you are interested in giving your time, volunteer bureaus throughout the area can help place you. Also listed are several national organizations that focus on young children.

In addition to the organizations appearing on this list, there are dozens of other worthy groups that serve children in Washington. They include mental health clinics, hospitals, shelters for the homeless, food banks, day-care centers, and Head Start programs.

Annandale Christian Community for Action, 7200 Columbia Pk., Annandale, 22003 (256-0100). Day care, health care, and counseling for children from low-to-moderate-income families with working parents. Volunteers needed for one-to-one speech therapy.

Beautiful Babies . . . Right from the Start, 2700 S. Quincy St., Arlington, 22206 (824-0111). A project of the March of Dimes, WRC-4, and Blue Cross/Blue Shield that encourages prenatal care to prevent low birth weight and infant mortality.

Better Babies Project, 1507 Benning Rd., NE, DC 20002 (397-3131). Peer counselors work with pregnant women and encourage proper prenatal care, with the goal of reducing the incidence of low birth weight in a section of Northeast DC.

Bowie Therapeutic Nursery Center, 3120 Belair Drive, Bowie 20715 (262-9167). Serves three and four-year olds at risk due to child abuse or troubled family situations.

Bread for the City, 1305 14th St., NW, DC 20005 (332-0440). The largest food pantry in DC. To donate food, clothing, or toys, contact Tom Meuser. To help sort clothing, give out food, or perform office tasks, contact Sarah Miller.

Capital Area Community Food Bank, 2266 25th Pl., NE, DC 20018 (526-5344). A clearinghouse for the solicitation and storage of donated food, which is distributed to nonprofit organizations with food programs in the metropolitan area.

Court Appointed Special Advocate (CASA), 50 Monroe St., Rockville, 20850 (340-7458). Trains volunteers as advocates for abused and neglected children whose placement is being decided by the courts.

Center for Women and Families, Alexandria Community Y, 418 S. Washington St., Alexandria 22314 (549-0111). Offers parent-support groups, free legal counseling, and a program in which volunteers work with high-risk teen parents.

Children's Defense Fund, 122 C St., NW, DC 20001 (628-8787). Works to educate the public about the needs of children—particularly the poor, handicapped, or minorities. The fund publishes reports, monitors government policies, and pursues an annual legislative agenda in Congress.

Children's Hospital, 111 Michigan Ave., NW, DC 20010 (745-2062). Provides a full range of medical and social services for children. Financial donations may be designated for a specific department. Volunteers are asked to serve at least 100 hours per year. The hospital needs seamstresses to make "Clipper" puppets.

Fairfax Women's Shelter, c/o Northwest Center, 1850 Cameron Glen Dr., Reston, 22091 (435-4940). Provides counseling and shelter to battered women and their children.

Family Crisis Center of Prince George's County, PO Box 96, Brentwood, Md 20722 (864-9101). A shelter for battered women and their children, who receive therapy to deal with abuse.

Family & Children's Services of Central Maryland, 204 W. Lanvale St., Baltimore, 21217 (301/669-9000). Offers counseling for young children with their parents, as well as food, clothing, and health-care services.

The Family Place, 3309 16th St., NW, DC 20010 (265-0149). A bilingual counseling center for low-income pregnant women and families with at least one child age three or younger. Volunteers needed for one-to-one work with pregnant women and new mothers, and to organize family celebrations. Can use baby equipment, blankets, linens, and household items.

Family Stress Services of the District of Columbia, 2001 O St., NW, DC 20036 (965-1900). Works to prevent child abuse and neglect with a 24-hour hotline, staffed primarily by trained volunteers. Also provides speakers and films for community groups.

For Love of Children, 1711 14th St., NW, DC 20009 (462-8686). Foster care for neglected, abused, or abandoned children. Can use books, educational toys, and clothing. Volunteers spend time with children, providing temporary relief for foster parents.

Georgetown University National Capital Lactation Center and Human Milk Bank, 3800 Reservoir Rd., NW, DC 20007 (625-6455). Offers classes and services for mothers having trouble breast feeding, and stores donated milk for premature babies.

Hospital for Sick Children, 1731 Bunker Hill Rd., NE, DC 20017 (832-4400). Focuses on premature infants and children with respiratory problems. Also treats children who need long-term care. Volunteers help with physical, speech, and hearing therapy or serve as foster grandparents.

Loudoun County Mental Health Center, 8 South St., SW, Leesburg, 22075 (703/430-8595). Counsels children who suffer from physical or sexual abuse, broken homes, or neglect.

Martha's Table, 2124 14th St., NW, DC 20009 (328-6608). Serves soup, sandwiches, and dessert or fruit daily between 3 and 5 pm and breakfast on Saturday and Sunday to children twelve years old and younger. Staffed mainly by volunteers.

My Sister's Place, PO Box 29596, DC 20017 (529-5991). A shelter for battered women and their children that includes counseling and a 24-hour crisis hotline. Volunteers staff hotline, raise funds, drive residents, or work with children.

National Association for the Education of Young Children, 1834 Connecticut Ave., NW, DC 20009 (232-8777). A membership organization that serves as a resource for those interested in improving education and day-care services for children from birth to age eight.

PRO-CHILD, PO Box 7266, Arlington, 22207 (558-2613). The child-protection unit of the Arlington County Department of Human Services counsels families, teaches parenting skills, investigates child-abuse cases, and provides foster homes for children in danger.

National Center for Clinical Infant Programs, 733 15th St., NW, DC 20005 (347-0308). An information clearinghouse that promotes the healthy development of children from birth to three years old through preventive programs.

Regional Center for Infants and Young Children, 11710 Hunters Lane, Rockville, 20852 (984-4444). Specializes in diagnosis, treatment, and prevention of emotional and developmental disorders in children from birth to five. Includes a program for abused and neglected children.

United Communities Against Poverty (UCAP), 1400 Doewood Lane, Capital Heights, Md. 20743 (322-3700). Day-care center serves two- to five-year-olds, many of whom are socially or economically deprived. Also provides parenting training, rental assistance, peer counseling, a food pantry, and other services.

Washington Child Development Council, 2121 Decatur Pl., NW, DC 20008 (387-0002). An information-and-referral center that provides data on Washington's child-care needs.

Washington DC Parent-Child Center, 1325 W St., NW, DC 20009 (462-3375). Provides day care, medical and nutritional help, child-rearing classes, and other social services to low-income parents and children from birth to age five. Volunteers needed for teenage-parenting program. Can use donations of toys, household items, cribs, and office supplies.

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[1] "Some studies show as much as $14 saved for every $1 invested.

Source: House Select Committee on Children, Youth, and Families.

For information about other organizations that help children at risk, contact your local volunteer center:

DC Volunteer Clearinghouse: 638-2664.

Montgomery County Volunteer Services: 279-1666.

Prince George's Voluntary Action Center: 779-9444.

Alexandria Volunteer Bureau: 836-2176.

Arlington County Volunteer Office: 558-2654.

Voluntary Action Center of the Fairfax County Area: 691-3460.

Loudoun Volunteer Center: 777-4914.

Prince William Voluntary Action Center: 703/369-5292.

If you are interested in influencing legislation affecting children, you can write to area members of Congress:

District: Walter Fauntroy, US House of Representatives, Washington, DC 20515.

Maryland: Barbara Mikulski or Paul Sarbanes, US Senate, Washington, DC 20510; Beverly Byron, Roy Dyson, Steny Hoyer, Tom McMillen, Constance Morella; US House of Representatives, Washington, DC 20515.

Virginia: Paul Trible or John Warner, US Senate, Washington, DC 20510; Stan Parris or Frank Wolf; US House of Representatives, Washington, DC 20515.

—Ericka Miller, Catherine Marin, and Helen Taylor.

WORLD POPULATION AWARENESS WEEK

● Mr. SANFORD. Mr. President, I am pleased to announce that North Carolina was one of more than 40 States that officially took part in the third annual World Population Awareness Week, April 17-23. The efforts of Americans across the United States during that week's conferences, debates, and other educational activities were well directed.

The world's population of 5.1 billion grew by 90 million people last year, and 92 percent of that growth took place in the poorer countries of the developing world. The result is a growing imbalance between the affluent few of the more-developed world and the growing poverty of the Third World.

The population in my own home State of North Carolina, for example, would take nearly a century to double at it present growth rate. Such moderately-paced growth allows for farsighted urban and environmental planning and for a healthy improvement in the economic fortunes of all who inhabit the State.

That favorable portrait must be contrasted with the situation faced by most Third World nations. The nation of Burundi, for example, in eastern Africa has only a fifth of North Carolina's land area. But its population of 5.1 million is only slightly short of North Carolina's 6.3 million people. Moreover, Burundi's future is being shaped by runaway population growth. Its population will double every 24 years at current growth rates. That pace allows for little in the way of economic development, measured planning of human settlement, or efforts to accommodate environmental values with the desperate push for development.

Last year, I cosponsored World Population Awareness Week. This year, I would like to thank Gov. Jim Martin for urging the residents of my State, and all Americans, to take advantage of World Population Awareness Week to learn more about the urgent challenges we face in stabilizing world population growth. I also ask that Governor Martin's proclamation be included in the RECORD.

The proclamation follows:

WORLD POPULATION AWARENESS WEEK IN NORTH CAROLINA—1988

(By the Governor of the State of North Carolina)

A PROCLAMATION

It is estimated that at the present rate of growth, the world's population of five billion people will double in the next forty years. More than 90 percent of this unprecedented growth takes place in nations of the third world least able to accommodate such rapid expansion.

Rapid population growth overwhelms the capacity of human societies to provide food, housing, education, employment and basic health services and undermines economic development as well as social, cultural and political stability.

The massive proliferation of our human numbers places enormous strains on the global environment, contributing significantly to the depletion of natural resources, the conversion of cultivable field and forests into wasteland and desert, the pollution of the earth's land and waters, and the destruction of its zone layer.

Now, therefore, I, James G. Martin, Governor of the State of North Carolina, do hereby proclaim April 17 through April 23, 1988, as "World Population Awareness Week," in North Carolina, and call upon all of our citizens to reflect upon the limitations of the world's natural resources and the problems of overpopulation.●

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

YULIAN KHASIN

● Mr. QUAYLE. Mr. President, today I rise once more on behalf of the Congressional Call to Conscience Vigil for Soviet Jews. We have witnessed recently an increased Soviet expression of openness. Yet the number of Jews in the Soviet Union who have requested permission to emigrate still stands in direct disproportion to the number who have been allowed to do so. While we applaud this new Soviet quest for glasnost, we must not forget that good intention is only half the battle.

The National Conference on Soviet Jewry has stated:

> The issue of Jewish emigration became prominent * * * because of sustained Jewish activism in the Soviet Union, and the active support from persons in the West.

1970, for example, is recalled as a crucial year in the fight for Soviet Jewry. In that year 12 Jews, whose wait for freedom appeared indefinite, attempted to capture a Soviet aircraft and escape to Israel. The 12 were arrested, and 2 were sentenced to death. When the West learned of their impending executions, outcries were heard from the United States, the Vatican, Israel, Western Europe—which included Western Communist parties—and activists inside the Soviet Union. As worldwide attention focused on the U.S.S.R., the sentences were commuted. International pressure had assured these Jews their freedom. In the years following, activism brought about a variety of opportunities for Jews in the Soviet Union.

Today, as negotiations with the Soviets continue on arms reductions and regional conflicts, we must not forget the thousands inside the U.S.S.R. who are still refused the right to live where they wish to live. There are believed to be approximately 380,000 Jews who have requested to leave the Soviet Union, which is the difference between the 270,000 who have left since 1971, and the 650,000 who have been invited by Israel to return to their Jewish homeland.

As long as there are Jews in the U.S.S.R. who maintain the pursuit to live where they choose, we in the United States must continue to give the support which has proved so beneficial and all-important to their release in the past. Today, I speak out on behalf of Yulian Khasin, who was first refused permission to leave his country in 1980. Until that time, Yulian served as head for his computer programming department. Upon his refusal he was demoted to the position of a regular engineer, despite the fact that he holds a Soviet equivalent to a Ph.D. in computer science. The Khasin family is steadfastly religious; however, in 1986, Yulian was forced to testify against the religious community to which he belonged or face possible arrest.

I pledge today, as I have pledged before, to stand behind all in the Soviet Union who would seek to build their lives elsewhere but are continuously denied that right. I speak out now for Yulian Khasin and his many, nameless peers. I offer not only vigorous support of their right to live where and as they choose, but I renew my encouragement to all in the West to persist in the activism that has already renewed the hope in so many unseen Soviet lives.●

THE HUMAN TRAGEDY IN MOZAMBIQUE

● Mr. LUGAR. Mr. President, the world is awash in refugees and displaced persons who are the innocent victims of policies they don't understand, conflicts they wish to avoid, and natural calamities over which they have little control. In recent weeks, we have been reminded of the countless thousands of refugees escaping one form of adversity or another in Indochina, the Soviet Union, Afghanistan, Central America, the Horn of Africa and now, more frighteningly, in southern Africa where, in just the past year, the number of refugees from Mozambique has increased by some 300 percent.

Last week, we were all shocked to learn in devastating detail of the enormous human suffering in Mozambique resulting from the on-going civil strife taking place in that impoverished country. The sad details were included in an authoritative report prepared for the Department of State on the situation in southern Africa and particularly in Mozambique. The report was prepared over a period of 3 months, December 1987 to March 1988—on the scene in five regional countries—Mozambique, Malawi, Zimbabwe, Tanzania, and South Africa—by an expert in refugee matters who interviewed 20 refugees and an additional number of independent sources among the private voluntary organizations, the religious communities and others. No one anticipated the magnitude of the refugee problem or the severity of the treatment to which the people of Mozambique have been subjected. Among the report's findings is the RENAMO forces in Mozambique have systematically committed acts of extortion, forced and slave labor, abductions murder, violence, and mass destruction of villages and their inhabitants. The human tragedy on such a scale is reminiscent of the reign of terror in Cambodia under the Pol Pot regime.

Mr. President, I am submitting the full report for the RECORD so the findings receive the widest possible exposure. Let me, however, briefly summarize the main points of the findings.

There are now an estimated 870,000 Mozambican refugees who have fled to neighboring countries, mostly to Malawi, and the numbers are increasing daily, taxing the ability of countries, relief agencies and the private voluntary organizations to care for and feed these victims. There are an additional million displaced persons within Mozambique who have been uprooted by the violence taking place within the country.

The report also estimates conservatively that at least 100,000 unarmed civilians have been murdered by RENAMO, often by the most brutal means imaginable. The study cites eyewitness accounts of at least 600 murders and concludes that almost all of these atrocities have been committed by RENAMO forces and a smaller number, some 3 to 4 percent, by the FRELIMO troops of the Mozambique government.

In certain areas of Mozambique, RENAMO forces systematically extract food, material and forced labor from the population, but interestingly refrain from explaining their actions or from trying to win support or loyalty through political indoctrination or through any political program. In other areas under RENAMO control, they abduct civilians, hold them captive for slave labor, engage in regular beatings, executions, rapes, and other forms of inhumane treatment to insure subjugation and exploitation. In still other areas, the RENAMO forces have leveled entire villages, systematically killing all inhabitants, including women and children and have done so often indiscriminately and without provocation.

The countries bordering on Mozambique, particularly Malawi, should be praised and commended for their humanitarian efforts in assisting the refugees over the past years. Their ability and the ability of international relief agencies to cope with the burgeoning crisis is unfortunately limited. So, too, is the capacity of the United States. This is a regional human rights disaster that cannot be solved by regional states alone. The United Nations High Commissioner for Refugees [UNHRC], the International Red Cross and other international organizations and countries must pitch in to provide the assistance that is urgently needed to stave off an even worse tragedy. Here in the United States, the refugee budget is stretched thin and available funds are not adequate to tackle this and the other refugee crises that are before us today.

I urge my colleagues and their staffs to read the report from the State Department which I have included for the RECORD.

The report follows:

SUMMARY OF MOZAMBICAN REFUGEE ACCOUNTS OF PRINCIPALLY CONFLICT-RELATED EXPERIENCE IN MOZAMBIQUE

(Report Submitted to: Ambassador Jonathan Moore, Director, Bureau for Refugee Programs; Dr. Chester A. Crocker, Assistant Secretary of African Affairs)

INTRODUCTION

In December 1987, the author was engaged by the Department of State's Bureau for Refugee Programs to undertake an assessment of designated Mozambican refugee matters. The Bureau's Director, Ambassador Jonathan Moore, decided to have the assessment conducted as a result of the Bureau's perception of a mounting refugee crisis in Southern Africa.

The Bureau had witnessed an increase of 300% in the number of Mozambican refugees in southern Africa over the past year. The Bureau currently estimates that the total number of such refugees is about 870,000. Malawi, for example, has 450,000-500,000 refugees—up from 70,000 just fifteen months ago. Its southern Nsanje District, which has a Malawian population of about 150,000, now provides sanctuary for about 175,000 Mozambican refugees. (In proportion to national population, 500,000 refugees in Malawi would be the equivalent of 17 million refugees in the United States). Reports from the field continue to indicate that 20,000-30,000 Mozambican refugees per month—up to 1,000 each day—enter Malawi. Many of these refugees arrive in poor health, severely malnourished, without belongings and often naked. In Swaziland, there were about 8,500 Mozambican refugees at the beginning of 1988; that number has already doubled and, according to one informed estimate, could quadruple by mid-year. Increased flows into Tanzania, Zambia, Zimbabwe and South Africa combine with Malawi and Swaziland arrivals to suggest that there will be more than one million such refugees by year's end.

Complementing this exodus is a high rate of population displacement within Mozambique. According to the Bureau for Refugee Programs' "World Refugee Report" to the United States Congress in 1987, more than one million Mozambicans are internally displaced.

The author was engaged by the Bureau for Refugee Programs to shed additional light on such issues as the causes of these refugee flows; the likelihood of continued migrations; refugee protection and assistance; and the possibility of refugee repatriation.

To do this, the author conducted a field visit of nearly three months to forty-two different locations in five countries—Mozambique, Malawi, Zimbabwe, South Africa and Tanzania. In 25 refugee camps, separated by as many as 1,500 miles, he spoke at length and individually with nearly 200 randomly selected refugees. Forty-three percent of them had arrived at these camps during the period of the assessment, some within hours of the interviews conducted for this study. They came from 48 different districts of Mozambique, including northern, central and southern provinces. Some came from areas of predominant Frelimo Government control, others from areas of Renamo prevalence. At many of the 25 refugee sites and in seventeen other locations visited, independent national and international religious and relief assistance workers were also interviewed and added valuable complementary information.

This report attempts to recapitulate the complex body of information which was gathered from refugee and other accounts. In order to convey this information, the collective accounts have been divided into nominal categories. The report is divided into three sections:—Assessment Procedures; Conflict Dynamics; Summary of Findings.

Assessment procedures

Geographical scope

The Mozambique refugee assessment was conducted during a period of approximately eleven weeks between January and March 1988 in 42 locations in five southern African countries: Mozambique, Malawi, Zimbabwe, South Africa and Tanzania. Roughly 25 sanctuary sites for refugees and displaced persons (10 sites in six of ten provinces in Mozambique; 15 in the neighboring countries) were visited. In addition, the five national capitals and twelve administrative centers in which hospitals and relief operations are based were visited.

Source of findings

The principal source of the assessment's findings was 196 individual interviews with refugees and displaced persons who provided eyewitness accounts of the incidents and patterns of conduct in the conflict which led to their migration. In addition, the author met with roughly fifty priests, ministers and religious leaders and national and international relief workers with independent first-hand experience in assisting the refugees. They provided background information and an opportunity to check aspects of the information provided by the refugees. In the national and regional capitals, the author met with host Government, United States Embassy and other diplomatic officials.

Refugee interviews

In each of the 25 locations in five countries, the author as randomly as possible personally selected or directed the selection for interviews of the refugees and displaced persons (hereinafter "refugees"), without reference to the type of conflict problems they might have experienced in Mozambique. He also attempted to select refugees who had arrived as recently as possible and who came from as wide a geographical distribution as possible.

The interviews were conducted in the language which the refugee identified as his/her native language, through translators whom the author selected. In the three countries which accounted for about 75 percent of the interviews, the author was able to select, from among the agricultural development staff of the U.S. Agency for International Development (USAID) missions, an individual who was a native speaker of one of the principal langages spoken by the refugees. This individual assisted in translation of the interviews in all of the sites in his country. In most other cases, local workers selected by the author who are associated with health clinics, religious and relief organizations or local relief committees assisted in translation on an ad hoc basis. The average length of each interview was one hour. The more detailed interviews took as long as two hours to complete. The interviews were conducted in a private place, out of hearing and usually out of sight of those not participating in the interview. In Mozambique, those present in each interview were the refugee, the translator(s) and the author. In some of the other countries, a local official was also present. Sometimes the refugee's spouse and children, especially for those who had just arrived at the sanctuary sites within minutes or a few hours of the interview, were also present.

Refugee interview sites

Mozambique:

Ressano Garcia; Caia (2 subsites); Casa Banana; Espungabera; A Luta Continua; Moatize (2 subsites); Benga; Estima (2 subsites); and Cuamba.

Malawi:

Chang' ambica; Chiomeangame; Mtendere; Kapesi; Biriwiri; and Makokwe.

Zimbabwe:

Tongogara; Mazoe Bridge; and Nyamgombe.

South Africa:

Huntington; Mangwene; and Steenbok.

Tanzania:

Namabanga and Likuyu-Mbowa.

Refugee arrival dates

In order to obtain the most current data, preference in selection of refugees to be interviewed was given to those who had arrived recently. Nearly 90% of those interviewed had arrived at the refugee site during 1987 and 1988. About 50% of these were January-March 1988 arrivals. The 10% who arrived before 1987 also provided useful information, but more than one third of these had migrated earlier because of drought or in order to seek employment in the more prosperous neighboring country; thus, the data for 1987 and 1988 arrivals is the most useful.

Districts of Origin

In order to obtain a wide geographical representation among the refugees, preference in selection was given to those from different home districts and, as appropriate, from different villages within such districts. The 1986 refugees interviewed reported that they came from villages in 48 different districts of Mozambique. These districts were widely distributed in Mozambique, with each province in the country represented to varying degrees. The refugees described their home districts and areas of origin as follows:

Angonia, Barue, Buzi, Cabora Bassa, Caia, Changara, Chemba, Chibabava, Chicualacuala, Chimoio, Chinde, Chiringoma, Chiuta, Chokwe, Funyaloro, Gorongosa, and Guro.

Lago, Lichinga, Macanga, Machaze, Magude, Majune, Mandimba, Manica, Maputo, Maringue, Marromeu, Marrupa, Massinga, Matola, Maua, Mavago/Mataca, and Mecula.

Milanje, Moamba, Moatize, Mopeia, Mossurize, Muembe, Mutarara, Namarroi, Nampula, Pemba, Sanga, Tete, Vilanculos, and Zumbo.

Home Language

The refugees described themselves as native speakers of nineteen different Mozambican languages:

Barwe, Chichewa, Chicunda, Chidenda, Chitavara, Chitswa, Gorongosa, Lomwe, Makua, and Ndao.

Nyanja, Nyungwe, Portugese, Sena, Shangani, Shona, Swahili, Xinhanja, and Yao.

Occupation

The majority (65%) of the refugees interviewed described themselves as farmers. Almost all were residents of small villages and hamlets. The occupational breakdown of the respondents is as follows:

Farmers, 65 percent.

Farm workers: Farm worker, Tractor driver, Blacksmith, Herder, 4 percent.

Small trades/Jobs: Waiter, Clerk, Secretary, Merchant, Shoemaker, Shop worker, House painter, Fish seller, Road worker, Carpenter, Security guard, Tailor, Car mechanic, Driver, Coop employee, 9 percent.

Teachers, 5 percent.

Students, 5 percent.

Health workers, 2 percent.

Housewives, 2 percent.

Children, 2 percent.

Former soldiers, 2 percent.

House servants, 1 percent.

Miners, 1 percent.

Other, 2 percent.

Previous mobility affecting migration

Of the 55 Mozambicans interviewed in displaced persons sites inside Mozambique, 40% had never traveled outside the country. About 45% had visited one of the potential asylum countries neighboring Mozambique earlier in their lives.

Of the refugees interviewed outside Mozambique, 45% reported that they had at least once before visited the country in which they are currently in asylum. But 50% reported that when they migrated from Mozambique to the interview site, it was their first trip outside the borders of Mozambique.

Refugee accounts

The refugees often provided detailed eyewitnesses and other credible accounts, spontaneous responses to follow-up questions, and simple diagrams drawn in the dirt to illustrate. The majority of the respondents had no formal education or literary skills, but they described effectively what they had seen and what had happened to them. A few refugees appeared afraid to provide any information. But the great majority appeared to speak forthrightly and with confidence about what had happened to them.

The refugee reports tended to be consistent throughout the 25 interview sites in five countries, with origins of the refugees, as well as their sanctuary sites, separated, in some cases, by as much as 1,500 miles. In addition, a number of the reports tended to corroborate each other, with refugees inside Mozambique describing the same events in the same place as had been described by refugees in camps outside Mozambique. Certain additional specific opportunities for cross-corroboration arose. In one asylum country, several refugees described a series of incidents within Mozambique in considerable detail. When the author visited Mozambique, he was able to visit that area and to verify the information they had provided. The major difference between their description of what had occurred and that provided by survivors who had remained in Mozambique, and separately by local officials, was that the refugees had given a lower estimate of the number of persons who had been killed or wounded. Refugees provided sufficient detail so that accounts by several refugees—sometimes in different countries—could be readily identified and thus not "double-counted" in the quantitative analysis.

Distinguishing between the Parties

Serious complaints about the conduct of both sides to the conflict were received, although, as the report will describe, the number of complaints about one party exceeded by a considerable proportion the complaints against the other. Complaints against each side tended to contain the same level of detail and authority and to be conveyed with the same level of conviction. There were no complaints against the Government soldiers from refugees inside Mozambique. All of the complaints against these came from refugees outside Mozambique. This may reflect a natural hesitation of refugees in the Government controlled areas to express criticism of the soldiers under whose protection they live. This constraint may have affected the 28% of the sample interviewed in Mozambique. But criticism against the Government soldiers received from the refugees in the four neighboring countries representing 72% of the sample, was also very low. These included two countries considered either hostile to the Frelimo regime or until recently, considered more neutral in the conflict. In short, it is believed that this factor is unlikely to have significantly affected the findings of the assessment. Soundings among the independent religious and relief assistance sources tended to reinforce this conclusion.

The refugees spoke authoritatively about their ability to distinguish between combatants of the two sides in the conflict. Many of them were questioned closely about the basis for their assertions and explained their views effectively. They pointed to personal familiarity with the individuals comprising the Government forces, who were often stationed in or near their villages; to the heavy casualties often suffered by the Government side in the attacks by insurgent forces on villages. In some areas, some refugees described marked differences between the two sides in physical appearance, including hair length and style, and face and body adornment. Routine patterns of conduct and other data provided by refugees tend to confirm their assertions. Refugees were also asked whether free-lance bandits, as opposed to elements of the two principal parties to the conflict, perpetrated the acts they witnessed; their responses were emphatically negative. When in doubt about the identity of assailants, they seemed prepared to say so.

Moreover, one fifth of the refugees interviewed said that they had involuntarily resided for many months—sometimes for years—in areas where insurgent influence prevails. They had often been used by Renamo as porters to carry materials over long distances within these areas, providing extensive exposure to this group. Thus, a significant proportion of the refugees possessed not only the ability to distinguish between the two sides, but also a first-hand knowledge of the operating procedures of both forces.

The majority of the refugees lacked two skills which limited the precision of their data. Most could not count accurately above the number ten. One of the results of this limitation was that the number of deaths appeared to be underestimated. Beyond the number ten, these refugees could only describe "many", and could not assign a corresponding number to the concept except to say that it exceeded ten. The second limitation was an inability to identify the month and year of an incident. Such identification had to be established approximately by working back through seasonal agricultural thresholds which were more familiar to the refugees, such as the advent of rain, planting, harvest, etc. It is believed that neither limitation materially affects the conclusions of the assessment. In quantifying casualty reports the term "many" was almost always assigned a maximum value of ten.

In summary, the author would assign a high level of credibility to the refugee accounts.

Conflict dynamics:

The 1987-88 arrivals

Nearly 90% of the refugees interviewed had arrived at the refuge site where the interview was conducted during 1987 and 1988—about half within the three-month period January-March 1988. The information they provided concerning conflict dynamics in Mozambique was thus fairly current. Over 90% of these 1987-88 arrivals said that they fled their home areas because of the conflict, and, specifically, because of abusive conduct by the parties to the conflict. About 5% of this sample said they had migrated because of drought, 2% to seek employment and 2% for other reasons. The pre-1987 arrivals represented only about 10% of the sample, and one-third of these said that they had migrated during earlier periods because of drought, in search of employment, or for other reasons not directly related to conflict violence. In order to provide conclusions which are current, and to avoid undue emphasis on the drought/economic migrants of earlier years, data presented in the following sections will be for the 1987-1988 arrivals unless otherwise specified.

Parties to the conflict

Each of the more than 90% of the refugees who fled from their homes because of conflict attributed their flight to one party or the other, or to both parties to the conflict. The clearest way to summarize the experiences of these nearly 200 refugees as well as other information collected in the assessment, is to describe the conduct of the war as the refugees themselves have experienced it, separately for each side: for Renamo, the insurgent forces; and for Frelimo, the defending Government forces. The proportion of attention devoted in the report to each of the two respective groups reflects the proportion contained in the accounts which the refugees themselves provided.

Renamo's conduct of the war

Refugee reports suggest three typical types of Renamo operations. Within Mozambique, no geographical area will fit perfectly into the nominal description provided for each. But this appears to be the best way to disaggregate three perceived types of behavior in order to explain them. The three type of areas refugees described are:

(1) Tax areas;
(2) Control areas;
(3) Destruction areas.

(1) *Tax Areas*: Tax areas tend to be rural areas in which the population resides in extremely dispersed patterns. Each family lives on the land it is farming, or in small extended family hamlets. Renamo combatants move freely through such areas and routinely (weekly or monthly) visit the farmers. They demand a contribution of prepared and/or dry food (food grain or flour), chickens and goats, perhaps some clothes, a radio or other possession. They demand at will a young girl or married woman for sex.

To the degree that it is necessary to transport the resources which are extracted, the local people are obliged to serve as porters (Renamo appears to have virtually no mechanized transport anywhere in Mozambique). But their trips tend to be of short duration (counted in hours, rather than days). As a general rule the porters are permitted to return to their homes when their service is completed. The journeys are short and not as harsh as those conducted in the other types of areas; reports of beatings of porters tend to be exceptions. If the family refuses to submit to these demands, they are likely to be severely beaten with heavy sticks or gun butts. It appears from refugee reports that local people are not permitted to flee the area. But the burdens placed upon them are more moderate than those placed on the population of other areas. Renamo's policy appears to be to maintain a level of taxation and abuse insufficient to motivate the population to risk the security dangers, economic perils, and social disruption represented by escape.

Murder of a civilian by Renamo in such areas is the exception rather than the rule. Nonetheless, Renamo combatants are reported to target individuals possessing resources whose origin, in the minds of these combatants, links them to Government forces. The possession of new clothes, a radio, any type of army-issue apparel such as a belt or cap—perhaps even a bag of salt—may be enough to trigger torture or death. But such incidents appear to be sporadic.

This sort of administration does not appear very different from the conduct of many guerrilla organizations. What is somewhat unusual, however, is the reported absence of effort to explain to "the people" the purpose of the insurgency; to provide positive services—security, adminsitration, schooling, health care—to the local farmers. The relationship betwen Renamo and the population appears to revolve solely around the extraction of resources, strictly by force, without explanation, with no tolerance for refusal, and without reciprocation.

(2) *Control areas:* About one fifth of the refugees interviewed reported that they had lived in areas under the prevalent control of Renamo combatants. Some of the refugees had resided there for many months; others for many years. A significant number provided detailed descriptions of the manner in which these areas are administered.

According to the refugee reports, there are two principal types of civilian populations who reside in these areas: indigenous local populations, who were referred to in Portuguese as naturales; and a population which was abducted from other areas and involuntarily marched into the control areas. According to the refugees, both of these populations are captive, detained against their will, and prohibited from attempting to depart.

Each of the control areas desecribed by the refugees appeared to have a somewhat different system of organization. For purposes of explaining the general thrust of their reports, a control area tends to be nominally divided into three sub-categories.

A. Combatant bases;
B. Field areas;
C. Dependent areas.

A. *Combatant Bases.*—Combatant bases were described to be of two types: those reserved principally for permanent, resident combatants; and those reserved principally for combatants who are passing through an area or who are, for whatever reason, temporarily stationed there. Both areas are managed in roughly the same fashion. They are served by a staff of exclusively male captives who provide food, water, cleaning and other support services. Women are provided on-demand from other sectors of the control areas.

Refugees who resided in "control" areas, as well as other refugees who had contact with Renamo, said that its combatants represented indigenous language groups from all major regions of Mozambique. When they commented on recruitment in their own home villages, forced recruitment was said to be the principal method through which these men had been impressed into service. Two refugees provided detailed accounts of their own escapes from apparent forced recruitment roundups. One said that his group, awaiting disposition, had been locked in a guarded house without food and water for such a long time that four of the men had starved to death. A few refugees said that they witnessed either the recruitment of young (age ten and over) children or were themselves the victims of indiscriminate shootings or beatings by such young Renamo combatants.

B. *Field Areas.*—Second are permanent agricultural lands, significant expanses of Renamo farms or plantations. The workers on these farms are captives who toil at a regular schedule, usually long hours during a six-day week. They do not benefit from the production of these fields. Their work is closely supervised, and physical punishment, in the form of beatings, is used to motivate those who take unauthorized rest or who refuse to continue. The worker population of these areas is reported to be principally older children of both sexes and adult males and females. In addition to its production tasks, this age group is also used as porters. Unlike porters in the tax areas, the marches undertaken by these porters tend to be of longer duration—sometimes a week or more roundtrip. While for some the portering is occasional, it appears that many of the porters perform this as a full-time service, making continuous rounds of arduous trips.

The refugees report that these trips usually begin at dawn and continue until evening—perhaps 6 AM–8 PM. More recent arrivals report that, increasingly, the porters are not permitted food on these trips, and are allowed to drink water only when they pass streams. Some report that they are not often permitted to drink because it is during these rests that some make their escape. The loads are heavy, the pace quick. The porters carry food toward the larger bases; meat from some wildlife areas back to the bases in their home "control areas". They also carry weapons, ammunition, and the personal supplies and equipment of military units as they are shifted over long distances between provinces. None of the roughly 20% of the refugee sample who themselves served as porters said they made trips to the sea. When they reached the destination bases—wherever these may be located—the porters deposit their loads outside. According to those who have served as porters, Renamo combatants then pick the materials up and take them into the bases.

Those who have served as porters reported uniformly that discipline on these forced marches is extremely harsh. Those who cannot keep up, who rest without authorization, drop their burdens, or refuse to continue, are routinely beaten very severely, sometimes until they are dead. Over half of those who served as porters said they were eyewitnesses to cases of porters beaten to death or executed for the reasons described above.

When the captives are not being used as porters—and the amount of such time varies, depending on whether they are full- or part-time porters—they are usually returned to Renamo-controlled fields. Some areas which are not organized into large Renamo-controlled fields, permit the captives to have their own land, but extract a great proportion of the harvest, allowing only a small amount to be retained for family survival.

Another function of the young girls and adult women is to provide sex to the combatants. From refugee reports it appears that these women are required to submit to sexual demands, in effect to be raped, on a frequent, sustained basis. The rape may occur in field area residences. According to those who have served as porters, women are frequently raped along the transport routes. Women are also dispatched from the field areas to combatant bases on demand. One of the frequent refugee complaints (verified by medical relief workers in some of the refugee camps) is the level of infection with venereal disease which this practice proliferates. Severe beating is inflicted on young girls and women who resist sexual demands. Such punishment may also be inflicted on the husband or father of the female who resists. Such punishment reportedly can include execution in some circumstances.

C. *Dependent areas.*—The third type of sub-category within the control areas is dependent areas, populated by the elderly, who cannot serve in other more taxing functions, and young children. It appears, according to the refugees' reports, that the elderly women are responsible for the care of the young children, while the elderly men are responsible for collecting thatch and building houses for the combatants. (In some areas, it is reported that elderly men and women are also used as field workers and porters. Some of the more brutal accounts of beating and killing of porters who could not continue involved the elderly as victims). Although specialization of function by age and sex is sometimes reported, only some of the control areas are reported to split families and oblige the members to live near their respective locus of service function.

Survival of captives in control areas

The captive population is reportedly not materially remunerated, nor are in-kind resources from their productive effort provided to them. Instead, in their spare time, the field workers are permitted to grow food for themselves. Formost, their "spare time" consists of one day per week, because during the other six days, they labor in the fields from early morning until dark, and the full-time porters have particularly disruptive schedules.

When people work on the alternative system—the highly-taxed individual production system—it appears that drought has the effect of increasing the levy. In areas where food is extremely short (and these are not insignificant), the captive labor, on its own initiative, gathers wild mushrooms, leaves and berries—natural survival foods. Some refugees reported that even these have been confiscated by the Renamo administration. At times, captives are dispatched into the bush by Renamo combatants or police to gather these survival foods. Several of those interviewed had made their escape during these unsupervised forays.

Those who served as porters reported that increasingly they were not permitted to eat during the trips. They alleged that some people died because they were denied food. The Renamo guards and police who oversee these transport columns eat regularly and, some say, carry canteens. Some porters suggested that they were deprived of food and water in order to keep them too weak to attempt escape.

What appears clear is that however inadequate the food supply, most of the food produced is appropriated for the Renamo organization and its combatants. When food is short, these always eat first. The refugees' allegations of food deprivation appear to explain the wasted physical condition of the men, women and children arriving by the thousands in asylum countries naked and severely malnourished.

Control area security and surveillance

Given the unusually high rate of resource and energy extraction from the captives in the control area, it is curious that more have not fled and that those who have fled tend to arrive in such pitiful physical condition. The explanation, according to the refugees who have resided in these areas and later escaped, lies in an effective security and surveillance system which has been established by Renamo.

The heart of the system are the Renamo police, called majuba or mujiba. According to the refugees, these fall into two categories: (a) Former tax collectors and petty officials, some called regulos, associated with the previous Portuguese colonial administration, who were replaced by the FRELIMO government after independence from Portugal, and a small number of previous FRELIMO members who became disaffected; and (b) Captives identified by Renamo and obliged to serve in this role. These captives may be motivated on the one hand by punishment should they either refuse the role or fail to effectively implement it, and on the other with some degree of preferential treatment. In general, the refugees indicate that these police tend to be armed with cutting instruments (machetes, knives, bayonets, axes) rather than with firearms.

The police are deployed in two ways. Some are stationed along the geographical perimenters of the control areas. These perimeters tend to be marked by physical features such as rivers and mountains, or by a circle of combatant bases, which lend themselves to police patrolling. A second set of police reside in the captive areas and supervise the fields, the residence areas, and movements of the captives between points within the control area.

Attempted escape from a control area is often treated as a capital crime. One man reported that because he attempted to escape, he was put in a Renamo jail. But the majority of those who resided in a control area report that they personally witnessed severe punishment or death inflicted on captives apprehended while attempting to escape. When individuals make successful escapes, wives and children left behind may be executed in retribution. Refugees report that, in general, the Renamo executioners use these punishments for demonstration value to discourage others from escape. Thus, executions of caputured escapees are reported to be conducted in front of all the captives from a given area gathered together in a central place. One refugee reported that during a portering job he was led to small clearing and shown the decomposed bodies of many men, women, and children. He was told by Renamo combatants that this was a place where those apprehended while attempting to escape were taken and executed. The refugees almost uniformly reported that these demonstrations and their own contextual understanding of Renamo's methods had a chilling effect on those considering escape.

It appears from the refugees' reports that not until death becomes a real possibility in their minds do the captives consider risking the dangerous escape attempt. But they explain that there are a number of additional constraints which encumber such actions. First, both naturales and abducted captives find that if they have families with them, escape is more difficult. They state that a large group is more likely to be apprehended; on-the-spot execution is, in their minds, a likely outcome. Second, captives who are natives of other areas, and were abducted to control areas, were unfamiliar with the new terrain, uncertain of bush routes they had to follow to avoid detection.

Finally, several refugees reported that an increasing constraint on escape is that part of the captive population is too starved, too weak, too old, or too sick to undertake flight. Some parents may send their children who are sufficiently grown and still healthy enough to make the journey, perhaps with an adult natural as a guide. Almost invariable, the escapees travel only by night, surviving on wild fruits and leaves, walking through the brush, never on the roads. (In one recent incident however, captives said they were ordered by Renamo combatants to leave one control area and their houses were burned).

Renamo appears to have little difficulty in replacing individuals who have been killed, who have died of starvation, who are too weak to produce or who have escaped. The principal source of new captives appears to be abductees taken in "destruction operations" described later. But Renamo occasionally appears to abduct individuals from "tax areas".

What distinguishes "control" areas from "tax" areas is the higher degree of extraction of energy/labor/food production from the population. The refugees describe this rate of extraction as unbearable, and the wasted physicial condition of escapees who reach safety provides physical evidence to buttress this assertion. As in "tax" areas, this extraction appears to be the only type of relationship between Renamo and these captives. There were virtually no reports of provision by Renamo of protection, remuneration, in-kid assistance, administration (except for security and surveillance), social services, or material or other type of perceived reciprocity. There is almost no reported effort to explain the purpose of the insurgents' efforts, the nature of its goals, or to enlist the loyalty—or even neutrality—of the population. The only reciprocity the captives appear to receive or to expect is the opportunity to remain alive.

A few refugees who lived in control areas reported that their villages had schools for their children. One of these refugees stated that his children were taught to inform the Renamo police if they spotted strangers walking in their area and were also taught to read and write. Beginning with ages 10 and 11, however, he reported that the children are used for other purposes: some are old enough to work in the fields; others are recruited to become Renamo soldiers. One refugee reported that there was a school and that attendance for the children was obligatory. But he added that the main school activities were working in the fields and building houses and latrines. (One refugee reported that he was originally captured by three Renamo soldiers, whom he described as being 10-12 years old and particularly vicious.) One of two refugees who lived in an area which had a schoool also reported that there was a health clinic there as well, although it contained no medicines.

(3) *Destruction areas:* Areas which are not designated as "tax" or "control" areas may fall into a third category, which may be described as areas targeted for destruction. Such areas often include "villages" of 40 or more families residing in a small hamlet—although these also include villages of several hundred families. Villages designated as "settlements," especially those developed by the Mozambican Government for refugees who have returned from neighboring countries, appear in some cases to be priority targets. Entire geographical areas may be subject to the "destruction" zone designation; or sometimes only the larger villages within such areas may be targeted for destruction. Refugees from various areas of Mozambique reported consistent patterns and methods of attack, with similar consequences. Not all villages in Mozambique have been subject to such attack. But from the geographical diversity of the refugees reporting, it appears that significant areas have been the object of this type of activity, which seems to be aimed principally at the destruction of these population centers.

The destruction program may proceed through up to three nominal stages. First, some villages which are the targets of destruction effort appear to become the subject of careful, advance intelligence collection. Intelligence is reported to be gathered through visits by Renamo combatants to local farmers in their fields—or through the abduction of one or two villagers, who are subjected to a debriefing and sometimes reported not to return to the village. The questions pertain to the deployment, if any, of Government soldiers and/or militia in the village; the nature of their arms; the identity of civilian officials of the Government—the identity of the village Chairman, Secretary, and other prominent citizens and the location of their homes; the identity of individuals owning valuable possessions—new clothes, a radio, etc; and the habits of the population.

Second, depending on the area, a "political" visit by Renamo combatants may follow (although in some cases this second stage is combined with the attack stage). During this stage, Renamo combatants may proceed directly to the homes of Government officials—such as the village Chairman and Secretary—apprehend them, and in some instances, their wives, children and perhaps other relatives who may be found in the home. Refugees report that such persons are usually executed, sometimes after the village is called together to witness the incident. One refugee reported that a group of officials, their wives and children were burned alive in their homes after the husband had been immobilized with an ax wound, as the villagers were forced to look on. In some cases during this stage, Renamo combatants instruct the people to disperse from their village to their individual fields, "tax areas". They may also be advised to go to "control areas."

The third stage for villages and areas designated for destruction is the actual military attack. Such attacks were generally said to occur in the early morning hours, just before or after down. In some cases it appeared that the attack group moved from village to village in a selected area conducting the same operation in each. The attacks seemed to be organized and executed in the same manner, whether or not the village was defended by Government soldiers or militia. (As a general rule, civilians possess no firearms.) Thus, if there are no Government soldiers or militia, the attach is conducted against unarmed civilians. In most of the small villages, a handful of Government soldiers or militia were reported to be present. According to the refugees, they would often be rapidly overwhelmed by the more numerous attacking force and either be killed or forced to flee soon after the attack began. Larger villages sometimes have larger defending forces, and in these there is a longer, and sometimes successful, resistance.

The attack stage was sometimes reported to begin with what appeared to the inhabitants to be the indiscriminate firing of automatic weapons by a substantial force of attacking Renamo combatants. This force usually has the element of surprise, as the attack begins during the very early morning hours. In some villages, the firing is sometimes reported to be directed into the houses of the civilian population, at inhabitants who attempt to flee and at the handful of Government soliders or militia, if any, who return the fire. Reportedly the Government soldiers aim their defensive fire at the attackers, while the Renamo forces shoot indiscriminately into the village. In some cases refugees perceived that the attacking force had divided into three detachments: one conducts the military attack; another enters houses and removes valuables, mainly clothing, radios, food, pots and other possessions; a third moves through the looted houses with pieces of burning thatch setting fire to the houses in the village. There were several reports that schools and health clinics are typical targets for destruction. The destruction of the village as a viable entity appears to be the main objective of such attacks.

This type of attack causes several types of civilian casualties. As is normal in guerrilla warfare, some civilians are killed in crossfire between the two opposing forces, although this tends in the view of the refugees to account for only a minority of the deaths. A larger number of civilians in these attacks and other contexts were reported to be victims of purposeful shooting deaths and executions, of axing, knifing, bayoneting, burning to death, forced drowning and asphyxiation, and other forms of murder where no meaningful resistance or defense is present. Eyewitness accounts indicate that when civilians are killed in these indiscriminate attacks, whether against defended or undefended villages, children, often together with their mothers and elderly people, are also killed.

Varying numbers of civilian victims in each attack were reported to be rounded up and abducted, apparently to "control" areas. During the initial abductions, they are sometimes simultaneously used as porters to carry away goods confiscated in the attacks on their own villages. From refugee reports, treatment of these porters seems to be consistent with that of the regular porters described in the preceding section on "control areas."

Deaths were also reported in instances when Renamo combatants, in the absence of resistance or defense, were reported to chase the villagers toward natural barriers, such as rivers, or otherwise use the physical surroundings to cause their deaths by drowning or asphyxiation.

The survivors of attacks who do not die, who are not severely wounded, and who are not abducted, appear to face three destinations: some flee to their fields, including the "tax areas"; some flee to Government-controlled towns, typically district capitals; and some flee to neighboring countries. Refugees residing in areas apparently marked for "destruction" were asked repeatedly why they did not, upon learning of initial abductions, and particularly after the (second stage) "political" visit, flee their villages. Many responded that they did not realize, at each of the early stages, what fate awaited the village, and said they had been reluctant to leave their home villages until there was absolutely no other choice. Some of the villages had been subjected to several Renamo "third stage" attacks before the final successful attack which drove the villagers from their homes. In each of the earlier attacks, people were killed. But it sometimes appeared that until someone in their immediate family was killed or their home and property destroyed, they were most reluctant to abandon homes and land, with which they seemed to identify very closely. Moreover, some expressed fear of the danger of a journey to safety and uncertainty about what alternative destination area was, in fact, safe from attack. Economic survival was another factor mentioned by the refugees—how would they eat, where would they get food, if they left their villages?

In both "tax" and "destruction" areas, a small number of cases were reported of "targeted retribution" against small children. These involved, for example, the mutilation and subsequent killing of young children in retaliation against parents who fled a Renamo visit or attack against their homes.

Most civilians took their children with them when they fled, and the child retribution cases appeared to affect mainly the small number of families who could not find a child at the moment of flight; events evolve rapidly in such instances. Mutilation by Renamo combatants or police of adults—the severing with a knife of mainly ears, but also lips, noses and limbs—was reported by a small fraction of refugees.

Summary of Renamo conduct

While the foregoing description does not encompass every type of Renamo operation in Mozambique, it characterizes in nominal categories both the general types of conduct and the relationship with the respective civilian populations which the great majority of the refugees reported. The purpose of the division of these accounts into three nominal types of areas (tax control, destruction) is to convey complex reports in a more understandable form. No area conforms strictly to only one pattern.

Quantification of Renamo conduct

This section seeks to complement the preceding descriptions by providing approximate quantitative orders of magnitude of Renamo practices reported by the refugees.

The great majority of the total of 196 interviewed refugees whose migration was caused by conflict violence cited Renamo actions as the reason for their flight. Roughly 40% reported personally witnessing the murder of civilians principally by Renamo combatants and Renamo police in the absence of resistance or defense. The 169 refugees who arrived at their current locations in 1987/1988 reported roughly 600 such murders. The refugees provided eyewitness or other credible accounts about these killings which included shooting executions, knife/axe/bayonet killings, burning alive, beating to death, forced asphyxiation, forced starvation, forced drownings, and random shooting at civilians in villages during attacks.

The shootings listed above do not include about 200 persons killed in crossfire between Renamo and Frelimo Government soldiers, which this report attributes to neither side in the conflict. The approximately 600 murders attributed to Renamo by the 1987/1988 arrivals represented about 94% of such murders reported by these refugees (of the remainder, about 3% were attributed to Frelimo and about 3% were attributed to "unknown" parties). An additional ten persons drowned in the Zambezi River by accident while escaping from Renamo pursuit, and are not counted among the roughly 600.

About fifty of the 600 reported Renamo murders were reported to be young children. Of these, about thirty fell into the category of murder for retribution, as described in the preceding section, and included the children of Frelimo civilian village officials killed in the second stage of the campaign against the "destruction" areas.

The results in the other abuse categories were similar. Nearly 40% of the refugees had direct knowledge of the imposition by Renamo of forced portering on the civilian population; about 20% had themselves served as porters. Over 70% of those who had served as porters witnessed severe beatings of porters who could not keep up, who stumbled, or who dropped their loads. About 60% of those who served as porters reported that they eyewitnessed or had credible reports of captive porters who were beaten to death or executed along the route for the same reason. Four of the refugees who had served as porters described incidents in which they themselves were severely beaten. No portering complaints against Frelimo Government soldiers were received.

Over 15% of the refugees reported patterns of systematic rape of civilian women by Renamo combatants. One rape complaint against Government soldiers was reported. About one-third of those reporting house burnings saw their own houses burned. No complaints of house burning were reported against Government soldiers.

Nearly 40% of the refugees complained about abduction of civilians, a pattern most typical of the nominal "destruction areas." Of these, over a quarter had themselves been victims of abduction. 94% of these identified Renamo combatants as the abductors; the remainder were split between Government soldiers and unknown parties.

Looting and forced contribution of resources was reported by nearly 60% of the refugees. Of these, some 45% reported that beatings were used when necessary to extract resources. 93% of the looters were identified as Renamo combatants, 6% as Government soldiers, 1% as by unknown parties.

Mutilations, reported by 5% of the refugees, were all attributed to Renamo combatants.

Some 21% of the refugees provided eyewitness accounts of life in "control" areas based on personal residence there as captives. About 60% of the refugees said they witnessed or had credible knowledge of the severe punishmnt or execution of captives who had been caught by Renamo attempting to escape from "control" areas and other activity areas.

For the 1987/1988 arrivals, discounting non-conflict migrants, 91% of the refugees' reports were categorized by the author as "very negative" toward Renamo; 5% as "negative"; 1% as positive. Three percent offered no report and no complaints.

Frelimo conduct of the war

Complaints by 1987/1988 refugees about Government (Frelimo) combatant conduct were both serious and quite different from the reports about Renamo conduct. In general, refugees described the principal role of the Frelimo soldiers as defending their villages against the Renamo attackers. many of the refugees reported that in attacks on small villages which may have had from two to ten Frelimo soldiers and militia defending them, the Government soldiers were quickly overwhelmed by a far larger insurgent force. In some cases, refugees said that Frelimo soldiers fired their weapons and attempted resistance just long enough to give civilians an opportunity to flee.

Accounts of serious abuses in individual incidents attributed to Government soldiers were reported in credible detail. However, they were small in number by comparison to complaints concerning Renamo and did not appear to represent systematic problems of discipline or command and control. As complaints were relatively few, the 1987/1988 data can be summarized as follows: as compared with the 94% of murders attributed to Renamo, about 3% (roughly 20) were ascribed to Frelimo (3% were attributed to "unknown" parties). No reports of forced drowning, axed/knifed/bayoneted, burned alive, beaten to death, forced asphyxiation, or random shootings were attributed to Frelimo soldiers by this sample. As compared with 96% of child murders attributed to Renamo, only 4% were ascribed to Frelimo. No complaints of forced porterage or burning of houses were ascribed to Frelimo. The 169 arrivals during the 1987/1988 period attributed one complaint of rape to a Frelimo soldier. Three cases of abduction by Frelimo soldiers (4%, versus 96% for Renamo) were reported. six cases of looting or forced contributions (6% versus 94% for Renamo) were reported. There was also one complaint that Frelimo Government soldiers had destroyed a farmer's crop, and one complaint of a man who had been arrested because in earlier years he had resisted a Frelimo Government order to move into a central village. No reports of mutilation were attributed to Frelimo soldiers.

In general, informed sources within Mozambique reported that the human rights conduct of Frelimo Government soldiers has been on a marked postive course since 1986, while Renamo conduct appears to have worsened.

In summary, after discounting the non-conflict related migrants for the entire sample, refugee reports on Frelimo and Renamo are characterized by the author as follows:

[In percent]

	Positive	Very negative	Somewhat negative	No complaint
Frelimo	11	7	10	72
Renamo	1	91	5	3

Thus, the combined "negatives" concerning Renamo were 96%, versus 17% for Frelimo. Combined positive plus "no complaints" concerning Frelimo were 83% versus 4% for Renamo.

Pre-1987 Report Differences

The pre-1987 arrival sample was too small to provide a useful basis for comparison with the 1987/1988 arrivals. Because of the limited sample size and because a larger proportion—about one-third—had migrated because of conditions not related to the conflict, it must be treated with some reserve. The attribution of human rights abuses to Renamo versus Frelimo among this group, is roughly the same as for 1987/1988 arrivals. The proportion of non-murder abuses (rape, looting, forced porterage, mutilation etc.) attributed to Renamo is slightly higher. Of the witnessed murders, however, 68% were attributed to Renamo, 32% to Frelimo, none to "unknown". The proportions arising out of these particular numbers should be given only relative weight because of the limited size of the sample (particularly after non-conflict migrants are deducted) and the consequent possibility that the dimensions of a single incident could disproportionately affect the overall results.

Summary of Findings

From 48 districts in northern, central and southern Mozambique, in 25 refugee camps in five countries separated by as many as 1,500 miles, nearly 200 Mozambican refugee accounts of their experiences are strikingly similar. If that sample is reasonably representative, their accounts, corroborated in large measures by independent experience of some religious and relief assistance workers, compel certain unavoidable findings.

First, the level of violence reported to be conducted by Renamo against the civilian population of rural Mozambique is extraordinarily high. Roughly 170 refugees, each representing one family, who arrived in 1987/1988, collectively reported about 600 murders by Renamo of unarmed civilians, in the absence of resistance or defense. (If the population estimates reported in the introduction to this report are correct, there are roughly 200,000-250,000 refugee and displaced families in Mozambique and in the neighboring countries, the majority of whom are conflict victims.) If the refugee reports are generally accurate and the sample reasonably representative, it is conservatively estimated that 100,000 civilians may have been murdered by Renamo in this manner.

The same 170 refugees report many hundreds of cases of systematic forced portering, beatings, rape, looting, burning of villages, abductions and mutilations. These patterns of systematic abuse represent many hundreds, if not thousands, of individual instances reported by this small sample. Conservative projections based on this data would yield extremely high levels of abuse.

That the accounts are so strikingly similar by refugees who have fled from northern, central and southern Mozambique suggests that the violence is systematic and coordinated and not a series of spontaneous, isolated incidents by undisciplined combatants.

Second, the relationship between Renamo and the civilian population, according to the refugee accounts, revolves almost exclusively around a harsh extraction of labor and food. If these reports are accurate, it appears that the only reciprocity provided by Renamo for the efforts of the civilians is the possibility of remaining alive. There are virtually no reports of attempts to win the loyalty—or even the neutrality—of the villagers. The refugees report virtually no effort by Renamo to explain to the civilians the purpose of the insurgency, its proposed program or its aspirations. If there is a significant sector of the population which is sympathetic to this organization, it was not reflected in the refugee accounts.

Third, there were serious complaints about abuses by some Frelimo Government soldiers. But in both the murder and nonmurder categories, only three to four percent of the complaints were attributed to Frelimo soldiers. They tended to be isolated reports, often from areas of the country most remote from Maputo. It appeared that there is a sustained trend toward improvement overall.

Fourth, the refugees and most independent sources rejected the assertion that much of the violence in Mozambique is attributable to neither Frelimo or Renamo but instead to armed bandits affiliated with neither side. It appears from this field research that violence by "freelance bandits" does not account for more than occasional, isolated instances of the high level of reported violence.●

BUDGET SCOREKEEPING REPORT

● Mr. CHILES. Mr. President, I hereby submit to the Senate the budget scorekeeping report for this week, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $900 million in budget authority, and by $2.9 billion in outlays. Current level is under the revenue floor by $10.6 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(A) of the Budget Act is $154.1 billion, $1.2 billion below the maximum deficit amount for 1988 of $155.3 billion.

The report follows:

U.S. Congress,
Congressional Budget Office,
Washington, DC, April 25, 1988.

Hon. Lawton Chiles,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The attached report shows the effects of congressional action on the budget for fiscal year 1988 and is current through April 22, 1988. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent budget resolution (H. Con. Res. 93). This report is submitted under section 308 (b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32.

No changes have occurred since my last report.

Sincerely,

James L. Blum,
Acting Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 100TH CONGRESS, 2D SESSION AS OF APRIL 22, 1988

[Fiscal year 1988—in billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 93 [2]	Current level +/− resolution
Budget authority	1,145.1	1,146.0	−.9
Outlays	1,031.8	1,034.7	−2.9
Revenues	922.2	932.8	−10.6
Debt subject to limit	2,484.2	[3] 2,565.1	−80.9
Direct loan obligations	3.4	34.6	−.2
Guaranteed loan commitments	155.1	156.7	−1.6

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] In accordance with sec. 5(a)(1)(b) the budget authority and outlays include an adjustment that reflects the amount reserved for subsequent allocation under section 302(a) of the Congressional Budget Act.

[3] The permanent statutory debt limit is $2,800.0 billion.

PARLIAMENTARIAN STATUS REPORT, 100TH CONGRESS, 2D SESSION—SENATE SUPPORTING DETAIL, FISCAL YEAR 1988, AS OF CLOSE OF BUSINESS APRIL 22, 1988

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			911,050
Permanent appropriations and trust funds	792,035	674,291	
Other appropriations	569,646	574,400	
Offsetting receipts	−202,566	−202,566	
Total enacted in previous sessions	1,159,115	1,046,125	911,050
II. Enacted this session:			
Rescission of Jewish Education Centers Abroad (Pubic Law 100–251)	−8	−5	
Veterans Home Loan Program Emergency Amendments (Public Law 100–253)		1	
Assistance and Support for Central America (Public Law 100–276)		43	
Total enacted this session	−8	39	
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Disaster relief	142	85	
Special Milk	5	1	
Special benefits	83	83	
Special benefits for disabled coal miners	7		
Medicaid	51	51	
Social Services block grants	50	48	
Veterans readjustment benefits	16		
Veterans compensation	282		
Payment to air carriers	8	2	
Coast Guard retired pay	6	6	
National wildlife refuge fund	1	1	
Total entitlement authority	1	1	
VI. Adjustment for economic and technical reestimates	−14,650	−14,650	11,200
Total current level as of Apr. 22, 1988	1,145,107	1,031,789	922,250
1988 budget resolution (H. Con. Res. 93)	1,146,000	1,034,700	932,800
Amount remaining:			
Over budget resolution			
Under budget resolution	893	2,911	10,550

Note.—Numbers may not add due to rounding.

EMPLOYEE EDUCATIONAL ASSISTANCE

● Mr. MOYNIHAN. Mr. President, I rise today to call to the attention of my colleagues to a provision that enhances Federal efforts on behalf of education, international economic competitiveness, and tax equity. I refer to section 127 of the Internal Revenue Code, which was allowed to expire at the end of last year.

Section 127 entitles an employee to exclude from income up to $5,250 of employer-provided educational benefits—reimbursement for tuition, outside training, and the like. Without section 127, the employee would owe taxes on the value of any educational assistance that did not directly relate to the current job held. Section 127 is thus important for lower skilled workers who want to upgrade their skills and occupational opportunities, and for retaining employees whose current skills have become technologically obsolete.

The provision also makes an important contribution to simplicity in the Tax Code. Without it, employers and the IRS would be forced to determine on a case-by-case basis which employer-provided educational benefits are sufficiently related to the job to avoid treatment as taxable income.

Section 127 also helps to strengthen American industry's competitive position in the global economy. It removes a recordkeeping burden on industry initiatives to provide education and retaining for employees. Retraining will take on an increase importance in the next decade, given that approximately 85 percent of those who will make up the workforce in the year 2000 are already working today.

This provision is not some wasteful fringe benefit for high-paid executives. Over 70 percent of participants in section 127 programs earn less than $30,000 per year.

Section 127 first went into effect in 1979, and expired at the end of 1983. Two-year extensions have been enacted twice since then—most recently in the Tax Reform Act of 1986, which extended the provision retroactively from its December 31, 1985, expiration date until the end of this year. We can take a large step toward making our workforce more competitive, while making the Tax Code simpler, by acting to make section 127 permanent.

I have introduced a bill, S. 39, to do just that. The Senate Finance Committee held hearings on education issues including S. 39 on March 15, 1988. At that hearing, Dr. Judith Eaton, president of the Community College of Philadelphia, and our good friend and former colleague Senator Abraham Ribicoff presented most eloquent and incisive testimony which argues effectively for the continuation of section 127. I commend their comments to my colleagues, and ask that they be included in the RECORD.

The comments follow:

TESTIMONY ON S. 39—RENEWAL OF EMPLOYEE EDUCATIONAL ASSISTANCE (TAX CODE SECTION 127)

Mr. Chairman, I am pleased to have this opportunity to testify before the Senate Finance Committee, and to urge the restoration of one of the strongest plans of U.S. economic competitiveness, the employee educational assistance provided by tax code section 127, by which training costs paid by employers to help employees improve job skills were not taxed as employee income.

My name is Judith Eaton. I am President of the Community College of Philadelphia, Chair of the Board of the American Council on Education, and past Chair of the Board of the American Association of Community and Junior and Community Colleges. I am testifying on behalf of the more than 200 organizations that form the Coalition for Employee Educational Assistance, who share the conviction that employee educational assistance has been building the skill base the U.S. economy must have to regain its once-cherished lead in global productivity.

Today, we urge the Committee to report favorably Senator Daniel P. Moynihan's bill, S. 39, which would restore permanently the Section 127 exclusion for employer-paid tuition assistance. Section 127 expired on December 31, 1987.

Section 127 has been part of the Internal Revenue Code since 1978 (PL 95-600). It was enacted to eliminate the confusion created by a prior Treasury regulation (162-5), which required employees to demonstrate that the educational assistance provided to them by employers was strictly job-related. Otherwise the benefits would be considered taxable income.

This regulation, in effect, discriminated against lower-level employees, who had more narrowly defined job descriptions. Top personnel could justify almost any course—English, psychology, computers, etc—as related to their performance as managers. However, clerical and production workers were sharply limited in the type of courses they could take and still not have their tuition assistance taxed as income. The obvious irony was that the lower-level employees could less afford taxes on employer-paid tuition assistance than could management personnel.

Fortunately, Congress acted in 1978 to eliminate the inequities of regulation 162-5. Over the past nine years, more than seven million workers have used Section 127 assistance to upgrade their skills and to keep themselves competitive on technological and industrial developments. In addition, Section 127 has created incentives for upward mobility within the workforce.

In preparation for Congressional testimony during the massive tax reform efforts of the 99th Congress, the American Society for Training and Development, conducted a 1985 survey on employee educational assistance—who pays, who benefits. The survey sample selected was 1,000 public and private employers with a range of 43 to more than 100,000 employees. From the 319 employers responded who responded, the survey revealed some very useful facts:

97% of all respondents have educational assistance plans;

91% of the respondents cited their local community college as a provider of educational assistance courses;

96% of respondents said educational assistance was used for improving skills and performance on-the-job;

54.8% of respondents said educational assistance helps employees learn basic skills like reading and writing;

And most significant, 72% of employees taking education and training courses earn less than $30,000 a year.

I might point out that as the largest branch of higher education, community colleges provide a variety of low cost, high-quality postsecondary education and training opportunities in close proximity to the homes and/or jobs of at least 90 percent of the Nation's workforce. Community colleges also excel in partnershipping arrangements that deliver specialized training programs meeting specific employer needs.

At my own institution, the Community College of Philadelphia, we have contracts with more than two dozen major employers, public and private, serving the job skills needs of some 5,000 employees. Members of the local Health Workers Union train under one such contract. This total does not include the untold numbers of working adults who enroll in our courses with individual assistance from their employers. Nor does it cover our training for the U.S. Navy Yard, amounting to an annual full-time equivalent (FTE) of some 400 students. Nor does it cover the work the College is doing with the local Service Delivery Area under the Job Training Partnership Act; nor the customized retraining we perform for key industries under Pennsylvania's economic development program. Comprehensive as they may sound, CCP's partnerships with employers are only typical of what employers and community colleges across the Nation are doing together to meet the skill demands of the global economy.

Mr. Chairman, Section 127 is a critical tax incentive that promotes training and retraining in the workplace. Much of this training could be lost if Congress fails to act to restore this provision.

The expiration of Section 127 could also have a potentially devastating impact on graduate work and the Nation's supply of scientists and engineers. In order to encourage scholarly achievement, colleges and universities have traditionally offered outstanding graduate students a package of financial assistance. Such assistance generally includes both cash stipends for time spent in teaching or research, and tuition waivers or reductions. Federal law until last year allowed graduate assistants to exclude the value of tuition reductions from their income. The Tax Reform Act of 1986, however, restricted the exclusion. The Act requires students to pay tax on all amounts granted as compensation for services, whether paid in kind or in cash. Since many institutions couple cash awards with tuition reductions, there is now widespread uncertainty whether such reductions are excludable when awarded to graduate assistants who perform services.

Since the passage of the Tax Reform Act, many colleges and universities, particularly those which offer closely coupled stipend-waiver arrangements, have relied on Section 127 to make tuition reductions excludable. Section 127 has also provided relief to those institutions which are required to characterize tuition reductions as compensatory for state or federal (non-tax) law purposes. If Section 127 is not restored, many graduate students will be required to pay tax on their tuition reductions, thus increasing the cost and the difficulty of financing long courses of graduate study.

The recent expiration of the EEA already is creating a hardship for many graduate students. For example, out-of-state teaching assistants at the University of Michigan returned for the winter term to find that the new withholding requirements took an average of $736 per term (28%) from four months of salary. This represented a $184 per month cut from a previous takehome salary of $652 per month; $468 per month was left for a married student with one dependent.

Graduate assistants are selected to teach and conduct research because of their scholarly potential. Many in their number will be future college faculty members, and many will become leaders of science, business and government. Regrettably, without Section 127, the tax code would become a disincentive for graduate study.

The importance of Section 127 to the Nation's skill base and revenue base is graphically portrayed by individual careers. Consider Joseph Ortega, a Lakewood, CO, nurse. He started his career 28 years ago as an unskilled hospital orderly. With stipends from the St. Anthony's hospital system in Denver, he earned his licensed practical nurse (LPN) certificate. That step alone doubled his earnings. Later, as an employee of Dow Chemical, and with Dow's help, he completed an associate degree at Front Range Community College, which enabled him to obtain registered nurse (RN) licensure. Remarkably, that again doubled his earning power. More recently, again with employer assistance, he completed his bachelor's degree at Denver's Metropolitan State University, while continuing his full-time nursing career. The BS added another $2 an hour to his pay. Without the employer assistance, he might still be an unskilled orderly, or a victim of unemployment. The modest federal revenue foregone to cover Mr. Ortega's employee educational assistance has been repaid many times over in added taxes flowing from his increased earnings.

Employee educational assistance has been boosting hundreds of thousands of individual careers, and their earning power, this way every year. Such career gains enhance both the income tax base and Social Security revenue. It seems highly probable to us that any immediate sacrifice in federal revenue tied to employee educational assistance is repaid at least twenty-fold in later career earnings. Research has shown that completion of a two-year or four-year college degree extends the career life of the typical American by four to five years, not to mention salary and revenue increases that attend such skill gains.

The economic activity that perishes with the demise of Section 127 also should not be overlooked. The whole training enterprise associated with it—the job and sales activity involved—might alone account for enough taxes to cover the revenue foregone.

The Labor Department study, Workforce 2000, shows that the typical American entering the workforce now is likely to change careers five or more times, as our economy wrestles with the challenges of a new century. The risks those changes pose for both the workforce and the economy will be much greater if they come without the benefit of Section 127 benefits. The college population 22 years and older earning credit today is much larger than the so-called traditional 18-21 year-old enrollment. By 1984, the credit enrollment of part-time students was almost as large as the full-time credit population. For vast numbers of working mothers and single parents, who are increasingly essential to a globally competitive American skill base, career and skill gains will be possible only when employee educational assistance is available.

Education, training and retraining of Americans already employed will become even more critical as the economy enters the 1990s, because the country faces a period in which the year-by-year workforce growth rate will barely match that of the Great Depression. Industry, the military and higher education will be competing for the markedly diminished supply of high school graduates. It will be imperative to our economic competitive strength that older workers gain skills that will keep them in the workforce. Employee Educational Assistance offers the only proven strategy for meeting this need.

In conclusion, Mr. Chairman, we offer the Committee two thoughts from last week's celebration of the Labor Department's diamond jubilee. Morton Bahr, President of the Communication Workers of America (CWA), said tomorrow's "job security rests on retraining, not on empty guarantees." And in the words of Harold A. Poling, Vice Chairman of the Board of Ford Motor Company, "The real competitive edge we must develop is the American workforce." We sincerely believe that this challenge cannot be met, will not be met, without permanent restoration of Section 127. Thank you again for this opportunity to address the Committee. I would also like to request that the list of current members of the Coalition for Employee Educational Assistance be included in the hearing record.

Statement of Abraham Ribicoff, Special Counsel; Kaye, Scholer, Fierman, Hays & Handler

SUMMARY

Mr. Chairman and Members of the Committee, I speak today in behalf of Senator Moynihan's bill S. 39.

I appear today on behalf of the Morgan Bank. Morgan's experience demonstrates that this program is of paramount importance to lower-paid employees, women, and minorities. 66% of program dollars go to workers earning less than $40,000—90% go to employees earning less than $50,000. Of total participants in 1986 and 1987, 58% were women—34% were minorities.

The safest and most consistent political buzz words during the current 1988 campaign are competitiveness and education. That is really what Senator Moynihan's bill is really all about.

According to a 1985 nationwide study 95.4% of participants in Section 127 programs earned less than $50,000—71.1% earned less than $30,000.

This experience should put to rest any notion that this program is a fringe benefit for rich workers.

When we approved the 1978 tax reform bill, we observed that the tax law served as a "disincentive to upward mobility. With the expiration of Section 127 we are faced once again with the very situation we so roundly condemned only ten years ago. This problem recurs at a time when the government should be encouraging workers to improve their skills.

We will not be able to stop this nation's decline toward the status of a second rate economic power unless and until we retrieve the competitive edge over other world economic powers.

Section 127 has been estimated to cost $200 million a year, and I sympathize with your dilemma as you seek to find ways to retrieve this revenue loss. However, the fact of the matter is that Section 127 will bring in more revenue. As employees increase their skills, they also upgrade their jobs and salaries. These workers will more than make up the cost of their training in taxes paid on their higher income. The evidence is clear: this is a program that pays for itself.

For these reasons, I sincerely hope that you will give careful consideration to the renewal of Section 127. The task of keeping this country competitive is too important to allow this program to expire.

STATEMENT

Mr. Chairman and Members of the Committee, I am pleased to have the opportunity this morning to testify in support of tax incentives for education. I speak today in behalf of Senator Moynihan's bill S. 39, the "Employee Educational Act of 1987," cosponsored by 33 members of the Senate, which would restore Section 127 of the 1978 tax reform act.

I appear today on behalf of the Morgan Bank, and I ask that a statement by Mr. Herbert J. Hefke be placed in the record at the conclusion of my remarks. Mr. Hefke is Senior Vice-President and Director of Human Resources at the bank. His statement provides a first-hand account of the successes of the program in upgrading employee skills, in providing educational opportunities for employees, and in the aggressive pursuit of affirmative action opportunities for minority employees and women.

The safest and most consistent political buzz words during the current 1988 campaign for all Presidential and Congressional candidates are competitiveness and education. That is really what Senator Moynihan's bill is really all about.

Morgan's experience demonstrates that this program is of paramount importance to lower-paid employees, women, and minorities. As Mr. Hefke notes in his testimony, 66% of program dollars go to workers earning less than $40,00—90% of the program dollars go to workers earning less than $50,000. Of total participants in 1986 and 1987, 58% were women—33% were minorities.

This experience is repeated throughout the United States. According to a 1935 study prepared by the American Society for Training and Development, 95.4% of participants in Section 127 programs earned less than $50,000—71.1% earned less than $30,000. At a recent conference sponsored in part by the Congressional Competitiveness Caucus ("Working Better: Building Consensus for a More Effective Workforce," June 30, 1987), representatives of labor, business, academia, and government joined in urging support for Section 127. Citing the experience of General Motors, where some 119,000 laid-off workers are now being retrained for careers outside the automobile industry, a labor spokesman pointed out that the training provided under Section 127 can sometimes spell the difference between having a job—and having no job at all. For such workers, losing the tax exemption provided by Section 127 would be especially burdensome.

This experience should put to rest any notion that this program is a fringe benefit for rich workers. It is not. The overwhelming majority of people who participate in this program are working men and women who need this assistance in order to get the training they need to move up the career ladder. This is a popular program. In a 1986 survey of the Fortune 1000 companies, 715 of the 730 companies responding said that they maintained a tuition reimbursement program for their employees. In all, it is estimated that seven million workers have participated in educational assistance programs under Section 127. This program has been tremendously successful in providing training opportunities for workers at the lower wage scales—the very people we sought to assist when we created this program.

As you will recall, when we approved the 1978 tax reform bill, we observed that "the tax law * * * requires out-of-pocket tax payments for employer-provided educational assistance from those least able to pay." For these reasons, we stated that the tax law served as a "disincentive to upward mobility." The experience of the Morgan Bank and others demonstrates that—for many workers—this program has been successful in removing the barriers to upward mobility created by the tax law. With the expiration of Section 127 we are faced once again with the very situation we so roundly condemned only ten years ago. Moreover, this problem recurs at a time when the government should be doing everything possible to encourage workers to improve their skills.

This Committee has always been at the cutting edge. I do not need to remind you of the challenges facing this country. The current national debt exceeds $2.4 trillion. The budget deficit this year is expected to run anywhere from $144 to $157 billion. Our balance of trade deficit will be in excess of $171 billion. For the first time since 1917, the United States is a debtor nation. According to all of the leading economic indicators, we have descended into an ever deepening sea of red ink. We will not be able to stop this nation's decline toward the status of a second rate economic power unless and until we retrieve the competitive edge over other world economic powers.

In his excellent book, "The Rise and Fall of the Great Powers," historian Paul Kennedy writes that a critical strength of the Japanese is "the very high quality of the Japanese work force . . . which is not only groomed in an intensely competitive public education system but also systematically trained by the companies themselves.

Even fifteen-year-olds in Japan show a marked superiority in testable subjects * * * over most of their western counterparts. * * * Japan * * * produces many more engineers than any western country (about 50% more than the United States itself). It also has nearly 700,000 R&D workers, which is more than Britain, France, and West Germany have combined."

This is the competition we face. If we are to meet this competition, we must provide continuing support for proven programs that provide training for American workers.

I understand that Section 127 has been estimated to cost $200 million a year, and I sympathize with your dilemma as you seek to find ways to retrieve a projected $200 million revenue loss. However, just the opposite is the case.

The fact of the matter is that Section 127 will bring in more revenue. Employees receiving an education increase their skills—and as they increase their skills they also upgrade their jobs and salaries. These workers will more than make up the cost of their training in the higher taxes paid on their higher income.

Mr. Hefke's statement discusses three examples from the experience of the Morgan Bank that demonstrate this point. A secretary who obtained her undergraduate degree through the Morgan tuition refund program is now an assistant vice-president, making twice the salary she would have made had she remained in her secretarial position. A messenger who began participating in the tuition refund program after joining the clerical staff was appointed an officer soon after obtaining his degree, and is now earning almost at double the salary he would have earned in a normal clerical career path. A former mail clerk who worked his way through the ranks obtained an undergraduate degree in business administration and now earns in excess of $100,000 as a vice president of the bank.

To assess the tax ramifications of such success stories I asked the tax department of my law firm to analyze the hypothetical case of a clerical employee, who earned between $20,000 and $24,000 during five undergraduate years (1978-82), but secured new responsibilities upon graduation in 1982 and is now earning $55,000 per year. Assuming no dependents or other income and applying the standard deduction, this employee will have paid about $13,500 in federal income taxes for 1987 alone—almost $9,000 more than the taxes paid if the employee had remained in a clerical position and were now earning $29,000.

Assuming this employee had received $1,800 in tuition reimbursements for each of the undergraduate years, the total tax forgone by the government over five years would have amounted to some $3,090, or only one-third of the total increased tax which the employee paid in a single year as a result of this education. In fact, using reasonable assumptions, we calculate that, over the five-year period 1982 through 1987, the federal government would realize a 900% return on its initial tax "investment" in this employee—receiving more than $28,000 in additional taxes as a result of the employee's improved education. Even if a reasonable interest rate were taken into account in calculating forgone revenues, the return on investment would exceed 500%.

Over the employee's working life, it is clear that the modest investment under Section 127 would be repaid many times over in increased taxes.

Admittedly, this is a rough cut analysis. For some workers, the projected tax revenues would be less than the example chosen—for others, the tax revenues would be higher. It is fair to assume, however, that—for most workers—the increased training made possible by Section 127 translates into higher adjusted gross income—and higher taxes. When this information is taken into account, the projected losses attributed to Section 127 evaporate.

By contrast, if this program is allowed to die, many workers will be forced to abandon their education. It is also important to keep in mind that these programs rarely approach being a "free ride." Many workers already spend a good deal of their own money for books and tuition, with employer assistance picking up only a fraction of the cost. Adding a tax burden on top of these costs may cause many workers to forego or postpone their educations. To the extent workers drop out of these programs, no tax revenue is generated. More important, the opportunity is lost or delayed to enhance the competitive skills of the workforce.

This program also succeeds in providing training opportunities to workers without the bureaucracy and costs attendant to the administration of grants programs. It enables employers and employees alike to choose the kind of training program that best suits employee needs, and allows employees and employers to set the pace of their training, an important consideration for employees who often must juggle their educational program with work and family commitments. To the extent that it becomes necessary to substitute direct grants for Section 127, this flexibility is lost. Furthermore, it is obvious that Section 127 can provide educational assistance to workers at a fraction of the cost of direct aid programs, since the employers and the employees themselves pick up the lion's share of the cost, including the administrative costs of the program.

For these reasons, I sincerely hope that you will give careful consideration to the renewal of Section 127. It is a successful program, and worthy of your support. The task of keeping this country competitive is too important to allow this program to expire.

I ask that a recent New York Times article discussing the impact of Section 127 be inserted at this point in the record.

I am available to answer any questions that you may have.

[From the New York Times, Feb. 24, 1988]

A CAREER-IMPROVEMENT TAX BREAK ENDS

(By Lee A. Daniels)

After becoming a telephone service representative four years ago, Tanya Davis took several courses in journalism and magazine publishing to pursue her dream of a career in the field.

Her quest was helped by the tax-free reimbursement from her employer, New York Telephone, for her course fees at New York University's School of Continuing Education.

But Ms. Davis put her dream on hold in December, with the expiration of the Federal program that had allowed the tax-exempt payments for any kind of educational courses.

The lapse of the program, under which employers were paying at least $70 million annually in tuition, affects millions of workers, particularly those at the lower end of the wage scale. While companies can continue to reimburse employees for educational courses, the workers have to include the money as taxable income.

USED BY MILLIONS

The expected drop in the number of people taking courses under those circumstances could have a sharp impact, especially on two-year colleges, which many people attend part time, and on such four-year institutions as N.Y.U. that offer a broad variety of continuing-education programs.

More than seven million workers, most with salaries below $30,000, have used the tax provision for educational courses over its nine-year history, according to the American Society for Training and Development, a Washington-based organization of training professionals. Some companies have used the provision to retrain workers due to be laid off.

Under the provision, people enrolled in courses—even some not related to the job—paid for them, then were reimbursed by their companies when they got their grades.

Companies have varying rules and limits, but Ms. Davis, who earned a bachelor's degree in English from Rutgers University in 1981, was able to receive up to $1,825 a year.

If she were to continue, she would have to pay $530 more in Federal taxes on the money she received from the company, and that is an added tax burden she says she cannot handle on her $30,000 salary.

"The phone company's been excellent about supporting me, but I can't afford it now," said Ms. Davis.

Company payment for job-related courses, a far more restrictive category, is still tax free.

Supporters of reimbursement are confident the tax exemption will be renewed, although few will make any predictions this election year.

SUPPORT IN CONGRESS

Representative Frank J. Guarini, a New Jersey Democrat who is the lead House sponsor of a measure that would make the provision a permanent feature of the tax code, said: "There is no question Congress wants this program. I've got over 260 cosponsors thus far."

Support appears equally strong in the Senate, where a measure sponsored by Senator Daniel Patrick Moynihan, Democrat of New York, has more than 40 cosponsors. Congress has renewed the provision by large margins the two previous times it has expired.

Colleges and universities, labor unions and corporations are also pushing strongly for the provision's renewal. "The lapse is already causing problems," said Gregory A. Humphrey, director of legislation for the American Federation of Teachers.

Mr. Humphrey, co-chairman of the Coalition for Employee Educational Assistance, and representatives of the National Association of Manufacturers and the American Association of Community and Junior Colleges said that the Presidential campaign and concern about the deficit have muddled the situation.

A DISTRESSING SIGNAL

Aaron Feinsot, Dean of Professional and Industry Programs at New York University, said even the temporary lapse of the program "is a distressing signal to people who are pushing to improve their skills. It seems hypocritical, especially with so much emphasis on increasing American competitiveness.

The benefit of the program was established by a 1985 study of the American Society for Training and Development. The study reported that nearly a fourth of workers taking advantage of the program earned less than $15,000 a year, and 50 percent earned less than $30,000 annually. More than 90 percent took courses to improve job skills.

The average amount of tuition aid per worker under the program totaled $491.

John Robinson, a spokesman for Motorola Inc., which has 97,000 employees worldwide, said that more than 3,900 of its United States employees have taken courses. "It's been very beneficial for our employees, and for us, too," he said, "because the employees bring their new skills back to the workplace."●

TRIBUTE TO DAVID CHANG

Mr. WILSON. Mr. President, I stand before you today to offer a brief, but well deserved testimonial. Our country received its birthright from a multitude of people from numerous lands who gathered on our shores to found a new nation. The Chinese pioneer had a tremendous impact on California and our Nation in its formative years. It is therefore well deserved to commend an honorable statesman who has devoted his efforts to commemorating the Chinese, Mr. David Chang.

Mr. Chang, a Riverside restaurateur, is largely responsible for establishing the Chinese Pavilion, a memorial in Riverside. The Chinese Pavilion honors and celebrates the growth and cultural heritage the Chinese have contributed to our Nation. I congratulate the leadership and foresight which have resulted in the successful completion of the pavilion.

It is most fitting that Mr. Chang was chosen to preside as grand marshall of the Third Annual Riverside Citrus-Heritage Parade and Festival. Appropriately, he has also been recognized as "Humanitarian of the Year" by both the Rotary Club and Moreno Valley.

Mr. Chang has, in the truest sense of service, been an active leader. By his word and deed, and demonstrates the principles and characteristics of a true humanitarian.

Mr. President, I know I am joined by hundreds of others in honoring Mr. Chang, a deeply compassionate human being, for a job well done.

ISRAELI STATEHOOD'S 40TH ANNIVERSARY

● Mr. KASTEN. Mr. President, all of us who are friends of Israel have special occasion for pride as Israel observes the 40th anniversary of its statehood. As an outpost of democracy, a nation of true commitment to Western values, and a reliable ally of our own country, Israel deserves the support and good wishes of all Americans.

Mr. President, I ask that there be printed in the RECORD the letter of congratulation I sent to His Excellency Yitzhak Shamir, Prime Minister of Israel, on this occasion.

The letter follows:

U.S. SENATE,
Washington, DC, April 20, 1988.

His Excellency YITZHAK SHAMIR,
Prime Minister of Israel, Prime Minister's Office, Hakirya, Jerusalem, Israel.

DEAR MR. PRIME MINISTER: Forty years ago, men and women of good will carved a new nation out of the Mediterranean seashore to fulfill an ancient promise. The fruits of that promise still live today, thanks to the courage and determination of you and your people.

As I reflect on the four decades of trial and triumph that make up the history of the state of Israel, I am truly proud to have been on the side of your great experiment. I know that all of Israel's friends in America must feel the same pride and emotion on the occasion of this important anniversary.

I look forward to Israel's next forty years, and beyond, with confidence in the firmness of its leadership and the continued kindness of its God, who did so many years ago "bring them up out of that land unto a good land and a large, unto a land flowing with milk and honey" (Ex. 3:8).

Respectfully,

ROBERT W. KASTEN, JR.●

JOINT RESOLUTION PLACED ON CALENDAR—SENATE JOINT RESOLUTION 300

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Joint Resolution 300, designating the week of May 8 through May 14, 1988, as "Just Say No Week," and that it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILL PLACED ON CALENDAR—H.R. 2889

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be discharged from further consideration of H.R. 2889, a bill for the relief of Frances Silver, and that it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BYRD. Mr. President, I ask unanimous consent that Elaine Neenan of my staff be granted the privilege of the floor during consideration of, and votes on, S. 1220, the AIDS Research and Information Act of 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO REPORT DURING RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that during the recess of the Senate next week, committees may file reported executive or legislative calendar business on Wedenesday, May 4, from 10 a.m. until 5 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader as to whether or not the following calendar orders have been cleared on his side, these being on the executive calendar: Calendar Orders numbered 607, 609, 610, 612, 613, 615, and nominations placed on the Secretary's desk in the Foreign Service which are found on page 6 of the executive calendar.

Mr. GRAMM. They have been cleared, Mr. Leader. I have no objection.

Mr BYRD. Mr. President, I thank my friend.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the aforementioned calendar orders on the executive calendar; that they be considered en bloc, confirmed en bloc, the motion to reconsider en block be laid on the table; that the President be immediately notified of the confirmation of the nominees; that for any Senators who have statements on any of the nominations, those statements appear appropriately in the RECORD; that the nominees appear severally on the RECORD; and that the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. There is no objection.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

George Arthur Trail III, of Pennsylvania, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malawi

George Edward Moose, of Maryland, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal.

Rush Walker Taylor, Jr., of Texas of career member of the Senior Foreign Service, class of counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Togo.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

George F. Murphy, Jr., of Maryland, to be deputy director of the U.S. Arms Control and Disarmament Agency.

DEPARTMENT OF TRANSPORTATION

Randolph J. Agley, of Michigan, to be a member of the advisory board of the Saint Lawrence Seaway Development Corp.

DEPARTMENT OF COMMERCE

Donna F. Tuttle, of California, to be deputy secretary of Commerce.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE FOREIGN SERVICE

Foreign Service nominations beginning Alan W. Algayer, and ending Roger H. Robinson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 12, 1988.

THANKS AND WELCOME TO SENATOR GORE

Mr. BYRD. Mr. President, I thank the Senator from Tennessee, Mr. GORE, who is presiding over the Senate at this late hour, 9:35 p.m. I thank him for his work in the Senate at this late hour. It is pretty difficult to get Presiding Officers as the usual thing. I am glad to see him back among us. He looks hale and hearty, notwithstanding the very rigorous journeys around the country. We all are happy that he is here with us.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY

ADJOURN UNTIL 9 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, there be a period for the transaction of morning business not to extend beyond the hour of 9:30 a.m., and that Senators may speak during that period of morning business not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO MOTIONS OR RESOLUTIONS OVER, UNDER THE RULE, TO COME OVER

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow the call of the calendar be waived, and that no motions or resolutions over under the rule come over.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURN UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, there being no further business to come before the Senate, I move in accordance with the order previously entered that the Senate stand in adjournment until the hour of 9 o'clock tomorrow morning.

The motion was agreed to; and, at 9:40 p.m., the Senate adjourned until tomorrow, Thursday, April 28, 1988, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate April 27, 1988:

DEPARTMENT OF COMMERCE

JAN W. MARES, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE PAUL FREEDENBERG.

DEPARTMENT OF TRANSPORTATION

WENDY MONSON DEMOCKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE DALE A. PETROSKEY, RESIGNED.

ACTION AGENCY

JANE A. KENNY, OF VIRGINIA, TO BE DEPUTY DIRECTOR OF THE ACTION AGENCY, VICE HENRY M. VENTURA, RESIGNED.

NATIONAL COUNCIL ON THE HANDICAPPED

MARIAN NORTH KOONCE, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HANDICAPPED FOR A TERM EXPIRING SEPTEMBER 23, 1990, REAPPOINTMENT.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 27, 1988:

DEPARTMENT OF STATE

GEORGE ARTHUR TRAIL III, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALAWI.

GEORGE EDWARD MOOSE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SENEGAL.

RUSH WALKER TAYLOR, JR., OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TOGO.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

GEORGE F. MURPHY, JR., OF MARYLAND, TO BE DEPUTY DIRECTOR OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY.

DEPARTMENT OF TRANSPORTATION

RANDOLPH J. AGLEY, OF MICHIGAN, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORP.

DEPARTMENT OF COMMERCE

DONNA F. TUTTLE, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF COMMERCE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING ALAN W. ALGAYER, AND ENDING ROGER H. ROBINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 12, 1988.

HOUSE OF REPRESENTATIVES—*Wednesday, April 27, 1988*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, from whom all blessings flow, we offer to You our prayer, praise, and thanksgiving for all the good gifts of life. During this time we are especially aware of the contributions of Your loyal son, Melvin Price, who labored in this place with distinction and commitment for so many years. We are grateful for his dedication to noble tasks and ever mindful of his grace among us. May Your benediction be with him and may Your comforting spirit be with his family and those he loved. We pray this in Your holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SOLOMON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 271, nays 119, not voting 41, as follows:

[Roll No. 68]

YEAS—271

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Ballenger
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Byron
Callahan
Cardin
Carper
Chappell
Clarke
Clement
Coats
Coelho
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
Dicks
Dingell
Donnelly
Dorgan (ND)
Dowdy
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lott
Lowry (WA)
Lujan
Luken, Thomas
MacKay
Manton
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Obey
Olin
Ortiz
Owens (UT)
Packard
Panetta
Patterson
Pease
Pelosi
Pepper
Perkins
Petri
Pickett
Pickle
Price
Quillen
Rangel
Ravenel
Rinaldo
Ritter
Robinson
Rodino
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sawyer
Schaefer
Scheuer
Schneider
Schulze
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stratton
Studds
Sweeney
Swift
Synar
Tallon
Tauke
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Weiss
Weldon
Whitten
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—119

Armey
Badham
Baker
Barton
Bereuter
Bilirakis
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Chandler
Cheney
Clay
Clinger
Coble
Coleman (MO)
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Fawell
Fields
Gallegly
Gallo
Gekas
Gingrich
Goodling
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Jacobs
Kolbe
Konnyu
Kyl
Lagomarsino
Leach (IA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lloyd
Lowery (CA)
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
McDade
McGrath
Meyers
Miller (OH)
Molinari
Moorhead
Morella
Murphy
Nielson
Oxley
Parris
Pashayan
Penny
Porter
Pursell
Regula
Rhodes
Ridge
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saxton
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Skeen
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stump
Sundquist
Swindall
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Wheat
Whittaker
Wolf
Young (AK)
Young (FL)

NOT VOTING—41

Bentley
Biaggi
Boulter
Bustamante
Campbell
Carr
Chapman
Dixon
Downey
Duncan
Dymally
Emerson
Gibbons
Gregg
Guarini
Kemp
Latta
Mack
Markey
Martin (NY)
Mavroules
Mica
Moody
Nichols
Oberstar
Owens (NY)
Rahall
Ray
Richardson
Roe
Savage
Schumer
Spence
Stangeland
Stokes
Tauzin
Waxman
Williams
Wilson
Wise
Wortley

□ 1024

So the Journal was approved.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON HUMAN RESOURCES AND INTERGOVERNMENTAL RELATIONS OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT ON THURSDAY, APRIL 28, 1988, AND FRIDAY, APRIL 29, 1988, DURING THE 5-MINUTE RULE

Mr. WEISS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Human Resources and Intergovernmental Relations of the Government Operations Committee be permitted to meet during the 5-minute rule on Thursday, April 28, 1988, and Friday, April 29, 1988.

Mr. Speaker, this request has been cleared by the ranking minority member.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1025

OPPOSE MEXICAN DECERTIFICATION

(Mr. TORRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRES. Mr. Speaker, I rise today to focus attention on the possible decertification of Mexico in their drug control effort. The President recently certified that Mexico is cooperating fully with the United States in its drug enforcement efforts.

If Congress votes to overturn the President's certification that Mexico has been cooperating fully with the United States in combating drug trafficking, it will do more harm than good in the war against drugs.

In judging Mexico's efforts to assist the United States in the war against illegal drugs, we may fault Mexican efforts in some areas, but we cannot overlook the substantial nature of their contribution and their many recent actions. Drug seizures by Mexican authorities in 1987 were up significantly and crop eradication increased over the 1986 levels. Nearly 10,000 individuals were arrested in Mexico for drug trafficking last year. One-fourth of Mexico's military are deployed in the drug war.

Sixty percent of the Mexican Attorney General's budget is dedicated to the drug war. Since 1982, a total of 155 Mexican agents and soldiers have been killed in antidrug operations, and many more have been permanently disabled.

Surely, this is not a record of failure. These facts just do not present evidence that Mexico has refused to cooperate with our drug control efforts. This is not a record that should be punished.

Furthermore, decertification could become a key issue in the upcoming Mexican Presidential elections. The next likely President of Mexico, Mr. Salinas, has declared one of his national priorities for his country will be the defeat of narcotics trafficking. Decertification would make a more constructive bilateral relationship politically impossible for him. Those political elements in Mexico opposed to closer ties to the United States would get a boost from decertification.

Other bilateral interests will also suffer. Every aspect of our relationship with Mexico including trade, investment, immigration and border area cooperation, will be adversely affected. The decertification resolution is an unnecessary condemnation of a friendly government and one of our most important allies in the war on drugs. It should be opposed.

WE NEED ACID RAIN LEGISLATION NOW

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, today Prime Minister Brian Mulroney of Canada will address a joint session of Congress and raise an issue of mutual importance to our two countries, that is, the problem of acid rain.

While experts in the field had until recently maintained that only freshwater organisms in inland lakes were vulnerable to acid rain, recent reliable statistics point for the first time to evidence that acid rain is now a major threat to marine life in Atlantic coastal waters.

Last week, the National Audubon Society reported that my home State of New Jersey ranked highest in the Nation in concentrations of acid rain during a monitoring of rainfall in March. My colleagues should know that 37 other States recorded rain with high acid contents.

These disturbing reports force me to call once again on my colleagues in the Energy and Commerce Committee to break the deadlock on this issue. This House must pass a Clean Air Act overhaul this year to eradicate the environmental scourge that is acid rain.

Please, Mr. President, step up the negotiations and conclude an acid rain accord with the Canadians. Where natural resources are in danger, we must help save them before they are forever lost to us.

WE NEED MORE NURSES' TRAINING FACILITIES

(Mr. CLARKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE. Mr. Speaker, one of the effects of Medicare regulations requiring shorter hospital stays is an increase in home health care. This increase will be multiplied many times when Congress passes the legislation sponsored by Representative PEPPER to provide long-term home health care for all chronically ill persons.

The result of this increase in caring for sick people at home will be a need for many more nurses. More nurses will be needed not only to provide good home care but also to train families in caring properly for their sick members at home.

Nurses will require additional training to handle these new responsibilities. Thirty-four States have passed laws which tighten their nurses' training requirements and make them similar. Hopefully, other States will follow. Nurses who now have fewer years for training than the new requirements call for can be grandfathered in and take continuing education.

As we look ahead we are going to need more nurses' training facilities and more financial help for young women going into nursing. We must look for other ways to get them. And we must compensate nurses adequately. It's going to take a lot more good nurses to make home health care work.

FEDERAL GOVERNMENT VERSUS CHICAGO CUB FANS

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the Federal Communications Commission is about to throw a spit ball at Chicago Cubs fans. The FCC is planning to issue a previously undisclosed final rule to reinstate syndicate exclusivity, which would put superstations, like WGN in Chicago, out of business.

While Cubs fans have already suffered the indignity of seeing their team forced to play under the lights, they are now being kept in the dark by the FCC, which has abandoned standard administrative procedures, and not allowed comment on the new rule by interested parties, or by the public. Cubs fans and nationwide viewers of other WGN programs are now in a game against the FCC team which has sharpened its spikes, scuffed the ball, stolen our signals and, worst of all, not told us where or if the game will be played.

Mr. Speaker, Cubs fans have two outs in the bottom of the ninth. The count is three and two. The ball has been doctored and the umpires are working for the other team. Fans of the team that gave the Nation Ernie Banks and Leo Durocher are at the plate. And now the FCC is about to rule that they have to wear a blindfold.

The FCC should play by the rules, or not play at all.

INDIVIDUAL RECOURSE AGAINST DISCRIMINATION

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, as a Member of the legislature, one of the three branches of Government of this great country, I respectfully call on members of the judicial branch to reconsider their decision to review the right of minorities to sue private individuals in civil rights matters.

Just as we know that governments are made up of individuals we know that individuals are capable of discrimination as reprehensible as the actions of any government.

Just as elected officals should do everything to avoid divisiveness among individuals of different views and opinions, so should members of our Highest Court continue to guarantee all individuals recourse against discrimination regardless of its source. Individuals should not be asked to endure insidious discrimination simply because it emanates from a nongovernmental entity.

American society is still faced with racism as a challenge to overcome.

Supreme Court Justices are the very last ones who should be asking us to set aside this challenge let alone turn in the other direction.

REPEAL THE TRANSPONDER MANDATE

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CRAIG. Mr. Speaker once again, the Federal Government has mandated a national policy that refuses to consider regional differences. I am speaking of laws passed by this Congress, and subsequent regulations proposed by the Federal Aviation Administration, that force small aircraft owners to purchase and install mode C transponders.

While the transponder requirement may be justified in large, metropolitan areas, it is certainly not necessary in areas like Caldwell, Moscow, and Sandpoint, ID. Even Idaho's busiest airport in Boise lacks the concentrated air traffic that would justify the high cost of installing transponders.

Yet most of these aircraft fall under the congressional transponder mandate and the proposed FAA rules that accompany it. Mode C transponders will be required in any plane that makes just one flight per year into Boise, or even into Coeur d'Alene, which happens to be on the edge of the Spokane airport's radar scope.

This requirement is unnecessary in Idaho, unfair to my constituents, and unacceptable to me. To address this problem, I am introducing legislation to repeal the congressional mode C transponder mandate. My bill, which is a companion measure to S. 2317, will not limit the FAA's ability to ensure safe conditions in our airspace. It will give the FAA the flexibility to mandate mode C transponders only in areas where they are truly needed.

LEGAL SERVICES CORPORATION LOBBYING EFFORT

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, recently the board of the Legal Services Corporation [LSC] hired two law firms to lobby Congress to reduce funding for the Legal Services Corporation. Upon learning of the board's decision, I do not know if I was more confused or more astonished.

In explaining the board's decision, LSC President John Bayly stated that the organization had made "something of an innovation in Government relations" and that reduced funding would improve delivery of legal services to the poor by prompting voluntary aid by private lawyers and others.

Again, I did not know if I was more confused or more astonished at this logic.

The Legal Services Corporation provides vital and necessary legal services to the economically needy. Until this year, President Reagan, in his budget requests, had recommended zero funding for LCS. Congress has repeatedly rejected this recommendation. Instead, I wish that we could have increased funding for LSC. However, I realize the economic constraints that we labor under. Nevertheless, it is clear from our consistent funding actions that Congress recognizes the importance and value of the services provided by the LSC.

Once the board's decision became public, congressional outrage was swift and the board wisely decided to reverse its earlier action, which obviously contradicted congressional intent and may have been illegal. I can only hope that, in the future, the board would expend as much time, energy, and creativity in serving those in need as they do in pursuing their own agenda.

WHERE IS THE DEMOCRATIC LEADERSHIP ON THE ACID RAIN ISSUE?

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, for years now, the President has been an easy target to hit when it comes to acid rain. They've portrayed the President as a one man show in the effort to kill acid rain control—as the Goliath with the power to stop any Federal response.

Well, let me tell you. He has a lot of help from my friends across the aisle. Just look at the track record of the Democrats over the past several years.

An acid rain bill has never been reported from the democratically controlled Energy and Commerce Committee.

The Democratic leadership has never allowed the House to vote on an acid rain bill, and the first time an acid rain bill was ever reported from a Senate committee was during Republican control.

It's true. The administration is no great supporter of acid rain control, but where is the Democratic leadership in Congress? Where is the acid rain bill to present to the President? When will the House be given its first opportunity to vote on an acid rain bill?

It's time that we stop talking about causes of acid rain, stop spending billions on more research and start getting the job done—before it's too late.

Delaying on acid rain is an environmental gamble that we cannot afford to take.

PALESTINIAN PEOPLE DESERVE THE RIGHT OF SELF-DETERMINATION

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, last night Ted Koppel and ABC had a special on the Israeli-Palestinian matter. It was tremendous.

ABC-TV and Ted Koppel must be commended for tackling this controversial matter. The problem is that ABC and Ted Koppel are about the only Americans doing anything about it. It seems that Congress has turned its back on this issue and the silence in Washington is still deafening.

The Palestinian people deserve the right of self-determination. They deserve their own free nation and they must be recognized as a free nation.

The Palestinians as well must recognize Israel as a sovereign nation and America must stand with Israel but that does not mean we, here in America, should turn our back on the Palestinian people.

It is time for America to push peace; get everybody in that troubled region to sit down. It should not be Ted Koppel and ABC; it should be the leaders of America who have invested a lot of money, our taxpayer dollars in the Mideast.

I say that the Palestinian people are also God's children and America should treat everybody the same.

I hope the Congress would listen and that more Members would speak out on this issue.

Thank God for the courage of ABC-TV.

THE BOUNTY HUNTER ACT OF 1988

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, today I am introducing the Bounty Hunter Act of 1988. This legislation will reward those who turn in drug dealers by giving the informants half of the dealers' assets. Back in the wild West, you could make $50 or $100 for turning in criminals. Some made a living doing this and they were called bounty hunters. Drug pushers today have more than just a horse and a gun—they have mansions and yachts, and buy furs and fancy cars. Receiving half of that ill-gotten booty is appropriate compensation for putting dealers and pushers behind bars. Let's eliminate the incentive for young people who see the dealers profit from drugs. Crime shouldn't pay, but stopping crime should.

FLYING IN AMERICA IS HEALTHIER AND SAFER

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, the House of Representatives can take pride in the vote we cast on July 13, 1987. As a direct result of our vote in favor of an amendment to ban smoking on flights of 2 hours or less, flying in America is healthier and safer. Beginning last Saturday, April 23, over 80 percent of the airline passengers in America are enjoying smoke-free flights, and the report so far is that we have made a smooth transition under this new law.

Equally important, Mr. Speaker, we have triggered another national debate on smoking and health. My colleagues cannot pick up a newspaper or turn on the television without hearing about the dangers of tobacco. There is more to be done on Capitol Hill.

Mr. Speaker, we need to make this ban on smoking on shorter flights permanent. At the present time it is only to last for 2 years. We need to extend the ban to all airline flights. If it is sensible from a health and safety viewpoint on short flights, it is equally sensible on longer flights.

We also need to restrict the sale of tobacco products to our young Americans who can be hooked for life on this fatal habit. America is way ahead of its elected officials on this issue. For the health of our Nation we must continue our efforts to promote sensible regulation of smoking.

IT IS TIME TO TAKE ACTION ON ACID RAIN

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, today, as we receive the Prime Minister of Canada, we should stand tall and applaud enthusiastically for the leader of our good neighbors to the north, a nation for whom we have such great respect and so much in common, is one of our best friends in the world, and best friends are hard to come by.

Mr. Speaker, there is so much that unites these two great nations, the United States and Canada. We are working out the free trade agreement harmoniously. We have solid cooperation on mutual defense characterized by our commitment to NATO.

But, when we come to our environment, our friends to the north think we have taken leave of our senses. We turn our backs on, rather than embrace, meaningful action on acid rain. We repeat: study, study, study like it is some form of mantra. This cancer in the sky is destroying our Nation.

Mr. Speaker, Governor Kean of New Jersey said it well. If all we do is study the problem, we will end up with the best-documented environmental disaster in history.

It is time for action on acid rain. The President should listen to the Prime Minister, and we should respond.

NATIONAL DOWN'S SYNDROME MONTH

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, today I am introducing a resolution to designate October 1988 as "National Down's Syndrome Month."

I introduced a similar resolution last year, and it received the enthusiastic support of a majority of the Members of the House. Down's syndrome is a chromosomal disorder which usually causes delays in physical and intellectual development. The exact cause and prevention of Down's syndrome are currently unknown, and there is a wide variation in mental abilities, behavior, and physical development in individuals with this condition.

One-quarter of a million families in the United States are affected by Down's syndrome, and 600 people with this disorder may live in each of the 435 congressional districts.

This annual effort to designate October as "National Down's Syndrome Month" is intended to create greater public awareness and a better understanding of Down's syndrome. I urge my colleagues to support this resolution.

ETHICS REFORM

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, Americans want to know why Congress has not yet applied "revolving door" laws to itself. It is time that we respond. But we must be careful to avoid subjecting this body to unreasonable restrictions on our ability to represent those who have elected us.

The ethics bill recently passed in the Senate is paved with good intentions, but that is about all. In fact, much of the Senate debate centered on whether the bill can eventually pass constitutional muster. The bill would effectively prohibit Members of the House from receiving information or advice from former colleagues. The result could be a weakening of our representative Government and, for Members, a life after Congress that is shackled by an unfair, burdensome, and financially punishing law.

We and our Government benefit as no other in being rejuvenated by regular infusions of talented and concerned citizens. This would not be possible if employment opportunities were unduly restricted when individuals return to the private sector. As we consider ethics reform in the next few weeks, we must work to fashion a bill that is responsive to the public's real concern and the needs of this great institution and that protects the special relationship that elected Members have in representing constituents.

THE FAA'S FAILURE TO INVESTIGATE TEXAS AIR

(Mr. DeFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DeFAZIO. Mr. Speaker, 2 years ago there was a consumer crisis in aviation for airline passengers, yet the FAA ignored it. They failed to act until the House took action, until we passed legislation in this body last year. Then they adopted a watered-down consumer protection provision. I drew a parallel to today's so-called comprehensive investigation of Continental and Eastern Air Lines. Until recently, the FAA denied that there were catastrophic management problems with Texas Air and abuses by the management of that conglomerate. That was until a House Concurrent Resolution 262, began to gain support in this body with almost 200 cosponsors. I believe that they have gone forward again with a watered-down attempt to divert legislation that is necessary in this House.

Mr. Speaker, I urge my colleagues to still support and vote for House Concurrent Resolution 262 so that we can have a full, and complete and comprehensive investigation of Texas Air and its subsidiaries.

CLEAN AIR

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, there is a great need for better air pollution control and environmental management in our country today. We do not rely enough on our technological resources, nor do we sufficiently encourage the development of new technology to achieve significant air quality improvements consistent with community growth and industrial expansion.

If Congress can produce flexible legislation that will provide effective environmental protection and make it cost effective, we can then rely upon the entire cooperation of the entire Nation.

Mr. Speaker, the solution to the problem of air quality control will be a long-term solution incorporating national resources, not a short term fix it, simply slapping decade-old controls which apparently are not doing the job today.

Extension of the deadlines for EPA sanctions will not solve anything.

Mr. Speaker, I voted against all of these extensions for EPA's sanctions and will continue to do so until we come up with a workable plan to solve the problem permanently.

STEROID USE IN AMERICA

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, as we talk about the difficulty in dealing with the drug problem that besets us today, there is one insidious problem that unfortunately has not gotten the attention that I believe it needs. That is the problem of steroid use in America. There is particular difficulty in dealing with this because it affects in many cases our young people who believe it is the path toward either professional football careers, or body building, or something else good. In fact, use of steroids is particularly damaging to young people as they go through their growth years. It also has tremendous problems with respect to development of cancer, kidney disease, heart disease, and so forth.

Mr. Speaker, unfortunately some of our institutions, among them including the NFL, have not taken a serious enough approach to them and have left the idea that somehow this is a secret medicine that people can use to build themselves stronger and stronger. Unfortunately, it leads them down to the path of difficulty in development and also destruction and death.

Mr. Speaker, I hope that Members would look at this legislation that I have introduced to place on the Controlled Substance List at least one of those steroids, the so-called D-ball. or Dianabol which has been found by the FDA to have absolutely no medical use whatever in this country. People are making hundreds of thousands, if not millions, of dollars trading in this sort of thing, and it is time that we took a firm stand here on the Federal level.

□ 1050

WHY ARE WE SENDING ACID RAIN TO CANADA?

(Mr. GREGG asked and was given permission to address the House for 1 minute.)

Mr. GREGG. Mr. Speaker, today when Prime Minister Mulroney addresses the joint session I am sure he will be too polite to say it, but what he should say to us as a body is, "Why are you doing this to us, your neighbor? Why do you continue, the United States, to send pollution to us in the form of acid rain to destroy Canadian forests, to destroy Canadian aquatic life, to destroy our culture and our economic viability?"

He will be too kind to say that, but he should walk right down here on the floor of the House and address us and say, "Please take action in the area of acid rain. It is critical to our international relationship. Instead of sending us this dark cloud of poison known as acid rain, send us friendship and send us warmth and send us clouds. Instead of sending us the toxicity that comes from the sulphur emissions of these coal-fired plants in the Midwest, clean up your Midwest and clean up your coal-fired plants so that we can have an honest and fair relationship."

This is what the Prime Minister wants and it is what we as a nation and a good neighbor deserves to give Canada. We should no longer continue down the path of bad neighbors, but should go down the path of good neighbors and address the acid rain issue in a way which will reduce this toxic waste which we are now dumping on our neighbor to the north, Canada.

OUR SOLID WASTE CRISIS

(Mr. COURTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTER. Mr. Speaker, yesterday I introduced legislation that addresses the adverse effects of improper disposal of solid waste on the environment and that hopefully creates increased opportunities for making recycling of wastes a success at the local level.

We all recognize the landfill crisis facing our Nation today. As States and local governments come to grips with planning for their long-term needs for properly disposing of wastes, several messages are usually repeated. Perhaps most importantly, we see the strong benefits of recycling, but many institutional barriers for making it an effective part of local solid waste management programs remain. New Jersey has taken a leadership role in moving forward with important new recycling programs which will help us come to grips with our solid waste disposal needs.

In developing the legislation that I introduced, I have identified two principles that should be considered in deciding what the next steps should be. First, we should make sure that we have available all the options for all of the principle materials that make up municipal waste—including paper, glass, aluminum, and other metals.

We have become a packaged society. We value the convenience foods we can enjoy so readily. We welcome the ease of opening the freezer and enjoying a wide range of food choices. We enjoy the choice of aluminum, glass, and now plastic beverage bottles packaged in many ways.

It is the byproducts of that convenience—the packaging materials made from paper, metals, glass, plastics, ceramics, and aluminum and coated with a wide variety of printing inks and other potentially hazardous materials—that have become an increasing part of municipal wastes.

We cannot continue to ignore the adverse environmental impacts of improper disposal of these and other waste materials. The number of municipal sanitary landfills has shrunk from about 18,500 in 1979 to less than 10,000 today.

That brings me to the second principle—that of encouraging further progress at the national level on recycling. Clearly State and local governments should have the primary responsibility for developing municipal recycling programs. They are very closely tied to local municipal services. At the same time, there are some important assistance tools that the Federal Government can provide to encourage and facilitate recycling.

For any recycling system to be successful there are four components which must be in place. First, the recyclable material must be collected. Next, the material must be sorted into generic type, if the collection system involves mixed products. Then the quality of the recovered material must be enhanced through reclamation. And finally, the recycled material must be sold into adequate end-use markets.

Although we have seen great strides in recycling of paper, glass, and aluminum in the past, plastics is a relative newcomer to recycling. This probably results from the tremendous increase in recent years in the use of plastic packaging materials.

The legislation that I introduced hopefully deals with these issues in a constructive manner. My bill tackles these problems in several ways.

First, the bill designates the Center for Plastics Recycling Research—at Rutgers University in New Jersey—as the national center for plastics recycling. The center shall establish and operate a clearinghouse of information relating to plastics recycling. It will select four other colleges and universities to assist in conducting research activities. These satellite centers will develop new uses for recycled plastic materials.

Next, the bill establishes a program within the Department of Education to develop educational programs for secondary school students and others on the dangers of improperly disposed of wastes and of the benefits of recycling. If we can convince our next generation to take a closer look at the importance of recycling, we can probably do much to ensure the success of recycling efforts everywhere.

Additionally, the bill establishes a national clearinghouse on recycling information. The National Bureau of Standards under the Department of Commerce has long had a strong role in technology information areas and would be an appropriate source of information for citizens and governments.

Also included in the bill is an expanded study requirement regarding other than plastics wastes, to be coordinated with the study on plastic wastes required under the Marine Plastic Pollution Research and Control Act. This expanded study will provide for a comprehensive study of all improperly disposed of articles.

Finally, I have included a demonstration program to encourage new and innovative approaches to recycling efforts. The scope of these efforts will include facilitating collection and separation of recyclable wastes, identification of outlets for recyclable materials, use of recyclable materials, and development of waste to energy facilities.

We must solve our solid waste crisis. Increased recycling of plastic and other wastes and better disposal practices are much of the answer. I hope my colleagues will join me in this effort to provide those answers.

THE NEED FOR ASAT TESTING

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. The Soviet Union publicly announced a moratorium on coorbital Asat testing in August 1983. What they failed to say was they were not going to stop testing the booster that the coorbital Asat is launched on, or using the tracking system needed to locate U.S. spacecraft, or developing the targeting solutions for U.S. spacecraft. Nor did they say they would stop enhancing their guidance system required to locate and home-in on the target spacecraft.

They also failed to say they would stop developing laser systems or dismantle the antiballistic missile systems that could be used as an Asat. And they did not say that space systems were excluded from their doctrine to use electronic warfare techniques against enemy warfighting systems.

No, all the Soviet Union did was say that they no longer needed to test a system that they began developing in the 1960's, declared operational in the seventies and had successful results with for a decade. So, what they have done is use a unilateral declaration to play to world opinion and to allow some Members of Congress to force the United States to stand down from even developing its own capability.

Now, why allow the Soviet Union to maintain control over space?

I believe that we should end this moratorium and get on with our national policy of deterring Soviet aggression.

U.N. SECURITY COUNCIL SHOULD PROMPLTY PASS AN ARMS EMBARGO AGAINST BELLIGERENCE IN IRAN-IRAQ WAR

(Mr. KASICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASICH. Mr. Speaker, last July the United Nations approved Resolution 598, the cease-fire resolution against the belligerents in the Iran-Iraq war. It is obvious to everyone that that cease-fire has been essentially meaningless, only to express the sense of the United Nations when it has come to the idea.

Yesterday I introduced a further resolution that calls on the United States to approach the U.N. Security Council to promptly pass an arms embargo against the belligerents in the Iran-Iraq war.

It is my belief that this can be one central feature in ending this war. If we can starve the belligerents in this conflict from getting further shipments of weapons, perhaps we can force both sides to the table to end this most brutal of wars. At the same time, it would benefit the United States and benefit the entire free world by removing so many of the risks that we face on a day-to-day basis by having our people out in the gulf trying to insure freedom of navigation.

Mr. Speaker, I would urge my colleagues to join me on this resolution and to call on the United States to do everything we possibly can to approach the United Nations to embargo arms to the belligerents in the Iran-Iraq war and let the United States take the high ground and the leadership position in bringing an end to this war.

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

The SPEAKER. Pursuant to House Resolution 435 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4264.

□ 1157

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4264) to authorize appropriations for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, to amend the National Defense Authorization Act for fiscal years 1988 and 1989, and for other purposes, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, April 26, 1988, all time for general debate had expired.

Pursuant to the rule, the substitute committee amendment now printed in the reported bill, as modified by the amendments contained in section 4 of House Resolution 435, is considered as an original bill for the purpose of amendment and is considered as having been read.

An amendment striking out section 902 of said substitute, as modified, is considered as having been agreed to.

The text of the committee amendment in the nature of a substitute, as modified, as amended, is as follows:

H.R. 4264

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act, Fiscal Year 1989".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS.

This Act is divided into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Other National Defense Authorizations.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Part A—Funding Authorizations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1989 for procurement for the Army as follows:

(1) For aircraft, $2,958,988,000.

(2) For missiles, $2,686,700,000.

(3) For weapons and tracked combat vehicles, $2,966,100,000.

(4) For ammunition, $2,026,600,000.

(5) For other procurement, $4,242,818,000, of which—

(A) $895,671,000 is for tactical and support vehicles;

(B) $2,504,499,000 is for communications and electronics equipment; and

(C) $875,948,000 is for other support equipment.

SEC. 102. NAVY AND MARINE CORPS.

(a) Aircraft.—Funds are hereby authorized to be appropriated for procurement of aircraft for the Navy for fiscal year 1989 in the amount of $8,936,466,000.

(b) Weapons.—Funds are hereby authorized to be appropriated for fiscal year 1989 for procurement of weapons (including missiles and torpedoes) for the Navy in the amount of $5,823,802,000. Funds appropriated pursuant to the preceding sentence shall be available as follows:

(A) For ballistic missile programs, $1,872,538,000.

(B) For other missile programs, $3,056,358,000.

(C) For torpedo programs, $699,054,000, as follows:

For the MK-48 torpedo program, $431,014,000.

For the MK-50 torpedo program, $198,547,000.

For the Vertical Launched ASROC program, $17,552,000.

For the modification of torpedoes and related equipment, $3,289,000.

For the torpedo support equipment program, $25,988,000.

For the antisubmarine warfare range support program, $22,664,000.

(D) For other weapons, $108,440,000, of which $19,449,000 is for the MK-15 close-in weapon system and $54,557,000 is for the close-in weapon system modification program.

(E) For spares and repair parts, $87,412,000.

(c) Shipbuilding and Conversion.—Funds are hereby authorized to be appropriated for fiscal year 1989 for shipbuilding and conversion for the Navy in the amount of $9,056,100,000. Funds appropriated pursuant to the preceding sentence shall be available as follows:

For the Trident submarine program, $1,368,100,000.

For the SSN-688 nuclear attack submarine program, $1,493,600,000.

For the SSN-21 nuclear attack submarine program, $1,488,000,000.

For the aircraft carrier service life extension program (SLEP), $135,400,000.

For the DDG-51 guided missile destroyer program, $2,207,300,000.

For the LHD-1 amphibious assault ship program, $737,500,000.

For the MHC coastal minehunter program, $197,200,000.

For the TAO-187 fleet oiler program, $284,900,000.

For the AO (Jumbo) conversion program, $84,900,000.

For the TAGOS ocean surveillance ship program, $159,600,000.

For the AOE fast combat support ship program, $363,900,000.

For the landing craft, air cushion (LCAC) program, $192,600,000.

For outfitting and post delivery, $343,100,000.

(d) Other Procurement, Navy.—(1) Funds are hereby authorized to be appropriated for fiscal year 1989 for other procurement for the Navy in the amount of $5,097,386,000. Funds appropriated pursuant to the preceding sentence shall be available as follows:

(A) For the ship support equipment program, $675,240,000.

(B) For the communications and electronics equipment program, $1,599,164,000.

(C) For aviation support equipment, $653,250,000.

(D) For the ordnance support equipment program, $1,220,671,000.

(E) For civil engineering support equipment, $109,061,000.

(F) For supply support equipment, $126,495,000.

(G) For personnel and command support equipment, $486,309,000.

(H) For spares and repair parts, $227,196,000.

(2) Of the funds appropriated or otherwise made available for other procurement for the Navy for fiscal year 1989, the Secretary of the Navy shall make available such funds as necessary for the 5-inch semi-active laser guided projectile program in order to complete production qualification of 150 of such projectiles, with 50 to be produced by each of the three established competitive sources.

(e) Marine Corps.—Funds are hereby authorized to be appropriated for fiscal year 1989 for procurement for the Marine Corps in the amount of $1,305,295,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1989 for procurement for the Air Force as follows:

(1) For aircraft, $16,413,786,000.

(2) For missiles, $8,062,081,000.

(3) For other procurement, $8,064,424,000, of which—

(A) $664,986,000 is for munitions and associated support equipment;

(B) $261,568,000 is for vehicular equipment;

(C) $1,718,088,000 is for electronics and telecommunications equipment; and

(D) $5,419,782,000 is for other base maintenance and support equipment.

SEC. 104. DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal year 1989 for the Defense Agencies in the amount of $1,150,500,000.

SEC. 105. CHEMICAL DEMILITARIZATION PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1989 for the chemical demilitarization program under section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521 in the amount of $179,500,000, of which—

(1 $44,300,000 is for procurement;

(2 $17,900,000 is for research, development, test, and evaluation; and

(3 $117,300,000 is for operation and maintenance.

SEC. 106. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1989 for procurement of aircraft, vehicles, communications equipment, and other miscellaneous equipment for the reserve components of the Armed Forces as follows:

For the Army National Guard, $75,000,000.

For the Air National Guard, $249,750,000.

For the Army Reserve, $40,000,000.

For the Naval Reserve, $109,512,000.

For the Air Force Reserve, $250,000,000.

For the Marine Corps Reserve, $66,800,000.

Part B—Limitations

SEC. 111. ARMY PROGRAMS.

(a) ADATS Air Defense Weapon.—The Secretary of the Army may not obligate funds appropriated for fiscal year 1989 for procurement of the ADATS Air Defense Weapon system until the operational tests of the system are completed and—

(1) the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) describing the results of the testing and presenting the Secretary's evaluation of such testing; and

(B) certifying that, based upon such testing and evaluation, the system satisfactorily demonstrates that it meets or exceeds all of the performance criteria established by the Army for the system; and

(2) after the report of the Secretary of Defense is submitted under paragraph (1), the Director of Operational Test and Evaluation of the Department of Defense submits to the Secretary of Defense and such Committees a report giving the Director's evaluation of the results of such testing and evaluation.

(b) Tactical Missile System.—(1) None of the amounts appropriated or otherwise made available for missile procurement for the Army for fiscal year 1989 may be used for the Army Tactical Missile System (other than for advance procurement in the amount of $4,300,000 for production in fiscal year 1990) until the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) containing a certification by the Secretary that the total requirement for that system has been established by the Secretary of the Army and approved by the Secretary of Defense; and

(B) setting forth the details of the requirement as established, the supporting analysis for the requirement, and the associated acquisition strategy.

(2) If the Secretary determines that the total requirement for the Army Tactical Missile System cannot be established, the Secretary shall submit to those committees notice of that determination. Upon submission of such notification, the Secretary may obligate $76,300,000 for the Multiple Launch Rocket System (MLRS) program from amounts appropriated pursuant to section 101 for missile procurement for the Army.

(3) Section 106(b)(1) of Public Law 100-180 is amended—

(A) by striking out "fiscal years 1988 and 1989" and inserting in lieu thereof "fiscal year 1988"; and

(B) by striking out "and $81,300,000 of the amount appropriated for fiscal year 1989".

(c) Mortars.—The Secretary of the Army may not obligate funds appropriated for fiscal year 1989 for procurement of 120-millimeter mortars or 4.2-inch mortars (or for procurement of ammunition for either such mortar) until the Secretary does each of the following:

(1) Submits to Congress a new master plan for Army mortars, including a description of the status of 4.2-inch mortars (and the ammunition for such mortars) and the status of any proposed upgrade of such mortar or ammunition.

(2) Certifies to Congress that the current five-year defense plan provides for funding for the initiatives set forth in such master plan.

(3) Completes the analysis (referred to as an "Arsenal Act analysis") of the cost-effectiveness of using domestic sources (as provided under section 4532 of title 10, United States Code) for manufacture of 120-millimeter mortars that was specified in section 122(a)(2) of Public Law 99-661.

SEC. 112. NAVY PROGRAMS.

(a) HARRIER AIRCRAFT.—The Secretary of the Navy may not during fiscal year 1989 enter into a multiyear contract for the procurement of the AV-8B Harrier aircraft.

(b) CONSTRUCTION OF DDG-51 CLASS DESTROYERS.—Title III of the Department of Defense Appropriations Act, 1988 (as contained in section 101(b) of Public Law 100-202), is amended in the paragraph under the heading "SHIPBUILDING AND CONVERSION, NAVY" by striking out ": Provided, That" in the item relating to the DDG-51 destroyer program and all that follows in that item through "at more than two shipyards".

SEC. 113. AIR FORCE PROGRAM.

The Secretary of the Air Force shall authorize the Air National Guard to use the eight C-130 aircraft (and support equipment related to such aircraft) that are in long-term storage at Air Force plant #6, Marietta, Georgia. Of funds appropriated for the Air Force for fiscal year 1989 for modification of C-130 aircraft, $35,000,000 shall be available only to refurbish such aircraft for full operational use.

SEC. 114. AUTHORIZED MULTIYEAR CONTRACTS.

(a) AUTHORIZED PROGRAMS.—Subject to subsections (b) and (c), the Secretary of the military department concerned or the Secretary of Defense may enter into multiyear contracts in accordance with section 2306(h) of title 10, United States Code, for procurement of the following:

(1) CH47 D helicopter.

(2) Multiple Launch Rocket System (MLRS).

(3) T-700 helicopter engine.

(4) F-16 aircraft.

(5) Defense Meteorological Satellite program.

(6) AH-64 Apache helicopters for 216 helicopters over three years.

(7) M1 tanks for 3,000 tanks over five years.

(b) CONDITIONS.—A multiyear contract authorized by subsection (a) may not be entered into unless each of the following is satisfied:

(1) The Secretary of Defense submits to Congress a five-year defense plan that fully funds and budgets for the appropriate life-cycle cost (including the support costs) associated with these multiyear programs.

(2) The proposed multiyear contract provides for production at not less than minimum economic rates given the existing facilities.

(3) The proposed multiyear contract—

(A) achieves a 10 percent savings as compared to the cost of current negotiated contracts;

(B) achieves a 12 percent savings as compared to annual contracts if no recent contract experience exists; or

(C) in the case of a proposed follow-on multiyear contract, achieves savings of at least $250,000,000 and the required supporting budget documents were submitted with the budget request for fiscal year 1988.

(4) The proposed multiyear contract contains negotiated priced options for varying the quantities to be procured over the period of the contract.

(c) ADDITIONAL CONDITIONS FOR CERTAIN PROGRAMS.—(1) A multiyear contract authorized by paragraph (6) or (7) of subsection (a) may not be entered into unless the Secretary of Defense submits to Congress a report containing the current Department of Defense tank and helicopter total force strategies and certifying that he approves those strategies.

(2) Contracts under those paragraphs may not begin until fiscal year 1990. Funds made available for fiscal year 1989 may be used for advance procurement to initiate such a contract in that fiscal year.

SEC. 115. INTERIM INFANTRY ANTI-TANK WEAPON.

(a) DETERMINATION OF INTERIM INFANTRY ANTI-TANK WEAPON.—The Secretary of the Army shall select an interim infantry anti-tank weapon from among the Milan II weapon, the Bofors Bill weapon, and the Marine Corps Dragon Generation III weapon. The selection shall be based on the Secretary's determination of which of such weapons is the most effective weapon on the basis of all of the operational testing and evaluation of those weapons conducted as of June 1, 1989. The Secretary shall manage the program for the weapon selected so that such weapon is ready to enter into low-rate initial production during fiscal year 1990.

(b) OT&E ASSESSMENT.—The Director of Operational Test and Evaluation of the Department of Defense shall conduct an independent assessment of the operational tests and evaluations referred to in subsection (a). The Director shall submit a report on such assessment to the Committees on Armed Services of the Senate and House of Representatives not later than June 1, 1989.

SEC. 116. ELECTRONIC COUNTERMEASURES PROGRAMS.

(a) AIR FORCE ELECTRONIC JAMMERS.—(1) Funds appropriated or otherwise made available to the Air Force for fiscal year 1989 for aircraft procurement for the Air Force for common electronic countermeasures equipment programs may not be used for either the ALQ-131 Block II program or the ALQ-184 program until the Secretary of the Air Force, based upon a performance competition, selects one of those two programs as the winning program and submits to the Committees on Armed Services of the Senate and House of Representatives notice of that selection. Upon making such selection, the Secretary shall promptly discontinue the program not selected, and none of the funds described in the preceding sentence or appropriated for any subsequent fiscal year may be used for that program.

(b) LIMITATION ON UPGRADE PROGRAMS FOR CERTAIN JAMMER SYSTEMS.—(1) The Secretary of the Air Force may not carry out an upgrade program for the ALQ-94 or ALQ-137 electronic countermeasures system, and the Secretary of the Navy may not carry out an upgrade program for the ALQ-126A, ALQ-126B, or ALQ-162 electronic countermeasures system, unless the upgrade program for that system is approved by the Secretary of Defense, acting through the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence.

(2) The Secretary of the Air Force shall prepare a report, in light of the provisions in paragraph (1), describing what tactics or alternative systems may be used for protection of EF-111 aircraft. The report shall be submitted to the Secretary of Defense (for review by the Assistant Secretary for Defense for Command, Control, Communications and Intelligence) and to the Committees on Armed Services of the Senate and House of Representatives not later than January 15, 1989.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

PART A—FUNDING

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1989 for the use of the Armed Forces for research, development, test, and evaluation, in amounts as follows:

For the Army, $5,221,948,000.

For the Navy (including the Marine Corps), $9,346,860,000.

For the Air Force, $15,003,014,000.

For the Defense Agencies, $8,593,190,000, of which—

(1) $181,900,000 is authorized for the activities of the Deputy Under Secretary of Defense, Test and Evaluation; and

(2) $133,400,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. PROHIBITION ON OBLIGATION OF FUNDS FOR CANCELED ANTISATELLITE WEAPON PROGRAM.

(a) PROHIBITION.—Residual fiscal year 1988 ASAT funds may not be obligated for the ASAT program.

(b) RESIDUAL FISCAL YEAR 1988 ASAT FUNDS DEFINED.—For purposes of this section, the term "residual fiscal year 1988 ASAT funds" means funds in the amount of $16,000,000 which were appropriated to the Department of Defense for fiscal year 1988 for research, development, test, and evaluation for the Air Force which—

(1) were originally made available for the ASAT program; and

(2) which remain available for obligation following cancellation of that program by the Secretary of Defense.

(c) ASAT PROGRAM DEFINED.—For purposes of subsection (a), the term "ASAT program" means the program of the Air Force to develop an F-15 launched miniature homing vehicle antisatellite weapon.

SEC. 203. PROJECTS OF THE DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.

(a) NUCLEAR MONITORING PROGRAM.—Of the funds appropriated pursuant to section 201 for the Defense Agencies, $37,600,000 shall be available only to the Defense Advanced Research Projects Agency for the nuclear monitoring program.

(b) ADVANCED TORPEDO PROGRAM.—Of the amount appropriated pursuant to section 201 for the Defense Agencies, $10,000,000 shall be available only for the Defense Advanced Research Projects Agency for a program to develop an advanced torpedo.

SEC. 204. GRANT FOR SEMICONDUCTOR COOPERATIVE RESEARCH PROGRAM.

Of the funds appropriated pursuant to section 201 for the Defense Agencies, $100,000,000 shall be available only to make grants under section 272 of Public Law 100-180.

SEC. 205. INTEGRATED COMMUNICATIONS NAVIGATION IDENTIFICATION AVIONICS (ICNIA) PROGRAM.

(a) ENGINEERING DEVELOPMENT.—Of the amount appropriated pursuant to section 201 for the Air Force for fiscal year 1989, $50,000,000 shall be available only for engineering development of the joint Integrated Communications Navigation Identification Avionics (ICNIA) program. Such amount is in addition to any other amount authorized to be appropriated by section 201 for fiscal year 1989 for Department of Defense aircraft avionics programs. Funds described in the first sentence of this subsection may not be used for any purpose other than the ICNIA program.

(b) ARMY HELICOPTER TEST BED PREPARATION.—Of the amount available for the

ICNIA program for fiscal year 1989, $3,000,000 shall be made available to the Army only for the purpose of preparing a helicopter test bed for actual flight test qualification of the ICNIA system.

Part B—Strategic Defense Initiative

SEC. 211. FUNDING FOR FISCAL YEAR 1989.

Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1989, not more than $3,700,000,000 may be obligated for the Strategic Defense Initiative.

Part C—Strategic Programs

SEC. 221. B-1B BOMBER PROGRAM.

(a) Condition on Obligation of Funds.—The Secretary of Defense may not obligate funds appropriated for fiscal year 1989 for enhancements or mission-specific equipment or modifications for the B-1B aircraft until the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives the report required by section 243(e)(3) of Public Law 100-180 (101 Stat. 1064). After such report is submitted, funds may be obligated for such purpose only as specifically authorized by law.

(b) Report on Enhancement Program.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the total cost of fixes or enhancements planned or programmed for the B-1B aircraft and a description each type of such fix or enhancement. Such report shall be submitted in conjunction with the submission of the President's budget for fiscal year 1990 pursuant to section 1105 of title 31, United States Code.

(c) Test of Alternatives to ALQ-161.—The Secretary of the Air Force shall test and evaluate alternatives to the incorporation of ALQ-161 jammers in B1-B aircraft. Funding for such test and evaluation shall be carried out within the fiscal year 1989 test budget of the Air Force.

SEC. 222. ADVANCED TECHNOLOGY BOMBER PROGRAM.

(a) Program Management Initiative.—The Secretary of Defense shall require that the cost, performance, and management initiative for the Advanced Technology Bomber program established pursuant to section 121 of Public Law 100-180 (101 Stat. 1040) include the creation of a full performance matrix.

(b) GAO Cost Audit and Analysis.—The Comptroller General of the United States shall perform an independent cost audit and analysis of the Advanced Technology Bomber program. The Comptroller General shall submit a report on such audit analysis to the Committees on Armed Services of the Senate and House of Representatives not later than March 1, 1989.

(c) Cost Monitoring and Tracking.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall conduct an evaluation of the current system for monitoring and tracking costs for the Advanced Technology Bomber program, shall prepare an assessment of such system, and shall report the Secretary's findings and any recommendations to the Committees on Armed Services of the Senate and House of Representatives not later than March 1, 1989.

SEC. 223. MX RAIL GARRISON PROGRAM.

(a) Evaluation of Launch Control Systems.—The Secretary of Defense shall evaluate the feasibility of providing common launch control systems for the MX rail-garrison program and the Small Intercontinental Ballistic Missile (SICBM) program. If the evaluation demonstrates that such commonality is feasible, the Secretary shall preserve such commonality in those programs.

(b) Program Concurrency Review.—The Undersecretary of Defense for Acquisition shall conduct a review of program concurrency for the MX rail-garrison system, assuming a date for the initial operating capability of the system during fiscal year 1991, and shall submit a report on the review to the Committees on Armed Services of the Senate and House of Representatives in conjunction with the submission of the President's budget for fiscal year 1990.

(c) Evaluation of Program by National Academy of Sciences.—The Secretary of Defense shall request the National Academy of Science to evaluate the operational, technological, and logistical issues associated with the MX rail-garrison system. The Secretary shall request that all appropriate Federal regulatory agencies cooperate with the Academy in carrying out such evaluation. When the evaluation is completed, the Secretary shall submit to Congress a report on the evaluation, including any report submitted by the Academy to the Secretary. The report shall be submitted in both classified and unclassified forms. Of the funds made available for the MX rail-garrison program for fiscal year 1989, $2,000,000 shall be available only for the evaluation under this subsection.

(d) Study of Domestic Vulnerabilities of MX Rail-Garrison System.—The Secretary of Defense shall request the Director of the Federal Bureau of Investigation to conduct a study of the potential vulnerabilities of the MX rail-garrison system to special operations forces of the Soviet Union and to domestic saboteurs and protestors. The Secretary shall submit to Congress a report on this study by March 1, 1989, in both classified and unclassified form. Of the funds made available for the MX rail-garrison program for fiscal year 1989, $3,000,000 shall be available only for the evaluation under this subsection.

(e) Independent Assessment of Vulnerability of MX Rail-Garrison System.—The Undersecretary of Defense for Acquisition shall conduct a so-called "Red Team" assessment of the vulnerability of the MX rail-garrison system. This assessment shall be completed by January 1, 1989, and a report on the results of the assessment shall be submitted to the Committees on Armed Services of the Senate and House of Representatives on that date in both classified and unclassified form. Of the funds made available for the MX rail-garrison program for fiscal year 1989, $10,000,000 shall be available only for the assessment under this subsection.

(f) Submission of Reports.—Not later than 15 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives the report entitled "System Threat Assessment Report" associated with the MX rail-garrison system and any other report in the Secretary's possession on that date that relates to the vulnerability of the MX rail-garrison system.

SEC. 224. SMALL INTERCONTINENTAL BALLISTIC MISSILE PROGRAM.

(a) Independent Review.—The Secretary of the Air Force, in conjunction with the Office of the Secretary of Defense, shall provide for an independent review of the Small Intercontinental Ballistic Missile (SICBM) program. The review shall focus on ways to reduce costs for that program and shall address at a minimum the issues described in the accompanying report language.

(b) Continuation of Program.—Before January 20, 1989, the Secretary of Defense may not proceed with the implementation of a plan to terminate the SICBM program.

(c) Allocation of FY 1989 Funding.—The Secretary of Defense shall allocate funds appropriated for the SICBM program for fiscal year 1989 in such a way that as much of the critical subcontractor base as possible for that program is preserved through fiscal year 1989.

Part D—Other Programs

SEC. 231. ADVANCED SUBMARINE TECHNOLOGY PROGRAM.

(a) FY 89 Funding.—(1) Of the amount appropriated for fiscal year 1989 pursuant to section 201 for the Defense Agencies, the Secretary of Defense shall make $114,000,000 available only for the purpose of continuing the Advanced Submarine Technology Program initiated in section 211 of Public Law 100-180 (101 Stat. 1048). Amounts appropriated for such purpose for fiscal year 1989 may be used only for such program.

(2) The Secretary of Defense shall use funds appropriated for fiscal year 1989 for such program only—

(A) for revolutionary submarine hull, mechanical, and electrical technologies; and

(B) for revolutionary nonnuclear propulsion technologies.

(3) Funds appropriated for fiscal year 1989 for such program may not be used for research relating to weapons, sensors, or communications equipment or for test facilities.

(4) Funds appropriated for fiscal year 1989 for such program may be used only for exploratory development, advanced technology development, and (as necessary) basic research to support the overall objectives of the program.

(b) Management of Program by DARPA.—In carrying out the provisions of section 211(a) of Public Law 100-180 that the Advanced Submarine Technology Program be carried out through the Director, Advanced Research Projects Agencies (DARPA), the Secretary of Defense shall provide that the overall management of the execution of such program, including the administration of funds appropriated for the program, be vested in the Director. In managing such program, the Director shall take into consideration the advice of the advisory board established pursuant to congressional direction as part of the fiscal year 1988 budget process.

(c) Purpose of Program.—(1) Congress established the Advanced Submarine Technology Program in light of the large amount of activity by the Soviet Union in the area of naval submarines and the declining advantage of the United States in submarine technology.

(2) The purpose of the Advanced Submarine Technology Program is to explore innovative state-of-the art technologies for advanced attack submarines and to augment the existing United States submarine technology base in order to establish a sound and increasing submarine technology base.

(3) Congress recognizes that research and development activities with respect to submarine weapons and sensors and high density innovative and advanced nuclear plant systems are necessary and important. However, in light of the purpose of the program to augment the submarine technology base, Congress has in this section provided sepa-

rate authorization for funding to augment the technology base for submarine hull, mechanical, and electrical systems.

(4) Section 211(a) of Public Law 100-180 is amended—

(A) by striking out the second and third sentences of paragraph (1); and

(B) by striking out paragraph (2).

(d) Five-Year Plan.—(1) Not later than 60 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth a detailed 5-year plan for the Advanced Submarine Technology Program. The plan shall be a comprehensive revision of the report submitted pursuant to section 211(b)(1) of Public Law 100-180.

(2) The report under paragraph (1) shall include the following:

(A) Identification of each of the technologies to be studied or developed under the program.

(B) With respect to each of the technologies to be developed—

(i) identification of responsibility for the execution of the program and the management of the program; and

(ii) milestones for obligating funds under the program and for major program reviews under the program.

(3) None of the funds appropriated for the purpose described in subsection (a) may be obligated until the report required by paragraph (1) is received.

(e) Annual Reports.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report at the close of fiscal year 1989 and annually thereafter on the Advanced Submarine Technology Program. Each report shall describe—

(1) the activities carried out under the program during the preceding fiscal year;

(2) the obligation of funds for the program during that fiscal year;

(3) activities accomplished under the program during that fiscal year; and

(4) ongoing activities under the program.

Each such report shall also describe how the matters set forth in paragraphs (1) through (4) meet the criteria established in the five-year plan for the program set out in the report under subsection (d).

(f) Program Duration.—In providing funds under this section for the Advanced Submarine Technology Program for fiscal year 1989, Congress expects that the program will be continued in the five-year defense plan of the Secretary of Defense and that the management of the program will continue to be executed through the Defense Advanced Research Projects Agency for an additional three-to-five years.

(g) Prohibition on Contractor Management.—The Director, Defense Advanced Research Projects Agency, may not carry out the Advanced Submarine Technology Program through a single contractor or through the use of management by a public or private shipyard. The Director, in allocating funds under the program and in light of the purposes of the program, shall seek to award such funds to a wide variety of recipients.

SEC. 232. JOINT AVIONICS PROGRAM MANAGEMENT.

(a) Designation of Director of Joint Service Avionics.—The Secretary of Defense shall designate a senior official of the Department of Defense (in one of the military departments or in the Office of the Secretary of Defense) as the Director of Joint Service Avionics. The Secretary shall establish a separate office, to be known as the Joint Service Avionics Management Office, under the Director to be responsible only for carrying out the duties of the Director under this section. The Director shall be designated not later than 45 days after the date of the enactment of this Act, and the Office shall be established not later than 120 days after such date.

(b) Responsibilities.—Subject to the authority, direction, and control of the Secretary of Defense, the Director shall be responsible for management of joint avionics programs of the military departments for new advanced tactical aircraft. The Director shall, based upon requirements stated by the military departments and other appropriate factors, determine the specifications of the avionics system to be acquired under any such program. The Director shall manage the incorporation of each such avionics system into the Advanced Tactical Fighter (ATF) of the Air Force, the Advance Tactical Aircraft (ATA) of the Navy, the Light Helicopter Experiment (LHX) aircraft of the Army, and any other aircraft into which such system is to be incorporated.

(c) Consolidation of Funding.—(1) In implementing subsections (a) and (b), the Secretary of Defense shall provide as rapidly as possible for the consolidation of all funding for such avionics programs under the control of the Director.

(2) In the budget of the Department of Defense submitted as part of the President's budget for fiscal year 1990, the Secretary of Defense shall separately identify all amounts requested for the military departments for the purpose of any joint avionics program covered by this section. All funds appropriated for such purpose shall be promptly transferred to the control of the Director designated under section (a).

(d) Implementation Plan.—(1) Not later than January 15, 1989, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth—

(A) a description of the Secretary's actions to that date to implement this section; and

(B) a plan for the further implementation of this section, including the establishment and staffing of the Joint Services Avionics Management Office.

(2) The report under this subsection shall include a plan for the incorporation of each avionic system to which this section applies into all aircraft into which, as of the date of the report, such system is to be incorporated.

(e) Joint Avionics.—For purposes of this section, a joint avionics system is any system referred to in the Joint Integrated Avionics Plan for New Aircraft prepared under the direction of the Under Secretary of Defense for Acquisition and issued March 13, 1987.

SEC. 233. IMPROVEMENT IN DEFENSE RESEARCH AND PROCUREMENT LIAISON WITH ISRAEL.

The Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition, shall assign to duty in Israel an individual or individuals to serve as the primary liaison between the procurement and research and development activities of the United States Armed Forces and those of the State of Israel.

SEC. 234. MODIFICATION OF REPORT REQUIREMENT CONCERNING DESIGNATION OF MAJOR NON-NATO ALLIES.

Section 1105(f) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3967) is amended—

(1) by inserting "to be added or deleted from the existing designation of countries" in paragraph (1) after "countries"; and

(2) by inserting "added or deleted from the designation of countries eligible for such participation" in paragraph (2) after "countries".

SEC. 235. PROHIBITION ON TESTING ELECTROMAGNETIC PULSE IN CHESAPEAKE BAY.

The Secretary of the Navy may not carry out an electromagnetic pulse program in the Chesapeake Bay area in connection with the Electromagnetic Pulse Radiation Environment Simulator Program for Ships (EMPRESS II).

SEC. 236. AVAILABILITY OF PROCUREMENT FUNDS FOR LIVE-FIRE TESTING PROGRAMS.

Section 2366(b)(3) of title 10, United States Code, is amended by adding at the end the following: "The Secretary of Defense may, in the case of any such testing, provide funds for the conduct of such testing (and for evaluation of such testing) from funds available for procurement of the system being tested. The amount provided for such testing and evaluation of any such system for a fiscal year under the preceding sentence may not exceed one-third of 1 percent of the amount made available for procurement of that system for that fiscal year.".

TITLE III—OPERATION AND MAINTENANCE

Part A—Authorizations of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) In General.—Funds are hereby authorized to be appropriated for fiscal year 1989 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

For the Army, $22,003,279,000.

For the Navy, $24,807,800,000.

For the Marine Corps, $1,842,000,000.

For the Air Force, $21,850,400,000.

For the Defense Agencies, $7,721,100,000.

For the Army Reserve, $794,900,000.

For the Naval Reserve, $979,200,000.

For the Marine Corps Reserve, $77,500,000.

For the Air Force Reserve, $1,033,900,000.

For the Army National Guard, $1,797,000,000.

For the Air National Guard, $1,971,000,000.

For the National Board for the Promotion of Rifle Practice, $4,300,000.

For the Court of Military Appeals, $3,500,000.

For Environmental Restoration, Defense, $500,000,000.

For Goodwill Games, $5,000,000.

For Humanitarian Assistance, $13,000,000.

(b) General Authorization for Contingencies.—There are authorized to be appropriated for fiscal year 1989, in addition to the amounts authorized to be appropriated in subsection (a), such sums as may be necessary—

(1) for unbudgeted increases in fuel costs; and

(2) for unbudgeted increases as the result of inflation in the cost of activities authorized by subsection (a).

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1989 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working-capital funds in amounts as follows:

For the Army Stock Fund, $306,900,000.

For the Navy Stock Fund, $204,700,000.

For the Air Force Stock Fund, $206,900,000.

For the Defense Stock Fund, $25,000,000.

SEC. 303. HUMANITARIAN ASSISTANCE.

(a) PURPOSE.—The amount authorized in section 301 for humanitarian assistance shall be used for the purpose of providing transportation for humanitarian relief for persons displaced or who are refugees because of the invasion of Afghanistan by the Soviet Union. Of the amount authorized in such section for such purpose, not more than $3,000,000 may be used for distribution of humanitarian relief supplies to the non-Communist resistance organization at or near the border between Thailand and Cambodia.

(b) AUTHORITY TO TRANSFER FUNDS.—The Secretary of Defense may transfer to the Secretary of State not more than $3,000,000 of the funds appropriated pursuant to the authorization in section 301 for humanitarian assistance to provide for (1) paying for administrative costs of providing the transportation described in subsection (a), and (2) the purchase or other acquisition of transportation assets for the distribution of relief supplies in the country of destination.

(c) TRANSPORTATION UNDER DIRECTION OF THE SECRETARY OF STATE.—Transportation provided with funds appropriated pursuant to the authorization in section 301 for humanitarian assistance shall be under the direction of the Secretary of State.

(d) MEANS OF TRANSPORTATION TO BE USED.—Transportation for humanitarian relief provided with funds appropriated pursuant to the authorization in section 301 for humanitarian assistance shall be by the most economical commercial or military means available, unless the Secretary of State determines that it is in the national interest of the United States to use means other than the most economical available. Such means may include the use of aircraft and personnel of the reserve components of the Armed Forces.

(e) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization in section 301 for humanitarian assistance shall remain available until expended, to the extent provided in appropriations Act.

(f) REPORTS.—The Secretary of Defense shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives two reports, one of which shall be submitted not later than 60 days after the date of the enactment of this Act and the other not later than June 1, 1989. Each such report shall contain (as of the date on which the report is submitted) the following information:

(1) The total amount of funds obligated for humanitarian relief under this section, section 331 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3856), and section 331 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 100 Stat. 1078).

(2) The number of scheduled and completed flights for purposes of providing humanitarian relief under this section and section 331 of each such Act.

(3) A description of any transfer (including to whom the transfer is made) of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of title 10, United States Code.

(g) NOTIFICATION.—At least 21 days before transportation of humanitarian relief provided with funds appropriated pursuant to the authorization in section 301 for humanitarian assistance, section 331 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3856), or section 331 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1078) takes place, the Secretary of Defense shall notify the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives of the plans to provide such transportation.

PART B—LIMITATIONS

SEC. 311. PROHIBITION ON FINANCING CERTAIN ACTIVITIES BY DIRECT APPROPRIATIONS.

(a) PROHIBITION.—During fiscal year 1989, the Secretary of the Navy may not take any steps for the purpose of planning or converting the operation of an activity specified in subsection (b) from operation as an activity financed by the Naval Industrial Fund (as authorized by section 2208 of title 10, United States Code) to operation as an activity financed by direct appropriations.

(b) ACTIVITIES COVERED.—An activity referred to in subsection (a) is any of the following:

(1) Naval Avionics Center, Indianapolis.

(2) Naval Civil Engineering Laboratory, Port Hueneme.

(3) Naval Air Engineering Center, Lakehurst.

SEC. 312. PROHIBITION ON JOINT USE OF DOBBINS AIR FORCE BASE WITH CIVIL AVIATION.

The Secretary of the Air Force may not enter into an agreement to allow joint use of Dobbins Air Force Base, at Marietta, Georgia, with civil aviation.

SEC. 313. PROHIBITION ON PURCHASE OF TOSHIBA PRODUCTS FOR RESALE IN MILITARY EXCHANGE STORES.

No product manufactured or assembled by Toshiba America, Incorporated, or Toshiba Corporation (or any of its affiliates or subsidiaries) may be purchased by the Department of Defense for the purpose of resale of such product in a military exchange store or in any other morale, welfare, recreation, or resale activity operated by the Department of Defense (either directly or by concessionaire).

SEC. 314. ONE-YEAR EXTENSION OF LIMITATION ON ARMY DEPOT MAINTENANCE FUNDING.

(a) ONE-YEAR EXTENSION.—Section 314 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1074) is amended—

(1) by striking out "fiscal year 1988" in subsection (a) and inserting in lieu thereof "fiscal year 1989"; and

(2) by striking out "fiscal year 1989" in subsection (b)(1)(C) and inserting in lieu thereof "fiscal year 1990".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1988.

SEC. 315. PROHIBITION ON CONTRACTING OUT FOR PERFORMANCE OF CERTAIN MAINTENANCE FUNCTIONS.

(a) PROHIBITION.—(1) The Secretary of Defense may not—

(A) review any covered maintenance function under the procedures and requirements of Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy); or

(B) enter into a contract for the performance by contractor personnel of any covered maintenance function.

(2) In this subsection, the term "covered maintenance function" means a maintenance function that—

(A) on October 1, 1988, is being performed by members of the Armed Forces on active duty; and

(B) is categorized in accordance with Department of Defense regulation or policy as an organizational or intermediate level maintenance function for trainer aircraft.

(b) TRANSITION PROVISIONS.—(1)(A) With respect to any maintenance function described in subparagraph (B), the Secretary of Defense—

(i) shall terminate the OMB Circular A-76 review of such function; and

(ii) shall convert the performance of such function back to performance by members of the Armed Forces on active duty.

(B) A function referred to in subparagraph (A) is an organizational or intermediate level Department of Defense maintenance function for trainer aircraft which—

(i) on October 1, 1988, is under review under OMB Circular A-76; and

(ii) before such review was performed by members of the Armed Forces on active duty and was converted to performance by Department of Defense civilian employees in contemplation of such review.

(2)(A) With respect to any maintenance function described in subparagraph (B) that is being performed by contractor personnel on October 1, 1988, the Secretary of Defense shall convert the performance of such function back to performance by members of the Armed Forces on active duty upon the occurrence of either of the following:

(i) The expiration of the contract.

(ii) The opportunity to exercise an option to renew the contract.

(B) A function referred to in subparagraph (A) is an organizational or intermediate level Department of Defense maintenance function for trainer aircraft which—

(i) was converted to performance by contractor personnel as a result of a review under OMB Circular A-76;

(ii) before such review, was performed by members of the Armed Forces on active duty; and

(iii) was converted to performance by contractor personnel after January 1, 1985.

PART C—PERMANENT LAW CHANGES

SEC. 321. LIMITATION ON PRIVATE OPERATION OF COMMISSARY STORES.

Section 2482 of title 10, United States Code, is amended by adding at the end the following new sentences: "Any contract for such operation of commissary stores by a private person shall not provide for or allow the contractor to carry out functions for the procurement of products to be sold in such stores or to engage in functions relating to the overall management of a commissary system or the management of any such store. Such functions shall be carried out by personnel of the Department of Defense under such regulations as the Secretary of Defense may approve.".

SEC. 322. LIMITATION ON ALLOWABLE COSTS UNDER CERTAIN SERVICE CONTRACTS PERFORMED OVERSEAS.

(a) CERTAIN COSTS NOT ALLOWABLE.—Section 2324(e)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraphs:

"(L) Costs of severance pay paid by the contractor to foreign nationals employed by the contractor under a service contract performed outside the United States, to the extent that the amount of such severance pay paid in any case exceeds that paid in the industry involved under the customary or prevailing practice for firms in that industry providing similar services in the United States, as determined under regulations prescribed by the Secretary of Defense.

"(M) In the case of a contractor providing banking services outside the United States for members of the armed forces and employees of the United States—

"(i) the amount of (I) any loss incurred by the contractor arising from uncollectible loans made by the contractor to customers under the contract, and (II) any loss arising from uncollectible checks cashed by the contractor for such customers; and

"(ii) any cost incurred by the contractor in collecting (I) amounts due on any delinquent loan made by the contractor to a customer under the contract, and (II) any dishonored check cashed by the contractor for such a customer.".

(b) EFFECTIVE DATE.—Subparagraphs (L) and (M) of section 2324(e)(1) of title 10, United States Code, as added by subsection (a), shall apply with respect to any contract entered into, extended, or renewed after the end of the 180-day period beginning on the date of the enactment of this Act.

SEC. 323. AUTHORITY TO CONTINUE SUPPORT OF SCOUTING ACTIVITIES OVERSEAS.

(a) AUTHORITY.—(1) Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2606. Scouting: cooperation and assistance in foreign areas

"(a) Subject to subsection (b), the Secretary concerned may cooperate with and assist qualified scouting organizations in establishing and providing facilities and services for members of the armed forces and their dependents, and civilian employees of the Department of Defense and their dependents, at locations outside the United States.

"(b) Cooperation and assistance under subsection (a) shall be provided under regulations prescribed by the Secretary of Defense and may be provided only if the President determines that such cooperation and assistance is necessary in the interest of the morale, welfare, and recreation of members of the armed forces.

"(c) Personnel of a qualified scouting organization, including officials certified by that organization as representing that organization, who are performing duties in connection with cooperation and assistance provided under subsection (a) may be furnished—

"(1) transportation at the expense of the United States while traveling to and from, and while performing, such duties in the same manner as civilian employees of the United States; and

"(2) available office space (including space for recreational activities for Boy Scouts and Girl Scouts), warehousing, utilities, and a means of communication, without charge.

"(d) Supplies of a qualified scouting organization may be transported at the expense of the United States if the Secretary concerned determines, under regulations prescribed under subsection (b), that the supplies are necessary to the cooperation and assistance provided under this section.

"(e) The Secretary concerned may reimburse a qualified scouting organization for all or part of the pay of an employee of that organization for any period during which the employee was performing services under subsection (a). Any such reimbursement may not be made from appropriated funds and shall be made under regulations prescribed under subsection (b).

"(f) For the purposes of this section, employees of a qualified scouting organization performing services under subsection (a) may not be considered to be employees of the United States.

"(g) In this section, the term 'qualified scouting organization' means the Girl Scouts of the United States of America and the Boy Scouts of America.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2606. Scouting: cooperation and assistance in foreign areas.".

(b) FUNDING DURING FISCAL YEAR 1988.—No funds may be appropriated for fiscal year 1988 by reason of the enactment of this section. Funds appropriated to the Department of Defense in Public Law 100-202 for operation and maintenance for fiscal year 1988 may be used for the purposes of section 2606 of title 10, United States Code, as added by subsection (a).

SEC. 324. TRANSFERS AND EXCHANGES OF CERTAIN DOCUMENTS, HISTORICAL ARTIFACTS, AND CONDEMNED AND OBSOLETE COMBAT MATERIEL.

(a) AUTHORITY.—(1) Section 2572 of title 10, United States Code, is amended to read as follows:

"§ 2572. Documents, historical artifacts, and condemned or obsolete combat materiel: loan, gift, or exchange

"(a) The Secretary concerned may lend or give items described in subsection (c) that are not needed by the military department concerned (or by the Coast Guard, in the case of the Secretary of Transportation), to any of the following:

"(1) A municipal corporation.

"(2) A soldiers' monument association.

"(3) A museum, historical society, or historical institution of a State or a foreign nation.

"(4) An incorporated museum that is operated and maintained for educational purposes only and the charter of which denies it the right to operate for profit.

"(5) A post of the Veterans of Foreign Wars of the United States or of the American Legion or a unit of any other recognized war veterans' association.

"(6) A local or national unit of any war veterans' association of a foreign nation which is recognized by the national government of that nation (or by the government of one of the principal political subdivisions of that nation).

"(7) A post of the Sons of Veterans Reserve.

"(b)(1) Subject to paragraph (2), the Secretary concerned may exchange items described in subsection (c) that are not needed by the armed forces for similar items held by any individual, organization, institution, agency, or nation.

"(2) The Secretary concerned may not make an exchange under paragraph (1) unless the monetary value of property transferred to the United States under the exchange is not less than the value of the property transferred by the United States. The Secretary concerned may waive the limitation in the preceding sentence in any case in which the Secretary determines that the item to be received by the United States in the exchange will significantly enhance the historical collection of the property administered by the Secretary.

"(c) This section applies to the following types of property held by a military department or the Coast Guard: books, manuscripts, works of art, historical artifacts, drawings, plans, models, and condemned or obsolete combat materiel.

"(d)(1) A loan or gift made under this section shall be subject to regulations prescribed by the Secretary concerned and to regulations under section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486).

"(2) The United States may not incur any expense in connection with a loan or gift under subsection (a).".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 153 is amended to read as follows:

"2572. Documents, historical artifacts, and condemned or obsolete combat materiel: loan, gift, or exchange.".

SEC. 325. QUALIFICATIONS FOR HEAD OF AUDITING FUNCTION IN MILITARY DEPARTMENTS.

(a) DEPARTMENT OF THE ARMY.—Section 3014(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) The head of the office or other entity established or designated by the Secretary to conduct the auditing function shall have at least five years of professional experience in accounting or auditing. The appointment of any person to the position of the head of such office or entity may not be made without the approval of the Inspector General of the Department of Defense. The position shall be considered to be a career reserved position as defined in section 3132(a)(8) of title 5.".

(b) DEPARTMENT OF THE NAVY.—Section 5014(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) The head of the office or other entity established or designated by the Secretary to conduct the auditing function shall have at least five years of professional experience in accounting or auditing. The appointment of any person to the position of the head of such office or entity shall be approved by the Inspector General of the Department of Defense. The position shall be considered to be a career reserved position as defined in section 3132(a)(8) of title 5. The position of regional director within such office or entity, and any other position within such office or entity the primary responsibilities of which are to carry out supervisory functions, may not be held by a member of the armed forces on active duty.".

(c) DEPARTMENT OF THE AIR FORCE.—Section 8014(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) The head of the office or other entity established or designated by the Secretary to conduct the auditing function shall have at least five years of professional experience in accounting or auditing. The appointment of any person to the position of the head of such office or entity shall be approved by the Inspector General of the Department of Defense. The position shall be considered to be a career reserved position as defined in section 3132(a)(8) of title 5.".

(d) EFFECTIVE DATE.—The requirements of sections 3014(c)(5), 5014(c)(5), and 8014(c)(5) of title 10, United States Code (as added by subsections (a), (b), and (c), respectively), shall apply with respect to the head of the office or other entity designated for conducting the auditing function in each of the military departments who is appointed after the date of the enactment of this Act.

SEC. 326. PROHIBITION ON CERTAIN DEPOT MAINTENANCE WORKLOAD COMPETITIONS.

The Secretary of Defense may not require the Secretary of the Army or the Secretary of the Air Force, in selecting an entity to perform any depot maintenance workload, to carry out a competition for such selection—

(1) between or among maintenance activities of the Department of the Army and the Department of the Air Force; or

(2) between a maintenance activity of either such department and a private contractor.

SEC. 327. NAVY PARTICIPATION IN FEASIBILITY STUDY OF SUNSET HARBOR PROJECT, CALIFORNIA.

(a) Required Funding.—The Secretary of the Navy shall obligate not less than $100,000 as the contribution by the Department of the Navy to the feasibility study by the Army Corps of Engineers of the Sunset Harbor Project, California, which was authorized by Public Law 99-662.

(b) Source of Funds.—For the purpose described in subsection (a), the Secretary of the Navy may use operation and maintenance funds appropriated for use by the Department of the Navy.

SEC. 328. REPORT ON EFFORTS TO MEASURE READINESS.

(a) Report Requirement.—Section 116 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) Not later than February 1 of each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the status of Department of Defense efforts to—

"(1) identify and measure readiness of the Department of Defense; and

"(2) relate such identification and measurement to the budget process.".

(b) Clerical Amendments.—(1) The heading of such section is amended to read as follows:

"§ 116. Annual reports on operations and maintenance and on readiness".

(2) The item relating to such section in the table of sections at the beginning of chapter 2 of such title is amended to read as follows:

"116. Annual reports on operations and maintenance and on readiness.".

SEC. 329. STANDARDS FOR CONTRACTOR INVENTORY ACCOUNTING SYSTEMS.

(a) In General.—(1) Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410. Contractor inventory accounting systems: standards

"(a) Establishment of Standards.—The Secretary of Defense shall establish standards for inventory accounting systems used by contractors under contract with the Department of Defense. The standards shall include the following requirements:

"(1) Each defense contractor shall have an adequate description of its inventory accounting system, including policies, procedures, and operating instructions, and shall revise such description as changes in the system are made. The contractor shall notify the Secretary as significant revisions are made.

"(2) Each defense contractor shall assure that material allocated, or costs of material charged, to a contract are based on valid time-phased requirements. The Secretary shall establish standards for determining the validity of such time-phased requirements.

"(3) Each defense contractor shall provide a procedure for identifying, reporting to the Secretary, and resolving system control weaknesses in its inventory accounting system. The contractor also shall provide for the identification of operational exceptions and manual overrides in the system.

"(4) Each contractor shall maintain audit trails and records for its inventory accounting system as necessary to allow the Secretary to evaluate the methodology of the system and to verify through transaction testing that the system is operating properly. Records shall be maintained for the applicable record retention period. Each contractor shall provide the Secretary access to its inventory accounting system, including equipment, as necessary to carry out this paragraph.

"(5) Each defense contractor shall establish and maintain in its inventory accounting system a high level of accuracy in recordkeeping, as prescribed by the Secretary. Recordkeeping shall include periodic reconcilation of quantities of inventory as stated in the contractor's records with quantities of inventory physically present. If an inventory accounting system does not meet the accuracy level prescribed by the Secretary, the contractor shall demonstrate—

"(A) there is no significant harm to the United States caused by the lower accuracy levels; or

"(B) the cost of meeting a higher level of accuracy is excessive in relation to the impact on the United States.

"(6) Each defense contractor shall provide a detailed description of circumstances which will result in transfers of material, including any transfer that may circumvent internal controls.

"(7) Each defense contractor shall maintain in its inventory accounting system a consistent, equitable, and unbiased methodology for assigning costs to materials in material transfers. The methodology—

"(A) shall be maintained in writing and disclosed to the Secretary;

"(B) may use standard or actual cost, or any of the inventory costing methods contained in Cost Accounting Standard 411.50(b); and

"(C) shall be used consistently among all contracts, customers, accounting periods, and transfers of the contractor.

"(8) Each defense contractor shall transfer materials, and the costs associated with such materials, within the same billing period. In the standards the Secretary may provide a waiver of such requirement as the Secretary considers appropriate.

"(9) In any case in which a defense contractor includes in progress billings or public vouchers material costs allocated from common inventory accounts of the contractor, the contractor's inventory accounting system shall contain controls to assure that—

"(A) reallocations of materials and costs associated with such materials are processed within the same billing period; and

"(B) materials that are in common inventory stock of the contractor for requirements other than requirements of a contract with the Department of Defense are not allocated to such a contract.

"(10) In any case in which a defense contractor allocates materials, or charges costs associated with such materials, from inventory stocks which are attributable to fixed-price Department of Defense contracts, cost-type Department of Defense contracts, and commercial contracts of the contractor, the contractor shall have adequate controls to assure that such materials and costs are properly allocated or charged to the correct contract.

"(11) The defense contractor shall provide for identifying excess or residual inventory from previous contracts and common inventory stock of the contractor. In addition the contractor shall develop and implement a methodology to assure that the costs associated with such inventory are considered in preparation of estimates for prices of future contracts.

"(b) Implementation of Standards.—(1) Beginning not later than 12 months after the establishment of standards under subsection (a), each defense contractor shall have an approved inventory accounting system. Approval of the system shall be granted by the Secretary upon an adequate demonstration by the contractor that its system complies with the standards established under subsection (a).

"(2) Any defense contractor that cannot demonstrate compliance with the standards shall provide the Secretary with a plan, including a timetable, for achieving such compliance. The Secretary shall issue guidelines for such plans.

"(3)(A) In the case of any defense contractor whose inventory accounting system is not approved by the Secretary, the Secretary shall suspend, in accordance with Federal Acquisition Regulation section 32.503-6, an appropriate percentage of affected costs on progress payment claims, proportionate to the adverse material impact to the United States of not having an approved system. In addition, the Secretary shall disapprove similar amounts, proportionate to the adverse impact to the United States, included in public voucher claims.

"(B) If the defense contractor's inventory accounting system is so unreliable, as determined by the Secretary, that it precludes development of a reliable estimate of the adverse material impact to the United States, or if the contractor does not provide adequate access to such system for the Secretary to perform such an assessment, the Secretary shall suspend, until such reliability is attained, an amount for which progress payment billings have been submitted by the contractor equal to 25 percent of the costs of material processed by the contractor for all Department of Defense contracts of the contractor during each billing period beginning after the date of the enactment of this Act. In addition, the Secretary shall disapprove similar amounts included in public voucher claims.

"(C) After approval of a defense contractor's plan for achieving compliance under paragraph (2), but before complete implementation of such plan, the Secretary shall reduce the amounts withheld from the contractor under subparagraph (A) or (B) as appropriate to reflect the contractor's progress in achieving compliance. In no case, however, may the Secretary pay the total amount for which progress billings or public vouchers have been submitted until the contractor's inventory accounting system is approved, unless the amount of the adverse impact on the United States is determined to be immaterial.

"(c) Certification of Compliance.—The Secretary shall require each defense contractor to certify, not later than 12 months after the establishment of standards under subsection (a), that, to the contractor's best knowledge and belief, the contractor's inventory accounting system is in compliance with applicable laws and regulations, including such standards, and with the disclosed accounting practices of the contractor.

"(d) Responsibility of Defense Contractors for Complying with Laws, Regulations, and Disclosed Practices.—Each defense contractor shall comply with, and shall have sole responsibility for being in compliance with, applicable laws and regu-

lations (including standards established under section 1), and the disclosed accounting practices of the contractor. The Secretary shall not be prevented from seeking to require compliance by a defense contractor with such laws, regulations, and practices by reason of a failure of an audit to disclose noncompliance by the contractor.

"(e) Definitions.—In this section:

"(1) The term 'defense contractor' means an entity under contract with the Department of Defense with a contract or contracts in an amount (in the aggregate) in excess of $10,000,000.

"(2) The term 'inventory accounting systems' includes both the inventory control system and the cost accounting system of a Department of Defense contractor.

"(3) The term 'material' includes all parts and items used by a contractor in carrying out a defense contract, including items assembled or fabricated by the contractor.

"(4) The term 'Secretary' means the Secretary of Defense.

"(5) The term 'transfer' means the movement of material, or costs associated with such material, between contracts of a defense contractor or between elements within a contract of a defense contractor.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2410. Standards for contractor inventory accounting systems.".

(b) Establishment of Standards.—The Secretary of Defense shall establish standards required under section 2410(a) of title 10, United States Code (as added by subsection (a)), within 60 days after the date of the enactment of this Act.

(c) Effective Date.—The standards established pursuant to section 2410 of title 10, United States Code (as added by subsection (a)), shall apply with respect to contracts entered into after the date of the enactment of this Act.

SEC. 330. PROHIBITION ON MANAGING CIVILIAN PERSONNEL BY END STRENGTHS.

(a) Prohibition.—Section 129(a) of title 10, United States Code, is amended—

(1) by inserting "and" before "(2)" in the first sentence;

(2) by striking out ", and (3)" in the first sentence and all that follows through "such fiscal year"; and

(3) by striking out the period at the end of the second sentence and inserting in lieu thereof ", any constraint or limitation (known as an 'end-strength') on the number of such personnel who may be employed on the last day of such fiscal year, or any constraint or limitation carried out through the measurement of full-time equivalent employees or other related methodology.".

(b) Annual Report on Funds Spent for Civilian Personnel.—Section 129 of such title is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) Not later than November 1 of each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the obligation of funds for civilian personnel of the Department of Defense (other than indirectly funded Government employees) during the preceding fiscal year. Each such report shall include—

"(1) for each appropriation account of the Department of Defense, a statement of the amount authorized and the amount appropriated for such personnel for the fiscal year covered by the report; and

"(2) for each such appropriation account and for the entire Department—

"(A) the actual number of such personnel employed as of the end of the fiscal year covered by the report; and

"(B) the amount of funds obligated for such personnel during that fiscal year.".

(c) Conforming Repeal of Requirement That Civilian Personnel End Strengths Be Authorized by Law.—(1) Section 115(b) of such title is amended by striking out paragraph (2).

(2) Such section is further amended—

(A) by redesignating paragraph (3) as paragraph (2) and in subparagraph (A) of that paragraph—

(i) striking out "annual" before "active duty" the first place it appears in the first sentence;

(ii) striking out "the annual civilian personnel end strength level" in the first sentence and inserting in lieu thereof "projecting civilian personnel strength levels"; and

(iii) striking out "next fiscal year, and shall include in that report justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for that fiscal year" and inserting in lieu thereof "next fiscal year. The Secretary shall include in that report justification for the strength levels recommended for active duty end strengths and projected for civilian personnel and an explanation of the relationship between such strength levels";

(B) by redesignating paragraph (4) as paragraph (3); and

(C) by redesignating paragraph (5) as paragraph (4).

Part D—Defense Supplies Security and Control

SEC. 341. DEFENSE SUPPLY MANAGEMENT STUDIES AND MODERNIZATION PLAN.

(a) Defense Inventory Security and Control Enhancement Study.—(1) The Secretary of Defense shall carry out a study to determine the effectiveness of Department of Defense procedures for ensuring security and control of supplies at Department of Defense depots. The study shall be completed not later than one year after the date of the enactment of this Act.

(2)(A) Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study. The Secretary shall submit the report in unclassified form and may also submit the report in classified form if the Secretary considers it necessary to do so in the interest of national security.

(B) The Secretary of Defense, at the same time as the Secretary submits the report under subparagraph (A), shall transmit a copy of the report to the Comptroller General of the United States.

(3) The Comptroller General shall—

(A) review the report transmitted by the Secretary of Defense under paragraph (2)(B); and

(B) submit to the Committees on Armed Services of the Senate and the House of Representatives, within 90 days after the date on which the Comptroller General receives such report, any findings and recommendations on procedures for ensuring the security and control of supplies at Department of Defense depots that the Comptroller General considers appropriate.

(b) Analysis of Sales of Surplus Munitions.—The Secretary of Defense shall—

(1) conduct a cost-benefit analysis of the practice of selling surplus Department of Defense munitions to the public; and

(2) submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than 180 days after the date of the enactment of this Act, a report containing a description and discussion of the practice and of the analysis of costs and benefits.

(c) Supply Traceability Enhancement.—The Secretary of Defense shall—

(1) develop improved methods for the identification of and accounting for individual items of ammunition, explosives, and other Department of Defense supplies that are susceptible to pilferage; and

(2) submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than one year after the date of the enactment of this Act, a report containing a description and discussion of each such method.

(d) Supply System Modernization Plan.—The Secretary of Defense shall—

(1) prepare a plan for the modernization of the supply facilities and supply distribution procedures of each of the military departments and the principal Defense Agencies of the Department of Defense; and

(2) not later than one year after the date of the enactment of this Act, transmit a copy of such plan to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 342. SUPPLY SECURITY AND CONTROL IMPROVEMENTS.

(a) Security and Control of Supplies: Reports, Funding, Procedures.—(1) Part IV of subtitle A of title 10, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 170—SECURITY AND CONTROL OF SUPPLIES

"Sec.

"2891. Report on security and control of supplies.

"2892. Miscellaneous security and control procedures.

"§ 2891. Report on security and control of supplies

"(a) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives, not later than February 1 of each year, a report on security and control of Department of Defense supplies.

"(b) Each such report shall include the following:

"(1) A summary of each of the physical inventory program plans of the Department of Defense, the Defense Logistics Agency, and the military departments for the fiscal year in which the report is submitted.

"(2) A discussion of the deficiencies, if any, in the security and control of Department of Defense supplies in the fiscal year preceding the year in which the report is submitted and a discussion of the extent to which such deficiencies have been corrected.

"(3) A discussion of—

"(A) research and development projects carried out by the Department of Defense in such preceding fiscal year for the improvement of the inventory and recordkeeping capabilities of the Department;

"(B) any proposals for expeditious application of any new technology resulting from such projects; and

"(C) the budget needs for research and development for such purpose in the fiscal year in which the report is submitted and any subsequent fiscal year for which the budget needs have been determined.

"(4) The budget authority made available to the Department of Defense for inventory

control functions in the fiscal year in which the report is submitted and in each of the five fiscal years preceding such fiscal year.

"(5) The budget authority proposed for such purpose in the budget submitted to Congress under section 1105 of title 31 for the fiscal year following the fiscal year in which the report is submitted.

"(6) The budget authority needed for such purpose in each of the five fiscal years following the fiscal year for which such budget is submitted.

"(7) An evaluation of the effectiveness of supply inventory control in the fiscal year preceding the fiscal year in which the report is submitted, the criteria used by the Secretary to make such evaluation, and the information considered by the Department in making the evaluation, including the value of supplies lost or stolen or for which accountability has otherwise been lost.

"(8) The aggregate statistics for all incidents of theft, fraud, or breach of security involving Department of Defense supplies that were investigated by military or civilian law enforcement agencies during the fiscal year preceding the fiscal year in which the report is submitted (including incidents involving munitions), a summary description of all such incidents (including the circumstances under which the incidents occurred), and the lessons learned by the Department of Defense from such incidents.

"§ 2892. Miscellaneous security and control procedures

"(a) The Secretary of Defense shall require an investigation of each discrepancy in an accounting for supplies of the Department of Defense involving an amount exceeding the amount determined under procedures prescribed by the Secretary. The Secretary shall prescribe procedures for randomly varying the minimum amount for which an investigation is required.

"(b) The Secretary shall, to the extent feasible, require that the job function of supply ordering and the job function of supply receiving be performed by different offices and individuals.

"(c) The Secretary shall ensure that an individual's performance in accounting for supplies of the Department of Defense is taken into account—

"(1) in evaluating that individual's job performance, in the case of an employee of the Department, or in determining that individual's efficiency rating, in the case of a member of the armed forces; and

"(2) in the case of a commissioned or warrant officer, in determining that individual's fitness for retention or promotion or assignment to a position of command.

"(d) The Secretary shall ensure—

"(1) that the employees of the Department of Defense and members of the armed forces assigned to manage supplies of the Department of Defense are skilled in the management of such supplies; and

"(2) that no employee of the Department of Defense and no member of the armed forces is assigned to perform such function for a disciplinary reason.".

(2) The table of chapters at the beginning of such part and such subtitle are each amended by inserting after the item relating to chapter 169 the following new item:

"170. Security and control of supplies .... 2891".

(b) IMPLEMENTATION.—The Secretary of Defense may omit in the report for any fiscal year under section 2891 of title 10, United States Code, as added by subsection (a), the information relating to any of fiscal years 1983 through 1988, described in subsection (b)(4) of such section, for which there are inadequate records, as determined by the Secretary.

SEC. 343. LAW ENFORCEMENT ENHANCEMENT PROVISIONS.

(a) UNDERCOVER INVESTIGATIONS.—(1) Congress finds that the use of undercover investigative techniques by the Department of Defense enhances the ability of the Department of Defense to detect and investigate theft of Government property (including munitions) from the Department of Defense supply system.

(2) The Secretary of Defense is urged to continue to conduct undercover investigations to detect and investigate thefts referred to in paragraph (1).

(b) INVENTORY SECURITY INCIDENT REPOSITORY.—The Secretary of Defense shall establish and maintain a centralized computer system for recording and organizing information on theft, fraud, breach of security, and incidents involving the loss of Department of Defense supplies (including munitions).

PART E—MISCELLANEOUS

SEC. 351. REPORTS ON MOBILIZATION AND DEPLOYMENT DELAYS FOR UNITED STATES AND WARSAW PACT FORCES.

(a) UNITED STATES FORCES.—No later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an unclassified report (with classified annexes as necessary) concerning the length of time required for the ground and air forces of the United States to enter combat at the inter-German border in the event of a major conflict in Europe. The Secretary shall include in such report, for each major combat unit (divisions and separate brigades) and major element of their combat service support in the active and reserve components which is likely to be involved in such a conflict, an estimate of the minimum time delay between the decision of the United States to mobilize and the entry of that unit into battle. Assessments shall be consistent with current levels of readiness and equipment inventories. For each unit, the report shall give the currently existing fraction of the unit's total equipment inventory, the fraction of active and reserve manning, the average number of days of training for reserve personnel in that unit during the previous year, and the transit time from the unit's peacetime location to the inter-German border.

(b) WARSAW PACT FORCES.—The Secretary shall include in the report under subsection (a) an unclassified report (with classified annexes as necessary) concerning the length of time required for the ground and air forces of the Soviet Union, the German Democratic Republic, Poland and Czechoslovakia to enter combat at the inter-German border in the event of a major conflict in Europe. All active and reserve forces of these nations currently in the NATO Guidelines Area and the Western Military District of the Soviet Union shall be reported on. For each major combat unit (divisions and separate brigades) and major element of their combat service support, the report shall give the best estimate of the minimum time delay between the Warsaw Pact decision to mobilize and the entry of that unit into battle. Assessments shall be consistent with current levels of readiness and equipment inventories. For each unit, the report shall give the best estimate of the currently existing fraction of the unit's total equipment inventory, the fraction of active and reserve manning, the average number of days of training for reserve personnel in that unit during the previous year and the transit time from the unit's peacetime location to the inter-German border.

SEC. 352. REPORT ON AVAILABILITY OF EQUIPMENT AND PERSONNEL.

(a) REPORT REQUIREMENT.—No later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an unclassified report (with classified annexes as necessary) concerning existing major conventional military equipment and trained personnel in the ground and air forces of the United States and its NATO allies in central Europe which are not currently organized into combat or support units. The report shall include the following:

(1) An inventory of all existing major equipment possessed by the United States (including tanks, infantry fighting vehicles, artillery, antitank and air defense weapons, and helicopters and tactical aircraft) which is in storage, in war reserve material stocks, in training units, or otherwise not assigned to combat units.

(2) The number of members and former members of the Armed Forces of the United States who have received military training or performed a tour of duty in ground or air forces within the past five years and who are not currently assigned to any active or reserve combat or combat support unit.

(3) The current plans of the Department of Defense for use of the equipment listed in paragraph (1) and persons listed in paragraph (2) in the event of a major conflict in Western Europe.

(4) An estimate of the equipment and manpower inventories, as defined in paragraphs (1) and (2), in Belgium, Denmark, the Federal Republic of Germany, Luxembourg, the Netherlands, and the United Kingdom and, if known, the current plans of those nations for use of that equipment and personnel in the event of a major conflict in Western Europe.

(b) PLANS.—No later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan for the use of the manpower and equipment described in paragraphs (1) and (2) of subsection (a) to increase the military force which could be available for the defense of Western Europe in a time period consistent with the estimate of the warning time of an attack and the duration of such a conflict given in the 1987 Military Net Assessment made by the Joint Chiefs of Staff (or any subsequent revision thereof). The Secretary shall include in such report comments from the Reserve Component Chiefs.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

PART A—ACTIVE FORCES

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized end strengths for active duty personnel as of September 30, 1989, as follows:

(1) The Army, 772,300.

(2) The Navy, 593,200.

(3) The Marine Corps, 197,200.

(4) The Air Force, 575,600.

SEC. 402. REPEAL OF STATUTORY REDUCTIONS IN STRENGTH OF ACTIVE DUTY OFFICER CORPS.

(a) PUBLIC LAW 99-661.—Section 403 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3859) is amended by striking out the last line (relating to September 30, 1989) in the table in subsection (a).

(b) PUBLIC LAW 100-180.—Section 402(c) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1081) is repealed.

PART B—RESERVE FORCES

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) AUTHORIZATION.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1989, as follows:

(1) The Army National Guard of the United States, 457,300.

(2) The Army Reserve, 320,600.

(3) The Naval Reserve, 152,600

(4) The Marine Corps Reserve, 43,600.

(5) The Air National Guard of the United States, 115,490.

(6) The Air Force Reserve, 83,999.

(7) The Coast Guard Reserve, 13,000.

(b) CONFORMING AMENDMENTS.—(1) Section 411(c) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1082) is amended by striking out "or subsection (b)" and inserting in lieu thereof "or section 411(a) of the National Defense Authorization Act for 1989".

(2) Section 411(d) of such Act is amended by striking out "and (b)" and inserting in lieu thereof "and by section 411(a) of the National Defense Authorization Act for 1989".

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the strengths prescribed in section 411, the reserve components of the Armed Forces are authorized, as of September 30, 1989, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 25,725.

(2) The Army Reserve, 13,329.

(3) The Naval Reserve, 21,991.

(4) The Marine Corps Reserve, 1,945.

(5) The Air National Guard of the United States, 7,965.

(6) The Air Force Reserve, 657.

SEC. 413. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) SENIOR ENLISTED MEMBERS.—The table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9..........	589	201	170	18
E-8..........	2,406	404	546	74".

(b) OFFICERS.—The table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander..	3,191	1,000	654	115
Lieutenant Colonel or Commander..	1,376	520	463	75
Colonel or Navy Captain.......	348	188	198	25".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1988.

PART C—MILITARY TRAINING

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1989, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 80,281.

(2) The Navy, 65,925.

(3) The Marine Corps, 18,064.

(4) The Air Force, 36,857.

(5) The Army National Guard of the United States, 19,561.

(6) The Army Reserve, 17,190.

(7) The Naval Reserve, 3,136.

(8) The Marine Corps Reserve, 3,459.

(9) The Air National Guard of the United States, 2,868.

(10) The Air Force Reserve, 1,827.

(b) ADJUSTMENTS.—The average military student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in parts A and B. The Secretary of Defense shall prescribe the manner in which such adjustment shall be apportioned.

PART D—GENERAL MATTERS

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL FOR FISCAL YEAR 1989.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary of Defense for military personnel for fiscal year 1989 a total of $78,453,300,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1989.

(b) AIR FORCE AUTHORIZATION.—Within the amount authorized in subsection (a), $21,776,900,000 is authorized for the Air Force, as follows:

(1) Military Personnel, Air Force.

(2) Reserve Personnel, Air Force.

(3) National Guard Personnel, Air Force.

SEC. 432. REPEAL OF PRIOR FISCAL YEAR 1989 PERSONNEL AUTHORIZATIONS.

(a) REPEALER.—The following provisions of title IV of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1081 et seq.) are repealed.

(1) Subsection (b) of section 401.

(2) Subsection (b) of section 411.

(3) Subsections (a)(2) and (b)(2) of section 413.

(4) Subparagraph (B) of each of paragraphs (1) through (10) of section 421(a).

(b) CONFORMING AMENDMENT.—Section 412 of such Act is amended by striking out "and as of September 30, 1989,".

TITLE V—MILITARY PERSONNEL POLICY

PART A—GENERAL MATTERS

SEC. 501. TESTING OF NEW ENTRANTS FOR DRUG AND ALCOHOL ABUSE.

(a) REVISION OF MANDATORY TESTING PROGRAM.—(1) Section 978 of title 10, United States Code, is amended to read as follows:

"§ 978. Drug and alcohol abuse and dependency: testing of new entrants

"(a)(1) Except as provided in paragraph (2), the Secretary concerned shall require each member of the armed forces under the Secretary's jurisdiction, within 72 hours after the member's initial entry on active duty after enlistment or appointment, to—

"(A) undergo testing (by practicable, scientifically supported means) for drug and alcohol use; and

"(B) be evaluated for drug and alcohol dependency.

"(2) The Secretary concerned shall require an applicant for appointment as a cadet or midshipman to undergo the testing and evaluation described in paragraph (1) during the physical examination given the applicant before such appointment. The Secretary concerned shall require a person to whom a commission is offered under section 2106 of this title following completion of the program of advanced training under the Reserve Officers' Training Corps program to undergo such testing and evaluation during the precommissioning physical examination given such person.

"(b) A person who refuses to consent to testing and evaluation required by subsection (a) may not be retained in the armed forces, and any original appointment of such person as an officer shall be terminated, unless that person consents to such testing and evaluation.

"(c)(1) The enlistment or appointment of a person who is determined, as a result of an evaluation conducted under subsection (a)(1)(B), to be dependent on drugs or alcohol at the time of such enlistment or appointment shall be void.

"(2) A person whose enlistment or appointment is voided under paragraph (1) shall be referred to a civilian treatment facility.

"(d) The testing and evaluation required by subsection (a) shall be carried out under regulations prescribed by the Secretary of Defense in consultation with the Secretary of Transportation. Those regulations shall apply uniformly throughout the armed forces.

"(e) In time of war, or time of emergency declared by Congress or the President, the President may suspend the provisions of subsection (a).".

(2) The item relating to that section in the table of sections at the beginning of chapter 49 of such title is amended to read as follows:

"978. Drug and alcohol abuse and dependency: testing of new entrants".

(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the implementation of section 978 of title 10, United States Code, as amended by subsection (a), not later than 60 days after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—The testing and evaluation program prescribed by that section shall be implemented no later than October 1, 1989.

(d) CONFORMING AMENDMENT.—Section 513(b)(2) of the National Defense Authorization Act for Fiscal Years 1988 and 1989

(Public Law 100-180; 101 Stat. 1091) is repealed.

SEC. 502. REQUIREMENT TO ACCEPT PERSONS ENLISTING IN THE AIR FORCE ON GENDER-FREE BASIS.

(a) REQUIREMENT.—(1) Chapter 833 of title 10, United States Code, is amended by inserting after section 8251 the following new section:

"§ 8252. Regular Air Force: gender-free basis for acceptance of original enlistments

"(a) Except as provided in subsection (b), in accepting persons for original enlistment in the Regular Air Force, the Secretary of the Air Force may not—

"(1) set a minimum or maximum percentage of persons who may be accepted for such an enlistment according to gender for skill categories or jobs; or

"(2) in any other way base the acceptance of a person for such an enlistment on gender.

"(b) Subsection (a) shall not apply with respect to an enlistment specified as being for training leading to designation in a skill category involving duty assignments to which, under section 8549 of this title, female members of the Air Force may not be assigned.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8251 the following new item:

"8252. Regular Air Force: gender-free basis for acceptance of original enlistments.".

(b) METHODOLOGY.—The Secretary of the Air Force shall develop a methodology for implementing section 8252 of title 10, United States Code, as added by subsection (a), no later than October 1, 1989.

(c) EFFECTIVE DATE.—Such section 8252 shall apply with respect to persons accepted for original enlistment in the Regular Air Force after September 30, 1989.

(d) REPEAL OF FY 89 REQUIREMENT FOR SPECIFIED PERCENTAGE OF AIR FORCE ENLISTEES TO BE WOMEN.—Section 551(a) of the Department of Defense Authorization Act, 1985 (10 U.S.C. 8251 note), is repealed.

PART B—FLEXIBILITY IN OFFICER PERSONNEL POLICY DURING REDUCTIONS IN OFFICER FORCE

SEC. 511. RETENTION FLEXIBILITY PROVISIONS.

(a) IN GENERAL.—Chapter 36 of title 10, United States Code, is amended by inserting after section 638 the following new section:

"§ 638a. Reductions in officer personnel strength: modification to rules for continuation on active duty; enhanced authority for selective early retirement; selective discharges

"(a)(1) Whenever a major officer personnel strength reduction (as defined in subsection (f)) is to be made in one of the armed forces (other than the Coast Guard), the Secretary of the military department concerned may, during the fiscal year in which the reduction is to be made and the next fiscal year, take any of the actions set forth in subsection (b) with respect to officers of that armed force.

"(2) Whenever any other directed officer personnel strength reduction (as defined in subsection (d)) is to be made in one of the armed forces (other than the Coast Guard), the Secretary of Defense may authorize the Secretary of the military department concerned, during the fiscal year in which the reduction is to be made and the next fiscal year, to take any of the actions set forth in subsection (b) with respect to officers of that armed force.

"(b) Actions which the Secretary of a military department may take with respect to officers of an armed force when authorized under subsection (a) are the following:

"(1) Shortening the period of the continuation on active duty established under section 637 of this title for a regular officer who is serving on active duty pursuant to a selection under that section for continuation on active duty.

"(2) Providing that regular officers on the active-duty list may be considered for early retirement by a selection board convened under section 611(b) of this title in the case of officers described in any of subparagraphs (A) through (C) as follows:

"(A) Officers in the regular grade of lieutenant colonel or commander who would be subject to consideration for selection for early retirement under section 638(a)(1)(A) of this title except that they have failed of selection for promotion only one time (rather than two or more times).

"(B) Officers in the regular grade of colonel or, in the case of the Navy, captain who would be subject to consideration for selection for early retirement under section 638(a)(1)(B) of this title except that they have served on active duty in that grade less than four years (but not less than two years).

"(C) Officers holding a regular grade below the grade of colonel or, in the case of the Navy, captain who are not eligible for voluntary retirement under section 3911, 6323, or 8911 of this title but who after two additional years of active service as a commissioned officer would be eligible for retirement under one of those sections and whose names are not on a list of officers recommended for promotion.

"(3) Suspending section 638(c) of this title.

"(4) Providing that regular officers on the active-duty list in a grade below brigadier general (or rear admiral lower half, in the case of the Navy) may be considered for discharge or early retirement by a selection board convened under section 611(b) of this title in the case of officers—

"(A) who have served at least six months of active duty in the grade currently held;

"(B) whose names are not on a list of officers recommended for promotion; and

"(C) who are not eligible for consideration for early retirement under paragraph (2).

"(c) In the case of an action under subsection (b)(2), the Secretary of the military department concerned shall specify the number of officers described in that subsection which a selection board convened under section 611(b) of this title pursuant to the authority of that subsection may recommend for early retirement. Such number may not be more than 30 percent of the number of officers considered in each grade in each competitive category.

"(d)(1) In the case of an action under subsection (b)(4), the Secretary of the military department concerned may submit to a selection board convened under section 611(b) of this title pursuant to the authority of that subsection—

"(A) the names of all officers described in such subsection in a particular grade and competitive category; or

"(B) the names of all officers described in that subsection in a particular grade and competitive category who also are in particular year groups or specialties, or both, within that competitive category.

"(2) In a case covered by paragraph (1), the Secretary of the military department concerned shall specify the total number of officers described in subsection (b)(4) to be recommended for discharge or retirement by the selection board. That number may not be more than 30 percent of the number of officers considered—

"(A) in each grade in each competitive category; or

"(B) in each grade, year group, or specialty (or combination thereof) in each competitive category.

"(3) The total number of officers described in subsection (b)(4) who may be recommended during a fiscal year for discharge or retirement by a selection board convened under section 611(b) of this title pursuant to the authority of that subsection may not exceed 70 percent of the decrease, as compared to the preceding fiscal year, in the number of officers, or the number of officers in a particular grade, of the armed force concerned authorized to be serving on active duty (other than for training or for the purposes specified in section 678 of this title).

"(4) An officer who is recommended for discharge or retirement by a selection board convened pursuant to the authority of subsection (b)(4) and whose discharge or retirement is approved by the Secretary concerned shall—

"(A) if eligible to retire under any provision of law, be retired on a date specified by the Secretary concerned;

"(B) if not eligible to be retired under any provision by law, and if not within two years of becoming so eligible, be discharged on a date specified by the Secretary concerned; or

"(C) if not eligible to be retired under any provision of law but within two years of becoming so eligible, be retained on active duty until he is qualified for retirement under section 3911, 6323, or 8911 of this title, and then be retired under that section on a date specified by the Secretary concerned, unless he is sooner retired or discharged under some other provision of law.

"(5) Selection of officers for discharge or retirement under subsection (b)(4) shall be based on the needs of the service.

"(e) The discharge or retirement of an officer pursuant to this section shall be considered to be involuntary for purposes of any other provision of law.

"(f) For purposes of subsection (a)—

"(1) a directed officer personnel strength reduction in one of the armed forces is a reduction required by law or direction of the President or Secretary of Defense in the total authorized strength of commissioned officers on active duty in that armed force as of the end of a fiscal year from the total authorized strength of commissioned officers on active duty in that armed force as of the end of the preceding fiscal year; and

"(2) a major officer personnel strength reduction in one of the armed forces is a directed officer personnel strength reduction in that armed force of 1 percent or more.

"(g) The authorized strength of commissioned officers on active duty for purposes of this section shall be computed in the same manner as applies to section 523 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter IV of such chapter is amended by inserting after the item relating to section 638 the following new item:

"638a. Reductions in officer personnel strength: modification to rules for continuation on active duty; enhanced authority for selective early retirement; selective discharges.".

SEC. 512. SHORTENING OF PERIODS OF CONTINUED ACTIVE DUTY.

Section 637 of title 10, United States Code, is amended—

(1) by adding at the end of subsection (c) the following new sentence: "The period of the continuation on active duty of an officer under this section may be reduced by the Secretary concerned in the case of any officer as provided in section 638a of this title.";

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection:

"(d) For purposes of this section, a period of continuation on active duty under this section expires or is completed on the earlier of (1) the date originally established for the termination of such period, or (2) the date established for the termination of such period by any shortening of such period under section 638a of this title.".

SEC. 513. SELECTIVE EARLY RETIREMENT.

(a) In General.—Subsection (a) of section 638 of title 10, United States Code, is amended to read as follows:

"(a)(1) A regular officer on the active-duty list of the Army, Navy, Air Force, or Marine Corps may be considered for selective early retirement by a selection board convened under section 611(b) of this title if the officer is described in any of subparagraphs (A) through (D) as follows:

"(A) An officer holding the regular grade of lieutenant colonel or commander who has failed of selection for promotion to the grade of colonel or, in the case of an officer of the Navy, captain two or more times and whose name is not on a list of officers recommended for promotion.

"(B) An officer holding the regular grade of colonel or, in the case of an officer of the Navy, captain who has served at least four years of active duty in that grade and whose name is not on a list of officers recommended for promotion.

"(C) An officer holding the regular grade of brigadier general or rear admiral (lower half) who has served at least three and one-half years of active duty in that grade and whose name is not on a list of officers recommended for promotion.

"(D) An officer holding the regular grade of major general or rear admiral who has served at least three and one-half years of active duty in that grade.

"(2) A regular officer on the active-duty list of the Army, Navy, Air Force, or Marine Corps may also be considered for early retirement under the circumstances prescribed in section 638a of this title.

"(3) The Secretary of the military department concerned shall specify the number of officers described in paragraphs (1)(A) and (1)(B) which a selection board convened under section 611(b) of this title may recommend for early retirement. Such number may not be more than 30 percent of the number of officers considered in each grade in each competitive category.".

(b) Conforming Amendment.—Subsection (b)(1) of such section is amended by inserting "or section 638a of this title" after "under this section".

SEC. 514. REQUIRED LENGTH OF COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT.

(a) Army and Air Force.—Sections 3911 and 8911 of title 10, United States Code, are amended—

(1) by inserting "(a)" at the beginning of the text of the section; and

(2) by adding at the end the following new subsection:

"(b)(1) Whenever a major officer personnel strength reduction (as defined in paragraph (3)) is to be made, the Secretary may reduce the requirement under subsection (a) for at least 10 years of active service as a commissioned officer to a period (determined by the Secretary) of not less than eight years for any retirement occurring during the fiscal year in which the officer personnel strength reduction is to be made or during the following fiscal year.

"(2) Whenever any other directed officer personnel strength reduction (as defined in paragraph (3)) is to be made, the Secretary of Defense may authorize the Secretary to make a reduction in years of active service described in paragraph (1).

"(3) For purposes of this subsection—

"(A) a directed officer personnel strength reduction is a reduction in the authorized strength of commissioned officers on active duty under the jurisdiction of the Secretary as of the end of a fiscal year from the authorized strength of such officers as of the end of the preceding fiscal year that is required by law or direction of the President or Secretary of Defense; and

"(B) a major officer personnel strength reduction is a directed officer personnel strength reduction of 1 percent or more.

"(4) The authorized strength of commissioned officers on active duty for purposes of this subsection shall be computed in the same manner as applies to section 523 of this title.".

(b) Navy and Marine Corps.—Section 6323(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Whenever a major officer personnel strength reduction (as defined in subparagraph (C)) is to be made in the Navy or the Marine Corps, the President may reduce the requirement under paragraph (1) for at least 10 years of active service as a commissioned officer to a period (determined by the President) of not less than eight years for any retirement occurring during the fiscal year in which the officer personnel strength reduction is to be made or during the following fiscal year.

"(B) Whenever any other directed officer personnel strength reduction (as defined in subparagraph (C)) is to be made, the President may authorize a reduction in years of active service described in paragraph (1).

"(C) For purposes of this paragraph—

"(i) a directed officer personnel strength reduction is a reduction in the authorized strength of commissioned officers on active duty in the Navy or Marine Corps as of the end of a fiscal year from the authorized strength of such officers as of the end of the preceding fiscal year that is required by law or direction of the President or Secretary of Defense; and

"(ii) a major officer personnel strength reduction is a directed officer personnel strength reduction of 1 percent or more.

"(D) The authorized strength of commissioned officers on active duty for purposes of this subsection shall be computed in the same manner as applies to section 523 of this title.".

SEC. 515. SELECTIVE EARLY RETIREMENT FOR CERTAIN PRE-DOPMA NAVY AND MARINE CORPS OFFICERS.

(a) Conformance to Army and Air Force Provisions.—Subsection (a)(2) of section 613 of the Defense Officer Personnel Management Act (Public Law 96-513; 10 U.S.C. 611 note) is amended—

(1) by striking out "or" at the end of clause (B);

(2) by striking out the period at the end of clause (C) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new clause:

"(D) selected for early retirement under section 638 of title 10, United States Code.".

(b) Technical Amendments.—Such section is further amended—

(1) by striking out "on the effective date of this Act" in the matter in subsection (a)(1) preceding clause (A) and inserting in lieu thereof "on September 15, 1981"; and

(2) by striking out "on the day before the effective date of this Act" each place it appears in such section and inserting in lieu thereof "on September 14, 1981".

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Part A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1989.

(a) Waiver of Section 1009 Adjustment.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1989 shall not be made.

(b) Four Percent Increase in Basic Pay and BAS.—The rates of basic pay and basic allowance for subsistence of members of the uniformed services are increased by 4 percent effective on January 1, 1989.

(c) Increase in BAQ.—(1) The rates of basic allowance for quarters for members of the uniformed services are increased by 7 percent effective on January 1, 1989.

(2) The Secretary of Defense may allocate the amount of increase in the rates of basic allowance for quarters specified in paragraph (1) among pay grades of members of the uniformed services so that the resulting basic allowance for quarters for each pay grade is a percentage, which is as nearly as practicable equal across all pay grades, of the national median housing costs of members in that pay grade. In no event, however, may the rates of basic allowance for quarters for any pay grade be less than the rate in effect on December 31, 1988.

(d) Four Percent Increase in Cadet and Midshipman Pay.—Effective January 1, 1989, section 203(c)(1) of title 37, United States Code, is amended by striking out "$504.30" and inserting in lieu thereof "$524.40".

SEC. 602. ALLOWANCE FOR TRANSPORTATION OF HOUSEHOLD GOODS.

(a) Allowance.—Section 406(b)(1) of title 37, United States Code, is amended—

(1) by striking out "within such weight allowances prescribed by the Secretaries concerned" in subparagraph (A) and inserting in lieu thereof "within the weight allowances listed in subparagraph (C)"; and

(2) by adding at the end the following new subparagraph:

"(C) Under regulations prescribed by the Secretary of Defense, the weight allowance to which a member is entitled under subparagraph (A) is the number of pounds listed in the first column (in the case of a member without dependents) or in the second column (in the case of a member with dependents) across from the member's pay grade in the following table:

Pay Grade	Without Dependents	With Dependents
0-10 to 0-6	18,000	18,000
0-5	16,000	17,500
0-4	14,000	17,000
0-3	13,000	14,500
0-2	12,500	13,500
0-1	10,000	12,000
W-4	14,000	17,000
W-3	13,000	14,500
W-2	12,500	13,500
W-1	10,000	12,000
E-9	12,000	14,500
E-8	11,000	13,500
E-7	10,500	12,500
E-6	8,000	11,000
E-5	7,000	9,000
[1]E-4	7,000	8,000
[2]E-4	3,500	7,000
E-3	2,000	5,000
E-2	1,500	5,000
E-1	1,500	5,000

"[1] Member with more than two years of service computed under section 205 of this title.

"[2] Member with less than two years of service computed under section 205 of this title.".

(b) EFFECTIVE DATE.—The weight allowances in section 406(b)(1)(C) of title 37, United States Code (as added by subsection (a)), shall apply with respect to transportation of baggage and household effects occurring after May 1, 1989.

PART B—OTHER PERSONNEL BENEFITS

SEC. 611. AVIATION CONTINUATION PAY.

(a) IN GENERAL.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301c the following new section:

"§ 301d. Special pay: aviator continuation pay

"(a)(1) An aviation officer described in subsection (b) who executes a written agreement to remain on active duty in aviation service for at least one year may, upon the acceptance of the written agreement by the Secretary concerned, be paid special pay as provided in this section.

"(2) The amount of such special pay shall be not more than—

"(A) $12,000 for each year covered by the agreement, if the officer agrees to remain on active duty to complete 14 years of commissioned service; or

"(B) $6,000 for each year covered by the agreement if the officer agrees to remain on active duty for one or two years.

"(3) The agreement length and payment amount may be prorated as long as an agreement under this section does not extend beyond the date on which the officer would complete 14 years of commissioned service.

"(4) Upon the officer's acceptance of the agreement, and subject to subsection (e), the total amount payable becomes fixed and may be paid in either a lump sum or in installments.

"(b)(1) This section applies to an officer of a uniformed service who—

"(A) is entitled to aviation career incentive pay under section 301a of this title;

"(B) is in a pay grade below pay grade 0-6;

"(C) is qualified to perform operational flying duty (as defined in clause (6) of section 301a(a) of this title);

"(D) has completed at least six but less than 13 years of active duty;

"(E) has completed any active duty service commitment incurred for undergraduate aviator training; and

"(F) is in an aviation specialty designated by the Secretary concerned, and approved by the Secretary of Defense or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, as critical.

"(2) For purposes of paragraph (1)(F), an aviation specialty shall be considered subject to designation as critical when there exists a current shortage of officers in that specialty.

"(c) Special pay under this section is in addition to any other pay and allowances to which an officer is entitled.

"(d)(1) Refunds shall be required, on a pro rata basis, of sums paid under this section if the officer who has received the payment fails to complete the total period of active duty specified in the agreement, as conditions and circumstances warrant.

"(2) Nothing in this section shall alter or modify the obligation of a regular officer to perform active service at the pleasure of the President. Completion of the agreed-upon period of active duty in aviation service under this section shall not obligate the President to accept a resignation submitted by a regular officer.

"(3) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(4) A discharge in bankruptcy under title 11 that is entered less than 10 years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under such agreement or under paragraph (1). This paragraph applies to any case commenced under title 11 after October 1, 1988.

"(e) For a period not to exceed two years after the date of the enactment of this section, written agreements may be accepted by the Secretary concerned from officers who have completed at least 13 but less than 16 years of officer service (notwithstanding subsection (b)(4)) and who otherwise meet the eligibility criteria of this section. An agreement under this subsection may not extend beyond the date on which the officer would complete 16 years of service.

"(f) An agreement for special pay under section 301b of this title may not be accepted by the Secretary of Defense after the date of the enactment of this section.

"(g) In this section:

"(1) The term 'aviation service' means the service performed by an officer holding an aeronautical rating or designation (except a flight surgeon or other medical officer).

"(2) The term 'aviation specialty' means a community of pilots or other designated aeronautical officers identified by type of aircraft or weapon system.

"(h) This section shall be administered under regulations prescribed by the Secretaries concerned and approved by the Secretary of Defense or the Secretary of Transportation, as appropriate.

"(i) Special pay may not be paid under this section for an agreement that applies to a period of active duty that begins after September 30, 1991.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 301c the following new item:

"301d. Special pay: aviator continuation pay.".

(b) REPORT.—The Secretaries of the Navy and Air Force shall each submit to Congress, not later than July 1, 1990, a written report, approved by the Secretary of Defense, on the payment of special pay for aviation career officers under section 301d of title 10, United States Code (as added by subsection (a)). Each such report shall include the following:

(1) A list of the specific aviation specialties by aircraft type determined to be critical for purposes of the payment of special pay under such section.

(2) The number of officers within each critical aviation specialty who received the special pay under such section, set forth by grade, years of prior active service, and amounts of special pay received.

(3) The number of officers within each critical aviation specialty receiving special pay under such section whose principal duties are not operational flying.

(4) An explanation and justification for the Secretary's designation of an aviation specialty as critical and for the payment of special pay under such section to officers who have more than eight years of prior active service and who are serving in pay grade 0-4 or above, if payment of such pay was made to such officers.

(5) An evaluation of the progress made since the date of the enactment of this Act toward eliminating shortages of aviators in the aviation specialties designated by the Secretary as critical.

(c) AUTHORIZATION.—Within the amount authorized for fiscal year 1989 for military personnel under section 431, the sum of $36,200,000 is authorized to be appropriated for such fiscal year for special pay under section 301d of title 37, United States Code, as added by subsection (a).

SEC. 612. AUTHORIZATION OF APPROPRIATIONS FOR INCENTIVE SPECIAL PAY FOR MEDICAL OFFICERS.

Within the amount authorized for fiscal year 1989 for military personnel under section 431, the sum of $50,000,000 is authorized to be appropriated for such fiscal year for incentive special pay under section 302(b) of title 37, United States Code.

SEC. 613. HOUSING LEASE INDEMNITY PROGRAM.

(a) IN GENERAL.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1055. Rental housing lease indemnity program

"(a) The Secretary of Defense may carry out a program under which the Secretary of a military department may guarantee compensation of any person who leases a rental unit to any member of the armed forces under the jurisdiction of the Secretary for a breach of the lease or for damage to the rental unit by the member.

"(b)(1) In accordance with action taken by the Secretary of Defense under subsection (a), the Secretary of each military department shall carry out the program established under subsection (a).

"(2) For purposes of carrying out this section, the Secretary of a military department, to the extent funds are provided in advance in appropriation Acts, may enter into an agreement with any person who leases a rental unit to any member of the armed forces under the jurisdiction of the Secretary. An agreement under this paragraph shall provide that—

"(A) the term of the agreement shall be for not more than one year;

"(B) the member shall not pay a security deposit;

"(C) the Secretary (except as provided in subparagraphs (D) and (E)) shall compensate the lessor for breach of the lease by the member and for damage to the rental unit caused by the member or by any guest or dependent of the member;

"(D) the total liability of the Secretary for a breach of the lease or for damage described in subparagraph (C) shall not exceed an amount equal to the amount that the Secre-

tary determines would have been required by the lessor as a security deposit absent the agreement authorized in this paragraph;

"(E) the Secretary shall not compensate the lessor for breach of the lease or for damage described in subparagraph (C) until the lessor exhausts any remedies available to the lessor against the member for the breach or damage; and

"(F) the Secretary shall be subrogated to the rights of the lessor in any case in which the Secretary compensates the lessor for breach of the lease or for damage described in subparagraph (C).

"(3) Any authority of the Secretary of a military department under this section shall be exercised under regulations prescribed by the Secretary of Defense.

"(c) RECOVERY FROM MEMBER.—The Secretary of a military department who compensates a lessor under subsection (b) for a breach of a lease or damage of a rental unit by a member of the armed forces may issue a special order under section 1007 of title 37 to authorize the withholding from the pay of the member of an amount equal to the amount paid by the Secretary to the lessor as compensation for the breach or damage.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1055. Rental housing lease indemnity program.".

(b) EFFECTIVE DATE.—Section 1055 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1988.

SEC. 614. TECHNICAL CORRECTION TO SURVIVOR BENEFIT PLAN COVERAGE OF FORMER SPOUSES.

(a) INCLUSION OF FORMER SPOUSES IN SAVINGS PROVISION.—Section 1451(e)(1) of title 10, United States Code, is amended—

(1) by striking out "widow or widower" in subparagraph (A) and inserting in lieu thereof "widow, widower, or former spouse"; and

(2) by inserting "or former spouse" in subparagraph (B) after "A spouse".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to payments under the Survivor Benefit Plan established under subchapter II of chapter 73 of title 10, United States Code, for periods after February 28, 1986.

SEC. 615. LIMITED EXTENSION OF CERTAIN MEDICAL BENEFITS FOR FORMER SPOUSES.

(a) MEDICAL COVERAGE.—Section 1076 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) A person described in paragraph (2) shall be considered a dependent for purposes of this section for a period of one year after the date of the person's final decree of divorce, dissolution, or annulment. In addition, if such a person purchases a conversion health policy within the one-year period referred to in the preceding sentence, such person shall be entitled, upon request, to medical and dental care prescribed by section 1077 of this title for a period of one year after the purchase of the policy for any condition of the person that existed on the date on which coverage under the policy begins and for which care is not provided under that policy.

"(2) A person referred to in paragraph (1) is a person who would qualify as a dependent under section 1072(2)(G) but for the fact that the person's final decree of divorce, dissolution, or annulment is dated on or after April 1, 1985.

"(3) In this subsection, the term 'conversion health policy' means a health insurance plan with a private insurer, developed through negotiations between the Secretary of Defense and a private insurance firm, that is available for purchase by or for the use of persons described in paragraph (2).".

(b) CONFORMING AMENDMENT.—Section 645(c) of the Department of Defense Authorization Act, 1985 (10 U.S.C. 1072 note) is repealed effective as of the effective date of section 1076(f) of title 10, United States Code (as added by subsection (a)).

(c) TRANSITION.—Any person who qualified as a dependent under section 645(c) of the Department of Defense Authorization Act, 1985, as in effect before its repeal by subsection (b), shall remain qualified as a dependent as specified in that section and shall become eligible for benefits in accordance with section 1076(f) of title 10, United States Code (as added by subsection (a)), when no longer qualified as a dependent pursuant to such section 645(c).

(d) EFFECTIVE DATE.—Section 1076(f) of title 10, United States Code, as added by subsection (a) shall take effect on the date of enactment of this Act or 30 days after the Secretary of Defense first makes available a conversion health policy (as defined in such section), whichever is later. Such section shall apply to persons whose decree of divorce, dissolution, or annulment becomes final after the date of the enactment of this Act.

PART C—BENEFITS FOR DEPENDENTS OF CERTAIN RESERVE MEMBERS INCAPACITATED IN LINE OF DUTY

SEC. 621. COMPENSATION FOR CERTAIN RESERVE MEMBERS.

(a) AUTHORIZATION OF COMPENSATION.—Subsections (g) and (h) of section 204 of title 37, United States Code, are amended to read as follows:

"(g)(1) A member of a reserve component of a uniformed service is entitled to the pay and allowances provided by law or regulation for a member of a regular component of a uniformed service of corresponding grade and length of service whenever such member is physically disabled in line of duty from injury, illness, or disease incurred or aggravated—

"(A) in line of duty while performing active duty;

"(B) in line of duty while performing inactive-duty training (other than work or study in connection with a correspondence course of an armed force or attendance in an inactive status at an educational institution under the sponsorship of an armed force or the Public Health Service); or

"(C) while traveling directly to or from such duty or training.

"(2) In the case of a member who receives earned income from nonmilitary employment or self-employment performed in any month in which the member is otherwise entitled to pay and allowances under paragraph (1), the total pay and allowances shall be reduced by the amount of such income. In calculating earned income for the purpose of the preceding sentence, income from an income protection plan, vacation pay, or sick leave which the member elects to receive shall be considered.

"(h)(1) A member of a reserve component of a uniformed service who is physically qualified to perform his military duties, is entitled, upon request, to a portion of the monthly pay and allowances provided by law or regulation for a member of a regular component of a uniformed service of corresponding grade and length of service for each month for which the member demonstrates a loss of earned income from nonmilitary employment or self-employment as a result of an injury, illness, or disease incurred or aggravated—

"(A) in line of duty while performing active duty;

"(B) in line of duty while performing inactive-duty training (other than work or study in connection with a correspondence course of an armed force or attendance in an inactive status at an educational institutional under the sponsorship of an armed force or the Public Health Service); or

"(C) while traveling directly to or from such duty or training.

"(2) The monthly entitlement shall not exceed the member's demonstrated loss of earned income from nonmilitary or self-employment. In calculating such loss of income, income from an income protection plan, vacation pay, or sick leave which the member elects to receive shall be considered.".

(b) LIMIT ON TOTAL COMPENSATION.—Such section is further amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection (i):

"(i)(1) The total amount of pay and allowances paid under subsections (g) and (h) and compensation paid under section 206(a) of this title for any period may not exceed the amount of pay and allowances provided by law or regulation for a member of a regular component of a uniformed service of corresponding grade and length of service for that period.

"(2) Pay and allowances may not be paid under subsection (g) or (h) for a period of more than six months. The Secretary concerned may extend such period in any case if the Secretary determines that it is in the interests of fairness and equity to do so.

"(3) A member is not entitled to benefits under subsection (g) or (h) if the injury, illness, disease, or aggravation of an injury, illness, or disease is the result of the gross misconduct of the member.

"(4) Regulations with respect to procedures for paying pay and allowances under subsections (g) and (h) shall be prescribed—

"(A) by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary; and

"(B) by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.".

(c) CONFORMING AMENDMENT FOR INACTIVE-DUTY TRAINING.—Section 206(a) of such title is amended by striking out "for a period of 30 days or less" in paragraph (3)(A)(i).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to persons who, after the date of enactment of this Act, incur or aggravate an injury, illness, or disease, or die.

SEC. 622. TRAVEL FOR DEPENDENTS OF CERTAIN MEMBERS.

(a) TRAVEL AUTHORIZED.—Paragraph (2) of section 411h(a) of title 37, United States Code, is amended to read as follows:

"(2) A member referred to in paragraph (1) is a member of the uniformed services who—

"(A) is serving on active duty or is entitled to pay and allowances under section 204(g) of this title (or would be so entitled were it not for offsetting earned income described in that section);

"(B) is seriously ill or seriously injured; and

"(C) is hospitalized in a medical facility in or outside the United States.".

(b) TRAVEL TO BURIAL CEREMONIES.—Section 411f(a) of such title is amended by

striking out "for a period of 30 days or more" and inserting in lieu thereof "or inactive duty".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1988.

PART D—HEALTH CARE PROVISIONS

SEC. 631. REQUIREMENT TO SUBMIT END STRENGTHS FOR MEDICAL PERSONNEL.

(a) REQUIREMENT.—Section 115(b)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(D) Each year the Secretary of Defense shall include in the budget materials submitted to Congress (under section 1105 of title 31), as part of the end strengths recommended for authorization under this subsection for the fiscal year for which the budget is being submitted, a separate statement on the recommended end strength levels for all members of the armed forces of each military department who are medical personnel. For purposes of the statement, medical personnel includes medical officers, dental officers, veterinary officers, optometrists, podiatrists, psychologists, nurses, biomedical sciences officers, enlisted personnel engaged in medically related jobs, and such other personnel as the Secretary considers appropriate.".

(b) FIRST STATEMENT.—The first statement required under section 115(b)(1)(D) of title 10, United States Code, as added by subsection (a), shall be submitted with the budget for fiscal year 1990.

SEC. 632. REQUIREMENTS WITH RESPECT TO CERTAIN NAVY MEDICAL PERSONNEL.

(a) REQUIREMENT TO REHIRE CERTAIN CIVILIANS.—The Secretary of the Navy shall, by reallocating funds for civilian personnel in the Navy, restore to the level of January 1, 1986, the number of civilian personnel employed in Navy medical treatment facilities, including rehiring the same number of ancillary support personnel who were released, as of the date of the enactment of this Act, as a result of implementation of policy contained in the Fiscal Year 1988 Manpower, Personnel, and Training Program Appraisal Memorandum of the Chief of Naval Operations (dated December 12, 1985). After the date of the enactment of this Act, the Secretary may not reduce the number of ancillary support personnel at Navy medical treatment facilities for purposes of implementing the policy outlined in such memorandum.

(b) PROHIBITION ON INCLUSION OF CERTAIN ENLISTED MEMBERS.—In determining the number of medical personnel allocated to the Navy Medical Command of the Department of the Navy, the Secretary of the Navy may not count as part of that number any enlisted members of the Navy who are not trained in medical skills or medically related skills and who were assigned to a Navy medical treatment facility as a result of implementation of the Fiscal Year 1988 Manpower, Personnel, and Training Program Appraisal Memorandum of the Chief of Naval Operations (dated December 12, 1985).

SEC. 633. SHARING OF HEALTH-CARE RESOURCES WITH THE VETERANS' ADMINISTRATION.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1104. Sharing of health-care resources with the Veterans' Administration

"(a) Health-care resources of the Department of Defense may be shared with health-care resources of the Veterans' Administration in accordance with section 5011 of title 38 or under section 1535 of title 31. Members of the armed forces on active duty during and immediately following a period of war or a national emergency involving the use of the armed forces in armed conflict may be provided health-care services by the Veterans' Administration in accordance with section 5011A of title 38.

"(b) In any agreement entered into under such section 5011 or section 1535, the Secretary of the military department concerned may reimburse the Veterans' Administration from operations and maintenance funds available for payment of medical care provided under section 1079 or 1086 of this title.

"(c) The Secretary of Defense may prescribe by regulation a premium, deductible, copayment, or other charge for health care provided to covered beneficiaries under this chapter (as defined in section 1072) pursuant to an agreement entered into under such section 5011 or section 1535.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1104. Sharing of health-care resources with the Veterans' Administration.".

SEC. 634. REQUIREMENT THAT FORMER PUBLIC HEALTH SERVICE HOSPITALS BE COST EFFECTIVE.

Section 1252(e) of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d(e)), is amended—

(1) by striking out "which identifies" in the second sentence and all that follows through the end of that sentence and inserting in lieu thereof the following: "which (1) identifies the facility whose status is being terminated; (2) specifies the date on which such status is being terminated; and (3) certifies that more cost-effective medical and dental care for members and former members of the uniformed services or their dependents is available elsewhere in the same geographic area."; and

(2) by inserting after the third sentence the following: "Each such copy of the order shall include a copy of the certification required in clause (3) of the second sentence of this subsection and shall contain cost data substantiating the termination decision and identifying how more cost-effective care will be provided to the affected individuals.".

TITLE VII—GOLDWATER-NICHOLS REORGANIZATION ACT AMENDMENTS

SEC. 701. DESIGNATION IN EACH MILITARY DEPARTMENT OF ASSISTANT SECRETARY WITH RESPONSIBILITY FOR FINANCIAL MANAGEMENT.

(a) DEPARTMENT OF THE ARMY.—Section 3016(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) One of the Assistant Secretaries shall have as his principal responsibility the exercise of the comptroller functions of the Department of the Army, including financial management functions.".

(b) DEPARTMENT OF THE NAVY.—Section 5016(b) of such title is amended by adding at the end the following new paragraph:

"(3) One of the Assistant Secretaries shall have as his principal responsibility the exercise of the comptroller functions of the Department of the Navy, including financial management functions.".

(c) DEPARTMENT OF THE AIR FORCE.—Section 8016(b) of such title is amended by adding at the end the following new paragraph:

"(3) One of the Assistant Secretaries shall have as his principal responsibility the exercise of the comptroller functions of the Department of the Air Force, including financial management functions.".

(d) NUMBER OF ASSISTANT SECRETARIES IN THE DEPARTMENT OF THE AIR FORCE.—Section 8016(a) of such title is amended by striking out "three" and inserting in lieu thereof "four".

SEC. 702. EXTENSION OF TRANSITION TO JOINT DUTY ASSIGNMENT STAFFING REQUIREMENTS.

(a) GENERAL EXTENSION.—Subsection (a) of section 406 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433; 100 Stat. 1033) is amended to read as follows:

"(a) JOINT DUTY ASSIGNMENTS.—(1) Section 661(d) of title 10, United States Code, shall be implemented as rapidly as possible and (except as provided under paragraph (2)) not later than October 1, 1989.

"(2) The third sentence of section 661(d)(2) of such title shall apply with respect to any position designated under the first sentence of that section as a critical joint duty assignment position which becomes vacant after January 1, 1989.".

(b) CRITERIA FOR INITIAL SELECTION OF OFFICERS FOR JOINT SPECIALTY.—Subsection (b)(1)(B)(ii) of such section is amended by striking out "two years" and inserting in lieu thereof "one year".

(c) TIME FOR INITIAL SELECTION OF OFFICERS FOR THE JOINT SPECIALTY.—Subsection (b)(3) of such section is amended by striking out "two years after the date of the enactment of this Act" and inserting in lieu thereof "on October 1, 1989".

(d) DATE OF ENACTMENT REFERENCES.—Subsection (b)(1)(B)(iii) of such section is amended by striking out "before the date of the enactment of this Act (or being served on the date of the enactment of this Act)" and inserting in lieu thereof "before October 1, 1986 (or being served on October 1, 1986),".

SEC. 703. ADDITIONAL TRANSITION PROVISION FOR IMPLEMENTATION OF PREREQUISITE FOR PROMOTION TO INITIAL FLAG AND GENERAL OFFICER GRADE.

(a) SUSPENSION OF STATUTORY REQUIREMENT.—The Secretary of Defense, in applying section 619(e) of title 10, United States Code, shall suspend the operation of the first sentence of paragraph (1) of such section with respect to the class of officers who on September 30, 1988—

(1) are serving in the grade of colonel or have been selected for promotion to the grade of colonel; or

(2) in the case of officers of the Navy, are serving in the grade of captain or have been selected for promotion to the grade of captain.

(b) ADMINISTRATIVE GUIDELINES.—In the management of officers covered by subsection (a) who are eligible for selection for promotion to the grade of brigadier general or rear admiral (lower half), the Secretary of Defense shall (to the extent the Secretary considers appropriate with respect to any such officer or group of such officers) provide for the service of such officers in joint duty assignments in the same manner (or a similar manner) as would be applicable to such officers under the first sentence of section 619(e)(1) of title 10, United States Code, but for the provisions of subsection (a).

(c) APPLICABILITY OF EXISTING WAIVER AUTHORITY.—Section 619(e)(2)(D) of title 10, United States Code, is amended by striking out "(other than a joint duty assignment)".

SEC. 704. COUNTING OF OFFICERS WITH CRITICAL OCCUPATIONAL SPECIALTY INVOLVING COMBAT OPERATIONS FOR PURPOSES OF JOINT DUTY ASSIGNMENT STAFFING.

Section 661(d)(4) of title 10, United States Code, is amended by striking out "one-third" and inserting in lieu thereof "15 percent".

SEC. 705. BUDGETS FOR UNIFIED AND SPECIFIED COMMANDS.

Section 166 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "for such activities of each of the unified and specified combatant commands as may be determined under subsection (b)" and inserting in lieu thereof "for each of the unified and specified combatant commands"; and

(2) in subsection (b)—

(A) by striking out "the Secretary" in the first sentence and all that follows through "include" in the second sentence; and

(B) by adding at the end the following:

"(5) Command and control.".

SEC. 706. SERVICE BY CAPTAINS AND NAVY LIEUTENANTS IN JOINT DUTY ASSIGNMENT TO BE COUNTED FOR ALL OFFICER PERSONNEL LAWS CONCERNING SUCH SERVICE.

Any service by an officer in the grade of captain or, in the case of the Navy, lieutenant in a joint duty assignment (as defined in regulations prescribed under section 668(b) of title 10, United States Code) shall be considered to be service in a joint duty assignment for purposes of all laws (including section 619(e)(1) of such title) establishing a requirement or condition with respect to an officer's service in a joint duty assignment.

SEC. 707. REPORT REQUIREMENTS AND TECHNICAL AMENDMENTS.

(a) REPORT ON INITIAL UNIFIED COMMAND PLAN AND REVIEW OF SERVICE ROLES AND MISSIONS.—(1) Not later than April 1, 1989, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the implementation of sections 153(b) and 161(b) of title 10, United States Code.

(2) With respect to the initial report of the Chairman of the Joint Chiefs of Staff to the Secretary of Defense under such section 153(b) (relating to the assignment of functions (or roles and missions) to the armed forces), the report under paragraph (1) shall particularly describe how such report addressed each of the matters that the Chairman was required (under the second sentence of such section) to consider in preparing the report.

(3) With respect to the initial review of the Chairman under such section 161(b) (relating to the missions, responsibilities, and force structures of the unified and specified combatant commands), the report shall particularly describe how such review took into consideration each of the matters specified in paragraphs (1) through (10) of section 212(a) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433; 100 Stat. 1017).

(4) The report under paragraph (1) shall describe, with respect to each of the reports referred to in paragraphs (2) and (3)—

(A) the Secretary's evaluation of each of the findings and conclusions of the Chairman in the report;

(B) how the Secretary has implemented (or proposes to implement) each of the recommendations in the report; and

(C) such recommendations for further legislative and administrative action as the Secretary considers appropriate based on his review of the report.

(b) ANNUAL REPORT ON IMPLEMENTATION OF PLAN FOR SPECIAL TRANSITION RULE FOR NUCLEAR PROPULSION OFFICER.—Not later than March 1 of each year from 1989 through 1992, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the implementation during the preceding calendar year of the transition plan developed pursuant to section 1305(b) of Public Law 100-180 (101 Stat. 1173).

(c) TECHNICAL AMENDMENTS RELATING TO JOINT DUTY ASSIGNMENTS.—(1) Section 154(b)(1)(B) of title 10, United States Code, is amended by striking out "served in at least one joint duty assignment (as defined under section 668(b) of this title)" and inserting in lieu thereof "completed a full tour of duty in a joint duty assignment (as defined in section 664(f) of this title)".

(2) Section 164(a)(1)(B) of such title is amended by striking out "served in at least one joint duty assignment (as defined under section 668(b) of this title)" and inserting in lieu thereof "completed a full tour of duty in a joint duty assignment (as defined in section 664(f) of this title)".

(3) Sections 3033(a)(2)(B), 5033(a)(2)(B), 5043(a)(2)(B), and 8033(a)(2)(B) of such title are amended by striking out "joint duty assignment" and inserting in lieu thereof "full tour of duty in a joint duty assignment (as defined in section 664(f) of this title)".

(d) DESIGNATION CORRECTION.—Section 668 of such title is amended by redesignating subsection (f) as subsection (c).

TITLE VIII—ACQUISITION POLICY

SEC. 801. ONE-YEAR EXTENSION OF CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES.

Section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661) is amended in subsections (a) and (h) by striking out "and 1989" and inserting in lieu thereof "1989, and 1990".

SEC. 802. REPORTS ON IMPLEMENTATION OF PACKARD COMMISSION RECOMMENDATIONS CONCERNING DEFENSE ACQUISITION ORGANIZATION.

(a) GAO REPORT.—The Comptroller General of the United States shall carry out a study of the implementation by the Department of Defense of the provisions of National Security Decision Directive 219 (issued by the President on April 1, 1986) that relate to acquisition organization and procedures, such provisions having been directed by the President in order to implement the acquisition streamlining initiative recommended in 1986 by the President's Blue Ribbon Commission on Defense Management (the "Packard Commission"). The Comptroller General shall submit to Congress a report on the results of such study.

(b) DOD REPORT.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall submit to Congress a report on the implementation in the Department of Defense of the provisions of National Security Decision Directive 219 referred to in subsection (a).

(c) TIME FOR REPORTS.—The reports under subsections (a) and (b) shall each be submitted not later than 90 days after the date of the enactment of this Act.

SEC. 803. ADDITIONAL PROHIBITIONS ON PERSONS CONVICTED OF FELONIES RELATED TO DEFENSE CONTRACTS.

(a) IN GENERAL.—Section 2408(a) of title 10, United States Code, is amended to read as follows:

"(a) PROHIBITION.—(1) An individual who is convicted of fraud or any other felony arising out of a contract with the Department of Defense shall be prohibited from each of the following:

"(A) Working in a management or supervisory capacity on any defense contract.

"(B) Serving on the board of directors of any defense contractor.

"(C) Serving as a consultant to any defense contractor.

"(D) Being involved in any other way, as determined under regulations prescribed by the Secretary of Defense, with a defense contract.

"(2) Except as provided in paragraph (3), the prohibition in paragraph (1) shall last for a period, as determined by the Secretary of Defense, of not less than five years after the date of the conviction.

"(3) The prohibition in paragraph (1) may last for a period of less than five years if the Secretary determines on a case-by-case basis that the five-year period should be waived in the interests of national security. If the five-year period is waived, the Secretary shall submit to Congress a report stating the reasons for the waiver.".

(b) EFFECTIVE DATE.—Section 2408(a) of title 10, United States Code, as amended by subsection (a), shall apply with respect to individuals convicted after the date of the enactment of this Act.

SEC. 804. SOURCE FOR PROCUREMENT OF ANCHOR AND MOORING CHAIN.

(a) UNITED STATES SOURCE REQUIRED.—Section 2400 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) ANCHOR AND MOORING CHAIN.—(1) Neither the Secretary of Defense nor the Secretary of a military department may enter into a contract for the procurement of welded shipboard anchor chain and mooring chain manufactured outside the United States.

"(2) The Secretary concerned, on a case-by-case basis, may waive the restriction in paragraph (1) if the Secretary determines—

"(A) that an adequate supply of welded shipboard anchor and mooring chain of satisfactory quality manufactured in the United States is not available to meet Department of Defense requirements on a timely basis; or

"(B) that the cost of such chain would be unreasonable.

"(3) Paragraph (1) does not apply to a procurement of chain with a diameter greater than 4¼ inches.".

(b) EFFECTIVE DATE.—Subsection (d) of section 2400 of title 10, United States Code, as added by subsection (a), shall apply only with respect to contracts entered into after the date of the enactment of this Act.

SEC. 805. SOURCE FOR PROCUREMENT OF CERTAIN VALVES.

(a) UNITED STATES SOURCE REQUIRED.—Section 2400 of title 10, United States Code, as amended by section 804, is amended by adding at the end the following new subsection:

"(e) POWERED AND NON-POWERED VALVES.—(1) Funds appropriated or otherwise made available to the Department of Defense may not be used to enter into a contract for the procurement of powered and non-powered valves in Standard Industrial Classification codes 4810 and 4820 that are manufactured outside the United States.

"(2) The Secretary of Defense or the Secretary of the military department concerned may waive the restriction in paragraph (1) on a case-by-case basis if the Secretary determines that an adequate supply of valves covered by paragraph (1) of satisfactory

quality is not available in the United States to meet Department of Defense requirements on a timely basis:

"(3) For purposes of this subsection, a valve shall be considered to be manufactured in the United States if the cost of the components of such valve that are manufactured in the United States is at least 80 percent of the total cost of all the components of such valve.".

(b) Effective Date.—Subsection (e) of section 2400 of title 10, United States Code, as added by subsection (a), shall apply only with respect to contracts entered into 120 or more days after the date of the enactment of this Act.

SEC. 806. LIMITATION ON FOREIGN-MADE MACHINE TOOLS.

Section 8085(b) of the Department of Defense Appropriations Act, 1988 (as contained in section 101(b) of Public Law 100-202), is amended—

(1) by inserting "3405," after "numbered";

(2) by inserting "3438," after "3433,"; and

(3) by inserting "3445," after "3441-3443,".

SEC. 807. EVALUATION OF CONTRACTS FOR PROFESSIONAL SERVICES.

(a) In General.—Section 2305(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) In evaluating any sealed bid or competitive proposal for a contract for the performance of professional services, the head of an agency shall evaluate the bid or the proposal as if the hourly labor rates for the professional employees carrying out the services are based on a 40-hour work week.".

(b) Effective Date.—Section 2305(b)(6) of title 10, United States Code, as added by subsection (a), shall apply with respect to any evaluation of a bid or proposal that takes place 120 or more days after the date of the enactment of this Act.

SEC. 808. TEXTILE AND CLOTHING CONTRACTS.

(a) Limitation.—Funds available for fiscal year 1989 for purchase of textiles and clothing may not be used by the Secretary of Defense to enter into a contract for textiles or clothing in an amount greater than or equal to the threshold amount determined under subsection (b) unless all responsible offerors are allowed to compete for the award of the contract.

(b) Threshold Amount.—The threshold amount under subsection (a) is $100,000. The Secretary of Defense may revise that amount in order to preserve the defense industrial base.

(c) Effective Date.—This section shall apply with respect to contracts awarded after the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 809. PROCUREMENT OF SPARE PARTS.

(a) In General.—Chapter 141 of title 10, United States Code, as amended by section 329, is further amended by adding at the end the following new section:

"§ 2410a. Procurement of critical aircraft spare parts: quality control on second sources

"(a) In procuring any spare or repair part that is critical to the operation of an aircraft, the Secretary of Defense shall require the contractor supplying such part to provide a part—

"(1) that meets the same qualification requirements as the original part; and

"(2) that is inspected under the same quality control standards as the original part.

"(b) In this section, the term 'spare or repair part' has the meaning given such term by section 2323(f) of this title.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2410a. Procurement of critical aircraft spare parts: quality control on second sources.".

SEC. 810. SAFEGUARDING OF MILITARY WHISTLEBLOWERS.

(a) Findings.—The Congress makes the following findings:

(1) In the course of their duties, members of the Armed Forces may become aware of information evidencing wrongdoing or waste of funds.

(2) It is generally the duty of members of the Armed Forces to report such information through the chain of command.

(3) In some cases the chain of command may not be responsive to reports of information evidencing wrongdoing or waste of funds, and members of the Armed Forces who become aware of such information may feel it necessary to disclose such information to an Inspector General or a Member of Congress.

(4) Members of the Armed Forces who disclose such information should be protected from adverse personnel consequences (or threats of adverse personnel consequences) as a result of such disclosures.

(5) Members of the Armed Forces who believe they have been subject to retaliation (or the threat of retaliation) as a result of such a disclosure should have the right to a speedy investigation by an Inspector General and administrative review of their cases.

(b) Military Whistleblower Protection.—(1) Section 1034 of title 10, United States Code, is amended to read as follows:

"§ 1034. Communicating with a Member of Congress or Inspector General; prohibition of retaliatory personnel actions

"(a) Restricting Communications With Members of Congress and Inspector General Prohibited.—

"(1) No person may restrict a member of an armed force in communicating with a Member of Congress or an Inspector General (whether a civilian Inspector General appointed under the Inspector General Act of 1978 or a flag or general officer serving as the Inspector General of one of the armed forces).

"(2) Paragraph (1) does not apply to a communication that is unlawful.

"(b) Prohibition of Retaliatory Personnel Actions.—No person may take (or threaten to take) an unfavorable personnel action, or withhold (or threaten to withhold) a favorable personnel action, as a reprisal against a member of an armed force for making or preparing a communication to a Member of Congress or an Inspector General that (under subsection (a)) may not be restricted. Any action prohibited by the preceding sentence (including the threat to take any action and the withholding or threat to withhold any favorable action) shall be considered for the purposes of this section to be a personnel action prohibited by this subsection.

"(c) Inspector General Investigation of Certain Allegations.—

"(1) If a member of the armed forces submits to the Inspector General of the Department of Defense (or the Inspector General of the Department of Transportation, in the case of a member of the Coast Guard) an allegation that a personnel action prohibited by subsection (b) has been taken (or threatened) against the member with respect to a communication described in paragraph (2), the Inspector General shall expeditiously investigate the allegation.

"(2) A communication described in this paragraph is a communication to a Member of Congress or an Inspector General that (under subsection (a)) may not be restricted in which the member of the armed forces makes a complaint or discloses information that the member reasonably believes constitutes evidence of—

"(A) a violation of a law or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

"(3) The Inspector General is not required to make an investigation under paragraph (1) in the case of an allegation made more than 60 days after the date on which the member becomes aware of the personnel action that is the subject of the allegation.

"(4) If the Inspector General has not already done so, the Inspector General shall commence a separate investigation of the information that the member believes evidences wrongdoing as described in subparagraph (A) or (B) of paragraph (2). The Inspector General is not required to make such an investigation if the information that the member believes evidences wrongdoing relates to actions which took place during combat.

"(5) Not later than 30 days after completion of an investigation under this subsection, the Inspector General shall submit a report on the results of the investigation to the Secretary of Defense and the member of the armed forces concerned. In the copy of the report submitted to the member, the Inspector General shall exclude any classified information for which the member does not have appropriate clearance.

"(6) If, in the course of an investigation of an allegation under this section, the Inspector General determines that it is not possible to submit the report required by paragraph (5) within 90 days of the date of receipt of the allegation being investigated, the Inspector General shall provide to the Secretary of Defense and to the member making the allegation a notice—

"(A) of that determination (including the reasons why the report may not be submitted within that time); and

"(B) of the time when the report will be submitted.

"(7) The report on the results of the investigation shall contain a thorough review of the facts and circumstances relevant to the allegation and the complaint or disclosure and shall include documents acquired during the course of the investigation, including summaries of interviews conducted. If a person agrees to be interviewed only on the condition that the person's identity not be disclosed, the report shall not contain any information about such interview. The report may include a recommendation as to the disposition of the complaint.

"(d) Correction of Records When Prohibited Action Taken.—

"(1) A correction board acting under section 1552 of this title, in resolving an application for the correction of records made by a member of an armed force who has alleged a personnel action prohibited by subsection (b), on the request of the member or otherwise, may review the matter.

"(2) A member filing a petition described in paragraph (1) is entitled to representation by a judge advocate appointed by the Secretary concerned in all proceedings before the correction board arising out of such petition, except that a member who chooses to be represented by outside legal

counsel chosen by the member is not entitled to such representation.

"(3) In resolving a petition described in paragraph (1), a correction board—

"(A) shall review the report of the Inspector General submitted under subsection (c)(5);

"(B) may direct the Inspector General to gather further evidence; and

"(C) may receive oral argument, examine and cross-examine witnesses, take depositions, and, if appropriate, conduct an evidentiary hearing.

"(4) If the board elects to hold an administrative hearing, a member who files a petition under paragraph (1) may examine witnesses through deposition, serve interrogatories, and request the production of evidence, including evidence contained in the investigatory record of the Inspector General but not included in the report submitted under subsection (c)(5).

"(5) The Secretary concerned shall issue a final decision with respect to an application described in paragraph (1) within 180 days after the application is filed. If the Secretary fails to issue such a final decision within that time, the member shall be deemed to have exhausted the member's administrative remedies under section 1552 of this title.

"(6) The Secretary concerned shall order such action, consistent with the limitations contained in sections 1552 and 1553 of this title, as is necessary to correct the record of a personnel action prohibited by subsection (b).

"(7) If the Board determines that a personnel action prohibited by subsection (b) has occurred, the Board may recommend to the Secretary concerned that the Secretary take appropriate disciplinary action against the individual who committed such personnel action. The Secretary concerned shall promptly commence appropriate disciplinary action (including the convening of a court-martial, if warranted, in the case of a member of the armed forces), in light of the determinations and recommendations of the Board.

"(e) Review by Secretary of Defense.—Upon the completion of all administrative review under subsection (d), the member of the armed forces who made the allegation referred to in subsection (c)(1), if not satisfied with the disposition of the matter, may submit the matter to the Secretary of Defense. The Secretary shall make a decision to reverse or uphold the decision of the Secretary of the military department concerned in the matter within 90 days of receipt of any such submittal.

"(f) Post-Disposition Interviews.—After disposition of any case under this section, the Inspector General shall, whenever possible, conduct an interview with the person making the allegation to determine the views of that person on the disposition of the matter.

"(g) Regulations.—The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations to carry out this section.

"(h) Annual Report.—

"(1) The Inspector General of the Department of Defense (and the Inspector General of the Department of Transportation with respect to the Coast Guard) shall submit to Congress an annual report on activities of the Inspector General under this section during the preceding fiscal year. The report shall include, in the case of each case handled by the Inspector General under this section during that fiscal year, a description of—

"(A) the nature of the allegation described in subsection (c);

"(B) the evaluation and recommendation of the Inspector General with respect to the allegation;

"(C) any action of the appropriate Board for the Correction of Military Records with respect to the allegation;

"(D) if the allegation is determined to be meritorious, any corrective action taken; and

"(E) the views of the member of the armed forces making the allegation (determined on the basis of the interview under subsection (e)) on the disposition of the case.

"(2) The Inspector General shall include with each report under this subsection copies of the individual case reports for each such allegation.

"(3) The reports under this subsection shall be submitted not later than February 1 of each year.

"(i) Member of Congress Defined.—In this section, the term 'Member of Congress' includes any Delegate or Resident Commissioner to the Congress.".

(2) The item relating to such section in the table of sections at the beginning of chapter 53 of such title is amended to read as follows:

"1034. Communicating with a Member of Congress or Inspector General; prohibition of retaliatory personnel actions.".

(c) Deadline for Regulations.—The Secretary of Defense and the Secretary of Transportation shall prescribe the regulations required by subsection (g) of section 1034 of title 10, United States Code, as added by subsection (b), not later than 180 days after the date of the enactment of this Act.

(d) Report on Further Improvements.—The Comptroller General shall submit to Congress a report making recommendations for improvements in procedures and potential remedies for responding to allegations by members of the Armed Forces described in section 1034(c)(1) of title 10, United States Code, as amended by subsection (b) (in addition to the improvements made by that section, as so amended). The report shall consider how such improvements may be made in procedures available through the chain of command, the Inspector General, and Boards for Correction of Military Records and shall include such recommendations for further administrative and legislative action as the Comptroller General considers appropriate. The report under this subsection shall be submitted not later than February 1, 1989.

(e) Effective Date.—The amendment to section 1034 of title 10, United States Code, made by subsection (b)(1), shall apply with respect to any personnel action taken (or threatened to be taken on or after the date of the enactment of this Act as a reprisal prohibited by subsection (b) of the that section.

SEC. 811. ADDITIONAL AUTHORITY OF BASE COMMANDERS OVER CONTRACTING FOR COMMERCIAL ACTIVITIES.

Section 1111 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1146) is amended by adding at the end the following subsection:

"(e) Additional Authority.—(1) As part of the authority granted the commander of a military installation under subsection (a), the Secretary of Defense shall ensure that, in any case in which the commander has reasonable cause to believe that a contractor performing a commercial activity at that installation is violating a Federal law in the performance of the contract, the commander has the authority to—

"(A) decline to exercise an option under the contract to extend the contract; and

"(B) using procedures which exclude that contractor from consideration, award a new contract for performance of the commercial activity.

"(2) Before declining to exercise an option to extend a contract under paragraph (1), the commander shall—

"(A) notify the contractor of the commander's belief that the contractor is violating a Federal law and request the contractor to comply with the law; and

"(B) give the contractor an appropriate opportunity to comply.".

TITLE IX—GENERAL PROVISIONS

Part A—Financial Matters

SEC. 901. TRANSFER AUTHORITY.

(a) Authority To Transfer Authorizations.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in title I, II, or III for any fiscal year between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations for any fiscal year that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) Limitations.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) Notice to Congress.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

Part B—Fiscal Year 1988 Unauthorized Appropriations

SEC. 911. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1988 DEFENSE APPROPRIATIONS.

(a) Authority.—The amounts described in subsection (b), totaling $10,624,600,000, may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1988 defense appropriations except as otherwise provided in section 912.

(b) Covered Amounts.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1988 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1988 defense authorizations.

(c) Definitions.—For the purposes of this part:

(1) Fiscal Year 1988 Defense Appropriations.—The term "fiscal year 1988 defense appropriations" means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1988 in the Department of Defense Appropriations Act, 1988 (as contained in section 101(b) of Public Law 100-202).

(2) FISCAL YEAR 1988 DEFENSE AUTHORIZATIONS.—The term "fiscal year 1988 defense authorizations" means amounts authorized to be appropriated for the Department of Defense for fiscal year 1988 in the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180).

SEC. 912. LIMITATION ON OBLIGATION FOR CERTAIN UNAUTHORIZED APPROPRIATIONS.

(a) PROGRAMS NOT AVAILABLE FOR OBLIGATION.—Amounts described in section 911(b) may not be obligated or expended for the following programs, projects, and activities of the Department of Defense (for which amounts were provided in fiscal year 1988 defense appropriations):

(1) Satellite Systems Survivability program under research, development, test, and evaluation for the Air Force in the amount of $5,300,000.

(2) Maxicube Cargo System under research, development, test, and evaluation for the Army in the amount of $10,000,000.

(3) Coastal Defense Augmentation in the amount of $20,000,000.

(4) Defense Meteorological Satellite program under research, development, test, and evaluation for the Navy in the amount of $40,000,000.

(5) P-3C aircraft under procurement of National Guard and Reserve Equipment in the amount of $193,800,000.

(b) LIMITATION ON CERTAIN PROGRAMS.—

(1) FORWARD AREA AIR DEFENSE HEAVY SYSTEM.—(A) Funds appropriated or otherwise made available for the Army for procurement may not be obligated or expended for the procurement of any air defense system submitted to the Army for evaluation in response to any Army request for proposal for the Forward Area Air Defense Line-of-Sight Forward-Heavy (LOS-F-H) system unless the Secretary of Defense certifies to Congress that the system has met or exceeded full system requirements.

(B) For purposes of this paragraph, the term "full system requirements" means the most stringent system requirements specified by any request for proposal for accuracy, range (detection, tracking, and engagement), reaction time, and operation in the presence of electronic countermeasures.

(C) The Secretary of the Army may not obligate funds for advance procurement of the system referred to in subparagraph (A) until—

(i) the operational tests of the system are completed and the Secretary of Defense reports to the Committees on Armed Services of the Senate and the House of Representatives on the results of such testing and the evaluation of such testing;

(ii) the Secretary of Defense certifies to those committees that the system satisfactorily demonstrates that it meets or exceeds all of the operational performance criteria established for the system;

(iii) The Director of Operational Test and Evaluation of the Department of Defense submits to the Secretary of Defense and those committees a report giving the Director's evaluation of the results of such testing and evaluation; and

(iv) the Comptroller General submits a report to those committees giving his assessment of the operational tests and the system performance.

(2) A-6 AIRCRAFT CONFIGURATION.—None of the funds appropriated for the procurement of aircraft for the Navy for fiscal year 1988 or 1989 may be obligated or expended for procurement of any A-6 aircraft configured in the F model configuration (as described in connection with the A-6E/A-6F aircraft program in the Selected Acquisition report submitted to Congress for the quarter ending December 31, 1986).

(3) TANK PROCUREMENT.—Funds appropriated for procurement of weapons and tracked combat vehicles for the Army for modification of M60 tanks in the amount of $90,000,000 may be used only for procurement or modification of M1 tanks.

(c) PROGRAM LIMITATIONS.—All limitations and requirements set forth in the Department of Defense Authorization Act, 1988, shall apply to the obligation of funds authorized by section 911(a) in the same manner as if the funds made available for obligation by such section had been authorized in that Act.

(d) TRANSFER AUTHORITY.—For the purposes of section 1201 of the Department of Defense Authorization Act, 1988, authorizations in section 911(a) shall be deemed to have been made available to the Department of Defense in such Act.

SEC. 913. REPEAL OF CERTAIN GENERAL PROVISIONS.

Sections 8040, 8098, and 8122 of the Department of Defense Appropriations Act, 1988 (as contained in section 101(b) of Public Law 100-202), are repealed.

PART C—NAVAL VESSEL REPAIRS

SEC. 921. RATE OF PROGRESS PAYMENTS ON NAVAL SHIP REPAIR CONTRACTS.

Section 7312(a) of title 10, United States Code, is amended by inserting "not less than" after "shall be".

SEC. 922. LIMITATION ON REPAIR OF NAVAL VESSELS IN FOREIGN SHIPYARDS.

(a) IN GENERAL.—Section 7309 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) A naval vessel (or any other vessel under the jurisdiction of the Secretary of the Navy) the homeport of which is in the United States may not be overhauled, repaired, or maintained in a shipyard outside of the United States.

"(2) Paragraph (1) does not apply in the case of voyage repairs.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 7309. Restriction on construction or repair of vessels in foreign shipyards".

(2) The item relating to such section in the table of sections at the beginning of chapter 633 of such title is amended to read as follows:

"7309. Restriction on construction or repair of vessels in foreign shipyards.".

(c) EFFECTIVE DATE.—Subsection (c) of section 7309 of title 10, United States Code, as added by subsection (a), shall apply with respect to any contract for ship overhaul, repair, or maintenance work that is entered into after the end of the 30-day period beginning on the date of the enactment of this Act.

SEC. 923. DEPOT-LEVEL MAINTENANCE OF SHIPS.

(a) IN GENERAL.—The Secretary of the Navy shall require that, to the extent feasible, not less than one-half of the depot-level maintenance work described in subsection (b) (measured in cost) shall be carried out in the United States.

(b) WORK COVERED.—Depot-level maintenance work referred to in subsection (a) is depot-level maintenance work for naval vessels that is scheduled as of October 1, 1988, to be carried out in Japan during fiscal years 1989, 1990, and 1991.

PART D—MISCELLANEOUS

SEC. 931. CHEMICAL DEMILITARIZATION PROGRAM.

(a) EXTENSION OF DEADLINE FOR COMPLETION OF PROGRAM.—Subsection (b) of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1512(b)) is amended—

(1) by striking out "September 30, 1994" in paragraphs (1) and (3)(A) and inserting in lieu thereof "the stockpile elimination deadline";

(2) in paragraph (3)(B), by striking out "within 30 days" and all that follows in that paragraph and inserting in lieu thereof "not later than the earlier of (A) 30 days after the date on which the decision to defer is made, or (B) 30 days before the stockpile elimination deadline."; and

(3) by adding at the end the following new paragraphs:

"(4) For purposes of this section, the term 'stockpile elimination deadline' means April 30, 1997.

"(5) If the Secretary determines at any time that there will be a delay in meeting the stockpile elimination deadline, the Secretary shall immediately notify the Committees on Armed Services of the Senate and House of Representatives of that projected delay.".

(b) REQUIREMENT FOR SUCCESSFUL COMPLETION OF OPERATIONAL VERIFICATION.—Such section is further amended by striking out subsection (k) and inserting in lieu thereof the following:

"(k) OPERATIONAL VERIFICATION.—(1) Until the Secretary of the Army successfully completes (through the prove out work to be conducted at Johnston Atoll) operational verification of the technology to be used for the destruction of live chemical agents and munitions under this section, the Secretary may not conduct any activity for equipment prove out and systems test preceding the introduction of live chemical agents at a facility (other than the Johnston Atoll facility) at which the destruction of chemical agent and munitions weapons is to take place under this section.

"(2) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report upon the successful completion of the prove out of the equipment and facility at Johnston Atoll certifying that the prove out is completed.

"(3) If the Secretary determines at any time that there will be a delay in meeting the date of December 31, 1990, scheduled by the Department of Defense for completion of the operational verification at Johnston Atoll, the Secretary shall immediately notify the Committees of that projected delay.".

SEC. 932. MAINTENANCE OF SELECTED RESERVE FORCE STRUCTURE.

The Secretaries of the military departments may not reduce the number of major elements in the force structure of the Selected Reserve of the reserve components under their respective jurisdictions (including the inventory of major equipment items) as that force structure existed at the end of fiscal year 1988. The preceding sentence shall not prohibit a reduction of the number of major elements in the force structure of the Selected Reserve of any reserve component incident to a conversion from one mission to another that may involve a reduction in the number of major equipment items of an element.

SEC. 933. REPORT ON STATUS OF POMCUS.

No later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress an unclassi-

fied report (with classified annexes as necessary) concerning the progress towards completion of the POMCUS program of the Department of Defense providing for the prepositioning in Europe of materiel configured in unit sets. The report shall include—

(1) a statement of the shortfall in equipment prepositioned in Europe under the plan (stated in tonnage and in procurement costs) that has occurred each year since the beginning of the POMCUS program;

(2) any specific plans of the Department of Defense (given in tonnage and in procurement costs) and any timetable for reduction the current shortfalls in the POMCUS program; and

(3) the effect that any current shortfall and any planned reductions described under paragraph (2) would have on the number of days required from the time of a decision of the United States to deploy a force of 10 divisions to Western Europe to the time such force could be so deployed.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act, 1989".

TITLE I—ARMY

SEC. 2101. AUTHORIZED CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALABAMA

Anniston Army Depot, $6,000,000.
Fort McClellan, $7,900,000.
Redstone Arsenal, $14,800,000.
Fort Rucker, $2,110,000.

ALASKA

Fort Wainwright, $29,740,000.
Fort Richardson, $6,250,000.

ARIZONA

Fort Huachuca, $1,200,000.

ARKANSAS

Pine Bluff Arsenal, $3,050,000.

CALIFORNIA

Fort Ord, $14,650,000.
Sierra Army Depot, $380,000.

COLORADO

Pueblo Depot, $3,200,000.

DISTRICT OF COLUMBIA

Walter Reed Army Medical Center, $1,600,000.

GEORGIA

Fort Benning, $24,350,000.

HAWAII

Fort Shafter, $7,200,000.

ILLINOIS

Rock Island Arsenal, $980,000.
Savanna Army Depot, $2,270,000.
Fort Sheridan, $880,000.

KENTUCKY

Fort Campbell, $20,500,000.
Lexington-Bluegrass Depot, $770,000.

MARYLAND

Aberdeen Proving Ground, $17,000,000.
Fort Detrick, $6,500,000.
Fort Ritchie, $9,100,000.

NEW JERSEY

Fort Dix, $6,200,000.

NEW YORK

United States Military Academy, West Point, $11,150,000.

NORTH CAROLINA

Fort Bragg, $36,602,000.

OKLAHOMA

Fort Sill, $3,700,000.

OREGON

Umatilla Army Depot, $3,600,000.

PENNSYLVANIA

Letterkenny Army Depot, $1,900,000.

TEXAS

Fort Bliss, $10,900,000.
Corpus Christi Army Depot, $7,400,000.
Fort Hood, $15,900,000.
Red River Army Depot, $88,400,000.
Fort Sam Houston, $3,250,000.

UTAH

Dugway Proving Ground, $12,800,000.
Tooele Army Depot, $92,300,000.

VIRGINIA

Fort A.P. Hill, $5,900,000.
Fort Eustis, $5,000,000.
Fort Lee, $4,800,000.
Fort Pickett, $4,000,000.
Vint Hill Farms Station, $800,000.

WASHINGTON

Fort Lewis, $19,800,000.

WISCONSIN

Fort McCoy, $2,100,000.

VARIOUS LOCATIONS

Classified Locations, $3,600,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

GERMANY

Ansbach, $15,000,000.
Friedberg, $1,300,000.
Giessen, $6,300,000.
Grafenwoehr Training Area, $7,000,000.
Hohenfels Training Area, $36,960,000.
Karlsruhe, $2,550,000.
Mainz, $19,550,000.
Mannheim, $14,400,000.
Rheinberg, $12,400,000.
Schweinfurt, $9,700,000.
Stuttgart, $3,350,000.
Vilseck, $44,600,000.
Wiesbaden, $13,900,000.
Worms, $1,300,000.
Wuerzburg, $33,650,000.
Various Locations, $18,000,000.

HONDURAS

SITE 5, $3,050,000.

ITALY

Various Locations, $1,250,000.

JAPAN

Various Locations, $7,900,000.
Various Locations, $5,300,000.

KOREA

Camp Casey, $3,700,000.
Camp Gary Owen, $1,150,000.
Camp Greaves, $1,540,000.
Camp Hovey, $3,200,000.
Camp Kittyhawk, $1,350,000.
Camp Libby, $1,150,000.
Camp Page, $670,000.
Camp Sears, $1,100,000.
Camp Stanley, $1,200,000.
Camp Stanton, $1,400,000.
K-16 Army Airfield, $670,000.
Taegu, $990,000.
Yongsan, $1,400,000.
Various Locations, $6,200,000.
Various Locations, $9,200,000.

KWAJALEIN

Kwajalein, $15,490,000.

VARIOUS LOCATIONS

Various Locations, $9,750,000.

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Army may, using amounts appropriated pursuant to section 2105(a)(6)(A), construct or acquire family housing units (including land acquisition) at the following installations in the number of units shown, and in the amount shown, for each installation:

Fort Wainwright, Alaska, one hundred and fifty units, $27,000,000.

Fort Irwin, California, two hundred and sixty-three units, $24,000,000.

Helemano, Hawaii, one hundred units, $11,400,000.

Schofield Barracks, Hawaii, forty units, $4,450,000.

Fort Leavenworth, Kansas, two hundred and seventy-two units, $20,000,000.

Fort Drum, New York, one hundred units, $10,000,000.

Fort Bliss, Texas, one hundred and eight units, $9,100,000.

Augsburg, Germany, thirty-four units, as described in section 2103(b).

Hohenfels, Germany, eighty-eight units, $8,400,000.

(b) PLANNING AND DESIGN.—The Secretary of the Army may, using amounts appropriated pursuant to section 2105(a)(6)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $10,628,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Army may, using amounts appropriated pursuant to section 2105(a)(6)(A), improve existing military family housing units in an amount not to exceed $72,300,000.

(b) WAIVER OF MAXIMUM PER COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Army may carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown for each installation:

Pearl Harbor, Hawaii, eight units, $550,000.

Augsburg, Germany, convert unused attic space and upgrade fourteen units into forty-eight adequate units, as authorized in section 2102(a), $3,360,000.

Taegu, Korea, ninety-six units, $4,450,000.

SEC. 2104. DEFENSE ACCESS ROADS.

The Secretary of the Army may, using amounts appropriated pursuant to section 2105(a)(4), make advances to the Secretary of Transportation for the construction of defense access roads under section 210 of title 23, United States Code, at Fort Belvoir, Virginia, in the amount of $1,000,000.

SEC. 2105. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1988, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,415,051,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $442,532,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $317,620,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $16,200,000.

(4) For advances to the Secretary of Transportation for construction of defense access

roads under section 210 of title 23, United States Code, $1,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $98,328,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing facilities, $197,278,000.

(B) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,340,093,000, of which not more than $52,190,000 may be obligated or expended for the leasing of military family housing in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $175,510,000 may be obligated or expended for the leasing of military family housing units in foreign countries; and

(C) for the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $2,000,000, to remain in effect until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $78,000,000 (the balance of the amount authorized for the construction of the Central Distribution Center, Red River Army Depot, Texas).

SEC. 2106. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS.

(a) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1985 PROJECTS.—Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407, 98 Stat. 1515), authorizations for the following projects authorized in section 101 of that Act, as extended by section 2107(a) of the National Defense Authorization Act, 1987 (Public Law 99-661) and section 2105(a) of the National Defense Authorization Act, 1988 (Public Law 100-180) shall remain in effect until October 1, 1989, or the date of enactment of the Military Construction Act for fiscal year 1990, whichever is later:

(1) Barracks modernization in the amount of $660,000 at Argyroupolis, Greece.

(2) Barracks modernization in the amount of $660,000 at Perivolaki, Greece.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1986 PROJECTS.—Notwithstanding the provisions of section 603(a) of the Military Construction Authorization Act, 1986 (Public Law 99-167), authorizations for the following projects authorized in sections 101 and 102 of that Act as extended by section 2105(b) of the National Defense Authorization Act, 1988 and 1989 (Public Law 99-180), shall remain in effect until October 1, 1989, or the date of enactment of a Military Construction Authorization Act for fiscal year 1990, whichever is later:

(1) Child care center in the amount of $470,000 at Karlsruhe, Germany.

(2) Modified record fire range in the amount of $2,850,000 at Nuernberg, Germany.

(3) Flight simulator building in the amount of $2,900,000 at Wiesbaden, Germany.

(4) Multi-purpose training ranges in the amount of $20,000,000 at Wildflecken, Germany.

(5) Air conditioning upgrade in the amount of $5,900,000 at Schofield Barracks, Hawaii.

(6) Child care center in the amount of $1,350,000 at Camp Darby, Italy.

(7) Dining facility modernization in the amount of $4,350,000 at Fort Leavenworth, Kansas.

(8) Family housing, new construction, 6 units, in the amount of $596,000 at Fort Myer, Virginia.

(c) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1987 PROJECTS.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1987, (Public Law 99-661), authorizations for the following projects authorized in sections 2101, 2102, and 2103 of that Act shall remain in effect until October 1, 1989, or the date of the enactment of a Military Construction Authorization Act for fiscal year 1990, whichever is later:

(1) Child development center/religious education facility in the amount of $820,000 at Yuma Proving Ground, Arizona.

(2) Primary water supply connection in the amount of $2,150,000 at Fort Riley, Kansas.

(3) Material test facility in the amount of $9,700,000,000 at Dugway Proving Ground, Utah.

(4) Barracks modernization in the amount of $3,700,000 at foreign various location 276.

(5) Dining facility in the amount of $2,100,000 at Giessen, Germany.

(6) Aircraft maintenance hangar in the amount of $7,100,000 at Hanau, Germany.

(7) Contingency facility in the amount of $4,300,000 at Palmerola Air Base, Honduras.

(8) Seventy manufactured home spaces in the amount of $1,100,000 at Aberdeen Proving Ground, Maryland.

TITLE II—NAVY

SEC. 2201. AUTHORIZED CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALABAMA

Naval Station, Mobile, $19,745,000.

ALASKA

David Taylor Research Center Detachment, Ketchikan, $12,000,000.

ARIZONA

Marine Corps Air Station, Yuma, $11,770,000.

CALIFORNIA

Marine Corps Air-Ground Combat Center, Twentynine Palms, $26,630,000.

Marine Corps Air Station, Camp Pendleton, $9,450,000.

Marine Corps Air Station, El Toro, $3,970,000.

Marine Corps Air Station, Tustin, $10,990,000.

Marine Corps Base, Camp Pendleton, $64,460,000.

Marine Corps Logistics Base, Barstow, $1,190,000.

Mountain Warfare Training Center, Bridgeport, $3,200,000.

Naval Air Station, Moffett Field, $650,000.

Naval Air Station, North Island, $11,860,000.

Naval Amphibious Base, Coronado, $870,000.

Naval Amphibious School, San Diego, $10,100,000.

Naval Aviation Depot, Alameda, $8,290,000.

Naval Aviation Depot, North Island, $2,110,000.

Naval Construction Battalion Center, Port Hueneme, $7,000,000.

Naval Construction Training Center, Port Hueneme, $10,080,000.

Naval Hospital, Lemoore, $2,160,000.

Naval Ocean Systems Center, San Diego, $8,660,000.

Naval Post Graduate School, Monterey, $3,140,000.

Naval Civil Engineer Corps Officers School, Port Hueneme, $7,420,000.

Naval Security Group Detachment, San Diego, $1,950,000.

Naval Shipyard, Mare Island, $8,850,000.

Naval Space Surveillance Field Station, San Diego, $3,760,000.

Naval Station, Treasure Island, San Francisco, $5,000,000.

Naval Submarine Base, San Diego, $3,150,000.

Naval Supply Center, Oakland, $1,550,000.

Naval Supply Center, San Diego Annex, North Island, $1,695,000.

Naval Training Center, San Diego, $7,980,000.

Naval Weapons Center, China Lake, $12,260,000.

Naval Weapons Station, Seal Beach, $13,890,000.

Navy Public Works Center, San Diego, $500,000.

Navy Public Works Center, San Francisco, $15,810,000.

Pacific Missile Test Center, Point Mugu, $20,470,000.

Personnel Support Activity, San Diego, $1,180,000.

Shore Intermediate Maintenance Activity, San Diego, $10,720,000.

Submarine Training Facility, San Diego, $10,301,000.

CONNECTICUT

Naval Security Group Activity, Groton, $1,170,000.

Naval Submarine Base, New London, $6,660,000.

DISTRICT OF COLUMBIA

Commandant, Naval District Washington, $38,100,000.

Naval Research Laboratory, Washington, $19,800,000.

FLORIDA

Naval Air Station, Cecil Field, $340,000.

Naval Air Station, Jacksonville, $8,810,000.

Naval Air Station, Key West, $850,000.

Naval Air Station, Pensacola, $25,600,000.

Naval Aviation Depot, Jacksonville, $14,180,000.

Naval Hospital, Pensacola, $2,250,000.

Naval Legal Service Office, Mayport, $1,450,000.

Naval Station, Mayport, $3,060,000.

Naval Supply Center, Pensacola, $2,640,000.

Naval Technical Training Center, Pensacola, $2,840,000.

Naval Training Center, Orlando, $23,810,000.

GEORGIA

Marine Corps Logistics Base, Albany, $5,740,000.

Naval Submarine Base, Kings Bay, $56,330,000.

HAWAII

Marine Corps Air Station, Kaneohe Bay, $24,270,000.

Naval Legal Service Office, Pearl Harbor, $2,380,000.

Naval Station, Pearl Harbor, $8,370,000.

Naval Submarine Base, Pearl Harbor, $11,250,000.

Naval Submarine Training Center, Pacific, Pearl Harbor, $1,780,000.

Naval Supply Center, Pearl Harbor, $8,350,000.

Navy Public Works Center, Pearl Harbor, $3,760,000.

ILLINOIS

Naval Training Center, Great Lakes, $3,440,000.

Naval Public Works Center, Great Lakes, $1,930,000.

KENTUCKY

Naval Ordnance Station, Louisville, $19,000,000.

LOUISIANA

Naval Station, Lake Charles, $3,700,000.

MAINE

Naval Air Station, Brunswick, $530,000.

MARYLAND

David Taylor Naval Ship Research Development Center, Annapolis, $1,860,000.

Naval Academy, Annapolis, $540,000.

Naval Air Test Center, Patuxent River, $1,250,000.

Naval Explosive Ordnance Disposal Technology Center, Indian Head, $7,380,000.

Naval Intelligence Command Headquarters, Suitland, $114,000,000.

Naval Medical Data Services Center, Bethesda, $5,930,000.

Naval Ordnance Station, Indian Head, $1,270,000.

Naval Surface Warfare Center Detachment, White Oak, $2,540,000.

MISSISSIPPI

Naval Air Station, Meridian, $3,100,000.

Naval Construction Training Center, Gulfport, $4,070,000.

Naval Station, Pascagoula, $17,520,000.

NEVADA

Naval Air Station, Fallon, $9,470,000.

NEW JERSEY

Naval Weapons Station, Earle, $30,400,000.

NEW MEXICO

Naval Ordnance Missile Test Station, White Sands, $8,090,000.

NEW YORK

Naval Station, New York, $23,395,000.

NORTH CAROLINA

Marine Corps Air Station, Cherry Point, $32,380,000.

Marine Corps Air Station, New River, $8,400,000.

Marine Corps Base, Camp Lejeune, $23,450,000.

OKLAHOMA

Naval Air Detachment, Tinker Air Force Base, $38,080,000.

PENNSYLVANIA

Naval Air Development Center, Warminster, $1,270,000.

Naval Shipyard, Philadelphia, $10,300,000.

Navy Aviation Supply Office, Philadelphia, $1,400,000.

Navy Ships Parts Control Center, Mechanicsburg, $2,050,000.

RHODE ISLAND

Naval Education and Training Center, Newport, $11,560,000.

Naval Justice School, Newport, $2,060,000.

Surface Warfare Officers School Command, Newport, $4,750,000.

SOUTH CAROLINA

Naval Hospital, Beaufort, $2,260,000.

Naval Shipyard, Charleston, $640,000.

Naval Supply Center, Charleston, $1,090,000.

Naval Weapons Station, Charleston, $22,250,000.

TEXAS

Naval Station, Galveston, $8,110,000.

Naval Station, Ingleside, $31,850,000.

VIRGINIA

Atlantic Fleet Headquarters Support Activity, Norfolk, $1,700,000.

Fleet Combat Training Center, Atlantic, Dam Neck, $4,700,000.

Marine Corps Combat Development Command, Quantico, $14,290,000.

Marine Corps Detachment, Camp Elmore, $1,690,000.

Marine Environmental Systems Facility, Dam Neck, $5,000,000.

Naval Air Station, Oceana, $2,690,000.

Naval Amphibious Base, Little Creek, $8,270,000.

Naval Amphibious School, Little Creek, $640,000.

Naval Aviation Depot, Norfolk, $8,950,000.

Naval Guided Missiles School, Dam Neck, $4,450,000.

Naval Legal Service Office, Norfolk, $1,080,000.

Naval Medical Clinic, Norfolk, $2,470,000.

Naval Ophthalmic Support and Training Activity, Yorktown, $1,970,000.

Naval Security Group Activity, Northwest, Chesapeake, $5,400,000.

Naval Supply Center, Norfolk, $6,660,000.

Naval Supply Center, Williamsburg, $3,300,000.

Naval Surface Warfare Center, Dahlgren, $25,442,000.

Naval Weapons Station, Yorktown, $12,360,000.

Navy Public Works Center, Norfolk, $4,410,000.

WASHINGTON

Naval Air Station, Whidbey Island, $11,010,000.

Naval Station, Everett, $38,400,000.

Naval Supply Center, Bremerton, $5,740,000.

Strategic Weapons Facility, Pacific, Silverdale, $15,060,000.

Trident Refit Facility, Bangor, $990,000.

VARIOUS LOCATIONS

Land Acquisition, $36,895,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

ANTIGUA

Naval Support Facility, $6,470,000.

GUAM

Fleet Surveillance Support Group, $20,972,000.

Naval Security Group Detachment, $400,000.

Naval Station, $2,820,000.

Naval Supply Depot, $7,660,000.

Navy Public Works Center, $6,720,000.

ICELAND

Naval Air Station, Keflavik, $12,000,000.

ITALY

Naval Air Station, Sigonella, $7,950,000.

Naval Support Activity, Naples, $51,350,000.

JAPAN

Marine Corps Air Station, Futenma, Okinawa, $3,280,000.

Marine Corps Base, Camp Butler, Okinawa, $2,840,000.

PHILIPPINES

Navy Public Works Center, Subic Bay, $28,340,000.

SPAIN

Naval Communication Station, Rota, $400,000.

VARIOUS LOCATIONS

Classified Location, $4,990,000.

Host Nation Infrastructure Support, $500,000.

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Navy may, using amounts appropriated pursuant to section 2205(a)(6)(A), construct or acquire family housing units (including land acquisition), at the following installations in the number of units shown, and in the amount shown for each installation:

Marine Corps Air-Ground Combat Center, Twentynine Palms, California, one hundred units, $9,470,000.

Marine Corps Air Station, El Toro, California, one hundred units and sixty mobile home spaces, $10,120,000.

Marine Corps Base, Camp Pendleton, California, three hundred and thirty-two units and access roads, $28,510,000.

Naval Station, Long Beach, California, three hundred units, $26,110,000.

Naval Public Works Center, San Diego, California, three hundred and fifty-six units, $31,830,000.

Navy Public Works Center, San Francisco, California, three hundred units, $35,736,000.

Naval Submarine Base, Kings Bay, Georgia, two hundred and fifty units, $19,860,000.

Naval Station, New York, New York, one hundred and fifty units, $14,900,000.

(b) PLANNING AND DESIGN.—The Secretary of the Navy may carry out architectural and engineering services and construction design activities, using amounts appropriated pursuant to section 2205(a)(6)(A), with respect to the construction or improvement of military family housing units in an amount not to exceed $2,315,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may, using amounts appropriated pursuant to section 2205(a)(6)(A), improve existing military family housing units in an amount not to exceed $61,589,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Navy may carry out projects to improve existing military family housing units at the following installations in the number of units shown and in the amount shown for each installation:

Navy Public Works Center, San Diego, California, six units, $284,400.

Navy Public Works Center, Pensacola, Florida, one unit, $34,900.

Navy Public Works Center, Great Lakes, Illinois, three hundred and fifty-six units, $17,214,000.

Navy Public Works Center, Great Lakes, Illinois, one hundred and two units, $6,181,200.

Naval Security Group Activity, Winter Harbor, Maine, thirty units, $2,920,600.

Naval Security Group Activity, Winter Harbor, Maine, twenty units, $920,000.

Naval Air Station, Fallon, Nevada, one hundred and six units, $8,129,300.

Marine Corps Air Station, Cherry Point, North Carolina, two units, $94,300.

Marine Corps Air Station, Cherry Point, North Carolina, two hundred and eighty-two units, $11,957,200.

Navy Ships Parts Control Center, Mechanicsburg, Pennsylvania, seventy-five units, $5,415,500.

Naval Air Station, Whidbey Island, Washington, eleven units, $632,600.

Navy Public Works Center, Guam, two hundred and twelve units, $18,473,800.

SEC. 2204. DEFENSE ACCESS ROADS.

The Secretary of the Navy may, using amounts appropriated pursuant to section 2205(a)(5), make advances to the Secretary of Transportation for the construction of defense access roads under section 210 of title 23, United States Code, at the following locations and in the following amounts:

Marine Corps Air Ground Center, Twentynine Palms, California, $2,900,000.

Navy Public Works Center, San Diego, California, $719,000.

Navy Public Works Center, San Francisco, California, $800,000.

Naval Station, Everett, Washington, $4,400,000.

Naval Submarine Base, Kings Bay, Georgia, $3,000,000.

SEC. 2205. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1988, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,330,350,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $1,258,435,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $110,092,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $16,300,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $138,276,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $11,819,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $240,440,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $554,988,000 of which not more than $18,434,000 may be obligated or expended for the leasing of military family housing in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $23,982,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $55,048,000 (the balance of the amount authorized for the construction of the Headquarters Building, Naval Intelligence Command Headquarters, Suitland, Maryland); and,

(3) $46,600,000 (the balance of the amount authorized for the Command, Control, Communications and Intelligence Complex, Naval Support Activity, Naples, Italy).

(c) Restriction on Certain Funding.—None of the funds appropriated pursuant to subsection (a)(1) may be obligated for use or expended at Hunters Point Annex, Naval Station, Treasure Island, San Francisco, California, until the Secretary of the Navy has transmitted to the Committees on Armed Services of the Senate and the House of Representatives a report containing (1) a description of the activities planned by the Department of the Navy at such location during fiscal years 1989 through 1993, and (2) a statement explaining the environmental impact of such activities, especially with respect to the planned porting of ships and the development of the land at such location during such fiscal years.

TITLE III—AIR FORCE

SEC. 2301. AUTHORIZED CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the installations and locations inside the United States:

ALABAMA

Gunter Air Force Base, $8,150,000.

Maxwell Air Force Base, $17,800,000.

ALASKA

Eielson Air Force Base, $7,650,000.

Elmendorf Air Force Base, $3,040,000.

King Salmon Airport, $2,850,000.

Shemya Air Force Base, $14,860,000.

ARIZONA

Davis-Monthan Air Force Base, $980,000.

Luke Air Force Base, $4,550,000.

Williams Air Force Base, $11,130,000.

ARKANSAS

Blytheville Air Force Base, $3,750,000.

Little Rock Air Force Base, $4,550,000.

CALIFORNIA

Beale Air Force Base, $8,900,000.

Castle Air Force Base, $20,400,000.

Edwards Air Force Base, $5,200,000.

George Air Force Base, $23,550,000.

March Air Force Base, $4,900,000.

Mather Air Force Base, $2,740,000.

McClellan Air Force Base, $3,080,000.

Onizuka Air Force Base, $4,300,000.

Travis Air Force Base, $10,400,000.

Vandenberg Air Force Base, $33,550,000.

COLORADO

Buckley Air National Guard Base, $25,800,000.

Cheyenne Mountain Complex, $6,500,000.

Lowry Air Force Base, $12,000,000.

Peterson Air Force Base, $9,500,000.

United States Air Force Academy, $10,240,000.

DELAWARE

Dover Air Force Base, $1,000,000.

FLORIDA

Avon Park, $3,700,000.

Cape Canaveral Air Force Station, $19,380,000.

Eglin Air Force Base, $11,020,000.

Eglin Air Force Base, Auxiliary Field 9, $27,400,000.

Homestead Air Force Base, $6,200,000.

MacDill Air Force Base, $4,580,000.

Patrick Air Force Base, $1,126,000.

Tyndall Air Force Base, $6,000,000.

GEORGIA

Moody Air Force Base, $800,000.

Robins Air Force Base, $31,500,000.

HAWAII

Hickam Air Force Base, $4,250,000.

IDAHO

Mountain Home Air Force Base, $1,400,000.

ILLINOIS

Chanute Air Force Base, $6,500,000.

Scott Air Force Base, $14,500,000.

INDIANA

Grissom Air Force Base, $1,850,000.

KANSAS

McConnell Air Force Base, $680,000.

LOUISIANA

Barksdale Air Force Base, $7,300,000.

England Air Force Base, $3,100,000.

MAINE

Loring Air Force Base, $3,000,000.

MARYLAND

Andrews Air Force Base, $2,550,000.

MASSACHUSETTS

Hanscom Air Force Base, $12,400,000.

MICHIGAN

Wurtsmith Air Force Base, $4,990,000.

MISSISSIPPI

Columbus Air Force Base, $2,950,000.

Keesler Air Force Base, $4,550,000.

MISSOURI

Whiteman Air Force Base, $84,300,000.

MONTANA

Malmstrom Air Force Base, $19,470,000.

NEBRASKA

Offutt Air Force Base, $2,450,000.

NEVADA

Indian Springs, $3,150,000.

Nellis Air Force Base, $6,700,000.

NEW HAMPSHIRE

New Boston Air Force Station, $4,500,000.

Pease Air Force Base, $2,100,000.

NEW JERSEY

McGuire Air Force Base, $3,550,000.

NEW MEXICO

Cannon Air Force Base, $4,100,000.

Holloman Air Force Base, $2,900,000.

Kirtland Air Force Base, $13,000,000.

NEW YORK

Griffiss Air Force Base, $700,000.

NORTH CAROLINA

Seymour Johnson Air Force Base, $3,050,000.

NORTH DAKOTA

Grand Forks Air Force Base, $13,290,000.

Minot Air Force Base, $6,250,000.

OHIO

Wright-Patterson Air Force Base, $11,455,000.

OKLAHOMA

Altus Air Force Base, $2,300,000.

Tinker Air Force Base, $12,650,000.

SOUTH CAROLINA

Charleston Air Force Base, $6,080,000.

SOUTH DAKOTA

Ellsworth Air Force Base, $8,650,000.

TENNESSEE

Arnold Engineering Development Center, $213,800,000.

TEXAS

Bergstrom Air Force Base, $2,800,000.

Brooks Air Force Base, $2,750,000.

Carswell Air Force Base, $3,500,000.

Dyess Air Force Base, $3,470,000.

Goodfellow Air Force Base, $2,350,000.

Kelly Air Force Base, $29,300,000.

Lackland Air Force Base, $14,039,000.

Laughlin Air Force Base, $1,910,000.

Randolph Air Force Base, $6,150,000.

Reese Air Force Base, $990,000.

Sheppard Air Force Base, $10,700,000.

UTAH

Hill Air Force Base, $10,740,000.

WASHINGTON

Fairchild Air Force Base, $17,580,000.
McChord Air Force Base, $13,100,000.

WYOMING

F.E. Warren Air Force Base, $6,000,000.

VARIOUS LOCATIONS

Base 80, $987,000.
Base 81, $2,800,000.
Classified, $4,000,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

BELGIUM

Kleine Brogel, $1,900,000.

CANADA

Forward Operation Locations, $600,000.

GERMANY

Bitburg Air Base, $1,060,000.
Einsiedlerhof Air Base, $1,500,000.
Hahn Air Base, $16,650,000.
Hessich-Oldendorf Air Station, $740,000.
Norvenich Air Base, $2,300,000.
Pruem Air Station, $620,000.
Ramstein Air Base, $6,000,000.
Rhein-Main Air Base, $5,000,000.
Sembach Air Base, $3,550,000.
Spangdahlem Air Base, $10,270,000.
Wenigerath Air Base, $1,700,000.
Zweibrucken Air Base, $1,300,000.

GREENLAND

Sondrestrom Air Base, $5,950,000.
Thule Air Base, $1,830,000.

GUAM

Anderson Air Force Base, $900,000.

ICELAND

Naval Air Station, Keflavik, $1,100,000.

ITALY

Aviano Air Base, $7,600,000.

JAPAN

Kadena Air Base, $1,850,000.
Misawa Air Base, $4,550,000.
Yokota Air Base, $500,000.

KOREA

Camp Humphreys, $3,350,000.
Kunsan Air Base, $17,330,000.
Osan Air Base, $10,750,000.

NETHERLANDS

Camp New Amsterdam, $10,300,000.
Volkel Air Base, $2,300,000.

OMAN

Masirah Air Base, $2,800,000.
Seeb Air Base, $7,100,000.

PANAMA

Howard Air Force Base, $2,600,000.

PHILIPPINES

Clark Air Base, $33,140,000.

PORTUGAL

Lajes Field, $4,850,000.

TURKEY

Incirlik Air Base, $9,590,000.
Pirinclik Air Station, $1,500,000.

UNITED KINGDOM

RAF Alconbury, $2,650,000.
RAF Bentwaters, $6,230,000.
RAF Feltwell, $500,000.
RAF Lakenheath, $10,170,000.
RAF Mildenhall, $7,150,000.
RAF Upper Heyford, $3,830,000.
RAF Welford, $3,720,000.

VARIOUS LOCATIONS

Base 30, $3,850,000.
Base 74, $750,000.
Base 79, $1,900,000.
Base 82, $2,800,000.
Base 119, $2,050,000.
Classified Locations, $16,473,000.

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(5)(A), construct or acquire two hundred sixty family housing units (including land acquisition) at Clark Air Base, Philippines, in the amount of $19,920,000.

(b) PLANNING AND DESIGN.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(5)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $7,000,000.

SEC. 2303. IMPROVEMENT TO MILITARY FAMILY HOUSING UNITS.

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $153,765,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under Section 2825(b) of title 10, United States Code, the Secretary of the Air Force may carry out projects to improve existing military family housing units at the following installations in the number of units shown and in the amount shown for each installation:

Gunter Air Force Station, Alabama, twenty-three units, $1,136,000.

Maxwell Air Force Base, Alabama, fifty units, $2,722,000.

Eielson Air Force Base, Alaska, ninety-six units, $7,943,000.

Elmendorf Air Force Base, Alaska, forty-eight units, $3,818,000.

Davis-Monthan Air Force Base, Arizona, one unit, $60,000.

Luke Air Force Base, Arizona, one hundred fifty-two units, $5,975,000.

McClellan Air Force Base, California, thirty units, $3,207,000.

Peterson Air Force Base, Colorado, one unit, $74,000; eighty units, $3,527,000.

Bolling Air Force Base, District of Columbia, one hundred and ten units, $4,018,000.

Eglin Air Force Base, Florida, fifty units, $2,138,000.

MacDill Air Force Base, Florida, four units, $279,000.

Robins Air Force Base, Georgia, one hundred and sixty units, $6,861,000.

Scott Air Force Base, Illinois, four units, $184,000.

Grissom Air Force Base, Indiana, one hundred and eighty-six units, $6,788,000.

Barksdale Air Force Base, Louisiana, two units, $185,000; one hundred and fourteen units, $6,200,000.

England Air Force Base, Louisiana, one hundred and six units, $5,830,000.

Andrews Air Force Base, Maryland, five units, $338,000.

Pease Air Force Base, New Hampshire, one unit, $121,000.

McGuire Air Force Base, New Jersey, one hundred units, $4,921,000.

Kirtland Air Force Base, New Mexico, four units, $240,000; one hundred and fifteen units, $4,894,000.

Plattsburgh Air Force Base, New York, one hundred and seventy-four units, $10,600,000.

Minot Air Force Base, North Dakota, one unit, $65,000.

Shaw Air Force Base, South Carolina, one hundred and thirty units, $4,703,000.

Carswell Air Force Base, Texas, one hundred and eighty-one units, $7,869,000; sixteen units, $600,000.

Dyess Air Force Base, Texas, one unit, $64,000.

Kelly Air Force Base, Texas, one hundred and one units, $3,381,000.

Randolph Air Force Base, Texas, two units, $199,000.

Reese Air Force Base, Texas, one hundred and eighty-eight units, $6,816,000.

Ramstein Air Base, Germany, two hundred and forty units, $16,000,000; eight units, $706,000; nine units, $1,039,000.

Andersen Air Force Base, Guam, one unit, $167,000; one hundred and twenty units, $8,000,000.

Misawa Air Base, Japan, one hundred and eighty units, $8,707,000.

Yokota Air Base, Japan, eighty-one units, $5,629,000.

Osan Air Base, Korea, ten units, $447,000.

Clark Air Base, Philippines, eighty-two units, $4,203,000.

RAF Alconbury, United Kingdom, twenty-five units, $1,119,000.

RAF Greenham Common, United Kingdom, one hundred nineteen units, $5,588,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATION, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1988, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,163,411,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $867,707,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $245,153,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $16,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $111,600,000.

(5) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $180,685,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $741,766,000 of which not more than $16,612,500 may be obligated or expended for leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam; and not more than $74,268,500 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $133,000,000 (the balance of the amount authorized for the construction of the J-6 facility, Arnold Engineering Development Center, Tennessee).

(c) RESTRICTION ON CERTAIN FUNDING.—None of the funds appropriated pursuant to subsection (a)(2) may be obligated for use or expended in Panama until the Secretary of Defense transmits to the Committees on Armed Services of the Senate and the House of Representatives a copy of the plans of the activities to be carried out by the Department of Defense in Panama during the five-

year period beginning on the date of the enactment of this Act.

SEC. 2305. EXTENSION OF CERTAIN PREVIOUS AUTHORIZATIONS.

Notwithstanding the provisions of section 2301(a) of the Military Construction Authorization Act, 1987, (Public Law 99-661), authorizations for the following projects authorized in sections 2301 and 2302 of that Act shall remain in effect until October 1, 1989, or the date of the enactment of a Military Construction Authorization Act for fiscal year 1990, whichever is later:

(1) KC-135 CPT Simulator Facility, in the amount of $890,000 at Minot Air Force Base, North Dakota.

(2) Add to and alter Avionics Maintenance Shop, in the amount of $1,150,000 at Pease Air Force Base, New Hampshire.

(3) KC-135 CPT Simulator facilities in the amount of $660,000 at Robins Air Force Base, Georgia.

(4) Land acquisition in the amount of $230,000 at the United States Air Force Academy, Colorado Springs, Colorado.

(5) Land acquisition Auxiliary Field in the amount of $3,700,000, at Laughlin Air Force Base, Texas.

(6) KC-135 CPT Simulator facility in the amount of $3,500,000, at Beale Air Force Base, California.

(7) KC-135 CPT Simulator facility in the amount of $3,000,000 at Plattsburgh Air Force Base, New York.

TITLE IV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States.

DEFENSE COMMUNICATIONS AGENCY

Arlington Service Center, Virginia, $742,000.

DEFENSE LOGISTICS AGENCY

Defense Fuel Support Point, Adak, Alaska, $19,000,000.

Defense Depot, Tracy, California, $590,000.

Defense Fuel Support, Pearl City, Hawaii, $1,900,000.

Defense Reutilization and Marketing Office, Fort Campbell, Kentucky, $1,600,000.

Defense Reutilization and Marketing Office, Offutt Air Force Base, Nebraska, $430,000.

Defense Depot, Mechanicsburg, Pennsylvania, $460,000.

Defense Reutilization and Marketing Office, Carswell Air Force Base, Texas, $350,000.

Defense Depot, Ogden, Utah, $6,000,000

Cheatham Annex, Virginia, $450,000.

DEFENSE MAPPING AGENCY

Hydrographic/Topographic Center, Brookmont, Maryland, $5,209,000.

DEFENSE MEDICAL FACILITIES OFFICE

Marine Corps Base, Camp Pendleton, California, $5,000,000.

March Air Force Base, California, $3,000,000.

Naval Station, North Island, California, $7,200,000.

Naval Station, Treasure Island, California, $11,000,000.

Tyndall Air Force Base, Florida, $800,000.

Fort Benning, Georgia, $700,000.

Robins Air Force Base, Georgia, $3,600,000.

Fort Leonard Wood, Missouri, $1,450,000.

Seymour Johnson Air Force Base, North Carolina, $3,700,000.

Ft. Sill, Oklahoma, $54,000,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $4,100,000.

Corpus Christi, Texas, $6,100,000.

Dyess Air Force Base, Texas, $950,000.

NATIONAL DEFENSE UNIVERSITY

Fort McNair, District of Columbia, $28,000,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland, $2,230,000.

Classified Locations, $20,000,000.

OFFICE OF THE SECRETARY OF DEFENSE

Fort Belvoir, Virginia, $3,000,000.

Classified Location, $4,200,000.

STRATEGIC DEFENSE INITIATIVE ORGANIZATION

Falcon Air Force Station, Colorado, $65,000,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

DEFENSE COMMUNICATIONS AGENCY

Yokota Air Base, Japan, $785,000.

DEFENSE LOGISTICS AGENCY

Defense Reutilization and Marketing Office, Bitburg, Germany, $800,000.

Defense Reutilization and Marketing Office, Kaiserslautern, Germany, $500,000.

DEFENSE MEDICAL FACILITIES OFFICE

Downs Barracks, Germany, $4,200,000.

Geilenkirchen Air Base, Germany, $450,000.

Hahn Air Base, Germany, $18,500,000.

Patch Barracks, Germany, $4,700,000.

Rhein-Main Air Base, Germany, $14,200,000.

Smith Barracks, Germany, $5,100,000.

Spangdahlem Air Base, Germany, $1,250,000.

Wildflecken, Germany, $4,800,000.

Camp Howze 2nd Infantry Division, Korea, $780,000.

Seoul, Korea, $55,000,000.

Taegu Air Base, Korea, $4,400,000.

Royal Air Force, High Wycombe, United Kingdom, $720,000.

Royal Air Force, Lakenheath, United Kingdom, $41,000,000.

Base 54, $12,800,000.

Classified Locations, $19,500,000.

DEFENSE NUCLEAR AGENCY

Headquarters, Field Command, Johnston Island, $2,644,000.

DEPARTMENT OF DEFENSE DEPENDENT SCHOOLS

Aschaffenburg, Germany, $8,151,000.

Bad Kissingen, Germany, $1,620,000.

Baumholder, Germany, $1,940,000.

Erlangen, Germany, $3,890,000.

Gelnhausen, Germany, $1,482,000.

Giessen, Germany, $7,627,000.

Wildflecken, Germany, $2,752,000.

Keflavik, Iceland, $5,434,000.

Aviano, Italy, $9,450,000.

Pusan, Korea, $1,980,000.

Seoul, Korea, $7,332,000.

Brunssum, Netherlands, $8,863,000.

DEPARTMENT OF DEFENSE SECTION VI SCHOOLS

Fort Buchanan, Puerto Rico, $9,110,000.

NATIONAL SECURITY AGENCY

Classified Locations, $11,250,000.

STRATEGIC DEFENSE INITIATIVE ORGANIZATION

Pacific Missile Range, Kwajalein, $16,000,000.

SEC. 2402. FAMILY HOUSING.

The Secretary of Defense may, using amounts appropriated pursuant to section 2407(a)(10)(A), construct or acquire three family housing units (including land acquisition) at classified locations in the total amount not to exceed $400,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to Section 2825 of title 10, United States Code, the Secretary of Defense may, using amounts appropriated pursuant to section 2407(a)(10)(A), improve existing military family housing units in an amount not to exceed $113,000.

SEC. 2404. AFCENT SCHOOL.

The Secretary of Defense may, using amounts appropriated pursuant to section 2407(a)(2), contribute funds in the amount of $8,863,000 to the Government of The Netherlands (in its capacity as construction agent) for the United States' share of the cost of the International Elementary and High School project in Brunssum, Netherlands.

SEC. 2405. CONFORMING STORAGE FACILITIES.

Section 2404(a) of the Military Construction Authorization Act, 1987 (Public Law 99-661), is amended to read as follows:

"(a) AUTHORITY TO CONSTRUCT.—The Secretary of Defense may, using not more than $10,000,000 appropriated for fiscal year 1987, not more than $5,000,000 appropriated for fiscal year 1988, and not more than $9,300,000 appropriated for fiscal year 1989, carry out military construction projects not otherwise authorized by law for conforming storage facilities."

SEC. 2406. DEFENSE ACCESS ROADS.

The Secretary of Defense may, using amounts appropriated pursuant to section 2407(a)(5), make advances to the Secretary of Transportation for the construction of defense access roads under section 210 of title 23, United States Code, at Fort Meade, Maryland, in the amount of $10,000,000.

SEC. 2407. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1988, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $748,000,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $260,761,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $289,010,000.

(3) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987, as amended, $23,000,000.

(4) For military construction projects at Fort Lewis, Washington, authorized by section 101(a) of the Military Construction Authorization Act, 1985, $59,000,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $10,000,000.

(6) For unspecified minor construction projects under section 2805 of title 10, United States Code, $6,000,000.

(7) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $8,000,000.

(8) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $62,229,000.

(9) For conforming storage facilities constructed under the authority of section 2404 of the Military Construction Authorization Act, 1987, as amended, $9,300,000.

(10) For military family housing functions—

(A) for construction and acqusition of military family housing and facilities, $513,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $20,187,000, of which not more than $17,179,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) Limitation of Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1988, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program, as authorized by section 2501, in the amount of $502,100,000.

TITLE VI—GUARD AND RESERVE FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1988, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $161,838,000, and

(B) for the Army Reserve, $80,155,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserves, $48,400,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $151,140,000, and

(B) for the Air Force Reserve, $58,800,000.

TITLE VII—EXPIRATION OF AUTHORIZATIONS; EFFECTIVE DATE

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) Expiration of Authorizations After Two Years.—Except as provided in subsection (b), all authorizations contained in titles I, II, III, IV, and V for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor) shall expire on October 1, 1990, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1991, whichever is later.

(b) Exception.—The provisions of subsection (a) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before October 1, 1990, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1991, whichever is later, for construction contracts, land acquisition, family housing projects and facilities, or contributions to the NATO Infrastructure Program.

SEC. 2702. EFFECTIVE DATE.

This division shall take effect on October 1, 1988, or the date of enactment of this Act, whichever is later.

TITLE VIII—GENERAL PROVISIONS

Part A—Miscellaneous

SEC. 2801. PROHIBITION OF FUNDING FOR CERTAIN MILITARY CONSTRUCTION CONTRACTS ON GUAM.

(a) In General.—Except as provided in subsection (b), no funds appropriated pursuant to authorizations made by this division may be expended with respect to any contract for a military construction project on Guam if any work is carried out on such project by any person who is a nonimmigrant described in section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)).

(b) Exception.—In any case in which there is no acceptable bid made in response to a solicitation by the Secretary of a military department for bids on a contract for a military construction project on Guam and the Secretary concerned makes a determination that the prohibition contained in subsection (a) is a significant deterrent to obtaining bids on such contract, the Secretary concerned may make another solicitation for bids on such contract and the prohibition contained in subsection (a) shall not apply to such contract after the 21-day period beginning with the date on which the Secretary concerned transmits a report concerning such contract to the Committee on Armed Services of the Senate and the House of Representatives.

(c) Effective Date.—The provisions of this section shall apply to contracts entered into, amended, or otherwise modified on or after the date of the enactment of this Act.

SEC. 2802. BROOKE ARMY MEDICAL CENTER.

(a) Increase in Project Authority.—(1) Section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4034), is amended by striking out "$241,000,000" in the item relating to Fort Sam Houston, Texas under the heading relating to Defense Medical Facilities Office and inserting in lieu thereof "$275,000,000".

(2) The limitation on the total cost of projects carried out under section 2401 of such Act is hereby increased by $34,000,000.

(b) Conforming Amendment.—Section 2403(a)(2) of such Act is amended by striking out "but the" and all that follows through "beds".

SEC. 2803. COMMUNITY PLANNING ASSISTANCE.

The Secretary of Defense may use the following amounts to provide planning assistance to any local community located near the following installations if the Secretary determines that the financial resources available to the community (by grant or otherwise) are inadequate:

(1) Not more than $250,000 from funds appropriated to the Department of Defense for fiscal year 1989 for local communities located near the strategic homeport at Everett, Washington.

(2) Not more than $250,000 from funds appropriated to the Department of Defense for fiscal year 1989 for local communities located near the newly established Light Infantry Division Post at Ft. Drum, New York.

SEC. 2804. FORT DERUSSY, HAWAII.

(a) Designation.—The Armed Forces Recreation Center at Fort DeRussy, Hawaii, shall be known and designated as the "Dan Daniel Armed Forces Recreation Center".

(b) Use.—The Secretary of the Army shall administer that fort as the primary rest and recreation area for members of the Armed Forces in the Pacific.

(c) Prohibition.—Notwithstanding any other provision of law, funds appropriated or otherwise available to the Department of Defense may not be used in any way, directly or indirectly, for the purpose of selling, leasing, renting, excessing, or otherwise disposing of any portion of the land constituting Fort DeRussy, Hawaii (as constituted on the date of the enactment of this Act).

(d) Implmentation of Plan.—(1) Section 2740(d) of the Military Construction Authorization Act, 1987 (Public Law 99-661; 100 Stat. 4051), is amended—

(A) by striking out "Payment of Excess Into Treasury" in the subsection heading and inserting in lieu thereof "Excess Amount"; and

(B) by striking out "shall deposit" and all that follows through the period and inserting in lieu thereof "may use such amount for the implementation of the plan established by the Secretary of the Army on March 1, 1988, for the future use and development of Fort DeRussy, Hawaii, except that such amount may not be used to pay for the construction of non-appropriated-fund projects identified in such plan. The Secretary shall deposit any part of such amount not used for such purpose at the end of the ten-year period beginning on the date of the enactment of the Military Construction Authorization Act, 1989, into the Treasury as miscellaneous receipts.".

(2) Section 2332(d) of the Military Construction Authorization Act, 1988 and 1989 (Public Law 100-180; 100 Stat. 1223), is amended—

(A) by striking out "Payment of Excess Into Treasury" in the subsection heading and inserting in lieu thereof "EXCESS AMOUNT"; and

(B) by striking out "shall deposit" and all that follows through the period and inserting in lieu thereof "may use such amount for the implementation of the plan established by the Secretary of the Army on March 1, 1988, for the future use and development of Fort DeRussy, Hawaii, except that such amount may not be used to pay for the construction of non-appropriated-fund projects identified in such plan. The Secretary shall deposit any amount not used for such purpose at the end of the ten-year period beginning on the date of the enactment of the Military Construction Authorization Act, 1989, into the Treasury as miscellaneous receipts.".

SEC. 2805. WURTSMITH AIR FORCE BASE, MICHIGAN.

The library building located on the Wurtsmith Air Force Base, Michigan, is hereby designated as the "General Earl T. O'Lough-

lin Library". Any reference to such building in a law, rule, map, document, record, or other paper of the United States shall be considered to be a reference to the "General Earl T. O'Loughlin Library".

PART B—REAL PROPERTY TRANSACTIONS

SEC. 2811. LAND TRANSFER, WASHINGTON, D.C.

(a) IN GENERAL.—The Administrator of General Services shall transfer, without reimbursement being required or made, to the Secretary of the Navy approximately 6 acres of real property (including Building 197 located thereon) located at a site referred to as the Southeast Federal Center near the Washington Navy Yard, Washington, D.C., and bounded on the east by Issac Hull Avenue, on the north by Tingey Street, on the west by Buildings 116 and 118, and on the south by property owned by the Department of the Navy.

(b) DESIGN OF BUILDING.—The Secretary of the Navy shall use not more than $9,200,000 of the amount appropriated pursuant to section 2205(a)(4) to initiate the redesign of Building 197 referred to in subsection (a).

SEC. 2812. LAND TRANSFER, SUITLAND, MARYLAND.

The Administrator of General Services, after consultation with the Secretary of the Navy, shall determine to be excess property such vacant land, located at the Suitland Federal Center, Suitland, Maryland, as (1) will accommodate the needs of the Department of the Navy for its construction and operation of the Naval Intelligence Command Headquarters authorized by section 2201(a), and (2) will be consistent with the current and future needs of the General Services Administration for use and development of such land, as anticipated by the Administrator of General Services. The Administrator and the Secretary of the Navy shall jointly determine the acreage and location of such land. The Administrator of General Services shall transfer such excess property to the Department of the Navy without reimbursement being made or required.

SEC. 2813. LAND TRANSFER, RESERVE FORCES TRAINING CENTER, ALAMEDA COUNTY, CALIFORNIA.

(a) IN GENERAL.—Subject to subsections (b) through (d), the Secretary of the Army may convey—

(1) approximately 35 acres of real property, and improvements thereon, at the Reserve Forces Training Center, County of Alameda, California, to the County of Alameda, California; and

(2) approximately 12 acres of real property, and improvements therein, at such Center to the City of Dublin, California,

in exchange for the property described in subsection (b).

(b) CONSIDERATION.—In exchange for the property described in subsection (a), the Secretary shall obtain all right, title, and interest to 450 acres of real property, and improvements thereon, from the East Bay Regional Park District, County of Alameda, California, the fair market value of which is at least equal to the real property conveyed by the Secretary under subsection (a).

(c) LEGAL DESCRIPTION AND SURVEYS.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by the county, city, and park district.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances made under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2814. LAND CONVEYANCE, OKALOOSA COUNTY, FLORIDA.

Section 809(c) of the Military Construction Authorization Act, 1979 (Public Law 95-356; 92 Stat. 587), is amended by inserting the following before the period: "and a parcel containing a total of 42 acres".

SEC. 2815. LAND CONVEYANCE, ORANGE COUNTY, CALIFORNIA.

(a) TRANSFER.—Subject to subsections (b) through (d), the Secretary of the Navy may convey to Orange County, California, an easement for the construction and maintenance of flood control improvements by the County on approximately 32 acres of land at the northern end of Marine Corps Air Station, El Toro, along with any temporary rights needed to construct such improvements.

(b) CONSIDERATION.—(1) In partial consideration for the conveyance under subsection (a), the Secretary shall receive—

(1) approximately one and one-half acres of land adjacent to Marine Corps Air Station, Tustin, California; and

(2) flood control improvements to Marine Corps Air Station, El Toro.

(2) The county flood control improvements and any additional flood control improvements shall be constructed at no cost to the United States.

(c) SURVEYS.—The exact acreages and legal descriptions of the real property conveyed under this section shall be determined by surveys satisfactory to the Secretary. Such surveys shall be made at no cost to the United States.

(d) ADDITIONAL TERMS.—The Secretary may require additional terms and conditions in connection with the conveyances of real property under this section as the Secretary considers appropriate to protect the United States.

DIVISION C—OTHER NATIONAL DEFENSE AUTHORIZATIONS

TITLE I—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 3101. SHORT TITLE.

This title may be cited as the "Department of Energy National Security Authorization Act for Fiscal Year 1989".

PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

SEC. 3111. OPERATING EXPENSES.

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1989 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For weapons activities, $3,567,629,000, to be allocated as follows:

(A) For research and development, $1,052,546,000.

(B) For weapons testing, $524,238,000.

(C) For production and surveillance, $1,909,445,000.

(D) For nuclear directed energy weapons research, development, and testing, $252,254,000.

(E) For the defense inertial confinement fusion program, $155,530,000.

(F) For program direction, $81,400,000.

(2) For defense nuclear materials production, $1,572,772,000, to be allocated as follows:

(A) For uranium enrichment for naval reactors, $169,000,000.

(B) For other uranium enrichment, $0.00.

(C) For production reactor operations, $603,976,000.

(D) For processing of defense nuclear materials, including naval reactors fuel, $511,717,000, of which $72,300,000 shall be used for special isotope separation.

(E) For supporting services, $259,679.

(F) For program direction, $28,400,000.

(3) For environmental restoration and management of defense waste and transportation, $689,624,000, to be allocated as follows:

(A) For environmental restoration, $120,925,000. Such funds may also be used for plant and capital equipment.

(B) For waste operation and projects, $532,042,000.

(C) For waste research and development, $58,400,000.

(D) For hazardous waste process planning, $8,377,000.

(E) For transportation management, $9,720,000.

(F) For program direction, $3,100,000.

(4) For verification and control technology, $131,200,000.

(5) For nuclear materials safeguards and security technology development program, $75,400,000.

(6) For security investigations, $40,000,000.

(7) For naval reactors development, $555,400,000.

SEC. 3112. PLANT AND CAPITAL EQUIPMENT.

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1989 for plant and capital equipment (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For weapons activities:

Project 89-D-101, general plant projects, various locations, $26,500,000.

Project 89-D-121, general plant projects, various locations, $29,194,000.

Project 89-D-122, production waste storage facilities, Y-12 Plant, Oak Ridge, Tennessee, $2,000,000.

Project 89-D-125, plutonium recovery modification project, Rocky Flats Plant, Golden, Colorado, $18,000,000.

Project 89-D-126, environmental, safety, and health upgrade, Phase II, Mound Plant, Miamisburg, Ohio, $800,000.

Project 88-D-102, sanitary wastewater systems consolidation, Los Alamos National Laboratory, Los Alamos, New Mexico, $7,600,000.

Project 88-D-103, seismic upgrade, Building 111, Lawrence Livermore National Laboratory, Livermore, California, $5,400,000.

Project 88-D-104, safeguards and security upgrade, Phase II, Los Alamos National Laboratory, Los Alamos, New Mexico, $7,300,000.

Project 88-D-105, special nuclear materials research and development laboratory replacement, Los Alamos National Laboratory, Los Alamos, New Mexico, $22,000,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $72,352,000.

Project 88-D-122, facilities capability assurance program, various locations, $79,341,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, $7,500,000.

Project 88-D-124, fire protection upgrade, various locations, $6,500,000.

Project 88-D-125, high explosive machining facility, Pantex Plant, Amarillo, Texas, $13,000,000.

Project 88-D-126, personnel radiological monitoring laboratories, various locations, $5,000,000.

Project 87-D-104, safeguards and security enhancement, Phase II, Lawrence Livermore National Laboratory, Livermore, California, $8,500,000.

Project 87-D-122, short-range attack missile II (SRAM II) warhead production facilities, various locations, $26,000,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $12,000,000.

Project 86-D-104, strategic defenses facility, Sandia National Laboratories, Albuquerque, New Mexico, $3,237,000.

Project 86-D-123, environmental hazards elimination, various locations, $5,203,000.

Project 86-D-130, tritium loading facility replacement, Savannah River Plant, Aiken, South Carolina, $31,800,000.

Project 85-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase I, various locations, $6,800,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Nevada, $12,200,000.

Project 85-D-112, enriched uranium recovery improvements, Y-12 Plant, Oak Ridge, Tennessee, $1,281,000.

Project 84-D-124, environmental improvements, Y-12 Plant, Oak Ridge, Tennessee, $4,775,000.

Project 84-D-211, safeguards and site security upgrading, Y-12 Plant, Oak Ridge, Tennessee, $2,775,000.

(2) For materials production:

Project 89-D-140, additional separations safeguards, Savannah River, South Carolina, $5,300,000.

Project 89-D-141, M-area waste disposal, Savannah River, South Carolina, $3,600,000.

Project 89-D-142, reactor effluent cooling water thermal mitigation, Savannah River, South Carolina, $1,000,000.

Project 89-D-146, general plant projects, various locations, $35,260,000.

Project 89-D-148, improved reactor confinement system, design only, Savannah River, South Carolina, $2,000,000.

Project 88-D-153, additional reactor safeguards, Savannah River, South Carolina, $5,700,000.

Project 88-D-154, new production reactor, design only, site to be determined, $35,000,000.

Project 87-D-152, environmental protection plantwide, Savannah River, South Carolina, $2,224,000.

Project 87-D-159, environmental, health, and safety improvements, Phases I, II, and III, Feed Materials Production Center, Fernald, Ohio, $50,000,000.

Project 86-D-148, special isotope separation project, Idaho Falls, Idaho, $28,000,000.

Project 86-D-149, productivity retention program, Phases I, II, III, and IV, various locations, $72,140,000.

Project 86-D-152, reactor electrical distribution system, Savannah River, South Carolina, $6,000,000.

Project 86-D-156, plantwide safeguards systems, Savannah River, South Carolina, $12,800,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $65,000,000.

Project 84-D-134, safeguards and security improvements, plantwide, Savannah River, South Carolina, $11,584,000.

Project 82-D-124, restoration of production capabilities, Phases II, III, IV, and V, various locations, $5,879,000.

(3) For defense waste and environmental restoration:

Project 89-D-170, general plant projects, waste operations and projects, and waste research and development, various locations, $28,000,000.

Project 89-D-171, Idaho National Engineering Laboratory road renovation, Idaho, $4,000,000.

Project 89-D-172, Hanford environmental compliance, Richland, Washington, $12,000,000.

Project 89-D-173, tank farm ventilation upgrade, Richland, Washington, $1,800,000.

Project 89-D-174, replacement high level waste evaporator, Savannah River, South Carolina, $3,520,000.

Project 89-D-175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, $3,500,000.

Project 88-D-173, Hanford waste vitrification plant, Richland, Washington, $22,500,000.

Project 87-D-173, 242-A evaporator crystallizer upgrade, Richland, Washington, $1,944,000.

Project 87-D-177, test reactor area liquid radioactive waste cleanup system, Phase III, Idaho National Engineering Laboratory, Idaho, $911,000.

Project 87-D-180, burial ground expansion, Savannah River, South Carolina, $2,068,000.

Project 87-D-181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $6,371,000.

Project 86-D-175, Idaho National Engineering Laboratory security upgrade, Idaho, $2,084,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, $13,000,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $92,462,000.

(4) For naval reactors development:

Project 89-N-101, general plant projects, various locations, $7,000,000.

Project 89-N-102, heat transfer test facility, Knolls Atomic Power Laboratory, Niskayuna, New York, $2,800,000.

Project 89-N-103, advanced test reactor modifications, Test Reactor Area, Idaho National Engineering Laboratory, Idaho, $1,600,000.

Project 89-N-104, power system upgrade, Naval Reactors Facility, Idaho, $600,000.

Project 88-N-102, expended core facility receiving station, Naval Reactors Facility, Idaho, $5,900,000.

Project 88-N-103, material handling and storage modifications, Knolls Atomic Power Laboratory, Niskayuna, New York, $2,700,000.

Project 88-N-104, prototype availability facilities, Knolls Atomic Power Laboratory, Kesselring Site, West Milton, New York, $6,000,000.

(5) For capital equipment not related to construction:

(A) For weapons activities, $272,254,000, including $8,240,000 for the defense inertial confinement fusion program.

(B) For materials production, $102,500,000.

(C) For defense waste and environmental restoration, $52,716,000.

(D) For verification and control technology, $8,400,000.

(E) For nuclear safeguards and security, $4,800,000.

(F) For naval reactors development, $48,000,000.

SEC. 3113. FUNDING LIMITATIONS.

(a) PROGRAMS, PROJECTS, AND ACTIVITIES OF THE DEPARTMENT OF ENERGY RELATING TO THE STRATEGIC DEFENSE INITIATIVE.—Of the funds appropriated to the Department of Energy for fiscal year 1989 for operating expenses and plant and capital equipment, not more than $285,000,000 may be obligated or expended for programs, projects, and activities of the Department of Energy relating to the Strategic Defense Initiative.

(b) INERTIAL CONFINEMENT FUSION.—Of the funds appropriated to the Department of Energy for fiscal year 1989 for operating expenses and plant and capital equipment, not less than $163,770,000 shall be obligated or expended for the defense inertial confinement fusion program.

(c) SRAM II.—Funds appropriated to the Department of Energy for fiscal year 1989 for facilities for production of the warhead for the short-range attack missile II (SRAM II) (project 87-D-122) may be obligated only—

(1) for facilities which are suitable for production of a warhead compatible with both the SRAM-A and the SRAM II; and

(2) after the Nuclear Weapons Council certifies that the design of the warhead is compatible with both the SRAM-A and the SRAM II.

(d) NEW PRODUCTION REACTOR.—(1) Funds appropriated to the Department of Energy for fiscal years 1988 and 1989 for the design of a new production reactor (project 88-D-154) may be obligated or expended—

(A) only for a design that meets the requirements described in paragraph (2);

(B) only after the Secretary of Energy makes the certification required by paragraph (3); and

(C) only after the report described in paragraph (4) has been available to the committees named in that paragraph for at least 30 days.

(2) The technology selected and the design for the new production reactor shall—

(A) provide the highest levels of environmental protection and of safety for plant and operating personnel;

(B) meet or exceed current Nuclear Regulatory Commission safety requirements for commercial nuclear facilities; and

(C) provide, to the maximum extent feasible, passive safety inherent in the design, operability, productivity, minimum life-cycle costs, minimum investment costs, and maximum return on investment.

(3) The Secretary of Energy, in consultation with the Nuclear Regulatory Commission and such other experts as the Secretary considers appropriate, shall certify that the design of the reactor will meet the requirement specified in paragraph (2)(A).

(4) The Secretary of Energy shall submit to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a report describing the technology to be applied in the new production reactor, the basis for the selection of the technology, and the compatibility of the technology with the requirements described in paragraph (2).

PART B—RECURRING GENERAL PROVISIONS

SEC. 3121. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may be taken after a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and Appropriations of the Senate and House of Representatives of notice from the Secretary of Energy (in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(b) Limitation on Amount Obligated.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) In General.—The Secretary may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $1,200,000.

(b) Report to Congress.—If at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the Committees on Armed Services and Appropriations of the Senate and House of Representatives explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) In General.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3112 of this title, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to the Congress.

(2) An action described in paragraph (1) may be taken after a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and Appropriations of the Senate and House of Representatives of notice from the Secretary of Energy (in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(b) Exception.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) In General.—Funds appropriated pursuant to this title may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

(b) Specific Transfer.—The Secretary of Defense may transfer to the Secretary of Energy not more than $100,000,000 of the funds appropriated for fiscal year 1989 to the Department of Defense for research, development, test, and evaluation for the Defense Agencies for the performance of work on the Strategic Defense Initiative. Funds so transferred—

(1) may be used only for research, development, and testing for nuclear directed energy weapons, including plant and capital equipment related thereto;

(2) shall be merged with the appropriations of the Department of Energy; and

(3) may not be included in calculating the amount of funds obligated or expended for purposes of the funding limitation in section 3113(a).

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) In General.—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In any case in which the total estimated cost for such planning and design exceeds $300,000, the Secretary shall notify the Committees on Armed Services and Appropriations of the Senate and House of Representatives in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) Specific Authority Required.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN.

In addition to the advance planning and construction design authorized by section 3112, the Secretary may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses or for plant and capital equipment may remain available until expended.

Part C—Miscellaneous Provisions

SEC. 3131. REVIEW OF THE INERTIAL CONFINEMENT FUSION PROGRAM.

(a) Establishment.—(1) Within 30 days after the date of the enactment of this Act, the Secretary of Energy shall establish a review body to be known as the Program Review Group on Inertial Confinement Fusion (hereinafter in this section referred to as the "Review Group").

(2) It shall be the function of the group to review thoroughly the accomplishments, management, goals, and anticipated contributions of the defense inertial confinement fusion program.

(3) The Secretary of Energy shall appoint to serve on the Review Group only persons who, because of recent training and experience in the scientific disciplines associated with the development and testing of nuclear weapons, are most qualified to make findings of fact and recommendations to the Congress and the President concerning that program.

(b) Report.—The Review Group shall submit to the Secretary and the Committee on Appropriations and on Armed Services of the Senate and House of Representatives written reports containing the results of its review, together with such recommendations regarding priorities for future work in the inertial confinement fusion program as it determines appropriate, as follows:

(1) An interim report shall be submitted before January 15, 1990.

(2) A final report shall be submitted before September 15, 1990.

(c) Termination.—Upon the submission of its final report, the Review Group shall cease to exist.

SEC. 3132. MEMBERSHIP OF NUCLEAR WEAPONS COUNCIL.

Section 179(a) of title 10, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) The Under Secretary of Defense for Acquisition.".

TITLE II—NATIONAL DEFENSE STOCKPILE

SEC. 3201. AUTHORIZED DISPOSALS.

(a) Authority.—Notwithstanding section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(b)) but subject to section 3202, the President may during fiscal year 1989 dispose of materials in the National Defense Stockpile in accordance with this section. The value of the materials disposed of may not exceed $180,000,000 and may only be made from the list in subsection (b).

(b) Materials Authorized To Be Disposed.—Any disposal pursuant to the authority in subsection (a) shall be made from the following materials in the National Defense Stockpile, such materials having been determined to be excess to stockpile requirements:

Material	*Quantities*
Asbestos, chrysotile	*7,710 short tons*
Diamond, industrial, stones.	*540,000 carats*
Iodine	*772,000 pounds*
Manganese dioxide, battery grade.	*15,000 short dry tons*
Manganese ore, metallurgical grade.	*292,000 short dry tons*
Mercury	*5,000 flasks*
Mica, muscovite film	*15,000 pounds*
Silicon Carbide	*10,000 short tons*
Silver (all programs)	*13,000,000 troy ounces*
Thorium nitrate	*50,000 pounds*
Tin	*7,300 metric tons*

Material	*Quantities*
Tungsten ores & concentrates.	*450,000 pounds of contained tungsten*
Vegetable tannins, chestnut.	*3,500 long tons*
Vegetable tannins, quebracho.	*8,000 long tons*

SEC. 3202. CONDITIONS ON DISPOSALS.

(a) RECEIPTS REQUIRED DURING FY 89.—Any disposal authorized by section 3201 shall be carried out in such a manner as to ensure that payment for the full amount due the United States for the materials disposed of is received by the United States during fiscal year 1989.

(b) REQUIRED MATERIAL UPGRADING.—During fiscal year 1989, the President shall obligate $20,000,000 in funds in the National Defense Stockpile Transaction Fund to carry out a pilot program for the upgrade of materials in the National Defense Stockpile as follows:

(1) $10,000,000 shall be obligated to upgrade bauxite to aluminum.

(2) $5,000,000 shall be obligated to upgrade cobalt.

(3) $5,000,000 shall be obligated to upgrade nickel.

(c) REQUIRED ACQUISITIONS.—During fiscal year 1989, the President shall obligate $160,000,000 in funds in the National Defense Stockpile Transaction Fund to acquire strategic and critical materials for the National Defense Stockpile in accordance with this subsection. The materials which may be acquired, and the maximum quantity in which any such material may be acquired, are as follows:

Material	*Quantities*
Platinum	*50,000 troy ounces*
Palladium	*50,000 troy ounces*
Germanium	*10,000 kilograms*
Chrome metal, high purity.	*3,000 short tons*
Nickel, high purity	*5,000 short tons*
Titanium sponge	*5,000 short tons*
Bauxite, metal grade, Jamaican type.	*400,000 long dry tons*

(d) OUTLAY LIMITATION.—Subsections (b) and (c) shall be carried out so as to ensure that of the funds obligated under those subsections, the amount expended during fiscal year 1989 does not exceed $90,000,000. The remainder of those funds shall be expended during fiscal year 1990.

TITLE III—CIVIL DEFENSE

SEC. 3301. AUTHORIZATION OF APPROPRIATION.

There is hereby authorized to be appropriated $160,393,000 for fiscal year 1989 for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.).

> Amend the title so as to read: "A bill to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.".

The CHAIRMAN. No amendments to said substitute, as modified and as amended, are in order except amendments designated in House Report 100-579. Said amendments shall be considered only in the order and manner specified and shall be considered as having been read. Debate time specified for each amendment shall be equally divided and controlled by the proponent of the amendment and a Member opposed thereto.

No amendments, except for amendments printed in section 3 of House Report 100-579, are subject to amendment—except as specified in House Resolution 435 or House Report 100-579—or to a demand for a division of the question. Debate on any amendment offered to amendments designated in section 3 of House Report 100-579 is limited to 10 minutes, equally divided and controlled by the proponent of the amendment and a Member opposed thereto. Any amendment under consideration when the Committee of the Whole rises on a legislative day shall be completed when the Committee of the Whole next resumes its sitting on H.R. 4264.

Pro forma amendments for the purpose of debate shall be in order only if offered by the chairman or ranking minority member of the Committee on Armed Services, and any general debate specified in House Resolution 435 shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

It is now in order to consider the amendment printed in section 1 of House Report 100-579, relating to naming a submarine for the late Honorable Melvin Price.

AMENDMENT OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ASPIN: At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 394. NAMING OF TRIDENT SUBMARINE AS U.S.S. MELVIN PRICE.

It is the sense of Congress that the Secretary of the Navy should name the next Trident ballistic missile submarine to be named after the enactment of this Act as the U.S.S. Melvin Price.

The CHAIRMAN. Under the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Chairman, I rise to compliment and commend the distinguished chairman of the House Armed Services Committee, Honorable LES ASPIN, and the ranking minority member of the committee, Honorable BILL DICKINSON, for bringing to the floor of the House of Representatives this amendment to the Department of Defense authorization bill for fiscal year 1989, to express the sense of Congress that the next Trident ballistic missile submarine deployed after the enactment of this legislation should be named the U.S.S. *Melvin Price.*

It is truly fitting to name this submarine in honor of Mel Price, because of his life-long service to our country, and his numerous contributions to improving the strength and readiness of our defense forces.

Mel was my close and dear friend for more than 44 years, and I have personally witnessed the tremendous modernization of our military forces which has been achieved under his able leadership and vision.

Mel Price served in the U.S. Army, and in fact, was in the service at the time he was first elected to Congress in 1944. His years of service in the military gave him a unique awareness of the problems and challenges which confront our men and women in uniform.

During the 44 years Mel served in the House of Representatives, he gained the respect and admiration of his colleagues for his expertise on defense matters. He served as chairman of the House Armed Services Committee for 10 years, and was the current chairman of the Subcommittee on Research and Development, overseeing the development of new weapons systems. Also, he was an original member of the Joint Committee on Atomic Energy from 1946 until it disbanded in 1977, and helped to write the Price-Anderson Act which established the basis for the first regulations of the nuclear power industry.

Mr. Chairman, Mel Price dedicated his life to public service, and he has left a lasting imprint on the Armed Forces of the United States. Therefore, as one of the sponsors of this amendment which recognizes the tremendous contributions of a great American to the defense of our Nation, I urge my colleagues in the House of Representatives to extend their bipartisan support and vote "aye."

Mr. GRAY of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ANNUNZIO. Mr. Chairman, I am happy to yield to my colleague, the gentleman from Illinois.

Mr. GRAY of Illinois. Mr. Chairman, I want to thank my dear friend from Illinois, Mr. ANNUNZIO, for taking this time to announce the pending vote on naming a nuclear submarine and associate myself with everything said about our dear friend, Mel Price.

Mr. Chairman, what a great American, what a great public servant. Sixty years of distinguished service, a member of the St. Clair, IL, county board, a member of the Armed Forces, 10 years as a top aide to a Congressman, and 44 years as an outstanding chairman and Member of this body.

Mr. Chairman, yesterday our beloved Speaker, JIM WRIGHT, delivered a beautiful eulogy at the funeral for Mel in Belleville, IL. I was privileged to speak along with our senior Senator ALAN DIXON. The mass and the music were simply beautiful.

I urge all my colleagues to vote in favor of this fitting memorial to our dear friend of 44 years, Mel Price. Thank you.

□ 1105

Mr. DICKINSON. Mr. Chairman, I ask that I be given the 15 minutes allotted to this side.

The CHAIRMAN. The gentleman from Alabama [Mr. DICKINSON] is recognized for 15 minutes.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in very strong support of this amendment to express the sense of Congress that the next Trident submarine should be named for our late distinguished colleague, Melvin Price.

I can think of no more fitting tribute to a man who dedicated most of his life to ensuring a strong defense for his country. The Trident submarine is a cornerstone of the strategic deterrent that has performed so well over these past 40 years in preventing war and keeping the peace. This is what Mel Price worked so hard for, so long to achieve.

Mel, of course, played a key role in the development of the nuclear-powered ships and submarines the Navy now sails around the world. As both a member and then chairman of the Joint Committee on Atomic Energy Mel Price worked diligently to see to it not only that our Navy was brought into the nuclear age, but that it was done in a safe and prudent manner.

As the first chairman of the Research and Development Subcommittee of the Armed Services Committee, Mel continued to monitor and advance the state of the art of the nuclear Navy. In his tenure he saw the development and deployment of many classes of nuclear submarines and surface vessels, including the latest generation of nuclear attack submarines and, of course, the Trident submarine.

Mr. Chairman, Trident submarines are now on patrol 24 hours a day, 365 days a year. They, like their nuclear-power sister ships that preceded them, have a perfect record of safety and achievement. They are virtually undetectable by an adversary, and so provide the backbone of our survivable nuclear deterrent. That these ships are as safe, reliable, and effective as they are is a lasting tribute to the efforts of Mel Price over these many years.

That one of them should bear his name is only fitting and proper. I urge my colleagues to join me in supporting this amendment.

Mr. Chairman, as a ranking member of the full committee as well as the ranking member of the Subcommittee on Research and Development of the Committee on Armed Services, I have sat shoulder to shoulder, cheek by jowl with Mel for many years. We have traveled many thousands of miles together in the interests of the Committee on Armed Services and the defense posture of this Nation.

With this passing, I lost a very valued and close personal friend, and from my position of working with him, I have been able to observe his keen intellect and his undying and unflagging efforts on behalf of this country, especially as it relates to nuclear energy and nuclear propulsion of our naval vessels. For this reason, I think it is doubly apt and appropriate that we name the next Trident submarine to come down the ways for this strong proponent of nuclear propulsion and a strong American, and I certainly enthusiastically support this amendment and urge all of my colleagues to do the same.

Mr. Chairman, I reserve the balance of my time.

Mr. ASPIN. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I rise in very strong support of the amendment to name the next Trident submarine for our late colleague, Melvin Price.

The Trident submarine represents the culmination of decades of effort to provide a highly survivable and effective strategic deterrent. The Trident is unsurpassed by any submarine in the world for its stealthiness and, if need be, its lethality. That the Trident is as fine a system as it is, can be directly attributed to the untiring work of our friend, Mel Price.

Congress has authorized 15 of these ships to date. The 16th would be authorized by the committee-reported bill. Eight Tridents are on patrol today, and the ninth, the U.S.S. *Tennessee,* will join the fleet this fall. *Tennessee* will be the first Trident equipped to carry the Trident II missile. This new missile will enable the Trident submarine to reach its full potential as a strategic deterrent system.

Most of the Tridents have been named for States, just as our battleships were many years ago. But the Navy has always been willing to make exceptions to its ship naming conventions for very special people. Four nuclear attack submarines have been named for Members of Congress. So, too, has a nuclear-powered aircraft carrier. The continuing resolution for this year expressed the sense of Congerss that an aircraft carrier should be named for Senator STENNIS. And there is currently on patrol a Trident submarine named for the late Senator from Washington, Henry Jackson.

Mr. Chairman, there would be no more fitting tribute to a man who spent his life in service to the security of this Nation, especially its nuclear Navy, than to name the next Trident submarine for Mel Price. The Navy operates over 170 nuclear reactors at sea every day, and has a safety record in doing so that is unsurpassed by any nation in the world. One of the main reasons why this is so is because of the untiring efforts of Mel Price through his years of service on the Joint Committee on Atomic Energy and the Armed Services Committee.

I urge my colleagues to join with me in this most fitting tribute to a patron of a strong and safe nuclear Navy.

Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, it has been my privilege to serve as chairman of the Subcommittee on Seapower and Strategic and Critical Materials of the Committee on Armed Services and, therefore, the building of the Trident submarine is something that I have put some energy into.

It is particularly appropriate that this new submarine, a Trident, will be named for Mel Price, particularly appropriate because he had so much to do with strengthening the ability of our national defense through nuclear submarines, particularly appropriate because he was chairman of the Joint Committee on Atomic Energy which had to do with all of the strengthening of our country with atomic power, particularly appropriate because of the fact that he was chairman of the Committee on Armed Services for many years.

Before I conclude my remarks, I would like to say something about the character of Mel Price. Mel Price was a man who, though manly in every respect, was a kind and sweet man. He was a man that I never heard ever say anything negative, nasty, mean, bitter, incising at anybody, though many times he had opportunities to do that. I never saw him take an untoward advantage over anyone.

I guess the most touching thing yesterday when I was at his funeral was to hear Bill, his son's letter read. I was present when Bill was born, and I had him in my arms when he was only hours old, and Bill is now an officer of the Air Force, and he said in this letter to someone that every night his dad knelt, despite his very crippling and painful arthritis, and prayed to the Lord every night. That is really touching. That is an intimate part of this man's life.

You can see the effect that it had on his life, because he was a God-like man. He was a man who thought about things in their ultimate rightness and wrongness.

He did not think about himself as to whether he was going to be a great guy or anything, no ostentation about him, no puffery, no feeling of being on an avalanche about to go over the edge of the cliff or something, all of it composed, trying to think of the strengths of our national defense and our country.

I would say here is a man who came from the beautiful hills of Illinois to this great institution, the Congress of the United States, and never became touched by it in the sense that he felt he was better than anyone else. He was everybody's friend. He helped the little people with their problems. He never even conceived of himself as being something grand or a great potentate because he was chairman of the Committee on Armed Services. All that stuff rolled off his back.

When he was talking to people about problems they had, here on the floor of the House or problems back home or whatever they may be, it was all done in a very human, very down-to-earth tone, and so I feel myself that it is a great honor to give this to Mel Price. He deserves every bit of it.

The real great thing about Mel Price is the fact that despite all of the wonderful things that happened to him, because of his merit he never was touched by it or affected by it. He kept on being just the simple God-given man that he was. So we have all been enriched by his life.

I think this is a very fitting tribute to name this submarine for him.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I am told that one of the last pieces of information Mel Price was given at Andrews Air Force Base last week was that there was an amendment being offered by the gentleman from Wisconsin [Mr. ASPIN], and the gentleman from Alabama [Mr. DICKINSON], and the gentleman from Illinois [Mr. ANNUNZIO] to name a Trident submarine the U.S.S. *Melvin Price.*

In talking to people who were in the hospital, Mel Price did understand and did appreciate and had a smile on his face that this amendment would move forward.

I talked to Mrs. Price a couple of days before the funeral about the possibility that Mel Price because of his military record and his service on the Committee on Armed Services was eligible to be buried in Arlington Cemetary. She thought about it but she and her son wanted him to be buried in southern Illinois, which I can certainly understand.

I think this amendment is in order, that we recognize Mel Price for what he has done for our country, and I certainly support this legislation.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, all of us from Illinois are very proud of Mel Price's long service to his country, to this Congress and to his party.

In the accolades and eulogies being paid him, something has been overlooked, and I can understand why. But I do not want to mention it.

In his final years in Congress, he was deposed as chairman of the Committee on Armed Services, and never were the qualities of Mel Price more evident than the grace with which he took that disappointment. He proved himself to be a thoroughbred in every sense of the word, a gentleman in every sense of the word, because the definition of gentleman is grace under pressure. He soared in the opinions of many of his colleagues because of the way in which that disappointment, small though it was in the grand scheme of things, touched him.

He showed us by his example what a real Congressman ought to be, and I will always treasure the years I knew him as will those who had that pleasure, too.

I am delighted we are naming a Trident submarine after him, and I hope when it wears out we will name a second one.

Mr. DICKINSON. Mr. Chairman, I have no further requests for time.

Mr. ASPIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have no further requests for time.

I would like to announce at this point that we cannot ask for a general leave for people to revise and extend until we get back into the House, but it is my intention to ask for general leave. If other Members would have comments that they would like to insert at this point in the RECORD, there will be the opportunity to do that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. ASPIN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ASPIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 407, noes 0, answered "present" 2, not voting 22, as follows:

[Roll No. 69]

AYES—407

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bates
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (TX)
Collins
Combest
Conyers
Cooper
Coughlin
Courter
Coyne
Crane
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
MacKay
Madigan
Manton
Marlenee
Martin (IL)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rangel
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino

Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Bateman
Bereuter

NOT VOTING—22

Biaggi
Boulter
Coleman (MO)
Conte
Craig
Duncan
Emerson
Guarini
Ireland
Kemp
Latta
Mack
Markey
Martin (NY)
Mica
Rahall
Ray
Richardson
Spence
Stokes
Tauzin
Wortley

☐ 1139

Mr. CLAY changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

☐ 1140

PERSONAL EXPLANATION

Mr. CONTE. Mr. Chairman, I missed the last rollcall. Had I been present, I would have voted "aye."

The CHAIRMAN pro tempore (Mr. Gray of Illinois). It is now in order to debate the subject matter of the ABM Treaty.

Pursuant to the rule, the gentleman from Wisconsin [Mr. Aspin] will be recognized for 15 minutes and the gentleman from Alabama [Mr. Dickinson] will be recognized for 15 minutes.

The Chair recognize the gentleman from Wisconsin [Mr. Aspin].

Mr. ASPIN. Mr. Chairman, I would like to get clarification from the Chair. We have 15 minutes on our side, and the gentleman from Alabama [Mr. Dickinson] has 15 minutes.

The CHAIRMAN pro tempore. The gentleman from Wisconsin is absolutely correct.

Mr. ASPIN. Mr. Chairman, I would like to explain a little bit about the amendment.

The ABM Treaty is a very important subject. What we are doing in this bill is the limitations on the SDI testing related to the narrow interpretation of the ABM Treaty, and let me explain what we are doing here because this is little different than the bill we had on the floor last year.

Last year in the House Armed Services Committee bill that came on the floor, there was language that said that no money in this bill shall be spent for anything other than any test, SDI test, that does not conform to the narrow interpretation of the ABM Treaty. In the conference with the Senate and worked out with the administration, what we did was to say that we drop all language to the ABM Treaty entirely. We dropped any language about broad versus narrow. What we said was that the administration had presented a plan for the tests that they were going to conduct in fiscal year 1988, and we authorized the conducting of those tests, and we agreed with those tests. We in the bill were authorizing money for those tests. What it did was in fact conform to the narrow interpretation of ABM without saying that it was conforming to the narrow interpretation because in fact the administration had no plans in fiscal year 1988 to conduct any test that was inconsistent with the narrow interpretation of ABM.

Mr. Chairman, we find ourselves in a similar position here today. The administration has no plans to conduct in fiscal year 1989 any test that is inconsistent with the narrow interpretation of ABM. Therefore, it seems to me that this issue is moot. I would have liked to have offered in the full committee language that says we approve and authorize in this bill the testing program that the administration says they are going to conduct. Their report an SDI was not up. We did not have the kind of documentation at that time that would have permitted us to offer the amendment that I am offering today.

The amendment that I am offering today is effect says that we are authorizing the expenditure of funds consistent with the program that the administration has laid out, the SDI testing program that the administration has laid out. It does not, therefore, refer to the ABM Treaty in any way, shape or form. It does not talk about narrow, it does not talk about broad, but what we are saying here is that the administration had laid out a particular set of SDI tests, and we are approving that set of tests.

☐ 1145

Mr. DICKINSON. Mr. Chairman, I yield such time as he may consume to the very distinguished gentleman from Michigan [Mr. Broomfield].

Mr. BROOMFIELD. Mr. Chairman, as we begin debate on four consecutive arms control amendments to the Defense Department authorization bill, I challenge my colleagues to reassess your historical arguments on arms control and ask yourself what do the American people expect of you.

In the early 1980's we had a much different arms control debate than we do today. Many of our colleagues argued emotionally that, this administration, this President—Ronald Reagan—was incapable of arms control.

Others among us believed just the opposite. We believed the President was committed to arms control, but arms control based upon "peace through strength."

This development produced a split in Congress between believers and nonbelievers. What then emerged in the mid-1980's was a holy war of arms control. Arms control crusaders mounted their offensive against the President, attacking him relentlessly for his supposed failure to engage in meaningful arms control with the Soviet Union.

First came the nuclear freeze resolutions in 1982, 1983, and 1984. Then came the nuclear testing moratorium in 1985. Adherence to SALT II, the ABM Treaty and Asat moratoriums soon followed. While the nuclear freeze was eventually defeated—SALT II, ABM, nuclear testing and Asat remained, and their supporters pressed a besieged administration.

What has the President done as his administration struggled to defend itself from the onslaught of the arms control crusaders? He did the unthinkable, the unbelievable. He began to engage the Soviets on a wide variety of meaningful arms control negotiations and issues.

From 1986 on, United States-Soviet arms control efforts began to gain momentum across a variety of fronts. Today our Nation, our Government, our President, is involved in negotiations on strategic offensive systems, chemical weapons, conventional forces, space and defensive issues, and nuclear testing.

In this same period our Government and our President signed the INF agreement, as well an agreement on security and confidence building measures in Europe. Our negotiators in Geneva are now at this very moment working at a frenzied pace on a possible START agreement.

This turn of events has had a traumatic effect on the arms control crusaders. The fundamental tenet upon which they built their attack has been proven untrue!

President Reagan is committed to arms control and he has proved it convincingly. Don't you agree?

One would think that the arms control observers would breathe a sigh of relief, and if not converted, they would at least halt their onslaught while the

President pursued his negotiations with the Soviet Union.

Such has not been the case. Oblivious to these events, many of these true believers have been unable to recognize these new realities. Sometimes I think that they have become so intertwined with their own issues, they are unable to abandon them when they become irrelevant, even counterproductive to our Nation's security.

This is where we find ourselves today. Some of the amendments being offered today are 3 years old. The gentleman from Washington wants to force the United States to adhere to the SALT II sublimits—a treaty long since expired, never ratified, and repeatedly violated by the Soviet Union.

Tomorrow morning a fourth generation ban on Asat systems will be offered. Also, Mr. GEPHARDT, with our colleagues MARKEY, DOWNEY, and SCHROEDER in the wings, will offer a 2-year-old amendment banning all but the very smallest nuclear tests.

Why are we doing this to ourselves? Does this contribute to our Nation's security? Or is it simply an opportunity to bash an old foe, President Reagan. Is this worthy of your vote today?

I would like to stress that a vote for these amendments can no longer be seen as a vote for arms control. Voting against these amendments is now a simple statement of support for arms control properly negotiated—not by Congress—but by the President.

Let me make on final point. I have now been in Congress for over 30 years. I think my colleagues who know me well would agree that I have always been a straight shooter willing to be bipartisan whenever I could.

As you all know I had three amendments to the ABM Treaty language offered by Mr. ASPIN, the SALT II language nuclear testing amendment. My amendments weren't very tricky. They weren't antiarms control. They merely stated support for the current arms control negotiations in Geneva by our government. In other words they gave Members a simple choice supporting the President's arms control efforts. The majority amendments endorse an out of date, highly political arms control agenda.

Unfortunately for all of us, the arms control crusaders among us feel threatened by my amendments. As a result, the rule under which we are debating this bill established a procedure for all of the arms control amendments which would make offering mine a meaningless exercise.

That is a sad commentary on my colleagues who say they support arms control.

Mr. Chairman, the fact is, today's ABM and SALT II amendments have long since been overtaken by events. It's time to put them out of their misery.

Let us all support genuine, bipartisan arms control as espoused by our President, not the political pet rocks that we have before us now.

Mr. ASPIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to engage in a little bit of dialog with the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. I would be happy to.

Mr. ASPIN. I understand what the gentleman is saying about the SALT II amendment and the Asat amendment and the nuclear testing amendment. The amendment we are dealing with right here is, of course, the issue of the ABM Treaty.

I would like to question the gentleman's opposition to this amendment. As I say, I try to word this amendment in an inoffensive way. All we are saying in this is that we approve of the testing program that the administration has laid out before our committee and before the Senate as to what they want to do. We are just saying that we agree with that. That is all we are saying in this amendment.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I am happy the chairman of the Armed Services Committee asked this question. In response to the gentleman from Wisconsin, I would like to remind my colleagues that the administration has formally certified in the arms control impact statements as well as the report for Congress on the strategic defense initiative that the SDI Program is in full compliance with the legal obligations of the United States under the ABM Treaty.

Most importantly, the Aspin amendment is simply another one-sided attempt to compel the United States to selectively adhere to the narrow interpretation of the 1972 ABM Treaty without any attempt to address the current violations of this same treaty by the Soviet Union.

At this time the Soviet Union has the world's only operational ballistic missile defense system and it has had, for over a decade, an operational antisatellite system. The Soviets have continued to upgrade their present strategic defenses and are currently pursuing a robust research and development program for a national strategic defense system. Furthermore, the Soviets may be laying the ground work to break-out of the ABM Treaty, which they are presently violating and that includes the Krasnoyarsk radar in Siberia. Overall, the effect of the Aspin amendment would be to ensure an unequal standard of compliance with treaties signed with the Soviet Union and to convince the Soviet Union that concessions can be expected from the Congress beyond those agreements negotiated in Geneva.

The United States and Soviet negotiating teams on defense and space issues have been instructed by President Reagan and General Secretary Gorbachev to work toward a defense and space agreement. On January 15, 1988, the Soviets tabled a proposed defense and space agreement in the form of a protocol to the START Agreement. On January 22, 1988, in Geneva, the United States presented a defense and space treaty draft which sought to build upon elements of agreement reached at the Washington summit. Finally, the Soviets recently responded by proposing a new draft treaty on space arms at the ministerial meetings in Moscow.

I believe that there is no reason to believe that a defense and space treaty cannot be developed in Geneva as both sides have been directed to do. The next step is to merge United States and Soviets draft texts into a single draft text as was done during the negotiation of the INF Treaty, which this House has unconditionally supported. Such efforts can form the basis for further discussions on unresolved issues over the next several months both in Geneva and at the Moscow summit.

No legislative policy of selective adherence to a treaty should be a substitute for agreements the United States is pursuing with the Soviet Union in Geneva. In short, we should not encourage the Soviet Union to expect unilateral concessions from the Congress beyond those concessions mutually agreed upon in the Geneva negotiations. By passing this amendment, I believe that we complicate the Geneva process by removing a certain amount of diplomatic leverage which can be exerted at the negotiating table not only in regard to the achievement of Soviet compliance with the ABM Treaty but also in relation to the attainment of a new and meaningful agreement on defense and space issues.

For these important reasons, I urge my colleagues to oppose the Aspin amendment.

Mr. ASPIN. Well, I would say to the gentleman, we are not doing anything about the negotiation process. All we are saying is that the administration came over at the beginning of this year and laid out what tests they planned to do under SDI. We are saying, "OK. We have looked it over. We have no problems with those tests. We are authorizing those tests."

We are not saying anything about the ABM Treaty. We are not saying anything about narrow interpretation or anything about broad interpretation. We are just saying we approve of the administration's request.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I was yielding to the gentleman from Michigan, but I will yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I would like to say to the distinguished chairman, I think this is significant, because this position is the ABM amendment that was offered by the chairman initially in committee and he deleted it in committee. It is interpreted by the Soviet Union as being a restraint that has been posed by this Congress to the President.

I think one event has happened that makes this absolutely wrong with regard to our position vis-a-vis the Soviet Union. We voted last year unanimously in the House of Representatives that the Soviet Union is violating the ABM Treaty.

Mr. ASPIN. Well, if I could take back my time, we are not saying anything in my amendment about the ABM Treaty. We are saying that for the request that the administration has sent over, we are approving it. We are saying, "OK. We have looked at that. We have no objection to those tests. We are approving it."

It is certainly no more than saying what we are doing is limiting the program. The administration is making a request for ships and planes and tanks and we saying OK, this is what we approved.

Mr. HUNTER. Mr. Chairman, will the gentleman yield further?

Mr. ASPIN. I yield to the gentleman from California.

Mr. HUNTER. The administration did not offer any programs this year that fit within the broad interpretation of ABM Treaty, so what the gentleman is really saying is that these programs are appropriate this year.

Mr. ASPIN. All I am saying, it is a moot issue.

Mr. HUNTER. I understand, but we are saying that we think these programs by the administration being in the narrow interpretation of ABM Treaty are appropriate this year.

The message that still goes to Moscow is that Congress is commenting on the interpretation of the ABM Treaty. They are going to interpret this as a narrow ABM Treaty.

Mr. ASPIN. Well, they have no reason to do it. It was an adequate compromise last year. It seems to me it is an adequate compromise this year.

Mr. HUNTER. Then why is the chairman offering it?

Mr. ASPIN. Because it was the compromise from last year. We have a number of people on our side who believe that we ought to have language in there that says that nothing in this bill shall be other than the narrow interpretation of ABM Treaty.

The people on your side of the aisle believe that is wrong, that in fact what we ought to do is have Congress go on record as saying that Congress is in favor of the broad interpretation of ABM Treaty.

What I am doing in this amendment is in effect offering the compromise from last year which in effect does not say one way or the other about the ABM Treaty, because in effect the issue is not addressed in this bill.

The administration does not have a request for any broad interpretation tests in fiscal year 1989. That draws the issue. So therefore I am saying the best way to do it is to put the issue by approving the amendment that I am offering.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Ohio.

Mr. KASICH. The chairman knows that this was an agreement not to disagree at this point between the administration and the Congress. The administration knows it cannot push a broad interpretation through, so it wanted to see how things were going to develop politically in the Congress.

You Members are in the same position. You cannot pass anything through that institutes a narrow interpretation of the treaty, or the President will veto it; so the deal was the administration will not conduct any tests that go beyond the strict interpretation.

Now, by putting language in here, Mr. Chairman, what the gentleman is in essence doing is saying that we are establishing a precedent that Congress is clearly sending a message that we today believe we ought to stay within the strict interpretation of the treaty.

I am saying that is not an act of good faith to this administration.

Mr. ASPIN. I would point out to the gentleman that the language in this amendment lasts for 1 year. It is fiscal year 1989 money.

The limitation says we approve the SDI testing laid out by the administration applies only to 1 year. All of us understand that we are kicking the can down the road and that eventually, depending on who gets elected in the fall, and what they want to do with narrow versus broad interpretations and other things. We are not saying that this issue amendment settles it forever. All we are saying is that, like in 1987 it settled it for 1988, we are proposing that we settle it this year for 1989 in the same way.

Mr. KASICH. But let me ask the chairman, what is the need to offer this language, if the test program submitted by the administration stays clearly within the strict interpretation?

□ 1200

Mr. ASPIN. Otherwise we would have an amendment on this side that would explicitly mention the ABM and have a narrow interpretation, and we would end up back in conference back where this thing is all together. In other words, what I am saying is we can short-circuit the process by passing the compromise originally that is what I was trying to do and I am a little concerned as to why my colleagues do not like it.

Mr. KASICH. If the gentleman would continue to yield, what the chairman would say is that this is his effort to not pass judgment on a strict or broad interpretation of the treaty.

Mr. ASPIN. Because I anticipate this is an issue that will be decided not this year, but by the election that will take place in November and what the next administration wants to do, and at some point whether between now and then something is worked out in START. There are a lot of things that could happen and will happen between now and when we address the issue again next year. There will be a chance to sign a START Agreement. There will be a new administration. There will be a new Secretary of Defense. The world will be different a year from now when we meet here to discuss the bill.

All I am saying is that there is no reason to fall on our swords.

I would like to agree with the gentleman on your side of the aisle that it is probably not a very good idea to pass on the floor of the House of Representatives right now, which I think there are the votes to do, language saying that we will abide by the narrow interpretation of the treaty.

Mr. KASICH. There will not be an attempt to pass that on the floor because it will be vetoed.

Mr. ASPIN. I agree with the gentleman on that but I have no doubt if that amendment were offered the votes are here on the floor to pass it.

I am trying to help a little bit by offering the compromise up front and I am a little disturbed that my colleagues on your side are not conceding the opportunity that I am offering.

Mr. KASICH. If the gentleman would continue to yield, I would certainly like to compliment the chairman for his very balanced approach in trying to forestall the offering of an amendment that permanently locks in this House to saying we are under a strict interpretation. I also have to say to the chairman that he must understand that we feel strongly that this House should not go on record at any point in time saying that we have a strict interpretation of the treaty that the negotiators say we never had. I appreciate the gentleman from Wisconsin's moderate approach to this.

Mr. ASPIN. If the gentleman from Michigan [Mr. BROOMFIELD] and the gentleman from Ohio [Mr. KASICH] and the gentleman from California [Mr. HUNTER] would only understand that I am trying to help them, I am doing my very best to help them.

Mr. BROOMFIELD. I know that.

Mr. ASPIN. The gentleman from Ohio [Mr. KASICH] and the gentleman from California [Mr. HUNTER] want to kick off a fight here that they are not going to win. I am trying to offer them a nice way so that we can avoid that fight because I think that it is in the general interest of the United States, and the President is going to meet with Mr. Gorbachev at the end of the month of May, and I think it is advantageous to avoid that fight. I am trying to help the gentleman from Ohio [Mr. KASICH] and the gentleman from California [Mr. HUNTER] and for some reason they do not seem to want my help. But I am going to help them.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. HYDE], a very distinguished member of the Committee on Foreign Affairs.

Mr. HYDE. Mr. Chairman, I thank the gentleman from Alabama [Mr. DICKINSON] for yielding me this time.

Mr. Chairman, the gentleman from Wisconsin [Mr. ASPIN], the distinguished chairman of the Committee on Armed Services, has made a compromise with the ultraliberal Members of his caucus and that is their compromise. It is not a compromise with the Republican side of the aisle.

As I look at this amendment, it is utterly fascinating. Let me say that the chairman presiding over this hearing of the Committee of the Whole said that this was an important issue. Golly, 15 minutes to a side to debate an important issue? That is really outrageous, because it is an important issue. We spend more time on the baseball game between the House and the Senate than we do on how we are going to interpret a treaty and issues of war and peace.

Nevertheless, I read the amendment of the chairman and it says:

> The funds described in paragraph (1) may not be obligated or expended for any experiment, test, or purchase of equipment that is inconsistent with the 1988 testimony of the Undersecretary of Defense for Acquisition.

Talk about micromanaging. That is getting it down to a science where the testimony of the Under Secretary for Acquisition is the touchstone, is the standard by which our negotiators at Geneva may negotiate. This is a unilateral damaging restriction on our negotiators.

May I ask what are we getting for it? Are they going to dismantle Krasnoyarsk? Are they going to stop encrypting telemetry? Do we get another tour of the Bolshoi Ballet? Are we getting a couple of cases of Stolichnaya?

Nothing. We get nothing. We get nothing but restrictions on ourselves, self deprivation of leverage from our negotiators whom we ought to let negotiate rather than having us kibbutzing over their shoulders with the chains and the restraints for our side. It is nonsense.

Mr. ASPIN. Mr. Chairman, will the gentleman from Illinois yield to me?

Mr. HYDE. I am happy to yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I would like to ask the gentleman from Illinois, that obviously he feels that he is not on strong ground here but let me ask him this.

Mr. HYDE. Wrong. Wrong right away. The gentleman from Wisconsin is wrong.

Mr. ASPIN. First of all, let me point out that the radical ultraliberal that we negotiated this deal with was the Secretary of Defense in the Reagan administration, Mr. Carlucci.

Mr. HYDE. Let me point out one thing.

Mr. ASPIN. The gentleman from Illinois is not letting me talk.

Mr. HYDE. All right.

Mr. ASPIN. Let me just make my point. This was a deal worked out with Mr. Carlucci, the Secretary of Defense, Mr. Reagan's Secretary of Defense, in a compromise last year.

Mr. HYDE. The gentleman has made his point. I do not have a lot of time, because we have only been given 15 minutes in this great rule, in this citadel of democracy, to debate this matter.

Mr. HUNTER. Mr. Chairman, will the gentleman from Illinois yield to me?

Mr. HYDE. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman from Illinois for yielding. I want to point out that on May 7 last year this House voted unanimously that the Soviet Union is violating the ABM Treaty, and I would like to also point out that Mr. Carlucci also made a deal for $800 million for MX rail mobile, and $200 million for Midgetman, and that did not keep the gentleman from Wisconsin [Mr. ASPIN], the chairman of the Committee on Armed Services, from upsetting that delicate balance that was agreed to in that provision.

Mr. HYDE. Mr. Chairman, reclaiming my time, whatever kind of deals the gentleman from Wisconsin [Mr. ASPIN] has made with Mr. Carlucci, they are the result of Mr. Carlucci's ability to count. He knows that the majority has the votes to do anything they want, and the gentleman from Wisconsin's instinct for moderation is only keeping this from being the gratification of the senior Senator from Georgia's territorial imperative to define the treaty. Never mind the President has the right to interpret a treaty. We must yield to the upper body, the other body, the upper Chamber, and the gentleman from Wisconsin is facilitating that in a very clever way. But be that as it may, it just seems to me when one restricts our negotiators, we become hampered. I would ask the gentleman from Wisconsin, why does he not do something to the other side for a change instead of restricting our negotiators?

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Mr. Chairman, I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I would like to know how it is we restrict our negotiators if we write language in here approving the SDI tests that the administration wants to conduct? They have laid out their tests and we are saying in this language that we agree with that.

Mr. HYDE. The precedent being set by this is very bad, it is unnecessary and deprives our negotiators of essential flexibility.

Mr. ASPIN. Mr. Chairman, I yield myself such time as I may consume.

It seems hard to me to understand why approving the SDI testing program laid out by the administration, why that is binding our negotiators in Geneva. That is a big mystery to me.

Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I would like to say that Shakespeare once wrote a play entitled "Much Ado About Nothing." This amendment as I understand is merely reflecting what the testimony is and what the desire of the administration is. This is avoiding a major attempt to rewrite a treaty, to redefine a treaty. It is specifically on target on just what the administration wants. I see no big problem with this. As a matter of fact the gentleman from Wisconsin [Mr. ASPIN] is actually doing a favor to this body so that there will be no debate on something that probably should be put off until next year.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I am happy to yield to the gentleman from Illinois.

Mr. HYDE. Is there some theological reason we cannot give flexibility to our negotiators?

Mr. SKELTON. This in no way restricts the negotiators. This is merely what the testimony is reflective of from the Secretary of Defense. That has nothing whatever to do with negotiations in Geneva. The one is separate from the other.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I appreciate what the gentleman from Wisconsin [Mr. ASPIN] is trying to do in attempting to prevent the offering of a more radical amendment. It is onerous to us, however, to accept a move right now to at any point in time try to define this treaty under a strict interpretation. Our coming forward and offering language that stays within the strict interpretation of the treaty, it seems to me, is the wrong signal to send to our negotiators, and everybody around the world. The wrong signal is that we will adopt any language now that imposes a strict interpretation. As the gentleman from Wisconsin [Mr. ASPIN] knows, the administration has been engaged in very delicate talks with the Soviets involving the kind of tests that ought to be conducted. For the House of Representatives at this point to go on record as favoring a strict interpretation is the wrong message to send.

Mr. Chairman, I appreciate the gentleman from Wisconsin trying to stop somebody from offering something even worse, such as a permanent strict interpretation, but the simple fact of the matter is that it would not pass. If somebody wants to offer it, let him go ahead and offer it.

Let us reject this amendment and accept the administration's good faith on tests within the strict interpretation.

Mr. DICKINSON. Mr. Chairman, I yield myself the balance of my time.

Let me say by way of explanation, Mr. Chairman, that we made an arbitrary decision, an arbitrary agreement at the beginning of the presentation to the Committee on Rules. The chairman of the Committee on Armed Services and I made that agreement in consultation with others including the Committee on Foreign Affairs that this was an issue that had been debated in substance and at length in other sessions of the Congress, and in conference, and we thought 30 minutes might be an adequate time. I did not know the final form and shape that the chairman's amendment would take and I did not learn of it until today. The gentleman from Wisconsin [Mr. ASPIN] has stated correctly that we did have this agreement in concert, in conference, and in consultation with Mr. Carlucci last year as to the conference report. What he has offered does not abrogate that agreement, but as a matter of policy and principle I would have to oppose the amendment simply because he wants to tie the administration's future actions to the testimony of one Under Secretary in one statement on one day. I think that is the wrong way to do business.

The CHAIRMAN pro tempore (Mr. GRAY of Illinios). It is now in order to consider the amendments relating to the ABM Treaty printed in section 1 of House Report 100-579, by, and if offered by, the following Members or their designees, which shall be considered in the following order only:

(A) By Representative BROOMFIELD; and

(B) By Representative ASPIN.

Each amendment shall be in order even if amending portions of the amendment in the nature of a substitute, as modified and as amended, are already changed by amendment. If more than one of said amendments is adopted, only the last such amendment which is adopted shall be considered as finally adopted and reported back to the House.

Mr. BROOMFIELD. Mr. Chairman, I will not offer my amendment.

AMENDMENT OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN pro tempore. (Mr. GRAY of Illinois). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ASPIN: Page 19, after line 18, insert the following new section:

SEC 212. LIMITATION ON EXPERIMENTS AND TESTS DURING FISCAL YEAR 1989.

(a) USE OF FUNDS.—(1) Funds appropriated to the Department of Defense for fiscal year 1989, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1989 or for any fiscal year before fiscal year 1989, shall be subject to the limitations prescribed in paragraph (2).

(2) The funds described in paragraph (1) may not be obligated or expended for any experiment, test, or purchase of equipment that is inconsistent with the 1988 testimony of the Under Secretary of Defense for Acquisition.

(3) The limitation under paragraph (2) shall not apply to funds transferred to or for the use of the Strategic Defense Initiative for fiscal year 1989 if the transfer is made in accordance with section 901 of this act and any comparable provision in legislation appropriating funds for military functions of the Department of Defense for fiscal year 1989.

(b) DEFINITION.—As used in this section, the term "1988 testimony of the Under Secretary of Defense for Acquisition" means the record version of the testimony (captioned "Statement on the Defense Acquisition Process and SDI") by the Under Secretary of Defense for Acquisition before the Subcommittee on Strategic Forces and Nuclear Deterrence of Committee on Armed Services of the Senate on April 18, 1988.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 5 minutes, and any Member opposed will be recognized for 5 minutes.

The gentleman from Alabama [Mr. DICKINSON] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I appreciate the gentleman from Wisconsin [Mr. ASPIN] yielding me this time.

Mr. Chairman, I rise in support of this amendment, but let me say something soberly about the amendment. Very simply, this amendment does nothing more than confirm what the administration said it would do; it confirms what the Deputy Secretary of Defense, Dr. Costello, has said that this administration intends to do during the next fiscal year and that is abide by the traditional interpretation of the ABM Treaty.

□ 1215

We have had a lot of brouhaha about what the traditional interpretation of the ABM Treaty is. It has been implied that it sprang from the mind of Senator SAM NUNN. In truth, what we are talking about is the interpretation of the ABM Treaty that has been taken by every President, every administration, since the ABM Treaty was ratified in 1972 up until October of 1985 when this administration indicated that it changed its mind about what the treaty meant.

It is the interpretation diligently explained to the other body when the treaty was ratified. It is the interpretation that every principal who participated in the negotiating process has supported with the single exception of Mr. Nitze, and his position today conflicts with the position that he publicly expressed in 1978.

What is that interpretation? Basically, in a nutshell it runs as follows: Article V says, "Each party undertakes not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based." Taken on its face, this article V taken from the heart of the treaty rules out the development of mobile and space-based systems and components. However, Agreed Statement D of the treaty can be read to imply that the ban on development and testing of space-based ABM systems or components applies only to technologies based on physical principles other than those used in 1972.

In Agreed Statement D, the United States and U.S.S.R. said "that in the event that ABM systems based on other physical principles are created in the future, specific limitations would be subject to discussion and to agreement." Members can make the interpretation that Agreed Statement D permits the development of other systems, mobile and space-based systems, if they are based on other physical principles, but this interpretation can only be made if Members totally ignore the testimony of all those who took part in the ratification process, and only if the legislative history is ignored. Senator NUNN has clearly indicated his position on this.

I support this amendment for several reasons. First of all, it upholds the interpretation of the treaty which is clearly correct. Second, it upholds the treaty which still serves this country's interests, and six former Secretaries of Defense made a joint statement in March of 1987 saying that "the ABM Treaty makes an important contribution to reducing the risk of nuclear war."

The President's own Scowcroft Commission singled out the ABM Treaty as one of the most successful arms control agreements, and they called it, in their words, "critical to further arms control agreements."

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me this time.

To reply to the gentleman from South Carolina, since the debate last year, everyone in this House who was present and prudent, including the gentleman from South Carolina voted to confirm that the Soviets are in violation of the ABM Treaty.

Beyond that, our main negotiator on this issue, Mr. Paul Nitze, came back and said to us, "I tried to get the Soviet Union to agree to the narrow interpretation of the ABM Treaty and they would have none of it," and now the more liberal Members in the House of Representatives would force an interpretation on our President that was not agreed to by the Soviets. That is the heart of the matter. Here are Mr. Nitze's precise words, and I quote:

> I remain convinced that though the U.S. negotiators, including me, attempted to achieve a ban on the development and testing of space-based and other mobile devices capable of substituting for ABM components, we failed to do so with the degree of certainty that is necessary for important international agreements. All we achieved in a form the Soviets would consider binding on themselves was a ban on deployment, not on the creation of such systems and components."

The other side of the aisle is really disservicing the President here. We attempted to achieve a narrow interpretation of the ABM Treaty with the Soviet negotiators, and they refused. They told Mr. Nitze no, and he goes on to say that one reason they gave is, to paraphrase, because, "We do not know much about these new technologies, and we cannot go ahead with a ban on something that we do not fully comprehend at this time because we have not tested out these technologies. We are in the dark as to what promise they hold."

So Mr. Nitze was either completely out to lunch on this thing, which has to be the argument from the left side, did not know what he was doing, had a complete lapse of memory, or we are forcing on our own President a narrow interpretation that the Soviets themselves rejected.

I think it is absolutely detrimental to our defense policy and our President's position for us to go against him at this time when these negotiating points are very important elements for him to go to Moscow with so we can achieve some lasting agreements from a position of strength.

Mr. ASPIN. Mr. Chairman, I would like to point out that the gentleman in the well keeps arguing against an amendment that is not being offered.

Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, the gentleman from Wisconsin [Mr. ASPIN] is absolutely correct. This amendment has a very narrow limitation. For 1 year it preserves the traditional interpretation of this agreement, because it is the work plan of the administration not to go beyond that limit.

I want to say that I feel very strongly that this amendment and the next amendment, when put together, will help us preserve the existing arms control regime until we make progress in the START talks, and on the space and defensive side.

I think that this is fundamentally important to whoever is the next President of the United States, to preserve our existing arms control structure. Several years ago the administration changed its position and tried to unilaterally change the ABM interpretation and then said, as a matter of policy, that they would in fact live by the narrow interpretation.

I think that is clearly the understanding that was made to the U.S. Senate during the ratification debate. Senator NUNN went back with exhaustive hearings and looked at this issue and found that that was, in fact, the correct interpretation of the agreement.

I think we ought to stay with it. I think there is consensus on that point.

Mr. DICKINSON. Mr. Chairman, I yield the balance of my time to the distinguished orator, the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I thank the distinguished gentleman for yielding me this time, and I would like to address my very distinguished colleagues.

The gentleman from South Carolina [Mr. SPRATT] pierced through the subterfuge that we are not talking about the narrow interpretation of the ABM Treaty, that this is a compromise we are talking about. Here is what the gentleman from South Carolina [Mr. SPRATT] said: "The Senate is master, supreme interpreter of treaties notwithstanding what the Constitution says."

One of the amazing characteristics of liberal Democrats of which I stand in awe is their ability to transform themselves from expansive constructionists to strict constructionists depending on the situation. When Judge Bork was running through his ordeal by fire in the Senate, the notion of strict construction or original intention was anathema; the progressive, liberal moderate way to interpret the Constitution relies on penumbra, which implies constitutional rights, the Constitution as silly putty, in other words, but now when we get to the ABM Treaty, oh, we are strict constructionists, none of this expansive stuff for us.

That is fascinating and, of course, the Civil Rights Act of 1964 has to be expansively interpreted, and I understand that, but we latter-day "Founding Fathers" are going to obliterate the right of the President to interpret a treaty; all branches of Government are equal, some are just more equal than others.

The Soviets have massively violated the ABM Treaty, so how do we penalize them? Put shackles on ourselves. Someone once said our foreign policy is like a dog with a schizophrenic problem, barks at our friends, wags its tail at our enemies, and that is precisely what this amendment does.

It is not necessary. It only restricts our Government. It is unilateral disarmament of a serious sort. It is nuclear masochism, lousy strategy, poor tactics and, believe it or not, it is even bad politics.

Mr. ASPIN. Mr. Chairman, I yield my remaining 1 minute to the gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Chairman, I rise in support of the Aspin amendment. Nearly every major U.S. arms control official under the past two Republican administrations and one Democratic administration have agreed that the stricter interpretation is appropriate.

So I am not going to debate the issue of what this "Agreed Statement" means, or what that phrase implies.

The fact is that when the Senate ratified the ABM Treaty it was given the "strict" interpretation by the people who negotiated it. Based on that information, the Senate decided to support the treaty.

I believe that if we are going to keep making the kind of progress in arms control we saw with the signing of the INF Treaty, we are going to have to support our negotiators.

This means we in Congress have no business unilaterally negotiating arms control agreements, tying the hands of our able negotiators. But it also means we must honor our past agreements.

I believe that the key to a successful arms control policy will be a consistent and unified stand by the United States and our European allies.

So last year, I wrote to President Reagan urging him not to make any changes in the ABM Treaty until Congress and our NATO allies were thoroughly consulted. It is now clear that there is no consensus for changing the interpretation of the treaty.

For these reasons I support the Aspin amendment.

Mr. FAZIO. Mr. Chairman, I rise in strong support of the amendment offered by the chairman, Mr. ASPIN. It is a modest amendment. Put very simply, the amendment seeks to put into law what the administration has testified before the Congress that it will do with respect to development and testing of components and systems under the strategic defense initiative in fiscal year 1989. The administration has stated that its tests associated with SDI will not violate the traditional interpretation of the ABM Treaty, and this amendment simply ratifies that understanding.

The ABM Treaty has made a valuable contribution to strategic stability by averting the proliferation of offensive missiles. The last four administrations have supported this so-called traditional or strict interpretation of the treaty, and that is clearly the correct interpretation of this important arms control agreement. The ABM Treaty has created a significant degree of predictability in the strategic defense arena and it must be preserved.

Specifically, the ABM Treaty prohibits the development, testing or deployment of sea-based, air-based, space-based, or mobile land-based ABM systems and components based on exotic physical principles—article V and Agreed Statement D. By restricting the testing, development and deployment of ABM systems and components, the treaty eliminates what would surely be enormous pressure to build additional offensive forces to overwhelm whatever limited defenses both the Soviets and the United States could deploy.

And, Mr. Chairman, I think the record is fairly convincing on the point that it is far easier and less expensive to develop successful countermeasures to deployed defenses than it is to develop successful defenses in the first place. Therefore, anything that we can do to curb the pressure to embark on another arms race in the defensive arms arena is in our best interest from a budgetary as well as security standpoint.

Again, Mr. Chairman, I urge my colleagues to support the amendment, and reaffirm the view that the ABM Treaty makes an important contribution to American security and to reducing the threat of nuclear war.

Mr. FRENZEL. Mr. Chairman, while I favor the traditional tight interpretation of the ABM Treaty, I do not favor the Aspin amendment to enforce that interpretation. The problems with the Aspin amendment run the gamut from form, to procedure, to substance.

With respect to form, the awkward attempt to use testimony from a Defense Department official as a part of the military authorization bill, is a strange way to write law. It's a little like putting a volume of the Britannica into the statute books.

With respect to procedure, the jurisdiction over this matter belongs to the Foreign Affairs Committee. The fact we are given 30 minutes to talk about it in connection with a military authorization trivializes the issue, and puts it into the hands of the nonexperts among us.

With respect to substance, the game has changed. We have completed one agreement and are working on another. It would be unwise to bind the President to a policy that might not be acceptable to either side. This administration has no plans to spend any money on the broader interpretation. Since there are none, it does not make sense to prejudge, or to attempt to predetermine, this particular aspect. Negotiations should have maximum flexibility to do the best possible job.

I shall vote against the amendment.

Mr. McCURDY. Mr. Chairman, I support the amendment of my distinguished colleague from Wisconsin to prohibit the use of funds for activities not permitted under the traditional interpretation of the 1972 Anti-Ballistic Missile Treaty.

The ABM Treaty is the bedrock of our arms control effort with the Soviet Union. We must preserve this treaty as we explore ways to improve nuclear stability and reduce the threat of nuclear war.

Unfortunately, the Reagan administration, in its zeal for the deployment of SDI, considers the ABM Treaty as its most serious obstacle to that goal. Until the President's star wars speech in March 1983, the Reagan administration supported the strict or traditional interpretation of the ABM Treaty. Then they reversed themselves and advanced weak and fallacious arguments against the original interpretation to the extent that considerable damage has been done to executive branch/congressional cooperation on the future ratification of strategic arms control treaties.

As Senator SAM NUNN has so eloquently demonstrated in his speeches of last year, the Senate, in 1972, clearly understood it was ratifying the strict interpretation of the treaty and I agree with his conclusion that the Reagan administration has failed to produce a clear and compelling rationale to renounce the original interpretation.

While defeated by the Congress in its attempt to reinterpret the ABM Treaty, the administration continues to press for an early deployment of SDI as a way of breaking the ABM Treaty.

Our hearings on SDI in the Armed Services Committee have shown that there is simply no technological justification for a near-term deployment of an SDI.

More importantly even if it was technologically feasible, a near-term unilateral deployment of such a system would be so destabilizing to the military balance that it would set off a new and most dangerous arms race. We must not allow this to happen. I urge you to support the Aspin amendment.

Mrs. LLOYD. Mr. Chairman, I rise in support of Aspin amendment regarding the interpretation of the ABM Treaty, and would like to take this opportunity to clarify my position.

I am a strong supporter of the strategic defense initiative. Last year I spoke in favor of an amendment that would have deleted funding for the space-based kinetic kill vehicle because this technology would have been restricted by the ABM Treaty. Development, testing and deployment of kinetic energy technology is prohibited by the ABM Treaty, under both the liberal and strict interpretations, because it is not a new technology and cannot be categorized as based on "other physical principles".

This position is consistent with my view that the ABM Treaty does not limit the development of more exotic technologies such as lasers. The administration's interpretation is too board with its inclusion of less exotic technology, but the traditional or strict interpretation may not allow for development, testing, or deployment of the most promising technologies.

Although I am not comfortable with the strict interpretation as laid out in the Aspin amendment, I will support this language because it does not contradict the actual plans for SDI for fiscal year 1989. Dr. Robert Costello, the Undersecretary for Acquisition, has expressed his intention that SDI R&D will not break out of the ABM Treaty restrictions. I will, therefore, support the Aspin language this year and revisit the issue when the SDI Program is further along.

Mr. DARDEN. Mr. Chairman, I rise in support of the Aspin amendment which will ensure that the Department of Defense conducts a sound and measured testing program of antiballistic missile systems.

This amendment is virtually identical to the agreement worked out last year with the administration and the other body, and was passed as part of the conference report to last year's authorization bill. The House, the Senate, the Department of Defense, and the President have already gone on record as supporting the principles of this amendment. I see no valid reason, nor does the Department of Defense, to alter the principles of this agreement for fiscal year 1989.

As a supporter of the strategic defense initiative, I believe this amendment is an important step toward enhancing the overall SDI Program. In the Research and Development Subcommittee markup session, I offered an amendment to increase the funding for the strategic defense initiative by 10 percent. This amendment failed, but it is signficantly higher than the funds which the majority of my colleagues have supported. But, as important as maintaining steady real growth in funding for SDI, we must ensure that we maintain the basic principles as espoused in the ABM Treaty until we are in a better position to determine the parameters of the strategic defense initiative.

The administration has testified that there are no plans to utilize fiscal year 1989 funds for tests that are inconsistent with the strict interpretation of the ABM Treaty. Accordingly, this amendment makes sense, and, I believe, in reality, is in the best interest of the SDI Program.

Mr. WELDON. Mr. Chairman, I have not completed my first term yet, but after going through the Defense authorization last year and listening to the debate here today, I am already amazed at the way this body conducts its international arms policy business.

We spend countless hours on the floor trying to tie each other up in verbal knots over the meaning of various arms accords. We're dancing on pinheads, trying to determine the meaning of treaty language that in many cases is still not agreed upon by those who attended the negotiations themselves.

I have no problem with Members trying to understand the treaty and its implications. I believe we should play a limited role in shaping a responsible arms policy. What worries me is that we're considering it in a vacuum; we're ignoring the facts that, in my mind, make this whole debate about what the United States meant and what the Soviets meant during negotiations irrelevant.

We know that the Soviets have already violated the ABM Treaty. Last year this body unanimously adopted my amendment recognizing the construction of the Krasnoyarsk radar site as a clear-cut violation of ABM. Then the majority of this body turned around and required the United States to adhere to the narrow interpretation of the ABM Treaty. So now we're saying to the Soviets, OK, we know you're cheating and you better do something about it. But don't worry because we will do the honorable thing and uphold our end of the deal regardless of your actions.

Now we have new evidence that the Soviets are moving ahead in full pursuit of a nationwide defense ABM system. As reported in the Wall Street Journal and Washington Times earlier this year, Air Force intelligence officials have uncovered a series of Soviet strategic defense activities which will inevitably lead to a nationwide antimissile defense.

> * * * the Air Force Intelligence has officially concluded the Soviets have rolled production lines to break out of the ABM Treaty and deploy a nationwide anti-missile system, which possibly could be in place by next year.

Although intelligence officials are now soft pedaling on the report issuing these findings due to upcoming arms negotiations, under intense questioning about Soviet activities, they acknowledge the Soviet activities and their potential implication for United States security.

In his Soviet arms compliance report to Congress last December, the President said:

> The absence of Soviet dismantlement of the Krasnoyarsk radar, the new violation in the deployment of the Flat Twin and Pawn Shop observed at Gomel, and the totality of Soviet ABM-related activities in 1987 and previous years, suggest that the USSR may be preparing an ABM defense of its national territory.

A group of former Soviet scientists recently commented on the alleged breakout activities:

> The Soviet Communist leaders can be expected to continue working on their star wars system, either overtly or covertly, with high priority, no matter what they say or what they sign, or what the U.S. does.

Mr. Chairman, given the debate we are having today and the fact that we will likely be back here next year going through this same exercise again, I think it is important to get to the bottom of these highly classified findings on Soviet strategic activities. If we insist on making decisions on the ABM Treaty, it is time we do so with the complete knowledge of all Soviet ABM and related strategic activities. I have an amendment which requires the Secretary of DOD to provide a classified and unclassified report on recent ABM activity findings by the intelligence community, and to make recommendations on what actions we should take to maintain a strategic deterrence based on the assessment. It is critical that we have this kind of information as we debate ABM, SALT II, and SDI.

Many in this body say we should limit our strategic actions to proportional responses. I am not advocating any particular U.S. response at this point. But let's not lock ourselves out of that opportunity by mandating a narrow interpretation of ABM.

We'd all like to believe that our international arms control agreements are being adhered to, and that there is mutual cooperation between the two superpowers. Hopefully, that will be the case someday. But what we'd like and what really exists now are different things. The Soviets are trying to sell us a bill of goods, and that is evident when listening to their words and watching their actions. If we pass the Aspin ABM amendment, in my opinion, we are buying those goods, lock, stock and barrel.

Mr. WEISS. Mr. Chairman, I am in strong support of the Aspin amendment to ensure that the Reagan administration continues to comply with the traditional, or strict, interpretation of the Anti-Ballistic Missile [ABM] Treaty.

The ABM Treaty is the only treaty currently in effect that restrains the nuclear arms race between the United States and the Soviet Union. By preventing a race to deploy defensive strategic weapons for more than 15 years, the ABM Treaty has contributed immeasurably to the security of the United States. It has ensured our ability to respond effectively to a Soviet nuclear attack.

However, the Reagan administration, in its rush to deploy a nationwide strategic defense, has engaged in a number of activities that have seriously undermined the ABM Treaty. These activities pose a serious threat to the survival of this extraordinarily important agreement.

First, the administration has attempted to unilaterally reinterpret the treaty's provisions. It is absolutely clear that the treaty's negotiators intended the treaty to forbid the development, testing and deployment of space-based exotic ABM systems. This is the way the treaty was understood by those who negotiated it. This is the way the treaty was understood by those who presented it to Congress. And this is the way in which it has been observed thus far.

Nevertheless, the Reagan administration asserted in October 1985 that unrestricted testing and development of exotic systems, such as lasers and infrared sensors, is permitted after all. This reinterpretation is a cynical attempt to provide a legal blessing for swift deployment of space-based weapons, despite the treaty's clear-cut prohibition of such activities.

In addition, the Reagan administration has taken advantage of gray areas in the ABM Treaty's text in order to justify the testing of certain SDI-related technologies while allegedly remaining in compliance with the traditional interpretation. This approach threatens to erode the treaty around its edges until its provisions become meaningless.

The administration's actions raise extremely serious questions about the future of arms control and about adherence to the Constitution.

I am one of the Members of Congress who agrees with the Office of Technology Assessment [OTA] that the President's entire star wars scheme is not technically feasible and would result in a catastrophic failure if it was ever used. However, even if one accepts as an article of faith the idea that an effective nationwide defensive system can be developed, it is clear that the only hope for such a defensive system lies with future technologies, rather than the phase I early deployment technologies that are currently being pushed by the administration.

There is a growing consensus among defense experts and scientists that early deployment of an SDI system will not be survivable or cost effective, since it will be less expensive for the Soviets to overcome such a system than for the United States to deploy it. However, near-term deployment of SDI will violate the ABM Treaty.

Early deployment will not provide us with an effective defense against nuclear weapons. But it will leave us without any constraint on the pursuit of a defensive system by the Soviet Union. In other words, it will leave us less secure than we now are.

Rather than rush toward near-term deployment of an ineffective and costly SDI system, we ought to negotiate with the Soviet Union to clarify those provisions of the ABM Treaty that have been called into doubt. Moreover, we should reaffirm the commitment of both nations to adhere to the ABM Treaty on a long-term basis.

Continued adherence to the treaty will permit us to continue laboratory research on long-term defensive technologies, should we choose to do that. But it will also preserve the only existing constraint on an all-out arms race in the area of defensive weapons.

It must also be pointed out that the administration's actions in attempting to reinterpret an existing treaty make a mockery of the Senate's role in confirming treaties with other nations. The administration has contended that its reinterpretation is based on the treaty's negotiating record, notwithstanding the testimony of administration witnesses to the contrary at the time of treaty ratification.

If the Senate is to fulfill its constitutional role in approving treaties, it must be able to rely on the authority of testimony proffered by administration witnesses prior to Senate approval. The administration's position not only calls into question the continued viability of the ABM Treaty, but it raises a serious roadblock to the approval of the recently signed INF Treaty and to any other arms control agreements negotiated by President Reagan or future presidents.

Mr. Chairman, the administration's actions in reinterpreting the ABM Treaty threaten to spark a new arms race in space and to interfere with our ability to negotiate future arms agreements. In addition, they fly in the face of our constitutional process.

On the other hand, the amendment of the gentleman from Wisconsin strikes a blow for arms control and for the continued preservation of a vital international agreement. I urge my colleagues to join with me in approving this amendment, which will help save the ABM Treaty.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. Aspin].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ASPIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 252, noes 159, not voting 20, as follows:

[Roll No. 70]

AYES—252

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gunderson
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hochbrueckner
Horton
Houghton
Hoyer
Huckaby
Hughes
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Porter
Price
Rangel
Richardson
Ridge
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Studds
Swift
Synar
Tauke
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Udall
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOES—159

Archer
Armey
Badham
Baker
Ballenger
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilirakis
Bliley
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Erdreich
Fields
Flippo
Frenzel
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodling
Gregg
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hefley
Herger
Hiler
Holloway
Hopkins
Hubbard
Hunter
Hutto
Hyde
Inhofe
Ireland
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Marlenee
Martin (IL)
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moorhead
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Petri
Pursell
Quillen
Ravenel
Regula
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Rogers
Rowland (CT)
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauzin
Taylor
Thomas (CA)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wilson
Wolf
Wylie
Young (AK)
Young (FL)

NOT VOTING—20

Bentley
Biaggi
Chappell
Donnelly
Duncan
Emerson
Gibbons
Guarini
Latta
Mack
Madigan
Martin (NY)
Mica
Nelson
Rahall
Ray
Roth
Stokes
Traxler
Wortley

☐ 1245

The Clerk announced the following pairs:

On this vote:

Mr. Donnelly for, with Mrs. Bentley against.

Mr. Stokes for, with Mr. Roth against.

Mr. KONNYU changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. Gray of Illinois). It is now in order to debate the subject of the Strategic Arms Limitation Treaty.

Under the rule, the gentleman from Wisconsin [Mr. Aspin] will be recognized for 15 minutes and the gentleman from Ohio [Mr. Kasich] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. Aspin].

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. Dicks], the author of the amendment.

Mr. DICKS. I thank the gentleman for yielding time to me.

Mr. Chairman, again this year I offer an amendment that has been twice adopted by the House, and last year by the other body as well, that simply tries to keep a lid on the arms race until we can secure a verifiable agreement to reduce strategic nuclear forces.

The issue we are debating today with this amendment is not ratification of the SALT II Treaty. But it is a major question for the future of arms control. What we are debating is whether we should restore a policy that the administration followed for over 5 years. The policy is that we will not undermine the informal, but none the less critical, interim restraints on offensive nuclear forces deployed by the Soviet Union and the United States that both sides have followed between 1979 and 1986. The Soviets are continuing to withdraw older forces to remain within these numerical limitations.

In the last year there has been progress in the START negotiations, in addition to the completion of the intermediate nuclear forces agreement. The President deserves to be commended by those of us on both sides of the aisle for this progress.

We all hope that he is successful in securing an agreement to reduce offensive nuclear forces by 50 percent in a way that is verifiable and enhances stability. Certainly if he does the interim restraints included in this amendment will become a moot point. Forces on both sides will go far below those levels.

But there are a number of very difficult issues in the START negotiations that must be resolved. Unfortunately, it is becoming increasingly likely that these issues cannot be closed in a satisfactory manner in the time remaining to this administration. And while we all support the negotiators in their efforts, we also want to make it clear that there should be no perception of pressure to secure an agreement for its own sake. It must contribute to our national security interests as well as the cause of world peace.

I am convinced these negotiations will be even more difficult if there isn't some degree of predictability and control over the developments of our respective nuclear arsenals in the interim. While I would be the last to claim that the numerical limits included in the SALT II agreement are perfect, they do represent a level of forces that was followed for years by both superpowers, and which is readily available to serve as an interim restraint.

The underlying rationale for this policy was stated well by the President himself when he was quoted in the New York Times magazine of October 6, 1985. He said, "I learned that the Soviet Union had the capability to increase weaponry much faster than the treaty permitted, and we didn't." It was for that reason that despite his conviction that SALT II was fatally flawed, he still correctly saw that keeping the limits on nuclear forces embodied in the interim restraints was in the national security interests of the United States. Nothing has changed to alter this fact of life.

This amendment simply states that funds will not be available to unilaterally exceed the limitations on MIRV'd nuclear weapons included in the SALT II Treaty. There are 820 MIRV'd ICBM's, 1,200 MIRV'd ICBM's and SLBM's, and 1,320 MIRV'd ballistic missiles and cruise missile carrying bombers. It also restricts the number of warheads on individual systems to the numbers agreed for each system in the agreement. In fact, the Soviets have withdrawn, destroyed, or dismantled over 1,300 launchers to stay within these limitations.

Should the President certify that the Soviets are no longer observing these limits, then the restraints on United States forces would be lifted.

The question must be asked, what do we gain by abandoning the interim restraint policy? It will have no impact on our currently planned strategic modernization. The MX, the Trident II, the B-1, and ATB are all allowed under this policy. Nothing in the policy, or this amendment, deals with elements of the SALT II Treaty that would constrain the small single warhead ICBM, Midgetman. There is nothing to say that we can not respond to the issue of the SS-25 with our own single warhead mobile missile. To date the abandoning of interim restraint has added a few B-52's coverted to carry air launched cruise missiles without any compensating reductions. This is hardly the kind of thing that will tip the nuclear balance.

What do we risk if we abandon this policy? The administration contends that the Soviets will not do anything. To date they have continued to observe interim restraint despite the fact that the United States has exceeded the 1,320 number. If you are willing to depend on Soviet unilateral restraint then the risks are not large. But if you are concerned about Soviet potential, then the risks are large. Gen. Bennie Davis, then commander in chief of the Strategic Air Command, was concerned when he testified in 1985 before the Senate Armed Services Committee, "if they were to break out of the treaty limits of SALT II, the disparity between the number of warheads held by the Soviet Union and the United States would be significant * * * any action by the Soviet Union which would change the nuclear balance so dramatically could adversely affect strategic stability."

The CIA recently testified that in the absence of interim restraints, the Soviet Union could have 21,000 nuclear warheads by the mid-1990's with a robust, but not maximum expansion. If the United States were to match such an expansion, it would require a hugh increase in U.S. forces. According to the Congressional Budget Office, this could include 867 additional MX missiles in minuteman silos, or 36 more Trident submarines with Trident II missiles, or 270 more bombers. Costs could range as high a $100 billion.

Unconstrained Soviet offensive forces would also have significant implications for the strategic defense initiative. This is especially true for any option for initial deployment of point defense systems. In fact, the prospect of such a deployment would add significant incentives for the Soviets to take advantage of the demise of restraints.

Perhaps the most dangerous consequence of abandoning interim restraint and telling the Soviets that they can do whatever they please, is the uncertainty that will result from the loss of other provisions of the SALT II Treaty that have been observed as part of the interim restraint policy. Testing notification would be eliminated. Verification of Soviet force levels would become increasingly more difficult. Former CIA Director William Colby summarized the result, when he said, "without reliable information, the most dire predictions can be taken as fact. Priorities are skewed, money wasted, and the strategic balance destabilized. The bomber and missile 'gaps' of the 1950's and early 1960's are two examples of this syndrome."

Some have questioned whether the Congress has an appropriate role in this issue. We have a constitutional responsibility to raise armies and navies and to exercise the power of the purse. We have debated the arms control implications of our actions on a wide range of weapons systems ranging from the MX to Asats.

The case for the amendment was summarized in excellent fashion by McGeorge Bundy. He is not only a former executive branch official, but someone who as National Security Adviser to two Presidents is especially sensitive to Presidential prerogative in negotiations.

He stated:

> No one doubts that Congress has a constitutional right to refuse money for testing, for Asats, and for MIRV's, whenever it thinks such spending is a bad use of tax dollars. Congress has been refusing money for this or that weapon over a very long time. Nor can it be beyond congressional power to tie that judgment to related action or inaction by other governments—no money for additional MIRV's if the Soviets do not deploy additional MIRV's.
>
> Moreover, if it is the best judgment of Congress that the MIRV ceilings should be respected, the sooner the President knows it the better, from the point of view of his responsibility for negotiations. There is no point in his bargaining for options that the Congress will not vote, and such unreal bargaining chips are of no value in serious arms control negotiations.
>
> If more MIRV's would be bad for both sides, which really is not a far out proposition, then it makes sense not to spend money for them, and it also makes sense to put the weight of Congress on the side of international restraint. SALT II is a complex affair, neither perfect nor totally flawed, but its MIRV ceilings are clearly much better than no ceiling at all, and Congress will not handicap the President's work for arms control by helping keep them intact.
>
> I believe that such congressional action would in reality be a help to the part of the administration, and indeed the part of the President himself, that really wants good arms control agreements.

Let's not throw away the only limitations we have on nuclear weapons until we have something better. I strongly urge the adoption of the amendment.

□ 1250

Mr. KASICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is really with great respect that I have to stand and oppose the gentleman's amendment because I think he is a knowledgeable person when it comes to the area of arms control.

But I have to tell my colleagues that I am frankly a little bit surprised that we continue to pursue this issue, particularly at this point in time, and this is the beginning of what is going to be a series of amendments that are designed to push in a direction of arms control that the House of Representatives thinks we ought to pursue rather than the administration.

And we have the SALT issue that is up right now. Just when the Secretary of State is coming back from the Soviet Union and is involved in sensitive negotiations to cut the strategic warhead in half, here we are back with SALT II, a treaty, of course, that the Soviets have violated. What the gentleman from Washington [Mr. DICKS] will say is that we have got to stay within those limits because, if we do not, the Soviets can break out and produce like crazy. I mean the arguments do not make much sense.

Then, after we get done with SALT, we are going to deal with Asat, then nuclear testing, then comprehensive test bans.

My colleagues, the simple fact of the matter is that the President has been the most successful arms control negotiator in the history of this country. He is the only President that has been able to get us a deep reduction in the total number of nuclear weapons, and all SALT II has done is, No. 1, allow the Soviets to cheat; No. 2, allow them to put themselves in a position where even the proponents of this amendment say they have a superior production-line capability; and No. 3, and most important, SALT II is nothing more than an agreed-to arms race particularly by the Soviet Union. We should not be endorsing agreements that sanction an arms race, but rather we ought to be following the Reagan doctrine, which is peace through strength, which is operating from a position of strength to get real reductions in nuclear weapons, and, with gret respect to the gentleman from Washington, this amendment is so old and so inappropriate, coupled with Asat, nuclear test ban and comprehensive test ban, I honestly believe the chairman of the Armed Services Committee is very, very uncomfortable with this agenda on the Democratic side.

So, Mr. Chairman, I would urge everybody in this House to applaud the gentleman from Washington for his interest in arms control, and he is great on arms control. I think he is dead wrong on this issue, and I think the House ought to speak clearly to support the President, and Mr. Chairman, I reserve the balance of my time.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I rise in support of the amendment of the gentleman from Washington to keep the United States and the Soviet Union within SALT II limits, and I do emphasize that this is a reciprocal amendment. We are bound by it only so long as the Soviets bind themselves, and that judgment is left to the President of the United States, not to the Congress. So, I think we have plenty of safeguards.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. GREEN. Mr. Chairman, I am happy to yield to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I am just replying to my colleague from Ohio [Mr. KASICH]. As soon as the President gets a treaty limiting offensive arms races, then the gentlemen from Washington and New York would not feel compelled to offer this amendment.

Mr. GREEN. Mr. Chairman, we offer the amendment because in the words of the Broomfield amendment we want "to contribute to stability and enhance the security of the American people."

It is to our interests in this arms situation to keep the Soviets complying with SALT II. The Soviets have dismantled more weapons than we have under SALT II. If they choose on the basis of our refusing to adhere to SALT II any more to compete with us in breaking out from SALT II, they can easily outrun us. Their missiles have much greater throw-weights than ours, so they can very rapidly add more warheads. We cannot. Their production lines are in a much greater state of readiness than ours. They can manufacture more missiles and warheads than we. Within the budgetary constraints that we face under the November summit agreement we are in no position to engage in a SALT II violation race with the Soviet Union.

□ 1255

Now, let me turn finally to the issue that has been raised that somehow this amendment is inappropriate now as contrasted to the last couple of years because we are about to begin the START negotiations. I would say that, far from being less appropriate, this is more appropriate because of the START negotiations. If we do not pass this amendment, it will give the Soviets every incentive to stall the START talks so that they can engage in their buildup and then negotiate START from a stronger position.

As I pointed out earlier, we are in no position to compete if the Soviets should choose to do that. According to the Congressional Budget Office, it could cost the United States as much as $100 billion to match a Soviet effort to break out of SALT II.

So I say to my colleagues that, if you are interested in getting the START negotiations off to a fast start, then the way to do it is not to give the Soviets an incentive to stall by encouraging them to break out of the SALT II limits. Instead, let us give them every incentive to get down to the business of the START negotiations by passing this amendment and by adhering to the SALT II limitations.

We passed this amendment last year 245 to 181 and, given the incentives we have to pass this to facilitate the START negotiations, we should pass it with a larger majority this year.

Mr. KASICH. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, this is an initiative by the gentleman from Washington that I think is very, very dangerous, because it moves this body toward a new policy with regard to arms control, and that policy is what I would call the partial treaty policy. That is where even though our negotiators sign a whole treaty, a total treaty, that has a series of obligations on both the United States side and the Soviet Union side, after the Soviet Union violates the treaty, and they have violated the SALT Treaty, just as we voted unanimously they violated the ABM Treaty, then Members of this House will stand up and they will say that even though parts of the treaty have been violated by the Soviets, we want to reestablish and reconfirm United States obligations under this treaty. They will then lay out a series of obligations under a piece of the treaty, that have not been violated yet and they will say, "We want the United States to live up to its part of the treaty, even though the Soviet Union has violated its part."

I think that sends a wrong message to the Soviet Union, because it tells the Politburo that they can involve themselves in negotiations and consummate a treaty with the United States which they ultimately will be allowed to violate because Members of the United States Congress will unilaterally enforce our obligations, United States obligations under the treaty, even after the Soviet Union has violated its obligations.

Now, the Soviet Union has built the SS-25 missile. That is a violation of the SALT II Treaty.

They encrypt their telemetry. That means they disguise the signals in their testing, in violation of the treaty.

According to the administration's statement that was read on another body's floor on October 1, 1987, the Soviet Union now exceeds the overall delivery vehicle ceiling of 2,504 vehicles by about 25 or 30 vehicles. So they also are violating the overall limits in the numerical categories.

So here we have one party to a treaty violating portions of the treaty and we have Members of this House standing up and saying, "Well, we don't have to enforce the overall treaty. We don't care if the Soviets have intentionally deteriorated the treaty. We want to enforce on our own Government a unilateral adherence to obligations that we made."

It takes away the whole idea of reciprocity, of quid pro quo. The United States when it signs a treaty believes it has to respect all the elements of the treaty. The Soviet Union when it signs a treaty now can anticipate that it can violate the treaty and Members of the United States House and other bodies will stand up and enforce piecemeal the portions of the treaty that the Soviets have not violated and the portions of the treaty which the Soviet Union wants to continue to maintain because it is in their national interest. That is not the way to negotiate.

I would ask Members of this House who support SALT II, who supported the whole treaty, go ahead and support the whole treaty, but do not support pieces of the treaty that the Soviets want us to adhere to while they have violated the treaty themselves.

We should send a message back to the Soviet Union that when the executive branch negotiates a treaty, this body is going to demand that the entire treaty be enforced, not just America's obligations under the treaty.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the distinguished gentleman for yielding this time, and I rise in very strong support of the Dicks amendment.

First of all, I believe the Dicks amendment is good policy for the House of Representatives to be on record in support of, and that policy is a reciprocal restraint with respect to the expansion of nuclear armaments. That policy is a sound one with which the President of the United States agrees. That is not to say that I am saying the President agrees with this amendment, as he has not in years past.

On this floor recently we voted overwhelmingly to support the President's initiative, the INF Treaty, for which we all congratulate him.

I would say in years past it has been this House in particular that has urged moving ahead on substantive real reductions and important arms control agreements. It is not time for us to stop that effort.

First of all, it is not time for us as the policymaking body of the people of the United States to retreat from our previous positions. SALT II is clearly not perfect, but it is a restraint and an important restraint.

Although as the previous speaker has said, one can argue that there has been a violation here or a violation there, in substance that agreement has been honored by both sides. That has been important over the last 8 years and because it has been important this administration has felt bound by it, because it felt it was good policy for the last 6 years.

As we go to Moscow, as we not only present to the Soviets, but present to the world, because we do not just negotiate in a bilateral sense, we negotiate in the framework of the entire world looking at the posture of the United States, we ought to go to Moscow continuing in the posture of restraint. That is good international politics and it is good policy for the United States.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, for 5½ years the policy of the Reagan administration was that of mutual restraint, interim restraint. It was that as long as the Soviets abide by and not break out of these offensive ceilings, we will abide by them.

One of the problems we have in the world today is that world opinion think the Soviets are trying to do more in this field of arms control than is the United States. One of the reasons for that is because we have unilaterally broken out of the SALT II agreement.

Mr. HOYER. Mr. Chairman, I thank the gentleman for his comments.

Mr. Chairman, I would close by simply saying I think it is important for this House, I think it is good negotiating posture for the United States to go to Moscow with the House of Representatives, and hopefully the Congress on record, as saying that if you, the Soviets, show restraint, we will show restraint.

But we have an overwhelming vote in both Houses, hopefully, which says that if you do not show restraint, that we will not unilaterally stay in place, but in fact will expand.

Mr. DICKS. Mr. Chairman, will the gentleman yield further?

Mr. HOYER. I yield to the gentleman from Washington.

Mr. DICKS. It is also within this administration's own selfish interest, because they favor going ahead with the deployment of SDI. One of the easiest counters to SDI is to add more offensive capability.

SALT II keeps a lid on what they can deploy offensively. That is in our overall security interest.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Chairman, I just want to ask the gentleman from California [Mr. DICKS] if I might, before the gentleman leaves, and the gentleman from Wisconsin [Mr. ASPIN] a very simple direct question.

Do you agree, since you both have access to classified data and I do not, do you agree that the Soviet Union has violated some aspects of SALT II? Yes or no.

I yield to the gentleman from Washington.

Mr. DICKS. yes, and there are forceful responses that we could take to those violations.

Mr. GINGRICH. I just want to ask the gentleman from Wisconsin [Mr. ASPIN], yes or no?

Mr. ASPIN. Yes.

Mr. GINGRICH. Now, both distinguished gentlemen on the Democratic side have agreed that the Soviets have violated SALT II.

Mr. DICKS. Well, we are not trying to ratify SALT II.

Mr. GINGRICH. They then select out only the parts that cripple America. They do not deal in this amendment, you do not deal in this amendment—and I will be glad if I can get more time to yield in a second—but I just want to lay out a case. You do not deal in this amendment with anything that cripples Gorbachev. You only cripple Reagan. You do not do anything to affect the Soviet violations. You only stop the United States.

I, for the life of me, am totally baffled as to why 3 weeks before Ronald Reagan goes to Moscow you feel compelled to slap the President of the United States, and I understand the Dukakis-Jackson position of surrendering first and not negotiating and cutting defense without any kind of arms treaties; but these two gentlemen know better. They are not part of that kind of a looney left wing of your party.

Now, why would you under this kind of a situation, why would you only pick out the portions of the treaty that hurt America, and why would you not deal with the entire treaty and say that when the Soviets agree to obey SALT II, we will agree to deal with SALT II; but when the Soviets violate SALT II, the President should pick those proportionate responses which are most effective from the American side.

This is the kind of selective enforcement which is mindless. Now, both these gentlemen know better than this.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I am glad to yield, if I have time, to the distinguished chairman.

Mr. ASPIN. Mr. Chairman, I would be happy to respond to the gentleman.

The gentleman in the well is absolutely incorrect when he says that the limitations that we are talking about constrain us more than they constrain the Soviet Union.

The point about picking out the sublimits, the 820, 1,200, 1,320 sublimits, is precisely because of the capability of the Soviet Union to exceed those sublimits.

The CHAIRMAN pro tempore. The time of the gentleman from Georgia has expired.

Mr. ASPIN. Mr. Chairman, I yield 1 additional minute to the gentleman from Georgia.

Mr. GINGRICH. I want to say just for a second, Mr. Chairman, I think if I understand the point the gentleman is about to make, that having now weakened America's production capacity, the Democrats in the House knowing the Russians can break out feel compelled to weaken America unilaterally because in fact we are already so weak because you have weakened our production capacity that if they do break out, is it not correct that we literally in the first 2 years of a Soviet breakout could not catch up with them?

Mr. ASPIN. The point, if the gentleman will yield, the point is that for certain peculiarities which have got nothing to do with the production run, but certain peculiarities of the Soviet system, which is like for example their ability to add warheads to their missiles in greater numbers then we can add warheads, their potential breakout is much more serious than ours. These limits are clearly in the national security interests of the United States, if the gentleman will let me finish, the point being that if you are worried about a breakout, the Soviets have a greater capacity for breakout than we do and these limits are clearly more in our interest than of the Soviets.

The CHAIRMAN pro tempore. The time of the gentleman from Georgia has again expired.

Mr. KASICH. Mr. Chairman, I yield 1 additional minute to the gentleman from Georgia.

Mr. GINGRICH. Let me just say, Mr. Chairman, I find it very peculiar that my understanding is that the Joint Chiefs of Staff do not agree with you. My understanding is that the Secretary of Defense does not agree with you. My understanding is the President of the United States does not agree with you. The Secretary of State does not agree with you.

So the executive branch of the Government of the United States is saying, "Please do not cripple the United States in this way," but in your wisdom, you are voluntarily crippling the President of the United States 3 weeks before he goes to Moscow.

I just find it very peculiar. I understand that you would not have to cripple President Dukakis, because he would do it to himself, but I find it very peculiar that you are taking on the armed services of the United States, the Secretary of State, and the President, all of whom are saying, "Please don't do this," but you are helping them by crippling America.

Mr. KASICH. Mr. Chairman, if the gentleman will yield, I just want to point out that the CIA testimony indicates that under SALT II this arms control agreement, under SALT II the Soviets could add 6,000 warheads to their current arsenal.

The CHAIRMAN pro tempore. The time of the gentleman from Georgia has again expired.

Mr. KASICH. Mr. Chairman, I yield 1 additional minute to the gentleman from Georgia.

Will the gentleman from Georgia yield?

Mr. GINGRICH. I yield to the gentleman from Ohio.

Mr. KASICH. Under SALT II, the Soviets could add 6,000 warheads to their current arsenal of 9,000 by 1995 and another 8,000 warheads by the year 2000.

This is the folly that has been pursued for so long, until Reagan comes into office and actually deals from a position of peace through strength.

□ 1310

Mr. GINGRICH. Let me suggest, and I might say that we have now moved on the part of our Democratic friends from a blame-America-first foreign policy to a cripple-America-first diplomatic policy, and I think it is amazing that they would only punish and weaken America 3 weeks before Ronald Reagan goes to Moscow.

Mr. ASPIN. Mr. Chairman, I yield 6 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, let me reiterate why President Reagan for 5½ years followed a policy of interim restraint. He said the underlying rationale well when he was quoted in the New York Times magazine of October 6, 1985. He said:

> I learned that the Soviet Union had the capability of increase weaponry much faster than the treaty permitted and we did not.

It was for that reason that despite this conviction that SALT II was fatally flawed, he correctly saw that keeping the limits on nuclear forces embodied in the interim restraint agreement was in the national security interests of the United States. Nothing has changed to alter that fact of life.

The CIA has estimated that the Soviets could add 21,000 warheads by the 1990's without interim restraints. So it is not just NORM DICKS and LES ASPIN saying that. We also have Gen. Bennie Davis, the Strategic Air Commander at the time who was concerned when he testified in 1985 before the Senate Committee on Armed Services. He said:

> If they were to break out of the treaty limits of SALT II, the disparity between the number of warheads held by the Soviet Union and the United States would be significant. Any action by the Soviet Union which would change the nuclear balance so dramatically would adversely affect strategic stability.

The bottom line is this: the Soviets have the capacity to add a lot more offensive capability that we do. The limits in SALT II clearly are in our national security interests.

If my colleagues favor the strategic defense initiative, and I have grave doubts about it, then my colleagues want to limit the number of offensive weapons that the Soviets can deploy because that capability of overwhelm or swamp SDI would be one of the clear countermeasures they would take if it were deployed.

Let me just tell my colleagues something that they may not want to hear but I think should hear.

The SALT II sublimits restrict the Russians more than the United States: To comply with SALT over the years, the Soviet Union has dismantled, destroyed, or withdrawn over 1,100 ICBM's, 300 SLBM's, 19 *Yankee*-class submarines, 8 *Hotel*-class submarines, and between 20 and 50 bison bombers. By comparison, the United States has dismantled or withdrawn fewer strategic system: 10 Polaris subs, 2 Poseidon subs, 350 ICBM's, and about 560 SLBM's.

If my colleagues will go back and see what the Central Intelligence Agency has said, they have said the Soviet Union is still taking older offensive systems out as they deploy new systems.

Let me just give my colleagues a practical problem here. I want the President to succeed in the START talks. I want him to get down to 6,000 warheads as the limit. I am also pragmatic and practical enough to know that the further we build above the limits in SALT II, the harder it is going to be for the United States to come down to that 6,000 warhead limit. We are going to have to make tough choices about ICBM's, SLBM's and bombers. I think exercising restraint now makes good common sense. Plus, from a public relations viewpoint I think it is wrong that the United States is breaking out of the principal limits of SALT II while the Soviet Union continues to exercise and follow the same policy that Ronald Reagan followed for 5½ years, interim restraints. It makes common sense. Let me stay with that policy.

Mr. HUNTER. Mr. Chairman, will the gentleman from Washington yield?

Mr. DICKS. Mr. Chairman, I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I would like to debate for a moment what the gentleman from Washington has just said. If the gentleman from Washington thinks that the breakout potential is so great for the Soviet Union, am I correct in assuming that the gentleman from Washington would allow the Soviet Union to go over the SALT limits a little bit without a response by the United States?

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The time of the gentleman from Washington has expired.

Mr. ASPIN. Mr. Chairman, I yield the balance of my time to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I will reserve 1 minute of that time.

The CHAIRMAN pro tempore. The gentleman from Washington has been yielded 2 minutes.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, to put my question, the gentleman says that the sublimits are very important because the Soviets could break out. He has already admitted that the Soviets in encrypting are in violation of the total treaty.

Mr. DICKS. Mr. Chairman, reclaiming my time, I said that we should take proportional response like Midgetman and encrypting our own telemetry if necessary.

Mr. HUNTER. If the gentleman will yield further, let me ask him this.

Mr. DICKS. When we tear up the SALT Agreement we also end our ability to use mechanisms such as the Standing Consultative Commission, to resolve these kinds of disputes. That was the point.

Mr. HUNTER. The administration has already issued an official statement saying the Soviets are in violation of the overall limits, so based on the rationale of the gentleman from Washington, what should a response be?

Mr. DICKS. Proportional response is the correct way to reply to that, not tearing up the entire agreement.

Mr. HUNTER. Why is the gentleman from Washington enforcing strict sublimits if the Soviets have already violated the overall limits?

Mr. DICKS. Those sublimits are being abided by. They are central to our strategic interests. They keep a cap on the offense arms race both in terms of launchers and warheads. It is in our security. Maybe Ronald Reagan does not understand that anymore. But he did understand that for 5½ years because he followed that policy after he condemned the SALT II Agreement during the 1980 election campaign. When he became Commander in Chief, he saw the numbers and he realized he made a mistake. Nothing has changed to alter that policy.

Mr. HUNTER. So the gentleman from Washington in willing to overlook the violations?

Mr. DICKS. No, I am not willing to overlook any Soviet violations. We should be diplomatically trying to resolve them. We should sit down in secret sessions in Geneva to work out answers to all those issues, not tear up the mechanism to do that.

Mr. HUNTER. If the gentleman will yield further, we should take no reciprocal action?

Mr. DICKS. We could build a lot more Midgetmen to respond to any of their violations.

Mr. HUNTER. My only point is that the Soviets are in violation of the overall limits by about 30 vehicles.

Mr. DICKS. That is a disputed question, and there is some question about some old systems. It is all up in the air.

Mr. KASICH. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Chairman, here we go again. I hope the House will vote down the Dicks amendment. It is simply another one-sided attempt to compel the United States to selectively adhere in the future to the terms of a SALT II Agreement without any attempt to address Soviet noncompliance with the same agreement. Among other things, this amendment raises serious legal and constitutional problems. The amendment binds the executive branch by mandating adherence to a never-ratified, expired-if-ratified arms control agreement that is being violated by the Soviet Union.

Moreover, the United States is not abandoning arms control compliance. There is no obituary for arms reductions. We have very serious SALT negotiations ongoing in Geneva where new sublimits for long-range nuclear systems are being discussed. There is still hope for progress in the START area.

No policy of interim restraint, however, with higher number of nuclear weapons systems is a substitute for an agreement on deep, mutual and verifiable reductions in offensive nuclear arms which the United States is pursuing with the Soviet Union in Geneva. By passing this amendment I believe that we complicate the Geneva process by removing a certain amount of diplomatic leverage which can be exerted at the negotiating table not only in regard to the achievement of Soviet compliance but also in relation to the attainment of a new agreement providing for nuclear arms reductions below SALT II levels.

Mr. Chairman, we have just received on this side of the aisle a letter from the Secretary of State dated April 27, 1988, and I want to quote from that letter.

The Secretary says:

> I understand that the House is considering numerous amendments to the Defense authorization bill, some of which would undercut our arms reductions and security policies. One such amendment would require decisions on the levels of our strategic forces to be made on the basis of selected provisions of the SALT II Agreement. This was a flawed treaty which the Senate has not approved. Even if it had been ratified, it would now have expired. In addition, the Soviets have violated several important provisions of the treaty. If enacted, this amendment would undercut our ability to base our strategic forces on the nature and magnitude of the threat posed by the Soviet Union and on the need to maintain a credible strategic deterrent. Its enactment would greatly lessen incentives for the Soviets to engage in arms reductions negotiations and would send a message to the Soviets that they can pick and choose among arms control agreements and ignore inconvenient limitations.

Again for these reasons, Mr. Chairman, I sincerely hope that the House will vote down this amendment which we have had before us in different forms for several years.

Mr. KASICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to finish this letter from Secretary Shultz.

> I believe that amendments such as these are counterproductive and would undermine our ability—both at the negotiating table in Geneva and at meetings between the leaders of the two countries, such as the upcoming summit in Moscow—to achieve a START Treaty meeting United States criteria and confidence-building agreements with the Soviets. I urge that the House defeat these amendments, thus ensuring that the President and his negotiators can continue to negotiate strategic arms reductions and nuclear testing verification provisions with the Soviets and to pursue multilateral negotiations on an effective, verifiable global ban on chemical weapons and conventional force reductions from positions of strength and unity. We must not give the Soviets unilateral concessions through legislation.

I say to my colleagues this is not the time to pass this kind of an amendment. The President is about to go to the Soviet Union and we are involved in sensitive negotiations now. We should not be doing something like this. This is absolutely out of line. Perhaps in 1983, 1984, or 1985 one could have argued this, but I do no think it can be argued at this time. Clearly not in 1988, 3 weeks before going to the Soviet Union to conduct negotiations. We should not be shoving something down the administration's throat that the Secretary of State says undercuts our position. Let us vote "no."

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). All time has expired.

It is now in order to consider the amendments relating to the Strategic Arms Limitation Treaty printed in section 1 of House Report 100-579, by, and if offered by, the following Members or their designees, which shall be considered in the following order only:

(A) By Representative BROOMFIELD; and

(B) By Representative DICKS.

Each amendment shall be in order even if amending portions of the amendment in the nature of a substitute, as modified and as amended, are already changed by amendment. If more than one of said amendments is adopted, only the last such amendment which is adopted shall be considered as finally adopted and reported back to the House.

Mr. BROOMFIELD. Mr. Chairman, I will not offer my amendment.

AMENDMENT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DICKS: On page 163, after line 6, add the following new section:

SEC. . LIMITATIONS ON DEPLOYMENT OF STRATEGIC NUCLEAR WEAPONS CONSISTENT WITH EXISTING ARMS LIMITATIONS AGREEMENTS.

(a) Notwithstanding any other provision of law, after the end of the 60-day period beginning on the date of the enactment of this at, funds may not be obligated or expended for the deployment or maintenance of—

(1) launchers for more than 820 intercontinental ballistic missiles carrying multiple independently targetable reentry vehicles (MIRVs);

(2) launchers fro an aggregate of more than 1,200 intercontinental ballistic missiles carrying MIRVs and submarine-launched ballistic missiles carrying MIRVs;

(3) an aggregate of more than 1,320 launchers described in paragraph (2) and heavy bombers equipped for air-launched cruise missiles capable of a range in excess of 600 kilometers; or

(4) a number of MIRVs on an individual ballistic missile in excess of the limitations included in the SALT II agreement, its agreed statements and common understanding;

unless the President certifies to the Congress that the Soviet Union, after the date of enactment of this Act, has exceeded the limitations specified in any of the limitations specified in paragraphs (1) through (4). Such certification shall be accompanied by a report, in both classified and unclassified versions, providing information upon which the President based his certification.

(b) For purposes of this section—

(1) launchers of intercontinental ballistic missiles and submarine-launched ballistic missiles equipped with multiple independently targetable reentry vehicles are launchers of the types developed and tested for launching intercontinental ballistic missiles and submarine-launched ballistic missiles equipped with multiple independently targetable reentry vehicles; and

(2) air-launched cruise missiles are unmanned, self-propelled, guided, weapon delivery vehicles which sustain flight through the use of aerodynamic lift over most of their flight path and which are flight tested from or deployed on aircraft.

(c) Within 30 days of enactment of this Act, the President shall notify Congress of his plans for carrying out the provisions of subsection (a).

The CHAIRMAN. Under the rule, the gentleman from Washington [Mr. DICKS] will be recognized for 5 minutes and a Member in opposition will be recognized for 5 minutes.

Mr. KASICH. Mr. Chairman, I am in opposition.

The CHAIRMAN. The gentleman from Ohio [Mr. KASICH] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, as I said in earlier debate, for the last 2 years the House has approved an amendment to return United States strategic nuclear forces to the numerical sublimits included in the SALT II Agreement so long as the Soviets continue to remain under them as well. That is the point I want to make.

The gentleman from Illinois [Mr. HYDE] talked about unilateral steps. This is not unilateral. We are only bound as long as the Soviets are bound.

Last year the Senate concurred in this action. In conference we were able to reach an agreement on dismantling of one Poseidon submarine. I am offering this amendment again this year to retain the only existing limits on offensive nuclear arms until we have secured a new agreement to dramatically reduce nuclear weapons.

I might say that I am an observer to those talks, and I hope and pray that this administration is successful in getting a START agreement. But let us keep some restraint in place until they do.

The amendment is consistent with the Aspin amendment on strict interpretation of the ABM Treaty and with our negotiations in Geneva. It is important that while these discussions continue, that we do not see an acceleration in the arms race that could make ultimate agreement more difficult and which could produce pressure to reach an agreement which may not be in our security interests.

The President followed this interim restraint policy for 5½ years because he recognized that the Soviet Union has the capability to increase their forces much faster than the treaty permitted, and we do not. I would just reiterate that point. I stand here as someone who supports a strong national defense, but I do not support foolishness. To tear up the limits on the offensive side of the equation is foolishness because the Soviet Union has more warm production lines than we do. We have a tremendous debate in the House over the MX Program and the Midgetman program. The Soviets have no similar kind of debate. So let up keep some restraint on the Soviet Union. In fact the people who are opposing this amendment are saying we are prepared to tear up the limits and let the Soviets build and add more to their offensive capabilities. I must say it amazes me because the same people say we must have a strategic defense initiative. The one way to make sure we can overwhelm SDI is if the Soviets add more offensive weapons.

□ 1325

In fact, restraint on offense helps SDI, it does not weaken it.

By the way, when we talk about the cost let me just say one thing. If they do build up then we will be back here asking for more MX's, more D-5's, more ATB's to counter that offensive buildup, and that will have an enormous cost to our country.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Oregon, my friend, who has been a devoted supporter of this amendment for whatever comments he would like to make.

Mr. AuCOIN. Mr. Chairman, I thank the gentleman for yielding and compliment him for his leadership on this issue.

We have been told we do not need SALT II because we are getting START. The fact is START is hung up, as the gentleman from Washington has said, and it is very unlikely to be completed in this administration. I wish this were not the case, but it is the case. In the real world, SALT II is all we have.

It is also a fact that we are better off with SALT than without it.

Members who have paid attention have seen satellite photographs of Soviet Yankee submarines that have been taken out of the water with the missile tubes cut out of them. This has happened because of SALT II and Soviet compliance with that treaty, and for no other reason.

Members also who have paid attention have noticed satellite photos of SS-17 silos. These silos are for MIRV'd ICBM's and the photos show them blown to smithereens. This has happened because of Soviet compliance with SALT II.

SALT II is a good deal. It is sound strategic policy, sound defense policy, and the gentleman from Washington is right on target. I urge my colleagues to support this amendment.

Mr. DICKS. Mr. Chairman, I yield my remaining time to the gentleman from New York [Mr. GREEN] to end the debate.

Mr. GREEN. Mr. Chairman, I want to address the violations issue. I think we ought to make the point that those violations have turned around two new missiles on the Soviet side since SALT II, when SALT II permits only one. But the fact of the matter is that since 1983 we have been planning two new missiles as a result of the Scowcroft Commission report. That has been administration policy.

Mr. DICKS. And that is a proportional response to what they have done.

Mr. GREEN. Basically we have both tacitly agreed there would be two new missiles, not one new missile. So I think the violations issue is really a red herring.

Mr. DICKS. It is a red herring and I agree.

I want to ask my colleagues to strongly support this amendment. We have passed it for 2 years. It has not undercut the administration. Let us keep our arms control structure in place.

Mr. KASICH. Mr. Chairman, I yield myself 1 minute just to say to the gentleman from Washington [Mr. DICKS] that the quickest way to overwhelm the SDI Program is for the House to pass these crippling amendments and inadequate budgets to support the program. That is the first way in which we overwhelm the SDI Program. I hope the gentlemen will not support those.

Second, it is sad that the gentleman's side is going to argue that a treaty that allows the Soviets to increase their warheads by 15,000 over the next 15 years is somehow positive. That is why President Reagan has been right and the gentleman has been wrong.

It is a sad state of affairs that in this House we have to say that we must stay within an agreement that the Soviets are cheating on because they have hot production lines that would allow them to overwhelm us because we cannot get ourselves together. It is a sad state of affairs that we have not been able to come to any agreements on any new systems while the Soviets have not only developed two missiles but deployed two missiles. It is a sad state of affairs that we are afraid of their production lines because we unilaterally have not taken the action we needed to take until President Reagan came to office.

He operated with peace through strength and got us the first arms control deal that achieved reductions in nuclear weapons. Now my colleagues want to go back and sanction another deal that allows us to have arms growth, that allows us to sanction the arms race.

Let us support the President, the only one who has delivered the goods.

Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, this is nuclear freeze judgment. This is the same judgment from the other side of the aisle that pervaded the House when we debated nuclear freeze in 1982, and the idea was that the President of the United States was absolutely wrong in moving for a strong defense, in moving to build new strategic systems.

At that time under SALT II the Soviets had built over 758 SS-17's, SS-18's, SS-19's, and let me say to the gentleman from New York that they built those missiles and put them in the ground aimed at American communities, and they were not paper missiles. At the same time we had placed exactly zero. So the score was 758 to nothing for ICBM systems, built and emplaced during the 1972 to 1982 period.

The President in 1982, proposed to move to a position of strength by building new strategic systems. It was said on the other side of the aisle that this would push the Russians away from the negotiating table, we would have destabilization, we would have no chance of arriving at arms control.

Precisely the opposite has happened. When we moved from a position of strength, the Soviets came to the table. That situation is evident.

If Members really look at the SALT situation as it exists today, the United States already is 28 to 30 launchers over the SALT II quantitative limit of 1,320, so we are over that limit, and the Soviets have signed the INF Agreement. They are moving toward new negotiations with the United States.

The Soviets respond to strength and not just to strong words but to actions on the American side.

The President was right. The liberals in Congress pushing the Jackson-Dukakis arms control agenda are wrong.

Let me say just one other thing about this policy which is wrong for the United States. It is piecemeal enforcement of agreements.

We are telling our Soviet negotiators, "You do not have to comply with all the things you agree to in an agreement, because the United States Congress will unilaterally enforce United States obligations under the agreement. You do not have to have a credible agreement and you do not have to believe that you are going to abide by all of the rules and all of the components of the agreement. You only have to abide by a few components, and the arms control activists in the U.S. Congress will, nonetheless, hamstring the American President and unilaterally enforce the elements that they think are necessary for U.S. defense." So we are leaving a policy of enforcing complete agreements.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I thank the gentleman for yielding.

First of all, this is not a Jackson-Dukakis amendment. It's the Dicks amendment. And all the Joint Chiefs of Staff up to the current administration's have supported SALT II. Let us get that straight. Those are professional military people.

Mr. HUNTER. Mr. Chairman, let me take back my time.

Mr. Chairman, there was one misstatement. The Joint Chiefs of Staff have not supported the idea of us complying with SALT II unilaterally.

Mr. KASICH. Mr. Chairman, I yield my final minute to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, here we are leaving very little to the negotiators to negotiate, reinforcing unilateral compliance with a treaty that has been massively violated by the Soviet Union, that has expired by its terms, and was withdrawn from the Senate for ratification.

This enshrinement of SALT II is arms control by example; if we show them that we comply very strictly and if we dare have any wiggle room or flexibility, this Congress will slap us down.

That sets an example for the Soviets that they should emulate, and if they do not, why shame on them. Unilateral disarmament, one-side compliance, that is the regime that the gentlemen from the left insists on imposing on America.

It is incredibly poor strategy and harms the defense of this country.

Mr. MCCURDY. Mr. Chairman, I rise in support of the amendment by my distinguished colleague from Washington, Mr. DICKS, to place limitations on deployment of U.S. strategic nuclear weapons consistent with the SALT II agreement.

The key criterion for arms control must be the same as it is for our expenditures for national defense. Simply, what is best for America's security. By all reliable indicators of the military balance, our security is strengthened by the Soviet Union's observance of the SALT limits. These limits constrain Soviet nuclear power. Furthermore, they provide a benchmark from which to judge the magnitude of the Soviet threat and the adequacy of our nuclear deterrent.

We have been extremely fortunate that the Soviet Union has unilaterally chosen to continue to adhere to the SALT numerical limits despite the Reagan administration's renouncement of the agreement.

The intelligence community judges that the Soviets have the capability to significantly increase the number of strategic warheads far more without the SALT limitations than they could under SALT. Should they choose to do this, say in response to a breakdown of the START negotiations, a new and very costly nuclear arms race would be created.

In this era of fiscal deficits and reduced budgets, we need to insure all possible measures that the arms competition be restrained as much as possible within predictable limits. A return by the United States to respecting the SALT limits would be a positive step toward this goal.

I agree that the Soviets have violated SALT in certain instances, particularly the SS-25 and telemetry encryption. But these violations do not warrant walking away from an agreement that keeps Soviet nuclear capability constrained. The Soviets have had to destroy a considerable quantity of nuclear weaponry under SALT and given the Soviet penchant to keep weaponry as long as it functions, this is a significant requirement.

In balance, the treaty limitations that the Dicks amendment will restore are militarily far more important to the security of this Nation than the treaty provisions that the Soviets have violated. Given the uncertainty of the outcome of the START negotiations, we should, rather than not respecting the SALT restraints, recognize that we are better off making truly proportional force structure responses to Soviet violations rather than continuing to violate the SALT accord.

Another critical contribution that the SALT accords make to our security that has not been fully appreciated comes from its verification measures. These measures contribute to nuclear stability by requiring the Soviets to reveal facts about their military forces that, absent SALT, they would not reveal.

The SALT limitations contribute to our national security by restricting Soviet offensive strategic nuclear forces and, through its verification provisions, contribute to national security by injecting a degree of transparency and predictability into the arms competition. It is only common sense to ensure that these measures are preserved until a new, more comprehensive arms control agreement is reached. I strongly urge my colleagues to support the Dicks amendment.

Mr. FRENZEL. Mr. Chairman, this Dicks amendment is based on partial observance by the U.S.S.R. and full observance by the United States of an unratified treaty which, had it been ratified, would have expired. It doesn't look like a reasonable arrangement to me.

Most Americans want to observe SALT II and they want the Soviets to observe it too. So do I. The Dicks amendment ignores the fact that the Soviets have already violated the agreement.

It also ignores the facts that we are at the negotiating table now. Our adversaries carry no self-imposed restrictions to the table, nor should we.

I don't expect the United States to violate the numerical restrictions, and I hope the Soviets won't either. As long as we have been successful in INF, and are making progress at START, I believe we should allow maximum flexibility for our negotiators. It is, to me, preferable to achieve success in the negotiations, than to allow the legislative branch to establish limitations on ourselves and not on our adversaries.

Mr. WEISS. Mr. Chairman, I am in strong support of the amendment offered by the gentleman from Washington that calls on the United States to comply with the numerical sublimits of the SALT II Treaty so long as the Soviets do likewise.

Approval of this amendment is one of the most important steps we can take this year to control nuclear weapons.

For 6 years, the Reagan administration followed a policy of interim restraint, under which they kept strategic forces within the SALT II sublimits. But in December 1986, President Reagan decided to abandon the SALT II Treaty, claiming that it was being violated by the Soviet Union and that it was impeding United States plans to modernize strategic forces.

I believe that the decision to abandon SALT II is one of the most serious blunders our President ever made.

There are a number of compelling reasons why continued compliance with the numerical sublimits of the SALT II Treaty is in the security interests of our Nation.

First of all, the SALT II Treaty has forced the Soviet Union to eliminate far more nuclear weapons than it has forced the United States to eliminate. In order to comply with SALT II, the Soviets have thus far dismantled, destroyed, or withdrawn over 1,100 ICBM's, 300 SLBM's, 27 submarines, and 20 to 50 bombers. By contrast, the United States has dismantled or withdrawn 350 ICBM's, 560 SLBM's, and 13 submarines.

Moreover, if the two sides continue to adhere to SALT II in the future, the Soviets will be forced to withdraw modern ICMB's, including SS-17's and SS-19's. By contrast, the United States will merely have to retire obsolete Poseidon submarines. Clearly, the SALT II sublimits restrict the Soviet Union far more than they restrict our Nation.

Second, without the constraints of the SALT II Treaty, both sides will be free to initiate a perilous new spiral in the nuclear arms race. The deployment of numerous additional nuclear weapons will inch us closer and closer to the ultimate catastrophe of nuclear war.

However, the United States and the Soviet Union will not be subject to equivalent risks in the event of an all-out competition to acquire additional offensive arms. The Soviets have the capacity to expand their missile force much more quickly than we can. In other words, they will be able to exploit the situation to their advantage, and there will be little that we will be able to do about it.

Third, a decision to abandon SALT II will complicate the ongoing arms control negotiations in Geneva. These negotiations are in a delicate phase, and many difficult issues remain to be resolved. It will become far more difficult to conclude an agreement if the two sides become plunged into a new competition for strategic arms. Instead of risking complications of this nature, we should continue to abide by the SALT II limits and insist that the Soviets do likewise.

Finally, continued adherence to SALT II will save money. The overhaul of aging Poseidon submarines is an expensive proposition. Dismantling such submarines in order to comply with SALT II will save a considerable amount of money.

The United States should by no means ignore the alleged violations of the SALT II Treaty by the Soviet Union. The administration's charges concerning the encryption of missile test telemetry data and the deployment of more than one new ICBM are serious. But these should have been pursued through the Standing Consultative Commission, rather than serving as the basis for a breakout from the treaty's sublimits. Whether we like it or not, the administration's breakout poses grave risks for our Nation's security and threatens to complicate the President's own objective of a sweeping agreement to reduce strategic arms.

Mr. Chairman, compliance with the SALT II Treaty both enhances our national security and improves the likelihood of future arms control achievements. I urge all of my colleagues to join me in approving this amendment, which is clearly in our Nation's best interest.

Mr. LAGOMARSINO. Mr. Chairman, I rise in opposition to the Dicks amendment that would require U.S. adherence to the SALT II sublimits by prohibiting funds for strategic offensive systems exceeding the numerical sublimits. This attempt to legislate arms control is based on faulty assumptions and is not in the best interests of our Nation.

It is important to remember that the SALT II Treaty was never ratified and would have now expired.

It is clear beyond a doubt that the Soviets have violated SALT II and other arms control agreements and are continuing to do so. Examining SALT II alone, there are at least four clear major violations. The Soviets are: Producing the SS-25 ICBM; exceeding the strategic nuclear delivery vehicle limit; encrypting telemetry; and concealing the association between a missile and its launcher. Any one of these violations could be grounds for cancellation of the agreement. In 1979, President Carter stated that a violation of any important part of the agreement, as each of these noted violations are, "* * * would be a basis on which to reject the treaty in its entirety." SALT II is much more than arbitrary sublimits. Soviet compliance with the sublimits is not the same as compliance with the whole treaty. The SALT II Treaty includes many other important provisions which cannot be ignored. While many Members of Congress have chosen to narrowly focus on this one part of the treaty, they have blindly ignored the other, more important parts. When presenting the SALT II agreements to the Senate, the Carter administration emphasized the importance of these other parts, like the prohibition on encrypting telemetry. As President Carter told us before a joint session of Congress, "A violation of the encryption provisions would be just as serious as a violation of the limits of strategic weapons themselves." According to former Under Secretary of Defense Fred Ikle, who has been very involved with this issue since the early 1970's, the provisions concerning encryption of telemetry are much more important to the United States and it took a lot of very difficult negotiating to get the Soviets to reach the final, resulting agreement on this issue. By ignoring the Soviet violations in this field and unilaterally observing less important sublimits, we have given the Soviets exactly what they wanted but could not obtain during the SALT II negotiations. Such actions have very serious, negative impacts on our future attempts to negotiate with the Soviets. They will know if they can't get something at the bargaining table, they can always to Congress.

This amendment calling for one-sided arms control through selective compliance with SALT II undercuts the United States response to Soviet violations and compromises the ability of United States negotiators in Geneva to gain effective verification provisions in new agreements. Is that what we want, to jeopardize the work of our negotiators? Right now, they are working on START—an agreement far superior to SALT because it would actually reduce and eliminate strategic nuclear missiles, not just control their increase as SALT does. Should we continue to look backward and tie ourselves to obsolete, ineffective agreements at the expense of new, significant arms reductions pacts? I certainly hope not. With the forthcoming Moscow summit just around the corner, we should not be unilaterally legislating arms control. We should not be taking away our own—not their—negotiating options. I want the summit and subsequent negotiations to work. That is why I am listening to our negotiators—the experts in Geneva—and opposing this amendment.

This amendment cannot meaningfully restrain Soviet forces nor can it bring the Soviets back into compliance with its past commitments. It can hurt our own and our allies' national security and future arms control agreements. First, it keeps us from continuing the strategic modernization we need to maintain a credible defense against the growing, unchecked Soviet threat. In planning our forces, we have to look at the real threat this country and its allies face. It makes no sense whatsoever to base our national security on a flawed treaty that was never ratified, that has expired, and that the Soviets knowingly and willingly violate anyway.

Second, this amendment can send exactly the wrong signal to the Soviet leadership, who are now engaged in serious discussions with us about not the limitation but the reduction of nuclear weapons in Europe. If we are unwilling to maintain deterrence or take appropriate actions in response to Soviet noncompliance, our credibility at the arms negotiation table will be endangered and our ability to secure fair, equal agreements will be seriously lessened. The passage of this legislation will not help our current arms control efforts, it will hinder them—it will signal to the Soviets that Congress is not behind the American negotiators. Furthermore, by ignoring Soviet noncompliance, we signal to them that not only can they violate arms control commitments with impunity, but they can pick and choose which provisions of bilateral agreements they wish to honor. Such an arrangement would effectively give the Soviet Union a "line-item veto" over our arms control agreements.

The big buildup some people are predicting without SALT has been going on under SALT and continues. The Soviets right now, under SALT, have a huge buildup scheduled. Unilateral American adherence to sublimits will not affect the Soviets plans, it will only hurt our national security. SALT II has codified a vast increase in Soviet strategic forces allowing them to almost double its inventory of strategic ballistic-missile warheads and could further increase these numbers substantially under SALT. This amendment, though, would force the United States to destroy some of the weapons we have already deployed. Thus, we lose credibility and capability.

Let me elaborate on that point. The second constraint—1,200 MIRV'd ballistic missile launchers—is ineffective in constraining Soviet strategic warhead growth. In the 7 years since signing SALT II the Soviet Union has almost doubled its inventory of strategic weapons, from about 5,000 in 1972 to over 9,000 today. Even though both sides are near the 1,200 limit now, it will not prevent further potential growth in warheads. The Soviets could deploy over 12,000 warheads by 1990, even if they stay within the quantitative sublimits of SALT II. Clearly a better agreement is needed. We are working on that agreement—start—right now. Why jeopardize it and future agreements with this amendment?

While the Soviets have been disregarding SALT II, the President has "gone that extra mile." We retired two older Poseidon submarines so that a new Trident vessel would not exceed any of the SALT II limits. Before deploying the 131st missile armed B-52, the United States gave the Soviet Union ample opportunity to make a jesture showing their commitment to the SALT agreement. Instead, the Soviets made no policy changes and continue to improve their arsenal at our expense. The Soviets must be shown that we are serious about our defense and keeping arms control agreements mutually beneficial. The President has responsibly pursued this policy with his May 27 interim restraint decision.

This fundamental flaw of SALT II, coupled with Soviet violations, clearly indicates the need for a different approach. To get the Soviets to bargain seriously toward reductions, we need to keep our flexibility. That means we need to keep our program for rebuilding our defenses on track—including the other 50 Peacekeeper missiles. Our Modernization Program is not only essential to keeping the peace, but it's the strongest incentive the Soviets have to agree with us on real reductions that can be verified and that the Soviet Union will comply with.

The President's policy is to continue to exercise restraint in meeting strategic needs and anticipates no appreciable numerical growth in U.S. strategic forces. Assuming no significant change in threat, the United States will not deploy more nuclear delivery systems or strategic ballistic missile warheads than the Soviet Union. Our policy continues to be one of restraint and pursuit of arms reduction. Soviet actions to exercise restraint and take other constructive steps will be taken into account when the next modernization milestone is reached. If the Soviet Union wants and demonstrates restraint, then there will be restraint. We have agreed to this long ago. The ball is, so to speak, in the Soviet's court.

Today's focus should be on current efforts looking for real, verifiable reductions in nuclear arms, not on SALT II, a relic of the past which only allowed controlled building, not reductions. With the Dicks amendment, Democrats are again focusing on the past and trying to hold onto ineffective, flawed and obsolete policies. I am more concerned with obtaining a real, mutually beneficial, working arms control agreement than blindly supporting an ineffective piece of signed paper. We can't tie one hand behind our back at this critical moment. Unequal, one-sided restraint is not real arms control. We need to support current efforts moving toward genuine mutual restraint and real reductions.

Mr. Dicks amendment is seriously flawed because it views the SALT II Treaty only as a series of sublimits. We all know SALT II is more than that. If we are serious about realistic, mutually-beneficial arms control agreements, then I urge my colleagues to reject the Dicks amendment.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The question is on the amendment offered by the gentleman from Washington [Mr. DICKS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 174, not voting 17, as follows:

[Roll No. 71]

AYES—240

Ackerman
Akaka
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Brown (CO)
Bruce
Bryant
Bustamante
Campbell
Cardin
Carper
Carr
Chapman
Clarke
Clay
Clement
Clinger
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)

Alexander
Anderson
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Gordon
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes (IL)
Hefner
Henry
Hertel
Hochbrueckner
Horton
Hoyer
Huckaby
Hughes
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Miller (CA)
Mineta
Moakley
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Nagle

Andrews
Annunzio
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pease
Pelosi
Penny
Pepper
Perkins
Pickle
Price
Pursell
Rangel
Richardson
Ridge
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Studds
Swift
Synar
Tauke
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOES—174

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boulter
Broomfield
Buechner
Bunning
Burton

Byron
Callahan
Chandler
Cheney
Coats
Coble
Coleman (MO)
Combest
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)

DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Dyson
Edwards (OK)
English
Fields
Frenzel
Gallegly
Gallo
Gekas
Gilman

Gingrich
Goodling
Gradison
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hefley
Herger
Hiler
Holloway
Hopkins
Houghton
Hubbard
Hunter
Hutto
Hyde
Inhofe
Ireland
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Lancaster
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Nelson
Nichols
Nielson
Oxley
Packard
Parris
Pashayan
Patterson
Petri
Pickett
Porter
Quillen
Ravenel
Regula
Rhodes
Rinaldo
Ritter
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauzin
Taylor
Thomas (CA)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Whitten
Wolf
Wylie
Young (AK)
Young (FL)

NOT VOTING—17

Badham
Bentley
Biaggi
Chappell
Duncan
Emerson
Gibbons
Guarini
Hayes (LA)
Latta
Mack
Mica
Rahall
Ray
Stokes
Wilson
Wortley

Mr. Stokes for, with Mr. Mack against.

□ 1359

The Clerk announced the following pair:

On this note:

Mr. HENRY changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. ASPIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. Foley] having assumed the chair, Mr. Gray of Illinois, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4264) to authorize appropriations for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, to amend the National Defense Authorization Act for fiscal years 1988 and 1989, and for other purposes had come to no resolution thereon.

□ 1400

GENERAL LEAVE

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 4264, the bill just considered.

The SPEAKER pro tempore (Mr. Foley). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

VETERANS' EMPLOYMENT, TRAINING, AND COUNSELING AMENDMENTS OF 1987

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 999) to amend title 38, United States Code, and the Veterans' Job Training Act to improve veterans employment, counseling, and job-training services and programs, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 999

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE TO TITLE 38, UNITED STATES CODE.

(a) Short Title.—This Act may be cited as the "Veterans' Employment, Training, and Counseling Amendments of 1987".

(b) References to Title 38.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. ADMINISTRATION OF EMPLOYMENT AND TRAINING PROGRAMS.

(a) Section 2002A is amended—

(1) by inserting "(a)" before "There"; and

(2) by adding at the end the following new subsections:

"(b) The Secretary shall—

"(1) carry out all provisions of this chapter through the Assistant Secretary of Labor for Veterans' Employment and Training and administer through such Assistant Secretary all programs under the jurisdiction of the Secretary for the provision of employment and training services designed to meet the needs of disabled veterans, veterans of the Vietnam era, and all other eligible veterans and eligible persons;

"(2) in order to make maximum use of available resources, encourage all such programs and all grantees under such programs to enter into cooperative arrangements with private industry and business concerns (including small business concerns), educational institutions, trade associations, and labor unions;

"(3) ensure that maximum effectiveness and efficiency are achieved in providing services and assistance to eligible veterans under all such programs by coordinating and consulting with the Administrator with respect to (A) programs conducted under other provisions of this title, with particular emphasis on coordination of such programs with readjustment counseling activities carried out under section 612A of this title, apprenticeship or other on-job training programs carried out under section 1787 of this title, and rehabilitation and training activities carried out under chapter 31 of this title, and (B) the Veterans' Job Training Act (Public Law 98-77, 29 U.S.C. 1721 note);

"(4) ensure that job placement activities are carried out in coordination and cooperation with appropriate State public employment service officials;

"(5) subject to subsection (c)(2) of this section, make available for use in each State, directly or by grant or contract, such funds as may be necessary (A) to support (i) disabled veterans' outreach program specialists appointed under paragraph (1) of section 2003A(a) of this title, and (ii) local veterans' employment representatives assigned under section 2004(b) of this title, and (B) to support the reasonable expenses of such specialists and representatives for training, travel, supplies, and fringe benefits, including travel expenses and per diem for attendance at the National Veterans' Employment and Training Service Institute established under section 2010A of this title;

"(6) monitor and supervise on a continuing basis the distribution and use of funds provided for use in the States under this paragraph (5) of this subsection; and

"(7) monitor the appointment of disabled veterans' outreach specialists and the assignment of local veterans' employment representatives in order to ensure compliance with the provisions of section 2003A(a)(1) and 2004(a)(4), respectively.

"(c)(1) The distribution and use of funds under subsection (b)(5) of this section in order to carry out sections 2003A(a) and 2004(a) of this title shall be subject to the continuing supervision and monitoring of the Secretary and shall not be governed by the provisions of any other law, or any regulations prescribed thereunder, that are inconsistent with this section or section 2003A or 2004 of this title.

"(2) In determining the terms and conditions of a grant or contract under which funds are made available in a State under subsection (b)(5) of this section in order to carry out section 2003A(a) or 2004 (a) and (b) of this title, the Secretary shall take into account (A) the evaluations, carried out pursuant to section 2003(c)(13) of this title, of the performance of local employment offices in the State, and (B) the results of the monitoring, carried out pursuant to paragraph (1) of this subsection, of the use of funds under subsection (b)(5) of this section.

"(d) The Secretary shall assign to each region for which the Secretary operates a regional office a representative of the Veterans' Employment and Training Service to serve as the Regional Director for Veterans' Employment and Training.".

(b) Conforming and Clerical Amendments.—(1) Section 2003A is amended—

(A) in subsection (a)—

(i) by striking out paragraphs (1), (3), and (5) and redesignating paragraphs (2) and (4) as paragraphs (1) and (2), respectively;

(ii) in paragraph (1) (as so redesignated)—

(I) by amending the first sentence to read as follows: "The amount of funds made available for use in a State under section

2002A(b)(5)(A)(i) of this title shall be sufficient to support the appointment of one disabled veterans' outreach program specialist for each 5,300 veterans of the Vietnam era and disabled veterans residing in such State";

(II) in the third, fourth, and fifth sentences, by inserting "qualified" before "disabled" each place it appears; and

(III) in the fifth sentence, by inserting "qualified" after "any"; and

(iii) in paragraph (2) (as so redesignated), by striking our "paragraph (2) of"; and

(B) by striking out subsection (d).

(2) Section 2006 is amended—

(A) in subsection (a), by striking out the last sentence; and

(B) in subsection (d), by striking out "of Labor, upon the recommendation of the Assistant Secretary of Labor for Veterans' Employment,".

(3)(A) Section 2009 is repealed.

(B) The table of sections at the beginning of chapter 41 is amended by striking out the item relating to section 2009.

SEC. 3. LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) In General.—(1) Section 2004 is amended to read as follows:

"§ 2004. Local veterans' employment representatives

"(a)(1) The total of the amount of funds made available for use in the States under section 2002A(b)(5)(A)(ii) of this title shall be sufficient to support the assignment of 1,600 full-time local veterans' employment representatives and the States' administrative expenses associated with the assignment of that number of such representatives and shall be allocated to the several States so that each State receives funding sufficient to support—

"(A) the number of such representatives who were assigned in such State on January 1, 1987, plus one additional such representative;

"(B) the percentage of the 1,600 such representatives for which funding is not provided under clause (A) of this paragraph which is equal to the average of (i) the percentage of all veterans residing in the United States who reside in such State, (ii) the percentage of the total of all eligible veterans and eligible persons registered for assistance with local employment offices in the United States who are registered for assistance with local employment offices in such State, and (iii) the percentage of all full-service local employment offices in the United States which are located in such State; and

"(C) the State's administrative expenses associated with the assignment of the number of such representatives for which funding is allocated to the State under clauses (A) and (B) of this paragraph.

"(2)(A) The local veterans' employment representatives allocated to a State pursuant to paragraph (1) of this subsection shall be assigned by the administrative head of the employment service in the State, with the concurrence of the State Director for Veterans' Employment and Training, so that as nearly as practical (i) one full-time such representative is assigned to each local employment office at which a total of at least 1,100 eligible veterans and eligible persons is registered for assistance, (ii) one additional full-time such representative is assigned to each such local employment office for each 1,500 such individuals above 1,100 such individuals who are so registered at such office, and (ii) one half-time such representative is assigned to each local employment office at which at least 350 but less than 1,100 such individuals are so registered.

"(B) In the case of a local employment office at which less than 350 such individuals are so registered, the head of such office (or the designee of the head of such office) shall be responsible for ensuring compliance with the provisions of this title providing for priority services for veterans and priority referral of veterans to Federal contractors.

"(3) For the purposes of this subsection, an individual shall be considered to be registered for assistance with a local employment office during a program year if the individual—

"(A) registered, or renewed such individual's registration, for assistance with the office during that program year; or

"(B) so registered or renewed such individual's registration during a previous program year and, in accordance with regulations which the Secretary shall prescribe, is counted as still being registered for administrative purposes.

"(4) Each local veterans' employment representative shall be a veteran. Preference shall be given in the assignment of such representatives to qualified disabled veterans. If the Secretary finds that no qualified disabled veteran is available for any such assignment, such assignment may be given to a qualified veteran who is not a disabled veteran.

"(b) Local veterans' employment representatives shall be assigned, in accordance with this section, by the administrative head of the employment service in each State.

"(c)(1) The services provided by local veterans' employment representatives shall be subject to the functional supervision specified in section 2003(c)(1)(A) of this title.

"(2)(A) Except as provided in subparagraph (B) of this paragraph, the work of local veterans' employment representatives shall be fully devoted to discharging at the local level the duties and functions specified in section 2003 (c)(1)(B) and (c)(2) through (12) of this title.

"(B) The duties of local veterans' employment representatives shall include providing, or facilitating the provision of, counseling services to veterans who, pursuant to section 5(b)(3) of the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note), are certified as eligible for participation under such Act.".

(2) The item relating to such section in the table of sections at the beginning of chapter 41 is amended to read as follows:

"2004. Local veterans' employment representatives.".

(b) Budgeting.—Section 2006(a) is amended—

(1) in the fifth sentence—

(A) by striking out "to fund the disabled veterans' outreach program under section 2003A" and inserting in lieu thereof "in all of the States for the purposes specified in paragraph (5) of section 2002A(b) of this title and to fund the National Veterans' Employment and Training Service Institute under section 2010A"; and

(B) by striking out "such section" and inserting in lieu thereof "such sections"; and

(2) by amending the sixth sentence to read as follows: "Each budget submission with respect to such funds shall include separate listings of the proposed numbers, by State, of disabled veterans' outreach program specialists appointed under section 2003A(a)(1) of this title and local veterans' employment representatives assigned under section 2004(b) of this title, together with information demonstrating the compliance of such budget submission with the funding requirements specified in the preceding sentence.".

(c) Reporting Requirements.—Subsection (c) of section 2007 is amended to read as follows:

"(c) Not later than February 1 of each year, the Secretary shall report annually to the appropriate committees of the Congress on the success during the preceding fiscal year of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter and programs for the provision of employment and training services to meet the needs of veterans. The report shall include—

"(1) specification, by State, of the numbers of eligible veterans, veterans of the Vietnam era, disabled veterans, special disabled veterans, and eligible persons who registered for assistance with the public employment service system and, of each such categories, the numbers referred to and placed in jobs, the numbers referred to and placed in jobs and job training programs supported by the Federal Government, the number counseled, and the number who received some reportable service;

"(2) any determination made by the Secretary during the preceding fiscal year under section 2006 of this title or subsection (a)(2) of this section and a statement of the reasons for such determination;

"(3) a report on activities carried out during the preceding fiscal year under sections 2003A and 2004 of this title; and

"(4) a report on the operation during the preceding fiscal year of programs for the provision of employment and training services designed to meet the needs of veterans, including an evaluation of the effectiveness of such programs during such fiscal year in meeting the requirements of section 2002A(b) of this title, the efficiency with which services were provided under such programs during such year, and such recommendations for further legislative action (including the need for any changes in the formulas governing the appointment of disabled veterans' outreach program specialists under section 2003A(a)(2) of this title and the assignment of local veterans' employment representatives under section 2004(b) of this title and the allocation of funds for the support of such specialists and representatives) relating to veterans' employment as the Secretary considers appropriate.".

SEC. 4. PERFORMANCE OF DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) In General.—Chapter 41 is amended by inserting after section 2004 the following new section:

"§ 2004A. Performance of disabled veterans' outreach program specialists and local veterans' employment representatives

"(a)(1) After consultation with State employment agencies or their representatives, or both, the Secretary shall prescribe, and provide for the implementation and application of, standards for the performance of disabled veterans' outreach program specialists appointed under section 2003A(a) of this title and local veterans' employment representatives assigned under section 2004(b) of this title and shall monitor the activities of such specialists and representatives.

"(2) Such standards shall be designed to provide for—

"(A) in the case of such specialists, the effective performance at the local level of the duties and functions of such specialists specified in section 2003A (b) and (c) of this title,

"(B) in the case of such representatives, the effective implementation at the local level of the duties and functions specified in paragraphs (1)(B) and (2) through (12) of section 2003(c) of this title, and

"(C) the monitoring and rating activities prescribed by subsection (b) of this section.

"(3) Such standards shall include as one of the measures of the performance of such a specialist the extent to which the specialist, in serving as a case manager under section 14(b)(1)(A) of the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note), facilitates rates of successful completion of training by veterans participating in programs of job training under that Act.

"(4) In entering into an agreement with a State for the provision of funding under section 2002A(b)(5) of this title, the Assistant Secretary of Labor for Veterans' Employment and Training personally may make exceptions to such standards to take into account local conditions and circumstances, including the employment, counseling, and training needs of the eligible veterans and eligible persons served by the office or offices to which the exception would apply.

"(b)(1) State Directors for Veterans' Employment and Training and Assistant State Directors for Veterans' Employment and Training shall regularly monitor the performance of the specialists and representatives referred to in subsection (a)(1) of this section through the application of the standards required to be prescribed by such subsection (a)(1).

"(2) A State Director for Veterans' Employment and Training, or a designee of such Director, shall submit to the head of the employment service in the State recommendations and comments in connection with each annual performance rating of a disabled veterans' outreach program specialist or local veterans' employment representative in the State.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 is amended by adding at the end the following:

"2004A. Performance of disabled veterans' outreach program specialists and local veterans' employment representatives.".

SEC. 5. WAIVER OF RESIDENCY REQUIREMENT FOR CERTAIN STATE DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.

Section 2003(b)(1) is amended—

(1) by inserting "(A)" after "(1)";

(2) by redesignating clauses (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting in clause (i), as redesignated by clause (2), ", except as provided in subparagraph (B) of this paragraph," after "shall"; and

(4) by adding at the end the following new subparagraph:

"(B) The Secretary, where the Secretary determines that it is necessary to consider for appointment as a State Director for Veterans' Employment and Training an eligible veteran who is an Assistant State Director for Veterans' Employment and Training and has served in that capacity for at least 2 years, may waive the requirement in subparagraph (A)(i) of this paragraph that an eligible veteran be a bona fide resident of a State for at least 2 years in order to be eligible to be assigned as a State Director for Veterans' Employment and Training. In the event of such a waiver, preference shall be given to a veteran who meets such residency requirement and is equally as qualified for the position of State Director as such Assistant State Director.".

SEC. 6. SHARING OF INFORMATION REGARDING POTENTIAL EMPLOYERS.

(a) BETWEEN THE DEPARTMENTS OF DEFENSE AND LABOR.—Section 2005 is amended—

(1) by inserting "(a)" before "All"; and

(2) by adding at the end the following new subsection:

"(b) For the purpose of assisting the Secretary and the Administrator in identifying employers with potential job training opportunities under the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note) and otherwise in order to carry out this chapter, the Secretary of Defense shall provide to the Secretary and to the Administrator (1) not more than 30 days after the date of the enactment of this subsection, the then-current list of employers participating in the National Committee for Employer Support of the Guard and Reserve, and (2) thereafter, on the fifteenth day of each month, updated information regarding the list.".

(b) BETWEEN THE VETERANS' ADMINISTRATION AND THE DEPARTMENT OF LABOR.—(1) Section 2008 is amended—

(A) by inserting "(a)" before "In"; and

(B) by adding at the end the following new subsection:

"(b) The Administrator shall require each regional office of the Veterans' Administration to provide to appropriate employment service offices and Department of Labor offices, as designated by the Secretary, on a monthly or more frequent basis, the name and address of each employer located in the area served by such regional office that offers a program of job training which has been approved by the Administrator under section 7 of the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note).".

(2)(A) The heading of section 2008 is amended to read as follows:

"§ 2008. Cooperation and coordination".

(B) The item relating to such section in the table of sections at the beginning of chapter 41 is amended to read as follows:

"2008. Cooperation and coordination.".

SEC. 7. RESPONSIBILITIES OF PERSONNEL.

(a) STATE AND ASSISTANT STATE DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.—Section 2003(c) is amended—

(1) in clause (1)—

(A) by inserting "(A) functionally supervise the provision of services to eligible veterans and eligible persons by such system and such program and their staffs, and (B)" after "(1)"; and

(B) by inserting ", including the program conducted under the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note)" after "programs";

(2) in clause (2), by inserting "and otherwise to promote the employment of eligible veterans and eligible persons" after "opportunities";

(3) in clause (11), by striking out "and" at the end;

(4) in clause (12), by striking out the period and inserting in lieu thereof "; and"; and

(5) by adding at the end the following new clause:

"(13) not less frequently than annually, conduct an evaluation at each local employment office of the services provided to eligible veterans and eligible persons and make recommendations for corrective action as appropriate.".

(b) DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.—Section 2003A(c) is amended—

(1) in clause (4), by inserting "(including part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.))" after "programs";

(2) in clause (6), by inserting "(including the program conducted under the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note))" after "programs"; and

(3) by adding at the end the following new clauses:

"(9) Provision of counseling services to veterans with respect to veterans' selection of and changes in vocations and veterans' vocational adjustment.

"(10) Provision of services as a case manager under section 14(b)(1)(A) of the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note).".

SEC. 8. NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICE INSTITUTE.

(a) ESTABLISHMENT OF INSTITUTE.—Chapter 41 is further amended by adding at the end the following new section:

"§ 2010A. National Veterans' Employment and Training Service Institute

"In order to provide for such training as the Secretary considers necessary and appropriate for the efficient and effective provision of employment, job-training, placement, and related services to veterans, the Secretary shall establish and make available such funds as may be necessary to operate a National Veterans' Employment and Training Service Institute for the training of disabled veterans' outreach program specialists, local veterans' employment representatives, State Directors for Veterans' Employment and Training, and Assistant State Directors for Veterans' Employment and Training, and such other personnel involved in the provision of employment, job-training, counseling, placement, or related services to veterans as the Secretary considers appropriate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 is further amended by adding at the end the following new item:

"2010A. National Veterans' Employment and Training Service Institute.".

SEC. 9. STUDY OF UNEMPLOYMENT AMONG CERTAIN DISABLED VETERANS AND VIETNAM THEATER VETERANS.

(a) IN GENERAL.—Chapter 41 is further amended by adding at the end the following new section:

"§ 2010B. Special unemployment study

"(a) The Secretary, through the Bureau of Labor Statistics, shall conduct, on a biennial basis, studies of unemployment among special disabled veterans and among veterans who served in the Vietnam Theater of Operations during the Vietnam era and promptly report to the Congress on the results of such studies.

"(b) The first study under this section shall be completed not later than July 1, 1988.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 is amended by adding at the end the following new item:

"2010B. Special unemployment study.".

SEC. 10. SECRETARY'S COMMITTEE ON VETERANS' EMPLOYMENT.

Clause (1) of section 2010(b) is amended—

(1) by redesignating subclauses (D), (E), and (F) as subclauses (E), (F), and (G), respectively;

(2) by inserting after subclause (C) a subclause, as follows:

"(D) the Secretary of Education;"

(3) by striking out "and" at the end of subclause (F) (as so redesignated);

(4) by adding at the end the following new subclause:

"(H) the Postmaster General; and".

SEC. 11. VETERANS' JOB TRAINING ACT AMENDMENTS.

(a) EXPANSION OF ELIGIBILITY.—(1) Paragraph (1) of section 5(a) of the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note) is amended to read as follows:

"(1) To be eligible for participation in a job training program under this Act, a veteran must—

"(A) be unemployed at the time of applying for participation in a program under this Act;

"(B)(i) have been unemployed for at least 10 of the 15 weeks immediately preceding the date of such veteran's application for participation in a program under this Act; or

"(ii)(I) have been terminated or laid off from employment as the result of a plant closing or major reduction in the number of persons employed by the veteran's prior employer, and (II) have no realistic opportunity to return to employment in the same or similar occupation in the geographical area where the veteran previously held employment; and

"(C)(i) have served in the active military, naval, or air service for a period of more than 180 days; or

"(ii)(I) have been discharged or released from the active military, naval, or air service for a service-connected disability; or (II) be entitled to compensation (or but for the receipt of retirement pay be entitled to compensation).".

(2) Section 3(3) of such Act is amended—

(A) by striking out "'Korean conflict'" and "(9)"; and

(B) by striking out "'State', and 'Vietnam era'," and "(24), and (29)" and inserting in lieu thereof "and 'State'" and "and (24)", respectively.

(b) COUNSELING.—(1) Section 14 of such Act is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b)(1) The Administrator and the Secretary shall jointly provide for—

"(A) a program under which, except as provided in paragraph (2), a disabled veteran's outreach program specialist appointed under section 2003A(a) of title 38, United States Code, is assigned as a case manager for each veteran participating in a program of job training under this Act, the veteran has an in-person interview with the case manager not later than 60 days after entering into a program of training under this Act, and periodic (not less frequent than monthly) contact is maintained with each such veteran for the purpose of (i) avoiding unnecessary termination of employment, (ii) referring the veteran to appropriate counseling, if necessary, (iii) facilitating the veteran's successful completion of such program, and (iv) following up with the employer and the veteran in order to determine the veteran's progress in the program and the outcome regarding the veteran's participation in and successful completion of the program;

"(B) a program of counseling services (to be provided pursuant to subchapter IV of chapter 3 of such title and sections 612A, 2003A, and 2204 of such title) designed to resolve difficulties that may be encountered by veterans during their training under this Act; and

"(C) a program of information services under which (i) each veteran who enters into a program of job training under this Act and each employer participating under this Act is informed of the supportive services and resources available to the veteran (I) under subparagraphs (A) and (B), (II) through Veterans' Administration counseling and career-development activities (especially, in the case of a Vietnam-era veteran, readjustment counseling services under section 612A of such title) and under part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.), and (III) through other appropriate agencies in the community, and (ii) veterans and employers are encouraged to request such services whenever appropriate.

"(2) No case manager still be assigned pursuant to paragraph (1)(A) in the case of the employees of an employer if the Secretary determines that—

"(A) the employer has an appropriate and effective employee assistance program that is available to all veterans participating in the employer's programs of job training under this Act; or

"(B) the rate of veterans' successful completion of the employer's programs of job training under this Act, either cummulatively or during the previous program year, is 60 percent or higher.

"(c) Before a veteran who voluntarily terminates from a program of job training under this Act or is involuntarily terminated from such program by the employer may be eligible to be provided with a further certificate, or renewal of certification, of eligibility for participation under this Act, such veteran must be provided by the Administrator with appropriate vocational counseling in light of the veteran's termination.".

(2) Section 7(d) of such Act is amended—

(A) by redesignating paragraph (12) as paragraph (13); and

(B) inserting after paragraph (11) the following new paragraph:

"(12) That, as applicable, the employer will provide each participating veteran with the full opportunity to participate in a personal interview pursuant to section 14(b)(1)(A) during the veteran's normal workday.".

(c) DISCONTINUANCE OF APPROVAL OF PARTICIPATION IN PROGRAMS OF EMPLOYERS WITH UNSATISFACTORY COMPLETION RATES.—Section 11 of such Act is amended—

(1) by inserting "(a)" after "SEC. 11."; and

(2) by adding at the end the following new subsection:

"(b)(1) If the Secretary, after consultation with the Administrator and in accordance with regulations which the Administrator and the Secretary shall jointly prescribe to carry out this subsection, determines that the rates of veterans' successful completion of an employer's programs of job training previously approved by the Administrator for the purposes of this Act is disproportionately low, the Administrator shall disapprove participation in such programs on the part of veterans who had not begun such participation on the date that the employer is notified of the disapproval.

"(2)(A) A disapproval under paragraph (1) shall remain in effect until such time as the Administrator determines that adequate remedial action has been taken. In determining whether the remedial actions taken by the employer are adequate to ensure future avoidance of a disproportionately low rate of successful completion, the Administrator may, except in the case of an employer which the Secretary determines meets the criteria specified in clause (A) or (B) of section 14(b)(2), consider the likely effects of such actions in combination with the likely effects of using the payment formula described in subparagraph (B) of this paragraph. If the Administrator finds that the combined effects of such actions and such use are adequate to ensure future avoidance of such a rate, the Administrator may revoke the disapproval with the revocation conditioned upon such use for a period of time that the Administrator considers appropriate under the circumstances.

"(B) The payment formula referred to in subparagraph (A) is a formula under which, subject to sections 5(c) and 8(a)(2), the amount paid to the employer on behalf of a veteran shall be—

"(i) in the case of a program of job training of 4 or more months duration—

"(I) for the first 4 months of such program, 30 percent of the product of the starting hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay) and the number of hours worked by the veteran during such months;

"(II) for any period after the first 4 months, 50 percent of the product of the starting hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay) and the number of hours worked by the veteran during that period; and

"(III) upon the veteran's successful completion of the program, the amount that would have been paid, above the amount that was paid, for such first 4 months pursuant to subclause (I) if the percentage specified in subclause (I) were 50 percent rather than 30 percent; and

"(ii) in the case of a program of job training of less than 4 months duration—

"(I) for the months prior to the final scheduled month of the program, 30 percent of the product of the starting hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay) and the number of hours worked by the veteran during the months prior to such final scheduled month;

"(II) for the final scheduled month of the program, 50 percent of the product of the actual hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay) and the number of hours worked by the veteran during that month; and

"(III) upon the veteran's successful completion of the program, the amount that would have been paid, above the amount that was paid, for the months prior to the final scheduled month of the program pursuant to subclause (I) if the percentage specified in subclause (I) were 50 percent rather than 30 percent.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 16 of such Act is amended—

(1) by inserting "(a)" before "There";

(2) in subsection (a) (as so designated)—

(A) by inserting after the first sentence the following new sentence: "There is also authorized to be appropriated, in addition to the appropriations authorized by the preceding sentence, $60,000,000 for each of the fiscal years 1988 and 1989 for the purpose of making payments to employers under this Act."; and

(B) in the final sentence, by striking out "1989" and inserting in lieu thereof "1991"; and

(3) by adding at the end the following new subsection:

"(b) Notwithstanding any other provision of law, any funds appropriated under subsection (a) for any fiscal year which are obligated for the purpose of making payments under section 8 on behalf of a veteran (including funds so obligated which previously had been obligated for such purpose on behalf of another veteran and were thereafter deobligated) and are later deobligated shall immediately upon deobligation become available to the Administrator for obligation for such purpose. The further obligation of such funds by the Administrator for such purpose shall not be required, directly or indirectly, to be delayed in any manner by any officer or employee in the executive branch.".

(e) DEADLINES FOR VETERANS' APPLICATIONS AND ENTRY INTO TRAINING.—Section 17 of such Act is amended to read as follows:

"SEC. 17. Assistance may not be paid to an employer under this Act—

"(1) on behalf of a veteran who initially applies for a program of job training under this Act after June 30, 1989; or

"(2) for any such program which begins after December 31, 1989.".

(f) CONFORMING AMENDMENT.—Section 5(b)(3)(A) of such Act is amended by striking out "The" at the beginning of the first sentence and inserting in lieu thereof "Subject to section 14(c), the".

(g) DATA ON PARTICIPATION.—Section 15 of such Act is amended by adding at the end the following new subsection:

"(f) The Secretary shall, on a not less frequent than quarterly basis, collect from the heads of State employment services and State Directors for Veterans' Employment and Training information available to such heads and Directors, and derived from programs carried out in their respective States, with respect to the numbers of veterans who receive counseling services pursuant to section 14, who are referred to employers participating under this Act, who participate in programs of job training under this Act, and who complete such programs, and the reasons for veterans' noncompletion.".

SEC. 12. REVISIONS OF NOMENCLATURE.

(a) SECRETARY OF LABOR.—(1) Section 2001 is amended by adding at the end the following new paragraph:

"(7) The term 'Secretary' means the Secretary of Labor.".

(2) Sections 2002A, 2003 (a) and (b)(2), 2005(a) (as redesignated by the amendment made by section 6(a)(1)), 2006(a), 2007, 2008(a) (as redesignated by the amendment made by section 6(b)(1)), and 2010(b) are amended by striking out "Secretary of Labor" each place it appears except where preceded by "Assistant" and inserting in lieu thereof "Secretary".

(3) The first sentence of section 2010(b) is amended by striking out "The" and inserting in lieu thereof "Notwithstanding section 2002A(b)(1) of this title, the".

(b) ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—(1) Sections 2000(2), 2002, 2002A(a) (as redesignated by section 2(a)) and 2010(b) are amended by inserting "and Training" after "Assistant Secretary of Labor for Veterans' Employment" each place it appears.

(2)(A) The heading of section 2002A is amended to read as follows:

"§ 2002A. Assistant Secretary of Labor for Veterans' Employment and Training; national programs".

(B) The item relating to such section in the table of sections at the beginning of chapter 41 is amended to read as follows:

"2002A. Assistant Secretary of Labor for Veterans' Employment and Training; national programs.".

(c) STATE AND ASSISTANT STATE DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.—(1) Sections 2003 and 2003A(b)(2) are amended by inserting "and Training" after "State Directors for Veterans' Employment" and "Assistant State Director for Veterans' Employment" each place those terms appear.

(2)(A) The heading of section 2003 is amended to read as follows:

"§ 2003. State and Assistant State Directors for Veterans' Employment and Training".

(B) The item relating to such section in the table of sections at the beginning of chapter 41 is amended to read as follows:

"2003. State and Assistant State Directors for Veterans' Employment and Training.".

SEC. 13. EFFECTIVE DATE.

The provisions of and amendments made by this Act shall take effect on October 1, 1987.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MONTGOMERY

Mr. MONTGOMERY. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MONTGOMERY: Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; REFERENCE TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This act may be cited as the "Veterans' Employment, Training, and Counseling Amendments of 1988".

(b) REFERENCES TO TITLE 38.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. ADMINISTRATION OF EMPLOYMENT AND TRAINING PROGRAMS.

(a) IN GENERAL.—Section 2002A is amended—

(1) by inserting "(a)" before "There"; and

(2) by adding at the end the following new subsection:

"(b) The Secretary shall—

"(1) except as expressly provided otherwise, carry out all provisions of this chapter and chapter 43 of this title through the Assistant Secretary of Labor for Veterans' Employment and Training and administer through such Assistant Secretary all programs under the jurisdiction of the Secretary for the provision of employment and training services designed to meet the needs of disabled veterans, veterans of the Vietnam era, and all other eligible veterans and eligible persons;

"(2) in order to make maximum use of available resources in meeting such needs, encourage all such programs and all grantees under such programs to enter into cooperative arrangements with private industry and business concerns (including small business concerns), educational institutions, trade associations, and labor unions;

"(3) ensure that maximum effectiveness and efficiency are achieved in providing services and assistance to eligible veterans under all such programs by coordinating and consulting with the Administrator with respect to (A) programs conducted under other provisions of this title, with particular emphasis on coordination of such programs with readjustment counseling activities carried out under section 612A of this title, apprenticeship or other on-the-job training programs carried out under section1787 of this title, and rehabilitation and training activities carried out under chapter 31 of this title, and (B) the Veterans' Job Training Act (29 U.S.C. 1721 note);

"(4) ensure that job placement activities are carried out in coordination and cooperation with appropriate State public employment service officials;

"(5) subject to subsection (c)(2) of this section, make available for use in each State, directly or by grant or contract, such funds as may be necessary (A) to support (i) disabled veterans' outreach program specialists appointed under section 2003A(a)(1) of this title, and (ii) local veterans' employment representatives assigned under section 2004(b) of this title, and (B) to support the reasonable expenses of such specialists and representatives for training, travel, supplies, and fringe benefits, including travel expenses and per diem for attendance at the National Veterans' Employment and Training Services Institute established under section 2009 of this title;

"(6) monitor and supervise on a continuing basis the distribution and use of funds provided for use in the States under paragraph (5) of this subsection; and

"(7) monitor the appointment of disabled veterans' outreach specialists and the assignment of local veterans' employment representatives in order to ensure compliance with the provisions of sections 2003A(a)(1) and 2004(a)(4), respectively, of this title.

"(c)(1) The distribution and use of funds under subsection (b)(5) of this section in order to carry out sections 2003A(a) and 2004(a) of this title shall be subject to the continuing supervision and monitoring of the Secretary and shall not be governed by the provisions of any other law, or any regulations prescribed thereunder, that are inconsistent with this section or section 2003A or 2004 of this title.

"(2) In determining the terms and conditions of a grant or contract under which funds are made available in a State in order to carry out section 2003A or 2004 of this title, the Secretary shall take into account (A) the results of the evaluations, carried out pursuant to section 2003(c)(15) of this title, of the performance of local employment offices in the State, and (B) the monitoring carried out under this section.

"(3) Each grant or contract by which funds are made available in a State shall contain a provision requiring the recipient of the funds to comply with the provisions of this chapter.

"(d) The Assistant Secretary of Labor for Veterans' Employment and Training shall promote and monitor participation of qualified veterans and eligible persons in employment and training opportunities under the Job Training Partnership Act and other federally funded employment and training programs.

"(e)(1) The Secretary shall assign to each region for which the Secretary operates a regional office a representative of the Veterans' Employment and Training Service to serve as the Regional Administrator for Veterans' Employment and Training in such region.

"(2) Each such Regional Administrator shall be responsible for—

"(A) ensuring the promotion, operation, and implementation of all veterans' employment and training programs and services within the region;

"(B) monitoring compliance with section 2012 of this title with respect to veterans' employment under Federal contracts within the region;

"(C) protecting and advancing veterans' reemployment rights within the region; and

"(D) coordinating, monitoring, and providing technical assistance on veterans' employment and training programs with respect to all entities receiving funds under grants from or contracts with the Department of Labor within the region.".

(b) BUDGETING.—Section 2006(a) is amended—

(1) in the fifth sentence—

(A) by striking out "to fund the disabled veterans' outreach program under section 2003A" and inserting in lieu thereof "in all of the States for the purposes specified in paragraph (5) of section 2002A(b) of this title and to fund the National Veterans' Employment and Training Services Institute under section 2009";

(B) by striking out "such section" and inserting in lieu thereof "such sections"; and

(2) by striking out sixth sentence and inserting in lieu thereof the following: "Each budget submission with respect to such funds shall include separate listings of the amount for the National Veterans' Employment and Training Services Institute and of the proposed numbers, by State, of disabled veterans' outreach program specialists appointed under section 2003A of this title and local veterans' employment representatives assigned under section 2004 of this title, together with information demonstrating the compliance of such budget submission with the funding requirements specified in the preceding sentence.".

(c) USE OF ADMINISTRATIVE FUNDS.—Section 2006(d) is amended by striking out ", exept with" and all that follows through ", except with" and all that follows through "purpose".

(d) REPORTING REQUIREMENTS.—Section 2007(c) is amended to read as follows:

"(c) Not later than February 1 of each year, the Secretary shall report to the Committees on Veterans' Affairs of the Senate and the House of Representatives on the success during the preceding program year of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter and programs for the provision of employment and training services to meet the needs of eligible veterans and eligible persons. The report shall include—

"(1) specification, by State and by age group, of the numbers of eligible veterans, veterans of the Vietnam era, disabled veterans, special disabled veterans, and eligible persons who registered for assistance with the public employment service system and, for each of such categories, the numbers referred to and placed in permanent and other jobs, the numbers referred to and placed in jobs and job training programs supported by the Federal Government, the number counseled, and the number who received some, and the number who received no, reportable service;

"(2) a comparison of the job placement rate for each of the categories of veterans and persons described in clause (1) of this subsection with the job placement rate for nonveterans of the same age groups registered for assistance with the public employment system in each State;

"(3) any determination made by the Secretary during the preceding fiscal year under section 2006 of this title or subsection (a)(2) of this section and a statement of the reasons for such determination;

"(4) a report on activities carried out during the preceding program year under sections 2003A and 2004 of this title; and

"(5) a report on the operation during the preceding program year of programs for the provision of employment and training services designed to meet the needs of eligible veterans and eligible persons, including an evaluation of the effectiveness of such programs during such program year in meeting the requirements of section 2002A(b) of this title, the efficiency with which services were provided through such programs during such year, and such recommendations for further legislative action (including the need for any changes in the formulas governing the appointment of disabled veterans' outreach program specialists under section 2003A(a)(2) of this title and the assignment of local veterans' employment representatives under section 2004(b) of this title and the allocation of funds for the support of such specialists and representatives) relating to veterans' employment and training as the Secretary considers appropriate.".

(e) CONFORMING, TECHNICAL, AND CLERICAL AMENDMENTS.—(1) Section 2003A is amended—

(A) in subsection (a)—

(i) by striking out paragraphs (1), (3), and (5) and redesignating paragraphs (2) and (4) as paragraphs (1) and (2), respectively;

(ii) in paragraph (1) (as so redesignated)—

(I) by amending the first sentence to read as follows: "The amount of funds made available for use in a State under section 2002A(b)(5)(A)(i) of this title shall be sufficient to support the appointment of one disabled veterans' outreach program specialist for each 5,300 veterans of the Vietnam era and disabled veterans residing in such State.";

(II) in the second sentence, by inserting "qualified" before "veteran";

(III) in the third, fourth, and fifth sentences, by inserting "qualified" before "disabled" each place it appears; and

(IV) in the fifth sentence, by inserting "qualified" after "any"; and

(iii) in paragraph (2) (as so redesignated) by striking out "paragraph (2) of"; and

(B) by striking out subsection (d).

(2) Section 2006(a) is amended by striking out the last sentence.

(3)(A) The section heading of section 2002A is amended to read as follows:

"§ 2002A. Assistant Secretary of Labor for Veterans' Employment and Training; Regional Administrators".

(B) The table of contents of chapter 41 is amended by striking out the item relating to section 2002A and inserting in lieu thereof the following:

"2002A. Assistant Secretary of Labor for Veterans' Employment and Training; Regional Administrators.".

SEC. 3. LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) IN GENERAL.—Section 2004 is amended to read as follows:

"§ 2004. Local veterans' employment representatives

"(a)(1) Beginning with fiscal year 1988, the total of the amount of funds made available for use in the States under section 2002A(b)(5)(A)(ii) of this title shall be sufficient to support the assignment of 1,600 full-time local veterans' employment representatives and the States' administrative expenses associated with the assignment of that number of such representatives and shall be allocated to the several States so that each State receives funding sufficient to support—

"(A) the number of such representatives who were assigned in such State on January 1, 1987, for which funds were provided under this chapter, plus one additional such representative;

"(B) the percentage of the 1,600 such representatives for which funding is not provided under clause (A) of this paragraph which is equal to the average of (i) the percentage of all veterans residing in the United States who reside in such State, (ii) the percentage of the total of all eligible veterans and eligible persons registered for assistance with local employment service offices in the United States who are registered for assistance with local employment service offices in such State, and (iii) the percentage of all full-service local employment service offices in the United States which are located in such State; and

"(C) the State's administrative expenses associated with the assignment of the number of such representatives for which funding is allocated to the State under clauses (A) and (B) of this paragraph.

"(2)(A) The local veterans' employment representatives allocated to a State pursuant to paragraph (1) of this subsection shall be assigned by the administrative head of the employment service in the State, after consultation with the Director for Veterans' Employment and Training for the State, so that as nearly as practical (i) one full-time representative is assigned to each local employment service office at which at least 1,100 eligible veterans and eligible persons are registered for assistance, (ii) one additional full-time representative is assigned to each local employment service office for each 1,500 eligible veterans and eligible persons above 1,100 who are registered at such office for assistance, and (iii) one half-time representative is assigned to each local employment service office at which at least 350 but less than 1,100 eligible veterans and eligible persons are registered for assistance.

"(B) In the case of a service delivery point (other than a local employment service office described in subparagraph (A) of this paragraph) at which employment services are offered under the Wagner-Peyser Act, the head of such service delivery point shall be responsible for ensuring compliance with the provisions of this title providing for priority services for veterans and priority referral of veterans to Federal contractors.

"(3) For the purposes of this subsection, an individual shall be considered to be registered for assistance with a local employment service office during a program year if the individual—

"(A) registered, or renewed such individual's registration, for assistance with the office during that program year; or

"(B) so registered or renewed such individual's registration during a previous program year and, in accordance with regulations which the Secretary shall prescribe, is counted as still being registered for administrative purposes.

"(4) In the assigning of local veterans' employment representatives on or after July 1, 1988, preference shall be given to qualified eligible veterans or eligible persons. Preference shall be accorded first to qualified service-connected disabled veterans; then, if no such disabled veteran is available, to qualified eligible veterans; and, if no such eligible veteran is available, then to qualified eligible persons.

"(b) Local veterans' employment representatives shall—

"(1) functionally supervise the providing of services to eligible veterans and eligible persons by the local employment service staff;

"(2) maintain regular contact with community leaders, employers, labor unions, training programs, and veterans' organizations for the purpose of (A) keeping them advised of eligible veterans and eligible persons available for employment and training, and (B) keeping eligible veterans and eligible persons advised of opportunities for employment and training;

"(3) provide directly, or facilitate the provision of, labor exchange services by local employment service staff to eligible veterans and eligible persons, including intake and assessment, counseling, testing, job-search assistance, and referral and placement;

"(4) encourage employers and labor unions to employ eligible veterans and eligible persons and conduct on-the-job training and apprenticeship programs for such veterans and persons;

"(5) promote and monitor the participation of veterans in federally funded employment and training programs, monitor the listing of vacant positions with State employment agencies by Federal agencies, and report to the Director for Veterans' Employment and Training for the State concerned any evidence of failure to provide priority or other special consideration in the provision of services to veterans as is required by law or regulation;

"(6) monitor the listing of jobs and subsequent referrals of qualified veterans as required by section 2012 of this title;

"(7) work closely with appropriate Veterans' Administration personnel engaged in providing counseling or rehabilitation services under chapter 31 of this title, and cooperate with employers in identifying disabled veterans who have completed or are participating in a vocational rehabilitation training program under such chapter and who are in need of employment;

"(8) refer eligible veterans and eligible persons to training, supportive services, and educational opportunities, as appropriate;

"(9) assist, through automated data processing, in securing and maintaining current information regarding available employment and training opportunities;

"(10) cooperate with the staff of programs operated under section 612A of this title in identifying and assisting veterans who have readjustment problems and who may need services available at the local employment service office;

"(11) when requested by a Federal or State agency, a private employer, or a service-connected disabled veteran, assist such agency, employer, or veteran in identifying and acquiring prosthetic and sensory aids and devices needed to enhance the employability of disabled veterans; and

"(12) facilitate the provision of guidance or counseling services, or both, to veterans who, pursuant to section 5(b)(3) of the Veterans' Job Training Act (29 U.S.C. 1721 note), are certified as eligible for participation under such Act.

"(c) Each local veterans' employment representative shall be administratively responsible to the manager of the local employment service office and shall provide reports, not less frequently than quarterly, to the manager of such office and to the Director for Veterans' Employment and Training for the State regarding compliance with Federal law and regulations with respect to special services and priorities for eligible veterans and eligible persons.

"(d) Local veterans' employment representatives shall be assigned, in accordance with this section, by the administrative head of the employment service in each State after consultation with the Director for Veterans' Employment and Training.".

(b) Definition.—Section 2001 is amended by adding the following at the end:

"(7) The term 'local employment service office' means a service delivery point which has an intrinsic management structure and at which employment services are offered in accordance with the Wagner-Peyser Act.".

(c) Clerical Amendment.—The item for section 2004 in the table of contents for chapter 41 is amended to read as follows:

"2004. Local veterans' employment representatives.".

SEC. 4. PERFORMANCE OF DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) In General.—(1) Chapter 41 is amended by inserting after section 2004 the following new section:

"§ 2004A. Performance of disabled veterans' outreach program specialists and local veterans' employment representatives

"(a)(1) Subject to paragraph (2) of this subsection, each State employment agency shall develop and apply standards for the performance of disabled veterans' outreach program specialists appointed under section 2003A(a) of this title and local veterans' employment representatives assigned under section 2004(b) of this title.

"(2)(A) Such standards shall be consistent with the duties and functions specified in section 2003A(b) of this title with respect to such specialists and section 2004(b) (1) through (12) of this title with respect to such representatives.

"(B) In developing such standards, the State employment agency—

"(i) shall take into account (I) the prototype developed under paragraph (3) of this subsection, and (II) the comments submitted under clause (ii) of this subparagraph by the Director for Veterans' Employment and Training for the State;

"(ii) shall submit to such Director proposed standards for comment;

"(iii) may take into account the State's personnel merit system requirements and other local circumstances and requirements; and

"(iv) may request the assistance of such Director.

"(C) Such standards shall include as one of the measures of the performance of such a specialist the extent to which the specialist, in serving as a case manager under section 14(b)(1)(A) of the Veterans' Job Training Act (29 U.S.C. 1721 note), facilitates rates of successful completion of training by veterans participating in programs of job training under the Act.

"(3)(A) The Secretary, after consultation with State employment agencies or their representatives, or both, shall provide to such agencies a prototype of performance standards for use by such agencies in the development of performance standards under subsection (a)(1) of this section.

"(B) Each Director for Veterans' Employment and Training—

"(i) shall, upon the request of the State employment agency under paragraph (2)(B)(iv) of this subsection, provide appropriate assistance in the development of performance standards,

"(ii) may, within 30 days after receiving proposed standards under paragraph (2)(B)(ii) of this subsection provide comments on the proposed standards, particularly regarding the consistency of the proposed standards with such prototype.

"(b)(1) Directors for Veterans' Employment and Training and Assistant Directors for Veterans' Employment and Training shall regularly monitor the performance of the specialists and representatives referred to in subsection (a)(1) of this section through the application of the standards required to be prescribed by subsection (a)(1).

"(2) A Director for Veterans' Employment and Training for a State may submit to the head of the employment service in the State recommendations and comments in connection with each annual performance rating of such specialists and representatives in the State.".

(2) Each State employment agency (A) shall develop and promulgate standards under section 2004A of title 38, United States Code, as added by paragraph (1) of this subsection, as soon as feasible, and in doing so (B) shall submit proposed standards to the Director for Veterans' Employment and Training for the State not later than 12 months after the date on which the Secretary provides the agency with prototype standards under subsection (a)(3)(A) of such section, and (C) shall adopt final standards not later than 90 days after submitting the proposed standards to the Director for Veterans' Employment and Training for comment under subsection (a)(3)(B)(ii) of such section.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 41 is amended by adding after the item for section 2004 the following new item:

"2004A. Performance of disabled veterans' outreach program specialists and local veterans' employment representatives.".

SEC. 5. WAIVER OF RESIDENCY REQUIREMENT FOR DIRECTORS AND ASSISTANT DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.

Section 2003(b)(1) is amended—

(1) by inserting "(A)" after "(1)";

(2) by redesignating clauses (A) and (B) as clauses (i) and (ii), respectively;

(3) in clause (i), as redesignated by clause (2) of this section, by striking out "be an eligible veteran" and inserting in lieu thereof ", except as provided in subparagraph (B) of this paragraph, be a qualified veteran"; and

(4) by adding at the end the following new subparagraph:

"(B) If, in adopting a Director or Assistant Director for any State under this section, the Secretary determines that there is no qualified veteran available who meets the residency requirement in subparagraph (A)(i), the Secretary may appoint as such Director or Assistant Director any qualified veteran.".

SEC. 6. SHARING OF INFORMATION REGARDING POTENTIAL EMPLOYERS.

(a) BETWEEN THE DEPARTMENTS OF DEFENSE AND LABOR.—Section 2005 is amended—

(1) by inserting "(a)" before "All"; and

(2) by adding at the end the following new subsection:

"(b) For the purpose of assisting the Secretary and the Administrator in identifying employers with potential job training opportunities under the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note) and otherwise in order to carry out this chapter, the Secretary of Defense shall provide, not more than 30 days after the date of the enactment of this subsection, the Secretary and the Administrator with any list maintained by the Secretary of Defense of employers participating in the National Committee for Employer Support of the Guard and Reserve and shall provide, on the 15th day of each month thereafter, updated information regarding the list.".

(b) BETWEEN THE VETERANS' ADMINISTRATION AND THE DEPARTMENT OF LABOR.—(1) Section 2008 is amended—

(A) by inserting "(a)" before "In"; and

(B) by adding at the end the following new subsection:

"(b) The Administrator shall provide to appropriate employment service offices and Department of Labor offices, as designated by the Secretary, on a monthly or more frequent basis, the name and address of each employer located in the areas served by such offices that offer a program of job training which has been approved by the Administrator under section 7 of the Veterans' Job Training Act (29 U.S.C. 1721 note).".

(2)(A) The heading of section 2008 is amended to read as follows:

"§ 2008. Cooperation and coordination".

(B) The item relating to such section in the table of sections at the beginning of chapter 41 is amended to read as follows:

"2008. Cooperation and coordination.".

SEC. 7. RESPONSIBILITIES OF PERSONNEL.

(a) DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.—Section 2003(c) is amended—

(1) in clause (1)—

(A) by inserting "(A) functionally supervise the provision of services to eligible veterans and eligible persons by such system and such program and their staffs, and (B)" after "(1)"; and

(B) by inserting ", including the program conducted under the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note)" after "programs";

(2) in clause (2), by inserting "and otherwise to promote the employment of eligible veterans and eligible persons" after "opportunities";

(3) in clause (11), by striking out "and" at the end;

(4) in clause (12), by striking out the period and inserting in lieu thereof a semicolon; and

(5) by adding at the end the following new clauses:

"(13) monitor the implementation of Federal laws requiring veterans preference in employment and job advancement opportunities within the Federal Government and report to the Office of Personnel Management or other appropriate agency, for enforcement or other remedial action, any evidence of failure to provide such preference or to provide priority or other special consideration in the provision of services to veterans as is required by law or regulation;

"(14) monitor, through disabled veterans' outreach program specialists and local veterans' employment representatives, the listing of vacant positions with State employment agencies by Federal agencies, and report to the Office of Personnel Management or other appropriate agency, for enforcement or other remedial action, any evidence of failure to provide priority or other special consideration in the provision of services to veterans as is required by law or regulation; and

"(15)(A) not less frequently than annually, conduct, subject to subclause (B) of this clause, an evaluation at each local employment office of the services provided to eligible veterans and eligible persons and make recommendations for corrective action as appropriate; and

"(B) carry out such evaluations in the following order of priority: (I) offices that demonstrated less than satisfactory performance during either of the two previous program years, (II) offices with the largest number of veterans registered during the previous program year, and (III) other offices as resources permit.".

(b) DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.—Section 2003A(c) is amended—

(1) in clause (4), by inserting "(including part C of title IV of the Job Training Partnership Act (29 W.S.C. et seq.))" after "programs";

(2) in clause (6), by inserting "(including the program conducted under the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note))" after "programs"; and

(3) by adding at the end the following new clauses:

"(9) Provision of vocational guidance or vocational counseling services, or both, to veterans with respect to veterans' selection of and changes in vocations and veterans' vocational adjustment.

"(10) Provision of services as a case manager under section 14(b)(1)(A) of the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note).".

SEC. 8. NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE.

(a) ESTABLISHMENT OF INSTITUTE.—Section 2009 is amended to read as follows:

"§ 2009. National Veterans' Employment and Training Services Institute

"(a) In order to provide for such training as the Secretary considers necessary and appropriate for the efficient and effective provision of employment, job-training, counseling, placement, job-search, and related services to veterans, the Secretary shall establish and make available such funds as may be necessary to operate a National Veterans' Employment and Training Services Institute for the training of disabled veterans' outreach program specialists, local veterans' employment representatives, Directors for Veterans' Employment and Training, and Assistant Directors for Veterans' Employment and Training, Regional Administrators for Veterans' Employment and Training, and such other personnel involved in the provision of employment, job-training, counseling, placement, or related services to veterans as the Secretary considers appropriate, including travel expenses and per diem for attendance at the Institute.

"(b) In implementing this section, the Secretary shall, as the Secretary considers appropriate, provide, out of program funds designated for the Institute, training for Veterans' Employment and Training Service personnel, including travel expenses and per diem to attend the Institute.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 is amended by striking out the item for section 2009 and inserting in lieu thereof the following:

"2009. National Veterans' Employment and Training Services Institute.".

SEC. 9. STUDY OF UNEMPLOYMENT AMONG CERTAIN DISABLED VETERANS AND VIETNAM THEATER VETERANS.

(a) IN GENERAL.—Chapter 41 is further amended by adding at the end the following new section:

"§ 2010A. Special unemployment study

"(a) The Secretary, through the Bureau of Labor Statistics, shall conduct, on a biennial basis, studies of unemployment among special disabled veterans and among veterans who served in the Vietnam Theater of Operations during the Vietnam era and promptly report to the Congress on the results of such studies.

"(b) The first study under this section shall be completed not later than 180 days after the date of the enactment of this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 is amended by adding at the end the following new item:

"2010A. Special unemployment study.".

SEC. 10. SECRETARY'S COMMITTEE ON VETERANS' EMPLOYMENT.

Clause (1) of section 2010(b) is amended—

(1) by redesignating subclauses (D), (E), and (F) as subclauses (E), (F), and (G), respectively;

(2) by inserting after subclause (C) the following:

"(D) the Secretary of Education;"

(3) by striking out "and" at the end of subclauses (F) and (G) (as so redesignated); and

(4) by adding at the end the following:

"(H) the Postmaster General; and

"(I) any other agency of the Federal Government which has had its request to have a representative on the committee approved by the Secretary; and".

SEC. 11. VETERANS' JOB TRAINING ACT AMENDMENTS.

(a) COUNSELING.—(1) Section 14 of the Veterans' Job Training Act is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b)(1) The Secretary shall provide for a program under which—

"(A) except as provided in paragraph (2), a disabled veteran's outreach program specialist appointed under section 2003A(a) of title 38, United States Code, is assigned as a case manager for each veteran participating in a program of job training under this Act;

"(B) the veteran has an in-person interview with the case manager not later than 60 days after entering into a program of training under this Act; and

"(C) periodic (not less frequent than monthly) contact is maintained with each such veteran for the purpose of (i) avoiding unnecessary termination of employment, (ii) referring the veteran to appropriate counseling, if necessary, (iii) facilitating the veteran's successful completion of such program, and (iv) following up with the employer and the veteran in order to determine the veteran's progress in the program and the outcome regarding the veteran's participation in and successful completion of the program.

"(2) No case manager shall be assigned pursuant to paragraph (1)(A)—

"(A) for a veteran if, on the basis of a recommendation made by a disabled veterans' outreach program specialist, the Secretary determines that there is no need for a case manager for such veteran; or

"(B) in the case of the employees of an employer, if the Secretary determines that—

"(i) the employer has an appropriate and effective employee assistance program that is available to all veterans participating in the employer's programs of job training under this Act; or

"(ii) the rate of veterans' successful completion of the employer's programs of job training under this Act, either cumulatively or during the previous program year, is 60 percent or higher.

"(3) The Secretary and the Administrator shall jointly provide, to the extent feasible—

"(A) a program of counseling or other services (to be provided pursuant to subchapter IV of chapter 3 of title 38, United States Code, and sections 612A, 2003A, and 2004 of such title) designed to resolve difficulties that may be encountered by veterans during their training under this Act; and

"(B) a program of information services under which—

"(i) each veteran who enters into a program of job training under this Act and each employer participating under this Act is informed of the supportive services and resources available to the veteran (I) under clauses (A) and (B), (II) through Veterans' Administration counseling and career-development activities (especially, in the case of a Vietnam-era veteran, readjustment counseling services under section 612A of such title) and under part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.), and (III) through other appropriate agencies in the community; and

"(ii) veterans and employers are encouraged to request such services whenever appropriate.

"(c) Before a veteran who voluntarily terminates from a program of job training under this Act or is involuntarily terminated from such program by the employer may be eligible to be provided with a further certificate, or renewal of certification, of eligibility for participation under this Act, such veteran must be provided by the Secretary, after consultation with the Administrator, with a case manager.".

(2) Section 14(a) of the Veterans' Job Training Act is amended—

(A) by striking out "The" and inserting in lieu thereof "(1), The"; and

(B) by adding at the end the following new paragraph:

"(2) The Administrator shall, after consultation with the Secretary, provide a program of job-readiness skills development and counseling services designed to assist veterans in need of such assistance in finding, applying for, and successfully participating in a suitable program of job training under this Act. As part of providing such services, the Administrator shall coordinate activities, to the extent practicable, with the readjustment counseling program described in section 612A of title 38, United States Code. The Administrator shall advise veterans participating under this Act of the availability of such services and encourage them to request such services whenever appropriate.".

(3)(A) Section 1504(a)(7) is amended—

(i) by inserting "(A)" before "individualized"; and

(ii) by striking out the period and inserting in lieu thereof ", and (B) job-readiness skills development and counseling under section 14(a)(2) of the Veterans' Job Training Act (29 US.C. 1721 note) for a participant in a program of training under such Act.".

(B) Section 14 of the Veterans' Job Training Act is amended by adding after the subsections inserted by paragraph (1) of this subsection the following:

"(d) Payments made under this Act pursuant to contracts entered into for the provision of job-readiness skills development and counseling services under subsection (a)(2) may only be paid out of the same account used to make payments under section 1504(a)(7) of title 38, United States Code, and the amount paid out of such account in any fiscal year for such services shall not exceed an amount equal to 5 percent of the amount obligated to carry out this Act for such fiscal year, except that for fiscal year 1988 the amount shall not exceed 5 percent of the amount available to carry out this Act on October 1, 1987.".

(4) Section 7(d) of such Act is amended—

(A) by redesignating paragraph (12) as paragraph (13); and

(B) inserting after paragraph (11) the following new paragraph:

"(12) That, as applicable, the employer will provide each participating veteran with the full opportunity to participate in a personal interview pursuant to section 14(b)(1)(A) during the veterans' normal workday.".

(b) Discontinuance of Approval of Participation in Programs of Employers With Unsatisfactory Completion Rates.—Section 11 of such Act is amended—

(1) by inserting "(a)" after "Sec. 11."; and

(2) by adding at the end the following new subsection:

"(b)(1) If the Administrator determines that the rate of veterans' successful completion of an employer's programs of job training previously approved by the Administrator for the purposes of this Act is disproportionately low because of deficiencies in the quality of such programs, the Administrator shall disapprove participation in such programs on the part of veterans who had not begun such participation on the date that the employer is notified of the disapproval. In determining whether any such rate is disproportionately low because of such deficiencies, the Administrator shall take into account appropriate data, including—

"(A) the quarterly data provided by the Secretary with respect to the number of veterans who receive counseling in connection with training under this Act, are referred to employers under this Act, participate in job training under this Act, complete such training or do not complete such training, and the reasons for noncompletion; and

"(B) data compiled through the particular employer's compliance surveys.

"(2) With respect to a disapproval under paragraph (1), the Administrator shall provide to the employer concerned the kind of statement, opportunity for hearing, and notice described in subsection (a).

"(3) A disapproval under paragraph (1) shall remain in effect until such time as the Administrator determines that adequate remedial action has been taken.".

(c) Authorization of Appropriations.—Section 16 of such Act is amended—

(1) by inserting "(a)" before "There";

(2) in subsection (a) (as so designated)—

(A) in the first sentence—

(i) by inserting "(1)" after "Administration";

(ii) by striking out "and" the second place it appears and inserting in lieu thereof ", (2)"; and

(iii) by striking out "1987, and 1988" and inserting in lieu thereof "and 1987, and (3) $60,000,000 for each of the fiscal years 1988 and 1989"; and

(B) in the final sentence, by striking out "1989" and inserting in lieu thereof "1991"; and

(3) by adding at the end the following new subsection:

"(b) Notwithstanding any other provision of law, any funds appropriated under subsection (a) for any fiscal year which are obligated for the purpose of making payments under section 8 on behalf of a veteran (including funds so obligated which previously had been obligated for such purpose on behalf of another veteran and were thereafter deobligated) and are later deobligated shall immediately upon deobligation become available to the Administrator for obligation for such purpose. The further obligation of such funds by the Administrator for such purpose shall not be delayed, directly or indirectly, in any manner by any officer or employee in the executive branch.".

(2) Deadlines for Veterans' Applications and Entry Into Training.—Section 17 of such Act is amended to read as follows:

"TIME PERIODS FOR APPLICATION AND INITIATION OF TRAINING

"Sec. 17. Assistance may not be paid to an employer under this Act—

"(1) on behalf of a veteran who initially applies for a program of job training under this Act after September 30, 1989; or

"(2) for any such program which begins after March 31, 1990.".

(e) Conforming Amendment.—Section 5(b)(3)(A) of such Act is amended by striking out "The" at the beginning of the first sentence and inserting in lieu thereof "Subject to section 14(c), the".

(f) Data on Participation.—Section 15 of such Act is amended by adding at the end the following new subsection:

"(f) The Secretary shall, on a not less frequent than quarterly basis, collect and compile from the heads of State employment services and Directors for Veterans' Employment and Training for each State information available to such heads and Directors, and derived from programs carried out in their respective States, with respect to the numbers of veterans who receive counseling services pursuant to section 14, who are referred to employers participating under this Act, who participate in programs of job training under this Act, and who complete such programs, and the reasons for veterans' noncompletion.".

SEC. 12. TRAINING AND EMPLOYMENT STUDY AND REPORT.

The Administrator of Veterans' Affairs shall provide for a study, based on valid statistical samplings, of the implementation of the Veterans' Job Training Act and shall transmit, not later than one year after the date of the enactment of this Act, a report to the Committees on Veterans' Affairs of the Senate and the House of Representatives containing the findings and conclusions of such study, including, to the extent feasible—

(1) a listing, by regional office and by State, of the number of veterans placed in a program of job training under the Veterans' Job Training Act and the percentage that this number represents of the total number of veterans certified (not including renewal of certifications), by regional office and by

State, as eligible for participation under such Act;

(2) a description, by regional office and by State, of the demographic nature (including race, sex, age, educational level, service-connected disability status, income before placement, and income after placement) of veterans placed in a program of job training under such Act;

(3) a description, by regional office and by State, of the demographic nature (including, race, sex, age, educational level, service-connected disability status, and income) of veterans certified as eligible for participation under such Act but not placed in a job training program;

(4) an analysis of the reasons that veterans certified as eligible for participation have not been placed in a program of job training under such Act;

(5) a listing, by regional office and by State, for the number of veterans who were certified as eligible for participation under such Act and were not placed in a program of job training under such Act but were later placed in another job training program or employment;

(6) a description, by regional office and by State, of the rate at which veterans have discontinued participation in, without completing, a program of job training under such Act, with a separate rate stated for those who discontinued within 3 months after beginning such a program, those who discontinued within 3 to 6 months after such beginning, and those who discontinued within 6 to 9 months after such beginning;

(7) an analysis of the major reasons for veterans failing to complete such a training program;

(8) a ranking of the twenty-five categories of employment (by types of business or industry and trade) for which programs of job training have most frequently been denied approval uder such Act, with such ranking being made on the basis of the number of denials for each such category; and

(9) a ranking of the twenty-five categories of employment (by types of business or industry and trade) for which veterans have most frequently received employment as a result of a program of job training under such Act, with such ranking being made on the basis of the number of jobs provided in each such category.

SEC. 13. STATE APPROVING AGENCIES.

(a) PAYMENTS.—(1) Section 1774(a) is amended—

(A) by striking out "The" in the first sentence and inserting in lieu thereof "(1) Subject to paragraphs (2) through (4) of this subsection, the";

(B) by striking out "(1)" and "(2)" in the first sentence and inserting in lieu thereof "(A)" and "(B)", respectively; and

(C) by adding at the end the following new paragraphs:

"(2)(A) The Administrator shall, effective at the beginning of fiscal year 1988, make payments to State and local agencies, out of amounts available for the payment of readjustment benefits, for the reasonable and necessary expenses of salary and travel incurred by employees of such agencies in carrying out contracts or agreements entered into under this section and for the allowance for administrative expenses described in subsection (b).

"(B) The Administrator shall make such a payment to an agency within a reasonable time after the agency has submitted a report pursuant to paragraph (3)(A) of this subsection.

"(C) Subject to paragraph (4) of this subsection, the amount of any such payment made to an agency for any period shall be equal to the amount of the reasonable and necessary expenses of salary and travel certified by such agency for such period in accordance with paragraph (3) of this subsection plus the allowance for administrative expenses described in subsection (b).

"(3)(A) Each State and local agency with which a contract or agreement is entered into under this section shall submit to the Administrator on a monthly or quarterly basis, as determined by the agency, a report containing a certification of the reasonable and necessary expenses incurred for salary and travel by such agency under such contract or agreement for the period covered by the report. The report shall be submitted in the form and manner required by the Administrator.

"(B) The Administrator shall transmit a report to the Congress on a quarterly basis which summarizes—

"(i) the amounts for which certifications were made by State and local agencies in the reports submitted under subparagraph (A) of this paragraph with respect to the quarter for which the report is made; and

"(ii) the amounts of the payments made by the Administrator for such quarter with respect to such certifications and with respect to administrative expenses.

"(4) The total amount made available under this section for any fiscal year may not exceed $12,000,000. For any fiscal year in which the total amount that would be made available under this section would exceed $12,000,000 except for the provisions of this paragraph, the Administrator shall provide that each agency shall receive the same percentage of $12,000,000 as the agency would have received of the total amount that would have been made available without the limitation of this paragraph.".

(2) If any payment is made to State or local approving agencies with respect to activities carried out under subchapter I of chapter 36 of title 38, United States Code, for fiscal year 1988 before the date of the enactment of this Act and from an account other than the account used for payment of readjustment benefits, the account from which such payment was made shall be reimbursed from the account used for payment of readjustment benefits.

(b) EMPLOYMENT STANDARDS.—(1) Subchapter I of chapter 36 is amended—

(A) by inserting the following new section after section 1774:

"§ 1774A. Evaluation of agency performance; qualifications and performance of agency personnel

"(a) The Administrator shall—

"(1)(A) conduct, in conjunction with State approving agencies, an annual evaluation of each State approving agency on the basis of standards developed by the Administrator in conjunction with the State approving agencies, and (B) provide each such agency an opportunity to comment on the evaluation;

"(2) take into account the results of annual evaluations carried out under clause (1) when negotiating the terms and conditions of a contract or agreement under section 1774 of this title;

"(3) supervise functionally the provision of course-approval services by State approving agencies under this subchapter;

"(4) cooperate with State approving agencies in developing and implementing a uniform national curriculum, to the extent practicable, for training new employees and for continuing the training of employees of such agencies, and sponsor, with the agencies, such training and continuation of training; and

"(5) prescribe prototype qualification and performance standards, developed in conjunction with State approving agencies, for use by such agencies in the development of qualification and performance standards for State approving agency personnel carrying out approval responsibilities under a contract or agreement entered into under section 1774(a).

"(b)(1) Each State approving agency carrying out a contract or agreement with the Administrator under section 1774(a) after the 18-month period beginning on the date of the enactment of this section shall—

"(A) apply qualification and performance standards based on the standards developed under subsection (a)(5) of this section; and

"(B) make available to any person, upon request, the criteria used to carry out its functions under a contract or agreement entered into under section 1774(a).

"(2) In developing and applying standards described in subsection (a)(5) of this section, the State approving agency may take into consideration the State's merit system requirements and other local requirements and conditions.

"(3) The Administrator shall provide assistance in developing such standards to a State approving agency that requests it."; and

(B) by inserting after the item for section 1774 in the table of sections for such subchapter the following:

"1774A. Evaluations of agency performance;
qualifications and performance
of agency personnel".

(2) For purposes of implementing the amendments made by paragraph (1)—

(A) the Administrator of Veterans' Affairs shall, within 120 days after the date of the enactment of this Act, publish prototype standards developed under section 1774A(a)(5) of title 38, United States Code, as added by paragraph (1);

(B) each State approving agency shall, within 1 year after the Administrator has published prototype standards under subparagraph (A), submit to the Administrator of Veterans' Affairs a copy of the standards to be implemented by such agency under section 1774A(b)(1)(A) of such title; and

(C) the Administrator may, within 30 days after receiving such standards from an agency, provide comments to the agency, especially with regard to whether the State's standards are consistent with the prototype standards developed by the Administrator under section 1774A(a)(5) of such title.

(3) None of the qualification standards implemented pursuant to the amendments made by paragraph (1) shall apply to any person employed by a State approving agency on the date of the enactment of this Act as long as such person remains in the position in which the person is employed on such date.

(4) Section 1771(b)(1) is amended by striking out "approving agency," the first place it appears and inserting in lieu thereof "approving agency, or fails to enter into an agreement under section 1774(a),".

(5) Section 1774(a)(1), as amended by subsection (a)(1) of this section, is amended—

(A) by striking out "chapters 34 and 35 of this title" the first place it appears in the first sentence and inserting in lieu thereof "chapters 30 through 35 of this title and chapters 106 and 107 of title 10";

(B) by striking out "chapters 34 and 35 of this title" the second place it appears in the first sentence and where it apppears in the second sentence and inserting in lieu thereof "such chapters"; and

(C) by striking out "chapter 32, 34, 35, or 36 of this title" in the third sentence and inserting in lieu thereof "such chapters".

(6) Section 1782 is amended by striking out "No" in the first sentence and inserting in lieu thereof "Except as provided in section 1774A of this title, no".

SEC. 14. COMMISSION ON VETERANS' EDUCATION POLICY.

Section 320(a)(3) of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 (Public Law 99-576; 100 Stat. 3248) is amended by inserting "the Assistant Secretary of Defense for Force Management and Personnel," after "paragraph (2)(A),".

SEC. 15. REVISIONS OF NOMENCLATURE.

(a) SECRETARY OF LABOR.—Section 2001 is amended by adding at the end the following new paragraph:

"(8) The term 'Secretary' means the Secretary of Labor.".

(2) Sections 2002A, 2003(a) and (b)(2), 2005, 2006(a), 2007, 2008, and 2010(b) are amended by striking out "Secretary of Labor" each place it appears except where preceded by "Assistant" and inserting in lieu thereof "Secretary".

(3) The first sentence of section 2010(b) is amended by striking out "The" and inserting in lieu thereof "Notwithstanding section 2002A(b) of this title, the".

(b) ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—(1) Sections 2000(2), 2002, 2002A, and 2010(b) are amended by inserting "and Training" after "Assistant Secretary of Labor for Veterans' Employment" each place it appears.

(2) Section 4(b) of the Veterans' Job Training Act is amended by inserting "and Training" after "Assistant Secretary of Labor for Veterans' Employment".

(c) DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.—(1) Sections 2003 and 2003A(b)(2) are amended by striking out "State Director for Veterans' Employment", "State Directors for Veterans' Employment", "Assistant State Director for Veterans' Employment" and "Assistant State Directors for Veterans' Employment" each place those terms appear and inserting in lieu thereof "Director for Veterans' Employment and Training", "Directors for Veterans' Employment and Training", "Assistant Director for Veterans' Employment and Training", and "Assistant Directors for Veterans' Employment and Training", respectively.

(2) Section 15(c)(2) of the Veterans Job Training Act is amended by striking out "State and Assistant State Directors for Veterans' Employment" and inserting in lieu thereof "Directors and Assistant Directors for Veterans' Employment and Training".

(3)(A) The heading of section 2003 is amended to read as follows:

"§ 2003. Directors and Assistant Directors for Veterans' Employment and Training".

(B) The item relating to such section in the table of sections at the beginning of chapter 41 is amended to read as follows:

"2003. Directors and Assistant Directors for Veterans' Employment and Training.".

(d) VETERANS' EMPLOYMENT AND TRAINING SERVICE.—Section 2002 is amended by striking out "Veterans Employment Service" and inserting in lieu thereof "Veterans' Employment and Training Service".

SEC. 16. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of and amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) EXCEPTIONS.—(1) The following provisions of or amendments made by this Act shall take effect for all of fiscal year 1988 and subsequent fiscal years:

(A) Clause (5) of subsection (b) of section 2002A of title 38, United States Code, as added by section 2(a)(2) of this Act.

(B) Subsection (a) of section 2003A of such title, as amended by section 2(e)(1)(A) of this Act.

(C) Paragraphs (1), (2), and (3) of section 2004(a) of such title, as amended by section 3(a) of this Act.

(D) Paragraphs (2) through (5) of section 1774(a) of such title, as added by section 13(a)(1) of this Act.

(2) The provisions of and amendments made by sections 4 through 11 shall take effect on the 60th day after the date of the enactment of this Act.

Amend the title so as to read: "An Act to amend title 38, United States Code, and the Veterans' Job Training Act to improve veterans' employment, counseling, and job-training services and programs; and for other purposes.".

Mr. MONTGOMERY (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The question is on tax amendment in the nature of a substitute offered by the gentleman from Mississippi [Mr. MONTGOMERY].

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 1 hour.

Mr. MONTGOMERY. Mr. Speaker, I yield as much time as he might consume to the gentleman from Mississippi [Mr. DOWDY] the chairman of our Subcommittee on Education, Training, and Employment, who has certainly been involved with the leadership in the other body in working out a compromise relating to the Veterans' Job Training Act to Improve Employment, Counseling and Job Training Services and Programs and, Mr. Speaker, especially for the Vietnam veteran.

Mr. DOWDY of Mississippi. Mr. Speaker, I want to express my strong support for passage of the compromise measure before us which would amend S. 999. The passage of this measure is truly a landmark. For the first time in many years, important provisions of law regarding veterans' employment, training, counseling, and State approving agencies are being revised and improved.

These amendments are very effective blending of three measures: H.R. 1504, amended, which passed the House on June 30, 1987, and was amended and passed by the Senate on August 4, 1987; H.R. 3460, amended, which passed the House on October 27, 1987; and S. 999, which was passed by the Senate on December 4, 1987. There was a great deal of give and take between the House and Senate Veterans' Affairs Committees regarding this measure, but I believe the amendments we are considering include the best provisions of all three bills.

The Joint Explanatory Statement, which will cover the agreed-upon compromise in detail, will be included in the RECORD following my remarks. There are a few provisions, however, which I would like to briefly discuss.

Section 2 of the proposed House amendments to S. 999 would clarify the role of the Assistant Secretary of Labor for Veterans' Employment and Training as the official in the Department of Labor with primary responsibility for veterans' employment and training programs. It would further establish the responsibility of the Assistant Secretary to ensure that veterans are fully served under all DOL employment and training programs. The Assistant Secretary must be an integral part of all decisionmaking processes within the Department of Labor that affect employment and training opportunities for veterans, including decisions regarding the development, administration, and implementation of future programs.

Section 2 of the proposed amendments also contains a provision which requires the Secretary of Labor to assign to each region for which the Secretary operates a regional office a representative of the Veterans Employment and Training Service [VETS] to serve as a Regional Administrator for Veterans' Employment and Training. A similar provision was contained in H.R. 3460 when it first passed the House and in S. 999 as passed by the Senate. As pointed out in House Report 100-387, which accompanied H.R. 3460, this position is necessary to strengthen the managerial/operational activities and responsibilities of VETS.

Section 3 of the proposed House amendments would require that necessary funds be made available for use in each State to support the required number of Disabled Veterans' Outreach Program specialists [DVOP's] and to support 1,600 Local Veterans' Employment Representatives [LVER's] nationwide. LVER funding, in recent years, has been plagued by arbitrary budget reduction proposals, resulting in reduced services to veterans. Congressional intent that these positions be fully staffed will be accomplished with the enactment of this provision. Although the original House-passed bill (H.R. 3460) would have used a formula to establish the required number of LVER's, the Senate provision in S. 999, which we accepted, effectively accomplishes our goal of stabilizing LVER staffing levels.

Section 4 would require each State employment agency to develop and apply standards for the performance of DVOP's and LVER's which are consistent with the statutory duties and functions of DVOP's and LVER's. It is our expectation that development and implementation of performance standards will standardize the provision of veterans' employment services thus eliminating the differences in DVOP and LVER functions which now exist from State to State.

Section 7 of the proposed House amendments would expand the responsibilities of Directors for Veterans' Employment and Training. Most importantly, this section would clearly establish the responsibility of Directors to functionally supervise the provision of services to eligible veterans and eligible persons by the Employment Service [ES] system and ES staff. I want to stress that the purpose of this provision is to clarify and strengthen the mutually supportive relationship which should exist between Federal and State officials responsible for the delivery of employment services to veterans.

Section 8 would establish the National Veterans' Employment and Training Services Institute [NVETSI]. This provision would codify this very effective training program which was established administratively in 1986 by the Assistant Secretary of Labor for Veterans' Employment and Training [ASVET], the Honorable Donald E. Shasteen. The purpose of NVETSI is to provide training to DVOP's, LVER's and other personnel involved in the provision of employment, job training, counseling, placement or related services to veterans. As of April 23, 1988, nearly 2,000 State agency personnel who provide employment services to veterans had been trained at the Institute. This training program is an example of the joint Federal/State responsibility for provision of veteran's employment services functioning at its best and veterans seeking employment assistance will reap the benefits of this strengthened relationship.

I am particularly pleased that the House amendments—section 11—contain provisions which would extend the deadline by which a veteran must apply to participate in an on-the-job training program approved under the Veterans Job Training Act [VJTA] to September 30, 1989, and extend the deadline by which a veteran participant in VJTA must be enrolled in a job training program to March 31, 1990. Additionally, this section authorizes $60 million for the program for fiscal year 1988 and an additional $60 million for fiscal year 1989. VJTA has been a uniquely successful program, assisting over 60,000 long-term unemployed veterans in their efforts to find permanent employment. The program is further strengthened by other provisions included in section 11 including the requirement that, to the extent feasible, counseling services be provided for veterans who encounter difficulties during their VJTA training. Additionally, a program of job-readiness skills development, very similar to that which was contained in H.R. 1504, is included in this section. Many veterans need assistance in the fundamentals of finding, applying for, and successfully participating in a suitable program of job training under VJTA. Such training would be provided under this program.

Section 13 of the proposed amendments would revise the funding process for State approving agencies [SAAs] and provide for the establishment of qualification and performance standards for agency personnel. We are particularly pleased that new funding approach, which was contained in H.R. 1504, is included in the compromise amendments. Under this provision, the SAA's which have experienced severe budget cuts in recent years, will achieve a level of adequate funding based on their reasonable and necessary expenses. The reduced level of funding under which the SAA's have been operating has seriously threatened the ability of these State agencies to adequately perform their approval function. The funding process contained in section 13 would establish a reasonable funding level which will allow the SAA's to perform their duties with their usual high level of skill and professionalism.

I want to thank the chairman of the full committee, my good friend and colleague from Mississippi, **Sonny Montgomery**, for his support for this measure. I also want to commend the ranking minority member of the full committee, **Jerry Solomon** of New York, and the ranking minority member of the Subcommittee on Education, Training and Employment, **Chris Smith** of New Jersey, for their contributions and assistance. Indeed, all members of the Education Subcommittee are to be commended for their hard work on this legislation. I also want to extend my sincere thanks to the chairman of the Senate Committee on Veterans' Affairs, **Alan Cranston**, and the ranking minority member of that committee, **Frank Murkowski**, and to their excellent staffs, for their cooperation in the development of this compromise agreement. It has been a pleasure working with them.

Mr. Speaker, there follows a more detailed explanation of the agreement we reached with the other body.

I urge my colleagues to support the proposed House amendments to S. 999.

EXPLANATORY STATEMENT ON THE COMPROMISE AGREEMENT ON S. 999, H.R. 1504, H.R. 3460, THE VETERANS' EMPLOYMENT, TRAINING, AND COUNSELING AMENDMENTS OF 1988

This document explains the provisions of S. 999 as agreed to by the Senate on August 4, 1987, and passed by the Senate on that date as an amendment to H.R. 1504 (hereinafter referred to as the "Senate bill") and passed again by the Senate on December 19, 1987, the provisions of H.R. 3460 as passed by the House of Representatives on October 27, 1987 (hereinafter referred to as "H.R. 3460"), and the provisions of H.R. 1504 as passed by the House on June 30, 1987, (hereinafter referred to as "H.R. 1504"), and the provisions of a compromise agreement as noted below, except for clerical corrections, conforming changes made necessary by agreements reached between the Committees, and minor drafting, technical, and clarifying changes.

NOMENCLATURE

The Committees note that both the Senate and House (H.R. 3460) bills and the compromise agreement would make changes in the nomenclature for various positions and entities. To simplify the references to those positions and entities in this document, references to them are adopted in the compromise agreement. The following table shows the nomenclature currently used in title 38 and the nomenclature used in the Senate and House bills and in the compromise agreement, together with the acronyms used in this document:

Current law	Senate bill	House bill	Compromise agreement
Assistant Secretary for Veterans' Employment.	Assistant Secretary for Veterans' Employment and Training.	Same	Same [ASVET].
Veterans' Employment Service	Same	do	Veterans' Employment and Training Service [VETS].
State Director for Veterans' Employment.	State Director for Veterans' Employment and Training.	Director for Veterans' Employment and Training.	Same [DVET].

Current law	Senate bill	House bill	Compromise agreement
Assistant State Director for Veterans' Employment.	Assistant State Director for Veterans' Employment and Training.	Assistant Director for Veterans' Employment and Training.	Same [ADVET].
Not applicable................................	Regional Director for Veterans' Employment and Training.	Regional Administrator for Veterans' Employment and Training.	Same [RAVET].

In addition, this document uses the term State employment agency (SEA) for the entity described in chapter 41 of title 38 as the "public employment service system" and "employment service".

ADMINISTRATION OF EMPLOYMENT AND TRAINING PROGRAMS

Section 2 of the compromise agreement would amend section 2002A of title 38, United States Code, relating to the office of the ASVET, to consolidate in that section, with revisions, various provisions of chapter 41 of title 38 relating to the responsibilities of the Secretary of Labor with respect to programs under the jurisdiction of the Secretary for the provision of services designed to meet the employment, job-training, and related needs of eligible veterans and the spouses or surviving spouses of certain veterans and of service personnel who are missing in action or prisoners of war.

A. Responsibilities of the Secretary

Senate bill: The Senate bill (section 2(a) of S. 999) would amend section 2002A of title 38 to incorporate in a new subsection (b)(1) the requirement in sections 2003A(a) and (b), 2006(a) and (b), and 2009(a) for the Secretary of Labor to carry out various veterans' employment and training programs through the ASVET except as otherwise expressly provided (it would be so expressly provided only in section 2010(b)(1) of title 38 as proposed to be amended by section 10 of this measure). The current-law requirements for the Secretary to act through the ASVET would be expanded to include (a) the carrying out of all the provisions of chapter 41 of title 38, relating to veterans' employment, job-training, and related services; and (b) the administration of all veterans' employment and training programs.

House bill: The House bill (section 3(a) of H.R. 3460) is substantively identical to the Senate bill except that it would add a requirement that the Secretary carry out through the ASVET chapter 43 of title 38, relating to veterans' reemployment rights, as well as chapter 41.

Compromise agreement: The compromise agreement (section 2(a), contains the Senate provision with the House modification.

B. Cooperative arrangements

Senate bill: The Senate bill (section 2(a)) would amend section 2002A to incorporate in a new subsection (b) (2) a requirement, derived from section 2009(a)(2), that the Secretary, in order to make maximum use of available resources encourage all veterans' employment and training programs and all grantees under such programs to enter into cooperative arrangements with private industry and business concerns (including small business concerns), educational institutions, trade associations, and labor unions.

House bill: The House bill (section 3(a) of H.R. 3460) is substantively identical to the Senate bill.

Compromise agreement: The compromise agreement (section 2(a)) contains this provision.

C. Coordination and consultation with the Administrator

Senate bill: The Senate bill (section 2(a)) would amend section 2002A to incorporate in a new subsection (b) (3) a requirement, derived from section 2009(a)(3), that the Secretary ensure that maximum effectiveness and efficiency are achieved in providing services and assistance to eligible veterans under all veterans' employment and training programs and through all grantees under each such program by coordinating and consulting with the Administrator with respect to (a) programs conducted under provisions of title 38 other than chapter 41, with particular emphasis in coordination of such program with readjustment counseling activities carried out under section 612A, apprenticeship or other on-job training programs carried out under section 1787, and rehabilitation and training activities carried out under chapter 31; and (b) the Veterans' Job Training Act (29 U.S.C. 1721 note) (VJTA).

House bill: The House bill (section 3(a) of H.R. 3460) is substantively identical to the Senate bill except that it excludes the reference to the VJTA as a program with respect to which the Secretary would be required to coordinate and consult with the Administrator.

Compromise agreement: The compromise agreement (section 2(a)) contains the Senate provision.

D. Coordination of job placement activities

Senate bill: The Senate bill (section 2(a)) would amend section 2002A to require the Secretary to ensure that job placement activities are carried out in coordination and cooperation with appropriate SEA officials.

House bill: The House bill (section 3(a) of H.R. 3460) is substantively identical to the Senate bill.

Compromise agreement: The compromise agreement (section 2(a)) contains this provision.

E. Requirements to make funds available for Disabled Veterans' Outreach Program Specialists (DVOPs) and Local Veterans' Employment Representatives (LVERs)

Senate bill: The Senate bill (section 2(a)) would amend sections 2002A and 2003A, relating to funding for the disabled veterans' outreach program specialists (DVOPs), so as to (a) recodify in a new subsection (b)(5) of section 2002A the provisions in section 2003(a)(1) requiring the Secretary to make funds available for the salaries and expenses of DVOPs in accordance with the formula set forth in section 2003A(a)(2) of current law (section 2003A(a)(1) as proposed to be amended) and to add a similar requirement that funds be made available for the salaries and expenses of local veterans' employment representatives (LVERs) in accordance with the proposed funding formula for LVERs (as explained below in the discussion under the heading "LOCAL VETERANS' EMPLOYMENT REPRESENATIVES (LVERS)"; (b) require specifically that such funding include amounts for the training, travel, supplies, and fringe benefits of DVOPs and LVERs, including the reasonable expenses and per diem for attendance at the National Veterans' Employment and Training Institute (NVETSI) proposed to be established under a new section 2010A as proposed to be added by the Senate bill); and (c) make the funding requirement subject to the provisions of new subsection (c)(2) of section 2002A requiring that the Secretary, in determining the terms and conditions of a grant or contract under which funds are made available in a State, take into account the evaluation of local employment service offices (LESOs) in the State carried out by the DVETs and ADVETs, as proposed to be required by new section 2003(c)(13) (discussed below under the heading "RESPONSIBILITIES OF PERSONNEL"), and the results of the Secretary's monitoring of the distribution and use of funds provided for use in the State:

House bill: The House bill (sections 2(a) and 5(a) of H.R. 3406) would (a) amend section 2004 of title 38 to add a requirement that funds be made available for LVERs in accordance with a proposed formula for LVER funding (discussed below under the heading "LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES"); (b) in a proposed new section 2009 (discussed below under the heading "NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE") require that the Secretary make funding available for the travel and per diem expenses for DVOPs and LVERs (and various other personnel) to attend the NVETSI; and (c) require the Secretary, in determining the terms and conditions of a grant or contract under which funds are made available in a State to carry out section 2003A, relating to DVOPs, or section 2004, relating to LVERs, to (1) take into account the results of the following monitoring activities, all of which would be required by section 2002A as proposed to be amended by the House bill: (1) the Secretary's monitoring of the distribution and use of funds provided for use in the State, of the appointment of DVOPs and assignment of LVERs, and of the participation of qualified veterans and eligible persons under the Job Training Partnership Act (JTPA) and other Federal and Federally-funded employment and training programs and (2) the monitoring of Department of Labor-funded veterans' employment and training programs by the Regional Administrators for Veterans' Employment and Training (a position which would be provided for by the Senate and House bills and compromise agreement in provisions described below under the heading "I. Regional Administrators for Veterans' Employment and Training").

Compromise agreement: The compromise agreement (section 3(a)) contains the Senate provisions.

F. Distribution and use of funds for DVOPs and LVERs

Senate bill: The Senate bill (section 2(a)) would amend sections 2002A and 2003A(a)(5), providing that the distribution and use of funds provided to a State for DVOPs shall be subject to the continuing supervision and monitoring of the ASVET and shall not be governed by the provisions of any law, or regulations thereunder, inconsistent with section 2003A, so as to recodify those provisions in a new subsection (c)(1) of section 2002A, make them applicable to LVERs, and provide for the primacy of section 2004 with respect to the distribution of and use of funds for LVERs.

House bill: The House bill (section 3(a) of H.R. 3460) is substantively identical to the Senate bill.

Compromise agreement: The compromise agreement (section 2(a)) contains this provision.

G. Appointment of DVOPs and assignment of LVERs

Senate bill: The Senate bill (section 2(a)) would amend section 2002A and the third, fourth, and fifth sentences of section 2003A(a)(2) (which would be redesignated as section 2003A(a)(1)), requiring that, in the appointment of DVOPs, preference be given, first, to disabled veterans of the Vietnam era, second, to other disabled veterans, and third, any veteran, so as to (a) require in new subsection (b)(7) of section 2002A that the Secretary monitor the appointment of DVOPs and the assignment of LVERs—in order to ensure compliance with the provisions (in section 2003A(a)(1) and 2004(a)(4), respectively, as proposed to be amended) relating to the qualifications of DVOPs and LVERs—and (b) add an explicit requirement that those to whom preference is to be given be "qualified".

House bill: The House bill (section 3(a) of H.R. 3460) contains provisions substantively identical to the provisions described in item (a), above.

Compromise agreement: The compromise agreement (sections 2(a) and 3(a)) contains these provisions.

H. Opportunities for veterans under the Job Training Partnership Act

House bill: The House bill (section 3(a) of H.R. 3460) would amend section 2002A to add a new subsection (b)(7) requiring the Secretary to promote, facilitate, and monitor participation of qualified veterans and eligible persons in employment and training opportunities under the JTPA and other Federal and Federally-funded employment and training programs.

Senate bill: No provision.

Compromise agreement: The compromise agreement (section 2(a)) contains this provision with amendments to delete the requirement for facilitating participation and the reference to Federal programs and to specify explicitly in this provision that the functions are to be carried out by the ASVET.

The Committees intend that "Federally-funded employment and training programs" include the VJTA and the Targeted Job Tax Credit program under section 280C of the Internal Revenue Code.

I. Regional Administrator for Veteran's Employment and Training

Senate bill: The Senate bill (section 2(a)) would amend section 2002A to add a new subsection (d) to require the Secretary to assign to each region for which the Secretary operates a regional office a representative of the VETS to serve as a Regional Director for Veterans' Employment and Training.

House bill: The House bill (section 3(a) of H.R. 3460) contains a substantively identical provision except that the title of the position would be changed to Regional Administrator for Veterans' Employment and Training (RAVET) and that each RAVET would be required to be responsible for (a) ensuring the promotion, operation and implementation of all veterans' employment and training programs and services within the region; (b) ensuring proper veterans' employment under Federal contracts within the region; (c) protecting and advancing veterans' reemployment rights within the region; and (d) coordinating, monitoring, and providing technical assistance on veterans' employment and training programs with respect to all Department of Labor grantees within the region.

Compromise agreement: The compromise agreement (section 2(a)) contains this provision as modified by the House bill and with amendments providing for RAVETs to "monitor" rather than "ensure" Federal contractors' compliance with their obligations with respect to veterans' employment.

J. Deputy Assistant Secretary for Veterans' Employment and Training

House bill: The House bill (section 3(a) of H.R. 3460) would amend section 2002A to add a new subsection (c) establishing statutorily (the position having already been established administratively) the position of Deputy Assistant Secretary of Labor for Veterans' Employment and Training (DASVET) within the Senior Executive Service; requiring that the DASVET be an eligible veteran; and requiring the Secretary to appoint a DASVET in accordance with section 3393 of title 5, relating to the recruitment of career appointees, no later than the beginning of program year 1989.

Senate bill: No provision.

Compromise agreement: No provision.

K. Budgeting

Senate bill: The Senate bill (section 3(b)) would amend section 2006(a) of title 38, under which the Secretary is required to include in the Department of Labor's annual budget funds necessary for the administration of chapters 41, 42, and 43 of title 38, including amounts necessary for the numbers of DVOPs required by the DVOP funding formula in section 2003A and to include in the budget submission a separate listing of the proposed number of DVOPs by State, so as to require that (a) the budget include funding (1) for LVERs in accordance with the new LVER funding formula (proposed to be added by section 2(a), discussed above, of the Senate bill), (2) for the NVETSI (proposed to be established by section 8, discussed below, of the Senate bill), and (3) the reasonable expenses of DVOPs and LVERs for training, travel, supplies, and fringe benefits, including travel expenses and per diem for attending the NVETSI; and (b) the budget submission include (1) a separate listing of LVERs by State, and (2) information demonstrating the compliance of the budget submission with the funding formulas for DVOPs and LVERs and the requirement to provide funding for the NVETSI.

House bill: The House bill (section 3(b) of H.R. 3460) is substantively identical to the Senate provision.

Compromise agreement: The compromise agreement (section 2(b)) contains this provision.

L. Use of administrative funds

House bill: The House bill (section 3(c) of H.R. 3460) would amend section 2006(d) of title 38, under which funds available for the proper and efficient administration of chapter 41 are precluded from being made available for any other purpose except with the approval of the Secretary based on a demonstrated lack of need for the funds for administering chapter 41, so as to repeal the exception permitting the use of the funds for a non-chapter 41 purpose.

Senate bill: No provision.

Compromise agreement: The compromise agreement (section 2(c)) contains this provision.

M. Reporting requirements

Senate bill: The Senate bill (section 3(c)) would amend section 2007(c) of title 38, relating to an annual report from the Secretary to the Congress on the success during the preceding fiscal year of the Department of Labor and SEAs in carrying out the provisions of chapter 41 and on activities carried out under section 2003A (DVOPs), so as to (a) provide for the report to be submitted to the appropriate committees of the Congress; (b) specify that the report would be due on February 1 of each year; (c) delete the existing requirement that the report include any determination made under present section 2004 which section 3(c) of the Senate bill would amend to delete the Secretary's authority to allow, based upon a demonstrated lack of need, an LVER not to be assigned to the staff of a local employment service office (LESO); (d) also require a report on activities under section 2004 (LVERs); and (e) require that the report contain information on the operation of programs for the provision of employment and training services designed to meet the needs of veterans, including (1) an evaluation of the effectiveness of such programs in meeting the requirements of proposed new subsection (b) of section 2002A (described above under the heading "ADMINISTRATION OF EMPLOYMENT AND TRAINING PROGRAMS"), (2) the efficiency with which services were provided under such programs, and (3) recommendations for further legislative action relating to veterans' employment, including the need for any changes in the formulas governing the appointment of DVOPs and assignment of LVERs, and the allocation of funds for the support of DVOPs and LVERs, as the Secretary considers appropriate.

House bill: The House bill (section 3(d) of H.R. 3460) is substantively the same as the Senate bill with the exceptions that the House bill would (a) make the report due on December 1 of each year, (b) require that the report include a comparison of the job placement rates for eligible veterans, veterans of the Vietnam era, certain categories of veterans with service-connected disabilities, and eligible persons who registered for assistance with the public employment system with the job placement rate for nonveterans so registered for assistance in each State, and (c) not make specific reference to the possible need for changes in the formulas for the appointment of DVOPs and assignment of LVERs, and the allocation of funds for their support.

Compromise agreement: The compromise agreement (section 2(d)) contains the House provision with amendments requiring that (a) job-placement-rate comparisons be made according to age groups; (b) changing from December 1 to February 1 the annual deadline for the Secretary to report annually to the Committees on Veterans' Affairs of the Senate and the House of Representatives; (c) providing for the reports to be based on program years (July 1 through June 30) rather than fiscal years; and (d) restoring the Senate bill's reference to the possible need for changes in the formulas.

LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES

Present section 2004 of title 38 provides that, except as may be determined by the Secretary of Labor based on a demonstrated lack of need for services, the administrative head of the employment service in each State must assign one or more employees, preferably eligible veterans or eligible persons, to the staffs of local employment service offices, whose services must be fully devoted to discharging the duties prescribed for DVETs and Assistant DVETs.

Major provisions in section 3(a) of the compromise agreement would amend section 2004 to establish formulas for the assignment of LVERs and for the funding and allocation of funding for LVERs, provide for preferences in the assignment of LVERs, and delineate the responsibilities of LVERs.

A. LVER funding formula

Senate bill: The Senate bill (section 3(a)) would amend section 2004 of title 38, relating to the assignment to LESO staffs of employees (LVERs) whose services are fully devoted to discharging the duties of veterans' employment representatives, to require that (a) the Secretary, beginning with FY 1988, make available to the States funds sufficient to support the assignment of 1,600 full-time LVERs nationwide, plus the funding necessary to support the States' administration of the LVER program; (b) the funds be allocated to the States (including the District of Columbia, Puerto Rico, and the Virgin Islands) so that each State receives funding for the number of LVERs it had on January 1, 1987, for which funds were provided under chapter 41 (1,379 LVERs according to the Department of Labor) plus one additional LVER; (c) the allocation of funds for the remaining LVER positions up to 1,600 be made pursuant to a formula whereby each State would receive a percentage of those funds equal to the average of (1) the State's percentage of total national veteran population, (2) the percentage of the total of eligible veterans and persons registered with LESOs nationwide who are registered with LESOs in the State, and (3) the State's percentage of the number of full-service LESOs nationwide; and (d) each State's allocation also include funds for the reasonable administrative expenses associated with the number of LVERs for which it is receiving funds.

House bill: The House bill (section 2(a) of H.R. 3460) would amend section 2004 to prescribe an LVER funding formula under which the Secretary would be required to make available during each fiscal year for use in each State an amount sufficient to support (a) one-third of a full-time LVER for each 1,400 eligible veterans or eligible persons who were registered for assistance as of the end of the program year immediately preceding that fiscal year; (b) one-third of a full-time LVER for each 25,000 veterans who were residing in the State at the end of the previous fiscal year; and (c) one-third of a full-time LVER for every LESO in the State at the end of the previous year. In any event, for fiscal year 1988, each State would be required to be provided an amount sufficient to support the number of LVERs in that State as of April 1, 1987. For purposes of determining the number of LVERs under this formula, fractions would be required to be rounded up to the nearest one-half or whole number.

Compromise agreement: The compromise agreement (section 3(a)) contains the Senate provision.

The Committees note their concerns regarding the remoteness of Indian reservations from employment and training services and Native Americans' resulting lack of access to such services. The Committees direct that the ASVET consult with the directors of SEAs in Arizona and South Dakota and in other States with substantial populations of Native Americans living on reservations who are veterans, so that maximum consideration is given to the goal of furnishing those veterans with employment and training services—either itinerant or full-time services—commensurate with their needs. Such assignments would, of course, be made from the number of LVERs allocated to the State in which the reservation is located.

B. Assignment of LVERs

Senate bill: The Senate bill (section 3(a)) would amend section 2004 to require that the LVERs allocated to each State be assigned to LESOs by the administrative head of the SEA, with the concurrence of the DVET, so that as nearly as practicable each LESO with at least 1,100 veteran/eligible-person registrants would have a full-time LVER; one additional LVER would be assigned for each 1,500 additional registrants above the initial 1,100 registrants; and one half-time LVER would be assigned to each LESO at which at least 350 but less than 1,000 such individuals are registered. At an LESO with fewer than 350 such registrants, the head of the office would be responsible for ensuring compliance with provisions in existing law requiring priority services for veterans and priority referral of veterans to Federal contractors.

House bill: The House bill (section 2(a) of H.R. 3460) would amend section 2004 to require that the assignment of LVERs to LESOs be made by the head of the employment service in the State after consultation with the DVET.

Compromise agreement: The compromise agreement (section 3(a)) contains (a) the Senate provision establishing a numerical formula for assigning LVERs to LESOs; (b) the House provision requiring that the assignment of LVERs in a State be made by the head of the SEA after consultation with the DVETs; (c) an amendment to section 2002A requiring that, before approving a grant or contract under which funds are made available in a state under new subsection (b)(5) of new section 2002A in order to carry out section 2003A(a) or 2004(a) and (b) of title 38, the Secretary obtain the funding recipient's certification that it will comply with all provisions in chapter 41 of this title; and (d) an amendment to revise the provision relating to LESOs with fewer than 350 such veteran/eligible-person registrants so as to provide that, in the case of any Wagner-Peyser Act employment services delivery point other than an LESO with 350 or more such registrants—rather than only at an LESO with less than 350 such registrants—the head employee at the services delivery point would have the specified responsibility with respect to services for veterans.

The Committees intend that the annual evaluations of LESOs include an evaluation of compliance with the formula for assigning LVERs.

C. Definition of "registered"

Senate bill: The Senate bill (section 3(a)) would amend section 2004 to provide that, for the purposes of the formula for the allocation of LVERs, an individual would be considered to be registered for assistance with an LESO during a program year if the individual either registered, or renewed his or her registration, for assistance with the office during that program year or registered or renewed his or her registration with that office during a previous program year and, in accordance with regulations which the Secretary would be required to prescribe, is counted as still being registered for administrative purposes.

House bill: The House bill (section 2(a) of H.R. 3460) contains a substantively identical provision.

Compromise agreement: The compromise agreement (section 3(a)) contains this provision.

D. Preference in assignments of LVERs

Senate bill: The Senate bill (section 3(a)) would amend section 2004 to require that persons assigned as LVERs after September 30, 1987, be veterans and that preference in the assignment of LVERs be given to qualified veterans with service-connected disabilities which are compensable or for which they were discharged. Under current law, persons assigned as LVER's are to be "preferably eligible veterans or eligible persons".

House bill: No provision.

Compromise agreement: The compromise agreement (section 3(a)) contains this provision with amendments (a) deleting any reference to eligible veteran or person status as a qualification for an LVER assignment but requiring that preference in the assignments be given to qualified eligible veterans or eligible persons in the following order: (1) qualified service-connected disabled veterans, (2) qualified veterans, and (3) qualified eligible persons; and (b) delaying (to July 1, 1988) the effective date of the preference requirement.

E. Definition of Local Employment Service Office (LESO)

House bill: The House bill (section 2(b) of H.R. 3460) would amend section 2001 of title 38, relating to definitions of certain terms used in chapter 41, to add a provision defining the term "local employment service office" as a service delivery point which has an intrinsic management structure and at which employment services are offered in accordance with the Wagner-Peyser Act.

Senate bill: No provision.

Compromise agreement: The compromise agreement (section 3(b)) contains this provision.

The Committees intend that a satellite office not be considered to be an LESO, but rather a part of the LESO having jurisdiction over it.

F. Responsibilities of LVERs

Senate bill: The Senate bill (section 3(a)) would amend section 2004 to require that work of LVERS be fully devoted to—

(a) providing, or facilitating the provision of, counseling services to veterans who are certified as eligible for participation in the VJTA program; and

(b) discharging at the local level the duties of DVETs and ADVETs as provided in section 2003(c)(1)(B) and (c)(2) through (12) of title 38, which (as proposed to be amended by section 7(a) of the Senate bill, discussed below) are to—

(1) be functionally responsible for the supervision of the registration of eligible veterans and eligible persons in LESOs for suitable types of employment and training and for counseling and placement of eligible veterans and eligible persons in employment and training programs, including VJTA;

(2) engage in job development and job advancement activities for eligible veterans and persons, including maximum coordination with appropriate VA officials in the VA's carrying out of its outreach services responsibilities and in the conduct of job fairs and other special programs to match eligible veterans and persons with appropriate job and job-training opportunities and otherwise to promote the employment of eligible veterans and eligible persons;

(3) assist in securing and maintaining current information as to the various types of available employment and training opportunities, including maximum use of electronic data processing and telecommunications systems and the matching of an eligible veteran's or person's particular qualifications with an available opportunity commensurate with those qualifications;

(4) promote the interest of employers and labor unions in employing eligible veterans and persons and in conducing on-job training and apprenticeship programs for them;

(5) maintain regular contact with employers, labor unions, training programs, and veterans' organizations with a view to keeping them advised of eligible veterans and persons available for employment and training and to keeping eligible veterans and persons advised of opportunities for employment and training;

(6) promote and facilitate the participation of veterans in Federal and Federally-funded employment and training programs and directly monitor the implementation and operation of such programs to ensure that eligible veterans, veterans of the Vietnam era, service-connected-disabled veterans, and eligible persons receive such priority or other special consideration in the provisions of services as is required by law or regulation;

(7) assist in every possible way in improving working conditions and the advancement of employment of eligible veterans and eligible persons;

(8) supervise the listing of jobs and subsequent referrals of qualified veterans as required by section 2012 of title 38;

(9) be responsible for ensuring that complaints of discrimination filed under section 2012 are resolved in a timely fashion;

(10) working closely with appropriate VA personnel who provide counseling or rehabilitation services under chapter 31 of title 38, cooperate with employers to identify disabled veterans who have completed or are participating in a vocational rehabilitation training program under chapter 31 and who are in need of employment;

(11) cooperate with the staff of VA readjustment counseling programs for Vietnam-era veterans in identifying and assisting veterans who have readjustment problems and who may need employment placement assistance or vocational training assistance;

(12) when requested by a Federal or State agency or a private employer, assist it in identifying and acquiring prosthetic and sensory aids and devices which tend to enhance the employability of disabled veterans; and

(13) not less frequently than annually, conduct an evaluation at each LESO of the services provided to eligible veterans and eligible persons and make recommendations for corrective action as appropriate.

House bill: The House bill (section 2(a) of H.R. 3460) would prescribe the duties to be discharged by LVERs in a new subsection (b) of section 2004. The prescribed duties would include duties substantively identical to those described in items (4), (5), (8), (10), (11), and (12), above, except that, with respect to item (5), "community leaders" is added to the group with which contact is to be maintained; with respect to item (8), LVER's would be required to "monitor" rather than "supervise" the listings and referrals; and, with respect to item (12), a "service-connected disabled veteran" would be added to those who, upon request, are to be assisted. The other duties would be —

(a) to supervise functionally the provision of services to eligible veterans and eligible persons by LESO staff;

(b) to provide directly, or facilitate the provision of, labor exchange services to eligible veterans and persons in LESOs, including intake and assessment, counseling, testing, job-search assistance, and referral and placement;

(c) to promote, facilitate, and monitor the participation of veterans in Federal and Federally-funded employment and training programs, and monitor the listing of vacant positions with the United States Employment Service by Federal agencies as required by section 3327 of title 5;

(d) to refer eligible veterans and persons to training, supportive services, and educational opportunities, as appropriate; and

(e) to assist, through electronic data processing, in securing and maintaining current information regarding available employment and training opportunities.

Compromise agreement: The compromise agreement (section 3(a)) would prescribe the duties of LVERs as specified in the House bill except that (1) in the provision described in item (c), LVERs would not be required to "facilitate" veterans' participation, the reference to Federal programs would be deleted, and a requirement would be added for LVERs to report to the DVET or ADVET concerned any evidence of failures to provide veterans with the priority or other special consideration required by law or regulation; and (2) a requirement would be added for LVERs to facilitate the provision of guidance and counseling services for veterans certified as eligible for participation under VJTA.

The Committees do not intend that the listing of LVERs' duties in section 2004(b) preclude the assignment of additional duties to LVERs when necessary under unusual circumstances.

PERFORMANCE OF DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES

A. Development and application of performance standards

Senate bill: The Senate bill (section 4(a)) would amend chapter 41 to add a new section 2004A, subsection (a) of which would (a) require the Secretary, after consultation with SEAs or their representatives, or both, to prescribe, and provide for the implementation of, standards for the performance of DVOPs and LVERs and monitor the activities of DVOPs and LVERs; (b) require that the standards provide for the effective performance at the local level of the statutory duties of DVOPs and LVERs and include as one of the measures of a DVOP's performance the extent to which the DVOP, while serving in the capacity of a case manager under section 14(b)(1)(A) of VJTA (as proposed to be amended by section 11(b)(1) of the Senate bill (discussed below)), facilitates rates of successful training-completion under VJTA; and (c) authorize the ASVET, in entering into an agreement with a State for the provision of DVOP or LVER funding, personally to make exceptions to the standards to take into account local conditions and circumstances.

House bill: No provision.

Compromise agreement: The compromise agreement (section 4(a)(1)) would amend chapter 41 to add a new section 2004A under which each SEA would be required to develop and apply DVOP and LVER performance standards which are consistent with the statutory duties and functions of DVOPs and LVERs and include as a measure of a DVOPs performance the extent to which the DVOP, as a VJTA case manager, facilitates successful VJTA training-completion rates. In developing the standards, each SEA would be required to take into account model standards (which the Secretary would be required to develop after consultation with the SEAs or their representatives) and any comments of the DVET concerned (to whom the SEA would be required to submit the proposed standards for a 30-day comment period) and would be authorized to take into account the State's personnel merit system requirement and other local circumstances and requirements and to request the assistance of the DVET (who, upon request, would be required to provide appropriate assistance). A freestanding provision in the compromise agreement (section 4(b)) would require each SEA to develop and promulgate the standards as quickly as feasible and to submit the proposed standards to the DVET not later than 12 months after the date on which the Secretary provides it with the prototype standards and to adopt final standards not later than 60 days after receiving the DVET's comments.

The Committees expect SEAs to develop DVOP position descriptions which are based on the standards developed for DVOPs' performance and consistent with their duties and functions as set forth in sections 2003A(b) of title 38.

B. Monitoring of compliance with performance standards

Senate bill: The Senate bill (section 4(a)), in subsection (b) of the proposed new section 2004A (described above), would (a) require that DVETs and ADVETs regularly monitor the performance of DVOPs and LVERs through the application of the performance standards; and (b) require each DVET (or the DVET's designee) to submit to the head of the SEA recommendation and comments in connection with each annual performance rating of a DVOP or LVER in the State.

House bill: No provision.

Compromise agreement: The compromise agreement (section 4(a)(1)) contains this provision with amendments authorizing rather than requiring the DVET to submit the recommendations and comments and deleting the express reference to a designee of the DVET submitting the recommendations and comments.

The Committees intend that the DVET's and ADVET's monitoring of the performance of DVOPs and LVERs include but not be limited to (a) a review of quarterly reports provided to DVETs under new section 2004(c) of title 38 with respect to Federal law and regulations with respect to special services and priorities for veterans and other eligible persons; and (b) the annual evaluations, under new clause (13) of section 2003(c), of the services provided by the LESO in question to eligible veterans and eligible persons.

WAIVER OF RESIDENCY REQUIREMENTS FOR DIRECTORS AND ASSISTANT DIRECTORS OF VETERANS' EMPLOYMENT AND TRAINING

Senate bill: The Senate bill (section 5) would amend section 2003(b) of title 38, which requires that, at the time of appointment, a DVET or ADVET be an eligible veteran who has been a resident of the State for at least 2 years, so as to (a) provide that the Secretary, upon determining that it is necessary to consider for appointment as a DVET an ADVET with 2 years of experience, may waive the 2-year State residency requirement; and (b) require that, in the event of such a waiver, preference be given to any equally qualified veteran who meets the residency requirement.

House bill: The House bill (section 7 of H.R. 3406) would amend section 2003(b) to authorize the Secretary to waive the State residency requirement and appoint any qualified veteran as a DVET or an ADVET if the Secretary determines that there is no qualified veteran available who meets the residency requirement.

Compromise agreement: The compromise agreement (section 5) contains the House provision.

SHARING OF INFORMATION REGARDING POTENTIAL EMPLOYERS

A. Department of Defense assistance to the Department of Labor and Veterans' Administration

Senate bill: The Senate bill (section 6(a)) would amend section 2005 of title 38, relating to Federal agencies' cooperation with the Secretary of Labor in providing employment and training opportunities to veterans, to require the Secretary of Defense—in order to assist the Secretary of Labor and the Administrator of Veterans' Affairs in identifying employers with potential job training opportunities under VJTA and in carrying out chapter 41—to provide to the Secretary and the Administrator, not more than 30 days after the enactment date, the then-current list of employers participating in the National Committee for Employer Support of the Guard and Reserve (NCESGR). After providing the list, the Secretary of Defense would be required to provide, on the 15th of each month, updated information regarding it.

House bill: No provision.

Compromise agreement: The compromise agreement (section 6(a)) contains this provision with an amendment changing the reference to the required list from "the then-current list of employers participating in the [NCESGR]" to "any list maintained by the Secretary of Defense of employers participating in the [NCESGR]".

B. Veterans' Administration/Department of Labor Cooperation

Senate bill: The Senate bill (section 6(a)) would amend section 2008 of title 38, requiring the Secretary of Labor to consult with the Administrator on activities under chapter 41, to require the Administrator to require each VA regional office to provide on a monthly or more frequent basis to appropriate LESOs and Department of Labor (DoL) offices, as designated by the Secretary, the names and addresses of employers which offer approved programs of job training under VJTA in the regional office's area.

House bill: No provision.

Compromise agreement: The compromise agreement (section 6(b)) contains this provision with an amendment requiring that the Administrator, rather than each VA regional office, provide monthly or more frequently to such LESOs and DoL offices the names and addresses of such employers in the areas served by those LESOs and DoL offices.

RESPONSIBILITIES OF PERSONNEL

A. Functional supervision

Senate bill: The Senate bill (section 7(a)) would amend section 2003(c), relating to the functions of DVETs and ADVETs, to require DVETs and ADVETs to supervise functionally the provision of services to eligible veterans and eligible persons by the SEA and by other employment or training programs administered by the Secretary of Labor, by grantees of Federal or Federally-funded employment or training programs, or by the State.

House bill: The House bill (section 4 of H.R. 3460) contains a substantively identical provision.

Compromise agreement: The compromise agreement (section 7(a)) contains this provision.

The Committees intend "functional supervision" by DVETs and ADVETs to be distinct from "line supervision" by LESO managers. Provision of functional supervision by DVETs and ADVETs is not intended to impose—nor will it impose—a dual management structure on the LVER or DVOP program. Functional supervision is to entail providing technical assistance, making suggestions for improvement of services, helping to plan programs and projects, checking for compliance with ETA regulations affecting veterans, helping to correct errors by working with local and state staffs, analyzing work as it affects veterans and eligible persons, training new state agency employees and providing refresher courses for state agency staff, and bringing matters which require corrective action to the attention of those state agency personnel who have authority over policy, procedures and staff. Functional supervision does not authorize a DVET or ADVET to hire, fire, discipline, or issue directives to state agency employees. Nor does it authorize a DVET or ADVET to make regulations, change procedure, or establish internal policies for the state agency.

B. Responsibilities for placements in Veterans' Job Training Act programs and for the development of other opportunities

Senate bill: The Senate bill (section 7(a)) would amend section 2003(c) to (a) specify that, in the current provision requiring DVETs and ADVETs to be functionally responsible for supervising the registration of eligible veterans and persons in LESOs for employment and training and for counseling and placement in employment and job-training programs, the reference to such programs includes programs under VJTA, and (b) clarify that DVETs' and ADVETs' duties to engage in job development and job advancement activities for eligible veterans and persons includes the general responsibility, "otherwise to promote the employment of eligible veterans and eligible persons".

House bill: No provision.

Compromise agreement: The compromise agreement (section 7(a)) contains this provision.

C. Veterans' preference

House bill: The House bill (section 4 of H.R. 3460) would amend section 2003(c) to require DVETS and ADVETS to monitor the implementation of Federal laws requiring preference for veterans in employment and job advancement opportunities within the Federal Government.

Senate bill: No provision.

Compromise agreement: The compromise agreement (section 7(a)) contains this provision with an amendment requiring DVETs and ADVETs to report evidence of noncompliance to the Office of Personnel Management (OPM) for appropriate enforcement or remedial action.

D. Listing of job vacancies

House bill: The House bill (section 4 of H.R. 3460) would amend 2003(c) to require DVETS and ADVETS to monitor the listing of vacant positions with the United States Employment Service by Federal agencies as required by section 3327 of title 5.

Senate bill: No provision.

Compromise agreement: The compromise agreement (section 7(a)) contains this provision with amendments requiring that the monitoring be carried out through DVOPs and LVERs and that DVETs and ADVETs report evidence of noncompliance to OPM for appropriate enforcement or remedial action.

E. Evaluations

Senate bill: The Senate bill (section 7(a)) would amend section 2003(c) to require DVETs and ADVETs to conduct, not less frequently than annually, evaluations of services provided to eligible veterans and persons at each LESO and to make recommendations for corrective action as appropriate.

House bill: No provision.

Compromise agreement: The compromise agreement (section 7(a)) contains this provision with an amendment requiring that the evaluations be conducted at LESOs in accordance with the following order of priority: (a) those that have demonstrated less-than-satisfactory performance during either of the two previous program years; (b) LESOs with the largest numbers of veterans registered during the previous program year; and (c) other LESOs as resources permit.

F. Additional duties of DVOPs

Senate bill: The Senate bill (section 7(b)) would amend section 2003A(c) of title 38, relating to the functions of DVOPs, (a) to clarify that the DVOP responsibility to provide appropriate assistance to community-based groups and organizations and grantees under Federal and Federally-funded employment and training programs in serving eligible veterans includes assisting those entities receiving funding under part C of title IV of the JTPA, relating to certain employment programs for service-connected disabled and Vietnam-era veterans and those recently separated from military service; (b) clarify that the DVOP responsibility to consult and coordinate with representatives of Federal, State, and local programs in order to develop linkages to promote employment opportunities for, and provide employment assistance to, veterans includes consulting and coordinating with representatives of the VJTA program; and (c) add the following DVOP responsibilities: (1) providing counseling services to veterans with respect to their selection of and changes in vocations and to their vocational adjustment, and (2) providing services as case managers under paragraph (1)(A) of proposed new subsection (b) (discussed below) of section 14 of VJTA.

House bill: No provision.

Compromise agreement: The compromise agreement (section 7(b)) contains this provision with an amendment providing for DVOPs to be responsible for providing "vocational guidance or vocational counseling services, or both" to veterans, rather than "counseling services."

NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICE INSTITUTE

Senate bill: The Senate bill (section 8) would amend chapter 41 to add a new section 2010A, entitled "National Veterans Employment and Training Service Institute", to require the ASVET, for the purpose of providing for such training as the Secretary considers necessary and appropriate for the efficient and effective provision of employment, job-training, placement, and related services to veterans, to establish and make available such funds as may be necessary to operate a National Veterans' Employment and Training Services Institute (NVETSI) for the training of DVOPs, LVERs, DVETs and ADVETs, and such other personnel involved in the provision of employment, job-training, counseling, placement, or related services to veterans as the Secretary considers appropriate.

House bill: The House bill (section 5 of H.R. 3460) would revise present section 2009 of title 38, the current provisions of which would be supplanted under the House bill by proposed amendments to section 2004 and 2007, to incorporate a provision substantively identical to the Senate provision with the addition of a provision specifying that the funding required to be made available for the operation of the NVETSI would include travel expenses and per diem for attendance at the NVETSI.

Compromise agreement: The compromise agreement (section 8) contains the House provision with an amendment (a) requiring the Secretary, as the Secretary considers appropriate, to provide out of the program funds designated for the NVETSI, training of VETS personnel at the ANVETSI, including their travel expenses and per diem; and (b) changing the word "Service" to "Services" in the title of the Institute.

SPECIAL UNEMPLOYMENT STUDY

Senate bill: The Senate bill (section 9) would amend chapter 41 to add a new section 2010B, entitled "Special unemployment study", requiring the ASVET, through the Bureau of Labor Statistics to conduct every two years, and report to the Congress on, studies of unemployment among (a) special disabled veterans (that is, those who either (1) have a service-connected disability rated at 30 percent or more, (2) have a service-connected disability rated at 10 or 20 percent and have been determined for purposes of the VA's program of vocational rehabilitation for service-connected disabled veterans to have a serious employment handicap, or (3) were discharged or released from active duty because of a service-connected disability; and (b) veterans who served in the Vietnam Theater during the Vietnam conflict. The first study would be required to be completed by July 1, 1988.

House bill: No provision.

Compromise agreement: The compromise agreement (section 9) contains this provision with an amendment (a) requiring the first study to be completed not later than six months after the enactment date.

SECRETARY'S COMMITTEE ON VETERANS' EMPLOYMENT

Senate bill: The Senate bill (section 10 and 12(a)(3)), would amend section 2010(b)(1) of title 38, relating to the membership of the Secretary of Labor's Committee on Veterans' Employment, so as to (a) add to the membership representatives of the Secretary of Education and the Postmaster General, and (b) require the Secretary to continue to chair the Committee notwithstanding the general requirement, in proposed new subsection (b)(1) of section 2002A (discussed above), that the Secretary carry out chapter 41 through the ASVET.

House bill: The House bill (sections 6 and 8(a)(3) of H.R. 3460) contains substantively identical provisions and a provision also adding a representative of the Director of the ACTION Agency to the Committee.

Compromise agreement: The compromise agreement (section 10) contains the Senate provisions with an amendment to authorize the Secretary (not the ASVET) to add a representative of any other Federal agency which has requested to be represented on the Committee.

REVISIONS OF NOMENCLATURE

A. Secretary of Labor

Senate bill: The Senate bill (section 12(a)(1) and (2)) would define the term "Secretary" as the Secretary of Labor and make a series of conforminng amendments.

House bill: The House bill (section 8(a)(1) and (2) of H.R. 3460) contains an identical provision.

Compromise agreement: The compromise agreement (section 13(a)(1) and (2) contains this provision.

B. Assistant Secretary for Veterans' Employment and Training-Directors and Assistant Directors for Veterans' Employment and Training

Senate bill: The Senate bill (section 12(b)) would make a series of amendments to chapter 41 to add "and Training" to the titles of Assistant Secretary for Veterans' Employment, State Director for Veterans' Employment, and Assistant State Director for Veterans' Employment each time they appear.

House bill: The House bill (section 8 of H.R. 3460) contains identical provisions and also deletes the word "State" from the titles of State and Assistant State Director for Veterans' Employment.

Compromise agreement: The compromise agreement (section 13(a)(3)) contains the House provision.

VETERANS' JOB TRAINING ACT (VJTA)

A. Case-management and services

Senate bill: The Senate bill (section 11) would amend section 14(g) of the VJTA, relating to certain counseling and information services for veterans participating in job training programs under VJTA, so as to require the Administrator and the Secretary jointly to provide for a program under which—except where the Secretary determines that either the employer has an appropriate and effective employee assistance program which is available to all veterans participating in the employer's VJTA job training programs, or the rate of veterans' successful completion of the employer's VJTA job training programs, either cumulatively or during the previous program year, is 60 percent or higher—(a) a DVOP is assigned as a case manager for each veteran participating in a VJTA job-training program; (b) the veteran has an in-person interview with the case manager not later than 60 days after entering into such a program; and (c) not less frequent than monthly contact is maintained with the veteran for the purposes of (1) avoiding unnecessary termination of employment, (2) referring the veteran to appropriate counseling, if necessary, (3) facilitating the veteran's successful completion of such program, and (4) following up with the employer and the veteran in order to determine the veteran's progress in the program and the outcome regarding the veteran's participation in, and successful completion of, the program. Under current law, the Secretary alone is required to provide for a program of periodic contact and only for the purposes stated in items (a), (b), and (c), above. In addition, the Senate bill would amend section 7(d) of the VJTA, relating to the certification which an employer must provide with its application for approval of a job training program for VJTA purposes, to require that the employer certify that, as applicable the employer will provide to each veteran participating in a VJTA job training program of the employer the full opportunity to participate during the veteran/employee's normal workday in a personal interview with a case manager.

House bill: No provision.

Compromise agreement: The compromise agreement (section 11(a)(1) and 4) contains these provisions with amendments to (a) delete the requirement that the Administrator jointly provide for the program; and (b) provide that no case manager is to be assigned if, on basis of a recommendation by a DVOP, the Secretary determines that the services of a case manager are not needed for an individual participant.

B. Services to non-completers

Senate bill: The Senate bill (section 11(b)) would amend present section 14 of the VJTA, relating to counseling services, to add a new subsection (c) that would require that, before, a veteran who has voluntarily terminated, or was involuntarily terminated by his or her employer, from a VJTA job training program may be eligible for a new or renewed certificate of VJTA eligibility, the veteran must be provided by the Administrator with appropriate vocational counseling in light of the termination.

House bill: No provision.

Compromise agreement: The compromise agreement (section 11(a)) contains this provision with an amendment requiring the Secretary, in consultation with the Administrator, to provide the veteran with the services of a case manager—rather than vocational counseling.

C. Counseling and information services

Senate bill: The Senate bill (section 11(b)) would amend section 14(b) of the VJTA, requiring the Secretary to provide for certain counseling and information services for veterans participating in job-training programs (after consultation with the Administrator as to certain matters), so as to (a) require that the program be carried out jointly by the Secretary and the Administrator; (b) with respect to services designed to resolve difficulties that may be encountered by veterans during their VJTA training, specify that the services be provided pursuant to subchapter IV of chapter 3 of title 38, relating to the VA's program of veterans outreach services, section 612A, relating to readjustment counseling for Vietnam-era veterans, section 2003A, relating to DVOPs, and section 2004, relating to LVERs; and (c) modify the existing general requirement that all participating veterans and employers be advised of the availability of such counseling services and other related services and assistance and encouraged to request them whenever appropriate so as to require specifically that a program of information services be established under which each veteran who enters into a VJTA program of job training and each VJTA employer would be informed of the supportive services and resources available to the veteran under VJTA through (1) the above-mentioned case-manager and difficulty-resolution services, (2) VA counseling and career-development activities (especially, in the case of a Vietnam-era veteran, readjustment counseling services under section 612A of title 38), and services under part C of title IV of the JTPA, and (3) other appropriate agencies in the community.

House bill: No provision.

Compromise agreement: The compromise agreement (section 11(a)) contains this provision with an amendment specifying that the above-described programs of counseling or other services and information would be provided "to the extent feasible".

D. Employability training and counseling

House bill: The House bill (section 5 of H.R. 1504) would amend section 14(a) of the VJTA, relating to employment counseling services for veterans eligible to participate in VJTA; to require the Administrator (a) after consultation with the Secretary, to provide a program of employability training and counseling services designed to assist veterans in finding, applying for, and successfully participating in a suitable program of job training under the VJTA; and (b) to coordinate such services, to the extent practicable, with the VA readjustment counseling program for Vietnam-era veterans under section 612A of title 38 and advise veterans participating under VJTA of the availability of such services and encourage them to request such services whenever appropriate. In addition, section 16 of the VJTA, relating to the authorization of appropriations, would be amended so that not less than 5 percent of any amount appropriated pursuant to section 16 after June 3, 1987, would be required to be made available for VJTA counseling services, especially with respect to this program of employability training and counseling services.

Senate bill: No provision.

Compromise agreement: The compromise agreement (section 11(a)(2)) contains the House provision with amendments to (a) specify that a program of job-readiness skills development and counseling services is to be designed to assist veterans in need of such services; (b) to delete the proposed 5-percent set-aside of VJTA appropriations and require instead that payments for job-readiness skills development and counseling services under VJTA be paid out of the same account (the VA's readjustment benefits account) as are funds for providing services under section 1504(a)(7), relating to the provision of vocational and other training services and assistance as part of the programs of rehabilitation for certain veterans with service-connected disabilities under chapter 31 of title 38; and (c) to limit to an amount equal to 5 percent of the amount obligated under the VJTA for a fiscal year the amount which may be paid for such development services during that year, except that in FY 1988 the limit would be 5 percent of the VJTA funds available ($27,647,949) on October 1, 1987.

The Committees intend that the VA, before placing a VJTA-eligible veteran in such a program of job-readiness skills development and counseling services, must find that the regular services of LVERs and the DVOP case-management services are not sufficient for the eligible veteran to participate successfully in a suitable VJTA program.

E. Discontinuance of approval of participation in programs of employers with unsatisfactory completion rates

Senate bill: The Senate bill (section 11(c)) would amend section 11 of VJTA, relating to the discontinuance of approval of veterans' participation in programs of job training under VJTA, to provide that, if the Secretary determines, after consultation with the Administrator and in accordance with regulations which the Administrator and Secretary would be required jointly to prescribe, that the rates of veterans' successful completion in an employer's VJTA program is disproportionately low, the Administrator must disapprove participation in the employer's job-training programs on the part of veterans who had not begun participation on the date that the employer is notified of the disapproval. The VA would be required to give notice—by certified or registered letter, with a return receipt requested—of the disapproval, the reasons for it, and the opportunity for a hearing. The Senate bill also would require that a disapproval remain in effect as to new enrollments of veterans until the Administrator determines that adequate remedial action has been taken. In determining whether remedial actions taken by the employer are adequate to ensure future avoidance of a disproportionately low rate of successful completion, the Administrator would be authorized—except in the case of an employer having an appropriate employee assistance program or VJTA completion rates of 60 percent or higher—to condition the reinstatement of approval on the use of a modified payment formula under which in the case of a program of job training of 4 or more months' duration, payments for the initial months (up to the first 4) would be reduced from 50 percent to 30 percent of the veteran's starting wage; for any period after the first 4 months, payments to the employer would be increased to 50 percent of the veteran's starting wage; and the amounts so withheld would be paid to the employer upon the veteran's completion of the job training program. In the case of a program of less than 4 months duration, payment for the months prior to the final scheduled month would equal 30 percent of the veteran's starting wage.

House bill: No provision.

Compromise agreement: The compromise agreement (section 11(b)) would require the Administrator, if the Administrator determines that an employer has a disproportionately low VJTA completion rate due to a deficiency in the quality of its training programs, to disapprove new enrollments of veterans in the employer's VJTA programs until the Administrator determines that adequate remedial action has been taken. In making that determination, the Administrator would be required to use appropriate available VA data, including (a) the quarterly data provided by the Secretary with respect to the numbers of veterans who receive counseling in connection with VJTA training, are referred to VJTA employers, participate in job training under VJTA, complete or do not such training, and the reasons for non-completion; and (b) any data compiled through the particular employer's compliance surveys.

F. Authorization of appropriations

Senate bill: The Senate bill (section 11 (d)) would amend section 16 of the VJTA, relating to the authorization of VJTA appropriations, so as to (a) authorize appropriations of $60 million for each of fiscal years 1988 and 1989, expressly in addition to the authorization in the Stuart B. Mckinney Homeless Assistance Act (Public Law 100-77), which authorized appropriations totalling $65 million for fiscal years 1986, 1987, and 1988; and (b) provide that the funds would remain available through the end of fiscal year 1991.

House bill: The House bill (section 3 of H.R. 1504) would amend section 16 of the VJTA (a) to authorize the appropriation of $30 million for fiscal year 1987 and $60 million for each of fiscal years 1988, 1989, and 1990; and (b) provide that funds would remain available through the end of fiscal year 1992.

Compromise agreement: The compromise agreement (section 11(c)) would (a) authorize appropriations of $60 million for each of fiscal years 1988 and 1989; and (b) provide for the availability of funds through the end of fiscal year 1991.

G. Reobligation of funds

Senate bill: The Senate bill (section 11(d)) would amend section 16 of the VJTA to (a) provide that any refunds appropriated for the VJTA for any fiscal year which are obligated for the purpose of making payments to an employer on behalf of veteran participating in a VJTA job-training program—including funds so obligated which previously has been obligated for that purpose on behalf of another veteran and were thereafter de-obligated—and are later de-obligated, would immediately upon de-obligation become available for re-obligation for VJTA payments; and (b) provide that no officer or employee in the executive branch would be permitted to delay in any manner, directly or indirectly, the re-obligation of the funds.

House bill: No provision.

Compromise agreement: The compromise agreement (section 11(c)) contains this provision.

H. Deadlines for veterans' applications and entry into training

Senate bill: The Senate bill (section 11(e)) would amend section 17 of the VJTA, relating to the deadlines by which eligible veterans must apply for participation in the VJTA program and enter into training under the program, to extend the deadline for a veteran to apply for participation in the program from December 31, 1987 (at the time of Senate passage), to June 30, 1989, and the deadline by which a veteran participant in VJTA must enter a job training program from June 30, 1988 (at the time of Senate passage) to December 31, 1989.

House bill: The House bill (section 2 of H.R. 1504) would amend section 17 of the VJTA to extend the deadlines to September 30, 1990, and March 30, 1991, respectively.

Compromise agreement: The compromsie agreement (section 11(d)) would extend the application deadline to September 30, 1989, and the training-program-entry deadline to March 31, 1990.

The Committees note that with the enactment of section 201 of the Veterans' Compensation Amendments of 1987 on December 31, 1987, the deadline for eligible veterans to apply for VJTA training was extended from December 31, 1987, to June 30, 1988.

I. Data on participation

Senate bill: The Senate bill (section 11(g)) would require the Secretary, on a not less frequent than quarterly basis, to collect from the heads of SEA's and from DVETs information available to them and information derived from programs carried out in their respective States with respect to the numbers of veterans who receive counseling services pursuant to section 14 of VJTA, are referred to employers participating under VJTA, participate in VJTA programs of job training, and complete such programs, and the reasons for veteran's non-completion.

House bill: No provision.

Compromise agreement: The compromise agreement (section 11(f) contains this provision.

J. Expansion of eligibility

Senate bill: The Senate bill (section 11(a)) would amend section 5(a)(1) of the VJTA, relating to the eligibility criteria for a veteran to participate in a program of job training under the VJTA, to expand those criteria. Under current law, eligibility is limited to unemployed veterans with service during the Korean conflict or Vietnam era who have been unemployed at least 10 of the 15 weeks preceding their application and who either served on active duty for more than 180 days or were discharged or released for a service-connected disability or are entitled to VA service-connected disability compensation. The Senate bill would expand eligibility by (a) eliminating the requirement for service during the Korean conflict or Vietnam era; and (b) eliminating the 10-of-15-week unemployment criterion for certain veterans who are unemployed as the result of a plant closing or major reduction in employment by their previous employer. In addition, S. 477 (section 106), the proposed "Homeless Veterans' Assistance Act of 1987", as passed by the Senate on March 31, 1977, would eliminate the length-of-unemployment eligibility criterion for homeless veterans and veterans with service-connected disabilities rated at 30 percent or more.

House bill: The House bill (section 4 of H.R. 1504) would require the VA to conduct a study—and report its findings and conclusions within 180 days after the date of enactment—to determine (a) the number of veterans who are unemployed as a result of a permanent closure of a plant or other facility or any substantial portion thereof; (b) the percentage of these veterans who are disabled; (c) the degree of concentration of these veterans in the different geographical areas of the country; and (d) the types of employment in which these veterans were engaged on a regular basis before their current unemployment.

Compromise agreement: The compromise agreement does not contain these provisions.

TRAINING AND EMPLOYMENT STUDY AND REPORT

House bill: The House bill (section 4 of H.R. 1504) would require the Administrator and the Secretary to conduct a study of the implementation of the VJTA and transmit to the Congress, within 90 days after the date of enactment, a report containing the findings and conclusions of the study, including (a) a listing, by regional office and by State, of the number of veterans placed in VJTA job training programs and the percentage that that number represents of the total number of veterans certified (not including renewal of certifications), by regional office and by State, as eligible for participation under VJTA; (b) a description, by regional office and by State, of the demographic nature (including race, sex, age, educational level, income before placement, and income after placement) of veterans placed in VJTA program; (c) a description, by regional office and by State, of the demographic nature (including, race, sex, age, educational level, and income) of veterans certified as eligible for participation under VJTA but not placed in a job training program; (d) an analysis of the reasons that veterans certified as eligible for participation have not been placed in a program of job training under VJTA; (e) a listing, by regional office and by State, of the number of veterans who were certified as eligible for VJTA participation and were not placed in a program of job training under VJTA but were later placed in another job training program or employment; (f) a description, by regional office and by State, of the rate at which veterans have discontinued participation in, without completing, a program of job training under VJTA with a separate rate stated for those who discontinued within 3 months after beginning such a program, and those who discontinued within 6 to 9 months after such beginning; (g) an analysis of the major reasons for veterans failing to complete such a training program; (h) a ranking of the 25 categories of employers who have most frequently been denied VJTA approval of a program of job training, with the ranking being made on the basis of the number of such denials for each such category; and (i) a ranking of the 25 categories of employment in which veterans have most frequently received employment as a result of a VJTA program with the ranking being made on the basis of the number of jobs provided in each category.

Senate bill: No provision.

Compromise agreement: The compromise agreement (section 12) contains this provision with amendments (a) to require that the Administrator alone provide for the study and that it be transmitted to the appropriate Committees of the Congress within one year after enactment; (b) to provide expressly for the study to be based on statistically valid samplings and for the requisite data to be provided "to the extent feasible"; and (c) to change the reference to categories of employers to categories of employment.

STATE APPROVING AGENCIES

House bill: The House bill (section 6 of H.R. 1504) would amend section 1774 of title 38, relating to the reimbursement of expenses of State and local agencies (known as "State Approving Agencies" (SAA's), for reasonable and necessary expenses of salary, travel, and administration incurred in performing contracts with the VA for the approval of courses of education and programs of training on-the-job for purposes of VA education benefits, so as to (a) transfer the SAA funding from the VA's general operating expenses account to the readjustment benefits account; (b) require the VA to reimburse SAA's for their reasonable and necessary expenses up to a cap of $12 million annually and specify that, for any fiscal year in which the total amount of reasonable and necessary expenses of SAA's exceeds $12 million, each SAA would receive the same percentage of the $12 million as it would have received of the total amount if the $12 million limitation did not exist; (c) require that each SAA with which the VA contracts submit to the Administrator on a monthly or quarterly basis, as determined by the SAA, a report certifying its reasonable and necessary expenses incurred for salary and travel in carrying out the contract with the Administrator; (d) require the VA to make the payment to the SAA within a reasonable time after the submission of such a report; and (e) require the Administrator to transmit to the Congress a quarterly report which summarizes the amounts for which the SAA submitted certifications for the quarter and the amounts of the payments made by the Administrator with respect to those certifications.

Senate bill: No provision.

Compromise agreement. The compromise agreement (section 14) contains these provisions with amendments (a) providing that, in the case of payment made to an SAA for FY 1988—before the date of enactment of this bill from an account other than the account used for payment of readjustment benefits—the account from which the payment was made would be reimbursed from the account used for payment of readjustment benefits, and (b) to add (to subchapter I of chapter 36 of title 38, relating to SAA's) a new section 1774A, entitled "Evaluations of agency performance; qualifications and performance of agency personnel". This new section would (a) require the Administrator to (1) conduct, in conjunction with SSAs, an annual evaluation of each SAA on the basis of standards developed by the Administrator with the cooperation of the SSA's and give each SAA an opportunity to comment on its evaluation, (2) take into account the results of the annual evaluation of an SAA when negotiating the terms and conditions of a contract or agreement with the SAA under section 1774 of title 38, (3) supervise functionally the provision of approval services by SSAs under the subchapter, (4) cooperate with SAA's in developing and implementing, to the extent practicable, a uniform national curriculum for training new SAA employees and for the continuing training of SAA employees, and sponsor, with the SAA's, the provision of such training, (5) prescribe prototype qualification and performance standards, developed in conjunction with SAA's, for use by the SAA's in the development of qualifications and individual performance standards for SAA personnel carrying out duties under a contract or agreement entered into under section 1774(a), and (6) provide assistance to an SAA requesting such assistance in developing its personnel qualifications and performance standards; (b) require each SAA carrying out a contract or agreement with the Administrator under section 1774(a) after the 18-month period beginning on the date of enactment to (1) apply qualification and performance standards based on the prototype standards prescribed by the administrator, and (2) make available to any person, upon request, the criteria used to carry out its functions under a contract or agreement entered into under section 1774(a); (c) provide an exemption from the new qualification standards for those SAA personnel who were performing their duties under subchapter I satisfactorily on the date of enactment and who continue to perform satisfactorily; and (d) authorize an SAA, in developing and applying its qualifications and performance standards, to take into consideration the State's merit system requirements and other local requirements and conditions.

For the purposes of implementing this new section, a free-standing provision would (a) require the Administrator to publish the prototype standards within 120 days after the enactment date; (b) require each SAA to submit to the Administrator, within one year after the Administrator has prescribed the prototype standards, a copy of the standards to be implemented by the SAA; and (c) authorize the Administrator, within 30 days of receiving an SAA's standards, to provide comments to the SAA, especially with regard to whether the standards are consistent with the prototype standards developed by the Administrator.

The compromise agreement would also amend section 1771(b)(1) of title 38—which provides that, if a State fails or declines to create or designate a SAA, the provisions of chapter 36, relating to the administration of educational benefits, which refer to the SAA would, with respect to that State, be deemed to refer to the administrator—so as to provide for course approvals by the VA if a State does not enter into an agreement under section 1774(a).

The compromise agreement would amend section 1782 of title 38, which prohibits Federal agencies and officers from exercising any supervision or control over SAAs, State educational agencies, or non-Federal educational institutions, to provide an exception for VA activities under new section 1780A, which, as discussed above would require the VA to conduct annual evaluations of SAAs, to take the results of the annual evaluations ito account when negotiating the terms and conditions of contracts with SAAs, and to supervise functionally the provision of course-approval services.

Finally, with respect to payments to the SAA's for administrative expenses, since the amounts of those payments are prescribed by a statutory formula (in section 1774(b)), such expenses would not be included in the SAA's certifications but would be included separate from the certification in the VA reports.

In the implementation of these provisions, the Committees expect (a) the VA, before entering into an agreement with an SAA, to satisfy itself that the SAA's operating procedures are carried out in accordance with all statutory requirements necessary for its actions to be legally enforceable; and (b) each SAA to develop position descriptions for its personnel reflecting the statutory duties set forth in sections 1775 through 1779 of title 38.

With respect to the proposed requirement in new section 1780A requiring the Administrator to supervise functionally the provision of course-approval services, it is not the intent of the committees to impose a dual management structure on the SAAs. Rather, the Committees intend the functional supervision by the Administrator to be distinct from "line supervision" by the heads of the SAAs. Fuctional supervision by the Administrator would entail—but not be limited to—(a) providing technical assistance to SAA personnel with respect to carrying out their course-approved duties; (b) sponsoring, to the extent practicable and jointly with SAA's, initial and recurring training for SAA employees; (c) checking for compliance with VA regulations regarding the provision of services under subchapter I; (d) assisting in the development of standards for qualifications and performance of SAA personnel; and (e) bringing matters which require corrective action to the attention of SAA personnel who have authority over policy, procedures, and staff. Functional supervsion does not authorize the Administrator to hire, fire, discipline, or issue directives to an SAA employee. Nor does it authorize the Administrator to make regulations, change procedure, or establish internal policies for the state agency.

The Committees expect the VA to monitor the SAAs' performance of their responsibilities under their contracts and, in the case of a default of an SAA under its contract, to take appropriate action to enforce the Federal Government's rights under the contract consistent with the contract provisions required by the Federal Acquisition Regulations relating to defaults (sections 49.503, "Termination for convenience of the Government and default", and 52.249-6, "Termination (Cost-Reimbursement)", of title 48 of the Code of Federal Regulations).

The committees intend that the contracts between the VA and the SAAs reflect the requirements of new section 1774A.

COMMISSION ON VETERANS' EDUCATION POLICY

House bill: The House bill (section 7 of H.R. 1504) would add the Assistant Secretary of Defense for Force Management and Personnel as an ex officio non-voting member of the Veterans' Education Policy Commission established under Public Law 99-576.

Senate bill: No provision.

Compromise agreement: The compromise agreement (section 15) contains this provision.

Senate bill: The Senate bill (section 13) would provide that the provisions and amendments made by the measure would take effect on october 1, 1987.

House bill: No provision.

Compromise agreement: The compromise agreement (section 16) would provide that (a) sections 2 and 3 would take effect upon enactment except that the title 38 amendments relating to funding for LVER's (proposed new subsection (b)(5) of section 2002A, revised subsection (a) of section 2003A, and revised subsection (a) of section 2004) and for SAAs (proposed new Paragraphs (2-4) of section 1774(a)) would take effect for all of fiscal year 1988 and subsequent fiscal years; (b) sections 4 through 11—the sections on the performance of DVOP's and LVER's (section 4), waiver of the residency requirement for Directors and Assistant Directors for Veterans' Employment and training (section 5), the sharing of information regarding potential employers (section 6), responsibilities of personnel (section 7), the National Veterans' Employment and Training Services Institiute (section 8), the study of unemployment among certain disabled veterans and Vietnam theater veterans (section 9), the Secretary's Committee on Veterans' Employment (section 10), and the VJTA amendments (section 11)—would take effect 60 days after enactment; and (c) sections 12 through 15—the sections on the training and employment study and report (section 12), State approving agencies (section 13), the Commission on Veterans' Education Policy (section 14), and revisions of nomenclature (section 15)—would take effect on the date of enactment.

☐ 1405

Mr. MONTGOMERY. Mr. Speaker, I want to commend again the chairman of the subcommittee, the gentleman from Mississippi [Mr. Dowdy] for the work he has done on this education and training bill.

Mr. Speaker, I ask unanimous consent that half of my allotted time, 30 minutes, be given to the gentleman from New Jersey [Mr. Smith].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I want to begin by commending my good friend, the gentleman from Mississippi [Mr. Dowdy], and the chairman of the full committee, the gentleman from Mississippi [Mr. Montgomery] for bringing this bill to the floor. It is a good bill and it is a bill that will hopefully have unanimous agreement.

Mr. Speaker, as the ranking minority member of the Vetreans' Affairs Subcommittee on Education, Training, and Employment, I rise in strong support of S. 999, as amended, the Veterans' Employment, Training, and Counseling Amendments of 1988.

The compromise measure under consideration today, S. 999, contains many provisions similar to those offered in the two related House bills we overwhelmingly passed last year. S. 999 will make significant improvements and adjustments in the Veterans Job Training Act [VJTA] programs and in veterans' job service programs administered by the Department of Labor.

I am pleased that the conference committee retained in the package an amendment I attached to the related House bill. Currently, a 2-year State residency requirement must be fulfilled before an individual is eligible for appointment as State director or assistant State director of veterans' employment and training. The provision in this legislation would enable the Secretary to appoint any qualified veteran as director or assistant director if there is no qualified veteran available in that State who meets the residency requirement. This will help to ensure that the best qualified veteran can be State director and assistance State director for veterans' employment and training.

Mr. Speaker, the Veterans Job Training Act [VJTA] can be credited with securing the employment of 58,000 Korean and Vietnam veterans—extension of this program is essential to assist the 340,000 Vietnam veterans currently unemployed who could be working if given the needed assistance. For the VJTA, S. 999 authorizes $60 million for each fiscal years 1988 and 1989 and provides for the extension of VJTA application and enrollment deadlines to enable more veterans to participate in the program. Though I am somewhat disappointed that a provision I added to the House bill to extend the deadlines for yet an additional year was modified in conference, I support the overall bill and the benefits it provides for veterans.

S. 999 also proposes significant improvements in the job service programs which offer priority treatment for veterans. Confusion regarding specific job duties and responsibilities of workers has been interfering with the successful delivery of benefits to veterans. This legislation will provide for better coordination of veteran employment programs, ensure that an adequate number of trained personnel are available to carry out the objectives of the programs, and provide for the means to monitor and evaluate the program's effectiveness.

Mr. Speaker, I would like to commend the chairman and vice chairman of the Veterans' Affairs Committee, Mr. MONTGOMERY and Mr. SOLOMON, for their strong leadership in bringing this legislation to the floor. I would also like to take this opportunity to thank the chairman of our subcommittee, Mr. DOWDY for his leadership as we crafted the House legislation. I strongly support S. 999, I believe it is very necessary, and urge my colleagues to vote in favor of this measure.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in strong support of S. 999, a bill to improve veterans' employment and training programs administered by the Department of Labor.

I wish to thank Mr. MONTGOMERY, the esteemed chairman of the Veterans' Affairs Committee and Mr. SOLOMON for their fine work on this measure, as well as Congressman WAYNE DOWDY and CHRIS SMITH, the chairman and ranking member of the Subcommittee on Education, Training and Employment.

Mr. Speaker, this legislation authorizes $60 million for fiscal year 1988 and $60 million for fiscal year 1989 for the Veterans' Job Training Act.

Mr. Speaker, I would also emphasize the provisions of this bill which strengthen the veterans preference laws of title 38. These laws are the very cornerstone of Federal employment for America's veterans. Veterans' preference is a matter of law and the Veterans' Affairs Committee fully expects them to be observed and enforced. S. 999 requires the State directors for veterans employment and training to monitor the observance of veterans' preference as part of the overall effort to secure the greatest possible employment opportunities for America's veterans.

Again, I believe this legislation will assist our Nation's veterans in obtaining the education, training, and employment which they need and which they have earned in service to our country. I urge my colleagues to support the bill.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. ROWLAND], a member of our Veterans' Affairs Committee.

Mr. ROWLAND of Georgia. Mr. Speaker, I want to commend the chairman of the full committee and the chairman of the subcommittee and the ranking minority member on the other side of the aisle for this piece of legislation.

I think it is something we need very much, Mr. Chairman, and I wholeheartedly endorse this. All too often we do not take care of the veterans in our country as I believe we should. After all, I think that the benefits that we provide them is part of the cost of the conflict that they involved themselves in with protecting our country, so I wholeheartedly support this legislation.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Chairman DOWDY has outlined the provisions of the proposed House amendments and I shall not dwell on them. However, there is one provision I want to say a few words about. Section 14 of the proposed amendments reflects a compromise reached with the other body on a provision contained in the House-passed bill—H.R. 1504. It would change the way the VA funds the State approving agencies [SAA] for the work they do. During the past several years, funds to the SAA's have been reduced substantially. Because of this reduction in funding some SAA's are woefully understaffed. Some States have had to fund more than their fair share in order to keep from going under. This cannot continue and we believe this bill will provide some much-needed relief for SAA's.

I want to thank our very able subcommittee chairman, Mr. DOWDY, and the ranking minority member of the subcommittee, Mr. SMITH of New Jersey, for their leadership in working together to help resolve the many differences between the House- and Senate-passed bills. This is a major rewrite of a number of veterans' job and job-training, counseling and placement service programs, and employment service programs administered through the Veterans' Employment and Training Service [VETS] within the Department of Labor. Those veterans' services are provided by the Assistant Secretary of Labor for Veterans' Employment and Training. This reform measure is designed to maximize employment opportunities for veterans, with priority given to those who have service-connected disabilities.

Everyone realizes that given the current deficit situation, Administrators are being asked to do more with less. Competition for dollars to fund various Federal programs is such that we must constantly strive to find ways to streamline programs so that Administrators can provide services to veterans in an efficient and timely manner. In addition, we want to make certain that employers comply with the law, yet, not be unduly burdened by Federal redtape. I believe this bill goes a long way in accomplishing these goals and I want to again commend the gentleman from Mississippi [Mr. DOWDY] for the creative way he has shaped this legislation.

I'm always grateful to the distinguished gentleman from New York [Mr. SOLOMON], the ranking minority member of the full committee, for his cooperation and leadership. This legislation first passed the House last June and all of us are anxious to get a bill to the President without further delay.

It should be noted, Mr. Speaker, that all of our national service organizations support this bill. The enactment of this legislation will have a positive impact on the ability of our veterans to enhance their position in the job market. I urge my colleagues to adopt the proposed House amendments to S. 999.

Mr. SOLOMON. Mr. Speaker, as ranking member of the Veterans' Affairs Committee, I rise in strong support of S. 999, as amended, which would improve veterans' employment, counseling and job training services and programs.

This is another of the veterans bills carried over from the 1st session of the 100th Congress, and hopefully its quality is directly proportional to the length of its gestation. It has been increasingly obvious that some areas of the veterans employment and training programs administered by the Department of Labor needed strengthening simply because job descriptions and responsibilities were not clearly spelled out in chapter 41 of title 38. With this legislation, the remedy is at hand.

The Assistant Secretary of Labor for Veterans' Training and Employment, Donald Shasteen, who is the program official with responsibility for many of the areas covered by S. 999, as amended, has contributed many helpful suggestions and criticisms to it. On the whole, I believe the administration supports it.

Several of the bill's major provisions have been summarized by Mr. DOWDY, and I would like to amplify three of them.

First, Mr. Speaker, the role of the Assistant Secretary [ASVET] himself would be clarified and strengthened by this bill. The ASVET would clearly be given the primary responsibility for veterans' employment and training programs, and would have the express responsibility of ensuring that veterans are fully served under all of the Department of Labor's Employment and training programs.

Second, the National Veterans' Employment and Training Services Institute was administratively established by the Department of Labor several years ago to do what its name implies—give practical guidance and information to the people who actually deliver veterans' employment benefits in the State offices. It has been an unqualified success, so much so that the committee believes it deserves a statutory mandate. In this way, the Institute would have some measure of protection from the shifting sands of budgetary priorities in years to come.

Third, the legislation would authorize $60 million in fiscal years 1988 and 1989 for the Veterans' Job Training Act [VJTA]. I am proud that my colleague and good friend, MARVIN LEATH, and I coauthored the original legislation for VJTA. Tens of thousands of veterans who were among the long-term unemployed have become taxpayers instead of tax consumers as the direct result of their training for jobs with career potential under the program, which, by the way, is highly cost-effective.

But despite VJTA's promise and results, it has suffered from start and stop funding. Thus, it has not yet achieved its full potential. With funding through fiscal 1989, VJTA would continue its good work for veterans who really need help.

Mr. Speaker, S. 999, as amended, owes much to the leadership of the distinguished chairman of the Veterans' Affairs Committee, SONNY MONTGOMERY, and I commend him. Also, WAYNE DOWDY, chairman of the Subcommittee on Education, Training and Employment, and Mr. CHRIS SMITH, the subcommittee's ranking member, have made invaluable contributions to the bill and I commend them as well.

Mr. Speaker, the committee believes that S. 999, as amended, will be acceptable to the other body without further amendments, and I encourage its support by all House Members.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the Senate bill.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SMITH of New Jersey. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 14, as follows:

[Roll No. 72]

YEAS—417

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAY—0

NOT VOTING—14

Biaggi
Duncan
Emerson
Gibbons
Guarini
Latta
Mack
Mica
Mrazek
Rahall
Ray
Stokes
Wise
Wortley

□ 1431

So the Senate bill was passed.

The result of the vote was announced as above recorded.

The title of the Senate bill was amended so as to read: "An Act to amend title 38, United States Code, and the Veterans' Job Training Act to improve veterans' employment, counseling, and job-training services and programs; and for other purposes."

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON COAST GUARD AND NAVIGATION OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT DURING THE 5-MINUTE RULE ON THURSDAY, APRIL 28, 1988

Mr. HUTTO. Mr. Speaker, I ask unanimous consent that the Subcommittee on Coast Guard and Navigation of the Committee on Merchant Marine and Fisheries be permitted to sit during the 5-minute rule on Thursday, April 28, 1988.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Florida?

There was no objection.

CONFERENCE REPORT ON H.R. 2616, VETERANS' BENEFITS AND SERVICES ACT OF 1988

Mr. MONTGOMERY. Mr. Speaker, I call up the conference report on the bill (H.R. 2616) to amend title 38, United States Code, to improve health-care programs of the Veterans' Administration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of April 21, 1988.)

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 30 minutes and the gentleman from New York [Mr. SOLOMON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to apologize to the gentleman from New York [Mr. SOLOMON], the ranking minority member, who has been working with us. We did have a problem with scheduling, and we had to call up S. 999 under unanimous consent and the gentleman from New York was not here. I greatly respect the gentleman from New York and I appreciate his understanding. We did have some problems. We had to have legislation on the floor and we proceeded. I appreciate the gentleman letting us bring up this legislation.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I want to thank the gentleman from Mississippi for his remarks. There are no hard feelings. We had a Committee on Foreign Affairs markup going on now and it was impossible to run to the floor, but I appreciate the consideration of the gentleman from Mississippi, and we can get on with this bill.

Mr. MONTGOMERY. Mr. Speaker, I am pleased to report that the conference between the House and Senate on H.R. 2616 was completed successfully. The conference agreement before us today reflects a reasonable compromise between the House and Senate. The formal conference, the preconference meetings, and various informal sessions involved many hours of work on the part of our members and staff.

I want to acknowledge the leadership and good work of the House conferees: JERRY SOLOMON, the ranking minority member of the Committee on Veterans' Affairs; DOUG APPLEGATE chairman of our Compensation, Pension and Insurance Subcommittee; MARCY KAPTUR, chairwoman of our Subcommittee on Housing and Memorial Affairs; Dr. J. ROY ROWLAND, a member of our Subcommittee on Hospitals and Health Care; and JOHN PAUL HAMMERSCHMIDT, the ranking minority member of the subcommittee.

I also want to thank the Senate conferees, ALAN CRANSTON, chairman of the Senate Veterans' Affairs Committee; FRANK MURKOWSKI, the ranking minority member; and DENNIS DECONCINI and ALAN SIMPSON, for their leadership and cooperation in working to resolve our differences.

The conferees appreciate the many long hours spent on the agreement by the staffs of both committees. And, finally, I want to acknowledge the work of Bob Cover and Joe Womack of the Legislative Counsel's Office, who did most of the basic drafting of the conference agreement.

Mr. Speaker, on March 29, 1988, the House passed H.R. 2616, with several amendments. The House amendments contained numerous changes in current law relating to health care, compensation, insurance, beneficiary travel, housing, and other benefits and services for our Nation's veterans. There were some 80 or 90 program changes in the bill passed by the House that would enhance the lives of so many veterans and their families. I am pleased to report to you that most of the changes proposed by the House were accepted by the other body. Therefore, I will not take the time today to discuss them since my explanation of the provisions can be found in the CONGRESSIONAL RECORD of March 29, when the measure was discussed in some detail. Today I will take just a few minutes to review five major provisions that were resolved in the formal conference.

Mr. Speaker, the original House bill would revise eligibility for outpatient care delivered in Veterans' Administration medical facilities. The House provision was accepted by the Senate in conference with one small modification.

Under current law, outpatient care is provided on a discretionary basis. The original House bill would mandate care for certain categories of veterans.

Under the conference agreement, the VA would be required to furnish outpatient care to veterans for their service-connected disabilities and to veterans rated 50 percent or more for any disability. In addition, veterans with a disability rating of 30 or 40 percent, and veterans whose incomes are below the pension aid and attendence rate, would be entitled to needed outpatient care in preparation for, or as followup to, VA hospital care, or as needed to obviate the need for hospital care.

Other veterans would receive outpatient care on a discretionary basis.

A second major provision resolved in conference, Mr. Speaker, would require the VA to pay beneficiary travel to certain veterans for care or treatment for which they are eligible. They would include:

First. Veterans receiving care for a service-connected disability;

Second. Veterans rated 30 percent or more;

Third. Veterans eligible for VA pension benefits, or whose income is below the maximum pension level;

Fourth. Veterans with serious disabilities that require special transportation or those who are unable to defray the cost of transportation; and

Fifth. Veterans scheduled for compensation and pension medical examinations.

The conference agreement would provide for a deductible of $3 per one-way trip and would establish a cap of $18 per month for veterans who must make several trips a month to VA hospitals.

The third provision, Mr. Speaker, would prohibit the VA from declaring as excess any real property unless the Congress has been properly notified and certain other requirements are met.

Land that is declared excess would be sold at fair market value and funds resulting from such sale would be deposited into a revolving fund to be used for the construction of VA nursing care units.

The fourth provision would authorize the VA Administrator to raise the State veterans' homes per diem payments for the care of veterans at an annual rate not to exceed the rise in the cost of VA hospital care.

The fifth provision would authorize the VA to accept a transfer of the Arizona State Cemetery making it part of the National Cemetery System. The House conferees were very reluctant to agree with this provision. They did so only upon the firm assurance by the Arizona congressional delegation that any legislative package making disposition of the Indian school land in Phoenix, AZ, will incorporate 11.5 acres for the expansion of the VA hospital in Phoenix, and 4.5 acres for the construction of a State nursing home adjacent to the 11.5-acre tract for the hospital expansion.

I ask unanimous consent that a copy of the letter from the Arizona delegation be inserted at this point in the RECORD, Mr. Speaker.

U.S. SENATE,
Washington, DC, April 14, 1988.

Hon. G.V. (SONNY) MONTGOMERY,
Chairman, House Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR SONNY: The Arizona delegation is committed to ensuring that any legislative package making disposition of the Indian School land in Phoenix, Arizona will incorporate 11.5 acres for the Veterans' Administration (VA) for the expansion of the Phoenix VA Medical Center and 4.5 acres for conveyance to the State of Arizona for a State Veterans' Home under the following terms and conditions:

1. 11.5 acres of the Indian School land will be transferred to the VA at no cost for the express purpose of expanding the Phoenix VA Medical Center. The 11.5 acres will be contiguous to the land on which the Phoenix VA Medical Center at Seventh Street and Indian School Road is situated.

2. The VA will be directed to cooperate with the City of Phoenix in the planning and development of its 11.5 acre parcel. However, the VA will have final determination over the location and configuration of the parcel. Six months after enactment of legislation making disposition of the Indian School land, and every six months thereafter until the Phoenix VA Medical Center expansion has been completed, the VA will be required to submit a report on the cooperative planning which has occurred between the City and the VA to the House Interior and Senate Energy and Natural Resources Committees and the House and Senate Committees on Veterans' Affairs.

3. 4.5 acres of the Indian School land, adjacent to the 11.5 acre VA parcel, will be transferred to the VA at no cost for conveyance to the State of Arizona for the construction and maintenance of a State Veterans' Home, provided the State submits proper application to the VA under the State Veterans' Home Program (38 U.S.C. 5035), and has appropriated sufficient funds to meet the federal/state matching grant program requirements.

4. If the State does not make proper application and appropriate the requisite amount of funds necessary under the State Veterans' Home program within three years after enactment of the legislative package making disposition of the Indian School land, the 4.5 acres will revert to the United States.

In light of this commitment, the Arizona delegation respectfully requests the House to accept the provision in Section 406 of the Senate Amendment to H.R. 2616, with perfecting amendments, to establish a national cemetery at the current site of the Arizona Veterans' Memorial Cemetery.

Sincerely,

Mo Udall.
John McCain.
Jon L. Kyl.
John Rhodes.
Dennis DeConcini.
Bob Stump.
Jim Kolbe.

The provisions of section 314 of the House amendments pertaining to the payment of compensation for veterans who were exposed to radiation, which passed the House on March 29, are not included in this conference agreement. The House conferees agreed with a request of the Senate conferees that these provisions be considered as a separate measure—H.R. 1811, as amended. The Senate passed the bill Monday and we expect to bring it up in the House early next week.

Again, Mr. Speaker, other than the changes that I have just explained, the remainder of the conference agreement is exactly as I explained in my statement before the House on March 29 when we passed our amendments to the Senate amendments to H.R. 2616. I think the conference achieved fair resolutions of many difficult issues and I urge the adoption of the conference agreement.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report on H.R. 2216. This is a comprehensive bill containing over 70 sections. It is concerned with a number of bills already passed by the House of Representatives and then placed into one bill by the other body.

Mr. Speaker, the provisions of this bill are designed to strengthen the Veterans' Administration Medical Program in terms of recruitment, treatment, care outside institutional settings, and administration.

The bill also provides for an increase in specially adapted housing and automobile assistance allowances for certain seriously disabled veterans. The bill improves limited benefits for exprisoners of war, and has technical amendments concerning the GI bill and GI insurance. It increases per diem rates for care in State homes to take into account increases in the cost of living.

Mr. Speaker, each provision of the bill before us has been the subject of careful study by both the House and the Senate. Many of its provisions are the result of fund allowance compromises between the two bodies. I urge my colleagues to support it.

Finally, Mr. Speaker, I congratulate our distinguished chairman, Sonny Montgomery, and all my colleagues on the House Veterans' Affairs Committee for their work on this important legislation.

I know that the Republican and Democratic staffs have worked many long hours in negotiating with the Senate staffs and we thank them for a job well done. We hope we can pass this bill and get on with other business.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. Hammerschmidt], former ranking Republican member on the Committee on Veterans' Affairs, and the ranking Republican member on the Subcommittee on Hospitals and Health Care.

Mr. HAMMERSCHMIDT. Mr. Speaker, as ranking member of the subcommittee on hospitals and health care, I rise in strong support of the conference report on H.R. 2616, as amended. This is essentially an omnibus veterans bill which carried over much work unfinished during the 1st session of the 100th Congress.

I am most pleased to see our efforts culminating in legislation which is of major benefit to veterans, including the area of health care.

H.R. 2616, as amended, would reform eligibility for Veterans' Administration outpatient services and for the first time would assure that many veterans will definitely receive outpatient care from the VA.

The legislation also significantly reforms eligibility for domiciliary care at the time when it is especially important to help homeless veterans to be reintegrated into society. Beneficiary travel benefits would be restored in part for many veterans as well, after an almost total cutoff of those benefits a year ago.

Among the pilot programs set up would be one for adult day health care, a promising concept for helping elderly and chronically ill veterans.

As a part of the fight against AIDS, the legislation would make special provisions for the confidentiality of medical records of AIDS patients.

We obviously want to encourage victims of AIDS to seek treatment, and when they know that their medical records will be properly handled, they are more likely to come to the VA, which is a leader in AIDS treatment.

There are too many provisions in H.R. 2616, as amended, on health care, compensation, education, insurance, memorial affairs, procurement, and on and on, to address them all, but they all are deserving of our support.

The conference report is on the floor today in its very favorable form because of the steady and enduring leadership of Sonny Montgomery and Jerry Solomon, our committee chairman and ranking member. Their mark is large upon the conference report and I am proud to join them in urging its approval by this body.

Miss SCHNEIDER. Mr. Speaker, I rise today in support of the conference report for H.R. 2616, the Veterans' Benefits and Services Act of 1988. I would like to commend the Veterans' Affairs Committee for their diligence in addressing and resolving some of the challenges facing America's veterans. This bill includes some very responsive provisions, especially in the area of recruitment and retention of health care professionals at Veterans' Administration medical facilities.

The shortage of health care professionals has reached crisis proportions across the country, but the shortage is particularly acute in my own State of Rhode Island. In fact, at the Veterans' Administration hospital in Providence two surgical wards have been closed due to lack of personnel and another may close if the attrition rate continues. One unit has had 200 hours of scheduled overtime in a 2-week period. The primary impediment to retaining nurses is the egregiously low pay offered to RN's and LPN's. Although the Providence VA hospital administration has applied for and received three pay rate increases in the past 6 months, the pay rates still lag behind private sector salaries, the cost of living in Providence, and the Boston area VA salaries. Pharmacists are also in peak demand and low supply.

Although the dearth of health care professionals includes pharmacists, physical therapists, laboratory technicians, and medical records clerks, the most pressing shortage continues to be in the field of nursing. A recent study by the American Hospital Association found that 40 percent of all registered nurses have left the field to pursue other careers. Enrollment in nursing schools has declined 10 percent per year for the last 14 years, and women still outnumber men 3 to 1 in these schools.

The problem at hand is endemic to the system, but I am pleased to say that the Veterans' bill we have passed today goes a long way toward resolving some of these problems expediently and directly. The bill authorizes bonuses of up to $16,000 for a 4-year period to recruit and retain nurses at VA medical facilities with critical nurse shortages. In addition, it authorizes premium pay for Saturday shifts. Improved education and scholarship programs for nurse training and on-site child care centers for VA employees will certainly help attract and retain valued personnel.

I have offered to help the gentleman from Mississippi [Mr. MONTGOMERY] in any way I can as he continues to confront the nursing shortage which so negatively affects our Nation's veterans. I think it would behoove all of us to do what we can to face this national challenge squarely.

Mr. Smith of New Jersey. Mr. Speaker, I rise in strong support of H.R. 2616, the Veterans' Benefits and Services Act of 1988.

H.R. 2616, as amended, is a comprehensive package intended to remedy many problems within the VA health care delivery system. Many of the problems facing VA health care providers today are representative of problems plaguing the entire health care system in our country. Provisions in HR 2616 are responsive to these problems and as a member of the Veterans' Affairs Committee, I am proud to support the bill.

I would like to focus on the portion of H.R. 2616 that addresses the current nursing shortage in VA hospitals. Provisions authorize bonus pay of $2,000, $3,000, or $4,000 yearly for registered nurses who agree to commit their services for 2, 3, or 4 years respectively. It provides tuition reimbursement to full time employees seeking a degree in nursing, expands premium pay to nurses for the entire weekend, and requires that the chief of nursing participate in each policymaking committee at the facility.

These measures will make VA nursing a more attractive profession and help to not only recruit more nurses to the facilities but also to keep them there once they are hired and trained. Continuity of care will be improved and our Nation's veterans will be the ones to ultimately benefit.

Additionally, one of the most popular provisions in this package is a travel beneficiary benefit, originally authorized by the vice chairman of the Veterans' Affairs Committee, Mr. SOLOMON. In its final version, the benefit will provide reimbursment for certain veterans traveling to and from VA medical facilities for medical treatment. At one time, the travel reimbusement policies were left to the discretion of the VA. This provision, however, will mandate reimbursement and thereby ensure the continuance of the program under reasonable and fair guidelines.

Mr. Speaker, H.R. 2616 is a good bill largely due to the efforts of Veterans' Affairs Committee chairman and vice chairman, Mr. MONTGOMERY and Mr. SOLOMON. I commend them for their hard work in this matter and urge the support of my colleagues to approve H.R. 2616.

☐ 1435

Mr. SOLOMON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

Mr. SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LUNGREN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic votes, and there were—yeas 416, nays 0, not voting 15, as follows:

[Roll No. 73]

YEAS—416

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAY—0

NOT VOTING—15

Badham
Biaggi
Duncan
Emerson
Guarini
Hall (OH)
Kemp
Latta
Mack
Mica
Rahall
Ray
Smith (FL)
Stokes
Wortley

□ 1502

Mrs. KENNELLY changed her vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

The Chair announces that during the joint meeting to receive the Prime Minister of Canada, only the doors immediately opposite the Speaker and those on his left and right will be open.

RECESS

The SPEAKER. Pursuant to the order of the House of April 13, 1988, the House will stand in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1555

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY THE RIGHT HONORABLE BRIAN MULRONEY, PRIME MINISTER OF CANADA

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Malloy, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair to the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. On the part of the House, the Chair appoints as members of the committee to escort the Prime Minister of Canada into the Chamber: the gentleman from Washington, Mr. FOLEY; the gentleman from California, Mr. COELHO; the gentleman from Missouri, Mr. GEPHARDT; the gentleman from Florida, Mr. FASCELL; the gentleman from Michigan, Mr. BONIOR; the gentlewoman from Ohio, Ms. OAKAR; the gentleman from Illinois, Mr. MICHEL; the gentleman from Mississippi, Mr. LOTT; the gentleman from Wyoming, Mr. CHENEY; the gentlewoman from Illinois, Mrs. MARTIN; and the gentleman from Michigan, Mr. BROOMFIELD.

The VICE PRESIDENT. On the part of the Senate, the Chair appoints as members of the committee of escort, the Senator from West Virginia, Mr. BYRD; the Senator from Hawaii, Mr. INOUYE; the Senator from Maine, Mr. MITCHELL; the Senator from Texas, Mr. BENTSEN; the Senator from Arkansas, Mr. BUMPERS; the Senator from Michigan, Mr. RIEGLE; the Senator from Kansas, Mr. DOLE; the Senator from Wyoming, Mr. SIMPSON; the Senator from Rhode Island, Mr. CHAFEE; and the Senator from Minnesota, Mr. DURENBERGER.

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The ambassadors, ministers, and chargé d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 4 o'clock and 4 minutes p.m. the Doorkeeper announced the Prime Minister of Canada.

The Prime Minister of Canada, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Mr. Vice President, Members of the Congress, it is my great privilege and I count it a high honor and a personal pleasure to present to you the chosen spokesman for a great, free, and friendly people, His Excellency Brian Mulroney, the Prime Minister of Canada.

[Applause, the Members rising.]

ADDRESS BY THE RIGHT HONORABLE BRIAN MULRONEY, PRIME MINISTER OF CANADA

(Portions of the Prime Minister's speech were delivered in French.)

Prime Minister MULRONEY. Mr. Speaker, Mr. Vice President, Members of Congress and Chers Amis, I feel right at home here, Mr. Speaker. This is the kind of invitation I sort of get everyday in the House of Commons, just before question period.

But I am delighted to be here and thank you for your gracious invitation and your very warm welcome.

I come here today to celebrate the historic friendship between Canada and the United States. On the border between our two countries, there are no fences and no barricades; there are no soldiers and no arms. That 5,000-mile frontier, spanning a continent between two oceans, is, of itself, a remarkable historical fact. It symbolizes neighborliness between two free and peace-loving nations. It signifies leadership, not only in the conduct of our bilateral relations, but for the international community as a whole.

History requires us to provide for our common security on the North American Continent, through NORAD and in the NATO Alliance. Geography obliges us to preserve and protect our environment, to pass on intact to future generations what providence and our forebears have so generously bequeathed us. Economics and geography together present us with a unique opportunity to further enhance our prosperity through trade. We begin, Mr. Speaker, from a common heritage of democratic traditions and a common defence of liberty.

There are reminders of that, from the trenches of one war, to the beaches of the next, places inscribed in the history of valour, where Canadians and Americans have stood together, where Canadians and Americans have died together, in the defence of freedom.

Canadians and Americans can and always will be proud of their commitment to democracy and freedom.

As we made common cause in two world wars and in Korea, so do our young men and women now stand the first watch of liberty in Western Europe. In peacetime, as in war, the United States and Canada have shouldered and shared heavy burdens in our common commitment to freedom. Together, we have maintained our presence in Europe for two generations, at considerable expense to both nations.

The importance of our defense capabilities now lies not so much in projecting power as in deterring war. I salute President Reagan for his achievements in the bolstering of Western defenses. His courage and leadership—and that of this Congress—have also made possible significant progress in arms control and disarmament.

The INF agreement, which has the full support of Canada and all NATO members, addresses the collective security of East and West, not just the United States and the Soviet Union; ultimately it deals with the survival of the human race. Canada, more than many countries, Canadians perhaps more than many peoples, are aware of the sombre of nuclear realities of our world. For we live in the shadow of nuclear arms, situated as we are directly between the world's superpowers.

But Mr. Speaker and Mr. Vice President it is not as if we see nothing to choose between them. We hear much about glasnost and Perestroika in the Soviet Union. Mr. Gorbachev is a reformer and, in the Soviet system, there is much in need of reforming. We wish him well, but history obliges us to retain a strong measure of skepticism about the Soviet system. And in some ways, Canadians also can be from Missouri.

Not all the time, Senator.

We live between the two superpowers, but did not and we do not see them as morally equivalent in any way. The United States is a bulwark of democracy, a beacon of liberty. The United States and its NATO allies stand for freedom; they exemplify and celebrate human rights and individual dignity.

Here, as in Canada, tolerance and respect for one another's opinions are ingrained in the national character. Here, as in Canada, governments dispose, but it is the people, the people who decide; elected representatives may govern but, it is, in the terms of the preamble of your Constitution, "We the people" who rule.

We are two independent nations, each with its own national interests and unique character. You have one official language; we have two. Your system of government is congressional; ours is parliamentary. Neither of our countries is without its inequities and its imperfections. But we are, each in our own way, building caring societies that give our citizens remarkable opportunities for education and employment, enabling them and our countries to make dramatic social and economic progress. We each have sovereign interests to assert, national interests to uphold. And we can have different views of the world, just as we clearly have different responsibilities in the world.

You know, it is fashionable in some circles to suggest that America is growing weary of its role and that its influence is in decline in the world. The evidence to the contrary is all about you, in the Silicon Valley of California, in the Sun Belt of the South, in your great agricultural heartland, in the new high technology corridor of the Northeast, in the towers of Manhattan, and throughout this splendid capital.

The world still looks to America not only as a model of liberty, but as a source of persuasive international leadership. The world counts as well on the strength and independence of this Congress, a legislature of unprecedented influence and capacity for good which has endured for over 200 years and which stands proudly as a cornerstone of this impressive democracy.

Mr. Speaker, when I sought the leadership of my party 5 years ago, and it was then that I acquired a deep respect for everyone everywhere who has had to run in a primary, but when I sought the leadership of my own party I said that Canada and the United States were one another's best friend and greatest ally. Nothing in my experience in government—and we have known tensions and serious disagreement—nothing has led me to revise my views about the profound value of an exemplary relationship between two of the world's great democracies.

Our common democratic values and our shared commitment to defend them is but one worthy example of neighborliness and leadership. The protection of our environment is another. As President Reagan has said:

"Our two countries should work together on all matters of environment, because entrusted to us is the care of a very unique and a very beautiful continent and all of us share the desire to protect this for generations of Canadians and Americans yet to come."

For more than 75 years, since the creation of the International Joint Commission, the United States and Canada have demonstrated both sensitivity and effectiveness in environmental protection and wildlife conservation. The flow of nature is rarely constrained by boundaries. The Canada goose winters in the United States—along with a few other Canadians—and the American bald eagle nests in the forests and soars in the skies of British Columbia.

Consider what we have achieved together in just one area, since the Great Lakes Waters Quality Agreement of 1972. The Great Lakes are coming back—one sure sign of this is the return in numbers of wildlife species once thought to be on the verge of extinction.

In the newly updated agreement, signed by our two countries in Toledo last November, we agreed not only on the nature of toxic wastes that have polluted the Great Lakes, but on a process for action to restore them.

(Speaking in French.)

(Translation) Together, the United States and Canada are taking the first steps to arrest the deterioration of the ozone layer that shields the Earth from the most damaging effects of the Sun. The Montreal accord is but one example not only of what we can achieve together, but of leadership for the world—and also, Mr. Speaker, that is to make certain they get the message in Louisiana.

(Text) This is not to say, (Mr. Speaker), that there are not issues of great moment between us. You are aware of Canada's grave concerns on acid rain. In Canada, acid rain has already killed nearly 15,000 lakes; another 150,000 are being damaged and a further 150,000 are threatened. Many salmon-bearing rivers in Nova Scotia no longer support the species. Prime agricultural land and important sections of our majestic forests are receiving excessive amounts of acid rain.

We are doing everything we can to clean up our own act—we have concluded agreements with our provinces to reduce acid rain emissions in Eastern Canada to half their 1980 levels by the year 1994. But you know, that is only half the solution—because the other half of our acid rain comes across the border, directly from the United States, falling upon our forests, killing our lakes, and soiling our cities.

The one thing acid rain does not do is discriminate. It is despoiling your environment as inexorably as it is ours. It is damaging your environment from Michgian to Maine, and threatens marine life on the eastern seaboard.

It is a rapidly escalating ecological tragedy in this country as well as ours. Just imagine for a second the damage to your tourism and recreation; to timber stands and fishing streams; to your precious heritage—if this is not stopped.

We acknowledge responsibility for some of the acid rain that falls in the United States, and by the time our program reaches projected targets, our export of acid rain to the United States will have been cut by an amount in excess of 50 percent. We ask nothing more than this from you.

I recognize that congressional funding for a clean coal technology program will help to develop new methods for reducing emissions in the longer term. I welcome that. I think it is a helpful and a progressive step. But more is needed.

We invite the administration, and the leadership of Congress, to conclude an accord whereby we agree on a schedule and targets for reducing acid rain that crosses our border. I will admit without hesitation that the cost of reducing acid rain is substantial, but the cost of inaction is greater still.

Canada will continue to press fully its case to rid our common environment of this blight—and we shall persevere until our skies regain their purity and our rains recover the gentleness that gives life to our forests and streams—and we hope that the United States Congress and the American people will respond in exactly the same way. I ask you this very simple proposition: What would be said of a generation of North Americans that found a way to explore the stars, but allowed its lakes and forests to languish and die? For as John F. Kennedy said at the University of New Brunswick, more than 30 years ago:

> In the final analysis, the elimination of these various tensions on both sides of the border * * * must rely upon the wisdom, understanding and ability of the leadership * * * of our two nations.

President Kennedy was right then, and his thoughtful words challenge both our countries today. It is our view and I suppose it is the view of many of you that our economic development and environmental protection are not mutually exclusive, but are mutually reinforcing.

And in terms of resources, Canada plays a major role in the world. With the seventh largest economy in the free world, Canada has had, since 1984, the strongest growth rate of the economic summit countries. We are the world's largest exporter of metals and lumber, the world's second largest exporter of wheat, and we supply fully one-third of the world's newsprint—I am not responsible for the editorials. Canada and the United States conduct vital energy trade—Canada is your most important foreign supplier of oil, gas, and electricity.

That is just one component of the world's largest trading partnership, in which 2 million jobs in each country depend on exports to the other. Consider this: three-quarters of our exports come to the United States; fully one-quarter of your exports go to Canada. We buy as Canadians twice as much from you as Japan, and we buy 10 times as much on a per capita basis. Canada buys more from the United States of America than the United Kingdom, France, West Germany, and Italy combined, and I tell you that is the record of a fair and a good trader. May Margaret Thatcher forgive me. But in point of fact as you already know, we are your best customers. We are good partners. And we are fair traders.

The Free Trade Agreement presents our two countries with an historic opportunity to create new jobs and enduring prosperity. This won't surprise you, but there are those in our country who say that in these negotiations we gave up too much. There are those in your country—perhaps even in this Chamber—who contend that we conceded too little. The agreement is not everything either side would have wanted, but as Franklin Roosevelt once observed:

> Nations are co-equals, and therefore any treaty must represent compromises.

This is a good, balanced and fair agreement, the most important ever concluded between two trading partners. Quite apart from phasing-out all tariffs, which I think you will agree is an achievement in itself, we've established a number of important firsts—for trade in services, for financial services, for bilateral investment. And we've established a unique dispute settlement mechanism.

My administration has the majority to enact this agreement, and we shall. In the Congress, you will vote it up or down, as you see the interests of your fellow citizens. It is there, on the table, for both of us to ratify—a dream as old as the century, a dream that has eluded successive generations of leaders for a hundred years, a dream that is now clearly within our grasp.

Now is the time to send a powerful signal to our other trading partners, to give strong impetus to the GATT, to give new hope to those poorer nations who desperately need more liberalized trade and more generous access to our markets.

We stand at the threshold of a great new opportunity for all our citizens. This is more than simply a commercial agreement between two countries. The Free Trade Agreement for you and for me is a call to excellence. It is a summons to our two peoples to respond to the challenge of comparative advantage in the 21st century.

A nation's productivity may end on the assembly line, but it begins in the classroom. The imperatives of education are compelling and clear. Canadians know, we have learned that the growth areas of our economy, the areas of technology and innovation and the service sector will demand, for example, higher math scores, higher reading and reasoning skills, and greater language proficiency, if we are to remain competitive.

The demands of trade oblige us as a smaller country with 25 million people, we have had to learn to be lean and aggressive, but fair, and in becoming more competitive in the world, I think we have become more knowledgeable upwardly.

And so, Mr. Speaker, that is the challenge of the Pacific. This is not a mystery. This is the challenge of the Pacific. That is the challenge of the European community, 320 million strong, in 1992.

That is the challenge of developing nations who cannot meet their financial obligations if they cannot sell their goods.

If the poorest nations cannot get that crippling burden of debt off their backs, they can't do business with either of our great countries. From the age of the Phoenicians to the age of Venice, to our own era, civilizations always have been enriched by trade.

And that, in my judgment, and I fought for this, and I have carried our share of responsibility, and others in this Chamber have as well. That is what the Free Trade Agreement is about—a magnificent opportunity for a new decade and a new century.

The challenges and the choices for both our nations are clear:

To guarantee our continued security.

To ensure an environment in which our children can inherit both a standard of living and a standard of life.

To provide for their education and development in a manner which will assure, years from now, their well-being and their competitiveness and their prosperity.

And most of all, you and I as legislators and as leaders of our respective countries, must continue to build distinctive and independent societies on the North American Continent that reflect both the excitment of change and the strength of immutable values.

Mr. Speaker, and Mr. Vice President, and Members of the Congress, succeeding generations of Americans have known the wisdom of the philosopher, Ralph Waldo Emerson, who wrote: "The way to have a friend is to be one."

Our two peoples, our two countries, have met that test in the past. We do so today, and I know that we shall in the future. I am confident, there is not the slightest doubt in my mind, I am confident that the relationship between Canada and the United States of America, we will know difficulties, we will know moments of strain, we will know moments of crisis and tension, but there is not the slightest doubt in my mind that rooted as we are in fundamental values and democratic traditions that this relationship will always be, as Winston Churchill described it more than a half a century ago, "an example to every country, and a pattern for the future of the world."

Thank you.

(Applause, the Members rising.)

At 4 o'clock and 27 minutes p.m., the Prime Minister of Canada, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guest from the Chamber in the following order:

The Members of the President's Cabinet.

The ambassadors, ministers, and charges d'affaires of foreign governments.

JOINT MEETING DISSOLVED

The **SPEAKER**. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 4 o'clock and 58 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT OF THE SPEAKER

The **SPEAKER**. The House will continue in recess and resume its session at 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 5 o'clock p.m.

APPOINTMENT OF CONFEREES ON H.R. 442, CIVIL LIBERTIES ACT OF 1987

Mr. FRANK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 442) to implement recommendations of the Commission on Wartime Relocation and Internment of Civilians, with the Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. RODINO, FRANK, BERMAN, SHAW, and SWINDALL.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT DURING THE 5-MINUTE RULE ON THURSDAY, APRIL 28, 1988

Mr. FRANK. Mr. Speaker, I ask that the Committee on the Judiciary be permitted to sit during the 5-minute rule on Thursday, April 28, 1988.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EMERGENCY MANDATORY VETERANS SUPPLEMENTAL APPROPRIATIONS, 1988

Mr. WHITTEN, Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 552) making emergency mandatory veterans supplemental appropriations for the fiscal year ending September 30, 1988, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 552

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1988, namely:

VETERANS' ADMINISTRATION

LOAN GUARANTY REVOLVING FUND

For additional amount for the "Loan Guaranty Revolving Fund", $526,600,000, to remain available until expended: *Provided,* That the last proviso in the "General operating expenses" appropriation in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1988 (H.R. 2783), as enacted under the provisions of section 101(f) of Public Law 100-202, an act making further continuing appropriations for the fiscal year ending September 30, 1988, is deleted.

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits", $182,500,000, to remain available until expended.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution under consideration, and that I be permitted to include tabular and extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER. The gentleman from Mississippi [Mr. WHITTEN] is recognized for 1 hour.

Mr. WHITTEN. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. CONTE], the distinguished ranking minority member of the Committee on Appropriations.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution provides a total of $709.1 million new budget authority for two emergency mandatory accounts in the Veterans' Administration. They are the veterans' housing program for $526.6 million, and veterans readjustment benefits for education programs of $182.5 million.

Both of these accounts are classified as mandatory entitlement programs. The President requested funding for these two programs. As well as the Veterans' Administration in testimony before the subcommittee chaired by our distinguished colleague, the gentleman from Massachusetts [Mr. BOLAND].

Technically, the VA housing program ran out of money on April 1 and is currently using emergency statutory borrowing authority from other accounts to keep the housing programs operating. By May 1 all funding will dry up for veterans' housing programs. Since both of these accounts are classified as mandatory they are not scored against the discretionary ceiling and, therefore, do not violate the so-called summit recommendations.

Mr. Speaker, I support this resolution and urge my colleagues to vote for this mandatory emergency supplemental.

Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts [Mr. BOLAND], the chairman of the Subcommittee on HUD-Independent Agencies.

Mr. BOLAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this joint resolution recommends supplemental appropriations of $709,100,000 for VA entitlement programs. Expeditious handling of the joint resolution is essential to: First, maintain the solvency of the loan guaranty revolving fund; second, permit payments for educational benefits after mid-May; and third, delete a proviso carried in the 1988 general operating expenses appropriation which earmarked funds for ADP programs. The two appropriations are mandatory under existing legislation and we must provide the funding. The proviso regarding the GOE appropriation is technical—and it does not increase budget authority or outlays.

These items have been lifted out of a number of supplemental requests submitted by the administration on March 17, 1988. As far as I am aware, these items are noncontroversial, but the need for the funds is very urgent.

The $526,600,000 requested and recommended for the loan guaranty revolving fund is necessary to maintain the solvency of the fund. It will allow the Veterans' Administration to keep its commitments to pay claims on defaulted home loan mortgages. The level of foreclosures on guaranteed loans and the resulting claims have increased above the level planned for fiscal year 1988. The 1988 appropriation of $389,800,000 for this program has already been used. The need for the supplemental appropriation comes from the continued increase in the number of claims—primarily in the energy States of Texas, Oklahoma, Louisiana, Colorado, and Alaska. These are claims against the Government which must be paid.

The Veterans' Administration had estimated the loan guaranty revolving fund would—for all practical purposes—be out of funds by the end of March. However, the VA has exercised its transfer authority and transferred $157,500,000 from the readjustment benefits appropriation to the loan guaranty revolving fund. It has also transferred $42,500,000 from the compensation and pensions appropriation—through the readjustment benefits account—to the loan guaranty revolving fund. By letter dated March 30, 1988, the OMB informed the Speaker of this $200,000,000 transfer and the resultant reapportionment of the readjustment benefits and compensation and pension appropriations. The transfer will provide sufficient funds to cover obligations in the loan guaranty revolving fund until the later part of April. However, because of the transfer from readjustment benefits, that account will run out of funds to pay educational benefits in the middle of May.

The $182,500,000 recommended for the readjustment benefits appropriation is necessary to permit payment of educational benefits through the balance of fiscal year 1988. This amount includes the $25,000,000 requested due to a recalculation of the funds necessary, and $157,500,000 for the amount transferred to the loan guaranty revolving fund.

The supplemental request of $498,100,000 for compensation and pension—and the $42,500,000 transferred to the loan guaranty revolving fund—will be provided in a later supplemental measure. Because the compensation and pensions appropriation is a $15 billion account, additional funds are not needed in that account until closer to the end of the fiscal year.

An offsetting reduction in the loan guaranty revolving fund request for the funds already transferred has not been taken. The original estimates of the additional funds needed for the loan guaranty revolving fund in 1988 ranged from approximately $500,000,000 to $1,000,000,000. The $526,600,000 request submitted was based on extremely optimistic assumptions for receipts—primary from sales of homes. Based on recent sales, it does not appear that the level of receipts assumed will materialize in 1988. It is estimated that another $200,000,000 will be required to pay claims in fiscal year 1988. That is why we are recommending the appropriation of $526,600,000.

Let me assure the members that this is a mandatory payment and the funds appropriated can only be used for that purpose. If we do not provide the additional funding now, we will have to provide it later. We have included the additional amount now so that future claims can be paid in an orderly fashion. This also will reassure lenders that the Federal guarantee is solid so that they will have no reservation about continuing to guarantee new loans to veterans.

The proviso included in the loan guaranty revolving fund paragraph would remove restrictions on the availability of general operating expenses funding carried in the 1988 appropriations act. Removing the restriction on ADP funds will enable the Veterans' Administration to make the most effective use of its resources. This will allow the VA flexibility in handling the reductions in the GOE account required by last fall's budget summit agreement. This proviso does not increase budget authority or outlays.

Mr. Speaker, this joint resolution provides necessary funds for mandatory programs in the Veterans' Administration. I urge Members to pass this joint resolution today so that it may be sent to the Senate. Hopefully, it will pass that body in the near future. This will permit the VA to continue timely payments of veterans' benefits.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this joint resolution making urgent, mandatory supplemental appropriations for the Veterans' Administration.

House Joint Resolution 552 is a clean, three-part supplemental providing $709.1 million in mandatory spending for two VA accounts that have already run out of fiscal 1988 funds.

These supplementals were requested by the President on March 17, but we have revised the amounts to reflect transfers that have been made by the VA to keep the loan guaranty fund solvent during the past 41 days.

Here I have a "Statement of Administration Policy" from the Director of the Office of Management and Budget, Jim Miller, dated today, expressing the administration's support for this bill and asking us to quickly address the remaining supplemental requests—especially for the Coast Guard, the Defense Department, and the Black Lung Program.

I would like to add that Director Miller urges us to keep this bill as clean as a hound's tooth so that we may get it to the President's desk as soon as possible. With the cooperation of the other body, we can get it to him tonight, and hopefully act on the remaining supplemental requests in the next 2 weeks.

But again, this bill contains funds that are urgently needed, and they are for mandatory veterans programs requested by the President.

I urge my colleagues' support for this measure. Thank you, Mr. Speaker.

EXPLANATION

As my colleague from Massachusetts, the distinguished chairman of the HUD-Independent Agencies Subcommittee, Mr. BOLAND, has explained, $526.6 million is for the loan guaranty revolving fund, and $182.5 million is for readjustment benefits. A third provision simply deletes some restrictive language we placed in last December's CR limiting the availability of VA general operating expenses funds.

VA LOAN GUARANTY REVOLVING FUND

This fund provides credit assistance to eligible veterans, active-duty servicemen, and certain surviving spouses seeking to buy, build, repair or refinance a home. To date this year, we have appropriated $389.8 million to pay entitled claims for defaulted home loan mortgages. Since October, however, there has been a 23-percent increase in the level of foreclosures on guaranteed loans and resulting claims. Collections and sales have also been lower than expected.

On March 17, the President requested $526.6 million to meet estimated needs for the remainder of this year.

For all intents and purposes, this fund was depleted in early April. The VA and OMB have used existing transfer authority to keep the fund solvent, but the last penny will be drained on Friday.

This $527 million is urgently needed to meet to our guaranty commitments.

VA READJUSTMENT BENEFITS

These are mandatory funds used to make educational and training assistance and rehabilitation payments to disabled veterans, to post-Korea and Vietnam-era veterans, sons and daughters of veterans who were POW's, MIA's, or permanently disabled. For fiscal year 1988 to date, we have appropriated $625.7 million for these benefits. On March 17, the President requested an additional $25 million to meet estimated obligations. During March and April, the VA transferred $158 million from this account to meet the more urgent shortfall in the loan guaranty fund.

The $182.5 million in this resolution reflects the $25 million request of the President as well as the transferred funds which need to be replenished.

The VA considers this to be a very urgent need, since the readjustment benefits account will be depleted on or about June 1.

VA GENERAL OPERATING EXPENSES

In the fiscal year 1988 continuing resolution, we placed some restrictive language provisions on the $762.8 million general operating expenses account at the VA. This action was taken in order to set a floor on the level of staffing in the Department of Veterans benefits to ensure continued and timely care of service to our veterans. We also included language prohibiting the closure of the St. Paul Insurance Center, and an earmark of $26.7 million for equipment contracts.

On March 17, the President submitted supplemental language to delete all three restrictive CR provisions. Our committee has agreed to remove the most restrictive of this language to give the VA some flexibility with the transfers within the contracts account.

This resolution contains language striking the amount and extended availability for ADP contracts. It is strongly supported by the VA and by the administration.

Mr. Speaker, I have a statement from the administration, the Director of the Office of Management and Budget, Jim Miller, dated today expressing the administration's support for this bill, and I include that letter for the RECORD.

STATEMENT OF ADMINISTRATION POLICY, APRIL 27, 1988

H.J. RES. 552—EMERGENCY MANDATORY VETERANS SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1988

[Sponsor: Whitten, Mississippi]

The Administration supports adoption of the bill before the House of Representatives to provide additional FY 1988 funds for the Veterans Administration's Loan Guaranty Revolving Fund and to avoid an interruption of payments to holders of defaulted guaranteed loans and readjustment benefits recipients. The Loan Guaranty Revolving Fund may not have sufficient budgetary resources to meet its legal commitments to pay claims for defaulted guarantees through the end of this week. The Administration would opose the addition of any extraneous provisions, language or funding, to the bill.

The Administration would have preferred timely action on a complete bill which is consistent with the budget agreement and which responds to the other important FY 1988 requests transmitted by the President in the February budget and on March 17, 1988. The requests for the Coast Guard, the Defense Department and the Black Lung program are especially noteworthy. The Coast Guard, due to cuts by Congress to the President's FY 1988 request, has had to curtail certain activities designed to interdict drug smuggling at a time when the war on drugs is, quite appropriately, a major public concern. For the Department of Defense, additional flexibility is required to fund necessary military personnel and operations and maintenance programs. The Black Lung Disability program is expected to exhaust existing funds in mid-May resulting in reduced Federal payments.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Speaker, I thank the distinguished minority member of the Committee on Appropriations for yielding me this time. I should like to make it clear to my colleagues that this supplemental appropriation in every way meets the standards of the summit agreement with respect to supplemental appropriations. These are mandatory appropriations, they are not discretionary. It truly is an emergency that we are facing.

The first of the requests is $526.6 million for the Veterans' Administration loan guarantee revolving fund. That fund has been having expenditures at a rate higher than anticipated primarily because of the problems which we are all aware of in terms of certain parts of the country, the oil parts of the country in particular. As a result, defaults have been high. The Federal Government is committed to pay on its guarantees when these defaults occur and those defaults have been occurring at a rate of 23 percent greater than the level originally estimated by the VA for fiscal year 1988.

The fund will be depleted by the end of the week if we do not act today.

The other fund that is affected here is the mandatory VA readjustment benefits. They provide educational assistance payments to Vietnam era veterans and to the sons and daughters of veterans who either died of service-connected disabilities or whose service-connected disability is rated total and permanent. The fund was originally believed to need a $25 million supplemental and that was what was originally requested. However, subsequently the OMB transferred $157 million from this account to the loan guarantee revolving fund to keep that solvent so the need is for $182.5 million in order to keep this fund going for the balance of the year.

I emphasize again that these supplemental appropriations have been requested by the administration. They are mandatory, not discretionary accounts. There is truly an emergency in terms of the ability of the Federal Government to live up to its obligations if we do not pass this bill.

Mr. BOLAND. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY], the distinguished chairman of the Committee on Veterans' Affairs.

Mr. MONTGOMERY. Mr. Speaker, I would like to thank the gentleman from Mississippi [Mr. WHITTEN], the chairman of the Committee on Appropriations; the ranking Republican member, the gentleman from Massachusetts [Mr. CONTE]; the gentleman from Massachusetts [Mr. BOLAND], the chairman of the Subcommittee on HUD-Independent Agencies; and the gentleman from New York [Mr. GREEN], the ranking member on the Subcommittee on HUD-Independent Agencies.

Mr. Speaker, I rise in support of this urgent supplemental for the Veterans' Administration and I commend the chairman of the committee and the ranking minority member for their prompt action in getting this measure to the House.

With regard to the loan guaranty funds contained in this measure, I want to commend the committee for not reducing the amount made available to pay lenders' claims. The agency asked for $526.6 million to pay claims for defaulted guaranteed home loan mortgages. Since funds for this purpose have been exhausted since April 1, the VA has been transferring funds from other program accounts to pay these claims. Jim Miller, Director of the Office of Management and Budget, now claims the request can be "adjusted downward" by $200 million.

Ask anyone in the loan guaranty office and they will tell you that they will be in deep trouble if this is done. Again, the administration is trying to make things appear better than they really are.

The original supplemental request should have been close to $1 billion, rather than $526.6 million. The VA has been forced to acquire record numbers of properties as a result of the economic downturn in certain parts of the country, especially in the States of Texas, Oklahoma, Colorado, Louisiana, and other oil- and gas-producing States. The economy in Houston has been about as bad as it can get. Home foreclosures have been at a record high for the past several years. Yes, we have real problems with home loan foreclosures in Houston and other areas of the country. It is costing hundreds of millions of dollars to pay off these guaranteed loans but this is not unique to the Veterans' Administration.

The same is true of HUD loans and loans made by the private sector. It is costing the taxpayer even more to keep banks from failing in Texas and elsewhere. So all of us know we have problems with the economic situation in these areas of the country.

How do we solve this serious problem that is costing the U.S. taxpayer millions of dollars? The VA should be trying to get top dollar for these properties by holding on to them for awhile, and renting them, until the economy gets better instead of auctioning them off and getting only one-half of what they were worth when the VA acquired them. OMB needs to look beyond the short-term problems and figure out a way to keep this program viable and operating on a sound fiscal footing.

So again, Mr. Speaker, I commend the committee for its responsible action on this measure. The amount for the loan guaranty revolving fund is not being reduced as proposed by the Office of Management and Budget. It contains the entire amount requested, $526.6 million. In addition, it contains the $182.5 million requested for the readjustment benefits account. The action of the Appropriations Committee will assure that veterans can continue to get VA home loans and claims can be paid on defaulted loans. In addition, veterans will continue to draw their monthly education benefits under the various education programs enacted by the Congress.

I urge the adoption of the bill.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the ranking minority member of the Committee on Veterans' Affairs.

Mr. SOLOMON. Mr. Speaker, I rise in strong support of the emergency veterans supplemental appropriations bill for fiscal year 1988. The Veterans' Administration's Home Loan Guarantee Program needs $526.6 million to remain solvent for the remainder of the current fiscal year.

It has been experiencing a very high foreclosure rate in certain areas of the country, particularly those where the economies have been hard hit by low oil prices.

Without this emergency supplemental, the program will become insolvent and unable to pay off the loan guarantees it has made. Of course, it is unthinkable that an agency of the Federal Government would fail to meet such obligations.

Mr. Speaker, obviously this sea of red ink in the Loan Guarantee Program cannot continue for long. The Veterans' Affairs Committee has already addressed the program needs in this Congress with Public Laws 100-198 and 100-253. More is necessary and the committee is going to be taking a hard bipartisan look at the Loan

Guarantee Program with an eye toward fundamental reforms.

But let there be no mistake, the Home Loan Guarantee Program enjoys broad support, and any changes will be for its improvement, not its termination. I hope that message reaches OMB loud and clear.

Also, $157.5 million was transferred from veterans readjustment benefits to shore up the Loan Guarantee Program until it could get a supplemental appropriation, and that money should be replaced so that the readjustment benefits programs will be able to operate normally.

Mr. Speaker, when the administration submitted its fiscal 1989 budget request, it indicated a $25 million deficit for readjustment benefits in fiscal year 1988. The bill before us requests $182.5 million for readjustment benefits, and the additional $157.5 million was the money transferred to the Loan Guarantee Program.

Mr. Speaker, I commend the distinguished leadership of the Appropriations Committee, JAMIE WHITTEN, the chairman, SILVIO CONTE, its ranking member, EDWARD BOLAND, chairman of the Subcommittee on HUD and Independent Agencies, and BILL GREEN, the subcommittees' ranking member, for bringing this bill to the floor in a timely manner, and I urge my colleagues to support it.

Mr. Speaker, I commend the distinguished leadership of the Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN], the chairman, and certainly the gentleman from Massachusetts [Mr. CONTE], the ranking minority member, as well as the gentleman from Massachusetts [Mr. BOLAND], and the gentleman from New York [Mr. GREEN] and, of course, the gentleman from Mississippi [Mr. MONTGOMERY], my good colleague and great leader of our Committee on Veterans' Affairs. Mr. Speaker, I urge strong support for this legislation.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in strong support of House Joint Resolution 552, the emergency veterans supplemental for fiscal year 1988.

Without these emergency appropriations the Veterans' Home Loan Program would run out of money later this month. It is essential that we not allow this to occur.

This legislation reflects the continuing efforts of Congress to ensure our Nation's veterans will be able to achieve the American dream of home ownership.

I would also note that this legislation contains $25 million, requested by the President, for veterans' readjustment benefits, including several programs which support job training and education programs for veterans.

However, the lion's share of funding contained in this supplemental provides for the continued solvency of the VA Home Loan Program. The program is jeopardized by the current high foreclosure rate in certain regions of the country.

As we approve this bill today we should all keep in mind that if it were not for the Veterans' Administration Home Loan Program, many millions of America's veterans—and their families—would not be in their homes today. I commend the distinguished chairman, Mr. WHITTEN. I know that my friend Mr. CONTE has had a long and continuing interest in the welfare of our Nation's veterans as he had expressed these views for many years on this floor. Mr. GREEN as well had been a long and valued friend in supporting veterans.

Mr. Speaker, I would just take one moment to commend Chairman BOLAND for his role in bringing this bill to the floor in a timely manner. Mr. BOLAND has been a great friend to America's veterans over the years and he will truly be missed when he leaves this great body.

I urge my colleagues to support this most important legislation.

Mr. BOLAND. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio [Ms. KAPTUR], the distinguished chairman of the Subcommittee on Housing and Memorial Affairs of the Committee on Veterans' Affairs.

Mr. McEWEN. Mr. Speaker, will the gentlewoman from Ohio yield?

Ms. KAPTUR. I am happy to yield to the gentleman from Ohio.

Mr. McEWEN. Mr. Speaker, I rise in support of this legislation.

Ms. KAPTUR. Mr. Speaker, I want to take this opportunity to commend the members of the House Appropriations Committee for moving on the VA's appropriation request so expeditiously. In particular, I greatly appreciate the fact that Mr. WHITTEN and Mr. BOLAND have acted in such a responsible manner and recognize the critical financial needs of the Loan Guaranty Program.

I realize the committee did not have to recommend the requested amount in full. However, I appreciate their acknowledgment of the serious financial condition of the loan guaranty revolving fund at this time. The high level of foreclosures is attributable to the economic situation prevailing in certain regions of the country such as Texas, Colorado, and Oklahoma. This is a universal problem which is affecting all segments of the housing industry.

Although the situation is not expected to totally turn around in the near future, I am optimistic that it will get better. My subcommittee is also committed to exploring ways to address the future solvency of the program and will be considering legislation to that effect within the next few months.

Once again, I wish to thank you for taking such a realistic approach to a very serious problem.

Mr. Speaker, I want to take this opportunity to commend the members of the Committee on Appropriations for moving so expeditiously on this important legislation. I commend the gentleman from Mississippi [Mr. WHITTEN], the gentleman from Massachusetts [Mr. BOLAND], the gentleman from Massachusetts [Mr. CONTE], and the gentleman from New York [Mr. GREEN].

Mr. MONTGOMERY. Mr. Speaker, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, for the record, I commend and compliment the gentlewoman from Ohio [Ms. KAPTUR], and the gentleman from Indiana [Mr. BURTON], the ranking minority member of the Subcommittee on Housing and Memorial Affairs for voting out and updating housing legislation for veterans. It has not been changed in 30 years. We hope we can cut back on repossessions, with the Government having to take over these houses from veterans. I think the work that the gentlewoman from Ohio has done is such that we will have an improvement in that area. I commend the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I appreciate the remarks of the gentleman from Mississippi. I wish also to express my appreciation to the gentleman from New York [Mr. SOLOMON], the ranking minority member.

Mr. CONTE. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time. I just think that it would be well if we understand just exactly what we are doing here. It is my understanding that this is a supplemental requested by the administration for some $562 million, is that correct?

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Massachusetts.

Mr. CONTE. The gentleman from Pennsylvania is absolutely right. The full amount is $709.1 million.

Mr. WALKER. And if I understood the gentleman from New York [Mr. SOLOMON] a few minutes ago, it is within the budget summit?

That is a little confusing because it was my understanding that the budget summit that was agreed to last year specifically said that there should be no supplemental appropriation.

□ 1715

Mr. WALKER. Does somebody want to explain that to us?

Mr. GREEN. My understanding of that was that applied to discretionary spending, and that there was an exception for dire emergencies. This is not discretionary spending. These accounts are mandatory accounts.

Mr. WALKER. In other words, if we add money for mandatory programs, that does not violate the budget summit?

I will be glad to yield to the gentleman from Massachusetts.

Mr. CONTE. As the gentleman from Pennsylvania knows, I was on that budget summit along with the gentleman from Mississippi [Mr. WHITTEN] for 25 grueling days. We did not prohibit spending on any mandatory supplemental, only discretionary.

Mr. WALKER. The spending we are doing here now, I take it, that figure is above that agreed to in the budget summit? Is that correct?

Mr. CONTE. I think that is correct. Yes.

Mr. WALKER. So we are adding somewhere in the vicinity of three-quarters of a billion dollars to the overall budget summit agreement?

Mr. CONTE. That is right, at the request of the President.

Mr. WALKER. That relates to mandatory spending. If there were discretionary spending here, that would not be legitimate under the budget summit? Is that right?

Mr. CONTE. The gentleman is absolutely correct.

Mr. WALKER. So if we bring forth a supplemental matter in the future that is discretionary, we would not be complying with the budget summit unless it has offsets?

Mr. CONTE. The gentleman is absolutely correct. This says, and I am reading from the agreement, "Neither the Congress nor the President shall initiate supplementals except in the case of a dire emergency. When the executive branch makes such a request, it shall be accompanied by a Presidentially transmitted budget amendment to the Congress," and if there are any discretionary supplementals, they must have an offset. They must cut somewhere else.

Mr. WALKER. I understood the gentleman to say a little earlier we have some supplementals coming down the pike such as black lung?

Mr. CONTE. That is correct.

Mr. WALKER. As I understand, some of those are in discretionary accounts?

Mr. CONTE. The Coast Guard. We did that this afternoon in subcommittee, $60 million in transfers and offsets from other agencies.

Mr. WALKER. To comply with the budget summit, when that bill comes to the floor, we will have to have dollar-for-dollar offsets for every penny that we spend under the discretionary account? Is that correct?

Mr. CONTE. The gentleman in the well is absolutely correct. There are 34 supplementals.

Mr. WALKER. Do we have an understanding that the Appropriations Committee will not bring to the floor any bill that does not have dollar-for-dollar discretionary offsets for the funding that we do?

Mr. CONTE. I would say to the gentleman in the well, and I only speak for myself, and I agreed to that budget summit, and I would definitely agree with him.

Mr. WALKER. So in this case, we do not have to have the offsets, because it is mandatory spending, but if we come forward later on with another supplemental, in order to comply with the budget summit, that would have to have offsets, as the administration proposed, not necessarily those offsets, but in an amount similar?

Mr. CONTE. The gentleman is correct.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOLAND. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HUTTO). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT ON TOMORROW DURING THE 5-MINUTE RULE

Mr. GRAY of Illinois. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Buildings and Grounds of the Committee on Public Works and Transportation be permitted to sit on Thursday, April 28, 1988, during the 5-minute rule.

I will say further, Mr. Speaker, the matter has been cleared by the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

TRIBUTE TO NEW MEANS OF PROVIDING ACCESS TO PROCEEDINGS OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. McEWEN] is recognized for 5 minutes.

Mr. McEWEN. Mr. Speaker, in this electronic age, where voices, images, and data can move from place to place with lightning speed, it is important to pause occasionally and remind ourselves of the roots of this modern technology. It is especially appropriate for those of us who serve in the Congress to remember that it was in this very building that the electronic information age began. On May 24, 1844, Samuel F.B. Morse—one of our Nation's greatest artists and inventors—transmitted the words "What hath God wrought" over a telegraph line from the Supreme Court room here in the Capitol Building to his partner Alfred Vail in Baltimore.

Mr. Speaker, it is somewhat ironic that a rejection by Congress actually led to Samuel Morse's invention. In 1837, a committee of Congress rejected his request to be named artist to fill one of the four panels in the rotunda. Today we know, of course, that Mr. Morse's famous "Night Session" painting hangs in Statuary Hall. Weary of the struggle for recognition and subsistence, as an artist he turned his attention toward a new career as inventor.

And it was Sam Morse's good fortune to once again be rejected by Congress when he sought to sell the rights of his invention to our Government. He turned instead to private investors and entrepreneurs—and the rest, as they say, is history.

Mr. Speaker, Samuel Morse was born on this day in 1791. He died in 1872, just a few years before Alexander Graham Bell took his invention one step further and sent his own voice over electronic wire. Often called "the father of electronic transmission," Samuel Morse pioneered a field that would later see remarkable achievement:

Marconi took Morse's code and sent it to a receiver without the need for wires—the forebearer of radio transmissions.

And today, more than a century after Samuel Morse's death, satellites orbit the earth carrying voice and data to points throughout the world. Samuel Morse has received the recognition he sought so desperately. Were he alive today, I'm certain he would applaud these newer communication technologies and he would be proud that he started it all.

Recently another example linking modern communication technology and the work of the Congress had come to my attention, and I would like to share it with my colleagues.

As you may know, the Government Printing Office now makes available the daily Congressional Record on magnetic tape as well as on paper and microfiche. The new technology that allows GPO to use electronic photocomposition to produce the Record more rapidly and economically also allows it to produce electronic data tapes. Three private companies purchase the tapes and offer home and business computer access to this vital source of current legislative information on a daily basis.

One of these companies, Mead Data Central, is located in Ohio, and offers this important new service through both its Lexis and Nexis services. These two information services, I might add, have been approved by the Clerk of the House for use in congressional offices.

This state-of-the-art delivery of the Congressional Record offers a real time savings and a significant increase in the effectiveness and efficiency of the use of the Record. This computer access helps students, businesses and all American citizens interested in the proceedings of the Congress.

The service includes the full text of the Record, the Daily Digest, and the Extension of Remarks.

Congressional staffs and others are now able to track a speech or follow debate simply by using the name of a Member of Congress—instead of leafing through page after page of debate. That is a valuable time savings.

I am pleased that the private sector has recognized the value and importance of the Congressional Record and are making it a part of the electronic and technological revolution taking place in our Nation today—much the same way that they recognized the value of Samuel Morse's invention nearly a century and a half ago.

I am particularly pleased that Mead Data Central, headquartered in the Sixth Congressional District of Ohio and a pioneer in the delivery of electronic information services, is now making the Congressional Record available as well.

Mr. Speaker, on this day—the birth date of Samuel F.B. Morse—I think it is appropriate that we pay tribute to this important new means of providing access to the proceedings of the Congress. This is a historic occasion and I am pleased that Congress is now supporting the development of the burgeoning information industry by making the Congressional Record available in electronic form.

□1715

INTRODUCTION OF H.R. 4475, REVISING SPECIAL TREATMENT OF CERTAIN TAX BENEFIT TRANSFERS ENGAGED IN BY ALASKA NATIVE CORPORATIONS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. Rostenkowski] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing H.R. 4475, a bill to revise the special treatment of certain tax benefit transfers engaged in by Alaska Native corporations. In the Deficit Reduction Act of 1984 and the Tax Reform Act of 1986, Congress generally restricted intercorporate transfers of net operating losses. However, special rules were provided which allow corporations established by the Alaska Native Claims Settlement Act to transfer to other companies losses generated by the legitimate business operations of those Native entities through 1991. Both the policy deliberations and the estimated revenue implications of these special rules were based upon a presumption by Congress that only a limited amount of true economic losses incurred by the Alaska Native corporations would be allowed to be transferred, and a further presumption that the vast majority of these losses had been incurred as of the date of enactment of the 1986 act. There was no expectation that the provision would apply to subsequent paper losses generated through accounting manipulation.

Unfortunately, it has come to my attention that creative investment bankers and others may have turned a legitimate policy enacted by the Congress into a significant tax loophole. It is my understanding that Alaska Native corporations have been approached by profitable corporations with various schemes aimed at generating paper, or so-called soft, losses based upon the difference between past and current valuation of timber and other properties. Through a subsidiary, or other means, the Alaska Native Corporation would transfer the tax benefits of these paper losses to such corporations for what amounts to a fee. These schemes apparently have caused a rush to create new and ever larger paper losses for sale.

Mr. Speaker, in the 1986 Tax Reform Act, Congress attempted to assist struggling Alaska Native corporations. However, Congress never intended to encourage Alaska Native corporations to create artifical losses and split the resulting tax benefits with profitable corporations. Such activities are unjustified under the policy of the 1986 act, and are not reflected in the estimated revenue impact of that provision. In fact, I understand that these creative practices may have already cost the American taxpayer six times the original revenue estimate for this provision. If Congress does not move to restrict this unintended tax avoidance, it may cost $200 million or more in additional lost revenue that very profitable companies would otherwise pay in Federal taxes. In addition, significant State tax revenues may be lost. I am confident that had Congress been aware of the potential for such creative accounting and the potential adverse revenue consequences, the 1986 act provision would have been structured to disallow such uneconomic transactions.

Mr. Speaker, the legislation I introduce today is not intended to be retroactive, and does not affect losses transferred in taxable years prior to the date of introduction. It would, however, end this unintended practice today. Alaska Native corporations would be on an even footing with other corporations whose sales of tax benefits have been restricted. Also, I want to emphasize that this bill is not intended to condone by inference the tax activities which generated excessive and unwarranted losses in the past. The Internal Revenue Service, of course, has the ability to scrutinize such transactions in accordance with the 1986 act provisions.

The text of H.R. 4475 follows this statement:

H.R. 4475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) nothing in section 60(b)(5) of the Tax Reform Act of 1984 (as amended by section 1804(e)(4) of the Tax Reform Act of 1986)—

(1) shall allow any loss (or credit) of any corporation which arises after April 26, 1988, to be used to offset the income (or tax) of another corporation if such use would not be allowable without regard to such section 60(b)(5) as so amended, or

(2) shall allow any loss (or credit) of any corporation which arises on or before such date to be used to offset disqualified income (or tax attributable to such income) of another corporation if such use would not be allowable without regard to such section 60(b)(5) as so amended.

(b) For purposes of subsection (a), the term "disqualified income" means any income assigned (or attributable to property contributed) after April 26, 1988, by a person who is not a Native Corporation or a corporation all the stock of which is owned directly by a Native Corporation.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the Record.

The **SPEAKER** pro tempore (Mr. Hutto). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MARY LANEY RECEIVES THE 1988 DANTE AWARD

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. Annunzio] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues the achievements of Mary Laney, anchor and commentator of the 6 p.m. newscast on WMAQ-TV, Channel 5 in Chicago, who will receive the 17th annual Dante Award of the Joint Civic Committee of Italian Americans, at a luncheon to be given in her honor on May 13, at the Como Inn in Chicago.

Mary Laney is best known by Chicagoans for her objective and responsible investigative reporting and editorial commentary. She has maintained the highest standards of integrity in her broadcasting career, and in recognition of her outstanding broadcasting achievements, she has received six Emmys from the Chicago chapter of the National Academy of TV Arts and Sciences, three Associated Press awards, one UPI award, and numerous other official commendations and awards.

She richly deserves the Dante Award, because it was Dante Alighieri, in his book "Divine Comedy," who said, "if I should prove a timid friend of truth, I fear to lose my fame among the people whose age will call the present era ancient."

The Dante Award was established by the Joint Civic Committee of Italian Americans, an umbrella organization comprised of more than 40 civic organizations in the Chicago area, to extend recognition annually to an individual in the mass media communications field who has made a positive contribution to the profession of journalism.

Mary Laney was born in Sheboygan, WI, and received a bachelor of arts degree in English and political science and a master's degree in fine arts from the University of Wisconsin. From 1971 through 1975, she was a producer and reporter for WBBM News Radio in Chicago, and she also worked as a writer and producer for WBBM-TV, producing the station's noon newscast. Joining WMAQ-TV in January 1981, she anchored the noon news from May 1982 to August 1983, and served as the station's editorial director from August 1983 to February 1987.

During her career in Chicago, Mary Laney has investigated the Illinois system, the city's litter problem, and a major collapse at a Loop construction site. For her outstanding investigative reporting and commentary, in addition to her many awards, she has also received two official commendations from the Illinois State Legislature, and three proclamations from the Chicago City Council for her editorials which have served as a catalyst for positive changes in the community.

The 17th annual Dante Award luncheon will be held at the Como Inn, under the auspices of the Human Relations Committee of the JCCIA, chaired by Charles C. Porcelli. The president of the JCCIA is Carl DeMoon, who will also participate in this event. David Finney, program director at Channel 5 will serve as the master of ceremonies of the luncheon, and the invocation will be offered by the Reverend Lawrence Cozzi, C.S., administrator of Villa Scalabrini, the Italian Old Peoples Home in Melrose Park.

For the 13th straight year, the John Fischetti Scholarship will also be awarded at the luncheon. The scholarship was established by the Joint Civic Committee of Italian Americans to further the study of Italian American students in communications and is named after the Pulitzer Prize-winning political cartoonist. This year, two $1,000 scholarships will be awarded to Susan Mae Tomaro, a student at Northwestern University, and Lisa Ann Taranto, a student at Northern Illinois University.

Mr. Speaker, I extend my warmest congratulations to Mary Laney on meriting this recognition, and for the strong and constructive impact she has made on the broadcasting industry. Her career, character, and splendid record of achievement prove that she is, indeed, a "friend of truth."

ARE FOREIGN INVESTORS BUYING THEIR WAY INTO THE HEARTS AND MINDS OF THE AMERICAN PEOPLE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, 10 years ago, nobody would have believed me if I said that the U.S. trade deficit would reach a record $170 billion in 1987. Well, it did, and this year's figures indicate that the trade deficit is going to get worse before it gets better.

Since I first came to Congress in 1968, I have spoken out about our trade problems, and I have always insisted that without a rational and comprehensive trade policy, America cannot realistically hope to remain the economic leader of the free world.

Now is the time for Congress to show the courage and leadership necessary to level out our balance of trade and regain our undisputed leadership in the world market.

I am pleased that an overwhelming majority of the Members of the House has approved the conference report on H.R. 3, the omnibus trade bill, and I am glad that trade is finally becoming an important topic in Washington.

H.R. 3 is a crucial first step in the process of formulating a national trade policy, and it will renew the President's authority to negotiate multilateral and bilateral trade agreements which could improve America's access to foreign markets.

But, the soundness of our Nation's trade policy depends upon reliable information and a clear understanding of the total trade picture. We need accurate and detailed information on the health of our economy and the economies of our trading partners and competitors.

We also need to know how much of our assets are invested overseas and how much foreign owners have invested in the United States. This is where H.R. 3 falls short. In the give-and-take process of making the trade bill more acceptable, the House and Senate conferees dropped the bill's foreign investment disclose provision.

I am very disappointed that this important provision was not included, because I have supported similar measures for many years. Fifteen years ago, I spoke out on this issue here on the floor of the House and I believe my remarks in 1973 are just as timely now as they were then. So, let me say again: "I can understand the Government wanting to improve our balance of payments. It has had a pretty dismal record in that area lately. But I question the wisdom of making our key industries and natural resources vulnerable for foreign ownership or control. Could we count on a [foreign-owned] industry to supply our needs in times of emergency? What if we were forced into a confrontation with the parent nation of that industry's owners? On which side would they stand?"

Mr. Speaker, when I delivered that speech in 1973, America had a net international investment surplus of $48 billion. In 1988, we have an investment deficit of more than $300 billion.

Fifteen years ago, foreign banking companies controlled less than 4 percent of U.S. banking assets. In 1988, they control 19 percent and their share is increasing every year.

In 1973, foreign countries had only $175 billion invested in the United States. Right now, they hold a $1.5 trillion share of our capital and assets.

Just as it was in 1973, it is still impossible for us to judge the power which 1.5 trillion dollars' worth of foreign ownership represents. Overseas owners hold partial or full title to some of America's major banks, trading companies, steel companies, car plants, insurance companies, hotel chains, supermarkets, and real estate.

I wish that I could provide a complete list of what foreign company owns which American business, but I can't. The best we can come up with are partial listings which happen to appear in the press.

Right now, there is absolutely no way for anyone, even a Member of Congress, to find out which foreign companies are buying up the United States.

Let me repeat that—there is simply no way for us to tell which foreign businesses are buying American stocks, bonds, real estate, businesses, manufacturing plants, and our national debt. There's a frightening lack of information on foreign investment, and it's an elusive issue which could come back to haunt us.

When the stock market crashed on October 19, we got an indication of the power which foreign investors hold over our economy. Nicholas Brady, head of President Reagan's task force which studied the crash, said it was triggered by heavy selling of United States Government bonds by Japanese investors.

Mr. Brady's remarks were reported in the Wall Street Journal last week, even though his conclusions did not appear in the official report on the crash. Without the special access Brady's commission had to information on the crash, we would never have found out the extent to which Japanese investors were involved with the events on October 19.

Foreign investment disclosure is absolutely necessary if we are serious about realistically evaluating the health and strength of our economy. We cannot possibly hope to formulate economic policy if we don't have all of the facts on foreign investment in the United States.

If foreign investors decide to secretly buy a controlling interest in a major manufacturing industry or brokerage house, then there will be very little to prevent them if they are skilled at covering their tracks in a maze of paper transactions. There will simply be no way for us to uncover such a cleverly concealed transaction, because we don't require overseas investors to open their records to public scrutiny.

We have seen how the Japanese have carved their niche in the American television, typewriter, computer, and automobile markets and then proceeded to put United States companies out of business. In the past, we haven't taken the initiative to find out what's going on before it's too late.

Those who argue against investment disclosure say that this information is already available to the Securities and Exchange Commission, and the Departments of Commerce and the Treasury. That is not good enough. The information needs to be publicly available to anyone who's interested.

Americans should not assume that our national security is safe just because foreign investment information is secretly filed away in Washington. It's impossible for bureaucrats to trace the ebb and flow of the $1.5 trillion which is invested in the United States. Only someone with an intimate knowledge of a particular business or industry can fully appreciate what effect foreign investment could have on our economy and our national security. And, in the United States, that information is simply not available.

But, anyone who can read Japanese can get a very good picture or exactly which Japanese firms have invested money in American companies. Every year, the Oriental Economist Publishing Co. puts out a current book on Japanese investment in every country in the world, including the United States. The book is called "Japanese Multinationals: Facts & Figures," and it contains a comprehensive list of over 10,000 companies throughout the world which are fully or partially owned by Japanese companies.

The section on the United States is 82 pages long and contains detailed information on every major United States company in which the Japanese have an interest. Each listing has the name and address of the company, its location, its assets, the number of employees, the type of business, a subjective performance rating, the address and telephone of the United States business, the name of the Japanese parent company, and the name of the American partner if it's jointly owned.

In addition to this one, there is another Japanese book called "Foreign Affiliated Companies in Japan: A Comprehensive Directory." This book list the names of foreign-owned companies in Japan; their line of business; their address and telephone number; the company assets, the types of shareholders; information on suppliers, customers, company officers, brand names, import ratios, export ratios, employees, plants, and offices; it gives a subjective performance rating; and it tells about the foreign parent company.

Mr. Speaker, ample investment information is already available—in Japanese. Using just these two books, any Japanese businessman can get a comprehensive picture of both foreign investment in his country and Japanese investment in all the other nations of the world.

American businessmen are being denied access to this same basic information, but requiring foreign investment disclosure could change all that.

If we don't give our businesses access to the same type of basic financial information which the Japanese have, we'll continue to fight for a share of the world's market with our hands tied behind our backs.

Critics of the foreign investment provision which was stripped from the trade bill include a group called the Emergency Committee for American Trade [ECAT]. The group is comprised of 57 large multinational corporations which are convinced that investment disclosure would hurt American business. ECAT's members include such names as Boeing, Chase Manhattan, Ford, G.M., Xerox, Caterpiller, TRW, and Westinghouse.

One of ECAT's main arguments is that if we required foreign companies to disclose their U.S. investment, those nations would retalitate. This is a specious argument because many countries, including Japan, have foreign reporting requirements which are much more extensive than any proposed by this Congress.

In evaluating ECAT's position, we need to consider which firms belong to the group. They are all multinational corporations, and, by definition, operate in many different countries. They can make their products wherever the cost of production is lowest, and they may not owe allegiance to any one nation.

I have also been skeptical of multinational corporations for quite a while, and 15 years ago I warned my fellow Members of the House:

> Left to their own devices, American companies will be forced in ever-increasing numbers to jump on the multinational bandwagon, expanding their operations into foreign countries while at the same time curtailing the employment of American workers.

Since I made those remarks in 1973, we have seen thousands of American companies open overseas operations and we've seen the unemployment in the United States which these moves have produced.

Multinational corporations look for the best deals, regardless of where they find them, and I have reservations about their true reasons for opposing foreign investment disclosure.

I'm sure that each company in ECAT has a staff of economic researchers devoted to finding out all of the information they need on foreign investment and the activities of their competitors in the United States and abroad. But what about the little guy? What about small American companies that need to know which foreign interests are buying up their U.S. competitors. This information is not public, and there's no way for small businesses to get it.

In the business community, knowledge is power and denying American businesses information on foreign investors is weakening their position in the world market. Investment information is available to the Japanese and if we are denied the same type of information, we are at a competitive disadvantage.

America needs a timely, effective, and comprehensive national trade policy. We can no longer ignore the sophisticated market strategies of foreign nations which are quickly gaining control over American financial and manufacturing resources. American businesses and the American people deserve to know who's buying control of the United States.

Mr. Speaker, the time has come for us to face last year's $170 billion trade deficit head on. The omnibus trade bill is a good start, but we also need to require foreign owners to report their holdings.

Although it was excluded from the trade bill, there is a free-standing bill to require foreign investment reporting. At the beginning of this Congress, our colleague JOHN BRYANT of Texas introduced H.R. 312, the Foreign Ownership Disclosure Act, and 65 of us have cosponsored it.

Disclosure of foreign investment and ownership is a very simple and reasonable request. If they have nothing to hide, foreign companies should be glad to make this information available. But, if they resist offering this basic information too strongly, we need to ask why.

I urge all of my colleagues to support H.R. 312 because all American citizens and businesses have a right to know who's buying their way into the United States of America.

The time has come for us to get serious about our Nation's trade deficit, and the omnibus trade bill is the first step in the long process of reducing our overwhelming trade deficit. The second step is to find out who's investing how much where.

Reversing the trade deficit is going to be a long and difficult process, but it's one which we must begin immediately. Unless we make a full commitment to ending our trade deficit, we cannot succeed. We need to use the full resources of our Government, business, and labor to defeat the trade deficit and we need to have the best, most accurate information about our competition.

□ 1740

I yield to the gentlewoman from Maryland [Mrs. Bentley].

Mrs. BENTLEY. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from Pennsylvania for bringing the importance of revealing to the American public who is investing in this country. I am sorry, too, that that was removed from H.R. 3. I certainly will join with the gentleman and others in supporting this kind of information being made available. I think it is very valuable as far as where are we going? How do we know where we are going in the industrial arena and the business arena if we do not know who is coming in here?

Mr. GAYDOS. I want to thank my colleague.

I believe before the gentlewoman's time, we had a Member from western Pennsylvania, Congressman "Doc" Morgan who at one time sponsored legislation requiring that a special committee be appointed and that a study be made. It was concluded. That is now sitting on a dusty shelf somewhere like all other special commissions in this country. The information is not available.

If he were here today I think he would testify to the fact that even then, 10, 15 years ago many Members were very sensitive about the problem. And if we had listened then I think we would be in a better position or in better shape now.

Mrs. BENTLEY. It is a gigantic problem. I thank the gentleman from Pennsylvania.

MORE GREEN TEA AND DIRTY TRICKS

The SPEAKER pro tempore (Mr. Gray of Illinois). Under a previous order of the House the gentlewoman from Maryland [Mrs. Bentley] is recognized for 60 minutes.

□ 1745

Mrs. BENTLEY. Mr. Speaker, over recent weeks I have been reading from a book called "The Japanese Conspiracy" which explains the appalling conversion of our economy from manufacturing to service and the loss of manufacturing jobs from this country. The American public needs to know what has really happened to their industry, and it is explained very, very thoroughly in this book on how our industry was targeted, how our major industries were targeted both by Japan, Incorporated, namely, the Japanese Government through its Ministry of International Trade and Industry and its large, gigantic holding companies.

But what makes this so very important tonight of what I am going to talk about is that it is not just the large corporation who suffers, but any size firm. And the following stories that I have clipped out of the newspapers in recent days show how long Japanese firms target a small business and then try to take it over or do take it over.

Remember, and this is why the small business is so very, very important, small business is the job generator for America; 80 percent of our jobs come under the umbrella of small business.

Mr. Speaker, this week in the Washington Post another piece of that story was revealed. This story explains how a large company, namely, Mitsubishi, and everybody has heard about Mitsubishi; Mitsubishi is reported on page after page of "The Japanese Conspiracy," but in this case it tells how Mitsubishi stole the technology from a small firm, Fusion Systems Corp. of Rockville, MD.

The story goes on to point out that 10 years ago Fusion Systems Corp., a small, high-technology company based in Rockville, sold one of its patented microwave lamp systems to the giant Japanese electronics conglomerate, Mitsubishi. Two years later, the trouble started. Mitsubishi began filing a steady stream of its own patent applications in Japan covering the same technology. Today, 200 patent applications later, Fusion officials say the Japanese firm has pirated their technology and is using its economic clout to bully them out of the Japanese market.

On the face of this, the story goes on, the issues involved are small. Fusion's lamps, which are used in the production of semiconductor chips, optical fibers, circuit boards, packaging materials and other products, make up less than a $10 million market in Japan. For Mitsubishi Electric, which last year had revenues in excess of $12 billion, the microwave lamp business is a trivial one, but the case has attracted widespread interest in Congress, and the American business community is threatening a messy dispute about whether the Japanese patent process and corporate patent policies are unfair to American competitors.

"In Japan, this notion of big corporations forcing small corporations to cross license their technologies appears to be an all too frequent happening," said U.S. Trade Representative Michael Smith who met with representatives of Mitsubishi last week in Tokyo at Fusion's request in an attempt to resolve the dispute.

This article, incidentally, was written by Malcolm Gladwell.

"The Japanese say this is simply a company-to-company dispute," Smith said. We think it is more than that. It involves the basic issues of intellectual property, and this goes on and on, and really what this points up is how the technology from this country is reversed engineered overseas primarily in Japan and how they then move in to take over our technology. I will include all of that story in my remarks tonight.

[From the Washington Post, Apr. 26, 1988]

Rockville Firm Says Mitsubishi Stole Its Technology

(By Malcolm Gladwell)

Ten years ago, Fusion Systems Corp., a small high-tech company based in Rockville, sold one of its patented microwave lamp systems to the giant Japanese electronics conglomerate Mitsubishi Electric Co.

Two years later, the trouble started.

Mitsubishi began filing a steady stream of its own patent applications in Japan covering the same technology. Today, 200 patent applications later, Fusion officials say the Japanese firm has pirated their technology and is using its economic clout to bully them out of the Japanese market.

On the face of it, the issues involved are small. Fusion's lamps, which are used in the production of semiconductor chips, optical fibers, circuit boards, packaging materials and other products, make up less than a $10-million-a-year market in Japan. For Mitsubishi Electric, which last year had revenues in excess of $12 billion, the microwave lamp business is a trivial one.

But the case has attracted widespread interest in Congress and the American business community, threatening a messy dispute about whether the Japanese patent process and corporate patent policies are inherently unfair to American competitors.

"In Japan, this notion of big corporations forcing small foreign companies to cross-license their technology appears to be an all-too frequent happening," said Deputy U.S. Trade Representative Michael B. Smith, who met with representatives of Mitsubishi last week in Tokyo at Fusion's request in an attempt to resolve the dispute.

"The Japanese say that this is simply a company-to-company dispute," Smith said. "We think its more than that. It involves basic issues of intellectual property."

Mitsubishi officials, for their part, deny that their patent applications infringe on Fusion's product, and yesterday charged that the public campaign Fusion has waged against them in the dispute amounts to simple intimidation. Fusion's campaign has included everything from pressure on the administration from Maryland Sens. Barbara Mikulski (D) and Paul S. Sarbanes (D), last week's visit by Ambassador Smith, to a PBS documentary to be aired tonight.

"This is a cunning and savvy attempt by a U.S. company to generate political and media pressure against a Japanese company to get it to accept its commercial demands," said T. Sakurai, president of Mitsubishi Electric's U.S. subsidiary.

The dispute centers on attempts to find practical applications for the high-density heat generated by microwaves. Fusion, formed by five scientists in 1971, was the first in the field to market a microwave lamp.

Mitsubishi, which is the third-largest lamp producer in Japan, followed soon after, introducing in Japan what Mitsubishi officials say was a substantially different design but what Fusion claims was simply a copy of its technology.

Under Japanese law, Fusion has the right to challenge Mitsubishi's applications. The trouble is that the Maryland firm hasn't the legal resources to fight all 200 claims. In the meantime, officials of the company claim that Mitsubishi has been scaring off potential Fusion customers with hints of an impending patent battle.

The two firms have held a series of negotiations since 1985, but Fusion officials said they have gotten nowhere because Mitsubishi has insisted a settlement include access to Fusion's technology.

"We're not asking for protectionism or special access, because we're doing fine," said Fusion President Don Spero, whose rapidly growing firm had sales last year of $25 million. "But we would rather that the price of success not be that they get to steal our business."

Fusion's story is denied at almost every point by Mitsubishi officials, who say that it is Fusion, not Mitsubishi, that is guilty of patent infringement and that Spero disrupted serious negotiations to resolve the issue with a political compaign designed to make them "a second Toshiba." Toshiba's sale of sensitive technology to the Soviet Union last year provoked howls of protest and threats or retaliation from Congress.

The larger political debate over the Fusion-Mitsubishi dispute, however, has turned not so much on the details of the case but the light it sheds on a Japanese patent system that many American companies and trade authorities feel discriminates against foreign competitors.

"The lesson here is that the Japanese system is very perilous," said Fusion's Spero. "You go to a party and you think it's a canasta game and it turns out to be high stakes poker."

And then there is another story, a familiar story along the same line, but even a little more daring. This is a man whom I know who developed the Seiko watch out in California who has a similar story to tell, and it reveals how Seiko moved into his company, got major stockholding, and then pushed him out, and took all his patents over and, of course, has been making many, many millions on it. But this is a small company in California, Micro Power. And once again all of that story from the San Francisco Chronicle will be included in my extension of remarks.

This is a familiar story. I know a man who developed the Seiko watch who has a similar story to tell.

[From the San Francisco Chronicle, Apr. 21, 1988]

THE SEIKO ALLEGATION

EXEC CLAIMS FIRM TRIED TO SELL SECRETS

(By John Eckhouse)

Japanese electronics giant Seiko has tried to illegally transfer secret U.S. military technology to China, a local electronics executive has told Congress in sworn testimony.

Seiko attorneys call the allegations a complete fabrication by someone the company fired and who has filed a $110 million lawsuit against Seiko.

The accusation made by John Hall to an almost deserted Senate committee last month is reminiscent of the shocking disclosure last year that a subsidiary of Tokyo-based Toshiba sold key technology to the Soviet Union for use in submarines. This time, however, the technology in question was developed in the United States.

"It can vastly increase the accuracy of Chinese ballistic missiles," Hall, a 20-year Silicon Valley veteran who designed the advanced semiconductors, said in an interview. "You can practically fly a missile down a smokestack with that technology."

Hall, 55, is the founder of Micro Power Systems Inc. He charges that he was fired as president of Seiko—which now owns 62 percent of the Santa Clara company—for refusing to cooperate with the scheme to illegally transfer his technology to China.

"Seiko is on record as saying it categorically denies having transferred any technology it received from Micro Power to China," said John Hadlock, an outside counsel for Seiko Instruments, one of 26 subsidiaries of Hattori Seiko Co. Ltd. The Japanese conglomerate has about 7,500 employees involved in producing watches, clocks, computers, eyeglasses and jewelry and posted sales of 450 billion yen (about $3 billion) for the year ended March 31.

The mystery of whether the missile technology made its way from Santa Clara to China via Japan may never be solved. Hall admits that he does not know whether Micro Power and Seiko ever completed the deal. And neither the Pentagon nor the Department of Defense are willing to shed light on the matter.

A Commerce spokesman said the office of export enforcement is "aware of and reviewing" Hall's allegations, but as a matter of policy does not comment on whether a firm is under investigation. The official also said federal law prohibits him from releasing any information on export licenses, so he cannot confirm whether Micro Power ever applied for permission to send the technology to China.

Nevertheless, the incident provides an intriguing look at what can happen to U.S. technology controlled by foreign companies.

Hall founded Micro Power in 1971. He contributed inventions and technology, while Seiko invested $1 million in cash, provided a line of credit and got 51 percent of the stock.

About a quarter of the company's sales were to U.S. military contractors, who used Micro Power products in the B-1 bomber, anti-ballistic missiles, the Tiger tank and military space satellites. Hall said the company had grown to 450 employees and was highly profitable when he was fired in June 1986.

The reason for his dismissal, he claims, was his refusal to aid Seiko's repeated efforts to sell data converter technology to the Chinese. Hall said he cooperated at first. He made four trips to China to discuss the sale and then applied to the Department of Commerce for an export license, which is required for high-tech exports to 15 Communist countries.

Hall said he then received a visit from the CIA, and was advised that selling his company's products to China would not be in the best interests of the United States. Hall said he complied.

Hadlock said he is almost certain that Seiko knew nothing about Hall's dealings with the Chinese and certainly did not encourage that kind of business.

The digital-to-analog technology in question would have provided the Chinese missiles with what Hall described as 16 bit and higher accuracy with .003 percent linearity, more than 100 times the accuracy the Chinese missiles currently have.

In English, that means that if you fire an intercontinental missile, it is likely to fall within a two-mile radius of its target, instead of a 200 mile radius with the previous technology.

Three defense industry sources independently confirmed that part of Hall's assessment and verified his reputation as an engineer recognized internationally for developing advanced semiconductor designs and technologies.

"I certainly think that if China were to be sold the same technology that was available from Micro Power, their missile accuracy would be several orders of magnitude better than what they have now," said a former engineer at the company who now works for another defense-oriented firm. But the experts noted that Micro Power was hardly the sole source of the technology, although it had the highest-speed, highest-power chips.

"Micro Power makes very good analog-to-digital and digital-to-analog converters, but that is where the story ends," said a high-tech industry executive, whose own company produces similar products. "How the products are used is up to whoever buys them and I don't think you will ever find that out."

Seiko's attorneys say Hall is spreading false stories in order to get revenge for having been fired after 15 years as president and chief executive of Micro Power. They note that Hall has filed a $110 million suit against Micro Power and Seiko, claiming wrongful termination, breach of contract, fraud and conspiracy.

"This is all part of his lawsuit," Hadlock said of Hall's claims and his attempt to solicit support in Washington.

Hall, who uses the plural "we" when talking about himself, bristles at such a suggestion.

"We have a very high probability of recovering our losses through court action and we don't need the help of Congress," he said from the office of his new semiconductor company. Hall said he gave up any chance for an out-of-court settlement by choosing to be patriotic and enlisting the support of several members of Congress, who are worried by what may be a glaring loss of key technology.

"If that chip has all those characteristics which we have been led to believe by technical experts—independent experts we've talked to, not John Hall—then it would be a very grave situation if it had been put into the hands of a foreign country which we are not sure is a friend or enemy," said Pat Wait, administrative assistant for Representative Helen Bentley, R-Maryland.

Seiko said the allegations against it "are baseless and without merit." To back that up, the company hired consultant Richard Popkin, former deputy for policy to the assistant secretary of Commerce for trade administration.

"We determined that, quite the contrary, none of the technical data (owned by Micro Power) has been so sensitive as to even require the company to apply to the Commerce Department for a validated export license," Popkin said. A Commerce spokesman said a foreign company generally is allowed to transfer to its home country any technology obtained through its ownership of U.S. companies.

"John Hall's concern is that the technology can then be transferred from Japan elsewhere without U.S. government control," said Hall's attorney Rob Bunzel. Hall steadfastly refused "sizeable monetary carrots" offered by the Chinese if he would sell them his technology, said Bill Reister, who was general manager of Micro Power's custom products division at the time Hall was president of the company.

Regarding Hall's charges that he was removed for protesting the technology sale to China, Micro Power offers a far different version of events. The company said Hall simply lacked the management skills required to run the company after it had reached its present size.

"The board of directors became convinced that somebody was needed with managerial skills that Mr. Hall didn't have and they sought to bring someone in," said Robert Venning, legal counsel for Micro Power Systems.

Hall and his attorney question that rationale, given Hall's track record as founder-president-chief executive.

"He had less than $3 million in capital over a 15-year period during which he grew the company to 480 employees and an annual sales rate of $50 million," Bunzel said. "That is not only good management, that is almost unparalleled management in Silicon Valley."

Hall said that after his dismissal Seiko moved most manufacturing operations to Japan, laid off more than 200 employees and left Micro Power in an unprofitable state, unable to make a planned public offering of its stock.

"This is not isolated, we know of at least two other companies this has happened to," Hall said. In the 1970s, Seiko financed two groups of entrepreneurs who founded Micro Display Systems in Texas and Computer Optics in New York. Hall claims that Seiko eventually transferred the companies' technology to Japan, then left the firms to flounder and die.

"We don't think Seiko has a pattern of investing in companies in order to take advantage of their technology," Hadlock said in response.

Hall owned 15 percent of the stock in Micro Power when he left the company, but he said the stock now is worthless. At present, Hall is president of Linear Integrated Systems, a small semiconductor company he founded last year to manufacture chips designed by other firms.

Another example of what happened to a small firm is the Aunyx Corp. of Hingham, MA. It looked like the small firm was going to win, but this time our own people turned against them.

AUNYX, CORP.,
Hingham, MA.

Hon. HELEN DELICH BENTLEY,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN BENTLEY: I am writing to you regarding a law suit that Aunyx Corporation filed against Canon U.S.A. A wholly owned subsidiary of Canon Japan.

We filed the law suit through the International Trade Commission in Washington, D.C. Our goal was to seek relief through an embargo of Canon products or a cease and desist order which the I.T.C. has the power to administer. I think the particular articles we enclosed will give you a broad view of our allegations against Canon.

HISTORY OF THE CASE 1986–1988

1. The I.T.C. voted 6-0 to initiate the investigation into Canon in August of 1986.

2. The investigative staff came out in favor of Aunyx during their investigation and even recommended stronger actions against Canon to the Administrative Law Judge.

3. The Administrative Law Judge heard the case and found Canon guilty of violation of section 337 of the Tariff Act of 1930.

4. The Commissioners reviewed and reversed the Judge's decision on February 22, 1988 by 6-0.

It came to my attention after the Commissioners decision that an individual from the office of General Council who advises the Commissioners was recently employed by Covington & Burlin, who are Canon's Council in Washington.

It seems unethical that an individual would sit in on a decision and advise the Commissioners in this case.

All our politicians, Republicans and Democratics, tell U.S. Businessmen how we have to become more competitive with the Japanese. We are a 5 million dollar company, Canon is a 2.5 billion dollar company, they virtually monopolize the whole market for these products which is unheard of in our industry, and unprecedented in any industry in general.

Aunyx has gone from 85 employees down to 24 and frankly they have us breathing through the bamboo shoot.

I personally can walk away from this business and give in, that thought gives me knots in my stomach as it is another market that we have allowed the Japanese to dominate. I feel with all my heart that if we just keep giving in and letting the Japanese buy us that our children will not have the same opportunities and dreams we all had.

The market we are fighting for is a 500 million dollar market with the new products coming out and on the drawing board. Aunyx's market share could have been between 15% and 20% of this market. Other U.S. Manufacturers have sent statements into the Commissioners expressing their interests in manufacturing the Canon brand toner, IBM, Nashua Corp., Xerox.

It is ironic that in 1985 there were 17 independent toner manufacturers and in 1988 there are only 4 manufacturers left.

I cannot imagine a Japanese Commissioner handing a Japanese firm this decision in Japan, after being found guilty by a Judge.

I am not upset with the Japanese as they are going to keep taking markets if we so readily give them away. I am deeply concerned with our system when it does not support a level playing field and fair play.

Several close friends of mine called me after the decision to encourage me to go on and that is what prompted this letter to you. One of them told me about a cartoon that he had seen in the newspaper which depicted a guy inside a train tunnel asking the question whether he was seeing the light at the end of the tunnel or was it a freight train coming at him. I honestly do not know but being run over by a freight train seems better than cutting and running!

I would appreciate it if your office could look into this matter and get back to me at Aunyx, if nothing else, but to let me know somebody with authority out there cares.

Sincerely,

ROBERT J. LANGONE,
President.

□ 1755

I must say, Mr. Speaker, that I have been receiving too many of these letters from small manufacturers all over the country who are writing and saying, "Does anybody out there care? Does anybody in Washington care? Do they really care what is happening to the small individual businesses around the United States."

I want Mr. Langone and others out there to know, yes, we do care, and I will certainly look into that with the ITC. I think it is outrageous and it certainly smells bad. I must say that it smells bad when the commissioners reverse their decision like that, six to nothing, when the administrative law judge had found and supported that this had been a violation of our laws.

This is a cry for help from American business when the president of a small firm asks, "Let me know somebody out there with authority really cares."

The story from the Christian Science Monitor, which I am going to include, explains fully what did happen.

I might note that Aunyx has filed a $300 million antitrust lawsuit against Canon in the Federal district court in Boston; however, this case could drag on for many years.

I hope that Mr. Langone will receive support, enough support to keep him fighting and I am going to urge many of my colleagues here to help this man and let us look into the action of the International Trade Commission.

Then there is another story again concerning trade with Japan. This time this is from the Japan Economic Journal. As we hear about what they are doing over here, we also need to examine what is behind their strategy of targeting American firms for their business and products. This particular article of April 16 shows that the Japanese are anything but contrite for Toshiba's actions. To them it is another thing that probably should have happened and could happen again. In fact, they doubt that the machine tools sold to the Soviets helped make the submarines any quieter.

This article is entitled, "Two Allies Which Do Not See Eye to Eye." It is written by Mr. Masahiko Ishizuka and it points out that ever since the issue surfaced following United States accusations, that the Japanese machinery company; namely, Toshiba, was secretly selling milling machines to the Soviets, thus allegedly helping the Russians to reduce the noise of propellers on their nuclear submarines.

The Japanese have persistently viewed the company, and for that matter, Japan as a whole, as an unlucky victim of United States policy of Japan bashing. There is no sense of a sincere admission of guilt, nor has there been a genuine apology to the United States and other countries in the western alliance that form Cocom.

This is written, once again I want to point out, in a Japanese journal, the Japan Economic Journal of April 16.

It points out that the illegal sale of machine tools would not have become an issue at all if the United States had not made it public, thereby forcing the Japanese Government to act.

I might note here, just inserting, that it was in December 1986 when our Government first notified the Japanese about this Toshiba sale and nothing happened until Congress heard about it and in the summer we took action and we have been fighting ever since, since last July.

The article by Mr. Ishizuka goes on to say that the Japanese are even inclined to see the entire affair as a sinister United States plot designed to place Japan in a difficult position.

The Japanese are still doubtful that the machine tools sold by Toshiba Machine really helps the Soviets make quieter submarines.

So it goes on and on and makes another remark that the Japanese can afford to stay this way because they have left military matters and security arrangements largely to the Americans following the post-war cast of bilateral relations in the fixed roles of victor and vanquished.

When I say that they can afford to stay that way, it is; namely, that they can afford to be nonchalant about security.

Clearly, this is an area in which the Japanese and Americans do not see eye to eye, Mr. Ishizuka says. This is potentially dangerous for the two countries' relations. The danger is particularly acute because the United States and Japan are the two most powerful and closely interdependent economies in the world and Japan's continuing growth as an economic power requires a major recasting of the framework of the two countries post-World War II relations.

Mr. Speaker, I include the entire article by Mr. Ishizuka, as follows:

[From the Japan Economic Journal, Apr. 16, 1988]

TWO ALLIES WHICH DO NOT SEE EYE TO EYE

(By Masahiko Ishizuka)

The Toshiba issue, which began a year ago with the uncovering of Toshiba Machine Co.'s illegal export of high-tech machine tools to the Soviet Union, continues to attract attention, with many U.S. lawnmakers trying to legislate punitive measures against the Japanese industrial giant. The Japanese argue that Toshiba has already been punished enough, morally and in terms of actual business. They also claim that the case has efficiently been brought to a conclusion by the recent Japanese court verdict finding Toshiba Machine guilty of violating the Japanese trade law that conforms to the COCOM rule prohibiting sales of specific machinery and technology to the Communist Bloc.

Has the case really been closed? Probably not, at least in terms of the way the Japanese look at their relations with the U.S.

Ever since the issue surfaced following U.S. accusations that the Japanese machinery company was secretly selling milling machines to the Soviets, thus allegedly helping the Russians to reduce the noise of propellers on their nuclear submarines, the Japanese have persistently viewed the company and, for that matter Japan as a whole, as an unlucky victim of a U.S. policy of "Japan bashing" There is no sense of a sincere admission of guilt, nor has there been a genuine apology to the U.S. and other countries in the Western alliance that form COCOM.

The sole Japanese concern has been to avoid offending the U.S. further. The illegal sale of machine tools would not have become an issue at all if the U.S. had not made it public, thereby forcing the Japanese government to act. The Japanese are even inclined to see the entire affair as a sinister U.S. plot designed to place Japan in a difficult position.

The Japanese are still doubtful that the machine tools sold by Toshiba Machine really helped the Soviets make quieter submarines. There has been a flurry of reports that suggest an absence of firm evidence. The question, then, is why the Japanese did not try to assert such doubt, instead of quickly accepting the American charge on the moral, administrative and juridical levels. Did they simply follow from a desire to appease the Americans, rather than from a sincere respect for the COCOM rule?

A further question concerns Japan's own philosophy and grand design for world strategy with regard to the relationship between economic power and international security. Japan's position in this respect is unclear if one concludes that the Japanese do not take COCOM seriously. Although the Japanese pretend, or like to believe, that their foreign policy is built on the Peace Constitution, they do not seem to have full confidence in its workability.

The situation is similar with regard to trade with South Africa. The best way to describe the Japanese attitude here is "reluctant compliance" under mounting international pressure, from the U.S. in particular.

How, then, can the Japanese afford to be nonchalant about security? Their negativism about military matters does not seem to be based on a positive assertion of the pacifist view of world affairs. The Japanese can afford to stay this way because they have left military matters and security arrangement largely to the Americans following the postwar cast of bilateral relations in the fixed roles of victor and vanquished. This explains why the Japanese react to Americans on sensitive issues of a military or moral nature with apparent indifference or even furtiveness.

Clearly, this is an area in which the Japanese and the Americans do not see eye to eye. This is potentially dangerous for the two countries' relations. The danger is particularly acute because the U.S. and Japan are the two most powerful and closely interdependent economies in the world and Japan's continuing growth as an economic power requires a major recasting of the framework of the two countries' post World War II relations.

A final item that I will include this evening, I want to point out that it is not really Japan bashing. These stories are telling what our businesses are facing and what the Japanese attitude is. My father used to tell me you could tell who your friends were by the way they acted. I do not believe they act friendly much of the time, although they say they are.

Another story from the Japan Economic Journal of April 16 shows the attitude the Japanese have if we insist on playing according to the rules, and that attitude is, namely, that they are going to get away with whatever they can.

The article is headed "Critics Fear U.S. Veto in Technology Pact," and they point out:

[From the Japan Economic Journal, Apr. 16, 1988]

CRITICS FEAR U.S. VETO IN TECHNOLOGY PACT

(By Yuko Inoue)

The basic agreement reached by Japan and the U.S. March 30 on a science and technology cooperation pact revision has raised concerns among Japanese academics and companies that the pact could lead to future concessions by Japan in sensitive high-tech development.

The primary worry is the phrase "national security considerations," which will be included in the pact as a concession to U.S. demands. The Japanese government had been opposed to the phrase, which is intended to curb the outflow of high-tech information to third countries, saying such a provision does not fit in a pact supposedly based on friendship.

Details of the broad agreement, reached by Deputy Chief Cabinet Secretary Ichiro Ozawa and U.S. Deputy Secretary of State John Whitehead in Washington on March 30, are yet to be revealed. Ozawa said that the pact will mention "national security considerations," but that it will not require any changes in current Japanese and U.S. legislation. He also said that property rights stemming from joint studies, another focal point of the eight-month negotiations, will be divided by the two countries according to which side supplied how much money, personnel and other resources.

The revision of the pact came at a time when Japan's high-tech industries are complaining about what they call "an enclosure and absorption" of high technology with military applications by the U.S. Some high-tech products developed and used in Japan in consumer electronics appliances, such as charge coupled devices, an image sensor used in VTRs, are considered sensitive military technology in the U.S. Yukio Shimura, managing director of Kogyo Chosakai Publishing Co., anticipates serious technology friction in the area of superconductors, for instance. Battery storage devices and electromagnetic ship propelling systems based on superconductive technology now being studied actively by the private sector are considered sensitive military technology.

Meanwhile, government officials involved in negotiating the revision of the science and technology pact say the agreement would not introduce big changes in the way research is done in Japan and how it is transferred from the country, because Japan does not intend to introduce new legislation to control the outflow of technology specifically on the basis of national security.

"The new pact confirms the practice that has been going on in Japan and the U.S.," says Seigi Hinata, director at the science division of the Ministry of Foreign Affairs. Another official at the Science and Technology Agency says the pact's primary objective is to promote the development and dif-

> fusion of technology, but that it includes a clause that, in exceptional cases with national security implications, the two nations should abide by their respective domestic laws.
>
> Shimura, however, says the pact should be considered in connection with the recent Japan-U.S. consent to strengthen the agreement on defense patent rights, under which Japan is obliged to uphold the secrecy of military technology patents in Japan that are held in confidence by order of the U.S. Pentagon.
>
> "The most probable outcome of the concession in the latest negotiations is that Japan will simply have to comply with U.S. requests for strengthening control over technology transfer in the future," he said. He reasoned that Japan's bargaining power in negotiations with the U.S. is weak, because of its special status—being placed under the military umbrella of the U.S.

I think we have reason to question such a pact, that we could depend on such a pact and that the secrets would be retained within the boundaries of the two countries because of friendship. We have seen other signs that this is not true.

It points out also that the new pact confirms the practice that has been going on in Japan and the United States, namely, that in science and technology the pact's primary objective is to promote the development and diffusion of technology, but that it includes a clause that in exceptional cases with national security implications, the two nations should abide by their respective domestic laws. That, of course, raises big questions in this country.

This points up one other item, Mr. Speaker, in connection with the Defense authorization bill which are considering on the floor this week, namely, of stopping the sale of the Aegis missile cruiser to Japan, or at least make it impossible for them to have the technology at hand by giving them the technology and then letting them build the ship parts so that they would have to get into the technololgy early on and would be able to reverse engineering. We have seen here in some of the articles that I have read about how clever they are in reverse engineering. We must protect what we have, at least at this point, what has not been stolen from us already or taken from us.

I would hope that when Chairman BENNETT's amendment on the Defense authorization bill concerning the Aegis is brought up on the floor that my colleagues will support it.

Once again, I just want to point out that this technology is very, very vital to the United States of America.

ACID RAIN LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. JEFFORDS] is recognized for 60 minutes.

Mr. JEFFORDS. Mr. Speaker, it was only a few moments ago that we had the honor of listening to the Prime Minister of our neighbor to the north, Mr. Mulroney. I found myself quite inspired by the gentleman and inspired by his remarks. I would like to talk and comment on two of the issues which he brought up. First of all, I would like to take a look at his comments on acid rain and then, second, talk about the Canadian Trade Agreement.

I would like to reiterate his note of urgency on this issue, because it's time for this Congress to deal head on with this devastating environmental problem. Our lakes and streams and trees can wait no longer for relief from the highly acidic precipitation that bathes them in death and destruction.

> We are doing everything we can to clean up our own act—we have concluded agreements with our provinces to reduce acid rain emissions in Eastern Canada to half their 1980 levels by the year 1994. But that is only half the solution—because the other half of our acid rain comes across the border, directly from the United States, falling upon our forests, killing our lakes, soiling our cities.
>
> The one thing acid rain does not do is discriminate. It is despoiling your environment as inexorably as it is ours. It is damaging your environment from Michigan to Maine, and threatens marine life on the Eastern Seaboard.
>
> It is a rapidly escalating ecological tragedy in this country as well. Just imagine the damage to tourism and recreation; to timber stands and fishing streams; to your precious heritage—if this is not stopped.
>
> We acknowledge responsibility for some of the acid rain that falls in the United States, and by the time our program reaches projected targets, our export of acid rain to the U.S. will have been cut by an amount in excess of 50 percent. We ask nothing more than this from you.

I was appalled to read in today's paper that, at a time when we are pushing hard for Congress to reduce acid rain pollution, our negotiators in Geneva are pushing hard to increase it. This is unacceptable and unconscionable. We should be achieving further reductions in these emissions—not increasing emissions.

Last year we extended the Clean Air Act deadlines to give us time to work out solutions and still address the issue in this session of Congress. Let's get on with it.

In the last century, underground coal miners, afraid of being killed by poisonous gases without warning, placed canaries in their mines. They knew that if the fragile bird became silent and died, then their lives, too, were in jeopardy. At that point, the time for debate and passed.

Our dead and dying trees and our dead and dying lakes are the canaries of this generation on this issue. It should be obvious to us all—the time for this debate, too, has passed. We need to act now.

We cannot rightfully call ourselves a world leader on an issue as important as this if we are leading no one. We have the opportunity, both here and in Geneva, to make historic headway in curbing acid rain. Let's do it, and stop studying whether we should.

It should not be up to Canada's Prime Minister to have to implore this Congress to do something about a pollution problem that is hurting both our countries. We ourselves should be doing something, and I would urge all my colleagues to support legislation that is pending that would address this problem.

Prime Minister Mulroney's call for cooperative action certainly has a precedent in other areas. Just recently, as the Prime Minister himself pointed out, our two countries negotiated the United States-Canadian Free Trade Agreement—an agreement that could greatly benefit the economies of both Canada and the United States.

The agreement would send a strong message to the rest of the world that we are serious about free trade and that we are willing to act to encourage trade with our friends who feel the same.

The free trade agreement is an important and historic step toward expanding international trade and removing trade barriers. We've all heard the statistics—125 billion dollars' worth of goods traded between our two countries in 1986 alone. The bottom line is a long-term commitment to free trade by the two largest trading partners in the history of the world.

And you know what? The Europeans and the Japanese are nervous. In fact, many countries that openly use unfair trade practices are nervous because the United States and Canada will be in a strong position to challenge their unfair trade practices during the Uruguay round of the GATT.

Underlying the United States-Canada Free Trade Agreement is a certain sense of confidence about our country's ability to compete in the global marketplace. We have the confidence to say to the world that we can compete—not just hold our own but expand—in a global marketplace free of restrictive trade barriers.

□ 1810

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4264, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 100-590) on the resolution (H. Res. 436) providing for the further consideration of the bill (H.R. 4264) to authorize appropriations for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such department for fiscal year 1989, to amend the National Defense Authorization Act for fiscal years 1988 and 1989, and for other purposes, which was referred to the House Calendar and ordered to be printed.

TENTH ANNIVERSARY OF NATIONAL CONSUMER COOPERATIVE BANK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. Wylie] is recognized for 60 minutes.

Mr. WYLIE. Mr. Speaker, this year marks the 10th anniversary of the chartering of the National Consumer Cooperative Bank. It seems only yesterday that George Dunlop, Frank Sollars, Frank Lair, and Carl Stitzline came to Washington to sell me on the idea which resulted in legislation creating the National Consumer Cooperative Bank. Later on I was invited by the then CEO of Nationwide Insurance Cos, Dean Jeffers, to have lunch with him, John Fisher, the present CEO, George Dunlop, Frank Sollars, and Dick Bull for another discussion on the subject. I was told the chairman of the House Banking Committee Henry Reuss and Congressman St Germain would put in legislation to create the bank, if I would go on as a cosponsor and help work for its passage. They sensed that my putting in the bill without the help of Reuss and St Germain would not enhance the prospect of success in passing legislation. Also, they wanted it to have a bipartisan flavor. The House finally passed the bill by a vote of 199 to 198, so it can be said my vote made the difference. Of course, 198 others could say the same.

In the Senate, majority leader Robert Byrd was, of course, crucial. But so was the support of minority leader Howard Baker and Bob Dole.

After the bill was signed into law, President Carter sent up his list of names for confirmation as directors of the bank board. But one name was missing—Frank Sollars. Senator Richard Lugar helped us by holding up proceedings until we could add two more places on the Board—one of which went to Frank Sollars.

Then we went through the David Stockman milestone. He didn't like the bank and axed it in the budget. With the help of 19 other Republicans we got some money to continue the bank until a proposal to privitize the bank was made attractive.

There were many more heroes but one of its biggest heroes, Frank Sollars, is stepping aside as chairman of the bank. He is being honored in Washington this week for making one of the most unique experiments of its kind a success. At my request, Gersh Gershater has sent me a paper on the National Cooperative Bank which I would refer to at this point. He writes: "Today, the bank—now known as the National Cooperative Bank [NCB]—is a private, cooperatively owned financial institution, providing commercial banking services to cooperative businesses throughout the United States and its territories.

A few years ago, an account officer at a regular commercial bank characterized the NCB as a bank that did not take deposits or open checking accounts, as a financial institution that made loans but did not borrow money, as an entity established by an act of Congress but not owned or managed by the Federal Government, and finally, as a bank that dealt only with cooperatives.

True enough. NCB's enthusiasm for the cooperative form of business makes good economic sense, in large part because of the valuable contributions that co-ops make to the standard of living in the United States. The cooperative businesses being financed by NCB are every bit as sound and eager for success as are the publicly owned, profit-oriented companies, in fact, many co-ops strive for even higher goals, because their members sense that they are more in control of their own future.

Recognizing the difficulties that consumer organizations, urban groups, and community-development institutions sometimes experienced in obtaining credit from traditional sources—commercial bankers often considered them to be relatively risky customers—the Congress acted, in August 1978, to authorize creation of the National Consumer Cooperative Bank.

The NCCB was intended to benefit consumers, and the $300 million in seed capital needed to get loan programs started was provided by the Federal Government over a 5-year span.

This program, however, was by no means designed to be some sort of "give-away" of Federal dollars—quite the contrary. Loans are made at interest rates prevailing in the financial markets, on a sound business basis.

This was an important act not-for-profit cooperatives were not authorized to borrow from the Small Business Administration and needed a lending source suited for their requirements. Under the charter of the National Consumer Cooperative Bank, it could lend only to cooperatives—excluding credit unions and mutual savings banks—that demonstrated an ability to repay borrowed funds.

An interesting feature of the enabling legislation of 1978 was the requirement that co-ops borrowing from the bank would have to buy shares in it, so that in time the startup money provided by the Federal Government would be repaid and the bank would be privatized. The Federal Government has until 2 a.m. to report been repaid-every cent.

In examining the establishment and early history of the bank, we must credit several sources.

The original concept of a bank that would raise money for loans, through the sale of bonds, debentures, and notes, was developed in the early 1970's by the Cooperative League of the USA, since then renamed the National Cooperative Business Association.

A name important in those early, conceptual days is that of Frank Sollars, from Washington Court House, OH. As a farmer, a banker, and member of the board of directors of both the Cooperative League and the Nationwide Insurance Co., Mr. Sollars had long understood the need for a financial services institution that would provide loans to qualified consumer cooperatives, coupled with technical assistance and advice and special funding arrangements for cooperatives reaching out to low-income people.

Mr. Sollars' contributions to the campaign for a National Cooperative Bank were considerable. He helped forge a coalition of 240 labor, cooperative, and public interest groups that planned strategy and coordinated testimony before the appropriate House and Senate committees, in behalf of the proposed legislation.

Following enactment of the bill into law—President Carter signed it on August 20, 1978—Frank Sollars chaired a 34-member bank implementation committee organized by the Cooperative League to insure smooth implementation of the new law.

The overriding intent from the beginning was thoughtful, precise design of the new institution, to assure the effective provision of credit and technical assistance to not-for-profit cooperative enterprises whose ownership and control lay with their member-users. In practice, the bank would act neither as a commercial bank nor as a savings institution, and it would provide financial services to groups, not to individuals.

By early 1981, when the bank had been in operation for a couple of years, it became increasingly evident that the time was ripe to get the bank off the Federal budget and proceed with the privatization envisaged in its original charter.

This was a quite difficult and complicated process—one in which Congressman Chalmers P. Wylie played a part, along with the distinguished chairman of the House Banking, Finance, and Urban, Affairs Committee, Fernand St Germain, of Rhode Island. "Privatization," of course meant conversion to full cooperative ownership, in which every tie between the bank and the Federal Government was to be severed. Simply stated, the bank was to be wholly private, in fact as well as in name.

This proved to be an arduous, demanding, and intricate process. Congressman Wylie, who ws working with the administration commented at the time, that "the process was a little more complicated than anyone had anticipated"—perhaps a masterpiece of understatement Hershater writes.

There was a huge array of questions that needed to be resolved: should a privatized co-op bank be exempt from State and local taxes? Who would be responsible to audit and examine such a bank? Should it be permitted to issue tax-exempt bonds? And a number of others questions debated at great length.

Finally, broad agreement was reached on how privatization of the bank was to be implemented. Included in the agreement were a number of key provisions:

Shares would be converted to notes;

Shareholders would elect 12 of the 15-member board—the President would appoint the remaining three;

The bank would be taxed under Federal cooperative statutes and exempt from State and local taxes, except property taxes;

The bank would not have to pay market interest until 1990 on class "A" notes that would mature on December 31, 2020;

Authority to sell shares would be broadened to include all public and private investors;

And audits and examinations would be conducted by the Farm Credit Administration and the Government Accounting Office.

After long consultations and many ups and downs Congressman St Germain called it a "perils of Pauline" serial—the legislation authorizing the privatization to bank and defining the bank's charter was approved by the Congress and signed by President Reagan.

On December 31, 1981, the National Cooperative Bank became officially privatized, totally owned by its cooperative shareholders. This was truly a first.

Special recognition should be given to John McLaughry who was then serving as Senior Policy Adviser at the White House. He summarized very well the true meaning of the privatization process. He said, "The bank, instead of being a beggar, now will be a banker. It will justify its loans. It has a substantial endowment that ought to be enough to cover the extra risks of loans to new co-ops or unproven borrowers. There weren't any losers in this deal."

Those were prophetic words. Today, the National Cooperative Bank—for the past 5 years under the dynamic leadership of President Thomas C. Condit, an executive of significant national banking experience and reputation—is the leading source of credit for the Nation's consumer, producer, and housing cooperatives. The bank's operations are conducted by a strong professional management team experienced in cooperative financing, banking, and financial management. In Tom Condit's words, "The bank is in excellent financial condition * * * it can and will continue to play a very major role in financing cooperatives."

The scope of the bank's operations has broadened noticeably in recent years. As a full-service commercial financial institution, the NCB offers an array of services comparable to banks across the country, plus specialized services designed with cooperatives in mind.

The bank can provide commercial and real estate loans, can arrange for special investment and developmental funding, and can structure a financial credit package to suit its clients' specific needs.

For example, one element of the bank, the Commercial Lending Group, extends term loans for major capital expenditures involving plant machinery and leasehold improvements, revolving loans to provide credit during expanded funding periods, letters of credit, and lines of credit to finance short-term businesses fluctuations.

Cooperatives that have utilized these services—from Anchorage to Orlando—include manufacturers, wholesale florists, employee-owned businesses operating under the employee stock ownership plan [ESOP's], food wholesalers, health maintenance organizations, cable systems, shared service cooperatives such as hospitals and credit unions, consumer-owned cooperative corporations, native American and tribal-owned businesses, and others.

Similarly, the bank's business development division works to investigate new markets for the bank and its subsidiaries and to devise new products and services. These activities promote the growth of the bank itself and enhance the number and quality of cooperative businesses.

The services provided by the business development division—application of the cooperative model, investment advisory services, financial consulting, and technical assistance—have been of great help to such cooperative growth industries as retirement housing, child care, health care, telecommunications, cooperative commercial real estate, and employee-owned businesses [ESOP's].

The bank also operates through several subsidiaries. The NCB Business Credit Corporation, for example, is earmarked to provide specialized corporate financial support for the cooperative marketplace.

The corporation augments other bank lending activities through such activities as asset-based lending, leasing, project financing, public and private debt placement, factoring, and mergers and acquisitions—especially employee-owned business transactions.

By using the Business Credit Corp., cooperatives can acquire upgraded data processing hardware, state-of-the-art medical analysis equipment, or a fleet of tractor-trailers. In this way, the corporation's cooperative customers fill their business needs, while concurrently reducing their cost-of-funds. Through creative lease arrangements, the corporation helps its customers benefit from available tax advantages that would otherwise not be possible.

Another bank subsidiary that performs specialized functions is the NCB Mortgage Corp., the mortgage banking arm of the bank's real estate group, serving all real estate loans originated by the bank and the Share Loan Service Corp. [SLSC]. In addition, the NCB Mortgage Corp. acts as the conduit for the sale of bank and Share Loan Service Corp. loans to secondary market investors, including the Federal National Mortgage Association ["Fannie Mae"], the Federal Home Loan Mortgage Corporation ["Freddie Mac"], Merrill Lynch Capital Markets, and Morgan Stanley Capital, Inc.

This ability to access secondary capital markets effectively, and to service cooperative loans efficiently, uniquely positions the NCB Mortgage Corp. as the leading mortgage banker in cooperative real estate.

The Share Loan Service Corp. just referred to is a cooperatively owned corporation that provides financing to individual members of housing cooperatives. The National Cooperative Bank is a minority shareholder in the Share Loan Service Corp. and manages its affairs through a contract with the corporation's board of directors.

The Share Loan Service Corp. continues to expand its retail network of eight State and the District of Columbia correspondent agents actively involved in providing financing to existing and new cooperative housing buyers. The corporation can originate loans from a minimum of $15,000 to a maximum of $2 million. SLSC has a full range of adjustable and fixed-rate products to serve individual buyer needs.

Another important subsidiary of the bank is the NCB Capital Corp., which does all borrowing on the bank's behalf, in both national and international money markets. This corporation augments the funds gained through the investment practices of the bank's main financial division and is responsible for maintaining the National Cooperative Bank's presence in money centers throughout the world.

Mr. Speaker, there is much more that could be said about the National

Cooperative Bank and the vital role that it plays in the cooperative community of America. Suffice it at this point to observe that the bank's record since 1982 argues persuasively that it represents a textbook case of privatization of a Federal agency, in an exceptionally competent and praiseworthy fashion.

If one may paraphrase Voltaire, "If the National Cooperative Bank did not exist, we would have to invent it."

Finally, Mr. Speaker, it is useful to project into the 1990's the bank's probable posture and scope of operations.

The bank expects to have $500 million in loans outstanding to cooperatives by 1990 and to be servicing an additional $500 million of cooperative loans sold to institutional investors.

Cooperative ventures take many forms. In the 1990's economic realities will move organizations and individuals in this country toward increased need for some form of "cooperative" arrangement to respond to the challenges associated with rapidly shifting markets, new competition, and endless technological change.

At the same time, employee-owned businesses [ESOP's] and groups of tenants purchasing their homes through cooperative associations mean that more and more of our citizens will have the opportunity to participate fully in the American economy.

The National Cooperative Bank is an organization in which we can all take pride. It is accomplishing the important goals we set for it, while at the same time accepting and thriving under the disciplines placed on it by the private capital markets.

Mr. Speaker, the National Cooperative Bank is a classic example of the success of the American free-enterprise system. I want to extend personal congratulations to all those in Washington this week for the annual meeting of the National Cooperative Bank. And to say you are persons of vision. It was a pleasure to be associated and work with you in this exciting venture.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Duncan (at the request of Mr. Michel), from Tuesday, April 26 until an indefinite period, on account of medical reasons.

Mr. Jacobs (at the request of Mr. Jacobs), for April 28 and 29, on account of family problems.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Baker of Louisiana) to revise and extend their remarks and include extraneous material:)

Mr. Wylie, for 60 minutes, today.

Mr. McEwen, for 5 minutes, today.

(The following Members (at the request of Mr. Gray of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. Rostenkowski, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Gonzalez, for 60 minutes, on April 29.

Mr. Gonzalez, for 60 minutes, on May 2.

Mr. Annunzio, for 60 minutes, on May 3.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Baker of Louisiana) and to include extraneous matter:)

Mr. Lujan.

Mr. Weldon.

Mr. Lent.

Mr. Green.

Mr. Crane in two instances.

Mr. Gekas.

Mr. Goodling.

Mr. Ritter.

Mr. Rowland of Connecticut in two instances.

Mr. Hyde.

Mr. DioGuardi in four instances.

Mrs. Johnson of Connecticut.

Mr. McDade.

Mrs. Morella.

(The following Members (at the request of Mr. Gray of Illinois) and to include extraneous matter:)

Mr. Kanjorski.

Mr. Hoyer.

Mr. Downey of New York.

Mr. Wolpe.

Mr. Sikorski.

Ms. Oakar.

Mr. Campbell.

Mr. Solarz.

Mr. Borski.

Mr. Florio.

Mr. Lantos in two instances.

Mr. Matsui.

Mr. Coleman of Texas.

Mr. Rangel.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2139. An act for the relief of John H. Teele;

H.R. 3971. An act to establish procedures to implement the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980, and for other purposes;

H.J. Res. 421. Joint resolution designating May 1988 as "National Digestive Disease Awareness Month";

H.J. Res. 508. Joint resolution designating May 1988 as "Older Americans Month"; and

H.J. Res. 541. Joint resolution commending the State of Israel and its people on the occasion of the fortieth anniversary of the reestablishment of the independent State of Israel.

ADJOURNMENT

Mr. WYLIE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, April 28, 1988, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3488. A letter from the Deputy Secretary of Defense, urging action on legislation proposed earlier this year to provide additional flexibility to solve the problems the Department is facing in the military personnel and operation and maintenance appropriations; to the Committee on Appropriations.

3489. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer to Saudi Arabia for Defense Articles estimated to cost $50 million or more (Transmittal No. 88-18), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

3490. A letter from the Secretary of the Air Force, transmitting a copy of the detailed unit cost report which addresses the increase in cost by more than 15 percent over the baseline unit cost on the Titan IV Program on which notification was previously forwarded (Ex. Com. No. 3219), pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

3491. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the U.S. Mint, for fiscal years 1989 and 1990, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Banking, Finance and Urban Affairs.

3492. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, "Fiscal Year 1987 Annual Report on Advisory Neighborhood Commissions." pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

3493. A letter from the Chairman, National Commission on Libraries and Information Science, transmitting the 16th annual report of the activities of the Commission covering the period October 1, 1986 through September 30, 1987, pursuant to 20 U.S.C. 1504; to the Committee on Education and Labor.

3494. A letter from the Secretary of the Treasury, transmitting reports from the U.S. Fish and Wildlife Service and the National Park Service on the activities of the Youth Conservation Corps Program operations in fiscal year 1987, pursuant to 16

U.S.C. 1705; to the Committee on Education and Labor.

3495. A letter from the Secretary of Education, transmitting a draft of proposed legislation to amend the Education of the Handicapped Act to revise the procedures for making preschool grants to the States, to combine the authorities for projects serving deaf-blind children and severely handicapped children, and for other purposes; to the Committee on Education and Labor.

3496. A letter from the Secretary of Labor, transmitting the Department's views on H.R. 1834; to the Committee on Education and Labor.

3497. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting information on the status of the final report on its review of emergency systems for monitoring, detecting, and preventing releases for extremely hazardous substances, advising that the formal review will be delayed until May, 1988, pursuant to 42 U.S.C. 11005; to the Committee on Energy and Commerce.

3498. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to permit the Federal Communications Commission to utilize value based assignments in awarding licenses for the use of the electromagnetic spectrum; to the Committee on Energy and Commerce.

3499. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer to Saudi Arabia for defense services estimated to cost $325 million (Transmittal No. 88-23), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3500. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer to Saudi Arabia for defense articles and services estimated to cost $500 million (Transmittal No. 88-18), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3501. A letter from the Chairman, National Drug Policy Board, transmitting a report of the progress of the United States/Bahamas Drug Interdiction Task Force, pursuant to 21 U.S.C. 801 nt;. to the Committee on Foreign Affairs.

3502. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Daniel Anthony O'Donohue, of Virginia, Ambassador Extraordinary and Plenipotentiary-designate to the Kingdom of Thailand, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3503. A letter from the Administrator, Agency for International Development, transmitting the position of the Agency on H.R. 4049; to the Committee on Foreign Affairs.

3504. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting a report on new contracts having a total estimated cost or price in excess of $100,000 which the Agency entered into without competitive selection procedures during the period October 1, 1986 to September 30, 1987, pursuant to 22 U.S.C. 2394(a); to the Committee on Foreign Affairs.

3505. A letter from the Comptroller General, transmitting a list of the reports issued by the General Accounting Office during March 1988, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

3506. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's annual report of its activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3507. A letter from the Chairperson, Retirement Trust, Navy Resale and Services Support Office, Department of the Navy, transmitting the report for the 1986 plan year on the Navy Resale and Services Support Office retirement plan, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3508. A letter from the Assistant Secretary for Health, Public Health Service, Department of Health and Human Services, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3509. A letter from the Chairman, Federal Election Commission, transmitting a copy of the annual report of the Commission's compliance with the Government in the Sunshine Act for calendar year 1987, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3510. A letter from the Chairman, Federal Trade Commission, transmitting a copy of the annual report of the Commission's compliance with the Government in the Sunshine Act for calendar year 1987, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3511. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3512. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3513. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3514. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting the Corporation's 1987 annual report: "The Second Decade—The Fifth Year", pursuant to 40 U.S.C. 880(a); to the Committee on Interior and Insular Affairs.

3515. A letter from the Chief Justice of the United States transmitting amendments to the Federal Rules of Civil Procedure adopted by the Court, pursuant to 28 U.S.C. 2072 (H.Doc. No. 100-185); to the Committee on the Judiciary and ordered to be printed.

3516. A letter from the Chief Justice of the United States transmitting amendments to the Federal Rules of Criminal Procedure adopted by the Court, pursuant to 18 U.S.C. 3771, 3772 (H.Doc. No. 100-186); to the Committee on the Judiciary and ordered to be printed.

3517. A letter from the Chief Justice of the United States transmitting amendments to the Federal Rules of Evidence adopted by the Court, pursuant to 28 U.S.C. 2076 (H.Doc. No. 100-187); to the Committee on the Judiciary and ordered to be printed.

3518. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to Federal and State courts to permit the interception of wire, oral, or electronic communications during calendar year 1987, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

3519. A letter from the Special Counsel, U.S. Merit Systems Protection Board, transmitting a copy of the report submitted by the Secretary of the Navy of his investigation into allegations of mismanagement, abuse of authority and a danger to public health and safety at the Naval Weapons Center, China Lake, CA, pursuant to 5 U.S.C. 1206(b)(5)(A); to the Committee on Post Office and Civil Service.

3520. A letter from the Executive Secretary of Defense transmitting the Department's report of procurement from small and other business firms for October 1987 through February 1988, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

3521. A letter from the Inspector General, Department of Health and Human Services, transmitting a copy of his report entitled, "Social Security Client Satisfaction: Fiscal Year 1988"; to the Committee on Ways and Means.

3522. A letter from the Secretary of Agriculture transmitting the third quarterly commodity and country allocation table showing current programing plans for food assistance under titles I and III, for fiscal year 1988, pursuant to 7 U.S.C. 1736b(a); jointly, to the Committees on Agriculture and Foreign Affairs.

3523. A letter from the Comptroller General, General Accounting Office, transmitting a report on the financial statements of the Federal Deposit Insurance Corporation for the years ended December 31, 1987 and 1986, and reports on the Corporation's system of internal accounting controls and its compliance with laws and regulations (GAO/AFMD-88-43; April 1988); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Select Committee on Children, Youth, and Families. Report on a generation in jeopardy: children and AIDS (Rept. 100-588). Pursuant to section 206 of House Resolution 12, referred to the Committees on Energy and Commerce and Education and Labor, and ordered to be printed.

Mr. ROE: Committee on Science, Space, and Technology. H.R. 4419. A bill to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974 (Rept. 100-589). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House Resolution 436. A resolution providing for the further consideration of H.R. 4264, a bill to authorize appropriations for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, to amend the National Defense Authorization Act for Fiscal Years 1988 and

1989, and for other purposes (Rept. 100-590). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Omitted from the Record of Apr. 26, 1988]

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2806. A bill to amend the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) to permit temporary use by Federal departments and agencies of public lands controlled by the Bureau of Land Management, Department of the Interior; with amendments; referred to the Committee on Armed Services for a period ending not later than May 20, 1988, for consideration of such provisions of the bill and amendments as fall within the jurisdiction of that committee pursuant to clause 1(c), rule X (Rept. 100-587, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SCHULZE (for himself, Mr. Cheney, Mr. Solomon, Mr. Morrison of Washington, Mr. Armey, Mr. Lagomarsino, and Mr. McEwen):

H.R. 4470. A bill to provide for Federal monetary awards payable to persons who provide information leading to the arrest and conviction of individuals for the unlawful sale, or possession for sale, of a controlled substance or controlled substance analogue; to provide for incentive awards to States payable from certain funds arising from forfeitures under Federal drug laws; and to provide for the retirement of all U.S. notes of the denomination of $100 and their replacement with new notes in such denomination; jointly, to the Committees on the Judiciary and Banking, Finance and Urban Affairs.

By Mr. FASCELL (for himself, Mr. Bonker, Mr. Mica, Mr. Broomfield, and Ms. Snowe):

H.R. 4471. A bill to amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation, to make supplemental authorizations of appropriations for the Board for International Broadcasting, and for other purposes; to the Committee on Foreign Affairs.

By Mr. CRAIG (for himself, Mr. McEwen, and Mr. Hunter):

H.R. 4472. A bill to repeal certain provisions of law requiring the installation of transponders in all aircraft; to the Committee on Public Works and Transportation.

By Mr. DOWNEY of New York (for himself, Mr. Jenkins, Mr. Russo, Mr. Matsui, Mr. Moody, Mr. Mrazek, Mr. Hochbrueckner, Mrs. Collins, Mr. Dellums, Mr. Hatcher, Mr. Moakley, Mr. Weiss, Mr. Dornan of California, Mr. de Lugo, Mr. Morrison of Connecticut, Mr. Lehman of Florida, Mr. Lantos, Mr. Waxman, Mr. Bryant, Mr. Wilson, Mr. Campbell, Mr. Hall of Ohio, Mr. Lagomarsino, Mr. Slattery, Mr. Towns, Mr. Marlenee, Mr. Williams, Ms. Pelosi, Mr. Atkins, Mr. Clay, Mr. Bustamante, Mrs. Boxer, Mr. Erdreich, Mr. Levine of California, Mr. Shays, Mr. Richardson, Mr. Lowry of Washington, Mr. Panetta, Mr. Green, and Mr. Ballenger):

H.R. 4473. A bill to amend the Internal Revenue Code of 1986 to exempt free lance authors, photographers, and artists from the capitalization rules added by the Tax Reform Act of 1986, and for other purposes; to the Committee on Ways and Means.

By Mrs. ROUKEMA:

H.R. 4474. A bill to provide for an extension of at least 1 year in H-1 visas for nurses whose visas expire between January 1, 1988, and September 30, 1989; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 4475. A bill to terminate the provision permitting the sale of tax benefits by Alaska Native corporations; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 4476. A bill to amend title 28, United States Code; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself, Mr. Akaka, Mr. Anderson, Mr. Aspin, Mrs. Bentley, Mr. Bevill, Mr. Blaz, Mrs. Boxer, Mr. Brown of Colorado, Mr. Bunning, Mr. Cardin, Mr. Carr, Mr. Clarke, Mr. Coelho, Mr. DeFazio, Mr. de Lugo, Mr. Dicks, Mr. Donnelly, Mr. Espy, Mr. Frenzel, Mr. Fuster, Mr. Gray of Illinois, Mr. Green, Mr. Guarini, Mr. Hatcher, Mr. Hochbrueckner, Mr. Horton, Mr. Johnson of South Dakota, Mr. Jones of North Carolina, Mr. Kleczka, Mr. Konnyu, Mr. Kastenmeier, Mr. Lantos, Mr. Leland, Mr. Manton, Mr. Martin of New York, Mr. McMillen of Maryland, Mr. Miller of California, Mr. Montgomery, Mr. Mrazek, Mr. Murphy, Mr. Panetta, Mr. Pickett, Mr. Quillen, Mr. Ravenel, Mr. Richardson, Mr. Roe, Mr. Sabo, Mr. Schuette, Mr. Shumway, Mr. Skaggs, Mr. Staggers, Mr. Stratton, Mr. Udall, Mr. Vander Jagt, Mrs. Vucanovich, Mr. Wilson, Mr. Wolf, Mr. Wortley, Mr. Yatron, and Mr. Young of Florida):

H.J. Res. 556. A joint resolution designating January 20, 1989, as "National Skiing Day"; to the Committee on Post Office and Civil Service.

By Mr. DARDEN (for himself, Mr. Pursell, Mr. Robinson, Mr. Ravenel, Mr. Fuster, Mr. Matsui, Mr. Towns, Mr. de la Garza, Mr. Parris, Mr. Anderson, Mr. Spence, Mr. Grant, Mrs. Patterson, Mr. Lehman of Florida, Mrs. Roukema, Mr. Gray of Illinois, Mr. Smith of Florida, Mr. Green, Mr. Wolf, Mr. Wortley, Mr. Blaz, Mrs. Johnson of Connecticut, Mr. Foglietta, Mr. Hatcher, Mr. Fauntroy, Mr. Fawell, Mr. Kolter, Mrs. Boxer, Mr. Bilbray, Mr. Lewis of Georgia, Mr. Crockett, Mr. DeWine, Mr. DeFazio, Mr. McGrath, Mr. Roe, Mr. Frost, Mr. Annunzio, Mr. Biaggi, Mr. Jones of North Carolina, Mr. Lungren, Mr. Fazio, Mr. Flippo, Mr. Evans, Mr. Rowland of Georgia, Mr. Cardin, Mr. Henry, Mr. Callahan, Mr. Lagomarsino, Mr. Vander Jagt, Mr. Horton, Mr. Jacobs, Mr. Thomas of Georgia, Mr. Mazzoli, Mr. Rinaldo, Mr. Schuette, Mr. Lancaster, Mr. Jenkins, Mr. MacKay, Mr. Hughes, Mr. Volkmer, Mr. Chapman, Mr. Dwyer of New Jersey, Ms. Oakar, Mr. Early, Mr. Kostmayer, Mr. Montgomery, Mr. Bryant, Mr. Hammerschmidt, Mr. Mrazek, and Mr. Ray):

H.J. Res. 557. A joint resolution to designate October 1988 as "National Down Syndrome Month"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

326. By the SPEAKER: Memorial of the Legislature of the State of Minnesota, relative to the Employment Retirement Security Act; to the Committee on Education and Labor.

327. Also, memorial of the Legislature of the State of Idaho, relative to new Federal solid waste regulations; to the Committee on Energy and Commerce.

328. Also, memorial of the Legislature of the State of Minnesota, relative to a program of national health insurance; to the Committee on Energy and Commerce.

329. Also, memorial of the Legislature of the State of Idaho, relative to the Forest Service policy of closing gates on unimproved roads and trails on land under its jurisdiction; to the Committee on Interior and Insular Affairs.

330. Also, memorial of the General Assembly of the State of Georgia, relative to compensation for the services of Members of the U.S. Congress; to the Committee on the Judiciary.

331. Also, memorial of the Legislature of the State of Idaho, relative to use taxes on interstate sales; to the Committee on the Judiciary.

332. Also, memorial of the Legislature of the State of Alaska, relative to the budget of the U.S. Coast Guard; to the Committee on Merchant Marine and Fisheries.

333. Also, memorial of the Legislature of the State of Idaho, relative to the Federal-Aid Highway Program; to the Committee on Public Works and Transportation.

334. Also, memorial of the House of Representatives of the State of Oklahoma, relative to requesting the Corps of Engineers to construct emergency bank protection works; to the Committee on Public Works and Transportation.

335. Also, memorial of the Legislature of the State of Minnesota, relative to stage 3 aircraft; to the Committee on Public Works and Transportation.

336. Also, memorial of the Legislature of the State of Idaho, relative to nuclear power; to the Committee on Science, Space, and Technology.

337. Also, memorial of the Legislature of the State of Colorado, relative to diesel fuel for off-highway use; to the Committee on Ways and Means.

338. Also, memorial of the General Assembly of the State of Colorado, relative to national demographic projects of the elderly; to the Committee on Ways and Means.

339. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to the Budget Reconciliation Act of 1987; to the Committee on Ways and Means.

340. Also, memorial of the Legislature of the State of Idaho, relative to diesel fuel excise taxes; to the Committee on Ways and Means.

341. Also, memorial of the Legislature of the State of Minnesota, relative to diesel fuel tax exemptions; to the Committee on Ways and Means.

342. Also, memorial of the Legislature of the State of Minnesota, relative to farmer-owned reserve grains; jointly, to the Committees on Agriculture and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. CRAIG introduced a bill (H.R. 4477) for the relief of Mr. Wilhelm Jahn Schlechter, Mrs. Monica Pino Schlechter, Ingrid Daniela Schlechter, and Arturo David Schlechter; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 592: Mr. Tauke, Mr. Wolpe, Mr. Fuster, Mr. Barnard, Mr. Hatcher, and Mr. McEwen.

H.R. 1016: Mr. Solomon.

H.R. 1201: Mr. Bonker.

H.R. 1531: Mr. Livingston, Mr. Swindall, Mr. Lehman of Florida, and Mr. Coats.

H.R. 1587: Mrs. Collins.

H.R. 1638: Mr. Shays, Mr. Applegate, Mr. Gilman, and Mr. Ravenel.

H.R. 1663: Mr. Brennan and Mr. McCloskey.

H.R. 1782: Mr. Brooks.

H.R. 1810: Mr. Young of Alaska.

H.R. 2181: Mr. Schuette, Mr. Vander Jagt, and Mr. Marlenee.

H.R. 2509: Mr. Mavroules, Mr. Kanjorski, Mr. Saxton, Mr. Vento, and Mr. Skaggs.

H.R. 2667: Mr. Lewis of Georgia.

H.R. 2676: Mr. Oberstar.

H.R. 2762: Mr. Coelho, Ms. Slaughter of New York, and Mr. Flake.

H.R. 2800: Mr. Lehman of California, Mr. Clement, and Mr. Dannemeyer.

H.R. 2854: Mr. Ford of Michigan.

H.R. 2883: Mr. Lagomarsino.

H.R. 3044: Mr. Sikorski.

H.R. 3071: Mr. de Lugo.

H.R. 3119: Mr. Smith of Texas and Mr. Vento.

H.R. 3133: Mr. Morrison of Connecticut and Mr. Bryant.

H.R. 3175: Mr. Bryant and Mr. Kolter.

H.R. 3215: Mr. Smith of New Hampshire.

H.R. 3241: Mr. Leland.

H.R. 3314: Mr. Crockett, Mr. Towns, Mrs. Boxer, Mr. Guarini, Mr. Shaw, Mr. Wheat, Mr. Ortiz, Mr. Owens of New York, and Mr. Leach of Iowa.

H.R. 3334: Mr. Upton, Mr. Moody, Mr. Bryant, and Mrs. Byron.

H.R. 3351: Mr. Fields.

H.R. 3363: Mr. Owens of New York.

H.R. 3382: Mr. Evans.

H.R. 3390: Mr. Smith of New Hampshire, Mr. Blaz, Mr. Herger, and Mr. Mack.

H.R. 3445: Mr. Bonior of Michigan, Mr. Tauke, and Mr. Michel.

H.R. 3490: Mr. DioGuardi.

H.R. 3501: Mrs. Johnson of Connecticut.

H.R. 3593: Ms. Pelosi, Mr. Kostmayer, and Mr. de Lugo.

H.R. 3603: Mr. Bruce.

H.R. 3619: Mr. Foglietta.

H.R. 3628: Mr. Badham, Mr. Gray of Illinois, Mr. Durbin, Mr. Smith of New Hampshire, Mr. Swift, Mr. Harris, Mr. Rowland of Georgia, Mr. Dowdy of Mississippi, and Mr. Johnson of South Dakota.

H.R. 3703: Mr. Young of Alaska.

H.R. 3719: Mr. Rowland of Connecticut, Mr. Lagomarsino, Mrs. Kennelly, Mrs. Boxer, Mr. Bonior of Michigan, Mr. Stokes, Mr. McHugh, Mr. Vento, Mr. Schuette, Mr. Gejdenson, Mr. Bryant, Mr. Bilirakis, Mr. Hall of Ohio, Mr. Hopkins, Mr. Neal, Mr. Cooper, Mr. Conte, Mr. Gray of Pennsylvania, Mr. Schaefer, Mr. Kostmayer, Mr. Kildee, Mr. Gordon, Mr. Stenholm, Mr. McEwen, Mr. Dixon, and Mr. McCloskey.

H.R. 3769: Mrs. Johnson of Connecticut.

H.R. 3806: Mr. Thomas of California, Mr. Inhofe, Mr. Hayes of Illinois, Mr. Anthony, Mr. Jenkins, Mr. Udall, Mr. Towns, and Mr. Bonker.

H.R. 3840: Mr. Donnelly.

H.R. 3873: Mr. Penny and Mr. Stallings.

H.R. 3874: Mr. Penny, Mr. Stallings, and Mr. Sharp.

H.R. 3892: Mr. Dwyer of New Jersey, Mr. Akaka, and Mr. Weldon.

H.R. 3907: Mr. Lowry of Washington, Mr. Ortiz, Mr. AuCoin, Ms. Kaptur, and Mr. Valentine.

H.R. 3969: Mr. Jones of North Carolina, Mr. Richardson, Mr. Nelson of Florida, Mrs. Saiki, and Mr. de Lugo.

H.R. 4040: Mr. Garcia, Mr. Lehman of California, Ms. Pelosi, Mr. Rangel, Mr. Pepper, Mr. Espy, Mr. Frost, Mr. Studds, Mr. Foglietta, Mr. Kolbe, Mr. de Lugo, Mr. Matsui, and Mr. Akaka.

H.R. 4044: Mr. Glickman.

H.R. 4066: Mr. McEwen and Mr. Solarz.

H.R. 4071: Mr. Dellums.

H.R. 4088: Mr. Lipinski.

H.R. 4105: Mr. Smith of New Jersey.

H.R. 4107: Mr. Boehlert, Mr. Bonker, Mr. Espy, Mr. Kildee, Mr. Ortiz, Mr. Perkins, Mr. Richardson, and Mr. Solarz.

H.R. 4111: Mr. Gray of Illinois, Mr. Evans, Mr. Dwyer of New Jersey, Mr. Chapman, and Mr. Leland.

H.R. 4114: Mrs. Boxer, Mr. Fauntroy, Mr. Clay, Mr. Chapman, Mr. Coelho, and Mr. Gray of Illinois.

H.R. 4150: Mr. Borski, Mr. Mfume, Mr. Alexander, Mr. Traficant, Mr. Weiss, Mr. Biaggi, Mr. Wortley, Mr. Mollohan, Mr. Matsui, Mr. Oberstar, Mr. Espy, Mr. Synar, Mr. Hayes of Louisiana, Mrs. Collins, Mr. Rowland of Georgia, Mr. Flake, Mr. LaFalce, Mr. Rodino, Mr. Martin of New York, Mr. Pepper, Mr. Roberts, Mr. Hopkins, Mr. Berman, Mr. Torricelli, Mr. Gejdenson, Mr. McMillen of Maryland, Mr. Kildee, Mrs. Vucanovich, Mr. Bonior of Michigan, Mr. Crockett, Mr. Wyden, Mr. Bonker, Mr. Lowry of Washington, Mr. Nielson of Utah, Ms. Pelosi, Mr. Dwyer of New Jersey, Mr. Cardin, Mr. Lehman of California, Mr. Clarke, Mr. English, Mr. Ortiz, Mr. McDade, Mr. Henry, Mr. Watkins, Mr. Brown of California, Mr. Dicks, Mr. Udall, Mr. Sunia, Mr. Thomas of Georgia, Mr. Madigan, Mr. Tauzin, Mr. Lott, and Mrs. Saiki.

H.R. 4170: Mr. Barnard, Mr. Burton of Indiana, Mr. Gordon, Mr. Hefner, Mr. Hutto, Mrs. Lloyd, Mr. Donald E. Lukens, Mr. Mazzoli, Mrs. Meyers of Kansas, Mr. Nielson of Utah, Mr. Pashayan, Mr. Robinson, Mr. Rowland of Georgia, Mr. Schaefer, and Mr. Traxler.

H.R. 4189: Mr. Clement and Mr. Hutto.

H.R. 4218: Mr. Konnyu, Mr. Davis of Illinois, and Mr. Nagle.

H.R. 4304: Mr. Towns.

H.R. 4309: Mr. Garcia.

H.R. 4353: Mr. Ackerman, Mr. Biaggi, Mrs. Collins, Mr. Coyne, Mr. DeFazio, Mr. Evans, Mr. Fauntroy, Mr. Fazio, Mr. Frank, Mr. Fuster, Mr. Gingrich, Mr. Gray of Illinois, Mr. Lewis of Georgia, Mr. Martinez, Mr. Murphy, Mr. Traficant, and Mr. Lipinski.

H.R. 4364: Mr. Perkins, Mr. Bevill, and Mr. de Lugo,

H.R. 4434: Mr. Smith of New Hampshire, Mr. Gingrich, Mr. Walker, Mr. Burton of Indiana, Mr. Kyl, Mr. de Lugo, and Mr. Craig.

H.R. 4467: Mr. Edwards of Oklahoma, Mr. Smith of New Hampshire, Mr. Barton of Texas, Mr. Burton of Indiana, Mr. Ballenger, Mr. DioGuardi, Mr. Herger, Mr. Gingrich, and Mr. Weber.

H.J. Res. 140: Mr. Studds.

H.J. Res. 289: Mr. Borski and Mr. Nichols.

H.J. Res. 364: Mr. Davis of Illinois, Mrs. Collins, Mr. Bates, Ms. Pelosi, and Mr. Hatcher.

H.J. Res. 422: Mr. Donald E. Lukens.

H.J. Res. 469: Mr. Wolpe, Mr. McMillen of Maryland, Mr. Berman, Mr. Carper, Mr. Leland, Mr. Dyson, Mr. Espy, Mr. Ritter, Mr. Green, Mr. Daub, Mr. Hall of Texas, Mr. Chapman, Mr. Cardin, Mr. Lowry of Washington, Mrs. Meyers of Kansas, Mr. de la Garza, Mr. Lehman of California, Mrs. Morella, Mr. Scheuer, Mr. Quillen, Mr. Gregg, Ms. Kaptur, Mr. Synar, and Mr. Gonzalez.

H.J. Res. 476: Mrs. Vucanovich, Mr. Mavroules, Mr. McCollum, Mr. Bonior of Michigan, and Mr. Bilbray.

H.J. Res. 502: Mr. Dickinson.

H.J. Res. 509: Mr. Hatcher, Mr. Hughes, Mr. Early, Mr. Chapman, and Mr. Smith of New Hampshire.

H.J. Res. 524: Mr. de Lugo, Mr. McEwen, Mr. Garcia, and Mr. McMillen of Maryland.

H.J. Res. 526: Mr. Smith of New Hampshire.

H.J. Res. 528: Mr. Mrazek, Mr. Hughes, Mr. de Lugo, and Mr. Hayes of Louisiana.

H.J. Res. 534: Mr. Hughes, Mr. Lagomarsino, Mr. Chapman, Mr. Lancaster, Mr. McEwen, and Mr. Daub.

H.J. Res. 542: Mr. Bonior of Michigan, Mr. Biaggi, Mrs. Boxer, Mr. Fazio, Mr. Rowland of Georgia, Mr. Lagomarsino, Mr. Grant, Ms. Kaptur, Mr. Lehman of California, Mr. Manton, Mr. Savage, Mr. Tallon, Mr. Towns, Mr. Skelton, Mr. Quillen, Mr. Hughes, Mr. Garcia, Mr. Horton, Mr. Chapman, Mr. Brown of Colorado, and Mr. Mrazek.

H. Con. Res. 19: Mr. Fauntroy.

H. Con. Res. 194: Mr. Bliley and Mr. St Germain.

H. Con. Res. 280: Mr. Dyson, Mr. Lancaster, Mr. Chapman, Mr. DeFazio, Mr. Rangel, Mr. Garcia, Mr. Bryant, Mrs. Boxer, and Mr. Scheuer.

H. Con. Res. 283: Mr. Chappell, Mr. Badham, Mr. Hatcher, Mr. Quillen, Mr. Wortley, Mrs. Vucanovich, Mr. Bunning, Mr. Solomon, Mr. Stratton, Mr. Bateman, Mr. Saxton, Mr. Skelton, Mr. Stump, Mr. Harris, and Mr. Lipinski.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

159. By the Speaker: Petition of the council of the city of New York, NY, relative to

mass transit systems; to the Committee on Public Works and Transportation.

160. Also, petition of Joseph A. Williams, Jr., Broken Arrow, Oklahoma, relative to Veterans medical records; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

"NOTCH BABY" DILEMMA A LEGACY OF QUIRK IN SOCIAL SECURITY LAW

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. GREEN. Mr. Speaker, many senior citizens around the country have expressed an interest in the Social Security "notch" issue, which resulted from legislation passed in 1977.

Over the years, I have had countless discussions about the "notch" and the concerns of my constituents with the House Ways and Means Subcommittee on Social Security. Because of the great confusion which has surrounded this issue, in 1986 then subcommittee Chairman Jim Jones requested that the General Accounting Office undertake a thorough study of the entire "notch" issue, including an analysis of its causes, a detailed review of its actual effects on beneficiaries and an examination of the financial implications of lessening or eliminating the "notch".

In late March, the General Accounting Office's review of the Social Security "notch" issue was completed. As individuals, organizations, and Members of Congress review these findings, I would like to commend to my colleagues and interested constituents a recent article by Michelle M. Murphy which appeared in the April 9, 1988 issue of Congressional Quarterly:

LAWMAKERS RESIST COSTLY "CORRECTION": "NOTCH BABY" DILEMMA A LEGACY OF QUIRK IN SOCIAL SECURITY LAW

(By Michelle M. Murphy)

To 67-year-old Sidney Ulan of Wallingford, Pa., the issue is straight-forward: He and his 72-year-old sister, Gertrude Warwick, earned almost the same amount of money during the 33 years they ran the menswear store they inherited from their parents. But he now gets $362 less each month from Social Security than she does.

Something is wrong, Ulan believes. He wants Congress to fix it—and he'll say as much on April 14, when he appears before the House Ways and Means Social Security Subcommittee.

That day, the panel will examine what some Iowa presidential-campaign organizers earlier this year dubbed "the issue from hell": a quirk in Social Security law that affects Ulan and about 7 million other people born in the "notch" between 1917 and 1921. Because of the effect their birth date has on their Social Security benefits, they have become known as "notch babies."

CONFLICTING PERCEPTIONS

The notch babies—and the main lobbying group promoting their cause, the controversial National Committee to Preserve Social Security and Medicare—argue that they are the victims of blatant discrimination by Congress and the Social Security Administration. They say they are being deprived of thousands of dollars in benefits that they have coming to them. *(National Committee, Weekly Report p. 778)*

"It's a gross injustice," said Ulan, who retired, with his sister, at the end of 1982 and now works part time in another menswear store in a Philadelphia suburb. "It's a terrible thing they did. Millions of people out there are hurting—and believe me, if I didn't have a part-time job, I'd be one of them."

But according to the Social Security Administration and other experts familiar with the notch, the issue is more one of perception than of reality.

A long-awaited General Accounting Office (GAO) report on the notch, released in the last week of March, buttresses their contention.

Although notch babies generally do get smaller monthly benefits than people with similar work histories who were born just before them, the GAO found that in most cases they get more—and never less—than similar retirees who are younger. The GAO also concluded that this situation is entirely in keeping with what Congress intended in 1977 when it changed the Social Security formula to correct a dangerous flaw that at the time threatened to bankrupt the entire system.

"The real problem is the people who are slightly older than the notch babies who are receiving windfall benefits because of [a] mistake in the Social Security computation formula," said Robert M. Ball, the Social Security commissioner from 1962-73 who also served as a member of the 1982-83 commission on Social Security overhaul. "Without these 'bonanza babies,' there would be no notch."

Still, the perception of inequity—exaggerated, some members of Congress believe, by scare tactics and inflammatory mailings sent by the National Committee—has been enough to fuel a controversy that has dogged legislators since 1983, when it was first aired in a letter to the columnist "Dear Abby," herself a notch baby.

"I don't believe that there has been another matter that I consistently receive so much mail on as this subject," said Sen. Charles E. Grassley, R-Iowa, at a notch hearing conducted by the Senate Select Committee on Aging Feb. 22.

Despite the attention, however, most lawmakers have danced around the issue of "correcting" the notch through legislation. The reason is clear: the cost.

"The bills that have been introduced . . . are very expensive: The cost from 1988 to 1996 ranges from $24 billion to more than $375 billion," Michael Carozza, deputy commissioner for policy and external affairs at the Social Security Administration, testified in February. "The only way to pay [for one of these proposals] would be to increase Social Security taxes or cut other benefits."

ORIGINS OF THE NOTCH

The story of the notch babies really began in 1972, when lawmakers decided to formalize the ad hoc system of Social Security adjustments they'd been using since the program's inception. The automatic cost-of-living adjustments (COLAs) adopted that year as part of a new benefit formula took effect in 1975.

But raging inflation quickly exposed a problem in the new calculation. Because the formula accounted for increases in both wages and prices, Social Security benefits were "overindexed"—that is, they were being boosted twice, and were therefore increasing by much more than Congress intended.

For example, some retirees' replacement rates—the percentage of pre-retirement income that an individual receives as Social Security benefits—soared to near 55 percent for some people, well above the 35-38 percent rates that had prevailed until that point. Had the trend continued, future retirees would have collected more in monthly retirement benefits than they had earned per month while working.

"If left uncorrected, this flaw would have bankrupted the entire Social Security system," wrote former Social Security subpanel Chairman Rep. James R. Jones, D-Okla. (1973-87), in a September 1986 letter to his colleagues. It was Jones who commissioned the GAO notch report that was released last month.

To correct the problem, Congress in 1977 adopted a new benefit formula for all people born after 1916. The purpose was to stabilize average replacement rates at a level about 5 to 10 percentage points below the rates being approached in 1977, and to shield them from the economic swings that had distorted benefits under the earlier formula.

"We now have a benefit formula that's pretty much independent of those kinds of variables," said Carozza. "An average worker from now on gets a replacement rate of about 41 percent."

To cushion the impact on people who were beginning to retire in January 1979, when the new formula was first applied, Congress phased in the change for those born between 1917 and 1921. People born during that period were allowed to use either the new formula or a special transition formula, whichever yielded the higher benefits.

But there was another dilemma: What to do about those who were already collecting—and living on—the "windfall" benefits provided under the flawed 1972 formula? Taking money away from these beneficiaries, born between 1910 and 1916, seemed untenable, so Congress decided to let them continue enjoying their "bonanza."

This solution also had a catch: It is with these retirees that people born in the 1917-21 notch now compare their benefit checks—and not with those born after 1921, who did not have the option of using the transition formula.

"If anything, [the notch babies] are treated better, not worse, than those who come after them," said Ball. "But they wanted to be compared with those who came before."

That argument does not go very far with notch babies like Sidney Ulan. He knows what he sees: Despite a very small difference in their total taxable earnings during their careers—he earned $183,556.50, while his sister earned $185,531.41, about $1,975

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

more—he collects $462 from Social Security each month, while Gertrude, a bonanza baby born in 1915, gets $824.

"I think it's understandable," said Carozza. "Everybody wants to get the most that they can, and if there's somebody who's getting more who's in a similar situation, I think the natural response is to want what they're getting. Even when intellectually you can make them understand how it happened, they still feel cheated."

Indeed, the notch babies and their advocates say this difference in dollar benefits—not the replacement rate used by Social Security—should be the focus of the debate.

"The replacement rates are a mirage and gobbledygook being used by the Social Security Administration to hide the true impact of dollar amounts and benefits," testified Allen Johnston, the National Committee's director of national grass-roots action, at the Senate hearing in February.

But, according to the Social Security Administration, the replacement rate is what Congress attempted to stabilize with its 1977 amendments. And, officials say it is the only true standard that can be used to analyze an individual's Social Security benefits, because it is a measure of a retiree's benefits compared with factors that are unique to him—including how much he earned and how long he worked, as well as when he was born.

COSTLY SOLUTIONS

Nevertheless, Ulan says he is cheered by recent indications of progress on the notch front. In addition to the two hearings this spring, he points to the various bills that have been introduced to "fix" the notch. "If it wasn't a legitimate problem, why would there be all these bills to correct it?" he asked. "These people aren't fools."

Although most of the measures offer a variation on the same theme—extending the transition period and providing some sort of compensation for the benefits the notch babies believe they have lost—the bill sponsored by Sen. Terry Sanford, D-N.C. (S. 1830), and Rep. Harold E. Ford, D-Tenn. (H.R. 3788), is seen as having the best chance, albeit a slim one. Their bill is considered a compromise between what the notch babies originally requested and what some lawmakers are willing to consider. Its price tag: $67.5 billion over 10 years.

To pay for it, notch proponents would turn to the Social Security trust funds.

"The total cost of the Sanford bill equals only 10 percent of the projected $650 billion increase in the Social Security trust funds over the next 10 years," said the National Committee's Johnston.

"That would be a drop in the bucket, don't you think?" Ulan asked. "Ten percent a year for the next 10 years is peanuts. But it would certainly satisfy the notch babies."

According to the Social Security Administration, however, that money has already been spoken for.

"There just are not any extra assets in the trust funds," said Carozza. "All of that money that's accumulating represents reserves that we'll need 30 or 40 years down the road to pay the benefits of the babyboom generation when they retire."

Some well-known senior citizens' champions—notably Rep. Claude Pepper, D-Fla., and the American Asociation of Retired Persons (AARP)—have stayed out of the notchbaby fray. Pepper has not signed on to any of the bills introduced thus far, and the AARP has long opposed any legislation that would address the notch.

"I speak frequently to people who think they have been cheated out of Social Security benefits because of the so-called 'notch,' but I tell them that no one is being cheated out of anything—and the GAO report proves it," said Kermit Phelps, chairman of AARP's board.

"Although some will continue to claim an injustice," Phelps said, "it is time to focus attention on the more substantive issues facing older Americans, such as long-term care and reduction of the federal budget deficit."

FREE THE HELSINKI MONITORS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. RITTER. Mr. Speaker, the April 17, 1988 issue of Pravda has published a list of 30 slogans that the Central Committee of the Communist Party has issued to commemorate the 1st of May, the "day of working people's international solidarity".

Among these slogans, I would like to quote No. 28:

> People of Europe! We will actively implement the provisions of the Helsinki agreements and strengthen confidence and cooperation among countries.

Now, I don't know why this was only addressed to the people of Europe. As we know, the President of the United States and the Prime Minister of Canada also signed the Helsinki Final Act in 1975, but perhaps the gentlemen of the Central Committee haven't read the final act lately.

Be that as it may, I would like to quote a few passages from principle VII of that document:

> The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion, or belief, for all without distinction as to race, sex, language, or religion.
>
> And further—
>
> They confirm the right of the individual to know and act upon his rights and duties in this field.

I mention this because at this moment the third follow-up meeting of the Helsinki process, the Conference on Security and Cooperation, is taking place in Vienna. The Soviet Union has, among other things, proposed holding a meeting on humanitarian cooperation in Moscow. The American delegation, led by Ambassador Warren Zimmermann, has, among other things, stated that before such a meeting could be considered, all political prisoners in the Soviet Union must be released.

And rightfully so. How could the United States Government seriously sit down to discuss "humanitarian cooperation" within the Helsinki process when we are aware of approximately 350 persons known to be serving labor camp or exile sentences for peacefully attempting to practice those freedoms guaranteed in the Helsinki accords and other international documents signed by the Soviet Government. And I should emphasize that these are only the known political prisoners. Earlier this year, human rights activists in Moscow told representatives of the International Helsinki Federation that there may be "several thousand" whose cases they are unaware of.

Among the 350 political prisoners that I mentioned are 12 of the approximately 75 persons living in Moscow, Ukraine, Lithuania, Georgia, and Armenia, who had formed citizens groups to monitor Soviet compliance with the final act. These groups were founded in 1976 and 1977. By 1982, the late Yuri Andropov's KGB had imprisoned the vast majority of the members and forced the rest to emigrate. The charges against the Helsinki Monitors were usually "anti-Soviet agitation and propaganda" or "slander against the Soviet system." Sometimes they were framed on criminal charges. Four Helsinki monitors, the Ukrainians Oleksy Tykhy, Yuri Lytvyn, and Vasyl Stus, and the Russian Anatoly Marchenko, died while in labor camp or prison. A Lithuanian priest and Helsinki group member Father Bronius Laurinavicius, was killed when he was struck on the street by a truck under suspicious circumstances.

But there have been some changes in the Soviet Union under General Secretary Gorbachev. The police state has relaxed somewhat. Many political prisoners have been released. When the Vienna followup began in November 1986, there were 41 imprisoned Helsinki monitors. Now, as I say, there are 12.

But what about these remaining 12? Who are they? What were they accused of?

They are: From the Ukrainian Helsinki monitoring group:

Mykola Horbal—sentenced on April 10, 1985, to 8 years strict regime labor camp, and 3 years internal exile for "anti-Soviet agitation and propaganda;"

Vitaly Kalynychenko—sentenced on May 18, 1980, to 10 years special regimen labor camp, and 5 years internal exile for "anti-Soviet agitation and propaganda;"

Ivan Kandyba—sentenced on July 24, 1981, to 10 years special regimen labor camp and 5 years internal exile for "anti-Soviet agitation and propaganda."

Lev Lukyanenko—sentenced on July 20, 1978, to 10 years special regimen labor camp, and 5 years internal exile for "anti-Soviet agitation and propaganda."

Mykola Matusevych—sentenced on March 29, 1978 to 7 years strict regime labor camp and 5 years internal exile for "anti-Soviet agitation and propaganda."

Ivan Sokulsky—sentenced in April 1980 to 10 years special regime labor camp and 5 years internal exile for "anti-Soviet agitation and propaganda."

Vasyl Ovsienko—sentenced in August 1981 to 10 years strict regime labor camp and 5 years internal exile for "anti-Soviet agitation and propaganda."

Mart Niklus—an Estonian political prisoner who joined the Ukrainian Helsinki group when he met some of the other members in labor camp. He was sentenced in January 1981 to 10 years in special regime labor camp and 5 years internal exile.

From the Lithuanian Helsinki monitoring group,

Viktoras Petkus—sentenced on July 13, 1978 to 3 years prison, 7 years special regime labor camp and 5 years internal exile for "anti-Soviet agitation and propaganda."

Balys Gajauskas—sentenced on April 14, 1978 to 10 years in special regime labor camp and 5 years internal exile for "anti-Soviet agitation and propaganda."

From the Lithuanian Catholic Committee for the Defense of Believers,

Father Alfonsas Svarinskas—sentenced on May 6, 1983 to 7 years strict regime labor camp and 3 years internal exile for "anti-Soviet agitation and propaganda."

Father Sigitas Tamkevicius—sentenced on December 2, 1983 to 6 years strict regime labor camp and 4 years internal exile for "anti-Soviet agitation and propaganda".

To the best of our knowledge, all but four of these Helsinki monitors are presently being held at Perm labor camp No. 35. Lev Lukyanenko, Mykola Matusevych, Viktoras Petkus and Balys Gajauskas have finished their labor camp terms, and are now in internal exile, far from their loved ones and their homelands.

Mr. Speaker, note that none of these prisoners were not accused of violence against other citizens or property. "Anti-Soviet agitation and propaganda" means that they made statements that the authorities felt were threatening to the government. In 1920's, the early Bolsheviks suppressed insurrections by poorly armed, desperate peasants; their successors wage war against words.

But as I note above, there have been some changes in today's Soviet Union. Indeed, former political prisoner Lev Timofeev recently wrote that if General Secretary Gorbachev and other Party spokesman had written some of the things in Brezhnev's time that they are saying in public today, they would quickly find themselves convicted of subversive activities and thrown into labor camp. Soviet newspapers have begun to admit that in the "stagnant period" of the past, international agreements on human rights were not always observed properly.

Therefore, if Mr. Gorbachev and his associates are serious about living up to international accords, be they in sphere of arms control, economic agreements, or human rights, I would suggest that one major step to this end would be to release, without condition, the remaining members of the Helsinki monitoring groups in the Soviet Union.

LEGISLATION TO EXEMPT FREE-LANCE WRITERS, PHOTOGRAPHERS, AND ARTISTS FROM THE UNIFORM CAPITALIZATION RULES

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. DOWNEY of New York, Mr. Speaker, I am introducing legislation today to correct a major misunderstanding in the application of the uniform capitalization rules enacted in the Tax Reform Act of 1986. This bill will clarify that the capitalization requirements of section 263A of the Internal Revenue Code of 1986 do not apply to free-lance writers, photographers, and artists. In addition, it will also exempt small independent film and video makers from the rules.

To the Department of the Treasury, the addition of section 263A to the Internal Revenue Code capped a long effort to require free-lance authors to capitalize their expenses, rather than immediately deduct them. Under these rules, a writer or other affected taxpayer, must estimate the expense that went into writing or creating a work and then deduct that amount only when the work is sold.

Sadly, this mission in the name of sound tax policy has been misguided. Until the Tax Reform Act of 1986, the Internal Revenue Service argued that section 280(a) of the Internal Revenue Code of 1959 required an author to capitalize his or her expenses. However, as the Court of Appeals for the Second Circuit noted in Hadley versus Commissioner:

> * * * it is quite evident that [section 280(a)] was aimed principally at tax shelter activity, namely production company tax shelter partnerships organized to produce films, sound recordings, or books and by no means was intended to apply to an author's creation of the manuscript underlying the book to be published.[1]

Notwithstanding this view, the Treasury Department has insisted that writers must capitalize their expenses. Treasury bolsters its argument by pointing to section 263A of the Tax Reform act.

However, a review of the legislative history behind section 263A suggests that the thrust of the provision was to require various producers of tangible property already capitalizing direct and some indirect costs to more comprehensively capitalize other indirect costs. Congress meant to exempt from the new uniform capitalization rules those taxpayers, or expenditures, that were already exempted under prior law from the general capitalization rules. For instance, farmers and ranchers were exempted. The exemption for research and experimental expenditures was continued. The exemption from uniform capitalization for the timber industry and the ornamental trees industry was continued. Hadley versus Commissioner correctly held that free-lance writers were exempted from the pre-1986 rules. Therefore, the rules should not apply to writers and their counterparts in the creative fields of photography, film, and the arts.

In order to make it crystal clear, in 1987 the House of Representatives and the Finance Committee exempted free-lance writers and photographers from section 263A in budget reconciliation legislation. In consonance with the legislative history of the TRA, the Committee on the Budget report concluded that "the application of the uniform capitalization rules to free-lance writers and photographers is unduly burdensome"—H. Rept. 391, 100th Cong., 1st sess. 1533.

In fact, very substantial administrative and accounting burdens, including allocation and income forecasting requirements that are unlikely to be manageable by either taxpayers or the Internal Revenue Service would be imposed on free-lance writers, photographers, and artists by the uniform capitalization requirements. The painter who sells five paintings in a year in which a series of 20 were created may be able to deduct only 25 percent of his or her general expenses that year. Moreover, if a painting, book, or photo does not sell in the year that it is created, the general or indirect expenses must be allocated among all the works created—sold or unsold—in that year. Finally, in order to deduct, the creator would have to forecast the income stream for each work produced.

In an activity as "ephemeral" as making a sculpture or writing a poem or book, "the difficulties in estimating a future income stream and determining the time of ultimate writeoff when it becomes clear that "a work will or will not be sold or published "appear immense." *Hadley,* 819 F2d. at 366.

There is little question that any theoretical benefit of applying capitalization requirements to the expense of professional free-lance writers, photographers, artists, and small independent film and video makers is far outweighed by the countervailing burden imposed on these taxpayers by the rules.

In order to put to rest confusion raised by the the last sentence of section 263A which applies the rules to the "production of a film, sound recording, book or similar property," the legislation I am introducing provides specific guidance as to what activities are to be exempted from the rules. The language of the legislation follows my statement.

H.R. 4473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN PRODUCERS OF CREATIVE PROPERTY UNDER CAPITALIZATION RULES.

(a) General rule.—Section 263A of the Internal Revenue Code of 1986 is amended by redesignating subsection (h) as subsection (j) and by inserting after subsection (g) the following new subsections:

"(h) Exemption for Free Lance Authors, Photographers, and Artists.—

"(1) In general.—Nothing in this section shall require the capitalization of any qualified creative expense.

"(2) Qualified creative expense.—For purposes of this subsection, the term 'qualified creative expense' means any expense—

"(A) which is paid or incurred by an individual in the trade or business of such individual (other than as an employee) of being a writer, photographer, or artists, and

"(B) which, without regard to this section, would be allowable as a deduction for the taxable year.

Such term does not include any expense related to printing, photographic plates, motion picture films, video tapes, or similar items.

"(3) Definitions.—For purposes of this subsection—

"(A) Writer.—The term 'writer' means any individual if the personal efforts of such individual create (or may reasonably be expected to create) a literary manuscript, musical composition (including any accompanying words), or dance score.

"(B) Photographer.—The term 'photographer' means any individual if the personal efforts of such individual create (or may reasonably be expected to create) a photograph or photographic negative or transparency.

"(C) Artist.—The term 'artist' means any individual if the personal efforts of such individual create (or may reasonably be expected to create) a picture, painting, sculpture, statute, etching, drawing, cartoon, graphic design, or original print edition.

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[1] *Hadley* v. *Commissioner,* 819 F. 2d 359, 360 (2nd Cir. 1987).

"(D) TREATMENT OF CERTAIN PERSONAL SERVICE CORPORATIONS.—

"(i) IN GENERAL.—In the case of a personal service corporation, this subsection shall apply to any expense of such corporation which directly relates to the activities of the qualified employee-owner in the same manner as if such expense were incurred by such employee-owner.

"(ii) QUALIFIED EMPLOYEE-OWNER.—The term 'qualified employee-owner' means any individual who is an employee-owner of the personal service corporation and who is a writer, photographer, or artist, but only if substantially all of the stock of such corporation is owned by such individual and members of his family (as defined in section 267(c)(4)).

"(iii) PERSONAL SERVICE CORPORATION.—For purposes of this subparagraph, the term 'personal service corporation' means any personal service corporation (as defined in section 269A(b)).

"(i) TREATMENT OF CERTAIN FILM PRODUCERS.—

"(1) IN GENERAL.—Nothing in this section shall require the capitalization of any qualified film indirect cost if the aggregate amount of such costs paid or incurred by the taxpayer during the taxable year does not exceed $75,000.

"(2) QUALIFIED FILM INDIRECT COST.—For purposes of this subsection, the term 'qualified film indirect cost' means any expense—

"(A) which is paid or incurred by an individual in the trade or business of such individual (other than as an employee) of being a film producer,

"(B) which is not a direct cost of any motion picture film or video tape, and

"(C) which, without regard to this section, would be allowable as a deduction for the taxable year.

"(3) FILM PRODUCER.—For purposes of this subsection, the term 'film producer' means any individual if the personal efforts of such individual produce (or may reasonably be expected to produce) a motion picture film or video tape.

"(4) TREATMENT OF CERTAIN PERSONAL SERVICE CORPORATIONS.—If a film producer is a qualified owner-employee (as defined in subsection (h)(3)(D)) of 1 or more personal service corporations (as defined in subsection (h)(3)(D)), this subsection shall apply to any expense of any such corporation which directly relates to the activities of the qualified owner-employee in the same manner as if such expense were incurred by such owner-employee (and all such expenses shall be taken into account in determining whether the $75,000 requirement of paragraph (1) is met)."

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 803 of the Tax Reform Act of 1986.

(2) RULES TO APPLY FOR SECTION 280.—The rules of subsection (h) of section 263A of the Internal Revenue Code of 1986 (as added by subsection (a)) shall also apply for purposes of section 280 of the Internal Revenue Code of 1986 (as in effect before its repeal by the Tax Reform Act of 1986).

THE ARIAS PEACE PLAN: DOOMED FOR FAILURE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. CRANE. Mr. Speaker, on February 3 many of my colleagues voted against the continuation of aid to the Nicaraguan resistance on the pretext of "Giving Peace a Chance"—namely the Arias peace plan. Yet, is this much vaunted plan the vehicle by which Central America will finally achieve lasting peace? Through timely acquiescence and clever manipulation of Mr. Arias' plan, Daniel Ortega has effectively shifted the focus of evil from his Sandinistas. It seems as though the West now condones the unprecedented Soviet and Cuban influence as well as the Sandinistas' military support for the Communist insurgents in El Salvador. Why do we continue to overlook these obvious threats to peace and stability in Central America?

I urge my colleagues to reexamine the present situation in Nicaragua. The Arias peace plan cannot work. No Communist government has ever voluntarily relinquished the reins of power through negotiations with its adversaries. The Sandinistas need time to rebuild their economy, isolate the Contras and to prepare their Armed Forces for an assault on their Central American neighbors. The Arias peace plan is the vehicle by which they aim to achieve these objectives. Yet, this Congress fails to perceive the Sandinistas' strategy. We timidly comply with their plans by refusing to provide aid to the Nicaraguan resistance and praising Mr. Arias as the saviour of Central America. We must realize that the greatest threat to the people of Central America is in the form of the Communist scythe that deceives the poor and harvests the weak.

Now is the time to purge this threat from Central America. The future of Central America is in our hands. Unless we act now, our children will be left with the responsibility of defeating the Communist plague in Central America.

For a deeper insight into the Arias plan, I highly recommend the Freedom Bulletin titled "The Arias Peace Plan: Diplomats Fiddle While Nicaragua Burns" for your immediate perusal.

THE ARIAS PLAN: DIPLOMATS FIDDLE WHILE NICARAGUA BURNS

If there is one thing that is clear from what is going on in Central America, it is that diplomats have an infinite capacity for self-delusion when presented with a "peace process." Time after time—in postwar Europe, Korea, Vietnam, Cuba and the Middle East—Western diplomats in search of what Washington Times political columnist Wesley Pruden has aptly called "processed peace" (the Velveeta of diplomacy) have allowed communist and other anti-American regimes to buy enough time to consolidate their regimes.

Despite the fact that no communist regime has ever surrendered power through negotiations, and despite the long history of communist duplicity and deception at the bargaining table, and despite the forceful rhetoric of the Reagan Administration, the primary policy of the U.S. State Department continues to be to try and bring the communists to the bargaining table to negotiate democratic reforms. Such a policy forgets Stalin's advice to his diplomatic corps: "A sincere diplomat would equal dry water or wooden iron."

The latest showcase of this failed State Department policy is Central America, now abuzz with talk of the "Arias Plan." This plan, for which Costa Rican President Oscar Arias has been awarded the Nobel Peace Prize (prior to any resolution of the conflict—shades of Henry Kissinger's Vietnam Peace Prize in 1973) calls upon the United States to cease all assistance to the Nicaraguan Resistance, in return for which the communist Sandinistas who rule Nicaragua will stop their efforts to foment revolution in neighboring countries and will institute democratic reforms.

THE SONG REMAINS THE SAME

The terms of this plan will sound a note of deja vu for long time observes of the Central American scene. This same plan is plan forward each time the U.S. Congress considers aiding the Nicaraguan Resistance. In 1983-84, during the Reagan-Mondale Presidential campaign, the plan was called the "Contadora Process."

Liberal members of the U.S. Congress, egged on by a chorus of left-wing lobbyists and pressure groups, sang a constant refrain. "We think it's terrible what the Sandinistas are doing in Central America, and something needs to be done. Unfortunately, now is not the time. Let's work with the Contadora process and see what happens before we resort to a military solution."

And so the United States participated in the Contadora Process; five months of bilateral negotiations between the U.S. and the Sandinistas began in June of 1984. In these talks, the United States agreed to unilateral limitations on military exercises and a staged withdrawal of troops from Central America. Nicaragua, for its part, engaged in prolonged delaying tactics which ended in a complete rejection of all U.S. proposals and the breaking off of the talks.

During the Contadora period, however, the Sandinistas were free to continue stifling political dissent at home and stirring up trouble in the neighborhood.

Indeed, it should come as no surprise that the Sandinistas rejected calls for democratic reforms. On taking power in 1979, the Sandinistas solemnly pledged to the Organization of American States (OAS), the United Nations of the Western Hemisphere, that they would hold prompt elections, protect human rights and respect the sovereignty of their neighbors. In return, the OAS agreed to pressure Nicaraguan President Somoza to resign and not to invoke the Rio treaty, which calls for a military response to outside aggression against the Americas.

The Sandinistas' promises were quickly forgotten, and the U.S. State Department did nothing to hold them to their word. Without any sign of U.S. backing, no Latin American country was willing to stand alone against the combined might of the Cubans and Soviets.

In the face of this weakness, and as the Nicaraguan people began to take up arms against the Sandinistas, the diplomatic wheels began to spin.

MADE IN HAVANA

Early in 1982, according to long time Central America observer Jack Cox, in his new book *Requiem in the Tropics*, there was a meeting at the Plaza Hotel in New York. Mexican Foreign Minister Jorge Casteñeda proposed to the U.S. Secretary of State Alexander Haig that the U.S. agree to stay out of the burgeoning Nicaraguan Civil War in return for a Sandinista pledge to stop aiding Marxist guerrillas in El Salvador. Despite strong support for the Casteñeda initiative among the State Department bureaucracy, Haig refused the deal.

What Haig didn't know was the original author of the Casteñeda plan was Fidel Castro. Castro knew that the Sandinistas could not withstand sustained U.S. support of the Resistance and saw diplomatic maneuvering as the best way to tie Reagan's hands. After all, similar diplomacy had given Castro the necessary time to consolidate his own revolution in Cuba.

Casteñeda alone had not been enough to sell the Reagan Administration on the "peace process," so Castro switched to Plan B. It had been easy enough for Castro to sell his plan to the left-leaning Mexican government; Plan B was an attempt to create a coalition of Latin American countries behind the plan, which could then be pushed as a regional effort—far preferable to an outside solution.

In January of 1983, the presidents of Colombia, Venezuela, Panama and Mexico met at the Panamanian resort of Contadora to announce the Castro plan as their own. As expected, the announcement received tremendous media attention throughout the world. The Contadora plan was immediately adopted by the diplomatic community as a vitally important peace process which the Reagan Administration should not destroy with ill-timed military actions. (Among this group, there is no good time for U.S. military action.) As a result, Congress passed the infamous Boland Amendment, cutting off all U.S. support to the Nicaragua Resistance.

Despite their best efforts, the Sandinistas could not drag out this process forever. President Reagan's landslide reelection victory, coupled with continued reports of growing Sandinista repression, gave him the power to finally strong-arm an unwilling Congress into approving $100 million in military aid to the Nicaraguan Resistance in June 1986. This enabled the Resistance to begin a series of successful strikes on the Sandinistas. (See *Freedom Bulletin* No. 4, 1987, "Nicaraguan Resistance Takes the Offensive")

Unfortunately, American inconsistency and State Department maneuvering in the meantime had severely weakened the political will of Nicaragua's neighbors to resist the Sandinistas. Without a dependable promise of U.S. support, no Central American country wants to stand alone against the huge arsenal the Soviets have installed in Nicaragua. In the face of this weakness, the Castro-Casteñeda-Contadora Plan was resurrected. This time its primary sponsor was Costa Rican President Oscar Arias.

THE PRESIDENT CUTS A DEAL

The return of the U.S. Senate to Democratic control and the ensuing "Iran-Contra" investigation placed the Reagan Administration on the defensive in Central America. Despite the tremendous outpouring of public support for Lt. Colonel Oliver North, White House vote counters saw an uphill battle for renewing aid to the Resistance. Rather than dig in and fight, a strategy that many outside observers recommended, new White House Chief of Staff Howard Baker (always quick to avoid direct clashes with Congress) chose to cut a deal with House Speaker Jim Wright.

Under the so-called Reagan-Wright plan, the President agreed not to call for renewed aid to the Resistance for sixty days after the current aid package expired and the Speaker agreed to support renewed assistance if the Sandinistas failed to take steps toward democracy during the sixty days. The central weakness of this plan is that it set no clear definition of "steps toward democracy." Given the Sandinistas' long history of stalling tactics, this was a fatal flaw.

The announcement of the Reagan-Wright plan came as a complete surprise to all the players. Leaders of the Resistance, meeting that day with Secretary of State George Shultz, didn't hear of the plan until they were questioned on it by reporters after their meeting. Republican Congressional leaders who had led the fight for aid were similarly caught by surprise.

The announcement threw the Central American Presidents, meeting at the same time in Guatemala to consider the Arias Plan, to complete confusion. What had been a spirited debate quickly became acceptance of the Arias Plan, as supporters of the U.S. reassessed their positions. The history of the last forty years makes abundantly clear that when America talks "peace plan," America's allies had better run for cover.

In response to the Arias plan's call for democratic reforms, the Sandinistas have taken four steps, which have been hailed by their public relations machine in the United States as "historic breakthroughs." In fact they amount to little more than cheap propaganda ploys with little impact on the situation inside Nicaragua.

REOPENING LA PRENSA

During the Somoza years, before the Sandinistas took power, *La Prensa* was the largest of a number of independent newspapers in Managua. Owned by the powerful Chamorro family, *La Prensa* was strongly critical of the Somoza regime, and repeatedly called for reforms. It was frequently cited by the Sandinista lobby in Washington as a source for their claims against Somoza. In fact, the murder of Pedro Joaquin Chamorro, *La Prensa's* publisher, in 1978 was the beginning of the end for the Somoza regime. (Many now believe that Chamorro was actually murdered by the Sandinistas, to eliminate a potential rival and to create a martyr.)

Under the Sandinistas, *La Prensa* was steadily crushed under the weight of censorship and economic controls. Where once it publishes 40-60 pages a day and was supported by extensive advertising columns, by 1986 it was down to six pages daily with no advertising (there being no private businesses to advertise). All new stories were subject to approval by the government, and newsprint was in short supply. Finally, in June of 1986, the Sandinistas ordered *La Prensa* to close completely.

Now they have been permitted to reopen, supposedly without "official" prepublication censorship. Unfortunately, the presses and other equipment are in disrepair, the staff has scattered, the newsprint is still unavailable, advertisers are still nonexistent, and the readers are too poor to pay even a few cents for a copy—even the carriers no longer have bicycles and must deliver the four-page paper on foot. Sandinista leaders have made it clear that *La Prensa* will be shut down again if it prints anything which "threatens the defense of the revolution."

And yet this is being trumpeted as a major step towards freedom of the press and a reason to continue the "peace process."

RADIO CATÓLICA

The second step the Sandinistas have taken is to allow the Catholic Church's radio station, Radio Católica, to reopen. Here again, equipment problems have made reopening difficult; it is very difficult for replacement transmitter parts from abroad to clear Sandinistas customs. In addition, Radio Católica has been forbidden to broadcast any news programs.

The many other independent radio and television stations which used to operate in Nicaragua are still closed. Radio Liberacion (the voice of the Resistance) is still jammed. Clearly, real freedom of speech is a long way off.

OTHER STEPS

The Arias Plan calls for a cease fire and negotiations betwen Central American governments and the guerrillas which oppose them. El Salvador and Guatemala have already done so. The Sandinistas have instituted a "partial" cease fire, but continue to refuse any direct negotiations with the Nicaraguan Resistance. They fear that direct negotiations would legitimize the Resistance, which the Sandinistas claim is made up mercenaries controlled by Washington.

The final step Sandinistas have taken is the naming of a National Reconciliation Commission to monitor compliance with the Arias Plan. Although the Commission's Chairman is Cardinal Obando y Bravo, the Archbishop of Managua and a leading Sandinista critic, the rest of the membership is heavily stacked in favor of the Sandinistas.

The Sandinistas, as they did under Contadora, have expressed a willingness to negotiate with the United States. However, they have made clear that the revolution is not on the table. The Cuban-style black committees, which monitor each citizen's behavior and enforce the terror through their control of food rationing cards, are not on the table. Real political, economic and religious freedom are not on the table. The only thing on the table is U.S. aid to the Resistance and when—not if—*when* it will stop. This is how the Arias Plan hopes to end the war in Central America.

WILL AMERICA SELL OUT THE RESISTANCE?

The view on the horizon remains bleak. The loss of the Bork nomination, the stock market crash, and the pressure for a tax increase all point to the rapid decline of the Reagan Administration into lame duckery.

One thing is certain, with each passing day the Sandinistas receive another $1.6 million in Soviet Bloc weapons, pump more support to the guerrillas in El Salvador and Guatemala, and tighten their grip on the throat of the Nicaraguan people. Where once a few million dollars may have been sufficient to stem the tide, today a sustained effort will be required, one for which Congress and the Administration have shown little stomach. Unless that changes, the question after the election may shift from shall we aid the Nicaraguan Resistance to how soon should we send in the Marines.

FURTHER EVIDENCE OF ACID PRECIPITATION DAMAGE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. MARKEY. Mr. Speaker, for years the evidence has been mounting that this Nation is suffering significant levels of damage from acid precipitation. As the problem has been allowed to continue, so has the degradation of our lakes, our agricultural lands, and our buildings. The public health and environmental consequences are severe.

A new report by the environmental defense fund now shows that the Atlantic coastal waters have also been seriously affected by acid precipitation. According to this study, increasing emissions of nitrogen oxides are threatening marine life in areas off the northeastern coast. The waters of Chesapeake Bay, Long Island Sound, and the Albemarle-Pamlico Sound are examples of areas which already show adverse impacts from airborne emissions.

I want to call to my colleagues' attention the following article from the New York Times of April 25, "Acid Rain Called Peril to Sea Life on Atlantic Coast." The EDF report described in that article underscores even more sharply the need for effective acid rain legislation this year. We cannot afford to delay action for some future Congress unless we are willing to allow environmental damage to continue, leaving future generations to question our unwillingness to act to solve the acid precipitation crisis.

ACID RAIN CALLED PERIL TO SEA LIFE ON ATLANTIC COAST

STUDY BLAMES NITROGEN

(BY PHILIP SHABECOFF)

WASHINGTON, April 24.—Acid rain, already recognized as a serious threat to fresh-water organisms, is also contributing far more to the degradation of marine life in Atlantic coastal waters than previously recognized, according to a new report.

Up to now, most experts have assumed that agricultural runoff and sewage were the main pollutants responsible for the increasing frequency of mass killings of marine life along the Northeastern coast. But the new report shows for the first time that acid rain is also a major culprit. It suggests that a reversal of the declining quality of Atlantic coastal waters will depend on measures to control air pollution as well as pollution on the land.

The study is also likely to add new fuel to the current scientific debate over the effects of acid rain and to the battle in Congress over whether stringent new controls are needed for the sources of the pollution that cause acid rain.

EUTROPHICATION IS CULPRIT

The air pollutant causing problems in this case is not sulfur dioxide, the primary component of acid rain, but oxides of nitrogen, a secondary component that is mainly produced by automobiles and electric utilities. In the atmosphere, nitrogen oxides are converted to nitric acids and nitrates. The damage to coastal aquatic life highlighted in the new report results not from acidity but from eutrophication, in which excessive growth of algae, stimulated by nitrate salts and other nutrients, chokes off the oxygen supply and blocks the sunlight required by other plants and animals.

Prepared by scientists of the Environmental Defense Fund, a nonprofit environmental group, the study found that airborne nitrates, mostly from motor vehicles, power plants and other industrial facilities, are a major source of the nitrogen that is polluting Eastern coastal waters by feeding algae blooms.

FOCUS ON CHEASPEAKE

The conclusion was endorsed by other scientists who have read drafts of the report. Joel S. O'Connor, an ecologist with the Waste Management Institute of the State University of New York at Stony Brook, said that the report was a "technically good job that points out a problem that is not widely recognized enough."

George Hidy, a director of the environment division of the Electric Power Research Institute, a research association of utility companies that emit large amounts of sulfur and nitrogen from their plants, called the report's findings "an interesting and surprising hypothesis that needs to be verified." He said he would welcome the chance to look at the report in detail.

The study focuses on Chesapeake Bay and its tributaries, and found that atmospheric sources account for about a fourth of the nitrates entering the bay, second only to fertilizers, which accounted for about a third. The report said that nitrogen in acid rain also contributed significantly to degradation of the waters of Long Island Sound, the New York Bight, and North Carolina's Albemarle-Pamilco Sound.

Dr. Michael Oppenheimer, an atmospheric physicist for the environmental group and a co-author of the report, said the findings are important because acid rain had previously been thought of largely as a problem that affected "a few hundred or a few thousand acidified lakes in remote areas." Now, he said, it can be demonstrated that nitrogen in acid rain is having direct impact on coastal resources used by millions of people.

"It is choking off the ocean's nurseries," he said. "It is shutting down the playground for millions of Americans. It is a regionwide problem, and it is only going to get worse because of the projected growth of nitrogen emissions." Besides Dr. Oppenheimer, the other authors of the report were Diane Fisher, Jane Ceraso and Thomas Mathew.

Nitrogen is a nutrient that stimulates the proliferation of algae in water. These algae use up the dissolved oxygen required by other marine life and cloud the water—a process called eutrophication—thus reducing the amount of sunlight that penetrates the surface. Along with other pollutants like toxic chemicals, increased nitrogen is believed to be contributing to a longterm decline in fish and other aquatic animals and plants in many areas. It plays a central role in the increased susceptibility of coastal waters to dramatic short-term algae blooms that kill fish and plants.

Last summer, in an example of the severe problems that can develop when an excess of nutrients combines with prolonged warm weather and calm waters, fishermen in Long Island Sound hauled in catches of dead lobsters, crabs and other bottom dwelling animals killed by eutrophication.

Tudor Davies, of the Environmental Protection Agency, said there have been a growing number of cases of severe oxygen depletion and fish kills in Eastern coastal waters in recent years, particularly in estuaries. He said there have been serious incidents of eutrophication in the Chesapeake and Delaware Bays, the New York Bight, Long Island Sound and Narragansett Bay in Rhode Island.

However, in some rivers, notably the Potomac, the eutrophication problem has been reduced because of the construction of sewer treatment facilities in recent years, Dr. Davies said.

Airborne nitrates already account for about 25 percent of the nitrogen pouring into the Chesapeake each year and this proportion will increase with the growing amount being spewed into the air, the study warned. Fertilizers currently account for 34 percent, sewage and other industrial discharges 23 percent, and animal wastes, including runoff from land and evaported ammonium from manure that travels through the atmosphere, 18 percent.

If current trends continue, atmospheric nitrates would constitute 42 percent of annual nitrogen deposits into the bay by the year 2030, according to the report, which is based on data accumulated by a number of Federal and state agencies.

Acid rain results from pollution, chiefly oxides of sulfur and nitrogen from power plants and other sources that burn fossil fuels like coal and oil, that is transformed chemically as it travels through the atmosphere and falls to earth as acidified rain, snow, fog or dry particles.

Congress is now considering amendments to the Clean Air Act that would, among other things, require sharp reductions in these sulfur and nitrogen emissions. These amendments are supported by environmentalists and states downwind from the pollution sources, chiefly in the Midwest. But they are opposed by the Reagan Administration, by industry and by others who contend that the damage to human health and the enviornment caused by acid rain is not significant enough to warrant the high cost of curtailing emissions.

Dr. Oppenheimer contended that the new information about the impact of nitrogen from acid rain shifts the equation even more in support of controls on the sources of pollution. "In ignoring the acid rain problem," he said, "Congress and the Administration decided to sacrifice thousands of lakes. As it turn out, they were also pulling the plug on our estruaries and coastal waters."

CHANGE UNFAIR DECLINE IN LEGAL IMMIGRATION

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. DIOGUARDI. Mr. Speaker, I rise today to tell my colleagues about legislation to correct serious inequities in our current immigration laws which have denied thousands of people the opportunity to share in the American dream. If our present immigration laws were in place 50, 60 or 100 years ago, many of us probably would not be here today.

My father, who came here from Italy with nothing but the hope of seeking a better life for himself and his family would never have been allowed to come to this great land. I believe it is time for us to change the unfair decline in legal immigration that citizens from many countries have suffered since passage of the sweeping 1965 immigration law. The three bills I have introduced seek to address the unfairness of our current laws on many levels.

My first bill, H.R. 4080, addresses the problem of undocumented aliens now living here through a redress provision. Many of these fine people qualify for amnesty under the Immigration Reform and Control Act of 1986. Unfortunately, either as a result of fear, lack of information or both, thousands have not yet applied for legal immigration status. In addition, thousands more just missed the cutoff date for qualifying, some by a matter of days.

A specific group which comes to mind is the Irish. There are an estimated 150,000–200,000 undocumented Irish citizens living in the United States. While undocumented, these people have proven to be dedicated, hard-working and valuable assets to our Nation's work force and economy. If allowed to live here legally, I am sure their contributions would multiply.

My redress provision could give hope to many of these people by making available 100,000 permanent residency visas per year for each of the 5 next years. Priority would be given to those who attained a specified number of points under a system weighted towards education, labor skills and need in the U.S. work force.

My second bill, H.R. 4079, addresses a major concern of the U.S. Department of Labor's "Workforce 2000" report. Their projections point to a continuation of the rapid rate of growth in job creation for the services sector. In conjunction with a low birth rate in the United States, the study suggests that immigrants will represent the largest share of increase in the population and in the work force since World War I.

To meet the challenges this study presents, my bill would provide up to 10,000 5-year provisional work visas per year for people abroad who wish to come here to work. An employer or a labor union would submit a petition to the Attorney General stating their need for an employee and requesting that this person receive one of the temporary visas. At any point during the 5 years, one could apply for permanent residence status.

An undocumented person could also apply for a 5-year work visa to receive temporary legal status; 30,000 of these visas would be made each year. Application for this type of visa would not constitute the sole grounds for deportation from the United States.

I would like to emphasize at this point that none of these work visas would displace current American workers. Before any such visa could be issued, the Secretary of Labor must certify that the employment of such a worker would not displace workers similarly employed in the United States.

The final bill I introduced, H.R. 4081, involves military enlistment. Historically, many immigrants have served in U.S. Armed Forces and have given their lives to defend American values, freedom, liberty, and democracy. The intent of my legislation is to make available to the Armed Forces of the United States and to the militias of the several States a limited number of persons not already lawfully admitted for permanent residence status for the purpose of enlistment in the Armed Forces. Each branch of the military and militias of the States would be allowed to issue visas for this purpose. No branch or reserve component would be required to issue such visas if they do not wish to do so.

This provision would enable the Armed Forces, if they felt the need, to make up for shortfalls in personnel that they may experience in any given each year. A person applying for this type of visa would be required to declare his intent to apply for permanent residency. Up to 17,500 visas could be issued by the forces and each Governor could issue up to 3,000 of such visas per year. The visas would be made available for both those abroad and those already in this country.

It is time for Congress to rekindle the beacon of hope and opportunity that was dampened for so many by the 1965 Immigration and Nationality Act. I believe enactment of the bills I have introduced would be a positive first step in this direction. I encourage and welcome your support.

DRUG ABUSE PREVENTION PROGRAM

HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. ROWLAND of Connecticut. Mr. Speaker, Congress has been subjected to serious criticism lately for pork barrel spending. While there was a lot of fat in last year's continuing resolution bill, we often lose sight of some of the small, valuable programs which we fund. I would like to direct your attention to one of these programs.

The National Citizens Crime Prevention Campaign is a $3-million program managed by the Justice Department and implemented by the National Crime Prevention Council, the group which brought us McGruff, our national crime prevention symbol. McGruff is now recognized by 96 percent of all teenagers, and by 99 percent of all children ages 6–12 in the United States. Every dollar spent on literature for this campaign produces over $500 in State, local, and private reproduction and distribution contributions.

Most recently, McGruff has been recruited to teach America's youth to stay away from drugs. The message is strong and the messenger is respected. In my district, the Danbury Police Department presented the drug abuse prevention program to the South Street School. The visit was extremely successful as the following letter from the South Street School to the Danbury Police Department demonstrates. I am proud to be associated with this public/private partnership effort to curb drug abuse, and am pleased that the program is being used in my congressional district.

South Street School,
Danbury, CT, January 15, 1988.

Chief Nelson Macedo,
Danbury Police Department, Main Street, Danbury, Ct.

Dear Chief Macedo: The third graders of South Street School and their teachers were very impressed with the "DRUG ABUSE PREVENTION PROGRAM" presented by Sgt. Mack. The information was well presented by Sgt. Mack and eagerly accepted by the children. Sgt. Mack made sure each child understood the material and provided ample time for question and answer periods whenever necessary. The "McGruff" Movie was also very much to the point and at a primary child level.

After viewing a number of drug related programs over the years, I would like to compliment your department on developing one of the best I have seen to this point. Sgt. Mack's articulate as well as concerned and caring manner was a distinct enhancement to the program. I have and will continue to recommend it to my colleagues. I hope this program will continue to be available to schools in the area. I look forward to using it again next year. I feel it will benefit many children.

Sincerely,

Donna B. Ireland,
Third Grade Teacher.

IMAGINE A PALESTINIAN STATE—A NIGHTMARE FOR THE ARABS AND FOR ISRAEL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. LANTOS. Mr. Speaker, earlier this week the New York Times published an outstanding article by Daniel Pipes, the director of the Foreign Policy Research Institute in Philadelphia and editor of the institute's quarterly journal, Orbis. Dr. Pipes' piece was singularly analytical, outstanding, and accurate, and I commend it to my colleagues in the Congress.

A Nightmare for the Arabs and for Israel

(By Daniel Pipes)

Philadelphia.—An independent Palestinian state would pose well-known dangers to Israel and the United States, but a close look shows that if such a state ever came into existence the biggest losers would be the Arabs. The citizens of this state would suffer human rights abuses, and Arab states in the neighborhood would be threatened by a whole range of new dangers.

We must assume that a Palestinian state would be run by the Palestine Liberation Organization, for no other Palestinian group now or in the near future can compete with it.

In addition to the P.L.O.'s symbolic power, it controls a network of well-established institutions and funds estimated in the billions of dollars, enjoys wide international recognition—and it has the guns. Together, these make it the only serious Palestinian claimant to power.

We have a very good idea what Palestine Liberation Organization rule would mean, for the record since its founding in 1964 has consistently been one of an avaricious, self-serving leadership living by a nondemocratic ethos.

Ignore for the moment the many atrocities against Israelis and the citizens of other countries, including the United States. Just recall the contempt that the P.L.O. has shown for the lives of non-P.L.O. Palestinians in Jordan, the West Bank and elsewhere.

The closest the P.L.O. has come to a state was in southern Lebanon between 1975 and

1982. There it enjoyed nearly sovereign authority. For seven years, P.L.O. members rank amok, grabbing possessions and women as they wished, dealing in drugs and operating protection rackets. Their insolence was so great that many Palestinians, not to speak of terrorized Lebanese, actually welcomed the P.L.O.'s removal by Israeli troops.

Given the P.L.O.'s long record of indifference and brutality, there is no reason to expect this pattern of behavior to change were Yasir Arafat to achieve power in a Palestinian state.

As for its impact on Middle Eastern countries, the creation of a P.L.O. polity would foment instability for years to come, for those with trouble on their minds would flock to it.

President Hafez al-Assad of Syria could be counted on to goad the new state against Israel as a way to keep his hand in the Arab-Israeli conflict and assure his position at home. Col. Muammer el-Qaddafi of Libya would try to make the new state an instrument of his power. And would the Ayatollah Ruhollah Khomeini, who has just founded his own Palestinian group, be far behind?

Imagine, if the P.L.O. wielded the powers of a state, how much more effectively it would extort money and favors from the rich but weak countries of the Persian Gulf. But it would be the frail monarchy of Jordan that, as ever, would be most exposed to this new menance.

In 1970, when the P.L.O. was only an irridentist movement, it almost overturned King Hussein. It would threaten him even more once it controlled real territory and real resources.

Behind closed doors, Arab leaders recognize these dangers, and they worry. As President Jimmy Carter so indiscreetly revealed in 1979, "I have never met an Arab leader that in private professed the desire for an indpendent Palestinian state."

Even if a P.L.O. state poses fewer dangers for Israel than for the Arab countries, it offers Israel no advantages. Through 70 years of Arab-Zionist conflict, the Palestinian leadership has consistently taken the most extreme, violent stands, preventing a resolution of that conflict.

Empowering the P.L.O. simply would boost the worst Palestinian elements and create new obstacles to peace. Certainly, no one should expect a Palestinian state on the West Bank and Gaza to end the Arab-Israeli conflict: It would merely move it to a new stage.

Finally, a P.L.O. state would harm United States interests, for it would offer Moscow a new outpost of influence strategically wedged between two important friends of America. Recognizing its value, Moscow would surely pour agents and arms into the new state. For the Kremlin, a P.L.O. state between Israel and Jordan would offer almost as many opportunities as moving East Germany to the English Channel.

The Palestine Liberation Organization embodies many ironies. It is, for example, a weak institution with a worldwide presence as well as a terrorist organization whose only success lies in diplomacy. But the greatest irony of all is that its rise to statehood would hurt Arabs far more than Israelis.

CONTINUING RESOLUTIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 27, 1988 into the CONGRESSIONAL RECORD:

CONTINUING RESOLUTION

When President Reagan hoisted over 30 pounds of paper during his 1988 State of the Union address, most Hoosiers got their first glimpse of a "continuing resolution", an omnibus, multibillion-dollar government spending bill. Last year, for the second in a row, the Congress combined all of its 13 regular spending bills into one mammoth package. After one hour of debate, no permitted amendments, and a simple yes or no vote, the Congress sent to the President a 2100-page, $600 billion bill which provided a year's funding for most government programs.

That is not how the federal budget has traditionally been handled. In the past, the Congress sliced the total annual spending pie into 13 separate pieces. These 13 bills are the most important measures considered each year, providing funding for most federal programs. If the Congress fails to approve the individual spending bills before the new fiscal year, measures can be passed to continue temporary stop-gap funding. Although these continuing resolutions (CRs) were first used by the Congress more than a century ago, they have changed significantly in recent years. Since President Reagan entered office in 1981, the Congress has used CRs not only for short-term program extensions, but increasingly as long-term substitutes for the regular spending bills. In five of the past seven years, more than half of the 13 regular spending bills have been combined into omnibus full-year CRs.

There were several reasons why the Congress came to rely on CRs. A major factor has been the budget stalemates of recent years. Long delays in reaching a consensus on the annual budget plan have precluded timely action on individual spending bills. Lumping spending bills together became the only way the Congress could balance to a majority's satisfaction the priorities for defense and domestic spending.

The Congress also came to rely on long-term continuing resolutions because it has failed to meet its own deadlines. For the past five years, the House has passed most of the 13 spending bills before the beginning of August, but the bills have often been stalled in the Senate. The House cannot ensure timely enactment of the 13 bills if the Senate does not act on them. The 1985 Gramm-Rudman deficit reduction law also encourages delay of individual spending bills. To avoid Gramm-Rudman automatic across-the-board cuts, the Congress has delayed making final decisions on spending bills until an agreement is reached with the Administration on a deficit reduction package which meets Gramm-Rudman deficit targets. In 1987, the Congress and the President did not reach a budget agreement until late November, well after the individual spending bills should have been passed.

Most Members of Congress, including myself, have become increasingly dissatisfied with omnibus CRs. The most frequently heard comment among Members is that there must be a better way to run the government. There is clearly insufficient review of long-term CRs, bills which force the Congress to consider $600 billion of spending decisions in a simple up or down vote. These bills are so big that Members cannot possible know what is included in them. Moreover, long-term CRs are always last-minute bills rushed to the floor so that Members can go home for recess or the holidays. Last year, I received the 2100-page bill at 1:30 am, and had to vote on it only a few hours later. Because CRs must pass to keep the government running, Members of Congress are pressured to vote for them even though they may oppose or may not fully understand many of the provisions. Omnibus CRs also infringe on the President's veto power. Last-minute CRs force the President to choose between accepting spending decisions he opposes or vetoing the entire measure, thus shutting down the government for lack of funds.

Since continuing resolutions are not subject to usual House rules which prohibit putting legislative changes in spending bills, omnibus CRs circumvent the normal legislative process. They frequently contain provisions which might not pass on their own. For example, in 1987 the CR contained a provision to make permanent the Fairness Doctrine for broadcasters, although the President had already vetoed it earlier in the year. The CR also contained, among other things, a contra aid package, an airline smoking ban, and a clean air deadline extension. CRs also include numerous special interest items which avoid individual scrutiny. Last year, Members' pet projects included funding for construction of schools abroad, airport expansions, and research projects at a few selected universities. While most of the 13 spending bills are initially taken up separately by the House or the Senate, the final CR will differ in major ways from the bills as originally considered.

The Congress should take several steps to handle its budget process better. We must take timely action on the regular spending bills, sending each one individually to the President before the new fiscal year. I support changing the House rules to limit the content of omnibus CRs, to remove legislative and unauthorized spending provisions, and to impose stricter spending ceilings on CRs. I also believe that the Congress should split up massive CRs into their component parts so that the President can consider them separately.

Omnibus CRs are not a responsible way to fund government programs. Decisions on how to spend limited resources should be reviewed carefully and methodically. It has been my practice to vote against long-term continuing resolutions. They are simply too big, too hastily considered, too filled with unknown and special interest provisions, and depart too far from normal legislative procedures. I am hopeful that a CR can be avoided this year, because basic budget decisions were made last year as part of the two-year budget agreement reached between President Reagan and congressional leaders. Even so, unless the Congress and the President can reach a stronger and more timely consensus on budget priorities in the future, the pressure to resort to a CR will be hard to overcome.

RITTER/TSONGAS RESOLUTION TO PROVIDE EFFECTIVE ASSISTANCE TO THE AFGHAN FREEDOM FIGHTERS HAS PROVEN EFFECTIVE

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. RITTER. Mr. Speaker, I am pleased to bring to the attention of my colleagues the following article regarding the effectiveness of United States supplied Stinger antiaircraft missiles provided to the Afghan resistance. It is clear from this article that United States boldness has resulted in increased Afghan resistance strength vis-a-vis Soviet and Soviet-backed forces in Afghanistan. The principle that Soviet-style Communists are only willing to negotiate once they are faced with a real threat to their power, has once again proved true.

The following is John Gunston's article which appeared in Aviation Week & Space Technology:

STINGERS USED BY AFGHAN REBELS STYMIE SOVIET AIR FORCE TACTICS

Afghan mujahedeen resistance leaders cite their U.S.-supplied General Dynamics Stinger surface-to-air missiles as the decisive factor that has enabled Afghan field commanders to negate the tactical air threat deployed against them by units of the Soviet and Afghan air forces.

As the air threat has diminished, mujahedeen commanders have been able to concentrate their forces and move them freely around the country.

TACTICS ALTERED

The Stinger has forced high-performance Soviet strike aircraft pilots to deliver their weapons from high altitudes, seriously eroding accuracy. It also has forced pilots of Soviet helicopter gunships and tactical strike aircraft, such as the Sukhoi Su-25 Frogfoot, to fly nap-of-the-earth missions and deliver their ordnance on the first pass, making them vulnerable to massed small arms fire and further eroding accuracy.

The fear of air attack that had prevailed among the mujahedeen in 1985 and 1986 has disappeared and supply caravans now travel with ease during the day, something they were loathe to do two years ago.

When the Stinger missiles were first deployed operationally in October, 1986, mujahedeen gunners claimed they were destroying at least one aircraft each day. A year later, the missiles obviously were still effective despite Soviet countermeasures, although the number of aircraft claimed by the missile gunners has declined considerably. The mujahedeen gunners still claim a 65-70% kill rate per missile launch, although the number of launch opportunities has declined due to changes in Soviet operating techniques. About one aircraft per week is a good estimate of Soviet losses at present.

A unit of the National Islamic Front of Afghanistan (NIFA) was among those that provided air defense cover during the recent Soviet offensive aimed at breaking the mujahedeen siege of the town of Khost.

The unit consisted of a two-man Stinger team and an antiaircraft unit equipped with a 20-mm. Oerlikon gun.

Both the missiles and the gun were supplied by the U.S. as part of its aid program to the mujahedeen. The gun was delivered in 1985. Both teams were dressed in U.S. surplus military fatigues.

The NIFA unit was located on a mountaintop overlooking Khost, with the gunnery team waiting some distance down the slope from where its gun was emplaced. The missile team consisted of two former Afghan army officers who had defected to the mujahedeen three years earlier.

They were confident of their ability to shoot down modern, high-performance jets with the Stinger and claimed they had four previous kills to their credit. The two worked alternately as observer and gunner. Their professionalism was apparent and in marked contrast to that of the rest of the NIFA unit members, who exhibited the more typical Afghan fatalistic feeling that fervent ardor would make up for any lack of military training.

The Soviet air force had been raiding the area in which the unit was stationed on an almost daily basis, with aircraft operating from Kwajarawash, Kabul's international airport. Most of the aircraft were identified as MiG-21s, configured as fighter-bombers.

The raid consisted of six jets, operating in pairs, which arrived from Kabul in the afternoon. The strike was coordinated with a fire mission from a Soviet multibarrelled rocket launcher targeted against the lower ridges around our area.

The first indication the unit had of the raid was when bombs exploded against the upper levels of mountains nearby. The aircraft that had dropped them remained at high altitude and were difficult to see in the bright light. The aircraft were visible only when the sunlight glinted off their fuselages or wings.

The Stinger team took their launch position as soon as the aircraft were seen and the gun crew began a 15-min. climb to their gun's firing position.

The Soviet aircraft orbited the target area, breaking off in pairs to deliver their ordnance. They never came lower than about 2,000 ft. above the highest mountain peak in the area. Each pair made two passes, with the lead releasing his weapons while the wingman followed at a considerable distance. The mujahedeen said the wingman's job was to attack any position from which a Stinger was launched at the lead.

GREATER USE OF FLARES

All six Soviet aircraft continually released antimissile flares, which were considerably brighter than those seen on earlier visits to the combat zone (AW&ST Oct. 29, 1984, p. 40). The mujahedeen missile operators said they had been instructed not to fire at any aircraft flying within a large flare pattern. They said they also had encountered guidance problems when attempting to engage aircraft near water on a sunny day.

From the altitude at which the weapons were released by the aircraft, it would have been difficult to detect or accurately aim at any specific target in our immediate area. The bombs dropped by the Soviet aircraft detonated on barren mountain tops. Some started small brush fires, but otherwise did no discernable damage.

It appeared that the pilots involved were putting survival before accuracy.

The crew of the Oerlikon gun made it to their weapon in time to fire a few rounds at the vapor trails heading north back toward Kabul.

"We suffered throughout the war from Soviet helicopter gunships, and jets," Rahim Wardak, a prominent NIFA commander, explained during another operation around Kabul some three weeks later. "Now for the first time we are able to mass major forces without the constant danger from Soviet air."

"They [the Soviet air force] don't like suffering casualties, so they drop their bombs and fly home as quickly as they can," he added. "Stinger has really frightened them. They have depended on their air capability, but that capability has now tremendously decreased. This has raised our morale and allowed us to go on the offensive and take the initiative. It [the Stinger deployment] has had a major tactical and strategic significance in our struggle."

Wardak's command assembled a force of about 2,000 men in an area approximately 20 mi. from Kabul. It took two weeks for this force to get into position, a fact the Soviets must have known for some time.

But Soviet air units did not begin to operate against the mujahedeen until the antigovernment Afghan forces began their attacks.

Again, in the attacks by Soviet aircraft during this period, the Soviets stayed high—in this case even higher than around Khost. This time, they stayed about 4,000 ft. above the highest mountain tops, again denying the Stingers a reasonable shot while at the same time sacrificing their own weapons accuracy.

A helicopter, either a Mi-24 or a Mi-8/17, accompanied each strike, flying in circles and dropping high intensity flares profusely.

Helicopter gunship attacks and missions by Su-25s are apparently assigned only to areas where the Stinger is thought to be absent.

These two aircraft types, once seemingly invincible in attacking mujahedeen ground units, are limited to nap-of-the-earth operations over hilly terrain, which makes them vulnerable to small arms fire. All recent attacks by these aircraft have been limited to single-pass weapon deliveries.

The same Stinger team that operated near Khost was brought in for the later operation near Kabul. They transported four of their five Stingers in their original green plywood boxes on the backs of Tennessee mules—another U.S. aid benefit. The fifth Stinger was carried mounted in its launcher, ready for action in the event of a Soviet air raid on the mule train.

The five were early versions of the Stinger, but of fairly recent manufacture. Each missile tube also carried a warning pasted on the side:

"Confidential: National Security Information. Unauthorized Disclosure Subject to Criminal Sanctions."

After each mission into Afghanistan, the launch teams return to their pickup point to be debriefed by U.S. and Pakistani officials and to exchange the tubes of the Stingers they have fired for new missiles. Each team is issued two new missiles for each empty tube, up to a maximum of eight missiles. Three batteries are issued for each missile. The teams also receive one Stinger launcher.

The mujahedeen missile teams are trained at a base in Pakistan, outside Islamabad. Training on the Stingers is performed by members of the Pakistani Inter-Services Intelligence (ISI) Directorate General of the Pakistani military, ISI is the agency through which the U.S. Central Intelligence

Agency funnels all military aid to the Afghans.

ISI Stinger instructors attend a six-month course in the U.S. Pakistan's forces also are equipped with the missile. U.S. instructors also are stationed at the base to ensure the standard of training is maintained.

DEPLOYMENT EXPANDED

Operational deployment of the Stingers was at first limited by fears that some might be captured by the Soviets, or that the Afghan air force might fly retaliatory strikes against border villages inside Pakistan.

The missiles were kept in the border areas during late 1986 and early 1987, at least partly at the insistence of the Pakistanis. Bombing along the border was an almost daily occurrence at this time.

The situation changed in mid-1987 when Ahmed Shah Massoud, the mujahedeen commander in the Pajshir area, received his first Stingers. The missiles have now been deployed in the distant northern provinces of Afghanistan, near the Soviet border.

Initially, 300 Stingers were allocated to the mujahedeen in 1986 with a further 600 in 1987. A number of these were captured in the first few months of their deployment. Some were turned over to the Afghan military by mujahedeen commanders who took advantage of the Kabul government's amnesty program, which includes generous cash payments for such weapons as Stingers and British supplied-Short Brothers Blowpipe surface-to-air missiles.

There have been continuing rumors in both Pakistan and Afghanistan that approximately 16 Stingers were sold to Iran in 1987 by commanders of the Islamic fundamentalist faction Hezbi-i-Islami for approximately $1 million. This is denied by other mujahedeen leaders, who claim that the missiles, if they were obtained by the Iranians, were stolen from mujahedeen units. Batteries for use with the Stinger missiles were found on board a boat operated by the Iran Revolutionary Guards in the Persian Gulf on Sept. 21, 1987.

In addition to the Stingers, about 300 British-supplied Blowpipe missiles were provided to the mujahedeen through the same channels as the Stingers. These arrived in Afghanistan in early 1986, before the first Stingers were received. Training was the responsibility of the U.S., and the mujahedeen apparently never gained confidence in the weapons, which uses a line-of-sight guidance system and is somewhat more complicated to operate than the Stinger.

The kill rate of the Blowpipe was low in comparison to the Stinger and its use has been terminated.

THE NUCLEAR DELUSION—WHO PAYS?

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. DOWNEY of New York. Mr. Speaker, the giant that we know as the nuclear industry has once again overstepped its bounds, and this time, as if trouncing upon the safety concerns of the American public has not been enough, the industry is going after a different part of the taxpayer's anatomy—the wallet.

Perhaps sensing that nuclear power may be the industry's Achilles heel—there have been no approvals for new nuclear powerplants since 1978—the giant has decided that it needs another new trade association here in Washington, the National Energy Contractors Council Inc., to keep it on the inside track with the folks at the Department of Energy. Now, keeping your "foot in the door" is part of doing business just about anywhere, but doing it at the taxpayer's expense should not be part of the deal. It appears that this new association has been set up so that a portion, if not all of its operation costs, can be billed to the Department of Energy whose bills are paid by the American taxpayer. Pretty sneaky.

Mr. Speaker, some say that the nuclear industry cannot be beaten, that their game of hardball is just too intense, and that as long as they have the momentum, they'll keep streamrolling over those who believe that the industry is not the "golden child" of America's future. If we don't at least try to stop them at this new pass, we may well be admitting that we have been beaten.

I would guess that there are many here in the Congress who simply do not accept the inevitability of a final victory for the nuclear industry. I would today urge those Members to raise their voices against this latest foray into the public pocketbook.

SKELETONS IN THE CLOSET: THE UNKNOWN HISTORY OF THE SANDINISTAS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. CRANE. Mr. Speaker, we all know that the key to the present lies in the knowledge of the past. Yet, many of my colleagues have ignored the history of the Sandinistas when deciding the future of the Nicaraguan people. The real origins of the current Sandinista regime have been overlooked in the zeal to provide a better future for the people of Nicaragua. As a result, the Sandinistas are perceived by some as the best hope to lead Nicaragua out of the depths of poverty and oppression. However, just a basic knowledge of the Sandinistas' long history of Marxist orientation would finally rid many Americans of the these delusions.

It would be surprising for many people to learn that the Sandinista movement was originally formed by Carlos Fonesca Amador in the early 1960's. Mr. Amador, who incidentally received his revolutionary "training" in Moscow during 1958, accepted direction from none other than Fidel Castro as to the political conviction and leadership of the infant Sandinista movement. They were undeniably Marxists and proud of it. Yet, when the opportunity to receive vital aid from the United States arose, the Sandinistas suddenly transformed into a "nonaligned" revolutionary movement. Unfortunately, the Carter administration fell for this maneuver in 1978 and many Americans have yet to realize the true doctrine of the Sandinistas.

I challenge my colleagues to open their eyes and confront the truth. The great American propensity is to taint reality in the hope of promoting change. This is our greatest weakness. And today it is being exploited by those elements that are dedicated to the elimination of freedom and democracy in Central America.

In the December 17, 1987, edition of the Washington Times, Georgie Anne Geyer provides an excellent insight into the history of the Sandinistas. The article is titled "Clearly Visible Origins" and I highly recommend it to any of my colleagues who are truly concerned about establishing "real" peace in Central America.

[From the Washington Times, Dec. 17, 1987]

CLEARLY VISIBLE ORIGINS

(By Georgie Anne Geyer)

Several weeks ago, I was talking here with Fausto Amador, brother of the revered founder of the Nicaraguan Sandinistas, Carlos Fonseca Amador. How, I asked him, had the Sandinistas really been formed in the early 1960s?

"The Cuban ambassador in Nicaragua formed the Sandinistas," this honest man told me frankly. "Every single Nicaraguan revolutionary from the time remembers Ambassador Quintin Pino Machado as his mentor. How big a role did he play?

"Well, the Cubans formed the Sandinista National Liberation Front. They constructed it; they chose the leadership.

"At that time my brother was the only one fighting, but the Cubans never liked him. Fidel Castro was trying to select the person who represented exactly what he was thinking. . . . The tactics were decided in Cuba."

The conversation with Fausto brought back to me another fascinating conversation in Honduras a year ago with another Nicaraguan, now in exile, who had been one of the original Sandinista leaders—one so high as to have been trained in Russia.

"Many believe we were driven to Marxism," he told me as we sat in his office in Tegucigalpa. "That was not true. We were Marxist-Leninists in 1960. We united in Havana to discuss this. We came with manuals from the U.S.S.R. The schematic of Marxism was an obligatory text in discussions.

"In 1958, Carlos Fonseca Amador went to Moscow. He was a complete Stalinist. All these Marxist leaders had a messianic vocation; they were utopians. They were fascinated with magic and with the idea of power. But it was the form of power that fascinated them, rather than the reality or exercise of it in actually creating anything."

The alarming headlines about the Sandinistas this week should remined us that the information is all there. From Carlos Fonseca Amador's writing in the 1950s on, the Sandinistas never hid what they were, and they had a full 18 months after they took power in 1979 to "choose" voluntarily which way they wanted to go. They deliberately chose militarism, and Marxism gives militarism its holy excuse in today's new" revolutions.

And yet it is profoundly bewildering that so many intelligent people, from Speaker of the House Jim Wright to the most well-meaning "peace" groups, choose willfully to exist in ignorance of this revealing history of the Sandinistas and their constantly reproven intent.

If any week can illustrate what the Sandinistas really are, this last week should certainly do it. Sandinista hard-line Defense

Minister Humberto Ortega announced in a public speech that they were going to form a 600,000-man army; that Nicaragua has hundreds and perhaps thousands of officers being trained in the East Bloc; and that, in the event of an American invasion, the Sandinistas would regionalize the war by (among other things) dropping bombs on the same Costa Rica that spawned the present peace plan.

(All of this supported information provided in Washington last week by a recent top-level Nicaraguan defector, Maj. Roger Miranda.)

By Monday, Nicaraguan President Daniel Ortega had slightly modified his brother's speech and, by the way, also canceled the Costa Rican-sponsored "peace talks" with the Contras in the Dominican Republic.

He also added an interesting political fact: "In the hypothetical case that the Sandinista front lost an election, the Sandinista front would hand over the government, not power." An opposition party could govern only if it respected "the established power," he added.

Fausto Amador, who lives and works in community development in democratic Costa Rica, added something else to his story about his brother and the early days. He was always working with the poor trying to build organizations and co-ops to improve their lives in Nicaragua. But the Sandinistas were not interested in such building, he noted—and they are not today.

They are interested in playing soldier. Far beyond ideology, they simply love strutting about in military uniform on the world stage. They are the true sons of the hated dictator they "replaced," Anastasio Somoza, for to him too, the party and the army were one.

They are "Marxist" not out of conviction, but because that is the only modern ideology that give them—like their historical mentor, Fidel Castro—military power forever and ever.

Think, just think, how grand it will be! A 600,000-man army, and all that powerful Soviet weaponry and planes to secure you. In a country of 3 million, the Ortega brothers would have half the men of the country marching and parading obediently forever in front of them .

How glorious, how splendid for a small, formerly despised country—and the special, delicious joy of it all is that the gringos will never really choose to understand the Sandinista experience.

A TRIBUTE TO THE WESTCHESTER VOLUNTEERS OF THE YEAR

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. DIOGUARDI. Mr. Speaker, I rise today to congratulate six of my constituents and groups selected as the Westchester Volunteers of the Year. Through their efforts, my district and the entire Nation are being improved.

Many different organizations are involved in this spirit of voluntarism. These groups represent the spirit of the good neighbor. They have a willingness to help others and therefore help themselves because they receive the satisfaction of knowing that their efforts will benefit others.

The Westchester Volunteers of the Year are:

Volunteer of the Year, Gerald Eisner;

Group Award, John King and Norma Hill;

Student Award, May Huang;

Retired Citizens Volunteer Program Award, Nannette S. Simons; and

Corporate Award, Ray Francis.

Agency Award: Compeer.

They have volunteered their time for computer programming, helping the sick, organizing helpful clubs, and helping the homeless. Because of the efforts of these groups the Volunteer Service Bureau had distinguished them with this award.

I submit for inclusion into the RECORD statements which detail the accomplishments of these groups and individuals.

Volunteer of the Year: Using his extensive knowledge in computers, Gerald Eisner, a retired businessman of Scarsdale, NY, selflessly created a fundraising database for Westchester Residential Opportunities, a fully automated system for use in information and referral for Family Information and Referral Services Team, and designed a complex scheduling system for the Greenburgh Nature Center. After hundreds of hours of free service, Gerald Eisner was nominated for Volunteer of the Year by these well-deserving, nonprofit organizations.

Group Award: One of the greatest health concerns of our country today is AIDS. The growing scare of acquiring this fatal disease makes people unwilling to help the affilicted for fear of catching the disease. John King of Yorktown Heights, NY, and Norma Hill of Armonk, NY, have realized the risks, but work as "buddies" to patients with AIDS and their families and were nominated for the Group Award. They understand the disease and feel that more public awareness is necessary. They have dedicated over 35 hours a month working with the victims, and have piloted an AIDS-awareness group at the Bedford Hills Correctional Facility, raised funds, enhanced public relations, and participated in the National Names Project which knits panels as memorials to the deceased.

Student Award: One of the most important institutions of our Nation is its schools. Schools shape the future of our country. May Huang, a native of Taiwan and a student at Pace University/Pleasantville, has involved herself in volunteer work in her school and the surrounding community. She has been nominated for the Student Award. At her school she revived the International Student Assocation to promote cross-cultural understanding and arranged an international dinner. She also has tutored students in the fields of mathematics and accounting. This fall, Ms. Huang took leadership of the Community Services Committee of the Student Government Association, which places students in major community service projects at the Ruth Taylor Institute, the Blythedale Children's Hospital, and the Village of Ossining.

Retired Citizens Volunteer Program Award: The winner of the Retired Citizens Volunteer Program this year is Mrs. Nannette S. Simons of Yonker, NY. At 85 years of age, she has devoted most of her life to making the life of children and adults better throughout Westchester. Mrs. Simons became part of the newly formed Long Term Care Ombudsman 10 years ago, sponsored by the Mental Health Association, and thus became a volunteer ombudsman at St. Joseph Nursing Home in Yonkers. She befriends the residents and helps the nursing staff to avoid problems and situations which make the residents uncomfortable. She has certainly earned the respect of eveyone with whom she has worked.

Corporate Award: Taking time from his demanding job, Ray Francis has won the Corporate Award. As a member of the Corporate Outreach Club, Mr. Francis has coordinated events benefiting the homeless, senior citizens, and handicapped children of Westchester. Along with his involvement in the PTA, the Arthritis Foundation, and many church functions, Mr. Francis arranges food and blood drives to help the needy. He is also team coordinator for the March of Dimes/Walkathon for Citicorp. Mr. Francis wants to pass along this spirit of volunteerism, so he involves his two children in all his acitivities in the community.

Agency Award: Compeer, winner of the Agency Award, is alleviating the pain of the mentally ill by providing community support. Starting in November of 1986, Compeer has matched patients with volunteers from the professional world. The volunteers spend a minimum of 1 hour a week for at least 1 year and create one to one friendships that will brighten the patients' lives by such simple means as taking a walk or going out for coffee.

Mr. Speaker, in closing I would like to restate again how proud I am to have these people in my district. I hope that the spirit of volunteerism stays alive because it is people like these recipients of Volunteer Service Awards that truly represent America.

TRIBUTE TO BOY SCOUT TROOP 102

HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. ROWLAND of Connecticut. Mr. Speaker, I rise today to pay tribute to Boy Scout Troop 102 of Naugatuck, CT. On April 24, this group of fine young men celebrated its 75th anniversary as a troop. This is truly an occasion to celebrate.

The Scouts of Troop 102, both past and present, have made countless contributions to their Nation, the State of Connecticut, and their communities. The lessons of citizenship and leadership learned through Scouting have given the young men of Troop 102 the strength of character needed in today's challenging world. I have every confidence that this troop will continue to be a shining example of all the good attributes for which Scouting stands and a vital force for positive change in the community.

Today, I ask my colleagues to join with me in congratulating Troop 102 for an outstanding job over the past 75 years. I encourage them to continue to be a model and testament for the Boy Scouts in the years ahead, and wish them many more happy and successful years of Scouting.

DAYS OF REMEMBRANCE—STATEMENT OF HOLOCAUST SURVIVOR BENJAMIN MEED

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. LANTOS. Mr. Speaker, on April 14 the U.S. Holocaust Memorial Council held its annual "Days of Remembrance Commemoration" here in Washington. One of the speakers on that occasion was my dear friend Benjamin Meed, the cochairman of the Days of Remembrance Committee and a member of the U.S. Holocaust Memorial Council. Mr. Meed is also president of the Warsaw Ghetto Resistance Organization, which marks its 25th anniversary this year.

Benjamin Meed's remarks on that occasion were most thoughtful and sobering. Mr. Speaker, I would like to share those thoughts with my colleagues in the Congress:

REMARKS BY BENJAMIN MEED, COCHAIRMAN

Fifty five years ago war was declared against the people of the Book. The first flames consumed a hall of democracy, the *Reichstag.* Immediately, there was a dictatorship, but the dictator assumed power legally, democratically. He swiftly made law the servant of murder.

Within weeks, there were again flames. This time, they consumed the great works of literature. The writing of poets and philosophers, the creative works of artists and anthropologists were reduced to ashes. And with it was consumed the genius of German and European culture and civilization.

Fifty years ago, again there were flames. In a day of infamy, popularly known as *Krystallnacht,* but truly a day of pogroms and unspeakable brutality, synagogues in all of Germany and Austria were burned, the holy letters of the Bible were sent up in smoke, Jews were harassed, beaten and arrested and God's presence could not be found in Berlin or Vienna. Many looked on with indifference and the firefighters, who were called to the scene were instructed to protect only adjacent buildings, not the Jewish houses of worship engulfed in flames.

Forty five years ago this week, again there were flames. This time in the streets of Warsaw, the city of my birth. I, a Jewish boy posing as a Christian, remember seeing those flames as I stood on the other side of the Ghetto walls. At first, the flames filled me with pride; for they were the flames of passionate resistance, of Jewish fighters standing against the might of the Nazi army. But soon pride gave way to sadness and anger. Even though all of Jewish Warsaw was burning, the Nazis could not crush Jewish resistance and defiance. In those flames more than 1000 years of Jewish history in Poland were reduced to smoldering rubble. How can I ever forget such infernal sights? Where was humanity in those blackest nights?

And throughout the years of the Holocaust, there were other flames, flames from crematoriums which consumed an entire people; flames which sought to erase the memory of the crimes by removing all traces of the dead. Those flames consumed even more than the culture of Germany, even more than the sacred words of a people, even more than a millennia of history—they consumed a long-cherished conception of governmental morality, the very idea of culture and history. They defiled the human image and desecrated the human spirit.

Today, as we light six candles in memory of the millions of innocent men, women and children, we know that fire can be harnessed for light and warmth. It can empower humanity for noble deeds, but fires can also empower evil and destroy every vestige of humanity. The choice of the noble or the evil is ours alone to make.

Today we realize anew that a world that is aflame can be shrouded in darkness and a world in which flames of memory flicker can shed a deep and lasting illumination. In a time beholden to the vulgarities of might, we must kindle the light of eternal memory and conscience. Let us remember together.

We survivors and liberators of the Holocaust realize that now time is our enemy and against this enemy we have one weapon-memory, each year there are fewer of us left to bear personal witness and that is why these ceremonies take on such meaning and are so filed with purpose, we must sensitize our nation and the world to the sounds of kristallnacht so that future generations may reconstruct that event and learn from it.

We have asked six people who were in Germany and Austria during that awful night to light the candles today, for them the night is not distant, but as close as yesterday. For them, the memories, which can never fade, are imprinted forever.

Think, as the candles are lit, that each of the lighters represents a million people who died, and pray that their memory will remain with us through all the days of our lives so that our resolve to be free may never die, pray that justice and racial equality will be the living legacy of those who perished.

TRIBUTE TO CAROLYN ANN FRANKLIN

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. CONYERS. Mr. Speaker, popular American music has lost a gifted talent in Carolyn Franklin who succumbed to cancer April 25 at the age of 43. The youngest of an extraordinary musical family that includes her sister, Aretha Franklin, Carolyn was driven to express her talent at an early age. As a teenager she formed a singing group that featured many members of the youth choir at Detroit's New Bethel Baptist Church where her father was pastor. Like her sisters, she evolved from singing gospel to popular music. Although a petite person, she had a powerful voice, much like Aretha. She is best known to wide audiences for her career as a composer which she embarked upon at age 16 when she did her first commercial work for singer Lloyd Price. Some of her arrangements include Aretha's popular hits, "Baby, Baby, Baby", "Ain't No Way", "Angel", "Without Love". In addition she composed the Janice Joplin hit, "Take Another Piece of my Heart", first made popular by sister, Erma Franklin, and she wrote songs for David Ruffin and the Staple Sisters.

Miss Franklin travelled as a background singer with her sister Aretha, and was featured in many of her records and the film, "Blues Brothers". In the 1970's, Miss Franklin turned her attention to education, receiving her assistant recording engineer's license. She had hoped to establish an entertainment law firm to assist young artists who found themselves strapped for years to unfavorable contracts. She taught business law and music composition at her alma mater, Northwestern High School, and one week before her death, she received a bachelor of arts degree in Music from Marygrove College in a special bedside ceremony. The president of the college officiated and delivered the commencement address. Modern music, her family, friends, students and the Detroit community will feel the loss of the untimely passing of this remarkable woman.

TRIBUTE TO JACK K. UMPHREY

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. McDADE. Mr. Speaker, today I wish to pay special tribute to a great American, Jack K. Umphrey, who will retire on May 1, 1988, with over 46 years of Federal experience.

Jack has a record of dedication to this Nation that allows me to call him a great American without hesitation. His service began in 1942 when he entered the Army Air Corps as an aviation cadet. Upon completion of flying school, he served a combat tour in England as a B-24 standardization pilot and a B-25 instructor pilot.

Following World War II, Jack entered the comptroller career field and served in a variety of positions, including statistical services, management analysis, cost analysis, budget, and financial services. He retired from military service in 1964 as the chief of cost analysis at Headquarters Strategic Air Command. While in the military, his awards included the Distinguished Flying Cross with oak leaf cluster, Bronze Star Medal, Air Medal with three oak leaf clusters, and Air Force and Army Commendation Medals.

Upon retirement from the Air Force, Jack continued Government service by joining the Directorate of Budget at Air Force Headquarters in the Pentagon. He has steadily worked his way up the organization ladder until he was selected as the first civilian Deputy Director of Budget for the Air Force in 1981. Jack's civilian awards are too numerous to mention here but I would like to highlight the fact that he was recently presented the highest award for Federal service—the Presidential Distinguished Executive Rank Award—by President Reagan in a White House ceremony.

I also wish to applaud the distinguished accomplishments of Jack Umphrey. He has served his country well.

I know that his many friends join me in extending sincere and heartfelt wishes for a long, prosperous, healthy, and rewarding retirement.

YOUNG VIRGINIA WOMAN PLAYS IMPORTANT ROLE IN PUSH TO MAKE THE DISTRICT OF COLUMBIA AMERICA'S 51ST STATE

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. FAUNTROY. Mr. Speaker, I would like to take this opportunity to bring to my colleagues' attention the important role played by a young Virginia woman in a campaign dear to my heart—the push to make the District of Columbia America's 51st State.

Lynne Durham is only one of the thousands of people who have devoted their time to making statehood for the District into a reality. Like many others, she has devoted her weekends and evenings to our battle to end the tyranny of taxation without representation for the 650,000 residents of the District. But Lynne took her efforts one step further than many, and it is for this action that I wish to commend her today.

Last summer, the D.C. Statehood Coalition, of which I am a cochair, decided the time had come to find the world's largest 51-star flag. Lynne spend many hours on the phone, trying to find someone who could sew such a flag. But as the time for displaying the flag during Washington's Flag Day festivities drew closer, she was unable to locate someone who could do the job in time for the event. So Lynne decided to take on the job herself.

While other young women of her age were out on dates or enjoying the warm summer weather, Lynne spent her evenings at home, embroidery hoop in hand, sewing the stars on the giant flag that took up her entire living room floor. Each set of stars had to be sewn on by hand, precisely front to back so the flag could be viewed from both sides. With the weekend of the event upon her and the flag only half finished, she spent her entire Saturday on the project, staying up until 3 a.m. to finish her handiwork. She was up at 8 o'clock on Sunday morning to bring the flag to the all-day rally we held at Anacostia Park—a rally which she attended until the early evening hours.

Lynne's 51-star flag was viewed by the thousands of people who attended the event in Anacostia Park, and featured in news coverage on local television stations, the Washington Post, and Washington Times. But this wasn't the extent of the impact her work had. The news story of the world's largest 51-star flag was picked up by the national wire services, so that millions of Americans read about the District's struggle for statehood—all because one young woman devoted her time to making a task many called impossible into a reality.

Lynne grew up and went to college in Ohio, and has lived in northern Virginia since arriving in the Washington area 2 years ago. But she has taken the struggle to make the District of Columbia the 51st State of New Columbia as her own. For her ingenuity and devotion, and as a symbol for all those young people who have sacrificed their spare time for D.C. statehood, I wish to take this opportunity to commend Lynne Durham to my colleagues and to express, on behalf of all the residents of the future new State, our heartfelt appreciation.

PROJECT CHILDREN

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. DIOGUARDI. Mr. Speaker, the tragic conflict in those six of the divided Irish Province of Ulster's nine counties known as Northern Ireland has been a matter of ongoing concern to many Members of this House. As in all wars, those who suffer most in this latest phase of the centuries-old Anglo-Irish conflict are the children. Children in war are deprived of part or all of their childhood and subjected to unreasonable physical and psychological strain.

When, after 5 years of war in the present troubles in the North of Ireland, there seemed to be no end in sight, two New York City policemen, Denis and Patrick Mulcahy, decided that something had to be done to help the children, to take them out of the environment of war and give them a meaningful experience of peace in a pluralist society. That year the Mulcahy's and a few friends started Project Children; they raised $1,800 and brought out six children to a peaceful summer in the United States. As one would hope, where good ideas are concerned it worked. In fact it worked so well that when the Mulcahy's decided to bring out more children in 1976, they found that more American families had rallied to their cause. In 1988 some 735 Irish children will be brought out to the relative peace and safety of an American children's summer to stay with a like number of American families.

One feature of this program is that Project Children cherishes all children of the Nation equally. Protestant as well as Catholic children benefit from this program. On the American side, while there are many Irish-American families involved, there are also a great many American families, who are not of Irish extraction yet have opened their homes for these children of such an unhappy war.

The 14th annual Project Children dinner-dance will be held on Saturday, April 30, 1988, at the Yonkers Raceway. Dr. Frank Holt of the Gaelic League again will be the master of ceremonies; there will be a capacity crowd in excess of 700 people as in previous years Project Children is funded entirely by private subscription. What will be different this year is that there are two very special honorees. The two guests of honor are John Cheevers and Kevin Brady, two of the original group of six children brought out by Project Children in 1975! John Cheevers, a Protestant, is visiting from Belfast, and Kevin Brady, a Catholic, is a senior at Mercy College in Dobbs Ferry, NY. Both boys, who otherwise might never have met, lived with the Hofmann family of Greenwood Lake, NY: theirs is a lasting friendship between two Irishmen who were able to discover that they had more in common than the differences fostered by an alien government in the past.

It was my great pleasure to be present at Dromantine College near Newry in County Down last August 18 as Denis and Pat Mulcahy were presented with Papal honors recognizing their contribution to peace and brotherhood as well as their magnificent example of Christian charity through Project Children. The presentation was made by Father Charles Valleley representing Tomas Cardinal O Fiaich, Archbishiop of Armagh and Primate of all Ireland. In fact, we met with the Cardinal the next day in Armagh, at which time he again emphasized the importance of programs like Project Children for the future or peace with justice for all Ireland.

While at Dromantine, I was able to witness some of the beneficial effects of Project Children as I spoke with the children, their families and friends. I remember with particular fondness the hospitality of Father Bill Foley and the Society for African Missions, of Eugene Markey the Lord Mayor of Newry, of Seamus McCormick of Newry and U.S. Consul Gen. Robert Meyer. The spontaneous enthusiasm of people from all walks of life and all faiths was most genuine and spoke volumes. I also discovered that in County Down, as in Dublin, the English and Irish languages coexist as living languages just as the Protestant and Catholic faiths can also coexist peacefully whenever peace is given a chance.

Project Children is the dream of two American citizens, natives of Meelin, County Cork in the Province of Munster, men who could not ignore the tragedy in a troubled part of the Province of Ulster, part of their native Ireland. This dream is a reality today because thousands of Americans of all backgrounds have joined with them in a magnificent act of caring about the little children, the least of our brethren. Today Denis Mulcahy, a veteran detective with the New York City Police Department Bomb Squad, continues to devote his time and energies to Project Children, assisted by capable volunteers such as Birdie O'Neill of Greenwood Lake. Patrick Mulcahy has retired home to Cork where he too continues to work on Project Children with volunteers of all faiths in the North of Ireland.

Project Children is an outstanding example of what can be accomplished by private charitable initiative to meet very real human needs. I commend to this House the example of Denis and Patrick Mulcahy and the many volunteers and supporters of Project Children, and I ask that means be found to eliminate the troubles which make necessary such efforts.

COMMENDING DONALD BILLET

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. GOODLING. Mr. Speaker, I would like to take this time to recognize the achievements of Donald Billet, a constituent of mine from Dover, PA.

Mr. Billet recently joined the Peace Corps, and is currently serving in Guatemala. Being a specialist in animal husbandry, Billet is using his skills to help the people of Guatemala improve their livestock production. He is helping that country raise better cows and pigs, chickens and goats—all of which are vital to Guatemala's agricultural community.

Donald Billet's heart, as he says, is "in farming," because he feels that people can be happiest with simple pleasures such as good food and family with whom to share it. Billet proved the strength of his convictions when he gave up his well-paying job at a laboratory in Philadelphia to join the Peace Corps, where he now earns $24 per month. Along with continuing his farming career, Billet hopes to become a missionary.

I commend Donald Billet for using his skills and good fortune to help people who are not as well off. Although his highest reward is the gratitude of the Guatemalan people, a man who is so giving of himself deserves recognition for his service. I am proud to recognize this valuable citizen of Pennsylvania's 19th District.

G.D. SEARLE AND THE PATIENTS IN NEED PROGRAM

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. HOYER. Mr. Speaker, earlier this month G.D. Searle & Co. announced that it would be providing its entire line of prescription cardiovascular medications free of charge to those citizens who cannot afford them and are either uninsured or not qualified for Medicaid.

I am particularly interested in the expansion of G.D. Searle's Patients in Need Program because of one of the facilities which was presented with a $100,000 redemption certificate is the Cora B. Wood Senior Center in Brentwood, MD.

Clearly Searle's program will mean improved health and comfort for thousands of less fortunate Americans. The Searle leadership should be commended for this compassionate program.

The following article from the Washington Times of April 7, 1988, provides additional details about the G.D. Searle Patients in Need Program:

[From the Washington Times, Apr. 7, 1988]

PHARMACEUTICAL FIRM OFFERS FREE DRUGS TO DISTRICT NEEDY

(By Joyce Price)

Low-income District residents with high blood pressure and heart disease, who lack health insurance, will be able to get cardiovascular drugs free under a program being offered by the S.D. Searle and Co. pharmaceutical firm.

The program, announced yesterday at a news conference at Howard University Hospital, will make Searle's complete line of heart disease and hypertensive drugs available at no charge to uninsured patients who cannot afford to buy medications and who do not qualify for Medicaid.

Tom Keller, senior group product director for Searle, said the nationwide Searle Patients in Need Program is an expansion of a pilot program begun last year in which the company made the anti-hypertension drug Calan available to those in need.

Under the expanded program, six other drugs for cardiovascular illnesses—Calan SR, Nitrodisc, Norpace, Norpace CR, Aldactazide, and Aldactone—also will be available free. "The seven drugs in question make up 75 percent of our sales," Mr. Keller said.

Thousands of residents could benefit from the program, city health officials said. Dr. Beverly Coleman-Miller of the D.C. Public Health Commissioner's Office said an estimated 100,000 District residents lack health insurance.

Dr. Marc Rivo, deputy administrator of preventive health services for the District, said cardiovascular disease and stroke are the leading causes of death in the city, accounting for nearly 40 percent of all deaths. "The death rate for blacks in the District is higher than that of whites, and cardiac diseases account for the largest portion of the excess black deaths," he said.

A survey conducted in the District in 1985 found that 18 percent of those polled reported having high blood pressure. "Twenty-three percent of non-whites surveyed said they were hypertensive, compared to 8 prcent of whites," Dr. Rivo said. "So hypertension is three times more prevalent in blacks than whites."

Dr. Otelio S. Randall, director of the hypertension section and division of coronary diseases at Howard Hospital, said many persons in the District need medications to manage high blood pressure or angina (cardiac-related chest pain), who aren't eligible for public assistance but who can't afford to buy medicines on their own.

"Frequently I ask patients if they buy their medicines," he said. "If they say yes, I often rethink what I'm prescribing and go with something less expensive. This program will give doctors an opportunity to write a prescription for patients without thinking about the cost."

A one-month supply of Calan, which Dr. Randall said is one of the most popular drugs for treating high blood pressure, costs about $25, according to Mr. Keller.

Although Searle has issued some income guidelines in connection with the free drug program, physicians will have the final say in determining a patient's eligibility, Mr. Keller said.

If a doctor decides patients qualify, the doctor will write the patients a perscription for one of the Searle medications and also give them a prescription redemption certificate. The patients take the prescription and certificate to any pharmacy to get their medicine.

"Searle then will pay the pharmacy its usual and customary charge for the drug provided," Mr. Searle said.

Searle officials yesterday presented an introductory donation of $100,000 in prescription redemption certificates to Howard Hospital and the Cora B. Wood Senior Center. But primary care physiologists and cardiologists throughout the District and the nation will be able to prescribe drugs under the Patients in Need Program, Mr. Keller said.

He was unable to project the number of free drugs that will be dispensed under the program. But he said 33,000 doses of Calan, representing about $4 million in medicines, were given out under the pilot program. He said there is no financial cap on the expanded program, being offered as part of Searle's 100th anniversary. The program will be offered indefinitely, he said.

CHILD CARE ACT

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. LUJAN. Mr. Speaker, in many families, decisions regarding child care are often made by the mother. As over half of the women employed in this country today work for small businesses, it only makes sense to get the small business community involved in making responsible child care available to the workers they employ. And that is why I am a sponsor of the Cooperative Child Care Act for Responsible Efforts [CCCARE] being introduced today by my colleague, Mrs. MARTIN.

While many large companies are starting to provide child care services to their workers, many small companies cannot. Much as they might like to maintain a facility to provide safe and responsible care for the children of their employees, they are unable to do so. They don't have the work force or budget to establish a child care center on their own. This legislation would give these small businesses, which form the backbone of our society, the help and guidance they need to devise ways to properly care for the youngsters of their workers.

Mr. Speaker, in New Mexico, close to 80 percent of all businesses have nine or fewer employees. This legislation would allow these small companies to provide a critical benefit that will help them to retain and attract top-notch personnel. Having a child care benefit available would also help these small companies compete with big corporations for the workers with families, upon their return to the work force.

In closing, Mr. Speaker, I believe the best way to meet the need for responsible child care for our youngsters, is to allow the private sector employers, along with their employees, to develop programs suited to their own specific needs. The approach in the CCCARE bill is one way to accomplish this. I will work for its consideration, and I encourage my colleagues to sponsor this common sense approach to a widespread need.

TWENTIETH ANNIVERSARY OF LA FE CLINIC

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. COLEMAN of Texas. Mr. Speaker, today marks the 20th anniversary of Centro de Salud Familiar La Fe in El Paso, TX. The history of La Fe Clinic has been one in which its supporters and directors can take great satisfaction. In its 20 years of service, La Fe Clinic has gone from humble beginnings to a beautiful new facility on Ochoa Street, in the heart of the area it serves.

La Fe offers comprehensive primary health care that are vital to the residents of South El Paso, and it needs our support more now than ever.

The crisis in health care along the United States-Mexico border is upon us, and community health centers are on the front lines of this never-ending struggle. As you know, the shortage of indigent care providers is the primary health care problem in the El Paso area. There are currently only a few facilities that provide comprehensive indigent care services in my congressional district. Preventive care is almost nonexisting in my area. Expanding indigent and preventive services is one of the most urgent items for my district.

Several months back I had the opportunity to view a short videotape about the establishment of Clinica La Fe and of its great progress in our community. I am very proud of the individuals behind the operations of La Fe, because they have been able to expand the clinic's services and serve a larger number of people with limited resources.

All of us along the border are aware of the multiplicity of factors that contribute to poor health and the lack of access to health care. Other rural, border, and multiethnic areas suffer from these factors—proverty, migration, multicultural environments, and international differences in health care perspectives—but when all of these factors are present at one time, they create a unique health care challenge where poor health and access to care cannot be addressed without the concerted effort of government at all levels.

As a member of the House Appropriations Committee, I will continue to fight on behalf of community health care centers such as Centro Familiar La Fe.

Mr. Speaker, I would like to take this opportunity to publicly recognize and commend the work that all the individuals associated with Clinica La Fe perform here, with special thanks and appreciation to La Fe's director, Pete Duarte. La Fe's mission will and must go on, and I am proud that our community has rallied behind the clinic in today's celebration of its 20th anniversary.

A TRIBUTE TO MR. PHILLIP A. LASKAWY

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. DIOGUARDI. Mr. Speaker, I rise today to join the UJA-Federation Accountants Division in honoring Philip A. Laskawy for his professional achievements and his dedication to the well being of the Jewish people.

Following is a list of Mr. Laskawy's achievements.

Mr. Laskawy, who is vice chairman and regional managing partner of Ernst & Whinney, has worked for the firm since his graduation from the Wharton School of the University of Pennsylvania in 1961. Prior to assuming his current position in 1985, he served as managing partner of the New York office, regional director of personnel, audit partner, audit manager, and staff-senior accountant.

His involvement with UJA-Federation places him firmly on the top tier of leaders. In addition to his position on their accounts division campaign cabinet, he is a member of the UJA-Federation Board of Directors and Council of Overseers as well as the assembly of the Domestic Affairs Division. He is chairman of the UJA-Federation Audit Committee and serves on the Finance Committee, Administrative Budget Subcommittee, and the Administrative Committee Cabinet.

In addition, Mr. Laskawy is treasurer of the Jewish Museum and former president of the board of the Dance Theater Foundation, Inc. Previously, he was associate treasurer and board member of Mt. Sinai Medical Center and vice chairman of the Westchester Association for Retarded Children.

Mr. Laskawy and his wife, Patricia, have two children. They are presently living in my congressional district in the town of Mamaroneck, NY.

It is my privilege to have the opportunity to honor Mr. Laskawy for his professional stature and commitment to community causes. He is a true leader.

THE 25TH ANNIVERSARY OF THE GREEK ORTHODOX CHURCH OF ST. LUKE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. WELDON. Mr. Speaker, I would like to take this opportunity to congratulate the Greek Orthodox Church of St. Luke in Broomall, PA on its 25th anniversary. Since its founding in 1963, the parish of St. Luke has acted as a pillar of support in my community, serving as a source of strength for hundreds of parishoners, and a source of both compassion and assistance for the needy.

On their silver jubilee, the parishoners of the Greek Orthodox Church of St. Luke can be proud of the contributions that they have made to the community. The parish of St. Luke has set a fine example of not just goodwill, but of active concern for the needs of others, and for this guidance it is truly deserving of our gratitude.

While congratulating the parish of St. Luke on its accomplishments over the past 25 years, I would also like to extend my thanks for their dedication that I am certain will continue over the next 25 years, and beyond.

ACID RAIN

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mrs. MORELLA. Mr. Speaker, Prime Minister Brian Mulroney of Canada's visit today and his remarks to Congress on acid rain are a vivid reminder of my long-standing commitment shared by my Montgomery County, MD, constituents to passage of clean air legislation that will adequately address the acid rain problem. I had worked during my 8 years in the Maryland Legislature on the problem, and was a representative of the Maryland General Assembly on a committee of the National Conference of State Legislators which studied acid rain and its effects on all the States.

Even before I was sworn into the 100th Congress, I received hundreds of letters calling for action to reduce the sources of acid rain. Constituents spoke of their concern for their children's health, and worried that our environment was being poisoned. They also reflected a sense of frustration that Congress had failed to pass legislation in the 99th Congress.

It is clear that Montgomery County residents are not alone in their concern. From the Northeast, the Midwest, the South, and the Far West, citizens have been writing to their Representatives to express their strong commitment to the issue.

Yet we have to date failed to come to a consensus in Congress with the administration on the proper course to take. It sincerely hope that we can make the hard decisions now, in the 100th Congress, and pass clean air legislation that will swiftly phase out the sources of pollution. As we celebrate the bicentennial of the Constitution, let us make sure that we take steps to preserve not just the legacy of the Constitution, but the legacy of our land.

THE AMERICAN FRIENDS OF MIGDAL OHR ON THEIR 18TH ANNIVERSARY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to recognize the American Friends of Migdal Ohr, who will be celebrating their 18th anniversary with a gala dinner on May 1.

This group has been both tireless and selfless in its support of Migdal Ohr, an institution that is devoted to teaching and housing over 3,000 Sephardic children in Migdal HaEmek, Israel.

Migdal Ohr was founded by Rabbi Grossman, who will be honored with the first Babba Salli Award at the dinner. Rabbi Grossman, known as the Disco Rabbi for his habit of entering discos to find children for his programs, is a dedicated and caring individual. It is said that the children of Migdal Ohr cannot sleep at night without first receiving a good night kiss.

The American Friends of Migdal Ohr are the primary financial supporters of this project of love. They must raise nearly $4 million per year to continue operating Migdal Ohr. I would like to congratulate all of those participating in this year's dinner. Their hard work should never go unrecognized.

ARMUCHEE BAPTIST CHURCH 150TH ANNIVERSARY

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. DARDEN. Mr. Speaker, last week I had the honor of visiting Armuchee Baptist Church on the occasion of the 150th anniversary of its founding. This great church is located in Floyd County, GA, and was established April 14, 1838.

Armuchee Baptist Church is one of the Nation's great churches, and its 150 years of service have been marked by outstanding leadership and commitment to high Christian values. Armuchee Baptist Church has been a respected source of leadership in the community and throughout the county.

This church has been led by many distinguished pastors, deacons, and dedicated members. The current pastor, Rev. Winston Barton, has been with the church for 13 years and recently announced that he would retire this summer.

The fact that Armuchee Baptist Church has prospered and grown for so many years is a tribute to the commitment of its members. I am pleased and honored to have been able to share in the celebration of this anniversary, and I anticipate that there will be many more years of service ahead for Armuchee Baptist.

DICK CHENEY'S PAPER ON CONGRESSIONAL OVERSIGHT OF COVERT OPERATIONS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. HYDE. Mr. Speaker, today I am asking that we publish the last portion of Dick Cheney's paper for the American Bar Association on executive and legislative roles in covert operations. The previous two installments were published in the Congressional Record of April 20 and 21.

In his conclusion, Congressman Cheney, who formerly served as President Ford's White House Chief of Staff, states that the current procedures for handling legislative-executive disputes over covert action are woefully inadequate. He proposes an alternative approach which departs from both past practices and the proposed 48-hour legislation. Before voting on the later, I believe we are obligated to study his seven suggestions as a serious alternative.

Clarifying Legislative and Executive Roles in Covert Operations—Part III

(By Dick Cheney)

UNDERLYING ISSUE: SUBSTITUTION FOR PUBLIC DEBATE

Underlying the dispute over notification is a more basic issue. Congress insists on notification because the executive's consultations with the intelligence committees substitute for the open debate and deliberation available in other policy arenas. The committees thus serve as a forum for mediating the tension between the Constitution's two-side concern for security and informed consent. On the whole, they are not simply barriers for Presidents to overcome. In good times, they can help the Presidents build the needed political support for operations when the normal public tools for building such support cannot be used.

But what happens when there is no consent? That is, what if the committee, or a significant proportion of its members, think a particular covert operation is a bad idea. Sometimes, the committee can persuade the executive branch to change its mind. But what if persuasion does not work?

One answer offered by some of my colleagues is that no covert actions should be undertaken unless they are supported by a bipartisan consensus. It sounds good to say foreign policy should be bipartisan, but that is no answer to actual legislative-executive branch conflicts. The fact is that we only have to be concerned about managing conflict when there is no consensus about what should be done. Insisting upon consensus as a precondition for action is equivalent to saying the President should not act in the face of disagreement. In effect, it is equivalent to taking the President's power and giving it to Congress. In fact, demanding consensus could be worse than requiring an up or down vote. If taken seriously, the President would need the support of a super-majority before he could do any thing. A consensus requirement, therefore, would be a decision rule weighted heavily toward the inaction side of any action-versus-inaction dispute. In the real world of breaking events, it is important to recognize that inaction is a form of action or decision.

To require or expect a consensus before action, in other words is only one possible answer to questions that should be articulated more clearly and openly. Some of the questions are: Who should hold what levers at what stage of the process? Under what political and legislative conditions should the presumption be weighted toward the President or toward Congress? That is, what rules should decide who prevails under conditions of stalemate is itself a form of decision that has policy consequences? In normal policy arenas, Presidents can always consider responding to stalemate by trying to persuade the public. For covert actions, it is first necessary to decide the ground rules under which public debate should be permitted or required. My final question therefore is, under what conditions should Congress, on its own initiative, be able to force a debate about particular covert operations into the public arena?

The current procedures for handling legislative-executive disputes are woefully inadequate, in my opinion. As the situation now stands, congressional opponents of a particular operation have two courses available to them if quiet persuasion fails. One is to leak. That method is criticized by everyone in the abstract, but no one can deny that it happens. My colleague Henry Hyde talked about this problem earlier today, and we devoted a chapter of the Iran-Contra minority report to specific examples of congressional leaks.[23] It is no defense on this issue to say the executive branch leaks too. In point of fact, the executive branch does not tend to leak highly compartmented information about ongoing operations. Yes, we do need to have a tightening, and more vigorous prosecution, of the laws governing unauthorized disclosures of classified information by executive branch personnel and others. But the fact that unauthorized behavior occurs in the executive branch does not make the same kind of unauthorized, unilateral behavior appropriate for Congress in interbranch policy conflicts.

The other method currently available to Congress is a fully legitimate one. It is to cut off funding for a particular operation by adding a limitation amendment to an authorization or appropriation bill. That is what Congress did with the Clark Amendment on Angola and the Boland Amendment on Nicaragua. There are two problems with this approach. First, the Boland Amendment was a very small part of a more than 1,200 page government-wide continuing resolution. In order to veto the amendment, the President would have been forced to shut down the whole government just three weeks before an election. This increasingly used procedure, in other words, is meant to, and does, weaken the President's bargaining power.

The second problem with current procedures has to do with who makes the decision to force public debate. I am not talking here about an unauthorized disclosure by a single person, but a decision authorized by a committee majority to take an issue to the full House and Senate floor. We can see the same problem even more clearly by considering a bill my colleague Lee Hamilton introduced in the 99th Congress, H.R. 4976. That bill was reported favorably in 1986, after partisan votes, by both the Intelligence and Foreign Affairs committees[24] and was reintroduced in the 100th Congress by Rep. Matt McHugh as H.R. 3633.

Under the Hamilton bill, the President would have been prevented from helping the Angolan resistance unless Congress first held a public debate and then voted to support such aid. The bill was specific to Angola, but Hamilton made it clear he believed that its principles about public debates and votes should apply to all covert actions about which there is significant controversy. Hamilton thus would have taken the current procedures an additional step. Under current procedures, the Intelligence Committee can use a limitation amendment to insist on a public debate and vote in the first budget cycle after a President initiates an action. Hamilton thus would have deprived the President of his constitutional power to initiate controversial actions by demanding a public debate and vote before the action could begin.

The problem the Hamilton bill shares with the typical limitation amendment is that they both combine deliberation by Congress with public disclosure and debate. Unfortunately, even though public discussion may seem as if it is a motherhood-and-apple-pie issue, it is not neutral with respect to policy results. Like the related consensus requirement, holding a public debate is in itself a decision that precludes some actions and favors others. In fact, the idea of holding a public debate over a covert operation is an oxymoron. There is no way to debate an operation in public and still keep it secret. The decision to debate, therefore, is the same as a decision not to proceed covertly. It could be argued that controversial policies should not be conducted in secret. But since some programs cannot be conducted at all any other way—for example, ones involving the help of other countries and individuals whose support of the United States could be dangerous to them if known—debating an operation can sometimes have the same effect as killing it.

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[23] *Report of the Congressional Committees, Investigating the Iran-Contra Affair*, Minority Report, ch. 13, pp. 575–79.

[24] U.S. House of Representatives, Permanent Select Committee on Intelligence, 99th Congress, 2d Session, Report to accompany H.R. 4976, Requiring That Any United States Government Support For Military or Paramilitary Operations in Angola Be Openly Acknowledged and Publicly Debated, H.Rept. 99-508, Part I (March 25, 1986); U.S. House of Representatives, Committee on Foreign Affairs, 99th Congress, 2d Session, Report to accompany H.R. 4976, Requiring That Any United States Government Support For Military or Paramilitary Operations in Angola Be Openly Acknowledged and Publicly Debated, H.Rept. 99-508, Part II (May 16, 1986).

AN ALTERNATIVE APPROACH

I have no quarrel with the idea that Congress may vote to kill an operation with which it disagrees. I have a real problem, however, with the idea that any group of members, well short of a majority of both chambers, can force an operational result by demanding a public debate and vote. There must be a better way to manage legislative-executive conflicts.

The current approach certainly does have some problems. We have seen that it too often breeds frustration and mistrust in both the legislative and executive branches. On issues of deep policy conflict, where each side considers the other's policy not just bad but potentially disastrous, frustration and mistrust too often lead each side to bend the rules or engage in other forms of behavior that breed further mistrust, poisoning future attempts at interbranch cooperation. I want to emphasize here that I am not talking about a one-sided problem. Congress had every reason to be angry about the way the National Security Council staff deceived us about the Contra resupply effort. But the President has just as much cause to be angry about the way the Speaker and the Rules Committee use their scheduling power to delay, prevent or structure floor votes, about the way members can unilaterally decide that a previously covert operation is ripe for public debate, and about the incessant problem of leaks. Each side, has good reason to think the other has contributed to a breakdown of comity.

What we need, therefore, is a modified set of procedures that will permit each side to recognize the other's appropriate constitutional role. In this spirit, I offer the following as a framework for amending the Intelligence Oversight Act.

(1) The President should retain the constitutional power to initiate a covert action, even if some Members of Congress consider the operation to be controversial. This principle is accepted in the pending 48-hour bill but not in the principle underlying the Hamilton bill.

(2) Requiring notification within 48 hours can be accepted in general, but only if there is an escape clause for the President to invoke unilaterally in exceptional circumstances.

(3) When the President believes that exceptional circumstances require him not to inform Congress within 48 hours, Congress may want to follow Lloyd Cutler's suggestion and require the President to notify the intelligence committees of the fact that there now exists a finding whose contents temporarily are being withheld.

(4) If Congress wants to consider cutting off funds for a particular operation, the decision to consider this option should not have to be made in public. Instead, such a proposal should be offered in a separate bill that puts all identifying information in a classified annex. Such a bill should have privileged access to the House and Senate floor.

(Alternative to 4) Congress may want to continue using amendments to authorizations and appropriations bills as the vehicles for cutting off a covert operation. I would prefer requiring separate bills, but this may be a necessary political compromise. I firmly believe, however, that such amendments should not be allowed in continuing resolutions unless and until the President is given an item veto. In addition, any limitation amendment should include expedited procedures to guarantee a separate, subsequent, up or down vote on the same operation by the full House and Senate. In all such limitation amendments, subsequent bills, and accompanying reports, as with the separate bills described in (4) above, all identifying information should appear only in a classified annex.

(5) Debate by the full House and Senate should be in executive session, with severe punishment for leaks. I would be willing to go so far as to say that leaking by members of Congress and staff should be considered criminal. The Supreme Court decision in *Gravel* v. *U.S.* made it clear that the Speech and Debate Clause protects members of Congress and staff only in work that relates to their legislative business.[25] I would argue that because all legislative business under these procedures would be conducted in secret, there would be no defensible legislative reason for public disclosure. If Members are skittish about the Speech and Debate Clause, however, I would pursue expulsion and findings of contempt of Congress against members or staff who disclose. In addition, I would require the Speaker of the House and the President Pro Tempore of the Senate to open debate by declaring that the House or Senate is in executive session to discuss sensitive national security information, and that members will be held subject to prosecution, contempt proceedings, or expulsion, for disclosure.

(6) If the President vetoes a bill that cuts off funds for a covert operation, his veto message should be classified, and any override vote should take place in an executive session governed by the same stringent secrecy rules as the initial debate.

(7) If the President fails to muster Congressional support for an operation, or his veto is overridden, it then will be up to the President to decide whether to make a public case for the operation. If the President decides not to do so, all of the preceding steps will remain secret, and the President will be bound by the result.

I believe that the above procedures will go a long way toward restoring the President's constitutional role, while retaining and reaffirming the appropriate sphere for Congressional action. The President could continue to initiate operations and Congress could continue to terminate extended ones of which it disapproves. The main difference is that Congress would not have to blow an operation's cover by deciding to debate it. That would help preserve the President's power in some respects. If stringent secrecy rules were properly enforced, however, these procedures could also, paradoxically, help satisfy Lee Hamilton's desire to see controversial issues more widely discussed within Congress. There is no reason deliberation by Congress necessarily has to mean public disclosure.

The general effect of these procedures, however, would be to set guidelines to replace the vague notions of "controversy" and "consensus." Presidents would still have to maintain significant support in Congress to continue an extended operation under the cover of secrecy, but they would not have to maintain the super-majority of an overwhelming consensus. In general, Presidents would be limited to operations that support the prevailing conventional wisdom about the nation's policy objectives. If the President wanted to change the conventional wisdom, he would have to make a public case for his position. But the decision to go public would rest with the person who wants to take action, not with those who want to stop it. The President has a duty to persuade the public when he wants to marshal support for a new policy direction. But the President also should have the discretion to decide that a particular objective is not worth, or is not consistent with, such an effort. When a President makes the latter decision, Congress has the duty to establish procedures that make it possible for the two branches to proceed cooperatively.

Legislative-executive relations broke down during the Iran-Contra Affair. Congress made the President pay a stiff price for that breakdown, and the President has taken several important steps to improve procedures on his end of Pennsylvania Avenue. Now, we ought to look at what we can do on our end. The way to improve legislative-executive relations is with procedures that encourage each branch to respect the proper role of the other. Comity comes through hard work on a daily basis. But the first step must be mutual respect.

ANDREW K. SORDONI III, HONORED FOR COMMUNITY SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. KANJORSKI. Mr. Speaker, it is my pleasure to draw your attention to Mr. Andres J. Sordoni III, who will be honored tonight by the Greater Wilkes-Barre Society of Fellows and the Anti-Defamation League of B'nai B'rith for his outstanding contribution to the Wyoming Valley community.

I have known Andy Sordoni for as long as I can remember, our families have been friends for generations. Although he easily could have relocated his very successful businesses anywhere in the country, he chose to remain in his native Wyoming Valley. His contributions to the community are so completely interwoven into the fabric of the Wyoming Valley that it is almost impossible to imagine our community without him. He serves as president of the Sordoni Foundation, a philanthropic organization which has provided countless grants for education, health care, economic development, social services, and the fine arts.

Mr. Sordoni is a director and past chairman of the Pennsylvania Chamber of Business and Industry, Pennsylvania for Effective Government, and the Pennsylvania Business Roundtable. He is a director of the Committee for Economic Growth, Geisinger-Wyoming Valley Medical Center, Pennsylvania Economy League, and the public television station, WVIA Channel 44. By supporting economic development efforts in northeastern Pennsylvania, Mr. Sordoni has shown the kind of foresight and enthusiasm which has led to the current economic resurgence in the Wyoming Valley. C-Tec Corp. which Mr. Sordoni chairs, is a leader in the telecommunications industry, as well as cable television, information services, consulting engineering, and facilities management. Mr. Sordoni is also chairman of Sordoni Enterprises, Inc., Sordoni Construction Services, Sterling Industrial Corp., and Whitman Tower, Inc.

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[25] *Gravel* v. *U.S.* 408 U.S. 606 (1971).

Mr. Speaker, Andrew J. Sordoni III, is more than a pillar of the community, he and his family are the foundation. I am pleased to join my friends at the Greater Wilkes-Barre Society of Fellows and the Anti-Defamation League of B'nai B'rith in honoring Mr. Sordoni for his outstanding community service.

NO VICTORY THROUGH SURRENDER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. RANGEL. Mr. Speaker, syndicated columnist A.M. Rosenthal wrote a column which appeared in the New York Times of Friday, April 22, 1988, entitled "No Victory Through Surrender." In his column Mr. Rosenthal remarks that Democratic Presidential candidate Jesse Jackson was asked on the campaign trail in New York, "since it is so obvious that the country is not winning the war against drugs, why not try legalization?" Mr. Jackson's response was, "you do not win a war by surrender."

Mr. Speaker, Jesse Jackson deserves credit for elevating the issue of drug abuse to the forefront of this year's political campaign.

Mr. Rosenthal in his editorial marshals the arguments of the proponents of legalization, namely that:

> Hundreds of thousands of people are forced to break the law because society rejects their particular narcotic of choice while accepting alcohol and tobacco. Hundreds of millions of dollars spent on law enforcement are wasted and could be used for anti-drug education. Legalization would take the profit out of the drug trade, eliminate the corruption, bring a fortune in taxes. Legalization would not end drug abuse but would allow us to deal honestly and openly with a social disease, as we do with alcoholism or tobacco addiction, which cause far more deaths than do cocaine or heroin.

Mr. Rosenthal says:

> There is some truth in most of the points, but when you put them all together as an argument for legalization, the whole structure collapses. Alcoholism and tobacco addiction are indeed greater causes of death than heroin or coke. But the reason is that far more people get drunk or cough their lungs out than use hard drugs.

Mr. Rosenthal asks:

> How can we continue to fight against alcoholism and tobacco addiction effectively if we suddenly say that other drugs—even more dangerous—should also be made available?

Mr. Rosenthal concludes his article by saying,

> It is insensitive almost to vulgarity to argue for the legalization of drugs that can rapidly damage or destroy self-respect, values, the very minds of human being * * * I have received many letters arguing for legalization but none from a person who ever loved a junkie and not one from the parent of a crack child.

Mr. Speaker, I ask that the editorial by A.M. Rosenthal entitled "No Victory Through Surrender" be inserted into the CONGRESSIONAL RECORD at this point.

The article follows:

[From the New York Times, Apr. 12, 1988]

NO VICTORY THROUGH SURRENDER5

(By A.M. Rosenthal)

On the day before the primary, Jesse Jackson was winding up an appearance before one of New York's more influential audiences—1,300 business people, academics, social workers and politicians, brought together by the Association for a Better New York.

When it was almost over, somebody stood up and asked an important, plain and straightforward question of the candidate who has made drugs a major political issue: Since it is so obvious that the country is not winning the war against drugs, why not try legalization?

Mr. Jackson's answer was just as simple and direct as the question: You do not win a war by surrendering.

That will not stop the debate, of course. The worse the casualties in destroyed lives, the more the gang murders, the deeper and dirtier the flow of corrupting drug money into governments, the more often the question comes up about drug legalization.

I assume that everybody who writes about drug abuse as a national crisis gets letters, as I do, from thoughtful people in different parts of the country who believe legalization in one form or another is the right answer. The supporters of legalization cross political lines left and right.

This is the gist of their argument:

Hundreds of thousands of people are forced to break the law because society rejects their particular narcotic of choice while accepting alcohol and tobacco. Hundreds of millions of dollars spent on law enforcement are wasted and could be used for antidrug education. Legalization would take the profit out of the drug trade, eliminate the corruption, bring a fortune in taxes. Legalization would not end drug abuse but would allow us to deal honestly and openly with a social disease, as we do with alcoholism or tobacco addiction, which cause far more deaths than do cocaine or heroin.

There is some truth in most of the points, but when you put them all together as an argument for legalization, the whole structure collapses. The reason is that mythology and unreality outweigh the kernels of truth. And the underlying philosophy is not exactly civically inspiring: Look, narcotics are terrible, but we are not getting anywhere fighting, so why not just give in and make them legal?

Alcoholism and tobacco addiction are indeed greater causes of death than heroin or coke. But the reason is that far more people get drunk or cough their lungs out than use "hard drugs."

But just give us time and legalization; pretty soon coke and heroin may kill just as many Americans. That's a peculiar objective, at exactly the time when this country is finally realizing the horrors of tobacco and alcoholism

Fight against two drugs by legalizing others? How can we continue to fight against alcoholism and tobacco addiction effectively if we suddenly say that other drugs—even more dangerous—should also be made available?

If you find your children drinking or smoking, you may have time to argue or frighten them out of it. Crack children get lost very, very fast, in worlds of damaged minds where parents cannot follow.

The idea that legalization would take the profit out of drug crime by driving down prices, thus persuading pushers of the virtues of honest labor, is a socially deluding fantasy. Right now, you can get all the crack you want in New York for $3 to $5 a vial, a good enough price so that the hard-working mass-marketers of the poison can earn millions a week.

Under legalization, the Government presumably would dole out or sell the drugs, and set standards. Pusher paradise:

"The Government will only sell you a couple of doses. Take them and come right over to us for the rest. And look, those weak shots you buy at the Government crack parlor, why we've got the real stuff for the real highs, just go get the money. If you don't get caught mugging, you don't have to worry about drug possession, because it is legal, man, legal, can you believe it?"

But the real ethical argument against legalization has nothing to do with law, finances or taxes. It has to do with what we want for ourselves and our children.

It is insensitive almost to vulgarity to argue for the legalization of drugs that can rapidly damage or destroy self-respect, values, the very minds of human beings—those other human beings. I have received many letters arguing for legalization, but none from a person who ever loved a junkie and not one from the parent of a crack child.

NATIONAL FOSTER CARE MONTH

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. SPENCE. Mr. Speaker, I rise today in strong support of House Joint Resolution 289, a bill that will designate May of this year as "National Foster Care Month."

We all know that a family environment with loving and caring parents is the best possible situation for children. However, in this country today, there are hundreds of thousands of foster children who, through no fault of their own, have been stripped of this normal home relationship that contains love, shelter, and the other basic needs of children everywhere. Foster parents give their time, energy, material resources, and most important of all—love—24 hours a day, every day of the week, to help these children develop into mature, responsible, productive, and loving adults.

Foster parents have a long and proud tradition of reaching out to those children who need them most. It is our duty to publicly recognize their efforts and call attention to the vital needs of all foster children in the United States.

Mr. Speaker, I would also like to take this opportunity to thank my friends and colleagues who have joined with me in voicing their support for this most worthy measure.

NATIONAL SKIING DAY—1989

HON. BEN NIGHTHORSE CAMPBELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. CAMPBELL. Mr. Speaker, I am happy to be here today to again introduce legislation recognizing the benefits of skiing.

The resolution I introduced today will designate January 1989 as "National Skiing Day." National Skiing Day will kick off the ski industry's "Let's Go Skiing, America!" month. Throughout January, special promotions and events will be scheduled to encourage people of all ages to take up the sport of skiing.

Besides the economic contribution the sport makes to the United States, many physical benefits can be derived from the great sport of skiing. With more than 21 million Americans spending the equivalent of 52 million days each year, skiing is a popular winter activity. Both Alpine and Nordic skiing give Americans a wonderful chance to enjoy our mountains and forests.

I would like to thank my colleagues who have helped by cosponsoring this resolution in a bipartisan effort. I would also like to invite any Members to join me in Colorado on January 20 to participate in the activities of "National Skiing Day."

DRUG CRIME WHISTLEBLOWER ASSISTANCE ACT

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. BENNETT. Mr. Speaker, last week I introduced a bill, H.R. 4402, which would encourage civic cooperation with law enforcement authorities in the "War on Drugs" by increasing rewards for people who turn in drug dealers. The bill does this by increasing the maximum reward from the Justice Department forfeiture fund and the Customs forfeiture fund. The bill would put profit motive on the side of turning in people or providing information on drug offenses.

This idea was suggested to me by a constituent, and also in reading an article by William Raspberry, syndicated columnist for the Washington Post. Mr. Raspberry, in his own inimitable way, provides a strong case for the passage of this bill. The article examines the possibilities which would be created if citizens were significantly rewarded for providing information leading to the apprehension and conviction of illegal drug dealers.

It is vital that rewards be truly significant. There are now token moneys available to people who provide State's evidence on drug cases. The Justice Department fund provides for a reward that is capped at $150,000 or one-fourth of the amount realized by the United States from the property forfeited. The Customs fund provides for a reward that is capped at $250,000. That's peanuts when compared with the incredible money being made by drug pushers on the streets of America. H.R. 4402 increases these rewards to allow some to receive up to 50 percent of that realized by the U.S. Government in the material confiscated.

I therefore submit, for the RECORD, William Raspberry's fine column, "Sharing the Drug Peddlers' Profits," which is reprinted from the Washington Post of March 21, 1988. I hope that Members will join me in cosponsoring H.R. 4402.

SHARING THE DRUG PEDDLERS' PROFITS

"I see you've been writing about the drug problem," the cabbie said. "Well, I'm going to do you a favor. I'm going to tell you how to clean it up."

"Sure," I said. "All I've got to do is jail Noriega, build a fence around America and shoot all the pushers."

"Serious business," the cabbie said. "I've been thinking about it, and I've come up with the answer.

I decided to humor him.

"Well, first, let's talk about what *doesn't* work," he said. "Everybody's been looking at the production/distribution end of the thing. They keep thinking that if we can burn the coca crops, or close down the processing plants, or make some high-level drug busts, we can put a dent in the problem."

I told him that it did seem reasonable to try to increase the costs of producing and distributing cocaine and heroin. After all, the big traffickers are in it for money, and if we could reduce their profits . . .

"Wrong," the cabbie said. "All they'd do is raise the price. And everybody knows that junkies would go right on using the stuff whether the price goes up or down."

I admitted that there did appear to be a certain inelasticity of demand. "So I suppose what you're telling me is that we have to move on the demand side," I said. "Go after the users, either through education or through stiffer law enforcement."

"Wrong again," the cabbie said. "You sound like Nancy Reagan, 'Just Say No' may do some good with kids who are just thinking about doing drugs, but its not worth a darn for people who are already hooked. And as for stiffer law enforcement, it's already about as stiff as they can make it without assigning a cop to every citizen.

It occurred to me that, in his zeal to make me look bad, he had foreclosed his own options. "You're saying we can't do anything at the top, where they produce and distribute the stuff," I said, "and we can't do anything at the bottom, where the users are. It doesn't seem to me that there's very much left."

"That's because you think like a wage earner," the cabbie said. "Now me, I'm a businessman and I look at the thing from a business point of view. Let me ask you a question. Why do you think so many people are selling the stuff? Why do you think there are streets in this town where you can't hardly drive through for the pushers?"

"That's obvious," I told him. "Its because they can make a lot of money dealing drugs."

"Very good," the cabbie said. "Well, suppose they had another way to make money, without the risk of jail."

So that was it. The big windup followed by a nothing pitch. "Do you see these young dealers in their fancy clothes and BMW's?" I said. "Do you see them dripping leather and gold and flashing money that would make a banker envious? How many of these people do you think would take some minimum-wage job? There's no way a straight job can compete."

"You're right, Mr. Wage Earner" the cabbie said. "These kids are entrepreneurs—right?—and they want to make an entrepreneur's money. So here's my idea. What you do is tighten up the law so that you take as a given fact that anybody convicted of trafficking in narcotics is assumed to have made profits from it. So you take the profit . . ."

The law already provides for that, I told him.

". . . and split it with the person who turned him in."

"You're proposing to turn us into a community of paid snitches?" I said.

"You'd rather turn us into a community of junkies?" he countered. "Look, the IRS will give you a percentage of the take if you turn in a tax cheater. But that's mostly chump change. Suppose you could turn in a major dealer, with $2 million in assets. You'd walk away with a million for yourself and maybe a new identity, if you needed it. For the kids who are into dealing drugs, it would be the easiest money they ever made.

"And they wouldn't even have to start off with the kingpins, either. They could start with the dude who's driving the BMW and get half of whatever the car brought at auction. But they could work their way up as high as they want to.

"As you say, the feds are already taking those assets. The problem is, they're splitting the take with the state law-enforcement people who still can't stop the drug trafficking. I say let them split it with the folks who are willing to drop a dime on the dealers. If their information leads to the conviction of a dealer, the informant gets half of the assets. Heck, if it works out the way I think, you might even have little dealers turning in bigger ones.

"The point is, if greed is what makes people deal drugs, why not use that same greed to bust up the drug traffic?"

I intend to tell him exactly what's wrong with his scheme, as soon as I can figure out what it is.

BEN LEDERMAN: THE MAYOR OF BRIGHTON BEACH

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. SOLARZ. Mr. Speaker, only on a rare occasion do I rise to pay tribute to any one individual. But in regard to my good friend, Ben Lederman, I do so proudly and without hesitation.

Ben is one of those exceptional human beings who has devoted his life to the benefit of the entire community in which he lives back in my district in Brooklyn.

Affectionately referred to as the "Mayor of Brighton Beach"—a position which, if in existence, he would no doubt be elected to unanimously—Ben's talents are well known, and the list of his accomplishments is long and distinguished.

From 1980 to 1987, Ben served as district representative and caseworker in my office in Brooklyn. The special care and concern that he showed to my constituents during that period contributed greatly to fostering a feeling of well-being among the people serviced by my community offices.

When Ben decided last year to move on and take over the position of director of the Brighton Beach Business Improvement District Program, I was sorry to let him go. But, I did so knowing that the neighborhood could only be better served by having Ben devoting himself on a full-time basis to the upkeep and improvement of the shorefront community.

A two-time past president of the Kiwanis Club of Coney Island, Ben recalls as his greatest accomplishment the time he and his fellow Kiwanians arranged for a terminally ill little boy to meet his idol, Yankee superstar Don Mattingly. They rented a limousine, provided a baseball uniform, and created a memory that will last a lifetime.

This is just one example of Ben's good work. He devotes an enormous amount of personal time to numerous other community organizations including the Oceanfront Coordinating Council, the Brighton Beach Board of Trade, the Oceanfront Development Corp., Community Planning Board 13, and Visions, an organization dedicated to helping the visually impaired.

On May 4, Ben will celebrate his 70th birthday. Although I cannot be on hand to join in on the festivities, I would be remiss if I did not publicly congratulate Ben on this special occasion and thank him for his years of service to both me and the community.

Ben is truly a man of the people and for the people, and I am proud to count him as a constituent, a friend, and the worst joke teller in all of Brooklyn.

CHIEF RAYMOND D. GEZZI OUTSTANDING PUBLIC SERVANT

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues one of my constituents, Chief Raymond D. Gezzi, who is retiring from the Paulsboro, NJ, Police Department, after serving for 30 years on the force.

Chief Gezzi leaves the Paulsboro Police Department with a legacy of hard work and a genuine commitment to the residents of his community. Through his 30 years of service, the last 8 years in the capacity of police chief, Ray has performed his duties with diligence and valor. He will certainly be missed by his colleagues and friends at the department, as well as all the residents of Paulsboro his tradition.

Chief Gezzi's career with the Paulsboro Police Department, though distinguished and often rewarding, was marked by a tragic period early in his service. Chief Gezzi sustained service-related injuries, while a street patrolman in 1965, which led to partial paralysis and 4-year interruption in his career. Through vigorous therapy and exercise and a strong will to overcome the disability, Chief Gezzi returned to the department as a detective sergeant. Despite such dark episodes, I am sure this public servant would agree that saving the life of a young child drowning in a local creek, implementing a summer camp program for underprivileged school safety patrol kids, and building the department to what it is today—all of which Chief Gezzi has done—makes it all worthwhile.

As I applaud Ray's commitment to serving his community, I also applaud the support that his family, including his wife, Marie, have given him throughout the years.

Again, I would like to take this opportunity to commend Chief Raymond D. Gezzi on his 30 years of dedication and commitment to the Paulsboro Police Department and the residents of his community. Ray epitomizes a true public servant, and we all owe him a tremendous debt of gratitude for his service.

TRIBUTE TO FRIENDS HOSPITAL

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to the Friends Hospital, which is celebrating its 175th anniversary this year. In addition, this year also marks the 50th anniversary of Friends Hospital "Garden Days."

Founded in 1813, Friends Hospital is now one of the leading psychiatric institutions in the Delaware Valley and the Nation, treating more than 2,000 persons with mental and emotional disorder every year.

Friends Hospital was the first private institution in the country with the specific mission of caring for the mentally ill. Perhaps more important, it was also the first institution in the United States based on the concept of the "moral treatment."

A revolutionary approach for the 18th century,"moral treatment" eliminated corporal punishment, chains and most mechanical restraints. In their place fresh air, gardening, warm baths and genuinely empathetic concern were substituted.

Even in the early days patients were encouraged to assist in maintaining the hospital's 30-acre gardens. In addition, shaded walks and quiet forest paths were created for recreational use, and the grounds were carefully planned to provide a feeling of quiet serenity, a place isolated from the outside world where patients could feel safe.

This interest in gardening and plants evolved into a formal horticulture therapy program which today is one of the best known in the country. From this program emerged the hospital's famous 20-acre azalea gardens.

Since 1938, the general public has been invited to tour the Friends Hospital's azalea gardens. The 50th annual "Garden Days," on the first three weekends in May, will allow visitors to view the 20,000 azalea plants, including at least 98 different varieties.

Mr. Speaker, this year's Friends Hospital "Garden Day" are a grand way to celebrate two special anniversaries at the same time, and honor a beautiful garden and a unique hospital.

THE IMPORTANCE OF WORLD POPULATION AWARENESS WEEK

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. MOODY. Mr. Speaker, it is with pride and great hope for the future that I introduced House Joint Resolution 148 to designate the week of April 17, 1988, as "World Population Awareness Week." I am glad that so many of our colleagues joined me in cosponsoring this important resolution.

Last year 39 States recognized World Population Awareness Week with more than 2,000 events calling attention to our crowded planet and possible solutions for averting demographic disaster. This year, more than 40 Governors proclaimed the week. By passing this resolution, the U.S. Congress is showing its commitment to encouraging Americans to recognize the need for decisive action around the world to help solve the problem of overpopulation and all its side effects.

In the past year we saw the world's population surpass the 5 billion mark. Much of the population growth is occurring in those countries least able to physically or economically support it. We see the consequences of rapid population growth throughout the world—unemployment, malnutrition, environmental degradation, overcrowded cities, and atmospheric pollution.

The high rate of child mortality in the developing world is particularly tragic. It takes its toll in many ways, both personal and economic. Not only do many young children die but many more face a life of dire hunger and poverty. Maternal health also declines as mothers are forced to have more children in the hope that at least some will survive. Economically, the families and these poor countries are destined to stay poor unless they break the cycle of overpopulation, malnourishment, illiteracy, and ill health.

The industrialized nations are not doing all that they can to assist struggling societies in providing voluntary family planning programs. An estimated 50 percent of the 10 million infant deaths and 25 percent of the 500,000 maternal death that occur each year could be prevented if voluntary means of child spacing and maternal health programs were expanded to meet minimal needs. World Population Awareness Week will provide Americans with the opportunity to think about these problems and to help formulate policies to combat them.

There are many ways the United States can help. When I was setting up the Peace Corps programs in 1961 in Pakistan I saw first hand how a little knowledge and aid goes a long way. As Chairman of the Congressional Coalition on Population and Development, I am working to alleviate some of the problems by allowing people access to voluntary family planning programs. Effective family planning is a vital component of any effort to eliminate poverty and hunger in the Third World. Without it, we are condemning millions of people to a life of hardship and suffering.

Right now we have mostly a "band-aid" approach—we send food and money so that children in the Third World don't die of starvation. But I hope that by increasing awareness of and access to voluntary family planning, by lending people seed money to start their own small businesses, and by teaching them proper nutrition we can really make a difference in the quality of life in the poor countries of the world.

A TRIBUTE TO MR. JOSEPH T. DEBBS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. MATSUI. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to a distinguished member of the Sacramento community, Mr. Joseph T. Debbs, on the occasion of his acceptance of the Amtrak President's Achievement Award for 1987. It is truly an honor to be able to salute this outstanding individual.

Each year the President's Achievement Award is presented in recognition of those employees who make extraordinary contributions to improving the efficiency, productivity, and quality of service of the Amtrak Corporation. These award winners represent the entire spectrum of positions in Amtrak, from management and labor as well as a wide range of skills and expertise.

Joseph has demonstrated these traits and more. He has made outstanding contributions in public service while serving at Amtrak. Joseph has also sustained a level of excellence in his work that should be examples to us all. Over the years, Joseph has demonstrated the exceptional talent and dedication that so often characterizes Amtrak employees. The President's Achievement Award is Amtrak's highest honor, and it comes as no surprise to see Joseph on the receiving end of this prominent distinction.

On behalf of the people of Sacramento and the State of California, I want to congratulate Joseph on a job very well done. His dedication to his work is most impressive and I want to wish him the best of luck in all his future endeavors.

INSTRUCTIONAL TELEVISION IN NURSING EDUCATION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. RICHARDSON. Mr. Speaker, as a member of the rural health care coalition, I am pleased to be introducing legislation shortly to provide easier career advancement and to make nursing education more accessible for nurses in rural areas of our country.

My legislation would authorize up to $2 million for a new grant program for instructional television providing nursing education in rural areas. These new grants would be used to cover administrative and other costs associated with satellite transmission. Funds could also be used to help purchase satellite dishes. A single satellite dish can run up to $3,000.

Furthermore, to ensure accessibility, and to address the nursing shortage, those eligible for grants under my legislation include: private and public schools of nursing, at both the graduate and undergraduate level, as well as interested nonprofit organizations.

The nationwide nursing shortage has reached critical proportions in the country. The Department of Health and Human Services estimates that by 1990, there will be a shortage of 390,000 nurses with baccalaureate degrees.

Additionally, the number of graduating nurses is expected to decline from a high of 82,700 in 1985 to 68,700 or less in 1995.

Unfortunately, the rural areas of our country are hit the hardest by the continuing shortage; nineteen of New Mexico's 31 counties have a nursing shortage. In real terms, this means New Mexico has an average RN vacancy rate of 11.5 percent compared to a nationwide average of 3.6 percent. In some counties, the vacancy rate is as high as 36 percent.

This means nurses are working 12 hours and double shifts. More importantly, the high vacancy rate adversely affects patient care as the patient to nurse ratio rises. Patients cannot help but be on the losing end when nurses are tired and overworked.

Mr. Speaker, satellite technology offers a whole new era of instruction in nursing education. First, my legislation will help address the critical shortage of nurses in this country by providing more direct and easier access to nursing education. Nurses who would otherwise have to commute long distances to universities and other schools of nursing for continuing education, will be able to stay in their own communities.

Second, satellite transmission of nursing education provides considerable flexibility and opportunities for career advancement: Nurses who must work full time to support themselves and their families will have greater opportunities to upgrade their degrees or take refresher courses.

Last, Mr. Speaker, I believe satellite nursing education will help address the issue of population parity with respect to minorities in the field of nursing. Since Hispanics and other minorities are less likely to attend school full time for financial reasons, satellite transmission of nursing education will help recruit more minorities into nursing.

TRIBUTE TO ANDY BROCHT

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. SCHUETTE. Mr. Speaker, today I would like to take this opportunity to pay tribute to a very special young man from the 10th District of Michigan. Andy Brocht, from Evart, MI, risked his own life last January to save three young children from almost certain death in a tragic fire at the home of Sharon and Don Duncan.

In the middle of the night, Andy woke to find a fast-spreading fire beginning to engulf the Duncan home. Andy was there because he had been caring for the Duncan children since Don and Sharon worked the night shift at a local factory.

Three times, never thinking of his own safety, Andy entered the burning structure to save the lives of Donnie (aged 4), Danny (aged 1), and Stacey (aged 3) Duncan. Even though each time he entered the Duncan home the fire had grown worse, he continued. Although the fire completely destroyed the Duncan home, all three of the children were brought to safety.

Andy Brocht is a hero. His unselfish effort and bravery saved three precious lives, and that deserves recognition in this body. Andy is presently a senior at Evart High School, and continues to care for the Duncan children during the evening.

Mr. Speaker, I hope all my colleagues in the House will join with me in congratulating this fine young man for his bravery and heroism. I, personally, am proud to bring his unselfish act of heroism to the attention of the Congress. This fine young man is a credit to his family, the community and the State of Michigan.

CONGRATULATIONS HELEN WARNES

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. DAUB. Mr. Speaker, the Congressional Senior Citizen Program provides an excellent opportunity for senior citizens from all over the country to experience Washington, DC. This year the program will be held from May 22 to 28.

I am proud to announce that Helen Warnes, from Bellevue, NE, has been selected to represent Nebraska's Second Congressional District in the 1988 Congressional Senior Citizen Program.

Helen is involved in many senior citizen activities in Nebraska. For example, she is a volunteer at the Bellevue over-60-meal site, a member of the Bellevue Senior Citizen's Committee, and a member of the National American Association of Retired Persons [AARP]. Additionally, Helen has been the program chairwoman for the Bellevue AARP chapter for over 2 years.

While in Washington, DC, Helen would like to learn more about how the new tax law and changes in Social Security will affect the elderly.

Helen Warnes is representative of the energy and enthusiasm that abounds in Nebraska's elderly community.

I congratulate Helen, and look forward to seeing her in Washington, DC, in May.

PROFESSIONAL SECRETARIES DAY

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. LENT. Mr. Speaker, I am pleased to join my colleagues today in recognizing April 27 as "Professional Secretaries Day." This tribute is deserved recognition of professional secretaries and their significant contributions to our Nation's business and government.

The administrative duties they perform are essential to the smooth, efficient, and effective functioning of any office. Many become proficient in a specialized field, such as law, accounting, government, business, or industry. Throughout my years in public service, I have come to depend and rely upon my secretarial staff for their loyalty, skills, and efficiency in managing the daily office operations.

Secretaries have earned distinction for their dedication and professionalism in the performance of their duties. Often, they work right alongside the CEO's of major corporations and serve as liaison between management, clients, and the public. The secretarial field offers individuals exciting challenges and professional advancement, and I encourage interested individuals to explore career opportunities in this rewarding field.

In closing, I'd like to commend the Professional Secretaries International Organization for its campaign to promote appreciation for and recognition of the secretarial profession.

THE PILGRIMS: PLANTING THE CONSTITUTIONAL SEEDS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. HALL of Ohio. Mr. Speaker, I am pleased to have among my constituents Allen N. Sultan, a professor of law at the University of Dayton. In the course of his teaching, writing, and research, Professor Sultan has directed special attention to matters relating to human rights, constitutional law, and the origins of our form of government.

An article by Professor Sultan recently was published in the January 1988 issue of Federal Bar News & Journal. This article, entitled "The Pilgrims: Planting the Constitutional Seeds," seeks to increase our appreciation of the Pilgrims' contributions to our constitutional form of government.

For the benefit of my colleagues, the full text of Prof. Allen N. Sultan's article follows:

THE PILGRIMS: PLANTING THE CONSTITUTIONAL SEEDS

(By Allen N. Sultan)

As most Americans probably know, the first definitive act of self-government in our constitutional tradition did not occur in England, but rather on the shores of Massachusetts. The year was 1620. The autumn season was not propitious for the new settlers. Unlike the mild climate of their former European homes, a bleak, cold winter awaited as they stood on the edge of a wilderness. Survival would suggest—if not demand—a more autocratic form of governmental authority. Yet, they not only chose democracy but equality and justice as well.

To fully understand how this came about, we must go back to the previous century with its impact of the Reformation upon England, including the teachings of John Calvin, the Protestant Swiss theologist.[1] Calvin's followers, known as Presbyterians, became, in time, radical reformers, for they believed that the choice of religious leaders should be approved by the members of the religious congregations even though the King was the head of the Church of England. A specific group of dissidents were known as "Puritans," as they wished to purify the theology of the official Church of England.[2] Since many of the Puritans also inclined towards democracy, they represented a dual threat to royal power.

A group of these "congregationalists" followed the views of the late sixteenth-century Puritan minister Robert Browne, who had ceased to believe in the possibility of purification of the Crown's Anglican Church. This sect felt that its religious objectives could only be realized by a separate identity, by their permanent separation from the royal, established religious order.[3] Thus, its members became known as "Separatists."

Unhappy with the religious policies of James I, these separatist congregationalists, later called "Pilgrims," sought refuge in Holland in the years 1607 and 1608. The Dutch, who are still known for their tolerance, proved to be hospitable to the religious deviants. Sadly, however, they found that their children were losing their English identity and that economic opportunities were limited in their adopted land. These compelling reasons led to the decision to establish a new colony north of Jamestown, which was then the first permanent settlement in British America. With the assistance of London loan sharks, they set sail in the autumn of 1620 under a royal patent for the general area of what is now New York City.[4]

The north Atlantic in autumn can be a feisty challenge, one that experienced ships' captains have found most unsettling. When the Pilgrims' Mayflower was thrown off course by the seasonal storms, the Pilgrims found themselves at the tip of Cape Cod. It was a most barren, uninviting place, surrounded by ocean and exposed to the elements. Returning to their ship, they later sailed on to the more hospitable area of Plymouth where they found a natural harbor with considerable protection from the sea.

Under the common law of England,[5] and thus the legal mentality of the Pilgrims, official authority was directly related to land. This "magic of the soil," not yet eroded in the early seventeenth century, was the direct consequence of the introduction of feudalism by William the Conqueror following his victory at Hastings in 1066. Therefore, when the Pilgrims realized that their London patent or charter did not extend as far north as Cape Cod, they correctly concluded that they were completely free from all authority.

The importance of the new settlers' next move is only exceeded by the fascination that they would even conceive of doing it. Here they were, completely on their own, facing the dual dangers of a rigorous winter and a possibly hostile wilderness. Yet, their first consideration was not with their physical security; they did not immediately concern themselves with food, shelter or protection form the indigenous population, the Indians. Rather, they responded to a need for legal security, for institutions of government, and for a satisfaction of their English tradition of constitutionalism.

That is why, as every American school child should know, the Pilgrims returned to their ship and, in November of the year 1620, drafted and signed the Mayflower Compact. We must conclude therefore, that the Pilgrims viewed this compact of agreement as a political necessity,[6] as much so as the Constitution of the United States would be viewed by their descendants a century and a half later. In other words, the authority of the Compact, replaced that of the royal patent, as the authority of the Constitution eventually would replace that of the English crown. These essential facts therefore resulted from the same fundamental concepts of sovereignty, concepts that remain part of our American constitutional tradition.[7]

Consequently, a most important progenitor was fashioned on that autumn day back in the year 1620. In terms of institutionalized American government, the Pilgrims' document created a precedent that built upon the legal foundations of the common law, a system that looks to precedent as its starting point of reason. There, off what is now Provincetown, Massachusetts,[8] "for the first time in the world's history, the philosophical fiction of a social compact was realized in practice." [9] In later years, when an American colonist thought in terms of fundamental or organic law, he or she could look back to the tradition of constitutionalism that was implemented for the first time by the Pilgrim fathers upon their own initiative. Led by William Brewster, they set a precedent on their small ship that in time would lend authority to the basic political documents of our nation.

This fact alone would have been most significant—but it was far from all! These people were congregationalists. One of their basic religious tenets was that ultimate authority rested in the community, the "congregation," not in the Crown. Their bold adventure—their dangerous gamble with life—was to a large degree motivated by that principle. It permeated their faith, and their faith permeated their life. These are the reasons they had earlier fled the relative comfort and security of England. These same reasons led them to reject the royal and aristocratic model of authority and to choose, in its place, the democratic formula. And, most significantly, they did this at a time when kings and princes, counts and dukes, still ruled the world.

The Mayflower Company set a third important precedent that would be followed by our Founding Fathers more than a century and a half later. Up until that time (and indeed, until our present time), England had an "unwritten constitution," consisting of a series of charters, statutes, and other sources. Rejecting their own experience in this regard, the Pilgrim fathers framed their entire organic law into one written document. Moreover, its language was both simple and straightforward; as with our Constitution, it was drafted with the desire that no lawyer would be needed to ascertain its meaning.

Although this prevenience was clearly most impressive, that band of deviant congregationalists set still a fourth, most important precedent for our future liberty:

Footnotes at end of article.

They institutionalized immutable norms of values that even democratic processes may not violate, values that were later correctly referred to in the Declaration of Independence as a part of the natural law. To this end, they conditioned their promise of future obedience and respect for the law upon what we would later call constitutional limitations. That is why they promised each other "all due submission and obedience" to the "just and equal laws" passed by the government that they were about to establish.[10]

An Englishman's idea of justice has by tradition been tied to the concept of "due process," a requirement that has evolved from the thirteenth-century royal commitment in the Magna Carta.[11] Since due process is fair process, and fair process is fair play, the common law doctrine of "fundamental fairness" has become synonymous with English perceptions of justice. This basic sense of fairness is embodied in the popular English adage "It isn't cricket." Moreover, to enlightened English thought of their time, the principle of justice was part of the natural law and thus ordained by God and, consequently, the birthright of every English citizen.[12]

The second principle that the Pilgrims insisted upon was equality. As we have seen, they believed that God made each human soul equal to all others. To them, both political and religious equality were the natural consequences of this belief, as was the interfacing of the principles of democracy and equality. That is why the forty-one signers of the Mayflower Compact included those of low as well as high station, servants as well as proprietors and why everyone, was deservant of the "equal protection" of their fundamental law.

Thus, in the very language of the Mayflower Compact we find the seeds of two of the most pervasive constitutional protections of our individual freedoms—due process and equal protection. We note how the two remain inherently and often inextricably interrelated. We see how all three principles—democracy, justice, and equality—were foremost in the minds of those very early settlers. Lastly, we savor their commitment to natural law and to its effectuation through constitutional tradition, whereby such precepts like democracy, equality and justice are properly a condition of, and consequently, a limitation upon man's laws.[13]

True to their faith and to their faith in their beliefs, the Pilgrims shared their values with all members of their company, for they included in their "civil body politic" those who joined their venture but not their religion.[14] These qualities of spiritual magnanimity and temporal courage stimulated them to create a compact that many believe to be the first written constitution in history. Unusual circumstances had granted them the opportunity to proclaim authority from below at a time when all authority was from the top down. Seizing the challenge, they were able to fashion the first institutionalized example of American democracy, as well as the organic law that served them throughout their entire experiment in the new world.

But, most importantly, the Mayflower Compact stands as a paramount, very early precedent, one that has become as compelling to our constitutional traditions as their famous thanksgiving feast some months later has become to our historical traditions. Although, sadly, we do not teach our children as much about the former as we do about the latter, all of us do continue to benefit from its design. For the Pilgrims marked out a course later embraced by our history, one that directly affected the decision of our founding fathers to institutionalize the precepts of liberty, democracy, equality, justice and human rights in the constitutional order of the United States.[15]

With unquestioning faith in their God, this small, brave band of political and religious dissenters took on the adventure of life. During their first winter, they were hit by disease and almost starved to death. And, although more than half the group did not live to see the Mayflower begin her return voyage to England in early April, not one who did survive chose to leave with her.[16]

That was the type of courage with which the Pilgrims planted the seeds of democracy, of justice and of equality in the virgin soil of what is today America. By seeking freedom of conscience for themselves, they began our tradition of intellectual liberty for all. They proved their belief in the primacy of liberty by voting with their lives. The tens of millions of voyagers who followed them to our shores, also seeking liberty and opportunity, owe them a debt that is difficult to overestimate.

Clearly, our Pilgrim legacies of liberty, democracy, equality and justice can never be repaid. All we can do is to attempt to carry on their tradition and that of our founding fathers a century and a half later. In the words of Thomas Jefferson, "Honor, justice, and humanity, forbid us tamely to surrender that freedom which we have received from our gallant ancestors, and which our innocent posterity have a right to receive from us." [17]

FOOTNOTES

[1] See generally D.L. Keir, The Constitutional History of Modern Britain 87, 90-91, 178 (9th Ed. 1967); A.J. Beitzinger, A History of American Political Thought 32-7 (1972).

[2] The Compact Edition of the Oxford English Dictionary 2365 (1971).

[3] Beitzinger, supra note 1, at 36.

[4] S.E. Morison, The Oxford History of the American People 55 (1965).

[5] W.E. Lunt, History of England 80-4 (3d Ed. 1949); T.F.T. Plunknett, A Concise History of the Common Law 13 (5th Ed. 1956).

[6] W.F. Swindler, Magna Carta: Legend and Legacy 210 (1965). The pithy statement of their objectives in their Compact or self-covenant was to create "a civil Body Politick, for our better ordering and preservation . . . and by virtue hereof to enact, constitute and frame such just and equal Laws, Ordinances, Acts, Constitutions and Offices, from time to time, as shall be thought most meet and convenient for the general good of the colony." *Id.* (emphasis added).

[7] In American constitutionalism, sovereignty vests in the people. *McCulloch* v. *Maryland*, 4 Wheat. 316, 4 L.Ed. 579 (1819). In light of the supremacy clause, U.S. Const. art. 6, para. 2, the ongoing reposition of that sovereignty is in article V of the Constitution. D. Hutchison, The Foundations of the Constitution 231 (1975); L.B. Orfield, The Amending of the Federal Constitution 154-56 (1942). In The Federalist No. 49 (Hamilton or Madison), reference is made to "the people . . . as the grantors" of official power, and that "a constitutional road to the decision of the people ought to be marked out and kept open."

[8] See Morison, supra note 4, at 55.

[9] A. Young, Chronicals of the Pilgrim Fathers of the Colony of Plymouth, 1602-25, 120 n. 3 (1971).

[10] Swindler, supra note 6.

[11] Professor Swindler has described this tradition, with particular respect to the Pilgrim fathers: [F]rom the earliest times the settlers insisted upon the rights they believed belonged to all Englishmen: the privilege of petitioning for redress of grievances, freedom from arrest and imprisonment except for cause shown and by due process of law; and the right to limit taxation to the levies authorized by elected representative assemblies.

Id. at 210.

[12] In 1687, just prior to the Glorious Revolution of 1688, William Penn, published a tract in Philadelphia informing his then five-year-old colony that one of the principal rights of Englishmen was "An influence upon and a real share in, the judiciary power, in the execution and application thereof." Id. at 212; Morison, supra note 4, at 128.

[13] In his 1687 tract, William Penn expressed this most vital point in his description of an Englishman's liberties under Magna Carta: Likewise, though it be said here, *That the King hath given and granted these liberties*, yet they must not be understood as mere emanations of Royal Favour, or new Bounties granted, which the People could not justly challenge, or had a right unto before; for the Lord Cook in divers places asserts, and all Lawyers know, that this Charter is for the most part only Declaratory of the principal ground of the Fundamental Laws and Liberties of England, no new Freedom is hereby granted, but a Restitution of such as lawfully they had before. Swindler, supra note 6, at 213.

[14] Young, supra note 9, at 121-22 & n. 1 thereto.

[15] A.E. Sutherland, Constitutionalism in America 49-50 (1965).

[16] Morison, supra note 4, at 56.

[17] Declaration of the Causes and Necessity of Taking Up Arms, July 6, 1775.

TRIBUTE TO CONNECTICUT JUNIOR WOMEN

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mrs. JOHNSON of Connecticut. Mr. Speaker, on April 29 and 30, 1988, the Connecticut Junior Women will celebrate their 50th anniversary. I would like to congratulate and commend the more than 3,000 members of the 80 clubs active in the State of Connecticut for their efforts on behalf of the residents of the Nutmeg State. Under the leadership of the current State director, Donna Pazdar, this nonprofit organization has united the efforts of local chapters in the undertaking of several major projects.

The Lupus Foundation, Juvenile Rheumatoid Arthritis, and the Kidney Foundation, the first Apnea Center at Bridgeport Hospital, and the UCONN Children's Cancer Bone Marrow Transplant Program have all received support from programs run by Connecticut Junior Women. Presently, the membership is dedicating itself to raising $50,000 in order to purchase two vans to afford Connecticut residents with disabilities transportation to various points of interest throughout the State in association with the Hemlock Outdoor Education Center Project Discovery. In addition, the members published a travel guide for the disabled which was a compilation of information about cultural, historical, and environmental landmarks in Connecticut.

Connecticut is proud of the Junior Women for all that they have given of themselves. Throughout their five decades of service, they sustained a record of accomplishment on behalf of their fellow citizens.

A TRIBUTE TO THE FOOD BANK COUNCIL OF MICHIGAN

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. WOLPE. Mr. Speaker, I rise to pay tribute to the Food Bank Council of Michigan and the 12 individual food banks that provide food to the hungry throughout the State of Michigan.

Gov. James Blanchard has declared April 18-24 "Say Yes to Michigan Food Banks Week" in recognition of the invaluable work these organizations undertake. In 1987, with the assistance of over 900 community organizations feeding the homeless and unemployed, over 14 million pounds of food were distributed by the Michigan food banks. Without these organizations selflessly channeling surplus and donated food, thousands of Michiganders would go hungry. One of the most amazing things about this effort is that it has been undertaken for a mere 12 cents per pound maintenance fee.

I also want to bring to the attention of my colleagues the invaluable contribution of the Michigan Grocers Association. The most critical source of direct support to the Food Bank Council, the Grocers Association leads the private sector in feeding Michigan's hungry.

Mr. Speaker, I am certain my colleagues—many of whom come from States and districts that have similar humanitarian efforts underway—will want to join with me in paying tribute to the individual citizens, the trucking companies, the truck drivers, varied businesses and industries and State agencies in Michigan that have joined together to address the evergrowing needs of those who are hungry. We owe all who continue to participate in the effort an enormous amount of gratitude.

NATIONAL SECRETARIES' DAY

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Ms. OAKAR. Mr. Speaker, I rise today in honor of an overworked and under-appreciated section of the work force—secretaries. Today is National Secretaries' Day, a day in which employers everywhere should reflect on what a vital role secretaries play in any business or Government entity. The wheels of commerce and the Government would surely grind to a halt without the expertise and assistance of today's secretary.

A rather recent requirement for many secretaries is computer proficiency. The advent of the office computer, also known as video display terminal [VDT], has made offices more efficient and the work less burdensome. Unfortunately extensive VDT usage has also caused many office personnel to develop directly-related health problems. This condition is known as VDT syndrome and causes a wide variety of disabling physical and mental ailments.

The Campaign for VDT Safety, cosponsored by 9 to 5, the National Association of Working Women and the Service Employees International Union, have recognized the need for documentation of this growing problem and compiled a report discussing the scope and degree of the problem. Case studies of VDT syndrome sufferers were used to illustrate the extent of injuries.

Mr. Speaker, I would like to insert in the RECORD the introduction of the report, "VDT Syndrome: The Physical and Mental Trauma of Computer Work." This report will serve as a guide for the prevention of VDT syndrome and the protection of the over 28 million VDT users in this country. We must ensure that the computer technology which has revolutionalized the secretary's job does not become their scourge as well.

The material follows:

I. INTRODUCTION

I'm too young to be a hunchback. I'm never really comfortable in the neck and back areas. The numbness I feel in my arms—sometimes it's even hard to pick up a glass of water.—Word Processor, California.

I lost 15 years of work, work that I loved, and received nothing for my disability. I do what I can. I call lawyers and collect reports. But it is fruitless.—Library Associate, New York.

Office computers, also known as video display terminals (VDTs), have revolutionized office work. But at the same time workers operating the machines have reported alarming job-related health problems.

"VDT Syndrome" is a term used to describe the range of health problems affecting VDT users, from eye fatigue requiring changes in eyeglasses prescriptions, to wrist inflammations requiring surgery, to stress.

The increase in the number of cases of VDT Syndrome prompted the Campaign for VDT Safety, cosponsored by 9to5, National Association of Working Women (9to5) and the Service Employees International Union (SEIU), to compile this report outlining the degree and scope of the problem, using a sampling of case studies to illustrate.

9to5 and SEIU hope that "VDT Syndrome: The Physical and Mental Trauma of Computer Work" will help advance protections for VDT users by providing documentation of VDT workers' job-related health problems. The 34 sample cases illustrate how some VDT workers suffer severe pain and mental stress, develop disabling injuries, and require major medical treatment. The cases span age ranges, geographic regions, and occupations, and involve both males and females—testifying to the scope and pervasiveness of the problem.

With over 28 million Americans currently using VDTs in workplaces across the country, and the number expected to grow beyond 40 million by 1990, VDT health hazards pose a serious national health threat.

RESEARCH INDICATES GROWING PROBLEM

The surge of VDT workers suffering severe wrist pain, vision disorders, back strain, and stress has prompted various scientific investigations into the health hazards of VDT jobs.

A 1986 study by Barry Barresi and Jesse Rosenthal of the Center for Vision Care Policy, a research unit of the State University of New York College of Optometry, finds, "Eye strain, blurred near vision, eye irritation, headaches, back or neck aches, and double vision all had an independent, statistically significant association with increased VDT use."

Another recent study, "Video Display Terminal Use and Reported Health Symptoms Among Massachusetts Clerical Workers," by Annette McKay Rossignol et al, found that clericals who used VDTs for seven or more hours a day experienced 72 percent more eyestrain or sore eyes than those who use the machines fewer hours a day. And computer and data processing clericals who worked seven hours or more at VDTs experienced twice the number of headaches.

The researchers concluded, "The study results indicated an increased prevalence of adverse conditions pertaining to vision, musculoskeletal discomfort, and headaches among clerical workers who used VDTs. The magnitude of the increased prevalence was dose dependent." In other words, the longer the hours at a VDT, the more health problems.

In a 1987 study, "Video Display Terminals: How they Affect Clerical Workers," researchers Denise R. Resko and Phyllis Kernoff Mansfield asked VDT workers and non-VDT workers about a number of symptoms, some of which are known to be related to stress. They controlled for family stress and job-related stress unconnected to VDT use. The researchers found that in and of itself, VDT work was associated with higher rates of many stress symptoms, such as headaches and gastrointestinal, musculoskeletal, and menstrual problems.

In her 1986 study, "Musculoskeletal Problems Associated with VDT Use at the Australian National University: A Case Study of Changes in Work Practices," Gabriele Bammer found 46 percent of data processors suffering from occupational overuse disorders, also known as repetitive strain injuries (RSI); she found 38 percent of secretaries (the majority of whom used VDTs) suffering from occupational overuse disorders, as well as 36 percent of word processor operators—but only 13 percent of typists and stenographers.

Bammer identified the factors that elevate the risk of problems developing for VDT users in her 1987 article, "How Technological Change Can Increase the Risk of Repetitive Motion Injuries," published in Seminars in Occupational Medicine: increased typing speed, reduction in task diversity, and increased workload expectations and pressure.

Unfortunately, despite evidence of significant health risks associated with VDT use, employers have not instituted sufficient measures to protect VDT workers. Some simply do not understand that sedentary office jobs can involve dangerous health hazards.

Others focus on the short-term costs of setting up ergonomic workstations, rather than on the long-term productivity gains that result.

And many injured VDT operators have difficulty leaving the jobs that are hurting them. Even though their current work causes them physical or mental harm, many workers are concerned that they will be unable to find other work because of the lack of available jobs, or because they feel unqualified for other work. Others worry that they will be unable to qualify for workers' compensation if they leave.

PROTECTIVE ACTIONS NEEDED

Protective measures must be instituted immediately. While most states do not code workers' compensation data so that VDT-related claims can be tracked, and the reporting of claims is dependent on employer cooperation, available data show a growing number of claims filed for VDT job injuries and illnesses.

For example, in the state of Ohio, which began using a separate injure code for carpal tunnel syndrome (CTS) in 1985, a sizable increase in claims filed in claims filed in 1986 over those filed in 1985 has occurred in several administrative support occupations with high use of VDTs. Data entry keyers filed four CTS claims in 1985, but the following year 14 claims were filed by keyers. Even after correcting for employment growth, this represents an 81% increase. Altogether, computer operators, secretaries, typists (including word processors), and data entry keyers filed 23 claims for CTS in 1985 and 39 claims in 1986, an employment-corrected increase of 50%.

The costs of VDT-related injuries are born by both workers and employers. Employers pay in compensation payments and increased premium costs, and in hiring and training new workers to replace those who have been injured.

According to Attorney Elliot Olin, 20 year veteran of workers' compensation law and first vice president of the New York Workers' Compensation Bar Association, "The dollars and cents cost that you pay in the long run [for VDT job protections] will be far less than the price you pay in increased workers' compensation premiums or weekly compensation payments, schedule injury award payments and increased medical costs.

CASE STUDIES

The cases in this report were drawn from responses to an informal survey conducted by SEIU and 9to5's Campaign for VDT Safety. We asked newsletter readers, workers who called in to 9to5's VDT hotline, and injured workers who had contacted occupational health and labor groups to tell us about their experiences with VDTs.

Because the cases were collected through an informal rather than comprehensive search, the stories likely represent only a small portion of those who suffer from VDT Syndrome. In spite of their demographic range, common themes are repeated throughout the cases. The injuries, illnesses, and legal obstacles documented in this report are indicative of problems experienced by growing numbers of VDT workers across the country.

Fortunately, while the cases demonstrate the potential severity of VDT job health hazards, they also suggest that simple measures, such as properly designed furniture and lighting, rest breaks, and a limit to worker monitoring, would go a long way in alleviating health problems.

POLITICAL REPRESSION IN MALAYSIA

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 27, 1988

Mr. SIKORSKI. Mr. Speaker, I want to call your attention to the following letter to the editor of the Washington Post from Jack Otero, international vice president of the Transportation and Communications International Union. It reproves the Post for an article on Malaysia published in the World News section on March 27, 1988. The article, written by Keith B. Richburg, soft-peddled the abusive tactics that Prime Minister Mahathir Mohammed has implemented to quell his opposition. These include unwarranted arrests of members of his political opposition and severe restrictions on freedom of association and rights to organize.

Political repression is too familiar to Southeast Asia—and Malaysia is no exception. However, Malaysia still enjoys the benefits of trade privileges under the Generalized System of Preferences. In this letter, Mr. Otero has cogently substantiated the case for terminating these privileges, as well as other rights currently accorded Malaysia. He has called for the release of Mr. David, a labor opposition leader unjustly incarcerated by Prime Minister Mohammed, the cancellation of landing rights in U.S. territory for Malaysian airlines, and the cancellation of all economic and military aid to such a repressive regime. I concur with his recommendations. The Generalized System of Preferences should be reserved for those countries meritorious of such a designation. We must use our trade lever to exert pressure for positive change. If we do not exact a measure of decency from nations that benefit from GSP privileges, we miss a valuable opportunity to be a constructive force in the international community—an opportunity for the United States to exercise its appropriate and peace-abiding role. I hope that you will take a minute to read this letter, I think you will find it persuasive.

TRANSPORTATION AND
COMMUNICATIONS
INTERNATIONAL UNION,
April 11, 1988.

The EDITOR,
The Washington Post, 1150 15th Street NW., Washington, DC.

DEAR SIR: On March 27, the "World News Section" of *The Washington Post* published an article on Malaysia under the by-line of your reporter Keith B. Richburg.

Those of us who are familiar with political and labor developments in Malaysia found Mr. Richburg's article to be a rather soft treatment of Prime Minister Mahathir Mohammed's repressive tactics.

It would appear that Mr. Richburg gathered materials for this article primarily from sources sympathetic to the Mahathir government. To report that "the population as a whole really approved of the arrests," as presumably stated by a western diplomat, is to ignore the torture, solitary confinement and other indignities forced upon Mr. Mahathir's political prisoners, whose only crime is the fact that they are ethnic Chinese, members of a minority Chinese political group or labor leaders.

It would serve your readers much better if Mr. Richburg were more objective in his reporting. Articles appearing in other publications—*The Asian Wall Street Journal Weekly, The Atlantic, Time* and *Newsweek*—have likewise reported on these developments, but without employing Mr. Richburg's "kid gloves" approach.

Malaysia has never been a state with model policies on civil, political or labor rights. Instead of making progress in this area, however, the government has been retrogressing, especially in the restraints it has placed on the freedom of association. Specifically on labor issues, Malaysia's dismally poor record on worker rights makes it a prime candidate to lose the trade privileges it has under the Generalized System of Preferences.

The government has long placed unwarranted restrictions on the freedom of association/right to organize. Starting in October, 1987, the government severely tightened those restrictions in a series of actions designed to crush dissent.

The government of Prime Minister Mahathir Mohammed invoked the sweeping powers of the Internal Security Act (ISA), not to fight Communist insurgents—which was the original purpose of that law—but to suppress political opposition.

On October 27, 1987, the government began arresting scores of politicians (from both government and opposition parties), academicians, environmentalists, and social reform activists—106 persons in all, including Vethamuthu David, secretary general of the Malaysian Trades Union Congress (MTUC) and an opposition Member of Parliament.

David was arrested on October 27, just hours after his return to Kuala Lumpur from Miami Beach, where he had been a guest of the AFL-CIO at a pre-convention international affairs conference on October 23.

There Mr. David publicly criticized human and trade union rights abuses in Malaysia and, because of those rights violations, urged the AFL-CIO to press for withdrawal of Malaysia's special trade privileges in the U.S. market. He left Miami early to participate in key Parliamentary deliberations and, in fact, was at home practicing a speech at 10:30 p.m. when police of the Special Branch knocked on his door dragged him away.

After holding Mr. David, without charges or the benefit of an attorney, in solitary confinement for 60 days, the Home Minister (who is also the Prime Minister) ordered him (without trial) incarcerated for two years in a detention center 200 miles from Kuala Lumpur. The detention order makes very general charges accusing Mr. David of "activities deemed detrimental to the sustenance of inter-ethnic goodwill among the people constituting a multiracial society." On that basis, the government claims David was not arrested for his trade union activities.

Mr. David was the leading voice for organized labor in the Malaysian Parliament. Now the government is spared from contending with his debating skills when it takes up its plan to adopt restrictive amendments to the Malaysian labor code. For one thing, Mr. David would have taunted the government for its obsession with secrecy. The government has withheld all public information about its planned changes. Civil servants who might reveal them would be liable for prosecution under the Official Secrets Act, the scope of which was broadened in early 1987.

At least one other union leader, Arokia Dass, a top officer of the 3,000-member Transportation Equipment and Allied Industries Employees Union, is also incarcerated. He has been very active in an environmental organization, Friends of the Earth, and has publicized the dangers of toxic pesticides and weedkillers widely used in rubber and palm oil plantations.

Because of the government's authoritarian powers, including control of the press, it is impossible to document fully the arbitrariness of these arrests. Nor is it possible for anyone to challenge the government in the courts, because the accused are not entitled to a trial. And they can be held indefinitely.

Whatever the government's motivation and intentions in its crackdown, and whatever the effect on the body politic, it is clear that the series of government actions has stunned the labor movement. Union leaders across the land realize how vulnerable they are. At any moment, for any reason, any union leader can be locked up without a trial, without any specific charges being filed against them, and without any other safeguards of traditional due process.

Officers of the national center, the MTUC, are especially vulnerable. Under Malaysian law, the MTUC is registered as a "society," not as a trade union, and anyone arrested under the Internal Security Act may no longer hold office in a society, unless given a waiver by the Registrar of Societies (who works for the Home Minister). So, as things stand, Mr. David, if and when he is released, will not be able to return to his post as MTUC secretary general.

While continuing to apply tough labor restrictions, the government has of late gone further by depriving the labor movement of additional freedoms. Until recently, it was possible for the MTUC to organize union demonstrations: for example, to protest the mass dismissals of workers. As a result of amendments to the Police Act in December, 1987, however, such demonstrations require official permission if they involve more than five persons. Even onlookers at unauthorized assemblies can be arrested and prosecuted.

Further, the October 28 government suppression of three newspapers—Star (English), Sin Chew Yit Pao (Chinese), and Watan (Malay)—has cut down drastically on the flow of information about labor, and has also had a chilling effect on the labor press. Control of the media is formalized through the Printing Presses and Publications Act, which makes all publications, domestic and foreign, subject to revokable licensing by the government. Publications must apply annually for a permit to continue publication.

The United Nations' ILO Committee of Freedom of Association has at least twice—the latest time in 1987—"criticized the [Malaysian] authorities' refusal to grant recognition to a union which wished to represent workers for collective bargaining purposes of two electronics industry companies."

Government officials, from the Prime Minister on down, have for years vigorously promoted "in-house" unions, organizations restricted to a single workplace, usually under the dominance or strong influence of management and separated from the rest of the labor movement. Consistent with that policy, Malaysian law and practice discourages unions from grouping themselves into federations. Unions must get a government clearance to form or join a federation.

These are only some of the facts that Mr. Richburg "failed" to uncover and report. There are many, many other examples. Mr. Richburg also quoted a statement attributed to the Prime Minister . . . "I tried to be liberal. It was not appreciated. People talked about the Prime Minister being weak. You know, you can't be nice to some people."

If Prime Minister Mahathir is a "nice guy," he probably was inspired by the likes of Stalin, Trujillo, Castro, Pinochet, et al., for he applies faithfully the same brutally repressive tactics of his tyrannical heroes.

Days before his arrest in Kuala Lumpur, MTUC Secretary General David made a courageous talk to an AFL-CIO audience in the United States. His major points were:

The government of Malaysia is engaged in large-scale violation of human rights, including the rights of workers and their organizations.

The United States should not "turn its back" on these abuses, and should not hesitate to use the trade lever to put pressure on the Malaysian government. "We do not see such a move as intervention in internal affairs."

In fact, "I do not know how Malaysia has escaped from having its GSP privileges withdrawn for its violations of worker rights."

The evidence against the government of Malaysia, as summarized herein, is clear. In accordance with U.S. law, it deserves to lose GSP privileges at the earliest possible date.

We in the American labor movement will not cease in our endeavor to seek the release of Mr. David and others languishing in Malaysian prisons. We will relentlessly pursue the cancellation of GSP privileges for Malaysia, cancellation of landing rights in U.S. territory for Malaysian airlines and the termination of all economic and military aid to that repressive regime.

Yours truly,

J.F. OTERO,
International Vice President.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, April 28, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 29

9:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, and General Legislation Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1989 for the Federal Grain Inspection Service, Department of Agriculture.
SR-332

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of the Secretary of Health and Human Services, focusing on departmental management, Office for Civil Rights, policy research, Inspector General, Family Support Administration, Human Development Services.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Personnel Management.
SD-192

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings on the status of organized crime and the effectiveness of law enforcement, focusing on labor racketeering, narcotics trafficking and other organized crime groups.
SH-216

MAY 9

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development and related agencies.
SD-124

2:00 p.m.
Governmental Affairs
To hold hearings on the U.S.-Canada Free Trade Agreement signed on January 2, 1988, to provide increased economic activity, higher trade levels, jobs, and enhanced competitiveness for the U.S. and Canada.
SD-342

MAY 10

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Education.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for defense programs.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development and related agencies.
SD-124

MAY 11

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Compensatory Education for the Disadvantaged School Improvement Programs, Impact Aid, Bilingual, Immigrant and Refugee Education, Education for the Handicapped, Rehabilitation Services

and Handicapped Research, and Vocational and Adult Education.

SD-192

Special on Aging

To hold hearings to review biomedical advances in aging research.

SD-G50

10:00 a.m.

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for Air Force military construction and family housing programs.

SD-124

Governmental Affairs

Business meeting, to consider pending calendar business.

SD-342

2:00 p.m.

Energy and Natural Resources

Research and Development Subcommittee

To resume hearings on S. 1480, to promote the integration of universities and private industry in the National Laboratory system of the Department of Energy in order to improve the development of technology in areas of economic potential, and Amendment No. 1627 proposed thereto.

SD-366

Small Business

Business meeting, to mark up S. 1993, to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and proposed legislation to authorize funds for fiscal year 1989 for the Small Business Administration.

SR-428A

MAY 12

8:00 a.m.

Veterans' Affairs

To hold hearings on proposed legislation relating to agent orange and related issues.

9:00 a.m.

Rules and Administration

To hold hearings on S. 182 and H.R. 435, bills to establish a single poll closing time in the continental United States for Presidential general elections.

SR-301

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for Student Financial Assistance, Guaranteed Student Loans, Higher Education, Higher Education Facilities Loans and Insurance, College Housing Loans, Howard University, Special Institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, and Gallaudet), Education Research and Statistics, and Libraries.

SD-192

Governmental Affairs

To resume hearings on restructuring the Nuclear Regulatory Commission.

SD-342

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1989 for bilateral economic assistance programs.

S-126, Capitol

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for trade activities of the Department of Commerce and the U.S. Trade Representative.

S-146, Capitol

2:00 p.m.

Energy and Natural Resources

To hold hearings on S. 2203, to extend the expiration date of title II of the Energy Policy and Conservation Act.

SD-366

MAY 13

9:30 a.m.

Governmental Affairs

To hold hearings on regulatory reform.

SD-342

MAY 17

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1989 for bilateral economic assistance programs.

S-126, Capitol

2:00 p.m.

Energy and Natural Resources

Research and Development Subcommittee

To hold oversight hearings on the President's proposed budget request for fiscal year 1989 for the Department of Energy, focusing on nuclear reactor research and development.

SD-366

MAY 18

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

10:00 a.m.

Governmental Affairs

Government Efficiency, Federalism, and the District of Columbia Subcommittee

To resume hearings on S. 1992, to promote intergovernmental and interagency cooperation in the development of groundwater policy.

SD-608

1:30 p.m.

Labor and Human Resources

Employment and Productivity Subcommittee

To resume hearings on S. 1731, to establish a demonstration program to provide educational and job-training services for severely disadvantaged youths.

SD-430

2:00 p.m.

Energy and Natural Resources

Research and Development Subcommittee

To hold oversight hearings on the President's proposed budget request for fiscal year 1989 for the Department of Energy, focusing on renewable energy and energy conservation programs.

SD-366

MAY 19

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold hearings on tourism as an export.

SR-253

Energy and Natural Resources

To hold hearings on the Economic Regulatory Administration's prosecution of individuals in oil overcharge cases under the "central figure" theory of recovery in restitution, as adopted in Citronelle-Mobile Gathering, Inc. et al, v. Herrington, 826 F. 2d 16 (TECA 1987).

SD-366

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1989 for bilateral economic assistance programs.

S-126, Capitol

MAY 23

8:30 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain activities of the Departments of the Interior and Energy.

S-128, Capitol

MAY 24

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

10:00 a.m.

Finance

To resume hearings on children's health care issues.

SD-215

MAY 25

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

Commerce, Science, and Transportation
To hold hearings on insurance antitrust matters.
SR-253

MAY 26

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-138

10:00 a.m.
Finance
To resume hearings on children's health care issues.
SD-215

JUNE 7

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for export financing programs.
S-126, Capitol

JUNE 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

JUNE 9

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

JUNE 10

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for defense security assistance programs.
S-126, Capitol

JUNE 14

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for foreign assistance programs.
S-126, Capitol

JUNE 16

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for foreign assistance programs.
SD-192

JUNE 24

9:30 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on Japanese patent policy.
SR-253

CANCELLATIONS

APRIL 29

10:00 a.m.
Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on the provisions of S. 2274, to authorize and encourage Federal agencies to use mediation, conciliation, arbitration, and other techniques for the prompt and informal resolution of disputes.
SD-226

POSTPONEMENTS

APRIL 28

9:30 a.m.
Veterans' Affairs
Business meeting, to mark up S. 11, Veterans' Administration Adjudication Procedure and Judicial Review Act, and other pending committee business.
SR-418

HOUSE OF REPRESENTATIVES—*Thursday, April 28, 1988*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Make us aware, O God, not only of our immediate community and our necessary needs, but also lift our sights to see the worldwide fellowship of faith. Guard us against seeing our beliefs as only personal or national goals, but be open to the majesty and opportunities of Your entire creation, the fullness of Your grace, available to each person from every background, from every place. May this sense of spiritual unity bind us together to do the works of justice and mercy throughout the world. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3) "An act to enhance the competitiveness of American industry, and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1886. An act to modernize and reform the regulation of financial services, to strengthen the enforcement authority of depository institution regulating agencies, and for other purposes;

S. 2037. An act to amend the Presidential Transition Act of 1963 to provide for a more orderly transfer of executive power in connection with the expiration of the term of office of a President; and

S. 2100. An act to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

IS A GOOD TRADE BILL DEAD?

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, in the corporate boardrooms of Japan there is glee today. In the manufacturing areas of the United States the American worker is wondering whether his Government cares about him. Why? Because it appears that a good trade bill is dead.

So there will be no repeal of the windfall profits tax to help American energy and Southwestern oil-producing States.

So there will be no opportunity to attack unfair trade practices.

So there will be no opportunity to target trade policies to help American industries that are most important in the Nation's success in world markets.

So there will be no export-promotion policy.

So there will be no retraining for unemployed American workers, all because the administration does not want a worker to know that they will be fired 60 days in advance.

Is that humanity? Is that compassion?

Mr. Speaker, I would hate to be a candidate campaigning on that platform. Vice President BUSH, your silence is deafening.

RECESS

The SPEAKER. The Chair declares the House to be in recess until 11 a.m.

Accordingly (at 10 o'clock and 4 minutes a.m.), the House stood in recess until 11 a.m.

□ 1104

CEREMONY HONORING MRS. LADY BIRD JOHNSON

During the recess the following proceedings took place in honor of Mrs. Lady Bird Johnson, the Speaker of the House of Representatives presiding.

The SPEAKER. Pursuant to the order of the House of March 31, 1988, the ceremony to honor Mrs. Lady Bird Johnson will now commence.

The Chair has appointed the following Members to escort Mrs. Johnson into the Chamber: The gentleman from Washington [Mr. FOLEY], the gentleman from California [Mr. COELHO], the gentleman from Illinois [Mr. MICHEL], the gentleman from Wyoming [Mr. CHENEY], and the gentleman from Texas [Mr. BROOKS].

The Doorkeeper, the Honorable James T. Malloy, announced Mrs. Lady Bird Johnson, who entered the Hall of the House of Representatives accompanied by the escort committee, and was seated at the desk in front of the Speaker's rostrum.

The SPEAKER. The Chair invites the participants in the ceremony please to take their places at the rostrum at this time.

The Doorkeeper announced the presentation of the colors.

The historical colors were carried into the Chamber; the flag was carried into the Chamber by the color bearer, and a guard from each of the branches of the Armed Forces.

The color guard saluted the Speaker, faced about, and saluted the House.

The flag was posted and the Members and guests were seated.

The National Anthem was led by the United States Naval Academy Men's Glee Club.

The colors were retired from the Chamber.

The Chaplain of the U.S. House of Representatives, Rev. James David Ford, D.D., delivered the following invocation:

Let us pray. We are appreciative, O God, of the meaning of this day, for the opportunities that are ours. We are thankful for all Your many gifts to us, the gifts of understanding and tolerance and reconciliation, the gifts of family and friends and colleagues, the gifts of faith and hope and love, the gift of life itself.

We are thankful that we can gather in freedom and in peace. May Your blessing be upon our Nation and upon our leaders and may we continue to know the liberties that have been our heritage.

Gracious God, just as we give thanks for Your gifts to us, so we are thankful for her whom we honor this day, for her sense of purpose and dignity and grace, for her commitment to those good things that bring beauty and understanding to our lives.

Bless her, O God, and bless each of us that in all things we may do justice, love mercy, and ever walk humbly with You. This we pray. Amen.

The SPEAKER. The Chair acknowledges the presence here today of members of a distinguished and beloved American family who by being with us on the House floor today add luster to the legacy of this occasion. Will the members of the Johnson family please rise and be recognized.

The members of the Johnson family rose.

The SPEAKER. The Chair recognizes the dean of the Texas delegation in the Congress, the Honorable JACK BROOKS.

Mr. BROOKS. Mr. Speaker, as dean of the Texas delegation and as a longtime personal friend, I want to wel-

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

come Lady Bird Johnson to the U.S. House of Representatives.

Our ceremony today offers an opportunity for all of us in this Chamber to say a collective thank you on behalf of a grateful nation for your many years of unparalleled devotion to improving the quality of life in America and particularly in our Nation's Capital City. Your dedication, energy, and hard work to beautify our country deserves the gratitude of every American. Every year, with the first warm breath of spring, our lives are renewed when we gaze upon the brilliant colors of the flowers and the budding trees that have been planted in our Nation's Capital as a result of your commitment to beauty and the poetry of nature.

As First Lady of this country during the Presidency of our revered Lyndon Baines Johnson, you set a new standard of excellence for charm, and wisdom, and grace. In the hearts of all Americans you still reign as the First Lady of American beautification and our lives have been enriched by your work.

The SPEAKER. The Chair recognizes a Member of Congress and his district in the Texas hill country Lady Bird Johnson resides in and a district which once was served by Lyndon Baines Johnson, the Congressman from the 10th Congressional district of Texas, the honorable J.J. PICKLE.

Mr. PICKLE. Mr. Speaker, over the years, my colleagues have described me occasionally as "LBJ's Congressman." I am proud of that description, but I have always been equally proud to be "Lady Bird's Congressman." This is a happy and proud moment for me and Mrs. Pickle to be with you and your wonderful family.

During nearly 50 years of close family relationships, and as one of the original "Johnson boys," I feel a closeness to all the Johnson family, the President, Lyndon, Lady Bird, Lynda, and Luci and all their children. This morning I have been given the privilege to recall a few stories that might give us a feeling of love and appreciation for this remarkable lady.

Let me recite two or three of them for you.

Lady Bird and the President were famous for their dinner parties at the ranch, and once when she was "fixing" to serve dinner, as we say in the Southwest, the President decided to drive some of his guests around the ranch to show them the deer and antelope, and where the buffalo do not roam.

On three different occasions, Lady Bird radioed to the car—"Volcano, this is Volunteer. When can we serve dinner?"

Finally, after hours of waiting, Lady Bird's voice came over the radio—"Volcano, this is Volunteer. Our guests and I are sitting down at the table. Goodbye."

Whereupon, without a word, the President wheeled his car around and returned to the ranch house so quickly he not only got there in time for dinner—he got there in time to say the blessing.

Lady Bird has always been the picture of Southern gentility and grace, even under some trying circumstances. She has great composure.

During the Kennedy-Johnson campaign, she took her whistlestop Dixie train through several Southern States—where she and the Democrats were heckled in many areas because of their support of civil rights issues which Lyndon Johnson championed.

When asked about the reception, Lady Bird admitted, "Some of the receptions were a little frosty. But," she said, "I loved it. I love the South. I felt just like Brer Rabbit in the briar patch," whatever that means, Lady Bird.

Lady Bird once talked about how she made suggestions to the President. Normally, she wouldn't address them directly. She would merely offer her suggestions as an opinion—and if they had merit, she could be sure that her ideas would be played back several days later as the President's own personal, original thoughts.

Lady Bird always accepted that as a surprise and said that it's a wonderful thought.

LBJ was the volatile one; Lady Bird was the one who would come in and soothe tempers. She would apply the balm necessary to make everything all right.

One morning, Lady Bird was belatedly asked to attend one of the President's functions, and she hastily attempted to get dressed for the occasion.

Restless as usual, the President became anxious to get going and began to call "Bird, Bird, come on, come on. Let's go."

As he called, the President made the mistake of raising his voice a little too high. Lady Bird appeared in the doorway and said "Lyndon!"—just one word.

The President of the United States returned to the group of his staff, sat down meekly, and wisely observed to the group, "Mrs. Johnson is not quite ready to go yet."

One endearing memory of her was when the President's body lay in state in the Capitol rotunda. People kept filing by the casket until 2:30 in the morning, and Mrs. Johnson stood there almost all that time greeting people—old friends and strangers alike—and comforting them.

A young bearded man was in line and said to her, "Mrs. Johnson, I'm sorry we were so ugly to him." She replied, "Young man, don't worry. He wanted to change things, too."

Lady Bird did make changes and Lyndon Johnson made changes, and our lovely guest this morning has made changes in our Nation, for our Nation much as any person who lived in our time.

Lady Bird made us aware of our great heritage of natural wealth and beauty, and she has challenged us to protect and preserve them. Her name is synonymous with education—in programs such as Head Start, and with beautification, and the programs she began have proved that something can be done to keep our resources from harm.

Every time we drive down Rock Creek Park, or when Uncle Sam's nieces and nephews drive down streets, boulevards, and highways, we are all reminded of the contributions that Lady Bird Johnson has made in nurturing our grasses, shrubs, trees, and wildflower resources. And she practices what she preaches. For example, she once potted some seeds from the Andrew Jackson magnolia trees which flourished well in Texas today. It may be against the law, so don't anybody tell the Department of the Interior.

Today these programs that she started are growing and becoming a permanent endowment for the Nation. Through these efforts the work which Lady Bird began can become a lasting legacy.

Mr. Speaker, long after the last vote is cast and the last law has been written, and our voices stilled and forgotten, the investment that this Nation makes in preserving its wealth of wildflowers and other natural resources will endure. It is as close to creating a perpetual legacy of beauty as human hands can mold.

The investment that we make today in this wildflower project will blossom into a rich and beautiful treasure to be enjoyed by our children and their children, forever and forever. Amen.

The SPEAKER. The Chair recognizes the gentleman from Texas [Mr. ARCHER], the dean of the Texas Republican delegation.

Mr. ARCHER. Mr. Speaker, thank you so much for giving me an opportunity and a privilege to join in this tribute today to our State's favorite daughter and one of its precious treasures, Lady Bird Johnson.

Some might think that the reason I've been permitted this time to speak is that I'm the senior Republican Member of the House of Representatives from the State of Texas and that the Speaker thought it might be a good idea to have a Republican on the program.

Well, that may have been a good idea but the truth of the matter is that I'm standing here before you now because of my longstanding admiration for the lady we honor today and the legacy she continues to create for this Nation.

If you had some other motive, Mr. Speaker, it just means that you have gotten more in the bargain than you thought from **Bill Archer** at this moment.

Certainly this is a very special occasion for Mrs. Johnson and her family. But it's also a real treat for those of us who have admired her commitment to public service, to have this chance to pause for a moment and simply say, "Lady Bird, we appreciate you."

I know all of us would agree that when she served as the Nation's First Lady in those turbulent years of the mid-1960's no one could have faulted Lady Bird Johnson if she had limited her role to one of simply supporting her husband.

But she has something special inside her. I know my Eastern friends will forgive me if I insist that it's her Texas heritage. And that special something demanded that she, too, make her own mark on this land.

That's why we're here today. Not because Lady Bird Johnson is a former First Lady of the United States. We're here because Lady Bird Johnson has, in fact, made her own beautiful mark on this land and continues to do so every day of her life.

The wonderful truth is that all of our lives are enriched by her accomplishments, whether or not we, as individuals, stop and think about them as frequently as we should.

I'm sure that Mrs. Johnson will forgive me if I admit that I don't necessarily think of her every morning when I drive down the George Washington parkway past the LBJ Memorial Grove.

And I hope she'll forgive me if I don't think of her every time I'm home in Texas driving through a countryside which is more beautiful than ever as a result of her efforts.

I know she understands that because Lady Bird Johnson intentionally set out to make her mark in ways that she knew would be all too easy for us to take for granted.

Ironically, the fact that we do take that beauty for granted is itself the proof of her wonderful success in leading the effort to restore the Nation's natural beauty.

Understandably, we may not recognize the human preservation and restoration contribution which has been made to what we are seeing as the wonders of God's creations.

That's why it's so important that we join together here today and remind ourselves that even God appreciates a little help from us on occasion.

Lady Bird Johnson is a very special lady who has touched many lives with her gracious manner, sometimes just for a brief moment, but in a way that is never forgotten.

One of my assistants likes to tell the story about the one time he met Mrs. Johnson 18 or 19 years ago. It was the kind of meeting that she would have no reason whatsoever to remember but it made a lasting impression on a young man just starting out in life.

He happened to be visiting one day in the fall of 1970 at the southwest Texas ranch of a then future Governor Dolph Briscoe, when, to his surprise and amazement, former President and Mrs. Johnson flew in for lunch.

There were a number of people there, but at one point, he found himself in a very small group with the former First Lady. He remembers so clearly how Mrs. Johnson apparently sensed his nervousness and went out of her way to try to make him feel comfortable. In typical fashion, she did it by simply asking him what kind of interesting looking trees were growing over by the ranch house.

It happened to be about the only question he was prepared to answer in his nervous state.

So when he was able to answer casually in front of the others, "Why, they're salt cedars, Ma'am," it gave him the confidence he needed to feel more relaxed in the presence of a former President.

Years later, he finally realized that she knew all along exactly what kind of trees those were. It was just her way of using her love and knowledge of the beauty of nature to make life a little easier and more pleasant for others, even if just for a moment, on a ranch in southwest Texas.

Lady Bird Johnson has done something very special with her life. She's touched so many people in ways that she'll never know.

Yes, it's appropriate that we stop for a moment and smell the roses and drink in the beauty of the dogwoods that this gracious lady has planted and to thank her for what she means to this Nation today and to future generations of Americans. I'm grateful for this opportunity to join in this celebration of a significant milestone in her life, one, we trust, of many yet to come.

God bless you, Lady Bird!

The SPEAKER. The Chair recognizes the gentleman from the 20th Congressional District of Texas, the Honorable **Henry Gonzalez**.

Mr. GONZALEZ. Thank you, Mr. Speaker.

Mrs. Johnson, ladies and gentlemen, as I sat and listened to my distinguished colleague from the 10th District, J.J., I decided we ought to formulate a resolution honoring you in addition to the honors before you today for enduring the long tenureship of your Congressman. One would have thought you would have moved out long ago.

Seriously speaking, if I had just one word to describe this very distinguished lady it would be caring. Mrs. Johnson is above all else a caring person, as was her husband, but what makes her extraordinary is the fact that her caring is intelligent and energetic. It has enabled her to make a real difference in the lives of everyone around her.

At this point I will share a personal experience that I had when I was first elected and my wife came up, one of the rare times, and today I wish to acknowledge the fact that my wife wanted me to thank you for your expression of caring when we first came up, because you met us, and while I visited with the then Vice President, you took care of her for a whole half day, and she has never forgotten it because that was about the most attention she ever got from anybody. And I for one just want to express that fact and convey it because Bertha, my wife, wouldn't forgive me if I didn't mention it, and it is just one aspect of this very caring lady. She could have avoided doing that on that occasion.

We know her today as a woman who spurred the Nation because she cares about the way our world looks and created a monument that is now beautifying the whole country. Thanks to her, we are even seeing the return of native wild flowers.

Her accomplishments are too many for any one of us to even list or even hope to, much less to match. There has never been a more gracious, concerned or caring American than she, and she has made a difference in everyone's life. She has made a real difference in the world.

[Applause.]

The SPEAKER. The Chair recognizes the gentlewoman from Louisiana [Mrs. **Boggs**], who has worked very closely with Mrs. Johnson for many years and continues to work with her on the board of trustees of the National Wildflower Research Center near Austin, TX.

Our colleague, Mrs. **Lindy Boggs**.

Mrs. BOGGS. Mr. Speaker, colleagues, guests, members of the Johnson family, Lady Bird, to review the awe-inspiring life accomplishments of a kind, loving, generous, and thoughtful friend is immensely gratifying. Conversely, it is also pleasing to recognize that she has literally walked with kings and with other political giants and giants of literature and the arts, of journalism, of industry, of commerce, of science and medicine, and never lost the Lady Bird touch. She remains exceptionally thoughtful and concerned about family members and friends and approaches life as zestfully and as inquisitively as ever.

I have enjoyed the bounty of her friendship and shared a professional relationship, that of congressional spouse, with Lady Bird, since 1941, when my husband, Hale, first came to the Congress. Lady Bird was a quintessential political wife. She juggled two households, multiple trips, various campaigns, several schools for her beautiful daughters, worked in her husband's office during World War II, participated in the various organizations that promote friendship and understanding and support activities among the political and diplomatic wives and for the relief of the poor and the ill and the disadvantaged of Washington at the same time that she was "automatically" as Senator Johnson once said, included in Speaker Sam's sessions with the boys. Her storehouse of knowledge and experience is immeasurable.

Then came the vice presidential campaign and the successful train trip through the South that prompted the most ambitious campaign undertaken of any political wife four years later, the great and marvelous Lady Bird special train through the South. At the time of their victory, the Johnsons were confronted with the need for a vice presidential residence which our Nation did not provide at the time, and so they purchased Perle Mesta's lovely estate, "Les Ormes," where they personally accommodated the necessary entertaining pertinent to the position. The Vice President, of course, immediately dubbed the title of the house, "The Elms," and it was here in the midst of packing to move to the White House that Lady Bird sort of wistfully opined, "I sort of hate to leave this house. I had almost tamed it."

The White House years that followed found Lady Bird continuing Jackie Kennedy's restoration of the mansion, arranging the weddings of her precious and beautiful daughters, launching a nationwide program of beautification with its showcase unit, the Committee for a More Beautiful Capital, the evidences of which are all around us, of course; traveling the length and breadth of the poverty-ridden sections of the country and launching the Head Start Program and several other antipoverty programs as a direct result.

Their beloved LBJ Ranch became the second White House, which typical of their generosity she and President Johnson have now given to the Nation.

Following the White House years, she launched into the building and furnishing and staffing of the LBJ School and the LBJ Library, where the most complete archives and lively faculty and seminars and lecturers await the tourist, the scholar and the nationally and internationally distinguished leaders alike. She has also had a book published and has become the first woman board member of the National Geographic Society.

She has continued her travel. She is a peripatetic traveler, as Lucy and Linda will testify to, and she has spread the notion of the goodness of America wherever she has been.

In addition to that, she has learned the fragility of the environment of our planet, and she has come back to launch a more ambitious campaign than ever to do something about the quality of that environment. She has started, as you have heard, the National Wildflower Research Center so that somehow we can replenish and we can save the beauties of this continent, and then perhaps as her gift to her own grandchildren and to generations to come, to know that we can maintain this planet, this planet Earth as the first astronauts look back and say, "So small and blue and beautiful," in that infinite silence.

Lady Bird, darling, we thank you. We love you. We salute you with all our hearts.

[Applause.]

The **SPEAKER**. The United States Naval Academy Men's Glee Club will sing the Navy Hymn.

(Whereupon, the United States Naval Academy Men's Glee Club sang "The Navy Hymn.")

The **SPEAKER**. Whatsoever things are good, whatsoever things are pure, whatsoever things are beautiful, think on these things.

Today we honor a gracious lady of whom we think each year at springtime when nature clothes its hills and valleys with the verdure of beauty and renews to each and all of us its annual recurring promise of eternal life.

When we think of Lady Bird Johnson, many images of beauty come to our minds. We think of that gracious First Lady in the White House, so warmly welcoming people from all over the Earth and extending the hand of genuine friendship to Americans of high and low estate, from every walk of life.

Or we think perhaps of that young wife of a Congressman, later a Senator, toiling quietly, lovingly, sometimes selflessly by his side, he so driven by the dream that America can be better and by the sense of mission that it is ours in our human and social relationships to be not the envy of the world by an example and an inspiration to the world.

Or we think of her planting a tree or hugging a child at a barren playground and adorning it as an oasis of beauty with plantings and as a place of activity and of learning as well as inspiration.

And yes, some of us remember that night at the White House, all of the congressional wives long since having gathered for the annual gala celebration, waiting, waiting, waiting; and 10 o'clock came, and 10:30 came, and the House was still in session—because he who was the manager of that bill, and the Speaker both had received a call from the White House, "Do not bring those Members here until you've passed the Highway Beautification Act!" And pass it that night we did, finally to be welcomed graciously when we arrived belatedly at the White House.

And because of that legacy, wherever Americans travel across this magnificent land of ours on those ribbons of concrete that constitute our highway system, we see vistas of beauty unmarred by visual blight and often abounding with the gracious beauty of indigenous trees and shrubbery and wildflowers.

So it is in commemoration of all of this that we celebrate the 75th birthday of Lady Bird Johnson, not on December 22, when things are somewhat drab, but rather here in the springtime, and in the springtime of Washington, of America and of this gracious lady, and we present her the love of the Congress and the House of the United States.

We passed a resolution, Lady Bird, in your honor, which we shall present to you to do with as you will.

The Clerk will read the resolution.

The Clerk read as follows:

Whereas Lady Bird Johnson, the wife of Lyndon B. Johnson, the 36th President of the United States, has selflessly contributed her time, efforts, and talents to the people of the United States and in the beautification of the Nation;

Whereas Lady Bird Johnson was and is an integral force in the beautification of the highways and parks and the conservation of the environment of the Nation, and helped to organize the Committee for a More Beautiful Capital in 1965 and served as chairperson for the committee;

Whereas Lady Bird Johnson helped to establish the Society for a More Beautiful Capital, which continues to raise funds and organize support for the beautification of the National Capital;

Whereas Lady Bird Johnson has served the people of the United States and her community through her participation in the National Head Start Program, her creation of and service as co-chairperson of the National Wildflower Research Center, her service on the National Committee for the Bicentennial Era, the National Park Service Advisory Board, the President's Commission on White House Fellowships, the University of Texas system board of regents, and the board of trustees of the National Geographic Society;

Whereas the grace and dignity of Lady Bird Johnson have endeared her to many other organizations, projects, and institutions that have in common the purpose of bettering the Nation and its people;

Whereas Lady Bird Johnson has also been an active and enthusiastic worker in and supporter of many endeavors for beautification and conservation in her home State of Texas;

Whereas Lady Bird Johnson has received the Presidential Medal of Freedom and many other awards and honors for her service to the Nation and her community; and

Whereas the House of Representatives is honoring Lady Bird Johnson for her service to the Nation and congratulating her in her diamond jubilee year with a celebration on April 28, 1988: Now, therefore, be it

Resolved, That the House of Representatives—

(1) Honors Lady Bird Johnson for her years of dedicated service to the people of the United States and recognizes her leadership on behalf of all the people of America in the beautification of our Nation; and

(2) Congratulates her in her diamond jubilee year.

The **SPEAKER**. In behalf of the United States House of Representatives and of all of us, I take pleasure in presenting to you this resolution, and with it our love.

[Applause, the Members and guests rising:]

Mrs. **JOHNSON**. Mr. Speaker, all of you, there are no words deep enough, rich enough, full enough to express the way I feel about today. I almost feel like pinching myself, "Who, me?" and looking to see who this is all about.

To be back in this place, Mr. Speaker, strikes a very deep chord. Lyndon used to say, "the Hill is my home," and our lives centered around this room for 12 years, and before that he was a Doorkeeper, so this has been for a long time his habitat and mine. And these walls have echoes. But to be back here under these circumstances was the farthest thing from any thought I ever had.

I just want you to know that all of those 75 years have been rich and good, even some of the painful ones, because I learned from them, and my thanks go out to you, Mr. Speaker, to all of you dear friends who spoke, to family, to all gathered here who have helped join in making and keeping the natural beauty of this country and enhancing it, this country we all love so much.

Thank you.

[Applause, the Members rising.]

The **SPEAKER**. Members and guests, if you will please rise again, the United States Naval Academy Men's Glee Club will sing, "America the Beautiful", and you may join in.

(Whereupon, the United States Naval Academy Men's Glee Club sang "America the Beautiful.")

The **SPEAKER**. On behalf of the House of Representatives and its guests, the Chair wishes to thank the United States Naval Academy Men's Glee Club for their contribution.

The benediction will now be given by Chaplain Ford.

Rev. James David Ford, D.D., offered the following benediction:

The Lord bless us and keep us.

The Lord make His face shine upon us and be gracious unto us.

The Lord lift up His countenance upon us and give us peace. Amen.

The **SPEAKER**. The Chair declares the ceremony in honor of Mrs. Lady Bird Johnson to be now dissolved.

The United States Naval Academy Men's Glee Club retired from the Chamber.

The honored guests retired from the Chamber.

At 11 o'clock and 54 minutes a.m., the ceremony honoring Mrs. Lady Bird Johnson was concluded.

ANNOUNCEMENT BY THE SPEAKER

The **SPEAKER**. The House will continue in recess until 12:30 p.m.

□ 1230

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. LEATH of Texas], at 12 o'clock and 30 minutes p.m.

PRESIDENT'S FREE TRADE WIMP LEGACY WILL BE FORGOTTEN

(Mr. **TRAFICANT** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **TRAFICANT**. Mr. Speaker, the President said he will veto the trade bill because of the plant-closing notice that simply gives 60 days' courtesy to many workers like there were in my district who lost their jobs and lost their homes and now are losing their pensions.

He is telling us this is good for the country. I say today that the President will veto much more than this trade bill. I firmly believe that Ronald Reagan will veto the Republican Party's chances completely to take the White House again. The American people are fed up.

You know what bothers me, I do not believe that he is going to veto this because of the plant-closing notice. This President is against this bill. In this free-trading mania that has existed down here, it has produced a $160 billion trade deficit, and you cannot separate it from the budget deficit.

So I say today, Mr. President, go ahead, you are always saying, "Make my day." Well, you are going to make our day once and for all, because your free-trade wimp legacy will be forgotten.

PUBLIC SERVICE RECOGNITION WEEK

Mr. **DYMALLY**. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 242) designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

Mr. **GILMAN**. Reserving the right to object, Mr. Speaker, the minority has no objection with regard to the measure before us.

Mr. Speaker, I rise in support of Senate Joint Resolution 242 and House Joint Resolution 443, which was introduced in the House by the gentleman from Maryland [Mr. HOYER] designating the period commencing May 2, and ending on May 8, 1988, as "Public Service Recognition Week."

Our great Nation built and retains its prosperity and strength through the work and dedication of so many patriotic Americans. Moreover, individuals who have sacrificed the higher pay and benefits of the private sector in order to find fulfillment and purpose by serving in Federal, State, and local institutions, are especially to be commended.

Federal pay and benefits lag 25 percent behind the private sector. Yet extremely capable and educated Americans still step forward to serve the public. They have the same desires for security for their family and loved ones that all Americans have and yet that does not deter them. Their school debts are the same. They have the same payments and responsibilities as those in the private sector. Nevertheless, they find Government service rewarding. Our Nation needs these dedicated people and the Congress is proud of them.

Accordingly, I urge my colleagues to support Senate Joint Resolution 242.

Mr. DYMALLY. Mr. Speaker, I rise to express my support of Senate Joint Resolution 242 and its House companion bill, House Joint Resolution 443, sponsored by Congressman HOYER. These measures designate the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week."

I am pleased to participate in this effort to honor the men and women of this Nation who are responsible for the day-to-day operations of government at the Federal, State, and municipal levels.

A mere week, Mr. Speaker, is hardly adequate to recognize the tireless dedication of these individuals in implementing the policies and programs we create in Congress and in other legislative bodies.

Members of Congress and the entire Nation should join together in commemorating the work of our government employees. Without their commitment to public service, this country's concept of government would never materialize.

We are fortunate to have such a competent and hard-working government workforce. Years of undercompensation and nonappreciation have not deterred the will of these

Americans to operate an effective and efficient government.

Mr. Speaker, I wish to commend my good friend from Maryland [Mr. HOYER] for sponsoring this resolution, and I am proud to join him in celebrating the invaluable public service of our government employees.

I urge the adoption of Senate Joint Resolution 242.

Mr. HOYER. Mr. Speaker, I would like to thank my distinguished colleagues Chairman FORD, Mr. DYMALLY, chair of the Subcommittee on the Census and Population, and Mrs. MORELLA, the ranking minority member of that subcommittee, for their support in expeditiously bringing Senate Joint Resolution 242 to the floor, designating the week of May 2–8, 1988, as "Public Service Recognition Week." I would like also to commend my colleagues who joined me in sponsoring the House companion bill, House Joint Resolution 443, for their assistance and support in recognizing public employees.

"Public Service Recognition Week" honors one of our Nation's most valuable resources, our public employees. Public employees at every level of government have invested many years of dedicated service to the American people. Their service touches all aspects of our lives. To mention just a few, they administer our public school systems, deliver our mail, defend our borders, enforce our laws, and represent our interests in countries around the world. There is not a facet of our day-to-day lives that is not made more efficient, convenient or safe due to their efforts.

"Public Service Recognition Week" provides an opportunity to show our appreciation for the invaluable service of these individuals. The special events that are planned to take place around the country next week are designed to recognize and strengthen the public's knowledge of their contributions to our Nation.

I thank my colleagues for joining me in commemorating the indispensible efforts of America's public servants.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 242

Whereas the remarkable range of skills and unceasing dedication of government employees has supported the United States' leadership position in the world;

Whereas government employees have helped make the United States a global leader in industry, health care, agriculture, and defense by developing some of the world's most important technologies;

Whereas career government employees provide the Nation's defense, carry out the laws of the land, ensure environmental protection, maintain transportation systems, guard the Nation's borders to stem the flow of illegal drugs, administer Social Security, support health programs, provide policy direction for the education of the Nation's children, and provide countless other crucial public services;

Whereas government employees perform their demanding duties in exchange for compensation which is often far less than that received by their private sector counterparts; and

Whereas government employees are a valuable national resource, fulfilling the needs and desires of the American people as expressed through their elected representatives in the executive, legislative, and judicial branches of government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 2-8, 1988, is designated as "Public Service Recognition Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL OSTEOPOROSIS PREVENTION WEEK OF 1988

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 250) designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week of 1988," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. GILMAN. Reserving the right to object, Mr. Speaker, the minority has no objection to the legislation now being considered.

Ms. SNOWE. Mr. Speaker, I would like to thank Mr. DYMALLY, chairman of the Subcommittee on Census and Population, and the ranking minority member of the subcommittee, Mrs. MORELLA, for bringing to the floor House Joint Resolution 442 which establishes the week of May 8 through 14, 1988, as "National Osteoporosis Prevention Week." This bill has received the support of more than half the Members of the House. House Joint Resolution 442 is identical to Senate Joint Resolution 250 which was passed in the Senate on February 26, 1988.

As you know, this is the fourth year that I have introduced "National Osteoporosis Prevention Week." I have done so each year in recognition of the serious public health threat that osteoporosis represents.

Osteoporosis affects 24 million Americans, primarily postmenopausal women and older persons. Called the silent disorder, osteoporosis is characterized by a gradual loss of bone tissue causing the bones to become progressively weaker and more fragile. Each year, osteoporosis is responsible for 1.3 million bone fractures, including hip fractures which may lead to permanently reduced mobility or death.

In addition, to the physiological dimensions, osteoporosis has a significant financial cost. In 1986, national expenditures for osteoporosis totaled between $7 and $10 billion. Because projections call for an escalation in the number of Americans affected by this disease, the cost of osteoporosis is expected to rise in the future.

Just a few short years ago osteoporosis was a word that was hardly known. Last year, during "National Osteoporosis Prevention Week," over 10 million Americans received information about this disorder. Through the efforts of organizations like the National Osteoporosis Foundation education about osteoporosis has become even more widespread. This year "National Osteoporosis Prevention Week" is jointly sponsored by 92 organizations.

Today, osteoporosis is believed to be as much a product of lifestyle throughout the life span as it is genetic predisposition. Because most researchers believe osteoporosis can be prevented, it is of great importance that the public become more aware of measures that can be taken to avoid this debilitating disease. I believe that legislation to establish "National Osteoporosis Prevention Week" is invaluable in prompting this awareness.

I wish to thank my colleagues for their consideration of this bill and I urge unanimous consent of Senate Joint Resolution 250.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 250

Whereas osteoporosis, a degenerative bone condition, afflicts twenty-four million people in the United States;

Whereas osteoporosis, afflicts 90 per centum of women over age 75;

Whereas 50 per centum of all women in the United States over age 45 will develop some form of osteoporosis;

Whereas hip fractures are the most disabling outcome of osteoporosis, and 32 per centum of women and 17 per centum of men who live to age 90 will likely suffer a hip fracture due primarily to osteoporosis;

Whereas the mortality rates for people who suffer a hip fracture increase by 20 per centum, with such fractures resulting in the death of over fifty thousand older women and many older men each year;

Whereas 15 to 25 per centum of people who suffer a hip fracture stay in a long-term care facility for at least one year after the fracture occurs, and 25 to 35 per centum of people who return home from a long-term care facility after recovering from a hip fracture require assistance with daily living after returning home;

Whereas the total cost to society of dealing with osteoporosis was $7,000,000,000 to $10,000,000,000 in 1986 and such cost is expected to rise as the population ages;

Whereas osteoporosis is associated with the loss of bone mass due to a lack of estrogen as a result of menopause, alcohol or cigarette use, and low calcium intake;

Whereas exercise and proper nutrition before an individual is age 35 will build bone mass to help prevent osteoporosis; and

Whereas people who suffer from osteoporosis should be aware of the increased risk of bone fractures, and should take precautions to reduce the chance of accidents that may result in bone fractures due primarily to osteoporosis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America, That the week of May 8, 1988, through May 14, 1988, is designated as "National Osteoporosis Prevention Week of 1988", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL OLDER AMERICANS ABUSE PREVENTION WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 222) to designate the period commencing on May 1, 1988, and ending on May 7, 1988, as "National Older Americans Abuse Prevention Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. GILMAN. Reserving the right to object, Mr. Speaker, I yield to the gentleman from Florida [Mr. PEPPER], who is the chief sponsor of Senate Joint Resolution 222, designating May 1 through May 7, 1988, as "National Older Americans Abuse Prevention Week."

Mr. PEPPER. Mr. Speaker, I want to commend my colleagues for joining me in supporting the passage of House Joint Resolution 422, designating the week of May 1-May 7, 1988, as "National Older Americans Abuse Prevention Week."

Elder abuse is a shocking national tragedy which affects an alarmingly high number of our most helpless and vulnerable senior citizens. The incidence of elder abuse is nothing short of a national disgrace. Over the past 10 years, we have documented the shocking nature of this problem which goes against the very fiber of our society.

In 1978, the U.S. Select Committee on Aging, under my chairmanship, held the first congressional hearing on elder abuse. In 1981, my Subcommittee on Health and Long-Term Care of the Select Committee on Aging released a report entitled "Elder Abuse: An Examination of a Hidden Problem," which documented the committee's tragic findings that over 1 million older Americans are physically, financially, and emotionally abused by their relatives and loved ones annually.

At my request, the Aging Committee's Subcommittee on Health and Long-Term Care conducted a followup hearing in May 1985, which confirmed many of the points first raised in 1981. The hearing pointed out that these abused elders represented every racial, religious and socioeconomic class. It also confirmed that the number of cases had dramatically increased—by 100,000 abuse cases per year.

An average citizen would find it hard to believe how widespread and frequent this problem is. Most victims, out of fear of retribution by their abusers, would prefer not to acknowledge that such abuse exists. For that reason, elder abuse cases are far less likely to be reported to the proper authorities than child abuse cases—while 1 in 3 child abuse cases is reported, only 1 out of 6 cases of elder abuse comes to the attention of the appropriate authorities.

Elder abuse poses a threat to our families and to society as a whole. In most instances, neglect and abuse stems from the lack of information on intervention and prevention.

This resolution and the subsequent Presidential proclamation will assist many individuals, organizations, and agencies that are striving to rid this great Nation of our epidemic of elder abuse and improve the general welfare of our seniors.

I thank my colleagues for joining with me in this national effort to enhance awareness and combat this escalating tragedy which affects so many of our Nation's most helpless and vulnerable citizens.

Mr. GILMAN. Mr. Speaker, I just want to commend the gentleman from Florida for bringing this matter to our attention at this time. It is certainly an important issue to bring to our Nation's attention.

For that reason, I am wholly supportive of the measure.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 222

Whereas each year an estimated 550,000 to 2.5 million elders are the victims of physical and emotional abuse, neglect, and denial of fundamental civil rights;

Whereas these elders represent every racial, religious and socio-economic class;

Whereas the suffering of these elders poses a threat to our families and to our society as a whole;

Whereas in most instances this neglect and abuse stems from the lack of information on intervention and prevention;

Whereas the health and well-being of our elders is, and must be, one of our Nation's highest priorities;

Whereas May, 1988, has traditionally been designated as "Older Americans Month", and provides the ideal opportunity for the people of the United States to become educated and aware of the welfare of the elderly; and

Whereas it is appropriate to focus the attention of the Nation upon the problem of elderly abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on May 1, 1988, and ending on May 7, 1988, is designated as "National Older Americans Abuse Prevention Week", and the President is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe such period with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL FOSTER CARE MONTH

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 59) to designate the month of May 1988, as "National Foster Care Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. GILMAN. Reserving the right to object, Mr. Speaker, the minority has no objection to the legislation now being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California!

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 59

Whereas there are more than 250,000 licensed foster families in the United States who temporarily provide guidance, emotional support, food, shelter, and nurture children who cannot remain in their own home;

Whereas foster parents devotedly and unselfishly open their home and family life to children in need;

Whereas foster parents are a vital part in permanency planning to protect the best interests of a foster child;

Whereas foster parents work cooperatively with human service agencies and biological parents to strengthen family life;

Whereas foster parents must have the commitment of the national, State and local communities in terms of funding, support, and training; and

Whereas the National Foster Parent Association holds its annual training conference during the month of May, 1987: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of

May, 1988 is designated as "National Foster Care Month". The President is requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

JUST SAY NO WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 545) designating May 8 through 14, 1988, as "Just Say No Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

□ 1240

The SPEAKER pro tempore (Mr. Leath of Texas). Is there objection to the request of the gentleman from California?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida [Mr. Hutto], who is the chief sponsor of House Joint Resolution 545 designating May 8 through 14, 1988 as "Just Say No Week."

Mr. HUTTO. I thank the gentleman for yielding.

I appreciate the chairman of the subcommittee, the gentleman from California [Mr. Dymally], the chairman of the full committee, the gentleman from Michigan [Mr. Ford], and the ranking minority member of the subcommittee, the gentlewoman from Maryland [Mrs. Morella], for bringing this to the floor.

Mr. Speaker, we are talking about passing another massive drug bill to spend billions of dollars. If we could teach our young people not to start using drugs, to just say no, I think if we could reduce the demand we could save a lot of money.

I appreciate very much the support for this bill. I think it would be a great thing for our youngsters.

Mr. Speaker, many "Just Say No" clubs have already sprung up and we hope to have additional ones. I thank the gentleman for yielding.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I want to commend the gentleman from Florida for bringing this measure to the floor.

Mr. Speaker, the Just Say No Program is a crucial part of our overall antinarcotics effort. The war against drugs must be fought on many battlefields at all times. And no battlefield in reducing demand is more important than the one in the classroom. We must teach our children to reject illegal drugs. This generation of American youth must learn that illicit narcotics bring only misery and tragedy to those who use them—that drugs are not recreational and that drugs can kill.

I commend my good friend, the gentleman from Florida [Mr. Hutto] for his leadership on this issue and I urge our colleagues to join in supporting House Joint Resolution 545 which aptly expresses the mood of the Congress and our Nation of the value of the Just Say No Program.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. Res. 545

Whereas America's youth are our Nation's most precious resource;

Whereas young people are contributing to drug abuse prevention by starting just-say-no clubs and saying "no" to drugs;

Whereas children across America will participate in a national just-say-no walk against drugs on May 11, 1988; and

Whereas America's youth should be recognized for and encouraged in their efforts in the fight against drug abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 8-14, 1988, is designated as "Just Say No Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

URANIUM REVITALIZATION, TAILINGS RECLAMATION AND ENRICHMENT ACT

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIELSON of Utah. Mr. Speaker, today I join my colleagues, Mr. Richardson and Mr. Cheney, in introducing legislation that will help our domestic uranium industry.

As you may already know, the U.S. uranium industry has experienced a catastrophic decline since the early 1980's. The industry has shrunk from some 20,000 employees to around 2,000. Production has dropped to levels prevailing in the 1950's.

The traditional prime production areas in the United States include Wyoming, Utah, Colorado, and New Mexico. Production there has dropped sharply. Two of the four mills in Utah are closed. One is operating principally on out-of-State ore, the other is foreign owned.

The uranium viability provision in section 161(v) of the Atomic Energy Act requires the Department of Energy to "assure the maintenance of a viable domestic uranium industry." Rather than carry out this obligation, the Department of Energy closed its office in Grand Junction which was responsible for monitoring the status of the domestic industry. During much of the period of the industry's decline, the Department of Energy took the position that all was well and that the industry was "viable." Now, after the Wall Street Journal caricatured that position on the front page, the Department admits that the uranium industry in this country is, in fact, "nonviable."

Mr. Speaker, in order to resolve these problems, a comprehensive program is desperately needed, and that is why I join my colleagues in introducing this legislation.

This bill is the counterpart to S. 2097, which, incidentally, passed the Senate on March 30, 1988 by a vote of 62-28. The Senate bill along with the House bill contains three titles.

Title I of the bill, repeals section 161(v) of the Atomic Energy Act, which requires the Secretary of Energy to restrict the enrichment of foreign uranium. For an interim period, this restriction is replaced by imposing a sliding scale of charges for the use by utilities of foreign uranium above specified levels. All restrictions expire automatically on January 1, 2001.

Title II would establish a $1 billion fund cleanup or stabilize large, mildly radioactive piles of uranium tailings, there are 26 sites in Colorado, New Mexico, South Dakota, Texas, Utah, Washington, and Wyoming, that would be eligible for assistance from the fund.

And, title III, provides for a proposed spinoff of DOE's $1.2 billion per year uranium enrichment program into a wholly owned Government corporation, which would be known as the U.S. Enrichment Corporation [USEC].

Mr. Speaker, I urge not only my colleagues on the Energy and Commerce Committee, but all Members of Congress, to join with me in cosponsoring and passing this legislation during this session of Congress, so that we may, once again, have a viable domestic uranium industry.

NEW YORK CITY POLICE OFFICER MISTAKENLY GUNNED DOWN IN DRUG RAID

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, the drug crisis in our Nation, and indeed throughout the world, has erupted volcanically and the volcanic ashes have spread to every city, town, and school district in our Nation. Hardly a day goes by that we do not receive reports of gangland, drug-related killings in our streets. As in Colombia, the drug traffickers are taking over our neighborhoods. Our Nation's Capital has become the murder capital of the Nation. Public housing units have been turned into cocaine, heroin, and PCP laboratories—drug manufacturing units for the drug traffickers to spread their venom to citizens of every age and in every economic status. Youngsters ranging from 10 to 18 serve as drug couriers and junior level traffickers, and more and more of our young are dropping out of school to enter the lucrative drug trade.

Mr. Speaker, on April 27, 1988, another police officer was gunned down in a drug raid. It was first reported that Sgt. John McCormack of the Bronx narcotics squad in New York City was fatally shot in the face by a pregnant woman, Mercedes Perez, during a drug raid in the Inwood section of Manhattan. Upon further investigation, including ballistic tests, a police source reportedly stated: "ballistic tests indicate that the type of gun fired was not consistent with her gun," the gun fired by Perez, "but consistent with ours." Apparently, in an exchange of gunfire with Perez, one of the bullets came from another police officer's gun, and not as initially reported from Perez's gun. The tragic killing of Sergeant McCormack underscores the escalation of violence in our Nation's cities resulting from the increased production, trafficking, and consumption of narcotics.

Mr. Speaker, drug related crime and violence is not limited to the drug producing and drug consuming nations of Latin America or of Southeast and Southwest Asia. It's occurring right here in our Nation's Capital and in every metropolitan community throughout our Nation. Combating drug trafficking and drug abuse is a Federal problem and a Federal responsibility and one that requires Federal assistance to our State and local governments.

Mr. Speaker, our Foreign Affairs Committee, of which I serve as a senior member, has this week been debating whether we should decertify economic and military assistance to Mexico, the Bahamas, Peru, Bolivia, and Paraguay for failing to fully cooperate with our Nation in combating the illicit production and trafficking of drugs to the United States. In this regard, our Nation must do more on both the demand side and the supply side to combat this deadly menace. We must provide additional resources to our brave Federal, State, and local law enforcement officers with the tools for them to effectively interdict the supply of drugs and to arrest, prosecute, and incarcerate those convicted drug felons. We must also provide additional resources, personnel, and equipment to effectively educate our citizens of the dangers of drug abuse and provide facilities with trained personnel to treat and rehabilitate those who have become drug addicts.

Mr. Speaker, as we formulate a comprehensive antidrug measure, several of which have been recently introduced by my colleagues, let us be certain that the slaying of the John McCormicks, the Eddie Brynes, the Tony McLeans, and the other brave law enforcement officers, both in our Nation and overseas have not died in vain. If we truly mean what we say about waging war against drug trafficking and drug abuse, then we must provide our law enforcement officers, our educators, our treatment and rehabilitation specialists, and their counterparts overseas with the funding, equipment, and personnel to effectively combat the drug traffickers, who are well financed and highly organized, and who have the best equipment to conduct their insidious operations that are eating away at the roots of our society.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess honoring Lady Bird Johnson be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4264, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 436 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 436

Resolved, That during the further consideration of the bill (H.R. 4264) to authorize appropriations for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, to amend the National Defense Authorization Act for Fiscal Years 1988 and 1989, and for other purposes, no further amendment to the bill or to the amendment in the nature of a substitute, as modified and as amended, shall be in order except the amendments designated in section 2 of this resolution, in the report of the Committee on Rules accompanying this resolution, or by paragraph (2) of section 2 of H. Res. 435. Said amendments shall be considered only in the order and in the manner specified. The amendments designated in this resolution shall be printed in the report of the Committee on Rules accompanying this resolution and shall be considered as having been read when offered. Each amendment may only be offered by the Member designated for such amendment in the report of the Committee on Rules, or this resolution, or their designee. Debate on each of said amendments shall not exceed the time designated in said report, to be equally divided and controlled between the proponent and an opponent. All points of order are waived against the amendments contained in sections 1 and 2, and against amendments numbered 5, 6, 7, 11, 19, 20, 28, 35, 47, and 50 in section 3 of the report of the Committee on Rules. No amendment, except for amendments printed in section 3 of the report of the Committee on Rules, shall be subject to amendment except as specified in this resolution or in the report of the Committee on Rules accompanying this resolution, or to a demand for a division of the question in the House or in the Committee of the Whole. Debate on any amendment offered to an amendment printed in section 3 of the report of the Committee on Rules shall be limited to ten minutes, equally divided and controlled by the proponent of the amendment and a member opposed thereto. Any particular amendment under consideration when the Committee of the Whole rises on a legislative day shall be completed when the Committee of the Whole next resumes its sitting on H.R. 4264. During the consideration of the bill, pro forma amendments for the purpose of debate shall be in order only if offered by the chairman or ranking minority member of the Committee on Armed Services. Any period of general debate specified in this resolution shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

SEC. 2. It shall be in order to begin consideration of the amendments contained in the report of the Committee on Rules accompanying this resolution as follows:

(1) When the Committee of the Whole resumes its sitting on H.R. 4264 on Friday, April 29, 1988, further consideration of the amendments printed in section 3 of H. Rept. 100-579 shall be suspended. It shall then be in order to debate the subject matter of "contracting out" for a period not to exceed ten minutes. It shall then be in order to consider the amendments relating to "contracting out", amendments numbered (1) through (4), printed in section 3 of the report of the Committee on Rules accompanying this resolution in that order. Following disposition of said amendments, it shall be in order to debate the subject of defense burdensharing for a period not to exceed ten minutes. It shall then be in order to consider the amendments relating to defense burdensharing, amendments numbered (5) through (8), printed in section 3 of the report of the Committee on Rules in that order. Following disposition of said amendments, it shall be in order to debate the subject of "Buy America" for a period not to exceed ten minutes. It shall then be in order

to consider the amendments relating to "Buy America", amendments numbered (9) through (12), printed in section 3 of the report of the Committee on Rules in that order. Following disposition of said amendments, it shall be in order to continue consideration of the amendments printed in section 3 of the report of the Committee on Rules in the order and in the manner provided for in the said section and subject to the provisions of paragraph (7) of this section.

(2) When the Committee of the Whole resumes consideration of amendments to H.R. 4264 on Monday, May 2, 1988, further consideration of the amendments printed in section 3 of the report of the Committee on Rules accompanying this resolution shall be suspended. It shall then be in order to consider the following amendments relating to Central America printed in section 1 of the report of the Committee on Rules in the following order: (A) by Representative Foley of Washington, which shall not be subject to amendment except for an amendment by Representative Hunter of California; (B) by Representative Lowry of Washington; and (C) by Representative Markey of Massachusetts. Following disposition of said amendments, it shall be in order to debate the subject of budget priorities for a period not to exceed forty minutes. It shall then be in order to consider the amendments relating to budget priorities printed in section 1 of the report of the Committee on Rules in the following order: (A) by Representative Boxer of California; and (B) by Representative Kyl of Arizona. If more than one of said amendments is adopted, only the last such amendment which is adopted shall be considered as finally adopted and reported back to the House. Following disposition of said amendments, it shall be in order to begin consideration of the amendments printed in section 3 of the report of the Committee on Rules accompanying this resolution in the order and in the manner provided for in said section and subject to the provisions of paragraph (7) of section 2 of this resolution.

(3) After the Committee of the Whole rises on the legislative day of Monday, May 2, 1988, and resumes its sitting on H.R. 4264 on Tuesday, May 3, 1988, further consideration of the amendments printed in section 3 of the report of the Committee on Rules accompanying this resolution shall be suspended. It shall be in order to debate the subject of the Davis-Bacon Act for a period not to exceed thirty minutes. It shall then be in order to consider the following amendments relating to the Davis-Bacon Act printed in section 1 of the report of the Committee on Rules in the following order: (A) by Representative Murphy of Pennsylvania; and (B) by Representative Stenholm of Texas. If more than one of said amendments is adopted, only the last such amendment which is adopted shall be considered as finally adopted and reported back to the House. Following disposition of said amendments, it shall be in order to consider the amendment relating to the "Monroney amendment" printed in section 1 of the report of the Committee on Rules by Representative Bustamante of Texas. Following disposition of said amendment, it shall be in order to consider the amendments relating to arms control printed in section 1 of the report of the Committee on Rules in the following order: (A) by Representative Markey of Massachusetts; and (B) by Representative Solarz of New York. Following disposition of said amendments, it shall be in order to resume consideration of the amendments printed in section 3 of the report of the Committee on Rules accompanying this resolution.

(4) After the Committee of the Whole rises on the legislative day of Tuesday, May 3, 1988, and resumes its sitting on H.R. 4264 on Wednesday, May 4, 1988, further consideration of the amendments printed in section 3 of the report of the Committee on Rules accompanying this resolution shall be suspended. It shall be in order to debate the appropriate levels of funding for the Strategic Defense Initiative for a period not to exceed thirty minutes. It shall then be in order to consider the amendments relating to the funding printed in section 1 of the report of the Committee on Rules in the following order: (A) by Representative Kyl of Arizona; (B) by Representative Dellums of California; (C) by Representative Dickinson of Alabama; and (D) Representative Bennett of Florida. If more than one of said amendments is adopted, only the last such amendment which is adopted shall be considered as finally adopted and reported back to the House. Following disposition of said amendments, it shall be in order to debate the subject matter of phase I of the Strategic Defense Initiative for a period not to exceed sixty minutes. It shall then be in order to consider the amendment relating to phase I printed in section 1 of the report of the Committee on Rules by Representative Spratt of South Carolina. Following disposition of said amendment, it shall then be in order to consider the amendments relating to the Strategic Defense Initiative printed in section 1 of the report of the Committee on Rules in the following order: (A) by Representative Spratt of South Carolina; and (B) by Representative Kemp of New York. If more than one of said amendments is adopted, only the last such amendment which is adopted shall be considered as finally adopted and reported back to the House. Following disposition of said amendments, it shall be in order to consider further amendments relating to the Strategic Defense Initiative printed in section 1 of the report of the Committee on Rules in the following order: (C) by Representative Spratt of South Carolina; (D) by Representative AuCoin of Oregon; and (E) by Representative Burton of Indiana. Notwithstanding any other provision of this resolution, each of amendments (C) through (E) shall be subject to amendment, and debate on any amendment offered to amendments (C) through (E) shall be limited to ten minutes, equally divided and controlled by the proponent and a member opposed thereto. Following disposition of said amendments, it shall be in order to resume consideration of the amendments printed in section 3 of the report of the Committee on Rules accompanying this resolution.

(5) After the Committee of the Whole rises on the legislative day of Wednesday, May 4, 1988, and resumes its sitting on H.R. 4264 on Thursday, May 5, 1988, further consideration of the amendments printed in section 3 of the report of the Committee on Rules accompanying this resolution shall be suspended. It shall then be in order to debate the subject of ballistic missiles for a period not to exceed ninety minutes. It shall then be in order to consider the following amendments relating to ballistic missiles printed in section 1 of the report of the Committee on Rules in the following order: (A) by Representative Dickinson of Alabama or Representative Rowland of Connecticut; (B) by Representative Hertel of Michigan; (C) by Representative Dickinson of Alabama; and (D) by Representative Mavroules of Massachusetts. If more than one of said amendments is adopted, only the last such amendment which is adopted shall be considered as finally adopted and reported back to the House. Following disposition of said amendments, it shall then be in order to consider the amendment relating to the D-5 missile printed in section 1 of the report of the Committee on Rules by Representative Weiss of New York. Following disposition of said amendment, it shall be in order to debate the subject of depressed trajectory missiles for a period not to exceed forty minutes. It shall then be in order to consider the amendment relating to depressed trajectory missiles printed in section one of the report of the Committee on Rules by Representative Nagle of Iowa or by Representative Dornan of California. Following disposition of said amendments, it shall be in order to resume consideration of the amendments printed in section 3 of the report of the Committee on Rules accompanying this resolution.

(6) Notwithstanding any provision of this resolution and subject to the second sentence of this paragraph, it shall be in order for the chairman of the Committee on Armed Services after giving at least one hour notice and after consultation with the ranking minority member of that committee, to offer at any time any of the amendments printed in section 2 of the report of the Committee on Rules. Said amendments shall not be subject to amendment except for amendments offered by Representative Aspin of Wisconsin or by Representative Dickinson of Alabama. Debate on any amendment to an amendment shall not exceed ten minutes, equally divided and controlled by the proponent and a member opposed thereto.

(7) Notwithstanding any provision of this resolution, it shall be in order for the chairman of the Committee on Armed Services, or his designee, at any time to offer en bloc amendments, including modifications in the text of any amendment which are germane thereto, printed in section 3 of the report of the Committee on Rules accompanying this resolution. Such amendments en bloc shall be considered as having been read and shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole. Such amendments en bloc shall be debatable for not to exceed sixty minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The original proponents of the amendments offered en bloc shall have permission to insert statements in the Congressional Record immediately before disposition of the amendments en bloc.

(8) If the Committee of the Whole does not complete consideration of any amendments specifically made in order by section 2 of this resolution or by section 2 of H. Res. 435 for consideration on any particular legislative day, it shall be in order on any subsequent legislative day for the chairman of the Committee on Armed Services, after giving at least one hour notice, and after consultation with the ranking minority member of that committee, to request the Chair to recognize the proponent of such amendments following disposition of specified amendments contained in the report of the Committee on Rules accompanying this resolution and the Chair may recognize the proponents of such amendments in accordance with that notice notwithstanding the order of amendments otherwise specified in

such report. If the chairman of the Committee on Armed Services does not give such notice or make such request, the amendments may be offered by their proponents following the disposition of all other amendments contained in section 3 of the report of the Committee on Rules accompanying this resolution. It shall be in order to consider any amendment printed in section 3 of H. Rept. 100-579 not previously disposed of following disposition of all other amendments contained in section 3 of the report of the Committee on Rules accompanying this resolution, in the order and by the Member designated in that report.

SEC. 3. At the conclusion of the disposition of all amendments printed in H. Rept. 100-579 or in the report of the Committee on Rules accompanying this resolution, no further amendment to the bill or to the amendment in the nature of a substitute shall be in order, and the question shall occur on the amendment in the nature of a substitute as amended. The Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text, subject to the preceding provisions of this resolution and H. Res. 435. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1255

The SPEAKER pro tempore (Mr. LEATH of Texas). The gentleman from Florida [Mr. PEPPER] is recognized for 1 hour.

PARLIAMENTARY INQUIRY

Mr. GINGRICH. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GINGRICH. Mr. Speaker, this refers to a report which I believe will contain the various amendments and explain precisely what the Clerk so lengthily just read.

Mr. Speaker, it is my understanding that that report is not available, that that report has not been printed.

The SPEAKER pro tempore. There is a copy at the minority table.

Mr. GINGRICH. Mr. Speaker, I would suggest, under the rules of the House in terms of the individual Members' access to information, they should be given a document which has been marked up, edited. This has various handwriting and is not available to Members. This is a loose collection of papers. This is not a published report at this time, and would it not be better, I would ask the Speaker, for the House to delay considering this rule until we have the report of the Committee on Rules so Members could see what they are voting on?

The SPEAKER pro tempore. The gentleman is not stating a point of order. He is perhaps stating a reason to vote against the rule.

Mr. GINGRICH. I believe it was a parliamentary inquiry whether or not Members are protected and have any recourse in the rules of the House against having a report printed.

The SPEAKER pro tempore. The question of consideration cannot be raised against a rule filed on a prior day. The Chair would suggest that Members could vote against the rule.

Mr. GINGRICH. So, Mr. Speaker, Members who want a printed report should vote "no," is the Chair's recommendation.

The SPEAKER pro tempore. If the gentleman is dissatisfied with the report he has, that would be a recommendation.

Mr. GINGRICH. I thank the Chair.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes for debate only to my distinguished friend from Tennessee [Mr. QUILLEN] and pending that, I yield myself such time as I may consume.

Mr. Speaker, let me start by saying that the rule that was adopted earlier this week, House Resolution 435, still controls what will occur on the floor today. Specifically, the House will begin by considering antisatellite weapons, move to the testing of nuclear weapons and proceed to the consideration of a comprehensive test ban treaty. In addition, amendments contained in section 3 of the report may be considered today.

Mr. Speaker, House Resolution 436 provides for the further consideration of H.R. 4264, the Department of Defense authorization bill. It is similar to the rule granted earlier this week. First, the amendments contained in section 1 of the report accompanying this resolution are to be considered on the specific days and in the order and manner specified in the rule and the report. These amendments are unamendable unless otherwise specified. Second, the amendments contained in section 2 of the report are in order if offered by the chairman of the Armed Services Committee. These are the so-called add-back amendments. These section 2 amendments are unamendable, except for amendments offered by Representative ASPIN or DICKINSON.

Third, the rule makes in order the consideration of amendments contained in section 3 of the report. These amendments may be offered as en bloc amendments by the chairman of the Armed Services Committee. The en bloc amendments are debatable for 60 minutes. The en bloc amendments are not amendable, but any section 3 amendment that is not contained in an en bloc amendment is subject to amendment. Members whose amendments are included in the en bloc amendments can insert statements into the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc. Debate on any amendment offered to an amendment printed in section 3 is limited to 10 minutes, equally divided.

Mr. Speaker, the rule waives all points of order against the amendments contained in sections 1 and 2 of the report and against specified amendments contained in section 3 of the report.

The rule provides that any section 1 amendment made in order by this rule or in House Resolution 435 that is not considered on the day scheduled may be offered after appropriate notice is given by the chairman of the Armed Services Committee. If the chairman does not make such a request or give notice, the amendments may be offered by their proponents following the disposition of all other amendments contained in section 3 of the report accompanying this resolution. If any section 3 amendments provided for in House Resolution 435 are not previously disposed of, the rule makes it in order to consider those amendments following the disposition of all other amendments contained in section 3 of the report accompanying this resolution, in the order and by the Member designated in the report accompanying that resolution. Finally, the rule provides one motion to recommit, with or without instructions.

□ 1305

Mr. Speaker, I repeat the compliments and the commendations that I previously extended to the chairman of the Armed Services Committee and the ranking minority member, and also to the staff of the Armed Services Committee, conferring and cooperating with the staff of the Rules Committee, and I also commend the Rules Committee for its fine cooperation making possible this bill.

Mr. Speaker, we have done the best we could with 244 amendments offered to this bill. We tried to make all available to the membership that we could by including them in this rule. Those that were not included were generally not allowed after our consultation on the part of the Rules Committee with the chairman and the ranking minority member of the Armed Services Committee.

Even with all the efforts that we have exerted to keep the length of the debate on this bill down to a reasonable limit, there is still going to be nearly 3 weeks of debate on this bill, so you will understand how we did the best we could to accommodate the Members who have offered amendments, at the same time to take into account the consideration of the House.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, the able gentleman from Florida, the chairman of the Committee on Rules, has explained the provisions of the rule. It is a very complicated rule, but well-drafted, and ably presented to the House.

Mr. Speaker, the bill covered by this rule is the largest authorization bill of the year. It is so important that we get down to the business of passing a Defense authorization bill for the benefit of this country.

I was in Singapore several years ago when the leader of that small country was briefing the Members on what that part of the world thought of the United States of America. He said in crystal clear language that after the Vietnam war, America fell to her knees without any defense posture and was looked upon badly by the other nations of the world; in other words, not capable of protecting herself.

Mr. Speaker, I think over the years under President Reagan our defense posture has increased to the point that we are strong internationally, strong nationally, and we have a good defense posture. That posture should remain strong, free, viable, and active.

This Defense authorization bill maintains the momentum that we have built over the years. I would like to see it enacted into law, despite all the complications of the rule.

As the chairman of the Rules Committee, the gentleman from Florida [Mr. Pepper] has explained, 244 amendments were requested. The majority of those amendments were not presented to the Armed Services Committee, bypassing that committee, yet the sponsors came to the Rules Committee to have those amendments made in order. To me, that is shocking legislative procedure.

I think the lesson we learned last year and the lesson we are learning this year is that the Rules Committee should not make in order any amendment that is not first presented to the authorizing committee involved, of course, with exceptions for a minor few that were presented to the committee and maybe turned down. The majority of these amendments were never presented to the committee for action.

So here we are, Mr. Speaker, spending this week on a Defense authorization bill that is so important to the defense posture of this Nation, and all of next week on the same measure, all because of so many Members bypassing one of the finest committees in this House.

My congratulations to the gentleman from Wisconsin [Mr. Aspin] and the gentleman from Alabama [Mr. Dickinson] for the fine job that they did, along with members of their staffs, and also to the Rules Committee general counsel and members of the staff for crafting such a complicated rule, so that today we are able to discuss the rule for the consideration of this bill.

Mr. Speaker, I support the rule. I know that out of the 244 amendments that were requested, many were denied. I know that the proponents of the amendments which were denied do not feel that they got a fair hearing, but let me assure them, with all the hours that we in the Rules Committee spend in going over these amendments, they did receive a fair hearing. Of those that were left out, many of them can be presented in other legislation coming to the floor.

Mr. Speaker, I do have a number of requests for time. I urge the adoption of this rule so that we can return to consideration of this week's portion of our Defense bill. This rule will give us an opportunity to go forward next week on the remaining portion of our Defense bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. Walker].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me this time.

I am sorry I have to disagree with the gentleman on the rule. It is a terrible rule. There is no way that anybody in this House should support this rule if you believe at all that this Nation needs to get tough in fighting drugs, because this rule is an abomination.

Now, we have just had it read up here a few minutes ago by the Clerk. The Clerk told us that the following people are going to be giving amendments: Mr. Lowry, Mr. Markey, Mr. Foley, Mrs. Boxer, Mr. Murphy, Mr. Stenholm, Mr. Bustamante, Mr. Markey, Mr. Solarz, Mr. Dellums, Mr. Bennett, Mr. Spratt, Mr. Spratt again, Mr. Kemp, Mr. Spratt, Mr. AuCoin, Mr. Burton, Mr. Hertel, Mr. Rowland, Mr. Mavroules, Mr. Weiss, Mr. Nagel, and Mr. Aspin, and then several more—and guess what? Not one of those people is going to be permitted to offer an amendment that would allow the military of this country to get involved in drug interdiction. Why? Because the Rules Committee specifically said they were not going to allow drug amendments to be brought to this floor.

I think that is an abomination. You just recently had the mayors come to town suggesting that one of the things they wanted to do for drugs is to have the drug planes shot down on the way into this country. They wanted them shot down. They cannot do that unless we give authorization authority under this bill to do something about it.

This bill specifically rules out offering those drug amendments. We are giving all kinds of opportunities for people to offer amendments out here on the floor, but not one antidrug amendment. I think it is appalling. I think it is disgusting.

And how did we find out about it? We get this multipage report brought to us on the floor that nobody can understand when we go down through it, because it is very, very difficult to get through all these pages, and I assume we are approving everything in this report, including something here that I got in the middle of the report between Mr. Nagle and Mr. Aspin that says "Bold Center."

What are we approving when we approve Bold Center in this report? Can anybody tell me? I have no idea. What is Bold Center?

Down in the middle of this document that was thrown on the desk out here on the floor, it is appalling that we would come to this floor and anybody from the Rules Committee would suggest that given this little notice that we ought to approve this rule, particularly since we now understand that the Rules Committee decided that we are not going to be a part of the drug fight and there is no way that we could even allow this House to consider having our military be a part of the drug fight.

Anyone who votes for this rule is voting not to fight drugs with our military, because we cannot have the process as the authorization even considered on the House floor.

So I would suggest a no vote. I would suggest that this is a time for the House to stand up and do what all of us around the country are saying we are doing. Let us get tough on drugs and let us bring the military in.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding.

Let me start off by simply saying that I agree with the gentleman entirely that if you are interested in utilizing our military assets to combat the narcotics traffic into this country, you should vote no on this rule.

The gentleman from Florida [Mr. Shaw] had a number of amendments, a number of other Members had some.

The Hunter-Robinson amendment that passed 2 years ago in this House by a fairly large vote was part of the package submitted to the Rules Committee, and they will not even allow an amendment that passed in the full committee earlier to be considered by the DOD.

Mr. WALKER. Mr. Speaker, let me reclaim my time.

The gentleman from Tennessee told us a minute ago that the reason we ought to support this rule is because we ought not to be having any amendments out here that were not considered by the committee.

The gentleman is saying that we are talking about an amendment that at one point was even approved by the committee and is not going to be allowed to be offered out here because it deals with drugs?

Mr. HUNTER. Well, if the gentleman will yield, not only was it considered, it was passed by the full House of Representatives in the 1986 authorization.

Mr. WALKER. So in other words, when we considered this bill before on the floor, we were, in fact, allowed to offer these antidrug amendments, but this year now when it gets a little bit tough all of a sudden we are not going to be able to allow the drug amendments—and guess who did that? The Rules Committee did that. The Rules Committee specifically decided that this year when we come to the floor, we are not going to have drug amendments out here. Is that right?

Mr. HUNTER. Mr. Speaker, if the gentleman will yield further, the problem is very severe. Over the past 12 months over 300,000 pounds of cocaine have been flown in across the southern borders of the United States.

The gentleman from Florida [Mr. SHAW] can speak to the details of the situation.

We have literally hundreds of people dying monthly because of the narcotics traffic. This was the appropriate place to consider the use of the military, and that is in the military bill.

Mr. WALKER. Let me understand again what the gentleman is saying that in years past when this bill was considered, we did in fact bring these drug amendments to the floor, some of them even passed on the House floor, but this year when we are considering this bill we are not going to be allowed to offer drug amendments to the bill because the Rules Committee is bringing us a rule that outlaws having those drug amendments brought up. Is that correct?

Mr. HUNTER. That is exactly correct.

I would urge every Member to vote "no" on this rule if you are for utilizing our military assets to fight narcotics.

Mr. WALKER. The gentleman is absolutely correct.

Mr. LAGOMARSINO. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentlemen from California.

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentlemen for yieldiing, and I commend him for pointing this out to the body.

It seems to me that if what we hear and read is true, and I believe it to be, as strongly as I can believe anything, that our number one war today is the war against drugs, that is just beyond belief that we would have a rule that would propose we cannot even discuss using the military to involve itself in that fight. You know, it is a fight or it is not.

□ 1320

Mr. WALKER. I thank the gentleman. This is exactly the point I wish to make. Any Member who votes for this rule is voting against doing something on the drug fight.

Mr. PEPPER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the remarks of the able gentleman from Pennsylvania [Mr. WALKER] are almost irresponsible. For him to insinuate that the chairman of the Committee on Rules, a Floridian, is any less concerned about the drug traffic and the drug danger than he is is an unfair accusation of a colleague.

Mr. WALKER. I did not say that.

Mr. PEPPER. We decided in the Committee on Rules, on account of the large number of amendments that we had to deal with, to defer to future bills that we knew were coming up certain issue we though appropriate for those bills.

The gentleman from Florida [Mr. SHAW], my distinguished colleague, is introducing a comprehensive drug bill. I am going to be one of the sponsors of that bill.

In addition to that, the majority leader of the House is going to sponsor a comprehensive drug bill and there will be ample opportunity for anybody who wants to offer an amendment respecting drugs to do so on the bill. This bill is an authorization bill for the Department of Defense of our country and we thought it well and wise to defer to certain other bills certain amendments that could be well considered. We did that in accordance with the understanding with the chairman and ranking minority member of the Committee on Armed Services. I hope the gentleman from Pennsylvania [Mr. WALKER] would be more temperate in his remarks of accusations in the future without knowing all of the facts.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman from Florida for yielding. Let me defend the gentleman from Pennsylvania [Mr. WALKER] because he was defending our right, myself, the gentleman from Florida [Mr. SHAW] and other Members to put the narcotics amendment in. This includes the gentleman from Arkansas [Mr. ROBINSON]. He was defending our right to put the narcotics amendment in utilizing military forces on the DOD bill. That was the appropriate place to put those amendments. Let us just say I am a member of the Committee on Armed Services, as is the gentleman from Arkansas [Mr. ROBINSON]. We were told at the markup in the Committee on Armed Services that we cannot bring it up in committee because we might have to refer it to another committee because it might involve posse comatatus and other changes that would require the Committee on the Judiciary to comment, and therefore bring it up on the House floor.

So we brought it up on the House floor, at least we attempted to. Let me say to the gentleman from Florida [Mr. PEPPER] that 500,000 pounds of cocaine have come across the border since the last time we considered this. We may have an omnibus bill sometime in the future, but I think it is appropriate and timely to bring it up now.

I thank the gentleman from Pennsylvania [Mr. WALKER] for having the courage to stand up and to make our case before this House. It is a most responsible thing that any Member could have done to have said what he said this morning. I would urge every Member to vote against this rule.

Mr. PEPPER. Mr. Speaker, reclaiming my time, I am sorry that maybe we cannot please every Member. We did the best we could to please the most Members of the House who had an interest in this bill.

There are other amendments that we deferred for consideration in other bills. For example, yesterday afternoon the majority leader had a meeting in the Speaker's office and we had present the chairman of the Committee on Government Operations, the chairman of the Committee on Merchant Marine and Fisheries, in addition to the chairman of the Committee on Armed Services together with the ranking minority member. In that meeting we agreed that we would not put in order the amendment that was desired by some relative to base closings for the purpose of giving those to committees who also have jurisdiction, Committee on Government Operations, and the Committee on Merchant Marine and Fisheries, an opportunity to have some hearings. We assured everyone in attendance at the meeting that at a later time that amendment would be made in order before the House so there will be a vote on it before the Committee on Armed Services goes to conference with the Senate on this bill.

I can assure the Members, as chairman of the Committee on Rules, and I am sure I have the support of our minority leader, that there will be amendments on the drug bill that will be brought before the House and Members will have a full opportunity to offer any amendments they want to on drugs.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we discussed the drug amendments in our Committee on Rules at length. The chairman of the Committee on Rules is entirely correct. These amendments will be offered at a later date. We all know that the drug problem is real and something should be done to curtail it, to do away with it. We feel that the amendments made in order on this bill are appropriate and at another time these drug amendments will have a full hearing rather than 10 minutes which could have been allocated here.

Mr. Speaker, I yield 5 minutes to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Speaker, if I might have the attention of the gentleman from Wisconsin [Mr. ASPIN] the distinguished chairman of the Committee on Armed Services, I would like to inform the Members of the agreement that was reached in the meeting in the Speaker's office. I know there is a great deal of interest in the base closure amendment to this bill. As the distinguished chairman of the Committee on Rules has just stated, we met yesterday in the Speaker's office, the gentleman from Florida [Mr. PEPPER]; the gentleman from Texas [Mr. BROOKS], chairman of the Committee on Government Operations; the gentleman from North Carolina [Mr. JONES], the chairman of the Committee on Merchant Marine and Fisheries; the gentleman from Wisconsin [Mr. ASPIN], and myself, and the majority leader was representing the Speaker. We discussed the problems that this piece of legislation could possibly face. It was our intention that this amendment be a part of the bill.

However, due to the unhappiness expressed by the gentleman from Texas [Mr. BROOKS] on behalf of the Committee on Government Operations and the gentleman from North Carolina [Mr. JONES] that there was some usurpation, or ignoring of the jurisdiction of other committees, we reached an accommodation which I think is the best that we could do under the circumstances.

Would the chairman of the Committee on Armed Services agree with what I have said?

Mr. ASPIN. Will the gentleman yield?

Mr. DICKINSON. Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. ASPIN. The gentleman from Alabama [Mr. DICKINSON] is absolutely correct. I think we have a very important way of dealing with this issue. I think the gentleman from Texas [Mr. ARMEY] is an important part of this because, of course, the whole idea was his originally.

Mr. Speaker, I concur with what the gentleman from Alabama [Mr. DICKINSON] has said and I would like to say that I think he ought to explain what the situation is as it developed from that meeting.

Mr. DICKINSON. Mr. Speaker, reclaiming my time, as I understood the deal, and the gentleman from Florida [Mr. PEPPER] is here to agree or disagree, there were three main elements to the agreement if this amendment were not contained in this bill.

First, if this legislation were not included as an amendment to this bill, it would be introduced as a separate free-standing piece of legislation.

We agreed to handle this legislation with three stipulations. First, there would be not a sequential, but a simultaneous, referral of the bill to the committees of appropriate jurisdiction, that is, the Committee on Government Operations, the Committee on Armed Services, and the Committee on Merchant Marine and Fisheries. These committees agreed to hold hearings and to report it out with a target date of June 1. That date was not an ironclad agreement, but it was the target they would work toward.

The gentleman from Wisconsin [Mr. ASPIN] explained to them that it would be absolutely necessary that we have an expression of the committee and a vote on the floor in order for us to go to conference with the Senate on this bill prior to the adjournment in the latter part of June, so that we would be armed with the position of the House in dealing with this subject when we go to conference with the Senate.

The third element of our agreement was that the legislation would be reported by the Committee on Rules to the floor regardless of whether it was favorably recommended by the other committees. We would not deny a vote. We would guarantee the gentleman from Texas [Mr. ARMEY] and other proponents of the bill that there would be a vote on it, and extensive debate with a vote on the subject matter. We all signed off on it, and that was the agreement.

Is that your understanding?

Mr. ASPIN. If the gentleman will yield further, the gentleman from Alabama is absolutely correct. I think we are dealing here with a topic that is absolutely vital to some Members because of the nature of their districts, but it is very, very important to all Members and I think it is important to the efficient running of the Department of Defense.

We would not give the topic proper consideration if we were to put it under an amendment to this bill. We would give it a certain amount of debate and we would consider it, but there are a lot of other things going on. This base closing bill is something I would hope that in the time in which we have for debate where we are going to consider it under the normal process, that all Members give their attention to it. As I said in the meeting, and I think the gentleman from Alabama [Mr. DICKINSON] agreed, we cannot go into a conference with the Senate on this piece of legislation with the Senate having it in the bill and the House not having acted on it. It is too important for us to settle that issue in conference without getting a reading of the Members of the House of Representatives on this piece of legislation.

Mr. DICKINSON. Mr. Speaker, reclaiming my time, we have put our agreement into the RECORD. I know everybody is not necessarily happy with it but it was the best we could do under the circumstances due to the conflict of jurisdictions and so forth.

We do have an agreement that it will be simultaneously referred.

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. PEPPER. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. To reiterate, we have agreed that the amendment on base closure would be taken out of this bill, and it will be offered as a piece of free-standing legislation in a separate bill. The committees of jurisdiction, the Committees on Merchant Marine and Fisheries, Government Operations, and Armed Services, will give the bill expeditious hearings, and will report it out with a target date of June 1. The Committee on Rules will then allow the House to vote on the subject matter before we go to conference with the Senate.

Mr. ASPIN. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Just to follow up on the points made by the gentleman from Alabama [Mr. DICKINSON], he is absolutely correct. My understanding is as he stated it and I think what the gentleman from Alabama has said is absolutely correct.

I would like to also hear from the gentleman from Texas [Mr. ARMEY] because if there is one other person that is important in working out this compromise it is the gentleman from Texas whose idea it was, and who was way ahead of everybody on this idea and who now has the idea to the point where it is being taken up the the Secretary of Defense and others are expressing an interest in it. We need him to be part of the arrangement.

Mr. ARMEY. Mr. Speaker, will the gentleman from Alabama yield?

Mr. DICKINSON. Mr. Speaker, I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Alabama [Mr. DICKINSON] and the gentleman from Wisconsin [Mr. ASPIN] for their remarks.

There are two points I would like to be clear on as concerns this agreement. We talked about the June 1 date. There is a certain ambivalence on that, but as I understand it our target is June 1, and that is to have a vote on the floor and definitely before there would be a conference on the DOD authorization bill.

Mr. DICKINSON. Yes.

Mr. ASPIN. That is our understanding.

Mr. DICKINSON. The June 1 date is the reporting date of the various committees. After that we will go to the Committee on Rules and it will be brought to the floor prior to our going to conference with the Senate in the latter part of June.

Mr. ARMEY. The bottom line though is there will be a vote on the floor before the conference meets.

Mr. DICKINSON. That is right.

Mr. ARMEY. And everybody agrees to that?

Mr. ASPIN. I will tell the gentleman from Texas [Mr. Armey] that I do not want to personally go to conference without having had a vote in the House on that issue.

Mr. ARMEY. Mr. Speaker, I thank my colleagues.

In fact the Senate committee has this morning put the exact language that we all agreed upon into their bill. I want to make one other point and that is that this effort started with a bill called the Defense Savings Act that had 116 cosponsors and as we all negotiated, the gentleman from Alabama [Mr. Dickinson] and the gentleman from Wisconsin [Mr. Aspin] and their counterparts in the Senate, together with the Secretary of Defense and myself, we made certain revisions so that today there is no bill per se that is the exact language agreed upon for this amendment.

It would seem to me in order to facilitate this process that it would be in order for me to redefine the bill in the language of the agreement and contact others in the House for cosponsorship, and I will start that process right away.

Mr. ASPIN. If the gentleman will yield, I think the gentleman in the well ought to introduce the bill today and that would give us the vehicle to hold those hearings.

Mr. ARMEY. I thank the gentleman from Wisconsin for his remarks.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. Gingrich].

Mr. GINGRICH. Mr. Speaker, let me thank the gentleman from Tennessee [Mr. Quillen] for yielding me this time and say first of all to our very distinguished chairman of the Committee on Rules that those of us who are younger and newer on the House Republican side and who represent what we believe to be the ideas of the future know that in his own career he was often on occasion called irresponsible as he fought for the ideas of the future, and knowing that in his own career he often had to stand courageously when others would yell at him, knowing that when in establishment of his thought that he was told he was pushing too hard, he pushed anyway. So I appreciate the spirit of good will with which the gentleman from Florida [Mr. Pepper] enters into this debate.

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To the gentleman from Tennessee [Mr. Quillen], there is something silly about members of the Rules Committee pretending the rules matter when the leadership of the leftwing machine which dominates this House wants to bring Grove City straight to the floor from the Senate having passed it; they bypass all the committees, and when the gentleman from Florida [Mr. Pepper] has a bill on long-term health care, he wants to bring it to the floor without going to the Committee on Ways and Means, so he has a deal cut when he is going to bring it to the floor.

There will never be an amendment offered in the committee, because his bill will never be in the committee.

Let us look at the kind of important and powerful amendments which have been made in order, and under, I might point out to the Members who are not powerful and privileged, a report which they cannot read, because it will not be printed until after 4 o'clock today, all of these pages, all of these things, Members are being asked to vote yes for, and once again, until the news media find out what foolishness is in them, all of these things being snuck onto the floor, but, oh, there is a copy, and any Member who wants to wade through it, there are even two copies available, one for each side to look at, handwritten, edited, not clean, but Members can vote yes, and once again explain in their letters back home that they did not know what foolishness was in it.

What kind of powerful amendments have preempted those about drugs in this House? There is a motion to strike section 808, and having to do with clothing and textiles in excess of $100,000, and the Committee on Rules thought that was much more important than drugs, that we have time for that, not drugs. There is a Rose amendment to provide for land conveyance from the Air Force to the North Carolina National Guard, and that is more important than drugs. Oh, the Committee on Rules found time for that.

There is an amendment to prohibit the Energy Department from conducting its own study of the health effects of radioactive releases during the 1940's and 1950's at the Hanford nuclear facility. That is more important than drugs. We have time for that.

Oh, the Committee on Rules finds time for those it favors. It finds time for those it wants. It produces a paper so late that no Member can read it unless he or she goes a long way out of their way, printed after the events, but let me carry you a stage further.

This is all foolishness. The leftwing machine that runs this House decides what comes to the floor, what shape the rule will be, what will be allowed to be looked at.

Let me bring it deeper. For months this country has heard Jesse Jackson talk about how we cut $100 million out of the Coast Guard that we ought to be spending to fight drugs. This House cut that $100 million out of the Coast Guard.

Today we have the anti-Jackson rule. Jesse Jackson says rules matter, but the Rules Committee says they do not matter. Jesse Jackson says drugs matter. The Rules Committee does not think they matter. Mayor Koch of New York says to use the military to stop drugs, but the Committee on Armed Services says on an Armed Services bill we should not talk about the military. Let us be serious. What is going on here today?

It is very simple. The left is terrified that we might actually force votes in this House on drugs, on using the military to stop drugs.

The gentleman from Florida [Mr. Shaw] has three superb amendments. The gentleman from Florida [Mr. Bennett] has a superb amendment. The gentleman from California [Mr. Hunter] has a superb amendment. And none of them are on as amendments, and the Rules Committee has failed.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, the gentleman from Georgia is raising a question that I cannot help but want to probe further.

Is the gentleman from Georgia suggesting that when my public at home, when my law-enforcement people at home, may need offshore assistance involving the military on this effective war that we intend to wage against drugs that this bill authorization for the Department of Defense does not allow one amendment to address the military being involved in that?

Mr. GINGRICH. Let me say to the gentleman from California that I will carry it a step further. When all of our friends on the left are saying send a signal to Noriega, the dictator of Panama, or when all of our friends on the left are saying now is the moment to make the Reagan administration be tough, the Rules Committee will not allow us to do anything on that, and I would say in closing that if Members vote yes on this rule, they are helping Noriega, and they are against Jesse Jackson's position, and they are against bringing up drugs and fighting drugs.

Mr. LEWIS of California. Mr. Speaker, if the gentleman would yield for just 1 second, I would suggest that if we send this bill back to the Committee on Rules, surely the chairman would take care of that problem, surely the gentleman from Florida would.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I thank the gentleman from Tennessee for yielding me this time.

Mr. Speaker, I would like to, for just a few seconds, speak as to the motivation of the chairman of the Committee on Rules, the gentleman from Florida [Mr. PEPPER], my good friend.

There is no question, and I do not think any Member in this House would for 1 minute at all attack the credentials of the gentleman and his concern for the future of America and concern in the war against drugs. I spoke to the gentleman in the well yesterday about the bill that he referred to as a cosponsor of the new drug bill that we have filed.

However, despite the fact that the Committee on Rules, together with the leadership of the House, is working to put together plans to come up with another omnibus drug bill or several bills for the House to be able to vote on in the future, and hopefully the bill that has been referred to here today that I filed the other day that has almost 100 cosponsors will be one of the bills made in order, but despite that, we cannot in this House have Representatives pass a single opportunity to increase our efforts in the war against illegal drugs coming into this country.

There is no better place for us to begin than with the military and with this defense authorization bill. Therefore, I have to look with great disappointment at the road that the Committee on Rules took in not making these particular amendments in order, amendments such as one that would modify the law as to the posse comitatus, and that would allow our military to get involved in the war against drugs to a greater extent to the point they can actually arrest ships, arrest people, search these vessels that are coming into this country.

Also not made in order is a provision that would make the suppression of international narcotics trafficking as a major national security objective of the United States and our No. 1 national security objective within the Western Hemisphere. What better place to place this amendment than in the Defense authorization bill?

A third amendment that was not made in order was an amendment which would allow the Secretary of Defense to provide military personnel and equipment for active cooperation in drug interdiction efforts in other countries. I heard Mayor Barry himself the other day speak out on this particular issue.

These are amendments whose time has come. These are amendments that should be considered under the Defense authorization bill.

We are at war, and we are not involving our military. We have no plan at this point to win, and that is exactly what we must do. We must craft together a blueprint for victory, and that blueprint for victory is not going to be accomplished in one single bill that is going to be passed no doubt later in the year by this House of Representatives.

This blueprint of victory should be contained in every bill, particularly the Defense authorization bill.

I would urge my colleagues to vote against the rule.

Mr. PEPPER. Mr. Speaker, I yield 5 minutes to the able gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I would just like to say to the young Republicans and the young Democrats who would like to see fewer troops over in Europe and a few on our borders, not to stop drugs but maybe illegal aliens, but to take a slap at Senator PEPPER is the lowest thing anyone in this body could do. It is taking a slap at America, and Members on the other side of the aisle have been treated quite fairly.

I want to remind my colleagues on the other side of the aisle of one time I had an amendment that was in fact better than the Gekas amendment on the gun bill, and Senator PEPPER said, to be fair, he was going to let the gentleman from Pennsylvania [Mr. GEKAS], the Republican on the minority side, bring that amendment, and he has done this many times.

I am certainly one that is for the death penalty for anyone who kills a police officer or a kingpin drug trafficker, and I know this body is too liberal to deal with that issue, but this chairman and the chairman of our committee said that they would bring to this floor a specific bill, and the Members will have their shot.

The problem we have here, in my opinion, is, as a former sheriff, too many politicans make hay with drugs around here, and the drug dealers just keep making money. Let us tell it like it is. Let us not be sabotaging these goals.

I stand today basically on three parts of this which I think are important. While everybody is in here giving money for missiles, I think we should be looking at the pragmatic side of things, because I think what we have come down to, ladies and gentlemen, it is true we are not going to protect America with the neighborhood crime watch, but we do not need a nuclear missile for every barroom brawl, and now we are starting to talk about using our forces where they could help America, not in Europe or the economic development, but many in America, putting them on our borders.

This chairman is not against that; this chairman's leadership has done more against drugs in America than any other demagoging blowhard here in this House.

What I would like to say is I want to thank the committee for over 3 years of battling to get Buy America language, inserting Buy America language, and I thank the gentleman from Massachusetts [Mr. MAVROULES]. I do not think it goes far enough. But I thank the gentleman for what efforts we have made.

Second of all, I think we are dealing with the issue called burden sharing, ladies and gentlemen, and we have a $200 billion average budget deficit, and we still ship $150 billion a year to protect NATO countries.

I think it is time that Congress send them a bill. I think it is time that we stop being taken for granted like a bunch of fools. This is not free trade. This is free for all, and we are the losers.

So I stand with the Republicans here. I want the death penalty for kingpin drug traffickers, anyone who kills a policeman in this country, or kills 10 or 12 citizens in a massacre, who should be subject to the death penalty, and I think we have been too weak.

The problem is we do too much fighting and calling names, and we do not take care of business, and I think we can take care of business, and I can see the gentleman from Florida [Mr. SHAW] here, and I think he has an excellent bill.

I know the gentleman from California [Mr. HUNTER] and all the work that he has done, but when we start standing up on this issue like we have, we will continue to go exactly where America has been, and that is nowhere.

I say here today in closing, I have an amendment on contracting out that I want the Members to consider seriously. The grass looks greener in the beginning; once we dismantle these units, the costs will get higher. Now, we are starting to do it at our Air Force Reserve bases and in the military, and I say those opponents that say what is wrong with somebody doing the military's laundry, I say sooner or later we are going to find out they have been taking us to the cleaners, and we should look at military readiness and not overlook the debate we have had here today.

I close out, and I want to say thank, you, Mr. Chairman, for allowing many of the Members access to the rules, thank you, Mr. Leader, for giving many young Members an opportunity, and I think there are a lot of young

Members who have been treated very nice that should be a little bit more respectful when they start making these types of challenges.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, the Committee on Armed Services should be very concerned about American casualties. If my statistics are correct, I think some 20 people have died in this city in the last several months as a result of narcotics, hundreds of people, thousands of people, are dying across the United States as a result of narcotics. Those are KIA's, killed in action. We also have millions of WIA's. Those are the families who suffer, the wives, the husbands, the relatives, the coworkers on the jobs, all the other people in America who are touched by narcotics.

I offered, or I was going to offer, the amendment that passed this House 2 years ago by a fairly substantial majority in the Committee on Armed Services, and I was told since it might be sequentially referred, wait until the House floor, wait until we get on the House floor.

I agreed that we do have to have priorities. We did have some 200 amendments offered, but I think that the gentleman from Georgia [Mr. GINGRICH] put it very well when he laid out some of the things that were allowed that were given priorities over the drug amendments, textile competitive bidding, a study on 1940's radiation effect at the Hanford nuclear facility, some of the other odds and ends that had been already brought up by Members on this floor that were put into the bill and given priority over narcotics. I want to give us a brief thumbnail sketch of what is happening with regard to the interdiction of narcotics in America today.

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Since we had the last vote on the omnibus drug bill in which we decided or the other body ultimately decided not to allow the use of military forces to interdict narcotics, over 300,000 pounds of cocaine have been flown across the international border by small aircraft, mostly the southern border, mostly coming from Mexico, the Caribbean and Central and South America.

Over 300,000 pounds of cocaine. We are catching 2 percent or less of those shipments. In my own area in California the entire California-Mexican border, the number of apprehensions for the last 12 months, of illegal narcotics traffic in aircraft, is zero, absolutely zero.

Unless we involve the military we are going to have the same record over the next 12 months.

Let me tell you why I think this is such a high priority.

Enrique Camarena, an American DEA agent who was killed in Guadalajara while fighting narcotics, was tortured before he was killed. The torturers included some high officials in the Mexican judicial police, federal police. They made a tape recording of Enrique Camarena's screams as he was being tortured. Those screams I think represent thousands of families.

Mr. Speaker, I would urge every Member to vote "no" on this rule if you want to vote "no" against drugs and move this Rules Committee to accommodate our narcotics legislation.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. I thank the gentleman for yielding.

Mr. Speaker, as a member of the Committee on Education and Labor, I am supposed to be down at the White House at the present time for a bill-signing ceremony. But I am here because I am absolutely disgusted about what is going on here today and I want every Member to understand what we are going to do here.

First, we are going to pass a rule that says we are not serious about the war on drugs. It cost this country $100 billion last year due to drug abuse. And now we are going to say we do not have the courage to make the war on drugs a real war.

Why do we not have that courage? They say it's because there were 244 amendments introduced and we do not have time to debate them.

But as soon as we get done passing this rule do you know what we are going to do? We are going to spend the rest of the afternoon undercutting the President of the United States before he goes to Moscow in 2 weeks for a summit.

This is the first Department of Defense authorization bill we have ever considered in the light of an INF Treaty that has been signed. Yet we are going to spend the rest of this afternoon undercutting the President, but refusing to do what is necessary to combat the war on drugs to save the young children of this country.

If we cannot do any better than that, Mr. Speaker I think we all ought to quit and go home. I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Speaker, the question before this House at this moment is why it is good public policy to defer action on the war on drugs. Why would it not be preferable to send this rule back to the Committee on Rules, to allow the Committee on Rules to make just three or four of these key amendments in order to be considered in conjunction with the authorization bill for the Defense Department, the military that it would be asked to intercede in this war on drugs, to get that authority today. And then maybe 4, 5, 6 months down the road when another bill comes along that deals with the drug problem we can say that we have already been at this now for 4, 5, 6 months. Why is it good policy to delay? Why would it not be much better to vote no on this rule, send it back to the Committee on Rules, have the Committee on Rules come right back with a modified rule so we can get right back at our business and then take action so we can go back to the American people and say, "We did not wait. There were no excuses; we acted today on your behalf."

Vote "no" on the rule.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge adoption of the rule. We are forgetting that the defense of this country is so important and we are discussing a Defense authorization bill. Later we must discuss our war on drugs.

I urge Members to vote for this rule.

Mr. Speaker, I yield back the balance of my time.

Mr. PEPPER. Mr. Speaker, I yield 1 minute to the able gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. I thank the chairman for yielding.

I have been listening to this debate now for about 45 minutes. Mr. Speaker, to think that this rule is going to undercut the President of the United States with regard to the INF agreement, or the START agreement is a lot of baloney, a lot of baloney.

An awful lot of the criticism being put forth here today is plain political rhetoric and you know it and I know it. The point is we come up here with a DOD bill; we have other versions, we have other avenues that we can come in with a drug program, a comprehensive drug program for the good of the country, and if you are going to be critical of this party particularly then you can start with the White House and start putting some money in for the drug program in this country and do something about it rather than talk about it.

I think it is terribly unfair on the side of those who are speaking here this afternoon.

I thank the chairman.

Mr. PEPPER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to add this one comment: I recognize how deeply my colleagues, as I do, feel about the drug problem. I do not need to attest any further to my support of that theory because I do not know of any State in the Union that suffers so much from the drug traffic as my State of Florida and my community of Miami.

So if anybody was concerned it would be I.

But to those who are going to vote against this rule simply because we made the judgment which was a bipartisan judgment to defer consideration of the drug amendments until they come up in a drug bill when we could give more time for debate on those amendments, to say that that meant that we are not in favor of supporting the fight against drugs is unfair.

I hope Members will not entertain that idea. Let me add this, that this is a bipartisan bill. It is a bipartisan rule. A rule of this complicated nature could not be brought out to the House without the closest cooperation between the two parties. And at every level the staffs and the chairmen and the ranking minority members, all of us have worked in the closest concert.

This rule was unanimously reported by the Committee on Rules. It was supported by the chairman of the Committee on Armed Services and the ranking minority member. We tried to give the House a rule that they would not have to debate more than nearly 3 weeks the important issue of the defense authorization of our country.

So we have done the best we can and I hope those who disagree with our action in respect to some amendments will not take occasion to vote against the rule.

We need your support.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. TRAXLER). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 183, not voting 25, as follows:

[Roll No. 74]

YEAS—223

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Berman
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chappell
Clarke
Clay
Clement
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
Darden
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Espy
Evans
Fascell
Fazio
Feighan
Flake
Florio
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Guarini
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hoyer
Hutto
Jenkins
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Lott
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Nagle
Natcher
Neal
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Panetta
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Price
Quillen
Richardson
Rodino
Roe
Rose
Rostenkowski
Rowland (CT)
Rowland (GA)
Roybal
Sabo
Saiki
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stratton
Studds
Swift
Synar
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Walgren
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates

NAYS—183

Applegate
Archer
Armey
Badham
Baker
Ballenger
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boulter
Broomfield
Brown (CO)
Bryant
Buechner
Bunning
Burton
Callahan
Chandler
Chapman
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Conte
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
Davis (MI)
DeWine
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
English
Erdreich
Fawell
Fields
Fish
Flippo
Frenzel
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodling
Gradison
Grandy
Green
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hyde
Inhofe
Ireland
Jacobs
Johnson (CT)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lowery (CA)
Lujan
Lukens, Donald
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Myers
Nelson
Nielson
Oxley
Packard
Parris
Pashayan
Petri
Porter
Pursell
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roth
Russo
Saxton
Schaefer
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Wolf
Wylie
Young (AK)
Young (FL)

NOT VOTING—25

Biaggi
de la Garza
DeFazio
DeLay
Duncan
Emerson
Foley
Gibbons
Jeffords
Jones (TN)
Kemp
Lungren
Mack
Mica
Moody
Murtha
Owens (NY)
Rahall
Rangel
Ray
Roukema
Stokes
Volkmer
Wortley
Yatron

□ 1418

Messrs. BUECHNER, BRYANT, HALL of Texas, FLIPPO, and Mrs. BENTLEY, and Messrs. STENHOLM, RUSSO, and CONTE changed their votes from "yea" to "nay."

Mr. SLATTERY changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO INCLUDE IN RECORD STATEMENT ON AMENDMENT TO BE OFFERED BY MR. BADHAM ON P-3C AIRCRAFT PROVISION OF H.R. 4264, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. BADHAM. Mr. Speaker, I ask unanimous consent that later today when the House considers under the DOD authorization bill the en bloc amendments, so to speak, that I be able to insert the following statement in the general debate portion on the en bloc amendments, and the statement has to do with an amendment of mine restoring the P-3 aircraft provision that was contained in the fiscal year 1988 Authorization Act to allow P-3 airframe production capability until it or a variant is selected or rejected as the airframe for the LRAACA, or long-range air ASW capable aircraft, through a competitive procedure.

The SPEAKER pro tempore (Mr. TRAXLER). Is there objection to the request of the gentleman from California?

Mr. ASPIN. Mr. Speaker, I think that the rule already allows for any statement to be inserted having to do with the en bloc amendments. I think the gentleman does not need to ask for permission in the House to do that, because I think the rule already provides for that.

Mr. BADHAM. I just wanted to make sure, Mr. Speaker.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PREFERENTIAL MOTION TO ADJOURN

Mr. GUNDERSON. Mr. Speaker, I offer a preferential motion.

The **SPEAKER** pro tempore. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. Gunderson moves that the House do now adjourn.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. Gunderson].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GUNDERSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 132, noes 272, not voting 27, as follows:

[Roll No. 75]

AYES—132

Archer
Ballenger
Bartlett
Barton
Bereuter
Boehlert
Boulter
Buechner
Bunning
Burton
Chandler
Cheney
Clinger
Coleman (MO)
Combest
Conte
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeWine
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Fawell
Fields
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gradison
Grandy
Green
Gregg
Gunderson
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
Jeffords
Johnson (CT)
Kasich
Kolbe
Kyl
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Lukens, Donald
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Petri
Porter
Pursell
Rhodes
Ridge
Ritter
Roberts
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stangeland
Sundquist
Swindall
Tauke
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wylie
Young (AK)

NOES—272

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Barnard
Bateman
Bates
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clay
Clement
Coats
Coble
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
Darden
Davis (MI)
DeFazio
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hopkins
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jenkins
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Konnyu
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lott
Lowry (WA)
Lujan
Luken, Thomas
Manton
Markey
Martin (NY)
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Panetta
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Price
Quillen
Regula
Richardson
Rinaldo
Robinson
Rodino
Rogers
Rose
Rostenkowski
Roth
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stratton
Studds
Stump
Sweeney
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Walgren
Watkins
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Young (FL)

NOT VOTING—27

Biaggi
de la Garza
DeLay
Duncan
Emerson
Jones (TN)
Kemp
Lungren
Mack
MacKay
Mavroules
Mica
Moody
Murphy
Murtha
Owens (NY)
Pickle
Rahall
Rangel
Ravenel
Ray
Roe
Stokes
Volkmer
Waxman
Wortley
Yatron

□ 1441

Mr. FOGLIETTA and **Mr. BILIRAKIS** changed their votes from "aye" to "no."

So the motion was rejected.

The result of the vote was announced as above recorded.

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

The **SPEAKER** pro tempore (Mr. Leath of Texas). Pursuant to House resolution 435 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4264.

□ 1442

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4264) to authorize appropriations for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, to amend the National Defense Authorization Act for fiscal years 1988 and 1989, and for other purposes, with Mr. Rostenkowski in the chair.

The Clerk read the title of the bill.

The **CHAIRMAN.** When the Committee of the Whole rose on Wednesday, April 27, 1988, the amendments relating to the Strategic Arms Limitation Treaty printed in section 1 of House Report 100-579 had been disposed of.

It is now in order to debate the subject matter of antisatellite weapons.

Pursuant to the rule, the gentleman from Wisconsin [Mr. Aspin] will be recognized for 15 minutes and the gentleman from Alabama [Mr. Dickinson] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. Aspin].

Mr. ASPIN. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. Brown].

Mr. BROWN of California. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me this time.

Mr. Chairman, I am really somewhat apologetic about having to take the time of the House to debate this subject again. We debated it last year and we adopted the amendment which will be offered by myself and the gentleman from Pennsylvania [Mr. COUGHLIN] at the end of the general debate. We offered that same amendment the year before last and the House adopted it, and the year before that and the House adopted it.

I can remember our first debate on this about 5 years ago in which we were unsuccessful in the amendment we offered at that time but I can still remember some of the dialog between myself and the distinguished gentleman from Alabama [Mr. DICKINSON]. The point that I made at that time, and I still make it again today, is that this is not really an arms control amendment. This is basically an issue of whether or not we should waste taxpayers' money. That is still the case today.

The only thing that has changed between the debate today and the debate of last year is the fact that the Air Force has canceled the program and has ordered the contractor to suspend work on it.

In part that has been due to the fact that the Congress for the past 3 years has put a limit on the testing of this program but it is also in large part because as a result of extensive reviews by the General Accounting Office the Air Force has come to the conclusion that this is not the best way to spend their money. This was the conclusion made last year in a classified report from the General Accounting Office and the Air Force has pretty much agreed to that.

I would like to make it clear, however, that because the program has been canceled does not make this amendment unnecessary. The Air Force objects to having the Congress tell it how to spend its money and their spokesmen have indicated that if we do not continue with this ban on the testing of the weapon that, although they have no money in the budget, they will seek to reprogram sufficient funds in order to move ahead with tests of three flight vehicles which have already been manufactured. So it is important that the House again act to reaffirm the position it has taken for the past several years.

Going back to the point that I made originally, that this is a waste of money, I remember the conversation between myself and the gentleman from Alabama [Mr. DICKINSON] 5 years ago in which I told him, and I think he agreed with me, that the Air Force was working on other technologies which would be more effective, that the SDI Program is spinning off antisatellite technologies long before it will spin off efficient and effective anti-ABM technologies and I would just like to quote from this week's issue of "Aviation Week and Space Technology" in confirmation of that point. It says here in the article, "U.S. Air Force Will Expand Exotic Asat Technology."

I quote as follows:

> The Air Force will proceed with technology development programs in high-energy lasers and new kinetic kill systems that could replace the canceled F-15-launched antisatellite weapon in the 1990s, Gen. Bernard P. Randolph, commander of the Air Force Systems Command, said last week.

I quote further:

> The U.S. has made considerable progress in laser programs, and several concepts being tested now could allow an Asat deployment decision to be made in the "not too distant future," Randolph said.

They are not only developing laser Asat technologies, and there is $75 million in the budget approved by this committee for that purpose, but they are also working diligently toward other kinetic kill vehicles including ground-launched kinetic kill vehicles, as the gentleman from Alabama knows.

In other words, we have a plethora of technologies available for this mission should we need it and the one that we are proposing to put a limit on through this amendment today is by far the least effective of all those technologies. It is for this reason that I am making the point that we should not continue these tests. Other speakers will speak to the arms control effect this will have and they are very important. To deploy this weapon would be for the first time to put a weapons system in space. It would breach a barrier which is symbolic. I do not think it is all that important from a realistic standpoint but it is symbolic barrier and there are many, including generals in the Air Force, who argue that we should not breach this symbolic barrier.

□ 1450

If I may just in conclusion quote Vice Adm. William E. Ramsey, who is the deputy director of the Space Command at Colorado Springs. He said:

> I think we should negotiate toward * * * no weapons in space. We should have as a national objective * * * an environment in space where weapons are not introduced.

As a military statesman the admiral recognizes the point we have made year after year in the debate here, that the United States is better off if neither we nor the Soviets have the capability to knock out each other's satellites, because we are so much more dependent on those satellites.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I might consume.

Mr. DICKINSON. Mr. Chairman, the arms control debate consists of four amendments: ABM and SALT II, which were debated yesterday, Asat, which is an acronym for anti-satellite, and nuclear testing, which will be considered today.

Of the four, in my opinion, Asat is by far the most important. An Asat system could be effective in the near term, and it is something that we really ought to consider more carefully than we have in the past.

The Asat issue is the most important issue that the House will face in the coming days. Unlike the arms control amendments that attempt to limit both United States and Soviet capabilities that each side may currently possess, the Brown amendment, which will be offered today, seeks once again to unilaterally deny the United States a military capability that the Soviets already have.

Supporters of the Brown amendment tell my colleagues that the Soviet Asat capability is crude and ineffective. However, the Soviets have tested their existing Asat 15 times against an object in space with nine successes. They learn from their successes as well as their failures, and it is very likely, I am told by our intelligence community, that they would assess it at somewhere between 60 and 75 percent effective to date. Assuming that they learn something from both their successes and failures, that is not an unreasonable figure.

This is not the Soviets' only ongoing Asat program. The Soviets are also actively developing and demonstrating electronic warfare and laser Asat capabilities. Moreover, their nuclear Galosh ABM interceptor possesses an inherent Asat capability.

Over the past several months, the Armed Services Committee has paid particular attention to the very real military threat that the lack of a U.S. Asat poses. The Air Force spent an afternoon briefing the committee in closed session. The Navy has also briefed several subcommittees in closed session on the potential vulnerability of our fleet at sea.

Just yesterday I received a letter from Admiral Trost, Chief of Naval Operations, which I will insert in the RECORD following my remarks, supporting the military requirement for a U.S. Asat capability. In this letter the admiral stated:

> The Soviets have pursued a well-defined effort to expand and diversify their space based maritime surveillance. Today they are testing more advanced sensors in orbit and these sensors may affect the Navy's ability to evade detection and targeting. Soviet Radar Rorsat and electronic Rorsat satellites can precisely track and target U.S. naval vessels today.

Just ask anyone in the intelligence community about the Soviets' maritime surveillance activities during the Falkland war 5 years ago. It was a real eye opener.

The military impact of the Brown amendment really says the following: That during a conventional conflict, and I wish my colleagues would listen to this, that during a conventional conflict with the Soviets it is okay for the United States to shoot down

Soviet aircraft, to sink their surface vessels, to sink their submarines or even attack their homeland, but they cannot destroy an Asat satellite in space. This is what it says. We can attack their planes, we can attack their ships, but we cannot attack their intelligence-gathering satellites that tell the Soviets where to direct their missiles.

What supporters of the Brown amendment will argue is that the inability of the United States to test and deploy an effective Asat has been stabilizing because the Soviets have refrained from testing for the past 5 years. This could not be further from the truth. The Soviets have tested we know at least 15 times.

Once having developed the capability they say, "Time out, no more testing, we call for a moratorium." They put theirs on the shelf, so to speak, with an operational capability. We, on the other hand, having tested on time, are prohibited by the Brown amendment from testing to the same degree that the Soviets have. The Brown amendment would say unless they test further we cannot test any more.

Do not be misled, this is not the same amendment as we voted on before. The amendment previously offered by the gentleman from California [Mr. Brown] imposed an Asat moratorium for one year. Unless there has been a change in the way I read the proposed amendment, this will make the moratorium permanent legislation, not for one year, but permanent legislation.

The Navy says that they are at risk and they would like to have an Asat capability. The Air Force says that they would very much like this capability. The Secretary of Defense strongly supports having this capability. It has been pointed out that there was no money in the DOD bill for Asat; therefore, Asat must not be too important. The reason that the money was not in the bill is that Mr. Carlucci, Secretary of Defense, in order to obviate the necessity of debating this issue again, did not ask for additional Asat funding.

The gentleman from California [Mr. Brown] now wants to, or intends to, offer the amendment to make the moratorium permanent legislation regardless of the fact that there is no money in the DOD request for this program. My amendment would say, "If we are going to do this, let us go on and restore the funds," and I have attached to the amendment a list of where the funds will come from. They do not take any line item below what was requested by the administration. I ask the Members to restore the funds and allow the Department to go on and test up to the level that the Soviets have already tested.

The Soviets run out their Asat system and go through military exercises with the system on a regular basis. We know from photographs and other intelligence sources when they have a heavy snow, they clear the rail tracks for the Asat. The Soviets routinely demonstrate that they can run out and fire the Asat at any time that they want to. They have this capability.

We are denied the same capability. We are not even allowed under the Brown amendment to ever test again, unless the Soviets should test further. But the Soviets do not need to test further. They have already proven their operational capability.

I think to deny us the capability that they have, based on some spurious argument that it is destabilizing when they have already proven their capability and have an operational capability deployed, I think that is ridiculous to the extreme.

Mr. Speaker, I will yield to the gentleman from California [Mr. Brown].

Mr. BROWN of California. Mr. Speaker, the gentleman from Alabama [Mr. Dickinson] is very generous, and I thank the gentleman for yielding. I appreciate it very much.

I only wanted to make this comment with regard to the new assertion the gentleman made that by this amendment the U.S. military was prohibited, not from shooting at Soviet ships, not from shooting at Soviet planes, but from shooting at Soviet satellites.

The gentleman has posed a scenario which, of course, is a wartime scenario. As the gentleman knows, in wartime, this limit would not abide, nor would any other limit. We could knock out all of their satellites or Asat weapons and everything else in wartime.

To envision a situation in which one class of weapons would be protected in war is slightly ludicrous, if I may say that to the gentleman.

Mr. DICKINSON. The gentleman from California [Mr. Brown] might certainly say so, but it would take a change of law if that of the gentleman from California [Mr. Brown] were put in effect.

This is really a very serious amendment that is being proffered here by the gentleman from California [Mr. Brown] and the gentleman from Pennsylvania [Mr. Coughlin].

We are saying that we know the Soviets have the capability. We see them practicing with the capability. We know that it is deployed and operational. We do not have that capability. We want to penalize us, not them, us, so we cannot even develop the capability that we know that they have. Why?

□ 1500

Why? I do not know whose side you are on on this thing. I am on the side of the United States. I would like to see a strong defense. I would like to see us protect our fleet.

Just last year we approved two new carriers. That means two task forces at sea.

How are they going to find them? They can hide as best they can but with an eye in the sky that revolves every day they can find our fleets. They have a capability of taking out our intelligence satellites at their leisure; whenever they choose to they can blind us. We cannot find their fleets, but they can always find ours.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from California [Mr. Hunter].

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from California [Mr. Brown] said, that, well, in wartime, then we are allowed to take out their satellites. But I would ask the gentleman how are we going to take out their satellites if we have not developed the capability even though they have developed a capability?

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Oregon [Mr. AuCoin].

Mr. AuCOIN. I thank the gentleman for yielding.

Mr. Chairman, I want to make sure that the record that the gentleman is leaving is clear. The Soviets have tested their Asat—have not tested their Asat for 8 years. I think there has been only one test in 8 years. The gentleman, who knows the military very well, knows that that is not a capable system. He would not support a U.S. system that is untested and have much credibility in its effectiveness if it had ony been tested once.

Mr. DICKINSON. I appreciate the gentleman's remarks, but let me say my information is 5 years. But even if it is 8, we know how many tests they have run, we know how many were successful. We know they had declared it operational, we know that they are deployed. They did practice with them, they have them, they are operational.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. No, I will let the gentleman take his time from the gentleman from California [Mr. Brown] and let me finish with the brief time that I have here.

They are effective. It was said, "Well, they are crude." Well, the Commander in Chief of the Space Command said that a rifle is crude, perhaps, "but it will still kill you."

The Soviets' capability is there, in place; they can take out our satellites. Why we would shoot ourselves in the foot and deny us this capability in the face of the Soviet threat is ludicrous to the extreme and I would hope that we would vote down the Brown amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SISISKY. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. I thank the gentleman for yielding.

Mr. Chairman, my good friend from Alabama, the distinguished ranking minority member, has made a couple of claims here that just do not hold water.

Let me just first quote Adm. Noel Gayler, former Commander in Chief of U.S. Forces in the Pacific and former Director, National Security Agency, concerning the naval reconnaissance capability. He said, and I quote, "Despite the undoubted threat to naval forces from reconnaissance satellites, the balance even in that case is in favor of our enjoying the safe use of the communications, intelligence and reconnaissance satellites that support our fleet. I urge that we refrain from Asat development while urgently negotiating with the U.S.S.R. an equitable treaty banning development of capabilities for war in space."

That is from a former Director of the National Security Agency. Now with respect to the Soviet antisatellite weapon let me quote from Leslie Dirks, vice president of the Raytheon Corp., former Director for Research and Technology of the CIA. He said, and I quote, "The latest information I have had is that it, the Soviet Asat, doesn't work. Anyone who has followed it closely would have to agree. I'm quite confident that testing things surreptitiously in space is a hard thing to do and the United States has a very robust detection capability in this area. There are clearly strong United States national interests in a treaty that would deter continued testing of the existing Soviet Asat or prevent the development of a better Soviet system."

Mr. Chairman, this year there has been one additional development that is important and that is the Secretary of Defense, Frank Carlucci, has canceled the U.S. miniature homing vehicle called the MHV Asat vehicle program. I think this is a wise decision. The program was plagued by technical problems and was way over budget. From $1.2 billion in 1980 for 112 missiles at two bases, the program cost ballooned to $4.3 billion in 1987 for only 35 missiles at one base.

Thus, costs for a capability of less than half of the capability initially sought jumped by over $3 billion.

The Secretary's decision will not be final, however, until the Congress acts to extend the Asat ban.

I do urge that the House, which has supported this ban for the last 4 years, and for the last 3 years that ban has been signed into law by the administration, that we act to perpetuate the current ban by supporting the amendment by the gentleman from California, my distinguished friend, Mr. BROWN.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, when was that letter written that the gentleman quoted from the military leader saying even though they can kill our ships we still should not develop Asat?

Mr. COUGHLIN. I would have to see if I can find the date. I will get it for you in one moment here. I do not have the date right now but I will get it.

Mr. HUNTER. My point to the gentleman is that we have had recent briefings where the situation has changed so dramatically and there is such effective killing capability now in the Soviet Union for our naval vessels that the Navy at this point advocates the development of the Asat.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I am one of those who for the last 5 years has supported the Brown-Coughlin amendment. I am going to switch this year for four reasons.

The first reason is, as the gentleman from California just suggested, the new intelligence clearly indicates to me that we are dealing with a much stronger capability on the other side than we have previously. I would encourage all of my colleagues to look at that intelligence.

Second, let us recognize that the Soviets today have four types of Asat capability, including lasers, electronic and the direct-descent ABM interceptors.

Third, let us understand that they do have the capability to target U.S. Navy vessels using real-time intelligence from their satellites.

Fourth, let us understand this amendment, unlike the previous 4 years, is not a 1-year moratorium; it is a permanent ban. Is this what we want to do in light of the new information we have? And 2 weeks before we send our President to Moscow for a summit? I believe the answer is no. We must defeat this amendment this year.

Mr. SISISKY. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. AuCOIN].

Mr. AuCOIN. I thank the gentleman for yielding.

Mr. Chairman, some of my colleagues have been told that we do not need to pass the Brown amendment anymore because the administration is negotiating Asat. In fact, the administration has done, is doing and intends to do no negotiating whatever on Asat. For the past 5 years, the Soviet Union has offered a complete ban to the United States on all Asats, including dismantling all existing systems.

In response, the administration has proposed—nothing. If there is any Member in the Chamber who disagrees with me I would like them to point to the negotiating record and show me where I am wrong.

No response.

There are no Asat negotiations. Either we do it as a Congress here or it will not be done at all. That is why, in fact, the Congress has done it for the last 3 years and that is why it has been law for 3 years.

This amendment really is not about antisatellite weapons; it is about American satellite survivability. Do we want to have survivable American satellites or do we not? I think we do. How do we get them? One way is to add satellite survivability technology to the satellites themselves. In this bill, because of this initiative of mine, we did that. But in the long run in a race between antisatellite weapons and satellite defense, antisatellite will win. This is what the Director of DARPA told the Subcommittee on Defense Appropriations only a few days ago.

So the only way to save American satellites is to stop the Soviets from testing and improving their Asats. This amendment does precisely that. It has been law for 3 years. It is not unilateral, it is bilateral. And even the administration agrees that the Soviets have complied 100 percent.

With START deadlocked and INF unratified, the Asat flight test ban is still the only new arms control put into effect in this decade.

It is working, it is stabilizing and it is verifiable.

I urge my colleagues to support this amendment.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY of New York. I thank the gentleman for yielding.

Mr. Chairman, our Republican colleagues have claimed that the Soviets have five antisatellite systems. Is my understanding correct, that if the Russians were to test one of those systems, that the Brown amendment would not be in force?

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. That is correct.

Mr. AuCOIN. I agree with the gentleman. All the President has to do is to certify that the Soviets have tested an antisatellite system and this amendment will self-destruct.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield further?

Mr. AuCOIN. I yield to the gentleman from New York [Mr. Downey].

Mr. DOWNEY of New York. I would like to ask another question. There was some discussion of whether this was an 8-year or a 5-year ban. Can the gentleman characterize the testing program on the Soviet model T Asat program of the last few years?

It has not met with great success.

Mr. DICKINSON. Mr. Chairman, I yield my remaining 2 minutes to the gentleman from Illinois [Mr. Hyde].

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, this is a permanent ban. It is something that we have not had before.

There was a test 2 months ago of the launch booster, the SL-11. So please do not say it was 8 years ago or 5 years ago; they test them regularly.

Now I trust my colleagues here who are offering this amendment on both sides of the aisle. But I will tell you the Commander in Chief of the U.S. Space Command, General Piotrowski, the commander in chief of the U.S. Space Air Command says, "Today the Soviets can conduct rapidly paced, highly effective space control operations; the United States cannot." Does that make you feel comfortable? Here is the Secretary of the Air Force, Edward Aldridge, who says, "We have unilaterally given the advantage to the Soviets to control space in time of conflict."

Now space is the high ground. It is critical. It is where our eyes, it is where our ears, it is where our voice is.

There may be a cohabitation in time of peace, but in wartime our survival depends on the control of space. They have an operational Asat; we do not. And they test the launch booster regularly. There have been 100 launches—100 launchboosts, 90 percent of which are military. Now you are yielding the field to Soviet supremacy and our ships at sea with our sailors aboard are going to be trapped. What if they take one of our satellites out, what is our proportional response? Bomb Leningrad? We cannot take one of their satellites out because we have not got an operational Asat. As we are negotiating with the Soviet Union, why do you put leg irons on our negotiators?

This says we cannot carry out a test, "After the date of the enactment of this act." They have had 22 tests already and this is a permanent ban on our testing a miniature homing vehicle. It is wrong, it is unilateral disarmament. It denys supremacy of space to us, it denys parity of space to us and it is wrong.

So I plead with my friends, if deterrence means anything, if maintaining our satellites means anything, please do not vote for this amendment.

Mr. SISISKY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Mrs. Boxer].

Mrs. BOXER. Mr. Chairman, I rise in support of the Brown-Coughlin amendment to establish a permanent moratorium on testing of the miniature homing vehicle Asat weapon against an object in space, unless the President certifies to Congress that the Soviet Union has conducted such a test. I intended to offer this amendment in both subcommittee, and full committee, but it was the feeling of the committee that consideration be deferred until today.

I am very pleased that the Air Force has not requested funds this year for carrying out F-15 Asat tests. I believe that after 4 straight years of an Asat test moratorium, they were prudent to zero that program to meet the deficit reduction targets.

However, I believe we must go a step further and put into place an Asat moratorium as long as the Soviets do the same. The current Asat moratorium expires September 30, 1988. The Department of Defense has made it clear that DOD will try to reprogram the funds back into the Asat Program if Congress lifts the ban. Mr. Chairman, I had the privilege of questioning Mr. Carlucci on this subject and he said, paraphrasing, he would be delighted to quickly move to restore those funds if Congress did not reimpose that ban. If we fail to renew the ban, it will be interpreted by the Pentagon as congressional OK to go ahead with the tests. I do not believe we want to leave a misleading impression.

Congress has acted wisely by recognizing the value of this moratorium for the future of arms control. Maintaining the moratorium continues to provide leverage against Soviet Asat tests. The Soviets have not tested their technically primitive system in years. If we were to start testing now, there would be no incentive for the Soviets to continue to refrain from testing. In short, we would be caught up on a new and dangerous competition.

We win by continuing this moratorium. We lose by ending it.

I urge my colleagues to reaffirm this wise and prudent course once and for all.

Mr. ROWLAND of Connecticut. Mr. Chairman, today, we continue the Democratic Party's march to restrict the negotiating position of President Reagan at the upcoming Moscow summit. Some of my colleagues from the other side of the aisle really believe these amendments will serve a positive purpose. I do not.

Ironically, if we adopt these proposals, there will be no incentive whatsoever for the Soviet Union to negotiate limits on Asat weapons or Nuclear Testing. Why should they? We will have given them "scott free" a unilateral concession on our part relative to these issues.

Regarding Asat, there is no doubt that the Soviet Union has a system already developed which has the capability of knocking out our military satellites from the sky. Since the passage of the Brown Asat moratorium, we have not developed a similar capability.

The Soviet antisatellite program constitutes a grave threat to our forces—especially our carrier fleet and submarine fleet at sea. As such, I support the amendment of the gentleman from Alabama [Mr. Dickinson]. His amendment is very simple: It provides that as long as the Soviet Union pursues an Asat program, we should have the same capability and option. We should—at a minimum—reserve the right to test Asat's similar to what has been done by the Soviet Union.

The same proposition holds in regard to the nuclear testing issue. We know the Soviets are testing, there is no doubt about that fact. While it would be good—in my mind—to strike a deal with them on restricting such tests, the place to do this is not unilaterally on the floor of the House.

Again, where will the incentive be for the Soviets to agree to testing limits if we tie the President's hands now? Mr. Broomfield has proposed a substitute amendment which I believe makes far more sense. It will place the House on record as supporting the process underway in Geneva which is already negotiating this issue.

Mrs. LLOYD. Mr. Chairman, for 3 years in a row Congress has rejected the F-15 launched antisatellite missile [Asat] program and has imposed a test moratorium on this program. For this reason when the Department of Defense was faced with serious reductions, Secretary of Defense Frank Carlucci found an easy program to delete and the House Armed Services Committee agreed.

This is a disappointing move, and I support Mr. Dickinson's amendment to require that $100 million of Air Force research and development funds be available only for development of an Asat weapon using existing technology. Space tests of the system would be limited to under 800 nautical miles, or lower Earth orbits.

The United States currently has no Asat system. The Soviets, on the other hand are capable of destroying United States satellites. This discrepancy is sealed in place by the congressionally imposed moratorium. The Soviet system became capable before they joined in the moratorium so, therefore, they have nothing to lose by it. The United States, on the other hand, has a great deal to lose by this moratorium.

The best option would be to negotiate a dismantling of all antisatellite systems. The United States cannot effectively negotiate such a settlement without a convincing development program and limited testing is an integral part of such an approach. The Soviets have no incentive to come to the table as long as their system is operational for the near future.

I urge the administration to undertake Asat arms control negotiations, and I urge my colleagues to make those negotiations effective by restoring credibility to our Asat R&D program.

The CHAIRMAN pro tempore. All time has expired.

It is now in order to consider the amendments relating to antisatellite weapons printed in section 1 of House

Report 100-579, by, and if offered by, the following Members or their designees, which shall be considered in the following order only:

(A) By Representative DICKINSON; and (B) by Representative BROWN of California.

Each amendment shall be in order even if amending portions of the amendment in the nature of a substitute, as modified and as amended, already changed by amendment. If more than one of said amendments is adopted, only the last such amendment which is adopted shall be considered as finally adopted and reported back to the House.

☐ 1515

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The gentleman will state it.

Mr. DICKINSON. Mr. Chairman, it is my understanding that the rule provides that the chairman and the ranking member have the right to strike the requisite number of words at this point and at a subsequent point after the amending debate; is that correct?

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. DICKINSON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. The gentleman from Alabama is recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, I yield to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I am going to submit for the record two letters received today dated April 27, which I think clear up some of the confusion with respect to what the position of the Navy and of the Office of Space Command really intend and believe with respect to Asat.

Earlier one of our colleagues quoted someone from the Space Command. I would like to quote the Commander in Chief of the U.S. Space Command, General Piotrowski, who says, "I believe there are compelling reasons to lift the antisatellite testing moratorium and acquire a U.S. satellite negation capability. The longer our country delays in acquiring a credible operational satellite negation capability, the more seriously disadvantaged our forces will be in crisis or conflict. The present asymmetry is dangerous, and I feel obligated to make the facts known to anyone who will listen."

That letter is dated April 27, 1988, and the second is from the Office of the Chief of Naval Operations, Admiral Trost, and I think it is especially important to note that it is true that the Navy has been concerned in the past about speaking out on the vulnerability to our ships from the Soviet system, but the Navy has finally also agreed with the Space Command that it is important to speak out now to any who will listen, and the Navy, therefore, also speaks from a letter dated April 27, 1988, from Admiral Trost.

I am writing to inform you, Mr. Dickinson, that the Navy fully supports limited testing of a kinetic antisatellite (ASAT) weapon. In the next decade our country will require such a weapon to be capable of destroying Soviet space-based surveillance and targeting systems and to deter Soviet attacks against our own space systems.

And he goes on and then concludes,

In summary, the Soviet commitment to space is ominous, and appropriate countervailing weapons are essential. I support the need for a United States ASAT capability.

Mr. Chairman, I hope that that clarifies the position of both the Space Command and would ask that these letters be a part of the RECORD.

DEPARTMENT OF THE NAVY,
Washington, DC, April 27, 1988.

Hon. WILLIAM L. DICKINSON,
Ranking Minority Member, Armed Services Committee, House of Representatives, Washington, DC.

DEAR MR. DICKINSON: I am writing to inform you that Navy fully supports limited testing of a kinetic anti-satellite (ASAT) weapon. In the next decade our country will require such a weapon to be capable of destroying Soviet space-based surveillance and targeting systems, and to deter Soviet attacks against our own space systems. ASAT testing against targets up to 800 miles is a reasonable approach, allowing the Department of Defense to develop a low earth orbit (LEO) ASAT comparable to the Soviets' demonstrated capability.

The requirement for an ASAT emerged as we saw the Soviets improving and expanding their space systems. Through the early part of this decade, Soviet satellites designed to search for and target ships had only rudimentary capabilities. Since that time, the Soviets have pursued a well-financed effort to expand and diversify their space-based maritime surveillance capabilities. Today they are testing more advanced sensors in orbit; these sensors may affect the Navy's ability to evade detection and targeting in the forward areas in the future.

A hardkill ASAT weapon is not the only way to neutralize space systems. Deception and evasion are traditional and time-tested techniques, and we intend to upgrade our capabilities in those areas to match the evolving Soviet threat. Analysis shows, however, that the capability to make a direct, unambiguous physical attack on Soviet satellites engaged in locating and targeting our ships should be available.

In summary, the Soviet commitment to space is ominous, and appropriate countervailing weapons are essential. I support the need for a United States ASAT capability.

Sincerely,

C.A.H. TROST,
Admiral, U.S. Navy.

U.S. SPACE COMMAND,
Peterson Air Force Base, CO,
April 27, 1988.

Hon. RICHARD A. GEPHARDT,
Chairman, House Democratic Caucus, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you know, Representative Brown is offering an amendment this year which would prohibit testing of the Antisatellite (ASAT) miniature homing vehicle against an object in space until the President certifies that the Soviet Union has conducted a test of a dedicated ASAT weapon against an object in space.

I believe there are compelling reasons to lift the antisatellite testing moratorium and acquire a U.S. satellite negation capability. The longer our country delays in acquiring a credible operational satellite negation capability, the more seriously disadvantaged our forces will be in crisis or conflict. The present asymmetry is dangerous and I feel obligated to make the facts known to any who will listen.

Should you have the opportunity to communicate my concerns to your colleagues, or if you are able to help me bring the briefing to those who might find it useful, I would very much appreciate it.

Sincerely,

JOHN L. PIOTROWSKI,
General, USAF,
Commander in Chief.

Mr. DICKINSON. Mr. Chairman, I yield to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, the request for time makes it very difficult, so I will be very quick. We already know the Soviets have the capability, and my colleagues know what that means basically. It means that their capability directly threatens our national assets, and because they threaten our national assets, that means they threaten our people plain and simple. They have the ability to knock our satellites out and deny us the ability to see what they are doing when they advance their forces, while at the same time they have the ability to see us, to target our fleets all over the world. They have the ability to cripple our communications capability by knocking out our low-level satellites.

Mr. Chairman, this amendment is so bad that I am urging my colleagues: Please do not vote for this amendment. This is a unilateral action that threatens our capability to protect our people around the world. This is not a throwaway amendment. This is deadly serious. Do not undercut our negotiators, and do not give the Soviets the capability to target us while we do not have the ability to see what they are doing around the world. At least give us the ability to protect our people.

Vote no. Vote no on this Brown amendment. This is the crucial arms control issue.

Mr. DICKINSON. Mr. Chairman, I yield to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. Mr. Chairman, I am just going to be very brief. I have been a cosponsor with Mr. BROWN and Mr.

Coughlin on this amendment for 4 years, but I think that when we make policy here in this House, as a negotiating team to make it permanent, I think that is counterproductive to good arms control negotiation. So, in all due respect to the gentleman from Oregon who says that we are not negotiating and suggests that this House negotiate on this issue and then turn around and make this amendment permanent, it is certainly counterproductive to this Nation.

Mr. Chairman, over the past several years, I have supported an amendment to impose a 1-year, mutual, and verifiable moratorium on the testing of antisatellite weapons against objects in space. By continuing the 1-year Asat moratorium, the United States was able to maintain its historical advantage in Asat technology and prevent the Soviets from turning their unsophisticated and unreliable system into a more capable, lethal weapon. At the same time, we've saved billions of dollars that could be used for better purposes.

But I cannot support the Brown-Coughlin amendment which traditionally has been the vehicle for continuing the moratorium. For unlike past amendments, this year's would make the ban on Asat testing a permanent one. By legislating a permanent moratorium, Congress would limit its future flexibility on this weapon system and undercut the bargaining power of our arms control negotiators. With President Reagan's meeting in Moscow with Soviet leader Mikhail Gorbachev scheduled for May 29, this is the wrong message to send to the Soviet Union.

I also must oppose the Dickinson amendment which would earmark $100 million for a ground-based, antisatellite system. This amendment fires the first shot in a new Asat weapons race. At a time when we are devoting 14 percent of our trillion dollar Federal budget to pay interest on the national debt, the last thing we need is a costly escalation in the development and testing of Asat weapons.

The CHAIRMAN. The gentleman from Alabama has 30 seconds remaining.

Mr. DICKINSON. Mr. Chairman, I ask unanimous consent to extend my time 30 seconds and I yield such 30 seconds and an additional 30 seconds to the gentleman from Georgia [Mr. Gingrich].

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama [Mr. Dickinson]?

There was no objection.

Mr. GINGRICH. Mr. Chairman, I just want to say for my friends that I checked on this assertion by our friends on the left that the Soviets do not test an Asat.

There are three components to an Asat. The first component is a booster. Last year the Soviet booster used for an Asat was tested between 20 and 30 times. The second component is being able to establish orbit accurately. Last year the Soviets established orbit accurately 100 times. The only component we do not have proof that they tested is a warhead small enough that you can test it in a laboratory on a regular basis.

So we have 30 tests last year of the Soviet booster. We have 100 tests last year of establishing orbit, and because of our friends on the left will give the Russians any excuse, they manage to avoid admitting reality.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama [Mr. Dickinson] has expired.

The Chair recognizes the gentleman from Alabama for the purpose of offering an amendment, if the gentleman so desires.

Mr. DICKINSON. Mr. Chairman, it was my understanding that the gentleman from California [Mr. Brown] was going to make a unanimous-consent request. If that is correct, I would like to yield to him.

Mr. DARDEN. Mr. Chairman, in the absence of the chairman of the full committee, I hereby, as his designee, make the following unanimous-consent request: That the gentleman from California [Mr. Brown] on behalf of the proponents be allowed to proceed for an additional 5 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Georgia.

There was no objection.

Mr. DARDEN. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. Brown].

Mr. BROWN of California. Mr. Chairman, I know the gentleman from Alabama is enjoying this debate so much that he does not want to see it curtailed in any way, and I appreciate his indulgence in this matter.

Mr. Chairman, I really cannot understand the unexpected vehemence with which some of our spokesmen on the right, if I may use that term, are espousing the defeat of this amendment.

Mr. Chairman, I have made it very clear that the practical reason for this amendment is to save money, and I know how much they want to save money.

Now let me tell you how much money. This program, if it is continued, will take about another $2 billion to $3 billion to produce an operational system which the Joint Chiefs of Staff say will do less than 25 percent of what they wanted to do. To give the system the extended capability to handle all of the targets that the Joint Chiefs want would take another $5 to $10 billion and another 5 to 10 years, I might say.

□ 1525

So what we are talking about here is the possibility that to achieve the capability the Joint Chiefs want we would spend another $2 to $12 billion over a period of 5 to 10 years.

Now, this amendment in no way curtails the development of antisatellite capability. It applies only to this one F-15 launch, MHV system.

As I quoted earlier, the Defense Department is aggressively pursuing advanced technologies which would be more effective, would achieve more of what the Joint Chiefs want, and would do it faster than you could do it if you were to proceed with the deployment of this system.

Now, I know that my friends on the right are absolutely opposed to any effort at arms control, and they see this as an arms control amendment.

I would appreciate—would the gentleman from California like to object to any of my statements?

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I am happy to yield to the gentleman, and I hope the gentleman will object to something I said.

Mr. HUNTER. Let me address the gentleman's substantive question, Mr. Chairman.

The gentleman said, "Why are you so concerned about that?" Very simply because as we talk, America's aircraft carriers and other warships are being tracked by Soviet satellites which do not have a complement on our side. Those satellites have a capability through communications of directing and targeting and bringing destructive fire on the ships of our U.S. Navy.

Mr. BROWN of California. Mr. Chairman, I take back my time, if the gentleman will allow me.

That is the most specious argument I have heard, and the gentleman used it last year. There is no ability that the Soviets have to track American fleets that we do not have to track Soviet fleets. We do it by better ways.

Mr. HUNTER. The gentleman is wrong, if the gentleman will yield further to me.

Mr. BROWN of California. We track submarines and surface ships with our long-range aircraft, with our land-based radars and by various other means, I can assure the gentleman.

You cannot target a fleet and hit it with a missile using satellites, because a fleet is a moving target.

Mr. HUNTER. Mr. Chairman, will the gentleman yield for new information?

Mr. BROWN of California. I am going to yield to my friend, the gentleman from Oregon.

The CHAIRMAN pro tempore (Mr. Gray of Illinois). The gentleman from California [Mr. Brown] has the time.

Does the gentleman yield, and if so, to whom?

Mr. BROWN of California. In order to get diversified points of view here, Mr. Chairman, I yield to my friend, the gentleman from Oregon [Mr. AuCoin].

Mr. AuCOIN. Mr. Chairman, I appreciate the gentleman yielding, because the gentleman from California has just made a very important answer to the statement made by the other gentleman from California, who says that we have no capability whatsoever of tracking Soviet ships at sea. The gentleman knows that is wrong, or he should know that is wrong, and for reasons of classification we cannot get into all that means today, but they are very sophisticated.

No. 2, I would say to my friend from the right who spoke a few minutes ago about the Soviets having launched their boost phase of their Asat, our boost phase of our Asat system that the gentleman wants to protect is the F-15 fighter aircraft. We launch F-15's everyday.

Mr. BROWN of California. Right.

Mr. AuCOIN. So we have a complete equivalency there.

The third point is Tom Cooper, the former Chief of Research for the Air Force, said in testimony before my Defense Appropriations Committee that unless either side tests the final terminal guidance system of an Asat, which neither side does nor do we want them to; unless you test that, it is like having batting practice without a baseball.

So the point is, it is a useless test. You cannot determine whether it is effective. The Soviets have had one test in 8 years. That is not a capable system.

Mr. BROWN of California. Mr. Chairman, I ask unanimous consent to proceed for 30 additional seconds with the gentleman from Alabama.

The CHAIRMAN pro tempore. The Chair will state that the rule does not provide for it, but the Chair was a little lax in allowing the gentleman from Alabama to proceed. The Chair will be lax with the gentleman from California.

Mr. BROWN of California. Let me say to my distinguished friend, the gentleman from Georgia, who likes to refer to us as the Members on the left, I know the gentleman just means geographically, and that is the only reason I refer to the gentleman as being on the right.

Mr. Chairman, I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Chairman, I just want to say, if I understood the gentleman from Oregon just now, he is saying that the Soviet system which has been tested last year in the boost phase is operational in precisely the way that the F-15 system is operational. I do not disagree with that. The difference is that while we have the airplane, we do not have the Asat. They have the boost phase and they have a satellite.

But one other point. The gentleman from California [Mr. Hunter] I think was suggesting that American ships and American sailors can be killed.

AMENDMENT OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Dickinson: Strike out section 202 (page 17, line 8 through page 18, line 2) and insert in lieu thereof the following:

SEC. 202. ANTISATELLITE WEAPONS.

(a) Ground-Based. Kinetic ASAT System.—Of the amount appropriated pursuant to section 201 the Air Force, $100,000,000 shall be available only to initiate development of a ground-based kinetic antisatellite weapon system using booster and interceptor technologies in existence on the date of the enactment of this Act.

(b) Restriction on Testing.—(1) The United States may not test a ground-based kinetic antisatellite weapons system against an object in space at an altitude above 800 nautical miles.

(2) The prohibition in paragraph (1) shall cease to apply if the President certifies to Congress that the Soviet Union has conducted, after the date of the enactment of this Act, a test against an object in space of a dedicated antisatellite weapon system at an altitude above 800 nautical miles.

(c) Expiration of Restriction.—The provisions of subsection (b) expire on October 1, 1989.

(d) Funding Adjustments.—(1) The amount specified in section 201 for the Air Force is hereby increased by $80,000,000.

(2) The amount specified in section 201 for the Army is hereby reduced by $36,000,000. The amount specified in that section for the Defense agencies is hereby reduced by $44,000,000.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Alabama [Mr. Dickinson] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Alabama [Mr. Dickinson].

Mr. DICKINSON. Mr. Chairman, my amendment provides $100 million for the Air Force to initiate development of a ground-based kinetic Asat system based on existing booster and intercept technologies.

Funding offsets have been identified down to the program level and will be provided for the Record.

Asat Offsets

Army—Defense Wide Support—$36 million leaves program at requested level of $1.119 billion an increase of $41 million over FY 88.

Air Force—VHSIC—$10 million leaves program at requested level of $44.1 million a decrease of $56 million over FY 88.

Air Force—Aircraft Engine Component Improvement Program—$10 million leaves program at requested level of $94.5 million an increase of $4.5 million over FY 88.

Defense Agencies—Microwave/Millimeter Wave Monolithic Integrated Circuit Program—$20 million leaves program at requested level of $67.1 million an increase of $21.5 million over FY 88.

Defense Agencies—Advanced Submarine Technology—$24 million leaves program at $90 million, $76 million over request.

My amendment also allows the Air Force to test this Asat system against an object in space up to an altitude of 800 nautical miles, the maximum altitude to which the Soviets have tested.

Every senior official of this administration, as well as all three military services, support the military requirement for a U.S. Asat.

Now, why do we not trust the people we pay to understand these issues and stop unilaterally denying ourselves an important military capability?

Although it is important to vote for my amendment, it is equally important to vote against the amendment of the gentleman from California [Mr. Brown], which would make permanent the prohibition against Asat testing.

I pointed out that the Soviets have such an Asat capability. This is an artist's rendition. They keep them in sheds. They run them out regularly. They launch the booster regularly. They do everything but actually destroy an object in space, and the booster part, this large part, is used for several other missions within the Soviet Union, and they are tested regularly. They are fired regularly, except in their Asat mode.

We do not have the capability that the Soviets have. Why would we deny ourselves the right to develop and test a capability which we know that the Soviets have in place and operational? It makes no sense.

As my friend, the gentleman from Georgia, pointed out, the gentleman on the left over here would deny us this. They also denied aid to the Contras. They also denied Radio Marti that would be beamed to the Cubans. It is sort of predictable, but we should put America's interests first here.

What is destabilizing about us developing the same capability that the Soviets have already displayed and have deployed? I can think of nothing more ridiculous.

Mr. Chairman, I was asked by the gentleman from Georgia to give him time to complete his statement.

Therefore, Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. Gingrich].

Mr. GINGRICH. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I want to say to my friends who on the left, I think ideologically and not just geographically, that there are several key tests for this amendment, and that the first key test, and I would say this to the gentleman from California if he would like to comment for a second, because I want to make clear that I think the gentleman does not understand or does not seem to appreciate war fighting as opposed to technology. I know the gentleman is on the Science and Technology Committee, but let me talk a little bit about war fighting for 1 minute.

The U.S. Navy has invested heavily in aircraft carriers and Asat's which allow them to maintain an ability to monitor the Soviet Navy using aircraft.

The Soviet Navy has decided to use satellites much more intensely than we do for the purpose of tracking ships.

I am told that there is declassified information available, which the Government confirms, that the Soviets today use satellites to track American ships for the purpose of targeting cruise missiles, that they have cruise missiles fired by submarine and by cruiser outside the range of the aircraft carriers' air cover and that it is a current operational capability of the Soviet Union to kill American ships with satellite targeting.

Now, I am told by the Government that that is absolutely correct. Now, I do not know if the gentleman is aware of that or not, but I have been told by people in uniform whose lives are at risk that it is their belief that the Soviets can do that.

Let me just finish the statement by saying the first thing the gentleman's amendment does is that it guarantees that in a real crisis, not a nuclear war, a real crisis, let us say the Soviets have given long-range cruise missiles to Syria or to Libya, let us say the Soviets decide that they are not going to get involved in the fight, they are just going to tell the Syrians and the Libyans using their satellites where our ships are.

The CHAIRMAN pro tempore. The time of the gentleman from Georgia has expired.

The Chair recognizes the gentleman from California [Mr. BROWN] for 5 minutes in opposition to the amendment.

Mr. BROWN of California. Mr. Chairman, let me say I appreciate the military expertise which the gentleman from Georgia has displayed, and I wish I had time to engage in a more extended discussion. I will try in a very short time to respond to some of what the gentleman said, but first, I yield 2 minutes to my distinguished friend, the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Chairman, I rise in opposition to the amendment to the distinguished ranking member of the Armed Services Committee.

Mr. Chairman, while I have great deal of respect for the sponsor of this amendment, I believe the approach he takes in his amendment is all wrong. The gentleman is proposing taking us down the same path we have been down for the last 3 years, in a different form. First, he suggests a $100 million downpayment for the development of a ground-based Asat system based on current technology. Second, he proposes permitting tests of this system up to an altitude of 800 nautical miles, and allowing the Soviets to test to the same height. If we follow this path, we will wind up in the midst of huge, immensely costly arms race in space.

In fairness, I spent yesterday in my Appropriations Subcommittee looking at $100,000 items to scrounge up $60 million just to keep the Coast Guard afloat. Here the gentleman from Alabama is proposing $100 million for a program DOD has not even asked for.

Mr. Chairman, what the gentleman is suggesting is a resurrection of the miniature homing vehicle, the Asat system just canceled by our Secretary of Defense. The gentleman proposes that we take the MHV—the sensor and kill element of the F-15-launched Asat—and couple it with a Pershing II or similar booster.

It behooves us to remember that there were a number of factors that led the Secretary of Defense to cancel the MHV Asat Program this year. Certainly, persistent congressional opposition was a factor. But this was also a program plagued by technical problems, a program that had risen in cost from $1.2 billion in 1980 to over $4.3 billion, for a system less than half as capable as that originally envisioned, by last year.

Moreover, the gentleman is proposing that the United States and the Soviet Union abide by an Asat test ceiling of 800 nautical miles. I believe this is a dangerous policy. As has been noted, if we test an Asat system, if we perfect a sophisticated Asat weapon, then we will absolutely be inviting the Soviets to do the same. That is the last thing we want to do. We should avoid giving the Soviets the opportunity to develop a system that will allow them, for the first time, to target our satellites effectively.

Beyond that, I should point out that there really is no way to verify Soviet compliance with the 800-nautical-mile limitation set forth in the gentleman's amendment. We can certainly determine whether their tests do not exceed 800 nautical miles. But if the Soviets do test a new system, we cannot know with certainty whether it is not capable of striking one of our satellites beyond that range. There is nothing to prevent the Soviets from validating their homing mechanism at a low altitude on a booster that is filled with only a portion of its fuel capacity or a booster that can be replaced by a bigger one later.

Mr. Chairman, this bill includes some $75 million for advanced Asat research and development, as well as billions for researching SDI, many components of which will have an inherent Asat capability. Our amendment does not affect these programs in any way. We do not need to divert $100 million in needed funds from other hard-pressed defense programs in order to resurrect an already overbudget MHV Phoenix.

Mr. BROWN of California. Mr. Chairman, I rise also in very strong opposition to the Dickinson amendment. The first part of it is unnecessary. Actually, the Air Force is proceeding with R&D on ground-based kinetic vehicle Asat systems, as well as on laser systems. There is nothing in the language of the amendment offered by myself and the gentleman from Pennsylvania [Mr. COUGHLIN] which prohibits that. It is very strictly focused on the miniature homing vehicle system, as the gentleman knows.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I did not catch the gentleman's words. Would the gentleman restate that, please?

Mr. BROWN of California. I said that the language of the Brown-Coughlin amendment is focused specifically on the miniature homing vehicle Asat weapon, not on any other technology.

Mr. DICKINSON. This relates to the F-15?

Mr. BROWN of California. The F-15, yes.

Mr. DICKINSON. It is the same as we had last year as far as the weapons system is concerned?

Mr. BROWN of California. That is correct.

Mr. DICKINSON. Mr. Chairman, I thank the gentleman.

Mr. BROWN of California. Mr. Chairman, I was making the point that the gentleman's amendment which would provide for the ground-based kinetic vehicle Asat system is really unnecessary since the Air Force is proceeding to do that, anyway, to do the R&D on that. What the gentleman is doing is giving them $100 million that they did not ask for, and I consider that to be somewhat undesirable in these times of fiscal stringency.

The other part of the gentleman's amendment which restricts the testing of such a weapon to under 800 nautical miles, I think, is the same amendment that the gentleman intended to offer last year and withdrew in a fit of good judgment, and I appreciated his doing so at the time.

So the point that I am making is that the gentleman's amendment is largely unnecessary and to the extent that it might be necessary, it is undesirable, so I would urge very much that the House reject that amendment.

□ 1540

Mr. Chairman, I want to stress this one point made repeatedly by my friends on the Republican side that the military wants an Asat weapon. They do. There was nothing in my amendment that prevents them from having an Asat. I made the point in my earlier discussion that one gets Asat capability quicker and better if one proceeds with the military's plan for advanced technologies. There is nothing in the Brown-Coughlin amendment which would prohibit that from being done.

When the military gets to the point when they want to deploy that system, then I think we will have to consider the desirability of deploying based upon the threat that exists at that time.

My objection to the MHV has been not to the research and development. I think the research and development has been useful, and they have been doing it for 15 years and I have never objected to that research and development. I objected when they first asked for money for procurement of long leadtime items for deployment. I contend it is undesirable and unnecessary to deploy it and it is a waste of money, and I will continue to contend so.

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words, and let me say to my esteemed friend, the gentleman from California [Mr. Brown] that in the 20-odd years that I have known and served with the gentleman from California I have never known him to be so concerned about expenditure of taxpayers dollars before.

Mr. BROWN of California. I am becoming more conservative.

Mr. DICKINSON. That is as remarkable as Paul on the way to Damascus, I think the gentleman has had his eyes opened.

If the gentleman from California is so concerned about the expenditure of money, if the gentleman from California wants to withdraw his amendment, I will withdraw my amendment and we will have no language in here at all. That will save the $100 million that the gentleman from California is so concerned about that will be nothing said whatever, if that would please the gentleman from California, and it would solve the problem that he has over the expenditure of such a gross sum of taxpayer's money.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from California.

Mr. BROWN of California. I am highly tempted to accept the offer of the gentleman from Alabama but since we have had such an illuminating debate, I think it would be a waste of all the time we have spent if we were to withdraw the amendment.

Mr. DICKINSON. Mr. Chairman, reclaiming my time, let me go one step further. The gentleman from California was pointing out how this only affects the F-15 military homing vehicle and the gentleman from California did not intend to do harm or damage to any other ongoing program. But it has come to my attention that the gentleman from California offered just 2 days ago another amendment to another bill that would limit all Asat capability.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from California.

Mr. BROWN of California. The limit is not on the research and development, the limit is on the deployment.

Mr. DICKINSON. So if I understand correctly, the gentleman from California would deny us not only the F-15 Asat capability here but in any other mode, and even though the gentleman from California has just pointed out they have other options that they can go to, knowing all the time that he has already introduced an amendment to deny them that capability, too. I just do not think the gentleman from California can have it both ways.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding. Let me go back to the original point, the reason why Members of this body should vote against the Brown Asat amendment in favor of the Dickinson Asat amendment. The satellites of the Soviet Union, their low-level satellites are being used as forward observers with the express and sole mission of destroying American naval vessels. That is what they are dedicated to. They track our naval vessels and they have the capability of communicating their targeting to their vessels whether they are *Kirov* class or *Kara* class missile cruisers, and their Backfire bomber squadrons and bringing them in and destroying our men and women at sea.

This is not an exotic space weaponry type of thing, it is a technical thing actually. We are guaranteeing through what I call the Brown "bullseye" amendment the invulnerability and survivability of these forward observers of the Soviet Union that are targeting our naval vessels.

As a member of the Subcommittee on Sea Power and Strategic and Critical Materials, I asked for a hearing and we had classified hearings. I want to tell the gentleman from California [Mr. Brown] that he is wrong, the Soviets have two classes of satellites, Rorsats, and Eosats, dedicated to destruction of naval vessels of the United States. They have made 9 to 15 successful launches with this system.

The point made by the gentleman from Alabama [Mr. Dickinson] is absolutely right. They use the same booster in their satellite boosts anyway so they test it all the time.

Mr. DARDEN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Georgia.

Mr. DARDEN. Mr. Chairman, I rise in support of the Dickinson amendment. As a member of the Research and Development Subcommittee, I have spent a great deal of time and energy on the matter of antisatellite technology. The bottom line on this issue is that the United States needs a viable and workable antisatellite system to counter the already operational Soviet system.

The argument that we should not militarize space is without justification. Space is already militarized and has been for years. Both we and the Soviets rely a great deal on our satellites for military communications, intelligence, and navigation. The Soviets have a workable antisatellite system which can destroy our satellites, and we have nothing to destroy theirs, nor deter an attack upon ours.

This amendment authorizes $100 million for the development of a ground-based Asat system. There are several systems that already show great promise in fulfilling this mission.

In closing, Mr. Chairman, this amendment will authorize the development of promising Asat technologies while providing a necessary and critical deterrent to further Soviet Asat development and deployment. I urge its adoption.

Mr. McEWEN. Mr. Chairman, the Soviet Union has at its disposal multiple antisatellite systems and technologies including: co-orbital antisatellite interceptors which destroy low altitude targets with a conventional, multipellet warhead; direct ascent antiballistic missiles capable of satellite interceptor operations; as well as high energy lasers and electronic warfare systems. The latter systems provide the Soviets considerable advantages since attacks by such weapons might be difficult to detect and harder to confirm. The outcome could be a slow degradation in capability, or the disruption of some satellite functions without the prompt physical destruction of the spacecraft. Soviet research and technological advances indicate that they may be able to test a prototype space-based particle beam weapon as well as a prototype radio frequency weapon with antisatellite applications by the 1990's.

The Soviet's commitment to space was reaffirmed by General Secretary Gorbachev's declaration that the Soviet Union does not intend to lose its vanguard position in the conquest of space.[1] Their vanguard position will be maintained as long as the United States fails to conduct extensive and realistic testing of future types of U.S. antisatellite or satellite negation systems.

THE NEED FOR ANTISATELLITE TESTING

In arguing for the continuation of an antisatellite testing moratorium, advocates of the moratorium have reasoned that the United States is more dependent on space systems that the Soviet Union and, therefore, we have more to lose than the Soviet Union. The Soviet Union not only has recently filed for over 100 new frequency allocations but they have also requested 35 new geostationary positions. Of the approximately 200 satellites expected on-orbit by the mid-1990's, at least three-fourths or 150 spacecraft will support purely military programs.

The Soviets are building their space systems for combat operations. They have 20 launch pads, thousands of people and a family of nine boosters capable of launching satellites within hours of each other. Their largest booster expected to carry their shuttle into orbit this year, is large enough to carry their strategic defense systems into orbit. Mr. Gorbachev finally admitted to have ongoing strategic defense research just last December.

This moratorium does not provide equilibrium—it puts our satellites in harm's way without any degree of protection or even a hope that the Soviet's will not begin to attack our spacecraft. They have nothing to lose and everything to gain.

We should end the moratorium of Asat testing, develop our own Asat capability and restore the balance of power.

FOUNDATION FOR SPACE CONTROL

The United States must take the necessary steps to avert a situation in which the Soviet Union has full freedom to operate in space. Space control, not unlike sea control for maritime operations, hinges on the ability to enforce our Nation's right to safe passage. While both the United States and the Soviet Union have capitalized on space to support and enhance the effectiveness of land, sea, and air forces, it is clear the Soviets intend to exploit space to the maximum extent their capabilities will allow.

The space control negation mission is derived from both our national space policy and the DOD space policy. Our new national space policy clearly states the basic goal of the United States in space is to strengthen our national security. Our Nation is committed to the use of space for peaceful purposes. Deterring aggression is the fundamental strategy of our country and our allies in space.

The DOD space policy addresses space as an area to conduct operations in support of our national security. Clearly a potential adversary must recognize that aggression would not be tolerated and promptly met with an effective response. Currently, we cannot deter through a response-in-kind in space. The United States does not possess space control forces to ensure access to space, to engage or nullify the war-supporting space systems of an enemy, or to deter an aggressor in that medium. We sorely need an operational antisatellite capability to guarantee our place in space.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The question is on the amendment offered by the gentleman from Alabama [Mr. DICKINSON.]

The question was taken, and on division (demanded by Mr. DICKINSON) there were—ayes 21, noes 10.

RECORDED VOTE

Mr. BROWN of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 212, not voting 24, as follows:

[Roll No. 76]

AYES—195

Akaka
Andrews
Applegate
Archer
Armey
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bentley
Bilbray
Bilirakis
Bliley
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Chapman
Chappell
Cheney
Clinger
Coats
Coble
Coleman (MO)
Coleman (TX)
Combest
Courter
Crane
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Dyson
Edwards (OK)
English
Erdreich
Fawell
Fields
Flippo
Frenzel
Frost
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodling
Grandy
Grant
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hefley
Hefner
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Johnson (CT)
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leath (TX)
Lent
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Lukens, Donald
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Nelson
Nichols
Nielson
Oxley
Packard
Parris
Pashayan
Patterson
Petri
Pickle
Quillen
Ravenel
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roth
Rowland (CT)
Rowland (GA)
Saiki
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Wilson
Wolf
Wylie
Young (AK)
Young (FL)

NOES—212

Ackerman
Alexander
Anderson
Annunzio
Anthony
Aspin
Atkins
AuCoin
Beilenson
Bennett
Bereuter
Berman
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brown (CA)
Bruce
Bryant
Bustamante
Campbell
Cardin
Carper
Carr
Chandler
Clarke
Clay
Clement
Coelho
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
DeFazio
Dellums
Derrick
Dicks
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Hawkins
Hayes (IL)
Hayes (LA)
Hertel
Hochbrueckner
Horton
Hoyer
Hughes
Jacobs
Jeffords
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
McMillen (MD)
Meyers
Mfume
Miller (CA)
Mineta
Moakley
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Nagle
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Porter
Price
Pursell
Rangel
Regula
Richardson
Ridge
Rodino
Roe
Rostenkowski
Roukema
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Studds
Swift
Synar
Tauke
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Vento
Visclosky
Walgren
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yatron

NOT VOTING—24

Bates
Bevill
Biaggi
Brooks
Craig
de la Garza
DeLay
Dingell
Duncan
Emerson
Gradison
Jones (TN)
Lewis (CA)
Lungren
Mack
Mica
Moody
Rahall
Ray
Rose
Stokes
Volkmer
Wortley
Yates

□ 1606

The Clerk announced the following pair:

On this vote:

Mr. Craig for, with Mr. Rahall against.

Mr. NOWAK and Mrs. MEYERS of Kansas changed their votes from "aye" to "no."

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[1] May 1987, Tyuratam Space Center: "We do not intend to relax our efforts and lose our vanguard position in the conquest of space."

Mr. COLE and Mr. HUCKABY changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROWN of California: At the end of title II of division A (page 33, after line 3) insert the following new section:

SEC. . MORATORIUM ON TESTING ANTISATELLITE WEAPONS.

The Secretary of Defense may not carry out a test of the Space Defense System (antisatellite weapon) miniature homing vehicle against an object in space until the President certifies to Congress that the Soviet Union has conducted, after the date of the enactment of this Act, a test against an object in space of a dedicated antisatellite weapon.

The CHAIRMAN pro tempore. Under the rule, the gentleman from California [Mr. BROWN] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Chairman, the Brown-Coughlin amendment continues the Asat test ban of the miniature homing vehicle, which is now in its third year, so long as the Soviets maintain their current moratorium on such tests. It is not a permanent ban. It is a mutual ban, a verifiable ban on Asat testing.

Realize, friends, that this is not a penny ante proposal. Estimated in 1980 to be $1.2 billion for 112 missiles and 2 bases, costs ballooned to $4.3 billion in 1987 for 35 missiles at one base. You can bet your boots it would be more expensive today, and, friends, the position of the Air Force on the Asat is unrealistic. The priority of this program was sufficiently low that it was cancelled by Defense Secretary Carlucci. It was plagued by technical problems and was way over budget.

But, says the Air Force, if the Congress will lift the test ban, we will shoot up our existing stock and reprogram funds to resurrect this scheme.

Some claims have been made about the Asat situation here that are false and very misleading.

It is claimed that the Soviets have an operational Asat system and that we do not. This is correct but misleading. The Soviet system is a primitive coorbital device that has failed most of its tests, it is highly observable, and it is easily defended against. It does not threaten our critical satellites which are beyond its range.

It is claimed that the Soviets continue to test their system. This is false. They continue to exercise the system and its command and controls, which we can do under the Brown-Coughlin amendment.

It is claimed that the Soviet have the ability to blind us militarily and, therefore, we should have the ability to blind them. This is misleading. They do not have the capability, and because we are so much more dependent on our satellites, a situation where both sides have effective Asat's, favors the U.S.S.R.

It is claimed that the amendment would affect advanced technology. This is false. Brown-Coughlin only applies to the space defense system miniature homing device.

This is a very important amendment, and it is important to continue the tests that we have had in effect for the last 3 years.

It has been approved by the President the last 3 times, and I urge the support of the amendment.

Mr. BROWN of California. Mr. Chairman, just to briefly reemphasize some of the things that the gentleman from Pennsylvania [Mr. COUGHLIN] has said, this merely continues an existing program. It is indefinite in duration, but the Air Force tell us that it would be uneconomic and undesirable to reinstate this program after they have already canceled it.

In effect, this is merely to avoid having to bring this up on an annual basis.

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There has been some contention that this deprives us of the capability to develop an Asat system. That could not be further from the truth.

As I have stated for the last 5 years I have no objection to research and development on improved Asat systems. This is not a workable system. It is a waste of money.

The Air Force is already proceeding with a vigorous research and development program on advanced Asat's.

I have no objection to that. I have introduced separate legislation, as the gentleman from Alabama pointed out, which would actually not limit this R&D in any way but, in addition, would provide for the protection of our own satellites through an enhanced program for satellite survivability.

I want us to have the best satellite program in the world but I do not want us to waste money on systems that do not work, such as this miniature homing vehicle.

Mr. Chairman, I urge a "yes" vote on the Brown-Coughlin amendment.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the very distinguished gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, as one who supported this amendment in the past I rise in strong opposition to it. The Brown/Coughlin amendment this year is not the same amendment as last year.

I voted for it last year. I am voting against it this year.

It is a very different matter to permanently ban the right of this Nation to develop any weapon, much less a weapon as important as the Asat capability.

The purpose of last year's annual ban was to foster negotiations, to develop agreements governing these weapons.

But now negotiations are proceeding at a pace and with an intensity never before witnessed and for his accomplishments the President deserves support, not undercutting.

I urge your opposition to what is a permanent ban on the Asat testing program.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio [Mr. KASICH].

Mr. KASICH. I thank the gentleman for yielding.

Mr. Chairman, it was just several weeks ago when this House passed a bipartisan amendment on Central America and we acted unified in trying to deal with our problems in Central America.

In two weeks the President is going to the Soviet Union and try to conduct effective negotiations with that superpower. It does not make any sense to shackle the legs of our President and to deny us the kind of capability that the Soviets have to target our systems, to destroy our satellites and do this in a unilateral way.

Ladies and gentlemen, this is not the time to do it, on the verge of signing a treaty.

On the verge of serious superpower negotiations please let us not undercut the negotiating position of the United States.

Mr. DICKINSON. Mr. Chairman, I yield the balance of my time to the very distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. I thank the gentleman.

Mr. Chairman, this is not arms control. We are talking about a military capability. As things stand now it is all right to shoot a plane, it is all right to shoot a ship, a naval ship, but we have no operational capacity or capability to shoot a satellite. Satellites are the eyes and the ears and the voice of the Nation's military services. They control space and space is like the sea and it is like the land. It used to be that the geopolitician said, "Who controls the heartland controls the world." Let me tell you, who controls space controls the world.

The Soviets have an operational Asat: we do not. That is unilateral disarmament.

This amendment forbids the Secretary of Defense from carrying out a test of an antisatellite weapon on a miniature homing vehicle against an object in space until the President certifies the Soviet Union has conducted, and note this, "after the date of the enactment of this act," a test. They have conducted numerous tests. They have theirs. It is operational. They test the launch booster vehicle all the time and we do not have one.

Now is it provocative that we also might have an antisatellite weapon? It might be, but I say it is deterrence.

We have heard this antisatellite weapon might militarize space. Every intercontinental ballistic missile in the world is a potential militarizer of space because they travel through space as they come to us.

Satellites are used for navigation, for surveillance, and for targeting. And the Soviet space program, which is far in excess of ours, is 90 percent or almost exclusively military.

Mr. Chairman, the Soviets launch more space vehicles in a year than we do in 5 years. We are yielding them superiority if not supremacy in a theater where it is dangerous to our national security to let that happen.

They have an operational Asat, a coorbital satellite interceptor that has been operational for over 10 years. We have none.

We are defaulting in our responsibility.

Mr. Chairman, this must be a trivial issue. I know we have trivialized this issue because we gave it a half hour's debate time and then 10 minutes each on the amendments. It just has to do with whether space has to be controlled by the Soviets or the United States and because of the short time alloted we had better hurry through and not pay much attention to this.

Mr. Chairman, that is every Member's responsibility. I suggest to you you had better know the Soviet Asat that is operational is not crude; it has a higher single-shot probability of kill than most air-to-air ground missiles.

Mr. COURTER. Mr. Chairman, fellow Representatives, I rise in opposition to this amendment. The arguments presented to support the amendment are based on misinformation and flawed logic. Continuation of, and in fact making permanent, the Asat testing moratorium will compromise our national security and institutionalize the present destabilized situation. Further, it will seriously jeopardize lives of our fighting men and lessen our chances of ever reaching a comprehensive arms agreement with the Soviet Union in this area. As support to these statements, I pose to you the following:

Today, the Soviets have the world's only dedicated operational Asat system. According to aviation week, it places many of our low altitude photo reconnaissance satellites at great risk. The Soviets have shown a great deal of patience in methodically developing this capability over many years at great expense. This capability is not the "clunker" some claim but an effective weapon optimized to the way the Soviets do business and extensively tested. This is a war-fighting system. Opponents of our Asat will cloud the issue with statistics which mix success versus failure data of the multiple versions of Asats the Soviets have tested. The United States operational commander responsible to defend against this system, commander in chief United States Space Command General Piotrowski, has been quoted as saying that the operational Soviet Asat is about 60 percent successful. This success rate is better than that of the air-to-air missiles we have provided to our troops in war.

Our Asat critics also state that since the Soviets have not tested their Asat since 1982 they cannot have confidence in it. This is not true. First let me say that I don't believe that we can positively state that no Asat tests have been conducted. In fact it is evident that the Soviets use the fundamental elements of their Asat system routinely. The remote docking manuevers done by the Soviets in their space program are in fact intercepts without using a warhead. They use the Asat launcher regularly. Tests of the warhead could be conducted in laboratory settings without our knowledge. There is no reason to believe that the Soviets have lost any confidence in their Asat.

The Soviets continue to expand their use of space for military purposes. Today over 90 percent of their launches support military operations. They have ocean surveillance satellites which can rapidly and accurately locate our fleet at sea. Further, they have extensive reserves of satellites and launchers almost immediately available. As General Piotrowski stated in testimony to a Senate Appropriations Subcommittee on April 23, 1987:

> If the U.S. were ever called upon to enforce the free flow of oil to the Western World through the Straits of Hormuz or to deploy military forces to fulfill our obligations, Soviet satellites could provide time-critical tracking and targeting of U.S. troop reinforcements in ports and of U.S. convoys and battle groups during their movements across the ocean. If the U.S. does not develop an ability to put the hostile surveillance systems at risk, these Soviet capabilities have the potential to seriously jeopardize our ability to project and sustain U.S. forces and to fight once engaged.

The Soviets also have two other systems, the laser facility at Sary Shagan and the Galosh antiballistic missile [ABM] system around Moscow which are Asat capable. It is evident to me that the Soviet Union intends to be able to win a conflict in space to reserve for themselves the terrific force-enhancing capabilities that they are achieving through the use of space.

Supporters of this amendment contend that proceeding with our Asat will increase instability and lead to escalation of war. This is totally untrue. Stability only occurs when both sides feel that their vital interests are protected. This requires both sides to have comparable capabilities and feel that their national interests are equally protected. Several military exercises conducted by the DOD have shown that our options are severely limited if the Soviets ever destroy our satellites. We can do nothing and put ourselves at the mercy of the Soviets, or employ other military responses and hope that the Soviets interpret our action as an equal and appropriate response. Should we guess wrong, an escalation of the conflict is bound to occur.

Finally, the argument that stopping U.S. testing represents an equitable arms control agreement when the Soviets have such an unilateral advantage is incomprehensible. The U.S. Congress is ceding them this advantage at the start. This is not arms control. This is unilateral restraint. It's self-defeat.

The new amendment offered by Representative BROWN this year should not be confused with the previous Asat restrictions he has proposed. This new bill restricts all Asats using the miniature vehicle that the U.S. taxpayers have spent $1.6 billion to develop. Even if the test ban made sense before, it can't make sense now, when we've spent that money. Also, the new bill no longer has an expiration date. These are significant difference if we are to meet the vital Asat need in the near future. We must not tie our own hands.

The need for a U.S. Asat is indisputable. The facts speak for themselves. I ask my colleagues to join me in supporting funding and the lifting of restrictions for this vital national program.

Mr. WEISS. Mr. Chairman, I am in strong support of the amendment offered by Mr. BROWN of California to continue the current ban on the testing on antisatellite [Asat] weapons so long as the Soviet Union also refrains from testing.

The congressionally imposed ban on Asat testing has helped our Nation to avoid a costly and counterproductive arms race in space. Absent such a ban, it is likely that both the United States and the Soviet Union would resume testing of Asat weapons. Such testing would come only at great expense to the taxpayers and great risk to the security of the United States.

Because the United States is more reliant on satellites than the Soviet Union, it is our security that would be damaged the most by the renewed pursuit of Asat weapons.

Moreover, deployment of Asat weapons would make the early warning systems of both superpowers vulnerable to a surprise first-strike attack, greatly increasing the risk of nuclear war.

The ongoing moratorium on Asat testing preserves a relative equilibrium in Asat technology between the United States and the Soviet Union. It also provides the two nations with the time that is needed to negotiate formal constraints on these extremely dangerous weapons.

While the Air Force has canceled its program to design an Asat-launched from beneath an F-15 jet, it has done so only in response to the ongoing congressional ban on Asat testing. In fact, Pentagon officials have indicated that they will swiftly revive the Asat program if the congressional moratorium is allowed to expire. Not only would such an action severely threaten our security, but it would cost the taxpayers as much as $4.3 billion.

The congressional Asat ban is one of the most important arms control achievements of the Reagan era. But if we do not act affirmatively on this occasion to preserve this accomplishment, we may soon find ourselves plunged into a dangerous and costly new arms race.

I urge my colleagues to join me in approving this extremely important amendment.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. BROWN].

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 110, noes 105.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 205, not voting 29, as follows:

[Roll No. 77]

AYES—197

Ackerman
Akaka
Alexander
Anderson
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bates
Beilenson
Bennett
Berman
Boehlert
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brown (CA)
Bruce
Bryant
Bustamante
Campbell
Cardin
Carper
Carr
Clarke
Clay
Coelho
Collins
Conte
Conyers
Coughlin
Coyne
Crockett
DeFazio
Dellums
Dicks
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hoyer
Hubbard
Hughes
Jacobs
Jeffords
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Luken, Thomas
MacKay
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
McMillen (MD)
Mfume
Miller (CA)
Mineta
Moakley
Morella
Morrison (CT)
Mrazek
Murphy
Nagle
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Panetta
Pease
Pelosi
Penny
Pepper
Perkins
Pickle
Porter
Price
Rangel
Richardson
Ridge
Rodino
Roe
Rostenkowski
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Sikorski
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stark
Studds
Swift
Synar
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Vento
Visclosky
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yatron

NOES—205

Andrews
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Chandler
Chapman
Chappell
Cheney
Clement
Clinger
Coats
Coble
Coleman (MO)
Coleman (TX)
Combest
Cooper
Courter
Crane
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
Derrick
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Dyson
Edwards (OK)
English
Erdreich
Fawell
Fields
Flippo
Frenzel
Frost
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodling
Grandy
Grant
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Johnson (CT)
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Lancaster
Latta
Leath (TX)
Lent
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Lukens, Donald
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morrison (WA)
Murtha
Myers
Natcher
Nelson
Nichols
Nielson
Ortiz
Oxley
Packard
Parris
Pashayan
Patterson
Pickett
Pursell
Quillen
Ravenel
Regula
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wilson
Wolf
Wylie
Young (AK)
Young (FL)

NOT VOTING—29

Badham
Bevill
Biaggi
Boggs
Brooks
Craig
de la Garza
DeLay
Dingell
Duncan
Emerson
Gradison
Jones (TN)
Lewis (CA)
Lungren
Mack
Manton
McCrery
Mica
Moody
Petri
Rahall
Ray
Rose
Stallings
Stokes
Volkmer
Wortley
Yates

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The Clerk announced the following pairs:

On this vote:

Mr. Rahall for, with Mr. Craig against.

Mr. Stokes for, with Mr. Petri against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). It is now in order to debate the subject matter of testing of nuclear weapons.

Pursuant to the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 15 minutes and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Wisconsin, or his designee, the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I yield as much time as he may use to the distinguished primary author of the amendment, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, we meet today to challenge the Soviet Union to stop nuclear testing.

Over the last several years, we have all watched and listened to Mikhail Gorbachev speaking in different tones, with remarkable sensitivity to Western public opinion. And we have all asked ourselves if he can follow his words with actions.

For myself, I have decided that it does us no good to guess on this. Indeed, our national security cannot allow us to guess when it comes to nuclear forces. Rather, we need to seriously test the Soviets in a determined way to see if they are serious about ending the state of confrontation of the past and moving toward genuine progress.

That is why I support the INF Treaty, and I wish the President well in the forthcoming summit. I know there are some who have asked if this amendment could do any damage to United States-Soviet negotiations. I want to answer that concen head on: This amendment will not detract from any present or future negotiations. We all hope for and anticipate successful negotiations. In fact, the amendment contemplates those negotiations and is terminated if supplanted by an agreement, accord, or treaty on nuclear testing. But at the same time, we cannot fail to act while we are waiting.

The amendment before us today limits U.S. nuclear testing for 1 year, if and only if, the Soviets halt their nuclear testing and agree to strict verification that includes in-country monitoring. It is intended to take a careful measure of Soviet intentions and actions. And if the Soviets were to cheat, we would know it immediately.

Let us be clear as we consider this bill that American nuclear forces are second to none. Our forces are superior. Period.

But let us also take notice that the Soviets are catching up. That is why we want to stop their nuclear testing program. It is imperative to impose real constraints on the development of new Soviet strategic warheads. The greatest threat to our security comes from future development of new and more accurate weapons by the Soviet Union. Let us freeze them in place.

Let us also remember that it was the Soviet Union that stopped nuclear testing for 18 months from 1985 to 1987. Regrettably, the Reagan administration refused the Soviet offer to join that moratorium. Now, both countries have engaged in a renewed round of nuclear testing. A new arms race has begun with the Soviets conducting many more nuclear tests than have we. Since 1987, the Soviets have conducted 28 tests to our 16 tests. It does not take a nuclear scientist to see what is happening.

Three times in the last 2 years the House has passed this proposal to limit nuclear testing to 1 kiloton. The reason that a bipartisan majority has taken this step is simple and clear: a mutual, reciprocal, verifiable limit on nuclear weapons tests is in our national interest.

Twenty-five years ago, President John F. Kennedy had it right when he said:

> In today's world, a nation's security does not always increase as its arms increase when its adversary is doing the same, and unlimited competition in the testing and development of new types of destructive nuclear weapons will not make the world safer for either side.

I regret that we have done so little during the last 25 years, but I believe that our children have a right to expect better of us during the rest of this century.

The CHAIRMAN. The gentleman from Michigan [Mr. BROOMFIELD] is the designee of the gentleman from Alabama [Mr. DICKINSON]. The Chair recognizes the gentleman from Michigan [Mr. BROOMFIELD], for 15 minutes in opposition to the amendment.

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at this very moment the United States and the Soviet Union are engaged in the nuclear testing talks in Geneva. So what is the House doing as we negotiate in Geneva? Bringing up resolution which undercuts our President and Ambassador Kampelman and our Geneva negotiators on nuclear testing, forcing an unnegotiated, unverifiable nuclear testing moratorium on our Nation.

As a House observer to the Geneva talks, I can personally assure my colleagues that the United States is actively pursuing discussions on nuclear testing. In particular, the President has instructed our negotiators to pursue a testing agreement which would improve the verification provisions of the Threshold Test Ban Treaty and Peaceful Nuclear Explosions Treaty.

In this regard, the President has proposed direct, on site measurements of United States and Soviet nuclear weapon tests and invited Soviet experts to come to the United States nuclear test site.

As a result, in January of this year, nuclear experts from both countries visited the others' nuclear test sites to gain familiarity with site operations. Both countries are now preparing joint verification experiments to be conducted this summer.

Furthermore, United States and Soviet technical experts continue to meet in Geneva for discussions on a broad range of issues related to nuclear testing—a direct result of specific instructions by the President.

The security of the United States and its allies continues to depend upon a credible nuclear deterrent and nuclear testing at realistic kiloton levels plays an essential role in insuring such a deterrent.

The Congress always has insisted on the strongest testing requirements for the safety and effectiveness of our non-nuclear systems, such as the space shuttle. It simply doesn't make any sense to then turn around and argue that we should eliminate realistic testing for our nuclear systems. This would create uncertainty about the safety and reliability of nuclear systems upon which the security of the United States and our allies will rely for the foreseeable future.

In this regard, the Director of the Arms Control and Disarmament Agency, William Burns, has written to me stating that:

> While we continue to depend on our nuclear deterrent for our security and that of our friends and allies, we must ensure that nuclear weapons are safe, reliable, effective, and survivable—in other words, that our deterrent is credible. This requires continued nuclear testing.
>
> A premature and unilateral limitation, such as the 1 kiloton limit proposed by Congressman Gephardt, placed on the U.S. Nuclear Testing Program would seriously undermine our ability to assure a credible deterrent. Furthermore, it would totally undercut our current negotiations with the Soviets.

As ranking member on the House Foreign Affairs Committee and as a House arms control observer you are aware that the nuclear testing talks have been underway for some time now in Geneva. We have been successful in getting the Soviets to agree to step-by-step negotiations on nuclear testing, and, as a necessary first step, we and the Soviets have agreed to negotiate effective verification measures for the Threshold Test Ban Treaty [TTBT], limiting tests to 150 kilotons, and the Peaceful Nuclear Explosions Treaty [PNET]. The President has made clear that the negotiations of effective verification measures is the key to ratification of these two treaties, and we are making good progress in these negotiations.

Mr. Chairman, I would like to emphasize that nuclear testing talks are now underway in Geneva. To date we have been successful at these talks. The negotation of effective verification measures is the key to ratification of these treaties, and we are making good progress in these negotiations. Let's not undercut this progress. The Gephardt amendment seriously undermines our national security and complicates our diplomatic efforts in Geneva.

I therefore urge my colleagues to oppose the Gephardt amendment.

□ 1650

Mr. BROOMFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman from Michigan for yielding, and I certainly congratulate him for his statement and what he has said about what this administration has accomplished in terms of arms control talks.

I did want to make a point with the gentleman from Missouri [Mr. GEPHARDT] and I am sorry that the gentleman from Missouri did not yield to me, but it does somewhat undermine my confidence in the ability of this body to work in the best interests of the country when in one breath the gentleman from Missouri could both praise Soviet nuclear policy and condemn our own administration, as he did in his statement. It is absolutely unbelievable to me that that is the premise from which we start in some of these deliberations.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. FASCELL] the chairman of the Committee on Foreign Affairs.

Mr. FASCELL. Mr. Chariman, I thank the gentlewoman from Colorado for yielding time to me. Let me say that I rise in strong support of the amendment and just as vigorously against the substitute.

For the past 2 years, the House Defense authorization bills have included language prohibiting the expenditure of funds for nuclear tests explosions above 1 kiloton unless the President certifies to the Congress that: First, the Soviets have tested above 1 kiloton; or second, they have refused to accept intrusive verification measures. The House also approved this language in the fiscal year 1987 supplemental appropriations bill.

These achievements were an outgrowth of legislation (H.J. Res. 3), initiated by the House Committee on Foreign Affairs and passed by the House of Representatives in 1986, which urged the administration to seek ratification of the Threshold Test Ban Treaty [TTBT] and the Peaceful Nuclear Explosions Treaty [PNET] and to resume negotiations on a comprehensive test ban treaty.

We are pleased that the administration is implementing the spirit of the resolution through nuclear testing negotiations begun with the Soviet Union last November. At this time, these negotiations are centered on improving the verification provisions of the TTBT and the PNET.

By supporting this amendment today—as we have several times in the past—the Congress would again be on record in support of focusing United States-Soviet negotiations, not just on existing treaties, but on a lower threshold test ban treaty.

A bipartisan majority in the Congress firmly supports an end to the arms race fueled by unlimited continuation of nuclear testing. By continuing to add new nuclear weapons to our arsenals through testing, both the United States and the Soviet Union, unwittingly cancel out the effectiveness reductions might make in their nuclear arsenals. We are saying what every President since Eisenhower has been saying: We must put an end to this escalation through a mutual, verifiable and comprehensive test ban.

Our efforts should be directed toward constraining Soviet testing and development of new strategic warheads that could threaten our security. The Gephardt amendment does this.

If the soviets choose to resume their testing or if they refuse in-country monitoring arrangements, funds are immediately released for the resumption of U.S. testing.

This amendment reflects a grave concern on the part of the American people and the world community that something needs to be done to stop the proliferation of nuclear weapons and the nuclear arms race between the superpowers. The Gephardt amendment is an attempt to move us toward that goal.

I urge my colleagues to support the Gephardt amendment.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise in support of nuclear testing by the United States. As long as we depend upon the nuclear deterrent for security, there remains the need to test. This is the only reliable method to verify that the weapons work as designed. The national security of the United States and continued deterrence thus depend on continued nuclear testing.

Testing of nuclear weapons is necessary to ensure the safety, security, reliability, survivability, and effectiveness of these weapons. Under the Threshold Test Ban Treaty, nuclear tests are currently limited to a maximum of 150 kilotons. According to the Department of Energy, that yield is the minimum level at which a nuclear device can be adequately tested. It is being suggested today that 1 kiloton is adequate to conduct all necessary tests. This is simply not true. No significant tests can occur at 1 kiloton or through supercomputer simulation. In fact, tests under 1 kiloton are so minimal that if this level is adopted, virtually the majority of activities at the Nevada test site would shutdown. The Nevada test site, which is one of the largest employers in my district, generates millions of dollars to the economy of Nevada and plays a critical part in the national security of the United States.

The Gephardt amendment is another attempt to force arms control legislation onto the administration. This amendment bears no relationship to the reality of progress made in arms control negotiations by the administration and, in fact, undermines such negotiations. These testing restrictions, however, will not eliminate one nuclear weapon. There is no reason to doubt the administration's commitment to arms control. This administration has signed an INF agreement; is negotiating a START agreement which may be signed this year; and is involved in complex negotiations on nuclear testing.

I support continued nuclear testing at the Nevada test site. I believe it is crucial that the United States test future weapons systems and ensure that our current nuclear deterrent system is reliable and safe. Nuclear weapons are the cornerstone of our nuclear deterrent and will remain so as long as the Soviets maintain their current superiority in conventional weapons. Therefore, I urge my colleagues to vote against the Gephardt amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York [Mr. DOWNEY], one of the coauthors of the amendment.

Mr. DOWNEY of New York. Mr. Chairman, 25 years ago this year John Kennedy sent Averell Harriman to Moscow to negotiate a partial test ban. It was his proudest achievement. The people who were opposed to the partial test ban cited many of the same reasons we hear today as to why we cannot have a complete test ban. They said that there would be no way to really know if the arsenal was secure if we could not test in the atmosphere, that it would somehow inhibit weapons development. Because we could not agree with the Soviets on the number of on-site inspections we lost the opportunity 25 years ago today to prevent all nuclear weapons test from the planet Earth. Imagine how different the world would be without MIRV's, without the ability to strike one side or the other first?

Today we face different concerns. The opponents of this suggest, as they do normally, that if we somehow attempt to do this we will be undercutting our negotiators. This administration is not interested in a comprehensive test ban, they have said so over and over again.

To suggest that somehow things are going to change now in Geneva I think is very far from reality.

Second, for those of us who believe strongly that this is in our national interests, forget the idea for a moment that somehow our arsenal is affected one way or the other because both arsenals are affected equally if we do not test and the Russians do not test. Both sides lose confidence in their systems that they will work, but the one thing we can have, the one item that is most persuasive is that the United States and the Soviet Union can use as a club in the rest of the world the position that they have stopped testing and they do not want to see other nations test nuclear weapons.

If my colleagues are interested in preventing Mu'ammar Qadhafi or the Ayatollah from having nuclear weapons the best way that can happen is to end and prohibit testing in the United States and in the Soviet Union. We will sacrifice nothing for that and we will gain a great deal.

Let me turn to the issues that have also been raised in the past against this. One that cannot be verified. Today in Nevada Soviet scientists as part of a Natural Resources Defense Council agreement are going to listen with seismometers to the testing of nuclear explosions, chemical explosions, in the Nevada desert. They have done the same things for the United States scientists in the Soviet Union last September.

We can monitor the very lowest level of testing. We have complete confidence whether they are testing and they have complete confidence of whether we would be testing. So the question of verification is no longer acceptable.

Second, the argument that somehow our arsenal is degraded by this whole process, that we will lose confidence in the ability of our nuclear weapons to work or be safe. This argument might have some merit if any number of tests in the past were dedicated to these concerns. The vast majority of nuclear weapons tests have nothing to do with safety, have nothing to do with reliability. They have to do with the testing and the effectiveness of new designs. For those of my colleagues who believe that we need ever more sophisticated nuclear weapons, clearly they are not going to support this amendment because they will want to see the arms race continue.

If, however, my colleagues are satisfied with the 10,000 nuclear weapons that we have and the roughly 10,000 nuclear weapons that the Soviets have they will be able to support this test ban with the reality and the understanding that the Russians cannot cheat, that we can place enormous pressure on other nations around the world to forgo their testing and begin the process of drawing down not only nuclear weapons but the dangerous technology that surrounds it.

Please support the Gephardt amendment.

□ 1705

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, does the prior speaker, the gentleman from New York, really believe that the United States of America and the other nations of the free world are the ones who want the arms race to continue? Does he really believe that? That is preposterous.

Earlier in his remarks, he quoted John F. Kennedy. It was John F. Kennedy a quarter century ago and some months who said, "I will never trust those SOB's"; again, the words not the initials.

He was talking about the Soviets setting off a 60-megaton blast, the largest in the history of the world. We have never even come close th that. That is 60 times a thousand kilotons. The Big Boy bomb or the Fat Boy at Hiroshima was 20 kilotons.

What this truly is is the moratorium revisited, the moratorium almost. Here we have Congressmen pitting themselves against Ph.D.'s. The retired Ph.D., the head of Los Alamos, Dr. Donald Kerr, said that you cannot, repeat cannot, test the reliability of our weapons with a tiny 1-kiloton blast.

Vote against this moratorium, almost, and give the President the decency that we gave him when he went to Reykjavik, and we will go through that dance in a few months, I guess.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I oppose the nuclear testing limitation amendment offered by Congressman GEPHARDT to the Defense authorization bill because this attempt to legislate arms control is based on faulty assumptions and does not serve the best interest of our Nation.

In reality, a 1-kiloton threshold on nuclear tests has the same results as a testing moratorium. The process for certifying the weapons that need certification cannot be satisfactorily done under a 10-kiloton threshold let alone a 1 kiloton. Furthermore, a 1-kiloton limit is very difficult to verify and could easily be confused with a seismic disturbance. In essence, there is no real difference between a moratorium, a 1-kiloton limit or a 10-kiloton limit.

Legislating a moratorium on nuclear testing through restricting funds is a no-lose proposition for Moscow. Such action would condone Soviet violations of existing testing agreements, constrain U.S. modernization efforts, hurt other arms control initiatives, and dangerously damages the United States strategic deterrent and strategic stability. The Soviet Union, meanwhile, continues with its nuclear testing program.

The underlying need for nuclear testing is credibility. We need to make sure that our weapons work the way they are supposed to. Because deterrence is based on the premise that the United States will respond in kind if attacked, the potential foe must have no doubts that our nuclear forces are credible—that they will work as advertised. In addition, these weapons must be reliable, modern, survivable, and secure. Uncertainly in any of these four aspects leads to instability.

The experts have confirmed that no significant tests can occur at 1 kiloton or through supercomputer simulations. According to the Los Alamos National Laboratories, a global leader in nuclear weapons design, it is "* * * unquestionably technically more difficult to certify weapons tested only at partial yield.* * *" It is impossible to certify them at 1 kiloton. The Director of Los Alamos has said that it is possible in cases of testing at reduced yields to make mistakes that are catastrophic, involving total failure rather than imprecise prediction of the higher yield. We must avoid such situations. I have noted that some of my colleagues have referred to the statements of famous scientists in an effort to justify further testing limitations. However, those scientists and engineers who designed and built our nuclear weapons are not as glib. They know the weapons and they feel responsible. That is why the scientists and engineers directly involved with the weapons are some of the strongest advocates against further limitations. If we trust them to design and build them, we should listen to their expert advice.

There are five primary reasons why the United States needs to test:

RELIABILITY AND MAINTENANCE

The confidence in the reliability of nuclear weapons decreases the longer they are stored. There are several instances when we discovered reliability problems and had to rely upon tests to find the solution. An example of this was the problem with the Polaris ballistic missiles that armed U.S. submarines in the 1950's and 1960's. Without the use of testing to discover the problem and then resolve it, we would have been relying on "duds" for deterrence. So long as we do not have a strategic defense and must rely on mutual unclear annihilation for deterrence, we must continue testing to ensure the credibility of that deterrence.

MODERNIZATION

Several of our current programs, necessary to maintain the nuclear balance, would be affected by a testing ban or 1-kiloton limit. The Trident II warhead testing could not be completed and progress on the small ICBM and the short-range attack missile upgrade [SRAM II], all of which enjoy broad support in the Congress, would be highly problematical since MX warhead design modifications could not be validated. As the Soviets continue to disregard arms control agreements and illegally field new weapons like the SS-24 and SS-25, we need to meet these new threats. Further limiting of nuclear tests would jeopardize our ability to meet America's new security needs. This moratorium would preclude the development of advanced concepts, thus eliminating the capability to avoid technological surprise and options for responding to an evolving Soviet military threat. Soviet nonnuclear developments, which would not be constrained even if they were to comply fully with a test ban, can affect our deterrent capability.

SURVIVABILITY

Because of the hostile environment in which nuclear weapons are expected to operate, tests must be conducted to ensure that they can survive such things as enhanced radiation, electromagnetic pulse [EMP] and shock waves.

SAFETY AND SECURITY

We must ensure that our nuclear weapons are safe to handle and secure from either premature detonation or theft. In my opinion, there is a greater danger here, than in deliberate nuclear exchanges by the superpowers. Only one-third of our stockpiled weapons have the most modern safety and security features. Incorporating such features, which are integral to the warhead, requires new warhead designs and actual testing to ensure that weapon yield and reliability are not degraded. Congress rightly insists on the most stringent testing requirements for safety and effectiveness of our nonnuclear systems. I cannot believe that some of the very same Members who have argued so eloquently in favor of more testing and restrictions on systems like the Bradley fighting vehicle are unwilling to apply those same kinds of safety requirements on nuclear weapons. It does not make any sense to have lesser standards for the nuclear systems upon which the

United States and our allies must rely for the foreseeable future. We certainly owe that to the service people working around these systems and the American people living near them.

REDUCTIONS IN NUCLEAR STOCKPILE

Contrary to the assertions of some, the U.S. Nuclear Weapons Testing Program has not led to an even larger stockpile. Thanks to the innovations and improvements made possible by testing, we have been able to introduce newer, safer, and more effective systems while actually significantly reducing the numbers of weapons in our nuclear arsenal from what we had 20 years ago. The number of weapons in the U.S. nuclear stockpile was about one-third higher in 1967 than it is today. Testing has continued to reduce warhead stocks—we have less nuclear weapons today than we did during the Carter administration. Testing has allowed us to retain credibility while reducing the number of nuclear weapons we have.

The nuclear testing issue cannot be viewed independently, as if it were in a vacuum. The Soviets have tried to present it this way by ignoring its relationship to other arms control issues. Nuclear test bans are directly tied to arms control measures, they are not arms control. Not one nuclear, chemical, or conventional weapon would be eliminated or reduced by a test ban. In reality, a test ban is a form of unilateral disarmament, or nuclear freeze. Until we are able to further limit or reduce our nuclear arsenals in an equitable and verifiable fashion, nuclear testing bans are detrimental to our national security.

Our negotiators in Geneva are opposed to these attempts to legislate arms control. The Gephardt amendment undermines them, including the nuclear testing meetings between the United States and the U.S.S.R. The Soviets have blatantly violated many arms control agreements including the limited test ban treaty. By unilaterally adopting a testing moratorium, we are rewarding them for cheating and are sending the signal that it is OK for the Soviets not to adhere to the agreements they have signed. Such a posture puts our negotiators in a very difficult position and could seriously jeopardize our ability to reach any equitable arms control agreements in the future. As you know, the United States and the Soviet Union are getting much closer to an arms control agreement. Why ruin these recent, positive initiatives?

The key to success with the limited testing bans and a future comprehensive ban is progress in other arms control issues and an improvement in verification guarantees. The United States has always taken the lead in proposing verification measures. Most recently, President Reagan invited the Soviets to monitor a United States test and evaluate the use of the new corrtex hydrodynamic measurement system. The President also indicated that if the Soviets were willing to join us in an agreement for effective verification including the use of corrtex, we would be prepared to move forward on further testing bans. I clearly remember what happened the last time we had an unverifiable ban in the 1960's, the Soviets unilaterally, without warning, broke out with a massive testing series. This extensive series of Soviet tests obviously required many months of secret preparation, all conducted while the United States faithfully honored the moratorium. I urge my colleagues to remember the words of President Kennedy in 1962. He said,

> We know enough now about broken negotiations, and the advantages gained from a long-test series never to offer again an uninspected moratorium.

Based on the Soviet track record of violating signed agreements, we must have credible, equitable verification methods. This amendment does not provide any.

I am committed to making sure that our national security comes first. I have consistently supported efforts to make mutually beneficial progress in nuclear testing and arms control issues. This amendment is based on faulty assumptions and does not fulfill our national security objectives. This could adversely affect the current, heightened arms control negotiations. Recently, there has been much positive progress in arms control. This amendment will not enhance our negotiations, it will undermine them. With the Moscow summit just around the corner, I do not believe we should be legislating ineffective, damaging arms control measures. In fact, this amendment positively addresses more of the Soviet's needs than our own. I strongly urge my colleagues to review the facts and oppose the Gephardt nuclear testing limitations amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. MARKEY], one of the coauthors of the amendment.

Mr. MARKEY. Mr. Chairman, I rise in support of the amendment, and I unfortunately, once again, have to take up the time to correct the gentleman from California who was just in the well who continues to misrepresent President Kennedy's views and the nuclear testing issue.

President Kennedy did make some comments about the uninspected moratorium which President Eisenhower abided by from 1958 through 1961, but President Kennedy's problems with that was that there was no verification, and he did not believe in an agreement with the Soviet Union that did not have verification on the part of the United States and the Soviet Union. So when the French Government broke out of that uninspected, unagreed to treaty, the Soviets then broke out, and then we broke out, but there was no verification, but what President Kennedy did say was we do need verifiable agreements beginning with the atmospheric ban on nuclear tests that can reduce and eliminate the need for nuclear weapons on both sides.

We are going to hear from this side that somehow or other what we are doing is interfering with the INF talks, but somehow or other, those talks in Geneva have produced an agreement, somehow or other they continue to be able to talk about nuclear testing in Geneva. What they are talking about is a threshold test ban treaty that is a 150-kiloton limit, an agreement that was in fact agreed to 14 years ago. That is like bringing our Frankie Avalons and spinning them out here as golden oldies.

It is time for us to move on to the new issues. We can work out the minor details on the threshold agreement, but the real sentiment of this administration on nuclear testing was, in fact, made very clear by Dr. Robert Barker, who served as the administration's nuclear testing negotiator until just a couple of months ago.

Let me quote Dr. Barker. He said, "Nuclear weapons testing is never going to be done and neither we nor the Soviets, in my view, are ever going to be finished." That is the real view. That is the guts of the issue. We have got to test for star wars. We have got to test for MX and Trident II and every other new weapons system including the x ray lasers and the hypervelocity pellets and all the rest of the new weapons systems.

Unfortunately, that is not very smart, because the Soviets simultaneously will be free to improve their yield-to-weight ratios in their warheads, to develop earth-penetrating weapons to target out command and control centers, MIRV warheads, to target mobile MX and midget weapons, and we will be made less safe and, unfortunately, the Soviets will exploit that opportunity.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, it has been a very interesting debate. I think people ought to go to Nevada and see testing actually being done. I think they would have their eyes opened somewhat to see what they are really testing when testing above ground, and now they are testing below ground, you see, to see the importance we have in testing our warheads, and that these are things that really work regarding reliability, regarding they go off when they are supposed to go off and do not go off when they are not supposed to go off.

We have heard it stated on this floor that we have got thousands and thousands of warheads. I think people should realize, and I call that the Enola Gay syndrome, when the old B-29 took the first warheads over Japan and let those go, we do not use that kind anymore.

Every time we talk about a new type of weapon system, we talk about a new type of warhead, new type of weapon system that works and can be effective, and I have heard it said that they can kill us 10 times over, and we can kill them 10 times over.

A lot of us in the West have weapons in our basements, and at one time I had a .22, and I had in my basement enough .22 shells to kill everybody on my block 10 times over, but I sold the .22 and got a 30/30, so I needed new shells, and then I needed something else, so I sold the 30/30 and got a 30/06, so I needed something else, and we are looking at the new Stealth bomber, new weapons systems, new cruise missiles, and every time we come up with those, we need a new weapons system.

We do not know if they will work, and it seems to me the longer I am in this group the more we find out that the name of the military is testing, and it does not make sense for us to curtail ourselves, to shackle ourselves and put leg braces on by not allowing this to go through.

Let me make one more point. Those of the Members who are talking about the small ICBM, that will be an issue we are going to be talking about on this floor in a little while, and I think Members had better give some serious thought if they go along with the Gephardt amendment, they have probably curtailed the small ICBM. Think seriously about that. All the systems coming on you have curtailed, stopped them, tantamount to ending testing, if Members go along with the amendment.

□ 1715

Mrs. SCHROEDER. Mr. Chairman, I yield myself my remaining 1 minute.

Mr. Chairman, I urge my colleagues to suppport the Gephardt-Schroeder-Markey-Downy nuclear testing limitation amendment and oppose the Broomfield substitute. Over the last 2 years the House has voted three times to adopt the amendment. Now, more than ever, we need to reiterate House support for nuclear testing.

While the administration has claimed that it is making progress on strategic arms reduction talks with the Soviet Union we must remember that the administration's past record on arms control has been abysmal. The highlights, if you can call them that, seem to be a case study on how to destabilize the strategic balance between the two superpowers. During the Reagan years the administration has: Violated the sublimits of the SALT II Treaty, attempted to reinterpret the ABM Treaty, developed an antisatellite system and, most importantly to this debate, has been the first administration since the Eisenhower Presidency to oppose a verifiable ban on nuclear testing.

The objections the administration have made on a nuclear test ban have been rebuffed time and time again. We have answered the administration's questions on verification, reliability, safety, and the effects of a ban on the President's strategic modernization program. By voting for this amendment, we would reaffirm that a verifiable nuclear test ban would be in the best interest of the United States.

A nuclear test ban would prevent the Soviet Union from catching up to United States on our lead in warhead development. A ban would also prevent the development of new, destabilizing strategic weapons systems on both sides. This would help stabilize the strategic balance and bolster the climate in which the two superpowers could come to an agreement on a strategic arms reduction treaty.

The substitute being offered by my distinguished colleague Mr. Broomfield merely pats the President on the back for seeking to renegotiate the verification provisions of the 14-year-old Threshold Test Ban Treaty. We should instead focus on moving toward a true test ban on nuclear weapons testing. We have to send a clear signal to the administration that the House, supported by the will of the American people want a nuclear test ban. Support of the Gephardt-Schroeder-Markey-Downey nuclear testing limitation amendment would accomplish this.

Mr. BROOMFIELD. Mr. Chairman, I yield my remaining 1 minute to the gentleman from Ohio [Mr. Kasich].

Mr. KASICH. Mr. Chairman, make no mistake, President Kennedy criticized strongly the Soviet Union for "callously breaking the moratorium," which we had been abiding by. Let us have no confusion on that.

But let me point out the April 29 Shultz-Shevardnadze statement which indicates we are making a step-by-step effort to try to resolve the problem of nuclear testing, and also the September 17, 1987, United States-Soviet joint statement that would take us along toward effective verification to ratify the two treaties and "proceed to negotiating further intermediate limitations on nuclear testing leading to the ultimate objective of complete cessation."

To be passing this now, again, and undercutting our negotiators who are, ladies and gentleman, trying to give us a treaty, a step-by-step treaty that both the United States and the Soviet Union are cooperating on, makes no sense. It makes no sense to undercut our allies, and as three distinguished people intimately involved in this operation say, this Gephardt amendment would undercut our negotiators.

It makes no sense. Let us let the negotiators do their job.

The CHAIRMAN pro tempore (Mr. Gray of Illinois). All time for general debate has expired.

It is now in order to consider the amendments relating to testing of nuclear weapons printed in section 1 of House Report 100-579, by, and if offered by, the following Members or their designees, which shall be considered in the following order only:

(A) by Representative Broomfield; and

(B) by Representative Gephardt.

Each amendment shall be in order even if amending portions of the amendment in the nature of a substitute, as modified and as amended, already changed by amendment. If more than one of said amendments is adopted, only the last such amendment which is adopted shall be considered as finally adopted and reported back to the House.

AMENDMENT OFFERED BY MR. BROOMFIELD

Mr. BROOMFIELD. Mr. Chairman, under the rule, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Broomfield: At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 934. SENSE OF CONGRESS IN SUPPORT OF CURRENT NUCLEAR TESTING NEGOTIATIONS.

(a) Findings.—The Congress finds that—

(1) on December 8, 1987, the President signed the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate Range and Shorter Range Missiles (the INF Treaty);

(2) the Government of the United States and the Government of the Soviet Union are currently engaged in negotiations in Geneva seeking to achieve an agreement to reduce by 50 percent the number of the strategic nuclear warheads and strategic nuclear delivery vehicles of each country;

(3) the Government of the United States and the Government of the Soviet Union are also engaged in numerous other bilateral and multilateral arms control negotiations, including negotiations to eliminate chemical weapons and negotiations to reduce conventional forces; and

(4) the Government of the United States and the Government of the Soviet Union are currently engaged in the Nuclear Testing Talks in Geneva designed to establish effective means of verification for the already signed Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty.

(b) Sense of Congress.—It is the sense of Congress that the Congress supports the current efforts by the Government of the United States to negotiate effective nuclear testing regimes with the Government of the

Soviet Union for the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty, which could also be used to verify subsequent agreements concerning nuclear testing.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering an amendment which is very straightforward. It expresses strong support for the administration's current negotiating efforts on nuclear testing in Geneva.

At the heart of the nuclear testing negotiations is development of an effective verification regime which can be used for current nuclear testing treaties such as the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty, as well as any future nuclear testing treaties between the two countries.

Just yesterday, one of our principal negotiators at these talks briefed Members of Congress on the comprehensive nature of these negotiations, as well as the considerable progress which has been made to date.

Not only are the negotiations proceeding well in Geneva, but in January nuclear testing experts from both the United States and the Soviet Union visited each country's nuclear test sites.

At last week's meeting in Moscow between Secretary of State Shultz and his Soviet counterpart, both agreed to review an agreement to conduct a joint verification experiment under which experts from the United States will travel to the Soviet Union to test our verification methods. The Soviets will have a similar opportunity. These tests are tentatively scheduled to take place in July or August.

In another important development at the nuclear testing talks, both countries have tabled their own draft verification protocols of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty.

These agreements were signed in 1974 and 1976, yet have never been ratified by the Senate. Senate ratification is now very much dependent upon the successful negotiation of a new nuclear testing verification regime.

The Gephardt amendment would totally undermine the current negotiations in Geneva. The amendment will also leave us incapable of effectively verifying any type of nuclear testing limitation.

I would like to point out to my colleagues that their vote on my amendment is very important. If you support my amendment, to support our negotiators in Geneva, then you shall not in good conscience support the Gephardt amendment which may follow. A vote for my amendment can only be construed as a vote against the Gephardt amendment.

I urge you to vote in favor of my amendment and vote against the Gephardt amendment.

The CHAIRMAN pro tempore. Does any Member desire to rise in opposition to the pending amendment?

If not, the question is on the amendment offered by the gentleman from Michigan [Mr. BROOMFIELD].

The question was taken.

RECORDED VOTE

Mr. BROOMFIELD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 399, noes 0, not voting 32, as follows:

[Roll No. 78]

AYES—399

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crane
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
MacKay
Madigan
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Porter
Price
Pursell
Quillen
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NOES—0

NOT VOTING—32

Badham
Bevill
Biaggi
Brooks
Craig
de la Garza
DeLay
Duncan
Emerson
Gradison
Huckaby
Jones (TN)
Kemp
Levine (CA)
Lewis (CA)
Lungren
Mack
Manton
Mica
Moody
Pease
Pickle
Rahall
Ray
Rose
Rostenkowski
Stallings
Stokes
Thomas (CA)
Volkmer
Wortley
Yates

□ 1741

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GEPHARDT

Mr. GEPHARDT. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GEPHARDT: At the end of title IX of division A (page 163, after line 6), insert the following new section.

SEC. 934. NUCLEAR TESTING LIMITATION.

(a) LIMITATION.—After the end of the 90-day period beginnig on the date of enactment of this Act, no funds may be obligated or expended during fiscal year 1989 to carry out a nuclear explosive test with a yield exceeding one kiloton, or a nuclear explosive test that is conducted ouside a designated test area, unless—

(1) the President certifies to Congress that the Soviet Union, after the end of such 90-day period, has carried out a nuclear explosive test with a yield exceeding one kiloton;

(2) the President certifies to Congress that the Soviet Union, after the end of such 90-day period, has carried out a nuclear explosive test outside a designated test area; or

(3) the President certifies to Congress after the end of such 90-day period—

(A) that before the end of the 45-day period beginning on the date of the enactment of this Act the President submitted to the Soviet Union a plan for the implementation of reciprocal in-country monitoring arrangements to take effect not later than the end of such 90-day period and to extend through the end of fiscal year 1989; and

(B) that, as of the end of such 90-day period, the Soviet Union has refused to accept and implement such reciprocal in-country monitoring arrangements to take effect not later than the end of such 90-day period and to extend through the end of fiscal year 1989.

(b) TERMINATION FOR CERTAIN NEW AGREEMENTS.—The limitation on nuclear explosive tests in subsection (a) shall cease to apply if supplanted by an agreement, accord, or treaty between the United States and the Soviet Union establishing significant limits on nuclear explosive tests by such countries that is negotiated after the date of the enactment of this Act.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "nuclear explosive test" means any nuclear explosion other than a nuclear explosion for operational combat purposes.

(2) The term "designated test area" means an area within the Soviet Union or the United States which—

(A) is known to be composed of strong-coupling rock; and

(B) is located within the boundaries of a single existing nuclear weapons site in such country.

(3) The term "reciprocal in-country monitoring arrangements" means arrangements between the United States and the Soviet Union to supplement national technical means of verification through the emplacement by each country of seismic monitoring stations on the national territory of the other so that the seismic monitoring network of each nation will be capable of detecting and identifying nuclear explosions with a yield exceeding one kiloton at known nuclear weapons test sites of the other nation and at any other site of the other nation that currently has the capability to accommodate decoupled nuclear explosions with a yield exceeding one kiloton.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Missouri [Mr. GEPHARDT] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I rise in support of the Gephardt amendment.

At the outset, I should like to address a couple of points that have been raised in opposition. First, it is argued that somehow this amendment is going to interfere with the Geneva negotiations. The fact of the matter is that the Geneva negotiations do not address the issue of a low threshold test ban.

The Geneva discussions are cleanup details on a 14-year-old agreement dealing with a 150-kiloton threshold.

Nothing we do here today on this subject matter is going to impact that negotiation.

Next we are told that somehow nuclear weapons will become unreliable if we pass this amendment. That too is now clearly proven not to be the case.

The chairman of the Committee on Armed Services has received from the Lawrence Livermore National Laboratory a report, commonly known as the Kidder Report, dealing with a low threshold test ban, specifically at the one kiloton level. That report states,

> It is found that a high degree of confidence in the reliability of the existing stockpile is justified, and that it is sufficiently robust to permit confidence in the reliability of remanufactured warheads in the absence of nuclear explosive proof-tests.

Then it is argued that somehow we shall lose all the technicians at our nuclear weapons laboratories if this amendment passes. But the Kidder Report makes it clear that that is not true either. It says,

> [D]uring a low threshold test ban . . . [a] significant and challenging scientific and engineering program could be conducted at the weapons laboratories that would engage the interest and maintain the skills of weapons scientists and engineers. They would therefore have little incentive to leave the weapons laboratories and their expertise would continue to be available when needed to monitor the stockpile and the quality of the remanufactured warheads.

Now why do I think that it is vital that we move ahead with this amendment? Mr. Chairman, I have always felt that the biggest threat of nuclear catastrophe comes not from problems between the Soviets and us, but because of the "n-country" problem, the problem that a Libya or some country of that sort is going to develop nuclear weapons.

Progress toward a comprehensive test ban has always been regarded by the nonnuclear weapons states to be an absolute minimum condition for superpower compliance with article 6 of the Nonproliferation Treaty.

□ 1750

If we, the Soviets and we, will not comply with article 6, we cannot expect the nonnuclear powers to comply with the other parts of the nonproliferation treaty.

If, like me, you are concerned about the proliferation of nuclear weapons to currently nonnuclear powers, if you are concerned that Qadhafi is going to get nuclear weapons, if you are concerned that nuclear weapons are going to be used in all sorts of local quarrels around the world thus leading to a nuclear holocaust, it is vital that you vote for the Gephardt amendment.

Mr. BROOMFIELD. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, some events have taken place in recent months that we must take into account as we consider this amendment.

Last November in Geneva, all of a sudden negotiators on testing verification began making very rapid progress. In 2 weeks dozens of issues were resolved. Two months later Americans were on-site in the Soviet Union for the first time. Soviets were on-site in the United States for the first time. And just last week United States-Soviet negotiators reviewed joint verification experiments that will take place this July and August.

In other words, we are in fact working closely together, the United States and the Soviet Union, to be able to fully verify all matters of testing.

Mr. Chairman, I want to review the facts of what has been going on because it is through these negotiations and exchanges that we are building both trust and the concrete procedures that are essential to the world's long-term stability and to ratification of proposed treaties and to negotiation of treaties governing all testing. These first agreements are the most difficult because they set all the new procedures and all the new precedents.

Mr. Chairman, I support comprehensive testing agreements, but they will not be worth the paper they are written on, if they are built through this kind of detailed work.

Last year when we voted on this matter there was no progress being made. Now there is dramatic progress being made, and I urge my colleagues to have the patience, which we are showing little of here tonight, to have the patience to gain the protection of the structure that bilateral negotiated agreements give us. Have the patience to work out on-site verification because by so doing we build the relationship between the United States and the U.S.S.R. that is essential if our children are to live in a world that is more stable and that is peaceful.

Vote no on the Gephardt amendment, and demonstrate the courage to, through negotiated agreements, build peace in our world.

Mr. BROOMFIELD. Mr. Chairman, I yield 2½ minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, we have just adopted unanimously the Broomfield amendment, the Broomfield amendment supporting our nuclear testing negotiators in Geneva. This Gephardt amendment will do just the opposite. It will totally undermine these negotiations.

Let me show you graphically what is at stake. This chart shows in graphic form all of the negotiations in which we are currently involved. They are important efforts by the United States to achieve accommodations with the Soviets to make this a safer world. We have just expressed our support for our negotiators to achieve positive results with these negotiations.

□ 1755

Mr. Chairman, this is not a Republican and Democrat issue. What I am saying is just not the words of the gentleman from Michigan [Mr. BROOMFIELD] who said it earlier and just not my words. Let me quote to you the Secretary of State George Shultz in a letter he wrote to Congressman BOB MICHEL just yesterday. Among other things, he said:

> The proposed amendment prohibiting nuclear tests above one kiloton would eliminate testing needed for the maintenance of our deterrence and continuation of our strategic modernization programs already approved by the Congress. We are currently engaged in a practical step by step negotiation with the Soviets on nuclear testing. Passage of this amendment would undermine these efforts. I urge the House to defeat this amendment. We must not give the Soviets unilateral concessions through legislation.

Mr. Chairman, let me repeat the last sentence of the letter of Secretary of State Shultz of yesterday:

> We must not give the Soviets unilateral concessions through legislation.

That is precisely what he said would occur through the adoption of the Gephardt amendment.

Mr. Chairman, there is insufficient time to debate the technicalities of this complex issue. We are relegated to summary statements of the issue. Democrats and Republicans certainly have respect for Secretary of State George Shultz. Do not cut his legs off by supporting the Gephardt amendment. We would all lose credibility, having unanimously just supported the Broomfield amendment, to now turn 180 degrees and take away what we have just given our negotiators. We must vote on the Gephardt amendment.

The CHAIRMAN pro tempore. The gentleman from Missouri [Mr. GEPHARDT] is recognized for 2 minutes.

Mr. GEPHARDT. Mr. Chairman, I will take my last 2 minutes time to simply straighten out one final time the salient facts that surround this amendment.

First, this exact amendment passed the House three times in the last 2 years. It passed the House on May 19, 1987, by 234 to 197. Having passed it, I dare say that no harm was done to any of the negotiations that are demonstrated in this graph. If we pass it today, it will not harm the negotiations. In fact, it will help those negotiations by clearly, for the fourth time, expressing the sense of this Congress.

The second thing I want to say is that it is not unilateral. It is not unilateral. The only way under this bill that a ban could go into effect is if the Soviets also agree to the ban, and if the Soviets agree to the kind of oversight monitoring that is described in the bill.

The third point I would make is this. The bill talks about and the bill contemplates negotiations with the Soviets on this subject. If this matter is discussed and agreed upon with the Soviets in any of the summitry or any of the negotiations that are going on and an agreement of any kind is reached which is different than what is called for in this amendment, those negotiations and those agreements would supersede what we have done in this bill.

It is consistent with arms control. It is consistent with what our President and the administration are trying to do, but it very clearly says what the Congress wants to have happen.

Mr. BRENNAN. Mr. Chairman, I rise in strong support of the Gephardt-Schroeder amendment calling for a mutual and verifiable nuclear test ban.

This amendment clearly serves our national interest.

Witnesses from the Department of Defense have testified that development of our new strategic weapons systems—the Midgetman and the Trident D-5 missiles—can be completed without further nuclear testing.

By adopting this test ban we will not be jeopardizing our future deterrent capabilities.

All U.S. Presidents since Eisenhower, except the current one, have supported the principle of a comprehensive test ban. Why?

Because a test ban makes sense if we are serious about reducing the threat of nuclear annihilation.

No testing means simply, no new weapons.

Without the confidence testing provides, there will be less temptation to continue the development of new nuclear weapons.

Once the faucet of new weapons has been turned off, we can turn our attention to reducing our existing stockpile of over 25,000 warheads and bombs.

However, the most important feature of this amendment is the verification issue.

It requires that testing occur only in designated areas where onsite monitoring can occur.

This test ban is based on it being mutual—both the United States and the Soviet Union—agreeing to prohibit nuclear explosions greater than 1 kiloton.

If the Soviets renege on their agreement to ban testing, we are free to withdraw from the ban.

There is nothing in this amendment which prohibits the President from exploring a more comprehensive test ban or other favorable arms control agreements.

This does not bind our Nation in an unfavorable way.

A mutual and verifiable test ban allows us to send a signal to the world that we could move from developing more weapons of destruction to embark upon a course of real arms reductions.

This House has adopted the amendment in the past 3 years.

I urge my colleagues to join me in again approving this amendment and move toward nuclear risk reduction.

Ms. PELOSI. Mr. Chairman, I rise today in strong support of the Gephardt-Schroeder-Markey amendment to the Department of Defense authorization bill. As a strong supporter of arms control initiatives, this was not a difficult decision for me. This amendment is substantive and truly serves America's national interest.

The nuclear arms race will continue indefinitely unless testing is banned outright. A comprehensive test ban has been the goal of every American President since Dwight Eisenhower. So what is standing in our way? In the past, verification measures for testing have been an impediment, but this is no longer the case. Technology now permits the installation of unmanned, in-country seismic monitors to verify Soviet compliance with a ban on tests over 1 kiloton. Furthermore, the Soviets have made clear their willingness to accept such monitoring. The question then becomes, will America be more secure in a world where nuclear testing is prohibited? The answer is yes.

By placing a ban on nuclear testing over 1 kiloton, the Gephardt-Schroeder-Markey amendment takes a significant step toward achievement of a comprehensive test ban. The Broomfield substitute, which supports renegotiation of the verification provisions of the 14-year-old threshold test ban treaty, is another example of the many administration measures that just do not do enough, soon enough. This administration has dragged its feet on arms control for over 7 years now. In passing this nuclear testing limitation amendment, let's initiate real efforts for arms control and for a future of peace.

Mr. FEIGHAN. Mr. Chairman, I rise in support of the Gephardt nuclear test ban amendment. The test ban idea has been supported by each and every President since Eisenhower—except for the current one. It has been supported by the American people in 8 States and over 200 U.S. communities who have passed resolutions supporting a complete ban on nuclear tests. That support has been reflected in this House on three separate occasions during the last 2 years.

The Reagan administration argues that we must continue nuclear testing as long as we rely on nuclear deterrence for our defense. This argument simply doesn't hold water:

First, reliability can be assured through nonexplosive tests. Weapons experts from the Atomic Energy Commission, the Los Alamos Laboratory, and the Livermore Laboratory agree that we can verify our stockpiles without nuclear testing.

Second, according to a long-time staff member of the Livermore Lab, "the main purpose of present-day nuclear testing is not to identify and correct stockpile reliability problems but to develop new nuclear weapons."

Third, the test ban, which will only continue if the Soviets do not test, will actually succeed in maintaining the current United States advantage in nuclear technology.

In a letter I received this week from William Burns, Director of the Arms Control and Disarmament Agency, I read about the progress that we have made in negotiating effective verification measures for the threshold test ban treaty and the peaceful nuclear explosions treaty. While I applaud these efforts, they provide for verification of tests of nuclear weapons involving 10 times the destructive power of the bombs dropped on Hiroshima. They do not, however, speak to reducing that threshold level.

Mr. Burns goes on to state that:

> We and the Soviets have agreed to proceed negotiating further intermediate limitations on nuclear testing leading to the ultimate objective of the complete cessation of nuclear testing as part of an effective disarmament process. This process would pursue as the first priority the goal of the reduction of nuclear weapons and ultimately their elimination.

If this is truly the goal of this administration, then it should join in the logic of each preceding administration and pursue a comprehensive test ban. Improvements in technology have made the 1-kiloton threshold a verifiable and reasonable goal that will curb the drive to pursue new and more deadly and dangerous weapons of mass destruction. I urge my colleagues to support the amendment.

Mrs. LLOYD. Mr. Chairman, the House is again considering an amendment that has been brought up repeatedly in the past. But events have overtaken this issue, and we are in a very different arms control atmosphere. This amendment did not make much sense when it was first brought to the attention of the House, and it certainly doesn't make any better sense now. This is another of several arms control amendments that we see every year during floor consideration of the Defense authorization bill.

As we have expressed in the many debates on this issue, nuclear tests ensure the reliability and safety of our nuclear weapons. Tests also allow the introduction of safety measures and ensure that our military equipment can survive a nuclear attack. These tests are also crucial for the development of several promising technologies for the strategic defense initiative.

These reasons are as relevant now as they were when this amendment was first brought up. But events have moved beyond the original impact this amendment was supposed to have. The executive branch is currently engaged in arms control negotiations on several arms control issues; negotiations are now underway on the very issue of testing. The President will be in Moscow in 3 weeks and this amendment would undercut the efforts there. If nuclear weapons are reduced under the START Treaty, it will be even more important that the remaining weapons work properly and provide a credible deterrent.

This is a delicate and active period in arms control negotiations, and this amendment is even more intrusive and obstructive than before.

Mr. JONTZ. Mr. Chairman, today I rise in support of the test ban amendment offered by my colleagues, Mr. GEPHARDT, Ms. SCHROEDER, and Mr. MARKEY.

The amendment would limit nuclear tests with a yield exceeding 1 kiloton, as long as the Soviets observe the same ban.

This amendment is important because it would help to stop the modernization of first-strike weaponry. Without this amendment, development of destabilizing missiles will continue. Missiles will become much faster and more accurate. As a result, we will have less reaction time if an attack ever occurs. By preventing these technological advances, we can diminish the chances that either side—the Soviets or the United States—will contemplate winning a nuclear war through a first strike.

Mr. Chairman, even those who normally oppose these type of arms control measures should support this amendment. The current makeup of our U.S. nuclear forces gives us a great advantage to accepting a test ban. United States warheads are smaller with a high yield, while the Soviet nuclear force structure consists of much larger missiles. If the Soviets continue to test and then develop smaller warheads, they will be capable of placing more warheads on their missiles than we could on our missiles. If the Soviets ever decide to break out of current arms control treaties, they could increase the size of their nuclear arsenal by a factor of four, fairly easily.

Most experts now agree that we have the means to verify nuclear testing with high confidence through satellites, seismic stations, and on site inspections. While the administration contends that verification is still a problem, they have neglected to adequately fund verification programs to try and solve the problem. Since 1980, the verification budget has been decreased substantially. If verification is a problem, we should accelerate verification research, not cut it.

Mr. Chairman, while we need to be watchful of the Soviets, General Secretary Gorbachev has shown a willingness to negotiate on the test ban issue. In fact, the Soviets abided by a unilateral test ban for over a year in 1985 and 1986. The administration neglected to accept any of the terms of this moratorium and continued testing.

Passage of this amendment will send a strong signal that we want to strengthen our arms control position by halting the testing of nuclear weapons.

For over 20 years prior to 1980, Republican and Democratic administrations alike have sought to limit testing of nuclear weapons through various test ban treaties. Let's not miss this opportunity to show where we stand on this important matter. Let's adopt the amendment and demonstrate our commitment to the arms control process.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Missouri [Mr. GEPHARDT].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BROOMFIELD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 186, not voting 31, as follows:

[Roll No. 79]

AYES—214

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bates
Beilenson
Bennett
Berman
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brown (CA)
Brown (CO)
Bruce
Bryant
Bustamante
Campbell
Cardin
Carper
Carr
Chapman
Clarke
Clay
Clement
Coelho
Coleman (TX)
Collins
Conte
Conyers
Coughlin
Coyne
Crockett
DeFazio
Dellums
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Grandy
Gray (IL)
Gray (PA)
Green
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hoyer
Hughes
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Luken, Thomas
MacKay
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
McMillen (MD)
Meyers
Mfume
Miller (CA)
Mineta
Moakley
Morella
Morrison (CT)
Mrazek
Nagle
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pelosi
Penny
Pepper
Perkins
Pickle
Porter
Price
Pursell
Rahall
Rangel
Richardson
Rodino
Roe
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Sikorski
Skaggs
Slaughter (NY)

Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
St Germain
Staggers
Stark
Studds
Swift
Synar
Tauke
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Vento
Visclosky
Walgren
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yatron

NOES—186

Archer
Armey
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boulter
Broomfield
Buechner
Bunning
Burton
Callahan
Chandler
Chappell
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Cooper
Courter
Crane
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Dyson
Edwards (OK)
English
Erdreich
Fields
Flippo
Frenzel
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodling
Grant
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hubbard
Hunter
Hutto
Hyde
Inhofe
Ireland
Johnson (CT)
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Lancaster
Latta
Lent
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Lukens, Donald
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morrison (WA)
Murphy
Murtha
Myers
Nelson
Nichols
Nielson
Oxley
Packard
Parris
Pashayan
Patterson
Petri
Pickett
Quillen
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Spratt
Stangeland
Stenholm
Stratton
Stump
Sundquist
Swindall
Tallon
Tauzin
Taylor
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Watkins
Weber
Whittaker
Wilson
Wolf
Wylie
Young (AK)
Young (FL)

NOT VOTING—31

Badham
Bevill
Biaggi
Brooks
Byron
Craig
de la Garza
Duncan
Emerson
Gradison
Guarini
Huckaby
Jones (TN)
Lewis (CA)
Lungren
Mack
Manton
Mica
Moody
Pease
Ray
Rose
Rostenkowski
Stallings
Stokes
Sweeney
Thomas (CA)
Volkmer
Weldon
Wortley
Yates

□ 1818

The Clerk announced the following pairs:

On this vote:

Mr. Pease for; with Mr. Craig against.
Mr. Stokes for, with Mr. Mack against.
Mr. Guarini for, with Mr. Weldon against.
Mr. Volkmer for, with Mr. Thomas of (California) against.
Mr. Moody for, with Mr. Badham against.

Mr. YOUNG of Alaska changed his vote from "aye" to "no."

Mr. GEJDENSON and Mrs. KENNELLY changed their votes from "no" to "aye."

So, the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. ASPIN. Mr. Chairman, I move to strike the last word. Mr. Chairman, I ask for this time for the purpose of discussing with the gentleman from Alabama [Mr. DICKINSON], the ranking member of the Committee on Armed Services about our plans for what we are going to do tonight and tomorrow.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Alabama.

Mr. DICKINSON. It had been the agreement that the gentleman from Massachusetts' [Mr. MARKEY] amendment would follow immediately on the nuclear testing ban that just passed, but I understand that circumstances have intervened and that the plans are now changed. I wonder if the gentleman from Wisconsin might announce to the House what we might expect in terms of this bill.

Mr. ASPIN. I thank the gentleman from Alabama for asking because I think it is important that Members know that it is the wish of the leadership that we not go any further tonight so we will not have any more votes tonight. What we would plan to do would be to come in at 10 o'clock tomorrow and as far as I know we will work and complete the schedule that we have planned for tomorrow.

Some of the schedule that we had planned to do today we did not get to and in particular there is the Markey amendment which was to come next on the schedule, and the en bloc, a bunch of amendments that had been filed that we had worked together on with the minority and the majority to come up with a group of amendments that we could support and accept without taking a lot of time from the House. So, it is my intention, to answer the question of the gentleman from Alabama, it would be our intention to designate the en bloc amendment tonight, and the reason we have to do that is because the rule that we passed today is not clear that we could ever get the en bloc amendment back on the floor if we do not do it this week. So, it would be my intention to proceed enough to get the en bloc amendment designated tonight, adjourn tonight, and go over to tomorrow morning. The first thing on the schedule tomorrow morning at 10 a.m. would be the en bloc amendment. It should not take too long. We have time if the authors want to say something on behalf of their own amendment which is part of the en bloc amendment but essentially we would dispose of that first thing tomorrow morning and then go to the schedule as printed for tomorrow which includes burdensharing, contracting out, and the buy America provision.

Mr. DICKINSON. If the gentleman from Wisconsin would yield further, since we are caught short now as far as time is concerned it was the schedule that we would finish the Markey amendment and the en bloc amendment today. Tomorrow we would take up the three things that the gentleman from Wisconsin has mentioned and adjourn by 3 o'clock at the latest. We would by that time have finished the three issues, contracting out, the buy American provision and the burdensharing. There is a possibility I would think that if all of these are drawn out and the maximum time allowed is taken on each of them we might not finish that either. I wonder if the gentleman from Wisconsin [Mr. ASPIN] could agree that anyone who insisted on speaking on his amendment in the en bloc amendment that we would set those aside and then take up the others and have that debate later?

I think it would expedite the proceedings considerably tomorrow.

Mr. ASPIN. Mr. Chairman, reclaiming my time, I think that if the gentleman from Alabama spreads that rumor it would help a great deal. In fact, I would suggest that the gentleman from Alabama spread the rumor that that is what is going to happen.

Mr. BATEMAN. Mr. Chairman, I wonder if I could have confirmation of whether we will go later than 3 o'clock tomorrow.

Mr. ASPIN. Absolutely not.

Mr. BATEMAN. Absolutely not?

Mr. ASPIN. Absolutely not. If we finish earlier, of course, then we will adjourn earlier than 3 o'clock. It is always subject to the changes brought by decision of the leadership, but the leadership has so far designated that we come in at 10 a.m. and we quit no later than 3 o'clock.

Mr. DICKINSON. Mr. Chairman, if the gentleman from Wisconsin would yield further, I wonder if the Chair would be kind enough to share with us the probability of the schedule on Monday assuming that we finish the schedule so far?

Mr. ASPIN. The Monday schedule has in it dealing with the Nicaragua amendment, the Central American amendments, it has also the highly contentious and totally irrelevant debate that we are going to have on the Kyl amendment about the amount of money that we are going to spend on Defense in the future, and then we are to go to the regular order of our amendments. We have more than 50 amendments that we are to consider with short time considerations for each and we will try to do as many of those as we can on Monday.

Mr. DICKINSON. If the gentleman would yield further, it is not unusual for us to be in session on Monday and we are going to be in and we will have for sure a number of votes. Would it be reasonable to assume that the Members could rely on the fact that we will have a number of votes, at least three and probably more, on Monday?

Mr. ASPIN. I would guess that that is true. The subject matter will not be important but there is likely to be a large number of votes.

EN BLOC AMENDMENTS, AS MODIFIED, OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, under the provision of paragraph 6 of section 2 of House Resolution 435, I offer an en bloc amendment, composed of amendments printed in section 3 of House Report 100-579, including modifications.

The CHAIRMAN pro tempore. The Clerk will designate the en bloc amendments, as modified.

The Clerk proceeded to designate the en bloc amendments as modified as follows:

Amendment en bloc offered by Mr. Aspin composed of the following amendments, including modifications, listed and numbered in the order that they are printed in Section 3 of House Report 100-579:

(1) Amendment by Mr. McCurdy of Oklahoma;

(3) Amendment by Mr. Aspin of Wisconsin;

(4) Amendment by Mr. Synar of Oklahoma, As Modified;

(5) Amendment by Mr. Spratt of South Carolina, As Modified;

(6) Amendment by Mrs. Schroeder of Colorado, As Modified;

(7) Amendment by Mr. McCurdy of Oklahoma;

(8) Amendment by Mr. McCurdy of Oklahoma, As Modified;

(10) Amendment by Mr. Hunter of California, As Modified;

(12) Amendment by Mr. Dornan of California;

(14) Amendment by Mr. Bustamante of Texas;

(15) Amendment by Mr. Burton of Indiana;

(16) Amendment by Mrs. Boxer of California;

(18) Amendment by Mr. McMillen of Maryland;

(20) Amendment by Mr. Skelton of Missouri;

(21) Amendment by Mrs. Schroeder of Colorado;

(22) Amendment by Mr. Nichols of Alabama;

(23) Amendment by Mr. Kasich of Ohio;

(24) Amendment by Mr. Hutto of Florida;

(26) Amendment by Mrs. Collins of Illinois;

(27) Amendment by Mr. Smith of New Jersey, As Modified;

(29) Amendment by Mr. Skaggs of Colorado;

(30) Amendment by Mr. McCloskey of Indiana;

(31) Amendment by Mr. Leath of Texas;

(32) Amendment by Mr. Darden of Georgia;

(33) Amendment by Mr. Weldon of Pennsylvania;

(34) Amendment by Mr. Solomon of New York;

(35) Amendment by Mr. Nichols of Alabama;

(37) Amendment by Mr. Kasich of Ohio;

(39) Amendment by Mr. Hunter of California;

(40) Amendment by Mr. Hunter of California, As Modified;

(41) Amendment by Mr. Hochbruechner of New York;

(42) Amendment by Mr. Herger of California;

(44) Amendment by Mr. Davis of Illinois, As Modified;

(45) Amendment by Mr. Davis of Illinois;

(47) Amendment by Mr. Broomfield of Michigan;

(48) Amendment by Mr. Bonior of Michigan, As Modified;

(49) Amendment by Mr. Bateman of Virginia, As Modified;

(50) Amendment by Mr. Badham of California;

(51) Amendment by Mr. Dicks of Washington;

(54) Amendment by Mr. Skelton of Missouri;

(57) Amendment by Mr. Lagomarsino of California;

(58) Amendment by Mrs. Saiki of Hawaii; and

(59) Amendment by Mr. Morrison of Washington, As Modified.

The text of the en bloc amendments, as modified, is as follows: En bloc amendments, as modified, offered by Mr. Aspin:

By Mr. McCURDY of Oklahoma:

Page 11, after line 17, insert the following:

(d) MLRS System for the Army National Guard.—Congress supports the development of an acquisition program to provide for the deployment of three batteries per year of the Multiple-Launch Rocket System (MLRS) to units of the Army National Guard.

By Mr. ASPIN of Wisconsin:

At the end of title I of division A (page 16, after line 14) insert the following new section:

SEC. 117. SOURCE SELECTION AUTHORITY FOR THE PALLETIZED LOADING SYSTEM.

Section 259(d) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1068) is amended by striking out "The Under Secretary of Defense for Acquisition" and inserting in lieu thereof "The Acquisition Executive for the Department of the Navy".

By Mr. SYNAR of Oklahoma:

Page 21, after line 7, insert the following new subsection (and redesignate the succeeding subsection accordingly):

(c) Report on Total Program Cost.—Not later than March 1, 1989, the Secretary of Defense shall transmit to Congress a report setting forth the total program cost, in constant and in current dollars, of the B2 Advanced Technology Bomber program.

By Mr. SPRATT of South Carolina:

Page 19, after line 18, insert the following new section:

SEC. 211. RED TEAM ANALYSIS OF SDI PROGRAM.

(a) The Secretary of Defense shall conduct an independent adversarial (or so-called Read Team) analysis of the Strategic Defense Initiative program beginning on October 1, 1989.

(b) Of the funds available for the Strategic Defense Initiative for fiscal year 1989, $5,000,000 may be used for such analysis.

(c) The analysis should cover the possible range of responses by the Soviet Union to the first two proposed phases of SDI and the potential effectiveness of those responses. Judgments of a political and strategic nature should be clearly distinguished from those of a technical nature and should be separately supported.

(d) The analysis should also analyze the adequacy of experimental and operational data to support existing plans for development and deployment of Phase I of the Strategic Defense System as proposed by the Strategic Defense Initiative Organization as of the date of the enactment of this Act.

By Mrs. SCHROEDER of Colorado:

Strike out sections 223 and 224 (page 21, line 17, through page 24, line 20) and insert in lieu thereof the following:

SEC. 223. ICBM MODERNIZATION PROGRAMS.

(a) Evaluation of Launch Control Systems.—The Secretary of Defense shall evaluate the feasibility of providing common launch control systems for the MX rail-garrison program and the Small Intercontinental Ballistic Missile (SICBM) program. If the evaluation demonstrates that such commonality is feasible, the Secretary shall preserve such commonality in those programs.

(b) Program Concurrency Review for MX Rail-Garrison Program.—The Undersecretary of Defense for Acquisition shall conduct a review of program concurrency for the MX rail-garrison system, assuming a date for the initial operating capability of the system during fiscal year 1991, and shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on such review in conjunction with the submission of the President's budget for fiscal year 1990.

(c) Evaluation of ICBM Programs by National Academy of Sciences.—The Secretary of Defense shall request the National Academy of Sciences to evaluate the operational, technological, and logistical issues associated with the MX rail-garrison system and the Small ICBM system. The Secretary shall request that all appropriate Federal regulatory agencies cooperate with the Academy in such evaluation. When the evaluation is completed, the Secretary shall submit to Congress a report on the evaluation, including any report submitted by the Academy to the Secretary. The report shall be submitted in both classified and unclassified forms. Of the funds made available for the MX rail-garrison and Small ICBM programs for fiscal year 1989, $1,000,000 from each such program shall be available only for the evaluation under this subsection.

(d) Study of Domestic Vulnerabilities of MX Rail-Garrison and SICBM Systems.—(1) The Comptroller General shall conduct a study of the potential vulnerabilities of the MX rail-garrison system and the Small ICBM system to sabotage and to special operations forces of the Soviet Union. The study shall also consider the potential vulnerabilities of those systems to disruption as a result of political protest, except that the Comptroller General may not collect any information on the membership, activities, or plans of any specific group or individual.

(2) The Comptroller General shall submit to Congress a report on the study by March 1, 1989. The report shall be submitted in both classified and unclassified form.

(3) Any security review of such study by the Secretary of Defense shall be completed within 60 days of the date of the initial submission of the report to the Secretary.

(e) Independent Assessment of Vulnerability of Systems.—The Undersecretary of Defense for Acquisition shall conduct a so-called "Red team" assessment of the vulnerability of the MX rail-garrison system and the Small ICBM system which shall be completed by January 1, 1989. Not later than January 1, 1989, the Secretary of Defense shall submit a report on the results of the assessment shall be submitted to the Comittees on Armed Services of the Senate and House of Representatives. The report shall be submitted in both classified form. Of the funds made available for the MX rail-garrison and Small ICBM programs for fiscal year 1989, $5,000,000 from each such program shall be available only for the assessment under this subsection.

(f) Submission of Certain Documents.—Not later than 15 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives copies of the documents entitled "System Threat Assessment Report" and "System Operational Requirements Document" that have been used in planning for the MX rail-garrison system within the Department of the Air Force.

(g) Independent Review of SICBM Program.—The Secretary of the Air Force, in conjunction with the Office of the Secretary of Defense, shall provide for an independent review of the Small Intercontinental Ballistic Missile (SICBM) program. The review shall focus on ways to reduce costs of that program and shall address at a minimum the issues described in the last paragraph beginning on page 15 of House Report 100-563 (the report to accompany H.R. 4264 of the 100th Congress).

(h) Continuation of SICBM Program.—Before January 20, 1989, the Secretary of Defense may not proceed with the implementation of a plan to terminate the Small ICBM program.

(i) Allocation of FY89 SICBM Funding.—The Secretary of Defense shall allocate funds appropriated for the Small ICBM program for fiscal year 1989 so that as much of the critical subcontractor base for that program as possible is preserved through that fiscal year.

By Mr. McCURDY of Oklahoma:

Page 19, after line 11, insert the following new section:

SEC. 206. TERMINALLY GUIDED SUB MUNITION.

Of the amount appropriated pursuant to section 201 for the Army, $20,000,000 shall be available only for the development of a Terminally Guided Sub Munition (TGSM) for the Army Tactical Missile System (ATACMS).

Page 18, after line 14, insert the following:

(c) High Temperature Superconductivity.—Of the amount appropriated pursuant to section 201 for the Defense Agencies, not less than $25,000,000 shall be available for the Defense Advanced Research Projects Agency for the high temperature superconductor manufacturing program.

By Mr. HUNTER of California:

Page 18, after line 14, insert the following new subsection.

(d) Vector Thrust Project.—If the Secretary of Defense determines that the results of on-going tests warrant the continuation of the DP2 Vector Thrust Project of the Defense Advanced Research Projects Agency warrant the continuation of such project during fiscal year 1989, the Secretary is urged to transfer funds for such project subject to established procedures for the transfer of funds.

By Mr. DORNAN of California:

At the end of title II of division A (page 33, after line 3), add the following new section:

SEC. 237. AIR DEFENSE INITIATIVE.

(a) Purpose.—The purpose of the Air Defense Initiative program of the Department of Defense is to carry out research, development, test, and evaluation of technology and the engineering and deployment of systems in order to provide real defenses for the United States and its allies against air-breathing platforms capable of carrying nuclear and conventional armed munitions.

(b) Annual Report.—The Secretary of Defense shall include in the Secretary's annual report to Congress under section 113(c) of title 10, United States Code, a review of Air Defense Initiative systems, including progress on such systems and specifically describing progress toward deployment of such systems.

By Mr. BUSTAMANTE of Texas:

Page 33, strike out lines 2 and 3 and insert in lieu thereof the following:

the program acquisition cost of that system as shown in the most recent Selected Acquisition Report for that system.".

By Mr. BURTON of Indiana:

Page 19, after line 18, insert the following new section:

SEC. 214. JOINT DEVELOPMENT OF ANTI-TACTICAL BALLISTIC MISSILE SYSTEM.

Of the funds available for the Strategic Defense Initiative under section 211, not less than $75,000,000 shall be available for the joint development, on a matching fund basis, of an anti-tactical ballistic missile system with NATO allies and other countries that the United States has invited to participate in the Strategic Defense Initiative Program.

By Mrs. BOXER of California:

At the end of title II of division A (page 33, after line 3), add the following new section:

SEC. 238. UNIVERSITY RESEARCH INITIATIVE.

(a) General Rule.—The Secretary of Defense shall provide funds under the University Research Initiative program for activities selected by the Secretary for the award of such funds on the basis of competition.

(b) Plan To Broaden Geographic Distribution of Funds.—None of the amounts appropriated pursuant to section 201 for the Defense Agencies may be obligated for the University Research Initiative program until the Secretary of Defense—

(1) submits to Congress a plan to provide for broader geographic distribution of funds under such program in comparison to the distribution of such funds during fiscal years 1986 and 1987; and

(2) sets aside a portion of the funds available for such program for fiscal year 1989 to implement such plan.

By Mr. McMILLEN of Maryland:

Page 19, after line 11, insert the following:

SEC. 208. AIRSHIP PROGRAM.

Of the funds authorized for the Defense Agencies in section 201 for the Air Defense Initiative, not more than $40,000,000 shall be available for an Airship program.

By Mr. SKELTON of Missouri:

At the end of part B of title III of division A (page 41, after line 17), insert the following new section:

SEC. 316. REQUIREMENTS FOR CERTAIN CIRCULAR A-76 PROCEDURES.

(a) Requirement To Include Retirement Costs.—(1) In any comparison conducted by the Department of Defense under Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy) of the cost of performing commercial activities by Department of Defense personnel and the cost of performing such activities by contractor personnel, the Secretary of Defense shall include retirement system costs (as described in paragraphs (2) and (3)) of both the Department of Defense and the contractor.

(2) The retirement system costs of the Department of Defense shall include (to the extent applicable) the following:

(A) The cost of the Federal Employees Retirement System, valued by using the normal-cost percentage (as defined by section 8401(23) of title 5, United States Code).

(B) The cost of the Civil Service Retirement System under subchapter III of chapter 83 of such title 5.

(C) The cost of the thrift savings plan under subchapter III of chapter 84 of such title 5.

(D) The cost of the old age, survivors, and disability insurance taxes imposed under section 3111(a) of the Internal Revenue Code of 1986.

(3) The retirement system costs of the contractor shall include the cost of the old age, survivors, and disability insurance taxes imposed under section 3111(a) of the Internal Revenue Code of 1986, the cost of thrift or other retirement savings plans, and other relevent retirement costs.

(b) Requirement To Consult DOD Employees.—(1) Each officer or employee of the Department of Defense responsible for determining under Office of Management and Budget Circular A-76 whether to convert to contractor performance any commercial activity of the Department—

(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

(B) may consult with such employees on other matters relating to that determination.

(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, United States Code, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

(3) The Secretary of Defense shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in paragraph (2)(B) for purposes of consultation required by paragraph (1).

By Mrs. SCHROEDER of Colorado:

Page 40, lines 5 and 17, insert "trainer equipment or" after "function for" each place it appears.

Page 41, line 10, insert "trainer equipment or" after "function for".

By Mr. NICHOLS of Alabama:

At the end of part B of title III of division A (page 41, after line 17), insert the following new section:

SEC. 317. LIMITATION ON FUNDS FOR DEPOT MAINTENANCE.

None of the funds appropriated or otherwise available to the Department of the Army for fiscal year 1989 may be used for depot maintenance of equipment unless such funds provide for civilian personnel strengths at the Army depots performing tank repair or tank rebuilding within the continental United States in an amount above the strengths assigned to those depots on September 30, 1986.

By Mr. KASICH of Ohio:

At the end of section 301 (page 34, after line 12), insert the following new subsection:

(c) Funding for Defense Agencies.—Of the amount authorized in subsection (a) for operation and maintenance for Defense Agencies for fiscal year 1989—

(1) $162,219,000 is authorized for the Defense Investigation Service;

(2) $144,733,000 is authorized for the Office of the Secretary of Defense; and

(3) $124,193,000 is authorized for the Washington Headquarters Services.

By Mr. HUTTO of Florida:

At the end of section 301 (page 34, after line 12), insert the following new subsection:

(d) Funding for U.S. Southern Command Airlift.—(1) of the amount authorized in subsection (a) for operation and maintenance for the Air Force for fiscal year 1989—

(A) $11,500,000 is available only for contracting for aircraft with short takeoff and landing (STOL) capability for the United States Southern Command; and

(B) not more than $661,500,000 is available for the maintenance of leased equipment.

(2) No funds appropriated for operation and maintenance for the Air Force for fiscal year 1989 may be obligated or expended for a contract for STOL-capable aircraft until—

(A) the Secretary of Defense approves a requirements document and acquisition plan, including costs and schedule information, for an aircraft with short takeoff and landing capability for the United States Southern Command; and

(B) the Secretary of Defense submits both the document and the plan to the Committees on Armed Services of the Senate and the House of Representatives.

By Mrs. COLLINS of Illinois:

At the end of title III (page 74, after line 9) insert the following new section:

SEC. 353. STUDY OF DEPARTMENT OF DEFENSE SAFETY STANDARDS FOR TRANSPORTATION OF HAZARDOUS MATERIALS.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the adequacy of Department of Defense safety standards for the transportation of hazardous materials.

By Mr. SMITH of New Jersey:

At the end of title VI of division A (page 118, after line 14), add the following new section:

SEC. 635. ELIGIBILITY OF CERTAIN INSTITUTIONS TO RECEIVE REIMBURSEMENT UNDER CHAMPUS.

(a) Active-Duty Dependents.—(1) Section 1079(B) of title 10, United States Code, is amended by adding at the end of paragraph (1) the following: "The Secretary of Defense may exempt a patient from paying such amount if the hospital to which the patient is admitted does not impose a legal obligation on any of its patients to pay for inpatient care.".

(2) Section 1079 of such title is further amended by adding at the end the following new subsection:

"(m)(l) Subject to paragraph (2), a hospital or other institutional health-care facility may not be denied payment under this section for a charge for services for which a claim is submitted under a plan contracted for under subsection (a) solely on the basis that such hospital or facility does not impose a legal obligation on patients to pay for such services.

"(2) Paragraph (1) shall apply only if there is reasonable evidence that the payment by the Department of Defense is not greater than the average amount paid for comparable care in the same geographic area or, if there is no comparable care in the same area, in an area similar to the area in which the care is provided.".

(b) Certain Members, Former Members, and Their Dependents.—(1) Section 1086(b) of title 10, United States Code, is amended in paragraph (3) by adding at the end the following: "The Secretary of Defense may exempt a patient for paying such charges if the hospital or other facility to which the patient is admitted does not impose a legal obligation on any of its patients to pay for inpatient care.".

(2) Section 1086 of such title is further amended by adding at the end the following new subsection:

"(h)(1) Subject to paragraph (2), a hospital or other institutional health-care facility may not be denied payment under this section for a charge for services for which a claim is submitted under a plan contracted for under subsection (a) solely on the basis that such hospital or facility does not impose a legal obligation on patients to pay for such services.

"(2) Paragraph (1) shall apply only if there is reasonable evidence that the payment by the Department of Defense is not greater than the average amount paid for comparable care in the same geographic area or, if there is no comparable care in the same area, in an area similar to the area in which the care is provided."

(c) Effective Date.—The amendments made by subsections (a) and (b) shall apply with respect to medical care received after September 30, 1988.

By Mr. SKAGGS of Colorado;

At the end of title VIII of division A (page 144, after line 12) insert the following new section:

SEC. 812. SENSE OF CONGRESS ON PREPARATION OF CERTAIN ECONOMIC IMPACT AND EMPLOYMENT INFORMATION CONCERNING NEW ACQUISITION PROGRAMS.

It is the sense of Congress that the Secretary of Defense should not, before an acquisition program is approved to proceed into full-scale development, prepare any material, report, list, or analysis with respect to economic benefits or the employment impact of that program in a particular State or congressional district.

By Mr. McCLOSKEY of Indiana:

Page 32, line 12, insert "and ship" after "aircraft"

Page 32, line 15, insert "or ship" after "aircraft"

Page 133, in the matter preceding line 4, insert "and ship" after "aircraft"

By Mr. Leath of Texas;

Page 130, starting on line 20, strike out section 806 and insert in lieu thereof the following:

SEC. 806. SOURCE OF PROCUREMENT OF MACHINE TOOLS.

(a) United States Source Required.—Section 2400 of title 10, United States Code, as amended by sections 804 and 805, is amended by adding at the end the following new subsection:

"(f) Machine Tools.—(1) Neither the Secretary of Defense nor the Secretary of a military department may enter into a contract for the procurement of machine tools described in paragraph (3) which are manufactured outside the United States or Canada.

"(2) The Secretary concerned, on a case-by-case basis may waive the restriction in pargraph (1) if the Secretary determines—

"(A) that no such machine tools are manufactured in the United States or Canada; or

"(B) an adequate supply of machine tools of satisfactory quality manufactured in the United States or in Canada is not available to meet Department of Defense requirements on a timely basis.

"(3) This section applies to machine tools specified in the Federal Supply Classes for metal-working machinery numbered 3405, 3408, 3410 through 3419, 3426, 3433, 3438, 3441 through 3443, 3445, 3446, 3448, 3449, 3460, and 3461.".

(b) Effective Date.—Subsection (f) of section 2400 of title 10, United States Code, as added by subsection (a) shall apply with respect to contracts entered into after September 30, 1988.

By Mr. DARDEN of Georgia:

At the end of title VIII of division A (page 144, after line 12), insert the following new section:

SEC. 813. ALLOWABILITY OF COSTS TO PROMOTE THE EXPORT OF DEFENSE PRODUCTS.

Section 2324(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

(5) The regulations shall provide that costs to promote the export of products of the United States defense industry shall be allowable to the extent that such costs are allocable, reasonable, and not otherwise unallowable.".

By Mr. WELDON of Pennsylvania:

At the end title IX of division A (page 163, after line 6), insert the following:

SEC 937. STUDY AND REPORT ON ANTIBALLISTIC MISSILE CAPABILITIES AND ACTIVITIES OF THE SOVIET UNION.

(a) Study Required.—The Secretary of Defense shall conduct a study regarding the antiballistic missile capability and activities of the Union of Soviet Socialist Republics. As a part of such study, the Secretary shall assess—

(1) the military capabilities and significance of the extensive netted system of large-phased array radars of the Soviet Union;

(2) whether the Soviet Union is illegally developing or producing mobile or transportable engagement radars;

(3) the ability of the Soviet Union to develop an effective exoatmospheric antiballistic missile defense without using widespread deployment of traditional engagement radars;

(4) the ability of developed and projected air defense interceptor missiles of the Soviet Union to successfully destroy ballistic missile warheads;

(5) whether silos or hardened facilities of the Soviet Union outside of the antiballistic missile site permitted near Moscow are or could be associated with illegal antiballistic missile defenses;

(6) whether the Soviet Union is developing terminal antiballistic missile defenses;

(7) whether the antiballistic missile site permitted near Moscow conceals or could conceal development, testing, or deployment by the Soviet Union of a widespread antiballistic missile system;

(8) activities by the Soviet Union regarding sea-, land-, and air-based boost-phase intercepts of ballistic missiles;

(9) the status of laser, particle beam, and other advanced technology programs of the Soviet Union comparable to programs conducted by the United States under the Strategic Defense Initiative;

(10) the consequences for the United States of a successful effort by the Soviet Union to deploy an effective widespread antiballistic missile system;

(11) the effectiveness of developed, but not yet deployed, and planned penetration aids of the United States against a widespread antiballistic missile system of the Soviet Union; and

(12) the ability of the United States to modify its strategic offensive forces, doctrine, and tactics to effectively counter an effective widespread antiballistic missile system of the Soviet Union during the same period in which such system is deployed.

(b) Preparation of Report.—The Secretary shall prepare a report, in both a classified and an unclassified version—

(1) specifying the results of the study required by subsection (a); and

(2) containing such recommendations as the Secretary considers appropriate, including recommendations with regard to maintaining the deterrent value of the strategic forces of the United States given the antiballistic missile capability and activities of the Union of Soviet Socialist Republics.

(c) Submission of Report.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the President and to the Congress the report required by subsection (b).

By Mr. SOLOMON of New York:

At the end of part C of title IX of division A (page 159, after line 21), insert the following new section:

SEC. 924. REPORT ON EFFECTS OF NAVAL SHIPBUILDING ON MARITIME INDUSTRIES.

(a) Report.—Each year the Secretary of Defense shall submit to Congress a report on the effects of the Secretary's plans for naval vessels on the private sector maritime shipbuilding and repair industries in the United States. In particular, the Secretary shall analyze the effects of this plans for the next five years for naval shipbuilding and conversion, naval vessel repair, and procurement of support equipment for naval vessels on the continued viability and mobilization preparedness of such industries in their role in the sealift component of the United States conventional defense deterrent.

(b) Deadline.—The report shall be submitted in 1989 and each year thereafter at the same time as the Secretary of Defense submits the Department of Defense annual report to Congress.

By Mr. NICHOLS of Alabama:

Page 157, line 16, insert the following after "tanks": ", of which $30,000,000 shall be used for facilitization of Anniston Army Depot and initiation of the modification program for M1 tanks".

By Mr. KASICH of Ohio:

At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 938. LINKAGE OF STRATEGY AND BUDGET.

(a) Findings—Congress makes the following findings:

(1) The Final Report to the President by the President's Blue Ribon Commission on Defense Management (the "Packard Commission") the Defense Acquisition Study of the Center for Strategic and International Studies, and the Report of the Commission on Integrated Long-Term Strategy (referred to as "Discriminate Deterrence") have separately identified significant deficiencies in the integration of national military strategy with weapon acquisition programs of the Department of Defense.

(2) There is no appropriate forum in the Office of the Secretary of Defense in which strategy, policy, and operational concepts are fully debated and translated into acquisition programs and given appropriate priorities in the defense budget. The dominant role of setting requirements for new weapon systems remains with the staffs of the individual military services, and the requirements developed by those services often appear not to have been evaluated in terms of their overall contribution to national military strategy.

(3) The requirements and planning process of the Department of Defense is not constrained by realistic projections of future defense budgets. Consequently, the process is fiscally unrealistic and therefore largely ignored in the subsequent programming and budgeting process. This process often results in disparate plans that do not optimize the potential contribution of each military service to national strategic objectives.

(b) Sense of Congress.—In light of the findings in subsection (a), it is the sense of Congress that—

(1) to ensure that the United States develops the proper mix of weapon systems to support its defense priorities, the Office of the Secretary of Defense should better define the links between national strategy and specific acquisition decisions;

(2) the Office of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the commanders of the unified and specified combatant commands should more clearly define the necessary operational capabilities and concepts of operations through the requirements process including alternatives based on probable levels of resources likely to be approved by Congress and explicit trade-offs among the military services;

(3) the Secretary should ensure that resulting budget priorities clearly reflect national strategic priorities; and

(4) the Secretary of Defense should commission an independent assessment of the process of the Department of Defense for requirements and planning and the relationship of that process to an integrated long-term strategy offering high leverage against military doctrine, strategy, and operational concepts of the Soviet Union.

By Mr. HUNTER of California:

At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 939. COMPREHENSIVE PLAN TO COUNTER SOVIET SATELLITES.

The Secretary of the Navy shall, by September 30, 1988, submit to the Committees on Armed Services of the Senate and House of Representatives a comprehensive plan to counter any use of satellites of the Soviet Union to locate, target, and destroy United States naval vessels.

By Mr. HUNTER of California:

At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 940. SENSE OF CONGRESS CONCERNING OPERATIONS OF THE UNITED STATES SOUTHERN COMMAND.

It is the sense of Congress—

(1) that the operations of the United States Southern Command in Panama are vital to the security interests of the United States;

(2) that those operations on a permanent basis are essential to defending those interests; and

(3) that the President should, therefore, take all steps necessary to ensure the continued operations of the Southern Command in Panama in order to maintain the security of the Panama Canal and to guarantee its regular operation.

By Mr. HOCHBRUECHNER of New York:

At the end of title IX of division A (page 163, after line 6), add the following new section:

SEC. 941. NATIONAL POLICY ON CONTROL OF COMPROMISING EMANATIONS.

The Secretary of Defense may not implement new regulations which direct compliance with a new National Policy Statement and Instruction (entitled the "National Policy on Control of Compromising Emanations"), as approved by the National Telecommunications and Information Security System Committee (NTISSC), until—

(1) the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report describing the new regulations and analyzing the effects of the new policy statement and instructions; and

(2) a period of 45 legislative days have passed after receipt of such report by those committees.

For purposes of paragraph (2), legislative days shall be determined as provided under section 7307(b)(2) of title 10, United States Code, for determining days of continuous session of Congress.

By Mr. HERGER of California:

At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 942. REPORT ON SUSCEPTIBILITY OF DEFENSE COMPUTER ASSETS TO COMPUTER VIRUSES.

The Secretary of Defense shall submit to Congress a report on the susceptibility of vital Department of Defense computer systems to so-called computer viruses and shall describe the steps which have been taken and are planned to be taken to protect the Department of Defense computer systems and records against computer viruses. Such report shall be submitted not later than March 1, 1989, in classified and unclassified form.

By. Mr. DAVIS of Illinois:

At the end of division A (page 163, after line 6), add the following new title:

TITLE X—DEFENSE INDUSTRIAL BASE

SECTION 1001. SHORT TITLE.

This title may be cited as the "Defense Industrial Base Preservation Act of 1988".

SEC. 1002. FINDINGS.

The Congress finds that—

(1) a strong defense industrial base in the United States significantly enhances the ca-

pability of United States manufacturers and producers—

(A) to develop technologically superior defense items rapidly and to produce such items efficiently in cost-effective quantities during peacetime, and

(B) to expand productive capacity rapidly to meet the demands of a national emergency;

(2) a strong and responsive defense industrial base is a basic deterrent to aggression and, thus, helps to preserve peace;

(3) a series of studies conducted over a 10-year period by Congress, the General Accounting Office, the Department of Defense, and others have consistently shown a steady, unchecked erosion of the defense industrial base in the United States;

(4) despite the uniformly adverse findings contained in the reports on such studies, the United States still lacks a coherent industrial base policy that is directly linked to national security strategy;

(5) reliable methods for assessing the weaknesses and strengths of the defense industrial base have not been utilized;

(6) the development and implementation of an effective program for the restoration and maintenance of the defense industrial base is unlikely to occur without, among other things, improved centralized policy direction and management;

(7) existing programs and authorities designed to restore and maintain the defense industrial base have received inconsistent and, frequently, inadequate allocations of resources and management attention from the military departments and the Defense Agencies because the Office of the Secretary of Defense has not exercised strong leadership in defense industrial base management; and

(8) procurement policies, regulations, and practices do not sufficiently encourage—

(A) investment in advanced manufacturing technology and modernization of manufacturing facilities and equipment,

(B) the entry of efficient producers, especially small businesses, from the commercial sectors of the economy into the defense procurement market, and

(C) continued participation of efficient producers in the defense procurement competitions.

SEC. 1003. DEFENSE INDUSTRIAL BASE.

(a) IN GENERAL.—Part IV of subtitle A of title 10, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 170—DEFENSE INDUSTRIAL BASE MANAGEMENT AND SUPPORT PROGRAMS

"Subchapter: Sec.
I. Definitions 2871
II. Management and Planning for Industrial Readiness 2881
III. Fostering Manufacturing Technology Improvements and Investment 2891

"SUBCHAPTER I—DEFINITIONS

"Sec.
"2871. Definitions

§ 2871. Definitions

"In this chapter:

"(1) The term 'domestic source', with respect to a contract awarded by the Department of Defense, means a business entity that performs substantially all of the research and development, engineering, and production required under the contract within the United States or Canada.

"(2) The term 'free trade area source', with respect to a contract awarded by the Department of Defense, means a business entity that performs substantially all of the research and development, engineering and production required under the contract with Canada or any other nation with which the United States, before February 29, 1988, entered into a trade agreement establishing a free trade area under section 102 of the Trade Act of 1974 (19 U.S.C. 2112).

"(3) The term 'nondomestic source' means any business entity which is not a domestic source.

"(4) The term 'major defense acquisition program' has the meaning given such term by section 2430 of this title.

"SUBCHAPTER II—MANAGEMENT AND PLANNING FOR INDUSTRIAL READINESS

"Sec.
"2881. Centralized guidance, analysis, and planning for programs affecting the defense industrial base.
"2882. Early and sustained consideration of requirements for efficient manufacture during the design and production of weapon systems.
"2883. Analysis of the capability of the defense industrial base to support certain defense acquisition programs.
"2884. Recognition of production equipment and systems modernization in the award and administration of contracts.
"2885. Acquisition policies to encourage investment in advanced manufacturing technology and processes.
"2886. Increasing reliance on commercial manufacturing processes and commercial items.
"2887. Defense Production Innovation Center.

"§ 2881. Centralized guidance, analysis, and planning for programs affecting the defense industrial base

"The Under Secretary of Defense for Acquisition shall, subject to the authority, direction, and control of the Secretary of Defense—

"(1) provide overall policy guidance and direction to the military departments and the Defense Agencies on matters relating to the maintenance, expansion, and readiness of the defense industrial base;

"(2) analyze, on a continuing basis, the capabilities of the defense industrial base to fulfill the requirements of the national defense strategy in time of peace and the expanded requirements in time of war or national emergency;

"(3) develop and direct the implementation of plans and programs that promote the ability of the industrial base to meet the requirements referred to in clause (2);

"(4) serve as the focal point for plans and programs for the improvement of the defense industrial base; and

"(5) develop proposals to maintain and foster industrial readiness, encourage the utilization of advanced manufacturing technology and processes, and eliminate defense acquisition regulations and policies that discourage contractor investment in improved productivity.

"§ 2882. Early and sustained consideration of requirements for efficient manufacture during the design and production of major defense acquisition programs

"The Under Secretary of Defense for Acquisition shall establish and implement acquisition policies requiring—

"(A) an analysis of the capabilities of the defense industrial base to develop, produce, maintain, and support a major defense acquisition program;

"(B) the consideration of requirements for efficient manufacture during the design and production of the systems to be procured under the major defense acquisition program; and

"(C) the use of advanced manufacturing technology, processes, and systems during the research and development and production phases of the acquisition of a weapons system.

"§ 2883. Analysis of the capability of the defense industrial base to support certain defense acquisition programs

"(a) The following factors may be considered in the analysis required to be conducted under section 2882:

"(1) The availability of essential raw materials and component parts.

"(2) The availability of production equipment and facilities essential for—

"(A) the production of the weapons system;

"(B) the maintenance and repair of such system; or

"(C) the operation of such system.

"(3) The availability of industry production capacity to maintain peacetime production rates and to accelerate production to production rates planned for times of national emergency.

"(4) The availability of required special tooling and production test equipment.

"(5) The identification of components or subsystems that are available solely from sources outside the United States.

"(6) Any planned alternatives for meeting requirements that, during peacetime, the United States depends solely on sources outside the United States to meet.

In conducting the analysis, all efforts shall be made to minimize the paperwork burdens on the contractor and its subcontractors and suppliers. Suggested remedial actions shall identify budgetary resources constraints and proposed program adjustments required to implement any remedial actions.

"(b) The Under Secretary of Defense for Acquisition shall be responsible for compiling and analyzing the data obtained under subsection (a) in order to ensure that, in the case of each program referred to in such subsection—

"(1) the capabilities of the industrial base of the United States to meet program requirements has been assessed by the military department or Defense Agency carrying out such program; and

"(2) the capabilities of the industrial base of the United States to meet the aggregate requirements for all such programs has been assessed in the Office of the Secretary of Defense.

"§ 2884. Recognition of production equipment and systems modernization in the award and administration of contracts

"The Secretary of each military department, with respect to each major defense acquisition program conducted by the department and any other acquisition program of such department designated by the Secretary, and the head of each Defense Agency, with respect to each major defense acquisition program conducted by such agency and any other acquisition program of such agency designated by the head of such agency, shall ensure that, to the maximum extent practicable, the acquisition plan provides for contract solicitations to include provisions which encourage competing offerors to acquire, for utilization in the performance of the contract, modern production equipment and production systems (including hardware and software) that increase the productivity of the offerors and lessors costs.

"§ 2885. Acquisition policies to encourage investment in advanced manufacturing technology and processes

"The Under Secretary of Defense for Acquisition shall establish and implement acquisition policies to encourage domestic source investment in advanced manufacturing technology production equipment, and processes through:

"(1) recognition of the contractor's investment in advanced technology production equipment and processes in the development of the contract objective; and

"(2) increased weighting of source selection criteria relating to the efficiency of production.

"§ 2886. Increasing reliance on commercial manufacturing processes and commercial items

"The Under Secretary of Defense for Acquisition shall establish and implement to the maximum practicable extent acquisition policies set forth in section 2325 of this title.

"2887. Defense Production Innovation Center

"(a) Establishment.—There is established within the Office of the Under Secretary of Defense for Acquisition a Defense Production Innovation Center.

"(b) Functions.—In addition to such other functions as may be assigned by the Under Secretary of Defense for Acquisition, the Defense Production Innovation Center will:

"(1) receive, evaluate, and propose for testing innovative ideas for improving the defense industrial readiness, manufacturing, acquisition improvement, or related programs received from the military services, the Defense Agencies, or the private sector; and

"(2) conduct tests, demonstrations, and other evaluations of defense industrial base improvement proposals, authorized by the Under Secretary of Defense for Acquisition.

Subchapter III—Fostering Manufacturing Technology Improvements and Investment

"Sec.

"2891. Advanced manufacturing technology demonstration centers.

"2892. Procurement of critical items of supply.

"§ 2891. Advanced manufacturing technology demonstration centers

"(a) Program Authorized.—The Under Secretary of Defense for Acquisition shall conduct an Advanced Manufacturing Technology Demonstration Program. The purpose of the program is to furnish start-up financial assistance to private, nonprofit organizations for the operation of one or more Advanced Manufacturing Technology Demonstration Centers. The assistance shall be provided on a competitive basis.

"(b) Definition.—The term 'Advanced Manufacturing Technology Demonstration Center' means a facility at which any private, nonprofit organization receiving assistance under this section demonstrates—

"(1) uses of advanced manufacturing technologies, equipment, and processes; and

"(2) those productivity improvements that result from the utilization of such technologies, equipment, and processes.

"(c) Operation of Advanced Manufacturing Technology Demonstration Centers.—An organization receiving assistance under this section shall provide, to the maximum extent practicable, for the participation of manufacturers, equipment and material suppliers, manufacturing and related management system developers, and educational institutions in the demonstrations carried out by such organization in the operation of an Advanced Manufacturing Technology Demonstration Center.

"(d) Regulations.—The Secretary of Defense shall prescribe regulations to carry out this section.

"§ 2892. Procurement of critical items of supply

"(a) Critical Items of Supply.—The Under Secretary of Defense for Acquisition shall publish regulations establishing standards for—

"(1) determining, for the purposes of this section, what items of supply are critical items; and

"(2) assessing military needs (including demand rates) for such items.

"(b) Maintaining Domestic Sources.—The Secretary of a military department and the head of a Defense Agency may award a contract in any fiscal year, under the authority provided in section 2304(c)(3)(A) of this title, for the procurement of any critical item of supply to a domestic source or sources if such Secretary or head of a Defense Agency would otherwise be likely to procure more than 70 percent (determined on the basis of cost) of such items in such fiscal year from a nondomestic source or sources. The requirements of section 2304(f) of this title shall apply to a contract awarded pursuant to this subsection.".

(b) Clerical Amendment.—The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of title 10, United States Code, are amended by adding at the end the following new item:

"170. Defense Industrial Base Management and Support Programs .. 2871".

By Mr. DAVIS of Illinois:

At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 943. AMMUNITION PRODUCTION BASE REQUIREMENTS.

(a) Sense of Congress.—It is the sense of Congress—

(1) that the maintenance of the inactive portion of the Government-owned ammunition production base is critical to the defense of the United States; and

(2) that sufficient funding should be provided to maintain this base to meet surge requirements and mobilization requirements of the military departments.

(b) Alternatives.—The Secretary of Defense shall explore alternatives to the current method of funding the ammunition production base to better assure that appropriate levels of funds indeed are used for the maintenance of the base.

(c) Report.—The Secretary shall submit a written report of his findings and recommendations on such alternatives, along with appropriate legislative proposals, to the Committees on Armed Services of the Senate and House of Representatives by December 1, 1988.

By Mr. BROOMFIELD of Michigan:

At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 944. REASSESSMENT OF SOVIET ELECTRONIC ESPIONAGE CAPABILITY FROM MOUNT ALTO EMBASSY SITE.

(a) Finding.—The Congress finds that the report submitted by the Secretary of Defense pursuant to section 1122 of the National Defense Authorization Act for Fiscal Years 1988 and 1989—

(1) contains insufficient detail (even in the classified portion) for a review and assessment of the present and potential capabilities of the Government of the Soviet Union to intercept United States communications involving diplomatic, military, and intelligence matters from facilities on Mount Alto in the District of Columbia, as required by subsection (a) of that section; and

(2) does not contain a determination of the Secretary of Defense as to whether or not the present and proposed occupation of facilities on Mount Alto by the Soviet Union is consistent with the national security of the United States, as required by subsection (b) of that section.

(b) Submission of New Report.—Not later than 60 days after the date of the enactment of this Act, the President shall submit a report to Congress which meets the requirements of section 1122 of the National Defense Authorization Act for Fiscal Years 1988 and 1989.

By Mr. BONIOR of Michigan:

At the end of title IX of division A (page 163, after line 6), add the following new section:

SEC. 945. STRATEGIC AIR DEFENSE MISSION.

(a) Limitation.—Except as provided in subsection (b)(2), the Secretary of the Air Force may not make any change in the alert status of any Air National Guard unit in the strategic air defense mission in the northern portion of the United States, or in the deployment of units assigned to that mission, from that status and deployment as in effect on April 10, 1988.

(b) Report.—(1) After the North Warning System and the Over-the-Horizon Backscatter Radar System are deployed and in operation as replacements for the Distant Early Warning (DEW line) system, the Secretary of the Air Force shall submit to Congress a report on those systems. The report shall—

(A) describe the implementation of those systems and their operational capability and effectiveness as demonstrated to the time of the report;

(B) describe plans, in light of those new systems, for the forward deployment of interceptor aircraft from United States bases during periods of heightened international tension; and

(C) clarify the alert status in the strategic air defense mission, under those new systems, of elements of the Air Force (including elements of the reserve components) at Air Force bases in the northern portions of the United States.

(2) The limitation in subsection (a) shall cease to apply 180 days after the date on which the report under paragraph (1) is received.

(c) Interim Report.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to Congress a report describing the radar surveillance system which will be in use during fiscal year 1989 along the northern portion of the United States and in Canada for the strategic air defense mission.

By Mr. BATEMAN of Virginia:

At the end of part C of title IX of division A (page 159, after line 21) insert the following new section:

SEC. 925. PUBLIC-PRIVATE COMPETITION FOR OVERHAUL OF NAVAL VESSELS.

(a) In General.—(1) Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7313. Overhaul of naval vessels: competition between public and private shipyards

"The Secretary of the Navy should ensure, in any case in which the Secretary awards a project for repair, alteration, overhaul, or conversion of a naval vessel following competition between public and private shipyards, that each of the following criteria is met:

"(1) The bid of any public shipyard for the award includes—

"(A) the full costs to the United States associated with future retirement benefits of civilian employees of that shipyard consistent with computation methodology established by Office of Management and Budget Circular A-76; and

"(B) in a case in which equal access to the Navy supply system is not allowed to public and private shipyards, a pro rata share of the costs of the Navy supply system.

"(2) Costs applicable to oversight of the contract by the appropriate Navy supervisor of shipbuilding, conversion, and repair are added to the bid of any private shipyard for the purpose of comparability analysis.

"(3) The award is made using the results of the comparability analysis.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7313. Overhaul of naval vessels; competition between public and private shipyards.".

(b) Effective Date.—Section 7313 of title 10, United States Code, as added by subsection (a), applies to any award by the Secretary of the Navy after September 30, 1988, for repair, alteration, overhaul, or conversion of a naval vessel following competition between public and private shipyards.

By Mr. DICKS of Washington:

Page 212, line 8, insert ", plus $13,000,000," before "as follows:".

Page 212, line 22, insert ", plus $13,000,000," before the period.

By Mr. BADHAM of California:

Page 153, line 8, insert ", plus and additional $35,000,000," after "$10,618,000,000".

Page 155, line 14, strike out "$193,800,000" and insert in lieu thereof "$158,800,000".

By Mr. SKELTON of Missouri:

Page 219, after line 9, insert the following:

(3) Not more than $250,000 from funds appropriated to the Department of Defense for fiscal year 1989 for local communities located near Whiteman Air Force Base, Knob Noster, Missouri.

By Mr. LAGOMARSINO of California:

Page 225, after line 16, insert the following:

SEC. 2816. LAND CONVEYANCE, LOMPOC, CALIFORNIA.

(1) In General.—Subject to subsections (b) through (d), the Secretary of the Army may convey, without reimbursement, to the City of Lompoc, California, all right, title, and interest of the United States in and to a tract of real property (including improvements thereon) of approximately 100 acres located adjacent to the real property conveyed to the City pursuant to section 834 of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1526).

(b) Use of Property.—(1) the conveyance authorized by subsection (a) shall be subject to the condition that the real property conveyed shall be used by the City for the educational purposes of Allan Hancock Community College.

(2) If the property conveyed pursuant to subsection (a) is not used for the purposes described in paragraph (1), all right, title, and interest in and to such property shall revert to the United States, which shall have the right of immediate entry thereon.

(c) Legal Description and Surveys.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by surveys that are satisfactory to the secretary. The cost of any such survey shall be borne by the City.

(d) Other Terms and Conditions.—The Secretary may require such other terms and conditions with respect to the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

By Mrs. SAIKI of Hawaii:

Page 221, after line 20, insert the following new section:

SEC. 2806. LOCATION OF HAZARDOUS WASTE STORAGE FACILITY AT PEARL HARBOR NAVAL SHIPYARD.

The Secretary of the Navy may not construct a hazardous waste storage facility for the Pearl Harbor Naval Shipyard at a location closer than 3000 feet to a public school.

By Mr. Morrison of Washington:

At the end of title I of division C (page 246, after line 6), add the following new sections:

SEC. 3133. ASSISTANCE TO COMMUNITIES AFFECTED BY CLOSING OF N REACTOR.

The Secretary of Defense may make grants, conclude cooperative agreements, and supplement funds made available under Federal programs administered by agencies other than the Department of Defense in order to assist Washington State and local communities near Hanford Reservation, Washington, in planning community adjustments required by the closure of the N Reactor.

SEC. 3134. AUTHORITY TO LOAN PERSONNEL AND FACILITIES TO COMMUNITY DEVELOPMENT ORGANIZATIONS NEAR HANFORD RESERVATION.

(a) Authority to Loan Personnel.—(1) The Secretary of Energy shall allow each contractor and subcontractor of the Department of Energy carrying out operating, engineering, research and development, or construction management at the Hanford Reservation, Washington, to loan personnel in accordance with this section to the community development organization known as the Tri City Industrial Development Council serving Benton and Franklin counties, Washington. Any such loan shall be for the purpose of assisting in the diversification of the local economy by reducing reliance by local communities on national security programs at Hanford Reservation.

(2) A contractor shall continue to compensate any personnel loaned by the contractor under paragraph (1). Any such compensation shall be allowed as a cost for which the Department of Energy may reimburse the contractor under the contract.

(3) The Secretary of Energy may not obligate or expend more than $500,000 in each of fiscal years 1989 and 1990 for loans of personnel under this section. The amount of such obligations or expenditures shall be measured by the cost of compensation paid to such personnel by the contractor and reimbursed by the Department of Energy.

(b) Authority to Loan Facilities.—The Secretary of Energy may loan facilities of the Federal Government being used by contractors of the Department of Energy at Hanford Reservation, Washington, to any community-based organization. However, any loan of a facility under this subsection may be made only if use of the facility by such an organization would not adversely affect Department of Energy programs, as determined by the Secretary.

(c) Duration of Program.—The authority to loan personnel and facilities under this section, and the loan of any personnel or facilities pursuant to such authority, shall terminate on September 30, 1990.

Mr. ASPIN (during the designation). Mr. Chairman, I ask unanimous consent that the further reading of the designation of the amendments be dispensed with because the designated amendments are already printed in House Report 100-579 and will be printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

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Mr. GINGRICH. Mr. Chairman, reserving the right to object, I would like to ask the distinguished gentleman from Wisconsin, the chairman, if he could inform those of us who are eagerly looking forward to the Markey amendment when he thinks that amendment might come up since so many of us have been so eager for an opportunity to get to that particular amendment.

Mr. ASPIN. Mr. Chairman, if the gentleman will yield, as the gentleman knows, it was scheduled for today, and, of course, had we not had the extensive debate on the rule and had we not had frivolous motions to adjourn the House earlier today, we probably would have done the Markey amendment today, but under the rule, if you do not get to an amendment in the day it is designated, it is up to the chairman to designate another day, and so far the chairman has not done that.

We will be consulting with the gentleman from Massachusetts [Mr. Markey] and with the gentleman from Alabama [Mr. Dickinson] and will answer.

Mr. GINGRICH. Mr. Chairman, continuing to reserve my right to object, the gentleman is almost all-powerful, but there are some rights Members of the House have to cause modest amounts of confusion.

I would ask the gentleman from Wisconsin, the chairman, if he can give us a week. Is it likely to be early next week, late next week, the following week, what general zone would the chairman have?

Mr. ASPIN. The answer is "yes."

Mr. GINGRICH. It is one of those? The chairman has not found a narrow zone? For example, in all seriousness, would the gentleman not be inclined to do it Monday since many Members may not be here early on Monday?

Mr. ASPIN. As I said to the gentleman, the only thing I can say at this point is I need to work it out with Mr. Markey, and I will discuss it with Mr. Dickinson, and we will try to work it out.

Mr. GINGRICH. Further reserving the right to object, would the gentleman be willing to guarantee that, in addition to consultation, that he would in fact not pick a time without adequate notice to this side?

Mr. ASPIN. The only thing I can guarantee to the gentleman from Georgia is that we will consult with Mr. Dickinson. In any case, the gentleman from Georgia will be happy to know that the rule does, according to staff, require an hour of notice, so the gentleman will have at least an hour.

Mr. GINGRICH. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ASPIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Kostmayer) having assumed the chair, Mr. Gray of Illinois, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4264) to authorize appropriations for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, to amend the National Defense Authorization Act for Fiscal Years 1988 and 1989, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4264.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PROVIDING FOR TRANSFER OF FUNDS FOR BENEFIT OF CERTAIN MEMBERS OF CROW TRIBE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2273) to provide for the transfer of certain funds to the Secretary of the Interior for the benefit of certain members of the Crow Tribe, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. TAUKE. Reserving the right to object, Mr. Speaker, I do so for the purpose of inquiring of the gentleman from Michigan the purpose for which he makes this unanimous-consent request, and I yield to the gentleman from Michigan. [Mr. Kildee].

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, S. 2273 addresses an emergency situation involving the Indians of the Crow Reservation in Montana.

Due to exceptions taken by the Department of Health and Human Services to the Administration of the tribe's low-income home energy assistance grant [LIHEAP], no fiscal year 1988 funds were distributed this past winter.

Fortunately, under Montana law and a voluntary policy of constraint on the part of Rural Electric Cooperatives serving the Crow Reservation, no homes eligible for LIHEAP assistance were denied energy during that time.

However, cutoffs are now imminent.

The legislation before us would prevent utilities from being shut off by establishing a mechanism to ensure the distribution of LIHEAP funds to eligible households on the Crow Reservation.

Specifically, the bill directs the Secretary of Health and Human Services and the Secretary of the Interior to enter into an interagency agreement that would permit the funds which have been reserved for the Crow Tribe to be distributed through the Bureau of Indian Affairs.

No new funds are involved.

The money has already been appropriated and set aside for eligible households on the Crow Reservation.

S. 2273 responds to an emergency situation that is unique in the history of the LIHEAP Program.

It is a temporary remedy limited to a single year's funding.

It should not be viewed as a precedent or as an indication of congressional intent to alter the manner in which the LIHEAP statute is carried out.

It also does not carry with it any presumption or interpretation regarding the current audit exceptions involving the tribe or any administrative action currently pending or to be filed in the future.

The bill simply ensures that eligible households receive the assistance necessary to ensure their energy supplies are not shut off.

I will be proposing an amendment to S. 2273 which has been worked out with the cooperation of the minority, the Montana delegation, and the majority and minority of the Energy and Commerce Committee.

My amendment would:

Expedite the delivery of funds and ensure they are distributed in a manner consistent with the assurances provided in the LIHEAP statute;

Clarify that all eligible households on the reservation are to be considered for services;

Stipulate that all energy sources are to be considered in the delivery of assistance; and

Provide that when vendor payments are made directly to utilities, the vendors will agree to refrain from cutting off energy to the eligible household until the resolution of all administrative actions relating to the administration of LIHEAP on the Crow Reservation.

I want to thank the minority for its cooperation in expediting consideration of this measure. Without prompt action, the imminent cut-off of energy to LIHEAP eligible households would result in serious hardship to many families.

Therefore, I ask that S. 2237, with an amendment, be considered and passed.

Mr. TAUKE. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Indiana [Mr. Sharp].

Mr. SHARP. Mr. Speaker, I appreciate the gentleman from Iowa yielding. I just want to indicate the legislation and the amendment of the gentleman to be offered have been reviewed by the Committee on Energy and Commerce, and we are in full accord with the efforts of the minority and the majority on the Committee on Education and Labor.

This is an important step to take to see that people are treated fairly, and we need to expedite this matter, and so we are delighted it has been brought to the floor.

Mr. TAUKE. Mr. Speaker, I observe that the members of both the Committee on Education and Labor and Committee on Energy and Commerce have no objection to the amendment being offered by the gentleman from Michigan.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER OF FUNDS.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall transfer to the Secretary of the Interior $180,000 of the funds appropriated to provide a grant to the Crow Tribe under section 2604(d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(d)) for fiscal year 1988.

SEC. 2. USE OF TRANSFERRED FUNDS.

The Secretary of the Interior and the Secretary of Health and Human Services shall enter into a Memorandum of Understanding which shall specify the minimum requirement necessary to administer on an expedited basis the funds transferred under section 1. Such funds shall be used to provide, through the Crow agency social service program of the Bureau of Indian Affairs, the assistance and benefits otherwise available under the Low-Income Home Energy Assistance Act of 1981 to those Indian households who meet the eligibility criteria established by the Crow Tribe in its grant application for fiscal year 1988 and the agreement between the State of Montana and the Crow Tribe for such year. The provisions of the Memorandum of Understanding shall be in lieu of any other legal requirements that would otherwise be applicable to the administration of such funds or the assistance and benefits to be provided with such funds.

SEC. 3. CONSTRUCTION.

Nothing in this Act may be construed to affect the eligibility of the Crow Tribe to receive a grant under section 2604(d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(d)) for fiscal year 1989, or any succeeding fiscal year.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. KILDEE: Strike all after the enacting clause and insert in lieu thereof the following:

"SECTION 1. TRANSFER OF FUNDS.

(a) Notwithstanding any other provision of law, the Secretary of Health and Human Services shall transfer to the Secretary of the Interior $180,000 of the funds appropriated to provide a grant to the Crow Tribe under section 2604(d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(d)) for fiscal year 1988.

(b) The funds transferred under this section and any other fiscal year 1988 funds, appropriated pursuant to the Low-Income Home Energy Assistance Program, which have been retained by the Secretary of Health and Human Services and which have been allocated, but not distributed, for the benefit of the Crow Tribe, shall remain available for that purpose until expended."

SEC. 2. USE OF TRANSFERRED FUNDS.

The Secretary of the Interior and the Secretary of Health and Human Services shall enter into an Interagency Agreement for the administration on an expedited basis of the funds transferred under section 1. The Agreement shall include assurances that the Secretary of the Interior shall follow the requirements contained in paragraph (1), (2), (5), (7), (8), and (13) of subsection 2605(b) of the Low-Income Home Energy Assistance Act of 1981 and such terms regarding the provision of technical assistance as the Secretaries may deem necessary. All such funds shall be used to provide, through the Crow Agency Social Services Program of the Bureau of Indian Affairs, the assistance and benefits otherwise available under the Low-Income Home Energy Assistance Act of 1981 to households who meet the eligibility criteria established by the Crow Tribe in its grant application for fiscal year 1988 and the agreement between the State of Montana and the Crow Tribe for such year. There shall be equitable consideration of claims or applications involving all forms of energy. If direct vendor payments are made, the vendor shall agree to refrain from termination of service to an eligible household until such time as all administrative actions involving withholding of fiscal year 1988 grants under the Low-Income Home Energy Assistance Act of 1981 from the Crow Tribe have been resolved. The provisions of the Interagency Agreement shall be in lieu of any other legal requirements that would otherwise be applicable to the administration of such funds or the assistance and benefits to be provided with such funds."

SEC. 3. CONSTRUCTION.

Nothing in this Act may be construed to affect administrative actions relating to grants received by the Crow Tribe under section 2604(d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(d) for fiscal years 1988 or preceding fiscal years or the eligibility of the Crow Tribe to receive a grant for fiscal year 1989, or any succeeding fiscal year.".

Mr. KILDEE (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KILDEE. Mr. Speaker, I have explained the amendment. I will point out again that this is a unique situation and ask the agreement of the Members.

The **SPEAKER** pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan [Mr. KILDEE].

The amendment in the nature of a substitute was agreed to.

The **SPEAKER** pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRIBUTE TO ROLL CALL AS AN INSTITUTION

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. WYLIE. Mr. Speaker, Hyde Murray called my attention to a picture in Roll Call this week of three former Ohio Congressmen, Bill Ayres, Dave Baumhart, and Bill Minshall, with Sid Yudain, celebrating Roll Call's first anniversary party in 1956. The story brought back many fond memories of their service in Congress and the manner in which events involving Members and staff are reported by Roll Call.

Roll Call is an institution. Roll Call has been a positive force on the Hill for nearly 33 years, and many of us have contributed our war stories.

Sid Yudain has another Ohio connection. He plays saxophone in the Tom Kindness band attesting to his many abilities, and I thought the article on page 6 had sufficient interest and historical background that I am having it printed in the RECORD at this point:

KING OF THE HILL—SID SIGNS OFF, WITH THANKS FOR THE MEMORIES

(By Sid Yudain)

I was born with a natural aversion to machines. The typewriter entered my life as a normal requisite of the trade I had chosen in my childhood, but I have yet to set a finger on today's ubiquitous computer. For the first 28 years of my existence in Connecticut and California I succeeded in avoiding instruction in the operation of the automobile.

The instruction never did materialize, but when my employer, then-Rep.-elect Al Morano asked me to join his Congressional operation, I went to his cousin's Chrysler dealership and purchased a Windsor convertible. A friend drove it out of the showroom, and thanks to a friend of my brother's who gave me the test (and a big bow to the advent of the automatic transmission), I secured a license.

Morano had designated a comely Stamford girl as his personal secretary, and she volunteered to drive us to our new working venue.

It was a long trip, uneventful until we came in sight of the Capitol Dome, and then we got caught up in L'Enfant's crazy street plan. As we skitted from Northeast to Northwest to Southwest and Southeast, we began arguing. The argument grew in intensity, culminating in the driver parking the car and departing with her bags, leaving me in sole command.

Rising to the challenge, I somehow maneuvered the broad and busy streets of Washington until I sighted the Pennsylvania Hotel, facing Union Station. I managed to park the machine, checked in, and the following morning reported for work as a member of the Congressional work force.

That was in January 1951.

In the ensuing 37-plus years, I toiled as a special assistant, founded and operated Roll Call, and drove a succession of proud automobiles to their early deaths.

For most of my adult life I have traipsed the halls of congress as a part of that great institution. While those marble halls may appear cold and foreboding to some, they glow only with warmth and hospitality in my memory.

I will never forget the initial sighting of the massive Capitol Dome against the midnight sky—a sight that imparted goose pimples of awe and inspiration that remained with me throughout the years.

Since 1951 the Hill has been in constant change. The old ways give way to new as Congress grows more complex. Staffs proliferate and new buildings are erected to house them. Issues unknown in times past compel the attention of legislators and aides. Paperwork and the drone of new fangled machinery crush camaraderie and social intercourse.

But no matter what trends come and go, the great Dome and all it symbolizes stands, its majesty and light beaming the hopes and aspirations of a free people.

But an institution is only as good as the humans who comprise its innards. Associating with these men and women—from courier to Congressman—the people who transfer the symbol into reality—has been my greatest reward.

After getting to know and respect these dedicated people, after savoring the unique ambience of Congressional life, and mindful of the worldwide importance of the Congressional community, I decided to establish a newspaper to serve that community, a paper that would be a cohesive force, a community instrument, a complement to an unfairly neglected segment of government.

The concept, unique for its time, was simple: to specialize in the Congress, to cover the most important legislative community in the world as a small weekly would cover the affairs, events, and people of its hometown; to do it with originality and good humor and good taste; to be informative, enlightening and entertaining and to report the news accurately, fairly, without prejudice, always bearing in mind the value of people's reputations and the deepness of their sensitivities.

The first issue appeared on June 16, 1955. Tired and worn, I retired to the Filibuster Room of the old Congressional Hotel for a pick-me-up. I got it—not in the form of a Scotch and water—but a standing ovation from the crowd.

For 32 years I continued to edit and publish Roll Call, meeting each and every deadline, sometimes working around the clock for days at a time.

But there were rewards aplenty: honors from Congressional organizations; recognition from journals and journalists around the country; the 25th anniversary gala at which 1,000 persons came to the Shoreham Hotel to celebrate with Speaker Tip O'Neill, comedian Mark Russell, Rep. Mo Udall, Rep. Silvio Conte, Minority Leader Bob Michel, and others; and most importantly, the warm approval of the readers.

However, one of the most lasting rewards is the knowledge that many young aspiring journalists were given their first opportunity at the trade, and after being trained, nurtured and bellowed at, have landed jobs on large newspapers or are teaching journalism in colleges all over the nation.

In 1986, when it was obvious Roll Call could not continue to grow without needed resources, I sold the paper to Arthur Levitt Jr., who would infuse the necessary cash, equipment, and manpower to expand the paper and guide it into its next progression.

This he did, and I agreed to stay on board for one year. Although I maintained the title of editor, my input was minimal. I had no voice in the management, editorial decisions, and preparation. I felt like a divorced man on a honeymoon with his ex-wife and her new husband.

But it was hard to let go. When the year was up, I agreed to write a weekly column for another year.

This week that agreement is fulfilled, and though it's still hard to break the binds, I find myself writing my last column for Roll Call.

I wish Arthur and Jim Glassman and the good, young staff they've assembled godspeed in their efforts to carry on the work I started, and I hope they'll invite me to their 50th anniversary party.

As for me, I'll still traipse the halls of Congress in some capacity in the future, and after I take a sabbatical from a half-century of deadlines there's a book I think I can write, and I might even pop up in Roll Call from time to time. I'll be available for any paying job that doesn't call for operation of a computer or the driving of a vehicle.

And so, with the ovations, testimonials, and awards a distant memory, I slip off into another sphere. Thanks for your support, thanks for your friendship, and thanks for the memories.

VACATING SPECIAL ORDER AND REQUEST FOR SPECIAL ORDER

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent that my special order for 60 minutes today be vacated, and that I be recognized for 5 minutes instead.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

□ 1835

VACATING SPECIAL ORDER AND REQUEST FOR SPECIAL ORDER

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent today for the gentleman from Georgia [Mr. GINGRICH] be vacated and that instead he be recognzied for 5 minutes today.

The SPEAKER pro tempore (Mr. KOSTMAYER). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

THE 200TH ANNIVERSARY OF MARYLAND'S RATIFICATION OF THE U.S. CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, today is a very special day in the history of the great State of Maryland. Two hundred years ago today, Maryland made a monumental decision. The delegates decided whether they wanted a central, Federal Government or a decentralized, State government.

This was no easy question. Each State had the right to rule themselves as they saw fit. There was no Supreme Court or separation of powers. There were no rights as we know them today. It woud have been simple to ignore the call for a greater, more central government because government was perceived as an intruder, a usurper of power from the States.

However, these sentiments did not live well in the hearts and minds of Marylanders. Maryland and Virginia were the first two States to meet to talk about interstate problems. In 1785 men from the two States went to Mount Vernon, the home of George Washington. They agreed on rights to the use of the Potomac River and the Chesapeake Bay and both agreed that either State should be able to use these waterways.

The Mount Vernon Conference led to another meeting in Annapolis in September 1786. This meeting was very poorly attended with only five State representatives present. Maryland did not send a representative. The few individuals who attended the Annapolis Convention agreed that the government had to be changed. The central government was too weak to handle the problems facing the States. Some suspected that the government could not defend the country in the face of a war.

The next meeting was held in Philadelphia and all 13 States attended. The Philadelphia Convention lasted for 4 months and during this time the U.S. Constitution was written. It created a strong central government.

The Maryland vote on the Constitution took place at a meeting held in Annapolis in April 1788. Most Marylanders wanted a strong central government thereby approving the Constitution by a vote of 63 to 11 on April 28, 1788. It is on this memorable day that I would like to commemorate those Marylanders who have worked so diligently to make Maryland's bicentennial of the ratification of the U.S. Constitution such a success.

They include: Dr. Edward C. Papenfuse, Maryland State Archivist, Dr. Gregory Stiverson, director, Maryland Office for the Bicentennial of the Constitution, The Honorable Louis L. Goldstein, Maryland Comptroller of the Treasury, Mrs. George Hughes, Mr. and Mrs. Rodney Calver, Colonel Harry E. Hasslinger, Mr. and Mrs. Joseph Steen, Ms. Jane McWilliams, Mrs. Barbara Holzapfel, Mr. Edward C. Sledge, Dr. Naomi Collins, Mr. James Adomanis, Mr. and Mrs. Erwin Harris, Mr. and Mrs. Tom Williams, Mr. John Driggs, and Mary Ann Kirk.

The Honorable BEVERLY BYRON, STENNY HOYER, TOM MCMILLEN and Senator PAUL SARBANES joined me in honoring these people today and presenting Dr. Papenfuse with the first flag flown over the Capitol this morning in recognition of this memorable occasion.

Thank you all for the work you have done and the time and effort you have given to your State.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. PICKLE] is recognized for 5 minutes.

Mr. PICKLE. Mr. Speaker, due to my participation in the dedication of the Wilbur Cohen Federal Building and ceremonies at the White House honoring my friend and constituent, Mrs. Lyndon B. Johnson, I was absent when the House voted earlier this afternoon on a motion to adjourn and on the Broomfield amendment to H.R. 4264, which dealt with nuclear testing.

Had I been present, I would have voted "no" on the motion to adjourn and "aye" on the Broomfield amendment, and I ask unanimous consent that the RECORD indicate those votes.

WASTE IN THE DEPARTMENT OF DEFENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. HASTERT] is recognized for 5 minutes.

Mr. HASTERT. Mr. Speaker, over the next 2 weeks Congress will authorize spending close to $300 billion for fiscal year 1989 defense spending—an enormous portion of taxpayer dollars. I am strongly committed to adequate and necessary defense spending for the security of our country and believe there is no singular more important responsibility that a government has to its citizens. But this should not deter efforts to rid waste within the Defense Department. In fact, because of its very size, and potential for waste as well as savings, the Defense Department should bear considerable scrutiny in this regard.

We constantly hear examples of wasteful practices in defense spending, often the media cite expensive screwdrivers, wrenches and toilet seats. But Government mismanagement also affects peoples lives, and that is what has happened to a small manufacturing company in my congressional district. The Barber-Greene Co. in De Kalb, IL has struggled hard to compete in procuring defense contracts and has worked long and hard to produce quality products for use by the military and others. Because of this hard work, and much pencil sharpening, last year they won a contract of more than $1 million to produce trenchers for the Army. To this small company and its employees, this was a very important contract.

However, the story did not end so happily. The Defense Logistics Agency, the Defense Agency responsible for administering military contracts, neglected to dot the necessary i's and cross the appropriate t's during the solicitation process. Consequently, after the contract had already been awarded, and after the Barber-Greene Co. began forward preparation for the delivery of the contract, they were summarily notified by the Defense Logistics Agency that the contract was void because of a clerical error and that the contract would be rebid.

In essence, because a clerk at the Defense Logistics Agency made an error in the handling of the paperwork on this solicitation, and supervisors failed to detect that mistake, this company had their bid made public and lost the contract in the rebid. You might say that was poor luck for an unfortunate company that was the victim of bureaucratic bungling—and that would be an understatement. But it is much more than that. Every American taxpayer will pay for this mistake because the military must reimburse the company in my congressional district for the expenses involved in the bidding process—and they should.

But I ask who's minding the store. How often do we spend tens of thousands and hundreds of thousands of dollars for bureaucratic mismanagement—and who pays the price when the job doesn't get done properly. In this instance, it was not the Defense Logistics Agency or its employees. The victims were a small company in Illinois and the American taxpayer. And this is my point, we cannot allow Federal agencies to avoid the consequences of their actions, or inactions. If private business operated like the Defense Logistics Agency, and undoubtedly other agencies of the Federal Government, they could not survive as a going business enterprise.

Perhaps it is time that the American taxpayer demanded accountability of those Federal agencies that have been entrusted to spend their hard earned dollars. Because of its very size, I can think of no better place to start than within the enormous bureaucracy that surrounds the Department of Defense.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. RAHALL] is recognized for 5 minutes.

Mr. RAHALL. Mr. Speaker, earlier in the day I missed several votes due to a long-standing commitment in Logan, WV. Had I been present, I would have voted "yea" on the rule, "no" on the motion to adjourn, "no" on the Dickinson amendment, "yea" on the Brown amendment, and "yea" on the Broomfield amendment.

Also, Mr. Speaker, I was unavoidably absent on April 27, 1988, due to a previously scheduled commitment in Welch, WV. Had I been present, I would have voted as follows: On roll No. 68, "yea"; on roll No. 69, "aye"; on roll No. 70, "aye"; on roll No. 71 "aye"; on roll No. 72, "yea"and on roll No. 73, "yea." I also strongly support the emergency mandatory veterans supplemental appropriations approved by voice vote.

THE LOONEY LEFT, THE MACHINE WHICH CONTROLS THE U.S. HOUSE OF REPRESENTATIVES AND AMERICA'S SURVIVAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 5 minutes.

Mr. GINGRICH. Mr. Speaker, I am going to speak this evening on the looney left machine which controls the U.S. House of Representatives and America's survival.

The RECORD of today's debates and votes should be instructive to every American. Today offered proof that a Democratic machine runs the U.S. House of Representatives. That machine caters to and is dominated by its looney left, and it is willing to change the rules of the House on a daily basis to ensure that it sets the agenda, it decides what issues can be voted on and under what circumstance each vote will occur.

In domestic policy the Democratic machine dominates the House on behalf of big labor. As one senior AFL-CIO official said in Time magazine last year, "We," meaning the AFL-CIO, "own the House, we own the committees, we own the schedule."

That explains much domestic legislation, but in foreign policy and defense policy matters, the Democratic machine runs the House on behalf of a looney left. That looney left dominates the Democratic caucus. The looney left intimidates and frightens the senior Democrats and the committee and subcommittee chairmen by threatening to strip them of their chairmanships if they vote against the looney left on foreign and defense matters.

Why do I refer to the Democratic machine and the looney left? Let me speak first to the machine.

Consider today's schedule. The machine wrote a complicated defense authorization rule that allowed 240 minor and major amendments, but managed to not find time to allow the House to vote on drug policy, to vote on using the military to stop drug dealers at the border, to allow us to make sure that our southern border did not have Colombian and Cuban and other drugs and drug dealers coming into the United States. The report was not even printed this morning, and yet Members were expected to vote without seeing the report because the machine had decided.

The rule provides for pathetically short debate time on key issues including such major issues as control of space and nuclear weapons because the left did not want to be embarrassed by a long, drawn-out debate. The amendments were arranged in the order desired by the left and against Republican objectives in order that the left could dominate.

This rule centralizes power so much in the machine that the chairman of the committee admitted a little while ago he controls everything to be scheduled on his own, and while he may consult with the ranking Republican, the ranking Republican has no power, no ability to veto. In fact, the chairman is king of the schedule for as long as this bill is on the floor. So we do have a machine dominating the House, a Democratic machine.

Why do I say a looney left on foreign policy? Let me for a second remind Members that the term "looney left" was developed by Margaret Thatcher and the Conservative

Party in Britain to describe people whose views were so weird, so far out of touch with reality, so unusual that no other term was good enough.

I would suggest if my colleagues look at the Dukakis and Jackson and the left wing of the Democratic Party in the House that Dukakis may well be the Neal Kinnock of American politics, that the British Labor Party, the German Socialist Party, and the American Democratic Party are becoming remarkably alike in the degree to which their looney leftwing dominates them.

Look at today's debate and my colleagues will see a looney left leap out at them. On space, the looney left voted to allow the Soviets to have satellites which can target American warships, which can tell cruise missiles where they can kill American sailors, and the looney left voted not to protect our sailors. These same leftwing politicians will show up on the House floor blaming the Navy the moment a catastrophe occurs, as some of them did when the *Stark* was hit in the Persian Gulf by Exocet missiles. Suddenly they will forget their votes and they will come down here and ask why America was not stronger.

Yet today, faced with a choice between protecting our sailors or protecting Russian satellites, they voted against protecting the American sailors and in favor of protecting Russian satellites.

Just a few minutes ago the looney left offered an amendment so badly drawn on testing nuclear warheads that it kills Midgetman missiles. It is literally impossible with the amendment we just adopted to build the Midgetman missile and test it.

□ 1850

Now some of those in the looney left jumped up and said, "Oh, we don't need to test the Midgetman warhead." Yet 30 minutes earlier the very same kind of looney left politicians said the Russians do not have an acceptable antisatellite system because they have not tested it in 6 years.

Well, they cannot have it both ways. If they could vote against our doing anything about the Soviet antisatellite system because their defense was, since it had not been tested, it was not valid, how could they turn right around and say, "Ah, but we Americans don't need to test because we don't need to make sure it is working."

MILLER BREWING CO.: 10 YEARS IN EDEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. NEAL] is recognized for 5 minutes.

Mr. NEAL. Mr. Speaker, more than 200 years ago, when Col. William Byrd of Virginia led a party surveying the Virginia-North Carolina State line, he noted in his diary the beauty and richness of a place that later became Rockingham County, NC. Byrd called it "the Land of Eden," a veritable land of milk and honey.

Ten years ago, the Miller Brewing Co. of Milwaukee came South to this same place, opened a brewery near Eden, NC, on that very State line, and began making some of the world's finest beer.

I suspect that Colonel Byrd would have much preferred Miller beer to milk and honey. One can even imagine the colonel and his fellow surveyors arguing across the newly drawn State line, with the Tar Heels shouting "Tastes great!" and the Virginians retorting with "Less filling!"

In any event, Miller Brewing Co. and the people of Eden and Rockingham County next week observe the 10th anniversary of the Eden brewery's opening.

Mr. Speaker, Miller Brewing and Eden have been good for each other. The brewery has been a great boost to our area's economy. It brews, packages, and ships eight brands of beer for the mid-Atlantic States. It employs 1,100 people, produces 8.2 million barrels of beer—31 gallons per barrel—annually, and in 1986 had a local economic impact of $325.5 million.

In 1979, Miller also opened a can-manufacturing plant in Reidsville, 15 miles south of the Eden brewery, which now produces 750 million cans and 1 billion lids each year.

In economic terms, you might say our part of North Carolina has gotten eveything it wanted in a beer company—and more.

Miller Brewing also has been a superb corporate citizen. Through its parent company, Philip Morris, Miller has contributed generously to organizations including the Eden YMCA, Morehead Hospital, Rockingham County Public Library, Rockingham County Arts Council, Children's Theatre of Eden, and Eden United Way.

Miller also provides entertainment to the people of Rockingham and adjoining counties through it sponsorship of events such as the Heritage Festival, Greensboro Symphony In-School Program, Jaycee's Fourth of July Celebration, and Miller 500 Classic.

In addition, Miller employees serve on the boards of numerous civic and charitable organizations in the area, including the United Way, Eden YMCA, Salvation Army, Chamber of Commerce, Rockinghgam Community College, Morehead Hospital, the Boy Scouts, the Eden Library, and the Rockingham County Council on Mental Retardation.

Mr. Speaker, Miller Brewing has become quickly and faithfully involved in the life of the Eden-Rockingham County community. I'm told that this commitment to good corporate citizenship is also fulfilled by Miller plants in Wisconsin, New York, Georgia, Texas, and California.

Miller Brewing was founded by Frederic Miller, a German immigrant, in Milwaukee in 1855. Now a wholly owned subsidiary of Philip Morris, Miller is the second largest brewer in the world and makes the No. 2 and No. 3 best-selling brands. Nationally, the company employs 10,000 people.

Mr. Speaker, North Carolina has been proud to become a part of the great history of Miller Brewing over the past decade. We look forward to many more years of Milwaukee-style brewing in the "Land of Eden."

THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION AND THE SAVINGS AND LOAN INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. PARRIS] is recognized for 60 minutes.

Mr. PARRIS. Mr. Speaker, I take to the well of the House today to again bring to the attention of my fellow colleagues in the Congress and the citizens of this great Nation, the continuing problems of the thrift industry and the Federal Savings & Loan Insurance Corporation or FSLIC.

It has been approximately 1 year since I spoke at length on this issue and, unfortunately, the precarious state of the FSLIC and the thrift industry has worsened greatly. The state of the thrift industry and the FSLIC is, and should continue to be, a matter of great concern to American taxpayers.

As I have previously stated, there is no justification for S&L depositors to be concerned about the stability or access to individual accounts in local FSLIC insured thrift institutions at least up to the statutory limit of $100,000. The full faith and credit of the United States guarantees those deposits and will be available to them in any circumstance. The Congress reaffirmed this backing in sense-of-Congress language incorporated in the Competitive Equality Banking Act passed last year.

This is a problem which affects an industry rather than one that jeopardizes the existence or future of individual savings accounts.

But before I continue, Mr. Speaker, I think it would be beneficial to look at how we arrived at where we are today.

Savings and loan institutions were formally designated by the Congress during the 1930's to be special lenders for housing. S&L's were to be supported by various Federal agencies and programs, and were specifically intended to provide long-term, fixed-rate home mortgages while, at the same time, taking in deposits on a short-term basis.

The savings and loan scheme worked quite well up through the late 1970's. In the view of many, we had a sound credit system founded on regulated deposit interest rates and a regulatory structure that restricted competition. On the surface, the system worked well because institutions took in deposits at a lower rate than the rate at which they were lending.

However, many experts believe, and I would agree, that this was a sure recipe for failure in the long term.

What happened? Well, during the early 1980's Federal regulators removed the interest rate ceilings on deposits and the result was an increase in competition between S&L's. At prima facie value, an increase in competition sounds like a healthy practice, but the deregulation of interest rates was a policy which would have a tremendous negative impact on the S&L industry. In 1981 and 1982, hundreds of S&L's failed. The industry's overall reported losses for that 2-year period were approximately $9 billion. Its real losses were undoubtedly much higher.

As Federal regulators gradually phased out interest rate ceilings, some savings institutions took advantage of this phase out and began to actively compete for deposits by offering high yields for interest on deposits. Depositors have not always looked for the institution that is the most sound but, as long as it is federally insured, they select the one which pays the highest interest rate. All too often, the institutions that pay the highest interest rate are not the most competent. Meanwhile, many S&L's used these fresh deposits to begin lending in a very aggressive manner.

Since there were many lenders now looking for business, many S&L's seriously relaxed their loan policies. The result was risky lending and, inevitably, borrowers who were unable to repay their loans.

Increased competition between S&L's, banks, and credit unions has provided consumers with a number of institutions from which to apply for a loan or deposit their savings. Eventually, the supply of deposits outstripped loan demand, and savings institutions turned to other sources of income in order to stay alive.

S&L's have turned to direct investments in an attempt to return to profitability. Unfortunately, many of these investments have backfired. This has compounded the problems for S&L's. Furthermore, many of the investments were made in areas such as commercial real estate and in areas dependent on the energy and agricultural areas of the economy. When the economy went sour in these areas, the result was even greater losses for the thrift industry.

The problems that have confronted the thrift industry have taken a heavy toll on the FSLIC. As the FSLIC has tried to deal with the failures of savings and loans, its own financial condition had deteriorated.

LAST YEAR'S SPECIAL ORDER

A year ago at this time, I reported that the thrift industry was in poor condition. I also reported that of the 3,287 thrift institutions in the United States, 1,043 or 32 percent, almost one-third, were either insolvent or in a weak and inadequate capital position. The average return on the assets of these institutions was a negative 0.16 percent.

I also pointed out the geographical distribution of the problem and that 140 of the GAAP insolvent and undercapitalized institutions were in Texas, 60 were in California, 45 in Florida, 49 in Louisiana, and 25 in Oklahoma. Moreover, I discussed actions which were underway at that time to deal with the FSLIC issue, specifically, the recapitalization plan and the reasons why I believe it is inadequate. Finally, I outlined my proposal for bailing out the troubled thrift industry and the FSLIC.

OVERVIEW OF ACTION TAKEN LAST YEAR BY THE CONGRESS

As you know, Mr. Speaker, last year the Congress passed H.R. 27, the Competitive Equality Banking Act of 1987 [CEBA]. Included in this legislation was a plan to recapitalize the FSLIC. The final outcome of the proposal was a variant of a proposal developed by the administration.

The recapitalization plan as passed under H.R. 27 uses funds which are already available in the Federal Home Loan Bank System, of which the FSLIC is a part, to support borrowing for the insurance fund. The funds are being raised by a financing corporation that issues debt instruments, called FICO bonds, in the private markets. The borrowings will be repaid in the far distant future from the returns on zero coupon bonds purchased with funds supplied by the Federal Home Loan Bank System. The annual interest costs will be met by the FSLIC. Effectively, the recapitalization plan would raise approximately $10.8 billion, with no more than $3.75 billion sold annually.

As I have previously stated, I believe that the recapitalization plan is flawed in many respects. If anything, all it has done is buy us some time in the short term for resolving the problems with the S&L industry; but, this is very expensive time. In the long term, however, it has not helped the problem but, rather, exacerbated it. Essentially, we have transferred this problem to the next Congress and administration.

To begin with, the plan effectively mortgages the future of the FSLIC because the bond interest will be paid from future FSLIC premiums. In addition, the bonds being sold by the financing corporation to raise equity for the FSLIC are sold at a higher rate than U.S. Treasury bonds. Early this month, FICO bonds were selling at 104 basis points—more than 1 full percentage point—over 30-year Treasury bonds. This means that FSLIC's burden of paying the interest on FICO bonds will be great. If high spreads over treasuries continue, this spread could add approximately $1 billion to the cost of the plan.

To make matters worse, the sale of FICO bonds may not be a roaring success. Already, many investors are wary about buying these bonds because they question FSLIC's ability to stand behind them.

The recapitalization plan also places an unnecessary strain on all savings institutions in trying to meet the increased assessments for their deposit insurance. A recent study by the Federal Home Loan Bank Board estimated that FSLIC-insured institutions pay a 20- to 40-basis-point premium over FDIC-insured banking institutions to retain and attract deposits. While the exact magnitude of the rate premium is not known, it definitely harms thrifts in trying to raise the new equity capital that so many of them need so badly.

Furthermore, the recapitalization plan does not generate enough cash resources to keep up with the amount of losses currently occurring within the industry. FSLIC's losses are approximately $8 billion annually which is $2 to $3 billion more per year than the plan will generate to dispose of ailing institutions.

Finally, if one looks at the current state of the thrift industry, one would find that the recapitalization plan is clearly inadequate. It is estimated that the resolution cost of disposing of all of the insolvent thrifts is between $50 to $60 billion. As you can see, this amount goes far beyond what is provided by the recapitalization plan. The plan only provides 20 percent or so of the total amount needed to solve the problem. I continue to believe that the American taxpayer ultimately will have to pick up the cost of closing these institutions—a cost which will continue to grow unless we substantively address this issue now.

WHERE ARE WE TODAY?

In order to fully understand the magnitude and urgency of this problem, we should look at where we are today. I would propose that the problem is, unfortunately, one which is growing like a cancer. Regrettably, the situation has not improved since Congress dealt with it last year in CEBA.

To this date, the 1987 annual audit by the General Accounting Office [GAO] of the FSLIC has not been released. It is my understanding, however, that the figures on the FSLIC are not going to be positive.

According to a recent article in the Washington Post, Government sources claim that the GAO report may show that FSLIC's liabilities are as much as $13 billion more than its assets at the end of 1987. The Post article also notes that this figure is more than double the deficit of $6.3 billion that the insurance fund had at the end of

1986, so that its deficit has doubled in just 1 year.

To further illustrate the current state of the FSLIC as of September 30, 1987, FSLIC's accumulated insolvency losses were estimated to be approximately $52 billion. According to one recognized financial consulting firm this is equal to the regulatory net worth of the entire thrift industry, and is more than double the industry's tangible net worth. Furthermore, experts now believe that the $52 billion may be a bit conservative, and that a more accurate figure may be around $60 billion.

CURRENT CONDITION OF THE THRIFT INDUSTRY

The thrift industry also is in poor shape. The Federal Home Loan Bank Board recently released the 1987 fourth quarter figures for the thrift industry, and reported that the industry had a record loss of $6.8 billion for the year 1987 as compared with earnings of $132 million in 1986.

For the fourth quarter of 1987, the profitable two-thirds of the industry earned $1.3 billion, while the overall industry lost $3.2 billion; 345 thrifts that were regulatory insolvent at the end of 1987 had losses of $3.2 billion with total losses for 1987 of $9.5 billion. Finally, the Bank Board's report shows that total losses in 1987 caused a substantial reduction in the industry's retained earnings, producing a decline in its aggregate capital/assets ratio from 4.51 percent at the end of 1986, to 4.12 percent at the end of 1987, the lowest since 1984.

Overall, it is apparent that many thrifts are still trying to make up for losses they incurred during the early 1980's. For the most part, one could categorized sick thrifts into four types of institutions: First, interest-rate insolvent thrifts from the early 1980's, of which there are still a few; second, poorly managed institutions that got into trouble in the early 1980's and have made their problems worse due to a variety of problems relating to mismanagement; third, adequately managed thrifts that are victims of local economic conditions, particularly in economically depressed agriculture and energy belt regions; and fourth, thrifts that have grown wildly since the early 1980's while practicing marginal if not criminal lending practices.

While many institutions are making some progress, there are equally as many, if not more, that have never recovered from the losses of the early 1980's. To make matters worse, the efforts of S&L's are further hampered due to the increased assessments they must now pay for deposit insurance.

As we continue to allow these insolvent thrifts to operate, the problem continues to grow. Many insolvent thrifts are not closed because the FSLIC simply does not have the resources to allow them to fail. In a sense, FSLIC's hands are tied by bureaucratic constraints in that it can only resolve these problems at the rate of $5 billion per year as provided by the recapitalization plan enacted last year. This amount is far lower than the annual rate at which losses are occurring, and the result is that insolvent thrifts continue to operate at a loss while slipping further into the hole.

THE FUTURE OF THE THRIFT INDUSTRY

The future of the thrift industry relies, to a large extent, on the stability of the economy. Presently, the overall economy of the United States is not in recession, and yet a large part of the thrift industry is in a very weak condition. A recession would most assuredly have a severe negative impact on S&L's. One only has to look at the situation in Texas and apply that scenario nationally to understand the ramifications which could result if the national economy went into recession.

The future of the thrift industry also will depend on the industry's ability to adapt to changes in a marketplace driven by revolutionary changes in financial and electronic technology. Some financial experts believe that the thrift industry is slowly being driven out of its original business, intermediating the deposits of savers into home mortgages, by structural changes in the financial markets that are, at the same time, beneficial to both savers and home buyers.

THE NEED TO ACT NOW

Mr. Speaker, while I do not wish to sound overly pessimistic or paint a stark picture of impending doom, I firmly believe that we must recognize the problems confronting the FSLIC and, therefore, the American taxpayer. The situation is continuing to worsen, and yet we in the Congress are not addressing the problem. As I stated earlier, the recapitalization plan passed last year fails to address the thrift crisis, and we simply cannot afford to wait until the 3-year recapitalization plan is over before we wrestle with this issue.

Approximately one-third of the S&L's in the thrift industry are in trouble. Of the 345 RAP insolvent thrifts in the United States, 149 are located in the Southwest. However, some experts estimate that there are approximately 700 to 800 institutions that are going to need assistance.

With this many insolvent thrifts currently in operation, one may wonder how they manage to raise cash in order to operate and pay interest on deposits.

Basically, many of these brain dead thrifts continue to operate by not making investments or loans, but only by taking in deposits and paying the interest on them. This game goes as follows: A thrift offers a high interest yield to attract deposits and, for the most part, uses the fresh deposits it raises to pay for overhead costs and interest on deposits. The problem with this practice is that the longer these brain dead thrifts continue to play this "Ponzi" scheme, the more negative their net worth becomes, and the closer they get to impending doom.

Also, because many insolvent thrifts have literally nothing to lose, they continue to make risky investments and loans with the hope of making a profit. Why do they have nothing to lose? These thrifts have nothing to lose because they are already insolvent, and they realize that the FSLIC will cover any losses they are unable to pay. Many have termed this game: "Heads I Win, Tails FSLIC Loses."

Clearly, Mr. Speaker, the longer thrifts are allowed to engage in these unsound practices, the deeper they sink into debt. This will, obviously, make the ultimate losses upon liquidation even greater.

We must address this issue now. As the situation currently stands, the problem is growing at the rate of $8 billion a year before taking into account what FSLIC spends to reduce the problem.

While I believe it is safe to say that neither the Congress nor the administration has any desire of addressing this issue during this legislative session, I believe it would be negligent on our part to not act at this time. Noah didn't wait for rain to build the ark, and I do not think we should wait for a crisis before taking substantive action to correct the problems confronting the thrift industry.

I also believe the problem confronting the FSLIC are beyond the realm of being contained by the political process. This is evidenced if one takes into account the action taken by the Congress last year. After succumbing to political pressure from the S&L industry, the Congress passed an inadequate recapitalization plan. Also, the Congress has resisted proposals to use government funds which could add to the budget deficit. I fear this pattern of action will continue into the future and undoubtedly will influence any future funding decisions.

Furthermore, I believe we must all face the reality that the S&L industry is not going to accept, nor can it afford, to pay another increase in its deposit insurance assessment. Both strong and weak S&L's are concerned with having to pay an additional increase in their insurance assessment on deposits. Healthy institutions feel they should not have to pay amounts supplemental to their regular insurance premiums to finance the FSLIC's resolution of problem institutions. In addition, large insurance premiums could very well tip weak institutions into the "failed" category.

Moreover, the ability of the Congress and the administration to enact interest rate ceilings is not an option in view of the political power of our Nation's depositors. We also must face the reality that the next dollar lost will be the taxpayers. The extent to which the FSLIC will need taxpayer assistance depends directly on when and how the Congress acts to help the FSLIC. Politics aside, we must begin to deal with this issue realistically.

WHAT CAN BE DONE?

As you know, Mr. Speaker, the Committee on Banking, Finance, and Urban Affairs will soon consider legislation to expand banks' powers. Because of the urgency to draw attention to this issue, I hope to offer an amendment to this legislation which would create a bipartisan, bicameral, congressional task force to study the current situation of the thrift industry and the FSLIC, and to make recommendations for resolving FSLIC's heavy case load while, at the same time, adding stability to our Federal insurance funds.

Moreover, Mr. Speaker, I believe that any proposal to resolve the problems with FSLIC must take into account a number of factors including the following points:

First, the FSLIC is bankrupt.

Second, the recapitalization plan passed last year will not work effectively because it will not raise the funds needed to cover FSLIC's accumulated insolvency loss of at least $52 billion.

Third, an outright merger of the FSLIC with the FDIC is not desirable at this time for three reasons. To begin with, the FDIC's excess reserves plus the funds to be raised under the recapitalization plan, are substantially less than FSLIC's present and future liabilities. Also, a merger will not address FSLIC's most serious problem, which is disposing of failed thrifts in the least costly manner. Finally, a merger will not accomplish one important step in dealing efficiently with the insolvent thrifts: separating them from the healthy thrifts so that they will not contaminate the healthy institutions. This separation would be comparable to creating a "good bank-bad bank" situation whereby a failing bank's problem assets are transferred into a separate entity where specialized management can minimize future losses on those problem assets.

Fourth, taxpayer funds eventually will have to be injected into FSLIC because Congress cannot renege on its full-faith-and-credit backing for the three Federal deposit insurance funds without endangering the entire American financial system. As I stated earlier, the Congress reaffirmed this backing in "sense of Congress" language incorporated in CEBA. Furthermore, the Ohio and Maryland legislatures, in using State taxpayer funds to bail out quasi-private deposit insurance funds, set precedents that cannot be ignored in dealing with FSLIC's pending bankruptcy.

Fifth, reregulation of the thrift industry will not bail out the FSLIC or the insolvent thrifts, yet reregulation would be very damaging to those thrifts that otherwise could survive in our rapidly changing financial world.

I believe, Mr. Speaker, that the objective of any proposal should be to provide the best opportunity possible for healthy thrifts to survive as freestanding depository institutions while, at the same time, harmonize the regulatory structure between thrifts and commercial banks. Furthermore, we must encourage new equity capital investments in thrifts that have the potential to survive as free-standing institutions, and reduce the role of the Federal Government in providing funding for depository institutions.

For these reasons, I continue to support the plan as outlined in my special order 1 year ago. At that time, I proposed that the healthy part of the thrift industry transfer to the FDIC, after paying a reasonable exit fee to FSLIC. Permit me to emphasize at this point, however, that while I do not support an outright merger of the insurance funds, we must face the reality that it is almost inevitable that there will be a restructuring of the Federal deposit insurance funds in the future. Certainly, the Congress will utilize all possible options before using taxpayer funds to cleanup the FSLIC mess. This separation of good from bad should be a part of this cleanup process.

The FSLIC's main responsibility would then be to dispose of the remaining "brain dead" S&L's within a time period of 3 to 5 years. Taxpayer funds would be the last dollars used to meet FSLIC's prospective losses. FSLIC's existing resources, future income, exit fees, and the retained earnings of the Federal home loan banks would be used first to fund FSLIC's losses.

Finally and most importantly, Mr. Speaker, I would urge Members to reject quick fixes and additional delays, and work instead to restore public confidence in the system before a crisis occurs.

IMMEDIATE DISPOSAL OF INSOLVENT THRIFTS

There is no question that the task before us is great. Yet, to keep failing institutions open for indefinite periods while funding is being decided clearly adds to the cost that taxpayers ultimately will have to bear. I firmly believe, therefore, that we must begin to liquidate or merge insolvent thrifts in an expeditious and organized manner.

We must move immediately because it is obvious that the thrift industry cannot afford to pay the tab for this alone. The alternative is to default on consumer deposits. Needless to say, this is neither politically nor economically feasible. Thus, use of taxpayer funds is inevitable. Our challenge today is to spend those funds wisely by moving quickly.

REGULATORS NEED TO DEAL MORE AGGRESSIVELY WITH PROBLEM INSTITUTIONS

As I mentioned earlier, many insolvent institutions continue to make loans and investments even though they have a negative net worth. It is my belief that the Federal Home Loan Bank Board has not been aggressive enough in dealing with failing and involvent thrifts, or in controlling the scope of risky business ventures in which they may engage. This only serves to dig a deeper hole that must be filled later with taxpayer dollars. This senseless practice must be stopped.

While I understand that the FSLIC may not be capable of immediately closing all of the failed institutions, the Board must be more aggressive in using it's authority to restrict the type of activities in which a failing or insolvent institution engages.

The Congress attempted to address this issue last year under section 406 of the Competitive Equality Banking Act. Section 406 increases the authority of the Federal Home Loan Bank Board in dealing with failing and insolvent thrifts, and requiring minimum capital requirements for these institutions.

It simply goes against common sense to allow an institution with a negative net worth to continue to lend and invest money which it simply does not have. Therefore, I would hope that the Bank Board will utilize its authority as granted under section 406 of CEBA to the fullest extent possible.

THE SOUTHWEST PLAN

Finally, Mr. Speaker, I would like to address the so-called southwest plan currently under consideration by the Federal Home Loan Bank Board.

As I reported earlier, the region of the United States which has the most weak and involvent thrifts is the Southwest. One hundred and four of the country's RAP insolvent thrifts are located in Texas. In Texas alone, the entire thrift industry had a net loss of $2.15 billion for the fourth quarter of last year.

Because of the many problems confronting the thrift industry in the Southwest, the Federal Home Loan Bank Board devised the southwest plan with the hope of strengthening this beleaguered region. However, I would submit that the southwest plan is bad medicine for a seriously ill patient.

The southwest plan is basically premised on consolidation and attracting equity. The plan calls for the consolidation of nearly 100 savings institutions located in Texas.

In the Bank Board's resolution 88-68 the Board states that the consolidation of insolvent thrifts with some combination of healthy institutions and capital infusions would achieve various benefits including the following:

Significant savings in operating expenses;

Management teams capable of providing the leadership and controls necessary to achieve viability;

The ability to permit higher cost deposits to be reduced by cash flow from investments supported by lower cost deposits;

Merging within one institution complex financial investments in several institutions, with attendant unnecessary costs; and

The attraction of equity capital to a market that currently has too many inefficiencies to produce a reasonable return on new capital.

Certainly, Mr. Speaker, these goals are laudable, however, I do not believe the southwest plan can or will be successful. The problem with this proposal is that it does not go far enough in addressing the grossly inadequate capital base of savings institutions located in the Southwest.

While consolidation is the main premise of the southwest plan, I believe that consolidation is the plan's fatal flaw. The plan is implicitly premised on consolidation on an intrastate basis. I say "implicitly premised" because the Board's resolution does not make any reference to out-of-State capital. Healthy institutions in this region are few and far between, and the end result will be melding the weak with the very weak.

Before we can begin to attack the problems of the thrift industry in the Southwest and, in particular, Texas, we must recognize the heart of the problem. In my view, the heart of the problem is an inadequate capital base.

To illustrate this point I would point to the fact that as of December 31, 1987, the thrift industry in Texas had a RAP negative net worth of $6.2 billion. The entire thrift industry in Texas had a GAAP negative net worth of $7.4 billion. I use Texas as an example because it is the State which has the most insolvent thrifts.

An example of intrastate consolidation is First Republic Bank of Texas, and we all know how successful that was. Melding the sick with the very sick will not make a healthy institution but, rather, a larger unhealthy one with a greater cost to close, and with an enormous impact if it is closed.

What is needed in the Southwest is an increased capital base for savings institutions. S&L's in this region do not have the capital necessary to sustain themselves, and merging them together while preventing the infusion of capital from resources located outside the State will not serve to help the problem. The most practical way to bring in outside capital is to encourage healthy banks and thrifts based in other States to acquire Texas thrifts.

CONCLUSION

Mr. Speaker, we can no longer afford to view this problem as a parochial issue solely affecting the thrift industry. Each month we delay action and allow FSLIC's problems to continue, we are increasing the final burden the American taxpayer will eventually have to shoulder. The FSLIC must be dealt with in a manner which will minimize the future cost to the taxpayer.

In this day of raging deficits, it seems that every bankrupt tentacle of the Federal Government is making a run on the U.S. Treasury. I can assure you that the FSLIC will be no different from these other unfortunates. The question is, when and how are we going to administer the last rights and call the caretaker to come and remove the corpse.

Clearly, Mr. Speaker, there are many difficult decisions that we must confront in addressing this issue. Nonetheless, I believe that now is the time when we in the Congress must work toward achieving a viable solution before the ultimate cost to the American taxpayer reaches an exorbitant amount.

Thank you, Mr. Speaker, for allowing me this opportunity to address the House.

□ 1915

THE 73D ANNIVERSARY OF ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PASHAYAN] is recognized for 60 minutes.

Mr. PASHAYAN. Mr. Speaker, during the month of April, Armenians all over the world observed the 73d anniversary of the Armenian genocide. It is my privilege once again to organize a special order so that Members of this body can join in this commemoration.

In the latter half of the 19th century the Ottoman Turkish Government began a policy of persecution against its Armenian population. The persecution was brutal and ferocious. It resulted in the deaths of many Armenians in 1894 and 1895, and in 1909. The pattern of persecution and destruction culminated in the great massacre of 1915 through 1923. At least 1.5 million Armenian men, women, and children perished in this holocaust. Those who survived became homeless refugees, whose descendants, with their painful memories, can be found in many countries today.

This terrible fact of history has been documented by eyewitnesses and media accounts, including those of then United States Ambassador to Ottoman Turkey, Henry A. Morgenthau. The 45th and 66th Congresses adopted resolutions deploring the massacres. President Reagan and seven Presidents before him, have spoken out against the treatment of the Armenians. In spite of the ovewhelming evidence and recognition, the debate still rages on over whether or not these events of history should be remembered.

The debate appears most pronounced in this body and during this Congress, where on August 7, 1987, we considered and rejected a procedural motion to vote on House Joint Resolution 132, a measure to commemorate the Armenian genocide. We therefore failed to take action to remember the first genocide of the 20th century. We submitted to the threats of our valued NATO ally Turkey and the appeals of our State Department. We emboldened those who refuse to face history to press even more diligently against all levels of government and all institutions who would commemorate or otherwise remember the treatment of the Armenians.

The Turkish Government has even gone so far as to advise this body that it will not tolerate the introduction of any resolution on the Armenian genocide in the future. Our Government has been advised that the President of the Republic of Turkey, Kenan Evren, will cancel his visit to the United States scheduled for this summer if a resolution on this question is presented to this body for consideration. We now have a foreign government telling what we can discuss. This should be intolerable.

Mr. Speaker, our failure to act and resolve this so-called controversy has not, to my great satisfaction, been repeated elsewhere in our Nation. Within the past year, and despite an intense campaign of denial orchestrated by the Republic of Turkey, the U.S. Holocaust Memorial Council affirmed the inclusion of the Armenian genocide in its museum and educational programs. The States of California, Connecticut, Massachusetts, New Jersey, and New York remembered April 24, 1988, Armenian Martyr's Day, with commemorative events as well as resolutions passed by their legislative bodies. Similar successes can be reported on the growing movement to provide holocaust, genocide, and human-rights curricula in our Nation's secondary schools. In my State of California, a model curriculum on these topics was adopted for statewide execution which included the Armenian experience. This took place over the strenuous objection of Turkey's friends who once again attempted to deny that the genocide took place.

I am also pleased to report that an exemplary educational curriculum entitled "Facing History and Ourselves" expanded its Armenian genocide component. The Massachusetts-based "Facing Histories" case study approach to the holocaust and the Armenian genocide, underscores the crucial importance of remembering the facing history. I am proud of the efforts in California, Massachusetts, and other States where educators who are committed to preventing genocide and human rights are providing an opportunity for our students to learn from the past—an opportunity which our misguided ally Turkey would like very much to deny.

Mr. Speaker, while millions of our citizens were called upon by their State governments to reflect upon the Armenian tragedy, and while tens of thousands of students were presented with the Armenian genocide as a case study, we in the Congress failed to participate. The Republic of Turkey was able to accomplish with us what they failed to accomplish anywhere else in this great Nation. This body must address the growing gap between the trend in our society to remember all instances of genocide in this century and our indecisiveness. The time is overdue for this body to do what is right and pass a resolution on the Armenian genocide.

Mr. Speaker, I should like to call attention to the recently approved legislation on the Genocide Convention. On April 25, this body passed such a measure. In testimony submitted to the Judiciary Committee, the examples of genocide in this century were frequently invoked, including of course the genocide of the Armenians. I am delighted that this body approved this legislation making genocide a crime under U.S. law. I should also like to share the relevance of the Armenian experience to the convention. Raphael Lemkin, the man who coined the word "genocide" and began the movement to make genocide crime under international law, coined the word to apply to the Armenians. He also felt that the Republic of Turkey had a special responsibility in this regard.

From the Raphael Lemkin papers, now housed in the New York Public Library, we learned that:

> A bold plan was formulated in my mind. This consisted of obtaining the ratification by Turkey among the first twenty founding nations. This would be an atonement for the Genocide of the Armenians. But how could this be achieved? The Turks are proud of their republican form of government and of progressive concepts, which helped them in replacing the rule of the Ottoman Empire. The Genocide Convention must be put within the framework of social and international progress. I knew however that in this conversation both sides will have to avoid speaking about one thing, although it would be constantly in their minds. The Armenians.

Mr. Speaker, placed within context, how can this body on the one hand support the Genocide Convention and on the other refuse to commemorate the Armenian genocide?

Mr. Speaker, I urge that this body on the next possible opportunity affirm this fact of history once and for all.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. PASHAYAN. I am glad to yield to my colleague, the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I want to commend the gentleman from California for bringing this genocide issue here on the floor. As the gentleman has already indicated, the leadership of the House in the past year prevented the body from having an opportunity to make a judgment on exactly what had happened.

I think of a number of experiences that I had participated as a child in a sense in what was the genocide issue, without having recognized what it was. I recall I think in the third or fourth grade in the Schenectady school system, I can remember the school being allowed to go to the movie theater because there were moving pictures of these events at that time in 1923. Looking back, I can recall what we were told was this was the near east relief organization and the genocide had been to a large extent already carried out and people were providing help and food. Although the near east was not close to our area, the motion pictures and other acts made it perfectly clear.

□ 1930

I have subsequently received more information with regard to this event which we have annually tried to recognize and to comment on. In my own congressional district, in Watervliet and in the city of Troy there is a large community of Armenians. They have an outstanding community. They are well regarded in the area. They have an outstanding church and the Armenians in my district I know are discouraged when they learn that the House of Representative does not even want to commemorate this event which took so many lives and which has touched the lives of so many of the people who are now leading the Armenian community.

I think those of us who have individuals and groups of Armenians certainly deserve to have their story told and I think the efforts of the gentleman from California [Mr. PASHAYAN] have done an outstanding job in bringing that message out and I appreciate him allowing me to participate in this special order. We hope that this event that is being commemorated is something that is not going to be ignored but something that has taken place. As the gentleman from California [Mr. PASHAYAN] has indicated, this is something that started in the 20th century. It is not something remote from us in time, and as I indicated, I have had the opportunity to see what had gone on in the pictures although the story itself took longer to recognize and to followup on.

Mr. Speaker, I commend the gentleman from California [Mr. PASHAYAN] and I thank him for taking his time and for allowing me to make my statement in this connection, and I salute the Armenians who believes very rightly and truly that they should be recognized and should have the atrocities that were heaped upon other Armenians in the earlier days to recount as what has happened not only as to what was done in the genocide but also other events such as the holocaust.

I hope that this will be brought to the attention of the Members of Congress who perhaps thought that it was cute to stop the operation of this resolution last year so that nobody had to vote on it, and I think this year we are going to see, certainly make a big effort to see that there will be an effective vote and an effective recognition of what this genocide was. It was certainly a very definite genocide in the history of the 20th century.

Again, Mr. Speaker, I thank the gentleman from California [Mr. PASHAYAN] for allowing me to join him in this special order.

Mr. PASHAYAN. Mr. Speaker, I want to thank the gentleman from New York [Mr. STRATTON] for his personal reminiscences of these events.

Mr. BOLAND. Mr. Speaker, I join my colleagues in remembering the Armenian Genocide of 1915–23.

I would especially like to thank Mr. COELHO, Mr. LEHMAN, and Mr. PASHAYAN, for their many years of leadership on this issue. These yearly memorials keep the flame of remembrance burning in this Chamber and, hopefully, around the world.

It is impossible for me to even comprehend the systematic murders carried out in those 8 years—the attempted extermination of an entire race of people. The numbers alone are staggering. One and a half million Armenians perished from the persecution and massacre by the Ottoman Turkish Government. More than 500,000 Armenians were exiled from their homeland which their ancestors had occupied for over 3,000 years. As a result of the killings and deportations, the Armenian population in the Ottoman Empire was reduced from 2,500,000 to fewer than 100,000.

The documented perpetrations against the Armenians are, in and of themselves, deplorable. Just as lamentable, however, are the failures of subsequent generations to realize the lessons of that period of history. The very word "genocide" was derived as a description of the Armenian horrors. The roots of genocide, therefore, are imbedded in the atrocities of 1915–23. That evil seed, rather than perishing, has grown. The Armenian genocide provided the impetus for Stalin's destruction of the Kulaks, Hitler's Holocaust of the Jewish people in World War II, and Pol Pot's massacre of his own people in Cambodia.

Therefore, Mr. Speaker, as we add another year to the legacy of the Armenian genocide, we do so with a sense of vision and of hope. We hope that this observance will, by its example, call all Americans and citizens of all other countries as well, to recognize the injustices of the Armenian genocide and to retain the lessons which it provides.

Mr. COELHO. Mr. Speaker, I rise today in remembrance of the 1.5 million Armenians who were killed during the tragic genocide carried out against them by the Ottoman Turks from 1915 to 1923.

On April 24 of each year, the Armenian community around the world pauses on Martyrs' Day to honor its brothers and sisters who perished during this genocide and to reflect on the events of that period. It is often said that time heals all wounds, but let me assure you that the events of the genocide still weigh heavily on the hearts of all Armenians. Certainly, no one can turn back the clock and change the events that transpired in Armenia between 1915 to 1923, but there are two continuing factors that serve to keep the pain of the genocide fresh for Armenian people around the world—and both of these factors could be easily rectified.

The first factor is the refusal of the Reagan administration to even recognize that the genocide took place. Since he took office in 1981, Ronald Reagan and his State Department have tried to cloud the undeniable facts of this period and claim there is no proof that a genocide actually took place. This is not only an affront to history, but more importantly it is an affront to the millions of Armenians who perished during this period and to the grieving survivors they left behind.

The second factor that keeps the wounds of the genocide fresh in the hearts and minds of Armenians everywhere is the continuing division of their ethnic homeland within the Soviet Union. The region of Nagorno Karabakh has historically been a center of Armenian culture, and even today its population is 80 percent ethnic Armenian. Yet, in 1920, the Soviet Government allowed Soviet Azerbaijan to annex the region, and it remains a district of Azerbaijan today. Over the last several decades the Azerbaijani government has carried out a systematic policy of discrimination against the Armenian residents of Karabakh, and has encouraged their emigration from the region.

This artificial separation of the Armenian people from an integral part of their homeland has stirred deep passions within them for a number of years, and earlier this year led to riots by Armenian nationalists in the region. Rather than trying to correct the problem that led to the riots by reuniting Karabakh with Armenia, Soviet General Secretary Mikhail Gorbachev had instead only temporarily dealt with its symptoms by crushing the protestors and ignoring their demands.

These two factors—the refusal of the United States Government to recognize that a genocide ever took place and the continuing division of historic Armenia—serve to keep the pain of their ancestors' suffering alive in the hearts and mind of the Armenian people even today. But there are advancements to reflect on during this year's martyrs' day ceremonies as well. Earlier this week the House of Representatives passed the Genocide Convention Implementation Act, which would make genocide a crime under United States law and complete the ratification of the International Convention on the Prevention and Punishment of Genocide. Although the United States signed the treaty after it was passed unanimously by the United Nations in 1950, it was only in 1986 that the Senate finally consented to the treaty. The refusal of the United States to ratify this treaty was an affront not only to the Armenian people, but also to the Jewish people, the Kampuchean people, and all others others victims of genocide.

Mr. Speaker, on this martyrs' day I ask each of my colleagues to pause and reflect on the events of 1915 to 1923. We in this Chamber can do little to change the policy of the Soviet Union on the issue of the reunification of Armenia, but we can have a profound effect on the United States policy of nonrecognition of the Armenian genocide. On this special day I once again call upon President Reagan to recognize the events of 1915 to 1923 and join the many people around the world who are honoring the victims of this period. The souls of the 1.5 million Armenians who were killed by the Ottoman Turks will not rest until this travesty of history is corrected, and only then can at least some of the burden still weighing heavily on the hearts of the Armenian people finally be lifted.

Mr. LEVIN of Michigan. Mr. Speaker, I thank my colleagues for calling this special order so that we may respectfully commemorate the 73rd anniversary of the Armenian genocide.

Those of us who have worked so actively to pass a resolution which would formalize U.S. recognition of the genocide have come to regard this effort as a mission—a mission of truth telling.

For some, downplaying the Armenian genocide is a political decision because they fear this resolution offends present-day Turks. For others, the Armenian genocide remains a debate of historical fact. As each week and each month passes, however, we lose more witnesses to the tragedy. We owe it to those who have passed and to those who remain to help preserve the memory forever.

I will not recite all the overwhelming evidence given us by survivors, scholars and historians, presidents and the press, including nearly 200 news accounts published by the New York Times during the 9-year genocide. Contemporary recognition is also available. The U.S. Holocaust Museum now under construction is including an exhibit on the Armenian genocide. The one thing we lack is congressional recognition and I suggest to those who may be opposed to this legislation, that we will not cede our effort until this resolution is approved.

To those people who suggest this resolution would only serve to pinch a raw nerve of our friend and NATO ally, Turkey, I would ask them to read House Joint Resolution 132 carefully. Nowhere is there any suggestion—implicitly or explicitly—that we hold today's Turkish Republic responsible for atrocities committed by the Ottoman Empire over 70 years ago.

And to those who would dismiss this resolution because of a belief that these atrocities must be locked in the closet, I argue that that attitude remains the final indignity. It's the responsibility of democracies like ours to record and to remember these terrible events to ensure as best we can that never again, shall we turn our eyes from this or any other genocide.

Just this week, on Monday, the House passed overwhelmingly a bill to formally implement U.S. ratification of the genocide convention. That same day, the opening prayer was led by the Reverend Father Arsen Barsamian, who implored us to remember ". . . the victims of all genocides and holocausts and especially the souls of the first genocide of this century, those of our Armenian brothers and sisters. . . ."

Today, the Armenians face another threat to their cultural continuity, this time in the Soviet Union. I join with the Armenian National Committee in support of the people of Karabagh who wish to join their brethren in the Soviet Armenian Republic, to which they rightfully belong.

On this day of memory for the 1½ million Armenians who lost their lives in the genocide we pledge our support both for a new resolution recognizing the Armenian genocide, and for the ongoing struggle for Armenian rights in the Soviet Union.

Mr. MOORHEAD. Mr. Speaker, I am very glad that my friend, the gentleman from California, has taken out this special order this afternoon. This hour today is very important to me because many of my Armenian friends have told me horrible stories of how the genocide affected their families and loved ones. I also know how important this tribute is to them and to the memories of those who lost their lives in the slaughter.

It is timely that earlier this week the House passed H.R. 4243 to implement the genocide convention. This legislation codifies international law with respect to the crime of genocide and lists punishments for acts of genocide. Its passage moves us forward to full and final ratification of the genocide convention by the United States.

Tragically, modern history has recorded numerous incidents of man's inhumanity to man, but the Armenian massacre stands out as one of the prototypical examples of genocide along with the Jewish Holocaust. In pressing for a resolution to commemorate Armenian Martyrs' Day as a national day of remembrance of man's inhumanity to man, the American-Armenian community wishes to increase public awareness of the Armenian genocide in particular and the crime of genocide in general.

Cruelty, murder and genocide are terrible, terrible examples of man's inhumanity to man and history is replete with these horrors and injustices. Yet the potential for history repeating itself is always with us because intolerance and prejudice still exist today and are fueled by an environment of moral indifference.

In commemorating Armenian Martyrs' Day we give ourselves an opportunity to pause and reflect. Let us remember vividly the suffering and pain that the Armenian world community has endured. Let us pay tribute to all victims of genocide and finally, let us resolve to never let our moral outrage diminish.

I commend our friend, the gentleman from California, for his tireless efforts in keeping this vigil in the House of Representatives. I thank him for his dedication and commitment.

Mr. MANTON. Mr. Speaker, I an honored to join my colleagues in today's special order commemorating the 73d anniversary of the Armenian genocide. Today we remember and honor the 1½ million victims of the genocide and their survivors. We also continue our efforts to ensure the world never forgets a time when a people were nearly destroyed and to renew our commitment to preventing a repeat of the tragic events of 1915-23.

Many of us are familiar with the events of 1915-23. There are those, however, who would deny the genocide ever occurred. Thus, today it is indeed appropriate to recall the details of the crimes committed against the Armenian people from 1913 through 1923. We must recall in 1915 Armenian members of the Ottoman Turkish Army were segregated, disarmed, and worked to their deaths or massacred. We must recall the entire village populations who were murdered. We must recall the exile and murder of Armenian religious, political, and intellectual leaders. Finally, we must recall the systematic deportations and marches that resulted in thousands of deaths and forced exile.

Mr. Speaker, to those who dare deny these events, I say we will not allow ignorance, prejudice or short memories to rewrite history. We Americans know the denials of these events to be untrue. Many American Presidents have affirmed our Nation's recognition of the Armenian genocide. Furthermore, the U.S. Congress has twice adopted resolutions deploring the genocide. In fact, the U.S. Ambassador to the Ottoman Empire during those tragic years reported extensively on the continuing massacres on his efforts to bring them to an end. Armenian-Americans, many of whom I have the privilege to represent in Congress, can take pride in the fact the America they helped to build, tried to end the merciless massacre of their families.

Mr. Speaker, Let no one doubt we will continue to remember our duty to the victims of the Armenian genocide. Their deaths have meaning because we will not let the world forget them, and because we will never cease to mourn them. I personally pledge to continue my efforts to end the crimes of prejudice and ignorance so the victims of the genocide did not die in vain. I urge my colleagues in the Congress to join me. The principles upon which our Nation was founded compel us to remember and honor all victims of tyranny and injustice. Today we remind the world a senseless tragedy was allowed to happen, but it must never be repeated.

Mr. FORD of Michigan. Mr. Speaker, I am pleased to have this opportunity to help commemorate the Armenian genocide of 1915-23, truly a tragic event in the history of the civilized world.

Sadly, despite repeated efforts, the House has failed to pass a resolution calling for a national day of remembrance for victims of the genocide and their families.

Last Sunday thousands of Armenians gathered in communities across the country, including those in my congressional district, to remember the deaths of some 1.5 million victims of genocide at the hands of the Ottoman Empire.

This horrendous slaughter did indeed take place. And it is up to us in the democracies of the world to do all in our power to guarantee that this kind of mass murder does not occur again.

There have been attempts to deny that this genocide ever did occur. But it did. And to try to pretend otherwise is to ignore the works of eminent historians.

Ever since we first proposed a day of remembrance for the genocide's victims, it has been argued that such a move would reflect negatively on the present Government of Turkey, with whom we enjoy excellent relations.

That argument is a specious one, of course, since it has been made very clear that the genocide was the work of the Ottoman Empire. We went to considerable effort to make this distinction. Nevertheless, this body has failed to approve an Armenian geonocide resolution.

It is extremely important to the thousands of Armenian Americans who have contributed and continue to contribute to the advancement of America that the genocide victims not be forgotten.

It is for this reason that I join my colleagues on the House floor in recalling the enormous tragedy that befell so many.

Those who forget the stark lessons of history, to paraphrase that magnificent philosopher George Santayana, are indeed certain to repeat it.

Mr. LEHMAN of California. Mr. Speaker, this past Sunday, April 24, marked the 73d anniversary of the Armenian Genocide of 1915-23. A genocide that claimed the lives of a million and half Armenians in one of the most brutal and dispicable displays of human violence this century has ever seen.

I stand before this body today to pay tribute and respect to those who perished in the genocide although I must admit that I am saddened by the fact that we are not officially commemorating this most tragic event. As the sponsor of House Joint Resolution 132, the bill which commemorates the Armenian genocide and designated April 24, 1987, as "National Day of Remembrance of the Armenian Genocide of 1915-23," I fought to give this important historical event the recognition it most certainly deserves. Unfortunately, we were unsuccessful in having this Congress pass a resolution and recognize the atrocities that were committed against the Armenian people only 73 years ago.

While the defeat of our resolution was a setback it does not represent the end of our fight to get our resolution enacted into law. The genocide was officially recognized by the U.S. Government in the past. Prior to 1983 this was not an issue at All. The State Department did not refute the facts, the Congress routinely passed resolutions and the President frequently signed proclamations commemorating the event. However, in 1983 our State Department stepped out and proclaimed a new U.S. position on the genocide: it didn't happen. State Department officials decided to bow to Turkish pressure and thus endorse a policy not rooted in the truth. The State Department succumbed to pressure put upon it by the Turkish Government, and in turn a majority of the Members who voted bowed to the same pressure by voting down the measure on a procedural motion.

The Government of Turkey with its strong lobbying efforts was successful in persuading many members they by voting to recognize an important historical event that is documented by some of the most eminent scholars of the historical community, they would risk undermining our important strategic alliance with Turkey; a threat we know would never be backed up with actions, for our alliance with Turkey is as much in our interest as it is in theirs. This was done even though our resolution makes no mention and places no blame on modern day Turkey. Instead our resolution implicates only the "Governments of the Ottoman Empire from 1915 to 1923, prior to the establishment of the Republic of Turkey".

Our Government has in the past officially condemned the Nazi government of Germany for the crimes they committed during World War II. The present day German Government has accepted this and has recognized that we condemn past mistakes of a past generation and do not hold their present government accountable. This should also hold true in the Turkish case. For our resolution condemns not the present day Republic of Turkey but the "governments of the Ottoman Empire from 1915 to 1923" which represent a completely different set of people and circumstances.

Some may ask why our resolution is so important. The reason is that by enacting it we help keep alive the memory of those who were killed. By having the U.S. Government officially recognize the genocide we help to inform and educate the American people of the important lessons to be learned from the genocide and try to gain insights and learn lessons from this experience so that a similar episode may never be repeated again. History is one of the best teachers. An event as devastating and significant as the Armenian genocide must be studied and understood. Since many may be inclined to forget the dark pages of history, we must work all the more vigorously to educate both young and old to the horrors that were committed in the past so as to ensure a safer and more humane world in the future. To do anything less would be a betrayal to those who lost their lives in the genocide of 1915-1922 as well as to those who have lost their lives in the numerous other genocides of the 20th century.

This century has seen too many senseless deaths on scales of major proportions. In addition to the Armenian genocide, the Jewish Holocaust of World War II, the Stalin purges of the 1930's, and the more recent genocide in Cambodia were all incidents in which the world slept while tyrants abused their power by not only imposing oppressive policies but by committing the most horrid of crimes against mankind. In the waning days of a century which has had so many mass killings we must see to it that the next century, the 21st, is peaceful and safe. As the technology of man's weapons become even more deadly the potential for Holocaust become all the more everpresent. We therefore must teach our children well the lessons of history and not forget the millions who would have otherwise died in vain.

The commemorative resolution works toward these goals in recognizing genocide, and must be part of a broader educational effort that gives future generations the tools they all need to live in a peaceful world free from the ravages and purges of tyrants.

So I stand here today and commemorate those who had their lives so ruthlessly taken from them in the years 1915 to 1923 and hope in the future our Government can join me so we as a people can officially recognize the tragedies of the Armenian genocide rather than succumbing to whatever political pressures may urge us to do otherwise.

Mr. MINETA. Mr. Speaker, April 24 is the day traditionally designated to commemorate the massacre of approximately 1.2 million Armenians by the Ottoman Empire.

This single day every year serves to remind us of the 9 long years of murder, repression, and humiliation that the Armenian people suffered at the hands of their Ottoman neighbors. During that period, two-thirds of the Armenian population died.

Many of the survivors fled Turkey in what remains one of the most extensive forced exiles of this century: the Armenian diaspora.

Despite the grand scale of death and misery, the Armenians remain sadly forgotten by history, their tragedy perhaps overshadowed by other hideous events of this century.

Not everyone has forgotten, however, Mr. Speaker. The tragedy of the Armenian massacres remains clear in the minds of all people who value truth and the end to tyranny all over the world.

While the Armenian people have scattered all over the Earth, they have remarkably kept their culture, language, and religion intact. I salute their tenacity and spirit.

Mr. MARTINEZ. Mr. Speaker, I rise today to join with Armenians from my district and from all over the country in remembering the Armenian people, who on April 24, 1915, were the world's first genocide.

Mr. Speaker, last Sunday the Armenian community of metropolitan Los Angeles held a rally at Los Angeles City College to commemorate the 73d anniversary of the genocide that cost the lives of 1.5 million men, women and children. At that rally, I told the assembly of 10,000 people that to forget the Armenian genocide is to condone it and to condone it is to nurture the roots of war and genocide in the future. In fact, recent reports of Armenians murdered by gangs of young ethnic Turks in the Soviet Republic of Azerbaijan leads me to believe that Soviet authorities have forgotten the Armenian genocide.

No one wishes to pass the sins of the fathers onto the sons, but the genocide committed by the Ottoman Empire under the guise of war or political differences must acknowledge and remember—as should all examples of genocide—so that such occurrences in the future are prevented. As I have said on several occasions, however, it can never be assumed that genocide will not occur in this century or in the next. Indeed, it is no secret that Hitler pointed to the Ottoman Empire's example when he began the mass extermination of Nazi Germany's Jewish population. He answered his critics, who cautioned him against such a policy since it would alienate world opinion, by saying that the world had no opinion when the Ottoman Empire attempted to eliminate the Armenians.

In sum, all Armenians should use the anniversary of the Armenian genocide to learn that our strength and determination is necessary to prevent the real possibility of similar tragedies in our lifetime. Mr. Speaker, all of us should join with the people who attended last Sunday's rally at Los Angeles City College and Armenians around the Nation in remembering April 24 as a tragic day in human history.

Mr. TORRES. Mr. Speaker, I rise today to commemorate a tragic event in history. From 1915 to 1923, a 9-year period, 1½ million Armenians were brutally murdered by agents of the Turkish Ottoman Empire. Last year, we tried to officially memorialize this incident with a commemorative resolution. Unfortunately, however, our efforts were not successful.

If it were not for the many instances when man has committed atrocious acts against his fellow man, there would have been no need to introduce the resolution at all. The Armenian genocide is not the only massacre that could have been chosen. The history of the world is tainted with mass murders of innocent people. People who were murdered because of their race, religion or creed. Stalin tried to destroy the Kulaks because they interfered with his political goals. Hitler focused his wrath on the Jews. Pol Pot massacred his own people because they stood in his way.

It is not possible for us to return to the Turkish Ottoman Empire, Stalinist Russia, Nazi Germany, or Cambodia. If we had this capacity, perhaps we could prevent the unjust murders of millions of men, women and children from history. Regrettably, we cannot return nor can we right the wrongs of the past.

We can do everything in our power to prevent such atrocities from occurring again. We must educate people about these horrible incidents. In California, public school students will learn about the Armenian genocide in their classrooms. At the Mesrobian Armenian School in Pico Rivera, CA, the students have benefited from their lessons on the Armenian genocide. The example set in California should serve as a model for all of the States. The next generation should not be ignorant about the events of history.

In closing, I encourage everyone to take a moment to think about the unnecessary loss of valuable human lives that resulted from these massacres. We must do everything in our power to prevent a similar incident from happening again.

Mr. LIPINSKI. Mr. Speaker, this week marks the 73d year that has passed since the Young Turks regime of the Ottoman Empire began its systematic extermination of the Armenian population. Culminating in the murder of 1½ million men, women, and children, the tragedy ushered in the 20th century propensity for genocide. Adolf Hitler used the Armenian example to buttress his doctrine of racial superiority and justified murder: "Who today remembers the Armenians?"

April 24, 1915, marked the date when the carnage began. An edict was issued by the Interior Minister Talaat Pasha ordering the complete destruction of all Armenians living in Turkey. In 1923, when the slaughter stopped, almost one-half of the world's Armenian population had been slaughtered in Turkey—their ancestral homeland of some 3,000 years. Their only crime was to be culturally and religiously different from their Turkish oppressors. Many were forced to march from Turkey to the distant and desolate Syrian desert or were resettled in remote areas of the interior. Countless died along the way from exposure, lack of food and water, and attacks from brigands organized and abetted by the Turkish Government at the time.

President Woodrow Wilson was so horrified and shocked by the cables of then Ambassador to Turkey Henry Morgenthau that he actually favored sending in American troops to protect the Armenians and stop the killing. Since that time, American Presidents, statesmen, historians, journalists, and many other prominent persons have all recognized and condemned the actions of the Turkish regime. Our present leader, President Reagan, compared the tragedy of the Armenian people with that of the Jewish and Cambodian peoples.

Mr. Speaker, it is a sad, tragic, and dangerous state of affairs that modern-day Turkey refuses to recognize that such carnage took place. While an important friend and NATO ally, Turkey persists in believing that no genocide ever took place and even goes as far as to exploit the activities of a few Armenian extremists who have murdered innocent Turkish officials. Only with a conscious effort to be honest with its Armenian population and with the world can Turkey attempt to deal in any effective manner with this terrible piece of its past.

Recently, we have seen anti-Armenian riots in Sumgait, Azerbaijan triggered by an Armenian request for the annexation of the Nagorno-Karabakh region to the Soviet Republic of Armenia. This present-day illustration of ethnic hatred and strife should shatter any illusions we might have that the situation for Armenians in that area of the world has been resolved.

I urge my fellow members to support efforts to educate and inform our children and the public at large about the Armenian genocide—such as the inclusion of the genocide in the U.S. Holocaust Memorial Museum and the adoption of appropriate curriculum on genocide/human rights in our public schools.

Mr. BONIOR of Michigan, Mr. Speaker, I join my colleagues today in rising to commemorate the 73d anniversary of the anniversary of the Armenian genocide. This tragedy, which took the lives of two of every three Armenians living in their homeland, must be remembered and engraved forever on the conscience of our Nation and the world. By holding this special order today, we in the House vow that genocide and inhumanity will not go unacknowledged and unmourned.

Not commemorating the genocide makes it more likely to occur once again. It was, after all, Adolf Hitler who not long after the Armenian genocide, mastermined the Holocaust of over 6 million Jews and is quoted as having said: "Who still talks nowadays about the extermination of the Armenians?" We will continue to talk about the genocide so that Hitler's sentiment is never uttered again.

In the last year there has been much debate in this body over whether or not the genocide actually occurred. It is unbelievable to me that the death of 1.5 million persons can be doubted. The Armenian genocide has not been accorded its proper place in history. This doubt desecrates the memory of those who died. Political considerations have impeded the Armenian community's efforts around the world to gain proper recognition for the terrible tragedy that befell their relatives earlier this century.

Our own Nation, under the present administration, has become mired in debate over whether we should erase an event from history in the name of diplomacy. Mr. Speaker, by remembering the Armenian genocide we no more hold the current Turkish Government responsible for the actions of the Ottoman Empire than we hold East or West Germany responsible for the actions of the Third Reich.

Remembrance of the more recent Jewish Holocaust perpetrated by the German Government of the time has not and does not affect our relations with present day Germany. In this same way, the Armenian events are not a reflection on present-day Turkey. As Elie Wiesel said about the Jewish tragedy: "I do not believe in collective guilt nor in collective responsibility. Only the killers were guilty, their sons and daughters are not."

But we do not hesitate to acknowledge the Jewish Holocaust and mourn for the victims of that terrible human tragedy.

In this same way, there should be no controversy over the Armenian genocide. Why can't we give the Armenian tragedy the same reverence as the Holocaust? To this question, Mr. Speaker, there is simply not an acceptable answer.

H.G. Wells once remarked that "Human history becomes more and more a race between education and catastrophe." That is a race we must win. Education is our only weapon against catastrophe. We must learn from the past, we cannot just close our eyes to it because it makes us uncomfortable. We continue that learning process today, Mr. Speaker, and I commend my colleagues who called this special order today.

It signifies a commitment to history as it happened, not history as we would like to have it remembered.

GENERAL LEAVE

Mr. PASHAYAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at his own request), for today and April 29, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. HASTERT, for 5 minutes, today.

Mr. BARTON of Texas, for 5 minutes, today.

Mr. GINGRICH, for 5 minutes, today.

Mr. GINGRICH, for 60 minutes, on April 29.

Mr. HERGER, for 5 minutes, today.

Mr. BEREUTER, for 60 minutes, on April 29.

Mr. BARTON of Texas, for 5 minutes, on May 3.

Mr. BARTON of Texas, for 60 minutes, on May 4.

Mr. BARTON of Texas, for 5 minutes, on May 5.

Mr. PARRIS, for 60 minutes, on May 6.

(The following Members (at the request of Mr. GRAY of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. PICKLE, for 5 minutes, today.

Mr. RAHALL, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. OWENS of New York, for 30 minutes, May 3.

Mr. OWENS of New York, for 30 minutes, May 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. DANNEMEYER.

Mr. LAGOMARSINO.

Mr. DORNAN of California in two instances.

Mr. QUILLEN.

Mr. GILMAN in three instances.

Mr. SHAYS.

Mr. CRANE.

Mr. DAUB.

Mr. LEWIS of California.

Mr. MOORHEAD.

Mr. ROWLAND of Connecticut.

Mr. GALLEGLY.

Mr. SKEEN in two instances.

Mr. CHENEY.

Mr. GALLO.

Mr. KEMP.

Mr. SWINDALL.

(The following Members (at the request of Mr. GRAY of Illinois) and to include extraneous matter:)

Mr. LELAND.

Mr. TORRICELLI in two instances.

Mr. NELSON of Florida.

Mr. RODINO.

Mr. SKELTON.

Mr. LEVINE of California in two instances.

Mr. FLORIO.

Mr. GRAY of Pennsylvania.

Mr. WOLPE.

Mr. LIPINSKI.

Mr. ROYBAL.

Mr. AUCOIN.

Mr. ATKINS.

Mr. MAZZOLI in two instances.

Mr. OWENS of Utah.

Mr. BOSCO.

Mr. MATSUI in two instances.

Mr. LEHMAN of California.

Mr. RICHARDSON.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2100. An act to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Public Works and Transportation.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On April 27, 1988:

H.R. 5. An act to improve elementary and secondary education, and for other purposes;

H.R. 2139. An act for the relief of John H. Teele;

H.R. 3971. An act to establish procedures to implement the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980, and for other purposes;

H.J. Res. 421. Joint resolution designating May 1988 as "National Digestive Disease Awareness Month";

H.J. Res. 508. Joint resolution designating May 1988 as "Older Americans Month"; and

H.J. Res. 541. Joint resolution commending the State of Israel and its people on the occasion of the fortieth anniversary of the reestablishment of the independent State of Israel.

ADJOURNMENT

Mr. PASHAYAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Friday, April 29, 1988, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3524. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the ninth annual report on applications for delays of notice and customer challenges under provisions of the Right To Financial Privacy Act of 1978, pursuant to 12 U.S.C. 3421; to the Committee on Banking, Finance and Urban Affairs.

3525. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed lease of defense articles to the Netherlands (Transmittal No. 2-88), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

3526. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer to Austria for defense articles and services estimated to cost $36 million (Transmittal No. 88-19), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3527. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer to Egypt for defense articles an services estimated to cost $19 million (Transmittal No. 88-26), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3528. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Mary A. Ryan, of Texas, Ambassador Extraordinary and Plenipotentiary-designate to the Kingdom of Swaziland, and members of her family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3529. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3530. A letter from the General Counsel, Office of Administration, Executive Office of the President, transmitting the annual report of activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3531 A letter from the Chairman, United States International Trade Commission, transmitting the fifty-third quarterly report on trade between the United States and the nonmarket economy countries, pursuant to 19 U.S.C. 2441(c); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McCLOSKEY (for himself, Ms. Snowe, Mr. Donnelly, Mr. Feighan, Mr. Hammerschmidt, Mr. Jacobs, Ms. Kaptur, and Mr. Wise):

H.R. 4478. A bill to amend title 39 of the United States Code to designate as nonmailable matter solicitations for the purchase of products or services which are provided either free of charge or at a lower price by the Federal Government and solicitations which are offered in terms implying any Federal Government connection or endorsement unless such matter contains conspicious notice that the products or services offered are provided free of charge by the Federal Government or that the Federal Government does not endorse the products or services offered, and for other purposes; jointly, to the Committees on Post Office and Civil Service and the Judiciary.

By Mr. HOCHBRUECKNER:

H.R. 4479. A bill to protect certain pensions and other benefits of veterans and survivors of veterans who are entitled to damages in the case of in re: "Agent Orange" Product Liability Litigation; to the Committee on Veterans' Affairs.

By Mr. AKAKA (for himself and Mrs. Saiki):

H.R. 4480. A bill to change the name of the Pacific Tropical Botanical Garden, a federally chartered organization, to the National Tropical Botanical Garden, and for other purposes; to the Committee on the Judiciary.

By Mr. ARMEY (for himself, Mr. Aspin, and Mr. Dickinson):

H.R. 4481. A bill to provide for the closing and realigning of certain military installations during a certain period; jointly, to the Committees on Armed Services, Government Operations, and Merchant Marine and Fisheries.

By Mr. BEREUTER (for himself, Mr. Coleman of Missouri, and Mr. Tallon):

H.R. 4482. A bill to amend title XII of the Food Security Act of 1985 to require that one-eighth of the land placed in the conservation reserve be devoted to trees; to the Committee on Agriculture.

By Mr. DioGUARDI (for himself, Mr. Lantos, and Mr. Gilman):

H.R. 4483. A bill to authorize the Secretary of Housing and Urban Development to provide coordination and training in drug prevention efforts for the purposes of establishing drug-free public housing; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DioGUARDI (for himself and Mr. Gilman):

H.R. 4484. A bill to provide rent relief for families residing in lower income housing; to the Committee on Banking, Finance and Urban Affairs.

H.R. 4485. A bill to authorize the Secretary of Housing and Urban Development to provide grants to public housing agencies for the improvement of public housing security and protective services to prevent drug-related crimes in public housing; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GEJDENSON:

H.R. 4486. A bill to require the Consumer Product Safety Commission to require the labeling of certain toys; to the Committee on Energy and Commerce.

By Mr. MacKAY:

H.R. 4487. A bill to direct the Attorney General to permit the entry into the United States of certain Cuban or Nicaraguan nationals residing in Panama; to the Committee on the Judiciary.

By Mr. SOLOMON (for himself, Mr. Hyde, and Mr. Gordon):

H.R. 4488. A bill to amend the Internal Revenue Code of 1986 to increase the child care credit for lower-income working parents; to the Committee on Ways and Means.

By Mr. RICHARDSON (for himself, Mr. Cheney, Mr. Hubbard, Mr. Nielson of Utah, Mr. Coelho, Mr. Lujan, Mr. Tauzin, Mr. Oxley, Mr. Darden, Mr. Skeen, Mr. Hall of Texas, Mr. Fields, Mrs. Lloyd, Mr. Dannemeyer, Mr. English, Mr. Schaefer, Mr. Watkins, Mr. Edwards of Oklahoma, Mr. Huckaby, Mr. Rhodes, Mr. Campbell, Mr. Bliley, Mr. Dowdy of Mississippi, Mr. Coats, Mr. Stallings, Mr. Pashayan, Mr. McCurdy, Mr. Barton of Texas, Mr. Hayes of Louisiana, Mr. Ireland, Mrs. Byron, Mr. Morrison of Washington, Mr. Whittaker, Mr. Young of Alaska, Mr. Murphy, Mr. Stump, Mr. Craig, Mrs. Vucanovich, Mr. Inhofe, Mr. Hansen, Mr. Rogers, Mr. McEwen, Mr. Combest, Mr. Callahan, Mr. Bilirakis, Mr. Marlenee, and Mr. Denny Smith):

H.R. 4489. A bill to provide for a viable domestic uranium industry, to establish a program to fund reclamation and other remedial actions with respect to mill tailings at active uranium and thorium sites, to establish a wholly owned Government corporation to manage the Nation's uranium enrichment enterprise, operating as a continuing, commercial enterprise on a profitable and efficient basis, and for other purposes; jointly, to the Committees on Energy and Commerce; Interior and Insular Affairs; Science, Space, and Technology; and Ways and Means.

By Mr. BURTON of Indiana:

H.J. Res. 558. Joint resolution disapproving the 1988 certification by the President with respect to Colombia under section 481(H) of the Foreign Assistance Act of 1961; jointly, to the Committees on Banking, Finance and Urban Affairs and Foreign Affairs.

By Mr. YATRON (for himself and Mr. Solomon):

H. Res. 437. Resolution protesting Soviet human rights violations, especially restrictive emigration regulations, and calling on the President to stress, at the Moscow summit meeting, the inherent link between respect for human rights and the achievement of lasting peace; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII.

343. The Speaker presented a memorial of the Legislature of the State of California, relative to the Rose equity bill; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. MARKEY introduced a bill (H.R. 4490) to permit issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel Fair Tide; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 241: Mr. Smith of New Hampshire.

H.R. 303: Mr. Harris and Mr. Alexander.

H.R. 372: Mr. McGrath.

H.R. 570: Mr. Quillen, Mrs. Collins, Mr. Donald E. Lukens, and Mr. Holloway.

H.R. 592: Mr. Lott, Mr. Donald E. Lukens, Mr. Gregg, and Mr. Yates.

H.R. 719: Mr. Lungren.

H.R. 936: Mr. Donald E. Lukens.

H.R. 1393: Mr. Dorgan of North Dakota.

H.R. 1437: Mr. Kolbe.

H.R. 1438: Mr. Baker.

H.R. 1801: Mr. Hertel and Mr. Bosco.

H.R. 2017: Mr. Sunia.

H.R. 2611: Mr. Rostenkowski, Mr. DeFazio, Mr. Mack, Mr. Chappell, Mr. McCandless, Mr. Ritter, Mr. Bilirakis, Mr. Chandler, Mr. Fascell, and Mr. Young of Florida.

H.R. 2708: Mr. Gunderson, Mr. Huckaby, Mr. Grandy, Mr. Davis of Michigan, Mr. Hatcher, Mr. Grant, and Mr. Stenholm.

H.R. 2880: Mr. Harris, Mr. Rangel, Mr. Lipinski, Mr. Weiss, Mr. Wolf, Mr. Bevill, Mrs. Boxer, Ms. kaptur, Mr. Borski, and Mr. Levin of Michigan.

H.R. 3132: Mr. Shays.

H.R. 3174: Mr. Bennett.

H.R. 3204: Mrs. Martin of Illinois and Mr. Oberstar.

H.R. 3215: Mr. Horton.

H.R. 3250: Mr. Hughes, Mr. Derrick, Mr. Hefley, and Mrs. Bentley.

H.R. 3312: Mr. Rowland of Connecticut.

H.R. 3375: Mr. Dorgan of North Dakota.

H.R. 3445: Mr. Hayes of Illinois.

H.R. 3455: Mrs. Vucanovich and Mr. Price of North Carolina.

H.R. 3485: Mr. Lott, Mr. Rose, Mr. Wylie, Mr. Owens of Utah, and Mr. McCurdy.

H.R. 3503: Mr. Whittaker and Mr. Studds.

H.R. 3664: Mr. Lowry of Washington, Mr. Markey, Mr. Conyers, Mr. Espy, Mr. Weldon, Mr. Coble, Mr. Shays, Mr. Pickett, Mr. Jacobs, Mr. Johnson of South Dakota, Mr. Penny, Mr. Mavroules, Mr. Kennedy, Mr. Erdreich, Mr. Kolter, Mr. Levine of California, Mr. Chapman, Mr. Scheuer, Mr. Donnelly, Mr. Gregg, Mr. Akaka, and Mrs. Lloyd.

H.R. 3696: Mr. Miller of Washington, Mr. Hatcher, and Mr. Derrick.

H.R. 3703: Mr. Borski.

H.R. 3791: Mr. Smith of New Hampshire, Mrs. Boxer, and Mrs. Meyers of Kansas.

H.R. 3845: Mr. Glickman.

H.R. 3879: Mr. Sunia and Mr. Levin of Michigan.

H.R. 3907: Mr. Bonker, Mr. Hayes of Illinois, and Mrs. Patterson.

H.R. 3918: Mr. Moody, Mr. Quillen, Mr. Upton, Mr. McCollum, Mr. Rahall, and Mr. Clement.

H.R. 3944: Mr. Madigan, Mr. Upton, Mr. Lungren, Mr. McCrery, Mr. Huckaby, and Mr. Hammerschmidt.

H.R. 4002: Mr. Regula.

H.R. 4003: Mr. Stokes.

H.R. 4011: Mr. Valentine, Mr. Brennan, Mr. Volkmer, Ms. Slaughter of New York, Mr. Goodling, Ms. Kaptur, Mr. Jones of North Carolina, Mr. Hefner, Mr. Ray, Mrs. Lloyd, Mr. Gunderson, Mr. Gingrich, Mr. Mollohan, Mr. Price of North Carolina, and Mr. Morrison of Washington.

H.R. 4014: Mr. Bliley, Mr. Richardson, Mr. Kolter, Mr. Stump, Mr. Obey, Mr. Clement, Mr. Solomon, and Mrs. Byront.

H.R. 4190: Mr. Foglietta.

H.R. 4198: Mr. Darden and Mr. Sisisky.

H.R. 4213: Mr. Madigan, Mr. Garcia, Mr. Boehlert, Mr. Kolter, and Mr. Sharp.

H.R. 4221: Mr. Konnyu, Mr. Guarini, and Mr. Moody.

H.R. 4268: Mr. Traficant and Mr. Russo.

H.R. 4275: Mr. Dickinson.

H.R. 4277: Mr. Mavroules, Mr. Gejdenson, and Mr. Hayes of Illinois.

H.R. 4289: Mr. Smith of New Hampshire.

H.R. 4348: Mrs. Smith of Nebraska, Mr. Stratton, Mr. Sweeney, and Mr. Nielson of Utah.

H.R. 4361: Mr. Gunderson, Mr. Rowland of Georgia, Mr. DeWine, Mr. Hawkins, Mr. Fish, Mrs. Lloyd, and Mr. Bunning.

H.R. 4396: Mr. Hughes, Mr. Mrazek, Mr. DeFazio, Mr. Chapman, Mr. Shaw, Mr. Fields, Mrs. Johnson of Connecticut, Mr. Shays, Mr. Smith of New Hampshire, and Ms. Kaptur.

H.R. 4402: Mrs. Collins, Mr. Manton, Mr. Lagomarsino, Mr. Jacobs, Mr. Armey, Mr. DeFazio, Mrs. Boxer, and Mr. Smith of Florida.

H.R. 4409: Mr. Bustamante, Mr. Darden, and Mr. Sunia.

H.R. 4410: Mr. Lagomarsino.

H.R. 4434: Mr. Lagomarsino, Mr. DeLay, and Mr. Bereuter.

H.R. 4446: Mr. English, Mr. Kolbe, Mr. Burton of Indiana, Mr. Weldon, Mr. Saxton, Mr. Moorhead, Mr. Dannemeyer, Mr. Armey, Mr. Morrison of Washington, Mr. Andrews, Mr. Flippo, Mr. McCandless, Mr. Gallo, Mr. Crane, Mr. Broomfield, Mr. Gunderson, Mr. Hyde, Mr. Dreier of California, Mr. Rowland of Connecticut, Mr. Rowland of Georgia, Mr. Pepper, Mr. DeWine Mr. Lujan, Mr. Lowery of California, Mr. Fields, Mr. Horton, Mrs. Johnson of Connecticut, Mr. Clinger, Mr. Molinari, Mr. Nelson of Florida, Mr. Brown of Colorado, Mr. Perkins, Mr. Taylor, Mr. Wylie Mr. Wilson, Mr. Hiler, Mr. Kemp, Mr. Madigan, Mr. Young of Alaska, Mr. Ravenel, Mr. Robinson, Mr. Stangeland, Mr. Robert F. Smith, Mr. Coleman of Missouri, Mrs. Saiki, Mr. Courter, Mr. Frenzel, Mr. Gibbons, Mr. Sensenbrenner, Mr. Sundquist, Mr. Latta, Mr. Nowak, Mr. Quillen, Mr. Porter, and Mr. Roberts.

H.R. 4447: Mr. Rhodes.

H.R. 4470: Mr. de la Garza, Mr. Owens of New York, Mr. Crane, Mr. Hastert, and Mrs. Bentley.

H.J. Res. 396: Mrs. Saiki, Mr. Espy, and Mr. Foglietta.

H.J. Res. 398: Mr. Kleczka, Mr. Manton, Mr. McMillen of Maryland, Mr. Leach of Iowa, Mr. Borski, Mr. Gallo, Mr. Miller of Washington, Mr. Hochbrueckner, Mrs. Vucanovich, Mr. Nielson of Utah, Mr. Cheney, Mr. Ritter, Mr. Coats, and Mr. Torres.

H.J. Res. 438: Mr. Lott and Mr. Russo.

H.J. Res. 452: Mr. Lott.

H.J. Res. 475: Mr. Bennett, Mr. Boucher, Mr. Brennan, Mr. Brown of California, Mrs. Byron, Mr. Chandler, Mr. Conyers, Mr. DeFazio, Mr. Dixon, Mr. Dorgan of North Dakota, Mr. Lehman of California, Mr. Lewis of Georgia, Mr. Lowry of Washington, Mr. McCollum, Mr. Mavroules, Mr. Mollohan, Mr. Morrison of Connecticut, Mr. Oberstar, Mr. Ortiz, Mr. Perkins, Mr. Price of North Carolina, Mr. Rowland of Georgia, Mr. Russo, Mr. Studds, Mr. Sundquist, Mr. Thomas of California, Mr. Torricelli, Mr. Wise, and Mr. Wylie.

H.J. Res. 483: Mr. de Lugo.

H.J. Res. 516: Mr. Sunia.

H.J. Res. 529: Mr. Davis of Illinois, Mr. McCollum, and Mr. McEwen.

H.J. Res. 530: Mr. Dreier of California, Mr. Sweeney, Mr. Dickinson, Mrs. Lloyd, Mr. Hall of Ohio, Mr. Davis of Illinois, Mr. DeWine, Mr. Bevill, Mr. Hubbard, Mr. Montgomery, Mr. Holloway, Mr. Evans, Mr. Gekas, Mr. Swindall, Mr. Bilirakis, Mr. Hall of Texas, Mrs. Morella, Mr. Watkins, Mr. Thomas A. Luken, Mrs. Johnson of Connecticut, Mrs. Meyers of Kansas, Mr. MacKay, Mr. Yatron, Mr. Pepper, Mr. Traficant, Mr. Traxler, Mr. Towns, Mr. Hastert, Mr. Sikorski, Mr. Murtha, Mr. Skelton, Mr. Lantos, and Mr. Porter.

H.J. Res. 539: Mr. Applegate, Mr. Anthony, Mr. Atkins, Mrs. Bentley, Mr. Berman, Mr. Biaggi, Mr. Bilbray, Mr. Borski, Mr. Carper, Mr. Coelho, Mr. Davis of Illinois, Mr. Dixon, Mr. Donnelly, Mr. Dowdy of Mississippi, Mr. Duncan, Mr. Dwyer of New Jersey, Mr. Dymally, Mr. Dyson, Mr. Fazio, Mr. Fish, Mr. Foglietta, Mr. Frost, Mr. Fuster, Mr. Green, Mr. Hansen, Mr. Hayes of Illinois, Mr. Hochbrueckner, Mr. Hopkins, Mr. Jenkins, Mr. Kasich, Mr. Kleczka, Mr. Kolter, Mr. LaFalce, Mr. Lagomarsino, Mr. Leland, Mr. Lewis of Florida, Mr. Lipinski, Mr. Lowry of Washington, Mr. Livingston, Mr. Thomas A. Luken, Mr. McCloskey, Mr. McEwen, Mr. MacKay, Mrs. Meyers of Kansas, Mr. Mfume, Mr. Morrison of Washington, Mr. Murphy, Mr. Neal, Mr. Pashayan, Mr. Porter, Mr. Price of North Carolina, Mr. Rinaldo, Mr. Roberts, Mr. Rodino, Mr. Rowland of Georgia, Mr. Savage, Mr. Schumer, Mr. Shaw, Mr. Sunia, Mr. Tallon, Mr. Tauke, Mr. Towns, Mr. Weldon, Mr. Wilson, Mr. Wyden, and Mr. Young of Alaska.

H.J. Res. 540: Mr. Whittaker.

H.J. Res. 543: Mr. Wheat, Mr. Lancaster, Mr. Dornan of California, and Mr. Inhofe.

H.J. Res. 549: Mr. Rhodes, Mr. Jones of Tennessee, Mrs. Lloyd, Mr. Smith of Florida, Mr. Derrick, Mr. Hatcher, Mr. Hutto, Mr. Rose, Mr. Hall of Ohio, Mr. Courter, and Mr. Volkmer.

H.J. Res. 554: Mr. Hammerschmidt, Mr. Clarke, Mrs. Saiki, and Mr. McMillen of Maryland.

H. Con. Res. 126: Mr. Fawell, Mr. Gregg, Mrs. Martin of Illinois, Mr. Crane, Mr. Craig, Mr. Tauke, Mr. Courter, Mr. Lungren, and Mr. Russo.

H. Con. Res. 261: Mr. Donald E. Lukens.

H. Con. Res. 265: Mr. Foglietta, Mr. Schuette, Mr. Markey, Mr. Russo, Mr. Gradison, Mr. Oberstar, Mr. Holloway, Mr. Savage, Mr. Darden, Mr. Madigan, Mr. Frank, Mr. Lewis of California, Mr. Dixon, Mrs. Boggs, Mr. Martin of New York, Mr. Dellums, Mr. Kasich, Mr. Erdreich, and Mr. Pickett.

H. Con. Res. 282: Mr. Tallon, Mr. Lightfoot, Mr. Eckart, and Mr. McEwen.

H. Res. 286: Mr. Whittaker and Mr. Studds.

H. Res. 432: Mr. Aspin, Mr. Hefner, Mr. Frenzel, Mr. Shuster, Mr. Anthony, and Mr. Regula.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

161. By the SPEAKER: Petition of the City Council, Boston, MA, relative to extending the amnesty provision of the Immigration Reform and Control Act of 1986; to the Committee on the Judiciary.

162. Also, petition of the City Commission, Birmingham, MI, relative to the fiscal year 1989 budget allocation for Federal mass transit; to the Committee on Public Works and Transportation.

SENATE—*Thursday, April 28, 1988*

The Senate met at 9 a.m., and was called to order by the Honorable Alan J. Dixon, a Senator from the State of Illinois.

The PRESIDING OFFICER. Our prayer today will be offered by the Reverend Dr. Lloyd Ogilvie, senior pastor of First Presbyterian Church, Hollywood, CA. Dr. Ogilvie is sponsored by Senator Hatfield.

PRAYER

Let us pray:

Almighty God, gracious Father, ultimate Sovereign of our land, and Lord of our lives, we fall on the knees of our hearts in awe and wonder before Your majesty and love. To know You and grow in a personal relationship with You is our greatest privilege and most urgent need. Apart from You, we can do nothing of immediate impact or lasting value. Our strength is insufficient, bless us with Your power; our understanding is inadequate, fill us with Your wisdom; our vision is incomplete, inspire us with Your hope.

Lord, as this day stretches out before us with challenges, responsibilities and nerve-stretching crises, we are grateful that You will ask us only what You are ready and able to enable in and through us. As You give the day, You will go before us to show us the way. You have unlimited resources to make this one of the most creative days of our lives. Invade our minds with Your supernatural insight and discernment. Give us the courage to seek and do Your will, the boldness to stand firm for Your truth and justice, and the patience we need for those who differ with us. Free us from the tyranny of the immediate and expedient, the pressures of the quid pro quos of bartered influence, and the stress of the unfinished and unresolved. Nothing worth doing is ever done alone; therefore, we thank You for loving families, encouraging friends, loyal staff teams, supportive constituencies, and the countless people You deploy to help us serve You.

We commit to You the work of this day. Bless the President and his Cabinet, the House of Representatives, and the women and men of this Senate as they serve You by seeking Your guidance for the complex problems we face and Your vision of Your unfinished agenda for our beloved Nation. In Your all-powerful name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Stennis].

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, April 28, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Alan J. Dixon, a Senator from the State of Illinois, to perform the duties of the Chair.

John C. Stennis,
President pro tempore.

Mr. DIXON thereupon assumed the chair as Acting President pro tempore.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEADERS' TIME RESERVED

Mr. BYRD. Mr. President, I ask unanimous consent that my time may be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I make the same request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond 9:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

UNITED STATES INTELLIGENCE AGENCIES SAY U.S.S.R. ECONOMY IS STANDING STILL

Mr. PROXMIRE. Mr. President, the Central Intelligence Agency and the Defense Intelligence Agency have testified to a subcommittee of the Joint Economic Committee which I Chair that the Soviet economy suffered one of its worst economic years ever last year. Three years into the Gorbachev economic reforms and the U.S.S.R. economy is stumbling.

Unlike the experience of China and other Communist countries, the Soviet Union is gaining little from its first major moves toward decentralization. Worker productivity has failed to improve. The quality of its machinery and its manufactured products remains poor.

The intelligence agencies told our subcommittee that unless Secretary Gorbachev can get better results this year—1988—than last year, the problems for his leadership will increase. Gorbachev needs good economic results and soon. One reason is that he is trying to force the powerful government and Communist Party bureaucracies to give up much of their authority over the setting of production targets pricing and plant operations to individual plant managers. He is also attempting to instill into the rigid Soviet Communist economy the uncomfortable and often painful practice of competition. Losers in competition always complain bitterly. Winners often remain silent. They take their progress for granted.

The report argues that arms control agreements can significantly reduce defense spending and release tens of thousands of troops and workers from the military and defense factories. Whether resources would be reallocated to the civilian sectors remains to be seen. After all, Gorbachev has his own military-industrial complex to worry about. And there is every indication that the military bureaucracy is even more powerful in Moscow than it is in Washington. And we know how powerful that is.

Gorbachev must challenge and overcome the two most potent forces in Communist Russia, the bureaucracy and the military. This might be an impossible task even if his economic reforms were bearing fruit. But when the initial economic reports show a pitiful one-half of 1 percent growth, as it did in 1987, perestroika and its prime mover are in real trouble.

Soviet military spending absorbs a huge 15 to 17 percent of the Soviet's GNP. In a totalitarian system like the Soviet Union, where the state has full control over the application of resources, an agreement with the United States to mutually reduce military spending by one-third could have a favorable effect on civilian production and on the standard of living of the Soviet people. But it would at the same time have a heavy adverse effect on the power and perks of military commanders and of those who run military production facilities. And the military is certainly not mute or easily cowed in the Soviet Union.

Gorbachev's policy of glasnost calls for a more open press and freer public debate and criticism. If the economy had enjoyed growth of 6 and 8 percent

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

or more, the bubbling up of enthusiastic public support and its expression in the new openness of the Soviet Union might have been a valuable tool for Gorbachev in his effort to counteract the resistance of the bureaucracy and the military. On the other hand, discontent among consumers and workers could give glasnost a painful anti-Gorbachev spin. The report of the intelligence agencies contends that restructuring is likely to lead in the near term to lost jobs, lost bonuses, demotions, lower wages. What kind of expression of public sentiment is this likely to provide as the fruit of glasnost? Again, the likely prospect for Gorbachev and perestroika are not good.

Suppose the 1987 Soviet economic slowdown turns out to be an aberration? Suppose there is rapid economic growth this year, next year, and 1990. In that event, why couldn't the Gorbachev revolution quickly recover from the temporary setback? After all, the United States has its periods of stagnation and recession. The problem is that the short-term growth prospects for the Soviet economy are poor. The CIA and DIA projection for annual economic growth over the next 3 years is a slow 2 percent. If this projection is right, neither perestroika nor Gorbachev may be around very long.

This grim economic outlook could have a dampening effect on the participation by Western firms in the Soviet's joint venture program. The report points out that only a disappointing 20 joint venture agreements have been concluded in the year and a half since the Soviet Union's joint venture legislation took effect more than a year ago. That is less than 10 percent of the proposals made during this period.

Secretary of Commerce C. William Verity is reported to have said in a speech on April 25 that Gorbachev is succeeding in his program of economic reform. Secretary Verity is almost alone in that finding. If there is any hard evidence to support the Secretary's view, it has escaped the intelligence agencies and most other Western observers.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ADAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Washington is recognized.

PERSIAN GULF

Mr. ADAMS. Mr. President, it appears that the President of the United States is currently considering a proposal to assign six new Coast Guard vessels, designed to be an integral part of our effort to interdict the flow of drugs into this country, to the Navy for use in the Persian Gulf.

As a result, our drug interdiction effort would be denied the use of the most modern equipment available and would be forced to continue to depend on older vessels which were scheduled to be decommissioned.

This proposal is absurd and I would urge the President to reject this ill-considered and counterproductive policy. We should place both the old and new vessels into service in our declared war against the international drug cartel.

The Coast Guard is the civilian naval force authorized to wage the war against drugs.

As a former Secretary of Transportation, I had this group under my jurisdiction as a Cabinet officer. Many people are not aware that the Coast Guard is the only authorized civilian military naval use that can be used in civilian matters such as interdiction of drugs and has arrest power. We have carefully separated the rest of our military.

Therefore, anything that renders or reduces the ability of the Coast Guard—and I can state it is already undermanned in this effort on drug interdiction in the international cartel shipments in the Caribbean—is simply wrong.

First, diverting resources from the war on drugs is the wrong policy, it reflects misplaced priorities.

The American people have clearly indicated their belief that drug abuse is the most pressing problem facing our Nation today. And they are right. The flow of illegal drugs is a threat to the values of our people and the integrity of our Government.

At this point I also want to compliment Senator KERRY who is the chairman of the subcommittee on the Foreign Relations Committee who is acting on this problem at the present time. To hear those and be part of those hearings, Mr. President, makes your blood run cold as to what the problems are and what we are facing and what is not being done by the U.S. Government to stop the international flow or the cartel and its movement from South America and Central America here.

Despite the seriousness of the problem, the President wants to divert resources from the fight. Let me make it very clear: we are not just losing the war on drugs—we are being destroyed in our own streets. The President asks the American people to "just say no"—but he is the one who is saying "no" to the Coast Guard when they ask for extra resources to fight the flow of drugs into our country and at the same time diverting resources from this fight. He is saying "yes" to providing aid to General Noriega, long after drug-running connections were clear.

The President asks the American people to "just say no"—but he is the one who said "yes" to providing aid to General Noriega long after his drug running connections were clear. The President asks the American people to "just say no"—but he is the one who is thinking about saying "yes" to a policy which would delay deployment of the resources the Coast Guard should have to stay even in the war on drugs.

Second, while the President has declared war on drugs, he has never even asked for congressional permission to deploy troops in the Persian Gulf. The only declared war we are in is against drugs and we need resources to fight that war and win it. If the President wants some more resources for a conflict in the Persian Gulf—either to have a war or prevent one—then let him come to the Congress of the United States and request support for his policy over there. We have had an increased presence in the gulf for about a year now and not once—not once—has the President come to us and asked us to vote to authorize or support his efforts there. We have been told, repeatedly, that there are no hostilities in the Persian Gulf; but we see, repeatedly, the hostilities in the war on drugs—the dead, the wounded, the mentally and spiritually destroyed. If the President of the United States says there are no hostilities in the gulf, then it makes no sense to send resources there which should go to deal with the drug hostilities which are all too evident.

Third, you have to wonder about the impact of the President's defense policies when his "build up" produces a Navy which does not have the resources to conduct a conventional naval operation in the Persian Gulf.

We have spent billions of dollars for a 600 ship Navy. Yet we did not have mine sweepers when we needed them. Now we are told we do not have ships which can navigate the shallow waters and coves on the shoreline of the gulf. We apparently have expanded the Navy to fight a war we will never have or a war we have already won against the Iranian Navy. But it seems we do not have six ships which can deal with the threat we actually face.

Imagine, we are told we need six ships to be taken out of a fleet that is already losing the war on drugs. People say, well, we can extend the time of our older ships. I can tell you as a Secretary of the Navy that the Coast Guard has too many old ships now, but I would keep both in place, the old ships and the new ones in this fight.

Our military men and women in the gulf deserve better than the kind of thing that would shift ships not made our bilt for these kinds of hostilities but built for civilian law enforcement. They deserve better than to have this kind of equipment being shifted. We should have the equipment. They deserve a force structure in the Persian Gulf that will let them deal with real threats in the real world, but they will never get what they need as long as our military priorities are wrong—as long as we spend trillions of dollars for a star wars system that will not work, for MX missiles that may miss their targets, for two additional aircraft carriers which can help us deal with threats we do not confront. We used to criticize the administration for wasting money on toilet seats and coffee pots but the truth is even worse—even the money they spent efficiently did not buy us security or equip us to meet the real challenges we face and we do face real challenges, Mr. President, in the Persian Gulf, and I have supported deployment of ships in the Persian Gulf. I have criticized, though, the use of a reflagged-vessel policy.

So, Mr. President, I conclude my remarks by stating once again to my colleagues I have written to each of them and I will write them again, and I have filed now this week a resolution which would require the Congress to debate our policy in the Persian Gulf so that we debate and decide what resources we need, how we will pay for them and how we will meet our goal.

We need to clearly define our objectives in the region. This latest proposal increases my commitment to do everything I can to see that such a debate occurs on the Senate floor and a vote one way or another, and I will abide by that vote when the Congress has exercised its constitutional power and met its responsibilities under the law.

I am concerned that we have no strategy in the gulf. We have some objectives, most of which I share, but no plan to achieve them. We go from day to day. We are allowing Iran to set the agenda if we are fighting in small inlets as they attack and we respond, which could be the only use to have any Coast Guard boats. That is not a strategy; that is a prescription for disaster. Our presence has not prevented Iranian attacks; our retaliation has not persuaded them to cease.

What we have in the Persian Gulf is an open ended commitment. We do not know how to tell if we have won, we do not know how to tell if we have lost. All we know is that we are there and will be there for a long time. Mr. President, all I know is that it is time for the Congress of the United States to speak to this issue. The vessels are a small part of it, but they are a part of it. And we had better speak quickly, before the President takes even more of our resources and more of our people and commits them to hostilities which have never been authorized to fight and have never been debated and voted on on the floor.

I thank you, Mr. President, and I yield the floor.

The PRESIDING OFFICER (Mr. PROXMIRE). The Senator from Illinois is recognized.

Mr. DIXON. I yield to the majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair, and I thank the Senator from Illinois.

ORDER TO VOTE ON HELMS NO. 1983 AMENDMENT AT 10:10 A.M. TODAY

Mr. BYRD. Mr. President, with respect to the vote this morning, there will be a rollcall vote. If all time is taken on the amendment—in other words, the 40 minutes—the vote would occur at 10 minutes past 10. If any of the time were to be yielded back, the vote could occur earlier.

It would seem to me that it would be well for Senators to know precisely when this vote will occur so that they will be here within the 15-minute period allowed for the vote.

I am going to take the liberty of asking unanimous consent that that vote occur at 10:10 a.m. this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair, and I again thank the Senator from Illinois.

Now our respective Cloakrooms can inform Senators that there will be a vote precisely at 10:10 a.m. today.

I thank both Senators.

Mr. DIXON. I thank the majority leader.

MEL PRICE—A GIANT OF A MAN

Mr. DIXON. Mr. President, on Monday, I attended the funeral of Congressman Mel Price. Mel Price was my mentor and close personal friend. He would have been that whether he had served in Congress or not, because that's the way he was. I, like everyone who ever had the privilege to know this remarkable man, will miss him deeply.

Though diminutive in stature and mild in manner, Mel Price was a giant of a man, and a giant of a Congressman.

Back in 1945, he went directly from KP duty in the U.S. Army to service in Congress. That's about as classic a story of what America is all about as any of us will ever find.

Mel loved to tell the story about how he found out he had been elected to Congress. A corporal, he was on KP duty, peeling apples, when word came that he was now a Congressman. The general called him in, promoted him to sergeant on the spot, and sent Mel to Washington, where he served 44 years. He has to be one of the few Americans to go from a corporal and cook to Congressman—all in 1 day.

Mel was a sports writer, a member of the St. Clair County Board of Supervisors, and secretary to Congressman Ed Schaefer. He was helping people before he himself became a Congressman. He knew how congressional offices worked, and how a Congressman and his staff can help people if you work at it daily and diligently.

Mel was known as a service Congressman. He absolutely had no peer in serving his constituents. Whether you knew him personally or not, Mel Price was your friend. He was your friend because Mel wanted to help people. And help people he did—thousands and thousands of people over a 44-year period of service in Congress.

I do not know where his congressional files are going to end up, but they will be replete with problems solved. Under the letter "P," the files for "People" will stretch from Illinois to Washington and back again thousands of times. Hardly, a family exists in his district which wasn't touched by Mel's helping hand.

Those of us in his congressional district knew and loved him as a modest, self-effacing man. Mel Price had no pretensions. He would never describe himself as a miracle worker, but just ask the people in his district; they will swear by the thousands that he was.

He was such a father figure that many taverns in his district had lighted pictures of Mel behind the bar. Mel got a chuckle out of that, but it was a measure of the affection and esteem that the working men and their families held for him.

There was another side to Mel Price—the leader and mover and shaker in Congress. He was a key player in the transformation of the United States into a superpower after World War II.

First of all, Mel was a classic New Dealer, and he never apologized for it. He was an adamant supporter of a strong defense, and he never apologized for that. He was a staunch advocate of social programs for people, and he would likewise never apologize for that.

Mel greatly influenced defense policy, and the development of the nuclear industry. The possibilities of nuclear power fascinated him, but he became concerned that putting all of our nuclear efforts into the military was unwise. He wanted to see a safe nuclear industry benefit all of us in civilian life as well. The result was the Price-Anderson Act—and Mr. President, you will recall we just amended it a little bit a few weeks ago, but it is still basically the law he wrote many,

many decades ago—which set forth the first regulations and guidelines for the civilian nuclear power industry.

Mel saw the atomic tests at Eniwetok in the Pacific, and wrote a firsthand report. He wanted to see nuclear weapons as part of our national defense, but from the knowledge he gained as chairman of the House Atomic Energy Committee, he warned that we must hold summit meetings on arms control.

Mel was chairman of the Armed Services Committee for 10 years. During his tenure, he was one of the strongest and most loyal supporters of the nuclear Navy in the U.S. Congress. In addition, he advocated major weapons systems to complement our conventional forces. He wanted us to build up a stockpile of weapons that included the MX missile, the B-1 bomber, and the nuclear aircraft carrier. He wanted a strong defense to deter war, not to encourage it.

I have mentioned Mel's service to his constituents and to his country. Let me say something about the man. Mel Price held prestigious titles and powerful exalted positions in the Halls of Congress, but he never forgot where he came from.

Mel Price was a man of few words, but he was a powerhouse in Congress. He tempered his power with grace. My good friend, PAUL SIMON, put it well when he said that "Mel Price combined personal power with the common touch."

He never spoke unkindly of anyone, whether a political opponent or a critic. He never worried whether a constituent was a Democrat or a Republican, or neither. If a person had a problem and he could help, that was sufficient for Mel, politics aside. Resolving the problem was the important thing, because that is what helped people.

Why did Mel stay in office so long? His brother, Harold, talked to him 2 years ago about leaving Congress. "Let someone else go in and have the headaches," Harold said. Do you know what Mel Price told his brother? Mel said he did not have any headaches in politics.

Those of us who knew him best know that is true. He loved politics. He loved his job. He loved people. And people, particularly those lucky enough to be in his district, loved him. That is why they chose him as their Representative 22 times.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, has morning business been concluded?

The ACTING PRESIDENT pro tempore. Morning business has not yet been concluded, may I say to the majority leader. It will be concluded at 9:30.

H.R. 4243 READ THE SECOND TIME AND PLACED ON THE CALENDAR

The ACTING PRESIDENT pro tempore. There is a measure that has been read the first time. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 4243) to implement the International Convention on the Prevention and Punishment of Genocide.

Mr. BYRD. Mr. President, I object to any further proceedings at this time on this bill.

The ACTING PRESIDENT pro tempore. Objection having been heard, under rule XIV, the bill will be placed upon the calendar.

RETIREMENT OF G. RUSSELL WALKER

Mr. MOYNIHAN. Mr. President, I rise today to express my most sincere gratitude to an individual who has served this Senate for the past 23 years. I speak here of Mr. G. Russell Walker, Chief Reporter of the Official Reporters of all Senate debate.

The CONGRESSIONAL RECORD has been in existence since 1873. Prior to that, congressional proceedings were recorded in three different journals. From 1789-1824, the "Annals of Congress" described our proceedings, from 1824-37, "Congressional Debates" did so and from 1833-78, "Congressional Globe" was the keeper of our words.

Since 1873, there have been only seven Chief Reporters—only seven men who have held this most important position. I can only speak of the job so well done by Mr. Walker as I have been in the Senate just these past 12 years. In those 12 years I have made many speeches, not always as eloquently as I might have wished but always printed with accuracy and care in the RECORD.

With the retirement of this most dedicated public servant, the Senate loses a valuable asset and we lose a dear and trusted friend.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, has the hour arrived for the laying down of the AIDS bill?

The ACTING PRESIDENT pro tempore. The majority leader is correct. The time for morning business is now expired.

ACQUIRED IMMUNODEFICIENCY SYNDROME RESEARCH AND INFORMATION ACT

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1220) to amend the Public Health Service Act to provide for a comprehensive program of education, information, risk reduction, training, prevention, treatment, care, and research concerning acquired immunodeficiency syndrome.

The Senate resumed consideration of the bill.

Pending:

Helms Amendment No. 1983, to provide that none of the funds provided under the Act or an amendment made by the Act shall be used to provide hypodermic needles or syringes to drug addicts.

AMENDMENT NO. 1983

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, we are ready to debate this amendment of the Senator from North Carolina. It would seem to me that he would want to make representation first in support of the amendment and then it would be my intention to respond to the amendment.

I would be glad to put in a short quorum call for that purpose, to give him that opportunity and courtesy. I want to indicate since we are on a time limitation, after a few minutes I would intend to take my time and respond to it, and I am prepared to respond to it now.

The ACTING PRESIDENT pro tempore. How shall the time be divided, may I ask?

Mr. KENNEDY. I would ask the time be equally divided.

The ACTING PRESIDENT pro tempore. Is there any objection to the quorum call with the time to be equally divided between the two sides?

Hearing none, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS addressed the Chair.

The ACTING PRESIDENT pro tempore. Good morning. May I say to the Senator from North Carolina, we are in quorum call.

Mr. HELMS. I understand that. I ask for unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair. I might inquire of the Chair, how much time remains on each side?

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is advised that he has 17 minutes remaining, and the Senator from Massachusetts has 16 minutes remaining.

The Senator from North Carolina.

Mr. HELMS. Very well. I thank the Chair.

Mr. President, I have approached the pending amendment in a two-tiered effort. We have an interesting parliamentary situation, as I mentioned last night. Any amendment considered now becomes nugatory if, as and when a substitute amendment by the distinguished manager of the bill is approved by the Senate. So it may be that we will visit this same issue three times instead of two.

Yesterday I offered the amendment just straight out, without any embellishment whatsoever. During the vote last night, as I anticipated, a number of Senators came to me from both sides of the aisle and said: look, JESSE, I would have voted for your amendment had I been sure that the amendment would simply have the effect of prohibiting the distribution of clean needles to drug addicts rather than to health care workers for the care and treatment of AIDS patients.

So, they have themselves a deal, Mr. President. Now they are going to be able to vote, as they said last night they would have voted. Because immediately after the vote last night I sent forward the unprinted amendment, which is now the pending business.

In any case, as legislative history was made last evening, the amendment which was misunderstood and thereby defeated had the same effect as this pending amendment. But this one spells it out.

Mr. President, just for the purposes of the RECORD, I would ask the Chair to ask the clerk to read the very brief amendment into the RECORD.

The ACTING PRESIDENT pro tempore. The clerk will read the amendment.

Mr. HELMS. I thank the Chair.

The legislative clerk read as follows:

> At the appropriate place in the pending amendment add the following new section:
>
> SEC. . None of the funds provided under this Act or an amendment made by this Act shall be used to provide hypodermic needles or syringes to drug addicts.

Mr. HELMS. Mr. President, I thank the clerk and, of course, I thank the Chair. I do not know how you can make it any clearer than that. I heard on the radio one of the Presidential candidates, from Massachusetts, as a matter of fact, apparently feels the same way I do about this. But that is neither here nor there.

There has never been any intent to inhibit the care and treatment of AIDS patients.

I am just as sorry for them as anybody else, and this Senate is not divided on the question of wanting to do more for AIDS patients or anybody else who is seriously ill in this country. That is not the question.

What is the question is whether we are going to exacerbate the drug problem by making these needles available.

Mr. HATCH. Will the Senator yield on that point?

Mr. HELMS. I will be delighted.

Mr. HATCH. I think I can maybe help him on this amendment in the sense, as the amendment is currently drafted, and I think I may have misled the Senator in private conversations yesterday about this, it just says "who are drug addicts." I am wondering if the Senator would consider adding right after "drug addicts," "who use illegal drugs." That would cure the amendment.

Mr. HELMS. I am sorry, I must be getting more deaf than I thought.

Mr. HATCH. As I heard your amendment read, you deny hypodermic needles and syringes to drug addicts. If you would add the phrase "who use illegal drugs," or something similar to that, then I think you would cure a defect because in some of the Federal treatment programs and other treatment programs of drug addicts, they do provide them with needles and syringes within that particular program.

Also, there may be some who are not literally addicted to drugs who would be categorized under Federal laws as drug addicts anyway, and they would be all embraced by this amendment.

So I think if you added that phrase I believe it would cure what may be defects in the amendment.

Mr. HELMS. I may say to the Senator, again, the legislative history makes it clear because repeatedly last night I stated that we are referring to the use of illegal drugs. But if it will comfort the Senator, I will be glad to accept the modification. However, we will have to go by unanimous consent because the yeas and nays were obtained on the amendment.

Mr. HATCH. We have to have the consent of the Senator.

Mr. HELMS. Mr. President, we will send the modification to the desk, but I ask unanimous consent that it be in order to modify the amendment.

Mr. KENNEDY. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. HATCH. I do not mean to take any more of the distinguished Senator's time.

Mr. HELMS. Let me say to the Senator, that is very clear and the modification would just spell out what is already clear: We are talking about the use of illegal drugs.

Mr. President, the confusion will be absolutely cleared up by giving the Senate the opportunity to decide whether Federal money should be used for the distribution of clean needles to drug addicts who use illegal drugs. How the legislative history can be made clearer than that, I do not know.

Mr. President, I ask unanimous consent that Senator DOLE, the distinguished Republican leader, be added as a cosponsor of the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair. I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I objected to the modification, and I will explain why. How much time do I have?

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts has 16 minutes.

Mr. KENNEDY. I yield myself 7 minutes.

The old adage implores us, "if at first you don't succeed, try try again." The Senator from North Carolina tried last night to get an amendment attached to this bill that would have forbidden that any money under this bill be used to provide needles or syringes. We can only assume that he meant to forbid the distribution of free, clean needles to drug addicts so that they could use illegal drugs. But the amendment was so poorly worded that his amendment would have had the ludicrous and deadly effect of preventing the doctors from being able to give medicine to their patients; he would have prevented the ill from being fed intravenously; he would have forbidden the administration of experimental drugs. In short, he would have caused early death for thousands of Americans with his little bit of mischief here on the floor late last night. This effort gives a whole new meaning to the phrase "killer amendment."

But here we are again, some 12 hours later, with the new improved version of the killer amendment. And again the amendment is poorly drafted and will cost lives.

Now the Government's AIDS treatment funds cannot be used to provide needles to drug addicts, rather than to the entire population of AIDS victims. Let me recite the consequences of this amendment for the helpless people who are caught in the coil of its words.

Half of the drug addicts in this country have the AIDS virus. That comes to hundreds of thousands of Americans. More than half of all the AIDS cases in the city of New York are drug addicts. Under the Senator's amendment, as these hundreds of thousands of people come in to the medical care system, as they are treated through less costly home care, we would be forbidden to give them life-saving drugs because the drugs have to be administered with a needle. We could not feed them intravenously because that requires a needle. There are thousands of AIDS victims in this country who have been spared from blindness because they receive the experimental drug DHPG. But if they are drug addicts, they will simply have to go blind, because the drug can only be administered intravenously.

Now, killing and blinding these thousands of people is outrageous enough. But this amendment does not define "drug addict." Several responsible medical authorities have determined that nicotine is an addictive substance, so I suppose that the Senator from North Carolina would require us to let anyone with AIDS who also smokes cigarettes go without vital medical care. The same would be true of alcoholics.

But I do not think that physicians will stand by idly and watch patients die in awful pain because some Senator wrote a bad amendment. They will put their patients into a different system of medical care where the Senator's amendment does not apply. The $100 million of treatment money provided for in this bill is used to create home health care as a preferred system for delivering medical care to AIDS patients.

Senator HATCH deserves much credit for these provisions; he has been a champion for home care as a way to save precious medical resources. But look at what Senator HELMS' amendment would do in just the city of New York.

There are estimated to be 200,000 AIDS infected drug addicts in that city. The Helms amendment will force these victims into hospital care rather than the home care promoted by this bill. The cost effect will be staggering. Home care costs two-thirds less than hospital care, even on a conservative estimate. If an average case in New York costs $120,000 to treat in a hospital—and that is the estimate that was given to our committee in testimony—and we can treat them in the home for one-third that amount, then the effect of the Helms amendment would be to raise the cost of medical care for New York's addict population from $8 billion to $24 billion. Senator HELMS' amendment, poorly worded, never the subject of hearings, obviously invented late last night, makes him one of the biggest spenders in the Congress.

Surely none of that was intended. But that would be the result. And who can tell how many more would die because the city's medical resources were overloaded by the Helms amendment to the tune of 16 billion additional dollars? The point is this: This kind of poorly crafted mischief is being thrown out without serious thought, without attention to its effects, without hearings and probably without legal or medical advice. And it is being thrown out as no more than a harassing technique against a bill that has the support of every major medical, public health, and health care organization in America. It is supported by many of America's best corporations and by organized labor.

I say enough of this. I hope that the amendment will be defeated for the reasons that we defeated the amendment last night.

I yield 5 minutes to the Senator.

The ACTING PRESIDENT pro tempore. Senator KENNEDY yields 5 minutes to the Senator from Utah.

Mr. HATCH. Thank you, Mr. President. I think we may now be victims of our own parliamentary maneuvering. It is my understanding at the end of last night the Senator from North Carolina offered a revised amendment concerning the Federal Government giving out hypodermic needles and syringes. We agreed at that time that no second-degree amendments would be in order. Consequently, the amendment cannot be clarified or improved.

Let me speak to that particular issue in a minute. But if I was to clarify and improve that amendment, I have to admit even the suggestion I made earlier was probably incorrect.

If I were the Senator from North Carolina, I would do it this way: At the appropriate place in the pending amendment, add the following new section:

> None of the funds provided under this act or an amendment made by this act shall be used to provide individuals with hypodermic needles or syringes so that such individuals may use illegal drugs.

I think that would cure it. I think that would solve the problem, at least as far as I see it.

This new amendment that is presently before us that cannot be modified can be read in one of two ways.

First, it can be read to preclude giving hypodermic needles and syringes to drug addicts for their own use, a proposition that I presume a majority in this body would endorse. In short, under this reading, the funds in this act could not be used for "clean needle" programs.

But a second reading is also possible, and given the vote yesterday, it may be the more probable interpretation. One could read this amendment to mean that drug addicts, who might be involved in a research or treatment program authorized under this bill, could not be given medicine, assistance or treatment under medical supervision if such treatment involves the use of hypodermic needles or syringes. Quite frankly, I do not believe that the latter reading is the intent of the Senator from North Carolina. I do not believe that he intended to say that a drug addict, by virtue of his addiction, is barred from any medical treatment made available under this act, if it involves the use of a hypodermic needle or a syringe.

Nonetheless, under the time agreement reached last night, I am not in the position to make the simple wording changes needed to clarify the intent of this amendment. I would endorse and vote for an amendment which read that the funds made available under this act could not be used to provide individuals with needles, syringes, and other devices so that they can use illegal drugs. I think most Senators would. But, under the time agreement, I cannot offer such an amendment. No one can. Instead, we are forced to vote on an amendment which is ambiguous. In fact, it would require that a person who uses illegal drugs must be clinically addicted before we can bar their receipt of syringes and needles. Does this mean we can give needles to recreational users of illegal drugs?

Consequently, I hope this particular amendment is tabled. We can then sit down and see if we can work out language which accomplishes the intention of the sponsor without jeopardizing the very medical and health programs which will treat and cure drug abuse and are the essence of the legislation before us. If, however, the Senate chooses to adopt this amendment, we will then face a protracted debate until we can guarantee that each and every treatment and research program called for in this legislation is not unnecessarily limited, because I myself could not tolerate that to be the case. But as I said before, I do not think the distinguished Senator from North Carolina meant it this way. Unfortunately, under the time agreement that is the way it has to be taken, and so I do hope our colleagues will support a tabling motion or a vote up or down on this particular amendment, whichever the case may be. I withhold the remainder of my time on our side.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY. How much time do we have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts has 6 minutes and 26 seconds.

Mr. KENNEDY. I yield 5 minutes to the Senator from Connecticut.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I rise to oppose the amendment of the distinguished Senator from North Carolina. Mr. President, I hope that our votes would continue to be predicated on the best medical and scientific advice rather than the uninformed lay opinions of those within and without this Chamber.

As a demonstration of what happens when mischievous amendments such as this are proposed and accepted in a political sense, I want to read from testimony that was taken in the Appropriations Committee just last week when Dr. James Mason of the Centers for Disease Control appeared before the committee. I turned to Dr. Mason and said:

> Dr. Mason, last year the Senate tacked on an amendment to the appropriations bill that related to the CDC's communications with the homosexual community in terms of the education process. How restrictive has the effect of that amendment been on the performance of that aspect of your agency's work?

To my colleagues, this was the amendment that passed 94 to 2 on the Senate floor regarding communication between the Centers for Disease Control and the homosexual community.

> Dr. MASON. You are referring to the amendment that not only involved homosexuality but drug abuse as well. In terms of our in-house programs, it took us about an additional month to accommodate that, and our request for proposals from the States, because we had to revise the materials which we were preparing to send out so the States would be able to respond to their grants. Once we were over that, we moved ahead vigorously. I think our main problem is that out in the States and the communities they are not quite sure how to interpret the language. We got some clarification when the House and Senate met together in the final appropriations language, but I think we are going to see a mixed bag with regard to this because some communities will interpret it very conservatively and some communities will interpret it very liberally. And so there is a fear that there may be a chilling effect as a result of the language.

That is what we did by a vote of 94 to 2. Rather than get information to the highest risk groups, we succeeded in putting a chilling effect on immediate and direct action to the problems that are involved here, problems of life and death.

Politics in this instance is not just something that can be absorbed with a wave of the hand. Lives have been lost.

"Now we have before us the second amendment dealing with needles. This amendment includes language about drug addicts when, indeed, the fastest growing incidence of AIDS is occurring among drug users. I do not know the answer to the problem. I do not purport to have the kind of knowledge which can give an answer to the problem. But I know that this legislation before us, the Kennedy-Hatch legislation, is in the hands of the Centers for Disease Control, it is in the hands of the National Institutes of Health, it is in the hands of the Secretary of Health and Human Services, it is in the hands of all the necessary and proper scientific educational entities of our Government, and it is from them that we expect the answers.

This is a mischevious amendment. It is going to be said, "If you vote against my amendment, that means you are for drug use," just like if you voted for the Centers for Disease Control to educate the homosexual community you would be teaching people homosexuality. Bananas.

I can accept most of the hot air that we spew forth because chances are not too much harm will be done. In this instance, lives are lost.

It is time we came to grips with this problem in an honest, direct way. Nobody is advocating drug use. What is being advocated throughout this bill is a course of conduct which will bring a halt to this great national tragedy.

Whether AIDS is contracted by sexual activity, whether it is contracted by drug use, we are looking for ways to stop it through education, through research, through medical procedures. We are not here to promote homosexuality or drug use. If in any way lay persons halt the progress of science in the name of some political cheap shots, believe me, that has a price to pay this time which is not political. It is a price of life, pure and simple. I hope this and all amendments like it that try to impede the march of science will be rejected because it is only science that can resolve the problem.

The PRESIDING OFFICER (Mr. SANFORD). Who yields time?

The Senator from North Carolina.

Mr. HELMS. Mr. President, if I may inquire, what is the time situation on both sides?

The PRESIDING OFFICER. The Senator from North Carolina has 9 minutes and 48 seconds, the Senator from Massachusetts has 18 seconds.

Mr. HELMS. I believe I will defer to myself just about 36 seconds.

Mr. President, I think in Shakespeare it says that "* * * methinks * * * thy * * * protest too much." I am not going to use the words that the distinguished Senator from Massachusetts used in another context yesterday when he said "hogwash." But it does come to mind here in the volatile protest against his amendment.

I have heard it said here this morning that this is a bad amendment, it is poorly drawn, it is a faulty amendment, it is a mischievous amendment—not at all. It could not be clearer.

What it is saying, what it is intended to say, was that Federal funds may not be used to provide to drug addicts needles to continue and increase their habit. That is all it says. That is all it means.

I will tell you one thing, Mr. President. The people of this country understand this matter. I will tell you somebody else who understands it. It is the homosexual community. They have rounded up the forces. They have said beat down the Helms amendment. They have purchased ads in the New York Times. They have used their little newspaper. They have used every device. They have gotten deans of some schools to come up here who did not know one thing in the world about any amendment which I was going to offer.

So, yes. If you want to pitch it as a battle between them and us, fine. They may defeat me, but they will be defeating the American people as well.

My good friend, and he is my friend, the Senator from Connecticut, alluded to another amendment about providing information to higher risk groups as if the Senator from North Carolina had ever proposed, let alone the Senate of the United States had ever enacted, a proposal to shut off information to homosexuals. Let me tell you what the amendment that was approved by this Senate by an overwhelming vote—I think there were two votes against it—said if you want to get into that.

It said that no Federal funds can be used to encourage or promote homosexual sexual activity. It said all AIDS education emphasize abstinence outside of monogamous marriage, and abstinence from illegal drug use. All we are saying is that the literature published with Federal funds must emphasize abstinence. It must not encourage or promote homosexual sexual activity.

Yesterday at lunchtime a group of Senators saw a videotape presentation which is being used in the homosexual community, a videotape that was produced at substantial cost with Federal funds, and Senators who saw that videotape were sick to their stomach. It has explicit instructions about how to engage in homosexual activity. It had two men doing it.

My friends can protest all they want and they can use erroneous information all they wish. But this problem is not going away, and the American people will be the final arbiters of it.

One of our distinguished colleagues, the distinguished Senator from California, Senator CRANSTON, sent out a "Dear Colleague" letter. He said he was most anguished about his vote in favor of one of my amendments last year, that he had never been more anguished in all of his tenure in the U.S. Senate. He made the flat statement that CDC has advised applicants to withhold their applications until this matter is cleared up. Not so, Mr. President.

Dr. James O. Mason has been referred to in the conversation. I have a letter from Dr. Mason about that very subject. He says: "The Centers for Disease Control has not funded any project in fiscal year 1988 for AIDS information. Enclosed for your information, however"—this is a letter to me—"is a copy of the Federal Register announcement for this program for fiscal year 1988. As indicated in the announcement, approximately $120 million is available for funding." So where does Senator CRANSTON get off telling his colleagues that the funding process has come to a screeching halt?

Dr. Mason continues: "A total of 64 applications were received, reviewed and approved for funding. Awards are expected to be made by April 30, 1988."

All right. As Dizzy Dean once said, "Them are the facts." If you are going to defeat my amendment, do it on truth and accuracy. Do not do it with hyperbole. We have had quite enough of that.

Mr. President, how much time do I have remaining?

The **PRESIDING OFFICER**. The Senator has 2 minutes and 2 seconds.

Mr. **HELMS**. Provided we will go right to a vote, I will be willing to yield back the balance of that time.

The **PRESIDING OFFICER**. There is the previous order for a vote at a time certain, at 10:10.

Mr. **HELMS**. I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

Mr. **KENNEDY**. On whose time, Mr. President?

Mr. **HELMS**. The Senator from Massachusetts does not have any time.

Mr. **KENNEDY**. I have 18 seconds left. The Senator from North Carolina intended to yield back his time, and suggested the absence of a quorum, which is permissible.

Mr. **BYRD**. Mr. President, I hope nobody will suggest the absence of a quorum at this point because we only have 1 minute until the announced time.

Mr. **HELMS**. I withdraw the request because that could cause complications.

Mr. **KENNEDY**. Mr. President——

Mr. **HELMS**. Wait a minute, Mr. President.

Mr. **KENNEDY**. I have been recognized.

The **PRESIDING OFFICER**. The Senator from North Carolina still has the floor, I am afraid, with 1 minute left.

Mr. **HELMS**. I thank the Chair. I do not yield the floor.

Mr. **BYRD**. Mr. President, what time does the vote occur?

The **PRESIDING OFFICER**. The vote will occur at 10:10. The Senator from North Carolina has 42 seconds left. The Senator from Massachusetts has 18 seconds left.

The time of the Senator from North Carolina has expired.

Mr. **KENNEDY**. Mr. President, as stated earlier, none of the funds provided under this measure shall be appropriated for the purchase of hypodermic needles or syringes for drug addicts. The President's own commission says that 25 percent of all AIDS victims are drug addicts.

This is as flawed as the previous amendment is flawed, and I hope, for the reasons outlined last night, that this amendment will be defeated.

The **PRESIDING OFFICER**. The time of the Senator from Massachusetts has expired.

The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. **CRANSTON**. I announce that the Senator from Mississippi [Mr. STENNIS] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. **SIMPSON**. I announce that the Senator from Colorado [Mr. ARMSTRONG] and the Senator from Nebraska [Mr. KARNES] are necessarily absent.

The **PRESIDING OFFICER**. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 37, nays 59, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—37

Bond
Boren
Byrd
Cohen
D'Amato
Danforth
DeConcini
Dole
Domenici
Exon
Ford
Fowler
Garn
Gramm
Grassley
Hecht
Heflin
Helms
Humphrey
Kassebaum
Kasten
McCain
McClure
Murkowski
Nickles
Pressler
Quayle
Rockefeller
Roth
Rudman
Shelby
Simpson
Symms
Thurmond
Trible
Wallop
Warner

NAYS—59

Adams
Baucus
Bentsen
Bingaman
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Chafee
Chiles
Cochran
Conrad
Cranston
Daschle
Dixon
Dodd
Durenberger
Evans
Glenn
Gore
Graham
Harkin
Hatch
Hatfield
Heinz
Hollings
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Sanford
Sarbanes
Sasser
Simon
Specter
Stafford
Stevens
Weicker
Wilson
Wirth

NOT VOTING—4

Armstrong
Biden
Karnes
Stennis

So the amendment (No. 1983) was rejected.

Mr. **KENNEDY**. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. **HATCH**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER**. The Senator from Utah.

Mr. **ROCKEFELLER**. Mr. President, will the Senator from Utah yield for a unanimous consent request?

Mr. **HATCH**. I yield.

PRIVILEGE OF THE FLOOR

Mr. **ROCKEFELLER**. Mr. President, I ask unanimous consent that Mary Ella Payne be permitted the privilege of the floor during the debates and votes on this bill.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

AMENDMENT NO. 1984

Mr. **HATCH**. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER**. The clerk will report.

The bill clerk read as follows:

The Senator from Utah (Mr. HATCH) for himself and Mr. DOLE proposes an amendment numbered 1984.

At the appropriate place in the pending amendment, add the following new section:

SEC. . None of the funds provided under this Act or an amendment made by this Act shall be used to provide individuals with hypodermic needles or syringes so that such individuals may use illegal drugs.

Mr. **HATCH**. Mr. President, this amendment addresses the problem——

Mr. **KENNEDY**. Mr. President, the Senate still is not in order and the Senator is entitled to be heard.

The **PRESIDING OFFICER**. The Senate will be in order.

Mr. **HATCH**. Mr. President, this amendment addresses the problem directly. I think it cures the defects of the prior amendment and I think will accomplish what the distinguished Senator from North Carolina was really intending to do.

This amendment would bar the Federal Government from giving people syringes and needles so that they can go about and use illegal drugs. Now that is what I think we would all like to do, or at least a majority would like to do.

This amendment is not ambiguous as the prior amendment was. It covers not just drug addicts but anyone, anyone, who would use needles or syringes for illegal drugs. And, of course, it would cover recreational users as well, something the prior amendment would not have done.

So I think it corrects and cures the ambiguities of the prior amendment and I do not think I need to say anything more about it.

AMENDMENT NO. 1985 TO AMENDMENT NO. 1984

Mr. **KENNEDY**. Mr. President, I send an amendment to the amendment and ask for its immediate consideration.

The **PRESIDING OFFICER**. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY), for himself and Mr. HATCH, proposes an amendment numbered 1985 to amendment No. 1984.

In lieu of the matter proposed to be inserted, insert the following:

SEC. . None of the funds provided under this Act or an amendment made by this Act shall be used to provide individuals with hypodermic needes or syringes so that such individuals may use illegal drugs, unless the Surgeon General of the United States determines that a demonstration needle exchange program would be effective in reducing the abuse and the risk that the public will become infected with AIDS.

Mr. KENNEDY. Mr. President, I offer this amendment in the second degree on behalf of myself and Senator HATCH. I think the Senator from Utah has explained correctly what the underlying amendment would do. This amendment would provide the single exception if there would be a finding by the Surgeon General that a needle exchange program either reduced drug addiction or reduced the expansion of the AIDS virus. It seems to me that we would achieve what I think Members of this body want to do, although I, for one, feel that basically we ought to follow the public health regime and recommendations, and I think it is far too early to make a final judgment on the needle exchange program. I think the results are mixed. There has not been the adequate research.

I think that this amendment incorporates a general sense in this body that, in terms of a needle exchange program, there should be a prohibition for a needle exchange unless there be a finding along those lines. It seems to me we achieve and accomplish what a majority of the Members of this body wish to achieve.

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate? If not the question is on agreeing to the amendment of the Senator from Massachusetts [Mr. KENNEDY] to the amendment of the Senator from Utah [Mr. HATCH]. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Mississippi [Mr. STENNIS] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Nebraska [Mr. Karnes] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 27, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—70

Adams
Baucus
Bentsen
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Daschle
Dixon
Dodd
Durenberger
Evans
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Hatch
Hatfield
Heinz
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Simpson
Specter
Stafford
Stevens
Weicker
Wilson
Wirth

NAYS—27

Armstrong
Bond
Danforth
DeConcini
Dole
Domenici
Garn
Gramm
Grassley
Hecht
Heflin
Helms
Humphrey
Kasten
McCain
McClure
Nickles
Pressler
Quayle
Roth
Rudman
Shelby
Symms
Thurmond
Trible
Wallop
Warner

NOT VOTING—3

Biden
Karnes
Stennis

So, the amendment (No. 1985) was agreed to.

VOTE ON AMENDMENT NO. 1984, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah as amended.

Mr. KENNEDY. Mr. President, parliamentary inquiry. What is the matter before the Senate?

The PRESIDING OFFICER. The matter now is on the amendment of the Senator from Utah as amended by the amendment by the Senator from Massachusetts, as just agreed to.

Is there further debate? if not, the question is on agreeing to the amendment as amended.

The amendment (No. 1984) as amended, was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was ageed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, last evening, I offered an amendment regarding spousal notification. In a moment, I am going to offer an amendment on another subject, but just as an interim report on the spousal notification amendment, the staff of the managers of the bill and my own staff are working on that hoping we can reach an agreed upon position.

In the meantime, it is my intention shortly to offer an amendment preventing the unwarranted withdrawal of food and fluids from AIDS victims.

Prior to that time, If I may, I would like to yield as much time as the Senator from North Carolina wishes.

Mr. KENNEDY. For what purpose does the Senator yield? Is it for the purpose of a question?

Mr. ARMSTRONG. Mr. President, no parliamentary thoughts in mind, I will just yield the floor.

The PRESIDING OFFICER. The Senator yields the floor. Who seeks recognition? The Senator from North Carolina.

Mr. HELMS. Thank you, Mr. President. I want to say this as respectfully and as cheerfully as possibly because I have been trying to work with the distinguished Senator from Massachusettes and the distinguished Senator from Utah [Mr. HATCH] on this bill. I am certainly not going to try to obstruct it.

However, the little spectacle that occurred on the last amendment is interesting, and I do not really understand what it is. I know the Senator from Massachusetts will not object too strenuously to my declaring that the amendment just approved by the Senate was just a fig leaf. It did not cover much, and it gave the appearance for Senators to say that they were voting one way or they were not.

Those who voted for the Kennedy amendment have voted for distribution of needles to individuals who use illegal drugs because the Surgeon General has already made clear that he believes that a needle exchange program might be a good idea. He said that publicly.

So, it is just a matter of time, Mr. President, before Federal funds will be available for needles and syringes for illegal drug users. That is what the Senate just voted on, and I commend the distinguished Senator from Massachusetts because it was a clever amendment. Sometimes we engage in that sort of thing around this place.

Having said that, I think it also ought to be a matter of record that one of the strongest proponents, strongest advocates of the needle exchange program is right here in Washington, DC, in the Nation's capital.

I refer to a group calling itself the Drug Policy Foundation. It was a foundation organized in 1987 to provide a support group for "people who oppose the dominant policy and who seek to change current methods."

When I saw that, I said, what does that all mean? I thought about humpty-dumpty in Lewis Carroll's "Through the Looking Glass." He said: "When I use a word, it means precisely what I intend it to mean. Nothing more, nothing less."

In any case, this Drug Policy Foundation recently held a briefing on the Liverpool needle exchange program, and part of the briefing materials provided by the foundation included draft resolutions of the foundation.

These resolutions, let me make it clear, have not yet been approved by those who run the foundation, but they do provide, I think, a very interesting insight into why this foundation is so interested in the Liverpool needle program.

> Resolution 2: The governments of the world should stop talking about launching and winning drug wars. Indeed, the very concept of a war on drugs, either in one country or throughout the world, is a destructive idea. Wars imply intolerance and hate. The essence of our approach to all of our citizens, whether or not they use disapproved chemicals, should be tolerance and respect. The goal of all nations should be fashioning policies that create the least possible harm for users and their nonusing neighbors. Thus the war on drugs should be declared terminated, everywhere.

This is one of the principal groups supporting the needle program.

Let us move on to Resolution 3 drafted by the Drug Policy Foundation here in Washington, DC:

> Resolution 3. Until major legal reforms occur, however, existing laws must be enforced in a selective and rational fashion. . . . Less law enforcement attention should be paid to small dealers and simple users, who should be virtually ignored by the police unless they commit other crimes, such as robbery or burglary, or create public nuisances by interfering with normal street traffic.

The president of this group, a man identified as Arnold S. Trebach, wrote an article in the Charleston Gazette of November 4 of last year. That article was entitled "War on Drugs Putting Strain on U.S. Prisons." In that article, Mr. Trebach said:

> The drug war is jamming our prisons and many people are applauding. It is time for the same center of American society to still that repressive chorus and to seek peaceful solutions to the drug problems because, even if we become a prison state, current policies will not reduce drug abuse and the demand for drugs in American society.

He concludes:

> As it happens, I do not advocate full legalization of all the drugs, but I believe we should listen to any sensible suggestion . . . that might lessen the severity of the drug war and that might keep Americans out of prison.

Mr. President, I do not insinuate, imply, or infer that these people are insincere, but I think they are sincerely wrong. As proponents of this needle program, they also seek an end to America's war on drugs, or certainly diminish it.

Mr. President, I ask unanimous consent that a couple of articles concerning this subject be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Charleston (WV) GAZETTE, Nov. 4, 1987]

WAR ON DRUGS PUTTING STRAIN ON U.S. PRISONS

(By Arnold S. Trebach)

The drug war is jamming our prisons and many people are applauding. It is time for the sane center of American society to still that repressive chorus and to seek peaceful solutions to drug problems because, even if we become a prison state, current policies will not reduce drug abuse and the demand for drugs in American society.

During the Reagan era, the rise in the population of America's prisons has been historic. This disaster is documented by federal data that counts only those held under sentences of at least one year (and thus ignores the masses in jails, juvenile institutions and detention centers.) At the end of 1980, the total of all those serving such major sentences in both state and federal prisons stood at 329,821. By June 30, 1987, this figure had jumped an unprecedented 73 percent to 570,519.

We have the largest prison population of any democratic nation, in absolute and proportional terms. During recent years, for example, the major prisoner rate per 100,000 population has been 111.5 in Austria, 99.7 in West Germany, 90 in the United Kingdom, 58 in Sweden, 34 in the Netherlands—and 210 in the United States.

Now comes, The New York Times in a front-page story that reports official projections even scarier than previously reported: by 1997, the number of federal prisoners could at least double, due mainly to the Reagan administration's continuing pursuit of the war on drugs. My own projections are that we Americans will greet the new century with a proud record of a million of our brothers and sisters serving major sentences in a vast network of expanded but still-crowded state and federal prisons. Many of the inmates will have been convicted of simple possession and small sales of drugs.

I also project that the existence of this American gulag will have little effect on drug abuse, which will still be rampant in our society and also in our prisons. Taxes, however, will rise because prisons, even crowded and understaffed ones, are very expensive to build and operate. So also will there be a rise in drug trafficking and related violence because the demand will continue, prices will increase in the black market, and tougher and more deviant adventurers will be attracted to the greater dangers and rewards of the drug trade.

Police corruption will rise because the traffickers will inevitably offer greater bribes out of their increased profits. Thus, a small but significant number of the new prisoners will be convicted corrupt police and prosecution officials. Also, more than a few judges.

Some wag may even suggest that we change the name of the country at the turn of the century to the United Prisons of America. It will all have the smell of national madness about it.

If you are among those whose olfactory senses are already being assaulted, you had better get off your duff and do something about it. I am talking particularly to you sitting comfortably in Middle America, you who oppose the use of drugs, especially by our children, and you who are the leaders of major business and social institutions and who may call yourselves conservatives.

How quickly we forget the lessons of alcohol prohibition when millions of Americans had similar fears about the effects of that addicting potion. We were saved when more millions came to understand that we indeed had a choice. They saw that while alcohol was a terrible drug, Prohibition—with its massive crime, corruption, often-poisonous alcohol, and crowded prisons—was worse.

Prominent conservative business and social leaders played a major role in rescuing us from the disaster foisted on society by the well-meaning "dry" legions of that day. William Randolph Hearst, John D. Rockefeller, Jr. and a major segment of the Delaware du Pont family eventually enlisted in the wet battle. Pauline Sabin, a wealthy Republican New York socialite, campaigned on a platform that saw the "corruption and hypocrisy" stemming from Prohibition enforcement as worse for the country and its children than legal liquor. Repeal, she argued, was necessary "for the protection of the American home" and the return of "sobriety and honesty."

In recent years, I have had the occasion to cheer modern conservatives and business leaders who see a harsh repetition of the "Noble Experiment" in the drug wars of today and who support a rational way out of this even-worse disaster for the American family and its children. That list of conservative modern repealers is long, including columnist William F. Buckley, Jr. and Nobel laureate economist Milton Friedman. The Wall Street Journal has frequently run editorials urging drug-law reform. Business Week just issued a major editorial by University of Chicago economics Professor Gary Becker which called for high taxation on legalized sales to adults of "marijuana, cocaine, and other drugs where the legal ban has created more problems than it solves."

As it happens, I do not advocate full legalization of all the drugs, but I believe we should listen to any sensible suggestion, such as that by Becker, that might lessen the severity of the drug war and that might keep Americans out of prison.

WAGING DRUG PEACE

(By John Dentinger)

A bespectacled, salt-and-pepper-haired grandfather and American University professor of justice seems an unlikely candidate to wave the flag of truce in the government's war on drugs. Arnold S. Trebach, 59, neither uses nor encourages others to use illegal drugs, but then he isn't waging drug peace out of fear the government will win. It's losing, he says, and will inevitably lose as long as we have any semblance of a free society—but that semblance is becoming a war casualty.

Trebach is trying to rally the "loyal opposition" through his Drug Policy Foundation. His studies have led to innumerable articles, speeches, and interviews, and he has consulted for organizations ranging from British television to the CIA. "We must convince people that it is respectable, it is rational, it is decent, to oppose current drug laws," he says.

Trebach's own attitude is one of warm, fatherly solicitude toward those on both sides of the drug war. "The major thing I want to do is replace hate with love or intolerance with tolerance," he says, in the accent of his native Boston.

"The drug law does not deal with some of the major problems connected with drug abuse—crime and corruption. The law only makes the corruption worse, makes the crime worse, and does not help the simple addict," he says. "I know of no addict who has been helped by being treated as the enemy."

Yet Trebach is also sympathetic to the idealistic young drug warriors who risk their lives in a dubious cause, and his just-published book, *The Great Drug War*, depicts their efforts to destroy marijuana crops in northern California. At the same time, he is appalled by the threat of these military-style operations to the rights and safety of outraged citizens.

In fact, it was the combination of idealism and violence that first drew Trebach to study political science and law enforcement. "In '52, I got drafted, during the Korean mess. I just missed being in World War II by one year. Suddenly, boom—I was on the bayonet fields of Fort Dix and heard 240 nice American kids screaming, 'Kill! Kill! Kill!' "

Trying to understand the ease with which "nice American kids" could adapt to such violent attitudes, Trebach returned to school. He studied politics at Princeton, where "most of the studies of international relations were dull as dishwater." What did excite him were issues of democracy, rights, and freedom—issues that led him to study the criminal justice system.

Researching his dissertation, he says, "What appalled me was the extent to which the poor were brutalized by the police. I interviewed one black guy in prison who said, 'I thought police had a right to punch you.' "

In 1960, Trebach became chief administrator of the Justice Section of the U.S. Commission on Civil Rights, for whose 1961 report he was principal author. Some of his language from that report was quoted in the landmark *Miranda* decision in 1966. In the 1970s, Trebach recognized how the war on heroin created problems in the justice system and turned his interest from civil rights to drug law—primarily research on heroin and marijuana.

Describing himself as "old-fashioned," he opposes legalization of heroin, preferring a system of limited distribution by prescription. A "recovering tobacco addict," he'd like to see marijuana treated the same as cigarettes—with warning labels and restrictions on where it can be smoked.

He finds the public reaction to his work encouraging. "Mainly I hear from middle-America folks: a retired couple in Texas, or a retired Naval commander, and they say, 'We don't have any interest in drugs, but we don't think the country should be torn apart this way, and thank you for what you're doing.' "

Still, Trebach has had his share of nastygrams: a couple dozen insulting or threatening communiqués. In 1984, the president of American University received a telegram complaining about him: ". . . Close your doors immediately. Do not continue to corrupt any more American youth." Colleagues joked, but the telegram hit a sore spot with Trebach—the claim that even criticizing drug laws, much less conveying honest information about drugs, will lead young people to cavalier attitudes and addiction. Anonymous surveys of his students indicate that Trebach's courses affect the drug use of only a few—most often by discouraging it.

Throughout his career, Trebach has expressed a concern for the underdog that springs, he says, from "a real, naive belief in democracy—I really believe that stuff. I grew up in a time of anti-Semitism. But if some kid in school called me a dirty Jew, I'd punch him in the mouth and then reason with him. I had one fight a year, in the fall."

He still prefers reason to fistfights. "As a cultural matter, I think we ought to be saying to those people, person-to-person, So you take drugs—big deal. All I want to know is, Does it interfere with loving relationships? Does it interfere with your work? Does it interfere with your health? If it does, you'd better start thinking about it. All I care is that you behave all right."

Mr. HELMS. I do thank the Senator from Colorado for his courtesy and his patience. I yield the floor.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I congratulate the Senator from North Carolina for his statement and for his leadership on this issue.

AMENDMENT NO. 1986

(Purpose: To protect AIDS patients against the unwarranted denial of food and fluids)

Mr. ARMSTRONG. I now send an amendment to the desk and ask that it be considered.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ARMSTRONG] proposes an amendment numbered 1986.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows.

At the appropriate place in the amendment, insert the following new section:

SEC. . (a) Notwithstanding any other provision of law or of this Act, or an amendment made by this Act, no State or local government entity shall be eligible to receive any funds administered under this Act or an amendment made by this Act if such entity has any law, policy, or practice that requires, encourages, or permits any health care facility within the State to deny nutrition or hydration to any eligible individual (as defined in section 2441 of this Act), who has been duly admitted to that health care facility and who has not explicitly requested the withholding of nutrition or hydration, if that denial would lead to the death of the patient, unless the administration of such nutrition and hydration would be detrimental to the health of the patient or would, unavoidably and of itself, cause severe, intractable, or long-lasting pain to the patient.

(b) The Secretary of Health and Human Services shall require State or local government entities to certify that such entities meet the requirements of this section before such entities are awarded funds under this Act or any amendment made by this Act.

(c) For purposes of this section, the term "State or local government entity" means any State or political subdivision of any State or any department, agency, special purpose district, or other instrumentality of a State or of a political subdivision of any State.

Mr. ARMSTRONG. This is not the spousal notification amendment which is still the subject of some behind-the-scenes negotiation but is an amendment which speaks to the issue of withdrawing vital food and fluids from a patient who is suffering from AIDS. This amendment is, quite literally, a matter of life and death. Acceptance even of a limited amendment of this character would constitute a repudiation by the Senate of a particularly cruel form of euthanasia, the denial of nutrition and hydration of patients who can go on living as long as these essentials of care are given to them. Although the amendment applies only to AIDS patients, its import obviously is of a far greater significance.

Most of this bill provides funds for the States for a range of activities concerning AIDS. My amendment adds an additional condition for State eligibility to receive these funds. This amendment would require the State to certify that it has no law, policy or practice which requires, encourages or permits health care providers to deny any AIDS patient the nutrition and hydration that have always been considered to be routine humane care for the sick.

Mr. President, I want to make very clear how narrowly drawn this amendment is. First, it applies only to AIDS patients. Second, it applies only to food and fluids, not to resuscitation, not to artificial life support systems, nor to questions about turning off machines or pulling plugs. Third, it applies only to AIDS patients duly admitted to a health care facility. It does not speak to their circumstances at home. It does not deal with difficult questions of self-starvation and those cases where a patient explicitly requests the withholding of nutrition and hydration. In these tragic cases withholding is not denial within the meaning of this amendment.

Mr. President, it is a sad commentary that the offering of such an amendment is needed, but it seems to me that it is time for the Congress to begin to address this concern and to do so not in a sweeping manner but in a sharply focused and narrowly defined manner which addresses the real concerns that have been presented.

Mr. President, death by starvation or dehydration is a cruel and prolonged form of suffering. I am confident the Supreme Court would forbid such a death as cruel and unusual punishment if it were administered to criminal offenders, and we would all agree that this kind of punishment violates not only the letter but the spirit of the constitutional prohibition. It is a heinous idea, the kind of aura that conjures up recollections of the death camps of World War II.

However, Mr. President, the fact that it seems horrible and remote from us as we consider the issue in this legislative Chamber is not to suggest that it is an abstract or a hypothetical problem. Indeed, it is a very real horror. Mr. President, it is as real as the latest new accounts of a comatose patient denied nutrition. It is as urgent as the next case, which might be today or tomorrow or next week, of an elderly person or a young serviceman in a veterans hospital suffering a cruel death by thirst in a hospital bed in an institution dedicated to healing.

Mr. President, the word "euthanasia" comes from two Greek words meaning "good death." There is nothing good about death which follows upon starvation or dehydration. There is nothing merciful about inflicting it. I think it is important for Senators to understand precisely the degree of cruelty which is entailed by death of this kind.

I would like to call the attention of my colleagues to the findings of one court where the judge refused to allow the killing of the patient. Let me just quote from the judge's opinion. Referring to the patient, one Paul Brophy, the judge wrote the following:

> [H]is prognosis will be certain death from starvation, or more probably from dehydration, which would occurr within a period of time ranging from a minimum of five days to a maximum of three weeks.
>
> His mouth would dry out and become caked or coated with thick material.
>
> His lips would become parched and cracked or fissured.
>
> His tongue would become swollen and might crack.
>
> His eyes would sink back into their orbits.
>
> His cheeks would become hollow.
>
> The mucosa (lining) of his nose might crack and cause his nose to bleed.
>
> His skin would hang loose on his body and become dry and scaly.
>
> His urine would become highly concentrated, causing burning of the bladder.
>
> The lining of his stomach would dry out causing dry heaves and vomiting.
>
> He would develop hyperthermia, a very high body temperature.
>
> His brain cells would begin drying out, causing convulsions.
>
> His respiratory tract would dry out, giving rise to very thick secretions, which could plug his lungs and cause death.
>
> Eventually his major organs would fail, including his lungs, heart, and brain.
>
> The above-described process is extremely painful for a human being. [His] attending physician was unable to imagine a more cruel and violent death than thirsting to death.

Mr. President, the judge who wrote this opinion refused to allow it to happen to a patient by the name of Paul Brophy, but his ruling was overturned on a vote of 4 to 3 by the Supreme Judicial Court of Massachusetts. Accordingly, he was transferred from New England's Sinai Hospital, where the health care personnel refused to participate in this grizzly execution of the innocent, to Emerson Hospital in Concord, MA, where he was given no tubal feeding and 8 days later Paul Brophy died.

Mr. President, in other States courts have ruled that particular patients could be denied food or water, nutrition and hydration. In many cases, this never comes to the public's attention, although week after week and year after year this subject, which was once spoken of only in hushed terms, surfaces as a topic of conversation in public forums and in respectable publications.

There have been two cases in New Jersey, one in Arizona, at least one in California, one in my home State of Colorado, one in Maine, and one in North Dakota where not only did the issue rise to the level of public discussion but where courts actually permitted these things to happen.

Mr. President, the episodes to which I have referred are a part of a pattern of jurisprudence which I want to distinguish from the issue of self-starvation. Self-starvation has many moral and ethical issues which are beyond the scope and reach of my amendment.

I want to make that clear because that is a matter which at some point this body may wish to deal with but which is not addressed in my amendment.

In other States other than those I have mentioned, this matter has largely been kept out of the courts, and so we do not know how many people infirm from AIDS or infancy or in a handicapped condition or in a coma have just been quietly put to death by the denial of routine fluids and feeding.

I want to be especially clear about that point as well. We are not referring in this amendment to the use of elaborate or sophisticated equipment. We are not talking about pulling the plug, which has become the shorthand, the euphemism for discussion of the euthanasia issue. We are not talking about whether life should be prolonged though the use of what has sometimes been called heroic measures, artificial organs, transplants, even blood transfusions, even medicines of a routine kind. In this amendment I have deliberately raised the issue in a very narrowly defined, very specific way. It refers only to the denial of food and fluids, literally the most basic level of humane care for sick persons.

Mr. President, we all know it can be extremely expensive to care for those who are terminally ill, especially those who have been abandoned by their family and friends. In cases of deadly contagion, even routine care can become extraordinarily costly.

Under those circumstances some are going to come forward. It is inevitable. In fact, those voices are already being heard who will ask whether or not it is wise to spend large sums of money on persons who may have no more than a few months or a few years to live. It is important for us to bear in mind that a large percentage of those persons will be destitute, and dependent on Medicaid or charitable resources of hospitals that take them in.

Under such circumstances it is predictable that such persons will be prime candidates for what has sometimes been called expedited death. I suppose, Mr. President, that it is only a matter of time before someone comes up with the idea of saving millions of dollars by letting indigent patients die a few days earlier, or saving hundreds of millions by letting them die a few weeks earlier. After all, if they are going to die, eventually someone will say, "Why should the taxpayers pay millions of dollars for these last few months of life?"

It is worth noting that I have shifted very quickly from a discussion of life to a discussion of money. The reason why I emphasize this point is because that is exactly how the argument outside this Chamber has proceeded, from a question of the good of the patient to a question of saving money by expedited death, by letting people simply fade away by withdrawing their food and fluids.

Mr. President, I wish that the issue I am raising were speculative in nature. But it is not. The starving and dehydrating of helpless patients is a reality in this country today.

Once again, Mr. President, this amendment is narrowly drawn and deliberately so. It applies only to AIDS patients, only to food and fluids. It does not apply to any of the heroic measures and devices, any organ transplants—only to the most basic standard of human care providing nutrition and fluids to keep people alive.

Mr. President, with that word of explanation, I would be happy to respond to any questions. But my hope is that Senators will see the issue as I do, and support the amendment.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, first, has the Senator from Colorado yielded the floor?

Mr. ARMSTRONG. Yes.

Mr. DANFORTH. Mr. President, first, let me say that I think the Senator from Colorado has brought the attention of the Senate and the attention of the country to an issue which really deserves our very, very careful deliberation. It is true that today medicine is capable of keeping people alive for very long periods of time under very desperate conditions. People who would have simply passed away a few decades ago now are kept alive by a combination of respirations, antibiotics, intravenous feeding for very, very long periods of time. It is possible to keep somebody alive who is comatose, it is possible to keep somebody alive who is in great pain, and to do so, literally, for a period of years.

We really have not focused on the issue of the ethics of this situation. There are people who have done that. There are people who are equally involved in the study of medical ethics, people who teach at universities, and seminaries who have spent their lives thinking about this kind of question.

But it is not the kind of thing that we are likely to spend very much time talking about on the floor of the Senate. It is not the kind of thing that we are likely to have hearings on. I do not know of any time when a congressional committee has been convened to hold a hearing on this. Maybe it has. I am just not aware of it. It is the kind of question that we would rather not discuss. We would rather not discuss the painful circumstances of a tortured death and what our responsibilities are under those situations. We would rather push it out of our mind. We would rather do that as individuals, and I think we would rather do that as a country.

I know a situation. A close friend of mine whose husband is dying of Lou Gehrig's disease. He is on a respirator. He is totally noncommunicative. This woman asked me what her ethical responsibility was should her husband become ill with pneumonia or something; to treat the penumonia or to keep the husband alive.

I think that is an issue that has been addressed by a lot of theologians and ethicists, but it has not really been faced by people in their own lives until the time the emergency comes. Then sometimes we act not out of forethought but instead out of the very personal emotions at the time.

As a Government which attempts to reflect the moral thinking of our people, we have not spent much time talking about this either.

So I think the Senator from Colorado has done us a favor by bringing this issue to the floor of the Senate. My own view is that bringing the issue to our attention is one thing; deciding the issue today is quite another. Drawing those distinctions of medical ethics is something that might take a little more thought and a little more care than could be done in a period of 10 or 15 minutes or half an hour on the floor of the Senate. But it certainly is something that should be debated, and should be discussed.

There has traditionally been a distinction between ordinary and extraordinary means of treating a patient. The traditional distinction as I understand it is that in the case of a terminal patient, a patient in pain, there is no ethical responsibility to keep that patient alive by extraordinary means. But ordinary means, yes, there is an obligation to keep the patient alive.

The line between what is ordinary and what is extraordinary is one that I do not know how to draw. There are clear cases, it would seem to me, where certain procedures would be clearly extraordinary. If a terminal patient can only be saved by having expensive operations, then that would clearly fall under the category of extraordinary attention.

I do not think that any moral theologian would say that such an extraordinary treatment would be required.

But what is ordinary? Well, what we are talking about here is food and water. That would seem to be ordinary. The Senator from Colorado does not draw a distinction between water offered in a glass and hydration offered through a tube. Should there be a distinction? Should there be a distinction between feeding somebody through the mouth and feeding somebody through the vein? Is it ordinary to feed somebody through the mouth but extraordinary to feed somebody through the vein? I do not know the answer to that question.

If we were to draw distinctions on the basis of how a person receives food and water, should we also be drawing distinctions on the basis of how a person receives oxygen? Is a respirator an ordinary or an extraordinary method of treatment? Is oxygen any less basic to human survival than food and water? Are we today, if we decide the question of intravenous feeding, also deciding the question of whether or not to turn off respirators?

Are there cases when respirators should be turned off, or should we state, as a matter of statute, that respirators should be kept on? I do not know the answers to those questions.

I can conceive of a patient going to the hospital, terminally ill, and obviously heading down a very long and irreversible path, with a painful illness, and the patient saying to the doctor: "Look, Doctor, I'm not going to be cured, and I would really rather die than go through this. Obviously, I don't want you to kill me. I don't want you to inject air in my veins. I know that there is an ethical problem with that. But I really don't want you to do anything at all to keep me alive."

I can imagine that a doctor is not going to then start with a long description of what he can do or cannot do. I can imagine that a doctor is not going to say: "Well, would you like me to turn off the tubes and undo the respirator?"

The patient is simply going to say, "Leave me alone."

For a patient who is not on a respirator and who is not receiving antibiotics, I suppose that the simple statement, "Leave me alone," while it is not an explicit statement as required by this amendment, would really be an instruction to the doctor to "cut me off the tubes."

Can that be done in a way that is compassionate, or is it just grisly and agonizing? My understanding is that simply cutting off the tubes is not an uncommon procedure and that it is not necessarily agonizing, and that certain things can be done, particularly with painkillers, to reduce or eliminate the amount of pain. I do not know the answer to this question, Mr. President.

I am not here to argue what is right or what is wrong. I do know that there are times when death is welcomed as a friend, when people of religious faith especially would say that they are being embraced by death. I think there is something of a theological tradition that would support that.

So, to choose death, for somebody who is in pain, for somebody who is terminal, is something that has been recognized, I believe, for a very long period of time.

Does this amendment, for all practical purposes, prohibit that choice? Does it say, "We don't care what you want"? It says that a patient can explicitly request the withholding of nutrition or hydration, but it does not go to the patient who checks into the hospital and says, "Doctor, don't do anything for me," and then, for example, falls into a coma.

How about the situation of a patient who has fallen into a coma or is no longer competent to make a decision, and the family says, "This is the person we love more than anybody else in the world, and this is not what this person would want"? This is not what he or she would want, to go through this kind of pain, this kind of agony.

The doctor says: "Well, we can either prolong this situation, keep this person breathing, keep this person hydrated, and maybe this will go on for a year or 2 or 3 years." We have known cases—I have—where people have literally been kept alive for years. Or the doctor can say: "We can decide that we are not going to do anything and we can keep this person free of pain, but we are not going to do anything at all." Should we prevent that happening?

I have not argued the case of money. I have not argued the case of dollars and cents, the case of the cost to the family. I have not made that argument. Simply the humanity of the situation, the ethics of the situation, the fine lines that are drawn by ethicists, by moral theologians, in trying to address these questions.

We have not done that here. We have not done it in the Senate. We should start thinking about this. We should start the process of thinking about this. I am not sure that we are in a position to determine this decisively at this point.

Mr. **ARMSTRONG**. Mr. President, I do not see other Senators seeking recognition, so I assume that in a moment we will be ready to vote.

I have a few observations I would like to make in response to what Senator DANFORTH has said, but I will be glad to withhold them, to let others speak, and then I have a few thoughts in response, and I will be ready to go forward. I will be glad to yield, to let others discuss the issue.

The PRESIDING OFFICER (Mr. REID). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this amendment, which has been offered today, is somewhat different from the amendment which was offered last night. But when you come right down to it, I think the points that the Senator from Missouri has made have been points which deserve a good deal of thought and consideration.

About 15 years ago, our Health Committee in the Senate did a series of hearings about various ethical issues involving Government policy. There was a State in our country that prohibited the reception of various entitlement programs unless the mother who was mentally retarded was going to sterilize her mentally retarded daughter. The family was not eligible for various programs, support programs.

Eventually, that whole issue got to the Supreme Court; but, unfortunately, it had tragic implications for those individuals.

Our hearings pointed out the fact that, through Government support, we were providing depo-provera, which in some circumstances has the effect of making women sterile, to a facility and requiring that the facility use the depo-provera in order to receive other kinds of support.

We also found out that the Central Intelligence Agency used various mind-altering drugs on their agents, without notification, as a research program, to try to test what might be the effects on their agents if a foreign power used those hallucinogenic drugs, with the tragic effect that one of those agents, when he recovered from these drugs and did not know what had happened to him, threw himself 12 stories out of a window in New York City to his death.

Well, Mr. President, we also found out over the course of the hearings that the Public Health Service continued to study individuals who had syphilis and never offered them the option of treatment and cure.

In order to continue a Public Health Service research program they continued following these individuals to treat and observe the syphilis, but not to cure it, so the Public Health Service would have very accurate information. American taxpayers' moneys were involved in those programs. It was absolutely horrendous. The syphilitic study went on for 35 years during Republican and Democratic administration alike. These were all horrendous situations.

We developed at that time a panel called the "Protection of Human Subjects Panel," and it existed for a period of about 10 years, made up of ethicists, researchers, and representatives of religious groups. They did dramatic work. There was no enforcement. Their work was simply to publish in the register their review of various Federal rules and regulations as to the ethical consideration. There were no enforcement powers whatsoever. But there was a profound impact in a variety of different undertakings.

At that time the guidelines that they provided, for example, on fetal research were accepted.

I do not know if the Senator from Missouri can remember a number of years ago where there was an absolute prohibition on any fetal research which passed the House 400 to 30, and came storming over here and there was a firestorm to pass it. We were able at that time to get the Protection of Human Subjects Panel to review the various guidelines. They promulgated guidelines that were acceptable to the ethicists, the representatives of religious communities, and the scientific community.

Now that issue should be under additional review because there is enough new science that has been developed, that this kind of issue ought to be constantly reviewed, but that Human Subjects Panel was abolished.

Luckily we recreated a panel a few years ago in the form of the Congressional Biomedical Ethics Board. Senator GORE of Tennessee is the vice chairman of it. It is made up of House and Senate Members.

Tragically the appointment of the committee of experts which is to work with the Board has been delayed for a 2-year period because of disputes over whether individuals are going to be prolife or prochoice. Meanwhile, the fact is, we are faced with thousands of ethical issues and questions.

This question of discontinuation of treatment is an important one and I think most of us can understand that any ethics panel, no matter how good, is going to have a difficult and challenging time to come to grips with it. I would hope we would focus on this and many other kinds of issues.

In our NIH authorization we authorized five Centers of Biomedical Ethics in different regions of the country to consider ethical issues involving medical research and treatment programs.

So these issues and questions, as the Senator from Missouri has pointed out, are enormously complex and they are difficult. Not that we should not face them; but I would say, with all respect to the Senator from Colorado, it really does not belong on this particular legislation.

I commend him for his interest and concern about these matters. They are enormously complex and complicated.

The Senator from Missouri gave some examples. This concept which is addressed in the amendment of the Senator from Colorado has primarily been raised with individuals who are in a coma.

In the course of our hearings on AIDS, we did not have any evidence or testimony that this issue was a problem at any AIDS centers. Maybe it is. We have not heard it. But it is constantly posed to families and medical institutions all over this country.

One simple example of the complexity of this issue is that some States, as the Senator knows, say that death occurs at the time that you are brain dead; other States say it is the time the heart stops.

You may get all kinds of questions arising as to what is going to be done for individuals who may have AIDS. It just seems to me, Mr. President, that this issue is enormously important, but we have not dealt with medical procedures in this legislation. We deal with research, education, home health care, and protection of public health workers. We have not addressed this and, with all respect, this is not the place to address it.

These are issues which I have been enormously interested in, and our Health Committee has been interested in. The Senator from Utah has been very much interested in. We have worked together in a nonpartisan way in the fashioning and shaping of the bioethics centers through the NIH reauthorization that are going to deal with many questions like this.

But it just seems to me, Mr. President, I think I know what the Senator is attempting to achieve, and I think I agree with him, but I don't think this particular language accomplishes or achieves that particular outcome. Beyond that, I do not believe this type of issue ought to be placed on this particular legislation.

I know it has compelling aspects to it, but I find that in consideration of the individuals whose lives may be affected, they deserve a little more attention to this profound and significant question than the few minutes or half-hour or hour or even 2 that we are going to debate this measure on the floor of the U.S. Senate.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I rise in opposition to the amendment. I certainly associate myself with all the remarks made by the distinguished Senator from Missouri.

Mr. President, why this amendment on this bill? While those who suffer and die from AIDS have waited for years for us to move on the matter of AIDS policy, and having been made to wait in line for us to act while we have come to the assistance of every other cause within and without this country, now we are going to go try, in the course of a brief amendment, to resolve the most complex of issues.

I am not in a position to put myself in the shoes of either the dying or those who tend to the dying. All I know is that for too long we have both denied funding and policies regarding AIDS and most particularly those who suffer and die from it.

Now presented to this body at this moment with this amendment we plumb the depths of the very issues of life and death and expect to have it resolved in the course of a few minutes on the Senate floor.

I am not here to attribute motive to anybody who offers an amendment, but I certainly can go ahead and speak to the effect of this amendment.

The distinguished Senator from Massachusetts mentioned in his remarks that this body and the House set up a Biomedical Ethics Board which in turn has the power to appoint an advisory committee which in turn appoints an executive director to address matters exactly such as the one that has been posed by the distinguished Senator from Colorado.

I was the first chairman of the Biomedical Ethics Board appointed by my colleagues in the House and Senate.

My term lasted 1 year. Mr. President, do you know what the result was of that 1 year? We could not even appoint an advisory committee. And why could we not appoint an advisory board? Because an element of the Biomedical Ethics Board insisted that a pro-life criteria be applied to every single candidate for the advisory committee.

I never asked the nominees what their position on this issue was. But this group was bound and determined that nobody was going to be accepted if they had a particular position on that matter, on that one matter.

And so we could never function, and have not functioned through this day through the chairmanship of Senator GORE.

I gather 2 years later we might finally act in appointing an advisory committee, just as 2 years later we are late dealing with AIDS.

I yield to my distinguished friend, the majority leader, the distinguished Senator from West Virginia, without losing my right to the floor subsequent to whatever it is that he intends to propose.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Connecticut for his courtesy in yielding.

VISIT TO THE SENATE BY BRIAN MULRONEY, PRIME MINISTER OF CANADA

Mr. BYRD. Mr. President, we read in the Scriptures that there is a friend that walketh closer than a brother. Today we have such a friend, the Prime Minister of our neighbor to the north, Canada.

There are no cannons on that border. It is an example that other countries of the world should try and should hope to emulate. These are our friends. We cross the borders and visit with friends and relatives. We have a great trade relationship. We fought wars together.

So we are privileged today to have in this body the Prime Minister of Canada. He is a fellow parliamentarian. We respect each other's constituencies. We are all politicians.

We would like to formally greet our friend and neighbor to the north. I am happy to present to the Senate, Prime Minister Brian Mulroney, of Canada.

(Applause, Senators rising.)

RECESS

Mr. BYRD. Mr. President, the Prime Minister has an appointment with the President of the United States at 12 noon. I ask unanimous consent that the Senate stand in recess for 3 minutes so that our colleagues may greet him.

There being no objection, the Senate, at 11:43 a.m., recessed until 11:46 a.m.; whereupon, the Senate reassembled, when called to order by the Presiding Officer [Mr. REID].

ACQUIRED IMMUNODEFICIENCY SYNDROME RESEARCH AND INFORMATION ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Connecticut has the floor. The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, we are addressing the amendment of the distinguished Senator from Colorado and I am trying to articulate my reasons in opposition to it, which include all those enunciated by the distinguished Senator from Missouri, and many more. But I asked the question as to why this particular imposition of philosophy on this particular bill?

I will say one thing. The distinguished Senator from Colorado is rather consistent in the way he views those with contagious diseases, for, indeed, if I am not mistaken, the distinguished Senator from Colorado also seeks to strip those who have contagious diseases from all rights under section 504 of the Rehabilitation Act. So now these persons are to be not only stripped of their civil rights protections but also their feelings; whatever those feelings be in the course of suffering or death, those are also to be denied them.

I do not see how anybody can put themselves in that position.

Our job here with this legislation is to address AIDS in terms of education, in terms of research, in terms of trying to alleviate the suffering. It is not to go ahead and make a very rocky and stony path steeper.

The Senator from Missouri is not only a great Senator but a theologian, a man of God. And I turn to him, as one who shares the same faith as one who has a brother who is also a minister and, whose great uncle was the Archbishop of Canterbury. Mr. President, Senator DANFORTH and I could sequester ourselves for a year and start discussing these matters and even then arrive at certainly no definitive conclusion, with all the help of the world at our sides. These are the discussions, really, of decades, not of minutes and issues that should not be dealt with on amendments to a bill that tries to establish a modicum of policy as it relates to AIDS.

Many organizations and health care groups have gone to great lengths to provide those who are dying from AIDS with a compassionate and dignified death. It is only recently we have even accepted the fact that death is something that should be addressed early on in our lives. It never was discussed in my childhood. Now there are those that think, yes, it should be addressed and we read more and more about that.

We never heard of a hospice in this country up until a decade or so ago. I know my own sister, Mary Audrey, was the one to start the first hospice in Scottsdale, AZ. I know the first hospice itself was in New Haven, CT. Now the hospice movement is all over the United States as we have tried to remove death from the hospitals and to a different kind of setting.

All of a sudden, yes, we have come to move away from the rather austere Middle Ages view of how death should occur and the suffering that should occur.

I do not know all the answers, either religiously or in a secular fashion. I do not know the answer. But I do know this is not something that gets resolved on the floor of the U.S. Senate in a few minutes. That I absolutely am sure of.

How presumptuous to say that people are going around, looking for a way to deny life either to themselves or to another. So, if you vote against this amendment you are for providing funds to deny life? No, that is not the case.

We all accept the fact in this Nation, as I said yesterday, that each life is precious. We accept that. And certainly no nation in the course of its laws has tried to give more meaning to that assumption than the United States of America. But I am not so sure of my morality or my religion that I am about ready to tell somebody else what they do at their moment of greatest fear and pain. Is there anybody in that position around here, except a few? Maybe the proposer of the amendment? I am not.

I do not mind facing up to political consequences. I am not so sure that I will be 100th as tough, when my time comes, in facing up to the realities of my demise. So I am unwilling to have anybody dictate to me the circumstances of it. Whether I did right or wrong in the course of my demise is up to my maker; not to anybody on the Senate floor. And certainly there is nothing in S. 1220 that encourages a particular course of action except to try to help. Not end life.

No, Mr. President, this is not just a little statement of principle. This is one man's belief, and maybe that of a few others here. I respect the Senator from Colorado for it. He is far braver than I am. But as to making it policy by virtue of an amendment in a matter of minutes, to making it a policy of the Government of the United States of America—I am sorry about that. I think that we had better have a vote on the matter.

I would hope that in voting people would understand that this does not reject that we should be thinking about these things or that we should be studying these things, but rather that such deliberations should go over a period of time and should be devoted solely to those questions, not as an ancillary matter the development AIDS policy in this Nation.

This is an outrageous amendment. It is not mischievous. It is outrageous.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. I hope that my friend from Connecticut will remain on the floor because it is evident to me from his observations that we have not had a meeting of minds about the effect of this amendment. Much of what he has said, really, is unrelated to this amendment. It may be a fair commentary, commentary which in part at least I would agree with, with respect to the desires of somebody at some time and some place. But it is not reflected in this amendment.

I would like to address his concerns and some other issues that have been raised and then, so far as I am concerned, I am ready to go to a vote.

Let me just recap, Mr. President, what this amendment does and what it is. This amendment does not address the broad-gauge questions of the right to die. It does not address broad-gauge questions of euthanasia. It does not suggest that we are going to resolve today or in this amendment questions which have troubled moral theologians and philosophers for decades and centuries. It is a very, very narrowly drafted amendment which addresses itself to the single issue of whether or not States may withdraw food and fluids from AIDS patients who have not explicitly requested that this be done.

Let me make this point. If someone decides, as a matter of their own choice, that for whatever reason or for no reason they wish to end their own life, that raises troubling questions.

I am going to withhold my further observations, if I may a moment, until I have the attention of the Senator from Connecticut.

Let me start again and I really, earnestly invite the attention of the Senator.

We may or may not agree on this amendment in the final analysis but the most significant point, it seemed to me, which the Senator made was this: That it would be wrong, in his opinion, for us to undertake an amendment which would dictate to people how they might determine the circumstances and conditions of their own death. He was upholding the right of people to make that decision for themselves.

I was about to say this: That if a person, for a good reason or a bad reason or no reason or any reason decides that their life should be ended and decides to do that by any means including withholding food and fluids from themselves, such a decision would raise troubling moral and ethical issues. But those issues are not in any degree addressed in this amendment.

This amendment does not impose on anyone my standard or the Senate's standard with respect to such a decision. What it says is that in those circumstances where a person is a patient in a hospital, and if that person has AIDS, that the hospital may not determine that it is time to withdraw food and fluids; that the hospital may not starve somebody to death.

Mr. President, I note that the Senator has arisen. Let me finish my point and then I would invite him to comment further because this is an important issue and it is not an issue that I am seeking to widen or inflame. It is an issue I am seeking to focus, and I believe that there will be quite a broad and deep consensus on this matter if it is appropriately understood.

The point is that we are not talking about what someone may do voluntarily. I have my opinions about that. But I have deliberately refrained from addressing that issue in this amendment.

Mr. President, I want to discuss six points that have been raised in the last few minutes, with the understanding, first, of what the amendment does. It simply says a State wishing to qualify for funding under this bill may not have a practice which requires, encourages, or permits a health-care facility to deny nutrition or hydration to any eligible person—that is, an AIDS patient—who has been admitted to that health-care facility and who has not explicitly requested the withholding of nutrition or hydration, if that denial would lead to the death of the patient, unless the administration of such nutrition would itself be detrimental or cause prolonged or severe pain.

There are several essential elements here. First, it only is keyed to the receipt of funds under this act; second, the amendment only addresses what happens in health-care facilities. If someone wishes to go home to quietly die, though that may have profound ethical ramifications, it is not in any way covered by this. I have known of cases of that and, honestly, that is the kind of thing which is deserving of much more thought and attention than I believe that we can give it today, though I think at some point it is a matter Senators will want to consider.

Third, we are not talking here about heroic measures. We are not talking about the kind of issues that moral theologians, scholars and thinkers have agonized over for prolonged periods of time. We are not talking about respirators. We are not talking about drugs. We are not talking about organ transplants.

We are talking about only that which has been absolutely bedrock basic for thousands of years, and that is providing food and water to people who are patients, who are sick people, and even then if somebody for some reason is a patient in a hospital and says, "Leave me alone. Don't give me anything," even then this amendment does not address that.

Mr. President, here are the issues that have been raised: First, that it is very difficult to draw distinctions between ordinary and heroic means. I agree with that. That is why it is not addressed here. I am not asking for such a decision, but I do suggest this, Mr. President: That you do not have to know exactly where the line is between ordinary and heroic to know which side of that line this issue is. It is as far over on the side of ordinary measures as anything could be.

We are talking just about food and fluids. We are not even talking about aspirin. We are not talking about antibiotics. We are not talking about penicillin. We are not talking about respirators, iron lungs, kidney transplant, dialysis, or anything like that.

The second point. It has been pointed out modern medical technology has the ability to keep people alive for prolonged periods of time. I address this concern gingerly because I think in many cases that turns out to be tragic, and I do not think I know enough to really talk about and certainly to offer an amendment on cases of that kind.

I just want to note that issue is not addressed in this amendment either.

Third, we have been told this amendment is not timely because of the great difficulty of appointing an expert panel to consider these broad-gauged ethical issues. Mr. President, that is exactly why this minimal pro-life, antieuthanasia amendment is timely. It seems to me the very difficulty of convening a panel of experts to consider the broadest questions justifies prompt action on what is just a very basic point which really expresses that which has been the agreed-upon belief, the consensus of humane and thoughtful people I think all through history.

There certainly have been cases where patients have been starved to death, I guess, all through time, but that has never been held up, to my knowledge, until very recently as a humane, or worthy, meritorious, or desirable procedure. It has only been in the very recent past that people have come forward and said, "Yes, that's the right thing to do."

The consensus has also centered around the Hippocratic Oath. The consensus has always been a presumption in favor of life. There have been cases where someone said, "No, I do not want to live any longer, pull the plug out," or where someone has taken means, ordinary or extraordinary, to end their own life.

We are not even addressing that issue. We are just saying in view of the fact there is an increasingly permissive resort to the involuntary withholding of food and fluids, that we better do something about it.

One of the notes I made of a previous speaker is that somebody thinks it would be presumptuous to say that people are looking for ways to deny other people life.

Mr. President, I do say that. I do not think it is presumptuous of me to do so. I do not assert it idly or as a matter of speculation. I assert it based upon published accounts of many such cases.

I am not going to put dozens of such cases into the RECORD, but I ask unanimous consent to put a report of April 11, this month, from the Los Angeles Times on this matter in the RECORD for the benefit of those who may follow this procedure.

I also ask unanimous consent to put into the RECORD an article of April 15, this month, 10 days ago, from the Washington Times under the headline, "Soldier Can See, Hear but Euthanasia is Sought." And then an article from the Los Angeles Times, "Judge Acts to Let Comatose Woman Die." Also, a news release which sets forth the facts of a case in New Jersey under the caption, "New Jersey Supreme Court Opens Door to Wholesale Involuntary Starvation of Patients."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Apr. 1, 1988]

AIDS CRISIS PUSHES EUTHANASIA INITIATIVE TOWARD BALLOT

(By Allan Parachini)

SAN FRANCISCO.—California Assembly Speaker Willie Brown predicts that an initiative to legalize euthanasia will qualify for the ballot in November and be passed by voters, even though he believes the prospect of such a referendum is the mark of a political process gone "crazy."

An ethicist opposed to legalizing euthanasia calls the launching into formal deliberation on legalizing mercy killing an ethically dangerous and premature endeavor, yet adds there appears little doubt that the debate is beginning in earnest.

"The questions we are addressing now [in California]," USC law professor Alexander Capron, director of a presidential biomedical ethics commission, said, "are questions we are going to all face. [People want] the ultimate magic bullet."

The observations by Brown and Capron, at a biennial conference of the World Federation of Right-to-Die Societies over the weekend, appear to indicate that a wrenching debate over the issue of legalized mercy killing is now moving from the theoretical to the practical.

To their voices were added the comments of Dr. George Lundberg, editor of the Journal of the American Medical Assn., who said he believes euthanasia has emerged as an issue that may play a dominant role in consideration of medicine and ethics for the rest of the century.

Lundberg, an ardent euthanasia opponent, flatly predicted in an editorial published last Friday that Californians would vote on legalizing euthanasia in November.

But backers of the referendum here said they are still lacking 200,000 signatures to qualify for the ballot.

Sponsors of the Human and Dignified Death Act, as the initiative is called, said they have slightly more than 200,000 signature with less than a month remaining in their drive. Though momentum has begun to build in the Bay Area, San Diego, Riverside and Palm Springs, they added, the petition campaign is falling far short of its mark in the Los Angeles area.

While many factors influence what a cross section of experts perceive as a developing trend toward serious consideration of euthanasia in America, many observers said the situation may be powerfully influenced by the AIDS crisis.

Capron and Robert Risley, the Los Angeles attorney who organized the ballot initiative drive, both said the desperation of AIDS patients is focusing attention on euthanasia as an increasingly attractive solution to terminal suffering.

Dr. Stephen Yarnell, a San Francisco psychiatrist who has AIDS and was brought to his address at the convention here in a wheelchair, observed offhandedly that if the ballot initiative had already passed, "I think I would have been seriously discussing with my physician whether to wrap it up."

Yarnell said he keeps an overdose of pills at his home and that he seriously considered suicide one day a couple of weeks ago. But he realized he couldn't bring it off because "I couldn't even hold down a sip of water."

"I began to appreciate," Yarnell said in a thin, weak voice, "the notion of people who shoot themselves in the head."

Yarnell appealed to the 400 delegates at the international convention for the legalization of euthanasia.

A New York researcher who did a study of the increase in suicide risk among AIDS patients warned against using the hopelessness and suffering aspects of AIDS as an excuse to enact legal procedures under which patients could be killed.

Dr. Peter Marzuk found in a study of suicides in New York City that the suicide rate of AIDS patients was 66 times higher than that of the general population.

In a telephone interview, Marzuk said the growing link between AIDS and euthanasia "is no surprise."

"It's hard to predict whether AIDS will force the issue [that will make us] drift toward policies of euthanasia," he said. "I would hope we wouldn't but it may well force the issue. We have not been confronted with such a terrible disease like AIDS that produces such emaciation, disfigurement and pain so rapidly."

In his keynote address at the conference, which ended Saturday, Brown said the euthanasia debate typifies a type of issue that politicians are generally inclined to avoid because "of the impact on the survivability of those who would have had to vote for it."

But he said the idea of introducing a referendum to legalize euthanasia disturbs him even more. "I would prefer to see it in the halls of the Legislature," Brown said, adding that because no one in the Assembly or the Senate was likely to introduce such a measure, "my guess is the initiative in California will qualify and I suspect that it will pass."

However, he characterized as "crazy" the situation in which the general electorate would make a decision on such an emotionally charged issue based on such comparatively limited debate.

The medical journal that carried Lundberg's observations about the crossroads nature of the euthanasia debate also included two commentary articles and five pages of letters to the editor focusing on the controversy sparked by the publication in January of an anonymous essay by a doctor who claimed he or she killed a dying 20-year-old cancer patient with an overdose of morphine.

The essay, titled "It's Over, Debbie," precipitated an international protest. Lundberg was subsequently served with a subpoena by a Chicago prosecutor demanding that he reveal the author's identity, but a judge threw the subpoena out and Cook County States Atty. Richard M. Daley has not announced whether he intends to pursue the matter further.

Lundberg and Capron agreed that the emergence of euthanasia as a serious political issue in California may have the effect of changing the geographic focus on the international controversy.

Until now, the Netherlands has been the main focus of euthanasia activism because doctors there have long been permitted to perform euthanasia if they can satisfy prosecutors that they have met a complex series of preconditions.

Euthanasia remains technically illegal in the Netherlands but prosecutions are rare and the Dutch parliament is expected to vote sometime this year on two pending proposals that would bring about outright legalization.

[From the Washington Post, Apr. 15, 1988]

Soldier Can See, Hear, But Euthanasia Sought

(By Joyce Price)

Army Sgt. Arnold P. Shumosic lies gravely injured in a Veterans Administration hospital near Wilmington, Del. He is apparently unaware that he is the central figure in a legal case that could extend the uncertain frontiers of euthanasia, or mercy killing.

The 23-year-old soldier suffered massive head injuries in an auto accident near Fort Bragg, N.C., several months ago, and is being kept alive by tubes that supply food and water.

His parents, with support from the VA want the tubes removed. Antieuthanasia activists, with support from the State of Delaware, are fighting the proposed cutoff of nourishment, which would obviously starve him to death.

Although Sgt. Shumosic is not comatose—he can see, hear, and feel—there has apparently been no attempt by medical personnel to determine his wishes in the life-or-death matter.

His parents, Thomas and Frances Shumosic of Newark, Del., will ask a judge today to approve removal of the tubes that keep their son alive.

"The parents claim their son would want this done, and they say they have evidence to show this," Michael F. Foster, Delaware state solicitor, said in an interview this week.

In court cases of recent years, irreversibly comatose patients have been taken off life-support systems at their legal guardians' request, and terminally ill patients able to communicate their desires have been allowed to die. Three years ago, an Army officer's widow, Martha A. Tune of Falls Church, obtained a court order and was taken off a respirator at Walter Reed Army Medical Center; she died five hours later.

Sgt. Shumosic's circumstances do not fit the precedents, however.

"We feel this is a very serious matter for the federal government, which has jurisdiction in this case since the patient is hospitalized on federal property," said Mr. Foster. "It's as if no one on the federal side is impressed that this patient will starve to death if his parents are allowed to do what they want to do."

Madeleine Appleby of Shepherdstown, W. Va., founder of Citizens United Resisting Euthanasia (CURE), agreed. "This will be a precedent-setting case, if the U.S. Government allows a soldier to starve to death in one of its hospital beds. It's an honor for a soldier to die on the battlefield. But for a government to let a soldier die in a hospital bed is a disgrace."

Mrs. Appleby, who has cared for her comatose husband, Earl, for seven years, has written Sgt. Shumosic's parents, urging them to reconsider their position.

"Their son was injured only eight months ago," Mrs. Appleby said. "I sent the Shumosics a newspaper clipping about someone who came out of a coma after six years. They say Sgt. Shumosic is not even comatose. Who knows what progress he might make over time?

"If he is allowed to die, it will not just be government-sanctioned euthanasia, but government-executed euthanasia," said Mrs. Appleby.

Mr. Foster said he received a phone call about the Shumosic case last week from an aide to Sen. Jesse Helms. "The caller said Sen. Helms questioned how the government could allow this to happen in a federal hospital."

Susan Ament, attorney for Thomas and Frances Shumosic, said Wednesday through a secretary that she had no comment. The Shumosics could not be reached.

Ray McConemy, a government attorney representing the Ellsmere VA Hospital, confirmed that Sgt. Shumosic is conscious, but declined to discuss his medical condition further, citing provisions of the Privacy Act.

"The VA's policy in cases like this one is to follow the wishes of a patient," he said. "If a patient is unable to express his wishes, then it's the VA's policy to follow the desires of the patient's next-of-kin or his duty-appointed representatives, if their desires are in accordance with good medical practices."

A Delaware court has designated Sgt. Shumosic's parents as his legal guardians. Asked if removing the feeding tubes would be good medical practice, Mr. McConemy said, "At the moment, yes."

Mr. Foster said Sgt. Shumosic suffered "extreme injuries" in the auto accident and underwent surgery in which part of his brain was removed. "Presumably, the doctors thought he wouldn't live, because they removed the bone structure over his brain but did not replace it," he said.

Some months later, Sgt. Shumosic was transferred from that hospital to Ellsmere, closer to his parents. "About a month ago, his parents filed their papers in the Delaware Court of Chancery," Mr. Foster said. "Although Sgt. Shumosic is in a federal hospital, the papers were filed in a Delaware state court, because the parents—his legal guardians—are Delawarians."

Mr. Foster, who is in the Delaware attorney general's office, said he received copies of the court papers with an attached affidavit from a physician at Ellsmere.

"The doctor, who was not even a neurologist or neurosurgeon, wrote on the affidavit, 'The kid is going to die, just as you and I are going to die,' " Mr. Foster said.

The doctor, he said, provided no specific information about the patient's condition. "Frankly, I was not impressed," the solicitor said.

Chancellor William Allen, who will hear the Shumosics' petition today, has ruled that the state attorney general's office cannot be a party to the case.

"But he allowed us to remain in the case as a friend of the court," Mr. Foster said. "We agreed to stay in the case in that capacity, and have been gathering information so the court will be given a fair picture of Sgt. Shumosic's status."

He said medical information he has obtained includes a written statement from a neurosurgeon at the Ellsmere hospital. The surgeon attested to the patient's consciousness, arm movement, vision, hearing, tactile sensation and ability to recognize that people are in the room.

Mr. Foster said he had also received an oral report from an Ellsmere neurologist who discussed the possibility that Sgt. Shumosic might someday communicate through typing.

Nancy Kelsh and her daughter, Karina, 22, visited Sgt. Shumosic several times last month and said it would be wrong to let him die. "When I went to see him, he was fully awake," Mrs. Kelsh said. "He followed me with his eyes when I came into his room. And when another person came in, he looked right at him."

Katrina Kelsh, who went to school with Sgt. Shumosic, said, "I was talking to him and I asked him once to squeeze my hand if he understood what I was saying. He slowly squeezed my hand."

Mrs. Kelsh, who is Delaware coordinator of CURE, said, "Keeping people on heart machines or respirators might be considered extraordinary means to keep them alive. But I feel you are obligated to provide people with food and water, as long as they are alive to take them."

Dr. Russell Patterson vice-chairman of the American Medical Association's Council on Ethical and Judicial Affairs, said the AMA does not believe it's inappropriate to withdraw food and water from a patient in an irreversible coma, but has not taken a position on impaired patients who are not comatose.

"We are against any active euthahasia," he said. "But there seems to be quite a big step between not giving patients nutrition and actively killing them."

[From the Los Angeles Times, Sept. 19, 1986]

Judge Acts to Let Comatose Woman Die

(By Kim Murphy)

An elderly woman who has been unconscious in a nursing home for more than seven years can be allowed to starve to death at the request of her family, despite her doctor's objections a Superior Court Judge said Thursday.

But Judge Warren Deering said he would not issue an order to remove the feeding tube that is 77-year-old Avis Flott's last hold on life until doctors, family members and state licensing officials submit a proposal for carrying out his order.

"I do not believe it's sufficient to issue an order and then leave the facility and the doctors to guess about who is to do it and how it's to be done and what kind of treatment the patient should be given pending her demise," said Deering, responding in part to the nursing home medical staff's reluctance to end the life of a patient they have cared for since 1979.

Flott was left comatose by a 1979 automobile accident and since has been kept alive at the El Monte Golden Age Convalescent Hospital, fed a 1,200-calorie-a-day liquid diet through a tube into her stomach.

SHE'D HAVE BEEN HORRIFIED

It is life her two daughters say their mother never would have wanted to live. They say she had told them repeatedly over the years that she did not want to be "kept alive on machines" or by any artifical means.

"Had she known that what is currently occurring was possible, she would have been horrified," Flott's daughter, Vivian McMahon of West Covina, told the court.

But Flott's doctor and nursing home officials, citing concerns over state licensing requirements and longstanding policies against allowing patients who are not on any other life-support equipment to starve, refused to disconnect the tube when McMahon first requested it in April.

"Since you have in a nursing home approximately 20 to 30% of the patients who don't have any quality of life, cannot make any decisions, any family could make similar requests for other reasons than Mrs. Flott's family made," including financial reasons. Flott's doctor, Kurt Gunther, said in court documents.

The case was further complicated in Gunther's view by the fact that Flott's husband, who visited his wife daily before his death in April, never expressed a wish to end her life.

In fact, Gunther said, Flott's husband had regularly told him to "do whatever I could" for the comatose woman.

McMahon and her sister, Florence DuBois, said they waited until after their father's death to raise the issue of their mother's treatment because their father, who had suffered a heart attack, seemed to be comforted by his daily visits.

"He was in ill health. But yet, knowing that mother was still alive kept him going. He'd get up and get dressed and go see mother," McMahon said in an interview.

But toward the end, their father seemed to change his mind, DuBois added. "He said if anything happened to him, he'd take Mother with him if he possibly could."

The case also is clouded legally by the fact that Flott is in a nursing home, rather than a hospital.

California courts have established in recent years that hospital patients have the right to refuse medical treatment, most recently in the case of Elizabeth Bouvia, a quadriplegic who won removal of a similar feeding tube.

But there are no clear guidelines on how nursing homes licensed by the state must deal with patients who may be too ill to express their own wishes, said Kenneth Stern, who is representing the Golden Age Home.

A California nursing home which five years ago removed a nasogastric feeding tube on the order of a physician who had treated the patient for nearly 20 years—and clearly knew his wishes—was cited by the state for "patient abuse" and threatened with a $5,000 fine. The citation was lifted only after the tube was replaced.

Temporary state guidelines now in effect suggest that "artificial feeding" can be discontinued in some instances when a patient is in an irreversible coma. But artificial feeding in that instance is defined as intravenous feeding, and the guidelines do not speak to a patient who is fed through a tube.

NEW JERSEY SUPREME COURT OPENS DOOR TO WHOLESALE INVOLUNTARY STARVATION OF PATIENTS

WASHINGTON, DC.—The National Right to Life Committee (NRLC) has charged the Supreme Court of New Jersey with advancing the agenda of euthanasia groups by ruling in favor of allowing death by starvation of patients diagnosed as being in a persistent vegetative state or permanently comatose, even if they had never stated a desire to be denied food or water.

In two recent decisions, *Jobes v. Lincoln Park Nursing Home* and *Matter of Hilda Peter*, the New Jersey high court held not only that food and water may be removed by orders from authorized third parties, but also that, in the case of Jobes, the nursing home may "not refuse to participate" in their withdrawal.

NRLC General Counsel James Bopp, Jr. explained that the June 24th decisions held that any number of people—not just "close family members"—may make the fatal decision of starving a patient, including "friends." "Worse yet," Bopp added, "the Court said that such decisions need not be reviewed by the judicial system, provided there is no disagreement between the decisionmaker(s) and the medical staff."

"Neither Nancy Jobes nor Hilda Peter is terminally ill," Bopp added. "Moreover," he emphasized, "Mrs. Jobes is only 31-years-old and while Ms. Peter is older, there was no reason to expect that either would die within a year, or even within the foreseeable future—until these decisions came down."

David N. O'Steen, PH.D., NRLC Executive Director, noted "Contrary to many news accounts these cases have less to do with a 'right to die' than with extending a 'right to kill' to third parties." O'Steen emphasized that neither woman had ever expressed a desire to be starved or dehydrated to death.

Both Bopp and O'Steen observed that the phrase "persistent vegetative state" is very misleading to the general public. "According to the nursing home," O'Steen said, "Mrs. Jobes responds to touch and sound stimuli, follows people with her eyes, breathes on her own and has a good cough reflex."

"These decisions," said Bopp, "dramatically show the need for legislation to protect patients' rights to food, water and beneficial medical treatment. If we don't act soon," he warned, "the courts will be so embolden by legislative aquiescence, they will preclude the passage of such legislation."

The NRLC is the nation's major pro-life organization representing the fifty state and 2,500 local pro-life groups.

(Mr. SHELBY assumed the chair.)

Mr. ARMSTRONG. Mr. President, the matters which I have just put in the RECORD are in addition to the several court cases which I mentioned in my opening remarks which are precisely on point. So it is not presumptuous to say this is happening. It is, I think, a well-established fact that, indeed, persons are seeking to impose involuntarily this severe treatment on persons who are helpless to prevent it.

That is the distinction I really beg of you to understand. Though we might disagree with them on a moral level, we are not talking about cases where someone chooses to die. That is a separate issue, and on a separate occasion I may well have something to say about that, but I am not talking about it today.

I am talking about a case where somebody did not say, "Leave me alone," where somebody did not say, "Withdraw the food and fluids," but where some other person seeks to make that decision for them.

The fourth issue that has been raised is that this is the wrong bill. It may be a good idea, may be a good policy, but this is the wrong bill or, as one of the Senators asked, why this bill?

Mr. President, I will tell you why this bill, and I will tell you why this is the right bill because this is a bill about AIDS, and this is an amendment about AIDS. This amendment does not speak to what happens if somebody has cancer. This amendment does not say anything about the broad questions philosophically or medically. It says only what we do with AIDS patients. It is an amendment which is crafted to be not only germane in the sense of parliamentary procedures, but intellectually germane to this bill.

This is the right place for this amendment. It is hard to imagine a better place to put an amendment because it is on point. I could have crafted this amendment to make a broad statement about life generally. I did not do that. I could have crafted this amendment to deal with the whole wide spectrum of issues which are of concern and in my heart. I did not do that.

This is an amendment that says only with respect to AIDS patients in medical care facilities that they may not be denied involuntary fluids and food.

Mr. President, again I earnestly ask the attention of the Senator from Connecticut because he completely misunderstands in this respect my intention and the purpose of this amendment.

I believe that he thinks in some way this amendment denies rights to persons who are afflicted with AIDS; specifically, the right to determine the manner and time of their own death. It does not do that. It may well be justified to do so, and there are normal reasons why it might be, but, Mr. President, that is not in this amendment.

On the contrary, this amendment vigorously protects the rights of AIDS victims. It says that except in those circumstances where the patient, the victim specifies to the contrary that the hospital may not withdraw food and fluids.

Mr. DANFORTH. Can I ask the Senator for a clarifying comment in that regard?

Mr. ARMSTRONG. I will be happy to clarify.

By the way, before the Senator poses that question, while he is here on his feet, may I just say I thought the observations that the Senator made earlier were extraordinarily thoughtful, and I deeply appreciate them.

The points he made I think speak to the concerns of anybody who has really gotten beyond a very superficial examination of this topic. I thank him for doing so.

Mr. DANFORTH. I thank the Senator.

Let me ask the Senator from Colorado about a hypothetical situation. Let us suppose that this amendment were the law and an AIDS patient was very seriously ill and went to the hospital because it was just impossible for the person to care for himself. Let us suppose that this person had executed a so-called living will, and the will was not specific in any way; it just said in effect if the time comes when I am no longer able to function and I am in pain, my desire is to be allowed to just die. And the person falls into a coma, is able to breathe, does not have to be on a respirator and does not have any disease that has to be treated with antibiotics but is being kept going on tubes.

I take it this amendment would preclude that person from being detached from the intravenous feeding and would require that person to be kept alive by nutrition and hydration provided intravenously?

Mr. ARMSTRONG. Mr. President, I am loath to engage in the kind of speculation the Senator raises for a couple reasons, though I am going to respond very directly to his question. First, I am loath to do it because for any Senator to engage in the practice of curbstone law is a little risky particularly if one is not a lawyer. I am not a lawyer. Also, because I would not want to leave any court that might read the RECORD of this proceeding with the notion that somehow what Senators say on the floor represents the intent of the Senate. I think that is one of the great fictions of our time. It has in fact been cited in some cases that I am familiar with as a fiction. Some Senators or a group of Senators come down and then insert a bunch of stuff in the RECORD. Nobody else knows it is in there. At this moment there are five Senators on the floor, so this discussion appears and the other 95 are somehow bound by it.

I think a thoughtful judge would not take very seriously that kind of stuff, and the resulting fiction is when somebody comes down and files a committee report and that supposedly represents legislative intent.

In fact, to disgress for a brief period from the question, I once made it my business to come to the floor when a lengthy committee report had been submitted by the chairman of the committee to ask him if he had actually written the report which had been submitted under his name. Of course, he admitted that he had not. Then I said, well, had he read the report. And he admitted that he had not. I said, "Well, do you know of any Senator who has read the report?" And he admitted that he did not offhand know of it. I finally asked, "Do you know of any person, living or dead, who has read this report?"

So I think there is great danger in trying to fine tune what some future court might say, if that is the point of the Senator's question.

Mr. DANFORTH. No, it is not at all. My point is just to get to what the intention of the Senator is in offering the amendment. Again, you have the situation where a patient really does not have the freedom to leave the hospital because there is no possibility of any kind of care or treatment in the home. The patient has executed the so-called living will stating quite clearly that it is his desire to be allowed to die. He then falls into a coma. He has not given explicit instructions, under the terms of this amendment, to be detached from nutrition and hydration. My understanding of this amendment is that the hospital then would have no choice and would just have to keep the person going.

Mr. ARMSTRONG. Mr. President, I think the answer to the question from the Senator from Missouri is quite simple. It would depend upon at least three factors. First, the terms of the living will itself. It is my opinion that a fairly small number, but a growing number, of people have these so-called living wills. I think it is quite rare, however—I have done a little research on this, not extensive research, but I think it is quite rare that such a will would speak to the question of food and fluids. Ordinarily, those so-called living wills are about respirators and that kind of thing.

Mr. DANFORTH. My understanding is that they are very general and that they do not go to any particular medical procedure. They do not talk about respirators; they do not talk about intravenous feeding. They just say if the time comes, my instructions are to be allowed to die.

Mr. ARMSTRONG. Exactly so. But I think that the first answer to the question is that it would depend upon the terms of the living will itself. Second, I think it would depend upon the terms of the admission to the hospital. It is a little hard, however, for me to imagine the motive of a person who thought themselves to be dying who did not desire my treatment but in fact desired to starve to death or thirst to death. Checking into a hospital is conceivable, but it is a little hard to imagine. It is more easy to suppose that a person might check themselves into a hospital and subsequently become disconsolate and having perhaps sought hospitalization with one hope and expectation changed their mind while hospitalized.

At that point, if they had checked themselves in and put themselves in the care of a hospital with a view toward either recovery or, perhaps more realistically, a view toward, at least having their last days comforted, and then changed their mind, I think the hospital would go governed by this amendment unless at some point the person said, having first sought help, "No, I have changed my mind; I do not want help."

Now, is it possible that somehow that intention would not get communicated? Of course, it is. It seems to me, consistent with what others have already said, that we must be willing to be bound at least by the desires of the person. If there has been no expression by the person most affected; that is, the patient, that they wish to have the food and fluids withdrawn, it seems to me extraordinarily presumptuous for the hospital or others, the doctor, or whatever, to decide absent such an expression to withdraw the food and fluids.

Without knowing how many living wills there are, by definition people who would resort to that are the kind of thoughtful people who will now take into account public policy as it evolves. And so my assumption is that people may wish to make a conscious decision about this matter.

I also want to say this to my friend from Missouri. I do not think that this amendment is a very sweeping one. I think it is narrowly drafted, deliberately so, and that the broader issue to what right people may have in, say, a public hospital to take their own life or to refuse treatment is something which is going to be under debate and discussion and may be the subject of another amendment on another occasion, but it is not addressed here.

Mr. DANFORTH. Let me say that I think the broad question is the interesting one. I think that the broad question of whether a person is to be allowed to die is a very interesting question and an increasingly common question.

Mr. ARMSTRONG. Increasingly common.

Mr. DANFORTH. Increasingly common.

Mr. ARMSTRONG. I think that is right. Euthanasia and related questions are being discussed more and more often in public forums, are more and more the subject of lawsuits, are appearing in various journals of opinion, medical journals but a lot of policy journals as well. So it is an issue which is coming into prominence.

I do not think it suggests, however, that we ought to rush to broad decisions. My amendment seeks only in a very narrowly circumscribed way to sustain that which has been the tradition for thousands of years. As I said, I could have gone a long way beyond it but deliberately did not choose to do so because I wanted to raise this issue in a manner which would be calculated to be well within the consensus, not at the margin of the consensus but well within what I believe to be the consensus which is unless, certainly unless the patient asks to the contrary, no hospital should deny food and fluids to somebody. Honestly, if we were to learn this morning, because it was in the morning paper, because it was being done to persons in a foreign country, people were being withdrawn, that they were being denied food and fluid, that they are being starved to death or even down at the pound the animals were being starved to death, we would not tolerate it. As I said earlier, if law enforcement authorities were imposing this kind of abuse on prisoners, any court in 5 seconds would say that was cruel and unusual punishment.

I am just saying that since it is becoming an increasingly common phenomenon, being reported in the press, and appearing in our courts that at least we ought to draw the line in favor of the minimum standard of doing what for thousands of years people have done, which is provide food and water.

Mr. DANFORTH. First, when the Senator from Colorado first offered his amendment, my initial comments were to express my appreciation for doing that. I have long felt that this issue of what is required of us in keeping somebody alive is an absolutely essential question, and one that deserves a lot of attention.

So I repeat. I think the Senator has provided a real service. My hope is that there would be some forum to consider just this question in a very thoughtful way, and to bring before that forum theologians, ethicists, all kinds of people who really have thought it out.

I think that the thrust of the Senator's amendment is to deny some people that choice. I think that is the practical effect because of the hypothetical that I put earlier; that is, a person who has said by a living will or by even an oral statement, look, do not keep me alive. That person falls into a coma, and then the question is well, do we keep the person alive or not?

It is my understanding—and I do not know anything about medicine—that in fact one of the ways of executing the desire of the patient is to remove the intravenous devices. Another way is to disconnect the respirator. Both I would say are about the same it seems to me, while food and water are certainly basic to survival. So I do not know that I can make that kind of a distinction between a respirator and this.

I think the thrust of it is to say that in these cases the patient is going to be denied the right to make that choice. Maybe that is what we want to do. I do now know.

The Senator shakes his head. He indicates that it is not. My hope would be, and my urging to the Senator from Colorado is that we could somehow put this issue into a broader context, and in some form where it could be considered in connection with the best advice we could find. I honestly do not believe that this is a question that should be resolved on a piecemeal basis. I certainly do not think it is the kind of question that should be resolved simply by a floor amendment despite the fact that again I think the Senator has done a service by providing an opportunity to debate the issue on the floor today.

Mr. ARMSTRONG. Mr. President, that is fair enough. That is a reasonable conclusion for the Senator to come to. But I do not think it is a reasonable conclusion to state that someone who wished, as he puts it, to be left alone to die would somehow be imposed upon.

I just want to read again what the amendment itself says. The amendment says. In part, no State—this is in part, Mr. President—or local government entity shall be eligible to receive any funds, administered under this act or an amendment made by this act if such entity has any law, policy, or practice that requires, encourages or permits any health care facility within the State to deny nutrition or hydration to any eligible individual.

I am going to skip for the sake of clarity; if that denial would lead to the death of the patient, unless the administration of such nutrition and hydration would be detrimental to the health of the patient or would unavoidably and of itself cause severe, practical, or long-lasting pain to the patient.

The point is this: Even absent the explicit request, there is an overriding request, then, in that case, under those very unusual circumstances—it is hard to imagine such circumstance—but even in the case where there was not an explicit request, if the result of continuing food would cause unavoidably and of itself severe and practical or long-lasting pain, then they would withdraw the food or fluid. But the main issue is if a person wisely or foolishly, properly or improperly, morally or immorally wishes to end their own life, there is nothing in here that prevents them from doing so. I have some doubts, and I would be remiss if I did not express them, about the moral content of such a decision. But we are not trying to make that decision for anybody. That brings me to the last point I wanted to make.

Mr. DANFORTH. If I could just interject, except for the hypothetical that I raised earlier, in the case of that hypothetical, the effect of this amendment would be to deny that person his choice.

Mr. ARMSTRONG. No, Mr. President. I do not, only if one assumes that the patient involved reaches such a decision and fails to communicate it to the hospital. I suppose you can say that. That is like saying if somebody writes a will and then decides to change it, and fails to note the change or to make the change, that their right to dispose of their property has been affected.

Mr. DANFORTH. Again, the hypothetical is not the patient who said, Doctor, do this or do that. The hypothetical is the patient who said, Doctor, if the time comes when this is irreversible, just let me die. Just leave me alone.

Mr. ARMSTRONG. Obviously, in the presence of a statute like this, the first question that someone would be asked is what do you mean by that? In fact, any hospital that would just casually receive a declaration from a patient, "Let me die," I mean first of all that is not just going to be something that the patient whispers to the admitting clerk or to the nurse. It is not going to be something that is going to just be given to any one person. Clearly, any hospital would want to have witnesses to that. Clearly, they would ask, and even an extremist would ask a certain minimum number of questions to be sure that the patient understood the nature of the decision which they were communicating. And in the presence of such a statute clearly they would ask the question does this mean you do not wish us to continue the intravenous feeding and fluids that we are giving you? I mean, if you are saying they might fail to ask such a question, then I am just telling you that, if one of the things that would be a consequence of this amendment is to force hospitals to ask such a question, I think that would be a good thing.

I do not think we ought to let under any circumstances—I am going across this threshold—anybody make the decision to take their own life casually. I am not sure. I avoided expressing how I really feel about the right of persons to do that. But I am not in doubt when I say that right should not be exercised ever on a casual, informal, accidental basis.

So if you are saying would the hospital have to ask what is your meaning, what do you have in mind when you say be let alone? The answer to that question is yes.

Mr. President, I have been on the floor long enough.

I want to conclude with one final point that responds to an issue that was raised, then I am ready to yield the floor and either vote or hear other discussion.

Mr. WEICKER. I wonder if my distinguished colleague would yield only to the extent that he asked me to stay here and comment upon some of his observations.

Mr. ARMSTRONG. Yes. I am grateful for the Senator doing so.

Mr. WEICKER. I am delighted to do that.

Mr. ARMSTRONG. I would be happy to. My hope is, whether I have persuaded the Senator or not on my amendment, that he understands there is in no way any intention or effect in this amendment of imposing on the decision of the patient, but in fact to protect that patient's right not to have someone else make that decision for him. I believe that is really the opposite of what perhaps the Senator thought.

Mr. WEICKER. Mr. President, my problem with the stated good intentions of my colleague from Colorado is that in 3 or 4 years, in association with those who were infected with AIDS, suffering from AIDS, dying from AIDS, I have not had one single person, not one, come to me and state that this is a problem. Nobody has revealed to me that anybody has denied them life support. Nobody has come to me, out of those for whom we are trying to legislate right now, and said that they are in fear of having life support denied them.

So the first thing I have to do when any of my colleagues stand up and offer amendments is to say, "Who are you doing it for?" Ostensibly, according to the amendment, the Senator is doing it for those—and I have no reason to doubt the Senator from Colorado—who are in the position of dying from AIDS. Yet, nobody who is dying or has died from AIDS has requested this assistance. I suspect that the reason they have not requested it is that nobody has been put in the position of having such assistance denied. So, for whom is it being done?

The Senator from Colorado started off his comments and said, "This simply says." Well, this amendment is many things, but simple it is not, as I think we derive from the very fine dialog between the Senator from Colorado and the Senator from Missouri. It is not simple, and the issues raised are not simple.

I am only going to take a few more minutes.

It was very revealing for me to hear the Senator from Colorado respond to the Senator from Missouri when the hypothetical was placed to him. He responded by starting off in the following way: "I am loath to speculate in any given set of circumstances," more particularly in the one posed to him.

Yet, if this is adopted, the Senator is asking hospitals to speculate as to what can or cannot be done.

What we are trying to do around here—at least in a narrow sense—is to establish a policy that is definitive. We do not need any more amendments like that of Senator **Helms** which leave the Centers for Disease Control and the interpretation of the Helms amendment in a spin. We want some definition. This does not give definition. This, once again, stays the hand of any action whatsoever.

I hope the distinguished Senator from Massachusetts will now listen to something which has just been brought to my attention. I read this a year ago, but now I think it is particularly applicable for my friend from Colorado to know this. In 1986, the National Academy of Sciences issued their report, "Confronting AIDS." I am going to read three brief paragraphs in that report:

> A second implication of society's obligation to provide care for persons infected with HIV has ramifications for both health care providers and the health care system. During the final months of their tragically shortened lives, AIDS sufferers should be provided with appropriate terminal care according to their wishes (a patient, of course, has a right to refuse care). A critical factor in fulfilling this obligation is respect for the wishes of patients about their treatment. There are a variety of legal and practical mechanisms for effectuating patients' wishes regarding terminal care. These range from discussions with friends, family members, or care givers to a more formal recording of a "living will," a document recognized in many states to allow a patient to make his wishes known while still competent to do so (Lo et al., 1986; Raffin et al., 1986).
>
> In virtually all states, legislation exists making possible a durable power of attorney, but in some states this may not specifically mention terminal health care. It is desirable that, where necessary, legislation be amended or introduced to specifically allow a patient to designate others as proxies to make decisions about terminal care in the event that the patient becomes mentally incompetent. This is especially important with many homosexual patients with AIDS, who may wish to invest a friend or lover with such decision-making authority, where otherwise only family members would have legal standing.
>
> Finally, there is the question of when in terminal care treatment should be stopped, particularly if there is not an expressed wish, a living will, or a durable power of attorney. The committee recognizes all these ethical issues as important and recommends the report of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research (1983a) to those wishing to consider them further.

Here, in 1986, they referred to a previous commission, and nobody is denying—not the Senator from Missouri, not myself—the importance of the issue raised by the Senator from Colorado. We do question, No. 1, as to whether this is the forum and can it properly be done within this time frame.

I hope this matter is given a different forum. The Biomedical Ethics Board authorized by Congress might be such a forum. The Presidential Commission on AIDS, although that is due to go out of business, might be such a forum.

I really think everybody has stated their position on this matter in very articulate and eloquent terms, the present speaker excluded. I would hope that we would not be voting on this matter, although I am perfectly willing to vote, and I would vote against it. Frankly, I do not understand it, and it is going to take a lot of time to understand, and I do not think that is because I am ignorant. I think it is because of the weight of the matter that has been put forth on the Senate floor. I would hope that rather than voting up or down on it, we would recognize the importance of what the Senator has raised, on the one hand, but then give it its proper forum, on the other.

Mr. ARMSTRONG. Mr. President, as usual, the Senator from Connecticut raises serious and thoughtful questions which deserve a corresponding answer.

The Senator asks, "Is there a real problem, or is it just kind of speculative in nature?"

I have already made it plain that there are euthanasia cases, and I do not think that is in dispute. The Senator has not said that is a concern. He realizes that there have been many public articles, some of which I have already put in the Record, and numerous court cases about this question.

What he asks is, Is this really an AIDS problem? Is it something that is more associated with other kinds of illnesses?

In that connection, I make two observations. First, AIDS—the emergence of this disease—has given great momentum to the euthanasia movement. Euthanasia was a concern; it was a growing problem, feared by many ethicists and many political leaders.

For example, the speaker of the California assembly, Willy Brown, has predicted the passage of an amendment on the California ballot on euthanasia, even though he does not favor such an amendment and describes such an amendment as a political process gone crazy. He points out in an article, which I will put in the Record, that that is what is happening.

Mr. President, this may seem a theoretical consideration to somebody, but I point out that in Holland, killing AIDS patients is a tolerated option.

Mr. President, before the Senator from Connecticut leaves the floor, I want to say that again, because this is in direct response to his inquiry. In Holland, AIDS patients are tolerated.

I want to direct his attention to an article published on April 11 from the Los Angeles Times under the headline "AIDS Crisis Pushes Euthanasia Initiative To The Ballot Box."

I previously asked permission to print this in the Record, but it emphasizes we are not talking about something which is speculative.

Mr. President, in summary, my amendment requires States as a condition for receiving funds under this act to certify they have no law, policy, or practice that requires, encourages or permits any health care facility to deny nutrition or hydration to any AIDS patient if that denial would lead to death until the patient himself or herself requests it.

Unless there is more to do, I am ready to vote and I do ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I think we have had a good discussion and debate on the case made by the Senator from Colorado, and on the arguments made by the Senators from Missouri and Connecticut.

In particular, I think, earlier in the debate we had outlined many of the ethical issues that we have been faced with in terms of governmental policy and governmental action, and we had indicated that in response to those challenges, we had developed the Protection of Human Subjects Panel which for a period of about 10 years issued guidelines in the Federal Register. There was no enforcement and they were not binding, but had a profound effect on the ethical policies that were followed by the Government.

That Commission was abolished in the early 1980's. We fortunately established a new Congressional Biomedical Ethics Board about 2 years ago.

I see the Senator from Tennessee is on the floor. He is the vice-chairman. The Senator from Connecticut was the former chairman.

Like the panel that played an extremely important role on these issues earlier, now a board, a new kind of panel has been constructed and, it is bipartisan in the Senate and bipartisan in the House.

I believe that that particular panel can play an extremely important role in helping to guide this body on a variety of issues similar to this.

On the underlying question we are discussing regarding nutrition and hydration, I have similar concerns to those that have been expressed by the Senators from Connecticut and Missouri. There are six States that now permit family members to make the final and ultimate decision about withdrawing life support, through cases that have been decided by the supreme courts of those States.

Primarily they have involved individuals who are in comas. As the Senator from Connecticut and I pointed out earlier, we have not heard about these kinds of situations that the Senator from Colorado is concerned about in the course of our hearings on AIDS. We did not hear those kinds of allegations.

Today we know that there are six States where it is not necessary for individuals who are in a coma to explicitly authorize the withdrawal of life supports themselves, where immediate family members, those who are closest to them, those who love those individuals and have spent their life with them, perhaps after consultation with their minister, or their rabbi, or their priest, can painfully and emotionally make that decision. The State supreme courts around this country who have been faced with that judgment have recognized that in some cases it is the loved ones who are best equipped to make those judgments and decisions.

If we were to follow the logic of this amendment, those States would not qualify for any of the funding, any of the education, research, home health support funding under this legislation.

Does the Senator from Colorado agree? I want just to get a response. Does he disagree with the logic of this argument?

Mr. ARMSTRONG. Mr. President, I beg the Senator's pardon. I was distracted momentarily during the course of his remarks and did not hear fully what he said. I apologize for that. But I was rearranging a schedule.

Mr. KENNEDY. That happens around here.

Let me just ask the Senator a few questions and then summarize a bit. He used the words "explicit refusal."

What does explicit refusal mean? Does it have to be written? Do there have to be witnesses?

What happens if the individual perhaps indicates that he does not want those life support systems any more?

I knew a Member of Congress whom I went out to visit in the NIH who was dying from a terminal disease. When I met the family, he had talked with them. He was walking up the corridors of the NIH and he had himself removed all life support. That was explicit. The patient died 3 days later. I suppose that was very explicit.

But how explicit does it have to be. What if one is say half in a coma, half not and kind of indicates he wants the tubes removed. Who makes that judgment? Who makes that decision?

Mr. ARMSTRONG. Mr. President, the Senator raises a point which at some level is troubling but really is not as it is addressed in this amendment. We are not talking about except I would think in an extraordinarily unusual circumstance, something which is going to occur in haste. We are talking about AIDS patients, only AIDS patients, a disease which has a——

Mr. KENNEDY. Let me be clear.

Mr. ARMSTRONG. Let me respond to the Senator's point because I do not think we want to leave anybody with the feeling that somehow a snap judgment is going to be made.

I cannot imagine with or without this amendment that any hospital is going to let a decision by a patient be made of this character without being explicit.

Now what does that mean? Certainly a written statement is explicit. But an oral statement communicated in a manner which is unequivocal would certainly be explicit as well.

It is just incomprehensible to think that any hospital would not instantly react if a patient showed the first sign of communicating such a decision to a nurse or a doctor or a health care worker. The first thing they would do is to seek a second person to be in on that discussion and to counsel with this person. They do that whether or not this amendment passes or not. No hospital which is devoted to life is going to casually let someone choose death without talking to them. Why do you want to do this? What are the circumstances that prompt it? Have you considered it carefully? How long has this idea been forming in your mind? Have you talked to your family about it?

They are going to do that in any case. There will not be gray areas.

Mr. KENNEDY. Say the individual made it to a close friend. Is that sufficient now? Say the individual made it to a visitor and said, "I just hope that I am not going to have to continue to suffer with all this agony any further. And I just hope that they will take steps to end this troublesome tube that is keeping me going. I hope it will end."

Is that sufficient?

Mr. ARMSTRONG. Mr. President, I do not believe that with or without this amendment that is sufficient. I do not think at the present time that a patient communicating a desire with respect to his or her care to——

Mr. KENNEDY. I wonder if he stood there.

Mr. ARMSTRONG. Just a moment, please.—Communicating a desire with respect to his or her care to a friend would be taken seriously by the hospital.

There are some States where under some circumstances persons other than a patient may make some decisions but not on the basis I think the Senator is saying.

Mr. KENNEDY. What about the patient's wife or husband? Is that explicit? We are having trouble finding out what the author of the amendment intends.

Mr. ARMSTRONG. Let us be fair. The Senator is not having any trouble finding that out. There really are not any gray areas here. If a person wishes to make an explicit decision, the test is not as the Senator suggests that difficult to know. It could be in writing. It could be a verbal statement.

Certainly, no responsible person would fail to involve immediately another person because even in the best faith in the world in an emotional setting in a hospital, it is possible for a misunderstanding to occur. So, were I to be a patient on my deathbed and the Senator were to come to see me and I would say to him, "My friend, please arrange it so that the food and fluid will be withdrawn from me," even if it were within the Senator's conscience to honor that request, assuming that to be the case, the first thing he would do for me and for himself is to summon someone else to hear and understand the decision so there would be no mistake, not as a matter of law but just as a matter of human compassion and responsibility.

Mr. KENNEDY. The problem is, now the Senator is putting the burden on evidently the patient's wife or husband. The patient tells the wife or husband "I just cannot take this any further," so, the patient tells the wife or husband, "I hope this will all end."

Now, the way the Senator from Colorado describes it, that person better understand that it is the intention of the author that they have to run out and tell someone else.

Mr. ARMSTRONG. That is the case now.

Mr. KENNEDY. The Senator does not describe the state of the law correctly. I have the various provisions here and the various cases. The basic state of the law is that a member of the family, has been able to make those judgments and decisions.

Mr. ARMSTRONG. But that is an entirely different situation. In six States, members of the family may make that decision without respect to the desires.

Mr. KENNEDY. Can they make it in your amendment? Do you prohibit it with your amendment?

Mr. ARMSTRONG. Mr. President, under my amendment, with respect to AIDS patients only, food and fluid may not be withdrawn in a hospital setting except upon the request of the patient. A family may not make that choice under my amendment.

Mr. GORE. Will the Senator yield.

Mr. KENNEDY. Yes; I yield without losing my right to the floor.

Mr. GORE. Just to continue the inquiry, ethicists who have studied this issue are increasingly in favor of a device known as a durable power of attorney. One of the medical effects of AIDS is frequently it attacks neurological functions and produces a form of dementia similar in its symptoms to Alzheimer's and related disorders.

In anticipation of progressive loss of mental functioning, an AIDS patient might resort to this increasingly common device known as a durable power of attorney which would give the legal right to a family member or a close friend to make the decision after the AIDS victim had lost the neurological functions. And many States allow that to be done.

Under this amendment, would a durable power of attorney be recognized as an approprite way to satisfy the requirements of the amendment?

Mr. ARMSTRONG. Mr. President, if the question is directed to me, as I understand it, it is whether or not a durable power of attorney would be sufficient. If it was explicit, the answer, then, is yes.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KENNEDY. I yield without losing my right to the floor so the Senator from Tennessee can inquire.

Mr. GORE. So, your interpretation of the wording is that an AIDS victim who assigned to another party the right to make a decision on withholding nutrition or hydration would satisfy the terms of the amendment. Even though the decision was not made by the patient, the power to make the decision was conveyed to another and the decision was made by that third party after the power of attorney was conveyed, that would, in the opinion of the author, satisfy the requirements of the amendment? Do I understand that correctly?

That is not what the amendment says, because the amendment says the victim has to explicitly request the withholding of nutrition or hydration. But if I understand your earlier response correctly, you are expanding the meaning of that through interpretation to say that the victim can prospectively give that decisiormaking power to someone else.

Mr. ARMSTRONG. No, Mr. President. If, through a living will or other appropriate instrument, a person wishes to make this decision, they can make it at the last minute, they can make it now for an eventuality in the future, but it has got to be explicit.

Mr. GORE. Mr. President, a durable power of attorney is quite different from a living will. The idea of a durable power of attorney is to give another the ability to assess circumstances which cannot be anticipated fully in advance by the patient or the victim. It is an increasingly popular and common device.

As I mentioned earlier, ethicists who studied the issue are increasingly in favor of it. But it would seem to be prohibited by the wording of the amendment, which says that funds would be denied if the health care facility takes away nutrition or hydration from a patient who "has not explicitly requested the withholding of nutrition or hydration."

AMENDMENT NO. 1988 TO AMENDMENT NO. 1986

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] for himself, Mr. WEICKER, Mr. GORE, and Mr. DANFORTH, proposes an amendment numbered 1988.

In lieu of the matter proposed to be inserted, insert the following:

"The Congressional Biomedical Ethics Board shall report to Congress within 18 months from the effective date of this Act on the ethical issues connected with the administration of nutrition and hydration to dying patients. This report shall include a review of state laws, regulations and court decisions on this topic. The report shall also discuss the arguments concerning the appropriate roles of the patient, the patient's family, the care provider, the state and the appropriate federal role."

Mr. KENNEDY. Mr. President, I offer that amendment on behalf of myself; the Senator from Connecticut [Mr. WEICKER], the Senator from Tennessee [Mr. GORE], and the Senator from Missouri [Mr. DANFORTH].

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, depending on the will of the Senate, I hope we would be able to deal with it.

Mr. President, the reason for the establishment of the Congressional Biomedical Ethics Board was the reasons that have been raised in the course of this debate and discussion today. These are serious issues and questions.

I join in paying tribute to the Senator from Colorado for raising these issues and questions. But, as we can see in the time that we have spent in the course of this debate which has lasted 2½ hours, there are really more questions that have been raised than have been responded to.

It would seem to me that referring this particular matter to the panel makes the greatest sense. It would provide this body with the kind of information and response to the questions which have been raised during the course of this discussion and this debate.

I hope that we could accept this amendment and move on to other provisions of the bill.

I welcome the comments of the chairman of that panel and ask whether he believes that the panel could deal with this particular issue, and whether it could make recommendations along the lines that the amendment states. Does he agree that this type of issue falls within the general jurisdiction of the panel.

Mr. GORE. Mr. President, I believe that this issue is one uniquely suited for Congress by the Congressional Biomedical Ethics Board. As the Senate Vice Chair of that body, I feel comfortable in saying to my colleagues that the Board can certainly take up this issue and meet the 18-month timetable contained in the second-degree amendment.

I wish to also join in comments made earlier by several Senators commending the Senator from Colorado for the amendment and the debate which this amendment has triggered. I believe it is an extremely important discussion which must be continued in an appropriate way and in an appropriate timeframe. I believe that the Biomedical Ethics Board is the proper place. I do not believe this bill is the right place to enact this sort of first-degree amendment.

For one thing, it applies only to AIDS patients. If it seems wise to have a policy with regard to the withholding of nutrition or hydration, certainly the policy should apply to a patient suffering from other diseases as well.

Second, I believe the debate has itself indicated the complexity and difficulty of the issue raised by the Senator from Colorado. The word "nutrition," for example, in the modern medical context, now sometimes refers to a technology called TPN, or total peremptoral nutrition, which is the latest way of tube feeding, as we laymen would describe it. And the family and the hospital can be confronted with a patient who has lost neurological functioning, has no prospect of life with any meaning remaining, and is chained to a technology that costs well over $100,000 per year with no hope of any life within the definition that most people would use in terms of looking to the future with hope.

Under those circumstances, if the patient had given a durable power of attorney that said: If something approximating these circumstances comes about, please do not continue it—it seems to me there are so many circumstances like that which deserve serious, sustained study that the Biomedical Ethics Board is the proper place to continue the very important inquiry that the Senator from Colorado has launched today.

I would join with the Senator from Massachusetts and our colleagues in urging support for this second-degree amendment.

The PRESIDING OFFICER [Mr. Adams]. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, these are important issues. They are complex issues. They deserve the kind of attention that the panel will give it and I hope that we will move forward to vote now.

The PRESIDING OFFICER. The question occurs on the Kennedy amendment as a substitute to the Armstrong amendment.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the amendment of the Senator from Massachusetts as a substitute to the amendment of the Senator from Colorado.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. I announce that the Senator from Missouri [Mr. Stennis] is necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Nebraska [Mr. Karnes], and the Senator from Utah [Mr. Stafford] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 36, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—60

Adams
Baucus
Bentsen
Bingaman
Bond
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
Danforth
Daschle
Dixon
Dodd
Evans
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Heflin
Heinz
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Weicker
Wirth

NAYS—36

Armstrong
Boren
Boschwitz
Cochran
D'Amato
DeConcini
Dole
Domenici
Durenberger
Garn
Gramm
Grassley
Hatch
Hatfield
Hecht
Helms
Humphrey
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Pressler
Quayle
Reid
Rudman
Specter
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NOT VOTING—4

Biden
Karnes
Stafford
Stennis

So the amendment (No. 1988) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CRANSTON. I move to table the motion to reconsider.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now recurs upon the Armstrong amendment, as amended by the Kennedy substitute. On that amendment the yeas and nays have previously been ordered.

Mr. ARMSTRONG. Mr. President, I believe the yeas and nays are really unnecessary and I do ask unanimous consent to vitiate them.

The PRESIDING OFFICER. Is there objection? Hearing no objection, the yeas and nays on the Armstrong amendment are vitiated.

EXPRESSION OF APPRECIATION AND GRATITUDE TO CLAUDIA TAYLOR "LADY BIRD" JOHNSON

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that at this time the distinguished Senator from Texas [Mr. Bentsen] may be recognized to call up a resolution, and that he may be followed by Mr. Gramm, and that those two Senators may be followed by the two Senators from Alabama [Mr. Heflin and Mr. Shelby] for reasons which are apparent, and that those Senators may be followed by the able Republican leader; that he may be followed by the Senator from West Virginia.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered. The Senator from Texas [Mr. Bentsen] is recognized.

Mr. BENTSEN. I have a resolution on behalf of myself and all of the Members of the Senate, except Mr. Biden of Delaware who is ill and could not join us today. I send it to the clerk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 422) to express appreciation and gratitude to Claudia Taylor "Lady Bird" Johnson.

S. Res. 422

Whereas, former First Lady Claudia Taylor "Lady Bird" Johnson has long been a friend of Congress, a source of inspiration for the American people, and a leader who has given tirelessly and generously of her many talents in the effort to add grace and beauty to the American landscape;

Whereas, all Americans who marvel at the glorious profusion of springtime flowers in our Nation's Capital; all who rest in the serenity of a small urban park; all who remark on the fragile beauty of the bluebonnets, Indian Paintbrushes, and firewheels that border our highways owe a profound debt of gratitude to Lady Bird Johnson;

Whereas, her long-standing commitment to education as Honorary Chairman of the National Head Start program has focused special care and attention on pre-school age children while her civic and philanthropic efforts have helped create a more just and open society for their parents;

Whereas, Lady Bird Johnson's remarkable success as a mother, businesswoman, First Lady, Regent of the University of Texas, advocate of beautification, apostle of wildflowers, friend to many members of Congress, and role model for millions of Americans has spanned a generation of noteworthy change and progress in the status of American women;

Whereas, the past seventy-five years have demonstrated that the beauty of Lady Bird Johnson transcends even the tulips and daffodils for which she is known and proved that her charm is more enduring than the wildflowers she brought to our highways;

Whereas, the President will award the Congressional Gold Medal to Lady Bird Johnson on April 28, 1988, to help mark her Jubilee year and commend her long record of selfless and distinguished service to the land and people of America: Now, therefore, be it

Resolved, That the United States Senate expresses its sincere appreciation and gratitude to Claudia Taylor "Lady Bird" Johnson for her years of faithful and exemplary service to our Nation.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENTSEN. Mr. President, many years ago a wise American with a keen eye for truth and beauty advised us to "never lose an opportunity of seeing anything that is beautiful; for beauty is God's handwriting—a wayside sacrament. Welcome beauty," said Ralph Waldo Emerson, "in every fair face, in every fair sky, in every fair flower, and thank God for it as a cup of blessing."

Mr. President, this afternoon the U.S. Senate pauses to welcome beauty as we honor—and welcome home—a remarkable woman from Texas who has inspired millions of Americans and enriched the lives of all who have known her over the years.

Today the U.S. Senate that Lady Bird Johnson knows so well joins in her jubilee tribute and helps celebrate a lifetime of accomplishment that has brought comfort to her family, grace and charm to the White House, beauty to our cities, wild flowers to our highways, opportunity to our children, and great credit to our Nation.

Later today President Reagan will award the Congressional Gold Medal to Lady Bird Johnson. That is an unusual honor but it is one that is richly deserved. Almost 5 years ago, when I stood here in the Senate and first proposed that Mrs. Johnson receive that special medal, I noted that she was a remarkable, talented, and inspirational leader who left an indelible imprint of loveliness on the American landscape.

Her untiring efforts to bring beauty to America's cities and countryside may be Lady Bird's best-remembered, most enduring accomplishment as First Lady. As we meet today, the results of those efforts are in full flower all across the Washington, DC, landscape. I do not ride the underground trolley in the springtime because of Lady Bird Johnson. Anyone who has walked, or driven, or biked through the Capital in recent weeks and been inspired by thousands of flowers in glorious bloom, cannot help but sense the presence of Lady Bird Johnson.

When you stop to think about it, beauty is a remarkable legacy to leave a Nation. Here in this Capital City, with its imposing monuments of marble, Lady Bird Johnson has left her mark with tulips, daffodils, and oasis of beauty that bring smiles and pleasure to millions of Americans every day of the year.

It has been my pleasure and privilege to be associated with and a friend of Lady Bird Johnson for many years.

I have known her as the wife of a fellow member of the Texas congressional delegation, as a talented, forceful, and effective member of the Texas business community, as a First Lady actively involved in the process of governing, and in recent years, as a close friend and adviser.

For many years Mrs. Johnson has been a constant and reassuring presence on the American scene. That generation has also been a period of remarkable change and progress for American women, and Lady Bird Johnson has been part of that progress every step of the way. She helped establish many of the precedents. She accepted a variety of tasks and roles, fulfilling them all with distinction.

She has been a wife, a mother, a pioneering and successful businesswoman, a political counselor, an active and respected First Lady, and a private citizen who has continued to contribute to a better, more beautiful, better educated America well into her 75th year.

Mr. President, we spend most of our time here on the floor of the U.S. Senate on what we think are the most important controversies—the latest one last night as I recall—trillion dollar budgets, and difficult problems. And I guess in the process we tend to lose sight of some of the small victories, and some of the achievements that—when you add them all up—help make this country strong and help make it free. Sometimes we forget that our real strength is not in the missiles or our exports—but in the wisdom and vision of our people.

So, for 75 years, Lady Bird Johnson's wisdom and vision have helped bring about many of the small but important victories that bring happiness to millions of Americans.

Those victories—as she can tell you—surely, do not come about by accident. They are products of hard work and very careful planning. They demand dedication, intelligence, and an abiding commitment to public service and oversight. Talk to the gardners around this Capitol, talk to the Park Service which still gets personal notes from Lady Bird about this or that particular bed of flowers. The long process of beautification in our cities and along our highways did not fly on automatic pilot; it was transformed from vision to reality by the energy of Lady Bird Johnson.

Mr. President, President Johnson won some major battles in the war on poverty—and she was with him along the way for 200,000 miles of trips across America to help put them into effect, and to muster the kind of support that she needed for those programs. The Wildflower Center near Austin, the LBJ Library, and the University of Texas have all benefited from this very remarkable woman.

Lady Bird Johnson has given America a lifetime of service. She has never ceased to contribute. Today we have an opportunity to acknowledge her accomplishments and honor the very special charm and grace that have always been her calling card.

Mrs. Johnson has painted the landscape with tulips, daffodils, and wild flowers. But she has also beautified America with the magic of her presence, the gentleness of her touch, and her compassion for our people. And for all of that, we are eternally grateful.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I am honored today to join my colleague, Senator Bentsen, in cosponsoring this resolution. I am honored to have an opportunity to say a few words about a daughter of the great State of Texas, a daughter that we love, and we share in that love for her with all the people of America. We, in Texas, are proud of many things, Mr. President. We are proud of many people that we have contributed as great leaders to this body—Lyndon Johnson, Sam Houston, and numerous others. But there is no one in the history of our State who we are prouder of than Lady Bird Johnson.

I thought about what I might say about a great person who has done all the things that she has done that have meant so much to the people of Texas, and to the people of America. I have concluded the only way I could sum up how I feel about her, and more importantly, how the people of Texas and the people of America feel about Lady Bird Johnson is to say that she is the kind of person we all hope our children will grow up to be. She is like that bluebonnet or that Indian paintbrush that grows along the side of the road in our State of Texas. It seems to prosper whether the soil is good or bad. It comes up whether it rains or it does not. It produces more flowers when it rains than when it does not, but it perseveres. It endures. It comes up every year as a reminder of God's gift to us who live in the great State of Texas, and who live in America. And Lady Bird Johnson is like that bluebonnet or that Indian paintbrush. She is there reminding us of the great things that Texas and America stand for. She is there through her works in Head Start, a program that is now part of the fabric of our education system, in fact, on the cutting edge of assuring that every child in America has an opportunity to get on the playing field and compete. Her work in beautifying America is something that we all see everyday. We all remember.

Because of those great works and because Lady Bird is who she is, I am happy to join my distinguished senior colleague today in cosponsoring this resolution and honoring a woman who stands for the best that there is in Texas and America.

The PRESIDING OFFICER. The Senator from Alabama, Mr. Heflin.

Mr. HEFLIN. Mr. President, today the U.S. Senate joins the President and the House of Representatives in honoring Lady Bird Johnson, a lady who will forever remain in the minds and the hearts of all Americans as the beloved, permanent First Lady emeritus of our country. I am delighted to be a cosponsor of the resolution sponsored by my friend from Texas, Senator BENTSEN, who has so eloquently honored Mrs. Johnson, citing the many contributions that she has made to the people of our Nation.

Additionally, it was my extreme pleasure to join with my colleague from Alabama, Senator SHELBY, in presenting Mrs. Claudia Taylor Johnson with a resolution adopted by both Houses of the Alabama State Legislature and signed by the Governor of my State which proclaims April 28, 1988, as "Lady Bird Johnson Day," and commend Mrs. Johnson for her outstanding work on behalf of our Nation.

Senator SHELBY will present the resolution, and hopefully the Senate will allow it to be made a permanent part of the RECORD of this great institution.

Mrs. Johnson is known throughout the world for all of the many things that she has accomplished. Some people perhaps do not realize she was born in Alabama. Both her mother, the former Minnie Patillo, and her father, Thomas Jefferson Taylor, hailed from Alabama. Mrs. Johnson still has many relatives in Alabama.

Alabama has sent many missionaries to unusual lands. Lady Bird Johnson has become the most outstanding missionary in the history of Alabama. The beauty of Texas, and in fact all of America, has benefited from her missionary work, her prayers, her ideas, her planning, her nurturing, and her cultivation.

Today, in accordance with the resolution adopted by the Alabama Legislature, thousands of Alabamans are planting trees and flowers in honor of Lady Bird Johnson.

Thank you.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama, Mr. SHELBY.

Mr. SHELBY. Thank you, Mr. President.

I rise today also to honor Lady Bird Johnson. Lady Bird Johnson, as Senator HEFLIN has pointed out, came from the best stock as both her mother and father, Minnie Patillo and Thomas Jefferson Taylor came from my home State of Alabama.

The State of Alabama House of Representatives agreed to a resolution in honor of Lady Bird Johnson. This resolution designates April 28, 1988, as "Lady Bird Johnson Day" in Alabama.

I think it is very fitting, Mr. President, as the junior Senator from our State of Alabama, the home State of the parents of Lady Bird Johnson, and still the home of many of her relatives, and it gave me great pleasure earlier today to present to Lady Bird Johnson a copy of this resolution on behalf of myself and Senator HEFLIN.

I further ask at this time unanimous consent that this resolution be printed in full in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

COMMENDING LADY BIRD JOHNSON AND DESIGNATING APRIL 28, 1988, AS "LADY BIRD JOHNSON DAY" IN ALABAMA

Whereas as both her mother and father, Minnie Patillo and Thomas Jefferson Taylor, hailed from Alabama, Claudia Alta "Lady Bird" Johnson is a child of the Great State of Alabama; and

Whereas as Mrs. Lyndon B. Johnson and First Lady of the Land, Lady Bird Johnson dedicated herself to the beautification of the nation as well as to the beautification of our Capitol in Washington, D.C.; and

Whereas since becoming a private citizen, she has redoubled her efforts toward beautification and also toward preservation of the natural environment through the creation of the National Wildflower Research Center; and

Whereas this new effort of preservation, through the planting of wildflowers along the highways, is of great benefit in reducing the cost of maintenance of our nation's highways; and

Whereas the United States Congress is presenting Mrs. Johnson with a Gold Medal bearing the simple citation "Dedication to the Beautification of America," during the Jubilee Celebration of her 75th birthday, April 28-29, 1988; and

Whereas Livingston, Alabama, one of the first cities in Alabama to complete a Downtown Beautification Project and with a most active Beautification Committee dating from that time, has been followed in support of beautification and preservation of the environment by cities and towns throughout Alabama, the home state of Lady Bird Johnson's parents and still the home of many of her relatives; now therefore be it

Resolved, by the Legislature of Alabama, both Houses thereof concurring, That, in highest commendation of her life of service, we hereby name and designate April 28, 1988, as "Lady Bird Johnson Day" in Alabama, and do further urge that all citizens commemorate the occasion with the planting of trees and flowers as an appropriate observance in honor of Mrs. Johnson.

Be it further Resolved, That a copy of this resolution be presented to Mrs. Lady Bird Johnson on the floor of the United States House of Representatives, April 28, 1988.

Mr. SHELBY. Mr. President, I further wish Lady Bird Johnson many, many more happy occasions and birthdays.

Thank you.

The PRESIDING OFFICER. The minority leader, the Senator from Kansas [Mr. DOLE].

Mr. DOLE. Mr. President, I am very pleased to join every other Senator in support of this resolution. That does not happen very often around this place, as Lady Bird Johnson knows.

[Laughter.]

Washington has changed enormously in the last 25 years. When I first came here as a Member of the House in 1961, it was still basically a sleepy, Southern town. There was no Kennedy Center, no Metro, no Bloomingdale's, and maybe only one Chinese restaurant.

And while the Washington Monument and Lincoln Memorial were here, the city did not look anything like it does today. Simply put, it was no where near as beautiful.

And then came 1963 and the woman the President will honor later this afternoon with the Congressional Medal, Lady Bird Johnson, initiated what became a remarkable transformation.

I happen to be fortunate enough to be an occupant of one of the choicest suites of offices in Washington. The view from my window, down the Mall, is awe-inspiring even in the dead of winter. But a day like today, with the tulips and daffodils blooming, the green grass, and flowering trees fluttering in the breeze, transform it, and the rest of the city, into a magnificent feast for the eye—thanks to Lady Bird.

Every First Lady has made a contribution to life in America. But Lady Bird's has been a gift that keeps on giving. The splendor of the flowers and trees we enjoy is not limited just to Washington. Cities and towns across this Nation were inspired by her example. I spent a lot of time criss-crossing this country over the past year, and I can attest to the beauty along the Nation's highways, roads, town squares. A generation of Americans has grown up with the beauty of nature as a backdrop.

So, I want to add my congratulations to Lady Bird Johnson for the recognition she so rightfully deserves; give her my very best wishes for a happy 75th birthday; and express my sincere appreciation for the personal pleasure I receive every time I drive home or to the airport, every time I look out my window.

The PRESIDING OFFICER. It was a pleasure for the Chair to be in Congress at the time of the passage of the beautification bill in 1965, as many others were who honor Lady Bird Johnson. We think it is wonderful, what she has done for the entire Nation.

The Chair recognizes the Senator from West Virginia, the majority leader, the Honorable ROBERT BYRD.

Mr. BYRD. Mr. President, I ask unanimous consent that upon the conclusion of my remarks, the Chair immediately put the vote on the resolution, and upon the announcement of the vote, keeping in mind rule XIX, paragraph 7, of the Standing Rules of the Senate, the Chair immediately announce a recess, the recess to be for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, will the majority leader be kind enough to permit me to make a brief comment at the conclusion?

Mr. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator be recognized at this time, for not to exceed 3 minutes, and then I would hope that I might proceed.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I too want to join in this tribute to a great lady who is also one of the greatest First Ladies this Nation has ever had.

As First Lady in the 1960's, she won the respect and affection of the Nation, and ever since she has been widely admired as one of America's most devoted public servants. She excelled in all of her many enterprises. She was a long-standing advocate for education, and she was closely involved in the fashioning and shaping of the Head Start Program. She made it a special concern of hers, and it became one of President Johnson's finest successes. In many ways, she was a prophet. She knew the importance of early intervention with children, and it is a lesson we are heeding all the more today. More and more of us in Congress have come to realize the essential value of early childhood education and its vast potential as a wise investment in the future of America.

In all of her endeavors, Mrs. Johnson was a model First Lady and a role model for millions of American women, and she continues to fulfill that role with grace and distinction as a private citizen.

Most of all, perhaps, she is known and loved across the Nation as an advocate of beautification in our communities and along our highways. Even today, two decades after she left the White House, her good works continue to add grace and beauty to Washington, and to make the city more livable, especially at this time of year when the Capital is in full bloom. Every spring, those of us who knew her and who witness the annual renewal of her extraordinary legacy to this city join in saying, "Thank you, Lady Bird."

Finally, from a personal point of view, Mrs. Johnson has always been extremely kind to the members of my family. We came to know her well during the 1960 campaign, where she was especially thoughtful not only to my sisters as they campaigned in Texas but also to my mother. She has always been a warm and gracious person, not only as First Lady, but also in the years that have followed. In so many ways, she has been a woman for all seasons, and it is a special honor to join in this well-deserved tribute to one of America's most admired and respected citizens.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Massachusetts.

I ask unanimous consent that all Senators may have the privilege of including their remarks in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I came to the Senate as a member of the class of 1958. I am the only remaining member of that class in the Senate.

Lyndon Johnson sat at this desk. He was the majority leader of the Senate. I had been previously a Member of the House of Representatives, and I had heard much about Lyndon Johnson.

When I ran as a candidate for the office of Senator, I came over and met Lyndon Johnson for the first time. We met right here, in the aisle. He had this pocket full of papers, he had this pocket full of papers, he had this pocket full of papers, and he had papers in both hands. [Laughter]

After my election, I met with him off the Senate floor, at his desk, in what is now room 211. I was just there a little earlier today, with my wife, Erma, and we were greeting Lady Bird Johnson before lunch.

Senator INOUYE and I were talking about Lyndon's desk, where he sat, and it brought back to me the memories of the time when Jennings Randolph and I sat in front of that desk and talked with the then majority leader. The purpose of our being there was to indicate to the majority leader the committee assignments that we wanted as new Senators.

My good friend Ed Muskie was a member of that class of 1958, and my good friend Ted Moss was a member of that class of 1958. The are both visiting the Chamber today.

I must say to our former colleagues who are in the Chamber today that there is a special chapter in the history of the U.S. Senate which I am writing, which is dedicated to that fine class of 1958. There is also a chapter, and more, written about Lyndon B. Johnson.

I also make reference in that history to the very illustrious late Senator from Louisiana, Huey Long; and in many references I return in my memories to his equally illustrious son, Russell Long, with whom we have all served and who is also visiting the Senate floor at this moment.

I asked Lyndon Johnson for the Appropriations Committee assignment, which was a rather unheard of thing in those days, for a new Member to have the temerity to ask for the Appropriations Committee. Lyndon Johnson gave to Jennings Randolph the committees he wanted, and he gave to me the committee I wanted, the Appropriations Committee.

I worked with Lyndon Johnson over those years. I was a great admirer of Lyndon Johnson, and I ran in West Virginia as an openly announced delegate for Lyndon B. Johnson to be President of the United States.

I was privileged to speak on behalf of that great ticket composed of Jack Kennedy and Lyndon B. Johnson. I made 26 speeches in the Bible Belt of Texas in 3 days on behalf of that ticket. I took my fiddle down there with me. The people of Texas know about the fiddle.

But let me return now to the beautiful recollection of Lady Bird Johnson as she worked hand in hand with that great majority leader who later became President of the United States. She traveled all over this country with him. They came to West Virginia. West Virgina remembers President Johnson and Lady Bird Johnson.

My colleagues have said beautiful words today. I had some beautiful words that I had planned to speak.

Mr. President, this is a most happy occasion for the United States Senate.

We have before us a resolution of thanks and commendation for a most special person, the distinguished former First Lady, Lady Bird Johnson. Many years ago Lady Bird Johnson went back to her native Texas with her beloved husband Lyndon. But in leaving, she left behind for all of us in Washington a great and wonderful gift, a Capitol awash in a sea of flowers.

Because of her, spring has become a special time for all of us who work in our Nation's Capitol. The hardness of the winter is put behind us. The heat of the summer has yet to come. In the spring our thoughts turn to the unfolding beauty of nature. And what a splendid sight it is to behold.

As we go to and from our jobs we naturally slow our hurried lives to appreciate the beauty that is all around us. Washington in the spring is a Capitol aglow with flowers. Beds of tulips curve around the Tidal Basin in graceful salute.

Dogwoods and cherry trees bend their colorful branches, bowing in the soft wind and gentle rain to the many Americans who come to gaze in wonder at the unfolding beauty.

The hurried pace of Washington gives way to a healthy slowness. We are reminded that there is more to life than press conferences and conference reports. We are reminded that beyond the immediacy of our lives there is another great cycle of life.

The beauty of Washington in the springtime—a beauty that is free to all—awakens in all of us a healthy respect for values we too often forget in the tumble of politics—the values of simplicity, quiet, harmony, balance, and gratitude.

So we have much to be thankful for in this great gift that Lady Bird Johnson has given our Nation.

I am happy to join my many colleagues in honoring the former First Lady.

Mr. President, as we recall those interesting days in American history, we recall the legislative program that was enacted by Congress during the tenure of Lyndon B. Johnson, the then majority leader.

I have, of course, many pleasant memories which I will not recount here. But I shall never forget the strength that Lyndon Johnson demonstrated here at this desk. I shall never forget his vision as he pressed forward as President with a legislative program that was good for America, and the benefits of which we still enjoy in this country today and will for years and years to come.

I am grateful today for the presence of Lady Bird Johnson in the Capitol, and we will have an opportunity a little later to visit with her at a reception off the floor.

Let me close, Mr. President, by saying as these recollections have run briefly through my mind this afternoon, that they are "like the vase in which roses have once been distilled. You may break, you may shatter the vase if you will, but the scent of the roses will hang 'round it still."

Mr President, it is not for every man or woman to engrave his name or her name upon a plate of bronze or to build for himself or herself a great shaft of granite, but it is within the reach of every man and woman to so live as to plant an ever-blooming flower in the breasts of all whom they meet along life's pathway.

Lady Bird Johnson has planted that flower. I am privileged to join with my colleagues in honoring her today.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 422) was agreed to.

The preamble was agreed to.

(Applause, Senators rising.)

RECESS UNTIL 1:58 P.M.

The PRESIDING OFFICER. The Senate stands in recess for 5 minutes.

Thereupon, the Senate, at 1:53 p.m. recessed until 1:58 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ROCKEFELLER).

ACQUIRED IMMUNODEFICIENCY SYNDROME RESEARCH AND INFORMATION ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. Mr. President, we have been debating during the course of this day S. 1220 and we have just finished with a substitute amendment which has been adopted and which I supported.

I would hope that now we might move to final passage of this very important bill.

I rise in support of S. 1220. It comes from a committee that I serve on and there are few pieces of legislation that we will consider this year that are as important as this one. I hope we can move now to passage on the bill which is a bipartisan bill and which has been worked on by the committee for many months and which has a background of concern and of action by communities throughout this Nation for several years.

Only recently, however, have we come to know the epidemic that AIDS presents to this country. We are in a public health crisis and this is our time now—we have all had our say in these past few months—to stop any political posturing or finger-pointing or commenting on morals of the country and say to those who have been afflicted by this terrible disease the Federal Government is going to do everything it can to help you and to help others who may be exposed.

We have the opportunity today, as we pass this bill, to say to all Americans that education and research are our top priorities in the fight against AIDS. We have an opportunity to say to the American people that we have the courage to face AIDS without allowing irrational fears to cloud our deliberations. Fear would be this Nation's undoing in dealing with AIDS.

Mr. President, I hope we will seize the opportunity that we have now in this bill, crafted by a bipartisan majority of the Labor and Human Resources Committee and supported by a bipartisan majority in the U.S. Senate, to pass it and to move forward.

I wish to congratulate the chairman of the committee and the ranking member for the hard work they put in to fashion a bill where they have melded their differences together in the face of a great crisis. This can be supported by Members on both sides of the aisle. For too long we have let this issue divide us when we should be uniting in support of the public health of the Nation and each of our individual communities.

Now there have been attempts, and there will be attempts, Mr. President, to offer amendments to the bill that are counterproductive to the basic underlying principle we are trying to establish. There will be attempts to bring politics back into the debate and to suggest that we are fighting or trying to lobby for this or that special interest group. I hope my colleagues will join me in promptly voting down these amendments because these amendments ignore the public health experts of the entire world. This is no time to inflame fear or prejudice in the American people.

AIDS is a difficult issue for all of us to discuss. It forces us to discuss and acknowledge many issues that we would rather not talk about. But AIDS is going to be with us for a long time and we have a responsibility to ensure that the Federal Government provides leadership and fights many of the battles in this epidemic. We have a responsibility to see that research dollars are spent effectively as we search for a cure, a vaccine, and effective treatments. We lack all of these now, Mr. President.

We also have a responsibility to ensure that everyone is educated and understands and knows how AIDS is transmitted and how they can avoid contracting the HIV virus

This bill is one important step in the process. We have appropriated a lot of money to fight AIDS, but we have not laid down a plan of action, a battle plan against AIDS. This bill is a plan of action.

S. 1220 demands a plan and a process so that every Federal dollar we appropriate is spent effectively on the AIDS epidemic. And make no mistake about it, Mr. President, this is an epidemic. The testimony before the committee was blood chilling. The time period for both exposure and the time period for incubation have been extended. And as that extension takes place, it means that we do not yet know the depth of this problem. We are seeing now only the surface manifestations. That is why the public health authorities have united to indicate to us we need education to protect those not infected. We need education, help and research for those that have been and we need to know that it is a public health emergency.

This plan in S. 1220 requires the Secretary of Health and Human Services to submit an annual plan to Congress so that we will be fighting the disease on a planned basis. S. 1220 provides for leadership on the two most important fronts at the present time in fighting the AIDS epidemic—research and education of our people.

We in this country have federally funded scientific research and we have the capacity that is second to none to approach health problems. But we have to provide those scientists with money and resources to undertake this battle quickly and effectively before it gets away from us.

This fight is not an abstraction. There are 25,000 people in this country who are living with AIDS. A majority of those will soon be dead. There are many more suffering from the AIDS-related complex. We do not know the total number that are harboring the HIV virus because it can remain hidden for a number of years. To these people research and treatment and cures are the only hope. Time is of the essence to those who are sick.

S. 1220 will speed up the process for AIDS research at NIH. It will give additional staff to agencies that are leading the fight. It will authorize funds for better cooperation and outreach to the international community which has advanced stages of this. And all anyone needs to know as a reason for our panic and our desire to meet this epidemic head on, they need only look at the African Continent and what is occurring to see the ravages that occur if the epidemic gets away from us. The international community understands it is a crisis. S. 1220 will also create an International Research Program within the National Institute of Allergies and Infectious Diseases.

Despite all of these efforts, Mr. President, I have to report to the Senate that many people will die this year. Many people who are HIV positive will develop AIDS. And, Mr. President, at this point there is no cure and they will die. We cannot stop that progression yet.

But there is one progression we can stop. We can and must stop the spread of the disease to those who are uninfected. Frankly, we have not done a very good job of educating the American peole about AIDS. We have spent too much time arguing about the content of AIDS education and not enough time listening to the Surgeon General and the other public health experts who tell us what to do and what not to do and how to protect the families of Americans.

S. 1220 authorizes many different programs to deliver the AIDS prevention message both generally and to targetted groups, targetted groups who are at high risk. We know that AIDS prevention programs work. We have seen studies in community-based programs directed at high-risk groups slow the rate of new infections dramatically. And the most successful of these efforts have taken place in the gay community.

We must understand that other communities are at risk and, therefore, the education process must go on. We have to find ways to reach the IV drug user community where AIDS transmission is totally out of control. This moves it into the hetereosexual community.

We have to reach outside high-risk groups without spreading panic because we can educate people to the risk of transmission. We have to go to the schools and educate our children. We have to go to the workplace and make sure that the legitimate concerns are met and irrational fears are answered.

We have to reach health care workers and emergency response personnel and teach them risk reduction procedures.

As I said at the beginning of my remarks, Mr. President, S. 1220 is an opportunity. It is an opportunity for the U.S. Senate to make a constructive, positive statement on our national priorities regarding the AIDS epidemic.

Since I have been a Member of this body, we have talked about this disease often. We have appropriated some money. We have heard witnesses telling us what to do. This bill represents the best work product we can produce of the combined wisdom of many individuals and organizations. I hope what we will do is not to put our colleagues on record for or against something but to put us all on record in favor of compassion, understanding, and sound health policy.

I urge all of you to join with the cosponsors of S. 1220 on both sides of the aisle and support this important piece of legislation.

Mr. President, I hope that we can pass this bill today and move forward to protect our children, our grandchildren, and the generations to come from a most frightening epidemic. I yield the floor.

Mr. BYRD. Mr. President, I believe that Senator Armstrong is on his way to the floor with an amendment. The able Republican leader and I are hoping that the Senate can complete its work on this bill today at a reasonably early hour. There are two or three other little matters that must be disposed of.

If all that can be put together the Senate will not be in session tomorrow. But the Senate does need to move forward quickly and stay on the legislation now.

I yield to the distinguished Republican leader. I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. I would just say in connection wtih the majority leader's statement I agree with him 100 percent. I think most of the statements are on this side. I urge my colleagues not only to bring up the amendments but let us see if we cannot reach some reasonable time agreement. I think the last amendment may have been very important. I took 2½ hours. As I understand there are four, five, or six amendments still pending plus the vote on cloture?

Mr. BYRD. With respect to the veterans' supplemental appropriations bill, I understand the message has just come over from the other body.

Mr. DOLE. That would be another matter you want to vote on.

Mr. BYRD. How about the conference report on the veterans' compensation bill?

Mr. DOLE. Those would not take long if we could complete action on the AIDS legislation. The others, in my view, would be disposed of very quickly. I hope to be able to tell the majority leader within the hour; just whenever you may want to proceed on the cloture vote.

Mr. BYRD. Very well. I thank the able Republican leader.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Adams). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question occurs upon the Armstrong amendment to S. 1220 as amended by the Kennedy substitute.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, in a moment I am going to send an amendment to the desk. Last night I proposed an amendment that would have simply made it our policy that States could not receive money under this act if they forbid doctors and other health-care providers from notifying the spouses of AIDS victims of the potential threat to their health.

The PRESIDING OFFICER. If the Senator will suspend, because of the period of time of the recess, the final vote on the prior Armstrong amendment, as amended by the Kennedy substitute, was not placed. The yeas and nays were vitiated.

If the Senator is willing to suspend, the Chair will place that vote and then recognize the Senator from Colorado.

Mr. ARMSTRONG. Of course.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado as amended by the substitute of the Senator from Massachusetts.

The amendment (No. 1986) as amended, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ARMSTRONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1989

(Purpose: To encourage States and local governments to allow physicians to notify spouses of AIDS carriers of the risks such spouses face)

Mr. ARMSTRONG. Mr. President, the amendment I offered last night simply prohibits States and local governments from being eligible for funds if they have a law, policy, or practice that forbids, discourages, or hinders health providers from notifying the spouses of AIDS patients or victims of potential danger.

AIDS is deadly. It is incurable. Spouses have a right to know this.

At the suggestion of the Senator from Massachusetts and the Senator from Utah, I withdrew the amendment so they could look at it overnight and, true to their word, they were kind enough to go over the amendment. With a couple of changes, which I believe are completely consistent with the purpose and intent of the amendment, we have modified it to state perhaps with greater precision our purpose.

I now send it to the desk, and ask for its immediate consideration, and do so in the belief it is acceptable to the manager.

The PRESIDING OFFICER (Mr. BINGAMAN). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ARMSTRONG] proposes an amendment numbered 1989.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . (a) Notwithstanding any other provision of law or of this Act, or an amendment made by this Act, no State or local government entity shall be eligible to receive any funds authorized under this Act, or an amendment made by this Act, if such entity has any law, regulation, or administrative policy that—

(1) forbids spousal notification in AIDS cases; or

(2) holds any physician criminally or civilly liable for spousal notification in AIDS cases.

(b)(1) Upon application of a State or local government entity the Secretary of Health and Human Services may waive the requirements of subsection (a) with respect to that organization for a period not to exceed two years if the Secretary determines that such a waiver is necessary.

(2) A State or local government entity shall be eligible to receive funds under this Act, or an amendment made by this Act, during any period not to exceed two years in which the Secretary has waived the requirements of subsection (a) with respect to that entity.

(c) For purposes of this section—

(1) the term "State or local government entity" means any State or political subdivision of any State or any department, agency, special purpose district, or other instrumentality of a State or of a political subdivision of any State;

(2) the term "spousal notification in AIDS cases" means the act of any physician (who has encouraged the patient to notify personally such patient's spouse of the test results and who believes that the patient will not notify his or her spouse and believes that it is medically appropriate for the physician to inform such spouse) in confidentially notifying the spouse of any patient who has tested positive for the presence of the probable causative agent of acquired immune deficiency syndrome that such test was positive, even if the patient refuses to consent to such notification; and

(3) the term "physician" means (A) any licensed doctor of medicine or osteopathy, nurse practitioner, or any other person who provides health care whenever such doctor, nurse, or other health care provider is acting within the scope of such person's license, or (B) any person in the State or local government entity's department of health (or comparable agency) who is authorized to act on behalf of any doctor of medicine, nurse practitioner, or other person who provides health care.

(d) Nothing in this section shall be construed to affect or prohibit the availability of anonymous testing.

Mr. ARMSTRONG. Mr. President, the subject of this amendment is notification of a spouse when a physician finds that the patient is infected with the AIDS virus. The amendment encourages States to act to remove any prohibitions against such notice; it does not make the notice mandatory.

Early in the AIDS crisis, some States passed laws with very strict confidentiality standards, such that almost no information could be released about an AIDS patient. With a growing recognition of the risks to others, some of these early laws have since been modified. But, there still remain very real questions about the ability of a physician to notify a spouse, particularly if the patient will not cooperate.

Here are some examples:

WISCONSIN

State law in Wisconsin allows the results of tests for the AIDS virus to be disclosed, without written consent, to the patient's health care providers, such as his dentist, his eye doctor, employees of those health care providers; to hospitals; to the State epidemiologist; and to funeral directors. But, the results of an AIDS test cannot be disclosed to a spouse, without the written consent of the patient.

MASSACHUSETTS

A July 30, 1987, article in the New York Times—section A, page 1—reported on a case in Boston where a man diagnosed with the AIDS virus asked his doctor to keep this information confidential. The doctor tried to convince the patient that he should let his wife know, and the patient refused. The doctor then went ahead and informed the patient's wife. According to the Times, the doctor risked "substantial civil damages under Massachusetts' strict confidentiality law, which requires written consent from a patient to disclose AIDS test results."

Just last week—April 17-23, 1988—an AIDS advisory panel recommended to the Joint Committee on Health Care of the Massachusetts assembly that the strict prohibition be modified to permit a physician to notify a current sexual partner whom the physician has knowledge of if the patient refused to notify the partner and if the partner does not know of her or his risk. The physician may not disclose a name.

NEW YORK

A New York Times article of October 15, 1987, reports that current New York State law forbids giving spouses information about their partners infection with the AIDS virus, unless the patient gives written consent to such notification. This same article notes that the New York City Health Department found "1,005 women have contracted AIDS and * * * many of them did not know their spouses or partners were infected." Dr. Stephen Joseph, New York City's health commissioner, has recommended that the law be changed. Dr. Joseph said, "A physician and a public health authority acting as a physician have the ethical obligation and moral duty to issue such a warning when there is a clear risk of infection, even without the explicit consent of the patient."

What does the New York law lead to? Cases such as this:

> [A] case cited by [New York] health officials [involved] an AIDS hospital patient who refused to disclose his illness to his wife. His wife was unaware of his bisexuality and he did not want her to know despite her high risk.
>
> Some people on the hospital staff strongly believed the wife should be warned of her risk, or of the strong possibility that she was already infected, but felt constrained by hospital policies on confidentiality.

According to a New York Post article of April 5, 1988, New York Governor Cuomo agrees that State law should be changed and has sent a bill to the State legislature that would allow a doctor to tell the spouse, with or without the patient's consent. (New York Post, p. 5 (April 5, 1988)). New York State accounts for nearly 26% of all AIDS cases.

Mr. President, the situation I have described in these States is the subject of my amendment. As a matter of Federal policy, I think we should encourage States to remove restrictions to spousal notification. Some States have already moved in that direction, others like New York are considering legislation.

This amendment is an incentive to encourage States and localities to permit spousal notification, allowing spouses to better protect their health.

The amendment prohibits any funds authorized under the bill from going to any State or local government—or their agencies—if such State or locality has any "law, regulation, or administrative policy" that:

First, forbids spousal notification in AIDS cases, or

Second, holds any health care provider, or any person in the State or local government organization's department of health—or comparable agency—who is authorized to act on behalf of any health care provider, criminally or civilly liable for spousal notification in AIDS cases.

The definition of "spousal notification in AIDS cases" is given in subsection (c) of the amendment and means a health care provider's—or authorized State agent's—telling a spouse of a patient that such patient has tested positive on an AIDS test. Consent of the patient need not be obtained, although it is expected that such consent would be solicited. The health care provider is to encourage the patient to notify his or her spouse personally.

Subsection (b) allows the Secretary to suspend the provisions of this section for up to 2 years "if necessary". This subsection is meant to allow States whose legislatures will not meet for a period of months or years to have a grace period before becoming ineligible under subsection (a). The second paragraph of subsection (b) makes it clear that governments may continue to receive funds during this interim period. The term "if the Secretary determines that such a waiver is necessary" is meant to allow a waiver for difficulties created by legislative sessions—for example, biennial sessions. The term may include other difficulties as well if they are comparable to the difficulties presented by a biennial legislative schedule. The Secretary is not to give waivers for less compelling reasons. Particularly, waivers are not to be given because some State or local government disagrees with the congressional policy on spousal notification. The burden of seeking a waiver is on the prospective recipient.

The amendment does not require any State or local government to impose an affirmative duty on physicians or anyone else. The amendment does provide an incentive for States and localities to remove penalties for and disincentives to spousal notification.

Mr. President, more than 33,000 persons have died of AIDS, a disease that is invariably fatal.

There have been 1284 adult deaths attributed to heterosexual transmission. About 4 percent of all adult cases are attributable to heterosexual transmission.

There are 2392 cases of AIDS that involve adults who acquired the disease through heterosexual means. This number includes 310 men and 1094 women who have had heterosexual contact with a person with AIDS or at risk of AIDS. The remaining 988 persons do not have identifiable risks but were "born in countries in which heterosexual transmission is believed to play a major role" in transmission.

Five hundred and forty-four children have died of AIDS. Nine hundred and thirty-two children are known to have AIDS. Of these, 717—77 percent—got the disease from their mothers. Twenty-nine percent of women with AIDS got it from heterosexual contact and 51 percent got it from intravenous drug abuse.

About 63 percent of the total adult population is married. 1987 Statistical Abstract 38. That figure is probably far too high for AIDS patients who are overwhelmingly—65 percent—homosexual/bisexual males.

What is the heterosexual transmission rate for AIDS? One study of 70 couples—"over a period of years"—showed "eight of the 50 [AIDS] infected men transmitted the virus to their wives; of the 20 infected [AIDS] wives, only one passed it on to her husband." Another study estimated that the "likelihood of [heterosexual] transmission to a partner with a single exposure must be quite low, probably less than 1 percent per contact." Another study of 96 women who had "sexual contact with HIV-infected men found that a woman's chance of infection was approximately one in one thousand [per contact]."

In short, the risk of heterosexual transmission is low for each single sexual contact. However, the risk accumulates, and the risks for a cohabiting couple can be significant indeed: Eight of fifty infected men—16 percent—and 1 of 20 infected women—5 percent—passed the infection to their heterosexual partners during a "period of years." This is a transmission rate of 13 percent.

The exact risk to a spouse of a person with AIDS cannot be calculated, but the risk is real and spouses will die because they were either unwilling to take precautions or unaware of the risk.

This amendment is consistent with sound medical practice:

> [T]he American Medical Association says doctors have a duty to warn unsuspecting partners.
>
> "The duty to warn those at risk clearly takes preceden[ce] over the duty to maintain confidentiality," said Dr. Alan Nelson, chairman of the AMA's board of trustees. "If we [are] able to protect someone who is continuing to be placed at risk, we cannot turn our backs on that responsibility."

Some States have already acted to remove any legal concerns in this area and we should encourage others. For example, last year, California changed its formerly restrictive rules. The new law says that no physician "shall be held criminally or civilly liable" for disclosing a positive AIDS test to a "person believed to be the spouse of [the] patient." California Statutes of 1987, chapter 543 (Assembly bill No. 250), approved by the Governor September 11, 1987. California accounts for nearly 22 percent of all AIDS cases.

The Washington Times has editorialized:

> The fundamental conflicts between the rights of privacy and rights of life require sensitive, thoughtful consideration—not a cult of legalism that gives AIDS victims an absolute right to privacy, and those at risk of being exposed to the virus no right to protection at all. Public health establishmentarians who lash out blindly at such attempts to find a reasonable compromise between privacy and a physician's duty to warn a patient of lethal danger run the risk of becoming irrelevant in the war against AIDS—or worsening the situation through silence.

Finally, keep in mind that the State is a partner in every marriage. Marriage is a unique contract, and the Federal Government and every State government recognize it as such. In that sense, we have a responsibility to both parties and should act to insure we provide equal protection.

Not all States prohibit spousal notification, of course. Some do, as explained above. The Armstrong amendment makes it Federal policy to permit spouses to be informed of deadly dangers they may face. S. 1220 is the "AIDS Research and Information Act." Do we want this bill to allow everyone except spouses to be informed? No. Because of the risk of heterosexual transmission, because AIDS is deadly and incurable, and because the State is a partner in every marriage, spouses needed to be added.

With the debate last night, and my brief explanation today, I think we are ready to vote on it.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we have introduced legislation which deals with this important public health policy in a comprehensive fashion, and I am prepared to accommodate the Senator from Colorado and allow this amendment to be agreed to by voice vote.

I share the Senator's concern, and I appreciate his cooperation in reaching a solution. I believe that it achieves and accomplishes what the Senator had intended, and it does so in a way which will be completely consistent with follow-on legislation.

I thank him for his cooperation and for the help and support of the Senator from Utah.

I urge the Senate to accept this amendment.

Mr. ARMSTRONG. Mr. President, my thanks to the Senator from Massachusetts for his courtesy and help in working this out.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1989) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ARMSTRONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. I just point out to the Members, we are prepared to debate, accept, or permit the Senate to act on any of the remaining amendments. We have sounded out the Membership a number of times as to what amendments they may have. We are quite prepared at this time to debate those issues.

So I want to indicate to the Members that we are prepared now to debate these measures, and if there are Members who do have amendments, we hope that they will come here and submit them.

I am sure later on in the day or perhaps evening or even tomorrow we will hear the argument we did not have enough time to debate these matters, and these matters are too important for tabling measures, and all the rest.

But we are prepared to discuss these matters, debate them, and accept them or have the Senate vote on them. We urge all of our colleagues who do have amendments to come to the floor now and offer them.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I wish to compliment Senator KENNEDY, the chairman of the Labor and Human Resources Committee, and also Senator HATCH for their work on this piece of legislation as well as Senator WILSON, Senator ARMSTRONG, and others who have been very involved in trying to put together a piece of legislation that will help in a very difficult situation, in my opinion probably the largest, the most serious health problem this Nation has faced in our short history.

We have heard time and time again, and I have participated in discussions on the floor with some of my colleagues, Senator WEICKER, and I compliment him as well for some of the contributions he has made concerning this issue, if nothing else bringing it to the attention of the American people. Senator DANFORTH has done the same. He has made several speeches on the floor of the Senate concerning this disease called AIDS.

Unfortunately, a lot of the people think the disease is primarily located on the east coast or the west coast. That is not the case. It is a national disease. It is one spreading not only nationally but internationally. It is rampant in certain countries and certain sections of Africa, even to a greater extent than it is anywhere in the United States. That is a scary result. It has infected well over a million Americans, and it will infect millions more. It is a very deadly disease.

Mr. President, the Centers for Disease Control estimates—and we hear the estimate anywhere from 1 million to 1.5 million people—possibly 2 million people are carrying the virus today. I think the commonly used figure is 1.5 million Americans have the virus today.

Some estimates range as high as a few million. The Centers for Disease Control estimates that there will be 4 or 5 million Americans with the HIV virus by the year 1991. When you look at the potential, what that will mean in American lives, it is astronomical. Most estimates are that the number of deaths that will occur in the United States by the year 2000, which is less than 12 years from now, will be anywhere from 600,000 to as many as 1 million people, those cumulatively who will have died from this disease, AIDS.

To put that in a different perspective, by the year 1990-1991, we will probably have in excess of 50,000 deaths per year from this disease.

Mr. President, as you know, that is as many Americans as died in the entire Vietnam war. That many Americans will be dying every single year as a result of this deadly disease that we now call AIDS, for which we have no cure, and which, unfortunately, we find that after a few years, the virus manifests itself into progressing into a deadly stage, commonly called "Frank" AIDS, from which there is no cure.

So we really do have some serious problems. This legislation will not solve those problems. I think everyone who is a proponent and cosponsor of this legislation has started this will not solve the problem. Maybe it will help. Hopefully, it will help save a few lives, and hopefully a few people will not become infected and therefore die as a result of this legislation. I hope that is the case.

Unfortunately, we do not have enough information about this disease. We really do not right now know if a million and a half Americans have the virus, or if 3 million Americans have the virus, because there is not any real broad sampling and testing of those people that have them. Most all the testing that has been done in the United States has been voluntary.

I encourage, and I know Senator KENNEDY has some legislation encouraging voluntary testing, and I encourage that proposal, that approach. I think we need to encourage it.

Mr. President, I have an amendment, and I will send it to the desk shortly, that I believe has been worked out. But it provides for testing, but not broad testing, not testing every couple that is going to be married, not testing everybody that is in the military. This is a very targeted testing amendment, targeted basically to two high-risk groups, groups of individuals that have been convicted of intravenous drug-related crimes.

So that is one approach. Also, we have in the amendment people who have been convicted of sex-related crimes. That is a high-risk group as well.

Mr. President, the need for this type of legislation came to my attention. We have had meetings, hearings and discussions in my State as well as in Washington, DC over the concern of rape victims, and whether or not the rapist happens to be carrying the AIDS virus or had the AIDS virus or not. Right now, the rape victim in many States has no way of knowing.

So not only, if it is the case of a woman, she has the trauma of being raped, but she also has the trauma of wondering whether or not the rapist may or may not have had AIDS and possibly infected her, and whether she would be possibly infecting her family. It is a very serious trauma, a very real one, one that individuals have come and talked to this Senator, and said, "Help us." That is the purpose of this amendment.

Yes, we provide for testing of persons who have been convicted of sex-related crimes. I mentioned rape. I was speaking of rape between man and woman. But you also have homosexual rape. We are talking about testing people who are in prison. In Federal prison, we mandate it on the Federal prisons, and we encourage it for the States. But you have a lot of homosexual rape in our prisons today. You may well have an individual that is serving 5 or 10 years for whatever crime in a Federal or State prison, but he may have been abused sexually. And that 5-year sentence may well turn out to be a death sentence because he could be infected by the AIDS virus and therefore die from this deadly disease.

We would provide for testing for persons who are convicted of sex-related crimes and persons who are convicted of intravenous drug related crimes.

I think it is a very targeted approach, an approach that does not really span the broad population. So we are not going to know exactly how many people in this country have the disease. But we will be testing individuals who have committed crimes, individuals that are in the high-risk groups. We will keep the information confidential, and we will provide that information to the victims of the sexual crime which I think certainly makes sense. We also provide that information to the appropriate authorities in the prison so they can take safety precautions as needed.

Mr. President, I think it is a good amendment.

AMENDMENT NO. 1990

(Purpose: To provide routine confidential testing of individuals convicted for drug and sex offenses for exposure to the human immunodeficiency virus)

Mr. NICKLES. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. Nickles] proposes an amendment numbered 1990.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new title: Title ——Mandatory Testing of Convicted Felons.

SECTION 1. SHORT TITLE.

This Act may be cited as the "AIDS Awareness Act of 1987".

SEC. 2. TESTING OF FEDERAL PRISONERS.

(a) Attorney General.—

(1) In General.—The Attorney General shall provide for the confidential testing of—

(A) any individual convicted of an intravenous drug or sex offense on or after the effective date of this Act; and

(B) each individual incarcerated in a Federal prison for an intravenous drug or sex offense;

for exposure of such individuals to the human immunodeficiency virus.

(2) Costs.—The costs of testing an individual described in paragraph (1)(A) shall be paid for by such individual, provided such individual is able to pay, and such costs shall be included in any court costs or fines ordered to be paid by the individual upon sentencing.

(3) Date of Commission.—The testing requirements for individuals described in paragraph (1)(B) shall apply to any individual currently incarcerated in a Federal prison for an intravenous drug or sex offense if such intravenous drug or sex offense was committed on or after January 1, 1978.

(b) Confidentiality.—Except as provided herein, no person receiving identifying information regarding an individual tested pursuant to this section shall diclose or redisclose such information to any person. The confidentiality of the testing required under susection (a) shall be waived only so that;

(1) correctional personnel deemed appropriate by the Attorney General, in accordance with guidelines pertaining to occupational risks of exposure to the human immunodeficiency virus issued by the Department of Health and Human Services may have access to the information, and

(2) victims of rape may be informed of the results of the test, if the person convicted of the rape tests positive for exposure to the human immunodeficiency virus.

(c) Medical Treatment of Drug and Sex Offenders.—The Attorney General shall provide education and counseling through existing prison medical facilities to any individual testing positive for exposure to the human immunodeficiency virus under subsection (a).

(d) Drug of Sex Offense.—For purposes of this section, the term "intravenous drug or sex offense" means—

(1) an offense that is punishable, under a Federal law relating to intravenous use of a controlled substance (other than a law relating to simple possession of a controlled substance), by death or imprisonment for a term exceeding 1 year; or

(2) an offense punishable under chapter 99 of title 18, United States Code, relating to rape.

SEC. 3. TESTING OF STATE PRISONERS.

(a) In General.—The chief law enforcement officer of each State shall establish a State program to provide for the confidential testing of—

(1) any individual convicted, under State law, of an intravenous drug or sex offense on or after the effective date of this Act; and

(2) each individual incarcerated in a State penal institution for an intravenous drug or sex offense,

for exposure to the human immunodeficiency virus.

(b) Waiver of Confidentiality.—The confidentiality of the testing required under subsection (a) shall be waived only so that;

(1) correctional personnel, as deemed necessary under laws of the State or policies established by the State Department of Health, may have access to the information, and

(2) victims of rape may be informed of the result of the test, if the person convicted of the rape tests positive for exposure to the human immunodeficiency virus.

(c) Funding.—

(1) In General.—The program established under subsection (a) shall be conducted in part with using funds made available under this section.

(2) Requirement.—A State shall not receive funds under this subsection (F) unless an application for such has been submitted to, and approved by, the Attorney General.

(3) Contents.—An application submitted under paragraph (1) shall—

(1) be in such form and be submitted in such manner as the Attorney General may by regulation require; and

(2) contain—

(A) assurances by the chief executive officer of the State that the State will provide, through existing medical facilities in State penal institutions, education and pre-2nd post-test counseling to any individual tested for exposure to the human immunodeficiency virus under this section; and

(B) a 50% cost share under Section (a), by the State; and

(C) such other information as the Attorney General may by regulation specify.

(d) Definitions. As used in this section:

(1) Individual.—The term "individual" means any individual who is currently incarcerated in a State prison for a State criminal offense who committed such offense on or after January 1, 1978.

(2) Intravenous Drug or Sex Offense. —The term "Intravenous drug or sex offense" means—

(A) an offense that in punishable, under a State law relating to intravenous use of a controlled substance (other than a law relating to simple possession of a controlled substance), by death or imprisonment for a term exceeding one year.

(B) a State offense of the same type described under chapter 99 of title 18, United States Code, relating to rape; or

(C) a State criminal offense involving prostitution.

(e) Regulations. —The Attorney General shall promulgate regulations to carry out this section, including regulations that determine the amount of funds that each State is entitled to receive under this section.

(f) Authorization. —To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1988 through 1990.

SEC. —04: ATTORNEY GENERAL STUDY.

Not later than one year after the date of enactment of this Act, the Attorney General shall complete a study and submit a report to Congress concerning the appropriateness of mandated prison sentences for any individual convicted of an intravenous drug or sex offense who thereafter knowingly places others at risk of becoming infected with the human immunodeficiency virus.

SEC. —05. EFFECTIVE DATE.

This Act shall become effective 180 days after the date of enactment of this Act. A state may apply to the Attorney General for a waiver to permit an additional period of 180 days to submit the application required for funding.

Mr. NICKLES. Mr. President, I have some additional information that I will include in the Record. Briefly, I will make a couple of comments.

According to a National Institutes of Justice report, as of October 1, 1986, there had been 1,232 confirmed AIDS cases among inmates in 58 responding Federal, State, and local correctional systems. There had been 784 cases in 31 State and Federal Correctional Systems—up 72 percent from the 455 cases reported as of November 1, 1985, the time of the original survey. Twenty-seven responding city and county jail systems reported 448 cases—up 44 percent from the 311 cases reported in the original survey 11 months earlier. Total AIDS cases in all responding correctional systems increased from 766 to 1,232—or 61 percent—in the 11 month interval. This is a large increase in cases, but it is, in fact, smaller than the 79-percent national increase from 14,519 cases as of November 4, 1985 to 26,002 as of October 6, 1986.

The National Institutes of Justice report also indicates that "information on the extent of transmission of HTLV-III simply does not exist"—even more reason to adopt my amendment.

The following are other factors regarding prison life that should be considered in attempting to access the potential extent and primary means of transmission:

Known outbreaks of syphilis and other sexually transmitted diseases in prison populations suggest that AIDS can also be transmitted in the correctional setting.

Many inmates have histories of intravenous drug abuse. In fact, Bureau of Justice statistics indicates that 8.6 percent of the State prison population is serving a sentence for a drug offense. It is estimated that some 47,000 individuals were incarcerated in 1987 for drug offenses. While it is unclear how much drug abuse involving needle-sharing occurs in prison, it is probably inevitable that at least some takes place.

Reportedly, tattooing and the use of tattoo machines are prevalent in many correctional facilities, and this activity may expose inmates to blood contaminated with the AIDS virus.

While the incidence of all types of sexual activity may vary widely across correctional systems, a report by the Federal Bureau of Prisons estimates that 30 percent of inmates engage in homosexual activity while in prison. It should be noted that the data on which this estimate is based were collected before AIDS became a serious problem in the United States. Since then, AIDS related educational efforts may have reduced the incidence of homosexual activity in correctional facilities.

Of particular concern with regard to the question of AIDS transmission in prison is the extent to which inmate sexual activity is nonconsensual. According to the Federal Bureau of Prisons report, perhaps 9 to 20 percent of prison inmates are targets of aggressive sex acts during incarceration. However, in the Federal system, less than 1 percent were found to have been actually victimized. Prison sex is complex; it includes consensual—that is, consensual, but based on intimidation—and nonconsensual activity. These components require very different responses, insofar as the prevention of AIDS is concerned.

The report concludes with, "there are currently no conclusive data on the extent of transmission of HTLV-III infection within the correctional facilities." Thus, correctional administrators must necessarily form their judgments and shape their policies on the basis of logic and common sense. Logic and common sense both suggest that even in the best-managed correctional institutions there may be at least some transmission of the AIDS virus occuring among inmates.

The incidents of assault in correctional facilities are relatively high. Justice Department figures show that there were 336 inmate-to-inmate assaults from October 1986 to October 1987. During that same time period, there were 178 inmate-to-staff assaults. Therefore, there were 509 documented incidents of assault in the Federal prison system. This means that there were at least 509 times when there was a possibility of transmittal of the AIDS virus. There were 509 times when it may have been helpful to know which individuals were HIV positive for the protection of the staff as well as the other inmates. This figure, of course, does not include the incidents of rape which undoubtably go unreported.

Mr. President, I think there is a serious problem, one for which this amendment will be a step in the right direction. Again, I want to thank my colleague and friend, Senator KENNEDY, for his assistance in this as well.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all, I want to thank the Senator from Oklahoma for bringing this issue to our attention and for the cooperation he has demonstrated in working with Senator HATCH, myself, other members of the committee, to bring us to the point where we are. I will join in urging the Senate to accept this amendment.

The Senator from Oklahoma correctly pointed out that as far as the Human Resources Committee, we wanted this first legislation to deal with research, to deal with education, home health care, the training of professional health care workers, and we are going to follow this legislation with legislation dealing with testing and dealing with confidentiality and the antidiscriminatory provisions which are very important.

So when the Senator initially talked with us, he understood that this was a testing issue, and we reviewed with him what we were doing in this area. But he wanted to ensure that with the passage of this legislation at least we were taking these modest steps, particularly with the urgency that is necessary given the fact that individuals are being affected and impacted by the failure of testing some of those who are convicted of sex crimes, and IV users.

So we have worked out this language which will be completely consistent with where we were going to go, where our committee was going to go with the follow-on legislation. He has made a strong case for the timeliness of the legislation. We cannot really dispute that. He has also been willing to accept the CDC guidelines for example which also are related to this whole subject matter.

If you find individuals, and they are infected, they are put in a special ward. Who is going to get notification? Under what circumstances? And there are important guidelines which the Centers for Disease Control has issued, and the Senator has incorporated those guidelines which are important from a public health point of view.

Mr. President, I thank the Senator. I hope that when no other Senators want to address this issue the Senate will adopt the amendment.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Does the Senator from California wish to speak on the amendment?

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. NICKLES. Mr. President, I have another comment on this amendment. I do not know if the Senator wanted to comment on this amendment.

Mr. WILSON. Yes. On this amendment.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. The minority not only has no objection to the amendment offered by the Senator from Oklahoma but joins with the committee chairman in commending him for the very careful effort that he has made.

I think that as the Senator from Massachusetts has indicated, the case here is a clear one. There, obviously, is a high risk in the groups that are covered in this amendment. They do pose a threat and it is I think only proper that this very much circumscribed and very carefully-contained testing go forward.

The pains that have been taken by the Senator from Oklahoma are clear. I think that it is a good amendment and that it should be adopted.

Mr. NICKLES. Mr. President, a couple of additional comments concerning the legislation.

I was asked whether this would cover prostitutes if they are convicted of a sexually related crime. It would. It is specifically mentioned in this legislation, and for a very good reason. I will give an example.

There was a survey taken on a relatively small number of prostitues in Washington, DC. I say a survey. Some random tests were made to find out whether prostitutes in Washington, DC carried the HIV virus; 50 percent tested positive.

That is a staggering statistic. In some areas, it his higher. In other cities it may be lower. But that is a scary statistic, to think that in many cases, a prostitute might be picked up on the street and may be convicted, and may be fined $200, and may be on the street again tomorrow, in many cases spreading the disease that much further.

This amendment would provide for testing. We also ask the Attorney General to provide us with a report and to give us some deadlines so that we could come up with significant penalties for persons who knowingly and willingly continue their activities which would further spread the disease, after they have been tested positive.

We would encourage the States to do so, as well. For the States, this is not a mandatory program. We make it optional for the States; we encourage the States by telling them that we would help them with the cost of testing.

Likewise, I would want to encourage the States to come up with similar significant, serious penalties for those persons who are convicted of knowingly spreading the disease.

After they have been tested positive, they go back on the street and continue to share dirty needles or continue to have homosexual relations or prostitution relations and further spread the disease. I would hope those States would enact statutes that would be very punitive. We are talking about a deadly disease. We are talking about a disease that may well kill a million Americans in the next 12 years.

Mr. President, again I thank my good friend, the Senator from California, the Senator from Massachusetts, and others who have helped us with this legislation. I think it is important legislation. It is one that I think is very important to have maintained and be part of the bill.

It is my desire to have a rollcall vote on this amendment. I do not see Senator KENNEDY on the floor, so I will not ask for the yeas and nays at this time, but it is my intention to ask for the yeas and nays when Senator KENNEDY returns.

I yield the floor.

The PRESIDING OFFICER. The Chair, in its capacity as a Senator from Georgia, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Oklahoma. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Mississippi [Mr. STENNIS] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of Illness.

Mr. SIMPSON. I announce that the Senator from Nebraska [Mr. KARNES] is necessarily absent.

The PRESIDING OFFICER (Mr. FOWLER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—97

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—0

NOT VOTING—3

Biden
Karnes
Stennis

So the amendment (No. 1990) was agreed to.

Mr. NICKLES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma, [Mr. NICKLES] is recognized.

Mr. NICKLES. I thank the Chair.

AMENDMENT NO. 1991

Mr. NICKLES. Thank you very much. Mr. President, one of the cornerstones of the legislation that we have before us, brought before us by Senator KENNEDY and Senator HATCH, is education. I think education is very important.

Mr. KENNEDY. May we have order, Mr. President? I have been working with the Senator; I have accepted his amendment. He has another amendment and we would like to hear his floor comments.

The PRESIDING OFFICER. The Senator from Massachusetts is correct. The Senate will be in order.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my good friend and colleague, the Senator from Massachusetts.

Mr. President, one of the important things that is in this legislation deals with education. I personally think education is very, very important.

A lot of people still, despite what has been said on the floor, despite what they have heard or read in the paper, still do not realize how terribly serious this deadly disease that we now call AIDS really is. The Senator from Connecticut does realize it, and I compliment him. He has made several speeches on the floor of the Senate talking about this disease, trying to help, trying to be compassionate to those who are unfortunate enough to have the disease.

I think it is vitally important that we try to educate people, let them know the risks that are involved and try to help identify those activities that are high risk that maybe would increase a person's chances of becoming infected with the disease for which, right now, Mr. President, there is no cure.

As I stated before, it is estimated that by the year 2000, anywhere from 600,000 to maybe even a million Americans will die from this very deadly disease.

I am concerned about that. I am also concerned about the material that we try to educate people with. I want to educate people. I want them to know what causes the disease. I have seen some of the information, Mr. President, that has come from various groups that have received, in many cases, very significant Government grants to educate people concerning this disease.

Frankly, Mr. President, I am offended by some of the material that has been handed out. I am offended by the fact that our taxpayers' dollars have been used to send out material that is more than obscene. It is more than lewd. It is some of the crudest, roughest material that is imaginable.

Most of it is under the title of safe sex. How do you have safe sex. It goes into it very frankly, which we will not go into, or I hope we will not go into, on the floor of the Senate. That bothers me.

Also, I looked at some of the information and I tried to see: Well, do they even say what causes the disease? In most cases they do not.

Mr. President, I am going to be sending an amendment to the desk in a moment. I hope that the Senator from Connecticut and others can support this amendment. It basically would direct the Centers for Disease Control or the Secretary to state what causes the disease; how is the disease transmitted. A lot of people do not know.

I heard my friend, the Senator from Connecticut, talking about this the other day. A lot of people, I think, have misconceptions. But a lot of people really are not aware how they might catch the disease. You have had some people who talk about toilet seats; you have some people talking about maybe I could get it through a cut on the hand or maybe I could get it by being in the same room. There are a lot of misconceptions, a lot of fear, a lot of paranoia about the disease. Maybe the fear is justified in some cases because it is a deadly disease but we ought to let people know what causes the disease and how they are most likely to become infected.

There is an article in the Washington Post. I will include this in the RECORD. It says, "Heterosexuals told to avoid risky partners." It is dated April 22, 1988.

Mr. President, I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The Washington Post, Apr. 22, 1988]

HETEROSEXUALS TOLD TO AVOID RISKY PARTNERS

(By Susan Okie)

The best protection for heterosexuals against becoming infected with the virus that causes AIDS—more effective than condoms, blood tests or limiting the number of sexual partners—is to avoid sex with anyone in a high-risk group, according to a new medical report.

The chance of becoming infected from a single episode of vaginal intercourse, without a condom, is about one in 5 million if the partner does not belong to a high-risk group, but about one in 500 if the partner has tested positive for infection with the human immunodeficiency virus (HIV), according to the article, which appears in today's issue of the Journal of the American Medical Association.

Previous advice about avoiding infection has not adquately emphasized the importance of knowing about the past behavior of one's sexual partners, said the study's principal author, Dr. Norman Hearst, an assistant clinical professor of family medicine and epidemiology at the University of California at San Francisco.

Hearst said that before having intercourse, heterosexuals should get to know their partners well enough to get reliable information about their sexual history. "Most of the people who've gotten AIDS [through heterosexual transmission] so far, got it from a person who they knew was in a high-risk group," he said.

Hearst and Dr. Stephen B. Hulley, also of UCSF, used published data on the prevalence of HIV infection in different groups and on frequency of transmission during intercourse to calculate the odds of becoming infected during a single sexual encounter, with and without a condom, depending on the partner's risk status. They also calculated the chances of becoming infected after 500 sexual encounters with the same partner.

High-risk groups included homosexual or bisexual men, intravenous drug abusers, hemophiliacs, female prostitutes, heterosexuals from Haiti and some central African countries where heterosexual spread of the virus occurs frequently, and people who received many blood transfusions between 1983 and 1985, when routine testing of blood for HIV began. Anyone who has been a regular sexual partner of someone in a high-risk group was also considered to be at high risk of infection.

Hearst said that in order to estimate the risks, he and Hulley had to make certain assumptions about how often the virus is transmitted sexually and how much protection is afforded by condoms. Based on studies of heterosexual couples in which the man was infected with HIV, they estimated that the chance of male-to-female transmission of the virus is one in 500 during each episode of intercourse. They estimated that using a condom reduces the chance of transmission by a factor of 10.

The relatively low risk of infection from a single encounter with an infected person reflects the fact that HIV is much less easily transmitted during intercourse than many other diseases, such as gonorrhea. After 500 episodes of intercourse with an infected person, the likelihood of becoming infected was estimated at two in three.

The estimates show that the chance of becoming infected is influenced much more by the risk status of a partner than by factors such as condom use or blood-testing for HIV. With a high-risk sexual partner, a negative blood test is not a guarantee of safety because tests can be falsely negative or infection may have occurred too recently for a positive test to develop. "The best advice we can give our patients is to choose their partners carefully," the article said.

The article pointed out that "the risk of AIDS from a low-risk sexual encounter," estimated at one in 5 million, "is about the same as the risk of being killed in a traffic accident while driving 10 miles on the way to that encounter."

Hearst said the estimates are averages that he hopes will help people make decisions about their behavior. "There are a lot of people out there who are more alarmed than they need to be," he said. "There are also a lot of people out there who ought to be alarmed and aren't."

As of Monday, 59,491 cases of AIDS had been reported to the federal Centers for Disease Control, with 33,280 deaths. Of cases among adults and adolescents 2,396, or 4 percent, occurred through heterosexual transmission.

Mr. NICKLES. Mr. President, one of the reasons I mentioned this is a lot of people seem to think that heterosexuals are a no-risk or low-risk group.

They are certainly much lower than other high-risk groups, primarily homosexual groups, homosexual males. They are a lower risk group than bisexual people. They are a lower risk group than intravenous drug users, because those are very high percentages.

Homosexual and bisexual males are 62.9 percent of the reported cases. Intravenous IV drug users are 18.2 percent of the reported cases. Homosexual males and IV drug abusers, 7.9 percent.

Mr. President, just looking at that group, that is the bulk, that is the large majority. That is, almost 90 percent of all cases fall into the homosexual, bisexual male, intravenous drug user or abuser. That is the majority. That is 90-some percent. Heterosexual cases referred to in this article is almost 4 percent; 3.9 percent. Persons who had a transfusion or blood components is about 2.9 percent, and there is 3 percent that is undetermined.

But the strong majority of that, as you can easily see, are IV drug users, homosexual and bisexual males.

I think people need to know that. I think it would be a good idea, if we are going to be spending Federal tax dollars, millions of dollars of Federal tax dollars, to educate the public, to mention on this educational material that we are paying for how the disease is transmitted.

I think it just makes sense. It is not offensive. I do not want crude. I do not want lewd. I am not trying to do anything but just to put a few facts down. I want them to see how the disease is transmitted, and I also want a warning on that. I want them to know that right now there is no known cure for the disease. And I also want them to know that the disease is deadly with the purpose being that hopefully they would avoid these type of activities which are high risk.

Hopefully they will avoid homosexual and bisexual activities. Hopefully they will avoid IV drug use. Those are deadly activities. They are deadly activities from which there is no cure.

I hope we will have a cure. We are spending a lot of money to come up with a cure, but it is not anticipated we will have a cure even before the year 2000. I hope we do. I hope we find a cure tomorrow. But the facts are we do not have a cure and people need to know that.

I will send an amendment to the desk in just a moment. We have worked with the Senators. I understand possibly this one will not be accepted. I hope that it will. We tried to craft the language in a manner that really makes sense; a commonsense amendment.

The amendment says, let us find out, let us state exactly how the disease is transmitted and also the results of the disease. There is no cure, and it is a deadly disease. It is killing right now in the thousands, but I am afraid it will soon be something like 50,000 per year. I think those facts should be made known, and I hope that they will be made known to people who are at risk or people who are possibly contemplating their behavior. I hope it will be in cases where individuals will alter their behavior as a result of this disease. Undoubtedly, not all people will.

So this amendment, again, just like the previous amendment and just like this bill, is not going to solve the problem, but it should help. I cannot help but think that educated people, if they were aware of the consequences of some of their activities, would alter their behavior.

So, Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER**. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposed an amendment numbered 1991.

At the appropriate place, insert the following:

All federally funded AIDS public information and education programs shall provide accurate warnings, the content of which shall be promulgated by the Secretary of Health and Human Services, that homosexual and bisexual activities, multiple sex partners, and intravenous drug use, are high risk activities which place individuals at risk of becoming infected with the etiologic agent for AIDS of which there is no known cure once an individual becomes infected with the AIDS virus.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. NICKLES. Mr. President, I think the amendment is self-explanatory. I want to make sure my friends and colleagues have a copy of the amendment and will be able to digest it, consider it, and I hope they can accept it.

Again, I want to be very frank. The amendment is very frank. We basically say the Secretary will come up with some regulations, and I started to say I am almost amused. We have regulations on the packages of cigarettes that says the Surgeon General says this may be hazardous to your health, and we alternate the labels, and so on.

What I am saying in this case, I am not suggesting necessarily it may be a decent idea. Maybe we should do that on condoms, maybe we should do it on syringes and needles or something, but I am not suggesting that.

What I am suggesting is that for those groups who receive Federal dollars to produce their own educational material that they would provide in that material what causes the disease, how is the disease transmitted from one individual to another individual, and that they would also provide the results of the disease in very clear terms.

Unfortunately, we have organizations and groups that have received Federal money supposedly to educate—I started to say their group or their association that they may represent—but a lot of their material is not telling people the risk of the disease. It is not telling people how they get the disease, but in many cases it almost promotes the disease and promotes the activities which cause the disease. And that bothers this Senator. If anyone in this Chamber would like to see some of the material that has been produced by some of these groups, I have some of it available. A lot of it I think you would find very offensive.

The same extent has happened on some of the toll-free numbers, the AIDS hotline. Again, instead of telling people on the AIDS hotline that these activities can cause the disease and should be avoided in some cases, they have actually promoted that type of activity. I think that is a mistake. I hope my colleagues will accept this amendment.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 1992 TO AMENDMENT NO. 1991

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1992 to the Nickles amendment No. 1991.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. WEICKER. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will read.

The legislative clerk continued reading the amendment:

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . (a) Notwithstanding any other provision of this Act or an amendment made by this Act, none of the funds provided under this Act or an amendment made by this Act shall be used to provide educational, informational, or risk reduction materials or activities to promote or encourage, directly, homosexual sexual activity.

(b) Education, information, and prevention activities and materials paid for with funds appropriated under this Act shall emphasize—

(1) abstinence from sexual activity outside a sexually monogamous marriage (including abstinence from homosexual sexual activities) and

(2) abstinence from the use of illegal intravenous drugs.

(c) The homosexual activity referred to in subsections (a), (b), and (c) means any sexual activity between two or more males as described in section 2256(2)(A) of title 18, United States Code.

(d) The illegal drugs referred to in subsections (a), (b), and (c) mean any controlled substance as defined in section 106(6) of the Controlled Substance Act (21 U.S.C. 802(6)).

(e) If the Secretary of Health and Human Services finds that a recipient of funds under this Act has failed to comply with this section, the Secretary shall notify the recipient, if the funds are paid directly to the recipient, or notify the State if the recipient receives the funds from the State of such finding and that—

(1) no further funds shall be provided to the recipient;

(2) no further funds shall be provided to the State with respect to noncompliance by the individual recipient;

(3) further payment shall be limited to those recipients not participating in such noncompliance; and

(4) the recipient shall repay to the United States, amounts found not to have been expended in accordance with this section.

(f) All federally funded AIDS public information and education programs shall provide accurate warnings, the content of which shall be promulgated by the Secretary of Health and Human Services, that homosexual and bisexual activities, multiple sex partners, and intravenous drug use, are high risk activities which place individuals at risk of becoming infected with the etiologic agent for AIDS of which there is no known cure once an individual becomes infected with the AIDS virus.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(During the quorum call, Mr. LAUTENBERG occupied the chair.)

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Without objection, it is so ordered.

Mr. NICKLES. Objection.

The PRESIDING OFFICER. Objection has been heard.

Mr. BYRD. Mr. President, I ask that the clerk call the roll.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk resumed the call of the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business for not to exceed 5 minutes, and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TRADE BILL

Mr. METZENBAUM. Mr. President, I rise to address myself to the question of the trade bill and possibilities of a new trade bill.

Yesterday the Senate, in a strong bipartisan vote, approved the omnibus trade bill. But President Reagan has vowed to veto this bill because it requires employers to give workers and their communities 60 days advance notice of a plant closing.

Congress has spoken loudly and clearly on this issue but the President, unfortunately, is listening to high-priced corporate lobbyists. If he will not listen to Congress, the President owes it to the people who elected him to listen to them. Eighty-six percent of Americans believe that advance notice is fair and a matter of simple human decency. The American public sees the hypocrisy of the corporate executives who object to fair notice but protect themselves with golden parachutes when they lose their jobs. Workers do not expect to land in the lap of luxury but 60 days notice could give them a chance to save their homes and rebuild their futures.

I cannot believe the President is willing to accept everything in this very complicated bill except the one provision that provides basic fairness to working men and women. The President is willing to give huge tax breaks to big oil companies but not willing to give an even break to the men and women who built this country. The President is willing to help multinational conglomerates get around the Foreign Corrupt Practices Act but not willing to help the cities and towns get along when employers leave town without a moment's notice.

President Reagan should know right now he is kidding himself and his fellow Republicans if he thinks this Congress is going to pass a trade bill without fair treatment for workers. We are not about to let high-priced corporate lobbyists dictate what is right for this country.

If a new trade bill is offered, I will offer a plant-closing provision as an amendment. I have every reason to believe it will prevail.

If for some reason it does not prevail, we will take the opportunity to review every single provision of the trade bill and discuss a number of them at great length. In fact, I am sure many Senators would find elements in a new trade bill that would require extensive debate.

But there is no need for further confrontation on the plant-closing issue. There is a consensus in Congress and the country that advance notice is fair and should be law. Mr. President, if you are serious about a trade bill, if you have compassion for American workers, sign the bill on your desk. If you veto this bill, you will not have enough time to win back the hearts of the millions of American workers who counted on you.

I hope, Mr. President, that you will see fit to sign the trade bill and not refuse to do so in the expectation that Congress will reenact another bill to your liking.

OUR NATION'S SPACE SYSTEMS

Mr. HOLLINGS. Mr. President, today the United States is embarked on what I believe is a perilous and foolhardy course. Our Nation—to our great disadvantage—has unilaterally conceded to the Soviet Union the uncontested ability to control space, when we would most need to operate there: in crisis, in conflict, or in war.

The investment our country has made, and continues to make in our Nation's space systems—some $400 billion to date, by some estimates—is almost totally unsheltered, because of our misguided refusal to value it enough to protect it with appropriate military force.

We use space for commerce, for science, for mapping, for navigation, for communications, and for surveillance of all kinds. Yet, as a nation, we so little value space, and the critical functions that are performed by space systems, that we have accepted that our flag will not fly there in wartime no matter what the Soviets may do.

We have voluntarily given to the Soviet Union, the exclusive rights to that domain. Rights that they will most certainly exercise, when it suits their needs, and when Soviet control of space would cause the most grave harm to our own national interests.

The incongruity of the present situation is overwhelming. We do not rely on Soviet goodwill to preserve the democratic institutions of our friends, or to fulfill our obligations to our allies—we have over 450,000 well-equipped soldiers, sailors, airmen, and marines forward deployed, they checkmate Soviet aggression or adventurism. We have the finest Navy and Marine forces in the world, and another 50,000 sailors and marines afloat, to protect our global maritime interests and those of our allies.

We do not rely on Soviet philanthropy—or their declarations of good intentions—to protect the borders of Western Europe, or to keep the sealanes open to commerce or the movement of forces. Nor do we expect that the sovereignty of our airspace or the airspace of our allies would be preserved without strong air forces.

We have also faced up to our responsibilities to counter Soviet intrusions in Afghanistan, Angola, and, while not enough, we have supported the resistance forces in Nicaragua who are fighting to restore freedom there.

In every case—on the land, at sea, and in the air—we have had the wisdom to develop and deploy effective military forces, deterrent forces fully capable of warfighting, postured and ready to exact a tremendous toll against any aggressor. This is true in every case, and in every operational medium except one: except in space. In wartime, space will belong to the Soviet Union.

In plain language, the Soviets have the military systems that will allow them the uncontested control, the uncontested dominance of space, and we presently have nothing—not one thing—to oppose them there.

Today, the Soviets have the world's only operational antisatellite systems. They would like us to believe that their antisatellite systems are "crude", and that the threat posed to our satellites is "one-dimensional." But, it is now clear from testimony given by our Nation's best military experts—that the Soviet antisatellite threat is neither crude, nor one-dimensional. Let me review some of the facts with you.

The Soviet coorbital satellite interceptor, launched on the SL-11 booster, has been operational since 1972. Extensive Soviet testing of this system against objects in space has assured that it will have at least a 50-percent "probability of kill", if employed against our low Earth-orbiting satellites. By 1982 the Soviets had enough confidence in this system that they no longer needed to conduct full and visible integrated testing of it against objects in space. In August 1983 they declared that they would "restrain" from further "testing" of this already proven and already operational system, if the United States exercised similar restraint. Some of our colleagues here—and many more in the House—were seduced by that specious claim. And, as a consequence, the Soviets were handed a cheap but significant victory. To the Soviets, the best situation is deterrence of our will to resist them and their designs. This victory cost them nothing, except perhaps the price of a lie.

The truth of it is, that the Soviets continue to launch the SL-11 booster with other payloads. The reliability of that launch vehicle is unsurpassed by any U.S. system. Moreover, there is nothing to prevent other portions of the coorbital antisatellite system from being exercised separately, and in ways not visible to us.

I have every confidence that—in fact—that is just what the Soviets may have done. And, the coorbital satellite interceptor is only one of four antisatellite technologies presently available to the Soviets.

The Soviets also have an inherent direct ascent antisatellite capability in their "galosh" antiballistic missiles. By "inherent," I mean that the missiles have the right combination of range, payload, and guidance to allow them to be used in either an antiballistic missile role, or an antisatellite role. Of those two tasks—the destruction of ballistic missile reentry vehicles, or the destruction of satellites—by far the easier technological task, is the destruction of satellites.

The capabilities that reside in these two "hard kill" or "kinetic kill" systems—the coorbital interceptors and the "galosh"—are complemented by Soviet directed energy and electronic warfare capabilities. At Sary Shagan, the Soviets are estimated to have two lasers that are probably capable of damaging components of our satellites in orbit. The launch points for their kinetic kill antisatellite systems and their laser systems are geographically spaced to provide multiple engagement opportunities against our critical low Earth orbiting satellites each day. Soviet ground-based lasers capable of being used in the antisatellite role, could also be complemented by more ground-based lasers, and even by space-based antisatellite lasers in the 1990's.

Soviet doctrine for war on land, at sea and in the air also postulates the need for a robust electronic warfare, or "radio-electronic combat" capability. Lately, the Soviets have openly discussed electronic warfare against our spacecraft as one of their potential "asymmetric" responses to the strategic defense initiatives. We would be naive beyond belief, if we did not credit the Soviets with the wartime capability to disrupt or degrade our satellites by using electronic warfare.

Thus, the Soviets presently have at least four known antisatellite technologies to choose from: A system of coorbital satellite interceptors; numerous direct ascent missiles; ground-based lasers; and the technological capability for antisatellite electronic warfare. No one should thoughtfully call that kind of antisatellite threat "crude," and it is clearly not "one dimensional."

On the horizon are even more Soviet systems with antisatellite applications. Among these must be included radio frequency, or RF weapons, particle beam weapons, perhaps even a Soviet "space plane" and the Soviet space shuttle. The latter two could be developed and used to interfere with or to capture our satellites in wartime.

Facing present and future Soviet space control capabilities, and a growing family of Soviet antisatellite technologies, we—the United States—have nothing.

Nothing but our reliance on the goodwill and restraint of the Soviet Union to leave our spacecraft alone in wartime—when the incentive for interfering with them would be as high as the strategic advantage that would be gained by denying us their use.

Nothing to protect our satellites—by increasing the risk to Soviet space systems—should the Soviets contemplate or commence attacking them.

Nothing to protect our own soldiers, sailors, airmen, and marines, should the Soviets use their satellites to target and to direct attacks against our forces in conflict. Nothing.

We have created this unsatisfactory situation ourselves. That is foolhardy. But it is also perilous.

When no less authority than the Commander in Chief of our United States space command tells us that his job is "impossible," because he has no ability to control space in crisis or conflict; when he warns us that "we will pay the price of our neglect in American lives" because he will be unable to stop the Soviets from controlling space, from using that control to operate those Soviet systems designed to locate and target our forces; when no less authority than the Chief of Naval Operations counsels us that "if we are going to win at sea, we must ensure that we win in space", and; when no less authority than the Secretary of the Air Force tells us that "we have unilaterally given the advantage to the Soviets to control space in time of conflict," then we must seriously question whether we are able—in good conscience—to disregard those stern warnings, that sound advice based on scores of years of military and defense experience.

Consider, if you will, what the Soviets could do—and most assuredly will do—with undisputed control of space in a conflict. By attacking our militarily significant spacecraft with kinetic kill weapons and lasers, and by disrupting other space systems with electronic warfare, they could quickly degrade our ability to exercise command and control over our forces by hindering communications, they could deny our forces and our leadership critical information of all kinds, and they could force us into ill-timed or inappropriate military operations. They could, in short, completely bury us in the "fog of war."

Simultaneously, the Soviets would use their own clearly superior rapid launch capability to put even more Soviet surveillance and targeting spacecraft into orbit. They would use these in an attempt to make our operations transparent, to find our convoys and our military formations, and to methodically attack them or otherwise inhibit their effectiveness. We, for our part, would have no way to challenge Soviet mastery of space, except to escalate the conflict on Earth. Clearly, this unsatisfactory state of affairs is intolerable, and must be changed.

What needs to be done to change it? The first need, the most urgent need is for all of us to accept that space has become and will remain—whether we like it or not—a military arena of great strategic importance. We cannot hope to meet our national security objectives, in peacetime or in conflict, without the ability to use space. Soviet rhetoric that laments and eschews the alleged "militarization of space" is nothing less than pure hogwash. Not only do the Soviets have more military spacecraft than we do, they also have an almost exclusively military space program. A program designed to meet their doctrinal requirement to achieve what they call "mastery of space" in the time of conflict.

If space is "militarized" by the presence of military systems, then so is the land, the sea, and the air. We cannot allow ourselves to be deterred any longer by Soviet propaganda.

Once we accept that the use of space is critical to our national security, we need to also accept that the Soviets will most certainly contest our presence there in conflict. They have the ability to do that today, if they so desire. Thus, our space systems need to have the ability to endure there, even in the face of Soviet opposition.

We need to have more spacecraft on orbit, and those need to be more survivable. However, there are physical limits to the amount of survivability that can or should be built into our satellites. We can make satellites more survivable, but we cannot make them "immortal." No military system can be made immortal, and we should not demand of satellites a level of inherent survivability we do not demand from ships, or tanks, or aircraft.

Thus, and finally, the best way to protect our spacecraft and make them survivable, is to have a credible deterrent Asat capability of our own with the ability to hold at risk the military spacecraft of the Soviet Union. To do that we have a clear, compelling and—I believe—urgent need for a U.S. satellite negation capability. We need to be able to hold threatening Soviet military spacecraft at risk in all the orbits where they operate. We also need a range of engagement systems or technologies, that would enable us to disrupt critical Soviet satellite functions at the lower level of the spectrum of conflict, and promptly destroy a large number of Soviet satellites at the higher levels of conflict.

A United States satellite negation capability would deter Soviet attacks on our spacecraft, by giving us the significant ability to retaliate by attacking Soviet spacecraft. Should deterrence fail, a credible operational United States antisatellite capability would help defend our own spacecraft and forces, by threatening or destroying Soviet war-supporting spacecraft.

While Soviet space reconstitution capabilities make it most unlikely that we could ever exercise absolute control of space, we must nonetheless at least strive to be able to dispute Soviet control, as the alternative to the indisputable wartime inferiority in space that we presently would have.

I should also stress what should be obvious: That we cannot have a credible antisatellite capability of any kind, unless candidate U.S. antisatellite systems are subjected to realistic and comprehensive testing. We have so frustrated the Department of Defense with short-sighted legislation impeding antisatellite testing, that we have effectively prohibited them from acquiring a much-needed and long-overdue deterrent and warfighting capability.

I urge my colleagues to join me in demanding that the Department of Defense set about immediately with acquisition of an effective and credible satellite negation capability, and one that can be made operational at the earliest possible date. As an initial objective we should acquire the capability to hold at risk all those low Earth orbiting Soviet spacecraft specifically designed to locate and target our military forces.

At the same time, I urge my colleagues to exercise their considerable influence to ensure that acquisition of this validated military requirement is supported on both sides of the aisle, and both in the Senate and the House.

We simply must develop and test capabilities—whether ground-, air-, or space-based—that will provide an effective deterrent to a Soviet monopoly. We need a credible, operational, U.S. antisatellite system.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

(The remarks of Mr. BUMPERS and Mr. LEAHY pertaining to the introduction of legislation appear later in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

EXTENSION OF APPLICATION TIME UNDER LEGALIZATION PROGRAM FOR CERTAIN ALIENS

Mr. BYRD. Mr. President, there was a motion submitted yesterday to invoke cloture. That will not ripen until tomorrow.

If we can complete our action on the AIDS bill today and the veterans appropriations supplemental and on the conference report on the veterans' compensation bill, the Senate will not be in tomorrow. I would have to ask, however, that the vote on the motion to invoke cloture occur today, else I will have to bring the Senate in tomorrow.

Therefore, I ask unanimous consent—after discussing the matter with the distinguished Republican leader—that the motion to invoke cloture be brought before the Senate today; that there be 30 minutes, to be equally divided between Mr. KENNEDY and Mr. SIMPSON; that the automatic quorum call be waived at the conclusion thereof; and that a vote occur at the conclusion of the 30 minutes on the motion to invoke cloture on the motion to proceed to the consideration of H.R. 4222.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object—and I shall not object—the majority leader has correctly stated the request. It has been cleared on this side by all the principals on this side. That would permit us to keep moving. We need to keep moving tonight.

Mr. BYRD. We need to get moving.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask that the 30 minutes begin running now.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the cloture motion.

The legislative clerk read as follows:

> We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of H.R. 4222, an act to amend the Immigration and Nationality Act to extend the application period under the legalization program.
>
> Senators Edward M. Kennedy, Paul Simon, Donald W. Riegle, Dennis DeConcini, Bill Bradley, Tom Daschle, Patrick Leahy, Wyche Fowler, Barbara A. Mikulski, Howard Metzenbaum, John Melcher, Max Baucus, Brock Adams, Terry Sanford, Daniel Inouye, and John F. Kerry.

Mr. KENNEDY. Mr. President, as I understand, there is a half-hour, 15 minutes for Senator SIMPSON and 15 minutes for the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield myself 7 minutes.

Mr. President, if we may have the attention of Senators—we know that many are back in their offices now, after the past quorum call—we can make the case for invoking cloture, and I make it now.

We will reach 1,300,000 applications in to the Immigration Service by May 4, but independent experts say as many as 500,000 eligible persons will not have applied by that deadline.

The Immigration Service has done a good job. But even their own survey shows that there are still significant fears and misinformation among undocumented aliens.

There have been 15 major changes in the rules in the course of the program, affecting potentially thousands of persons. There has not been time to communicate these changes as many of these have been made only in recent weeks.

To extend the regular amnesty through November simply brings it into line with the longer amnesty of the special agricultural workers. That is an important point.

A lot will be said on the floor about how we are creating a new eligibility group or a new time period. We put an 18-month application period in for agricultural workers in the 1986 act, and a shorter period for others, but in the pending House bill all of them would be treated equally.

This bill just extends the application period. It makes no changes in the criteria established in 1986. It should not require any additional appropriations because the INS in this program is self-funded.

So, Mr. President, the issue before the Senate today is really an extremely modest one—and that is to move on a bill that has passed the House to extend by a mere 6 months the period by which undocumented aliens can apply for amnesty.

We are not changing the rules of the game.

We are not enacting a new, second amnesty.

We are not changing the cutoff date.

We are merely extending the application period—and even that is only to make it coincide with the separate amnesty program for agricultural workers. We are just making them concurrent. Why treat agricultural workers differently from other workers? It is a regrettable quirk that got into the law in the first place.

So, Mr. President, I find it extremely difficult to comprehend the intense opposition that some Senators are bringing to this issue.

We know who the hundreds of thousands of victims of the May 4 deadline are.

They are the people who are the most fearful of government and the INS. They are some of the poorest and the least educated fellow human beings in our midst. They live in the worst conditions. They are the most likely to be victims of discrimination and crime. They exist in the deepest shadows of our society. They speak the least English, they read the fewest newspapers, they see the least television. They know the least about our legal system except that they have been outside it for years.

Of all people in America, they are the least likely to know their rights. But they do have rights, because in 1986 the U.S. Congress gave them the right to amnesty. And now, through no fault of their own, those rights are about to slip away, because an unseeing and uncaring Congress may refuse to act.

Some Members of the Senate actually seem eager to nullify those rights by insisting on the May 4 deadline. In a situation like this, opponents of extending the deadline clearly have the upper hand—because when time is short, the advantage usually goes to those bent on preventing Congress from acting.

But I regret—except for the notable exception of the Senator from Wyoming—some other Senators who oppose us now are the same Senators who opposed amnesty from the start. They filibustered against it in 1986, and they are threatening to filibuster against it now. I voted in 1986 against their filibuster then, and we should reject it now.

Congress enacted the Amnesty Program in good faith, and we should not implement it in bad faith. The simple truth is, the May 4 deadline has turned out to be too short and too harsh. To refuse to extend it is cruel and vindictive.

Justice in America is often said to be blind. But it is not blind today. We know what we are doing. We know that the hopes and perhaps the very lives of hundreds of thousands of men, women and children in communities across America are at stake.

They may not be American citizens—yet. But they are here in the land of America, and they have rights under the immigration law of America.

A simple extension is simple justice. There is no justification for cutting off the program on May 4. I urge the Senate to adopt the House-passed bill, and grant a 6-month extension of the deadline.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from California.

Mr. CRANSTON. Mr. President, I rise to urge my colleagues to vote for cloture so we can bring to a vote an important measure that will extend the application period for the legalization program by 6 months. While I personally believe that a full year's extension is warranted because of the problems which have arisen in connection with the Immigration Service's implementation of the program, I fully support this 6-month extension as a compromise measure which has been accepted by our colleagues in the House of Representatives.

Mr. President, I have closely monitored the progress of the legalization program in my home State of California. As I have pointed out before, it is estimated that half of the undocumented population in the country reside in California and, as a result, we have the most to lose if the legalization program does not succeed in legalizing all of those who are eligible. Given the problems which have arisen in connection with the implementation of the legalization program which have been brought to my attention, I believe that terminating the program on May 4 will unfairly deny the benefit of legalization to hundreds of thousands of eligible undocumented individuals currently residing in our country.

There is ample justification for this 6-month extension of the legalization application period. First of all, it should be noted that there has been a cloud of confusion encircling this program since its inception. The regulations defining who is eligible for legalization where finalized days before the application period opened; those same regulations have since been changed as a result of congressional action and legal challenges—in fact, Mr. President, a decision handed down by a Federal district judge in the Eastern District of California on April 22, just 5 days ago, makes a whole new group of undocumented individuals eligible for legalization; and INS' public education campaign got off to a slow start and has been ineffective in convincing the undocumented in certain communities—such as the Asian Pacific community in Los Angeles—to come forward and apply for legalization.

In addition to these glaring problems which have hampered the progress of the legalization program, and left some people unaware of the eligibility until 5 days ago, those organizations which assist the undocumented in applying for legalization, as well as State and local government agencies, report that many undocumented have not come forward to apply because they have not been able to produce the required documentation, they cannot afford the cost of applying for legalization, or they fear that INS may deport their family members who do not qualify for legalization.

Mr. President, although there are currently long lines of applicants seeking to file their legalization applications before the May 4 deadline, we must acknowledge that the total number of applicants to date falls far short of our original expectations. When the application period opened 1 year ago, INS estimated that as many as 3.9 million might qualify for legalization. However, as of April 8, 1988, only 1,166,696 have applied, and even with a last minute surge of applications we will not legalize the number of people who we intended to benefit from this program.

As a matter of fact, by these statistics only about one-quarter will have thus far sought to take advantage of the program.

Mr. President, we cannot be satisfied with this outcome. I am concerned that if we allow the program to terminate in 1 week's time, we will continue to grapple with the problems associated with the existence of an exploitable subclass in our society. It is simply fallacious to assume that the undocumented who have not come forward to apply for legalization will voluntarily depart from this country. The more likely scenario is that they will be driven further underground.

The wiser course of action for us to take today is to adopt this measure that will extend the application period. As the House Judiciary Committee's report on this bill explains, we have little to lose and much to gain by extending the application period.

Estimates prepared by the Congressional Budget Office indicate that the cost of extending the application period will be more than offset by the additional revenue which will be generated by the application fees which will be collected during this period. Meanwhile, the benefit to our country is obvious if greater numbers of undocumented persons are allowed to legalize their status and participate openly in our society.

Most of all, individual human beings will have been treated in a thoughtful, considerate, humane, compassionate way if we provide this opportunity. They will have been treated in the exact opposite way if we fail to do so.

Mr. President, I firmly believe that extending the application period for the Legalization Program will benefit us all, and I strongly urge my colleagues to support it and first of all to vote for cloture.

The PRESIDING OFFICER. the Senator form Texas.

Mr. GRAMM. Mr. President, can I ask the distinguished assistant minority leader to yield me 5 minutes?

Mr. SIMPSON. Mr. President, that is certainly appropriate.

Mr. GRAMM. Mr. President, I would like to begin by asking our colleague from Massachusetts and our colleague from California if they are willing to say here this afternoon that they will never vote for another extension other than this one, and that they will oppose any attempts to extend amnesty in the future?

Mr. KENNEDY. The answer is affirmative.

Will the Senator support this extension now, this afternoon?

Mr. GRAMM. No, I will not.

Mr. KENNEDY. I am glad to see the good faith of Members here.

Mr. GRAMM. I simply asked the distinguished Senator a question. I am glad to hear that answer.

Mr. KENNEDY. I have given it before. It should not be any surprise, despite the fact the Senator said those who want the extension are just sticking their nose under the tent in order to have more and more. The fact is we are not.

Mr. GRAMM. May I reclaim my time, Mr. President, since the distinguished Senator has plenty of time?

First of all, I would like to make note of the fact that my distinguished colleague from Massachusetts tells us the people who are against the extension are the people who are against the bill, and I wonder if my colleague has forgotten that he voted both against the bill and against the conference report.

Mr. KENNEDY. Does the Senator want to hear the explanation for that particular matter?

Mr. GRAMM. I will be glad to hear it on the Senator's time, not on my own.

Mr. SIMPSON. I would like to be sure we have adequate amount of time. I hope we will not do that. I do not want to relinquish time. If he wants to have additional time, we will request it.

The PRESIDING OFFICER. The Chair will protect the time on all sides.

Mr. GRAMM. Mr. President, the issue we have before us is about as simple as an issue can be. When we adopted the immigration bill, those who supported it said this is going to be a once-and-for-all proposition. We are going to do something very extraordinary that no developed nation on Earth has ever, to my knowledge, done before: to grant amnesty to people who are in the country illegally when there are 14 million people waiting in line to come to the country legally. We are going to set out a period in which people can come and when that period is over that will be the end.

Mr. President, when we passed the immigration law initially there was a sharp decline in the number of people coming into the country illegally.

But in the last 6 months there has been an explosion in terms of the number of people entering the country illegally. I read from an article in the Dallas Morning News. The headline is "Rise in Illegal Immigration." It says:

> San Antonio. A resurgence of illegal immigration across the Rio Grande is being fueled by uncertainty on both sides of the border about the new immigration law's effectiveness.

In my State, by our best measures, the level of illegal immigration has risen by 60 percent in the last month. And when people are asked why they are coming, they say that they do not believe the law is going to be enforced. They do not believe employer sanctions are going to be enforced. They believe amnesty is going to be extended.

Might I say, in quoting the border patrol:

> We are already seeing a lot of false documents newly made just in time to show employer proof of citizenship.

Now, Mr. President, we wrote a law. We made a commitment. There is great doubt about whether the law is going to be enforced and, as a result, we have an explosion in terms of people coming into the country illegally, which is what this law was supposed to stop. That is what the proponents of the bill claimed.

I say that if we change the provisions of the law before it ever goes into effect we are fueling the fire that is already sending millions of people across our borders illegally.

Finally, I want to make a point that we have gone to extraordinary lengths to not exclude anybody. We have advertised, letting people know that amnesty is available. We are going to keep offices open until midnight on the 4th of May. People do not have to have documentation by the 4th of May. They simply have to sign up and pay the fee.

The PRESIDING OFFICER. The Chair will point out that the Senator's 5 minutes have expired.

Mr. GRAMM. I would like one additional minute, if I may.

Mr. SIMPSON. Mr. President, I yield an additional minute to the Senator from Texas.

The PRESIDING OFFICER. The Senator may proceed.

Mr. GRAMM. All they have to do is be in line by midnight on the fourth and they will be included. They then have 2 months to file their papers.

I do not see how we could be fairer than that. I urge my colleagues not to change the provisions of the law before the law ever goes into effect.

Finally, let me give you a reason why the distinguished Senator from Massachusetts should be opposing cloture motion. If we impose cloture, if this is adopted in the Senate, we already know the President is going to veto it. We know 201 people in the House voted against it and we know that veto will be sustained and there will be people who will not be in line on May 4th thinking it is going to be extended and they will lose their opportunity to get the best gift the world has, which is living in America legally.

Mr. SIMPSON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I speak in opposition to this motion to proceed. I think the extension is neither necessary nor desirable.

I have been in it a long time. I remember the work on the select commission. My friend from Massachusetts and I were on the select commission. I remember when the issue of amnesty came up. The minute it came up, we had to set that date back to discuss it because we knew that there would be a surge at our borders with a date originally of 1980 and then we did it when we finally got the bill passed in 1982. And here is the date and we said you have a year to come forward.

There has never been a more generous amnesty in the history of the world. I think perhaps there was a longer period maybe in Argentina.

Anyway, when we blow aside all the smoke, what we have is an extemely successful Legalization Program. I think that is what people are forgetting. The INS has done a superb job. The essence of the bill is in the subsequent legislating. Nobody is coming out with a whole basket full of amendments with regard to this bill. It is working. The INS has done a beautiful job. Even some of the organizations that fought the bill tooth and nail have said that that has occurred. And we still have 6 days to go in the application period.

It is going to be obvious that we are going to exceed the Congressional Budget Office figures. That is our own group. That is not some outside group. That is CBO. They said the numbers would be 1.4 million applications for amnesty; 250,000 for soil workers. We are going to hit those figures. We are already at 1.3 million for amnesty and 450,000 for agriculture. Every day sets new records. Twenty-three thousand four hundred and sixty-seven applied yesterday. That is the way it works in real life.

In every amnesty in the world, 10 percent of those who came in came in within the last few days. That is the way we do it with our taxes. That is the way we do it at the courthouse with our license plates.

The INS went far beyond congressional requirements in publicizing this program. They went far beyond the requirements in publishing the regulations. They put out draft regulations and said to the American people, "Here, look at it before we even go to final." It is without dispute that very few in this country are unaware of this program.

The reason they may not come forward does not have anything to do with money. We are charging them the same price we charge to legal immigrants. The reason is not because of separation of families. We have only deported 25,000 people from the United States in the past year and a handful under anything that would have anything to do with this. We do not deport people.

These are the realities of this situation. People know what is going on. They have known for 18 months what is going on and they knew for 8 years what was going on.

This is a very improper thing in my mind to grant an extension of amnesty which was the one part of the bill which was not supported by a majority of the American public. I supported it fully and nearly lost out on the bill originally when I did it. We had to have this because we had a tacit invitation in our law that you could be here and work, and it was legal to hire an illegal but illegal for the illegal to work. What a crazy nation to be one under the course of law.

So we felt it was fair to give the notice. We have given the notice. There is not a question out in the land people have not known exactly what we were doing here.

We provided the particularly long application period, longer than nearly all of the application periods of any other country. Canada has 60 days, with no extensions. As I say, the undocumented people waited for an expected extension. It did not come. As I say, 10 percent of all applications were received in the final days.

I guess the thing that puzzles me and intrigues me in the debate is that those who express the need for this extension and say that there are hundreds of thousands of people out there are the very people who told us that there maybe were no more than a million illegal aliens in the whole United States when we were trying to put together the bill. You cannot have it both ways. Hypocrisy in the first order.

We provided an amnesty to——

The PRESIDING OFFICER. The Chair must inform the Senator that his 5 minutes have expired.

Mr. SIMPSON. Mr. President, I yield myself an additional 1 minute.

The PRESIDING OFFICER. The Senator may proceed.

Mr. SIMPSON. We asked the people to trust us and the trust was "Here it is. It is 1 year." The 1 year started 6 months after the bill was signed. "It is a one-time shot and here it is; one time only." That is what we expressed and that is what the people of the United States know. And in my dealings with immigration reform over the years, I think that nothing passes through the communications system faster than that kind of thing. It is called freedom and it is called America. It gets out faster than Ma Bell or Sprint or MCI or Contel could ever imagine. That is the way this is.

Somewhere the ballgame has 9 innings and the 9 innings are here and the game has not been shortened. We have to have finality—and that is what we must produce here, one way or the other—finality in the procedures; that this is it and if you want to live the dream, here is your chance and you do it by midnight, May 4, and that is it and it will never come again. And you know it will never come again if you look at the voting pattern on this particular most unpopular part of the entire legislation.

Mr. KENNEDY. Mr. President, I yield 1½ minutes to the Senator from California.

Mr. WILSON. Thank you, Mr. President.

Mr. President, I have listened to my friend from Wyoming. He says that there must be finality. Obviously there must. He says that the game must have nine innings and then it is over. Well, that analogy is fine as far as it goes, but this game started late. To be blunt, the effort that has been made by the Immigration and Naturalization Service, however well intended, has not been sufficient. It has not reached those people to whom the provisions of this legislation apply. There are, as has been described in many cases, people who are eligible but timid; people who do have difficulty with the language.

No one particularly liked this compromise legislation but what we did as a part of it was to say that there are certain people present in this country, legally entitled to become citizens, even if they had entered illegally; there are certain people to whom we are going to extend the privilege of citizenship if they go through the proper procedures.

Mr. President, we simply have not done the job that we said we were going to do under this legislation. So the long and short of it is that in order to keep faith with the people, the people who worked for this legislation and even those who opposed it, we must, I think in all fairness, give the extension that is being sought by the Senator from Massachusetts. I thank the Chair.

Mr. KENNEDY. Mr. President, I understand I have 3½ minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield myself 3 minutes. First of all, in response to the Senator from Texas about my vote on the 1986 act. I opposed that legislation because of two central concerns. One was the agricultural program. I did not want to see another Bracero problem. I was here in the U.S. Senate when we finally got rid of it, but in the 1986 act we made very significant adjustments for agriculture, which I feared could open up that whole problem again.

Second, I opposed it because of problems of discrimination. Any time in the history of this country that there has been the ability to discriminate against individuals under our immigration laws, that has happened. I continue to be concerned about this.

But, quite frankly, I thought in 1986 that perhaps I did not have all the information or all knowledge on it, so at that time I supported Senator SIMPSON in obtaining cloture to assure that the Senate was going to be able to express itself.

I do not know where the Senator from Texas got his cockamamy figures about the increases in the Mexico border sectors. I have INS figures. In 1986 160,000 border apprehensions per month; in 1987, 110,000; in 1988, 100,000 per month.

The INS Commissioner testified before our committee this month that there is a 25-percent reduction at the border. So I do not know where he is getting his figures.

Mr. President, we have here documents from the Justice Group, that provided a survey of potentially eligible undocumented aliens for the INS. What are the principal reasons that people are not applying? Forty-nine percent believe themselves not to be eligible for the program. They do not even know they are eligible for their program. Twenty-five percent say "fear of INS knowing that they are in the United States" is why they haven't applied. Thirty-nine percent say they "do not know how to apply."

So this is the most complicated program that any nation has had.

Finally, Mr. President, when we talk about all this series of fluctuating application dates, we should know that there are actually four amnesty programs in the 1986 legislation. There is a 12-month registration period for regular amnesty; an 18-month period for amnesty for agricultural amnesty; a 24-month period for Cuban Haitian adjustment; and a registration program for residents here since 1972 that is unlimited. That is unlimited. So there are four different program deadlines.

So those of us who want cloture today want to say: OK, we are not trying to get the 12-month application period extended to 24 months, which is what the Cuban-Haitian adjustment is, or the unlimited registration program. All we say is the agricultural workers get 18 months; let us have the same number. The INS legalization offices are going to have to serve those workers until November. They are going to have to have staff there. They are going to have to deal with this through November for agricultural workers. Why not extend it for the others?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I will use 30 seconds more.

The PRESIDING OFFICER. Without objection.

Mr. KENNEDY. Finally, Mr. President, one of the principal reasons for the concept of the amnesty is that approximately 6 million aliens are here illegally serving as an underclass. Their children are growing up as underclass, and seeing the strain of the whip of persecution. This amesty program was worked out as part of a package with the employers' sanctions. Why not say at least for those people who have been in the country, paid their taxes—at least for their children—that we are able to give them this kind of an extension of time?

We give it for those that want to extend time for payment of their taxes. Why not give it to some people who have found a new promise in this hopeful land?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SIMPSON. Mr. President, I yield 1 minute to the Senator from Texas.

Mr. GRAMM. Mr. President, if you came into this country legally from Mexico and you applied to have your wife come here, she waits up to 10 years to get a number to be able to come to America. We ought to be here, today, debating how we can deal with that problem. But instead we are here debating, today, about changing a law before it ever goes into effect. We gave 12 months for people to sign up to get the best gift that we can give in this world which is the right to live in America legally. And I urge everybody who is out there, who qualifies, to sign up before midnight on May 4.

But what is clearly happening, and what is happening because of exactly what we are doing here, is that those on the other side of the border, and many in this country, doubt we are going to enforce the law. Recently, we have had a massive increase in illegal immigration. If we simply extend amnesty, we are going to have more and more and more people come in illegally. We passed a law to stop it. I urge my colleagues to oppose cloture.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SIMPSON. Mr. President, let me conclude and just share this. As the debate goes on, I cannot help but come back to a rather extraordinary fact. Without this bill there would have never been any amnesty; none. That is what I scrapped for. And very few people speaking voted for the bill.

It is just curious how that happens. And there were reasons for that. I understand that.

Senator KENNEDY was extraordinarily helpful. Senator CRANSTON finally voted for the last conference report. Senator WILSON finally voted for the last conference report in one of the main, central portions of the debate. But that is a reality. And without this bill there never would have been any amnesty at all.

So I am saying to people, this is it. I hope this is it. We need to send this signal one way or another this night and say this is it. But all you have to do is fill out the application and pick up the ticket. You can do that between now and midnight of May 4 when you pick up that ticket you will be processed. It may take 2 months, it may take 3, it may take 4, but it will be processed and that is the signal that needs to go out of this Chamber tonight.

Mr. GRASSLEY. Mr. President, I rise in opposition to the legislation designed to extend the amnesty period for illegal aliens.

On November 6, 1986, the Immigration Reform and Control Act was signed into law. This landmark legislation took some 5 years to bring to enactment. There is no argument that our Nation needed to address the overwhelming problem of illegal aliens. The Immigration Reform and Control Act addressed the problem on two fronts:

First, the act set out a procedure by which illegal aliens are able to establish continuous residency in the United States since January 1, 1982, could become lawful residents and citizens of the United States.

Second, the act imposed upon employees the obligation to verify their employee's legal status and penalties for employers who hire undocumented aliens.

The Immigration Reform and Control Act was the product of long and hard work by my colleagues, led by Senator SIMPSON. A careful and delicate balance was set out in the act.

The law provided a 1-year amnesty period for illegal aliens, beginning 6 months from the date of enactment. The amnesty period began on May 4, 1987, and will expire, in accordance with the act, on May 4, 1988. The amnesty program, like the legislation in its entirety, was given thorough consideration by this body, through the hearing process, Immigration Subcommittee, and Judiciary Committee markups and through debate on this floor. In our best judgment, the 1-year period appropriately met our goals. This last minute effort to extend the amnesty period, in the face of our 5 year efforts to address the problem through comprehensive legislation, should be defeated.

Let me take a few moments to address the specific arguments put forth by the proponents of the extension.

First, it is argued that the number of applicants is lower than estimates made at the time the legislation was passed. Let's recall what those estimates were. The estimates varied greatly. The Immigration and Naturalization Service stated that some 3.9 million people were eligible, but that only 2 million would apply. The Carniege Endowment for International Peace estimated approximately 1.8 to 2.6 million eligible persons; and the Census Bureau estimated that as of 1980, there were just over 2 million aliens living in the United States. The fact is, we had no firm estimate.

The latest INS report is that, as of April 22, close to 1.3 million persons have applied for legalization at this point, with more people applying every day as the deadline nears.

The INS has already indicated that it will remain flexible in its acceptance of applications. Thus, aliens seeking amnesty will be able to file their applications by May 4, 1988, and they will be able to offer the supporting documentation at a later date. The doors do not close firmly on May 4. INS will undeniably be involved in the legalization program well beyond the May 4 deadline in processing the high volume of applications received in the last weeks prior to May 4.

Second, the proponents argue that certain court decisions recently handed down now make some 75,000 persons eligible for the legislation program. There may very well be equitable reasons to allow these individuals to apply; but there is no doubt that the courts are well equipped to evaluate equitable considerations. The Senate need not enact a broad extension to accommodate certain litigants.

Third, the advocates say that the amnesty period should be parallel with the amnesty period granted to the seasonal agricultural workers, which will expire on November 30, 1988. In answer to this argument, I would remind my colleagues that we thought about this issue when we originally enacted the Immigration Reform and Control Act. Seasonal workers are just that—seasonal. To give them the opportunity to apply for legalization, we offered a longer period which would overlap with their seasonal work. We did not originally enact uniformity, and there is no reason to do so at this point.

Finally, some of my colleagues point the finger at the Immigration and Naturalization Service. Claiming the agency was late in getting the public education campaign off the ground. I believe INS deserves to be commended for designing and implementing a program which is processing more than 1.2 million applicants. Some 107 offices have opened around the country.

According to a study by the administrative conference of the United States, the staffs of these offices, newly recruited for their jobs, are dedicated and helpful to the alien clientele they serve. In addition, the INS has worked out a unique partnership with many private organizations and agencies who are helping to inform aliens of their rights under the amnesty program. There should be no finger pointing in these circumstances. The INS has done a remarkable job.

Any extension of the amnesty program is not without cost. The current program runs at more than $7 million per month. An additional 7 months means more than $50 million. The program was intended to be self-funding, but it will only pay for itself if there are enough applicant fees filed to offset the cost.

According to estimates of the Congressional Budget Office and INS, some 350,000 individuals would have to apply in this extension period in order for the program to break even. However, the CBO estimates that only 100,000 individuals will apply. The result will certainly be an increase in the deficit if we extend this program.

Mr. President, we have shaped a very important law in the Immigration Reform and Control Act. There is no need to alter the framework we established less than 2 years ago. While I have not opposed amnesty, I do oppose this extension.

Mr. GORE. Mr. President, I rise in support of the effort to extend the deadline for application for the amnesty legalization program. I agree with the recommendation that a reasonable extension of time is needed for Congress' intent in establishing this program to be realized.

Even with large numbers of people taking advantage of the INS's last-minute rush "skeletal application" program, it does not seem that total applications will exceed 1.3 million. Apparently, there are several reasons for the low turnout:

First, implementation of the amnesty program got off to a slow start, effectively robbing applicants of several precious months.

Second, the INS's public information campaign has been ineffective and confusing. Potential applicants simply did not understand a variety of INS regulations, and the eligibility rules themselves have changed since the beginning of the program. For example, there was—and still is—massive confusion regarding what kind of legal documentation is necessary. The eligibility of aliens who were convicted of minor crimes such as driving without a license is unclear, as are regulations regarding aliens who have once accepted public assistance but who are now self-sufficient. And it is only recently—weeks before deadline—that the INS has begun an effective distribution of brochures, posters, and other public information to the agencies which are best able to educate the greatest numbers of potential applicants.

Third, many illegal aliens were kept from coming forward out of a fear that their family will be split apart if only one or two members qualify. There has been insufficient effort to address these fears, though the law is clear in prohibiting application information from being used to deport the applicants or their families.

Fourth, historically, the relationship between illegal aliens and the INS has been one of fear and mistrust. The INS has had only a year to change the basis of this relationship—going from an enforcement organization to a more service-oriented one in a year has not been an easy task.

Fifth, it is estimated that more than 100,000 people who were previously ineligible under INS regulations are now eligible to apply. Court decisions as recently as 5 days ago have made many people who were not originally eligible now eligible. These people need more time.

Mr. President, the intention of the amnesty provisions of the Immigration Reform and Control Act was to bring as many illegal aliens as possible out of the shadows and into legal standing as full members of our society. I believe that extending the legalization is necessary to accomplish that goal.

Mr. ADAMS. Mr. President, I rise to support the bill before the Senate today to extend the deadline for legalization under the Immigration Reform and Control Act of 1986 [IRCA]. This bill, which was recently approved by the House of Representatives, is a compromise effort that would provide a 7-month extension of the deadline to November 30, 1988. With this bill the amnesty of those immigrants who arrived in this country before 1982 would end on the same date as the amnesty under the Seasonal Agricultural Worker Program.

The 1-year amnesty program of IRCA expires on May 4, 1988. It is therefore imperative that the Senate act with dispatch on this bill before the May 4 deadline.

There are compelling reasons to enact an extension of the amnesty deadline. When the immigration reform bill was passed in 1986, it was estimated that amnesty would provide the opportunity for legalization of a minimum of 2.5 million persons, up to a maximum of 4 million. So far, the program has fallen far short of the mark. In my State of Washington, less than 20,000 persons have applied for legalization so far. Yet, the U.S. Department of Health and Human Services originally estimated that 63,000 eligible aliens resided in Washington State. The reasons for this shortfall are several.

First, the INS was slow in developing regulations to implement the amnesty program. In addition, there have been numerous changes in the INS regulations and several court cases after the program was underway. These changes have meant that there are now thousands of persons who are now eligible for legalization who as little as 3 months ago would have been told that they could not apply.

Second, an effective public-relations campaign to inform the general public and the immigrant community of the program began only 3 or 4 months ago. We are talking about a community that is very difficult to reach, because language and cultural barriers and because they are often separated from the mainstream of the society. Actually, we are talking about many different communities. In Washington State, for example, there is a large Asian immigrant population, and a public relations campaign aimed primarily at the Hispanic community may not have been as effective for Indochinese immigrants.

Third, thousands of eligible immigrants have not applied for legalization due to the deep seated fear of deportation and the INS. For example, questions continue to be raised about how an applicant's ineligible spouse or children will be treated under the program.

There have been numerous other problems. Many immigrants have been struggling to put together the money needed to pay the application fees and to gather documents that are difficult to find.

I believe that additional time will be necessary to help alleviate these difficulties and to fulfill the goals of immigration reform.

It would indeed be a tragedy if hundreds of thousands of persons lose the opportunity to become contributing members of our society simply because of a desire to adhere to a rigid self-imposed deadline. Extending the application period for legalization would not provide amnesty to any individual not already eligible under the existing criteria set out in the 1986 act. It would, however, go far in reducing the significant undocumented underclass that we are creating in the United States.

VOTE

The PRESIDING OFFICER (Mr. BUMPERS). All time has expired. The question is, Is it the sense of the Senate that debate on the motion to proceed to consider H.R. 4222, to amend the Immigration and Nationality Act, to extend for 6 months the application period under the legalization program shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS], the Senator from Nebraska [Mr. KARNES], and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

The PRESIDING OFFICER (Mr. BREAUX). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 40, nays 56, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—40

Adams
Bingaman
Bradley
Bumpers
Burdick
Chafee
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Fowler
Glenn
Gore
Graham
Harkin
Hatfield
Inouye
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
McCain
Melcher
Metzenbaum
Mikulski
Moynihan
Pell
Proxmire
Riegle
Sanford
Sarbanes
Sasser
Shelby
Simon
Wilson
Wirth

NAYS—56

Armstrong
Baucus
Bentsen
Bond
Boren
Boschwitz
Breaux
Byrd
Chiles
Cochran
Cohen
D'Amato
Danforth
Dole
Domenici
Durenberger
Exon
Ford
Garn
Gramm
Grassley
Hatch
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Johnston
Kassebaum
Kasten
Lugar
McClure
McConnell
Mitchell
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Quayle
Reid
Rockefeller
Roth
Rudman
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Trible
Wallop
Warner
Weicker

NOT VOTING—4

Biden
Evans
Karnes
Symms

The PRESIDING OFFICER. On this vote, all time has expired. The yeas are 40, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I am going to speak just for 1 minute.

I think it is very critical that all of us understand—and Senator KENNEDY will be the first to admit it—with this vote we have, indeed, sent a signal. Senators should be telling their constituents and those who are in the illegal community that this means that May 4 at midnight is the final time for application for amnesty. They must know that.

They must know that this one-time, extraordinary act of grace will end at midnight, May 4, while we are in recess. That is why we had to get some kind of a significant up or down clarification vote.

So those who are in that line at midnight on May 4 will be received. All you have to do is take your application form, and you will receive a ticket. It may take 2 months or 3 months or 4 months, but your application will be processed, your documentation accepted or rejected, but amnesty will end, and it is important for the people of the United States and those who wish to be citizens of the United States and permanent residents to know that fact.

I thank the Chair and I thank Senator KENNEDY.

The PRESIDING OFFICER. Who seeks recognition?

ACQUIRED IMMUNODEFICIENCY SYNDROME RESEARCH AND INFORMATION ACT

The Senate continued with the consideration of the bill.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1992

Mr. KENNEDY. Mr. President, if we could have the attention of the Members, to review briefly where we are and where we might be going and where we might not be going. S. 1220, the legislation that we have before us, is the result of very extensive hearings that we have held in the Human Resources Committee a number of months ago. It deals with the research program for the National Institutes of Health, which is preeminent in terms of research, with all the possibilities it has. It has procedures to accelerate research efforts. It has provisions to require that the various Federal agencies to expedite information that may be related to AIDS. It has a program to help the States move along in terms of education information. It has home health care. It has training for public health workers.

Mr. President, we have made progress with the amendments which have been offered today. Some we have adjusted we have accepted some, and voted on others. Now we are down to a situation where we are trying to provide at least public policy to various governmental agencies that are going to provide information and education. That is a key element. Research is important, but information is a key element. That has been made known to all of us time in and time out. This has been a difficult issue and question, quite frankly, for this body to resolve.

But we have recognized that actions that are taken by this body a year ago in the form of the Helms amendment which basically halted the educational program with regard to AIDS. It basically halted it. Now we are back to addressing this issue again. And we are going to give an opportunity for this body to speak up on it. I mean we will certainly recognize that is a responsibility.

We have worked with the Senator from Oklahoma, Senator NICKLES, who had an amendment earlier that said all federally funded AIDS public information and education programs shall provide accurate warnings, the content of which shall be promulgated by the Secretary of Health and Human Services, that promiscuous sexual behavior and intravenous drug use are high-risk activities which place individuals at risk of becoming infected with the etiologic agent for AIDS, of which there is no known cure once an individual becomes infected with the AIDS virus.

We will accept that. And we believe with that acceptance we will still see responsible and informative education programs continue. They might not under the Helms amendment. And that is not just a question of how the individual reads the language and what conclusion is drawn. Similar language has already effectively been in effect we have seen its effect.

I also want to correct the record concerning the Federal AIDS hotline supported by the Centers for Disease Control.

The Senator from Oklahoma suggested that the national AIDS hotline was providing improper information.

Let's get the facts on the table: The CDC's hotline is continually being monitored for quality of information delivered to callers. This review is performed by the Public Health Foundation—which is supervised by the Association of State and Territorial Officers—a completely independent review.

Every review of the hotline has indicated that Americans calling for help and information about AIDS are getting the facts.

Over 1 million callers have called in the last year. According to the independent review, callers receive accurate information.

There is no report of any promotion of homosexuality or other activities that increase risk.

Again, according to the review reports, callers are receiving nonjudgmental and factual information to protect themselves.

Let us not start dismantling the desperately needed programs that are helping save lives.

We will hear a lot of talk about why we should have educational information that promotes abstinence. That is fine. We will hear information about a traditional family setting. That is fine. But there are words of art, and that is "promote and encourage directly or indirectly." Maybe it was directly and indirectly—or he might have left "indirectly" out—but the fact is what is in there hurts the informational programming. There is no mistake about it. There is no mistake about it because it has in a very real way.

So, Mr. President, I think I have been around here long enough to talk about what are killer amendments. This one is going to be a very difficult one, to ask the Members of the Senate to table this measure so that we can go ahead and accept the Nickles amendment. But we are going to have to do that, given the various parliamentary systems that we have. The parliamentary system was, as Senator HELMS has every right to take advantage of it. The principal sponsors were in negotiation with the Senator from Oklahoma to try to work out language. We were able to work out language. Before we could, an amendment in the second degree came on to it. We might have been able to offer the amendment in the second degree to foreclose the Senator from Oklahoma.

In this whole debate, the Senator from North Carolina has understood very clearly that we would follow—at least we thought we might—the usual amending procedures where he offers an amendment. Then, we come back with an amendment in the second degree. The Senators can make their judgment on that issue. But that is the way it works around here generally. But not on this occasion. We are working in good-faith with the Senator from Oklahoma, and had a brief quorum call and, bang, his amendment is back on it. So we are stuck with it. That is the harsh reality.

It was understood in the cloakroom last evening when we said we would just proceed and I would not give the assurances, I would give the assurance to the Senator from North Carolina that he could get a vote, we would try to make a motion to table, we were not going to be successful, and we wanted to come back in and let the Senate vote for something different. It is not terribly unreasonable. But that was not acceptable.

So the Senator from North Carolina has used the Senate rules. He is entitled to do it. I think we have a serious risk in terms of this whole measure. We have made the effort to try to keep this free of ideology and slick words that conjure up all kinds of things in people's minds and in TV advertising on various political candidates. We have all been around here long enough to know what is going on here.

The Senate is just going to have to make its judgment with the amendment on the Nickles amendment. The public health officials—it is not just my understanding of it. I supported the Helms amendment. I thought just the prohibitions of promote and encourage would not be so prohibitive to be able to describe what kind of informational program that could help individuals to, one, perhaps save their lives, and two, to avoid the possibilities of spreading this public health menace—so that others who are innocent people might not be affected.

But the Senate will have an opportunity to vote on this particular measure. If it is included, there is no question that a very key element—according to all public health officials who have understood the importance and the significance of explicit kinds of information on this dreaded disease—will be significantly set back. The resources and the money that is expended here will be heavily compromised. And as a result of it, at least it is this Senator's belief, there will be hundreds of thousands of Americans who will be needlessly exposed.

There is where I think it is, Mr. President. But we have a full agenda, and a full schedule. We are going to be on the INF when we come back. We are running into the time. This measure has been before the Senate for a year. And we have a short opportunity to deal with this. We are not even dealing with the critical issues of testing and confidentiality and any discriminatory provisions, which are serious issues. All we are trying to achieve is information and education. And you insult the intelligence of any Senator to think anyone in this corridor wants to promote the kinds of behavior described in the type of videotape that the Senator from North Carolina keeps referring to, or the other material that has been referred to here. But that is not what this is about. It will be used as examples. But I would hope that the membership would know what is at stake here.

So, Mr. President, we have been in quorums, and we have dealt with all of these various questions. I think the membership knows what is at risk here. I would certainly hope that they would. And I will make a motion. I will give the assurance to the membership that the Nickles amendment will be accepted. And I believe that achieves, as I mentioned to the Members, the kinds of limitations on public information and education programs. This is the language:

> * * * the consent of which shall be promulgated by the Secretary of Health and Human Services——
>
> Promiscuous sexual behavior and intravenous drug use are high-risk activities which place individuals at risk of becoming infected with the etiologic agent for AIDS, of which there is no known cure once the individual becomes infected with the AIDS virus.

I believe that is satisfactory. I know we have had a chance to talk with my comanagers, and the Senator from Connecticut, Senator WEICKER, who has been tireless in terms of this whole issue as well. That is what is at stake. We are prepared to accept that. We have been prohibited from accepting it through this parliamentary measure, but it will be so included in measures that pass this body if we are successful and able to table this measure.

So, Mr. President, I move to table the Helms amendment. I ask for the yeas and nays.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from North Carolina may have 15 minutes prior to the vote on the motion to table.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. It is my understanding that he wishes to make a statement.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. I thank the Chair, and I am particularly grateful to the distinguished majority leader.

First of all, Mr. President, this is the first moment that I have been allowed to discuss my amendment. There were quorum calls that lasted in excess of an hour and half while they tried to figure out some way to circumvent a vote on my amendment.

Let the RECORD be clear: At the outset, I told the Senator from Massachusetts—I went to his office and I said: "I have five amendments. If I could have a vote on the amendments, whether tabling or up or down, you will have no problem with me whatsoever."

I must say for the Senator from Massachusetts that he seemed amenable to that, and he went to see others, and he, as I understand, was turned down. They said, "No Helms amendment." OK.

Now, I am absolutely bewildered by the misstatements of fact on this floor this afternoon.

For example, it has been said by the distinguished Senator from Massachusetts that grants have been blocked for AIDS funding.

I have a letter from Dr. James O. Mason, Assistant Surgeon General and Director of the Centers for Disease Control, and I want that letter to go into the RECORD, but let me first read what he said.

Mr. WEICKER. Mr. President, will the Senator yield? What is the date on the letter?

Mr. HELMS. Pardon?

Mr. WEICKER. I was just asking what the date on the letter is.

Mr. HELMS. It is blurred, but it is March 1988.

Mr. WEICKER. I thank the Senator.

Mr. HELMS. He says:

> As indicated in the announcement, approximately $120 million is available for funding. A total of 64 applications were received, reviewed, and approved for funding. Awards are expected to be made by April 30, 1988.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from Dr. James O. Mason, Assistant Surgeon General.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

CENTERS FOR DISEASE CONTROL,
Atlanta, GA, March 1988.

Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: This is in response to your letter of March 7 requesting a list of all grantees for fiscal year 1988 Federal moneys for AIDS information and education projects.

The Centers for Disease Control has not funded any projects in fiscal year 1988 for AIDS education and information. Enclosed for your information, however, is a copy of the Federal Register Announcement for this program for fiscal year 1988. As indicated in the announcement, approximately $120,000,000 is available for funding. A total of 64 applications were received, reviewed, and approved for funding. Awards are expected to be made by April 30, 1988.

We have reviewed the applications funded for fiscal year 1987 for the New York State Department of Health and the New York City Department of Health and found no indication that Federal funds will be used to purchase hypodermic needles to be distributed to IV drug users. Only needles purchased for medical testing are funded.

A March 18 telephone conversation with officials from both New York State and New York City Departments of Health confirmed that no needles have been purchased with Federal funds for distribution to IV users.

Sincerely yours,
JAMES O. MASON, M.D., Dr.P.H.,
Assistant Surgeon General, Director.

So much for the argument that the amendment this Senate voted to approve by 94 to 2, including the Senator from Massachusetts, last October 14—so much for his suggestion that we are somehow depriving anybody connected with AIDS anything through the adoption of that amendment. It just is not so; I think every Senator on this floor knows it.

I wonder if there are any Senators present—I think not—who saw just one example yesterday of a videotape produced with Federal funds.

The Senator from Utah saw it. The Senator from Texas saw it.

You could just nod your head. Did it make you sick at your stomach?

Let the Record show that Mr. GRAMM said it made him sick at his stomach.

[Laughter.]

And the Senator from Utah?

Mr. HATCH. It was bad.

Mr. HELMS. "It was bad," he said.

It encourages and promotes sodomy, and that is the reason I have insisted that this Senate vote on this amendment.

I know that the Senator from California has had a problem. He voted for my amendment last October 14. He sent out a newsletter saying he had never experienced such anguish in all his years in the Senate that he had as a result of having voted for this amendment. Then, in the news media of California, it was stated that the Senator from California said, "I will be your leader," when he met with homosexuals.

What goes? Why can we not have a vote on a simple amendment that we have already adopted, 94 to 2?

It says, simply, in effect, that no Federal money can be used to promote or encourage sodomy.

What the Senator from Massachusetts is going to try to do is recommit the bill or table this amendment, and I hope that Senators will not vote to table this amendment, because they voted for it 94 to 2 last October 14.

The amendment says that literature produced with Federal funds must stress abstinence. Are we against that? It says that we must stress abstinence from the use of drugs, and that is all it says. It is an amendment that 95 percent of the American people would approve of. Yet, we have spent all day.

We could have passed this bill at 1 o'clock this afternoon, had I been permitted to have a vote on five or fewer amendments. I told the Senator from Massachusetts that in advance, and, as I said earlier, he appeared to be amenable to it. But then he went to other Senators.

Mr. KENNEDY. Will the Senator yield on that? You distort and mislead. I indicated at that meeting, Senator——

Mr. HELMS. I do not yield.

Mr. KENNEDY. Do not misrepresent my position.

Mr. HELMS. Mr. President, who has the floor?

Mr. KENNEDY. Do not misrepresent it.

Mr. HELMS. Talk about misrepresentation. You have developed it into a fine art, Senator.

I am not going to have this kind of thing going on.

The very idea of there even being any question about this amendment—to vote that Federal money cannot be used to promote homosexual sexual relations and further that money used for education material must stress abstinence.

I am bewildered that there would even be a question about it, let alone a concerted campaign to defeat my proposal.

Mr. WEICKER. Mr. President, will the Senator yield for a question?

Mr. HELMS. No, I do not have the time. I am sorry. Senator KENNEDY spoke for you.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 8 minutes and 30 seconds remaining.

Mr. HELMS. Now, of course, this amendment is familiar to Senators. If they have any recollection at all about October 14 of last year, it was passed, and I remember the hand wringing down there in the well of the Senate and there was the feeling, "Well, we can vote for this one with a certain degree of impunity, because they will knock it out over in the House." Well, it did not happen.

Because that amendment applies only to funds appropriated for fiscal year 1988, the one that was passed last October 14, I am obliged to offer it again so it will become a permanent part of the law that governs the expenditure of Federal funds, the American taxpayers' money, for AIDS education, and I wish we had time for the Senators to see just one example, and I have plenty of them, of the way that this money is being used.

Mr. President, I am 66 years old and I have been around the track. I was in the Navy 4 years. I thought that I had seen everything until I saw this literature. But I found out that I was a babe in the woods. And any time you can get 12 or 15 Senators sitting around a table looking and demanding that a videotape machine be cut off because they are sick at the stomach, there is something wrong, not in Denmark but in the United States of America, when Federal tax money is used for this kind of garbage.

No, they do not want to vote it, because certain commitments were made to the homosexual community that old HELMS was not going to be allowed to get his amendment passed again. Well, thank the Lord that Jim Allen taught me a little bit about parliamentary procedure, and we worked it out.

Now, the Senator from Massachusetts suggested that there might have been something devious about the manner in which I came in and offered a second-degree amendment to the Nickles amendment. No way, Jose. It is a part of the way the Senate runs. It is absolutely an honorable part of the rules. And to suggest otherwise is totally improper for the Senator and I hope he will reflect on the comments that he made.

The point is this: Having priority recognition as they do, with Senator KENNEDY first, I was shut out from a second-degree amendment. If I had offered my amendment then they would come in with a second-degree amendment themselves, as they have done, gutting the underlying amendment.

So to get a vote on my amendment, I had no recourse, no recourse, Mr. President, other than to find a way to make my amendment a second-degree amendment. That is what happened, and that is all that happened.

The point is—and let me underscore it—they do not want to vote on this amendment. We could have been out of here at 1 o'clock. The distinguished Senator from New Hampshire could have been way up the road by now. Senator COHEN could have been in Maine if he was aiming to go to Maine.

So it has not been the Senator from North Carolina. I said from the very beginning all I want is a vote.

But here we are at 6:33 in the evening, and I hear all of these protests about how we are going to destroy a fine piece of legislation by simply saying that no Federal funds can be used to encourage or promote sodomy. I wish we could take a poll of the American people on that question. I believe I know how it would come out.

Now, Mr. President, this amendment would require that all federally funded AIDS education information and risk reduction materials—and these are words of art—emphasize abstinence from sexual activity outside a sexually monogamous marriage, including abstinence from homosexual activity and abstinence from the use of illegal intravenous drugs. We try to hit both bases.

If we are not willing to say, "Don't promote the use of drugs," if we are not willing to say, "Don't promote sodomy," then there is something badly wrong with this Senate, particularly inasmuch as the Senate voted 94 to 2 last October. But that was before the homosexuals put on their political heat. That has caused the change in all this. That was the cause of the decision not to let HELMS have a second-degree amendment which would guarantee that I would get a vote one way or another on this proposition. If I lose, fine. I am prepared and I have lost a lot of times during the 16 years that I have been in the Senate, but I do not propose to lose by being shut out.

I did the amendment last October in response to AIDS "educational materials," that I received last August which were produced by the Gay Men's Health Crisis. This is a group which has received $674,679 from the Federal taxpayers, the American people.

The materials were called—the title was "Safe Sex Comix." It is a comic book—except it was not very funny—and it depicted graphically sodomy tactics for homosexuals.

The statement was immediately made, "Well, we didn't use Federal funds for the comic book; we used the Federal funds for something else."

The point is that the Federal Government, the American taxpayers, were financing an organization that put out this demeaning, disgusting garbage called "Safe Sex Comix" book.

The organization quickly claimed the Federal dollars were not used for this specific material. So I did a little research to find out how Federal moneys were used. I found out that $674,679 was used by this outfit to fund two research projects to encourage homosexuals to engage in sodomy with a condom.

I am not going to tie up the Senate's time to recall these grants in detail, but I think that my record, although accurate, was incomplete.

In October I requested from the Centers for Disease Control a list of everything that the Gay Men's Health Crisis had produced with Federal dollars. Bear in mind this is the group up in New York that put out that comic book, by the way.

I discovered that part of the $674,679 had been used to produce a video entitled, "What Next: A Story of Sex in the 80's."

The video begins with a sad and distraught male who had abstained from sodomy because of AIDS. He is an artist and his agent encourages him to fantasize about how to engage in sodomy using a condom. Before he begins fantasizing, the female agent encourages him to call a dial-a-porn phone number so that he can fantasize about sodomy with other homosexuals. The video continues with shower scenes involving two nude men, a gym scene, and bed scenes where men are engaging in sodomy. The video ends with a smiling, delighted sodomist who—despite AIDS—can now continue his immoral—and in many States—illegal behavior.

What a fine expenditure of the tax dollars, Mr. President.

The Gay Mens Health Crisis is not the only organization using hard-earned tax dollars to produce these types of materials and workshops, Mr. President. There are others.

A month ago, I received a letter from a constituent of mine. He was complaining about a card entitled, "P.S. I love you," which had been produced by the Metrolina AIDS Project in Charlotte, NC. This card was distributed during the recent AIDS conference in Charlotte. It is entitled, "Practical Strategies for Prevention and Compassionate Care." The card reads as follows:

> Hi, I'm———and I'm interested in playing with you, safely. I would like to: soap you up in the shower; erotically massage you from your toes to your nose; cuddle; hug and see what comes up; . . . and other activities which I am not at liberty to discuss on the Senate floor.

The note concludes:

> Are you game? My number is———.

On the back of the card, sexual activities are categorized as "unsafe," "safer," and "safest."

Markings on the card indicate that it was paid in part by the U.S. Conference of Mayors. I did a little research and found that the moneys used to produce this card were Federal tax dollars.

As of September 3, 1987, the U.S. Conference of Mayors had received $1,082,000 in Federal dollars.

Let's look at something else the U.S. Conference of Mayors [USCM] did with Federal tax dollars. Between April 1985 and April 1987, the U.S. Conference of Mayors awarded $32,513.32 to AID Atlanta for, among other things, home parties. In a summary of the AID Atlanta project the U.S. Conference of Mayors' documentation states:

> USCM funding financed two parts of a five component program. Component One built upon a successful AID Atlanta concept previously-funded by USCM—small groups of gay men meeting in the home setting to discuss AIDS, its transmission and safer sex practices. The rationale for this "home party" concept is based upon the belief that the host will invite the same circle of persons who may constitute a group that is also sexually active.

Then, there is the new Attitudes Project. Since 1985, the U.S. Conference of Mayors has given more than $39,000 to the Cascade AIDS project in Portland, OR, for this so-called safe-sex workshop. The project brochure provides the following description:

> * * * New habits don't happen overnight. You'll probably need to try some on for size and see what fits you best. That's why New Attitudes trainers explain lots of options for safer sexual behavior—from using condoms to erotic massage, and some ideas about intimacy you may never have imagined. You get a chance to talk through the fine points in a comfortable, supportive, friendly atmosphere. It'll make it all that much easier when you decide to try safer sex.

I have received dozens of letters from decent hard-working Americans around the country who are outraged that their tax dollars are being used for these illicit purposes. While they are concerned about AIDS—who isn't—they are vehemently opposed to their money going to promote and encourage the very activities which got us into the AIDS predicament.

The bill before us would authorize $265 million for so-called AIDS education. There are no restrictions on how this money will be spent with the exception that it must be scientifically and factually correct. The materials can be used to encourage or promote drug use or sodomy so long as the information is scientifically and factually correct.

I find this outrageous and I believe the American people would as well if they knew how their hard-earned tax dollars are being spent.

Mr. President, the Congress has already spoken on this issue. Our choice is clear: Are we or are we not going to allow hard-earned Federal dollars to be used to promote sodomy—an activity which affronts our Judeo-Christian values and is illegal in 24 States and the District of Columbia—and illegal drug use.

I urge the adoption of my amendment.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. For what purpose?

Mr. WEICKER. I ask unanimous consent that I might proceed——

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut was asking unanimous consent.

Mr. WEICKER. I ask unanimous consent that I might have 3 minutes to make a simple response to the letter which was cited by the distinguished Senator from North Carolina.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, reserving the right to object, we can prolong this all night. Senator KENNEDY had his say. He had stated all the misrepresentations that anybody else can dream of.

I object. Let us vote.

The PRESIDING OFFICER. Objection is heard.

The question now occurs——

Mr. CRANSTON. Mr. President, the Senator from North Carolina made two remarks in the course of today's events that have been, I think, rather personally directed to me, and I ask unanimous consent that I may have 5 minutes to respond.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard.

● Mr. SANFORD. Mr. President, I urge my colleagues to support the motion to table the amendment offered by the senior Senator from North Carolina, substituting our political judgment for professional judgment and restricting the content of AIDS education materials. As a former university president, I believe that we have nothing to lose and everything to gain from increasing our knowledge of a subject, no matter what it may be. AIDS education is no exception. On the contrary, the consequences of remaining ignorant of this disease may very well be tragic. Tragic for individuals, and tragic for society.

In October of last year, I joined 93 fellow Senators in voting for an amendment to the fiscal 1988 Labor, Health and Human Services, and Education Appropriations Act, which placed limitations on the content of AIDS education materials. Under the amendment, the Centers for Disease Control [CDC] are prohibited from funding organizations that "promote or encourage" homosexual sexual activities. I supported this amendment because I believe the CDC has no place in taking a position on homosexuality.

Since October, there has been considerable confusion over what this amendment means and, as a result, its effect has been far more widespread than anticipated. Unsure of Congress' intent in this area, CDC advised those applying for grants to delay their applications until a clarification of the legislation's meaning has been achieved. In the interim, AIDS services organizations throughout the country have received no new education funds.

I am especially concerned about the impact of restricting education materials on community-based AIDS services organizations. From the very early years of the spread of AIDS in this country, community-based organizations have been on the front lines in providing desperately needed care. Moreover, they have been at the vanguard of developing and distributing AIDS education and prevention materials. I am bothered that these organizations both in my home State of North Carolina and throughout the country have reported a high level of uncertainty. The North Carolina Medical Society is also bothered by this result and has endorsed this bill without restrictions on AIDS education materials. The bill also enjoys the support of the American Public Health Association, the National Association of County Health Officials, the American Hospital Association, the American Nurses' Association, and the American Medical Association.

Fear of violating Federal guidelines has led AIDS services organizations to cease producing materials specifically geared to high-risk groups. Instead, they have relied on less clear and explicit and, consequently, less effective materials. Furthermore, as a direct result of the emotional furor caused by last year's AIDS education amendment, even those organizations that have never received Federal funds and thus would not be subject to the restrictions imposed by this legislation, altered the content of their AIDS education materials and their methods of outreach to high-risk groups.

Education is our most effective weapon against the spread of AIDS. Restricting education—or creating such a level of uncertainty among AIDS services organizations that their efforts are subverted—is a grave disservice to our Nation.

The Senate is considering now the recommendations of the Surgeon General of the United States, represented in the compromise language of S. 1220 which requires education programs receiving Federal funds to stress the public health benefits of a single monogamous relationship and the avoidance of unlawful intravenous drug use. I believe this provision supplies adequate guidance to education providers, and I intend to oppose any amendments that would limit the content of AIDS education materials. I do not believe Congress should substitute its political judgment for the professional judgment of the Surgeon General.

While we, in this Chamber, may be uncomfortable with the explicitness of certain AIDS education materials, this is not sufficient reason to restrict the information received by those most at risk from this disease. If such material saves even one individual from developing this deadly disease—and I believe it will—detailed, forthright, and accurate AIDS education materials will have proved the right approach to AIDS. In considering legislation on AIDS education materials, first and foremost our priority as Members of this Chamber must be the protection of the public interest and the public welfare. It would be a sorry day indeed if we were to sacrifice the life of a young man or woman—or of a small child or infant—by encumbering this legislation with amendments that have not so much to do with our Nation's public health than with our own private values and beliefs. It is wise under these circumstances to rely on the professional advice we have received.●

Mr. LEAHY. Mr. President, today the Senate is voting on an amendment offered by Senator HELMS that would prohibit the use of any Federal funds for AIDS education materials that "promote or encourage" homosexual activity.

Last October, Senator HELMS offered a similar amendment to the fiscal year 1988 Labor/HHS/Education Appropriations Act. I voted for the amendment, which passed 94 to 2, because I believed then, as I do now, that it is not the business of the Federal Government to promote sexual activity. That is a highly private matter.

Unfortunately, the amendment had an unanticipated effect. It cut off education funds to organizations that work with high risk groups. Since last November, the Centers for Disease Control has requested that these organizations not apply for funds until the situation is clarified.

Senator HELMS' amendment, which 94 Senators believed in good conscience would do nothing more than make sure that we do not promote sexual activity, restricted our ability to get life-saving information into the hands of the people who need it most.

The amendment Senator HELMS offered last fall has not worked as the Senate intended. The result has been to restrict the one weapon in our arsenal against AIDS that the public health experts agree saves lives. The amendment's restraints on appropriate education and frank information condemn countless men, women, and children to the devastation of AIDS.

I will vote against Senator HELMS' amendment. I will support the language included in the manager's amendment package which states quite clearly that education efforts funded by the Federal Government must stress the public health benefits of a single monogamous relationship and the avoidance of intravenous drug use.

The PRESIDING OFFICER. The question now occurs on the motion of the Senator from Massachusetts to lay on the table the amendment of the Senator from North Carolina. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Mississippi [Mr. STENNIS] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS], the Senator from Nebraska [Mr. KARNES], and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 22, nays 73, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—22

Adams
Bradley
Chafee
Cranston
Dodd
Gore
Hatfield
Heinz
Inouye
Kennedy
Kerry
Leahy
Moynihan
Packwood
Pell
Proxmire
Sanford
Simon
Specter
Stafford
Weicker
Wirth

NAYS—73

Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Breaux
Bumpers
Burdick
Byrd
Chiles
Cochran
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hatch
Hecht
Heflin
Helms
Hollings
Humphrey
Johnston
Kassebaum
Kasten
Lautenberg
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Murkowski
Nickles
Nunn
Pressler
Pryor

Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sarbanes
Sasser
Shelby
Simpson
Stevens
Thurmond
Trible
Wallop
Warner
Wilson

NOT VOTING—5

Biden
Evans
Karnes
Stennis
Symms

So the motion to lay on the table amendment No. 1992 was rejected.

Mr. NICKLES. Mr. President, I move to reconsider the vote by which the motion to lay the amendment on the table was rejected.

Mr. HELMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1993

(Purpose: To express the sense of the Senate that the President should provide a prompt report regarding the possible presence of combat forces of the Soviet Union, Cuba, or Nicaragua in the Republic of Panama)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair will inform the Senator from New York that currently the Helms amendment is pending business; the Helms amendment to the Nickles amendment. Is the amendment of the Senator from New York to the underlying text or to the substitute?

Mr. D'AMATO. To the underlying text, Mr. President.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] proposes an amendment numbered 1993.

TIME LIMITATION AGREEMENT—HOUSE JOINT RES. 552

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, the distinguished Republican leader and I have a time agreement that we would like to get entered so that we can pass the veterans' supplemental appropriations bill this evening.

I ask unanimous-consent that the majority leader, after consultation with the minority leader, may turn to the immediate consideration of House Joint Resolution 552, the emergency veterans' supplemental appropriations resolution; provided further that the resolution be considered under the following time limitation: 30 minutes on the resolution to be equally divided between Senators PROXMIRE and HATFIELD or their designees; that there be 60 minutes equally divided on an amendment by Mr. MURKOWSKI to reduce the funding, and that no other amendments be in order; that no motion to commit the resolution, with or without instructions, be in order; that the time on any debatable motions, appeals, or points of order, if such are submitted to the Senate, be limited to 10 minutes to be equally divided; that no points of order be waived and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. WEICKER. Reserving the right to object.

The PRESIDING OFFICER. The Chair recognizes the minority leader.

Mr. DOLE. Reserving the right to object—I will not object—I would hope it would not take as long as it indicates there but maybe we can dispose of it more quickly. I have no objection.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Alaska reserves the right to object.

Mr. STEVENS. May I inquire of my good friend, is this bill going to come up tonight?

Mr. BYRD. Yes.

Mr. STEVENS. I have no objection to it coming up tonight, but if it comes up tomorrow, I do have an amendment that deals with the defense matters that I would like to add since we are not going to be in session next week. But if the leader wants to take it up tonight, I would not object.

Mr. DOLE. Yes.

Mr. BYRD. Yes, I would like to take it up tonight.

Mr. WEICKER. Reserving the right to object, as I understand the unanimous-consent request, is it that it would come up immediately and displace the present matter on the floor?

Mr. BYRD. No, it would come up after consultation between the majority leader and Republican leader, and it would not be my intention to bring it up immediately, certainly. I just want to be sure we can dispose——

Mr. WEICKER. Reserving the right to object, we have a matter before us that has been waiting for a year. Apparently, in viewing the actions on the floor of the U.S. Senate, the urgency of this still has not become a matter of great import among my colleagues.

I am not prepared to go ahead and see this matter withdrawn or set aside.

Mr. BYRD. Nobody is proposing to withdraw it.

Mr. WEICKER. I am just going to cite three paragraphs as to why maybe some of us are getting a little upset about what is transpiring on the floor, whether it is the scheduling of this bill, which has been waiting a year, or whether it is the tinkering around that has gone on with it.

Let me read you three paragraphs from today's Wall Street Journal.

Mr. BYRD addressed the Chair.

Mr. WEICKER. I will be through in about 1 minute, and then I will be glad to possibly not object.

Mr. BYRD. I was just going to withdraw my request.

Mr. WEICKER. It reads:

> Since blood testing for AIDS became available in 1985, many infected people have been immobilized by their terror. "It was regarded as a death sentence," says Mark Ryan, a 30-year-old former disk jockey. "People assumed you could only sit and wait." Wait to become sick, wait to die.
>
> For many months now, the federal Centers for Disease Control has estimated that as many as 1.5 million Americans are infected. Many of them—perhaps nearly all—will eventually have AIDS. AIDS is invariably fatal.
>
> So medical science is in a race against time. Without a preventive, without a cure, the toll of suffering and death is likely to be very great.

I think the time has come to get to the business that we have here and pass it without the cheap politics I have seen exhibited on this floor this afternoon. We should pass it without delay, in other words, for what might be considered more important legislation. What can be more important than 1.5 million people infected with the AIDS virus, many of whom are going to die.

This is a disgrace, and this body ought to hang its head in shame on this last vote. I suggest we just stick to this business now and either do it or not do it and go home and tell everybody what it is that we have not done on behalf of our fellow citizens.

I will not agree to anything that interrupts the course of this legislation. If it goes down, so be it. If it cannot be passed, so be it. Hopefully, we will come to our senses and pass it now.

(Disturbance in the visitors' galleries.)

Mr. BYRD. Mr. President, may we have order in the galleries?

The PRESIDING OFFICER (Mr. HARKIN). The Sergeant at Arms will restore order in the gallery.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. I ask the Chair to put the request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. WEICKER. I ask the Chair, does this unanimous-consent request——

Mr. BYRD. Mr. President, I withdraw my request.

Mr. President, I would like to be recognized.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I want to assure the distinguished Senator from Connecticut that this majority leader has absolutely no intention of taking this bill down, and if he would have asked me privately, I would have told him that. I have no intention of taking this bill down.

We are either going to be in tomorrow and finish this bill, or we will be on it when we get back. And a cloture motion can be prepared and let the Senate vote on whether we stop debate and whether we stop nongermane amendments. So let that be known by all who can hear.

The bill I was trying to get unanimous consent on is a veterans' supplemental appropriations bill. The House will be in tomorrow. We probably will be in tomorrow.

As I understand it, the moneys have run out. This bill is badly needed, and we are only talking about an hour here on this bill. It can be a half-hour if Senators will yield back their time.

But I want to do this bill for the veterans tonight. That does not mean we are going to take down the AIDS bill. I want to say again, this AIDS bill is here, and if you want to get on the treaty on Monday when we get back, we better be off this bill.

Mr. President, I put the request again.

The PRESIDING OFFICER. Is there objection to the request?

Mr. WEICKER. I again ask the distinguished majority leader if we are trying to expedite a matter for the veterans, that I am sure is worthy of being expedited, maybe we can expedite the matter of AIDS legislation for those who are dying of AIDS. All I am saying is I would like to see the same effort put in behalf of those who are dying as we are putting in for the veterans.

I get the distinct impression around here that we are going to end up with a veterans bill—even though the majority leader assures me we will continue on the AIDS bill—or an AIDS bill that is not totally meaningless but is actually a dangerous piece of legislation before my colleagues are through politicizing it.

Mr. BYRD. Mr. President, I cannot answer that question. The Senate will have to work its will on amendments thereto. I can only do two things, and that is put the request and hope that we can do this veterans bill today—that is No. 1—or tomorrow.

The second thing is I can assure the Senators, as I have done, that we will stay on this AIDS bill until the Senate acts one way or the other on it, up or down. There is nothing else that is going to take its place. That is all I can do.

Mr. WEICKER. I am not going to object because, frankly, I hope maybe the discussions that are taking place here might put the AIDS bill back into a proper focus for those who think this is something that people can waste votes on and build up a sound political record. It is not that. It is terribly urgent, and it is terribly urgent that it be in the right form.

So with a guarantee that whatever we do here in terms of this veterans legislation is going to be done with dispatch and that nothing else, nothing else will intervene, I am not going to go ahead and interpose the objection. Although, I find it strange that we can "pass" veterans legislation so speedily and so cleanly, but somehow we cannot address the greatest threat that has been posed to this Nation since World War II.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY addressed the Chair.

Mr. BYRD. Mr. President, I thank all Senators, and I thank the distinguished Senator from Connecticut, and I thank the able Republican leader.

ACQUIRED IMMUNODEFICIENCY SYNDROME RESEARCH AND INFORMATION ACT

The Senate continued consideration of the bill (S. 1220).

Mr. KENNEDY. Mr. President, we were unsuccessful in tabling the Helms amendment. I am trying to inquire what is the disposition of the Senator from North Carolina. Does he want to voice vote it? Does he want the yeas and nays? How does he want to dispose of it so we can continue to try and make some progress?

Mr. HELMS. What does the Senator wish?

Mr. KENNEDY. We can voice vote it.

Mr. HELMS. Very well. That will be fine.

Mr. WEICKER. I object to that. I ask for the yeas and nays.

Mr. KENNEDY. Yeas and nays.

The PRESIDING OFFICER. The Chair will advise the Senate that the amendment of the Senator from New York is the pending amendment.

Mr. D'AMATO. Mr. President, in order to expedite the procedure, I will withdraw the amendment so we can proceed to the vote.

The PRESIDING OFFICER. The Senator has a right to withdraw his amendment. Does the Senator wish to withdraw his amendment.

Mr. D'AMATO. I wish to withdraw it for purposes of moving on with the vote.

The PRESIDING OFFICER. The Senator has a right to withdraw his amendment.

The amendment was withdrawn.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I send to the desk—I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

Mr. WEICKER. I believe I asked for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Helms amendment (No. 1992). The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Florida [Mr. CHILES], the Senator from Michigan [Mr. LEVIN], the Senator from Illinois [Mr. SIMON] and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN], is absent because of illness.

I further announce that, if present and voting, the Senator from Illinois [Mr. SIMON], would vote nay.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Nebraska [Mr. KARNES], the Senator from Vermont [Mr. STAFFORD], and the Senator from Idaho [Mr. SYMMS], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 71, nays 18, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—71

Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Breaux
Bumpers
Burdick
Byrd
Cochran
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hatch
Hecht
Heflin
Helms
Hollings
Humphrey
Johnston
Kassebaum
Kasten
Lautenberg
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Murkowski
Nickles
Nunn
Pressler
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sarbanes
Sasser
Shelby
Simpson
Stevens
Thurmond
Trible
Wallop
Warner
Wilson

NAYS—18

Adams
Chafee
Cranston
Dodd
Gore
Hatfield
Inouye
Kennedy
Kerry
Leahy
Moynihan
Packwood
Pell
Proxmire
Sanford
Specter
Weicker
Wirth

NOT VOTING—11

Biden
Bradley
Chiles
Evans
Heinz
Karnes
Levin
Simon
Stafford
Stennis
Symms

So, the amendment (No. 1992) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 1994

(Purpose: To express the sense of the Senate that the President should provide a prompt report regarding the possible presence of combat forces of the Soviet Union, Cuba, or Nicaragua in the Republic of Panama.

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York (Mr. D'AMATO) proposes an amendment numbered 1994.

"SEC. . It is the sense of the Senate that the President, without delegation, should forthwith report to Congress by written message whether, in his judgment as Commander-in-Chief of the Armed Forces of the United States, any combat troops of the Soviet Union, Cuba, or Nicaragua are present in Panama or have engaged U.S. troops in combat in Panama at any time during the last sixty days or during such period intruded into any United States military base or facility in Panama.".

Mr. D'AMATO. Mr. President, the amendment at the desk is rather simple and rather straightforward. It does not need a great deal of debate. It would seem to me that we should ascertain from the President, the Commander in Chief of the United States, whether or not there are Cuban troops, Nicaraguan troops, Soviet troops, in Panama, and whether or not they have engaged in any firefight with the forces of the United States of America.

There are some in the Senate who make this a great big mystery; it is very difficult; it should not be on this bill. Maybe it should and maybe it should be on another bill, or maybe we should have a freestanding debate.

This Senator attempted to bring this discussion to the Senate Chamber, not on this bill, but I have not had a vehicle to do it. I think it is important enough for the Senators to be concerned of whether or not some of the accounts that have been reaching us have merit or not. I am not suggesting that Cubans have been fighting with our soldiers, but I received some reports and some news authorities have made inquiry. Some have raised the specter of the fact that the Cubans have been engaged at Howard Air Force Base in Panama with fire exchanges with our troops.

Some have even gone to the point of suggesting a number of casualties that the Cubans suffered and that several were even killed.

So, the sense-of-the-Senate resolution is very straightforward. It says it is the sense of the Senate that the President of the United States without delegation should forthwith report to the Congress by written message whether in his judgment as Commander in Chief of the Armed services of the United States any combat troops of the Soviet Union, Cuba or Nicaragua are in Panama.

It goes on to say, have they intruded into any of the United States military bases or facilities in Panama?

Mr. President, I do not have to argue this. I would be willing to submit this to a voice vote. I think it is imperative that we find out whether or not this is the case because, you see, I believe that the increasing Cubanization of Panama is now a growing reality, and is something that we have to face whether we like it or not.

The fact of the matter is that we have allowed a petty tyrant, a dictator by the name of Noriega, to hold us up to scorn and shame throughout the world.

I think it is inconceivable that we have embarked upon a policy that has brought economic ruin to Panama, ruined the middle class, and we have abandoned them in their struggle.

Now we hear about so-called efforts at mediating. Now we hear a spokesman for the White House saying, "We never said that Noriega had to leave Panama. We just want him to leave office."

What a lot of nonsense! Hokum! How any spokesman for the administration, in good conscience, could get up and say that, after they were talking for weeks about getting him to leave and go to Spain! Now we are supposed to believe that somehow they never really meant it.

Mr. President, this Senator does not believe it, and I think we are entitled to know.

I will stop talking now, and I wonder why we cannot have a voice vote on it. It is simple. I do not want to be accused of holding up this bill, because it is an important bill and the bill I support. I have not taken any time of the Senate on the bill as it relates to dealing with extraneous matters.

As a matter of fact, I tried to offer this simple sense-of-the-Senate resolution during a quorum call, and I could not get an opportunity to do that, and several other times. I have attempted to ameliorate the situation by asking if we could get freestanding consideration of it, and we could not.

It may be that I am going to insist on a vote. I am sick and tired around here of having one or two Senators that you have to clear everything through because they are the big experts on it. You cannot talk about Central America or South America, unless Senator X, Y, or Z gives his permission to bring it up.

I did not come here to be secondary or fourth to any Senator, that I cannot even get a bill considered. So, I am going to ask for the yeas and nays on this.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. D'AMATO. I did not intend to do it.

I will be done in a second and yield, but I want to finish.

I want to say this: I have practiced comity around here as long as I have been here, and there have been very few requests that other colleagues have come to me with that I have not gone out of my way to accommodate. This is a pretty important issue. Maybe just because one guy wants to be on the front of all these things, nobody else can bring up a whole area. If you have these jurisdictional things, we ought to make little fiefdoms, make him the Pope. You do not say anything on this subject unless the Pope signs off. What an incredible thing!

You want to vote against this resolution? You want to table it? You want to say the President should not report? Then go ahead and do it. But I do not think we are being true to ourselves, as to why we have been elected and sent here.

This goes to the underlying amendment. It will not survive because there will be a substitute amendment, anyway.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. HEINZ. Mr. President, will the Senator yield?

Mr. DOLE. I yield to the Senator from Pennsylvania.

Mr. HEINZ. I thank the Republican leader for yielding.

Mr. President, I was necessarily absent on rollcall vote 118, the Helms amendment. Had I been present, I would have voted "No."

Mr. DOLE. Mr. President, I have been visiting with the distinguished Senator from New York throughout the day, and there are reports as he indicates; the statement is accurate. I am not certain that any report has been confirmed or whether it can be confirmed. I have had no confirmation of any activity there. There are reports as described by the distinguished Senator from New York.

It would seem to me that what he wants to do is to send a message, and we can do that just as easily with a voice vote. I think we can work it out right now and have a voice vote. The message will be heard all the way to 1600 Pennsylvania Avenue.

I hope the distinguished Senator from New York will let us do that, if there is no objection on the other side. I understand that the distinguished Senator from Rhode Island is willing to take action on a voice vote. We could do it within 5 or 10 seconds.

Mr. D'AMATO. I would be willing to undertake that. I just want to get this process underway.

Mr. President, I ask unanimous consent that the order for the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

THE VANISHING NEUTRALITY OF THE PANAMA CANAL

Mr. HELMS. Mr. President, I commend the distinguished Senator from New York for his amendment and for his timely decision to bring this before the Senate.

I well remember the day in 1978 when the distinguished majority leader, Senator BYRD, on behalf of himself, Senator Howard H. Baker, Jr., and a large number of other Senators offered what was then called the Byrd-Baker amendment to the Panama Canal Neutrality Treaty which was the first of the two treaties considered in connection with the extensive Panama Canal debate now 10 years past.

Mr. President, it is important to note these words in the Byrd-Baker amendment: "Under the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (the Neutrality Treaty), Panama and the United States have the responsibility to assure that the Panama Canal will remain open and secure to ships of all nations." The key word, Mr. President, is "responsibility." The Byrd-Baker amendment therefore provided not just a right, but it also imposed an obligation—and it is an obligation that the present administration—especially the Department of Defense—is now doing very little to meet.

Mr. President, as Senator D'AMATO pointed out, the amendment was adopted in the Senate by a margin of 85 to 3. The Republic of Panama, despite a certain amount of customary State Department hand wringing, accepted the amendment of the Senate, and the language is now an integral part of the text of article IV of the Panama Canal Neutrality Treaty. The amendment was and is a prime example of the proper function of the Senate in treatymaking.

But what makes the Byrd-Baker amendment particularly significant today is its prescient understanding a decade ago of what the future could bring.

For this both Senators BYRD and Baker should be congratulated because it now appears that the armed forces of one or more of the countries named in the presently pending amendment, probably Soviet-controlled Cubans, may have penetrated Canal defense areas manned by United States troops and may have actually engaged United States troops in combat. Ten years ago that would have been regarded as absurd, today the Pentagon seems willing to accept it as business as usual or perhaps to pretend that nothing significant is occurring. And, Mr. President, we in the Senate have perhaps grown too accustomed to that attitude: it prevailed before the Cuban missile crisis and it prevailed before the acknowledgment that there was indeed a Soviet combat brigade in Cuba. It prevailed as well with respect to the presence of nuclear capable Mig-23's in Cuba, and it has prevailed on other countless occasions that could be listed.

Mr. President, those repeated failures to inform is why this amendment is necessary. As the distinguished Senator from New York said, the Senate and the American people are entitled to know the truth, especially on an important subject of this magnitude. They and we are entitled to have from the President a formal statement of the facts. If the President confirms that the facts are as we suspect, then the United States should quit hiding its head in the sand and act decisively.

Now, Mr. President, it should come as no surprise to the Senate that a great deal more could be said—a great deal more than has been said—publicly—regarding the Soviet-Cuban-Nicaraguan military presence in Panama. But further discussion now might involve subjects that the distinguished majority leader would prefer to be handled in secret session of the Senate.

But I hope—indeed I am confident—that the distinguished Senator would wish the complete facts to be brought out in public debate because I know that he shares this Senator's judgment that the Panama Canal is too important to America for Americans to be kept in the dark.

Finally, on this subject I ask unanimous consent to have printed in the RECORD an article by Evans and Novak entitled "Humiliated—by Noriega" which appeared in the Washington Post Wednesday, April 27, 1988.

Again, I commend the distinguished Senator from New York.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 27, 1988]

HUMILIATED—BY NORIEGA

(Rowland Evans and Robert Novak)

Feuding between the secretaries of state and defense, unresolved by the White House, over how to rid Panama of strong man Manuel Noriega climaxed last month when the Pentagon cabled President Reagan in Brussels with a bizarre request that would override George Shultz.

Secretary of Defense Frank Carlucci wanted Gen. Fred F. Woerner, commander in chief of the U.S. Army's Southern Command, to meet and then negotiate with Gen. Noriega in the dictator's quarters. Reagan's cabled response: Not on your life—no four-star general of mine is going to call on a drug dealer facing two indictments in American courts.

Regrettably, however, such presidential decisiveness is all too rare in the Panamanian fiasco. No-nos for the Defense Department have not been matched by affirmative policy-making. The President has been silent on how to maneuver the United States away from humiliating defeat at the hands of the tiny Central American republic, while his two great national security departments are deadlocked.

That policy paralysis promises to continue indefinitely. National Security Adviser Colin Powell has given up trying to resolve disagreements between Shultz and Carlucci, ensuring the indicted drug dealer's survival into summer and confirming the wreckage of Panama's economy while the rest of Latin America observes Uncle Sam in disgrace.

"This administration cannot handle strong disagreement at the Cabinet level," a key player in the frustrating Panama drama confided to us. Neither Powell nor his immediate predecessors at the National Security Council, this official continues, would "take an important disagreement" to the president for consensus resolution out of fear of alienating the loser. While it is commonly accepted that Shultz is the center of the administration's power, stalemate reigns when the President won't choose.

That permits Noriega's spectacular holdout following Reagan's declaration over a month ago that he "must leave now." Shultz and his diplomats are far more aware that Carlucci and Adm. William Crowe, chairman of the Joint Chiefs of Staff, of the danger in such U.S. impotence. Everywhere in the hemisphere the focus is on whether Noriega can escape from his shootout with Reagan.

Yet for two months, through session after session of the top-level National Security Planning Group, Reagan sat silent while Shultz hammered home this warning: If a credible threat of military action is not brought against Noriega, think what it will mean to Ecuador, to Guatemala, to Peru and other Latin states watching to see if the Panamanian gets away with his military coup. Will they be next?

Carlucci and Crowe have been anything but silent. They pour it on, claiming that without vast reinforcements in the area, military action against Noriega is simply too dangerous to contemplate. Merely moving those troops into place, they say, might trigger congressional upheaval. Reagan only listens.

The political repercussions of this stalemate deepen each day. With passivity by the President and his national security adviser precluding an affirmative policy, the only U.S. weapon has been economic. But its use has shattered Panama's economy and inflamed anti-Noriega Panamanian citizens against the Colossus of the North. In the process, Panama's role as the Caribbean's most important regional banking center has ended indefinitely.

Just as Beirut was destroyed a decade ago as the most important banking center in the Arab world, Panama has lost its unique regional status. With the crisis only two months old, it has been supplanted by

Miami, the Cayman Islands and the Bahamas.

Linked with economic chaos is the continuing corruption of the Panama Defense Forces, the state's major source of political power now split by the furor over Noriega. Reagan administration policy-makers say privately that it could take a full 10 years after Noriega's departure—when it finally comes—to put the PDF back in shape.

It is U.S. doctrine to help keep a friendly nation's military intact, knowing that a deep split invites civil war. But the PDF may be beyond rescue as a unitary force and a solidifying political power. Administration officials say that unless it recovers well before the United States is scheduled to turn over the Panama Canal in 1999, Washington may have to find legal ways to avoid or delay that step.

When Noriega arranges his surrender terms sometime later this year, he will hold all the cards needed to get what he wants: the right to take with him $100 million to $300 million in liquid assets, in no small part earned from drug running; a pleasant new home in the Dominican Republic; and departure with full honors from his country.

That constitutes a hemisphere-wide humiliation for Uncle Sam, surely not what Shultz bargained for or what Carlucci wanted. But with a president unable to choose between two contesting Cabinet members and a national security adviser lacking the stature or will to break the stalemate, Ronald Reagan is being brought down by a small-time dictator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment (No. 1994) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Oklahoma, as amended by the amendment of the Senator from North Carolina.

The amendment (No. 1991), as amended, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1995

Mr. KENNEDY. Mr. President, I send a managers' amendment to the desk and ask unanimous consent that it be agreed to.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. HELMS. Mr. President, I do not understand what the unanimous-consent request was. Will the Chair state it, or will the Senator repeat it?

Mr. KENNEDY. I asked unanimous consent that the technical amendments offered on behalf of Senator HATCH and myself be agreed to. The technical amendments that have been included exclude any language in the technical amendments that would have related to the Helms amendment.

Mr. HELMS. Very well. I thank the Senator. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The technical amendments agreed to are as follows:

On page 38, between lines 22 and 23, insert the following new paragraph:

"(3) a description of the efforts authorized under this Act, and the amendments made by this Act, relating to acquired immunodeficiency syndrome specifically directed toward racial and ethnic minorities, including a description of the coordination between the Office of Minority Health and the Centers for Disease Control with regard to such activities;".

On page 38, line 23, strike out "(3)" and insert in lieu thereof "(4)".

On page 39, line 1, strike out "(4)" and insert in lieu thereof "(5)".

On page 39, line 4, strike out "(5)" and insert in lieu thereof "(6)".

On page 39, line 10, insert ", in consultation with the Director of the National Institutes of Health," after "stitute".

On page 39, line 18, insert "and related illnesses" after "syndrome".

On page 40, strike out line 10 and all that follows through line 17 on page 42, and insert in lieu thereof the following new sections:

SEC. 104. (a) Notwithstanding any other provision of law, the Secretary of Health and Human Services, through the Commissioner of Food and Drugs, may, in accordance with the civil service and classification laws, appoint and fix the compensation of not more than 50 employees for the Food and Drug Administration in addition to the number of employees assigned to such Administration as of July 1, 1987.

(b) Notwithstanding any other provision of law, the Secretary of Health and Human Services, through the Director of the National Institutes of Health may, in accordance with the civil service and classification laws, appoint and fix the compensation of not more than 300 employees for the National Institutes of Health in addition to the number of employees assigned to such Institutes as of July 1, 1987.

(c)(1) Notwithstanding any other provision of law, the Secretary of Health and Human Services, through the Director of the Centers for Disease Control, may, in accordance with the civil service and classification laws, appoint and fix the compensation of not more than 350 employees for the Centers for Disease Control in addition to the number of employees assigned to such Centers as of July 1, 1987. Employees may be used to provide technical assistance as provided for under this Act.

(2) The Director of the Centers for Disease Control shall establish an office to ensure the development and implementation of prevention programs targeted at minority populations and the provision of appropriate technical assistance to the States in the implementation of such efforts.

(3) The Office of Minority Health shall review the level of knowledge within minority communities concerning AIDS, the risks of transmission, and means by which to reduce such risk as well as the effectiveness of Federal, State, and local prevention programs, authorized under this Act, and amendments made by this Act, designed to meet this identified need. This review shall be submitted to the Director of the Centers for Disease Control and become part of the report of the Secretary to Congress under section 102.

(d) Notwithstanding any other provision of law, the Secretary of Health and Human Services, through the Administrator of the Health Resources and Services Administration, may, in accordance with the civil service and classification laws, appoint and fix the compensation of not more than 50 employees for the Health Resources and Services Administration in addition to the number of employees assigned to such Administration as of July 1, 1987. Employees may be used to provide technical assistance as provided for under this Act.

(e) To carry out this section and section 103, there are authorized to be appropriated $65,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.

GRANTS TO FACILITATE COMMUNITY-BASED EVALUATION OF EXPERIMENTAL AIDS THERAPIES.

SEC. 105. (a) The Director of the National Institutes of Health, acting through the National Institutes of Allergy and Infectious Diseases, in consultation with the Commissioner of the Food And Drug Administration, shall establish a national demonstration program to utilize community-based organizations of health care providers, migrant health centers, and community health centers in the design and execution of clinical trials of experimental treatments for acquired immunodeficiency syndrome and related illnesses that are approved for investigation by the Food and Drug Administration and conducted under regulations promulgated pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355).

(b) The program established under subsection (a) shall include a program that shall—

(1) provide direct grants to community-based organizations and community health centers determined eligible by the Secretary of Health and Human Services for the purpose of—

(A) retaining appropriate medical supervision;

(B) assisting with administration data collection, and record management; and

(C) conducting training of community physicians, nurse practitioners, physicians' assistants and other health professionals for the purpose of conducting clinical trials; and

(2) provide direct grants to recipients determined eligible by the Secretary of Health and Human Services for demonstration projects designed to implement and conduct community-based clinical trials in order to provide access to the entire scope of communities affected by the acquired immunodeficiency syndrome and related illnesses, including minorities, hemophiliacs and transfusion-exposed individuals, women, children, users of intravenous drugs and asymptomatic individuals who are infected with the etiologic agent for acquired immunodeficiency syndrome.

(c) Clinical trials funded by grants made under subsection (b)(2) shall be approved by—

(1) the Food and Drug Administration;

(2) a duly constituted Institutional Review Board that meets the requirements of part 56 of title 21, Code of Federal Regulations; and

(3) the National Institutes of Allergy and Infectious Diseases.

(d) Grants made under this section shall be designed to encourage participation in, and support of, community-based clinical trials by private industry and university-based Schools of Medicine.

(e)(1) There is authorized to be appropriated to make grants under subsection (b)(1) $2,500,000 for fiscal year 1988.

(2) There is authorized to be appropriated to make grants under subsection (b)(2) $2,500,000 for fiscal year 1988.

AIDS RESEARCH AND CLINICAL TRIAL DATA BANK.

SEC. 106. (a) The Secretary of Health and Human Services shall establish, maintain, and operate an AIDS Research and Clinical Trial Data Base and Information Service (hereafter in this section referred to as the "Data Bank").

(b) The Data Bank shall collect, catalog, store, and disseminate, through informational systems accessible to the public, individuals with acquired immunodeficiency syndrome or infected with the etiologic agent for acquired immunodeficiency syndrome, general practitioners, and investigators, the results of research relating to, and the results of treatment of, such syndrome.

(c) The Data Base shall include the following:

(1) A registry of clinical trials of experimental treatments for acquired immunodeficiency syndrome and related illnesses conducted under regulations promulgated pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) that provides a description of the purpose of each experimental drug protocol either with the consent of the protocol sponsor, or when a trial to test efficacy begins. Information provided shall include eligibility criteria and the location of trial sites, and must be forwarded to the Data Bank by the sponsor of the trial not later than 21 days after the approval by the Food and Drug Administration.

(2) Information pertaining to experimental treatments for acquired immunodeficiency syndrome that may be available under a treatment investigational new drug application that has been submitted to the Food and Drug Administration pursuant to part 312 of title 21, Code of Federal Regulations. The Data Bank shall also include information pertaining to the results of clinical trials, with the consent of the sponsor, of such experimental treatments, including information concerning potential toxicities or adverse affects associated with the use or administration of such experimental treatment.

(d) The Secretary shall—

(1) establish a mechanism to coordinate the operation of the Data Bank with the international efforts described in title II of this Act, including coordination with information gathering and dissemination efforts of the World Health Organization Special Programme on AIDS; and

(2) to the degree feasible insure that the Data Bank is accessible to individuals, investigators, and physicians in other countries.

(e) The Secretary shall develop and implement a plan for the dissemination of information contained within the Data Bank through the information clearinghouse and telephone hotlines established under part A of title XXIV of the Public Health Service Act (as added by section 301 of this Act).

(f) There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 1988, and such sums as are necessary in subsequent fiscal years.

EXPEDITIOUS REVIEW PLAN

SEC. 107. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall develop and implement a plan to expedite the awarding of grants, contracts, or cooperative agreements by any agency of the Department of Health and Human Services for projects relating to AIDS (including projects initiated by investigators not in response to any request for proposals). Except as provided in subsection (b), the plan shall provide that—

(1) an application for a grant, contract, or cooperative agreement which is made in response to a solicitation for proposals shall be submitted not later than 3 months after the date on which such solicitation is issued; and

(2) not later than 4 months after the date on which an application is submitted, such grant, contract, or cooperative agreement shall be awarded, or such application shall otherwise be acted upon.

(b) The plan required under subsection (a) shall provide that, in any case in which the Secretary of Health and Human Services determines that applications for a specific grant, contract, or cooperative agreement, or the action on such applications, cannot be completed in the period required by such subsection, the Secretary shall—

(1) cause to be included in the solicitation for such grant, contract, or cooperative agreement a statement specifying the time period in which such applications must be submitted, or in which approval will be made or action will be taken; and

(2) transmit a copy of such solicitation and statement to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

On page 42, line 21, strike out "106" and insert in lieu thereof "108".

On page 44, line 21, strike out "107" and insert in lieu thereof "109".

On page 45, line 4, strike out "108" and insert in lieu thereof "110".

On page 45, line 23, strike out "109" and insert in lieu thereof "111".

On page 45, line 25, strike out "through the Director of the Centers for Disease Control,".

On page 45, line 26, strike out "implement" and insert in lieu thereof "initiate".

On page 46, line 8, strike out "Director of the Centers for Disease Control" and insert in lieu thereof "the Secretary".

On page 46, line 10, strike out "use" and insert in lieu thereof "consider".

On page 46, between lines 13 and 14, insert the following new section:

NATIONAL BLOOD RESOURCE EDUCATION PROGRAM

SEC. 112. The Director of the National Heart, Lung, and Blood Institute shall establish a program of research and education regarding blood donations and transfusions to maintain, ensure and improve the safety of the blood supply. Education programs shall be directed at health professionals, patients, and the community to—

(1) in the case of the public and patients undergoing treatment—

(A) increase awareness that the process of donating blood is safe;

(B) promote the concept that blood donors are contributors to a national need to maintain an adequate and safe blood supply;

(C) encourage blood donors to donate more than once a year; and

(D) encourage repeat blood donors to recruit new donors;

(2) in the case of health professionals—

(A) improve knowledge, attitudes, and skills of health professionals in the appropriate use of blood and blood components;

(B) increase the awareness and understanding of health professionals regarding the risks versus benefits of blood transfusion; and

(C) encourage health professionals to consider alternatives to the administration of blood or blood components for their patients; and

(3) in the case of the community, increase coordination, communication, and collaboration among community, professional, industry, and government organizations regarding blood donation and transfusion issues.

On page 47, line 4, insert "and related illnesses" after "syndrome".

On page 47, line 7, insert "and in cooperation with the Administrator of the Agency for International Development," after the comma.

On page 47, line 15, insert "and related illnesses" before the semicolon.

On page 47, line 18, insert "and related illnesses" after "syndrome".

On page 47, line 20, insert "and related illnesses" after "syndrome".

On page 48, strike out line 13 and all that follows through line 4 on page 49.

On page 49, line 6, strike out "203" and insert in lieu thereof "202".

On page 49, line 7, strike out "$50,000,000" and insert in lieu thereof "$45,000,000".

On page 50, line 15, insert "model" after "materials,".

On page 52, line 5, strike out "high risk".

On page 52, line 12, strike out "by regulation prescribe" and insert in lieu thereof "prescribe and publish in the Federal Register".

On page 53, strike out lines 11 through 13, and insert in lieu thereof the following new subparagraph:

"(B) organizations representing the specific population to be targeted for the education or prevention effort; and

On page 53, strike out line 23 and all that follows through line 2 on page 54, and insert in lieu thereof the following new subparagraph:

"(A) the organization has continuing relationships, or will establish continuing relationships, with the portion of the population that is at risk of contracting acquired immunodeficiency syndrome in the area to be served by such organization; and".

On page 54, line 15, strike out "by regulation prescribe" and insert in lieu thereof "prescribe and publish in the Federal Register".

On page 55, strike out lines 5 through 7.

On page 56, between lines 12 and 13, insert the following new section:

On page 56, line 15, strike out "$115,000,000" and all that follows through the first period on line 17, and insert in lieu thereof "$120,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990, of which not less than $30,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990, shall be set-aside for national and local information efforts which are to be carried out by national and community-based minority organizations. The Secretary, acting through the Centers for Disease Control shall, after consultation with the Office of Minority Health and the Indian Health Service, publish guidelines for applications for funding under this section and for public comment, within 90 days after the date of enactment of this section.".

On page 59, line 2, insert "(including reported cases of pediatric acquired immunodeficiency syndrome)" after "syndrome".

On page 59, line 3, insert "(including reported cases of pediatric acquired immunodeficiency syndrome)" after "syndrome".

On page 61, line 22, strike out "and".

On page 62, line 3, strike out the period and insert in lieu thereof "; and".

On page 62, between lines 3 and 4, insert the following new paragraph:

"(7) appropriate acquired immunodeficiency syndrome education programs for school-aged children.

On page 64, strike out lines 10 through 17 and insert in lieu thereof the following: "munodeficiency syndrome, the State agrees—

" '(A) to use at least 50% of the total amount paid to the State under section 2413 for any fiscal year for grants to local governments and community-based organizations with—

" '(i) at least 15% of the total amount paid to the State under section 2413 for any fiscal year being used for grants to local governments;

" '(ii) at least 15% of the total amount paid to the State under section 2413 for any fiscal year being used for grants to community-based organizations, including minority community based organizations, located in and representative of communities and subpopulations which reflect the local demographics of AIDS; and' ".

On page 72, strike out line 20 through line 13 on page 74, and insert in lieu thereof the following:

"SEC. 788A. (a)(1) The Secretary, through the Public Health Service, may make grants to and enter into contracts with schools of medicine, schools of osteopathy, and academic health science centers to assist in meeting the costs of such schools in serving as education and training centers to—

"(A) train faculty of schools of medicine, psychology, nursing, osteopathy, podiatry, dentistry, public health, and allied health to teach students in such schools to provide care and treatment for individuals with acquired immunodeficiency syndrome;

"(B) develop and disseminate curricula relating to the care and treatment of individuals with acquired immunodeficiency syndrome; and

"(C) provide technical assistance to communities, regional organizations and health care systems in the training of primary care workers.

"(2) In making grants under this section, the Secretary shall give preference to projects which will—

"(A) train, or result in the training of, health professionals, mental health professionals, and allied health professionals who will provide treatment for minority individuals who are at risk of contracting acquired immunodeficiency syndrome and other individuals who are at risk of contracting such syndrome; and

"(B) train, or result in the training of, minority health professionals, minority mental health professionals, and minority allied health professionals to provide treatment for individuals with acquired immunodeficiency syndrome.

"(b) No grant or contract may be made under this section unless an application therefor is submitted to the Secretary in such form, at such time, and containing such information, as the Secretary may prescribe.

"(c)(1) Any application for a grant or contract under this subsection shall be subject to appropriate peer review by peer review groups composed principally of non-Federal experts.

"(2) The Secretary may not approve or disapprove an application for a grant or contract under this subsection unless the Secretary has received recommendations with respect to such application from the appropriate peer review group required under paragraph (1) and, where appropriate, has consulted with the National Advisory Council on Health Professions Education with respect to such application.

"(d) For purposes of this section, the term 'school of nursing' has the same meaning as in section 853(2).

"(e) To carry out this section, there are authorized to be appropriated $11,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.".

On page 76, line 8, insert "(including reported cases of pediatric acquired immunodeficiency syndrome)" after "syndrome".

On page 76, line 10, insert "(including reported cases of pediatric acquired immunodeficiency syndrome)" before "in all States".

On page 79, line 23, insert after the period the following: "A State may provide that amounts paid by the State to health care organizations shall not be used by such organizations to provide in home health services to an eligible individual in excess of an amount specified by the State.".

On page 87, line 22, strike out the end quotation marks and the second period.

On page 87, after line 22, add the following new sections:

"SUBACUTE-CARE SERVICES DEMONSTRATION PROJECTS.

"SEC. 2442. (a) As used in this section:

"(1) The term 'patients infected with the human immunodeficiency virus' means persons who have a disease, or are recovering from a disease, attributable to the infection of such person with the human immunodeficiency virus, and as a result of the effects of such disease, are in need of subacute-care services.

"(2) The term 'subacute care' means medical and health care services that are required for persons recovering from acute care episodes that are less intensive than the level of care provided in acute-care hospitals, and includes skilled nursing care, hospice care, and other types of health services provided in other long-term-care facilities.

"(b) The Secretary shall conduct three demonstration projects to determine the effectiveness and cost of providing the subacute-care services described in subsection (b) to patients infected with the human immunodeficiency virus, and the impact of such services on the health status of such patients.

"(c)(1) The services provided under each demonstration project shall be designed to meet the specific needs of patients infected with the human immunodeficiency virus, and shall include—

"(A) the care and treatment of such patients by providing—

"(i) subacute care;

"(ii) emergency medical care and specialized diagnostic and therapeutic services as needed and where appropriate, either directly or through affiliation with a hospital that has experience in treating AIDS patients; and

"(iii) case management services to ensure, through existing services and programs whenever possible, appropriate discharge planning for patients; and

"(B) technical assistance, to other facilities in the region served by such facility, that is directed towards education and training of physicians, nurses, and other health-care professionals in the subacute care and treatment of patients infected with the human immunodeficiency virus.

"(2) Services provided under each demonstration project may also include—

"(A) hospice services;

"(B) outpatient care; and

"(C) outreach activities in the surrounding community to hospitals and other health-care facilities that serve patients infected with the human immunodeficiency virus.

"(d) The demonstration projects shall be conducted—

"(1) during a 4-year period beginning not later than 9 months after the date of enactment of this section; and

"(2) at sites that—

"(A) are geographically diverse and located in areas that are appropriate for the provision of the required and authorized services; and

"(B) have the highest incidence of AIDS cases and the greatest need for subacute-care services.

"(e) The Secretary shall evaluate the operations of the demonstration projects and shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate—

"(1) not later than 18 months after the beginning of the first project, a preliminary report that contains—

"(A) a description of the sites at which the projects are being conducted and of the services being provided in each project; and

"(B) a preliminary evaluation of the experience of the projects in the first 12 months of operation; and

"(2) not later than 6 months after the completion of the last project, a final report that contains—

"(A) an assessment of the costs of subacute care for patients infected with the human immunodeficiency virus, including a breakdown of all other sources of funding for the care provided to cover subacute care; and

"(B) recommendations for appropriate legislative changes.

"(f) Each demonstration project shall provide for other research to be carried out at the site of such demonstration project including—

"(1) clinical research on the acquired immunodeficiency syndrome, concentrating on research on the neurological manifestations resulting from infection with the human immunodeficiency virus; and

"(2) the study of the psychological and mental health issues related to the acquired immunodeficiency syndrome.

"(g)(1) To carry out this section, there are authorized to be appropriated $10,000,000 for fiscal year 1988 and such sums as are necessary for each of the fiscal years 1989 through 1991.

"(2) Amounts appropriated pursuant to paragraph (1) shall remain available until September 10, 1992.

"(h) The Secretary shall enter into an agreement with the Administrator of the Veterans' Administration to ensure that appropriate provision will be made for the furnishing, through demonstration projects, of services to eligible veterans, under contract with the Veterans' Administration pursuant to section 620 of title 38, United States Code.".

ACQUIRED IMMUNODEFICIENCY SYNDROME BLOCK GRANT PROGRAM

SEC. 502. Title XXIV (as added by section 301 of this Act and as amended by sections 302, 401, and 501 of this Act) is further amended by adding at the end thereof the following new part:

"PART E—ACQUIRED IMMUNODEFICIENCY SYNDROME BLOCK GRANT PROGRAM

"GRANTS

"SEC. 2461. (a) To carry out this section, there are authorized to be appropriated $75,000,000 for fiscal year 1988, and such sums as are appropriate for each of the fiscal years 1989 through 1991, to make grants to public and nonprofit private entities for projects and programs that seek to reduce the transmission of the acquired immunodeficiency virus in and by users of illegal intravenous drugs.

"(b) An allotment to a State shall not be made by the Secretary under subsection (a) unless the State has submitted an information and assurances section as designated in section 2463(a), and such information and assurances section has been approved by the Secretary, acting through the Director of the National Institute on Drug Abuse in consultation with the Director of the Centers for Disease Control, in accordance with section 2463.

"ALLOTMENTS

"SEC. 2462. (a) The Secretary shall reserve $100,000 of the amount appropriated under section 2461 in each fiscal year for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs.

"(b) The allotment of a State under this section shall be based on the State's proportionate share of the number of intravenous drug use related cases of AIDS as reported by the Centers for Disease Control, but in no case shall a State receive less than $150,000.

"(c) Puerto Rico shall be treated as a State in the determination of allotments under subsection (b).

"(d) The Secretary shall obtain from each appropriate Federal agency, the most recent data and information, for the 12-month period immediately preceding the determination of the allotment, necessary to determine the allotments for fiscal year 1988, and for subsequent fiscal years, the Secretary shall obtain the most recent data and information, for the 2-year period immediately preceding the determination of the allotment.

"REQUIRED INFORMATION AND ASSURANCES

"SEC. 2463. In order to receive an allotment for a fiscal year under section 2462, each State shall submit to the Secretary, as part of the alcohol, drug abuse, and mental health block grant application required under section 1916 of the Public Health Service Act, an information and assurances section that shall contain—

"(1) such information as the Directors of the National Institute on Drug Abuse and the Centers for Disease Control shall require;

"(2) a description of the programs that will be implemented or improved with the assistance given under this part and the manner in which such programs will be coordinated with other public and private programs and activities;

"(3) assurances that, in the preparation of any statement under this section, the State will consult with local governments and the public and private entities (including community-based organizations) involved in the provision of services under this part;

"(4) a description of the manner in which the State will evaluate the programs and activities conducted with assistance provided under this part;

"(5) assurances that the State will prepare and submit a report, as required by the Secretary, on the results of the evaluations referred to in paragraph (3);

"(6) assurances that the State will prepare and submit reports, as required by the Secretary, containing data necessary to monitor relevant epidemiological changes; and

"(7) assurances that assistance provided to the State under this part will supplement and not supplant any State or local expenditures for treatment, outreach, prevention, and educational efforts targeted for users of illegal intravenous drugs at risk of contracting acquired immunodeficiency syndrome.

"USE OF ALLOTMENTS

"SEC. 2464. Amounts paid to a State under this part may be used by the State according to such requirements as the Secretary, acting through the Director of the National Institute on Drug Abuse, and in consultation with the Directors of the Centers for Disease Control, to establish programs that provide—

"(1) treatment for users of illegal intravenous drugs that have contracted, or are at risk of contracting the acquired immunodeficiency syndrome virus;

"(2) outreach services to users of illegal intravenous drugs;

"(3) aggressive efforts to prevent the transmission of the acquired immunodeficiency syndrome virus among users of illegal intravenous drugs; and

"(4) the training and organizational efforts necessary to accomplish all of the above.

"PAYMENTS

"SEC. 2465. (a) For each fiscal year, the Secretary shall make payments, as provided by section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), to each State that has complied with section 2463 from the allotment under section 2462 (other than any amount reserved under section 2462) from amounts appropriated for that fiscal year.

"(b)(1) Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for the next fiscal year for the purposes for which the payment was made.

"(2) If in the judgment of the Secretary, a State is unlikely to use funds that are available to that State during a fiscal year for the purposes prescribed by the Secretary under section 2464, the Secretary may withhold the amount otherwise available to that State in subsequent fiscal year.

"(c)(1) The Secretary, at the request of a State, may reduce the amount of payments under subsection (a) by—

"(A) the fair market value of any supplies or equipment furnished the State by the Federal government for the convenience of and at the request of the State; and

"(B) the amount of the pay, allowances, and travel expenses of any officer or employee of the Federal government when detailed to the State, and the amount of any other costs incurred in connection with the detail of such officer or employee, if such amount is expended for the convenience of and at the request of the State.

"(2) The amount by which any payment is reduced under paragraph (1) shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment or in detailing the personnel, on which the reduction of the payment is based. The amount shall be considered to be part of the payment and to have been paid to the State.

"(d) To the extent that all the funds appropriated under section 2462 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

"(1) one or more States have not submitted a satisfactory application with an information and assurances section in accordance with section 2463 for the fiscal year;

"(2) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(3) some State allotments are offset or repaid under subsection (c);

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this subsection.

"DEFINITION

"SEC. 2466. As used in this part, the term 'illegal intravenous drug' includes any controlled substance as defined in section 102(6) of the Controlled Substance Act (21 U.S.C. 802(6)).".

On page 89, line 16, insert " the Director of the National Heart, Lung, and Blood Institute," after "eases,".

On page 91, line 8, insert "Core" before "National".

On page 92, between lines 16 and 17, insert the following new section:

SEC. 602. (a) Section 402 is amended by adding at the end thereof the following new subsection:

"(g) The Director of the National Institutes of Health shall—

"(1) coordinate activities relating to acquired immunodeficiency syndrome conducted by the national research institutes and the agencies of the National Institutes of Health; and

"(2) give special emphasis to the continued development of activities relating to the cause of acquired immunodeficiency syndrome and to the coordination of such activities in and among the national research institutes and agencies.".

(b) Section 403 is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following new subsection:

"(b) The Director of the National Institutes of Health shall prepare and transmit to the Secretary, for inclusion in the Secretary's annual report under section 102 of the Acquired Immunodeficiency Syndrome Information and Research Act of 1987, a report—

"(1) describing and evaluating the progress made in research, treatment, education, and training with respect to acquired immunodeficiency syndrome conducted or supported by the National Institutes of Health;

"(2) summarizing and analyzing expenditures made in such fiscal year for activities respecting acquired immunodeficiency syndrome conducted or supported by the National Institutes of Health; and

"(3) containing such recommendations as the Director considers appropriate.

"CORE NATIONAL RESEARCH PROGRAM ON ACQUIRED IMMUNODEFICIENCY SYNDROME"

On page 92, line 19 insert "CORE" before "NATIONAL".

On page 92, line 17, strike out "602" and insert in lieu thereof "603".

On page 92, line 21, strike out "the" and insert in lieu thereof "a core".

On page 93, lines 8 and 9, strike out "for the" and all that follows through the period and insert in lieu thereof "related illnesses.".

AMENDMENT NO. 1996

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 1996.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

"SEC. . RESTRICTIONS CONCERNING EDUCATION PROGRAMS."

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 1997.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . RESTRICTIONS CONCERNING EDUCATION PROGRAMS.—Education programs that receive funds under this Act shall stress the public health benefits of a single monogamous relationship and the avoidance of unlawful intravenous drug use. Notwithstanding any other provision in this Act, nothing shall restrict the ability of the education program to provide accurate information on reducing the risk of becoming infected with the etiologic agent for AIDS.

Mr. HELMS. Mr. President, will the Senator allow me to look at the amendment?

Mr. KENNEDY. I will be glad to explain it while the Senator is looking at it.

Mr. HELMS. Very well.

Mr. KENNEDY. Mr. President, we have gone around the horn and are coming back around it again.

We offered an amendment in the first degree and put in an amendment in the second degree and the amendment in the second degree says:

In lieu of the matter proposed to be inserted, insert the following: "Education programs that receive funds under this Act shall stress the public health benefits of a single monogamous relationship and the avoidance of unlawful intravenous drug use. Notwithstanding any other provision in this Act nothing shall restrict the ability of the education program to provide accurate information on reducing the risk of becoming infected with the etiologic agent for AIDS."

We are prepared to vote, Mr. President.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, we have had an interesting little bit of byplay here in the last few minutes.

I was informed that it will be stricken from the committee amendment, the reference to monogamous relationship.

And then very quietly the distinguished Senator from Massachusetts using his priority recognition which is denied other Senators—they rely on the first-degree amendment, and the second-degree amendment—got the yeas and nays on the amendment.

Now, what he did is he took it out and put it back in. I want Senators to understand what they will be voting on.

The amendment says, in effect, or if I can look at it for just a moment, I had to have the clerk send to get a photostat made of it to even know what the amendment concerned—it says that—

Education programs that receive funds under this Act shall stress the public health benefits of a single monogamous relationship and the avoidance of unlawful intravenous drug use.

OK.

What the Senator from Massachusetts has done and what the Senate will be voting on is approval, in fact a declaration, that the act "shall stress the public health benefits of a single monogamous relationship," when earlier the Senate voted overwhelmingly on an amendment which states:

SEC. . (a) Notwithstanding any other provision of this Act or an amendment made by this Act none of the funds provided under this Act or an amendment made by this Act shall be used to provide educational, informational, or risk reduction materials or activities to promote or encourage, directly, homosexual sexual activity.

(b) Education, information, and prevention activities and materials paid for with funds appropriated under this Act shall emphasize—

This is what the Senate voted on when the Senate knew what it was voting on. Senators are going to come over here and not know what they are voting on when they vote on the Kennedy amendment.

The emphasis shall be, according to the overwhelming vote of the Senate just a little while ago, the emphasis shall be on—

(1) abstinence from sexual activity outside a sexually monogamous marriage (including abstinence from homosexual sexual activities) and

(2) abstinence from the use of illegal intravenous drugs.

OK. What the Senator from Massachusetts is saying is that we should stress monogamous relationships, meaning shacking up, just do it one at a time, do not get married, do not pay any attention to that aspect of it. He is going to turn the whole issue upside down and stress monogamous relationships, and he almost got by with it, and he probably will get by with it because Senators have dispersed everywhere and they will not know what they are voting on. He is going to turn the whole thing upside down.

I do not think that Senators who knowingly march up the hill should march down again, and I do mean down.

I am reading from the Kennedy amendment:

Notwithstanding any other provision in this Act nothing shall restrict the ability of the education program to provide accurate information on reducing the risk of becoming infected with the etiologic agent for AIDS.

They talk about something vague. They were complaining unjustifiably about the amendment that passed overwhelmingly last October. If they want something vague, they have it right here.

I do not know how to inform the Senate at this late hour that they are being snookered, that their overwhelming vote is being rendered nugatory. I do not know how to do that. I do not know how to tell Senators, but I think they at least ought to know or have had access to information disclosing what is going on with this first-degree amendment and this second-degree amendment, which was made possible simply because the Senator from Massachusetts had priority recognition.

Now, I was talking to the distinguished Senator from New Mexico, Mr. DOMENICI, just a few minutes ago and he said I ought to make a point, because it is true, that all of the urgency proclaimed for this bill is nonexistent because it is too late to be included in the appropriations bill. And everybody involved in this bill knows that. So there will not be any funds coming out of the Appropriations Committee for this bill.

So this has been much ado about nothing. The issues have been ventilated. I am proud that the Senate, having been informed about the kind of misuse and abuse of Federal funds, took a stand once again to say that no Federal funds can be used to encourage or promote sodomy and to emphasize abstinence in a monogamous marriage.

But the Senator from Massachusetts is going to turn that around. Maybe Senators will unknowingly vote to contradict themselves, but this Senator certainly will not do that. And I imagine that it will be discussed around the country, the fact that Senators voted one way one time and another way another time, within an hour of each vote being cast.

I do not have anything more to say about it except this is an unusual thing and I had assumed that when I was informed that the monogamous relationship provision would be stricken from the committee amendment, that that was an act of good faith. Now I know Senators managing the bill disagreed with my offering an amendment. They did everything they could to prevent a vote on it, but we got a vote. But I took it to mean that good faith assurance was given to me that the monogamous relationship reference was stricken.

But here comes an amendment to say: "Come on, folks. Shack up. Don't get married if you don't want to, but just do it one at a time." I do not think the Senate wants to say that. And I certainly hope that the Senate will not say that.

I am wondering, for example, if the Senator's amendment includes or implies that the term "monogamous relationship" would include homosexual relationships? I do not know whether he wants to answer that question or not, but I will pose it. I will ask Senator HATCH if that is what it means. Does that include homosexual monogamous relationships?

Mr. HATCH. I say to the Senator, I do not think there is a question here, I do not think this should involve solely a moral argument or an ethical argument. We are also talking about public health.

I have made some suggestions for modifications to the distinguished Senator from Massachusetts' amendment, but the fact of the matter is that I think this language goes a long way toward solving the problems the distinguished Senator from North Carolina would like to solve.

Basically, what the amendment says is: "Education programs that receive funds under this act shall stress the public health benefits of abstinence and a single monogamous relationship and the avoidance of unlawful intravenous drugs use. Notwithstanding any other provisions of this act—or any amendment to this act—"nothing shall restrict the ability of the education program to provide accurate information on reducing the risk of becoming infected with the etiologic agent for AIDS."

Now, look, there is not anybody in this body who does not understand that this legislation is to help people who need help. That includes homosexuals who need help.

Now, I do not want homosexuals to get legally married, necessarily. I am not sure that society should grant a marital right there. But the fact is, we want to get education programs to them, as well as heterosexuals. We do not want this education approach to be a narrow approach that does not educate people who have this disease or are at risk of the disease. And the principal group of people in this society that have this problem are homosexuals.

Mr. HELMS. The Senator is saying to me——

Mr. HATCH. What I am saying is, this amendment does not only cover a marital relationship.

Mr. HELMS. Mr. President, I yielded for the purpose of an answer to my question.

Mr. HATCH. I will be glad to yield the floor back and quit talking.

Mr. HELMS. But I would like an answer to my question, and I say this respectfully.

Mr. HATCH. Ask it again.

Mr. HELMS. Does it include monogamous homosexual relationships?

Mr. HATCH. It does.

Mr. HELMS. It does?

Mr. HATCH. It does.

Mr. HELMS. OK. That is what I wanted to establish. That was not clear.

Mr. HATCH. It includes any monogamous relationship.

Mr. HELMS. OK. So here we go again.

What did the amendment that the Senator just voted for a while ago, the so-called Helms second-degree amendment to the Nickles first-degree amendment do? It talked about abstinence and it put this Senate on record in a proper way on an important statement. But here we turn right around—does the Senator not agree—and say, "Oh, it's all right. Monogamous homosexual relationships are OK." Come on.

Mr. HATCH. Will the Senator yield on that point?

Mr. HELMS. Sure.

Mr. HATCH. Let me just say that approximately 70 percent—from the latest statistics that we have, called the "Aids Surveillance Report of United States AIDS Programs, Center for Infectious Diseases, Center for Disease Control"—approximately 70 percent of those who are infected by AIDS are homosexual or bisexual males.

Now, it is one thing, I call my friends's attention to this, it is one thing that he and I both wish that there were not homosexuals. He and I both wish that we could get everybody to live decent, moral lives in a marital relationship.

But the fact of the matter is that this bill deals with one of the most difficult problems in our society. It is a problem that is going to affect marital relationships more and more, as well, unless we do something to solve it. This bill goes a long way toward solving those problems and I think it might help lead to an ultimate cure for AIDS.

Now, I think it would be a wonderful thing if we can pass this bill and help lead to the solution to the problems of AIDS and help homosexual males or bisexual males, people who may not have the same sexual orientation as the distinguished Senator from North Carolina and I do. It is an acknowledgement that there are——

Mr. HELMS. That is an understatement.

Mr. HATCH. That is an understatement. I agree with that.

But, to make a long story short, it is common knowledge that there are large numbers of people in our society who need this bill, who need the help. And the principal people who need it are homosexual and bisexual males, according to these statistics.

Now, there are others, as well. And I am going to just tell you straight out that if we do not pass this bill and find some guts over in the other body to pass it, too, then it is not just homosexual and bisexual males who are going to be affected, it is going to be almost everybody.

This is pandemic. We are not talking about some little narrow problem here. We are talking about the No. 1 public health problem in America.

The fact that it affects homosexuals ought to make us that much more interested in at least trying to help those people who are being devastated by it, in spite of their sexual preferences. I do not agree with their sexual preferences. But that does not mean I do not have compassion for them; that I am just going to write them off and tell them to forget it, go ahead and die, because they differ from me.

Mr. HELMS. If the Senator would just yield for a moment, I still have the floor——

Mr. HATCH. Of course.

Mr. HELMS. Why, if the Senator does not agree with that "lifestyle," which is sodomy, why are we turning around now and saying that education programs funded by the American taxpayers shall stress the benefits of a single monogamous relationship which the Senator himself has acknowledged includes homosexuals?

Let me tell you something about this AIDS epidemic. There is not one single case of AIDS reported in this country that cannot be traced in origin to sodomy. Here we are saying: OK, homosexuals or heterosexuals or whatever, shape up, but do it one at a time. That is essentially what this amendment says.

Mr. HATCH. I agree. Would the Senator yield on that point?

Mr. HELMS. Does the Senator agree with me?

Mr. HATCH. Let me ask the Senator. What we want to do is stress that there are benefits of monogamous relationships to homosexuals as well as to heterosexuals. The fact is that this problem primarily affects homosexuals but it is gradually affecting heterosexuals.

Mr. HELMS. And it will continue to.

Mr. HATCH. It is going to continue to spread unless we do something about it. And that is what this bill, it seems to me, is intended to do.

We should be stressing the public health aspects of this bill. Not just moral aspects. I think it is important to stress moral aspects, but we have got to acknowledge that it is as important for homosexuals who are not going to change their sexual orientation—it is as important for them to have monogamous relationships as it is for heterosexuals. It is better for society. That is what this amendment does. It stresses monogamous relationships. I think it goes right down the line with what the distinguished Senator says. If we put in "heterosexual married monogamous relationships," we exclude the largest group of people that are being devastated by this illness.

To me that does not make sense. It just does not make sense. And if we do not educate them as to how to avoid it and what to do about it, and some of these funds will go for that, then my gosh, what are we doing here? We are just going to subject this whole country to a widespread pandemic or epidemic of AIDS? That is what we are doing right now.

This bill will help stop it.

Mr. HELMS. Mr. President, I hear and I respect the Senator and he is my friend.

Mr. HATCH. I am your friend.

Mr. HELMS. I want to reclaim the floor long enough to make a point or two.

I guess it is fair to say that the term "monogamous relationship" also includes sexual relations outside of marriage, which we ought to stress, according to this amendment. In other words, just do it one at a time when you cavort around and cheat on your wife or husband or whatever the case may be. Just do it one at a time and we will stress that monogamous relationship.

Do you see what I am talking about? The Senator from Utah—and I have the highest respect for him and he knows I do—he saw yesterday that videotape which was repulsive to the point that it makes Senators sick around the table, produced with funds provided by the American taxpayers.

I believe, if the American taxpayers would see just that videotape—a full-scale, 30-minute production going into graphic detail, using American taxpayers' money—I believe if they knew that, they would be marching on Washington.

They had a homosexual march on Washington last year. I believe that the folks who do not have that lifestyle—of sodomy—I believe they would scream to high heaven and come up here and they would march on Washington and then maybe we could turn this thing around.

The point is, we should not allow the homosexual crowd to use the AIDS issue to promote and legitimize their lifestyle in American society. And that is what is going on. That is exactly what is going on, and that was the purpose of my amendment which received overwhelming approval by the Senate on a tabling motion. And then was passed on a voice vote, presuming it to be unanimous.

Then after having marched up that hill and done something right, for a change, down the hill we go and talk about monogamous relationships, which the Senator from Utah acknowledges involves and includes homosexuals, and people who cheat on their wives or husbands.

I do not buy that and at the appropriate time, Mr. President, I am going to move to table this amendment and at least get a vote on it.

Mr. BREAUX. Will the Senator yield?

Mr. HELMS. I ask for the yeas and nays——

Have the yeas and nays been obtained on the Senator's amendment?

The **PRESIDING OFFICER.** Not on the amendment in the second degree.

Mr. HELMS. I ask for the yeas and nays on that one.

The **PRESIDING OFFICER.** Is there a sufficient second? Is there a sufficient second?

Mr. HATCH. Would the Senator please withhold on this request for the yeas and nays?

Mr. HELMS. I am not going to move to table until——

Mr. HATCH. I would like him to withhold because I am trying to work out language to accommodate him. I would like my friend to withhold on the yeas and nays for now.

Mr. HELMS. I would be perfectly willing to do that.

Mr. HATCH. I would like to modify the amendment, if I can. Only the managers can modify it, but I would like to have that privilege. I may not be able to satisfy the Senator from North Carolina, but I want to be satisfied.

Mr. HELMS. If we take even one step to make a silk purse out of a sow's ear, we should try. I withdraw my request for the yeas and nays, for the time being.

Mr. HATCH. I appreciate that.

The **PRESIDING OFFICER.** It is withdrawn.

Mr. HATCH. I have a lot of regard for the distinguished Senator from North Carolina. He is one of my friends. I think the Senator is an heroic, decent, honorable man and I know he feels very deeply about these issues and I would resent anybody misconstruing what he has been trying to do because I think he has had a great desire to do what is right. I just happen to disagree with him and I really disagree on his criticisms of this particular amendment.

I will tell you why. I am trying to work out language that might make it a little better amendment. I do not want to encourage homosexual marriages in this country. I also want to encourage homosexuals to at least enter into monogamous relationships. I am not sure that homosexuals chose to be the way they are or that anybody else fully chooses to be who or what they are. And I am not sure that I should stand here on the floor of the U.S. Senate and pass judgment on anybody.

I have known homosexuals that I liked and I have known homosexuals that I disliked as human beings. Some of them are just as fine human beings as anybody on this floor, or in the U.S. Senate. Some of them are not.

But that is true of Senators, too. Some of them are very fine and some of them, well—I am not sure but maybe some of them are not as fine as they could be. And I might be in one or the other categories, depending on the respective points of view.

But I will tell you this, we have a public health problem here and it affects primarily homosexuals. The fact that I disagree with their sexual orientation—and I do—does not stop me from having some compassion for the fact that AIDS is devastating that community. It does not stop me from intelligently appraising the fact that it is starting to devastate every community, not just homosexuals but heterosexuals and young children and everybody else. And, it is going to be so pervasive that everybody in this country is going to be shaken by it.

Most people who think or who read or who study or who watch television are now concerned. Only those who really do not care about anything are not shaken by this tremendous epidemic of AIDS. But, it mainly affects and it has started out mainly affecting homosexuals.

For us to stand here and argue that we should change this amendment to include only marital relationships or marital monogamous relationships I think excludes homosexuals at the outset and in the long run may encourage legalizing homosexual marriages.

To me, I do not think that the distinguished Senator from North Carolina should be making such an argument given his own philosophical viewpoint. But I cannot argue with his right to make any argument he wants to on the floor. But it bothers me if we do not do something to educate people about the devastating effects of AIDS and how to avoid it. There are millions of people out there who may need to understand what it takes to avoid it. A successful monogamous marital relationship is one of the best ways to avoid it. But I think we all agree that homosexuals are not going to enter into a heterosexual monogamous relationship as a general rule.

If we can encourage them to practice abstinence or at least a single monogamous relationship, with whatever partner they choose, that goes a long way toward stamping out AIDS. That alone would go a long way.

Who are we to judge anyway? Let him who is without sin cast the first stone.

There are many things that I agree with the distinguished Senator from North Carolina on. This does not happen to be one of them. We have to tell homosexuals more than simply to become heterosexuals. I am not sure if we tell them to become heterosexuals that it will make any real difference. In fact, my experience in having counseled a few in my day is that it will not make any difference at all.

If they would become heterosexuals, that would be wonderful. It would be great in my eyes, but realistically, they are not going to be. So at least if they will not or cannot become heterosexuals, we can encourage them to abstain from promiscuous sexual activities, or we can encourage them to only have a single monogamous relationship, and that just makes sense.

This will decrease their risk and, maybe even more important, the risk to all the rest of the people in our country and throughout the world.

So it seems to me this amendment helps rather than hinders, and it certainly is a strengthening amendment rather than a hurting amendment.

The distinguished Senator from North Carolina won on his amendment. I supported him. The fact is, this is a good amendment, too, and I would like to try to make some changes if we can get a few minutes here to do so and have the distinguished Senator from Massachusetts modify the amendment and then, if we have to, have a vote on the amendment.

Let me just say this: Let us quit judging and let us start doing what is right. This is a public health problem of great magnitude. It seems to me we have to attack it in the best way we can, and this bill is the best bipartisan answer I have seen.

I know what is in it. We have worked hard on it. I have helped to write the bill and, frankly, it has taken a bipartisan effort to get it this far. If we can get it through without many more amendments on it, we really have a chance of getting it through the House. We are going to challenge them to do over there what we have had the guts to do here. If we get it through the House, it seems to me, and into law, we will start down that very long road of effective, positive solutions to these problems.

I yield the floor to the distinguished Senator from Massachusetts.

Mr. BREAUX and Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1997, AS MODIFIED

Mr. KENNEDY. Mr. President, the Senator from Utah has made suggestions for the alteration of part 2 to include the word "abstinence" and on line 3 and one or two others. I send them to the desk and ask that my amendment be modified.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment, as modified, is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC.   . RESTRICTIONS CONCERNING EDUCATION PROGRAMS.—Education programs that receive funds under this Act shall stress the public health benefits of abstinence and a single monogamous relationship and the avoidance of unlawful intravenous drug use. Notwithstanding any other provision of this Act or of the Acquired Immunodeficiency Syndrome Research and Information Act of 1987, nothing shall restrict the ability of the education program to provide accurate information on reducing the risk of becoming infected with the etiologic agent for AIDS.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I intended not to speak on the amendment of the Senator from Massachusetts, so I will be brief. I think this amendment is very clear. It is very harmless. If you read the amendment, it does not advocate homosexual relationships. It could not advocate heterosexual marriages or relationships.

It makes a very clear and simple statement of obvious fact, and the statement can be no clearer in the sense that it says any kind of an educational program is going to stress the benefits of a single monogamous relationship.

That is a statement of fact, an educational program that sees anything other than that is not truly an educational program. It is a misstatement of fact.

A single monogamous relationship, whether it is a man and a man or a man and a woman is beneficial for the purpose of restricting AIDS. That is a statement of fact.

What the amendment says is the educational program should point that out and a one-on-one relationship is safer than a person who has relationships with 25 people, 50 people, 100 people or whatever number you want to point out. That is all the amendment says.

It does not advocate homosexual relationships. It simply says education programs should point out that one-on-one relationships are safer in preventing AIDS than 50 relationships, or 1,000 relationships, or whatever number anybody has the imagination to conjure up.

It is a statement of fact. It is harmless. I voted for the first amendment of the Senator from North Carolina and had some concerns, but I supported it. But this amendment that he opposes of the Senator from Massachusetts is a harmless restatement of fact, and it should be adopted. It is not incorrect or wrong in any sense to say educational materials should stress the importance of a single, monogamous relationship. You can argue about whether it should be a heterosexual relationship, which I happen to favor, or a homosexual relationship, which I do not, but that is not the issue here.

It simply says a single, monogamous relationship is something that should be stressed. That is a statement of fact. It should be supported and should not be controversial at all.

Mr. KENNEDY. Vote.

Mr. BREAUX. Vote.

Mr. KENNEDY. Yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, we are in the business of creating fig leaves around this place. The only practical difference is that the managers of the bill, or maybe a manager of the bill was willing to insert the word "abstinence," but he continues to stress the benefits of a monogamous relationship, which we have already established includes homosexual relationships one at a time. It is OK to do it one at a time or to cheat on your wife or your husband one at a time. This amendment will stress this.

Mr. WEICKER. Mr. President, I rise in support of the Kennedy amendment. The purpose of this amendment is to ensure that the prior amendment restricting educational material is not interpreted in a manner that would prevent the funding of educational material that is designed for the purpose of effectively communicating information on reducing the risk of HIV transmission simply because the content or presentation might offend some people or appear to promote sexual activity. Obviously, you cannot inform people about prevention of sexually transmitted diseases without talking about the sexual activities that do or do not transmit the disease. The purpose of the prior amendment is to ensure that this is not done in an unnecessary or gratuitous fashion. But to the extent that sexually explicit discussion is necessary to communicate the message effectively to the target audience of people at risk, then the message is not promoting sexual activity, it is simply promoting health. That's what this amendment says and I urge its adoption.

Mr. ADAMS. Mr. President, I rise to oppose the amendment offered by the Senator from North Carolina and to support the substitute offered by Senator KENNEDY.

We are dealing today with the most serious public health problem that has ever faced this country. And let me emphasize the words "public health." This is not and should not be a moral issue. If we turn this into a moral issue, we will never act; if we view it as a health issue, then the medical and scientific community are ready to act—and we can be too.

Let me talk for a minute not about politics or morality but about reality. The reality is that we have a long way to go before we find a cure or even effective treatments for AIDS. The reality is that our only effective weapon against AIDS is education. The reality is that there are two groups which have been hardest hit by this awful disease and if we are going to educate these groups we are going to have to talk frankly and openly about things we do not normally discuss.

There is one more piece to the reality we face and it is simply this: education has been working. The rates of AIDS infection and other sexually transmitted diseases have declined dramatically in cities which have agressive AIDS education programs targeted at high-risk groups.

I know that we will offend some sensibilities as we conduct this educational effort. But what is our choice? Our choice is between offending sensibilities or allowing people to die. I do not condone drug use. But we have spent billions and billions of dollars for decades and decades trying to stop people from using drugs. We have not succeeded. And, despite our best efforts, I suspect we never will. So, what do we do? What have we done? Well, despite our moral concerns we have launched educational programs and made an effort to tell people that they ought not use drugs—but if they do, they had better do them with clean needles. To do otherwise would be to sanction countless deaths which could be prevented.

The same concept applies when we consider sexual activities which we may not condone. We have a right to stand here in the U.S. Senate and say we disapprove of your morals; but we do not have the right to stand here and say we do not approve of your morals so we are going to allow you to die. And make no mistake about it, if we do not educate people in the frankest terms about safe sex we are allowing people to die.

Mr. President, I think we have in the substitute offered by Senator KENNEDY, a reasonable approach to this issue.

We will debate many things in this body ths year. But we will discuss few that are as important as this. We are dealing with life and death here. There are people watching us here today who have seen their friends, their children, their spouses die of this disease. They did not die because they were immoral. They died because they were uneducated. I will not stand here in judgment of these people. I respect the right of any person, even a U.S. Senator, to make a moral judgment about homosexuality—but I do not respect and I will not recognize their right to make death the penalty for violating their personal concept of morality.

Let me close with one final thought. I know that this vote could be a difficult one for some of my colleagues. Sex and morality are not easy topics and there are groups out there who will distort our votes and turn them into an effort to reject family values and morality. Well, to those people I say that a vote to table the Helms amendment is a vote for human life. It is a vote of compassion and understanding for the families that will lose children and brothers and sisters to the AIDS virus if we do not educate every American. I urge all of my colleagues to search their hearts and their souls and vote for compassion and understanding, not judgment and rejection.

Mr. CRANSTON. Mr. President, I rise in support of the amendment offered by the Senator from Massachusetts. This amendment would provide positive guidance for the development of education materials.

Contrary to the Helms amendment—which would severely restrict and impede, if not totally curtail education efforts—this amendment would allow education efforts that are effective and can help prevent the further spread of the AIDS epidemic to move forward.

Mr. President, this amendment states that "nothing shall restrict the ability of the education program to provide accurate information on reducing the risk of becoming infected with the etiologic agent for AIDS." That means that materials that are targeted to gay and bisexual men about how to reduce the risk of transmitting the AIDS virus—life-saving materials essential to stopping this dread epidemic can be funded.

This amendment clarifies that the Senate is strongly in support of education programs that encourage those engaging in high risk behavior to modify that behavior and reduce the risk of transmitting the AIDS virus.

Mr. President, we should be supporting all programs that can stop the spread of AIDS and save lives. Promoting and encouraging homosexuality is simply not the issue. Our Government does not and should not promote or encourage homosexuality—or any other form of sexual activity. What the Government must do is its utmost to save lives by preventing the further spread of AIDS.

Mr. President, let me make clear, every single public health expert has told us that education is the only weapon we now have to stop more people from becoming infected with the AIDS virus. Education means having all the facts about how AIDS is transmitted, how it is not transmitted, and how transmission of the AIDS virus can be prevented. More than that, education is teaching individuals how to avoid unsafe practices that put them and others at mortal risk—and, most importantly, convincing and motivating them to change those behaviors.

Messages that simply provide dry, factual information, or tell people to "just say no" are not enough. If we are serious about saving lives, people must be given realistic alternatives, in language and terms that they can understand and relate to. The material need to attract and hold their attention and provide strategies for implementing behavior changes. This requires the use of frank, dramatic, interesting, and motivational materials that are targeted to be effective with the individuals at risk.

I reject the notion that frank and open discussions and materials written in the vernacular to encourage sexually active individuals—men or women, young or old, heterosexual or homosexual—to take certain precautions, like wearing condoms, encourages or promotes sexual activity. Should we not teach drug addicts to clean their needles because that may encourage drug abuse? That's like saying the slogan "If You Drink, Don't Drive" promotes or encourages drinking.

We can no longer afford to turn our backs on reality.

People do use illegal drugs. People do engage in sexual activity outside of a monogamous relationship.

We can no longer be squeamish about discussing and dealing with the dangers and how to avoid them, when every minute's delay in communicating effectively means more people will be infected and more will die. Among those who will be infected and who will likely die if we fail to educate effectively will be infants who have not yet been born.

We can no longer fight AIDS halfway—pausing and hedging about what to say and how to say it. Educators must be able to talk freely and frankly about AIDS.

Mr. President, I would like to take this opportunity to clarify some points regarding the impact of the Helms amendment that were raised, this morning, while I was not present on the Senate floor because I was chairing a Veterans' Affairs Committee hearing. At that time the Senator from North Carolina [Mr HELMS] attacked a letter I submited to Senators regarding his amendment.

The Senator From North Carolina asked "Where does Senator CRANSTON 'get off'" saying that AIDS education funds had been cut off because of the Helms amendment.

Frankly, I was surprise that he chose to make this statement when I was not present on the Senate floor particularly since I was present on the floor continuously last night from the time S. 1220 was brought up until debate on it concluded around 9:30 p.m.

I would have liked to have responded at the time the Helms amendment was pending but I was prevented from doing so

Mr. President, the facts are the previous Helms amendment did have and continues to have a devastating effect upon our AIDS education effort.

It seriously delayed and impeded these efforts when timely action is absolutely critical.

Equally significant is the fact that confusion continues to exist, interfering with the all-out effort we need.

Most education and prevention efforts—including training of healthcare professionals—were essentially frozen for 3 months because of concerns and uncertainties regarding the Helms amendment. Progress on education activities across the country halted. I realize that 3 months may not seem like a long period of time to some, but in those 3 months thousands of individuals were diagnosed with AIDS, thousands more died, and countless individuals became infected. Any delay is too long when we are dealing with this kind of deadly epidemic.

I am pleased that on May 1 funding will finally be going out to States. However, I am less optimistic about the speed by which the funding will actually reach the community-based organizations that are central to our education efforts. In fact, I understand that many States did not identify in their applications the community-based organizations with which they plan to contract and what their programs would include. Until that is done, the CDC must withhold funding to those organizations. Then the local review boards must approve the content of the education programs. That's the point at which the review boards will actually apply the vague standards in the Helms amendment to specific materials and decide whether they do or do not violate the amendment. We must expect a great deal of controversy—and probably further delays—to be encountered on this issue as the materials move through the review process.

Mr. President, let me give some more examples of the type of chilling effect that this amendment has had on education programs throughout the country.

In Texas, the State Commission on Alcohol and Drug Abuse has dropped its plan to supply free bleach and condoms to drug users because of the Helms amendment.

The Dallas County Health Department shelved a pamphlet that explained safe-sex practices for gay men because of the Helms amendment, even though it had been approved by the department's literature review board, a citizens group that reviews all AIDS educational materials. The pamphlet, I would add, was based on materials distributed by the American College Health Association.

Health departments in Nevada, Illinois, North Carolina, and Delaware have told AIDS service organizations in their States to delete education targeted to gay and bisexual men from their federally funded programs because of the Helms amendment.

The American College Health Association, which receives a Federal grant to conduct AIDS education programs on college campuses, has eliminated its more popular and effective materials because of concerns that their explicitness would conflict with the Helms amendment.

And, the AIDS clearinghouse no longer distributes materials targeted to gay and bisexual men.

In addition, many communities, which have not yet been devastated by this epidemic, pool their Federal, State, and local funds so as to maximize education efforts and are consequently being forced to apply the Helms amendment to their State and local funds in order to avoid jeopardizing their Federal funds.

Mr. President, all across the country education efforts targeted to gay and bisexual men—who represent 65 percent of the AIDS cases—are being curtailed. It is appalling that the Federal Government is shrinking from its responsibility to educate individuals most in need and most at risk.

The amendment of the Senator from North Carolina has had a profound, tragic effect—far beyond the reaches of the Federal Government. The political climate in which education programs are developed and approved is worsening. State and county health departments are wary of approving projects—even ones that they have funded in previous years—because of concerns about violating the Helms amendment.

Mr. President, the amendment by the Senator from Massachusetts should help mitigate some of these problems and concerns and I urge its adoption.

Mr. HELMS. If the American people understood this second try at it, they would revolt. Therefore, I move to table the underlying amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Illinois [Mr. SIMON], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN], is absent because of Illness.

I further announce that, if present and voting, the Senator from Illinois [Mr. SIMON] would vote nay.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS], the Senator from Nebraska [Mr. KARNES], the Senator from Indiana [Mr. QUAYLE], the Senator from Utah [Mr. STAFFORD], and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 29, nays 61, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—29

Armstrong
Cohen
D'Amato
DeConcini
Dole
Domenici
Ford
Garn
Gramm
Grassley
Hecht
Heflin
Helms
Humphrey
Kasten
McCain
McClure
Murkowski
Nickles
Pressler
Roth
Rudman
Shelby
Simpson
Stevens
Thurmond
Trible
Wallop
Warner

NAYS—61

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Cochran
Conrad
Cranston
Danforth
Daschle
Dixon
Dodd
Durenberger
Exon
Fowler
Glenn
Gore
Graham
Harkin
Hatch
Hatfield
Heinz
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Sanford
Sarbanes
Sasser
Specter
Weicker
Wilson
Wirth

NOT VOTING—10

Biden
Chiles
Evans
Karnes
Quayle
Rockefeller
Simon
Stafford
Stennis
Symms

So the motion to lay on the table amendment No. 1996 was rejected.

The PRESIDING OFFICER. The question is on the Kennedy amendment in the second degree as modified.

Order in the Chamber, please. Senators will take conversations to the Cloakrooms so we can have order in the Chamber so Senators can be heard.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator will suspend for one moment until we obtain order in the Chamber. Please, if Senators will take conversations out of the aisles, out of the wells so we can conduct the business of the Senate. The Senate is not in order. We will not proceed until it is.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

YEAS AND NAYS VITIATED ON AMENDMENT NO. 1997

Mr. HATCH. I wonder if the distinguished Senator from Massachusetts and the distinguished Senator from North Carolina will agree to vitiate the yeas and nays.

Mr. KENNEDY. I make that request, Mr. President.

The PRESIDING OFFICER. The yeas and nays are vitiated.

Mr. HATCH. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. Kennedy].

The amendment (No. 1997), as modified, was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, if we can have the attention of the membership, the Senator from Arizona has an amendment.

The PRESIDING OFFICER. If the Senator will suspend, the question is now on the underlying Kennedy amendment, as amended, and the yeas and nays have been ordered.

The Senator from Massachusetts.

YEAS AND NAYS VITIATED ON AMENDMENT NO. 1996

Mr. KENNEDY. I make a request to vitiate that, Mr. President.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. Kennedy], as amended.

The amendment (No. 1996), as amended, was agreed to.

Mr. KENNEDY. I move to reconsider the vote by which the amendment was agreed to.

Mr. WILSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, we have two very, very brief items. The Senator from Arizona has talked with us about an amendment which is, I believe, a deserving one. I urge its acceptance.

AMENDMENT NO. 1998

Mr. McCAIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCain] for himself and others proposes an amendment numbered 1998.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new title:

Title . American Indian AIDS Prevention and Treatment Program.

"There is hereby authorized to be appropriated to the Indian Health Service, $6,600,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990, for the development and implementation of information programs, healthcare worker training and awareness, and care and treatment programs for Indian people with AIDS, under such terms and conditions as are generally applicable for such programs pursuant to this Act."

Mr. McCAIN. Mr. President, I rise on behalf of myself and Senators Inouye, Murkowski, Domenici, Evans, Bradley, and Bingaman, to offer an amendment which would add an additional section at the end of the pending bill which would authorize $6.6 million to the Indian Health Service for AIDS education and prevention programs, health care provider training and awareness, and care and treatment programs for native Americans stricken with AIDS who are on Indian reservations and urban Indian communities.

The amendment is necessary because of the bill's language directing the agencies allocating funds under this Act to distribute the funds through State and local governments. The trust relationship between the Federal Government and Indian tribes is a very complicated one. While I am certain that no one intends to exclude Indians from Federal programs such as this one, that has been an inadvertent result of the funding processes of many other programs. This amendment will ensure that people with AIDS who happen to live on Indian reservations or in urban Indian communities will have access to the same assistance offered other people with AID.

The Comprehensive AIDS Research, Information and Care Act authorizes approximately $440 million through titles III, IV, and V of the AIDS bill. This amendment, if passed by the Senate, will make available to Indian people approximately $1.8 million for national information programs, $2.25 million for tribal and urban community information/education programs, $525,000 for education and training of health professionals in Indian communities, $1.5 million for grants to tribes for patient care, $150,000 for long-term care demonstration projects, and $375,000 for an IV Drug User Research Program. While this money will not eliminate AIDS among native Americans, it will enable tribal governments and urban Indian communities to strength their existing programs to address this growing problem.

The total sum of $6.6 million as proposed in this amendment will help prevent the virtual extinction of many of the Indian tribes with populations of less than 3,000. The native American population is particularly vulnerable to the unique epidemiological pattern of HIV infection. The fact that most tribes are quite small in comparison to other groups is such that the effects of even a small outbreak in most of these communities could conceivably be quite catastrophic. Couples with a HIV positive carrier will have to postpone having children for fear of perinatal transmission until some care is found. This will have a profound effect on the population dynamics of any tribe. With smaller tribes there might actually he a drastic decrease in numbers that might take generations to fully recover or may accelerate the full cultural and physical disintegration of a few small but now stable groups.

Mr. President, there are reports received by the Indian Health Service indicating that only 57 cases of AIDS have been reported among native Americans since the Federal Government began to collect this data. While the number of Indian AIDS cases is relatively small compared to that of the general population, the figure reflects an alarming 112-percent increase over the number of Indian AIDS cases reported just 16 months ago. There is reason to believe that many public health departments are underreporting the number of native Americans diagnosed as having AIDS. Agencies may be coding native Americans in other racial ethnic groups or using the other category. And it is only within the last year that emphasis was placed by the Centers for Disease Control and the Indian Health Service to begin to account for the disease amongst Indian people as of April 20, 1987.

Despite initial beliefs that AIDS is a non-Indian problem, morbidity among native Americans continues to climb. For instance, although heterosexual transmission of the virus is increasing nationwide, homosexual and bisexual males still account for about 66 percent of the adult AIDS cases in the United States, or 83 percent of male IV drug users with this sexual orientation are included. Homosexual/bisexual activity has played an important part in recent syphilis outbreaks among Indians in the Southwest, and results from alternate HTLV-III testing sites demonstrate evidence of the virus among native Americans with these risk factors.

A recent report issues by the Indian Health Service also noted that certain Indian populations have rates for other sexually transmitted diseases which are in excess of national rates. It is not unreasonable to expect that once the virus is introduced into any sexually active population there will be an even more marked increase in morbidity, along with the likeihood of perinatal transmission.

In my own State of Arizona, we have begun to see a presence of AIDS among the native American population. According to Dr. Ben Muneta, former chief medical officer for the Navajo Tribe in Arizona and New Mexico, AIDS is beginning to infiltrate the native American population. He estimates that there are close to 150 cases of AIDS to date, including those which are undetected or yet have to be reported.

The fact that there is a rise in substance abuse, including intravenous drug abuse, amongst American Indians contributes to the concern over the increased spread of AIDS through the native American population. There needs to be early intervention techniques, education, and bolstered community based health services on reservations and in urban Indian communities to address this deadly disease.

Mr. President, the fiscal year 1988 budget of the Department of Health and Human Services does not include any funding to address the issues of AIDS and native Americans. And of the $1.3 billion requested in the President's fiscal year 1989 budget request, $349 million is proposed for the Public Health Service to address research, education, prevention, and treatment. The Indian Health Service, one of seven Public Health Service agencies, was excluded from receiving any of the targeted funds for AIDS. As the largest provider of direct health services within the Department, IHS should be entitled to a portion of these funds.

Historically, Indian people have always sadly faced the consequences of disease. It is suggested that this land was once populated with at least 14 million people, and prior to the advent of the Government services at the turn of the century, the number of Indian people dwindled to 250,000 due to contagious disease, war, and the outcomes of "manifest destiny." In the past, smallpox was rampant along with other contagious diseases and today we know that Indian people continue to experience high rates of alcoholism, substance abuse, STDS, and diabetes. Mr. President, it is the Senate's responsibility to help lend the Nation's Indian people an opportunity to prevent and treat this deadly disease before it becomes a scourge which once again destroys their people. In closing, I urge my colleagues to support the passage of this amendment and S. 1220.

I express my appreciation to the Senator from Massachusetts and the Senator from Utah for accepting this amendment.

Mr. KENNEDY. Mr. President, this follows and tracks other programs we have accepted with regard to the Indian setasides. It follows the same pattern we followed on a half-dozen major pieces of legislation. This is a deserving amendment, and I hope it will be accepted.

Mr. HATCH. Mr. President, I also commend the Senator from Arizona for the great work he is doing for the Indian people. This is a good amendment, and I recommend that it be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1998) was agreed to.

Mr. KENNEDY. Mr. President, the Senator from New Mexico asked me a question earlier, and he wants to be recognized now.

AMENDMENT NO. 1999

Mr. BINGAMAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. DOMENICI, proposes an amendment numbered 1999.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 96, line 7, after the word "renovation", insert the following: "or construction"

Mr. BINGAMAN. This is a very simple amendment. The current bill authorizes the Director of the National Institute of Health as part of the AIDS research program to make grants for the renovation of research facilities. This amendment adds the authority to make grants for construction as well.

It is a small change that has important consequences. In some cases, renovation of a research facility is not enough. New construction is necessary so that this Nation can continue to meet its obligation to provide a humane environment for its animal research population.

In my home State of New Mexico, we have one of the country's major primate facilities for AIDS research. The Primate Research Institute of New Mexico State University is a national center for the testing of AIDS vaccines, therapy, and drug safety. Testing is a crucial step in the fight for an AIDS vaccine. However, the facilities of the Primate Research Institute are stretched to the limit. Renovation will not help. New buildings are needed. Primate research facilities are unlike other facilities. There is a need to provide humane lifelong care and housing for these animals as well as secure AIDS research facilities. Because of changes to NIH regulations on research subjects, there is a crying need for new facilities.

Mr. President, the case of the Primate Research Institute is but one example of the need for new construction of AIDS research facilities as well as renovation of existing facilities. This amendment would give the NIH the ability to do both as it sees fit. I hope my colleagues will support it.

The PRESIDING OFFICER. If the Senator will suspend, we should have order in the Senate so that the Senator can be heard.

Mr. BINGAMAN. Mr. President, I should like to address a question to the manager of the bill. I ask the Senator from Massachusetts this:

As I read the facilities section of the bill, it seems to limit the grants that can be made for renovation of facilities. My amendment is designed to try to broaden that.

Mr. KENNEDY. I do not have any objection to it. In the bill, we mandate that the facilities be renovated. The Senator's amendment would permit flexibility: in some instances renovate and in others construct. I have no objection to it. I think it is a useful recommendation.

Mr. HATCH. Mr. President, I agree with the amendment of the distinguished Senator from New Mexico, and I recommend that we accept it.

Mr. BINGAMAN. Mr. President, Senator DOMENICI is a cosponsor. He may wish to say something.

Mr. DOMENICI. I appreciate the cooperation of the committee.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment.

The amendment (No. 1999) was agreed to.

Mr. KENNEDY. Mr. President, I know of no further amendments.

The **PRESIDING OFFICER.** If there are no further amendments, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. GRAMM. Mr. President, this authorization bill is important because not only is it the first bill devoted exclusively to AIDS—but because it acknowledges a serious problem we have so far officially overlooked.

Pediatric AIDS cases are increasing and an awful side effect of the tragedy of children with AIDS is the fact that some of those children are abandoned by parents unable—or unwilling—to take care of them.

There are 932 reported cases of pediatric AIDS nationwide. In my State of Florida there are at least 115 children affected. Those numbers do not include the thousands of infants and young children who have tested HIV positive and will almost certainly develop AIDS.

Jacksonville Wolfson Children's Hospital is home to a little boy who typifies an AIDS abandoned child. Patrick is a bright, energetic 14-month-old who has known no other home than the hospital since he was 4 weeks old. Patrick's mother brought him in for testing then and when she learned he was HIV positive, she left and never returned.

Patrick has charmed the entire hospital. The clown who visits the sick children every week always takes Patrick out for a walk by the river. Without the stimulation and security of a home environment the child is beginning to show some slight delay in motor and intellectual development.

His doctor says he is not sick enough to be in a hospital and would thrive in a nurturing home.

Children such as Patrick have almost no chance of being placed in foster homes. Patrick will probably die before his fifth birthday—never having lived in a real home. The human cost to these children is incalculable.

The monetary cost is calculable. The public health system is struggling to cope with the high cost of AIDS. The added burden of children whose numbers have not been figured into past appropriations—and who may be completely dependent on the system because they are abandoned—is crushing.

I am pleased we were able to count these serious and increasing cases into our calculations for S. 1220. We are all in agreement on the need to deal responsibly with AIDS. S. 1220 is evidence that the Senate is prepared to act on that responsibility.

Mr. DIXON. Mr. President, I am pleased to be a cosponsor of S. 1220, the Acquired Immunodeficiency Syndrome [AIDS] Research and Information Act of 1987.

As we know, AIDS is a serious national health problem which is estimated to strike about a quarter of a million Americans by the end of this decade. It is a contagious, deadly disease which the President has declared to be the No. 1 public health enemy. Many medical experts consider AIDS to be the gravest public health threat of this century.

Mr. President, in my own State of Illinois, the city of Chicago alone reported 72 new cases of AIDS to the Chicago Department of Health during the month of March 1988. According to the Department, 73 new cases were reported in January 1988, and 42 new cases in February 1988. This is alarming.

S. 1220 is a compromise bill and has my wholehearted support. It authorizes our limited resources to attempts to find a cure for AIDS and attempts to provide for AIDS education, prevention, treatment, and care.

S. 1220 is a comprehensive effort to provide this country with its first AIDS authorization bill. It authorizes an AIDS Emergency Infection Control Program for all health and public safety employees. It provides support for National AIDS Research Centers.

Additionally, S. 1220 expands AIDS prevention and education for risk reduction. It offers greater availability and funding for home and community-based services. Also, it authorizes grants and technical assistance for international anti-AIDS efforts.

Mr. President, I urge my colleagues to join me in supporting S. 1220.

Mr. CHAFEE. Mr. President, I rise today in support of S. 1220, the Acquired Immunodeficiency Syndrome Research and Treatment Act of 1987. This crucial piece of legislation provides authorization—guidance if you will—for continued funding of research, treatment and education measures in our battle against Acquired Immune Deficiency Syndrome [AIDS].

This measure is by no means a cure all. Indeed there are several issues which are not addressed. But research, treatment, and education—our only means of prevention to date—are the steps that must be addressed first. I am proud to be a cosponsor of this measure, as I believe it shows our commitment to facing this challenge with the fortitude and compassion it demands.

It is estimated that 1.5 million Americans are infected with the AIDS virus. And some experts predict that all of these individuals will eventually develop AIDS. Experts estimate that by the end of 1991, the total number of cases in this country will reach 270,000—with a staggering 179,000 deaths, unless better treatments are found. In the year 1991 alone, it is estimated that 54,000 people will die of AIDS, a figure roughly equal to the American death toll of the entire Vietnam War.

Fifteen months ago, when this, the 100th session, of Congress began, approximately 16,667 people had died of AIDS in this country. Today we vote on the first major AIDS bill on the Federal level, and that number has jumped to 33,926. In short, while we deliberated this year, the death toll doubled.

S. 1220, in its present form is a response that can wait no longer. The bill is a committee compromise, supported by my colleagues on both sides of the aisle. It provides for $610 million in authorizations for public information campaigns, education of high risk groups, medical training, expedited approval of AIDS treatment drugs, medical care, nursing, hospital beds, an international data bank, and research.

The $610 million authorized through this bill is not new money. The fiscal year 1988 budget mark will encompass this authorization. We actually appropriated $970 million in fiscal year 1988 for AIDS. S. 1220 only guides that spending more sensibly and efficiently.

In the area of research, this measure calls for stepped up funding for additional staff positions at the National Institutes of Health [NIH], at the Centers for Disease Control [CDC] and at the Food and Drug Administration [FDA].

S. 1220 also makes AIDS a procedural priority at these facilities and requires that requests for personnel and facilities must be answered in 21 days. In addition, review time by NIH of AIDS research grant requests must be reduced to 6 months.

The measure also creates a National AIDS Research Program within the National Institute of Allergy and Infectious Diseases [NIAID]. In addition, special authority is given to the Director of NIAID, equivalent to that we granted the Director of the National Cancer Institute for the "War on Cancer".

S. 1220 rounds out its research effort by authorizing up to $50 million for cooperative research and disease prevention overseas.

In the area of education, S. 1220 launches both a national public information campaign and educational efforts at the State and local level. The measure allows the use of paid advertising to deliver AIDS prevention messages. It also provides for up to $115 million for other national AIDS information programs, including materials development, clearinghouse, hotlines for public and health care workers, model programs.

On a State and local level, S. 1220 provides block grant assistance up to $150 million to States for education and prevention programs. S. 1220 also mandates an emergency AIDS awareness and risk reduction program for health and safety workers.

Last, in the treatment of AIDS patients, this measure authorizes up to $100 million to States to pay for home and community-based care for people with AIDS.

Mr. President, my constituents continue to write to me about AIDS. They write of their fear, of their confusion, of their losses. We have 134 reported cases in Rhode Island, infants, children, adults. My constituents want to know, why we are we waiting so long to take action? Why aren't we informed, and informing them? This measure that we consider today will provide many of the answers and will put us on the track to conquer this disease.

This measure does not include language dealing with counseling and testing, confidentiality and protection against discrimination. I am hopeful that as the Senate moves forward with further AIDS legislation in the future these issues can be properly addressed.

Today, I only ask my colleagues to join with me and the 54 other cosponsors of S. 1220 in passing this legislation without restrictive or weakening amendments. In the war on AIDS, this is Congress' first battle. I am confident of a victory.

Mr. MOYNIHAN. Mr. President, in the early part of 1983, Dr. Kevin Cahill, an eminent practicing physician in New York City, called me to say that something awful was breaking out in New York which no one could rightly identify. Well, now we can identify it: acquired immune deficiency syndrome. But we have done very little to stop it.

A case in point. Around that time, I introduced one of the first bills dealing with AIDS in the Senate, creating a Public Health Emergency Fund which the Secretary of Health and Human Services could use to fight epidemics such as AIDS. Eventually, on July 13, 1983, a final version of this bill calling for $30 million for this purpose was signed into law. Almost 5 years have now passed, and yet no money has been appropriated for this fund.

In 1983, New York State had 1,079 cases of AIDS. Since then, we have had 14,000 more, and the end is no where near in sight. It is indeed probable that all those who had AIDS in 1983 are dead now. And of the 14,000 additional AIDS patients since 1983, more than half have died. It is an illness which takes no prisoners.

Perhaps the most alarming trend of all in this epidemic are the number of infants and children that have contracted AIDS. In the early part of 1983, New York reported 36 admissions of pediatric AIDS cases. By 1987, the number of pediatric AIDS cases had risen ninefold, to 337. One is every 61 infants born in New York City is infected with the AIDS virus. Primarily these are children born to intravenous drug-using mothers. We are no longer losing our children just to drug abuse—we are losing them period.

New York City is not the only place suffering from this epidemic. Eighteen other major U.S. cities have reported cases of AIDS. And the epidemic is spreading—not retreating. With over 25,000 deaths from AIDS in cities other than New York, it is apparent that AIDS is not just New York City's problem. It is a problem this Nation must confront—now.

S. 1220 seeks to do just this.

S. 1220 makes the fight against AIDS a priority for the Federal Government. Currently, the bulk of Federal dollars being spent on AIDS come from the Federal portion of Medicaid and funds for research conducted through the National Institutes of Health. Very little Federal money is channeled to the States to support education and information activities. Because AIDS is the most serious public health threat we have come across in decades, S. 1220 greatly increases funds for these activities.

Although the Appropriations Committees have steadily increased funding for AIDS over the past 4 years, an authorization bill for AIDS research and prevention is long overdue. Authorizing legislation is needed to formulate a comprehensive policy regarding AIDS information, medical training for health care workers, testing of new drugs and targeted education campaigns. This is exactly what we have here today.

One of the primary goals of S. 1220 is to coordinate our AIDS research efforts. At present, there is insufficient coordination between the research conducted through the NIH and the trial drug approval process at the Food and Drug Administration. The bill creates a core program within the National Institute of Allergy and Infectious Diseases devoted entirely to AIDS research, including new treatments for this illness and expanded trials for experimental drugs. With the creation of this new program, such efforts will be monitored by one agency.

Among the new initiatives in S. 1220 are funds for State-based prevention programs which will include information, risk reduction, prevention, treatment and research activities. The $150 million allocated for this grant program are the first funds to directly aid States in developing and implementing AIDS prevention programs on a wide-scale basis.

S. 1220 also creates a new program to fund fellowships and training programs at the CDC to train health professionals how to cope with the specific needs of AIDS patients and how not to contact this illness. S. 1220 further seeks to enhance international cooperation in the areas of education and treatment by authorzing $50 million to international public health organizations such as the World Health Organization.

Another new proposal under S. 1220 would make $100 million available to establish networks between hospitals, mental health clinics and community organizations to provide services to AIDS patients. In my own State of New York, we have a pilot project to do this which could be greatly expanded with these Federal funds.

What we do today in passing this measure is to tell this Nation that the Federal Government acknowledges its own responsiblity to stop this plague. The thousands of individuals who are dying of AIDS are ill, and we must care for them—all of them. And we must take care that thousands more do not face the same fate. It is not just our Senate duty, it is our human obligation.

Ms. MIKULSKI. Mr. President, I rise today in support of S. 1220, the AIDS research, care and education bill. This bipartisan legislation provides the first comprehensive Federal response to the AIDS epidemic—a response which is long overdue.

I believe in the goals of this bill, which are: curing and treating AIDS patients; caring for them; and containing the spread of further infection.

The bill does this by: strengthening our scientific research programs providing financial assistance to care for

AIDS patients in their homes and community-based settings; and providing the information Americans need to protect themselves from the AIDS infection.

When we marked up this bill in committee, I added an amendment intended to cut through the bureaucratic redtape which sometimes keeps people from getting the information they need about AIDS when they need it. My amendment directed the Department of Health and Human Services to develop and initiate an emergency program to inform all health care workers and public safety officers how to protect themselves from the AIDS infection.

These workers are out there in the streets and hospitals providing care and assistance to AIDS patients and potentially infected persons. Many of these workers don't have the information they need to protect themselves. I believe we have a responsibility to provide them with clear and practical information on how they can protect themselves in the course of their daily work.

I believe that every fireman, police officer and paramedic, in addition to health care provides, needs this information and they need it now. This bill directs HHS to get this information out within 90 days of enactment.

As our Government faces the challenge of the AIDS epidemic, our best public policy is one that manages the disease and the fear. Right now we have a fear that is sweeping America. There's a new syndrome called "fraids"—the fear of AIDS. And there is a lot of misinformation floating around out there that feeds that fear.

What we need is good science, good information and good services. I believe this legislation takes important steps in adding to our scientific knowledge, providing the information that all Americans need, and assisting our communities in providing care to AIDS victims.

In closing, I want to especially applaud Senator KENNEDY and his staff for not giving up the fight to bring this bill to the floor and Senator HATCH and his staff for ensuring that this bill would be a bipartisan effort. This bill is the result of excellent work by Senators on both sides of the aisle. It deserves our support, and should not be diluted with amendments that will limit this bill's effectiveness.

Mr. SPECTER. Mr. President, as a cosponsor of S. 1220, the "AIDS Research and Information Act of 1987," I urge my colleagues to support this bill, including the managers' amendment package. In the 9 months since S. 1220 was unanimously approved by the Labor and Human Resources Committee, the chairman and ranking member of the committee have worked to incorporate into S. 1220 the suggested modifications which were germane and medically supported. These changes are contained in the managers' package, which I believe makes S. 1220 a very good bill. It appropriately responds to one of the most grave epidemics of our time.

Two of these modifications—$30 million for AIDS prevention programs by minority organizations targeted to minority populations, and an expanded role for the Office of Minority Health in AIDS education and prevention activities—are based on provisions of S. 1872, the "Minority Acquired Immunodeficiency Syndrome Awareness and Prevention Projects Act," which Congressman DYMALLY and I introduced on November 17, 1987.

S. 1872 targets AIDS education and prevention funds directly to national and local minority organizations. This strategy seeks to ensure that funds would be provided to organizations existing in and serving minority populations. The bill further would ensure that the new programs developed would be responsive to the particular cultural and lifestyle realities of the target population. The bill's provisions based on my legislation respond to minority community concerns regarding the current inequitable distribution of AIDS funding, recognizes the critical importance of supporting and further stimulating minority community prevention activities at the national and grassroots levels, and increases public awareness of AIDS as a major minority health issue.

My legislation also provides authorization for the Office of Minority Health, created by former Health and Human Services Secretary Margaret Heckler, to address the serious disparity in the health status of minorities and whites. Although this authorization provision has not been included in the managers' package, it is an important provision which I hope will be adopted by the Senate in the near future.

Mr. President, minorities are disproportionately represented in the AIDS caseload. This population group currently represents 41 percent of the diagnosed cases of AIDS, a 2-percent increase only from mid-September 1987. This dramatic rise in the minority statistics is attributable to an increase in AIDS cases diagnosed among blacks. The U.S. Public Health Service predicts there will be a total of 270,000 AIDS cases and 179,000 related deaths by 1991. If the current population distribution rate continues, we can expect that almost 111,000 of these cases and over 73,000 deaths will be within minority groups.

These statistics indicate the devastation AIDS is wreaking in minority communities. Although only 1 of every 8 Americans is black, 2 of every 8 Americans diagnosed with AIDS is black. While Latinos constitute only 7 percent of the total population, they account for 14 percent of the persons who have been diagnosed with AIDS. Black and Latino communities are being especially hard hit by the AIDS virus because of a disproportionately high incidence of intravenous [IV] drug abuse. IV drug abusers make up 26 percent of the AIDS cases in this country.

In spite of the fact that minorities represent 41 percent of the AIDS cases, the U.S. Department of Health and Human Services has been slow to recognize the importance of funding minority community-based organizations to provide AIDS education and risk reduction activities in black, Hispanic and other minority communities. As late as August 1987, hundreds of minority health leaders and community activists at a National Conference on the Impact of AIDS in Minority Communities cited their unsuccessful attempts to obtain Federal funds for AIDS education activities. Subsequently, the Federal Centers for Disease Control announced the availability of $7 million for AIDS education projects targeted to minority populations. Such a modest Federal commitment to address the rampant AIDS epidemic in minority communities convinced me that legislative action must be taken to ensure that scarce Federal resources were better targeted to meet AIDS education needs.

Mr. President, the accommodation which the Labor and Human Resources Committee has made on ensuring a more equitable distribution of AIDS education funds is an important one. This issue has been a major priority of mine in the 100th Congress, and I welcome my colleagues' support in a bipartisan initiative to direct Federal funds to minority organizations to help prevent the further spread of the deadly AIDS virus. I also wish to thank Senators KENNEDY and HATCH for their cooperation and support on this vital matter.

Currently, there is no known cure for AIDS. However, the implementation of community-based prevention programs that focus on and attempt to change specific behaviors that increase the risk of contracting the disease is one of the best known defenses in the war against this deadly virus. In black and Hispanic communities, emphasis must be placed on the need for better treatment and control of intravenous drug abuse and the general strategy of modifying sexual behavior. Additionally, minority efforts must emphasize outreach to the target populations, be sensitive to the cultural and language needs of the specific group, and address the need for greater access to, and utilization of, health care services to minority populations. The minority organizations' provision included in the managers' amendment package will help accomplish these needs.

Mr. President, to recognize the key individuals and organizations who worked with me to develop this minority AIDS initiative, I ask unanimous consent that a list of these individuals and organizations and several letters in support of S. 1872 be included in the RECORD immediately following my statement.

I urge my colleagues to join me in supporting passage of the "Aids Research and Information Act of 1987."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The National Urban Coalition.
The National Urban League.
The National Minority AIDS Council.
The National Council of Negro Women.
The National Coalition of Hispanic-Health and Human Services Organizations.
The National Black Nurses Association.
The National Medical Association.
The American Public Health Association.
The National Association of Community Health Centers.
The National Association of Childrens' Hospitals and Related Institutions.
BEBASHI, Inc. of Philadelphia.
Children's Hospital of Philadelphia.
Temple University.
The Pediatrics AIDS Task Force.
Dr. Beny Primm, a member of the President's AIDS Commission.
Ms. Dionne Warwick, Ambassador of Health, U.S. Department of Health and Human Services.
Rev. and Mrs. Joseph Lowery of the Southern Christian Leadership Conference.
Dr. Mark Smith, Director of the Philadelphia AIDS Task Force.
Dr. Margaret Heagarty and the Pediatrics staff of Harlem Hospital.

NATIONAL MEDICAL ASSOCIATION,
Washington, DC.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: Thank you for the assistance of your Legislative Assistant, Ms. Eartha Issac, on informing the National Medical Association (NMA) on Senate Bill S-1872, "Minority Acquired Immunodeficiency Syndrome (AIDS) Awareness and Prevention Project Act of 1987." We support this bill to amend the Public Health Services Act and increase health information and outreach to minority populations regarding education, counseling, prevention and research activities relating to AIDS, and for other purposes.

I am particularly impressed with the requirement for the involvement of a community resource panel, as described in Section 2401(c). This requirement will ensure that professionals who live and work in the affected communities will be instrinsically involved in the implementation of the project.

Further, the resources provided by this bill to implement and support research, outreach activities and counseling needed to combat the spread of AIDS will certainly support Black physician's efforts in providing much needed services and education to the individuals that we serve.

In my opinion, Senate Bill S-1872 is deserving of our full attention and support, and we hope to urge other Members of Congress to help facilitate the passage of this important legislation.

Sincerely,

JOHN E. JOYNER, M.D.,
President.

NATIONAL BLACK NURSES'
ASSOCIATION, INC.
Washington, DC, February 8, 1988.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: The National Black Nurses' Association, Inc. supports S. 1871, "Pediatric Acquired Immunodeficiency Syndrome (AIDS) Resource Centers Act of 1987" and S. 1872, "Minority Acquired Immunodeficiency Syndrome (AIDS) Awareness and Prevention Projects Act of 1987," especially the portion relating to the Office of Minority Health as Disseminaters of Grants.

Also, we have requested our thirty eight chapters to support S. 1871 and S. 1872 and to encourage their members to write Senator Specter and their appropriate congressmen voicing support.

In addition, we have written to Senator Edward M. Kennedy, urging him to co-sponsor S. 1871 and S. 1872 and to place these acts as amendments to S. 1220.

We will continue monitoring the progress of these bills.

Sincerely,

C. ALICIA GEORGES,
President.

SCHOOL OF PUBLIC HEALTH, STATE
UNIVERSITY OF NEW YORK AT
ALBANY,
Albany, NY, March 29, 1988.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: Eartha Isaac has sent me a copy of the Minority Aid bill you are sponsoring. I simply wanted you to know that I support the bill and will work to ensure its passage.

I also want to commend you for developing such a forward-looking proposal designed to address a major public health problem in this country.

Best wishes.

Sincerely,

BAILUS WALKER, Jr.,
President.

Mr. **LEAHY**. Since the first cases of acquired immune deficiency syndrome [AIDS] were diagnosed in 1981, scientists, doctors and public health experts in this country and around the world have dedicated their energies and talents in a cooperative fight to understand and conquer this devastating disease.

The men and women on the research and treatment battle lines are unlocking many of the secrets of AIDS and are translating their growing knowledge into medically sound advice on how best to combat AIDS. They have accepted the challenges of this new disease with intelligence, determination and compassion.

This week, the Senate is considering badly needed legislation that supports these efforts and establishes a national policy on AIDS.

I want to compliment Senators KENNEDY and HATCH for their leadership and cooperation in bringing S. 1220, the AIDS Research and Information Act, to the Senate floor. S. 1220 represents a bipartisan effort to fashion the most up-to-date and medically sound information into a coordinated national response to AIDS. It establishes a comprehensive program of education, information, risk reduction, and training of health care professionals. It fosters prevention, treatment, long-term care, research and international cooperation in the fight against AIDS.

The Labor Committee deserves the praise of the entire Senate for their work on this bill. The committee has drafted a truly comprehensive bill that draws on the experience and advice of the most distinguished experts in the world. S. 1220 is medically sound. It is sensible. It represents our best shot at reducing the human tragedy and economic hardship associated with AIDS.

Most importantly, it gets us out from under the debilitating effects of unfounded fear and hysteria too frequently generated by this disease. S. 1220 is consistent with the civil rights of all Americans.

It is not easy to understand AIDS—not for the scientist, not for the layman trying to keep up with daily news stories. But as legislators, we cannot shrink from the complexity of the disease. AIDS will impose an enormous strain on our health care system and our workforce. No one can hide from AIDS.

This idea really hit home for me after reading an article in the New England Journal of Medicine entitled "AIDS: Politics and Science." The author, Dr. June Osborn of the University of Michigan School of Public Health, puts it this way:

> AIDS is here to stay. It is like the day after Hiroshima—the world has changed and will never be the same again. The new virus will be a fact of life for our children's children.

Dr. Osborn makes this point in an effort to shake policymakers out of the unrealistic sense that AIDS may not be as devastating as the experts' predictions suggest.

Over the past 5 years, Congress and the administration have agreed on the need for substantial funding increases for AIDS research, but we have been slow to act on basic policy issues.

Instead of confronting AIDS head on, some have tried to play politics with a deadly disease. While Senators debate and worry in this chamber about the tastefulness of providing Americans with frank information about sex practices that saves lives, people are dying. We are letting our scientists and health care workers down. We are letting the American people down.

From Vermont to California and around the world, public health experts are saying the same thing—in the absence of a vaccine or cure for

AIDS, only behavioral change brought about by education and counseling will reduce the spread of the disease. S. 1220 stresses this need for frank and appropriate education for every American.

Last year, I came to the floor to speak against ill-considered amendments that undercut the Senate's ability to develop responsible AIDS programs and policies. I said that I will support amendments that are recommended by the medical experts and the Labor Committee after they have had the opportunity to study thoroughly the merits of those amendments. I advised my fellow Senators to reject scatter-shot amendments that come our way out of nowhere. That is what I intend to do this week as we debate the AIDS bill.

I urge other Senators to do the same. I urge you to listen to the medical experts at NIH, the American Medical Association and the American Public Health Association. Listen to what the public health professionals, educators and civil rights experts are saying in your home States. Our votes must be guided by reason and sound information, not fear or preoccupation with peoples' sexual behavior.

I am proud of Vermont's response to AIDS. Although there are currently only 28 cases in Vermont, the public health community has waged an all-out assault on the disease. The Vermont Department of Health initiated a statewide advertising campaign emphasizing the importance of safe sex. We also have a toll-free hotline to answer Vermonters' questions on AIDS.

I have received many letters and telephone calls from Vermont's public health experts, all expressing strong support for S. 1220. Last week the commissioner of health, Roberta Coffin, contacted me to express her opposition to hostile amendments that are not based on sound medical advice. I share her concern. I also share the concerns of another prominent Vermonter, Dr. Richard Narkewicz, the president of the American Academy of Pediatrics. As a pediatrician and a spokesman for the Academy, he is particularly concerned about how AIDS will effect children. In the near future Vermont will be confronted with the special problems associated with pediatric AIDS.

I will be looking to these experts for their thoughtful and inciteful advice on combatting AIDS.

Let us show intelligence, determination and compassion in passing this vitally important legislation. Our leadership is essential to the national and international efforts to stop the spread of AIDS.

Mr. BOND. Mr. President, time is critical today as we debate live facets of how to effectively put together this country's AIDS research, education and patient care policy. It is my hope that in the midst of the many amendments, deliberations and comments, we will conclude this floor debate with a concise bill setting a policy and a precedent of how we protect the health of our Nation and if successful, perhaps the world.

In Missouri, there has been a unique rallying of our State Department of Health, our various mayoral AIDS and city task forces, and our private organizations in order to combat the AIDS crisis. We are working together to prevent the spread of AIDS through research and education while at the same time providing compassionate care for dying victims. For example, just last weekend there was "the Kansas City Symposium on AIDS" which was a unique cooperative effort between our private and public, local, State and Federal agencies to implement what we're presently debating on the Senate floor.

More specifically, Kansas City is fortunate to have the Good Samaritan project whose executive director, Virginia Allen, has committed her very being to ensure the protection of all people from becoming infected with the AIDS virus. And in addition to running the hospice, just 2 weeks ago, Good Samaritan began the "Teens TAP—(teens teaching AIDS prevention)—National Hot Line" and have already received calls from every State except Maine and South Dakota. I would also like to include in the Record a copy of a letter from the superintendent of schools in Kansas City thanking Ms. Allen for her individual effort to educate our children about AIDS.

Mr. President, I believe that residential hospice settings, such as Good Samaritan House, provide a new model to expand services and accommodate formerly underserved patients populations. Clearly residential hospice programs fill a significant gap in the health care system, and the impetus for this new care setting grew out of community responses to the AIDS epidemic. Many young people with AIDS lack adequate, stable support networks to permit either home health care of hospice care in their homes. Residential hospice care offers an opportunity to address a long-standing and frustrating limitation for many hospice groups: how to care for the dying person who lives alone. Good Samaritan ensures that those who are dying from AIDS will do so in a compassionate hospice environment which encourages them to willingly share their experience as a hope for the living.

Interestingly, last year, while visiting Coming Home Hospice, a 15-bed residential facility for people with AIDS and other terminal illnesses in San Francisco, Surgeon General C. Everett Koop praised it as a model for the kind of care that could be followed throughout the Nation. Given the tremendous costs of hospital care for people with AIDS, residential hospice programs offer a more cost effective and humane setting for many people with AIDS who are now in hospitals. I am very pleased that S. 1220 includes an authorization for hospice care.

In closing, I should note that what makes residential hospice programs such as Good Samaritan House different from institutional settings is precisely what makes them difficult to fund. Good Samaritan House is a home. First and foremost it is a comfortable, peaceful place to live and die with peace and dignity. It cannot be licensed as a nursing home because it doesn't meet requirements such as so many feet on each side of the bed, a kitchen with so many square feet, institutional counters, dietician, et cetera. It is, instead, a clean, comfortable home for people with AIDS who have no other alternatives.

Because Good Samaritan House is a home, staffed as it is, it can provide this care for an average cost of $51 per person per day. The same care in a hospital in the Kansas City area costs an average of $1,047 per person per day. I hope that by passing S. 1220 we are able to encourage more homes like the Good Samaritan House as well as to unite our efforts to effectively fight this AIDS epidemic.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The School District
of Kansas City,
Kansas City, MO, February 16, 1988.

Ms. Virginia Allen,
Director, Good Samaritan Project, Kansas City, MO.

Dear Ms. Allen: On behalf of the students, patrons, staff, and Board of Directors of the Kansas City, Missouri School District, we are deeply appreciative of the student assemblies you presented on Acquired Immune Deficiency Syndrome. Through your individual effort alone, 10,000 high school students were educated about AIDS, its transmission and prevention, and were made aware of the seriousness of the disease.

I understand, through our principals and school nurses, that your presentations were delivered with excellent taste and warm sensitivity. Your professionalism, as well as your ability to hold our adolescent audiences' undivided attention for fifty (50) minutes, is commended.

Again, thank you for sharing your wealth of information on AIDS with our students. Your generosity and concern is gratefully acknowledged.

Cordially,

George Garcia, Ed.D.,
Superintendent of Schools.

Mr. DOLE. Mr. President, S. 1220 reflects a compromise reached between the supporters of S. 1220, which was introduced by Senator Kennedy, and S. 1374 which I introduced on June 16, 1987 along with Senators Wilson and Hatch, as well as 12 other Republican

Senators. So this final product reported out of committee on a 15-0 vote is truly a bipartisan effort.

The bill that we are discussing today is the product of considerable discussion and compromise between many of our Members and deserves our support. In summary, the bill will authorize over $600 million for programs related to AIDS, including research, education, services, and manpower training.

It is clear that this bill takes one more step in dealing with this disease. We first called for a Commission on AIDS, which was established and which has been of assistance already in helping us to sort out our priorities. And now we are finally providing the authorization for funds to deal with some of the areas of need that can be clearly identified.

For example, this bill provides a sound base of support for our research activities which must be the foundation that we build upon. It is also clear that education and health care services are essential, and we provide funding for those needs.

What this bill does not address is counseling, testing, confidentiality, or special legal protections for persons testing positive for AIDS; not because we are not concerned with these issues, but because there has been no consensus yet reached on a solution to these questions. However, it seemed not only reasonable, but indeed essential, that we move ahead with matters on which we could reach consensus.

MAJOR PROVISIONS

First, the provisions of the bill declare AIDS a national public health emergency, and increase the public health emergency fund by $30 million, for a total of $60 million. This was necessary as it will allow the Secretary of HHS to utilize the dollars in the emergency fund to support new developments, especially in the area of new research breakthroughs, without having to pursue a formal budget approval. This allows the Secretary some needed flexibility with respect to funding priority projects.

This bill also calls for the establishment of an international research data bank so that the international efforts of research scientists can be readily shared with other scientists. This is a small but important attempt to enhance international cooperation and communication.

The bill provides for national and State information and prevention programs. AIDS public information hotlines will be expanded as they are currently understaffed and overutilized. We also create a dedicated hotline for health care professionals so that the latest information about diagnosis and treatment is available.

Perhaps most importantly, there will be funds channeled directly to the States for information and prevention programs. Some of these funds will also go to local governments and community organizations in areas with high-risk populations. Different States have different needs, so it was appropriate to leave many of the decisions to the States. And without a doubt, local input will be especially important with respect to educational programs. Additionally, there is a definite need to target minorities, as the HIV virus is being identified in this group at an alarming rate. Therefore, this bill makes special provisions for targeting minority populations at risk.

There is money for training of health care professionals including research training fellowships and up-to-date training in the care of a patient with AIDS. As we do not have a cure or a vaccine, we must make sure we do not suffer a shortage of trained professionals. Additionally, States will also receive funds to pay for home health care including case management, as well as respite and day care. Home health care is going to become more important as time goes by, not only because it makes sense financially, but because many are more comfortable at home.

CONCLUSION

Mr. President, while there is much we could disagree on with respect to how to target our resources, there is no dispute on what we are trying to achieve. What we tried to do in S. 1374 and what S. 1220 tries to do, is use the best methods we have available to us to get the money out there as quickly as possible.

As a nation, we have been confronted by a crisis which cries out for our attention. This bill will provide needed dollars to the States *** BAD MAG TAPE ***for important health care, education, and prevention programs as well as increasing the resources for research. We must continue to do everything we can to provide compassionate, quality care for those who have AIDS. Additionally, we must continue to support the efforts of the scientists who are searching for a cure or vaccine.

Mr. GORE. Mr. President, the action we are about to take is long overdue. To most Americans, AIDS means fear—not only because of the number of lives it has taken, or because of estimates of how many more will die, but because that is where the President has chosen to lead the Nation. Of all the sins of the Reagan-Bush administration, and we have had to endure many, this is maybe the hardest to forgive.

It's difficult to overstate the magnitude of the Reagan-Bush administration's failure to deal with this issue. A conservative Prime Minister of England, Margaret Thatcher, saw only 350 cases of AIDS, and launched a nationwide comprehensive education and prevention campaign. We've now had more than 60,000 cases of AIDS, and still this administration has barely begun to educate the public about AIDS. We have done nothing to protect ourselves from panic, ignorance, prejudice, and blame. In their frustration, many people see the problem as other Americans and not the disease.

Historians are going to wonder, when they look at the 1980's, whether or not we even had a President and Vice President during the early 1980's, the early years of the AIDS epidemic.

The President gets good advice. His Surgeon General, Dr. Koop, has earned wide respect for his understanding and sound suggestions. But the President would rather turn to his Education Secretary William Bennett and others who care more about the right wing agenda than about public health. While the country awaits a policy that will work, the administration looks for ways to parcel out blame.

We must not be afraid to examine any effective option. But if we lash out in desperation, we will make all Americans prisoners of fear. That is what the administration has done by making testing the focal point of public policy and debate.

Testing of any group is only the means to an end. The question is not whether to test, but rather what testing will enable us to do. What will we do with those who are infected?

Widespread testing would make sense, in fact should begin immediately, if we had a cure, or if early detection could make a difference. But without a treatment or a cure, testing only makes us feel more helpless. All we have is education, and the message is the same for all Americans whether they test positive or not: Eliminate risk by absolutely avoiding high-risk behaviors.

And what about those who truly test positive? You would think with the rush toward testing we might have some idea what to do with them. Yet only a handful of States have even the most rudimentary services so necessary for those who are infected.

Everyone agrees testing without counseling will do more harm than good. But who is going to counsel all of these people the President wants to test? We simply do not have the trained people to do it.

If we began an all out effort to train counselors today, what would we train them to do? Britain's massive public education campaign has done a great job getting people the facts about AIDS but it has done little to change behavior. How to change behavior is a question our experts can't yet answer. While biomedical expertise has enabled us to understand AIDS more quickly than any other epidemic in history, years of neglecting the social sciences has left us without the tools to fight AIDS on the only battlefield we have. We must now do everything we can to study the modification of high-risk behavior.

In many ways much of the AIDS problem is not new at all. Only the stakes are higher. We now know that IV drug abusers and their sexually active partners are important routes of transmission of the AIDS virus. For years we have talked about the urgency of dealing with drug abuse and the growing number of unwed teenager mothers. Our failure to address these problems had led directly to the most rapidly growing and most resistant group of AIDS cases. A year and a half ago the President signed drug legislation, promising new opportunities for care and counseling to help escape the scourge of drug addiction. Yet the President's fiscal year 1988 budget sought to cut in half the amount of money available for these programs, not only undermining our efforts to combat drug abuse, but crippling our best hope of stopping the spread of AIDS among IV drug abusers.

There is much America can do to meet the challenge of AIDS. I believe immediate action is warranted in five areas: research for a vaccine and cure, public education, testing, international cooperation, and financing care for those with AIDS.

The bill we are about to vote on makes enormous strides in every one of these areas.

AIDS is no doubt a major problem, but it is not something we need to fear irrationally. A nation as enlightened as ours should not be forced to live in the darkness this administration has allowed to grow around AIDS.

AIDS is a challenge we are ready to answer, for we have already handled far more easily transmitted diseases. We know how it is contracted, and how to prevent it. Virtually every American with knowledge of how to prevent the disease can choose not to get it.

The tragedy of AIDS is not only that thousands have died, or that hundreds of thousands more will suffer. It is also tragic that millions of Americans live in fear of a disease they don't understand. Because we know what to do with AIDS—but we need an administration that will give Americans answers, and move boldly on an agenda that will work.

Then, and only then, can we begin to build our children the kind of future all Americans deserve—a future with hope, not fear.

Mr. President, I urge support for this important and long overdue measure.

Mr. SIMPSON. Mr. President, we have been long awaiting this legislation, to help address the dreaded disease known as acquired immune deficiency syndrome. This is important legislation in the battle against AIDS, and we should act with caution to ensure that scarce Federal resources are put to their best use.

Much has happened since 1981, when AIDS was first discovered in the United States. Since then, nearly 60,000 cases of the disease have been reported. And there is the now familiar figure of 1½ million people who could be infected, and it is very likely more.

If that does not impress anyone, the costs in terms of treatment and lost productivity are also there. The average lifetime cost to treat in AIDS patient has been estimated to be somewhere around $100,000. We will spend somewhere around $1 billion in Federal funds this year to combat the disease and prevent it from spreading. The administration has proposed $1.3 billion for next fiscal year. Some will say that is not enough in light of the potential future problems this disease could cause. By the year 1991, some estimate the annual cost to treat this disease will be around $10 billion. That is not even counting the untold billions in lost productivity and human suffering.

So, I do applaud the efforts of the Labor and Human Resources Committee in coming together to assemble a bill which will assist in addressing this terrible disease. Chairman TED KENNEDY and ORRIN HATCH, the ranking Republican have done a fine job. ORRIN HATCH was courageous and sincere in the anguish of debate. They work well together. It provides funds for education efforts on AIDS as well as for care and treatment of AIDS victims. As the Centers for Disease Control has indicated: "information and education are some of the best means to prevent transmission of the disease." In fact, this bill has many of the provisions first put forth in S. 1374, a bill introduced by my good friend from Kansas, Senator DOLE. It has gone through deliberations at the committee level and has been through debate and discussion by some of the best minds in the Senate. As my respected friend and colleague from Missouri, Senator JACK DANFORTH, pointed out: "We need a bill that has withstood the scrutiny of the committee process before coming to the floor, so a thoughtful piece of legislation can be considered." This is such a bill, it is a step in the right direction.

We must, however, proceed with caution in the direction in which this new authorization will take us. Because of the incredible cost of this disease, not only in dollars but also in terms of human lives and suffering, we must be careful to direct funds toward the most cost-effective activities. This includes targeting Federal funds to develop appropriate educational and treatment programs for those segments of the population most at risk, such as drug abusers and their families. With this in mind, I view with caution such provisions that would require a television "blitz" that would be "delivered to no less than 90 percent of U.S. households with a frequency of no less than 15 times over a period of 6 months"—as recommended in the committee report. This is not a new product we are trying to sell, but a serious disease we are trying to treat, and one well established in the minds of middle-class Americans who would watch this kind of television. Our scarce Federal resources may be put to better use educating and treating higher risk persons, instead of a glitzy ad campaign.

We cannot solve the multitude of problems created by AIDS merely by pushing the button at the Treasury and letting the funds flow freely. To come up with sound solutions, scarce Federal resources must be used effectively. The urge to throw dollars at the AIDS epidemic could lead to misguided attempts to find quick solutions that are ineffective.

So, we must be ever mindful that these funds should be put to good use. With the understanding that the funds going to address the AIDS problem could restrict the funds available for other uses and other diseases. To think that we can solve the AIDS epidemic merely by throwing Federal funds at it is worse than not spending the funds at all. It could well result in misguided and inefficient efforts and ultimately hurt all involved.

Mr. THURMOND. Mr. President, President Reagan has declared that AIDS is the No. 1 public health problem of this Nation.

The facts bear this out. More than 59,287 cases of AIDS have been reported in the United States, and there have been over 33,000 known deaths from the disease since it was first reported in 1981. Approximately 1.5 million Americans have been infected with the virus, and it is projected that AIDS may soon become one of the leading causes of death in this country.

Mr. President, the Surgeon General, C. Everett Koop, has issued a report on AIDS. The concluding paragraph of his findings states:

> AIDS is a life-threatening disease and a major public health issue. Its impact on our society is and will continue to be devastating. By the end of 1991, an estimated 270,000 cases of AIDS will have occurred with 179,000 deaths within the decade since the disease was first recognized. In the year 1991, an estimated 145,000 patients with AIDS will need health and supportive services at a total cost of between $8 and $16 billion. However, AIDS is preventable. It can be controlled by changes in personal behavior. It is the responsibility of every citizen to be informed about AIDS and to exercise the appropriate preventive measures.

The spread of AIDS can and must be stopped.

Mr. President, I participated in a hearing on AIDS conducted by the Senate Labor and Human Resources Committee. Testifying at that hearing was Dr. Robert Redfield of the Department of Infectious Disease at Walter Reed Army Hospital in Washington, DC.

I asked Dr. Redfield if he thought AIDS was the No. 1 health problem facing this Nation. Dr. Redfield was of the opinion that AIDS was not only the No. 1 health problem but was the No. 1 national problem. Many would agree.

Accordingly, I am pleased to be an original cosponsor of the Omnibus Acquired Immune Deficiency Syndrome Act of 1987.

This legislation contains six major components designed to respond to the AIDS crisis:

The first part of this act would declare AIDS to be a public health emergency under the Public Health Service Act. This would allow the Secretary of Health and Human Services greater flexibility in using discretionary funds to combat AIDS. The Secretary would report on the expenditure of HHS funds under this provision within 60 days at the end of each fiscal year.

Also, a clinical evaluation unit would be established at the National Institutes of Health. This unit would conduct evaluations of experimental treatments of AIDS.

Provisions are made under this section for additional personnel for the Food and Drug Administration, the National Institutes of Health, and the Centers for Disease Control. Also, the Secretary of Health and Human Services would be directed to develop and implement a plan to expedite the awarding of grants, contracts, and cooperative agreements by HHS for AIDS related projects.

Additionally, the Public Health Service would be authorized to provide technical assistance to State and local governments, as well as nonprofit entities conducting AIDS programs.

Provisions in this section allow for the Secretary of Health and Human Services to determine if the creation of a consortia of business and nonprofit institutions would contribute to research and development of vaccines and drugs to combat AIDS. Also, the Secretary would be charged with developing an emergency program to inform health and public safety workers of preventative measures to decrease the risk of becoming infected with the AIDS virus.

The second section of this act would provide financial support and technical assistance to international organizations concerned with public health. An International Data Bank would be established, through the National Library of Medicine, to collect and disseminate the results of research and treatment relating to AIDS undertaken in any country.

The third part of this measure provides for the Director of the Centers for Disease Control to prepare a comprehensive plan for a "National Acquired Immunodeficiency Syndrome Information Program." Also, a clearinghouse would be established to: coordinate educational materials relating to AIDS, provide instructional support, and conduct evaluations of the effectiveness of such information.

Additionally, grants and contracts to organizations are authorized for providing information concerning AIDS, as well as for the development of demonstration programs for conducting targeted educational activities.

Also, public information campaigns would be implemented for the purpose of informing the public about activities which place them at risk of becoming infected with the AIDS virus. A toll free 24-hour hotline would be established to provide information concerning AIDS, and a telephone network would also be put into service to provide medical and technical information to those who provide care to AIDS victims. State preventive programs would also be authorized to conduct public information activities, as well as demonstration projects for the prevention and control of AIDS.

The fourth component of this legislation would create training programs designed to enable health professionals and health personnel to develop skills in epidemiology, surveillance, testing, counseling, education, information, laboratory analysis, and risk reduction relating to AIDS. Grants would be established to promote continuing medical education concerning AIDS for health care workers, and faculty in schools of: medicine, nursing, osteopathy, dentistry, public health, as well as allied health fields.

Section 5 of this act provides for an allotment system to facilitate payments to the States for the planning, development, and operation of AIDS programs under their jurisdiction.

The sixth component of this initiative would create an Acquired Immunodeficiency Syndrome Advisory Board, a National Research Program on AIDS, and National AIDS Research Centers. Also, a virus and serum bank would be established, in which all human immunodeficiency virus stereotypes and serum would be made available to qualified investigators for research purposes. Additionally, National Research Service Awards would be authorized for the training of individuals to participate in AIDS research efforts, and drug abuse research would be encouraged for the study and demonstration of effective methods to reduce the transmission of AIDS among intravenous drug abusers.

Mr. President, there is much agreement on what we can and should do to prevent the spread of AIDS. We must act now in those areas where a general consensus exists. That is the approach of this measure. Other action, perhaps more controversial, may have to be taken. However, we must not delay on that which we can agree.

Mr. President, the basic issue is public health: helping those infected and preventing those not infected from falling victim to this deadly disease. I believe this measure is vital to controlling the spread of AIDS, and I urge my colleagues to support S. 1220.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I have checked on this side of the aisle, and there are no requests for a rollcall vote on the veterans' supplemental or the conference report, the two remaining items. I wonder if we might be able to indicate, if it is satisfactory with all Senators, that this is the last rollcall vote.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will not proceed until there is order in the Chamber. Please take conversations off the floor and clear the aisle.

It could be a long night.

Mr. BYRD. Mr. President, I shall respond to the inquiry by the distinguished Republican leader by first complimenting all Senators on the work they have done today in bringing us to this point of final action on the AIDS bill.

If no Senator wishes a rollcall on the veterans supplemental appropriation bill and if no Senator wishes a rollcall on the conference report on veterans' compensation, this, then, will be the last rollcall vote today, and there will be no more rollcall votes until May 9.

The Senate will be in tomorrow, but will not be in for the purpose of transacting any business. There will not be any rollcall votes. If Senators wish to make statements, they may, and committees that have meetings scheduled—and I understand that there are some that do have—can have meetings.

I think that adequately answers the distinguished Republican leader's question. I want to thank him for the cooperation that has been given to the leadership on this side and thank the others in the leadership on that side for the cooperation that has been given to the leadership on this side.

I think we have accomplished a great deal during these 3 weeks since the last break. We had hoped to have up the budget conference report, but the conferees between the two Houses have not completed their action, so obviously we cannot do that before we go out for the break.

At this time, I wish to call attention to the fact that the distinguished senior Senator from Wisconsin [Mr. Proxmire], when he casts his next vote, will have cast 10,002 consecutive rollcall votes.

[Applause. Senators rising.]

Mr. BYRD. Mr. President, I think I can say this with certitude: That outstanding, previously unheard of record in the Senate will never be excelled or matched during my lifetime, and it may very well not be matched during the lifetime of any other Senator in this body.

It is truly an exemplary feat, and I join all Senators in personally paying our congratulations to him and to Mrs. Proxmire, who also had to make some sacrifices, I am quite sure, in order that Bill Proxmire might make this extraordinary record.

Mr. PROXMIRE. Mr. President, will the majority leader yield for a minute?

Mr. BYRD. I yield.

Mr. PROXMIRE. A number of my Wisconsin constituents have said that we would have a better country if I had missed all those votes. [Laughter.]

Mr. BYRD. The only thing I would say in response to that, Mr. President, is that Senator Proxmire's constituents have not backed up those words by their votes. They have continued to send the Senator here, and he is retiring from this body of his own volition.

Mr. President, I do not have anything else to say.

Mr. DOLE. I do not see any necessity for votes.

Mr. BYRD. Does any Senator wish a rollcall on either the veterans supplemental appropriations or on the conference report on veterans' compensation?

Mr. DOMENICI. Mr. President, I do not seek a vote, but I wanted to ask. I did not hear the majority leader's remarks about tomorrow. Will the Senate be open such that we can introduce bills for reference to appropriate committees during some part of tomorrow?

Mr. BYRD. It will be.

Mr. DOMENICI. I thank the distinguished Sentor.

Mr. BYRD. There will be no more rollcall votes before May 9, after this rollcall vote is cast.

I thank all Senators.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. Boren], the Senator from Florida [Mr. Chiles], the Senator from West Virginia [Mr. Rockefeller], the Senator from Illinois [Mr. Simon] and the Senator from Mississippi [Mr. Stennis] are necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

I further announce that, if present and voting, the Senator from West Virginia [Mr. Rockefeller] and the Senator from Illinois [Mr. Simon] would each vote "yea."

Mr. SIMPSON. I announce that the Senator from Washington [Mr. Evans], the Senator from Nebraska [Mr. Karnes] and the Senator from Idaho [Mr. Symms] are necessarily absent.

I further announce that, if present and voting, the Senator from Idaho [Mr. Symms] would vote "nay."

The PRESIDING OFFICER (Mr. Reid). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 4, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—87

Adams
Baucus
Bentsen
Bingaman
Bond
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stevens
Thurmond
Trible
Warner
Weicker
Wilson
Wirth

NAYS—4

Armstrong
Helms
McClure
Wallop

NOT VOTING—9

Biden
Boren
Chiles
Evans
Karnes
Rockefeller
Simon
Stennis
Symms

So the bill (S. 1220) as amended, was passed.

AIDS RESEARCH AND INFORMATION ACT

The text of the bill, as amended, and passed follows:

S. 1220

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Acquired Immunodeficiency Syndrome Research and Information Act of 1987".

REFERENCE

Sec. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

TITLE I—AIDS AS A NATIONAL PUBLIC HEALTH EMERGENCY

DECLARATION OF EMERGENCY

Sec. 101. (a) The Secretary of Health and Human Services is directed to determine that acquired immunodeficiency syndrome presents a public health emergency for purposes of section 319 of the Public Health Service Act.

(b) Section 319(a) is amended by inserting "the Administrator of Health Resources and Services," before "or the Director".

(c) Section 319(b) is amended by striking out "$30,000,000" the second place it appears in subsection (b)(1) and inserting in lieu thereof "$60,000,000".

REPORT BY THE SECRETARY OF HEALTH AND HUMAN SERVICES

Sec. 102. Within 60 days after the end of each fiscal year, the Secretary of Health and Human Services shall prepare and transmit to the Congress a report on the expenditure by the Department of Health and Human Services of amounts appropriated for such fiscal year for programs, projects, and activities relating to acquired immunodeficiency syndrome. Each such report shall include—

(1) a specification, for each office and agency of such Department, of the amount obligated for each such program, project, or activity for such fiscal year;

(2) a description of each such program, project, and activity;

(3) a description of the efforts authorized under this Act, and the amendments made by this Act, relating to acquired immunodeficiency syndrome specifically directed toward racial and ethnic minorities, including a description of the coordination between the Office of Minority Health and the Centers for Disease Control with regard to such activities;

(4) a summary of the progress made by each such program, project, or activity in combatting acquired immunodeficiency syndrome;

(5) a summary of the evaluations conducted under sections 2421 and 2440 of the Public Health Service Act; and

(6) the plan prepared by the Director of the Centers for Disease Control under section 2401 of such Act.

AIDS CLINICAL EVALUATION UNIT AT THE NATIONAL INSTITUTES OF HEALTH

Sec. 103. (a) The Director of the National Cancer Institute, in consultation with the Director of the National Institutes of Health, shall establish, in the Clinical Center at the National Institutes of Health, a clinical evaluation unit which—

(1) shall conduct clinical evaluations of experimental treatments for acquired immunodeficiency syndrome and related illnesses developed within the preclinical drug

development program of the National Cancer Institute; and

(2) may conduct clinical evaluations of experimental treatments for such syndrome and related illnesses which are developed at any other national research institute of the National Institutes of Health or by any other individual or entity.

(b) The Director of the National Institutes of Health shall provide the clinical evaluation unit required under subsection (a) with such personnel and such administrative and support services as may be necessary to enable the unit to carry out its functions.

(c) The establishment of the clinical evaluation unit required under subsection (a) shall not result in the reduction of the number of beds or any support services under the auspices of the national research institutes of the National Institutes of Health which are available for the provision of clinical care for individuals with any disease or disorder.

ADDITIONAL PERSONNEL FOR THE FOOD AND DRUG ADMINISTRATION, THE NATIONAL INSTITUTES OF HEALTH, AND THE CENTERS FOR DISEASE CONTROL

SEC. 104. (a) Notwithstanding any other provision of law, the Secretary of Health and Human Services, through the Commissioner of Food and Drugs, may, in accordance with the civil service and classification laws, appoint and fix the compensation of not more than 50 employees for the Food and Drug Administration in addition to the number of employees assigned to such Administration as of July 1, 1987.

(b) Notwithstanding any other provision of law, the Secretary of Health and Human Services, through the Director of the National Institutes of Health may, in accordance with the civil service and classification laws, appoint and fix the compensation of not more than 300 employees for the National Institutes of Health in addition to the number of employees assigned to such Institutes as of July 1, 1987.

(c)(1) Notwithstanding any other provision of law, the Secretary of Health and Human Services, through the Director of the Centers for Disease Control, may, in accordance with the civil service and classification laws, appoint and fix the compensation of not more than 350 employees for the Centers for Disease Control in addition to the number of employees assigned to such Centers as of July 1, 1987. Employees may be used to provide technical assistance as provided for under this Act.

(2) The Director of the Centers for Disease Control shall establish an office to ensure the development and implementation of prevention programs targeted at minority populations and the provision of appropriate technical assistance to the states in the implementation of such efforts.

(3) The Office of Minority Health shall review the level of knowledge within minority communities concerning AIDS, the risks of transmission, and means by which to reduce such risk as well as the effectiveness of Federal, State, and local prevention programs, authorized under this Act, and amendments made by this Act, designed to meet this identified need. This review shall be submitted to the Director of the Centers for Disease Control and become part of the report of the Secretary to Congress under section 102.

(d) Notwithstanding any other provision of law, the Secretary of Health and Human Services, through the Administrator of the Health Resources and Services Administration, may, in accordance with the civil service and classification laws, appoint and fix the compensation of not more than 50 employees for the Health Resources and Services Administration in addition to the number of employees, assigned to such Administration as of July 1, 1987. Employees may be used to provide technical assistance as provided for under this Act.

(e) To carry out this section and section 103, there are authorized to be appropriated $65,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.

GRANTS TO FACILITATE COMMUNITY-BASED EVALUATION OF EXPERIMENTAL AIDS THERAPIES

SEC. 105. (a) The Director of the National Institutes of Health, acting through the National Institutes of Allergy and Infectious Diseases, in consultation with the Commissioner of the Food And Drug Administration, shall establish a national demonstration program to utilize community-based organizations of health care providers, migrant health centers, and community health centers in the design and execution of clinical trials of experimental treatments for acquired immunodeficiency syndrome and related illnesses that are approved for investigation by the Food and Drug Administration and conducted under regulations promulgated pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355).

(b) The program established under subsection (a) shall include a program that shall—

(1) provide direct grants to community-based organizations and community health centers determined eligible by the Secretary of Health and Human Services for the purpose of—

(A) retaining appropriate medical supervision;

(B) assisting with administration data collection, and record management; and

(C) conducting training of community physicians, nurse practitioners, physicians' assistants and other health professionals for the purpose of conducting clinical trials; and

(2) provide direct grants to recipients determined eligible by the Secretary of Health and Human Services for demonstration projects designed to implement and conduct community-based clinical trials in order to provide access to the entire scope of communities affected by the acquired immunodeficiency syndrome and related illnesses, including minorities, hemophiliacs and transfusion-exposed individuals, women, children, users of intravenous drugs and asymptomatic individuals who are infected with the etiologic agent for acquired immunodeficiency syndrome.

(c) Clinical trials funded by grants made under subsection (b)(2) shall be approved by—

(1) the Food and Drug Administration;

(2) a duly constituted Institutional Review Board that meets the requirements of part 56 of title 21, Code of Federal Regulations; and

(3) the National Institutes of Allergy and Infectious Diseases.

(d) Grants made under this section shall be designed to encourage participation in, and support of, community-based clinical trials by private industry and university-based Schools of Medicine.

(e)(1) There is authorized to be appropriated to make grants under subsection (b)(1) $2,500,000 for fiscal year 1988.

(2) There is authorized to be appropriated to make grants under subsection (b)(2) $2,500,000 for fiscal year 1988.

AIDS RESEARCH AND CLINICAL TRIAL DATA BANK

SEC. 106. (a) The Secretary of Health and Human Services shall establish, maintain, and operate an AIDS Research and Clinical Trial Data Base and Information Service (hereafter in this section referred to as the "Data Bank").

(b) The Data Bank shall collect, catalog, store, and disseminate, through informational systems accessible to the public, individuals with acquired immunodeficiency syndrome or infected with the etiologic agent for acquired immunodeficiency syndrome, general practitioners, and investigators, the results of research relating to, and the results of treatment of, such syndrome.

(c) The Data Bank shall include the following:

(1) A registry of clinical trials of experimental treatments for acquired immunodeficiency syndrome and related illnesses conducted under regulations promulgated pursuant to section 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355) that provides a description of the purpose of each experimental drug protocol either with the consent of the protocol sponsor, or when a trial to test efficacy begins. Information provided shall include eligibility criteria and the location of trial sites, and must be forwarded to the Data Bank by the sponsor of the trial not later than 21 days after the approval by the Food and Drug Administration.

(2) Information pertaining to experimental treatments for acquired immunodeficiency syndrome that may be available under a treatment investigational new drug application that has been submitted to the Food and Drug Administration pursuant to part 312 of title 21, Code of Federal Regulations. The Data Bank shall also include information pertaining to the results of clinical trials, with the consent of the sponsor, of such experimental treatments, including information concerning potential toxicities or adverse effects associated with the use of administration of such experimental treatment.

(d) The Secretary shall—

(1) establish a mechanism to coordinate the operation of the Data Bank with the international efforts described in title II of this Act, including coordination with information gathering and dissemination efforts of the World Health Organization Special Programme on AIDS; and

(2) to the degree feasible insure that the Data Bank is accessible to individuals, investigators, and physicians in other countries.

(e) The Secretary shall develop and implement a plan for the dissemination of information contained within the Data Bank through the information clearinghouse and telephone hotlines established under part A of title XXIV of the Public Health Service Act (as added by section 301 of this Act).

(f) There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 1988, and such sums as are necessary in subsequent fiscal years.

EXPEDITIOUS REVIEW PLAN

SEC. 107. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall develop and implement a plan to expedite the awarding of grants, contracts, or cooperative agreements by any agency of the Department of Health and Human Services for projects relating to AIDS (including projects initiated by investigators not in response to any request for proposals). Except as provided in subsection (b), the plan shall provide that—

(1) an application for a grant, contract, or cooperative agreement which is made in response to a solicitation for proposals shall be submitted not later than 3 months after the date on which such solicitation is issued; and

(2) not later than 4 months after the date on which an application is submitted, such grant, contract, or cooperative agreement shall be awarded, or such application shall otherwise be acted upon.

(b) The plan required under subsection (a) shall provide that, in any case in which the Secretary of Health and Human Services determines that applicants for a specific grant, contract, or cooperative agreement, or the action on such applications, cannot be completed in the period required by such subsection, the Secretary shall—

(1) cause to be included in the solicitation for such grant, contract, or cooperative agreement a statement specifying the time period in which such applications must be submitted, or in which approval will be made or action will be taken; and

(2) transmit a copy of such solicitation and statement to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

RESPONSES TO REQUESTS FOR ALLOCATIONS OF SPACE, SERVICES, OR PERSONNEL TO BE USED IN COMBATTING ACQUIRED IMMUNODEFICIENCY SYNDROME

SEC. 108. (a) The Director of the Office of Personnel Management or the Administrator of General Services, as the case may be, shall respond to any priority request made by the Director of the National Institute of Allergy and Infectious Diseases or the Director of the Centers for Disease Control within 21 calendar days after the date on which such request is made. If the Director of the Office of Personnel Management or such Administrator does not disapprove any such request within such 21-day period, such request shall be deemed to have been approved.

(b)(1) The Director of the National Institute on Allergy and Infectious Diseases shall transmit a copy of each priority request made by such Director under this section to the Secretary of Health and Human Services, the Assistant Secretary of Health and Human Services for Health, and the Director of the National Institutes of Health on the day such priority request is made under subsection (a).

(2) The Director of the Centers for Disease Control shall transmit a copy of each priority request made by such Director under this section to the Secretary of Health and Human Services and the Assistant Secretary of Health and Human Services for Health on the day such priority request is made under subsection (a).

(3) Any official described in paragraph (1) or (2) may, after receiving a copy of a priority request under such paragraph, may transmit the comments and recommendations of such official with respect to such request to the Director of the Office of Personnel Management or the Administrator of General Services, as the case may be, within 7 days after the date on which such request is made.

(c) The Director of the Office of Management and Budget shall not take any action to prevent the Director of the National Institute of Allergy and Infectious Diseases or the Director of the Center for Disease Control from making any priority request under this section.

(d) For purposes of this section, the term "priority request" means any request which is designated as a priority request by the Director of the National Institute of Allergy and Infectious Diseases or the Director of the Centers for Disease Control in carrying out activities with respect to acquired immunodeficiency syndrome and which—

(1) in the case of a request made to the Director of the Office of Personnel Management, is a request for the allocation of personnel to carry out activities relating to such syndrome; and

(2) in the case of a request made to the Administrator of General Services, is a request for space or administrative or support services to be used in the carrying out of such activities.

TECHNICAL ASSISTANCE

SEC. 109. The Secretary of Health and Human Services, through the Public Health Service, shall provide technical assistance to State and local governments and public and nonprofit private entities carrying out programs, projects, and activities relating to acquired immunodeficiency syndrome. To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1988, 1989, and 1990.

USE OF CONSORTIA FOR RESEARCH AND DEVELOPMENT

SEC. 110. The Secretary of Health and Human Services shall request the National Academy of Sciences and other similar appropriate nonprofit institutions to provide recommendations to the Secretary concerning—

(1) whether the research and development of vaccines and drugs for the prevention and treatment of acquired immunodeficiency syndrome would be enhanced by the creation of consortia of—

(A) businesses involved in such research and development;

(B) nonprofit research institutions; or

(C) combinations of such businesses and institutions,

designed to combine and share resources needed for such research and development; and

(2) the appropriate participation, if any, of the Federal Government in such consortia.

INFORMATION FOR HEALTH AND PUBLIC SAFETY WORKERS

SEC. 111. (a) Within 90 days after the date of enactment of this Act, the Secretary of Health and Human Services, shall develop and initiate an emergency program to disseminate information to all health workers, public safety workers, and emergency service workers in the United States concerning methods to reduce in the workplace the risk of becoming infected with the human immunodeficiency virus. The information disseminated under this section shall be based on guidelines issued by the Directors of the Centers for Disease Control.

(b) The Secretary shall transmit the guidelines issued under subsection (a) to the Secretary of Labor. The Secretary of Labor shall consider such guidelines as the basis for a standard which such Secretary shall issue under the Occupational Safety and Health Act of 1970.

NATIONAL BLOOD RESOURCE EDUCATION PROGRAM

SEC. 112. The Director of the National Heart, Lung, and Blood Institute shall establish a program of research and education regarding blood donations and transfusions to maintain, ensure and improve the safety of the blood supply. Education programs shall be directed at health professionals, patients, and the community to—

(1) in the case of the public and patients undergoing retirement—

(A) increase awareness that the process of donating blood is safe;

(B) promote the concept that blood donors are contributors to a national need to maintain an adequate and safe blood supply;

(C) encourage blood donors to donate more than once a year; and

(D) encourage repeat blood donors to recruit new donors;

(2) in the case of health professionals—

(A) improve knowledge, attitudes, and skills of health professionals in the appropriate use of blood and blood components;

(B) increase the awareness and understanding of health professionals regarding the risks versus benefits of blood transfusion; and

(C) encourage health professionals to consider alternatives to the administration of blood or blood components for their patients; and

(3) in the case of the community, increase coordination, communication, and collaboration among community, professional, industry, and government organizations regarding blood donation and transfusion issues.

TITLE II—INTERNATIONAL EFFORTS

SUPPORT OF INTERNATIONAL EFFORTS

SEC. 201. (a) The Secretary of Health and Human Services, under section 307 of the Public Health Service Act and through the Director of the National Institutes of Health—

(1) shall make grants to, enter into contracts and cooperative agreements with, and provide technical assistance to, international organizations concerned with public health; and

(2) may provide technical assistance to foreign governments,

in order to promote and expedite international clinical research concerning the development of vaccines for, and treatment and testing with respect to, acquired immunodeficiency syndrome and related illnesses.

(b) The Secretary of Health and Human Services, under section 307 of the Public Health Service Act and through the Director of the Centers for Disease Control, and in cooperation with the Administrator of the Agency for International Development, shall make grants to, enter into contracts and cooperative agreements with, and provide technical assistance to, international organizations concerned with public health, and may provide technical assistance to foreign governments, in order to support—

(1) programs of education, information, and risk reduction relating to acquired immunodeficiency syndrome and related illnesses;

(2) projects to train individuals to develop skills and technical expertise for use in combatting acquired immunodeficiency syndrome and related illnesses; and

(3) epidemiological research relating to acquired immunodeficiency syndrome and related illnesses.

(c) No grant may be made under this section unless an application therefor is submitted to the Secretary in such form, at such time, and containing such information as the Secretary may by regulation prescribe.

(d) Not less than 50 percent of the amounts available to carry out subsection (b) for any fiscal year shall be used for grants through the World Health Organization and, in the case of activities in the Western Hemisphere, grants through the Pan American Health Organization. Grants made under this subsection shall be in furtherance of the global strategy of the World Health Organization Special Programme on Acquired Immunodeficiency Syndrome.

(e) The authority of the Secretary of Health and Human Services to enter into contracts under this section shall be to such extent or in such amounts as are provided in appropriation Acts.

AUTHORIZATION OF APPROPRIATIONS

SEC. 202. To carry out this title, there are authorized to be appropriated $45,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.

TITLE III—PUBLIC INFORMATION EFFORTS

NATIONAL INFORMATION DISSEMINATION EFFORTS

SEC. 301. The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE XXIV—ACQUIRED IMMUNODEFICIENCY SYNDROME

"PART A—NATIONAL INFORMATION PROGRAMS

"NATIONAL ACQUIRED IMMUNODEFICIENCY SYNDROME INFORMATION PROGRAM

"SEC. 2401. The Director of the Centers for Disease Control shall annually prepare a comprehensive plan, including a budget, for a National Acquired Immunodeficiency Syndrome Information Program. The plan shall contain provisions to implement the provisions of this part and provisions for such other activities as the Director considers necessary and appropriate to disseminate information concerning acquired immunodeficiency syndrome. The Director shall submit such plan to the Secretary. The authority of the Director to carry out such Program and plan is not the exclusive authority for the Director to carry out information activities with respect to acquired immunodeficiency syndrome.

"CLEARINGHOUSE

"SEC. 2402. The Secretary, through the Director of the Centers for Disease Control, shall establish a clearinghouse to make information concerning acquired immunodeficiency syndrome available to Federal agencies, States and political subdivisions of States, public agencies concerned with public health and education, public and private entities, organizations, and institutions, minority organizations, community-based organizations, and the general public. The clearinghouse shall—

"(1) develop and obtain educational materials, model curricula, and methods directed toward reducing the transmission of the acquired immunodeficiency syndrome virus;

"(2) provide support for individuals who provide instruction in methods and techniques of education relating to the prevention of acquired immunodeficiency syndrome and in the use of the materials and curricula described in paragraph (1); and

"(3) conduct, or provide for the conduct of, evaluations of the materials, curricula, and methods described in paragraph (1) and the efficacy of such materials, curricula, and methods in preventing infection with the acquired immunodeficiency syndrome virus.

"GRANTS AND CONTRACTS FOR INFORMATION DISSEMINATION

"SEC. 2403. (a) The Secretary, through the Director of the Centers for Disease Control, shall make grants to, and enter into contracts with, national organizations having the ability to rapidly disseminate information concerning acquired immunodeficiency syndrome to groups at high risk of becoming infected with the acquired immunodeficiency syndrome virus. Payments under such grants and contracts shall be used for the development and operation of programs directed toward such groups, and the development of educational materials directed toward such groups, relating to acquired immunodeficiency syndrome and infection with the acquired immunodeficiency syndrome virus.

"(b) No grant may be made and no contract may be entered into under this section unless an application therefor is submitted to the Secretary at such time, in such form, and containing such information as the Secretary may prescribe.

"COMMUNITY EDUCATION, INFORMATION, AND RISK REDUCTION DEMONSTRATION PROGRAMS

"SEC. 2404. (a) The Secretary, through the Director of the Centers for Disease Control, shall make grants to public and private nonprofit entities (including community-based organizations) for the development, establishment, or expansion of demonstration programs for the conduct of targeted education, information, and risk reduction activities relating to acquired immunodeficiency syndrome. In making grants under this section, the Secretary shall give priority to programs and activities directed toward populations in which there is a significant number of cases of acquired immunodeficiency syndrome or other significant evidence of infection with the acquired immunodeficiency virus.

"(b) No grant may be made to support a demonstration program under this section unless an application therefor is submitted to the Secretary in such form and at such time as the Secretary may prescribe and publish in the Federal Register. Each such application shall contain—

"(1) information demonstrating that the entity applying for the grant has identified needs for the conduct of education, information, and risk reduction activities relating to acquired immunodeficiency syndrome in the area in which the program will be developed, established, or expanded;

"(2) assurances that such entity will provide education and information concerning acquired immunodeficiency syndrome under the program in a manner which is medically accurate and factually correct;

"(3) assurances that any educational or informational materials developed with a grant under this section shall be of a content, and shall be presented in such a manner, which is specifically directed to the group for which such materials are intended;

"(4) a description of the manner in which such entity has planned the program in consultation with, and of the manner in which such entity will consult during the conduct of the program with—

"(A) appropriate local officials and community groups for the area to be served by the program;

"(B) organizations representing the specific population to be targeted for the education or prevention effort; and

"(C) individuals having expertise in health education,

in order to ensure that activities conducted under the program will be directed appropriately at the individuals needing such education, information, and risk reduction;

"(5) information demonstrating, in the case of an entity which is a community-based organization, that—

"(A) the organization has continuing relationships, or will establish continuing relationships, with the portion of the population that is at risk of contracting acquired immunodeficiency syndrome in the area to be served by such organization; and

"(B) the organization has established or will establish relationships with public and private entities in such area which provide services to individuals with acquired immunodeficiency syndrome;

"(6) a description of—

"(A) the objectives established by the entity for the conduct of the program; and

"(B) the methods the entity will use to evaluate the activities conducted under the program to determine if such objectives are met; and

"(7) such other information as the Secretary may prescribe and publish in the Federal Register.

"(c) In making grants under this section to support programs described in subsection (a), the Secretary shall give preference to community-based organizations which are located in, have a history of service in, and will serve under the program, areas—

"(1) in which there is a significant incidence of acquired immunodeficiency syndrome;

"(2) in which there has been a significant increase in the incidence of acquired immunodeficiency syndrome; or

"(3) in which there is a significant risk of becoming infected with acquired immunodeficiency syndrome virus,

as determined by the Secretary by regulation.

"PUBLIC INFORMATION CAMPAIGNS

"SEC. 2405. (a) The Secretary, through the Director of the Centers for Disease Control, shall make grants to public and nonprofit private entities, and shall enter into contracts with public and private entities, for the development and dissemination of public service announcements and paid advertising messages relating to acquired immunodeficiency syndrome that warn individuals about activities which place them at risk of becoming infected with the acquired immunodeficiency syndrome virus. The Director shall make every effort to insure that not less than 90 percent of American households receive such messages at a frequency of not less than 15 times during a six-month period.

"(b) No grant may be made and no contract may be entered into under this section unless an application therefor is submitted to the Secretary at such time, in such form, and containing such information as the Secretary may prescribe.

"TELEPHONE HOTLINES

"SEC. 2406. (a) The Secretary, through the Public Health Service, shall maintain a toll free twenty-four hour telephone service to provide information to the public concerning acquired immunodeficiency syndrome.

"(b) The Secretary, through the Public Health Service, shall establish and maintain a telephone service to provide medical and technical information to individuals and organizations who provide care and treatment services for individuals with acquired immunodeficiency syndrome. Such telephone service shall be available during the normal business hours of the Public Health Service.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 2407. To carry out this part, there are authorized to be appropriated $120,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990, of which not less than $30,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990, shall be set-aside for national and local information efforts which are to be carried out by national and community-based minority organizations. The Secretary, acting through the Centers for Disease Control shall, after consultation with the Office of Minority Health and the Indian Health Service, publish guidelines for applications for funding under this section and for public comment within 90 days after the day of enactment of this section.

STATE PREVENTION PROGRAMS

SEC. 302. Title XXIV (as added by section 301 of this Act) is further amended by adding at the end thereof the following new part:

"PART B—STATE PREVENTION PROGRAMS

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 2411. For the purpose of allotments under section 2412, there are authorized to be appropriated $150,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.

"ALLOTMENTS

"SEC. 2412. (a) The Secretary shall, for each of the fiscal years 1988, 1989, and 1990, allot to each State an amount determined in accordance with subsections (c) and (d). The Secretary shall, in accordance with section 2413, make payments for each such fiscal year to each State from the allotment for the State if the Secretary approves for each such fiscal year an application submitted by the State pursuant to section 2415.

"(b) The Secretary may not make payments under an allotment under subsection (a) to a State for a fiscal year unless the State agrees that amounts received by the State pursuant to such subsection will be expended only in accordance with section 2414.

"(c)(1) The allotment for a State under subsection (a) for a fiscal year shall be the greater of—

"(A) the amount described in paragraph (2); or

"(B) the amount determined in accordance with subsection (d).

"(2)(A) If the total amount appropriated under section 2411 for any fiscal year exceeds $100,000,000, the amount referred to in paragraph (1)(A) is $300,000 for such fiscal year.

"(B) If the total amount appropriated under section 2411 for any fiscal year equals or exceeds $50,000,000, but is less than $100,000,000, the amount referred to in paragraph (1)(A) is $200,000 for such fiscal year.

"(C) If the total amount appropriated under section 2411 for any fiscal year is less than $50,000,000, the amount referred to in paragraph (1)(A) is $100,000 for such fiscal year.

"(d)(1) The amount referred to in subsection (c)(1)(B) is the sum of the amounts determined under subparagraphs (A) and (B) of paragraph (2).

"(2)(A) The Secretary shall allot 60 percent of the amounts appropriated under section 2411 for any fiscal year to States in accordance with this subparagraph. Of the amount available for allotments under this subparagraph for a fiscal year, the Secretary shall allot to each State for such fiscal year an amount which bears the same ratio to such available amount as the population of the State bears to the population of all States.

"(B) The Secretary shall allot 40 percent of the amounts appropriated under section 2411 for any fiscal year to States in accordance with this subparagraph. Of the amount available for allotments under this subparagraph for a fiscal year, the Secretary shall allot to each State for such fiscal year an amount which bears the same ratio to such available amount as the number of reported cases of acquired immunodeficiency syndrome (including reported cases of pediatric acquired immunodeficiency syndrome) in the State bears to the number of reported cases of acquired immunodeficiency syndrome (including reported cases of pediatric acquired immunodeficiency syndrome) in all States.

"(3) To the extent that all of the amounts appropriated under section 2411 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to the States because—

"(A) one or more States have not submitted an application or description of activities in accordance with section 2415 for the fiscal year;

"(B) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(C) some State allotments are offset or repaid under section 2418(a)(3);

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this paragraph.

"PAYMENTS UNDER ALLOTMENTS TO STATES

"SEC. 2413. (a)(1) For each fiscal year, the Secretary shall make payments, as provided by section 6503 of title 31, United States Code, to each State from its allotment under section 2412 from amounts appropriated for that fiscal year.

"(2) Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for the purposes for which it was made for the next fiscal year.

"(b) The Secretary, at the request of a State, may reduce the amount of payments under subsection (a) by—

"(1) the fair market value of any supplies or equipment furnished the State; and

"(2) the amount of the pay, allowances, and travel expenses of any officer or employee of the Government when detailed to the State and the amount of any other costs incurred in connection with the detail of such officer or employee, when the furnishing of supplies or equipment or the detail of an officer or employee is for the convenience of and at the request of the State and for the purpose of conducting activities described in section 2414. The amount by which any payment is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment or in detailing the personnel, on which the reduction of the payment is based, and the amount shall be deemed to be part of the payment and shall be deemed to have been paid to the State.

"USE OF ALLOTMENTS

"SEC. 2414. (a) Except as provided in subsection (b), amounts paid to a State under this part may be used by the State for—

"(1) the development, establishment, or conduct of public information activities relating to the prevention and diagnosis of acquired immunodeficiency syndrome for each population or community in the State in which there is a significant number of individuals at high risk of contracting such syndrome;

"(2) the development, establishment, or conduct of public information activities for the general public relating to the prevention and diagnosis of acquired immunodeficiency syndrome;

"(3) the development, establishment, or conduct of risk reduction activities relating to acquired immunodeficiency syndrome, including research into the prevention and control of such syndrome;

"(4) the conduct of demonstration projects for the prevention and control of acquired immunodeficiency syndrome;

"(5) the provision of technical assistance to community-based organizations, public and nonprofit private entities, schools, and employers in developing information programs relating to acquired immunodeficiency syndrome;

"(6) the conduct of education, training, and skills improvement activities in the prevention and control of acquired immunodeficiency syndrome for health professionals (including allied health professionals), public safety workers, teachers, school administrators, and other appropriate education personnel; and

"(7) appropriate acquired immunodeficiency syndrome education programs for school-aged children.

"(b) A State may not use amounts paid to it under section 2413 to—

"(1) provide inpatient services;

"(2) make cash payments to intended recipients of health services;

"(3) purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

"(4) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds;

"(5) provide financial assistance to any entity other than a public or nonprofit private entity; or

"(6) conduct any testing for infection with the acquired immunodeficiency syndrome virus or conduct any counseling relating to any such testing.

The Secretary may waive the limitation contained in paragraph (3) upon the request of a State if the Secretary finds that there are extraordinary circumstances to justify the waiver and that granting the waiver will assist in carrying out this part.

"(c) Of the amount paid to any State under section 2413, not more than 5 percent may be used for administering the funds made available under such section. The State will pay from non-Federal sources the remaining costs of administering such funds.

"APPLICATION AND DESCRIPTION OF ACTIVITIES

"SEC. 2415. (a) In order to receive an allotment for a fiscal year under section 2412 each State shall submit an application to the Secretary. Each such application shall be in such form and submitted by such date as the Secretary shall require.

"(b) Each State shall certify that the State will make copies of each application required by this section available for public inspection and comment prior to the submission of such application.

"(c) As part of the annual application required by subsection (a), the chief executive officer of a State shall certify as follows:

"(1) The State agrees to use the funds allotted to it under section 2412 in accordance with the requirements of this part.

"(2) The State agrees, in carrying out this part, to place priority on activities directed towards individuals in populations and communities identified under section 2414(a)(1).

"(3) In the case of a State in which there is a large number of individuals who are intravenous drug abusers, the State agrees to place priority on activities under this part directed at such drug abusers.

"(4) The State agrees that information provided under this part will be scientifically accurate and factually correct.

"(5) In the case of a State in which there is a significant incidence of reported cases of acquired immunodeficiency syndrome, the State agrees—

"(A) to use at least 50 percent of the total amount paid to the State under section 2413 for any fiscal year for grants to local governments and community-based organizations with—

"(i) at least 15 percent of the total amount paid to the State under section 2413 for any fiscal year being used for grants to local governments;

"(ii) at least 15 percent of the total amount paid to the State under section 2413 for any fiscal year being used for grants to community-based organizations, including minority community based organizations, located in and representative of communities and subpopulations which reflect the local demographics of AIDS; and

"(B) to require such governments and organizations to use such grants for the conduct by such governments and organizations of activities described in section 2414.

"(6) The State agrees that Federal funds made available under section 2413 for any period will be so used as to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs and activities for which funds are provided under that section and will in no event supplant such State, local, and other non-Federal funds.

"TECHNICAL ASSISTANCE

"SEC. 2416. The Secretary may provide training and technical assistance to States with respect to the planning, development, and operation of programs to carry out this part. The Secretary may provide such training and technical assistance directly or through grants and contracts.

"ANNUAL REPORT

"SEC. 2417. Each State shall prepare and transmit to the Secretary an annual report on activities conducted with payments to the State under this part.

"AUDITS

"SEC. 2418. (a)(1) Each State shall establish fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of and accounting for Federal funds paid to the State under section 2413.

"(2) Each State shall provide for one of the following:

"(A) A financial and compliance audit of the funds provided the State under section 2413. Such audits shall be performed biennially, shall cover expenditures in each fiscal year, and shall be conducted in accordance with standards established by the Comptroller General for the audit of governmental organizations, programs, activities, and functions.

"(B) A single financial and compliance audit of each entity administering funds provided under section 2413. An audit of such an entity shall be conducted biennially, shall cover expenditures in each fiscal year, and shall be conducted in accordance with standards of the Comptroller General referred to in subparagraph (A).

Within 30 days after completion of an audit under subparagraph (A) or (B), a copy of the audit report shall be transmitted to the State legislature and the Secretary. For purposes of subparagraphs (A) and (B), the term 'financial and compliance audit' means an audit to determine whether the financial statements of an audited entity present fairly the financial position and the results of financial operations in accordance with generally accepted accounting principles, and whether the entity has complied with laws and regulations that may have a material effect upon the financial statements.

"(3) Each State shall, after being provided by the Secretary with adequate notice and opportunity for a hearing within the affected State, repay to the United States amounts found not to have been expended in accordance with the requirements of this part or the certification provided under section 2415(c). If such repayment is not made, the Secretary shall, after providing the State with adequate notice and opportunity for a hearing, offset such amounts against the amount of any allotment to which the State is or may become entitled under section 2412.

"(4) The State shall make copies of the reports and audits required by this section available for public inspection within the State.

"(5) The Comptroller General of the United States shall, from time to time, evaluate the expenditures by States of allotments under this part in order to assure that expenditures are consistent with the provisions of this part.

"(b) The Secretary, in consultation with appropriate national organizations, shall develop model criteria and forms for the collection of data and information with respect to services provided under this part in order to enable States to share uniform data and information with respect to the provision of such services.

"WITHHOLDING

"SEC. 2419. (a)(1) The Secretary shall, after adequate notice and an opportunity for a hearing conducted within the affected State, withhold funds from any State which does not use its allotment in accordance with the requirements of this part or the certification provided under section 2415(c). The Secretary shall withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

"(2) The Secretary may not institute proceedings to withhold funds under paragraph (1) unless the Secretary has conducted an investigation concerning whether the State has used its allotment in accordance with the requirements of this part or the certification provided under section 2415(c). Investigations required by this paragraph shall be conducted within the affected State by qualified investigators.

"(3) The Secretary shall respond in an expeditious manner to complaints of a substantial or serious nature that a State has failed to use funds in accordance with the requirements of this part or the certification provided under section 2415(c).

"(4) The Secretary may not withhold funds under paragraph (1) from a State for a minor failure to comply with the requirements of this part or the certification provided under section 2415(c).

"(b)(1) The Secretary shall conduct in several States in each fiscal year investigations of the use of funds received by the States under this part in order to evaluate compliance with the requirements of this part and the certification provided under section 2415(c).

"(2) The Comptroller General of the United States may conduct investigations of the use of funds received under this part by a State in order to insure compliance with the requirements of this part and the certification provided under section 2415(c).

"(c) Each State, and each entity which has received funds from an allotment made to a State under this part, shall make appropriate books, documents, papers, and records available to the Secretary or the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity upon a reasonable request therefor.

"(d)(1) In conducting any investigation in a State, the Secretary or the Comptroller General of the United States may not make a request for any information not readily available to such State or an entity which has received funds from an allotment made to the State under this part or make an unreasonable request for information to be compiled, collected, or transmitted in any form not readily available.

"(2) Paragraph (1) does not apply to the collection, compilation, or transmittal of data in the course of a judicial proceeding.

"CRIMINAL PENALTY FOR FALSE STATEMENTS

"SEC. 2420. Whoever—

"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in connection with the furnishing of items or services for which payment may be made by a State from funds allotted to the State under this part; or

"(2) having knowledge of the occurrence of any event affecting his initial or continued right to any such payment conceals or fails to disclose such event with an intent fraudulently to secure such payment either in a greater amount that is due or when no such payment is authorized,

shall be fined not more than $25,000 or imprisoned for not more than five years, or both.

"EVALUATIONS

"SEC. 2421. The Secretary shall conduct, or arrange for the conduct of, evaluations for services provided and activities carried out with payments to States under this part.".

TITLE IV—TRAINING

ESTABLISHMENT OF PROGRAMS

SEC. 401. Title XXIV (as added by section 301 of this Act and amended by section 302 of this Act) is further amended by adding at the end thereof the following new part:

"PART D—TRAINING

"FELLOWSHIPS AND TRAINING

"SEC. 2451. (a) The Secretary, through the Director of the Centers for Disease Control, shall establish fellowship and training programs to be conducted by the Centers for Disease Control to train individuals to develop skills in epidemiology, surveillance, testing, counseling, education, information, laboratory analysis, and risk reduction relating to acquired immunodeficiency syndrome. Such programs shall be designed to enable health professionals and health personnel trained under such programs to work, after receiving such training, in national and international efforts to combat acquired immunodeficiency syndrome.

"(b) Any individual receiving a fellowship or receiving training under subsection (a) shall not be counted in determining the number of full time equivalent employees of the Department of Health and Human Services for the purpose of any limitation on the number of such employees established by law prior to, on, or after the date of enactment of this title.

"(c) To carry out this section, there are authorized to be appropriated $20,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.

"CONTINUING MEDICAL EDUCATION

"SEC. 2452. (a) The Secretary shall make grants to nonprofit national organizations representing health care workers to assist in the payment of the costs of projects to train such workers concerning—

"(1) appropriate infection control procedures to reduce the transmission of acquired immunodeficiency syndrome; and

"(2) the provision of care and treatment to individuals with acquired immunodeficiency syndrome and related illnesses.

"(b) No grant may be made under this section unless an application therefor is submitted to the Secretary in such form, at such time, and containing such information, as the Secretary may prescribe.

"(c) The Federal share of the costs of a project supported with a grant under this section shall be 33 percent.

"(d) To carry out this section, there are authorized to be appropriated $4,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.".

TRAINING OF HEALTH PROFESSIONALS WITH RESPECT TO ACQUIRED IMMUNODEFICIENCY SYNDROME

SEC. 402. Part F of title VII is amended by inserting after section 788 the following new section:

"TRAINING WITH RESPECT TO ACQUIRED IMMUNODEFICIENCY SYNDROME

"SEC. 788A. (a)(1) The Secretary, through the Public Health Service, may make grants to and enter into contracts with schools of medicine, schools of osteopathy, and academic health science centers to assist in meeting the costs of such schools in serving as education and training centers to—

"(A) train faculty of schools of medicine, psychology, nursing, osteopathy, podiatry, dentistry, public health, and allied health to teach students in such schools to provide care and treatment for individuals with acquired immunodeficiency syndrome;

"(B) develop and disseminate curricula relating to the care and treatment of individuals with acquired immunodeficiency syndrome; and

"(C) provide technical assistance to communities, regional organizations and health care systems in the training of primary care workers.

"(2) In making grants under this section, the Secretary shall give preference to projects which will—

"(A) train, or result in the training of, health professionals, mental health professionals, and allied health professionals who will provide treatment for minority individuals who are at risk of contracting acquired immunodeficiency syndrome and other individuals who are at high risk of contracting such syndrome; and

"(B) train, or result in the training of, minority health professionals, minority mental health professionals, and minority allied health professionals to provide treatment for individuals with acquired immunodeficiency syndrome.

"(b) No grant or contract may be made under this section unless an application therefor is submitted to the Secretary in such form, at such time, and containing such information, as the Secretary may prescribe.

"(c)(1) Any application for a grant or contract under this subsection shall be subject to appropriate peer review by peer review groups composed principally of non-Federal experts.

"(2) The Secretary may not approve or disapprove an application for a grant or contract under this subsection unless the Secretary has received recommendations with respect to such application from the appropriate peer review group required under paragraph (1) and, where appropriate, has consulted with the National Advisory Council on Health Professions Education with respect to such application.

"(d) For purposes of this section, the term 'school of nursing' has the same meaning as in section 853(2).

"(e) To carry out this section, there are authorized to be appropriated $11,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.".

TITLE V—SERVICE PROGRAMS

STATE SERVICE PROGRAMS

SEC. 501. Title XXIV (as added by section 301 of this Act and as amended by sections 302 and 401 of this Act) is further amended by inserting after part B the following new part:

"PART C—HEALTH SERVICES

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 2431. For the purpose of allotments under section 2432, there are authorized to be appropriated $100,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.

"ALLOTMENTS

"SEC. 2432. (a) The Secretary shall, for each of the fiscal years 1988, 1989, and 1990, allot to each State an amount determined in accordance with subsections (c) and (d). The Secretary shall, in accordance with section 2433, make payments for each such fiscal year to each State from the allotment for the State if the Secretary approves for each such fiscal year an application submitted by the State pursuant to section 2435.

"(b) The Secretary may not make payments under an allotment under subsection (a) to a State for a fiscal year unless the State agrees that amounts received by the State pursuant to such subsection will be expended only in accordance with section 2434.

"(c)(1) The allotment for a State under subsection (a) for a fiscal year shall be the greater of—

"(A) the amount described in paragraph (2); or

"(B) the amount determined in accordance with subsection (d).

"(2)(A) If the total amount appropriated under section 2431 for any fiscal year equals or exceeds $50,000,000, the amount referred to in paragraph (1)(A) is $175,000 for such fiscal year.

"(B) If the total amount appropriated under section 2411 for any fiscal year is less than $50,000,000, the amount referred to in paragraph (1)(A) is $100,000 for such fiscal year.

"(d)(1) From the total amount appropriated under section 2431 for any fiscal year, the Secretary shall allot to each State for such fiscal year an amount which bears the same ratio to such total amount as the number of reported cases of living individuals with acquired immunodeficiency syndrome (including reported cases of pediatric acquired immunodeficiency syndrome) in the State bears to the number of reported cases of living individuals with acquired immunodeficiency syndrome (including reported cases of pediatric acquired immunodeficiency syndrome) in all States.

"(2) To the extent that all the funds appropriated under section 2431 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to the States because—

"(A) one or more States have not submitted an application or description of activities in accordance with section 2435 for the fiscal year;

"(B) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(C) some State allotments are offset or repaid under section 2437(a)(3);

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this paragraph.

"PAYMENTS UNDER ALLOTMENTS TO STATES

"SEC. 2433. (a)(1) For each fiscal year, the Secretary shall make payments, as provided by section 6503 of title 31, United States Code, to each State from its allotment under section 2432 from amounts appropriated for that fiscal year.

"(2) Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for the purposes for which it was made for the next fiscal year.

"(b) The Secretary, at the request of a State, may reduce the amount of payments under subsection (a) by—

"(1) the fair market value of any supplies or equipment furnished the State; and

"(2) the amount of the pay, allowances, and travel expenses of any officer or employee of the Government when detailed to the State and the amount of any other costs incurred in connection with the detail of such officer or employee, when the furnishing of supplies or equipment or the detail of an officer or employee is for the convenience of and at the request of the State and for the purpose of conducting activities described in section 2434. The amount by which any payment is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment or in detailing the personnel, on which the reduction of the payment is based, and the amount shall be deemed to be part of the payment and shall be deemed to have been paid to the State.

"USE OF ALLOTMENTS

"SEC. 2434. (a)(1) Except as provided in subsection (b), amounts paid to a State under this part may be used by the State for—

"(A) the payment of compensation for the services of physicians, nurses, and social workers who plan, manage, provide, or arrange for the provision of, health care services for eligible individuals in the home and in community-based settings, including community-based respite and day care programs;

"(B) the provision of referrals to other appropriate services;

"(C) the identification, location, and provision of outreach to eligible individuals, including infants and children, needing health care services in the home or in the community;

"(D) the provision of appropriate training and recruitment of individuals who provide services to eligible individuals;

"(E) the provision of outpatient mental health services;

"(F) the provision of outpatient drug abuse treatment services;

"(G) the coordination of the provision of health care services in the home for eligible individuals; and

"(H) the coordination of other health and social services provided for eligible individuals by public and private institutions and voluntary organizations in order to ensure the provision of such services and to maximize the use of funds provided under this part and other Federal laws.

"(2) A State may use amounts paid to it under section 2433 to provide health care services in the home for eligible individuals through grants to health care organizations. In making such grants, a State shall give priority to certified home health care programs, hospitals, or community-based programs that have demonstrated an ability to deliver health care services.

"(3) A State may use amounts paid to it under section 2433 to recruit and train community-based physicians and other individuals for the provision of services to eligible individuals.

"(4) In carrying out the activities under this part, the State shall give priority to activities directed towards minorities and populations at high risk of contracting acquired immunodeficiency syndrome. A State may provide that amounts paid by the State to health care organizations shall not be used by such organizations to provide in home health services to an eligible individual in excess of an amount specified by the State.

"(b) A State may not use amounts paid to it under section 2433 to—

"(1) provide inpatient services;

"(2) make cash payments to intended recipients of health services;

"(3) purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

"(4) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

"(5) provide financial assistance to any entity other than a public or nonprofit private entity.

The Secretary may waive the limitation contained in paragraph (3) upon the request of a State if the Secretary finds that there are extraordinary circumstances to justify the waiver and that granting the waiver will assist in carrying out this part.

"(c) Of the amount paid to any State under section 2433, not more than 5 percent may be used for administering the funds made available under such section. The State will pay from non-Federal sources the remaining costs of administering such funds.

"APPLICATION AND DESCRIPTION OF ACTIVITIES

"SEC. 2435. (a) In order to receive an allotment for a fiscal year under section 2432 each State shall submit an application to the Secretary. Each such application shall be in such form and submitted by such date as the Secretary shall require.

"(b) Each State shall certify that the State will make copies of the applications required by this section available for public inspection.

"(c) As part of the annual application required by subsection (a), the chief executive officer of a State shall certify as follows:

"(1) The State agrees to use the funds allotted to it under section 2432 in accordance with the requirements of this part.

"(2) The State agrees to identify each population in the State at high risk of contracting acquired immunodeficiency syndrome, including minority populations, and to provide services under this part to each such population.

"(3) The State agrees that it will, to the maximum extent feasible, provide services under this part to individuals who are low-income individuals and not receiving equivalent services under the State's Medicaid plan approved under title XIX of the Social Security Act.

"(4) The State agrees to use funds available to the State under section 2334(c) to establish a State Acquired Immunodeficiency Syndrome Council which shall—

"(A) monitor, review, and evaluate, not less often than annually, the allocation and adequacy of services for eligible individuals within the State; and

"(B) be comprised of residents of the State, including representatives of the principal State agencies involved in providing services to eligible individuals and representatives of community-based organizations providing services to eligible individuals.

"TECHNICAL ASSISTANCE

"SEC. 2436. The Secretary may provide training and technical assistance to States with respect to the planning, development, and operation of programs to carry out this part. The Secretary may provide such training and technical assistance directly or through grants and contracts.

"AUDITS

"SEC. 2437. (a)(1) Each State shall establish fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of and accounting for Federal funds paid to the State under section 2433.

"(2) Each State shall provide for one of the following:

"(A) A financial and compliance audit of the funds provided the State under section 2433. Such audits shall be performed biennially, shall cover expenditures in each fiscal year, and shall be conducted in accordance with standards established by the Comptroller General for the audit of governmental organizations, programs, activities, and functions.

"(B) A single financial and compliance audit of each entity administering funds provided under section 2433. An audit of such an entity shall be conducted biennially, shall cover expenditures in each fiscal year, and shall be conducted in accordance with standards of the Comptroller General referred to in subparagraph (A).

Within 30 days after completion of an audit under subparagraph (A) or (B), a copy of the audit report shall be transmitted to the State legislature and the Secretary. For purposes of subparagraphs (A) and (B), the term 'financial and compliance audit' means an audit to determine whether the financial statements of an audited entity present fairly the financial position and the results of financial operations in accordance with generally accepted accounting principles, and whether the entity has complied with laws and regulations that may have a material effect upon the financial statements.

"(3) Each State shall, after being provided by the Secretary with adequate notice and opportunity for a hearing within the affected State, repay to the United States amounts found not to have been expended in accordance with the requirements of this part or the certification provided under section 2435(c). If such repayment is not made, the Secretary shall, after providing the State with adequate notice and opportunity for a hearing, offset such amounts against the amount of any allotment to which the State is or may become entitled under section 2432.

"(4) The State shall make copies of the reports and audits required by this section available for public inspection within the State.

"(5) The Comptroller General of the United States shall, from time to time, evaluate the expenditures by States of allotments under this part in order to assure that expenditures are consistent with the provisions of this part.

"(b) The Secretary, in consultation with appropriate national organizations, shall develop model criteria and forms for the collection of data and information with respect to services provided under this part in order to enable States to share uniform data and information with respect to the provision of such services.

"WITHHOLDING

"SEC. 2438. (a)(1) The Secretary shall, after adequate notice and an opportunity for a hearing conducted within the affected State, withhold funds from any State which does not use its allotment in accordance with the requirements of this part or the certification provided under section 2435(c). The Secretary shall withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

"(2) The Secretary may not institute proceedings to withhold funds under paragraph (1) unless the Secretary has conducted an investigation concerning whether the State has used its allotment in accordance with the requirements of this part or the certification provided under section 2435(c). Investigations required by this paragraph shall be conducted within the affected State by qualified investigators.

"(3) The Secretary shall respond in an expeditious manner to complaints of a substantial or serious nature that a State has failed to use funds in accordance with the requirements of this part or the certification provided under section 2435(c).

"(4) The Secretary may not withhold funds under paragraph (1) from a State for a minor failure to comply with the requirements of this part or the certification provided under section 2435(c).

"(b)(1) The Secretary shall conduct in several States in each fiscal year investigations of the use of funds received by the States under this part in order to evaluate compliance with the requirements of this part and the certification provided under section 2435(c).

"(2) The Comptroller General of the United States may conduct investigations of the use of funds received under this part by a State in order to insure compliance with the requirements of this part and the certification provided under section 2435(c).

"(c) Each State, and each entity which has received funds from an allotment made to a State under this part, shall make appropriate books, documents, papers, and records available to the Secretary or the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity upon a reasonable request therefor.

"(d)(1) In conducting any investigation in a State, the Secretary or the Comptroller General of the United States may not make a request for any information not readily available to such State or an entity which has received funds from an allotment made to the State under this part or make an unreasonable request for information to be compiled, collected, or transmitted in any form not readily available.

"(2) Paragraph (1) does not apply to the collection, compilation, or transmittal of data in the course of a judicial proceeding.

"CRIMINAL PENALTY FOR FALSE STATEMENTS

"SEC. 2439. Whoever—

"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in connection with the furnishing of items or services for which payment may be made by a State from funds allotted to the State under this part; or

"(2) having knowledge of the occurrence of any event affecting his initial or continued right to any such payment conceals or fails to disclose such event with an intent fraudulently to secure such payment either in a greater amount than is due or when no such payment is authorized,

shall be fined not more than $25,000 or imprisoned for not more than five years, or both.

"EVALUATIONS

"SEC. 2440. The Secretary shall conduct, or arrange for the conduct of, evaluations for services provided and activities carried out with payments to States under this part.

"DEFINITION

"SEC. 2441. For purposes of this part, the term 'eligible individual' means an individual who is infected with the acquired immunodeficiency syndrome virus and who has clinical symptoms resulting from such infection.

"SUBACUTE-CARE SERVICES DEMONSTRATION PROJECTS.

"SEC. 2442. (a) As used in this section:

"(1) The term 'patients infected with the human immunodeficiency virus' means persons who have a disease, or are recovering from a disease, attributable to the infection of such person with the human immunodeficiency virus, and as a result of the effects of such disease, are in need of subacute-care services.

"(2) The term 'subacute care' means medical and health care services that are required for persons recovering from acute care episodes that are less intensive than the level of care provided in acute-care hospitals, and includes skilled nursing care, hospice care, and other types of health services provided in other long-term-care facilities.

"(b) The Secretary shall conduct three demonstration projects to determine the effectiveness and cost of providing the subacute-care services described in subsection (b) to patients infected with the human immunodeficiency virus, and the impact of such services on the health status of such patients.

"(c)(1) The services provided under each demonstration project shall be designed to meet the specific needs of patients infected with the human immunodeficiency virus, and shall include—

"(A) the care and treatment of such patients by providing—

"(i) subacute care;

"(ii) emergency medical care and specialized diagnostic and therapeutic services as needed and where appropriate, either directly or through affiliation with a hospital that has experience in treating AIDS patients; and

"(iii) case management services to ensure, through existing services and programs whenever possible, appropriate discharge planning for patients; and

"(B) technical assistance, to other facilities in the region served by such facility, that is directed towards education and training of physicians, nurses, and other health-care professionals in the subacute care and treatment of patients infected with the human immunodeficiency virus.

"(2) Services provided under each demonstration project may also include—

"(A) hospice services;

"(B) outpatient care; and

"(C) outreach activities in the surrounding community to hospitals and other health-care facilities that serve patients infected with the human immunodeficiency virus.

"(d) The demonstration projects shall be conducted—

"(1) during a 4-year period beginning not later than 9 months after the date of enactment of this section; and

"(2) at sites that—

"(A) are geographically diverse and located in areas that are appropriate for the provision of the required and authorized services; and

"(B) have the highest incidence of AIDS cases and the greatest need for subacute-care services.

"(e) The Secretary shall evaluate the operations of the demonstration projects and shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate—

"(1) not later than 18 months after the beginning of the first project, a preliminary report that contains—

"(A) a description of the sites at which the projects are being conducted and of the services being provided in each project; and

"(B) a preliminary evaluation of the experience of the projects in the first 12 months of operation; and

"(2) not later than 6 months after the completion of the last project, a final report that contains—

"(A) an assessment of the costs of subacute-care for patients infected with the human immunodeficiency virus, including a breakdown of all other sources of funding for the care provided to cover subacute-care; and

"(B) recommendations for appropriate legislative changes.

"(f) Each demonstration project shall provide for other research to be carried out at the site of such demonstration project including—

"(1) clinical research on the acquired immunodeficiency syndrome, concentrating on research on the neurological manifestations resulting from infection with the human immunodeficiency virus; and

"(2) the study of the psychological and mental health issues related to the acquired immunodeficiency syndrome.

"(g)(1) To carry out this section, there are authorized to be appropriated $10,000,000 for fiscal year 1988 and such sums as are necessary for each of the fiscal years 1989 through 1991.

"(2) Amounts appropriated pursuant to paragraph (1) shall remain available until September 10, 1992.

"(h) The Secretary shall enter into an agreement with the Administrator of the Veterans' Administration to ensure that appropriate provision will be made for the furnishing, through demonstration projects, of services to eligible veterans, under contract with the Veterans' Administration pursuant to section 620 of title 38, United States Code.".

ACQUIRED IMMUNODEFICIENCY SYNDROME BLOCK GRANT PROGRAM

SEC. 502. Title XXIV (as added by section 301 of this Act and as amended by sections 302, 401, and 501 of this Act) is further amended by adding at the end thereof the following new part:

"PART E—ACQUIRED IMMUNODEFICIENCY SYNDROME BLOCK GRANT PROGRAM

"GRANTS

"SEC. 2461. (a) To carry out this section, there are authorized to be appropriated $75,000,000 for fiscal year 1988, and such sums as are appropriate for each of the fiscal years 1989 through 1991, to make grants to public and nonprofit private entities for projects and programs that seek to reduce the transmission of the acquired immunodeficiency virus in and by users of illegal intravenous drugs.

"(b) An allotment to a State shall not be made by the Secretary under subsection (a) unless the State has submitted an information and assurances section as designated in section 2463(a), and such information and assurance section has been approved by the Secretary, acting through the Director of the National Institute on Drug Abuse in consultation with the Director of the Centers for Disease Control, in accordance with section 2463.

"ALLOTMENTS

"SEC. 2462. (a) The Secretary shall reserve $100,000 of the amount appropriated under section 2461 in each fiscal year for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs.

"(b) The allotment of a State under this section shall be based on the State's proportionate share of the number of intravenous drug use related cases of AIDS as reported by the Centers for Disease Control, but in no case shall a State receive less than $150,000.

"(c) Puerto Rico shall be treated as a State in the determination of allotments under subsection (b).

"(d) The Secretary shall obtain from each appropriate Federal agency, the most recent data and information, for the 12-month period immediately preceding the determination of the allotment, necessary to determine the allotments for fiscal year 1988, and for subsequent fiscal years, the Secretary shall obtain the most recent data and information, for the 2-year period immediately preceding the determination of the allotment.

"REQUIRED INFORMATION AND ASSURANCES

"SEC. 2463. In order to receive an allotment for a fiscal year under section 2462, each State shall submit to the Secretary, as part of the alcohol, drug abuse, and mental health block grant application required under section 1916 of the Public Health Service Act, an information and assurances section that shall contain—

"(1) such information as the Directors of the National Institute on Drug Abuse and the Centers for Disease Control shall require;

"(2) a description of the programs that will be implemented or improved with the assistance given under this part and the manner in which such programs will be coordinated with other public and private programs and activities;

"(3) assurances that, in the preparation of any statement under this section, the State will consult with local governments and the public and private entities (including community-based organizations) involved in the provision of services under this part;

"(4) a description of the manner in which the State will evaluate the programs and activities conducted with assistance provided under this part;

"(5) assurances that the State will prepare and submit a report, as required by the Secretary, on the results of the evaluations referred to in paragraph (3);

"(6) assurances that the State will prepare and submit reports, as required by the Secretary, containing data necessary to monitor relevant epidemiological changes; and

"(7) assurances that assistance provided to the State under this part will supplement and not supplant any State or local expenditures for treatment, outreach, prevention, and educational efforts targeted for users of illegal intravenous drugs at risk of contracting acquired immunodeficiency syndrome.

"USE OF ALLOTMENTS

"SEC. 2464. Amounts paid to a State under this part may be used by the State according to such requirements as the Secretary, acting through the Director of the National Institute on Drug Abuse, and in consultation with the Directors of the Centers for Disease Control, to establish programs that provide—

"(1) treatment for users of illegal intravenous drugs that have contracted, or are at risk of contracting the acquired immunodeficiency syndrome virus;

"(2) outreach services to users of illegal intravenous drugs;

"(3) aggressive efforts to prevent the transmission of the acquired immunodeficiency syndrome virus among users of illegal intravenous drugs; and

"(4) the training and organizational efforts necessary to accomplish all of the above.

"PAYMENTS

"SEC. 2465. (a) For each fiscal year, the Secretary shall make payments, as provided by section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), to each State that has complied with section 2463 from the allotment under section 2462 (other than any amount reserved under section 2462) from amounts appropriated for that fiscal year.

"(b)(1) Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for the next fiscal year for the purposes for which the payment was made.

"(2) If in the judgment of the Secretary, a State is unlikely to use funds that are available to that State during a fiscal year for the purposes prescribed by the Secretary under section 2464, the Secretary may withhold the amount otherwise available to that State in subsequent fiscal year.

"(c)(1) The Secretary, at the request of a State, may reduce the amount of payments under subsection (a) by—

"(A) the fair market value of any supplies or equipment furnished the State by the Federal government for the convenience of and at the request of the State; and

"(B) the amount of the pay, allowances, and travel expenses of any officer or employee of the Federal government when detailed to the State, and the amount of any other costs incurred in connection with the detail of such officer or employee, if such amount is expended for the convenience of and at the request of the State.

"(2) The amount by which any payment is reduced under paragraph (1) shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment or in detailing the personnel, on which the reduction of the payment is based. The amount shall be considered to be part of the payment and to have been paid to the State.

"(d) To the extent that all the funds appropriated under section 2462 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

"(1) one or more States have not submitted a satisfactory application with an information and assurances section in accordance with section 2463 for the fiscal year;

"(2) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(3) some States allotments are offset or repaid under subsection (c);

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this subsection.

"DEFINITION

"SEC. 2466. As used in this part, the term 'illegal intravenous drug' includes any controlled substance as defined in section 102(6) of the Controlled Substance Act (21 U.S.C. 802(6)).".

TITLE VI—RESEARCH

ACQUIRED IMMUNODEFICIENCY SYNDROME ADVISORY BOARD

SEC. 601. Part B of title IV is amended by adding at the end thereof the following new section:

"ACQUIRED IMMUNODEFICIENCY SYNDROME ADVISORY BOARD

"SEC. 409. (a) The Director of NIH shall establish in the National Institutes of Health an Acquired Immunodeficiency Syndrome Advisory Board (hereafter in this section referred to as the 'Advisory Board').

"(b) The Advisory Board shall be composed of seven appointed members and nonvoting ex officio members as follows:

"(1) The Director of NIH shall appoint—

"(A) four members from individuals who are scientists, physicians, and other health professionals, who are not officers or employees of the United States, and who represent the specialties and disciplines relevant to acquired immunodeficiency syndrome; and

"(B) three members from the general public who are knowledgeable with respect to acquired immunodeficiency syndrome, including at least one member who is an individual who is infected with the human immunodeficiency virus.

Of the members appointed under this paragraph, at least three shall by virtue of training or experience be knowledgeable in research in the fields of health education, nursing, data systems, public information, and community program development, and of the members appointed under subparagraph (A), at least one shall be an expert in public health. In making appointments under this paragraph, the Director of NIH shall request recommendations from the Institute of Medicine of the National Academy of Sciences.

"(2) The following shall be ex officio members of the Advisory Board:

"(A) The Director of NIH, the Director of the National Cancer Institute, the Director of the National Institute on Allergy and Infectious Diseases, the Director of the National Heart, Lung, and Blood Institute, and the Surgeon General of the United States (or the designees of such officers).

"(B) Such other officers and employees of the United States as the Advisory Board determines necessary for the Advisory Board to carry out its functions.

"(c) Members of the Advisory Board shall serve without compensation in addition to that received in their regular public employment. While away from their homes or regular places of business in the performance of duties for the Advisory Board, all members of the Advisory Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

"(d) The term of office of an appointed member of the Advisory Board is four years, except that no term of office may extend beyond the expiration of the Advisory Board. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. If a vacancy occurs in the Advisory Board, the Director of NIH shall make an appointment to fill the vacancy not later than 90 days from the date the vacancy occurred.

"(e) The Director of NIH shall select the chairman of the Advisory Board from the members of the Advisory Board.

"(f) The Director of NIH shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with an executive director and one other professional staff member. In addition, the Director of NIH shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with such additional professional staff members, such clerical staff members, such services of consultants, such information, and (through contracts or other arrangements) such administrative support services and facilities, as the Director of NIH determines are necessary for the Advisory Board to carry out its functions.

"(g) The Advisory Board shall meet at the call of the chairman, but not less often than four times a year.

"(h) The Advisory Board shall—

"(1) review and evaluate the implementation of the Core National Research Program on Acquired Immunodeficiency Syndrome established under section 447;

"(2) for the purpose of assuring the most effective use and organization of resources respecting research concerning acquired immunodeficiency syndrome, advise and make recommendations to the Congress, the Secretary, the Director of NIH, the Director of the National Institute on Allergy and Infectious Diseases, and the heads of other appropriate Federal agencies for the implementation and revision of such Program; and

"(3) maintain liaison with other advisory bodies related to Federal agencies involved in activities related to acquired immunodeficiency syndrome.

"(i) In carrying out its functions, the Advisory Board may establish subcommittees, convene workshops and conferences, and collect data. Such subcommittees may be composed of Advisory Board members and nonmember consultants with expertise in the particular area addressed by such subcommittees. The subcommittees may hold such meetings as are necessary to enable them to carry out their activities.

"(j) The Advisory Board shall prepare and transmit to the Director of NIH an annual report which—

"(1) describes the Advisory Board's activities in the fiscal year for which the report is made; and

"(2) contains the Advisory Board's recommendations with respect to the Program.

"(k) The Advisory Board shall terminate on September 30, 1992.

"(l) The Director of NIH shall make appointments to the Advisory Board within 90 days after the date of enactment of this section.".

IMPROVING THE CAPABILITY OF THE NATIONAL INSTITUTES OF HEALTH TO COMBAT ACQUIRED IMMUNODEFICIENCY SYNDROME

SEC. 602. (a) Section 402 is amended by adding at the end thereof the following new subsection:

"(g) The Director of the National Institutes of Health shall—

"(1) coordinate activities relating to acquired immunodeficiency syndrome conducted by the national research institutes and the agencies of the National Institutes of Health; and

"(2) give special emphasis to the continued development of activities relating to the cause of acquired immunodeficiency syndrome and to the coordination of such activities in and among the national research institutes and agencies.".

(b) section 403 is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following new subsection:

"(b) The Director of the National Institutes of Health shall prepare and transmit to the Secretary, for inclusion in the Secretary's annual report under section 102 of the Acquired Immunodeficiency Syndrome Information and Research Act of 1987, a report—

"(1) describing and evaluating the progress made in research, treatment, education, and training with respect to acquired immunodeficiency syndrome conducted or supported by the National Institutes of Health;

"(2) summarizing and analyzing expenditures made in such fiscal year for activities respecting acquired immunodeficiency syndrome conducted or supported by the National Institutes of Health; and

"(3) containing such recommendations as the Director considers appropriate.".

CORE NATIONAL RESEARCH PROGRAM ON ACQUIRED IMMUNODEFICIENCY SYNDROME

SEC. 603. (a) Subpart 6 of part C of title IV is amended by adding at the end thereof the following new sections:

"CORE NATIONAL RESEARCH PROGRAM ON ACQUIRED IMMUNODEFICIENCY SYNDROME

"SEC. 447. (a) There shall be a Core National Research Program on Acquired Immunodeficiency Syndrome (hereafter in this subpart referred to as the 'Program'), which shall consist of—

"(1) an expanded, intensified, and coordinated research program on acquired immunodeficiency syndrome conducted and supported by the Institute, including an expanded and intensified basic and clinical research program relating to the prevention and treatment of acquired immunodeficiency syndrome; and

"(2) demonstration, education, and other programs for health professionals for the detection, diagnosis, prevention, and treatment of acquired immunodeficiency syndrome and related illnesses.

"(b) The Director of the Institute shall be responsible for the administration of the Program.

"(c) To carry out the Program, the Director of the Institute shall establish projects to promote cooperation between Federal agencies, State, local, and regional public health agencies, and private entities, in research concerning the diagnosis, prevention, and treatment of acquired immunodeficiency syndrome.

"(d) In carrying out the Program, the Director of the Institute shall—

"(1) coordinate activities under the Program with other activities relating to acquired immunodeficiency syndrome conducted by the other national research institutes and the agencies of the National Institutes of Health; and

"(2) give special emphasis to the continued development of activities relating to the cause of acquired immunodeficiency syndrome and to the coordination of such activities with related activities conducted by the other national research institutes.

"(e) The Director of the Institute shall prepare and transmit to the Secretary, for inclusion in the Secretary's annual report under section 102 of the Acquired Immunodeficiency Syndrome Information and Research Act of 1987, a report—

"(1) describing and evaluating the progress made in such fiscal year in research, treatment, education, and training with respect to acquired immunodeficiency syndrome conducted or supported by the Institute;

"(2) summarizing and analyzing expenditures made in such fiscal year for activities respecting acquired immunodeficiency syndrome conducted or supported by the Institute; and

"(3) containing such recommendations as the Director of the Institute considers appropriate.

"SPECIAL AUTHORITIES OF THE DIRECTOR

"SEC. 447A. In carrying out the Program, the Director of the Institute—

"(1) shall develop and expand clinical trials of treatments and therapies for acquired immunodeficiency syndrome and infection with the acquired immunodeficiency syndrome virus;

"(2) may establish or support the large-scale development and preclinical screening, production, or distribution of specialized biological materials and other therapeutic substances for research relating to acquired immunodeficiency syndrome and set standards of safety and care for persons using such materials;

"(3) may, in consultation with the advisory council for the Institute, support (A) research relating to acquired immunodeficiency syndrome outside the United States by highly qualified foreign nationals which can be expected to benefit the American people, (B) collaborative research involving American and foreign participants, and (C) the training of American scientists abroad and foreign scientists in the United States;

"(4) may, in consultation with the advisory council for the Institute, support appropriate programs of education and training (including continuing education and laboratory and clinical research training);

"(5) may encourage and coordinate research relating to acquired immunodeficiency syndrome by industrial concerns where such concerns evidence a particular capability for such research;

"(6)(A) may, in consultation with the advisory council for the Institute, acquire, improve, repair, operate, and maintain laboratories, other research facilities, equipment, and such other real or personal property as the Director of the Institute determines necessary;

"(B) may, in consultation with the advisory council for the Institute, make grants for the renovation or construction of facilities; and

"(C) may, in consultation with the advisory council for the Institute, acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34) by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Program for a period not to exceed ten years; and

"(7) subject to section 405(b)(2) and without regard to section 3324 of title 31, United States Code, and section 3709 of the Revised Statutes (41 U.S.C. 5), may enter into such contracts and cooperative agreements with any public agency, or with any person, firm, association, corporation, or educational institution, as may be necessary to expedite and coordinate research relating to acquired immunodeficiency syndrome.

"NATIONAL ACQUIRED IMMUNODEFICIENCY SYNDROME RESEARCH CENTERS

"SEC. 447B. (a)(1) The Director of the Institute may enter into cooperative agreements with and make grants to public or private nonprofit entities to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for, centers for basic and clinical research into, and training in, advanced diagnostic, prevention, and treatment methods for acquired immunodeficiency syndrome.

"(2) A cooperative agreement or grant under paragraph (1) shall be entered into in accordance with policies established by the Director of NIH and after consultation with the Institute's advisory council.

"(b) Federal payments made under a cooperative agreement or grant under subsection (a) may be used for—

"(1) the renovation or leasing of space;

"(2) staffing and other basic operating costs, including such patient care costs as are required for research;

"(3) clinical training, including training for allied health professionals, continuing education for health professionals and allied health professions personnel, and information programs for the public respecting acquired immunodeficiency syndrome; and

"(4) demonstration purposes.

As used in this subsection, the term 'training' does not include research training for which National Research Service Awards may be provided under section 487.

"(c) Support of a center under subsection (a) may be for a period of not to exceed five years. Such period may be extended by the Director for additional periods of not more than five years each if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"ASSOCIATE DIRECTOR FOR PREVENTION

"SEC. 447C. (a) There shall be in the Institute an Associate Director for Prevention to coordinate and promote the programs in the Institute concerning the prevention of infectious diseases, including acquired immunodeficiency syndrome. The Associate Director shall be appointed by the Director of the Institute from individuals who because of their professional training or experience are experts in public health or preventive medicine.

"(b) The Associate Director for Prevention shall prepare for inclusion in the biennial report made under section 407 a description of the prevention activities of the Institute, including a description of the staff and resources allocated to those activities.

"VIRUS AND SERUM BANK

"SEC. 447D. The Director of the Institute shall establish, or provide for the establishment of, a virus and serum bank in which all human immunodeficiency virus serotypes and serum are available to qualified investigators and organizations.".

(b) Section 446 is amended—

(1) by inserting "the cause, prevention, treatment, and care of individuals with" after "with respect to"; and

(2) by inserting before the period a comma and "including acquired immunodeficiency syndrome".

NATIONAL RESEARCH SERVICE AWARDS

SEC. 603. Section 487(a) is amended by adding at the end thereof the following new paragraph:

"(4) The Secretary, through the Directors of the national research institutes, shall make National Research Service Awards under subparagraphs (A)(ii), (A)(iv), and (B) of paragraph (1) for the training of individuals to participate in national research efforts relating to acquired immunodeficiency syndrome.".

DRUG ABUSE RESEARCH

SEC. 604. (a) Section 516(a) is amended—

(1) by striking out "and" at the end of paragraph (1)(B);

(2) by striking out the period at the end of paragraph (2)(C) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(3) for the study and demonstration of effective methods to reduce the transmission of the acquired immunodeficiency syndrome virus among intravenous drug abusers.".

(b) Section 517 is amended by adding at the end thereof the following new sentence: "Of the amounts appropriated under this section for any fiscal year (beginning with fiscal year 1988) $25,000,000 shall be available for projects under section 516(a)(3).".

TITLE VII—MANDATORY TESTING OF CONVICTED FELONS

SHORT TITLE

SEC. 701. This title may be cited as the "AIDS Awareness Act of 1987".

TESTING OF FEDERAL PRISONERS

SEC. 702. (a) ATTORNEY GENERAL.—

(1) IN GENERAL.—The Attorney General shall provide for the confidential testing of—

(A) any individual convicted of an intravenous drug or sex offense on or after the effective date of this Act; and

(B) each individual incarcerated in a Federal prison for an intravenous drug or sex offense;

for exposure of such individuals to the human immunodeficiency virus.

(2) COSTS.—The costs of testing an individual described in paragraph (1)(A) shall be paid for by such individual, provided such individual is able to pay, and such costs shall be included in any court costs or fines ordered to be paid by the individual upon sentencing.

(3) DATE OF COMMISSION.—The testing requirements for individuals described in paragraph (1)(B) shall apply to any individual currently incarcerated in a Federal prison for an intravenous drug or sex offense if such intravenous drug or sex offense was committed on or after January 1, 1978.

(b) CONFIDENTIALITY.—Except as provided herein, no person receiving identifying information regarding an individual tested pursuant to this section shall disclose or redisclose such information to any person the confidentiality of the testing required under subsection (a) shall be waived only so that—

(1) correctional personnel deemed appropriate by the Attorney General in accordance with guidelines pertaining to occupational risks or exposure to the human immunodeficiency virus issued by the Department of Health and Human Services may have access to the information, and

(2) victims of rape may be informed of the results of the test, if the person convicted of the rape tests positive for exposure to the human immunodeficiency virus.

(c) MEDICAL TREATMENT OF DRUG AND SEX OFFENDERS.—The Attorney General shall provide education and counseling through existing prison medical facilities to any individual testing positive for exposure to the human immunodeficiency virus under subsection (a).

(d) DRUG OR SEX OFFENSE.—For purposes of this section, the term "intravenous drug or sex offense" means—

(1) an offense that is punishable, under a Federal law relating to intravenous use of a controlled substance (other than a law relating to simple possession of a controlled substance), by death or imprisonment for a term exceeding one year; or

(2) an offense punishable under chapter 99 of title 18, United States Code, relating to rape.

TESTING OF STATE PRISONERS

SEC. 703. (a) IN GENERAL.—The chief law enforcement officer of each State shall establish a State program to provide for the confidential testing of—

(1) any individual convicted under State law, of an intravenous drug or sex offense on or after the effective date of this title; and

(2) each individual incarcerated in a State penal institution for intravenous drug or sex offense, for exposure to the human immunodeficiency virus.

(b) WAIVER OF CONFIDENTIALITY.—The confidentiality of the testing required under subsection (a) shall be waived only so that—

(1) correctional presonnel, as deemed necessary under laws of the State or policies established by the State Department of Health, may have access to the information, and

(2) victims of rape may be informed of the result of the test, if the person convicted of the rape tests positive for exposure to the human immunodefiency virus.

(c) FUNDING.—

(1) IN GENERAL.—The program established under subsection (a) shall be conducted in part with using funds made available under this section.

(2) REQUIREMENT.—A State shall not receive funds under subsection (f) unless an application for such has been submitted to, and approved by, the Attorney General.

(3) CONTENTS.—An application submitted under paragraph (1) shall—

(A) be in such form and be submitted in such manner as the Attorney General may by regulation require; and

(B) contain—

(i) assurances by the chief executive officer of the State that the State will provide, through existing medical facilities in State penal institutions, education and pre- and post-test counseling to any individual tested for exposure to the human immunodeficiency virus under this section; and

(ii) a 50 percent cost share under subsection (a), by the State; and

(iii) such other information as the Attorney General may by regulation specify.

(d) DEFINITIONS.—As used in this section:

(1) INDIVIDUAL.—The term "individual" means any individual who is currently incarcerated in a State prison for a State criminal offense who committed such offense on or after January 1, 1978.

(2) INTRAVENOUS DRUG OR SEX OFFENSE.—The term Intravenous drug or sex offense" means—

(A) an offense that in punishable, under a State law relating to intravenous use of a controlled substance (other than a law relating to simple possession of a controlled substance), by death or imprisonment for a term exceeding one year.

(B) a State offense of the same type described under chapter 99 of title 18, United States Code, relating to rape; or

(C) a State criminal offense involving prostitution.

(e) REGULATIONS.—The Attorney General shall promulgate regulations to carry out this section, including regulations that determine the amount of funds that each State is entitled to receive under this section.

(f) AUTHORIZATION.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1988 through 1990.

ATTORNEY GENERAL STUDY

SEC. 704. Not later than one year after the date of enactment of this title, the Attorney General shall complete a study and submit a report to Congress concerning the appropriateness of mandated prison sentences for any individual convicted of an intravenous drug or sex offense who thereafter knowingly places others at risk of becoming infected with the human immunodeficiency virus.

EFFECTIVE DATE

SEC. 705. This Act shall become effective one hundred and eighty days after the date of enactment of this title. A State may apply to the Attorney General for a waiver to permit an additional period of one hundred and eighty days to submit the application required for funding.

TITLE VIII—AMERICAN INDIAN AIDS PREVENTION AND TREATMENT PROGRAM

SEC. 801. There is hereby authorized to be appropriated to the Indian Health Service, $6,600,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990, for the development and implementation of information programs, healthcare worker training and awareness, and care and treatment programs for Indian people with AIDS, under such terms and conditions as are generally applicable for such programs pursuant to this Act.

TITLE IX—GENERAL PROVISIONS

SEC. 901. Notwithstanding any other provision of law, The Prohibition of Discrimination in the Provision of Insurance Act of 1986 (D.C. Law 6-170) is hereby repealed.

SEC. 902. None of the funds provided under this Act or an amendment made by this Act shall be used to provide individuals with hypodermic needles or syringes so that such individuals may use illegal drugs, unless the Surgeon General of the United States determines that a demonstration needle exchange program would be effective in reducing drug abuse and the risk that the public will become infected with AIDS.

SEC. 903. The Congressional Biomedical Ethics Board shall report to Congress within eighteen months from the effective date of this Act on the ethical issues connected with the administration of nutrition and hydration to dying patients. This report shall include a review of State laws, regulations and court decisions on this topic. The report shall also discuss the arguments concerning the appropriate roles of the patient, the patient's family, the care provider, the State and the appropriate Federal role.

SEC. 904. (a) Notwithstanding any other provision of law or of this Act, or an amendment made by this Act, no State or local government entity shall be eligible to receive any funds authorized under this Act, or an amendment made by this Act, if such entity has any law, regulation, or administrative policy that—

(1) forbids spousal notification in AIDS cases; or

(2) holds any physician criminally or civilly liable for spousal notification in AIDS cases.

(b)(1) Upon application of a State or local government entity, the Secretary of Health and Human Services may waive the requirements of subsection (a) with respect to that organization for a period not to exceed two years if the Secretary determines that such a waiver is necessary.

(2) A State or local government entity shall be eligible to receive funds under this Act, or an amendment made by this Act, during any period not to exceed two years in which the Secretary has waived the requirements of subsection (a) with respect to that entity.

(c) For purposes of this section—

(1) the term "State or local government entity" means any State or political subdivision of any State or any department, agency, special purpose district, or other instrumentality of a State or of a political subdivision of any State;

(2) the term "spousal notification in AIDS cases" means the act of any physician (who has encouraged the patient to notify personally such patient's spouse of the test results and who believes that the patient will not notify his or her spouse and believes that it is medically appropriate for the physician to inform such spouse) in confidentially notifying the spouse of any patient who has tested positive for the presence of the probable causative agent of acquired immune deficiency syndrome that such test was positive, even if the patient refuses to consent to such notification; and

(3) the term "physician" means (A) any licensed doctor of medicine or osteopathy, nurse practitioner, or any other person who provides health care whenever such doctor, nurse, or other health care provider is acting within the scope of such person's license, or (B) any person in the State or local government entity's department of health (or comparable agency) who is authorized to act on behalf of any doctor of medicine, nurse practitioner, or other person who provides health care.

(d) Nothing in this section shall be construed to affect or prohibit the availability of anonymous testing.

SEC. 905. (a) Notwithstanding any other provision of this Act or an amendment made by this Act none of the funds provided under this Act or an amendment made by this Act shall be used to provide educational, informational, or risk reduction materials or activities to promote or encourage, directly, homosexual sexual activity.

(b) Education, information, and prevention activities and materials paid for with funds appropriated under this Act shall emphasize—

(1) abstinence from sexual activity outside a sexually monogamous marriage (including abstinence from homosexual sexual activities) and

(2) abstinence from the use of illegal intravenous drugs.

(c) The homosexual activity referred to in subsections (a), (b), and (c) means any sexual activity between two or more males as described in section 2256(2)(A) of title 18, United States Code.

(d) The illegal drugs referred to in subsections (a), (b), and (c) mean any controlled substance as defined in section 106(6) of the Controlled Substance Act (21 U.S.C. 802(6)).

(e) If the Secretary of Health and Human Services finds that a recipient of funds under this Act has failed to comply with this section, the Secretary shall notify the recipient, if the funds are paid directly to the recipient, or notify the State if the recipient receives the funds from the State of such findings and that—

(1) no further funds shall be provided to the recipient;

(2) no further funds shall be provided to the State with respect to noncompliance by the individual recipient;

(3) further payment shall be limited to those recipients not participating in such noncompliance; and

(4) the recipient shall repay to the United States, amounts found not to have been expended in accordance with this section.

(f) All federally funded AIDS public information and education programs shall provide accurate warnings, the content of which shall be promulgated by the Secretary of Health and Human Services, that homosexual and bisexual activities, multiple sex partners, and intravenous drug use, are high risk activities which place individuals at risk of becoming infected with the etiologic agent for AIDS of which there is no known cure once an individual becomes infected with the AIDS virus.

RESTRICTIONS CONCERNING EDUCATION PROGRAMS

SEC. 906. RESTRICTIONS CONCERNING EDUCATION PROGRAMS.—Education programs that receive funds under this Act shall stress the public health benefits of abstinence and a single monogamous relationship and the avoidance of unlawful intravenous drug use. Notwithstanding any other provision of this Act or of the Acquired Immune Deficiency Syndrome Research and Information Act of 1987, nothing shall restrict the ability of the education program to provide accurate information on reducing the risk of becoming infected with the etiologic agent for AIDS.

TITLE X—SOVIET, CUBA, A NICARAGUA COMBAT TROOPS IN PANAMA

SEC. 1001. It is the sense of the Senate that the President, without delegation, should forthwith report to Congress by written message whether, in his judgment as Commander-in-Chief of the Armed Forces of the United States, any combat troops of the Soviet Union, Cuba, or Nicaragua are present in Panama or have engaged United States troops in combat in Panama at any time during the last sixty days or during such period intruded into any United States military base or facility in Panama.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I know there is other business that should be conducted, but I want, at this time, to pay special thanks to many members of my own staff and a number of the staffs of my colleagues, Senator HATCH's staff, Senator WEICKER's staff, and others who have really done an extraordinary job, and so many of the health professionals on our other colleagues' staffs.

But before I do, Mr. President, I want to thank our majority leader for setting the schedule so that the Senate could express its will on this particular issue. This legislation has been on the calendar for 8 or 10 months. We addressed it previously, but we could see at that particular time, given the responsibilities that the leader had, at least what appeared to be a prolonged debate, and the leader, in his good judgment, put it back on the calendar and has always been responsive to any of my requests.

But we really have achieved an extraordinarily important health measure for our country. I am enormously grateful to Senator BYRD for his willingness to schedule this. I know of his commitment in health policy issues generally, but he deserves special credit, given the wide range of different matters which are on the calendar, in permitting the Senate to move forward. I am grateful to him.

Mr. BYRD. Will the Senator yield at that point?

Mr. KENNEDY. Yes.

Mr. BYRD. Mr. President, I thank the Senator for his generous remarks. The thanks are due to him and those on his committee who have managed this bill and who have marked it up and who have conducted hearings. This is a landmark piece of legislation. We are all in his debt. The country is in his debt and the debt of all those who worked with him to make this legislation possible.

Mr. KENNEDY. I thank the leader for his gracious comments.

I also wish to thank my colleague, Senator HATCH, the Senator from Utah, for his splendid cooperation and his work during the course of the fashioning and the shaping of this legislation. As we have seen in the past few days, these issues are contested and they are strongly felt, and that is true about this whole subject area. But he has been a strong and consistent supporter of a responsible policy in this area and I am grateful to him.

I also thank the minority leader, Senator DOLE, who had independent legislation. Many of the pieces of the provisions of this legislation are included from his program. I am grateful to him.

I am especially grateful to the Senator from Connecticut, Senator WEICKER. I think everyone in this body knows of his longstanding and often lonely leadership on so many difficult and controversial issues, whether it is health or constitutional issues.

He has been a real early leader in this whole health policy area affecting this legislation and his support has been absolutely indispensable in bringing it to a successful conclusion this evening.

Finally, Mr. President, I want to mention the members of my own staff and others, Michael Iskowitz and Terry Beirn, Mona Sarfarty and Michael Epstein, who have shown an extraordinary dedication and hard work for a number of months, and some for years; and their exceptional staff.

Senator HATCH's staff, Win Froelich and Kevin McGuiness, who really understood the importance of the bipartisan nature of this coalition and who worked with me as well as they worked with their own Senator. Maureen Byrnes, who works for Senator WEICKER deserves special commendation, and I am very, very grateful to her. I also want to thank Barbara Masters from Senator CRANSTON's staff, and Earthamae Issac.

I finally want to thank my staff director, Tom Rollins, who has been so enormously valuable and helpful in this piece of legislation in so many others. I am grateful to him for his leadership on the staff of our committee and for all of his work in bringing us to this point.

I also want to thank the members of our committee. I see Senator HARKIN here. As the chairman of the committee dealing with the disabilities issues and handicapped questions, he will be having an announcement of his own in that area tomorrow which will be enormously important. But he has worked, as all of the members of our committee have, on this legislation. It has really been a bipartisan product, and it really represents the considered judgment of, not only the Democratic and Republican members of our committee, but of so many of our colleagues here as well.

I am, indeed, thankful to all of them, and I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. If the Senator has yielded, Mr. President, I also want to thank the Republican leader and Mr. HATCH, the ranking member, for making it possible through their cooperation and hard work for the Senate to complete action on this landmark bill.

EMERGENCY MANDATORY VETERANS SUPPLEMENTAL APPROPRIATIONS

Mr. BYRD. Mr. President, I have visited with the distinguished Republican leader and, under the order, having consulted with the Republican leader I ask that the Chair lay before the Senate, House Joint Resolution 552, the veterans supplemental appropriation bill.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 552) making emergency mandatory veterans supplemental appropriations for the fiscal year ending September 30, 1988.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, is there a time limitation on this?

Mr. PROXMIRE. Mr. President, I yield myself 3 minutes.

Mr. President, House Joint Resolution 552 provides supplemental appropriations of $709.1 million for Veterans' Administration entitlement programs. This supplemental is truly urgent if the VA is to (1) maintain the solvency of its home loan guaranty revolving fund, (2) continue the payment of GI bill educational benefits through the readjustment benefits program, and (3) remove ADP earmarking in the 1988 general operating expenses appropriation so that the funds can be used to pay salaries and the VA will not have to furlough employees. The supplemental provides $526.6 million for the loan guaranty revolving fund and $182.5 million for readjustment benefits. The general operating expenses request would not increase budget authority.

The revolving fund covers claims against the Government on VA guaranteed home loan mortgages. The fund received $389.8 million in the 1988 Appropriations Act. Due to the high rate of defaulted mortgages across the country, fiscal 1988 funds were exhausted on April 1, 1988. In order to continue the revolving fund's operations, the Veterans' Administration transferred $157.5 million from the readjustment benefits account and $42.5 million from compensation and pensions. The $42.5 million was channeled through the readjustment benefits account.

By providing the full $526.6 million, this resolution actually increases the loan guaranty revolving fund appropriation by $200 million above initial projections because of the $200 million transfer into the account from the readjustment benefits program made subsequent to the time the revolving fund amendment was submitted by the administration. This cushion is needed because of VA's overly optimistic expectation of the revenue amount that can be generated by the cash sale of homes. Cash sales are projected to generate twice the normal amount in the last 6 months of fiscal year 1988—about $300 million more than past sales have earned. It is highly probable that this income will not be realized and the added $200 million will be needed to keep the fund solvent. If the extra money is not needed it will be carried over into fiscal year 1989.

In an April 19, 1988, letter from the Director of the Office of Management and Budget to Chairman STENNIS, OMB identified the loan guaranty revolving fund and readjustment benefits requests as urgent items, needing attention by May 1, 1988.

Mr. President, this emergency supplemental is a straightforward request that is absolutely necessary to maintain two mandatory VA programs. The committee understands there is a good possibility that the bill will die if amended so I would urge my colleagues to withhold amendments until we receive a general supplemental appropriations bill, which is expected within the next 30 days. Immediate attention must be given to this matter so the resolution may be sent to the President for his signature before current funding expires.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Oregon.

Mr. HATFIELD. Mr President, I yield myself such time as I may need.

Mr. President, I join the distinguished Senator from Wisconsin in urging the adoption, without amendments, of this supplemental. As a comanager of the bill, I would only like to add to the explanatory remarks made by the Senator from Wisconsin, Mr. PROXMIRE, by indicating to the body that we have this particular supplemental not only because of the date that is required to meet the existing level of funding which would be depleted by Monday, but we also recognize that there are other supplementals that will have to be taken care of when we return from the recess.

We are informed by the House of Representatives that there will be a supplemental coming down the track, a second supplemental in the middle of May.

We have two very important issues in that second supplemental. One, the Coast Guard deficiency to mount the kind of campaign on drug interdiction they must achieve; and that will have to be given additional funding.

The second is the black lung disability fund, which, too, will have to be supplemented. And we are hopeful that all of the rest of the requests of the administration can be handled in one further vehicle, a second supplemental.

I am not making this statement for the Record merely to invite other amendments to that second supplemental, but also to assure the Members who feel that maybe this is the only train coming down the track to take care of serious and needed matters that we do have this second supplemental that will be sent over from the House sometime in the middle of May.

Again, I want to commend the Senator from Wisconsin for a very complete and brief outline of this particular matter from the Appropriations Committee.

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I rise in support of H.J. Res. 552, which would provide emergency fiscal year 1988 supplemental appropriations for the VA home loan and other benefits programs.

Before going further, I would like to recognize the efforts of the chairman of the Appropriations Subcommittee on HUD-Independent Agencies, the Senator from Wisconsin [Mr. PROXMIRE], who has worked so diligently to help bring this measure before the Senate in such a swift manner after its passage by the House.

APPROPRIATION FOR THE LOAN GUARANTY REVOLVING FUND

Mr. President, this bill would provide fiscal year 1988 supplemental appropriations, as requested by the administration, in the amount of $526.6 million for the VA home loan guaranty program. That funding is necessary to keep solvent the loan guaranty revolving fund, out of which the Government pays lenders' claims when veterans default on VA-guaranteed loans. This amount would be in addition to the $200 million transferred to the revolving fund last month from the readjustment benefits and compensation and pension accounts. The VA predicts that without this supplemental appropriation the revolving fund would be exhausted by the end of this month.

BACKGROUND

The VA home loan guaranty program has helped over 12.7 million veterans and their families achieve the American dream of home ownership. Although it is a veterans' benefits program, for most of its 44-year history the home loan program has been largely self-sufficient, requiring only minimal appropriations.

In recent years, however, largely as a result of the downturn in certain areas of the economy, high default and foreclosure rates on properties guaranteed by VA loans, with a resultant large inventory of foreclosed homes acquired at liquidation sales, have caused a substantial increase in program costs. For fiscal year 1987, the revolving fund received $100 million in appropriations. For fiscal year 1988, the administration requested and Congress provided, in the continuing resolution for fiscal year 1988—Public Law 100-203—enacted in December 1987, appropriations of $389.8 million for the revolving fund. Less than 2 months later, in its February 1988 budget request for fiscal year 1989, the administration indicated a projected fiscal year 1988 shortfall in the revolving fund of $526.6 million, for which it requested the supplemental appropriation before us today.

Even this $526.6 million the administration requested, however, does not represent the full amount of the anticipated fiscal year 1988 deficiency in the revolving fund. The VA projects there will be a further shortfall of $180 million. The VA recently announced plans to satisfy this additional funding requirement by holding a series of auction sales of VA-acquired foreclosed homes from April 8 through June 12, 1988. Three have already been held. The VA plans to sell approximately 4,800 properties by auction—and an additional 1,200 properties by means of discount liquidation sales—above the revised fiscal year 1988 property sales goal of approximately 39,000 properties.

The goal of the increased auction sales is plainly and simply to raise additional money for the revolving fund; that is, to meet the additional funding need for which the administration refused to request appropriations. But this myopic policy, designed to increase short-term cash-flow, will have severely detrimental effects on the long-term solvency and stability of the revolving fund. As the committee stated in its report on S. 1801, "[w]hile auction sales remove hard-to-sell properties from the VA inventory, they also impose substantial losses on the loan guaranty revolving fund and may add to the factors that depress the real estate market in the communities concerned." (S. Rept. No. 100-204, page 45.)

The VA's new auction policy does not even follow the VA's own criteria for selecting properties which may be sold by means of auctions. Rather, the administration is simply pressing ahead with a plan to ensure that an arbitrarily determined number of property sales are achieved by the end of the fiscal year. The VA previously had used auctions as a sales tool of last resort when necessary to dispose of hard-to-sell properties held in inventory for substantial periods of time. Indeed, in response to questions I asked in connection with our committee's March 4, 1988, hearing on the fiscal year 1989 budget, the VA stated that "[i]n general, only properties which have not been sold, using VA's customary sales methods, over a reasonable period of time are selected for auction. Therefore, properties that have been properly exposed to the market for the longest periods of time are selected first. * * * Foreclosed properties that have not been listed for sale for at least 90 days prior to selection are not eligible for auction."

In contrast, the new auction guidelines require simply that certain VA regional offices auction off specified numbers of properties. The auction locations were determined based on the total number of properties on hand at a regional office, without regard to how long the properties had been held by the VA. In some cases, regional offices are being required in order to meet their sales quotas to auction properties which the VA has held for less than 3 months. Moreover, even if a regional office determines—based on past sales—that it could realize greater net profit if it sold the properties through real estate agents, selling them by auction will still be required.

Mr. President, I am deeply concerned that the proposed auctions are not designed to, and will not, achieve the greatest possible net return from the properties sold or otherwise be cost-effective. It also appears that there has been no analysis of the long-term impact of widespread auctioning of properties which have been designated for auction without regard to their salability by other, more cost-effective means such as marketing by real estate agents. Additionally, the VA does not appear to have considered the probability that the planned auctions will appear to have considered the probability that the planned auctions will seriously disrupt ongoing marketing programs or efforts by realtors to sell VA foreclosed properties, which generally have proven to be the most cost-effective way to sell such properties.

Senator Murkowski and I, in an April 14, 1988, letter to the Administrator of Veterans' Affairs, expressed our grave reservations about the new auction policy and asked that it be abandoned. Unfortunately, the VA's first auction under this policy, held in Houston, TX, on April 8, confirmed our view that the auctions are generally not a cost-effective means of providing funding for the home loan program. The average loss to the VA per property sold at that auction, based on a sample of such properties, was $27,847. The VA received, on average, only 43 percent of its initial list price for those properties. Preliminary reports indicate similar poor results from the VA's April 15-17 auction in Muskogee, OK. As yet, however, the administration has not responded to our letter.

RESTORATIONS TO THE READJUSTMENT BENEFITS AND COMPENSATION AND PENSION ACCOUNTS

Mr. President, as I indicated earlier, the VA in March transferred a total of almost $200 million from its readjustment benefits and compensation and pensions accounts to keep the revolving fund solvent. By appropriating both the $526.6 million originally requested by the administration for the revolving fund and restoring to the other accounts the $200 million transferred to it from them—rather than appropriating only the administration-requested $526.6 million—we will in effect be providing $726.6 million for the revolving fund. That appears to approximate the amount which the revolving fund actually will require in fiscal year 1988. It is my understanding that the additional funding is included in the bill largely in order to eliminate the apparent motivation behind the auctions—to meet the funding shortfall. If these supplemental appropriations are provided, I would expect the VA to abandon is new auction initiative or else provide rational justification for it that heretofore has been lacking.

It is unclear to me why the administration has refused to request the appropriations necessary to fund the home loan program for the remainder of fiscal year 1988. It is not a matter of disagreeing over the level of benefits which should be paid to veterans, since the home loan program is an entitlement program. Moreover, the obligations which are paid for from the revolving fund are debts which the Government must pay based on legal obligations to lenders resulting from its guaranty.

Instead of resorting to selling off the program's assets at fire-sale prices to achieve quick cash, I would hope that the administration would be willing to work with the VA and the Congress to find constructive ways to improve the financial stability and solvency of the program.

I believe that, particularly in light of the administration's less-than-enthusiastic support of this program, it is imperative that the Congress ensure that the VA home loan program continues to meet the needs of our veterans, who have earned these benefits in service to our Nation. I certainly intend to continue to work toward that end.

Mr. President, House Joint Resolution 552 also would provide fiscal year 1988 supplemental appropriations of $182.5 million for the VA readjustment benefits account, which funds various education, vocational rehabilitation, and special disability assistance programs and grants. These supplemental appropriations are needed to replace the approximately $200 million, which, as I discussed earlier, had to be transferred from this account as an interim measure to keep the revolving fund solvent.

Finally, the bill would eliminate the restriction, contained in the fiscal year 1988 appropriations measure—House Joint Resolution 395—earmarking $26.7 million of the fiscal year 1988 appropriations under the general operating expenses account solely for the acquisition of automated dated processing [ADP] equipment and services to support the Department of Veterans' Benefits [DVB] modernization program.

Mr. President, DVB cannot use the $26.7 million for ADP modernization in fiscal year 1988 effectively. An October 1987 General Accounting Office study found that the VA has not completed the planning and analyses necessary to demonstrate how one of the major benefits of modernization—improved productivity—will be achieved. Accordingly, DVB currently is engaged in carrying out a strategic plan which analyzes the costs and benefits of modernization, defines requirements and analyzes alternative systems so that the VA can make major hardware and software purchases in fiscal year 1992.

On the other hand, DVB desperately needs the $26.7 million to help restore, in part, fiscal year 1988 staffing cuts of 328 FTEE. DVB has had to absorb staffing cuts averaging 400 FTEE per year since fiscal year 1980, and it cannot continue on that downward trend. The result has been a serious decline in the VA's ability to provide benefits on a timely and effective basis. For example, five regional offices take in excess of 138 days just to initiate evaluations of veterans for purposes of chapter 31 vocational rehabilitation benefits, a program to rehabilitate service-connected disabled veterans.

In the home loan guaranty program, inadequate staffing levels appear to have contributed substantially to the tremendous increase in program costs, since there has been insufficient staff to provide adequate financial counseling to veterans when they go into default on VA-guaranteed loans. This lack of counseling has helped produce a decrease from 85.4 percent to 77.1 percent, from fiscal year 1983 to fiscal year 1987, in the number of loans in default which were cured rather than foreclosed. Staffing shortages have prevented timely processing of foreclosed property closings, causing sales to fall through. The VA also has not had sufficient staff to market foreclosed properties aggressively, resulting in an inventory as of March 31, 1988, of 3,685 foreclosed properties which had been held for more than 12 months.

As a result of a current hiring freeze imposed because of funding shortages, DVB staffing dropped from 13,350 in September to 12,768 in March, which is particularly significant in light of the over 4,000-FTEE reduction which DVB has had to absorb over the past 8 fiscal years. If this funding were not made available, substantial numbers of DVB personnel would have to be furloughed between now and the end of the fiscal year in order to meet budgetary restraints. However, I understand that the release of this earmarked funding likely will be sufficient to allow the lifting of the freeze and avoid he necessity of a furlough.

CONCLUSION

Mr. President, the VA benefits and services which this emergency supplemental appropriations measure would fund have been earned by veterans in service to our Nation. It is only right that we continue to keep our promise to them by supporting these benefits programs.

I ask unanimous consent that the April 14, 1988, letter from myself and Senator Murkowski to the VA Administrator be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Committee on Veterans' Affairs,
Washington, DC, April 14, 1988.

Hon. Thomas K. Turnage,
Administrator of Veterans' Affairs,
Washington, DC.

Dear Tom: We are writing to express our strong reservations regarding the decision to market VA-acquired homes by means of a program of dramatically-expanded auctions in order to meet the need for increased funding for the Loan Guaranty Revolving Fund (LGRF).

We certainly support aggressive and innovative action by the VA to reduce losses suffered by the LGRF through the operation of the Home Loan Guaranty Program. Such actions could include steps to reduce the number of foreclosures, reduce the loss per foreclosure when foreclosure must occur, and reduce the number of homes acquired by the VA. When properties must be acquired by the VA, we are supportive of your initiatives to market them aggressively with techniques such as effective real estate commission incentives and urge you to explore innovative marketing techniques to accomplish this goal.

We recognize that some properties may, for many different reasons, not be marketable within a reasonable time. It appears, however, that the 1988 auction program is motivated solely by a self-imposed requirement to generate immediate cash receipts for the LGRF. As such, we question the wisdom of these auctions for the following reasons:

The auctions are not designed to, and will not, achieve the greatest possible net return from the properties sold or otherwise be cost-effective.

Houses have been designated for auction without regard to their saleability by other means.

The auction locations appear to have been selected without regard to the ability of local markets to support the sale of so many properties in such a short time and without regard to the effects of these auctions on the local real estate markets and other Federal agencies or insured institutions attempting to sell properties in the same market.

There appears to have been no analysis or consideration of the long-term impact of these auctions on the LGRF.

There was no consultation with, or notice to, the Congress prior to this major change in VA policy.

These auctions appear to be an attempt to generate working capital for the LGRF without the Congressional oversight that would come with a request for additional appropriations.

Accordingly, we urge you to terminate these auctions unless, or until, you can document that—

The homes involved meet the VA's criteria for auction sale in use immediately prior to this recent policy change;

The planned auctions offer the VA the greatest net return of all possible marketing techniques;

The planned auctions will not seriously disrupt ongoing marketing programs or efforts by realtors or discourage the establishment of new programs or efforts; and

The planned auctions can be accomplished without unduly depressing the real estate markets within which the VA and other Federal agencies will continue to have an interest.

Thank you for your prompt consideration of the above issues raised by the VA's revised auction schedule.

With warm regards,

Cordially,

Alan Cranston,
Chairman.
Frank H. Murkowski,
Ranking Minority Member.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. HATFIELD. Mr. President, I will be happy to yield however much time the Senator wishes.

Mr. MURKOWSKI. I had asked for 30 minutes.

Mr. HATFIELD. I have other time if the Senator needs additional time.

Mr. MURKOWSKI. I thank my friend from Oregon, and I assumed he was through when I sought recognition.

The PRESIDING OFFICER. Under the order previously entered, the Senator from Alaska has 60 minutes.

AMENDMENT NO. 2000

(Purpose: To reduce the amount appropriated to the Veterans' Administration Loan Guaranty Revolving Fund)

Mr. MURKOWSKI. I assure the Chair and I assure my colleagues, I will expedite the submission of my amendment.

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair wishes to clarify his last remark. There are 60 minutes on the amendment, 30 minutes on each side. So the Senator has 30 minutes rather than 60 minutes.

The Clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. Murkowski] proposes Amendment No. 2000.

On the first page, line 9, strike out the figure and insert in lieu thereof "$263,000,000".

Mr. MURKOWSKI. Mr. President, I rise to offer this amendment to the urgent supplemental appropriations bill which provides $526 million for the loan guarantee revolving fund and an additional $182.5 million to replace funds for veterans' education which was previously transferred to the Loan Guaranty Program.

What this appropriation would do is add approximately $709 million additional debt to this Nation, a nation which is already carrying the burden of approximately $2.5 trillion in accumulated debt, a nation whose budget deficit in fiscal year 1988 is $146 billion.

This is not a transfer from one account to another. This is not the utilization of a windfall gain in revenues. This is new debt, and next year we will need to borrow an additional $56 million just to pay 1 year's interest on this additional debt.

As ranking member of the Veterans' Affairs Committee, a good deal of my time has been spent in agonizing over the status of the veterans' home mortgage program. I think this matter deserves the attention of my colleagues, because we have a program that is totally out of control, at a time when we have an obligation to take care of the needs of our veterans because we can never appropriately pay back for the contributions that they made on behalf of this Nation and our freedom.

But this new debt, nevertheless, is significant. It is going to reduce our Nation's competitiveness. It will add to the legacy of debt that we pass on to our children. It will make the sacrifices needed to balance the budget even more difficult than they are today.

My amendment will provide the home loan program with just $263 million, as opposed to the amount requested by my friend and the floor manager from Wisconsin, $526 million.

This amendment will allow the program to continue to operate without interruption will into the summer.

Mr. President, I happen to believe that we can no longer continue, as a matter of course, to appropriate such staggering amounts of money to a program which is incurring billions in losses without asking the question, "Why?"

In my view, this should be the last such appropriation until the VA answers this critical question and presents to the Congress a responsible plan detailing the administrative and legislative measures needed to reduce or eliminate the preventable losses now being incurred by the VA.

I must again emphasize, Mr. President, this amendment will provide the VA with $263 million, enough to fund the program while the VA and the Congress develop the needed reforms.

So let us not be carried away by those who would suggest that the VA Program will come to a halt if this amendment is adopted.

At the outset, let me make it very clear that I have no disagreement with the accuracy of the total amount requested. As a matter of fact, I have no doubt that the VA will need the full amount originally provided by this bill, an perhaps more.

Unfortunately, the amount requested, in my opinion, will probably not be sufficient to cover the losses of the program, nor is my amendment intended to disparage any individual at the VA, a group of very hardworking and dedicated Americans. I have nothing but the highest regard for the professionalism and dedication of those public servants and their leadership, but I believe the problem lies in the system and the system is running away.

My amendment is intended only to limit their access to the full amount they have requested until the Veterans' Administration and this Congress address the true cost of the program and ways to reduce its losses.

Once again, the Senate seems to be faced at this late hour, prior to a recess, with a choice of either agreeing to provide more funds for the VA Home Loan Guaranty Program or, as I have said, having the program interrupted.

Once again, the Senate will have little choice but to appropriate the funds necessary to keep the program functioning.

I am unwilling to be bound by these alternatives. That is why I am offering my amendment.

Yes, this is an important program, but we should not lose sight of the fact that due to a myriad of factors, some of which I believe are controllable, this program is hemorrhaging and hemorhaging in red ink.

The losses have been so great and the situation so desperate that in the last 6 months the Senate has—I am sorry that my colleagues could not be here because I think that this would certainly retain their attention—in the last 6 months, the Senate has appropriated $389 million in the fiscal 1988 continuing resolution, approved in fiscal year 1989 budget resolution which would provide for $658 million appropriations for fiscal year 1989, been informed of a $200 million transfer to this program for the VA accounts which fund disability compensation and readjustment benefits.

The Senate has learned of a crash program of auctions of VA-acquired homes whose purpose was a quick infusion of cash without regard to the long-term fiscal effect to either the program or the taxpayers, and this body has been advised that the program may acquire a total of up to $1 billion in 1988, and that another supplemental may be needed by the end of this year.

Now we are being asked to consider a bill which would appropriate an additional $709 million. Well, pretty soon, Mr. President, we are going to be talking about real money. It is real money that is included in this total of over $1.5 billion in less than 6 months for this program and, recognize this, Mr. President, a program that the 1-percent loan origination fee was intended to make self-sufficient.

That fee that was intended by the lawmakers—my colleagues—to make the program self-sufficient and generated a little over $340 million last year alone, yet we are still paying for the losses from that year.

I think the $709 million, Mr. President, needs to be put in perspective. That is almost one and a half times the entire operating budget of the Department of Veterans Benefits. That is one and one-half times the entire VA construction budget. That is three and a half times the VA annual spending on medical and prosthetic research. That is $100 million more than the VA will spend on veterans education and vocational rehabilitation.

Well, think of it, Mr. President, if this money were available to serve the veterans, we could more than double the construction of VA medical care facilities, including needed nursing homes for our aging veterans populations or more than double the VA education benefits or triple VA medical and prosthetic research.

How much medical care for veterans could we provide with $709 million, Mr. President?

How much AIDS research? But we cannot even consider these options. This money will not be available for veterans' benefits. This money will be used to cover VA losses in this one program, and when the amount we appropriate today has disappeared the VA will be back to ask for even more money which we will again not be able to use for veterans' benefits.

Mr. President, these are symptoms of a program that is in desperate trouble. If we continue to sustain such losses and in the process more and more veterans, military people and their families lose their homes to foreclosures, this program is eventually going to collapse under its own weight, and that would be a tragedy.

The mindset that says—and there seems to be one in this body—that somehow Congress will appropriate whatever we need is a mindset of failure. The Congress has attempted to respond to the problems of the Loan Guarantee Program with significant reform legislation. However, if these reforms created more problems than they solved or if the VA needs legislative relief from certain provisions contained in chapter 37 of title 38, then I urge the VA to submit an immediate legislative proposal. I can assure Administrator Turnage that this Senator from Alaska will listen and make every effort to move with legislation if warranted. But by the same token, without aggressive management by the VA at the local level, these reforms, as well as any others we pass, will have little impact.

We have not seen that aggressive management. We continue to see: First, appraisals which do not accurately reflect fair market value at the loan origination and foreclosure stages of the process.

Second, the VA acquisition of homes in markets where the VA has no hope of selling the home to the financial benefit of the loan guarantee revolving fund.

Third, VA acquisition of homes at prices far in excess of the sales price assigned by the VA only months later.

Fourth, the marketing of VA homes impeded by inordinate delays in obtaining title from the lenders.

Fifth, the lack of new and innovative marketing techniques to sell properties and minimize losses to the loan guarantee revolving Fund.

Sixth, perfunctory efforts by some lenders involved in this program to prevent foreclosures by means of loan servicing or to offer alternatives to foreclosure to defaulting veterans.

I would like to take this opportunity to briefly, if I might, educate my colleagues, and those who are watching, on the operation of the VA Loan Guarantee Program.

Consider for a moment the following example. In February 1987, a foreclosed home in Houston, TX was appraised at $59,000. On May 12, 1987, the VA bought the home for $66,175, a price which included accrued interest and foreclosure costs. At that time the VA could have satisfied its obligation by paying the lender the $27,500. Yet, barely 3 months later, the VA listed the home for sale at $47,500, a reduction of $18,675, and on April 8, 1988, only 8 months later after spending $2,370 in holding costs they sold the home at auction for $28,000. The VA lost over $40,000 on this property.

Mr. President, the VA owns over 24,000 properties nationwide and expects to acquire over 41,000 in fiscal year 1988. This makes clear the potential impact of the VA's current policies. We might begin by asking ourselves these questions. Why does the VA own so many houses? Why does the VA own more than 24,000 houses nationwide today? Why does the VA own more than 8,000 homes in Texas?

We think of this as a guaranty program, not a house-buying program.

Well, there is a provision in the law that allows the VA to save money, or at least that is what it is supposed to do. That provision says that when a House goes into foreclosure, the VA can pay off the lender and buy the house if that would save the Government money. The law requires the VA to determine the fair market value of the property. They do so now through a foreclosure appraisal. Based on that appraisal, the VA buys the property if buying the property and the house and then selling it would cost the Government less than simply paying off the guaranty. So that is why the VA buys houses, to save the Government money.

Well, with an inventory of 24,000 homes, the VA must be saving money like crazy, right? Instead, we are being asked to authorize even more money. The reason the VA needs all this supplemental money is not just because of economic problems in the so-called energy States like Texas, Oklahoma, and Colorado. The biggest reason the VA needs this money is because it is buying lots of houses dear and selling them very cheap. It is merely that simple. But there is a very fundamental problem in the VA's implementation in that so-called money-saving provision in the law. There is a fundamental problem in the appraisal process which rewards everybody but the Government and the veteran. These failings are clearly shown by examining the results of the auction of 315 VA-acquired homes conducted in

Houston, TX, on the weekend of April 8, 1988, a very short time ago.

I would ask my colleagues to consider the tables and charts which I have here today. These materials document the losses incurred by the VA on the first 16 guaranteed properties sold in this auction. These numbers speak for themselves, Mr. President. These numbers document the fact that continued VA acquisition of homes in this market as well as others can only have the effect of imposing excessive losses on the program. These numbers show that in far too many cases the VA has blindly accepted foreclosure appraisals only remotely corresponding to actual market value.

Mr. President, on the first chart—and I ask you to refer to the back of the Chamber—the red bar depicts for each home the amount paid to the lender when the VA acquired the property. So the red is the amount paid to the lender when the VA acquired the property and the blue bar shows the amount the VA realized when the property was sold.

Well, it is pretty easy to see the results of that, Mr. President. The VA bought high and sold low. In fact, in actual dollar terms the VA paid the lender at foreclosure a total of $676,409. The VA then sunk $47,616 into maintaining and repairing these properties. The auction costs for the properties totaled $8,046. Total VA cost is $732,071. In short, the VA invested $732,071 and got a return of $253,450.

Mr. President, that is about 35 cents on the dollar. That is why the VA is here today asking for more money. That is why they will be back again soon unless we make some changes around here.

Today the bill for this practice has come due and the taxpayer of this country is being asked to pick it up, and we are adding to our total accumulated debt.

What is the source of this loss? It is the appraisal process, the part of the formula that supposedly tells the VA it would save the Government money to buy the house.

On the second chart—and I again refer to the back of the Chamber, Mr. President—the amount of the foreclosure appraisal is shown in red. The actual price received by the VA at the auction is shown in blue. Obviously, the red lines far exceed the blue.

Mr. President, I think this is a bit incredible. An appraisal is supposed to represent, as we know, the fair market value of property. It is supposed to represent what a willing buyer would pay a willing seller. Well, in Houston, TX, that is not even close. The differences illustrated on this chart are clearly the result of inaccurate appraisals.

Now, I refer to the last chart in the back. If you will note, it lists the properties by number. And this was at an auction held in Houston on April 8 of this year. The properties are numbers 1 through 25. Most of them are listed on the sheet. If you look at the first one, property No. 3, you will find that the foreclosure appraisal was $59,500, the sales price $28,000. And the list goes on from there—absolutely no relationship between the foreclosure appraisal and the sales price.

The differences illustrated on this chart are clearly the result of inaccurate appraisals. The VA could reduce its losses by insisting appraisals reflect the fundamental imbalance between supply and demand in the Houston market.

The bottom line is: There are few, if any, willing buyers for these homes in a depressed economic community such as Houston.

Why, then, is the VA acquiring these homes at enormous cost only to have them sit in the VA's inventory until they have a fire sale and sustain enormous losses.

Does this make good business sense? Would any of my colleagues run a business in this manner and hope to survive?

Of course not!

Mr. President, let me show my colleagues what happens when homes sit for months, if not years, in the VA's inventory. Some of these homes sit for 2 or 3 years. These are photographs of VA properties in Houston which were visited by my staff in January. They are not the exception, but rather, reflect the condition of many of the homes and condominiums in that inventory.

Here we see rows of abandoned homes, boarded up and vandalized. On the inside, these homes are stripped bare.

In the next pictures, you see homes that our staff photographed, and homes that are boarded up. Unfortunately, they are homes that are vandalized.

On the inside it is even more discouraging. On the inside, these homes have been stripped bare. Appliances are gone, wallpaper is taken off. They even took the kitchen sink, Mr. President.

What is equally disturbing is that there were no "For Sale" signs posted on most of the properties visited and no indication of aggressive marketing to sell these homes.

There is no effort to work with the realtors to give them an incentive, to encourage the movement of these homes.

Mr. President, the bill for this neglect has come due today, and the taxpayer is being asked to pick up the tab.

I recognize that economic downturns are not the fault of the VA. Even the most astute and incisive management could not operate this program without some cost to the taxpayer, particularly in an area, such as Houston, suffering an economic downturn. However, I must express my deep concern for what I feel are unnecessary and excessive losses in this program. I must express my frustration with the lack of aggressive response by the VA to problems whose extent is obvious.

Mr. President, I very much support the program this appropriation would fund. I again emphasize that my amendment will provide the program with $263 million and that I will support even more funding when the VA has presented its plans for administrative reforms. I offer this amendment, not because I oppose the VA Home Loan Program, but because I believe the time has come to stop the unchecked appropriation of hundreds of millions of dollars which the U.S. Treasury does not have to spend and which is leading this country down the road to economic disaster. Unless we are willing to stand up and say "No" we will never be able to solve the severe and continuing problems which plague this program.

It is time for the VA to take concrete steps to change its practices. If the VA believes its practices are compelled by law, it is time for the VA to come to the Hill and tell us which laws prevent needed changes. If the VA believes the losses are an inevitable result of program policies and requirements, it is time for the VA to identify those policies and requirements so the Congress can begin to make the hard choices necessary to bring this program under control. I look forward to the day when I can report to the Senate that the Committee on Veterans' Affairs of both the Senate and the House and the VA have devised and agreed to a recovery program which will reduce the losses which make appropriations such as this necessary.

I ask unanimous consent that the table and charts I have discussed be entered in the Record.

There being no objecton, the material was ordered to be printed in the a Record, as follows:

HOUSTON AUCTION, APR. 8, 1988: PROPERTIES 1–25 LIMITED AS TO GUARANTEED LOANS (NO VENDEE) AND ACTUAL SALES

[Comparison of amounts paid to lender and amount realized]

Property number	Amount paid to lender	Amount realized
3	$66,175	$24,793
4	60,670	22,112
5	56,195	18,925
6	19,910	17,583
9	57,233	12,347
10	50,492	10,796
11	53,121	9,249
12	51,004	13,253
13	33,821	11,926
14	60,186	8,453
15	26,430	11,982
16	19,208	12,212
17	28,135	8,346
19	55,679	7,218
20	24,850	8,223
23	13,300	5,370

HOUSTON AUCTION, APR. 8, 1988: PROPERTIES 1–25 LIMITED AS TO GUARANTEED LOANS (NO VENDEE) AND ACTUAL SALES—Continued

[Comparison of foreclosure appraisal and sales price]

Property number	Foreclosure appraisal	Sales price
3	59,500	28,000
4	45,000	25,000
5	40,500	21,000
6	52,000	23,000
9	41,800	15,000
10	41,000	17,000

HOUSTON AUCTION, APR. 8, 1988: PROPERTIES 1–25 LIMITED AS TO GUARANTEED LOANS (NO VENDEE) AND ACTUAL SALES

[Comparison of foreclosure appraisal and sales price]

Property number	Foreclosure appraisal	Sales price
11	47,500	15,500
12	39,500	15,750
13	39,000	12,500
14	44,000	12,250
15	42,000	14,000
16	43,550	15,000

HOUSTON AUCTION, APR. 8, 1988: PROPERTIES 1–25 LIMITED AS TO GUARANTEED LOANS (NO VENDEE) AND ACTUAL SALES—Continued

[Comparison of foreclosure appraisal and sales price]

Property number	Foreclosure appraisal	Sales price
17	33,000	10,250
19	44,200	10,200
20	40,000	10,000
23	28,500	9,000

SAMPLE OF FIRST 25 OF 315 PROPERTIES AUCTIONED AT HOUSTON, APR. 8, 9 and 10, 1988

Property number	Amount paid by VA to lender at foreclosure	Holding costs Association with property	Initial VA list price for resale	Auction sale price	Total VA loss per property
1	$33,642	$1,236.88	$43,500	No Bid	[1] $20,379
2	49,683	1,651.81	35,800	No Bid	[1] 35,235
3	66,175	2,370.24	47,500	28,000	40,545
4	60,670	2,140.04	45,000	25,000	37,810
5	56,195	1,446.74	42,000	21,000	36,641
6	19,910	4,729.64	37,600	23,000	1,639
7	38,538	1,638.61	39,900	No Bid	[1] 23,276
8	19,112	2,173.31	31,300	15,650	4,786
9	57,233	2,204.86	46,000	15,000	44,438
10	50,492	5,695.25	35,000	17,000	39,187
11	53,121	5,787.79	43,000	15,500	43,409
12	51,004	1,936.01	39,500	15,750	37,190
13	33,821	2,008.28	27,500	12,500	23,329
14	60,186	3,431.12	39,500	12,250	51,367
15	26,430	1,599.21	37,500	14,000	14,029
16	19,208	2,339.23	38,000	15,000	6,547
17	28,135	1,597.96	25,600	10,250	19,483
18	22,642	3,121.43	32,000	No Bid	[1] 14,613
19	55,679	2,677.52	38,000	10,200	48,157
20	24,850	1,477.92	20,000	10,000	[1] 16,328
21	18,371	2,118.78	24,000	No Bid	[1] 10,989
22	15,221	1,644.90	25,000	No Bid	7,865
23	13,300	3,360.90	27,500	9,000	7,661
24	16,544	2,333.96	21,100	No Bid	[1] 10,827
25	11,730	2,100.86	25,000	No Bid	[1] 6,330
Total	901,892	62,816.000	866,800	269,100	[2] 616,356

[1] Starred properties not sold at auction. Loss reflects amount if sold at VA reserve price.

[2] Total loss includes action selling costs of $14,296.

Mr. MURKOWSKI. I thank the Chair.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I congratulate my good friend from Alaska for his statement. Only a banker, and someone who is expert in this area—and certainly the Senator from Alaska is expert, and he was a banker before he came to the U.S. Senate—could express with the kind of indignation and understanding of the situation that he did so very, very well.

Also, he is a man who deeply understands and cares about the veterans of this country as few other Members in the Senate do. So I agree with my distinguished colleague from Alaska.

To buttress his statement I would like read from testimony given to the House Veterans Affairs Committee a year ago by the executive director of the Neighborhood Reinvestment Corporation, Mr. William A. Whiteside. The Corporation has a remarkable track record when it comes to promoting neighborhood stability and revitalizing declining neighborhoods. This is what Mr. Whiteside had to say about dealing with the VA on foreclosed properties:

> The area of greatest frustration is the handling of foreclosed properties. The greatest single complaint is that the appraisal process is too slow and inflexible. It was argued that appraisals sometimes took 6 months to do and then another 2 months of processing before a property was listed or auctioned. Few of these houses could withstand a northern winter boarded, an assault of vandalism, or a summer of overgrown grass, weeds, and litter and still sell effectively for the original appraisal price.
>
> When a nonprofit, a city government, real estate agent, or a private individual makes offer for negotiation, it is widely believed that the response will be negative. There appears to be little flexibility in the VA sales system and since there are fewer offices than than FHA, there seems to be even greater distance between the decision-makers and the property.
>
> In Toledo, OH, the NHS predicts that a VA property in foreclosure for 6 to 8 months could lose as much as 80 percent of its value. They cite an example of a property on the 2500 block of Lawrence Street that sat vacant for 4 years although the NHS, the city, and the neighbors all made formal inquiries and complaints. Since no response followed, the city was forced to demolish the now unsafe eyesore which had diminished the neighborhood for years and now is a troublesome vacant lot. When NHS tried to intervene on a 2 year long foreclosure at 2435 Lawrence Street, it was rebuffed and eventually the vandalized property traded for $3,600.

I salute Senator MURKOWSKI's efforts to improve this situation, and pledge to work with him as he pursues this important task. Perhaps we could take some steps in our consideration of the fiscal year 1989 HUD-independent agencies bill to mandate better performance. On the other hand, I must resist today's amendment because of the importance of getting this bill to the White House before the loan guaranty revolving fund is completely insolvent. I'm am also concerned that if we do not provide the full amount recommended by the House the Fund will be facing another crisis within the next 3 to 4 months, perhaps during the August recess, when we will not be in a position to act. Consequently, although I am ready and willing to work with the Senator on this problem in the months ahead, I hope he will withdraw his amendment.

Mr. CRANSTON. Mr. President, I regret that I must oppose the amendment offered by my friend, the Senator from Alaska [Mr. MURKOWSKI]. However, I appreciate and fully share his concern over the dramatic rise in the VA home loan program costs over the past few years. As I stated earlier in support of House Joint Resolution 552, I believe that it is time for this administration to shift its focus from short-term solutions—such as precipitous asset sales—aimed at generating quick cash to a careful and comprehensive analysis of the steps that need to be taken to ensure the long-term vitality of the revolving fund and the home loan program. I intend to work with Senator MURKOWSKI and my other colleagues in Congress as well as with the VA to ensure that that analysis is undertaken and that any necessary program and management improvements are made.

Mr. GARN. Mr. President, the Senator from Alaska has raised a very important and serious issue: The abysmal performance of the VA in conducting it's home loan guarantee program to minimize cost to the taxpayers of the Nation.

It is incredibly frustrating to me to be engaged daily in trying to find a way to secure funding for a number of critical programs—and find myself here urging the enactment of an appropriations bill providing more than $700 million for what should be a self sustaining revolving fund.

This appropriation is called mandatory. So we are assured that it doesn't violate the bipartisan budget summit agreement. But we cannot ignore the fact that these sums do add to the deficit, and that with the overall constraints of Gramm-Rudman-Hollings—will reduce amounts available for discretionary activities.

It does not matter whether this mandatory program increase is due to inaccurate economic projections, falling oil prices, or even old-fashioned bad luck, the bottom-line is that the Federal Government must shell out $700 million which otherwise could be invested in needed programs or used to hold down the deficit. That is hard enough to swallow, but it is outrageous when such program costs are incurred because of program mismangement. More outrageous is that we are likely to have to futher supplement this amount before the end of the fiscal year.

Mr. President, unfortunately we have little hope of halting this hemorrhage of taxpayer dollars any time soon. Most of these losses in fact have already been incurred and all we are doing is recognizing these losses and paying off prior commitments.

I wholeheartedly share the goal of the Senator from Alaska—to clean up this mess and put the VA home loan guarantee program on a soundly managed basis. I pledge to work with him to demand that the VA immediately institute remedial efforts and legislation to correct this incredible budgetary drain on the Treasury.

But we must move forward with this appropriation; $182 million must be provided to pay the readjustment benefit account to prevent a disruption in payments in May. The $526 million for the revolving fund is needed to keep it solvent beyond this week, and as I noted earlier, we will probably be called upon soon to add to this amount in another supplemental.

An amendment to this measure can only delay its enactment and for that reason—and for that reason alone—I urge the Senator to withdraw his amendment.

Mr. MURKOWSKI. I thank my good friend from Wisconsin, the floor manager, and I certainly have the highest regard for my friend. I think no one has done more to earn the respect of the American people by bringing to light the dangers of unrestrained spending and no one has done more to bring fiscal responsibility to Government.

My concern, as I have indicated, is not to thwart the continuance of the program, but to promote a process to cure the program's obvious ills and the necessity of a reexamination by the Congress. So I would gather that my friend from Wisconsin would provide the assurance that he would work to expedite a review of the process by which the VA currently operates its home loan program because, as I pointed out earlier, the fact that there is a 1-percent origination fee that is supposed to self-perpetuate this fund combined with the reality that we are looking at approximately $1.5 billion of funding above and beyond what the fund raised, in addition to about $300 million from the 1-percent fee, shows that indeed we have a problem.

I am sure that is the intent of my friend from Wisconsin, to work toward that end.

Mr. PROXMIRE. Yes, indeed, I intend to work very closely with the Senator from Alaska, too. As I say, he is expert in this area. I am sure we can work well together.

Mr. MURKOWSKI. In that light, I am very pleased to withdraw my amendment. I am confident that we can work together to obtain the type of data needed to identify the administrative and legislative changes required to protect these important veterans programs.

I assume that the message we are sending to the VA tonight is that they are to promptly address this problem, and we could probably be assured that if they came up with another supplemental, we would have to take more decisive action, because I want to make it very clear in the RECORD that this is a responsible action that I contemplated in submitting the amendment.

I recognize that it is late at night, prior to a recess. The Senator from Wisconsin has been very kind in working with me, as well as the leader, in putting this to the latter part of the day. Unfortunately, some Senators who were working with me on the Veterans' Affairs Committee cannot be with us tonight.

In any event, I think it is important that we take a responsible stand. I think we have given an unmistakable signal that the Senate is concerned about the management of this program, that steps must be taken to reduce these losses.

I want to take this opportunity, in conclusion, to thank my friend, the distinguished Senator from Oregon [Mr. HATFIELD] for his patience and diligence at this late hour, and I look forward to working with them as they conduct the appropriation oversight on these emergency supplementals as they occur. I think his comments have been very responsible, in the sense that we cannot let the program drop, but neither can we be held hostage when these things come up suddenly, by the threat that those veterans who receive the benefits may suddenly no longer receive those benefits.

So I think we have worked toward developing a process and sending a message to the VA that will be heard. I assure my colleagues that if the VA does not get the message this time, on the VA home loan program, I will work with the chairman of the committee, Senator CRANSTON, who has been very responsive in this regard, and we will initiate hearings, which is the appropriate method to bring to light what changes are needed.

I also thank Mr. Tony Principi and others on the staff who have worked hard to get this information, to get a handle on this job, to make the job of the Senator of Wisconsin and the Senator from Oregon a little easier and not subject their staffs to this type of emergency supplemental, which really is a reflection on the responsible budgetary process within the appropriate departments—in this case, the VA.

Again, with that in mind, I withdraw my amendment, and I thank my colleagues.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Alaska [Mr. MURKOWSKI] is withdrawn.

Mr. DOLE. Mr. President, I want to express my support for this comprehensive piece of legislation that supports a very special group to me personally—our Nation's veterans. The benefits and services contained within this bill are merely a reflection of the deep gratitude that all Americans feel toward our disabled veterans and the survivors of those who never returned.

The members of the Veterans Affairs Committee are to be commended for their exhaustive work which incuded a broad range of issues. Everything from beneficiary travel to disability compensation for our former POW's to retention incentives for critical health care personnel are contained in this bill that resulted from the first formal House-Senate veterans conference in many years. Several of its provisions will enhance the operation and management of the Veterans' Administration as well.

I am somewhat disappointed that a useful compromise could not be reached in formal conference over the compensation issue for our veterans exposed to ionizing radiation. This group of veterans are quite deserving of presumptions containing in S.9 that the Senate passed last December and I was proud to cosponsor that particular legislation when it was introduced by our ranking Republican member, Senator MURKOWSKI. It is my hope that compromise legislation will be enacted soon to provide for this well deserved compensation.

Before I conclude, I'd like to personally recognize two Veterans Affairs Minority Staffers who put many hours into this legislation. Lisa Moore and Chris Yoder are to be commended for their dedication and commitment that helped produce this bill. All Republicans, as well as the Senate as a whole, are well served by professionals like Lisa and Chris. My thanks to them both.

Mr. President, our Nation is strong and free—this legislation demonstrates a grateful nation's continuing commitment and support for the men nad women who have unselfishly served in our Armed Forces to maintain that strength and freedom.

The PRESIDING OFFICER. Time has expired.

Mr. PROXMIRE. Mr. President, I thank my good friend from Oregon. It is always a pleasure to work with one of the brightest and most attractive members of the Senate staff.

I yield back my time.

Mr. HATFIELD. Mr. President, I thank the chairman of the subcommittee.

I am ready to yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 552) was order to a third reading, was read the third time, and passed.

Mr. PROXMIRE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANFORD). Without objection, it is so ordered.

Mr. BYRD. Mr. President, the Senate has passed three bills this week to provide assistance to veterans. It is only fitting that this Nation acknowledge its debt to those who have fought to keep our country free, and I am glad that the Senate could act on all three bills this week.

On Monday, April 25, we passed the Atomic Veterans Compensation Act. This measure will provide help to those veterans that participated in atmospheric nuclear tests as part of the U.S. nuclear weapons testing program or in the American occupation of Hiroshima or Nagasaki. In the 1940's, not much was known about the long-term effects of exposure to radiation and its relationship to cancer. Precautions that were taken to minimize exposure to radiation were primitive and I am glad that the Senate has acted favorably on this compensation bill.

The second measure that the Senate adopted this week is the emergency mandatory veterans supplemental appropriations bill, which will replenish the Veterans' Administration housing loan guaranty revolving fund from which veterans are able to finance home purchases.

Finally, the Senate took action this week on the conference agreement on the Omnibus Veterans' Benefits and Services Act. This is a comprehensive bill, which addresses a wide range of issues, and makes a number of improvements in the areas of disability compensation and health care.

I cannot let this opportunity pass without saying that, throughout its history, West Virginia has been one of the most patriotic States in the Nation—ranking fifth in the number of participants as a percentage of the male population in World War II, first in the Korean conflict, and second in the Vietnam war. West Virginians have traditionally served their country with pride in times of war and peace.

Again, I am glad that we could act on all three of these measures this week. Each and every bill demonstrates the continued commitment and appreciation of this Nation to its veterans.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy: the Senator from Maryland [Ms. MIKULSKI], from the Committee on Appropriations; the Senator from Oregon [Mr. HATFIELD], from the Committee on Appropriations; the Senator from Texas [Mr. GRAMM], from the Committee on Armed Services; and the Senator from Maryland [Mr. SARBANES], At Large.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the following Senators to the Board of Visitors of the U.S. Military Academy: the Senator from New York [Mr. D'AMATO], from the Committee on Appropriations; the Senator from Oklahoma [Mr. NICKLES], from the Committee on Appropriations; the Senator from Alabama [Mr. SHELBY], from the Committee on Armed Services; and the Senator from New York [Mr. MOYNIHAN], At Large.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy: the Senator from Nevada [Mr. REID], from the Committee on Appropriations; the Senator from Mississippi [Mr. COCHRAN], from the Committee on Appropriations; the Senator from Colorado [Mr. WIRTH], from the Committee on Armed Services; and the Senator from South Dakota [Mr. PRESSLER], At Large.

ORDER OF PROCEDURE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be permitted to read a statement in memory of the late Dr. Frank Conrad.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN MEMORY OF DR. FRANK CONRAD

Mr. MURKOWSKI. Mr. President, it is with deep regret that I bring to the attention of my colleagues the untimely death of a valuable employee of the Veterans' Administration, Dr. Francis E. "Frank" Conrad. On April 7, Frank was murdered in Chicago while trying to help an apartment rental office employee ward off an angry tenant. His willingness to assist others was one of his finest attributes.

My staff and I have had the privilege of working with Dr. Conrad in his capacity as Director of the VA's Office of Quality Assurance in Washington, DC. Dr. Conrad worked diligently to develop and implement a comprehensive quality assurance program so as to ensure that our Nation's veterans receive high quality health-care services from the VA. Dr. Conrad was a dedicated and valued public servant. I commend his commitment to serving veterans.

Frank left behind two daughters—Lisa and Lori. And on behalf of my colleagues in the Senate, I express to them my sympathy on the loss of their father. He will be missed by all veterans, and his contribution to his country has been noteworthy and substantial.

EDUCATIONAL EXCELLENCE

Mr. CHAFEE. Mr. President, this week marks the fifth anniversary of the publication of "A Nation at Risk: The Imperative for Educational Reform."

Americans at every level in education—students, parents, teachers, administrators, board members, law makers—have taken up the challenge. Where they end up may well depend on the quality and experience of our leadership.

The Congress last week gave final approval to landmark education legislation, the Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988. I am proud to have played a role in developing the Even Start Program included in the act. The Even Start Program will help equip illiterate parents with the reading skills necessary to assist at home in their children's learning, and thereby help prevent an intragenerational cycle of adult illiteracy.

This month the Task Force on Educational Excellence and Literacy, established by the Senate Republican Conference and under the chairmanship of the Senator from Virginia [Mr. TRIBLE], held a significant forum. His opening statement focused the session on elementary and secondary education. His remarks set a tone and expectation for the State and local leadership that is so necessary not only to take up, but to meet successfully the challenge of achieving educational excellence.

Mr. President, I ask that Senator TRIBLE's opening statement be printed at this point in the RECORD.

The statement follows:

SENATOR PAUL TRIBLE: TASK FORCE ON EDUCATIONAL EXCELLENCE AND LITERACY

I am pleased to welcome you to this meeting of the Task Force on Educational Excellence and Literacy.

Our purpose today is to highlight what our elementary and secondary schools ought to be teaching and how they can better go about it.

George Washington, in his first message to Congress, said: "Knowledge is to every country the surest basic of public happiness." Those words were never more true than when we consider the future. As I look toward the 21st century, I know that our Nation's future strength and prosperity depend on educational excellence.

Just 5 years ago this month the National Commission on Excellence in Education startled many Americans. In its report, A Nation At Risk, the Commission concluded that: "The educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a nation and a people."

Thus began a national effort to strengthen our schools.

Other commissions, boards, councils and foundations also studied our schools—the Twentieth Century Fund, The Education Commission of the States, The Carnegie Foundation, and the National Science Board, to name a few. These reform reports share some common themes:

(1) Our country's declining competitive position in the international economy makes reform of schools an imperative.

(2) Our students' academic performance is poor and should be improved.

(3) Graduation and curriculum standards need strengthening and focusing.

(4) Teachers should have improved working conditions, more compensation, better training and more rigorous certification requirements.

(5) Teachers and principals are too often failing to exercise their proper leadership roles. And

(6) Education is isolated from other programs and sectors in our communities, particularly business, and should seek greater support through partnerships.

In evaluating the education process, simple, commonsense questions are appropriate: Why don't eighth graders have eighth grade skills? Why aren't good teachers paid more? Why are schools closed all summer when our population is so under educated? Why can't large numbers of high school graduates read, write and compute?

In reflecting on these questions, I am also reminded of jounalist H.L. Mencken's adage: "To every complex and difficult problem, there is an answer that is simple, easy and wrong."

Surely there are no easy answers to the problems we confront. Indeed, educational excellence does not come from the top down. It cannot be mandated by Congress. Rather it will start in tens of thousands of local communities and schools across this country. And happily, many good things are happening today in our schools.

H.G. Wells once observed that "The salvation of civilization is a race between education and catastrophe." If he's right, and I believe he is, then America must give her children the best educational opportunities.

THE 100TH ANNIVERSARY OF THE JEWISH PUBLICATON SOCIETY

Mr. SPECTER. Mr. President, this year marks the 100th anniversary of an outstanding literary and cultural organization—the Jewish Publication Society [JPS]. The Jewish Publication Society was formed on June 3, 1888, with the goal of publishing and distributing books that spread knowledge about Judaism and Jewish culture in the English language. It was one of the first not-for-profit publishers to translate books from a number of languages into English in order to educate Americans about Jewish heritage, life, and literature.

On Sunday, May 1, 1988, at the Jewish Publication Society Centennial Dinner, two distinguished individuals will be honored for their significant contributions to the preservation and dissemination of Jewish culture in the United States. The Honorable Walter H. Annenberg will receive the Cyrus Adler Award, and Dr. Muriel M. Berman will receive the Henrietta Szold Award.

Throughout his life, Ambassador Walter Annenberg has been committed to strengthening the education, communication, and cultural resources of this country. He became involved with the Jewish Publication Society many years ago, and served on its board of trustees from 1946 to 1955.

Ambassador Annenberg has made lasting contributions to the Nation's higher education system through his generous donations to the Annenberg Research Institute of the Dropsie College for Hebrew and Cognate Learning. Under his thoughtful guidance, the prestigious Annenberg Schools of Communications at the University of Pennsylvania Graduate School and the University of Southern California have flourished. It is particularly fitting that Ambassador Annenberg receive the Cyrus Adler Award, named for a founding trustee of the Jewish Publication Society, because he has done so much to help the Jewish Publication Society achieve its goal of fostering the growth of Jewish culture.

Similarly, Dr. Muriel M. Berman has played an integral part in the success of the Jewish Publication Society, serving as its president from 1981 to 1984, and as its chairman of the board of trustees from 1984 to 1987. Through an extemely generous gift, Dr. Berman and her husband have endowed the Muriel and Phillip Berman Book Fund. This wonderful contribution will enable the Jewish Publication Society to continue to publish many noteworthy books. Dr. Berman's contribution to the literary world will be appropriately recognized with an award named for Henrietta Szold, the Jewish Publication Society's first editor.

Mr. President, the Jewish Publication Society is one of the oldest Jewish publishing companies in the United States and I am proud that Philadelphia, PA is its headquarters. I commend the Jewish Publication Society for its longstanding commitment to excellence, and congratulate the Society on its 100th anniversary of literary achievement.

TRIBUTE TO PROF. WILLIAM R. SEARS

Mr. DECONCINI. Mr. President, I would like to take this opportunity to honor a most distinguished constituent, Prof. William R. Sears, on the occasion of his 75th birthday. Still active in the teaching and research of aerospace and mechanical engineering at the University of Arizona as a Professor Emeritus, I am proud that he continues to inspire students and colleagues alike.

Nelson H. Kemp, a former student at Cornell University when Professor Sears was the first director of the Graduate School of Aerospace Engineering at Cornell, and later a colleague, wrote a tribute to his career at the time of his start at the University of Arizona. I would like to have this piece excerpted here in praise of his fine achievements.

William R. Sears

Bill Sears was born—March 1, 1913—and raised in Minneapolis, and knew from a rather early age that he wanted to be an engineer. He decided that the new program in aeronautical engineering at the University of Minnesota was for him, and entered in the fall of 1930. With his B.Aero.E. fresh in his pocket, Bill went to Caltech for graduate study with a windtunnel assistantship.

Those were the days when Theodore von Karman was the head of the Guggenheim Aeronautics Laboratory at Caltech. Bill found them, the climate, the wind-tunnel, the brilliant fellow students, and the contact with the southern California aeronautical industry all a wonderful experience. He also found the departmental secretary, Mabel Rhodes, whom he married in the spring of 1936. (In Germany, bright students were likely to marry their professors' daughters, which led to the saying that the brains were passed from the father-in-law to the son-in-law. Karman never married and so had no daughters, but he did have a secretary.)

Bill became an instructor in 1937, and an assistant professor in 1940, and taught for 4 years, including courses in aerodynamics, wind-tunnel methods, vector analysis, and propellers. It was then that he developed the skills which enabled him to become a superb teacher, who gave carefully prepared lectures which were models of clarity and organization. Years later, even when teaching courses he has given a number of times, he still spends some time before each class preparing and never walks in "cold". The quality of his classes reflects not only his natural abilities as a teacher, but also his unfailing preparation.

Bill obtained his Ph.D. in Aeronautics in 1938, and his thesis is still one of the standard references for incompressible nonsteady airfoil theory, at least in the United States. he also published the sinusoidal gust case, with the famous spiral Sears function, which has been used in many investigations of aircraft flying through turbulence.

Another legacy of the Caltech years for Bill was the start of his life-long romance with flying. It began in 1940, when he was assigned the role of director of Caltech's part in the Civil Pilot's Training Program. He went through the course himself, got his license in 1941, and has been flying ever since.

World War II stimulated Bill to enter industry, in the new aircraft company started by Jack K. Northrop. He was asked to become chief of aerodynamics and flight testing. The Navy, in which Bill held a reserve commission, agreed, and for 5 years, from early 1941 to 1946, he helped build airplanes. He and a number of bright former Caltech graduate students worked on the P61 series (Black Widow), and the Northrop experimental tailless and flying-wing aircraft.

Certainly one positive result of the 5 years in industry was to round out Bill's professional experience by giving him a solid grounding in the practical problems facing the aircraft industry. Since leaving Northrop, he has maintained an active interest in the problems of the aerospace industry, through extensive consulting, government advisory work, and contact with former colleagues and students, many of whom have had distinguished industrial careers. He never became an ivory-tower academic, interested in only turning our papers and more Ph.D. professors.

But he had always hoped to return to a university, and among the academic invitations which came at the end of the war was the exciting prospect of becoming the director of the new Graduate School of Aeronautical Engineering proposed by Cornell University. As the head of a new graduate school at 33, Bill quickly hired a faculty and established a curriculum. He also hired a secretary named Alice (Toni) Anthony who has turned out to be the most permanent member of the Cornell Aerospace School staff, and in many ways the most important, without whom the School could not really run. During his long tenure at Cornell, Bill also became the first director of the Center of Applied Mathematics, after heading the Aerospace School for 17 years.

Of course, life has not been all professional activities and flying. Mabel and Bill have two children, Susan and David, and two grandchidren.

Bill has received numerous awards, given many invited lectures around the world, and served his profession and the country on a myriad of panels, boards and committees. There is hardly an area of aerodynamics which he has not influenced, either directly, through students, of through his other professional activities. His own evaluation puts his major contribution as his role as a teacher, and he has helped educate a remarkably impressive group of engineers and scientists.

BOB STAFFORD—THE EDUCATION SENATOR

Mr. DOLE. Mr. President, I just want to take a few moments to follow up on an event that occurred earlier today at the White House. There was a signing ceremony for the "Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Education Improvement Amendments of 1988"—the last major piece of legislation that Bob Stafford will have guided through the Congress. It is fitting that the new law is named after him. Also, as President Reagan mentioned, the Guaranteed Student Loan Program will also be renamed after the distinguished senior Senator from Vermont.

Bob Stafford and I began our first terms in Congress together—back in 1960 in the House of Representatives. I was hoping that we might also be leaving the Senate together, but my plans didn't include retirement. We have served together in the Senate since the early 1970's, and we have worked closely together on many issues, but especially education. His leadershp has been invaluable to me and to all my colleagues on both sides of the aisle.

During his years as chairman and ranking minority member of the Education Subcommittee, Senator Stafford has left his indelible, constructive fingerprints on more education programs than just about anybody in the history of the Congress. I cannot think of a finer legacy to the future of our country. Whenever budget decisions required a balancing of interests, the Nation's children came first. This does not mean that the Senator from Vermont did not attempt to keep the taxpayers interests in mind—he was able to establish priorities that carefully balanced the needs of the country.

The new law signed by the President today will serve as a lasting reminder of the contributions Senator Stafford has made to elementary and secondary education programs—and the Federal role in educating our country's children.

We will miss the senior Senator from Vermont very much in the years to come, but his participation in the development of education programs at all levels will serve as a constant reminder that he had a profound impact on our national interests for years to come.

PROGRESS MADE BY REGULATORY WORKING GROUP DEMONSTRATES THAT STOCK MARKET CRASH LEGISLATION IS NOT NEEDED

Mr. DIXON. Mr. President, yesterday's Chicago Tribune contains a very informative article by Sallie Gaines entitled "Circuit Breaker Plan Is Drafted" that makes it clear that the administration's working group is very close to a final agreement on a sound and reasonable package of recommendations that will improve the operation of our financial markets and help the regulators to head off any future episodes like last October's market crash. "The Nation's financial exchanges and regulators have agreed in principle to a circuit breaker that would halt all trading under certain conditions," according to the Tribune, which goes on to note that "the group's final proposals are expected to mirror closely the recommendations of the Brady Commission, with a notable exception"—there will be no superregulator with authority over all markets.

I am pleased with the working group's progress so far. It reinforces the point I have been making for some time—that a hasty, quick fix, legislative response is unnecessary. As the Senate knows, the Federal Reserve Board probably played the crucial role in restoring confidence last October. Chairman Greenspan of the Fed, however, stated just last month that "acting hastily could inadvertently destabilize the markets, creating the very type of episode we are endeavoring to avoid." At an earlier banking committee hearing, he made it clear that, as a result of the crash, those trading stocks and other financial instruments had learned an important lesson and had become more realistic. Essentially, he was warning the committee against making the mistake our military is often accused of—preparing to fight the last war instead of the next one.

Henry Kaufman, former managing director of Salomon Bros., a large, well-respected, investment banking firm, has also urged caution. In a recent article entitled "The Dangerous Volatility in Financial Markets Isn't Going Away," he argued that we need to understand the numerous fundamental changes now occurring in the marketplace if we are to minimize the risks of future episodes of dangerous volatility in financial markets.

Frankly, Mr. President, it seems to me that Chairman Greenspan and Mr. Kaufman are right. We should be concentrating on the fundamental changes in the marketplace rather than on simple mechanical fixes. The regulators have the authority they need to coordinate their actions in a way that will improve the functioning of our financial markets. The regulators have the authority they need to improve their response to any future episodes of market volatility. We don't need to duplicate their work.

There is, however, plenty for Congress to do, because implementation of the working group's proposals will not end volatility. No package directed solely at the regulators and the exchanges can. However, it will give Congress the time it needs for a thorough review of the underlying, more basic, issues that have received all too little attention.

I do not mean to suggest, Mr. President, that last October's stock market crash was not a frightening event that needs to be examined very carefully. The Dow Jones industrial average fell by over 508 points in a single day, and by roughly 1,000 points in little over a week. What I am suggesting is that we look at the fundamentals, rather than focusing on the very narrow issue of market mechanics.

The conventional wisdom up until mid-October 1987 was that another 1929-style market crash was impossible. We cannot afford to let that wrong-headed conclusion be replaced by a new equally mistaken conventional wisdom—that with some simple mechanical legislative changes, we can prevent any future repetition of last fall's disaster.

We cannot afford to ignore the fact that financial markets are different now. Trading is increasingly controlled by institutions rather than individuals; institutional trading now accounts for over 70 percent of the daily volume on the New York Stock Exchange. The computer and communications revolutions have made it possible to execute transactions faster than was ever thought possible in the past. Finally, markets are increasingly international. It is now just as easy to trade in Tokyo or London as it is in New York and Chicago.

These changes in technology and in the character of the marketplace make it inevitable that trading will be more volatile. As the Brady report concluded, a relatively few institutional investors making the same decision can result in huge selling pressure in markets that drives down prices drastically. Mechanical solutions cannot reverse these technological changes or prevent large institutions from buying or selling when they think those actions are required.

The Brady report cannot be the focus of congressional review. The Brady Commission was asked to study market mechanisms and the administration working group is well on the way toward implementing almost all of its recommendations. As I stated before, Congress should not duplicate the working group's efforts. Congress must look at the issues more broadly. We should start that process now. Mr. President, I ask unanimous consent that the Tribune article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Apr. 27, 1988]

CIRCUIT BREAKER PLAN IS DRAFTED

(By Sallie Gaines)

The nation's financial exchanges and regulators have agreed in principle to a "circuit breaker" that would halt all trading under certain conditions.

A working group of regulators, appointed by President Reagan to design mechanisms to prevent another crash, will meet in Washington Wednesday, presumably to work out details.

But executives of the Chicago Board Options Exchange, the Chicago Mercantile Exchange and the New York Stock Exchange said the outline of the plan is a foregone conclusion.

The trigger for the circuit breaker is likely to be a 250- to 300-point drop in the Dow Jones industrial average.

The futures and options exchanges, which don't trade directly the stocks listed in the Dow average, "will pick a proxy for the Dow," said Alger B. Chapman, chairman and chief executive of the CBOE. Upon reaching the trigger drop in value, trading on the exchanges would halt for an hour, Chapman said.

The intent is not to prevent the markets from falling, but to prevent panic selling that causes markets to plummet farther than economics would indicate, Chapman said.

The notion of a coordinated circuit breaker at all exchanges was a key point of the Brady Commission, appointed by President Reagan after the Oct. 19 stock market crash and headed by former Sen. Nicholas Brady. The idea has not been universally embraced, but it appears to be one move exchanges and regulators can agree upon and live with.

Chapman said the trigger number would be large enough that the issue would come into play only during a massive crash. He noted that if the numbers under consideration—250 or 300 points of the Dow—had been in effect in the past, the circuit breaker would have been triggered only once, last Oct. 19.

While the outlines of the plan are set, he and other exchange officials said it may be several weeks before the proposal is announced.

The Reagan administration's working group consists of Treasury Secretary James Baker; David Ruder, head of the Securities and Exchange Commission, which regulates stock trading; Wendy Gramm, head of the Commodity Futures Trading Commission, which regulates futures trading; and Alan Greenspan, head of the Federal Reserve Board, the central bank.

The group's final proposals are expected to mirror closely the recommendations of the Brady Commission, with a notable exception.

The Brady Commission recommended that one regulator, the Fed, be in charge of all exchanges to ensure better coordination. That proposal was immediately criticized by the exchanges and regulators, including the Fed.

Administration sources say the idea of a "superregulator" is being rejected, as long as the exchanges and regulators can coordinate efforts to prevent or soften another crash.

But Chapman suggested that one regulator could end up being in charge of overseeing the circuit breaker and the Fed may be the logical place for that responsibility.

Several proposals to shift regulatory authority or impose new restrictions on the exchanges are pending in Congress.

ENDORSEMENT OF MAJOR LAW ENFORCEMENT ORGANIZATIONS FOR S. 2205, OMNIBUS ANTI-DRUG ABUSE ACT OF 1988

Mr. DECONCINI. Mr. President, today was an extremely important milestone in our effort to pass a major antidrug initiative in the Congress this year. As the chief author of S. 2205, the Omnibus Anti-Drug Abuse Act of 1988, I was privileged to participate in a press conference at noon where 13 of the largest, most important national and international law enforcement organizations formally endorsed our drug bill and pledged their total support for its enactment. Senator PETE DOMENICI, Senator AL D'AMATO, Congressman GLENN ENGLISH, and I were honored also to have with us, Mr. Matt Byrne, father of the recently murdered New York police officer, who also endorsed our legislation. The following groups have formally signed up in support of S. 2205:

The Fraternal Order of Police;

The International Association of Chiefs of Police;

National Sheriffs Association;

American Correctional Association;

National District Attorneys Association;

National Association of Attorneys General;

International Narcotics Enforcement Officers Association;

Federal Law Enforcement Officers Association;

New York City Patrolman's Benevolent Association;

National Association of Police Organizations;

International Brotherhood of Police Officers;

American Jail Association; and

The American Association of Probation and Parole Officers.

Mr. President, I was heartened to hear the comments of these outstanding law enforcement organizations regarding our bill. They praised its broad coverage of all aspects of the drug trafficking and drug abuse problem. They applauded the resurrection of the State and Local Narcotics Assistance Grant Program in the bill. They endorsed the additional resources in the bill for drug interdiction and for more Federal law enforcement personnel. They supported the bill because of its increased support for prison construction and for U.S. attorneys to help put more drug dealers in jail. And they endorsed the provisions of the bill that mandate a comprehensive analysis of improvements that can be made in pay and benefits for our Federal, State, and local law enforcement officers.

Mr. President, the message of these fine organizations is clear: the time for talk is over; the time for action is now. They are tired of putting their lives on the line, day in and day out, without a firm commitment from the Federal Government to help them win the war on the streets of our cities. They see their colleagues assassinated by the drug dealers and drug kingpins and then look to the Federal Government to see if they care. Well, they know now that this Senator and 70 of my colleagues are putting the rhetoric to bed, and moving to action with S. 2205 in the Senate and H.R. 4230 in the House. They want this bill to pass and so do I. With the support of these courageous men and women and their associations, my commitment to enact this bill has never been stronger and I urge my colleagues to pass it right now.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE PRESIDENT AND THE CONGRESS: TOWARD A NEW FOREIGN POLICY

Mr. PELL. Yesterday, in the Samuel D. Berger Memorial Lecture, Mrs. Pamela C. Harriman offered our next president a thoughtful prescription for developing a unified American foreign policy based on mutual understanding between the Congress and the Executive.

In her address, Pamela Harriman urges a genuine partnership between the Congress and the President in developing foreign policy. Developing such a partnership will require an Executive who is willing to level with the Congress, and who is willing to engage in meaningful consultation—as opposed to the after-the-fact sort of consultation that both recent Democratic and Republican administrations have employed.

Congress for its part, says Mrs. Harriman, must keep the confidences entrusted with it and should withhold criticism until the administration has fully made its case. After all, Congress has an obligation to focus on the big issues and not to micromanage the small ones.

As seen from both ends of Pennsylvania Avenue there is an acute need for a new relationship between the Congress and the President in the field of foreign affairs. Pamela Harriman has offered a most useful perspective. I commend it to my colleagues and ask unanimous consent that the full text of her speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

[Institute for the Study of Diplomacy, Georgetown University, Washington, DC, Apr. 27, 1988]

WHERE IS THE WATER'S EDGE? THE PRESIDENT AND CONGRESS IN U.S. FOREIGN POLICY

(The Samuel D. Berger Memorial Lecture by Pamela C. Harriman)

It is an honor for me as an observer of diplomacy to speak not only to those who study it but to so many who have mastered its ways and made its history.

And it is a special pleasure to have a part in this series of lectures in memory of Sam Berger, a pioneer practitioner of modern American diplomacy and a much-admired friend of Averell's and mine.

But I would be doing a disservice to Sam's and Averell's memories if I pretended this evening to professional expertise in their craft.

I am happy instead to have the privilege of offering some thoughts on the making of our foreign policy from the perspective of an American active in our national politics.

Indeed, my principal concern here is the politics of foreign policy—the relationship between President and Congress—and the imperative of improving their partnership and its product.

This issue is urgent business for our time; the strong collaboration that once began at the water's edge has now been lost. An almost continual wrangling mars the conduct of our affairs abroad and imperils our national security. Although ideas and ideologies play a part in this quarrel, it is all too often more a reflexive struggle for power and turf between the two branches.

The combat has eroded what should be the president's basic power to act with real authority and flexibility. And the battle has put the Congress where it least belongs—in the job of managing details instead of focusing on our overall course and overseeing Executive helmsmanship.

The result has been to weaken respect for America and its government here and abroad. As Denis Brogan wisely observed over thirty years ago, "A loss of prestige by one branch of the government does not necessarily add to the prestige of another branch; it may simply lessen the hold of the whole political process on the imagination of the American people."

With a new Administration headed our way soon, we have a new opportunity to reassert both common sense and the Constitutional balance in this critical area.

I am under no illusion that we can recreate the form or the achievements of a postwar bipartisanship. Too much has changed since those heady days that set the high-water mark for the bipartisanship that began at the water's edge.

But we can, and I believe we must, forge a new sense of mutual trust and comity—a new process—that makes our debates constructive ones, based on honest and informed judgments, so that the outcome will be decisive and consistent policies. Only then can we generate and sustain over the long term essential public support for the conduct and the content of American foreign policy.

It will fall urgently to the new President to take the initiatives that will restore civility and trust. He must reopen the clogged channels of consultation with Congress and keep them open. The style of his Administration, as much as its substance, will be a major factor in determining his success and our country's.

I believe Congress is ready to respond to a real White House Leadership that seeks to lead—not by fiat, not by maneuver—but by a genuine readiness to cooperate.

With inauguration day fewer than eight months away, now is the time to mark out the path the next President and the next Congress can take, so that in the future, confrontation will no longer be a common condition of our own national governance.

Here, as so often before, history may be the best teacher. So let me begin with an old story. In January 1941, Harry Hopkins arrived in London as Franklin Roosevelt's personal representative to Winston Churchill and a beleaguered England.

Hopkins himself described his mission to Ed Morrow by saying, "I want to try to get an understanding of Churchill and of the men he sees after midnight." Off the record, he added, "I've come here to try to find a way to be a catalytic agent between two prima donnas."

Churchill was more than a little anxious about the encounter and the envoy. He knew only that Hopkins was FDR's intimate, a former social worker, a dedicated liberal. The Prime Minister worried that he might be quizzed more about England's services to the poor than about its effort against the Nazis.

Their first meeting was a luncheon in the basement of Number 10 Downing Street, and, while it went well, it was more an exploratory interview than an offer of alliance. That came the next day when, because a full moon made Chequers unsafe, Churchill took Hopkins to Dytchley for the weekend.

In the splendor of that handsome house, Churchill felt it was time to show his egalitarian side, and he started to tell Hopkins of his plans to bring running water and electricity to the rural poor once the war was over. But, as we in the family remembered the story, Hopkins cut him off.

"I don't give a damn about your cottages, Mr. Prime Minister," Hopkins said. "I've come to find out how we can help you beat this fellow Hitler."

That blunt statement of America's still-undeclared policy did more than bring two prima donnas together. It cemented the great wartime coalition. It set the democracies on the road to eventual victory.

As Churchill wired Roosevelt after the weekend, "I am most grateful to you for sending so remarkable an envoy, who enjoys so high a measure of your intimacy and confidence."

I do not offer this story to revive memories of the great trans-Atlantic adventure, of its first fruits in the Lend-Lease program or its sequel in the Marshall Plan.

Even though Averell and Sam Berger played such important roles in both those enterprises, I find myself thinking of the Hopkins mission primarily as the perfect example of a vital Presidential prerogative. That is . . . the power in foreign affairs to operate decisively and, when needed, confidentially in the nation's best interest . . . even before the President has fully persuaded the nation what its interest is.

For as Hopkins flew to England, the isolationists in Congress and outside were mustering their forces and their fury against Lend-Lease. Senator Burton K. Wheeler compared it with earlier New Deal measures to cut crops and livestock and said it would mean "ploughing under every fourth American boy."

To which Roosevelt replied, through a press conference, that the charge was "the most untruthful, the most dastardly unpatriotic thing that has been said in public life in my generation." And, he instructed the reporters, "Quote me on that."

When we think now of the pre-war years, some tend to forget just how bitter, how partisan, the struggle for America's reentry into "foreign entanglements" actually was. We have blurred that memory in recollecting the success of Roosevelt's policy.

To put today's quarrels between the Executive and the Congress in perspective, we have to recall their antecedents and the measures taken to deal with them. We should remember, for instance, that the House of Representatives agreed by only a single vote in August 1941 to extend the military draft. As Senator Wheeler interpreted that margin, it meant that the "Administration could not get a resolution through the Congress for a declaration of war."

The period was intensely partisan: Republicans in the Senate and House voted two or more to one against the Arms Embargo and Lend-Lease, as well as the initiation of Selective Service and its renewal. Only Pearl Harbor silenced the isolationist impulse.

When the war ended, it seemed to many that the first casualty of peace would be the unity which Senator Arthur Vandenberg defined as beginning "at the water's edge."

Instead, in a remarkable 15 weeks in 1947, a Democratic President and a Republican Congress built the basic elements of a nonpartisan consensus on post-war foreign policy—an agreement about ends and means that largely guided American statesmanship for a generation.

Today we need to restore some measure of that harmony, but we also have to be realistic.

Partnership will not come easily. The times are different—and the challenges are more complex.

The trauma of Vietnam has left deep scars—physical wounds on those who fought in Southeast Asia and political wounds on those who fought each other here.

Nor are the memories of that conflict the only obstacles to renewed comity.

The Constitution establishes a system not just of checks and balances, but of continual competition between Executive and Legislature for mastery of Government itself. In foreign affairs, this institutional balance is always in flux. We would not have it any other way; but the way things are now, the competition is out of balance—and sometimes almost out of control.

The power of Roosevelt and Truman to act, even in the face of profound dissent, lay not only in their characters, but also in the vastness of the issues of war and peace that America then faced.

Now lesser men and lesser challenges have permitted competition to turn to quibbling. The proliferation of Congressional panels—now 105 committees and subcommittees—has cut up the battlefield into dozens of continuing skirmishes, obscuring grand strategy in what Senator Dan Evans has called "frustrating gridlock."

Losing scuffles on the Hill, the Executive has tended to disdain the process and conduct its campaigns by other, and even dishonest means. That is the pattern that breeds self-righteous deceivers—Gordon Liddy and Oliver North, most notorious among them, men who claim that lying to Congress can be justified by invoking a higher good called National Security.

But such disrespect also breeds disregard for what should be a collegial policymaking process. Presidents who play by their own rules invite Congressional counteraction. And authority, lost in the resulting disorder, shatters ever further.

A major contributing factor has surely been the division of political party control between the branches since 1952. In those 36 years, there have been only 14 when the leaders in the White House and of the Congressional majority wore the same party badges.

Inevitably, the "outs" have contested the policy of the "ins"—to good effect in Vietnam and Central America, in my view. But the competition has become more continuous than selective, more instinctive than thoughtful, more negative than constructive.

Finally, the perception of dire peril—of the Soviet threat—that unified the American public, parties and policymakers for so many decades has itself been diminished. Consensus-builders now face the problem not just of defining what we are against but what in the world at large we are for.

There is no all-embracing formula to overcome these basic problems. But the lack of a silver bullet must not avert our eyes from the target. Too much is at stake.

For without vision, not only may "the people perish," but the next Administration, like its predecessors since 1964, may well dig itself into deadlock at home and diminished influence abroad. This erosion of Presidential stature is dangerous. As Warren Christopher has written:

"The growing complexity of the global agenda makes it increasingly important that the Executive have the authority to make and implement a coherent foreign policy. The simple truth is that if the Executive is immobilized in rancorous debate and struggles over power, that circumstance comforts our adversaries, confuses our friends, and cripples our country."

To reverse that pattern, I believe a major intellectual and political effort is called for—one that calls on men and women like you to rethink and ultimately recast the process of policymaking.

Initially, our focus should be on the process as such. If we can agree on practices that make the conduct of foreign policy more effective, we will be that much closer to finding and defining the content of a consensus policy.

This will require deeds, and not just words. Senator Bill Bradley has written, "Speeches are easy. Policy takes care and effort."

In my view, the care and effort involved in a less partisan, if not wholly bipartisan, foreign policy must begin with a code of consultation, a combination of common sense and common courtesy that can lay the foundation for the President and the Congress to work together once again.

As I said earlier, my hopes are measured. We cannot turn the clock back 40 years. But at the same time, we cannot accept perpetual stalemate. We have to recognize that today the clock is ticking toward a crisis of Constitutional dimensions, a confrontation that would leave no winners.

The first steps back from that brink are as old as the Republic—and as clear as the Constitution itself. There are six things we can and must do now to renew the serious business of continual consultation between the branches, to reopen the channels along Pennsylvania Avenue and keep them open.

Let me state them briefly as a series of do's and don'ts.

First, explain yourself.

Set policy signals clearly and in advance of any action.

Second, tell the truth and tell it early. Don't deceive and don't tolerate underlings who do.

Third, don't rush to judgment.

Fourth, share confidences—and don't violate them.

Fifth, choose subordinates carefully. A President should hire from the Hill, and should never freeze out critics and professionals.

Sixth, save the big guns for the big issues, and don't meddle where you don't manage.

Some of this advice applies to both the Executive and the Congress, and some to just one branch of government. Allow me to distinguish between the targets and to expand on the rules.

First, explain yourself, Mr. President, early and often. Averell put this wisdom in a warning. "No foreign policy will stick," he said, "unless the American people are behind it. And unless Congress understands it, the American people are not going to understand it."

That lesson is one the Reagan Administration has been late in learning. From Star Wars to proxy wars, and until he revived consultation for the Persian gulf crisis, this President has often seemed to be a salesman who didn't "know the territory" well enough to lead a long national march.

I cannot fault his determination nor deny his right to pitch his products over and over . . . and over the head of Congress directly to the people.

But when the message won so few converts and so many opponents, he needed to reconsider his policies, not stubbornly pursue them. Especially on the unstable terrain of Central America, feet that are set in concrete are certain to be outrun both by events and by more flexible policymakers.

In this environment Speaker Jim Wright took risks, and an irony followed: because of his courage, the peace process was advanced even while the White House hung tough and hung back. And Presidential power to direct foreign policy emerged diminished yet again.

I don't want to oversimplify a complicated and unfinished episode, but surely the moral of the story so far is that an Executive who makes policy without winning public support will lose control of the policy to the Congress.

It happened to Lyndon Johnson and Richard Nixon in Vietnam, to Jimmy Carter on the MX missile and the SALT II Treaty, and to Ronald Reagan on SDI, on Nicaragua and, to a lesser degree, on international trade.

Second, honesty should need no advocate. Yet the record of the past 20 years and more shows truth—from the Tonkin Gulf to the Persian Gulf—being treated as a "sometime thing." The consequences of attempting to deceive are not just a tangled web; they are poison to any partnership.

An Administration that tries to trick the public and its elected representatives is asking for rejection by both. The picture of Elliot Abrams being stopped at the door of the Senate Foreign Relations Committee last month should be posted on every future policymaker's bulletin board, along with the letter of apology Mr. Abrams finally wrote in an effort to regain a measure of credibility.

There would be less occasion for lying if there were fewer commands for official testimony and more occasions for honest talk. Throughout the Kennedy and Johnson years, for example, Dean Rusk or a high-level deputy like Averell would appear every Wednesday at nine in the morning in a House caucus room for an informal hour of give-and-take with Members of Congress.

That practice—and why not reinstate it?—made sure that leaders in both branches knew the minds on the other side—even those who disagreed were on speaking terms, not at shouting distance.

Third, while it is up to the President to obtain and enforce agreement on policy within the Executive Branch, the Congress owes him the compliment of holding its horses and holding its tongue until the facts are in.

From both the Carter and Reagan Administrations, we too often heard more voices than there were policies. But at the same time, we had—and now have—the heavy static of public comment from any Member of Congress, faced at any time with a question on virtually any subject in the presence of a camera and a microphone.

I am not proposing that debate be stifled—only that it proceed on the basis of reliable information and careful analysis. Let me cite two instructive examples of what I mean from the best period of post-war bipartisanship.

One was the conduct of Secretary of State Marshall in preparing himself for an appearance before the Senate Appropriations Committee to defend the European Recovery Program, as the Marshall Plan was then known. Paul Nitze and Chip Bohlen labored non-stop to write a definitive, fact-filled statement for Marshall to put before the skeptical Senator Pat McCarran and his colleagues.

When they showed their work to Marshall, he agreed that it was excellent, but he horrified the authors by declining to use it.

"They'll expect a statement from me," Marshall explained, "and I'll say, 'Mr. Chairman, you've asked me to appear, and I'm ready to answer your questions.' And then they'll ask me questions, and no matter what the questions are, I will have studied this memorandum over the weekend, and I can introduce every point you've made in answering their questions.

"And this will satisfy them because what the committee really wants to know is whether I understand this plan."

To complement that kind of Executive Branch statesmanship, it helps, of course, to have legislators like Arthur Vandenberg on the receiving end. At the same juncture of our history, in November 1947, he wrote his wife that "the preparations that the State Department has made for this next showdown are amazing.

"I have never seen better work. Indeed, they have simply overwhelmed us with documentation. I got the report of the Harriman Commission. . . . It is a magnificent piece of work, but it is three inches thick! . . . That'll keep me busy over the weekend."

One can still find such diligence all over Washington. What I wish we could also find are more readers who deliberated before they declaimed and held their voices until the facts were in.

The quick quote can win a good headline or a moment on the evening news. But the reflective nature of the legislative process requires evidence first, verdict later.

My fourth proposal—share confidences; don't violate them—is again addressed to all parties and, again, ought to be standard operating procedure. Because it was not, the Iran-Contra fiasco has bred fresh suspicion and fresh restrictions on Presidential freedom of action.

In this case, the President sanctioned—or his subordinates thought he had sanctioned—a policy he was ashamed to disclose beyond the White House basement, and the Congress reacted by instituting a strict system of notification of covert actions. With that barn door safely locked, we can be assured that no more Bible-toting, cake-carrying White House emissaries will be winging their way to Tehran on the sly.

But speed and secrecy are often necessary to effective Presidential conduct of foreign policy, to the dispatch of a future Harry Hopkins to London or a Henry Kissinger to Beijing. A distrustful White House struck a blow against itself that a more confident, and confidence-sharing Administration would never have incurred.

Fifth, I urge that future Presidents should follow the example of Lincoln and Franklin Roosevelt—and tap the vast reservoir of talent and expertise in Congress for Cabinet and sub-Cabinet positions.

It is not enough to recruit a Senator Lugar—helpful as he was—for a one-shot mission to the Philippines.

Nor can ad-hoc bipartisan panels—such as those of General Scowcroft on arms control or Henry Kissinger on Central America—be more than temporary expedients.

When the Administration speaks every day in accents already familiar to Members of Congress—because the voice belongs to a former colleague or respected subordinate—the message will be clearer and better received.

The Reaganauts, by contrast, have shown maximum low regard for both Congressional critics and dispassionate career diplomats whom other Administrations have been proud to reward. The resulting experience should be a reminder to the next President to seek help from the deepest pools of specialists and leaders on Capitol Hill and in Foggy Bottom.

Sixth and finally, it is time for the White House to use Presidential prestige more sparingly in foreign affairs and time for Congress to engage in less micro-management of policy. Both prescriptions go against every temptation of modern American politics. Still, I hope the proposal can win serious consideration.

My goal is to limit Presidential visibility, not Presidential power. The more a President invests in minute supervision of foreign policy, the more he puts himself at needless political risk.

The White House must be the place where intra-Administration conflicts are eventually resolved and strategy coordinated, but the managers in the execution of policy should be at State, Defense, Treasury, and Commerce.

They should be at enough distance from the Chief Executive so that he can take credit for any successes and they can take blame for their failures.

The President should be the chief formulator of America's negotiating position, not the chief bargainer. He—and someday she—should be the driving force behind policy, but far enough behind to stand clear of collisions.

And the Congress, too, should stick to what it does best. Its "essential role," Senator William Fulbright said in 1979, "lies in the authorization of military and major political commitments and advising on broad policy directions, while leaving to the Executive the necessary flexibility to conduct policy within the broad parameters approved by the legislature.

"The trouble with the resurgent legislature of the late 1970s," he observed, "is not so much that it has gone too far as that it has gone in the wrong direction, carping and meddling in the service of special interests but scarcely asserting itself through reflective deliberation on the basic issues of national interests."

The tension will never abate completely, nor should it. A degree of rivalry between the branches is a condition of ordered liberty. In that spirit, I have heard it said that our government is divided purposefully into geometric forms, designed not to fit together but to strike sparks off each other. The problem, in my view, is to make sure that the sparks ignite an engine, not a forest fire. For safety's sake and for the sake of America's security, we need less friction and more cooperation along Pennsylvania Avenue.

A new Administration next January could inaugurate such an era. I hope it will.

And I hope all of us will join in the endeavor, remembering that none of us can always have our way, conscious that Republicans and Democrats alike are Americans first and partisans only afterwards, and determined that we will each give something in order to get to a greater goal—a foreign policy that will enable the leading nation on earth to lead once again—not in fits and starts—but with a coherent strategy to advance both our best interests and our enduring ideals.

That was the mission—and the meaning—of Sam Berger's life, and of Averell's. And that is the hope I leave you with today.

Thank you.

BICENTENNIAL MINUTE APRIL 7, 1789: SENATE DOORKEEPER ELECTED

Mr. DOLE. Mr. President, 199 years ago this month, on April 7, 1789, the Senate created its first staff position—the post of Senate Doorkeeper. An official Doorkeeper was considered essential in a body that intended to conduct all its meetings behind closed doors. From a field of three applicants, the Senate selected James Mathers, an Irish immigrant who earlier had distinguished himself in the Revolutionary War. Following the war, Mathers had served as Doorkeeper for the old Congress under the Articles of Confederation.

As the First Congress was preparing to adjourn on March 3, 1791, the Senate expanded Mathers' job responsibilities, authorizing him "to take care of the rooms appropriated for the use of the Senate, until the next session of Congress, and also to make the necessary provision of fire wood for the next session." Additional changes occurred in December 1795, when the Senate first regularly opened its doors to the public for routine legislative sessions. Mathers oversaw the operation of the Senate's first gallery in its Philadelphia Chamber and responded to the Presiding Officer's direction to clear the gallery and lock the doors whenever the Senate took up business relating to Executive nominations and treaties.

Early in 1798, James Mathers acquired an additional title. As the Senate was preparing to conduct an impeachment trial, it resolved that "The Doorkeeper of the Senate be, and he is hereby, invested with the authority of the Sergeant at Arms, whose duty it shall be to execute the commands of the Senate." Until then, the Senate had no officer vested with the police powers necessary to compel attendance of absent Members as provided under the Constitution. In establishing this position, the Senate followed the English Parliament, which had employed a Sergeant at Arms since the sixteenth century, and the House of Representatives, which created the post in 1789. James Mathers served the Senate for 22 years until his death in 1811.

TRIBUTE TO LADY BIRD JOHNSON

Mr. KERRY. Mr. President, I would like to pay tribute to Mrs. Lady Bird Johnson on the occasion of her 75th birthday. I join with my colleagues in honoring her by Senate resolution on this auspicious occasion.

Lady Bird Johnson has been an inspiration to all Americans. Her campaign of beautification of this Nation has added much to the quality of life in the United States. Her commitment, like that of President Johnson, to civil rights and equal opportunity for all Americans has been strong and unswerving. The years of the Johnson administration, graced by the presence of Lady Bird Johnson in the White House, were a high point in recent American history in so many areas of national life, in large part beause of her influence. The Great Society was truly greater because of the quiet inspiration of Lady Bird Johnson.

Mrs. Johnson can take great pride in her achievements as well as those of her husband. In addition, she can take great pride in the accomplishments of her son-in-law, former Gov. Chuck Robb of Virginia, and her daughter Lynda Robb. The commitment to public service exemplified by Lady Bird and Lyndon Johnson is being carried on by the next generation of her family, which is a tribute to the values imparted by Mrs. Johnson. I hope that this tradition of public service will soon be continued in the Senate by Chuck Robb and his partner, Lynda Robb. That would perhaps be the most fitting testament of all to the enduring values of Lady Bird Johnson. I wish Mrs. Johnson all the best on her 75th birthday, and I hope that she enjoys many more years of good health and continued contributions to our country.

TRIBUTE TO LADY BIRD JOHNSON

Mr. ADAMS. Mr. President, I am one of the few Members in this body who was in the Congress when Mrs. Johnson and her husband were in the White House. As a matter of fact, as I recall it, I was at the White House for a congressional reception when the beautification bill was passed. I also recall the way people lobbied for that bill.

President Johnson was, as usual, a persuasive advocate for it. The full "Johnson treatment" was on display. Lady Bird had a quieter approach—but it was even more effective. She just spoke about the legacy of the land, the beauty of our landscape, the need to preserve for future generations the bounty that we enjoyed.

Mr. President, I have known Lady Bird Johnson for a long time. She is a remarkable woman. She has grace, charm, intelligence, and a will of steel. She is not the sort of person one trifles with. And when she decided that our roads ought to be made more attractive, then anyone with any sense of reality knew that our roads were going to be made more attractive.

Lady Bird Johnson was an active partner in President Johnson's political life. She shared his triumphs—and they were many—and she shared his defeats—and there were few. She did more than share the President's life—she served with him in both the Congress and the White House.

Mrs. Johnson can point to many accomplishments—to the respect and affection that her fellow citizens feel toward her, to the real contributions she has made to this country, to her success in business. But I think the most lasting tribute can be found in her children. With some luck, all of us will get to know one of those daughters very well after next November but even those who have only a passing relationship with her children know that they are doing more than carry on the Johnson tradition—they are carrying it to new heights. It is a great thing to be able to contribute something to America—it is an even greater thing to be able to do that and to raise children who will do it as well.

Lady Bird Johnson has accomplished that. We love her for what she has done; and we admire her for what she, through her children, will continue to do for America.

COMMUNITY TRIBUTE FOR CHARLES LUGER

Mr. SPECTER. Mr. President, on Sunday, May 15, 1988, residents of Lackawanna County in northeastern Pennsylvania, persons from all walks of life, will gather to do honor to one of their own, Charles Luger, a member of the Board of Commissioners of Lackawanna County.

No one is more deserving of such a tribute.

For the past 40 years, Charles Luger has devoted himself to the improvement of his county and to the city of Scranton—as a businessman, as a government official at both the State and local level, as a civic leader in a multitude of community and charitable endeavors, and simply as a good citizen. He has been successful in every undertaking he as essayed.

Charles Luger has become an integral part of his community, someone who is invariably called upon when an important task of value to the citizenry must be undertaken. And he has never refused to shoulder another burden, no matter how heavily engaged he may already have been in civic enterprises.

His list of accomplishments as a good citizen is awesome. He has contributed his time, talents, and energies to a wide spectrum of community-benefiting activities, particularly in the fields of health and education.

In presenting Charles Luger with "A Community Tribute," the citizens of Lackawanna County are rightly acknowledging his efforts on their behalf which have spanned four decades. They are telling him that the time he has spent among them has truly made a difference.

It is altogether fitting then that the U.S. Senate take note of this tribute accorded Charles Luger by his fellow citizens and join with them in congratulating him for a wonderful career of public and civic service.

RETIREMENT OF FRANK BROOKS

Mr. DECONCINI. Mr. President, since 1967 we in Arizona have had the privilege of working with a top rate professional whose service to the city of Tucson has been extraordinary. Early this summer, Mr. Frank E. Brooks will retire from his position as director of Tucson Water. While I am sad to see him leave public service, I know Frank will continue in some capacity to offer his expertise and advice for the public good. I want to take this opportunity, Mr. President, to acknowledge some of the fine contributions this individual has made to the Tucson area.

Brooks came to Tucson Water in 1959 and, during his 29 years of service, he demonstrated not only expertise in his field, but loyalty to his community as well. In a selfless approach to his job, he made himself readily available to both the public and the press.

Brooks' accomplishments during his tenure as director are outstanding. Under his guidance, the city of Tucson developed a long-term management plan to cope with depleting ground water resources. The city purchased 32 additional water companies, making basinwide management of the urban supplies possible. Through the retirement of farmland, Brooks helped make available over 57,000 acre-feet of ground water per year for future urban use. Brooks also helped Tucson move from sole reliance on ground water for municipal, industrial, and agricultural uses. His active involvement in gaining approval of the central Arizona project to the Tucson area will assure the long-term viability of southern Arizona. The importation of Colorado River water to the Tucson metropolitan area and completion of phase B of the Tucson aqueduct to the San Xavier Indian Reservation will guarantee a long-term supply of this valuable resource for the Papago Tribe as well as the city of Tucson. Frank Brooks' contribution to this important achievement was significant.

The list of Frank Brooks' achievements and contributions could fill a book. The 1971, 701-B study, which Brooks called our road map to the future, put Tucson on a steady course toward long-range water resource management; the Reid Park Wastewater Reclamation Plant placed Tucson in the forefront of the effluent reuse field in 1973; and the 1977 summer "Beat the Peak" program reduced per capita daily water use by 25 percent.

Needless to say, Brooks' work was exemplary. His dedication and enthusiasm will be missed at Tucson Water, but not forgotten.

DENMARK ON THE SLIPPERY SLOPE

Mr. NUNN. Mr. President, the Senate Armed Services Committee voted overwhelmingly on March 28 to adopt a report on "NATO Defense and the INF Treaty." In its report, the committee declared:

> Whether history judges the INF Treaty to have made a positive or a negative contribution to the defense of Europe will depend ultimately on which road the Alliance chooses to travel at this critical juncture. One NATO road leads backward down a slippery slope to European denuclearization, American disengagement, and Soviet domination. The other road leads forward to the solid ground of solidarity, stability, and security.

Two weeks after the committee released its report, the Danish Parliament approved a resolution which would compel the Government of Denmark to notify each warship that entered Danish ports that nuclear weapons are not permitted on Danish soil or in its waters in peacetime. Danish Prime Minister Poul Schlueter, who is a strong supporter of NATO and whose coalition government lost the vote in the Parliament, has called for new elections on May 10. The Prime Minister is characterizing the elections as a referendum on full Danish participation in the alliance.

Fearing that Denmark may be on the verge of going the same way as New Zealand, the United States and its NATO allies have warned of serious repercussions should the resolution be implemented. The administration has determined that the resolution conflicts with the longstanding U.S. policy neither to confirm nor deny whether U.S. Navy ships have nuclear weapons on board. On April 15, Secretary Shultz declared that the resolution threatens to "undercut the nuclear deterrance" of the alliance. Britain has announced that it is withdrawing its commitment to reinforce Denmark in wartime until the question of the resolution is resolved. On April 20, NATO Secretary General Sir Peter Carrington, following a meeting of the Permanent Representatives to the NATO Council, expressed "grave concern" and warned that the resolution was inconsistent with the principle of shared burdens which undergirds NATO's policy of collective defense.

Mr. President, the resolution passed by the Danish Parliament is symptomatic of the growing nuclear allergy in the Western democracies. The rejection by many of our citizens of the basic principle of nuclear deterrence is the product not only of NATO's failure to educate our publics concerning the realities of the alliance's declared strategy but also of considerable reckless rhetoric as to the alleged immorality of this doctrine.

Were this resolution to be implemented by the Government of Denmark, it would constitute an unmistakable and profoundly disturbing step by Denmark down the same slippery slope road which the Armed Services Committee has urged our NATO allies not to follow. Furthermore, it could exacerbate fears that the signing of the INF Treaty may engender an almost ostrich-like tendency among some segments of our publics to blind themselves to the realities of NATO's reliance on the early resort to nuclear weapons in the event of a massive conventional attack by the Warsaw Pact.

Since it signed the North Atlantic Treaty in 1949, Denmark has played a critical role in the alliance's collective security framework. I believe most Danes continue to believe that there is no realistic alternative to Denmark's full participation in the NATO alliance. The people of Denmark and their elected representatives must recognize, however, that safeguarding our freedoms and values requires a collective sharing not only of the burdens of defense, but also its risks.

As NATO enters the post-INF environment, it faces a critical need for conventional force improvements and for bold and innovative conventional arms control proposals. Even with progress in these areas, however, the security of the NATO alliance will rely for the foreseeable future on modern and credible nuclear weapons.

The adoption by the Danish Parliament of this antinuclear weapons resolution is an extremely unfortunate development. Nevertheless, it may provide an opportunity for the Danish Government and allied leaders to focus the attention of the Danish people on the realities of NATO's defense posture and its military strategy.

Today, Denmark stands at a crossroads. As a proud and sovereign nation, it is up to Denmark and Denmark alone to decide the composition of its Government. Nonetheless, I earnestly hope that upon reflection, this valued ally will agree that the April 14 resolution cannot be allowed to stand.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal, which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 442) to implement recommendations of the Commission on Wartime Relocation and Internment of Civilians; it asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. RODINO, Mr. FRANK, Mr. BERMAN, Mr. SHAW, and Mr. SWINDALL as managers of the conference on the part of the House.

The message also announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 59. Joint resolution to designate the month of May, 1988, as "National Foster Care Month";

S.J. Res. 222. Joint resolution to designate the period commencing on May 1, 1988, and ending on May 7, 1988, as "National Older Americans Abuse Prevention Week";

S.J. Res. 242. Joint resolution designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week"; and

S.J. Res. 250. Joint resolution designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week of 1988."

The message further announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 545. Joint resolution designating May 8-14, 1988 as "Just Say No Week"; and

H.J. Res. 552. Joint resolution making emergency mandatory veterans supplemental appropriations for the fiscal year ending September 30, 1988.

At 6:08 p.m., a message from the House of Representatives delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, with amendments, in which it requests the concurrence of the Senate:

S. 999. An act to amend title 38, United States Code, and the Veterans' Job Training Act to improve veterans employment, counseling, and job-training services and programs.

At 7:11 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2273. An act to provide for the transfer of certain funds to the Secretary of the Interior for the benefit of certain members of the Crow Tribe.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 4243. An act to implement the International Convertion on the Prevention and Punishment of Genocide.

The Committee on Environment and Public Works was discharged from the further consideration of the following bill, which was placed on the calendar:

H.R. 1315. An act to authorize appropriations for the Nuclear Regulatory Commission for fiscal year 1988 and 1989, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3153. A communication from the Secretary of Agriculture, transmitting, pursuant to law the third quarterly commodity and country allocation table showing current programing plans for food assistance; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3154. A communication from the Assistant Administrator (Pesticides and Toxic Substances), Environmental Protection Agency, transmitting, pursuant to law, a report on the final rule under the Federal Insecticide, Fungicide and Rodenticide Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3155. A communication from the Deputy Secretary of Defense, relating to legislation proposed earlier this year to provide additional flexibility to solve the problems DOD is facing in the military personnel and operation and maintenance appropriations; to the Committee on Armed Services.

EC-3156. A communication from the general counsel, Department of the Treasury, transmitting, a draft of proposed legislation "To authorize appropriations for the U.S. mint for the fiscal years 1989 and 1990, and for other purposes"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3157. A communication from the Secretary of Commerce, transmitting, a draft of proposed legislation entitled "The Spectrum Assignment Improvements Act of 1988"; to the Committee on Commerce, Science, and Transportation.

EC-3158. A communication from the Assistant Secretary for Tourism Marketing, Department of Commerce, transmitting, pursuant to law, a report on the U.S. Travel and Tourism Administration marketing plan; to the Committee on Commerce, Science, and Transportation.

EC-3159. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the Youth Conservation Corps [YCC]; to the Committee on Energy and Natural Resources.

EC-3160. A communication from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting, pursuant to law, a report regarding the refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-3161. A communication from the Deputy Associate Director for Collection and Disbursement, Department of Transportation, transmitting, pursuant to law, a report regarding the refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-3162. A communication from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting, pursuant to law, a report regarding the refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-3163. A communication from the Director, Office of Legislative Affairs, Agency for International Development, transmitting, pursuant to law, a report on new contracts having a total estimated cost or price in excess of $100,000 which the Agency entered into without competitive selection procedures during the period October 1, 1986 to September 30, 1987; to the Committee on Foreign Relations.

EC-3164. A communication from the D.C. auditor, transmitting, pursuant to law, a report entitled "Fiscal Year 1987 Annual Report on Advisory Neighborhood Commissions"; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 801. A bill to facilitate the national distribution and utilization of coal (Rept. No. 100-325).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. STEVENS:

S. 2331. A bill to issue a fisheries license for the operation of the vessel M/V *Ocean Tempest*; to the Committee on Commerce, Science, and Transportation.

By Mr. KARNES:

S. 2332. A bill to amend the Commodity Credit Corporation Charter Act to provide equity to producers in establishing payment rates for storage of wheat and feed grains; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOSCHWITZ (for himself, Mr. DIXON, Mr. DURENBERGER, Mr. KASTEN, Mr. PROXMIRE, Mr. QUAYLE, and Mr. SIMON):

S. 2333. A bill to amend the Merchant Marine Act to extend the Great Lakes Set Aside for the duration of the increase in the cargo preference; to the Committee on Commerce, Science, and Transportation.

By Mr. DIXON (for himself, Mr. SIMON, Mr. LEVIN, Mr. PROXMIRE, and Mr. BOSCHWITZ):

S. 2334. A bill to amend the Merchant Marine Act, to repeal the requirements both for additional cargo preference imposed on certain agricultural exports and for allocations of a share of such exports to Great Lakes ports; to the Committee on Commerce, Science, and Transportation.

By Mr. NICKLES:

S. 2335. A bill to require analysis and estimates of the likely impact of Federal legislation and regulations upon the private sector and State and local governments, to provide for deficit neutrality of new spending legislation, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, by unanimous consent August 4, 1977 that if one committee reports the other committee has 30 days of continuous session to report or to be discharged.

By Mr. NICKLES (by request):

S. 2336. A bill to require analyses and estimates of the likely impact of Federal legislation and regulations upon the private sector and State and local governments, to provide for deficit neutrality of new spending legislation, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs jointly, pursuant to the order of August 4, 1977.

By Mr. LUGAR:

S. 2337. A bill to amend the United States Grain Standards Act to extend through September 30, 1993, the authority contained in section 155 of the Omnibus Budget Reconciliation Act of 1981 and Public Law 98-469 to charge and collect inspection and weighing fees, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WILSON (for himself and Mr. INOUYE):

S. 2338. A bill to provide for naturalization of natives of the Philippines through active-duty service in the Armed Forces during World War II; to the Committee on the Judiciary.

By Mr. SIMON (for himself and Mr. DIXON):

S. 2339. A bill to establish the Hennepin Canal National Heritage Corridor in the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CHILES:

S. 2340. A bill to amend title 28, United States Code, with respect to the configuration of the Middle and Southern Districts of Florida; to the Committee on the Judiciary.

By Mr. HECHT:

S. 2341. A bill to amend the Internal Revenue Code of 1986 to repeal the restrictions on retirement savings deductions added by the Tax Reform Act of 1986, and to allow up to a $2,000 deduction for retirement savings for a nonworking spouse; to the Committee on Finance.

By Mr. BUMPERS (for himself, Mr. LEAHY, Mr. CHAFEE, and Mr. HEINZ):

S. 2342. A bill to reinforce the INF Treaty by restricting funding for excessive levels of MIRV'd strategic nuclear forces, and for other purposes; to the Committee on Armed Services.

By Mr. QUAYLE:

S. 2343. A bill entitled the "Pension Portability Act of 1988."; to the Committee on Finance.

By Mr. LEVIN (for himself and Mr. COHEN):

S. 2344. A bill to provide for the reauthorization of appropriations for the Office of Government Ethics, and for other purposes; to the Committee on Governmental Affairs.

By Mr. WEICKER (for himself, Mr. HARKIN, Mr. SIMON, Mr. STAFFORD, Mr. KENNEDY, Mr. DODD, Mr. MATSUNAGA, Mr. CHAFEE, Mr. KERRY, Mr. PACKWOOD, Mr. LEAHY, Mr. INOUYE, Mr. CRANSTON, and Mr. DOLE):

S. 2345. A bill to establish a clear and comprehensive prohibition of discrimination on the basis of handicap; to the Committee on Labor and Human Resources.

By Mr. HARKIN (for himself, Mr. HATFIELD, Mr. CRANSTON, Mr. DASCHLE, Mr. KENNEDY, Mr. KERRY, Mr. PROXMIRE, Mr. SANFORD, Mr. SIMON, and Mr. STAFFORD):

S. 2346. A bill to preserve the cooperative, peaceful uses of outer space for the benefit of all mankind by prohibiting the basing or testing of weapons in outer space and the testing of antisatellite weapons, and for other purposes; to the Committee on Armed Services.

By Mr. INOUYE:

S. 2347. A bill to declare certain activities of manufacturers of soft drinks to be unfair acts or practices for purposes of the Federal Trade Commission Act; to the Committee on the Judiciary and the Committee on Commerce, Science, and Transportation, jointly, by unanimous consent.

By Mr. CHAFEE (for himself, Mr. MITCHELL, Mr. PELL, and Mr. RIEGLE):

S.J. Res. 306. Joint resolution designating the day of August 7, 1989, as "National Lighthouse Day"; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself, Mr. DOMENICI, Mr. WEICKER, Mr. MOYNIHAN, Mr. WILSON, Mr. COCHRAN, Mr. DOLE, Mr. HEFLIN, and Mr. STEVENS):

S.J. Res. 307. Joint resolution to designate the decade beginning January 1, 1988, as the "Decade of the Brain"; to the Committee on the Judiciary.

By Mr. STAFFORD:

S.J. Res. 308. Joint resolution to designate June 1988 as "National Recycling Month"; to the Committee on the Judiciary.

By Mr. WILSON:

S.J. Res. 309. Joint resolution designating the month of May as "National Asparagus Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BENTSEN (for himself, Mr. ADAMS, Mr. ARMSTRONG, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOND, Mr. BOREN, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BREAUX, Mr. BUMPERS, Mr. BURDICK, Mr. BYRD, Mr. CHAFEE, Mr. CHILES, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRANSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. DASCHLE, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. EVANS, Mr. EXON, Mr. FORD, Mr. FOWLER, Mr. GARN, Mr. GLENN, Mr. GORE, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HECHT, Mr. HEFLIN, Mr. HEINZ, Mr. HELMS, Mr. HOLLINGS, Mr. HUMPHREY, Mr. INOUYE, Mr. JOHNSTON, Mr. KARNES, Mrs. KASSEBAUM, Mr. KASTEN, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LUGAR, Mr. MATSUNAGA, Mr. MCCAIN, Mr. MCCLURE, Mr. MCCONNELL, Mr. MELCHER, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. PROXMIRE, Mr. PRYOR, Mr. QUAYLE, Mr. REID, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. ROTH, Mr. RUDMAN, Mr. SANFORD, Mr. SARBANES, Mr. SASSER, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SPECTER, Mr. STAFFORD, Mr. STENNIS, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, Mr. TRIBLE, Mr. WALLOP, Mr. WARNER, Mr. WEICKER, Mr. WILSON, and Mr. WIRTH):

S. Res. 422. Resolution to express appreciation and gratitude to Claudia Taylor "Lady Bird" Johnson; considered and agreed to.

By Mr. BYRD (for himself and Mr. DOLE):

S. Res. 423. Resolution to direct the Senate Legal Counsel to represent a Senate employee in the case of *Korb* v. *Lehman*, et al. (E.D. Va.); considered and agreed to.

By Mr. BYRD:

S. Res. 424. Resolution to direct the Senate Legal Counsel to represent Senate employees and authorize testimony and production of documents in the case of *Adamson* v. *Radosevic*, et al.; considered and agreed to.

S. Con. Res. 116. Concurrent resolution providing for a conditional adjournment or recess of the Senate from April 29, 1988 until May 9, 1988; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS:

S. 2331. A bill to issue a fisheries license for the operation of the vessel MV *Ocean Tempest*; to the Committee on Commerce, Science, and Transportation.

LICENSING OF VESSEL MV "OCEAN TEMPEST"

● Mr. STEVENS. Mr. President, I rise today to introduce legislation that would grant a waiver to the motor vessel *Ocean Tempest* to operate in the fisheries of the United States.

Mr. Lloyd Cannon and Mr. Lou Iani, both of All Alaskan Seafoods, Inc., have asked for legislative assistance in obtaining a waiver of contract restrictions on their surplus U.S. vessel, *Ocean Tempest*, in order that the *Ocean Tempest* may be used as a fish processing vessel in the fisheries of the North Pacific and Bering Sea.

All Alaskan Seafoods, Inc., is a corporation licensed by the State of Alaska to engage in the seafood industry of the North Pacific, Bering Sea, and coastal waters. All Alaskan Seafoods is seeking this waiver to allow them to use the *Ocean Tempest* as a replacement for the MV *All Alaskan*, which went aground in March 1987. The *All Alaskan* was a sister ship of the *Ocean Tempest*, and had been successfully operated as a fish processor in the waters off Alaska by All Alaskan Seafoods from 1975 to 1987.

The *Ocean Tempest*, formerly the *Horseshoe Splice*, official No. 248773, was constructed in Savannah, GA, in 1945 as a knot-class vessel—C1-M-AV1—for use in the war effort by the Maritime Administration. At the end of World War II the vessel remained with the Maritime Administration, and was placed in the reserve fleet at Mobile, AL. In 1972 the vessel was sold to the Nicolai Joffe Corp., and was to be scrapped within 2 years.

The vessel was not scrapped, however, and in 1974 the Nicolai Joffe Corp. resold the vessel to the Storm Drilling Co. of Texas for use in offshore oil exploration. At this time the Maritime Administration placed a restriction on the vessel's documentation stating that the vessel could not be used for the transport of passengers or cargo. The Storm Drilling Co. renamed the vessel *Ocean Tempest,* and used her as an offshore oil drilling vessel from 1974 to 1987.

Odeco Drilling, Inc.—successor to Storm Drilling Co.—then sold the *Ocean Tempest* to All Alaskan Seafoods, Inc., on August 20, 1987, with the documentation restriction still in place. All Alaskan Seafoods has outfitted the *Ocean Tempest* with the latest seafood processing and refrigeration equipment, and plans to purchase king and tanner crab, bottomfish, and salmon from U.S. fishermen in the North Pacific and the Bering Sea. In order for the *Ocean Tempest* to be able to transport the fish she will process at sea, the documentation restriction must be removed.

This bill will waive the documentation restriction, and allow the *Ocean Tempest* to be granted a fishing license for operation as a processing vessel. The *Ocean Tempest* is expected to generate roughly $35 million annually in gross revenues, will employ 240 people onboard, and will purchase approximately 18 million dollars' worth of fish per year from U.S. fishermen.

The *Ocean Tempest* will fill the niche initially created by the MV *All Alaskan,* and in so doing will increase the ability of American fishermen to sell their catch to U.S. processors. This will help not only the U.S. fishermen; it will help the U.S. trade deficit as well. Every pound of fish sold by a U.S. fisherman to a U.S. processor is 1 less pound of fish sold to a foreign processor, which improves our balance of trade.●

By Mr. KARNES:

S. 2332. A bill to amend the Commodity Credit Corporation Charter Act to provide equity to producers on establishing payment rates for storage of wheat and feed grains; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL EQUITY ACT

● Mr. KARNES. Mr. President, I wish to introduce the Agricultural Equity Act of 1988, a bill that will promote fairness in the rates that farmers are paid for storing wheat and feed grains on their farms as part of the farmer-owned reserve [FOR].

The farmer-owned reserve has served to provide this Nation an inexpensive system of facilities to store crops during times of product surplus. At one time, the reserve was underutilized by the Government, but as grain stocks grew, it was recognized that this system was useful for the purpose for which it was designed. It was easy to expand, kept grain quality high since farmers had to meet strict requirements, and the grain could be called in at any time.

At this time, farmers are paid 26.5 cents per bushel for storing this grain. This is well below commercial market rates and is set by legislation for the whole country. Commercial warehouses, on the other hand, are able to set their rates in a bid process according to the cost of storing the grain plus other associated costs. If the Department allows commercial rates to increase, then farmers should be allowed to receive a comparable rate increase. However, I do not want to draw any unfair comparisons because I recognize that commercial warehouses have a variety of overhead expenses that vary from those of farmers. Grain in commercial warehouses is also more likely to be held for a shorter period of time.

The bill I am introducing today, the Agricultural Equity Act of 1988, simply ensures that farmers fully participate in any storage rate increase that might accrue to commercial warehousemen rather than allowing this difference to increase further.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Equity Act of 1988".

SEC. 2. COMMODITY CREDIT CORPORATION CHARTER ACT.

Effective for the 1988 crop year, section 4(h) of the Commodity Credit Corporation Charter Act (7 U.S.C. 714b(h)) is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of law, if, in connection with establishing rates for commercial warehouseman for the handling and storage of the 1988 crop of wheat or feed grains owned by the Commodity Credit Corporation, the Secretary of Agriculture shall approve a rate for any warehouseman that is above the approved rate for such warehouseman for the 1987 crop of wheat or feed grains, the Secretary shall increase the annual payment rate to producers for the 1988 crop of wheat or feed grains for the on-farm storage of commodities pledged as collateral on Commodity Credit Corporation program loans by 2 cents.".●

By Mr. BOSCHWITZ (for himself, Mr. Dixon, Mr. Durenberger, Mr. Kasten, Mr. Proxmire, Mr. Quayle, and Mr. Simon):

S. 2333. A bill to amend the Merchant Marine Act to extend the Great Lakes Set-Aside for the duration of the increase of the cargo preference; to the Committee on Commerce, Science, and Transportation.

EXTENSION OF GREAT LAKES SET ASIDE

● Mr. BOSCHWITZ. Mr. President, on behalf of Senators Dixon, Durenberger, Kasten, Proxmire, Quayle, Simon and myself, I rise to offer legislation that will extend permanently what is commonly known as the "Great Lakes Set-Aside." The Great Lakes Set-Aside was enacted as part of the cargo preference provision contained in the Food Security Act of 1985, Public Law 99-198.

These provisions marked the resolution of a long controversy over which export programs should be covered under cargo preference requirements which mandate that 50 percent of all cargo be carried on U.S.-flag vessels. The dispute has always been heated because of the economics involved. U.S.-flag vessels are always more expensive to use than foreign-flag vessels and have a history of poor performance. The additional money needed to use U.S.-flag vessels has always come right out of the money available for grain shipments. Farmers naturally recognize that this makes their export programs less effective.

Traditionally, only the Public Law 480—food for peace—programs were subject to cargo preference requirements, while other programs such as the old blended credit and current guaranteed export credit programs were exempt. In 1983, a Federal court judge ruled in favor of the maritime industry and against USDA, writing that the Blended Credit Program should be subject to cargo preference requirements. The additional cost of cargo preference canceled out the benefits of the blended credit program, and the Secretary of Agriculture suspended the program as a result of the court decision. The maritime industry did not win anything in the end, while the farmers lost an important program.

The maritime industry then indicated that they were going to go after the other commercial USDA export promotion programs through the courts. As a result, several Members of Congress, the maritime industry, and a few farm groups sat down and drafted a legislative compromise. The proposal, which eventually passed, amounted to a safe harbor for all of the USDA export promotion programs except Public Law 480. In exchange, the cargo preference requirements under Public Law 480 were increased over 3 years from 50 percent to 75 percent.

This compromise created a severe difficulty for the Great Lakes, because there are no U.S.-flag lines that are based in the region. Foreign flag vessels—(usually U.S.-owned)—handle the Public Law 480 shipments out of Great Lakes ports. Increasing the preference percentage clearly takes business away from our ports.

During consideration of the Food Security Act of 1985, Senator Dixon and I won approval of a provision to preserve a percentage of the Public Law 480 cargos for the Great Lakes port range.

Frankly, there have been nothing but problems trying to implement together the higher cargo preference requirement and the Great Lakes Set-Aside. It seems that we get into a dispute with USDA, MARAD, or AID every few months trying to preserve the integrity of the set-aside. I sympathize with the agencies as they struggle to meet the requirements of the law under the realities of the marketplace. However, as Senators from the Great Lake region, we will continue to work at making the best out of a bad situation, to ensure that cargo preference does as little damage to our port range as possible.

The compromise adopted in 1985 permanently increased the Public Law 480 percentage, while the Great Lakes Set-Aside expires at the end of the 1989 shipping year. The legislation we offer today will put the Great Lakes on equal footing with the other port ranges permanently.●

● Mr. PROXMIRE. Mr. President, I am happy to rise today as a cosponsor of the legislation to extend the Great Lakes Set-Aside. My distinguished colleagues, Senator Boschwitz and Senator Dixon have touched on an issue from which the entire Great Lakes region can benefit. Now that the cargo preference has been increased to 75 percent for our U.S.-flags, the Great Lakes ports are in hot water. We don't have any U.S. vessels calling on them for international trade. We Senators from the Great Lakes States have been working together on our concerns and have been coming up with some answers. I believe we are seeing one of the answers here today. The Great Lakes Set-Aside must be continued if our ports are to stay above water.

We will be offering more legislation in the near future that will continue to address these problems. I enthusiastically support the Boschwitz-Dixon extension of the Great Lakes Set-Aside.●

By Mr. DIXON (for himself, Mr. Simon, Mr. Levin, Mr. Proxmire, and Mr. Boschwitz):

S. 2334. A bill to amend the Merchant Marine Act, 1936, to repeal the requirements both for additional cargo preference imposed on certain agricultural exports and for allocations of a share of such exports to Great Lakes ports; to the Committee on Commerce, Science, and Transportation.

PRO COMPETITION CARGO ALLOCATION ACT

● Mr. DIXON. Mr. President, 3 years ago, during the farm bill debate, I stood here and debated cargo preference until I was hoarse. The Senate had decided, over my strenuous objections, to increase the cargo preference requirements for Public Law 480 title II cargo. The requirements would be gradually increased from the 50-percent level in 1985 to a 75-percent level in 1988.

I held the floor in 1985, because any increase in the percentage of cargo preference hurts Great Lakes ports. Put very simply, more cargo preference means less title II cargo for the lakes, and less title II cargo mean much less business for our ports.

Title II cargo is essential to the economic health of Great Lakes ports. First of all, title II cargo is labor intensive. It consists of mostly smaller bagged cargo, such as wheat flour and cornmeal, used in famine relief programs. You need a lot of manual labor to handle small bagged cargo. In addition, title II is a magnet cargo. It attracts ships into the Great Lakes system who arrange to carry additional cargo to supplement their load. As a result, the tonnage shipped out of our ports increases exponentially. This extra tonnage increases business, and provides even more jobs.

Cargo preference mandates the use of American ships. We can't compete for cargo preference shipping because no U.S.-flagged ships call on Great Lakes ports. Unfortunately, because of the size constraints of the St. Lawrence Seaway system, U.S. ships can't serve the lakes. Great Lakes capable ships or "Lakers" are smaller than the big bulk carriers that dominate U.S. shipping. Only foreign ships call on the Great Lakes ports.

Consequently, increasing cargo preference decreases the amount of Government shipping which the lakes can compete for. It was tough enough for our ports to win title II contracts when cargo preference was 50 percent. It is going to be impossible when cargo preference is 75 percent.

In 1985, my Great Lakes colleagues and I managed to bring about a compromise with the advocates of cargo preference. We agreed it would still increase to 75 percent but stipulated that the Great Lakes ports would be allowed to retain their traditional share. "The Great Lakes set-aside" required that our ports receive title II shipments equal to their 1984 share of such shipments or 245,338 metric tons.

The Great Lakes set-aside is due to expire at the end of the 1989 shipping season. Unfortunately, since cargo preference rose to 75 percent on April 1, the set-aside is needed more than ever. Our ports depend on title II cargo.

I want to encourage the growth of American shipping. The United States needs a strong merchant marine. But, I don't think raising cargo preference and, in effect, taking away essential commerce from the Great Lakes is an appropriate or equitable solution to this problem.

My only concern is to guarantee that the Great Lakes are given a fair shot at title cargo. As I see it, there are two possible solutions to our problem. Either, we can extend the Great Lakes set-aside into perpetuity, so it is commensurate with the cargo preference increase, or we can repeal cargo preference back to 50 percent and dispense with any sort of set-aside.

To this effect, I am introducing one bill and am a major cosponsor of another. My bill, based on an earlier version introduced in the House by Representative Oberstar, would reestablish a bidding process that, for at least 50 percent of Public Law 480 cargo, would award contracts on a competitive basis. Senators Simon, Levin, Proxmire, and Boschwitz, are cosponsors. In addition, I am the original cosponsor of the Boschwitz-Dixon bill which would extend the Great Lakes set-aside for the life of the cargo preference increase.

I urge my colleagues to seriously consider both of these proposals. The Great Lakes ports cannot allow cargo preference to rise to 75 percent this year without at least providing an opportunity for the lakes to receive its fair share of title II cargo. We have until the end of 1989 to work something out. Let's find a solution. My lungs and your ears probably can't take much more of my debating this subject.

Mr. President, I ask unanimous consent that my bill be printed in the Record in full.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pro Competition Cargo Allocation Act of 1988".

SEC. 2. REPEAL OF SHIPMENT REQUIREMENTS.

Section 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241f), relating to shipment requirements for certain exports sponsored by the Department of Agriculture, is repealed.

SEC. 3. CONFORMING AMENDMENTS.

The Merchant Marine Act, 1936, is amended as follows:

(1) Section 901a(2) is amended by striking ", except as provided in section 901b,".

(2) Section 901a(5) is amended by striking ", but nothing in this subsection shall be construed to exempt from the cargo preference provisions referred to in section 901b any requirement otherwise applicable to the materials, goods, equipment, or services imported under any such transaction." and inserting a period.

(3) Section 901c is redesignated as section 901b.

(4) Section 901d is repealed.

(5) Section 901e—

(A) is amended by striking "901k" and inserting "901g"; and

(B) is redesignated as section 901c.

(6) Section 901f is repealed.

(7) Section 901g—

(A) is redesignated as 901d; and

(B) is amended in subsection (a) by striking "section 901j" and inserting "section 901g".

(8) Section 901h—

(A) is redesignated as section 901e;

(B) is amended in the first sentence of subsection (a) by striking "referred to in section 901b";

(C) is amended in subsection (b)(2) by striking the second sentence; and

(D) is amended in subsection (c) by striking "the cargo preference laws referred to in section 901b:" and inserting "cargo preference laws:".

(9) Section 901i is redesignated as section 901f.

(10) Section 901j is redesignated as section 901g.

(11) Section 901k is repealed.●

By Mr. NICKLES:

S. 2335. A bill to require analysis and estimates of the likely impact of Federal legislation and regulation upon the private sector and State and local governments, to provide for deficit neutrality of new spending legislation, and for other purposes; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

By Mr. NICKLES (by request):

S. 2336. A bill to require analysis and estimates of the likely impact of Federal legislation and regulation upon the private sector and State and local governments, to provide for deficit neutrality of new spending legislation, and for other purposes; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

TRUTH-IN-SPENDING LEGISLATION

Mr. NICKLES. Mr. President, today I am introducing the Truth in Federal Spending Act of 1988 which will require a full disclosure of all costs associated with any legislation considered by Congress as well as require that legislation be deficit-neutral.

We have found that through the Gramm-Rudman requirements to meet certain deficit targets as well as comply with strict rules for legislation considered that violate the law's provisions, Congress has been forced into a deficit-reduction way of thinking. What I propose is to add to this discipline by requiring that a financial impact statement accompany any bill or amendment considered in the Senate or the House.

The President has proposed similar legislation after he outlined several initiatives in connection with the Economic Bill of Rights in 1987. This legislation patterns his proposal.

First, the bill would insure that all legislation that would result in increased Federal spending is deficit-neutral by requiring the concurrent enactment of equal amount of program reductions or revenue increases. It would also require that all legislation include a financial impact statement detailing the measure's likely economic effects upon the private sector and State and local governments.

Further, it would require that regulations and proposed regulations promulgated by executive branch agencies also be accompanied by financial impact statements. Congress may waive the provisions regarding the deficit neutrality and the financial impact statement by a three-fifths vote of either House. Congress also reserves the right to waive the requirements in the time of war or during a national security emergency.

The Nation is on the threshold of either curbing the Federal deficit or allowing the deficit to escalate further out of control. This legislation will provide the necessary accountability to insure we do not let the deficit strangle our economic opportunity.

Mr. President, I ask unanimous consent that my bill S. 2335 be printed in the RECORD.

Mr. President, I also ask that the President's prepared bill, S. 2336, and the President's statement concerning that bill, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truth in Federal Spending Act of 1988".

SEC. 2. FINDING AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) in real terms, spending on domestic programs grew at an annual rate of more than 6.5 percent per year from fiscal year 1960 through fiscal year 1980;

(2) between fiscal year 1980 and fiscal year 1985, the annual rate of increase, in real terms, in domestic spending has slowed to less than 3 percent and was less than 1 percent in 1986;

(3) in fiscal year 1987, total Federal spending, in real terms, actually declined for the fist time since fiscal year 1973; and

(4) Federal spending continues to be excessive, adding to the deficit and absorbing resources that could otherwise be employed more effectively.

(b) PURPOSE.—The purpose of this Act is to—

(1) ensure that the American people are fully apprised of the actual costs of Federal programs, whether as a result of legislative or regulatory activity; and

(2) require both the Congress and the executive branch to acknowledge and to take responsibility for the fiscal and budgetary effects of legislative and regulatory actions and activities.

SEC. 3. FINANCIAL IMPACT STATEMENTS.

(a) PREPARATION.—The Director of the Congressional Budget Office shall prepare a financial impact statement, as described in subsection (b), to accompany each bill, amendment, resolution, or conference report reported by any committee of the House of Representatives or the Senate or considered on the floor of either house.

(b) CONTENTS.—Except as provided in subsection (c), the financial impact statement required by subsection (a) shall—

(1) state the extent to which enactment of the bill, amendment, resolution, or conference report would result in increased costs to the private sector or State and local governments; and

(2) include, at a minimum, a detailed assessment of the annual impact of the bill, amendment, resolution, or conference report (projected annually over a 5-year period from its effective date, and, to the extent feasible, expressed in each in monetary terms) on—

(A) costs to consumers or business;

(B) national employment;

(C) the ability of United States industries to compete internationally;

(D) affected State and local governments, fiscal and otherwise; and

(E) outlays by the Federal Government as compared to outlays for the same acitivty in the current fiscal year (as reported by the Congressional Budget Office).

(c) EXCEPTION.—The financial impact statement required by subsection (a) may consist of a brief summary assessment in lieu of the detailed assessment set forth in subsection (b) if preliminary analysis indicates that the aggregate effect of the bill, amendment, resolution, or conference report as measured by subparagraphs (A) through (D) of subsection (b) is less than $100,000,000.

(d) STATEMENT WITH ALL LEGISLATION.—The financial impact statement required by this section shall accompany each bill, amendment, resolution, or conference report before such bill, amendment, resolution, or conference report may be reported or otherwise considered on the floor of either House.

SEC. 4. POINT OF ORDER IN HOUSE OF SENATE.

(a) RULE.—It shall not be in order in either the House of Representatives or the Senate to consider on the floor any bill, amendment, resolution, or conference report, whether or not reported by any committee of the House of Representatives or the Senate, unless that bill, amendment, resolution, or conference report includes the financial impact statement required by section 3.

(b) WAIVER.—A point of order made under this section may be waived in the Senate by a three-fifths affirmative vote of Senators, duly chosen and sworn, and in the House of Representatives by a three-fifths affirmative vote of Members, duly chosen and sworn.

SEC. 5. EXECUTIVE REGULATIONS.

Each regulation and proposed regulation promulgated by a department or executive agency shall be accompanied by a financial impact statement prepared, in accordance with subsection (b) of section 3, by the department or agency promulgating the regulation or proposed regulation. The financial impact statement shall be published in the Federal Register together with such regulation or proposed regulation.

SEC. 6. DEFICIT NEUTRALITY OF NEW SPENDING LEGISLATION.

(a) POINT OF ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider on the floor any bill, amendment, resolution, or conference report, whether or not reported by any committee of its House, the enactment of which would result in increased outlays by the Federal Government (as compared to outlays for the same activity in the current fiscal year as reported by the Congressional Budget Office) unless that bill, amendment, resolution, or conference report includes, or is voted on simultaneously with another bill, amendment, resolution, or conference report that includes provisions that either—

(1) reduce outlays by at least an equivalent amount;

(2) increase receipts by at least an equivalent amount; or

(3) reduce outlays and increase receipts in combination with one another by at least an equivalent amount.

(b) WAIVER.—A point of order made under this section may be waived in the Senate by a three-fifths affirmative vote of Senators, duly chosen and sworn, and in the House of Representatives by a three-fifths affirmative vote of Members, duly chosen and sworn.

SEC. 7. PROVISION FOR NATIONAL SECURITY EMERGENCY.

The Congress may waive the requirements of this Act at any time in which a declaration of war is in effect, or in connection with any provision for essential funding in response to a national security emergency at the request of the President.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect 90 days after the date of enactment of this Act.

S. 2336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Truth in Federal Spending Act of 1988".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) in real terms, spending on domestic programs grew at an annual rate of more than 6.5 percent per year from fiscal year 1960 through fiscal year 1980;

(2) between fiscal year 1980 and fiscal year 1985, the annual rate of increase, in real terms, in domestic spending has slowed to less than three percent and was less than one percent in 1986;

(3) in fiscal year 1987, total Federal spending, in real terms, actually declined for the first time since fiscal year 1973; and yet

(4) Federal spending continues to be excessive, adding to the deficit and absorbing resources that could otherwise be employed more effectively.

(b) The purposes of this Act are to—

(1) ensure that the American people are fully apprised of the actual costs of Federal programs, whether as a result of legislative or regulatory activity; and

(2) require both the Congress and the Executive branch to acknowledge and to take responsibility for the fiscal and budgetary effects of legislative and regulatory actions and activities.

FINANCIAL IMPACT STATEMENTS

SEC. 3. (a) The Director of the Congressional Budget Office shall prepare a financial impact statement, as described in subsection (b) below, to accompany each bill, amendment, resolution, or conference report of a public character reported by any committee of the House of Representatives or the Senate or considered on the floor of either House.

(b) The financial impact statement required by subsection (a) of this section shall state the extent, if any, to which enactment of the bill, amendment, resolution, or conference report would result in increased costs to the private sector or State and local governments and shall in addition include, at a minimum, a detailed assessment of the annual impact of the bill, amendment, resolution, or conference report (projected annually over a five-year period from its effective date, and, to the extent feasible, expressed in each case in monetary terms) on—

(1) costs to consumers or business;

(2) national employment;

(3) the ability of United States industries to compete internationally;

(4) the ability of affected State and local governments to comply with the requirements, fiscal and otherwise, of the bill, amendment, resolution, or conference report; and

(5) outlays by the Federal Government as compared to outlays for the same activity in the current fiscal year (as reported by the Congressional Budget Office); *provided,* that the financial impact statement may consist of a brief summary assessment in lieu of the detailed assessment set forth above if preliminary analysis indicates that the aggregate effect on each of categories (1)-(4) above is less than one hundred million dollars.

SEC. 4. The financial impact statement described in subsection (b) of section 3 shall accompany each bill, amendment, resolution, or conference report of a public character before such bill, amendment, resolution, or conference report may be reported or otherwise considered on the floor of either House.

SEC. 5. It shall not be in order in either the House of Representatives or the Senate to consider on the floor any bill, amendment, resolution, or conference report of a public character, whether or not reported by any committee of the House of Representatives or the Senate, unless that bill, amendment, resolution, or conference report includes the Financial Impact Statement described in subsection (b) of section 3.

SEC. 6. Each regulation and proposed regulation promulgaged by a department or Executive agency shall be accomplished by a financial impact statement, as described in subsection (b) of section 3, prepared by the department or agency promulgating the regulation or proposed regulation. The financial impact statement shall be published in the Federal Register together with such regulation or proposed regulation.

DEFICIT NEUTRALITY OF NEW SPENDING LEGISLATION

SEC. 7. It shall not be in order in either the House of Representatives or the Senate to consider on the floor any bill, amendment, resolution, or conference report, whether or not reported by any committee of its House, the enactment of which would result in increased outlays by the Federal Government (as compared to outlays for the same activity in the current fiscal year as reported by the Congressional Budget Office) unless that bill, amendment, resolution, or conference report includes, or is voted on simultaneously with another bill, amendment, resolution, or conference report that includes provisions that either—

(1) reduce outlays by at least an equivalent amount;

(2) increase receipts by at least an equivalent amount; or

(3) reduce outlays and increase receipts in combination with one another by at least an equivalent amount.

PROVISION FOR NATIONAL SECURITY EMERGENCY

SEC. 8. The Congress may waive the requirements of this Act at any time in which a declaration of war is in effect, or in connection with any provision for essential funding in response to a national security emergency at the request of the President.

EFFECTIVE DATE

SEC. 9. The requirements contained in this Act shall become effective 90 days after the date of enactment of this Act.

TRUTH IN FEDERAL SPENDING ACT OF 1988—S. 2336

FACT SHEET

The President has today transmitted to the Congress the "Truth in Federal Spending Act of 1988." In making this proposal to the Congress, the President noted that on November 20 of last year, he reached agreement with congressional leaders on a package designed to reduce the Federal deficit. That Bipartisan Budget Agreement between the President and the joint leadership of the Congress represented a strong consensus that Federal spending must be brought under control.

The President's transmittal message pointed out that continued spending growth, particularly where wasteful or unnecessary, adds to the Federal deficit and absorbs resources that would otherwise be employed more fruitfully in the private sector of the economy. The Bipartisan Budget Agreement, he stated, is an important step in reducing spending growth; but protecting the Federal budget from special interest, budget-busting legislation will require a continued, ongoing commitment. The President expressed concern that despite recent encouraging efforts to bring the Federal budget deficit under control major problems persist.

Accordingly, the President today transmitted to the Congress this draft legislation, first proposed on July 3, 1987, when he outlined several initiatives in connection with the Economic Bill of rights. The legislation is designed to discourage wasteful Federal spending by requiring both the Legislative and Executive branches of government to be fully accountable for their respective actions.

Key provisions of this draft bill would:

Insure that all legislation that would result in increased Federal spending is deficit-neutral by requiring the concurrent enactment of equal amounts of program reductions or revenue increases;

Require that all legislation include a "financial impact statement" detailing the measure's likely economic effects upon the private sector and State and local governments;

Require that regulations and proposed regulations promulgated by Executive branch agencies also be accompanied by financial impact statements; and

Permit waiver of the requirements of the Act during time of war or during a national security emergency.

The President emphasized that the intent of this important legislation is not to shift Federal spending requirements to State and local governments but, rather, to enable the Federal Government—both the Executive and Legislative branches—to get its fiscal house in order.

The President stated that enactment of the Truth in Federal Spending Act of 1988 will help to carry out the important goals reflected in the Bipartisan Budget Agreement of November 20, 1987, and will continue the important work already accomplished in reducing or eliminating needless Federal expenditures. He said that the proposed Act deserves broad, bipartisan support and urged that the legislation be promptly enacted.

By Mr. LUGAR:

S. 2337. A bill to amend the U.S. Grain Standards Act to extend through Sepatember 30, 1993, the authority contained in section 155 of the Omnibus Budget Reconciliation Act of 1981 and Public Law 98-469 to charge and collect inspection and weighing fees, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

U.S GRAIN STANDARDS ACT AMENDMENTS

● Mr. LUGAR. Mr. President, I rise today to introduce legislation that would reauthorize the Federal Grain Inspection Service [FGIS]. This agency's authority is scheduled to expire at the end of the current fiscal year, on September 30, 1988.

The FGIS was established on November 20, 1976, pursuant to the U.S. Grain Standards Act. In 1977, the Grain Standards Act was amended to provide appropriated funding for field supervision. The Omnibus Budget Reconciliation Act of 1981 amended the act to require user fee funding to support supervision and administration of the inspection and weighing programs previously covered by appropriations. Authority to collect user fees must be reinstated by legislation periodically. This legislative authority expires on September 30, 1988.

The mission of the FGIS is to provide for the establishment of official U.S standards for grain and other commodities, to promote the uniform application of these standards, and to provide for an official inspection system for grain. This legislation is intended to extend authority for these activities for 5 years, through September 30, 1993.

Under this reauthorization, the FGIS would be expected to carry out further the Grain Quality Improvement Act of 1986, Public Law 99-461. This law, among other provisions, prohibits dockage or foreign material once removed from grain from being recombined with any grain, and prohibits dockage of foreign material from being added to grain. On June 30, 1987, the FGIS published amendments to the regulations and the Official U.S. Standards for Grain to implement provisions of this law.

During the past 4 years, the FGIS has managed its programs in a cost-effective manner, making the difficult decisions required to operate during periods of relatively low exports. I wish to take this opportunity to commend Mr. Kirk Miller, current Administrator of the FGIS, for his efforts in coordinating the activities of the agency, particularly those applying to the Grain Quality Improvement Act.

Mr. President, I strongly support the reauthorization of the Federal Grain Inspection Service. As, I urge other Senators to cosponsor this measure.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Grain Standards Act Amendments of 1988".

SEC. 2. GRAIN STANDARDS ACT.

Effective for the period October 1, 1988, through September 30, 1993, inclusive, the United States Grain Standards Act is amended—

(1) in subsection (j) of section 7 (7 U.S.C. 79(j)) to read as follows:

"(j)(1) The Administrator shall, under such regulations as the Administrator may prescribe, charge and collect reasonable inspection fees to cover the estimated cost to the Service incident to the performance of official inspection except when the official inspection is performed by a designated official agency or by a State under a delegation of authority. The fees authorized by this subsection shall, as nearly as practicable and after taking into consideration any proceeds from the sale of samples, cover the costs of the Service incident to its performance of official inspection services in the United States and on United States grain in Canadian ports, including administrative and supervisory costs related to such official inspection of grain. Such fees, and the proceeds from the sale of samples obtained for purposes of official inspection which become the property of the United States, shall be deposited into a fund which shall be available without fiscal year limitation for the expenses of the Service incident to providing services under this Act.

"(2) Each designated official agency and each State agency to which authority has been delegated under subsection (e) of this section shall pay to the Administrator fees in such amount as the Administrator determines fair and reasonable and as will cover the estimated costs incurred by the Service relating to supervision of official agency personnel and supervision by Service personnel of its field office personnel, except costs incurred under paragraph (3) of subsection (g) of this section and sections 9, 10, and 14 of this Act. The fees shall be payable after the services are performed at such times as specified by the Administrator and shall be deposited in the fund created in paragraph (1) of this subsection. Failure to pay the fee within thirty days after it is due shall result in automatic termination of the delegation or designation, which shall be reinstated upon payment, within such period as specified by the Administrator, of the fee currently due plus interest and any further expenses incurred by the Service because of such termination. The interest rate on overdue fees shall be as prescribed by the Secretary, but not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturity, plus an additional charge of not to exceed 1 per centum per annum as determined by the Secretary and adjusted to the nearest one-eighth of 1 per centum.

"(3) Any sums collected or received by the Administrator under this Act and deposited to the fund created in paragraph (1) of this subsection and any late payment penalties collected by the Administrator and credited to such fund may be invested by the Secretary in insured or fully collateralized, interest-bearing accounts or, at the discretion of the Secretary, by the Secretary of the Treasury in United States Government debt instruments. The interest earned on such sums and any late payment penalties collected by the Administrator shall be credited to the fund and shall be available without fiscal year limitation for the expenses of the Service incident to providing services under this Act.";

(2) in subsection (l) of section 7A (7 U.S.C. 79a(l)) to read as follows:

"(l)(1) The Administrator shall, under such regulations as the Administrator may prescribe, charge and collect reasonable fees to cover the estimated costs to the Service incident to the performance of the functions provided for under this section except as otherwise provided in paragraph (2) of this subsection. The fees authorized by this paragraph shall, as nearly as practicable, cover the costs of the Service incident to performance of its functions related to weighing, including administrative and supervisory costs directly related thereto. Such fees shall be deposited into the fund created in section 7(j) of this Act.

"(2) Each agency to which authority has been delegated under this section and each agency or other person which has been designated to perform functions related to weighing under this section shall pay to the Administrator fees in such amount as the Administrator determines fair and reasonable and as will cover the costs incurred by the Service relating to supervision of the agency personnel and supervision by Service personnel of its field office personnel incurred as a result of the functions performed by such agencies, except costs incurred under sections 7(g)(3), 9, 10, and 14 of this Act. The fees shall be payable after the services are performed at such times as specified by the Administrator and shall be deposited in the fund created in section 7(j) of this Act. Failure to pay the fee within thirty days after it is due shall result in automatic termination of the delegation or designation, which shall be reinstated upon payment, within such period as specified by the Administrator, of the fee currently due plus interest and any further expenses incurred by the Service because of such termination. The interest rate on overdue fees shall be as prescribed by the Secretary, but not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturity, plus an additional charge of not to exceed 1 per centum per annum as determined by the Secretary, and adjusted to the nearest one-eighth of 1 per centum.";

(3) by adding after section 7C (7 U.S.C. 79c) the following new section:

"LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS

"SEC. 7D. The total administrative and supervisory costs which may be incurred under this Act for inspection and weighing (excluding standardization, compliance, and foreign monitoring activities) for each of the fiscal years 1989 through 1993 shall not exceed 40 per centum of the total costs for such activities carried out by the Service for such year.";

(4) in section 19 (7 U.S.C. 87h) to read as follows:

"APPROPRIATIONS

"SEC. 19. There are hereby authorized to be appropriated such sums as are necessary for standardization and compliance activities, monitoring in foreign ports grain officially inspected and weighed under this Act, and any other expenses necessary to carry out the provisions of this Act for each of the fiscal years during the period beginning October 1, 1988, and ending September 30, 1993, to the extent that financing is not obtained from fees and sales of samples as provided for in sections 7, 7A, and 17A of this Act."; and

(5) by adding at the end thereof the following new section:

"ADVISORY COMMITTEE

"SEC. 21. (a) In order to assure the normal movement of grain in an orderly and timely manner, the Secretary shall establish an advisory committee to provide advice to the Administrator with respect to the efficient and economical implementation of the United States Grain Standards Act of 1976. The advisory committee shall consist of not more than twelve members, appointed by the Secretary, representing the interests of all segments of the grain industry, including grain inspection and weighing agencies. Members of the advisory committee shall be appointed not later than thirty days after the date of enactment of this section.

"(b) The advisory committee shall be governed by the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2).

"(c) The Administrator shall provide the advisory committee with necessary clerical assistance and staff personnel.

"(d) Members of the advisory committee shall serve without compensation, if not otherwise officers or employees of the United States, except that members shall, while away from their homes or regular places of business in the performance of services under this Act, be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of title 5, United States Code.".●

By Mr. WILSON (for himself and Mr. INOUYE):

S. 2338. A bill to provide for naturalization of natives of the Philippines through active-duty service in the Armed Forces during World War II; to the Committee on the Judiciary.

NATURALIZATION OF CERTAIN PHILIPPINE VETERANS OF WORLD WAR II

● Mr. WILSON. Mr. President, today I am introducing legislation to provide for the naturalization of a very heroic and mostly forgotten group of veterans of the Second World War. I am speaking of the Filipino veterans who took up arms and joined our own in battle against America's enemies in the Pacific.

I am proud to be joined by my good friend from Hawaii, Mr. INOUYE, who has been a leader in this battle in introducing S. 109, of which I am a cosponsor.

The first call upon a nation is that it honor its just obligations. And yet, Mr. President, the legislation I am introducing today calls upon this Nation to honor a commitment, making good on a 40-year-old promise to Filipino veterans who fought for the freedom of this Nation.

In the spring of 1942, the United States faced one of its darkest hours. The Pacific fleet was a smoking shambles at Pearl Harbor and the Philippines were falling. During this crisis, President Franklin Roosevelt sent out a call-to-arms to foreign nationals, offering the reward of U.S. citizenship to those who would take up arms and fight alongside our own forces. The Congress agreed with President Roosevelt and put that promise into law. Filipinos joined guerrilla units by the thousands, heroicly fighting in the Battle of Corregidor and suffering indignities ranging from disfigurement to death during the Bataan Death March.

However, Mr. President, Filipino veterans were denied that reward of U.S. citizenship because, by executive decision, the United States removed its only naturalization office from the Philippines in October 1945, allowing it to be reopened 9 months later in August 1946. But, the law insuring U.S. citizenship for these brave veterans expired at the end of 1946. The closure of the naturalization office during that 9-month period has sparked extensive litigation by Filipino war veterans. And, the courts continue to disagree on the constitutional validity of that executive decision.

The war won and security secured, everyone suddenly turned their backs on Filipino veterans. Since that time, Filipino veterans have fought for this lost right to citizenship. Ironically, and in light of their brave and selfless contributions to that victory in the Pacific so many years ago, the plight of the Filipino veterans has been overlooked.

It is true that the recently passed legal immigration bill (S. 2104) does address this issue. Provisions in that legislation provide for the naturalization of these veterans. However, there are indications which suggest that the legal immigration legislation will be delayed by our colleagues in the House.

I hope my colleagues will join with me in honoring this just obligation to a very loyal group of Filipino veterans, because it is our duty to insure that that promise, made over 40 years ago, is not left unfulfilled. Our commitment to those whose defense and dedication to freedom of democracy can no longer be forgotten.●

By Mr. CHILES:

S. 2340. A bill to amend title 28, United States Code, with respect to the configuration of the middle and southern districts of Florida; to the Committee on the Judiciary.

CONFIGURATION OF THE MIDDLE AND SOUTHERN DISTRICTS OF FLORIDA

● Mr. CHILES. Mr. President, I am pleased to introduce legislation to change the configuration of the southern and middle districts of Florida. The bill I am offering places the counties of Collier, Hendry, and Glades, currently in the southern district of Florida, in the middle district of Florida with the counties of Lee, Charlotte, and De Soto. These six counties, consolidated into one special jury district within the middle district, will be served by the Federal Court House in Fort Myers, FL. My colleagues in the House of Representatives, Congressmen LEWIS and MACK, recently introduced identical legislation.

This legislation marks the culmination of efforts begun in 1985 to relieve Collier County residents and bar members of the burden of making the long haul to Miami, the nearest Federal Court House in the southern district. It comes only after the concerted efforts of all parties involved, the local bar associations, law enforcement officials, the southern and middle district court judges, and the Administrative Office of U.S. Courts. I am glad that we have finally reached a compromise agreeable to all those affected.

Passage of this legislation will facilitate the administration of justice. These six counties already share a commonality of purpose and interest. This legislation formally recognizes these similarities. It also represents a realistic accommodation of past and anticipated growth in these areas. Furthermore, the realignment of these counties into the middle district will lessen the caseload in the already overburdened southern district and simultaneously allow use of an underutilized resource, the Ft. Myers Court House. The realignment, therefore, also makes good economic sense.

Timing is essential to ensure residents of these six counties relatively easy access to our Federal judicial system. I look forward to favorable action on this legislation before the end of the 100th Congress.●

By Mr. HECHT:

S. 2341. A bill to amend the Internal Revenue Code of 1986 to repeal the restrictions on retirement savings deductions added by the Tax Reform Act of 1986, and to allow up to a $2,000 deduction for retirement savings for a nonworking spouse; to the Committee on Finance.

CHANGES IN DEDUCTION FOR RETIREMENT SAVINGS

● Mr. HECHT. Mr. President, today I rise to introduce legislation to restore the full deductibility of IRA contributions and to allow up to a $2,000 IRA deduction for a nonearner spouse.

Mr. President, when Congress passed the Tax Reform Act of 1986, I supported that bill because I believed it was an important first step in reducing the tax rates for all Americans. Well, although the tax reform bill helped many taxpayers through lower rates and increased personal deductions, the job is not finished. We now need to fine tune this package to ensure that families and individuals get the incentives they need to help save for the future—without losing any of the benefits of tax reform.

My legislation, known as the Savings Incentive Restoration Act of 1988, is an important step in returning the incentives to Americans to help save for their futures. The IRA Program has proven to be of great success to the millions of families who have utilized this program to their benefit. By June 1987, IRA assets plus those in Keogh plans resulted in savings of over $350 billion. Mr. President, that is $350 billion infused into the American economy for long-term capital investment. What a tremendous boost for productivity and economic growth for the U.S. economy.

Not only does my legislation restore the full deductibility of IRA contributions, but it allows a full $2,000 deduction for nonearner spouses. I feel that the extra $250 contribution currently allowed for a worker with a nonearner spouse is inadequate. Furthermore, homemakers should not have to rely on their spouses to set up and contribute to IRA's on their behalf. Homemakers should be able to set up and contribute to IRA's in their own right. Under my legislation, they would now be able to do that.

Mr. President, let us now return one of the most successful savings program back to the people of this country. I urge my colleagues to join me in supporting this legislation.●

By Mr. BUMPERS (for himself, Mr. LEAHY, Mr. CHAFEE, and Mr. HEINZ):

S. 2342. A bill to reinforce the INF Treaty by restricting funding for excessive levels of MIRVed strategic nuclear forces, and for other purposes; to the Committee on Armed Services.

INF TREATY REINFORCEMENT ACT

Mr. BUMPERS. Mr. President, I rise to introduce a bill on behalf of myself, Mr. CHAFEE, Mr. HEINZ, and Mr. LEAHY that seeks to keep both the United States and the Soviet Union not totally in compliance with the SALT II sublimits, but to keep at least some interim restraints while we are negotiating the START Treaty.

Mr. President, we have debated this many times here. And the House of Representatives just yesterday adopted a considerably more stringent interim restraint provision on their defense authorization bill than we are asking for under this bill.

Most of you know this debate all too well. You have heard the four of us offer something similar to this amendment almost every year for the past 5 years. But I think it is even more urgent now, Mr. President, that we restrain ourselves as long as the Soviet Union does in adding nuclear warheads to our arsenals. It makes good strategic sense. All of our NATO allies favor it. Six of the last seven Secretaries of Defense favor it.

So, Mr. President, we have been in violation of those SALT II limits almost since November of 1986, when the President said we are not any longer going to constrain ourselves by abiding with those limits.

Last fall, we adopted in this body, by a vote of 57 to 41, an amendment on the defense authorization bill that would require the President to keep us in compliance with the SALT II sublimits. In the conference with the House, it was changed slightly, so that we have actually been allowed to exceed, on a modest basis, the SALT II limits.

Mr. President, we are shortly going to take up the INF Treaty on the floor of the Senate. I favor it. It is my best guess that the INF Treaty is going to get 80 to 85 votes. But because the President chose to scrap the SALT II limits, we have added as many warheads to our strategic arsenal in the last 6 months as we will reduce total when the INF Treaty is implemented. I submit that that makes absolutely no sense whatever.

We will be sending our colleagues all this information, but I believe everybody in this body will ultimately agree that as long as the Soviet Union stays in compliance with the SALT II sublimits, we should show at least some restraint ourselves. It is my best information that they have, in fact, aggressively been destroying missiles to keep within the SALT II limits.

They are not going to constrain themselves forever, while we continue to pile warhead on top of warhead in excess of the SALT II limits, while they stay in compliance. They may be dumb, but they are not stupid. They have their own political problems back home, and their people will not sit by forever and tolerate such a situation.

Their lines of SS-24's, SS-25's, SS-N-20's, and SS-N-23's—all their strategic missile lines are hot. They are even in a better position to break out of the SALT Treaty with some strategic modernization than we are.

So, Mr. President, I hope my colleagues will pay close attention to the measure when we send our colleagues a letter and we debate the matter on the floor of the Senate, and that we can again restore sanity to the arms race.

I yield to the distinguished Senator from Vermont.

Mr. LEAHY. Mr. President, I am proud to join once again my friends from Arkansas, Mr. BUMPERS; Rhode Island, Mr. CHAFEE; and Pennsylvania, Mr. HEINZ; in offering legislation to cap the nuclear arms race until the United States and the Soviet Union can conclude a new strategic arms treaty.

Senators BUMPERS, CHAFEE, HEINZ, and I are today introducing the INF Treaty Reinforcement Act of 1988. This bill will freeze United States and Soviet multiple warhead strategic launchers at their numerical levels on January 25, 1988, the day President Reagan submitted the INF Treaty to the Senate for ratification.

Our bill prohibits the President from spending any funds during fiscal 1989 to deploy more strategic missiles or bombers armed with multiple warheads than we had on January 25 of this year so long as the Soviet Union shows equal restraint. If the President certifies to Congress that the Soviets have gone above United States levels on that date, the INF Reinforcement Act authorizes him to set aside the funding prohibition, and the United States can deploy more weapons to match the Soviets if we decide that is necessary.

Mr. President, we call this bill the INF Treaty Reinforcement Act because the military advantages to NATO of the elimination of Soviet SS-20 missiles under the INF Treaty will be rapidly wiped out by deployments of new Soviet strategic missiles unless we can cap and eventually reduce those additional missiles. A legally binding strategic arms treaty is absolutely necessary if the INF Treaty is to have any lasting value to our European allies. Without a ceiling on Soviet long-range strategic missiles, the INF Treaty will be obsolete long before the Soviets complete the elimination of all their INF missiles.

The problem we face, Mr. President, is that there is today no ceiling on Soviet long-range missiles or warheads. The START negotiations have made progress, and President Reagan is going to Moscow to meet General Secretary Gorbachev on May 30. However, reports on the START negotiations are not encouraging for a treaty signing at the summit. In fact, much as I wish it will happen, I think it is going to be very difficult to have a START Treaty signed before the end of this administration.

Honesty and realism compel us to recognize that it may be the next administration that concludes a new strategic arms treaty, and it is virtually certain that it will be the next administration that has the job of getting a strategic arms treaty ratified.

That means in all likelihood, the world is at least 18 months to 2 years away from a legally binding treaty that stops and reverses the massive buildup in long range nuclear weapons on both sides. It could even be longer.

But what happens in the meantime? Do we ratify the INF Treaty while allowing Soviet intercontinental missiles and bombers to increase without limit? In no time at all, those 1,500 SS-20 warheads will be replaced with additional SS-24 warheads. NATO will be no better off, and some would say it would be much worse off by having given up its Pershing and ground launched cruise missiles with no real reduction in the threat to our allies.

Mr. President, cold, hard analysis of the situation leads us to the unavoidable conclusion that the INF Treaty makes no sense without strict limits on Soviet strategic forces. That is where the INF Treaty Reinforcement Act comes in, and that is why my friends and I are introducing it now, just before the Senate begins consideration of the INF Treaty.

We are absolutely serious about this bill. We will discuss this issue in much more detail during the floor debate on the INF Treaty, making clear the linkage between that treaty and a verifiable cap on Soviet strategic forces pending entry into force of a legally binding START Treaty.

After the INF Treaty debate, we intend to offer the INF Treaty Reinforcement Act as an amendment to the Defense Authorization bill for fiscal 1989.

As Senators know, our bipartisan group has been fighting since late 1983 to keep some limits on the nuclear arms race until a new strategic treaty is reached. Last year, our coalition offered the Bumpers-Leahy-Chafee-Heinz interim restraint amendment, and it was adopted by a 57-41 vote. A nearly identical provision was included in the House version of the defense authorization bill.

Unfortunately, the White House was adamant in its opposition to using the subceilings from the SALT II Treaty, which is what our amendment did. The conference outcome was, we were told, a tacit understanding with the White House that U.S. multiple warhead systems would remain approximately at their levels at the time of enactment of the defense bill, about 1,345 systems. To keep us there through most of fiscal 1988, the defense bill directed that a Poseidon ballistic missile submarine be dismantled.

However, with the conversions of B-52's to carry long range air-launched cruise missiles, the entry into the force of B-1's, and the initiation of sea trials of the next Trident ballistic missile submarine, the U.S. multiple warhead force will come close to 1,370 toward the end of this fiscal year. By October 1, 1989, continued deployments will take us well over 1,400 systems unless offsetting actions are taken.

Even though President Reagan scrapped his no undercut policy of respecting the main ceilings of SALT II in 1985, the Soviets have been showing restraint in their multiple warhead strategic force deployments. However, we cannot expect that restraint to continue indefinitely while the United States continues to build up its own multiple warhead forces and a START Treaty remains in an uncertain future. If the Soviets do decide to stop abiding by the main SALT II ceilings, we can expect a substantial increase in Soviet strategic missiles and warheads. This will more than offset the loss of SS-20 warheads eliminated under the INF Treaty.

The INF Treaty Reinforcement Act will prevent this total collapse of the fragile interim restraint regime both sides have been following since 1981. We believe that the Soviets will continue to show restraint in their strategic force deployments as long as the United States does. However, if they begin to exceed our January 25, 1988 level, the United States will have complete freedom of action.

Mr. President, the INF Treaty Reinforcement Act or something very much like it is critical for the success of arms control over the next couple of years. Without it, the INF Treaty could be gutted and the strategic arms race could break wide open.

The United States, and indeed the whole world, needs this law. I hope a strong majority of Senators will join us in cosponsoring the INF Treaty Reinforcement Act before the Senate votes to give its advice and consent to ratification of the INF Treaty. This is a way to strengthen the value of the INF Treaty for U.S. and allied security. It would give a strong signal to President Reagan and to General Secretary Gorbachev that the U.S. Senate wants and intends for interim restraints on the arms race to continue until a new treaty on strategic weapons can enter into force.

Mr. President, the point remains that we all now involve ourselves in this feeling of good sense of being in favor of arms control for the first time in 7 years. The Senate will have a chance to do something on arms control. Let us show that we really mean it. Let us at least hold the major weapons in place until we can have a real, comprehensive arms control agreement.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(1) SHORT TITLE.—This Act may be cited as the "INF Treaty Reinforcement Act of 1988".

(b) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the INF Treaty has been signed by President Reagan and endorsed by the Joint Chiefs of Staff, the Secretary of State, and the Secretary of Defense;

(2) the INF Treaty, which the President submitted to the Senate on January 25, 1988, for its advice and consent to ratification, is strongly supported by the Congress and the American people;

(3) the INF Treaty eliminates Soviet intermediate and shorter-range ballistic missiles targeted on the NATO allies of the United States in Europe;

(4) the military benefits of the INF Treaty to the United States and its NATO allies gained by the elimination of these classes of Soviet ballistic missiles could be undermined by the Soviet Union through the deployment of additional long-range nuclear weapons, the numbers of which are currently not subject to any legally binding limitations or informal mutual interim restraint measures;

(5) at present there are effectively no limits on the number of strategic weapons the Soviet Union or the United States may deploy;

(6) the achievement of a verifiable strategic arms agreement that strengthens the security interests of the United States and its NATO allies is an important security objective, and the Congress supports the President's continuing efforts to conclude such an agreement;

(7) it is possible that such an agreement may not be reached during 1988 or 1989;

(8) the Soviet Union is currently producing and deploying new SS-24 and SS-25 ICBMs and new SS-N-20 and SS-N-23 SLBMs, and will shortly be deploying modernized versions of the SS-18 ICBM, strategic ballistic missiles which are not restricted by the INF Treaty; and

(9) it is in the security interests of the United States and the NATO alliance to restrict the numbers of these and other Soviet strategic offensive weapons deployed by the Soviet Union, both to reinforce the INF Treaty and to limit the strategic threat to the United States and its NATO allies.

(c) PROHIBITION ON USE OF FUNDS.—Notwithstanding any other provision of law and subject to the provisions of subsection (f), 60 days after the date of enactment of this Act, no funds may be obligated or expended through September 30, 1989, to overhaul, maintain, operate, or deploy any MIRVed strategic nuclear weapons launcher or platform that would cause the United States to exceed the numbers of MIRVed ICBMs, MIRVed ballistic missiles, and MIRVed strategic systems that it had deployed on January 25, 1988. Not later than 30 days after the date of enactment of this Act, the President shall notify the Congress of his plans for carrying out the provisions of this subsection.

(d) REPORTING REQUIREMENT.—Not later than December 1, 1988, the President shall submit to the Congress a report, in both classified and unclassified versions, describing the numbers and types of operational strategic nuclear weapons launchers and platforms that the United States and the Soviet Union have dismantled since October 1972.

(e) POLICY ON INTERIM RESTRAINT REGIME.—The Congress recognizes that alternative mutual interim restraint regimes are possible that would be in the security interests of the United States and its allies, and the Congress, therefore, hereby encourages the President to pursue such alternative approaches so that effective restraints on offensive nuclear forces are applied on a mutual basis until a new strategic offensive arms agreement can be concluded.

(f) WAIVER.—(1) The prohibition contained in subsection (c) shall not apply if the President notifies the Congress in writing that—

(A) a new strategic arms agreement between the United States and the Soviet Union has entered into force;

(B) the United States and the Soviet Union have agreed upon an alternative regime for interim restraint on strategic nuclear weapons; or

(C) the Soviet Union has deployed strategic launchers and platforms—

(i) in excess of the numbers of launchers of MIRVed ICBMs, or MIRVed ballistic missiles, or MIRVed strategic systems that it had deployed on January 25, 1988; and

(ii) in excess of the number of launchers and platforms of MIRVed strategic systems that the United States had deployed on that date.

(2) Such notification shall be accompanied by a report, in both classified and unclassified versions, providing information upon which the President bases his notification.

(g) TEMPORARY WAIVER.—The prohibition contained in subsection (c) shall not apply for any period of 30 days if the President notifies the Congress in writing that, based on the best agreed Intelligence Community assessments, he is unable to determine whether the Soviet Union has exceeded the levels of strategic forces specified in clauses (i) and (ii) of subsection (f)(1)(C).

(h) DEFINITIONS.—For purposes of this Act—

(1) the term "INF Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate and Shorter-Range Missiles, done at Washington on December 8, 1987; and

(2) the term "MIRVed" means equipped with multiple independently-targetable reentry vehicles.

(3) the term "MIRVed strategic systems" means MIRVed ICBMs, MIRVed SLBMs, and heavy bombers equipped with air-launched cruise missiles.

By Mr. QUAYLE:

S. 2343. A bill entitled the "Pension Portability Act of 1988"; to the Committee on Finance.

PENSION PORTABILITY ACT

● Mr. QUAYLE. Mr. President, I am today introducing the Pension Portability Act of 1988. This bill is identical to the one introduced by Congressman JIM JEFFORDS of Vermont and which was marked up by the Education and Labor Committee in the House today.

Mr. President, pension portability is a significant barrier to the dynamic forces shaping the American work force. The days of working for a single employer for 35 or 40 years are gone. Today, individuals tend to change jobs as many as five or six times in the course of their career. Each time an individual changes jobs, if he has vested his pension at all, his benefit is "damaged" due to his brief tenure with the employer.

The Tax Reform Act of 1986 increased the extent of benefits subject to portability by reducing the vesting period for single employer plans. This was a good step. The bill that I am introducing takes this concept a few steps beyond and encourages the preservation of cashed-out pension benefits and makes changes to law that help participants save for their retirement.

In conclusion, I commend Congressman JEFFORDS for his leadership and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the "Pension Portability Act of 1988".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Findings and declaration of policy.
Sec. 3. Portability between qualified plans and individual retirement acounts and annuities.
Sec. 4. Distribution requirements for individual retirement accounts and annuities.
Sec. 5. Simplified alternative salary reduction arrangements under simplified employee pensions.
Sec. 6. Effective date.

SEC. 2. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—The Congress finds—

(1) that the pension plan asset accumulations under existing pension plans—

(A) are increasingly being distributed at job termination or otherwise used for current consumption, thus removing a major source of national savings necessary for capital formation; and

(B) because of the increasingly mobile nature of the Nation's labor force and because of the lack of an effective pension portability mechanism, are not being efficiently utilized to pay monthly benefits for death, disability, and retirement; and

(2) that it is therefore desirable and in the interests of employees and their employers that employees and the pension plans under which they are covered are encouraged to retain accused benefits for payment in the form of retirement income by making available more efficient pension portability arrangements.

(b) DECLARATION OF POLICY.—It is hereby declared to be the policy of this Act to further national retirement income policies by providing for portable pension arrangements—

(1) which will encouragee the expansion of employer funded pension coverage and result in a more efficient and equitable tax and retirement income delivery system; and

(2) which will provide a more efficient mechanism for pension portability and the preservation of pension plan assets to be distributed in monthly benefit form to meet death, disability, and retirement needs.

SEC. 3. PORTABILITY BETWEEN QUALIFIED PLANS AND INDIVIDUAL RETIREMENT ACCOUNTS AND ANNUITIES.

(a) AMEMDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) QUALIFICATION REQUIREMENT.—Subsection (a) of section 401 of the Internal Revenue Code of 1986 (relating to requirements for qualification) is amended by inserting after paragraph (29) the following new paragraph:

"(30) SINGLE-SUM DISTRIBUTIONS MUST INCLUDE DIRECT TRUSTEE-TO-TRUSTEE TRANSFER TO INDIVIDUAL RETIREMENT PLANS.—A plan shall not fail to meet the requirements of this section solely by reason of a direct trustee-to-trustee transfer made from the plan in accordance with section 417A. A plan shall fail to meet the requirements of this section if the plan fails to meet the requirements of section 417A.".

(2) PORTABILITY REQUIREMENTS FOR QUALIFIED PLAN.—

(A) IN GENERAL.—Chapter 1 of such Code is amended by inserting after section 417 the following new section:

"SEC. 417A. PORTABILITY REQUIREMENTS FOR QUALIFIED PLANS.

"(a) DIRECT TRUSTEE-TO-TRUSTEE TRANSFER TO INDIVIDUAL RETIREMENT PLAN AS PRESUMPTIVE FORM OF SINGLE-SUM DISTRIBUTION.—

(A) IN GENERAL.—Except as provided in paragraph (3), a plan fails to meet the requirements of this section if any single-sum distribution from the plan with respect to an employee is made in a form other than a direct trustee-to-trustee transfer to an individual retirement plan for the benefit of such employee made in accordance with this section.

"(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—Except as provided in paragraph (3), a direct trustee-to-trustee transfer of the employee's benefit under the plan may be made in accordance with this section notwithstanding sections 411(a)(11)(A) and 417.

"(3) EXCEPTION.—Paragraphs (1) and (2) shall not apply with respect to a direct trustee-to-trustee transfer in any case in which—

"(A) the present value of the employee's nonforfeitable accrued benefit exceeds $3,500,

"(B) a distribution of the benefit in another form (in accordance with any applicable requirements of sections 411(a)(11)(A) and 417) is elected in accordance with the provisions of the plan, and

"(C) the commencement of payment of the benefit is not deferred in such distribution.

"(b) APPLICATION TO SPOUSAL BENEFICIARIES AND ALTERNATE PAYEES.—In the case of an individual who is a beneficiary under a plan by reason of being the surviving spouse of the employee or an individual who is an alternate payee (within the meaning of section 414(p)(8)) under a plan by reason of being the spouse or former spouse of the employee, this section and section 401(a)(30) shall be applied by substituting for each reference to the employee a reference to such individual.

"(c) SELECTION OF TRANSFEREE INDIVIDUAL RETIREMENT PLAN.—

"(1) IN GENERAL.—Subject to paragraph (2), a direct trustee-to-trustee transfer is made in accordance with this section only if it is made—

"(A) to an individual retirement plan designated by the employee within a reasonable period (before such distribution) as specified by the transferor plan, and

"(B) within 10 days after the date on which such designation is made, including such extensions of such 10-day period as the Secretary may provide by regulation.

"(2) DEFAULT RULE.—In any case in which either no timely designation of the transferee individual retirement plan is made or, under regulations of the Secretary, the transfer in accordance with the designation is not practicable, the trustee of the transferor plan may (if the plan so provides) make a direct trustee-to-trustee transfer to an individual retirement plan (selected in a manner specified in the transferor plan) for the benefit of the employee.

"(d) REPORTING.—The Secretary shall prescribe such reports to the employee and to the Secretary as are necessary to allow for full and timely disclosure of the total amount transferred in a direct trustee-to-trustee transfer to an individual retirement plan, the portion of such amount that represents employee contributions, and such other information as the Secretary may prescribe. Any failure to file such a report shall be treated as a failure to file a report required under section 408(i).

"(e) DIRECT TRUSTEE-TO-TRUSTEE TRANSFER.—For purposes of this title, with respect to the term 'direct trustee-to-trustee transfer', the term 'trustee' includes the issuer of an annuity.

"(f) AVAILABILITY OF TRANSFER OPTION TO GOVERNMENTAL, CHURCH, AND CERTAIN OTHER PLANS.—The second sentence of section 401(a)(30) and subsection (a) of this section shall not apply to a plan described in section 410(c)(1).".

(B) CLERICAL AMENDMENT.—The table of sections for subpart B of part I of subchapter D of chapter 1 of such Code is amended by inserting after the item relating to section 417 the following new item:

"Sec. 417A. Portability requirements for qualified plans.".

(3) EXCLUSION FROM INCOME OF DIRECT TRUSTEE-TO-TRUSTEE TRANSFERS.—

(A) TRANSFERS FROM QUALIFIED TRUSTS.—Subsection (a) of section 402 of such Code (relating to taxability of beneficiary of employees' trust) is amended by adding at the end the following new paragraph:

"(10) DIRECT TRUSTEE-TO-TRUSTEE TRANSFERS TO INDIVIDUAL RETIREMENT ACCOUNTS AND ANNUITIES.—

"(A) IN GENERAL.—In the case of a plan described in section 401(a) to which the requirements of section 417A apply (including a plan described in section 417A(f)), any amount transferred in a direct trustee-to-trustee transfer made in accordance with section 417A shall not be includible in gross income for the taxable year of such transfer.

"(B) BASIS ALLOCATION.—The basis of the employee in the transferee eligible retirement plan which is attributable to a direct trustee-to-trustee transfer shall be an amount equal to the portion of the transfer which would not be includible in gross income if section 72 applied to the transfer.".

(4) DIRECT TRANSFERS FROM EMPLOYEE ANNUITIES.—

(A) QUALIFIED ANNUITY PLANS.—

(i) Paragraph (2) of section 404(a) of such Code (relating to employees' annuities) is amended by striking "(27)" and inserting "(27), and (30)".

(ii) Subsection (a) of section 403 of such Code (relating to taxability of beneficiary under a qualified annuity plan) is amended by adding at the end the following new paragraph:

"(5) DIRECT TRANSFERS TO INDIVIDUAL RETIREMENT ACCOUNTS AND ANNUITIES.—Rules similar to the rules of section 402(a)(10) shall apply with respect to annuity contracts described in paragraph (1).".

(B) ANNUITY CONTRACTS PURCHASED BY SECTION 501(C)(3) ORGANIZATIONS OR PUBLIC SCHOOLS.—Subsection (b) of section 403 of such Code (relating to taxability of beneficiary under annuity purchased by section 1501(c)(3) organization or public school) is amended by adding at the end the following new paragraph:

"(13) DIRECT TRANSFERS TO INDIVIDUAL RETIREMENT ACCOUNTS AND ANNUITIES.—Rules similar to the rules of sections 401(a)(30) and 417A and section 402(a)(10) shall apply with respect to annuity contracts described in paragraph (1).".

(5) ROLLOVERS MAY INCLUDE AMOUNTS ATTRIBUTABLE TO EMPLOYEE CONTRIBUTIONS.—

(A) IN GENERAL.—Paragraph (5) of section 402(a) of such Code is amended by adding at the end the following new subparagraph:

"(H) SECRETARY MAY PERMIT ROLLOVER OF AMOUNTS ATTRIBUTABLE TO EMPLOYEE CONTRIBUTIONS.—

"(i) IN GENERAL.—The Secretary may by regulation provide that the rules of subparagraph (B) which prevent the rollover of amounts attributable to employee contributions shall not apply.

"(ii) BASIS ALLOCATION.—If the Secretary provides as described in clause (i), the basis of the employee in the eligible retirement plan (to which the rollover is made) which is attributable to a distribution shall be an amount equal to the portion of the distribution which would not be includible in gross income if section 72 applied to the distribution.

"(iii) INFORMATION REPORTING.—If the Secretary provides as described in clause (i), the Secretary shall require such information reporting as is necessary to carry out this subparagraph.".

(B) QUALIFIED ANNUITY PLANS.—Subsection (a) of section 403 of such Code (as amended by paragraph (4)) is further amended by adding at the end the following new paragraph:

"(6) SECRETARY MAY PERMIT ROLLOVER OF AMOUNTS ATTRIBUTABLE TO EMPLOYEE CONTRIBUTIONS.—Rules similar to the rules of section 402(a)(5)(H) shall apply with respect to annuity contracts described in paragraph (1).".

(C) ANNUNITY CONTRACTS PURCHASED BY SECTION 501(C)(3) ORGANIZATIONS OR PUBLIC SCHOOLS.—Subsection (b) of section 403 of such Code (as amended by paragraph (4)) is further amended by adding at the end the following new paragraph:

"(14) SECRETARY MAY PERMIT ROLLOVER OF AMOUNTS ATTRIBUTABLE TO EMPLOYEE CONTRIBUTIONS.—Rules similar to the rules of section 402(a)(5)(H) shall apply with respect to annuity contracts described in paragraph (1).".

(6) AMENDMENTS TO RULES FOR INDIVIDUAL RETIREMENT ACCOUNTS OR ANNUITIES.—

(A) ROLLOVERS TO OTHER INDIVIDUAL RETIREMENT ACCOUNTS OR ANNUITIES.—Paragraph (3) of section 408(d) of such Code (relating to rollover contributions) is amended by adding at the end the following new subparagraph:

"(G) SPECIAL RULES.—

"(i) PORTION OF ACCOUNT SEPARATELY ACCOUNTED FOR TREATED AS SEPARATE ACCOUNT.—For purposes of clauses (ii) and (iii) of subparagraph (A), the portion of an individual retirement account or individual retirement annuity for which there is a separate accounting shall be treated as a separate such account or annuity.

"(ii) TREATMENT OF DIRECT TRUSTEE-TO-TRUSTEE TRANSFERS AS ROLLOVER CONTRIBUTIONS.—

"(I) IN GENERAL.—Subject to subclause (II), principles similar to the principles applicable to a rollover contribution under this paragraph shall apply to a direct trustee-to-trustee transfer between a plan specified in subsection (a)(7)(C) and an individual retirement account or individual retirement annuity.

"(II) SPECIAL RULE FOR EMPLOYEE CONTRIBUTIONS.—In the case of a direct trustee-to-trustee transfer from an individual retirement account or individual retirement annuity to an employee's trust or annuity plan (described in subparagraph (A)(ii)) or an annuity contract (described in subparagraph (A)(iii)), the requirements of clauses (ii) and (iii) of subparagraph (A) shall not be treated as not met solely because the entire amount otherwise required under such clauses to be paid into such trust, annuity plan, or annuity contract exceeds the amount actually paid into such trust, annuity plan, or annuity contract, if such excess is attributable entirely to basis described in section 402(a)(10)(B) or similar rules applicable under subsection (a)(5) or (b)(13) of section 403 or described in section 402(a)(5)(H)(ii) or similar rules applicable under subsection (a)(6) or (b)(14) of section 403.".

(B) COMPLIANCE WITH REQUESTS FOR TRANSFER.—

(i) INDIVIDUAL RETIREMENT ACCOUNTS.—Subsection (a) of section 408 of such Code (relating to individual retirement accounts) is amended by adding after paragraph (6) the following new paragraph:

"(7) COMPLIANCE WITH REQUESTS FOR TRANSFER.—

"(A) IN GENERAL.—A direct trustee-to-trustee transfer to a plan specified in subparagrah (C) which provides for the acceptance of such a transfer or to another individual retirement account or annuity shall be made within 10 days after receipt by the trustee of a direction for such transfer from such individual in accordance with the governing instrument of such account. The Secretary may provide in regulations for circumstances in which the 10-day period shall be extended for periods provided in such regulations.

"(B) ACCEPTANCE OF TRANSFERS BY INDIVIDUAL RETIREMENT ACCOUNTS.—

"(i) IN GENERAL.—Any direct trustee-to-trustee transfer referred to in subparagraph (A) or made in accordance with section 417A, 403(a)(5), or 403(b)(13) which is made to an individual retirement account shall be accepted.

"(ii) EXCEPTION.—Nothing in clause (i) shall require an individual retirement account to accept such a direct trustee-to-trustee transfer in any amount or in any form (including the form of a life insurance contract referred to in paragraph (3)) that would not be accepted if such transfer were made as a rollover contribution or direct contribution.

"(C) SPECIFIED PLAN.—A plan is specified in this subparagraph if such plan is—

"(i) an employee's trust described in section 401(a) which is exempt from tax under section 501(a),

"(ii) an annuity plan described in section 403(a), or

"(iii) an annuity contract described in section 403(b).".

(ii) INDIVIDUAL RETIREMENT ANNUITIES.—Subsection (b) of section 408 of such Code (relating to individual retirement annuities) is amended by inserting after paragraph (4) the following new paragraph:

"(5) COMPLIANCE WITH REQUESTS FOR TRANSFER.—Rules similar to the rules of paragraph (7) of subsection (a) shall apply with respect to the contract."

(C) INVESTMENT IN LIFE INSURANCE CONTRACTS TRANSFERRED TO INDIVIDUAL RETIREMENT ACCOUNTS.—Paragraph (3) of section 408(a) of such Code (relating to individual retirement accounts) is amended by inserting after "contracts" the following: "other than life insurance contracts transferred to the account in a direct trustee-to-trustee transfer with respect to which the applicable requirements of section 417A, 403(a)(5) or 403(b)(13) were met".

(7) Excise tax upon failure to comply with requests for direct trustee-to-trustee transfer.—

(A) In general.—Chapter 43 of such Code (relating to excise taxes relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

"SEC. 4980A. TAX ON FAILURE TO COMPLY WITH REQUEST FOR DIRECT TRUSTEE-TO-TRUSTEE TRANSFER.

"(a) Imposition of Tax.—There is hereby imposed a tax on each failure by—

"(1) the trustee of a trust forming a part of a plan described in section 401(a),

"(2) the issuer of an annuity plan described in section 403(a) or an annuity contract described in section 403(b),

"(3) the trustee of an individual retirement account (described in section 408(a)), or

"(4) the issuer of an individual retirement annuity (described in section 408(b)),

to comply (within the period required under section 417A(c)(1)(B), 408(a)(7), or 408(b)(5), as the case may be) with a request for a direct trustee-to-trustee transfer with respect to which the applicable requirements of section 401(a)(30), 403(b)(13), or 408(d)(3) were met.

"(b) Amount of Tax.—

"(1) In general.—The amount of the tax imposed by subsection (a) shall be the amount determined under paragraph (2) with respect to each day (after the period referred to in subsection (a)) on which the requested transfer has not been made.

"(2) Amount of tax.—The amount of tax with respect to any day is an amount equal to 1 percent of the amount of the requested transfer which was not made as of the close of such day. The amount determined under the preceding sentence for any day shall not be less than $10 nor greater than $100.

"(c) Liability for Tax.—The tax imposed by subsection (a) shall be paid by the person described in subsection (a).".

(B) Clerical amendment.—The table of sections for chapter 43 of such Code is amended by adding at the end the following new item:

"Sec. 4980A. Tax on failure to comply with request for direct trustee-to-trustee transfer."

(8) Amendments to restrictions on distributions.—

(A) Subparagraph (A) of section 411(a)(11) of such Code (relating to restrictions on certain mandatory distributions) is amended to read as follows:

"(A) In general.—A plan meets the requirements of this paragraph only if such plan provides that no part of the vested accrued benefit of a participant may be immediately distributed without the consent of the participant and the participant's spouse in the manner described in section 417(a)(2)."

(B) Clause (i) of section 411(a)(11)(B) of such Code is amended by striking "For purposes of subparagraph (A) the present value shall be calculated" and inserting "A plan meets the requirements of this paragraph only if, under the plan, the present value of the vested accrued benefit is calculated".

(9) Restriction on cash-outs.—

(A) Subsection (e) of section 417 of such Code (relating to restrictions on cash-outs) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) In general.—A plan meets the requirements of this section only if the plan provides that no part of a qualified joint and survivor annuity or a qualified preretirement survivor annuity may be immediately distributed without the consent of the participant and the spouse of the participant (or if the participant has died, the surviving spouse) in the manner described in subsection (a)(2)."

(B) Subsection (e) of section 417 of such Code is amended by redesignating paragraph (3) as paragraph (2).

(C) Paragraph (2) of section 417(e) of such Code (as redesignated by subparagraph (B)) is amended by striking "For purposes of paragraphs (1) and (2), the present value shall be calculated" and inserting "A plan meets the requirements of this section only if, under the plan, the present value of a qualified joint and survivor annuity and a qualified preretirement survivor annuity is calculated".

(10) Limitation on application of restrictions on transfers of plan assets.—Section 414(l) of such Code (relating to mergers and consolidations of plans or transfers of plan assets) is amended—

(A) by inserting "including any trust described in section 401(a) which is exempt from tax under section 501(a), annuity plan described in section 403(a), or individual retirement account (described in section 408(a)) or individual retirement annuity (described in section 408(b)))" after "trust plan"; and

(B) by adding at the end the following new sentence: "The requirements of this subsection and section 6058(b) shall be treated as met in the case of a direct trustee-to-trustee transfer described in section 417A."

(11) Certain transfers not treated as reductions in benefits.—Section 411(d)(6)(B) of such Code (relating to accrued benefit not to be decreased by amendment) is amended by adding at the end the following new sentence: "Except as otherwise provided in regulations of the Secretary, the requirements of clause (ii) shall not be treated as violated in the case of a direct trustee-to-trustee transfer described in section 417A."

(12) Service disregarded where distribution is permitted.—

(A) In general.—Subparagraph (B) of section 411(a)(7) of such Code (relating to effect of certain distributions) is amended—

(i) in the matter preceding clause (i), by striking "he has received",

(ii) in clause (i), by inserting "the employee has received" after "(i)", and by striking "or";

(iii) in clause (ii), by inserting "the employee has received" after "(ii)", and by striking "receive." and inserting "receive, or";

(iv) by inserting after clause (ii) the following:

"(iii) a direct trustee-to-trustee transfer described in section 417A has been made from the plan."; and

(v) in the last sentence, by striking "Clause (ii)" and inserting "Clauses (ii) and (iii)".

(B) Buyback rules.—Subparagraph (C) of section 411(a)(7) of such Code (relating to repayment of subparagraph (B) distributions) is amended by adding at the end the following new sentence: "For purposes of this subparagraph, a direct trustee-to-trustee transfer referred to in subparagraph (B)(iii) with respect to a participant shall be treated as a distribution received by the participant.".

(13) Treatment of qualified domestic relations orders.—Subsection (p) of section 414 of such Code (defining qualified domestic relations orders) is amended by redesignating paragraph (11) as paragraph (12) and by inserting after paragraph (10) the following new paragraph:

"(11) Treatment of trustee-to-trustee transfers.—The Secretary shall provide by regulation for the coordination of the treatment of direct trustee-to-trustee transfers under section 417A with the requirements of this subsection.".

(14) Notice to recipients of distributions eligible for rollover treatment.—Paragraph (1) of section 402(f) of such Code (relating to written explanation to recipients of distributions eligible for rollover treatment) is amended—

(A) by striking "when making a eligible rollover distribution, provide a written explanation to the recipient" and inserting "when making an eligible rollover distribution or a direct trustee-to-trustee transfer, provide to the recipient of the distribution or the person with respect to whom the transfer is made a written explanation of";

(B) in subparagraph (A), by striking "of" and by striking "and";

(C) in subparagraph (B), by striking "section." and inserting "section, and"; and

(D) by adding at the end the following new subparagraph:

"(C) the income tax consequences of a direct trustee-to-trustee transfer provided in accordance with the applicable requirements of sections 417A, 403(a)(5), and 403(b)(13).".

(b) Amendments to the Employee Retirement Income Security Act of 1974.—

(1) Portability requirements.—

(A) In general.—Part 2 of title I of the Employee Retirement Income Security Act of 1974 is amended by inserting after section 205 the following new section:

"PORTABILITY REQUIREMENTS FOR QUALIFIED PLANS

"Sec. 205A. (a) Direct Trustee-to-Trustee Transfer to Individual Retirement Plan as Presumptive Form of Single-Sum Distribution.—

"(1) In general.—Except as provided in paragraph (3), any single-sum distribution with respect to a participant from a plan to which this section applies may not be in a form other than a direct trustee-to-trustee transfer to an individual retirement plan for the benefit of such participant made in accordance with this section.

"(2) Inapplicability of certain provisions.—Except as provided in paragraph (3), a direct trustee-to-trustee transfer of the participant's benefit under the plan may be made in accordance with this section notwithstanding sections 203(e)(1) and 205.

"(3) Exception.—Paragraphs (1) and (2) shall not apply with respect to a direct trustee-to-trustee transfer in any case in which—

"(A) the present value of the participant's nonforfeitable accrued benefit exceeds $3,500,

"(B) a distribution of the benefit in another form (in accordance with any applicable requirements of sections 203(e)(1) and 205) is elected in accordance with the provisions of the plan, and

"(C) the commencement of payment of the benefit is not deferred in such distribution.

"(4) Plans to which section applies.—This section applies with respect to—

"(A) a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust which is exempt from tax under section 501(a) of such Code,

"(B) an annuity plan described in 403(a) of such Code, and

"(C) an annuity contract described in section 403(b) of such Code.

"(b) Application to Spousal Beneficiaries and Alternate Payees.—In the case of an individual who is a beneficiary under a plan by reason of being the surviving spouse of the participant or an individual who is an alternate payee (within the meaning of section 206(d)(3)(K)) under a plan by reason of being the spouse or former spouse of the participant, this section shall be applied by substituting for each reference to the participant a reference to such individual.

"(c) Selection of Transferee Individual Retirement Plan.—

"(1) In general.—Subject to paragraph (2), a direct trustee-to-trustee transfer is made in accordance with this section only if it is made—

"(A) to an individual retirement plan designated by the participant within a reasonable period (before such distribution) as specified by the transferor plan, and

"(B) within 10 days after the date on which such designation is made, including such extensions of such 10-day period as the Secretary of the Treasury may provide by regulation.

"(2) Default rule.—In any case in which either no timely designation of the transferee individual retirement plan is made or, under regulations of the Secretary of the Treasury, the transfer in accordance with the designation is not practicable, the trustee of the transferor plan may (if the plan so provides) make a direct trustee-to-trustee transfer to an individual retirement plan (selected in a manner specified in the transferor plan) for the benefit of the participant.

"(d) Definitions.—For purposes of this section—

"(1) Direct trustee-to-trustee transfer.—With respect to the term 'direct trustee-to-trustee transfer', the term 'trustee' includes the issuer of an annuity.

"(2) Individual retirement plan.—The term 'individual retirement plan' means—

"(A) an individual retirement account described in section 408(a) of the Internal Revenue Code of 1986, and

"(B) an individual retirement annuity described in section 408(b) of such Code.".

(B) Clerical amendment.—The table of sections for such part 2 is amended by inserting after the item relating to section 205 the following new item:

"SEC. 205A. PORTABILITY REQUIREMENTS FOR QUALIFIED PLANS.".

(2) Amendments to restrictions on distributions.—

(A) Subsection (e)(1) of section 203 of such Act (29 U.S.C. 1053(e)(1)) is amended to read as follows:

"(e)(1) A pension plan shall provide that no part of the vested accrued benefit of a participant may be immediately distributed without the consent of the participant and the participant's spouse in the manner described in section 205(c)(2)."

(B) Subparagraph (a) of section 203(e)(2) of such Act (29 U.S.C. 1053(e)(2)(A)) is amended by striking "For purposes of paragraph (1), the present value shall be calculated" and inserting "The present value of a vested accrued benefit shall be calculated under a pension plan".

(3) Restriction on cash-outs.—

(A) Subsection (g) of section 205 of such Act (29 U.S.C. 1055(g)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(g)(1) Each pension plan to which this section applies shall provide that no part of a qualified joint and survivor annuity or a qualified preretirement survivor annuity may be immediately distributed without the consent of the participant and the spouse of the participant (or if the participant has died, the surviving spouse) in the manner described in subsection (c)(2)."

(B) Section 205(g) of such Act is amended by redesignating paragraph (3) as paragraph (2).

(C) Paragraph (2) of section 205(g) of such Act (as redesignated by subparagraph (B)) is amended by striking "For purposes of paragraphs (1) and (2), the present value shall be calculated" and inserting "The present value of a qualified joint and survivor annuity and a qualified preretirement survivor annuity shall be calculated under a pension plan".

(4) Limitation on application of restrictions on transfers of plan assets.—Section 208 of such Act (29 U.S.C. 1058) is amended—

(A) by inserting "(including any trust described in section 401(a) of the Internal Revenue Code of 1986 which is exempt from tax under section 501(a) of such Code, annuity plan described in section 403(a) of such Code, or individual retirement account (described in section 408(a) of such Code) or individual retirement annuity (described in section 408(b) of such Code))" after "other plan"; and

(B) by adding at the end the following new sentence: "The requirements of this section shall be treated as met in the case of a direct trustee-to-trustee transfer described in section 205A.".

(5) Certain transfers not treated as reductions in benefits.—Section 204(g)(2) of such Act (29 U.S.C. 1054(g)(2)) is amended by adding at the end the following new sentence: "Except as otherwise provided in regulations of the Secretary of the Treasury, the requirements of subparagraph (B) shall not be treated as violated in the case of a direct trustee-to-trustee transfer described in section 205A.".

(6) Service disregarded where distribution is permitted.—

(A) In general.—Section 204(d) of such Act (29 U.S.C. 1054(d)) is amended—

(i) in the matter preceding paragraph (1), by striking "he has received";

(ii) in paragraph (1), by inserting "the employee has received" after "(1)", and by striking "or";

(iii) in paragraph (2), by inserting "the employee has received" after "(2)", and by striking "receive." and inserting "receive, or";

(iv) by inserting after paragraph (2) the following:

"(3) a direct trustee-to-trustee transfer described in section 205A has been made from the plan."; and

(v) in the last sentence, by striking "Paragraph (2)" and inserting "Paragraphs (2) and (3)".

(B) Buyback rules.—Section 204(e) of such Act (29 U.S.C. 1054(e)) is amended by adding at the end the following new sentence: "For purposes of this subsection, a direct trustee-to-trustee transfer referred to in subsection (d)(3) with respect to a participant shall be treated as a distribution received by the participant.".

(7) Applicability of fiduciary rules.—

(A) In general.—Section 404(c) of such Act (29 U.S.C. 1104(c)) is amended by adding at the end (after and below paragraph (2)) the following new sentence:

"Paragraphs (1) and (2) shall apply with respect to a direct trustee-to-trustee transfer described in section 205A to the extent provided in the applicable requirements of regulations prescribed under this subsection."

(B) Issuance of regulations.—The Secretary of Labor shall issue the final regulations under section 404(c) of the Employee Retirement Income Security Act of 1974 not later than December 31, 1991.

(8) Conforming amendment to title IV.—Section 4044 of such Act (29 U.S.C. 1344) is amended by adding at the end the following new subsection:

"(e) Principles similar to the principles of section 205A shall apply with respect to any single-sum distribution from a terminated plan under this section."

(9) Treatment of qualified domestic relations orders.—Section 206(d)(3) of such Act (29 U.S.C. 1056(d)(3)) is amended by adding at the end the following new subparagraph:

"(O) The Secretary of the Treasury shall provide by regulation for the coordination of the treatment of direct trustee-to-trustee transfers under section 205A with the requirements of this paragraph.".

SEC. 4. DISTRIBUTION REQUIREMENTS FOR INDIVIDUAL RETIREMENT ACCOUNTS AND ANNUITIES.

(a) Amendments to the Internal Revenue Code of 1986.—

(1) Individual retirement accounts.—Subsection (a) of section 408 of the Internal Revenue Code of 1986 (relating to individual retirement account) (as amended by section 3) is further amended by adding at the end the following:

"(8) Distribution requirements.—

"(A) Consent requirements.—

"(i) General rule.—No distribution to an individual (or an individual's beneficiary under the governing instrument) may be made without the consent of the individual (or such beneficiary in the case of the individual's death).

"(ii) Exception.—Clause (i) shall not apply to a distribution which is in a form described in clause (ii) or (iii) of subparagraph (C) and which would, if not distributed, result in the imposition of a tax under section 4974.

"(B) Application requirements.—A distribution from the account will be made only in accordance with a timely written application by the individual (or the individual's beneficiary under the governing instrument in the case of the individual's death) which is made in accordance with the terms of the governing instrument and which—

"(i) requires the distribution,

"(ii) designates for such distribution a form permitted under subparagraph (C), and

"(iii) specifies the date on which such distribution is to commence.

"(C) Forms of distribution.—Subject to subparagraph (D), a distribution from the account will be made in whichever of the following forms of retirement income is designated pursuant to subparagraph (B)(ii)—

"(i) a 100 percent qualified joint and survivor annuity (within the meaning of section 417(b)), "(ii) a 50 percent qualified joint and survivor annuity (within the meaning of section 417(b)),

"(iii) a single life annuity (which may be in the form of a refund annuity),

"(iv) an annuity certain over 10 years,

"(v) a lump sum distribution,

"(vi) a direct trustee-to-trustee transfer in accordance with subsection (d)(3)(G), but only, in the case of such a transfer to a plan specified in subsection (a)(7)(C), to the extent that such specified plan provides for the acceptance of the transfer,

"(vii) in the case of any portion of the account balance which is attributable to a direct trustee-to-trustee transfer described in section 417A from a defined benefit plan, any other form of distribution which may be prescribed in regulations of the Secretary, or

"(viii) any other form of distribution expressly elected in writing in accordance with the terms of the governing instrument, subject to such restrictions as the Secretary may prescribe.

For purposes of this subparagraph, a distribution shall be treated as made in a form described in clause (i), (ii), (iii), or (iv) if such distribution is made in an equivalent form consisting of a series of periodic payments determined in accordance with the principles applicable under section 72(t) with respect to a series described in section 72(t)(2)(A)(iv).

"(D) SPOUSAL BENEFIT REQUIREMENTS.—Subject to such regulations as the Secretary may prescribe, sections 401(a)(11) and 411(a)(11)(A) shall apply with respect to an individual retirement account as if such account were a defined contribution plan which is not subject to the funding standards of section 412 (and the transferee plan rules of section 401(a)(11)(B) shall apply as if such account were such a defined contribution plan). A distribution shall be treated as a qualified joint and survivor annuity meeting the requirements of the preceding sentence or a qualified preretirement survivor annuity meeting such requirements if such distribution is made in an equivalent form consisting of a series of periodic payments to the individual and (as applicable) the spouse or surviving spouse determined in accordance with the principles applicable under section 72(t) with respect to a series described in section 72(t)(2)(A)(iv).

"(E) EXCEPTIONS.—The preceding provisions of this paragraph shall not apply with respect to amounts separately accounted for under the account which are not attributable to—

"(i) direct trustee-to-trustee transfers which are described in section 402(a)(10) or to which similar rules apply pursuant to section 403(a)(5) or 403(b)(13), or

"(ii) contributions pursuant to subsection (k)."

"(2) INDIVIDUAL RETIREMENT ANNUITIES.—Subsection (b) of section 408 of such Code (relating to individual retirement annuity) (as amended by section 3) is further amended by inserting after paragraph (5) the following new paragraph:

"(6) DISTRIBUTION REQUIREMENTS.—Under regulations prescribed by the Secretary, the contract meets requirements similar to the requirements of subsection (a)(8).".

(3) CONFORMING TREATMENT OF ANNUITY CONTRACTS PURCHASED BY SECTION 501(C)(3) ORGANIZATIONS OR PUBLIC SCHOOLS.—Paragraph (1) of section 403(b) of such Code (relating to taxability of beneficiary under annuity purchased by section 501(c)(3) organization or public school) is amended—

(A) in subparagraph (C), by striking "and" at the end;

(B) in subparagraph (D), by adding "and" at the end; and

(C) by inserting after subparagraph (D) the following new subparagraph:

"(E) under regulations of the Secretary, such contract would satisfy the requirements of sections 401(a)(11), 411(a)(11)(A), and 417 if such contract were a defined contribution plan which is not subject to the funding standards of section 412.".

(4) EXCISE TAX UPON FAILURE TO PROVIDE SPOUSAL SURVIVOR BENEFITS.—

(A) IN GENERAL.—Chapter 43 of such Code (relating to excise taxes relating to qualified pension, etc., plans) (as amended by section 3(a)(7)) is further amended by adding at the end the following new section:

"SEC. 4980B. TAX ON FAILURE TO PROVIDE SPOUSAL SURVIVOR BENEFITS FROM INDIVIDUAL RETIREMENT PLANS.

"(a) INITIAL TAX.—

"(1) IN GENERAL.—There is hereby imposed a tax on each failure of an individual retirement plan to meet the applicable requirements of section 408(a)(8)(D) or 408(b)(6) (relating to the requirements of sections 401(a)(11), 411(a)(11)(A), and 417).

"(2) AMOUNT OF TAX.—The amount of the tax imposed by paragraph (1) shall be an amount equal to 5 percent of the amount to the credit of the employee under the individual retirement plan immediately before the failure first occurs.

"(b) ADDITIONAL TAX WHERE NO CORRECTION.—In any case in which an initial tax is imposed by subsection (a) on any failure and such failure is not corrected within the period specified by the Secretary, there is hereby imposed a tax equal to 100 percent of the amount to the credit of the employee under the individual retirement plan at the close of such period.

"(c) LIABILITY FOR TAX.—The taxes imposed by this section shall be paid by—

"(1) the trustee in the case of an individual retirement account, and

"(2) the insurance company in the case of an individual retirement annuity."

(B) CLERICAL AMENDMENT.—The table of sections for chapter 43 of such Code (as amended by the preceding provisions of this Act) is further amended by adding at the end the following new item:

"Sec. 4980B. Tax on failure to provide spousal survivor benefits from individual retirement plans."

(b) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IRA PENSION PLAN DEFINED.—Section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002) is amended by adding at the end the following new paragraph:

"(41) IRA PENSION PLAN.—The term 'IRA pension plan' means a pension plan consisting of one or more individual retirement accounts (as defined in section 408(a) of the Internal Revenue Code of 1986), one or more individual retirement annuities (as defined in section 408(b) of such Code), or any combination thereof.".

(2) CLARIFICATION OF APPLICABILITY OF TITLE I PROVISIONS TO IRA PENSION PLANS.—

(A) APPLICATION OF PART 2 PROVISIONS.—

(i) Section 201 of such Act (29 U.S.C. 1051) is amended—

(I) in paragraph (6), by striking "Code or" at the end and inserting "Code which are not part of an IRA pension plan;";

(II) in paragraph (7), by striking "plan." and inserting "plan;";

(III) in paragraph (8), by striking "Any" and inserting "any", and by striking "Act." and inserting "Act; or"; and

(IV) by adding at the end the following new paragraph:

"(9) except as provided in section 211, any IRA pension plan."

(ii) Part 2 of title I of such Act is amended by redesignating section 211 as section 212 and by inserting after section 210 the following new section:

"RULES RELATING TO IRA PENSION PLANS

"SEC. 211. (a) APPLICATION OF PARTICIPATION REQUIREMENTS.—

"(1) EMPLOYER-SPONSORED IRAs.—Section 202 shall apply to any IRA pension plan which is not a simplified employee pension (as defined in section 408(k) of the Internal Revenue Code of 1986).

"(2) SIMPLIFIED EMPLOYEE PENSIONS UNDER TAX RULES.—An IRA pension plan which is a simplified employee pension (as defined in such section 408(k)) shall be treated as meeting the requirements of this part only if the plan does not require, as a condition of having a contribution made to the plan on behalf of the employee, that such employee—

"(A) have attained any age that is greater than 21, or

"(B) have performed service for the employer during more than 3 years of the immediately preceding 5 years.

"(b) APPLICATION OF VESTING REQUIREMENTS.—An IRA pension plan shall be treated as meeting the requirements of this part only if the plan provides that an employee's rights in such employee's accrued benefit are nonforfeitable.

"(c) APPLICATION OF PROHIBITION AGAINST ASSIGNMENT AND ALIENATION.—Section 206(d) shall apply to each individual retirement account and individual retirement annuity which is part of an IRA pension plan.

"(d) DISTRIBUTION REQUIREMENTS.—

"(1) CONSENT REQUIREMENTS.—

"(A) GENERAL RULE.—No distribution to an individual (or an individual's beneficiary under the governing instrument) may be made from an IRA pension plan without the consent of the individual (or such beneficiary in the case of the individual's death).

"(B) EXCEPTION.—Subparagraph (A) shall not apply to a distribution which is in a form described in subparagraph (B) or (C) of paragraph (3) and which would, if not distributed, result in the imposition of a tax under section 4974 of the Internal Revenue Code of 1986.

"(2) APPLICATION REQUIREMENTS.—A distribution from the IRA pension plan will be made only in accordance with a timely written application by the individual (or the individual's beneficiary under the governing instrument in the case of the individual's death) which is made in accordance with the terms of the governing instrument and which—

"(A) requests the distribution,

"(B) designates for such distribution a form permitted under paragraph (3), and

"(C) specifies the date on which such distribution is to commence.

"(3) FORMS OF DISTRIBUTION.—Subject to paragraph (4), a distribution from the IRA pension plan will be made in whichever of the following forms of retirement income is designated pursuant to paragraph (2)(B)—

"(A) a 100 percent qualified joint and survivor annuity (within the meaning of section 205(d)), ("B) a 50 percent qualified joint and survivor annuity (within the meaning of section 205(d)),

"(C) a single life annuity (which may be in the form of a refund annuity),

"(D) an annuity certain over 10 years,

"(E) a lump sum distribution,

"(F) a direct trustee-to-trustee transfer in accordance with section 408(d)(3)(G) of the Internal Revenue Code of 1986, but only, in the case of such a transfer to a plan specified in section 408(a)(7)(C) of such Code, to the extent that such specified plan provided for the acceptance of the transfer,

"(G) in the case of any portion of the account balance which is attributable to a direct trustee-to-trustee transfer described in section 205A from a defined benefit plan, any other form of distribution which may be prescribed in regulations of the Secretary of the Treasury, or

"(H) any other form of distribution expressly elected in writing in accordance with the terms of the governing instrument, subject to such restrictions as the Secretary of the Treasury may prescribe.

For purposes of this paragraph, a distribution shall be treated as made in a form described in subparagraphs (A), (B), (C), or (D) if such distribution is made in an equivalent form consisting of a series of periodic payments determined in accordance with the principles applicable under section 72(t) of the Internal Revenue Code of 1986 with respect to a series described in section 72(t)(2)(A)(iv) of such Code.

"(4) Spousal benefit requirements.—Subject to such regulations as the Secretary of the Treasury may prescribe, sections 203(e)(1) and 205 shall apply with respect to an IRA pension plan as if such plan were a defined contribution plan which is not subject to the funding standards of section 302 (and the transferee plan rules of section 205(b) shall apply as if such plan were such a defined contribution plan). A distribution shall be treated as a qualified joint and survivor annuity meeting the requirements of the preceding sentence or a qualified preretirement survivor annuity meeting such requirements if such distribution is made in an equivalent form consisting of a series of periodic payments to the individual and (as applicable) the spouse or surviving spouse determined in accordance with the principles applicable under section 72(t) of the Internal Revenue Code of 1986 with respect to a series described in section 72(t)(2)(A)(iv) of such Code.

"(5) Exceptions.—The preceding provisions of this subsection shall not apply with respect to amounts separately accounted for under the plan which are not attributable to—

"(A) direct trustee-to-trustee transfers which are described in section 402(a)(10) of the Internal Revenue Code of 1986 or to which similar rules apply pursuant to section 403(a)(5) or 403(b)(13) of such Code, or

"(B) contributions pursuant to section 408(k) of such Code.

"(e) Compliance with Requests for Transfer.—A direct trustee-to-trustee transfer in accordance with section 408(d)(3)(G) of the Internal Revenue Code of 1986 made to an IRA pension plan shall be accepted by such plan. Nothing in this subsection shall require an IRA pension plan to accept such a direct trustee-to-trustee transfer in any amount or in any form (including the form of a life insurance contract referred to in section 408(a)(3) of such Code) that would not be accepted if such transfer were made as a rollover contribution under subpart A of part I of subchapter D of chapter 1 of such Code or as a direct contribution.".

(iii) The table of sections for such part 2 is amended by striking out the item relating to section 211 and inserting the following new items:

"Sec. 211. Rules relating to IRA pension plans.
"Sec. 212. Effective dates.

(B) Exemption from part 3 provisions.—Section 301(a) of such Act (29 U.S.C. 1081(a)(7)) is amended—

(i) in paragraph (8), by striking "or";

(ii) in paragraph (9), by striking "plan." and inserting "plan;";

(iii) in paragraph (10), by striking "Any" and inserting "any", and by striking "Act." and inserting "Act; or"; and

(iv) by adding at the end the following new paragraph:

"(11) any IRA pension plan.".

SEC. 5. SIMPLIFIED ALTERNATIVE SALARY REDUCTION ARRANGEMENTS UNDER SIMPLIFIED EMPLOYEE PENSIONS.

(a) In General.—Subsection (k) of section 408 of the Internal Revenue Code of 1986 (relating to simplified employee pensions defined) is amended—

(1) by redesignating paragraphs (7), (8), and (9) as paragraph (8), (9), and (10), respectively; and

(2) by inserting after paragraph (6) the following new paragraph:

"(7) Employee may elect simplified alternative salary reduction arrangement under a uniform simplified employee pension.—

"(A) In general.—A simplified employee pension meeting the requirements of subparagraph (B) shall not fail to meet the requirements of this subsection for a year solely because such pension provides that an employee may elect to have the employer make payments for such year—

"(i) as elective employer contributions to the pension on behalf of the employee, or

"(ii) to the employee directly in cash.

"(B) Requirements.—The requirements of this subparagraph are met for any year with respect to a simplified employee pension to which an employer makes payments under this subsection for such year if—

"(i) each employee with respect to whom payments are made by the employer to a simplified employee pension for such year is eligible to make the election described in subparagraph (A)(i),

"(ii) the simplified employee pension provides that it will not accept contributions for such year which are in excess of the maximum salary reduction amount for such year, and

"(iii) the requirements of subparagraph (D) are met with respect to employer contributions under the simplified employee pension (other than payments made by the employer to the pension pursuant to an election described in subparagraph (A)(i)).

"(C) Maximum salary reduction amount.—For purposes of subparagraph (B)(ii), the term 'maximum salary reduction amount' for a year means an amount equal to the product derived by multiplying—

"(i) the greater of—

"(I) $12,500, or

"(II) 25 percent of the employee's total compensation for such year (including payments made by the employer to the simplified employee pension pursuant to an election described in subparagraph (A)(i)), by

"(ii) a fraction—

"(I) the numerator of which is the total amount of the contributions made by the employer to simplified employee pensions with respect to such employee for such year (determined without regard to payments made by the employer to simplified employee pensions pursuant to an election described in subparagraph (A)(i)), and

"(II) the denominator of which is the amount of such employee's total compensation (as determined under clause (i)(II)) for such year.

In the case of an employee who is not a highly compensated employee (as defined in section 414(q)), the maximum salary reduction amount shall not be less than the lesser of $2,000 or the compensation (as defined in section 219(f)) includible in the employee's gross income for the taxable year.

"(D) Rules governing employer contributions.—

"(i) In general.—The requirements of this subparagraph are met with respect to employer contributions to a simplified employee pension if, under the pension—

"(I) a contribution may be made to the pension by an employer for any year only if the participation requirements of clause (ii) are met for such year, and

"(II) the total amount of such contributions for any year to the pension is determined in accordance with the requirements of clause (iii).

"(ii) Participation Requirements.—

"(I) In general.—The participation requirements of this clause are met for any year if contributions are made by the employer for such year to simplified employee pensions referred to in subparagraph (B) with respect to each employee who has completed a period of service with the employer extending beyond the later of the date on which the employee attains the age of 21 or the date on which the employee completes 1 year of service.

"(II) Employment at end of year may be required.—The participation requirements of this clause and paragraph (2) shall not be considered as not met solely because the employer does not make contributions for any year with respect to all employees who were not employed by the employer as of the last day of the year. The preceding sentence shall not apply with respect to any employee who rendered any service to the employer during such year and with respect to whom the employer made a contribution for the immediately preceding year.

"(iii) Requirements relating to amount and payment of contribution.—

"(I) In general.—The total amount of employer contributions to a simplified employee pension for any year with respect to an employee (determined without regard to payments made by the employer to the pension pursuant to an employee's election described in subparagraph (A)(i)) is determined in accordance with the requirements of this clause if such amount equals the declared annual contribution of such employer for such employee for such year.

"(II) Declared annual contribution.—Except as provided in subclause (V), for purposes of this clause, the declared annual contribution of an employer for an employee for any year equals the product derived by multiplying the compensation amount described in subclause (III) by the percentage described in subclause (IV).

"(III) Compensation amount.—The compensation amount described in this subclause is an amount equal to the lesser of the total compensation paid to the employee during the year (including payments made by the employer to the simplified employee pension pursuant to an election described in subparagraph (A)(i)), or the dollar amount in effect for such year under paragraph (3)(C).

"(IV) PERCENTAGE.—The percentage described in this subclause is a uniform percentage which, for purposes of this subclause, is fixed for such year by the employer with respect to all simplified employee pensions for all employees with respect to whom contributions are made for such year.

"(V) SUPPLEMENTAL CONTRIBUTIONS.—The declared annual contribution of an employer for an employee for any year may be increased by a uniform monetary amount which is fixed for such year by the employer with respect to all simplified employee pensions, and declared by the employer under subclause (VI), for all employees with respect to whom employer contributions are made for such year.

"(vi) REPORTING OF TAXABLE YEAR, MONETARY AMOUNT, AND PERCENTAGE TO THE SIMPLIFIED EMPLOYEE PENSION.—The requirements of this subparagraph are not met with respect to employer contributions under a simplified employee pension unless the pension provides that the employer's taxable year, the uniform percentage fixed by the employer with respect to employees pursuant to subclause (IV) for such taxable year, and the uniform monetary amount fixed by an employer with respect to employees pursuant to subclause (V) for such taxable year must be declared by the employer to the pension together with the employer's first contributions to the pension with respect to an employee for such year.

"(E) EXCEPTION FOR STATE AND LOCAL AND TAX-EXEMPT PENSIONS.—This paragraph shall not apply to a simplified employee pension maintained by—

"(i) a State or local government or political subdivision thereof, or any agency or instrumentality thereof, or

"(ii) an organization exempt from tax under this title.

"(F) EXCEPTION FOR EMPLOYER MAINTAINING OTHER QUALIFIED PLAN.—

"(i) IN GENERAL.—This paragraph shall not apply to a simplified employee pension maintained by an employer who also maintains a retirement plan under which service is credited for purposes of benefit accrual with respect to any employee described in subparagraph (D)(ii)(I).

"(ii) RETIREMENT PLAN.—For purposes of clause (i), the term 'retirement plan' means—

"(I) a pension, profit-sharing, or stock bonus plan described in section 401(a) or a trust which is part of such a plan, or

"(II) an annuity plan described in section 403(a).

"(G) SEPARATE LINES OF BUSINESS.—This subsection shall apply on the basis of separate lines of business recognized under section 414(r) in the case of any simplified employee pension provided pursuant to a salary reduction arrangement under this paragraph.".

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 402(h)(1) of such Code (relating to special rules for salary reduction arrangements under simplfiied employee pensions) is amended by striking "section 408(k)(6)" and inserting "paragraph (6) or (7) of section 408(k)".

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to plan years and taxable years beginning after December 31, 1991.●

By Mr. LEVIN (for himself and Mr. COHEN):

S. 2344. A bill to provide for the reauthorization of appropriations for the Office of Government Ethics, and for other purposes; to the Committee on Governmental Affairs.

OFFICE OF GOVERNMENT ETHICS REAUTHORIZATION ACT

● Mr. LEVIN. Mr. President, today I am pleased to be introducing, along with Senator COHEN, a bill to reauthorize the Office of Government Ethics. Established by title IV of the Ethics in Government Act of 1978, the office was reauthorized in 1983 through September of this year. In order for the important work of the office to continue, we must enact a reauthorization bill by October 1.

The Subcommittee on Oversight of Government Management, which I chair and on which Senator COHEN serves as ranking Republican, has jurisdiction over this office and held 2 days of hearings earlier this month on the ethics program in the executive branch as well as the operation of the OGE. Based on what we learned at those hearings and in discussions with various members of the ethics community, Senator COHEN and I drafted this bill. The bill enhances the position and role of the office vis-a-vis the rest of the executive branch, it clarifies the OGE's responsibilities, and it reauthorizes the office for an additional 6 years.

OGE was created to "provide overall direction of executive branch policies related to preventing conflicts of interest." Founded as an office within the Office of Personnel Management, OGE was initially authorized for 5 years. In 1983 it was reauthorized for another 5 years and continued to be housed in OPM. The bill we are introducing today would take OGE out of OPM and make it an independent agency with the Director removable only for good cause.

OGE has unique and rather extraordinary responsibilities. It reviews the financial disclosure statements of the President and every Presidential appointee confirmed by the Senate to ensure that there are no conflicts or appearances of conflicts of interest between their official duties and their private interests. It is supposed to render judgments on the propriety of actions taken by some of the most powerful public officials in the country. When those actions are questionable, OGE has the responsibility to stand up and say so. It also reviews the ethics programs of individual agencies, and where necessary, directs them on how to improve their operations. Since the executive branch ethics program is largely decentralized through the use of ethics officials, designated by each agency, who are employees of and responsible to their own agency, OGE has the important role of coordinating, monitoring and providing support for these ethics officials on a governmentwide basis.

During the course of the subcommittee's hearings, several issues were raised that the bill addresses. Several witnesses urged that, while there has been no evidence of OPM's interference in OGE's substantive authority, OGE should be made an independent agency because of the possible appearance of such involvement and to raise the stature of the office. In that same vein, several witnesses recommended that the Director of OGE be made removable only for good cause, in order to emphasize the importance of independent judgment by the office. The bill has adopted both of those recommendations.

Another significant issue discussed at the hearings was the role of the OGE Director in ordering corrective action. Section 402(b)(9) of the current statute states that the OGE Director has responsibility for "ordering corrective action on the part of agencies and employees which the Director deems necessary." There has been some uncertainty on the part of the current and prior OGE Directors as to what that authority includes. The bill we are introducing today tries to clarify that point. It gives the OGE Director the authority to order an individual Federal employee to take whatever action may be necessary to eliminate the appearance of or an actual conflict of interest, including taking such steps as divestiture or recusal. Should the employee fail to take such action, the bill gives the OGE the authority to notify the employee's agency head or, in appropriate cases, the President. It also gives the OGE Director the authority to recommend to an agency head that he or she take administrative action against an employee where appropriate. Such recommended action could include a letter of reprimand, suspension, or even termination. If an agency head fails to take appropriate action pursuant to the Director's recommendation, the Director has the authority to notify the President.

In addition, the bill specifically requires the OGE to spend time training both prospective political appointees and current Federal employees in the standards of conduct. The hearings suggested that more emphasis should be placed on the front end of the process—making prospective employees aware of their responsibilities as public officials in the area of ethics—and on reminding current Federal employees of their ongoing responsibilities. Several witnesses stressed the importance of education and training in a successful ethics program, and we wanted to emphasize that by placing the responsibility for such activities in law.

Mr. President, the OGE plays a vital role in the execution of our conflict of interest law and regulations. I am pleased to sponsor, along with my colleague and friend Senator COHEN, the bill that will not only renew our commitment to the work of this office, but strengthen its authority. I look forward to prompt committee and full Senate consideration.

Mr. President, I ask unanimous consent that the text of the bill and a summary of its provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Office of Government Ethics Reauthorization Act of 1988".

OFFICE OF GOVERNMENT ETHICS AS INDEPENDENT AGENCY

SEC. 2. The Ethics in Government Act of 1978 (5 U.S.C. App. 5) (hereafter in this Act referred to as "the Act") is amended—

(1) in section 401(a) by striking out "in the Office of Personnel Management an office" and inserting in lieu thereof "in the executive branch of the United States an independent agency";

(2) by adding at the end of section 401 the following new subsection:

"(c) The Director may—

"(1) appoint officers and employees, including attorneys, for the agency in accordance with chapter 51 and subchapter 3 of chapter 53 of title 5, United States Code; and

"(2) contract for financial and administrative services (including those related to budget and accounting, financial reporting, personnel, and procurement) with the General Services Administration, or such other Federal agency as the Director determines appropriate, for which payment shall be made in advance, or by reimbursement from funds of the agency, in such amounts as may be agreed upon by the Director and the head of the agency providing such services."; and

(3) in section 402(a) by striking out ", in consultation with the Office of Personnel Management,".

TERM OF OFFICE FOR THE DIRECTOR OF THE OFFICE OF GOVERNMENT ETHICS

SEC. 3. Section 401(b) of the Act is amended by striking out "Effective with respect to any individual appointed or reappointed by the President as Director on or after October 1, 1983, the term of service of the Director shall be five years." and inserting in lieu thereof "The Director shall serve for a term of five years and shall be removed from office during such term only for good cause.".

AUTHORITY AND FUNCTIONS

SEC. 4. Section 402(b) of the Act is amended to read as follows:

"(b) The Director shall—

"(1) develop rules and regulations and interpret applicable laws, rules, and regulations, including—

"(A) developing, in consultation with the Attorney General, rules and regulations to be promulgated by the President or the Director pertaining to conflicts of interest and ethics in the executive branch, including rules and regulations for—

"(i) the filing, review, and public availability of financial statements filed by acting and prospective officers and employees in the executive branch as required by title II of this Act, and the evaluation of any item reported in such statements;

"(ii) the identification and resolution of conflicts of interest;

"(iii) training prospective political appointees on ethics laws, rules, regulations, and standards of conduct and ethical decisionmaking;

"(iv) training Federal employees on ethics laws, rules, regulations, and standards of conduct and ethical decisionmaking; and

"(v) the designation by the head of each executive agency of an individual as the agency ethics official, which shall be a career reserved position (as defined under section 3152(a)(8) of title 5, United States Code) in the Senior Executive Service;

"(B) interpreting rules and regulations issued by the President or the Director governing conflict of interest and ethical problems and the filing of financial statements;

"(C) assisting the Attorney General in evaluating the effectiveness of the conflict of interest laws and in recommending appropriate amendments; and

"(D) evaluating, with the assistance of the Attorney General, the need for changes in rules and regulations issued by the Director, the President, and the agencies regarding conflicts of interest and ethical problems;

"(2) advise and consult with executive agencies and Federal officials, including—

"(A) providing information on and promoting understanding of ethical standards in executive agencies;

"(B)(i) establishing a formal advisory opinion service to give advisory opinions on matters of general applicability or on important matters of first impression;

"(ii) providing interested parties with an opportunity to transmit written comments with respect to an advisory opinion under clause (i), before (to the extent practicable) giving such opinion; and

"(iii) compiling, publishing, and making such advisory opinions available to agency ethics counselors and the public;

"(C) consulting with agency ethics counselors and other responsible officials regarding the resolution of conflict of interest problems in individual cases; and

"(D) providing support to agency ethics officials, including helping to guarantee the integrity of the decisions of such officials;

"(3) monitor compliance of executive branch agencies and employees with ethics rules, regulations, and standards of conduct, and order actions, including—

"(A) monitoring and investigating compliance with the public financial disclosure requirements of title II of this Act by officers and employees of the executive branch and executive agency officials responsible for receiving, reviewing, and making available financial statements filed pursuant to such title;

"(B) monitoring and investigating individual and agency compliance with any additional financial reporting and internal review requirements established by law for the executive branch;

"(C) conducting a review of financial statements to determine whether such statements reveal possible violations of applicable conflict of interest laws or regulations and recommending appropriate action to correct any conflict of interest or ethical problems revealed by such review;

"(D) requiring such reports from executive agencies as the Director determines necessary;

"(E) in accordance with section 403, investigating and making findings on alleged violations of applicable conflict of interest rules and regulations and employee standards of conduct by any executive branch employee, as the Director determines appropriate, and ordering action, recommending action, or both;

"(F) ordering the head of any agency to conform the ethics program of such agency with the Office of Government Ethics requirements, as the Director determines appropriate; and

"(G) cooperating with the Attorney General in developing an effective system for—

"(i) reporting allegations of violations of the conflict of interest laws to the Attorney General, as required under section 535 of title 28, United States Code; and

"(ii) ensuring that the Director has notice of any such allegation when such allegation is referred to the Attorney General.".

ORDERING AND RECOMMENDING ACTION

SEC. 5. The Act is amended by redesignating sections 403 through 407 as sections 404 through 408, respectively, and by inserting after section 402 the following new section:

"ORDERING AND RECOMMENDING ACTION

"SEC. 403. (a)(1) The Director may conduct an investigation and make findings concerning any allegation of violations pursuant to the provisions of section 402(b)(3)(E).

"(2) The Director shall send any such finding to the employee involved in the allegation and the head of the agency of such employee. If such employee is the head of an agency, the Director shall send such finding to the President.

"(b)(1) If the Director finds that a violation of the conflict of interest rules or regulations or of the standards of conduct is occurring, the Director shall order the employee to take specific action to correct the violation, including but not limited to, divestiture, recusal, or the establishment of a blind trust.

"(2) The Director shall send a written copy of such order to the head of the agency of such employee. If such employee is the head of an agency, the Director shall send a written copy of such order to the President.

"(c) If the Director finds that a violation of the conflict of interest rules or regulations or of the standards of conduct is occurring or has occurred, the Director may recommend to the head of the agency of such employee that such agency head take a specific administrative action against the employee, including but not limited to reprimand, suspension, demotion, or dismissal. If such employee is the head of an agency, the Director may recommend that the President take such action.

"(d)(1) If the Director determines that an employee has not taken appropriate corrective action within a reasonable period of time, after the Director orders such action under subsection (b), the Director shall notify in writing the head of the agency of such employee of such determination. If such employee is the head of an agency, the Director shall notify the President.

"(2) If the Director determines that the head of an agency has not taken appropriate administrative action within a reasonable period of time after the Director recommends action under subsection (c), the Director shall notify in writing the President of such determination.".

ADMINISTRATIVE PROVISIONS

SEC. 6. Section 404 of the Act (as redesignated by section 5 of this Act) is amended by striking out "pursuant to subsection (b)(3) and (b)(4) of section 402." and inserting in lieu thereof "and audits pursuant to the Office of Government Ethics responsibilities under this Act. The head of any agency may detail such personnel and furnish such services, with or without reimbursement, as the Director may request to carry out the provisions of this Act with respect to such agency.".

RULES AND REGULATIONS

SEC. 7. Section 405 of the Act (as redesignated by section 5 of this Act) is amended by inserting a heading to read as follows:

"RULES AND REGULATIONS"

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. Section 406 of the Act (as redesignated by section 5 of this Act) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof:

"(1) not to exceed $2,500,000 for the fiscal year ending September 30, 1989; and

"(2) not to exceed $3,000,000 for each of the five fiscal years thereafter.".

ANNUAL PAY OF DIRECTOR

SEC. 9. Section 407 of the Act is amended to read as follows:

"ANNUAL PAY OF DIRECTOR

"SEC. 407. Chapter 53 of title 5, United States Code, is amended—

"(1) in section 5316 by striking out:

'Director of the Office of Government Ethics.'; and

"(2) in section 5314 by adding at the end thereof:

'Director of the Office of Government Ethics.' ".

EFFECTIVE DATES

SEC. 10. The provisions of this Act shall be effective on October 1, 1988, except the amendments made by section 2 of this Act shall be effective on October 1, 1989.

SUMMARY OF THE OFFICE OF GOVERNMENT ETHICS REAUTHORIZATION ACT OF 1988

The bill reorganizes and clarifies the language in the existing Office of Government Ethics statute and reauthorizes the Office for six years. It also makes the following substantive changes in the law:

1. *Independent Agency.* The bill removes the Office of Government Ethics from the Office of Personnel Management and makes it an independent agency in the Executive Branch. This provision takes effect on October 1, 1989, so as not to interfere with OGE's duties during the upcoming presidential transition.

2. *Removal of Director "For Good Cause".* The bill makes the Director removable only "for good cause" during the Director's five year term of office. Currently, the Director has a five year term but serves at the pleasure of the President.

3. *Pay of the Director.* The bill raises the pay of the Director from Executive Level V to Executive Level III.

4. *Corrective and Administrative Action.* The bill clarifies the authority of the Director to order employers to take corrective action and to recommend that agency heads or the President take administrative action. If the Director finds that a violation of a conflict of interest rule or the standards of conduct is occurring, the Director shall order the employee to take specific action to correct the violation, including divestiture, recusal, or the establishment of a blind trust. The Director may also recommend that the agency head or the President take specific administrative action against the employee, including reprimand, suspension, demotion, or dismissal. If the Director determines that an employee or an agency head has not taken appropriate action within a reasonable period of time, the Director shall notify the President.

5. *Inspector General Assistance.* The bill permits the Director to request assistance from agency inspectors general in conducting any investigation. Currently, the Director can request such assistance only with regard to investigations involving financial disclosure.

6. *Agency Ethics Officials.* The bill requires that the position of agency ethics official be a career reserve position in the Senior Executive Service, which provides those officials with some civil service protections and promotes continuity in agency ethics programs. The bill also requires the Director to provide support to agency ethics officials.

7. *Training.* The bill requires that training be provided to prospective political appointees as well as Federal employees on ethics laws, rules, standards of conduct, and ethical decisionmaking.

8. *OGE Notification of Referrals.* The bill requires that the Director be notified of any referral of an alleged violation of the conflict of interest laws to the Attorney General.

9. *Non-Reimbursable Details.* The bill permits agency heads to detail personnel to OGE at the request of the Director on a non-reimbursable basis. This will allow OGE to use the resources of other agencies during periods of intense activity, such as presidential transitions.

10. *Authorized Appropriation.* The bill increases the authorized appropriation from $2,000,000 per year to $2,500,000 for the fiscal year ending September 30, 1989, and to $3,000,000 for each of the five fiscal years thereafter.

11. *Effective Date.* Except as noted above for the creation of OGE as an independent agency, the effective date of the bill's provisions is October 1, 1988.●

● Mr. COHEN. Mr. President, I am pleased to join with Senator LEVIN in introducing legislation today to reauthorize the Office of Government Ethics for 6 more years.

Strong ethics laws and rules are crucial to ensure the public that its officials and Government employees are acting in the public's interest, not just for personal gain, and that public officials' decisions are not tainted by conflicts of interest. Time and time again, the Congress has reaffirmed its commitment to strong ethics rules as necessary to prevent conflicts of interest that can dangerously erode the public's trust in its Government.

Key to the successful administration of the ethics laws is the Office of Government Ethics, a very small office which is charged with the very large statutory mandate to oversee and coordinate the ethics program of the entire executive branch.

Established by the Ethics in Government Act of 1978, the Office of Government Ethics has the responsibility to provide "overall direction of executive branch policies related to preventing conflicts of interest on the part of officers and employees of any executive agency." The statutory responsibilities of the Director of the OGE require him to assume many roles, including that of advisor to agency personnel, an interpreter of the ethics laws and regulations, as well as an enforcer and adjudicator when there has been a possible violation of the ethics laws or standards.

These are, no doubt, very difficult responsibilities that the Congress has thrust upon the Office of Government Ethics and its Director. They are also awesome responsibilities when one considers that the reputations of public servants can be irreparably sullied if this office or its director makes ethical judgments too hastily. Nevertheless, it is crucial that a strong system be in place to deal swiftly and fairly with allegations of ethical misconduct by officials and employees.

Today I am pleased to join with Senator LEVIN in offering legislation to reauthorize this important office for 6 more years, and to make some changes in the responsibilities and structure of the office. Most importantly, this legislation amends the law to enhance the independence of the OGE by making it an independent agency, making its Director removable only for good cause, and elevating the level of the Director of the OGE. These changes, some of which were included in legislation passed by the Senate in 1983, but dropped by the House of Representatives, are important to ensure that the OGE has the stature—and clout—necessary to force individuals and agencies to follow its rulings and orders on how to comply with ethics requirements. These changes are also necessary to ensure that the OGE is adequately insulated from political pressure that could be brought to bear from within the administration when the OGE is called upon to determine whether an administration official has breached ethical standards.

This reauthorization bill also provides procedures for the OGE Director to follow when determining that an official is violating or has violated ethical standards, and clarifies the Director's authority to order corrective action in these cases. The streamlined procedures for notifying the official's agency head of actions taken in these cases will go far in expediting the resolution of these conflict of interest problems. The bill also increases staff and budget of the office which are sorely needed to allow it to perform effectively.

Mr. President, this year, the Office of Government Ethics will be especially important during the massive transition that will occur as the Reagan administration comes to a close. There will be hundreds of new officials coming into the new administration and the OGE will perform the critical tasks of reviewing and approving the financial disclosure forms of countless political appointees, and of educating these officials about their financial disclosure and ethics requirements. This office must be adequately equipped if we want to be sure that the new cadre of administration officials, from whichever party holds the White House, start off on solid ethical footing, free from conflicts of interest. The tone must be set from the first day of the administration, and a viable OGE is an important factor in this process.

Over the past few years I have been concerned that the OGE has lacked the will and ability to be an aggressive leader in ethics education and enforcement. This office was created by the Congress to be an ethics watchdog, but, unfortunately, in the last few years it has been viewed by many as lacking the bark—let alone the bite—to ensure compliance with ethics standards and laws. I am hopeful that the changes we are proposing in this legislation will make the OGE a stronger voice in ethics policies and enforcement throughout the executive branch.●

By Mr. WEICKER (for himself, Mr. HARKIN, Mr. SIMON, Mr. STAFFORD, Mr. KENNEDY, Mr. DODD, Mr. MATSUNAGA, Mr. CHAFEE, Mr. KERRY, Mr. PACKWOOD, Mr. LEAHY, Mr. INOUYE, Mr. CRANSTON, and Mr. DOLE):

S. 2345. A bill to establish a clear and comprehensive prohibition of discrimination on the basis of handicap; to the Committee on Labor and Human Resources.

AMERICANS WITH DISABILITIES ACT

● Mr. WEICKER. Mr. President, I rise today to introduce, along with Senator HARKIN and 12 others of my colleagues, the Americans With Disabilities Act of 1988. This historic legislation is the work of the National Council on the Handicapped, an independent Federal agency whose members were appointed by the President and confirmed by the Senate. Its statutory missions include a responsibility to make legislative recommendations to the Congress, and I want to commend the Council for its outstanding efforts to develop the bill before us today.

In its 1986 report "Toward Independence" the Council noted: "People with disabilities have been saying for years that their major obstacles are not inherent in their disabilities, but arise from barriers that have been imposed externally and unnecessarily." The report went on to recommend that "Congress * * * enact a comprehensive law requiring equal opportunity for individuals with disabilities, with broad coverage and setting clear, consistent, and enforceable standards prohibiting discrimination on the basis of handicap."

The legislation I am introducing today seeks to do just that. It will establish a broad-scoped prohibition of discrimination against people with disabilities and will describe specific methods by which such discrimination is to be eliminated. The bill has been endorsed by more than 50 national organizations representing people with a wide variety of disabilities. It is also supported by the Leadership Conference on Civil Rights, an umbrella organization representing 185 organizations active in the area of civil rights.

Authorities on disability have often said, and I have quoted them on this floor before, that the history of society's formal methods of dealing with people with disabilities can be summed up in two words: segregation and inequality. Psychologist Kenneth Clark, whose testimony about the damaging effects of segregation provided pivotal evidence in the landmark case of Brown versus Board of Education, has stated that "segregation is the way in which a society tells a group of human beings that they are inferior to other groups of human beings in the society." As a society, we have treated people with disabilities as inferiors and have made them unwelcome in many activities and opportunities generally available to other Americans. Such segregation and inequality are instilled and effectuated through the unfortunate mechanism of discrimination.

Is such discrimination really a serious and widespread problem for persons with disabilities? Earlier this year, the National Council on the Handicapped complied with another of its statutory mandates and issued a followup report to Congress and the President, titled "On the Threshold of Independence," in which it called discrimination "the number one problem faced by individuals with disabilities."

In an indepth 1983 report on discrimination against people with disabilities, another independent Federal agency, the U.S. Commission on Civil Rights concluded that, "despite some improvements * * * it persists in such critical areas as education, employment, institutionalization, medical treatment, involuntary sterilization, architectural barriers, and transportation. The Commission further observed that, "Discriminatory treatment of handicapped persons can occur in almost every aspect of their lives."

In a nationwide poll of Americans with disabilities conducted in 1986 by Louis Harris & Associates, respondents identified a variety of types of discrimination—including workplace discrimination, denials of educational opportunities, lack of access to public buildings and bathrooms, the absence of accessible transportation and other forms of social ostracism.

Nearly 15 years ago, the Congress took an important step to begin to address discrimination against people with disabilities by enacting title V of the Rehabilitation Act of 1973. Pursuant to sections 503 and 504 of that act, discrimination on the basis of handicap was made unlawful for Federal agencies, recipients of Federal financial aid and Federal contractors. There is no doubt that these statutes, particularly section 504, have had a profoundly positive effect in the programs and activities they cover. Important regulations have been promulgated and numerous lawsuits have been filed, resulting in court decisions—a few even reaching the U.S. Supreme Court—that have interpreted and applied the prohibition of discrimination on the basis of handicap.

A few weeks ago, we passed the Civil Rights Restoration Act to make sure that section 504, along with civil rights laws protecting racial minorities, women, and elderly people, would not be restricted by the narrowed interpretation of their scope engendered by the Supreme Court's decision in Grove City College versus Bell. There should be no doubt that persons with disabilities and we in Congress continue to believe in the paramount importance of sections 503 and 504, and will strenuously resist any attempts to undercut them. But, at the same time, we must recognize that the existing statutes do not go far enough toward establishing a broad legal condemnation of the discrimination confronting people with disabilities.

Some have heralded section 504 as "the civil rights law" for people with disabilities. The fact is, however, that section 504 addresses only a few of the arenas in which discrimination occurs. Section 504 is indeed modeled on the language of title VI of the Civil Rights Act of 1964. But that act and other statutes protecting people from discrimination on the basis of race, color, sex, religion or national origin, contain many, many other provisions not found in statutes protecting people with disabilities.

For example, the 1964 act prohibits discrimination by employers engaged in interstate commerce, in places of public accommodation, by States and political subdivision of States—while people with disabilities currently have no such protection. Other statutes, constitutional provisions, regulatory interpretations, and longstanding judicial precedents prohibit discrimination on grounds of race, color, sex, religion, or national origin in housing, travel, and the communications industry. People with disabilities are not similarly protected.

On February 1, 1960, four black students entered a Woolworth's store in

Greensboro, NC, proceeded to the lunch counter, seated themselves, and ordered a cup of coffee. By this courageous act, these young men initiated what would become a series of sit-ins and other forms of civil disobedience challenging the racial segregation of lunch counters, restaurants, hotels, motels, parks, and other types of public accommodations. These efforts would eventually lead to the enactment of title II of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion, or national origin in places of public accommodation.

Because of the provisions of title II of the 1964 act, discrimination on the grounds of person's race, color, religion or national origin by an inn, hotel, motel or other lodging establishment; by any restaurant, cafeteria, lunchroom, lunch counter, soda fountain or other dining establishment; by any gas station; or by any motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment, is unlawful. Yet, today, it is not unlawful for these same establishments to exclude, mistreat, or otherwise discriminate against people because of their disabilities.

People with cerebral palsy are turned away from restaurants because proprietors say their appearance will upset other patrons. People who use wheelchairs are blocked by curbs, steps, and narrow doorways from getting into many arenas, stadiums, theaters, and other public buildings. Many such facilities have done no planning for the use of their services by people with hearing or visual impairments.

It has been over 30 years since some zoos and parks were closed to keep blacks from visiting them during the peak of civil rights demonstrations and boycotts. Yet it was only last month that the Washington Post reported the story of a New Jersey zoo keeper who refused to admit children with downs syndrome because he feared they would upset the chimpanzees.

Another major event of the civil rights movement in America occurred on December 1, 1955, when Rosa Parks refused to get up and move to the back of a bus, and was promptly arrested. This event triggered bus boycotts, demonstrations, and eventually resulted in her exoneration by the Supreme Court, which declared the segregationist requirements unconstitutional. Subsequently, the heroic "freedom riders" risked their lives to assert their rights, established in Supreme Court decisions and rulings of the Interstate Commerce Commission, to be allowed to travel from State to State, free from discrimination. Today, those rights are well-established and generally respected. Yet people with disabilities still have to chain themselves to buses and to block their movement in order to focus the attention of the transit industry and the general public on the fact that most buses are inaccessible to them. "We aren't forced to the back of the bus," they say, "we can't get on the bus at all."

A 1982 survey by the General Accounting Office found that one-third of transit systems offering bus service did not have a single bus with a lift. The same study indicated that nearly three-fourths of the urban rail stations surveyed were almost totally inaccessible.

Employment discrimination was a major target of the 1964 Civil Rights Act. Title VII of that law prohibits discrimination on the basis of race, color, religion, sex or national origin, by employment agencies, labor organizations, and job training programs, and by any employer engaged in an industry affecting commerce who has 15 or more employees. People with disabilities do not have any similar protection, even though they encounter job discrimination all the time. The Louis Harris survey found that one-fourth of persons with disabilities interviewed reported that they had experienced employment discrimination because of their disabilities. Nearly half of those individuals who did not have jobs or were employed less than full time listed as an important reason why they were not working the fact that employers would not recognize that they were capable of doing a full-time job.

Such widespread discrimination against persons with disabilities in the workplace is a major reason for the appalling rate of joblessness among them. According to the Harris survey, two-thirds of all Americans with disabilities of working age do not have jobs. This is the highest rate of joblessness among any sizable minority in the country. Yet, the Harris poll found, most of them want to work.

A major target of civil rights advocates in the fifties and sixties was officially sanctioned discrimination—discrimination engaged in or even required by State and local governments. Through court battles and legislation, such discrimination on the basis of race, color, sex, religion or national origin has been made illegal. Title II of the 1964 Civil Rights Act contains a specific provision that prohibits such discrimination pursuant to any law, statute, regulation, ordinance, rule or order of a State or local government. People with disabilities do not have such protection, and can lawfully be subjected to discrimination by States and their political subdivisions.

Title VIII of the Civil Rights Act of 1968 prohibits discrimination in housing on the basis of race, color, religion, sex and national origin. People with disabilities are not protected. As a result, they are frequently turned down for apartments or houses because a landlord or owner objects to their disability. Blind people are denied housing and told that they would be a fire hazard. Mentally retarded people are rejected as unfit tenants. People who use wheelchairs often find that they are unable to locate any accessible housing whatsoever. And deaf persons seeking housing find that landlords and real estate agents are often unwilling to make any effort to communicate with them.

Another area in which people with disabilities have less legal protection is that of broadcasting and communications. Provisions of the Communications Act that set a "public interest" standard have been interpreted to include a nondiscrimination requirement. However, in the 1983 case of *Community Television of Southern California* v. *Gottfried* (103 S.Ct. 885), the Supreme Court refused to apply this nondiscrimination requirement to people with disabilities, holding that a public television station was not required to provide captioned programming. Once again, the legal prohibitions of discrimination that are available to other groups have not been accorded to those with disabilities.

The bill I am introducing today aims to correct such discrepancies. This is clearly stated in the "purpose" section of the bill: "To provide a prohibition of discrimination against persons with disabilities parallel in scope of coverage with that afforded to persons on the basis of race, sex, national origin, and religion." At the same time, the bill intends to more clearly delineate what constitutes discrimination on the basis of handicap—in the words of the act, "To provide clear, strong, consistent, and enforceable standards addressing discrimination against persons with disabilities." For this reason, a substantial portion of the bill is devoted to spelling out what forms of discrimination are prohibited, and giving guidance to those covered by the act, regulatory agencies, and the courts as how the general concept of nondiscrimination on the basis of handicap is to be applied.

The bill has 10 sections. The first identifies the short title of the proposed act—"The Americans With Disabilities Act of 1988." The second section presents the findings and purpose of the bill. The third section provides definitions of some of the key terms the bill uses. Most are based upon the language of existing definitions in the regulations promulgated under section 504 of the Rehabilitation Act of 1973. Since they were first promulgated in 1977, Federal agencies and the courts have had considerable experience in interpreting and applying them. We expect that the substantial body of law and interpretation developed under section 504 will be applied to clarify those terms and requirements that are reiterated in this bill, except, of course, where provisions of this bill indicate otherwise. The definition of "physical or mental impairment" in this bill, for example, is a verbatim repetition of the definition of the same phrase in section 504 regulations. The definition of the important concept of "reasonable accommodation" is based upon an analysis of that concept in "Accommodating the Spectrum of Individual Abilities," a report issued in 1983 by the U.S. Commission on Civil Rights. The focus of this definition is upon making individualized modifications to enable the participation of an individual with a disability.

Section 4 of the bill tells what persons and agencies are covered by, that is, who is prohibited from discriminating. Paralleling rights guaranteed to others, it applies to employers, employment agencies, labor organizations, and job training programs subject to title VII of the Civil Rights Act of 1964 and to housing covered by title VIII of the act; to public accommodations subject to title II; to transportation services; to States and agencies and political subdivisions of the States; and to broadcasts, communications and telecommunications services.

Section 4 also contains provisions making explicit that the act shall not undercut the requirements of title V of the Rehabilitation Act (which includes section 504) and regulations issued thereunder, nor shall undercut the requirements of any other Federal law or a State or local law that provides greater protection against discrimination.

Section 5 delineates the "forms of discrimination" that are made unlawful. Paragraph 5(a)(1) incorporates those forms of discrimination listed in existing section 504 regulations. Consistent with the Supreme Court's decision in Alexander versus Choate, these provisions encompass both intentional and unintentional acts of discrimination. Paragraphs 5(a) (2), (3), and (4) delineate clear requirements for the removal of three forms of discrimination. Respectively, they deal with the removal of architectural, transportation, and communication barriers; the rendering of reasonable accommodations to permit the participation of an individual with a disability; and the elimination of standards and criteria that screen out people with disabilities, unless they are necessary and can be shown to relate to the ability to perform or participate.

Part (b) of section 5 makes clear that certain conduct does not constitute discrimination on the basis of handicap. First, whether or not a person has a physical or mental impairment, it is not discrimination prohibited by this bill to exclude or otherwise treat the person differently for reasons wholly unrelated to an impairment, perceived impairment, or record of impairment. Thus, it would be permissible to refuse to hire a person who uses a wheelchair from a job as a proofreader because the person has poor spelling skills. Second, it may be permissible to deny an opportunity or treat a person unequally through the application of criteria or standards that are necessary and substantially related to the ability to perform or participate in essential components of a job or activity. For example, it may be perfectly proper to exclude people with insufficient vision from such jobs as bus driver or air traffic controller.

Section 6 of the bill addresses discrimination in housing. This section incorporates identical provisions to those currently under consideration as additions to the Federal Fair Housing Act. A major focus of these provisions is upon certain modest features of uniform accessibility in future housing construction. As Congress continues to consider proposed amendments to add disability to the coverage of that act, we hope to examine any refinements of such language for incorporation into this bill. If Fair Housing Act amendments that add disability and accomplish the aims of this section are enacted, it would be redundant and could be removed.

Section 7 establishes limitations on the duties to remove barriers and to make reasonable accommodations. First, a particular barrier does not have to be removed or a particular accommodation made if to do so would either fundamentally alter the nature of the business or program, or would threaten its existence. However, there would still be an obligation to make other accommodations or take other actions to permit participation.

The second thing that section 7 does is to clarify that barrier removal involving substantial modifications to existing buildings and facilities does not have to be done overnight. Generally, such modifications are to be performed within a reasonable period of time not to exceed 2 years from the bill's effective date, but regulations promulgated under the act can permit up to 5 years for particular types of buildings and facilities where compliance may take more time.

Section 7 also addresses the removal of barriers entailing substantial modifications to the platforms and stations of mass transportation facilities. For completion of this type of modification, regulations promulgated under the act may allow up to 10 years.

Section 8 deals with the promulgation of regulations. In three areas—employment, transportation, and television broadcasting—it provides more detail as to what such regulations are to include. With regard to employment, it makes clear that regulations should not be limited to hiring procedures but should encompass the full spectrum of terms, conditions, and privileges of employment; the employment provisions also reiterate standards regarding preemployment inquiries and medical examinations found in current section 504 regulations.

Where transportation is concerned, regulations are to include requirements regarding the future purchase and other acquisition of accessible vehicles; within 7 years after the effective date of this act, at least 50 percent of the peak fleet of vehicles and rolling stock shall be accessible. For television broadcasting, the regulations shall establish "requirements for progressively increasing proportion of programs, advertisements, and announcements that are captioned." This permits certain flexibility whereby the Federal Communications Commission in negotiation with the broadcast industry and the disability community can determine realistic criteria for continuously increasing the proportion of captioned telecasts.

Section 9 establishes the procedural and enforcement mechanisms for addressing alleged violations of the Act. The enforcement procedures are similar to those available under the 1964 Civil Rights Act and include administrative remedies, a private right of action in Federal court, monetary damages, injunctive relief, attorneys' fees, and cutoffs of Federal funds.

Section 10 of the bill provides that the act shall become effective upon the date of its enactment.

The foregoing is a brief sketch of the bill. I believe its passage will constitute a clear and broad statement by our society that discrimination on the basis of handicap is just as intolerable as other types of discrimination that our civil rights laws forbid. The bill certainly cannot be considered overreaching—for it covers only the same programs and businesses which are already prohibited from other types of discrimination.

Some may fear that the bill will create requirements that are unrealistically expensive. There are several answers to questions about costs. First, it must be asked: How much is too much to pay for equality? Can we establish an acceptable price tag for civil rights? Second, experience suggests that the costs of modifications are usually much less than might be feared by those unfamiliar with the issues. Wider doorways and ramps are not particularly expensive, and even modifications to bathrooms and lifts can be secured at relatively modest prices. And many communication devices are quite reasonable in cost. A telecommunications device for the deaf [TDD], which enables deaf people to use the telephone, can be purchased for about $150.

As we consider costs, it is important to bear in mind that the Federal Tax Code permits businesses to take an annual deduction of up to $35,000 for expenditures entailed in removing barriers to people with disabilities.

A Harris poll of employers found that three out of four managers interviewed believed the average costs of hiring a person with a disability to be about the same as that of employing a nondisabled person. A 1982 study by the Department of Labor concluded that accommodating for disabilities is "no big deal." This confirms the experiences of major U.S. corporations, such as du Pont, which report that workplace accommodations frequently cost little or nothing.

Likewise, the expense associated with accessibility features for new housing are relatively small. Estimates are that, at most, such requirements would entail less than 1 percent of construction costs. Officers of the National Association of Home Builders have declared that they can build in such features at very little cost. And such costs are expected to decline even further once they become uniform within the housing industry.

The requirements regarding accessibility of new vehicles and rolling stock of transportation agencies are not extravagant. Often the issue resolves itself into a question of purchasing slightly fewer accessible vehicles versus a slightly greater number of inaccessible ones. Taking buses as an example, although costs can vary, a lift on a new bus currently costs about 6 to 9 percent of the total price tag. Thus, for the same outlay, a company can either purchase 10 accessible buses or 11 buses without lifts.

Perhaps the most difficult and costly modifications contemplated are those associated with existing stations and platforms of mass transit systems. But I would reiterate that the bill does allow these changes, and consequently their costs, to be spread over a period of up to 10 years. The act does not naively demand full access immediately, but gives transit systems the opportunity to plan for and spread out the refurbishment and capital expenditures necessary to achieve accessibility. And again, the limitations section of the bill prevents the requirement of modifications on a timetable that would threaten the existence of any transportation operator.

In short, the costs associated with this bill are a small price to pay for opening up our society to persons with disabilities. Indeed, the costs to this Nation of discrimination against persons with disabilities are staggering. Over $60 billion of our annual Federal budget are spent on disability-related programs. Disability is second only to defense as the largest category of Federal budget expenditures. And 95 percent of what we spend on disability goes to maintaining people in dependent situations. All taxpayers are underwriting the inactivity and waste of resources of people with disabilities who are not permitted the opportunity to be employed and self-sufficient. The costs to our society of discrimination—in economic as well as humanitarian terms—are much greater than the costs of eliminating such discrimination.

I also want to clarify my understanding of the concept of accessibility as it is required under this bill, so that no one exaggerates or misinterprets its meaning. A basic premise of the bill is that whenever anyone constructs, renovates, rents, purchases, or otherwise acquires a building or facility without providing for the use of it by persons with disabilities, then that person or agency is committing an act that denies equal opportunities to these individuals. Recognizing, however, that such discrimination has permeated our society throughout its history, and is built into much of our environment, this act does not seek to engender total accessibility immediately and everywhere.

It does place some definite requirements for accessibility upon some facilities and buildings subject to the act. It also allows reasonable periods of time for this accessibility to be achieved. The following are the requirements the bill intends to establish.

GENERALLY

Pursuant to paragraph 5(a)(2), it is discriminatory to establish or fail to remove any architectural, transportation, or communication barrier that prevents the access or limits the participation of persons with disabilities. This is not intended to mean nor should it be interpreted to impose a requirement that every entrance or every portion of a building or facility has to be made accessible. It does mean that a person with a disability has to be able to gain ready access to the building or facility, and to participate fully and on an equal basis in whatever services or activities are conducted on the premises. Within each building or facility included in the coverage of the act, the services provided or the programs available must be accessible and readily usable by a person with a disability.

These general accessibility requirements may necessitate some modifications of existing structures. The act allows up to 2 years for the making of substantial modifications to buildings and facilities, but where such modifications are more difficult, regulations may permit up to 5 years.

HOUSING

Here the major focus is upon accessibility requirements in future construction of multifamily dwelling units. They do not require the adding of elevators to buildings without them, nor do they require any ramping for access to upper floors where no elevator is present. Beginning with units constructed for occupancy more than 24 months after the effective date of the act, it calls for the accessibility of public and common-use portions of such units, requires that all doors into and within the premises shall be sufficiently wide to accommodate wheelchairs, and specifies that such premises shall comply with basic universal features of adaptive design. These are low-cost features including wide doorways, modifications of bathroom layouts, reinforcement of bathroom walls, and placement of switches and thermostats are convenient heights. As noted above these are modest requirements not viewed as extreme by the housing industry.

TRANSPORTATION

Special statutory requirements would be established by the bill in regard to transportation services. First, where substantial modifications to existing platforms and stations of mass transportation systems are necessary, regulations permit up to 10 years for such modifications to be completed. Second, the requirements regarding vehicles and rolling stock. Retrofitting or modification of existing vehicles and rolling stock would be required only where purchases are insufficient, within 7 years' time, to bring the peak fleet up to 50 percent accessibility.

LIMITATIONS

Barrier removal does not have to be accomplished if to do so would fundamentally alter or threaten the existence of the particular business or program.

Moreover, it is important to recognize that the requirements of this bill, including the accessibility requirements, only apply to those buildings and facilities encompassed within the coverage of the act. The smallest businesses are not covered by the employment provisions; only employers with 15 or more employees are covered. Likewise, single-family homes and small housing units such as duplexes are not within the coverage of the housing provisions. The broadest categories of buildings and facilities subject to accessibility requirements under the bill are public accommodations and public buildings of State and local governments. And for both of these categories, simple justice argues strongly for requiring the removal of barriers that exclude or limit the participation of people with disabilities.

President Theodore Roosevelt once declared that "our country calls not for the life of ease, but for the life of strenuous endeavor." He would have been pleased by the vision that one distinguished individual with a disability, Dr. Henry Viscardi, a former member of the National Council on the Handicapped, stated on behalf of his fellow Americans with disabilities:

> I do not choose to be a common man. It is my right to be uncommon—if I can. I seek opportunity—not security. I do not wish to be a kept citizen, humbled and dulled by having the state look after me. I want to take the calculated risk; to dream and to build, to fail and to succeed. I refuse to barter incentive for a dole * * * It is my heritage to stand erect, proud and unafraid; to think and act for myself, enjoy the benefit of my creations and to face the world boldly and say, this I have done. For our disabled millions, for you and me, all this is what it means to be an American.

For all people with disabilities with such spirit, and they are legion, a major stumbling block is the discrimination they encounter as they pursue the challenges of life. It is high time that we as a society formally and forcefully prohibit the discrimination that is the greatest handicap to Americans with disabilities.

Once again, I want to commend the National Council on the Handicapped for its fine work in developing this legislation. As with any major civil rights legislation it will most certainly be the subject of extensive examination and possible modifications. I look forward to working with my colleagues, the council, and the 37 million Americans with disabilities as we move down this difficult road together.

I ask unanimous consent that the bill be printed in its entirety in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Americans with Disabilities Act of 1988".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) some 36,000,000 Americans have one or more physical or mental disabilities, and this number is increasing as the population as a whole is growing older;

(2) historically, society has tended to isolate and segregate persons with disabilities, and, despite some improvements, such forms of discrimination against persons with disabilities continue to be a serious and pervasive social problem;

(3) discrimination against persons with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services;

(4) every day, people with disabilities encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of architectural, transportation, and communication barriers, overprotective rules and policies, refusal to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities;

(5) census data, national polls, and other studies have documented that people with disabilities, as a group, occupy an inferior status in our society, and are severely disadvantaged socially, vocationally, economically, and educationally;

(6) persons with disabilities are a discrete and insular minority who have been saddled with restrictions and limitations, subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such persons and resulting from stereotypic assumptions not truly indicative of the individual ability of such persons to participate in, and contribute to, society;

(7) the Nation's proper goals regarding persons with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such citizens; and

(8) the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous, and costs the United State billions of dollars in unnecessary expenses resulting from dependency and nonproductivity.

(b) Purpose.—It is the purpose of this Act—

(1) to provide a clear and comprehensive National mandate for the elimination of discrimination against persons with disabilities;

(2) to provide a prohibition of discrimination against persons with disabilities parallel in scope of coverage with that afforded to persons on the basis of race, sex, national origin, and religion;

(3) to provide clear, strong, consistent, enforceable standards addressing discrimination against persons with disabilities; and

(4) to invoke the sweep of congressional authority, including its power to enforce the fourteenth amendment, to regulate commerce, and to regulate interstate transportation, in order to address the major areas of discrimination faced day-to-day by people with disabilities.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) On the basis of handicap.—The term "on the basis of handicap" means because of a physical or mental impairment, perceived impairment, or record of impairment.

(2) Physical or mental impairment.—The term "physical or mental impairment" means—

(A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more systems of the body, including the following—

(i) the neurological system;

(ii) the musculoskeletal system;

(iii) the special sense organs, and respiratory organs, including speech organs;

(iv) the cardiovascular system;

(v) the reproductive system;

(vi) the digestive and genitourinary systems;

(vii) the hemic and lymphatic systems;

(viii) the skin; and

(ix) the endocrine system; or

(B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(3) Perceived impairment.—The term "perceived impairment" means not having a physical or mental impairment as defined in paragraph (2), but being regarded as having or treated as having a physical or mental impairment.

(4) Record of impairment.—The term "record of impairment" means having a history of, or having been misclassified as having, a physical or mental impairment.

(5) Reasonable accommodation.—The term "reasonable accommodation" means providing or modifying devices, aids, services, or facilities, or changing standards, criteria, practices, or procedures for the purpose of providing to a particular person with a physical or mental impairment, perceived impairment, or record of impairment the equal opportunity to participate effectively in a particular program, activity, job, or other opportunity.

SEC. 4. SCOPE OF DISCRIMINATION PROHIBITED.

(a) In General.—No person shall be subjected to discrimination on the basis of handicap in—

(1) employer practices, employment agency practices, labor organization practices, and training programs covered by title VII of the Civil Rights Act of 1964;

(2) the sale or rental of housing covered by title VIII of the Civil Rights Act of 1968;

(3) any public accommodation covered by title II of the Civil Rights Act of 1964;

(4) transportation services rendered by a person, company, or agency engaged in the principal business of transportation of persons, goods, documents, or data;

(5) the actions, practices, and operations of a State, or agency or political subdivision of a State; and

(6) broadcasts, communications, or telecommunications services provided by a person, company, or agency engaged in the principal business of broadcasting or of communication by wire, as defined in subsections (a) and (o) of section 153 of the Communications Act of 1934, as amended (47 U.S.C. 153(a) and (o)).

(b) Construction.—

(1) Rehabilitation act.—Nothing in this Act shall be construed to affect or change the nondiscrimination provisions contained in title V of the Rehabilitation Act of 1973 (29 U.S.C. 790 et seq.), or to affect or change regulations issued by Federal agencies pursuant to title V of such Act.

(2) Other laws.—Nothing in this Act shall be construed to invalidate or limit any other Federal law or any law of a State or political subdivision of a State or jurisdiction that provides greater protection of rights for persons with physical or mental impairments, perceived impairments, or records of impairment than are afforded by this Act.

SEC. 5. FORMS OF DISCRIMINATION PROHIBITED.

(a) In General.—Subject to the standards and procedures established in sections 6 through 9 of this Act, the actions or omissions described in this subsection constitute discrimination on the basis of handicap.

(1) Services, programs, activities, benefits, jobs, or other opportunities.—

(A) In general.—It shall be discriminatory to subject a person, directly or through contractual, licensing, or other arrangements, on the basis of handicap, to any of the following:

(i) Denying the opportunity to participate in or benefit from a service, program, activity, benefit, job, or other opportunity.

(ii) Affording a person an opportunity to participate in or benefit from a service, program, activity, benefit, job, or other opportunity that is not equal to that afforded others.

(iii) Providing a person with a service, program, activity, benefit, job, or other opportunity that is less effective than that provided to others.

(iv) Providing a person with a service, program, activity, benefit, job, or other opportunity that is different or separate, unless such action is necessary to provide the person with a service, program, activity, benefit, job, or other opportunity that is as effective as that provided to others.

(v) Aiding or perpetuating discrimination by providing significant assistance to an agency, organization, or person that discriminates.

(vi) Denying a person the opportunity to participate as a member of planning or advisory boards.

(vii) Otherwise limiting a person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others.

(B) LEVELS OF ACHIEVEMENT.—For purposes of this section, services, programs, activities, benefits, jobs, or other opportunities, to be equally effective, are not required to produce the identical result or level of achievement for persons with physical or mental impairments, perceived impairments, or records of impairment, and persons without such impairments, but such services, programs, activities, benefits, jobs, or other opportunities shall afford persons with such impairments an equal opportunity to obtain the same result, to gain the same benefits, or to reach the same level of achievement, in the most integrated setting appropriate to the needs of the person.

(C) OPPORTUNITY TO PARTICIPATE.—Notwithstanding the existence of separate or different programs or activities provided in accordance with this section, a person with a physical or mental impairment, perceived impairment, or record of impairment shall not be denied the opportunity to participate in such programs or activities that are not separate or different.

(D) ADMINISTRATIVE METHODS.—A person, company, or agency may not, directly or through contractual or other arrangements, utilize criteria or methods of administration—

(i) that have the effect of discrimination on the basis of handicap;

(ii) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the services, programs, activities, benefits, jobs, or other opportunities provided with respect to persons with physical or mental impairments, or records of impairment; or

(iii) that perpetuate the discrimination of others who are subject to common administrative control or are agencies of the same State.

(2) BARRIERS.—It shall be discriminatory—

(A) to establish or impose; or

(B) to fail or refuse to remove;

any architectural, transportation, or communication barriers that prevent the access or limit the participation of persons on the basis of handicap.

(3) ACCOMMODATION.—It shall be discriminatory to fail or refuse to make a reasonable accommodation to permit an individual with a physical or mental impairment, perceived impairment, or record of impairment to apply, have access to, or participate in a program, activity, job, or other opportunity.

(4) STANDARDS AND CRITERIA.—It shall be discriminatory to impose or apply any qualification standards, selection criteria, or eligibility criteria that—

(A) screen out or disadvantage an individual because of a physical or mental impairment, perceived impairment, or record of impairment; or

(B) disproportionately screen out or disadvantage persons with particular types of physical or mental impairments, perceived impairments, or records of impairment;

unless such criteria or standards can be shown to be necessary and substantially related to ability to perform or participate in essential components of the particular service, program, activity, benefit, job, or other opportunity.

(5) RELATIONSHIPS OR ASSOCIATIONS.—It shall be discriminatory to exclude or otherwise deny equal services, programs, activities, benefits, jobs, or other opportunities to a person because of the relationship to, or association of, that person with another person who has a physical or mental impairment, perceived impairment, or record of impairment.

(b) ACTIONS NOT DISCRIMINATORY.—It shall not be considered to be discrimination on the basis of handicap to exclude or otherwise deny equal services, programs, activities, benefits, jobs, or other opportunities to a person—

(1) for reasons entirely unrelated to the existence of or consequences of a physical or mental impairment, perceived impairment, or record of impairment; or

(2) based on a legitimate application of qualification standards, selection criteria, performance standards, or eligibility criteria that are both necessary and substantially related to the ability to perform or participate in the essential components of the particular job, program, activity, or opportunity, and such performance or participation cannot be accomplished by a reasonable accommodation.

SEC. 6. DISCRIMINATION IN HOUSING.

(a) IN GENERAL.—Notwithstanding the requirements of section 5(a), it shall be an act of discrimination in regard to housing—

(1) to discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a physical or mental impairment, perceived impairment, or record of impairment of—

(A) such buyer or renter;

(B) a person residing in or intending to reside in such dwelling after it is sold, rented, or made available; or

(C) any person associated with such buyer or renter; and

(2) to discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a physical or mental impairment, perceived impairment, or record of impairment of—

(A) such person;

(B) a person residing in or intending to reside in such dwelling after it is so sold, rented, or made available; or

(C) any person associated with such person.

(b) REMOVAL OF BARRIERS IN HOUSING.—For purposes of subsection (a), discrimination includes—

(1) a refusal to permit, at the expense of a person with a physical or mental impairment, perceived impairment, or record of impairment, reasonable modifications of existing premises occupied, or to be occupied, by such person if such modifications may be necessary to afford such person full enjoyment of the premises;

(2) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(3) a failure to design and construct qualified multifamily dwellings for first occupancy after the date that is 30 months after the date of enactment of this Act, in such a manner that—

(A) the public and common use portions of such dwelling are readily accessible to, and usable by, persons with physical and mental impairments;

(B) all the doors into and within all premises within such dwellings are sufficiently wide to allow passage by persons in wheelchairs; and

(C) all premises within such dwellings contain basic universal features of adaptive design.

(c) DEFINITION.—As used in this section the term "qualified multifamily dwellings" means—

(1) buildings consisting of two or more units if such buildings have one or more elevators; and

(2) those units in other buildings consisting of two or more units that are on the ground floor.

SEC. 7. LIMITATIONS ON THE DUTIES OF ACCOMMODATION AND BARRIER REMOVAL.

(a) EXISTENCE THREATENING ALTERATIONS.—

(1) IN GENERAL.—The failure or refusal to remove architectural, transportation, and communication barriers, and to make reasonable accommodations required under section 5(a) shall not constitute an unlawful act of discrimination on the basis of handicap if such barrier removal or accommodation would fundamentally alter the essential nature, or threaten the existence of, the program, activity, business, or facility in question.

(2) OTHER ACTION.—In the event that barrier removal is not required because it would result in a fundamental alteration or threaten the existence of a program, activity, business, or facility, there shall continue to be a duty to conform to other requirements of this Act and to take such other actions as are necessary to make a program, activity, or service, when viewed in its entirety, readily accessible to and usable by persons with physical and mental impairments, perceived impairments, or records of impairment.

(b) TIME FOR ALTERATIONS.—

(1) IN GENERAL.—If substantial modifications to existing buildings and facilities are necessary in order to remove architectural, transportation, and communication barriers, as required under section 5(a), such modifications shall, unless required earlier by other law or regulation, be made within a reasonable period of time, not to exceed 2 years from the date of enactment of this Act.

(2) EXCEPTION.—Regulations promulgated pursuant to section 8 of this Act may allow up to 5 years from the date of enactment of this Act where reasonably necessary for the completion of such modifications to particular classes of buildings and facilities.

(c) MASS TRANSPORTATION.—

(1) IN GENERAL.—If substantial modifications to existing platforms and stations of mass transportation systems are necessary in order to remove architectural, transportation, and communication barriers, as required under section 5(a), regulations promulgated pursuant to section 8 of this Act may, unless required earlier by other law or regulation, allow a reasonable period of time, in no event to exceed 10 years from the date of enactment of this Act, for such modifications to be made.

(2) EFFECT.—Paragraph (1) shall not affect the duty of providers of transportation services to conform to other requirements of this Act, including the requirement of removing other types of architectural, transportation, and communication barriers, and the application of such requirements to vehicles and rolling stock.

SEC. 8. REGULATIONS.

(a) ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.—Within 6 months of the date of enactment of this Act, the Architectural and Transportation Barriers Compliance Board shall issue minimum guidelines, to supplement the existing Minimum Guidelines and Requirements for Accessible Design, to establish requirements for the architectural, transportation, and communication accessibility of buildings, facilities, vehicles, and rolling stock subject to the requirements of this Act.

(b) ATTORNEY GENERAL.—

(1) IN GENERAL.—Within 1 year of the date of enactment of this Act, the Attorney General shall promulgate regulations for the implementation and enforcement of the requirements of this Act as it applies to States and agencies and political subdivisions of States.

(2) MINIMUM GUIDELINES.—The Attorney General of the United States shall coordinate the timely development of regulations required under this section and shall issue, within 6 months of the date of enactment of this Act, minimum guidelines for the development of such regulations.

(c) EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.—

(1) EMPLOYER PRACTICES.—

(A) IN GENERAL.—Within 1 year of the date of enactment of this Act, the Chairman of the Equal Employment Opportunity Commission shall promulgate regulations for the implementation and enforcement of the requirements of this Act as it applies to employer practices, employment agency practices, labor organization practices, and job training programs.

(B) PROHIBITIONS.—The regulations promulgated under subparagraph (A) shall prohibit discrimination in regard to job application procedures, the hiring and discharge of employees, employee compensation, advancement, job training, and other terms, conditions, and privileges of employment.

(2) REQUIREMENTS.—The regulations promulgated under subparagraph (A) shall include, a requirement of outreach and recruitment efforts to increase the work force representation of individuals with physical or mental impairments, or records of impairment, and shall establish a process and timelines for the development, implementation, and periodic revision of such outreach and recruitment efforts.

(3) PREEMPLOYMENT INQUIRIES.—

(A) IN GENERAL.—The regulations promulgated under paragraph (1)(A) shall include a requirement that employers may not conduct a preemployment medical examination and may not make a preemployment inquiry of an applicant as to whether such applicant has a physical or mental impairment, perceived impairment, or record of impairment, or as to the nature or severity of such impairment.

(B) PERMITTED INQUIRIES.—An employer—

(i) may make a preemployment inquiry into the ability of an applicant to satisfy legitimate qualification standards, selection criteria, performance standards, or eligibility criteria as permitted under section 5(b)(2);

(ii) may condition an offer of employment on the results of a medical examination conducted prior to the entrance to duty of the applicant, if—

(I) all entering employees are subjected to such an examination regardless of physical or mental impairment, perceived impairment, or record of impairment; and

(II) the results of such an examination are used only in accordance with the requirements of this section;

(iii) taking remedial action to correct the effects of past discrimination, or engaged in outreach and recruitment efforts to increase the participation of persons with physical or mental impairments, may invite employment applicants to indicate whether, and to what extent, such applicants have a physical or mental impairment, if—

(I) the employer states clearly on any written questionnaire used for employment purposes, or makes clear orally if no written questionnaire is used, that the information requested is intended for use solely in connection with such remedial action or outreach and recruitment activities; and

(II) the employer states clearly that the information is being requested on a voluntary basis, that such information will be kept confidential as provided in subparagraph (C), that refusal to provide such information will not subject the applicant or employee to any adverse treatment, and that such information will be used only in accordance with the requirements of this section.

(C) CONFIDENTIALITY.—Information as to the medical condition or history of the applicant, obtained in accordance with this paragraph shall be collected and maintained on separate forms that shall be accorded the same confidentiality as are medical records, except that—

(i) supervisors and managers may be informed of restrictions on the work or duties of persons with physical or mental impairments and of necessary accommodations for such persons;

(ii) first aid and safety personnel may be informed, where appropriate, if such a condition may require emergency treatment; and

(iii) government officials investigating compliance with this Act shall be provided relevant information on request.

(d) SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—Within 1 year of the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations for the implementation and enforcement of the requirements of this Act as it applies to sellers, landlords, and other providers of housing.

(e) SECRETARY OF TRANSPORTATION.—

(1) IN GENERAL.—Within 1 year of the date of enactment of this Act, the Secretary of Transportation shall promulgate regulations for the implementation and enforcement of the requirements of this Act as it applies to State and local transit systems and to those engaged in the business of transportation.

(2) STANDARDS.—The regulations promulgated under paragraph (1) shall include standards regarding the accessibility of vehicles and rolling stock that are consistent with the requirements of paragraph (3).

(3) REQUIREMENTS.—With respect to State and local transit systems, rail and light rail services, and bus companies, the standards issued under paragraph (2) shall—

(A) ensure that all vehicles or rolling stock that are purchased, leased, renovated, or otherwise placed into service later than one year after the date of enactment of this Act shall be accessible to and usable by persons with physical or mental impairments, including wheelchair users;

(B) permit a reasonable period of time, not to exceed 7 years, for such transportation operators to purchase, acquire, or modify sufficient vehicles and rolling stock so that the peak fleet of such operators has at least 50 percent of vehicles and rolling stock that are accessible to and usable by persons with physical or mental impairments, including wheelchair users; and

(C) ensure that the use of paratransit and other specialized transportation services for persons with physical or mental impairments shall be used as a supplement to other forms of transportation, but shall not affect the requirement that transportation systems and services available to members of the public shall be accessible to and usable by persons with physical or mental impairments, including wheelchair users.

(f) SECRETARY OF COMMERCE.—Within 1 year of the date of enactment of this Act, the Secretary of Commerce shall promulgate regulations for the implementation and enforcement of the requirements of this Act as it applies to places of public accommodation.

(g) FEDERAL COMMUNICATIONS COMMISSION.—Not later than 1 year after the date of enactment of this Act, the Chairman of the Federal Communications Commission shall promulgate regulations for the implementation and enforcement of this Act as such applies to those engaged in the business of broadcasting or of communicating by wire. When promulgating regulations concerning television broadcast stations, the Chairman shall include requirements for progressively increasing the proportion of programs, advertisements, and announcements that are captioned.

(h) EFFECTIVE COMMUNICATION.—

(1) REGULATIONS.—Regulations promulgated under this section shall include requirements for the prohibition or removal of communication barriers, and for making reasonable accommodations to assure effective communication with a particular person who has a physical or mental impairment, perceived impairment, or record of impairment.

(2) COMMUNICATION BARRIERS.—As used in this section the term "communication barriers" means the absence of devices, services, systems, or signage and information media, or modifications of devices, services, systems, or signage and information media that are necessary to achieve effective communication with persons with a physical or mental impairment, perceived impairment, or record of impairment in regard to a service, program, activity, benefits, job, or other opportunity.

(3) TYPES OF REQUIREMENTS.—Under appropriate circumstances, the prohibition or removal of communication barriers or making a reasonable accommodation may require—

(A) the provision and maintenance of devices such as Telecommunications Devices for the Deaf, visual aids such as flashing alarms and indicators, decoders, and augmentative communication devices for nonvocal persons such as language symbol or alphabet boards;

(B) the provision of such services as interpreting, reading, audio or video taping, and notetaking, by qualified personnel;

(C) the development and effective operation of such systems as captioning, assistive listening systems, including audio induction loops, and infrared, FM or AM communications, and telephone relay services system;

(D) the development and effective use of alternative signage and information media, such as brailled or audio information, and visual alerts for audio announcements and other information; and

(E) the modification of devices, services, systems, and signage and information media, such as audio input/output on a computer terminal, adapted software, flashing lights as an attachment to a telephone, and amplifiers on telephone handsets.

SEC. 9. ENFORCEMENT.

(a) Administrative Actions.—

(1) In general.—Any person who believes that he or she or any specific class of individuals is being or is about to be subjected to discrimination on the basis of handicap in violation of this Act, shall have a right, by himself or herself, or by a representative, to pursue such administrative enforcement procedures and remedies as are available in connection with the regulations issued pursuant to section 8 of this Act.

(2) Remedy.—Agencies enforcing such regulations shall have the authority to order all appropriate remedial relief, including compliance orders, cutoff of Federal funds, rescission of Federal licenses, monetary damages, and back pay.

(b) Civil Actions.—

(1) Right to file.—Any person who believes that he or she or any specific class of individuals is being or is about to be subjected to discrimination on the basis of handicap in violation of this Act, shall have a right, by himself or herself, or by a representative, to file a civil action for injunctive relief, monetary damages, or both in a district court of the United States.

(2) Administrative enforcement.—The exhaustion of administrative enforcement procedures and remedies as contemplated in section 9(a) shall not be a prerequisite to the filing of a civil action under this subsection, except in regard to employer practices, employment agency practices, labor organization practices, and training programs, covered by section 4(a)(1) of this Act, for which such exhaustion shall be required unless—

(A) administrative enforcement procedures and remedies as contemplated in section 9(a) are not available; or

(B) such enforcement procedures are not concluded within 180 days after the filing of a complaint of discrimination prohibited under this Act.

(c) Additional Evidence.—In any action brought under this section, the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and, basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

(d) Jurisdiction.—The district courts of the United States shall have jurisdiction of actions brought under this Act without regard to the amount in controversy.

(e) Immunity.—A State shall not be immune under the eleventh amendment to the Constitution of the United States from suit in Federal court for a violation of this Act. In a suit against a State for a violation of the requirements of this Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in a suit against any public or private entity other than a State.

(f) Attorney's Fees.—In any action or administrative proceeding commenced pursuant to this section, the court, or agency, in its discretion, may allow the prevailing complaintants party, other than the United States, a reasonable attorney's fee in addition to costs, and the United States shall be liable for costs the same as a private person.

(g) Burden of Proof.—In any administrative proceeding or civil action brought under this Act, the burden of proving the legitimacy of any qualification standard, selection criteria, or eligibility criteria at issue in a case, and of proving the defense that a particular reasonable accommodation or removal of an architectural, transportation, or communication barrier would fundamentally alter or threaten the existence of the program, activity, business, or facility in question, shall be on the person, agency, or entity alleged to have committed an act of discrimination, and shall not be on the complainant.

SEC. 10. EFFECTIVE DATE.

This Act shall become effective on the date of enactment.●

● Mr. HARKIN. Mr. President, as chairman of the Subcommittee on the Handicapped I am proud to join Mr. Weicker and my other colleagues in sponsoring the Americans With Disabilities Act of 1988. This bill has been submitted to the Congress by the National Council on the Handicapped in partial fulfillment of its congressional mandate to address, analyze, and make recommendations to Congress on issues of public policy affecting people with disabilities.

The National Council is an independent Federal agency comprised of 15 members appointed by the President and confirmed by the Senate. All of the current members of the Council were appointed by President Reagan. I would like to congratulate Sandy Parino, the chairperson of the National Council, the other members of the Council, and the staff for their efforts to document the magnitude of discrimination faced by persons with disabilities in such areas as employment, public accommodations, housing, transportation, communications, and public services and for drafting a bill that will make discrimination in these areas a violation of Federal law.

Discrimination against persons with disabilities in employment, public accommodations, housing, transportation, communications, and public services is still substantial and pervasive in our Nation. The National Council on the Handicapped has documented this distressing reality in detail in two recent reports to the President and the Congress: "Toward Independence" (1986) and "On the Threshold of Independence" (1988).

The National Council stated it this way:

> A major obstacle to achieving the societal goals of equal opportunity and full participation of individuals with disabilities is the problem of discrimination. Discrimination consists of the unnecessary and unfair deprivation of an opportunity because of some characteristic of a person. It is the antithesis of equal opportunity. The severity and pervasiveness of discrimination against people with disabilities is well-documented. (Appendix to "Toward Independence," p. A-3)

People with disabilities are being denied jobs that they are qualified to perform because of discrimination. In a recent Lou Harris poll conducted in 1987, three-quarters of managers of businesses reported that people with disabilities "often encounter job discrimination from employers."

As long as an inaccessible society continues to be built, housing for persons with disabilities will continue to be nearly impossible to find. Hundreds of daily acts that the rest of us take for granted become monumental tasks or are denied entirely: purchasing food for the family, taking a child to school, buying a postage stamp, going to a restaurant or public library, taking a class, visiting a relative, calling the police or a friend, or getting in and out of one's own apartment.

Through the discriminatory effects of architectural, transporation, and communication barriers and through prejudice, fears and narrow-mindedness, an enormous, mostly hidden group of second-class citizens has been created who face a lifetime of denial of basic opportunities which most Americans hold dear. There also has been created a situation in which America's finest young men risk life and limb for their country in conflicts abroad and return home disabled, to face not only their disabilities but also barriers, rejection, and injustice in every corner of their lives.

And, now that the problem has been created, we all suffer the grim effects: unnecessary dependency costing taxpayers and private employers billions of dollars on an annual basis; the enormous loss of the untapped productive capacity of people with disabilities to aid our economy; and the loss of personal dignity.

The unfortunate reality is that persons with disabilities are a discrete and insular minority who have been saddled with restrictions and limitations, subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such persons and resulting from stereotypic assumptions not truly indicative of the individual ability of such persons to participate in and contribute to society.

Over the past 18 months, the National Council engaged in numerous meetings and discussions with officers of national organizations, grassroots consumers, Members of Congress and their staffs, and other interested parties to explore the content and wording of its bill.

Based on the approach outlined in the equal opportunity recommendations in "Toward Independence," augmented by the comments and advice received, the National Council developed the Americans With Disabilities Act. In the words of the Council:

> The Council is confident that the Americans with Disabilities Act is representative of the need for expanded nondiscrimination protection it has heard repeatedly voiced by persons with disabilities, and is convinced that the enactment of such a statute is one key to increased independence and quality of life for persons with disabilities.

There are four purposes of the Americans With Disabilities Act. First, to provide a clear and comprehensive national mandate for the elimination of discrimination against persons with disabilities. Second, to provide a prohibition of discrimination against persons with disabilities parallel in scope of coverage with that afforded to persons on the basis of race, sex, national origin, and religion. The simple truth is that the historic Civil Rights Acts of 1964 and 1968—which provide protection against discrimination in such areas as private sector employment, housing, and public accommodations—do not cover persons with disabilities.

Third, to provide clear, strong, consistent, enforceable standards addressing discrimination against persons with disabilities. Finally, to invoke the sweep of congressional authority, including our power to enforce the 14th amendment and to regulate commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities.

This bill does not affect or change the nondiscrimination provisions of section 504 or other provisions of title V of the Rehabilitation Act of 1973. Section 504 prohibits recipients of Federal financial assistance from subjecting handicapped persons to discrimination.

The basic tenets of section 504 prohibit the generic treatment of any group of individuals with disabilities based on archaic or simplistic stereotypes about attributes associated with their disability and prohibit policies or practices that have the effect of subjecting persons with disabilities to discrimination. Instead, section 504 requires an individualized assessment of each person's qualifications and the provision of reasonable accommodations whenever necessary to assist the person to meet essential qualifications for participation in a recipient's programs.

The National Council recognizes that the Americans With Disabilities Act, as presented to Congress, will not necessarily be the bill finally enacted. I agree with the National Council when it states that "the drafting of legislation is a developmental process that reflects negotiation, compromise, and continuous revision." I believe that the Americans With Disabilities Act is the appropriate starting point for making comprehensive civil rights protections a reality for 36 million persons with disabilities.

As this bill works its way through the legislative process, I will be guided by the principles used in the development of the original section 504 regulations issued by the Department of Health, Education, and Welfare. In issuing the final section 504 regulations, then Secretary Joseph A. Califano recognized that ending discrimination against persons with disabilities usually involves changing policies, practices, and procedures.

Mr. Califano also recognized that ending discrimination may entail costs. Many costs are minimal and fears of exorbitant cost have often proven to be unfounded. However, under certain circumstances costs can be significant. These costs provide no basis for exemption from the basic principles in the act, including the concept of reasonable accommodation. The mandate to end discrimination must be clear and unequivical. But Mr. Califano also recognized that factors such as cost may be taken into account in prescribing the actions necessary to end discrimination.

Consistent with these basic principles, I will be closely reviewing sections in the bill prescribing when an entity need not make a reasonable accommodation available and the nature and extent of an entity's obligation to remove architectural, transportation, and communication barriers in existing buildings and facilities—such as existing platform and stations of mass transportation systems.

I also recognize that businesses and local governments that would be required to incur significant costs under this bill may need financial assistance. I believe that in many of these cases, there is a Federal responsibility to help those entities comply with the provisions of the bill.

The presentation by the National Council on the Handicapped of the Americans With Disabilities Act to the Congress is extremely timely. Two recent events have sharpened our attention on the need for comprehensive civil rights protections for persons with disabilities.

On March 22, 1988, the U.S. Congress overrode the President's veto of the Civil Rights Restoration Act, which restored broad institutionwide coverage for our civil rights statutes prohibiting discrimination by recipients of Federal aid, including section 504 of the Rehabilitation Act of 1973.

The override of the President's veto was important not only because it restores institutionwide coverage for recipients of Federal aid but also because it sent a clear signal to the American people—we who are elected officials are willing to put partisanship aside in order to guarantee civil rights protections.

Nine days earlier, Gallaudet University, out Nation's only liberal arts institution of higher education for the deaf, installed its first deaf president, Dr. I. King Jordon. This installation was a direct response to the deaf community's demand that their basic civil rights be respected. For a number of reasons, this event was truly historic in nature, not only for deaf people but for all people with disabilities and for those of us who currently do not have a disability.

First, it sent a clear message to the Nation that persons with disabilities are qualified to assume the presidency of a major institution. It also sent the message that persons with disabilities will no longer be satisfied simply to be the beneficiaries of charity. In short, the installation of a deaf president was the outgrowth of a demand for a recognition of the civil rights of persons with disabilities.

Second, the students and faculty made it clear that people with disabilities have waited too long for this recognition; that they are inpatient and will not wait any longer.

Third, the American people, disabled and nondisabled alike, responded with enthusiasm to and unequivical support for the demands of the students and faculty at Gallaudet University.

Together, these two events indicate to me that 24 years after the passage of the landmark Civil Rights Act of 1964 and 13 years after the passage of section 504 of the Rehabilitation Act of 1973 it is time for Congress to provide a prohibition of discrimination against persons with disabilities parallel in scope of coverage with that afforded to persons on the basis of race, sex, national origin, and religion.

I look forward to beginning our consideration of the Americans With Disabilities Act and to the day when Congress passes and the President signs into law a bill making it illegal to discriminate against persons with disabilities in all major areas of American life.●

● Mr. KENNEDY. Mr. President, in 1973 the U.S. Congress took the first step in ensuring that the civil rights of millions of Americans with disabilities be protected when disabled people were first classified as a protected group in federally funded program by section 504 of the Rehabilitation Act. Section 504 has served as a symbol of equal citizenship for disabled Americans, a tool for self-advocacy and community education, and when necessary a basis for court action.

The legislation we are introducing today will complete what we started in 1973—it will provide the 36 million Americans with disabilities with the same rights accorded to women and minorities. The right of disabled people to be free from discrimination, whether in the form of discriminatory exclusionary policies, segregation, architectural or transportation barriers, or stereotyped attitudes, has been reaffirmed by our judicial system as the foundation of the Federal nondiscrimination mandates.

Since the passage of section 504 in 1973, our Nation has made great progress in recognizing the vital contributions that physically and mentally challenged individuals have made to society. More and more disabled citizens have been able to find employers who recognize the contributions they make to the workplace. Disabled children are now entitled to a free and appropriate education in the public schools as the result of another landmark piece of legislation, the Education of the Handicapped Act. But while on the face of things it seems as if we have made great progress, the fact is we still have a long way to go.

Today when an employer develops a program to employ the disabled, they are hailed as one of the Nation's good samaritans—as they should be. When a school district develops programs to educate the disabled—they are cited as models for other districts. We are indebted to those who have been at the forefront of efforts to expand the role of disabled citizens in our society, but we must ensure that more opportunities for work and education are available. The Americans with Disabilities Act takes an important step in that direction.

It covers all disabilities. It is based on the recognition by Congress and the courts that people have many different kinds of disabilities, from traditionally recognized conditions such as blindness, cerebral palsy, and mental retardation to medical conditions such as heart disease and diabetes. They are vulnerable to discrimination, and they all deserve protection. These protections are the basic civil rights of disabled citizens, and they ought to be enforced.

I am also pleased that the bill being introduced today incorporates the approach to banning discrimination against the handicapped in housing taken by S. 558, the Fair Housing Amendments Act, as that bill was reported by the Subcommittee on the Constitution. It is important that the 36 million Americans who face special challenges be afforded the opportunity to live free from the isolation and stigma caused by housing discrimination.

As the principal sponsor of S. 558, I am hopeful that it will be passed by this Congress, and that our fair housing laws will finally afford protection to those with handicaps. But because I strongly believe that discrimination against the handicapped should be banned in all areas, I am delighted to cosponsor this vital measure.

Last month the U.S. Congress overturned the 1984 Supreme Court decision Grove City versus Bell. The wheels of justice are once again turning. Women, minorities and the disabled have had their rights restored, and America is a better place. It is now time to provide our Nation's mentally and physically challenged citizens with a greater measure of justice. They deserve protection from discrimination in all walks of life, not just in those areas that involve Federal funds. I urge my colleagues to join in supporting the Americans with Disabilities Act.●

● Mr. SIMON. Mr. President, I am proud to consponsor the Americans with Disabilities Act, which is being introduced today.

When we protect the basic civil rights of any American, we protect the rights of all Americans—and we strengthen the foundation of our democracy. There is a large group of Americans whose civil rights have been neglected, ignored, or denied for far too long—the rights of more than 35 million Americans with disabilities—and it is past time we took action to correct this deficiency in the fabric of our Nation.

Our Nation's citizens with disabilities are, in fact, citizens of this great democracy, with the right to expect the basic freedoms and opportunities that all other citizens of this country enjoy. Too often, as a nation and as individuals, we see the disability but not the abilities of people, and we fail entirely to see the handicaps that we place in the way of their full participation in society. The result is an enormous loss of human potential and productivity to this Nation, and a tragic loss of individual dignity, hopes, and dreams.

In "Disabled People as Second Class Citizens," Eisenberg, Griggins, and Duval wrote:

> The disabled themselves know there is more to disability than a malfunctioning bodily system. This is not the only, or even the most important problem. Being disabled means being treated by the world as someone different, abnormal, inferior. It means trouble finding a job or a decent place to live. It often means living at the poverty level and going on welfare. It means discrimination. Being disabled is not just having a bodily defect—it is a complex social-political reality that one lives with day by day, year by year.

Just 2 years ago, almost half of the people with disabilities polled by Lou Harris blamed employment discrimination for their lack of work, and 28 percent blamed transportation barriers. Over half of the people with severe disabilities polled blamed transportation barriers for their social activity limitations.

The Americans with Disabilities Act arose, in significant part, from the findings of the National Council on the Handicapped, whose members have all been appointed by President Reagan. The Council conducted extensive meetings with people with disabilities across the country. Time after time, the Council heard that the limitations for people with disabilities are not inherent results of their handicaps, but are due to unnecessary barriers and discrimination.

Year after year, these barriers persist, and they take their toll on the lives of our citizens with disabilities. They are not going away by themselves, despite supposedly enlightened attitudes. State laws help, but are inconsistent and incomplete. Voluntary measures, unfortunately, cannot be counted upon to work. Discrimination will sometimes be overcome by appealing to our better instincts or rationality; but more often, it takes the moral persuasion of the law to fortify those good instincts and rational arguments. Once though the door and in the classroom or on the job, people with disabilities prove themselves and are their own best advocates. But as a nation we must make sure eveyone can get through the door.

What may be surprising to some Americans is the sheer volume of this part of our citizenry who have been so constrained. The 1980 Census found that fully 20 percent of our citizens have a disability. Even the number with severe disabilities constitutes a sizable minority. Six million Americans have mobility problems severe enough to require a mobility aid—a wheelchair, walker, crutches, or a prosthesis. The incidence of severe disability increased 70 percent between 1966 and 1979—from 213 per 10,000 citizens, to 365 per 10,000. This is not only a large part of our population—it is a fast-growing part of our Nation.

In spite of progress resulting from laws such as the Education of All Handicapped Children Act and the Rehabilitation Act, this sizable part of our population remains substantially hidden. They are hidden in institutions. They are hidden in nursing homes. They are hidden in the homes of their families. They are hidden in separate transportation programs, and even while working in sheltered workshops. They are hidden as a result of the lack of accessible housing. Because of the inaccessibility of public facilities. Because of the lack of devices for communication. Because of the lack of accessible transit systems. And the economic bottom line—because of employment discrimination which denies the economic livelihood needed to sustain an active life. Because they are hidden, we too easily ignore the problem and the need for change.

The Americans with Disabilities Act is based on a comprehensive analysis of the many kinds of discrimination facing disabled Americans, and it addresses a number of different, interrelated problems. I want to focus on one particular kind of discrimination and how this act will approach it—in the crucial area of housing.

One of the most pernicious ways American society excludes people with disabilities is by building and operating an inaccessible, unavailable, and inappropriate housing stock. Part of the housing problem is a result of simple prejudice—the same kind Congress made illegal on the basis of race in 1968. But there is another serious problem: physical exclusion because of barriers in architecture. These architectural barriers, which need not be costly to eliminate, are like "Keep Out" signs to a substantial part of our population.

What this means is, for the Americans who already have the most barriers to overcome, housing is the hardest to find. Some social service agencies report that for every wheelchair-accessible apartment available, there are 50 clients in need. In some places, a wait of 2 to 4 years for usable housing is common.

Another dimension of this problem comes at the other end of the cycle: not in finding the housing, but in being forced to leave. This problem especially plagues our elderly citizens with disabilities. The disability worsens, and they can no longer negotiate the steps or fit the new wheelchair into the bathroom.

There is an enormous human cost, an emotional cost, when elderly persons are uprooted from their home communities and placed in other, often more institutionalized, settings. Gone is the relationship with the corner grocer, the local church, neighbors, and friends. This is unnecessary isolation, and it becomes ghettoization as well when the only choice is a 100-unit building for the elderly.

It is not only the elderly who are affected. As a witness from Chicago testified last year before the Subcommittee on the Constitution, too many people with disabilities unnecessarily fill the beds in the only accessible housing in town—the nursing home. In Cook County, IL, over 10,000 nonelderly disabled people live in nursing homes.

Fully 15 years ago Congress made it a matter of policy that discrimination against disabled people is illegal in any federally funded activity. The private housing I'm addressing is not federally funded, at least not directly. But the hand of the Federal Government plays a major role. Federal tax expenditures, in the form of deductible interest payments and depreciation amounting to tens of millions of dollars a year, keep the housing market going. The money our Government uses in this way exceeds the dollars we spend directly on federally funded housing on the order of 10 to 1. And the lion's share of this housing, built through Federal incentive, maintains barriers in its very architecture against people with disabilities.

The Americans with Disabilities Act does three simple things to stop housing discrimination against our citizens with disabilities. It stops the prejudiced refusal to sell or rent to a person with a disability. It requires that persons with disabilities be allowed to modify dwellings at their own expense, such as by adding a ramp. And it requires the most easily reachable housing units in new multifamily buildings to incorporate basic universal features of adaptive design.

These measures will make usable housing much easier to find. And it will allow people with disabilities to remain in their own communities. This is the logical course dictated by current U.S. demographic trends. Statistics show that our population is aging, that disability rates are increasing. Yet our housing stock is designed in such a way that the aged and infirm cannot care for themselves within it.

An adaptable housing stock also makes economic sense. A new adaptable apartment generally costs only about $500 more to build than one without adaptability features. But renovation at a later date can cost as much as $15,000. Sometimes such renovation is impossible at any price. Institutionalization is more costly still, between $40,000 and $75,000 a year.

Civil rights are not advantages we give to one part of society or another. They are simply assurances of equal opportunity—of fair treatment. We have taken important steps through the enactment of section 504 of the Rehabilitation Act—and the recently enacted Civil Rights Restoration Act—to assure fair treatment for people with disabilities in Federal programs and in the programs and activities of the recipients of Federal funds. But it is long past time for us to assure freedom from discrimination—fair treatment—for our citizens with disabilities in schools, transportation, housing, places of business, and throughout our society.

What are the consequences of not acting on the Americans with Disabilities Act? Continued unnecessary deprivation, isolation, and deterioration in the lives of millions of Americans. What will be the consequences if we enact this law? Strengthened communities, greater integration, lower medical and institutional costs, and a substantial increase in this country's productivity. Most important, we will be ensuring the opportunity for all Americans with disabilities to lead lives of independence, dignity, and full participation as citizens of this Nation.●

● Mr. KERRY. Mr. President, I rise in support of the bill being introduced today by my colleague from Connecticut, [Mr. WEICKER]. The American's with Disabilities Act of 1988 is an important legislative initiative whose time is long overdue. The purpose of the act is to ensure that citizens who are disabled have the same basic rights that other individuals have under our laws: the right to fair housing, the right to work, the right to travel across this Nation without restrictions and the right to equal access to communication systems.

Mr. President, today is time for the visible and invisible signs that read "handicapped need not apply" be destroyed forever in America. For far too long we have attempted to take care of the myriad of problems of discrimination against disabled Americans in a piecemeal fashion. In the past this may have been innovative but today it is clear that all doors must be opened in a comprehensive manner. The bill being introduced today is designed to accomplish this.

The whole package is a good one. Of particular interest is the advances the legislation will make in the area of interstate and intrastate travel as well as the breakthroughs in telecommunications for disabled Americans. Mr. President, it is close to impossible to separate the ability to travel and the ability to communicate or use automated systems, with both employment and a decent quality of life. For example being able to come and go to meetings, having the ability to eat out at restaurants or go to the movies without planning days in advance are issues that face our handicapped citizen's on a daily basis. Talking on the telephone, being able to follow a sports game on the television, or operate a word processor in the work place are all activities that the non-handicapped take for granted, yet which pose significant barriers to the citizen with special needs.

Last year in a Harris survey, over half of the respondents identified themselves as mobility impaired. And more than half of the mobility impaired individuals blamed the lack of transportation as the reason that they were not able to work. It is unconscionable to imagine an able work force languishing at home because there is no access to public transportation. There have been great strides made in both urban and rural areas to accommodate travel for handicapped Americans. But there is still a long route to travel on this essential road. Tragically on the national average, the majority of our public transit systems are still not accessible to the disabled.

The American's with Disabilities Act of 1988 will capitalize on the positive experiences that many localities and States have pioneered in the area of accessible transporation for the handicapped. Currently, many cities, towns and States have adopted the dial-a-ride type transit system for the disabled. Although a step forward, it still does not afford handicapped citizens the independence that the nondisabled enjoy. Planning days in advance, waiting hours for a ride, and often being told that the purpose of their travel is not a high enough priority to merit a ride is plainly inadequate.

Today the technology exists to fashion the existing transit systems with appropriate lift and seating to accommodate those who need it. Trains and buses particularly newly purchased models are easily equipped. Many States and cities are already adopting the policies that are put forth in this legislation. As new buses and trains are purchased they are equipped with lifts. The added costs are relatively small in comparison to the actual gains that are made through employment and more importantly through independence.

Last, Mr. President there is also the issue of interstate travel. Interstate commercial bus lines, trains and boats must be accessible to all Americans. As a member of the Commerce Committee I have witnessed a certain lack of commitment by these industries to enable that everyone to able to use them. This legislation will require the industries to get involved and provide the fundamental right to travel.

Again, I applaud the authors of this excellent legislative initiative that will offer disabled Americans the rights that are inherently theirs as well as all Americans.●

Mr. CRANSTON. Mr. President, I am joining as a cosponsor of this visionary measure because I subscribe fully to its goals and underlying precepts. I have been at the forefront of efforts to secure the civil rights of disabled persons for the last two decades—starting with the Rehabilitation Act of 1972, which was vetoed by President Nixon and became the Rehabilitation Act of 1973, and its landmark section 504 of which I was a principal author.

The great quest for securing these rights has taken a major stride forward with the enactment of the Civil Rights Restoration Act of 1988, of which I was privileged to be one of the principal authors from the very outset. Today marks another landmark in this quest for fundamental justice for disabled Americans, and I congratulate Senators WEICKER and HARKIN for their initiative.

However, I join with the distinguished chairman of the Subcommittee on the Handicapped [Mr. HARKIN] in stressing that the reach and sweep of some provisions in the measure require the most careful scrutiny and evaluation. While I do, as I noted at the outset, subscribe to and endorse fully the goals and purposes set forth in this measure as a basic blueprint for what should be achieved by our society, I have reservations about how quickly and how completely these goals and purposes can be achieved through legislation.

Mr. DOLE. Mr. President, in 1974 the Congress passed and the President of the United States signed into law the Rehabilitation Act. Through title V of that act this Nation declared that individuals with disabilities had an equal right to benefit from the fortunes of this society and to contribute to it in the same way that nondisabled persons have. We, as a nation, shifted from a position of exclusion to inclusion, and we heard language that spoke of mainstream instead of separate.

Earlier this year Congress renewed its commitment to Americans with disabilities and passed after considerable debate the Civil Rights Restoration Act. Yet despite title V of the Rehabilitation Act and the clarifications of those provisions provided in the Civil Rights Restoration Act, there are many segments of this society where it is not unlawful to deny a highly qualified person a job merely because he or she has a physical or mental impairment. In many places a self-sufficient, independent, professional individual who is disabled may find it impossible to find appropriate and affordable, accessible housing. And in some areas of the country a person who relies on a wheelchair cannot depend on public transportation to get to work.

Before we can suggest that Americans with disabilities have an equal opportunity to fully participate in this society there is much that must be done.

This bill which Senators WEICKER and HARKIN introduced begins to address some of the remaining concerns. This bill proposes to offer people with disabilities the same protection in private employment that is now enjoyed by women and minorities. It would prohibit discrimination against a person on the basis of handicap in public accommodations, the sale and rental of multifamily housing, transportation services, broadcasting, communications and telecommunications and finally the actions, practices, and operations of a State.

I have reservations about many aspects of this bill including the elimination of the undue hardship critieria for reasonable accommodation, clarification on what constitutes a public accommodation and what such public accommodations would be required to do under the retrofitting provisions of this bill, what do we mean by transportation services and what is the scope of the provisions of this bill to intrastate transportation systems.

Despite my concerns for these specific areas and others that I have not mentioned it is and always has been my belief and my commitment to eliminate barriers to the full participation of Americans with disabilities in this society and in this vein I want to extend my support for a bill which begins to address some of the remaining areas.

By Mr. HARKIN (for himself, Mr. HATFIELD, Mr. CRANSTON, Mr. DASCHLE, Mr. KENNEDY, Mr. KERRY, Mr. PROXMIRE, Mr. SANFORD, Mr. SIMON, and Mr. STAFFORD):

S. 2346. A bill to preserve the cooperative, peaceful uses of outer space for the benefit of all mankind by prohibiting the basing or testing of weapons in outer space and the testing of antisatellite weapons, and for other purposes; refered to the Committee on Armed Services.

PROTECTING OUTER SPACE

Mr. HARKIN. Mr. President, today our Nation and the world face a fundamental choice with regard to outer space: We can either turn space into a vast battlefield, jeopardizing all peaceful space activities, or we can agree to ban all weapons in space.

Congress declared in 1958, when it established the National Aeronautics and Space Administration, that it "is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind."

Since that time, the use of outer space has expanded dramatically. We now use satellites for worldwide communications, navigation, Earth-resources management, pollution monitoring, and weather forecasting. The United States, France, Canada, and the Soviet Union operate a joint space-based search and rescue mission that has already saved lives of hundreds of lost aviators or explorers.

Our military forces utilize satellites as well for these activities, and also for the verification of arms control treaties, for reconnaissance of tactical battles, and for early warning of missile attack.

As for the future, the sky is no longer the limit. Manufacturing in the microgravity environment of space may open up new commercial ventures unimagined today. We have barely crossed the threshold of space exploration, with the space station, outposts on the Moon, and manned exploration of Mars next on our Nation's space agenda.

But all of these activities are threatened by the introduction of weapons in space. To date, the military of both superpowers have stationed only sensors in space. The Soviet Union has test-orbited antisatellite [Asat] weapons, and the United States has tested an Asat weapon fired from an F-15 fighter aircraft, but neither country has stationed weapons in space. Space has been militarized but not weaponized.

That could all change if we follow the course set by the strategic defense initiative [SDI] or star wars. Current SDI plans call for the orbiting of hundreds of battle stations in space, equipped with thousands of space-based interceptor [SBI] rockets. These heat-seeking rockets would track the hot gas plume of Soviet nuclear-tipped missiles, destroying them by direct collision high above the Soviet Union.

While designed initially to attack missiles, these SBI's could be used to attack other satellites, and future versions could be modified for attacking targets within the atmosphere and on the surface of the Earth.

The history of the nuclear arms race teaches us that any weapons we introduce will eventually be deployed by the Soviet Union. We must ask the hard questions about space weapons now, before we begin deployment:

Would we be more secure with thousands of Soviet SBI's in orbit? What if they could attack targets in the United States with conventional warheads? With nuclear warheads?

We do not know precisely how the Soviets would react to our planned SDI deployments. They have several options, including the addition of more offensive nuclear weapons, the addition of ground-based Asat weapons, and the introduction of weapons in space to attack our SDI battle-stations and sensor satellites. In any case, space would be turned into a vast battleground, jeopardizing the peaceful uses of space for all nations.

And to what end? What could we reasonably expect to achieve by placing SBI weapons in space, Even the SDI organization admits that their proposed initial phase of defense could destroy no more than 30 percent of Soviet warheads. Later defensive additions would require as yet undemonstrated directed energy weapons and vastly improved sensor systems. Meanwhile, the Soviets would be adding weapons in space and on the ground based on similar technology to shoot down our necessary space assets.

In other words, we are being asked to develop a token, leaky defense in exchange for sacrificing the peaceful uses of space. I consider this to be a dangerous course that threatens our future security. If the star wars program had any chance of protecting us against nuclear attack, given likely Soviet responses, then I would consider exchanging a weapons-free space for better security.

But our current course assures a double security risk: the loss of peaceful, cooperative space exploration, and exacerbation of the arms race on Earth and in space coupled with the destabilizing aspects of a partial defense.

I have therefore introduced, along with Senator HATFIELD, the "Outer Space Protection Act of 1988," which would prohibit the expenditure of any funds to develop space weapons or to test Asat weapons, provided that the Soviet Union and all other nations abide by these restrictions.

This bill would require the Soviets to continue their unilateral halt to Asat testing, and the United States would have to continue the congressionally imposed ban on Asat testing. Both countries would have to abstain from developing and testing weapons in space. This ban would be verified by monitoring of space launches and space testing, and by prelaunch inspection of future space shots.

Our bill further instructs the President to negotiate with the Soviet Union to establish upper limits on new technologies that, if further developed, could become lethal weapons. For example, lasers could be useful in sapce for range-finding or for active monitoring similar to radar; at much higher power levels, however, lasers could be used to damage satellites or eventually missiles.

This bill does not stop all SDI research. It permits and encourages new sensor systems that could aid in the space-based verification of this space weapons and Asat test ban as well as other arms control treaties. It permits long-term research into ballistic missile defense technologies. It permits development of penetration aids and other countermeasures that might be useful to provide the United States with options, should the Soviet Union or any other nation ever attempt to deploy a nationwide defensive system in the future.

In short, this bill would preclude the premature development, testing, and deployment of space weapons that would violate the 1972 Anti-Ballistic Missile [ABM] Treaty. This treaty has served our national security interests well by limiting Soviet deployments of effective defenses that would undermine our ability to retaliate with nuclear weapons. Until such a time that truly effective defenses were developed and a realistic scenario invented on how to convert from offense-dominated to defense-dominated security, it would be foolish and irresponsible to abrogate the ABM Treaty.

Today our Nation and the world stand at a crossroad: one path leads to an unending offense/defense arms race in space that would jeopardize all our peaceful activities in space and bring weapons of war a few hundred miles above every city, town, and hamlet in our country. The other path would maintain our Nation's 1958 vision of a peaceful outer space, dedicated to betterment of life on Earth. The choice is ours. We cannot take both paths.

The General Assembly of the United Nations passed a resolution last year calling for the continuation of an ad hoc committee to prevent "an arms race in outer space." This resolution passed by a vote of 154 to 1. The Reagan administration refused this rational request supported by all other nations, preferring instead their quixotic quest for a space shield instead of the sure path of maintaining the sanctity of space.

It is time to choose: the weaponization of space or a continuation of man's search for the unknown—peaceful space utilization and exploration. We cannot choose both.

By Mr. INOUYE:

S. 2347. A bill to declare certain activities of manufacturers of soft drinks to be unfair acts or practices for purposes of the Federal Trade Commission Act; by unanimous consent, referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on the Judiciary.

COVERAGE OF CERTAIN ACTIVITIES OF SOFT-DRINK MANUFACTURERS UNDER THE FEDERAL TRADE COMMISSION ACT

● Mr. INOUYE. Mr. President, the bill I am introducing declares certain activities of soft drink manufacturers to be unfair for the purposes of section 5 of the Federal Trade Commission Act (15 U.S.C. 45). This bill refers to certain acts of any person engaged in the business of manufacturing, selling, or distributing postmixed soft drink dispensing equipment or engaged in the business of manufacturing, selling, bottling, or otherwise distributing soft drink syrup to be declared unlawful.

In their efforts to further monopolize the soft drink market, certain large soft drink manufacturing companies have embarked on a practice of providing, at little or no cost, beverage dispensing equipment to potential large retail customers in order to lure them away from their current competition.

Placing beverage dispensing equipment in a customers's place of business for no charge or at a negligible charge creates an unspoken obligation to purchase the soft drink syrup from the company giving away the equipment. Furthermore, when these large soft drink syrup manufacturers install the beverage dispensing equipment at no charge for a new customer, the equipment usually has just sufficient dispensing outlets on the unit to handle the syrup flavors sold by them, leaving no room for the restaurant or tavern to dispense the soft drinks of a competitor.

The damaging impact of this equipment giveaway program on the beverage dispensing equipment industry is twofold. First, and most dramatically, it totally undermines the survival of those companies whose very existence is dependent upon the sale or lease of beverage dispensing equipment. When a large seller of fountain soft drinks such as a fast food chain is faced with a choice of buying or renting the beverage dispensing equipment or receiving it free of charge, there is little difficulty in making a decision. The result is always the same—a member of the beverage dispensing equipment industry loses another customer. Second, once the equipment is installed, the customer invariably purchases its syrup directly and exclusively from one of these big soft drink manufacturers, depending on who installed the free equipment. Thus the beverage dispensing equipment industry is not the only victim of this anticompetitive practice.

Unless action is taken to preserve what little competition remains in the fountain soft drink industry, these large soft drink manufacturers will totally eliminate competition in the fountain soft drink market and will decimate the beverage dispensing equipment industry.

I firmly believe that Congress must take a closer look at this matter. With both Senate committees studying this issue, I believe that a fair assessment of the situation can be made.

I urge the support of my colleagues for this bill.

Mr. President, I ask unanimous consent that the bill and a letter addressed to the majority leader from Senators THURMOND and METZENBAUM be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) it is an unfair act or practice, for purposes of section 5 of the Federal Trade Commission Act (15 U.S.C. 45), for any person engaged in the business of manufacturing, selling, or distributing post-mixed soft drink dispensing equipment or engaged in the business of manufacturing, selling, bottling, or otherwise distributing soft drink syrup, to induce (directly or indirectly or through an affiliate), using any of the means described in subsection (b), any retailer engaged in the sale of post-mixed soft drinks to purchase any soft drink syrup from such person to the exclusion in whole or in part of soft drink syrup sold or offered for sale by other persons in interstate or foreign commerce, if—

(1) such inducement is made in the course of interstate or foreign commerce;

(2) such person engages in the practice of using any such means to such an extent as substantially to restrain or prevent transactions in any soft drink syrup in interstate or foreign commerce;

(3) a direct effect of such inducement is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any soft drink syrup to such retailer in interstate or foreign commerce; or

(4) a direct effect of such inducement is to prevent, deter, hinder, or restrict other persons from furnishing, leasing, selling, or servicing any post-mixed soft drink dispensing equipment or post-mixed soft drink dispensing equipment systems to such retailer in interstate or foreign commerce.

(b) The means of inducement referred to in subsection (a), with respect to a retailer, are—

(1) furnishing without consideration, giving, or lending any post-mixed soft drink dispensing equipment, post-mixed soft drink dispensing equipment systems, fixtures, signs, supplies, money, services, or other things of more than nominal value to the retailer;

(2) leasing or selling at below fair market value, any post-mixed soft drink dispensing equipment, post-mixed soft drink dispensing equipment systems, fixtures, signs, supplies, money, credit, services, or other things of more than nominal value to the retailer; or

(3) extending credit to the retailer for a period in excess of the credit period that is usual and customary in the soft drink distribution industry for the particular class of transactions.

(c) As used in this Act, the term "post-mixed soft drink dispensing equipment" means all of the components used to produce carbonated water and to mix soft drink syrup with carbonated water as the soft drink is dispensed from a faucet.

(d) Subsections (a), (b), and (c) shall take effect on the date which is 60 days after the date of enactment of this Act.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, April 25, 1988.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, DC

DEAR MR. MAJORITY LEADER: Senator Inouye will soon introduce a bill dealing with the soft drink industry. In Chairman Biden's absence, we are writing to indicate that we have no objection to joint referral of the bill to both the Judiciary Committee and the Committee on Commerce, Science and Transportation.

Sincerely,
STROM THURMOND.
HOWARD M. METZENBAUM.●

By Mr. CHAFEE (for himself, Mr. MITCHELL, Mr. PELL, and Mr. RIEGLE):

S.J. Res. 306. Joint resolution designating the day of August 7, 1989, as "National Lighthouse Day"; to the Committee on the Judiciary.

NATIONAL LIGHTHOUSE DAY

● Mr. CHAFEE. Mr. President, lighthouses are perhaps one of the most inspiring reminders of our rich maritime heritage, standing like sentries along our American waterways. Lighthouses, standing lonely and isolated, conjure up all that is romantic about our seas and inland waterways.

Lighthouses have long been used as navigational aids marking the dangers of reefs, showing landfall, and marking harbor entrances. But clearly there is something special about lighthouses that goes far beyond their utilitarian purposes: Each tower stands as a monument to the skill, determination, and courage of the people who built it, and the keepers of the light, who endured the tedium, danger, and deprivations of their job with heroic stoicism. These American heroes have become part of our national folklore.

The first known lighthouse was built in 300 B.C. by Ptolemy I in Alexandria, Egypt. Centuries later, in the year 1716, the first American lighthouse appeared on Little Brewster Island in Boston Harbor. Beyond that, I am proud to add that Beavertail, RI, is the location of one of the original colonial lighthouses. At one time, more than 1,400 of these picturesque structures served as navigational aids along the Nation's 90,000 miles of coast line, riverbanks, and lakeshores. Today, about 750 of these lighthouses are still standing but perhaps only 400 are actually operational. Most of the others have, in effect, been abandoned to the elements, and have suffered from neglect and vandalism.

Yet, even as many lighthouses deteriorate, lighthouse rescue efforts such as those of the Lighthouse Preservation Society and the Great Lakes Lighthouse Keepers Association, both of whom view these structures as great potential cultural, historic, and recreational sites, are underway. Beyond that, dozens of communities and organizations have "adopted" lighthouses and mobilized work crews to repair and restore them before it's too late. As a result, more than 100 buildings have been saved in the past 6 years. Some have actually been restored to their original condition and are being maintained as museums. Others have been transformed into hostels, bed and breakfast inns, luxury hotels, and other self-supporting enterprises.

One group worthy of special mention is the U.S. Lighthouse Society. This group was started by Mr. Wayne Wheeler, also known as "Mr. Lighthouse." This society offers the scores of small groups involved with lighthouse restoration and thousands of lighthouse admirers an organization and a national publication dealing with lighthouse lore and technology.

On August 7, 1989, the responsibility for building and maintaining lighthouses was assumed by the Federal Government, the growth in their number was rapid. At the turn of the century, there were more than 800 lighthouses in the United States, from anchored lighthouses to stately Victorian models. As of today, only 39 staffed lighthouses remain. After 2,000 years, we are at the end of the era. One by one, America's picturesque and historic lighthouses are becoming obsolete in an era of automation and navigational satellites.

The Coast Guard, in its role as custodian, has automated most of the light stations in this country and in the process has eliminated the need for the men and women whose task it has been to keep the lights burning. Most likely all of the remaining nonautomated light stations in the country will suffer the same fate. By the year 1989, the last of the "keepers of the light" will be decommissioned. The familiar moans of the foghorn, a soothing sound to us all, are giving way to high-tech replacements.

This will conclude a rich and colorful chapter in American history. It is important that as we close this chapter, we take steps to preserve American lighthouse heritage for future generations to enjoy. Because of the importance of the American maritime contribution to the culture and commerce of the world, and the great interest in maritime heritage which has been expressed by the American public, it is my hope that the Senate will take action to commemorate and pay tribute to the past, and preserve a precious resource for the future.

Mr. President, I would like to note that in September 1989 Newport, RI, will serve as the site of the Bicentennial Lighthouse celebration. I am honored that the United States Lighthouse Society has selected Newport, a city steeped in maritime tradition, for a major celebration to commemorate the role of lighthouses in U.S. history and culture.

I would like to thank Mr. MITCHELL, Mr. RIEGLE, and Mr. PELL for their support of this joint resolution and I urge my colleagues to join with me in designating August 7, 1989, as National Lighthouse Day.●

● Mr. MITCHELL. Mr. President, I rise today to speak in support of the joint resolution offered by the distinguished Senator from Rhode Island, Mr. CHAFEE, to designate August 7, 1989, as "National Lighthouse Day." I am pleased to be listed as a cosponsor.

It's appropriate that Senator CHAFEE should introduce this joint resolution because he and I serve together on the Environment and Public Works Committee.

For many people, the definition of public works projects is limited to highways, bridges, dams, and public buildings. Those individuals would be interested to know that when Congress first convened almost two centuries ago, public works projects included, indeed, prominently included lighthouses.

The first Congress was organized on April 6, 1789. That July, Representative Gerry of Massachusetts introduced legislation, H.R. 12, which called for the establishment and support of lighthouses, beacons, and buoys.

H.R. 12 was passed by the House on July 20. An amended version was approved by the Senate on July 31 and on August 7, 1789, the Lighthouses Act was signed into law by President Washington.

This statute, 1, statute 53, chapter 9, can be characterized as the first public works law of our Nation. It established the Federal role in the support, maintenance, and repair of all lighthouses, beacon buoys, and private piers necessary for safe navigation in our country.

Somewhere between 1,200 and 1,300 lighthouses have been built in this country's history. There are lighthouses along the Atlantic and Pacific Oceans, the Great Lakes, and the Gulf of Mexico.

While no State, to my knowledge, lays claim to being the "Lighthouse State," the State of Maine certainly could qualify simply because of the sheer number of lighthouses located along its coast.

There are more than 60 standing lighthouses on Maine's coast stretching from Kittery to Calais. Many of these structures are on the National Register of Historic Places.

Many are now without resident keepers due to automation and the towers, keeper's houses, catwalks, and outbuildings are easy targets for vandalism and natural damage caused by storms or erosion. This would be a tragic waste since these structures have great potential as cultural, historic, and recreational sites.

Fortunately, the numerous private, local and State efforts to preserve lighthouses in Maine and other States, added by the Bicentennial Lighthouse Fund established in the fiscal year 1988 continuing resolution, demonstrate the widespread support lighthouse preservation has among the public.

Many Maine people have a powerful emotional attachment to lighthouses generally and to specific lighthouses in particular. I'm certain that "National Lighthouse Day" will be an occasion of great ceremony and pride in Maine at many of the beautiful lighthouses in the State.

Lighthouses have played a large role in our Nation's maritime history and development and through two centuries they have symbolized safety, security, heroism, and faithfullness. For this reason, Mr. President, I believe "National Lighthouse Day" is an appropriate occasion for recognition by Congress.●

By Mr. RIEGLE (for himself, Mr. DOMENICI, Mr. WEICKER, Mr. MOYNIHAN, Mr. WILSON, Mr. COCHRAN, Mr. DOLE, Mr. HEFLIN, and Mr. STEVENS):

S.J. Res. 307. Joint resolution to designate the decade beginning January 1, 1988, as the "Decade of the Brain"; to the Committee on the Judiciary.

DECADE OF THE BRAIN

● Mr. RIEGLE. Mr. President, today I am introducing for myself and the Senator from New Mexico [Mr. DOMENICI] and the Senator from Connecticut [Mr. WEICKER] and others Senate Joint Resolution 307, a joint resolution to designate the decade beginning January 1, 1988 as the "Decade of the Brain."

The National Institute of Neurological and Communicative Disorders and Strokes and the National Advisory Mental Health Council have recently issued reports to Congress on the Decade of the Brain. These publications illustrate the tremendous advances science has made toward understanding the brain. Researchers working in the neurology, communicative disorders, and the mental health fields are devoting the next decade toward discovering new treatments and cures based on many of the exciting discoveries made in the last decade.

The many advances made in the last decade have laid the foundation for researchers to forge new paths in treating mental illness or bringing hearing for the first time to the profoundly deaf. It may soon be within our grasp to isolate a defective gene and through gene therapy treat or cure muscular dystrophy.

Hope is being renewed for those that have neurological damage caused by trauma or disease. Vigorous animal research has shown that it is possible to stimulate neurons to regrow and transmit impulses again. These research initiatives may one day help those with spinal cord or head injuries and individuals suffering from Parkinson disease or sensorineural hearing loss.

Millions of Americans and their families are devastated each year because of mental illness. Mental disease affects people of all ages, social status, race, or religion. It is estimated that 15 to 20 percent of the population will at one time or another experience some degree of mental illness. Unfortunately, studies have shown that only 20 percent of persons with mental health problems are in treatment.

While scientists have made dramatic discoveries concerning the different roles biology and the environment play in diagnosing and treating schizophrenia and manic depression, a cure is still not in sight for these disorders.

We need to dramatically increase our understanding and prevention of teenage suicide, eating disorders, alcohol and drug abuse, and AIDS. We need to focus our resources on continuing the quest for innovative treatments and therapies.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 307

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas it is estimated that 50,000,000 Americans are affected each year by disorders and disabilities that involve the brain, including the major mental illnesses; inherited and degenerative diseases; stroke; epilepsy; addictive disorders; injury resulting from prenatal events, environmental neurotoxins and trauma; and speech, language, hearing and other cognitive disorders;

Whereas it is estimated that treatment, rehabilitation and related costs of disorders and disabilities that affect the brain represent a total economic burden of $305,000,000,000 annually;

Whereas the people of the nation should be aware of the exciting research advances on the brain and of the availability of effective treatment of disorders and disabilities that affect the brain;

Whereas a technological revolution occurring in the brain sciences, resulting in such procedures as Positron Emission Tomography and Magnetic Resonance Imaging, permits clinical researchers to observe the living brain noninvasively and in exquisite detail, to define brain systems that are implicated in specific disorders and disabilities, to study complex neuropeptides and behavior as well as to begin to learn about the complex structures underlying memory;

Whereas fundamental discoveries at the molecular and cellular levels of the organization of the brain are clarifying the role of the brain in translating neurophysiologic events into behavior, thought and emotion;

Whereas molecular biology and molecular genetics have yielded strategies effective in preventing several forms of severe mental retardation and are contributing to promising breakthroughs in the study of inheritable neurological disorders, such as Huntington's disease, and mental disorders, such as affective illness;

Whereas the capacity to map the biochemical circuitry of neurotransmitters and neuromodulators will permit the rational design of potent medications possessing minimal adverse effects that will act on the discrete neurochemical deficits associated with such disorders as Parkinson's disease, schizophrenia and Alzheimer's disease;

Whereas the incidence of neurologic, psychiatric, psychological and cognitive disorders and disabilities experienced by older persons will increase in the future as the number of older persons increases;

Whereas treatment for persons with head injury, developmental disabilities, speech, hearing and other cognitive functions is increasing in availability and effectiveness;

Whereas the study of the brain involves the multidisciplinary efforts of scientists from such diverse areas as physiology, biochemistry, psychology, psychiatry, molecular biology, anatomy, medicine, genetics, and many others, working together toward the common goals of better understanding the structure of the brain and how it affects our development, health and behavior;

Whereas studies of the brain and central nervous system will contribute not only to the relief of neurologic, psychiatric, psychological, and cognitive disorders, but also to the management of fertility and infertility, cardiovascular disease, infectious and parasitic diseases, developmental disabilities and immunologic disorders, as well as to an understanding of behavioral factors that underlie the leading, preventable causes of death in this Nation;

Whereas the Nobel Prize for Medicine of Physiology has been awarded to 15 neuroscientists within the past 25 years, an achievement that underscores the excitement and productivity of the study of the brain and central nervous system and its potential for contributing to the health of humanity;

Whereas the people of the Nation should be concerned with research into disorders and disabilities that affect the brain, and should recognize prevention and treatment of such disorders and disabilities as a health priority; and

Whereas the declaration of the Decade of the Brain will focus needed government attention on research, treatment and rehabilitation in this area; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the decade beginning January 1, 1988, hereby is designated the "Decade of the Brain", and the President of the United States is authorized and requested to issue a proclamation calling upon all public officials and the people of the United States to observe such decade with appropriate programs and activities.●

By Mr. WILSON:

S.J. Res. 309. Joint resolution designating the month of May as "National Asparagus Month"; to the Committee on the Judiciary.

NATIONAL ASPARAGUS MONTH

● Mr. WILSON. Mr. President, I rise today to introduce a joint resolution commemorating the month of May as National Asparagus Month.

My colleagues may be interested in knowing that asparagus has been an important part of people's diets ever since the days of the ancient Greeks and Romans who valued it for its culinary and medicinal values. This delectible delight has been with us in this country since it was introduced in the 1600's. Ever since, it has become an important part of California's diverse agriculture economy.

Although our Roman and Greek predecessors may not have known precisely why they valued asparagus so highly, it is in fact because it is so rich in vitamins and minerals. Low in both calories and fat, asparagus is an important source of vitamins A, B, and C, and minerals calcium and phosphorous.

Asparagus is produced in many States, especially in California, Washington, and Michigan. It is an important cash crop for these farmers, providing $137 million in 1986 alone. Of the 223 million pounds that were produced in 1986, more than half came from California.

It seems especially appropriate that we should commemorate asparagus in the month of May because this is the month when we find this delicious vegetable so plentiful in our grocery stores. My colleague in the other body, Mr. SHUMWAY, is moving identical legislation in the House, and I hope that we here in the Senate will be able to show our appreciation as well. I urge my colleagues to join with me in cosponsoring this resolution.●

ADDITIONAL COSPONSORS

S. 703

At the request of Mr. SPECTER, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 703, a bill to amend title 18, United States Code, including the Child Protection Act, to create remedies for children and other victims of pornography, and for other purposes.

S. 789

At the request of Mr. RIEGLE, his name was added as a cosponsor of S. 789, bill to provide the framework necessary to pursue a coordinated and effective national and international narcotics control policy.

S. 799

At the request of Mr. GLENN, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 799, a bill to provide for the protection from shoreline erosion of improvements to residential real property contiguous with the Great Lakes.

S. 1288

At the request of Mr. GARN, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 1288, a bill to designate July 20 of each year as "Space Exploration Day."

S. 1391

At the request of Mr. EXON, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1391, a bill to amend the Surface Transportation Assistance Act of 1982.

S. 1474

At the request of Mr. BRADLEY, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 1474, a bill to require that any U.S. Government support for military or paramilitary operations in Angola be openly acknowledged and publicly debated.

S. 1522

At the request of Mr. RIEGLE, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 1522, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage certificates may be issued.

S. 1729

At the request of Mr. LEAHY, the name of the Senator from Mississippi [Mr. STENNIS] was added as a cosponsor of S. 1729, a bill to promote rural development, and for other purposes.

S. 1848

At the request of Mr. WILSON, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 1848, a bill to authorize a Minority Business Development Administration in the Department of Commerce.

S. 1955

At the request of Mr. GLENN, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 1955, a bill to study the expansion of the Coastal Barrier Resources System to include underdeveloped, unprotected areas along the Great Lakes shoreline.

S. 2015

At the request of Mr. D'AMATO, his name was withdrawn as a cosponsor of S. 2015, a bill to amend the Immigration and Nationality Act to extend for 1 year the application period under the legalation program.

S. 2032

At the request of Mr. WALLOP, the name of the Senator from North Carolina [Mr. HELMS], the Senator from New Mexico [Mr. DOMENICI], the Senator from Utah [Mr. HATCH], and the Senator from New Hampshire [Mr. HUMPHREY] were added as cosponsors of S. 2032, a bill to authorize expenditures for boating safety programs, and for other purposes.

S. 2034

At the request of Mr. CHILES, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2034, a bill to provide financial assistance for programs for prekindergarten students designed to prevent students from dropping out of school, and for other purposes.

S. 2122

At the request of Mr. BRADLEY, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 2122, a bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid Program, and for other purposes.

S. 2123

At the request of Mr. KENNEDY, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 2123, a bill to provide hunger relief, and for other purposes.

S. 2156

At the request of Mr. LUGAR, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 2156, a bill to amend the National School Lunch Act to require eligibility for free lunches to be based on the nonfarm income poverty guidelines prescribed by the Office of Management and Budget.

S. 2200

At the request of Mr. SIMON, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 2200, a bill to amend Public Law 90-498 to provide for the designation of "National Hispanic Heritage Month."

S. 2286

At the request of Mr. RIEGLE, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 2286, a bill to amend the Internal Revenue Code of 1986 to increase the standard deduction for child dependents.

S. 2327

At the request of Mr. MCCLURE, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 2327, a bill entitled the "Undetectable Firearms Act of 1988."

SENATE JOINT RESOLUTION 264

At the request of Mr. RIEGLE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Joint Resolution 264, a joint resolution to designate the period commencing May 8, 1988, and ending May 14, 1988, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 270

At the request of Mr. RIEGLE, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from New York [Mr. D'AMATO], the Senator from Kentucky [Mr. FORD], the Senator from Tennessee [Mr. GORE], the Senator from Virginia [Mr. WARNER], the Senator from California [Mr. WILSON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. MOYNIHAN], and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of Senate Joint Resolution 270, a joint resolution designating June 26 through July 2, 1988, as "National Safety Belt Use Week."

SENATE JOINT RESOLUTION 271

At the request of Mr. QUAYLE, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 271, a joint resolution to designate August 20, 1988, as "Drum and Bugle Recognition Day."

SENATE JOINT RESOLUTION 278

At the request of Mr. GLENN, the names of the Senator from Indiana [Mr. LUGAR] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 278, joint resolution designating November 20-26, 1988, as "National Family Caregivers Week."

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. ADAMS, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Tennessee [Mr. SASSER], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Concurrent Resolution 97, concurrent resolution to commend the President, the Secretary of State, and the Administrator of the Agency for International Development on relief efforts that have been undertaken by the United States Government for the people in Ethiopia and other affected nations of sub-Saharan Africa, and encourage these officials to continue to extend all efforts deemed appropriate to preclude the onset of famine in these nations, and for other purposes.

SENATE CONCURRENT RESOLUTION 107

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Concurrent Resolution 107, concurrent resolution calling for a consolidated investigation into the operation of Texas Air Corp., and Eastern Air Lines.

SENATE RESOLUTION 394

At the request of Mr. HEINZ, the names of the Senator from North Carolina [Mr. SANFORD] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Resolution 394, bill expressing the sense of the Senate that funding in fiscal year 1989 for the Federal-aid highway and mass transit programs should be at the levels enacted in the Surface Transportation and Uniform Relocation Assistance Act of 1987.

SENATE RESOLUTION 418

At the request of Mr. KARNES, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of Senate Resolution 418, resolution to expedite consideration of the diesel fuel tax.

SENATE RESOLUTION 421

At the request of Mr. CRANSTON, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of Senate Resolution 421, a resolution expressing the sense of the Senate that W. Clark Durant, III, Chairman of the Board of Directors of the Legal Services Corporation, be reprimanded and should resign.

AMENDMENT NO. 1908

At the request of Mr. BENTSEN, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of amendment No. 1908 intended to be proposed to S. 2223, an original bill to promote and protect taxpayer rights, and for other purposes.

SENATE CONCURRENT RESOLUTION 116—PROVIDING FOR A CONDITIONAL RECESS OF THE SENATE

Mr. BYRD submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 116

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns or recesses at the close of business on Friday, April 29, 1988, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned or recessed as the case may be until 11:00 a.m. on Monday, May 9, 1988, or until 12 o'clock meridian on the second day after the Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in his opinion, the public interest shall warrant it.

SENATE RESOLUTION 422—EXPRESSING APPRECIATION AND GRATITUDE TO CLAUDIA TAYLOR "LADY BIRD" JOHNSON

By Mr. BENTSEN (for himself, Mr. Adams, Mr. Armstrong, Mr. Baucus, Mr. Bingaman, Mr. Bond, Mr. Boren, Mr. Boschwitz, Mr. Bradley, Mr. Breaux, Mr. Bumpers, Mr. Burdick, Mr. Byrd, Mr. Chafee, Mr. Chiles, Mr. Cochran, Mr. Cohen, Mr. Conrad, Mr. Cranston, Mr. D'Amato, Mr. Danforth, Mr. Daschle, Mr. DeConcini, Mr. Dixon, Mr. Dodd, Mr. Dole, Mr. Domenici, Mr. Durenberger, Mr. Evans, Mr. Exon, Mr. Ford, Mr. Fowler, Mr. Garn, Mr. Glenn, Mr. Gore, Mr. Graham, Mr. Gramm, Mr. Grassley, Mr. Harkin, Mr. Hatch, Mr. Hatfield, Mr. Hecht, Mr. Heflin, Mr. Heinz, Mr. Helms, Mr. Hollings, Mr. Humphrey, Mr. Inouye, Mr. Johnston, Mr. Karnes, Mrs. Kassebaum, Mr. Kasten, Mr. Kennedy, Mr. Kerry, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lugar, Mr. Matsunaga, Mr. McCain, Mr. McClure, Mr. McConnell, Mr. Melcher, Mr. Metzenbaum, Ms. Mikulski, Mr. Mitchell, Mr. Moynihan, Mr. Murkowski, Mr. Nickles, Mr. Nunn, Mr. Packwood, Mr. Pell, Mr. Pressler, Mr. Proxmire, Mr. Pryor, Mr. Quayle, Mr. Reid, Mr. Riegle, Mr. Rockefeller, Mr. Roth, Mr. Rudman, Mr. Sanford, Mr. Sarbanes, Mr. Sasser, Mr. Shelby, Mr. Simon, Mr. Simpson, Mr. Specter, Mr. Stafford, Mr. Stennis, Mr. Stevens, Mr. Symms, Mr. Thurmond, Mr. Trible, Mr. Wallop, Mr. Warner, Mr. Weicker, Mr. Wilson, and Mr. Wirth) submitted the following resolution; which was considered and agreed to:

S. Res. 422

Whereas, former First Lady Claudia Taylor "Lady Bird" Johnson has long been a friend of Congress, a source of inspiration for the American people, and a leader who has given tirelessly and generously of her many talents in the effort to add grace and beauty to the American landscape;

Whereas, all Americans who marvel at the glorious profusion of springtime flowers in our Nation's Capital; all who rest in the serenity of a small urban park; all who remark on the fragile beauty of the bluebonnets, Indian Paintbrushes, and firewheels that border our highways; owe a profound debt of gratitude to Lady Bird Johnson;

Whereas, her long-standing commitment to education as Honorary Chairman of the National Head Start program has focused special care and attention on pre-school age children while her civic and philanthropic efforts have helped create a more just and open society for their parents;

Whereas, Lady Bird Johnson's remarkable success as a mother, businesswomen, First Lady, Regent of the University of Texas, advocate of beautification, apostle of wildflowers, friend to many members of Congress, and role model for millions of Americans has spanned a generation of noteworthy change and progress in the status of American women;

Whereas, the past seventy-five years have demonstrated that the beauty of Lady Bird Johnson transcends even the tulips and daffodils for which she is known and proved that her charm is more enduring than the wildflowers she brought to our highways;

Whereas, the President will award the Congressional Gold Medal to Lady Bird Johnson on April 28, 1988, to help mark her Jubilee year and commend her long record of selfless and distinguished service to the land and people of America: Now, therefore, be it

Resolved, That the United States Senate expresses its sincere appreciation and gratitude to Claudia Taylor "Lady Bird" Johnson for her years of faithful and exemplary service to our Nation.

SENATE RESOLUTION 423—DIRECTING SENATE LEGAL COUNSEL TO REPRESENT A SENATE EMPLOYEE IN THE CASE OF KORB VERSUS LEHMAN, ET AL.

Mr. BYRD (for himself and Mr. Dole) submitted the following resolution; which was considered and agreed to:

S. Res. 423

Whereas, in the case of *Lawrence J. Korb* v. *John F. Lehman, Jr., et al.,* Civil Action No. 88-0207-A, pending in the United States District Court for the Eastern District of Virginia, the plaintiff has named Carl M. Smith, Minority Staff Director of the Senate Committee on Armed Services, as a defendant;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(1) (1982), the Senate may direct its counsel to defend an employee of the Senate in a civil action in which there is placed in issue the validity of an action taken by the employee in his official capacity: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Carl M. Smith in the case of *Korb* v. *Lehman, et al.*

SENATE RESOLUTION 424—DIRECTING THE SENATE LEGAL COUNSEL IN THE CASE OF ADAMSON VERSUS RADOSEVIC, ET AL.

Mr. BYRD submitted the following resolution; which was considered and agreed to:

S. Res. 424

Whereas, in the case of *Adamson* v. *Radosevic, et al.,* Case No. 87-2105-O, pending in the United States District Court for the District of Kansas, the plaintiff has obtained subpoenas for the testimony and production of documents by Walt Riker and Mike Pettit, a member and former member of Senator Dole's staff;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2) (1982), the Senate may direct its counsel to represent current or former employees of the Senate with respect to subpoenas issued to them in their official capacity;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony or documents, papers, and records of the Senate may be needful for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Walt Riker, Mike Pettit and any other current or former Senate employees, in the case of *Adamson* v. *Radosevic, et al.*

Sec. 2. That Walt Riker, Mike Pettit, and any other subpoenaed employees or former employees are authorized to testify and to produce documents in the case of *Adamson* v. *Radosevic, et al.,* to the extent that any such testimony and documents are determined to be both relevant and not privileged.

AMENDMENTS SUBMITTED

ACQUIRED IMMUNODEFICIENCY SYNDROME RESEARCH AND INFORMATION ACT

HATCH AMENDMENT NO. 1984

Mr. HATCH proposed an amendment to the bill (S. 1220) to amend the Public Health Service Act to provide for a comprehensive program of education, information, risk retention, training, prevention, treatment, care, and research concerning acquired immunodeficiency syndrome; as follows:

At the appropriate place in the pending amendment, add the following new section:

Sec. . None of the funds provided under this Act or an amendment made by this Act shall be used to provide individuals with hypodermic needles or syringes so that such individuals may use illegal drugs.

KENNEDY (AND HATCH) AMENDMENT NO. 1985

Mr. KENNEDY (for himself and Mr. Hatch) proposed an amendment to amendment No. 1984 proposed by Mr. Hatch to the bill S. 1220, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

Sec. . None of the funds provided under this Act or an amendment made by this Act shall be used to provide individuals with hypodermic needles or syringes so that such individuals may use illegal drugs, unless the Surgeon General of the United States determines that a demonstration needle exchange program would be effective in reducing drug abuse and the risk that the public will become infected with AIDS.

ARMSTRONG AMENDMENT NO. 1986

Mr. ARMSTRONG proposed an amendment to the bill S. 1220, supra; as follows:

At the appropriate place in the amendment, insert the following new section:

Sec. . (a) Notwithstanding any other provision of law or of this Act, or an amendment made by this Act, no State or local government entity shall be eligible to receive any funds administered under this Act or an amendment made by this Act if such entity has any law, policy, or practice that requires, encourages, or permits any health care facility within the State to deny nutrition or hydration to any eligible individual (as defined in section 2441 of this Act), who has been duly admitted to that health care facility and who has not explicitly requested the withholding of nutrition or hydration, if that denial would lead to the death of the patient, unless the administration of such nutrition and hydration would be detrimental to the health of the patient or would, unavoidably and of itself, cause severe, intractable, or long-lasting pain to the patient.

(b) The Secretary of Health and Human Services shall require State or local government entities to certify that such entities meet the requirements of this section before such entities are awarded funds under this Act or any amendment made by this Act.

(c) For purposes of this section, the term "State or local government entity" means any State or political subdivision of any State or any department, agency, special purpose district, or other instrumentality of a State or of a political subdivision of any State.

IMMIGRATION AND NATIONALITY ACT

SHELBY AMENDMENT NO. 1987

(Ordered to lie on the table.)

Mr. SHELBY submitted an amendment intended to be proposed by him to the bill (H.R. 4222) to amend the Immigration and Nationality Act to extend the application period under the legalization program; as follows:

At the end of the bill, add the following new section:

SEC. . EXCLUSION OF ILLEGAL ALIENS FROM REAPPORTIONMENT STATISTICS.

(a) The Congress finds that—

(1) in recent years millions of aliens have entered the United States in violation of immigration laws and are now residing in the United States in an illegal status and are subject to deportation;

(2) the established policy of the Bureau of the Census is to make a concerted effort to count such aliens during the 1990 census without making a separate computation for such illegal aliens; and

(3) by including the millions of illegal aliens in the reapportionment base for the House of Represenatives, many States will lose congressional representations which such States would not have otherwise lost, thereby, violating the constitutional principle of "one man, one vote".

(b) Section 141 of title 13, United States Code, is amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following new subsection:

(g) The Secretary shall make such adjustments in total population figures as may be necessary, using such methods and procedures as the Secretary determines appropriate, in order that aliens in the United States in violation of the immigration laws shall not be counted in tabulating population for purposes of subsection (b) of this section.".

(c) Section 22(a) of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 18, 1929 (3 U.S.C. 2a(a)), is amended by striking out "as ascertained uner the seventeenth and each subsequent decennial census of the population" and inserting in lieu thereof "as ascertained and reported under section 141 of title 13, United States Code, for each decennial census of population".

ACQUIRED IMMUNODEFICIENCY SYNDROME RESEARCH AND INFORMATION ACT

KENNEDY (AND OTHERS) AMENDMENT NO. 1988

Mr. KENNEDY (for himself, Mr. GORE, Mr. WEICKER, and Mr. DANFORTH) proposed an amendment to amendment No. 1986 proposed by Mr. ARMSTRONG to the bill S. 1220, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

"The Congressional Biomedical Ethics Board shall report to Congress within 18 months from the effective date of this Act on the ethical issues connected with the administration of nutrition and hydration to dying patients. This report shall include a review of state laws, regulations and court decisions on this topic. The report shall also discuss the arguments concerning the appropriate roles of the patient, the patient's family, the care provider, the state and the appropriate federal role."

ARMSTRONG AMENDMENT NO. 1989

Mr. ARMSTRONG proposed an amendment to the bill S. 1220, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . (a) Notwithstanding any other provision of law or of this Act, or an amendment made by this Act, no State or local government entity shall be eligible to receive any funds authorized under this Act, or an amendment made by this Act, if such entity has any law, regulation or administrative policy that—

(1) forbids spousal notification in AIDS cases; or

(2) holds any physician criminally or civilly liable for spousal notification in AIDS cases.

(b)(1) Upon application of a State or local government entity, the Secretary of Health and Human Services may waive the requirements of subsection (a) with respect to that organization for a period not to exceed two years if the Secretary determines that such a waiver is necessary.

(2) A State or local government entity shall be eligible to receive funds under this Act, or an amendment made by this Act, during any period not to exceed two years in which the Secretary has waived the requirements of subsection (a) with respect to that entity.

(c) For purposes of this section—

(1) the term "State or local government entity" means any State or political subdivision of any State or any department, agency, special purpose district, or other instrumentality of a State or of a political subdivision of any State;

(2) the term "spousal notification in AIDS cases" means the act of any physician (who has encouraged the patient to notify personally such patient's spouse of the test results and who believes that the patient will not notify his or her spouse and believes that it is medically appropriate for the physician to inform such spouse) in confidentially notifying the spouse of any patient who has tested positive for the presence of the probable causative agent of acquired immune deficiency syndrome that such test was positive, even if the patient refuses to consent to such notifications; and

(3) the term "physician" means (A) any licensed doctor of medicine or osteopathy, nurse practitioner, or any other person who provides health care whenever such doctor, nurse, or other health care provider is acting within the scope of such person's license, or (B) any person in the State or local government entity's department of health (or comparable agency) who is authorized to act on behalf of any doctor of medicine, nurse practitioner, or other person who provides health care.

(d) Nothing in this section shall be construed to affect or prohibit the availability of anonymous testing.

NICKLES AMENDMENT NO. 1990

Mr. NICKLES proposed an amendment to the bill S. 1220, supra; as follows:

At the end of the bill, add the following new title: Title ——Mandatory Testing of Convicted Felons.

SECTION 01. SHORT TITLE.

This Act may be cited as the "AIDS Awareness Act of 1987".

SEC. 02. TESTING OF FEDERAL PRISONERS.

(a) ATTORNEY GENERAL.—

(1) IN GENERAL.—The Attorney General shall provide for the confidential testing of—

(A) any individual convicted of an intravenous drug or sex offense on or after the effective date of this Act; and

(B) each individual incarcerated in a Federal prison for an intravenous drug or sex offense;

for exposure of such individuals to the human immunodeficiency virus.

(2) COSTS.—The costs of testing an individual described in paragraph (1)(A) shall be paid for by such individual, provided such individual is able to pay, and such costs shall be included in any court costs or fines ordered to be paid by the individual upon sentencing.

(3) DATE OF COMMISSION.—The testing requirements for individuals described in paragraph (1)(B) shall apply to any individual currently incarcerated in a Federal prison for an intravenous drug or sex offense if such intravenous drug or sex offense was committed on or after January 1, 1978.

(b) CONFIDENTIALITY.—Except as provided herein, no person receiving identifying information regarding an individual tested pursuant to this section shall disclose or redisclose such information to any person. The confidentiality of the testing required under subsection (a) shall be waived only so that:

(1) correctional personnel deemed appropriate by the Attorney General, in accordance with guidelines pertaining to occupational risks of exposure to the human immunodeficiency virus issued by the Depart-

ment of Health and Human Services may have access to the information, and

(2) victims of rape may be informed of the results of the test, if the person convicted of the rape tests positive for exposure to the human immunodeficiency virus.

(c) Medical Treatment of Drug and Sex Offenders.—The Attorney General shall provide education and counseling through existing prison medical facilities to any individual testing positive for exposure to the human immunodeficiency virus under subsection (a).

(d) Drug or Sex Offense.—For purposes of this section, the term "intravenous drug or sex offense" means—

(1) an offense that is punishable, under a Federal law relating to intravenous use of a controlled substance (other than a law relating to simple possession of a controlled substance), by death or imprisonment for a term exceeding 1 year; or

(2) an offense punishable under chapter 99 of title 18, United States Code, relating to rape.

SEC. 03. TESTING OF STATE PRISONERS.

(a) In General.—The chief law enforcement officer of each State shall establish a State program to provide for the confidential testing of—

(1) any individual convicted, under State law, of an intravenous drug or sex offense on or after the effective date of this Act; and

(2) each individual incarcerated in a State penal institution for an intravenous drug or sex offense,

for exposure to the human immunodeficiency virus.

(b) Waiver of Confidentiality.—The confidentiality of the testing required under subsection (a) shall be waived only so that;

(1) correctional personnel, as deemed necessary under laws of the State or policies established by the State Department of Health, may have access to the information, and

(2) victims of rape may be informed of the result of the test, if the person convicted of the rape tests positive for exposure to the human immunodeficiency virus.

(c) Funding.—

(1) In general.—The program established under subsection (a) shall be conducted in part with using funds made available under this section.

(2) Requirement.—A State shall not receive funds under this subsection (F) unless an application for such has been submitted to, and approved by, the Attorney General.

(3) Contents.—An application submitted under paragraph (1) shall—

(1) be in such form and be submitted in such manner as the Attorney General may by regulation require; and

(2) contain—

(A) assurances by the chief executive officer of the State that the State will provide, through existing medical facilities in State penal institutions, education and pre and post-test counseling to any individual tested for exposure to the human immunodeficiency virus under this section; and

(B) a 50% cost share under Section (a), by the State; and

(C) such other information as the Attorney General may by regulation specify.

(d) Definitions. As used in this section:

(1) Individual.—The term "individual" means any individual who is currently incarcerated in a State prison for a State criminal offense who committed such offense on or after January 1, 1978.

(2) Intravenous Drug or Sex Offense. —The term "Intravenous drug or sex offense" means—

(A) an offense that is punishable, under a State law relating to intravenous use of a controlled substance (other than a law relating to simple possession of a controlled substance), by death or imprisonment for a term exceeding one year.

(B) a State offense of the same type described under chapter 99 of title 18, United States Code, relating to rape; or

(C) a State criminal offense involving prostitution.

(e) Regulations. —The Attorney General shall promulgate regulations to carry out this section, including regulations that determine the amount of funds that each State is entitled to receive under this section.

(f) Authorization. —To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1988 through 1990.

SEC. — 04: ATTORNEY GENERAL STUDY.

Not later than one year after the date of enactment of this Act, the Attorney General shall complete a study and submit a report to Congress concerning the appropriateness of mandated prison sentences for any individual convicted of an intravenous drug or sex offense who thereafter knowingly places others at risk of becoming infected with the human immunodeficiency virus.

SEC. — 05. EFFECTIVE DATE.

This Act shall become effective 180 days after the date of enactment of this Act. A state may apply to the Attorney General for a waiver to permit an additional period of 180 days to submit the application required for funding.

NICKLES AMENDMENT NO. 1991

Mr. NICKLES proposed an amendment to the bill S. 1220, supra; as follows:

At the appropriate place, insert the following:

All federally funded AIDS public information and education programs shall provide accurate warnings, the content of which shall be promulgated by the Secretary of Health and Human Services, that homosexual and bisexual activities, multiple sex partners, and intravenous drug use, are high risk activities which place individuals at risk of becoming infected with the etiologic agent for AIDS of which there is no known cure once an individual becomes infected with the AIDS virus.

HELMS AMENDMENT NO. 1992

Mr. HELMS proposed an amendment to amendment No. 1991 proposed by Mr. Armstrong to the bill S. 1220, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

Sec. . (a) Notwithstanding any other provision of this Act or an amendment made by this Act, none of the funds provided under this Act or an amendment made by this Act shall be used to provide educational, informational, or risk reduction materials or activities to promote or encourage, directly, homosexual sexual activity.

(b) Education, information, and prevention activities and materials paid for with funds appropriated under this Act shall emphasize—

(1) abstinence from sexual activity outside a sexually monogamous marriage (including abstinence from homosexual sexual activities) and

(2) abstinence from the use of illegal intravenous drugs.

(c) The homosexual activity referred to in subsections (a), (b), and (c) means any sexual activity between two or more males as described in section 2256(2)(A) of title 18, United States Code.

(d) The illegal drugs referred to in subsections (a), (b), and (c) mean any controlled substance as defined in section 106(6) of the Controlled Substance Act (21 U.S.C. 802(6)).

(e) If the Secretary of Health and Human Services finds that a recipient of funds under this Act has failed to comply with this section, the Secretary shall notify the recipient, if the funds are paid directly to the recipient, or notify the State if the recipient receives the funds from the State of such finding and that—

(1) no further funds shall be provided to the recipient;

(2) no further funds shall be provided to the State with respect to noncompliance by the individual recipient;

(3) further payment shall be limited to those recipients not participating in such noncompliance; and

(4) the recipient shall repay to the United States, amounts found not to have been expended in accordance with this section.

(f) All federally funded AIDS public information and education programs shall provide accurate warnings, the content of which shall be promulgated by the Secretary of Health and Human Services, that homosexual and bisexual activities, multiple sex partners, and intravenous drug use, are high risk activities which place individuals at risk of becoming infected with the etiologic agent for AIDS of which there is no known cure once an individual becomes infected with the AIDS virus.

D'AMATO AMENDMENTS NOS. 1993 AND 1994

Mr. D'AMATO proposed two amendments to the bill S. 1220, supra; as follows:

Amendment No. 1993

Viz: Add at the end of the language proposed to be stricken:

"Sec. . It is the sense of the Senate that the President, without delegation, should forthwith report to Congress by written message whether, in his judgment as Commander-in-Chief of the Armed Forces of the United States, any combat troops of the Soviet Union, Cuba, or Nicaragua are present in Panama or have engaged U.S. troops in combat in Panama at any time during the last sixty days or during such period intruded into any United States military base or facility in Panama.".

Amendment No. 1994

Viz: Add at the end of the bill the following new section:

"Sec. . It is the sense of the Senate that the President, without delegation, should forthwith report to Congress by written message whether, in his judgment as Commander-in-Chief of the Armed Forces of the United States, any combat troops of the Soviet Union, Cuba, or Nicaragua are present in Panama or have engaged U.S. troops in combat in Panama at any time during the last sixty days or during such period intruded into any United States military base or facility in Panama.".

KENNEDY (AND HATCH) AMENDMENT NO. 1995

Mr. KENNEDY (for himself and Mr. HATCH) proposed an amendment to the bill S. 1220, supra; as follows:

On page 38, between lines 22 and 23, insert the following new paragraph:

"(3) a description of the efforts authorized under this Act, and the amendments made by this Act, relating to acquired immunodeficiency syndrome specifically directed toward racial and ethnic minorities, including a description of the coordination between the Office of Minority Health and the Centers for Disease Control with regard to such activities;".

On page 38, line 23, strike out "(3)" and insert in lieu thereof "(4)".

On page 39, line 1, strike out "(4)" and insert in lieu thereof "(5)".

On page 39, line 4, strike out "(5)" and insert in lieu thereof "(6)".

On page 39, line 10, insert ", in consultation with the Director of the National Institutes of Health," after "stitute".

On page 39, line 18, insert "and related illnesses" after "syndrome".

On page 40, strike out line 10 and all that follows through line 17 on page 42, and insert in lieu thereof the following new sections:

SEC. 104. (a) Notwithstanding any other provision of law, the Secretary of Health and Human Services, through the Commissioner of Food and Drugs, may, in accordance with the civil service and classification laws, appoint and fix the compensation of not more than 50 employees for the Food and Drug Administration in addition to the number of employees assigned to such Administration as of July 1, 1987.

(b) Notwithstanding any other provision of law, the Secretary of Health and Human Services, through the Director of the National Institutes of Health may, in accordance with the civil service and classification laws, appoint and fix the compensation of not more than 300 employees for the National Institutes of Health in addition to the number of employees assigned to such Institutes as of July 1, 1987.

(c)(1) Notwithstanding any other provision of law, the Secretary of Health and Human Services, through the Director of the Centers for Disease Control, may, in accordance with the civil service and classification laws, appoint and fix the compensation of not more than 350 employees for the Centers for Disease Control in addition to the number of employees assigned to such Centers as of July 1, 1987. Employees may be used to provide technical assistance as provided for under this Act.

(2) The Director of the Centers for Disease Control shall establish an office to ensure the development and implementation of prevention programs targeted at minority populations and the provision of appropriate technical assistance to the states in the implementation of such efforts.

(3) The Office of Minority Health shall review the level of knowledge within minority communities concerning AIDS, the risks of transmission, and means by which to reduce such risk as well as the effectiveness of Federal, State, and local prevention programs, authorized under this Act, and amendments made by this Act, designed to meet this identified need. This review shall be submitted to the Director of the Centers for Disease Control and become part of the report of the Secretary to Congress under section 102.

(d) Notwithstanding any other provision of law, the Secretary of Health and Human Services, through the Administrator of the Health Resources and Services Administration, may, in accordance with the civil service and classification laws, appoint and fix the compensation of not more than 50 employees for the Health Resources and Services Administration in addition to the number of employees assigned to such Administration as of July 1, 1987. Employees may be used to provide technical assistance as provided for under this Act.

(e) To carry out this section and section 103, there are authorized to be appropriated $65,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.

GRANTS TO FACILITATE COMMUNITY-BASED EVALUATION OF EXPERIMENTAL AIDS THERAPIES

SEC. 105. (a) The Director of the National Institutes of Health, acting through the National Institutes of Allergy and Infectious Diseases, in consultation with the Commissioner of the Food And Drug Administration, shall establish a national demonstration program to utilize community-based organizations of health care providers, migrant health centers, and community health centers in the design and execution of clinical trials of experimental treatments for acquired immunodeficiency syndrome and related illnesses that are approved for investigation by the Food and Drug Administration and conducted under regulations promulgated pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355).

(b) The program established under subsection (a) shall include a program that shall—

(1) provide direct grants to community-based organizations and community health centers determined eligible by the Secretary of Health and Human Services for the purpose of—

(A) retaining appropriate medical supervision;

(B) assisting with administration data collection, and record management; and

(C) conducting training of community physicians, nurse practitioners, physicians' assistants and other health professionals for the purpose of conducting clinical trials; and

(2) provide direct grants to recipients determined eligible by the Secretary of Health and Human Services for demonstration projects designed to implement and conduct community-based clinical trials in order to provide access to the entire scope of communities affected by the acquired immunodeficiency syndrome and related illnesses, including minorities, hemophiliacs and transfusion-exposed individuals, women, children, users of intravenous drugs and asymptomatic individuals who are infected with the etiologic agent for acquired immunodeficiency syndrome.

(c) Clinical trials funded by grants made under subsection (b)(2) shall be approved by—

(1) the Food and Drug Administration;

(2) a duly constituted Institutional Review Board that meets the requirements of part 56 of title 21, Code of Federal Regulations; and

(3) the National Institutes of Allergy and Infectious Diseases.

(d) Grants made under this section shall be designed to encourage participation in, and support of, community-based clinical trials by private industry and university-based Schools of Medicine.

(e)(1) There is authorized to be appropriated to make grants under subsection (b)(1) $2,500,000 for fiscal year 1988.

(2) There is authorized to be appropriated to make grants under subsection (b)(2) $2,500,000 for fiscal year 1988.

AIDS RESEARCH AND CLINICAL TRIAL DATA BANK

SEC. 106. (a) The Secretary of Health and Human Services shall establish, maintain, and operate an AIDS Research and Clinical Trial Data Base and Information Service (hereafter in this section referred to as the "Data Bank").

(b) The Data Bank shall collect, catalog, store, and disseminate, through informational systems accessible to the public, individuals with acquired immunodeficiency syndrome or infected with the etiologic agent for acquired immunodeficiency syndrome, general practitioners, and investigators, the results of research relating to, and the results of treatment of, such syndrome.

(c) The Data Base shall include the following:

(1) A registry of clinical trials of experimental treatments for acquired immunodeficiency syndrome and related illnesses conducted under regulations promulgated pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) that provides a description of the purpose of each experimental drug protocol either with the consent of the protocol sponsor, or when a trial to test efficacy begins. Information provided shall include eligibility criteria and the location of trial sites, and must be forwarded to the Data Bank by the sponsor of the trial not later than 21 days after the approval by the Food and Drug Administration.

(2) Information pertaining to experimental treatments for acquired immunodeficiency syndrome that may be available under a treatment investigational new drug application that has been submitted to the Food and Drug Administration pursuant to part 312 of title 21, Code of Federal Regulations. The Data Bank shall also include information pertaining to the results of clinical trials, with the consent of the sponsor, of such experimental treatments, including information concerning potential toxicities or adverse affects associated with the use or administration of such experimental treatment.

(d) The Secretary shall—

(1) establish a mechanism to coordinate the operation of the Data Bank with the international efforts described in title II of this Act, including coordination with information gathering and dissemination efforts of the World Health Organization Special Programme on AIDS; and

(2) to the degree feasible insure that the Data Bank is accessible to individuals, investigators, and physicians in other countries.

(e) The Secretary shall develop and implement a plan for the dissemination of information contained within the Data Bank through the information clearinghouse and telephone hotlines established under part A of title XXIV of the Public Health Service Act (as added by section 301 of this Act).

(f) There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 1988, and such sums as are necessary in subsequent fiscal years.

EXPEDITIOUS REVIEW PLAN

SEC. 107. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall develop and implement a plan to expedite the awarding of grants, contracts, or cooperative agreements by any agency of the Department of Health and Human Services for projects relating to AIDS (including projects initiated by investigators not in response to any request for proposals). Except as provided in subsection (b), the plan shall provide that—

(1) an application for a grant, contract, or cooperative agreement which is made in response to a solicitation for proposals shall be submitted not later than 3 months after the date on which such solicitation is issued; and

(2) not later than 4 months after the date on which an application is submitted, such grant, contract, or cooperative agreement shall be awarded, or such application shall otherwise be acted upon.

(b) The plan required under subsection (a) shall provide that, in any case in which the Secretary of Health and Human Services determines that applications for a specific grant, contract, or cooperative agreement, or the action on such applications, cannot be completed in the period required by such subsection, the Secretary shall—

(1) cause to be included in the solicitation for such grant, contract, or cooperative agreement a statement specifying the time period in which such applications must be submitted, or in which approval will be made or action will be taken; and

(2) transmit a copy of such solicitation and statement to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

On page 42, line 21, strike out "106" and insert in lieu thereof "108".

On page 44, line 21, strike out "107" and insert in lieu thereof "109".

On page 45, line 4, strike out "108" and insert in lieu thereof "110".

On page 45, line 23, strike out "109" and insert in lieu thereof "111".

On page 45, line 25, strike out "through the Director of the Centers for Disease Control,".

On page 45, line 26, strike out "implement" and insert in lieu thereof "initiate".

On page 46, line 8, strike out "Director of the Centers for Disease Control" and insert in lieu thereof "the Secretary".

On page 46, line 10, strike out "use" and insert in lieu thereof "consider".

On page 46, between lines 13 and 14, insert the following new section:

NATIONAL BLOOD RESOURCE EDUCATION PROGRAM

SEC. 112. The Director of the National Heart, Lung, and Blood Institute shall establish a program of research and education regarding blood donations and transfusions to maintain, ensure and improve the safety of the blood supply. Education programs shall be directed at health professionals, patients, and the community to—

(1) in the case of the public and patients undergoing treatment—

(A) increase awareness that the process of donating blood is safe;

(B) promote the concept that blood donors are contributors to a national need to maintain an adequate and safe blood supply;

(C) encourage blood donors to donate more than once a year; and

(D) encourage repeat blood donors to recruit new donors;

(2) in the case of health professionals—

(A) improve knowledge, attitudes, and skills of health professionals in the appropriate use of blood and blood components;

(B) increase the awareness and understanding of health professionals regarding the risks versus benefits of blood transfusion; and

(C) encourage health professionals to consider alternatives to the administration of blood or blood components for their patients; and

(3) in the case of the community, increase coordination, communication, and collaboration among community, professional, industry, and government organizations regarding blood donation and transfusion issues.

On page 47, line 4, insert "and related illnesses" after "syndrome".

On page 47, line 7, insert "and in cooperation with the Administrator of the Agency for International Development," after the comma.

On page 47, line 15, insert "and related illnesses" before the semicolon.

On page 47, line 18, insert "and related illnesses" after "syndrome".

On page 47, line 20, insert "and related illnesses" after "syndrome".

On page 48, strike out line 13 and all that follows through line 4 on page 49.

On page 49, line 6, strike out "203" and insert in lieu thereof "202".

On page 49, line 7, strike out "$50,000,000" and insert in lieu thereof "$45,000,000".

On page 50, line 15, insert "model" after "materials,".

On page 52, line 5, strike out "high risk".

On page 52, line 12, strike out "by regulation prescribe" and insert in lieu thereof "prescribe and publish in the Federal Register".

On page 53, strike out lines 11 through 13, and insert in lieu thereof the following new subparagraph:

"(B) organizations representing the specific population to be targeted for the education or prevention effort; and

On page 53, strike out line 23 and all that follows through line 2 on page 54, and insert in lieu thereof the following new subparagraph:

"(A) the organization has continuing relationships, or will establish continuing relationships, with the portion of the population that is at risk of contracting acquired immunodeficiency syndrome in the area to be served by such organization; and".

On page 54, line 15, strike out "by regulation prescribe" and insert in lieu thereof "prescribe and publish in the Federal Register".

On page 55, strike out lines 5 through 7.

On page 56, between lines 12 and 13, insert the following new section:

On page 56, line 15, strike out "$115,000,000" and all that follows through the first period on line 17, and insert in lieu thereof "$120,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990, of which not less than $30,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990, shall be set-aside for national and local information efforts which are to be carried out by national and community-based minority organizations. The Secretary, acting through the Centers for Disease Control shall, after consultation with the Office of Minority Health and the Indian Health Service, publish guidelines for applications for funding under this section and for public comment, within 90 days after the date of enactment of this section.".

On page 59, line 2, insert "(including reported cases of pediatric acquired immunodeficiency syndrome)" after "syndrome".

On page 59, line 3, insert "(including reported cases of pediatric acquired immunodeficiency syndrome)" after "syndrome".

On page 61, line 22, strike out "and".

On page 62, line 3, strike out the period and insert in lieu thereof "; and".

On page 62, between lines 3 and 4, insert the following new paragraph:

"(7) appropriate acquired immunodeficiency syndrome education programs for school-aged children.

On page 64, strike out lines 10 through 17 and insert in lieu thereof the following: "munodeficiency syndrome, the State agrees—

" '(A) to use at least 50% of the total amount paid to the State under section 2413 for any fiscal year for grants to local governments and community-based organizations with—

" '(i) at least 15% of the total amount paid to the State under section 2413 for any fiscal year being used for grants to local governments;

" '(ii) at least 15% of the total amount paid to the State under section 2413 for any fiscal year being used for grants to community-based organizations, including minority community based organizations, located in and representative of communities and subpopulations which reflect the local demographics of AIDS; and' ".

On page 72, strike out line 20 through line 13 on page 74, and insert in lieu thereof the following:

"SEC. 788A. (a)(1) The Secretary, through the Public Health Service, may make grants to and enter into contracts with schools of medicine, schools of osteopathy, and academic health science centers to assist in meeting the costs of such schools in serving as education and training centers to—

"(A) train faculty of schools of medicine, psychology, nursing, osteopathy, podiatry, dentistry, public health, and allied health to teach students in such schools to provide care and treatment for individuals with acquired immunodeficiency syndrome;

"(B) develop and disseminate curricula relating to the care and treatment of individuals with acquired immunodeficiency syndrome; and

"(C) provide technical assistance to communities, regional organizations and health care systems in the training of primary care workers.

"(2) In making grants under this section, the Secretary shall give preference to projects which will—

"(A) train, or result in the training of, health professionals, mental health professionals, and allied health professionals who will provide treatment for minority individuals who are at risk of contracting acquired immunodeficiency syndrome and other individuals who are at risk of contracting such syndrome; and

"(B) train, or result in the training of, minority health professionals, minority mental health professionals, and minority allied health professionals to provide treatment for individuals with acquired immunodeficiency syndrome.

"(b) No grant or contract may be made under this section unless an application therefor is submitted to the Secretary in such form, at such time, and containing such information, as the Secretary may prescribe.

"(c)(1) Any application for a grant or contract under this subsection shall be subject to appropriate peer review by peer review groups composed principally of non-Federal experts.

"(2) The Secretary may not approve or disapprove an application for a grant or contract under this subsection unless the Secretary has received recommendations with respect to such application from the appropriate peer review group required under paragraph (1) and, where appropriate, has consulted with the National Advisory Council on Health Professions Education with respect to such application.

"(d) For purposes of this section, the term 'school of nursing' has the same meaning as in section 853(2).

"(e) To carry out this section, there are authorized to be appropriated $11,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.".

On page 76, line 8, insert "(including reported cases of pediatric acquired immunodeficiency syndrome)" after "syndrome".

On page 76, line 10, insert "(including reported cases of pediatric acquired immunodeficiency syndrome)" before "in all States".

On page 79, line 23, insert after the period the following: "A State may provide that amounts paid by the State to health care organizations shall not be used by such organizations to provide in home health services to an eligible individual in excess of an amount specified by the State.".

On page 87, line 22, strike out the end quotation marks and the second period.

On page 87, after line 22, add the following new sections:

"SUBACUTE-CARE SERVICES DEMONSTRATION PROJECTS

"SEC. 2442. (a) As used in this section:

"(1) The term 'patients infected with the human immunodeficiency virus' means persons who have a disease, or are recovering from a disease, attributable to the infection of such person with the human immunodeficiency virus, and as a result of the effects of such disease, are in need of subacute-care services.

"(2) The term 'subacute care' means medical and health care services that are required for persons recovering from acute care episodes that are less intensive than the level of care provided in acute-care hospitals, and includes skilled nursing care, hospice care, and other types of health services provided in other long-term-care facilities.

"(b) The Secretary shall conduct three demonstration projects to determine the effectiveness and cost of providing the subacute-care services described in subsection (b) to patients infected with the human immunodeficiency virus, and the impact of such services on the health status of such patients.

"(c)(1) The services provided under each demonstration project shall be designed to meet the specific needs of patients infected with the human immunodeficiency virus, and shall include—

"(A) the care and treatment of such patients by providing—

"(i) subacute care;

"(ii) emergency medical care and specialized diagnostic and therapeutic services as needed and where appropriate, either directly or through affiliation with a hospital that has experience in treating AIDS patients; and

"(iii) case management services to ensure, through existing services and programs whenever possible, appropriate discharge planning for patients; and

"(B) technical assistance, to other facilities in the region served by such facility, that is directed towards education and training of physicians, nurses, and other health-care professionals in the subacute care and treatment of patients infected with the human immunodeficiency virus.

"(2) Services provided under each demonstration project may also include—

"(A) hospice services;

"(B) outpatient care; and

"(C) outreach activities in the surrounding community to hospitals and other health-care facilities that serve patients infected with the human immunodeficiency virus.

"(d) The demonstration projects shall be conducted—

"(1) during a 4-year period beginning not later than 9 months after the date of enactment of this section; and

"(2) at sites that—

"(A) are geographically diverse and located in areas that are appropriate for the provision of the required and authorized services; and

"(B) have the highest incidence of AIDS cases and the greatest need for subacute-care services.

"(e) The Secretary shall evaluate the operations of the demonstration projects and shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate—

"(1) not later than 18 months after the beginning of the first project, a preliminary report that contains—

"(A) a description of the sites at which the projects are being conducted and of the services being provided in each project; and

"(B) a preliminary evaluation of the experience of the projects in the first 12 months of operation; and

"(2) not later than 6 months after the completion of the last project, a final report that contains—

"(A) an assessment of the costs of subacute care for patients infected with the human immunodeficiency virus, including a breakdown of all other sources of funding for the care provided to cover subacute care; and

"(B) recommendations for appropriate legislative changes.

"(f) Each demonstration project shall provide for other research to be carried out at the site of such demonstration project including—

"(1) clinical research on the acquired immunodeficiency syndrome, concentrating on research on the neurological manifestations resulting from infection with the human immunodeficiency virus; and

"(2) the study of the psychological and mental health issues related to the acquired immunodeficiency syndrome.

"(g)(1) To carry out this section, there are authorized to be appropriated $10,000,000 for fiscal year 1988 and such sums as are necessary for each of the fiscal years 1989 through 1991.

"(2) Amounts appropriated pursuant to paragraph (1) shall remain available until September 10, 1992.

"(h) The Secretary shall enter into an agreement with the Administrator of the Veterans' Administration to ensure that appropriate provision will be made for the furnishing, through demonstration projects, of services to eligible veterans, under contract with the Veterans' Administration pursuant to section 620 of title 38, United States Code.".

ACQUIRED IMMUNODEFICIENCY SYNDROME BLOCK GRANT PROGRAM

SEC. 502. Title XXIV (as added by section 301 of this Act and as amended by sections 302, 401, and 501 of this Act) is further amended by adding at the end thereof the following new part:

"PART E—ACQUIRED IMMUNODEFICIENCY SYNDROME BLOCK GRANT PROGRAM

"GRANTS

"SEC. 2461. (a) To carry out this section, there are authorized to be appropriated $75,000,000 for fiscal year 1988, and such sums as are appropriate for each of the fiscal years 1989 through 1991, to make grants to public and nonprofit private entities for projects and programs that seek to reduce the transmission of the acquired immunodeficiency virus in and by users of illegal intravenous drugs.

"(b) An allotment to a State shall not be made by the Secretary under subsection (a) unless the State has submitted an information and assurances section as designated in section 2463(a), and such information and assurances section has been approved by the Secretary, acting through the Director of the National Institute on Drug Abuse in consultation with the Director of the Centers for Disease Control, in accordance with section 2463.

"ALLOTMENTS

"SEC. 2462. (a) The Secretary shall reserve $100,000 of the amount appropriated under section 2461 in each fiscal year for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs.

"(b) The allotment of a State under this section shall be based on the State's proportionate share of the number of intravenous drug use related cases of AIDS as reported by the Centers for Disease Control, but in no case shall a State receive less than $150,000.

"(c) Puerto Rico shall be treated as a State in the determination of allotments under subsection (b).

"(d) The Secretary shall obtain from each appropriate Federal agency, the most recent data and information, for the 12-month period immediately preceding the determination of the allotment, necessary to determine the allotments for fiscal year 1988, and for subsequent fiscal years, the Secretary shall obtain the most recent data and information, for the 2-year period immediately preceding the determination of the allotment.

"REQUIRED INFORMATION AND ASSURANCES

"SEC. 2463. In order to receive an allotment for a fiscal year under section 2462, each State shall submit to the Secretary, as part of the alcohol, drug abuse, and mental health block grant application required under section 1916 of the Public Health Service Act, an information and assurances section that shall contain—

"(1) such information as the Directors of the National Institute on Drug Abuse and the Centers for Disease Control shall require;

"(2) a description of the programs that will be implemented or improved with the assistance given under this part and the manner in which such programs will be coordinated with other public and private programs and activities;

"(3) assurances that, in the preparation of any statement under this section, the State will consult with local governments and the public and private entities (including community-based organizations) involved in the provision of services under this part;

"(4) a description of the manner in which the State will evaluate the programs and activities conducted with assistance provided under this part;

"(5) assurances that the State will prepare and submit a report, as required by the Secretary, on the results of the evaluations referred to in paragraph (3);

"(6) assurances that the State will prepare and submit reports, as required by the Secretary, containing data necessary to monitor relevant epidemiological changes; and

"(7) assurances that assistance provided to the State under this part will supplement and not supplant any State or local expenditures for treatment, outreach, prevention, and educational efforts targeted for users of illegal intravenous drugs at risk of contracting acquired immunodeficiency syndrome.

"USE OF ALLOTMENTS

"SEC. 2464. Amounts paid to a State under this part may be used by the State according to such requirements as the Secretary, acting through the Director of the National Institute on Drug Abuse, and in consultation with the Directors of the Centers for Disease Control, to establish programs that provide—

"(1) treatment for users of illegal intravenous drugs that have contracted, or are at risk of contracting the acquired immunodeficiency syndrome virus;

"(2) outreach services to users of illegal intravenous drugs;

"(3) aggressive efforts to prevent the transmission of the acquired immunodeficiency syndrome virus among users of illegal intravenous drugs; and

"(4) the training and organizational efforts necessary to accomplish all of the above.

"PAYMENTS

"SEC. 2465. (a) For each fiscal year, the Secretary shall make payments, as provided by section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), to each State that has complied with section 2463 from the allotment under section 2462 (other than any amount reserved under section 2462) from amounts appropriated for that fiscal year.

"(b)(1) Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for the next fiscal year for the purposes for which the payment was made.

"(2) If in the judgment of the Secretary, a State is unlikely to use funds that are available to that State during a fiscal year for the purposes prescribed by the Secretary under section 2464, the Secretary may withhold the amount otherwise available to that State in subsequent fiscal year.

"(c)(1) The Secretary, at the request of a State, may reduce the amount of payments under subsection (a) by—

"(A) the fair market value of any supplies or equipment furnished the State by the Federal government for the convenience of and at the request of the State; and

"(B) the amount of the pay, allowances, and travel expenses of any officer or employee of the Federal government when detailed to the State, and the amount of any other costs incurred in connection with the detail of such officer or employee, if such amount is expended for the convenience of and at the request of the State.

"(2) The amount by which any payment is reduced under paragraph (1) shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment or in detailing the personnel, on which the reduction of the payment is based. The amount shall be considered to be part of the payment and to have been paid to the State.

"(d) To the extent that all the funds appropriated under section 2462 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

"(1) one or more States have not submitted a satisfactory application with an information and assurances section in accordance with section 2463 for the fiscal year;

"(2) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(3) some State allotments are offset or repaid under subsection (c);

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this subsection.

"DEFINITION

"SEC. 2466. As used in this part, the term 'illegal intravenous drug' includes any controlled substance as defined in section 102(6) of the Controlled Substance Act (21 U.S.C. 802(6)).".

On page 89, line 16, insert "the Director of the National Heart, Lung, and Blood Institute," after "eases,".

On page 91, line 8, insert "Core" before "National".

On page 92, between lines 16 and 17, insert the following new section:

SEC. 602. (a) Section 402 is amended by adding at the end thereof the following new subsection:

"(g) The Director of the National Institutes of Health shall—

"(1) coordinate activities relating to acquired immunodeficiency syndrome conducted by the national research institutes and the agencies of the National Institutes of Health; and

"(2) give special emphasis to the continued development of activities relating to the cause of acquired immunodeficiency syndrome and to the coordination of such activities in and among the national research institutes and agencies.".

(b) section 403 is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following new subsection:

"(b) The Director of the National Institutes of Health shall prepare and transmit to the Secretary, for inclusion in the Secretary's annual report under section 102 of the Acquired Immunodeficiency Syndrome Information and Research Act of 1987, a report—

"(1) describing and evaluating the progress made in research, treatment, education, and training with respect to acquired immunodeficiency syndrome conducted or supported by the National Institutes of Health;

"(2) summarizing and analyzing expenditures made in such fiscal year for activities respecting acquired immunodeficiency syndrome conducted or supported by the National Institutes of Health; and

"(3) containing such recommendations as the Director considers appropriate.

"CORE NATIONAL RESEARCH PROGRAM ON ACQUIRED IMMUNODEFICIENCY SYNDROME".

On page 92, line 19 insert "CORE" before "NATIONAL".

On page 92, line 17, strike out "602" and insert in lieu thereof "603".

On page 92, line 21, strike out "the" and insert in lieu thereof "a core".

On page 93, line 8 and 9, strike out "for the" and all that follows through the period and insert in lieu thereof "related illnesses.".

On page 93, strike out lines 14 through 17, and insert in lieu thereof "public and private entities, and communities".

On page 93, strike out line 18 and all that follows through line 21 on page 94.

KENNEDY AMENDMENT NO. 1996

Mr. KENNEDY proposed an amendment to the bill S. 1220, supra; as follows:

At the appropriate place, insert the following:

"SEC. . RESTRICTIONS CONCERNING EDUCATION PROGRAMS."

KENNEDY AMENDMENT NO. 1997

Mr. KENNEDY proposed an amendment, which was subsequently modified, to amendment No. 1996 proposed by him to the bill S. 1220, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

"SEC. . RESTRICTIONS CONCERNING EDUCATION PROGRAMS.

"Education programs that receive funds under this Act shall stress the public health benefits of abstinence and a single monogamous relationship and the avoidance of unlawful intravenous drug use. Notwithstanding any other provision of this Act or of the Acquired Immune Deficiency Syndrome Research and Information Act of 1987, nothing shall restrict the ability of the education program to provide accurate information on reducing the risk of becoming infected with the etiologic agent for AIDS."

McCAIN (AND OTHERS) AMENDMENT NO. 1998

Mr. McCAIN (for himself, Mr. INOUYE, Mr. MURKOWSKI, Mr. DOMENICI, Mr. EVANS, Mr. BRADLEY, and Mr. BINGAMAN) proposed an amendment to the bill S. 1220, supra; as follows:

At the appropriate place, insert the following new title:

"TITLE . AMERICAN INDIAN AIDS PREVENTION AND TREATMENT PROGRAM

"There is hereby authorized to be appropriated to the Indian Health Service, $6,600,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990, for the development and implementation of information programs, healthcare worker training and awareness, and care and treatment programs for Indian people with AIDS, under such terms and conditions as are generally applicable for such programs pursuant to this Act."

BINGAMAN (AND DOMENICI) AMENDMENT NO. 1999

Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill S. 1220, supra; as follows:

On page 96, line 7, after the word "renovation", insert the following: "or construction"

EMERGENCY MANDATORY VETERANS SUPPLEMENTAL APPROPRIATIONS

MURKOWSKI AMENDMENT NO. 2000

Mr. MURKOWSKI proposed an amendment to the joint resolution (H.J. Res. 552) making emergency mandatory veterans supplemental appropriations for the fiscal year ending September 30, 1988; as follows:

On the first page, line 9, strike out the figure and insert in lieu thereof "$263,000,000".

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the public and the Senate that the hearing originally scheduled on May 17, 1988, before the Subcommittee on Energy Research and Development on the Department of Energy's fiscal year 1989 budget request for nuclear reactor and space nuclear power research and development has been rescheduled.

The hearing will now take place on May 24, 1988, at 9:30 a.m. in room SD-366 in the Senate Dirksen Office Building in Washington, DC.

Those wishing to submit written testimony for the printed hearing record should send it to the Subcommittee on Energy Research and Development, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information, please contact Mary Louise Wagner at (202) 224-7569.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GLENN. Mr. President, I would like to announce that the Governmental Affairs Committee will hold a hearing on Monday, May 9, at 2 p.m., on the subject of United States-Canadian Free Trade Agreement. For further information, please call Len Weiss, staff director, at 224-4751.

Mr. President, I would like to announce that the Governmental Affairs Committee will hold a markup on Wednesday, May 11, at 10 a.m., on the pending legislation in the committee. For further information, please call Len Weiss, staff director, at 224-4751.

Mr. President, I would like to announce that the Governmental Affairs Committee will hold a hearing on Thursday, May 12, at 9:30 a.m., on the subject of Nuclear Regulatory Commission restructuring. For further information, please call Len Weiss, staff director, at 224-4751.

Mr. President, I would like to announce that the Governmental Affairs Committee will hold a hearing on Friday, May 13, at 9:30 a.m., on the subject of regulatory reform: negotiated rulemaking. For further information, please call Len Weiss, staff director, at 224-4751.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place on May 20, 1988, beginning at 10 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following measures:

S. 1461, a bill to convey certain lands to the YMCA of Las Vegas, NV;

S. 1687, a bill to correct historical and geographical oversights in the establishment and development of the Utah component of the Confederated Tribes of the Goshute Reservation, to unify the land base of the Goshute Reservation, to simplify the boundaries of the Goshute Reservation, and for other purposes;

S. 1849, for the relief of Mr. Conwell F. Robinson and Mr. Gerald R. Robinson; and

S. 2264, a bill to authorize the Secretary of the Interior to exchange certain Federal mining rights for certain lands in New Mexico.

For further information regarding the hearing, please contact Beth Norcross of the subcommittee staff, at (202) 224-7933.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place on May 26, 1988, beginning at 9:30 a.m. in Room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 1967, a bill to provide for the establishment of the Tallgrass Prairie National Preserve in the State of Oklahoma, and for other purposes.

For further information regarding the hearing, please contact Beth Norcross of the subcommittee staff, at (202) 224-7933.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MELCHER. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Mineral Resources Development and Production of the Committee on Energy and Natural Resources on Monday, May 23 at 10 a.m., in room SD-366 of the Senate Dirksen Office Building in Washington, DC. The purpose of this oversight hearing is to receive testimony concerning the Department of Interior's royalty management program.

Those wishing to submit written testimony should address it to the Committee on Energy and Natural Resources, room 364 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Patricia Beneke at (202) 224-2383 or Lisa Vehmas at (202) 224-7555.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on Wednesday, May 11, 1988, at 10 a.m. in SR-332 to receive testimony on S. 1869, the Dairy Farm Protection Act, and milk marketing orders.

For further information, please contact Bob Young of the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON VETERANS' AFFAIRS

Mr. BYRD. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on S. 11, the proposed "Veterans' Administration Adjudication Procedure and Judicial Review Act"; and S. 2292, the proposed "Veterans' Judicial Review Act" on April 28, 1988 at 9 AM, in SR-418.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, April 28, 1988, to receive testimony on the dairy policy commission study.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, April 28, 1988, to conduct a hearing on "Health Professions Reauthorizations Act of 1988."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on April 28, 1988, to hold a hearing on judicial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, April 28, 1988, to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, April 28, 1988, to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION AND SUBCOMMITTEE ON CONSERVATION AND FORESTRY

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Research and General Legislation and the Subcommittee on Conservation and Forestry of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Thursday, April 28, 1988 to hold a joint hearing on alternative Agricultural Systems Research and extension.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, April 28, 1988, to conduct a hearing on the Marine Research Act of 1988 (S. 2068).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FOREST

Mr. BYRD. Mr. President, I ask unanimous consent that the Sub-committee on Public Lands, National Parks and Forests be authorized to meet during the session of the Senate on Thursday April 28, 1988, to receive testimony concerning S. 1927, a bill to provide for the approval of a desert land entry in the vicinity of the Dinosaur National Monument and for other purposes: S. 2057, a bill to provide for the establishment of the Coastal Heritage Trail in the State of New Jersey, and for other purposes; H.R. 1100, a bill to authorize the Secretary of the Interior to provide assistance to Wildlife Prairie Park, in the State of Illinois, and for other purposes; and H.R. 3869, a bill to amend the act providing for the establishment of the Tuskegee University National Historic Site, Alabama, to authorize an exchange of properties between the United States and Tuskegee University and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development authorized to meet during the session of the Senate on Thursday April 28, 1988, to receive testimony concerning the fiscal year 1989 budget request for the Department of Energy's fossil energy research and development and the clean coal technology programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE 60TH ANNIVERSARY OF PARSIPPANY-TROY HILLS TOWNSHIP

● Mr. BRADLEY. Mr. President, May 7 marks the 60th anniversary of the founding of the township of Parsippany-Troy Hills. I call upon my colleagues to join me in commemorating this historic occasion.

Since the first settlers arrived in the early 18th century in the towns that later become part of Parsippany-Troy Hills Township, the township has enjoyed a history marked by remarkable growth and progress. Settlers moved from Newark and Elizabeth in search of iron ore for the production of wrought iron. Iron works became the predominant industry—the dense forests provided wood for charcoal and the area's streams provided power for the hammers and bellows. The industry played an important role during the Revolutionary War by providing axes, cups, kettles, and horseshoes for the army. Iron works continued to prosper into the 19th century, and the axles of the first passenger coaches on the old Camden and Amboy Railroad were made at the iron works in Old Boonton.

Parsippany-Troy Hills was also a thriving agricultural community, with the area's good soil and spring water providing ideal conditions.

The township of Parsippany-Troy Hills was incorporated in 1928, and growth in the area has increased rapidly. There has been a tremendous building boom and influx of new residents, along with considerable progress in transportation, education, and various municipal services—all of which have contributed to making Parsippany-Troy Hills Township one of the finest communities in New Jersey today.

Parsippany-Troy Hills will be celebrating its 60th anniversary on May 7 with a series of special events. I join the residents of the township in celebrating 60 years of progress, and I extend my best wishes to them for continued success in the future.●

IDAHO MARINE SAVES TAX DOLLARS

● Mr. SYMMS. Mr. President, all of us in this great body of Congress are well aware of the need to cut the Federal deficit. Recently a very talented U.S. marine from Idaho may have saved the U.S. Marine Corps millions of dollars.

I was very impressed with an article written recently in the St. Maries Gazette Record. The article pays tribute to Pfc. Neal Wadley's recent award of the Navy Achievement Award.

Private First Class Wadley was given the naval award by the Commander of the Marines, Gen. A.M. Gray for discovering a solution to a problem that will help save lives and dollars in the U.S. Marine Corps.

I salute Pfc. Neal Wadley and ask that the article written about him be inserted into the RECORD.

Mr. President, I ask that the following article be printed in the RECORD.

The article follows:

[From the St. Maries (ID) Gazette Record, Mar. 23, 1988]

N. WADLEY EARNS VISIT FROM COMMANDANT

In a few hours of leave time in December, Neal Wadley may have solved a multi-million dollar problem for the United States Marines.

The Marine Commandant, General A.M. Gray, liked the solution enough to travel to Private First Class (PFC) Wadley's base to award him a Navy Achievement Medal.

PFC Wadley read an article "No Place to Hide" in the Marine Corps Gazette, written by Major Tom Hammes, another former St. Maries resident. The article discussed the problem of camouflage from heat seeking devices. When PFC Wadley was home in St. Maries on leave, he discussed the problem with his father, St. Maries District Ranger Harold Wadley. Mr. Wadley is a Marine veteran, serving in Korea and VietNam.

"In modern warfare, you can have all the leaves you want on you, and think you're hidden, Mr. Wadley said, "and to some old boy scanning with a heat seeker, you stand right out."

PFC Wadley wondered if a fire shelter, turned inside out, would hold heat in the same way it repels heat of forest fires when right side out. Fire shelters are lightweight blankets that forest fire fighters crawl under for protection when overcome by flames.

"If such a lightweight material can hold heat out why couldn't it be used to hold heat in, similar to the space blanket used by outdoorsmen in cold weather survival situations? If so, it just might be the solution to nullifying heat detection devices in Maj. Hammes' article" PFC Wadley wrote back to the Marine Corps Gazette.

He went on to explain in the letter that he and his father had tested the idea during his December leave. They went into the woods with a fire shelter and a heat-seeking camera used by the Forest Service to detect hot spots after a fire. When the shelter was used to cover a man in the ordinary way, the man was detected by the heat seeking camera. When the Wadleys turned the fire shelter inside out, the camera did not detect the man underneath. As an added test, the Wadleys had the man stick his hand out from under the inside-out fire shelter. The camera picked up only the hand.

In his letter, PFC Wadley suggested ponchos for men and tarps to cover vehicles, made from the same material as fire shelters, with a camouflage pattern added.

The editor of the paper brought Private Wadley's letter to the attention of the Commandant. The Commandant ordered the idea tested and wrote PFC Wadley, thanking him for the idea and saying "You are a clear example of my kind of Marine—I look forward to meeting you soon."

The General visited PFC Wadley Feb. 22 to award him the Navy Achievement Medal.

"I thought meeting the Commandant was good enough. But receiving the award was just awesome", Private Wadley told his local Marine newspaper.

In St. Maries, Mr. Wadley contacted Major Hammes to learn more about the practicality of his son's idea.

"Tom told me lots of money has been spent to try to solve this problem and here a $10 item might be the answer." Mr. Wadley said. "In the Marine Corps., they do things, they don't just talk about it. If the Commandant says, 'We're going to test', somebody better be ready to start right away. Tom Hammes is going to keep me informed of the test results."

The medal may mean as much to Mr. Wadley as to his son. Mr. Wadley said the Commandant coming to Neal was like the top man in the Army coming to a buck private.

"For a Marine, the Commandant is just five or six inches below God," Mr. Wadley said.●

REFUGEE ADMISSIONS

● Mr. KENNEDY. Mr. President, for the benefit of my colleagues, and to abide by the provisions of the Refugee Act of 1980, I want to indicate for the RECORD that the appropriate members of the Judiciary Committee have now consulted with Secretary of State Shultz on the President's request for an additional admission this fiscal year of 15,000 refugees.

We have concurred in this request, made under the emergency provisions of the Refugee Act, to deal with unanticipated refugee flows from the Soviet Union and Eastern Europe. The committee will soon hold public hearings on this request—to review the foreign policy, humanitarian and fiscal issues involved—as well as to provide a midyear review of our refugee program worldwide.

Mr. President, the administration's justification for this request for additional refugee admissions was made to the committee in a letter from Jonathan Moore, the U.S. Coordinator for Refugee Affairs, and I ask that the text of this letter and report be printed at this point in the RECORD.

The material follows:

U.S. COORDINATOR
FOR REFUGEE AFFAIRS,
Washington, DC., April 6, 1988.

Hon. EDWARD M. KENNEDY,
Chairman, Subcommittee on Immigration and Refugee Affairs, U.S. Senate.

DEAR MR. CHAIRMAN: In accordance with section 207(e) of the Immigration and Nationality Act, I am pleased to transmit a report to Congress concerning the President's proposal to raise the fiscal year 1988 refugee admissions ceiling by 15,000 numbers in order to accommodate increased refugee flows from Eastern Europe and the Soviet Union.

Sincerely

JONATHAN MOORE.

[U.S. Coordinator for Refugee Affairs,
Washington, DC, Apr. 6, 1988]

REPORT TO CONGRESS CONCERNING THE PRESIDENT'S PROPOSAL TO RAISE THE FISCAL YEAR 1988 REFUGEE ADMISSIONS CEILING UNDER THE EMERGENCY CONSULTATIONS PROCEDURES OF THE IMMIGRATION AND NATIONALITY ACT

The President has authorized the Secretary of State and the U.S. Coordinator for Refugee Affairs to consult with Congress concerning raising the FY 88 refugee admissions ceiling under the emergency procedures provided for in Section 207(b) of the Immigration and Nationality Act ("INA). The following information concerning the President's proposal is provided in fulfillment of the requirements of Section 207(e) of the INA.

THE REFUGEE SITUATION; UNITED STATES FOREIGN POLICY INTERESTS

On October 5, 1987, the President determined that up to 68,500 refugees could be admitted to the United States in fiscal year 1988 with federal funding, including up to 15,000 refugees from Eastern Europe and the Soviet Union. (Presidential Determination 88-1). The President now proposes to determine that an unforeseen refugee emergency exists and that the admission of an additional 15,000 refugees from Eastern Europe and the Soviet Union is justified as required by Section 207(b) of the INA. The admission of these refugees would be supported by federal funding.

An additional 15,000 refugee admissions numbers for Eastern Europe and the Soviet Union is required primarily because the number of Armenians being permitted to leave the Soviet Union has increased dramatically since the end of FY 87. (See Attachment A.) In addition, the number of Jews being permitted to leave the Soviet Union, which increased earlier in FY 87, has remained high. Applications from other Eastern European nationalities have also increased somewhat over the levels of recent years.

The increased emigration from the Soviet Union results in large part from diplomatic efforts of the Administration, supported by the Congress, which have consistently called for the Soviet Union to improve its human rights record and to liberalize its emigration policies. At present, however, there are not sufficient refugee admissions numbers authorized to permit the United States to accept, within a reasonable period of time, all qualified Soviet Jews, Armenians, and other Eastern Europeans who wish to come to the United States and who are being permitted to emigrate.

Assuming that the United States continues to process the applications of Eastern Europeans and Soviets and does not defer their admission to FY 89, up to 15,000 more refugee admissions numbers will be needed for these groups in FY 88. Without these additional numbers, the United States will have to stop admitting Eastern European and Soviet refugees in May, when the authorized ceiling of 15,000 for that region is reached. (See Attachment B.)

The unexpected increase in refugee flows seen with the Armenians from the Soviet Union is the kind of event that Congress contemplated could constitute an "unforeseen refugee emergency" when it provided for the emergency consultations procedures in the Refugee Act of 1980. The admission of Armenian refugees from the Soviet Union in this fiscal year is both "justified by grave humanitarian concerns" and "in the national interest" for a variety of compelling reasons. Because the Soviet Union issues exit permits on an unpredictable basis and makes such permits valid for only a limited period of time (currently about six months for most cases), our failure to take these refugees promptly could preclude their departing from the Soviet Union. Moreover, we have a long-standing commitment to assisting refugees from the Soviet Union and to calling for improvements in the Soviet Union's human rights record, including by easing emigration restrictions; it would be inconsistent with the fundamental tenets of our national policy, therefore, if we were to turn away or create a significant backlog of Soviet refugees at this time.

Finally, we cannot accommodate these increased flows within the existing Presidential Determination at this time. Numbers originally authorized for Eastern Europe and the Soviet Union are being fully utilized by groups anticipated at the start of the fiscal year (e.g., Soviet Jews). In the past, we have met increased needs for refugee admissions numbers in one region by reallocating numbers from other regions. This year, however, we could not meet the 15,000 shortfall for Eastern Europe and the Soviet Union without deep cuts in admissions from other regions, particularly Southeast Asia. We do not see this as a viable option. The resettlement needs of Vietnamese, Cambodian, and Lao refugees in first asylum in Southeast Asia remain great, and reallocating numbers from this region would create serious foreign policy problems with Thailand and other ASEAN countries that look to the United States to resettle significant numbers of refugees for whom they provide first asylum. This is particularly so because Thailand has recently experienced sharp increases in Vietnamese arriving by boat.

NUMBER AND ALLOCATION OF REFUGEES TO BE ADMITTED

Of the 15,000 additional numbers the President would authorize, under current projections about 12,000 would be used by Soviet Armenians, about 2,000 by Soviet Jews, and about 1,000 by other Eastern Europeans. These numbers are estimates; while not all of the numbers will necessarily be used, an additional 15,000 numbers should ensure us a margin of safety.

CONDITIONS WITHIN THE COUNTRIES FROM WHICH THE REFUGEES COME

The Soviet Union is a repressive country whose human rights record remains unsatisfactory. Although in the past year restraint has been shown by the Soviet authorities during some public demonstrations, and some non-official organizations have been allowed to exist, it remains very difficult for a Soviet citizen to express his or her political opinion or religious faith. Since the beginning of 1987, there has been an increase in emigration levels and in the number of family visits. All these trends could be easily reversed, however, since they have not been accompanied by institutional reform or by repeal of the Soviet laws which restrict freedom of speech, freedom of religion, and freedom of movement.

Ethnic Germans, Jews, and Armenians are the only three ethnic groups allowed to emigrate from the Soviet Union in more than token numbers. Almost all Armenians who have been permitted to emigrate are from families who fled from the Middle East after World War II, or from Iran after the fall of the Shah. But even for these families, freedom of movement is by no means guaranteed. Armenians have been able to leave in large numbers during only one previous period, the late nineteen-seventies, culminating in a total emigration of 6,109 in 1980. Except for the periods 1976-1981 and 1987-1988, only a few hundred Armenians a year have been permitted to emigrate. Although for the last year we have been in a period of somewhat greater freedom of movement, it is impossible to predict how long it will last.

PLANS FOR MOVEMENT AND RESETTLEMENT, AND ESTIMATED COSTS

Soviet Armenians are at present prescreened in Moscow by U.S. consular officers. They then move on to Rome, where, along with Soviet Jews and other Eastern Europeans, they are interviewed by Immigration and Naturalization Service ("INS") officers and, if qualified, approved for admission to the United States as refugees. Soviet Jews and Eastern Europeans are also processed in Vienna and other INS posts in Western Europe. The United States assists in arranging the transportation of Soviet Armenians, Jews and of Eastern Europeans from Rome and other processing posts in Western Europe to the United States. These transportation costs are funded by the Department of State. The costs of care and maintenance of Soviet refugees in Rome and Vienna are also covered by the United States, through contributions to voluntary agencies assisting refugees in Europe.

To ensure the most effective use of limited budgetary resources, the Department of State, in consultation with INS, is actively investigating the possibility of shifting from Rome to Moscow all INS processing of Soviet Armenians seeking refugee admission. This procedure would improve our efficiency in handling Soviet refugees and reduce costs. If INS and the Department of State were to agree to this procedure, under the INA it could not be implemented without a Presidential finding that Soviets can be considered refugees while still in their own country. Since consultation with Congress is required before such a finding is made, it is the intention of Secretary Shultz and Ambassador Moore to consult with Congress about this option during the emergency consultations.

Raising the federally funded admissions level from 68,500 to 83,500 will strain the budgetary resources of both the Department of State and HHS if 83,500 federally funded refugees are in fact admitted in fiscal year 1988. Consistent with the bipartisan budget agreement, however, the Administration currently plans to cover the costs of the additional admissions with existing resources and not to seek a supplemental appropriation. For its part, the State Department estimates that the additional admissions could cost up to $25-30 million, and has developed a package of potential cost-avoidance and reallocation measures, including the cost-avoidance measures earlier mentioned, designed to cover these expenses. Actual budgetary needs for HHS' Office of Refugee Resettlement will depend on a variety of factors, including the number of refugees in fact admitted in fiscal year 1988, the timing of those admissions, and the number of cases in need of assistance. While this makes it difficult to arrive at an accurate estimate, by making various assumptions, including that states are reimbursed for cash and medical assistance provided to refugees during their first 24 months in the United States, we can estimate that the additional fiscal year 1988 federal costs to the refugee program budget for cash and medical assistance, state administration, and preventive health programs could be up to $9.6 million.

The Administration is pressing ahead to utilize the 4,000 refugee admissions numbers set aside by the President for private sector sponsorship in fiscal year 1988, but it is clear that the private sector will not be able to cover the increased needs for Eastern European and Soviet refugees this year.

ANTICIPATED SOCIAL, ECONOMIC, AND DEMOGRAPHIC IMPACT

Since the vast majority (90 percent) of Armenian refugees resettled in the United States are reunited with family members in Southern California, the greatest social and economic impact of these additional refugee admissions will be felt in that geographic area. Most Armenians have little or no English language ability and, therefore, request publicly funded language training, often while being supported by the state funded (federally reimbursed) welfare system. School-age children usually receive language instruction in school, thereby requiring additional English-as-a-Second language instructors in the public school they attend. While this group of refugees does not access public assistance or other social services at a rate higher than other refugees in California, their concentration in a state where approximately 40 percent of all other refugees choose to resettle initially (due to their preexisting personal ties), will create an additional impact on that state.

It is anticipated that the additional Eastern European and Soviet Jewish refugees will resettle in many locations across the United States and, therefore, will not create any significant impact on individual communities.

EXTENT TO WHICH OTHER COUNTRIES WILL ASSIST IN RESETTLEMENT

The United States is the only country resettling Soviet Armenians in any significant numbers. Israel resettles approximately 25 percent of Soviet Jews granted exit permission by the Soviet Union; most of the rest are resettled by the United States. West Germany resettles virtually all Soviet refugees of German ethnic origin and refugees from East Germany. Other Western European countries also offer resettlement to some Eastern Europeans, and West Germany assists in funding the transportation of certain Eastern European refugees in Germany to the United States.

Attachments:

A. Refugee Applications Received and Processed in Moscow Since January 1987

B. FY 88 Refugee Admissions: Eastern Europe and the Soviet Union

ATTACHMENT A

REFUGEE APPLICATIONS RECEIVED AND PROCESSED IN MOSCOW SINCE JANUARY 1987

[Principally Armenians [1]]

	Applications received	Applications processed	Admissions to United States
January 1987	9	9	N/A
February	36	9	N/A
March	124	50	N/A
April	296	60	N/A
May	330	143	N/A
June	358	319	N/A
July	428	312	N/A
August	[2] 967	353	N/A
September	[2] 935	353	N/A
October	1,364	429	347
November	1,173	[3] 702	562
December	1,569	[3] 577	606
January 1988	1,849	766	795
February	[4] 1,081	1,151	1,053

[1] Over 95 percent of Moscow refugee applicants are Armenians. Moscow applicants now go on to Rome for their INS interview. Most Soviet Jews apply in Vienna or Rome.

[2] The sharp increase in applications in August and September 1987 was reported to Washington in October.

[3] The increase in applications processed starting in November reflects operational improvements. With installation of special software in December and a staff increase in February, Moscow can now process up to 1,500 applications a month. The December and January figures reflect holiday schedules.

[4] The February 1988 drop in applications is not considered indicative of a reverse trend. Moscow expects at least 1,000 new Armenian applications a month through fiscal year 1988.

ATTACHMENT B

Fiscal Year 1988 Refugee Admissions Eastern Europe and the Soviet Union

Admissions as of Feb. 29, 1988:	
Soviets	6,485
Eastern Europeans	2,655
Total	9,140
Additional numbers allocated to posts for admissions through Mar. 31, 1988	2,280
Subtotal: Numbers used and/or allocated through Mar. 31, 1988	11,420
Numbers allocated to posts for admissions in April and May, 1988	3,580
Total numbers used and/or allocated through May 31, 1988	15,000
Fiscal year 1988 ceiling	15,000
Expected unused/unallocated balance as of May 31, 1988	0

Mr. KENNEDY. Mr. President, in the committee's letter responding to the President's request we specifically state that we have concurred "on the condition that the foreign policy, humanitarian and fiscal issues involved will be thoroughly reviewed at a hearing scheduled at a mutually convenient time with Secretary of State Shultz."

We did this because there are some very important new foreign policy and humanitarian issues involved in this request for 15,000 additional refugee numbers, which are largely earmarked for an entirely new refugee group in our program—Armenians from the Soviet Union. The development of this new flow—its causes and dimensions—must be given a thorough airing if our refugee program is to receive the support it deserves, and if they are bona fide refugees.

Finally, we refer to "fiscal issues" because if we are to admit additional refugees we must assure that there is adequate Federal funding to assist in their resettlement. I share the view of many of my colleagues—expressed by Senator CRANSTON in a colloquy with Senator CHILES during the budget debate, and by Senator WILSON in a letter to me—that we must not increase the ceiling on refugee admissions without also increasing the ceiling on refugee funding.

We have already seen substantial cutbacks on the length of Federal reimbursement because of budget constraints, and this has imposed new burdens on State and local governments. As one of the principal authors of the Refugee Act I strongly believe in one of the fundamental features of that legislation—that the resettlement of refugees is a federal responsibility. Under the current budget we are beginning to shirk that responsibility.

Mr. President, for the RECORD, I ask that the text of the Judiciary Committee's letter, as well as the letter to me from Senator WILSON, be printed at this point in the RECORD.

The letter follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, April 27, 1988.

The PRESIDENT
The White House,
Washington, DC.

Dear Mr. President: This is to confirm that, in accordance with section 207(e) of Public Law 96-212, the Refugee Act of 1980, we have consulted with Secretary of State Shultz on your request to admit this fiscal year an additional 15,000 refugees—as outlined in the April 6th letter to the Committee from the U.S. Coordinator for Refugee Affairs, Jonathan Moore.

We concur in this request on the condition that the foreign policy, humanitarian and fiscal issues involved will be thoroughly reviewed at a hearing scheduled at a mutually convenient time with Secretary of State Shultz.

With best wishes,
Sincerely,

EDWARD M. KENNEDY,
Chairman, Subcommittee on Immigration and Refugee Affairs.
STROM THURMOND,
Ranking Member, Committee on the Judiciary.
ALAN K. SIMPSON,
Ranking Member, Subcommittee on Immigration and Refugee Affairs.

U.S. SENATE,
Washington, DC, April 26, 1988.

Hon. EDWARD KENNEDY,
Chairman, Subcommittee on Immigration and Refugee Affairs, Committee on the Judiciary, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: I understand Secretary of State Shultz will be meeting with you to discuss the President's proposed increase in the fiscal year 1988 refugee admissions from the current ceiling of 68,500 to 83,500.

While there is a need to increase the current ceiling, I am compelled to express my deep concern that any increased refugee admissions without a corresponding increase in funding to pay for the domestic resettlement process would create very serious and adverse fiscal consequences for California.

State and local governments are already suffering from substantial cuts in reimbursements for cash and medical assistance and related administrative costs as a result of reduced funding for the domestic refugee resettlement program. Yet, as you know, the admission of refugees and the decisions relative to their resettlement are made at the federal level. State and local governments should not, therefore, be solely responsible for the added cost burdens associated with these decisions.

The failure of the federal government to provide the needed financial support for refugees admitted under the Refugee Act merely shifts the burden to states that already have high concentrations of refugees.

For these reasons, I would urge that any decision to increase fiscal year 1988 refugee admissions be linked to a corresponding increase in funding to cover the resettlement costs.

Sincerely,

PETE WILSON.●

IDAHO LEGISLATORS RECEIVE PRAISE

● Mr. SYMMS. Mr. President, all of us in this body are certainly well aware of the challenges of public service. Those are challenges which are faced by all our colleagues who serve at every level of government.

I was particularly impressed with a column which appeared in the Idaho Statesman on April 12 crafted by Jack Peterson, who is president of the Idaho Mining Association. Jack put into very clear perspective the sacrifices and dedication of the 126 Idahoans who annually serve their State as members of the Idaho State Legislature.

Most of us take in stride the criticism received for our efforts in dealing with the public's business. But Jack has quite appropriately shown the other side of the story. I applaud him for his efforts and join with him in congratulating the people who serve in the Idaho Legislature and dedicate their time and best efforts to serving the interests of their fellow citizens.

Mr. President, I ask, that Jack Peterson's fine article be printed in the RECORD.

The article follows:

[From the Idaho Statesman, Apr. 12, 1988]

LEGISLATORS BEST IDAHO HAS TO OFFER

(By Jack Peterson)

It is a remarkable annual display of public service. Some 126 Idaho citizens from all walks of life convene annually in Boise for nearly three months to amend old laws, pass new laws, analyze revenues, set budgets and establish new directions for Idaho.

The pay is lousy, criticism abounds and thanks are few.

Yet, these 126 citizens annually leave their homes, businesses and jobs to do their part for their fellow Idahoans. They are not professional politicians. They are citizens like you and I.

Among them are 35 ranchers and farmers, 17 main street business people, 14 retired persons, nine lawyers, five teachers and a wide representation of other professions and vocations, including two veterinarians, a nurse, an architect, a doctor, a dentist and a journalist. Six legislators are contractors and six are in real estate. There is also a mayor, an accountant and a student. Three are in counseling and social work and four are homemakers. A pretty good cross-section of Idaho.

They don't come to Boise for the glory. There is no glory in sitting alone at night in a Boise motel room, eating a Twinkee, sipping on a diet Pepsi and watching a Bogart movie on a flickering TV screen while scanning a bill on some arcane subject. They come to Boise out of selfless devotion to ideals and visions in an honest attempt to make Idaho a better place to live.

And at the end of the three months in Boise, they return home—battered, bruised and fatigued, often with families and businesses to put back together again.

Idaho's citizen Legislature does a remarkable job for the state. While in Boise they often work 12 and 16 hour days.

This year legislators discussed, debated, deliberated, reconsidered, and passed or rejected some 1,200 pieces of new legislation and 1,029 amendments and changes. They actually introduced 734 bills and resolutions and passed 386. All but nine became law. They also appropriated monies for public and higher education, health, welfare, law enforcement, water resources, agriculture, the young and the elderly.

While they labored alone in Boise for 81 days, their hometown newspapers and neighbors criticized them, their children and spouses got sick and had to care for themselves, their cattle got into their neighbors' pastures, and a few of their businesses went to rack and ruin.

Why would anyone subject themselves voluntarily to this kind of annual abuse? Within the answer to that question lies the remarkable miracle of American democracy. At the roots of our democracy is a citizen volunteerism that is now hard to find except in a few sparsely populated states like Idaho.

In many other states, legislative work has become full time, professional, political work. And the legislatures in those states have become cold and inaccessible. In Idaho we still have the wonderful luxury of an accessible citizen legislature. We are able to witness our friends, neighbors and family members step forward as volunteers, survive the tests of local legislative elections and serve in Boise until they are so fatigued or frustrated, or their families are so fractured, or businesses so encumbered with debt that they finally have to resign. Some thrive on the agony and go on to run for the U.S. House, U.S. Senate, governor, treasurer or secretary of State—and do a good job because of their Statehouse experience.

They may not be perfect, nor is the world perfect. It's time that all Idahoans stand up and applaud our citizen legislators for the selfless devotion with which they honestly attempt to formulate a framework of laws and freedoms which we all enjoy. You may criticize their legislation, but you can't criticize their dedication. They are the best Idaho has to offer and that's a lot.

MOZAMBIQUE REFUGEE CRISIS

● Mr. KENNEDY. Mr. President, just over a year ago, the Subcommittee on Immigration and Refugee Affairs held its first hearing of the 100th Congress on the "Refugee Crisis in Southern Africa." Witnesses from the administration and the private sector both described in grim detail the brutality and massive displacement that is occurring throughout that region, particularly in Mozambique due to Renamo forces.

Since that time, things have grown worse rather than better.

This deterioration of human life is starkly evident in a chilling report brought to the attention of the Senate this week by Senator NANCY KASSEBAUM of Kansas. I believe the Senate owes her a tremendous debt of gratitude for her statement on this floor on Tuesday.

She quite accurately states that the "atrocities described in the State Department report are too serious to be ignored by us or the international community." I agree with her assessment that all Senators, regardless of their views on Mozambique, should set aside their differences and face the life threatening humanitarian dilemmas that are daily destroying that country's people.

I believe representatives of the administration are right on track in their assessments of the humanitarian crisis in Mozambique. This is reflected in recent statements by Mr. Roy Stacy, Deputy Assistant Secretary of State for African Affairs, who described the brutality in Mozambique as among the worst "holocausts" since the Second World War. He lays responsibility for this terror clearly at the doorstep of the South Africa-backed Renamo rebel forces.

Mr. President, this crisis requires the Senate's most urgent attention. We should support Senator KASSEBAUM's recommendation that "AID dedicate to this crisis whatever remaining funds there are in the centrally funded account for refugees," and that we urge international organizations to help mobilize the international community.

Mr. President, I ask to have included in the RECORD a summary of the State Department's recent report, as well as recent articles on the crisis.

The material follows:

SUMMARY OF MOZAMBICAN REFUGEE ACCOUNTS OF PRINCIPALLY CONFLICT-RELATED EXPERIENCE IN MOZAMBIQUE

(Report submitted to Ambassador Jonathan Moore, Director, Bureau for Refugee Programs and Dr. Chester A. Crocker, Assistant Secretary of African Affairs)

(Robert Gersony, Consultant to Bureau for Refugee Programs, Department of State, April 1988)

SUMMARY OF FINDINGS

From 48 districts in northern, central and southern Mozambique, in 25 refugee camps in five countries separated by as many as 1,500 miles, nearly 200 Mozambican refugee accounts of their experiences are strikingly similar. If that sample is reasonably representative, their accounts, corroborated in large measure by independent experience of some religious and relief assistance workers, compel certain unavoidable findings.

First, the level of violence reported to be conducted by RENAMO against the civilian population of rural Mozambique is extraordinarily high. Roughly 170 refugees, each representing one family, who arrived in 1987/1988, collectively reported about 600 murders by RENAMO of unarmed civilians, in the absence of resistance or defense. (If the population estimates reported in the introduction to this report are correct, there are roughly 200,000-250,000 refugee and displaced families in Mozambique and in the neighboring countries, the majority of whom are conflict victims.) If the refugee reports are generally accurate and the sample reasonably representative, it is conservatively estimated that 100,000 civilians may have been murdered by RENAMO in this manner:

The same 170 refugees report many hundreds of cases of systematic forced portering, beatings, rape, looting, burning of villages, abductions and multilations. These patterns of systematic abuse represent many hundreds, if not thousands, of individual instances reported by this small sample. Conservative projections based on this data would yield extremely high levels of abuse.

That the accounts are so strikingly similar by refugees who have fled from northern, central and southern Mozambique suggests that the violence is systematic and coordinated and not a series of spontaneous, isolated incidents by undisciplined combatants.

Second, the relationship between RENAMO and the civilian population, according to the refugee accounts, revolves almost exclusively around a harsh extraction of labor and food. If these reports are accurate, it appears that the only reciprocity provided by RENAMO for the efforts of the civilians is the possibility of remaining alive. There are virtually no reports of attempts to win the loyalty—or even the neutrality—of the villagers. The refugees report virtually no effort by RENAMO to explain to the civilians the purpose of the insurgency, its proposed program or its aspirations. If there is a significant sector of the population which is sympathetic to this organization, it was not reflected in the refugee accounts.

Third, there was serious complaints about abuses by some FRELIMO Government soldiers. But in both the murder and non-murder categories, only three to four percent of the complaints were attributed to FRELIMO soldiers. They tended to be isolated reports, often from areas of the country most remote from Maputo. It appeared that there is a sustained trend toward improvement overall.

Fourth, the refugees and most independent sources rejected the assertion that much of the violence in Mozambique is attributable to neither FRELIMO or RENAMO but instead to armed bandits affiliated with neither side. It appears from this field research that violence by "free-lance bandits" does not account for more than occasional, isolated instances of the high level of reported violence.

[From the Washington Post, Apr. 28, 1988]

PRETORIA'S VICTIMS IN MOZAMBIQUE

One of the troubles in a place like Mozambique, which is going through hell, is that it lies just outside the perimeter of international attention, so that the people who otherwise might be concerned do not get informed and engaged. This condition of obscurity has now been banished by a thoroughly documented report by an experienced refugee consultant, Robert Gersony. He makes it next to impossible for anyone to ignore further the atrocities committed by Renamo, a guerrilla organization sponsored by the apartheid regime in South Africa and—what is worse—supported by such American figures as Sens. Bob Dole and Jesse Helms in the mistaken belief that Renamo' thugs qualify as anticommunist "freedom fighters."

According to the report, Renamo has used an "extraordinarily high" level of violence against civilians, murdering at least 100,000 people over the last two years, forcing nearly 1 million refugees out of the country and displacing another million internally. Renamo evidently makes little pretense of trying to win Mozambicans to any political program. Its mission of pure terrorism seems to serve only a South African purpose of reducing Mozambique to helplessness and ruin.

The Reagan administration, in commissioning and publicizing this report, is conducting an urgent policy rescue mission of its own. It has joined an international effort to collect new aid for Mozambique, and blaming a conspiratorial South African military for the Renamo operation, it is offering South Africa's civilian authorities a last chance at constructive engagement with the United States—by reviving the Nkomati accords of 1984. By this agreement, Washington, in a broker's role, induced South Africa and Mozambique to deny use of their territory for attacks on the other. Subsequently Pretoria defaulted on its pledge, with the results the new report details.

Originally the creature of Rhodesia's Ian Smith, Renamo has ingratiated itself with the American political and religious right, which ignores the progress the West has made in recent years in pulling Mozambique away from Soviet and Marist ways. This is how some Americans come to champion Renamo's ostensible anticommunism. But Renamo is a gang of killers. The new report dispels whatever doubt there was about it and makes continued support of Renamo unthinkable.

[From the Washington Post, Apr. 27, 1988]

"MASSIVE EVIL" IN MOZAMBIQUE

(By Kevin Lowther and C. Payne Lucas)

The boy smiled hesitantly and shook hands. "He's beginning to come out of himself," the American nurse said, explaining that the young Mozambican had little to smile about. Renamo guerrillas had slit his parents' throats while he watched, and when he found his way to safety in neighboring Malawi he became one of 450,000 Mozambicans to flee there during the past 19 months.

At least 870,000 of Mozambique's 14 million people have sought refuge across the nearest border. Another million villagers, driven from their homes by Renamo attacks and the disruption of agricultural production, have been displaced within Mozambique.

As a pawn on the chessboard of southern Africa, Mozambique has been sacrificed in a game of white against black. First by Portugal during its five centuries of colonial exploitation. Next by Ian Smith's Rhodesia, which punished Mozambique militarily for supporting Zimbabwean independence. And now by South Africa, which had set out to neutralize Mozambique's capacity to serve as a base for anti-apartheid movements.

To achieve this end, South Africa transformed Renamo—an incubus summoned to life by Rhodesian intelligence in 1976—into one of the world's most active terrorist organizations.

How else to describe a group that last July slaughtered more than 400 men, women and children in the town of Homoine? Which has committed countless other atrocities throughout this country twice the size of California? Which makes 10-year-old boys into killers? Which has destroyed hundreds of rural clinics and schools and paralyzed economic activity in the country?

UNICEF reported last year that the destruction of health posts and the interruption of Mozambique's successful vaccination campaign had condemned tens of thousands of children to die of measles and other preventable diseases. Mozambique's children die every day so that apartheid may live.

Although there have been frequent press and other reports detailing Renamo's terror, many Western observers have responded with disbelief. A State Department report released last week leaves little comfort for the skeptics, and even less for those who have actively promoted Renamo as a "democratic" alternative to the socialist government in Maputo. The report, based on interviews with 196 Mozambican refugees in several countries, estimates conservatively that Renamo has murdered as many as 100,000 civilians.

The Khmer Rouge at least had a political philosophy to explain its killing fields in Cambodia. Renamo has none; in fact, it appears to be a rogue elephant intent upon destroying the very people a "conventional" guerrilla movement might otherwise pretend to lead.

According to refugee testimony, Renamo methodically targets entire communities for virtual extermination. Civilians, says the new report, are "victims of purposeful shooting deaths and executions, of axing, knifing, bayoneting, burning to death, forced drowning and asphyxiation. . . . Eyewitness accounts indicate that . . . children, often together with mothers and elderly people, are also killed."

Those of us engaged in supporting the development of Mozambican villages have been aware of fighting a losing battle with Renamo. We and the Mozambicans cannot build faster than Renamo tears down. We believe, however, that the international community now has a compelling moral obligation to confront massive evil with massive good.

Foreign donors are about to meet in Maputo to pledge increased financial assistance to sustain a new economic rehabilitation program emphasizing Mozambique's agricultural potential.

Mozambique needs the dollars, but the readiness of Western nations and institutions to stand by its government and people might also convince many in Renamo to abandon their rebellion without a cause. A few have already accepted the government's offer of amnesty.

In the meantime, there are more than 4 million Mozambicans to sustain: the 870,000 refugees scattered among camps from Tanzania to South Africa, the million or more displaced people within the country, and perhaps another 2.5 million nutritionally "at risk" because of Renamo activity.

The refugees are the most visible victims. Hundreds have been crossing into Malawi daily for the past several months. The new arrivals, mostly women and children, can be seen gathered around the barrel-like trunk of a baobab tree, waiting to be registered, immunized, given rations and told where to build a hut. They may have walked for weeks, eating leaves and roots and carrying a small bundle of meager possessions. Most are naked except for a piece of grain sacking wrapped about their hips. The children are severely malnourished, and some will die.

Flight itself is a calculated risk, taken only when the possibility of violent death becomes too palpable. Renamo evidently kills many who try to escape areas over which it exerts loose control. But most of those who reach safety, pitiable as they may be, should live to return home and begin to build again.

(Kevin Lowther is regional director for southern Africa of Africare, a nonprofit organization that promotes development. C. Payne Lucas is Africare's executive director.)

[From the New York Times, Apr. 27, 1988]

Visiting U.S. Aide Condemns Mozambique Rebels

(By James Brooke)

Maputo, Mozambique, April 26.—In surprisingly blunt language, a high State Department official today excoriated Mozambique's right-wing rebels and their overseas backers, many of whom are Americans.

"What has emerged in Mozambique is one of the most brutal holocausts against ordinary human beings since World War II," the official, Roy A. Stacy, a deputy assistant secretary of state for African affairs, said of the rebel movement, the Mazambique National Resistance, known as Renamo.

"The supporters of Renamo, wherever they may be, cannot wash the blood from their hands unless all support for the unconscionable violence is stopped immediately," Mr. Stacy said. "Renamo has been waging a systematic and brutal war of terror against innocent Mozambican civilians through forced labor, starvation, physical abuse and wanton killings."

Mr. Stacy spoke at an international conference sponsored by the United Nations aimed at raising $380 million in aid for Mozambique.

President Joaquim A. Chissano of Mazambique, opening the conference, accused South Africa of waging a terrorist onslaught against his country through its backing of the guerrillas, Reuters reported.

Assailing them as "a horde of criminals created by the South African regime," Mr. Chissano said the Pretoria authorities hoped "to keep the Mozambican people in a permanent state of weakness and terror, blocking the success of any independent development project and keeping the country indefinitely as a client state of South Africa."

Some prominent American lawmakers, including Sen. Bob Dole, Republican of Kansas, and Senator Jesse Helms, Republican of North Carolina, argued last year that the United States should send food to guerrilla-held areas. Renamo battles Mozambique's Marxist Government, and American conservatives have hailed the rebels as "freedom fighters."

That support for the rebels began to wane when survivors of massacres blamed them for the killings. The most brutal attack occurred on July 18 in Homoine where, according to the Government, 424 civilians were slain.

Last week, the State Department issued a report estimating that the rebels may have killed 100,000 Mozambican civilians. The guerrillas have denied that they were responsible for mass killings.●

MORE ON CAPITAL GAINS

● Mr. BOSCHWITZ. Mr. President, I rise today to bring to the attention of my colleagues a recent editorial describing how reducing taxes on capital gains fulfills the goals of tax reform and contributes to the economic growth of our Nation. A primary goal of tax reform was to let the market, not tax considerations, influence investment decisions. Regrettably, this goal has not been fully achieved.

The Tax Reform Act imposes a tax penalty on investments that return capital gains. When rates are relatively high, as they are now, there is a tendency to hold assets or not to invest. When rates are lowered, assets turn over more quickly and are put to more productive and risk-oriented uses that generate additional tax revenues.

Mr. President, at this time I ask to have the editorial, written by Senator Robert Kasten, Jr., and which appeared in the Washington Times, entitled "Essential Next Step in Tax Reform," inserted in the Record following my statement. In his editorial, my colleague from Wisconsin points out that lowering the capital gains tax would not jeopardize the achievements of the 1986 act. Rather, a capital gains tax cut goes hand in hand with tax reform.

According to Senator Kasten, there were four major goals of tax reform which conform with a cut in capital gains taxes. First, lower capital gains taxes would be fair because the investment spurred by such a cut would lift the entire economy. Next, tax equity is not hindered by a cut in the capital gains rate because capital gains do not literally all into the definition of "income" in economic terms. Indeed, according to Senator Kasten, the national income accounts don't count capital gains as "income" because such gains are only a reflection of future income potenital.

Further, efficiency is served by a cut in the capital gains rate because a higher capital gains tax causes investors to hold assets that they normally would sell. Finally, a cut in capital gains taxes would trigger economic growth leading to new revenues.

I appreciate the strong support shown by my colleague for a reduction in the tax on capital gains. I commend Senator Kasten's editorial to all Senators and urge their consideration of this important issue.

The editorial follows:

Essential Next Step in Tax Reform

(By Robert Kasten, Jr.)

President Reagan's call to cut the capital gains tax, and thus make tax reform unabashedly pro-growth, has sparked howls of protest from many of those who helped craft the historic 1986 Tax Reform Act. Notable among the protesters is my eminent colleague and fellow tax reformer, Democratic Sen. Bill Bradley of New Jersey.

He fears that reducing the top capital gains tax rate below the current 33 percent would restore an unfair tax break for wealthy Americans and increase the pressure to raise income-tax rates. Others charge it would resurrect the tax shelter industry, erode the efficiency of the new tax system, and increase the federal budget deficit.

Mr. Bradley and his allies are right in defending tax reform. Congress should be wary of tax changes that would jeopardize the achievements of the 1986 Act, particularly the historic reduction in marginal tax rates. All future tax reform legislation must meet the four cardinal criteria that Mr. Bradley, Rep. Richard A. Gephardt of Missouri, Rep. Jack Kemp of New York and I agreed on in our first overhaul of the tax system: fairness, equity, efficiency and economic growth.

But fear of a capital gains tax cut is misplaced. In my view, this tax cut passes all four of the major tests of tax reform—and it's the essential next step in the tax reform process.

FAIRNESS

Few myths are as enduring as the canard that a capital gains tax cut is a "giveaway" to the rich, and that the tax burden will somehow be redistributed away from the affluent to the detriment of the poor and middle class.

The history of capital gains tax cuts shows this is false. From 1980 to 1984, the top capital gains tax rate was cut from 28 to 20 percent. By encouraging more investment and more buying and selling of assets, the rate cuts resulted in a more than twofold increase in capital gains taxes paid by those with incomes over $500,000 (from $3.6 million in 1980 to $9.6 million in 1984). At that same time, those with incomes below $20,000 paid essentially the same amount of taxes as before. Overall, tax revenues from capital gains rose 57 percent.

Clearly, at lower rates, upper-income taxpayers—particularly the superrich—paid more capital gains taxes. This is not to suggest that the wealthy are somehow punished by lower capital gains tax rates. Many of the affluent did increase their wealth. But it's important to remember that their increased financial well-being came from increased productive investment—especially in new businesses and entrepreneurial ventures.

As a result of the 1978-1981 capital gains tax cuts, new capital raised through initial public stock offerings exploded from $249 million in 1978 to $12.6 billion in 1984—a 50-fold increase. This surge in risk investment has helped create new technologies, new industrial innovations, new opportunities for thousands of small businessmen and, most important of all, new jobs for millions of Americans. Because the investment sparked by low capital gains tax rates has lifted the entire economy, the so-called "fairness" issue is a red herring.

EQUITY

Tax equity means applying the same tax rate to all forms of income. But the equity argument is spurious when applied to capital gains are not really income in the economic sense. Simply put, a capital gain reflects the future earning potential of an asset. If the future earnings are realized, they will then be taxed as corporate income and as dividend income.

Capital gains taxes tax the capitalized value of an earnings stream that is itself taxed when earned. In fact, taxing realized gains is a truly inequitable tax policy, because it constitutes a "double tax" on the same income stream. When the National Income Accounts measure gross national product, they don't count capital gains as income. Neither should Congress.

EFFICIENCY

An efficient tax system is one that raises revenue with as little economic distortion as possible. Investment decisions should be based on economic rather than tax considerations. But a higher capital gains tax actually promotes tax-induced distortions—because it causes investors to hold on to assets that they otherwise would choose to sell, based on investment criteria alone. A reduced tax rate would increase realizations and liberate this capital. Capital would flow to its most efficient use, resulting in greater productivity gains and a growing, job-creating economy.

Perhaps the most frequently heard criticism of a capital gains differential is that it would lead to an increase in tax-sheltering by the wealthy. But the factors that had promoted abusive tax-sheltering in the late 1970s and early '80s—high marginal tax rates, rapidly rising asset values, and accelerated depreciation on debt-financed long-lived assets—are now absent. In the past, these factors combined to decrease effective tax rates dramatically on certain types of unproductive investments.

Today, low tax rates, limitations on deductions for passive losses, scaled-back depreciation write-offs and low inflation have combined to reduce opportunities and incentives to shelter income. Cutting the gains tax would only encourage investors to do more heavily what they were already doing in our unprecedented expansion—investing in the real, productive, job-creating economy.

ECONOMIC GROWTH

Tax reforms' lower marginal tax rates benefit the economy by reducing the overall tax bias against work, savings and investment. But the tax rate on investment in newly emerging companies and risky ventures remains as much as 65 percent higher than the rate on income.

This combination of lower rates on ordinary income and higher rates on capital gains encourages individuals to shift their portfolios from high-risk investments (whose returns come in the form of capital gains) to conservative investments (whose returns come in the form of dividends, interest and rents).

A recent study by David Birch of the Massachusetts Institute of Technology found that newly established, high-growth companies, which represent only 7 percent of all businesses, create 67 percent of all new jobs. Tax reform is currently discouraging precisely the kind of investment in these high-growth, higher-risk small businesses that sparks the most economic growth and job creation.

TAX RATE HIKE IN THE MAKING?

Critics have charged that cutting the capital gains tax would actually result in pressure to increase marginal tax rates. The argument goes that cutting capital gains would create a rush to restore other tax preferences we closed in tax reform. The loss in tax revenue from loophole restoration would have to be made up somehow and marginal tax rates would seem to be the logical target.

But a tax rate hike is as unlikely as it would be ill-advised. The president and Congress are firmly committed to maintaining the rate cuts we passed in tax reform. In fact, 90 senators voted last May for a resolution to prevent an income tax rate increase.

Certainly, if we started restoring *unproductive* tax preferences, there would be a falloff in tax revenue. But history and economic analysis show that a capital gains differential would increase tax revenue.

Cutting the capital gains tax rate would restore economic growth as a priority of tax reform policy. The capital gains cut is fair, equitable, economically efficient and pro-growth. It's the next necessary installment in the battle for tax reform. Tax-reform advocates ought to rally around its colors—and be true to their reformist past.●

MARYLAND RATIFIES A CONSTITUTION

● Mr. SARBANES. Mr. President, for the past year we have been celebrating the bicentennial of the Constitution.

Our success as a nation can be attributed to this remarkable document which the Founding Fathers put together 200 years ago. In my view, the bicentennial of our Constitution is a most auspicious and significant occasion. While many countries have had revolutions, very few countries have been able to put in place a constitution providing for a system of free self government and then maintain that system for over 200 years.

Mr. President, we in Maryland are indeed fortunate to have had in public office for over 50 years Louis L. Goldstein, who has served as comptroller of the treasury since 1962. Louis, who previously served in the Maryland House of Delegates and as majority leader and president of the Maryland Senate, has earned a reputation as one of the Nation's outstanding fiscal officers.

Louis Goldstein has also distinguished himself for his promotion of education, interest in historic preservation, promotion of tourism and conservation. Louis is also one of the leading historians of Maryland's contributions to the Nation.

In today's Baltimore Sun, Louis recounts the events leading up to Maryland's ratification of the U.S. Constitution, 200 years ago this week. He also notes the importance of Maryland's action in restoring momentum to the ratification process. I ask that this important history be printed in the RECORD at this point.

The article follows:

MARYLAND RATIFIES A CONSTITUTION

(By Louis L. Goldstein)

"We the people" . . . three of the most famous words in the annals of democracy. But neither those famous words, nor the document they prefaced, were worth more than the paper they were penned on, even after they were adopted in Philadelphia on September 17, 1787.

The United States Constitution would not take effect until 9 of the 13 states ratified it. Approval was by no means assured. The state ratification conventions were no mere rubber stamps of the actions of the more famous Philadelphia convention. The Constitution's foes, the anti-federalists, were marshaling opposition, and the momentum for ratification had slowed significantly when Massachusetts became sixth to ratify, February 6, 1788.

There was no doubt that Maryland's strongly federalist delegates would ratify, so anti-federalists in the state adopted delaying tactics and won a six-month postponement of the ratifying convention, until April 21, 1788. On the eve of that date George Washington wrote to a close friend and ally, former Maryland governor Thomas Johnson, pleading for quick action, lest the Constitution be doomed to fail.

And act quickly they did. Although another former Maryland governor, William Paca, wanted to add a list of amendments designed to protect individual rights, most of the delegates felt that they first had to ratify the Constitution as it stood.

On April 26, 1788, the Maryland convention voted 63 to 11 to ratify the new Constitution. Even Paca put aside his doubts to vote in favor.

Over the next two days, a committee studied Paca's list of amendments, eventually recommending 13 of them and producing the first written agenda for a bill of rights.

But the Maryland delegates didn't signify their ratification by a simple vote. Instead, Maryland was the only state which took the time to have the entire Constitution penned for the ratifiers to sign. And 200 years ago today, April 28, 1788, 63 patriots filed into the House of Delegates Chamber—now the Silver Room—of the Maryland State House to sign their approval for posterity.

As a result, Maryland is the only state to have the actual Constitution it ratified, on display in the very room where it was ratified.

The 63 Marylanders who signed that document are long dead. But they live on, not only in their signatures and in their descendants, but in every freedom guaranteed by our United States Constitution.

Maryland's approval proved George Washington and others had been right that ours was the crucial state, for as soon as the seventh state had acted South Carolina and New Hampshire quickly fell into line, on May 23 and June 21, respectively. With these nine states the United States Constitution became the effective instrument of government it has remained for 200 years.

Mr. Goldstein, comptroller of Maryland, is chairman of the Founding Committee for Maryland's Ratification Celebration.●

THE BIRTHDAY OF COLCHESTER RESIDENT MIRANDA REEVES

● Mr. DODD. Mr. President, I rise today to pay tribute to Miranda Reeves, a resident of my home State of Connecticut who has been blessed with a rich life that spans half the history of this Nation.

When Mrs. Reeves was born over 100 years ago, the Civil War wasn't so much a chapter in a history book as a recent memory. As the daughter of a slave, Mrs. Reeves knows more about life in America and American history than most professors or authors. She has been a teacher and midwife, a mother and grandmother, and she might be the oldest living American citizen.

Mrs. Reeves has been described as a religious woman with a deep commitment to her family. It has been said that she never speaks a harsh word against another person. One of seven children, she was born, raised and educated in South Carolina, and has seen our Nation move from the shame of segregation to an integrated society in which today Americans of all colors freely enter voting booths and can cast their ballot for a black candidate for President. She has seen the United States move from a country with endless, unpopulated frontiers to a leader in the industrialized world. She has seen her children grow up and raise children of their own.

Although there is a question over whether Miranda Reeves is celebrating her 114th or 107th birthday today, there is no disputing one fact: She has lived a long and extraordinary life. Despite the lack of an official record of birth, today is an important milestone for Mrs. Reeves and her family and friends.

The question of the date of birth is a difficult one. It is not hard to believe that a person would have trouble keeping track of an official record of birth for over 100 years. The vital records division of Kershaw County, SC, where Mrs. Reeves was born, did not begin recording births until 1915. The family Bible, where the date of birth had been recorded, has been lost for many years.

If her date of birth was 1874, Mrs. Reeves would be our oldest living Connecticut resident, the oldest living American, and possibly, the oldest person alive today. She is a lifeline to our past no matter what her exact age. She has seen our Nation grow up and become a better place to live, and she has witnessed events first hand that we have only studied in school.

Today, we cherish the opportunity to wish a happy birthday to Miranda Reeves, an American we can all admire and learn from.

Mr. President, I am honored to ask my colleagues to join me in congratulating this revered Connecticut resident, Mrs. Miranda Reeves, on achieving this important milestone in her life.●

SALE OF SH-2 HELICOPTERS TO KOREA

● Mr. WEICKER. Mr. President, yesterday we passed and sent to the President a very important piece of trade legislation—a bill whose primary objective is to help U.S. business compete more successfully in the international marketplace. While the future of the trade bill is now in doubt, we must continue to search for ways to achieve the goals embodied in the bill.

An important opportunity is at hand.

At the present time, we have a serious, unfavorable trade balance with South Korea. The Government of South Korea needs to open its markets to more of our goods as a way of reducing its huge trade surplus with the United States. One way to do that would be to buy more manufactured products from us.

I understand that the Republic of Korea is about to reach a final decision on which helicopter to buy for the antisubmarine and sea interdiction missions performed by its naval forces. The only U.S. candidate under consideration is the SH-2 helicopter, which is in service with our Navy and is built by the Kaman Corp. of Bloomfield, CT.

The SH-2 is a superior helicopter. It has a proven record of excellent service, in the areas of performance and maintenance, with the U.S. Navy, and I am told that it is the best candidate and the only one capable of accomplishing the mission established by the Korean Government. And since the H-2 will be an integral part of our Navy for many years to come, the Koreans need not be concerned about the availability of spare parts and logistical support in future years.

The Department of Defense and the State Department both support the proposed sale of H-2 helicopters to the Korean Government. It makes sense.

Mr. President, I hope the new government in Seoul will bring this competition to a timely conclusion, and naturally, I hope the H-2 emerges as the winner. This would help to strengthen our security relationship and would signal that every effort is being made to reduce the trade imbalance between our two countries.●

40th ANNIVERSARY OF ISRAEL

● Mr. WILSON. Mr. President, on April 22, Israel celebrated its 40th birthday. I call on my colleagues in this Chamber and in the other body to join me in congratulating Israel on its achievements, and in celebrating the strong and dynamic alliance between our two nations.

Americans and Israelis have much in common. We share basic values and principles, including a commitment to freedom and a dedication to democracy. We share the Judeo-Christian heritage which is central to Western society. And we share a similar history of nation-building. Like Americans, Israelis struggled and sacrificed to transform a nation of poor immigrants into a fertile and thriving democracy. Both our nations were built by pioneers. Both countries are havens for people who have suffered persecution.

The United States was the second nation to recognize the State of Israel when it was established in 1948. At that time, we welcomed Israel's emergence as a young democracy, and we sympathized with its valiant struggle for survival against incredible odds.

In those early years, Israel was a tiny country facing hostile enemies on every border. After defeating the Arab armies in 1948, Israel took up the daunting task of assimilating the flow of Jewish refugees from Europe and the Arab lands which more than doubled Israel's total population in a few short years. The Israelis also began to build an economy, to develop their country from within, and to establish relations with other states.

For many years Israel struggled with the social and economic stresses of nation-building. At the same time, Israel was locked in a state of war with her neighbors. Wars and terrorism took a heavy toll of lives in Israel, and the need to maintain a strong defense was a severe strain on the country's resources. Yet the Israelis built not only a strong army, but hospitals, schools, universities, theaters, and museums. In only 40 years, Israel has progressed from an impoverished colonial backwater to an advanced democracy with a growing economy.

The relationship between Israel and the United States is the cornerstone of our Middle East policy. Israel, the only working democracy in the Middle East, is a center of stability in an uneasy region. The ties which bind the United States and Israel together have strengthened into a strategic alliance of great value and benefit to both countries.

The strategic cooperation between the United States and Israel operates on many levels. It includes: joint naval and air exercises, access for United States naval ships to supply and repair facilities in Israeli ports, and the prepositioning of American medical supplies in Israel for American use in the event of a Middle East war. Joint economic and defense groups coordinate efforts to help Israel improve its economy and its defense capability. Israel has been granted the status of a major non-NATO ally, which will allow it to bid on many more defense related contracts than before.

Israel and the United States Department of Defense are embarking on an unprecedented joint effort to develop Israel's Arrow anti-tactical ballistic missile [ATBM] system. This system will protect Israel from the Soviet-made short-range missiles currently deployed by Syria. In addition, it will provide some of the basic technology needed for the strategic defense initiative.

The great nations of Europe developed over hundreds of years, and even the United States, young by comparison, has 200 years of national history. On the other hand, the small nations which achieved their independence in the 1940's have been forced to develop at breakneck speed in order to compete in today's society. Many of these small, Third World states have failed to achieve stable governments and working economies. Israel however is an amazing exception. In 40 short years she has developed and grown at a remarkably consistent pace.

Israel still faces serious problems, and peace has not yet been established in the Middle East. The continuing disturbances in the administered territories are proof that the question of the Palestinians is the greatest challenge Israel faces today.

The Israelis and their elected leaders have difficult and painful decisions to make in the search for peace in the Middle East. Through this difficult process the United States Government and the American people will stand firm beside the Israel's right to exist and to have secure borders. We will continue our efforts to bring Israel and its neighbors together for direct peace negotiations.

The people of Israel have every right to be proud of their remarkable achievements. We Americans are proud too, of the warm friendship and cooperation which bind our two nations together. We will continue to strive for peace, security, and prosperity.●

RACHEL GILBERT—DEDICATED IDAHO PUBLIC SERVANT

● Mr. SYMMS. Mr. President, serving as a citizen legislator presents many challenges. And when a person is outspoken and devoted to principle, it can cause a great deal of controversy.

Nevertheless, Idaho State Senator Rachel Gilbert, of Boise, ID, has served in the Idaho State Legislature for four terms. The taxpayers of her district know they can rely on Rachel to fight hard for their interests.

I noticed a recent article in the Idaho Statesman which highlighted Senator Gilbert's accomplishments and detailed the admiration her colleagues have for her strong stands on the critical issues facing the State of Idaho

Mr. President, I ask that this article about my friend, Senator Rachel Gilbert, be printed in the RECORD.

The article follows:

SENATOR GILBERT—A SCRAPPY FIGHTER FOR TAXPAYERS

(By Dan Popkey)

When state Sen. Rachel Gilbert sits down to lunch at a Boise deli, she does something unexpected.

The feisty Gilbert, nicknamed Atilla the Hen for her aggressive style, bows her head and says grace.

Gilbert explains that she's a minister's daughter. "Rachel means weak like a lamb," she says, before exploding with a laugh.

Opinionated and dogged, Gilbert is more lion than lamb.

Gilbert is a controversial Boise Republican who has served two terms in the House and two in the Senate. She was re-elected in 1986 by 43 votes, and likely faces another tough challenge in November.

She is known for speaking her mind, usually in defense of the taxpayer, who she believes is overburdened by an intrusive government.

"I stand on my hind legs and say, 'Hey folks, this is the way I see it,' " Gilbert said.

"She gets into a lot of difficulty because she doesn't equivocate," said Sen. Phil Batt of Wilder, the Republican nominee for governor in 1982.

"I admire her for that trait, and I'm somewhat jealous because I can't put all caution aside," said Batt, a friend for 25 years. "If more people would express their opinions like she does, we'd probably have better government."

But Gilbert's opponent in 1986, Democrat Linda Clark, said, "It's not enough to say, as she has done, we need to lower taxes. Period. I've yet to see her offer any productive solutions for our state."

Clark, principal of Joplin Elementary School, nearly defeated Gilbert in 1986, and is expected to run again this year.

Ada County Democratic Chairwoman Betty Richardson said Gilbert offers Democrats their best shot to pick up a Senate seat in Ada County.

Gilbert says she "was asleep at the switch" in 1986 and will be ready for Clark this year. "We're going to start early. We're going to raise more money."

The owner of a real estate firm, Gilbert is no stranger to money. A careful dresser, she wears three diamond rings, a diamond watch and lots of gold. Bill Graeber, of the popular salon with the same name, cuts her stylish hair.

She won't reveal her age, but has daughters 29 and 30. "I'm a grandmother—that tells you enough."

Gilbert thrives on raucous debate and delights in upsetting the sometimes pompous atmosphere of the Senate. "You know," she says frequently, "the clash of ideas is the wonderful sound of freedom."

In a committee meeting in 1986, she suggested charging large families a users fee for schools to former Sen. Dane Watkins, a Mormon father of seven.

"I can't help it," Gilbert explains. "I get up in that air with that marble dust, and I just can't help saying naughty things to these stuffy, righteous legislators."

Gilbert was divorced from Boise orthodontist Keith Gilbert in 1969.

She was born in Ottawa, Kan. Her father, Herbert Shaw, a Church of God Holiness preacher, moved the family to California, and later to a 3,600-acre ranch near Jamieson, Ore. Rachel attended high school at Northwest Nazarene Academy in Nampa.

She spent a year at Northwest Nazarene College before going to the University of Nebraska, where her husband was in dental school. Gilbert has a bachelor's degree in education from Nebraska and a master's degree in guidance and counseling from the College of Idaho.

While her husband studied, Gilbert taught public school for 6½ years in Lincoln, Neb., before the family returned to Idaho.

In 1969, Gilbert went to work in real estate, spending her first two years with Walker & Co. in Boise.

"I worked like a Trojan," she recalls, saving enough in two years to buy a rental house. But when she went to Idaho First National Bank, they wouldn't lend her any money unless her father or one of her five brothers would co-sign the loan.

"'Well,' they said, 'we just don't make loans to women,' I was so angry."

Four years later, after federal law prohibited discrimination in lending, "Old Rachel went down and got her first loan," she remembers. "That was a landmark for me."

"She has been a very successful businesswoman when that was not a woman's role," said Rep. Kitty Gurnsey, R-Boise, who served with Gilbert in the House and on "society lady" blood drives in the 1960s.

"She may come on to some people as having a very tough exterior," Gurnsey said, "but I find her to be a very competent woman, and I have a lot of respect for her."

Gilbert says she has been criticized by friends for "not being flaming feminist. I've tried to be a good example."

Now Gilbert devotes much of her attention to limiting government spending. She opposed the tax-increment financing law passed in 1987 for the Boise Redevelopment Agency, despite bipartisan support in the Ada County delegation. She is working this year to limit growth of the unemployment compensation fund.

"The greed of government is without limit," Gilbert says. "I don't care what you give us, we're going to spend it and cry for more."

Raising her teaching experience, she calls for education reform, including competency testing for teachers.

"Why is education such a sacred cow?" she asks. "I've come to this conclusion very slowly and very painfully, that something is wrong with the way we do it."

Although she's "an old school marm," Gilbert knows she's no favorite of the Idaho Education Association, which gave Clerk $5,631 in 1986.

"They're powerful, they're organized and they're after anyone who is a fiscal conservative," Gilbert said. "It kind of hurts my feelings, because I was a member of the Nebraska Education Association. I wore it proudly."

Gilbert rejects the view of Gov. Cecil Andrus that Idaho's teachers ought to be paid at the national average.

She points out that median per capita income in Idaho is 25 percent below the national average, while Idaho teachers earn 17 percent below their profession's national average.

Gilbert expects a tough campaign—"The IEA will knock me about the head and shoulders"—but expects to win.

"If I get turned out, people have spoken. I believe in the system."●

UNITED STATES-KOREA DEFENSE PROCUREMENT

● Mr. STEVENS. Mr. President, a situation has been brought to my attention which exemplifies the difficulty for U.S. companies to sell products in overseas markets which contributes to the growing trade imbalance.

For the last several years, the Republic of Korea has been conducting a competitive competition for helicopters to meet their requirements for coastal and harbor defense. This process has been extensive and every aspect of the competing systems has been evaluated. There are three prime competitors, one of which is a United States manufactured helicopter which has been declared the best by a Republic of Korea review team from a technical and military requirement standpoint.

In the past few months the United States Government has made a substantial number of representations to the Government of Korea urging procurement of the United States built system. In addition to being supported by several members of the executive branch, our own Armed Services Committee chairman, Senator NUNN, has communicated his strong support to the Government of the Republic of Korea.

Mr. President, there are significant arguments in favor of the U.S. system—the SH-2 helicopter. It is widely used in the U.S. Navy. The military advantages to Korea of having a compatible, interpretable system are substantial.

In the context of our recent debate on the trade bill, the Republic of Korea could take a step toward improving the current trade imbalance between us by selecting a United States product for the mission. I hope President Roh Tae Woo will take this opportunity as he begins his administration to send the message that he is concerned about free and open trade with the United States and that when it makes good business sense, he will not let artificial protectionist impediments stand in the way of international trade between our two countries.●

THE HUMAN DIMENSION OF INTERNATIONAL RELATIONS

● Mr. GORE. Mr. President, with permission I am submitting for the RECORD a letter from Mr. Roger Langley of Rockville, MD, drawing my attention to an article written by his son, Michael Langley, who is a student at the University of Tennessee, Chattanooga. As the letter makes clear, Michael Langley's article, which I am also enclosing for the RECORD, illustrates the human dimension of international relations and the hope and potential that our rising generation bring to it.

The letter and article follow:

Senator ALBERT GORE, Jr.
Senate Russell Office Building,
Washington, DC.

DEAR SEN. GORE, I heard your speech on disarmament on C-Span last night and in view of your expressed desire to seek ways to lessen tension between west and east, I would like to call your attention to an article written by a 19-year-old student at the University of Tennessee at Chattanooga that was published on July 19, 1987 in the Chattanooga News-Free Press.

I believe it is an excellent illustration of how international relations are improved when young people from various backgrounds get together and meet as individuals. This account by Michael Langley describes several friendship-building meetings between American and Yougoslavian young people that overcome the problems of language and differences in economic and political ideologies. Let me cite a couple of examples from the story—a Communist sailor and the American students discover they have a common fondness for Bruce Springsteen, and the young poets from the two countries create a way to compare writers despite the language barrier.

Michael is my son and a Brock Scholar at UTC where he is a straight A student and an Academic All-American on the University tennis team. He is currently spending his junior year studying at Trinity College in Dublin.

I believe other Members of Congress will find this article inspirational and so I am forwarding it to you with the hope that you will have it reprinted in the CONGRESSIONAL RECORD.

There will always be differences between nations, but the willingness of young people to create ways to bridge them offers hope for a better world tomorrow.

Sincerely,

ROGER LANGLEY,
Rockville, MD.

A JOURNEY THROUGH THE HEART OF YUGOSLAVIA

(By Michael Langley)

The little boy with the space gun peered around his father again. This time I was ready. I cocked my thumb and index finger and shot him. He darted behind his father, who remained absorbed in a magazine.

I was sitting with my friends from UTC in the airport of Zagreb, Yugoslavia, waiting for a flight to the city of Split, the first leg of our three-week stay in this fascinating country.

We'd arrived less than a half-hour before on our nine-hour flight from New York. The boy—about 5—glanced out again. I tensed, ready to defend myself against a laser attack when I realized the white plastic toy wasn't a space gun at all but a miniature bullhorn. Changing strategies I cupped my hand to my ear and leaned toward him. He put the toy to his lips and made a loud "bah" sound.

"Bah?" I asked. "Bah!" he confirmed, only this time much louder. Yugoslavia is an easy country to misinterpret on first impression.

Before leaving Chattanooga, I had heard three things from well-traveled acquaintances about Yugoslavia: It's the most lascivious country in Europe; they try to rip you off; and they all smoke. There were only faint glimmers of truth in the first two (personalified in an occasional leering pedestrian or taxi driver), but a heavy, lung-filling cloud of truth in the last one.

Our group of 11 was led by Dr. Richard Jackson, noted poet and UTC English professor. He was invited to Yugoslavia on a Fulbright exchange and we joined him to see the country and work with him on a special research project.

Jackson's wife, Marg, who teaches English at Notre Dame High School, and their daughter Amy, a freshman at Notre Dame, and her classmate Erika Lubcowita were also along.

The rest of our group included Chuck Scott, also a poet and UTC faculty member, Boyd White, a senior from Hixson; Karen Christie, a junior from Oak Ridge; Katie Berotti, a sophomore from Tifton, Ga.; Angie Argabrite, a junior from West Virginia; and sophomore Millie Bentley and myself, junior Michael Langley, both from Maryland.

Our trip, through a country many of my friends could not locate on a map, would provide experiences ranging from a visit to a town where visions of the Blessed Virgin are reported daily, to a close-up look at Richard Mull, the bald-headed "Bull" of TV's "Night Court." We traveled by plane, bus, van, boat and gondola down empty rural roads, crowded city streets, calm blue seas and dark lakes.

Our first stop, Split, was founded in 305 A.D. by the Roman Emperor Diocletian, who considered himself a god and lived in extreme seclusion. Today, a family's brightly colored laundry sways over the emperor's courtyard. A toothless woman selling cheese offered us generous samples. She accepted a little hug, and we made a rare sight, she in her babuhka, bulky sweater and black skirt, me in my Kroger's baseball cap and Mickey Mouse sweatshirt.

We boarded a boat and sailed for Hvar, an idyllic island off the coast. In the airports and on the streets we'd been made a little uneasy by dour, armed soldiers. This day, though, we met a Yugoslavian sailor who gave us a friendlier view of the military.

Boris was traveling as a passenger, sitting in the corner of the lounge indifferent to the light drizzle falling on the deck. The shadow of a hanging plant above him crossed his gentle, boyish face as it swayed. A cigarette dangled loosely from the corner of his mouth. The guitar he was gently strumming rested on his crossed legs.

"Do you know any Bruce Springsteen?" Jackson asked. He smiled and launched into the opening chords of "Downbound Train."

Soon we were all gathered around his table, trying to name a song he couldn't play. He knew top 40, Dylan, the Beatles, the Stones. He knew more of the words to our favorite songs than we did. Boris told us he learned the music from listening to the radio and his English was good because he had a brother in Australia. He was thinking about trying to get there to join him. He asked what Americans thought of Yugoslavians and he whispered that they like the Americans much more here than the Russians. Now he was on leave, going to see his parents on a tiny island beyond Hvar. The two-hour trip passed quickly.

Hvar is known as the Island of the Sun, but we were beginning to call ourselves the Tourists of the Rain. It rains so rarely on Hvar that hotels offer to pay for inclement days. Unfortunately, we were only there for an afternoon so we couldn't collect.

After seeing Split, Solona, Trogir and Hvar, we rented a van and a car and drove along the coast toward Dubrovnik. At a gas station along the way a sleepy-eyed attendant mistakenly filled our oil tank with gas.

I have come to think that a van breaking down is one of the best ways to appreciate your ineptitude at communicating in an unfamiliar language. Everyone who worked at the gas station as well as people from the little inn across the street milled about the van, looking at it thoughtfully and cautiously as if it were a wounded animal. Boyd and Dr. Jackson attempted to tell some of the newcomers what was wrong. Chuck searched for someone who spoke English. Boyd and a man who did not work at the gas station alternately slid under the van, trying to figure out how to drain the gas. At last the man succeeded. I'm not sure just how. I must have been forlornly wandering the grounds looking for a candy bar or maybe a Krystal in the distance. I came back to see everyone nodding in agreement, and Boyd extending a carton of cigarettes to the man.

We stopped that afternoon in Ston, and remarkably, it was sunny. We went to the beach. Or actually we found our own spot, walking across marshy grass to a rocky place in the sun. Predictably it was soon cloudy and cold, and people began to pile into the van. Boyd, Chuck and I, on the way to the car, discovered a basketball hoop attached to a wall on the edge of the little city on the outskirts of Ston. We'd often gotten together for pickup games at Maclellan Gym and all missed basketball. We still missed an actual basketball but we improvised with the Hotel Ston's then white towels, tying them in tight knots. We didn't do much dribbling.

Remarkable accounts for the past six years have been coming out of the nearby village of Medjugorgy—which means "place between the mountains." The reports speak of daily apparitions of the Blessed Virgin to six local children. Accounts of a strange peace pervading the village were not borne out. Instead we found the clatter of loud tourists and aggressive street vendors selling cheap souvenirs to dominate the area around the church.

More spiritual to me was the immense concrete cross atop Mount Podbrdo erected in 1933 by pious farmers to commemorate the 1,900th anniversary of the crucifixion. Boyd and I joined the few, but hardy pilgrims who climbed the rocky path to the cross. Some who made the climb left their shoes behind in tribute or sacrifice and stumbled barefoot down the rocky slope made slippery by recent rain. Boyd and I kept ours on.

The dark, gymnasium-like room was not even half-full. There was a local band playing and the crowd wandered in and out, staring at the teen-agers with drums and guitars as if they were a loud museum exhibit. We'd spent the day in Dubrovnik, "the pearl of the Adriatic," walking around the entire old city along its protective walls. Only a few people in the very front moved to the loud vibrating music. They seemed to be friends of the members of the band. The rest were absolutely stoic based on my experience of rock concert crowds. There were no police or officials of any kind keeping the kids subdued. Unsubdued, however, were Millie, Katie and Angie, who immediately began dancing and moving towards the front. Their energy spread and more of the kids in the front started moving.

By the time the band was finishing the girls had a whole row of people dancing arm in arm. One of the guys from the crowd jumped on stage and began singing and beating percussion on an instrument that resembled a block of wood. The band closed with the Rolling Stones' "Honky Tonk Woman," in English for the most part. Before it was over the whole first and most of the second and third rows, led by three lively Americans and their new Yugoslavian friends, were on stage dancing with the band, stoicism the furthest thing from their minds.

"Mostar is one of our most Muslim cities," the thin man told us, rubbing his gray, scraggly whiskers. We were sitting in the courtyard of the city's most prominent mosque before the fountain Muslims use to wash before praying. This man volunteered to guide us to practice his English. He learned mostly, he told us, by reading everything he could get his hands on. "In fact," he said, taking the cigarette from his mouth, "if you have anything you can spare . . ." The next day, Dr. Jackson dropped off a copy of *The New York Times* he'd brought with him.

Sarajevo, the site of the 1984 Winter Olympics, was where we got down to work. We interviewed several poets, went to numerous readings, and met with university students. There were language problems, to be certain.

Yugoslavia's 22 million citizens belong to six major nationalities and about a dozen other groups. They speak three official languages and have two alphabets. Poets arrived in Sarajevo from all parts of Yugoslavia, as well as from West Germany, Russia, Turkey, France, Great Britain, Cuba, Cyprus, Romania and Hungary. Our beleaguered interpreter was a pretty 25-year-old English literature student named Tanya.

She and all the other students we met were exceptionally bright. One afternoon some of us sat at a cramped table in a little cafe with a Yugoslavian student and his young instructor. We tried first for some basic conversation but ended up mostly shaking our heads, smiling or looking down at our forks. But when the student heard Boyd mention William Faulkner, a fascinating conversation began. The student and teacher would confer for a second and then offer, in thick Bosnian accents, the name of a great author or philosopher. Boyd and Chuck would look at each other and then one would recognize, "Nietzsche!" Chuck introduced the "slam of disapproval," bringing his forearm and open palm down on the table. The corner of the cafe, in a matter of minutes, grew loud with shouts of "Robert Frost!" or "Fyodor Dostoyevsky!" with competing yells of appreciation and silverware-shaking forearms of disapproval.

Our last stop was in the peaceful city of Lubijana in the North. The people here consider themselves Central Europeans and it seems almost like another country. We went to nearby Bled Lake where Millie almost capsized our gondola, by standing for a snapshot of Bled Castle. "I forgot we were on a boat!" We all laughed, except for the man rowing us, who smiled slightly and motioned for us to stay down.

Now in our third week, I was feeling disconnected. We had survived without TV or even a newspaper. We were oblivious to the struggles of Gary Hart and Jim and Tammy Bakker. In our hotel lobby our last night, Boyd and I saw a familiar face. It took us a while to realize that the man who had just strode across the lobby was "Bull," "Night Court's" hulking courtroom guard. Actor Richard Mull was there making a movie. I realized old castles, churches and mosques would soon give way to television and suburbs. It was time to head home.●

HAPPY NATIONAL SECRETARIES WEEK

● **Mr. METZENBAUM.** Mr. President, this is National Secretaries' Week, a time when employers are asked to make a special recognition of the important contribution of the Nation's more than 18 million office workers. These are the workers who are charged with making sense out of chaos. These are the workers who make both business and Government run.

Even though this is 1988, and as the saying goes, "Times Have Changed," a secretary is still 95 percent sure to be a woman. The profession remains today the No. 1 job for women.

One organization, Mr. President, has for 15 years now been working to represent these office workers and to improve conditions in the office. I'm speaking of 9 to 5, the National Association of Working Women. Members of 9 to 5, traditionaly celebrate national secretaries' week by asking their employers for raises to go along with roses.

This year, 9 to 5 tells me that secretaries are broadening their request. As more women enter the workforce, secretaries and office workers are asking for new policies to meet the needs of working families.

In addition to better pay, they want better child care. Working parents are facing a crisis when it comes to child care. Good quality day care is extremely hard to find, and when you can find it, it is expensive. That is why in 1981, I introduced legislation that expanded the day care tax credit.

But in those 7 years, I'm sad to say that day care situation has not improved much, if at all. Therefore, I'm proud to be a cosponsor of the act for better child care, as well as other child care bills. This includes my own legislation, S. 1271, "The Day Care Working Families Act."

Secretaries are also asking for a standard on family leave, so that working parents can take care of newborn and seriously ill children without fear of losing their jobs. I'm proud to cosponsor that bill as well.

I ask my distinguished colleagues to join me in saluting the women and men who keep our Nation's offices running smoothly. To the country's office workers; Happy National Secretaries Week.●

GERIATRIC CENTERS OF EXCELLENCE

● Mr. SASSER. Mr. President, I rise today to call attention to legislation recently marked-up by the Labor Committee reauthorizing the Public Health Service Act. I am particularly appreciative that the Labor Committee has seen fit to include the provisions of my bill S. 1112, the centers of excellence in Geriatric Research and Training Act as title IV of this legislation. Title IV, the National Institute on Aging is a timely addition to this measure. Mr. President, the "Graying of America" poses an unprecedented health care challenge for the United States.

The need for long-term care financing will be exacerbated as our Nation's elderly population will increase in number by 22 percent, from 28.5 million in 1985 to 35 million in the year 2000. By the year 2050, nearly 1 in every 4 Americans will be over the age of 65. yet, surprisingly, the Nation's medical community remains grossly unprepared to meet that challenge.

The problem is simple. The United States currently has a serious shortage of doctors who are adequately trained to deal with the chronic and complex ailments that strike the elderly. And, unless the United States does something to vastly improve geriatric training and education in its medical schools, the Nation may soon find itself overwhelmed by the tremendous health care demands of its rapidly aging population.

The prestigious Institute of Medicine [IOM] has completed a study and will soon issue a report that reveals just how few American physicians there are with expertise in geriatrics. Of the 450,000 practicing physicians in the United States, only 450—or 1 in every 1,000—have completed a postgraduate fellowship program in geriatrics. The IOM study points out that we must double our current yearly output of geriatricians to meet the projected need of at least 2,100 geriatricians by the year 2000.

Steps have been taken recently to improve geriatric training in the United States. However, these efforts are falling far short of what is needed. For example, although 75 percent of American medical schools now offer elective courses in geriatrics, only 4 percent of the medical students take them.

For advanced geriatric training, the figures are even worse. In the previous academic year, there are only three geriatricians and not a single geropsychiatrist in advanced training in the entire United States.

Geriatrics has been largely ignored because it is not very glamorous. American medicine has always focused on fast cures to dramatic, acute illnesses. But there are rarely any fast cures for the chronic ailments of the elderly. In fact, their conditions often defy a doctor's natural desire to make it all better.

As a result, doctors tend to lose interest in elderly patients. I am reminded of the story of the 92-year-old man who went to the doctor complaining of pain in his left leg. The doctor declared, "Sam, for Pete's sake, What do you expect at age 92?" Sam replied, "look, my right leg is also 92, but it doesn't hurt a bit. Now explain that."

Doctors and all medical personnel must be taught that the chronic ailments of the elderly are not always hopeless conditions. Their treatment may require more time and attention. But positive results can be achieved and these results may be spectacular.

I read an account recently about an elderly man who entered a VA hospital. The man was described as "confused and swollen from renal failure, unable to walk because of bad pressure sores on his feet, malnourished, depressed, and curled up in a fetal position." Most of the hospital's medical staff gave up on the patient, expecting him to live possibly a few months in a nursing home. However, the hospital luckily had a trained geriatric team that persisted in their diligent evaluation and treatment of the patient. And, within weeks, the man walked out of the hospital and returned home.

I believe we must act convincingly to correct our past neglect of geriatric medicine. The inclusion of geriatric centers of excellence in research and training in the Public Health Service Act is certainly a large step in the right direction.

The provisions of my bill that are included under title IV are based on the recommendation of the Institute of Medicine's recent report on geriatric medicine. Title IV authorizes the establishment of centers that will conduct research and advanced training programs in the diagnosis and treatment of diseases, disorders, and complications related to aging.

The ultimate goal of the centers will be to develop critically needed academic leaders in geriatrics. Once we have those leaders, our medical schools will be able to train adequate numbers of practicing physicians and other health professionals to care for the rapidly increasing number of older Americans.

With catastrophic health care bill that is currently pending in conference committee, Congress has the opportunity this year to expand senior citizens' access to health care by offering them financial protection against catastrophic illness. That's good news for our seniors.

Yet, as we expand older Americans' access to health care, we should be equally committed to ensuring their access to high quality care. To accomplish that, we must improve our Nation's academic training and research in geriatrics.

We have pediatricians to care for our children. Our seniors should have access to doctors who are just as interested and knowledgeable about their special health care needs.

Mr. President, I urge my colleagues to support the reauthorization of the Public Health Service Act when it comes before the Senate to help give our seniors the quality health care they deserve.●

DISTURBING DEVELOPMENT IN TAIWAN

● Mr. HEINZ. Mr. President, I want to say a few words about a most disturbing development that has occurred recently in Taiwan. I refer to the recent decision by the Government of Taiwan to give a French firm, MATRA, the first right of negotiation for the Taipei Medium Capacity Transit Systems [MCTS] instead of Westinghouse.

As the director of the American Institute in Taiwan, David Dean, indicated in a letter to Taiwanese Premier Yu Kuo-hwa, this decision is objectionable for three reasons: its inconsistency with Taiwan's commitment to maximize U.S. procurement; the superiority of the Westinghouse proposal in terms of price, performance, and experience; and the integrity of the bidding process.

Mr. President, I ask that Mr. Dean's letter be printed in the RECORD.

On the basis of the facts presented, Mr. President, it is hard not to conclude that the American bidder has been the victim of a deliberate effort to favor the French, despite an explicit government policy of seeking to promote purchases of American goods and services. This is particularly distressing because this is not a minor project by any means. It involves a rapid transit system for the capital city of Taipei with a total value for both phases of over $400 million, representing over 1,660 man-years of work in at least three States.

In my home State of Pennsylvania, this contract would have brought to the Westinghouse Transportation Division and other supply companies a total of 751 man-years of effort and $217 million in contract value to the Pittsburgh area for supplying phase I of an automated people mover project for the city of Taipei.

These are capital goods dollars that this country can ill afford to lose—in Pittsburgh or in any other American city—particularly since Westinghouse is qualified and well-equipped to provide these services. Chicago and New York also stand to lose millions of contract dollars and untold new jobs due to the loss of this contract. The discriminatory practices of the Taipei Government with regard to American companies such as Westinghouse are unacceptable and cannot be tolerated by the American Government.

In spite of the Taiwan leadership's decision to maximize the purchase of American goods and services wherever such goods and services are competitively priced and technologically appropriate, the Taiwanese Government has failed to live up to this promise. I am disappointed in the lack of commitment to this goal, as exemplified by this failure with regard to the Westinghouse Electric Corp. bid.

Mr. Dean's letter makes clear that Taiwan failed to honor its commitment to American corporations seeking contracts. Mr. Dean recognizes, correctly, that the Westinghouse proposal met the cost and experience qualifications of the Taiwan contract more accurately than any other contract bidder but was still rejected for the contract award.

I join Mr. Dean and my congressional colleagues, particularly the Senator from New York [Mr. D'AMATO] who discussed this matter last Tuesday, in their objections to the MATRA contract award. I believe that Westinghouse Electric Corp.'s Transportation Division was a competitive and qualified bidder, and I see this rejection as a clear indication that Taiwan is not living up to its commitment to American companies bidding for Taiwanese contracts.

I am particularly disappointed in this case because I sought, very aggressively, to preclude such discrimination against American corporations early in the bidding process. Earlier this year, I and several other Senators, including Senators DIXON, RIEGLE, D'AMATO, SPECTER, SIMON, MOYNIHAN, DANFORTH, and MURKOWSKI, wrote Mr. Frederick Chien of the Coordination Council for North American Affairs. In that letter, we stated our hopes for his careful consideration of Westinghouse's bid for the MCTS for Taipei and our strong support for awarding this contract to the American bidder.

Clearly, our hopes were dashed and our fears confirmed when the contract was denied to Westinghouse. This raises major concerns about current—and future—trade relations between the United States and Taiwan and cannot help but also raise suspicions that Taiwan is imitating the unfair trading and contract practices of Japan.

In that regard both the House and the Senate have already reacted strongly to Japan's trading and contracting practices, both in the continuing resolution last year, and in the trade bill we sent to the President yesterday. Should Taiwan continue its practice of ignoring qualified American bidders, such as Westinghouse Electric Corp., for its contracts, I would expect Congress to take similar actions against Taiwan.

I hope that will not be necessary. I hope that the Taiwanese Government will reconsider its contract awards, and in doing so, recognize Westinghouse's qualifications and experience. This is the only fair and honest course of action.

The letter follows:

AMERICAN INSTITUTE IN TAIWAN,
Taipei, Taiwan, April 21, 1988.

Yu Kuo-iwa,
Premier, Executive Yuan, Taipei.

DEAR MR. PREMIER: I am taking the liberty of writing to you directly because I learned yesterday that the French firm MATRA has been given the first right of negotiation for the Taipei Medium Capacity Transit Systems (MCTS). I am deeply disappointed by this news.

I have three concerns about this development, namely; a) that this decision does not appear to be consistent with your government's commitment to maximize U.S. procurement wherever possible, b) that the Westinghouse proposal was superior to the French proposal, and c) that some questions have been raised about the integrity of the selection process.

In my opinion, this decision is clearly inconsistent with the commitment of the senior Taiwan leadership to maximize the purchase of American goods and services wherever such goods and services are competitively priced and technologically appropriate. In this connection AIT had been assured that this policy would be applied to the Taipei MRT system, of which the MCTS is a part.

I believe the following to be true regarding the Westinghouse bid:

Westinghouse had the lowest overall cost proposal (including equipment and civil construction);

Westinghouse has the greatest MCTS experience with 11 systems operating, constructed over a period of 18 years;

Westinghouse vehicles of the type proposed for the Taipei MCTS have operated over 43 million kilometers and carried 750 million passengers with no mishaps;

Westinghouse is clearly the leading supplier of MCTS equipment in the world today;

Westinghouse has continually upgraded its technology and offers Taipei state-of-the-art electrical and mechanical technology;

Westinghouse systems have consistently been built on schedule and on budget;

Only the Westinghouse system has been proven in semi-tropical climate similar to that found in Taiwan;

Only Westinghouse has safety features to accommodate typhoon and earthquake conditions;

Unlike the Westinghouse system, the life cycle cost of the French proposed vehicle is based on supposition because their proposed vehicle has never been proven in operation;

Given these facts I find the decision to negotiate with MATRA inconsistent with the principle that if U.S. firms offer competitive priced quality products they will be given first consideration.

We find it inconceivable that the contract will be awarded to MATRA, which has only one system in operation since 1983. That system was opened two years behind schedule and ran two and one-half times over the original budget.

We also have concerns about the integrity of the bidding process in this instance. We understand that the French proposal is based on a vehicle that is unproven in operation. This is contrary to the tender rules and should have resulted in the disqualification of their tender proposal.

We understand that the original French proposal submitted before the bid closing deadline on February 29 was technically deficient and would not have provided an operable system. We understand that the French were subsequently allowed to adjust and discuss their proposal and their price after the prices of all the other bid documents were opened.

This was unfair to Westinghouse, which made its proposal in earnest and based on a system that would be operable at the stated bid price. As a result there was no need for Westinghouse to adjust and discuss the original price and technical proposal.

I have learned that the weighting for the price considerations was changed after the price proposals were opened. This was prejudicial to the lower Westinghouse bid for civil constructions. Westinghouse total cost was lower by a substantial margin.

Given the above facts, I consider that the selection was unfair.

In view of the Taiwan authorities' promise to source as much as possible from the U.S. on Taiwan's major projects, I am deeply concerned and upset that this MCTS contract, which would have resulted in over USDA200 million dollars in goods and services for the U.S., was not awarded to the Westinghouse firm especially given the situation where Westinghouse was clearly the lowest cost, most experienced, and technically superior proposer.

In view of the upcoming trade talks and sentiment in the U.S. administration and among many members of the U.S. Congress concerning the huge U.S. trade deficit with Taiwan, I believe that it is in our mutual interest to do everything possible to avoid negative effects on our trade relations. I hope that it will be possible for the authorities to reconsider and overturn this decision.

Sincerely,

David Dean,
Director.●

OVERPOPULATION

● Mr. GORE. Mr. President, it is my pleasure to submit for the Record a proclamation by Hon. Ned McWherter, Governor of Tennessee, regarding World Population Awareness Week. In so doing, I join with Governor McWherter in calling upon Tennesseans and all other Americans to reflect upon the consequences of overpopulation.

The proclamation follows:

Proclamation

(By the Governor)

Whereas, the world's population of more than five billion will, at its present growth rate, double in the next 40 years; and

Whereas, more than 90 percent of this unprecedented growth takes place in nations of the third world least able to accommodate such rapid expansion; and

Whereas, rapid population growth overwhelms the capacity of human societies to provide food, housing, education, employment and basic health services, and undermines economic development as well as social, cultural and political stability; and

Whereas, the massive proliferation of our human numbers places enormous strains on the global environment, contributing significantly to the depletion of natural resources, the conversion of cultivable fields and forests into wasteland and desert, the pollution of the earth's land and waters, and the destruction of its ozone layer; and

Whereas, the tragic results of the ever increasing imbalance between population and resources can be seen in the emergence of renewed famine in Africa and elsewhere; and

Whereas, the disastrous consequences that unchecked population growth portends for humankind and the natural environment can be averted by the extension of family planning services to the more than 500 million people in the developing world who need and want such services but lack the means or access to obtain them;

Now, Therefore, I, Ned McWherter, as Governor as the State of Tennessee, do hereby proclaim the week of April 17-23, 1988, as "World Population Awareness Week" in Tennessee, and I call upon all Tennesseans to reflect upon the consequences of overpopulation.●

TONY RAGNONE—ONE OF GENESEE COUNTY'S OUTSTANDING CITIZENS

● Mr. RIEGLE. Mr. President, today I wish to pay tribute to my very special friend, Anthony "Tony" Ragnone.

Tony's family, friends and colleagues will gather for a long overdue tribute to Tony on May 5, 1988 in my home county, Genesee County.

Tony began his public service in 1963 as Genesee County's Drain Commissioner. His contributions during the past 25 years have improved the county's public works programs and facilities and many of his initiatives serve as models for other communities across my State and the country. Throughout his entire tenure, Tony has also worked diligently to make certain that every citizen received efficient and courteous service.

Over the years, no other individual has contributed more to young people eager to enter public service than Tony Ragnone. His guidance and advice have been invaluable to countless Genesee County residents.

With his wife, Dorothy, Tony instilled the virtue of community service in his children, Lucian Marie, Josephine—JoJo and Samuel, and in turn, his grandchildren. They are a devoted family and keenly aware of their obligation to help others.

On a personal note, I want to publicly thank Tony for his counsel and support through the years. It is rare to find someone with such deep and selfless commitment to public service. His dedication and devotion remain an inspiration to me.●

OUR DREAM II—YOUNG ASTRONAUTS' DREAM IS REALIZED

● Mr. BINGAMAN. Mr. President, at this time I would like to invite the attention of my colleagues to a group of young people from Carlsbad, NM. The Carlsbad chapter of the Young Astronauts became the first of 15,000 chapters to break the sound barrier with a rocket of their own design.

"Our Dream II," a single stage, 42-inch-tall rocket was launched by the group of elementary school students on March 26. The rocket was clocked at a speed of 875-miles per hour—approximately 125-miles per hour faster than the speed of sound—and exceeded an altitude of 1 mile, before it began its parachute descent back to the ground.

The Carlsbad youngsters are the first to achieve this great accomplishment, which would have been quite an impressive feat for an adult club. They designed and built the rocket, tested it at various facilities in the State, and organized and commanded the launch.

The Young Astronauts Program was established by the President in 1984. Its main objective is to inspire youngsters to become involved in the Nation's Space Program in the future. This success has no doubt served as inspiration to these adventurous children. Many of these young people are our astronauts of tomorrow and they should be commended for their outstanding achievement.

I ask that a copy of the article that appeared in the El Paso Times, March 27, 1988, entitled "Dream Soars at 875 mph" be inserted in the Record.

The article follows:

Dream Soars at 875 MPH

(By Marilyn Haddrill)

Carlsbad.—A red supersonic rocket named "Our Dream II" disappeared into the pale blue sky near Carlsbad Saturday morning while about 20 enthusiastic youngsters screamed their joy below.

"We did it! We did it!"

The Carlsbad Young Astronauts, a club of elementary school students, became the first among 15,000 Young Astronauts chapters in the nation to break the sound barrier with a miniature rocket.

Tracking teams clocked the rocket at 875 mph before it reached a height of 1.3 miles, then drifted by parachute back to the ground. The speed of sound is about 750 mph.

A rippling, red streamer attached to the rocket at first alarmed some youngsters who thought it had caught fire. But a jeep recovery crew brought the 42-inch-long projectile back in good shape, except for two missing tail fins.

"This is the first time kids of their age have ever done this," said group sponsor Mrinal Bali, a Westinghouse engineer.

Bali said the triumph probably will earn the Carlsbad chapter an award for the most unusual project in the nation's Young Astronauts program, which was established by President Reagan in October 1984.

The organization's primary mission is to train and inspire young people to become future astronauts for the nation's space exploration program.

Saturday's jubilant scene as the Carlsbad youngsters jumped up and down, whistled and cheered was far different from the first launch attempt Jan. 23.

A design problem caused the rocket then to break up after it had climbed only several thousand feet into the air.

The youngsters recently conducted design experiments in the Carlsbad Senior High School physics laboratory and tested their new rocket at New Mexico State University's wind tunnel.

"This time there is not going to be any difficulty," 13-year-old Liz Whiting said before the launch. "The mayor is coming to this, so it has to be perfect."

Whiting and two other girls—Becky Kehrman and Wendy Duplissey, both 12 years old—were commanders at a radio-equipped car designated as the command center. The girls made decisions about when to launch.

Launch star commander was 9-year-old Julia Blohm, who was stationed about 25 yards away at the launch site.

Other youngsters were in a recovery jeep, two tracking locations and in a chase airplane circling overhead. All radio communications between young astronauts at the different sites were broadcast over a public address system.

Carlsbad Mayor Bob Forrest pressed the button that launched the first of two less powerful demonstration rockets brought by Alamogordo Space Center officials.

The youngsters and the crowd shouted out the countdown for each rocket, including "Our Dream II." Unlike the two other rockets, that stayed in sight, the children's speeding projectile could be seen only for a few seconds before it disappeared into the sky.

Alamogordo Space Center Director Gregory Kennedy, who attended the event, said afterward that the stunt would have been impressive even for an adult rocket club.●

BARRY GOLDWATER: AN APPRECIATION BY THE NEW YORKER

● Mr. HOLLINGS. Mr. President, at the end of the 99th Congress last December, we bade farewell to one of the most distinguished and beloved Senators of the 20th century, Barry Goldwater. After countless legislative wars and brilliant service to his country, the Senate decommissioned its premier battleship.

Barry was, and is, a man of many paradoxes—which is a measure of his intellect and independence. Dismissed as "extreme" in the 1964 Presidential campaign, his ideas on the economy, society, and personal freedom are now in large measure the conventional wisdom. A lifelong champion of military strength, he never hesitated to question the Pentagon's sacred cows. Founder of the modern conservative movement, he took issue with the New Right's penchant for deficit spending and intrusive social legislation.

Mr. President, knowing my colleagues' affection for Barry, I commend to them the lengthy biographical profile of the former Arizona Senator in the April 25 issue of the New Yorker—a profile based on extensive interviews by writer Burton Bernstein. The Senate will be pleased to find fresh evidence that, at age 79, Barry remains as outspoken and curmudgeonly as ever, and is pursuing an energetic schedule of speaking engagements and lectures at Arizona State University.

As we learned in the wake of his 44-State loss to Lyndon Johnson in 1964, Barry Goldwater was invincible even in defeat. Likewise today, Barry is irrepressible even in retirement. We are glad to hear from him courtesy of the New Yorker, and we wish him all the best.

Mr. President, I request that the New Yorker profile of Senator Goldwater be printed in the RECORD at this point.

The article follows:

PROFILES

AUH$_2$O

The familiar jaw still juts to a dimpled point from the handsome, weather-creased Southwestern face. The broken nose, with its incongruous Old Testament flaring nostrils, still seems to be sniffing for a good fight. Familiar, too, are the clear blue eyes, impish as ever behind thick lenses of black-rimmed glasses, and the thin white hair combed straight back over the freckled pate. Barry Morris Goldwater, at the end of the eighth decade of a remarkably full life, does not look his years. It's true that his drawl is noticeably slower, his six-foot stature is less military, and his cane-aided walk is painfully difficult. Indeed, he is in more or less constant pain, whether he is on his feet or seated.

"I have two artificial hips, an artificial knee, another broken knee," he said recently in the living room of his house, overlooking his home town, Phoenix, Arizona. "This knee was football, this knee was basketball, the hips were—what the hell—arthritis. Then there was that triple-bypass heart surgery, in 1982. The funny thing is, I feel pretty good, having gone through about fifteen operations on this old body, starting with circumcision and winding up God knows where. I came out of the last operation with a sore back, and I tried everything to correct it. Then I found a doctor who said that he had discovered two little vertebrae down near my tailbone and when they got together they caused this pain. So he took a needle, about from here to town, and stuck it in my back and, by God, I've been able to walk almost naturally again. I swim half a mile every day in my pool. That's just about my only exercise these days. Can't jog or play golf or tennis anymore. I just hobble up and down the hills here and swim."

Officially retired since January of 1987—after being a Republican senator from Arizona for thirty years, the Republican Presidential candidate in 1964, and the conservative revitalizer of the Republican Party—Goldwater can't quite let go of things. His pronouncements, as sleazeless and quotable as ever, make news whether they are about local politics or national and international issues. He speaks before groups he likes (usually military or Republican), lectures regularly at Arizona State University, in Tempe, devoutly practices his sundry hobbies, and looks after his considerable, assets. Among the assets are nine and a half acres of scrubby desert below his house, on a hillside in the Phoenix suburb of Paradise Valley. Goldwater estimates that the land is worth up to two million dollars.

The house is Goldwater's base of operations—his home, office, and playground, all contained in one sprawling complex with a decidedly Indian theme. Built in 1957, the house is roughly the shape of an arrow, and its shell is made of red sandstone quarried from the Navajo reservation. Indian designs and Indian art are everywhere from the front door to the kitchen, and even the doormat proclaims that you are about to enter Be-Nun-I-Kin-Navajo for House on Top of the Hill. (Goldwater's Presidential-campaign jet was named Yai-Be-Kin, or House in the Sky, his whistle-stop train was Baa Hozhnilne, meaning To Win Over; his boat was Toh-Be-Kin, or House in the Water; and Goldwater himself is called Chischilly-Curly Hair-by the Navajos.) Enclosed by a chain-link fence and crowned by a gigantic ham-radio antenna, Be-Nun-I-Kin is a highly visible Phoenix land-mark. Arizona and out-of-state tourists alike drop by unannounced to visit, and the house was a regular stop for sightseeing buses until one of them collapsed the septic system. Lillian Burke, Goldwater, longtime house-keeper, said that she must guard the Senator's privacy all day long. At night, policemen check the grounds, and electronic-surveillance equipment alerts the sheriff to intruders. "The sheriff has two big filing-cabinet drawers full of threats on my life," Goldwater said. "But I always figured, What the hell, if somebody wants to kill me he can do it. With all the policemen in the world watching over you, someone can still get you."

Goldwater spends most of his days in his living room—his command center. Seated at a large desk, and surrounded by a telephoto-lens camera and consoles of telephone, radio, meterorological, and other electronic equipment (much of which he built himself), he oversees the Phoenix valley, through a series of picture windows, and quite literally the world, by means of his powerful hamradio station, K7UGA. Fine Western paintings, Hopi kachina dolls, comfortable furniture, and a lifetime of mementos lend warmth to a room that might otherwise be confused with the bridge of a aircraft carrier.

He apologized for what he called the "smust"—a combination of modern exhaust fumes and the eternal wind-blown dust of the desert—over the Phoenix valley, stretching spectacularly to the south. "Today is actually not too bad," he said, gesturing toward the picture windows. "Some days, I can't even see the part of downtown Phoenix where I was born—on New Year's Day, in 1909." He pointed to a white smudge in the smusty distance. "That's it, that's the spot on North Central Avenue. This valley had only about ten thousand people then. I can remember my father saying when I was a little boy, 'This place is never going to grow very big.' We all kind of believed him. Land sold for fifty cents an acre then. We used to ride horses up this hill and camp out here, and I always said to myself that I'd love to live up here someday. Now the city has marched right up to my property line, and it's even gone around behind me. Anyway, about forty years ago I talked an old Irishman, Frank Brophy, into selling me his land on this hill for seven hundred and fifty dollars an acre. Brophy said, 'I finally screwed a Goldwater.' Then, when the land started going sky-high, he said, 'You know, Barry, you ought to give me some of that back.' I loved that man. He was a real character, a Westerner—the kind that had to work like hell to make a living and up with a lot of problems, which is why they were all so damn strong-willed and conservative.

"Well, my wife, Peggy, and I enjoyed this house while we could. She was a marvellous woman. We were married fifty-one years. She passed away two years ago. She smoked, got emphysema, then other troubles started, and there was nothing we could do about it. We had four children, and there are ten grandchildren. I'm alone now except for the kids and my brother, Bob, and my sister, Carolyn. My brother and sister live nearby, and we're very close, just as we always were. I can't say I'm lonely, but there'll never be another one like Peggy—not that I'm looking."

All politicians profess to value their family above almost everything else in life, and the Senator—as he is generally called, although he prefers "Barry"—is no exception. What is exceptional is that the institution of the family really does mean a great deal to him. He is an unabashedly proud man, especially proud of his heritage. It doesn't take him long to bring up the subject.

"My grandfather, Michel, was born in 1821 in Konin, Poland—one of twenty-two children of Hirsch and Elizabeth Goldwasser, who were poor Orthodox Jewish innkeepers there," Goldwater said. "Besides being poor, Michel didn't much like the idea of being drafted into the military, so when he was fifteen he went over the border, and he finally ended up in Paris, where he worked as a tailor until the French government crumbled in the revolution of 1848. Then he fled to London. Most of the kids in that family fled somewhere. I found out about one relative who became the mayor of Bulawayo, in Rhodesia, and ran off with about a quarter of a million bucks and was never heard of again. Another went to Australia, and a few came to America. Anyway, Big Mike, as he was later called—he was over six feet tall—married Sarah Nathan in London, and they changed their name to Goldwater. Big Mike's younger brother Joseph—called Little Joe, because he was well under six feet tall—also turned up in London, and together they caught California gold fever, so over they came, leaving Sarah behind, with her two children. I think they stopped in New York and then went around to San Francisco, probably through Central America."

The gold rush wasn't as advertised, however, and for two years the Goldwater brothers worked at menial jobs to scrape together a small stake to open a saloon in rough-and-tumble Sonora, California, where there was still talk of gold. By 1854, they had made enough money to bring over Sarah and the two children. She preferred more civilized San Francisco for raising her children, while Big Mike and Little Joe continued to scramble up the slippery American success ladder. They tried their luck with a few profitless enterprises in Los Angeles and then, for a time, went their separate ways. Big Mike peddled supplies to Indians, miners, farmers, and soldiers at the Colorado River outpost of La Paz. La Paz was on the Arizona Territory side of the Colorado, its citizens described by the New York Herald as "greasers, Indians, Jews, outlawed white men, and desperadoes." Big Mike was peddling for a Los Angeles entrepreneur named Bernard Cohn, whom he bought out after four years. The brothers reunited and founded the firm of J. Goldwater & Bro. They expanded into the freight-forwarding business, using river streamers and wagon trains, and prospered despite such frontier rigors as running battles with Apaches. Thanks to his frequent visits to California, Big Mike fathered three more children (there were eight in all) with Sarah, who still preferred to live outside the wild Arizona Territory. The older two sons, Morris and Sam, soon joined their father in Arizona and helped out with the business. By 1876, Morris was deemed responsible enough to manage a general-merchandise store in Prescott—a mining town somewhat more promising than Phoenix, a desert settlement to the south. Thus what was to become Goldwater's department-store chin was born. "They were very fine Americans," the Senator said of his pioneer forebears.

Upon the occasion of his youngest brother's bar mitzvah back in San Francisco, Morris wrote the boy a letter advising him to obey his parents and to choose good friends. The bar-mitzvah boy, Baron, heeded Morris's advice, and three years later, in 1882, he went to Prescott to learn the family business under Morris's tutelage. By 1894, he was Morris's partner, and looked to Phoenix for a branch store of his own. Morris was hesitant about expanding; the question was resolved, in true Old West fashion, by a game of casino. Baron won. Despite his years in the Territory, Baron remained more Californian than Arizonan. He was something of a dandy, who affected a pince-nez, cologne, slicked-down hair, and fine clothing—a dashing eligible bachelor in provincial but up-and-coming Phoenix. Baron's branch store dealt mainly in apparel for the town's wealthier ladies, and his buying trips to New York City lent a worldly touch to his celebrated charm. In 1907, his carefree bachelorhood ended when he married Josephine Williams, a Nebraska nurse who had travelled to Arizona to recuperate from tuberculosis. A stong-willed Episcopalian, Josephine fully recovered—indeed, thrived—in the Arizona climate, and became active in all the outdoor pursuits her husband eschewed. Two years to the day after they were married, Barry Morris was born, in the family house on North Central Avenue. The former nurse did not trust hospitals, because they sometimes mixed up babies.

"When my father came to Phoenix, there wasn't any place for Jews to worship and to meet Jewish women, and that's why he married an Episcopalian," Goldwater explained. "We children were all raised as Gentiles. My father really didn't practice any religion. He left that to my mother. In fact, we were pretty much raised by my mother, my father was away so much on business trips. She took us camping and hunting and on vacations at the seashore. I never knew my father very well."

Goldwater's siblings concurred. His brother, Robert, said that their mother was the one who drove the car, ran the household, and attended to their upbringing. "She was a pretty lady, tall and slender," he said. "She loved to play golf and hunt and fish right along with the men. I suppose she was quite different from my father, but they both loved to have a good time." His sister, Carolyn, said that she had known her father better than her brothers had: "He spoiled all of us, more or less, but I was closer to him. Girls always are to their fathers. I was a junior in high school when he died, in 1929. The night before he died, the Goldwater's store was giving a fashion show at the Arizona Biltmore, here in Phoenix, and Dad was all dressed up in his tux—a handsome man, I thought. I told him he looked great, and he said that if I liked we'd dress formal for dinner every night. I said that was great, I'd love it. When he died, the next day, he was buried in his tux. He had a bad heart for some time. My mother lived to see Barry run for President."

In the absence of his father, the young Barry found a surrogate in his Uncle Morris. A slight, fine-featured man, whose drooping black mustache and omnipresent cigar ruled his face, Morris was a man's man—a no-nonsense, archetypal mover and shaker of the pioneer West. As a mercantile power in the community of Prescott, he used his substantial clout to help found the Arizona Democratic Party, the first Arizona Masonic Lodge, the first local telegraph line, the Prescott Volunteer Fire Department, and the Prescott Rifles, a self-defense militia. He was vice-president of the Arizona Constitutional Convention, served in both the territorial and the state legislatures, and was mayor of Prescott for twenty years.

"My uncle was my guiding light," the Senator said. "He taught me a lot about politics, history, and getting along with people—although he had his own way of doing that. He was a very direct person. I remember walking down the main street of Phoenix with him one day, and this man stopped him and said, 'Mr. Goldwater, I bet you don't know my name.' My uncle looked at him and said, 'No, and I don't give a God damn,' and then just walked on. Not standard political behavior, but he got away with it. Uncle Morris was just a little bit over five feet tall, but he could drink more whiskey than any other man I ever knew. I used to drive with him and his opponent in a Model T Ford when they were campaigning in Prescott, and the two of them would debate like hell and then climb into the back seat and slug whiskey together until it was all over their mustaches. Morris lived with this woman who owned saloons on Whiskey Row for years before he married her. That was Aunt Sallie. He said Republican pressure forced him to get married. Uncle Morris was a Jeffersonian Democrat. People say that I sound more like a Jeffersonian Democrat than a Republican, and I tell them that I was raised by a Jeffersonian Democrat—Uncle Morris, who was far more conservative than I will ever be. Of course, if he were alive today he'd be a Republican. He hated big government and high taxes. There's a lot of him in me. He raised me in Masonry. I learned a hell of a lot from him. He was just a remarkable man."

If all this behavior sounds atypical of the progeny of Orthodox Polish Jews—even pioneer Orthodox Polish Jews—it really wasn't, considering the multifarious West of the nineteenth century. Jews were accepted as just another colonizing group, especially in Arizona, and they behaved pretty much the same as any other group. Goldwater claimed that as a boy he didn't know what the term "anti-Semitism" meant. "In the history of Arizona, Jews had a very important role," he said. "The Mormon people—this is a strong Mormon state—they'd build a town and the first thing they'd do is go out and get a Jew to run the bank. That's why we have a lot of wealthy Jews here. They came west from New York and Philadelphia. My oldest and best friend is Harry Rosenzweig, who comes from early settlers. We were born about a block away from each other. I can't remember when we weren't best friends."

Roesenzweig, a prosperous, tanned, white-haired retired jeweller, who was chairman of the Arizona Republican Party for ten years, agreed that pre-First World War Phoenix, a small city of about ten thousand disparate people, was a model of tolerance. "My father, an Orthodox Jewish immigrant from Europe, planted roots here in the eighteen-nineties," Rosenzweig said recently at his office, in downtown Phoenix. "Like Barry's father, he found that there was a scarcity of Jewish women to marry, but, unlike Mr. Goldwater, he sent for a Jewish woman from New York. There was no anti-Semitism of any sort here. Hell, before the first Phoenix synagogue was built, in 1922, by my father and others, I used to go to church with my friends—just for something to do on Sunday mornings. But in spite of being brought up as an Episcopalian Barry never denied his Jewishness. He's very proud of his heritage. Once, when he was speaking in San Francisco, some people put together a book on his Jewish ancestors, and Barry was very moved. He's never been a partisan Zionist, but he's been to Israel a couple of times. He told me that twenty years ago he spent a couple of hours visiting with an old rabbi there, and I don't think he would have been as happy if he saw the head of the Episcopal Church."

Rosenzweig first encountered Goldwater when they were just toddlers. "Our nursemaids, girls from the Indian school nearby, took us out in strollers," he said. "The girls like to chat, so they'd leave us alone to play together. We became fast friends. Barry was one year behind me in school. He was no better a student than I was, and I wasn't a good student. We never got into really serious trouble, but we had our share of regular trouble. When his family was out looking for him for one thing or another, he'd hide in our garage and my mother would say that she hadn't seen him around. Finally, he'd go home. Barry managed to grow up without being sent to jail or reform school. He lost a year in high school because of poor grades, but he was one of those guys who could read a book in an afternoon and retain it all pretty well. Everybody liked him."

That Goldwater was a hellion in his youth is attested to by everyone who knew him, and even by Goldwater himself. "I guess I was a spoiled well-off kid," he said. "I've often told people that I was born in a log cabin equipped with a golf course, a pool table, and a swimming pool. I was lazy, took too long to get through school, liked athletics and the outdoors—hunting and fishing and riding. I went all over the state on foot or on a horse. Arizona has been my life's main interest. I know it upside down and backward. When I got to Phoenix Union High School, I was elected president of the freshman class, but the principal told my father that he didn't think I should come back for the next year, so I wound up at Staunton Military Academy, in Virginia."

His brother, Robert, recalled the time that Barry filched Robert's saxophone and pawned it for money to spend on a girlfriend ("Girls were just nuts about him," Carolyn has said), and when the brothers picked cotton as children to aid the First World War effort Barry was caught putting rocks in his bag to augment the five-cent-a-pound payment. They also developed a precocious entrepreneurship. Barry and Robert bought soda pop for two cents a bottle and sold it in front of their house for five cents. When they were in high school, they promoted prizefights in a makeshift ring over their garage, charging twenty-five cents for admission and paying each boxer a dollar. The high-school principal insisted that they give the money back or else they would all be declared professionals and wouldn't be able to play on school teams any longer. Barry and Robert struck a deal with the principal, settling the matter by giving the school a new pair of boxing gloves. By and large, their parents were indulgent and forgiving—even somewhat pleased by their children's spirit.

Being an incurable rascal complemented young Barry's fondness for practical jokes. Carolyn recalled that when he was a teenager he cut a crescent moon in the door of the downstairs bathroom of their house and wired the toilet seat for sound so that "when you sat down he'd say 'Good morning' and you'd jump a mile." Years later, he similarly wired the eighteenth-hole cup at the Phoenix Country Club and harassed tense golfers. "He always had a great sense of humor, and he was a kind of genius with mechanical things," Carolyn said. That gernius never deserted him. He once designed and rigged an automatic flag-raising device, linked to a photoelectric cell, for his house, and an air-pump contraption that allowed him to relax in magnificent isolation on the bottom of his pool.

Goldwater's avocational activities are still famous and various: photography (he is a member of the Royal Photographic Society), ham radio, flying, Indian lore, exploratory travel (he discovered a natural bridge in northern Arizona and has roamed as far afield as the South Pole), meteorology, sports (from golf to football), model-building, vintage automobiles, and, of course, mechanical tinkering of all kinds. "People ask me what my hobbies are, and I just tell them 'Hobbies,'" Goldwater said. "Hobbies are unusual in a politician, I guess. Maybe they're what kept me sane in politics all those years. In Washington, I'd get up at five in the morning and work on models, to give me something different to do. I've been an amateur radio operator since I was thirteen, a pilot since I was twenty. I've collected books for many years—finally donated most of them to the University of Arizona—and as a photographer I'm in the process of cataloguing about fifteen thousand negatives to give to the university. I also collect guns, and I've even made a few. I love to hike and camp out in the wild, although I can't do that anymore. Arizona itself has been my constant hobby. You see, politics isn't the beginning and the end of the day for me, the way it is for some people. I've watched those people—they get elected to a six-year term, and the next day they want to have a fund-raising dinner for the next election."

Of all Goldwater's hobbies, flying holds an almost mystical appeal for him. "Back in 1929, where the Phoenix Sky Harbor Airport is now, there was a landing strip, and for ten dollars an hour you could get dual instruction," he said. "No time requirement then. After ten hours, my instructor said, 'Go ahead and take it around.' 'It' was a Great Lakes trainer—a wonderful open-cockpit biplane. I could've bought a new Great Lakes then for twenty-five hundred bucks; today, they're about eighty-five thousand. Anyway, I soloed out there, and then they closed the field and made a lettuce patch out of it. Later on, a friend who learned to fly with me got a drag from a Japanese farmer and we dragged out a landing strip, which is now Runway Eight Left at Sky Harbor. That was the reopening of the airport. Today, Sky Harbor is one of the busiest in the nation. Arizona is beautiful country for flying.

"Over the years, I've flown about a hundred and sixty types of aircraft—conventional propeller airplanes, jets, helicopters, balloons, sailplanes. I like the silence in a sailplane. Aviation is a great thing that got to me early. I'll never quit until I've convinced myself that I can't do it. I hold my breath when I take the medical exam for airmen, though. The flight surgeon passed me, in spite of all my physical problems, but he said that when I carry passengers I should also carry a copilot, so I do that now. 'If you want to go solo, that's your own business,' he told me. All in all, I have about fifteen thousand hours of flight time. Flying is like sex—hard to give up. The Lord makes up your mind for you, I guess."

As it turned out, the rigorous life at Staunton Military Academy was just what the wayward fifteen-year-old Barry Goldwater needed. Both the commander of the Staunton Reserve Officers Training Corps and the football coach instilled in him a sense of discipline and patriotic commitment. He excelled at athletics, and develped an affection not only for military but also for academic pursuits. In 1928, he won the school medal for best all-around cadet—a distinction that so surprised his family that Robert credited it to Barry's dating the commandant's daughter, as inded he did. Every summer after graduating from Staunton, he attended an Army Reserve camp near Nogales, on the Arizona-Mexico border. He liked the training so much that he signed on for extra summer duty, but he was still given to raising a little hell now and then. One night on the Mexican side of Nogales, he and some Army buddies whooped it up and ended the evening in the local hoosegow. Goldwater was released when he paid a twenty-five-dollar fine by forging a friend's name on a check.

"I loved the military," Goldwater said. "I dearly wanted to go to West Point, and I could have had one of Arizona's two appointments, but my father took sick and I thought I should be near him, so I went to the University of Arizona, at Tucson, instead. He passed away before my first year there. I left school and went right to work in the family business." At twenty, Goldwater, unfulfilled as a student but already an Army Reserve second lieutenant with a pilot's license, found himself selling piece goods for fifteen dollars a week in what was described in a Phoenix newspaper as "a veritable palace of feminine finery."

Goldwater wasn't a junior clerk for long. He had inherited, along with the store itself, his family's mercantile talents. "I learned that business from the ground up," he said. "In those days, to be a merchant you had to know merchandising. I had to be able to tell what a piece of cloth was just by the feel of it. I knew intimately everything I was selling. I had pretty good taste, too, I thought. Then, after I married Peggy, in 1934, she was a great help to me. Her father was one of the founders of the Borg-Warner Corporation, but she was interested in the dress business. She once had a little shop in Muncie, Indiana, and she had been a designer in New York. We liked to work together."

Among Goldwater's successful merchandising innovations were blue denim dresses ("We sold about two thousand on Long Island alone"), mesquite wood, piñon nuts, pre-Christmas evenings for male shoppers only, cattle-brand-print fabrics, and—a national rage—Antsy Pants, men's undershorts aswarm with large red-ant imprints ("You'll rant and dance with ants in your pants," the ad proclaimed). He was also an instinctive executive, becoming president of the firm in 1937 and, despite the Depression, offering his employees such progressive fringe benefits as health and life insurance, a profit-sharing plan, and the use of a vacation ranch. Goldwater's was also the first Phoenix store to hire blacks as salesclerks. The hard work and the Depression took their toll of Goldwater: he suffered two nervous breakdowns brought on by exhaustion, and on occasion he was known to imbibe more than his usual daily ration of bourbon—facts that were well publicized during the 1964 Presidential campaign. Robert joined him in the family business, handling its financial affairs mostly, and the department store expanded until, in 1962, it was sold to the Associated Dry Goods Corporation. Both Goldwater's brother and his sister are convinced that if Barry had stayed with the firm instead of going into politics he would be an extremely wealthy man today. Goldwater himself is not so sure. "I've often wondered whether I was cut out for business," he said.

Despite his mercantile achievements, his happy marriage to the former Margaret Johnson, the births of their four children—Joanne; Barry, Jr.; Michael; and Margaret, born in fairly rapid succession—and his unquestioned status in the prospering Phoenix community, Goldwater was restless. He had a continuing need for involvement with the military, and the military, it seemed likely, might soon need to involve him. Not long after the Second World War broke out in Europe, Goldwater took advantage of his position as chairman of the Armed Services Committee of the Phoenix Chamber of Commerce to look up the commander of the Luke Field Army Air Corps school nearby, and swiftly talked his way into uniform as an active-duty first lieutenant, teaching gunnery at the base.

"I said to the commander, 'Look, I'm a pilot with a commercial ticket and I want to fly'," Goldwater recalled. "But I was too old, and my eyes weren't good enough for me to become a flight cadet. I managed to hustle some flying time with instructors at Luke in exchange for taking photographs of them aloft. Then the Army came out with a rating called service pilot—towing targets, flying mail, ferrying airplanes, instructing, that sort of thing. So I became an Army pilot, but since I wasn't Army-trained they wouldn't let me go into combat. I flew with the Air Transport Command, ferrying airplanes and supplies across the Atlantic and then in Burma, India, and China. Over the Hump, and stuff like that. I flew every kind of transport as a command pilot, and I ferried some new fighters, too, but I never really saw combat. At the end of the war, I came back as a lieutenant colonel, and they asked me to organize the Arizona Air National Guard, which I did. By the way, I insisted that the Guard unit be desegregated."

In effect, Goldwater has never left the service. He is a retired major general in the Air Force Reserve, and during his years in Washington he was known as the Air Force's man on Capitol Hill and as Mr. Air Power. The 9999th Combined Air Force Reserve Squadron, made up of eligible members of Congress and their aides, was Goldwater's idea. He still lectures at the Air War College, in Alabama, and his house contains shelves of aviation medals, citations, and trophies. "I can't seem to give it up," he said. "I love it." The war and his active service probably saved him from a few more business-induced nervous breakdowns, or worse.

Returning to his family and his business in Phoenix—but still able to put on a uniform and fly once in a while—Goldwater was essentially a contented man in the postwar years. He was instinctually a Jeffersonian Democrat but a voting Republican in a thoroughly Democratic state ("You could hold our Republican state convention in a telephone booth then," he once said), but politics per se was not an overriding concern of his, or even a hobby. He had been elected president of his freshman class in high school, but that was the extent of his political ambitions. He claimed that he was too thin-skinned to mount any more electoral battles. But he did.

This is how Goldwater remembered his entry into the adult political world: "While I found business fascinating, I got to lecturing. I had taken some moving pictures of a trip down the Colorado River. The first time I showed them was one night at the Heard Museum, in Phoenix, and I had to show them five more nights in a row to satisfy everybody. That started me off, and I guess I averaged five days and nights a week all over the state, talking about the Grand Canyon—the river, the history, and so forth. That gave me access to so damn many Arizonans that it was just a natural step for me to go into politics."

However, Harry Rosenzweig takes credit for launching Goldwater on the career that would soon monopolize his life. In the late nineteen-forties, Phoenix was growing in several directions, not all of them wholesome. Its population had swelled to a hundred thousand (many of the new citizens were veterans who had had their military training in Arizona and liked the state's salubrious climate and open spirit), but with the attendant thriving economy came increased municipal corruption—graft, prostitution, gambling, bossism, mismanagement. A reform slate of candidates for an enlarged City Council was assembled, under the rubric Charter Government.

Rosenzweig recalled, "In 1949, I was asked to run on the Charter Government ticket to clean up City Hall. My father thought that politics was a very dirty thing, and it didn't mean anything to me, either, but it was a chance to bring some stability to the city. Finally, I said I'd run if I could pick a running mate, somebody I could trust. Mayor Nicholas Udall was a Mormon, so they wanted a Jew, a Protestant, a Catholic, a woman, and a labor guy on the ticket. I was the Jew. The labor guy pulled out, because he thought the whole idea was too high-powered and it wouldn't treat labor properly. That left a place open. I said, 'I've got a guy for you. I know you don't want two Jews on the same ticket, but this guy is really an Episcopalian—Barry Goldwater. I think I can get him to run.' So I called Barry and invited him for dinner at my house. He was a businessman then, but he was more and more active in local issues. I brought out a bottle of the best bourbon, the kind he liked. We had a few drinks. Around ten o'clock, I walked him to his car and said, 'How about running for City Council with me? We can trust each other.' He didn't think we could make any difference, but finally he said, 'O.K., I'll run.' So I called the powers that be and said, 'We have another candidate, and if you seat him next to me I can turn him off when he gets wound up.' Well, we won. Barry did a lot of talking on the Council. Some of it made sense. Sometimes he'd go off on a tangent and talk about things nobody understood, but he emerged as the leader of the group. We ran again for another two-year term, and each year we did a better, more efficient job. Barry made a name for himself. But when he was having a bad day he'd say to me, 'You son of a bitch, see what you got me into!' "

Goldwater was hooked. Apologetically at first, and then with unabashed verve, he plunged into politics. The results were soon evident. Phoenix was blessed with the title All-America City for its sudden civic cleanliness, and Goldwater was being talked about as a new-style Republican politician, who called them as he saw them, pulled no punches, and got things done. He became as much of a spokesman for the city as Mayor Udall was. And he had developed a rudimentary political philosophy: private enterprise and self-reliance were good; anything smacking of welfarism—even municipally sponsored parking lots—as bad.

In 1950, Goldwater stumbled into the middle of a hot gubernatorial campaign. "The Republicans were looking for a man to run for governor against Ana Frohmiller, the state auditor and the biggest Democratic vote getter," Goldwater said. "The Young Republicans had their eye on a man named Howard Pyle, who was a popular local radio talker. He read poetry on the air, and every Easter he did a national broadcast at sunrise from the rim of the Grand Canyon. He was trained to be a minister and he learned singing, so he had a voice that wouldn't quit. Anyway, one night I talked him into running. He said he wouldn't run unless I agreed to be his campaign manager. I said that I didn't know anything about managing a campaign—'About all I can do is put you in my airplane and fly you around the state and introduce you to people.' I owned a single-engine Beechcraft Bonanza then. So I flew Howard around the state. I think we flew close to fifty thousand miles, to every damn cowtown. I'd introduce him, let him make a speech, and then we'd move on. I started out thinking, There's no way Howard can win. But the more I travelled with him the more I began to think he could win. There was an old bar in town, run by a friend of my father's, and you could walk in there and place any kind of bet you wanted on a blackboard. I saw bets up on that blackboard for fifteen to one against my man, and I covered them. I made more money off that election than I ever saw in my life, because we elected Howard by about three thousand votes. Maybe Arizona wasn't ready for a female governor. Then, one day after the election, Howard and I were driving out to a Rotary meeting at some little town. It was raining like hell. Howard said, 'You know, you're going to have to run against Senator McFarland in 1952.' Ernest McFarland was a longtime Democratic incumbent and, what's more, was the Majority Leader of the Senate under Truman. I said, 'Howard, I've been supporting him. I give him money. I don't openly say so, but I have.' Well, Howard talked me into it."

Another version of the Howard Pyle gubernatorial race of 1950 is part of Arizona political lore. According to that version, Goldwater was originally asked to run for governor, and Pyle was supposed to be his campaign manager. Pyle agreed, on the condition that Goldwater would support him in the 1952 Senate race against McFarland. However, Pyle's mellifluous voice so entranced the Young Republicans that they nominated him, not Goldwater. Whatever the case, a certain edginess marked their relationship in the ensuing years. Goldwater has said about Pyle, "When he was up for reëlection, he told me that he was going to close down Short Creek, a Mormon polygamist community up near Utah border. I advised him not to do it—that there are plenty of Mormons in this state who find nothing wrong with polygamy. Well, he went up there with the press and raided the place, and as a result he got his ass beaten in the election." He was beaten by, of all people, former Senator Ernest McFarland, who had lost the 1952 Senate race to, of all people, Barry M. Goldwater.

How did Goldwater, the forty-three-year-old babe in the political woods, come to challenge and ultimately defeat the powerful old pro? Goldwater's explanation for the incredible upset is that McFarland felt he didn't have to come home to campaign against the Republican neophyte in what was still heavily Democratic Arizona—a state that has never elected a Republican senator. "I campaigned hard, flying all over the place in my Bonanza, and I beat him by about seven thousand votes," Goldwater said. "It was no landside—like Eisenhower, who took the state by forty-two thousand votes—but it surprised the hell out of me. I had no business beating him."

There were more reasons than simply McFarland's contempt for a political pipsqueak, however. President Truman's popularity was at a new low, because of the seemingly endless Korean War and his firing of General Douglas MacArthur. Goldwater cleverly tied McFarland to "the Truman gang." His campaign manager, Stephen Shadegg, covered the state highways with Burma Shave-type signs reading:

> MAC IS FOR HARRY HARRY'S ALL THROUGH YOU BE FOR BARRY 'CAUSE BARRY'S FOR YOU GOLDWATER FOR SENATOR

Harry was all through, and Eisenhower's charisma and his promise to "go to Korea" proved to be unbeatable by Adlai Stevenson. Goldwater had supported Eisenhower over Robert Taft at the Republican National Convention (Goldwater was not yet all that conservative), and even a political pipsqueak could ride into office on Ike's coattails. Then, too, Goldwater did not lack campaign funds; money came in from anti-labor and anti-Communist groups, from wealthy Westerners, and even from some highly questionable sources—two gangsters called Willie Bioff and Gus Greenbaum, who were acquaintances of both Harry Rosenzweig and Goldwater.

Rosenzweig said of the gangster connection, "I was raising funds for Barry then and we got some money from people we were critical of. Gus Greenbaum was running the horse-betting wire in Phoenix. He was a gambler—an honest gambler and a very kind man. He was a perfect gentleman, as far as I was concerned. Gus said he'd put up some money for us, and at this brother's anniversary party he handed me a package, which I didn't look at till I got home. He said you can get this amount of money every month for the next six months. I said that we'd take this amount but we don't want the rest of it, since it wouldn't look right. So to hide who gave it I called up ten Democrats and put it under their names; they didn't think Barry would win, but if he did it would make them look good." Both Bioff and Greenbaum were later killed in what appeared to be gangland assassinations. Goldwater raised several eyebrows by attending the Greenbaum funeral.

Friendship, no matter what the political cost, has always been of paramount importance to Goldwater. Blake Brophy, a son of Goldwater's old friend Frank, travelled with Goldwater during the 1952 Senate campaign. "I was a reporter for the Arizona Republic then, and I was having more fun flying around the state with Barry, because Stewart Udall, a Democrat, was running for Congress at the same time and Barry would give him lifts in his plane," Brophy recalled. "They'd check their schedules, and Barry would say, "Well, Stew, I'll drop you off here and pick you up after I finish in Winslow.' That's absolutely in character for the guy. Just like with my father, politics doesn't ruin a friendship." About the Udalls, Goldwater has said, "I would never vote against a Udall. The Goldwaters and the Udalls grew up together in politics in this state. Of course, I officially opposed the Udalls in various elections, just as they did me. The Republicans expected me to speak for the Republicans running against the Udalls. I'd say a few words, but nothing bad. People generally understood it."

At first Goldwater, like most freshman senators, was unsure of himself. Then, as he began to find his way through the senatorial thicket, he developed a reputation for outspoken unreliability. Although he was supposedly a conservative Republican, he initially supported the continuation of federal social benefits and voted to outlaw one of the conservatives' favorite parliamentary instruments, the filibuster. President Eisenhower appreciated his outspokeness until Goldwater turned against what he saw as Eisenhower's caving in to liberalism. The Senator went as far as to call the Administration "a dime-store New Deal." But enough of Goldwater's Republican colleagues found his brashness so attractive that they elected him chairman of their Senatorial Campaign Committee—a position that enabled him to travel the land preaching a maverick, mercurial, conservative gospel according to himself. The results were effective, and a quirky political philosophy called Goldwaterism emerged.

Because of his love for the military—especially the Air Force—Goldwater wanted a seat on the Senate Armed Services Committee; instead, he was assigned the Labor and Public Welfare Committee. "One of the first men I met when I got to the Senate was Bob Taft," Goldwater said. "He knew that with my business background I didn't want to serve on the Labor Committee, but he talked me into it. I never enjoyed the work, but I became the ranking Republican member. That's where I had my first run-in with Walter Reuther. I never liked Reuther's efforts to organize his union more in keeping with the Soviet idea than our own. I accused him of it, and he completely denied it. Before he died, though, we got to talking to each other in a pleasant way. I got along with him as a man. It took me nine years to win my seat on the Armed Services Committee, which was where I wanted to be all the time.

"It was also on Labor that I got to know Jack Kennedy so well. He had just been elected to the Senate and was stuck with that committee, too. Jack had what I call a blotter mind. he would walk into a room where we were discussing a subject he didn't know a damn thing about, and inside of five minutes he knew enough about it to enter into the discussion intelligently. I always admired that about him."

A serious dilemma during Goldwater's early years in Washington was his wife's dislike of the capital and its hectic social life. Peggy had become a zealous Arizonan who loved her Phoenix home, friends, and volunteer activities, such as the Planned Parenthood clinic and the blood bank. According to Lillian Burke, the Goldwaters' housekeeper, whenever Mrs. Goldwater had to leave for Washington she would stand at a window and stare out at the desert and mountains with tears in her eyes, trying to memorize the landscape. She was totally deaf in one ear, a disability that made her extremely anxious in Washington social situations, her sister-in-law Carolyn said "having to smile and not know what the devil people are saying, although Peggy could read lips a little." Goldwater recalled that his wife spent only a few years with him in Washington, and he put in a lot of time commuting to Arizona to see her. "The first year we were in Washington, we carefully kept our invitations," he said. "We could've gone to two dinners every night of the week, but we didn't, because of Peggy. After a while, we just threw the invitations in the wastebasket. She worked her heart out for charities and never asked for recognition. And she was always a tremendous help to me. When I asked her to marry me, she said that she would if I quit flying and learned how to play bridge. I never did either one."

An even more serious Washington quandary for Goldwater was his colleague and friend Joseph McCarthy, who had preceded Goldwater in lending his name to a seductive ism. The junior senator from Arizona had aligned himself early with the junior senator from Wisconsin's ferocious, thuggish war on Communists abroad and alleged Communists at home. He was a staunch defender of Tailgunner Joe to the bitter end. Nowadays, however, he views McCarthy with the dispassion of historical hindsight. "I knew McCarthy before I went to the Senate," Goldwater said. "Joe came out to Arizona for his health. He had a ruptured diaphragm. I got to know him through a man who made fraternity rings, Didn't see him again until I was elected to the Senate. I didn't dislike Joe. I recognized his weaknesses, though. Quite a crowd of us tried our damnedest to get him to change. Booze was his trouble. I even went to Cardinal Spellman once about him. The Cardinal said, 'Why don't you take him away someplace where there's no booze?' A friend of mine had an island in the Bahamas, and I got a group of fellow-senators together, borrowed an airplane, and we all flew down there for a week. Joe went ahead of us—I don't know how he got there. No booze was the rule. Goddammit, Joe had a cabin off from the rest of us, and he was drunk all the time. He had laid in a stock somehow. Booze was his downfall, and there was nothing we could do about it."

In 1954, when the Senate was in the process of censuring McCarthy for abusing his colleagues, Goldwater and Edward Bennett Williams, who was McCarthy's attorney, tried to forestall the censure by persuading McCarthy to apologize to his victims. "Joe was in the Bethesda Naval Hospital at the time," Goldwater recalled, "and Eddie Williams and I sneaked in there to see him with two letters of apology for the senators Joe had badly insulted. We thought that if Joe signed the letters everyone would get off his back. So Eddie and I climbed thirteen flights of stairs and got to Joe's room, and we talked him into signing one letter. Then, just as he was beginning to sign it, he suddenly started to call us every kind of son of a bitch and bastard and dirty people, at the top of his voice. He rang all the bells, and the first thing you know here come the nurses and the admiral in charge. The admiral said, 'What are you doing up here?' I said that we were on Senate business. He said, 'I don't give a damn. Get out of this hospital or I'm going to arrest you!' Eddie and I got out of there in a hurry, but we came close to getting the whole censure thing killed. By that time, Joe had pretty much lost control. Once, he got up on the Senate floor to make a speech, and we stole his speech. It was a bad speech, so we just took it away.

"I never took Joe's accusations seriously. After he held up that list in West Virginia, I asked him if he could prove it and name one member of the State Department who he knows is a Communist. He couldn't name a single, solitary one. I told him that if he kept it up he was going to get into trouble—that you can't go around falsely accusing people when there's nothing to accuse them of. Well, he kept it up too long. There were some people who were very, very badly hurt. Joe certainly scared the country. He was a bad case."

When the censure vote came up in the Senate, twenty-two Republicans joined with forty-four Democrats and one independent in condemning McCarthy. Goldwater's vote was not among those Republican twenty-two.

To nobody's surprise, Goldwater ran for reëlection in 1958. He ran not only against

McFarland, for the second time, but against the entire American labor movement, which had mounted a concerted effort to defeat him. Nevertheless, he demolished McFarland by thirty-five thousand votes and established himself as a national symbolic figure—perhaps, some said, Presidential timber. He was being written about in the national press: Newsweek said that he had propelled himself "to the acknowledged leadership of conservative Republicans," and The Saturday Evening Post called him "the most aggressive, articulate, colorful, and possibly most conservative conservative in the United States Senate." Through regular appearances on the banquet circuit, he attracted the attention of young and old, male and female, rich and not so rich with his Western-style frankness, his stubborn commitment, his John Wayne "loner" individualism, and his often self-derisive humor. The people who cheered him were bored by some Republicans' "me-tooism" (as Goldwater described it) and the same old Democratic liberal cant.

Goldwater was a fresh face—sometimes too fresh for his own good. Even admirers called him "the fastest lip in the West," especially when he discarded a prepared speech and began to ad-lib, or shot from the hip in an interview. Occasionally, he couldn't quite yank the pistol out of the holster in time and would shoot himself in the foot. ("Ready! Fire! Aim!" was how one critic put it.) He was quoted as saying that Walter Reuther was a bigger threat than the Russians and that Chief Justice Earl Warren was a socialist and that Fidel Castro was just a Communist who needed a shave. He said, "It would be a good thing to saw off the Eastern Seaboard and let if float out into the Atlantic" and "I don't give a tinker's damn what the rest of the world thinks about the United States as long as we keep strong militarily" and "I don't like to see my taxes paid for children born out of wedlock" and, of members of the Phoenix chapter of the John Birch Society, "They are the finest people in my community" and the mind/numbing "Where fraternities are not allowed, Communism flourishes." (Goldwater is a devoted Sigma Chi.)

His big mouth tended to trap him in whopping inconsistencies and contradictions. By turns, he praised and damned the Social Security system, United States membership in the United Nations, the Tennessee Valley Authority, higher education, nuclear warfare, and civil rights, among other things. As his mostly ghostwritten syndicated column ("How Do You Stand, Sir?") blossomed into a best-selling book ("The Conscience of a Conservative"), he provided a field day for his opponents, who tried to sort out what he was saying on and off the cuff. Still, the inconsistencies and the contradictions didn't enhance his vocal followers; on the contrary, they saw in Goldwater a non-intellectual, calls-'em-as-he-sees-'em personality who more or less reflected their own confusion about sticky modern issues.

For the second time in a decade, the nation was grappling with a superconservativeism. At its best, Goldwaterism served to realign the two major political parties, to present the voter with real options ("A choice, not an echo"); at its worst, it stimulated suspicion, fear, and pettiness. By and large, it was a negative crusade, calling for severe reductions in welfare programs, farm subsidies, taxes, big government, and foreign aid. On the positive side, it demanded a tough military stance against Communist regimes ("Why not victory?"), enhancement of the free-enterprise system, and a return to constitutional fundamentalism. That last call made Goldwater very popular in the South, where strict adherence to the principle of states' rights meant thwarting desegregation. Again, Goldwater was caught up in a still unresolved contradiction: the man who had early in life befriended the Arizona Indians, contributed money to the National Association for the Advancement of Colored People, and desegregated his department store and the Arizona Air National Guard came to be pegged as a racist. Recently, he said, "I voted against civil-rights legislation because I thought it was unconstitutional. I still believe that if you have a boarding house and you don't want to rent to a Jew or a black man or an Irishman, you have that right." Despite his growing brain trust of spirited young conservatives and right-wingers, few of the voluminous pronouncements that went to make up Goldwaterism seemed particularly well thought out. Rather, the doctrine's founder and his disciples seemed to be winging it. The appreciative audiences weren't in a mood for reasoned treatises anyway.

Goldwater was mentioned as a possible Republican Presidential candidate for the 1960 election, but Richard Nixon, as the Vice-President in the Eisenhower Administration, was the Party's obvious choice. Goldwater's role, as Mr. Conservative, was to keep Nixon as conservative as possible, and to that end he travelled widely, campaigning for a candidate he did not wholly trust. To Goldwater, the so-called New Nixon was an enigma. When that eminently practical politician struck a deal with Nelson Rockefeller—Goldwater's despised symbol of the Eastern Republican establishment—it ws almost more than Mr. Conservative could bear. After a characteristic explosion of invective, he calmed down and continued to work hard to prove to Nixon that he could win the Presidency only with conservative support. When Nixon lost to Goldwater's Senate friend John Kennedy, Goldwater justifiably could, and did, say, "I told you so."

During the Bay of Pigs fiasco, President Kennedy invited Goldwater to the Oval Office for some conservative input into the situation. "Do you want this job?" Kennedy asked him.

"You can have it," Goldwater answered.

The truth is that Goldwater dearly wanted to run for President against Kennedy. "The two of us talked about travelling around the country in the same airplane and really doing some old stump politics—sort of like what I had seen my Uncle Morris do with his opponent," Goldwater said. "I'd get up in one place and make my point, and then he'd get up and tear me apart. I think if we had done such a debate it would've been great for American politics and it would've shown the American people a hell of a lot more about the Presidency and the problems of the office. And it would've been one hell of a campaign. I had polls showing that Kennedy could be beaten." Kennedy, too, was keen on the idea; he was quoted by Benjamin Bradlee as saying of Goldwater. "I really like him, and if we're licked, at least it will be on the issues. At least the people will have a clear choice."

But that great, friendly debate was not to be. "Jack was shot, and I decided I didn't really want to run for President if I couldn't run against him," Goldwater said. Still, pressure had been building for a Goldwater candidacy. Nixon was presumably finished as a contender; a Gallup poll showed that forty per cent of the Republican voters were for Goldwater; and several right-wing Republicans, including the National Review crowd, were talking about a draft.

"I did not want to run against Lyndon Johnson," Goldwater said. "The American people couldn't take three Presidents in as many years. In December of 1963, I said to some people right here in this living room—I remember I had my leg in a cast for something or other—I said that we can't beat Johnson, nobody can. I said, 'But if I run let's make the point—not too open about it—that we want to take the control of the Republican Party away from New York, Pennsylvania, and the New England states.' I turned to Peggy and asked her, 'What do you think about it, honey?,' and she said, 'I think you're out of your mind.' Finally, they talked me into it. I've been criticized for not having the fire in the belly for that election campaign. It was because I knew damn well that nobody could beat Johnson—and the ghost of Jack Kennedy, too."

The first obstacle that Goldwater had to surmount on his way to the 1964 Republican National Convention, at San Francisco's Cow Palace, was the Stop Goldwater movement, composed of his fellow-candidate Rockefeller and the Eastern Republican establishment. After a slow start in the primaries (Goldwater lost in New Hampshire to Henry Cabot Lodge, an absentee write-in candidate), he steamrollered that obstacle and ultimately packed the Convention with dogged partisan delegates. The Goldwater phenomenon could not be stopped.

He had far less success with the second obstacle—himself and his big, honest mouth. When he declared his candidacy, in early January of 1964, he proclaimed, "I will not change my beliefs to win votes," and he never did. For instance, he voted against the landmark civil-rights bill on constitutional grounds, despite the racial rioting in the cities. The press hung on his every word, becaue his every word meant juicy news: Social Security should be made voluntary; NATO commanders should be permitted to employ tactical nuclear weapons; the United States should withdraw from the United Nations if mainland China was seated. Eisenhower told him, "Barry, you speak too quick and too loud." The slightly scary "AuH_2O" was his political emblem, and "In Your Heart, You Know He's Right" was his slogan; it wasn't long before the latter became, in some circles, "In Your Guts, You Know He's Nuts." (Goldwater was capable of cracking his own jokes about himself. When asked what he would do in the event of a Russian nuclear attack, he said, "First, I'd circle the wagons," and he announced that a movie of his life would be made by "Eighteenth Century-Fox.")

The Cow Palace became a madhouse of reaction. Last-ditch efforts of the Stop Goldwater movement were met with crudeness and rudeness. Whenever the cheerleaders deemed interruptions necessary, organized shouts of "Viva!" were answered by mindless roars of "Olé!" Delegates suspected of being less than ecstatic about Goldwater were sometimes denied credentials. When Rockefeller took the rostrum on behalf of a proposed platform plank repudiating extremist groups, he was booed and heckled into silence; he finally managed to say, "This is still a free country, ladies and gentlemen." To the millions watching on television, the Convention appeared to be a sort of Latin-American coup de'état by Fascist plantation owners. And all through the hullabaloo Barry Goldwater—the cause of it all—stayed in his suite at the Mark Hopkins Hotel, trying to overcome his feeling of being imprisoned by talking on a portable ham-radio set to anybody out there. ("The perfect democracy," he called hams.)

The zenith of the Convention (or nadir, depending on one's political persuasion) was what instantly became known as the extremism speech. Goldwater, as no one had doubted for a moment, was nominated as the Republican candidate for President—unanimously, finally, when William Scranton, the governor of Pennsylvania and a last-minute Stop Goldwater aspirant, asked all the delegates to rally round the candidate, much as Goldwater himself had done for Nixon at the 1960 Convention—and the beaming, exultant man of the hour appeared in the hysterical Cow Palace. At last, the tumult subsided enough for him to deliver his acceptance speech, written by Karl Hess and other staff rightwing intellectuals. "Anyone who joins us in all sincerity, we welcome," Goldwater told the listening millions. "Those who do not care for our cause we do not expect to enter our ranks in any case. And let our Republicanism, so focussed and dedicated, not be made fuzzy and futile by unthinking and stupid labels. I would remind you that extremism in the defense of liberty is no vice. And let me remind you also that modernation in the pursuit of justice is no virture."

Well, the Cow Palace came down. The dreaded buzzword "extremism" had been used approvingly, and what mainstream voters feared most about Goldwater—that he was indeed an extremist—seemed to be confirmed. It was, to put it mildly, a poor choice of words. Goldwater's dogmatic, amateurish aides had let him down, but to this day Goldwater is unapologetic about the rhetorical disaster. "There's no question that the average American feared extremism of any kind," he said. "But you have to look at the makeup of that Convention. The conservatives owned it. They booed Rockefeller, and that was frightful. They wouldn't let other people speak. Scranton was a dead horse. The Eastern Republicans had lost control of the Party—and, to be honest, that's the major reason I ran. It was my Convention from the day the doors opened.

"I'll never forget—Eisenhower called me the next morning, and he said, 'What the hell did you make that speech for?' I said, 'What are you doing?' He said, 'Come on over,' so I went over to his hotel. I said to him, 'You didn't like the speech?' He said, 'No!' I said, 'Listen to me just a minute. You put together the biggest, strongest, most expensive army in the history of the world to, in effect, wipe out some people. Now, war is the most extreme thing we can engage in. Will you agree with that? He said, 'I do.' I said, 'That war you were in was to defend liberty, so what the hell is the difference?' He said, 'I never thought of it that way,' and I never heard any more from him about it. A while later, I saw Jake Javits—one of the Eastern liberal Republicans who deserted me—and I asked him what he could find wrong with what I said in San Francisco. He told me, 'It wasn't so much what you said as the time you said it,' 'Extremism' was a dirty word then, and it still is. But protecting freedom is what this country has been about. We'll go to any extent to protect it. I know people were thinking 'nuclear' when I said the dirty word, but it didn't bother me a damn bit. I made the speech, I think it had to be said, and I never lost any sleep over it. I thought it was a hell of a good speech. I didn't write it, but I approved it.

"I'm almost certain that that 'extremism' line came from way back, from Cicero. When I see Senator Joe Biden next, I'm going to tell him, 'Joe, if you want to take from somebody's speech, do like I did—go *way* back.' "

In the ensuing Presidential campaign, Lyndon Johnson and the Democrats made the most of the extremism issue. Buttons soon appeared with the legend "I Am a Moderate Extremist." Then, in early September, a television commercial showed a poster-perfect little girl plucking daisy petals in a field, to the sound of a sinister countdown. At last, she evaporated in a mushroom cloud, and an announcer urged viewers to vote for President Johnson: "The stakes are too high for you to stay home." After the Republicans justifiably complained to the Fair Campaign Practices Committee, the chilling commercial was dropped. Goldwater said, "When I first saw it, I thought, Goddam, that's a clever ad. But I couldn't stand still for that kind of stuff."

The Democratic-commercial incident was one of the rare moments of drama in the entire election, whose outcome was a foregone conclusion. Goldwater's running mate, the nebulous Representative William Miller, of New York, certainly didn't add any spice to the proceedings, and a further disappointment was the decision by Goldwater's close friend and Arizona neighbor Henry Luce to support President Johnson, personally and editorially. However, Luce's wife, Clare, actively worked for Goldwater. Sex appeal was something definitely in Goldwater's favor; women were his most dedicated and best-organized adherents. ("It's true, I just got a lot of lip service from the men," Goldwater has said.) The women helped bring out roaring crowds of the already convinced, but the newly converted were very few. One bright spot for Goldwater was a speech delivered by Ronald Reagan. "He made the best speech in the whole campaign," Goldwater said. "It was written for me, but I took one look at it and said that I don't have the ability to deliver this speech. A professional has to do it, like Reagan, and he did a hell of a job with it. Well, from there he got California behind him, ran for governor, and right away people were talking about him being President."

Finally, the torture was over. Goldwater returned home to Arizona to vote and await the inevitable results with his family, who had played a small role in the campaign. The results were even worse than he'd expected: forty-three million votes for Johnson to twenty-seven million for Goldwater, and forty-four states for Johnson to only Arizona and five Southern states for Goldwater. Years later, the defeated Republican would say, "I never met a guy who says he didn't vote for me. I think I'll demand a recount."

Goldwater has never been the sort of man to hold a grudge, but in the case of Lyndon Johnson (and a couple of other political figures) there is lingering bitterness. As his brother, Robert, put it, "I don't know if Barry would ever forgive Johnson—not so much for things he did to Barry as for things he did to the country."

When the subject of Johnson came up, Goldwater reddened. "Johnson was a completely dishonest man," he said, with deliberateness. "He'll have to be taken care of by history. I've got to say that he was the best Majority Leader I've ever seen. The tactics he'd use—any kind of muscle, he'd break your arm. I took pictures of him once out on Harry Byrd's farm, when he was using what I called the half Johnson, just leaning on you, and the full Johnson, with his arm around you. You needed a bridge built on some highway, and, by God, he got your vote or you didn't get the bridge. No subtlety. He didn't know what it meant. He came to Congress without a dime, and yet he was able to buy a television station in Texas. A woman I knew was trying to get that station for three years. They told her to take her application out and by tomorrow she'd have her station. She took it out, and by the next day Lyndon Johnson owned that station. I think he died worth twenty million dollars. Now, you don't do that in politics. Whatever he accomplished was because he beat the living Jesus out of me. When that happened, the entire Congress said this is our new leader and we better do what he says. He was at that moment the most popular President in history. So that's how we acquired the welfare state in total, and we're doing nothing but paying for it now, God help us."

Unemployed (he had given up his Senate seat to run for President) and still a little shell-shocked from the campaign, Goldwater in the middle nineteen-sixties came to believe that he had lost the battle but perhaps won the war. As titular head of the Republican Party, he made sure that it remained strongly conservative and under the firm control of its Western faction. When he wasn't attending to his hobbies or taking his family on trips, he preached Goldwaterism throughout the land, as he had a decade earlier. At one point, he received as many as thirty invitations a day to speak. Meanwhile, because of the Vietnam War, Johnson steadily sank in esteem, and Nixon made his startling comeback. It appeared that the political war had indeed been won by the conservative Republicans after all. Some people began to speculate about what would have happened if Goldwater had been elected in 1964.

What *would* have happened if Goldwater has been elected in 1964? The defeated candidate has been asked that question many times, and his answer comes pat: "Everything bad about this country since then is traceable back to Vietnam. When you decide to go to war, you should immediately decide to win it. As President, I would've flown B-52s over North Vietnam and dropped leaflets saying something like 'If you don't quit the war and make an accommodation with the government of South Vietnam, the next time we come over, there will be bombs.' I'd give them three days, and if they hadn't indicated that they'd quit hostilities I would have literally made a swamp out of the North. The threat is one of the great instruments of warfare. You threaten them with a military procedure that they know damn well you can do, and they'll weigh it and, if they think they're going to lose, they'll quit. I'm sure they would've done just that, and the war would've been over in a month. We came out of it all a shambles. We lost South Vietnam, we left twenty billion dollars' worth of equipment sitting around over there, and we've seen the downfall of most of Southeast Asia. Veterans threw their medals away. I can't blame them. I know that if I were young enough to have fought in Vietnam I would've been a very pissed-off guy.

"My radio shack next to the house here put through thousands of phone patches from the troops in Southeast Asia to their families, and you'd hear the soldiers just moaning and groaning. The men knew goddam well they weren't fighting out there to win. They didn't like seeing a friend get killed for nothing. I'd say to them, 'Look, there's nothing your commander can do, so don't get peed off at him. It's the guys in Washington that are giving you the trouble.' Neither Johnson nor his Secretary of Defense, Robert McNamara—a man I never liked—told the American people the truth about Vietnam. I was over there five times, and I'd sometimes wind up in an airplane. You'd see a target and you'd say to the pilot, 'Hey, what's that down there?' He'd say that it was a good target but he can't shoot at it because of McNamara's rules of engagement—you can't fire at any target without authorization from Washington. That's a waste of time, since the target's going to be there for only a few minutes. As soon as we decided not to win that war, we should've got the hell out of it and come home. It's possible that if I had been running things we wouldn't have gone through the terrible angst and crises of the nineteen-sixties and seventies."

Besides believing that he could have avoided the protracted Vietnam trauma, Goldwater felt that he could have helped the economy by cutting back on welfare programs and wasteful spending, though he conceded that it would have involved a monumental—and probably losing—fight with Congress. On this point in the what-if speculation, his critics agree with him, adding that under Goldwater racial turmoil might have increased at home and war with the Soviet Union could have been more likely. In general, Goldwater is philosophical about his hypothetical Presidency. "I don't think there's a man who's ever run for President who didn't have grand ideas and say, 'I'm going to sit in that chair and here's what I'm going to do'—and, the first thing he knows, he can't do it. One thing I know for certain, though: If I had won, I'm pretty damn sure I could've been reelected, and Nixon would have had to wait a little bit longer."

With the sudden renaissance of Nixon and conservatism in 1968, Goldwater itched to get back to where the action was—the Senate. His elderly, infirm friend and colleague Carl Hayden, who had been the Democratic incumbent from Arizona since 1926, decided not to run for an eighth term, so Goldwater leapt at the opportunity and captured Hayden's seat by almost seventy thousand votes. he returned to Washington with Nixon, Agnew, and the rest, but, oddly, he assumed what many saw as a more temperate attitude. he supported such measures as ending the draft and giving the vote to eighteen-year-olds, and he even entered into the late-sixties zeitgeist by letting his hair grow long. He had lost his seniority in the Democratic-controlled Senate because of his four-year interregnum, but he was happy to be back.

"I have abiding love and great respect for the institution," Goldwater said. "All in all, only sixteen senators have served longer than I have. Nobody will ever touch Carl Hayden's record, of course. The seniority thing bugged me, though. Instead of picking senators to be committee chairmen for their background or their knowledge, they're picked because of seniority. It took me all those years to get on the Armed Services Committee, and during that time I was the only senator who had ever flown a military aircraft. I also served on the Commerce Committee; the chairman was a lawyer who didn't know his ass from a hot rock about commerce. I'm very much in favor of limiting senators' terms to two. With just twelve years to serve, they'll be selected for committees on background, not seniority.

"The longer you're there the more you know about how it works—when to sit at your desk, when to sound off, when to stand up and criticize the leadership for taking too long. If a freshman tried that, they'd throw him out the front door. Finally, it was a thrill for me to be a senior senator. I became the chairman of the Armed Services Committee, the Intelligence Committee, the Communications Subcommittee, the Indian Affairs Committee—areas that I knew something about. Getting elected so many times, I was luckier than hell—politics is mostly luck—and I made a lot of friends. It would be hard for me to name an enemy in Congress. People disagreed with me violently, but we remained very good friends. Mo Udall and I have never voted the same on anything except water and Indians, yet I would fight to the last ditch to keep him in Congress, even though he's a Democrat. The same with Senator Dan Inouye, another Democrat. Teddy Kennedy is a hell of a nice guy. Fritz Mondale—I knew what he was going through in the last election. Hubert Humphrey was probably the best friend I ever had in the Senate, and, goddam, we really tied into each other. He was a marvellous man."

Not a marvellous man, in Goldwater's eyes, is Richard Nixon. In fact, Nixon joins Johnson and McNamara in a select trio that Goldwater holds in utter contempt, not to be forgiven. When he talks about Nixon, his voice rises and falls with hot anger and bitter rue: "Nixon is one of the saddest moments of my life. For twenty years or so, he and I worked hand in glove all over this land—not to help Nixon, not to help Goldwater, but to help the Republican Party and our country. But I was slow to see the real Nixon. I remember that many years back an old newspaperman lived in the same Washington apartment house I lived in, and although he was quite a liberal writer, we got along fine. One night, he said to me, 'What do you see in that Nixon?' I said, 'He's a hell of a good man,' and he came back with 'The Hell he is!' The press can detect such things that maybe escape the rest of us. Then, in 1976, on the opening day of President Ford's election campaign in New Hampshire, Nixon announced that he was going to China again. I was on a television show and I said that if Nixon thinks so much of China let him stay over there. Well, I got home and my wife just chewed my ass off. She said, 'How can you say that about him, you're so close? Well, I was sitting there listening to her go on, and in a millisecond the thought came to me that this man Nixon was dishonest, that he wasn't the man I thought he was, that the many things we did together in our political careers were done for the sole benefit of Richard Milhous Nixon.

Goldwater is often credited with being the catalyst that brought about Nixon's resignation in the face of an impeachment trial. He rejects that notion, claiming that he and others didn't talk Nixon into resigning but just make it "pretty damn clear" to him that he ought to resign. "I'll never forget—I started hearing about Watergate and I couldn't believe it," Goldwater recalled, staring out the window at a distant patch of undeveloped desert. "I spoke to some of the people close to Nixon, and when they told me what it was all about—breaking into Democratic headquarters at the Watergate—I said, 'I can't believe what you guys are talking about. The Democrats and the Republicans, we get money from the same people, we know each other by our first names. I can walk into Democratic headquarters and I'm very friendly with everybody. Why break in?' So I went to Nixon and said, 'Mr. President, if there's anything to this Watergate thing, if you have anything to do with it, get on the television now and tell all.' Well, he didn't do it.

"Things kept happening. Nixon would tell us another lie and then another, and finally, one day, Jerry Ford came down to our weekly Republican meeting and—I forget his exact words—he said that I hate to tell you, but there's another lie. Well, I just blew my top. I said, 'I'm getting goddam tired of this. This is the last time I'm going to stand for it. I'm going to demand his resignation.' They all told me to cool down but go up and see the President. So I called the White House. Dean Burch, one of my closest friends, said, 'Come out to my house tomorrow for lunch and don't wear your Levi's.' I went out there, and Alexander Haig was with Dean. We talked it all over, and about four o'clock that afternoon we went in to see the President, along with Senator Hugh Scott, of Pennsylvania, and John Rhodes, the House Minority Leader. Nixon just sat there with his feet on the desk. You'd have thought we had finished playing golf and he had a hole in one. Finally, he looked at me and said, 'Barry, how am I going go to do in the Senate?' I told him he wouldn't get twelve votes in an impeachment trial, and mine wouldn't be one of them. I knew what the feeling of the Senate was. They were getting madder and madder each day about his actions and his lying."

That grim statement coming from Mr. Conservative himself was something that Nixon could not ignore, but he was still noncommittal. Meanwhile, the press had heard a rumor that Goldwater had been deputized by fellow-Republicans to tell the President to resign. "But I hadn't," Goldwater said. "So I called Ben Bradlee, of the Washington *Post*—a good friend—and his boss, Mrs. Katherine Graham, and I said, 'Look, here's the situation we have: You got Nixon sitting on the edge and that guy will go either way. If you paper comes out saying that he's been told to quit, he won't quit. Then you're going to see at least eight months of disaster, with the President in the dock. The country can't take it.' Well, thank God, they didn't print the story, and the television people rescinded their story. That night, Nixon thought it over and called me up and said that he had decided he was not going to remain as President. It's too bad, really, a man like that—to think of the leader he could have been. He probably had as good a mind on foreign policy as we've ever seen in this country. But you cannot have a man sitting in the President's chair who is dishonest. He lied to his country. He lied to his friends. He lied to his family. I couldn't stand it. I wouldn't trust him from here to the window. I can't be decent to that man, and I have never forgiven him."

The shock of Watergate took some of the vinegar out of Goldwater. For a while after Nixon's resignation, it was hinted that President Ford would tap Goldwater for his Vice-President; instead, Nelson Rockefeller, that conspicuous symbol of Eastern Seaboard liberal Republicanism, was chosen. Although Goldwater voted against Rockefeller's appointment, he was less than irate about it. He went as far as to declare that Rockefeller might be a good President. "A strange case, that Rockefeller," Goldwater said. "I really didn't get to know him until he was made Vice-President and he was presiding in the Senate. He wouldn't shut up. He was talking while senators were trying to talk. I went up to him and said, 'Mr. Vice-President, you got to be quiet. You can't talk in here.' He couldn't understand that. When General Chiang Kai-Shek died, in 1975, I was going to the funeral in Taiwan, and before I left I criticized President Ford for sending the Secretary of Agriculture as the official U.S. representative. Rockefeller said to me, 'Thanks to you, I'm flying to Taiwan to represent the U.S. Let's fly there together.' So we talked all the way across the Pacific, and we got to know each other. I developed a real admiration for that fellow. I told him that the only reason he never got to be President was that he was born with the idea that he should be President because he was a Rockefeller. He laughed, and said, 'I guess you're right.'"

Conservatives wondered if Goldwater was going soft. He wasn't solidly opposed to the Panama Canal treaty, and he jolted the right-wing Republicans by supporting Ford over Ronald Reagan for the 1976 Republican Presidential nomination. Rather, it was a kind of ennui setting in. Goldwater had paid his dues as a fire-breathing conservative, and he was tired, aching physically and spiritually. His Senate attendance record was poor, and his voting record left something to be desired by the right. Grudgingly, he ran for reelection in 1980, and barely defeated a young opponent named William Schulz. He knew that it was his last campaign, and he was testy with the press. When a reporter asked him why he had just squeaked by while Reagan had captured Arizona in a landslide, the aging Senator responded, "I don't know and I don't particularly care." The man who just a year earlier had written a book entitled "With No Apologies" soon found himself apologizing for his odd behavior.

In a way, Reagan's triumph in 1980 was a vindication for Goldwater—the successful culmination of all his efforts over three decades to put the control of the nation undeniably in the hands of Western conservative Republicans, who he felt knew what the American people wanted. But there were nagging problems. An extremely public one arose over the mining of Nicaraguan waters—a covert operation that was supposedly to be made known to the Select Committee on Intelligence, of which Goldwater was chairman. The chairman was not against the mining per se, but he wanted his committee to know about it beforehand, as the law required. Because of that issue and other matters, he has mixed feelings about Ronald Reagan.

"When I first knew Ronnie, it was after the war and he was quite a liberal Democrat," Goldwater said. "In fact, one day he called a couple of us 'black Fascist bastards.' Later, the big influence on him was his wife, Nancy. Nancy's parents lived near here, and her father, a famous neurosurgeon, was very conservative. As the head of the Screen Actors Guild, Ronnie was having trouble with leftist unions, and I think that started him realizing that his position was not a good one. Maybe before he actually turned conservative he was basically conservative, having been raised in a small Midwestern town and going to small schools, completely outside the influence of left-wing politics. He went to Hollywood and just felt that the temper was such that he ought to be a liberal. I don't think for one moment that he was ever a Communist or a socialist. He was very pro-Roosevelt, but I can't hold that against a person.

"Is Ronnie now a bona-fide conservative? Thats hard to answer. Is Jesse Helms a bona-fide conservative or is he a nut? There's a lot of things Helms will do that I'm in perfect agreement with, but I don't like his tactics on the Senate floor, the same kind of tactics that Hubert Humphrey employed. I guess Reagan is a true conservative. Now, if he and I sat down and took matters up issue by issue, we might not agree one hundred per cent. I don't believe agreement of one hundred per cent is essential to being an American. I argue with a lot of people. He can do nothing about the dangerous national debt, since any President controls just thirty per cent of what is spent. No President ever finishes his career with a great big bang. But I have faith in the guy. He'll go down in history as a good President. He's a hell of a good communicator—although he's always an actor and has to learn his lines. There may be some question about how hard he works—I don't know. And, of course, he's done a lot of damage with this Iran-Contra thing. Nothing he can ever do will erase it."

For Goldwater, the Iran-Contra hearings were an obsession. Throughout the weeks of hearings, he was confined to bed after a knee operation, and there was little he could do but watch the parade of witnesses on televison. Earlier, he had called the selling of military equipment to Iran in exchange for the release of hostages "a dreadful mistake" and had remarked that Reagan "got his butt caught in a crack." Recently, he was only a bit more temperate about the Iran-Contra affair:

"I told Reagan—the last time I visited him when I was still a senator—I told him, 'You got to clear this stuff up. I don't care what you say. You're the President, and as President you're supposed to know about fifty or sixty million dollars for arms to our enemy the Iranians. That does not separate itself from your knowledge.' The big mistake Reagan made—and I told him this—was trying to get close to the moderates in Iran. I said, 'Mr. President, I know Iran. I was a friend of the Shah. During the war, I used to fly to Teheran. I guess I've been in Iran six or seven times since the war. The moderates in Iran are all dead. Now, if you want to speak to a moderate Iranian I'll find you one—in Paris, London, New York, or Washington. But you're not going to find any moderates alive in Iran.' Well, he didn't say anything. The whole thing about those hearings that left me in a quandary was, How could the President of the United States not know about it all? I mean, my God!"

As for the cast of characters in the hearings, Goldwater said, "They raised doubt in everybody's mind about what Reagan knew. They didn't actually nail the President in a dishonest position, but I think they accomplished as much. Oliver North was given a job to do, and, being a Marine officer, he did his job the way he felt best. What North said were the very words that most Americans wanted to hear, whether he was lying or not, Americans are hungry to hear something good about this country. Admiral Poindexter kept looking at his stars—his naval position, his ambition. Did General Secord and the others do it for money? It's our money, and if those guys have it in Swiss bank accounts, then we ought to throw the bastards in jail."

Another dilemma for Goldwater is his position on the Contras. During a seminar at Arizona State University, he found himself in a heated debate with a black law student about American policy toward Nicaragua versus American policy toward South Africa. After Goldwater stated that America had the right to "change" an inimical foreign government such as Nicaragua's (by, for instance, supporting the Contras' insurrection against the Sandinistas), the student asked why America couldn't do the same thing in South Africa, since that government was also hostile to our principles. Goldwater was at a loss for a clear, reasoned answer, and the student walked away with the debating prize. It was another example of the difficulty that Mr. Conservative has had in articulating consistent political logic throughout his career.

Expressing his thoughts forthrightly and indiscriminately, for better or worse, has always been the indelible mark of the man. If he ever matured into a judicious elder statesman, he would no longer be Barry Morris Goldwater—perhaps the last of the Trumanesque politicians, a man who simply does not have a dishonest one in his body. At the close of his eighth decade, here are some of his random thoughts:

Fidel Castro: "I'd like to meet him, just to meet him. Someday I may go down there. I think that he and I maybe have a lot in common—I just don't know what it might be. It's a feeling I have."

Jerry Falwell and the TV Evangelists: "After Falwell said that all good Christians should be concerned about Sandra Day O'Connor's nomination to the Supreme Court because of her stand on abortion, I said, 'Every good Christian ought to kick Falwell right in the ass.' I get damn tired of these political preachers telling me what to believe in and do."

Franklin and Eleanor Roosevelt: "I say, as a conservative, that Roosevelt ran on the most conservative platform ever presented by a candidate in the past hundred years. He didn't start getting into liberal trouble till after he'd been elected and he came under the influence of some wild-eyed economists. It took the Second World War to get us out of the Depression, not Roosevelt. But he did a lot of damn good things, when you stop to think about it. He brought us closer together as a country. I never knew Mrs. Roosevelt, but, having lived with a wife who had great influence over me, I'd have to say Eleanor had great influence, too."

The Soviet Union: "Gorbachev will surprise a lot of people. He realizes that his country is in real economic trouble, and he had better clear it up or he can have a revolution. He's the first leader of Russia we can sit down and talk to. Why can't we sit down with him and get rid of these terrible weapons? Why do we have to go broke and keep so many young people in the military?"

The Supreme Court: "If you put a devoted constitutionalist in there, he may be more liberal. Rehnquist and O'Connor haven't voted in a consistently conservative way. Both of them are from Arizona, by the way. Little old Arizona pretty much owns the Supreme Court."

Congress: 'The President alone can send you to war. Congress can declare war every half hour, but that doesn't put a rifle on your shoulder. But the greatest threat to the United States is internal, not external. The national debt approaches everything we have. And we're in a welfare state. Fifty percent takes care of the other fifty percent. We'll either go bankrupt or wind up with a dictatorship. The question is, Will we ever have a Congress with enough guts to change things? I don't think so."

J. William Fulbright: "We are fraternity brothers and we played golf together, but in foreign policy we're diametrically opposed. I said that there had to be one victor between the Soviets and us. He never agreed. The Gulf of Tonkin Resolution he sponsored was a big phony. I'm surprised Fulbright fell for the idea that anything really happened there. But he left the Senate in good shape, highly thought of."

Jacob Javits: "I got along with Jake all right. Strictly philosphical, political differences. We had violent debates on the floor, like on the War Powers Act. Very, very smart man. A coony man—smart as a coon dog."

Robert Taft: "He was a cold man. I'd introduce him to a bunch of ladies, and he wouldn't even say, 'How do you do?' But he had a brilliant, exceptional mind. You could go to him on the Senate floor, and he'd know about every bill and what was happening better than anyone else I ever served with. Somebody once said that when history is written they're going to call Bob Taft and Barry Goldwater liberals."

The Presidency: "Of all the Presidents I've known, I'd put Johnson and Nixon at the bottom. My all-time favorites are still Thomas Jefferson and Abraham Lincoln."

Harry Truman: "Truman will go down as the best President of this century. His great asset was that you always knew where he stood. I like to think I'm the same way. I wish that we had a long string of Trumans. We wouldn't have troubles today."

Douglas MacArthur: "Truman was right in firing him. The only question is, Was he right in using his right at that time."

Dwight D. Eisenhower: "What I said about Truman I follow by saying that he might be tied or come close to by Eisenhower. People looked on Ike as a nice, grandfatherly man. Now they're beginning to realize some of the great things he did accomplish. We had differences, but we got along pretty well. We were both military men, and that helped." ."

Gerald Ford: "People ask me, 'What did he do as President?' I answer, 'He wasn't in long enough to do much.' He did return dignity and decency to a White House that Nixon had destroyed. That was all he could have done. Jerry is not the smartest man who ever came down the pike, but he's honest and he worked hard. I was frankly a little surprised when he was chosen as Vice-President—but that's neither here nor there."

Jimmy Carter: "I felt sorry for Jimmy Carter, but maybe history is going to treat him much better than we're treating him today. The things he tried to do he honestly believed in. You can't find fault with a man like that. He and I had our arguments—the B-1 bomber, reclamation, Indians. Not a top President, but not as bad as he might have been."

UFOs: "I used to receive a hundred calls a year from people who wanted me to get into the Green Room at Wright-Patterson Air Force Base, because that's where the Air Force stored all the material gathered on UFOs. I once asked General Curtis LeMay if I could get into that room, and he just gave me holy hell. He said, 'Not only can't you get into it but don't you ever mention it to me again.' Now, with millions of planets that we know are up there, it's hard for me to believe that ours is the only one that has things that can think walking around on it. So when people tell me they've seen UFOs, I don't say they haven't. In fifteen thousand hours of flying, I've never seen one, but I've talked to pilots who have. I talked to an airline crew that swore up and down that an object came alongside of them one night, and before they could do anything it vanished. We lost a military pilot who went up to intercept strange lights and never came back. His airplane disappeared, too. I won't argue for or against."

Robert F. Kennedy: "He was not the same class of man as his brother Jack. Bobby would do almost anything to get to an end."

Women: "Women have lived in the shadow of men for centuries, and it's not easy for them to step out of that shadow. Some of the best people I've served with in politics are women. One day, we'll have a woman President—not because she's a woman but because she's demonstrably better—but I won't be here to see it. They criticized Pat Schroeder for crying when she pulled out of the Presidential race. Well, if you haven't got any emotion you're not worth a dime."

Abortion: "I'm proud that my wife was founder of Planned Parenthood in Arizona, when it wasn't a very popular movement here. I've opposed legislation that would outlaw abortion. I'm not for abortion, but it's something that's up to the individual, not the government—like praying."

Robert Welch: "He lived in Arizona for a while in the nineteen-fifties, and he brought around the manuscript of one of his books and asked me to read it. I read it, and it was so inflammatory, so anti-Eisenhower that I told him to burn it. Well, he didn't and he got into a lot of trouble. Welch and the Birchers turned against me at one point, because I never embraced their philosophy."

Spiro T. Agnew: "He was a good Vice-President by doing what he did to straighten out the press. He really took them on, and as a result the press began to pay a little attention to what they did. I liked Agnew. I liked the way he spoke. I still think that somebody wanted to get rid of him."

Conservatism: "It's alive and well. The American people, by and large, are conservative—but they like that government money coming in, so they vote for liberal Democrats. Politics goes in a circle. I think the Republicans will win the next Presidential election, but that may be the last Republican victory for a long time."

The C.I.A. and William Casey: "I don't believe the C.I.A. had a direct part in the Iran-Contra business, but I would say that if Casey didn't know about it then he was sleeping. I can't find any fault with Bob Woodward's book. I'm not supposed to say that. Casey was a very strong man with a strong will, and he was always successful, in everything he did. He was a conservative all the way. As close as I was to him when I was chairman of the Intelligence Committee, I can't say that I really knew Bill Casey. He was a mystery."

The F.B.I. and J. Edgar Hoover: "Members of Congress have the right to look at their F.B.I. files, so I called down there once and asked to look at mine. They said, 'Give us some time.' But I told them, 'Hell, I don't want to come down there and see the stuff you've sanitized just to make me happy.' So I didn't go. I should have just walked in the door and demanded my file. I met Hoover only once. Never had any reason to admire him or dislike him. I can't vouch for every technique he followed, but he got the job done."

Integrity: "My mother always told me, 'Tell the truth, you'll sleep better.' If a thing is worthwhile, I do it the best I can. Some will agree and some won't, but I'd hate to live in a country where everybody agreed. If I can't wake up in the morning mad at somebody, it's not going to be a good day."

Republican Presidential Candidates: "I think Bush is going to get elected. He's certainly the most competent, experienced man, and he's got a great organization. People say, 'I like Bush but . . .' Why 'but'? There's a joke going around that George Bush can't be elected because he reminds every woman of her first husband. There may be something there."

Democratic Presidential Candidates: The man to watch is Jesse Jackson. Whenever they had debates, I though that Jackson won. I never knew Jesse till several months ago, when I was on a television show with him. We spent three or four hours together. He's a fascinating guy—articulate, good-looking—but I'd have to have a lot of odds to bet on him getting the nomination. Dukakis might get the nomination, but he can't win; they won't accept his liberalism in the West. If Mario Cuomo ran, though, he'd be a hard man to beat. I wouldn't bet against him. I like Nunn and Robb. If they got in the race, they could give the Republicans a bad time."

The Press: "If the they asked me the questions they asked Gary Hart, I don't know if I could remember the answers. I couldn't honestly say that I've lived my life so spectacularly clean that I've never done any thing bad, If the press is going to make strict adherence to morality the guiding light for engaging in politics, then we're going to run out of candidates real fast, including women."

The Environment: "Water is our biggest problem in Arizona. By the year 2000, we'll be drinking the ocean. The ozone problem over Antarctica gets to me, too. We have to pay attention."

Arizona Governor Evan Mecham: "He's a very stubborn man and a devout Mormon who absolutely believes he's got an 800 line that goes straight up and he talks to God. I told him once, I said, 'Ev, when you wake up and you've got a bright idea, before you call the old boy up there why don't you call one of us, because we've been around that track?' But he never would do it. He screwed up too much. In his impeachment trial, the Arizona Senate rose to the occasion, so now he's ex-Governor Mecham."

The Indians: "They make more sense of nature than white men do. they accept and use it, even if they can't explain it. They go up in the mountains and sit there and watch the gods walk through the trees. I used to run a trading post in Navajo country, so I know them well. They don't respect the white man. There's nothing to respect, when you really get down to it. I could never get any body in Washington excited about the Indians' plight. The Bureau of Indian Affairs is the worst-run department in the whole government."

World Economics: "It was a happy day when we were the world's economic leader. All right, so we're not No. 1 any more, but let's get our ass up there. There can never be an absolute No. 1 again. There are to many areas of competition. And I think that's good. But, as old Hindenburg used to say, 'the Lord take care of drunks and Americans.' "

Greed: It's a natural instinct from the time man was first on earth. If it runs away, and it has, it can be very harmful."

Hate: "Just scratch that word from your vocabulary. If you're going to talk about a man you don't like, just say you don't like him. Don't say you hate him. 'Hate' is the dirtiest, ugliest word in the language—any language."

War: "I would like to see us do away with all nuclear weapons. I just want to make damn sure they're all gone."

Peace: "I've never been in a place on earth that I would call ugly, because when you talk to the people there it begins to be a little beautiful. I have a strong feeling that when this world eliminates that social, language, and religious barriers there will be peace. I think that that's the way the Lord wants it."—BURTON BERNSTEIN●

LOWER CAPITAL GAINS RATE MEANS HIGHER TAX COLLECTIONS

● Mr. BOSCHWITZ. Mr. President, I rise today to describe for my colleagues how reducing taxes on capital gains can increase revenues for the Federal Government.

During debate on the 1986 Tax Reform Act, many argued that allowing a capital gains exclusion was a revenue loser for the Federal Treasury. Interestingly, when the late Congressman Bill Steiger was fighting to push through a capital gains exclusion in 1978, he was faced with a similar argument. In a 1978 letter to Congressman Steiger, then Secretary of the Treasury W. Michael Blumenthal stated that lowering the tax rate on capital gains would cost the Treasury billions annually.

Fortunately, an exclusion was enacted despite the objections of the Treasury. Did revenues to the Treasury from taxes on capital gains fall? Quite the contrary, they increased substantially. In 1978, with a top tax rate on capital gains of 49.1 percent, capital gains collections were $9.3 billion. The following years—1979 and 1980—when the maximum rate was lowered to 28 percent, collections jumped to $11.7 and $12.5 billion respectively.

Mr. President, at this time I ask to have an eye-opening article by John M. Berry, which appeared in the Washington Post, inserted in the RECORD at the end of my remarks. The article is entitled "Budget Deficit Trails Last Year's by $4.3 Billion." In this article, Mr. Berry points out that income tax receipts rose dramatically in 1987 due, in part, to taxes paid on capital gains prior to an increase in that tax.

The facts demonstrate that a cut in capital gains taxes would contribute to an increase in revenues. Further, a cut in capital gains taxes would increase savings and capital formation and channel more resources into venture capital, as indicated by the Congressional Budget Office in its study, "How Capital Gains Tax Rates Affect Revenues: The Historical Evidence."

Studies completed by Martin Feldstein and Lawrence Lindsey indicate that reducing capital gains tax rates to 15 percent will generate additional revenues of $8 billion in fiscal year 1988, $11 billion in fiscal year 1989, and $12 billion in fiscal year 1990. Four recent academic and governmental studies suggest that maximum capital gains revenues are produced when the rate lies somewhere between 9 and 21 percent, far lower than the rates under the Tax Reform Act of 1986.

Increased tax rates cost the government money and contribute to the deficit because investors hold on to assets they otherwise would sell or do not seek out high risk investments that contribute to economic growth. Indeed, the increased rates under the Tax Reform Act are projected to cause revenue losses in the range of $27 billion to $105 billion over the fiscal years 1987-91 period.

The article follows:

[From the Washington Post, Apr. 22, 1988]

BUDGET DEFICIT TRAILS LAST YEAR'S BY $4.3 BILLION—U.S. RED INK FOR FIRST 6 MONTHS OF FISCAL 1988 PUT AT $118 BILLION

(By John M. Berry)

The federal budget deficit is running $4.3 billion below the level of a year ago, thanks to an unexpected combination of good and bad news, the Treasury Department reported yesterday.

The deficit for the first half of fiscal year 1988 was $118.9 billion, compared with $123.2 billion during the comparable period last year. However, the March deficit was $29.1 billion, up from $27.9 billion a year ago, the department said.

A number of forecasters have predicted this year's deficit will be $10 billion to $15 billion higher than the $150.4 billion dose of red ink recorded in FY '87. The Reagan administration's official forecast is for a slight reduction in the deficit, to $146.7 billion.

Some analysts have been surprised that the deficit has not already surpassed its year-earlier levels. In particular, they anticipated a much weaker increase in personal income tax receipts, which were swollen in 1987 by taxes paid on capital gains realized in calendar 1986 before capital gains tax rates rose.

However, the stock market upheaval last fall also caused many stock owners to sell shares that, despite the market's plunge, were worth more than when they were bought. In any event, personal income tax receipts for the first half of FY 88 were $183.5 billion, up from $172.3 billion last year.

Receipts from Social Security payroll taxes were up even more, from $130.2 billion to $142.1 billion, as a result of higher employment levels, higher wages, the annual increase in the amount of wages subject to tax and an increase in tax rate as of Jan. 1.

Altogether, receipts were $412 billion for the six months, up from $383.8 billion in FY '87, a $28.2 billion, or 7.3 percent increase.

Meanwhile, outlays climbed $23.9 billion, or 4.7 percent.

The biggest increase in spending occurred in interest paid on the federal debt, which rose from $96.1 billion in the first half of FY '87 to $105.2 billion this year. The increase was attributable to a higher level of debt and a substantial increase in interest rates.

Since part of the debt is owned by government trust funds, such as that for Social Security, part of the interest payments are offset by receipts elsewhere in the budget. Interest received by the trust funds rose about $3.1 billion.

The next largest increase in outlays was for the military, for which spending rose from $134.7 billion to $142.3 billion.●

JAPAN'S CAR-IMPORT MAZE

● Mr. BOSCHWITZ. Mr. President, I rise today to bring to my colleagues' attention the maze of Japanese regulations that block car imports into that country.

As my colleagues are well aware, current levels of United States auto exports to Japan could stand improvement. There are a number of factors that created this shortage of United States exports to Japan. First of all, United States auto makers historically have left the marketing of their products to Japanese dealers. Furthermore, and more significant, Japanese agencies have spun a web of restrictions around foreign importers which cannot easily be untangled.

Mr. President, at this time I ask to have an article by Yukichi Yanagishima printed in the RECORD at the end of my statement. This article appeared in the Sankei Shimbun and was translated for the Journal of Commerce by the Asia Foundation's Translation Service Center. It is entitled "Crawling Through Japan's Car-Import Maze." I would like to thank Mr. Sam Zell for bringing this excellent article to my attention.

The article sheds light on many complex rules and regulations that one encounters when attempting to export autos to Japan. An excise tax equal to 23 percent of the car's depreciated value is levied on the auto. In addition, the car must go through a rigorous and costly emissions inspection at a cost far exceeding similar tests in this country.

The Ministry of Transport tightly adheres to Japanese specifications and usually requires equipment to be altered or replaced—another expense. There are also many fees to be paid, such as the motor vehicle tax, special weight tax, purchase tax, and obligatory liability insurance. Furthermore, the premiums for foreign cars on optional insurance are 2.5 times more than for domestic models in the same weight class.

It is no wonder we have such difficulty penetrating the Japanese markets.

The article follows:

CRAWLING THROUGH JAPAN'S CAR-IMPORT MAZE

(By Yukichi Yanagishima)

TOKYO—Japan's trade troubles with the U.S. are largely self-inflicted, often by a cumbersome bureaucracy dedicated less to the public good than to pleasing special interest groups like big business and agriculture. Consumers are left out in the cold.

In 1987, our per capita gross national product surpassed that of the U.S., but you would never guess it from the exorbitant cost of living here. American tourists are astounded to see muskmelons that sell for $1 in California sporting $100 price tags in Tokyo.

Two reasons are usually cited for high costs. First, soaring real estate values, particularly in the Tokyo area, exert upward pressure on commercial rents and other business expenses, which are passed on to the consumer.

Second, middlemen keep retail prices of foreign goods artificially high. Thus the sharp rise of the yen against the dollar, more than 50% since 1985, has not lowered prices.

The real culprit, however, is our Byzantine bureaucracy. Officialdom exercises broad discretionary powers to protect domestic industries from foreign competitors.

Take automobiles, for example. Imported vehicles account for a mere 3% of the Japanese car market—the lowest figure of any major industrial country. West Germany, like Japan, has a large trade surplus, but nearly one out of three West Germans drives a foreign auto.

In the U.S. the Ford Taurus sells for about $12,000. Air conditioning, a stereo radiocassette and other options boost the final bill to $15,000. The list price for a Taurus in Japan at the current exchange rate is an outrageous $33,000.

U.S. auto makers deserve some of the blame for leaving the marketing of their products to Japanese dealers. But the real problem is the tangle of restrictions that the Ministry of International Trade and Industry, the Ministry of Transport and other agencies have woven around the domestic car market.

I found that out the hard way. Last year, after a two-year assignment in Washington, D.C., I decided to bring my German-made BMW back to Japan.

To begin with, I had to pay a hefty excise tax equal to 23% of the car's depreciated value. This tax is levied on any vehicle that has been purchased and driven abroad for less than two years. Had I bought a compact model with an engine displacement not exceeding 2,000 cc, say a Toyota made in California, the rate would have been 18.5%. My large BMW (2,700 cc) fell in the luxury class, and I shelled out $3,700 just to drive it off the dock.

Italy is the only other industrialized country to impose a differential tariff based on car width and engine displacement. I had just parted with a small fortune to get my car out of customs, but that was only the start.

Next I had to pass an emission inspection. Japan has some of the toughest standards. Moreover, MITI's Japan Vehicle Inspection Association charged me $2,100 for the tests. Although California has comparable standards, the fee is only a tiny fraction of that amount.

Then the Ministry of Transport's District Land Transport Bureau got into the act. The bureau informed me that the tail lights and other fixtures did not meet Japanese specifications. Another inspection and mandatory replacement costs set me back $2,900.

After completing the gamut of tests, I ran into other expenses: motor vehicle tax, special weight tax, purchase tax, and obligatory liability insurance. They came to $2,150.

Finally, when I applied for optional insurance covering collision, property damage and personal indemnity, I learned that premiums for foreign cars are 2.5 times more than for domestic makes in the same weight class. There was nothing to do but grin and pay it.

By the time my car was road-ready, I had paid about $12,000. If it had been a brand new model, the total would have been even higher. No wonder few Japanese drive foreign automobiles.

Washington accuses us of hogtying U.S. competitors with red tape while flooding American markets with Japanese goods. Our politicians promise remedial action, but bureaucratic foot-dragging undermines their market-opening programs.

Take it from one who knows: The bureaucratic roadblock is Japan's greatest nontariff trade barrier.●

HAPPY BIRTHDAY TO LAKE TANEYCOMO

● **Mr. DANFORTH.** Mr. President, there will be big doings in Rockaway Beach, MO, on May 7. People will flock to the Shepherd of the Hills country of southwest Missouri to celebrate the 75th birthday of Lake Taneycomo.

First, let me say that Missouri is a State of unsurpassed attractions for travelers and tourists.

You can watch a major league baseball game in St. Louis or Kansas City. You can see the jumping off point for the Pony Express. You can float wild, free-flowing streams, swim or ski in sparkling blue lakes, and hike in the rugged hills and hollows of the Ozarks.

You can see Mark Twain's town, Hannibal, and President Truman's home in Independence.

Or you can fish the cold clear waters of Lake Taneycomo, which is 75 years young.

Missouri holds more wonders than these, but you get the picture. The Show Me State is a land of infinite variety, with the friendliest people anywhere. Come and see us!

Now, Lake Taneycomo holds a place of special pride among the recreational treasures of Missouri.

In 1911, Congress granted approval to the impoundment of the White River. The filling of the lake in 1913 made Taneycomo the first of Missouri's multipurpose lakes. I am told, moreover, that this was the first hydroelectric project west of the Mississippi River, and the largest hydropower facility in the United States at the time of construction.

Lake Taneycomo is 22 miles long, cradled by the beautiful country that is the setting for Harold Bell Wright's novel "The Shepherd of the Hills." Today, the southern lakes area of Missouri is a national center of tourism and recreation. Lake Taneycomo was the first jewel in the crown.

Therefore, I am delighted to take this opportunity to recognize the special contribution of Lake Taneycomo to the people of Missouri and the Nation, and to say, happy birthday!●

THE EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader, Mr. MURKOWSKI, if the following nominations on the Executive Calendar are cleared for action on his side of the aisle: All nominations under the Air Force on pages 4, 5, 6, 7, 8, 9, and 10; all nominations under the Army on pages 11, 12, 13, and 14; all nominations under the Marine Corps on pages 14 and 15; all nominations under the Navy on pages 15, 16, and 17; and all nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy, such nominations appearing on pages 18 and 19 of the Executive Calendar.

Mr. MURKOWSKI. Mr. President, the aforementioned nominations have all been cleared on this side.

Mr. BYRD. Mr. President, I thank my friend.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the aforementioned nominations en bloc; that they be considered and confirmed en bloc; that the motions to reconsider en bloc be laid on the table; that the President be immediately notified of the confirmation of the nominees; that they be spread severally upon the RECORD; and if any Senators have statements they wish to have appear in the RECORD in connection with any of the nominations, that such Senators be allowed to have those statements so appear.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following officers for appointment in the United States Air Force to the grade of brigadier general under the provisions of Section 624, Title 10 of the United States Code:

Col. Harold B. Adams, [redacted] FR, Regular Air Force.

Col. Dennis C. Beasley, [redacted] FR, Regular Air Force.

Col. Lawrence E. Boese, [redacted] FR, Regular Air Force.

Col. Ralph T. Browning, [redacted] FR, Regular Air Force.

Col. Richard A. Browning, [redacted] FR, Regular Air Force.

Col. Edward N. Brya, [redacted] FR, Regular Air Force.

Col. Frank Cardile, [redacted] FR, Regular Air Force.

Col. William E. Collins, [redacted] FR, Regular Air Force.

Col. Lewis E. Curtis, III, [redacted] FR, Regular Air Force.

Col. Stancil L. Dilda, Jr., [redacted] FR, Regular Air Force.

Col. Francis R. Dillon [redacted]FR, Regular Air Force.

Col. John W. Douglass, [redacted]FR, Regular Air Force.

Col. Brett M. Dula, [redacted]FR, Regular Air Force.

Col. Albert J. Edmonds, [redacted]FR, Regular Air Force.

Col. Marvin S. Ervin, [redacted]FR, Regular Air Force.

Col. James A. Fain, Jr. [redacted]FR, Regular Air Force.

Col. John L. Finan, [redacted]FR, Regular Air Force.

Col. Bruce L. Fister, [redacted]FR, Regular Air Force.

Col. Charles E. Franklin, [redacted]FR, Regular Air Force.

Col. Benard W. Gann [redacted]FR, Regular Air Force.

Col. Timothy D. Gill, [redacted]FR, Regular Air Force.

Col. James F. Grant, [redacted]FR, Regular Air Force.

Col. Kenneth L. Hagemann, Sr., [redacted]FR, Regular Air Force.

Col. Milton L. Haines [redacted]FR, Regular Air Force.

Col. Larry L. Henry, [redacted]FR, Regular Air Force.

Col. Walter C. Hersman, [redacted]FR, Regular Air Force.

Col. Ellwood P. Hinman III, [redacted]FR, Regular Air Force.

Col. James M. Hurley [redacted]FR, Regular Air Force.

Col. Ronald W. Iverson, [redacted]FR, Regular Air Force.

Col. Arthur E. Johnson [redacted]FR, Regular Air Force.

Col. Roger A. Jones, [redacted]FR, Regular Air Force.

Col. John P. Jumper, [redacted]FR, Regular Air Force.

Col. Kenneth F. Keller [redacted]FR, Regular Air Force.

Col. Jean E. Klick, [redacted]FR, Regular Air Force.

Col. Owen W. Lentz, [redacted]FR, Regular Air Force.

Col. Antonio Maldonado, [redacted]FR, Regular Air Force.

Col. James W. McIntyre, [redacted]FR, Regular Air Force.

Col. Ben Nelson, Jr., [redacted]FR, Regular Air Force.

Col. Philip W. Nuber [redacted]FR, Regular Air Force.

Col. Raymund E. O'Mara, [redacted]FR, Regular Air Force.

Col. Robert W. Parker [redacted]FR, Regular Air Force.

Col. John F. Phillips, [redacted]FR, Regular Air Force.

Col. Robert W. Poel, [redacted]FR, Regular Air Force.

Col. Joseph J. Redden [redacted]FR, Regular Air Force.

Col. Ronald N. Running, [redacted]FR, Regular Air Force.

Col. John J. Salvadore [redacted]FR, Regular Air Force.

Col. Garry A. Schnelzer, [redacted]FR, Regular Air Force.

Col. Graham E. Shirley [redacted]FR, Regular Air Force.

Col. Nolan Sklute, [redacted]FR, Regular Air Force.

Col. Lester J. Weber, [redacted]FR, Regular Air Force.

Col. Thad A. Wolfe, [redacted]FR, Regular Air Force.

Col. Walter T. Worthington, [redacted]FR, Regular Air Force.

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. James R. Brown, [redacted]FR, U.S. Air Force.

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Murphy A. Chesney, [redacted]FR, U.S. Air Force.

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. David L. Nichols, [redacted]FR, U.S. Air Force.

The following named officer under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Jimmie V. Adams, [redacted]FR, U.S. Air Force.

The following named officer under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Lt. Gen. Thomas G. McInerney, [redacted]FR, U.S. Air Force.

The following named officer under the provisions of Title 10, United States Code, Section 8036, to be Surgeon General of the Air Force:

To be surgeon general, USAF

Maj. Gen. Monte B. Miller, [redacted]FR, U.S. Air Force.

The following named officer for appointment to the grade of general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be general

Gen. Jack I. Gregory, [redacted]FR, U.S. Air Force.

The following named officer under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be general

Lt. Gen. Merrill A. McPeak, [redacted]FR, U.S. Air Force.

The following named officer, under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Peter T. Kempf, [redacted]FR, U.S. Air Force.

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Aloysius G. Casey, [redacted]FR, U.S. Air Force.

The following named officer, under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Anthony J. Burshnick, [redacted]FR, U.S. Air Force.

The following named officer, under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Donald L. Cromer, [redacted]FR, U.S. Air Force.

The following named officer, under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Clifford H. Rees, Jr., [redacted]FR, U.S. Air Force.

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Casper T. Spangrud, [redacted] 2509FR, U.S. Air Force.

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. William E. Thurman, [redacted]FR, U.S. Air Force.

The following named officer, under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Ralph E. Havens, [redacted]FR, U.S. Air Force.

The following named officer, under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. John M. Loh, [redacted]FR, U.S. Air Force.

IN THE ARMY

The following named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Howard G. Crowell, Jr., [redacted] U.S. Army.

The following named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Emmett Paige, Jr. [redacted] U.S. Army.

The following named officer for appointment to the grade indicated, under the provisions of Title 10, United States Code, Section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Bruce R. Harris [redacted], U.S. Army.

The following named officer for appointment to the grade indicated, under the provisions of Title 10, United States Code, Section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Edwin S. Leland, Jr., [redacted] U.S. Army.

The following named officer for appointment to the grade indicated, under the provisions of Title 10, United States Code, Section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601(a):

To be lieutenant general

Lt. Gen. Thurman D. Rodgers, [redacted] U.S. Army.

The following named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be general

Gen. Glenn K. Otis [redacted], U.S. Army.

The following named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Harold M. Davis, Jr., [redacted], U.S. Army.

The following named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Elvin R. Heiberg [redacted], U.S. Army.

The following named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Vaughn O. Lang [redacted], U.S. Army.

The following named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Max W. Noah, [redacted], U.S. Army.

The following named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. William E. Odom, [redacted], U.S. Army.

The following named officer for appointment to the grade indicated, under the provisions of Title 10, United States Code, Section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Richard G. Graves, [redacted] U.S. Army.

The following named officer for appointment to the grade indicated, under the provisions of Title 10, United States Code, Section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. James F. McCall, [redacted], U.S. Army.

The following named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Quinn H. Becker [redacted], United States Army.

The following named officer under the provisions of Title 10, United States Code, section 3036, to be the Surgeon General, U.S. Army:

To be the surgeon general, United States Army

Maj. Gen. Frank F. Ledford, [redacted], U.S. Army.

In the Marine Corps

The following named officer for appointment as Assistant Commandant of the Marine Corps under title 10, United States Code, section 5044.

To be general

Joseph J. Went, [redacted], U.S. Marine Corps.

The following named officer to be placed on the retired list in the grade of lieutenant general under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Keith A. Smith, [redacted], U.S. Marine Corps Reserve.

The following named officer to be placed on the retired list in the grade of general under the provisions of title 10, United States Code, section 1370:

To be general

Thomas R. Morgan, [redacted] U.S. Marine Corps.

In the Navy

The following named captains in the line of the Navy for promotion to the permanent grade of rear admiral (lower half), pursuant to Title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

Philip Shepard Anselmo.
Jon Michael Barr.
Bruce Barton Bremner.
William Clifford Carlson.
Stephen Scott Clarey.
Walter Jackson Davis, Jr.
William Anthony Earner, Jr.
James Richard Fitzgerald.
William John Flanagan, Jr.
David Eugene Frost.
Alvaro Raymond Gomez.
Thomas Forrest Hall.
John Timothy Hood.

To be rear admiral (lower half)

Karl Lee Kaup.
James Richard Lang.
John Baptiste Laplante.
Conrad C Lautenbacher, Jr.
John Alden Moriarty.
Paul Whitney Parcells.
James Wood Partington.
Philip Michael Quast.
John Scott Redd.
Thomas David Ryan.
Luther Frederick Schriefer.
Ralph Lawrence Tindal.
Paul Edward Tobin, Jr.
William Lansing Vincent.
George Rhodes Worthington.
Timothy Wayne Wright.
Ronald Joseph Zlatoper.

RESTRICTED LINE OFFICER—ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

Millard Sherwood Firebaugh.
Dean Howard Hines.

AERONAUTICAL ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

Robert Glen Harrison.

SPECIAL DUTY OFFICER (CRYPTOLOGY)

To be rear admiral (lower half)

Isaiah Clawson Cole.

The following named rear admirals (lower half) in the Staff Corps of the United States Navy for promotion to the permanent grade of rear admiral, pursuant to Title 10, United States Code, Section 624, subject to qualifications therefor as provided by law:

SUPPLY CORPS (3104)

James E. Eckelberger.
James E. Miller.

The following named captain in the Line of the Navy for promotion to the permanent grade of rear admiral (lower half), pursuant to Title 10, United States Code, Section 624, subject to qualifications therefor as provided by law;

SPECIAL DUTY OFFICER (OCEANOGRAPHY)

To be real admiral (lower half)

James Elmer Koehr.

Nominations Placed on the Secretary's Desk in the Air Force, Army, Marine Corps, Navy

Air Force nominations beginning Allan L. Swaim, Jr, and ending Ernest H. Oertli, III, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 1988.

Air Force nominations beginning Major William R. Albair, [redacted] and ending Major Kenneth Vanderzeyde, [redacted], which nominations were received by the Senate and appeared in the Congressional Record of March 14, 1988.

Air Force nominations beginning Jose B. Bueno, and ending Alan R. Klayton, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 1988.

Air Force nominations beginning David N. Anderson, and ending Kenneth L. Meyer, which nominations were received by the Senate and appeared in the Congressional Record of April 19, 1988.

Air Force nominations beginning David E. Anisman, and ending Kondi Wong, which nominations were received by the Senate and appeared in the Congressional Record of April 19, 1988.

Air Force nominations beginning James D. Aadland, and ending Peter H. Zuppas, which nominations were received by the Senate and appeared in the Congressional Record of April 19, 1988.

Air Force nominations beginning Stephen G. Ash, and ending Kevin J. Ziese, which nominations were received by the Senate and appeared in the Congressional Record of April 19, 1988.

Army nominations beginning Robert C. Anderson, and ending Robert M. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 1988.

Army nominations beginning Thomas M. Longazel, and ending Dwight B. Varley, which nominations were received by the

Senate and appeared in the Congressional Record of March 14, 1988.

Army nominations beginning Harvey L. Bell, and ending John J. Weeden, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 1988.

Army nominations beginning William M. Bost, and ending Charles R. Wolf, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 1988.

Army nominations beginning John C. Abshier, and ending Eladio Deleon, Jr, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 1988.

Army nominations beginning Robert E. Abodeely, and ending Donna M. * Wright, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 1988.

Army nominations beginning Paul B. Anderson, and ending Steven W. Bohannon, which nominations were received by the Senate and appeared in the Congressional Record of March 18, 1988.

Army nominations beginning Mary M. * Aaron, and ending * 390a, which nominations were received by the Senate and appeared in the Congressional Record of April 19, 1988.

Marine Corps nomination of Frederick C. Jenks, which was received by the Senate and appeared in the Congressional Record of March 14, 1988.

Marine Corps nominations beginning Mark W. Gilson, and ending Cyrus C. M. Whinnery, which nominations were received by the Senate and appeared in the Congressional Record of April 19, 1988.

Marine Corps nominations beginning Truman D. Anderson, Jr., and ending Christopher Zelez, which nominations were received by the Senate and appeared in the Congressional Record of April 19, 1988.

Marine Corps nominations beginning Brian T. Alexander, and ending Thomas J. Zohlen, which nominations were received by the Senate and appeared in the Congressional Record of April 19, 1988.

Marine Corps nominations beginning Daniel L. Adams, and ending Scott E. Yost, which nominations were received by the Senate and appeared in the Congressional Record of April 19, 1988.

Navy nominations beginning William M. Asher, and ending Carl G. Bush, which nominations were received by the Senate and appeared in the Congressional Record of April 19, 1988.

Navy nominations beginning Robert D. Walker, and ending Daniel W. Nixon, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 1988.

Navy nominations beginning Richard D. Balk, and ending Coleman A. Mosely, Jr., which nominations were received by the Senate and appeared in the Congressional Record of March 14, 1988.

Navy nominations beginning George R. Adams, and ending Gregory S. Young, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 1988.

Navy nominations beginning Richard J. Wagoner, and ending Peter J. Lukowski, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 1988.

Navy nominations beginning Emil C. Casciano, and ending Larry N. Peters, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 1988.

Navy nominations beginning Matthew Bradford Aaron, and ending Thomas Andrew Zwolfer, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 1988.

Navy nominations beginning Todd A. Abler, and ending Todd A. Zvorak, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 1988.

Navy nominations beginning Richard Sanford Abele, and ending Larry Roger Alfred, which nominations were received by the Senate and appeared in the Congressional Record of March 18, 1988.

Navy nominations beginning Raymond Maurice Allee, and ending Robert Werling, which nominations were received by the Senate and appeared in the Congressional Record of March 23, 1988.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALENDAR

Mr. BYRD. Mr. President, I inquire of the acting Republican leader if the following orders on the calendar of business has been cleared on his side of the aisle.

Calender Orders No. 632, 634, 639, 640, and 642?

Mr. MURKOWSKI. The majority leader is correct. Those have been cleared on this side of the aisle.

Mr. BYRD. Mr. President, I thank the acting Republican leader.

Mr. President, I ask unanimous consent that all of the aforementioned calendar orders be considered en bloc; that all measures be agreed to en bloc; that amendments were shown, together with preambles, be agreed to en bloc; that the motion to reconsider en bloc be laid on the table; that actions on the several measures appear severally on the face of the Record; that any Senators who have statements have those statements appropriately included as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF BRENDA W. GAY

The bill (H.R. 3606) for the relief of Brenda W. Gay, was considered, ordered to a third reading, read the third time, and passed.

VETERANS HOME LOAN PROGRAMS IMPROVEMENT ACT

The Senate proceeded to consider the bill (S. 2049) to establish an Independent National Commission on the Veterans' Administration Home Loan Guaranty Program; to amend title 38, United States Code, to authorize reductions in the interst rate on loans made by the Veterans' Administration to finance sales of properties acquired by the Veterans' Administration as the result of foreclosures, and to establish creditworthiness requirements for assumptions of Veterans' Administration vendee loans; and for other purposes, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

S. 2049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Home Loan Program Improvements Act of 1988".

SEC. 2. INDEPENDENT COMMISSION TO ASSESS THE VETERANS' ADMINISTRATION HOME LOAN GUARANTY PROGRAM.

(a) ESTABLISHMENT AND MEMBERS.—(1) There is established an independent Commission on the Veterans' Administration Home Loan Guaranty Program (hereafter in this section referred to as the "Commission") to assess the Veterans' Administration Home Loan Guaranty Program under chapter 37 of title 38, United States Code.

(2)(A) The Commission shall consist of nine voting members, none of whom may at the time of appointment be employees of the Federal Government and who shall be appointed, not later than April 30, 1988, by the Administrator of Veterans' Affairs in consultation with the chairmen and ranking minority members of the Committees on Veterans' Affairs of the Senate and of the House of Representatives (hereafter in this section referred to as the "Committees").

(B)(i) Four members of the Commission—

(I) shall be broadly representative of the housing, home loan, and real estate and related industries, including real estate agents, mortgage bankers and other lending institutions which make Veterans' Administration-guaranteed loans, home builders, appraisers, and holders and servicers of Veterans' Administration-guaranteed loans; and

(II) shall be selected on the basis of their knowledge of and experience in the housing, home loan, and real estate and related industries and the Veterans' Administration Home Loan Guaranty Program.

(ii) Five members shall be representative of (I) the general public (and not be affiliated in any way with the interests described in subdivision (i)) and shall be selected from academic and commercial enterprises based on their knowledge and experience in areas pertinent to the work of the Commission and (II) veterans' service organizations. Not less than three of such five members shall be selected as representatives of the general public pursuant to clause (I).

(3)(A) The Administrator of Veterans' Affairs, the chairmen and ranking minority members of the Committees, the Commissioner of the Federal Housing Administration, the Chairman of the Federal National Mortgage Association, and the President of the Government National Mortgage Association (or, in the case of any such individual, a designee of such individual) shall be ex officio, nonvoting members of the Commission.

(B) The Administrator shall designate two employees of the Veterans' Administration serving in loan guaranty divisions in Veter-

ans' Administration regional offices as ex officio nonvoting members of the Commission and may designate additional ex officio nonvoting members from other Federal Government agencies or Federal Government-sponsored entities.

(4)(A) The Administrator shall designate to chair the Commission a member from among the voting members of the Commission who is appointed pursuant to paragraph (2)(B)(ii).

(B) The chairman of the Commission, with the concurrence of the Commission, shall appoint an executive director, who may not at the time of appointment be an employee of the Veterans' Administration and who shall be the chief executive officer of the Commission and shall perform such duties as are prescribed by the Commission.

(C) The Administrator shall furnish the Commission with such professional, technical, and clerical staff and services and administrative support as the Commission determines necessary for it to carry out the provisions of this section effectively.

(b) FIRST REPORT.—(1) Not later than twelve months after the date on which at least five members of the Commission have been appointed, the Commission shall submit to the Administrator and the Committees a report on the Commission's findings and recommendations on the matters described in paragraph (2).

(2) The report required by paragraph (1) shall include the Commission's findings, views, and recommendations on the following matters:

(A) Ways to reduce default and foreclosure rates on Veterans' Administration home loans made or guaranteed under chapter 37 of title 38, United States Code.

(B) Ways to minimize Veterans' Administration property acquisition, management, and disposition costs resulting from foreclosures on such loans.

(C) The management and disposition of loans made by the Veterans' Administration to finance the sale of properties acquired by the Veterans' Administration as the result of such foreclosures.

(D) The causes of increases in the ten years preceding the enactment of this Act in Veterans' Administration Home Loan Guaranty Program costs and ways to reduce such costs.

(E) Ways to improve the solvency of the Veterans' Administration's Loan Guaranty Revolving Fund.

(F) The need for improvement of program benefits and assistance to veterans participating or desiring to participate in the Home Loan Guaranty Program.

(G) The desirability and feasibility of coordinating Veterans' Administration policies (both statutory and administrative) and practices, particularly in the areas of property acquisition, management, and disposition, with the policies and practices of other Federal Government agencies and Federal Government sponsored entities.

(H) Such other matters relating to the administration of chapter 37 of title 38, United States Code, by the Veterans' Administration as (i) the Commission considers appropriate, or (ii) are suggested by the Administrator or, concurrently, by the chairmen and ranking minority members of the Committees.

(c) ADMINISTRATOR'S INTERIM AND FINAL REPORTS.—(1) Not later than two months after the date on which the Commission's report is submitted under subsection (b), the Administrator, after consultation with the Commission, shall submit an interim report to the Committees. The interim report shall contain—

(A) the Administrator's views on the desirability, feasibility, and cost of implementing each of the Commission's recommendations, and the actions taken or planned with respect to the implementation of each such recommendation;

(B)(i) the Administrator's views on any legislation or regulations proposed by the Commission, (ii) the Administrator's views on the need for any alternative or additional legislation or regulations to implement the Commission's recommendations, (iii) the Administrator's recommendations for any such alternative or additional legislation, (iv) the proposed text of any regulations referred to in subclause (i) or (ii) which the Administrator considers necessary and the proposed text of any legislation referred to in such subclause which is recommended by the Administrator, and (v) a cost estimate for the implementation of any regulations and legislation referred to in such subclause; and

(C) any other proposals that the Administrator considers appropriate in light of the Commission's report.

(2) Not later than six months after the date on which the Commission's report is submitted under subsection (b), the Administrator shall submit a final report to the Committees. The final report shall include the actions taken with respect to the recommendations of the Commission and any further recommendations the Administrator considers appropriate.

(d) TERMINATION.—The Commission shall terminate ninety days after the date on which the Administrator submits the final report required by subsection (c)(2).

SEC. 3. INTEREST RATE REQUIREMENTS FOR VENDEE LOANS.

Section 1816(d) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(7) The Administrator shall make a loan to finance the sale of real property described in paragraph (1) of this subsection at an interest rate that is lower than the prevailing mortgage market interest rate in areas where, and to the extent, the Administrator determines, in light of prevailing conditions in the real estate market involved, that such lower interest rate is necessary in order to market the property competitively and is in the interest of the long-term stability and solvency of the Veterans' Administration Loan Guaranty Revolving Fund established by section 1824(a) of this title.".

SEC. 4. CREDITWORTHINESS DETERMINATIONS AND FEES WITH RESPECT TO ASSUMPTIONS OF VENDEE LOANS.

Section 1817A of title 38, United States Code, is amended—

(1) in subsection (a)(1), in the matter preceding clause (A)—

(A) by striking out "If" and inserting in lieu thereof "Except as provided in subsection (f) of this section, if"; and

(B) by striking out "guaranteed, insured, or direct housing loan obtained by a veteran" and inserting in lieu thereof "loan guaranteed, insured, or made"; and

(2) by amending subsection (f) to read as follows:

"(f)(1) This section shall apply—

"(A) in the case of loans other than loans to finance the purchase of real property described in section 1816(d)(1) of this title, only to loans for which commitments are made on or after March 1, 1988; and

"(B) in the case of loans to finance the purchase of such property, only to loans which are closed more than forty-five days after the date of the enactment of the Veterans' Home Loan Program Improvements Act of 1988.

"(2) This section shall not apply to a loan which the Administrator has sold without recourse.".

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I rise to urge my colleagues to support passage of S. 2049—the proposed "Veterans Home Loan Program Improvements Act of 1988"—as unanimously reported favorably by the Committee on Veterans' Affairs. I introduced S. 2049 on February 4, 1988, along with the committee's ranking minority member, Senator MURKOWSKI, and the Senators from Texas, Mr. BENTSEN and Mr. GRAMM. The Senator from Arizona, Mr. DECONCINI, a member of the committee and a staunch defender of the VA Home Loan Program, later joined in cosponsoring this legislation.

Before commenting on the provisions of the bill, I would like to express my appreciation to Senator MURKOWSKI for his many contributions to this legislation and the fine cooperation he has shown in working on it on an expedited basis at the beginning of the session. I am delighted that this bill is a result of our continued united, bipartisan effort to improve the VA Home Loan Guaranty Program, as was S. 2022, enacted on February 29 as Public Law 100-253, and S. 1801, major provisions of which were enacted on December 21, 1987, as Public Law 100-198.

On March 4, 1988, I chaired the committee's hearing on the fiscal year 1989 budget for veterans programs and on certain legislation, including S. 2049. After carefully reviewing the testimony from the hearing, the committee voted to report S. 2049 favorably to the Senate with an amendment in the nature of a substitute derived from the provisions of S. 2049 as introduced and two amendments proposed by myself and Senator MURKOWSKI. The bill was reported as amended on April 22.

SUMMARY OF S. 2049 AS REPORTED

S. 2049 as reported contains freestanding provisions and amendments to chapter 37 of title 38, United States Code, which would:

First, create an independent Commission on the Veterans' Administration Home Loan Program to assess the status of the program and evaluate the problems the program currently is facing, and recommend solutions to those problems and changes to improve the financial solvency and stability of the program and program benefits and services to veterans.

Second, require the VA to offer below-market interest rates on the loans—known as vendee loans—which it makes to finance its sales of foreclosed properties where and to the extent the Administrator determines, in light of prevailing conditions in the real estate market involved, that the lower rate is necessary in order to market the property competitively and is in the interest of the long-term stability and solvency of the loan guaranty revolving fund.

Third, extend the creditworthiness requirements and 0.5-percent fee applicable to assumptions of VA-guaranteed loans—pursuant to provisions recently enacted in Public Law 100-198—to vendee loans sold with recourse.

BACKGROUND

The VA Home Loan Guaranty Program, established by the Servicemen's Readjustment Act of 1944—Public Law No. 346, 78th Congress—was originally designed to assist veterans returning home from World War II who, due to their military service, had been unable to establish the credit history necessary to obtain a home mortgage. Since 1944, the program has guaranteed loans totaling more than $300 billion, helping more than 12.7 million veterans to purchase homes. In fiscal year 1987, the VA guaranteed 479,491 home loans totaling a record $34.9 billion. I would refer my colleagues to my introductory statement on S. 2049 which begins at page S667 of the February 4, 1988, RECORD for a more extensive discussion of the background and status of the VA Home Loan Program.

Traditionally, for the vast majority of VA-guaranteed loans the cost to the Government of providing the guaranty has been quite small and the benefit to veterans and to society quite significant. However, as a result of the downturn in certain areas of the economy in recent years, high default and foreclosure rates on properties guaranteed by VA loans, with a resultant large VA inventory of foreclosed homes acquired at liquidation sales, have threatened the viability of the program by substantially increasing program costs. These conditions have necessitated appropriations in fiscal years 1987 and 1988 alone of over $1 billion including the administration's request for an fiscal year 1988 supplemental appropriation of $526.6 million.

In addition, the VA has scheduled 13 auctions of VA homes from April 8, 1988, through June 12, 1988. It appears that the primary purpose of these auctions is to create an immediate cash infusion for the LGRF.

Mr. President, I am deeply concerned that the proposed auctions are not in the best interest of the long-term solvency and stability of the revolving fund. I would refer my colleagues to the debate earlier today on H.J. Res. 552, the supplemental appropriations measure which would provide $526.6 million for the revolving fund for fiscal year 1988, during which I discussed my concerns in greater detail.

Mr. President, these rapidly escalating program costs parallel the increasing debt which veterans have incurred through the foreclosure of homes purchased with VA-guaranteed loans. For the sake of both the veterans using or wishing to use their home loan benefits, as well as the program itself, I concluded early last year that action was needed to try to determine the reason for the great increase in program costs and to take steps to minimize them.

Accordingly, in 1987, I developed S. 1801 along with Senator MURKOWSKI, and it became the most comprehensive VA Home Loan Program legislation which our committee ever reported. Major provisions of the bill—as enacted in the Senate-House compromise agreement on H.R. 2672 on December 21, 1987—provide direction for significant steps to improve the financial solvency of the VA Home Loan Program and reduce its dependency on taxpayers' funds while also improving the program benefits available to veterans and maintaining the basic purposes of the program.

In addition, on February 1, 1988, I, along with Senators MURKOWSKI, BENTSEN, and GRAMM, introduced S. 2022, which was enacted as Public Law 100-253 on February 29, 1988. That law allows the Administrator to reduce or waive the 5-percent downpayment on vendee loans—which has been enacted in Public Law 100-198—to the extent the Administrator determines necessary in order to market competitively the property involved. The provisions of that bill are described in my statement on it beginning on page S 364 of the RECORD for February 1.

INDEPENDENT COMMISSION ON VA HOME LOAN PROGRAM

Mr. President, after reflecting on the current state of the VA Home Loan Program, following staff field inspections carried out in January 1988, Senator MURKOWSKI and I concluded that a new approach and perspective were needed to try to come to grips with some of the difficulties affecting the program.

Section 2 of the committee bill proposes this new direction by providing for the creation of an independent Commission on the Veterans' charged with carefully assessing the status of the program, analyzing the problems—particularly the recent program-cost and foreclosure-rate increases—the program currently is facing, evaluating possible solutions to those problems, and recommending changes to improve the financial stability and solvency of the program and the benefits and service offered to veterans. The Commission would be modeled after the Commission on Veterans' Education Policy, established by section 320 of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 (Public Law 99-576), which is currently carrying out its statutory mandate to assess VA educational assistance programs.

Under the committee bill, the Administrator of Veterans' Affairs, in consultation with the chairmen and ranking minority members of the Senate and House Veterans' Affairs Committees—each of whom, as well as the Administrator, or their designees, would participate in the Commission's study and deliberations as nonvoting, ex officio members—would select the nine voting members of the Commission. These nine members, none of whom could be Federal Government employees at the time of their appointments, would be chosen on the basis of their knowledge of the home loan program and general experience and knowledge relating to the mission of the Commission. Four members would be chosen specifically because of their expertise in the housing, home loan, real estate and related fields relevant to the program. Five of the members would be representative of, first, the general public and would be selected from academic and commercial enterprises based on their knowledge and experience in areas pertinent to the work of the Commission and, second, the veterans' service organizations.

The combined expertise of representatives from the various industries to which I just referred, each of which plays a vital role in the Home Loan Program, as well as of representatives of the veterans who use the program, and the perspective of the public members, we believe, should allow for a comprehensive, in-depth examination of the program. Two employees who work in the loan guaranty division of a VA regional office also would be selected to be ex officio members of the Commission, to ensure that it has the viewpoint of those who are best able to see what is happening "in the field."

Additionally, in order to evaluate the desirability and feasibility of coordinating certain VA policies—both statutory and administrative—and practices—especially in the areas of the acquisition, management, and disposition of foreclosed properties—with those of other Federal Government and Government-sponsored entities, such as the Federal Housing Administration, the Government National Mortgage Association, and the Federal National Mortgage Corporation, representatives of such entities would—and similar entities could, at the Administrator's discretion—be represented on the Commission in an ex officio capacity.

The Commission would have 1 year to submit to the Administrator of Veterans' Affairs and the committees a report on its findings and recommendations. The Administrator would then be required to evaluate that report and, after consultation with the Commission, submit his views on its recommendations to the committees. To ensure that the Commission's recommendations are given serious consideration by the Administrator and, where appropriate, implemented, the Administrator would be required to submit to the Congress a follow-up report 6 months after the Commission's report, on the actions taken with respect to the recommendations of the Commission and any further recommendations which the Administrator considers appropriate.

Mr. President, I believe that the present state of the Home Loan Program requires the intensive, focused, objective scrutiny—removed from the day-to-day pressures of politics and program administration—that an independent national commission of experts can provide. Their expertise, insights, and advice can aid us in our efforts to ensure that economic downturns at either the national or local level do not reduce the opportunities for veterans to use the Home Loan Program benefits they have earned in service to our country.

INTEREST RATE ON VENDEE LOANS

Mr. President, section 3 of the committee bill would require the VA to offer an interest rate for vendee loans which is lower than the prevailing mortgage market interest rate where and to the extent the Administrator determines, in light of prevailing conditions in the real estate market involved, that the lower interest rate is necessary in order to market the property competitively and is in the interest of the long-term stability and solvency of the loan guaranty revolving fund.

As I noted in my floor statement on S. 2022 on February 1, in certain areas of the country, competition among sellers of foreclosed properties had led many of them to offer sales inducements in the form of advantageous financing terms. In Houston, for example, many sellers are offering below-market-interest rate loans. Sellers who are not themselves lenders will often "buy down" the interest rate on the loan—that is, provide a subsidy of the monthly mortgage payment sufficient to correspond to a substantial reduction in the interest rate. In such a market, the VA must have effective sales tools available if it is to reduce an inventory of properties which had grown from 9,023 in fiscal year 1980 to 25,172 by the end of March 1988.

Of course, while lower-interest-rate loans may be necessary to sell properties in some areas, they also reduce the VA's income over the term of the loan. Additionally, the lower yield provided by such loans reduces their attractiveness to buyers in the secondary market. Therefore, the committee bill calls for below-market interest rates to be offered only when that would be in the interest of the solvency of the Fund—that is, when the costs associated with lowering the interest rate would be less than the cost of either reducing the purchase price of the property or of continuing to hold and maintain the property.

ASSUMPTIONS OF VENDEE LOANS

Mr. President, section 4 of the committee bill would, with respect to loans closed more than 45 days after enactment, extend the creditworthiness requirements and 0.5-percent fee applicable to assumptions of VA-guaranteed loans—enacted in Public Law 100-198 on December 22, 1987—to vendee loans sold by the VA with recourse, that is, with the VA being obligated to buy the loan back (for the amount owing under the note) in case of default.

Last session, along with Senator MURKOWSKI, I introduced in S. 1801 a provision—which, as modified, became part of the compromise agreement enacted in Public Law 100-198—to require generally that, before a VA-guaranteed loan could be assumed by the buyer of a veteran's home, the creditworthiness of the assumptor be established. Sale of the property without approval of the assumption based on the creditworthiness of the buyer would cause the loan to become due and payable in full. For a more detailed description of this provision, I would refer my colleagues to my statement during the debate on Senate passage of the compromise agreement on H.R. 2672, beginning on page S17388 of the RECORD for December 4.

Previously, there had been no restrictions on the assumption of VA-guaranteed loans, as is still the case with respect to vendee loans sold with recourse. In contrast to conventional loans, which generally cannot be assumed, the purchaser of the veteran's home had been able to assume the veteran's loan without undergoing a credit check or meeting any underwriting criteria. Although the free assumability of a loan may make it easier for a homeowner to resell, it also can enable persons to buy a home even though their creditworthiness would not otherwise allow them to achieve homeownership. Such persons obviously generally are more likely to default on the loans, resulting in the VA acquiring more foreclosed properties and incurring additional expense. Easy assumability also has fostered abuses such as "equity skimming".

The potential abuses resulting from the free assumability of loans are as applicable to vendee loans sold with recourse as they have been to VA-guaranteed loans. Accordingly, in order to reduce foreclosures on such vendee loans, the committee bill would extend to persons assuming vendee loans the restrictions on assumability just made applicable to persons who buy homes and assume VA-guaranteed loans from veterans. I believe that this extension would be equitable as well as in the interest of the solvency of the Home Loan Program. The 0.5-percent fee which that law imposed on buyers who assume VA-guaranteed loans also would be imposed on buyers who assume vendee loans.

After the enactment of these new creditworthiness and fee requirements for assumptions of VA vendee loans, those loans should still provide attractive means of financing—and thus incentives for buying—VA foreclosed properties as compared to conventional financing, since the VA interest rate generally will be lower and the VA credit underwriting requirements, more flexible. As I have previously noted, section 3 of the committee bill would also enable the VA to make vendee loans sold with recourse even more attractive, where necessary for competitive purposes, by offering the additional incentive of a below-market interest rate. Section 2 of Public Law 100-253, enacted on February 29, 1988, also would allow for the Administrator, when and to the extent necessary to competitively market foreclosed properties, to offer vendee loans sold with recourse with no downpayment or a downpayment at less than 5 percent.

The committee adopted an amendment, in line with a recommendation from the VA, to provide that these requirements and the fee would not extend to vendee loans sold without recourse, since the VA has no financial interest in, or any means to keep track of, such loans after they are sold.

COST SAVINGS

The CBO estimates that enactment of the committee bill would not result in significant (i.e., greater than $500,000) costs or savings during the first five fiscal years after enactment.

CONCLUSION

Mr. President, I believe that it is not realistic to expect that a benefits program will incur no costs. Certainly, however, when the cost of a program increases as dramatically as the cost of the Home Loan Program has, it is essential for Congress to take a close look to determine the reasons for the increase and to take steps to minimize program costs. We must find further ways to reduce the impact that such factors are having on the program and on our Nation's veterans. We also need, to the greatest extent possible, to build in increased program protections to help minimize the impact of economic depression, such as has occurred in States where oil production plays an important role in the economy and which could strike any area of the country. At the same time, I do not support changing the fundamental nature of the loan guaranty benefits program by either drastically curtailing it or insisting that it must be paid for in full by those seeking to use it.

I urge my colleagues to support this measure, which represents a united, bipartisan commitment to improve the VA Home Loan Guaranty Program. I believe that we must ensure that the dream of American home ownership which that program provides remains available to our veterans.

Finally, Mr. President, I want to take this opportunity again to express my appreciation to our committee's ranking minority member, Senator MURKOWSKI, and the very effective minority staff—Tony Principi, Tom Roberts, Laura Stepovich, and Chris Yoder—for their fine efforts and cooperation on this legislation.

Of course, I also extend thanks for their excellent work on this bill to the committee's majority staff—Sharon Blackman, Jennifer Loporcaro, Loretta McMillan, Jane Wasman, Ed Scott, and Jon Steinberg—and to our editorial director, Roy Smith.

Mr. MURKOWSKI. Mr. President, I am pleased to join with the distinguished chairman of the Committee on Veterans' Affairs, Senator CRANSTON, in urging my colleagues to join us in support of S. 2049, the Veterans' Home Loan Program Improvements Act of 1988. This legislation, which we, joined by Senators GRAMM and BENTSEN, introduced on February 4, 1988, was unanimously approved by the Committee on Veterans' Affairs on March 17, 1988.

I am particularly pleased by the provision in this bill which would establish an independent Commission on the Veterans' Administration Home Loan Guaranty Program.

I believe the evidence is clear that the Loan Guaranty Program suffers from preventable losses. I also believe that the Congress, in evaluating the program and potential solutions to its problems, should have the benefit of an independent analysis. This is why the composition of the Commission will be vitally important.

This legislation will be particularly significant because it directs that, while the membership must include representatives of industry and veteran participants in the program, it must also go beyond that circle to include the representatives of outside views and organizations. It is my expectation that the Commission will also include members familiar with non-VA housing finance practices and procedures. It is my expectation the Commission will include academic experts on management and real estate finance. It is my expectation the Commission will include successful managers from the private business sector of our economy. It is the diversity and originality of views I expect from a commission with members such as these that will make the Commission's views so important and useful.

Its praise of that which it finds good in the management of the program will not be easily dismissed as sycophancy. Its proposals for change will not be easily dismissed as self-serving. The Commission will be able to note that which is working well and, at the same time, when necessary, note those instances where the program's emperor has no clothes. In short, I expect the input of those not involved in the VA Home Loan Program to provide useful insight based on a fresh and independent perspective tempered by the expertise that arises from successful experience in the world beyond the universe of VA benefit programs.

I would also like to discuss what this Commission is not. It is not a threat to the program. The program is threatened, but not by the prospect of an independent examination. It is threatened by the inertia which seems to dictate that, no matter what the results, business must go on as usual. This inertia has created a seemingly insatiable demand for additional funding to cover the program's losses. For example, in the last 6 months the Senate has:

Appropriated $389 million in the fiscal year 1988 continuing resolution;

Considered appropriating $709 million in an urgent supplemental appropriations bill;

Approved a fiscal year 1989 budget resolution which would provide for a $658 million appropriation for fiscal year 1989;

Been informed of a $200 million transfer to the LGRF from the readjustment benefits account;

Learned of a crash program of auctions of VA-acquired homes whose purpose is a quick infusion of cash without regard to the long-term financial effect on either the program or the taxpayers; and

Been advised unofficially that the LGRF may require a total of up to $1 billion in 1988 and that another supplemental may be needed by the end of the year.

No, the Commission does not represent a threat to the program. Rather, it represents an opportunity for salvation. The views of a commission which can credibly validate that which works well and offers solutions for that which does not offer the prospect of a Veterans' Home Loan Program which will be able to continue assisting veterans attain the dream of home ownership into the 21st century.

I am also pleased the bill before us includes a provision requiring the VA to offer below-market interest rate financing in those cases where the VA determines such a step is cost-effective and necessary to be competitive in selling VA-acquired homes. In January 1988, members of my staff visited Houston, TX, where we found the VA, which has almost 6,000 homes for sale in Houston, in competition with other institutions who can, and do, offer a potential buyer financing at an interest rate more attractive than that available from the VA. I agree that it is possible to counter such competition by reducing the price of your product. However, I also believe that there are buyers from whom the interest rate may be the most important determining factor in making a purchase decision. In such a case, I believe VA should have the flexibility to be competitive in the terms which are important to the buyer. In a buyers market, a seller who expects to succeed cannot adopt a "take it or leave it" posture. A successful seller must be able to react to the factors which motivate potential buyers.

The bill also contains a provision extending to vendee loans, other than those sold by the VA without recourse, the same criteria for assumability and requirement for payment of a funding fee as were applied to the assumption of VA guaranteed loans by Public Law 100-198 on December 22, 1987. Vendee loans are loans made by the VA to finance the resale of homes acquired by the VA as the result of foreclosure on the original loan. The VA usually packages and sells these loans to investors. However, if the loans are sold with recourse, the VA guarantees to buy the loan back if the home buyer defaults. If these loans are freely assumable without a requirement that the assumptor be creditworthy, the VA is, in effect, responsible for the payments without having any assurance the assuming homeowner has the ability or inclination to meet his or her obligations to the loan. Such a situation is not acceptable, and this provision corrects it.

Mr. President, this bill is one which promises significant improvement in the VA Home Loan Program. I urge my colleagues to join me in its support.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish an independent Commission on the Veterans' Administration Home Loan Guaranty Program; to amend title 38, United States Code, to authorize reductions in the interest rate on loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to establish creditworthiness requirements and require a 0.5 per centum fee for assumptions of such loans other than those sold without recourse, and for other purposes."

RELIEF OF SAN JUAN COUNTY NURSING HOME

The bill (S. 1828) for the relief of San Juan County Nursing Home, of Blanding, UT, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the San Juan County Commission, the successor in interest to San Juan County Nursing Home, Blanding, Utah, shall be relieved of all liability under title VI of the Public Health Service Act resulting from the sale of San Juan County Nursing Home to the Auburn Manor Holding Corporation if the San Juan County Commission complies with the provisions of this Act.

(b) The San Juan County Commission shall—

(1) establish and maintain an irrevocable trust in the amount described in section 609(d)(1)(A)(i) of the Public Health Service Act;

(2) provide that such trust will only be used to provide health care services to persons who reside in San Juan County, Utah, and who are unable to pay for such services; and

(3) provide such services to such persons during the period beginning 15 days after the date of enactment of this Act and ending on the date described in subsection (d).

(c)(1) If the Secretary of Health and Human Services determines that the San Juan County Commission has complied with the provisions of subsection (b)(1) and has entered into an agreement with the Secretary of Health and Human Services to ensure compliance with paragraphs (2) and (3) of subsection (b), the San Juan County Commission shall be permanently relieved of all liability under title VI of the Public Health Service Act resulting from the sale of San Juan County Nursing Home to the Auburn Manor Holding Corporation.

(2) Any agreement entered into under paragraph (1) shall contain appropriate provisions specifying penalties for noncompliance by the San Juan County Commission with the provisions of subsection (b).

(d) The date referred to in subsection (b)(3) is the last day of the most recent 20-year period during which the San Juan County Nursing Home was required, under section 609 of the Public Health Service Act, to remain as a public or other nonprofit hospital.

HEALTH INSURANCE COVERAGE FOR DISABLED ADOPTED CHILDREN

The concurrent resolution (S. Con. Res. 95) to express the sense of the Congress with respect to the denial of health insurance coverage for disabled adopted children, was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. CON. RES. 95

Whereas at least 36,000 children in the United States are legally free for adoption and are living in foster care waiting for a permanent home;

Whereas many of the children are physically, mentally, and emotionally disabled;

Whereas some insurers deny health insurance to a disabled adopted child on the basis that the disability of the child is a preexisting condition;

Whereas the actions of the insurers impose a significant barrier to the adoption of children with disabilities because few prospective adoptive parents can afford to take the risk of adopting a child who will not be covered by health insurance;

Whereas under State law adoption severs the legal ties between the adopted child and the adopted child's birth parents, and creates a legal relationship with the adoptive parents;

Whereas in every State, State law has established that an adopted child has the same legal status as a biological child;

Whereas many insurers cover a biological child with the same disability born to the adoptive parents;

Whereas by denying health insurance coverage to disabled adopted children, insurers are discriminating against adopted children and establishing a policy contrary to State law; and

Whereas the barriers to adoption that deny children a permanent home and prevent couples and single individuals from establishing families should be eliminated: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that Congress—

(1) opposes discrimination in health insurance against adopted children;

(2) urges insurers to treat all adopted children identically to newly born biological children;

(3) urges State legislatures to encourage health insurers to cover adopted children of the insured, subscriber, or enrollee on the same basis as other dependents, with such coverage to be effective from the date of placement for purpose of adoption.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to—

(1) an appropriate official of the legislature of each State, and

(2) an appropriate official of the National Association of Insurance Commissioners.

RELIEF OF FRANCES SILVER

The bill (H.R. 2889) for the relief of Frances Silver, was considered, ordered to a third reading, read the third time, and passed.

MEASURES INDEFINITELY POSTPONED

Mr. BYRD. Mr. President, I ask unanimous consent, if it is agreeable with Mr. MURKOWSKI, that calendar orders numbered 122 and 131 be indefinitely postponed.

Mr. MURKOWSKI. That is agreeable to this side, Mr. Leader.

Mr. PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS' ADMINISTRATION HEALTH-CARE AMENDMENTS—CONFERENCE REPORT

Mr. BYRD. Mr. President, I submit a report of the committee of conference on H.R. 2616 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the amendments of the Senate to the bill (H.R. 2616) to amend title 38, United States Code, to improve health-care programs of the Veterans' Administration, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of April 21, 1988.)

Mr. CRANSTON. Mr. President, as the chairman of the Committee on Veterans' Affairs, I am pleased to rise in support of the conference report on H.R. 2616, the proposed "Veterans' Benefits and Services Act of 1988." This conference report embodies agreements that have been reached by the House and Senate Veterans' Affairs Committee on provisions from 10 measures and contains well over 100 provisions.

Mr. President, each of the provisions of the conference report is described authoritatively in the Joint Explanatory Statement of the Committee of the Conference (H. Rept. No. 100-578). Because of that detailed explanation of the provisions of the conference report, I will discuss only certain elements of the measure.

ELIGIBILITY FOR OUTPATIENT SERVICES

Mr. President, section 101 of the conference agreement, effective July 1, 1988, would, among other items, revise VA health-care eligibility for outpatient care [OPC] so as to direct—by providing the "Administrator shall furnish" the care rather than "the Administrator may furnish," as in current law—that VA-directly-furnished outpatient care be provided to specified categories of veterans: namely first, veterans seeking treatment for service-connected disabilities; second, veterans with service-connected disabilities rated at 50 percent or more seeking treatment for any disabilities; third, veterans with service-connected disabilities rated at 30 or 40 percent seeking pre- or post-hospital care or care to obviate the need for hospitalization for any disabilities; and fourth, veterans with incomes at or below the pension aid-and-attendance level, currently $9,940 for a veteran with no dependents, seeking pre- or post-hospital or "obviate" care for any disabilities. The conference agreement would also amend section 612(i) of title 38, relating to priorities in the furnishing of

VA outpatient care, to reflect this entitlement.

BACKGROUND

In October 1985, the House passed H.R. 3500, the proposed "Omnibus Budget Reconciliation Act of 1985," which, along with establishing certain deductibles, would have created an entitlement for both inpatient and outpatient care for certain veterans, including all veterans in the then-current categories of eligibility for VA care, without limit, except for one category of veterans—non-service-connected veterans who have no special eligibility, such as World War I veterans have, for example, and who have incomes above certain limits—over $19,068 at that time in the case of veterans with no dependents. In November of that same year, the Senate passed legislation which was much narrower and included my proposal to create an outpatient-care entitlement for veterans being treated for their service-connected conditions and those veterans with service-connected disabilities rated at 50 percent or more disabling seeking treatment for any illness. The resulting legislation, title XIX of the Consolidated Omnibus Budget Reconciliation Act of 1985 [COBRA], Public Law 99-272, established a limited entitlement for only inpatient care. Those so entitled are now referred to as "Category A" veterans and comprise the following: First, any veteran for a service-connected disability; second, a veteran discharged for a disability incurred or aggravated in the line of duty; third, a veteran who has a service-connected disability rated at 50 percent or more; fourth, any other veteran who has a service-connected disability; fifth, certain veterans disabled as a result of VA treatment or vocational rehabilitation; sixth, certain Vietnam veterans exposed to certain toxic substances and certain veterans exposed to ionizing radiation from nuclear explosions; seventh, former prisoners of war; eighth, veterans of the Spanish-American War, Mexican border period, or World War I; and ninth, certain lower-income veterans—for example, veterans with incomes at or below specified levels—currently $15,883 for a veteran with no dependents—which are indexed.

Last year, in June 1987, the House again passed legislation to create an outpatient-care entitlement for "Category A" veterans for the kind of outpatient-care for which they are currently eligible—a significantly narrower scope than the House measure passed in 1985 but still a very major change. No such legislation was introduced in the Senate.

SENATE APPROACH

Mr. President, on this issue, I did not agree with the original House-passed provisions to establish outpatient entitlement for all so-called Category A veterans. Although the VA health-care system has thus far been able to handle the demand for care stemming from the establishment of the limited entitlement for impatient care that was enacted in 1986 in COBRA, I am convinced that the system could not absorb the increased demand for care that would result from creating a limited entitlement to outpatient care for all category A veterans.

However, I believed that a compromise in this area was possible and desirable so as to enable the VA to plan better how to use its scarce resources to provide care, and thus worked with our House counterparts to develop such a proposal. I believe the conference agreement, substantially reduced in scope, is appropriate and manageable.

INCLUSION OF CERTAIN SERVICE-CONNECTED DISABLED VETERANS

The first of the entitlement provisions included in the conference agreement establishes a limited entitlement to comprehensive outpatient care for veterans for their service-connected disabilities and for veterans with service-connected disabilities rated at 50 percent or greater. I have long believed that these categories of veterans are and should be the principal beneficiaries of the VA health-care system and, as such, deserve entitlement to care.

INCLUSION OF VETERANS WITH A 30- OR 40-PERCENT DISABILITY

Mr. President, with specific reference to veterans with disabilities rated at 30 or 40 percent, who account for approximately 490,000 of the total ratable veteran population of 2.2 million, many of these veterans have significant disabilities that may directly affect their overall health status and their need for care. Example of such disabilities rated at these level includes:

Below-knee leg amputation—40 percent.

Shortening of a leg bone by 3 to 3.5 inches—40 percent.

Inability to raise an arm above shoulder level—30 percent.

Severe scarring, especially if producing a marked and unsightly deformity of eyelids or lips—30 percent.

Scars covering areas exceeding 1 square foot as a result of burns—30 percent.

Splenectomy—removal of the spleen—30 percent.

Moderately severe chest injuries from gunshot wounds resulting in chest pains, shortness of breath with moderate exertion, moderate myocardial insufficiency, and emphysema—40 percent.

Moderate diabetes controlled by insulin or oral agents and diet—40 percent. I note that diabetes can be a result of severe abdominal injury.

Mr. President, a number of these conditions have very obvious severe life restrictions for the veteran so afflicted and others may be less obvious. For example, an individual having undergone a splenectomy will always be more prone to infectious diseases than persons with an intact, functioning spleen, Diabetics are prone to heart disease severe eye problems leading to blindness, difficulties with the circulatory system resulting in gangrenous limbs and amputation, and impotence. To deny these veterans ready access to outpatient care in conjunction with hospitalization or to obviate the need for hospitalization fails to recognize the possible effects of a veteran's disability on other body systems and the need for health care which may not appear to be related to the service-connected disability.

I believe, Mr. President, that forcing such a veteran to prove that the possibly related condition is itself service-connected before the veteran can become entitled to care for it can result in many months or even years of delay.

Finally, if we were to attempt to entitle to outpatient-care large numbers of lower income veterans with no service-connected ratings but not those with a 30 or 40 percent service-connected rating, a veteran with no service-connected rating would be served before a service-connected veteran with a significant disability. Graphically put, a non-service-connected veteran with an income of $9,940 would be entitled to care ahead of a seriously service-connected disabled veteran—for example a veteran with battle-caused, below-knee amputation and income of $9,950, just $10 more.

These are some of the reasons that, in the negotiations leading up to our April 13, 1988, conference committee meeting, I insisted that the limited outpatient-care entitlement being written into law be extended to 30 and 40 percenters.

INCLUSION OF CERTAIN LOW-INCOME VETERANS

Mr. President, a major change that has been made to the House bill was to lower the income levels for those non-service-connected veterans who would be given a limited entitlement to care—from approximately $15,833 for a veteran with no dependents to a level at or below the pension aid-and-attendance level, currently $9,950 for a veteran with no dependents. This reduction was necessary because it is already clear in many areas of the country that the VA is unable to meet the existing demand for outpatient care. In those situations as well as others, our inclusion of needy wartime veterans with incomes at or below the pension aid and attendance level in the limited entitlement will help ensure VA outpatient care for this group of particularly needy veterans ahead of non-service-connected veterans with higher incomes.

STATUTORY PRIORITIES FOR CARE

Mr. President, the statutory priorities for care as set forth in section 612(i) of title 38 would be revised by the conference agreement to reflect the new limited entitlements for outpatient care. Those to whom the VA is required to furnish care would receive first priority and others would follow in the priority as defined by current law.

VA'S OBLIGATION TO PROVIDE CARE

Mr. President, using COBRA as a guide, the conferees also noted, in the joint explanatory statement of the committee of conference, that they intend that the VA's sole obligation with respect to needed outpatient care for veterans to whom the Administrator would be required to furnish certain outpatient care would be first, if the veteran is in immediate need of outpatient care, to furnish appropriate care at the VA facility where the veteran applies or, if the needed services are not available there, to furnish contract outpatient care—to the extent authorized under current law—section 603 of title 38—or to arrange for the veteran to receive the needed care at the nearest VA outpatient facility, or Department of Defense [DOD] outpatient facility with which the VA has a sharing agreement, at which the needed services are available, or second, if the veteran does not need immediate outpatient care, to schedule the veteran for the first available appointment at the facility where the veteran applied or, if that is not feasible, refer the veteran to the nearest VA outpatient facility, or DOD outpatient facility with which the VA has a sharing agreement, at which the needed services are available and facilitate the scheduling of an appointment for the veteran there. The VA, of course, would also retain any existing discretionary authority to furnish health care to these veterans in the specified circumstances.

This then, is the extent of the entitlement being established, and is why I refer to it as limited entitlement.

SUPPRESSED DEMAND

During the course of negotiating this compromise agreement the concern was raised that the VA outpatient system is presently oversubscribed and that creating an outpatient-care entitlement would put an overwhelming burden on its resources. Although it is clear that, in many areas of the country, the VA is unable to meet the existing demand for outpatient care, I do not believe that the limited entitlement which would be established by this agreement would cause further inundation of the system. In order to gain additional information and more insight into this area, the conferees note, in the joint explanatory Statement, the request made on March 21, 1988, by the Committees on Veterans' Affairs to the Comptroller General to conduct a study to estimate the current and potential demand of category A veterans for needed VA outpatient care, especially in high demand areas, including the suppressed demand for such care, and to ascertain the number of those veterans who are denied needed care and the reasons for the denials.

ELIGIBILITY FOR DOMICILIARY CARE

Mr. President, section 102 of the conference agreement would, effective on the date of enactment, amend section 610(b) of title 38 to revise the eligibility criteria for Veterans' Administration domiciliary care so as to provide eligibility to veterans who are in need of domiciliary care for the purpose of receiving medical services and who either have incomes at or below the pension aid and attendance level—currently $9,940 for a veteran having no dependents, with higher amounts for those having one or more dependents—or have no adequate means of support. The eligibility of a veteran who was a patient or resident in a State home facility or VA domiciliary during the period beginning January 1, 1987, and ending April 1, 1988, would not be limited or restricted by this revision.

My floor statement upon prior Senate passage of section 305 of the provisions of S. 9 (CONGRESSIONAL RECORD, Dec. 3, 1988, S 17097), from which the conference agreement is in part derived, sets forth the background on this 610(b) eligibility provision in current law. There is one point I wish to clarify, however.

It is noted in the Joint Explanatory Statement that the conferees did not intend that a veteran be determined to be ineligible merely because his or her income is above the pension aid and attendance standard. For example, a veteran with no dependents may have had an income of $10,000 for the most recent 1-year period but also, as the conferees noted, be temporarily incapacitated from earning a living—for example, from a stroke—and thus have "no adequate means of support." In such a case, the veterans would be eligible for domiciliary care. The point here is that a temporary incapacity can lead to a "no adequate means of support" situation.

READJUSTMENT COUNSELING PROGRAM IMPROVEMENTS

Mr. President, I strongly support the provisions of section 107 of the conference agreement relating to the VA's Readjustment Counseling Program for Vietnam era veterans.

BACKGROUND

Mr. President, as our colleagues will recall, there has been significant interest over the past year in the future of this program in light of the mandate in current law that the program undergo a 2-year transition which was to have begun October 1, 1987, from a program providing services primarily through vet centers—generally storefront facilities situated in local communities apart from general VA facilities—to a program providing such services primarily through general VA health-care facilities, such as medical centers and outpatient clinics.

Last fall, the Senate-passed legislation—H.R. 2327 which incorporated the text of S. 1464 as reported by the Veterans' Affairs Committee on July 31, 1987—which addressed, in title II of that legislation, the issue of the future of the Readjustment Counseling Program. I refer my colleagues and others with an interest in the specifics of the Senate's action at that time and in the extensive background on the program which led up to that action to my statement which begins on page S14460 of the RECORD for October 16, 1987.

Under the Senate-passed provision, current law would have been amended to provide that any change in the status of an individual vet center would be carried out only after a careful, case-by-case, analysis resulted in a decision that the purposes of the Readjustment Counseling Program and the mission of the VA could best be served by moving a vet center to a VA medical or other facility rather than by maintaining its community-based location. It is my strongly held view that such a case-by-case approach is not only a more appropriate approach to the future of the Readjustment Counseling Program than the mandatory transition requirement, but that such an approach also would help guard against arbitrary changes in the program. This is a particularly important and needed protection in light of the renewed hostility toward the program by this administration and the current political leadership in the VA.

Thus, Mr. President, I am pleased to note that the pending measure includes provisons, derived from that Senate-passed legislation, to repeal the mandatory transfer requirement and to provide for a case-by-case review of each vet center's role in the future of the program. This should have the effect of removing the state of uncertainty under which the program, its clients, and staff have had to work for far too long and should give the program the stability that it needs and deserves.

REPEAL OF MANDATORY TRANSITION

Specifically, section 107 of the conference report would repeal the mandatory transition requirement. In lieu of that requirement, the Administrator, after considering the recommendations of the CMD, would be required to submit a national plan, at any time but not within 60 days before or after the end of a session of Congress. This national plan would be required to set forth plans with respect to each vet center in existence on February 1, 1988, for not less than the next year and also would be required to set forth any plans to open any new centers. The plan would have to describe as to each vet center whether it is to be relocated to another VA facility, moved to another location, or closed.

In connection with setting forth the plans for each existing center, the national plan would have to include an evaluation of the ways in which decisions about each center would ensure the continued availability of readjustment counseling to persons eligible for and needing such services in the area served by the existing Vet Center. This evaluation would have to be based on specified criteria, which I will describe in more detail in a moment, which are drawn generally from certain of the criteria that the VA has previously developed and relied upon in making initial evaluations of the program. These VA criteria were reiterated in the legislation passed by the Senate last year.

Once the national plan is submitted, the VA would be precluded from taking any action with respect to any existing center for 120 days thereafter. The provision in the conference agreement would specify that, after the national plan is submitted, if the VA wishes to change the plan as to one or more centers, the Administrator must submit a revision to the national plan for that center or those centers in accordance with the same type of reporting requirements as apply to the initial plan and explaining the basis for the changes in plan. Once any such revision is submitted, the agency would be precluded from taking the action outlined in a revision for 60 days after the submission of the revision.

After the national plan is submitted, action could be taken as to the centers covered by the plan only in the way described in the national plan or in a revision of it.

CRITERIA TO BE CONSIDERED

The specified criteria that the VA would be required to apply to determine if a decision about a particular center would ensure the continued availability for readjustment counseling to persons eligible for and needing such services in the area served by the existing vet center—each of which is derived from the criteria developed by the VA—require consideration of:

First, the distribution of Vietnam era veterans in the geographic area served by the existing vet center that is being evaluated and the relationship between the location of the vet center and the medical or other facility, which I will hereinafter refer to as the "receiving facility", where readjustment counseling services would be furnished if the vet center were closed or relocated and such distribution of Vietnam era veterans so as to evaluate the likely impact of any relocation on veterans' receipt of services.

Second, the distance between the existing vet center and the receiving facility so as to evaluate whether any hardship would be imposed on veterans currently being furnished services at the vet center if they would have to travel to the receiving facility to receive services.

Third, the availability of other entities, such as State, local, or private outreach facilities, which provide assistance to Vietnam era veterans in the area served by the existing vet center, so as to evaluate whether any need for services in the immediate geographic area of the vet center could be met by other entities.

Fourth, the availability of transportation to, and parking at, the existing vet center and the receiving facility.

Fifth, the availability, cost, and suitability of the space at the receiving facility. In this regard, I would expect the VA to evaluate the opportunity to establish a direct entry into the area where readjustment counseling services would be furnished and the suitability of the environment—including the VA services located nearly—where such services would be furnished so as to avoid locations, such as in the vicinity of mental health programs, that would be counterproductive to the furnishing of such services and to promote locations, preferably separate buildings, where a vet center identity could best be maintained.

Sixth, the overall cost impact of a proposed closure or relocation, including a comparison of the recurring nonpersonnel costs at the existing vet center and the receiving facility, so as to determine the cost effectiveness of the proposed action.

Seventh, the workload trends over the prior 2 fiscal years at the existing vet center and projected over the next fiscal year—or longer, if feasible—so as to determine the cost-effectiveness of a proposed relocation.

In addition to these criteria, the Administrator would be given authority to establish other factors for consideration as long as they relate to the effective provision of readjustment counseling services.

Information relating to each of these factors should enable the VA and the two Veterans' Affairs Committees to evaluate fairly any proposed closure or relocation.

Mr. President, as I noted earlier, I am satisfied that this approach to the future of the Readjustment Counseling Program and the existing vet centers is the appropriate one and should serve to give the program the stability it has been missing in the recent past.

PROVISIONS NOT INCLUDED

Mr. President, the Senate-passed measure included a number of other provisions relating to the Readjustment Counseling Program that are not included in the conference report. Among these are provisions that would have, first, protected for 2 full fiscal years the budget and personnel ceiling for any relocated vet center, with authority granted to the Chief Medical Director to reduce funding or staffing or both after the first year upon finding a real reduction in the center's workload; second, made World War II and Korean conflict veterans and active duty personnel who served either during the Vietnam era or since then in combat conditions eligible for, although not entitled to, readjustment counseling services; third, explicitly authorized the relocation to vet centers of other VA personnel, from the Department of Veterans Benefits and elsewhere in the Department of Medicine and Surgery, for the purpose of providing veterans with other VA benefits and services at vet centers; and, fourth, required that all vet center personnel who have served satisfactorily for 2 years be converted to career positions beginning 90 days after the enactment date.

I regret that we were unable to gain the support of our colleagues in the House for these various provisions, each of which was designed, in my view, to improve the functioning of the program. With specific reference to the issue of the conversion to career positions of personnel who have served the program satisfactorily for 2 years, I note that the conferees recognized the slowness of the VA in bringing about conversions in certain areas of the country and directed the VA to complete—on a nationwide basis and as rapidly as possible—the conversion effort that has been underway administratively for the past 4 years.

Finally, with reference to the provision which would have made World War II and Korean conflict veterans eligible for readjustment counseling services, I am particularly disappointed that our colleagues were unwilling to accept this provision. I do not anticipate a large, unmet need for assistance from veterans from earlier wars, and I am unable to understand the opposition to making services available to those veterans who may need counseling help to overcome longstanding problems stemming from their exposure to the extreme stress of combat. In this regard, I note the statement of VA Administrator Turnage, during our committee's March 4 hearing on the VA's fiscal year 1989 budget, when he was describing the VA's recent approach to the Readjustment Counseling Program and said "But let me suggest one other thing about the attitude we have had. We said, Don't only treat Vietnam veterans, treat active-duty types, treat World War II types, treat Korean veterans, or anyone else who needs that kind of help'."

I agree completely with that sentiment and wish that it had been expressed to the House conferees and that they had been willing to accept it as well.

BENEFICIARY TRAVEL PROGRAM

Mr. President, section 108 of the compromise agreement, effective July 1, 1988, would:

(1) Require the Administrator, if any beneficiary travel payments are made in any fiscal year, to provide such payments during that year to specified categories of eligible veterans, except for payments made in fiscal year 1988, when only payments made after the date of enactment would be counted.

(2) Specify that the following persons are eligible for beneficiary travel payments for travel for the purposes of VA examination, treatment, or care: (a) a veteran or other person traveling in connection with treatment for a service-connected disability; (b) a veteran with a service-connected disability rated at 30 percent or more; (c) a veteran in receipt of VA pension or whose annual income does not exceed the maximum annual rate of pension which would be payable if the veteran were eligible for pension; (d) a veteran who is determined (under regulations prescribed by the Administrator) to be otherwise unable to defray the expenses of the travel; (e) subject to restrictions described below with respect to advance authorization, a veteran or other person whose travel is medically required to be performed by a special mode of travel and who is determined (under applicable regulations) to be unable to defray the expenses of the travel; (f) a veteran traveling for the purpose of a compensation or pension examination; and (g) other persons as provided by regulation by the Administrator.

(3) In the case of travel by a special mode of transportation (a) authorize reimbursement where the Administrator authorizes such travel in advance or a medical emergency requires the use of a special mode or obtaining prior authorization would be hazardous to the person's health, (b) authorize the Administrator to provide payment prior to determining the veteran's eligibility if the Administrator determines that it is in the best interest of furnishing care and services, subject to subsequently recovering the payment from the veteran if the veteran is determined to be ineligible, and (c) provide for payment of the travel costs for a veteran as to whom a decision is made by the Administrator that the veteran is unable to bear the cost of medically-indicated special-mode transportation even though it was not authorized in advance.

(4) Require a $3.00 one-way deductible in connection with VA health-care travel, except for travel in connection with compensation and pension examinations and travel by special mode; (b) apply a $18.00 cap per month on the deductible for pre-approved frequent travelers; (c) allow the deductible to be waived in cases where payment of a deductible would cause severe financial hardship; and (d) require the deductible and the cap to be modified at the same time and by the same percentage as the Administrator increases the rates of allowances and reimbursements paid under section 111.

(5) Require the Administrator (a) in consultation and coordination with the Secretary of Transportation and veterans' service organizations, to take all appropriate steps to facilitate the establishment and maintenance of local transportation networks under which organizations, or individuals who are volunteering their services to the VA, would take responsibility for the transportation of veterans to VA facilities without reimbursement from the VA, and (b) to submit to the Veterans' Affairs Committees a report, not later than 6 months after enactment, on the implementation of this provision.

BACKGOUND

Mr. President, for a complete summary of the issues surrounding beneficiary travel reimbursement, I refer my colleagues to Senate report 100-187, pages 16 to 18, which contains a review of the issues leading up to this legislation, and the joint explanatory statement of the committee of conference accompanying the conference report, which contains a brief description of the provisions passed by both Houses and upon which the conference agreement is based.

HOUSE AND SENATE DIFFERENCES

Mr. President, the differences creating the greatest controversy between the approaches of the two Houses was in the area of requiring veterans, as in the Senate bill, to meet a deductible prior to being reimbursed for travel and the authorization in the Senate bill of facility directors to apply for waivers to payment. In discussing the final compromise in these areas, I would like briefly to discuss the two approaches and why I believe the Senate approach was the preferable course.

DEDUCTIBLES

Although hard cost figures are difficult to come by in this area—based as they must be on still incomplete information on the experience under the April 1987 regulations and projections about the likely patterns of demand for beneficiary travel reimbursement under different scenarios—it is abundantly clear that the House-passed amendment of March 1988 would have been significantly more costly than the Senate-passed proposal. According to the VA, the House-passed amendment of March 1988 would cost between $63.5 million and $97.3 million whereas the Senate-passed provision, while more costly than the very limited program under the current regulations, would probably cost less than $43.5 million a year. These figures, as well as others I will be using throughout my discussions today are based upon 1987 workload figures and do not include the costs of emergency transportation, nonemergency special-mode transportation, interfacility travel, or travel for compensation and pension exams. There are items which were not at issue between the houses, and the VA is currently making reimbursement for these costs.

Because the VA is unable to differentiate between the numbers of 0-to-20-percent rated service-connected-disabled veterans seeking treatment for their service-connected conditions and those seeking treatment for their own disabilities, the cost of the deductible can only be estimated and a range provided. The lower end of the cost range assumes that no 0-to-20 percent service-connected veteran would be provided care under the income standard—that is, that they would receive care only for their service-connected disabilities and the high end of the range assumes that all of them would be so provided care. Obviously both assumptions present the extreme case. I believe it is likely that the majority of the veterans so rated would not meet the pension income standards and would not otherwise be considered unable to defray the expenses of travel and would therefore not receive any beneficiary travel reimbursement. Accordingly, the numbers at the low range on the cost estimates would seem more accurate than the numbers of the high range or even a midpoint.

I believe that deductibles in the form of money to be spent by veterans is an appropriate method to restrain costs under this program and is a fair method for distributing the burden of reduced funding for the beneficiary travel reimbursement program. I recognize that one disadvantage of the deductible is that a large number of veterans living close to facilities would not be receiving any reimbursement from the program, a result that would seem to discriminate against those in urban areas because a greater portion of veterans in cities are located near VA facilities. But these veterans generally have far greater access to low-cost public transportation than veterans living in rural areas. Therefore, the ranking minority member of our committee, Mr. MURKOWSKI and I strongly and successfully advocated the inclusion of a deductible in the compromise agreement.

Although the $6 deductible will not produce as great a cost-savings as the $7.50 deductible provided for in the Senate amendment, I am pleased with this compromise. The $6 deductible, superimposed over the House-passed amendment, would bring the total estimated added cost of the program to between $33.9 and $52.2 million—a savings of $29.6 to $45.1 million—I believe closer to $45 million—from the House-passed amendment had it been enacted as passed by the House.

Recognizing that some veterans who are receiving care from the VA must return frequently to a VA facility for health care, the conferees have agreed to the frequent-traveler concept I authored in the Senate bill. Under the conference agreement, where veterans have been determined in advance to be required to make more than six one-way trips per calender month to receive health care, the maximum deductible they would pay for travel to the facility in any one calendar month would be $18 regardless of the number of trips made. This $18 figure—as well as the $6 per round-trip figure—would be periodically increased by the Administrator commensurately with any increase in the current 11-cent-per-mile beneficiary travel reimbursement rate. This provision would protect veterans receiving frequent treatments such as kidney dialysis, radiation therapy, chemotherapy and treatment for psychiatric illnesses such as PTSD, from being denied access to urgently needed health care by virtue of their being unable to pay for the substantial transportation costs entailed in their frequent visits. This would be especially helpful for those living some distance from the VA facility. Under current regulations, there is no relief for veterans who must travel to the VA on a frequent basis.

The requirement for advance approval in order for this cap on the monthly deductible amount to apply is designed to avoid the potentially very costly administrative burden of tracking the number of trips made monthly by each likely eligible veteran. By determining these frequent travelers in advance, the majority of whom would be readily identifiable, the VA can establish cost-effective systems, such as providing the predetermined frequent traveler with a card to be stamped in some fashion with each visit or, in areas having available computer capacity, an automated data entry system, to count the number of visits per month prior the $18-deductible cap taking effect. Since the number of veterans making such frequent monthly visits is relatively small, I do not believe that implementation of this very beneficial provision should be particularly complicated or burdensome.

WAIVERS

Although I am generally satisfied with the conference agreement that we worked out with the House conferees as it relates to the deductible and eligibility, there is one proposed change in the law from the Senate bill as to which I deeply regret we were unable to gain the House conferees' agreement.

The waiver authorities in the Senate-passed legislaton were predicated on the Administrator making an annual allocation to each health-care facility sufficient to fund the beneficary travel program. Directors could then request waivers in two instances: First, where a facility head could demonstrate to the Chief Medical Director [CMD] that before the April 1987 regulations the facility was making beneficiary travel reimbursements at levels less than those authorized by the Senate legislation, the CMD would be required to allow payments to be made at those levels or at any higher, requested level, up to that specified in the legislation. The second waiver would be available where the facility head proposed to make payments at a level less than that prescribed in the Senate bill, if the CMD determined that making payments at such a level would be in the best interests of furnishing health-care services to eligible veterans at that facility. In those cases, the CMD could—but would not have to—waive the required payments in order to permit the payments proposed by the facility director or a higher level of payments even though the facility was not paying less than was provided for the VA regulations before the April 1987 regulations.

This waiver authority would have provided an opportunity for local directors to make decisions based upon their needs. In those areas where problems regarding restrictions on reimbursements were few, waivers might be requested—after consultation with local veterans organizations—and the money used for direct-patient-care services. In the areas where complaints occurred more frequently or where certain groups of veterans needed assistance, the reimbursement program could be tailored to meet those specific needs.

I realize that there is a concern that VA regulations relating to beneficiary travel should be consistent within the VA so that veterans can expect the same treatment everywhere they go. I don't generally share that concern as to beneficiary travel. First, the VA medical system generally does not provide the same services everywhere. But even if a uniform array of services was available at every VA medical center, I feel an exception should be made to reflect local needs and desires in this instance. Moreover, it is clear that veterans are not now treated the same in all areas of the country specifically regarding beneficiary travel reimbursement. In some area, strict adherence to prescribed criteria is maintained; in others the criteria are loosely applied. The determining factor appears to be the financial resources of the given facility.

A de facto local-waiver situation was clearly documented by the General Accounting Office [GAO]—in its report entitled "Administration of and Veterans' Participation in the VA Beneficiary Travel Program," HRD-85-28, dated February 7, 1985—to be in effect long before the issuance of the April 1987 regulations. The GAO cited, as an example of various locally placed limits or restriction on beneficiary travel reimbursement, 56 centers where veterans were not being reimbursed if they lived within the city limits or within some specified radius of the center. Although not quantified, the report also noted that other restrictions were at times imposed locally so as to avoid paying travel expenses to veterans who did not have service-connected disabilities or scheduled appointments.

AIDS MATTERS

Mr. President, I am very pleased that sections 121 through 124 of the conference agreement include, with a few modifications, provisions I authored in S. 9 establishing education, training, counseling, and testing programs regarding AIDS. This is the first authorizing legislation in a conference report that deals in a comprehensive manner with the AIDS epidemic, and I am proud that the VA will be in the forefront of such efforts with the enactment of this legislation.

VA medical centers currently treat about 6 percent of all AIDS cases—and that number appears to be rising. The VA expects to see approximately 2,400 new patients in 1988 alone. Thus, it is critical that the VA proceed to develop as expeditiously as possible comprehensive and compassionate policies regarding AIDS. This legislation will assist the VA in those efforts with specific programmatic guidelines about what type of education and training to provide to both staff and patients as well as guidelines on counseling and testing.

Mr. President, these provisions are discussed in detail in the joint explanatory statement and in my remarks when this legislation was passed by the Senate—CONGRESSIONAL RECORD, S. 17098, December 3, 1988. However, I would like to highlight the modifications that were made during conference with the House.

First, with regard to the AIDS counseling and testing provisions, consistent with the amendment adopted on the Senate floor, the conference agreement would require that the VA offer the HIV antibody test, with pre- and post-test counseling and subject to informed, separate written consent, to all VA hospital patients who have risk factors, including IV drug abuse, for AIDS. The conference agreement does not include, however, the provision to require that the test be offered to all veterans under 40 years old. The House conferees were not willing to accept this provision since they could find no public health data to justify such a requirement. They pointed out that, given the high false-positivity rate among low-risk individuals, offering such testing would not be a cost-effective use of scarce resources directed at stopping the spread of AIDS.

However, in order to address the concern that veterans be afforded the same opportunity to receive the test as members of the Armed Forces, the conference agreement includes a provision to require the VA to offer, except when medically inadvisable, the test to any veteran-patient who requests it. I want to emphasize again that, as required in the Senate amendment, all testing conducted by the VA under this legislation must be subject to informed, separate, written consent and must be accompanied by pre- and post-test counseling.

Second, the conference agreement strengthens and tightens the confidentially provisions with regard to the HIV test. It increases the penalties for disclosure and specifically limits the use and redisclosure of information to the original specified purpose.

Third, the agreement includes the provision that was added as part of our committee floor amendment—in the nature of modification of the reported committee substitute—regarding notification of HIV test results to a veteran's spouse or sex partner under certain circumstances when the veteran will not him or herself disclose that information to the partner in question. In order to help ensure that notification occurs only when efforts to convince the veteran to make the disclosure have failed and in order to prevent unnecessary disclosure to other health professionals, the conference agreement also provides that the original physician or counselor should personally make that notification unless he or she is unavailable because of an absence or termination of employment. In that event, a substitute physician or professional counselor could decide to make the disclosure. The joint explanatory statement accompanying the conference report stresses that before any veteran gives consent to being tested, as part of pretest counseling, the veteran must be informed fully about this notification provision.

Mr. President, I believe that this legislation represents the type of positive effort that should be undertaken to bring about an end to the AIDS epidemic. It sets forth responsible policies for counseling, testing, confidentiality, education, and training. It will greatly help the VA carry out its mission with regard to veterans with AIDS, and I am delighted to have been successful in proposing this far-reaching legislation.

Mr. President, I want specifically to thank and pay tribute to Representative ROY ROWLAND of the House committee, a conferee on this legislation, for his cooperation, assistance, input, and sympathetic consideration of the Senate-passed AIDS provisions and the successful disposition of these provisions in the conference report. Dr. ROWLAND has proved to be one of the foremost congressional leaders—compassionate, informed, and highly enlightened—on the AIDS crisis. I am delighted to be collaborating with him on so many issues, including these AIDS provisions and the veterans' radiation-exposure compensation legislation, H.R. 1811, moving forward concurrently with this conference report in the two bodies. In addition, we have been working together on legislation—H.R. 2881, introduced by Representative ROWLAND and passed by the House last year—to establish a National Commission on AIDS. I am pleased that he and I and others have agreed to a substitute amendment which I submitted in the Senate with Senator KENNEDY and others on March 15, 1988, as amendment No. 1663 and which the Committee on Labor and Human Resources ordered favorably reported on April 13, 1988, as a substitute for H.R. 2881.

INCREASES IN PER DIEM RATES FOR CARE IN STATE HOMES

Mr. President, section 134 of the conference report contains the Senate-passed provisions in S. 9.

S. 9, in turn, was derived from section 7 of S. 6, which I authored, and from S. 216, authored by our committee colleague, Senator GEORGE MITCHELL. The conference report would increase VA per diem payments to State Veterans' Homes, retroactive to January 1, 1988, to $8.70 from $7.30 for domiciliary care and to $20.35 from $17.05 and $15.25, respectively, for nursing home and hospital care. The conference report also includes the provision I authored to authorize the VA to increase these rates annually, beginning in fiscal year 1989, by a percentage not greater than the percentage increase in the cost of care in VA general hospitals, as calculated pursuant to section 620(a)(2) for the purposes of establishing the maximum amount the VA may pay for contract care in community nursing homes, and by a percentage not greater than the percentage by which the Administrator increases the payment rate for care in such community nursing homes.

The VA participates in two separate programs of assistance to State veterans' home hospital, nursing home, and domiciliary facilities: a program (under subchapter V of chapter 17 of title 38) of per diem payments for care provided to eligible veterans, and a program (under subchapter III of chapter 81 of title 38) of matching grants for the construction, remodeling, or renovation of State Home facilities. A history of these programs can be found in our committee report (S. Rept. No. 100-215, pages 126 to 129) and in my floor statement of December 3, 1987 (CONGRESSIONAL RECORD, S17102-17103), and I refer my colleagues to those documents for this background.

As a result of input received from directors of State home programs, the conferees agreed to make retroactive to January 1, 1988, the effective date of the provision to increase the per diem rates. By making this provision retroactive the VA would be required to expend approximately $6 million more than it would have if the effective date had been the date of enactment of the conference report. Although the VA did not budget these funds for this year, the conferees understand that the State home directors had relied upon an increase in per diem rates occurring this year and had anticipated such a proposed increase in preparing their budgets. Delaying the effective date of the per diem increase until May, could have temporarily or permanently reduced services to veterans. I believe these actions would have created an undue hardship for both the veterans and staff involved which might have had long-term negative results for this very important program.

I strongly support the State Home Program and its continuation as a vital community link in meeting the needs of our aging veteran population, and believe that the increase in the per diem rates, as well as the new authority for periodic future increases in the rates, is fully justified in light of the importance of the State Home Program in our overall efforts to meet the health-care needs of the aging veteran population.

HOMELESS VETERANS

Mr. President, I am pleased to note that the pending measure includes three provisions—sections 115, 116, and 136—that are designed to assist homeless veterans.

I have been working since early last year to address specifically the tragedy of our Nation's homeless veterans, principally through enhancing the efforts of the Veterans' Administration to assist those veterans and their families. In that regard, on February 4, 1987, I introduced S. 477, the proposed "Homeless Veterans Assistance Act of 1987", which the Veterans' Affairs Committee favorably reported on March 18 and the Senate passed on March 31.

As passed by the Senate, S. 477 would have authorized the VA to sell to veterans' service organizations and other nonprofit entities for use as shelters for homeless veterans certain homes it has acquired as a result of VA home loan defaults. The VA would likewise have been authorized to lease to the same types of organizations underutilized VA facilities for use as emergency shelters for homeless veterans. Also, the VA would have been directed to conduct a 24-month pilot project in 10 areas to "undertake and evaluate various activities otherwise authorized by law" as well as activities designating VA employees to coordinate efforts to assist homeless veterans, authorizing cooperation with other entities assisting homeless persons, and facilitating volunteer activities by VA employees to assist homeless persons. The Senate-passed measure also would have required the Administrator to report within 90 days of enactment on efforts during 1987 to provide outreach to homeless veterans, the effects of such outreach, and any plans to expand outreach.

In addition, S. 477 would have required the VA, within 180 days of enactment, in coordination with other Federal entities, to carry out a survey of the number of homeless veterans and submit a report to the committees, including a detailed breakdown on their periods of service and use of VA programs, and the reasons for nonuse of such programs. Finally, the VA would generally have been required to establish 500 new domiciliary-care beds in underutilized VA facilities. Moreover, Veterans' Job Training Act eligibility would have been expanded to include, without regard to the requirement of unemployment for 10 of the 15 weeks prior to application, homeless veterans and those with service-connected disabilities rated at 30 percent or more.

Certain provisions derived from S. 477 already have been enacted into law. For example, the above-described provision to provide shelter for homeless veterans by selling homes acquired by the VA through defaults on home loans was enacted into law on December 21 as section 9(a) of Public Law 100-198, the Veterans' Home Loan Program Improvements and Property Rehabilitation Act of 1987.

In addition, Congress enacted into law last September in the fiscal year 1987 Supplemental Appropriation Act (Public Law 100-71) an appropriation of $20 million I proposed in the Senate to provide funding for a CMI residential treatment program and the 500 new domiciliary beds. These funds are now being spent so that 43 homeless CMI residential treatment programs are being carried out nationwide—5 in California—and that 525 new domiciliary beds nationwide—65 in California—are available or will be available shortly for homeless veterans.

Mr. President, the three provisions in the pending conference report which I mentioned a moment ago are each derived from S. 477 as passed by the Senate. Although these provisions are not all that the Senate passed or that I would have wished for, I am pleased that we are making some further progress in this area.

PILOT PROGRAM ON CONTRACT COMMUNITY-BASED RESIDENTIAL CARE

Section 115 of the conference agreement would repeal section 620C of title 38, United States Code, which authorizes the VA to provide care and treatment and rehabilitative services (by contract or otherwise) in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based facilities to veterans who are being furnished VA hospital, domiciliary, or nursing home care for CMI disabilities, veterans who are homeless who have such disabilities, or veterans with service-connected disabilities rated 50 percent or greater who have CMI disabilities.

In lieu of this statutory authority, the conference agreement would direct the Administrator to conduct a pilot program, through September 30, 1989, to provide such community-based care and treatment and rehabilitative services to homeless veterans suffering from CMI disabilities who would be eligible for inpatient care from the VA by virtue of their status as so-called category A veterans. In addition, the Administrator would be authorized to provide such care, treatment, and services through this pilot program to veterans suffering from CMI disabilities who are currently in VA hospitals or nursing homes as well as veterans not in VA facilities who have service-connected CMI disabilities. The provision in the conference report would authorize the appropriation of $6 million annually for each of fiscal years 1988 and 1989 for this pilot program with no less than $250,000 to be expended for management and monitoring of the program, and would limit expenditures in fiscal year 1989 funds specifically appropriated for the program.

Mr. President, the early reports on the program established by the VA under section 620C to provide assistance to homeless veterans suffering from chronic mental illness disabilities have been most encouraging. Although I would have preferred not to have repealed the statutory authority which is already in place and under which the VA is operating, I am satisfied that the VA will have the same basic authority under the pilot program that will be established by the conference agreement and that taking the approach of a pilot program should ensure that the program is monitored very closely and that changes are implemented which would improve the agency's efforts to assist the veterans for whom the program was principally intended.

Mr. President, I note that the limitation which I mentioned a moment ago on expenditures in fiscal year 1989 for the pilot program—an authorization of appropriations of $6 million and a limit on expenditures to funds specifically appropriated for the program—was included in this provision at the insistence of our colleagues in the House because of their concerns about expenditures for new programs coming out of the base amount for the VA health-care system without the concomitant appropriation of new funds. Although I recognize these concerns and generally share the viewpoint that the VA cannot continually be asked to do more with less, I would not have suggested such a funding limitation on this pilot program for which in the current fiscal year the VA expects to spend over $12 million. However, inclusion of such a limit was the cost of gaining enactment of the pilot program, which was particularly essential in view of the cap of $5 million on expenditures under section 620C as originally enacted in Public Law 100-6.

Mr. President, the VA projects a need for $12.9 million to continue the current program effort in the coming fiscal year. It is my intent to seek to have the Appropriations Committee include in its report on the fiscal year 1989 HUD-Independent Agencies Appropriations Act a specific designation of that level of funding for the pilot program in fiscal year 1989.

Mr. President, the March 1988 issue of VA Practitioner contained an excellent article describing the VA's homeless CMI program, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

CONVERSION OF UNDERUTILIZED SPACE TO DOMICILIARY-CARE BEDS

Mr. CRANSTON. Mr. President, the conference report, section 136, contains a provision, derived from section 107 of S. 477 as passed by the Senate, which would require the VA, not later than June 1, 1988, unless impractical to do so, to convert underutilized space—that would not be used to create nursing home beds—in VA facilities located in areas with significant populations of homeless veterans, to 500 domiciliary-care beds to care for veterans in need of such care, primarily homeless veterans. As I noted a moment ago, this conversion process has substantially been carried out by the VA as the result of the enactment of the 1987 Supplemental Appropriations Act, which appropriated $15 million to the VA for the purpose of expanding domiciliary capacity in order to provide care primarily for eligible homeless veterans in urban locations. It is included in the conference agreement to demonstrate the strong, ongoing interest of the two authorizing committees in this effort which should provide significant relief to a substantial number of homeless veterans.

REPORT ON ASSISTANCE TO HOMELESS VETERANS

As I also noted earlier, S. 477 as passed by the Senate included provision that would have directed the VA to carry out a pilot program of assistance to homeless veterans, conduct greater outreach, and carry out a comprehensive survey on homeless veterans. Taken together, these three provisions were designed to focus greater attention on the agency's efforts on behalf of homeless veterans and to provide a basis for enhancing those efforts as appropriate.

Although our colleagues in the House were unwilling to include these specific provisions in the conference agreement, they did agree to include a provision derived from these Senate provisions which would require annual reports for 3 years—1989, 1990, and 1991—concerning the activities of the VA to assist homeless veterans including outreach, delivery of medical and other benefits, and plans for such assistance activities. As is noted in the Joint Explanatory Statement, our two committees view outreach efforts in this area to include coordination of VA activities, coordination and cooperation with other Federal and non-Federal homeless activities, and facilitating volunteer efforts of VA staff.

I anticipate that these reports will include information on the full range of VA activities relating to homeless veterans, including information on the progress of the VA's program for homeless CMI veterans and the expansion of the domiciliary program for homeless veterans.

HEALTH-CARE PROVISION NOT INCLUDED: PROCREATIVE SERVICES

Mr. President, I am very disappointed that the final conference agreement does not include my proposal, in section 301 of H.R. 2616 as passed by the Senate, to authorize the VA to provide services to overcome service-connected disabilities impairing procreation. The Senate has twice passed this provision and twice the House has refused to accept it.

Mr. President, this authority is necessary because the VA has maintained that it does not have the authority to furnish medical services for service-connected disabilities that impair the ability to have children. This came to light when a woman, while serving in the U.S. Air Force, developed pelvic inflammatory disease, which was misdiagnosed. The disease progressed, scarred her fallopian tubes, and left her sterile. Although she tried to convince the VA to pay for in vitro fertilization [IVF]—which is the only procedure that offered her the possibility of having a child—the VA chose to interpret its authority very narrowly.

Thus, veterans who because of a service-connected disability are unable to have children—one of the most basic and fundamental life activities—are being denied access to services to enable them to reproduce and have a family.

According to the Office of Technology Assessment [OTA], only about 16,000 male veterans under the age of 55 have service-connected disabilities that could cause infertility while about 1,300 female veterans have similar service-connected disabilities that could prevent them from becoming pregnant. And only a fraction of those individuals would desire or could benefit from the availability of procreative services. Thus, the numbers of individuals who would likely utilize these services—and thus the cost of the Senate-passed provision—would have been very small.

If this authority were enacted, the majority of veterans with infertility problems would likely be treated with conventional medical therapies, including drug or hormone treatments, or surgery, to enable pregnancy to be achieved through sexual intercourse. Veterans with spinal cord injuries would be helped to a large degree by the availability of artificial insemination. More sophisticated technologies, such as IVF—in which the egg is fertilized outside the woman's body—would also be authorized. These procedures are generally used only as a last resort to correct reproductive problems for which nothing else works. Although IVF and newer technologies may help as many as 10–15 percent of infertile couples, less than 1 percent of the infertile couples in the United States attempted IVF in 1986.

All of these procedures are widely considered to be sound medical procedures. The first IVF baby was born in 1976. Since then, more than 5,000 IVF babies have been born worldwide. States are also recognizing that IVF is no longer experimental. Five States—Maryland, Massachusetts, Hawaii, Arkansas, and Texas—already require IVF to be included in health insurance benefits packages. Eight additional States, including California, Ohio, Alaska, and Pennsylvania, have legislation pending regarding coverage of IVF. And, according to the OTA, many large insurance companies, such as Blue Cross/Blue Shield of Delaware and Prudential medical insurance, are taking the initiative in offering such coverage.

Our provision was supported by all the major veterans organizations. Unfortunately, my colleagues in the House sought to exlude certain specific medical procedures from this provision and were adamant in insisting the IVF be excluded from this provision. I could not accept that discriminatory result under any circumstances and want to set forth my reasoning.

In general, I believe it is extremely inappropriate for Congress to legislate how medicine should be practiced by dictating which medical procedures are acceptable and which are not. Reproductive technologies are rapidly evolving, and to set into law a determination that only certain procedures are allowed on the basis of our current knowledge would be bad public policy. It could send a message to the medical community, State public policymakers, and the general public that some medical procedures are better than others when in fact no such medical or scientific determination has been made and there is no medical basis for such judgments.

With specific regard to IVF, I have two additional concerns. First, I believe that excluding IVF would be discriminatory toward women veterans. Although the majority of infertility problems for male veterans would be addressed through the availability of medical and surgical procedures as well as artificial insemination, those female veterans for whom no other procedure will work would still be denied the opportunity to have children. In fact, the very case that led to this legislation would have been excluded under such a proposal because she needed IVF.

As more and more women are joining the Armed Forces, women will constitute a greater proportion of veterans as the years go by. We must begin to be more sensitive to their needs and provide them equal access to health-care services. In my view, this is precisely the type of service that must be provided.

The Paralyzed Veterans of America, in an April 11 letter to me, agreed. It said,

> PVA believes that IVF is an effective medical treatment of which election should not be denied to eligible disabled veterans. Excluding IVF from the bill would potentially, unfairly discriminate against female veterans and could bring charges of sex discrimination against the VA if the statute authorized the provision of procreative services for male veterans, but specifically excluded in vitro fertilization which, in certain medical circumstances, would be the only procedure available to achieve pregnancy in a female veteran.

Second, although I am aware that individuals have differing moral or religious views on IVF, I strongly believe decisions about such medical procedures must be left to the individual. I do not believe that we should be setting public health policy according to one view or interpretation. That decision should be one that the individual veteran and his or her physician make. This provision would in no way require any veteran or spouse to undergo IVF or any health-care professional to participate in performing such a procedure. What it would do is make that option available, consistent with individual moral and religious beliefs.

I strongly object to proposals that Congress impose on all veterans one non medically based opinion about the merits of a particular medical procedure.

Thus, because the House insisted on specifically prohibiting the VA from providing IVF services, veterans will be unable to receive services to overcome barriers that their service-connected disabilities have raised to their becoming parents. This provision would have had very little cost impact, but would have made all the difference in the world to a veteran who wants children but cannot have them without medical assistance to overcome a service-connected disability. It was proveteran and profamily.

I feel much the same way about the proposal of the House conferees to exclude donor gametes: the use of sperm or eggs from a third party. First, as to donor gametes, there are circumstances that we may be unaware of and technologies that we may inadvertently prohibit by such a restriction. Moreover, in the case of a paralyzed veteran who is unable to make sperm in high enough quantities for artificial insemination, donor sperm would be necessary to increase the sperm count. I do not believe that this option should be precluded if it is medically appropriate and the veteran and his spouse want to utilize it.

For all of these reasons, I am very disappointed that this provision was not included in the conference agreement.

HEALTH-CARE QUALITY ASSURANCE ACTIVITIES

Mr. President, section 201 of the conference report, derived from legislation I authored and legislation authored by Mr. MURKOWSKI in title II of S. 1464 as passed by the Senate on October 23, 1987, would require the Administrator to take certain actions to improve the operation of the health care quality assurance programs and activities in the VA. The provision of high-quality health care services is a primary mission of the VA health-care system. In recent years, there has been a growing emphasis on developing ways to determine the extent to which that mission is being fulfilled and to identify problem areas within the VA's DM&S.

An extensive history exists regarding the VA's efforts in the quality assurance area and the Senate Veterans' Affairs Committee's involvement in oversight activities relating to these issues. A chronicle of these events and an extensive description of the Senate-passed provisions in regard to quality assurance activities is summarized in our committee report (S. Rept. No. 100-187, pages 23-32, and in my floor statement of October 16, 1987 (CONGRESSIONAL RECORD, S14458-14460).

Unfortunately, the House conferees were unwilling to accept those provisions. Although I believe that the Senate-passed provisions would have offered a much needed improvement in the areas of quality assurance and risk management, and could also have resulted in enhancing the level of public confidence in the VA health care system, I am satisfied that the provisions contained within the final conference resolution will provide the VA the needed impetus to upgrade and improve the program.

Specifically, Mr. President, these provisions would require the Administrator, not later than 60 days after the date of enactment, to take actions to improve the operation of the VA's health care quality assurance programs and activities, including actions to achieve the following purposes.

First upgrade the Office of Quality Assurance within the DM&S Central Office and assign to that office responsibility for risk-management activities, these activities to be carried out with the concurrence of the general counsel.

Second, expand and assign higher priority and greater resources to, quality assurance programs and activities at each VA health care facility, including implementation of occurrence screening and the maximum utilization of the facility's computerized management information system for such activities.

Third, upgrade and expand the Office of the Medical Inspector in the DM&S Central Office, including increasing the number of employees assigned to such office on a full-time basis so as to ensure that each medical inspection carried out by that office includes at least one such full-time employee and otherwise ensuring such adequate numbers of, and such skills and training on the part of, the employees assigned to that office as are necessary to ensure the independence, objectivity, and accountability of that office.

Fourth, upgrade and expand the activities of the VA's Office of the Inspector General [OIG] in overseeing, monitoring, and evaluating the operations of DM&S's quality assurance programs and activities and of its Medical Inspector Office so as to provide the CMD, the Administrator, and the Congress with clear and objective assessments of the effectiveness of those programs and operations, including ensuring such numbers of, and such skills and training on the part of, employees assigned to the OIG as are necessary to carry out such oversight, monitoring, and evaluation effectively.

The conference report would also require the Administrator, not later than 75 days after the date of enactment, to submit to the committees a report describing the actions taken to carry out the provisions in the conference agreement, including reports of the CMD and the IG on such actions, and any future actions planned—and a timetable therefor—in connection with such actions. The report would be required to include—

First, the Administrator's views on, first, the effectiveness of quality-assurance and risk-management and medical-inspection programs and activities in DM&S and of the oversight, monitoring, and evaluation prior to the implementation of such actions, and second, how those actions will improve the effectiveness of these programs and activities; and

Second, a description of actions that have been or will be taken—and the justification—by the Administrator, the IG, and the CMD, as appropriate, to make other improvements in such programs and activities and the oversight, monitoring, and evaluation thereof.

Mr. President, in the joint explanatory statement, the conferees noted their belief that the VA's health care quality assurance and risk management and medical inspection programs and the oversight and monitoring of those programs by the IG need greater attention and resources from the agency. Rather than mandate precise steps in this regard, however, the conference report provides the Administrator, the CMD, and the IG with substantial discretion as to how to proceed to upgrade, expand, and enhance these quality-assurance and medical-inspection programs and activities and the monitoring thereof. The conferees felt strongly that the following five additional steps should be taken in line with the provisions of title II of S. 1464 as passed by the Senate:

First, an office other than that of the medical inspector should be assigned the responsibility of monitoring and analyzing the VA's patient-injury-control program.

Second, the medical inspector should be provided with the authority, funds, and resources to conduct such reviews and investigations as the medical inspector considers necessary to identify problems in the provision of health care to veterans, and, when problems are detected, to propose to the CMD necessary and appropriate corrective measures.

Third, action should be taken to ensure that the medical inspector is an ex officio member of all policymaking bodies within the central office of DM&S that are concerned with the quality of health care provided in VA facilities.

Fourth, the OIG should be required, without expanding its FTEE allocation or total appropriation, to employ individuals with expertise in the areas of medicine and general health care and to allocate adequate resources so as to enable the effective monitoring of quality-assurance, risk-management, and other activities carried out by DM&S.

Fifth, action should be taken to ensure that the OIG reviews quality-assurance and risk-management information collected by DM&S in order to identify data that are not collected and should be collected, and monitors the analysis by DM&S of trends in the provision of VA health-care services.

The conferees also noted their belief that the VA should give serious consideration to the establishment of a national quality assurance resource center to develop and evaluate quality-assurance methods based on sound, validated epidemiological principles; compile validated quality-assurance information bases; implement quality-assurance fellowship programs to educate personnel regarding quality-assurance functions and testing; and provide other educational, research, and service support. The conferees expect the VA to describe in the report to be submitted 75 days after enactment the consideration and action taken regarding this matter as well as the five points stressed in the Joint Explanatory Statement that I have just summarized.

Mr. President, the VA needs to be a leader in the provision of quality health-care services, not a follower. If this is to be the case, problems which appear to arise in the provision of health-care services must be fully investigated in a constructive, and aggressive manner. This matter is of great concern to me, and I will continue to do all that I can to promote the quality of care furnished to veteran patients and to minimize the risks involved in their receiving that care. If further legislation is required to meet that goal, then I will, in the future, introduce and proceed with such legislation.

RECRUITMENT AND RETENTION MEASURES

Mr. President, I am very concerned about the shortage of health-care professionals currently being experienced by the VA, with which sections 211, 214, and 224 and other provisions of the conference agreement deal. A detailed history of these problems can be found in our committee report (S. Rept. No. 100-215, pages 150-161) and in my floor statement of December 3, 1987 (CONGRESSIONAL RECORD, pp. S17108-17111), and I refer my colleagues to those documents for this background. Since last year, when vacancy and turnover statistics were gathered, the situation has worsened. As the following figures from a preliminary 1987 Department of Medicine and Surgery (DM&S) report make clear, both the turnover and vacancy rates have increased for registered nurses (RN's), licensed practical nurses (LPN's), and occupational therapists, and, although the turnover rates have decreased somewhat for pharmacists and physical therapists, the vacancy rates for these positions remain critically high.

According to the report by the DM&S entitled "1986 Survey of Health Occupational Staff," the nationwide turnover rate for registered nurses (RN's) was 16.1 percent and the nationwide vacancy rate for this group was 0.2 percent. A preliminary 1987 DM&S report now places those figures at 21.9 and 5.7 percent, respectively. It was reported in the 1986 survey that the turnover rate for licensed practical nurses was 18.8 percent and the vacancy rate was 9.3 percent. The preliminary 1987 study now places those figures at 30.3 and 10.7 percent, respectively. For pharmacist positions, the 1986 survey reported a 22.6-percent turnover rate and a 2.7-percent vacancy rate, and the 1987 study reports a 19.9-percent turnover rate and a 6.5-percent vacancy rate; for physical therapist positions, a 26.5-percent 1986 turnover rate and a 22.9-percent 1986 vacancy rate were reported and a 24.5-percent turnover rate and a 22.5-percent vacancy rate are reported for 1987; and for occupational therapists, a 23-percent turnover rate and a 9.2-percent vacancy rate was reported in 1986, increasing to 25.8 percent and 13.8 percent, respectively, in 1987.

There is a growing rivalry among health-care facilities in the United States for the services of qualified health-care professionals, and the VA is not alone in confronting this crisis in the recruitment and retention of these personnel. The April 18, 1988 edition of the New York Times contained an excellent article describing the worsening health worker shortage in the United States, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. CRANSTON. Mr. President, the VA must be competitive in the area of salaries and benefits if it is to attract these individuals and I am pleased that the conference report contains measures which will assist them in their efforts. Unfortunately some of the Senate-passed provisions were changed as a result of our negotiations with the House, but I hope to revisit these strategies and see their enactment at some time in the future.

Sections 211, 214, and 224 of the conference agreement, derived from provisions I authored in the Senate, relating to providing the VA greater flexibility to adjust the salaries and develop promotional policies for occupational therapists and pharmacists, paying nurses premium pay for Saturday work, and elevating the status of the chief nurse within VA facilities. as passed by the Senate in S. 9 on December 4, 1987, are included in the final agreement. Input we have received from VA facilities in the field indicate that these measures will significantly assist in recruitment and retention endeavors.

Mr. President, with respect to the Health Professional Scholarship Program, section 216 of the conference agreement includes an important measure which I proposed and which was included when the Senate passed S. 9. Authorization has been provided to the Administrator to expand the scholarship program to include educational programs for all disciplines whose members provide direct patient-care services or services incident to direct patient care. As I outlined upon introducing S. 9 on January 6, 1987 (T4Congressional Record, page S204-211), this program has proven to be successful in recruiting RN's for the VA, and I believe that there may also be interest among other professionals interested in pursuing careers in other health-care fields who would take advantage of this program if it were open to them. I am equally pleased that the conferees expanded the provision in the Senate amendment which required that priority in scholarship awards be given to nurses seeking a fourth year of baccalaureate education to require that priority be given to any professional entering their final year of training.

Regrettably, Mr. President, the conferees did not accept all the provisions I had introduced in regard to a tuition reimbursement program and which were included in the Senate-passed amendment. The House conferees were not agreeable to providing authorization for a tuition reimbursement program for needed full-time health-care personnel other than nurses for academic courses leading to completion of a degree. Given the turnover and vacancy rate presently being experienced within the VA and the intense competition for these scarce health-care professionals, I believe the House approach is shortsighted. Part of the House rationale for limiting the tuition reimbursement program, as I understand it, was that money are currently not available to fund that program. However, the VA was provided $5 million for this fiscal year, and has requested an additional $5.5 million for fiscal year 1989, a total of $10.5 million for fiscal year 1989, to provide for tuition reimbursement to scarce health-care professionals for nondegree programs under the Government Employee Training Act—codified in chapter 41 of title 5, United States Code. There is no reason that these funds could not be used for a degree-granting program as well under the new authority.

I am encouraged, however, that, depending upon the success of the tuition reimbursement program which is being proposed, the conferees noted that they may be willing to consider expanding eligibility for the program to other shortage occupations in later legislation.

The tuition reimbursement program found in the conference agreement would authorize payment to full-time VA employees seeking a degree with a major in nursing, with special emphasis being placed on persons pursuing a course of study which would expedite an increase in the number of RN's in the VA. In the joint explanatory statement, the conferees urged the VA to encourage current VA employees interested in nursing as a career to apply for assistance under this program. Employees holding nursing assistant, LPN, or ward secretary positions, for example, would be ideal candidates for nurse training programs because they have worked in a patient-care setting and are familiar with the demands of the job. Encouraging upward mobility, by the transition of employees from lower graded to higher graded positions, sends a message to employees that the agency is concerned about their welfare. In addition, upward mobility programs provide the agency with a potential pool of workers oriented and known to the agency to fill vacant positions.

Mr. President, many private sector hospitals offer tuition reimbursement programs to enable nurses to attend school for the purpose of obtaining a degree. Since the nursing profession is now emphasizing a baccalaureate degree as a minimum degree for staff nurses, more so-called diploma nurses, those who studied for 3 years in a hospital-based program, and nurses with associate's degrees, are seeking opportunities to return to school. Also many nurses with a baccalaureate degree are interested in pursuing graduate education, and this program would assist them and, in that regard, ultimately provide more advanced and skilled practitioners for the veteran patient.

Establishment of a degree-granting tuition-reimbursement program should help make the VA a more attractive employer and allow the VA to be more competitive with private sector health-care facilities where such incentives are routinely offered. The VA had recognized this by supporting the Senate tuition reimbursement provision at last year's hearing. Very recently, on April 7, 1988, the VA officially submitted to the Congress a legislative proposal to the same effect for nurses.

The recruitment and retention bonus pay provision, section 212 of the conference report, is an example, I believe, of how the two Houses working together can arrive at a compromise which is better than either provision passed in the House or the Senate. Rather than require an RN interested in the bonus program, or other designated health-care professional, to commit to 4 years of service in the VA, perhaps an unrealistic demand in today's mobile society, those for whom the bonus is authorized can choose to commit themselves for 2, 3, or 4 years of service and receive either $2,000, $3,000, or $4,000 per year respectively. Although the total dollar amount which can be received by a professional who agrees to a 4-year commitment is less under the conference agreement than under the Senate-passed amendment, $16,000 per year as compared to $20,000 per year, I believe a greater pool of employees would be recruited and retained.

HEALTH-CARE ADMINISTRATION PROVISION NOT INCLUDED: DISCIPLINARY ACTIONS AND GRIEVANCES

Mr. President, during our committee's hearing last year on various measures dealing with the VA health care system and in subsequent activity in followup to that hearing, we heard from a variety of sources about problems in the VA's personnel system as it relates to those VA health care employees—principally physicians, dentists, and nurses—employed under the VA's title 38 personnel system.

Specifically, both the agency and witnesses representing employee groups raised concerns about the current procedures under section 4110 of title 38, the provision under which disciplinary actions involving title 38 employees are carried out; the fairness of the overall title 38 personnel system—especially in contrast to the system under title 5 which applies to other Federal employees, including other VA employees not covered by the title 38 system; and the ongoing, costly, and time-consuming litigation over issues relating to the relationship between title 5 and title 38 provisions.

Mr. President, in response to these concerns, the Senate-passed legislation—specifically section 324 of S. 9 as reported by the committee—would have amended section 4110 so as to provide that the procedures set forth in title 5 for the resolution of specified lesser disciplinary actions—admonishments, reprimands, suspensions of 14 days or less, and transfers not involving loss of grade—would be used in cases involving title 38 personnel, including the use of a negotiated grievance procedure involving an appeal to an arbitrator. This section would further have amended title 38 so as to create a grievance-resolution process that parallels that available to title 5 employees.

The overall impact of these changes would have been to make parallel to personnel procedures available to title 5 employees the VA's procedures for personnel actions involving title 38 employees involving the specified lesser disciplinary actions and grievance procedures.

The effort to develop the provisions in the Senate-passed measure, which included significant consultation with many concerned parties, was carried out with two fundamental, and sometimes conflicting, principles in mind—first, the separate title 38 personnel system for DM&S generally serves a valid and valuable purpose of permitting the VA to staff and manage a very large, complex, health care system and, as such, should be maintained; and, second, as the Congress recognized with the enactment of the Civil Service Reform Act, there can and should generally be significant opportunity for employees to have disciplinary actions and grievances related to their employment resolved in a timely fashion with an opportunity for outside review.

In making this effort, our committee recognized that the subject matter was very complex and that it was likely that further work would be needed before a fully appropriate approach was developed. To that end, we continued, along with our colleagues in the House, to work with the agency and other interested parties in an effort to fashion such an approach.

Unfortunately, despite the good intentions of all those involved in that effort, we were unable to develop an approach that was satisfactory to the VA and to the employee organizations, and ultimately the decision was made, in conferring with the House, not to include any provisions in this legislation in this area.

Mr. President, I remain interested in trying to resolve the problems that our committee identified last year in the current disciplinary and grievance processes and procedures relating to title 38 employees. However, I see no gain in going forward in this regard unless and until the agency and the employee organizations can reach an accommodation.

FORMER PRISONERS OF WAR

Mr. President, I am pleased that the conference agreement contains three provisions, derived from S. 1365, which Senator GRAHAM and I introduced, which would improve benefits for former prisoners of war. These provisions would: First, reduce from 6 months to 90 days the length-of-internment requirement for VA dental-benefits eligibility for ex-POW's—section 106; second, expand the definition of a former POW to include veterans held during wartime under circumstances comparable to those generally experienced by POW's held by an enemy government—section 311; and, third, establish presumptions of service connection for three diseases for ex-POW's—peripheral neuropathy, except where directly related to infectious causes; pepetic ulcer disease; and irritable bowel syndrome—section 312.

Our Nation will always honor our former POW's and recognize the great sacrifices and extreme hardships which they endured to preserve our country. It is my hope that these improvements, which are a further measure of our continuing gratitude to these courageous and valiant patriots, will be of significant assistance to those who served at such great cost.

INCREASES IN SERVICE-CONNECTED BENEFITS

Mr. President, although I regret that I was unable to convince my colleagues in the House to accept in full the increases in the benefits based on service-connected death or disability that I had proposed in S. 9, I am pleased that a substantial increase for each is provided, effective April 1, 1988, in sections 301-303 of the conference report.

The amounts proposed in the Senate-passed measure were fair and equitable, based on appropriate cost-of-living increases since the last increase was enacted. I assure my colleagues that we did our best in conference to secure as much of the Senate-approved increase as possible.

Thus, whereas I had proposed in S. 9 to increase by 12.7 percent, from $35,500 to $40,000, the maximum amount of the specifically adapted housing grant for certain service-connected disabled veterans with serious mobility impairments and to increase by 12.9 percent, from $6,000 to $6,775, the maximum amount payable for special housing adaptations to certain veterans with service-connected total blindness or the anatomical loss or the loss of use of both upper extremities, section 301 of the conference agreement provides for increases of 7 percent, to $38,000, and 8.3 percent, to $6,500, respectively for these two grants.

Similarly, I proposed to increase by 11 percent, from $5,000 to $5,530, the automobile assistance grant paid to veterans with certain serious service-connected disabilities, and section 302 of the conference agreement provides for a 10-percent increase, to $5,500.

Finally, my proposal to increase by 105 percent, from $1,100 to $2,250, the burial benefit for veterans who have died as a result of a service-connected disability, which has not been increased since 1978, is reduced in section 303 of the conference agreement to an increase of 36.4 percent, to $1,500.

SEQUESTRATION RULES APPLICABLE TO VETERANS' PROGRAMS

Mr. President, I am grateful to my colleagues in the House for accepting—in section 305 of the conference agreement—provisions I proposed in sections 114 and 313 of S. 9 as introduced (a) to make permanently exempt from sequestration under the Gramm-Rudman-Hollings [GRH] law the program of rehabilitation services and assistance for certain service-disabled veterans under chapter 31 of title 38 and the program of educational assistance for dependents or survivors of certain service-disabled veterans or of deceased servicemembers under chapter 35, both of which were previously made exempt from sequestration for fiscal year 1987 only; and (b) to provide for restoring to the VA's special therapeutic and rehabilitation activities fund [STRAF] fiscal year 1986 funds sequestered from the STRAF under the GRH law.

I am very pleased that these two important service-connected benefits would be made exempt from sequestration—as most other such benefits, such as disability compensation, dependency and indemnity compensation, specially adapted housing assistance, adaptive auto assistance, and burial benefits, already are under current law.

With respect to the STRAF, which is a self-sustaining revolving fund supporting the VA's program of compensated work therapy for certain of its patients who need to learn work habits or vocational skills, the conference agreement corrects an earlier action which imposed a significant burden on a small, but very worthwhile program.

RADIATION BENEFITS PROVISIONS INCLUDED IN H.R. 1811

Mr. President, I also am delighted that the Congress will soon be sending to the President a bill seeking to ensure that radiation-exposed veterans are treated fairly and reasonably with respect to claims for VA benefits. I have been working to help resolve the concerns facing these veterans since 1979, including helping them gain eligibility for VA health care and make awards of compensation for the disabilities which they suffer, and it has been a long, hard road. But I believe that we have reached a reasonable, fair, and compassionate response to their concerns, and those of their families, through the passage in both Houses of the provisions contained in H.R. 1811 as amended by the Senate on April 25.

Both the Senate, in title II of S. 9 as passed as part of a Senate amendment to H.R. 2616, and the House, in section 314 of the March 29 House amendment to H.R. 2616, had passed legislation containing radiation-exposed compensation provisions. However, at the urging of the Senate Republican conferees, the conferees on both sides agreed to recede from their respective provisions on condition that the Senate conferees would—as we did on April 25—seek to have the Senate take up as quickly as possible H.R. 1811 amended with the version agreed to in conference. With the House passage of the amended bill, which I am advised will likely occur on May 2, we are fulfilling our responsibility in the Congress to veterans injured and injured wrongly through service to our country.

GRAVE MARKERS AT NATIONAL CEMETERIES

Mr. President, I am also pleased that section 341(b) of the conference agreement includes a provision—derived from my proposal in S. 9 as reported—to provide for exceptions to the general statutory requirement for upright markers in VA national cemeteries so as to authorize the use of flat markers in the National Cemetery in Riverside, CA, and the proposed national cemetery in northern California. The Riverside cemetery was designed to accommodate flat markers in order to maintain harmony with its surroundings, and there is strong support in California for permitting the use of flat markers there and at the new cemetery in northern California when it is completed.

Regarding the new cemetery, for which I have been working for more than 3 years—first to convince the VA to locate it on land which the Wolfsen family expressed its desire to donate at a pastoral site in Santa Nella and, second, to get the VA to expedite the development of the cemetery—I am delighted that an important milestone has been reached. On March 30, the Administrator approved and signed an offer submitted by the Wolfsen Corp. to donate 322 acres in Santa Nella for the cemetery. This offer and the title to the property are currently pending Department of Justice review. According to the current timetable, construction of the cemetery will be completed in April 1991.

CHILD-CARE CENTERS

Mr. President, section 412 of the conference report also includes provisions which are very similar to S. 1876, relating to the provision of child care services within the VA, which Senator DENNIS DECONCINI and I introduced along with Senators MURKOWSKI and ROCKEFELLER. The basic purpose of this provision would be to promote the expansion of the development of child care centers located at VA facilities for the children of VA employees. More and more, private and public medical facilities are offering onsite child care programs and, I believe, to remain competitive and attract the services of the most qualified health care professionals the VA must be competitive in the offering of services as well as salaries if it is to attract these individuals.

Employees within the VA's DM&S have expressed substantial interest in child care services. At a hearing held by our committee on April 21, 1982, a witness representing the Nurses Organization of the Veterans' Administration [NOVA] recommended, among other strategies, that day care programs for the children of VA personnel be established. Results of a VA study entitled "Nurse Recruitment and Retention in the Veterans' Administration," dated February 26, 1984, carried out pursuant to section 118 of Public Law 96-330, indicated that 15.5 percent of staff nurses had sole or partial responsibility for 1 to 3 children under 6 years old and that 32.9 percent of staff nurses had sole or partial responsibility for 1 to 3 children from 6 to 18 years old. These figures alone show a significant potential need for child care facilities within the VA.

The DM&S Policy Council, in February 1983, recommended active endorsement and the establishment of uniform guidelines for child care centers in the VA. Although the CMD approved these recommendations, no published CMD policy guidance has been issued to the field.

The 1984 VA study also reported that 10 VAMC's had onside day care centers, 1 was being developed, and 10 others were exploring the feasibility of opening one. Of those that were open, the hours of operation ranged from 7:15 a.m. to 5 p.m. and 5:45 a.m. to 12:30 a.m. Fees for the service varied depending upon the age of the child, and some centers had sliding-scale fees based upon the employees' ability to pay. The majority of centers were established as not-for-profit corporations governed by employee boards.

Mr. President, more recently, in 1986, a Staffing Shortages Task Force was established within DM&S charged with formulating recommendations to improve recruitment and retention in health care occupations. A report of the task force released to me on October 26, 1987, as chairman of the Veterans' Committee, indicated that providing child care facilities for VA employees is one of the recruitment and retention tools being recommended.

Currently, there are 15 active child care centers at VAMC's. Those centers are in Togus, ME; Wilmington, DE; Perry Point, MD; Ann Arbor, MI; Northport, NY; Brockton/West Roxbury, MA; Albany, NY; North Chicago, IL; Hines, IL; Dayton, OH; Knoxville, IA; Martinez, CA; Long Beach, CA; and New Orleans, LA; Approximately 700 children are being cared for at those centers at a cost ranging from $50 to $80 per week. Although the VA is not financially subsidizing these centers, the agency is providing space at no cost. According to a white paper prepared in response to my request, the VA, under the authority of section 5022 of title 38, which provides the VA with the authority to enter into leases with any public or nonprofit entity, supports "the establishment of local employee initiated efforts to establish not-for-profit child care centers in VA facilities."

However, this expansion from 10 to 15 child care programs over the last 4 years is clearly not adequate progress, given the price of development of such programs at health care facilities with which the VA is competing for staffing.

For a complete description of the provision regarding child care services within DM&S, I refer my colleagues to the Joint Explanatory Statement accompanying the conference report. The major difference between that provision and the Senate-passed provision is the inclusion of the requirement that the child care program be carried out by the Veterans' Canteen Service [VCS] with one person therein designated as the coordinator for the program. The VCS functions as an independent unit in the VA and has exclusive control over all of its own activities, utilizing no appropriated funds. Although the Senate-passed provision would have authorized the VA to provide this program through the VCS, it was not required to do so.

I am particularly pleased that the House agreed to three specific Senate-passed provisions relating to child care programs about which I feel very strongly: First, requiring parental involvement in the administration and day-to-day activities of the center; second, requiring the development and utilization of a process for screening prospective employees at the centers for fitness and suitability; and third, requiring the VA to comply with applicable State and local laws, ordinances, and regulations.

Mr. President, I believe that the most successful and lasting child care centers are those which provide for the participation and input of parents of the children who attend. Such an approach gives the parents a stake in the continuation of the center as well as providing them with assurances about the goals and objectives of the programs being provided their children. Participation can occur in a variety of ways, from parents being permitted to observe activities taking place to their being members of the corporation board. In this regard, the conference agreement would require the Administrator to prescribe regulations to provide for parental participation in a child care center in the operation and oversight of the operation of such center, either directly or through parent-advisory groups or both.

The provision of safe, high-quality care for children has always been one of my major concerns. It is important that children receive the attention they need, be properly supervised, and be provided educational and developmental activities suitable for their age. These activities must be furnished by capable and caring persons who have the skill and knowledge necessary to guide the children in the absence of their parents.

In addition to the qualifications of the personnel caring for them, the physical environment in which children spend their time is also important. A child care center should be clean, large enough to provide adequate space for each child, and avoid harmful conditions. Parents must be given assurances that specific identified standards are met. Thus, the conference report would require that regulations promulgated by the Administrator include the development and utilization of a process for screening prospective employees of such centers for fitness and suitability and require compliance with all State and local laws, ordinances, and regulations relating to health, safety, and the operation of child care centers.

I have long been active in working to promote adequate standards for child care programs and have introduced legislation, S. 934, the proposed Child Care Standards Improvement Act, to provide incentives to encourage States to upgrade their child care standards and monitoring procedures. This provision has been incorporated into S. 1885, the proposed "Act for Better Child Care Services of 1987," a bill to provide for a Federal program for the improvement of child care which I joined with Senator Dodd in introducing on November 18, 1987.

LIMITATION ON TRANSFER OF REAL PROPERTY TO OTHER AGENCIES

Mr. President, section 421 of the conference agreement would: First, prohibit the Administrator from taking any action in any fiscal year to transfer to another Federal agency or to a State—or any political subdivision of a State—any interest in real property owned by the United States and administered by the VA that has an estimated value in excess of $50,000 unless the Administrator has, at the time of the President's budget submission to the Congress, provided the Veterans' Affairs Committees with a proposal to do so; second, require that the sale of any such property be at fair market value; third, require that the revenues generated from the sale of such property be desposited in a new nursing home construction fund—which would be established under new section 5016 of title 38—through section 205 of title II of the conference agreement; and fourth, prohibit the Administrator from taking any action to declare as excess to the needs of the VA, or otherwise taking any action to dispose of, the land and improvements at the VA medical center in west Los Angeles, CA—consisting of approximately 109 acres—and at the VA medical center in Sepulveda, CA—consisting of approximately 46 acres. The original House proposal would have flatly prohibited the sale of VA properties with an estimated value of $50,000 or more unless the transfer was specifically authorized by law, and would have required that the proceeds from the sale of such property be deposited in the VA's parking garage revolving fund.

I believe this provision in the conference agreement is a very reasonable one in light of the administration's drive to sell off Federal lands. At times the administration has shown an excessive zeal for short sighted efforts to sell off VA properties where no significant gain would be achieved except, at some distant future time, possible increased revenues to the Federal Government. Thus, I believe that the Congress ought to be put on notice and have a full opportunity to countermand any proposal to dispose of VA lands.

Mr. President, this provision in section 421(a) of the conference agreement would not prohibit the Administrator from declaring as excess such properties if, in the Administrator's view, the land is not needed in carrying out the VA mission. Instead, it would simply give Congress the opportunity—only slightly different from the 180-day waiting period under current law—to review each proposal on a case-by-case basis at the time of the President's budget submission. In addition, in those cases in which VA real property is excessed, this provision would help ensure that our rapidly growing aging veteran population—rather than the general fund in the Treasury—would benefit, given that the VA would be required to receive the fair market value for the property and that the proceeds be deposited in the new nursing home revolving fund that would be established through section 205 of the conference agreement. Caring for our Nation's aging veterans is a high priority and this provision could be very helpful in augmenting the VA's efforts in this area—especially in light of OMB's policy of generally precluding or restricting very sharply VA requests for new nursing home construction projects.

Mr. President, I am delighted that our colleagues in the House have passed the Senate provision to prohibit the sale of VA properties in southern California. I began working on this issue over 2 years ago, and on March 5, 1986, first introduced legislation (S. 2141), together with Senators MATSUNAGA, DECONCINI, MITCHELL, and ROCKEFELLER, to address the administration's very ill-advised proposal to excess those parcels of land. I strongly believe, as do hundreds of homeowners in West Los Angeles, many of whom have written me on this issue—that not all land in urban areas should be developed; open space is a very valuable commodity, especially in highly congested areas such as West Los Angeles. This provision of the conference agreement, when enacted, will bring a permanent solution to this problem for West Los Angeles and Sepulveda neighbors and children, Los Angeles commuters, the city and county of Los Angeles, and California's veterans.

COST ESTIMATE

Mr. President, the Congressional Budget Office, on April 20, provided an estimate of the cost of the conference report. I ask unanimous consent that this estimate be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 3.)

CONCLUSION

Mr. President, in closing I want to express my deep appreciation to the distinguished chairman and ranking minority member of the House Committee on Veterans' Affairs, Mr. MONTGOMERY and Mr. SOLOMON, as well as the ranking minority member of the Senate committee, Mr. MURKOWSKI for their excellent cooperation and many courtesies on this measure.

I want especially at this time also to note the contributions of, and thank, the committee staff members who have worked so very long and hard on this legislation—on the Senate side, Lisa Moore, Chris Yoder, Laura Stepovich, Tom Roberts, Anne Rothgeb, and Tony Principi from the minority staff; Roy Smith, who so ably provides editorial support to the committee; and, from the majority staff, Sandi Isaacson, Barbara Masters, Darryl Kehrer, Jane Wasman, Michael Bracey, Liz Giffin, Cathy Chapman, Jennifer Loporcaro, Ann Danelski, Charlotte Hughes, Claudia Kashin, Loretta McMillan, Ingrid Post, Sharon Blackman, Bill Brew, Ed Scott, and Jon Steinberg.

I also wish to note the as always fine contributions of the staff of the House Committee on Veterans' Affairs, particularly, Jack McDonell, Vic Raymond, Charlie Peckarsky, Arnold Moon, John Brizzi, Jill Cochran, Rufus Wilson, Kingston Smith, Pat Ryan, and Mack Fleming in working with us to reach the final agreement on this very complicated and extensive omnibus measure.

Finally, we are deeply indebted to Bob Cover of the House legislative counsel's office for his outstanding work in the drafting of the conference agreement.

Mr. President, I am delighted that we have been able, once again, to develop a truly bipartisan measure that will help to maintain and improve the quality and effectiveness of health-care services provided to eligible veterans as well as provide needed safeguards for and improvements in VA benefits and other programs.

Mr. President, I urge the Senate to give its unanimous approval to the pending conference report.

EXHIBIT 1

TREATING THE HOMELESS VETERAN

(Robert Rosenheck, MD; Peggy Gallup, MPH; Catherine Leda, MSN, MPH; Robert Milstein, MD, PhD; Philip Leaf, PhD; Irene M. Voynick, MS; Paul Errera, MD/VAMC, West Haven, Connecticut)

Current estimates of homeless persons in America range from 350,000 to 2,200,000.[1] Although the total number of homeless veterans has not been precisely determined, surveys have consistently demonstrated substantial percentages. In 1987, Marjorie Robertson evaluated 11 studies that provided information about homeless veterans. While one study showed only 18% of the homeless to be veterans, seven others found that more than 30% were veterans.[2]

The study of Chicago's homeless, conducted by Peter Rossi in 1986, is regarded by many as one of the most rigorous evaluations of that issue. In this study, nonuniformed, off-duty police officers accompanied research assistants, who systematically surveyed 248 homeless persons on the streets and in abandoned buildings as well as in shelters. When asked about their prior military service, 48% claimed to be veterans.[3]

TWO SPECIALIZED PROGRAMS

In February and August 1987, Congress legislated and funded two specialized programs specifically designed to augment and integrate psychiatric, medical, and residential treatment services for homeless veterans. The first began last May, and was specifically targeted at homeless chronically mentally ill (HCMI) veterans in 43 cities. Located in both major metropolitan and rural areas, this community-based program combines aggressive outreach to veterans in shelters, in soup lines, and on the streets with intensive case management and time-limited care in non-VA residential treatment centers, financed through VA contracts.

The second project, the Domiciliary Care for Homeless Veterans Program, began accepting admissions last November. Although this program will also have an important outreach component, its core feature is the establishment of rehabilitation-oriented domiciliary beds for homeless veterans at twenty urban VA medical centers.

Although more than $20,000,000 will be spent on these programs during FY 1988, the long-term direction of VA services has not yet been determined. In this era of concern for proper allocation of health care dollars, careful attention must be paid to whether the VA should make special provisions for the homeless, or whether it is best to remain focused on high quality medical care and to consider homelesses as primarily an income or housing problem that would be better addressed by the Department of Veterans Benefits.[4]

Helping the homeless is highly staff-intensive work, and the provision of transitional residential treatment needed by the homeless mentally ill incurs new and substantial costs, whether it is provided through contracts with community providers, or through the creation of new domiciliary beds.

Data collected for the evaluation of the new programs will provide information relevant to such planning. The data will describe the problems of homeless veterans, their clinical needs, their accessibility to treatment, and the efficacy of various treatment approaches with different subgroups of homeless veterans.

We will present a description and some initial findings from the HCMI Veterans Program. This report represents a first step toward establishing a data base with which to consider the role of the VA Department of Medicine and Surgery in addressing this national problem.

A COMMUNITY-BASED APPROACH

On February 12, 1987, Public Law 100-6 legislated the creation of a national program of community-based treatment for homeless chronically mentally ill veterans. Since that time, the Mental Health and Behavioral Sciences Service has initiated the HCMI Veterans Program at 43 VA medical centers in 26 states. The program was specifically designed to meet the needs of homeless veterans in a six-stage effort.

1. In the first stage, contact is made with homeless veterans through aggressive outreach, which often means establishing liaisons with citywide homeless coalitions, and spending hours talking to men and women in shelters, soup kitchens, and on the streets.

2. The second stage involves identifying the clinical needs of these veterans. Intake assessments are conducted to determine each veteran's eligibility and need for service. Most often the intake interviews are conducted in the community.

3. The third stage is the specialized assessment of psychiatric and medical problems. These usually occur at the medical centers where expertise and equipment are available. Sometimes it may take weeks, or even months, before a veteran trusts the out-

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Footnotes at end of article.

reach clinician enough to agree to an examination at the medical center. In many cases the outreach clinicians drive the veterans back to the VAMCs for these examinations, often finding it necessary to help them through what would otherwise be bewilderingly complex administrative and clinical procedures.

4. The fourth stage involves initiation of treatment intervention and consists of both direct treatment by outreach clinicians and referral to the appropriate VA and/or non-VA health care service providers. The homeless have often been shunned by health care providers because of their poor personal hygiene or their past failure to comply with treatment recommendations. Direct advocacy has emerged as a crucial element in assuring access to treatment.

5. The fifth stage is placement in residential treatment facilities for up to 12 months, paid for through VA contracts. This intervention was expected to be necessary for only the most disabled veterans involved in the program.

6. Finally, the HCMI Veterans Program provides follow-up case management. The homeless often do not continue treatment unless follow-up care is made available.

GOALS AND METHODS OF THE PROGRAM

The data to be presented cover only the first four months of the program's operation, from early May, when the first veterans were seen, through September 1987. Data sources included: a series of forms completed by the outreach clinicians; 11 site visits conducted so far by the evaluations team; and numerous conference calls and telephone contacts with 43 project sites.

Two broad questions will be addressed in this report: Has a community-based outreach program actually been implemented that is capable of reaching the designated target population, and are those served by this program truly veterans, homeless, and chronically mentally ill?

Crucial questions that cannot be answered now but that will be addressed in the future are: How successful is this treatment process in improving the long-term clinical, vocational, and fiscal statuses of homeless veterans, and how costly is this care, as it involves the use of contracted residential treatment facilities?

A serial data gathering strategy was used so that the data base on each veteran was expanded through each of the first three clinical stages. Basic identifying and eligibility data were collected on veterans contacted at outreach and recorded on a Veterans Contact Log ($n=6{,}342$).

A 91-item Intake Form for Homeless Veterans, derived from the Client Description and Contact Information Form,[4] was completed on potential candidates for entry into the clinical program ($n=4{,}010$). A Psychiatric Data Form ($n=1{,}329$) and a Medical Data Form ($n=803$) for recording clinical diagnoses and making general treatment recommendations, were completed for veterans who had had specialty examinations.

A 30- to 60-minute Homeless Veterans Evaluation Battery ($n=727$), based on the Addiction Severity Index,[5] was administered to veterans who became engaged in the program and who were able to answer a more demanding and extensive set of questions. Although not currently available, additional data concerning the costs and outcome of residential treatment is being collected at each site and a more comprehensive outcome study is under way at nine of the facilities.

THE FIRST FOUR MONTHS

Review of Veteran Contact Logs from the 43 sites indicates that 6,342 homeless veterans were contacted between May and September 1987. Initially, there were some concerns that many of the respondents only claimed to be veterans. Veterans contacted were routinely screened by medical administration service personnel for eligibility on the basis of identifying data available at the outreach. Of those contacted, less than 1% had never served in the Armed Forces, and an additional 2% were veterans that were ineligible for VA benefits.

The majority of the intake assessments (66.4%) took place in the community: 31.5% in shelters, 14.6% in soup kitchens, 4.8% on the street, and 15.5% in other community locations. Slightly more than 30% of intake interviews took place at the VAMCs, and most of those followed community outreach or referral. Another 3.5% took place at Vet Centers. It has been a challenge for clinicians to leave the security of their offices to conduct clinical work out in the community, but most have felt that the homeless veterans contacted would not otherwise have been engaged in treatment or rehabilitation. Outreach efforts often involve mutually productive collaborations among community agencies, local coalitions for the homeless, and the VA.

Referral for formal medical and psychiatric assessment is the next stage. Formal psychiatric examinations were documented for 1,329 veterans, 33% of the 4,010 assessed at intake; medical exams were documented for 803 veterans, 20% of those assessed at intake. These numbers are somewhat low considering that the outreach clinicians judged 63.3% of those seen at intake to be in need of psychiatric assessment, and 66.3% to be in need of medical assessment. Three probable explanations could account for these discrepancies:

1. Initially, many of the homeless are reluctant to use traditional health care facilities or to have a physical or psychiatric exam; however, most were willing to be assessed at a later date.

2. The program does not routinely arrange for specialized medical and psychiatric personnel to conduct outreach or evaluation in the community. Most of the outreach clinicians are social workers and nurses.

3. Finally, the relatively low numbers may represent a partial failure of clinicians not closely involved with the HCMI Veterans Program to complete the appropriate data collection forms, even when an examination has been conducted.

An important goal of the outreach effort is to help seriously ill homeless veterans who have made little use of VA health care services. One way to judge the success of this program is to find out if, in fact, they are low service users.

A detailed assessment of resource use was conducted on the subsample of 735 veterans who completed the Homeless Veterans Evaluation Battery (HVEB). These veterans were asked the number of times they had utilized any of eight service categories in the last six months. Of those questioned, 42 percent had had no contact with any psychiatric, medical, or surgical outpatient provider during the previous six months. Fifty percent had had no contact with any VA mental health service, and 75 percent had had three visits or less for VA mental health treatment.

Given the high prevalence of psychiatric illness, this appears to be a group of veterans who make relatively little use of VA services. There are some homeless veterans in the program who had made substantial use of VA services in the past, without relief from either their psychiatric illnesses or their homelessness. Some of these veterans are being treated by the HCMI program in the hope that community-based treatment will have a better outcome.

Another unique part of this program is the provision of residential settings that offer active therapeutic programs directed at substance abuse problems or at social or vocational rehabilitation of the chronically mentally ill. By September 1987, 41 of the 43 sites had established contracts with 113 therapeutic program facilities. The cost of these facilities averages $44 per day, and more than 360 veterans have been placed in residential treatment to date.

Data on the outcome of this treatment are not available, but many of the veterans contacted during the 11 site visits have indicated that they have been able to use this time-limited "safe harbor" as a means by which to return to the work force, save money, and establish independent community residences.

Thus, during the first four months of operation, the VA established one of the largest programs of mental health assessment and treatment for homeless persons in the country. By measuring their needs and providing them with treatment, the program is successfully bringing community outreach to large numbers of homeless veterans.

THE VETERANS

Because the program is specifically oriented toward veterans, it has been possible to obtain detailed data about the military experience of many homeless veterans. Among those who completed the Intake Form for Homeless Veterans, 80.7% enlisted for their military service voluntarily, 30% served in a combat zone, and 1.7% were prisoners of war. Ten percent served during the World War II era or before; 13.3% during the pre-Korean and Korean eras; 17.5% during the pre-Vietnam era; 37.8% during the Vietnam era; and 21.4% during the post-Vietnam era.

Of the 1,329 veterans who received formal psychiatric assessments, 9.4% were diagnosed as having combat-related post-traumatic stress disorder (PTSD). Specific questions documenting nightmares (14.1%), flashbacks (12.4%), and painful memories of combat (17.3%) during the 30 days prior to examination were asked of the 735 veterans who answered the HVEB, providing support for the substantial percentage of PTSD diagnoses.

We shall present further details of the lives of the surveyed veterans under the following headings: sociodemographic status; homelessness; alcoholism, drug abuse, and psychiatric illness; and medical illness.

Sociodemographic status. The mean age of the 4,010 veterans (98.6% male) assessed at intake was 43 years (range: 28–83 years). Of the 735 assessed with the HVEB, three-quarters have had irregular or no employment during the past three years. Their average total income for the 30 days prior to assessment was $207. Only 2.5% are married; 97% were separated, divorced, or never married.

In contrast to their social isolation and current severe poverty, the veterans are well-educated and have had some previous vocational training. Eighty-two percent have completed 12 years of school, and 44% have worked in skilled labor or higher-level occupations. These data suggest important rehabilitation potential.

Homelessness. Eighty-two percent of those assessed at intake were either living in a shelter or had no place of residence; 8.7% were living intermittently with family or friends; and 8.3% had apartments or rooms. While 49.9% had been homeless for six months or less, 34.5% had been homeless for more than one year.

More detailed data on residential history were obtained from the 735 veterans assessed with the HVEB. In their lifetimes, they averaged a total of 4.3 years of homelessness, and 50% had spent two or more years homeless. Most of these veterans (54.7%) had lived alone before becoming homeless, while 32.5% had lived with relatives and 23.1% had lived with others. They identified the major immediate reasons for becoming homeless as loss of income (36.9%), interpersonal conflict (24.3%), illness (8.7%), and eviction (6.0%).

Alcoholism, drug abuse, and mental illness. Twenty percent of the homeless veterans seen at intake reported psychotic symptoms (hallucinations or paranoid ideation); alcohol dependency was identified as a current program by 42.3%, and drug dependency by 11.1%. Of those assessed with the HVEB, 3.8% had attempted suicide within the 30 days prior to being contacted by the program.

Of the veterans seen at intake, 86% had at least one indicator of serious mental illness. Thirty-three percent of those seen at intake had been hospitalized at least once in the past for a non-substance-abuse-related psychiatric illness, 44.3% for alcohol dependency and 13.8% for drug dependency. Of the total intake sample, 64.3% had been hospitalized at some time in the past for a alcohol, drug or psychiatric problem.

Medical illness. It will come as no surprise to those wo have encountered homeless people standing on heating grates in the winter, or sleeping under newspapers on park benches, that homelessness is as hard on the body as it is on the mind. The occurrence of medical illnesses in this group is frequent and severe. At intake, 45.1% felt they had a serious medical conditions and 6.3% were judged by the outreach clinician to be in acute need of hospital treatment.

Among the 803 veterans who had documented medical examinations, the prevalence of hypertension was 15.1%, Tuberculosis 3.7%, seizures 9.0%, and diabetes mellitus 5.6%. These figures, far higher than those for the general public are as high as or higher than statistics compiled in another major project, Health Care for the Homeless, which has been sponsored by the Robert Wood Johnson Foundation and the Pew Memorial Trust since 1985.[6]

CONCLUSION

The VA established a clinical program that has successfully, during its first four months of operation, reached out to thousands of severely ill homeless veterans and placed more than 350 of them in residential treatment. On the basis of the available preliminary data, the implementation of this clinical program has been a success. Active case management work loads at the 11 sites that were visited last year ranged from 30 to 100 veterans per outreach clinician, well above the caseloads reported from comparable non-VA programs.[7]

In addition, detailed evidence has been presented that supports the basic premise underpinning the program: that homeless veterans experience an extreme combination of medical and psychiatric illnesses, and social resourcelessness that requires some kind of community-based clinical programming.

the crucial evaluation questions posed at the beginning of this report, however, remain unanswered. Will the specialized integration of community outreach, case management, and residential treatment be able to produce positive clinical outcomes in a population noted for its refractoriness to treatment?[8,9] Will the residential treatment component turn out to be a clinical alternative whose value merits its cost? Follow-up data are being collected that will be relevant to these questions, and some of this information will be available during 1988. But the most difficult questions—those concerning the appropriate allocation of VA resources for this contemporary social and medical crisis—cannot be answered by additional information alone. The degree to which VA medical programs are specifically directed to the homeless will depend on how we define our medical mission.

The community-based program described above and the Domiciliary Care Program initiated last November, are among the largest and most progressive national projects for assisting homeless persons. Their future in the VA health care system, in their current or expanded forms, should receive careful consideration over the coming years.

ACKNOWLEDGEMENTS

This paper is based on a presentation made at the Association of American Medical Colleges Annual Meeting, Arlington, Virginia, on November 7, 1987, and on the more comprehensive "Progress Report on the Veterans Administration Program for Homeless Chronically Mentally Ill Veterans, October 22, 1987," which is available on request.

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REFERENCES

[1] I. Shiffen-Levine and J. Stockdill, in "Mentally Ill and Homeless, A National Problem," B. E. Jones, ed. Treating the Homeless: Urban Psychiatry's Challenge (American Psychiatric Press, Washington, D.C., 1987), pp. 1-16.

[1] M.J. Robertson, in "Homeless Veterans: An Emerging Problem?" R.D. Bingham, R.E. Green, and S.B. White, eds. The Homeless in Contemporary Society (Sage, Beverly Hills, California, 1987), pp. 64-81.

[3] P.H. Rossi, Fischer, and Willis, The Condition of the Homeless in Chicago, (NORC, Chicago, 1986).

[4] S. Barrow, A. Lowell, and E. Struening, Serving the Mentally Ill Homeless: Client and Program Characteristics, Community Support Systems Evaluation Program, New York State Psychiatric Institute, 1985.

[5] T. McClellan, L. Luborsky, G. Woody, and C.P. O'Brien, "An Improved Diagnostic Evaluation Instrument for Substance Abuse Patients: The Addiction Severity Index," J. Nerv, Ment. Dis. 168, 26-33 (1980).

[6] J.D. Wright, E. Weber-Burdin, J. Knight, J.A. Lam, The National Health Care for the Homeless Program: The First Year (monograph), (The Social and Demographic Research Institute, Amherst, Massachusetts, 1987).

[7] D. Rog. G. Andranovich, and S. Rosenblum, Intensive Case Management for Persons Who are Homeless and Mentally Ill (COSMOS Corporation, Washington, D.C., 1987).

[8] S. Segal and L.J. Baumohl, "Engaging the Disengaged: Proposals on Madness and Vagrancy," Social Work 25, 356-358 (1980).

[9] J. Wiseman, Stations of the Lost: The Treatment of Skid Row Alcoholics (Prentice-Hall, Englewood Cliffs, New Jersey, 1971).

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EXHIBIT 2

HEALTH WORKER SHORTAGE IS WORSENING

(By Martin Tolchin)

WASHINGTON, April 17.—Hospitals and other medical institutions, which have been struggling with a shortage of nurses for several years now face a worsening shortage of other health care professionals, ranging from laboratory technicians to therapists.

The problem is expected to escalate, medical experts say, with the advent of new technology and an increase in the number of older Americans, the heaviest users of health care.

Although the nursing shortage has developed over the last two decades, the short supply of other health professionals has emerged only recently.

"The shortages seem very sudden, very acute," said Anne Kahl, an health economist with the Labor Department's Bureau of Labor Statistics. "There's no question that recruitment is becoming much more difficult, at a time of very rapid growth in hospital employment after four years of no growth."

WORST IN RURAL AREAS

She said the surge in demand for health care professional since the beginning of 1987 has dried up the reservoir of workers.

Dr. Carol McCarthy, president of the American Hospital Association, attributed the growth in demand to several factors, including AIDS, the growing need to care for the elderly, and "the intensity of the illness of those patients we now treat in a hospital setting."

Although the shortages afflict urban areas, "the worst stress comes in the rural areas," she said. "Patients have to queue up to get the care they need, or be transported far from their homes."

Moreover, the pool of health care professionals is expected to shrink because of increased opportunities in other fields for women, who traditionally have dominated the health-care professions. Experts also cite a proportional decrease of the under-35 population that provided the bulk of new health care workers. Another factor is that health care salaries are often perceived to be low.

FEWER IN TRAINING PROGRAMS

A survey last year by the American Medical Association found that enrollment in training programs for 12 of 22 health-care specialties declined from 1986. According to the group, only two specialties, physicians assistants and emergency medical technicians, reported a significant increase.

The worst decline was in training programs for laboratory technicians, medical technologies, nuclear medicine technologist and respiratory therapists. The survey of 21,491 directors of accredited educational programs was conducted by the A.M.A.'s Division of Allied Health Education and Accreditation.

The survey also found that women continued to dominate the health-care field, with three female students to every male.

"These careers are becoming less attractive to some women because they have so many other alternatives," said Dr. Frank Sloan, a health economist and chairman of the economics department at Vanderbilt Univesity. "These careers are sometimes seen, and rightly so, as dead-end careers."

The shortages are occurring at a time of increased demand from institutions ranging from hospital chains to municipal hospitals, walk-in medical offices and nursing homes, as well as from those who receive home health care.

EVEN RECORD-KEEPING AFFECTED

"We're seeing an unprecedented increase in demand for services at all levels, and growing shortages of health manpower in many areas," said Dr. Raymond J. Baxter, vice president for corporate planning for the New York City Health and Hospitals Corporation, which runs the municipal hospitals. "Nursing has gotten the most attention, but there also are problems with physical therapists, occupational therapists, pharmacists, health aides, and technicians."

In addition, there is an impending shortage in those who work with medical records, Dr. Baxer said.

Hospital chains are finding it increasingly difficult to hire laboratory technicians, X-ray technicans and physical therapists, said Sidney Tyler, chief of hospital operations at National Medical Enterprises Inc. and president of the Federation of American Health Systems.

Nursing remains the most pressing shortage, he said, especially in medical, surgical and coronary intensive care units.

The American Hospital Association reported that the nurse vacancy rate in hospitals increased from 6.5 percent in 1985, to 13.6 percent in 1986. Enrollment in nursing schools has declined 10 percent a year since 1974. An A.H.A. survey found that 40 percent of all registered nurses had left to pursue other careers.

PATIENTS DEMAND MORE HELP

The need for nurses has been made more critical because hospitals are now serving more older, sicker patients, who are treated with advanced technology. The American Nurses Association reported that 91 nurses are required for every 100 patients, as against an average of 50 in 1975.

The association estimates 1.6 million nurses are now working, but an additional 200,000 to 300,000 are needed to satisfy the demand.

Some shortages may be caused by a lack of training facilities. Medical experts suggest that this may be the case for nurse-midwives and some therapists and physician assistants. "In New York, these programs are all filled," Dr. Baxter said.

By contrast, many nursing schools have unfilled slots.

'A BIDDING WAR' FOR NURSES

"Salaries and compensation are clearly an issue," Dr. Baxter said. "But with nursing, the industry just ends up in a bidding war against itself."

The A.M.A. study found that 58.9 percent of the programs that train medical lab technicians reported a decline in enrollment, while 48 percent of the programs that train specialists in blood bank technology had a decline.

Others reporting declines included 47 percent of the programs that train medical technologists, 41 percent of those for nuclear medicine technologists, 37 percent for respiratory therapists, and 34 percent for medical assistants.

On the other hand, the report found a 45 percent increase in the enrollment of programs for physicians assistants, and a 36 percent increase in programs for emergency medical technicians, or paramedics. The experts attributed these gains to increased prestige and higher pay for these specialties.

EXHIBIT 3

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, April 20, 1988.

HON. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2616, the Veterans' Benefits and Services Act of 1988, as agreed to in conference by the House and Senate Committees on Veterans' Affairs, April 13, 1988. The attached table shows the CBO estimate of the cost of all sections that ae expected to have a significant budgetary impact.

If you wish further details on this estimate, please call me or have your staff contact Kathleen Shepherd (226-2820).

Sincerely,

JAMES L. BLUM,
Acting Director.

H.R. 2616, VETERANS' BENEFITS AND SERVICES ACT OF 1988—CONFERENCE VERSION

[By fiscal years, in millions of dollars]

		1988	1989	1990	1991	1992	1993
Direct Spending							
Sec. 204—							
Research Corporations	Revenue	0	−6	−6	−6	−6	−6
	BA	0	−6	−6	−6	−6	−6
	O	0	3	−6	−6	−6	−6
Sec. 205—							
Canteen Service:							
Function 700	O	−1	−2	−2	−2	−2	−2
Function 900	O	1	2	2	2	2	2
Sec. 301—							
Specially Adapted Housing	BA	(*)	1	1	1	1	1
	O	(*)	1	1	1	1	1
Sec. 303—							
S/C Burial Bens	BA	1	3	3	3	3	3
	O	1	3	3	3	3	3
Sec. 333—Move VMLI:							
Burial & Misc.	BA & O	0	−4	−4	−5	−5	−5
VI&I	BA & O	0	4	4	5	5	5
Total Direct Spending.	Revenue	0	−6	−6	−6	−6	−6
	BA	1	−3	−3	−3	−3	−3
	O	1	6	−3	−3	−3	−3
Authorizations:							
Sec. 101—Outpatient Care.	BA	11	23	26	29	32	36
	O	11	23	26	29	32	36
Sec. 108—Beneficiary Travel.	BA	8	39	40	43	46	49
	O	8	39	40	43	46	49
Sec. 111—Adult Day Care.	BA	0	25	31	37	0	0
	O	0	25	31	37	0	0
Sec. 113—Mobile Clinics.	BA	0	5	5	0	0	0
	O	0	4	6	0	0	0
Sec. 115—Homeless	BA	6	6	0	0	0	0
	O	2	6	4	0	0	0
	BA	(*)	1	1	1	1	1
	O	(*)	1	1	1	1	1
Sec. 134—State Homes.	BA	14	21	29	38	50	62
	O	14	21	29	38	50	62
Sec. 201—Quality Assurance.	BA	(*)	1	1	1	1	1
	O	(*)	1	1	1	1	1
Sec. 212—Bonus Pay	BA	3	8	8	8	8	8
	O	3	8	8	8	8	8
Sec. 214—Sat. Premium Pay.	BA	9	21	22	23	24	25
	O	9	21	22	23	24	25
Sec. 231—Personnel Study.	BA	0	1	0	0	0	0
	O	0	1	0	0	0	0
Sec. 344—Grave Liners.	BA	1	6	6	7	8	9
	O	1	6	6	7	8	9
Total Authorization Costs.	BA	52	155	167	185	168	189
	O	48	154	172	185	168	189
Net Budgetary Impact	Revenue	0	−6	−6	−6	−6	−6
	BA	53	152	164	182	165	186
	O	49	160	169	182	165	186

Mr. MURKOWSKI. Mr. President, I rise today in support of the conference report to H.R. 2616, the Veterans' Benefits and Services Act of 1988. This conference report includes provisions derived from bills which have passed either the House or the Senate in 1987, including provisions from S. 1464, which passed the Senate in October, and S. 9, which passed the Senate in December.

Mr. President, this bill—the most comprehensive piece of veterans' legislation that I can recall—addresses issues relating to health care, compensation, insurance, education, and a host of other matters. It reflects many months of hard work and negotiations between the members of the committees. I believe that generally it is a sound and well-crafted compromise. Many of the provisions would provide direct assistance and benefits to veterans, and other provisions would help to improve the operation and management of the Veterans' Administration [VA].

This bill contains some vital provisions and ones which would make significant improvements in the VA's procurement program. I am pleased that, as a result of this initiative, millions of dollars will be saved which can be used to provide health-care services to veterans. Additionally, a major focus of the legislation was on recruitment and retention of direct health-care providers.

This legislation would provide the VA with a variety of valuable tools—including bonus pay—to assist in attracting and retaining health-care professionals including nurses, occupational therapists, and pharmacists. This bill would also authorize the VA to furnish care outside the United States for the treatment of a service-connected disability of a United States veteran who is in Canada or the Republic of the Philippines.

The needs of homeless veterans are addressed in this legislation by expanding the VA's domiciliary program and requiring a pilot program for community residential treatment of chronically mentally ill veterans. The community residential treatment for these veterans was authorized by Public Law 100-6 and has been extremely successful during its first year of implementation.

I commend Dr. Paul Errera for his fine efforts in this regard. Also, this bill would increase the amount of specially adapted housing assistance, automobile assistance, and burial benefits.

I am strongly supportive of the majority of the provisions contained in the conference report.

There are, however, a number of objectionable provisions included in this bill. Although I am supporting this conference agreement, I remain opposed to certain provisions. During the formal conference, I raised significant questions and concerns about provisions which would expand VA benefits by creating new entitlements or place undue restrictions on the VA. These provisions, however, remain in the final bill. I strongly believe that this is a mistake.

I am particularly disappointed with the outcome in three specific areas: outpatient entitlements, beneficiary travel, and excessing of VA property. Let me explain why.

First, H.R. 2616 would create an entitlement for outpatient care for veterans: First, for the treatment of any service-connected disability; second, for any disability of a veteran rated at 50 percent or more service-connected; and third, with service-connected disabilities rated at 30 or 40 percent and for non-service-connected veterans with incomes under the VA pension aid-and-attendance level—about $10,000 annually—for pre- and post-hospital care and to obviate the need for hospital care.

The Congressional Budget Office estimates that the cost of this new entitlement would be $25 million in the first year alone. The cost estimates are based on historical utilization data and, therefore, do not take into account a possible increase in demand as a result of a new entitlement or that the veteran population is aging and thus requires more medical care. In reality, the cost could be much higher.

Of course, cost is a factor. But, more importantly, what kind of message are we sending to veterans by enacting this proposal? I believe we are promising veterans that they will receive certain outpatient care services from the VA. In reality, the VA lacks sufficient funds to carry out such congressional mandates. And in light of the Federal deficit and efforts to control spending, we are not in the position to provide significant increases in the VA's budget. Therefore, I believe it is irresponsible for the Congress to make promises—which is essentially what we are doing in establishing an entitlement to outpatient care—at this time. We are making promises to veterans that the VA simply cannot keep. Frankly, veterans are not well-served by such actions.

Second, this bill would also provide for the reimbursement of travel costs—subject to a deductible of $6 per round-trip—for eligible veterans who travel to the VA to receive health-care services. I believe that establishing a deductible is fair. It's a reasonable way to keep the costs of travel programs under control. It is important to keep in mind that whatever money can be saved in travel costs will be used to provide direct care to veterans. It is used to purchase drugs and to pay nurses, doctors and other health-care professionals to treat veterans.

I sincerely regret that the deductible could not have been $7.50—as proposed in the Senate-passed bill—because additional funds, up to $10 million annually, could have been saved which could be applied to direct patient care programs. Also, the Senate-passed measure would have provided for a waiver whereby individual medical centers could reduce or eliminate travel payments if (a) volunteer programs were established to help transport veterans or (b) it is determined that the money could be better spent on direct medical-care services. I found in a survey of VA medical center directors that 58 percent believed that the waiver was a useful provision and would apply for such a waiver. It is most unfortunate that the House refused to accept this provision which would give medical centers the flexibility to manage their resources to more effectively and efficiently serve veterans.

Third, the bill would prohibit the VA from excessing certain VA land in California and would make future excessing certain VA land in California and would make future excessing very cumbersome. I believe that laws which provide such restrictions and prohibitions are unwise. They limit the VA's ability to manage the assets of the agency. The bill would further require that, in the future, proceeds from the sale of VA land would be deposited into a newly created nursing home care revolving fund.

On its face, this concept appears to have merit. But, we must be realistic, the VA may be credited with the proceeds; however, there will be offsetting reductions in other areas. I cannot believe that there will be a net gain. Further, it is interesting to note that since 1950, approximately 9,000 acres of VA land was sold for a total of about $10 million. So, the bottom line is, in the last 38 years revenues from the sale of excess land would provide enough money to build one 120-bed nursing home. In my view, it is just not worth the administrative burden of establishing and maintaining such a revolving fund for such a small amount of money.

I would also like to state for the RECORD my disappointment that several important Senate-passed provisions were not accepted by the House and, as a consequence, are not contained in the final bill. These include provisions which would make significant improvements in the VA's quality assurance programs by, among other things, requiring that an independent office be established to monitor and review quality of care issues.

Also, I regret that this bill does not enhance the Veteran's Affairs Committees' oversight of the VA's medical facility construction program by requiring, as a mechanism to approve major construction projects, a construction authorization bill.

I also sincerely regret that again in this Congress, we have been unsuccessful in our efforts to include in the final bill a Senate provision which would authorize the VA to furnish services to help a veteran or veteran's spouse achieve pregnancy in cases in which the veteran's service-connected disability impairs the veteran's ability to procreate. Again, this is most unfortunate.

Mr. President, some of my comments may sound somewhat negative concerning this legislation. There are many excellent provisions contained in this bill. The provisions relating to recruitment and retention of VA health-care personnel, increases in the State veterans' home per diem, AIDS education, and procurement reform are but a few of the areas in which this bill makes significant improvements.

Mr. President, with regard to the procurement provisions in the bill, I wish to express my appreciation to the VA for its insightful comments and help with this complex issue. Members of my staff have had numerous meetings and discussions with VA officials—including staff in the Department of Medicine and Surgery and Procurement and Supply. The VA and I concur that the legislative language on standardization, does not require the VA to use a competitively bid single supplier for the particular item. At the same time, the bill does not preclude the VA from doing so. I believe that this flexibility is necessary for the effective furnishing of quality health-care services.

In addition, although the bill language requires the VA to implement a standardization plan, this plan should set forth the VA's standardized formulary or restrictive drug list. After all, the purpose of standardization is to reduce the number of procured items which serve the same functional use. This is essential if we are to reduce the cost of procurement. Finally, I intend to closely monitor the implementation of these provisions and look forward to working with the VA in order to ensure that they are successfully and fully implemented.

Mr. President, in conclusion I want to express my appreciation to the distinguished chairman of the Veterans' Affairs Committee, Senator ALAN CRANSTON, and the other committee members for their valuable contributions on this important legislation. I also thank the leadership of the House Veterans' Affairs Committee—G.V. "SONNY" MONTGOMERY, the chairman, and JERRY SOLOMON, the ranking minority member.

For the first time since 1979, the committes held a formal conference on veterans' legislation. I believe that this effort was both worthwhile and enlightening. Perhaps we should do it more often. I appreciate the participation of all the conferees including AL SIMPSON, DENNIS DECONCINI, SPARK MATSUNAGA, MARCY KAPTUR, ROY ROWLAND, and JOHN PAUL HAMMERSCHMIDT.

Mr. President, I would be remiss if I did not mention the tremendous efforts of the committee's majority and minority staffs. I appreciate their hard work on this comprehensive veterans' package. First, I thank my own staff which is lead by my friend, the Republican chief counsel and staff director, Anthony Principi, with the assistance of Tom Roberts, Chris Yoder, Lisa Moore, Laura Stepovich, Susan Theroux, and Annie Rothgeb. Annie recently left our staff and we will miss her dedicated efforts as well as sense of humor. I also thank Kathrene Hansen—a Presidential Intern who has been with us for several months—for her help in the final stages of bill. I also welcome the newest member of our group, Tracy Gourd.

Additionally, I wish to recognize the efforts and cooperation of the Senate majority staff including Jonathan Steinberg, the chief counsel and staff director, Ed Scott, Bill Brew, Sandi Isaacson, Darryl Kehrer, Jane Wasman, Barb Masters, Liz Giffin, Jennifer Loporcaro, Michael Bracey, Elizabeth Buechler, Cathy Chapman, Ann Danelski, Charlotte Hughes, Claudia Kashin, Loretta McMillan, Sharon Blackman, and Kris Hardy. I thank Roy Smith, our committee printer, and worked very hard in coordinating the printing of the conference report.

The staff of the House has been very cooperative, and I wish to acknowledge their hard work. In particular, I thank Mack Fleming, chief counsel and staff director, Pat Ryan, Jack McDonnell, Victor Raymond, Arnold Moon, Charlie Peackarsky, Jill Cochran, John Brizzi, and Rufus Wilson, minority counsel and staff director, and Kingston Smith. I also express my appreciation to Bob Cover, with the House legislative counsel, who did the primary drafting of the legislation.

Mr. President, I believe the conference report reflects a fair agreement worked out in good faith by all the parties involved. I urge my colleagues to join me in supporting this measure.

Mr. DECONCINI. Mr. President, as a member of the Senate Committee on Veterans' Affairs and a conferee on this bill, I strongly urge the passage of the conference report on H.R. 2616, the Omnibus Veterans' Benefits and Services Act of 1987. I believe the amendments made during conference have improved the bill and were necessary for its enactment into law. H.R. 2616 provides many important modifications to current law, including the recognition of the special medical and dental needs of former prisoners of war, the recognition of the need for onsite child care at all Veterans' Administration facilities, enhancement of the ability to recruit and retain skilled medical specialties, especially registered nurses, and the restoration of a fiscally responsible program for travel reimbursement of veterans in need of medical treatment at Veterans' Administration medical facilities. I am very pleased to have been a very active participant in the negotiations and hearing process on this very important piece of legislation to the over 27.5 million of our Nation's veterans.

While I support the entire bill, there is one provision of this bill which is particularly important to Senator MCCAIN and myself. It will require the Veterans' Administration to incorporate the Arizona Veterans Memorial Cemetery into the National Cemetery System—a longstanding dream of the Arizona veteran community and the entire Arizona congressional delegation.

I would like to express my deep appreciation and gratitude to the distinguished chairman and the ranking member of the Senate Committee on Veterans' Affairs. Senators CRANSTON and MURKOWSKI, without whose invaluable assistance this dream could never have been realized. I would also like to give special thanks to my friend and distinguished colleague from Arizona, Senator MCCAIN, for all his hard work in the development of this provision. And I would be remiss if I did not mention Representative STUMP and Representative UDALL for their contributions to this effort. Finally, I would like to thank all the members of the Arizona delegation, both past and present, for their cooperation and support through the years on this issue. Mr. President, this past year marks the 125th anniversary of the National Cemetery System. In 1862, President Lincoln signed legislation that authorized the establishment of national cemeteries for "soldiers who shall die in service to their country."

In marking the observance of its 125th anniversary, Administrator of the Veterans' Administration Thomas K. Turnage said, "The VA national cemetery system is a testament to our Nation's gratitude for the sacrifice of the many Americans who answered their country's call to arms.* * * By providing their final resting places, we honor their memory and express our everlasting gratitude for their dedication and unselfishness."

President Reagan also has stated, "No greater honor can be bestowed on a citizen than to be committed to the hallowed grounds of a national cemetery."

I share the views of General Turnage and President Reagan that every veteran who has served his country honorably has the right to burial in a national cemetery. However, I believe every veteran has the right to such burial within reasonable proximity to his or her family. Unfortunately, this is not the case for too many veterans from the West. Seven of the twelve most Western States have no open national cemetery, including Arizona. The vast majority of Arizona families wishing to bury their deceased veteran in a national cemetery must travel in excess of 400 miles.

The Arizona Veterans' Memorial Cemetery Board of Directors, along with the American Legion, the Disabled American Veterans, and the Veterans of Foreign Wars, worked tirelessly to ensure the establishment of a State veterans' cemetery in Arizona so veterans could be buried near their loved ones. As a result of their efforts, the State of Arizona, on June 27, 1976, authorized and later appropriated moneys for the development of a parcel of land in Maricopa County to be used for a veterans' cemetery. After enactment of the State Cemetery Grant Program in 1978, Public Law 95-476—legislation which I cosponsored—the board worked with the Federal Government to secure matching grant moneys for the development of the site. The initial phase of the cemetery plan was completed in early 1979, and the first three interments took place on March 14, 1979. From the outset, however, Arizona veterans hoped that this State cemetery site would one day become a national cemetery.

As of 2 weeks ago, 6,945 veterans and their dependents have been buried at this site. Burials are now averaging close to five per day. In fact, the Arizona Veterans Memorial Cemetery buries a greater percentage of veterans than 78 percent of the 68 open national cemeteries. Arizona also ranks third out of only 11 States showing increases in veteran population. The increase in the number of veterans residing in Arizona and the rise in their median age will result in a much higher interment rate in the future.

Since being elected to the Senate in 1976, the goal of establishing a national cemetery has been one of my highest priorities and I have worked tirelessly to achieve that objective. In 1978, I introduced an amendment to establish a national cemetery in Arizona. That same year, I cosponsored the bill which established the State Cemetery Grant Program. In the 97th Congress, I introduced S. 1570, a bill to provide for the establishment of a national cemetery at the site of the Arizona Veterans Memorial Cemetery. I reintroduced the same legislation in the 98th and 99th Congress, S. 211 and S. 623, respectively. In the 99th Congress I also introduced legislation, S. 622. I was successful in having the language of that bill incorporated into H.R. 5299, Veterans' Benefits Improvements and Health Care Authorization Act of 1986, Public Law 99-576. S. 622 authorized the establishment of national cemeteries in 10 additional areas which were selected from VA's internal projections of future burial needs. One of the sites authorized was in the Phoenix/Tucson area. Finally, in the present Congress, I was successful in having $225,000 included in the Senate version of the fiscal 1988 Housing and Urban Development and independent agencies appropriations bill, H.R. 2783, for an environmental impact statement on the establishment of a national cemetery site in Arizona.

Mr. President, inclusion of the Arizona Veterans' Memorial Cemetery in the National Cemetery System will not disrupt VA orderly planning processes. The Veterans' Administration Advisory Committee on Cemeteries and Memorials agrees, and has recommended that the VA "accept the State veterans' cemetery in Arizona at no cost to the Government." This bill requires just that.

Mr. President, this provision mandates the VA to accept transfer of title of the State cemetery lands and to incorporate them into the National Cemetery System. In other words, the VA will be getting the land for free. To further restrict costs, the Administrator is prohibited from expending funds for operation and maintenance of the cemetery during fiscal year 1988 and 1989 in excess of the amount that the Administration estimates would have expended by the State for burial allotments to the Arizona Veterans Memorial Cemetery.

The incorporation of the State cemetery into the National Cemetery System will mark the end of an uphill battle that the Arizona veteran community, other members of the Arizona congressional delegation, and I have waged for many years. Mr. President, it isn't often that the Government gets something for nothing or almost nothing. This is one such case. It is a good deal for the Veterans' Administration and a good deal for Arizona veterans.

Again, I would like to express my deep appreciation to Senators CRANSTON, and MURKOWSKI and their superb staffs for working with Senator McCAIN and myself to realize our dream of a national cemetery in Arizona. I would also like to thank the VA for its support and cooperation, particularly Wilfred Ebel, Chief Memorial Affairs Director.

Mr. President, in closing, I would just like to pay tribute to one Arizona veteran who devoted so much of himself to this effort, my late friend, Mr. Dick Countryman. While hundreds of others in the veteran community gave countless hours of their time and energy, perhaps no one of them worked and prayed as hard as Dick to see that Arizona veterans could at last be buried in a national cemetery in their home State, and near their loved ones. Although he did not live to see that dream come true, I am sure that his family will be greatly comforted by the inclusion of the site at which he is buried into the National Cemetery System. I can think of no finer tribute to his selfless dedication and commitment to the American veteran than to pass this bill in the same year as we conclude our celebration of the 125th anniversary of the National Cemetery System. I urge all my distinguished colleagues to join with Chairman CRANSTON, ranking member MURKOWSKI, Senator McCAIN and myself in support of the conference report on H.R. 2616, the Omnibus Veterans' Benefits and Services Act of 1987.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the Senate agreed to the adoption of the conference report.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VETERANS' EMPLOYMENT, COUNSELING, AND JOB TRAINING

Mr. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 999.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 999) to amend title 38, United States Code, and the Veterans' Job Training Act to improve veterans' employment, counseling, and job-training services and programs.

(The amendment of the House is printed in the RECORD of April 27, 1988, beginning at page 9113.)

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I rise in support of pending measure, the House amendments to S. 999, the proposed "Veterans' Employment, Training, and Counseling Amendments of 1988," which comprise a compromise agreement arrived at between the Committees on Veterans' Affairs of the House and Senate on the provisions of S. 999 as passed by the Senate on August 4, 1987, as an amendment to H.R. 1504; H.R. 1504 as passed by the House of Representatives on June 30, 1987; and H.R. 3460 as passed by the House on October 27, 1987. This measure is the product of extensive negotiations carried out over the past 4 months and, in my view, reflects an eminently fair compromise on the differences between the measures passed by the two bodies. I am very pleased with the final product, which I believe is generally superior to the version passed by either House and will contribute a great deal to the improvement of veterans' employment and job-training programs. I urge my distinguished colleagues to join with me in approving its final passage today.

BACKGROUND

At the outset, I would like to express my gratitude to the committee's ranking minority member [Mr. MURKOWSKI] for the great cooperation he has shown in helping to develop this truly bipartisan measure. I also want to thank for their support of this legislation committee members SPARK MAT-

SUNAGA, DENNIS DECONCINI, GEORGE MITCHELL, JAY ROCKEFELLER—who at my request so ably chaired most of the committee's April 30, 1987, hearing on this bill—BOB GRAHAM, and STROM THURMOND, as well as Senators KERRY, BURDICK, and SIMON, all of whom are cosponsors of this measure.

I also would like to express my appreciation to our counterparts in the House of Representatives, House Veterans' Affairs Committee Chairman SONNY MONTGOMERY and ranking minority member GERALD SOLOMON, as well as House Veterans' Affairs Subcommittee on Education, Training, and Employment Chairman WAYNE DOWDY and ranking minority member CHRISTOPHER H. SMITH, for their excellent work on this legislation and their fine cooperation in reaching a compromise on this comprehensive legislation to reform policies governing the Department of Labor's administration of veterans' employment and training programs.

I made an extensive floor statement on S. 999 at the time of Senate passage of this measure and refer my colleagues to that statement in the RECORD by way of background (S. 11219; August 4).

Mr. President, I believe that it is important that we ensure that the Veterans' Employment and Training Service [VETS] of the Department of Labor, which works in close cooperation with and through individual State employment agencies, is able to meet as fully as possible the job, job-training, and counseling needs of our Nation's veterans and especially service-connected disabled veterans. Those who have carried the burden of our Nation's defense should have a full opportunity to participate in the economic system their service and sacrifice preserved. That is what this bill is really all about.

The focal point of these services is the dedicated, federally funded work force of 1,891 disabled veterans' Outreach Program specialists [DVOP's] and 1,252 local veterans' employment representatives [LVER's] at some 1,800 local employment service offices throughout the country. This work force of DVOP's and LVER's—as well as other local employment service office [LESO] staff, such as job developers, counselors, employer relations representatives, office managers, and many others—are a very valuable resource for our country. DVOP's and LVER's perform the important function of helping recently discharged servicemen and women of the All-Volunteer Force achieve a smooth and enduring transition to civilian life, which frequently means gaining jobs and job training in sophisticated new-growth industries—computers, robotics, and biotechnology to name a few. As a result of the slow demise of the steel industry, increasing worker dislocation, and the necessity for workers to change jobs as many as five or six times during their working lives, DVOP's and LVER's also help older veterans compete in the job marketplace where yesterday's skills simply are not enough and access to training and retraining in new technological skills and effective placement services are increasingly important.

When I reassumed the chairmanship of the Senate Veterans' Affairs Committee in January 1987, I undertook a careful examination of all aspects of the job counseling, training, and placement services provided to veterans under chapter 41 of title 38, United States Code, and the Veterans' Job Training Act. As a result of that examination, and with the help of knowledgeable individuals in veterans' service organizations, I developed and, on April 9, 1987, introduced S. 999. Following hearings and favorable committee action, the Senate adopted provisions of S. 999 as reported as a substitute amendment for the provisions of H.R. 1504 and passed that measure. Now, 15 months after the process began, I am very pleased that our negotiations with the House have yielded an excellent measure incorporating what are generally the best provisions of S. 999 and of the House-passed measures.

PURPOSE OF THE LEGISLATION

Mr. President, we have included in the compromise agreement provisions which rewrite much of chapter 41 of title 38, United States Code, and make major revisions to the Veterans' Job Training Act, thus creating a comprehensive framework from which to improve the administration and provision of employment, counseling, job-training, and related services to veterans. The bill seeks to build upon the current Federal-State partnership in the furnishing of veterans' employment and training services through provisions—based on sound managerial principles—which can improve these services, specifically with respect to staffing levels, program planning, budgeting and continuity of funding, contract management, coordination and cooperation with other Federal programs, evaluation of services provided to veterans by local employment service offices, training and development of personnel, standards of performance for personnel, and performance appraisal.

The bill also makes revisions to the VJTA intended to come to grips with the all-too-high noncompletion rate of veterans by adding extensive provisions to create a program of job-readiness-skills development and counseling services designed to assist veterans in finding, applying for, and successfully participating in a program of job training, and to create a case-manager approach under which DVOP's will be trained to track and assist veterans as they progress through their training programs.

Finally, the bill contains provisions which will make improvements in the program under which the State Approving Agency Program approves courses of education for veterans' training.

Mr. President, since the explanatory statement which the two Committees on Veterans' Affairs prepared—which I will ask to be printed at the conclusion of my remarks—describes in detail the compromise agreement on S. 999, I will limit my remarks to just a few provisions in the compromise agreement.

FUNDING FORMULA FOR LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES

Mr. President, section 3 of the compromise agreement includes a provision—derived from section 3(a) of the Senate bill—which would require the Secretary of Labor, beginning with fiscal year 1988, to make available to the States funds sufficient for 1,600 LVER positions nationwide and associated administrative expenses, to allocate to each State the number of LVER's it had on January 1, 1987, for which funds were provided under chapter 41—1,379 LVER's according to the Department of Labor—plus 1 additional LVER for each State—including the District of Columbia, Puerto Rico, and the Virgin Islands—and to allocate funding for the remaining LVER positions up to 1,600 pursuant to a new funding formula. Under the new formula, each State would further receive funding to support a percentage of the difference between 1,432 LVER's—that is 1,379 LVER's plus 1 of each of the States or 53 LVER's added to 1,379—and 1,600 LVER's, or 168 LVER's, according to the following formula: equal weight is to be given to, first, the percentage of all veterans residing in the United States who reside in the United States who are registered for assistance with LESO's in the State; second, the percentage of the total of all eligible veterans and eligible persons registered for assistance with LESO's in the United States who are registered for assistance with LESO's in the State; and third, the percentage of all full-service LESO's in the United States that are in the State. In addition, the compromise agreement would require that each State receive funds for the reasonable administrative expenses associated with the number of LVER's for which it is receiving funds.

Mr. President, the basic intent of this provision is the creation of a stable, professional work force of LVER's nationwide to furnish employment and training services to veterans consistently and effectively without disruptions due to budget reduction proposals, such as have been proposed in recent years. An assured work force of 1,600 LVER's would allow the Secretary and the administrative heads of employment agencies in the States to count on year-to-year stability in the staff which furnishes services to veterans and enhance both the Secretary's and the States' ability to plan such services.

The need for this steady work force of LVER's was articulated very clearly by Dr. Robert E. David, executive director of the South Carolina Employment Security Commission—and also then chairman of the Veterans' Affairs Committee of the Interstate Conference of Employment Security Agencies, Inc., when he said in testimony at our committee's April 30, 1987, hearing:

> The best feature in the proposal * * * is the guarantee that adequate staff will be provided with some degree of stability. That, Mr. Chairman, is a problem that has afflicted the entire employment security system in recent years—budgets being yo-yo-ed up and down without regard to workload or needs. If this bill can bring stability to the staffing of the Employment Service for veterans programs, then you have done the veteran, the system, and the nation a very great service.

A steady work force of 1,600 LVER's would also help offset—at least as far as services to veterans are concerned—the cuts in the administration's proposed budget for regular Wagner-Peyser grants for fiscal year 1989 which would reduce DOL's Employment Service funding from $723 million in fiscal year 1988 to $678.5 million in fiscal year 1989. This proposed cutback would come on top of a reduction in Wagne-Peyser grants from their current program year 1987 level of $755.2 million. In actual dollars, Employment Service funding over a 2-year period would be cut by 10 percent. This reduction would be compounded further by an increase in salaries and benefits of 4 to 6 percent, mandated by State legislatures, and inflation in rents, telephone, and other costs due to inflation.

ASSIGNMENT OF LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES

Mr. President, section 3 of the compromise agreement, based on provisions in section 3 of the Senate bill and section 2 of H.R. 3460, would also require the administrative head of a State's employment service, after consultation with the director for veterans' employment and training for the State—a Federal official who functions as the representative of the Assistant Secretary of Labor for Veterans' Employment and Training [ASVET] in the State—to assign LVER's so that, as nearly as practicable, each LESO with at least 1,110 veteran-registrants would have a full-time LVER and one additional full-time LVER for each 1,500 registrants over the initial 1,100 and that each LESO with at least 350 but less than 1,100 veteran-registrants would have 1 half-time LVER.

In addition, at a service delivery point with fewer than 350 registrants, the head employee at the service delivery point would be responsible for ensuring compliance with provisions in existing law requiring priority services for veterans and priority referral of veterans to Federal contractors. Finally, this section would require, at my insistence, that each grant or contract by which funds are made available in a State to carry out the DVOP and LVER programs is to require a provision requiring the recipient of the funds to comply with the provisions of chapter 41 including—in this case—the numerical formula for assigning LVER's to LESO's on which I just spoke.

PERFORMANCE OF DISABLED VETERANS' OUTREACH SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES

Mr. President, during a period of severe fiscal restraint and exceptionally keen competition for limited Federal resources, I think it is imperative that the Federal dollars expended for veterans' employment and training services produce excellence. And that is what this legislation seeks to achieve in various ways—including through section 4 of the compromise agreement, which is derived from section 4 of the Senate bill—by requiring the development and implementation of performance standards for DVOP's and LVER's.

Section 4 would require each State employment agency to develop DVOP and LVER performance standards consistent with the statutory duties and functions of DVOP's and—as specified in the compromise agreement—LVER's and would require each State, in developing these standards, to take into account both the prototype standards which the Secretary would be required to develop in consultation with the State employment agencies or their representatives, and any comments of the director for veterans' employment and training [DVET] on the State's draft standards.

EVALUATIONS OF THE FURNISHING OF SERVICES TO VETERANS BY LOCAL EMPLOYMENT SERVICE OFFICES

Mr. President, I am also pleased that section 7 of the compromise agreement includes a provision—derived from section 7 of the Senate bill—to require DVET's and assistant directors for veterans' employment and training [ADVET's] to conduct, not less frequently than annually, evaluations of services provided to eligible veterans and persons at each LESO and to make recommendations for corrective action as appropriate. In the compromise agreement, a provision was added that these evaluations would be conducted in accordance with the following order of priority: First, LESO's that have demonstrated less-than-satisfactory performance during either of the two previous program years; second, LESO's with the largest number of veterans registered during the previous program year; and, third, other LESO's as resources permit.

These evaluations should go a long way toward determining the extent to which LESO's are, through DVOP's, LVER's, and other office staff, providing quality registration, interviewing, counseling, testing and assessment, supportive services referral, job development, and job training referral services to veterans and other eligible persons.

Mr. President, section 3 of the compromise agreement includes a provision—derived from section 2 of the Senate bill—to require the ASVET, in determining the terms and conditions under which funds are made available to a State, to take into consideration the DVET's or ADVET's, or both, evaluations of the performance of LESO's. A provision was also added to the compromise agreement to require that each grant or contract by which LVER and DVOP funds are made available in a State must contain a provision requiring the recipient of the funds to comply with the provisions of chapter 41. The Federal/State relationship in this regard is a formal business relationship, and I think it very reasonable that the States should be held accountable for compliance with the provisions of chapter 41 with respect to their administration of the DVOP and LVER programs.

NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE

Mr. President, section 8 of the compromise agreement, derived from section 8 of the Senate bill and section 5 of H.R. 3460, would require the Secretary of Labor to establish and make available funds as may be necessary to operate a National Veterans' Employment and Training Services Institute [NVETSI]—including travel expenses and per diem for attendance at the NVETSI—for the training of DVOP's, LVER's, DVET's, and ADVET's and such other personnel involved in the provision of employment, job training, counseling, placement, or related services to veterans as the Secretary considers appropriate. The compromise agreement would also provide for the training of Veterans' Employment and Training Service [VETS] personnel at the NVESTI, including their travel expenses and per diem, through the use of program funds designated for the NVETSI.

The National Veterans' Training Institute was created administratively by the Department of Labor in September 1986; the first training session started on January 11, 1987. As of April 23, 1988, 1,944 person have graduated from NVTI. The training provided by the Institute is an important and worthwhile investment in the 3,143 DVOP's and LVER's who furnish employment and training services to veterans on a daily basis. Training and staff development are integral to the success of an organization—not only in terms of professional development, but also in terms of staff productivity and organizational effectiveness.

VETERANS' JOB TRAINING ACT

Mr. President, I am pleased that section 11 of the compromise agreement—derived from section 3 and 5 of H.R. 1504 and section 11 of the Senate bill, contains provisions to authorize additional funding under the VJTA, extend the dates for applying for and participating in the VJTA program, improve counseling services for VJTA participants, and make other program design improvements which are detailed in the explanatory statement.

Specifically, the compromise agreement would authorize a VJTA appropriation of $60 million for each of fiscal years 1988 and 1989—expressly in addition to the authorization of appropriations totaling $65 million for fiscal years 1986, 1987, and 1988 enacted in the Stuart B. McKinney Homeless Assistance Act (Public Law 100-77); provide that funds appropriated under the VJTA would remain available through the end of fiscal year 1991; and extend the deadline for a veteran to apply for participation in the program to September 30, 1989; and extend the deadline for entering a job training program to March 31, 1990.

I am very pleased that section 11 of the compromise agreement includes the provision from section 11 of the Senate bill providing that, when VJTA funds which have been obligated in connection with a veteran's entry into a VJTA job-training program are deobligated because the veteran leaves the training program before it is completed, the deobligated funds would automatically become immediately available to the VA for reobligation for payments under VJTA. These deobligated funds would also be available through the end of fiscal year 1991. This provision would assure a degree of program continuity for the VJTA that has not always existed under current law because of the need for the VA to obtain from the Office of Management and Budget the authority to reobligate such funds.

I am also pleased that the compromise agreement includes two major provisions to improve guidance and counseling services to VJTA participants. First, section 11 of the compromise agreement contains a provision, also derived from section 11 of the Senate bill, to establish a program under which—except in certain cases—a DVOP is assigned as a case manager for each veteran participating in a VJTA job-training program. Exceptions are those cases in which the Secretary determines either that the employer has an appropriate and effective employee assistance program which is available to all veterans participating in the employer's VJTA job-training program; that the rate of veterans' successful completion of the employer's VJTA job training programs in 60 percent or higher either cumulatively or during the previous program year; or—as added in the compromise agreement—that, on the basis of a recommendation by a DVOP, the Secretary determines that the services of a case manager are not needed for an individual participant.

Mr. President, the case manager for a veteran participating in a VJTA program would be required to conduct an in-person interview with the veteran within 60 days after the veteran entered into the program and, not less frequently than monthly, to maintain contact with the veteran for the purposes of avoiding unnecessary termination of employment, of referring the veteran to appropriate counseling if necessary, of facilitating the veteran's successful completion of the program, and of following up with the employer and the veteran to determine the veteran's progress in the program and the outcome regarding the veterans' participation in, and successful completion of, the program. Finally, the compromise agreement would require that, before a veteran who has voluntarily terminated, or was voluntarily terminated by his or her employer, from a VJTA job-training program may be eligible for a new or renewed certificate of eligibility, the veteran must be provided by the Secretary, in consultation with the Administrator, with the services of a case manager.

I might add, Mr. President, that I first proposed, and the Senate passed, the VJTA case-manager concept back in the 99th Congress in S. 1887, and I am delighted that it has finally been accepted by the House. This provision is designed to help bring about a reduction in the VJTA program's high noncompletion rate of approximately 60 percent. Would that we had enacted this provision 2 years ago, but better late than never. I spoke at length about this noncompletion rate in my floor statement on August 4, 1987, page S1126 of the RECORD.

Mr. President, the second major guidance and counseling provision in the compromise agreement—derived from section 5 of the House bill—is the program of job-readiness skills development and counseling services which would assist veterans in finding, applying for, and successfully participating in a suitable program for job training under the VJTA. The House bill would have required the Administrator, after consultation with the Secretary, to provide a program of employability training and counseling services to assist veterans in finding, applying for, and participating in a VJTA training program. Funding for this program would have been provided by a set-aside of not less than 5 percent of any amount appropriated pursuant to section 16 of the VJTA after June 3, 1987, and these funds would be required to be made available for VJTA counseling, especially with respect to the program of employability training and counseling services. I was concerned that setting aside a percentage of the VJTA program funds for counseling—despite the strong need for counseling given the high VJTA dropout rate—would limit the VJTA program by taking the money from the limited pool of VJTA funds intended for reimbursing employers for their costs in training veterans and using it for another purpose.

I am gratified that we were able to achieve a compromise with our colleagues in the House that would: First, delete the proposed 5-percent set-aside of VJTA appropriations and require instead that payment for job-readiness skills development and counseling services under VJTA be paid out of the same account—the VA's readjustment benefits account—as are funds for providing services under section 1504(a)(7) of title 38, relating to the provision of vocational and other training services and assistance as part of the programs of rehabilitation for certain veterans with service-connected disabilities under chapter 31 of title 38; second, limit to an amount equal to 5 percent of the total amount obligated under the VJTA for a fiscal year the amount which may be paid for such development services during that year—except that in fiscal year 1988 the limit would be 5 percent of the VJTA funds available—$27,647,949—on October 1, 1987; and, third, specify that a program of job-readiness skills development and counseling services is to be designed to assist veterans in need of such services.

Mr. President, the concepts of job-readiness skills development services and case-management services complement one another very well. The former are preemployment services to help veterans identify and obtain positions which fit their aptitudes and interests, and the latter provides a method to track and assist these veterans once they are placed and participating in a suitable program of job training under the VJTA.

Before leaving this topic, I want to make the point, a point which cannot be made too often, that hiring veterans—and especially disabled veterans—is a good business decision. Veterans, as a group, tend to be motivated, mature individuals who possess good work habits, have a sense of teamwork and responsibility needed to accomplish goals in the workplace, and understand leadership. We must not fail to use their skills and human capital in our competitive efforts.

STATE APPROVING AGENCIES

Mr. President, section 14 of the compromise agreement, derived from section 6 of the House bill, would amend section 1774 of title 38—relating to the reimbursement of expenses of State and local agencies—known as State approving agencies [SAA's]—for reasonable and necessary expenses of salary, travel, and administration incurred in performing contracts with the VA for the approval of courses of education and programs of training on the job for purposes of VA education benefits—so as to, first, transfer the SAA funding from the VA's general operating expenses account to the readjustment benefits account; second, require the VA to reimburse SAA's for their reasonable and necessary expenses up to a cap of $12 million annually; and, third, specify that, for any fiscal year in which the total amount of reasonable and necessary expenses of SAA's exceeds $12 million, each SAA would receive the same percentage of the $12 million as it would have received of the total amount if the $12 million limitation did not exist. The compromise agreement also has various provisions with respect to SAA and VA reporting requirements that are discussed in the explanatory statement which I have asked be printed in the RECORD at the conclusion of my remarks.

Mr. President, the SAA's have been the subject of significant funding cuts over the past 5 years, and I believe that providing for a more stable funding source, subject to a $12 million per year cap would help protect the integrity of the course-approval process at a time when the first wave of Montgomery GI bill students will be enrolling in colleges and universities this fall.

In conjunction with the providing the SAA's with greater fiscal security, a number of provisions also were added in the compromise agreement to provide for greater accountability in the course-approval process. These provisions are addressed in detail in the explanatory statement. Among others, the compromise agreement contains provisions to require the Administrator, first, to prescribe prototype personnel qualification and performance standards, to be developed in conjuction with SAA's, for use by the SAA's in the development of qualifications and individual performance standards for SAA personnel carrying out approval responsibilities and duties; second, to conduct, in conjuction with SAA's, an annual evaluation of each SAA on the basis of standards developed by the Administrator with the cooperation of SAA's and give each SAA an opportunity to comment on its evaluation; and, third, to take into account the results of the annual evaluations of an SAA when negotiating the terms and conditions of a contract with the VA entered into under section 1774 of title 38.

CONCLUSION

Mr. President, I urge all of my colleagues to support this measure. It is designed to make substantial improvements in the furnishing of veterans' employment, training, and counseling services through major revisions to chapter 41 designed to provide for a more effective working relationship between the Department of Labor's ASVET and the State employment agencies, for better utilization of the services of LVER's and DVOP's, and for greater accountability in the determination of this $125 million program.

With respect to the VJTA, this measure would not only authorize a 2-year extension of the authorization of funding, but has great potential for improving the participation and retention of veterans in the program through the case-management and job-readiness skills development services and counseling initiatives.

This measure would also establish the foundation for a greater continuity of funding and accountability in the SAA Program.

Before closing, I want to acknowledge the outstanding work of the representatives of many organizations and businesses who have given of their time and talents to help develop this comprehensive legislation—including representatives of the American Legion; the Disabled American Veterans and its California Department; the Veterans of Foreign Wars; the McDonnell Douglas Corp. of Long Beach, CA; the South Carolina Employment Security Commision; and and the Interstate Commission of Employment Security Administrators.

Mr. President, in closing I also want to express my deep appreciation to the distinguished chairman and ranking minority member of the House Committee on Veterans' Affairs [Mr. MONTGOMERY and Mr. SOLOMON] as well as the ranking minority member of the Senate committee [Mr. MURKOWSKI] for their excellent cooperation and many courtesies on this measure.

I would also like to note the contributions of, and thank, the committee staff members who have worked so very long, hard, and effectively, on this legislation—on the Senate side, Chris Yoder and Tony Principi from the minority staff; Roy Smith, who so ably provides editorial support to the committee; and, from the majority staff, Darryl Kehrer, Cathy Chapman, Jennifer McCarthy, Ed Scott, and Jon Steinberg; and on the House side, Jill Cochran, Beth Kilker, Rufus Wilson, Kingston Smith, Pat Ryan, and Mack Fleming, who worked so cooperatively with us to reach the final agreement on this very exensive measure.

Particularly I want to congratulate Darryl, Jill, Chris, and Kingston for their enormous devotion and contribution to bringing this very fine compromise agreement to fruition.

Finally, we are indebted to Joe Womack of the House Legislative Counsel's office for his fine work in the drafting of the compromise agreement.

Mr. President, I ask unanimous consent that there be printed in the RECORD the explanatory statement which was prepared by the two Committees on Veterans' Affairs in lieu of the joint explanatory statement which would accompany a conference report as the definitive legislative history of the measure and which the chairman of our counterpart committee in the House inserted in the RECORD during the debate in the other body on April 26—page H2604.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT ON THE COMPROMISE AGREEMENT ON S. 999, H.R. 1504, H.R. 3460, THE VETERANS' EMPLOYMENT, TRAINING, AND COUNSELING AMENDMENTS OF 1988

This document explains the provisions of S. 999 as agreed to by the Senate on August 4, 1987, and passed by the Senate on that date as an amendment to H.R. 1504 (hereinafter referred to as the "Senate bill") and passed again by the Senate on December 19, 1987, the provisions of H.R. 3460 as passed by the House of Representatives on October 27, 1987 (hereinafter referred to as "H.R. 3460"), and the provisions of H.R. 1504 as passed by the House on June 30, 1987, (hereinafter referred to as "H.R. 1504"), and the provisions of a compromise agreement as noted below, except for clerical corrections, conforming changes made necessary by agreements reached between the Committees, and minor drafting, technical, and clarifying changes.

NOMENCLATURE

The Committees note that both the Senate and House (H.R. 3460) bills and the compromise agreement would make changes in the nomenclature for various positions and entities. To simplify the references to those positions and entities in this document, references to them are adopted in the compromise agreement. The following table shows the nomenclature currently used in title 38 and the nomenclature used in the Senate and House bills and in the compromise agreement, together with the acronyms used in this document:

Current law	Senate bill	House bill	Compromise agreement
Assistant Secretary for Veterans' Employment.	Assistant Secretary for Veterans' Employment and Training.	Same	Same [ASVET].
Veterans' Employment Service	Same	do	Veterans' Employment and Training Service [VETS].
State Director for Veterans' Employment.	State Director for Veterans' Employment and Training.	Director for Veterans' Employment and Training.	Same [DVET].
Assistant State Director for Veterans' Employment.	Assistant State Director for Veterans' Employment and Training.	Assistant Director for Veterans' Employment and Training.	Same [ADVET].
Not applicable	Regional Director for Veterans' Employment and Training.	Regional Administrator for Veterans' Employment and Training.	Same [RAVET].

In addition, this document uses the term State employment agency (SEA) for the entity described in chapter 41 of title 38 as the "public employment service system" and "employment service".

ADMINISTRATION OF EMPLOYMENT AND TRAINING PROGRAMS

Section 2 of the compromise agreement would amend section 2002A of title 38, United States Code, relating to the office of the ASVET, to consolidate in that section, with revisions, various provisions of chapter 41 of title 38 relating to the responsibilities of the Secretary of Labor with respect to programs under the jurisdiction of the Secretary for the provision of services designed to meet the employment, job-training, and related needs of eligible veterans and the spouses or surviving spouses of certain veterans and of service personnel who are missing in action or prisoners of war.

A. Responsibilities of the Secretary

Senate bill: The Senate bill (section 2(a) of S. 999) would amend section 2002A of title 38 to incorporate in a new subsection (b)(1) the requirement in sections 2003A (a) and (b), 2006 (a) and (b), and 2009(a) for the Secretary of Labor to carry out various veterans' employment and training programs through the ASVET except as otherwise expressly provided (it would be so expressly provided only in section 2010(b)(1) of title 38 as proposed to be amended by section 10 of this measure). The current-law requirements for the Secretary to act through the ASVET would be expanded to include (a) the carrying out of all the provisions of chapter 41 of title 38, relating to veterans' employment, job-training, and related services; and (b) the administration of all veterans' employment and training programs.

House bill: The House bill (section 3(a) of H.R. 3460) is substantively identical to the Senate bill except that it would add a requirement that the Secretary carry out through the ASVET chapter 43 of title 38, relating to veterans' reemployment rights, as well as chapter 41.

Compromise agreement: The compromise agreement (section 2(a)), contains the Senate provision with the House modification.

B. Cooperative arrangements

Senate bill: The Senate bill (section 2(a)) would amend section 2002A to incorporate in a new subsection (b) (2) a requirement, derived from section 2009(a)(2), that the Secretary, in order to make maximum use of available resources encourage all veterans' employment and training programs and all grantees under such programs to enter into cooperative arrangements with private industry and business concerns (including small business concerns), educational institutions, trade associations, and labor unions.

House bill: The House bill (section 3(a) of H.R. 3460) is substantively identical to the Senate bill.

Compromise agreement: The compromise agreement (section 2(a)) contains this provision.

C. Coordination and consultation with the Administrator

Senate bill: The Senate bill (section 2(a)) would amend section 2002A to incorporate in a new subsection (b)(3) a requirement, derived from section 2009(a)(3), that the Secretary ensure that maximum effectiveness and efficiency are achieved in providing services and assistance to eligible veterans under all veterans' employment and training programs and through all grantees under each such program by coordinating and consulting with the Administrator with respect to (a) programs conducted under provisions of title 38 other than chapter 41, with particular emphasis in coordination of such program with readjustment counseling activities carried out under section 612A, apprenticeship or other on-job training programs carried out under section 1787, and rehabilitation and training activities carried out under chapter 31; and (b) the Veterans' Job Training Act (29 U.S.C. 1721 note) (VJTA).

House bill: The House bill (section 3(a) of H.R. 3460) is substantively identical to the Senate bill except that it excludes the reference to the VJTA as a program with respect to which the Secretary would be required to coordinate and consult with the Administrator.

Compromise agreement: The compromise agreement (section 2(a)) contains the Senate provision.

D. Coordination of job placement activities

Senate bill: The Senate bill (section 2(a)) would amend section 2002A to require the Secretary to ensure that job placement activities are carried out in coordination and cooperation with appropriate SEA officials.

House bill: The House bill (section 3(a) of H.R. 3460) is substantively identical to the Senate bill.

Compromise agreement: The compromise agreement (section 2(a)) contains this provision.

E. Requirements to make funds available for Disabled Veterans' Outreach Program Specialists (DVOPs) and Local Veterans' Employment Representatives (LVERs)

Senate bill: The Senate bill (section 2(a)) would amend sections 2002A and 2003A, relating to funding for the disabled veterans' outreach program specialists (DVOPs), so as to (a) recodify in a new subsection (b)(5) of section 2002A the provisions in section 2003(a)(1) requiring the Secretary to make funds available for the salaries and expenses of DVOPs in accordance with the formula set forth in section 2003A(a)(2) of current law (section 2003A(a)(1) as proposed to be amended) and to add a similar requirement that funds be made available for the salaries and expenses of local veterans' employment representatives (LVERs) in accordance with the proposed funding formula for LVERs (as explained below in the discussion under the heading "LOCAL VETERANS' EMPLOYMENT REPRESENATIVES (LVERS)"); (b) require specifically that such funding include amounts for the training, travel, supplies, and fringe benefits of DVOPs and LVERs, including the reasonable expenses and per diem for attendance at the National Veterans' Employment and Training Institute (NVETSI) proposed to be established under a new section 2010A as proposed to be added by the Senate bill; and (c) make the funding requirement subject to the provisions of new subsection (c)(2) of section 2002A requiring that the Secretary, in determining the terms and conditions of a grant or contract under which funds are made available in a State, take into account the evaluation of local employment service offices (LESOs) in the State carried out by the DVETs and ADVETs, as proposed to be required by new section 2003(c)(13) (discussed below under the heading "RESPONSIBILITIES OF PERSONNEL"), and the results of the Secretary's monitoring of the distribution and use of funds provided for use in the State:

House bill: The House bill (sections 2(a) and 5(a) of H.R. 3406) would (a) amend section 2004 of title 38 to add a requirement that funds be made available for LVERs in accordance with a proposed formula for LVER funding (discussed below under the heading "LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES"); (b) in a proposed new section 2009 (discussed below under the heading "NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE") require that the Secretary make funding available for the travel and per diem expenses for DVOPs and LVERs (and various other personnel) to attend the NVETSI; and (c) require the Secretary, in determining the terms and conditions of a grant or contract under which funds are made available in a State to carry out section 2003A, relating to DVOPs, or section 2004, relating to LVERs, to (1) take into account the results of the following monitoring activities, all of which would be required by section 2002A as proposed to be amended by the House bill: (1) the Secretary's monitoring of the distribution and use of funds provided for use in the State, of the appointment of DVOPs and assignment of LVERs, and of the participation of qualified veterans and eligible persons under the Job Training Partnership Act (JTPA) and other Federal and Federally-funded employment and training programs and (2) the monitoring of Department of Labor-funded veterans' employment and training programs by the Regional Administrators for Veterans' Employment and Training (a position which would be provided for by the Senate and House bills and compromise agreement in provisions described below under the heading "I. Regional Administrators for Veterans' Employment and Training").

Compromise agreement: The compromise agreement (section 3(a)) contains the Senate provisions.

F. Distribution and use of funds for DVOPs and LVERs

Senate bill: The Senate bill (section 2(a)) would amend sections 2002A and 2003A(a)(5), providing that the distribution and use of funds provided to a State for DVOPs shall be subject to the continuing supervision and monitoring of the ASVET and shall not be governed by the provisions of any law, or regulations thereunder, inconsistent with section 2003A, so as to recodify those provisions in a new subsection (c)(1) of section 2002A, make them applicable to LVERs, and provide for the primacy of section 2004 with respect to the distribution of and use of funds for LVERs.

House bill: The House bill (section 3(a) of H.R. 3460) is substantively identical to the Senate bill.

Compromise agreement: The compromise agreement (section 2(a)) contains this provision.

G. Appointment of DVOPs and assignment of LVERs

Senate bill: The Senate bill (section 2(a)) would amend section 2002A and the third, fourth, and fifth sentences of section 2003A(a)(2) (which would be redesignated as section 2003A(a)(1)), requiring that, in the appointment of DVOPs, preference be given, first, to disabled veterans of the Vietnam era, second, to other disabled veterans, and third, any veteran, so as to (a) require in new subsection (b)(7) of section 2002A that the Secretary monitor the appointment of DVOPs and the assignment of LVERs—in order to ensure compliance with the provisions (in section 2003A(a)(1) and 2004(a)(4), respectively, as proposed to be amended) relating to the qualifications of DVOPs and LVERs—and (b) add an explicit requirement that those to whom preference is to be given be "qualified".

House bill: The House bill (section 3(a) of H.R. 3460) contains provisions substantively identical to the provisions described in item (a), above.

Compromise agreement: The compromise agreement (sections 2(a) and 3(a)) contains these provisions.

H. Opportunities for veterans under the Job Training Partnership Act

House bill: The House bill (section 3(a) of H.R. 3460) would amend section 2002A to add a new subsection (b)(7) requiring the Secretary to promote, facilitate, and monitor participation of qualified veterans and eligible persons in employment and training opportunities under the JTPA and other Federal and Federally-funded employment and training programs.

Senate bill: No provision.

Compromise agreement: The compromise agreement (section 2(a)) contains this provision with amendments to delete the requirement for facilitating participation and the reference to Federal programs and to specify explicitly in this provision that the functions are to be carried out by the ASVET.

The Committees intend that "Federally-funded employment and training programs" include the VJTA and the Targeted Job Tax Credit program under section 280C of the Internal Revenue Code.

I. Regional Administrator for Veteran's Employment and Training

Senate bill: The Senate bill (section 2(a)) would amend section 2002A to add a new subsection (d) to require the Secretary to assign to each region for which the Secretary operates a regional office a representative of the VETS to serve as a Regional Director for Veterans' Employment and Training.

House bill: The House bill (section 3(a) of H.R. 3460) contains a substantively identical provision except that the title of the position would be changed to Regional Administrator for Veterans' Employment and Training (RAVET) and that each RAVET would be required to be responsible for (a) ensuring the promotion, operation and implementation of all veterans' employment and training programs and services within the region; (b) ensuring proper veterans' employment under Federal contracts within the region; (c) protecting and advancing veterans' reemployment rights within the region; and (d) coordinating, monitoring, and providing technical assistance on veterans' employment and training programs with respect to all Department of Labor grantees within the region.

Compromise agreement: The compromise agreement (section 2(a)) contains this provision as modified by the House bill and with amendments providing for RAVETs to "monitor" rather than "ensure" Federal contractors' compliance with their obligations with respect to veterans' employment.

J. Deputy Assistant Secretary for Veterans' Employment and Training

House bill: The House bill (section 3(a) of H.R. 3460) would amend section 2002A to add a new subsection (c) establishing statutorily (the position having already been established administratively) the position of Deputy Assistant Secretary of Labor for Veterans' Employment and Training (DASVET) within the Senior Executive Service; requiring that the DASVET be an eligible veteran; and requiring the Secretary to appoint a DASVET in accordance with section 3393 of title 5, relating to the recruitment of career appointees, no later than the beginning of program year 1989.

Senate bill: No provision.

Compromise agreement: No provision.

K. Budgeting

Senate bill: The Senate bill (section 3(b)) would amend section 2006(a) of title 38, under which the Secretary is required to include in the Department of Labor's annual budget funds necessary for the administration of chapters 41, 42, and 43 of title 38, including amounts necessary for the numbers of DVOPs required by the DVOP funding formula in section 2003A and to include in the budget submission a separate listing of the proposed number of DVOPs by State, so as to require that (a) the budget include funding (1) for LVERs in accordance with the new LVER funding formula (proposed to be added by section 2(a), discussed above, of the Senate bill), (2) for the NVETSI (proposed to be established by section 8, discussed below, of the Senate bill), and (3) the reasonable expenses of DVOPs and LVERs for training, travel, supplies, and fringe benefits, including travel expenses and per diem for attending the NVETSI; and (b) the budget submission include (1) a separate listing of LVERs by State, and (2) information demonstrating the compliance of the budget submission with the funding formulas for DVOPs and LVERs and the requirement to provide funding for the NVETSI.

House bill: The House bill (section 3(b) of H.R. 3460) is substantively identical to the Senate provision.

Compromise agreement: The compromise agreement (section 2(b)) contains this provision.

L. Use of administrative funds

House bill: The House bill (section 3(c) of H.R. 3460) would amend section 2006(d) of title 38, under which funds available for the proper and efficient administration of chapter 41 are precluded from being made available for any other purpose except with the approval of the Secretary based on a demonstrated lack of need for the funds for administering chapter 41, so as to repeal the exception permitting the use of the funds for a non-chapter 41 purpose.

Senate bill: No provision.

Compromise agreement: The compromise agreement (section 2(c)) contains this provision.

M. Reporting requirements

Senate bill: The Senate bill (section 3(c)) would amend section 2007(c) of title 38, relating to an annual report from the Secretary to the Congress on the success during the preceding fiscal year of the Department of Labor and SEAs in carrying out the provisions of chapter 41 and on activities carried out under section 2003A (DVOPs), so as to (a) provide for the report to be submitted to the appropriate committees of the Congress; (b) specify that the report would be due on February 1 of each year; (c) delete the existing requirement that the report include any determination made under present section 2004 which section 3(c) of the Senate bill would amend to delete the Secretary's authority to allow, based upon a demonstrated lack of need, an LVER not to be assigned to the staff of a local employment service office (LESO); (d) also require a report on activities under section 2004 (LVERs); and (e) require that the report contain information on the operation of programs for the provision of employment and training services designed to meet the needs of veterans, including (1) an evaluation of the effectiveness of such programs in meeting the requirements of proposed new subsection (b) of section 2002A (described above under the heading "ADMINISTRATION OF EMPLOYMENT AND TRAINING PROGRAMS"), (2) the efficiency with which services were provided under such programs, and (3) recommendations for further legislative action relating to veterans' employment, including the need for any changes in the formulas governing the appointment of DVOPs and assignment of LVERs, and the allocation of funds for the support of DVOPs and LVERs, as the Secretary considers appropriate.

House bill: The House bill (section 3(d) of H.R. 3460) is substantively the same as the Senate bill with the exceptions that the House bill would (a) make the report due on December 1 of each year, (b) require that the report include a comparison of the job placement rates for eligible veterans, veterans of the Vietnam era, certain categories of veterans with service-connected disabilities, and eligible persons who registered for assistance with the public employment system with the job placement rate for nonveterans so registered for assistance in each State, and (c) not make specific reference to the possible need for changes in the formulas for the appointment of DVOPs and assignment of LVERs, and the allocation of funds for their support.

Compromise agreement: The compromise agreement (section 2(d)) contains the House provision with amendments requiring that (a) job-placement-rate comparisons be made according to age groups; (b) changing from December 1 to February 1 the annual deadline for the Secretary to report annually to the Committees on Veterans' Affairs of the Senate and the House of Representatives; (c) providing for the reports to be based on program years (July 1 through June 30) rather than fiscal years; and (d) restoring the Senate bill's reference to the possible need for changes in the formulas.

LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES

Present section 2004 of title 38 provides that, except as may be determined by the Secretary of Labor based on a demonstrated lack of need for services, the administrative head of the employment service in each State must assign one or more employees, preferably eligible veterans or eligible persons, to the staffs of local employment service offices, whose services must be fully devoted to discharging the duties prescribed for DVETs and Assistant DVETs.

Major provisions in section 3(a) of the compromise agreement would amend section 2004 to establish formulas for the assignment of LVERs and for the funding and allocation of funding for LVERs, provide for preferences in the assignment of LVERs, and delineate the responsibilites of LVERs.

A. LVER funding formula

Senate bill: The Senate bill (section 3(a)) would amend section 2004 of title 38, relating to the assignment to LESO staffs of employees (LVERs) whose services are fully devoted to discharging the duties of veterans' employment representatives, to require that (a) the Secretary, beginning with FY 1988, make available to the States funds sufficient to support the assignment of 1,600 full-time LVERs nationwide, plus the funding necessary to support the States' administration of the LVER program; (b) the funds be allocated to the States (including the District of Columbia, Puerto Rico, and the Virgin Islands) so that each State receives funding for the number of LVERs it had on January 1, 1987, for which funds were provided under chapter 41 (1,379 LVERs according to the Department of Labor) plus one additional LVER; (c) the allocation of funds for the remaining LVER positions up to 1,600 be made pursuant to a formula whereby each State would receive a percentage of those funds equal to the average of (1) the State's percentage of total national veteran population, (2) the percentage of the total of eligible veterans and persons registered with LESOs nationwide who are registered with LESOs in the State, and (3) the State's percentage of the number of full-service LESOs nationwide; and (d) each State's allocation also include funds for the reasonable administrative expenses associated with the number of LVERs for which it is receiving funds.

House bill: The House bill (section 2(a) of H.R. 3460) would amend section 2004 to prescribe an LVER funding formula under which the Secretary would be required to make available during each fiscal year for use in each State an amount sufficient to support (a) one-third of a full-time LVER for each 1,400 eligible veterans or eligible persons who were registered for assistance as of the end of the program year immediately preceding that fiscal year; (b) one-third of a full-time LVER for each 25,000 veterans who were residing in the State at the end of the previous fiscal year; and (c) one-third of a full-time LVER for every LESO in the State at the end of the previous year. In any event, for fiscal year 1988, each State would be required to be provided an amount sufficient to support the number of LVERs in that State as of April 1, 1987. For purposes of determining the number of LVERs under this formula, fractions would be required to be rounded up to the nearest one-half or whole number.

Compromise agreement: The compromise agreement (section 3(a)) contains the Senate provision.

The Committees note their concerns regarding the remoteness of Indian reservations from employment and training services and Native Americans' resulting lack of access to such services. The Committees direct that the ASVET consult with the directors of SEAs in Arizona and South Dakota and in other States with substantial populations of Native Americans living on reservations who are veterans, so that maximum consideration is given to the goal of furnishing those veterans with employment and training services—either itinerant or full-time services—commensurate with their needs. Such assignments would, of course, be made from the number of LVERs allocated to the State in which the reservation is located.

B. Assignment of LVERs

Senate bill: The Senate bill (section 3(a)) would amend section 2004 to require that the LVERs allocated to each State be assigned to LESOs by the administrative head of the SEA, with the concurrence of the DVET, so that as nearly as practicable each LESO with at least 1,100 veteran/eligible-person registrants would have a full-time LVER; one additional LVER would be assigned for each 1,500 additional registrants above the initial 1,100 registrants; and one half-time LVER would be assigned to each LESO at which at least 350 but less than 1,000 such individuals are registered. At an LESO with fewer than 350 such registrants, the head of the office would be responsible for ensuring compliance with provisions in existing law requiring priority services for veterans and priority referral of veterans to Federal contractors.

House bill: The House bill (section 2(a) of H.R. 3460) would amend section 2004 to require that the assignment of LVERs to LESOs be made by the head of the employment service in the State after consultation with the DVET.

Compromise agreement: The compromise agreement (section 3(a)) contains (a) the Senate provision establishing a numerical formula for assigning LVERs to LESOs; (b) the House provision requiring that the assignment of LVERs in a State be made by the head of the SEA after consultation with the DVETs; (c) an amendment to section 2002A requiring that, before approving a grant or contract under which funds are made available in a state under new subsection (b)(5) of new section 2002A in order to carry out section 2003A(a) or 2004(a) and (b) of title 38, the Secretary obtain the funding recipient's certification that it will comply with all provisions in chapter 41 of this title; and (d) an amendment to revise the provision relating to LESOs with fewer than 350 such veteran/eligible-person registrants so as to provide that, in the case of any Wagner-Peyser Act employment services delivery point other than an LESO with 350 or more such registrants—rather than only at an LESO with less than 350 such registrants—the head employee at the services delivery point would have the specified responsibility with respect to services for veterans.

The Committees intend that the annual evaluations of LESOs include an evaluation of compliance with the formula for assigning LVERs.

C. Definition of "registered"

Senate bill: The Senate bill (section 3(a)) would amend section 2004 to provide that, for the purposes of the formula for the allocation of LVERs, an individual would be considered to be registered for assistance with an LESO during a program year if the individual either registered, or renewed his or her registration, for assistance with the office during that program year or registered or renewed his or her registration with that office during a previous program year and, in accordance with regulations which the Secretary would be required to prescribe, is counted as still being registered for administrative purposes.

House bill: The House bill (section 2(a) of H.R. 3460) contains a substantively identical provision.

Compromise agreement: The compromise agreement (section 3(a)) contains this provision.

D. Preference in assignments of LVERs

Senate bill: The Senate bill (section 3(a)) would amend section 2004 to require that persons assigned as LVERs after September 30, 1987, be veterans and that preference in the assignment of LVERs be given to qualified veterans with service-connected disabilities which are compensable or for which they were discharged. Under current law, persons assigned as LVER's are to be "preferably eligible veterans or eligible persons".

House bill: No provision.

Compromise agreement: The compromise agreement (section 3(a)) contains this provision with amendments (a) deleting any reference to eligible veteran or person status as a qualification for an LVER assignment but requiring that preference in the assignments be given to qualified eligible veterans or eligible persons in the following order: (1) qualified service-connected disabled veterans, (2) qualified veterans, and (3) qualified eligible persons; and (b) delaying (to July 1, 1988) the effective date of the preference requirement.

E. Definition of Local Employment Service Office (LESO)

House bill: The House bill (section 2(b) of H.R. 3460) would amend section 2001 of title 38, relating to definitions of certain terms used in chapter 41, to add a provision defining the term "local employment service office" as a service delivery point which has an intrinsic management structure and at which employment services are offered in accordance with the Wagner-Peyser Act.

Senate bill: No provision.

Compromise agreement: The compromise agreement (section 3(b)) contains this provision.

The Committees intend that a satellite office not be considered to be an LESO, but rather a part of the LESO having jurisdiction over it.

F. Responsibilities of LVERs

Senate bill: The Senate bill (section 3(a)) would amend section 2004 to require that work of LVERS be fully devoted to—

(a) providing, or facilitating the provision of, counseling services to veterans who are certified as eligible for participation in the VJTA program; and

(b) discharging at the local level the duties of DVETs and ADVETs as provided in section 2003(c)(1)(B) and (c)(2) through (12) of title 38, which (as proposed to be amended by section 7(a) of the Senate bill, discussed below) are to—

(1) be functionally responsible for the supervision of the registration of eligible veterans and eligible persons in LESOs for suitable types of employment and training and for counseling and placement of eligible veterans and eligible persons in employment and training programs, including VJTA;

(2) engage in job development and job advancement activities for eligible veterans and persons, including maximum coordination with appropriate VA officials in the VA's carrying out of its outreach services responsibilities and in the conduct of job fairs and other special programs to match eligible veterans and persons with appropriate job and job-training opportunities and otherwise to promote the employment of eligible veterans and eligible persons;

(3) assist in securing and maintaining current information as to the various types of available employment and training opportunities, including maximum use of electronic data processing and telecommunications systems and the matching of an eligible veteran's or person's particular qualifications with an available opportunity commensurate with those qualifications;

(4) promote the interest of employers and labor unions in employing eligible veterans and persons and in conducing on-job training and apprenticeship programs for them;

(5) maintain regular contact with employers, labor unions, training programs, and veterans' organizations with a view to keeping them advised of eligible veterans and persons available for employment and training and to keeping eligible veterans and persons advised of opportunities for employment and training;

(6) promote and facilitate the participation of veterans in Federal and Federally-funded employment and training programs and directly monitor the implementation and operation of such programs to ensure that eligible veterans, veterans of the Vietnam era, service-connected-disabled veterans, and eligible persons receive such priority or other special consideration in the provisions of services as is required by law or regulation;

(7) assist in every possible way in improving working conditions and the advancement of employment of eligible veterans and eligible persons;

(8) supervise the listing of jobs and subsequent referrals of qualified veterans as required by section 2012 of title 38;

(9) be responsible for ensuring that complaints of discrimination filed under section 2012 are resolved in a timely fashion;

(10) working closely with appropriate VA personnel who provide counseling or rehabilitation services under chapter 31 of title 38, cooperate with employers to identify disabled veterans who have completed or are participating in a vocational rehabilitation training program under chapter 31 and who are in need of employment;

(11) cooperate with the staff of VA readjustment counseling programs for Vietnam-era veterans in identifying and assisting veterans who have readjustment problems and who may need employment placement assistance or vocational training assistance;

(12) when requested by a Federal or State agency or a private employer, assist it in identifying and acquiring prosthetic and sensory aids and devices which tend to enhance the employability of disabled veterans; and

(13) not less frequently than annually, conduct an evaluation at each LESO of the services provided to eligible veterans and eligible persons and make recommendations for corrective action as appropriate.

House bill: The House bill (section 2(a) of H.R. 3460) would prescribe the duties to be discharged by LVERs in a new subsection (b) of section 2004. The prescribed duties would include duties substantively identical to those described in items (4), (5), (8), (10), (11), and (12), above, except that, with respect to item (5), "community leaders" is added to the group with which contact is to be maintained; with respect to item (8), LVER's would be required to "monitor" rather than "supervise" the listings and referrals; and, with respect to item (12), a "service-connected disabled veteran" would be added to those who, upon request, are to be assisted. The other duties would be —

(a) to supervise functionally the provision of services to eligible veterans and eligible persons by LESO staff;

(b) to provide directly, or facilitate the provision of, labor exchange services to eligible veterans and persons in LESOs, including intake and assessment, counseling, testing, job-search assistance, and referral and placement;

(c) to promote, facilitate, and monitor the participation of veterans in Federal and Federally-funded employment and training programs, and monitor the listing of vacant positions with the United States Employment Service by Federal agencies as required by section 3327 of title 5;

(d) to refer eligible veterans and persons to training, supportive services, and educational opportunities, as appropriate; and

(e) to assist, through electronic data processing, in securing and maintaining current information regarding available employment and training opportunities.

Compromise agreement: The compromise agreement (section 3(a)) would prescribe the duties of LVERs as specified in the House bill except that (1) in the provision described in item (c), LVERs would not be required to "facilitate" veterans' participation, the reference to Federal programs would be deleted, and a requirement would be added for LVERs to report to the DVET or ADVET concerned any evidence of failures to provide veterans with the priority or other special consideration required by law or regulation; and (2) a requirement would be added for LVERs to facilitate the provision of guidance and counseling services for veterans certified as eligible for participation under VJTA.

The Committees do not intend that the listing of LVERs' duties in section 2004(b) preclude the assignment of additional duties to LVERs when necessary under unusual circumstances.

PERFORMANCE OF DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES

A. Development and application of performance standards

Senate bill: The Senate bill (section 4(a)) would amend chapter 41 to add a new section 2004A, subsection (a) of which would (a) require the Secretary, after consultation with SEAs or their representatives, or both, to prescribe, and provide for the implementation of, standards for the performance of DVOPs and LVERs and monitor the activities of DVOPs and LVERs; (b) require that the standards provide for the effective performance at the local level of the statutory duties of DVOPs and LVERs and include as one of the measures of a DVOP's performance the extent to which the DVOP, while serving in the capacity of a case manager under section 14(b)(1)(A) of VJTA (as proposed to be amended by section 11(b)(1) of the Senate bill (discussed below)), facilitates rates of successful training-completion under VJTA; and (c) authorize the ASVET, in entering into an agreement with a State for the provision of DVOP or LVER funding, personally to make exceptions to the standards to take into account local conditions and circumstances.

House bill: No provision.

Compromise agreement: The compromise agreement (section 4(a)(1)) would amend chapter 41 to add a new section 2004A under which each SEA would be required to develop and apply DVOP and LVER performance standards which are consistent with the statutory duties and functions of DVOPs and LVERs and include as a measure of a DVOPs performance the extent to which the DVOP, as a VJTA case manager, facilitates successful VJTA training-completion rates. In developing the standards, each SEA would be required to take into account model standards (which the Secretary would be required to develop after consultation with the SEAs or their representatives) and any comments of the DVET concerned (to whom the SEA would be required to aubmit the proposed standards for a 30-day comment period) and would be authorized to take into account the State's personnel merit system requirement and other local circumstances and requirements and to request the assistance of the DVET (who, upon request, would be required to provide appropriate assistance). A freestanding provision in the compromise agreement (section 4(b)) would require each SEA to develop and promulgate the standards as quickly as feasible and to submit the proposed standards to the DVET not later than 12 months after the date on which the Secretary provides it with the prototype standards and to adopt final standards not later than 60 days after receiving the DVET's comments.

The Committees expect SEAs to develop DVOP position descriptions which are based on the standards developed for DVOPs' performance and consistent with their duties and functions as set forth in sections 2003A(b) of title 38.

B. Monitoring of compliance with performance standards

Senate bill: The Senate bill (section 4(a)), in subsection (b) of the proposed new section 2004A (described above), would (a) require that DVETs and ADVETs regularly monitor the performance of DVOPs and LVERs through the application of the performance standards; and (b) require each DVET (or the DVET's designee) to submit to the head of the SEA recommendation and comments in connection with each annual performance rating of a DVOP or LVER in the State.

House bill: No provision.

Compromise agreement: The compromise agreement (section 4(a)(1)) contains this provision with amendments authorizing rather than requiring the DVET to submit the recommendations and comments and deleting the express reference to a designee of the DVET submitting the recommendations and comments.

The Committees intend that the DVET's and ADVET's monitoring of the performance of DVOPs and LVERs include but not be limited to (a) a review of quarterly reports provided to DVETs under new section 2004(c) of title 38 with respect to Federal law and regulations with respect to special services and priorities for veterans and other eligible persons; and (b) the annual evaluations, under new clause (13) of section 2003(c), of the services provided by the LESO in question to eligible veterans and eligible persons.

WAIVER OF RESIDENCY REQUIREMENTS FOR DIRECTORS AND ASSISTANT DIRECTORS OF VETERANS' EMPLOYMENT AND TRAINING

Senate bill: The Senate bill (section 5) would amend section 2003(b) of title 38, which requires that, at the time of appointment, a DVET or ADVET be an eligible veteran who has been a resident of the State for at least 2 years, so as to (a) provide that the Secretary, upon determining that it is necessary to consider for appointment as a DVET an ADVET with 2 years of experience, may waive the 2-year State residency requirement; and (b) require that, in the event of such a waiver, preference be given to any equally qualified veteran who meets the residency requirement.

House bill: The House bill (section 7 of H.R. 3406) would amend section 2003(b) to authorize the Secretary to waive the State residency requirement and appoint any qualified veteran as a DVET or an ADVET if the Secretary determines that there is no qualified veteran available who meets the residency requirement.

Compromise agreement: The compromise agreement (section 5) contains the House provision.

SHARING OF INFORMATION REGARDING POTENTIAL EMPLOYERS

A. Department of Defense assistance to the Department of Labor and Veterans' Administration

Senate bill: The Senate bill (section 6(a)) would amend section 2005 of title 38, relating to Federal agencies' cooperation with the Secretary of Labor in providing employment and training opportunities to veterans, to require the Secretary of Defense—in order to assist the Secretary of Labor and the Administrator of Veterans' Affairs in identifying employers with potential job training opportunities under VJTA and in carrying out chapter 41—to provide to the Secretary and the Administrator, not more than 30 days after the enactment date, the then-current list of employers participating in the National Committee for Employer Support of the Guard and Reserve (NCESGR). After providing the list, the Secretary of Defense would be required to provide, on the 15th of each month, updated information regarding it.

House bill: No provision.

Compromise agreement: The compromise agreement (section 6(a)) contains this provision with an amendment changing the reference to the required list from "the then-current list of employers participating in the [NCESGR]" to "any list maintained by the Secretary of Defense of employers participating in the [NCESGR]".

B. Veterans' Administration/Department of Labor Cooperation

Senate bill: The Senate bill (section 6(a)) would amend section 2008 of title 38, requiring the Secretary of Labor to consult with the Administrator on activities under chapter 41, to require the Administrator to require each VA regional office to provide on a monthly or more frequent basis to appropriate LESOs and Department of Labor (DoL) offices, as designated by the Secretary, the names and addresses of employers which offer approved programs of job training under VJTA in the regional office's area.

House bill: No provision.

Compromise agreement: The compromise agreement (section 6(b)) contains this provision with an amendment requiring that the Administrator, rather than each VA regional office, provide monthly or more frequently to such LESOs and DoL offices the names and addresses of such employers in the areas served by those LESOs and DoL offices.

RESPONSIBILITIES OF PERSONNEL

A. Functional supervision

Senate bill: The Senate bill (section 7(a)) would amend section 2003(c), relating to the functions of DVETs and ADVETs, to require DVETs and ADVETs to supervise functionally the provision of services to eligible veterans and eligible persons by the SEA and by other employment or training programs administered by the Secretary of Labor, by grantees of Federal or Federally-funded employment or training programs, or by the State.

House bill: The House bill (section 4 of H.R. 3460) contains a substantively identical provision.

Compromise agreement: The compromise agreement (section 7(a)) contains this provision.

The Committees intend "functional supervision" by DVETs and ADVETs to be distinct from "line supervision" by LESO managers. Provision of functional supervision by DVETs and ADVETs is not intended to impose—nor will it impose—a dual management structure on the LVER or DVOP program. Functional supervision is to entail providing technical assistance, making suggestions for improvement of services, helping to plan programs and projects, checking for compliance with ETA regulations affecting veterans, helping to correct errors by working with local and state staffs, analyzing work as it affects veterans and eligible persons, training new state agency employees and providing refresher courses for state agency staff, and bringing matters which require corrective action to the attention of those state agency personnel who have authority over policy, procedures and staff. Functional supervision does not authorize a DVET or ADVET to hire, fire, discipline, or issue directives to state agency employees. Nor does it authorize a DVET or ADVET to make regulations, change procedure, or establish internal policies for the state agency.

B. Responsibilities for placements in Veterans' Job Training Act programs and for the development of other opportunities

Senate bill: The Senate bill (section 7(a)) would amend section 2003(c) to (a) specify that, in the current provision requiring DVETs and ADVETs to be functionally responsible for supervising the registration of eligible veterans and persons in LESOs for employment and training and for counseling and placement in employment and job-training programs, the reference to such programs includes programs under VJTA, and (b) clarify that DVETs' and ADVETs' duties to engage in job development and job advancement activities for eligible veterans and persons includes the general responsibility, "otherwise to promote the employment of eligible veterans and eligible persons".

House bill: No provision.

Compromise agreement: The compromise agreement (section 7(a)) contains this provision.

C. Veterans' preference

House bill: The House bill (section 4 of H.R. 3460) would amend section 2003(c) to require DVETs and ADVETs to monitor the implementation of Federal laws requiring preference for veterans in employment and job advancement opportunities within the Federal Government.

Senate bill: No provision.

Compromise agreement: The compromise agreement (section 7(a)) contains this provision with an amendment requiring DVETs and ADVETs to report evidence of noncompliance to the Office of Personnel Management (OPM) for appropriate enforcement or remedial action.

D. Listing of job vacancies

House bill: The House bill (section 4 of H.R. 3460) would amend 2003(c) to require DVETs and ADVETs to monitor the listing of vacant positions with the United States Employment Service by Federal agencies as required by section 3327 of title 5.

Senate bill: No provision.

Compromise agreement: The compromise agreement (section 7(a)) contains this provision with amendments requiring that the monitoring be carried out through DVOPs and LVERs and that DVETs and ADVETs report evidence of noncompliance to OPM for appropriate enforcement or remedial action.

E. Evaluations

Senate bill: The Senate bill (section 7(a)) would amend section 2003(c) to require DVETs and ADVETs to conduct, not less frequently than annually, evaluations of services provided to eligible veterans and persons at each LESO and to make recommendations for corrective action as appropriate.

House bill: No provision.

Compromise agreement: The compromise agreement (section 7(a)) contains this provision with an amendment requiring that the evaluations be conducted at LESOs in accordance with the following order of priority: (a) those that have demonstrated less-than-satisfactory performance during either of the two previous program years; (b) LESOs with the largest numbers of veterans registered during the previous program year; and (c) other LESOs as resources permit.

F. Additional duties of DVOPs

Senate bill: The Senate bill (section 7(b)) would amend section 2003A(c) of title 38, relating to the functions of DVOPs, (a) to clarify that the DVOP responsibility to provide appropriate assistance to community-based groups and organizations and grantees under Federal and Federally-funded employment and training programs in serving eligible veterans includes assisting those entities receiving funding under part C of title IV of the JTPA, relating to certain employment programs for service-connected disabled and Vietnam-era veterans and those recently separated from military service; (b) clarify that the DVOP responsibility to consult and coordinate with representatives of Federal, State, and local programs in order to develop linkages to promote employment opportunities for, and provide employment assistance to, veterans includes consulting and coordinating with representatives of the

VJTA program; and (c) add the following DVOP responsibilities: (1) providing counseling services to veterans with respect to their selection of and changes in vocations and to their vocational adjustment, and (2) providing services as case managers under paragraph (1)(A) of proposed new subsection (b) (discussed below) of section 14 of VJTA.

House bill: No provision.

Compromise agreement: The compromise agreement (section 7(b)) contains this provision with an amendment providing for DVOPs to be responsible for providing "vocational guidance or vocational counseling services, or both" to veterans, rather than "counseling services."

NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICE INSTITUTE

Senate bill: The Senate bill (section 8) would amend chapter 41 to add a new section 2010A, entitled "National Veterans Employment and Training Service Institute", to require the ASVET, for the purpose of providing for such training as the Secretary considers necessary and appropriate for the efficient and effective provision of employment, job-training, placement, and related services to veterans, to establish and make available such funds as may be necessary to operate a National Veterans' Employment and Training Services Institute (NVETSI) for the training of DVOPs, LVERs, DVETs and ADVETs, and such other personnel involved in the provision of employment, job-training, counseling, placement, or related services to veterans as the Secretary considers appropriate.

House bill: The House bill (section 5 of H.R. 3460) would revise present section 2009 of title 38, the current provisions of which would be supplanted under the House bill by proposed amendments to sections 2004 and 2007, to incorporate a provision substantively identical to the Senate provision with the addition of a provision specifying that the funding required to be made available for the operation of the NVETSI would include travel expenses and per diem for attendance at the NVETSI.

Compromise agreement: The compromise agreement (section 8) contains the House provision with an amendment (a) requiring the Secretary, as the Secretary considers appropriate, to provide out of the program funds designated for the NVETSI, training of VETS personnel at the ANVETSI, including their travel expenses and per diem; and (b) changing the word "Service" to "Services" in the title of the Institute.

SPECIAL UNEMPLOYMENT STUDY

Senate bill: The Senate bill (section 9) would amend chapter 41 to add a new section 2010B, entitled "Special unemployment study", requiring the ASVET, through the Bureau of Labor Statistics to conduct every two years, and report to the Congress on, studies of unemployment among (a) special disabled veterans (that is, those who either (1) have a service-connected disability rated at 30 percent or more, (2) have a service-connected disability rated at 10 or 20 percent and have been determined for purposes of the VA's program of vocational rehabilitation for service-connected disabled veterans to have a serious employment handicap, or (3) were discharged or released from active duty because of a service-connected disability; and (b) veterans who served in the Vietnam Theater during the Vietnam conflict. The first study would be required to be completed by July 1, 1988.

House bill: No provision.

Compromise agreement: The compromise agreement (section 9) contains this provision with an amendment (a) requiring the first study to be completed not later than six months after the enactment date.

SECRETARY'S COMMITTEE ON VETERANS' EMPLOYMENT

Senate bill: The Senate bill (sections 10 and 12(a)(3)), would amend section 2010(b)(1) of title 38, relating to the membership of the Secretary of Labor's Committee on Veterans' Employment, so as to (a) add to the membership representatives of the Secretary of Education and the Postmaster General, and (b) require the Secretary to continue to chair the Committee notwithstanding the general requirement, in proposed new subsection (b)(1) of section 2002A (discussed above), that the Secretary carry out chapter 41 through the ASVET.

House bill: The House bill (sections 6 and 8(a)(3) of H.R. 3460) contains substantively identical provisions and a provision also adding a representative of the Director of the ACTION Agency to the Committee.

Compromise agreement: The compromise agreement (section 10) contains the Senate provisions with an amendment to authorize the Secretary (not the ASVET) to add a representative of any other Federal agency which has requested to be represented on the Committee.

REVISIONS OF NOMENCLATURE

A. Secretary of Labor

Senate bill: The Senate bill (section 12(a)(1) and (2)) would define the term "Secretary" as the Secretary of Labor and make a series of conforminng amendments.

House bill: The House bill (section 8(a)(1) and (2) of H.R. 3460) contains an identical provision.

Compromise agreement: The compromise agreement (section 13(a)(1) and (2)) contains this provision.

B. Assistant Secretary for Veterans' Employment and Training-Directors and Assistant Directors for Veterans' Employment and Training

Senate bill: The Senate bill (section 12(b)) would make a series of amendments to chapter 41 to add "and Training" to the titles of Assistant Secretary for Veterans' Employment, State Director for Veterans' Employment, and Assistant State Director for Veterans' Employment each time they appear.

House bill: The House bill (section 8 of H.R. 3460) contains identical provisions and also deletes the word "State" from the titles of State and Assistant State Director for Veterans' Employment.

Compromise agreement: The compromise agreement (section 13(a)(3)) contains the House provision.

VETERANS' JOB TRAINING ACT (VJTA)

A. Case-management and services

Senate bill: The Senate bill (section 11) would amend section 14(g) of the VJTA, relating to certain counseling and information services for veterans participating in job training programs under VJTA, so as to require the Administrator and the Secretary jointly to provide for a program under which—except where the Secretary determines that either the employer has an appropriate and effective employee assistance program which is available to all veterans participating in the employer's VJTA job training programs, or the rate of veterans' successful completion of the employer's VJTA job training programs, either cumulatively or during the previous program year, is 60 percent or higher—(a) a DVOP is assigned as a case manager for each veteran participating in a VJTA job-training program; (b) the veteran has an in-person interview with the case manager not later than 60 days after entering into such a program; and (c) not less frequent than monthly contact is maintained with the veteran for the purposes of (1) avoiding unnecessary termination of employment, (2) referring the veteran to appropriate counseling, if necessary, (3) facilitating the veteran's successful completion of such program, and (4) following up with the employer and the veteran in order to determine the veteran's progress in the program and the outcome regarding the veteran's participation in, and successful completion of, the program. Under current law, the Secretary alone is required to provide for a program of periodic contact and only for the purposes stated in items (a), (b), and (c), above. In addition, the Senate bill would amend section 7(d) of the VJTA, relating to the certificaiton which an employer must provide with its application for approval of a job training program for VJTA purposes, to require that the employer certify that, as applicable the employer will provide to each veteran participating in a VJTA job training program of the employer the full opportunity to participate during the veteran/employee's normal workday in a personal interview with a case manager.

House bill: No provision.

Compromise agreement: The compromise agreement (section 11(a)(1) and (4)) contains these provisions with amendments to (a) delete the requirement that the Administrator jointly provide for the program; and (b) provide that no case manager is to be assigned if, on basis of a recommendation by a DVOP, the Secretary determines that the services of a case manager are not needed for an individual participant.

B. Services to non-completers

Senate bill: The Senate bill (section 11(b)) would amend present section 14 of the VJTA, relating to counseling services, to add a new subsection (c) that would require that, before, a veteran who has voluntarily terminated, or was involuntarily terminated by his or her employer, from a VJTA job training program may be eligible for a new or renewed certificate of VJTA eligibility, the veteran must be provided by the Administrator with appropriate vocational counseling in light of the termination.

House bill: No provision.

Compromise agreement: The compromise agreement (section 11(a)) contains this provision with an amendment requiring the Secretary, in consultation with the Administrator, to provide the veteran with the services of a case manager—rather than vocational counseling.

C. Counseling and information services

Senate bill: The Senate bill (section 11(b)) would amend section 14(b) of the VJTA, requiring the Secretary to provide for certain counseling and information services for veterans participating in job-training programs (after consultation with the Administrator as to certain matters), so as to (a) require that the program be carried out jointly by the Secretary and the Administrator; (b) with respect to services designed to resolve difficulties that may be encountered by veterans during their VJTA training, specify that the services be provided pursuant to subchapter IV of chapter 3 of title 38, relating to the VA's program of veterans outreach services, section 612A, relating to readjustment counseling for Vietnam-era veterans, section 2003A, relating to DVOPs, and section 2004, relating to LVERs; and (c) modify the existing general requirement that all participating veterans and employers be advised of the availability of such counseling services and other related services and assistance and encouraged to request them whenever appropriate so as to require specifically that a program of information services be established under which each veteran who enters into a VJTA program of job training and each VJTA employer would be informed of the supportive services and resources available to the veteran under VJTA through (1) the above-mentioned case-manager and difficulty-resolution services, (2) VA counseling and career-development activities (especially, in the case of a Vietnam-era veteran, readjustment counseling services under section 612A of title 38), and services under part C of title IV of the JTPA, and (3) other appropriate agencies in the community.

House bill: No provision.

Compromise agreement: The compromise agreement (section 11(a)) contains this provision with an amendment specifying that the above-described programs of counseling or other services and information would be provided "to the extent feasible".

D. Employability training and counseling

House bill: The House bill (section 5 of H.R. 1504) would amend section 14(a) of the VJTA, relating to employment counseling services for veterans eligible to participate in VJTA; to require the Administrator (a) after consultation with the Secretary, to provide a program of employability training and counseling services designed to assist veterans in finding, applying for, and successfully participating in a suitable program of job training under the VJTA; and (b) to coordinate such services, to the extent practicable, with the VA readjustment counseling program for Vietnam-era veterans under section 612A of title 38 and advise veterans participating under VJTA of the availability of such services and encourage them to request such services whenever appropriate. In addition, section 16 of the VJTA, relating to the authorization of appropriations, would be amended so that not less than 5 percent of any amount appropriated pursuant to section 16 after June 3, 1987, would be required to be made available for VJTA counseling services, especially with respect to this program of employability training and counseling services.

Senate bill: No provision.

Compromise agreement: The compromise agreement (section 11(a)(2)) contains the House provision with amendments to (a) specify that a program of job-readiness skills development and counseling services is to be designed to assist veterans in need of such services; (b) to delete the proposed 5-percent set-aside of VJTA appropriations and require instead that payments for job-readiness skills development and counseling services under VJTA be paid out of the same account (the VA's readjustment benefits account) as are funds for providing services under section 1504(a)(7), relating to the provision of vocational and other training services and assistance as part of the programs of rehabilitation for certain veterans with service-connected disabilities under chapter 31 of title 38; and (c) to limit to an amount equal to 5 percent of the amount obligated under the VJTA for a fiscal year the amount which may be paid for such development services during that year, except that in FY 1988 the limit would be 5 percent of the VJTA funds available ($27,647,949) on October 1, 1987.

The Committees intend that the VA, before placing a VJTA-eligible veteran in such a program of job-readiness skills development and counseling services, must find that the regular services of LVERs and the DVOP case-management services are not sufficient for the eligible veteran to participate successfully in a suitable VJTA program.

E. Discontinuance of approval of participation in programs of employers with unsatisfactory completion rates

Senate bill: The Senate bill (section 11(c)) would amend section 11 of VJTA, relating to the discontinuance of approval of veterans' participation in programs of job training under VJTA, to provide that, if the Secretary determines, after consultation with the Administrator and in accordance with regulations which the Administrator and Secretary would be required jointly to prescribe, that the rates of veterans' successful completion in an employer's VJTA program is disproportionately low, the Administrator must disapprove participation in the employer's job-training programs on the part of veterans who had not begun participation on the date that the employer is notified of the disapproval. The VA would be required to give notice—by certified or registered letter, with a return receipt requested—of the disapproval, the reasons for it, and the opportunity for a hearing. The Senate bill also would require that a disapproval remain in effect as to new enrollments of veterans until the Administrator determines that adequate remedial action has been taken. In determining whether remedial actions taken by the employer are adequate to ensure future avoidance of a disproportionately low rate of successful completion, the Administrator would be authorized—except in the case of an employer having an appropriate employee assistance program or VJTA completion rates of 60 percent or higher—to condition the reinstatement of approval on the use of a modified payment formula under which in the case of a program of job training of 4 or more months' duration, payments for the initial months (up to the first 4) would be reduced from 50 percent to 30 percent of the veteran's starting wage; for any period after the first 4 months, payments to the employer would be increased to 50 percent of the veteran's starting wage; and the amounts so withheld would be paid to the employer upon the veteran's completion of the job training program. In the case of a program of less than 4 months duration, payment for the months prior to the final scheduled month would equal 30 percent of the veteran's starting wage.

House bill: No provision.

Compromise agreement: The compromise agreement (section 11(b)) would require the Administrator, if the Administrator determines that an employer has a disproportionately low VJTA completion rate due to a deficiency in the quality of its training programs, to disapprove new enrollments of veterans in the employer's VJTA programs until the Administrator determines that adequate remedial action has been taken. In making that determination, the Administrator would be required to use appropriate available VA data, including (a) the quarterly data provided by the Secretary with respect to the numbers of veterans who receive counseling in connection with VJTA training, are referred to VJTA employers, participate in job training under VJTA, complete or do not such training, and the reasons for non-completion; and (b) any data compiled through the particular employer's compliance surveys.

F. Authorization of appropriations

Senate bill: The Senate bill (section 11 (d)) would amend section 16 of the VJTA, relating to the authorization of VJTA appropriations, so as to (a) authorize appropriations of $60 million for each of fiscal years 1988 and 1989, expressly in addition to the authorization in the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), which authorized appropriations totalling $65 million for fiscal years 1986, 1987, and 1988; and (b) provide that the funds would remain available through the end of fiscal year 1991.

House bill: The House bill (section 3 of H.R. 1504) would amend section 16 of the VJTA (a) to authorize the appropriation of $30 million for fiscal year 1987 and $60 million for each of fiscal years 1988, 1989, and 1990; and (b) provide that funds would remain available through the end of fiscal year 1992.

Compromise agreement: The compromise agreement (section 11(c)) would (a) authorize appropriations of $60 million for each of fiscal years 1988 and 1989; and (b) provide for the availability of funds through the end of fiscal year 1991.

G. Reobligation of funds

Senate bill: The Senate bill (section 11(d)) would amend section 16 of the VJTA to (a) provide that any refunds appropriated for the VJTA for any fiscal year which are obligated for the purpose of making payments to an employer on behalf of veteran participating in a VJTA job-training program—including funds so obligated which previously has been obligated for that purpose on behalf of another veteran and were thereafter de-obligated—and are later de-obligated, would immediately upon de-obligation become available for re-obligation for VJTA payments; and (b) provide that no officer or employee in the executive branch would be permitted to delay in any manner, directly or indirectly, the re-obligation of the funds.

House bill: No provision.

Compromise agreement: The compromise agreement (section 11(c)) contains this provision.

H. Deadlines for veterans' applications and entry into training

Senate bill: The Senate bill (section 11(e)) would amend section 17 of the VJTA, relating to the deadlines by which eligible veterans must apply for participation in the VJTA program and enter into training under the program, to extend the deadline for a veteran to apply for participation in the program from December 31, 1987 (at the time of Senate passage), to June 30, 1989, and the deadline by which a veteran participant in VJTA must enter a job training program from June 30, 1988 (at the time of Senate passage) to December 31, 1989.

House bill: The House bill (section 2 of H.R. 1504) would amend section 17 of the VJTA to extend the deadlines to September 30, 1990, and March 30, 1991, respectively.

Compromise agreement: The compromise agreement (section 11(d)) would extend the application deadline to September 30, 1989, and the training-program-entry deadline to March 31, 1990.

The Committees note that with the enactment of section 201 of the Veterans' Compensation Amendments of 1987 on December 31, 1987, the deadline for eligible veterans to apply for VJTA training was extended from December 31, 1987, to June 30, 1988.

I. Data on participation

Senate bill: The Senate bill (section 11(g)) would require the Secretary, on a not less frequent than quarterly basis, to collect from the heads of SEA's and from DVETs information available to them and information derived from programs carried out in their respective States with respect to the numbers of veterans who receive counseling services pursuant to section 14 of VJTA, are referred to employers participating under VJTA, participate in VJTA programs of job training, and complete such programs, and the reasons for veteran's non-completion.

House bill: No provision.

Compromise agreement: The compromise agreement (section 11(f) contains this provision.

J. Expansion of eligibility

Senate bill: The Senate bill (section 11(a)) would amend section 5(a)(1) of the VJTA, relating to the eligibility criteria for a veteran to participate in a program of job training under the VJTA, to expand those criteria. Under current law, eligibility is limited to unemployed veterans with service during the Korean conflict or Vietnam era who have been unemployed at least 10 of the 15 weeks preceding their application and who either served on active duty for more than 180 days or were discharged or released for a service-connected disability or are entitled to VA service-connected disability compensation. The Senate bill would expand eligibility by (a) eliminating the requirement for service during the Korean conflict or Vietnam era; and (b) eliminating the 10-of-15-week unemployment criterion for certain veterans who are unemployed as the result of a plant closing or major reduction in employment by their previous employer. In addition, S. 477 (section 106), the proposed "Homeless Veterans' Assistance Act of 1987", as passed by the Senate on March 31, 1977, would eliminate the length-of-unemployment eligibility criterion for homeless veterans and veterans with service-connected disabilities rated at 30 percent or more.

House bill: The House bill (section 4 of H.R. 1504) would require the VA to conduct a study—and report its findings and conclusions within 180 days after the date of enactment—to determine (a) the number of veterans who are unemployed as a result of a permanent closure of a plant or other facility or any substantial portion thereof; (b) the percentage of these veterans who are disabled; (c) the degree of concentration of these veterans in the different geographical areas of the country; and (d) the types of employment in which these veterans were engaged on a regular basis before their current unemployment.

Compromise agreement: The compromise agreement does not contain these provisions.

TRAINING AND EMPLOYMENT STUDY AND REPORT

House bill: The House bill (section 4 of H.R. 1504) would require the Administrator and the Secretary to conduct a study of the implementation of the VJTA and transmit to the Congress, within 90 days after the date of enactment, a report containing the findings and conclusions of the study, including (a) a listing, by regional office and by State, of the number of veterans placed in VJTA job training programs and the percentage that that number represents of the total number of veterans certified (not including renewal of certifications), by regional office and by State, as eligible for participation under VJTA; (b) a description, by regional office and by State, of the demographic nature (including race, sex, age, educational level, income before placement, and income after placement) of veterans placed in VJTA program; (c) a description, by regional office and by State, of the demographic nature (including, race, sex, age, educational level, and income) of veterans certified as eligible for participation under VJTA but not placed in a job training program; (d) an analysis of the reasons that veterans certified as eligible for participation have not been placed in a program of job training under VJTA; (e) a listing, by regional office and by State, of the number of veterans who were certified as eligible for VJTA participation and were not placed in a program of job training under VJTA but were later placed in another job training program or employment; (f) a description, by regional office and by State, of the rate at which veterans have discontinued participation in, without completing, a program of job training under VJTA with a separate rate stated for those who discontinued within 3 months after beginning such a program, and those who discontinued within 6 to 9 months after such beginning; (g) an analysis of the major reasons for veterans failing to complete such a training program; (h) a ranking of the 25 categories of employers who have most frequently been denied VJTA approval of a program of job training, with the ranking being made on the basis of the number of such denials for each such category; and (i) a ranking of the 25 categories of employment in which veterans have most frequently received employment as a result of a VJTA program with the ranking being made on the basis of the number of jobs provided in each category.

Senate bill: No provision.

Compromise agreement: The compromise agreement (section 12) contains this provision with amendments (a) to require that the Administrator alone provide for the study and that it be transmitted to the appropriate Committees of the Congress within one year after enactment; (b) to provide expressly for the study to be based on statistically valid samplings and for the requisite data to be provided "to the extent feasible"; and (c) to change the reference to categories of employers to categories of employment.

STATE APPROVING AGENCIES

House bill: The House bill (section 6 of H.R. 1504) would amend section 1774 of title 38, relating to the reimbursement of expenses of State and local agencies (known as "State Approving Agencies" (SAA's)), for reasonable and necessary expenses of salary, travel, and administration incurred in performing contracts with the VA for the approval of courses of education and programs of training on-the-job for purposes of VA education benefits, so as to (a) transfer the SAA funding from the VA's general operating expenses account to the readjustment benefits account; (b) require the VA to reimburse SAA's for their reasonable and necessary expenses up to a cap of $12 million annually and specify that, for any fiscal year in which the total amount of reasonable and necessary expenses of SAA's exceeds $12 million, each SAA would receive the same percentage of the $12 million as it would have received of the total amount if the $12 million limitation did not exist; (c) require that each SAA with which the VA contracts submit to the Administrator on a monthly or quarterly basis, as determined by the SAA, a report certifying its reasonable and necessary expenses incurred for salary and travel in carrying out the contract with the Administrator; (d) require the VA to make the payment to the SAA within a reasonable time after the submission of such a report; and (e) require the Administrator to transmit to the Congress a quarterly report which summarizes the amounts for which the SAA submitted certifications for the quarter and the amounts of the payments made by the Administrator with respect to those certifications.

Senate bill: No provision.

Compromise agreement. The compromise agreement (section 14) contains these provisions with amendments (a) providing that, in the case of payment made to an SAA for FY 1988—before the date of enactment of this bill from an account other than the account used for payment of readjustment benefits—the account from which the payment was made would be reimbursed from the account used for payment of readjustment benefits, and (b) to add (to subchapter I of chapter 36 of title 38, relating to SAA's) a new section 1774A, entitled "Evaluations of agency performance; qualifications and performance of agency personnel". This new section would (a) require the Administrator to (1) conduct, in conjunction with SSAs, an annual evaluation of each SAA on the basis of standards developed by the Aministrator with the cooperation of the SSA's and give each SAA an opportunity to comment on its evaluation, (2) take into account the results of the annual evaluation of an SAA when negotiating the terms and conditions of a contract or agreement with the SAA under section 1774 of title 38, (3) supervise functionally the provision of approval services by SSAs under the subchapter, (4) cooperate with SAA's in developing and implementing, to the extent practicable, a uniform national curriculum for training new SAA employees and for the continuing training of SAA employees, and sponsor, with the SAA's, the provision of such training, (5) prescribe prototype qualification and performance standards, developed in conjunction with SAA's, for use by the SAA's in the development of qualifications and individual performance standards for SAA personnel carrying out duties under a contract or agreement entered into under section 1774(a), and (6) provide assistance to an SAA requesting such assistance in developing its personnel qualifications and performance standards; (b) require each SAA carrying out a contract or agreement with the Administrator under section 1774(a) after the 18-month period beginning on the date of enactment to (1) apply qualification and performance standards based on the prototype standards prescribed by the Administrator, and (2) make available to any person, upon request, the criteria used to carry out its functions under a contract or agreement entered into under section 1774(a); (c) provide an exemption from the new qualification standards for those SAA personnel who were performing their duties under subchapter I satisfactorily on the date of enactment and who continue to perform satisfactorily; and (d) authorize an SAA, in developing and applying its qualifications and performance standards, to take into consideration the State's merit system requirements and other local requirements and conditions.

For the purposes of implementing this new section, a free-standing provision would (a) require the Administrator to publish the prototype standards within 120 days after the enactment date; (b) require each SAA to submit to the Administrator, within one year after the Administrator has prescribed the prototype standards, a copy of the standards to be implemented by the SAA; and (c) authorize the Administrator, within 30 days of receiving an SAA's standards, to provide comments to the SAA, especially with regard to whether the standards are consistent with the prototype standards developed by the Administrator.

The compromise agreement would also amend section 1771(b)(1) of title 38—which provides that, if a State fails or declines to create or designate a SAA, the provisions of chapter 36, relating to the administration of educational benefits, which refer to the SAA would, with respect to that State, be deemed to refer to the Administrator—so as to provide for course approvals by the VA if a State does not enter into an agreement under section 1774(a).

The compromise agreement would amend section 1782 of title 38, which prohibits Federal agencies and officers form exercising any supervision or control over SAAs, State educational agencies, or non-Federal educational institutions, to provide an exception for VA activities under new section 1780A, which, as discussed above would require the VA to conduct annual evaluations of SAAs, to take the results of the annual evaluations into account when negotiating the terms and conditions of contracts with SAAs, and to supervise functionally the provision of course-approval services.

Finally, with respect to payments to the SAA's for administrative expenses, since the amounts of those payments are prescribed by a statutory formula (in section 1774(b)), such expenses would not be included in the SAA's certifications but would be included separate from the certification in the VA reports.

In the implementation of these provisions, the Committees expect (a) the VA, before entering into an agreement with an SAA, to satisfy itself that the SAA's operating procedures are carried out in accordance with all statutory requirements necessary for its actions to be legally enforceable; and (b) each SAA to develop position descriptions for its personnel reflecting the statutory duties set forth in sections 1775 through 1779 of title 38.

With respect to the proposed requirement in new section 1780A requiring the Administrator to supervise functionally the provision of course-approval services, it is not the intent of the committees to impose a dual management structure on the SAAs. Rather, the Committees intend the functional supervision by the Administrator to be distinct from "line supervision" by the heads of the SAAs. Fuctional supervision by the Administrator would entail—but not be limited to—(a) providing technical assistance to SAA personnel with respect to carrying out their course-approved duties; (b) sponsoring, to the extent practicable and jointly with SAA's, initial and recurring training for SAA employees; (c) checking for compliance with VA regulations regarding the provision of services under subchapter I; (d) assisting in the development of standards for qualifications and performance of SAA personnel; and (e) bringing matters which require corrective action to the attention of SAA personnel who have authority over policy, procedures, and staff. Functional supervsion does not authorize the Administrator to hire, fire, discipline, or issue directives to an SAA employee. Nor does it authorize the Administrator to make regulations, change procedure, or establish internal policies for the state agency.

The Committees expect the VA to monitor the SAAs' performance of their responsibilities under their contracts and, in the case of a default of an SAA under its contract, to take appropriate action to enforce the Federal Government's rights under the contract consistent with the contract provisions required by the Federal Acquisition Regulations relating to defaults (sections 49.503, "Termination for convenience of the Government and default", and 52.249-6, "Termination (Cost-Reimbursement)", of title 48 of the Code of Federal Regulations).

The committees intend that the contracts between the VA and the SAAs reflect the requirements of new section 1774A.

COMMISSION ON VETERANS' EDUCATION POLICY

House bill: The House bill (section 7 of H.R. 1504) would add the Assistant Secretary of Defense for Force Management and Personnel as an ex officio non-voting member of the Veterans' Education Policy Commission established under Public Law 99-576.

Senate bill: No provision.

Compromise agreement: The compromise agreement (section 15) contains this provision.

Senate bill: The Senate bill (section 13) would provide that the provisions and amendments made by the measure would take effect on October 1, 1987.

House bill: No provision.

Compromise agreement: The compromise agreement (section 16) would provide that (a) sections 2 and 3 would take effect upon enactment except that the title 38 amendments relating to funding for LVER's (proposed new subsection (b)(5) of section 2002A, revised subsection (a) of section 2003A, and revised subsection (a) of section 2004) and for SAAs (proposed new Paragraphs (2) through (4) of section 1774(a)) would take effect for all of fiscal year 1988 and subsequent fiscal years; (b) sections 4 through 11—the sections on the performance of DVOP's and LVER's (section 4), waiver of the residency requirement for Directors and Assistant Directors for Veterans' Employment and training (section 5), the sharing of information regarding potential employers (section 6), responsibilities of personnel (section 7), the National Veterans' Employment and Training Services Instititue (section 8), the study of unemployment among certain disabled veterans and Vietnam theater veterans (section 9), the Secretary's Committee on Veterans' Employment (section 10), and the VJTA amendments (section 11)—would take effect 60 days after enactment; and (c) sections 12 through 15—the sections on the training and employment study and report (section 12), State approving agencies (section 13), the Commission on Veterans' Education Policy (section 14), and revisions of nomenclature (section 15)—would take effect on the date of enactment.

Mr. MURKOWSKI. Mr. President, I am pleased to rise in support of S. 999 as amended. S. 999, if enacted, will lay the foundation for a major improvement in the delivery of employment services to America's veterans. This bill, which is derived from legislation first considered by the Committee on Veterans' Affairs in the spring of 1987 and passed by the Senate last year, represents the fruits of extensive and exhaustive consultation, negotiation, and compromise between the Members of both bodies and both parties. The bill now before us also has the benefit of input from State agencies administering employment programs, the Federal Department of Labor, veterans organizations, and other interested parties.

I am pleased to have been a part of the legislative process through which this bill was nurtured and in which it matured. America's veterans, and the Senate, owe a debt to the participants of this process. The distinguished chairman of the Committee on Veteran's Affairs, who introduced the original bill and with the other members of the committee joined in perfecting its provisions, can be proud of his work. The chairman and ranking minority member of the House Committee on Veterans' Affairs, Representatives MONTGOMERY and SOLOMON, as well as Representatives DOWDY and SMITH, the chairman and ranking minority member of the House Subcommittee on Education, Training and Employment, also played a critical role in perfecting this legislation.

Employment services for veterans are primarily delivered by the employment services of the States. In order to provide for priority services to veterans, the Congress has established and funded a network of local veterans' employment representatives (LVER's] and disabled veterans' outreach program [DVOP] specialists. These LVER's and DVOP's are State employees funded by Federal grants administered by the Veterans Employment and Training Service [VETS] of the Department of Labor. VETS has a Director for Veterans' Employment and Training [DVET] in each State who is responsible for ensuring veterans receive the priority services intended by the Congress.

Mr. President, I believe the major accomplishment of the legislation before us today will be the professionalization of this interlocking network of Federal and State employees upon whom both veterans and the Congress depend for the delivery of services to veterans. This legislation will ensure the State LVER's and DVOP's have the continuity, by stabilizing their funding, training, by providing for a National Veterans' Employment and Training Service Institute; and accountability, by clarifying their responsibilities to, and relationships with, the Federal VETS they need to accomplish their critically important mission.

At the same time, the legislation also clarifies the responsibilities and duties of the Federal DVET's. The overriding theme of this legislation is performance standards, professionalism and accountability on the part of all the parties entrusted with the vital task of ensuring America's veterans have the opportunity to obtain satisfactory employment. It would be difficult to conceive of a veteran's successful transition to civilian life without a satisfactory job. Conversely, a satisfactorily employed veteran has an enormous advantage in addressing any remaining readjustment problems he or she may have.

I am particularly pleased this legislation includes a provision requiring the Department of Labor to regularly report to the Congress on the unemployment of special disabled veterans and veterans who served in the Vietnam theater of operations. As the competition for Federal resources becomes more intense, it becomes more important to maximize the effectiveness of these resources by establishing priorities for their use. The data provided by these reports should be very useful to the Congress in targeting the delivery of employment and other services.

The bill would also extend, from June 30, 1988, to September 30, 1989, the deadlne for a veteran to apply to participate in the Veterans' Job Training Act. The deadline for beginning training would be extended to December 31, 1989, and appropriations of $60 million for each fiscal year's 1988 and 1989 would be authorized. In addition to extending the program, this legislation would implement reforms intended to increase the completion rate of veteran participants.

Mr. President, perhaps the most significant and important provisions in this bill would reform the process by which courses are approved for veterans using VA education benefits. The Congress has wisely vested in the States the authority for approving these courses. This important task is not one which should be performed by a Federal agency such as the VA. At the same time, however, it is a function for which there must be accountability and control. In recent years the approval process has been a very vulnerable one. On the one hand, the States have been subject to uncertainties in the amount and timing of the funding for the State approving agencies [SAA's] responsible for the approval function. This uncertainty has been a legitimate source of irritation to the SAA's and an impediment to the professionalization of the approval process.

On the other hand, the State approval agencies now operate in an unaccountable vacuum. Section 1782 of title 38 specifically prohibits Federal agencies or employees from exercising any supervisions or control over the SAA's. This creates an environment in which it is very difficult for the VA to react if an SAA is not rigorous in the exercise of its responsibilities.

S. 999 addresses both of these concerns. By requiring payment from the readjustment benefits account of an SAA's reasonable expenses, the SAA's are assured of timely and adequate reimbursement of those expenses. At the same time, the legislation requires the VA, in consultation with the SAA's, to develop standards for the performance of the approval function, to monitor SAA's performance against those standards and to take appropriate action should an SAA fail to adequately perform. This requirement for enforceable and enforced standards should help ensure the VA receives the approval data necessary to properly implement veteran's education programs. If an SAA fails to correct deficiencies such a failure could ultimately lead to loss of the contract to provide approval services to the VA.

Another provision, which requires SAA's to develop and make available the specific standards they use to implement the general approval criteria established by Congress will also help ensure the phrase "approved for veterans" has a specific meaning. For example, SAA's will now have to define what "space, equipment, instructional material, and instructor personnel" a school must have to satisfy the requirement, found in 38 U.S.C. 1776(c)(2), that these factors be adequate. I believe these provisions will help ensure the VA/State partnership for providing veterans' education benefits is a fruitful and effective one.

Mr. President, if enacted, this legislation will mark a major advance in the partnership between the State and Federal Governments in delivering services to veterans. As such, I urge my colleagues to join me in support of this bill.

Mr. BYRD. Mr. President, I move that the Senate concur in the amendment of the House and the amendment to the title en bloc.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the Senate agreed to the several measures.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRANSFER OF CERTAIN FUNDS FOR BENEFIT OF CERTAIN MEMBERS OF THE CROW TRIBE

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2273.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2273) entitled "An Act to provide for the transfer of certain funds to the Secretary of the Interior for the benefit of certain members of the Crow Tribe", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. TRANSFER OF FUNDS.

(a) Notwithstanding any other provision of law, the Secretary of Health and Human Services shall transfer to the Secretary of Interior $180,000 of the funds appropriated to provide a grant to the Crow Tribe under section 2604(d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(d)) for fiscal year 1988.

(b) The funds transferred under this section and any other fiscal year 1988 funds, appropriated pursuant to the Low-Income Home Energy Assistance Program, which have been retained by the Secretary of Health and Human Services and which have been allocated, but not distributed, for the benefit of the Crow Tribe, shall remain available for that purpose until expended.

SEC. 2. USE OF TRANSFERRED FUNDS.

The Secretary of the Interior and the Secretary of Health and Human Services shall enter into an Interagency Agreement for the administration on an expedited basis of the funds transferred under section 1. The Agreement shall include assurances that the Secretary of the Interior shall follow the requirements contained in paragraph (1), (2), (5), (7), (8), and (13) of subsection 2605(b) of the Low-Income Home Energy Assistance Act of 1981 and such terms regarding the provision of technical assistance as the Secretaries may deem necessary. All such funds shall be used to provide, through the Crow Agency Social Services Program of the Bureau of Indian Affairs, the assistance and benefits otherwise available under the Low-Income Home Energy Assistance Act of 1981 to households who meet the eligibility criteria established by the Crow Tribe in its grant application for fiscal year 1988 and the agreement between the State of Montana and the Crow Tribe for such year. There shall be equitable consideration of claims or applications involving all forms of energy. If direct vendor payments are made, the vendor shall agree to refrain from termination of service to an eligible household until such time as all administrative actions involving withholding of fiscal year 1988 grants under the Low-Income Home Energy Assistance Act of 1981 from the Crow Tribe have been resolved. The provisions of the Interagency Agreement shall be in lieu of any other legal requirements that would otherwise be applicable to the administration of such funds or the assistance and benefits to be provided with such funds.

SEC. 3. CONSTRUCTION.

Nothing in this Act may be construed to effect administrative actions relating to grants received by the Crow Tribe under section 2604(d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(d)) for fiscal years 1988 or preceding fiscal years or the eligibility of the Crow Tribe to receive a grant for fiscal year 1989, or any succeeding fiscal year.

Mr. BYRD. Mr. President, I move the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virgina.

The motion was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the

Senate concurred in the amendment of the House.

Mr. MURKOWSKI. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONSENT OF CONGRESS TO APPALACHIAN STATES LOW-LEVEL RADIOACTIVE WASTE COMPACT

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 538, H.R. 3025.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 3025) to grant the consent of the Congress to the Appalachian States Low-Level Radioactive Waste Compact.

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD. The Senate is voting today on granting congressional consent to the Appalachian States low-level radioactive waste compact. It will be the eighth low-level waste compact to receive congressional consent. Seven others were granted consent as part of the Low-Level Radioactive Waste Policy Act Amendments of 1985. This is the first compact of its type to be considered by Congress since passage of the 1985 amendments.

Congressional consent to the Appalachian States compact will allow Pennsylvania to proceed with confidence in the process of siting a low-level waste depository. It also provides Congress with the opportunity to restate its commitment to the policy and provisions of the 1985 amendments. The policy is summed up in section 4(a) of the Low-Level Policy Act—States can most safely and effectively manage low-level waste on a regional basis and interstate compacts may be needed for those regional disposal facilities.

There is one specific issue, Mr. President, that I should like to address before the Senate acts on this compact. During the Judiciary Committee's consideration of H.R. 3025, the Department of Justice raised an objection to a specific provision of the Appalachian States compact, article 2(B)(d), on the grounds that it authorizes the compact Commission to enforce Federal regulations.

In short, Justice has taken the position that the enforcement of Federal regulations under this compact constitutes the exercise of "significant authority pursuant to the laws of the United States" and thus, under the holding in Buckley versus Valeo, compact officials in charge of exercising this enforcement authority must be appointed in the manner prescribed by article II, section 2, clause 2 of the Constitution. Since the members of the Appalachian Compact Commission are not appointed in this manner, Justice contends this provision is unconstitutional.

To address this perceived problem, Justice recommended the inclusion of language to clarify that consent to the compact "is granted subject to the condition that the Commission not enforce any Federal statutes or regulations by imposing sanctions or otherwise."

This issue was raised shortly before the Judiciary Committee considered the Appalachian compact. In order not to hold up the compact, the committee approved H.R. 3025 subject to the condition that the bill would not be considered on the Senate floor until the issues raised by Justice were resolved. In the intervening time, the committee has considered the issue carefully and in some detail, and has concluded that the concern raised by the Department of Justice does not warrant an amendment to the compact.

There are a number or reasons why the committee has determined that the language suggested by Justice is not necessary. First, the committee notes that, in large measure, the activities that various member States, either directly or through membership on the compact Commission, are authorized to carry out are carefully described and proscribed by Federal law. Indeed, section 4(b)(3) of the Low-Level Radioactive Waste Policy Act Amendments of 1985 specifically provides that:

> Nothing contained in this Act or any compact may be construed to confer any new authority on any compact commission or State—
>
> (A) to regulate the packaging, generation, treatment, storage, disposal, or transportation of low-level radioactive waste in a manner incompatible with the regulations of the Nuclear Regulatory Commission or inconsistent with the regulations of the Department of Transportation . . .

This is not to say that States or compact commissions have no authority to regulate the packaging, generation, treatment, storage, disposal, or transportation of low-level radioactive waste. Rather, any State program for the regulation of these activities must be "compatible" with the Federal program, in the case of NRC requirement, or not "inconsistent" with the Federal program, in the case of DOT requirements. I should emphasize, Mr. President, that this basic approach to the regulation of activities involving radioactive materials has been a longstanding and well-recognized one—and the compact process simply takes advantage of the programs already in place, defining the respective responsibilities of the Federal and State governments.

To explain this program in more detail, Mr. President, under the Nuclear Regulatory Commission's Agreement States Program, established in section 247 of the Atomic Energy Act, States are required to have an approved agreement State program, compatible with the Federal regulatory program, before being granted the licensing authority over a low-level waste facility.

States must pass enabling legislation to enter into agreement State status. The NRC must certify that the State program is compatible with the standards established by the NRC and that it is adequate to protect the public health and safety. The agreement States program assures that if States take any regulatory action with regard to low-level radioactive waste, it is done in accordance with State laws and that those State laws are compatible and equivalent with those at the Federal level.

Under this program, the Federal Government does not walk away from its responsibility once initial approval is granted. Periodic reviews of agreement State programs by the NRC ensure that the State efforts continue to meet Federal standards. Failure to maintain an adequate program can result in NRC withdrawal of agreement State status, along with the authority to take action with respect to low-level radioactive waste. An understanding of this program accounts for the language of article 2(B)(d) of the compact which clearly limits actions in this area "to the extent authorized by Federal law."

The committee understands that article 2(B)(d) of the Appalachian compact will not allow the member States to enforce Federal regulations, more specifically NRC or DOT regulations, directly, unilaterally, or without prior authorization. The committee believes, however, that this compact and the 1985 act anticipated this potentiality, and established a series of safeguards, as indicated by those I have just described, to make sure Justice's concerns would not be realized.

I note that with respect to the Appalachian compact, this is precisely the understanding that the Appalachian compact States had of the compact when it passed their respective legislatures. Member States have made clear that in enacting the compact as part of their State law, they did not envision direct State enforcement of Federal regulations. I ask that a letter to the chairman of the Judiciary Committee, Senator BIDEN, from the Governors of the Appalachian compact member States, be inserted into the RECORD at the conclusion of my remarks. The letter states in part, that:

> . . . [As] the host state under the compact, Pennsylvania will have to enact health and safety regulations as stringent as federal standards in order to obtain jurisdiction from the Nuclear Regulatory Commission to regulate low-level nuclear waste. Accordingly, Pennsylvania will enforce health and safety standards under its own authority.

Beyond this specific point involving the enforcement of NRC and DOT regulations, there are a number of responsibilities Congress conferred on the States, whether directly or through their compact commissions, when it enacted the 1985 act. To the extent the questions raised by the Department of Justice are not addressed in the preceding analysis, I should note, Mr. President, that the Congressional Research Service has undertaken a detailed analysis of the compact issue—including the authority of States and their respective compact commissions—that I think squarely addresses the concerns raised in the Justice Department letters. In short, the CRS analysis concludes that "the Buckley issue does not raise a significant legal impediment to the regional compacts on low-level waste."

Mr. President, I ask that an exchange of correspondence between Senator Biden and the Department of Justice on this issue be inserted into the Record. I also ask that an analysis of Justice's assertions by the American Law Division of the Congressional Research Service be inserted at this point.

Passage of this compact today reaffirms the stability of the foundation for the Low-level Waste Policy Act. A reaffirmation of the policy contained in that act allows the number of States that are further along in the siting process than the Appalachian compact to also proceed with confidence.

Mr. THURMOND. I agree with the majority leader's analysis of this issue as raised by Justice. It is clear that the provisions of the Appalachian compact do not allow the compact commission to enforce directly Federal regulations. Further, the members of the compact have indicated that they will not attempt to enforce Federal regulations without first establishing the proper authority to enforce such regulations. Based on these considerations, it is proper to grant consent to the Appalachian States low-level radioactive waste compact.

Mr. BYRD. I thank the Senator, the ranking minority member of the Judiciary Committee, and Senator Simpson for their cooperation in addressing Justice's concerns. Although Senator Biden is unable to be here today, his efforts and leadership laid the groundwork for resolving this issue and passage of the compact. I want to make clear his full concurrence with the comments we have made here.

I would also note that passage of the Appalachian States compact represents the highest degree of cooperation among Delaware's congressional delegation. Congressman Tom Carper introduced the House bill which we are passing today. The senior Senator from Delaware, Senator Roth, introduced the Senate version, which, for all intents and purposes, is identical to the House bill. The Judiciary Committee elected to act on the House bill in order to expedite congressional passage, an approach all interested parties agreed to. Of course, Senator Biden, chairman of the Judiciary Committee, was instrumental in guiding the compact through the committee and resolving Justice's concerns in a manner that is acceptable to all.

Again, I thank Senators Thurmond and Simpson for their cooperation and assistance throughout the Judiciary Committee's review of this issue, and I look forward to the President's signature on this bill of such importance to the member States.

Mr. President, I ask unanimous consent that the following items appear in the Record: A letter in support of the compact signed by Governors Casey, Castle, Schaefer, and Moore; correspondence between Senator Biden and the Department of Justice; and a study prepared by the Congressional Research Service.

There being no objection, the material was ordered to be printed in the Record, as follows:

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, December 14, 1987.
Hon. Joseph R. Biden, Jr.,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Dear Senator Biden: We understand that the Justice Department has raised some concern about the constitutionality of a portion of the Appalachian States Low Level Radioactive Waste Compact enabling legislation (H.R. 3025). We want to allay any concern the Justice Department, or your committee, may have in this regard.

In a November 4, 1987, letter to your committee, assistant Attorney General John Bolton stated that language in the Compact authorizing the Compact Commission to impose fines or penalties on low-level waste brokers may violate the Appointments Clause of the Constitution since it appears to permit a commission appointed pursuant to state law to enforce federal law.

While we certainly understand the Justice Department's concern, we do not believe that such a constitutional issue will arise. The Commission that is to be established under the Compact will have authority to adopt and enforce its own regulations and decide issues and controversies arising among the Compact states. The Compact was never intended, however, to apply to activities over which the federal government has exclusive jurisdiction, nor to activities delegated to the individual states by the federal government.

Furthermore, as the host state under the Compact, Pennsylvania will have to enact health and safety regulations as stringent as federal standards in order to obtain jurisdiction from the Nuclear Regulatory Commission to regulate low-level nuclear waste. Accordingly, Pennsylvania will enforce health and safety regulations under its own authority. Similarly the other Compact states have to enact health and safety regulations that meet federal standards in regard to the inspection of low-level radioactive waste packages.

We trust that this issue can be resolved by your committee and that the Senate will be able to approve the Compact legislation for the President's signature before the end of this year. We are working to fulfill the obligations and meet the milestones set forth by the Low Level Radioactive Waste Policy Act Amendments of 1985. Your expeditious approval of the Compact can only assist in that effort.

Sincerely,
Robert P. Casey,
Governor, Pennsylvania.
Michael N. Castle,
Governor, Delaware.
William Donald Schaefer,
Governor, Maryland.
Arch A. Moore, Jr.,
Governor, West Virginia.

U.S. Department of Justice,
Office of Legislative Affairs,
Washington, DC, November 4, 1987.
Hon. Joseph R. Biden, Jr.,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Dear Mr. Chairman: This letter is to offer the views of the Department of Justice on H.R. 3025, a bill to grant the consent of the Congress to the Appalachian States Low-Level Radioactive Waste Compact (Compact), as passed by the House of Representatives on October 13, 1987. Whether this bill should be enacted or not involves questions of policy as to which the Department of Justice defers to other appropriate agencies. The Department does believe, however, that this bill contains one serious constitutional defect that should be eliminated.

Article I, Section A of the Compact establishes the Appalachian States Low-Level Radioactive Waste Commission (Commission) as an "agency and instrumentality of the governments" of the signatory states. The Compact further provides that the members of the Commission are to be "appointed according to the laws" of the signatory states. This method of appointing commissioners would not raise a constitutional problem if the Commission simply enforced state law. The Compact provides, however, that the Commission shall impose fines or other penalties on low-level waste brokers or generators who violate "applicable state and Federal regulations." Enforcing federal regulations clearly constitutes the exercise of "significant authority pursuant to the laws of the United States." *Buckley* v. *Valeo*, 424 U.S. 1, 126 (1976). Therefore, under *Buckley, supra*, if the Commission members are to enforce federal regulations they are "Officers of the United States" and must be appointed in the manner prescribed by Article II, section 2, clause 2 of the Constitution.[1]

The Department believes that the best way of averting the Appointments Clause problem is for Congress to condition its consent to the Compact upon an understanding that the Commission will not enforce federal law. Section 3 of H.R. 3025, which is entitled "Conditions of Consent to Compact," should be amended to add a new subsection (4). Subsection (4) should provide: "(4) is granted subject to the condition that the Commission not enforce any federal statutes or regulations by imposing sanctions or otherwise." This amendment would not prevent the Commission from fulfilling its other duties, and it would remain free to report violations of federal law to the appropriate federal authorities.

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[1] Article II, section 2, clause 2 of the Constitution provides that the President shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The Department also would note that the Compact is less than clear on another point. The Commission is authorized to promulgate regulations to promote a reasonable reduction in the generation of low-level radioactive waste in the region (Art. I(B)(a)) and to govern emergencies (Art. I(B)(o)). The Compact, however, does not grant the Commission authority to enforce these regulations. One must presume that the signatory states plan to enact independently the regulations promulgated by the Commission and to enforce these regulations through the relevant state agencies. The Compact should address explicitly who has the responsibility to enforce the regulations promulgated by the Commission. The ambiguity of the Compact on this point may not justify Congress in withholding consent, but the Department believes that future compacts should avoid such drafting problems.

The Office of Management and Budget has advised us that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

John R. Bolton,
Assistant Attorney General.

November 10, 1987.

Mr. John R. Bolton,
Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice, Washington, DC.

Dear Mr. Bolton: Yesterday, I received a letter from you describing a concern that the Justice Department has with the Appalachian Low-Level Radioactive Waste Compact. The letter specifically objected to the compact on the ground that commission members have the authority to "enforce federal regulations."

During Senate Judiciary Committee hearings in 1984 and 1985, on amendments to the Low-Level Radioactive Waste Policy Act of 1980, the Justice Department addressed the issue raised in your letter. In a May 20, 1985, letter responding to questions from then-Chairman Strom Thurmond, Phillip D. Brady made clear that the department did not believe provisions similar to the one cited in the Appalachian Compact were objectionable.

In light of the earlier analysis and opinion of the Justice Department as expressed to the committee, I would appreciate responses to the following questions:

(1) Why has this issue reappeared as a "serious constitutional defect" in the context of the Appalachian Low-Level Waste Compact?

(2) What specific provisions of the Appalachian Compact raised this concern and how are they different from similar provisions in the compacts that Congress approved as part of the 1985 Amendments?

(3) Why has Justice's concern about this provision been brought to the committee's attention at this late date, well after House action on the compact?

(4) What would be the impact if the language suggested in the letter were adopted for all compacts?

A copy of the Justice Department's 1985 testimony is enclosed. I would appreciate a response by the close of business on Monday, November 16. Thank you for your attention to this request.

Sincerely,

Joseph R. Biden, Jr.,
U.S. Senator.

Office of the
Assistant Attorney General,
Washington, DC, November 17, 1987.

Hon. Joseph R. Biden, Jr.,
Chairman, Judiciary Committee, U.S. Senate, Washington, DC.

Dear Mr. Chairman: This letter responds to your request of November 10, 1987, in which you ask the Department of Justice to answer four questions concerning our constitutional objection to H.R. 3025, a bill to grant the consent of Congress to the Appalachian States Low-Level Radioactive Waste Compact. As you know, the Department objected to H.R. 3025 because it authorized the Appalachian States Low-Level Radioactive Waste Commission, the members of which are appointed by the party States, to impose fines or other penalties on low-level waste brokers or generators who violate "applicable . . . Federal regulations." We maintained, of course, that under *Buckley* v. *Valeo,* 424 U.S. 1, 126, (1976), if the Commission members are to enforce federal regulations, they are "Officers of the United States" and must be appointed in the manner prescribed by Article II, section 2, clause 2 of the Constitution. This letter will answer in order the four questions that you believe are raised by our letter.

First, you ask why, "[i]n light of the earlier analysis and opinion of the Justice Department," this issue has "reappeared" as a "serious constitutional defect" in the context of the Appalachian States Low-Level Radioactive Waste Compact. Apparently, you believe that the position taken by the Department on H.R. 3025 is inconsistent with the opinion expressed by the Department on S. 44, S. 356, and S. 442, bills from the Ninety-Ninth Congress that granted the consent of Congress to the Southeast, Northwest, and Rocky Mountain interstate compacts on the management of low-level radioactive waste. It is clear, however, that nothing in this Department's earlier opinions on these bills is inconsistent with our position on H.R. 3025.

The Department initially opposed S. 44, S. 356, and S. 442 because we believed that the commissions at issue might be understood to be enforcing federal law, in violation of *Buckley* v. *Valeo, supra.* Our concern stemmed from the fact that the commissions were empowered to enforce the compacts themselves, which by virtue of their congressional ratification, could be considered to be "federal law." When we subsequently were informed that each party State had enacted, or was planning to enact, the text of the relevant compact as part of its substantive law, we opined that this particular constitutional problem had been resolved. Under these circumstances, the commissions enforcing the compacts would be considered to be enforcing state, rather than federal, law.

Unfortunately, the problem raised by H.R. 3025 cannot be solved so easily; even if the party States have adopted the Appalachian States Low-Level Radioactive Waste Compact as part of their substantive law, there still is an Appointments Clause problem. We did not find H.R. 3025 to be unconstitutional because the Commission would be enforcing the Compact itelf, but instead because the Commission is authorized to enforce "applicable . . . Federal regulations" against low-level waste brokers and generators. There is no suggestion that the party States have adopted, or plan to adopt, the applicable federal regulations. To the contrary, the Compact implies that such adoption would be unnecessary, because it purports to provide a State with authority directly to enforce federal regulations. In any event, it likely would be impossible for a State to adopt all of the relevant federal regulations as part of its own substantive law. At a minimum, a State would have to comb the Federal Register daily to ensure that any recently promulgated federal regulation arguably applicable to low-level waste brokers and generators was made a part of the State's substantive law.

The answer to your second question follows logically from the analyses above. You have asked "[w]hat specific provisions of the Appalachian Compact raised [the Appointments Clause] concern." There is only one provision that raises this concern, and that is the provision quoted in our letter to you of November 4, 1987. The Compact provides that the Appalachian States Low-Level Radioactive Waste Commission shall impose fines or other penalties on low-level waste brokers or generators who violate "applicable state and Federal regulations." Again, we object only to this provision, which authorizes the Commission to enforce federal regulations. You also ask how this provision differs from "similar provisions in the compacts that Congress approved as part of the 1985 Amendments." As we explained in the answer to your first question, the other compacts authorized the commissions that they created to enforce the compacts themselves, and these compacts were adopted as substantive law by the party States; the other compacts did not authorize the commissions to enforce federal law.

You next ask why "this provision [has] been brought to the committee's attention at this late date, well after House action on the compact." This bill was introduced on July 28, 1987, shortly before Congress began its summer recess. It was reported by the House Committee on Interior and Insular Affairs on September 30, 1987, and by the House Committee on Energy and Commerce just one week later. Neither of these committees asked anyone in the Administration to give his views, legal or otherwise, on the merits of the bill. Despite the failure formally to request the views of the Executive branch, the House was provided with a statement of Administration position on October 7, 1987, the same day that the bill was reported out of the Energy and Commerce Committee. The statement made clear that the Administration believed the bill unconstitutional because it authorized the Appalachian States Low-Level Radioactive Waste Commission to enforce federal law. A House staff member talked to lawyers at the Department of Justice about his constitutional problem. Nevertheless, the House consented to the compact without reservation less than one week after it was reported out of committee. When the Department of Justice learned that the House had passed the bill despite the constitutional infirmity we had identified, we sent the letter to you dated November 4, 1987. Under the circumstances, we believe that we expeditiously informed you of the constitutional issue raised by H.R. 3025.

Finally, you ask what would be the impact if the language suggested in our letter were adopted for all of the compacts. The language we suggested, of course, simply would state that Congress' consent to the Compact was conditioned on the Commission not "enforc[ing] any federal statutes or regulations by imposing sanctions or otherwise." As the preceding discussion makes clear, there is no reason to adopt this language for all compacts. The Department of Justice is not aware of any other compact that grants a commission, the members of which are appointed by the party States, the authority to enforce federal law. Adopting the suggested language for other compacts is therefore unnecessary.

We hope that these answers to your questions will be of some assistance.

Sincerely,

JOHN R. BOLTON,
Assistant Attorney General.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, December 18, 1987.

Mr. JOHN R. BOLTON,
Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice, Washington, DC.

DEAR MR. BOLTON: The Justice Department has raised a concern about a particular provision of the Appalachian States Low-Level Radioactive Waste Compact. I have reviewed Justice's explanation of the issue in question, and would appreciate a clarification of the need for a change in H.R. 3025 or the consent language in light of the following points.

First, in discussing the offending language of Article 2(B)(d) of the Appalachian Compact, Justice seems to overlook that the authorities outlined in that section are limited "to the extent authorized by Federal law . . ."

Second, Section 4(b)(3) of the Low Level Waste Policy Act Amendments of 1985 clearly limits the granting of federal authorities to the compacts. Section 4(b)(4) retains the jurisdiction of Federal agencies and law over the actions of the compacts.

Congress recognizes that the unique structure of interstate compacts can blur the lines between state and federal responsibility. Sections 4(b) (3) and (4) appear to directly address this concern. The Appalachian Compact also seems to take that concern into account through the language of Article 2(B)(d).

I would appreciate your response as to whether the provisions described above adequately address the concern raised by Justice, and if not, why not. I would also appreciate an explanation of what the consent language proposed by Justice in the November 4 letter does that the Act provisions and compact language do not.

Thank you for your attention to this matter.

Sincerely,

JOSEPH R. BIDEN, Jr.,
U.S. Senator.

OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS, OFFICE OF THE ASSISTANT ATTORNEY GENERAL,
Washington, DC, February 2, 1988.

Hon. JOSEPH R. BIDEN,
Chairman, Judiciary Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BIDEN: This letter responds to your request of December 18, 1987, in which you ask the Department of Justice to clarify our constitutional concerns about H.R. 3025, a bill to grant the consent of Congress to the Appalachian States Low-Level Radioactive Waste Compact, in light of several points that you raise. As you know, the Department has constitutional concerns arising from the fact that the Article 1(B)(d) assigns federal enforcement responsibilities to the Appalachian States Low-Level Radioactive Waste Commission, whose membership is appointed by the party States.[1] Because the duties assigned under this provision necessarily involve the enforcement of federal law, we opined, consistent with *Buckley* v. *Valeo*, 424 U.S. 1 (1976), that the officials charged these duties would be "Officers of the United States" and that their appointment by the party States would be inconsistent with Appointments Clause, U.S. Const. art. II, sec. 2, cl. 2. We will address in turn the points that you have raised and explain why they do not resolve this constitutional concern.

You have brought to our attention a caveat found in Article 1(B)(d), limiting the enforcement responsibilities of the Commission "to the extent authorized by Federal law." The presence of this language does not suffice to address the constitutional concern raised in the Compact. Although limiting the operation of Article 1(B)(b) "to the extent authorized by Federal law" necessarily invokes the constraints found in the Constitution, which is, of course, federal law, the insertion of this boilerplate language cannot relieve Congress and the President of their respective obligations to ensure that the laws enacted by the United States are constitutional. While the use of limiting language may sometimes be appropriate to make clear Congress' intent that a law, as applied, not be construed in a manner that would violate the Constitution, it cannot cure a law that is defective on its face. The assignment of federal law enforcement duties to state officials not appointed pursuant to the Appointments Clause is facially invalid. The inclusion of the boilerplate language at issue cannot excuse a constitutional defect such as this any more than it could justify the enactment of unconstitutional legislation employing invidious racial classification.

You also ask us to discuss the relevance of section 4(b)(3) of the Low Level Waste Policy Act Amendments of 1985, as codified at 42 U.S.C. 2021d(b)(3), which, as you observe, limits the granting of federal authority to interstate compacts. In relevant part, that provision supplies a rule of construction to federal courts, instructing that—

"Nothing contained in . . . any compact may be construed to confer any new authority on any compact commission or State . . . to regulate the packaging, generation, treatment, storage, disposal, or transportation of low-level radioactive waste in a manner incompatible with the regulations of the Nuclear Regulatory Commission or inconsistant with the regulations of the Department of Transportation."

42 U.S.C. 2021(d)(3)(A) (emphasis added).[2] Far from precluding impermissible state enforcement of federal regulations concerning low-level radioactive waste, this provision merely directs a state compact commission or State not to act in a manner at odds with applicable federal regulations.

Finally, you have asked us to consider section 4(b)(4) of the Low Level Waste Policy Act Amendments of 1985, as codified at 42 U.S.C. 2021(b)(4), which provides in relevant part that "[n]othing contained . . . in any compact may be construed . . . to diminish or otherwise impair the jurisdiction of any Federal agency." Presumably, you have brought this provision to our attention on the theory that it would preclude States or officers of a state compact commission from enforcing federal regulations concerning atomic energy, thus obviating the need to condition consent to the proposed Compact on the Compact Commission's not enforcing federal law. The provision to which you make reference, however, does not accomplish that end. It does not appear from the face of the Compact that it would diminish or impair federal authority or jurisdiction in the enforcement of low-level radioactive waste. Indeed, it makes use of the Compact Commission to reinforce the execution of federal law.[3]

Our conclusion regarding 42 U.S.C. 2021(b)(4) is unaltered by consideration of its potential relationship to 42 U.S.C. 2271(c), which provides that "(n)o action * * * against any individual or person for any violation under * * * chapter [23 of title 42] * * * shall be commenced except by the Attorney General: *Provided, however,* * * * That nothing in this subsection shall be construed as applying to administrative action taken by the [Nuclear Regulatory] Commission." Our research has revealed no case applying this provision except in the context of precluding "private parties," including political subdivisions of States, from bringing actions to obtain judicial relief for alleged violations of the Atomic Energy Act and implementing regulations. See, *e.g.*, *County of Suffolk* v. *Long Island Lighting Co.*, 728 F.2d 52, 59 (2d Cir. 1984); *Simmons* v. *Arkansas Power & Light Co.*, 655 F.2d 131, 134 (8th Cir. 1981); *Liesen* v. *Louisiana Power & Light Co.*, 636 F.2d 94, 95 (5th Cir. 1981); *Susquehanna Valley Alliance* v. *Three Mile Island Nuclear Reactor*, 619 F.2d 231, 238–39 (3rd Cir. 1980), *cert. denied*, 449 U.S. 1096 (1981). But assuming *arquendo* that 42 U.S.C. 2271(c) goes further and generally confers enforcement jurisdiction upon the Attorney General and the Commission to the exclusion of state administrative proceedings, this would still not cure the constitutional defect in the proposed Compact.

In such circumstances, providing for federal enforcement of atomic energy regulations by a state compact commission would, to be sure, arguably "impair" the exclusive enforcement "jurisdiction" of the Attorney General and the Commission, and 42 U.S.C. 2021d(b)(4) clearly states that an interstate compact may not be construed to have that effect. Any provision having that effect however, would give way to the plain terms of an inconsistent, subsequently enacted interstate compact. Because Congress' granting consent to an interstate compact has the force of a law of the United States, see, *e.g., Cuyler* v. *Adams,* 449 U.S. 433, 438 (1981), any irreconcilable conflict between such a measure and a previously enacted federal law would repeal the earlier statute to the extent of the inconsistency. See *Wood* v. *United States,* 41 U.S. (16 Pet.) 342, 363 (1842) (per Story, J.). While repeals by implication are not favored, *United States* v. *Borden,* 308 U.S. 188, 198 (1940), a statute that called for construing compacts not to confer federal enforcement authority on a state compact commission would plainly be in irreconcilable conflict with a subsequent compact that unambiguously conferred such authority, and the subsequently enacted consent to the compact would likely prevail. Thus, even a preexisting statute prescribing an applicable limiting rule of construction would likely not eliminate the defect we have identified, for the proposed Compact Commission could still engage in the enforcement of federal law.

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[1] Specifically, Article 1(B)(d) directs the Commission to ensure that "low-level waste packages brought into the regional facility conform to applicable . . . Federal regulations" and authorizes the Commission to subject "[l]ow-level waste brokers or generators who violate [such] regulations . . . to a fine or other penalty."

[2] This provision also prescribes other rules of construction not relevant to the issue before us. See 42 U.S.C. 2021(b)(3)(B)-(E).

[3] Although the Supreme Court has held that "the Federal Government maintains complete control of the safety and 'nuclear' aspects of energy generation," the Court has also recognized that the resulting preemption of state law does not affect "the limited powers expressly ceded to the States" by Congress in this field. *Pacific Gas & Electric Co.* v. *Energy Resources Commission*, 461 U.S. 190, 212 (1983). If Congress, by consenting to an interstate compact, cedes further authority to the States, this cannot be read to impair the federal government's preemptive authority, but merely constitutes an exception to the exercise of that authority.

The change that we proposed in our letter of November 4, 1987, addresses the constitutional concern we have raised by explicitly refusing to consent to a provision that would unconstitutionally assign federal law enforcement responsibilities to officials who have not been appointed in the constitutionally prescribed manner. We believe that, practically, this is a relatively minor change in the scheme envisioned, but that it is an essential one to ensure the constitutionality of the proposed Compact.

We hope that these answers to your inquiry will be of some assistance.

Sincerely,

JOHN R. BOLTON,
Assistant Attorney General.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, February 25, 1988.

To: Honorable Joseph R. Biden, Jr., Attention: James Guthrie.

From: American Law Division.

Subject: Constitutionality of the Appointment of Commissioners of Low-Level Radioactive Waste Commissions by the States.

This will respond to your inquiry and our conversations relating to the constitutionality of provisions of the pending Application Low-Level Radioactive Waste Compact that permit state appointment of members of the Commission. Your interest in this matter is occasioned by Department of Justice assertions that the Compact is unconstitutional. In order to analyze the issues that you have raised, consideration of several relevant matters is required. We will review each in turn.

INTRODUCTION

The Appalachian Low-Level Radioactive Waste Compact is presently awaiting congressional approval. Four states—Pennsylvania, West Virginia, Maryland, and Delaware—have taken state legislative actions to establish a low-level radioactive waste compact and are now seeking congressional approval of that Appalachian Compact.[1]

Since 1980, Congress has encouraged states to enter into regional compacts for the purpose of assuming the responsibility for the disposal of low-level radioactive waste generated within the regions. In that year, Congress enacted the Low-Level Radioactive Waste Policy Act.[2] The Act set forth a declaration of federal policy regarding the disposal of low-level radioactive waste: . . . each State is responsible for providing for the availability of capacity either within or outside the State for the disposal of low-level radioactive waste generated within its borders except for waste generated as the result of defense activities of the Secretary [of Energy] or Federal research and development activities . . . and . . . low-level radioactive waste can be most safely and efficiently managed on a regional basis . . .[3]

In order to facilitate the implementation of this policy, Congress provided in the 1980 Act that the "States may enter into such compacts as may be necessary to provide for the establishment and operation of regional disposal facilities for low-level radioactive waste."[4] The 1980 Act constituted, in legal effect, an invitation to the States to submit interstate compacts to the Congress for its approval under the Compact Clause of the U.S. Constitution.[5] It is clear from the legislative history[6] of the 1980 Act that Congress viewed the right of waste exclusion to be an important federally-granted incentive for the states to enter into compacts, since the states could not constitutionally exclude radioactive waste from a region in the absence of federal legislation.[7]

Several states passed legislation establishing regional compacts and presented those compacts to Congress for approval. In 1986, legislation became effective that made certain amendments to the 1980 Act and that approved compacts in seven regions.[8]

Following the 1986 legislation, four states sought approval for another compact. Delaware, Maryland, and Pennsylvania enacted similar versions of language for the Appalachian Compact.[9] The West Virginia legislature had adopted language labelled as the Appalachian Compact, but it was significantly different in many respects from the language adopted by the three other states.

By the summer of 1987, the West Virginia legislature had enacted the same version of the Appalachian Compact[10] that had been adopted by Pennsylvania, Delaware, and Maryland, thereby undertaking to establish a Compact consisting of those four states. Congressional approval to the Appalachian Compact is pending before the 100th Congress.[11]

In the House of Representatives, H.R. 3025 was introduced, and the bill was jointly referred to the House Committee on Interior and Insular Affairs and the House Committee on Energy and Commerce. In the Interior Committee, a hearing was held by the Subcommittee on Energy and Environment on August 4, 1987, and the Committee favorably reported the bill on September 16, 1987.[12] The Subcommittee on Energy and Power of the House Committee on Energy and Commerce held a brief hearing on the bill on October 1, 1987, and the full committee reported the bill on October 6, 1987.[13]

On October 13, 1987, the House of Representatives briefly debated H.R. 3025 and passed it by voice vote.[14] The Compact is now being considered by the Senate Committee on the Judiciary.

DEPARTMENT OF JUSTICE CONCERNS

The Appalachian Compact, like the earlier low-level waste compacts approved by Congress, would approve the establishment of an interstate compact commission that is charged with responsibilities for disposal site selection and other matters under the Compact. The Department of Justice has expressed continuing, if not consistent, concern about the way in which the members of the low-level waste compact commissions would be appointed in light of the constitutional appointments issue raised by *Buckley* v. *Valeo.*[15] The Department of Justice first raised the Buckley issues while Congress was considering the approval of the initial group of low-level radioactive waste compacts: "To the extent that the commission could be considered to have reponsibility for enforcing 'federal law' in the assessment of federally-authorized civil penalties and in the institution of enforcement actions, the commission begins to resemble, at least in practical terms, a federal agency. In *Buckley* v. *Valeo,* 424 U.S. 1, 126 (1976), the Supreme Court noted that similar wide-ranging enforcement powers given to the Federal Election Commission constituted 'executive' functions that could be performed only by 'officers of the United States,' appointed by the President or the head of a federal executive department in conformance to the Appointments Clause of the Constitution. 424 U.S. at 141."[16]

Following its initial view of the Buckley issue, the Department of Justice seemingly reversed itself when it discovered that the states had already enacted the substantive provisions of the compact language as the prerequisite of reaching agreement and providing adequate state authority for a compact to which Congress could give its consent.

"The one constitutional problem identified in our letter that would be a barrier to congressional approval of these compacts is the possibility that members of the various commissions would be considered to be 'officers of the United States' under *Buckley* v. *Valeo,* 424 U.S. 1, 126, 141 (1976), and therefore constitutionally could be appointed only by the President or the Head of a Department in conformance to the Appointments Clause of the Constitution. As discussed in our letter, the *Buckley* problem would arise if the commissions would be considered to have responsibility for enforcing 'federal law' by virtue of congressional ratification of certain aspects of the interstate compacts. We now understand that each party state has enacted, or will enact, the text of each compact as part of its substantive law. Assuming this to be the case, we believe that the enforcement and regulatory authority of the commissions would appropriately be viewed as arising under *state,* rather than *federal,* substantive law. Under these circumstances, no *Buckley* problem would arise."[17]

Later, the Department of Justice took a somewhat different position, no longer believing that a *Buckley* issue existed, because the compact commissions would be enforcing *state* law:

"However, with the exception of the *Buckley* v. *Valeo* issue, we did not intend to suggest in that correspondence that Congress could not, or should not, approve the compacts in their current form. At the time we identified the possible *Buckley* issue, we were not aware that each party state had enacted or would enact, the text of its compact as part of the state's substantive law. That being the case, we believe that implementation and enforcement of the compacts should be viewed as a matter of state, rather federal, substantive law, and therefore *Buckley* v. *Valeo* does not present a constitutional obstacle to congressional ratification of the compact."[18]

Despite these expressions of concern by the Department of Justice, the Congress

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Footnotes at end of article.

passed, and the President signed into law, the 1986 legislation that approved the initial compacts.

Now, the Justice Department has expressed the view that the Appalachian Compact "contains one serious constitutional defect that should be eliminated." This defect is said to arise from a *Buckley* problem:

The Compact further provides that the members of the Commission are to be "appointed according to the laws" of the signatory states. This method of appointing commissioners would not raise a constitutional problem if the Commission simply enforced state law. The Compact provides, however, that the Commission shall impose fines or other penalties on low-level waste brokers or generators who violate "applicable state and Federal regulations." Enforcing federal regulations clearly constitutes the exercise of "significant authority pursuant to the laws of the United States." *Buckley* v. *Valeo*, 424 U.S. 1, 126 (1976). Therefore, under *Buckley, supra*, if the Commission members are to enforce federal regulations they are "Officers of the United States" and must be appointed in the manner prescribed by Article II, section 2, clause 2 of the Constitution. [footnote omitted.] [19]

In a more recent clarification, the Justice Department concluded that the Compact had "a constitutional defect" under *Buckley*, and that the Compact contains ". . . a provision that would unconstitutionally assign federal law enforcement responsibilities to officials who have not been appointed in the constitutionally prescribed manner." [20] Specifically, the Department of Justice has expressed concern about compact language that would permit the Appalachian Compact Commission to enforce certain regulations established by the Nuclear Regulatory Commission.[21]

In light of the foregoing, a comprehensive review of the *Buckley* issue is appropriate in order to provide a thorough explanation of that matter as it relates to the Appalachian Low-Level Radioactive Waste Compact.

THE APPOINTMENTS CLAUSE

The Appointments Clause of the U.S. Constitution [22] establishes the permissible method of appointment of federal "Officers." It provides:

The President . . . shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, *and all other Officers of the United States*, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in Heads of Departments. [emphasis added]

Until the Supreme Court's decision in *Buckley* v. *Valeo* [23] in 1976 the only significant court precedent which provided a definition of the term "officer" was *United States* v. *Mouat*,[24] which vaguely defined "officer" as one who was in the service of the United States. Other cases tried to define "officer" in a generic sense, but were unsuccessful in focusing on the constitutional use of the term.[25]

Buckley v. *Valeo*, however, required a much closer scrutiny of the functions performed by the individual in question. In that case a review of the functions of the Federal Elections Commission resulted in the determination that the provisions of the statute which provided for appointment by means other than Presidential appointment with the advice and consent of the Senate,[26] violated the Appointments Clause because the members of the Commission performed functions as "Officers." *Buckley* clearly held that when the nature of the functions of the individual were such that they could only be performed by "Officers of the United States," the individual *must* be appointed to "Office" in accordance with Article II, Section 2:

We hold that these provisions of the [Federal Election Campaign] Act, vesting in the [Federal Elections] Commission primary responsibility for conducting civil litigation in the courts of the United States for vindicating public rights, violate Art. II, Sec. 2, cl. 2, of the Constitution. Such functions may be discharged only by persons who are "Officers of the United States" within the language of that section.

All aspects of the Act are brought within the Commission's broad administrative powers: rulemaking, advisory opinions, and determinations of eligibility for funds and even for federal elective office itself. These functions, exercised free from day-to-day supervision of either Congress or the Executive Branch are more legislative and judicial in nature than are the Commission's enforcement powers, and are of kinds usually performed by independent regulatory agencies or by some department in the executive Branch under the direction of an Act of Congress. Congress viewed these broad powers as essential to effective and impartial administration of the entire substantive framework of the Act. Yet each of these functions also represents the performance of a *significant governmental duty exercised pursuant to a public law.* While the President may not insist that such functions be delegated to an appointee of his removable at will . . . none of them operates merely in aid of congressional authority to legislate or is sufficiently removed from the administration and enforcement of public law to allow it to be performed by the present Commission. These administrative functions may therefore be exercised only by persons who are "Officers of the United States." [references deleted and emphasis added] [27]

Thus, *Buckley* requires that duties and responsibilities of an "office" be functionally analyzed in order to determine whether the Article II, Section 2 appointment procedures are exclusively controlling. If the "office" entails significant governmental functions established by public law, then an Article II, Section 2 appointment is required.

Despite the broad principles stated in *Buckley* with regard to appointments, it should be observed that *Buckley* was an inter-branch dispute over who could make federal appointments.[28] Questions relating to the appointment of interstate commissions and the delegation of federal powers to non-federal officials require a more extensive analysis of both the Compact Clause and the Commerce Clause of the Constitution.

THE COMPACT CLAUSE

The discussion of *Buckley* raises a number of questions concerning the status of regional entities established pursuant to interstate compacts under the Compact Clause of the Constitution, which provides in pertinent part: no State shall, without the Consent of Congress . . . enter into any Agreement or Compact with another State . . .[29]

The Compact Clause has been historically important as an aspect of joint state activities and multistate relations. And, particularly in recent times it has been the subject of renewed consideration as a device for the resolution of regional problems.[30] The express inclusion of the Compact Clause in the Constitution was intended to both preserve Federal Supremacy and to permit action among states with federal approval.[31] On its face, the Compact Clause appears to prohibit agreements between one state and another without congressional approval. But the interpretation which has been given historically to the Compact Clause has not applied its requirements to all forms of agreements between states. In *Virginia* v. *Tennessee*,[32] the U.S. Supreme Court acknowledged that the Compact Clause could not have been intended by the framers of the Constitution to reach every possible interstate agreement. Instead, the Court concluded, it reached those agreements ". . . which may encroach upon or interfere with the just supremacy of the United States." [33] The Court has upheld a number of interstate agreements entered into without the consent of the Congress that amounted to reciprocal legislation.[34]

In *New Hampshire* v.*Maine*,[35] the Supreme Court applied the *Virginia* v. *Tennessee* test and held that an interstate agreement resolving an ancient boundary dispute did not require the consent of Congress under the Compact Clause. Similarly, in *United States Steel Corporation* v. *Multistate Tax Commission*,[36] the Supreme Court found that the purpose of the Multistate Tax Commission was to promote uniformity in the application of state taxing principles and that Congressional consent was unneeded because the agreement amounted to reciprocal legislation that each state retained freedom to adopt or reject.

There, the Court said that the Compact Clause of the Constitution required congressional approval of compacts only when a compact "enhances state power quoad the National Government." [37] And, most recently, in *Northeast Bancorp, Inc.* v. *Board of Governors of the Federal Reserve System*,[38] the Supreme Court upheld an interstate agreement concerning banking activities that had not been approved by Congress.

By granting, withholding, or conditioning its consent, Congress can protect the interests of both the federal government and of those states that are not parties to the compact.[39]

Historically, several interstate compacts have established interstate regulatory bodies that are vested with the powers to carry on the regulation that is the subject of the compact. Typically, these commissions are vested with state sovereign powers and federal powers to address unique problems. Often compacts are used to permit multistate regional regulation that would ordinarily be within the purview of state regulation, except for the fact that state borders are crossed.

The use of interstate compacts provides great flexibility in fashioning a precise melding of state and federal powers to achieve a solution to problems of interest to both the states and the federal government. The following passage from a leading authority on interstate compacts discusses the possible dimensions of compact approaches:

"The federal enabling legislation containing the text of the compact provides flexibility at the national level in the integration of interstate and national action. Among other things it can provide for federal supplementary or cooperative action, make parallel arrangements in federal law or administration, direct federal administrative aid, or even give the compact the character of federal as well as state law. *It also can be used to incorporate conditioning language to control the impact of the compact on areas of federal sensitivity or quiet the apprehensions of federal agencies.*" [Emphasis added.][40]

Many interstate compacts have created regulatory bodies appointed by the states. A few selected examples illustrate the point. The New York Port Authority Compact established a board to regulate local transportation between New York and New Jersey.[41] The Washington Metropolitan Area Transit Authority Compact established a multistate board to deal with interstate transportation in the Washington, D.C. area, including Maryland and Virginia.[42] The Tahoe Regional Planning Compact established a commission composed of state appointed members to develop and carry out a regional development plan.[43] The Delaware River Basin Compact established a regional agency composed of the governors of various states for planning, conservation, water quality regulation and other matters relating to the basin.[44] Many other interstate compacts could also be cited.

In the case of the compact commissions that have been created for low-level radioactive waste, the members of the regional commissions are appointed by state authorities in accordance with state law.[45]

The foregoing suggests that congressional approval of interstate compacts is only required when a compact would intrude upon some valid federal power. In the case of Commerce Clause powers, compacts purporting to regulate *interstate* commerce would clearly involve such an intrusion. Compacts attempting to regulate an area of *intrastate* commerce affecting interstate commerce and already the subject of preemptive federal legislation would also appear to intrude into the zone of a valid federal power. A more extended discussion of the Commerce Clause is appropriate.

COMMERCE CLAUSE

Congress has broad powers under the Commerce Clause of the Constitution[46] "[t]o regulate Commerce with foreign Nations and among the several States, and with the Indian Tribes."

From the earliest days of the republic, the power of Congress to regulate interstate commerce has remained fundamental to the federal system of government.[47] In the absence of federal regulation over a particular aspect of interstate commerce, the states are not free to undertake such regulation themselves when state regulation would burden interstate commerce.[48] In the areas of interstate waste disposal, the Supreme Court in *City of Philadelphia* v. *New Jersey*,[49] struck down a New Jersey statute barring the importation of waste for disposal in the state as a burden on interstate commerce.

More specifically regarding nuclear waste, the U.S. Court of Appeals for the Seventh Circuit found, among other things, in *Illinois* v. *General Electric Company*,[50] that an Illinois statute that prevented the shipment of spent nuclear fuel into the state was an unconstitutional burden on interstate commerce.

But, even activities that are purely *intrastate* in character have been held to be within the purview of the Commerce Clause and may be the subject of regulation by Congress where the activity affects *interstate* commerce.[51] Moreover, Congress may use the commerce power to protect instrumentalities of interstate commerce or persons or things moving in commerce.[52] The crucial, but liberal, judicial test of valid uses of the commerce clause is whether Congress acted reasonably in adopting a particular regulatory scheme.[53]

Because of the broad powers found under the Commerce Clause and because the Supremacy Clause makes valid federal law superior to state law, the Congress often enacts legislation regulating interstate and intrastate commerce that has the effect of preempting state police powers. However, there is often reluctance to totally preempt state law and Congress sometimes defines a zone of regulation that can be appropriately and coordinately carried out by the states.

Congress has on several occasions delegated federal powers to the states.[54] There are several instances in which Congress has mandated or permitted state enforcement of federal standards. A few selected examples illustrate this point.

Under the Emergency Price Control Act,[55] Congress created a treble-damages remedy and gave jurisdiction under the Act to State as well as federal courts. The Supreme Court upheld this program of state enforcement.[56]

In *Hodel* v. *Virginia Surface Mining & Reclamation Association*,[57] the Supreme Court upheld the Surface Mining Control and Reclamation Act of 1977,[58] which invited the States to submit proposed surface mining regulations to the Secretary of the Interior. If the Secretary approved those regulations, the State enforced them. Alternatively, if a State did not submit a regulatory program, the Secretary developed and implemented a program for the State.

Several statutes, particularly environmental laws, apply federal-state regulatory schemes similar to those upheld in *Hodel*. Among them are:

1) *The Clean Air Act*—42 U.S. Code §§ 7401 *et seq.*, which permits state enforcement of certain air emission standards that are "not less stringent" than federally approved standards. See, 42 U.S. Code § 7416.

2) *The Federal Water Pollution Control Act*—33 U.S. Code §§ 1251 *et seq.*, which permits state enforcement of water pollution "standards of performance for new sources to at least the same extent as . . ." Environmental Protection Agency regulations. See, 33 U.S. Code § 1316(c).

3) *The Noise Control Act*—42 U.S. Code §§ 4901 *et seq.*, which permits state enforcement of railroad noise emission standards that are "identical to the standard" adopted by the Environmental Protection Agency. See, 42 U.S. Code §§ 4916(c)(1) and 42 U.S. Code 4917(c)(1).

4) *The National Traffic and Motor Vehicle Safety Act*—15 U.S. Code §§ 1381 *et seq.*, which permits state enforcement of safety standards that are "identical to a Federal safety standard." See, 15 U.S. Code § 1392(d).

By preempting state law and permitting state enforcement of state regulations that are identical to federal standards, these statutes effectively provide for the federal establishment of federal standards that may be enforced by the states. The fact that a state must also adopt the federal standards as its own as a precondition to enforcement amounts to no more than federal acquiesence in state enforcement of federal standards.

But Congress has gone further than simply permitting state enforcement of federal standards. A case that directly illustrates the point is *Federal Energy Regulatory Commission* v. *Mississippi*,[59] where the Supreme Court upheld, in the face of a Tenth Amendment challenge, the provisions of Section 210 of the Public Utility Regulatory Policies Act, which mandated that each State regulatory authority enforce ratemaking standards promulgated by the Federal Energy Regulatory Commission. Certainly, if Congress can *mandate* state enforcement of federal standards, it can *permit* state enforcement of federal standards, and no case to our knowledge forbids an otherwise valid delegation of federal enforcement authority to the States.

The area of atomic energy is one of the areas over which Congress has exercised its Commerce Clause powers and has largely preempted the states in the area of regulation. One case illustrates the point. In *Pacific Gas & Electric Co.* v. *State Energy Resources Conservation and Development Commission*,[60] the Supreme Court held that a California state law imposing a moratorium was an unconstitutional intrusion into an area of nuclear power plant licensing that had been preempted by the federal government under the Atomic Energy Act of 1954. Specifically, the statutory language imposing the moratorium prevented state certification of new nuclear plants until "there exists a demonstrated technology or means for the disposal of high-level nuclear waste." In reaching its conclusion, the Court made several important observations. First, with respect to the division of regulatory responsibilities between the states and the federal government, the Court noted:

> . . . [A]s we view the issue, Congress, in passing the 1954 [Atomic Energy] Act and in subsequently amending it, intended that the Federal Government should regulate the radiological safety aspects involved in the construction and operation of a nuclear plant, but that the States retain their traditional responsibility in the field of regulating electrical utilities for determining questions of need, reliability, cost, and other related state concerns.[61]

Secondly, the Court made clear its view that under the Atomic Energy Act the states, through their public utility commissions, were empowered to determine the need for power[62] and to determine economic considerations concerning the construction of a particular plant. Thus, [t]he [N]uclear Regulatory Commission] . . . was not given authority over the generation of electricity itself, or over the economic question whether a particular plant should be built.[63]

For these reasons, the Court concluded that the California moratorium posed an improper conflict with federal law:

> A state moratorium on nuclear construction grounded in safety concerns falls squarely within the prohibited field. Moreover, a state judgment that nuclear power is not safe enough to be further developed would conflict directly with the countervailing judgment of the NRC . . . that nuclear construction may proceed notwithstanding extant uncertainties as to waste disposal. A State prohibition on nuclear construction for safety reasons would also be in the teeth of the Atomic Energy's Act's objective to insure that nuclear technology be safe enough for widespread development and use—and would be preempted for that reason.[64]

Similarly, it is clear that the Congress possesses the broad constitutional authority to directly regulate various aspects of low-level radioactive waste disposal, and it could forbid the interstate transportation of radioactive waste or otherwise regulate it

under the authority of federally appointed officers.

Congress has chosen, instead, to forego federal regulation in favor of a form of regulation using interstate compacts. The compact approach has already been the subject of some litigation. in *Washington State Building and Construction Trades Council* v. *Spellman,*[65] the U.S. Court of Appeals for the Ninth Circuit struck down a Washington statute closing the borders of the state to the entry of low-level radioactive waste originating outside the state. In that decision, the court made reference to the Low-Level Radioactive Waste Policy Act of 1980:

After the Washington initiative [the exclusionary statute] was approved by the voters, Congress passed the Low-Level Radioactive Waste Policy Act . . . encouraging the use of compacts between and among states to accomplish regional storage of low-level radioactive waste. At the time the Low-Level Waste Act was passed, Congress was aware of the enactment of [initiative] 383 in Washington.

The Low-Level Waste Act comes closer to yielding control of disposal sites to the state in which the sites are located. The Act permits the establishment and operation of regional disposal facilities through interstate compacts. Because Congress specifically gives permission for regional disposal in this Act, states signatory to a compact could exclude waste from nonsignatory states without violating the Supremacy or Commerce Clauses. Permission to exclude such wastes, however, is conditioned participation in a compact.

The State of Washington has signed the proposed Northwest Interstate Compact on Low-Level Radioactive Waste Management (Northwest Compact) with Oregon, Idaho, Montana and Utah. As of this date, the proposed compact has not received Congressional approval. Until the State participates in a compact which has become law, the Low-Level Waste Act does not grant power to any state to close its borders to interstate traffic in low-level waste.[66]

Thus, rights in each of the low-level radioactive waste compacts to exclude low-level radioactive waste generated outside the region from disposal inside the region are rights that intrude on federal powers under thue Commerce Clause. It is possible that specific provisions of the proposed Appalachian Compact, such as the right of the compact commission to enforce Nuclear Regulatory Commission regulations, involve additional specific intrusions into areas of federal regulation that are already in place. But, this specific intrusion in minor when compared to the more expansive intrusion contained within all of the compacts with regard to the possible prevention of certain interstate movement of nuclear waste.

The mere fact that the power at issue are federal in nature does not give rise, in and of itself, to federal power of appointment.

ANALYSIS

The Department of Justice has argued that the state appointment of compact commission members is not in accord with Article II, Section 2 of the Constitution and that the functional nature of compact commissions is such that *Buckley* is controlling. The analysis of the issue raised by the Department of Justice requires the consideration of other provisions of the Constitution in addition to the Appointment Clause: namely, the Compact Clause and the Commerce Clause. When fully considered, all these provisions of the Constitution suggest compelling legal distinctions that raise significant doubt about the vitality of the Department's assertions. Two principal points should be made.

First, the *Buckley* decision did not address appointments to interstate compact commissions. *Buckley* only dealt with the more narrow question of which branch of the *federal* government should exercise federal appointment authority. The Justice Department cited no case authority for its assertion that the *Buckley* appointment requirements have been extended judicially to commissions created by interstate compacts. On the contrary, the one case that does address that question runs counter to the assertions of the Department of Justice.

Under the Pacific Northwest Electric Power and Conservation Planning Act of 1980, Congress gave substantial responsibilities for future power planning, energy and other resources planning for fish and wildlife planning to a regional authority comprised of state selected representatives from the Pacific Northwest states. The plans developed by the Council have a binding effect in formulating the acquisition of future private energy resources on BPA and many of the activities of the Council are funded from BPA moneys. The regional Planning Council purports to be established as an interstate compact.

The Ninth Circuit Court of Appeals recently decided a case of major significance to the legal status of the Pacific Northwest Electric Power and Conservation Planning Council. In *Seattle Master Builders Association* v. *Pacific Northwest Electric Power and Conservation Planning Council,*[67] the court held that the Appointments Clause of the United States Constitution was not violated by provisions of law establishing the Council and permitting the appointment of members of the Council by the governors of various states. Instead, the Court found that the Council was an interstate compact agency not subject to the Appointments Clause. Although the dissent in the case raises legal questions concerning whether or not the Council is really an interstate compact agency in light of its apparent lack of *state* derived powers, the result in this case is directly contrary to the position taken by the Department of Justice with respect to the state appointment of Appalachian Compact commissioners.

Second, an inquiry as to whether the powers that would be given to the Appalachian Compact Commission are federal or state in nature is not controlling with regard to appointments to the commission.

It can be assumed that the establishment of an interstate compact commission with the approval of Congress involves some effect on federal powers: that is why congressional approval is required in the first place. And, it can be assumed that such a compact commission would exercise sovereign powers that are derived *both* from the federal government and the state governments. Otherwise the commission could be established completely by state law or completely by federal law.

Congress has on several occasions delegated federal powers to the states, which obviously possess their own sovereign powers to establish offices and appoint their own authorities without running afoul of the Appointments Clause. Surely if Congress can permit or mandate state enforcement by state officials of federal law, Congress could permit the establishment of an interstate commission composed of officials appointed from several states to exercise federal powers or to enforce federal standards.

Third, the implications of the position of the Department of Justice would do great harm to the use of interstate compacts as a valuable regulatory alternative. Not only would the low-level radioactive waste compacts and the many other compacts already effective be placed in constitutional jeopardy, but in the future there would be little incentive for states to join together in compacts if all interstate bodies were composed of federally appointed officials. The states might simply prefer to defer to a direct federal exercise of power rather than assume responsibilities under a compact. In short, the genius of the Compact Clause could be undone.

CONCLUSION

For all these reasons, it would appear that the *Buckley* issue does not raise a significant legal impediment to the regional compacts on low-level radioactive waste. The assertions of the Department of Justice that the Appalachian Compact is unconstitutional are not based upon controlling judicial precedent. If adopted judicially, the Department's assertions would undermine not only all of the existing low-level radioactive waste compacts already approved by Congress, but also would likely invalidate virtually every interstate compact that has ever established an interstate regulatory body, because the traditional manner of appointment has been by state authority under state law.

The matter of permitting regional regulation of low-level waste raises the policy issue of whether such regulation should be carried on at the federal level by federal officials, but that issue was seemingly addressed by Congress in the Low-Level Radioactive Waste Disposal Act of 1980. Certainly policy objections to the approval of the Appalachian Compact are appropriate, but to argue now that federal appointments may be desirable as a matter of policy is only to quarrel with the policy judgments made by the Congress in 1980 and in 1985 as the predicates to a federal-state regulatory scheme that is now in place.

ROBERT D. POLING,
Specialist in American Public Law,
American Law Division.

FOOTNOTES

[1] For a general discussion of the pending compact, see "Congressional Approval of the Appalachian Low-Level Radioactive Waste Compact," by Robert D. Poling, American Law Division (November 3, 1987).

[2] Public Law 96-573, 94 Stat. 3347 (1980).

[3] Section 4(a) of Public Law 96-573.

[4] Section 4(a)(2) of Public Law 96-573.

[5] Article I, Section 10, Clause 3, which provides in pertinent part: ". . . no State shall, without the Consent of Congress, enter into any Agreement or Compact with another State . . ." See *Virginia* v. *Tennessee*, 148 U.S. 503 (1893); *New York* v. *O'Neill*, 359 U.S. 1 (1959); *New Hampshire* v. *Maine*, 425 U.S. 363 (1976); and, *United States Steel Corporation* v. *Multistate Tax Commission*, 434 U.S. 452 (1978).

[6] The legislative history of the 1980 Act may be found in Senate Report 96-548, 96th Cong., 2d Sess. (1980); House Report 96-1382, 2 Parts, 96th Cong., 2d Sess. (1980). Debate on the floor of the Senate during original passage may be found at 126 *Cong. Rec.* S 9990 (Daily ed. July 28, 1980); 126 *Cong. Rec.* S 10000—S10010 (Daily ed. July 28, 1980); 126 *Cong. Rec.* S 10050—S 10068 (Daily ed. July 29, 1980); and 126 *Cong. Rec.* S 10239 (Daily ed. July 30, 1980). Debate on the floor of the House of Representatives during original passage may be found at 126 *Cong. Rec.* H 11747—H 11769 (Daily ed. December 3, 1980). Debate on the floor of the Senate during final passage may be found at 126 *Cong. Rec.* S 16539—S 16546 (Daily ed. December 13, 1980). Debate on the floor of the House of Representatives during final passage may be found at 126

Cong. Rec. H 12494—H 12497 (Daily ed. December 13, 1980).

[7] See, for example, 126 *Cong. Rec.* S 10057—S 10059 (Daily ed. July 29, 1980) (Remarks of Senator Thurmond). See also, *City of Philadelphia* v. *New Jersey*, 437 U.S. 615 (1978); *Illinois* v. *General Electric Company*, 683 F.2d 206 (7th Cir. 1982), cert. denied, 461 U.S. 913 (May 2, 1983); and, *Washington State Building and Construction Trades Council* v. *Spellman*, 684 F.2d 627 (9th Cir. 1982), cert. denied, 461 U.S. 913 (May 2, 1983).

[8] Public Law 99-240 (1986).

[9] See, 7 Delaware Code Annotated Section 8001; Annotated Code of Maryland, Health-Environmental, Section 7-301; and, 35 Purdon's Pennsylvania Statutes Annotated Sections 7125.1.

[10] See, West Virginia Senate Bill 226 which amended West Virginia Code Annotated Sections 29-1H-1 et seq. by substituting the version of the Appalachian Compact adopted by Pennsylvania, Delaware, and Maryland for the earlier version adopted by West Virginia.

[11] In the House of Representatives, H.R. 3025 was introduced by Representative Carper (with several cosponsors) on July 28, 1987. In the Senate, S. 1551 was introduced by Senator Roth on July 24, 1987.

[12] House Report 100-322, Part 1, 100th Cong., 1st Sess. (1987).

[13] House Report 100-322, Part 2, 100th Cong., 1st Sess. (1987).

[14] See, 133 *Cong. Rec.* H 8578—H 8584 (Daily ed. October 13, 1987).

[15] 424 U.S. 1 (1976).

[16] Letter to the Honorable Strom Thurmond from Robert A. McConnell, Assistant Attorney General, Office of Legislative and Intergovernmental Affairs, U.S. Department of Justice (September 19, 1984), reprinted in Management Compacts on Low-Level Radioactive Waste, Hearing before the Senate Committee on the Judiciary, 99th Cong., 1st Sess. (1985), at 66-71.

[17] Letter to Honorable Strom Thurmond from Robert A. McConnell, Assistant Attorney General, Office of Legislative and Intergovernmental Affairs, U.S. Department of Justice (October 5, 1984), reprinted in Management Compacts on Low-Level Radioactive Waste, Hearing before the Senate Committee on the Judiciary, 99th Cong., 1st Sess. (1985), at 72-73.

[18] Testimony of Ralph W. Tarr, Acting Assistant Attorney General, Office of Legal Counsel, Management Compacts on Low-Level Radioactive Waste, Hearing before the Senate Committee on the Judiciary, 99th Cong., 1st Sess. (1985), at 61-65.

[19] Letter to the Honorable Joseph R. Biden, Jr. from John R. Bolton, Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice (November 4, 1987).

[20] Letter to the Honorable Joseph R. Biden from John R. Bolton, Assistant Attorney General, Office of Legislative and Intergovernmental Affairs, U.S. Department of Justice (February 2, 1988).

[21] The specific analysis of whether various provisions of the proposed Appalachian Compact, when read together, would permit compact commission enforcement of Nuclear Regulatory Commission regulations is a separate question that is beyond the scope of this analysis. This analysis assumes that is what the Compact would provide.

[22] Article II, Section 2, clause 3.

[23] 424 U.S. 1 (1976).

[24] 124 U.S. 303 (1888).

[25] See for example, *Matter of Hathway*, 71 N.Y. 238 (1877); and, *McArthur* v. *Nelson*, 81 Ky. 67 (1883). See also, *United States* v. *Germaine*, 99 U.S. 508 (1879).

[26] In *Buckley* non-compliance with the Appointments Clause was of concern because the statutory provisions regarding the appointment of the members of the Federal Elections Commission involved appointment by various members of Congress.

[27] *Buckley, supra*, at 140-141.

[28] It might be noted that the Court of Appeals for the District of Columbia Circuit recently struck down the appointment of a special prosecutor as violative of the Appointments Clause, again deciding an inter-branch dispute over federal appointments. See, *In Re: Sealed Case*, F.2d , (Misc. Nos. 87-00197, 8700205 and 87-00215) (D.C. cir. January 22, 1988); probable jurisdiction noted, *sub nom. Morrison* v. *Olson*, U.S. , No. 87-1279 (February 22, 1988).

[29] Article I, Section 10, Clause 3 of the U.S. Constitution.

[30] See, Lagassa, State Utility Commission As Vestigial Organs: The Need for Regional Governance of Electric Utilities, 28 *Kansas Law Review* 291 (1980); and, Poling, Regional Perspectives in Energy Regulation, 1 *Bell Atlantic Quarterly* 45 (Winter 1984).

[31] See, Weinfeld, What Did the Framers of the Federal Constitution Mean by "Agreement or Compact? 3 *University of Chicago Law Review* 453 (1936).

[32] 148 U.S. 503 (1893).

[33] *Id.*, at 519.

[34] See, for example, *St. Louis & San Francisco Railway Co.*, v. *James*, 161 U.S. 545 (1896); *Hendrick* v. *Maryland*, 235 U.S. 610 (1915); *Bode* v. *Barrett*, 344 U.S. 583 (1953); and *New York* v. *O'Neill*, 359 U.S. 1 (1959).

[35] 425 U.S. 363 (1976).

[36] 434 U.S. 452 (1978).

[37] *Id.*, at 473.

[38] 472 U.S. 159, 105 S.Ct. 2524 (1985).

[39] See, *Petty* v. *Tennessee-Missouri Bridge Commission*, 359 U.S. 275 (1959); and, Frankfurter & Landis, The Compact Clause of the Constitution—A Study in Interstate Adjustments, 34 *Yale Law Journal* 685 (1925).

[40] Zimmerman and Wendell, *The Law and Use of Interstate Compacts* (The Council of State Governments 1961) 26.

[41] See, 42 Stat. 174 (1921) and 42 Stat. 822 (1922).

[42] See, 80 Stat. 1324 (1966), and 86 Stat. 466 (1972).

[43] See, 83 Stat. 360 (1969).

[44] See, Public Law 87-328, 75 Stat. 688 (1961).

[45] The Southeast commission consists of two voting members from each party state "appointed according to the laws of each state . . ." under Article 4(A). See, Public Law 99-240, 99 Stat. 1842, 1874. The Northwest committee consists of one official designated by the governor of each party state under Article V. See, Public Law 99-240, 99 Stat. 1842, 1862. The Rocky Mountain board consists of one member from each party state. Under Article VI(b), "[t]he governor shall determine how and for what term its members shall be appointed, and how and for what term any alternate may be appointed to perform that member's duties on the board in the member's absence." See, Public Law 99-240, 99 Stat. 1842, 1905. The Central commission consists of one member from each party state "appointed according to the laws of each state" under Article IV(a). See, Public Law 99-240, 99 Stat. 1842, 1866. The Central Midwest commission consists of two voting members from each state eligible to be a host state, one voting member who is a member of the County Board of or who is a County Commissioner of each host county under Article III(a). "The Governor of each party state shall notify the Commission in writing of its members and any alternates." See, Public Law 99-240, 99 Stat. 1842, 1883. The Midwest commission consists of one voting member from each party state with "[t]he Governor of each party state . . . [to] notify the Commission in writing of its members and any alternates" under Article III(a). Public Law 99-240, 99 Stat. 1842, 1894.

[46] Article I, Section 8, clause 3.

[47] *Gibbons* v. *Ogden*, 9 Wheat. (22 U.S.) 1 (1945).

[48] *Southern Pacific Co.* v. *Arizona*, 325 U.S. 761 (1945).

[49] 437 U.S. 615 (1978).

[50] 683 F.2d 206 (7th Cir. 1982), cert. denied, 461 U.S. 913 (1983).

[51] See, *United States* v. *Darby*, 312 U.S. 100 (1941); *Wickard* v. *Filburn*, 317 U.S. 111 (1942); *United States* v. *Wrightwood Dairy Co.*, 315 U.S. 110 (1942); *Heart of Atlanta Motel, Inc.* v. *United States*, 379 U.S. 294 (1964).

[52] *Perez* v. *United States*, 402 U.S. 146 (1971).

[53] *Heart of Atlanta, supra;* and *Katzenbach* v. *McClung*, 379 U.S. 294 (1964).

[54] See for example, *United States* v. *Sharpnack*, 355 U.S. 286 (1958); and see, Kauper, Utilization of State Commissioners in the Administration of the Federal Motor Carrier Act, 34 *Michigan Law Review* 37, 46-49 (1935).

[55] 56 Stat. 23, 34 (1942).

[56] *Testa* v. *Katt*, 330 U.S. 386 (1947).

[57] 452 U.S. 264 (1981).

[58] 91 Stat. 445 (1977), 30 U.S. Code § 1201 *et seq.*

[59] 456 U.S. 742 (1982).

[60] 461 U.S. 190 (1983).

[61] *Id.*, at 205.

[62] The Court cited with approval language from *Vermont Yankee Nuclear Power Corp.* v. *National Resources Defense Council, Inc.*, 435 U.S. 519, 550 (1978), concerning the authority of the states to make the "initial decision" on the need for power.

[63] *Id.*, at 207.

[64] *Id.*, at 213.

[65] 684 F.2d 627 (9th Cir. 1982), cert. denied, 461 U.S. 913 (1983).

[66] *Id.*, at 630.

[67] 786 F.2d 1359 (9th Cir. 1986), cert. denied U.S., 107 S.Ct. 939 (1987).

Mr. THURMOND. Mr. President, I rise today to support passage of H.R. 3025, the Appalachian States Low-Level Radioactive Waste Compact. This bill grants congressional consent to Pennsylvania, West Virginia, Maryland, and Delaware to enter into an interstate compact to provide for the disposal of low-level radioactive waste.

In the final days of the first session of the 99th Congress, we passed the Low-Level Radioactive Waste Policy Act amendments and also gave consent to seven regional compacts. Under the act, States must provide for the disposal of their own low-level radioactive waste by January 1, 1993. This act also sets up a series of milestones that must be met before 1993 in order to ensure the development of sites for the disposal of such waste. The act specifically provides that all such compacts must receive congressional consent.

In considering this compact, the Judiciary Committee examined two issues. First, compact membership, and second, the constitutionality of a particular provision in the Appalachian compact. With regard to compact membership, the committee determined that giving consent to this compact should not be construed as relieving Maryland and Delaware of any legal obligation, if any, they may have incurred as a result of their membership in the Northeast compact which was approved by Congress in 1985. On the constitutional issue, Senator BYRD and I engaged in a colloquy today stating the reasons why the Judiciary Committee believes that this compact does not raise constitutional concerns. I am pleased that both of these issues have been addressed and that we are able to grant consent to this compact today.

With the approval of the Appalachian compact, 39 States have joined compacts. Other States, Texas for one, have expressed their intent to build their own sites. Substantial progress toward site development has been made by these States. I encourage them to keep up their good work. With regard to those States that have not made progress, I strongly urge them to take the obligation imposed by the act seriously and begin to plan for the future disposal of their waste. If all States work together in this area, there will be a functioning nationwide system for the disposal of our low-level waste on January 1, 1993.

In closing, I would like to commend my good friend from Delaware, Senator ROTH, for introducing the Appalachian compact in the Senate in the 99th and 100th Congresses and for working for passage this Congress. I urge my colleagues to support this important measure.

Mr. ROTH. Mr. President, I am pleased to be here today and speak about legislation that I introduced in the 99th Congress, and again in the 100th Congress. It gives congressional consent to the formation of the Appalachian Low-Level Waste Compact.

It is with a sense of satisfaction that I rise to address this legislation. For reasons of expediency the Judiciary Committee, with my approval, decided to pass the House of Representatives reported bill (H.R. 3025) instead of the bill (S. 1551) that I had introduced. Since H.R. 3025 was introduced by the lone Representative of Delaware [Mr. CARPER] and the bill was reported out of the Judiciary Committee which is chaired by our colleague from Delaware [Mr. BIDEN] we have a real Delaware affair here today. I am pleased to have been a part of this cooperative effort, and it is with much gratitude that in addition to Senator BIDEN I thank my colleague from South Carolina [Mr. THURMOND] and my colleague from Wyoming [Mr. SIMPSON] for their active involvement. Without their expertise and constructive participation we would not be where we are today. H.R. 3025 is sensible and needed legislation, because it ensures steady progress in the opening of a low level nuclear waste disposal facility for all the States in this compact.

Mr. President, the Low-Level Radioactive Waste Policy Act of 1980 required that States establish regional compacts for the disposal of low-level radioactive waste produced by States within the compact. This act takes responsibility for the disposal of this waste from sites in South Carolina, Nevada, and Washington and places it with the producing States. This compact addresses the needs of Delaware, Maryland, Pennsylvania, and West Virginia.

In 1985 the Low-Level Radioactive Waste Policy Act amendments became law. Title I of these amendments set forth the means by which the 1980 act could be enacted by defining responsibilities for the disposal of low-level radioactive waste, providing incentives for States to move forward in developing regional disposal sites, and setting policies that will govern the transition to the regional disposal sites. Title II of the amendments established the Omnibus Low-Level Radioactive Waste Interstate Compact Consent Act. This gave consent to the Northwest, Central, Southeast, Central Midwest, Midwest, Rocky Mountain, and Northeast Interstate Low-Level Radioactive Waste Management Compacts.

As you are well aware, the disposal of low-level radioactive waste involves numerous difficult issues which, of necessity, must be addressed. The problems, as well as the solutions, are both complex and controversial. Our inability to squarely confront these issues has meant that the timely and proper disposal of low-level radioactive waste has not always been possible. While the elimination of such waste would be ideal, the activities that produce it play vital roles in the economy, both as a source of employment and in making contributions to our quality of life. Producers include hospitals, research facilities, and industry. The wastes produced include rags, protective clothing, radiopharmaceuticals, and lab equipment. Although these wastes do not pose the same threat to health and safety as does high-level radioactive waste produced by nuclear powerplants, we must still take care to dispose of them in a responsible and timely manner.

Mr. President, the Appalachian Compact legislation (H.R. 3025) establishes an organization and describes the procedures under which Delaware, Maryland, Pennsylvania, and West Virginia can, in a responsible and timely manner, develop new disposal capacity for low-level radioactive waste generated in the region. The compact has been ratified, in identical form, in all four States. It is imperative that we act quickly so that we can follow the goals established by the Congress and that low level waste can be safety disposed of. We must meet the safety and health needs of the people in this region. As a matter of fact, these States have progressed rapidly in the pursuit of their responsibilities, and a siting hearing has been scheduled for early May.

I urge my colleagues in the Senate to support the passage of this legislation.

The PRESIDING OFFICER. The bill is before the Senate and open for amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

DESIGNATION OF "JUST SAY NO WEEK"—HOUSE JOINT RESOLUTION 545

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 545, a joint resolution just received from the House.

The PRESIDING OFFICER. The clerk will state the joint resolution.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 545) designating May 8-14, 1988, as "Just Say No Week."

The PRESIDING OFFICER. The joint resolution will be considered to have been read the second time at length. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 545) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. MURKOWSKI. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

JOINT RESOLUTION INDEFINITELY POSTPONED—SENATE JOINT RESOLUTION 300

Mr. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 641, Senate Joint Resolution 300, the Senate companion measure, be indefinitely postponed.

The PRESIDING OFFICER. With objection, it is so ordered.

BILL PLACED ON CALENDAR—H.R. 1315

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 1315, the Nuclear Regulatory Commission authorization bill, and that it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRECTING SENATE LEGAL COUNSEL TO TAKE CERTAIN ACTION

Mr. BYRD. Mr. President, on behalf of myself and Mr. DOLE, I send a resolution to the desk and ask that it be immediately considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 423) to direct the Senate legal counsel to represent a Senate employee in the case of *Korb* v. *Lehman, et al.* (E.D. Va.)

There being no objection, the Senate proceeded to the immediate consideration of the resolution.

Mr. BYRD. Mr. President, Lawrence J. Korb, a former head of the Washington office of the Raytheon Co., has filed an action in the U.S. District Court for the Eastern District of Virginia against John F. Lehman, Jr., former Secretary of the Navy; other present or former Navy officials; and Carl M. Smith, minority staff director of the Committee on Armed Services. Mr. Korb alleges that communications by the defendants to his former employer resulted in Raytheon's termination of his employment as head of its Washington office, and were made to penalize him for exercising his first amendment right, while a private citizen employed by a defense contractor, to advocate a defense budget that differed from the administration's.

This matter has been carefully reviewed by the chairman of the Committee on Armed Services [Mr. NUNN] and the ranking minority member of the committee [Mr. WARNER], as well as the Office of Senate Legal Counsel. The resolution authorizing representation by the Senate Legal Counsel is premised on Mr. Smith's representations that his communications in this matter were not intended to injure the plaintiff and that he proceeded in the good-faith belief that he was acting in the course of his official responsibilities.

In offering this resolution, I would like to emphasize that all members of the Senate community should remember when carrying out their responsibilities, that the Senate, and the Nation as a whole, are the beneficiaries of robust public discussion of the difficult issues of national policy that we confront.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 423) agreed to.

The preamble was agreed to.

The resolution with its preamble, reads as follows:

S. RES. 423

Whereas, in the case of *Lawrence J. Korb* v. *John F. Lehman, Jr., et al.*, Civil Action No. 88-0207-A, pending in the United States District Court for the Eastern District of Virginia, the plaintiff has named Carl M. Smith, Minority Staff Director of the Senate Committee on Armed Services, as a defendant;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(1) (1982), the Senate may direct its counsel to defend an employee of the Senate in a civil action in which there is placed in issue the validity of an action taken by the employee in his official capacity: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Carl M. Smith in the case of *Korb* v. *Lehman, et al.*

DIRECTING SENATE LEGAL COUNSEL TO TAKE CERTAIN ACTIONS

Mr. BYRD. Mr. President, I send to the desk a resolution on behalf of myself, and I ask for its immediate consideration.

The PRESIDING OFFICER. The Clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 424) to direct the Senate legal counsel to represent Senate employees and authorize testimony and production of documents in the case of *Adamson* v. *Radiosevic, et al.*

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, the plaintiff in a civil action resulting from a bid dispute about a contract to construct housing for the Army post at Fort Leavenworth, KS, has obtained subpoenas for a member and a former member of Senator DOLE's staff to testify and produce documents at a deposition concerning communications with the Republican leader's office pertaining to the contract dispute.

This resolution will authorize the Senate Legal Counsel to represent these staffs, Walt Riker and Mike Pettit, and any other present or former employees who may be subpoenaed, and will also authorize them to testify and produce documents and that are relevant and unprivileged.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 424) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 424

Whereas, in the case of *Adamson v. Radosevic, et al.*, Case No. 87-2105-O, pending in the United States District Court for the District of Kansas, the plaintiff has obtained subpoenas for the testimony and production of documents by Walt Riker and Mike Pettit, a member and former member of Senator Dole's staff;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2) (1982), the Senate may direct its counsel to represent current or former employees of the Senate with respect to subpoenas issued to them in their official capacity;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony or documents, papers, and records of the Senate may be needful for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Walt Riker, Mike Pettit and any other current or former Senate employees in the case of *Adamson v. Radosevic, et al.*

SEC. 2. That Walt Riker, Mike Pettit, and any other subpoenaed employees or former employees are authorized to testify and to produce documents in the case of *Adamson v. Radosevic, et al.*, to the extent that any such testimony and documents are determined to be both relevant and not privileged.

SOFT DRINK MANUFACTURERS REFERRED

Mr. BYRD. Mr. President, I ask unanimous consent that a bill introduced earlier today by Senator INOUYE dealing with soft drink manufacturers be jointly referred to the Committee on the Judiciary, and the Committee on Commerce, Science, and Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDITIONAL ADJOURNMENT OF THE SENATE

Mr. BYRD. Mr. President, I send to the desk an adjournment resolution.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A Senate concurrent resolution (S. Con. Res. 116) providing for a conditional adjournment or recess of the Senate from April 29, 1988, until May 9, 1988.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the concurrent resolution be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution is as follows:

S. CON. RES. 116

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns or recesses at the close of business on Friday, April 29, 1988, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand adjourned or recessed as the case may be until 11 a.m. on Monday, May 9, 1988, or until 12 o'clock meridian on the second day after the Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in his opinion, the public interest shall warrant it.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

ORDERS FOR FRIDAY

RECESS UNTIL 11 O'CLOCK

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until tomorrow morning at 11 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow after the two leaders have been recognized under the standing order there be a period for morning business not to extend beyond 1 hour, and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, on tomorrow the Senate will convene at 11 o'clock.

After the two leaders have been recognized under the standing order, there will be a period for morning business not to exceed 1 hour, and Senators will be permitted to speak therein under the order for not to exceed 5 minutes each.

Bills, resolutions, memorials, and petitions may be presented.

There will be no rollcall votes. If business is transacted, it will be by unanimous consent.

I apologize to the Chair, and to the distinguished Senator from Alaska for my keeping them waiting, and I thank them for their patience after a long day's hard work on the part of both of them.

I was in a very important meeting with some other Senators, and that meeting had to be completed tonight. I probably should have been more aware of the fact that the Senate was in a quorum call. I could put the Senate in recess, but I did not do it because of inadvertence on my part. And again, I apologize to them and to all the officers and members of the staffs, pages, security people, and everyone who has had to stay here because of this delay.

I thank them.

Mr. President, if the distinguished acting leader has nothing further to say, or any business he wishes to transact, I will be glad to yield the floor.

Mr. MURKOWSKI. Mr. President, I thank the majority leader. I want to assure the majority leader it is always a pleasure and certainly an honor for the junior Senator to take the opportunity of acting in the capacity of the minority leader, and that it is one of the rare privileges to serve with such a distinguished parliamentarian and historian of the Senate. I wish he and all my colleagues a very pleasant recess.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I want to say on the record that he is one of the nicest Senators to this leader that we have in the Senate. Sometimes I have my problems, but he is not one of those problems to this Senator. I thank him.

I appreciate his patience, and I hope that he and his family and all who are here, and all who have gone from this Chamber, will have a very restful and enjoyable week.

I know that all of us will probably go back to our States, at least at some point or points during our week. I also express my hope that our journeys to and from will be safe ones.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BYRD. Mr. President, if there is no further business to come before the Senate—and I see none—I move, in accordance with the order previously entered, that the Senate stand in recess until 11 o'clock tomorrow morning.

The motion was agreed to, and at 10:36 p.m. the Senate recessed until tomorrow, Friday, April 29, 1988, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate April 28, 1988:

THE JUDICIARY

CHARLES R. BUTLER, JR., OF ALABAMA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ALABAMA, VICE EMMETT RIPLEY COX, ELEVATED.

ERIC H. HOLDER, JR., OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS, VICE VIRGINIA L. RILEY, DECEASED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370.

To be vice admiral

VICE ADM. GLENWOOD CLARK, JR., [redacted]/1444, U.S. NAVY.

IN THE NAVY

THE FOLLOWING-NAMED COMMANDERS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be captain

MICHAEL L. ADAMS
JOHN L. ALMEIDA, JR
IGNACIO NMN ARRIBAS
MARK VINCENT BROWN
JACOB KEITH CRITTENDEN
ROBERT BROUGHT DAGGETT
RODNEY CARLISLE DWYER
BRUCE DAVID FELDMAN
RICHARD WALTER FOLEY
DENNIS MARVIN GILMORE
FRED SCHEERER GIRTON
WILLIAM M. HEROMAN
RICHARD J. HILDER, JR
ROBERT DUANE HUFSTADER
JAMES AVERY JOHNSON
LARRY HUGH JOHNSON
FARRUKH MAHMOOD KHAN
JOEL C. LABOW
ANGELINE LAZARUS
DALE F. LEONARD
WILLIAM G. LITTMAN
WILLIAM DELMAR J. LONON
JAMES VINCENT MCDARBY
WILLIAM I. MILLER
JUDITH MORALES
ROBERT BERNARD MURPHY
EDWARD CHARLE OLDFIELD
LEWIS OTERO
RICHARD HEUS OTTEN
BONNIE BURNHAM POTTER
BILLY BALLARD RICHMOND
GEOFFREY LAWRENCE ROBB
DONALD B. ROBINSON
JOHN T. ROWE
JONATHAN A. SCHNEIDER
HAROLD ANDREW SLOAS, JR
RONNIE DALE THOMAS
LEE HOWARD VENSEL
WILLIAM N. YANG

SUPPLY CORPS OFFICERS

To be captain

RANDALL C. ALLEN
GARY JOHN ANGELOPOULOS
GARY LYNN AVERETT
GEORGE PATRICK BEAMER
ROBERT ROY BIDWELL
ROGER WILLIS BRISTOL
KENNETH RAY CHASE
BARRY LEE COHEN
CHRISTOPHER DAVIS DEMERITT
RICHARD ELGIN
WILLIAM GORDON FACKENTHALL
KENNETH WAYNE FITZGERALD
ALBERT JOHN GRAF, III
RICHARD HOWARD GUNDERSON
GEORGE HAMBRE HUBAN, JR
TERRY ALAN IPPEL
DANIEL WEBSTER KIMBALL
LESLIE ALLEN KROGH
DONALD HENRY LARMEE, JR
ALBERT MICHAEL LEWIS
THOMAS JAMES MALSACK
RICHARD HENRY MASON
JEFFREY HORACE MCCURDY
FRANCIS XAVIER POOLE
JAMES CLAY ROBERTSON
MARTIN JOSEPH SCHILDWACHTER
NICHOLAS JOSEPH SCHMITT
DOUGLAS WILLIAM SMITH
REED ALVORD SULLIVAN
GIRARD PAUL THEISS
MICHAEL GORDON VANCE
MELVILLE JOSEPH WALTERS, III

CHAPLAIN CORPS OFFICERS

To be captain

HUGH THOMAS BROGAN
BERNIE LEE CALAWAY
BERNARD FRANKEL
WILLIAM LEE PERRY
JAMES CHARLES WILLIAMS

CIVIL ENGINEER CORPS OFFICERS

To be captain

COGAL DAVID BINNING, JR
JOHN GARRETT DEMPSEY
JOHN ROGER FAUNCE
CHRISTOPHER JOHN GUILD
THOMAS EDWARD GUNN
THOMAS MATTHEW HAGGE
CHARLES ALAN JOHANNESMEYER
JAMES PATRICK KOVALCIK
JOSEPH NACE LOYACANO
PETER WAYNE MARSHALL
GARY ELLIS MONROE
ALEC TODD PRINGLE
JAMES ANTHONY RISPOLI
MATHIAS CHARLES SCHRAMER
LAWRENCE SZUTENBACH
THOMAS JOHN TANNER
RAYMOND STEWART TYLER
PETER PAUL VADAS
JERRY LEROY VERNON

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be captain

CARLSON M. LEGRAND
ARTHUR RICHAR PHILPOTT
CHARLES W. TUCKER

DENTAL CORPS OFFICERS

To be captain

JOHN MICHAEL AMBROSE
ROBERT ANDRE BRUNHOFER
THOMAS DEL CARLSON
GARY GORDON COOK
HENRY JAMES DEANGELIS
JOSEPH ANTHONY DRAUDE
ANTHONY JOSEPH FARACE
GEORGE WINSTON FREEMAN
FRANCIS J. GALLAGHER
GEORGE HERBERT GRAF
LARRY GEORGE HERRMAN
ROBERT CHRIST HERRMANN
AUGUSTYNE VEDESTE HILL
WILLIAM LINDSEY HOLTON
JOSEPH MICHAEL KELLY
JAMES ALLEN KEMP
GREGORY J. KVASKA
JEFFREY A. LANE
LAWRENCE R. LATONA
PETER GERARD LYNCH
MARK JOHN MAILANDER
STEPHEN WILLIAM MALLEY
EDWARD A. MONACO, JR
JERRY EUGENE MORLEY
HUGH E. MURRAY, III
JAMES LEONARD PETERSON
THEODORE EVERETT ROCHA
JEFFREY WILLIAM RODDEN
RONALD B. SCHATZ
JOHN JOSEPH SIMKOVICH
TIMOTHY SHELBURN SMITH
THOMAS FREDER STYRLUND
MICHAEL J. TABACCO
GEORGE JOSEP TARQUINIO
JOHNNIE E. TURNER
RONALD ADAM WIDLAK
DENNIS DUANE WOOFTER
THOMAS GRIDLEY WRIGHT

MEDICAL SERVICE CORPS OFFICERS

To be captain

CHARLES WARREN BAKER
MILTON JUNIOR BENSON
JAMES MICHAE BLACKFORD
HERBERT THOMAS BOLTON
ARTHUR WILLIAM CASPER
RICHARD A. CHRISTIANSON
DOUGLAS ALAN EHRHARDT
DONALD EUGE GREENFIELD
CHARLES HENDERSON, III
COY B. LANE
RICHARD JOHN LINDSAY
ROLAND EDMOND MCKEE
JERRY CURTIS PATEE
HENRIK VANG PETERSEN
TERRY LEE RITTMEYER
VERNON PAT SANDALL
MICHAEL SKURJA, JR
BUDDY TOM SPARKS
DON WAYNE WILSON

NURSE CORPS OFFICERS

To be captain

DAVID KENT EMERSON
PATRICIA HIN HONEYWELL
BARBARA ANN OBRIEN
BARBARA ANNE SCHUPELTZ
ROSEANNE SOBKOW

CONFIRMATIONS

Executive nominations confirmed by the Senate April 28, 1988:

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF SECTION 624, TITLE 10 OF THE UNITED STATES CODE:

COL. HAROLD B. ADAMS, [redacted]FR, REGULAR AIR FORCE.

COL. DENNIS C. BEASLEY, [redacted]FR, REGULAR AIR FORCE.

COL. LAWRENCE E. BOESE, [redacted]FR, REGULAR AIR FORCE.

COL. RALPH T. BROWNING, [redacted]FR, REGULAR AIR FORCE.

COL. RICHARD A. BROWNING, [redacted] FR, REGULAR AIR FORCE.

COL. EDWARD N. BRYA, [redacted] FR, REGULAR AIR FORCE.

COL. FRANK CARDILE, [redacted] FR, REGULAR AIR FORCE.

COL. WILLIAM E. COLLINS, [redacted] FR, REGULAR AIR FORCE.

COL. LEWIS E. CURTIS, III [redacted] FR, REGULAR AIR FORCE.

COL. STANCIL L. DILDA, JR., [redacted] FR, REGULAR AIR FORCE.

COL. FRANCIS R. DILLON, [redacted] FR, REGULAR AIR FORCE.

COL. JOHN W. DOUGLASS, [redacted] FR, REGULAR AIR FORCE.

COL. BRETT M. DULA, [redacted] FR, REGULAR AIR FORCE.

COL. ALBERT J. EDMONDS, [redacted] FR, REGULAR AIR FORCE.

COL. MARVIN S. ERVIN, [redacted] FR, REGULAR AIR FORCE.

COL. JAMES A. FAIN, JR. [redacted] FR, REGULAR AIR FORCE.

COL. JOHN L. FINAN, [redacted] FR, REGULAR AIR FORCE.

COL. BRUCE L. FISTER, [redacted] FR, REGULAR AIR FORCE.

COL. CHARLES E. FRANKLIN, [redacted] FR, REGULAR AIR FORCE.

COL. BENARD W. GANN, [redacted] FR, REGULAR AIR FORCE.

COL. TIMOTHY D. GILL, [redacted] FR, REGULAR AIR FORCE.

COL. JAMES F. GRANT, [redacted] FR, REGULAR AIR FORCE.

COL. KENNETH L. HAGEMANN, SR., [redacted] FR, REGULAR AIR FORCE.

COL. MILTON L. HAINES, [redacted] FR, REGULAR AIR FORCE.

COL. LARRY L. HENRY, [redacted] FR, REGULAR AIR FORCE.

COL. WALTER C. HERSMAN, [redacted] FR, REGULAR AIR FORCE.

COL. ELLWOOD P. HINMAN, III, [redacted] FR, REGULAR AIR FORCE.

COL. JAMES M. HURLEY, [redacted] FR, REGULAR AIR FORCE.

COL. RONALD W. IVERSON, [redacted] FR, REGULAR AIR FORCE.

COL. ARTHUR E. JOHNSON, [redacted] FR, REGULAR AIR FORCE.

COL. ROGER A. JONES, [redacted] FR, REGULAR AIR FORCE.

COL. JOHN P. JUMPER, [redacted] FR, REGULAR AIR FORCE.

COL. KENNETY F. KELLER, [redacted] FR, REGULAR AIR FORCE.

COL. JEAN E. KLICK, [redacted] FR, REGULAR AIR FORCE.

COL. OWEN W. LENTZ, [redacted] FR, REGULAR AIR FORCE.

COL. ANTONIO MALDONADO, [redacted] FR, REGULAR AIR FORCE.

COL. JAMES W. MCINTYRE, [redacted] FR, REGULAR AIR FORCE.

COL. BEN NELSON, JR., [redacted] FR, REGULAR AIR FORCE.

COL. PHILIP W. NUBER, [redacted] FR, REGULAR AIR FORCE.

COL. RAYMUND E. O'MARA, [redacted] FR, REGULAR AIR FORCE.

COL. ROBERT W. PARKER, [redacted] FR, REGULAR AIR FORCE.

COL. JOHN F. PHILLIPS, [redacted] FR, REGULAR AIR FORCE.

COL. ROBERT W. POEL, [redacted] FR, REGULAR AIR FORCE.

COL. JOSEPH J. REDDEN [redacted] FR, REGULAR AIR FORCE.

COL. RONALD N. RUNNING, [redacted] FR, REGULAR AIR FORCE.

COL. JOHN J. SALVADORE, [redacted] FR, REGULAR AIR FORCE.

COL. GARRY A. SCHNELZER, [redacted] FR, REGULAR AIR FORCE.

COL. GRAHAM E. SHIRLEY, [redacted] FR, REGULAR AIR FORCE.

COL. NOLAN SKLUTE, [redacted] FR, REGULAR AIR FORCE.

COL. LESTER J. WEBER, [redacted] FR, REGULAR AIR FORCE.

COL. THAD A. WOLFE, [redacted] FR, REGULAR AIR FORCE.

COL. WALTER R. WORTHINGTON, [redacted] FR, REGULAR AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JAMES R. BROWN, [redacted] FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. MURPHY A. CHESNEY, [redacted] FR, U.S. AIR FORCE.

THE FOLLOWING NAMED-OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STTES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. DAVID L. NICHOLS, [redacted] FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JIMMIE V. ADAMS, [redacted] FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. THOMAS G. MCINERNEY, [redacted] FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8036, TO BE SURGEON GENERAL OF THE AIR FORCE:

To be surgeon general, USAF

MAJ. GEN. MONTE B. MILLER, [redacted] FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. JACK I. GREGORY, [redacted] FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE SECTION 601:

To be general

LT. GEN. MERRILL A. MCPEAK, [redacted] FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. PETER T. KEMPF, [redacted] FR, UNITED STATES AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ALOYSIUS G. CASEY, [redacted] FR, UNITED STATES AIR FORCE.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. ANTHONY J. BURSHNICK, [redacted] F, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. DONALD L. CROMER, [redacted] FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. CLIFFORD H. REES, JR., [redacted] FR U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CASPER T. SPANGRUD, [redacted] FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. WILLIAM E. THURMAN, [redacted] FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. RALPH E. HAVENS, [redacted] FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN M. LOH, [redacted] FR, U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. HOWARD G. CROWELL, JR., [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. EMMETT PAIGE, JR., [redacted], U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. BRUCE R. HARRIS, [redacted], U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. EDWIN S. LELAND, JR., [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE. SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. THURMAN D. RODGERS, [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. GLENN K. OTIS, [redacted], U.S. ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. HAROLD M. DAVIS, JR., [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ELVIN R. HEIBERG, [redacted], U.S. ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. VAUGHN O. LANG, [redacted], U.S. ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. MAX W. NOAH, [redacted], U.S. ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. WILLIAM E. ODOM, [redacted], U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE. SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. RICHARD G. GRAVES, [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JAMES F. MCCALL, [redacted], U.S. ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. QUINN H. BECKER, [redacted], U.S. ARMY.

THE FOLLOWING-NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 3036, TO THE SURGEON GENERAL, UNITED STATES ARMY:

To be the Surgeon General, U.S. Army

MAJ. GEN. FRANK F. LEDFORD, [redacted] U.S. ARMY.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 5044.

To be general

JOSEPH J. WENT, [redacted], U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF LIEUTENANT GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

KEITH A. SMITH, [redacted] U.S. MARINE CORPS RESERVE.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

THOMAS R. MORGAN, [redacted] U.S. MARINE CORPS.

IN THE NAVY

THE FOLLOWING-NAMED CAPTAINS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be Rear Admiral (lower half)

PHILIP SHEPARD ANSELMO.
JON MICHAEL BARR.
BRUCE BARTON BREMNER.
WILLIAM CLIFFORD CARLSON.
STEPHEN SCOTT CLAREY.
WALTER JACKSON DAVID, JR.
WILLIAM ANTHONY EARNER, JR.
JAMES RICHARD FITZGERALD.
WILLIAM JOHN FLANAGAN, JR.
DAVID EUGENE FROST.
ALVARO RAYMOND GOMEZ.
THOMAS FORREST HALL.
JOHN TIMOTHY HOOD.
KARL LEE KAUP.
JAMES RICHARD LANG.
JOHN BAPTISTE LAPLANTE.
CONRAD C LAUTENBACKER, JR.
JOHN ALDEN MORIARTY.
PAUL WHITNEY PARCELLS.
JAMES WOOD PARTINGTON.
PHILIP MICHAEL QUAST.
JOHN SCOTT REDD.
THOMAS DAVID RYAN.
LUTHER FREDERICK SCHRIEFER.
RALPH LAWRENCE TINDAL.
PAUL EDWARD TOBIN, JR.
WILLIAM LANSING VINCENT.
GEORGE RHODES WORTHINGTON.
TIMOTHY WAYNE WRIGHT.
RONALD JOSEPH ZLATOPER.

RESTRICTED LINE OFFICER—ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

MILLARD SHERWOOD FIREBAUGH.
DEAN HOWARD HINES

AERONAUTICAL ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

ROBERT GLEN HARRISON.

SPECIAL DUTY OFFICER (CRYPTOLOGY)

To be rear admiral (lower half)

ISAIAH CLAWSON COLE.

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) IN THE STAFF CORPS OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

SUPPLY CORPS (3104)

JAMES E. ECKELBERGER.
JAMES E. MILLER.

THE FOLLOWING-NAMED CAPTAIN IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

SPECIAL DUTY OFFICER (OCEANOGRPHY)

To be rear admiral (lower half)

JAMES ELMER KOEHR.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING ALLAN L. SWAIM, JR. AND ENDING ERNEST H. OERTLI, III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 14, 1988.

AIR FORCE NOMINATIONS BEGINNING MAJOR WILLIAM R. ALBAIR, [redacted] AND ENDING MAJOR KENNETH VANDERZEYDE, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 14, 1988.

AIR FORCE NOMINATIONS BEGINNING JOSE B. BUENO, AND ENDING ALAN R. KLAYTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 14, 1988.

AIR FORCE NOMINATIONS BEGINNING DAVID N. ANDERSON, AND ENDING KENNETH L. MEYER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 19, 1988.

AIR FORCE NOMINATIONS BEGINNING DAVID E. ANISMAN, AND ENDING KONDI WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 19, 1988.

AIR FORCE NOMINATIONS BEGINNING JAMES D. AADLAND, AND ENDING PETER H. ZUPPAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 19, 1988.

AIR FORCE NOMINATIONS BEGINNING STEPHEN G. ASH, AND ENDING KEVIN J. ZIESE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 19, 1988.

IN THE ARMY

ARMY NOMINATIONS BEGINNING ROBERT C. ANDERSON, AND ENDING ROBERT M. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 14, 1988.

ARMY NOMINATIONS BEGINNING THOMAS M. LONGAZEL, AND ENDING DWIGHT B. VARLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 14, 1988.

ARMY NOMINATIONS BEGINNING HARVEY L. BELL, AND ENDING JOHN J. WEEDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 14, 1988.

ARMY NOMINATIONS BEGINNING WILLIAM M. BOST, AND ENDING CHARLES R. WOLF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 14, 1988.

ARMY NOMINATIONS BEGINNING JOHN C. ABSHIER, AND ENDING ELADIO DELEON, JR. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 14, 1988.

ARMY NOMINATIONS BEGINNING ROBERT E. ABODEELY, AND ENDING DONNA M. * WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 14, 1988.

ARMY NOMINATIONS BEGINNING PAUL B. ANDERSON, AND ENDING STEVEN W. BOHANNON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 18, 1988.

ARMY NOMINATIONS BEGINNING MARY M. * AARON, AND ENDING * 390A, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 19, 1988.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING FREDERICK C. JENKS, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 14, 1988.

MARINE CORPS NOMINATIONS BEGINNING MARK W. GILSON, AND ENDING CYRUS C. M. WHINNERY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 19, 1988.

MARINE CORPS NOMINATIONS BEGINNING TRUMAN D. ANDERSON, JR. AND ENDING CHRISTOPHER ZELEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 19.

MARINE CORPS NOMINATIONS BEGINNING BRIAN T. ALEXANDER, AND ENDING THOMAS J. ZOHLEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 19, 1988.

MARINE CORPS NOMINATIONS BEGINNING DANIEL L. ADAMS, AND ENDING SCOTT E. YOST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 19, 1988.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WILLIAM M. ASHER, AND ENDING CARL G. BUSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 14, 1988.

NAVY NOMINATIONS BEGINNING ROBERT D. WALKER, AND ENDING DANIEL W. NIXON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 14, 1988.

NAVY NOMINATIONS BEGINNING RICHARD D. BALK, AND ENDING COLEMAN A. MOSELY, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 14, 1988.

NAVY NOMINATIONS BEGINNING GEORGE R. ADAMS, AND ENDING GREGORY S. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 14, 1988.

NAVY NOMINATIONS BEGINNING RICHARD J. WAGONER, AND ENDING PETER J. LUKOWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 14, 1988.

NAVY NOMINATIONS BEGINNING EMIL C. CASCIANO, AND ENDING LARRY N. PETERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 14, 1988.

NAVY NOMINATIONS BEGINNING MATTHEW BRADFORD AARON, AND ENDING THOMAS ANDREW ZWOLFER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 14, 1988.

NAVY NOMINATIONS BEGINNING TODD A. ABLER, AND ENDING TODD A ZVORAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 14, 1988.

NAVY NOMINATIONS BEGINNING RICHARD SANFORD ABELE, AND ENDING LARRY ROGER ALFRED, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 18, 1988.

NAVY NOMINATIONS BEGINNING RAYMOND MAURICE ALLEE, AND ENDING ROBERT WERLING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 23, 1988.

WITHDRAWAL

Executive message transmitting a withdrawl of a nomination from further consideration by the Senate:

INTER-AMERICAN FOUNDATION

THOMAS W. PAUKEN, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR THE TERM EXPIRING OCTOBER 6, 1992, VICE LUIS GUERRERO NOGALES, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON APRIL 24, 1987.

EXTENSIONS OF REMARKS

PRESIDENT REAGAN PAYS TRIBUTE TO SLAIN DRUG LAW ENFORCEMENT OFFICERS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. GILMAN. Mr. Speaker, on April 19, 1988, I attended a ceremony at the Old Executive Office Building in which President Reagan paid tribute to law enforcement officials—brave men and women who gave their lives in the battle against the drug traffickers.

Our Nation has been blessed with many brave men and women who have dedicated their lives in serving the common good. Over the years many thousands of Americans have fought and died around the globe. Today, Americans are fighting a new kind of war within our shores, a war against drugs.

The struggle against illicit narcotics may be the most difficult challenge this country has ever faced. Drug abuse and drug-related violence have reached into every city, town, and neighborhood throughout our Nation. Illicit narcotics are being smuggled into our country by the plane load and by the boat load by ruthless drug traffickers whose only purpose is to distribute their poison for profit.

Our Federal, State, and local enforcement officials are in the trenches fighting drugs every day. To them we owe a deep and enduring debt. There can be no greater goal then keeping drugs out of our country and away from our children.

Accordingly, Mr. Speaker, in honoring these dedicated law enforcement officers and to share these thoughts with my colleagues, I request that the full text of the President's remarks and those of the Attorney General be inserted at this point in the RECORD:

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
April 19, 1988.

REMARKS BY THE PRESIDENT DURING TRIBUTE TO SLAIN DRUG LAW ENFORCEMENT OFFICERS

Attorney General MEESE: Good morning, ladies and gentlemen. I would like to welcome you all to this ceremony honoring those public servants who have given their lives in the worldwide struggle against drugs. And I especially want to thank you, President Reagan and Mrs. Reagan, for sharing your time with us today. You have both made outstanding contributions to that struggle which, at the deepest level, is nothing less than a crusade for human dignity and civilization itself.

We're particularly pleased this morning to have so many law enforcement officers here from federal, state, and local agencies, and representatives of the diplomatic corps who are here representing their countries in honoring those that are the subject of our ceremony.

In May, there will be a police officers' memorial ceremony celebrated here in Washington. All this year, many of us are working to raise the funds and ultimately to build a lasting law enforcement memorial which will be located at Judiciary Square.

Today, our ceremony has a particular emphasis. We're here to honor men and women who have fallen in the great battle against narcotics. They do not all wear the uniform of a single branch of service, or a single agency, or a single nation; and in fact, many do not wear uniforms at all. They include police officers; Army, Navy, Air Force and Coast Guard personnel; and agents of specialized drug law enforcement units such as our own country's Drug Enforcement Administration, the DEA. But they also include a newspaper editor, newspaper reporters, eradication workers, judges, an attorney general, a minister of justice, and others.

They come from a broad spectrum of public agencies and nations. But they have been united by the fact that they have given their lives as a result of a shared determination to rid the world of the plague of drugs.

I have just returned from a trip to Latin America in which I inspected firsthand some of the challenges that are faced daily by many of the brave people involved in that struggle against drugs. We learned that the very day that we flew over the cocao producing valley in Peru that three eradication workers were found killed on that very day. They, too, are among those that we commemorate this morning.

Among the many others who've given their lives so as to bring the dream of a drug-free world just a little bit closer I can mention Troy Barboza of the Honolulu Police Department. Officer Barboza was murdered last September by a defendant in a narcotics case because he'd been scheduled to testify at the trial.

Or I might mention Major San Htwa of the Burmese Air Force who died when his plane burned while he was engaged in an eradication mission in a hostile region of northeast Burma. He is survived by the wife, Tin Tin Oo, and two children, ages 11 and nine. To that family, let me say that nothing can ever replace a husband and father, but at the same time, no family in the world can be more proud of a husband and father.

Well, the names that I have mentioned are just representative examples of those who have given their lives in this cause.

As a result of the sacrifices of these individuals and hundreds of others like them, the rule of law has managed to maintain a precarious edge over the forces of chaos ever since the revival of Western civilization.

In a sense, we are facing up to another barbarian-type invasion. We all recognize that drugs are perhaps the instrument of the eventual breakdown of civilization as we know it, if they are not brought under control. They certainly have the destructive power to be just that. They quickly destroy individuals and communities, they corrupt and poison societies, and in time they can destroy whole civilizations.

But I know that those of you who are here today, under the leadership of our President, are determined not to let this happen. The individuals whom we honor today shared that determination and made good on it in the most extreme way. In honor of their sacrifice, impelled by their example, and fortified by the good that they did, the rest of us at this ceremony should vow to continue their work until we have in fact achieved a drug-free world.

It is now my honor to introduce the Reverend Monsignor R. Joseph Dooley, who is Secretary for the Clergy of the Roman Catholic Archdiocese of Washington. He is Chaplain of the Uniformed Division of the United States Secret Service, and Chaplain of the Metropolitan Police Department of Washington, D.C. He was also among the founders of the International Conference of Police Chaplains. I call upon Monsignor Dooley to deliver our invocation.

Monsignor DOOLEY. Let us pray. God, Our Father, we place ourselves in Your presence this morning, and ask for Your strength and compassion. Give us, Lord, the spirit of prayerful remembrance as we honor the memory of all public servants and all law enforcement officers—local, state, federal and international—who have given their lives in the war against drugs. They have labored and died in an effort to maintain Your peace. May they not have died in vain. Help us to be faithful to their memory. Help us to be healers. As we commend them to Your mercy, dear God, we ask for ourselves and for all those whose lives we touch, a deepening of our faith in You, and a rededication to the service of our fellow citizens, as was exemplified by those we honor today.

Finally, we pray for their families, and loved ones. May they be consoled by the memory that these men and women lived up to the highest ideals of their chosen profession. May they rest in honored glory forever.

The PRESIDENT: Well, thank you all for your greeting this morning. And welcome Reverend, Clergy, Nancy, Attorney General Meese, members of the Congress and diplomats, and members of our Cabinet and distinguished guests.

Today we're gathered to honor, as you've been told, the brave public servants who have fallen in the war on drugs. These men took a solemn oath to uphold the law. They accepted the dangerous work of defending our communities, our borders, our families from the scourge of narcotics. And in the line of duty, these courageous citizen soldiers paid the ultimate price.

Some died close to home in the towns where they were born. Others fell in foreign lands. But they were each lost to us far too soon. And they each made their love for this country and for us, their countrymen, something real that they lived each day. Today and in days to come, it'll be our turn to show our love for them.

We can show our love by teaching our children to "Just Say No" to drugs—by teaching them to choose life. By helping them to live in the world God made not in an artificial, drug-induced world of false hopes and permanent darkness; of imaginary freedom, but absolute slavery.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

America's liberty was purchased with the blood of heroes. Our release from the bondage of illegal drug use is being won at the same dear price. The battle is ultimately over what America is and what America will be.

At our founding, we were promised the pursuit of happiness, not the myth of endless ecstasy from of a vial of white poison. We won our personal freedom so that we could serve God and man, so that we could freely produce and create, and build a nation of strong families, rich farms, and great cities. We struggled for liberty in order to cherish it, and defend it, and transmit it undiminished to our children and theirs.

What sort of a nation is America? The kind that produces heroes like Enrique Camarena Salazar, Eddie Byrne, Terry McNett and many others who gave their lives in the battle against illegal drugs. We're the kind of country that will pull together and sacrifice to rid ourselves of the menace of illegal drug use because we know that drugs are the negation of the type of country we were meant to be.

In New York City, a young rookie cop, Eddie Byrne, was sitting in his patrol car protecting a government witness in a drug case. On February 26th, at 3:00 a.m., Eddie Byrne was shot in the head three times at point-blank range. His father, a retired police lieutenant, said, "If my son, Eddie, sitting in a police car, representing and protecting us, can be wasted by scum, then none of us is safe." Newspaper accounts say he was ordered killed by a drug kingpin in order to send a message to the police.

Enrique Camarena Salazar, special agent of the Drug Enforcement Administration, was conducting an undercover investigation in Guadalajara, Mexico, to smash a ring of drug traffickers. He was kidnapped, tortured brutally, and killed.

Terry McNett, a detective in the Sedgwick County, Kansas, Sheriff's office, was part of a team raiding the house of an alleged "crack" dealer in Wichita, two months ago. After entering the house, Detective McNett, 36 years old, a 15-year police veteran, was shot twice in the right eye and killed.

For these men, and for all men and women in this country and around the world who have perished in the war on drugs, I would like to ask that we observe a moment of silence on this solemn occasion. Would you join me? (Silence.) Amen.

We rededicate ourselves to continue their struggle. It's a struggle of which we've all been a part, and one in which we've worked together.

The United States is joined by other countries in a common battle against drugs. I've received a report from Attorney General Meese on his recent trip, that he mentioned in his remarks, to the Dominican Republic, Colombia, Ecuador, Peru, and Bolivia. And I'm particularly encouraged by the commitment he received from the leaders of those countries to heighten efforts in the crusade against narcotics trafficking. The drug enforcement and justice officials overseas have our full suppport.

I want to pay special tribute to the many sacrifices made by our international allies in this fight. In Colombia alone, 12 supreme court justices, an attorney general, justice minister and scores of other judicial and law enforcement officials have lost their lives.

The traffickers in Colombia have also extended their terror beyond its borders. In 1987, former Justice Minister and then Ambassador to Hungary, Enrique Parejo was shot and nearly killed in Budapest at the direction of traffickers. Fortunately he survived and last week received PRIDE's Spirit of Freedom Award. We have the honor of his presence today and salute his courage. Recently, Colombia's Chief Prosecutor, Attorney General Carlos Hoyos, while fighting his country's war on drugs, was abducted and murdered. Similarly, officials from Bolivia, Mexico, Peru, Thailand, and other nations have perished in this international struggle. And the brave men—these giants of courage, and the brave men and women like them around the world, will be remembered in our prayers.

When I spoke to our nation's police chiefs seven years ago, we pledged a united effort against the menace of illegal drugs. And since then, important progress has been made.

Since 1981, the anti-drug law enforcement budget has tripled, and another 13 percent increase has been requested.

No-nonsense federal judges are part of the war on crime. Drug convictions have more than doubled since 1979, with prison sentences 40 percent longer. And last year, new, tougher sentencing guidelines were issued.

The Comprehensive Crime Control Act, passed in 1984 after a long effort—passed with the help of members of the Congress who are here today—they helped put drug dealers out of business by confiscating their assets. Last year, over $500 million in ill-gotten assets were seized. The Anti-Drug Abuse Act, which I signed into law in October, 1986, contributed additional tools to our effort.

Our anti-drug effort spans the federal government. It is coordinated by the Cabinet-level National Drug Policy Board chaired by Attorney General Meese. The coordination of federal, state, local and international drug enforcement is at an all-time high. Under the leadership of the Vice President, our national drug interdiction system has enabled unprecedented levels of narcotics to be seized enroute from source countries and at our border by law enforcement agencies. These efforts were significantly assisted by the U.S. military, which last year provided more than 16,000 hours of air surveillance and over 2,500 ship days of maritime support in the war against drugs.

Drug eradication programs are now underway in 23 countries. That's up from just two in 1981. And to stem demand for illegal drugs, more funds than ever before are being spent on drug education and public awareness, and I've requested a further 12 percent increase in that.

We can list the accomplishments in this war, but by themselves these efforts, impressive as they may seem, are still not enough. It will never be enough until we have fully honored the memory of those who have perished, and until we have won for them, and for ourselves, a drug-free America.

I'm especially proud of the anti-drug work that Nancy has done, which is an act of love beyond anything money can achieve and which has changed the way we talk and think about drugs.

You see, we too often forget how the level of drug abuse reached the proportions that it did. Back in the 1960's and 1970's, America crossed a deadly line. The use of illegal drugs became not just condoned, but even celebrated by a permissive cultural establishment whose slogan was "Just Say Yes."

It was a time when all the restrictions on personal behavior were under attack. Some liberal politicians decried our prohibitions on drugs as conservative, moralistic, reactionary, and old-fashioned—or simply remained silent that there even was a drug problem. Many universities adopted a hands-off attitude toward so-called recreational drug use, and the entertainment industry produced films and music that promoted and legitimized the drug sub-culture.

When our young people looked for guidance and direction, instead of finding positive role models warning them of the dangers of drugs, they would too often see celebrities portraying drug use as "cool," "hip," and "with it." What greater shame can there be, with the active encouragement of the progressive culture, our young people began to use drugs not to rebel, but to fit in? And tragically, countless thousands of young lives were needlessly destroyed.

The truth was that drugs are killers, but for nearly a generation that vital message was ignored by a whole group of people who should have known better. The leaders of that destructive generation remain the forgotten accomplices in the epidemic of illegal drug use; they cannot escape blame when a law enforcement officer dies in the battle.

The good news is that America is on the attack in the fight against drugs. Our young people are turning away from illegal drug use and learning to say "Just Say No." Almost all of the high school seniors, in the latest annual survey, said that it was wrong to even try a drug like cocaine, and the number using cocaine and marijuana fell significantly.

Whole communities are working as never before toward the goal of a drug-free America. USA Today reports that in Philadelphia the police department has trained 25,000 residents to observe identify, and report drug dealers under its town watch program. In Boise, Idaho, the police work with a group called "Parents and Youths Against Drug Abuse" to promote drug education. In Jackson, Mississippi, a group of teenagers is fighting back by forming "Teens on Patrol" to act as the eyes and ears for the local police force.

These efforts serve as fitting tributes to the fallen heroes that we honor here today. Our heros embody the courage and commitment that built America, and which will see us through this battle. Let us, through our efforts, keep faith with these men and their sacrifice.

Six months ago, I sent to the Congress a new and important piece of legislation—the Criminal Justice Reform Act of 1987—that would provide a powerful new deterrent to violent crime and narcotics trafficking. This critical legislation takes on the drug syndicates on their own terms: It says that when narcotics racketeers kill and are convicted, they will face execution. In 1986, the House of Representatives twice approved this provision, but this year neither the House nor the Senate Judiciary Committees have yet taken up this bill. It is time to back up the rhetoric on the drug problem with action. And I call upon the House and Senate to vote promptly on my bill providing for capital punishment when a death results from drug dealing, and when a DEA or other law enforcement officer is murdered.

When drug syndicates commit murder, our sympathy should be with the victims not the killers. It's time for the Congress to pass this bill and make it law. It's time for us to send our own message to people who kill cops.

Our anti-drug efforts are working. The heroic sacrifices made by America's law enforcement officers and by public servants from around the world have not been in vain. They have made a difference, a difference that will save lives and assure our children a better future in the type of America they deserve to grow up in. Our dream is a nation of drug-free communities, drug-free workplaces, drug-free homes, and drug-free schools. And that is what these men died for, and that is what we must work for.

In the crusade for a drug-free America, these heroes gave all that they had and all that they were. Let us do all that we can to honor with—honor their memory. Through our prayers, let us be with them. Through our work, let us commemorate their sacrifice. And through our achievement, let us celebrate their lives. Together we can achieve what they died for—a drug-free America.

Thank you and God bless you. (Applause.)

Attorney General MEESE: Thank you, Mr. President, for those inspiring remarks, which highlight our being here today. In your remarks you mentioned the heroes we are commemorating. Among those are two agents from the Drug Enforcement Agency, one of the key institutions in our struggle against drug abuse. We're pleased to have representing our drug law enforcement organizations, Jack Lawn, the Administrator of DEA, seated here on the dais. Jack has been honored recently by his election as president of the International Drug Enforcement Conference.

We had a tragedy in the DEA recently when two special agents, Paul Seema and George Montoya, were killed in the course of a heroin investigation near Los Angeles. In that operation, one of their colleagues, special agent Jose Martinez, was wounded. We thank God that he survived, and we're pleased to have him with us today. Surely, no one is a more worthy spokesman for those who risked their lives in the course of the battle against drugs than Mr. Martinez. And so it is my great honor at this time to ask special agent Martinez to step up and say a few words. (Applause.)

Agent MARTINEZ: First of all, I'd like to take this opportunity to thank all my friends, family, and everyone in DEA—the DEA family—and all the other law enforcement officers and community for their support while I was hospitalized, and the general public for their encouragement to me—all the letters I received. And I would also like to thank everyone for the encouragement that was shown to the loved ones of my slain fellow agents, Paul Seema and George Montoya.

I am thankful for the greater public concern about drug abuse. And thank you, Mr. President and Mrs. Reagan, for your contributions to this awareness.

Those of us in drug enforcement are committed to the task of removing drugs from our society, knowing and accepting the dangers involved. At the same time, many in society rationalize the drug use as being a victimless crime and not harmful to anyone. Paul Seema and George Montoya were victims of society's demand to satisfy their desire for drugs. Not until people quit using drugs will it become safer for those of us in law enforcement and the rest of society.

Thank you. (Applause.)

The PRESIDENT: The Attorney General tells me I can just conclude it. (Laughter.) I didn't bring a whistle and I can't think of a good get-off line, except I think that what we have just heard from this young man, his lovely wife—I think all of us know what's at stake here. And I think all of us are going to continue doing this until it's a chapter of our history that we can look back upon, but know that we'll never see that chapter repeated again in our nation's history.

God bless you all. Thank you for what you're doing. (Applause.)

OTA—THE HOME OF MODERN DAY LUDDITES

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. DORNAN of California. Mr. Speaker, I am continually amazed at the ostrich-like attitude of my liberal colleagues who refuse to believe that effective defenses can be developed to protect the American people. As proof they parade MADcapped scientists, who first and foremost, share the dream that the best hope for peace is to keep the American people hostage to the threat of nuclear annihilation. These scientists, most of which are not weapons specialists, much less military experts, develop strawman scenarios which they can conveniently tear down. I fear, from what I have read so far on the soon to be released Office of Technology Assessment report on strategic defense, that it will again skirt the real issue and argue that President Reagan's strategic defense initiative will not work. This is not only a gross error in judgment, but flies in the face of reality. It totally ignores the results of objective, empirical tests (conducted within the constraints of the ABM Treaty), the tremendous advances in high-speed computing, aerospace technology and nonnuclear weapons development. Further, it is an insult to the tens of thousands of scientists, technicians and workers who labor on strategic defenses on a daily basis and know the truth—SDI is not only desirable to defend our American homeland but it can bring an end to the proliferation of nuclear weapons. SDI can and will work.

Mr. Speaker, the attitude of the American, antidefense lobby is simply astounding. I think Tom Clancy, the well-known author of "Red Storm Rising" and the "Hunt for Red October," has made the best analogy I have heard on the whole issue. He compares the liberal arms control lobby and their illogical fear of defense with the 19th-century Luddites. I enjoin my colleagues to read Mr. Clancy's commentary and contemplate his analysis.

[From the Wall Street Journal, Apr. 28, 1988]

LUDDITES ARE WRONG ABOUT SDI TOO

(By Tom Clancy)

In the old days they were called Luddites. The first Luddites, members of a quasi-social movement in England at the beginning of the 19th century, thought that the Industrial Revolution would end a social order and replace it with something worse. Specifically, they feared that industrial production would make cottage craftsmen obsolete.

This is precisely what happened, of course, but what the Luddites failed to recognize was that the Industrial Revolution would have the net effect of creating far more than it destroyed. After a brief, violent history, the first Luddites faded to become a curious historical footnote, and the world moved forward to an age in which ordinary people could obtain wares hitherto limited to the very rich.

Unfortunately for us all, the ethos of the Luddites has never quite disappeared. It's rather like the Flat-Earth Society, which at least admits to being an anachronism.

PERSONAL COMPUTERS

In a modern context, the Luddites are found in many communities, including the scientific one, whose members should know better. Roughly half the scientists at Los Alamos in 1945 thought that the atomic bomb would not fire. They were wrong. As recently as 30 years ago some very learned people decided that the U.S. needed only four computers—each of which was less capable than the Apple Macintosh on which I am writing this article—to handle all of America's scientific and research needs. Fortunately no one listened, and an industry was born.

One can imagine the same people, less than 15 years ago, questioning the rationale for personal computers. After all, what possible use does a private citizen have for a computer? To write books? We already have typewriters for that. It will put secretaries out of work, and who will buy a personal computer, anyway?

Several tens of millions of Americans have bought computers, it turns out, and they've made life a lot easier for secretaries, authors and a lot of Americans who never dreamed that a personal computer could be such a useful tool. Every time you see a TV commercial for a personal computer, you should remind yourself of the learned study made 30 years ago, then consider that the multibillion-dollar PC industry did not exist even as a dream less than 15 years ago. That such a thing is possible is evidence of that which the Luddite abhors. We call it "progress."

Today's Luddites are most often found in the anti-defense community in the U.S. They oppose every new weapon. The Stinger surface-to-air missile, for example, was decried as a weapon that required its operator to have a master's degree; it was too complex, too costly, too unreliable, and should not be bought. As we all know now, the U.S. gave Stingers to the Afghan freedom fighters, few of whom have advanced degrees in physics, and those overly complex, ineffective and expensive weapons are being wielded by semi-literate hill people and were decisive in winning a war against the Soviet Union. The Luddites were wrong. Again. But don't expect any of them to admit it.

The current manifestation of the Defense Luddites is the soon-to-be-released (and already partly leaked) report on the Strategic Defense Initiative by the congressional Office of Technology Assessment. One hardly needs to be a rocket scientist to know exactly what the Defense Luddites will say.

SDI will never work, they proclaim. (Surprise!) Their method of arriving at this conclusion is rather curious. When you strip all the technospeak away, they're claiming that it can't be done because it hasn't been done yet, and therefore, we ought not even to try doing it, because it can't be done. That's Luddite Logic if ever I heard it.

The world is replete with people who think things are impossible. These are largely people who don't do very much—or haven't done much in recent years—and are spiritually offended by those who do. They are, in fact, people who prefer to look for problems instead of looking for solutions; they are people who fear change.

The Luddites observe that we already have deterrence to keep the peace. Deterrence is a kind of political agreement between East and West that says in essence, if you murder our civilians, we will murder yours. This is the strategy—if we can dignify that lunatic statement with such a word—to which the Luddites adhere, and with which, they tell us, we should all be content. To try to break out of the deterrence trap might destabilize the world, they warn us, as though nuclear deterrence represents some form of stability.

Mutual Assured Destruction—which isn't even good grammar—has never made sense. Everything about it is counterintuitive. No tribe of primitives ever came up with an idea like this. The early Romans carried off the Sabine women; they didn't slaughter them as MAD dictates. Today, those women would be reduced to glowing dust. This is progress? This is stability? People think this is a good idea? The Luddites do.

SDI, despite what the Defense Luddites say, is not an adventure in technology application. It is a tool of national policy, and as with any tool it is supposed to be used with a specific objective in mind. The objective, lest we forget it, is to prevent a global nuclear war.

At minimum, what SDI can and will do is make the process of launching a nuclear strike infinitely more complex and, therefore, far less likely. That is something worth doing regardless of cost or effectiveness.

NO ADEQUATE MODEL

At the same time, it is worthwhile to remember that the Luddites are useful in that they are always wrong. Among other things, they tell us in the OTA report that computer science will not race forward fast enough to handle the task of making SDI work. Evidently they have failed to notice that computers that once filled a basketball court now can rattle around inside a wristwatch. Of course, they said 30 years ago that computers weren't really needed anyway, and they ignored Seymour Cray's comment that the Apple Mac-II on the market today is in some ways comparable to his first supercomputer. But, of course, who needs such capability? We will all be surprised by the answer to that question—the Luddites most of all.

The OTA report says that "no adequate model" exists for testing full-scale SDI-system concepts. Yet I saw such a model last week, and in two months it will be used for precisely that purpose. The people who made it say that, sure, there are problems with SDI technology, as with any kind of new technology. But Americans have always viewed problems as things to be solved, and we have never yet failed to solve a major technological problem. The Luddites fail to take note of that, too, but it is hardly surprising, since Luddism is a philosophy alien to America.

(Mr. Clancy's novel "The Cardinal of the Kremlin," which is about SDI, will be published by Putnam in July.)

BETTER HEARING AND SPEECH MONTH

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. LAGOMARSINO. Mr. Speaker, I bring to your attention, and to that of my colleagues, a very important event.

The month of May is national "Better Hearing and Speech Month." During this month, the Nation's attention will be cast upon the more than 24 million Americans who are afflicted with some form of hearing impairment. We will consider the advances that have been made to help these people and all that remains to be done to improve their lives.

We must pay attention to problems of these people because they are our friends, colleagues, neighbors, and spouses. Some of us in this Chamber have had or are suffering from such problems.

President Reagan—who uses two hearing aids himself—will serve as the national chairman of the Council for Better Hearing and Speech Month's 10th annual May campaign. And 5-year-old Jessica Riley of New London, CT, has been named this year's poster child. On behalf of 24 million Americans and their families, I would like to thank you for your consideration of this important matter.

TRIBUTE TO JIM CARLIN AND JULES AND FLORENCE NASS

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. TORRICELLI. Mr. Speaker, it is with the greatest admiration and pride that I rise today in support of the efforts of Mothers Against Drunk Driving. Founded in 1980 in California, there are now over 200 chapters in 43 States. On May 1, 1988, the Bergen/Hudson County Chapter, which was established in 1982, will be holding a special ceremony at Liberty State Park in Jersey City to mark the arrival of Jim Carlin.

Jim Carlin, a man of uncommon courage and absolute commitment to MADD, is a former police detective and water sport enthusiast. In the last 10 years, he has used various water crafts for sport and endurance, with many of the events to benefit worthy fundraising causes. He has currently undertaken the challenge of a grueling waterways endurance marathon, piloting a 10-foot long jet powered watercraft through 5,400 miles in the United States and Canada. This circumnavigation feat is expected to take 3 weeks and is being conducted as a public awareness forum and fundraiser for MADD and their campaign against drunk driving.

This marathon was originally formulated to show Jim's continuing support for his home chapter, Bergen County MADD and its founders and administrators Jules and Florence Nass. However, now the event is being promoted and endorsed by National MADD as well as dozens of chapters in the United States and Canada.

Jules and Florence Nass are dedicated individuals who have demonstrated their continuing efforts and support to furthering the goals of MADD. It is my hope that they will continue to be articulate, caring voices for the crusade to make our roads safe. Since its founding in 1980, MADD has made a great deal of progress working with Congress to pass legislation, convincing judges to impose stiffer sentences and going into classrooms across the country educating thousands about the perils of drunk driving.

Jim Carlin and Jules and Florence Nass are to be recognized for their moral and financial support and unstinting participation on behalf of MADD. They represent the spirit and dedication of their communities and their country. I am proud to join in paying tribute to their efforts.

ON THE PASSING OF MARY PODBEVSEK

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. LIPINSKI. Mr. Speaker, it is with great sadness today that I bring to the attention of my colleagues the passsing of an exemplary member of the Southwest Side community in Chicago, Mrs. Mary Podbevsek.

Mrs. Podbevsek had always been an active member of the community as a Democratic election judge for over 55 years and as a member of the Slovene National Benefit Society for over 65 years. Her activity continued into her later years and she was an even more important and integral part of Chicago's senior citizen community. She was president of the Croatian-American Senior Citizens Club, a member of States Attorney Richard Daley's Senior Citizen Council, president of the 10th District Senior Citizens Advisory Council, and provided assistance to many through Chicago's Council on Aging and Disability. Mrs. Podbevsek also had the ability to get others involved through the many local activities and tours of the United States which she organized and took part in.

The loss of her dedication and her love for others will truly be missed by her family and her many friends throughout the community. This is also, however, a time for remembering her example and the many contributions she made to the community. I am sure my colleagues join me in extending condolences to Mrs. Podbevsek's son, Tony, and to the members of her community on the loss of this very special person.

IN HONOR OF JOAN GRAVES

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. LEVINE of California. Mr. Speaker, I would like to bring to the attention of my colleagues in the U.S. House of Representatives the outstanding work of Joan Graves, who will be honored as the Pacific Palisades Citizen of the Year for 1987. The community will join the the celebration at the 41st annual banquet on May 5, 1988, at the Riveria Country Club, Pacific Palisades.

The following article appeared in the March 24, 1988, issue of the Palisadian Post entitled, "Joan Graves Lauded as Citizen."

JOAN GRAVES LAUDED AS CITIZEN

Joan Graves, whose tireless efforts in preserving and enhancing the "village" atmosphere of Pacific Palisades has earned her countless accolades from a grateful community, has been selected 1987 Citizen of the Year.

Graves will be feted at the annual Citizen of the Year banquet, held jointly with the Pacific Palisades Community Council, on Thursday, May 5 at the Riviera Country Club. She will receive a plaque from *Palisadian Post*, which sponsors the award.

Actor Peter Graves, Joan's husband and supporter, will serve as master of ceremonies, with the help of singer-dancer Karen Proft, also a council member.

Mrs. Graves has served as chairman of the Community Council for the past two years, but her community activism began long ago. She spearheaded the successful campaign to save the landmark Santa Monica Land & Water Company building when it was threatened with demolition about eight years ago.

With the theme "Don't Mall the Palisades," Graves and her supporters convinced Topa Management to take on the aging structure and renovate it. The results of that first fight are evident, as the building is the centerpiece of the village and has set the tone for future development.

But that's not all. As a member of the Citizens Advisory Committee, Graves helped draft the Pacific Palisades Commercial Village Specific Plan, which set height limits and enacted a strict sign ordinance to reduce clutter in the business area.

With her innate tact and sense of good taste, Graves then took on the difficult choice of encouraging merchants to abide by the sign ordinance and remove unsightly window placards. She also accomplished the seemingly impossible task of convincing business owners to take down large, overhead signs—even though they are technically legal until 1989.

At the same time, recognizing a need for non-automobile transportation in the village, Graves successfully implemented a trial shuttle service last August that convinced city officials to implement the first Palisades Village Shuttle.

As if that were not enough, she acted as moderator to bring the factious Swarthmore Avenue one-way dispute to an amicable settlement. And, along the way, she saw to it that Ted Hayes, who led a group of homeless marchers through this area last year, got a hearing before the community.

Letters written in her support showed the depth of admiration and warmth of the community toward her.

TRIBUTE TO LT. CHARLES MUTO

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. ATKINS. Mr. Speaker, I rise today to pay tribute to Lt. Charles Muto, who is retiring after 38 years of service as a police officer in Framingham, MA.

Lt. Charles Muto was initially appointed as a reserve officer in 1950 and he was commissioned to regular duty in 1953. After 9 years of hard work and commitment he was elevated to the rank of sergeant and swiftly promoted to lieutenant in 1969. His dedication to the community are well-known both in the department and in the town of Framingham.

Mr. Speaker, I would like to emphasize that throughout his career Lieutenant Muto's dedication was not only to his immediate community, but his country as well. In 1943, he enlisted in the U.S. Army. His engineering battalion took part in the allied invasion of France in the Battle of Normandy.

Lieutenant Muto served the Framingham Police Department during the period when Framingham was one of the fastest growing communities in the Nation. He witnessed and served in the town's transition from a rural community to a populous western suburb of Boston. Lieutenant Muto has devoted his life to protecting the safety of the people of Framingham.

It is with a certain amount of regret that I wish a fond farewell to such an able and respected member of the Framingham Police Department. We are all aware of the risks that Lieutenant Muto has faced during his career. And we are all aware of the sacrifices he has made in order to best serve the public as a police officer.

I join his friends, colleagues, and wife Betty, in congratulating him on his well earned retirement and wish him well in his future endeavors.

TRIBUTE TO BEN F. HALL

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. SKEEN. Mr. Speaker, I rise today to express my gratitude to a New Mexico citizen who has served my home State well for the past 7 years. Since 1981, Ben F. Hall has unselfishly served as chairman of the New Mexico State Agricultural Stabilization and Conservation [ASC] Committee. This committee is immensely important because it's members direct administration policy as it applies to various farm programs. Ben has served this committee and his fellow agriculturists well. And for that, all New Mexicans owe him their sincere thanks.

Ben and his wife, Frances, raise longhorn cattle on the family's 40,000-acre ranch near Taiban, NM. Ben is also a member of the New Mexico Farm and Livestock Bureau, the New Mexico Cattle Growers' Association and is involved in the State and National Longhorn Breeders' Associations. Ben is a De Baca County commissioner and, for 38 years, has served as chairman of the board of De Baca General Hospital.

Although Ben had many irons in the fire, he was more than willing 7 years ago to accept this appointment to serve on the ASC board. Ben has been a faithful and loyal public servant, serving his community and his industry with merit.

I offer Ben my hearty congratulations and sincere thanks on a job well done.

THEY ARE AS AMERICAN AS JESSE HELMS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. MATSUI. Mr. Speaker, I would like to direct my colleagues' attention to Edwin M. Yoder, Jr.'s column in today's Washington Post. Mr. Yoder eloquently states the great need for redress legislation and the fundamental flaws in many of the arguments made against.

Mr. Speaker, I urge my colleagues to examine this article which I now submit for inclusion in today's record.

The article follows:

THEY ARE AS AMERICAN AS JESSE HELMS

(By Edwin M. Yoder, Jr.)

After a leisurely repentence of 47 years, Congress is preparing to "apologize" by law to the Americans of Japanese ancestry we locked up after Pearl Harbor—and to modestly indemnify the survivors.

The bill passed both houses easily. But some reactions from the small band of opponents on the Senate floor are worth noting. They show how grossly an obvious point can be missed.

Consider, for instance, that noted contrariant, Sen. Jesse Helms of North Carolina. "Fair is fair," the senator intoned, offering an amendment to "provide that no funds shall be appropriated under this title until the government of Japan has fairly compensated the families of the men and women who were killed as a result of the . . . bombing of Pearl Harbor."

The "fairness" of this bizarre idea is concealed by its stark irony. After Pearl Harbor, thousands of unoffending, law-abiding U.S. citizens—say it, senator, until it sinks in: U.S. citizens—were summarily stripped of rights, property and, in the case of some elderly people shipped off to drafty huts on the plains, life itself. Unlike Americans of, say, German or Italian descent, the Japanese Americans could be identified and stereotyped. They paid a hideous price for being racially identifiable.

Helms' weird notion of fair play, these 47 years later, is that the nisei should again be held hostage for a distant racial connection to the Japanese in Japan. They are as American as Jesse Helms—perhaps a bit more so, in fact, in their grasp of what the U.S. Constitution is all about. But they look like the Japanese Japanese.

Let us not blame Helms entirely, however, for his strange adaptation of a theory that Americans are entitled—or as he would have it, not entitled—to some benefit by virtue of racial identity. That kind of thinking is fashionable today, so long as the goal is alleged to be beneficial. The senator's strange borrowing of a trendy idea shows, however, how easily it can be perverted into something quite nasty and wrong.

The whole point about the nisei is that they became victims of an unconstitutional discrimination by virtue of racial identity, and for no other reason. "Racism" is an overused epithet today; but if their internment was not an example of it, the term has no useful meaning.

Moreover, the policy that interned them, without any juridicial finding, was far from casual. It had distinguished sponsors. There was President Roosevelt, to begin with. Walter Lippmann, the newspaper columnist, approved. Earl Warren, who later would become chief justice and a great civil libertarian, backed the internment. Justice Hugo Black, also a significant libertarian, thrice voted in the Supreme Court to uphold the policy. John McCloy, a dedicated public servant then and later, continues even today to defend the indefensible. About the only notable dissenter was Sen. Robert Taft, who questioned the enabling bill when the Senate was casually whooping it through.

The excuse was that the West Coast, after Pearl Harbor, was of a sudden exposed to sabotage and espionage, with Americans of Japanese ancestry the automatic suspects.

This supposed threat was imaginary. It was known to be imaginary by the two most competent sources of relevant information, the FBI and Naval Intelligence; and they said so. Naval Intelligence had earlier detected and smashed the only significant West Coast spy ring, centered in the Japanese consulate in San Francisco. But even if the threat had been real, it would not have excused the wholesale abolition of basic liberties for a whole class of citizens, whose loyalty was unimpugned by evidence.

Interestingly, no such hysteria broke out in Hawaii, presumably because people of Japanese ancestry were not a vulnerable minority there, whose land and property were coveted by their neighbors.

Aside from slavery and various sharp practices against the Indian tribes (and slaves and Indians were long deemed to be noncitizens), the internment of the Japanese Americans is the worst blot of its sort on our history. In apologizing to and compensating the victims, we are also apologizing, all too belatedly, to our better traditions.

Those like Helms who would hinge this overdue gesture of healing on some imaginary obligation of the Japanese government show that they still don't get the point—even after nearly half a century.

LOUISVILLE CRIME VICTIM-AID GROUP RECEIVES HONOR FROM PRESIDENT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. MAZZOLI. Mr. Speaker, on Monday, April 18, in honor of Crime Victims Week, President Reagan and Attorney General Edwin Meese recognized an organization from home, Citizens and Victims for Justice Reform, Inc., for its work in behalf of crime victims. I wanted to take this opportunity to join all Louisville and Jefferson County residents in applauding this group for its hard work and dedication to a laudable cause.

Though only 4 years old, Citizen and Victims for Justice Reform has provided support for many victims of crime and their families. And, their efforts in support of legislation to aid these victims have been well noted in the House Crime Subcommittee, on which I serve.

Mr. Speaker, I especially wanted to recognize a founding board member of the organization, Col. Earl Pruitt, a long-time friend of mine who received the award in the gorup's behalf.

Perpetrators of crime are often glorified at the expense of victims, and Colonel Pruitt has done much to promote the plight and trauma of the victims of such villainy.

While there remains a great deal of work ahead of them, Earl Pruitt and the Citizens and Victims for Justice Reform have garnered much needed attention to this pressing problem and set a standard for similar groups, as well as for citizens of our Nation as a whole.

TRIBUTE TO JOHN H. DENT

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. HORTON. Mr. Speaker, I would like to take this opportunity to express my sense of loss at the passing of a dear friend and former colleague of ours, Congressman John H. Dent of Pennsylvania.

John had a truly remarkable career in politics. Before entering the House of Representatives in 1958, he had served for 19 years as a Democratic leader in the Pennsylvania Senate.

The American worker owes a great debt of gratitude to John Dent. As senior member of the Committee on Education and Labor, John took the health of his constituents to heart in sponsoring the Black Lung Program. To further protect the health of workers, John was an original sponsor and key supporter of the Occupational Safety and Health Act of 1970, and the Mine Safety Act of 1977. Further, John Dent sought to protect the financial wellbeing of the American citizen. He was the principal mover behind the establishment of the Employee Retirement Income Security Act.

It is perhaps significant that John should pass away at a time when there is great call in Congress for an increase in our national minimum wage. John was a strong proponent of a minimum wage to ensure that workers were provided adequate salaries to care for themselves and their families. I suggest that it might be in the best interest of Members even today to go back and review some of John's statements on the topic when examining minimum wage legislation.

John and I became close personal friends during his tenure in Congress. Through our conversations, I gained many insights into legislation and came to respect and admire John as a truly thoughtful and compassionate public servant.

Let me end by offering my sincere condolences to John's wife, Margaret, and their children. I wish to convey the similar sympathies of my wife, Nancy. I only hope that you can find some solice in the thought that, every day, John's contributions continue to protect the lives and health of millions of American workers. John's legacy will live on far into the future.

WORLD POPULATION AWARENESS WEEK 1988

HON. ELIZABETH J. PATTERSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mrs. PATTERSON. Mr. Speaker, some of my colleagues may already be aware that April 17–23 was recognized throughout the Nation as "World Population Awareness Week." I am pleased that my own State of South Carolina was an official participant.

The proclamation signed by Gov. Carroll Campbell, which was identical to the congressional resolution, could not have been better timed. The world's population is now growing faster than it ever has before, adding another 90 million people every year. What's more, 92 percent of that annual growth is taking place in the Third World. The result is that many impoverished nations are being overwhelmed by population growth and are losing ground in the struggle for economic development.

There has been a lot of talk about Panama lately, and rightly so. But one aspect of the Panamanian situation which is rarely discussed is the ways in which its rapid population growth contributes to its destabilization and its political woes. I choose the example of Panama because, coincidentally, it is almost exactly the size in land area as my home State, and yet the contrast is telling.

The population of South Carolina will not double for another 100 years at present growth rates. By that time, however, Panama's population will have doubled itself three times over. That means that eight times as many Panamanians will be competing for space, shelter, food, and jobs as now inhabit that troubled country. Such numbers would place unthinkable pressures on Panama's economy, social stability and natural environment. The only possible solution is to work today to find ways to help Panama avoid that bleak scenario.

I am, therefore, very pleased that the citizens of South Carolina did just that by gathering during the week of April 17–23 to consider the ramifications of rapid population growth in the Third World and possible humanitarian solutions.

ARMENIAN RIGHTS IN NAGORNO-KARABAKH MUST BE RECOGNIZED

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. BATES. Mr. Speaker, as a people composed of many ethnic groups, we Americans must take a careful look at the current situation in Soviet Armenia. Since the First World

War, the Armenian people in the mountainous region of Nagorno-Karabakh have been separated from their community in Soviet Armenia proper. Nagorno-Karabakh has been administered by adjacent Soviet Azerbaijan, despite past assurances by the Kremlin that this region would be returned to the jurisdiction of Armenia.

Last February, the legislative body of Nagorno-Karabakh made a formal request to the Soviet authorities to reunify their territory with Soviet Armenia. The refusal by the Central Committee of the Soviet Union's Communist Party resulted in mass demonstrations through the end of March. The Soviets have suppressed demonstrations and riots in Nagrono-Karabakh through harsh measures, in which hundreds of Armenians have died.

In the wake of this expression of Armenian identity and solidarity, the Kremlin recently presented an 8-year plan to appease the people of Nagorno-Karabakh. This plan makes assurances aimed at helping Armenians to retain their ethnic identity, and promotes economic and cultural development in the region.

While the Soviet plan will provide much-needed assistance to the region, this gesture must not be allowed to circumvent the fundamental problem. The people of Nagorno-Karabakh are still separated from their Armenian brethern in Soviet Armenia. The demonstrations will not cease, and the brutal suppression will not terminate, until a reunification of the Armenian people is implemented by the Soviet Union. I urge my colleagues to join me in demanding Soviet recognition of the ethnic integrity of the Armenian people, and urging the Soviet Government to incorporate Nagorno-Karabakh into Soviet Armenia.

NATIONAL DIABETES MONTH

HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. BRENNAN. Mr. Speaker, I rise today to commend two Maine citizens whose efforts in the fight against diabetes deserve our praise and thanks. Each will receive special awards at the annual meeting Saturday of the Maine affiliate of the American Diabetes Association.

Laura Bailey, a volunteer who has lived with diabetes for over 36 years, has brought a personal and poignant example to those around her. She will receive the George Staab Award, given in appreciation to an individual who has diabetes and who has contributed significantly to the diabetes cause.

Laura, president of the American Diabetes Association—Maine affiliate in 1983-84, has been very active on the chapter development committee and has been primarily responsible for support group activity in the Augusta area. She served on the National Committee on Affiliate Associations for 2 years and has testified several times before the Senate Appropriations Committee to enlist support for funding for diabetes control programs.

Cindy Hale will be the second special honoree, and will receive the Randy Toothaker Award for her special contributions. Cindy was the Maine affiliate's first president in 1981, and was instrumental in organizing the affiliate. She still remains active in many aspects of its operations, especially in the chapter development and annual meeting planning committees.

Cindy has had diabetes for nearly 20 years, and is a nutritionist for the diabetes control project. I am especially proud of her accomplishments in helping to organize Camp Kee-to-Kin, Maine's camp for families with a diabetic child. She serves as the nutritionist for the camp. Cindy is known to everyone connected with diabetes in Maine as a sensitive teacher and an inspirational friend.

These Maine citizens serve as examples to all of us. Their battles against diabetes have been fought with courage and determination. They show us that with proper diagnosis and treatment, diabetes can be coped with.

I have joined many of my colleagues in cosponsoring a resolution proclaiming November 1988 as National Diabetes Month. This proclamation, which brings attention to the human and economic costs of diabetes, provides a forum to educate the public about the disease, and highlights the need for continued funding for medical research into the causes, treatments, and potential cures of diabetes, deserves the support of each of us.

I ask my colleagues to look around your districts and discover the Laura Bailey's and Cindy Hale's who live near you. We in Maine are lucky to have these two dedicated citizens working on behalf of those afflicted with diabetes.

RESOLUTION FOR JOHN L. DALES

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. WAXMAN. Mr. Speaker, I am proud to submit the following resolution by which John L. Dales will be honored at the Motion Picture and Television Fund's annual Dinner of State on May 5, 1988:

RESOLUTION FOR JOHN L. DALES

Whereas the State of Israel salutes the Motion Picture and Television Fund on May 5, 1988 at the annual Dinner of State, and honors John L. Dales president of the Fund and,

Whereas the Motion Picture and Television Fund is a charitable organization supported by the people to the motion picture and television industry and,

Whereas the Fund represents a unique expression of the honored American tradition that members of a family accept as normal, the responsibility of caring for its own, and

Whereas the Fund has been doing just that since it was founded in 1921 and,

Whereas on May 5, 1988, at the Annual State of Israel Salute to the Film Industry of California, John L. (Jack) Dales will receive the coveted Torch of Freedom award in recognition of his lifetime of involvement on behalf of his fellow man of all faiths; and

Whereas he is a Southern California Sabra, born in Santa Monica in 1907, who graduated Los Angeles High School in 1925, graduated Stanford University in 1929 and Stanford University Law School in 1932; and

Whereas after 5 years of private practice he was appointed resident attorney for the Screen Actors Guild in 1937, and then the assistant executing secretary of the Guild in 1939; and

Whereas he was chosen to be the national executive secretary of SAG in 1943, a position he held with distinction for 29 years; and

Whereas upon his retirement, a scholarship was created in his honor, and he received the Guild's Annual Honors in 1972 Award, as well as the Funds, Silver Medallion Award of Honor; and

Whereas he joined the Board of the Trustees of the Fund in 1964 and served as its president for the past eight years; and

Whereas his philanthropic interests led him to the presidency of the Crippled Children's Society of Los Angeles, his union concerns and leadership qualities found expression as a vice president of the California Federation of Labor, and his civic responsibilities afforded him the opportunity to serve as a member of the California Women's Board of Terms and Paroles from 1973-1977, and his deep spiritual convictions were nourished as a Vestryman at the All Saint's Episcopal Church in Beverly Hills; and

Whereas on the eve of Israel's 40th Anniversary, the Film Industry of California is saluted for its work toward total rejection of bigotry, hatred, terrorism and exploitation; and

Whereas Jack Dales recognizes that an economically secure Israel is fortified by the Israel Bond program, which is now in its 37th year of providing urgently needed finances to develop every major aspect of Israel's resources; and

Whereas Israel Bond dollars remain in the United States to pay for American goods and services, produced by American labor, and transported to Israel by American transport: Now therefore, be it

Resolved, That the Members salute the State of Israel on its 40th Anniversary of Independence; and be it further

Resolved, That the Members extend their highest commendations to John L. (Jack) Dales for his outstanding record of diligent and devoted service to and concern for the benefit of his community, his industry and his faith, and congratulate him upon being designated to receive Israel's Torch of Freedom award; and be it further

Resolved, That suitably prepared copies of this resolution be transmitted to John L. Dales, his wife Freda Elizabeth of 52 years, and his two sons, Dr. Loring Dales of Berkeley, California, and the Reverend Randolph Dales of Wolfeboro, New Hampshire.

SALUTE TO THE CHESTNUT HILL LOCAL

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. GRAY of Pennsylvania. Mr. Speaker, 30 years ago, the Chestnut Hill Community Association—a group of residents in northwest Philadelphia—was concerned about a host of social, economic, and political problems. In an effort to alert other people in the community about these problems, they published an eight-page tabloid called the Chestnut Hill Local.

It was rough going for the tabloid back in 1958. There was no paid staff then, only a dedicated cadre of hard-working volunteers. The weekly operated on a hand-to-mouth basis, with financial contributions from area storekeepers helping to keep it afloat. Indeed, the first 6 or 7 years were quite precarious.

But today, the Local is self-supporting. It now averages 68 pages an issue. And money raised from subscriptions and advertisements is used by the community association—some 3,500 members-strong—to fund a thriving seniors center and various other projects including land-use and the beautification of Germantown Avenue.

Earlier this year, editorials and stories in the Local focusing on the need to rebuild the Cresheim Valley Bridge, a key rail bridge in the community, had a tremendous response. Readers wrote letters to their elected officials. They made phone calls and circulated petitions. As a result, the bridge—which has been closed since June 1987—will receive a $10 million overhaul.

Editors and writers at the "hard hitting, nononsense" newspaper have won awards from Keystone Press and Sigma Delta Chi for its high standards of professional journalism. In addition, the Local has received blue-ribbon ranking from the National Press Association for highest quality weekly newspaper.

The paper is the success it is today because of its heroes and heroines—volunteers like 90-year-old Ellen Wells, who has been with the paper since its inception and is still writing. The weekly—with a circulation of 10,000—is alive and well, and growing, and ready for the next 30 years because of the energy, commitment, and love of editor Marie Jones and associate editors Mary Jane Shelly, Ruth Russell, and Katie Worrall.

This Sunday, May 1, the Local will celebrate its 30th birthday at the town hall in northwest Philadelphia.

I know my colleagues here in the House will join me in congratulating the Local and offering heartfelt wishes for 30 more years of continued success.

WOMEN AND MEN AGAINST RAPE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. FLORIO. Mr. Speaker, when some situations are discussed openly, frankly, and with understanding, those problems become much less problematic. That is the case with rape.

Indeed, one of the many individuals who has been outspoken in dealing with that problem and with offering advice and assistance is Michael Landon.

Well before he became an internationally recognized celebrity, he was a locally recognized part of Collingswood, NJ.

In his hometown of Collingswood are the roots that would later serve him well in his professional career as an actor, director, and a producer.

It is to these roots that he has often returned. He has worked diligently in addressing the needs of that community.

Recently, he offered his services to the community organization known as Women Against Rape. Through this community outreach, he has already helped many individuals in that community to deal with some of the persistent problems of our society, that of rape and sexual abuse.

When he delivered that public service announcement, he provided the stimulus for individuals who had been seeking help but who had previously been uncertain about what they could do.

It is those services for which the community and the organization Women Against Rape are thankful and for which they congratulate Mr. Landon.

Through Mr. Landon's endeavors, one of the Nation's least discussed problems has been given a forum for open and helpful discussion.

Women Against Rape, also known as WAR, has done its share as well to wage a battle against the lack of understanding and of compassion. Through victim assistance and crime prevention programs, WAR has dedicated its energies to the problems of rape and sexual abuse. Indeed, rape is a problem that is not limited to women but which also affects men.

Mr. Landon's efforts are encouraging in that they show an understanding of the problem, a willingness to deal with the problem, and a desire to help others deal with their problems.

I commend Mr. Landon for those efforts and hope that his willingness to engage the community in a frank discussion will be an example to others that talking about the problems of rape is one step in dealing with the problem.

WHY YOU DESIRE TO BECOME A CADET OR MIDSHIPMAN

HON. RUPERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. DORNAN of California. Mr. Speaker, when United States servicemen returned from Vietnam, many were ridiculed by Americans who believed our Nation was fighting an immoral war.

As a supporter of the brave and honorable men and women who served the cause of freedom in Southeast Asia, I would like to submit into the RECORD a statement from Han Nguyen, a 17-year-old high school student who escaped from Vietnam and now resides in my congressional district. Han, who I recently nominated for an appointment to a U.S. service academy, wrote on his application a moving tribute to all those who fought and sacrificed for freedom in Vietnam. Han was so moved by their compassion and dedication that he now wants to join their noble ranks.

Mr. Speaker, I hope that all Americans who served in Vietnam will read Han's tribute and know that those who lost their nation to communism will be eternally grateful for their dedication and sacrifices.

Question. Briefly explain why you desire to become a Cadet or Midshipman.

My people will never be the same. My country will never be the same. I can never go back to a culture and a land that I once loved. However, I am capable of serving a nation that gave me refuge and saved me from the jaws of communism. I can combat the forces that war against the nation I now love and respect. I watched American soldiers feed my friends and relatives during the savage evacuation and subsequent turmoil years following 1975. I witnessed the commitment of United States servicemen as they protected a lost and dying land. I made a vow as a small child to one day repay a country that has given me a new life! That's why I want to be a Cadet or Midshipman and for no other reason.

STUDENTS FOR CHILD SURVIVAL WEEK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. GILMAN. Mr. Speaker, I rise to urge strong support of House Joint Resolution 505, legislation that declares May 1 through May 5 as "Students for Child Survival Week."

I commend the gentleman from New York [Mr. FLAKE] for having the insight to develop the bill. His leadership on the Select Committee on Hunger is much appreciated.

It is an honor for me to represent constituents of the 22nd District of New York who are participating in the "Balloons for Child Survival" fundraising activity. I am especially pleased that many students attending Monroe-Woodbury School have taken a keen interest in the event and the importance of child survival. They are to be further commended because they will not actually release their balloons.

Apparently, once it come to their attention that fish and wildlife would be threatened, it was decided to hold a "balloon unlaunch."

In the Congress there is a link between the environment and hunger, too. Last year, I introduced a bill that set aside funding to stop the desertification and deforestation of subSaharan Africa. Due to the deadly combination of overcultivation, overgrazing, and deforestation, large chunks of the Sahara are rapidly turning into desert. Desertification now threatens about 2.7 million square miles south of the Sahara.

Approximately 40,000 children under the age of 5 die each and every day from hunger . . . about 15 million a year.

What is so upsetting about this is that it can be prevented. The child survival techniques utilized by private voluntary organizations around the world can turn the situation around if the proper level of resources are made available.

With the help of more initiatives like the Hamilton bicentennial and the Monroe-Woodbury school "Balloons for Child Survival", we make certain that children around the world will have a better chance of survival.

Accordingly, I urge my colleagues to support House Joint Resolution 505.

TRIBUTE TO RABBI JOSEPH J. RUDAVSKY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. TORRICELLI. Mr. Speaker, it is with admiration and respect that I rise today to honor Rabbi Joseph J. Rudavsky, Ph.D., on the occasion of his retirement. A dynamic man of integrity and compassion, Rabbi Rudavsky has been the devoted spiritual leader of Temple Sholom since 1962.

He was ordained at Hebrew Union College-Jewish Institute of Religion and was awarded a masters degree as well as a DD degree. His other degrees include a bachelor degree from Brooklyn College and a sacred theology masters degree from the School of Theology at Boston University. He chose to concentrate his academic research on the Holocaust, and in 1978 earned his Ph.D. degree from New York University with a dissertation topic entitled "The Sanctification of Life During the Holocaust."

In addition to congregational rabbinic work, the rabbi has distinguished himself through his exceptional knowledge and skill as a teacher and historian. Rabbi Rudavsky directed Hillel Foundations at the University of Texas and the University of Georgia, where he taught courses in Hebrew and Judaic studies. He has also taught Hebrew and Jewish civilization at Bergen Community College. Since 1981 he has served as the Director of the Center for Holocaust and Genocide studies at Ramapo College. In addition to directing the Center, he teaches Holocaust studies. A recognized scholar, he is the author of a recently published book, "To Live With Hope * * * to Die With Dignity."

Rabbi Rudavsky is a member of the Governor's advisory council on the Holocaust and also serves on the steering committee of the National Association of Holocaust Organizations. He was an elected member of the board of the United Jewish Community, Bergen County's Jewish Federation, and serves on its allocation, education, and community relations committees. He was founding president of the Bergen County Board of Rabbis and past president of the New Jersey Association of Reform Rabbis. Rabbi Rudavsky and his wife Charlotte, a retired school teacher have three grown children.

Rabbi Rudavsky's genuine concern and commitment to Temple Sholom these past 26 years certainly defines him as one of the special few who has truly made a difference. I join with family, friends, and the congregation that honors him, in wishing Rabbi Joseph J. Rudavsky all the best in the years ahead.

URGE PRESIDENT NOT TO VETO TRADE BILL

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. LIPINSKI. President Reagan, I ask you not to veto the trade bill because of the plant closing notification provision. This provision ensures that companies considering closing their business do not hide their plans until the last minute from their employees and from the communities where their businesses are located. I believe this provision is similar in spirit to legislation that this Congress passed years ago—legislation such as minimum wage requirements and child labor laws.

Mr. President, your own Task Force on Economic Adjustment and Worker Dislocation has stated that advance notification of plant closings and large-scale permanent layoffs to both employees and the community is good industrial practice.

Many companies in our Republic now offer some form of advance layoff notice. They believe it does not hurt productivity. The U.S. Chamber of Commerce does not support plant closing notification, but it does encourage business to give advance layoff notices when possible.

Our major trading partners—West Germany, Canada, and Japan—have such plant closing regulations and they are doing very, very well. In fact, they are doing much better than we are in the area of trade.

If these points do not convince you not to veto the trade bill, please consider the following:

Many of the millions of families affected by business closings and permanent layoffs suffer devastating losses, both on a financial level and in terms of their mental and physical health. Earning losses are the most immediate and obvious result of job loss. Research show that most workers, and particularly older workers displaced by plant closings, continue to suffer large income losses even when they succeed in finding new work.

The most recent evidence of the devastating economic effect of job loss on workers is illustrated in a report issued by the Bureau of Labor Statistics which surveyed workers displaced from their jobs between 1979 and 1983. Of the 11.5 million displaced workers identified by the Bureau, approximately half lost their jobs in plant closings and half in permanent work force reductions. When the same displaced workers were surveyed in January 1984, 40 percent were still jobless. Of the 60 percent who managed to find new jobs, fewer than half were earning as much as they had in their old jobs.

Although the financial impact of a job loss is devastating, the health effects surrounding a job loss can be even more severe. Researchers have documented numerous physiological changes caused by stress following plant closures, including increased blood pressure, blood sugar and cholesterol levels. These symptoms normally drop if workers find new employment. Other medical effects have also been found in workers and their families following plant shutdowns: weight loss, hypertension, ulcers, alcoholism, and increased incidences of diabetes and respiratory diseases. It is no exaggeration to state that a plant closure or permanent mass layoff can create serious medical problems for displaced workers.

Nothing illustrates the destructiveness of job loss for the worker and his or her family more clearly than the evidence that plant closing victims are far more likely to commit suicide than the average person. A recent study indicated that the suicide rate among plant closing victims was 30 times greater than normal.

While suicide is the most shocking and visible result of the physiological and psychological traumas that affect all displaced workers to varying degrees, depression, grief, and a sense of total isolation usually afflict the victims of a closure as well. These feelings, and a loss of confidence which most workers experience contribute heavily to the inability of displaced workers to adjust and find new employment opportunities.

Many case studies of plant closings have identified serious strains on the families of unemployed workers. Undoubtedly, the stress, anxiety and depression realized by the displaced worker is magnified in the overall family setting where the spouse and the children become highly vulnerable victims to this emotional fallout.

The adverse effects of a plant closure or mass layoff, however, extend far beyond displaced workers and their families. The impact of a major plant closing has a domino effect which permeates into the entire community. Local businesses lose profits because of their dependence on the plant or its workers to buy their goods and services. Their lost profits in turn increase the roles of the unemployed. As the work force exodus escalates, the property values decline. All of these events—workers being laid off, the plant closing, the local businesses losing profits, the property values declining—cause a decrease in the tax revenues, plus the increased public expenditures for terminated workers lead to increased tax rates or reduced public services for all community residents. Ultimately, this all leads to the virtual demise of previously thriving municipalities. Clearly, these private sector disinvestment decisions continue to have devastating public consequences. Therefore, in order to protect the revenue base of local governments, prepare the various social service agencies for the needs of displaced workers, and pursue strategies to avert closings, community leaders and local officials need timely notice of plant closings and mass layoffs as well as accompanying information regarding the decisionmaking process.

Plant closings and other operational changes are usually undertaken by management for the benefit of a business owner in an attempt to reduce costs and maximize profit. When such decisions are made prudently, the owners capitalize on their investment and those employees whose jobs are not eliminated may benefit from greater job security. Management does not have a monopoly on wisdom and may not see opportunities to improve the productivity of an existing plant—opportunities which the employees may well recognize. Even where a management decision to close a plant is economically prudent for the workers who lose their jobs, management's decision is an assault on their financial stability, health, and happiness. However, with advance notice and the employers' cooperation—along with a willingness to consider reasonable alternatives——many more plant closings could be averted.

Where a plant closing cannot be prevented, responsible corporate action can mitigate some of the damage their decisions cause and ease the impact on employees by giving at least a 1-year closing notice and a variety of ancillary benefits including severance pay and an early retirement plan, extension of life and medical insurance, profit sharing improvement, and relocation expenses or transfer rights to the company's newest facility. In addition, companies which are in the midst of closing down their doors should also consider in-plant job search centers, financial counseling, funding to retrain displaced employees, and a task force to assist the community in finding alternative uses for the abandoned facility.

Although these are all reasonable support measures, many businesses today do virtually nothing either in consulting with their employees or in providing compensatory benefits to lessen the impact or damage their disinvestment decisions cause.

A recent study conducted by the Bureau of Labor Statistics revealed that of the 11.4 million workers displaced between 1974 and 1984, 5.5 million received no advance notice of and did not expect their layoff.

It is an undeniable fact that hundreds of thousands of Americans a year have their jobs terminated and are thrown out on the streets without any warning. Unfortunately, hundreds of thousands of families are forced to face the financial, psychological, and medical trauma of job loss without an opportunity to prepare for it.

The facts are clear on this issue. Without meaningful legislation requiring employers to give adequate advance notice of shutdowns and mass layoffs, millions of Americans will continue to be unfairly placed in the unemployment lines without any opportunity to prepare for the many hardships that will follow.

The American work force has made immeasurable contributions to the economic advancement of this country. Through their vibrant spirit, innovative technology, and sweat, our workers have created a modern industrial giant. It is, therefore, incumbent upon us all to address the problem of plant closings and find equitable solutions that will not only revitalize the economy but also serve to protect our labor force, which has been the bulwark of American society.

One last bit of information, Mr. President. Most of the people that have been hurt and will be hurt by a lack of plant closing notification were the so-called swing Democratic voters that helped you get elected in 1980 and again in 1984. You needed their help then and they need your help now.

MARTIN BLINDER: ART ENTREPRENEUR

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. LEVINE of California. Mr. Speaker, I rise today to bring to my colleagues' attention an interesting and significant article about a distinguished American, Martin Blinder. Marty is a self-employed art dealer in Van Nuys, CA, and the story of his success has the touch of Horatio Alger. He is also a personal friend whose own talents and warmth are well known to me.

Fourteen years ago, he was a man who loved art and money—but had little of either. So, foregoing his chance to become a famous TV producer, Marty began buying multiple copies of lithographs and would then resell all but one to make up the cost. The system worked. Going from a personal collection of about seven paintings, Marty today has over 200 pieces.

Several years later, in 1981 Marty opened a showroom in Los Angeles. It has been a thriving business ever since. That showroom contains works of the famous and the not yet famous. From Warhol and Rosenquist to Kenny Scharf and Keith Haring—two of the young artists Marty's gallery is featuring. The stock in his business has nearly tripled, and he has now grossed millions.

Yet, despite his personal success, Marty has not forgotten those humble years when he had a hard time owning art because he couldn't afford it. The goal of his showroom is to make quality works of art available to those who don't have access to exquisite New York galleries. Art, he believes, should not be a hobby solely of the upper class.

If that doesn't sound like a typical art dealer, it's because Marty isn't. If you met him, you probably wouldn't guess what he does for a living. He's got a great sense of humor and, as a recent article in Esquire noted, "Hip is not what he strives to be."

Mr. Speaker, I request that the Esquire magazine article on Mr. Blinder be included at this point in the RECORD. I commend it to my colleagues in the House.

LET THEM BUY ART

(By Michael Kaplan)

In a business that's dominated by trim men who speak in cultured tones and ooze elitist attitude, Martin Blinder is an anomaly. He does not party at Nell's, talks in a sped-up Hollywood accent seasoned with Brooklynese, and wants little more than to sell art in shopping malls. Hip is not what he strives to be.

Anchored on either side by, say, a Macy's or a Bloomingdale's, his galleries offer medium-priced etchings and lithographs (signed and numbered and in editions of fifty to five hundred) by art stars such as Warhol, Rosenquist, and Miró. "The established dealers seem to think that only the upper class can own art," forty-one-year-old Blinders says. "I'd like to give people who don't have access to New York galleries the same thrill that I get from buying work that I love." Despite the art that surrounds him—a recently acquired painting by Frank Stella takes up the better part of a wall in his Van Nuys, California, office—Blinder operates with the same unabashed eye on the bottom line as his retailing neighbors. His business is clearly an equation of art plus commerce.

His Martin Lawrence Galleries (the name comes from an early, short-lived partnership with a man named Lawrence), made up of twenty-one outlets across the country, brings limited-edition prints to towns where graphics are typically available only through glorified poster shops. In contrast to his garishly cluttered competitors, Blinder's galleries are sleek, well-lit places where the work is carefully hung, tastefully displayed, and usually sold for $1,000 to $7,000—lots of cachet for those with limited cash.

Judging from the success of the twelve-year-old, $32-million business, the galleries have just the sort of aesthetics and environment that suburbia's thirty-something set has been waiting for. "We get a lot of first-time art buyers who come out to buy a pair of jeans and wind up with a Warhol," Blinder says magnanimously, explaining that instant financing is available through an independent creditor. "Our galleries are very inviting places. If nothing else, they provide a respite from a busy shopping day."

Fittingly, Blinder started his business as inauspiciously as the manner in which his customers usually stumble across it. A former stockbroker and struggling TV producer, he owned six lithographs in 1974 and had his eye on number seven when he realized his penchant for art exceeded his finances. In order to afford the piece, Blinder tracked down the wholesaler and offered to buy two copies of the lithograph with cash up front—galleries traditionally get billed—and managed to afford the work by selling the second print to an acquaintance at a price between retail and wholesale. "Next I bought three pieces and sold two of those," he recalls. "That sale fully covered my purchase." By paying COD, an unusual arrangement that he still practices, Blinder became a favorite among the print publishers and soon found himself purchasing in increasing quantities and spending as many as fourteen hours a day on the phone trying to hustle the pieces to retailers around the country.

Martin Blinder's company grew along with his art collection (which now stands at about two hundred pieces). "I applied a business sensibility to dealing art in a way that most people don't," he says, sounding more like a stockbroker than a connoisseur. "Typically they let their emotions lead the way, and it stops there. I allow my emotions to lead me to a work of art, but then I sit back and analyze the cost and potential return, the way I would for any other investment."

In time, Blinder began thinking about publishing editions of images and cutting out the middlemen he was buying from. His break came in 1976 when he convinced Salvador Dali to allow him to put out a series of surrealistic lithographs. "I found partners who helped me make the first payment to Dali," says Blinder, explaining that his $350,000 deal with the legendary eccentric gave him credibility with a lot of other artists. Despite the ongoing profits, however, Blinder pulled out of the Dali market four years later when it became flooded with counterfeits.

By 1981 Blinder was grossing about $2.5 million, publishing most of what he was selling, and decided to open a showroom in L.A.'s decorator district. It was an up-and-coming shopping area, and people wandered into the gallery thinking it was a retail shop. Pleasantly surprised, Blinder marked the art up to the appropriate retail prices and cordoned off a back room for wholesale customers.

The change of strategy was fortuitously timed: "I went through a very rocky period with the wholesale business during the recession of the early 1980s," he recalls. "The mom-and-pop galleries couldn't afford to pay their bills, and it was the retail business, with immediate payment, that carried us." Blinder recognized the need for his own retail outlets and began "malling" art in

1980. Three years later he took the company public.

"My competitors thought I was crazy," he recalls with a chuckle. "They knew I owned a fine-art gallery and couldn't figure out why I wanted to open in a shopping mall." At the end of 1987, the stock, which originally sold for $2 per share and reached a high of $8.50 in October, was holding steady at $5.25.

Art is highly speculative, of course, but Blinder has carved out a relatively safe niche for himself and his investors. The company is largely vertical, now producing half of what it sells—and sells work mostly by artists who have established themselves as bankable in the one-of-a-kind art market. Two of his most recent signings are Kenny Scharf and Keith Haring, whose paintings sell for as much as $50,000 (prints are expected to start at $2,000). Many Martin Lawrence customers will be seeing the young artists' work for the first time, though the question of their acceptance in the 'burbs does not seem to worry Blinder. "I'm going to expand Keith and Kenny's market," he says, "and hope to educate my customers about some of the more avant-garde work."

Then, lest one think that Martin Blinder is in it strictly for the aesthetics, he sharply notes. "And it all relates back to dollars and cents: with more information you'll develop a keener interest, and with a keener interest you'll buy more art."—Michael Kaplan

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TRIBUTE TO ROBERTA MORROW

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. SKEEN. Mr. Speaker, I rise today to express my gratitude to a fine New Mexican who has served my home State well for the past 7 years. Since 1981, Roberta Morrow has unselfishly served as a member of the New Mexico State Agricultural Stabilization and Conservation [ASC] Committee. This committee is immensely important because it's members direct administration policy as it applies to various farm programs. Bobbie has served this committee and her fellow agriculturists well. And for that, all New Mexicans owe her their sincere thanks.

Bobbie and her husband, Joe, grow cotton, lettuce, chili, wheat, onions, alfalfa, and grain sorghum on more than 500 acres of irrigated land near Hatch, NM. She is a member of the New Mexico Farm and Livestock Bureau and the New Mexico Cattle Growers' Association. Bobbie, who is a former first grade teacher in Hatch, also has served on the board of directors of the Hatch Area Health Council.

Although Bobbie will no longer be serving on this particular board, I know she will continue to serve New Mexico's agriculture industry in other capacities.

I offer Bobbie my hearty congratulations and sincere thanks on a job well done.

THE DEATH OF GORDON A. FLEURY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. MATSUI. Mr. Speaker, last November Gordon A. Fleury, a great American and dedicated public servant, passed away. An outstanding lawyer, assemblyman, and judge, Gordon left behind an outstanding record of achievement and public service.

He began his law career in 1939, and was appointed deputy district attorney in Sacramento just 2 years later. He served in the U.S. Navy during World War II. In 1948 he successfully ran for the eighth district assembly seat, undaunted by his defeat in 1940. His candidacy was so popular that he won the nominations of both parties, a feat he repeated in 1950, 1952, and 1954.

His outstanding career in the California Assembly only ended when he accepted an appointment to the Superior Court in 1956. He returned to private practice in 1961, joining the firm Wilke, Fleury, Hoffelt, Gould & Birney. This firm specialized in legislative affairs and its clients included the Sacramento Union.

Mr. Speaker, everyone who is familiar with Gordon Fleury's career will miss him greatly, for he made a significant and lasting impact on the California legal system. I extend my deepest condolences to his wife, Anabel, and daughters, Sally Huffman, Sue Gould, Becky Fleury, and Paula Ramos.

HAROLD ROSEN: COMMUNITY VOLUNTEER

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. MAZZOLI. Mr. Speaker, in recognition of "Volunteer Awareness Month" in Kentucky it is a pleasure for me to honor my friend and distinguished constituent, Harold Rosen, of Louisville.

Harold is the director, founder, and driving force behind Pro-Power, a nonprofit organization in my home district of Louisville and Jefferson County, KY, whose objective is to unite the skills of retired professionals with the needs of local social service agencies. In 1987 his efforts were rightfully rewarded by his being named the Commonwealth's "Volunteer of the Year."

Pro-Power has members from all walks of life—doctors, lawyers, engineers, administrators, managers, professors—all who have chosen to share their particular expertise with enthusiasm.

Along with the sponsorship and assistance of Jefferson County Government and the University of Louisville Alumni Association, Harold and Pro-Power, have assembled a group of nearly 80 retired professionals who volunteer their ideas, interests, and lifetime of experience to the activities and problems facing local human service, government, and educational agencies.

The contributions of Pro-Power and its ready reservoir of talent is all the more timely these days with funding for local social services strapped to the limit and tears in the social safety net widening.

Pro-Power is people that care, people involved, people willing to offer themselves and their talents to benefit their community with no expectation of personal reward. It's another shining example of why I feel Louisville and Jefferson County's greatest asset is its people. Indeed, retirement in no way signals the end of the one's usefulness of productivity.

There are fewer more noble callings than to serve one's fellow man. Harold Rosen and Pro-Power personifies this tradition. And, I applaud this spirit of voluntarism and hope the success and promise which has followed Harold Rosen and Pro-Power so far will continue for many years to come.

Following is a recent article from Louisville Magazine regarding Pro-Power's contribution to the Louisville and Jefferson County community.

[From the Louisville Magazine, March 1988]

POWERFUL PROS

(By Elizabeth Kramer)

John C. Kearns, 73, didn't throw his suit, tie and briefcase into the back of his closet when he retired seven years ago. Instead, he's kept them—and himself—in good working order by serving as an employee-relations consultant for Jefferson County government.

Money is not his motivation. Kearns is one of over 100 retired professionals who donate their time and expertise through Pro-Power, a year-old volunteer agency built around a talented cadre of experienced administrators who offer much more than envelope-stuffing assistance. Pro-Power volunteers serve as consultants to a network of non-profit enterprises—human-service agencies, government departments, educational institutions and the like—that can't afford such services due to tight budgets.

Kearns has worked with the Jefferson County Office of Personnel Management since April to develop a unified evaluation system for all county employees. During the summer he also volunteered his talents to the City of Shively, which was concerned about the bad publicity it received when a former police chief pleaded guilty to extortion.

Pro-Power was conceived in 1985 by its director, Harold Rosen, a longtime community volunteer and retired Louisville real estate executive. "I found there were too many [retired] people just sitting around and not using their minds," Rosen says from behind a desk in Pro-Power's small office on the sixth floor of the Jefferson County Courthouse. The following year the agency's wheels began turning with the support and co-sponsorship of Jefferson County government and the University of Louisville Alumni Association. The county donates space and provides the agency with administrative assistant Joni Jenkins; the Alumni Association helps find retirees for recruitment.

Rosen describes Pro-Power as a community-mind organization "catering to the professional person who was a decision-maker during his or her career." Volunteers are broken up into 35 areas of expertise, including engineers, accountants, physicians, office managers, teachers and attorneys. They work with agencies on a temporary basis and the hours are flexible, but the decisions can be as difficult as any faced by full-time executives—a challenge Rosen says most volunteers find exciting.

Kearns, who retired in 1980 from Arco Aluminum, agrees. "It offers something worthwhile to do and gives a lot of satisfaction. I learn more from the people I work with through Pro-Power than they learn from me, though they tell me otherwise. You have to feel you're making a real contribution. If I didn't feel I was, I'd be out of here."

Since June, other experienced professionals such as John Toll, a 75-year-old semi-retired food broker who joined Pro-Power six months ago, have tapped into it as a source of satisfaction (the number of volunteers working through the agency has doubled in the past eight months). Toll works with Custom Manufacturing Services Inc., a nonprofit organization that employs handicapped people, by meeting with its managers every two weeks to plan sales strategies. He also makes telephone calls from an office in his home to drum up sales contracts for CMS.

Toll says he puts in as much work as he can, averaging about 10 hours each week for Pro-Power. "I never had any feeling I'd retire," he says. "I'd go crazy without work."

ROOM TO MOVE

The organization's volunteers also benefit from the flexible schedule of the program. Toll, who has retired from three companies in the past 13 years, works another 30 to 40 hours per week as a self-employed food broker. And Kearns has operated a one-man private consulting business since he retired, a job that requires him to travel each year, sometimes as far away as Montana or Arizona. He organizes his time around Pro-Power. "I feel a lot of loyalty to Pro-Power and finish the work I start," he says.

According to the agency's annual report released last August, the approximately 4,250 hours of work done by Pro-Power volunteers during the first year was worth between $200,000 and $400,000 to the 69 organizations served. That's money most of the beneficiaries could never hope to set aside for hiring outside consulting services.

Bob Russell, president of Custom Manufacturing, says the hours and expertise Toll brings to his work at CMS are worth an estimated $25,000 per year in fees CMS could not otherwise afford. "Besides," Russell says, "he brings a lot of excitement to CMS. He's positive and upbeat and shows how to zero in on what improvements need to be made. He's helped us sell by targeting, instead of selling with a shotgun effort like we were doing before."

As Pro-Power has grown, other projects have been developed to put retired professionals in close contact with the community. A speakers bureau of retired physicians, pharmacists and nurses was organized last year to be assigned to the Board of Health's AIDS Education Program. The group of 16 retired professionals give frequent lectures and distribute literature on AIDS to clubs and community groups.

In August, Pro-Power organized a panel of retired attorneys to hold seminars with newly assigned Jefferson County police officers to properly acquaint them with court-appearance procedures. At the same time, the agency joined forces with Junior Achievement to form a speakers bureau of retired executives who visit classrooms in Jefferson County high schools.

All the efforts of Rosen and the volunteers have received attention not only from the county, but from state and national organizations as well. Last year Rosen was awarded the 1987 Distinguished Volunteer Administration Award by the Kentucky Office of Volunteer Services, and Pro-Power was awarded the County Achievement Award by the National Association of Counties. The agency also has been nominated for The Innovations in State and Local Government Grant, jointly sponsored by the Ford Foundation and Harvard University.

Rosen sees Pro-Power working outside the county limits in the future—even one day working outside the state boundaries. He and Jenkins are planning an all-day spring seminar to instruct other Kentucky counties on how to establish Pro-Power offices in their communities. Rosen also wants to franchise Pro-Power in other parts of the U.S. He has received letters from governmental leaders—such as the governor of Missouri and the mayor of Houston—inquiring about how they might establish a Pro-Power agency in their communities. He says he plans to allow other communities to use the Pro-Power name (which is a trademark) as long as they follow the basic guidelines of the program.

There's little doubt that any expansion Pro-Power makes would be just fine for companies like CMS. Right now, for instance, Russell is searching through the organization for a retired engineer to help boost CMS's production capabilities. And he foresees tapping the expertise of other retired professionals in the future, building what he calls "a working base of Pro-Power people."

IN SUPPORT OF H.R. 1834

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. ROYBAL. Mr. Speaker, today I would like to express my earnest support for H.R. 1834. The minimum wage, which covers an estimated 70 percent of the work force, is clearly not meeting those goals for which it was established. At this time, our country is filled with families trying to survive on a wage that is clearly insufficient. It was created to set a standard equal to 50 percent of the average wage for nonsupervisory private workers, and to keep a family of three out of poverty. According to a George Washington study group, "the minimum wage is only enough to raise a worker living alone above the poverty threshold." Clearly, something is very wrong.

With more than 7 million people working at or below minimum wage, it is imperative that something be done to improve its effectiveness. Congress last acted on minimum wage in 1977; thus, it has remained at $3.35 for 6 years. Because the cost of living has risen since 1977, minimum wage workers have been left unsuccessfully trying to make ends meet. In many cases, it is more advantageous for a family to be on welfare than to live on a budget from a full-time job at minimum wage. An individual who is faced with the option of staying on welfare and receiving medical benefits as well as a larger amount of money or taking a full time minimum wage job with no health benefits is bound to pick welfare. Our country stresses movement from welfare rolls to payrolls. With this underserving wage, where is the incentive to move? Why should an individual start working when he is better off receiving welfare benefits? It seems that the Government is sending mixed messages. "Get off of welfare but at the same time, cut your benefits." It is easy to talk of the work ethic and being an independent working person, but the economics of the situation speak much more loudly to those affected.

Some of the opponents of this bill say that minimum wage workers fall into only three groups: students with part-time jobs, youth at entry level positions, and those earning supplemental income. In reality, more than one-fourth of all minimum wage earners are the heads of households and about two-thirds are adults. That means a lot of Americans, victims of an insufficient minimum wage, are living at or below the poverty line. In a country that enjoys a great deal of wealth, this is a disgrace.

Let me stress how very vital it is that the minimum wage be increased. It is time that some blatant inconsistencies in the system be rectified.

FAREWELL TO REVEREND COVINGTON

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. RODINO. Mr. Speaker, it is my pleasure to rise today to salute the accomplishments and to bid a fond farewell to an important figure in the Newark spiritual community, Joseph Weldon Covington. Sadly, Reverend Covington will be leaving the Newark area to open a new church in Georgia. I am sure that the parishioners of Reverend Covington's new church will be moved by his charismatic oration and spiritual insights in the same way he has inspired the worshipers at the Unity Temple House of God on Holland Street in Newark for the past 20 years.

However, Reverend Covington's presence will not only be missed on Sunday mornings. He is a leader of the community to whom people can look for advice and comfort in times of despair or uncertainty. Reverend Covington is always an active force in projects and activities which bring the members of the community together to do something positive for the neighborhood and for their fellow man. But most importantly, Reverend Covington is a role model that the people of the community, especially its younger members, could always look to as an example of the highest standards of integrity, honesty, and faith. In short, a man like Reverend Covington is extremely difficult to replace.

Mr. Speaker, I am proud to join the parishioners of the Unity Temple House of God, who will be holding a farewell banquet in his behalf on Saturday night, in wishing Reverend Covington much success and happiness in his new endeavor.

RECOGNITION GIVEN TO TECHNOSERVE, INC.

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. SHAYS. Mr. Speaker, today I am delighted to have the opportunity to pay special recognition to Technoserve, Inc., for 20 years of service in the war against world poverty. The organization, based in Greenwich, CT, is to be commended for its dedication to Third World farmers and their flight from indigence.

A private, nonprofit organization established in 1968, Technoserve provides technical and management assistance to Third World farming enterprises such as cooperatives and savings and credit associations. These locally organized groups in turn help farmers to reap a larger crop, generate employment, and increase their income providing enduring improvements in their quality of life.

Technoserve's overseas staff of 175 men and women assist agricultural workers in their fields, shops, and processing plants until they can confidently operate on their own. This grassroots, on-the-job training has produced such benefits as improved health and nutrition, greater access to education, better living conditions, stronger local economies, and less dependence on charity and outside assistance. Technoserve takes pride in the fact that close to three-quarters of the enterprises it has assisted are operated profitably, and over 1 million men, women, and children are provided jobs, food, and income each year as a result of these ventures.

Technoserve's assistance program, which develops indigenous resources rather than importing wealth, has proven very effective in such Third World countries as Ghana, Kenya, Zaire, Rwanda, Sudan, Costa Rica, El Salvador, Panama, and Peru. On May 4 Technoserve will sponsor the World Harvest Council, a caucus assembling to deliberate on the issue of world hunger. As a former Peace Corps volunteer, I commend Technoserve for its 20 years of faithful service to the poverty stricken in the world. Its dedication and achievements are to be applauded.

MOUNTAIN STATE COLLEGE CELEBRATES ITS CENTENNIAL YEAR

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. MOLLOHAN. Mr. Speaker, a lot has been said recently about negative trends in education. Congress and the public are keenly aware of the need for quality education and the relationship between higher education and employment.

Mountain State College, of Parkersburg, WV, celebrated its centennial this year. The president of Mountain State College communicated a number of very positive statistics with me, which I am proud to share with my colleagues.

More than 90 percent of Mountain State College graduates obtain employment as a result of their training. More than 75 percent of matriculating students who begin a program of study complete that program at Mountain State College. The student-teacher ratio is 23 to 1. This college receives no State or Federal dollars, although it is a tax-paying entity.

In addition to the emphasis on academic performance, Mountain State College provides a wide variety of services for the student body: childcare, transportation, counseling, tutoring, job placement, and housing assistance. A full-time placement director, a full-time student services director, and a full-time business and industry liaison serve the 320 students.

I believe Mountain State College is an excellent example of the quality of relationship which should exist between a school and its students and the community. It is my pleasure to salute the accomplishments of Mountain State College, and I look forward to another 100 years of success for this outstanding institution of higher education.

IN SUPPORT OF THE SUPERCONDUCTING SUPER COLLIDER

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. LIPINSKI. Mr. Speaker, I rise today as I have in the past to lend my words of support to the superconducting super collider project as a national priority.

In the near future, Congress will be considering appropriations for the SSC project and I would like to remind Members of its vital importance to our country. The project has come under a good deal of unwarranted criticism lately that I feel ignores some crucial facts.

First of all, some Members have expressed an interest in seeing the project internationalized to reduce the costs for the United States. The leading proponents of the SSC project have always advocated and sought international cooperation including financial assistance. Critics must realize, however, that other nations are waiting for a clear and united endorsement of the project from Congress which includes a significant appropriation for construction. Then we will give foreign countries the confidence to invest in the SSC. I fear that the competition among States and their representatives sometimes overshadows our national commitment to this unique endeavor and undermines our effectiveness.

Second, the United States has been the world leader in high energy physics research since the field was begun. With the construction of the superconducting super collider the United States will continue to be preeminent in the field well into the next century. Without construction of the SSC, there is no question that our country will experience a brain drain as the world's best scientific minds go off to the nation with the leading technology. America cannot afford to lose more ground in the international arena.

I ask that my colleagues join me in support of the SSC project so that the United States can maintain the same competitive edge in the future as it enjoys today in the world of physics and scientific research.

THE 90TH BIRTHDAY OF HENRY FREDETTE

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. ATKINS. Mr. Speaker, today the Lawrence Council on Aging in Lawrence, MA is honoring Henry Fredette by naming the Lawrence Senior Center in his honor. Mr. Fredette is celebrating his 90th birthday, and I assure you that they have been 90 productive years.

Mr. Fredette is a lifelong resident of Lawrence, and has been a wonderful friend to the city. In 1935, he spearheaded the drive to create Central Catholic High School. His efforts were integral to the fundraising campaigns that led to the formation of Bon Secours Hospital and Merrimac College, two institutions that help to define Lawrence as a community.

Henry Fredette worked for Pacific Mills for 44 years. You might have expected that after 44 years Mr. Fredette would have settled down to a well-earned retirement. You would have been wrong. Instead, in 1958, Mr. Fredette took a position with the Lawrence Housing Authority. Mayor Buckley of Lawrence appointed Henry Fredette coordinator of senior activities, and that began his long association with senior groups in the area.

After his retirement in 1968, Mr. Fredette became director of the Lawrence Council on Aging. Since that time, his achievements have been too numerous to list completely. He began the hot lunch program for seniors at Lawrence High School. That program has been so successful that these lunches are now served in the Henry Fredette Cafeteria, named in his honor by the school. Every Christmas, handicapped and housebound senior citizens receive turkey dinners in their homes as part of a program begun by Henry Fredette.

Mr. Speaker, I could continue until Mr. Fredette's 100th birthday if I wanted to name all his achievements. Instead, let me share with my colleagues in the House the sentiments of some of Mr. Fredettes friends and coworkers. He has been referred to as an outstanding citizen, and even as a legend. More importantly though, he is "A good friend to every senior citizen" in Lawrence. Henry Fredette, known as "Mr. Senior Citizen" in Lawrence, is a very special person. He has given so much of himself to his fellow man, and has enriched us all by his work. His personal motto, "If there is anything I can do, I'll do it," reveals his character as effectively as a chronicle of his life. Henry Fredette has striven to live by his motto, and has set an example for the rest of us that we would do well to follow.

I commend the Lawrence Council on Aging for their choice of a name for the senior center, and I wish Henry Fredette many happy returns.

REVITALIZING THE DOMESTIC URANIUM INDUSTRY

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. CHENEY. Mr. Speaker, I am very pleased to join with a number of my colleagues today to introduce in the House a bill with a very long title, but with a purpose that can be stated succinctly. The title is the Uranium Revitalization, Tailings Reclamation and Enrichment Act of 1988, and the purpose is to help restore America's ailing uranium and nuclear industries.

The sponsors of this bill, which has already been approved by the other body, seek to insure a reliable and adequate future supply of domestic uranium and enrichment capacity for the nuclear power program of the United States.

The following facts help underscore the importance of this bill's objectives:

Nearly half of the capital base of the U.S. power industry is invested in 120 uranium-fueled nuclear facilities that will supply 20 percent of our electricity requirements by next year. These reactors alone will consume more than 2 billion pounds of U^{308} over their lifetimes. For these plants, there is no fuel-switching capability. A long-term, secure supply of uranium is essential.

U.S. defense needs must be guaranteed. The U.S. fleet of 150 uranium-fueled submarines and the surface fleet must have enough uranium to guarantee an uninterrupted supply.

Uranium has played a key role in reducing utility fuel costs over the past several years, which translates into lower consumer costs. The American public is well-served by a national policy such as the one embodied in this legislation which seeks to assure future supplies of uranium and enrichment services.

Uranium is now second only to coal as an energy source for electricity production. Use of uranium as a fuel is now displacing over 2 million barrels per day of imported oil, and is saving the Nation $15 billion annually in foreign oil payments.

A viable domestic uranium industry and a strong enrichment enterprise are essential if this country is to protect its ability to meet future defense needs and consumer demand.

The bill introduced today would meet this critical need in a comprehensive way. The legislation contains three major titles: The first seeks to reestablish a viable domestic uranium mining and milling industry by encouraging public and private use of domestic uranium. The second creates a system for funding the reclamation of mill tailings by fairly allocating costs among those who benefited from the uranium produced at various sites. And the third establishes a U.S. Enrichment Corporation to manage the Federal enrichment activities in a sensible, businesslike manner. At the conclusion of my remarks, Mr. Speaker, is a more detailed summary of these three titles.

I am pleased that this legislation has attracted a number of cosponsors because I believe it is sound legislation that deserves early consideration by this body. It is unfortunate that our Government currently lacks a respectable national policy designed to foster a viable domestic uranium industry. That is a shortcoming which this legislation would remedy. I look forward to working with my colleagues to secure approval of this bill.

SUMMARY

(S. 2097—Uranium Revitalization, Tailings Reclamation and Enrichment Act of 1987, Passed by the Senate, 62-28, March 30, 1988)

TITLE I

Title I seeks to reestablish a viable domestic uranium industry through a program to encourage the use of domestic uranium by utilities and agencies of the U.S. Government.

Title I repeals the requirement of the Atomic Energy Act that the enrichment of foreign uranium be restricted in order to maintain a viable uranium industry. Instead, it imposes an interim program of charges for the use of foreign uranium through the year 2000.

No charge would be imposed on the first 37.5% of foreign uranium used by utilities. Therefore, charges would be imposed at increasing levels, starting at $200 a kilogram for the percentage of foreign uranium used above 37.5% and below 55% and rising to $500 a kilogram for use of 80% or more foreign uranium. The amount of foreign uranium exempt from all such charges would be increased to 50% starting in 1995.

Title I also requires that Federal agencies purchase only domestic uranium in the future and limits the use of government uranium stockpiles to specified governmental purposes.

TITLE II

Title II of S. 2097 creates a system for funding the reclamation of mill tailings at active mill sites, thereby allocating the reclamation costs among those who benefitted from uranium produced at these sites.

The owners or licensees of these sites will perform the necessary reclamation and other remedial actions as required by the Uranium Mill Tailings Radiation Control Act of 1978. Basically, the funding for this work would be provided by the Federal Government, nuclear utilities, and the owners or licensees of active sites through contributions to a Uranium Mill Tailings Fund.

The Federal Government will contribute $300 million, to be derived from DOE Uranium Enrichment Program revenues, which will only be used to pay for remedial action with respect to tailings generated through the processing of uranium for sale to the U.S. Government. Nuclear utilities will contribute $22 per kilogram of uranium contained in fuel assemblies loaded in reactors from 1989 through 1993. Participating owners of licensees of active sites will contribute $2 million per site and $1 per tone of tailings produced at the site for commercial sales. They would be required to pay at least one-third of the cost of reclamation and could not, in any event, be reimbursed for an amount above $4.50 per ton of tailings for remedial action at their sites.

TITLE III

Title III of S. 2097 creates the United States Enrichment Corporation to manage the Federal enrichment program, operating "as a continuing, commercial enterprise, on a profitable and efficient basis." The Corporation would be headed by an Administrator to be appointed by the President, subject to Senate confirmation, for a six-year term.

While the Corporation and its Administrator would be under the "general supervision" of the Secretary of Energy, the Corporation would be free from the restraints of the budget and appropriations process and therefore better able to plan and manage the enrichment program on a long-term basis.

The Corporation is required to issue stock representing an equity investment equal to the book value of the assets transferred to the Corporation. The stock would be held by the Secretary of the Treasury for the United States and the Corporation would pay dividends on the stock out of earnings. The stock and the dividends thereon, together with $364 million in debt, would constitute the only unrecovered costs to be paid to the government for uranium enrichment activities.

INTRODUCTORY REMARKS FOR URANIUM REVITALIZATION BILL

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. RICHARDSON. Mr. Speaker, I am pleased to sponsor the Uranium Revitalization, Tailings Reclamation and Enrichment Act of 1988, a counterpart to the uranium enrichment revitalization bill recently adopted in the Senate by a vote of 62 to 28. I am joined by a bipartisan group of cosponsors, including Representatives CHENEY, HUBBARD, and NIELSEN, and over 40 other Members.

This bill is of particular concern to the people of New Mexico and other uranium producing States who have suffered through the decline of the domestic uranium industry. Employment in the U.S. uranium industry has dropped from more than 22,000 employees in 1980 to less than 1,500. My home State of New Mexico has been particularly hard hit. One company which operates in New Mexico had 2,100 employees producing 5 million pounds of uranium in 1981. Five years later it had only 60 employees producing 150,000 pounds of uranium.

In its present form, the bill I am introducing consists of three titles. Title I seeks to reestablish a viable domestic uranium industry by imposing charges for the use of foreign uranium. Title II creates a system for funding the reclamation of mill tailings. Title III creates a Government enrichment corporation to operate the Federal enrichment program as a commercial enterprise.

Mr. Speaker, uranium plays a critical role in meeting both national defense and economic needs. It powers our nuclear Navy and nuclear reactors for producing electricity.

Almost one-half of the capital base of the U.S. power industry is invested in 120 uranium-fueled nuclear facilities that will supply 20 percent of U.S. electricity requirements by 1989. Even if no new nuclear plants are built these reactors alone will burn more than 2 billion pounds of U_3O_8 in their lifetimes. A long-term secure supply of uranium is absolutely essential for these plants.

Uranium has played a key role in reducing utility fuel costs over the past 5 years. In 1985, U.S. electric utilies spent $40 billion for fuel. Only 1 percent of this amount was spent for uranium, but uranium supplied more than

15 percent of the Btu's used to generate electricity.

In addition, U.S. defense needs must be assured. The U.S. fleet of 150 uranium-fueled submarines and the surface fleet must have sufficent uranium to assure an uninterrupted fuel supply. The Department of Defense should be concerned about reductions in the Government's uranium stockpile and the continuing decline of the domestic uranium industry. There have been no Government uranium purchases since 1970 and new procurement could be necessary in the 1990's.

Mr. Speaker, the current depressed state of the uranium industry is a matter of public record. The Secretary of Energy has formally found the domestic uranium industry to be nonviable for 3 years in a row. His most recent finding, covering calendar year 1986, was issued on December 30, 1987. Nonetheless, the Department of Energy has refused to impose restrictions on the enrichment of foreign uranium, as required by section 161(v) of the Atomic Energy Act, in order to maintain a viable domestic industry.

Although consumption of uranium in the United States is at an all-time high, domestic production is at its lowest point in more than 30 years. In 1980, uranium production stood at 40 million pounds a year. The current U.S. production is about 10 million pounds a year, some 25 percent of our demand.

During this same period, uranium imports have been steadily rising. In 1986, imports were 44 percent of domestic requirements. Imports of both natural and enriched uranium will exceed 60 percent of utility requirements in the 1990's unless Congress acts. The lion's share of our uranium imports comes from Canada, where the uranium industry is to a large extent owned, financed, and subsidized by the federal and provincial governments.

The depressed conditions in the uranium industry have been caused not only by subsidized foreign competition but also by Government policies over which the industry had no control.

It was DOE uranium enrichment policies which played a crucial role in driving up uranium prices, creating artificial demand and huge inventories of uranium in the late 1970's. DOE enrichment contracts required uranium to be delivered no matter what the status of reactor projects. These fixed requirement contracts kept the demand for uranium high while the Nation's nuclear power program was being severely curtailed.

Inevitably, the market began to react to the oversupply of uranium. Large inventories of uranium were liquidated by utilities. Market prices plummeted from $43 to $17 per pound as an inventory equal to 8 years' world demand developed. Some 3 to 4 years' worth of this inventory remains, which, along with Canadian uranium being dumped in the spot market, has kept prices at a depressed $17 per pound level.

Mr. Speaker, the program in title I of the bill I am introducing today would provide a critical window of opportunity for domestic uranium producers to regain market share and continue in business while existing surplus uranium inventories are depleted.

Title I repeals the requirement of the Atomic Energy Act that the enrichment of foreign uranium be restricted in order to maintain a viable uranium industry. Instead, it imposes an interim program of charges for the use of foreign uranium through the year 2000.

No charge would be imposed on the first 37.5 percent of foreign uranium used by utilities. Thereafter, charges would be imposed at increasing levels, starting at $200 a kilogram for the percentage of foreign uranium used above 37.5 percent and below 55 percent and rising to $500 a kilogram for use of 80 percent or more foreign uranium. The amount of foreign uranium exempt from all such charges would be increased to 50 percent starting in 1995.

Title I also requires that Federal agencies purchase only domestic uranium in the future and limits the use of Government uranium stockpiles to specified governmental purposes.

Title II of the bill creates a system for funding the reclamation of mill tailings at active mill sites, thereby allocating the reclamation costs among those who benefited from uranium produced at these sites.

The owners or licensees of these sites will perform the necessary reclamation and other remedial actions as required by the Uranium Mill Tailings Radiation Control Act of 1978. Basically, the funding for this work would be provided by the Federal Government, nuclear utilities and the owners or licensees of active sites through contributions to a uranium mill tailings fund.

The Federal Government will contribute $300 million, to be derived from DOE Uranium Enrichment Program revenues. These funds will only be used to pay for the reclamation of tailings generated through the processing of uranium for sale to the U.S. Government. Nuclear utilities will contribute $22 per kilogram of uranium contained in fuel assemblies loaded in reactors from 1989 through 1993. Participating owners or licensees of active sites will contribute $2 million per site and $1 per ton of tailings produced at the site for commercial sales. They would be required to pay at least one-third of the cost of reclamation and could not, in any event, be reimbursed for an amount above $4.50 per ton of tailings for remedial action at their sites.

Mr. Speaker, almost 10 years ago, the General Accounting Office recommended that Congress provide assistance for the reclamation of tailings at active sites generated under Federal contracts. This recommendation was based on several factors, including the Federal Government's role as buyer of the uranium, the fact that possible hazards from tailings were not recognized at the time they were produced, and the fact that Government procurement contracts did not require reclamation of tailings. The GAO concluded that the mill owners had acted in good faith and should not bear subsequent costs of reclamation by themselves.

The funding program set forth in title II implements the GAO's recommendation and helps assure the timely reclamation of active mill sites in a fair and equitable manner.

Finally, title III of the bill provides for the long overdue reorganization of the Federal Government's uranium enrichment operations.

At the present time, DOE's enrichment service is set up to operate without regard to market forces. The structure of the enterprise's organization and operations assumes monopolistic conditions. This assumption makes it difficult, if not impossible, for DOE to compete effectively with its foreign competitors.

Between 1979 and 1980, the Department's prices for enrichment services rose more than 400 percent, leading DOE to become the highest priced supplier of uranium enrichment services in the world. As a result, DOE lost 60 percent of its foreign market and began to lose its domestic market as well. The Department now provides services for 90 percent of United States needs and 50 percent of world needs outside the Soviet Union.

Title III of the bill creates the U.S. Enrichment Corporation to manage the Federal enrichment program, operating "as a continuing, commercial enterprise, on a profitable and efficient basis." This wholly owned Government corporation would provide enrichment services to both domestic and foreign utilities. The Corporation would be headed by an Administrator to be appointed by the President, subject to Senate confirmation, for a 6-year term.

While the Corporation and its Administrator would be under the "general supervision" of the Secretary of Energy, the Corporation would be free from the restraints of the budget and appropriations process and therefore better able to plan and manage the enrichment program on a long-term basis. The restructuring of the enrichment enterprise as a Government corporation is supported by DOE and the Office of Management and Budget.

The Corporation would issue stock representing an equity investment equal to the book value of the assets transferred to the Corporation. The stock would be held by the Secretary of the Treasury for the United States and the Corporation would pay dividends on the stock out of earnings.

Title III also provides for the repayment of $364 million to the Treasury by the Corporation. This repayment "is determined to constitute the sole recovery by the United States of previously unrecovered costs that, first, have been incurred by the United States—including the Department—for uranium enrichment activities prior to fiscal year 1987 of the United States; and second, are to be recovered by the Corporation from its customers in its charges for products, materials, and services."

Mr. Speaker, it is my hope that this legislation will initiate the revitalization of the domestic uranium industry; an industry which is crucial to both the supply of energy and national security for all Americans. The provisions of this bill also attempt to avert the mistakes of the past and establish a competitive industry which will meet our demands for uranium well into the next century.

We are all aware, however, that a number of concerns have been raised regarding the bill. While many are concerned about the potential cost of title III, we need to assure that the new Corporation can and will act in a manner which maximizes benefits for the Treasury. If we can assure that the new Corporation in fact attempts to maximize profits, we will recoup all economically feasible "unrecovered costs."

Yet others are also concerned that the provisions of title I may not go far enough in protecting our domestic uranium industry from potentially unfair competition. Nevertheless, these provisions begin to address this industry's difficulties in remaining competitive and set forth a framework within which to regain its viability.

It is my hope to work with my colleagues and all interested parties in addressing these issues and all questions relating to the bill.

AMERICA'S LIBERTY—OUR HERITAGE

HON. PATRICK L. SWINDALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. SWINDALL. Mr. Speaker, I am very proud to annouce that Miss Donna Marie Lester, a constituent of mine from Lithonia, is the winning contestant from Georgia in the Voice of Democracy broadcast scriptwriting contest. Each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct the contest. This year more than 300,000 secondary school students participated. The contest theme this year was "America's Liberty—Our Heritage."

The following is the transcript of Donna's winning essay. I would like to congratulate Donna on this fine achievement and wish her the best of the luck in her future endeavors.

AMERICA'S LIBERTY—OUR HERITAGE

(By Donna Lester)

It was the kind of day, the kind of moment, that you never forget. Rather, it lives on in your mind as an unforgettable event and in your heart as a precious keepsake.

I could hardly believe my eyes! As I looked on, my dad and his younger brother, eight and four years old respectively, played among the bountiful rocks in the mountains. Their family had made their annual pilgrimage to a rather rustic cabin where they vactioned each fall. I admired Old Grandad, as I've heard my Great-Grandfather referred to many times, as he surveyed what he believed to be "the most beautiful thing that God did ever create, next to Grandma, mind you." My family says he was quite a character. I progressed to see other strange sights, such as my grandmother in a two-piece bathing suit at the beach and my Grandfather (can you believe it) without a gray hair on his head.

As you might have already guessed, I was watching a videotape. Prepared by my Aunt and Uncle from old home-movie reels for my Grandparents 53rd Anniversary, it was the sole reason for our gathering. Because of the film's age, it was fuzzy and discolored in places, but no high-tech Hollywood advancement could have improved on this piece of home-spun art. The simplicity of the message it carried to me could be dulled by no spans of time, but rather intensified its importance. This was not simply a collection of place, people, and events, but something much greater. It was the heritage of a proud people who greatly loved their God, their country, and one another. They had fought hard to maintain those values and principles which they held so close to their hearts and fought even harder to pass that heritage on to their children.

In much the same way, our forefathers chose to fight against those who threatened their freedom and even among themselves that they might pass down to later generations the liberty that they so earnestly desired for themselves.

I believe that in order to understand this heritage of liberty we must look back 200 years at the common heritage which every American citizen shares. No matter the diversity of our languages, religions, ethnic roots, national origins, or social status, we can all claim the United States Constitution as our common bond.

It was a sweltering day in mid-September, as the framers of the United States Constitution, some 50-odd men from the then rather disunified thirteen colonies, inscribed their signatures upon the document that would shape and mold our government for centuries to come. The signers arrived at the convention with their own state's best interests on their minds and left with the United States' best interests at heart, taking with them a new hope for our nation to be exactly what our name portrays, the United States of America.

It was in this year of 1787 that men of such great prominence as George Washington, Benjamin Franklin and Alexander Hamilton gathered in Philadelphia to set forth the basic principles and philosophies that would guide our young country through many tests and trials which the authors of the Constitution could never have foreseen.

Now, don't get me wrong, our nation, like any other, has had its share of hard knocks and disappointments, but like a strong family deeply grounded in its roots, we have always drawn together to shelter and love the weaker among us.

My grandfather is no longer here. I miss my talks with him. I miss his advice. I can still hear his favorite saying, "The wheel that squeaks gets the grease," and then there was his infamous marital advice "move as far away from your in-laws as possible." He meant well. He was a good man. I just hope and pray that someday I will pass on to my children the love, values, and principles which he shared with me for so many years. I hope that I can be an example to them not only in word, but also in deed.

In the same way, we as Americans need to instill within our children and their children a pride and love for their country. It is our responsibility to preserve those liberties and freedoms so vital to the American way of life. Just as this heritage of liberty has been passed from generation to generation till it reached you and me, even so, we, out of a sense of duty and love for those who will follow, should entrust to them a heritage in which they can take pride.

PRESIDENT CHIANG CHING-KUO AND ONE COUNTRY, ONE SYSTEM

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. QUILLEN. Mr. Speaker, I want to bring to the attention of Members the testimony presented by Prof. Nathan Mao of Shippensburg University in Pennsylvania to the 1988 Republican National Convention Platform Committee. Dr. Mao makes a number of important points regarding American policy in east Asia with particular emphasis on our friends in the Republic of China on Taiwan and their relations with the United States and both of our countries relations with mainland China. Because Dr. Mao's testimony provides useful insights into these important relations between the three countries, I encourage Members to review the text of it which I would like to insert into the RECORD at this point:

1988 REPUBLICAN NATIONAL CONVENTION TEMPORARY COMMITTEE ON RESOLUTIONS [PLATFORM]

Written Testimony Given by Nathan Mao, Ph.D., Professor, Shippensburg University, Pennsylvania (March 30, 1988, Washington, D.C.)

President Chiang Ching-kuo and One Country, One System

Ladies and Gentlemen: I am most honored to have this opportunity to present my written testimony to the Republican Platform Committee. First, I would like to comment that the passing of President Chiang Ching-kuo on January 13 this year was a tremendous loss to the Chinese people in the free world.

In his February 9 speech to the Chicago Foreign Affairs Council, Ambassador Fredrick Chien summed up President Chiang's legacy as follows: "President Chiang laid the foundation for a full democartization in the Republic of China. His abolition of martial law, his lifting of foreign exchange regulations and his promotion of press freedom and individual rights enabled his people to see the desirability of a constitutional democracy. . . . Chiang was a man of the people. For many years he frequented the homes of ordinary men and women in the country. He shared their meals, their joys and sorrows. He was their father, their brother, their cousin and their friend. He will be missed by all."

Ambassador Chien also pointed out that President Chiang's foresight made it possible for the Taiwan-born Lee Teng-hui to succeed Chiang. Clearly President Lee is a good choice for all the Chinese people. Mr. Lee spent much of his early career as a university professor and agricultural economist before joining government service in 1972, under the invitation of Mr. Chiang. From 1978 to 1981 Lee was mayor of Taipei and from 1978 to 1981 he was governor of Taiwan province.

Noted for his modesty, sincerity and integrity Lee is extremely popular since becoming the leader of the Republic of China on January 13. Lee has amply demonstrated his leadership: by being named and confirmed as acting chairman of the ruling Kuomintang and by his open-style two-hour long press conference with 126 Chinese and foreign journalists on February 22.

In his news conference Lee spoke most unequivocally of continuing President Chiang's democratization process, of promoting economic growth and of increasing contact, while reducing trade conflicts, with the United States.

Lee also denounced the fallacy of the Taiwan Independence Movement and Beijing's so-called "reunification" overtures in the guise of "one country, two systems" doctrine. Lee emphasized most emphatically that there is only one system for all China—know as San Min Chu Yi—or simply a free and democratic society.

Ladies and gentlemen, some critics argue that Taipei seems too rigid in its approach to Beijing. After all, isn't Beijig offering a sweet deal? Beijing said it would allow Taiwan to retain its capitalist system in accordance with the Hong Kong model.

Yes, to the uninitiated, Beijing is bending itself backwards and is very reasonable, but to those who have experience dealing with the Chinese communists, they know that Beijing can't be trusted.

Beijing's propaganda tactics are all too familiar to the Kuomintang. Throughout his life, the late President Chiang Kai-shek repeatedly warned his people of Chinese communists' treachery of applying "Happy Face Diplomacy" in conjunction with their peace overtures to achieve their objectives. Such distrust is easy to understand if one is to look at Chinese communists' words and deeds. After the excesses of the Cultural Revolution of the 60s and 70s, promises were made to the Chinese people that such campaigns would never be launched again. However, in 1983, a ludicrous campaign against "spiritual pollution" was started. Absurdities abounded. Local party fanatics asked people to turn in music cassettes for a determination if they were "yellow" or pornographic in nature; owners of cassette players were asked to register their machines with local authorities; and in some cases even brightly-colored ski jackets were considered "polluting" and banned. The absurdities of 1983 became serious political fare when a campaign against bourgeoise liberalism was put in place early last year after repeated student demonstrations in various parts of China. Several prominent liberal intellectuals were dismissed and communist party secretary Hu Yaobang was demoted.

Chinese communists' habit of not keeping their word is legendary. Violence against Tibet is continuing today. In 1951, in attempting unification with Tibet, the communists signed a 17-item "agreement concerning peaceful liberation of Tibet" which stipulated that the Chinese communists were not to interfere with Tibetan politics, Tibetan leadership system, Tibetan religion and customs. However, the moment the communists entered Tibet, they showed no intention of keeping the agreement.

Let's look at Hong Kong. The joint communique issued by Beijing and London proclaimed China's willingness to preserve the status quo in Hong Kong for fifty years after Hong Kong's return to the Mainland in 1997. But already Chinese communists have moved to take full control of Hong Kong. Beijing ignored Hong Kong residents' objection to the construction of the Da Ya Bay Nuclear Power Plant; Beijing severely disapproved of the idea of Hong Kong being ruled by local residents, and Beijing's ideas of a "representative government" in the Hong Kong Administrative Region is one totally under the control of Beijing, without any resemblance to any Western democratic standards involving free elections.

Again and again, Chinese communists have proven to the world that they can't be trusted. Do the Taiwan people have anything to gain by accepting Beijing's pledges and promises? Absolutely not. At present, although Taiwan has diplomatic relations with a relatively small number of countries, Taiwan enjoys substantive and rewarding trade relations with nearly all the countries that matter. For instance, Taiwan is the fifth largest trading partner of the United States. Its trade with the U.S. and Western Europe continues to grow at a brisk pace. As long as business is good, the people on Taiwan will live well, and there's no reason for them to seek accommodations with Beijing.

Furthermore, the government as well as the people on Taiwan is offended by Beijing's "carrot and stick" approach. Beijing's frequent threat of using force against Taiwan pleases no one. From 1949 to 1958, Beijing leaders always spoke of a bloodbath to take Taiwan. After their disastrous attack on Kinmen in 1958, they softened their tone and talked of occupying Taiwan through peaceful means. But Beijing has never given up the threat of using force against Taiwan. A few weeks ago, Beijing's Foreign Minister Wu said that China had not precluded the possibility of using nonpeaceful means to achieve reunification with Taiwan.

Without ruling out the use of force, Beijing's pledge of allowing Taiwan to keep its own capitalist system and its own military on the basis of the Hong Kong plan of "one country, two systems" convinces no one in the Kuomintang leadership. Clearly, Beijing's present peace overtures towards Taipei do not work and will not work. The reasons are simple.

Taipei is not overly worried about Beijing using force. If Beijing is willing to exhaust its resources and its international image of peace loving by launching an attack on Taiwan, Beijing might succeed in doing serious harm to Taiwan, given Beijing's numerical superiority in manpower and material. But then it is just as likely that Taipei's better trained armed forces might repel an attack from across the Taiwan strait. It's also possible that Washington might intervene on the basis of the Taiwan Relations Act of 1979. The outcome of an armed invasion by Beijing against Taiwan is by no means a sure thing for Beijing.

What's left? Peaceful reunification. For that to happen, Beijing must convince the world that it means what it says, that it will keep its word with its own people, that it will honor its agreement with Tibet, that it will allow Hong Kong to preserve the capitalist system, and that it will, most importantly, immediately begin political and economic reforms, in accordance with the Taiwan model.

What's the Taiwan model? It's one built on the Three Principles of the People (San Min Chu Yi) which are nationalism, democracy, and social welfare culminating in its eventual goal of constitutional democracy.

Ladies and gentlemen, the Taiwan model of constitutional democracy is and must be the basis for any reunification talks. I urge the leadership in Beijing to start competing with Taipei politically—in granting its people much more personal freedoms, in instituting free elections, in having much more respect for human rights and an unwavering determination to improve the people's standard of living.

To improve the people's standard of living, Beijing should look to Taipei for leadership. Taiwan's per capita GNP of $5,000.00 this year is nearly twelve times that of Mainland China. The only way Mainland China can increase its GNP is to renounce the communist system and adopt a system based on free enterprise, allowing every person, young and old, to reach his highest potential or productivity.

Reunification is not a dream, nor should it be. All Chinese people would like to see one unified China—a China that's strong, free and democratic, and I believe that the United States can play a significant role in seeing that happen.

It is clear that the United States, because of its historic ties to the Republic of China and its official diplomatic relations with Mainland China, can influence the future of Taiwan. Any step taken by the United States can have dire consequences for the 19.5 million Taiwanese people, and I therefore urge the United States to carefully weigh every word or every action it takes. Any statement less than maintaining the status quo will undermine Taiwanese people's confidence in their future. It's in the United States' interest to see Taiwan continue to be strong and stable in a strategic part of the world, Taiwan being only a few hundred miles from two major U.S. bases in the Philippines.

I urge the Republican Platform Committee to acknowledge the contributions made by President Chiang Ching-kuo, to support President Lee Teng-hui in his efforts to carry out Mr. Chiang's legacy of a free and democratic Taiwan, to dismiss Communist China's "one country, two systems" talk as propaganda, and most importantly, to allow the two Chinas to work out their differences under the rubric of San Min Chu Yi.

ANDY BARR, AN UNCOMMON MAN WITH THE WARM HEART OF A COMMONER

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. BENNETT. Mr. Speaker, a Washington Post story some weeks ago told of Andy Barr, a real estate broker; and of his concern for and actions to aid the homeless. Later we had lunch together in the Capitol, talking about what he has been doing to help the homeless; and I asked him to write out for me any suggestions he might have. He has done this and I include them at the end of my remarks today.

Andy is "comfortably fixed financially"; but he doesn't write out checks but instead gives himself with the many thousands of dollars of clothing, food, and shelter that he has furnished to those in need. He does it on a one-on-one basis. So he has an insight on what the real problems of the homeless are. His comments to me in his notes include the following:

I appreciate the time we spent together discussing the problems of the homeless.

The purpose of this letter is to summarize my findings, my beliefs, and my recommendations.

I have been visiting the homeless for approximately 2-5 days and nights in the Washington, D.C. area since October 1987.

During this time, I have given out many sleeping bags, jeans, gloves, sweaters, socks, shoes, long underwear, hats, neck warmers, hundreds of sandwiches, and $10 bills.

There appears to me to be 3 categories of homeless in the Washington area: approximately 20-30 percent are mentally ill who simply cannot fend for themselves; approximately 25-35 percent are alcoholic and desperately need detoxification; and the balance are young, virile males trying very hard to find jobs.

As all Americans agree, we have a desperate situation and something must be done. The problem, of course, is what to do and how to do it?

I therefore submit 5 basic recommendations for your consideration.

First, this is a problem that all America faces and "We the People" must solve it. Simply to expect that the government can solve this problem and others like it is, at best, wishful thinking. It's irresponsible thinking.

Individual citizens should personally begin to get involved, i.e. to look, to see, and to talk to the individual homeless persons.

Second, every caring person in America should begin to do what they can on an individual basis; take sandwiches on a regular basis, give gloves, shoes, pants, any article of clothing to help the individual homeless person. Being better groomed will assist the homeless person in getting a job. Having no place to groom makes it difficult for a job applicant. Having no address and no "credentials" makes it even more difficult.

Third, the houses of worship in all areas must be mobilized by individual committees within each house of worship to allow the homeless to enter in, eat, and sleep in their basements or other suitable rooms. Toilet facilities, wash facilities must be provided. The main thrust of the get involved campaign must be through houses of worship—all of them will help, but the way must be shown.

Fourth, local jurisdictions, public and private, must organize community detox and alcoholic rehab centers so that the great preponderance of the homeless can be administered to with medicine, with love, with therapy, and with dignity. Funds authorized recently by the Homeless Assistance Act could be utilized here to great advantage. In this way, 70% to 80% of the homeless could be eventually taken care of, when appropriate, and in a dignified manner and the balance could be gently helped to be rehabilitiated and to find jobs. I believe mentally ill persons who prefer the street and the grates must be picked up, restrained and cared for even if it's against their will.

Job counseling must be a part of every step along the way.

Fifth, the final, ultimate step must be administered by "The Government", but only after the people are more emotionally involved so that The People back the programs and are deeply committed in helping the homeless in America. Low income housing must be built or rehabilitiated in which the homeless can live with dignity. Perhaps one thought would be to utilize existing unused barracks in Army and Naval bases throughout the United States.

And, Army-type barracks could be built—so-called "temporary" barracks— so that each homeless has an individual room with his or her own privacy. Barracks similarly built by the Army in which approximately 24 people per floor lived would be quite adequate. There were 2-story structures with toilet facilities on both floors and secure rooms on the end of each floor for supervisory and medical personnel.

A drastic step? Perhaps, but until it's done, the crisis situation will grow. The existing homeless could be utilized to help build these barracks and their advice must be listened to as to the design and construction and the whereabouts. If they're too far away from jobs, then the problem exacerbates. Hence, the temporary buildings must be built close to employment areas. Or at least buses must be provided so that the persons who are able to work can be bused to their job sites. Eventually, on an individual basis, *the homeless could begin to pay suitable rent* for their rooms.

Finally, I have been careful in all of my wanderings never to criticize the President, the Congress, the Democrats, the Republicans, "The Government", the Mayor of Washington, D.C., the city council, or any other governing body.

If anyone is to be criticized, it is me personally for not helping sooner, or helping more. I see no benefit in the continual government bashing that some zealots do because I think it only makes the protagonists more stubborn and progress is kept to a minimum. Summarily, it's a problem of 'We the People' and we the people must solve it, Congressman Bennett. We must find a way to mobilize, to publicize, and to properly set the direction of our millions of individual citizens who really do care and who will help if gently shown how.

Thank you, Sir, and God bless you.

TOY SAFETY AND CHILD PROTECTION ACT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. GEJDENSON. Mr. Speaker, today I am introducing the Toy Safety and Child Protection Act. This legislation would increase the safety of toys sold in the United States by requiring toy manufacturers to place warning labels on an especially dangerous class of toys: Those containing small parts which can cause injury and death of children by choking. The bill would also require warning labels to state the potential hazards of the toy to young children.

In 1986, at least 113,000 individuals were treated in hospital emergency rooms for toy-related injuries. There were also at least 35 reported fatalities in 1986. The second largest category of toy-related injuries involved the ingestion or aspiration of small toys or parts of toys, or insertions of these objects in the nose or ears. In 1985 alone, small toys or toy parts were responsible for 18 deaths, and over 12,000 injuries.

The Consumer Product Safety Commission, which sets safety standards for certain toys and other children's articles, recognized the danger of toys with small parts when it prohibited toy manufacturers from making toys with small parts designed for children under the age of 3. If a toy intended for under age 3 fits within a test cylinder, 1.25 inches in diameter, it may not be marketed to that child.

Toy manufacturers, however, still produce thousands of toys for children over 3 with small parts. The Consumer Product Safety Commission does not require these toys to have informative labels which warn parents not to buy them for kids under 3. Warning labels currently found on some toys are entirely voluntary, and are in some cases inadequate and confusing. There are thousands more toys on the market with small parts designed for children over the age of 3 that do not contain any warning label at all.

The CSPC recommends that parents select toys to suit the age, skills, abilities, and interests of the individual child. The CSPC acknowledges, however, that not all toys are age labeled or provide adequate explanations of why certain toys may be inappropriate or even hazardous for children who are younger or older than the recommended ages. The CSPC has unfortunately failed to take regulatory action to require toy manufacturers to place informative labeling on their products.

Those toy manufacturers that include warning labels on their products, furthermore, may not adequately phrase the warning, or give sufficient information, to allow the parents to make an informed decision. A recent informal poll of parental toy buyers done by the toy group of the Americans for Democratic Action demonstrated that most parents think that toy warning labels have to do with educational level rather than safety. Many parents indicated a willingness to buy toys marked "recommended for age 3 and up" for their child who was under 3 years of age because they believed that their child was smarter than average and could grow into the toy.

When parents were informed that the warning label actually referred to the safety of the toy, not a single parent was willing to purchase the toy for their child.

My legislation resolves this problem not only by requiring all toys with small parts to have warning labels, but requires the warning label to include the words "Warning" in capital letters and by containing a description of the hazardous consequences which can result from use of the toy by a child under 3. While minimum standards for the new label would be determined by the Consumer Product Safety Commission, a likely possibility would be "Warning: This Toy Contains Small Parts—Use of This Toy by a Child Under 3 Years of Age May Cause Choking."

Mr. Chairman, I urge my colleagues with young children and grandchildren, on their next trip to the toy store, to take a close look at the toys with small parts. They may see a paint set, currently available at toy stores and manufactured by Knobler, H.K., which includes a minute paint brush which fails the small parts test and could easily be swallowed. The toy has no label. My colleagues may also find a "Little Mommy" diaper and bottle set, which contains a descriptive label stating "Ages 3 and Up," but which does not state that it contains small parts which would also fail the cylinder test.

This legislation is especially important as there is a growing realization that current regulations to protect children under 3 from toys with small parts are inadequate. The CSPC voted on February 5, 1988, to seek information on the merits of increasing the dimensions of the test cylinder used to enforce the current standard. This decision came after a formal petition filed by the Consumer Federation of America and the New York State attorney general charging that the current standard does not adequately protect children from exposure to toys with parts that may cause choking. Statistics gathered by the CSPC indicated that 37 deaths were caused between 1973 and 1983 by small toy parts larger than the current CSPC standard.

Requiring manufacturers to place warning labels on toys with small parts would be a perfect compliment to a stricter CPSC standard on small parts. More dangerous toys would come under regulation and more parents would know of the danger of the toys they see in the toy store.

I am introducing this legislation because parents have a right to know which toys contain small parts and what small parts can do to young children. Deaths due to small parts in toys are preventable. Congress must intervene where the Consumer Product Safety Commission has failed. If the life of one child is saved by a proper warning label, it will be worth the effort.

I urge my colleagues to cosponsor this legislation.

COMMENDING THE CITY OF LAKEPORT, CA, ON THE OCCASION OF ITS 100TH BIRTHDAY CELEBRATION

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. BOSCO. Mr. Speaker, I rise today to pay tribute to the city of Lakeport, CA, on the occasion of its 100th birthday. I urge my colleagues to take note of this historic occasion, which will be marked by a 6-month long celebration beginning Saturday, April 30.

Mr. Speaker, the people of Lakeport live in a unique and interesting community with a vibrant history. This small town, located on the western shore of Clear Lake in Lake County, was first settled in 1859. In 1861, William Forbes deeded 40 acres of his land in exchange for a county seat, and the infant community was given the name of Forbestown.

The Lakeport area is well-known for its mineral springs and spas, the fishing is excellent year-round, and it is located close to areas of natural beauty such as Clear Lake State Park. The town of Lakeport is graced by innumerable beauteous oaks, and is surrounded by wonderful terraced hills.

The history of Lakeport dovetails with the history of the Pomo Indians. Current residents of Lakeport should be especially proud of the museum on Third Street which houses many tantalizing Pomo artifacts. The county courthouse is designated a national landmark.

Although Lakeport is a small community with just under 5,000 residents, the Lake County Bee (formerly known as the Bee Democrat) has provided excellent news accounts for over a century.

Lakeport is a small community with a tremendous amount to offer the tourist, and it offers its residents a warm, intelligent, and graceful lifestyle. Mr. Speaker, I encourage my colleagues to join with me in wishing many more happy celebrations to the citizens of Lakeport.

HOW MANY POLICE OFFICERS MUST DIE?

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. BIAGGI. Mr. Speaker, just last month I issued a statement to this august body calling for the death penalty for cop killers. Specifically, I urged my colleagues to enact my bill, H.R. 2392, to withhold Federal criminal justice assistance from those States that fail to adopt a death penalty statute for persons convicted of willfully killing a law enforcement officer.

My reasons were very basic. I said;

> We must send a message that is loud enough and simple enough for even the lowest levels of our criminal element to understand. We must let them know that if they kill a police officer there is only one penalty, the death penalty. For at least some, the death penalty will be an effective deterrent and will save police lives. For others, it is simply justice being served. Either way, its the right thing to do.

There was another reason for speaking out so strongly when I did. Just before I made the statement New York City Police Officer Edward Byrne was assassinated while guarding the home of a narcotics witness. Officer Byrne was in uniform, sitting in his marked patrol car. That 22-year-old man was shot three times in the head at point-blank range because he was a police officer, plain and simple. In the words of Officer Byrne's father, himself a former police officer, the drug dealers who were responsible for Eddie's murder were "telling us they've declared war on society." Officer Byrne's killers were not sorry for what they had done. In fact, some reports indicate the killers danced around the car after the brutal murder was committed.

Well, yesterday, another senseless police killing occurred. Again it was a New York City police officer. Again it was drug related. Again the death penalty did not serve as a deterrent, nor will it serve as just punishment for such a heinous crime—because New York does not have a death penalty statute for cop killers or anyone else.

Mr. Speaker, this time the law officer was New York City Police Sgt. John F. McCormick. The New York Times reported that Sergeant McCormick "was shot in the face and killed during a drug search in an upper Manhattan apartment yesterday afternoon by a pregnant woman who the police said ran into a rear bedroom and fired shots through the door." Sergeant McCormick, who was married and had a 10-year-son, was eligible to retire in less than 2 months when he would have had 20 years on the job.

Sergeant McCormick was the third New York City police officer killed this year, all in connection with the war on drugs. In addition to Sergeant McCormick and Officer Byrne, New York City Housing Authority Police Officer Anthony McLean, was shot to death when he inadvertently interrupted a drug dispute while searching for a missing child.

In the words of New York City Mayor Koch:

> We have now seen in a very short period of time, with drug pushers caring nothing at all of the results, the killing of three cops. They don't care. They absolutely don't care.

Maybe the thought of facing the death penalty will make potential cop killers care. Maybe it won't. Either way, though, it's justice being served. How many more police officers must die before we enact the tough penalties that criminals can't ignore? How many more police officers must die before we provide more Federal resources to help our States and localities fight the war on drugs? The time to act is now.

At this time, Mr. Speaker, I wish to insert the New York Times article reporting the fatal shooting of Sergeant McCormick:

[From the New York Times, Apr. 28, 1988]

POLICE OFFICER IS FATALLY SHOT IN DRUG SEARCH

(By Dennis Hevesi)

A police sergeant was shot in the face and killed during a drug search in an upper Manhattan apartment yesterday afternoon by a pregnant woman who the police said ran into a rear bedroom and fired shots through the door.

Moments later, the woman—one of two in the apartment—ran from the bedroom, was shot twice and was tackled by other officers, the police said. She later gave birth to a girl at the Columbia-Presbyterian Medical Center, where she and the sergeant were rushed for treatment.

The 43-year-old sergeant, John F. McCormick, died at 1:50 P.M., about an hour after the shooting. He had been on the police force since 1968, was married and had a 10-year-old son.

BABY IS PREMATURE

The woman, identified as Mercedes Perez, was reported in stable condition last night with bullet wounds to her right arm and stomach. Her child, who was about two months premature, also was listed in stable condition. Hospital officials said the baby, who was born by Caesarean section, had not been hit by the bullet that struck her mother in the stomach. No charges were filed against the woman immediately.

The police said a scale and plastic bag containing what appeared to be four pounds of cocaine were found in the apartment.

The shooting of Sergeant McCormick is the third killing of a New York City police officer this year, all in connection with the battle against narcotics. On Feb. 26, Officer Edward Byrne was killed while he sat in a patrol car while guarding the home in South Jamaica, Queens, of a witness in a narcotics case. And on April 13, a Housing Authority police officer, Anthony McLean, was shot to death while searching for a missing child in a Brooklyn housing project. It is believed that he inadvertently interrupted a drug dispute.

At a news conference at the hospital, Mayor Koch and Police Commissioner Benjamin Ward reacted angrily to the latest violence.

"We have now seen in a very short period of time, with drug pushers caring nothing at all of the results, the killing of three cops," Mr. Koch said. "They don't care. They absolutely don't care."

A CALL FOR DEATH PENALTY

The Mayor called on the Legislature to reinstate the death penalty for those who kill police officers. "I believe our cops are entitled to that degree of extra deterrent," he said.

Commissioner Ward said of Ms. Perez: "She shot a cop. She knew she was shooting at a cop and she killed a cop. As far as I'm concerned, she should be taken out and executed. I don't care whether it's a deterrent. Kill them all and let God sort them out."

Mr. Ward said the shooting yesterday took place at 12:44 P.M., moments after members of a Bronx police narcotics team with a search warrant broke down the door of Apartment 9D on the fourth floor of a five-story building at 24 Sickles Street in the Inwood section of Manhattan. The team, he said, had tried to search the apartment Tuesday night but called off the search when it became apparent that no one was then in the apartment.

The Commissioner said the four officers who entered the apartment were in plain clothes. He said, however, that they identified themselves and were wearing bulletproof vests with the word "police" emblazoned on the front.

Mr. Ward said about 10 other officers from the team were posed around the building.

REVOLVER RECOVERED

"The two women fled to the back of the apartment," he said. "One of them went into a bedroom in the rear. She fired two or three shots through the door. One bullet went into the sergeant's face—the mandible, the jawbone." A .38-caliber revolver was recovered, he said.

When the woman ran out of the bedroom into the living room, the Commissioner said, two other officers returned fire. Ms. Perez was struck in the arm and stomach and was tackled by the officers, who then grabbed the revolver from her.

The other woman, identified as Maritzer Batista, 36 years old, was arrested without a struggle. As of 6 P.M. yesterday, no charges had been filed against either woman. At the news conference, however, Commissioner Ward said, "You can be sure one of them will be charged with homicide."

Asked if the police were seeking any other suspects, Mr. Ward said, "We think we just missed a male."

SET BACK FROM STREET

The red-brick building at 24 Sickles Street is set back from the street behind a concrete courtyard. Yesterday, blood trailed across the courtyard and down three small sets of steps.

A woman on the third floor, who did not want to be identified, said she had heard men banging on the door of Apartment 9D and shouting, "Open the door, police."

Then, she said, she heard a woman in the apartment screaming, both in Spanish and English, "You're not going to arrest me." A few seconds later, the woman said, she heard shots, followed by the unintelligible screams of a woman.

A plumber who was working in the basement, Germain Bacca, said that he did not hear the shots but that as he came up from the cellar, a police officer shouted at him: "Don't go out. Stay inside the building. Go back."

COMPLAINTS ABOUT DRUG SALES

Several tenants said the residents of Apartment 9D moved in nine months ago. The tenants said they believed that drugs were being sold from the apartment.

One of them, Anna Ploanco, 29, said: "I don't like that kind of people. A lot of people, you know, in the night, go to that apartment." Miss Polanco said the police had gone to the apartment a number of times after residents complained of drug sales.

Another woman, who asked not to be identified, said the drug activity had "picked up" in recent months. "Of course, we were fed up with that," she said, "but there's not so much you can do."

FORT LEONARD WOOD: THE U.S. ARMY'S FINEST POST

HON. IKE SKELTON

OF

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. SKELTON. Mr. Speaker, some accomplishments should not go unnoticed, and I rise today in regard to one such achievement. For the second time in 3 years, Fort Leonard Wood, MO, has been named Army-wide winner of the Commander in Chief's Award for installation excellence.

The Fort Leonard Wood post first received this award in 1985, the initial year for the Installation Excellence Program. The award was established to recognize the efforts of the military and civilian workers who maintain and operate our Nation's military installations.

Fort Leonard Wood is deserving of this recognition. The future site of the Army Engineering School, this Missouri post can boast of personnel and facilities that are unparalleled throughout the U.S. Army. While a native Missourian like myself might be prejudiced toward Fort Leonard Wood, we now have proof of its efficiency in the form of the Installation Excellence Award.

In selecting Fort Leonard Wood for this honor, a panel of experts from the Department of the Army visited each installation, inspecting its personnel, customer service, long-range planning, facilities and logistics. The Missouri post was recognized for its quality, innovative programs and its top-notch personnel.

The Show-Me-State is proud of its stellar installation, and the entire Nation should be proud as well. Let's hope that we can continue this fine tradition of protecting our Nation's freedom and liberty.

TRIBUTE TO DR. MELVIN MILTON VILLARREAL

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. WOLPE. Mr. Speaker, I rise to pay tribute to Dr. Melvin Milton Villarreal, assistant in State and Federal programs for the Lansing Public Schools, Lansing, MI. On Wednesday, April 20, Dr. Villarreal was honored by his many friends and colleagues for his tremendous contributions in the area of literacy.

In the early 1980's Dr. Villarreal was prompted to action by the recognition of the dire consequences of illiteracy in the United States. A life long educator and advocate for social change, he approached the Michigan State Board of Education and offered his services to the effort in Michigan to address the problem in the State. Dr. Villarreal was tapped to lead the Department of Education's effort—the Michigan Adult Literacy Initiative—and became the chairman of its coordinating council, made up of individuals representing public agencies, education and industry, private citizens and special interest groups.

Since this time, literacy activities including three statewide conferences, and regional conferences have been conducted and resulted in an effective partnership of local, regional and State interests. The accomplishments of the Michigan Adult Literacy Initiative has received national recognition for its structure and success in reducing illiteracy among adults and is seen by others as a model State program.

Mr. Speaker, I am certain my colleagues would want to join with me in saluting Dr. Melvin Milton Villarreal for his vigilent efforts and success in promoting awareness about illiteracy and in helping many Michigan citizens to become literate.

ANNIVERSARY OF BENJAMIN LINDER'S DEATH

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. AuCOIN. Mr. Speaker, today marks a sad anniversary. One year ago, near the town of San Jose de Bocay, Nicaragua, an early morning attack by Contras killed three men arriving to work on a hydroelectric project beside a stream. One of those killed was my constituent, an American volunteer named Benjamin Linder. Ben has not been forgotten, nor have the circumstances under which he died, nor the ideals for which he lived.

The sadness which attends our memories of this event is, I am sure, repeated 50,000 times over in Nicaragua. That is how many Nicaraguans lost their lives in a war prosecuted by this administration obsessed with hounding the Sandinista government out of office, even by illegal means. It was a confused and divisive policy, a useless and tragic war. Most of us hope and pray it is over, though I am not so naive as to think there are not some in the Government and even in this Congress who are itching to renew what can at best be called a march of folly.

Like many idealistic young people, Ben Linder was fascinated by the idea that he could use his skills to help poor people raise themselves out of poverty and free themselves from the ravages of hunger, ignorance, and disease. He was a pioneer like those who opened the North American continent to development and turned the resources of land, water, and forests into wealth in our hands through new technologies, ingenuity, and hard work. Courageous people with a sense of adventure do this kind of work all over the world, wherever governments allow them. Whatever else you have to say about the Government of Nicaragua, it encourages this kind of development in villages and towns, and it has attracted people like Ben Linder, with the highest motives and values, to work among the poorest of its people.

Many things about the death of Ben Linder at the hands of the Contras disturb me greatly. One unanswered question goes to the heart of American conduct of this war—conduct which led to the violent death of an American volunteer. Why were the Contras attacking a civilian project, the only purpose of which was to bring electricity to towns and farms so poor that they don't even have this basic amenity?

I have heard all the justifications, rationalizations, and obfuscations that the Department of State and other agencies have to offer for the policy of attacking civilian targets like cooperative farms, schools, and electrical projects. None of it makes the slightest sense to me or to the people I talk with in my district. How do you win the loyalty of the people when you destroy things they have built with their own hands to better their lives, when you shatter their hopes, and yes, when you kill their children? How could anyone think the American people would stand for a policy like this once they learned what was going on?

I am happy to report, however, that the people of Oregon with the help of others across the country have raised $250,000 to finish the hydroelectric project Ben Linder was working on. Despite the efforts of the Contras to deny the basic right of economic development to the people of rural Nicaragua, the people of San Jose de Bocay will have electricity. The ruinations of war will turn out to be temporary, and Ben Linder's work for peace will triumph over them.

But when I contemplate the actions of the State Department and other agencies in this case I remain deeply troubled. From the very beginning the State Department treated Ben Linder's death at the hands of the Contras as an inconvenience to be ignored so far as possible. The incident apparently raised uncomfortable questions about the kind of people we were backing in this war. Ben was an American citizen, killed by Contra attackers armed, trained, advised, and even, in many cases, directed by American officials. Yet the Department of State has to this day refused to complete an inquiry or to turn over to me information I have requested which could bear on the question how Ben was killed. If there are persons in the Government who know more about this case than I do, they have not come forward—or they have not been allowed to come forward—to tell the facts to me or to the American people.

Documents and photographs I obtained from those who saw Ben Linder's body led two highly respected clinical pathologists to conclude that Ben was shot at point blank range, presumably after having been immobilized by a grenade or rifle fire. After many attempts to spur a honest inquiry by the State Department into how Ben Linder was killed, and who, including those in the chain of command, was responsible, I wrote to Secretary Shultz on August 3, 1987, asking him to upgrade the Department's efforts and requesting all the documents which had resulted from any efforts by U.S. Government agencies to find out what happened to Ben Linder.

The reply I received on September 18, 1987, told me that the State Department was "initiating additional steps to obtain the maximum information possible" concerning Ben Linder's death. I was told that the Department was enlisting the help of the Justice Department, FBI, and Defense Department in its inquiry. I learned that U.S. Embassy officers did not interview the Contras who did the killing until June 1, 1987, nearly 5 weeks after the attack. I was told that the Embassy officials who interviewed the Contras destroyed their notes and sketches. I was given depositions done by the Contras for Nicaraguan investigators on June 10, 1987, after they had already had discussions with United States officials; these statements look for all the world like they were rehearsed. And I was told that my request for documents was being handled as a Freedom of Information Act request.

Now 7 months later, Mr. Speaker, and a year after the attack which killed Ben Linder, silence reigns supreme at the State Department. They have had nothing further to say about their inquiry. They have reported no results. I have received not a single shred of the documents I asked for.

It pains me to say it, but my conclusion has to be that the State Department has abandoned its responsibility to bring the truth to the American people about an American citizen named Benjamin Linder. That responsibility has instead been taken up by others who lack the vast resources of Government, but whose devotion to truth and justice will sustain them and whose determination to carry forward Ben's work will be a hope and an encouragement to all people of good will.

SOUTH AFRICAN-SUPPORTED TERRORISM IN MOZAMBIQUE

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. LELAND. Mr. Speaker, the State Department issued a report last week which documented the tragedy taking place in Mozambique—a tragedy that many of us have long been aware of. The report detailed the savagery of Renamo, the anti-government insurgents, describing incidents of "shooting deaths and executions, of axing, knifing, bayoneting, burning to death, forced drowning and asphyxiation." The report also mentions the mutilations of ears and noses that are often Renamo's trademark.

I commend the State Department for issuing this report, a report which paints an objective and painfully accurate picture of the brutality of Renamo. The report leaves no room for those who would like to portray Renamo as "freedom fighters" with significant support inside Mozambique. It states clearly that "the relationship between Renamo and the civilian population, according to the refugee accounts, revolves almost exclusively around a harsh extraction of labor and food." The result of this relationship, by the State Department's conservative estimate, is that 100,000 civilians have been murdered by Renamo. As Roy Stacy, Deputy Assistant Secretary of State for African Affairs has stated, this is "one of the most brutal holocausts against ordinary human beings since World War II."

The purpose of the report was to identify who was responsible for the tragedy in Mozambique. It pointed clearly and correctly at Renamo as being responsible for a campaign of terror which has forced over 800,000 Mozambicans out of the country, has internally displaced another 1.6 million, and placed 3.2 million people at risk of starvation.

However, the report neglected to mention who is funding, arming and directing Renamo: the Republic of South Africa. South Africa, in order to ensure that Mozambique cannot be used as a base for those who would like to see an end to apartheid, has used Renamo to bring the Mozambican people to their knees. The massacres of the civilian population, the attacks on health clinics and primary schools, the destruction of basic infrastructure, all work to South Africa's benefit to protect its system of apartheid.

The time has come for the U.S. Government to actively oppose this external face of apartheid. We must remove all restrictions on our aid to Mozambique and give the country the assistance it needs to recover and develop.

I urge my colleagues to read the following op-ed from the April 27, 1988, Washington Post. This article by Kevin Lowther and C. Payne Lucas of Africare is a compelling argument for increased assistance in the face of South Africa's terrorism in Mozambique. I also commend to their attention the lead editorial in the April 28, 1988, Washington Post.

[From the Washington Post, Apr. 27, 1988]

"MASSIVE EVIL" IN MOZAMBIQUE

(By Kevin Lowther and C. Payne Lucas)

The boy smiled hesitantly and shook hands. "He's beginning to come out of himself," the American nurse said, explaining that the young Mozambican had little to smile about. Renamo guerrillas had slit his parents' throats while he watched, and when he found his way to safety in neighboring Malawi, he became one of 450,000 Mozambicans to flee there during the past 19 months.

At least 870,000 of Mozambique's 14 million people have sought refuge across the nearest border. Another million villagers, driven from their homes by Renamo attacks and the disruption of agricultural production, have been displaced within Mozambique.

As a pawn on the chessboard of southern Africa, Mozambique has been sacrificed in a game of white against black. First by Portugal during its five centuries of colonial exploitation. Next by Ian Smith's Rhodesia, which punished Mozambique militarily for supporting Zimbabwean independence. And now by South Africa, which had set out to neutralize Mozambique's capacity to serve as a base for anti-apartheid movements.

To achieve this end, South Africa transformed Renamo—an incubus summoned to life by Rhodesian intelligence in 1976—into one of the world's most active terrorist organizations.

How else to describe a group that last July slaughtered more than 400 men, women and children in the town of Homoine? Which has committed atrocities throughout this country twice the size of California? Which makes 10-year-old boys into killers? Which has destroyed hundreds of rural clinics and schools and paralyzed economic activity in the country?

UNICEF reported last year that the destruction of health posts and the interruption of Mozambique's successful vaccination campaign had condemned tens of thousands of children to die of measles and other preventable diseases. Mozambique's children die every day so that apartheid may live.

Although there have been frequent press and other reports detailing Renamo's terror, many Western observers have responded with disbelief. A State Department report released last week leaves little comfort for the skeptics, and even less for those who have actively promoted Renamo as a "democratic" alternative to the socialist government in Maputo. The report, based on interviews with 196 Mozambican refugees in several countries, estimates conservatively that Renamo has murdered as many as 100,000 civilians.

The Khmer Rouge at least had a political philosophy to explain its killing fields in Cambodia. Renamo has none; in fact, it appears to be a rogue elephant intent upon destroying the very people a "conventional' guerrilla movement might otherwise pretend to lead.

According to refugee testimony, Renamo methodically targets entire communities for virtual extermination. Civilians, says the new report, are "victims of purposeful shooting deaths and executions, of axing, knifing, bayoneting, burning to death, forced drowning and asphyxiation. * * * Eyewitness accounts indicate that * * * children, often together with mothers and elderly people, are also killed."

Those of us engaged in supporting the development of Mozambican villages have been aware of fighting a losing battle with Renamo. We and the Mozambicans cannot build faster than Renamo tears down. We believe, however, that the international community now has a compelling moral obligation to confront massive evil with massive good.

Foreign donors are about to meet in Maputo to pledge increased financial assistance to sustain a new economic rehabilitation program emphasizing Mozambique's agricultural potential.

Mozambique needs the dollars, but the readiness of Western nations and institutions to stand by its government and people might also convince many in Renamo to abandon their rebellion without cause. A few have already accepted the government's offer of amnesty.

In the meantime, there are more than 4 million Mozambicans to sustain: the 870,000 refugees scattered among camps from Tanzania to South Africa, the million or more displaced people within the country, and perhaps another 2.5 million nutritionally "at risk" because of Renamo activity.

The refugees are the most visible victims. Hundreds have been crossing into Malawi daily for the past several months. The new arrivals, mostly women and children, can be seen gathered around the barrel-like trunk of a baobab tree, waiting to be registered, immunized, given rations and told where to build a hut. They may have walked for weeks, eating leaves and roots and carrying a small bundle of eager possessions. Most are naked except for a piece of grain sacking wrapped about their hips. The children are severely malnourished, and some will die.

Flight itself is a calculated risk, taken only when the possibility of violent death becomes too palpable. Renamo evidently kills many who try to escape areas over which it exerts loose control. But most of those who reach safety, pitiable as they may be, should live to return home and begin to build again.

[From the Washington Post, Apr. 28, 1988]

PRETORIA'S VICTIMS IN MOZAMBIQUE

One of the troubles in a place like Mozambique, which is going through hell, is that it lies just outside the perimeter of international attention, so that the people who otherwise might be concerned do not get informed and engaged. This condition of obscurity has now been banished by a thoroughly documented report by an experienced refugee consultant, Robert Gersony. He makes it next to impossible for anyone to ignore further the atrocities committed by Renamo, a guerrilla organization sponsored by the apartheid regime in South Africa—and what is worse—supported by such American figures as Sens. Bob Dole and Jesse Helms in the mistaken belief that Renamo's thugs qualify as anticommunist "freedom fighters."

According to the report, Renamo has used an "extraordinarily high" level of violence against civilians, murdering at least 100,000 people over the last two years, forcing nearly 1 million refugees out of the country and displacing another million internally. Renamo evidently makes little pretense of trying to win Mozambicans to any political program. Its mission of pure terrorism seems to serve only a South African purpose of reducing Mozambique to helplessness and ruin.

The Reagan administration, in commissioning and publicizing this report, is conducting an urgent policy rescue mission of its own. It has joined an international effort to collect new aid for Mozambique, and blaming a conspiratorial South African military for the Renamo operation, it is offering South Africa's civilian authorities a last chance at constructive engagement with the United States—by reviving the Nkomati accords of 1984. By this agreement, Washington, in a broker's role, induced South Africa and Mozambique to deny use of their territory for attacks on the other. Subsequently Pretoria defaulted on its pledge, with the results the new report details.

Originally the creature of Rhodesia's Ian Smith, Renamo has ingratiated itself with the American political and religious right, which ignores the progress the West has made in recent years in pulling Mozambique away from Soviet and Marxist ways. This is how some Americans come to champion Renamo's ostensible anticommunism. But Renamo is a gang of killers. The new report dispels whatever doubt there was about it and makes continued support of Renamo unthinkable.

A COMMITMENT TO FREEDOM IN SUPPORT OF H.J. RES. 429

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. GALLO. Mr. Speaker, on April 19, 1988, the Congress unanimously passed House Joint Resolution 429 condemning the Soviet Government for violating human rights in the persecution of Ukrainian Catholic and Ukrainian Orthodox Churches. The bill also discourages the attendance by United States officials at the millennium ceremonies in celebration of Christianity in Ukraine. American attendance would demonstrate our support of a hypocritical ceremony that does not show the reality of the Ukrainian people who have no freedom, religiously or culturally. As a cosponsor of the bill, I discourage the participation of the United States in these so-called ceremonies.

The Ukrainian Supreme Court denies the accusation of the violation of human rights. They also contend that the church and state are separate. How can a government deny the fact that over 100 Ukrainian churches have been destroyed by the state in the past 2 years, sending clergy and religious believers to prison? The overbearing presence of the Soviet Government is everywhere—in the church, in the home, and in the community. A Soviet commitment to a Universal Declaration of Human Rights and the Helsinki Agreements of 1975 do not appear to exist for Ukrainians.

In light of the upcoming summit meeting, the millennium of Christianity in Ukraine, and General Secretary's policy of glasnost, now is the time for General Secretary Gorbachev to show his commitment to human rights and to recognize Ukrainian churches as well as the many other culturally distinct people who live in the Union of Soviet Socialist Republics.

Within my district, I have had the privilege to meet several Ukrainian families. They are all culturally, religiously, and nationally tied toward their homeland and their ethnic background. I am working closely with one Ukrainian family in their attempts to obtain the release of their 80-year-old grandfather who remains in the Soviet Union.

Ukrainian Americans continue the fight for the freedom of their countrymen under Soviet suppression. Throughout the United States, 100 Ukrainian parishes are recognized, unlike their counterparts in the Soviet Union which were liquidated by the Soviet Government in the 1930's. Not only do Ukrainian-Americans dream of their homeland, escaping from Soviet bondage one day, they also continue to remember the "forgotten Holocaust" when, because of famines, over 6 million Ukrainians lost their lives in the 1930's at the hands of the Soviet Government.

As Members of the U.S. Government, we must remain strong and committed to our human rights principle of basic freedoms for all. I commend my colleague, BILL LIPINSKI, for initiating this important resolution. The significance of H.J. Res. 429 and its Senate counterpart, S.J. Res. 235, is an important demonstration of our recognition and support of Ukrainians and of other peoples unable to freely practice their religious beliefs.

TRIBUTE TO WOODLAND VILLAGE SCHOOL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. GALLEGLY. Mr. Speaker, I would like to draw the attention of my colleagues to the fine work being done by the Woodland Village School.

The Woodland Village School, with campuses in Woodland Hills and Agoura Hills, is one of Southern California's foremost infant care, nursery and elementary school facilities, and is at the forefront of the Nation's day care movement.

As many of you know, quality day care is one of the biggest problems facing our families today. As "Time" magazine put it last summer, "Throughout the country, working parents are faced with a triple quandary: day care is hard to find, difficult to afford and often of distressingly poor quality."

And like it or not, more and more families need to find quality day care. The Bureau of Labor Statistics reports that a full 64 percent of married mothers with children under age 18 now work outside the home. The Bureau also reports that 10.5 million children under age 6, or slightly more than half the children in that age group, are in households where the mother is in the labor force.

Happily, the private sector is responding to this growing need. The Woodland Village School, owned by Debby and David Berthiaume, is one of the businesses in my district serving an increasing number of children, and providing them with the finest in day care.

Continuing its innovative ways, the school is opening a facility to take care of mildly ill children, easing the dilemma of anxious parents who often face an unpaid day off work because a child has the sniffles.

To celebrate the opening, this Sunday the school will host a coummunitywide picnic, aptly titled "Come celebrate the children." Some 1,500 people are expected to attend this old-fashioned way to have fun.

It is with great pleasure, Mr. Speaker, that I recognize the Woodland Village School for a job well done. I know the school and its staff will continue to do an outstanding job for our most precious resource—our children.

DR. DONALD C. ZIEHL HONORED

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. MOORHEAD. Mr. Speaker, on May 14, 1988, the Kiwanis Club of La Canada will pay tribute to Dr. Donald C. Ziehl upon his retirement after 23 years of service as Superintendent of Schools for the La Canada School District.

During his long career in education in both New York and California, Dr. Ziehl has distinguished himself as an outstanding educator who has been a leader in developing other educators and bringing quality learning and understanding to the youngsters who have been in his charge.

Because of his efforts and expertise, the La Canada School District has been selected as a "California Distinguished School District."

Mr. Speaker, Dr. Ziehl has been directing public education in La Canada since 1955. Prior to this assignment, he educated and administered in Kenmore, Tonawanda, and Buffalo, NY and San Diego, CA. He has been a visiting professor at California State University at Los Angeles. Since 1972, he has held that position with the American Association of School Administrators and the National Academy of School Executives.

Dr. Ziehl is a member of the American Association of School Administrators, the Association of Governing Boards of Universities and Colleges, Phi Delta Kappa, the Association of California School Administrators, and the Association of Supervision Curriculum Development.

He received his bachelors in education from Buffalo State Teachers College and his masters and doctorate degree from State University of New York in Buffalo with additional studies at UCLA.

Mr. Speaker, for many years we have benefited both directly and indirectly from his expertise, from his commitment to excellence and from his loyalty to our community. After nearly four decades of teaching, guiding, and enlightening our children, it is impossible to measure the contributions Dr. Ziehl has made to our Nation and community just as it is impossible to properly thank him for his devotion and dedication. But surely we must express our gratitude, despite the inadequacy of those expressions. On behalf of the residents of the 22d Congressional District, I would like to express our sincere thanks and best wishes. May retirement be as good to him as he has been to us.

NORIEGA MUST GO

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. CHAPPELL. Mr. Speaker, I would like to add my voice to the overwhelming chorus calling for the immediate resignation of Gen. Manuel Noriega as commander of the defense forces and de factor dictator of Panama. I also would like to call for the continued support of the United States for Panama's President, Eric Arturo Delvalle.

The Panamanian people have lived under Noriega's despotic reign of terror for too long. With President Delvalle, they have shown great courage in challenging this tyrant, who is renowned for the horrific and brutal murders of his detractors. The people have taken to the streets to demand his resignation but to no avail. A general strike, coupled with economic pressure by the U.S. Government, has staggered the Panamanian economy, but still Noriega remains. We must stand firm and not turn our backs on such brave patriots fighting for freedom and democracy in their own land.

Noriega's only remaining supporters are his trained killers, the "Dobermans," whose use of violence and intimidation have his illegal government hanging on by a bloody thread. But, like their namesakes, the "Dobermans" will turn on their master if left unfed. In this case, that time is soon approaching. General Noriega has already failed to meet the payroll of his general military and public employees, and it is estimated that he has nowhere near the $30 million needed to cover the bimonthly civilian and military paychecks.

We in America cannot ignore this critical situation. Noriega has not only lied to, stolen from, and alienated his own people, but he has engaged in his own brand of treachery against the U.S. Government. A resolution recently passed by this Chamber states our belief that Noriega has "supplied sensitive U.S. security information to the Government of Nicaragua, the Government of Cuba, and the FMLN guerrillas in El Salvador." This is an outright slap in the face to the United States, which has given Panama developmental, economic, humanitarian, and military assistance totaling some $676.5 million in the last 25 years, in addition to the millions of dollars sent in canal payments since 1979.

Further, according to the indictments handed down by two Federal grand juries, Noriega has returned our largess by allegedly helping drug smugglers send billions of dollars in cocaine to wreak havoc on the United States. Our own Nation's Capital has witnessed 51 drug related homicides in the first 3 months of 1988. Innocent victims are dying in the streets and our children are becoming addicts as early as the second grade because of the activities of drug lords who have apparently been working with General Noriega. In effect, while we have supported his government, evidence indicates that he has repaid this debt by poisoning our society.

We cannot condone or overlook these atrocities in any way. The longer this man stays in power the more children will die. These are our children, our future. Noriega must become a symbol, a message to other countries in the region that we will not tolerate the growing phenomenon of narco-military states. We will not tolerate them as producers or transit countries, and we have every intention of strengthening existing economic sanctions and imposing new ones if they continue using the United States as a dumping ground for illegal narcotics.

I also call for Noriega's resignation in order to secure the American-held Panama Canal Zone and our Southern Command headquartered there. The canal has vital strategic significance in that it serves as the shortest and fastest link between the U.S. Navy's Atlantic and Pacific fleets, as well as the passageway for millions of dollars worth of cargo destined for countries throughout the region. The canal must not fall into the hands of such an unstable and despotic Government. To ensure continued passageway through the canal and to protect the thousands of Americans stationed there, Noriega must go.

In conclusion, Mr. Speaker, I would like to state my strong support for the deliberate actions to date by the administration to bring about the resignation of General Noriega. This is a very delicate situation which has an effect on vital American economic, military, and geostrategic interests. I am pleased that Congress and the administration have united on this crucial foreign policy question, without partisan rancor. We must continue our recognition of and support for President Delvalle, whom we believe will return to take charge, rebuild Panamanian democracy, and guarantee economic and political freedom in Panama.

PERSONAL EXPLANATION

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. NELSON of Florida. Mr. Speaker, on Wednesday, April 27, I was unable to be present and voting for rollcall No. 70, the Aspin amendment to the Department of Defense authorization bill. Had I been present, I would have voted "aye."

JOSEPH KAMANSKY HONORED

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. LEWIS of California. Mr. Speaker, it is with great pleasure that I rise today to recognize the Honorable Joseph Kamansky, who is being honored by the West End YMCA on Thursday, May 5, of this year. Joe has been a friend for many years, and I am especially proud to have this opportunity to commend him on his many accomplishments.

Born in Ontario, CA, and raised on his family ranch, Joe is a native Californian who has remained in the Inland Empire and served his fellow citizens in many capacities. After graduating from Chaffey College, he established a business partnership in service stations with Fred Beal—which was to endure for 21 years. In 1962, he joined his wife Rosalie in forming the Kamansky Real Estate firm in Upland, CA. Joe became actively involved in the business, as he served on most committees of the board of realtors and acted as district representative of the State association for 10 years. In addition to being a successful realtor, Joe served the county of San Bernardino as supervisor from 1976 to 1978. Also, he was a member of the San Bernardino County grand jury from 1979 to 1980.

In addition to his many professional responsibilities, Joe has always been an energetic leader in his volunteer efforts for his community. Joe is an active supporter of the Boy Scouts, Girl Scouts, Campfire, and many other youth and community activities. He served on the United Way budget committee for 20 years with 2 years as chairman and 10 years as vice chairman. The Kiwanis Club of Upland awarded him the Kiwanis Service to Youth Award in 1975, an award well deserved after 31 years of service. Other honors include the Bicentennial Award for Humanitarianism, which the city of Upland bestowed upon him in 1976, and the Brotherhood Award, which he received in 1981 from the National Association of Christians and Jews.

This year, it is the West End YMCA which honors its member of 40 years, Joe Kamansky. Joe served this organization as president from 1976 to 1981 and chairman of the House Committee for 14 years. He has been awarded the Man of the Year Award and life membership in honor of his distinguished service. Joe is one of this YMCA's top fundraisers, and for 2 years has acted as support campaign chairman.

Mr. Speaker, I ask that you join me in saluting the Honorable Joseph Kamansky. He serves as an outstanding example to us all as a man dedicated to quality in both his professional and personal endeavors. His contributions to the West End YMCA and the many other organizations he serves will be valued for years to come. It is with great respect that I pay tribute to him today.

AWAITING WATER DECISIONS

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. DAUB. Mr. Speaker, the Corps of Engineers has recently completed a series of hearings on a proposal in Colorado to dam a major tributary to the Platte River to supply water to the lawns and gardens of Denver suburbs.

Aside from inundating some of the world's best trout fishing, the proposal has given a new meaning to the word "mitigation" by including a 210-acre set-aside required by the Fish and Wildlife Service in order to protect the endangered whooping cranes several hundred miles downstream. How will more land help when it's the water the whoopers really need?

This proposal points to a lack of coordination between Federal policymakers regarding management of the Platte River, and it is becoming increasingly difficult for other interests on the Platte River to plan for the future.

I will be submitting comments on this proposal, and I will address the crisis we have in water management on the Platte River. Water is the lifeblood of my State of Nebraska, and I urge a careful review of the numerous comments received by interested parties.

A TRIBUTE TO SCIENCE STUDENTS IN THE 39TH DISTRICT OF CALIFORNIA

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. DANNEMEYER. Mr. Speaker, as my esteemed colleagues may know, the week of April 24–30 has been declared "National Science and Technology Week." At this time, would like to congratulate those students from the 39th Congressional District of California, which I represent, who were selected as Orange County's outstanding senior science students. They are: Scott Borer and Stacey Richardson from Anaheim High School; Brent Hobat and Chris Casey, Brea-Olinda High School; Steve Hooker and Jason Curtis, Canyon High School; Arti Hurria, Susie Helfrey, and Erica Guerra, Cornelia Connelly High School; Bob Bowen and Ted Carson, El Dorado High School; Quynh Le and Colleen Griffin, El Modena High School; Phuc Pham and Jonathan H. Lin, Esperanza High School; Albert Huang and Paul Cash, Foothill High School; Khanh Tran and Karen Poelstra, Fullerton High School; Hsin Chu Tsai, Dat Hoang, Gus Chew, and Peter Mardahl, Katella High School; Doug Wade and Heidi Luedtke, La Habra High School; Barbara Willis, Stephanie Baker, Victor Kuo, and Kevin Wiest, Loara High School; Terence Chu and Christine Holley, Lutheran High School; Ian Gordon, Andrea Schnept, and Brad Phoenix, Orange High School; Jennifer Costello and Lynette Salerno, Rosary High School; Shaista Malik, Andrea Wang, and Miriam Hamidi, Savannah High School; Joe McKinley and Tim Gerken, Servite High School; Eric Thacker and Elana Lajano, Sonora High School; Steve S. Yoo and Janelle Kosonen, Sunny Hills High School; Christopher Brain and Yvette Ortega, Troy High School; Trang Hoang and Bich Nguyen, Valencia High School; Mark McPherson and Constance Anasis, Villa Park High School.

SUPPORT OF URANIUM BILL (S. 2097) URANIUM REVITALIZATION, TAILINGS RECLAMATION AND ENRICHMENT ACT OF 1987

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mrs. LLOYD. Mr. Speaker, I want to express my support for S. 2097, the uranium revitalization bill which is being introduced today.

Uranium is critical as a fuel for electricity. It follows that the world of international uranium trade is, and always will be, dominated by political issues and Government policies—both here and abroad—and not dominated by uranium producers and traders. "Free trade" in uranium is only a theory. In the real world, governments set uranium policies.

In the United States, we are blessed with plentiful uranium resources, a capable and experienced uranium production industry and the largest uranium market in the world. We should have as the atomic energy act mandates: "A viable domestic industry."

What we have, however, is a decimated uranium mining industry, an ineffective environmental program regarding mill tailings, a crippled enrichment enterprise, and a continuing decline in our market.

I believe the intent of this bill outlines a plan for national security, economic security, and most importantly, energy security. As we have all remarked before, there is no such thing as a perfect piece of legislation. This is no exception.

I have serious reservations about portions of this legislation, but I believe enough in the concept to try to work through these differences in the committee process. I am committed to working in a cooperative spirit as a supporter of the bill and feel strongly that this vehicle will be a foundation stone to our national energy policy.

This bill does address some critical areas, including Treasury repayment and operations. One fault of our current program is that we are still managing and operating the enrichment enterprise as if we still held a world monopoly on enrichment business. We must make our program competitive in the global marketplace if we are ever to regain our standing as a leader in the industry. A more business-like operation can help to achieve that goal.

I look forward to working with my colleagues in ironing the imperfections of this bill and contributing a well-integrated, well-thoughtout, comprehensive uranium industry to the country.

THE PREMATURE DEATH OF BEN LINDER

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. LOWRY of Washington. Mr. Speaker, I rise to urge Members to take a moment to commemorate the life and contributions of Benjamin Linder and to recall with sorrow his premature death at the hands of the Contras 1 year ago today.

Mr. Linder went to college in Seattle, and many of my friends and constituents knew him well. His death was an outrage to all of us.

Ben Linder went to Nicaragua to put his engineering skills to use helping people who needed him. His idealism was a powerful force for good and a great gift. His death was a vivid reminder of the tragic consequences of the Reagan administration's Nicaragua policy and of the desperate need for peace in that country.

Ben Linder tried to build a better life for poor people in Central America. We would do well to follow his example and support peace. I hope that my colleagues will not let this day go by without remembering this fine young American who tried to show the people of Nicaragua a better side of the United States.

A CAMPUS BESET BY DRY ROT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. KEMP. Mr. Speaker, I would like to call my colleagues' attention to an outstanding article in today's Washington Times written by Thomas Sowell, an economist at the Hoover Institution. In an incisive op-ed article, Mr. Sowell articulately highlights and attacks a disturbing trend on our Nation's campuses—one which the Secretary of Education, William Bennett, recently went to Stanford to eloquently combat.

The issue at Stanford and other institutions of higher learning really is twofold. First, it involves the rejection of courses teaching the very values underlying our Western civilization and culture by a noisy minority on campuses. The second, equally disturbing trend is the capitulation by educational institutions to this divisive minority.

Western civilization is based upon moral, educational, and cultural values. These values have been the solid foundation upon which our society has flourished for over 1,000 years. They have served as an underpinning to great civilizations and helped to shape our political, economic, and social philosophies. We expect these values to be taught to the next generation by the family, our communities, and our educational systems. Without these values—this foundation—our society is threatened. Yet, we are seeing a growing number of educational institutions caving in to a minority of students and academies who disdain these values.

Both Thomas Sowell and Secretary Bennett recognize this threat to our society. They understand that these values have made our freedoms and prosperity possible and that educational institutions have a responsibility to oppose ignorance and intimidation. I doubt that any cause has two more eloquent and formidable champions. They are to be commended for their efforts to reverse this dangerous trend to our Nation's campuses, and for their efforts to defend the Western ideas of civilization, which have been a guiding beacon for free and prosperous nations throughout the world for over a 1,000 years.

A CAMPUS BESET BY DRY ROT

(By Thomas Sowell)

When Secretary of Education William Bennett came to talk at Stanford University on April 18, every seat in the hall was filled and standees were packed all the way back out the door. A nearby room in which his speech was being broadcast was also packed all the way back out the door. Outside the building, a number of people pressed near the windows to try to hear the broadcast.

Clearly, some people sensed the importance of the occasion, even if the Stanford administration treated it as just another passing episode. What brought Mr. Bennett out to Stanford, and what brought this audience to hear him, was—on the surface—just the changing of one course.

The course was called "Western Culture," a year-long survey of the classic writings of Western civilization, from ancient times to the present. The changing of this course did not begin with any intellectual or scholarly re-evaluation. It was the result of a two-year campaign of strident rhetoric, demonstrations, threats and disruptions by a small but vocal group of students. The tone of the campaign was symbolized by the Rev. Jesse Jackson, during a campus visit, leading the chant of "Hey, hey, ho, ho, Western Culture has got to go!"

The learned professors debated and evaded and squirmed, but ultimately capitulated. In Mr. Bennett's words: "The loudest voices won, not through force of argument, but through bullying, threatening and name-calling." He added, "a great university was brought low by the very forces which modern universities came into being to oppose—ignorance, irrationality and intimidation."

More was involved here than one institution's expedient cave-in. When tactics like this succeed on one highly visible campus, you can look for more of the same across the country. There may or may not be as much noise made elsewhere, for other college and university administrations may see the handwriting on the wall and capitulate early.

Pre-emptive surrender has become one of the standard techniques of academic "crisis management."

But the issue reaches far beyond academia. The Western Culture course was singled out for this kind of attack because Western civilization itself is despised by the attackers. "The issue of the merits of the course came to stand for the merits of Western civilization as a whole," in Mr. Bennett's words.

This is also essentially what the attackers themselves said, as they denounced Western civilization as racist, sexist, exploitative and the rest of the litany of the far left. (Other civilizations with fewer problems are not named.) An earlier appeasement of such views created alternative courses, openly anti-Western, for those who did not want to study Aristotle, Shakespeare and others dismised as "white males."

The propaganda nature of one alternative course was made plain from its own description in the college catalog. The course "challenges some of the reverential notions of a noble, mythical entity whose revealed name is Western Culture," it said. The counterculture course disdained "so-called 'great works'," which "in reality" were only "a recently invented fiction" whose purpose was to justify the West in its global conflicts and in its internal "relations of power" between "classes, races and persons (male and female)."

Not satisfied with having their own hate-the-West course, the radical elements then set about attacking the traditional Western Culture course for others. Their attack was well-timed. It came while Stanford was engaged in the largest fund-raising campaign in American academic history. The university obviously did not want any trouble to tarnish its image while it was trying to raise a billion dollars.

Noisy outbreaks on campus that attract the media are trouble. Quietly selling out is no trouble, especially if it can be done on the installment plan, so that the Western Culture course will only gradually sink toward the level of the anti-Western course. There are all sorts of lofty labels for this, such as "diversity," "enrichment" or including "neglected" female and non-white writers.

Judging by what has already happened in one anti-Western civilization course at Stanford, only those female and non-white writers who represent a certain ideological slant are likely to be used. Jeane Kirkpatrick and V.S. Naipaul need not apply.

Ridiculous as it is to choose writings on the basis of the sex and race of their authors, it is fraudulent when these criteria in turn are camouflage for choosing on the basis of ideology.

What is happening at Stanford is part of a more general corrosion from within in American educational institutions. The continual, one-sided attacks on the values of this society succeed, not because the attackers are powerful, or even logical, but because those responsible for defending educational and cultural values have other agendas and can buy peace by spending other people's money and compromising other people's education.

Reprehensible as much of this is, it is at least understandable as the rational self-interest of those involved.

What is not readily understandable is why outside donors continue to finance the undermining of the society which made their freedom and their success possible. Last year was a record year for donations to colleges and universities—with Stanford leading the list of beneficiaries.

Donors might at least earmark their money for the medical school, or for engineering, or for some other academic divisions that are not part of the unending, one-sided propaganda campaigns which represent what Allan Bloom so aptly called "the closing of the American mind" where it should be most open—in our colleges and universities.

It would be better if donors closed their checkbooks until the colleges and universities in question clean up their act. A non-contribution could be a donor's greatest contribution to his alma mater.

Why is it that the attackers sense the moral dry rot in places like Stanford, which makes these institutions so vulnerable to attack, while the donors continue to listen to the lofty rhetoric? Certainly the overflow crowd that came to hear Mr. Bennett understood the importance of the issue. His plain but powerful words must have been a welcome relief from the sanctimonious double-talk they have been hearing on campus for so long.

SENATE—*Friday, April 29, 1988*

(Legislative day of Thursday, April 28, 1988)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable Richard C. Shelby, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

But they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary; and they shall walk, and not faint.—Isaiah 40:31.

Gracious Lord, grant to every Senator and staff member a special visitation of Your love and grace this coming week. For those who travel—journeying mercies, a safe arrival at destination, and a safe return home. Help the Senators to make time this week for family and to take time for their own personal renewal. Prosper their labors whether at home or away. Be with those who "stand by the staff" in the offices during the recess. Thank You for the faithful labors by the dedicated men and women who serve the Senate. While their work continues this coming week, help them to find time with family, for rest, recreation, and renewal. Loving Lord, grant that this coming week will provide all that each in this large family needs for the responsibility to which each has been called. In the name of Him who promised rest for our souls who come to Him. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Stennis].

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, April 29, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Richard C. Shelby, a Senator from the State of Alabama, to perform the duties of the Chair.

John C. Stennis,
President pro tempore.

Mr. SHELBY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

TURKEY DESERVES PRIORITY ATTENTION

Mr. BYRD. Mr. President, I call attention to an article written by Pamela Harriman which appeared in the New York Times on Saturday, February 20, 1988, titled "Turkey Deserves Priority Attention." I find Mrs. Harriman's comments to be perceptive and farsighted. She believes that America needs to pay more attention to Turkey's progress at home and abroad. As she rightly notes, Turkey's first democratic election in years last November 29, which returned Prime Minister Ozal to power, rated but a passing glance from the press in the United States. I agree with her completely that this staunch ally of ours, which is responsible for defending roughly one-third of NATO's total frontier with the Warsaw Pact and for controlling Soviet access to the Mediterranean in wartime, receives military assistance from the United States at a level which has declined in recent years and which is insufficient for modernizing Turkey's aging arsenal.

I, too, am disappointed that there has been so little attention paid to the historic meetings between Prime Minister Ozal of Turkey and Prime Minister Papandreou of Greece in Davos, Switzerland, in February 1988 and in Brussels, Belgium, in March 1988. The initiation of this extremely important dialog, the first substantive high-level talks in 10 years, as Mrs. Harriman notes, "went all but unnoticed in the American media." These meetings signal a new era of forward looking diplomacy in the region.

I commend Prime Minister Ozal for his statesmanship and vision of improved relations in the region and note unilateral steps by Turkey to advance this process of rapprochement, including the lifting of restrictions on property owned by Greek Nationals in Istanbul and a planned official visit by Prime Minister Ozal to Athens this coming June. I look forward as well to the visit of Turkey's President Evren to the United States in June. This will be the first visit of a Turkish President to the United States in over 20 years.

Mrs. Harriman makes a number of other salient points about American inattention to Turkey. I urge my colleagues to read her article. I, too, agree that Turkey deserves priority attention and applause.

Mr. President, I ask unanimous consent that the article by Pamela Harriman entitled "Turkey Deserves Priority Attention," which appeared in the New York Times of February 20, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Feb. 20, 1988]

Turkey Deserves Priority Attention

(By Pamela Harriman)

Washington.—Turkey is exposed to pressures from its historic rival the Soviet Union, to the north, and the new wave of Islamic fundamentalists, to the east and south. It is too little exposed to Americans. We need to tune in more closely to its progress at home and abroad.

Under the journalistic variant of Gresham's Law—bad news drives out good—Turkey's orderly Nov. 29 parliamentary voting rated but a passing glance from the press in the United States. Moreover, a meeting in Switzerland last month between the Turkish and Greek prime ministers, the first such substantive high-level talks in 10 years, went all but unnoticed in the American media.

As our easternmost NATO ally and a staunch friend for more than 40 years, Turkey deserves priority attention and applause. Both the conduct and the outcome of its 1987 election reflected progress in strengthening civilian rule, sidelining extremist factions and bolstering democracy on the borders of Syria, Iran and the Soviet Union.

While dealing with major social and economic strains, Turkey is again a model of developing democracy. In our own interest, we must show more concern over its progress and its problems.

Turkey is too easily crowded off our television screens. It has few vocal friends in high places in our country; in recent years, officials in Washington policymaking councils have largely taken Turkey for granted.

The result of this not so benign neglect is reflected in the steep decline of appropriations for military assistance to this ally, which is as strategically vital as it is potentially vulnerable. Funding for security grants and low-interest loans stood at $718 million in fiscal 1984. The sum dropped to $619 million in fiscal 1986. For fiscal 1988, the sum dropped again—to an insufficient $490 million for modernizing Turkey's aging arsenal.

While a variety of off-budget provisions give Turkey low-cost access to some surplus United States and North Atlantic Treaty Organization arms, the total flow of equipment and aid is too low. Having locked in high allocations of security assistance to Egypt and Israel, the Administration and Congress are obliged to spread the diminish-

● **This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.**

ing remainder of foreign military aid ever more thinly around the globe. Turkey's share dwindles, but its obligations remain.

Responsible for defending one-third of NATO's total frontier with the Warsaw Pact and for controlling Soviet access to the Mediterranean in wartime, Turkey carries a heavy defense load.

As host to 5,000 American troops at half a dozen critically important intelligence and air installations, Turkey provides a crucial listening post in peace and an essential forward base if war should erupt. Just to sit on the shore of the Bosphorus, as I did, and count six Soviet oil tankers steaming past Istanbul's domes and minarets in 15 minutes is to appreciate the weight that geography and history have placed on Turkey.

Since Turkey carries a heavy burden of regional as well as self-defense, its allies must apportion our mutual obligations more equitably and sensibly. This requires more than just a higher, steadier level of American military aid and more than a narrow preoccupation with preserving the balance between Greece and Turkey. What is also missing is active and visible American diplomacy.

The hostility between the Greeks and Turks damages not only them but the security of the West. Their animosity is profound, but Americans should not accept it as eternal and not overlook the harm it does to our own interests. The longer that bitter feuds over Cyprus and the Aegean go unmediated and unresolved, the weaker our allies grow, and the less we can rely on them in time of trouble.

The Johnson and Carter Administrations at least tackled the Cyprus issue, albeit with uneven results. Time has not eased the grievances. But in the words of William the Silent, leader of the desperate but ultimately victorious Dutch rising against Spanish rule, "It is not necessary to hope in order to undertake, nor to succeed in order to persevere."

When America's vital interests are at stake, persistence is essential. When two such stubborn adversaries and valued friends as Greece and Turkey are locked in mutual distrust, only determined and imaginative American diplomacy is likely to prevent renewed conflict.

In the meantime, we must deal with both on the basis of their contributions to regional security and in terms of their relations with us, not just with each other.

As a secular state with a largely Moslem population, Turkey can be a forceful example of democracy in the Middle East. For it to play that role in its own interest and ours, it needs the reassurance of steady American interest and support. On both counts, we now deliver less than we should.

Mr. BYRD. Mr. President, I yield the floor.

RECOGNITION OF REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

IMPORTANT NATO ALLIES

Mr. DOLE. Mr. President, first of all, I certainly agree with my distinguished majority leader. I will be having an opportunity in this next week to visit both Prime Minister Ozal and Prime Minister Papandreou and hope to highlight not only the majority leader's comments but the comments by Mrs. Harriman which are right on the mark.

These are important countries and important NATO allies, and they have been making a real effort to resolve their differences but, as she indicated, the efforts have gone almost unnoticed.

So I will be underscoring the interest I know the majority leader has in seeing these matters develop.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader.

His forthcoming journey will be of service to our own country and I will be very interested in hearing his report upon his return from visiting those two very important allies.

Mr. DOLE. Mr. President, I have been doing a series of bicentennial minutes and they are articles very interesting to me, and I appreciate those who do the research.

BICENTENNIAL MINUTE

APRIL 11, 1960: ONE FAMILY'S CENTURY OF SERVICE TO THE SENATE

Mr. DOLE. Mr. President, 28 years ago this month, on April 11, 1960, one of the most remarkable dynasties in the Senate's history came to an end. On that day, 83-year-old James W. Murphy died. Murphy had been an official reporter of Senate debates for nearly 65 years. For 112 years, from 1848 until 1960, one or more members of the Murphy family had served as Senate reporters.

In 1848, on the recommendation of Senator John C. Calhoun, 14-year-old Dennis F. Murphy, James Murphy's uncle, was hired by the private Congressional Globe as a member of its Senate corps of verbatim shorthand reporters. Dennis served for 48 years, until his death in 1896. His brother Edward, who was James' father, began as a Senate reporter in 1860 and served 59 years. Another brother served the Senate for 28 years.

James W. Murphy joined the corps of Senate reporters in 1896. While working here, he earned a law degree from Georgetown University and in 1934 he advanced to the post of chief Senate reporter. Murphy's skill came not only from his own diligence and the influence of his distinguished family, but also from the tradition of excellence set in place by other long-serving Senate reporters. They included Theodore F. Shuey, considered one of the world's preeminent shorthand reporters, and John Rhodes. Shuey's Senate career spanned 65 years, from 1868 to 1933. Rhodes, whom several of my colleagues will remember, began during the 1919 Versailles Treaty debate and retired in 1963.

Today, our own distinguished corps of official reporters carries on this tradition, as we are reminded by this week's retirement of Chief Official Reporter G. Russell Walker. In 1956, majority leader Lyndon Johnson described James Murphy in words that apply equally to Mr. Walker.

> Under his deft touch the technicalities, the contradictions, the subtle nuances, and the bewildering phrases arrange themselves in a neat and orderly fashion. They fall into place in such a way that they have coherence and logic and reason.

Mr. President, I reserve the remainder of my time.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 1 hour, with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Wisconsin.

WHY THE HAPPY ECONOMIC FIGURES ARE AN ILLUSION

Mr. PROXMIRE. Mr. President, the figures are out on the country's economic performance in the first quarter of 1988. They are good, in fact, very good. In one sense they are better than they appear. It is true that the gross national product [GNP] grew at a modest annual rate of 2.3 percent. The average growth rate of the American economy throughout the years has been around 3 percent. In the previous quarter—that is the last quarter of 1987 the growth was 4.8 percent. So growth in this latest period slowed sharply from the last quarter of 1987. The most recent 2.3-percent growth is less than this country has usually enjoyed. But it is still positive. Best of all in the view of the optimists was the makeup of the 2.3-percent real increase at an annual rate of GNP. The growth in the GNP took place in the face of a fall in real Government spending in the quarter at an annual rate of 10 percent. The big bright spot was a rise exactly where it should be in business investment which grew at an annual rate of 21 percent. Even within that happy figure was an even more encouraging development—a rise in producer's durable equipment of a smashing 32.5 percent. This is encouraging because producer's durable equipment is where the increase in future productivity and competitiveness is largely based. Bravissimo.

But wait a minute, before we throw our hats too high in the air we should keep in mind that the quarterly figures on this component are very erratic. For example, in the first quarter of 1987 producer's durable equipment dropped 15.3 percent. The next quarter it rose by 16.5 percent. Then in the third quarter last year it rose by another 26.3 percent. In the fourth quarter of last year it fell by 0.9 percent. And now in the first quarter of this year it yo-yos back up again, this time by a handsome 32.5 percent. Still it is not bad. But wait another minute. The increase in business investment was accounted for almost entirely by computers, with some additional increase in transportation equipment. Compared to 1986 and 1987 computer spending is the only category of business investment that has increased. This combination of investment doesn't suggest that U.S. businesses are expanding capacity in a way that would increase our ability to export. Meanwhile over all final sales rose by a modest 2.6 percent and consumption by an almost equally modest 3.8 percent.

The best measure of final sales is the line entitled "Final Sales Less CCC." This excludes the Government's purchases of CCC commodities. Using this measure, final sales in the first quarter rose 4.3 percent after declining 0.1 percent in the fourth quarter. Here is a significant sign of strength. One of the most interesting parts of the breakdown of the GNP figures is the inventory picture. Although nonfarm inventories grew less in the first quarter—$38.3 billion—than in the fourth—$51.5 billion—all of the improvement occurred in automobiles and other consumer durables—mainly furniture. In every other category, inventories grew at a faster rate during the first quarter than at any time last year. Also personal savings fell slightly in the fourth quarter to 4.6 percent of personal income. But that is higher than it has been in recent years.

Many economic observers are concluding that these first quarter of 1988 figures rule out any recession in 1988. They also argue that this is the right mix to keep inflation and interest rates in check—that is more production—less consumption, higher productivity and therefore lower wage costs.

In spite of all this good anti-inflation news, unemployment is at the lowest level in nearly 9 years. So where is the trouble going to come from? The answer, Mr. President, is in the colossal, top heavy level of present debt—Federal Government debt, but far more importantly household debt and business debt. No one should be astonished that the country is cruising merrily along in the longest peacetime recovery in the history of our country. Would it surprise you if, your family enjoyed a much improved 10 years of living at a $33,000 out-go pace on a $20,000 income, if you were pushing the family into debt by $13,000 every year. Any American family can do it. But few are irresponsible enough to try it, and fewer still are dumb enough to believe that they were not getting into deep trouble in the process. Mr. President, in 10 years such a family would be about $130,000 in debt. Now it just happens that the debt of this country—Federal Government, households, and nonfinancial businesses is about $9.2 trillion. That colossal debt adds up to just about $130,000 for every family in America. Far and away the biggest share of this mammoth debt has been accumulated in the past 10 years. By and large they have been a great 10 years.

Have we finally found the way to lift ourselves up by our bootstraps? Have we really repealed the law of gravity? Can we shove this country deeper and deeper in debt? Can we assume ever larger interest obligation on that debt? The answer is never and no way. This is a monumentally selfish, live-beyond-our-means adventures in irresponsibility. The shame is that this country is the leader of the free world for one very big reason: We are the leader because we have the strongest economy in the free world. And the shame is that we are in the process of wrecking it.

Mr. President, all of us have seen families wrecked by plunging deeply into debt. We are reading more and more about prosperous businesses that have gone bankrupt. In spite of these record years of economic recovery more of our financial institutions are failing than at any time in 50 years. And all this is happening in the longest, economic recovery period in the peacetime history of our country. What is going to happen when this long joyride comes to an end? This country and the free world are going to be in economic trouble of a degree this country has not seen in 50 years.

So what is the answer? The answer is to recognize how deeply serious this debt problem is and take the painful, unpopular step necessary to stop it now. Not only the Federal Government, but the entire American economy should go on a thrift kick and promptly. Won't that bring on a slow down in the economy? Of course, it will. Won't that reduce our standard of living? It will, indeed, and it should. But there is no other way.

MOLLENHOFF ON THE DEADLY JOURNALIST DISEASE: AIDS

Mr. PROXMIRE. Mr. President, few journalists have served this country with as much force, perception and integrity as Clark Mollenhoff. Among many other distinctions, Mollenhoff won a Pulitzer Prize and served for many years as the Washington bureau chief of the Des Moines Register. Today Clark Mollenhoff is professor of journalism at Washington and Lee University.

Recently this distinguished journalist wrote a devastating essay on what he calls the deadly journalist disease, that is, anonymous informant's defamatory statements, which appropriately carries the acronym of AIDS. Mollenhoff concludes his article this way:

> It is difficult to teach that sound investigative journalism practices take experience and hard work when hardly a day goes by that one or more of the television networks does not use a "sources say" attribution to attack or undermine some political figure or government official. The use of unnamed sources encourages laziness, overreaching, carelessness and insensitivity in judging the credibility of sources. This creates an undisciplined environment with the temptation of willful falsification or exaggeration. While most journalists resist the temptation to a short cut, there are some who are lazy or dishonest and will seize the opportunity presented to make any point they want to make through the device of confidential source they do not have to identify.

Mr. President, because Members of the Congress are often the thoughtless sources of these defamatory anonymous allegations or the victims, and because we can play our part in refraining from shoving the not-for-attribution, derogatory shiv in the back when we talk to the press, I ask unanimous consent that the essay by Professor Mollenhoff be printed in the Record.

There being no objection, the essay was ordered to be printed in the Record, as follows:

NPC Forum: The Deadly Journalist Disease: AIDS

ANONYMOUS INFORMANT'S DEFAMATORY STATEMENTS

(By Clark R. Mollenhoff)

The acronym is AIDS, for Anonymous Informant's Defamatory Statements, and this highly contagious journalist disease is destroying the credibility of the press in the United States.

The use of defamatory statements by anonymous informants has crept into common usage as a helpful and versatile device for reflecting unfavorably upon the public or private person who is not in favor with the writer or television news reader.

The practice of quoting unnamed "sources" has continued to be used, and in some areas has flourished, despite the condemnation by a few thoughtful editors who have warned of the serious damage it is doing to press credibility.

The use of anonymous sources to charge illegal or improper conduct on the part of public or private persons is defended on grounds that it is often essential to expose some powerful political figure who has been able to successfully hide evidence of corruption. Often cited by the uninformed and half-informed is the "Deep Throat" source that is erroneously credited with the downfall of President Nixon.

If you believe the downfall of President Nixon was dependent upon what the "Deep Throat" informant whispered to a young reporter in a Washington parking garage, you are half-informed or the victim of one of the superficial myths flowing from the Watergate experience.

Those who covered Watergate thoroughly and with any understanding of evidence know that the comments of "Deep Throat" were not sound corroboration of anything, and were at best the unsupported and vague assurances that the reporter might be right in his preconceived conclusions.

There was much good solid reporting on Watergate by The Washington Post, The New York Times, The Washington Star, The Los Angeles Times, Scripps-Howard, The Chicago Tribune, The St. Louis Post-Dispatch, The Minneapolis Tribune, The Des Moines Register and the Associated Press. It was the solid documented stories by those organizations and others that overcame the Nixon administration's cover-up efforts.

There were some undocumented and false stories on some largely irrelevant but sensational issues that were prominently displayed in a few newspapers and were a disservice to the cause of honest journalism. Those false and misleading stories emanating from unidentified "sources" were an impediment to the exposure of the most serious Watergate crime—the obstruction of justice that was the Watergate cover-up.

Those undocumented and false stories gave President Nixon and his political supporters powerful ammunition to further their effort to undermine the credibility of the press on sound and well documented stories on the crimes and cover-up of Watergate. To keep the press role in proper perspective, it is well to remember that even the sound reporting on Watergate would have been useless if it had not been for the courage and integrity of United States District Judge John J. Sirica and Senator Sam Ervin.

Those who argue "the people's right to know," as a justification for peddling unverified and unverifiable gossip and rumor, should reflect upon the manner in which Senator Joseph McCarthy used the privileged forum of the Senate floor to engage in smears of public and private persons. The smears were based upon questionable documents, half-truths, innuendoes and outright falsehoods from the lips of unnamed sources or sources with malicious or questionable motivation. The fact that Joe McCarthy was occasionally right did not justify his brutal and indecent smears on the good name of innocent people.

McCarthyism was wrong in the 1950s, and it is just as wrong now to take advantage of the almost unlimited privilege of the First Amendment to the U.S. Constitution to peddle unverified and unverifiable gossip and rumor that does irreparable damage to the reputation of either private or public persons.

If an attack on a public or private person is justified, the competent professional journalist can find the documentation, and the solid quotable verification that was for years standard in the practices of the profession. The competent journalist does not have to engage in a sneak attack that relies upon some faceless accuser. If there is a confidential informant who supplies leads to a story situation, he should be given the maximum protection. Ethical standards demand that the confidential informant's existence is not mentioned in the news story that is developed by verifying and corroborating the informant's leads.

While almost every newspaper forum debates the ethics of the *Miami Herald* in the pursuit of evidence concerning Gary Hart and Donna Rice, little attention is paid to the ravages of Journalistic AIDS—Anonymous Informant's Defamatory Statements.

The battle over the *Miami Herald* rages about the circumstances under which it was appropriate to establish a surveillance team to obtain direct evidence of the private life of a presidential candidate and as to whether that surveillance was conducted in a thoroughly professional manner. The paper, however, was seeking solid evidence.

Yet virtually ignored is an issue that goes to the credibility of the press—the widespread use of unnamed confidential sources to spread rumor and gossip about private and public figures and institutions.

It is quite possible that the *Miami Herald* would not have been the subject of such widespread criticism if the editors had simply gone into print with an uncorroborated anonymous statement that the presidential candidate was engaged in an adulterous relationship with one or more women.

The reporters might have spared themselves the thought and work that went into the job of verifying and corroborating that Hart had his meetings with Donna Rice. Had the *Miami Herald* simply gone into print with defamatory statements from anonymous confidential sources there would probably have been little if any debate over the decision to publish.

Even if the story was proven to be without basis on the major points, there would have been no major outcry and no debates if the editors refused to retract and had stated only "we checked our reporter's notes" and "we stand by our story."

Instead of criticism for irresponsible publishing of unverified gossip and rumor, the editors might have been praised for "standing behind the reporter." And, if the newspaper refused to disclose those questionable "reporter's notes" to authorities, there would be further praise for "not being cooperative with police."

"They can't prove we knew it was false," is the frequent quip of the reporter or editor bent upon publishing or airing an undocumented anonymous defamatory statement about some public figure.

While a few newspaper organizations have established policies that virtually eliminate use of anonymous sources as the sole support or major support for articles that charge illegal or improper actions, some of the larger newspaper organizations operate without guidelines on anonymous sources despite the examples of dishonest and misleading use of anonymous sources by a number of reports in the wake of the Janet Cooke scandal.

There is little discussion of the cases of a few reporters who have been proven to have falsified their anonymous sources, and to have falsified notes in trying to establish corroboration for non-existent or distorted versions of conversations with so-called "confidential sources."

The lack of discussion and criticism of anonymous informant's defamatory statements means that the undisciplined use of anonymous sources goes on and seems to be condoned by some of the networks and by some of the nation's most prestigious newspapers.

It is difficult to teach that sound investigative journalism practices take experience and hard work when hardly a day goes by that one or more of the television networks does not use a "sources say" attribution to attack or undermine some political figure or government official. The use of unnamed sources encourages laziness, overreaching, carelessness and insensitivity in judging the credibility of sources. This creates an undisciplined environment with the temptation of willful falsification or exaggeration. While most journalists resist the temptation to a short cut, there are some who are lazy or dishonest and will seize the opportunity presented to make any point they want to make through the device of a confidential source they do not have to identify.

THE INF TREATY

Mr. COCHRAN. Mr. President, when the Senate reconvenes on May 9, we will take up the INF Treaty. This recess, therefore, affords us all an opportunity to become better acquainted with the ratification process and with the hearing record developed by the three committees having jurisdiction to review the treaty. The Armed Services Committee, the Foreign Relations Committee, and the Intelligence Committee have all been conducting hearings, reviewing the provisions of the treaty, and attempting to assess the effect of the treaty on our national security interests.

From what I can tell from talking to members of those committees and reading reports in the press, we have pretty well concluded that phase of the process. I hope that we can expeditiously consider any suggestions that may be made by Senators for clarifications, reservations, or even amendments to the treaty. Any Senator has the right to suggest changes in the treaty or to urge additions to the understanding that the Senate attaches to the meaning of terms and the obligations of our country under this treaty.

It is interesting to review some of the provisions of the treaty in order to appreciate why this is such an historic agreement. For the first time, we are confronted with an agreement with the Soviet Union that provides for the actual elimination of deployed weapons systems. Under the treaty, 1,836 missiles would actually be eliminated on the side of the Soviet Union. Some 859 missiles would be eliminated on the side of the United States.

It is interesting to observe, Mr. President, that the Senate will not actually ratify the treaty, but will adopt a resolution of ratification which gives the advice and consent of the Senate for the President to ratify the treaty. All the treaty documents now before the Senate are subject to such ratification.

It has concerned me that, in preliminary discussions of the treaty, we have heard some in the Chamber trying to impose upon the executive branch theories of interpretation of previous treaties as a condition to the appropriation of funds for the Department of Defense, and even, as I understand it, as a condition to the continued progress by this administration in reaching agreement with the Soviet Union on this treaty and on the continuing strategic arms reduction talks that are under way in Geneva.

This situation bothers me, Mr. President, and I hope we will take advantage of the ratification process to work out these issues and to settle them once and for all.

I think we can learn from the history of the ABM and Salt I Treaties. In those instances, the Senate may not have paid sufficient attention to the agreed-upon meaning of the treaties and to the implications for future weapons testing, testing which is now a vital part of the strategic defense initiative of the United States. As a result, there are now sharp disagreements as to what intent the hearing record shows with respect to testing by our Government of antisatellite weapons and other new technologies in the effort to protect our own security interests.

During this recess, I hope we can all work on this treaty with the problem of intent in mind and try to solve that problem during this ratification process. Frankly, I think it does not serve our security interests when we see important Members of the Senate challenging our own executive branch's interpretation of a treaty between the United States and the Soviet Union on antiballistic missile systems. These are very, very important understandings, and they go to the very heart of our effort to understand and utilize the modern technologies that may be available to help us protect our security as a nation.

It sometimes seems to me, Mr. President, that it is as difficult for the administration to negotiate with and come to terms with some Members of the Congress on these subjects as it is for the administration to deal with the U.S.S.R. in reconciling and resolving some of these differences.

It worries me when we have Members of Congress insisting on the United States complying with a Senator's understanding of a previously ratified treaty when what really ought to concern us is whether the Soviet Union is complying with that treaty.

When we look at the activities that are going on right now in the Soviet Union with respect to the deployment of battle-control radar systems, the placement of land-based missile systems that could very well be used in an antiballistic missile defense system, when we see the experiments that are being undertaken by the Soviet Union in space using some of the modern technologies that could very well be used in an ABM context, it worries me that we are misplacing our emphasis, Mr. President, by trying to nitpick the administration's interpretation of a provision of an ABM agreement when we ought to be looking at what is happening in the Soviet Union that may threaten the security of American citizens.

Given that very legitimate concern, I hope that in this ratification process we will look at those possible disagreements over the meaning of treaty provisions and iron those out here in the family—in the family of the Senate and the administration working together to try to reach common understandings. If necessary, we should attach to the treaty statements, declarations, clarifications, as the Senate has the power to do and not get down the road into the next administration or the next, where there will be Senators serving in this body that were not even present when this treaty was ratified, who might make it difficult for our administration to carry out and defend its own interpretation of the treaty in a way that protects our security interests.

I hope we will keep these things in mind, and I know we will as we enter this ratification process. I thank the distinguished Senator from Illinois for his patience while I have made these remarks.

I yield the floor.

The **PRESIDING OFFICER.** The Senator from Illinois.

SENATOR PROXMIRE'S 10,000TH ROLLCALL

Mr. SIMON. Thank you, Mr. President. I thank my colleague from Mississippi for his usual graciousness. This body is a richer body for his service here.

Mr. President, I want to take a few minutes of the time of this body on simply noting that Senator PROXMIRE, who spoke a few minutes ago, yesterday afternoon cast his 10,000th rollcall. I doubt, with all due respects, that the Senator from Mississippi or the Senator from Alabama or the Senator from Illinois is ever going to achieve that kind of distinction.

It is not simply the rollcalls. It is his being here morning after morning, on morning business, calling attention to "Star Wars," calling attention as he did just a few minutes ago to the debt problem, and this is real.

If I could just add one set of statistics to what he has said. In fiscal year 1980 the Federal Government spent $83 billion on our interest expenditure; this is gross interest expenditure.

One of the things that has happened over the years—I would love to just blame this administration, but it has happened prior to that—one of the little shifts that has taken place is when listing interest we no longer list the gross interest expenditure. We list the net interest expenditure to bring the figure down. We subtract the interest we get from Social Security trust funds and things like that.

In 1980 we spent $83 billion on interest. This fiscal year the gross interest expenditure will be $203 billion, $120 billion of growth for interest alone, and we do not get one thing out of it other than higher interest rates.

CENSORSHIP IN SOUTH AFRICA

Mr. SIMON. Mr. President, I happen to be one of the subscribers of a weekly newspaper in South Africa, the Weekly Mail. It is a vigorous, free newspaper that wants freedom in South Africa, but it is an antiapartheid newspaper.

The day before yesterday, it was warned that it may be shut down if it does not stop printing "subversive material." Subversive material means antiapartheid material.

Under the emergency decree in South Africa, the information minister has the ability just to shut down any newspapers or to censor newspapers. And to illustrate that power, just a little better than a month ago, on March 22, the New Nation, a newspaper supported by the Roman Catholic Bishops Conference in South Africa, was shut down for 3 months.

The Weekly Mail is available to whites and blacks. It gives people like the junior Senator from Illinois an opportunity to see from their perspective what is going on. It provides infinitely more material, frankly, than you can get in the New York Times or the Washington Post or any American publication. Because, obviously, we cannot devote that much attention to the problems there.

I have appreciated the Weekly Mail and I hope that our friends in South Africa do not make the mistake of shutting it down, or even worse, imprisoning the editor, as they have done on some other occasions. The editor of the New Nation, Mr. Zwelake Sisulu, has been in detention since December 1986.

Our friends in South Africa who are in a leadership position there ought to understand this clearly. Apartheid is going to go. The only question is whether it is going to go peacefully or violently. And they ought to be on the side of peaceful change and we ought to be on the side of peaceful change. When they close down newspapers that simply take the stand that apartheid is wrong, then the message they are sending, not only to young radicals but to everyone who wants change in South Africa, is: You cannot have it peacefully; violence is the way that you have to achieve change.

Massive bloodshed in South Africa will not be good for whites, for blacks, for coloreds there. And the lesson of history is once you have violence, in a place like that, it is not going to be confined to the borders of any one country. We ought to be seeing that there is peaceful change. This administration ought to be on the side of peaceful change more vigorously than it is. But right now my appeal is not to this administration. It is to the leaders of South Africa.

Let this free journal continue to express its opinion. Do not send the message to the people of South Africa that the only way you can achieve change is through violence.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the period for morning business be extended for an additional hour today and that Senators may speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

STATEMENT FROM FORMER SENATOR HARRY FLOOD BYRD, JR.

Mr. STEVENS. I thank my distinguished friend, our majority leader.

Mr. President, a short while back, Members of the Senate paid tribute to the late Senator John Williams of Delaware.

One of our former colleagues, my good friend Senator Harry Byrd of Virginia, who served with distinction in this body along with Senator Williams, told me he wished he could have been included in the tribute to John Williams.

I asked him to send his remarks to me so I might put them in the RECORD for him.

So, Mr. President, I ask unanimous consent that these remarks that have been sent to me by the former Senator Harry Byrd in tribute to our late colleague, John Williams, be entered in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT FROM FORMER SENATOR HARRY FLOOD BYRD, JR.

Senator John J. Williams of Delaware was one of the finest Senators with whom I served.

He had strong convictions and during his 24 years in the Senate he evidenced time and again the courage of his convictions.

Never did he run from a fight; always did he battle for his philosophy of government and against proposed legislation which was contrary to those principles.

To John Williams, more than any other Senator, goes the credit for the defeat in 1970-71 of President Nixon's so-called welfare reform. It was John Williams, a Republican who exposed the fallacy of the Republican President's plan.

It was Senator Williams who for days on end queried Administration witnesses and others, developing facts and figures which evidenced that the Nixon plan was not welfare reform, but welfare expansion. Under his leadership the Finance Committee rejected overwhelmingly the Nixon proposal as did the Senate itself.

John Williams worked hard for the people of Delaware and for the people of the United States. His integrity was never in question, nor was his dedication to the Senate and to the American people.

Aside from being an outstanding Senator, to me he was a close friend and a cherished colleague.

Signed,

HARRY FLOOD BYRD, JR.

Mr. STEVENS. I thank the Chair. The comments have been signed by him, and I so indicate.

CONTEMPORARY JAPANESE POLITICAL DEVELOPMENT

Mr. STEVENS. Mr. President, I have been making a series of statements concerning Japan, and I want to comment this morning on contemporary Japanese political development.

Whenever we in the West set out to examine post-World War II Japanese politics, one central fact must always be kept in focus—Japanese politicians, of whatever party or persuasion, are in agreement that economic development and expansion must have the highest priority in Japan and that all other considerations, including defense issues and trade matters, have to take second place. The results of such a predisposition among Japanese politicians are now being felt in America and Western Europe.

I have with me here today Bill Canfield, who is counsel for the minority on the Rules Committee who has worked with me in researching recent political developments in Japan.

Last year, Japan replaced a popular and successful Prime Minister with a relatively unknown and untested successor. The question must be: Will the change in Prime Ministers signal a change in the direction of Japanese politics? Will their economic policies of the past continue, unaltered, into the 21st century? Will Japan come to recognize its defense obligations as a world power? Such questions must naturally occur to anyone who seeks to understand the future course of Japanese-United States relations.

Mr. President, November 6, 1987 marked a very important day in the political life of postwar Japan. On that day, Prime Minister Noboru Takeshita succeeded Yashuiro Nakasone and named the members of his first Cabinet. It is clear that this event was important not only for Japan but also for the West, and especially for the United States. While the formation of the Takeshita government represents a new political beginning for Japan, it must also be seen as a continunation of a political dynamic which has been operative in Japan for the last century.

That statement is not a contradiction, Mr. President. If we have learned anything about our Japanese friends over the last several decades, it is that in Japanese politics, the old and new can, and do, coexist quite harmoniously. As a matter of fact, Japanese domestic politics can best be viewed in the context of the old saying that: "The more things change, the more they remain the same."

When examining the current political situation in Japan, we must recall that there is but one dominant political organization in Japan, the Liberal Democratic Party [LDP], remembering as well that the LDP Party has named the Japanese Prime Minister for each Government since the party was founded in 1955. In addition, we must also remember that the LDP represents something more, an unbroken line of conservative political parties which have lead Japan since the last quarter of the 19th century. In fact, the 1955 formation of the LDP was itself the result of the joining together of the two largest conservation parties of the era.

Since 1955, Prime Ministers have come and gone, but the LDP has remained dominant. If the election results of the landslide LDP victory in July, 1986—in which the LDP took 304 of the 512 seats in the lower house of the Diet—are a guide to the future, the LDP appears to have solidified its position and will remain the preeminent force in Japanese politics into the 21st century. This project is confirmed by a July 16, 1987 poll conducted by the Yomiuri Shimbun newspaper which found that fully 46.2 percent of respondents chose the LDP as their party, while the highest rated opposition party secured the support of only 14.2 percent of those responding.

Before examining the LDP and its leadership, we should look briefly at the major opposition parties. The Japan Socialist Party [JSP] presents the most numerically significant alternative to the LDP. For years, the Japan Socialist Party has based its appeal on a Marxist line and has depended upon organized labor for the majority of its support. However, the party's overwhelming defeat in the July, 1986 election can be attributed to the fact that today, Japan is a nation where polling data shows that 80 to 85 percent of the citizenry identifies with middle-class values and where labor unions can no longer deliver the measure of political support of which they were once capable. In the lower house of the Diet, the JSP, the No. 2 political party in Japan, currently holds only 85 of 512 seats. While the future for the JSP appears bleak, its leadership has finally recognized that it must adapt its policies to contemporary political realities. The first overseas visit, in September of last year, by the party's new chairman, Takako

Doi, was to the United States rather than, as had been suggested by some in the leadership of the party, to the Soviet Union or China.

This decision, to visit the United States first, was a remarkable break with the past by the chairman of the JSP. But this visit was not the only change in JSP dogma. In fact, the JSP has begun to reexamine its historic position relative to the Japanese Self-Defense Treaty and the Japan-United States Security Treaty. In a position paper released by the JSP in August 1987, the party began to move closer to the positions held by the other Japanese opposition parties, recommending that the security treaty and the defense forces be accepted for defense only and that the 1 percent of Japanese gross national product ceiling for defense spending be continued.

However much the JSP attempts to modify its hardline image, internal struggles can be counted on to make that process quite difficult. In fact, the issuance of the August 1987 position paper lead to a split within the JSP as the result of which the Socialist Association seceded from the JSP. Indeed, there is some reason to believe that the JSP is being consumed from within. In June 1987, right-wing, nationalist members of the JSP met with elements from two other major opposition parties, the Democratic Socialist Party and the Social Democratic Federation in an attempt to consolidate into a more significant opposition coalition.

The second largest opposition party is the Komieto Party which controls 56 seats—of 512—in the lower house of the Diet. But the influence of Komieto is small indeed. The Yomiuri Shimbun poll of July 1987 showed that only 4.5 percent of those responding aligned with Komieto. In fact, that poll showed that more people selected none of the above, some 26.3 percent, than choose all of the opposition parties taken together. This illustrates the dominance of the Liberal Democratic Party and the near futility with which the Japanese opposition parties confront the prospect of overtaking the LDP in the near future.

The landslide July 1986 election victory for LDP, which get into place the rise of Prime Minister Takeshita in late October of 1987, was the result of the overwhelmingly successful 5-year tenure of his predessesor, former Prime Minister Nakasone. Before Nakasone came to power, the generally accepted rule of thumb was that a Prime Minister could at best accomplish one major international achievement during his term. Nakasone proved the contrary by embarking on his long-held dream of improving Japanese-South Korean relations, which had remained strained since World War II. After achieving the full normalization of relations with South Korea early in his first term, Nakasone went from success to success, not the least of which was the development of a close personal relationship with President Reagan.

The new style of leadership which Nakasone brought to contemporary Japanese politics was obviously well received by the Japanese people. This is especially true with respect to Nakasone's international role and his foreign policy initiatives. It is not clear, however, that the Japanese public supports an expansion of his defense policies.

In fact, the July 1987 Yomiuri Shimbun poll shows that only 8.4 percent of those who supported Nakasone did so because of his defense posture and that fully two-thirds of those who opposed Mr. Nakasone did so because of his defense and international policies. I believe that we can infer from this that while popular support for continued international activism is both possible and politically wise for Prime Minister Takeshita, there appears to be little evidence to suggest that the Japanese are interested in expanding upon their very limited defense role. Lack of popular resolve on their own defense obligation by the Japanese is a very troubling development for the future of the free nations of the Pacific.

It also seems clear to me that Mr. Takeshita has the responsibility of drawing upon the popularity of his predecessor to continue the Nakasone policy of redirecting the Japanese economy toward one which is more import-oriented than has been the case in the recent past. Prime Minister Takeshita must be careful, however, not to allow commodity prices to soar as he continues to move toward a more import-oriented economy. Experts agree that Japanese voters use the stability of commodity prices as a major component in their electoral decisions. Nakasone was the heir to 5 years of stable prices; Mr. Takeshita must have an equal amount of good fortune if he is to be successful.

Mr. President, Noboru Takeshita is well within the mainstream of traditional Japanese politicians. His political success appears premised on years of hard work within the Liberal Democratic Party and the support of influential LDP Party elders rather than from his issue expertise. Takeshita began his political career at age 27—he is now 64—in a prefecture assembly, rising to the lower house of the Diet at age 34 and has been continually reelected ever since.

The new Prime Minister began Cabinet service in 1971 and has been a Cabinet Secretary, the Minister of Construction, and served as Finance Minister in 1979-80 and again from November 1982 to July 1986. He also had the good fortune of being the son-in-law of former Deputy Prime Minister Shin Kanemaru, who was instrumental in his campaign for party leadership.

His connections notwithstanding, the Prime Minister must also be recognized as a shrewed politician. After taking control of the LDP in July 1986, in a contest with Finance Minister Susumu Miyazawa and former Foreign Minister Shintaro Abe, Takeshita named Mr. Abe as Secretary General of the party, the No. 2 position, thus making Abe the logical successor for Prime Minister upon Mr. Takeshita's retirement from office. Takeshita retained Mr. Miyazawa as Finance Minister and named Michio Watanabe as chairman of the party's Policy Affairs Research Committee, one of the most important institutions within Japanese policymaking circles. Because of Watanabe's expertise on tax issues, it is expected that Takeshita will fulfill a campaign promise and emphasize reform of the byzantine Japanese tax code during his first term.

Mr. President, while some people predict Prime Minister Takeshita may not be the dynamic leader that his predecessor was, his personal qualities are those which are the most esteemed in Japanese society: a strong sense of compassion, deference, patience and self-effacement. Based upon his Cabinet selections, I foresee that he will emphasize continuity in both domestic and international policies and will stress his endorsement of the essence of Japanese culture.

However, Mr. President, Prime Minister Takeshita must begin the process of reexamining the role of Japan with respect to its defense obligations. For too long, Japanese politicians have felt that a robust international economy was all that mattered. But Japan has become a world power over the last 40 years. They must come to understand that world powers have world obligations. They must come to understand that they must begin to play a wider role in the common defense of the Pacific. The United States can no longer be expected to shoulder, alone, the Japanese defense obligation while the Japanese remain free to expand their own international economy.

In the months ahead, Mr. Takeshita will face many troubling domestic and international problems, not the least of which will be the future course of the Japanese-American relationship. I look forward to my pending trip to Japan and to working with the Prime Minister toward our shared goal of strengthening our ties of mutual admiration and support.

THE CONFLICT IN JUDEA AND SAMARIA—THE REST OF THE STORY

Mr. HELMS. Mr. President, the American public has been provided with a great deal of commentary regarding the civil strife now being orchestrated in Israel.

Unfortunately, a great deal of this commentary has ignored the larger context in which this civil strife occurs. It is this larger context which must be known and understood if we are to have a policy truly aimed at serving America's interests in the Middle East.

The events in Israel are disturbing to many Americans and especially to me. At this point, the immediate concern of our Government should be to avoid taking steps which run the risk of increasing violence and discord there.

Beyond this immediate imperative, the United States would be best off viewing the current situation in the context of the long-running struggle between Israel and its neighbors as well as the long-term efforts by the Soviet Union to move into a position of dominance in the Middle East. Such efforts must not be allowed to advance.

Early in April, Human Events ran an article by Yedidya Atlas, entitled "A Short History of the West Bank." In the article, Mr. Atlas discusses both the recent history of Judea and Samaria, and the involvement of pro-Soviet, and radical forces in the violence being orchestrated in these territories.

Some commentators have suggested that the situation in the Middle East can easily be solved by the relinquishing of these territories by Israel. However, after reading Mr. Atlas' article, it is clear that this simple "solution" would not be a solution at all, but would rather promote the interests of radical, pro-Soviet elements at the expense of Israel, the Palestinian people, and America's interests in the Middle East. Human Events is to be congratulated for publishing this insightful backgrounder on a complex situation.

Mr. President, I commend this article to my colleagues and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A SHORT HISTORY OF THE WEST BANK

(By Yedidya Atlas)

JERUSALEM:—Since early last December Americans have been inundated by media reports on the "escalating conflict between the Palestinians and Israeli troops in the Occupied West Bank and Gaza Strip."

Israel is being charged with sole responsibility for the current situation, as well as for its solution.

At the same time, the Palestinian Arabs are being simplistically presented as a homogenous nationalist group struggling against their Israeli occupiers for a homeland limited to the administered territories

To better comprehend this more complex and volatile situation, a brief history is in order. In 1919, the League of Nations entrusted Great Britain with a mandate for establishing a Jewish national homeland in Palestine which included the territory both east and west of the Jordan River.

In 1921, approximately 77 per cent of this area was separated by the British to establish an Arab entity in eastern Palestine, and Abdullah ibn Hussein, an Arabian interloper, was appointed emir. The official reason: to designate a homeland for the Arab Palestinians, leaving the remaining 23 per cent west of the river for the Jewish Palestinian homeland.

In 1946, the British created the Kingdom of Transjordan and Abdullah was promoted to king. Then, in 1947, the U.N. issued a "Partition Plan" to divide the remaining western part of Palestine into a truncated Jewish State and a second Palestinian Arab state in the territories known still as Judea and Samaria.

The Palestinian Jews, under protest, accepted the 1947 Partition Plan. The Palestinian Arabs rejected it. And on May 15, 1948, the combined armies of all the Arab countries attacked the fledgling State of Israel.

Approximately 600,000 Palestinian Arabs fled "temporarily." But temporarily became permanently, when the Arab invaders failed to destroy Israel.

Following the 1949 ceasefire, Judea and Samaria were under Transjordanian occupation, and Egypt occupied the Gaza Strip. Transjordan became Jordan when Abdullah annexed Judea and Samaria. The annexation was recognized by no country in the world, including the U.S., except for Great Britain and Pakistan. The Jordanian monarch was even denounced by his own Arab allies.

At the Arab League Summit the next year, a resolution was jointly presented by Syria, Lebanon, Egypt and Saudi Arabia to expel Jordan from the Arab League for Abdullah's actions.

For 19 years, until 1967, Jordan occupied, sometimes brutally, the renamed, "West Bank" with its 20 UNWRA refugee camps. No one in the world called for the establishment of a Palestinian state in the West Bank, least of all the Palestinian Arabs themselves. Nor would Jordan have agreed.

And when western Palestinians rioted in December 1955, April, 1957, April 1963, November 1966 and April 1967, King Hussein sent in tanks which shelled city streets and machine gunned people at random, killing hundreds of men, women and children. Of course, he first closed the area to the world media.

The Gaza Strip, as it was known for the 19 years of Egyptian occupation, had eight UNWRA refugee camps in which the Palestinians were forced to live in overcrowed squalor. Egypt refused to absorb any refugees, kept them stateless, denied passports, and forbade them to travel or work in Egypt.

For 19 years, these Jordanian and Egyptian occupied areas were kept in a state of economic stagnation and severe unemployment.

Average unemployment in the early '60s ran between 35 per cent to 45 per cent and refugee unemployment hit a high of 83 per cent. Yet during this entire period, the world was silent. PLO terrorist chieftain Yasir Arafat himself never even bothered to visit Judea and Samaria for the entire period of Jordanian occupation. Only with the capture of these territories by Israel in a defensive war in 1967 did anyone discover the "legitimate rights and national aspirations" of the Palestinian Arabs.

And yet, from a humanitarian viewpoint, the situation of the Palestinian Arab has improved immeasurably since the advent of Israeli administration in 1967.

Unemployment hovers around a mere 1 per cent and per capita gross income trebled in less than 20 years; infant morality rates dropped from the pre-1967 140 per 1,000 to only 30 per 1,000 today—at a time when the rest of the Arab world is still at 80 per 1,000; and seven Arab colleges and universities were established under Israeli "occupation," where none existed before 1967.

Had the Arab countries any true intentions of helping their beleaguered brethren from western Palestine, they would and could have absorbed them easily four decades ago, as the Israelis did of an even greater number of Jewish refugees from Arab lands.

The Palestinian Arabs share the same language, religion and culture, and for some 75 per cent of them, the same countries of origin just three generations before when their grandfathers emigrated for economic reasons to Palestine from Lebanon, Syria, Egypt, Jordan and Saudi Arabia.

But the 21 Arab countries were not interested in aiding their Palestinian brothers. Rather, they preferred to use them as a political weapon to wield against Israel. And no less a political body than the United Nations lent itself to this manipulation.

In the mid-1970s Israel attempted to give the Palestinian Arab refugees in Gaza new and better housing. The U.N. General Assembly, at the urging of the Arab states, passed Resolution 32/90 condemning Israel for trying to relocate these refugees and demanded they be returned "to the camps from which they were removed."

And yet, U.N. Under Secretary Marrack Goulding came to Gaza this past January during the riots accompanied by 10 TV crews on a fact-finding visit and laid the entire blame for the situation squarely at Israel's feet. As if his own organization's complicity in the matter did not exist.

Today's rioting in the administered territories is said to be just a homogeneous and spontaneous demonstration of Palestinian national aspirations against Israeli occupation. Ignored, however, is the role of a combination of various terrorist factions from the PLO is extremist Muslin fundamentalists—groups which are no less at odds with each other as they are in opposition to Israel's existence.

Moreover, one must distinguish between Gaza and the region known as Judea and Samaria, as well as the fact that the majority of the Palestinian Arabs, while not necessarily in favor of Israel, do not prefer either King Hussein or Arafat as alternative choices and thus are unlikely to support the aim of many of the rioters.

Of the 420 Arab villages and 25 municipalities in the administered territories, riots have taken place in less than 50 of them. And these 50 are generally quiet.

The indigenous Palestinian Arab population in the administered territories and their refugee brethren do not, as a rule, get along. The Palestinian refugees in Judea and Samaria comprise 30 per cent of the population and only a third, or 10 per cent, live in UNWRA refugee camps. In Gaza they count for 60 per cent, half still in the camps.

In Gaza there are eight different groups of Islamic fundamentalists whose influence in Judea and Samaria is minor. These Muslin extremists comprise about 25 per cent to 30 per cent of the terrorist factions in Gaza, whereas in Judea and Samaria, they only come to 10 per cent to 15 per cent.

The radical leftist organizations and the Communists are negligible in Gaza with a combined total of maybe 3 per cent of the terrorist factions, whereas in Judea and Samaria they weigh in with at least 25 per cent. Arafat's Fatah faction of the PLO still is the major factor with as much as 70 per cent of the extremist groups in Gaza, and 60 per cent in Judea and Samaria.

But even in Yasir Arafat's Fatah faction of the PLO there are divisions concerning policy and tactics between Fatah outside of Israel, and local Fatah operatives inside the administered territories.

The leftists are split into five main groups: Marxist George Habash's PFLP (Popular Front for the Liberation of Palestine) with links to the Soviets; Ahmed Jibril's PFLP-GC (Popular Front for the Liberation of Palestine-General Command); Naif Hawatme's DFLP (Democratic Front for the Liberation of Palestine); Saiqa, affiliated with the Syrian Baath party; and the Communists.

All of the aforementioned groups are based in Syria and have linked with the Soviet Union. Yasir Arafat's PLO faction, too, while not based in Syria, maintains strong ties with Moscow.

All the Islamic extremist groups are primarily splinter factions of the original Egyptian "Muslim Brotherhood," and follow the basic line of "Jihad"—"Holy War"—against the Jews, and the establishment of an Islamic Palestinian state.

All Sunni fundamentalists, each of the eight groups, has its own political line. They include the "Brotherhood," of course; "Islamic Jihad," which is itself divided between supporters of the PLO, the "Al-Mujamma Al-Islami" faction which pursues a Khomeinist doctrine, and the Takfiyu al-Ijerra, whose Cairo branch murdered Egyptian President Anwar Sadat; the Al-Jamiyya Al-Islamiyya breakaway from the "Brotherhood"; and the Salfiyyun, which has links to the Saudi fundamentalists.

Arafat, being himself, as his uncles and father before him, a member of the "Muslim Brotherhood" in Egypt, recognized the rising terrorist potential of the spreading Islamic fundamentalist groups, and set up a "religious department" of Fatah to attempt to harness this terrorist power for the PLO. While only moderately successful, Fatah has more support amongst the Muslim extremists than any other terrorist faction.

While it is true that the initial riots of December 9 in Gaza were local in origin, the outside terrorist organizations soon jumped on the bandwagon and grabbed the reins.

PLO Chairman Yasir Arafat admitted as much in an interview with the French magazine *Nouvel Observateur* (January 1). "Today [the riots are] a synchronized operation between local organizations and the PLO Executive Committee. At the beginning," Arafat added, "the uprising was largely spontaneous, now it is organized."

Communication between the various "headquarters" and the Palestinian Arab masses in the administered territories is either via radio broadcasts from southern Syria, as in the case of Ahmed Jibril, or Baghdad and Arafat's PLO, or via underground leaflets, as well as direct incitement to "kill the Jews" during Muslim prayer services in the mosques.

The underground leaflets stem from the local operatives, who while claiming to issue orders on a regional basis from "on high," have no real effect beyond their respective villages. The Islamic leaflets have a blunt and primitive anti-Semitic and racist message, referring to the Jews as "blood suckers" and "brothers of monkeys," and the PLO leaflets carry a more Marxist revolutionary tone attacking "imperialism and its allies" and "Israel-American conspiracies" against the Palestinians.

The current riots are not necessarily an indication of a new popular revolt against the Israeli occupation. Although previous waves of rioting did not reach this length and scope, particularly with the expansion of Islamic fundamentalist groups in Gaza, there are no new players here.

The local coordinators and organizers of the riots, including those deported by Israel in January, are veteran terrorist operatives linked to the PLO, Islamic extremists and leftist groups. All have long criminal records ranging from murder and terrorist bombings to incitement to riot and recruiting for terrorist organizations.

With the abject failure of the PLO and all its various factions to seriously hamper Israel's existence, they have bet everything on the current riots in a lastditch effort to be taken seriously.

JAMIE HUTTON—A REAL-LIFE PORTRAIT IN COURAGE

Mr. KASTEN. Mr. President, I rise today to draw my colleagues' attention to a real-life portrait in courage, 17-year-old Jamie Hutton of Monona, WI.

Jamie Hutton is struggling with an awful disease. His doctors call it chronic myelogenous leukemia. To Jamie, though, it is just another one of life's challenges, another opportunity to show character and determination.

Jamie has the certainty and confidence, the quite hopefulness that only a strong character can provide. Jamie says his doctors aren't certain about his prospects for recovery; he adds, and I quote, "They're not promising anything, but I am."

Mr. President, Jamie Hutton demonstrates as clearly as I've ever seen it the difference between wishing and hoping. A wish is the same as a fantasy; it is based on unreality, and usually remains there. Hope, on the other hand, starts out by recognizing reality—and then acts with courage and faith to make it better.

A wish vanishes as soon as it appears; hope combined with faith can move mountains.

Jamie Hutton recognizes better than most adults that life is like surfing on a choppy sea. You have to keep your head up, or you'll wipe out.

Jamie's keeping his head up. Pro golfer Greg Norman honored him by spending the Heritage Classic tournament with him—and presenting him with the victory trophy he won in that tournament.

Greg Norman knows class when he sees it. All of Wisconsin is proud of Jamie, and we hope his recovery is as speedy as his courage deserves.

Mr. President, I think all of us who have ever faced, or ever will face though and painful situations—and I'm sure that includes all of us—should reflect on the example of young Jamie Hutton of Monona. I draw my colleagues' attention to a report on Jamie in the Wisconsin State Journal, and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wisconsin State Journal, Apr. 20, 1988]

Jamie's Optimism, Determination Stronger Than Ever

(By Martha Engber)

It's not difficult to understand why big shots like USA Today, PM Magazine, Good Morning America and Sports Illustrated are courting 17-year old Jamie Hutton of Monona for interviews. He gives you the impression he graduated from a course in upbeat behavior.

"I feel fine," Hutton said in a telephone interview Tuesday from University Hospital where he is undergoing tests. Next week he'll return and begin chemotherapy before a bone marrow transplant May 6. Hutton was diagnosed with chronic myelogenous leukemia two months ago.

Recovery is a question of "when," not "if," he said. Doctors "say they're not promising anything, but I am."

He promises that he'll successfully recuperate from the operation, courtesy of the marrow from his 21-year old brother, Mike, by the beginning of July. That's the way things have to be since he has a date to keep with his new Australian friend, golf pro Greg Norman.

Norman presented the trophy he won at last weekend's Heritage Classic professional golf tournament to Hutton on national television Sunday in Hilton Head, S.C. The two also talked, ate and sweated out the four day tournament together.

At that time, Norman made a deal that he'll arrange up-front seats for Hutton at the Western Open golf tournament in early July in Oak Brook, Ill., as long as Hutton feels all right.

"There's nothing that's going to stop me from going to the tournament," said Hutton, who attended the last tournament with the help of Thursday's Child, a southern Wisconsin group that grants the wishes of children who are gravely ill.

"That was the best time in my entire life," Hutton said. "(Norman) didn't just put on a show for the cameras. It's not like I just met him this one time. We're going to keep in touch."

The junior at Monona Grove High School plans to put the huge wood and metal trophy on a shelf in his hospital room "so everyone can see it."

"I'm going to get out and get well for him," Hutton added.

Hutton said he would die without the transplant. The operation gives him an 80-percent chance of surviving.

The chemotherapy and high-dose radiation sessions are extremely aggressive treatments that may make Hutton very sick, said Dr. Patricia Dirundorf, Hutton's doctor. He won't be close to being home free until two or three weeks after the operation when new bone marrow begins to grow and create normal blood cells.

"The hard times are coming," she said, but Hutton's new friendship with Norman and the media attention should be good for his morale and "give him the strength and enthusiasm to keep on going."

OBJECTIONABLE TRADE AND COMPETITIVENESS ACT PROVISION

Mr. PRESSLER. Mr. President, earlier this week the Senate sent the Omnibus Trade and Competitiveness Reform Act to the President. He is expected to veto the bill. I hope that the President will send us a list of his specific objections to the bill so that Congress can act quickly on a stripped down version. We need to pass trade legislation this year.

Yesterday, I cosigned a letter with a number of farm State Senators urging the President to include references to the Caribbean Basin Initiative ethanol provision in his veto message. I ask that a copy of that letter be printed in the RECORD following my statement. Elimination of this provision would help to address several concerns with the bill. Dropping this provision would reduce the cost of the bill and protect a vital domestic industry from subsidized foreign competition. I have heard Senators make the argument that the final bill is an improvement over the House version. That may be good, but why allow any subsidized ethanol into the United States? It is time that the bill restricts such imports to only five companies. But why should these five companies be allowed to make an estimated $100 million profit importing subsidized ethanol? We also have heard that only two of these five companies currently are producing. If they are not producing or planning to produce ethanol, why do they need or want this special provision? Finally, an argument has been made that the ethanol imports under this bill would not harm our domestic ethanol industry. If this is true, why is the domestic industry opposed to this provision? Why have experts estimated that this provision will result in the loss of 1,000 domestic jobs in the ethanol industry and displace 80 million bushels of U.S. corn? It is clear that allowing 200 million gallons of subsidized ethanol into the United States is not in the best interest of U.S. farmers, taxpayers or workers. This provision should be dropped.

Deletion of the ethanol provision would help to reduce the cost of the bill, but additional provisions also should be dropped to reduce the cost. At least some of the 165 studies and 30 new commissions could be eliminated. We have heard that this bill will cost only $1.8 billion in the first year. Yet, when we calculate the cost of legislation we also must look at the out years. The administration estimates that the bill will create $2.4 billion in new budget authority and $1.6 billion in new budget outlays and revenue losses over the next 6 years. In addition, the bill authorizes an additional $3.7 billion in new appropriations. When you add up the cost of everything authorized, you find a potential $6.7 billion cost for this bill over the next 6 years. This figure does not even include the potential cost of the agricultural marketing loan provisions or the $2 billion export enhancement program. These provisions are not included in the total cost because it can be assumed that they would not be implemented. The so-called strong marketing loan provision gives the administration authority it already possesses. On several occasions, I have joined in urging the Secretary of Agriculture to implement a marketing loan program for several commodities. The Secretary says he has not used this authority because of its high cost and its adverse impact on ongoing trade negotiations. The bill clearly maintains this programs if it can be certified that implementation would harm negotiations. I support marketing loans, but feel that these trade bill agricultural provisions should be recognized for what they really are—empty shells.

There are several more substantial agricultural trade provisions in the bill that would help farmers and ranchers. For example, the change in the duty classification for casein will benefit dairy farmers, taxpayers, and consumers. The change permitting processed meat products to be considered as live animals would provide substantial help to pork and cattle producers. These are changes in that could greatly benefit agricultural producers. They are long overdue and should be made. Most of the farm groups support the bill because of the inclusion of these needed trade law changes. Those provisions can provide substantial benefits to farmers and ranchers without costing taxpayers billions of dollars.

I would like to further clarify one point mentioned earlier. It is something that has been questioned by some Senators. Section 4304 authorizes the Secretary of Agriculture to make a $500,000 payment to compensate commodity groups for their legal expenses in defending against countervailing duty charges made by foreign nations. If you read between the lines, it is very clear that this provision is intended to pay legal fees incurred by the National Corn Growers in fighting a Canadian trade action. I support the corn growers' actions, but am concerned about the practice of directing the Secretary of Agriculture to pay legal fees for any private group. I ask unanimous consent that a copy of a recent Time magazine article on this matter be printed in the RECORD following my statement.

Mr. President, I support passing a trade bill this year and have encouraged the President in person to work with Congress in an effort to enact much needed trade law changes. We need a trade bill, but not one with all the excess baggage contained in the recently passed Trade Act and Competitiveness. I hope the administration and Congress can work together and pass cleaner trade bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 28, 1988.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We urge that in your veto message regarding H.R. 3, the Omnibus Trade and Competitiveness Act, you voice your strong opposition to Section 1910 entitled "Ethyl Alcohol and Mixtures for Fuel Use," and call for its elimination from the bill. Section 1910 is not only antithetical to the objectives of the bill, but it also undermines U.S. and Caribbean interests.

Instead of "getting tough" with unfair European subsidies, this section actually rewards such practices by providing a U.S. dutyfree dumping ground for subsidized European wine alcohol. By cloaking itself within the Caribbean Basin Initiative program, it allows five companies to pocket up to $100 million in excess profits, avoid paying over $120 million in legally imposed tariffs, while providing little or no benefit toward Caribbean economic development. It makes a farce of both the trade bill and the Caribbean initiative.

Worse yet, it devastates American farmers, our rural economies, and our domestic ethanol industry. Section 1910 will allow 200 million gallons of domestic ethanol to be displaced. This destroys a nearly 90 million bushel grain market for our farmers, and thus increases the cost of our federal farm programs. And since $4 of economic, activity is generated by the production of every gallon of ethanol, our struggling rural economies will be hit with a loss of $800 million in economic activity.

We ask your help in getting the message to the Democratic House and Senate leaders that this is unfair and that rural Americans ought not be asked to pay such a stiff price for a trade bill. We request, therefore, that you include in your veto message a call for the elimination of Section 1910.

Thank you for your leadership and assistance in this important issue.

Sincerely,

DAVID K. KARNES.
LARRY PRESSLER.
RICHARD G. LUGAR.
CHARLES E. GRASSLEY.
DAVID DURENBERGER.
STEVEN D. SYMMS.

THE MAKING OF A MISHMASH

Talk about spoiling the broth. Imagine trying to prepare dinner with 199 cooks watching every move. Something like that is happening on Capitol Hill, where a mammoth conference committee is trying to reconcile differences in the omnibus trade bills passed last year by the House and Senate. Under the direction of two Democratic leaders—Representative Dan Rostenkowski of Illinois and Senator Lloyd Bentsen of Texas—the 199 members of the committee, along with 300 or so staffers and 100 briefcase carriers sent over by the White House, have been meeting in 17 subgroups in an all-out effort to get a comprehensive piece of legislation on President Reagan's desk by April. The goal is to pass a bill that will bolster U.S. industry and reduce the trade deficit, which hit a record $171.2 billion in 1987. The danger is that the law will wind up as a potpourri of protectionist measures that serve special interests but hurt consumers and do nothing to boost the competitiveness of U.S. companies.

The mission is urgent because progress in bringing down the trade deficit has been painfully slow. After two months of sharp improvements in the trade gap, the Government reported last week that the deficit had edged up again, from $12.2 billion in December to $12.4 billion in January. On the bright side, the deficit with Japan shrank 17.5%. But the imbalance with other Asian countries, including South Korea and Taiwan, ballooned 18%.

The issue of what to do about trade has long pitted the White House against Congress. The Reagan Administration philosophically embraces free trade, but the President has been under pressure from Capitol Hill to protect U.S. business interests. Rather than give Congress an excuse to pass protectionist legislation, the White House has taken a fairly tough line, bringing 17 actions since 1985 against nations deemed to be engaging in unfair trade practices. The most dramatic censure came last year, when the Administration imposed $300 million worth of sanctions against Japanese products after deciding that Tokyo had reneged on parts of an agreement under which it would, among other things, import more U.S. computer chips.

The White House has angered Congress on several occasions by turning down pleas for important relief, most notably from the shoe industry. Many Democrats, and a few Republicans as well, are pushing for provisions in the trade bill that would force the Administration to retaliate automatically against unfair foreign traders. The President, though, has vowed to veto any bill that would take away his discretion on when to impose trade sanctions. The conflict has left the Democrats with a dilemma. Explains Rostenkowski: "We need a bill so tough that our trading partners can't ignore it, but so fair that the President wants to sign it."

Writing such a bill will be no easy task. Just keeping track of the provisions in the House and Senate versions of the bill (each of which weighs about five pounds and runs to more than 1,000 pages) is nearly impossible. "The hardest part is remembering what each member of Congress wants," says a member of Rostenkowski's committee staff, "and what priority he puts on each of his requests." Staffers have been working well into the night and coming in on weekends, their briefcases bulging. Bentsen's group is dubbed the "committee that never sleeps."

It is not yet certain which provisions will live or die, but the bill is beginning to look less protectionist than it did just a few weeks ago. One likely casualty is a controversial amendment proposed by Representative Richard Gephardt of Missouri to take action against countries that run chronic surpluses with the U.S. and engage in unfair trade practices. It would require the President to impose trade sanctions on those nations that would reduce the surpluses by 10% a year. Gephardt has made trade the central issue of his presidential campaign, but enthusiasm in Washington for his measure has almost disappeared since his dismal showing on Super Tuesday. The betting is that Gephardt's amendment will survive, but only in a severely watered-down form. Says a congressional staffer: "Gephardt and Rostenkowski talk on the phone, and it sounds like they are working on face-saving."

Despite the probable weakening of the Gephardt amendment, several other proposals in the trade bill, including some that are seemingly extraneous, rile the Administration and could invite a veto. One of them would force many companies to give at least 60 days' notice of impending plant closings. The White House opposes as excessively restrictive a section that would require a ban for up to five years on the importation of any products made by Toshiba, the Japanese electronics company, and Kongsberg Vaapenfabrikk, a Norwegian government-owned manufacturer of computers and weapons. They were found last year to have violated export-control agreements by selling the Soviets high-tech equipment used to build quiet submarine propellers.

Another proposal objectionable to the White House calls for the Government to keep more detailed records of foreign investment in the U.S. The Administration fears that foreign investors, who have helped prop up the economy through heavy buying of Treasury bills and other securities, might trim such purchases if they knew their names could be made public. Nobuhiko Sasaki, a deputy director at Japan's Ministry of International Trade and Industry, warns that congressional passage of the proposal would be "like putting a knife to your own neck."

Perhaps the most disturbing aspect of the trade bill is that many members of Congress are using it as a vehicle to promote their pet projects. Speaking last week at a committee hearing, Treasury Secretary James Baker praised Congress for being willing to compromise on sweeping issues such as what to do in response to unfair foreign trade practices. But Baker complained pointedly about the lack of "willingness to jettison amendments that sometimes are supported by only one member." In the same vein, Representative Robert Kastenmeier, a Wisconsin Democrat, castigated his colleagues: "A trade bill should be used to set trade policy, not provide some kind of discount Casbah for special interests."

Members of Congress have many motivations for championing causes that benefit only a few parties. Sometimes they may firmly believe in the worthiness of the proposals, or they may have been convinced by an effective lobbying campaign. Just as often, though, they may be out to please their constituents or those who have made major contributions to their campaigns. Both House and Senate versions of the trade bill are larded with proposals of questionable merit and purpose. A few examples:

A two-sentence provision would give $500,000 to the law firm of Bishop, Cook, Purcell & Reynolds for defending the National Corn Growers Association in a legal dispute with Canadian corn growers. The measure was sponsored by Representative Edward Madigan, the ranking minority member of the House Agriculture Committee. The Illinois Republican took up the corn growers' request for payment to the Washington-based law firm after the Agriculture Department turned down an earlier plea to pick up the tab.

Senator Max Baucus, a Democrat from the sheep-raising state of Montana, at first introduced a measure to set quotas on imported lamb. The idea was watered down in committee negotiations, but a provision that survives calls for federal payments to lamb producers if they are damaged by imports.

A section of the trade bill known to Capitol Hill pundits as the "Timex provision" would lower the tariffs on imported watches and watch parts. The measure is sponsored by Representative Beryl Anthony, an Arkansas Democrat whose state has a Timex manufacturing plant. The company also assembles watches in foreign factories for import into the U.S.

A measure introduced by Representative Don Bonker, a Washington Democrat, would protect certain kinds of U.S. wood products by restricting competing imports. In particular, the measure subjects grooved or pegged plywood, used for wall paneling and in making furniture, to higher tariffs. Washington's lumber industry has been hit hard by a surge in imported wood products.

The Senate version of the trade bill contains a complex five-page proposal concerning patent protection for drugs that appears designed to benefit a single product. The provision would in effect enable Warner-Lambert, a pharmaceutical firm, to receive a five-year exension of the patent on Lopid, a cholesterol-reducing drug. The measure was introduced by Senator Dennis DeConcini, an Arizona Democrat who chairs the Subcommittee on Patents, Copyrights and Trademarks. Warner-Lambert reportedly hired a team of Washington lobbyists and lawyers to help DeConcini draft the proposal.

Most of these provisions, and many more like them, would provide a windfall for some but could damage consumers and taxpayers. Dealing with such matters, many of which do not belong in a trade bill at all, makes it almost impossible for Congress to achieve its proper mission: writing a coherent piece of legislation that treats both domestic and foreign businesses fairly. President Reagan could point to the current mishmash as one of the best arguments available to support his repeated requests to be given line-item veto powers.

NATIONAL NURSES DAY

Mr. MOYNIHAN. Mr. President, on Friday next, Americans will pause to honor our Nation's nurses on National Nurses Day. I, too, would like to take a moment to honor these valued health professionals.

While it is common knowledge that the founder of modern nursing was the great British health care reformer Florence Nightingale, it is worth revisiting the life of this remarkable woman when paying tribute to the nurses of today. For indeed, despite technological advances, changes in treatment, and the arrival on the world stage of a myriad of heretofore nonexistent diseases, the fundamental characteristic of nursing that compelled Ms. Nightingale to revolutionize the delivery of health care continues to be the force that drives the nurses of today. That characteristic, quite simply, is the opportunity to serve.

Florence Nightingale came from a British family of means. She was named Florence because she was born in Florence, Italy, where her parents were vacationing at the time. Despite her wealthy background, she chose to work—an unheard of choice for a society girl—and took charge of the Institution for the Care of Sick Gentle-women in Distressed Circumstances in London.

When the Crimean War broke out on March 22, 1854, Florence rushed to the battlefield. She arrived just in time to aid the wounded of the Battle of Balaklava, where the legendary Charge of the Light Brigade had taken place and where 250 British cavalrymen had been killed or wounded in 20 minutes.

Conditions were, in a word, deplorable. There were shortages of everything—bandages, cots, mattresses, and most importantly, nurses. Despite this, however, the "Lady with the Lamp," as Florence came to be known, persevered and managed to whip the army hospitals into shape. Indeed, so successful was she that she was given command of all the army hospitals in the Crimea.

Florence Nightingale's courage was unflagging. On a visit to the front line, she caught and nearly died of Crimean fever; nevertheless, she refused to return to Britain, and continued to minister to the sick regardless of the risks to her own health and safety. After the war, Ms. Nightingale returned to England and continued to work tirelessly to reform the health care industry. Her pioneering work was invaluable to Americans who emulated her techniques during our own Civil War, a contribution for which all Americans are duly grateful.

The nurses of today have no Crimean bullet wounds to tend to. Diphtheria and Crimean fever do not ravage the citizens of such cities as Watertown and Binghamton. There are no bloody battlefields, in the classical sense, on which American nurses are asked to bandage and bathe scores of wounded. And yet the need for qualified nurses is greater today than ever before in history.

The need for nurses has grown because nurses today have different wounds to tend to—wounds inflicted on the streets of our cities battling over illicit drugs. Devestating diseases, such as AIDS and Alzheimer's, ravage the bodies and minds of thousands of our citizens. Crowded hospitals and emergency rooms are our modern American battlefields, where the victims of our "silent wars"—poverty, abuse, and neglect—cry out for assistance. Today, as before, in New York, as in Crimea, nurses are answering the call.

And they are answering the call despite enormous odds against them. The shortages encountered by Florence Nightingale are not unknown to nurses today, particularly the shortage of nurses. Nurses continue to be undervalued by our society—we do not pay them enough, we do not credit them for the work they do, we refuse to see them as the professionals they are. Nurses do not have the luxury of selectivity. Unlike most of us, nurses cannot choose their clients. They serve the welfare mother; the AIDS patient; and the homeless. They even serve politicans—now that is real courage!

As we stop to honor our nurses next week, it is my hope that Americans everywhere will take a good look at nurses and honor them for what they are—highly trained professionals. It is only when we as a society begin to give nurses their due, that this nursing shortage will end and we can expand access to quality health care for all Americans.

If the Lady with the Lamp were alive today, she would be proud of her successors. They are serving today as she did—courageously and tirelessly. I urge my fellow Senators to join with me in praise of our nurses.

INF REINFORCEMENT ACT OF 1988

Mr. HEINZ. Mr. President, soon the Senate will consider the INF Treaty. That treaty is a significant step forward in controlling the nuclear arms race. I intend to support it. But Mr. President, I am concerned about the potential growth of Soviet strategic forces to offset their reductions under INF.

The Soviets will make real cuts in their nuclear forces under INF. But if they want, they can retarget their existing strategic missiles on the targets in Europe that were covered by their INF missiles.

If the Soviets want to maintain their nuclear threat to Western Europe, while not taking from their forces aimed at the United States, they must add to their strategic forces. The Soviets would have nothing to lose—and an INF advantage to gain—by breaking out.

Last October the Senate voted overwhelmingly for the amendment I offered with my colleagues Senators BUMPERS, CHAFEE, and LEAHY to return the United States to the sublimits on strategic forces. The reason was simple: To place some cap on the superpower arms race until a new strategic arms treaty can be worked out. That need still exists. But now it is even greater, because the Soviets might find a breakout in their strategic missile force a way to sidestep the cutbacks they make under INF.

Mr. President, we cannot allow this loophole in the INF treaty to be exploited by the Russians so easily. That is why I join my same three colleagues today in introducing the INF Treaty Reinforcement Act of 1988. This bill would help place some cap on the strategic arms competition that would prevent the Soviets from replacing their INF missiles with uncontrolled strategic ones.

The Armed Services Committee last year took steps to ensure that United States forces would not grow without limit while the Soviets stick to the old sublimits. Such action is even more urgent this year, because the United States is poised to add significantly to our strategic forces.

Our bill is simple. It requires the United States to deploy no more strategic forces than we had on January 25, 1988, the day the INF Treaty was submitted to the Senate. The Soviet must do the same. If they exceed the ceilings, the United States is free to build up.

Right now there are no formal limits on the superpowers strategic forces. The United States is above the old SALT ceilings that both superpowers observed until 1986. The Soviets continue to comply with those limits. They destroy older weapons as new ones are added. I see no reason to give the Russians an excuse to break that pattern.

Mr. President, we all look forward to the next superpower arms treaty. We hope it will make deep reductions that stabilize the nuclear balance. We hope it will incorporate strong verification measures. But until that treaty is worked out, we need a rule book for the arms race. We need to contain the Soviet strategic arsenal, so it cannot be expanded to take on new INF duties.

The INF Reinforcement Act of 1988 does precisely that. I urge my colleagues to support it and join us as cosponsors.

THE CONFERENCE REPORT TO H.R. 2616—THE VETERANS BENEFITS AND SERVICES ACT OF 1988

Mr. DASCHLE. Mr. President, I am pleased to rise in support of the conference report to H.R. 2616 today. This report addresses numerous concerns of veterans, and makes significant improvements in benefits and services available to America's veteran population.

There are three areas in particular that I would like to address regarding H.R. 2616—beneficiary travel, veteran's readjustment centers, and outpatient health care entitlement.

H.R. 2616 addresses one of my major concerns, and an issue I addressed in legislation I cosponsored last session—revising regulations governing beneficiary travel payments to veterans.

Last year, the budget for beneficiary travel reimbursements was reduced by nearly 50 percent. The program was further curtailed by instituting mileage limitations for eligibility for payments. Veterans making a one way trip for health care that was less than 100 miles long were not eligible at all for beneficiary travel reimbursements. Of course who were eligible, a $22 round trip deductible was applied to their travel costs.

The conference report to H.R. 2616 takes significant steps toward restoring this crucial benefit to veterans. First, the 100-mile travel radius established for eligibility has been eliminated. Second, the round trip deductible to eligible veterans has now been decreased to $6, with a maximum monthly deductible capped at $18 for preapproved frequent travellers.

Under these revisions, veterans eligible for beneficiary travel reimbursements will receive those benefits without arbitrary limits on mileage, and with a deductible that demonstrates an understanding of the limited incomes many veterans face.

I am also enthused by the changes that were agreed to in reference to closing or relocating vet centers under the Readjustment Counseling Program. I have very recently visited one of the vet centers in South Dakota and was again convinced of the irreplaceable value vet centers provide. Unfortunately, vet centers nationwide have been the target of funding cuts and continuous attempts to close the community based facilities.

The conference agreement on H.R. 2616 takes very positive steps toward preserving these necessary centers. First, the mandatory transition requirement, a provision forcing vet centers to move from storefront and community locations to space primarily located inside VA medical facilities, would be repealed. Further, any attempts to close or relocate vet centers will require case-by-case examination of the centers involved.

The third area I would like to highlight in this legislation is that of outpatient health care entitlement. H.R. 2616 extends eligibility for outpatient services to veterans with service connected disabilities, and to service connected veterans of 50 percent or more with nonservice related disabilities. Outpatient care is also provided for additional categories of veterans under this bill.

While these issues represent only a few of the necessary revisions addressed by the conference agreement on H.R. 2616, there are an indication of the positive actions taken on behalf of America's veterans in this legislation. I look forward to the Senate supporting this report.

Thank you.

IN HONOR OF THE 100TH ANNIVERSARY OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS

Mr. BURDICK. Mr. President, on May 5, 1888, 19 railroad machinists gathered in a railroad pit in Atlanta, GA, to organize a union of workers. The vision of these 19 brave machinists became reality in the formation of a labor union which has since provided for democracy in the workplace, job security, safe and healthful working conditions, and a decent standard of living for its members over the past century.

The International Association of Machinists and Aerospace Workers currently represents more than 800,000 working men and women in a wide variety of industries and vocations in the United States and Canada. The struggles and triumphs of these current IAM members and their forebears in the workplace and political arena have resulted in a higher standard of living for all United States and Canadian workers.

May 5, 1988 is the 100th anniversary of this great union. It should be recognized for a century of progress and the contribution to society of its founding members and membership throughout its history to the current day.

I would like to specially recognize Local Lodge No. 2525, Fargo, ND. It has been an integral part of the International Association of Machinists and Aerospace Workers.

NATIONAL DAY OF PRAYER

Mr. HELMS. Mr. President, Senators know Thursday, May 5, is a National Day of Prayer. On that day we will have the opportunity as a nation to seek God's guidance and acknowledge our dependence upon Him.

Mr. President, America's spiritual tradition began with the Pilgrim's and grew stronger as our Founding Fathers—the Constitution's framers—sought and received God's guidance and wisdom at Philadelphia while establishing the precepts of our country. In fact Mr. President, the first National Day of Prayer was declared by the Continental Congress on July 12, 1775, in the midst of the struggle for independence.

Mr. President, recognizing America's spiritual heritage, and the tradition of setting aside days for national prayer, Congress directed the President in 1952 to proclaim a National Day of Prayer each year. Unfortunately a specific date was not designated and therefore the notice provided citizens and churches was often too short to enable the day to be commemorated properly.

A week ago today, April 22, the Senate approved a bill setting aside the first Thursday in May as America's National Day of Prayer. The House is expected to act favorably on the measure as well. Americans will then be able to plan and prepare to intercede as a corporate body on behalf of the Nation and its leaders from year to year with certainty.

Obviously, Mr. President, the magnitude of America's problems, within and without the country, evidence a need for divine healing and guidance. Drug abuse, violent crime, illegitimate pregnancies, open perversion, family breakup, child abuse, abortion, AIDS, and numerous other societal afflictions are symptomatic of America's slide into moral and spiritual decay as increasing numbers of citizens turn away from God. Indeed, many of our institutions have become actively antireligious in their outlook and in their conduct.

Mr. President, America must return to the spiritual source of her greatness and reclaim her religious heritage. Our prayer should be that—like the Old Testament nation of Israel—Americans would once again "humble themselves, and pray, and seek God's face, and turn from [our] wicked ways" so that God in heaven will hear and forgive our sins and heal our land. [II Chronicles 7:14]

As we pray next Thursday, let us recognize—as did Abraham Lincoln—"the sublime truth, announced in the Holy Scriptures and proven by all history, that those nations only are blessed whose God is the Lord. . . ."

MOTHER'S DAY

Mr. HEFLIN. Mr. President, Sunday, May 8, 1988, will mark the 74th celebration of Mother's Day. Mother's Day has become a great and beloved occasion in this Nation, in that it provides an opportunity for millions of Americans to show their appreciation for the many contributions that mothers have made to their lives. Because the U.S. Senate will stand in recess next week and I, for one, will be traveling around my home State of Alabama meeting with my constituents in town meetings, I would like to take this opportunity to pay tribute to America's mothers.

On Sunday morning, May 8, in homes across the Nation, children will be cooking their mothers' favorite breakfast to serve them in bed, families will be packing picnic lunches for outings to parks. Roses and candy will be given to mothers everywhere and, as any mailman can testify, thousands upon thousands of greeting cards are at this very moment surging through our postal system. These exhibitions of love and family unity stem from the love which mothers give to their children, and stability they provide for our families.

The 74th celebration of Mother's Day comes at a critical juncture in our Nation's history, a time when we need to work at strengthening our families, the major institution involved in modling values and attitudes. I am hopeful that this very special day will signal a return to the traditional values of American life. I also believe that we should all try to celebrate not only the particular date specified, but should extend our celebration to the spirit behind Mother's Day, and demonstrate our thanks and appreciation for the many small things which mothers have done that go unnoticed on a day-to-day basis.

As we observe Mother's Day next Sunday and honor the mothers of America, let us be mindful of the contributions to the greatness of this country made by American mothers, who have truly been a great source of strength, pride, and inspiration throughout our history. Let us also work to strengthen the family as a molder of values. Let us show that, by honoring our mothers, we also honor our families and our Nation.

The famed writer Samuel Taylor Coleridge wrote that mothers are, "* * * the holiest thing alive." Let our lives show, not only this Sunday but throughout the year, that these words live on.

Mr. President, I am very proud that it was my uncle, former U.S. Senator J. Thomas Heflin, who authored the Mother's Day Act which made this annual salute to our mothers a reality and a great American tradition. On May 10, 1913, then Congressman Tom Heflin introduced this piece of legislation, and succeeded in enacting this legislation into law on May 18, 1914.

I am told that the idea setting aside a day to honor the Nation's mothers came from a West Virginia woman, Anna Jarvis, who convinced my uncle of the merit of this idea. For their efforts, Miss Jarvis came to be known as the "Mother of Mother's Day," and my uncle as the "Father of Mother's Day."

Mr. President, as is a tradition that I have been delighted to follow for the last few years, I would like to read the original resolution, as approved by Congress 74 years ago.

JOINT RESOLUTION RELATIVE TO THE OBSERVATION OF MOTHER'S DAY

Whereas the service rendered the United States by the American mother is the greatest source of the country's strength and inspiration, and

Whereas, we honor ourselves and the mothers of America when we do anything to give emphasis to the home as the fountainhead of the state; and

Whereas, the American mother is doing so much for the home, the moral uplift, and religion, hence so much for good Government and humanity: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to issue a proclamation calling upon the Government officials to display the United States flag on all Government buildings and the people of the United States to display the flag at their homes or other suitable places on the second Sunday in May as a public expression of our love and reverence for the mothers of our country: And be it further

Resolved, That the second Sunday in May shall hereafter be designated and known as Mother's Day and it shall be the duty of the President to request its observance as provided for in this resolution.

VIETNAM—13 YEARS LATER

Mr. HELMS. Mr. President, 13 years ago this week, Soviet tanks manned by North Vietnamese gunners rolled into Saigon. The South Vietnamese Army, although abandoned by the American Congress, had fought valiantly for 55 days. They withstood this modern blitzkreig longer than the French and British armies did in 1940 but the result was the same: Defeat and a shadow of evil on the land.

For the past 13 years, the people of Indochina have been paying for their own conquest and they are still paying. More than 2 million persons became refugees after 1975. Hanoi's proteges, the Khmer Rouge, perpetrated a bloodbath against their own people, a bloodbath which is commonly refered to in Hitlerian terms: a holocaust. While the free countries of the region have enjoyed unprecedented prosperity, Vietnam and the occupied countries of Laos and Cambodia have seen their economies driven into the ground.

In short, Mr. President, the North Vietnamese conquest of South Vietnam, Laos, and Cambodia has been an epic catastrophe for the peoples of Indochina.

That is the past, Mr. President, but what of today? Has the Hanoi regime softened its menace to the region? Have they used 13 years of peace to build up the economy and improve the people's livelihood?

The answer is "no," Mr. President. Hanoi has not changed. If anything, it has become more of a threat to its neighbors and its own suffering people.

The Hanoi regime is a terrorist state in league with other terrorists states such as Libya, North Korea, Iran, and Cuba. An underlying unity of these terrorist states is their irrational anti-Semitism. For example, on April 21, 1988, the Hanoi Communist Party Daily, Nhan Dan, had this to say:

> The Zionists have unmasked themselves as the actual advocates of the terrorist policy in the Middle-East.

Vietnam is thus known by the company it keeps.

Hanoi remains a police state at home. The United States State Department's 1987 human rights report on Vietnam had this to say:

> There are credible and consistent reports from refugees concerning the severity of conditions for prisoners in the reeduction camps and prisons. These conditions have often resulted in acute suffering and permanent physical impairment.

Let me repeat: Acute suffering and permanent physical impairment. We do not need a lot of imagination to know what that means about the reality of so-called reeduction camps.

In spite of $2 to $3 billion per year in Soviet aid, the economies of Vietnam, Cambodia, and Laos remain basket cases. According to the New York Times of April 10, even Communist officials are admitting that the economy is "in chaos."

Hanoi remains a severe threat to its neighbors. Every few days there is an article in the Bangkok newspapers about a Thai soldier killed by Vietnamese shelling, or a Thai villager maimed by a mine planted on Thai soil by the Vietnamese at night.

In their desperation, the Vietnamese people have turned to the open sea for escape once again. They know that it is dangerous but still they come. Vietnamese boat people arriving in neighboring countries in 1987 were triple the number in 1986 and the highest in 5 years.

In conclusion, Mr. President, as the State Department's human rights report notes, Vietnam remains a totalitarian state firmly under the control of the ruling group which conquered the south, Laos, and Cambodia. We should not be surprised if its policies and aims remain a threat to its own people and the free nations of the region.

Mr. President, I ask unanimous consent that an April 10, 1988, New York Times article by Barbara Crossette be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 10, 1988]

CURRENCY CRISIS IS RAVAGING VIETNAM'S FRAGILE ECONOMY

(By Barbara Crossette)

HO CHI MINH CITY, April 9.—The Vietnamese economy, one of the world's weakest, has suffered several catastrophic blows in the last few weeks, and the troubles could have immediate and long-range political consequences.

Government officials, some of them asking for the first time not to be quoted or identified, said that the economy was in chaos and that foreign investment was unlikely despite new legislation to liberalize the economy.

Since early March, the value of the dong, the Vietnamese currency, has declined by more than half. Prices have surged for an impoverished people, and two years of efforts to stablize the monetary system have been undone.

A huge Soviet-engineered hydroelectric project, the Tri An Dam, about 55 miles northwest of Ho Chi Minh City, was found to be dangerously defective and had to be shut down within a few days of its commissioning. The long-awaited 420-megawatt power station, on the Dong Nai river, was expected to supply this city and the entire south with the electricity needed to make industrial development possible.

These hopes were set back when the first 105-megawatt unit at the station developed a leak in a turbine casing. No one has been able to say how long it will take to fix the damage, and power outages are routinely slowing city life.

People living below the dam said they feared that its flaws would make it a hazard to life. An inspection showed that the flaws were the results of errors in the use of concrete and of bad welding in metal casings.

RELIANCE ON RUSSIANS

The Government has assured the public the dam will hold, but for many Vietnamese, especially in the south, the botched project and dashed hopes symbolize the pitfalls of the country's reliance on Soviet assistance.

A Soviet technical magazine, Sotsialisticheskaya Industriya, said on March 23 that hasty construction and a lack of coordination among Vietnamese ministries were partly to blame for the troubled project. It also mentioned irregular Soviet deliveries of materials.

Economic relations with Japan, which appeared promising, have deteriorated. Some officials said that the Honda Motor Company, which had been planning to build an assmbly plant here, backed off under American pressure. The United States is leading an effective trade and investment embargo against Vietnam, partly as a reaction to the Toshiba case, in which the Japanese electronics company sold sensitive information abroad.

Ranking officials and representatives of the private businesses that are important to the reformist Vietnamese Government said the economic troubles began after the Government devalued the currency. The rate of exchange for the dong fell from 460 dong to 900 dong to the dollar. The adjustment was accompanied by reductions in the subsidies paid to nonproductive state enterprises.

BANK POLICY QUESTIONED

Some officials said that because the change was badly handled by the State Bank, the business community scrambled to unload cash. Rumors that the Government was trying to provoke so-called voluntary inflation spread in the south, which remains the commercial center of the country.

In early March, in the midst of these uncertainties, the Governor of the State bank of Vietnam went on television to announce that currency notes of 1,000 dong, 2,000 dong, and 5,000 dong would be issued. These are the largest bills the country has ever printed, and the psychological impact of the announcement was enormous.

"Overnight, the price of gold doubled and the exchange rate shot up," an official said. "We have wiped out all the efforts made toward stabilization."

The black-market exchange rate, which stood at 1,100 dong to the dollar in January, rose to 1,700 and then to 2,000. Money changers are now offering as much as 2,500 dong to the dollar.

Vendors at city markets said the prices of basic commodities had doubled. The cost of fish, which many families can rarely afford to eat, is rising at the rate of 100 dong per pound each week. It now stands at about 900 dong a pound.

On top; of the electricity costs, the water supply is being shut off one day each week. Southern Vietnam is in the midst of the dry season, and it is also the period between rice crops, when food shortages are most likely to occur.

NEW INVESTMENT LAW

Last year, Vietnam passed a law on foreign investment that has been awaited for more than three years. It was heralded as the most liberal in the Communist world.

Over the last 15 months, a new Government team under the Communist Party leader, Nguyen Van Linh, and the chief economic planner, Vo Van Kiet, was working to arrange for Vietnam to rejoin the World Bank and the International Monetary Fund.

Mr. Kiet is one of three top officials in the running for the Prime Minister's seat. He is acting in that capacity following the death in March of Pham Hung.

Although officials declined to speculate on Mr. Kiet's future if the economic slide continues, he is thought to have two powerful rivals for the Prime Minister's job. They are the Deputy Prime Minister and Foreign Minister, Mguyen Co Thach, whose reputation does not ride so much on the new economics policies, and Do Muoi a Politburo member who represents the old guard. Mr. Muoi has not been a strong advocate of economic restructuring.

The Government is expected to choose a Prime Minister in June, making the next few months critical for Mr. Kiet and for his supporters.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on April 29, 1988, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 114. Concurrent resolution authorizing the Law Enforcement Torch Run for the Special Olympics through the Capitol Grounds; and

S. Con. Res. 116. Concurrent resolution providing for a conditional adjournment or recess of the Senate from April 29, 1988 until May 9, 1988.

ENROLLED JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 222. Joint resolution to designate the period commencing on May 1, 1988, and ending on May 7, 1988, as "National Older Americans Abuse Prevention Week";

S.J. Res. 242. Joint resolution designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week"; and

S.J. Res. 250. Joint resolution designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week of 1988".

H.J. Res. 545. Joint resolution designating May 8-14, 1988 as "Just Say No Week;" and

H.J. Res. 552. Joint resolution making emergency mandatory veterans supplemental appropriations for the fiscal year ending September 30, 1988.

Under the authority of the order of the Senate of February 3, 1988, the enrolled joint resolutions were signed on April 29, 1988, during the adjournment of the Senate, by the Acting President pro tempore (Mr. SHELBY).

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-468. A joint resolution adopted by the Legislature of the State of Idaho to the Committee on Agriculture, Nutrition, and Forestry.

"HOUSE JOINT MEMORIAL NO. 12

"Whereas, one of the many things which makes Idaho such an attractive place to live, work and vacation in are the many beautiful areas contained on its public lands; and

"Whereas, a great deal of the life of most Idahoans includes utilization of the public lands aesthetically and for recreation and pleasure; and

"Whereas, whether it has occurred through official policy or plain bureaucratic bungling, many trails and unimproved roads on lands controlled by the U.S. Forest Service have been closed by the locking of gates on those lands; and

"Whereas, the locking of gates ultimately deprives many Idahoans and vacationers of the thrill of hunting, fishing, backpacking, hiking, exploring, off-road vehicling and cross-country skiing, among other things, on these lands.

"Now, therefore, be it resolved by the members of the Second Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, That we respectfully request that the United States Forest Service reexamine its policy of closing gates on unimproved roads and trails on land under its juridiction so that Idahoans and others can enjoy recreational and aesthetic opportunities associated with those lands.

"Be it further resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, Ronald Reagan, to the Secretary of Agriculture, Richard Lyng, to the Chief of the United States Forest Service, Dale Robertson, to the President of the Senate and to the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-469. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Appropriations:

"HOUSE JOINT MEMORIAL NO. 13

"Whereas, new federal solid waste regulations, which take effect in 1988, will significantly increase the cost of solid waste disposal; and

"Whereas, there is no current long-term plan for landfill use or replacement in the State of Idaho; and

"Whereas, a significant number of landfills in this state will be closed in the next few years, for lack of space or for not meeting health and safety standards; and

"Whereas, new hazardous waste regulations will require major changes in the way small quantities of hazardous waste are disposed of; and

"Whereas, alternative means of disposing of solid waste and hazardous waste need to be explored in light of new technology; and

"Whereas, there is currently no plan nor funds available to assist the state and local governments in how to prepare for the impact of new Resource Conservation Recovery Act (RCRA) rules and regulations.

"Now, therefore, be it resolved by the members of the Second Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, That we respectfully urge the Congress to appropriate funds to state and local

governments for the implementation of the Resource Conservation Recovery Act (RCRA) Subtitle D Rules and Regulations.

"*Be it further resolved,* That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-470. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Commerce, Science, and Transportation:

"RESOLUTION—STATE OF ALASKA

"Whereas the budget of the United States Coast Guard for fiscal year 1988 has been reduced by $100,000,000; and

"Whereas this budget reduction does not permit the Coast Guard to perform its mission, maintain its physical plant and equipment, and pay its personnel; and

"Whereas the budget reductions will drastically and adversely affect the quality and quantity of services that the Coast Guard provides in the waters of and off Alaska; and

"Whereas the Coast Guard in Alaska has performed 5,597 search and rescue missions in the last five years, saving 1,314 lives; and

"Whereas the budget reductions will be felt in Alaska as

"(1) an absence of law enforcement to prevent fishing violations in the Gulf of Alaska and the waters of Southeast Alaska;

"(2) a reduction in the number and duration of fishery patrols in the Bering Sea due to the reduction in the operations of the high endurance and medium endurance cutters and long range aircraft necessary to conduct these patrols;

"(3) elimination of six VHF-FM coastal distress radio sites,

"(4) reduction of staffing at the Marine Safety Office at Valdez, the southern terminus of the Trans-Alaska Pipeline;

"(5) an increased possibility that lighted aids to navigation will become extinguished before they can be serviced; and

"(6) numerous other reductions in services provided to mariners and the public; and

"Whereas there is evidence of extensive illegal fishing in the 200-mile fishing zone in the Bering Sea by foreign fishing vessels; and

"Whereas 129 different foreign vessels were sighted in the international waters of the Bering Sea during 1987; and

"Whereas inadequate enforcement of foreign fishing results in over exploitation of the fish stocks and deprives American fishermen and processing workers of their jobs and the United States of a market for its fishery products, thus eliminating an opportunity to correct the imbalance of trade with Japan and other countries; and

"Whereas fishermen, sailors, and boaters on the waters of and off Alaska rely on the vital service the Coast Guard provides by being on call 24 hours of each day to assist in the protection of property and the lives of those who are in peril at sea; and

"Whereas the reductions in the budget of the Coast Guard for meeting its operational responsibilities puts the lives of our friends and neighbors at risk;

"*Be it resolved,* That the Alaska State Legislature respectfully expresses its strongest possible objection to the reductions that have been made to the United States Coast Guard budget for fiscal year 1988; and be it

"*Further resolved,* That the Alaska State Legislature respectfully requests that the budget for the Coast Guard be restored to that level necessary to allow the Coast Guard to fully perform its mission, maintain its physical plant and equipment, and pay its active and retired personnel."

POM-471. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Energy and Natural Resources:

"HOUSE JOINT MEMORIAL NO. 14

"Whereas, the United States will require substantial amounts of energy from nuclear sources in the future; and

"Whereas, the nuclear power construction program is essentially complete and no new orders are being placed for nuclear power generating plants; and

"Whereas, development, design, construction, and testing of improved nuclear power systems are not progressing in accordance with future needs and foreign competition; and

"Whereas, the national interest clearly requires that most advanced forms of nuclear power generation should be available to the United States; and

"Whereas, one proposed approach to providing for continuity and progress in the United States for nuclear power generation entails construction over the next ten years of advanced nuclear power generation prototypes, including large power-producing units; and

"Whereas, the Idaho National Engineering Laboratory operated by the United States Department of Energy in the State of Idaho is uniquely qualified as a site for such a program; and

"Whereas, the people, the executive branch and the Legislature of the State of Idaho strongly support safe, economic and reliable development of nuclear power, and would welcome use of the Idaho National Engineering Laboratory site for the above purposes.

"*Now, therefore, be it resolved by members of the Second Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring rein,* That we respectfully express our strong support for the further advancement of nuclear energy for electrical energy and that the Congress of the United States be encouraged to take such actions that will result in:

"1. The designation of the Idaho National Engineering Laboratory as the "National Commercial Power Reactor Prototype Center."

"2. The construction of small and large scale nuclear power stations for the purpose of evaluation, standardization, and electrical power production as they may contribute to improved national competition, safety, reliability, enironmental improvement and economics.

"*Be it further resolved,* That we respectfully request that state agencies and private industrial organizations provide such encouragement as may be practical to carry out the aims and the intent of the Memorial.

"*Be it further resolved,* That the Chief Clerk of House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to President Ronald Reagan, to the Secretary of Energy, John S. Herrington, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-472. A resolution adopted by the House of Representatives of the Commonwealth of Pennsylvania; to the Committee on Energy and Natural Resources:

"HOUSE RESOLUTION NO. 238

"Whereas, On its October 22, 1987, meeting agenda, the National Fine Arts Commission considered the issue of adding a statue to the National Vietnam War Memorial site, which addition would represent women in the military who served in the Southeast Asian Conflict in Vietnam; and

"Whereas, The National Fine Arts Commission, as stated in its October 28, 1987, letter to the Secretary of the Interior, rejected the proposed statue and site for reasons painful to many of the veterans' groups who have advocated placement of this statue; and

"Whereas, In response to their outcry, Senate Bill 2042 was introduced and cosigned by an overwhelming number of senators, which bill would authorize reconsideration by the commission of its October decision to reject the proposal; and

"Whereas, Thousands of women served this Nation during the Vietnam conflict and eight nurses gave their lives, contributing a level of service of historic and heroic proportion which has, as yet, been given insignificant public recognition; and

"Whereas, Combat casualties were greatly reduced by the actions of nurses in medical evacuation teams, triage units and field hospitals; and

"Whereas, The establishment of a Vietnam women's memorial will remind Americans that women serve their fellow citizens in war, at great sacrifice and in a manner no less deserving of recognition than that service which is given by the noble men who also serve; and

"Whereas, Both national and state veterans' organizations support these efforts; therefore be it

"*Resolved,* That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States to enact Senate Bill 2042, to require the National Fine Arts Commission to reconsider establishment of a statue, at the site of the National Vietnam War Memorial, to recognize the women who served in this Southeast Asian conflict; and be it further

"*Resolved,* That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM-473. A resolution adopted by the House of Representatives of the Commonwealth of Pennsylvania; to the Committee on Finance:

HOUSE RESOLUTION NO. 256

"Whereas, Prior to enactment of the Budget Reconciliation Act of 1987 (Public Law 100-203), farmers were exempt from payment of the Federal excise tax of 15¢ per gallon on diesel fuel; and

"Whereas, the aforesaid act changed the point of collection of the Federal excise tax on diesel fuel from the retail to the wholesale level; and

"Whereas, The result of this change is that farmers, still ultimately exempt, are required to pay the tax at the time of purchase and then file for refunds, which take six months to receive; and

"Whereas, This process not only imposes a financial hardship on farmers, but requires them to endure a useless process of red tape; and

"Whereas, Several bills have been introduced in Congress, those being S. 2003, H.R. 3844, H.R. 3850 and H.R. 3865, which would return the point of collection of the tax on diesel fuel to the retail level, thereby restoring the basic exemption farmers previously enjoyed; therefore be it

"Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the Congress of the United States to enact legislation which would change the point of collection of the Federal excise tax on diesel fuel to the retail level, and thereby exempt farmers from payment of the tax; and be it further

"Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of the Pennsylvania Congressional delegation."

POM-474 A resolution adopted by the House of Representatives of the Commonwealth of Pennsylvania; to the Committee on Finance:

House Resolution No. 261

"Whereas, Persons with autism are eligible, under Federal guidelines, to receive Supplemental Security Income; and

"Whereas, Eligibility for Supplemental Security Income automatically renders them eligible for Medical Assistance; and

"Whereas, Medical Assistance pays for the care of other mentally disabled people in Community Living Arrangements; and

"Whereas, This care is not reimbursable, under Federal guidelines, for persons who have autism; and

"Whereas, This dichotomy within Federal regulations excludes autistic people from living in a supervised setting within the community; and

"Whereas, This Federal conflict is inequitable and needs to be changed; therefore be it

"Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States to address the issue of Medicaid reimbursement to include autistic people among those eligible to receive community-based residential care; and be it further

"Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM-475. A joint resolution adopted by the Legislature of the Commonwealth of Kentucky; to the Committee on Finance:

"Resolution

"Whereas, Kentucky Housing Corporation has, through public mandate, provided homeownership loans to lower and moderate income Kentuckians for fifteen years; and

"Whereas, Kentucky Housing Corporation has, as one of its programs, provided over twenty-four thousand (24,000) home loans totaling over seven hundred million dollars ($700,000,000) to lower and moderate income Kentuckians across the Commonwealth; and

"Whereas, Kentucky Housing Corporation has helped Kentuckians obtain the American dream of homeownership through its financing programs; and

"Whereas, Kentucky Housing Corporation has been a strong impetus toward the economic and social well-being of the Commonwealth; and

"Whereas, Kentucky Housing Corporation has provided these benefits to the lower and moderate income Kentuckians through the financing tool of mortgage revenue bonds (MRBs); and

"Whereas, the federal government proposes to end the use of MRBs on December 31, 1988;

"Now, therefore, be it resolved by the General Assembly of the Commonwealth of Kentucky:

"Section 1. That the 1988 Kentucky General Assembly shall notify and urge the Congress of the United States to support and pass the extension of mortgage revenue bonds to December 31, 1992, through respective federal legislation S. 1522 or H.R. 2640.

"Section 2. That copies of this resolution shall be mailed to the President Pro Tempore of the U.S Senate and the Speaker of the U.S. House of Representatives and to the members of the Kentucky Congressional delegation."

POM-476. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Finance:

"House Joint Memorial 15

"Whereas, the United States Congress has recently changed the point of collection of diesel fuel excise taxes from retail level to the wholesale level in the Omnibus Budget Reconciliation Act of 1987; and

"Whereas, this change in the federal excise tax law will now require farmers to pay the diesel fuel tax at the time of purchase and to file for refunds afterwards on a quarterly or annual basis; and

"Whereas, the upfront payment of these taxes by farmers will raise the farmer's annual cost of production and will further inhibit the farmer's cash flow by requiring a need to borrow additional funds for operating expenses; and

"Whereas, the requirement to apply for refunds will require more of each farmer's valuable time and shift paperwork burden from the government to the farmer.

"Now, therefore, be it resolved by the members of the Second Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, That we urge the Congress of the United States to reverse its vote on this change in the collection of the diesel fuel excise tax, and that Congress repeal Title X, Subtitle E. Part I, Section 10502 of the Omnibus Budget Reconcilation Act of 1987.

"Be it further resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-477. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Finance:

"House Joint Memorial No. 16

"Whereas, the Legislature of the State of Idaho finds and declares that the State has been seriously handicapped in its ability to collect legally due use taxes on interstate sales because of the 1967 United States Supreme Court decision in the *National Bellas Hess* case; and

"Whereas, the *National Bellas Hess* decision denies Idaho the legal authority to require the collection of use taxes by out-of-state mail order firms which have no physical presence in the State but which may advertise extensively there; and

"Whereas, the *National Bellas Hess* decision has resulted in a loss of tax revenue, based on U.S. Advisory Commission on Intergovernmental Relations Report for 1985, of between 4.5 and 11.6 million dollars to the State of Idaho; and

"Whereas, Idaho retailers have lost, based on a U.S. Advisory Commission on Intergovernmental Relations Report for 1985, between 120 and 290 million dollars in retail sales during that period to out-of-state firms not required to remit a sales tax; and

"Whereas, the problems of state revenue loss and the competitive disadvantage of local business have been intensified in recent years because of the great growth in mail order sales through television, radio, and credit card advertising; and

"Whereas, these problems can be resolved only by the correction of the *National Bellas Hess* decision.

"Now, Therefore, be it resolved by the members of the Second Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, That we do hereby petition the Congress of the United States to act immediately to introduce, consider, and enact legislation which would prevent the huge revenue loss and remove the competitive advantage now enjoyed by out-of-state businesses and that it do so by authorizing Idaho to require the collection of sales and use taxes by interstate sellers who solicit business in Idaho through catalogs, advertising materials, radio, television, and the press.

"Be it further resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and to the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-478. A joint resolution adopted by the Legislature of the State of Colorado: to the Committee on Finance:

"House Joint Resolution No. 1005.

Whereas, National demographic projects suggest significant future increases in life expectancy and a large increase in the number of elderly as a percentage of the population; and

Whereas, The incidence of chronic illness and the rate of long-term health care utilization increases with age and becomes a major cause of disability requiring medical care; and

Whereas, The impact of the aging of the population from 1988 through the year 2000 on the health care system of the United States is projected to significantly increase the days of hospital care required, the total number of physician visits required, and the number of nursing home residents; and

Whereas, Expenditures on nursing homes have increased dramatically over the past decade, and nearly one-half of these costs are now borne by the states and the federal government, almost entirely through Medicaid; and

Whereas, With government programs under increased pressure, increased attention should be focused on the role of alternative long-term health care financing programs; and

Whereas, Individual medical accounts are trusts created or organized to pay the eligible medical, dental, and long-term care expenses of the account holders; and

Whereas, Federal incentives would encourage individuals to save money to pay for their own medical, dental, and long-term care expenses and thereby relieve state and federal taxpayers of a portion of the cost they pay for society's medical, dental, and long-term care; now, therefore,

"Be it resolved by the House of Representatives of the Fifty-sixth General Assembly of the State of Colorado, the Senate concurring herein:

"That, as an incentive to encourage individuals to plan for their future and to pay for their own health care needs, the Congress of the United States is urged to enact legislation providing a federal income tax deduction for money deposited into an individual medical account.

"Be it further resolved, That each member of Congress from the State of Colorado give full support to such legislation.

"Be it further resolved, That copies of this Resolution be sent to the President of the United States, to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, to the chairman of the Senate Committee on Finance and the chairman of the Senate Committee on Finance and the chairman of the House Committee on Ways and Means, and to each member of Congress from the State of Colorado."

POM-479. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Finance:

"HOUSE JOINT RESOLUTION 1025

"Whereas, Farmers use about 3 billion gallons of diesel fuel for off-highway use which costs approximately 3.15 billion dollars annually; and

"Whereas, Beginning April 1, 1988, farmers will be required to pay a 15-cent-per-gallon tax on diesel fuel for off-highway use and then apply for a refund for the amount of taxes paid on such fuel; and

"Whereas, This same procedure is scheduled to be applied to commercial aviation and others whereby airlines and others will be required to pay the 15-cent-per-gallon tax at the time of purchase and then apply for a refund; and

"Whereas, The requirement that the tax be paid at the time of purchase will add 3.4 million dollars to Colorado farmers' upfront costs for production, may result in higher interest rates, further exacerbates many farmers' cash flow problems, and adds another paperwork burden on the farmer; and

"Whereas, The taxes collected by the federal government will result in administrative costs to the United States treasury in collecting and then refunding the tax and will be an additional operating expense not only to farmers, but to local governments, the airline industry, and others who pay the tax; and

"Whereas, Congress should pass legislation to change this burdensome and inefficient process; now, therefore,

"Be It Resolved by the House of Representatives of the Fifty-sixth General Assembly of the State of Colorado, the Senate concurring herein:

"That the United States Congress pass legislation prior to April 1, 1988, to provide that the excise tax on diesel fuel for off-highway use by farmers and others be exempt from the excise tax on such fuel at the time of purchase.

"Be It Further Resolved, That copies of this Resolution be transmitted to the Speaker of the House of Representatives and the President of the Senate of the Congress of the United States and to each member of Congress from Colorado."

POM-480. A resolution adopted by the Mayor and City Council of Hialeah, Florida requesting the President and Vice President to receive and acknowledge the Task Force of Cuban American Civic Organizations; to the Committee on Foreign Relations.

POM-481. A joint resolution adopted by the Legislature of the State of Georgia ratifying a proposed amendment to the Constitution relative to compensation for the services of Members of the United States Congress; to the Committee on the Judiciary.

"H.R. No. 282

"Whereas, on September 25, 1789, the Congress of the United States offered to the states for ratification the following proposed amendment to the Constitution of the United States:

"ARTICLE

"Section 1. No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened";

"Whereas, the Congress of the United States, upon proposing that amendment, did not place any time limitation on its final adoption; and

"Whereas, Congressmen recently received substantial pay increases which became effective without a vote of the Congress; and

"Whereas, increases in compensation and benefits to most citizens of the United States are far behind these increases provided to elected Congressmen; and

"Whereas, the above-quoted amendment to the Constitution of the United States has already been ratified by the Legislatures of the following states: Maryland (1789), North Carolina (1789), South Carolina (1790), Delaware (1790), Vermont (1791), Virginia (1791), Ohio (1873), Wyoming (1978), Maine (1983), Colorado (1984), South Dakota (1985), New Hampshire (1985), Arizona (1985), Tennessee (1985), Oklahoma (1985), New Mexico (1986), Indiana (1986), and Utah (1986).

"Now, therefore, be it resolved by the General Assembly of Georgia, That the Legislature of the State of Georgia, pursuant to Article V of the United States Constitution, hereby ratifies an amendment to the Constitution of the United States proposed by resolution of the First Congress of the United States in New York, New York, on September 25, 1789, which amendment reads as follows:

"ARTICLE

"Section 1. No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

"Be it further resolved, That copies of this resolution shall be prepared and forwarded to the President of the United States Senate, the Speaker of the United States House of Representatives, and the Administration of General Services of the United States with a request that it be printed in the Congressional Record."

POM-482. A concurrent resolution adopted by the Legislature of the State of Minnesota; to the Committee on Agriculture, Nutrition, and Forestry:

"RESOLUTION 12

"Whereas, substantial quantities of feed grains are held on Minnesota farms under Commodity Credit Corporation's Farmer-Owned Reserve program; and

"Whereas, farmers who hold Farmer-Owned Reserve grains provide storage at a per-bushel cost far lower than that paid for commercial grain storage; and

"Whereas, ample on-farm storage capacity is currently available for storage of Farmer-Owned Reserve grain; and

"Whereas, many farmers depend on Farmer-Owned Reserve storage payments to bolster a meager farm income during times of economic stress; and

"Whereas, farmers holding Farmer-Owned Reserve grains are entirely capable of maintaining the grain in excellent condition; and

"Whereas, America's national security is better served by having Farmer-Owned Reserve grains held on a large number of farms disbursed throughout the countryside rather than concentrated in the facilities of multinational grain companies; and

"Whereas, Minnesota farms consume significant amounts of diesel fuel; and

"Whereas, Minnesota farmers require a high proportion of their diesel fuel during periods corresponding to periods of high cash demands; and

"Whereas, a concentrated high farm cash demand tends to promote high short term indebtedness and may cause a negative farm cash flow; and

"Whereas, the security of Minnesota's farmers may be jeopardized by increased cash and record keeping demands;

"Now, therefore, be it resolved by the Legislature of the State of Minnesota, That the President of the United States immediately direct the Commissioner of Agriculture to maximize on-farm storage of Farmer-Owned Reserve grain stocks, and to establish a reserve grain storage payment structure that compensates farmers and commercial warehouses equally for their services.

"Be it further resolved, That the Congress of the United States should immediately enact legislation prohibiting the Department of the Treasury from collecting exempt fuel taxes from farm diesel fuel consumers whether or not those taxes may later be refunded.

"Be it further resolved, That the Secretary of State of the State of Minnesota is directed to transmit certified copies of this memorial to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the United States Senate, the Chairman of the Committee on Agriculture of the United States House of Representatives, the Minnesota Representatives and Senators in Congress, the Secretary of the United States Treasury, and the United States Secretary of Agriculture."

POM-483. A concurrent resolution adopted by the Legislature of the State of Minnesota; to the Committee on Commerce, Science, and Transportation:

"RESOLUTION 13

"Whereas, five million Americans now experience a level of noise at home from aircraft operations that is greater than the maximum level identified by the Federal Aviation Administration as compatible with residential use; and

"Whereas, this level of noise constitutes severe environmental pollution and an intolerable, real, and present reduction in human welfare, exacting a debilitating daily cost from individuals and families, vital human services, and whole neighborhoods and communities; and

"Whereas, effective action by local authorities to reduce noise from aircraft is constrained by federal law and existing local land use; and

"Whereas, quieter, Stage 3 aircraft are available for use, accomplish an 83 percent reduction in loudness as compared to State 1 aircraft, are recognized as the best available noise suppressing technology for the foreseeable future, and have been shown to be the most effective and least disruptive method of reducing airport noise; and

"Whereas, 70 percent of the United States air carrier fleet still does not meet Stage 3 standards issued by the Federal Aviation Administration a decade ago; and

"Whereas, the current federal fleet forecast indicates that at expected replacement rates, absent additional incentives that at expected replacement rates, absent additional incentives that would accelerate modernization, Stage 3 aircraft will not constitute even half of the United States fleet for a decade, will not surpass 75 percent of the fleet until the turn of the next century, and will not replace noisier aircraft for a quarter century, with the result that fully three-quarters of the land area severely affected by aircraft noise in 1985 will remain so for a decade into the future, one-half for two decades; and

"Whereas, a federal requirement to upgrade the United States fleet with quieter aircraft has been shown to be an effective and reasonable method of accelerating fleet modernization, inasmuch as the federal ban on Stage 1 aircraft promulgated in 1976 has significantly affected the rate of introduction of quieter aircraft and reduced the resultant levels of noise experienced in affected areas; and

"Whereas, federal projections show that a year 1995 ban on Stage 2 aircraft would be an effective method of accelerating fleet modernization and reducing airport noise, so dramatically advancing the introduction of Stage 3 aircraft as to effect a reduction in severely affected land area in 1995 from 80 percent of 1985 levels to 30 percent of 1985 levels, and an even greater reduction in the number of severely affected people; and

"Whereas, an operating ban on louder Stage 2 aircraft is proposed and under active consideration in most western nations, including the European Economic Community, with the result that, as other governments and regions of the world limit the use of Stage 2 aircraft and smaller United States carriers purchase outmoded aircraft dumped from abroad, the flow of loud, used aircraft into the United States fleet is projected to increase;

"Now, therefore, be it resolved by the Legislature of the State of Minnesota, That Congress should speedily enact and the President and the Federal Aviation Administration speedily implement legislation that prohibits the addition of any Stage 2 aircraft into the United States fleet after January 1, 1989, and prohibits any Stage 2 aircraft from operating in or to the United States after January 1, 1995.

"Be it further resolved, That the Secretary of State of Minnesota shall transmit enrolled copies of this memorial to the President of the United States, the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives and to Minnesota's Senators and Representatives in Congress."

POM-484. A concurrent resolution adopted by the Legislature of the State of Minnesota; to the Committee on Finance:

A "RESOLUTION" 14

"Whereas, the United States Congress in Section 10502 of the Omnibus Budget Reconciliation Act of 1987 changed the point of collection of federal diesel fuel excise taxes of 15.1 cents per gallon from the retail level to the wholesale level as of April 1, 1988; and

"Whereas, this change in the federal excise tax law will then require farmers and other off-road diesel fuel users to pay the diesel fuel tax at the time of purchase and then to file with the United States Internal Revenue Service for a refund on a quarterly or annual basis; and

"Whereas, the up-front payment of these taxes by farmers and other off-road diesel fuel users will increase the farmer's annual cost of production, will further inhibit the farmer's cash flow by requiring the need to borrow additional funds for operating expenses, and will have similar effects on other off-road users of diesel fuel; and

"Whereas, the requirement to apply for refunds will require more time of each farmer and other off-road users of diesel fuel and shift the paperwork burden from the government to the farmer and other off-road users of diesel fuel:

"Now, therefore, be it resolved by the Legislature of the State of Minnesota, That it urges the United States Congress to reserve its action on this change in the collection of the federal diesel fuel excise tax to reinstate the same tax exemptions for farmers and other off-road users as previously existed.

Be it further resolved, That the Secretary of State of the State of Minnesota is directed to prepare certified copies of this memorial and present them to the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and to Minnesota's Senators and Representatives in Congress."

POM-485. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTIONS MEMORIALIZING THE U.S. CONGRESS TO RESTORE THE FEDERAL BUDGET CUTS MADE IN ECONOMIC AID TO THE AUTONOMOUS REGION OF THE AZORES AND PORTUGAL FOR THE PRESENT FISCAL YEAR AND SUBSEQUENT FISCAL YEARS

"Whereas, under the agreement between Portugal and the United States of America regarding the concession of military facilities in the Azores, the autonomous region of the Azores has been receiving financial aid for development; and

"Whereas, since 1979, and every year until 1983, the autonomous region of the Azores received the equivalent of 20 million dollars; and subsequently 40 million every year; and

"Whereas, the Archipelago of the Azores is a region in a stage of development with great needs and special handicaps due to its geographical location, the dimension and dispersion of the islands, and other natural conditions; and

"Whereas, due to social and economic difficulties, a very large number of Azoreans emigrated to the United States, establishing large communities with a growing social, political and cultural presence in New England, California and also in Hawaii; and

"Whereas, the reductions in the U.S. Federal budget have resulted in cuts in the financial aid to Portugal, which endangers the specific interests of the Azores. In the fiscal year of 1988 Portugal will receive only 32 million dollars of funds for economic aid, whereas the legitimate expectation, according to the text of the Portugal-USA Agreement in 1983, is 40 million; and

"Whereas, American financial aid, granted in accordance with the Portuguese constitutional provisions which established the autonomous and democratic Government in the Azores has been decisive for the escalation of the development which has been taking place in the Azores in the last ten years; and

"Whereas, continuation of this support is fundamental to consolidate the development of the Archipelago guaranteeing social and political stability in an area of great strategic importance to the West, and particularly to the United States; and

"Whereas, the Federal administration has proposed to Congress a supplement of 400 million dollars in aid to the countries where the U.S. maintains military bases. The Azorean interests can easily be met, provided that the U.S. Congress earmarks the respective allocation of at least 8 million dollars in economic aid to Portugal for the present fiscal year; and

"Whereas, a similar earmarking should be made for the fiscal year of 1989 and subsequent years until the expiration of the 1983 agreement be in the vicinity of 50 million dollars; therefore be it

"Resolved, that the Massachusetts House of Representatives does hereby express its deep concern over the Federal budget cuts made in economic aid to Portugal for the present fiscal year and subsequent fiscal years and requests that such aid be restored by means of an allocation of at least eight million dollars from a proposed supplement of four hundred million dollars in aid to countries where the United States maintains military bases; and be it further

"Resolved, that copies of these resolutions be forwarded by the Clerk of the House of Representatives to the Presiding Officer of each branch of Congress and to the Members thereof from this Commonwealth."

POM-486. A concurrent resolution adopted by the Legislature of the State of Minnesota; to the Committee on Labor and Human Resources:

A RESOLUTION

"Whereas, most Americans receive health care coverage through employment-based health benefits, either as employees, employees' family members, or retirees; and

"Whereas, the great importance of health care coverage for Americans requires regulatory oversight to protect consumers, ensure adequacy of coverage, promote access to coverage, and promote equitable competition; and

"Whereas, the states have long held primary responsibility for overseeing health care coverage, a responsibility they exercise through regulating the business of health plan companies, including health insurance companies and health maintenance organizations; and

"Whereas, the Employee Retirement Income Security Act of 1974, or ERISA, permits the states to regulate the business of health plan companies, but prohibits the states from directly regulating self-insured health plans; and

"Whereas, a large and increasing number of employers self-insure their employee health benefits, and so are not subject to direct oversight by the states for purposes of ensuring adequacy of coverage, promoting access to coverage, and promoting competition; and

"Whereas, inequities detrimental to consumer protection and competition arise in the market for health plans because self-insured health benefits programs are not subject to the states' oversight and standards, unlike health benefits programs that purchase coverage from a health plan company; and

"Whereas, a large and increasing number of Americans receive inadequate or no health care coverage even though they are employed, but ERISA prohibits the states from establishing requirements or tax incentives directly affecting employers that are intended to ensure adequate coverage or promote access to coverage; and

"Whereas, in 1982 the United States Congress amended ERISA to allow Hawaii to continue its Prepaid Health Care Act, which requires most employers in Hawaii to provide health benefits, thereby demonstrating Congressional willingness to grant limited exemptions from ERISA to certain states in order to ensure adequacy of coverage or promote access to coverage; and

"Whereas, the State of Minnesota could better discharge its responsibility for overseeing health care coverage if it were possible to obtain a limited exemption from ERISA allowing the state to establish requirements or tax incentives directly affecting employers that are intended to protect consumers, ensure adequate coverage, promote access to coverage, or promote competition;"

"Now, therefore, be it resolved by the Legislature of the State of Minnesota, That the United States Congress should amend the Employee Retirement Income Security Act of 1974, or ERISA, to establish standards or procedures whereby a state can obtain a limited exemption from the ERISA provisions that prohibit the states from regulating employment-based health benefits directly, so that the state could establish requirements or tax incentives directly affecting employers and employment-based health benefits that are intended to protect consumers, ensure adequate coverage, promote access to coverage, or promote competition.

"Be it further resolved, That such an exemption shall not apply to collectively bargained health and welfare plans without an affirmative action by the Minnesota Legislature.

"Be it further resolved, That the Secretary of State of the State of Minnesota is directed to prepare certified copies of this resolution and present them to the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and to Minnesota's Senators and Representatives in Congress."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRYOR (for himself and Mr. BOREN):

S. 2348. A bill to amend title 31, United States Code, to permit the Comptroller General of the United States to review and decide protests of Federal Government employees relating to converting to contractor performance certain functions performed by such employees; to the Committee on Governmental Affairs.

By Mr. BYRD (for Mr. METZENBAUM (for himself and Mr. GLENN)):

S. 2349. A bill to amend the Middle Atlantic Interstate Forest Fire Protection Compact to include the State of Ohio; to the Committee on the Judiciary.

By Mr. RUDMAN (for himself and Mr. INOUYE):

S. 2350: A bill to clarify the investigatory powers of the United States Senate; to the Committee on Governmental Affairs.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2351. A bill to amend the Internal Revenue Code of 1986 to repeal the capitalization rules for freelance writers, artists, and photographers; to the Committee on Finance.

By Mr. DECONCINI (for himself and Mr. MCCAIN):

S. 2352. A bill to provide for the transfer of certain lands in the State of Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FORD:

S. 2353. A bill to amend the Federal Laboratory Animal Welfare Act to prohibit the selling of stolen dogs and cats, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SPECTER:

S. 2354. A bill to authorize the Secretary of Commerce to make grants to the several States and the private sector in order to encourage joint applied research and development efforts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PRESSLER (for himself and Mr. DASCHLE):

S.J. Res. 310. Joint resolution to designate the day of November 2, 1989, as "South Dakota Celebrates a Century Day"; to the Committee on the Judiciary.

By Mr. PRYOR:

S.J. Res. 311. Joint resolution designating April 29, 1988, as "National Nursing Home Residents' Rights Day"; to the Committee on the Judiciary.

By Mr. D'AMATO:

S.J. Res. 312. Joint resolution designating the week beginning September 18, 1988, as "Emergency Medical Services Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself, Mr. DOLE and Mr. PELL):

S. Res. 425. Resolution to establish a Jacob K. Javits Senate Fellowship program; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for himself and Mr. BOREN):

S. 2348. A bill to amend title 31, United States Code, to permit the Comptroller General of the United States to review and decide protests of Federal Government employees relating to converting to contractor performance certain functions performed by such employees; to the Committee on Governmental Affairs.

CONTRACTING OUT APPEALS REFORM ACT

● Mr. PRYOR. Mr. President, today I am joined by my colleague, Senator BOREN, in introducing the Contracting Out Appeals Reform Act of 1988. This legislation amends the Competition in Contracting Act of 1984 to grant Federal employees whose jobs are being contracted out the same appeal rights that are available to private contractors. The General Accounting Office [GAO] has reviewed this legislation and supports the bill. GAO states in its letter that the bill—

> Is consistent with our goal of providing an impartial forum for the resolution of bid protests to those who have a legitimate economic interest in the outcome of the award process.

The idea for this bill came out of two hearings that I chaired on the Subcommittee on Federal Services, Post Office and Civil Service. The hearings reviewed cases in which cost overruns, waste, and abuse had negated the hoped-for savings from contracting out Government jobs. In some cases, the private contractor seemed to have intentionally set out to undermine the process to increase profits. In others, the A-76 process itself created the problems.

Mr. President, I am all for contracting out when it saves money for the taxpayer and increases Government efficiency. Unfortunately, my investigations show that too often the system allows just the opposite to happen.

These situations have been brought to my attention by Federal contract administrators and employees affected by bad contracts, as well as their representatives in Congress, including Senator BOREN, Senator REID, Senator STEVENS, and Congressman SKELTON, all of whom have discussed the problems in their States before my subcommittee.

Clearly, if contracting out is to work well, then agencies must conduct better oversight of the process. Who better to assist them than the Federal employees most familiar with the jobs that are to be contracted out?

Today, however, when these employees observe an improperly written contract, they can only appeal a contracting out decision within their own agency.

On the other hand, private contractors who believe a contract was unfairly competed can take their case directly to an independent adjudicatory body at the General Accounting Office

[GAO] for resolution. The Competition in Contracting Act, which established the appeal process, recognized the value of allowing contractors to police the procurement system.

Opponents of giving Federal employees these appeals rights say that going to GAO would slow down the contracting out process. They also claim that the current in-house appeals route is more than adequate.

I disagree with both statements.

Employee bid protests can take years to resolve. A bid protest initiated by Federal employees at Blytheville Air Force Base took over 4 years to resolve. According to the GAO, the average time to resolve a contractor's bid protest is 32 days.

A 1986 Military Law Review article by a U.S. Marine attorney compared the procedures available to employees to contractor appeals to the GAO. He concluded that:

> Unlike labor arbitrators and the FLRA, the GAO possesses the expertise, experience, and procedural capability to resolve A-76 appeals in a manner that is timely, responsive to sound procurement principles and the interests of all affected parties . . .

My legislation will simply give Federal employees the same bid protest route that contractors currently enjoy.

Mr. President, the bill I am presenting to the Senate today is about justice. It is about preventing fraud and cost overruns. It is about harnessing the true potential of contracting out to save money and increase efficiency.

I hope that all of my colleagues will join me in supporting this initiative.

Mr. President, I ask unanimous consent that the text of this bill be printed with my statement.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Contracting Out Appeals Reform Act of 1988".

SEC. 2. APPLICABILITY OF GAO PROCUREMENT PROTEST SYSTEM TO CONVERSION TO CONTRACTOR PERFORMANCE OF FEDERAL GOVERNMENT FUNCTIONS.

(a) Definition of "Protest".—Section 3551(1) of title 31, United States Code, is amended to read as follows:

"(1) 'protest'—

"(A) means a written objection by an interested party to a solicitation by a Federal agency for bids or proposals for a proposed contract for the procurement of property or services or a written objection by an interested party to a proposed award or the award of such a contract; and

"(B) in the case of a contract awarded or proposed to be awarded for the purpose of converting from performance of any commercial activity by employees of the Federal Government to contractor performance of such commercial activity, may include an objection that a relevant performance work statement is inaccurate or incomplete;".

(b) Definition of "Interested Party".—Section 3551(2) of title 31, United States Code, is amended to read as follows:

"(2) 'interested party', with respect to a contract or proposed contract described in paragraph (1), means—

"(A) an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

"(B) in the case of a contract referred to in paragraph (1)(B)—

"(i) any representative of a majority of the employees referred to in such paragraph, determined as provided in regulations issued by the Comptroller General; and

"(ii) any labor organization accorded, under section 7111 of title 5, exclusive recognition to represent an appropriate unit (determined under section 7112 of such title) that includes such employees;".

(c) Definition of "Regulation".—Section 3551 of title 31, United States Code, is amended—

(1) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(2) by adding at the end the following new paragraph:

"(4) 'regulation' includes Office of Management and Budget Circular A-76 and any other order or directive issued by the President, the Director of the Office of Management and Budget, or the head of a Federal agency that sets out requirements for converting from performance of any commercial activity by employees of the Federal Government to contractor performance of such commercial activity.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall take effect with respect to contract solicitations issued on or after the date of the enactment of this Act.●

By Mr. BYRD (for Mr. Metzenbaum, for himself and Mr. Glenn):

S. 2349. A bill to amend the Middle Atlantic Interstate Forest Fire Protection Compact to include the State of Ohio; to the Committee on the Judiciary.

INCLUSION OF OHIO IN THE MIDDLE ATLANTIC INTERSTATE FOREST FIRE PROTECTION COMPACT

● Mr. METZENBAUM. Mr. President, today I am introducing legislation to amend the Middle Atlantic Interstate Forest Fire Protection Compact to include the State of Ohio. This compact, established in 1956, authorizes a number of continguous States to pledge mutual assistance in fighting forest fire. The compact currently includes the States of Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia.

These States have invited Ohio to join the Middle Atlantic compact, and Ohio has accepted. This legislation is necessary to formally recognize Ohio's membership.

The State of Ohio takes great pride in its vast and beautiful network of forests. In addition to the Wayne National Forest located in southeastern Ohio, numerous State and private tracts constitute a far-reaching forest system.

These lands represent an extremely important resource to Ohioans, sustaining numerous jobs and providing essential wildlife habitat. More importantly, the forests provide a variety of recreational opportunities for millions of Ohioans.

By joining this compact, the State of Ohio is making an important commitment to the protection of its forests. Ohio will receive fire-fighting assistance from neighboring States, and will provide assistance to those States when needed. By pooling their resources, these States can more effectively manage this most uncontrollable force of nature, the forest fire.

I urge the prompt consideration and passage of this measure.●

● Mr. GLENN. Mr. President, I am pleased to join my colleague from Ohio, Senator Metzenbaum, in introducing legislation to include Ohio in the Middle Atlantic Forest Fire Protection Compact. The purpose of this compact is to provide for regional cooperation and coordination in fighting forest fires. Congress recognized the need for a broad based regional response to forest fires when it established the compact in 1956; there are now six member States in the compact who have pledged their mutual support in this effort.

Earlier this year, the Ohio General Assembly enacted a bill authorizing Ohio's participation in the compact; however, Federal enabling legislation is needed for Ohio to be formally included. As a member, Ohio would contribute its resources to assist member States in responding to a forest fire emergency and would also have access to resources of other member States when needed.

The Wayne National Forest, located in southeastern Ohio is one of my State's most valuable natural resources—providing a variety of recreational opportunities, diverse wildlife habitat, and natural areas for nationally significant research. In addition, Ohio is also a leader in the forest products industry which provides significant annual income to the State.

Membership in the compact is important in promoting effective prevention and control of forest fires. I urge my colleagues to support this measure.●

By Mr. RUDMAN (for himself and Mr. Inouye):

S. 2350. A bill to clarify the investigatory powers of the U.S. Senate; to the Committee on Governmental Affairs.

INVESTIGATORY POWERS OF THE U.S. SENATE

● Mr. RUDMAN. Mr. President, on behalf of myself and Senator Inouye, I am today introducing legislation designed to clarify the authority of the Senate in conducting future investigations. This bill is designed to address two problems the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, commonly known as the Iran-Contra Committee, ran into during the course of its investigation. Although the Iran-Contra investigation is concluded, enactment of this bill is necessary to ensure that standing committees of the Senate, as well as any special committees created in the future, do not run into the same difficulties.

The first difficulty relates to the use of the Senate's existing statutory authority to seek expeditious civil enforcement of subpoenas. This authority, codified in 28 U.S.C. 1364(a), permits the Senate to seek a Federal court order incarcerating an individual for civil contempt of Congress for failure to comply with a subpoena. However, it does not apply to "any subpoena or order issued to an officer or employee of the Federal Government acting within his official capacity." The legislative history clearly indicates that the purpose of this exception was to ensure that the courts would not become the forum for adjudicating disputes between the Congress and the President over assertions of executive privilege by virtue of this civil contempt process. Maybe more important to the executive branch, the exception ensures that a Federal official will not sit in jail for obeying a Presidential order while the President and Congress are arguing over executive privilege. This exception to the Senate's civil contempt authority is proper, and I support it.

Unfortunately, the language is ambiguous. The exception clause can be read to permit a Federal employee, acting on his own, to challenge the civil contempt process on the grounds that he was acting within his official capacity, even when the President asserted no such claim or had no objection to him testifying. This ambiguity in the statute was one of the factors which went into the decision, last June, to work out an arrangement with Colonel North over his testimony before Congress rather than attempting to secure judicial enforcement of the subpoena. The amendment proposed by our bill would simply require that an official, to invoke the exception, be required to have written authority from the President to invoke a claim on behalf of the President.

The second provision of the bill relates to the applicability of immunity orders to congressional depositions. Counsel for several witnesses in the Iran-Contra investigation argued that the immunity orders applied only to appearances before congressional committees. This argument was based on the fact that the congressional immunity statute applies only to, proceedings before committees, while the comparable statute for judicial immunity applies to proceedings before or ancillary to court or grand jury appearances. Although this problem was not insurmountable for the Iran-Contra Committees, it was a nuisance we could have done without.

Ironically, the phrase "ancillary to" in the current judicial immunity statute, which was enacted as part of the Omnibus Crime Control Act of 1970, was included at the insistence of the Department of Justice. Although Senator McClellan expressed the view that the phrase was unnecessary, he agreed to add it for clarity's sake. Our proposal would simply add the phrase "or ancillary to" to the congressional immunity statute.

Mr. President, I ask unanimous consent that a copy of the bill be placed in the RECORD. In addition, I ask unanimous consent that a copy of a letter from Michael Davidson, Senate legal counsel, to Senator INOUYE on this subject and recommendation 20 of the Iran-Contra report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2350

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SEC. 1. Subsection (a) of section 1364 of title 28, United States Code, under the heading "Senate actions", is amended by inserting after "his official capacity" the following: "if the President, in writing, has directed the officer or employee to assert a privilege of the President under the Constitution".

SEC. 2. (a) Subsection (a) of section 6005 of title 18, United States Code, is amended by inserting after "any proceeding before" the following: "or ancillary to".

(b)(1) Paragraph (1) of subsection (b) of section 6005 of title 18, United States Code, is amended by inserting after "any proceeding before" the following: "or ancillary to."

(2) Paragraph (2) of subsection (b) of section 6005 of title 18, United States Code, is amended by inserting after "any proceeding before" the following: "or ancillary to".

U.S. SENATE,
OFFICE OF SENATE LEGAL COUNSEL,
Washington, DC, October 9, 1987.

Hon. DANIEL K. INOUYE,
Chairman, Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for requesting my views on whether any legislation might assist Senate committees in conducting future investigations.

1. *Civil Enforcement of Subpoenas to Executive Officials:*

During its hearings your committee had occasion to consider whether an expeditious civil enforcement mechanism is available when a federal official refuses to testify or produce records for a reason other than an assertion of executive privilege on the President's behalf.

The law on civil enforcement of Senate subpoenas does not apply to "any subpena or order issued to an officer or employee of the Federal Government acting within his official capacity." 28 U.SC. § 1364(a). The history of the statute indicates that executive officials were excluded from its coverage after the Department of Justice objected to vesting in the courts the power to adjudicate disputes between the Congress and the President about executive privilege. *Executive Privilege—Secrecy in Government: Hearings Before the Subcomm. on Intergovernmental Relations of the Senate Comm. on Governmental Operations,* 94th Cong., 1st Sess. 116-20 (1975) (statement of Assistant Attorney General Scalia).

Your committee's experience shows that there may be subpoena enforcement issues with an executive official which involve personal claims, relating principally to the possible indictment of the official, rather than assertions of executive privilege on behalf of the President. An amendment which limits the federal officer exception to authorized assertions of executive privilege would restrict the exception to its original purposes of not submitting to judicial resolution political disputes between the Congress and the President. This could be achieved by an amendment to 28 U.S.C. § 1364(a) which adds the underlined material: "This section shall not apply to an action to enforce . . . any subpena or order issued to an office or employee of the Federal Government acting within his official capacity *if the President has authorized in writing the officer or employee to assert a privilege of the President under the Constitution."*

2. *Applicability of Immunity Orders to Congressional Depositions:*

Several of the committee's witnesses, who refused to testify unless immunized, objected to testifying at depositions conducted by committee counsel without the presence of members. 18 U.S.C. § 6003, on immunity for witnesses in judicial proceedings, is applicable to witnesses "before or ancillary to" a court or grand jury. 18 U.S.C. § 6005, on immunity for witnesses in congressional proceedings, is applicable to witnesses "before" congressional committees; the words "ancillary to" do not appear in section 6005. Based on this difference between the two sections, the objecting witnesses contended that the Congress had not provided for immunity at congressional depositions.

The current immunity statute was enacted as part of the Omnibus Crime Control Act of 1970. The phrase "ancillary to" was included in the judicial proceedings section at the request of the Department of Justice to be sure that a related false statement statute applied to pretrial depositions. Senator McClellan expressed the opinion that pretrial depositions were already covered but that he had agreed to add the phrase "ancillary to" to be sure "that this intent would be adequately expressed." *Measures Relating to Organized Crime: Hearings Before the Subcomm. on Criminal Laws and Procedures of the Senate Comm. on the Judiciary,* 91st Cong., 1st Sess. 409 (1969) (letter from Senator McClellan to Assistant Attorney General Wilson).

Staff conducted depositions are useful in assisting committees in determining whether to hear immunized witnesses at public hearings, and in preparing for any public testimony which committees decide to hear. An amendment to 18 U.S.C. § 6005 which adds the phrase "or ancillary to" after the word "before" would enable, but not require, committees to utilize staff depositions for immunized witnesses. The amendment would assure that congressional investigators have the tools which are available in a judicial setting to obtain evidence through depositions. Although the objections of the immunized witnesses to depositions may have been ill-founded, an amendment would clarify the matter for future investigations.

Thank you for the opportunity to present these recommendations to the committee.

Sincerely,

MICHAEL DAVIDSON.

REPORT OF THE CONGRESSIONAL COMMITTEES INVESTIGATING THE IRAN-CONTRA AFFAIR (S. REPT. 100-216, H. REPT. 100-433), CHAPTER 28, P. 426, RECOMMENDATION NO. 20

20. REVIEW OF CONGRESSIONAL CONTEMPT STATUTES

The Committees recommend that the Congressional contempt statutes be reviewed by the appropriate Committees.

There is a need, in Congressional investigations, for a swift and sure method of compelling compliance with Congressional orders for production of documents and the obtaining of testimony. These investigations raised questions about the adequacy of existing statutes.

In addition, new legislation should make clear that a Congressional deposition, including one conducted by staff, is a "proceeding" at which testimony may be compelled under the immunity statute, 18 U.S.C. Section 6001 *et. seq.*●

● Mr. INOUYE. Mr. President, I am pleased to join my distinguished colleague and vice chairman, Senator RUDMAN, in introducing legislation to implement recommendation No. 20 of the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition. This recommendation addresses two ambiguities in the law which hindered our committee's ability to obtain evidence from key witnesses. The first deals with the Senate's authority to pursue civil action against individuals who ignore congressional subpoenas: it clarifies what is meant by "official capacity" in instances where executive branch employees claim that they are immune from imprisonment because they were acting on behalf of the President. The second ambiguity concerns the extent to which depositions before committees are covered by immunity orders: our bill clarifies that they are by replacing the word "before" with "before or ancillary to" in section 6005 of title 18, United States Code.

Mr. President, I trust that our colleagues will agree with our assessment that these proposed changes are prudent and necessary. I commend this bill to the Senate and urge its passage.●

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2351. A bill to amend the Internal Revenue Code of 1986 to repeal the capitalization rules for freelance writers, artists, and photographers; to the Committee on Finance.

REPEAL OF CAPITALIZATION RULES FOR CERTAIN ARTISTS

Mr. DOMENICI. Mr. President, I rise today to introduce legislation that will amend the Internal Revenue Code of 1986 to repeal the uniform capitalization rules for freelance artists, sculptors, writers, and photographers.

Section 263A of the Tax Code has imposed a tremendous hardship on the artists and writers in this country. Under the 1986 law only after a project begins to generate income in a given year may they deduct a percentage of the expenses, based upon an estimate of how much income the work will generate, and for how long. If an artist or writer is diligent and tries to comply with the new law he or she is required to keep painstakingly meticulous records replete with detail. He is required to make estimates and guesstimates of how successful a particular work will be. All this paperwork and crystal ball forecasting gives the IRS a host of subjective assumptions and best-guesses that can later be challenged in an audit.

The more I learn about these so-called uniform capitalization rules, the more I am convinced the results will be anything but uniform. Uniform capitalization rules for the artistic community is an oxymoron we can do without in our Tax Code.

I believe our tax laws should meet three tests: They should be workable. They should be understandable. And they should also be as unobtrusive as possible into the daily lives of the American taxpayers. The uniform capitalization rules as they apply to artists and writers get an "F" on all three tests.

Mr. President, this new approach in the law is disastrous to writers and artists for a number of reasons. I would like to take this time to share a few of them with you.

As I understand it, there are 61,000 professional writers and 20,000 professional photographers and a similar number of artists who work as free lances. The present law turns each of them into accountants. This new law demands that they capitalize expenses over the income-producing life of what are often elusive products. They are expected to allocate each phone call, rent check, or secretarial fee among the various projects that he or she may be involved in at a given time.

I would like to give you an idea of what this rule will mean for the thousands of artists in this country. My State of New Mexico is the home for a significant number of these very creative people. Few of my colleagues may know this, but Santa Fe is the third largest art market in the United States second only to New York City and Los Angeles.

I have heard from many artists and writers who are my constituents. It happens that many artists and writers live in Santa Fe and surrounding areas. They have found this an environment they like for their creative skills. So, obviously, from my State's standpoint and from my standpoint as a Senator—although one might not normally think of New Mexico in this light—this tax rule is a very serious problem.

As a result of this new law, painters will be required to record and substantiate production costs for all sketches and studies for each work. If the artist chooses to work on several different pieces at one time, he will be required to keep separate records for each.

This includes canvas, paper, tape, tacks, and the amount of size and primer used to prepare the support, the amount of paint used—there are over 70 different colors of paint and depending on the manufacturer, there are 8-10 price groups, solvents, oils, charcoal, crayons, pencils and erasers.

In addition, the artist must keep records of the cost of mounting and framing, the cost of travel to and from the framemaker, picture wire, glass cleaner, framing tools and packing and shipping costs.

These are just the production costs.

There are also promotional fees to consider. Artists frequently must promote their work on their own, therefore, they must keep records of advertising costs, catalogs, travels costs, and dealer commissions.

The law is even more unkind to our Nation's sculptors because their supplies are more expensive. Many will no longer work because they will not be able to afford the initial foundry costs for casting new pieces.

What this law fails to take into account is that much of an artist's work involves a tremendous amount of experimentation, mistakes and failures. Current tax law would require artists to add these unique costs to their general overhead—keeping separate records for each piece of work whether it is completed or not.

I think that we can safely assume that issues of expense allocation will lead to disputes between artists and the IRS because there is no right way to make such allocations. In effect, we are asking our country's artists to make a choice between long hours spent cataloging expenses, meeting with their accountants, and the IRS or earning a living at their chosen profession.

That is an unfair choice to have to have.

The artists in this country are simply asking for a set of rules that are workable. They are not asking that we go back and undo tax reform. They are not even asking that their problem be reconsidered. They are really asking that their situation be given a first look. During the 66 days of hearings on the Tax Reform Act of 1986 the issue of the artistic community and the tax treatment of their overhead expenses was not brought up, discussed or otherwise evaluated. They were included under the uniform capitalization rules as an afterthought in a so-called footnote to the conference report on the bill.

As a result of tax reform, the artists, sculptors, writers and photographers were put in the same category as manufacturers and anyone else who has overhead expenses. On the surface that makes some sense under the theory that taxpayers with the same tax circumstances and types of deductions should be treated the same.

However, the Tax Reform Act of 1986 was not internally consistent because it exempted the small manufacturer and retailer with sales of less than $10 million.

Artists and writers are not like manufacturers and that is the fatal flaw to the Tax Act's rationale. The artist's job and resources are much different than that of a manufacturer. A manufacturing business generally prepares annual financial statements, reports to shareholders and investors, and reports to lenders. Manufacturers' income falls into predictable patterns. The length of time needed to complete a manuscript or sculpture is much longer than the time to manufacture most goods. Innumerable authors have needed 6 to 10 years to finish a manuscript.

Consequently, the rules are far more burdensome to the writer and the artist.

It is not as easy for an artist to forecast allocations of expenses. The uniform capitalization rules are much easier for businesses to adjust to as they are similar to the rules that they have lived with for many years. Authors, artists, and photographers had no similar accounting rules under previous law.

Creating a work of art is not like manufacturing a product. Manufacturers buy a set volume of materials to create a product that sells. Artists may work for many years to perfect one piece of art, which may or may not sell.

Mr. President, how do you prorate the value of a tube of paint? Or a brush, pencil, paper, canvas, and staples? How can an artist be expected to figure out just exactly how many paintings one brush can paint before it wears out? Or, how many squeezes of paint are in a tube? To complicate matters further, many artists work on more than one piece at one time, and Congress is asking this group to sort these costs that go into a work of art, a work that may take 10 years to sell, if it ever sells.

This provision is no kinder to authors. Particularly those who are at the beginning of their career. Application of this law would be disastrous to them. Many authors pass through one or more of the early years of a project without income. Not all authors are novelists—many write text books and technical pieces. How does the Congress expect these writers to determine the earning life of these works? Authors who anticipate a long shelf life for a work, or whose book takes many years to complete, or both, may have to wait several decades to gain the full deduction for extensive early year expenditures.

This provision prevents freelance authors from deducting their book-writing expenses during the years in which those costs were incurred. Only if the project produces income in a given year may the author deduct a percentage of the expenses.

Freelance authors have it even worse. They are subject to the "Hobby Rule" which requires an overall profit in 3 to 5 years in order to qualify for any deductions at all.

Senator Moynihan and Senator Bradley have worked very hard to bring the problem of the writers to the attention of the Senate, and I am looking forward to working with them to correct this problem, not only for the writers, but for the artists and sculptors.

I would urge my colleagues to join us in working to remove this onerous tax provision.

Mr. President, I ask unanimous consent that a copy of this bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CAPITALIZATION RULES NOT TO APPLY TO CERTAIN ARTISTS.

(a) In General.—Section 263A is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) Exemption for Free Lance Authors, Artists, and Photographers.—

"(1) In general.—Nothing in this section shall require the capitalization of any qualified artistic work expense.

"(2) Qualified artistic work expense.—For purposes of this subsection, the term 'qualified artistic work expense' means any expense—

"(A) which is paid or incurred by an individual in the trade or business of such individual (other than as an employee) of being a writer, artist or photographer, and

"(B) which, without regard to this section, would be allowable as a deduction for the taxable year.

Such term does not include any expense related to printing, photographic plates, motion picture films, video tapes, or similar items.

"(3) Definitions.—For purposes of this subsection—

"(A) Writer.—The term 'writer' means an individual if the personal efforts of such individual create (or may reasonably be expected to create) a literary manuscript or a musical or dance score.

"(B) Artist.—The term 'artist' means any individual if the personal efforts of such individual create (or may reasonably be expected to create) a painting, sculpture, or other similar artistic composition.

"(C) Photographer.—The term 'photographer' means any individual if the personal efforts of such individual create (or may be reasonably expected to create) a photograph or photographic negative or transparency.

"(D) Treatment of certain personal service corporations.—

"(i) In general.—In the case of a personal service corporation, this subsection shall apply to any expense of such corporation which directly relates to the activities of the qualified employee-owner in the same manner as if such expense were incurred by such employee-owner.

"(ii) Qualified employee-owner.—the term 'qualified employee-owner' means any individual who is an employee-owner of the personal service corporation and who is a writer, artist, or photographer, but only if substantially all of the stock of such corporation is owned by such individual and members of his family (as defined in section 267(c)(4)).

"(iii) Personal service corporation.—For purposes of this subparagraph, the term 'personal service corporation' means any personal service corporation (as defined in section 269A(b))."

(b) Effective Date.—

(1) In general.—The amendments made by this section shall take effect as if included in the amendments made by section 803 of the Tax Reform Act of 1986.

(2) Rules to apply for section 280.—The rules of subsection (h) of section 263A of the Internal Revenue Code of 1986 (as added by subsection (b)) shall also apply for purposes of section 280 of the Internal Revenue Code of 1954 (as in effect before its repeal by the Tax Reform Act of 1986).

By Mr. DeCONCINI (for himself and Mr. McCain):

S. 2352. A bill to provide for the transfer of certain lands in the State of Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

TRANSFER OF CERTAIN LANDS IN ARIZONA

● Mr. DeCONCINI. Mr. President, along with my colleague from Arizona, [Mr. McCain] I have the privilege today to introduce legislation which, through some very creative land exchanges, will provide significant benefits to the State of Arizona and the Federal Government.

The Santa Rita Public Lands Exchange Act of 1988 authorizes a series of Federal and State and land trades and revokes secretarial orders and withdrawals on certain Bureau of Land Management lands. The bill authorizes the Secretary of the Interior to transfer approximately 50,811 acres of Bureau of Land Management lands comprising the Santa Rita Experiment Station, near Tucson, AZ, to the State of Arizona. This land will be used to repay Federal debt to the State of Arizona for lands taken to build the central Arizona project. It will also be used to acquire approximately 5,000 acres of State trust land within Catalina State Park for the U.S. Forest Service; approximately 58,000 acres of State trust lands within the Black Canyon Corridor for the Bureau of

Land Management; approximately 82,000 acres of State trust lands within the Buenos Aires National Wildlife Refuge for the Fish and Wildlife Service; and approximately 1,500 acres of State trust lands at Arivaca Lake for the U.S. Forest Service. The bill also adds approximately 16,520 acres of BLM lands into the Kofa National Wildlife Refuge and another 82,000 acres of BLM lands within the Tinajas Atlas to the Cabeza Prieta National Wildlife Refuge. The Fish and Wildlife Service, under the terms of the legislation, will transfer to the BLM approximately 40,000 acres of lands presently a part of the Kofa National Wildlife Refuge. Some of these lands will be used for an energy and power right-of-way corridor; the remainder will be added to the New Water Mountains Wilderness Study Area which is to be designated as wilderness under the bill.

Mr. President, as you can tell, this legislation is multifaceted and affects many of our public land agencies. It is, in my view, one of the most unique and beneficial ways to resolve land disputes and resource conflicts as well as streamline agency jurisdiction. Three individuals in the State of Arizona worked long and hard to develop this series of land exchanges. Mr. Dean Bibles, the Arizona State Director of the BLM, Mr. Jean Hassle, the Arizona State Land Commissioner, and Mr. Mike Spear, Southwest Regional Director of the U.S. Fish and Wildlife Service, are to be commended for their initiative, skill, and dedication to resolving some very complicated land transactions. Without the tireless efforts of these three individuals, this legislation would not be possible.

In order to provide some background as to why these exchanges are necessary, Mr. President, I would like to take this opportunity to explain the situation in Arizona. The State trust lands which include those lands within Catalina State Park and the Buenos Aires National Wildlife Refuge which will be transferred to the Federal Government, are required under Arizona's Constitution, to be put to the highest and best use. The proceeds from the use of the State trust lands benefit the State's school system. Because of the strict interpretation of the Arizona Constitution, there is no opportunity to make exceptions. Commercial development in the area of Catalina State Park is substantial. As a consequence, the lease payments to the State trust from the Arizona State Parks Department were raised to reflect fair market value in the surrounding area. As you can imagine, the payments the State parks board would have to pay for use of the land as a park are prohibitive. In order to protect this very unique and valuable recreation facility, the community residents made an appeal to the State land department and the Bureau of Land Management to develop some type of land trade which would place the park in Federal ownership, thereby avoiding any potential for future development of the area.

The problem confronting Catalina State Park is pretty much the same for the Buenos Aires National Wildlife Refuge. Lease payments due the State for the 80,000 plus acres of State Trust land within the Buenos Aires will increase to $400,000 per year—an amount which the Fish and Wildlife Service cannot afford to pay on a yearly basis. The legislation eliminates this expense to the Fish and Wildlife Service by acquisition of the State Lands.

This legislation, however, is not without controversy. The provision in the bill transferring about 40,000 acres of Fish and Wildlife Service land to the Bureau of Land Management is opposed by some environmental organizations. The transfer, however, is necessary to allow construction of a 500 kv power line. By transferring the land to the BLM—the agency which authorizes rights-of-ways on public lands—we will eliminate any concerns about the location of a power line within a wildlife refuge. In order to insure the proper management of the lands being transferred from the Fish and Wildlife Service to the BLM, we have included language in the bill which restricts secretarial management of the area. For example, under section 7 of the legislation, the Secretary is directed to manage those lands in a manner which will protect, enhance and conserve the bighorn sheep population as well as other wildlife and plant species.

Furthermore, all lands within the Kofa National Wildlife Refuge and the lands transferred to the BLM will be withdrawn from all forms of mineral entry under section 9 of the bill. Three BLM wilderness study areas, adjacent to the Kofa National Wildlife Refuge, will be added to the Kofa under section 9(a).

The New Water Mountains Wilderness Study Area, recommended for wilderness designation by BLM in its wilderness study review, will be added to the Federal wilderness system under section 8 of the bill.

There are also concerns about access to and use of lands now under BLM management in the Tinajas Atlas. It is my understanding, Mr. President, that any hunting presently allowed in the Tinajas Atlas will continue when the lands are transferred to the Fish and Wildlife Service. This issue will be aired fully during the hearings on the legislation.

Mr. President, this is a very comprehensive and well-thought out piece of legislation which has tremendous benefits for public lands in the State of Arizona. It is my hope that the Energy and Natural Resources Committee will take expedited and favorable action on the legislation so that we can see enactment this year. Before I conclude my remarks, I want to once again recognize the extraordinary work and contributions of Dean Bibles, Jean Hassle, and Mike Spear. They are very capable public officials whom we are proud to have serving Arizona.

Mr. President, I ask unanimous consent that the full text of the bill appear in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Santa Rita Public Lands Exchange Act of 1988".

SEC. 2. AUTHORIZATION FOR EXCHANGE.

The Secretary of the Interior, acting through the Bureau of Land Management shall transfer to, or exchange with, the State of Arizona all of the lands in the Santa Rita Experiment Station lying outside of the national forest system, comprising approximately 50,810.94 acres.

SEC. 3. ACQUISITION OF LANDS.

To the extent possible, the lands described in section 2 shall be used by the Secretary—

(1) to satisfy the remaining Federal debt to the State of Arizona for relinquishments of land for the Central Arizona Project under the provisions of the Act of June 20, 1910; and

(2) except as provided in section 1, to acquire Catalina State Park, and other State land near Lake Pleasant, within the Black Canyon Corridor, within the Buenos Aires NWR, in the Madera-Elephant Head Trail area and in the Arivaca Lake area in accordance with the exchange provisions of the Federal Land Policy and Management of 1976.

Notwithstanding any other provision of law, any lands exchanged by the Secretary pursuant to clause (1) shall be approximately equivalent in value.

SEC. 4. ADDITION TO THE CORONADO NATIONAL FOREST.

(a) INCLUSION IN NATIONAL FOREST SYSTEM.—Those lands in the Catalina State Park and Madera-Elephant Head Trail area that are acquired in accordance with this Act, shall be included in the National Forest System on the date of acquisition by the United States. The Catalina State Park lands shall be managed cooperatively with the Arizona State Parks Department under the authorities of the National Forest System.

(b) LANDS EXEMPT FROM FURTHER PLANNING.—The lands described in this section shall be exempt from any further planning requirements of the 1976 National Forest Management Act until the 1986 Coronado Forest Plan is revised. At that time, future management direction for these lands will be determined as part of planning for the entire National Forest.

SEC. 5. REVOCATION OF SANTA RITA RANGE EXECUTIVE AND PUBLIC LAND ORDERS.

(a) REVOCATION.—Notwithstanding any other provision of law, in order to facilitate the transfer of certain Federal lands, Executive Order 1222 dated July 1, 1910, and Public Land Order 1363 dated November 14, 1956, which withdrew the Santa Rita Experimental Range for a Forest and Range Experiment station, are hereby revoked in their entirety.

(b) EFFECTIVE DATE.—The effective date of the revocation made by this section shall be—

(1) the date of enactment of this Act for those lands lying within the National Forest System; and

(2) the date of transfer or patent to the State of Arizona for those lands lying outside of the National Forest System.

SEC. 6. WITHDRAWAL FOR ADMINISTRATIVE SITE.

(a) WITHDRAWAL.—The following described lands lying within the Coronado National Forest are hereby withdrawn from all forms of entry under the public land laws, including the Mining Law of 1872, but not the mineral leasing laws, for use as a Forest and Range Experiment Station administrative headquarters site:

All of sec. 19, the SW¼NW¼, and W½SW¼ of sec. 20, the N½NE¼ of sec. 30; all in T. 19 S., R. 15 E., G&SRM; containing approximately 751.04 acres.

(b) REVOCATION OF ORDER.—Notwithstanding any other provision of law, in order to facilitate the administration of the Federal lands described in subsection (a), Public Land Order 1080, dated February 28, 1955, which withdrew lands for forest administrative sites, is hereby revoked as it relates to sec. 19, T. 19 S., R. 15 E., G&SRM.

SEC. 7. REVOCATION OF KOFA NWR EXECUTIVE AND PUBLIC LAND ORDERS.

(a) REVOCATION.—Notwithstanding any other provision of law, in order to transfer the administration of certain Federal lands, Executive Order 8039, dated January 25, 1939, and Public Land Order 5637, dated April 25, 1978, which withdrew and established administrative jurisdiction for the Kofa National Wildlife Refuge, are hereby revoked on the following described lands:

Secs. 1 through 18, N½N½ of sec. 20, N½N½ of sec. 21, and N½N½ of sec. 22, T. 2 N., R. 15 W.; secs. 1 through 12, N½ and N½S½ of sec. 13, N½ of sec. 14, N½ of sec. 15, N½ of sec. 16, N½ of sec. 17, and N½ of sec. 18, T. 2 N., R. 16 W.; secs. 1 through 12, NE¼ and E½NW¼ of sec. 13, NW¼ of sec. 15, N½ of sec. 16, N½ and N½S½ of sec. 17, N½ and N½S½ of sec. 18, T. 2 N., R. 17 W.; secs. 1 through 12, N½ and N½S½ of sec. 13, N½ and N½S½ of sec. 14, N½ and N½S½ of sec. 15, N½ and N½SE¼ of sec. 16, and N½NE¼ of sec. 17; T. 2 N., R. 18 W., all G&SRM, containing approximately 39,971.33 acres of Federal land.

(b) USE OF LANDS.—The Secretary shall only allow such uses, including recreational development, of public lands described in subsection (a) which will conserve, protect, and enhance the bighorn sheep and other wildlife and plant species contained on such lands.

(c) ADMINISTRATION OF LANDS.—The lands revoked under this section shall be under the administrative jurisdiction of the Bureau of Land Management to be administered as public lands under the provisions of the Federal Land Policy and Management Act of 1976.

SEC. 8. WILDERNESS DESIGNATION.

(a) DESIGNATION OF WILDERNESS.—The New Water Mountains Wilderness Study Area lying within the lands described in section 7 and the adjacent Bureau of Land Management New Water Mountains Wilderness Study Area No. 02-125, as shown on a map submitted to the Committee, are hereby designated as the New Water Mountains Wilderness and therefore, as a component of the National Wilderness Preservation System. Subject to valid existing rights, the New Water Mountains Wilderness shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act of 1964 governing areas designated by that Act as wilderness.

(b) RELEASE FROM WILDERNESS.—That portion of the New Water Mountains Wilderness Study Area No. 02-125 not designated as wilderness by this Act—

(1)(A) has been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act (P.L. 94-579); and

(B) is no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act pertaining to the management of Wilderness Study Areas in a manner that does not impair the suitability of such areas for preservation as wilderness; and

(2) except as otherwise provided in this Act, shall be administered as public lands under the provisions of the Federal Land Policy and Management Act of 1976.

SEC. 9. ADDITION OF LANDS TO THE KOFA NATIONAL WILDLIFE REFUGE.

(a) ADDITION OF LANDS.—The following described Wilderness Study Areas administered by the Bureau of Land Management are hereby placed into the National Wildlife Refuge System as part of the Kofa National Wildlife Refuge:

(1) Kofa Unit 3 South Wilderness Study Area No. AZ 05-31;

(2) Kofa Unit 4 North Wilderness Study Area No. AZ 05-33; and

(3) Kofa Unit 4 South No. AZ 05-34, containing approximately 16,520 acres.

(b) WITHDRAWALS.—Subject to valid existing rights, all Federal lands described in section 7, section 8(2), and section 9, and all lands within the Kofa National Wildlife Refuge are hereby withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the United States mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing.

SEC. 10. ADDITION OF LANDS TO THE CABEZA PRIETA NATIONAL WILDLIFE REFUGE.

(a) NATIONAL WILDLIFE REFUGE.—The following Federal lands are hereby placed into the National Wildlife Refuge System as part of the Cabeza Prieta National Wildlife Refuge:

All lands within the unsurveyed T. 12 S., R. 17 and 18 W.; T. 13 S., R. 17 and 18 W.; and T. 14 S., R. 17 W.; all G&SRM, containing approximately 80,497 acres.

(b) MANAGEMENT.—The lands described in subsection (a) shall be managed in accordance with applicable sections of the Military Land Withdrawal Act of 1986 (Public Law 99-606) and Executive order 8038 dated January 25, 1939 which established the Cabeza Prieta National Wildlife Refuge.

SEC. 11. REVOCATION OF RECLAMATION WITHDRAWALS.

Notwithstanding any other provision of law, in order to facilitate the transfer of certain Federal lands—

(1) Secretarial orders dated January 31, 1903, September 8, 1903, June 4, 1930, and October 16, 1931, which withdrew lands from the Colorado River Storage Project and Executive order 8647 dated January 22, 1941, and Public Land Order 4417 dated May 20, 1968, which withdrew lands for the Havasu National Wildlife Refuge and Executive order 8685 dated February 14, 1941, which withdrew lands for the Imperial National Wildlife Refuge are hereby revoked on the following described lands under the administration of the United States Fish and Wildlife Service:

Sec. 17. T. 5 S., R. 21 W.; portions of secs. 17, 20, 28, and 33, T. 14 N., R. 20 W.; portions of secs. 3 and 10, T. 16 N., R. 21 W.; and portions of secs 21, 27, and 34, T. 17 N., R. 21 W.; all in G&SRM. The effective date of the revocation shall be the date of patent to the State of Arizona.

(2) Secretarial orders dated July 2, 1902, and February 10, 1906, which withdrew certain lands in aid of the Salt River Project, are hereby revoked on the following described lands:

All of sec. 24, exception Lot 1, portions of Lot 2 to be surveyed, the N½NW¼E¼ and NW¼W¼, T. 2 N., R. 6 E., G&SRM. The effective date of the revocation shall be the date of the patent.

SEC. 12. ADJUSTMENT OF CORONADO NATIONAL FOREST BOUNDARY.

Proclamation 1121, dated April 17, 1911, which established the Coronado National Forest boundary as it related to Township 21 South, Range 18 East, G&SRM, is hereby modified to delete sections 27 and 28, which are not under the jurisdiction of the United States Forest Service, from inclusion within the National Forest System.

SEC. 13. AUTHORIZATION.

(a) GENERAL AUTHORIZATION.—There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

(b) PERSONNEL.—There are hereby authorized to be appropriated such sums as are necessary to provide for at least 10 and more, if necessary, full-time equivalent employees of the Bureau of Land Management to perform resource management and law enforcement activities as a part of the administration of—

(1) the lands transferred from the Fish and Wildlife Service to the Bureau of Land Management under this Act; and

(2) the Bureau of Land Management lands in Black Canyon Corridor.●

By Mr. FORD:

S. 2353. A bill to amend the Federal Laboratory Animal Welfare Act to prohibit the selling of stolen dogs and cats, and for other purposes; referred to the Committee on Agriculture, Nutrition, and Forestry.

PET THEFT ACT

Mr. FORD. Mr. President, today I am introducing legislation which I am very excited about because I think it will go a long way toward curing pet theft—a problem that many communities across the Nation have been experiencing lately.

My interest in this subject stems from an ugly incident that occurred in eastern Kentucky last spring. A class B dealer from up North came into the State to buy allegedly stray dogs for medical purposes. Unfortunately, many of the dogs he bought were stolen—they were peoples' pets. Public reaction in Kentucky against this episode was loud and strong, as it has been everywhere that cherished animals are suddenly missing in large numbers. My new legislation, the "Pet Theft Act of 1988," will hopefully put a stop to all this.

Class B dealers are licensed and regulated under the Laboratory Animal Welfare Act by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service. As such, they are currently able to legally obtain random-source animals from two sources: Auction sales—as happened in eastern Kentucky, and pounds and shelters. Under my bill, class B dealers would be prohibited from taking a dog or cat from any source other than a State, county or city owned and operated pound or shelter. That animal must have been held at the facility for a period of at least a week to allow it to be recovered by its owner and/or have a chance to be adopted. Failure to comply with the terms of this legislation will result in stiff fines levied on the dealer for the first two offenses, and a permanent loss of license for the third.

Finally, any class B dealer purchasing a random source animal from pounds or shelters will have to document his purchase and provide the recipient of the animal with a copy of his documentation. Both the dealer and the recipient must retain the documentation for a period of at least a year for enforcement purposes.

The problem of pet theft occurs primarily in relation to auction sales, a fact noted by USDA itself in proposed regulation dated March 31, 1987. I quote:

> In the past few years there have been several instances of dealers buying and selling obviously stolen animals and of a few research facilities obtaining animals under questionable circumstances. One of the major purposes of the Act is to protect the owners of animals from the theft of their animals, and to prevent the sale or use of animals which have been stolen. The Department is, therefore, proposing a new (section) prohibiting the purchase, sale, use or transportation of stolen animals.

The language of my bill is based in part on these proposed regulations.

Mr. President, I tried to attack the problem of pet theft from another angle, that of S. 1457, the Pet Protection Act, but it became too embroiled in the highly controversial matter of pound seizure. Today, I separate the two issues, leaving pound seizure for some other person to deal with on some other day.

The Pet Theft Act is a simple and direct way to bring a halt to a practice that is indefensible; I cannot envision that there would be much opposition to it. I hope that my colleagues will join in its support and that it will be enacted into law by the end of the 100th Congress.

I ask unanimous consent that the text of the Pet Theft Act be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2353

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pet Theft Act of 1988".

SEC. 2. ANIMAL WELFARE ACT.

The Federal Laboratory Animal Welfare Act (7 U.S.C. 2131 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 28. PROTECTION OF PETS.

"(a) General Rule.—It shall be unlawful for any class B licensee, as defined in section 1.1 of title 9, Code of Federal Regulations (hereinafter referred to in this section as the 'dealer'), to obtain live random source dogs and cats from—

"(1) a source other than a State, county, or city owned and operated pound or shelter; or

"(2) individuals who have not bred and raised such dogs and cats on their own premises.

"(b) Holding Periods.—State, county, or city owned and operated pounds and shelters shall hold and care for dogs or cats for a period of at least seven days before selling such dogs or cats to dealers, to enable such dogs and cats to be recovered by their original owners or to be adopted by other individuals.

"(c) Certification.—

"(1) In General.—Dealers may not sell, provide, or make available to any individual or entity a random source dog or cat unless such dealer provides the recipient with a valid certification that meets the requirements of paragraph (2).

"(2) Requirements.—A valid certification must contain—

"(A) the name, address, and Department of Agriculture license or registration number (if such number exists) of the dealer;

"(B) the name, address, and Department of Agriculture license or registration number (if such number exists), and the signature of the recipient of the dog or cat;

"(C) a description of the dog or cat being provided that shall include—

"(i) the species and breed or type of such;

"(ii) the sex of such;

"(iii) the date of birth (if known) of such;

"(iv) the color and any distinctive marking of such; and

"(v) any other information that the Secretary by regulation shall determine appropriate;

"(D) the name and address of the person, pound, or shelter from which the dog or cat was purchased or otherwise acquired by the dealer;

"(E) the date of the purchase or acquisition referred to in subparagraph (D);

"(F) a statement by the pound or shelter (if the dealer acquired the dog or cat from such) that it satisfied the requirements of subsection (b); and

"(G) any other information that the Secretary by regulation shall determine appropriate.

"(3) Records.—The original certification required under paragraph (1) shall accompany the shipment of a dog or cat sold, provided, or otherwise made available by the dealer, and shall be kept and maintained by the recipient for a period of at least one year for enforcement purposes. The dealer shall retain one copy of the certification provided under this paragraph for a period of at least one year for enforcement purposes.

"(d) Enforcement.—Dealers who fail to act according to the requirements of this section, or who include false information in the certification required under subsection (c), shall be subject to—

"(1) a fine of—

"(A) $1,000 per dog or cat acquired or sold in violation of this section, for first time offenders; and

"(B) $5,000 per dog or cat acquired or sold in violation of this section, for second time offenders; and

"(2) having such dealers operating licenses (those provided pursuant to part 2 of title 9, Code of Federal Regulations) permanently revoked by the Secretary of Agriculture.

"(e) Regulation.—Not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations to carry out this section.".

By Mr. SPECTER:

S. 2354. A bill to authorize the Secretary of Commerce to make grants to the several States and the private sector in order to encourage joint applied research and development efforts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ADVANCED TECHNOLOGY CENTER ACT

Mr. SPECTER. Mr. President, I am introducing today the Advanced Technology Centers Act which would strengthen the Federal role in development of a partnership in applied technology and manufacturing with States, universities, local governments, and the private sector. The necessity for such a partnership is supported by the current economic realities and statements by the President's Commission on Industrial Competitiveness, economists, and scholars.

There is growing awareness in the United States that this country's lead in industrial competitiveness has eroded. The report of the 1985 President's Commission on Industrial Competitiveness—Young Commission—states:

> Technology propels our economy forward. Without doubt, it has been our strongest competitive advantage. Innovation has created whole new industries and the renewal of existing ones. State-of-the-art products have commanded premium prices in world markets, and technological advances have spurred productivity gains. Thus, America owes much of its standard of living to U.S. preeminence in technology.

Yet, while this country excels at basic research, other nations often out-produce and outmarket our innovations. In addition, American research and development is product oriented, rather than process oriented. Advancement in the latter field may lead to new technologies that have wide-ranging applications in the manufacturing sector. The Young Commission stated:

> Manufacturing technology needs more emphasis. Perhaps the most glaring defi-

> ciency in America's technological capabilities has been our failure to devote enough attention to manufacturing or "process" technology. It does us little good to design state-of-the-art products, if within a short period of time our foreign competitors can manufacture them more cheaply.

Numerous cases can be cited where, against Japanese Government investment in commercial design and development, the United States lost the race to market our own innovations.

The legislation I introduce today addresses these competitiveness issues by providing Federal funding to help establish or assist existing State economic development partnership programs, such as the eminently successful Ben Franklin Partnership Program in the Commonwealth of Pennsylvania. Similar programs have been established in Michigan, Ohio, Massachusetts, and other States. The bill would provide funding at a 20-percent Federal match to encourage joint applied research and development efforts, education and training in technical skills areas vital to the growth and startup of firms, and entrepreneurial assistance services.

The Ben Franklin partnership exemplifies government and industry cooperation to promote the commercialization of new technology and the development of new businesses and jobs. The partnership established 48 months ago, has become the Nation's largest and most leveraged annual State development program. The May 1987, Ben Franklin Partnership Board publication, "48 Month Progress Report," described its activity as follows:

> The Partnership links private and educational resources, particularly those with research capabilities, to make traditional industry more competitive in the international marketplace and to spin off new, small businesses on the leading edge of technological innovations. It also provides resources for education and training, and provides entrepreneurial development services and small business incubator facilities.

The mission of the Ben Franklin Partnership directly deals with the issues of U.S. competitiveness and manufacturing prowess. The program is operated by a 15-member board which includes representatives from the private sector, small business, education, labor, and the State legislature. The board operates a State-funded Challenge Grant Program for Technological Innovation to support interdisciplinary advanced technology centers headquartered at major universities. Numerous private companies and colleges participate in these centers. The board's guidelines require State funds to be matched with an equal amount of private sector and other resources; the current program year ratio, however, actually is $1 of State funds for every $4, indicating the significant leveraging power of the State's investment.

Mr. President, currently 128 colleges and universities in partnership with 2,500 firms now participate in the Ben Franklin Partnership, sharing a State appropriation of $28.5 million matched by $108.3 million from consortium members, which includes $63.2 million in private sector support. A summary of the partnership's accomplishments to date includes over 1,000 new products, processes, or services; $61,380,542 in venture capital committed to partnership projects; 13,881 graduates of partnership education and training programs; assistance in the startup of 439 firms, the expansion of 390, and the retaining of 137; and the creation or retention of over 10,000 jobs. The partnership has succeeded in its goals of providing entrepreneurial assistance, including the creating of 30 incubator centers and providing services such as business plan development, financial and management counseling; improving productivity in manufacturing; diversifying the economy; and attracting venture capital.

Some examples of successes include the development of a CO_2 laser, expected to cost two-thirds less than current CO_2 laser units; production of a new drug by a small pharmaceutical company; advancement of a CAD/CAM training and familiarization course to improve productivity in the shoe industry; and improvement of mushroom processing technology to improve efficiency and help domestic mushroom producers to compete effectively with foreign producers. The individual successes of this program are numberous and impressive.

Mr. President, much could be accomplished with significant Federal funding in the broader activities of the Ben Franklin Partnership and other programs like it throughout the country. Extensive development and growth also would occur in States without such programs if Federal seed money were available to encourage and even make possible the establishment of these programs.

The legislation I introduce today is designed to achieve the maximum impact for Federal dollars. For each Federal dollar invested, $4 of State and private money will be spent. The goal is to encourage, supplement, and support applied technology development and commercialization, not to replace the vital State, private, and university roles. That is how it should be—a full partnership with Federal participation in the process.

I urge my colleagues to support this vital legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2354

Be it enacted the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Advanced Technology Center Act."

GRANT PROGRAM

SEC. 2. The Secretary of Commerce (hereinafter referred to as the "Secretary") is authorized to establish and carry out a program to provide financial assistance to the several States and the private sector to encourage joint applied research and development efforts, education and training in technical skill areas vital in assisting the establishment and expansion of business entities, and other such assistance and services.

(b) The Secretary shall provide such financial assistance by means of grants to the several States and the private sector pursuant to applications approved by the Secretary with this Act.

(c) Applications for grants under this Act shall be in such form, contain such conditions, information, and other material, and be submitted at such time and in such manner, as the Secretary shall prescribe by regulation.

(d) Any grant made by the Secretary pursuant to this Act shall be in such amount as the Secretary determines necessary to enable the applicant to carry out a program to encourage joint applied research and development efforts, provide education and traing in technical skills areas united in assisting the establishment and expansion of business entities, or to provide other such assistance and services. In no case shall the amount granted pursuant to any one application for any such program exceed 20 percent of the cost of such program.

(e) In making grants under this Act, the Secretary shall take such action as may be necessary to assure that—

(1) such grants are made using a peer review process;

(2) each applicant for a grant has, or will have, sufficient funds, apart from any such grant or other Federal funds, to meet 80 percent of the cost of such program; and

(3) each such grant is expended by the applicant with the goal of assisting in the commercialization and transfer of technologies and the associated creation and retention of jobs, or for the development of process and manufacturing technologies with the goal of application and commercialization of those technologies.

REGULATIONS

SEC. 3. The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this Act.

AUTHORIZATIONS

SEC. 4. For the fiscal year 1988, and each of the next following 4 fiscal years, there are authorized to be appropriated $200,000,000.

By Mr. PRESSLER (for himself and Mr. DASCHLE):

S.J. Res. 310. Joint resolution to designate the day of November 2, 1989, as "South Dakota Celebrates a Century Day"; to the Committee on the Judiciary.

Mr. PRESSLER. Mr. President, I rise today to introduce with my distinguished colleague from South Dakota a joint resolution designating November 2, 1989, as "South Dakota Celebrates a Century Day."

Next year marks an important time in South Dakota's history. It is the 100th anniversary of South Dakota's admission into the Union. A number of celebration plans already are underway. Senator Daschle and I would like to invite the rest of the Nation to join us in this celebration.

South Dakota often is known as the "Land of Infinite Variety." My State is blessed with both beautiful hills and rolling prairies. We also are fortunate to have one of our Nation's finest landmarks, the famous Mount Rushmore National Memorial, honoring four U.S. Presidents. South Dakota has planned many exciting celebration activities. Events range from old-fashioned rodeos to polka festivals. For those who have never visited South Dakota, I encourage you to come see the splendor of my State and join in the festivities.

My State is blessed with a rich history and enduring heritage. At this time, I would like to share with you "A South Dakotan's Creed," which was recited by Gov. Peter Norbeck as the conclusion of his State of the State Address on January 7, 1919.

The material follows:

A South Dakotan's Creed

I believe in South Dakota, in the fertility of her soil, the warmth of her sunshine, and the nurturing tenderness of her winter snows;

I believe in the simple beauty of her rolling prairies and the more pretentious splendor of her western hills.

I believe in her government, and in her institutions of home and church and school.

I believe in the sturdy, intelligent manhood of her sons, and the chaste womanhood of her daughters; the hundred-percent Americanism of her whole people.

I believe that under the skies of South Dakota will continue to grow and prosper an intelligent, patriotic and God-fearing people amply able to work out and solve the perplexing problems of the future as they have those of the past.

I believe that as the bright noonday sun is only the fulfillment of the morning prophecy of its dawning splendor, so the accomplishments of our State today are the monuments of the hardy pioneers of yesterday.

I believe that as the gorgeous tints of the sunset skies predict the coming of a bright tomorrow, the proud record and accomplishments of South Dakota surely point to a State whose star shall outshine all others in the Flag of our Country.

Mr. PRESSLER. Again, I urge our colleagues to cosponsor "South Dakota Celebrates a Century Day," and to encourage others to join us in celebrating this monumental day. Only upon visiting my State can one truly appreciate its beauty and diversity.

By Mr. PRYOR:

S.J. Res. 311. Joint resolution designating April 29, 1988, as "National Nursing Home Residents' Rights Day"; referred to the Committee on the Judiciary.

NATIONAL NURSING HOME RESIDENTS RIGHTS DAY

● Mr. PRYOR. Mr. President, in hundreds of nursing homes throughout our Nation today, thousands of residents, staff, and interested citizens are joining in celebration of National Nursing Home Residents' Day. In honor of this occasion, I am introducing legislation to designate this day for appropriate ceremonies and activities in honor of nursing home residents.

Although this day is celebrated annually, I can't think of a year since its inception when the 1.5 million residents of nursing homes and their advocates have had more to celebrate. During the last year the Congress has debated and enacted a comprehensive package of nursing home reforms. This landmark legislation:

Eliminates the distinction between skilled nursing facilities and intermediate care facilities by October 1, 1990;

Requires the establishment of a quality assessment team within each facility which meets quarterly; development of a written plan of care upon admission for each resident; initial and at least annual assessments of each resident's ability to perform daily living activities; preadmission screening for individuals with mental illness or retardation;

Requires that residents be informed orally and in writing of their rights upon admission to the facility;

Requires all facilities to have at least one registered nurse on duty 8 hours per day, 7 days per week; requires 24-hour licensed nursing coverage in every facility;

Requires not less than 75 hours of nurse aide training in basic nursing skills; personal care skills; cognitive, behavioral, and social care; and resident' rights;

Requires unannounced, staggered surveys of facilities by a multidisciplinary team; additional survey requirements for substandard facilities; and

Imposes new survey and enforcement processes and additional sanctions for substandard facilities.

Enactment of this legislation was a major step forward in terms of improving the quality of life for nursing home residents throughout this country—and I think we are all agreed that these improvements are the right of each facility resident. I am deeply gratified to have played a role with Senator Mitchell and others in achieving enactment of these important changes, and to see our Nation moving toward a policy of treating our citizens in nursing homes with greater dignity and respect.

As we move in the next Congress toward enactment of legislation which will establish a more comprehensive and responsive long-term care policy for our Nation's elderly, I would urge that we continue our efforts to include residents' views regarding their needs and rights as a priority element in such a policy.

Mr. President, I ask that the resolution be inserted in the Record at the appropriate place.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S.J. Res. 311

Whereas over one million five hundred thousand older Americans reside in nursing homes and one in five older Americans likely will reside in a nursing home at some time;

Whereas nursing home residents have contributed to the growth, development, and progress of the Nation and, as elders, offer a wealth of knowledge and experience;

Whereas Congress recognizes the importance of the continued participation of these institutionalized senior citizens in the life of our Nation;

Whereas in an effort to foster reintegration of these citizens into their communities Congress encourages community recognition of and involvement in the lives of nursing home residents;

Whereas residents want and need community support and involvement for increased understanding of and assistance in meeting residents' needs;

Whereas the Federal Government, through its study by the Institute of Medicine and its new Long Term Care Survey Process, identifies as priority efforts to improve the quality of life and quality of care for residents and to safeguard residents' rights;

Whereas Congress recognizes the importance of listening to residents' voices in the development and evaluation of public policy; and

Whereas it is appropriate for the American people to join in support of nursing home residents to demonstrate their concern and respect for these citizens: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 29, 1988, is designated as "National Nursing Home Residents' Rights Day", a time of renewed recognition, concern, and respect for the Nation's nursing home residents. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies and activities.●

By Mr. D'AMATO:

S.J. Res. 312. Joint resolution designating the week beginning September 18, 1988, as "Emergency Medical Services Week"; to the Committee on the Judiciary.

EMERGENCY MEDICAL SERVICES WEEK

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation to designate the week of September 18 through 24, 1988, as "Emergency Medical Services Week."

The field of emergency medical services [EMS] was formally established in the United States under the Highway Safety Act of 1966. In the two decades since its establishment, EMS has undergone tremendous change, and is now recognized as one of this Nation's most important medical specialties.

During the early years of EMS, 50 percent of the Nation's ambulance services were provided by 12,000 morticians, mainly because their vehicles were among the only ones that could accommodate stretchers. Today, however, there are roughly 50,000 ambulances operating throughout the United States. This network of ambulances, combined with the highly advanced communications systems that have emerged since the 1960's, enables today's EMS personnel to handle emergencies far more quickly and efficiently.

Since the establishment of our EMS system, the number of accidental deaths due to injury in the United States had declined dramatically. From 1965 to 1983, the number of individuals per 100,000 who have died from auto accidents decreased from 25.4 to 19.1; from accidental falls, 10.3 to 5; from fires and burns, 3.8 to 2; from ingestion of foods or objects, 0.8 to 0.6; and from drowning 1.2 to 0.8. These reductions are, in large part, due to vastly improved emergency medical services.

Of course, no one really plans on having a medical emergency; many of us have the attitude that "it can't happen to me." Nevetheless, statistics show that you or someone you know likely will need emergency medical treatment sometime during the next year. When an emergency does arise, providers of emergency health care ensure that we receive the best possible treatment.

Providers of emergency medical services include educators of emergency medical procedures, administrators, physicians, nurses, emergency medical technicians, paramedics, and lay people who have learned CPR and other quick stabilization procedures. In many States, volunteer units, often working out of volunteer fire departments, play a significant role in providing EMS. In some States, nearly 80 percent of emergency medical services are provided by volunteers.

Properly trained and equipped EMS personnal are especially important to our elderly. There is a higher death rate among our elderly as a result of injury than any other age group, and they are less likely to recover completely, or even survive, once injured. Today, elderly Americans—as well as every other American in need of emergency medical care—can be confident that they will receive high quality care because of the advances that have occured in the field of emergency medicine. This is evidenced by the ability of emergency departments to handle the ever-increasing influx of patients.

The incidence of patient visits to emergency departments across the country has increased dramatically. In 1960, there were 42 million patient visits. By 1977, this figure had grown to 76 million. This year, it is projected that over 85 million patient visits will be recorded in emergency departments throughout the United States.

It is important that we recognize the countless dedicated men and women who provide us with quick, effective emergency medical care. At the same time, we must elevate the public's awareness of what steps to make in the event of an emergency. That is why I am introducing this joint resolution to designate the week beginning September 18, 1988, as "Emergency Medical Services Week." Congressman Manton has introduced in the House an identical resolution, which already has 62 cosponsors.

I urge my colleagues to consider the importance of this resolution, as it relates to the health and well-being of all Americans. I urge my colleagues to lend their full support to this resolution. I ask unanimous consent that the text of this legislation be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 312

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas the members of emergency medical services teams devote their lives to saving the lives of others;

Whereas emergency medical services teams consist of emergency physicians, nurses, emergency medical technicians, paramedics, educators, and administrators;

Whereas the people of the United States benefit daily from the knowledge and skill of these trained individuals;

Whereas advances in emergency medical care increase the number of lives saved every year;

Whereas the professional organizations of providers of emergency medical services promote research to improve emergency medical care;

Whereas the members of emergency medical services teams work together to improve and adapt their skills as new methods of emergency treatment are developed;

Whereas the members of emergency medical services teams encourage national standardization of training and testing of emergency medical personnel and reciprocal recognition of training and credentials by the States;

Whereas the designation of Emergency Medical Services Week will serve to educate the people of the United States about accident prevention and what to do when confronted with a medical emergency; and

Whereas it is appropriate to recognize the value and the accomplishments of emergency medical services teams by designating Emergency Medical Services Week: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning September 18, 1988, is designated as "Emergency Medical Services Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 1081

At the request of Mr. Bingaman, the name of the Senator from New Jersey [Mr. Lautenberg] was added as a cosponsor of S. 1081, a bill to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the U.S. population and the nutritional quality of the U.S. food supply, with provision for the conduct of scientific research and development in support of such program and plan.

S. 1897

At the request of Mr. Thurmond, the name of the Senator from Hawaii [Mr. Inouye] was added as a cosponsor of S. 1897, a bill to recognize the organization known as the National Association of State Directors of Veterans' Affairs, Inc.

S. 1929

At the request of Mr. Bumpers, the name of the Senator from Hawaii [Mr. Matsunaga] was added as a cosponsor of S. 1929, a bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes.

S. 2033

At the request of Mr. Thurmond, the name of the Senator from Kansas [Mr. Dole] was added as a cosponsor of S. 2033, a bill to amend title 18, United States Code, with respect to child protection and obscenity enforcement, and for other purposes.

S. 2123

At the request of Mr. Kennedy, the names of the Senator from Oregon [Mr. Hatfield], and the Senator from Vermont [Mr. Stafford] were added as cosponsors of S. 2123, a bill to provide hunger relief, and for other purposes.

S. 2151

At the request of Mr. Lugar, the name of the Senator from South Carolina [Mr. Thurmond] was added as a cosponsor of S. 2151, a bill to amend section 416 of the Agricultural Act of 1949, and for other purposes.

S. 2177

At the request of Mr. Mitchell, the name of the Senator from Pennsylvania [Mr. Heinz] was added as a cosponsor of S. 2177, a bill to amend the Federal Aviation Act of 1958 to provide for use of the Nation's airports on a cost-recovery basis.

S. 2205

At the request of Mr. DeConcini, the name of the Senator from Texas [Mr. Gramm] was added as a cosponsor of S. 2205, a bill to enact the Omnibus

Antidrug Abuse Act of 1988, and for other purposes.

S. 2345

At the request of Mr. McCain, his name was added as a cosponsor of S. 2345, a bill to establish a clear and comprehensive prohibition of discrimination on the basis of handicap.

SENATE JOINT RESOLUTION 248

At the request of Mr. Quayle, the name of the Senator from California [Mr. Cranston], the Senator from Nebraska [Mr. Exon], the Senator from Missouri [Mr. Danforth], and the Senator from California [Mr. Wilson] were added as cosponsors of Senate Joint Resolution 248, a joint resolution to designate the week of October 2, 1988, through October 8, 1988, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 273

At the request of Mr. Nickles, his name was added as a cosponsor of Senate Joint Resolution 273, a joint resolution designating October 6, 1988, as "German-American Day."

SENATE CONCURRENT RESOLUTION 112

At the request of Mr. Baucaus, the names of the Senator from Nevada [Mr. Hecht], and the Senator from Nevada [Mr. Reid] were added as cosponsors of Senate Concurrent Resolution 112, a concurrent resolution expressing the intent of Congress regarding certain provisions of Public Laws 100-202 and 100-223.

SENATE RESOLUTION 412

At the request of Mr. Pressler, the name of the Senator from Virginia [Mr. Warner] was added as a cosponsor of Senate Resolution 412, a resolution expressing the sense of the Senate with regard to the use of degradable products.

SENATE RESOLUTION 425—TO ESTABLISH A JACOB K. JAVITS SENATE FELLOWSHIP PROGRAM

Mr. BYRD (for himself, Mr. Dole, and Mr. Pell) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. Res. 425

SHORT TITLE

Section 1. This resolution may be cited as the "Jacob K. Javits Senate Fellowship Program Resolution".

FELLOWSHIP PROGRAM ESTABLISHED; ELIGIBLE PARTICIPANTS

Sec. 2. (a) In order to encourage increased participation by outstanding students in a public service career, there is established a Jacob K. Javits Senate Fellowship Program.

(b) The Jacob K. Javits Foundation, Incorporated, New York, New York, in consultation with the Secretary of the Senate (hereinafter "Secretary"), shall select Senate Fellowship participants. Each such participant shall complete a program of graduate study in accordance with criteria agreed upon by the Jacob K. Javits Foundation, Incorporated.

SENATE COMPONENT OF FELLOWSHIP PROGRAM

Sec. 3. (a) The Secretary is authorized from funds made available under section 4, to appoint and fix the compensation of each eligible participant selected under section 2 for a period determined by the Secretary. The period of employment for each participant shall not exceed 1 year. Compensation paid to participants under this resolution shall not supplement stipends received from the Secretary of Education under the Fellowship Program.

(b) For any fiscal year no more then ten (10) fellowship participants shall be so enjoyed.

(c) The Secretary, after consultation with the Majority Leader and the Minority Leader of the Senate, shall place eligible participants in positions in the Senate that are, within practical considerations, supportive of the fellowship participants' academic programs.

FUNDS

Sec. 4. The funds necessary to compensate any such eligible participant shall be made available for five years to the Secretary and paid from the contigent fund of the Senate. For the first five years of this program such funds shall not exceed $250,000 each year.

PROGRAM EXTENSION

Sec. 5. This program shall terminate five years from the effective date of this resolution. Three months prior to such expiration the Secretary shall submit a report evaluating the program to the Majority Leader and Minority Leader of the Senate along with the recommendations concerning the program's extension and continued funding level.

AMENDMENT SUBMITTED

NATIONAL DISTRIBUTION AND UTILIZATION OF COAL

FORD AMENDMENT NOS. 2001 AND 2002

(Ordered to lie on the table.)

Mr. FORD submitted two amendments intended to be proposed by him to the bill (S. 801) to facilitate the national distribution and utilization coal; as follows:

Strike paragraph (1) of Subsection 4(f) and insert the following:

Right of Eminent Domain.—Any person proposing to build a coal pipeline which has been determined by the Secretary to be in the national interest may acquire, to the extent it will not impair safe and efficient train operations, a right of way over any land owned or controlled by a railroad, or a railroad holding company, by exercising the right of eminent domain in the appropriate state court or the district court of the United States for the district in which such rights-or-way are located. The practice and procedure in any action or proceeding for that purpose in the district court of the United States shall conform as nearly as may be practicable with the practice and procedure in similar actions or proceedings in the courts of the States where the property is situated: Provided, That the United States district courts shall only have jurisdiction of cases when the amount claimed by the owner of the property to be condemned exceeds $10,000.

S. 801 is amended by adding a new section 14 at the end thereof as follows:

Sec. 14. Section 2(a) of the Mineral Leasing Act (30 U.S.C. 201(a)), as amended by section 3 of the Federal Coal Leasing Amendments Act of 1976 (30 U.S.C. 201(a)), is further amended by adding a new paragraph (4) as follows:

"(4) The Secretary shall not issue a competitive coal lease or competitive coal leases under the terms of this Act nor may the Secretary consent to the assignment of any such lease or leases, to any person, association, corporation, or any subsidiary, affiliate, or persons controlled by or under common control with such person, association, or corporation, where any such entity is engaged in the extraction or production of coal reserves in a foreign country for importation into the United States.".

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INVESTIGATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Friday, April 29, 1988, to hold hearings on Organized Crime: 25 Years After Valachi.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SOIL MOISTURE PROBLEMS CONTINUE

● Mr. SASSER. Mr. President, many of my colleagues will recall the summer of 1986 as a disasterous time of economic hardship for farmers all around the country. During that summer, the economic problems of the farmers in the Southeast were compounded by a serious drought which led to extensive crop failures.

In the summer of 1986, the Southeast reached the peak of a 3-year rainfall deficit. Rainfall was more than 20 inches below normal in some areas during that time. Hay and pasture yields were running 75 percent below normal. To combat the consequences of this prolonged drought, Congress provided emergency assistance to farmers across the country.

Unfortunately, the Southeast has been slow to recover from those problems, and this year may not prove to be any better. Reports from my State note that Tennessee has already fallen 4 to 5 inches below normal rainfall for the year, and ground water levels are lower than normal as well. These low levels can lead to severely inadequate soil moisture, soil moisture which farmers depend on for good crops. These statistics do not bode well for the farmers in Tennessee.

The Department of Agriculture in Tennessee has already requested that farmers be allowed to hay on set aside acreage during this season. This is necessary in light of dwindling supplies of hay and feed for livestock which farmers are reporting.

Now, the long-term forecast for the Southeast is not overly pessimistic. The National Oceanic and Atmospheric Administration is predicting near normal rainfall for most of the Southeast. However, normal rainfall will not be sufficient to remedy the continuing problems in Tennessee. We need a significant amount of precipitation in the Southeast. If rainfall is short once again, we must be prepared for the problems which our farmers may have to face.

Mr. President, I will be working with the Department of Agriculture in the weeks ahead to ensure that we are prepared should drought conditions reappear. And I encourage my colleagues to do the same. Disaster payments and assistance must be ready ahead of time so that our farmers can receive them immediately should they become necessary.●

BLAME THE ALLIES FIRST

● Mr. DURENBERGER. Mr. President, in today's Washington Post, Charles Krauthammer offers an incisive analysis of our tendency as a people to seek scapegoats, and to assign blame to others, for the problems that we alone can solve if we had sufficient will. Whether it be the problem of drugs, the budget deficit, or the trade deficit, there is always someone else to blame.

I recently faced this "blame the other guy" attitude when five of my constituents came to my office to talk about two issues they felt were vitally important. First, they sought my support to fight against any effort to restrict a government program which subsidizes their operations. Then they complained that the budget deficit was too large. Their solution was to cut congressional salaries by 20 percent.

Mr. President, if we are ever going to solve the budget deficit and other problems that confront us, we are going to have to stop blaming everyone else and start recognizing our mutual responsibility to restrain our spending and our propensity to borrow against the future. It's not just the Government that is mortgaging the future. Personal and business debt is currently $9.3 trillion. All of us are living beyond our means, and until we begin to take personal responsibility for our decisions, we will continue to remain deadlocked over the issues that confront us today.

It is worth remembering the insight of Shakespeare: "The fault dear Brutus lies not in our stars but in ourselves * * *." We can resolve our differences, if we have sufficient will. Let us stop blaming others and start reexamining ourselves.

Mr. President, I ask that the article by Mr. Krauthammer be printed in the RECORD.

The article follows:

[From the Washington Post, Apr. 29, 1988]

BLAME THE ALLIES FIRST

(By Charles Krauthammer)

When Jeane Kirkpatrick stood up at the 1984 Republican convention and denounced the "San Francisco Democrats" for "blaming America first," she struck a chord. Not just with her Republican audience, but among Democrats who like winning and miss it. The Democratic Party has tapped many of the great forces of American political life—forces for reform, for social solidarity, for racial equality. But it has gratuitously forfeited the power of American nationalism to Republicans. A sea of waving flags at the San Francisco convention was an admission of the problem. It was not a solution.

In 1988 the Democrats have found a solution. Instead of blaming America first, they, like the Republicans, have learned to blame others. But not the traditional bugbear, the Russians. It is not just that the Democrats have transcended their inordinate fear of communism. Now that Reagan too has embraced détente, the Soviet threat as an election issue is dead.

If not the Russians, who then to blame for America's troubles? Why, the allies, of course. What troubles? The big three: drugs, trade and the deficit. Blame Latin Americans for poisoning America with drugs. Blame Japan and other unfair traders for buying up America. And blame Europe and Japan for a large part of America's budget deficit because they refuse to bear their fair share of the West's defense burden.

By turning drug abuse, trade and the deficit into foreign policy issues, the Democrats have turned a traditional weakness, softness on defense, into a net plus. When the enemy is Colombia, Korea or a freeloading NATO, Democrats have no trouble standing tall. By turning the focus of American hostility from the Soviets to the allies, the Democrats have become the nationalist party.

The beauty of this new foreign policy is that it covers just about every corner of the world, thus satisfying every conceivable form of American xenophobia. No foreign prejudice is left untapped. Drugs cover much of the Third World, with special unloving attention to Mexicans, Colombians and other Latins. Trade covers Japan, Korea and other Asians, with some opprobrium left over for Germany. And "burden sharing" covers Europe, though it neatly allows a second free bash at Japan. Only Australia comes out okay. (As Randy Newman explained in his pro-nuclear war song, "Political Science": "They all hate us anyhow/So let's drop the big one now," but "We'll save Australia/Don't wanna hurt no kangaroo.")

Ally-bashing makes for good politics. But it also makes for destructive foreign policy and for the most risible hypocrisy. Two weeks ago, the U.S. Senate economic sanctions against Mexico, our most important and most fragile neighbor, for not doing enough to help America with its drug problem. What has Congress—what have Americans—done about the drug problem? The Mexicans are quite right to protest they did not create it. America's insatiable appetite for drugs did that.

What the Mexicans are too polite to say is that the United States blames foreigners for the drug epidemic because it does not have the guts to attack the problem domestically. There are only two ways to do that: legalize drug use or truly criminalize it. Right now we tolerate an abused in-between: adult users are treated either as victims, corrupted by vicious pushers, or patients afflicted with "substance abuse"—in either case, not responsible for their actions. Punishment for those who finally hit bottom is a stretch at the Hotel Betty Ford. We coddle abusers, wink at users, attach more social stigma to smoking than to snorting (try both on a domestic flight of less than two hours and see which one gets you thrown off the plane)—and then blame the consequences on dirt-poor Latins who are doing nothing more than filling our drug orders.

As for foreigners buying up America, they are simply shopping here with surplus American dollars that they obtained by selling us goods we cannot wait to acquire. Americans buy Hondas for dollars. Japanese then buy pieces of Hawaii, Manhattan and CBS with the proceeds. In a historical irony American, Indians should appreciate, America is trading its capital assets for consumer goods. That may be folly, but it is hardly the fault of the foreigners. It is our choice.

As for the defense budget, the cry now is that Europe and Japan are parasitically living off American protection and the cost is bleeding us dry. For argument's sake, grant the premise. Again: no rip-off here, simply another transaction. We pay our money, we get our empire: a front line 4,000 miles from home, access to the world's most advanced economics and technologies and control of the most coveted geopolitical real estate on the globe. Empire has its costs. It may not be worth the price. But it is hardly forced on us by foreigners.

How sweet to pretend otherwise, and how popular. So popular that Republicans are rushing to catch up. They are beginning to realize that the Democrats have captured the flag by redefining the terms of the coming foreign policy debate. By fall, it will not be abut SDI or Nicaragua. It will be about dope, foreign investment and "burden sharing." And the general rule is that he who defines the issue wins the argument.●

CZECHOSLOVAK TRAGEDY

● Mr. DeCONCINI. Mr. President, I have learned this week of the untimely and tragic death of Pavel Wonka. Pavel Wonka was a supporter of charter 77, the Czechoslovak citizens' initiative which has been a leader in the human rights movement for over a decade.

Just this past February, Pavel Wonka was released from prison where he had served a 21-month sentence on charges of incitement. His real crime was asking to be permitted to run for public office. During most of those 21 months, Wonka was held in a type-three prison—the harshest type there is in Czechoslovakia. The severe treatment he received there made him so ill he was unable to work. In response to his failing health, the authorities merely brought Wonka to trial again, this time for failing to fulfil his prison duties. It was at this trial that his family and friends witnessed, for the first time, the broken, ailing man that Wonka had become.

The outcry from Wonka's loved ones finally resulted in his transfer to a prison hospital, and later to a less harsh prison facility. Nevertheless, upon his release in February, Wonka—who was only 35 years old—had to be carried to his home. Years of cruel treatment and prison beatings had turned a healthy man in the prime of his life to a virtual invalid.

Wonka was rearrested on April 5 and sentenced to 5 months in prison on April 22 on charges of violating the conditions of his release. Within 3 days of his sentencing, Wonka was dead. The circumstances of his death remain shrouded in silence. So far, the Czechoslovak authorities have refused to comment on these events, let alone present an acceptable explanation for them. But if we are to believe that anything other than foul play is to blame, we will need impartial witnesses to convince us.

Such impartial witnesses exist. Charter 77 has called for independent forensic pathologists to be permitted to attend the autopsy of Pavel Wonka. If the Czechoslovak authorities permit this, they may be able to mitigate their complicity in the death of Pavel Wonka. Failure to do so will only convince the world of their guilt and make Pavel Wonka another martyr for the cause of human rights.●

THE INF TREATY REINFORCEMENT ACT OF 1988, S. 2342

● Mr. CHAFEE. Mr. President, I am pleased once again to join my distinguished colleagues from Pennsylvania, Arkansas, and Vermont in this continuing effort to bring about a more realistic U.S. policy on strategic arms. Yesterday we introduced the INF Treaty Reinforcement Act, legislation which would limit the United States and Soviet strategic weapons arsenals and, in so doing, bolster the military value of the Intermediate Nuclear Force Treaty.

We are on the threshold of a new era of arms control, Mr. President. The Senate will soon take up ratification of the INF Treaty, the first arms control treaty to eliminate an entire class of nuclear weapons. As we deliberate this important agreement, I strongly believe we should seize this opportunity to ensure that the security objectives of the INF Treaty can be realized.

The INF Treaty and strategic arms control are inextricably linked. Thus, now that an INF agreement has been signed by the United States and the Soviet Union, we believe there should be a mutually observed and stable temporary cap on strategic forces until a strategic arms reductions talks [START] agreement can be concluded.

We four have been hammering at the issue of U.S. compliance with key SALT II sublimits for a number of years now. Last October, the Senate approved a similar amendment which we offered during consideration of the Department of Defense authorization bill. This 57 to 41 vote made clear the Senate's support for restraint in the most destabilizing categories of strategic offensive weapons, that is, ALCM-carrying heavy bombers and MIRV'd missiles.

We continue to believe that the core sublimits of the SALT II Treaty should not have been abandoned by the United States in November 1986. And we still believe that continued United States adherence to those limits serves our national security interests, so long as the Soviets also adhere to the same limits.

Now that the United States and Soviet Union have cemented an agreement on intermediate nuclear forces, the need for limits on strategic offensive weapons is even more acute. Although the INF Treaty, which I hope will be ratified by the Senate, is a breakthrough in arms control, there is the potential for its military value to be severely undercut by a Soviet strategic buildup.

With the SALT II limits abandoned by the administration, there is nothing in place to prevent the Soviets from using new strategic missiles to compensate for the eliminated INF weapons. The Soviets, with large MIRV'd ICBM forces and ongoing production lines, can easily replace with long-range launchers all the SS-20 launchers it is removing under the INF Treaty.

Yesterday we introduced legislation, the INF Treaty Reinforcement Act of 1988, that would ensure the military benefit of the INF Treaty to NATO by imposing an interim restraint on certain strategic forces pending the signing of a START agreement.

Our bill does not specify compliance with the SALT II numerical sublimits. Rather, it upholds the spirit of the SALT II restraints, capping Soviet strategic force deployments while taking into account changes in United States strategic forces up to the submission of the INF Treaty to the administration.

It provides that no funds can be obligated or expended to deploy MIRV'ed strategic launchers or platforms in excess of the numbers deployed by the United States on January 25, 1988—the date the INF Treaty was submitted to the Senate—so long as the Soviet Union does not exceed those levels.

The INF Treaty Reinforcement Act would allow the President to set aside the funding restriction if he certifies to Congress that:

First, a new strategic arms agreement between the United States and the Soviet Union has entered into force; or

Second, the United States and the Soviet Union have agreed on an alternative interim restraint agreement; or

Third, the Soviets have deployed strategic systems in excess of those deployed on January 25, 1988; or

Fourth, uncertainties in United States intelligence assessments prevent the President from certifying that the Soviets are observing the informal ceiling of January 25, 1988 level of deployments.

The INF accord—revolutionary as it is—will only be truly beneficial to the security of NATO if there are some limits on Soviet strategic nuclear forces. Without these restraints on Soviet long-range missiles, the Soviets will be free to compensate for their dismantled, intermediate-range SS-20's by deploying more strategic missiles that could be aimed at European targets. Restoring the SALT sublimit framework will therefore help prevent Soviet undercutting of the INF accord.

Not only will our legislation ensure that the INF treaty is militarily beneficial to us and our NATO allies, it will improve the chances that a strategic agreement will be reached. If it passes and becomes law, and the Soviets agree to join the United States in adhering to an interim restraint on strategic deployments, I think this initiative will give a strong push to the strategic talks. It will lend some stability and predictability to the nuclear arsenals of the two countries. Such a bilateral restraint will enhance the atmosphere of cooperation necessary for the achievement of a new treaty to reduce strategic arms.

This legislation is aimed squarely at the future security of the United States. It is meant to serve as a concrete interim restraint on strategic nuclear forces until a future United States-Soviet strategic agreement is achieved.

I urge all Senators to support the INF Treaty Reinforcement Act of 1988.

SENATOR GRAMM COSPONSORS ANTI-DRUG ABUSE ACT

● Mr. DECONCINI. Mr. President, I am delighted to note that the junior Senator from Texas, Senator GRAMM, is a cosponsor of S. 2205, the Omnibus Anti-Drug Abuse Act of 1988.

Mr. President, Senator GRAMM's cosponsorship is significant for two reasons. First, by Senator GRAMM coming on the bill, we now have all three authors of the Gramm-Rudman-Hollings legislation as sponsors of this legislation. Hopefully, this symbolizes their recognition of our effort to pay for the new drug initiative through increased collections of delinquent Government debts—both tax debts and nontax debts owed to the Federal Government.

Second, Senator GRAMM's cosponsorship of S. 2205 brings to 71 the total number of Senators now cosponsoring this important antidrug legislation. Hopefully, Senator GRAMM's endorsement of the bill will send one more crucial signal to the President and his advisors that this antidrug initiative is bipartisan and nonpolitical. We hope that the President, the House, and the balance of the Senate will join us in moving this legislation.●

BILLBOARDS

● Mr. STAFFORD. Mr. President, I ask that an article entitled "Billboards by the Hundreds Bypass the City's System of Regulation" which appeared in the Philadelphia Inquirer on April 3, 1988, be printed in the RECORD.

I believe this article confirms the findings of a General Accounting Office study done several years ago that new billboards are going up at alarming rates in some areas of the country. The Philadelphia Inquirer article states that the majority of the billboards that have gone up in apparent violation of the city's code in Philadelphia advertise two products: alcohol and cigarettes. It is ironic that we permit this to happen during a time when the public is demanding more smoke free environments and tougher penalties for drinking and driving. It is also a sad commentary that during a time when cities are desperately in need of funds to provide basic human services, fees apparently due to the city are not being paid.

The article follows:

[From the Philadelphia Inquirer, April 3, 1988]

BILLBOARDS BY THE HUNDREDS BYPASS THE CITY'S SYSTEM OF REGULATION

(By Thomas Ferrick Jr.)

Two of the nation's leading billboard companies have found an interesting way to deal with Philadelphia's ordinances regulating billboards.

They ignore them.

In recent years, the two companies work—National 3M and the Winston Network—have set up hundreds upon hundreds of billboards in apparent violation of the city code.

These two firms have more than 800 such billboards in the city. Most of them are in predominantly poor and working-class black neighborhoods. The majority of them advertise but two products: alcohol and cigarettes.

These billboards generate in excess of $1 million a year in revenue for these two multimillion-dollar companies, according to an estimate based on prevailing industry rates.

Yet, in erecting these boards, National 3M and the Winston Network have avoided paying thousands of dollars in fees due the city. More important, they have circumvented the most basic zoning and licensing requirements established by city government to protect neighborhoods from being overrun by billboards.

A spokesman for National 3M said last week that his company felt it had met the city's requirements by posting a bond and by obtaining a $20 business-privilege license. Top Winston Network officials were unavailable for comment.

The public debate over billboards has focused on the gigantic signs that line such highways as Interstate 95 and the Vine Street Expressway. However, National 3M and the Winston Network specialize in much smaller boards, usually measuring 5 by 11 feet.

Called 8-sheets by the industry these billboards are set on metal poles or the brick walls of buildings in more congested areas. They dot the landscape of North, West and Southwest Philadelphia and Germantown—not only along such commercial strips as Lancaster, Woodland, Ridge and Cecil B. Moore Avenues, but also along side streets, on corner grocery stores, barber shops, taprooms and abandoned buildings.

A list of the locations of 865 of these 8-sheet billboards was obtained from an industry source who said they were all illegal. City records were reviewed to see if the companies had obtained the necessary permits and paid the fees required for such billboards.

The Department of Licenses and Inspections, which regulates billboards, keeps no central registry of billboard-permit applications. Instead, they are kept in the files that include all building and zoning applications made since the mid-1930s for a particular address. This makes the process of checking billboard permits cumbersome and time-consuming, not only for the public but also for L&I inspectors.

So, The Inquirer selected at random a sample of 86 billboards from the site it had obtained, verified their existence and locations, and searched the L&I files. No applications or permits were found for any of the billboards.

In the words of Assistant Zoning Chief Frank Antico, these were "bootlegged" boards.

While L&I has no centralized records of billboard applications, the City Planning Commission does. From 1982 until late last year, the commission had the job of checking the accuracy of each billboard-permit application.

Richard Lombardo, head of project planning for the commission, said no applications were made by the Winston Network or National 3M for 8-sheet boards during the five years the commission reviewed applications.

That right to review was taken away from the commission in October by then L&I Commissioner Henry G. Herling after other billboard companies complained that the process was delaying approval of applications.

Billboard companies are required to pay an annual $15 fee for each billboard they have in the city. L&I does keep a computerized list of fees paid.

The Winston Network and National 3M should pay a total of at least $13,000 a year for their boards. However, according to a review of the 1987 L&I list, the two companies failed to pay any fees for their billboards.

Other fees would have been required had the companies applied for permits to erect billboards: a $100 zoning-permit fee, a $35 usage fee and an initial $15 fee for a billboard license. By bypassing the licensing process, the companies saved—and the city lost—an estimated $130,000.

Had the companies applied for permits, there is no guarantee they would have been approved, especially after 1985. That was the year City Council passed a law, sponsored by Councilman David Cohen, expanding the ban on billboards in neighborhoods.

Billboards have long been forbidden on all buildings classified as residential in the city's Zoning Code. Cohen's bill added buildings zoned C2 to the list. These are commercial buildings—corner stores are a good example—found in or near residential areas.

"We did it to prevent deterioration of these areas," Cohen said last week. "The neighborhood folks came in and said we have many situations where we have an excess of billboards. They make the area rundown."

Most of the billboards on The Inquirer's sample list were on buildings zoned C2. If they were erected after 1985, they would be illegal unless the companies went to the Zoning Board of Adjustment for a variance. Some of the billboards were on buildings zoned residential. That means these boards would be in violation of the city code because even the zoning board cannot grant billboard variances on residentially zoned properties.

The Winston Network, headquartered in New York City, is an outdoor-advertising company named after its founder, Irwin Winston, who retired last year after selling the company to a group of the firm's executives. It had sales of $130 million last year, according to Helene Goldfine, vice president for marketing.

Goldfine declined to comment on her company's operation in Philadelphia and referred all questions to Berton Miller, the company's general manager. He was unavailable for comment.

National 3M is the outdoor advertising division of Minnesota Mining & Manufacturing Co., with headquarters in St. Paul, Minn. Last year, 3M had revenues of $9.4 billion. Company spokesman Al DiCicco said 3M does not release information about the earnings of its subsidiaries. However, billboard industry publications have estimated National 3M's revenues at $200 million for 1986.

DiCicco was asked last week why National 3M had failed to obtain the permits and licenses required by Philadelphia.

"We have what is called a business-privilege license to operate within the city and a bond posted with the city in the amount of $5,000," DiCicco said. "We feel this covers all of those other fees. That is what the city asked for."

City Revenue Department officials confirmed that 3M does have a valid business-privilege license. It costs $20 a year.

However, officials at the Revenue Department, L&I and the Planning Commission said they were unaware of any requirement that billboard firms post bonds or any evidence that 3M had done so.

City officials also disputed 3M's statement that having a business-privilege license absolved it from following zoning and licensing requirements for billboards.

When asked to comment on DiCicco's statement, Thomas Chapman of the Planning Commission offered this one-word reply: "Baloney."

David Wismer, deputy commissioner of L&I, said more was needed than a business-privilege license.

"They would need, first of all, to get zoning permits to install each of the signs," Wismer said. "Then, they would have to get the annual license for each board."

He was referring to the $15 annual fee imposed by the city on each board.

In addition, each billboard company that wants to do business in Philadelphia must obtain an outdoor-advertising license that costs $150 a year. According to city records, the Winston Network has such a license. National 3M does not.

There has been a growth nationally in the number of 8-sheet billboards in recent years, partly because they are favored by industries eager to target specific consumers—particularly alcohol and cigarette companies that want to attract black customers.

A board can rent for as little as $150 a month, but advertisers rarely rent just one. They prefer to rent several hundred and saturate neighborhoods with their message.

For instance, of the 86 billboards picked at random by The Inquirer, 28 advertised cigarettes. Of those, 25 advertised the same brand: Salem menthol.

Another 28 advertised alcohol. Of those, 13 advertised one brand of cognac: Remy Martin.

Of the remaining billboards, 11 contained public service announcements, 12 advertised the movie *Action Jackson*, a film aimed at black audiences. Five advertised hair and other products. Only two were empty—an indication of the healthy demand for such billboards among advertisers.

The Coalition for Scenic Beauty, a Washington-based group that lobbies against the billboard industry, has long criticized the targeting of black and poor neighborhoods by billboard companies and cigarette and alcohol manufacturers.

"They are showing contempt for neighborhoods, for public health and for good government in Philadelphia," said Edward T. McMahon, executive director of the coalition.

L&I's Wismer cited a lack of personnel as one reason the department had not detected unlicensed billboards.

He said L&I had 48 housing and fire inspectors whose jobs include checking on billboards. However, these inspectors also are responsible for enforcing a number of codes for all residential buildings in the city, including boarding homes, rooming houses and apartment buildings.

WHY FAMILY FARMING IS THE BEST SYSTEM

● Mr. HARKIN. Mr. President, we have all heard arguments that family farms are a thing of the past—that farming is a business like any other and that we ought not bother to try to preserve family farms. I have long resisted these arguments.

I believe that preserving this Nation's heritage of family farms is the best hope for the economic well-being of rural communities. If the number of family farms continues to dwindle, rural communities will continue to decline.

I also believe family farms are best able to conserve and protect the Nation's resources and environment. Finally, studies have shown that family farms of modest size are highly productive and efficient. There is no basis for the notion that huge farms have significant advantage in productivity or efficiency.

The important role of family farms was very cogently expressed in a recent commentary by Lauren Soth, a distinguished writer on agricultural topics, published in the Des Moines Register on April 25, 1988. I ask that this article be printed in the RECORD, and recommend that my fellow Senators read it carefully.

The article follows:

WHY FAMILY FARMING IS BEST SYSTEM

(By Lauren Soth)

What kind of farming structure is best for the rural community in terms of jobs, cultural advantages, schools and income levels?

The common, instinctive answer to this question is a farm system based largely on independent family farms, where the management, capital, land and work are furnished largely by a single family—not a system of corporate-industrial style, large-scale farms. It is assumed, of course, that the family farms are up-to-date in technology, are fully commercial businesses and are not inefficient, backward, subsistence-type farms.

What kind of farming is best for a state or nation in terms of general economic advance and quality of living? People increasingly are getting fed up with the congested metropolises—they're moving to the suburbs and farther out, leaving central cities for the poor and disadvantaged who can't afford to move. Opinion polls consistently reflect a preference for suburban and rural lifestyles. What's the best organization of our agriculture with these considerations in mind? Well, the family-farm system, of course.

Sometimes people laugh at this conclusion. Farming is just like any other business, they say. Large organization and efficient management are essential. The family grocery, drug store, brick factory, cobbler's shop, blacksmith shop are gone. So must the family farm give way to modern, industrial organization.

Karl Marx thought that was the case, and he spoke of the "idiocy of rural life." He inspired the factory system of farming in the Soviet Union and other countries where Marxist economic organization took root. It hasn't worked out as well as Marxist doctrine predicted. In fact, the two biggest communist states are right now engaged in reforms to take advantage of the human impulses of independence, freedom of decision-making and the special symbiosis of humankind and the land.

The emotionalism surrounding the family-farm concept may be a source of contempt and amusement among "practical" business people. But politicians usually get sentimental about the family farm, and all national agricultural legislation sets forth its purpose to protect and defend the family farm.

Politicians are responding to what they know the people revere. But is it realistic in these times of huge business organizations, massive production lines, the computer, television, nuclear weapons and the air full of flying machines?

Funny thing about it, the answer is yes. Not just because of the evidence that this form of agricultural organization is what the people want for non-economic reasons but strong proof that the family-farm system is best for economic purposes as well.

A raft of studies by social scientists has shown that rural areas with the family-farm structure are more prosperous than those dominated by the factory-farm system. The classic study of this comparison was by Walter Goldschmidt covering two California communities back in 1947. This study has been replicated many times with much larger databases, notably by Earl O. Heady and Steve T. Zonka of Iowa State University.

The winter issue of Rural Sociology, the official journal of the Rural Sociological Society, carried two articles on farming structure covering the whole country—3,037 counties. They sorted out farms into three categories: corporate/commercial, larger family farming and smaller family farming.

Linda Laboa Reif, of the Department of Agricultural Economics and Rural Sociology of Ohio State University, found that "the larger family-farming pattern contributes to higher county socioeconomic conditions" in comparison with counties having a concentration of small-scale farms or the corporate/commercial variety.

Reif concluded that the larger family-farm areas had higher income on the average, lower percentages of people in poverty and a greater degree of family-income equality. She learned that counties with high-quality non-farm employment, such as durable-goods manufacturing, construction and public utilities, also contributed to higher socioeconomic conditions. (The people on most "larger family farms" get part of their income from non-farm jobs.)

An article by Ronald C. Wimberley, a sociologist at North Carolina State University, described the larger family-farm agriculture as primarily centered in the Middleswest and Great Plains, with other concentrations in the far Northwest and parts of California. He wrote that "the largest and smallest farm sizes are associated with poor community conditions and the mid-sized farms are linked with the highest quality of life."

National and state politicians who are talking about rural economic development ought to take heed of these—and many other—studies before barging off on the theme of large-scale, factory-style farming, which thins out population and wrecks the small towns. They might take a glance at the Soviet Union and China as well.

A final note: Many farm productivity studies by U.S. Department of Agriculture and the land-grant ag colleges have shown that the advantages of scale in both crop and livestock production taper off at the level of rather modest-sized operations.

The advantages of the biggest farm sizes often turn out to be political (tax benefits, marketing advantages, etc.) But effective cooperative organizations, based on family farms, can usually offset these advantages of size.●

COSPONSORSHIP OF AMERICANS WITH DISABILITIES ACT (S. 2345)

● Mr. McCAIN. Mr. President, I am pleased to join my distinguished colleagues from Connecticut, Senator WEICKER, and from Iowa, Senator HARKIN, as an original cosponsor of S. 2345, the Americans With Disabilities Act.

In 1974, with the signing into law of the Rehabilitation Act, this Nation declared that individuals with disabilities ought to be afforded the same right to participate in the fortunes of our society as those without disability. Just a month or so ago, we restated this commitment with the adoption of the Civil Rights Restoration Act.

Yet despite all of our efforts, there are many sectors of our society where it is lawful to deny a highly qualified individual employment merely on the basis of a physical or mental impairment. In addition, there are many places in our country where a self-sufficient, independent, professional individual may find it impossible to find appropriate and affordable housing, merely because they are disabled.

Obviously, Mr. President, much remains to be done before we can finally say with confidence that Americans with disabilities will be afforded an equal opportunity to participate full in our society.

Mr. President, in my opinion, this bill that is being offered today takes a large step in the right direction.

If enacted, S. 2345 will offer disabled individuals the same protection in private employment that is currently provided to those without disability. In addition, it will prohibit discrimination in the offering of public accommodations, the rental and sale or multifamily housing, transportation services, broadcasting, communications and telecommunications and finally the actions, practices, and operations of a State.

While I have some reservations about portions of the bill—among which are the elimination of "undue hardship" for reasonable accommodation, clarification of what constitutes a public accommodation and which public accommodations would be required to retrofit in order to come into compliance with the bill, and how the bill defines transportation services and what is the scope of the bill's provisions with regard to intrastate transportation systems.

Mr. President, though I have concerns with the bill—many of which I have mentioned in a general sense—I believe this is an important piece of legislation, in terms of continuing to erode barriers to those with disabilities. I am pleased to lend my support to this effort, and look forward to working with the distinguished authors of this legislation in addressing my concerns and questions.●

ARMENIAN MARTYRS DAY

● Mr. **RIEGLE**. Mr. President, on April 24, Armenians worldwide honored the memory of the 1.5 million Armenians who perished at the hands of the Turkish Ottomans. I rise today to pay tribute the victims of that tragedy which began 73 years ago.

There are few events in the history of mankind which are so starkly tragic and devastating as the Armenian genocide of 1915-23. In 1915, Russia invaded the Turkish Ottoman Empire, which at the time was allied with Germany in the First World War. On April 24 of that year, the Turkish Government took advantage of a world distracted by war and set out to destroy the Armenian people. Hundreds of Armenian religious, political, and intellectual leaders were rounded up, exiled, and eventually murdered in remote places in Anatolia.

Over the next several months, the Armenian community of the Ottoman Empire was virtually eliminated as the result of a carefully executed plan by the Turkish rulers. Some 250,000 Armenians serving in the Ottoman Army during the war were disarmed and placed in forced labor battalions where they were either starved to death or executed. Disarmed and defenseless, the Armenian people were deported from cities, towns, and villages throughout Asia and Turkey. A majority of the deportees died on the marches from starvation, disease, and massacre. In addition to those who died in the genocide and deportations, some 500,000 refugees escaped to the north across the Russian border, south into Arab countries, or to Europe and the United States.

The end of the First World War brought only a brief respite for the beleaguered Armenians. In 1918, the remaining Ottoman Armenians rose and defeated a Turkish Army and established an independent Armenian state. Although Turkey and the Allies signed the Treaty of Sevres in 1920, which enlarged independent Armenia, that same year both Turkey and the Soviet Union invaded Armenia. Eastern Armenia became the Armenian Soviet Socialist Republic. Those Armenians remaining under Turkish control continued to be persecuted and slaughtered.

The anguish suffered by the relatives and descendants of those who perished in the genocide, as well as those who were displaced from their homeland during this terrible episode of history, continues undiminished to this day. It is intensified by the longstanding refusal of the Turkish Government to acknowledge that the Armenian genocide ever occurred, despite the existence of ample documentation to the contrary.

The most telling evidence that the genocide occurred comes from the personal descriptions of their suffering, written by Armenian survivors. In addition, Henry Morganthau, who was United States Ambassador to Ottoman Turkey at the time, and who is hailed by Armenians worldwide as having led the international outcry against the genocide provided this testimony in 1918:

> The facts contained in the reports received at the Embassy from absolutely trustworthy eye-witnesses surpass the most beastly and diabolical cruelties ever before perpetrated or imagined in the history of the world.

In light of the overwhelming testimony provided by eyewitnesses and survivors, the continued denial by the Turkish Government that the Armenian genocide ever occurred must be vigorously protested by our Government. We must make our position clear, for toleration of genocide and its acceptance as a solution to problems only leads to its repeated use. As history has shown, the Armenian genocide was not the last, but the first, of many attempts to exterminate peoples in this century. Six million Jews under Hitler, untold number of Soviet citizens in the Gulags under Stalin, and countless Cambodians under Pol Pot were also victims of the atrocity of genocide.

Mr. President, one cannot speak of the Armenian people without recalling the recent actions taken by the citizens of Soviet Armenia in recent months. In an effort to bring to the attention of Soviet authorities the injustices they suffer, Armenians living there staged the largest public demonstrations ever reported in the U.S.S.R. Their demands were straightforward: that action be taken to address the serious pollution problem affecting their Republic, and that they be allowed to reunite with their Armenian brothers and sisters in the neighboring Republic of Azerbaijan.

For the Armenian people there, the struggle for human rights continues to this day, and they deserve our support. For them, as well as for those who today enjoy freedom, the entire world must speak with one voice in setting straight the historical record about the genocide, so that the challenges of today may be met head on. We must condemn the genocidal crimes of the Ottoman Turks against the Armenian people, and ensure that the truth about that tragedy is preserved, so that future generations will be spared the horrors of the past.●

THE QUESTION OF TREATY INTERPRETATION

● Mr. **PELL**. Mr. President, after extensive consideration of the INF Treaty, the Foreign Relations Committee reported the treaty to the full Senate 2 weeks ago, with a strong recommendation that the Senate give its advice and consent to ratification.

The committee recommended that the Senate attach only one condition to its consent: A formal condition concerning treaty interpretation. Because this is a complex question and because I wish to encourage as many Senators as possible to focus very clearly on the issue before reaching a final judgment, I ask to place in the RECORD, at the end of my remarks, a letter from the highly prestigious Association of the Bar of the City of New York, endorsing the committee's action from the perspective of its legal soundness.

I urge Senators to give a close reading to the language of the condition itself. Such scrutiny will, I believe, demonstrate the following:

First, nothing in the condition represents a Senate encroachment on the prerogative and duty of the President to interpret and implement treaties for the United States. On the contrary, the condition does no more than affirm (a) that in performing this role, the President must operate within the latitude of the original understanding of a treaty held jointly by the Executive and the Senate; and (b) that such joint understanding is reflected in the text of the treaty as explained by the Executive to the Senate. This longstanding principle affords the President considerable scope for interpretation, just as the concept of legislative intent affords the President considerable latitude in interpreting and implementing statutes. I would emphasize that the condition was drafted with great care, in consultation with distinguished legal scholars, to express well established constitutional practice.

Second, nothing in the condition prevents the President from announcing that he regards the condition as having no effect on the "broad" interpretation of the ABM Treaty. Indeed, in so doing, he could refer to the Foreign Relations Committee report, which emphasizes that the condition has neither the purpose nor the effect of resolving that issue.

Third, nothing in the condition requires in any way that the President express agreement with the principles enunciated in the condition. I reiterate the committee's judgment that the principles expressed are eminently sound. However, in acting on the consent provided by the resolution of ratification, the President could, if he so chose, remain silent with respect to the validity and significance of the condition.

I sincerely believe that careful attention to this matter will lead Senators to conclude that the President's interest in defending the broad interpretation of the ABM Treaty and the Senate's interest in upholding the treaty power as traditionally conceived need not be in conflict in the context of INF Treaty ratification.

Accordingly, I hope that Senators will refrain from a divisive debate on the treaty interpretation issue. Given the considerations I have cited above, there is no reason why any disagreement on this issue need jeopardize early ratifiation of a treaty that, by all appearances, enjoys solid Senate support.

The letter follows:

THE ASSOCIATION OF THE BAR
OF THE CITY OF NEW YORK,
New York, NY, April 15, 1988.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR SENATOR PELL: On behalf of the Committee on International Arms Control and Security Affairs of the Association of the Bar of the City of New York, I am pleased to convey to you the Committee's views on the proposed Resolution of Ratification of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles.

The Committee supports the proposed Resolutions of Ratification as reported to the Senate by the Committee on Foreign Relations. Specifically, the Committee supports the principles contained in the condition to the Treaty that the Committee on Foreign Relations has adopted: that a treaty is to be interpreted according to the shared understanding of the Senate and the Executive, based on the authoritative representations made by the Executive to the Senate.

These principles are fundamental to our Constitutional scheme and cannot reasonably be questioned. Indeed, for this reason, these principles are implicit in and integral to every resolution of ratification that the Senate adopts.

You may place these views in the official record if you wish.

Sincerely yours,
DONALD H. RIVKIN, *Chair.*●

PRESIDENTIAL TRANSITIONS EFFECTIVENESS ACT

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be discharged from further consideration of H.R. 3932, the Presidential Transitions Effectiveness Act, and that the Senate proceed to its immediate consideration; that the text of S. 2037, as amended, which the Senate passed on April 26, be substituted after the enacting clause of H.R. 3932, and that the bill then proceed to third reading, passed and the motion to reconsider laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I will inquire of the distinguished Senator from Utah as to whether or not Calendar Order 614 on the Executive Calendar has been cleared for action on that side.

Mr. HATCH. It has.

Mr. BYRD. Mr. President, I thank my friend.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Calendar Order 614; that the nomination be confirmed; that the President be immediately notified of the confirmation of the nominee, the motion to reconsider laid on the table, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The nomination considered and confirmed is as follows:

FEDERAL MARITIME COMMISSION

Elaine L. Chao, of California, to be a Federal Maritime Commissioner for the remainder of the term expiring June 30, 1991.

RECORD TO REMAIN OPEN UNTIL 2 P.M.

Mr. BYRD. Now, Mr. President, I ask unanimous consent that the RECORD remain open today until 2 o'clock p.m. for statements and the introduction of legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MAY 9, 1988

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate convenes on Monday next, following the recognition of the two leaders, that there be a period for morning business not to extend beyond 11:30, and that Senators may speak during that period of morning business for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO MOTIONS OR RESOLUTIONS OVER UNDER THE RULE TO COME OVER

Mr. BYRD. Mr. President, I ask unanimous consent that on Monday, May 9, the call of the calendar be waived, and that no motions or resolutions over under the rule come over.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM FOR MONDAY, MAY 9, 1988

Mr. BYRD. Mr. President, I have discussed with Senator DOLE this morning the possible program for Monday, May 9. I think we are in agreement that we will try to proceed to the DOD authorization bill on Monday. We would like to proceed to that bill. Senator NUNN is the chairman and is ready to proceed on that measure.

Then, hopefully by Wednesday, certain problems which have arisen in respect to the INF Treaty can be resolved; those problems having surfaced into the public domain in yesterday's paper, the New York Times and again today in the New York Times, and in the Washington Post of today.

The three committees—the Armed Services Committee, the Foreign Relations Committee, and the Intelligence Committee—will be hosting a meeting.

The Intelligence Committee will actually be hosting the meeting, but the three committees which have jurisdiction over certain aspects of the treaty are also going to participate on Tuesday afternoon, I believe, with administration officials in developing facts concerning the committees that have arisen, and I hope that progress can be clearly indicated by that time in resolving these important questions that have surfaced.

Administration officials, according to these news reports—and I understand in talking with the people on the committee—have been concerned about a possible backing away from some of the previous understandings and agreements by the Soviets, and that is creating some concern.

In view of that fact that administration officials are expressing this concern, I think it would be helpful to the administration if the Soviet Union came forward and clearly lent its abilities and efforts to clarifying these matters and putting them to rest.

So, on a tentative basis, as I have indicated to Senator **Dole**, it would be the plan, then, on Wednesday of next week to go to the treaty; and, hopefully, as a result of Tuesday's meeting, the Soviets and the administration will have been able to come together, and we will not have these problems.

So, at least until next Wednesday, I will say that the Senate will be on other very important business, the DOD authorization bill. If that bill is not finished by the conclusion of business on Tuesday, and by that time it appears that the Senate is ready to go forward on the treaty, then Senator **Nunn** has indicated a willingness to either set the DOD authorization bill aside and take it up following the action on the treaty or, as I suggested to Senator **Dole**, Senator **Nunn**, Senator **Boren**, and Senator **Pell**, perhaps for a day or two we could proceed on a two-track basis, get work started on the treaty, and finish the work on the DOD authorization bill. We can make that decision as of next Wednesday.

Senators should be aware, therefore, that there are expected to be rollcall votes on Monday; and, in accordance with the regimen in recent weeks, rollcall votes could occur early in the day. I am sure that opening statements would take part of the time on that Monday in connection with the DOD bill; but, in any event, Senators ought to be prepared for a rollcall vote or votes, if they occur, should I determine to have a vote on Monday.

Senators should be aware of the DOD bill being before the Senate, or whatever legislation is before the Senate. As I have indicated, I hope that will be the bill because it is ready. The report will have been filed and it will have cleared the 2-day rule. The Republican leader and I have discussed this matter, and I think we are both in agreement that we ought to proceed with it.

There could be, as I say, requests of the Sergeant at Arms to have Senators come in.

But even that vote would not occur prior to noon. So that should not be a problem, I do not believe, with most Senators. They have been getting here at reasonably early hours on Mondays following the break.

Mr. President, if the distinguished Senator from Utah has any statement or further business he would like to transact, I would be happy to yield to him.

Mr. HATCH. I do not.

I appreciate the session we have had up to now and I appreciate Senator **Byrd's** leadership during these past months.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his kind words.

I also thank him again as the ranking manager of the AIDS bill on yesterday for the excellent work that he did in helping to bring that landmark piece of legislation to the floor and in rendering yeoman assistance in its passage on the floor.

Mr. HATCH. I thank my colleague for the kind remarks. They mean a great deal to me.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair on behalf of the President pro tempore, pursuant to section 9033(c)(1)(C) of Public Law 100-203, appoints the following individual to serve on the Commission on Railroad Retirement Reform: Dr. Emil McKee Sunley of Maryland.

ADJOURNMENT UNTIL MONDAY, MAY 9, 1988 AT 11 A.M.

Mr. BYRD. Mr. President, there being no further business to come before the Senate, I move, in accordance with the provisions of Senate Concurrent Resolution 116, that the Senate stand in adjournment until the hour of 11 a.m. on Monday, May 9, 1988.

The motion was agreed to; and at 1:10 p.m., the Senate adjourned until Monday, May 9, 1988, at 11 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate April 29, 1988:

FEDERAL MARITIME COMMISSION

ELAINE L. CHAO, OF CALIFORNIA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 1991.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Friday, April 29, 1988*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

God of promise, God of hope, we place before You our deepest concerns, those feelings or problems we withhold from all else. We earnestly pray that Your Spirit will touch us in the depths of our being and minister to the needs of every person with healing and forgiveness and strength. Though our minds and thoughts and hearts may depart from You, O God, may Your Spirit never depart from us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GREGG. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GREGG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 230, nays 113, not voting 88, as follows:

[Roll No. 80]

YEAS—230

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Barnard
Bartlett
Bateman
Beilenson
Bennett
Bilbray
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brown (CA)
Bruce
Bryant
Buechner
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Chapman
Chappell
Clarke
Clement
Coelho
Coleman (TX)
Combest
Conte
Cooper
Darden
Davis (MI)
DeFazio
Dellums
Derrick
Dicks
Dingell
Donnelly
Dorgan (ND)
Dowdy
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Feighan
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frost
Garcia
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grant
Gray (IL)
Green
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hopkins
Horton
Houghton
Hoyer
Hubbard
Hughes
Hutto
Jenkins
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leath (TX)
Lehman (FL)
Leland
Levin (MI)
Lewis (GA)
Lloyd
Lowry (WA)
Lujan
Luken, Thomas
MacKay
Manton
Markey
Matsui
Mavroules
McCloskey
McCrery
McCurdy
McDade
McEwen
McMillen (MD)
Mfume
Mineta
Moakley
Mollohan
Montgomery
Morrison (CT)
Mrazek
Murtha
Myers
Nagle
Natcher
Nelson
Nichols
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Oxley
Packard
Panetta
Parris
Patterson
Pease
Pelosi
Perkins
Petri
Pickett
Pickle
Price
Quillen
Rangel
Ravenel
Rinaldo
Ritter
Robinson
Roe
Rose
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schulze
Schumer
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Solarz
Spence
Spratt
Staggers
Stark
Stenholm
Stratton
Studds
Sweeney
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torricelli
Traficant
Traxler
Valentine
Vento
Visclosky
Walgren
Watkins
Waxman
Whitten
Wise
Wolpe
Wyden
Wylie
Yatron
Schroeder
Sensenbrenner
Shays
Sikorski
Skeen
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stangeland
Stump
Sundquist
Swindall
Tauke
Upton
Vander Jagt
Vucanovich
Walker
Weber
Wheat
Whittaker
Wolf
Young (FL)

NAYS—113

Armey
Baker
Ballenger
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boulter
Broomfield
Brown (CO)
Bunning
Burton
Chandler
Clay
Clinger
Coats
Coble
Coleman (MO)
Coughlin
Crane
Dannemeyer
Davis (IL)
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Gallegly
Gallo
Gekas
Goodling
Grandy
Gregg
Hansen
Hastert
Hefley
Herger
Hiler
Holloway
Hyde
Inhofe
Ireland
Jacobs
Kolbe
Konnyu
Kyl
Lagomarsino
Lewis (FL)
Lightfoot
Livingston
Lott
Lukens, Donald
Madigan
Martin (IL)
Martin (NY)
McCandless
McCollum
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Morella
Morrison (WA)
Murphy
Nielson
Pashayan
Penny
Porter
Pursell
Regula
Rhodes
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer

NOT VOTING—88

Badham
Barton
Bates
Berman
Bevill
Biaggi
Boggs
Boland
Brooks
Carr
Cheney
Collins
Conyers
Courter
Coyne
Craig
Crockett
Daub
de la Garza
DioGuardi
Dixon
Downey
Duncan
Dymally
Fazio
Flake
Ford (TN)
Frenzel
Gaydos
Gingrich
Gray (PA)
Guarini
Hall (OH)
Hatcher
Henry
Huckaby
Hunter
Jeffords
Johnson (CT)
Jones (TN)
Kemp
Lancaster
Latta
Leach (IA)
Lehman (CA)
Lent
Levine (CA)
Lewis (CA)
Lipinski
Lowery (CA)
Lungren
Mack
Marlenee
Martinez
Mazzoli
McHugh
Mica
Miller (CA)
Miller (WA)
Moody
Neal
Oakar
Owens (NY)
Pepper
Rahall
Ray
Richardson
Ridge
Rodino
Rostenkowski
Schneider
Schuette
St Germain
Stallings
Stokes
Swift
Thomas (CA)
Torres
Towns
Udall
Volkmer
Weiss
Weldon
Williams
Wilson
Wortley
Yates
Young (AK)

□ 1024

Mr. STUMP changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H.R. 2889. An act for the relief of Frances Silver;

H.R. 3025. An act to grant the consent of the Congress to the Appalachian States Low-Level Radioactive Waste Compact;

H.R. 3606. An act for the relief of Brenda W. Gay;

H.J. Res. 545. Joint resolution designating May 8-14, 1988, as "Just Say No Week"; and

H.J. Res. 552. Joint resolution making emergency mandatory veterans supplemental appropriations for the fiscal year ending September 30, 1988.

The message also announced, that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the amendments of the Senate to the bill

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(H.R. 2616) "An act to amend title 38, United States Code, to improve health care programs of the Veterans' Administration."

The message also announced, that the Senate agrees to the amendments of the House to the bill (S. 999) "An act to amend title 38, United States Code, and the Veterans' Job Training Act to improve veterans employment, counseling, and job-training services and programs."

The message also announced, that the Senate agrees to the amendment of the House to the bill (S. 2273) "An act to provide for the transfer of certain funds to the Secretary of the Interior for the benefit of certain members of the Crow Tribe."

The message also announced, that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 116. Concurrent resolution providing for a conditional adjournment or recess of the Senate from April 29, 1988, until May 9, 1988.

PERMISSION FOR COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY TO SIT TODAY DURING 5-MINUTE RULE

Mr. ROE. Mr. Speaker, I ask unanimous consent that the Committee on Science, Space, and Technology be permitted to sit on today, April 29, 1988, while the House is considering H.R. 4264 for the purpose of the markup of pending legislation.

The SPEAKER pro tempore (Mr. BILBRAY). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MESSAGE FROM THE SENATE

The SPEAKER pro tempore. The Chair lays before the House the following message from the Senate.

The Clerk read as follows:

S. CON. RES. 116

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns or recesses at the close of business on Friday, April 29, 1988, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand adjourned or recessed as the case may be until 11 a.m. on Monday, May 9, 1988, or until 12 o'clock meridian on the second day after the Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in his opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING THE LAW ENFORCEMENT TORCH RUN FOR SPECIAL OLYMPICS THROUGH THE CAPITOL GROUNDS

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 114), authorizing the running of the Law Enforcement Torch Run for the Special Olympics through the Capitol Grounds, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, I yield to the gentleman from California [Mr. ANDERSON], the offerer of the resolution and the distinguished chairman of the committee for his explanation of the resolution.

Mr. ANDERSON. Mr. Speaker, I thank the gentleman for yielding and also thank him for his cooperation on this resolution.

Mr. Speaker, Senate Concurrent Resolution 114 authorizes the 1988 Law Enforcement Torch Run for the Special Olympics to be run through the Capitol Grounds, as part of the journey of the Special Olympics Torch to the District of Columbia Special Olympics Spring Games at Gallaudet University in the District of Columbia, on or about May 20, 1988.

Mr. Speaker, currently there is a provision in the law prohibiting torches from being carried on the Capitol Grounds. The Congress did pass special legislation in 1984 so that the Olympic Torch could be carried through the Capitol Grounds on its way to the Olympics in Los Angeles, and again, in 1986 and 1987 for the Special Olympics held at Gallaudet University. This resolution does the same thing for the Special Olympics to be held at Gallaudet University in 1988. Mr. Speaker, the Special Olympics, founded in 1968 by Eunice Kennedy Shriver, provides year-round training and competition to any individual age 8 or older who is mentally retarded. Mr. Speaker, enactment of this legislation is a very positive step toward promoting interest in the Special Olympics and I urge passage of the bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, I thank the gentleman for his explanation.

Further reserving the right to object, I yield to the distinguished gentleman from New York [Mr. MOLINARI], a member of the Subcommittee on Public Buildings and Grounds.

Mr. MOLINARI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, very briefly, the Law Enforcement Torch Run for Special Olympics has become an annual tradition and a symbol of the start of the games.

The Drug Enforcement Agency is to be commended for their efforts in organizing this year's relay, and I am pleased to once again support this resolution.

Mr. HAMMERSCHMIDT. Mr. Speaker, I thank the gentleman for his explanation.

Mr. Speaker, I rise in support of this resolution which would authorize the 1988 Law Enforcement Torch Run for Special Olympics to be run on the Capitol Grounds. The torch will be lit here at the Capitol and a relay of local police organizations will lead the torch to Gallaudet University to open the D.C. Special Olympics. The Special Olympics has a proud 20-year history of providing training and competition for individuals with mental retardation. The torch relay will certainly help to promote the games and ensure their success.

Mr. Speaker, the House has passed similar legislation the past 2 years, and I would urge the passage of Senate Concurrent Resolution 114 today.

Mr. SUNIA. Mr. Speaker, I rise in support of Senate Concurrent Resolution 114 which authorizes the 1988 Special Olympics Law Enforcement Torch Run to use the U.S. Capitol Grounds as part of its torch lighting ceremony, as part of the journey of the Special Olympics Torch Run to the District of Columbia Special Olympics Spring Games to be held at Gallaudet University in the District of Columbia on or about May 20, 1988.

Mr. Speaker, the Special Olympics was founded by Eunice Kennedy Shriver in 1968. It offers a challenging and rewarding opportunity to any individual with mental retardation, age 8 and up. The spring games will allow these individuals to compete in gymnastics, track and field, softball, volleyball, and aquatics.

To conclude, the torch will be lit on the U.S. Capitol Grounds and local police organizations will lead the torch to Gallaudet University to open the District of Columbia Special Olympics Spring Games. Congress has passed similar resolutions the past 2 years, and I would urge passage of Senate Concurrent Resolution 114.

Mr. MICA. Mr. Speaker, I am pleased to have introduced this concurrent resolution which will authorize the 1988 Special Olympics Law Enforcement Torch Run to use the U.S. Capitol Grounds for its torch lighting ceremony, thereby initiating the Special Olympics Torch relay leading from the Capitol to Gallaudet University for the 1988 Special Olympics Spring Games.

Founded in 1968 in Eunice Kennedy Shriver, the Special Olympics Program offers year round training and competition in 14 official sports to any individual with mental retardation, age 8 and up. More than 1 million athletes in over 20,000 communities in the United States and 50 foreign countries participate in

Special Olympics. Approximately 900 athletes will compete in the D.C. spring games in five areas: aquatics, track and field, gymnastics, volleyball, and softball.

As a strong supporter of this program, I am honored to offer this legislation which will assist in drawing greater attention to the importance of the Special Olympics games and to the participation of over 900 mentally retarded youngsters in the D.C. games alone.

Mr. HAMMERSCHMIDT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 114

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF RUNNING OF THE LAW ENFORCEMENT TORCH RUN FOR THE SPECIAL OLYMPICS THROUGH CAPITOL GROUNDS.

On May 20, 1988, or on such other date as the President pro tempore of the Senate and the Speaker of the House of Representatives may designate jointly, the Law Enforcement Torch Run for the Special Olympics may be run through the Capitol Grounds, as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics Spring Games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such action as may be necessary to carry out section 1.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event authorized by section 1.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1030

MR. PRESIDENT, DO NOT VETO THE BASIC RIGHTS OF AMERICAN WORKERS

(Mr. WOLPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLPE. Mr. Speaker, President Reagan has the opportunity, with the stroke of his pen, to enact into law the most sweeping trade reform statute of the last 15 years. It is a bill that restores American competitiveness, that will open foreign markets, that will invigorate our economy.

Or the President can, in the space of a few seconds, veto 3 years of hard work, bipartisan consensus, and basic fairness for American workers.

It would be no less than a tragedy for the President to sacrifice this trade bill on the altar of the plant closing provision.

By decisive margins, Congress adopted the plant closing legislation because American workers are losing their jobs to the trade deficit.

Simple justice demands that workers who have invested their lives in their factories be given a fair notice that calamity will strike.

Corporate executives protect themselves with golden parachutes and the inside information that layoffs are coming.

But corporate employees, and their communities, today must rely, so often in vain, on mere hope they will be treated fairly.

But 2 days' notice that your career is over is not fair.

Two days' notice to pick up your last pay check is not fair.

Two days' notice that your community is entering a depression is not fair.

America's workers seek only common decency, Mr. President.

Sign the trade bill, Mr. President.

Don't veto the basic rights of working men and women.

CHESTER, PA, A RENAISSANCE CITY ON THE MOVE

(Mr. SCHULZE asked and was given permission to address the House for 1 minute.)

Mr. SCHULZE. Mr. Speaker, late last year I learned of an economic development data based developed by Penn State University economists which can help match industries to communities. I was intrigued by the concept and asked Penn State to work up an industrial analysis for the city of Chester, PA.

I have been touting Chester for years as a renaissance city because it has the three most important criteria in real estate—location, location, location. And the Penn State analysis bears this out. In fact, no other community in the Northeast ranks more favorably for the location of such industries as meat packing, fabricated textiles, motor vehicles, agricultural, and industrial chemicals, or commercial printing.

Chester should be a city on the move—I believe it soon will be. If any of my colleagues know of firms in their areas which are planning on relocating, I would be pleased to make available to them copies of the Penn State analysis.

LET'S NOT CURB THE WAR ON DRUGS BY SENDING THE COAST GUARD TO THE PERSIAN GULF

(Mr. BRENNAN asked and was given permission to address the House for 1 minute.)

Mr. BRENNAN. Mr. Speaker, there is discussion currently underway at the White House and the Pentagon calling for use of our Coast Guard in the Persian Gulf.

At a time when funding shortfalls have restricted drug interdiction, curbed search and rescue missions, and closed Coast Guard facilities, I question the priorities of this possible decision.

My constituents are outraged that drug interdiction patrols have been reduced 55 percent because of Coast Guard budget cuts. This is certainly the wrong time to retreat on the war against drugs.

I am also concerned about introducing lightly armed Coast Guard vessels into a region which has a high probability of hostile fire. The U.S. Navy has warships deployed in the Persian Gulf and are ready for possible hostile confrontation. The Coast Guard, while excellently trained for their missions would be disadvantaged without the armament, radar, and combat training associated with Navy warships.

I seriously question the possible deployment of our Coast Guard to the Persian Gulf and look forward to hearing from our military leadership about this matter.

ENERGY POLICY: IS THE U.S. READY FOR THE 1990'S?

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, as House Chair of the Environmental and Energy Study Conference, I want to commend to our colleagues' attention a special report we have just published that I believe will be a tremendous resource to the Congress in our future deliberations on energy policy.

The report, by staff writer Mark Holt, is entitled "Energy Policy: Is the U.S. Ready for the 1990's?" and subtitled "Energy Security Laws of the 1970's and Their Effectiveness Today."

These titles only hint at the comprehensiveness of this report, which is a detailed examination of the U.S. policy response to the energy crisis in the 1970's.

There is little question that we are better prepared today for the kind of energy supply dislocations we suffered in the 1970's than we were then. It is also no secret that international events have been kind to the U.S. energy posture in the 1980's.

But we face the possibility of an uncertain international energy supply market in the 1990's. If events run contrary to our hopes, we will once again debate on this floor a U.S. policy response.

For that reason, I asked the study conference staff to put together a brief history of the congressional response to the energy crisis in the 1970's, including a look at where those laws are today. This report is the result: it catalogs every major energy law enacted between 1973 and 1980, along with its current status. There is no better source of information for those who wish to understand which policies worked well and which didn't work at all.

This report is important reading today. We may find it invaluable in the years ahead.

GENERAL NORIEGA: DO NOT PASS "GO": GO DIRECTLY TO JAIL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, there is only one thing dumber than giving away the Panama Canal and that would be cutting a deal with General Noriega, one of the biggest drug smugglers now in world history.

Now the State Department has said that they would drop the indictment if Noriega would leave Panama.

Now can you believe this? Do you really think Noriega would leave Panama and not set up another operation or maybe come back and take Panama over? That is the problem here in Washington; we make more deals than Monte Hall. We make more compromises than every other nation in the world.

I say we have a $300 billion military budget and it is this time that we should use it. America should go in after this guy.

And there is only one deal we should offer: General Noriega, do not pass "go", go directly to jail.

Furthermore, I think we should take a look at that canal deal. I think we should take it back.

MINIMUM WAGE LEGISLATION

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. INHOFE. Mr. Speaker, on March 16 the Education and Labor Committee adopted a measure to raise the minimum wage to $5.05 by 1992. The committee approved the increase by a closely divided vote of 18 to 14.

I am very concerned about this action because in my home State of Oklahoma there are thousands of businesses that are on the verge of bankruptcy. Oklahoma is suffering a recession that has reached crisis proportions and is comparable to the 1930's. A sharp rise in the minimum wage would cause many employers to cut the numbers of employees. In fact, according to a study by the National Federation of Independent Business [NFIB] raising the minimum wage to $4.65 as originally proposed would cause a potential loss of between 200,000 to 600,000 jobs. Much of this loss would be borne by the groups with the highest unemployment rate—minority youth and working poor—the very groups the committee is claiming to help.

If the wage raised to $5.05 as suggested by the Labor Committee, NFIB estimates that between 400,000 and 1,000,000 jobs would be lost. Additional jobs opportunities would be lost as businesses are forced to scale down rather than increase the size of their operations. Fifteen States are reviewing their minimum wage rates and some have already made upward adjustments. I am a firm believer that wage rates according to their individual economies. Any intrusion by the Federal Government would stifle desperately needed jobs in economically depressed areas. States with full employment and growing economies should not be permitted to bring policies, such as a higher minimum wage, to bear on States in a less fortunate position. The proposed Federal rate does just that—forcing a uniform economic policy on all States without regard to individual circumstances.

I hope the House will oppose any changes in the minimum wage and instead let the State decide what their rate will be. In addition, I include the factsheet by the NFIB be printed in the CONGRESSIONAL RECORD following my remarks.

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC.

SMALL BUSINESS CONCERNS WITH THE MINIMUM WAGE

The impact of an increase in minimum wage is felt especially by small businesses, which are responsible for 70% of all new jobs in the United States. Two-thirds of all workers enter the workforce in a small business.

Consider the following issues:

1. According to Dr. Charles Brown, Senior Economist for the Minimum Wage Study Commission the proposed increase to $4.65 would result in a potential loss of between 200,000 to 600,000 job opportunities. Much of this loss will be borne by the groups with the highest unemployment rate—minority youth and working poor.

2. Of a civilian workforce near 114 million, no more than 5.1 million earn only $3.35 per hour. This represents less than 5% of all working Americans.

3. Most minimum wage earners do not fit the Kennedy-Hawkins' profile:

Two-thirds of all minimum wage earners are under 25 years old, many are students.

60% of all minimum wage earners are single, and

Two-thirds of the 5.1 million minimum wage earners are part-time workers.

4. Only 9% of all minimum wage earners are heads of households or only 459,000 individuals of a 114,000,000 work force.

5. States are increasing their minimum wage based upon their individual economies. Many strong, full employment states such as Massachusetts and other New England states have state minimum wages well above the federal standard. However, states with less vibrant economics are reluctant to raise the standard for fear of pricing many job applicants out of the market, stifling desperately needed job creation and reducing their state's attractiveness to new businesses.

6. An increase in the minimum wage has an indirect, or "ratchet", effect on other workers' wages, increasing all wages to some extent. This also fuels inflation.

7. Indexing the minimum wage to guarantee an increase each year, regardless of need or economic factors, will fuel inflation and keep wage levels at artificially high levels, jeopardizing the marketability of low or unskilled workers.

BOTTOM LINE.—An increase in the minimum wage raises the legal minimum price of labor above the productivity of the least skilled workers, reducing their chances of finding employment. While some workers will receive an income boost, many will lose their jobs. In a competitive market place, wage should have some bearing on performance value.

FAIR PAY FOR AMERICAN WORKERS

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. VENTO. Mr. Speaker, 50 years ago, the Congress and President Franklin D. Roosevelt enacted the first minimum wage law to protect the economic interests of the most vulnerable workers in our society. Today, there are over 5 million Americans who work in minimum wage jobs. Since 1938, the minimum wage has been raised, six instances. The last increase in the minimum wage was 7 years ago. Fairness and simple arithmetic tell us that a minimum wage is overdue.

At the current rate of $3.35 an hour, a mother heading a household with two children who works full time at the current minimum wage earns an annual income $1,900 below the poverty line. A laborer with a wife and two children ends up $4,600 below the poverty line. Prices have risen 32 percent since 1981 and the minimum wage is at its lowest real value since 1955.

Fifty-four economists, led by Nobel Laureate Lawrence Klein, John Kenneth Galbraith, and Lester Thurow have endorsed raising the minimum wage. They have also refuted the argument that raising the minimum wage will significantly increase inflation and unemployment. In fact, between 1977 and 1981, when the minimum wage was increased some 50 percent, there was a 9-percent increase in employment. The minimum wage does not cause unemployment, but recessions and shortsighted economic policies do. I hope that H.R. 1834 will reach the House floor soon and that my colleagues will join me in voting for a fair minimum wage—fair pay for American workers.

IT IS IMPERATIVE WE HANDLE THE BUDGET DEFICIT NOW

(Mr. HOPKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. HOPKINS. Mr. Speaker the discussion this week centers around the $300 billion Defense authorization bill, but in our deliberations, we cannot forget that the budget process continues year round.

Early this week, the Commerce Department released economic figures that can lead to only one conclusion: the U.S. economy is strong.

I'm sure that my colleagues on both sides of the aisle will agree that this is particularly good news in light of the doom and gloom predictions after Black Monday.

The U.S. economy grew at a rate of 2.3 percent in the first quarter of 1988 and consumer spending climbed at a 3.8-percent rate.

While our economy has shown a strong buoyancy in these troubled seas, there is another tidal wave looming which Congress alone has the responsibility and capability to avoid—the budget deficit.

To keep our economy growing, it is imperative that we handle that monster now.

Now is the time to cut spending.

Now is the time to refrain from tax increases.

I urge my colleagues on the Budget and Appropriations Committees to take note of our economy's progress and make cuts in spending to tame the budget deficit now.

SMALL BUSINESS SHOULD STAGE A VIGOROUS ENTRANCE INTO THE FIELD OF EXPORTS

(Mrs. PATTERSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. PATTERSON. Mr. Speaker, although a solution to the trade deficit will require a number of actions—from strong trade and textile legislation to tough bilateral negotiations with our competitors—one part of the solution must be to increase exports. To be sure, we must knock down the barriers of unfair trade practices, but we also must provide the skills, tools, and incentives to our businesses that will make export trade profitable.

Today I am introducing a bill to encourage our Nation's small businesses to stage a vigorous entrance into the field of exports. Despite the fact that businesses can earn a profit through exporting, new exporters face an array of intimidating regulations and bureaucratic tangles. We must make it attractive and profitable for enterpreneurs to accept the challenges of selling their products overseas. My bill offers this incentive in the form of a tax deferral for increases in export revenue. It targets small or emerging exporters, companies with annual export revenue of less than $10 million.

By rewarding only increases in exports, the bill will encourage new and small-scale exporters to develop their overseas marketing. Once they have broken into the market, they will no longer need this transitional incentive.

In the meantime, increased exports will have caused new jobs and new tax revenue. The Department of Commerce estimates that for every $1 million in exports, 25 new jobs are created. The benefits to our economy are obvious.

I hope that my colleagues will join me in cosponsoring this legislation.

□ 1040

CONGRATULATING G. ROBERT "BULL" DURHAM CEO OF PHELPS DODGE

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, our Nation and this House have been debating the issue of trade and American competitiveness in world markets. Last week, the House adopted an omnibus trade bill, under the pretense it will increase American competitiveness. It will not. American industry, both management and labor, must take a hard look at themselves and make the difficult choices and changes to improve competitiveness and productivity.

Mr. Speaker, G. Robert "Bull" Durham, CEO of Phelps Dodge, a Phoenix AZ, company, is leading the way in this regard. Bull Durham, because of his success in restoring Phelps Dodge to competitiveness, was recently selected by Financial World magazine as the CEO of the year.

I congratulate my friend on this honor and for being a shining example of American business success. Under the leadership of Bull Durham, Phelps Dodge, the Nation's largest copper producer, has made the transition from an uncompetitive basic industry, to a true competitor in copper mining and refining.

Bull Durham, the son of a coal miner, grew up in the mining industry and has spent his entire life in the mining industry. In the late 1970's, Phelps Dodge began experiencing drastic losses due to falling copper prices and increasing operating cost. Phelps Dodge called on Bull Durham, who had retired early because of cancer, to devise a plan to save the company, improve its competitiveness, and return it to profitability.

Bull Durham and four close colleagues did just that. They created a plan and saved Phelps Dodge. Their efforts led the way and serve as an example for other American industries working to return to competitiveness in world markets.

THE EFFECTS OF BUDGET CUTS ON OUR COAST GUARD

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, just 2 months ago the Coast Guard announced it would have to decrease lifesaving services and close stations all across the Nation including two lifesaving stations in my district. I met with the Commandant, Mr. Yost, Admiral Yost, and he told me that he knew that lives were going to be lost, that Americans would drown, fishermen would drown, sport fishermen and other people would drown and die unnecessarily because he did not have enough money to keep necessary lifesaving stations open. At the same time he told us the budget cuts would require him to reduce drug interdiction by 55 percent.

Mr. Speaker, while we are losing the war on drugs, the Coast Guard is losing funding to fight that war, and what is the answer of this administration? Now they want to send the Coast Guard to the Persian Gulf to guard the Kuwaiti oil that threatens the lives of our young men and women in the Coast Guard instead of saving the lives here at home.

Mr. Speaker, Congress has to act and say "no" to this new misguided effort by this administration.

THE ETHICS IN CONGRESS ACT

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, for 10 years there have been restrictions on former employees of the executive branch lobbying their former colleagues. Last week, the Senate passed a bill that would curb the lobbying activities of former Members of Congress.

But the bill also may violate the Constitution, ignores historical precedent and unduly restricts the ability of public servants to earn a living in the private sector.

We have a responsibility to create a bill that is constitutionally sound, is fair to Members and strengthens the public's trust in our Government.

The Ethics in Congress Act of 1988 does those things.

It would ban former Members and senior committee staff for 2 years from lobbying the staff of the committees where they last served. But simply making inquiries or monitoring the staff would be allowed, and most importantly, it places no restrictions on former Members speaking with sitting Members.

It supports the precedent that post-government restrictions should apply to work involving the kind of special, inside knowledge gained during Government service that could be used to undermine the integrity of the decisionmaking process.

It preserves a balanced flow of managerial and technical talent between the Government and the private sector by restricting, but not closing, the "revolving door."

The Ethics in Congress Act is an appropriate response to the public desire for applying ethics laws to Congress.

U.S. SYSTEM RIGGED IN FAVOR OF GOLIATH

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, the other evening, during special orders, I shared a letter with you from the Aunyx Corp. of Massachusetts that has me so outraged I am struggling for words. All I can think of is the tragedy that a small businessman in this country had to write a letter describing a desperate battle with a giant foreign corporation—and thinking they finally won, but suddenly discovered "David did not slay Goliath" because our Government sold them out.

The International Trade Commissioners reversed the decision favoring the Aunyx Corp. against the giant Japanese Canon Corp. after an administrative law judge ruled in Aunyx' favor. Aunyx had charged Canon with violating United States trade and antitrust laws.

I cannot shake that cry from the President of Aunyx, "let me know somebody with authority out there cares."

Let me remind my colleagues, our country was built with small business having the opportunity to grow larger—and small business creates 80 percent of our jobs. If we allow small business firms to be destroyed by our system instead of nourishing them as a source of strength for this country—then we shall surely seal the fate of the United States into being a second-rate power and a colony of foreign interests. I care—the question is, Do enough of us care?

THE BULLFROGS THAT ATE BRITAIN

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUECHNER. Mr. Speaker, I rise today with some tragic trade imbalance news for my home State of Missouri. In an article from the Washington Times entitled "Missouri Bullfrogs Are Peril in Britain," I have discovered that "400 Missouri bullfrogs have been recalled as an environmental threat to British gardens." I further discovered that "homeowners bought imported tadpoles, which grow into foot-long frogs, to scare off neighborhood cats that eat goldfish in ornamental ponds."

Moreover, "the store that sold the tadpoles has recalled the frogs after ecologists protested that the carnivorous amphibians would eat native frogs and newts and wreck the area's ecological balance."

After hearing this, I hopped over to the floor to deliver this sad news to my colleagues. Lest the other tiny creatures of Britain croak, it is far better that our Missouri bullfrogs be recalled. Sounds like a horror film—"The Bullfrogs That Ate Britain."

And so my colleagues, I stand before you, warts and all. As a responsible Missourian, I believe that although we should not leap to conclusions, we must ensure our frogs do not cause any undue harm in the land of Thatcher.

So we beckon our British brethren to send both our tadpoles and foot-long bullfrogs back home. Imagine—a foot-long frog! Who would believe it? It's no wonder why they call Missouri the "Show me State."

WHERE DO THE PRESIDENTIAL CANDIDATES STAND ON THE WAR ON DRUGS?

(Mr. GEKAS asked and was given permission to address the House for 1 minute.)

Mr. Speaker, the war on drugs cannot be won unless we arm ourselves with the ultimate weapon, to have the possibility of imposing the death penalty on drug dealers who kill in the furtherance of their enterprise. Our drug kingpins in this country have executed judges, and drug law enforcement officers, and witnesses and ordinary citizens by the dozens. It is time that we in Congress have the guts enough to pass a death penalty directed against these kingpins, and it is time also for the candidates for the Presidency of the United States to make clear their views.

I know where Vice President BUSH stands on this. He is for the death penalty imposable on these drug dealers. Where does Governor Dukakis stand on this issue? Where does the Reverend Jesse Jackson stand on this issue?

Mr. Speaker, the American people deserve an answer to know what they are willing to do more than rhetoric on the war on drugs that they say they wish to wage.

□ 1050

STATE DEPARTMENT TRAVEL ADVANCE MESS—A CREEPING CANCER

(Mr. KASICH asked and was given permission to address the House for 1 minute.)

Mr. KASICH. Mr. Speaker, Wednesday's testimony before a Government Operations Subcommittee detailing financial mismanagement in the State Department should be a bitter disappointment to all of us. We're told that $15 million in travel advances to State Department employees have yet to be repaid. It's not that the Department didn't know there was a problem. The GAO, in a report done for me in 1985, put the figure at $11 million. This House last year approved language I authored requiring the Department to use private collection agencies to reduce that figure. That should have sent the Department a stern message, but yesterday's testimony indicates that nothing has been done.

The Department's own comptroller has called the travel advance mess a creeping cancer. If that's the case, the Department better find a surgeon with a sharp scalpel who can begin operating at once. For while the State Department is doing little to cure its financial ills, it is the taxpayers who are bleeding red ink.

PERMISSION TO CONSIDER AMENDMENT NO. 20 PRINTED IN SECTION 3 OF HOUSE REPORT 100-590 AS AMENDMENT NO. 6 OF SECTION 2 OF REPORT ON H.R. 4264, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that amendment No. 20, printed in section 3 of House Report 100-590 be considered as if it were amendment No. 6 of section 2 of the report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. DICKINSON. Reserving the right to object, Mr. Speaker, I wonder if the gentleman could define or explain his request a little better? I do not know that number.

I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Speaker, this amendment, may I say to the gentleman from Alabama, is the Pepper-Lowry amendment which would limit the Coast Guard in the Persian Gulf, the use of the Coast Guard in the Persian Gulf.

Mr. DICKINSON. If I understand this unanimous-consent request, it is simply that this matter that would have been decided today be put over until sometime next week?

Mr. ASPIN. The idea is to have it sometime after Tuesday, because the Merchant Marine and Fisheries Committee was going to hold a hearing on the subject on Tuesday and they asked that the matter be considered after they have a chance to hold a hearing, so I am making the unanimous-consent request.

Mr. DICKINSON. Further reserving the right to object, Mr. Speaker, I think that makes sense.

I just recently heard from the Department of Defense that some people are very exercised about it.

I was unaware that this amendment was even in the bill. It was not in any copy, so far as I know, that we received of the amendments that had been filed. It is a total surprise to this Member.

I do not say I am opposed to the substance of it. It might be a very good thing to do, but I did not know that it was in the package and that it was in the rule that was approved. I am very pleased for the opportunity to study it and to learn more about it, so I certainly will not object to it being put over until next week, but that is not to say I am happy about it being in here and in here properly. We will look into that, too.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. KASICH. Reserving the right to object, Mr. Speaker, I would like to ask the chairman, was this amendment filed for the RECORD in the proper time?

I yield to the gentleman from Wisconsin.

Mr. ASPIN. I do not know. The gentleman would have to ask that question of somebody in the Rules Committee. I do not know when this amendment was filed or when it came up. All I know it is scheduled to come up fairly soon in the process and certainly we will get to it either today or Monday under the normal process.

What the Merchant Marine and Fisheries Committee was anxious to do was to change the order so that we consider it after Tuesday because the Merchant Marine and Fisheries Committee was holding a hearing on this on Tuesday morning.

Mr. KASICH. Further reserving the right to object, Mr. Speaker, the reason I ask that question, there are several amendments that have come up in light of activity in the gulf that I would like to be able to offer if they would be accepted.

What I am concerned about, if the rule was that we had to file these amendments at a certain date, and if we are going to accept amendments to be offered that were not filed under the rule, then I want to know what the rule will be in terms of this gentleman's ability to file an amendment with a unanimous-consent request.

Mr. ASPIN. Mr. Speaker, if the gentleman will yield, the gentleman really would have to address his question to the Rules Committee.

PARLIAMENTARY INQUIRY

Mr. KASICH. Mr. Speaker, I have a parliamentary inquiry.

The **SPEAKER** pro tempore. The gentleman will state it.

Mr. KASICH. What I do not quite understand, Mr. Speaker, is if we are operating under a certain rule, somebody has got to know what the rule is to find out whether the amendment being offered should be accepted under the rule.

I have no objection to the amendment from how I understand it. I am just trying to understand if the rule is being followed here, and if there is an ability to get unanimous consent to offer something that did not follow within that deadline, then I would like to reserve the ability to be able to ask for that unanimous consent.

The **SPEAKER** pro tempore. (Mr. BILBRAY). The amendment is in order. It is on page 55 of House Report 100-590, an amendment offered by Representative PEPPER of Florida or Representative LOWRY of Washington or his designee, debatable for not to exceed 40 minutes, to be equally divided between the proponent and opponent.

Mr. KASICH. Mr. Speaker, a further parliamentary inquiry. I am not interested—if it is printed in there, I want to know if the amendment was filed by the time that we were supposed to have had these amendments filed. That is what I am inquiring.

The **SPEAKER** pro tempore. It is presumed that that is correct. But again, it is something that has to be answered by the Rules Committee.

Mr. KASICH. A further parliamentary inquiry, Mr. Speaker. I do not want us to presume anything. I want to know. I do not want to presume.

I do not have any objection, Mr. Speaker, to that amendment. It is just that if we are not going to abide by those rules, there are additional amendments that we would like to offer. I do not object, necessarily to the substance of the amendment.

The **SPEAKER** pro tempore. The gentleman from Ohio will have to accept that the Chair does not know the answer to the gentleman's question, nor does the chairman of the Armed Services Committee.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Alabama.

Mr. DICKINSON. May I suggest, Mr. Speaker, that since this is going over in any event that we can reserve these questions and raise these points at the time it comes up, without forfeiting any rights.

Mr. ASPIN. Mr. Speaker, if the gentleman will yield, I think that is the best way. The gentleman's questions really ought to be addressed to the chairman or a member of the Rules Committee, because I do not know when this amendment was filed.

Mr. KASICH. Further reserving the right to object, Mr. Speaker, I want to make it clear that I do not object to the substance of the amendment, because I have not seen the amendment yet, but there are several amendments I would like to offer if we are able to waive the rule, including an amendment on the resolution on the Iran-Iraq war and perhaps something further on U.S. involvement in the gulf.

I would just like to have that answered before we proceed to cover that amendment, if that is acceptable to the Chair.

Further reserving the right to object, Mr. Speaker, the gentleman from Michigan [Mr. BONIOR] is here. I do not know whether he is in a position to be able to answer whether that amendment had been filed on time or not.

Mr. ASPIN. If the gentleman will yield, he just does not know.

Mr. KASICH. Then I will object, Mr. Speaker, until we get an answer as to what the rule is, how it was filed.

Mr. DICKINSON. Mr. Chairman, will the gentleman withhold his objection for a moment?

Mr. KASICH. Yes; I will withhold, and simply reserve the right to object.

Mr. ASPIN. Mr. Speaker, if the gentleman will yield, we will deal with this amendment today, because we have to get the unanimous consent in the House.

Mr. KASICH. Then I will withdraw my objection so we can get those questions answered.

Mr. ASPIN. The gentleman deserves an answer to his question, but I do not think we can answer it today.

Mr. KASICH. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Alabama.

Mr. DICKINSON. I do not think there is any question the gentleman could propound any objection he wants to make and it could be made at the time this amendment is dealt with next week.

The Department of Defense and the Coast Guard has asked that this be put over in order to give an opportunity for a hearing to be held on the necessity of it prior to its being brought up on the floor here, so all we are asking, as I understand it, is that this be put over until next week to give interested parties a chance to be briefed on the situation. At that time it could be brought up, at that time the gentleman could offer any objection he wants to, and ask the same questions.

Mr. KASICH. Further reserving the right to object, Mr. Speaker, I would be deeply troubled to find out that once we had established a rule that 240-plus amendments had to be filed by a certain deadline that somehow this House attempted to take up an amendment that had not been filed by the deadline. That would not be the way to do business here.

I would be very disappointed to find out that there was an effort being made to do that, because I do not think that is fair to any of the Members, and in a big thick bill containing all these en bloc amendments today, it is not fair to the Membership for some effort to be made to push an amendment through that was not filed by the deadline. I do not think that would be right, Mr. Speaker, and I hope that we will look at this very carefully.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PERMISSION TO CONSIDER AMENDMENT NO. 13 PRINTED IN SECTION 3 OF HOUSE REPORT 100-590 AS AMENDMENT NO. 7 OF SECTION 2 OF REPORT ON H.R. 4264, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. ASPIN. Mr. Speaker, a second issue, the same type of request.

Mr. Speaker, I ask unanimous consent that amendment No. 13 printed in section 3 of House Report 100-590 be considered as if it were amendment No. 7 of section 2 of that report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. DICKINSON. Reserving the right to object, Mr. Speaker, would the gentleman give a little more explanation of this request?

Mr. ASPIN. Mr. Speaker, I thank the gentleman for inquiring.

The amendment here is the Bustamante special isotope separation amendment. The issue here is that we believe that the gentleman from Idaho [Mr. Stallings] who has an interest in the issue is not here, but we think there is a chance to work out a compromise; so rather than vote on this issue now, I think we could put the matter over and come up with a compromise issue that the gentlemen on the other side would be supportive of; so what we are trying to do is take it off the agenda for today or Monday and make sure we have a chance to work it.

Mr. DICKINSON. I understand that this is a controversial amendment and that some of the gentlemen in the other body also have more than a passing interest in it and they are in the process of trying to resolve the differences. By putting it over until next week, perhaps we can come to some amicable resolution of it and we will not have to deal with it here.

Is that the gentleman's understanding?

Mr. ASPIN. Mr. Speaker, if the gentleman will yield, that is as the gentleman suggests.

Mr. DICKINSON. So I would certainly have no objection to giving them an opportunity to resolve the differences. By putting it over, I do not see that it prejudices anyone.

Mr. ASPIN. Mr. Speaker, I thank the gentleman.

Mr. DICKINSON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. DICKS. Reserving the right to object, Mr. Speaker, do I understand that the Bustamante amendment would still be able to come up next week?

Mr. ASPIN. Mr. Speaker, if the gentlemen will yield, no question. It moves into another section of the bill which puts it as coming up later. It allows the opportunity for the interested parties to work out a compromise. We will run the compromise past the gentleman from Alabama and whoever else is interested. If the gentleman from Washington is interested in it, we will make sure that he is consulted on the issue.

Mr. DICKS. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

The SPEAKER pro tempore. Pursuant to House Resolution 435 and rule XXIII, the Chair declares in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4264.

□ 1102

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4264) to authorize appropriations for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, to amend the National Defense Authorization Act for fiscal years 1988 and 1989, and for other purposes, with Mr. Gray of Illinois, Chairman pro tempore in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, April 28, 1988, the designation of the amendments considered en bloc printed in section 3 of House Report 100-579 had been dispensed with.

Pursuant to paragraph 6 of section 2 of House Resolution 435, the Committee will now proceed to the consideration of certain en bloc amendments.

Said amendments are not subject to amendment or to a demand for a division of the question, but are debatable for 60 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

Under the rule, the gentleman from Wisconsin [Mr. Aspin] will be recognized for 30 minutes and the gentleman from Alabama [Mr. Dickinson] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. Aspin].

Mr. ASPIN. Mr. Chairman, just a few words of explanation about this en bloc amendment.

The pending business is the en bloc amendment that was made in order under the provision of paragraph 6 of section 2 of House Resolution 435.

The en bloc amendment is composed of amendments printed in section 3 of House Report 100-579, including modifications, if anybody wants to see the whole list.

The en bloc amendment consists of 43 amendments. There were 60 eligible amendments that were made in order under the first rule. Of the remaining 17 after the 43, 7 will not be offered, 3 require a financial offset and the remaining 7 remain in negotiations and will be in order under further consideration at the conclusion of the amendments considered in section 3.

□ 1105

The en bloc amendment includes two buy-America provisions, the shorter Kyl compromise on ICBM study, an additional study on the Mount Alto study offered by the gentleman from Michigan [Mr. Broomfield] and other provisions for which there is agreement between the gentleman from Alabama [Mr. DICKINSON] and myself.

Further, under the provisions of paragraph 6 of section 2 of House Resolution 435, the original proponents of the amendments offered en bloc have already been granted permission to insert statements in the CONGRESSIONAL RECORD.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I have to confess some surprise. Insofar as I knew, there were 59 amendments in the package. Now, the gentleman from Wisconsin has just in his statement said there were some 17 that had been withdrawn from the package. We were never apprised of this. I do not know what is in and what is out at this point.

Mr. ASPIN. There are 43 amendments, 43 out of that original 60 are now in the en bloc package.

Mr. DICKINSON. We were never advised that 17 or however, whatever the number is, had been withdrawn. We were traveling under the assumption that what we understood to be the fact yesterday was still the fact today that there would be some 59 amendments in the package.

Mr. ASPIN. The gentleman from Alabama is correct; there is nothing different from yesterday.

Mr. DICKINSON. Except that the number has been reduced that were contained in the package. All I know is what staff tells me.

Mr. ASPIN. I am being advised that the staff over here went through extensive discussions with the staff on this yesterday, and that you all knew exactly which amendments were part of the package.

Mr. DICKINSON. Let me say we had combed the list. If the gentleman from Wisconsin would yield further, we found no objection to any of them, and we expected 59 to be offered in the package today. Now I am informed this is not the case. There are only some 40-odd, and we do not have before us the list of those that were extracted from the package to be dealt with separately.

Perhaps if the Chair would indulge me a moment.

Mr. ASPIN. If the gentleman would like to consult with the staff, I think we have some people who want to talk on the bill.

Mr. DICKINSON. No, go ahead, if the gentleman would, and let us proceed to debate on the bill and let me confer further with staff.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi, General MONTGOMERY, to provide a little filibuster fill-in.

Mr. MONTGOMERY. Mr. Chairman, I thank the gentleman for yielding.

In my annual speech the other day during the general debate on this authorization bill, I failed to mention some points about the National Guard and Reserve, and I would like to further cover those points and point out that 55 percent of all the combat missions of the Army now are in the Army National Guard. They have more tank battalions, more infantry battalions and more artillery battalions than the regular Army.

The Air Guard, which has done a tremendous job of protecting the continental limits of the United States, of over 75 percent of the missions to protect aircraft coming into the air lanes of the United States. I failed to mention that the top gun pilot or aviator in the country is an air reservist who recently won the William Tell Contest that is held out in the far West. This air reservist was recognized as the top pilot in the world flying F-16's, and I thought my colleagues would like to know that information, that we are totally dependent on our Reserve Forces and the National Guard.

As far as incentives are concerned, the reservists are doing well at this time. They get enlistment and reenlistment bonuses. The Air Guard now is increasing by 20 percent reenlistments over last year, and part of that is the reenlistment bonus and part of that is the new peacetime GI bill which was passed in this Congress 3 years ago.

These young men in the Air Guard, Air Reserve, have to sign up for 6 years, and then they are eligible for the GI peacetime bill. As I said, it is bringing in and keeping the quality in the Reserves. The Air Guard has increased reenlistments by 20 percent over 1986 and 1987.

Marine Reserve is having success in their reservists. They used to have a big turnover of young men and women coming into the Marine Reserve. They just could not keep them in the service or keep them in the Reserve, but that has changed now. Of those that come in, there was maybe 50 percent of them who would complete their 3- or 6-year enlistment, and now well over 60 percent of the Marine reservists complete their Reserve obligation, and those figures hold as well for the National Guard and for the Army Reserve.

Mr. Chairman, I think that in the near future we will have some amendments to the peacetime GI bill. They are not costly. These amendments have been voted out by the Committee on Veterans' Affairs, and they will come to the Committee on Armed Services in the near future.

Some Members are interested that in the Active Forces you have to put up $100 a month for 12 months, and this $1,200 goes to receiving $10,800 for the regular service personnel who sign up for the GI bill.

Some of these young men and women have lost their lives who put up the $1,200, and under the law, their estates are not able to get this money back. Under the law that we hope we will pass, they will be able to get this $1,200 which will go to their estates.

I would like to further cover the Reserve National Guard, but my time is up.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to point out one amendment included in this en bloc that I think has great potential, great significance. It is almost a followup to something the gentleman from Oregon [Mr. AUCOIN] did in 1985. We had hearings in the Subcommittee on Investigations of the Committee on Armed Services on the difficulty of conducting reinvestigations on people who have high-level security clearances. We were told by the Defense Investigative Service that they have a giant backlog of cases to be reinvestigated.

This, of course, has very serious consequences when we look at the Walker-Whitworth spy ring. When we look at other operations that involved people who already had clearances, one of the things we learn from the Stilwell Commission report is that if Walker had been subjected to a second lie detector test, chances are he would have been caught; or second, he may not even have engaged in the kind of espionage activity he was involved in, because he was aware of the fact that he probably would not be reinvestigated.

What we are doing in this amendment, is to add $10 million to the Defense Investigative Service. That will add 303 work years to the agency and will allow them to reduce their current reinvestigation backlog from 101,000 to 70,000. Admittedly that is still not very good. There are still 70,000 people who are not going to be reinvestigated who ought to be reinvestigated. It is at least progress. We are going to pick up 31,000 additional people and reinvestigate them.

I worked very closely with the gentleman from Alabama [Mr. NICHOLS] who I know shares my concern in this most vital area. We have not ended our look at all of these people with clearances, who they are, how they got their clearances, particularly if they are not U.S. citizens, but we think this is a positive step forward in at least solving part of the problem that exists in reinvestigating people who want to take classified information and pass it on to our enemies.

This perhaps is going to help to prevent the loss of that classified information.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, in the past several days, I have learned that the Air Force has suddenly and with little warning proposed the downgrading of the 5-minute alert status of a number of fighter interceptor detachments along the Northern border of the United States, including those in Minnesota, Michigan, New York, North Dakota, Montana, and Vermont. The 148th Fighter Interceptor Group headquartered in Duluth would be affected by this change. I am concerned about the Air Force's lack of appropriate consultation with either the Armed Services Committee or with Members of Congress in whose district there are bases affected by this proposed. I was not informed of these proposed changes by the Air Force, nor were any other Members whose districts would be affected by the downgrade in the alert status of these detachments.

There are both national security and local economic effects of this proposal. Preliminary estimates indicate that downgrading this alert status at the Duluth Air Guard facility would cost the Duluth area economy approximately 50 jobs and a $1.5 million payroll. In addition, this change would increase costs for support services such as 24-hour manning of the Duluth Airport control tower and could require a costly redesign of the airport's crash rescue operation.

Beyond these local considerations, the proposed changes in the alert status have reinvigorated a debate on the larger strategic questions raised by the North American Air Defense Modernization Program. The Minnesota Air National Guard, assembled last weekend in Rochester, MN, passed a resolution urging the Air Force to retain the alert detachments at these Northern tier bases and to develop a plan to prosecute—intercept and identify—unknown aircraft within the North Air Defense Indentification Zone by tankers and other aircraft, including AWAC's and fighter interceptors. I have written Air Force Secretary Edward Aldridge requesting information about the Air Force proposal.

An amendment offered by the gentleman from Michigan [Mr. BONIOR], included in the noncontroversial en bloc amendments to the Department of Defense reauthorization for fiscal year 1989, will require the Air Force to justify the reasons for its proposal before the authorizing and appropriations committees and other interested Members before they move forward. While I appreciate the Air Force's responsiveness to my inquiries late last week, I believe the suddenness of the proposal and the confusion about its long-term implications for the security of our Northern border merit a delay in its implementation. This delay will allow an opportunity for a careful and thorough examination of the proposal by the appropriate congressional committees. I commend the gentleman from Michigan [Mr. BONIOR] for his efforts in developing this amendment and thank the chairman for his cooperation and that of his able staff. I look forward to working with the committee to determine the long-term implications of these changes for the alert detachment along the Northern border, including the 148th Fighter Interceptor Group in Duluth.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, on two previous occasions the House has overwhelmingly supported my amendments to DOD authorization bills concerning CHAMPUS reimbursement for the Deborah Heart and Lung Center. These amendments however, only offered a temporary solution to the problem faced by this philanthropic institution.

However, today I am pleased to announce that a solution has been found which is acceptable to CHAMPUS, the Deborah Heart and Lung Center and the distinguished chairwoman, Mrs. BYRON, and ranking member, Mr. BATEMAN of the Subcommittee on Military Personnel and Compensation.

The amendment I am offering today will permanently solve the problem.

By way of some background, Mr. Chairman, the Deborah Heart and Lung Center in Browns Mills, NJ, is one of the finest hospitals providing specialized care in cardiac and pulmonary procedures.

Deborah is, as you may know, a philanthropic institution not requiring patients to pay for their care. But this compassionate and unique policy has been turned against Deborah and used by CHAMPUS as grounds to refuse reimbursement for care provided to CHAMPUS-eligible patients.

According to CHAMPUS sources, Mr. Chairman, the policy was instituted to discourage abuse of the system by beneficiaries. Cost sharing is used as an incentive to beneficiaries not to seek medical treatment lightheartedly and without true need for such treatment. Certainly, this CHAMPUS policy has merit, but in the special case of Deborah that policy seems extremely unwise and imprudent.

After all, heart and lung surgery—Deborah's world-renowned specialty—is not the type of medical treatment which is likely to be procured by a patient or prescribed by a physician absent the necessity of such treatment. Additionally, CHAMPUS routinely reimbursed Deborah until January 1985 at which time CHAMPUS suddenly determined that due to its philanthropic nature the Heart and Lung Center was no longer eligible to receive payment.

It is important to note that Deborah is located adjacent or in close proximity to three military installations—McGuire Air Force Base, Fort Dix, and Lakehurst Naval Air Engineering Center. Thus it comes as no surprise that over the years, thousands of military dependents and retirees have been treated at Deborah on both an inpatient and outpatient basis. Yet, if CHAMPUS continues to refuse reimbursement, Deborah may have to cease providing care for CHAMPUS-eligible patients. It is evident, therefore, that a change must be effected to allow service dependents and retirees to receive the excellent care afforded them at Deborah.

Under this amendment, Mr. Chairman, CHAMPUS would reimburse Deborah for care provided to CHAMPUS-eligible patients. As a hospital which never bills its patients and does not impose a legal obligation upon the patients to pay, Deborah is a very special case.

I would note here that CHAMPUS has opposed reimbursement to Deborah because the Medical Center did not require any payment from the patient. Since the patient had no legal obligation to make a copayment, CHAMPUS would not reimburse Deborah. My amendment would have CHAMPUS make this payment notwithstanding the special nature of Deborah's billing policy.

I urge my colleagues to support the passage of this amendment. This legislation offers a permanent resolution to the reimbursement issue, not the band aid approach of the past.

I want to thank my good friend, the gentleman from New Jersey [Mr. SAXTON] for his effective and steadfast support in this effort.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The gentleman from New Jersey yields back 1 minute.

Mr. ASPIN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I arise to support my amendment now before this body. My amendment concerns the Reagan administration policy of contracting out Department of Defense functions currently performed by DOD civilian employees. The policy works this way. Some of the functions performed on military bases—like the maintenance of military vehicles or of buildings on the base—are very similar to the functions of private companies, and so could in theory be turned over to be done by private companies. Therefore, the executive branch has a policy, dating back to the 1970's and earlier, of studying to see whether private contractors could, in specific cases, perform these functions more cheaply than the current civil servants.

The Reagan administration has added an ideological dimension to this policy. Some in the administration believe that these functions should not be performed by the Government at all, even if the Government can do it cheaper. The result, in recent years, has been a lot of contracts being let which force the firing of many hundreds of civil servants—none of whom were necessarily accused of doing a poor job—and the hiring of private contractors who may save the Federal Government some money, but in some cases allow multimillion-dollar cost overruns. So this policy, which is meant to save money, has been twisted by ideologues into one which often costs money.

And that has national security implications. When you have these cost overruns for some maintenance functions, the money has to come from somewhere. That somewhere almost has to be other parts of the operations and maintenance budget. That means readiness suffers, and so does our national security.

My amendment takes a few small steps toward making the cost comparison process more equitable, by making sure that all costs are taken into account when these studies are done. Currently, some important costs are left out of cost comparisons, and these left-out costs often result in erroneous decisions to contract out.

The most obvious of these costs are certain retirement costs, especially Social Security and thrift savings plans. Cost comparisons leave out these costs on both sides, though these costs represent the bulk of contractor costs for retirement benefits. The majority of civilian employee, or in-house retirement costs are for the civil service retirement program, whose costs are included in the comparison. In short, some costs are left out on both sides of the cost comparison, but much more is left out of the contractor's cost.

The result is that contractors sometimes win a contract based on this faulty method, when including all retirement costs on both sides of the comparison would make it clear that the in-house bid is cheaper. This happened just a few months ago at Fort Sill, OK.

The first provision in my amendment would change this system, and require the inclusion of all retirement costs in the cost comparisons. A similar provision has been supported in a Senate bill by GAO, OMB, the Contract Services Association, and three affected labor unions. All sides want a fair comparison, and this provision will help provide it.

The second provision of my amendment is meant to ensure that the current employees are consulted during the contracting process. Often, the cost comparisons and the bids are based on an underestimate of the amount of work to be done. The result is inadvertent underbids—in this case, the contractor believes he can do the work more cheaply because he does not know about all the work. When the omissions are corrected, the contract cost goes up, and money is lost.

Consulting current employees who actually do the work will give those employees the opportunity to point out any omissions, so bids will be solicited for the full workload that the contractors will be expected to perform. It will also help improve employee morale by keeping them informed about a process in which they know their jobs are at stake. This is both good management and a requirement of simple decency.

The relevant unions have stated their support for this provision as well. DOD has not stated opposition to it.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, 2 months ago the Wall Street Journal published a disturbing editorial about Soviet ABM activities—"Breakout," February 25, 1988. Based on a highly classified Air Force intelligence report, the column concluded that the Soviets are actively moving toward deployment of a nationwide antimissile system and a complete breakout of the ABM treaty.

All Members of Congress—regardless of which side of the aisle they sit on, regardless of their approach to achieving true arms reductions—should be troubled by these findings. Troubled not only by the assessment about Soviet ABM activity, but the way they learned about those findings.

Referring to the ABM findings in the tightly held intelligence report, the Wall Street Journal wrote:

> Our seismographs have been recording a major explosion or earthquake this week in the U.S. intelligence community. Someone in Congress ought to conduct an on-site inspection.

The Journal's findings bear out an earlier statement by Robert Gates, Deputy Director of the CIA, who said:

> We are very concerned that the Soviets' continuing development efforts give them the potential for widespread ABM deployments * * * well in excess of the ABM limits.

It is our job to prepare the national defense authorization. That means determining SDI spending levels and helping shape strategic defense policies. We also seem to be increasingly involved in shaping arms control policy. If we're going to do our job right, we should get to the bottom of these findings.

As the Wall Street Journal editorial says, "Perhaps our reports, or for that matter the Air Force itself, may be overly alarmist. But Senators about to vote on another arms treaty should be warned to inquire for themselves." If the House is going to make rational, informed decisions about the U.S. nuclear force and SDI, and it is going to insist on involving itself in arms control policy, then it has an equal responsibility to learn more about the Air Force intelligence findings. It is critical that we fully understand Soviet strategic defense activities.

For that reason, I have offered an amendment included in the chairman's en bloc amendment which will require the Secretary of DOD to provide a classified and unclassified report on Soviet ABM and ABM-related activities.

Unfortunately, the House did not have access to a full brief on this matter in time for this year's authorization. But with adoption of my amendment we will have this information to guide us next year. I know that my colleagues share my desire to have a better understanding of Soviet strategic defense actions, intentions, and capabilities, and I urge their support for this amendment.

Mr. Chairman, I include the following article from the Wall Street Journal of February 25, 1988:

BREAKOUT

Our seismographs have been recording a major explosion or earthquake this week in the U.S. intelligence community. Someone in Congress ought to conduct an on-site inspection.

We hear that Air Force Intelligence has officially concluded the Soviets have rolled production lines to break out of the ABM treaty and deploy a nationwide anti-missile system, which possibly could be in place by next year. That Maj. Gen. Schuyler Bissel, head of Air Force Intelligence, briefed the CIA on this conclusion late last week. And that the finding is based on two new pieces of evidence:

First, the Soviets are "internetting" their early-warning radars with interceptor-guidance radars. They have conducted "hand-off exercises" in which the large phased-array radars like the controversial one at Krasnoyarsk pick up targets and alert the Flat Twin and Pawn Shop mobile radars that guide their SH-04 and SH-08 anti-missile interceptors. This is the key "battle management" function of an anti-missile system.

Second, the Soviets are mass producing the Flat Twin and Pawn Shop radars, though the ABM treaty limits them to two locations. Similarly, they are mass producing the SH-08, a relatively new supersonic missile that intercepts warheads within the atmosphere, with 500 such missiles already produced and 3,000 ultimately projected. The ABM treaty limits each side to only 100 interceptors of all types, and the Soviets also have the SH-04, which intercepts above the atmosphere, as well as other interceptors with both anti-aircraft and antimissile capability.

While rich in detail, our reports admittedly have not been from direct participants in these briefings. We now find that the New York Tribune, the Unification Church paper in New York, published substantially the same reports on Monday, quoting "a senior military intelligence official."

An official conclusion that the Soviets are breaking out of the ABM treaty, to be sure, only would put an official stamp on what has been apparent all along. The Soviets have taken full advantage of treaty provisions allowing large radars at one ABM site, at missile test ranges and on the periphery of the nation. To finish the job, they simply ignored these restrictions to build at Krasnoyarsk (see map adapted from the Pentagon's "Soviet Military Power").

The administration has cited the Krasnoyarsk radar as an outright violation, and both houses of Congress have voted their agreement. The administration also has protested the deployment of Flat Twin and Pawn Shop radars at Gomel, beyond the sites permitted at the Sary Shagan and Kamchatka test ranges. In his compliance report to Congress in December President Reagan said: "The absence of Soviet dismantlement of the Krasnoyarsk radar, the new violation in the deployment of the Flat Twin and Pawn Shop observed at Gomel, and the totality of Soviet ABM-related activities in 1987 and previous years, suggest that the USSR may be preparing an ABM defense of its national territory."

These are the words, of course, of the same administration that currently has a new INF treaty before the Senate, and has just had its Secretary of State in Moscow pushing a new strategic arms treaty in time for the impending Moscow summit. A breakout finding would be of monumental importance to these enterprises.

On arms control in general, the prospect of a Soviet ABM breakout raises once again the question of why we are negotiating new treaties with them when they are breaking the old ones. On the proposed 50% reduction in offensive arms in particular, the Soviet ABM technology is not Star Wars. It is ground-based, and many analysts think each interceptor carries a nuclear warhead so that highly accurate guidance is not needed. But with our offensive weapons limited by treaty and with no defense of our own against a Soviet first strike, our deterrent could be significantly degraded even by this 1970s technology.

Perhaps our reports, or for that matter the Air Force itself, may be overly alarmist. But Senators about to vote on another arms treaty should be warned to inquire for themselves. Certainly anyone as preoccupied with the exegesis of treaties as Senator Sam Nunn would want to know chapter and verse of the current Air Force assessment.

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Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the very distinguished gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of my amendment to H.R. 4264, the Defense authorization for fiscal year 1989. This amendment provides for the transfer of 100 acres of surplus land at Vandenberg Air Force Base to the city of Lompoc, CA.

The land is located immediately adjacent to 149 acres transferred to the city in the Military Construction Authorization Act, 1985—(Public Law 98-407; 98 Stat, 1526)—as a site for the Western Spaceport Museum and Science Center. This addition will allow joint use of the site as a local campus for Alan Hancock Community College and the Western Spaceport Museum and Science Center.

Alan Hancock is located in Santa Maria, CA, but has operated a Lompoc campus for the past several years in buildings leased from the local school district. The school district needs the buildings for its own use, however, and the lease will expire in 1990, leaving Lompoc without any college facilities.

The college will complement the educational purposes of the museum and science center with a curriculum which will include courses in aerospace electronics and space-related technical courses.

The warden of the U.S. penitentiary at Lompoc, which currently administers the land being transferred, fully supports the city's request, as does the college. The Army, which holds the underlying title to the land, has no objection, and I am aware of no opposition to the amendment. Mr. Chairman, I request an aye vote on this amendment.

Mr. BROOMFIELD. Mr. Chairman I wish to express my thanks to the managers of the bill, Mr. ASPIN and Mr. DICKINSON, for agreeing to accept my amendment concerning Soviet electronic espionage from their new Embassy site on Mount Alto as part of the en bloc amendments to the bill.

My amendment is intending to address the inadequacy of past work on this issue by the Defense Department. Last year, my amendment on the same subject was enacted as part of the fiscal years 1988 and 1989 Defense authorization.

The earlier provision, section 1122 of last year's act, required the Secretay of Defense to provide a review and assessment of present and potential capabilities of the Soviet Union to intercept United States communications from its new Embassy site on Mount Alto in Washington. The Secretary was also directed to make a determination whether Soviet occupation of the new site is consistent with our national security.

The report provided last month by the Department pursuant to this provision did not contain sufficient detail, including in the classified portion, to support such a review and assessment. the report also failed completely to contain the required determination by the Secretary.

My amendment is intended to rectify this situation by providing that the President shall submit a new report containing these elements within 60 days after enactment of this year's act. It is my hope that asking the President for action this time will stimulate the interagency coordination that is required on this issue.

Since the Department's report pursuant to old section 1122 was received, I have begun consultations with the National Security Agency concerning fulfillment of its requirements. I am optimistic that they can be met without imposing an additional reporting requirement.

It is imperative that Congress have the information on this important subject to permit it to oversee executive branch decisionmaking on the subject of the new Soviet Embassy in Washington and the status of the new United States Embassy in Moscow. To meet the requirement of the current law, the Secretary of Defense must provide a detailed review and assessment as well as his determination on national security.

Mr. Chairman, let me again express my appreciation to Messrs. ASPIN and DICKINSON for their cooperation in seeing to it that this subject is once again addressed through the Defense authorization bill.

Mr. MARLENEE. Mr. Chairman, I would like to call to the attention of this body a problem facing the air defense of our homeland. Many of my colleagues would be surprised to learn that a major air defense radar line, which roughly corresponds to our border with Canada, has been "taken down" by the Air Force on April 1 without as much as a whisper of protest. This means that the Air National Guard is no longer ready on a moment's notice to respond to enemy intruders that violate our airspace. And, to top that, the new, modernized air defense network is not expected to be fully operational, according to Air Force estimates, until 1992.

Let me give you a little history. In 1985, President Reagan and Canadian Prime Minister Mulroney signed an agreement as part of the Quebec summit to modernize the air defense of North America. Many of our radar systems date back to the 1950's, which were designed to counter Soviet bomber threats.

However, as we all realize, the new threat to continental air defense comes primarily from cruise missiles launched from sea or air platforms long before they penetrate U.S. airspace. As a result, the old air defense arrangements are obsolete.

Let me make this absolutely clear. I fully support the modernization of our air defense capability. I share the concern of the Defense Department in addressing this new cruise missile threat. However, I believe that the Air Force has developed a policy that would leave our continental northern border partially unprotected from bomber and cruise missile threats by removing the Cadin-Pinetree line before the new north warning system is in place.

The Air Force has prematurely brought down the Cadin-Pinetree line before a coherent policy of radar implacement and forward deployment of air interceptors in North America have been fully approved and operational. Did we all see the colorful booklets that were handed out to congressional offices yesterday in commemoration of Prime Minister Mulroney's visit? Even the Canadians admit that they have not completed their portion of the Quebec summit agreement. They plan to be fully operational by 1992.

Also, Congress has not even authorized funding for all of the planned radar sites. For example, the House Armed Services Committee has cut authorization for the Over-the-Horizon Backscatter radar by $161 million until glitches in the software are worked out. This body will also be called upon to approve this action within the next few weeks.

The manner by which the Defense Department has pursued this decision also greatly disturbs me. The process seems to exclude input from the public and the legislative branch. I understand that the Air Force should make its decisions based on strategic, nonpolitical considerations and needs the option of secrecy and confidentiality. However, from what I am hearing, the decision seems to be propelled by scuttling this amendment rather than strategic reality.

Mr. Chairman, I ask for support for accepting the amendment offered by Congressman DAVID BONIOR to H.R. 4264, the Department of Defense authorization bill for fiscal year 1989. This amendment would simply place a moratorium on changes in the Air National Guard air defense alert status until the Defense Department officially reports to Congress that the new north warning system and the Over-the-Horizon Backscatter radar system have been fully tested and deployed before replacing the distant early warning system and the Cadin-Pinetree line. In addition, this amendment would ask for an interim report stating what the Air Force plans to do in the meantime to defend our airspace.

Mr. Chairman, the Air Force has removed the Pinetree line before the new systems are operational, and plans to terminate some air defense operations and downgrade others that are presently on 24-hour alert status. Shouldn't we at least wait until the new system is in place before we dismantle our old air defense network?

I will not settle for a shift in the air alert status for our State Air National Guard units until the new north warning system and the Over-the-Horizon Backscatter radar system have been fully tested and subjected to congressional scrutiny. In short, this amendment would require that the Air Force not abandon the old system until the new one has proven itself. At a minimum, the Defense Department should offer a viable interim plan. I ask my House colleagues to join this effort and approve Congressman BONIOR'S amendment.

Mr. HUTTO. Mr. Chairman, my amendment would earmark $11.5 million from the Air Force's operation and maintenance account for fiscal year 1989 that will be made available only for contracting for aircraft with short takeoff and landing [STOL] capability for the U.S. Southern Command. However, no funds appropriated for this purpose may be obligated or expended for the contract until the Secretayr of Defense approves a requirements document and acquisition plan for this aircraft; and the Secretary of Defense submits both the document and the plan to the Committees on Armed Services of the Senate and House of Representatives.

This contracted airlift is an interim solution to provide limited capability until the C-27 Airlift Aircraft Program can provide the STOL capability for the U.S. Southern Command.

Mr. DICKS. Mr. Chairman, I rise in support of these amendments that are being proposed by the committee. Among the provisions included is an amendment that I introduced along with my distinguished colleague from the State of Washington, Mr. MORRISON, which will make it possible for the Office of Economic Assistance of the Department of Defense [DOD] to help the Tri Cities of our State to recover from a crisis situation as a result of the February 16 announcement by the Department of Energy [DOE] to place the N-reactor at Hanford in a "cold-standby" mode. In taking its position, DOE announced that it was responding to a determination by the Department of Defense [DOD] that no additional plutonium was necessary to meet the Nation's nuclear materials needs.

As an immediate consequence of the Department's actions, 2,600 jobs will be lost in the next 2 years with 16,000 job losses expected overall as a direct result of the N-reactor closing. Mr. Chairman, the amendment that Mr. MORRISON and I are proposing will provide an avenue of immediate relief to the thousands of citizens in the Tri Cities community that will be displaced by the reactor shutdown, by allowing the Office of Economic Assistance to go into the area and provide grant assistance to the community. Given that the citizens of the Tri Cities have patriotically answered the call of their Nation's national defense needs for other 40 years, I believe that it is only fair that we respond to the urgent situation the community is facing by making available this critical grant assistance.

I also want to express my appreciation that this amendment includes restoration of funds in the budget request for the Madigan Army Medical Center at Fort Lewis, WA.

This is the fifth of six increments to fund this model new health care facility. The bulk of the exterior construction has been completed, and the project is ahead of schedule and under cost. In fact, it is this excellent performance by the contractor that makes restoration of the requested funds so important. Without them the project would be unnecessarily delayed and the taxpayers would wind up paying more than necessary.

The new Madigan facility is long overdue, but with this amendment it will be providing quality care to active duty military and dependents at Fort Lewis and McChord Air Force Base as well as retirees in the area in the very near future.

Mrs. COLLINS. Mr. Chairman, the amendment which I am offering today to the fiscal year 1989 Defense Authorization Act as part of the en bloc amendment is designed to place the Defense Department on notice. In the 5 years since I became chairwoman of the Government Activities and Transportation Subcommittee, I have reviewed countless instances of DOD inattention to the safe transport of Defense Department hazardous materials cargo. My amendment would require a review of DOD safety standards used in the shipments of such items as explosives, rocket fuel, jet fuel, and other toxic, flammable, or otherwise harmful chemicals and substances.

Let me first describe to you the magnitude of the impact of military shipment on our national transport system. Last year, for instance, the military made an estimated 50,000 movements of ordinance across the United States. This includes bombs, self-propelled rockets, detonators, missiles, torpedoes, and explosives. The military ships an astounding 200 million gallons of jet fuel annually, in its own railcars. Another 30 million gallons of such chemicals as acetone, alcohol, and sulfuric acid are moved annually, also in DOD's own railcars.

In addition to shipping one of the largest inventories of hazardous materials, Defense ships one of the deadliest. Pursuant to its Rocket Launch Program, DOD ships nitrogen tetroxide, hydrazide, nitric acid, and cryogenic fluorine. In hearings before my subcommittee, testimony documented the lethal nature of these substances. Nitrogen tetroxide, for example, compares with MIC, the deadly Bhopal chemical, in its ability to maim and kill large groups of people. This chemical is largely colorless and odorless and can render lungs inoperable. Safe evacuation distances in emergency responde manuals are measured in miles for chemicals like NT, hydrazide and nitric acid.

In short, the Defense Department ranks with many commonly known chemical companies as a major utilizer of our highways, airways, and railways.

Nevertheless, when compared with these same chemical companies, the Defense Department safety standards are often times inferior. In fact, the Defense Department could be used as a catalog of what shipping practices to avoid. This has been demonstrated before several hearings held by the subcommittee I chair. Let me share some examples:

In 1984, a shipment of Navy torpedoes overturned on a freeway in downtown Denver. In its report on the accident, the National Transportation Safety Board complained that DOD was incorrect in simply accepting minimum Federal standards for its contract carriers. NTSB encouraged DOD to adopt stricter standards where necessary. This was especially true for such items as driver training and qualifications, and for monitoring the movement of its shipments. Most importantly, NTSB criticized the Defense Department for its poor emergency response and poor selection of routes. In the case of the Denver accident, the torpedoes clearly should have been routed away from populated areas like Denver.

In August 1985, another dramatic accident highlighted an other defects in DOD safety policy. This accident occurred near Checotah, OK. Several 1-ton bombs detonated. A crater 27-feet deep and 35-feet wide was created; $5 million of property was destroyed.

In this accident, the NTSB criticized DOD's monitoring of its carriers, both for adequate insurance coverage and for safe operating practices. In hearing testimony in 1986, before my subcommittee, the Defense Department paid lipservice to raising standards, but nothing concrete has resulted.

Also in 1986, we became aware of Defense Department efforts to upgrade security for its hazardous materials loads, especially its weapons shipments. DOD issued instructions that drivers should be armed. No training and no guidelines were offered. Public safety considerations appeared to have been ignored. After complaints by this Member, the Defense Department rescinded most of this program for further study.

Late in 1987, my subcommittee discovered that shipments of deadly rocket fuel were being shipped through downtown Los Angeles on their way to Vandenberg Air Force Base. I referred to these chemicals a few moments ago.

Given the congestion of the Los Angeles freeway system, the DOD designation of these routes was clearly ludicrous. The potential for a catastrophic accident was too great. Upon review by my subcommittee, the process by which routes were selected was found to be flawed. The Defense Department reacted first with arrogance and later with cooperation.

At our hearing, DOD promised not to resume shipments until a better route was chosen and emergency response information was disseminated. Instead, shipments began prematurely and a second hearing had to be held to straighten out the problem. Specifically, better routing analysis and better communications with affected communities was required.

Mr. Chairman, between 1980 and 1986, 49 serious accidents involving DOD munitions occurred in 25 States. This record has led NTSB to conclude that:

> DOD has relied upon an essentially illusory program to ensure the safety of its shipments.

Finally, Mr. Chairman, this past December, my subcommittee held hearings on DOD rail transport of hazardous materials. DOD's own audit revealed an astounding 57 percent of its railcars to be out of compliance with DOD's own inspection and maintenance standards. The Defense fleet of over 1,000 tankers is almost twice as old as most chemical companies' fleets.

The DOD railcars use obsolete, outdated equipment and are constantly being cited for safety defects by Federal and railroad inspectors.

Information gathered by my subcommittee documents the abysmal state the Defense rail fleet has been allowed to reach. It is a safety hazard, carrying some of the most lethal chemicals in commerce.

Mr. Chairman, I think I have provided enough examples. There are more, but the picture is vivid enough. My amendment, in effect, tells DOD that the Department should keep its standards at least at a par with private industry. DOD should not lag behind. It should be a model shipper. The amendment requires simply that DOD study the adequacy of its safety standards and report to Congress within 1 year on its findings.

I ask support for my amendment and I yield the balance of my time.

Mr. SOLOMON. Mr. Chairman, two reports issued by the Commission on Merchant Marine and Defense in recent months have warned us of the steadily weakening state of our merchant marine and its industrial base in their vital role in our conventional military deterrent. As I am sure my colleagues here agree, this decline is a crucial matter that we must address. In his 1988 National Security Strategy Report to the Congress, President Ronald Reagan said it best, stating that in a war or national emergency: * * * sealift will inevitably carry the bulk of our reinforcement and resupply, as it has in past crises." He went on to state that "* * * as nuclear weapons reductions are negotiated, the capability of the United States and allied mobilization basis to rapidly generate additional conventional military forces and the supplies and equipment to sustain them becomes increasingly important. Maintenance of this capability supports deterrence. * * *'"

As the Commission's reports have pointed out, however, our ability to sustain the sealift that is crucial for our troops' very survival on the battlefield is in danger. Between 1982 and 1986, 76 U.S. shipyards and repair facilities closed and 52,500 jobs for trained shipbuilding and repair workers, whose experience we would need urgently in a crisis, were lost. Today, the total number of American manufacturers of certain key ship components are most often only with one or two firms.

It has been obvious to many of us that President Reagan's commitment to a modern, 600-ship Navy has contributed to this Nation's strength and security. The Commission on Merchant Marine and Defense, however, points out that this major effort has had a less noticed, but equal beneficial effect on our private sector shipyards. Today, fully 90 percent of the work done by those firms that remain derives from U.S. Navy contracts. We can only wonder what will be the effects on these remaining shipyards should our naval modernization efforts be cut back. What will happen if these shipyards and repair facilities go out of business, and we find that the worst of this Commission's predictions comes true as our troops overseas are left to wither in combat without the supplies that could have been shipped if only we had an adequate merchant marine fleet and the men and facilities to keep it sailing.?

Mr. Chairman, I propose that we continue the important work of the Commission in this area. My amendment to this bill simply directs the Secretary of Defense beginning in 1989, to provide the Congress with an annual report outlining his projections regarding the effects that the then-current, 5-year plans for naval shipbuilding and conversion, vessel repair, and procurement of support equipment will have upon the continued viability and mobilization preparedness of the private sector shipbuilding and repair industries in light of their present dependence upon U.S. Navy contracts. With such information at hand, I believe the Congress will then be better able to judge the effects of our budgetary decisions, not just on our naval deployments, but on our merchant marine industrial base as well.

As the Commission on Merchant Marine and Defense has stated, the maintenance of our shipbuilding and repair industrial base is essential to our ability to win wars if they start, but more important, to deter them in the first place. I am hopeful that this amendment will enjoy the support of my colleagues.

Mr. BADHAM. Mr. Chairman, this is a no cost amendment to title IX. It restores a P-3C aircraft provision that was contained in the fiscal year 1988 Authorization Act.

Specifically, the amendment would provide $350 million in supplemental authorization for fiscal year 1988 to preserve the integrity of the current P-3 airframe production capability until it, or a variant, is selected or rejected as the airframe for the follow-on long-range air ASW capable aircraft [LRAACA] program through competitive procedures.

Mr. HERGER. Mr. Chairman, I rise in support of this en bloc group of amendments, which includes my amendment requiring the Secretary of Defense to prepare a report on the susceptibility of the Department's computer systems to so-called computer viruses, and requiring the Secretary to inform the Congress of what steps have been taken or will be taken to protect our national security computer systems from these destructive computer programs.

Mr. Chairman, the concept of computer viruses has recently gotten a great deal of attention in the national news media, as well as among the Nation's computer experts.

A computer virus is a computer program created by someone with malicious intent, implanted in an otherwise normal computer program. It can reproduce itself and insert itself into other computer programs with which it comes into contact.

These so-called viruses usually are designed to trigger at a given date or after a series of actions by the computer. They can do anything from something as simple as printing a holiday greeting on your computer screen to something as destructive as deleting files from your computer's memory.

Destructive viruses have already been detected in U.S. Government computers. NASA's space physics analysis network was infected by a computer virus planted by an anarchist from Hamburg, West Germany, who belonged to something called the Chaos Computer Club.

Another serious example of a computer virus outbreak occurred at Hebrew University in Jerusalem, where a virus was inserted by PLO sympathizers which would have caused a massive deletion of files stored in the university's computer networks on the 40th anniversary of the creation of the State of Israel.

Even our own computer systems in the House of Representatives have proven vulnerable to this problem. I understand that Members who use MacIntosh computers have been notified that a virus has been detected in three Member's offices.

Clearly, the security of the computer systems of our Armed Forces should be protected from the intrusion of this kind of vandalism. In this age of high-technology weaponry, the spread of computer viruses could cripple our ability to defend our Nation.

The Department of Defense should become as knowledgeable as it can on the potential threat imposed by these computer viruses, and should keep the Congress informed on the measures it is taking to protect the computers we rely on for national security from harm. This is too serious a potential problem to ignore.

The damage viruses can do is costly. According to an ABC news report, American businesses have already lost $20 million because of problems with computer viruses. Let's protect our vital national security computer systems from this threat by learning more about computer viruses, and developing procedures to defend ourselves against them.

I urge the adoption of the en bloc amendments.

Mr. BONIOR. Mr. Chairman, I rise today in support of an amendment I am offering to the Department of Defense authorization bill. My amendment simply puts a moratorium on changing the alert status of any Air National Guard unit in the strategic air defense mission in the northern portion of the United States until the Secretary of the Air Force has proven the effectiveness of the radar system scheduled to replace that strategic air defense mission.

It has very recently come to my attention that the Air Force has long-range plans to replace the current radar system which has protected our northern boarders from Soviet intrusion for over 30 years. This system includes the Cadin-Pinetree radar line along our United States-Canadian boarder and the distant early warning [DEW] radar line farther up in Canada.

The Air Force, unbeknownst to many military authorities in the Congress and elsewhere, has already begun dismantling that radar system. My concern, Mr. Chairman, is that the replacement radar system is not yet functioning and in fact has little hope of being fully functional for as many as 2 to 3 years.

I am told by the House Armed Services Committee that some of the component parts of the new system, called the north warning system [NWS] and the over-the-horizon backscatter [OTHB], have not yet been funded by the Congress. Further, I am told by the Air Force itself that there are technical problems that have delayed construction of other segments of the new system at least 2 years.

Mr. Chairman, it seems the Air Force may be proceeding with the replacement of the current radar system in a way that could leave serious gaps in the protection of the northern section of the United States.

There are five bases along the northern tier of the United States which are part of the Air Force strategic air defense mission which protects us from a Soviet air attack across the North Pole. These bases have two interceptor planes on 24 hour alert 7 days a week to immediately respond to and possibly engage an unidentified intruder into United States or Canadian airspace. The Air Force plans to cancel the alert status at these five bases.

Mr. Chairman, I do not pretend to be a defense expert, but I am sure my colleagues would agree that it doesn't make any sense to tear down a radar system that has worked well for 30 years before there is a new system up and running which has proven itself. It makes even less sense when you consider the new system is largely still on the drawing table, in the testing phase or as yet unfunded.

Therefore, Mr. Chairman, I offer my amendment to stop the Air Force from changing the alert status on the bases within the strategic air defense mission responsible for protecting the northern tier of the United States until the Secretary of the Air Force can demonstrate to Congress that the new radar system is up, that it is fully functional and that it is effective. To do less, Mr. Chairman, is to subject Americans to an unnecessary lapse in our strategic air defenses. This situation can be avoided and my amendment is the way.

Mr. BURTON of Indiana. Mr. Chairman, I wish to say a few words in support of my amendment (section 212) to H.R. 4264. The amendment proposes to provide for funds for development of antitactical ballistic missile system, under the rubric of the strategic defense initiative, and in joint effort with our allies.

The basic SDIO charter provides for research on defense against ballistic missiles of all ranges that threaten the United States and the free world. The antitactical ballistic missile [ATBM] system would be a key component of such a defense. The Joint Chiefs of Staff Joint Operational Requirement Statement specifically identifies the need for defenses against tactical ballistic missiles. Such a defensive system will serve as a counter and a bulwark against emerging Soviet/Warsaw Pact threats.

Contrary to views emanating from some quarters, the proposed INF Treaty would not completely eliminate the Soviet threat. Furthermore, the treaty impacts not at all on growing Third World ballistic missile capabilities. General Abrahamson recently made reference to this in the context of the Iran-Iraq war.

The threat is compounded by improvements in TBM's, munitions and accuracy, providing our adversaries with an increased capability to use the missiles with conventional and chemical warheads against critical NATO assets. The synergism of a TBM attack followed by aircraft attacks pose a substantial threat to forward deployed United States and allied forces.

I wish to note the following additional points:

Many of the SDIO technologies apply to, and can be provided for development of ATBM systems for European defense as well as defenses in other theaters (including defense of theater-based U.S. forces).

SDIO works closely with the U.S. Army, which has been designated as the lead service for the DOD ATBM program, by supporting architecture and technology development.

Allied participation in ATBM development is essential. SDIO should continue to seek ways to cooperate with allies on collaborative ATBM projects, including cost-sharing.

By drawing on the SDIO technology base and entering into cooperative research arrangements with allies, ATBM research can be carried out in a very efficient way, reducing both the schedule and/or the cost of achieving an effective defense against tactical ballistic missiles.

Mr. Chairman, this amendment mirrors legislation already approved last year. It involves research and development for a crucial program and would take us to the point where we can decide whether or not to test it. What we have is an opportunity to focus on one very promising area of SD—one whose feasibility has already been proven. I urge the adoption of the amendment and also the proceeding forthwith of research and development.

Mrs. SCHROEDER. Mr. Chairman, section 315 of the reported bill prohibits the contracting out of certain maintenance functions relating to trainer aircraft by the Air Force and the Navy. The need for the language arose out of a decision to contract out the maintenance of trainer aircraft at undergraduate pilot and navigator training centers. Those centers are located at Columbus AFB in Columbus, MS, Laughlin AFB in Del Rio, TX, Mather AFB in Sacramento, CA, Reese AFB in Lubbock, TX, and Williams AFB near Pheonix, AZ. These centers now employ 3,610 military personnel and 653 civilian employees in jobs relating to aircraft maintenance.

The decision to contract out these functions was announced in an October 15, 1986 letter to Congress from the Air Force. That letter also listed three small contracting decisions involving 478 miltitary personnel and 202 civilians engaged in the maintenance of trainer equipment at technical training centers at Chanute AFB near Champaign-Urbana, IL, Lowry AFB in Denver, CO, and Sheppard AFB in Wichita Falls, TX. Through an oversight, section 315 failed to include trainer equipment maintenance within the definition of covered maintenance function.

My amendment corrects that oversight. The language in the bill is justified because of the readiness requirements for flying personnel. The military may not be able to meet the demands on it if maintenance of trainer aircraft and equipment does not keep it ready. My amendment adds trainer equipment to trainer aircraft in the language of section 315 to ensure that the three contracting out actions I described above are also included in the prohibition.

Section 315, with my amendment, will protect readiness by ensuring that the equipment needed to train pilots and navigators will be maintained and kept in good running order. The section will safeguard the positions of nearly 4,100 members of the military and about 850 civilian DOD employees.

Mr. NICHOLS. Mr. Chairman, the Army has recently devised a program to replace the M1 tanks in Europe with M1A1 tanks and begin issuing these M1 tanks to our National Guard units. These tanks are scheduled to come back, starting immediately, and be repaired or reworked as necessary at Anniston Army Depot in my district where we have some 50 temporary employees in the M1 tank engine repair shop. The plan calls for handling 210 tanks this fiscal year and 510 tanks in 1989.

The Army has imposed a hiring freeze and these temporary employees are scheduled to go off the rolls at the end of this fiscal year, September 30, 1988. The nature of my amendment would be to allow for retention of these employees in order to repair the M1 tank engines so the tanks can be issued to our National Guard.

Mr. DAVIS of Illinois. Mr. Chairman, this amendment is the result of the combined efforts of myself and my good friend and colleague on the Senate side, Senator ALAN DIXON. It is also derived from a bill that Mr. RAY and I introduced on March 10, 1988, along with several of my colleagues. In recent years, studies have shown a steady and unchecked erosion of our defense industrial base and it is my intention with this amendment to put in the works a comprehensive policy which will get us back on our feet.

I want to mention a quote that I think does a good job of driving the point home. In 1980, the Defense Science Board's Summer Study Task Force on Industrial Responsiveness said, "A soldier can survive forever without mail, 30 days without food, 3 days without water, 3 minutes without air, but not a second without ammunition." Now that only singles out one aspect of our defense industrial base, but as my colleagues on the Armed Services will tell you that is the area closest to home for me. But I must say that not only in the area of ammunition, but in every area of our defense industrial base, the erosion of necessary domestic facilities and development will cripple our ability to adequately respond to a military crisis. It is a basic readiness issue—can the United States sufficiently restore and maintain our defense industrial base in order to meet our national security needs. At this point in time, I would say that we could not mobilize in a timely fashion and I have heard a lot of military leaders say the same thing.

My amendment starts to address this problem by establishing the Under Secretary of Defense for Acquisition as the central manager of activities related to the defense industrial base. It gives him authority to implement initiatives in order to revitalize our defense industrial base some of which I will highlight now:

Analysis of the defense industrial base's ability to support certain acquisition programs,

Extension of acquisition policies which increase reliance on commercial items and manufacturers,

Establishment of policies which encourage investment in advanced manufacturing technology production equipment, and

Establishment of policies which increase reliance on domestic sources for critical mobilization items.

It is my hope that this amendment will be the catalyst of some good policies within the Department of Defense which will start to heal our defense industrial base.

Mr. Chairman, it is my understanding that both the chairman and the ranking minority member support this amendment. I also understand that there is some concern on the part of the Committee on Banking that this amendment might affect some of the authorities in the Defense Production Act. I want to make it clear that my amendment in no way diminishes any of the authorities of the Banking Committee's jurisdiction of the Defense Production Act.

With that in mind, I will conclude my remarks by saying that I appreciate the support of my colleagues on the committee and want to thank the committee staff for all of their assistance in drafting this amendment.

Mr. BADHAM. Mr. Chairman, this is a no cost amendment to title IX. It restores a P-3C aircraft provision that was contained in the Fiscal Year 1988 Authorization Act.

Specifically, the amendment would provide $35 million in supplemental authorization for fiscal year 1988 to preserve the integrity of the current P-3 airframe production capability until it, or a variant, is selected or rejected as the airframe for the follow-on Long Range Air ASW Capable Aircraft [LRAACA] Program through competitive procedures.

Mr. MORRISON of Washington. Mr. Chairman, today it is my privilege to join with my colleague, Mr. DICKS, in proposing an amendment that would help the people of the Tri Cities in central Washington cope with the closing of the N reactor at Hanford.

As you know, the people of the Tri Cities have supported the defense mission of the Hanford Nuclear Reservation for more than 40 years. Now they are faced with the loss of a major defense production reactor, the N Reactor, a loss that will be a great blow to both the technical team at Hanford and to the communities of the Tri Cities. I have been working in other forums to preserve and enhance the defense and scientific missions of the facilties at Hanford. Today, however, Mr. DICKS and I are seeking support for an amendment that focuses on the efforts of talented people in the Tri Cities to plan for a brighter, more economically diverse future that will be less dependent on the national defense projects at Hanford.

Mr. Chairman, my amendment would permit the Office of Economic Adjustment in the Department of Defense to consult with State and local planning organizations in the Tri Cities. OEA can help these groups prepare and implement an economic diversification plan and can help them secure cooperation and assistance from other Federal agencies in their efforts.

The Office of Economic Adjustment has had great success in helping communities across the country cope with the closing of military bases and other defense related installations. They bring a unique set of experiences and talents which would be an important addition to the aggressive and sophisticated work already underway in the Tri Cities, under the guidance of the Tri Cities Development Council and State and local officials.

Mr. Chairman, in one way there is perhaps less to this amendment than meets the eye. It is not intended to provide significant amounts of grant money to the Tri Cities community. It simply strengthens the legal basis for OEA's work in the Tri Cities. Some questions had been raised by DOD counsel about whether a nuclear facility of the Department of Energy came under the jurisdiction of OEA. Without answering that question broadly, this amendment makes it clear that OEA may lend their services to the planning process in the Tri Cities.

Let me take a moment to thank the chairman of the Armed Services Committee for giving favorable consideration to my and Mr. DICKS' amendment. This measure will help the people of the Tri Cities help themselves down the path toward a more stable and diversified economic future.

Mr. DAVIS of Illinois. Mr. Chairman, this amendment addresses the funding problems which we have encountered in recent years with regard to the ammunition production base. It simply directs the Secretary of Defense to look into alternatives to the current funding method which would provide a more stable funding environment and report back to both Armed Services Committees. The deadline of December 1, 1988, is set so that we will have the results in time to look at a long-term solution for fiscal year 1990.

As it stands now, the maintenance of our ammunition production base is funded out of the Army O&M budget. The Army's O&M accounts were hard hit in fiscal year 1988 due to CHAMPUS costs, foreign currency fluctuations and an unfunded pay raise. Significant shifts within the O&M account resulted in major cuts to the funds used to maintain our ammunition production base. This adversely affects the production base and our overall readiness capability.

The maintenance activity is crucial to the well-being of the AAP's as without it they are at risk. For example, last year a sump pump failed at the Joliet AAP in my home district and millions of dollars of computer equipment for newly modernized TNT lines would have been flooded had the surveillance and maintenance crews not caught it. This is just one example of the type of damage that can be avoided with proper maintenance.

The cuts that some of the AAP's took in January resulted in layoffs across the board. They are now at a "bare-bones" staffing level with only fire crews and security guards on duty. No surveillance or maintenance is being performed. The Army itself has said that if this continues deterioration will take place and the response times for reactivation of these inactive lines will increase as will replacement costs. It only makes sense to spend the relatively small amount of money now to maintain the AAP's rather than putting it off until the costs double—and that means costs to the readiness of our mobilization base and costs to repair and replace dilapidated equipment and facilities.

I know that this issue has been visited before and if the problem is not solved, I will visit it again. But it is my hope that this time we will see some good solutions come out of the Pentagon and then you can be sure that I will do my best to see that they are implemented.

Mr. MORRISON of Washington. Mr. Chairman today I am also seeking support for a second amendment to the Defense authorization bill. This amendment will allow the DOE Richland operations office and its contractors at Hanford to work with local development groups to manage the transition to a more diversified Tri-Cities economy. My amendment will help them preserve and take the greatest advantage of the tremendous scientific and technical team that is in place now in the Tri-Cities.

The amendment has two main features. First, it would permit DOE to reimburse contractors for loans of senior executives to the Tri-Cities Industrial Development Council, a community development organization that is leading the diversification effort in the Tri-Cities. A modest authorization of $500,000 per year for 2 years is provided for this purpose. These executives would provide TRIDEC with the managerial expertise it needs to implement a plan to diversity the economy of the Tri-Cities, in order to insure its future once N-reactor is shut down.

Senior executives with wide experience can help market the unique resources of the Hanford community to outside investors. They can help incubate small businesses and encourage entreprenurship within the existing Tri-Cities community, and they can help develop new concepts for commerical applications of the scientific developments on the reservation.

TRIDEC and other community groups are already at work on a plan for putting these ideas into practice, so these executives would fit smoothly into a system that already exists or would shortly come into existence.

The second thing my amendment would do is permit the DOE contractors to provide some of their facilities—anything from a typewriter to office space—on a short-term basis to support the diversification effort. One specific idea we have in mind is the creation of a central clearinghouse run by United Way where workers displaced by the shutdown can go to learn how to write a résumé or to get advice on the more specialized support services available to them.

In the case of loaned facilities, all the expenses associated with these operations would be borne by the community groups, and by State and local government. But the availability of surplus buildings on the reservation and the physical separation of the Hanford facilities from the Tri-Cities community makes loaned facilities a natural solution to the office space problem.

Community leaders and major contractors in the Hanford area enjoy a very close working relationship, a legacy of the 40 years of strong community support for the Hanford missions. This amendment would remove some administrative impediments to the natural inclination of these people to work together and would free their energies to the benefit of the laid off work force and the entire community.

To conclude, Mr. Chairman, this amendment is intended to provide the maximum assistance to the Tri-Cities for the minimum possible expense—for a negligible expense, really. By providing the flexibility for talented people inside and outside of government to do what they do best, my amendments would acknowledge the 40 years of yeoman work done by the people of the Tri-Cities in support of our national defense programs, and would give them the boost they need to start them down the path toward a more stable and diversified economic future. I would like once again to thank the chairman and members of the Armed Services Committee for their consideration and their support.

Mr. NICHOLS. Mr. Chairman, the Army has requested to use 1988 tank conversion moneys to begin placing the M-1 tank in our National Guard units. This involves some $90 million which was appropriated in the current continuing resolution. I wish to submit for the RECORD a letter from Secretary Sculley, signed by Lt. Gen. Donald Pihl in the Secretary's absence, outlining how the Army wishes to use this $90 million.

DEPARTMENT OF THE ARMY,
Washington, DC, April 22, 1988.

Hon. BILL NICHOLS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN NICHOLS: This is to inform you that the Army supports the initiative of the House Armed Services Committee to redesignate funds appropriated in fiscal year 1988 for the M60 tank program to the Abrams tank program.

We expect to allocate these monies as follows:

$60 million for procurement of 26 M1A1 tanks.

$21 million to retrograde M1 tanks through Anniston Army Depot and restore them to a ready-for-issue status.

$5 million to apply hardware modification kits to fielded Abrams tanks.

$4 million to facilitize Anniston Army Depot to execute a program to upgun M1 tanks to a 120mm gun configuration.

We recognize that some of these monies may have to be reprogrammed from Procurement, Weapons and Tracked Combat Vehicles, Army to another account in order to accomplish some of the initiatives detailed above, and will foward the appropriate request upon final Congressional action on the Fiscal Year 1989 National Defense Authorization Bill.

I sincerely appreciate your continued interest in all of the Army's programs, and the Army tank program in particular.

Sincerely,

J.R. SCULLEY,
Assistant Secretary of the Army (Research, Development and Acquisition).

Mr. DORGAN of North Dakota. Mr. Chairman, I rise in support of the LaFalce amendment which will prevent a change in the alert status of northern tier Air National Guard units until the Air Force presents reports to Congress on plans to improve our northern border air defense.

The need for the amendment arises for two principal reasons. First, the Air Force has not consulted in a complete and timely manner either with the appropriate committees of Congress or with Members of Congress whose districts include the five Air National Guard units, whose 5-minute alert status the Defense Department now proposes to end. Such a major change in our air defense policy simply should not be made without full and orderly consultation with Congress, which has provided the funding for these bases in the first place on the basis of recommendations from the Pentagon.

I also support this amendment on policy grounds. Only this year, the Air Force phased out at Minot AFB the only remaining active duty air defense squadron on our entire northern border. I regret that change and believe that it left only the thinnest layer of protection in the form of the Air Guard alert units. Now the Air Force proposes to end even that umbrella of protection in the region of most of our premier SAC and ICBM bases, including the Fargo, ND, ANG unit.

The Air Force properly argues that the nature of the air-breathing threat has changed. It is now primarily from air- and sea-launched cruise missiles, which are difficult to shoot down because of their minimal radar cross-section. This augurs in favor of strengthening our perimeter radar and interceptor capabilities.

However, the problem is that we have not yet completed those necessary perimeter improvements. The north warning radar system, which is to supersede the existing DEW line system is not yet fully complete. This means that we do not have air-tight coverage against penetration by either Soviet cruise missiles or long-range bombers.

Until we achieve that goal, it would seem prudent to me to keep our northern tier Air Guard alert squadrons and to coordinate their activities with AWACS planes—much as we now do in the Persian Gulf and as we are already doing for other North American contingencies.

I urge this posture, as well, because Canada simply does not have robust number of interceptor squadrons. For a few million dollars a year we can help ensure that we have the best possible reinforcements for our Canadian allies—reinforcements ready on 5-minute alert status 365 days of the year at Fargo, ND and four sister bases.

Consequently, I join in support of the amendment of my colleague from New York, which also enjoys the endorsement of the Armed Services Committee. I commend my colleagues, Mr. LAFALCE, Mr. BONIOR, and Mr. MARLENEE for their leadership and the committee leaders for their help.

Mr. LAFALCE. Mr. Chairman, I rise in strong support of the amendment offered by Congressman DAVID BONIOR to H.R. 4264, the Department of Defense authorization bill for fiscal year 1989. Less than 3 weeks ago, it came to my attention that the Air Force is considering the elimination of air defense alert status for northern border Air National Guard units, which includes the 107th Fighter Interceptor Group, New York Air National Guard, at Niagara Falls, NY. The mission of these interceptor groups in the Northern United States is to be prepared to take off with 5 minutes notice to intercept any unidentified or enemy aircraft in the region and to maintain our air sovereignty.

When I requested information on whether such a decision had been made by the Air Force to eliminate this strategic defense alert status, I was told that no such decision had been made. However, upon pursuing my question further, I found out that not only had such a decision been made already, but that the Air Force was planning to deactivate this status for two units relatively soon. The units in question had not been notified nor had any Members of Congress been notified; and even the House and Senate Armed Services Committees had not been notified.

My attempts to obtain information from the Air Force on the reasons for such an action led to a plethora of conflicting and sometimes misleading information. The Air Force claims that it no longer requires this defense alert status for northern border Air National Guard units because it is developing and implementing new radar systems, the over-the-horizon backscatter [OTH-B] radar system and the north warning system. However, according to information obtained from Norad headquarters, the OTH-B system will not be fully operational for at least 4 to 5 years; and the initial OTH-B radar located in Bangor, ME, is still in the testing stage and is experiencing serious software problems. The first phase of the north warning system will not be operational until at least 1990, while the second phase of the north warning system is still in the early developmental stages.

This information raises serious questions about whether the Air Force, in its efforts to develop and implement newer and more sophisticated radar systems, is rushing ahead with the deactivation of the old radar systems—Cadin-Pinetree and the Dewline—before the new systems are fully developed and operational. It also raises questions about what radar system will be in operation. It also raises questions about what radar system will be in operation during the next few years to carry out our vital strategic air defense mission.

Therefore, the purpose of this amendment is to place a moratorium on any changes in the strategic defense alert status until the Secretary of the Air Force officially reports to Congress that the north warning system and the over-the-horizon backscatter radar system are fully operational and effective. It would also require an interim report by the Secretary of the Air Force within 90 days after the enactment of this act to describe the radar surveillance system that will be in use during fiscal year 1989 along the northern portion of the United States.

There are three major reasons for supporting this amendment:

First, the elimination of air defense alert status for Air National Guard units along the northern border of the United States implies a major change in our strategic defense and may greatly increase our strategic vulnerability. If a Soviet bomber should get through the northern radar—Dewline—undetected, there would be no interceptor group available in time in that area to stop the Soviets from setting up at the required position in Canada to launch cruise missiles into the United States.

Thus, the issue of whether Air National Guard units maintain strategic defense alert status is not merely a parochial issue. Instead, this issue is one of national significance in terms of our overall strategic defense capability. Since the House of Representatives has not even held any hearings on this issue, I believe that such a major change in our strategic defense should—at the very least—be considered by the appropriate congressional committees prior to its implementation.

Second, the elimination of air defense alert status could have a negative impact upon the agreement that the United States has with Canada with regard to our joint defense of North America. The defense alert capability at northern border bases, such as the one at Niagara Falls, NY, is critical to maintaining our commitment to Canada to be able to rapidly assist them in the event of an attack.

Third, I want to point out to my colleagues that there are no major cost benefits to be achieved by the elimination of air defense alert status for these bases. It is estimated that such an action would lead to the loss of 50 jobs at each base, with an estimated cost savings to the Air Force of $3 to $6 million per year. While I fully support the need to achieve effective cost savings within the Department of Defense budget, I do not believe it is worth sacrificing the strategic defense of the United States to achieve a cost savings of $3 to $6 million. This cost savings would be more than offset by real defense costs in terms of a loss of strategic response capability.

Therefore, I request my colleagues to join me in support of the Bonior amendment. This would provide Congress with an opportunity to carefully examine the impact that any change in strategic defense alert status for Air National Guard units would have upon our strategic defense capability.

Mr. SAXTON. Mr. Speaker, I rise in strong support of this amendment.

For the last 66 years, Deborah Heart and Lung has provided vital, lifesaving care to thousands of individuals—at no cost to the patient. Deborah is a leader in the critical, demanding fields of life-threatening cardiac and pulmonary disorders. Because the center's mission is the diagnosis and treatment of the sick, Deborah offers care regardless of a person's race, creed, or ability to pay. Without Deborah, many poor and uninsured individuals would have to forgo or delay necessary medical attention.

Deborah will accept and is offered reimbursement from Medicare, Medicaid, commercial insurance carriers, and HMO's. Only CHAMPUS refuses to reimburse Deborah for care given to its beneficiaries.

CHAMPUS regulations say that if a beneficiary has no legal obligation to pay, CHAMPUS has no legal obligation to pay. CHAMPUS believes that if they reimburse Deborah, then an abuse of services would result. I do not feel this is a valid argument. Deborah does not provide frivolous care, but serious, expensive, lifesaving care like open heart surgery.

This amendment is further made necessary by the location of Deborah. This impressive hospital is located near military facilities and is in an area of high concentration of military retirees. I am sure that CHAMPUS beneficiaries are shocked to learn that their insurance policy will reimburse just about any hospital except a highly regarded and philanthropic hospital near them.

Mr. McMILLEN of Maryland. Mr. Chairman, I rise in support of my amendment. My amendment would authorize not more than $40,000,000 for an Airship program.

Over the past several years, the Armed Services Committee has been examining ways to improve our overall defense posture by innovative, low cost technology applications. In this context, the airship has emerged as offering real potential in air defense and other surveillance and battle management roles.

A prototype approach—as recommended by the Packard Commission—has been developed and funded under the Navy Airship Program with $25 million being appropriated in fiscal year 1988. No money, however, was requested by the Navy for fiscal year 1989.

The need for this type of airborne radar and communications platform has evolved from the threat of low-flying, high-speed antiship missiles such as the Exocet. Exocets sank British boats during the Falklands Islands war of 1982, and struck the U.S.S. *Stark* in the Persian Gulf last May.

The Navy has a long standing requirement for over the horizon surveillance and targetting. The airship will be the primary means of detecting the low observable Soviet threat—the antishipping missile. In addition, the Navy needs the airship to provide 24-hour surveillance at low cost; remain on station with the fleet for 30 days; have look down capabilities for warning; engage in electronic warfare; and extend the radar range of fleet air defense from the existing 20 miles to 120 miles. The Air Force is looking into the possibility of buying airships for continental air defense. Customs is checking out the viability of using airships to stop drug smugglers.

The Airship Program is a sound investment in our military preparedness, and I urge its passage.

Mr. DICKINSON. Mr. Chairman, I have no further requests for time and I yield back the balance of my time.

Mr. ASPIN. Mr. Chairman, I have no further requests for time and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. Gray of Illinois). The question is on the en bloc amendments, as modified, offered by the gentleman from Wisconsin [Mr. Aspin].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. BOXER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 367, noes 4, not voting 60, as follows:

[Roll No. 81]

AYES—367

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
Baker
Ballenger
Bartlett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Conyers
Cooper
Coughlin
Coyne
Crane
Dannemeyer
Darden
Davis (IL)
Davis (MI)
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dyson
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Gallo
Garcia
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Matsui
Mavroules
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (OH)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rangel
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays

Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stangeland
Stark
Stenholm
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Vucanovich
Walgren
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NOES—4

Kastenmeier
Kolbe
Livingston
Walker

NOT VOTING—60

AuCoin
Badham
Barnard
Barton
Bates
Berman
Bevill
Biaggi
Boland
Brooks
Carr
Cheney
Collins
Courter
Craig
Crockett
Daub
de la Garza
DioGuardi
Duncan
Dymally
Early
Fazio
Frenzel
Gaydos
Gray (PA)
Hatcher
Henry
Huckaby
Jones (TN)
Kemp
Latta
Lehman (CA)
Lent
Lewis (CA)
Lungren
Mack
Martinez
Mazzoli
Mica
Miller (CA)
Miller (WA)
Moody
Oakar
Owens (NY)
Rahall
Ray
Richardson
Rostenkowski
Roth
Schneider
Schuette
St Germain
Stallings
Stokes
Thomas (CA)
Towns
Volkmer
Wortley
Yates

☐ 1145

Mr. UDALL and Mr. ARMEY changed their votes from "no" to "aye."

So, the en bloc amendments, as modified, were agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. Gray of Illinois). Pursuant to House Resolution 436, no further amendments to the committee amendment in the nature of a substitute, as modified and as amended, are in order except amendments designated in section 2 of House Resolution 436; House Report 100-590; or by paragraph (2) of section 2 of House Resolution 435.

Said amendments shall be considered only in the order and manner specified and shall be considered as having been read. Debate time specified for each amendment shall be equally divided and controlled by the proponent of the amendment and a Member opposed thereto.

No amendments, except for amendments printed in section 3 of House Report 100-590, are subject to amendment—except as specified in House Resolution 436 or House Report 100-590—or to a demand for a division of the question. Debate on any amendment offered to amendments designated in section 3 of House Report 100-590 is limited to 10 minutes, equally divided and controlled by the proponent of the amendment and a Member opposed thereto. Any amendment under consideration when the Committee of the Whole rises on a legislative day shall be completed when the Committee of the Whole next resumes its sitting on H.R. 4264.

Pro forma amendments for the purpose of debate shall be in order only if offered by the chairman or ranking minority member of the Committee on Armed Services, and any general debate specified in House Resolution 436 shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

It is now in order to debate the subject matter of contracting out.

Pursuant to the rule, the gentleman from Wisconsin [Mr. Aspin] will be recognized for 5 minutes and the gentleman from Alabama [Mr. Dickinson] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. Aspin].

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. Lancaster].

Mr. LANCASTER. Mr. Chairman, the gentleman from Illinois has offered an amendment which will require the Department of Defense to accomplish an objective which is already required by executive order and has proven imposssible because of the lack of necessary resources.

Under the Crane amendment, the Department of Defense must review, at a rate of 3 percent per year, the commercial activities in their inventory. The purpose of these reviews is to determine the most cost-effective method of operation of each activity, and these activities range from groundskeeping to guard duty to machinery maintenance. They are important activities, and Congress has historically been involved in providing guidance on the review process.

The commercial activity review process, defined in OMB circular A-76, involves defining the activity, and often, creating a statement of work and asking for bids from commercial firms to perform the activity. A cost analysis must be performed to determine whether it is cheaper to do the effort in house; or contract it out. As can well be imagined, the review process is sensitive, laborious, labor intensive, and time consuming.

The Crane amendment, requiring a review rate of 3 percent per year, puts into law a requirement already levied on the Defense Department in Executive Order 12615 of November 19, 1987.

Just this month, the Subcommittee on Investigations of the Armed Services Committee held a hearing on the execution of that Executive order. Mr. Robert A. Stone, Deputy Assistant Secretary of Defense—Installations, testified before the subcommittee.

During the hearing, one of the major areas of questioning concerned the Defense Department's ability to meet the 3-percent per year reivew rate required by Executive Order 12615. This was a new review rate which required a threefold increase over what the Department had been able to do each year. Mr. Stone stated that no additional resources, either people or money, were being applied to accomplish this new goal. In response to questions, Mr. Stone gave his personal opinion that the Defense Department could not meet the goal of 3 percent per year. He further stated that there was a backlog of commercial activity reviews which could take the Defense Department 6 to 8 years to complete.

Like the Executive order, the Crane amendment provides no additional resources to the Defense Department. There is nothing in the amendment which will change the Department's ability to achieve a review rate it is already unable to accomplish.

Given the significance of the commercial activity review process, both to the continued efficient performance of these services and to the morale of the civil servants performing them, it is a great disservice for us to mandate a requirement which will force the Defense Department to produce quick, and inevitably superficial reviews. An unacceptable alternative would be for the Defense Department to reallocate already scarce resources from more important programs to support this requirement. For that reason, I urge rejection of this amendment.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. Ireland].

Mr. IRELAND. Mr. Chairman, each time we come to the floor of the House to consider the Department of Defense authorization bill, the issue of contracting out comes up. In study after study, we have learned that contracting out certain functions can save the taxpayers of this Nation a considerable amount of money. In these days of budget deficits, more efficient use of our resources must be one of our top priorities. Our efforts in this area must continue and they must be fair.

For too many years, small business in this Nation has been put in an almost impossible situation when it comes to competing against the Federal Government. A key component of our system of government is the ability of anyone to compete in a free marketplace on a fair competitive playing field. Certainly, our Federal Government should adhere to this policy and I wholeheartedly support efforts by the administration to promote contracting out. The business community should not be subjected to unfair competition from its own Government.

This is not to say that we should contract out these defense functions indiscriminately. We must continue to take into consideration our national security needs and we must ensure that contracting out does, indeed, bring about the important costs savings that competition can achieve. We must be deliberate in our efforts so that we can balance the important functions of defense readiness with a competitive, cost-effective contracting program. We should resist the temptation to piecemeal destroy the contracting-out procedure.

Mr. NICHOLS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. Last year the Congress put this matter to rest when we gave the authority to decide what areas to study for contracting out to the installation commanders. These are the people on the spot and they are the ones in the best position to know what is best for their installation. The Crane amendment seeks to turn back the clock and resurrect the failed A-76 Program of the early 1980's. It did not work then and will not work now.

On April 12 our Armed Services Investigation Subcommittee held a hearing to review this Executive order and its implementation by DOD. The first thing we found was that this order calls for a 300-percent increase in annual A-76 studies, beginning in fiscal year 1988. This appears to be totally unrealistic and will require a major increase in DOD dollars and people to implement. According to DOD testimony, the current annual cost of performing A-76 reviews involving 8,000 to 10,000 civilian employees runs between $150 to $300 million and requires the full time efforts of 1,700 personnel. If DOD has to triple the funding and personnel resources to meet the requirements of this order it will increase the annual cost of A-76 reviews between $450 and $900 million and involve about 5,000 full-time personnel. We currently are short of funds to train and maintain equipment so how can we justify a funding increase to expand an unsuccessful A-76 Program?

In my judgment the Congress took the correct decision last year and any action concerning this Executive order should be to negate it—not to place it in law.

Mr. NICHOLS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I think the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment put forth by the gentleman from Illinois [Mr. CRANE].

The Crane amendment, Mr. Chairman, runs counter to the Nichols amendment. The Nichols amendment requires the Secretary of Defense to delegate authority for the implementation of the A-76 Program for base commanders for a 2-year trial period. During that period, it is up to the base commanders, and not the Secretary of Defense, as required in the Crane amendment to identify commercial activities to determine which new studies shall be undertaken and how the solicitation shall be conducted.

DOD testimony revealed that the annual cost of reviewing 1 percent of the civilian work force ran between $150 million and $300 million. Increased studies could drive the annual costs up between $450 million and $900 million and involve 3,400 additional personnel.

At a time when there is not enough money to train, repair ships, tanks, and aircraft, and take care of military personnel and their families, it is very hard to justify diverting dollars for an increased A-76 Program.

Finally, Mr. Speaker, at the same time that DOD would be required to dramatically increase resources for A-76 studies, it would be deprived of the savings from that program to use them to address priority unfunded requirements like training, depot maintenance, and quality of life programs.

Mr. DICKINSON. Mr. Chairman, I yield the balance of my time to the very distinguished gentleman from Oregon [Mr. ROBERT F. SMITH].

Mr. ROBERT F. SMITH. Mr. Chairman, I rise today in support of the amendment offered by my friend and colleague from Illinois, Mr. CRANE. I do so because the Pentagon may today be overspending hundreds of millions of dollars annually, simply because of official foot dragging.

Many of my colleagues know that—with my colleague, Mr. STENHOLM of Texas—I began offering legislation similar to Mr. CRANE's—Governmentwide rather than department-specific—some 4 years ago. My own legislative experiences in the State of Oregon had demonstrated to me that government at all levels could benefit significantly by relying on competition to decide who should perform Government's "commercial activities."

More than 2 years ago, I sent a letter to then-Defense Secretary Caspar Weinberger, telling him that I was aware of the Defense Department's own 7-year backlog of defense competitive job review. DOD itself, in 1979, outlined an ambitious program of A-76 job reviews. Today, sadly, the Department is still far behind schedule.

Simply by applying proven OMB and DOD formulas, its easy to estimate the possible savings from those jobs.

OMB estimates average salary and benefits for each DOD job reviewed will total $30,000; and the DOD applies a 30-percent cost savings factor for each job reviewed under existing A-76 criteria.

Multiply every job review by $30,000 each; multiply them again by 30 percent, and you'll discover for yourself how much can be saved—how much is being ignored simply because the Pentagon has felt no urgency in doing the job.

Governmentwide, GAO said my bill was worth $3 billion annual savings. A more recent report which calculated savings if all prohibitions against contracting out were dropped estimates as much as $7 billion Governmentwide savings. Certainly, applied to the massive DOD, my colleague's $300 million savings can be justified.

The Department of Defense has failed to live up to its own standards despite the fact that it has more contracting review personnel—some 1,700 at last count—and more incentive to do it than any other agency—they have been the only Department which has been allowed to keep its A-76 savings for reuse. Mr. CRANE's amendment would change that.

Clearly, Pentagon administrators haven't felt enough individual compulsion to save the billion dollars, allowing us to assume that they must not need the money.

They do need the instructions to place contracting out at the top of their priority list. The amendment would to that.

I believe everyone in this Chamber can support this measure.

I have yet to meet a colleague who doesn't want the United States to be strong and ready to meet any threat. Our disagreement comes only in how to achieve that goal.

We're long relied on the force of competition to improve and make more affordable the products we buy as consumers. The U.S. Government is the world's largest consumer.

Mr. Chairman, competitive contract review saves money in every instance, regardless of whether the function is kept in-house or contracted.

Those of you who support our strongest possible defenses at any cost know that the pressure of competition will help ensure that we're paying for only the best.

And those of you who insist that the DOD should be no less responsive to the scarcity of tax dollars than all agencies know that the use of competitive contract comparison and awards is an ideal way to save money and preserve the mission.

It is truly strength through sense.

I urge my colleagues to join me in supporting this amendment.

Mr. Chairman, I include the following GAO report:

[General Accounting Office—Report to Congressional Requesters, December 1986]

FEDERAL PRODUCTIVITY: POTENTIAL SAVINGS FROM PRIVATE SECTOR COST COMPARISONS

U.S. GENERAL ACCOUNTING OFFICE,
GENERAL GOVERNMENT DIVISION,
Washington, DC, December 31, 1986.

Hon. ROBERT F. SMITH,
House of Representatives.
Hon. CHARLES W. STENHOLM,
House of Representatives.

This report responds to your March 6, 1986, letter requesting that we provide a range of cost savings and program preservations that would be possible with the passage of H.R. 3357. (The term "program preservation" means maintaining at least the existing levels of program services' quality and timeliness.) H.R. 3357 would require the federal government to contract with the private sector to the maximum extent possible for commercial products and services when they can be procured at lower cost. The intent of the bill is to broadly expand the use of competition and reliance on the private sector to reduce the costs of products and services needed by the government. As agreed with your offices, we developed a range of cost savings based on past analyses of the Office of Management and Budget (OMB) Circular A-76 policy.

OMB Circular A-76 "Performance of Commercial Activities" is the current government policy that requires executive branch agencies to procure commercial products and services from private sector sources when the private sector can accomplish the same quality job at less cost than a government operation. A modified version of Circular A-76 would become law under H.R. 3357 and, if fully implemented in accordance with appropriate contracting procedures and regulations, should result in cost savings while preserving programs, as currently required by A-76 procedures. In 1978 and 1981 we recommended to Congress that a legislated policy was needed to assure that agencies implement A-76 consistently and provide for the appropriate use of federal resources. As agreed with your offices, we are also providing information on OMB's current A-76 implementation policy, our past positions on A-76, and our views on H.R. 3357 (see app. I).

To provide the requested information, we examined past analyses of the A-76 program. From literature searches we identified five past analyses prepared by various organizations between 1982 and 1986 which provide 10 estimates indicating the range of long-term annual cost savings and program preservations possible after governmentwide implementation of A-76. We did not attempt to verify the 10 savings estimates or the findings of the five analyses. To obtain information not available from the published reports, we interviewed analysts who either prepared or have follow-up duties related to the analyses. We further examined our past reports on A-76 contracting and OMB documents on its current A-76 implementation policy. Our work was performed in accordance with generally accepted government auditing standards during March through May of 1986.

Since 1982, analyses of Circular A-76 have been made by the Congressional Budget Office (CBO), the National Academy of Public Administration (NAPA), OMB, the President's Private Sector Survey on Cost Control (PPSSCC), and the Heritage Foundation that provided long-term cost saving estimates of A-76 if it were implemented governmentwide. The saving estimates ranged from $500 million to $4.6 billion (see app. II).

None of these analyses and estimates of A-76 savings fully reflect the specific provisions of H.R. 3357; however, we believe that one OMB estimate comes closest in representing the potential savings from H.R. 3357 which, according to this estimate, could range from $2 to $3 billion. Unlike the other estimates, the 1984 OMB estimate assumed an expanded A-76 inventory of activities by including additional commercial positions and did not assume any reduction in existing legislative restrictions on contracting out. Similarly, H.R. 3357 would not remove existing restrictions and would require expanding the inventory of commercial positions. Notwithstanding this potential range of cost savings, one provision of H.R. 3357 should be considered for modification.

We believe that private sector requests for reconsideration of government management decisions about activities considered inherently governmental and not subject to contracting out should be left to executive branch review with congressional oversight of the review process. Such decisions reflect discretionary management functions of executive branch agencies and are more appropriate for executive branch review rather than judicial review in the U.S. District courts as provided for by H.R. 3357.

We also believe that H.R. 3357 would provide for more efficient and effective government operations if it required accountability for cost savings resulting from its implementation. To assure accountability for cost savings, H.R. 3357 should require agencies to specify in thier budget requests anticipated and actual cost savings achieved as a result of private sector cost comparisons.

We obtained comments on this report from OMB and it agreed with the report's contents.

As arranged with your offices, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from its issue date. At that time, we will send copies to other interested parties and make copies available to others upon request.

WILLIAM J. ANDERSON,
Assistant Comptroller General.

ABBREVIATIONS

CBO—Congressional Budget Office.
DOD—Department of Defense.
GAO—General Accounting Office.
NAPA—National Academy of Public Administration.
OMB—Office of Management and Budget.
PPSSCC—President's Private Sector Survey On Cost Control.
VA—Veterans Administration.

APPENDIX I—A-76 POLICY RELATIONSHIP TO H.R. 3357

Basically, Circular A-76 provides that (1) agencies should generally rely on the private sector for commercial products and services unless it is more economical to provide them in-house and (2) all inherently governmental functions must be performed by federal employees. The circular's implementation guidelines require agencies to (1) identify in-house commercial activities, (2) determine each activity's standards of performance, (3) review the efficiency of the in-house organization, (4) compare the cost of the most efficient in-house organization with private sector bids to perform an activity in accord with the standards, and (5) select the lower cost alternative to perform an activity. Implementation of the circular has been shown to reduce government costs and preserve programs regardless of who ultimately provides the necessary products and services. H.R. 3357 would modify OMB's current A-76 procedures as indicated in table I.1.

TABLE I.1.—MAJOR DIFFERENCES BETWEEN CURRENT A-76 POLICY AND H.R. 3357

Current A-76 Policy	H.R. 3357
10 percent conversion differential is added to the cost of contracting to account for conversion costs.	No conversion differential.
Indirect (overhead) cost of the in-house organization is determined using incremental costing wherein only the cost of each postion that would be eliminated by converting to contract is calculated.	Government indirect costs would be computed on the same fully allocated basis as is required of government contractors.
Government management decisions that certain activities are inherently governmental and therefore not subject to contracting out are not reviewable.[1]	Private sector could request reconsideration of decisions that certain activities are inherently governmental by the Administrator, Office of Federal Procurement Policy, and judicial review in the U.S. District Courts.

[1] Although A-76 provides no right of review of such Government management decisions, we make a review of A-76 cost comparisons in specific circumstances. Under our procurement protest procedures, we will review A-76 cost comparisons where there is an allegation that an agency failed to comply with established ground rules for comparing the cost of in-house performance with offers received. We engage in this review because it would be detrimental to the procurement process if, after the agency solicited offers, there was a faulty or misleading cost comparison that materially affects the procurement process. However, as pointed out by OMB (see app. IV), the provisions of A-76 dealing with cost comparisons and those pertaining to agency management decisions on activities "inherently governmental" are not the same and should not be confused.

Expanding the A-76 program

Since 1955, the executive branch has had a policy that agencies should rely on the private sector for needed goods and services. The policy, however, has not been effectively implemented because it was widely perceived as a government contracting out program and a threat to the job status of federal managers and workers. Rather than continue to mandate contracting out for services being provided by federal employees, OMB revised Circular A-76 in August 1983 to require federal managers to find the most effective and efficient way of providing services in-house and to compete with private sector bidders when appropriate. This change was intended to assure selection of the most economical means of obtaining commercial products and services and to provide fair treatment for affected federal employees.

In September 1984, the Deputy Director, OMB, testified before the Subcommittee on Human Resources, House Committee on Post Office and Civil Service, that after 3 decades of poor compliance by the agencies, OMB was refocusing the A-76 program as a means of enhancing federal productivity. Also in September 1984, OMB announced changes to its A-76 implementation policy to achieve the productivity objective. OMB integrated the A-76 program into the Administration's Reform 88 management improvement effort. OMB designated 14 categories of commercial activities for the agencies to emphasize in the A-76 cost competitions. By designating these categories, OMB intended to accelerate the process of identifying individual activities for study under A-76. OMB also required that agencies conduct management efficiency reviews of activities exempt from the cost competitions. These efficiency reviews involve preparing an activity's work standards and a study of the in-house organization, but do not include a cost comparison with private sector bidders. The requirement for the management efficiency reviews was based on a 1981

GAO report[1] that recommended the A-76 guidelines be expanded to include activities exempt from contracting out to achieve greater cost savings.

In February 1986, OMB announced a proposal that certain activities be designated for direct conversion to contract without requiring full A-76 cost studies. These would be activities that are consistently performed more cost effectively by the private sector nationwide. This proposed change was designed to accelerate the achievement of budgetary savings and to concentrate the agencies' A-76 study efforts on those activities that can benefit the most from formal cost studies.

Our positions on A-76

Notwithstanding OMB's recent initiatives on A-76, we believe that widespread and effective implementation of the A-76 policy will be difficult to achieve without a legislated policy for the government to rely on the private sector for commercial products and services. In 1978 and 1981 we recommended to Congress that a legislated policy was needed to assure that agencies implement A-76 consistently and provide for the appropriate use of federal resources. A list of relevant reports is provided in appendix III.

Although our reports indicate that the A-76 policy is effective in providing cost savings, we have not specifically determined the extent to which A-76 would allow the government to preserve levels of service in a budget reduction environment. Four of our reports concluded that for the A-76 cases reviewed, savings were usually realized even though start-up problems often occurred.[2] The savings were generally attributed to contractors using fewer employees and paying lower wages. Those reports, however, reviewed individual activities contracted out under A-76, rather than the A-76 program's overall savings and program preservation potential. In a period of budget reductions, such as stipulated by the Balanced Budget and Emergency Deficit Control Act of 1985, any savings from A-76 may not be realized fully or quickly enough to avert any targeted program reductions. During such a period, however, applying the A-76 efficiency guidelines should help preserve program service levels by improving in-house efficiency.

Our views on H.R. 3357

A legislated national policy of reliance on the private sector would encourage broader and more consistent implementation of the OMB Circular A-76 policy. Even though A-76 contracts often involve start-up problems, our past evaluations generally showed that A-76 implementation resulted in cost savings while preserving services. If enacted, H.R. 3357 would provide the recommended national policy and also should result in cost savings and program preservations if fully implemented in accordance with appropriate contracting procedures and regulations. We believe, however, that one provision of H.R. 3357 should be considered for modification.

We believe that private sector requests for reconsideration of government management decisions about activities considered inherently governmental and not subject to contracting out should be left to executive branch review with congressional oversight of the review process. Such decisions reflect discretionary management functions of executive branch agencies and are more appropriate for executive branch review, rather than judicial review in the U.S. District courts as provided for by H.R. 3357.

We also believe that H.R. 3357 would provide for more efficient and effective government operations if it required accountability for cost savings resulting from its implementation. To assure accountability for cost savings, H.R. 3357 should require agencies to specify in their budget requests anticipated and actual cost savings achieved as a result of private sector cost comparisons. As we stated in 1983 regarding productivity management in the government[3] agencies should specify expected future and actual results from productivity improvement efforts in the President's budget.

APPENDIX II—PAST ANALYSES OF A-76 SAVINGS

Since 1982, five analyses of the OMB Circular A-76 program have been made that provide 10 estimates of long-term annual savings if A-76 were implemented governmentwide. The estimates are long-term because (1) they exclude short-term costs that are incurred by the government in converting activities to contractor performance, such as loss of productivity and disruption of service, and (2) they include retirement savings that would materialize many years after conversion to contract. The estimates, shown in table II.1, were made by the Congressional Budget Office (CBO), the National Academy of Public Administration (NAPA), the Office of Management and Budget (OMB), the President's Private Sector Survey on Cost Control (PPSSCC), and the Heritage Foundation.

The estimates differ primarily because of different assumptions regarding the number of white collar, commercial-type positions that would be studied under A-76 and converted to contractor performance. OMR's savings estimate of $2 to $3 billion per year after A-76 implementation governmentwide was based on an expanded inventory of commercial-type positions that would be subject to A-76 procedures. In addition to 226,000 largely blue-collar positions, OMB expanded the inventory to include white-collar positions that at the time were not considered in federal agencies' inventories of activities covered by A-76. This change raised the inventory to include 418,000 federal commercial-type positions. OMB further excluded from its estimate commercial-type positions restricted from A-76 contracting out. CBO's estimates, in contrast, focused mostly on blue-collar positions. The NAPA estimate included positions restricted from contracing out and also did not include additional white-collar positions identified in OMB's expanded inventory. The PPSSCC's Personnel Management Task Force estimate focused on the universe of blue-collar positions identified in OMB's 1984 inventory of commercial activities. The PPSSCC's Management Office estimate, although assuming removal of the 10 percent conversion differential, also assumed reduction of existing restrictions from contracting out and that actual costs of in-house performance of activities would be compared to contracting costs. The Heritage Foundation estimate included the positions restricted from contracting out and the Postal Service in the universe of commercial-type positions subject to A-76.

TABLE II.1.—ESTIMATES OF LONG-TERM ANNUAL SAVINGS WITH A-76 IMPLEMENTED GOVERNMENTWIDE

Analysis (year)	Savings (billions)	Full-time commercial-type positions	Positions converted to contract
CBO (1982			
I	$0.9	[1] 202,000	165,000
II	.9	[1] 202,000	135,000
III	1.2	495,000	185,000
IV	.5	[1] 202,000	95,000
NAPA (1983)	1.0	500,000	([2])
OMB (1984):			
1984 inventory	1.0	[1] 226,000	[3] 113,000
Expanded inventory	2.0–3.0	[1] 418,000	[3] 209,000
PPSSCC (1984):			
Personnel management task force	1.0	([2])	132,644
Management office	4.6	500,000	400,000
Heritage Foundation (1986)	3.0	1,000,000	[3] 500,000

[1] Excludes about 300,000 positions exempt from A–76.

[2] No figure provided in cited report.

[3] Data obtained from reporting organization, but not included in the published report.

Congressional Budget Office

In 1982, CBO made a study of the potential savings that could be achieved from contracting out for support services.[4] CBO examined four options for A-76 contracting out and estimated long-term savings that would be fully realized decades after implementation. CBO's estimates of savings under these four options ranged from $500 million to $1.2 billion per year.

Option I: Maintain OMB's current 1982 A-76 program as promulgated in draft revised circular. Under this option 165,000 positions in commercial activities would convert to contract with savings of about $900 million annually.

Option II: Modify OMB's cost comparison guidelines to recognize fully the costs of retirement and federal employee layoffs. The retirement cost factor that is added to the in-house cost would be periodically adjusted to reflect federal retirement costs and a new factor to account for federal layoff costs would be added to the cost of contracting. Since the layoff costs were assumed to be larger than the increase suggested for retirement costs, the net effect would shift the cost comparisons in favor of in-house performance. This would result in 135,000 positions converting to contract with savings of about $900 million annually.

Option III: reduce legislative restrictions on contracting out by the Department of Defense (DOD) and the Veterans Administration (VA). Reducing the restrictions would add 50,000 federal positions to the 135,000 converted to contract under Option II resulting in 185,000 positions converted to contract and savings of $1.2 billion.

Option IV: Maximize near-term savings by limiting conversion to contract only to those cases in which cash payments under contracting out are lower than current outlays for in-house performance. Determinations would have to be made of which conversions would result in immediate budget savings from contracting out. Other conversions that would result in short-term increases in budget outlays, but would provide savings at some later time, would not occur. By focusing on near-term savings, 95,000 positions would convert to contract and result in savings of $500 million annually.

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[1] *Expanding the Efficiency Review Program for Commercial Activities Can Save Millions* (FPCD-81-77, Sept. 30, 1981).

[2] DOD Functions Contracted Out Under OMB Circular A-76: *Contract Cost Increases And The Effects On Federal Employees* (NSIAD-85-49, Apr. 15, 1985); *Review of DOD Contracts Awarded Under OMB Circular A-76* (PLRD-81-58, Aug. 26, 1981); *GSA's Cleaning Costs Are Needlessly Higher Than In The Private Sector* (AFMD-81-78, Aug. 24, 1981); *Factors Influencing DOD Decisions To Convert Activities From In-House To Contractor Performance* (PLRD-81-19, Apr. 22, 1981).

[3] *Increased Use of Productivity Management Can Help Control Government Costs* (AFMD-84-11, Nov. 10, 1983).

[4] *Contracting Out for Federal Support Services: Potential Savings and Budgetary Impacts* (Congressional Budget Office, Oct. 1982).

In subsequent annual reports on reducing the deficit, CBO indicated that with an expanded program of contracting out, which relaxed the restrictions on DOD and VA, the government would eventually spend at least $1 billion less per year on compensation costs. CBO, however, cautioned that near-term savings may be small due to retirement and conversion costs.

CBO's A-76 savings estimates were based on differences in employee compensation costs for private and federal workers. CBO compared the unit labor costs, including wages and benefits, for 15 commercial, mostly blue-collar, occupations in 18 geographic areas. The results were projected to OMB's estimate of the federal civilian work force subject to its Circular A-76 policy under the four options. According to the CBO analyst who prepared the 1982 report, the results of the analysis would be different if done today because of A-76 program changes, changes in the differences between federal and private wages for the affected occupations, and because of the government's accumulated experience with the A-76 program since 1982 upon which additional analysis could be based. CBO is presently updating its estimates of potential savings from the A-76 program.

National Academy of Public Administration

In 1983, the National Academy of Public Administration as part of a larger study of federal management[5] estimated that OMB's Circular A-76 procedures could generate $1 billion or more per year in savings. NAPA identified 11,000 commercial and industrial activities being performed by the government costing $19 billion and employing 500,000 federal workers which could be performed by the private sector. NAPA estimated that, even with the existing restrictions on contracting out, if half of the activities were studied under A-76 with savings of 10 to 15 percent, $1 billion would be saved annually. NAPA recognized the productivity enhancement benefits possible from the A-76 study process and considered A-76 a fair means of deciding on who should perform commercial activities for the government. It recommended that implementation of A-76 be accelerated in order to realize A-76's productivity savings potential.

Office of Management and Budget

In a 1984 A-76 program progress report, OMB estimated that governmentwide implementation of A-76 would result in savings exceeding $1 billion per year.[6] The report emphasized A-76's savings potential and the A-76 program's objective to improve government management and productivity through fair competition.

OMB's estimate of savings from A-76 was based on an inventory of commercial activities costing $6 billion and employing 226,000 federal workers. With prior A-76 competitions resulting in average savings of 20 percent, OMB calculated that potential savings from A-76 would exceed $1 billion. Excluded from the inventory, however, were another $14 billion of commercial-type activities that were restricted from contracting out for national defense and patient care purposes.

OMB further considered A-76's savings potential of the scope of commercial activities were to be expanded. OMB noted that the $6 billion inventory was focused primarily on blue-collar positions and did not include many white-collar, commercial-type positions such as engineering, training, and computer operations. Its preliminary estimates showed that if the white-collar commercial activities were included in agency A-76 inventories, then the total A-76 inventory would double in size. This expanded inventory would encompass activities costing $10 to $15 billion to perform in-house and employing at least 418,000 federal workers. OMB estimated that the expanded inventory could provide annual savings ranging from $2 to $3 billion.

More recently, in its report *Management of the United States Government, Fiscal Year 1987*,[7] OMB estimated that its commercial activities review schedule would result in annual budget savings among the nondefense agencies of $369 million by the end of fiscal year 1991. Those savings would come from both the A-76 cost comparisons and efficiency reviews of commercial activities performed in-house by federal employees. The military departments and defense agencies were not included in OMB's estimate because under current budget procedures they are permitted to reprogram any savings from their A-76 commercial activities and efficiency review programs.

PPSSCC

Also in 1984, the President's Private Sector Survey on Cost Control (PPSSCC) concluded its study of federal government management and operations. Six of the PPSSCC's 36 functional task forces reiterated the A-76 program's savings potential and made estimates of savings from A-76 within their respective functions. The commission later found the task forces' estimates to be partly duplicative. The Task Force On Personnel Management and the PPSSCC's Management Office, however, made estimates of potential annual savings from A-76 after it was implemented governmentwide.

The PPSSCC's Task Force On Personnel Management based its estimate of A-76 savings on data provided by OMB. The task force estimated that governmentwide implementation of the policy would reduce the federal budget by about $1 billion annually by eliminating 132,644 federal positions.[8]

The PPSSCC's Management Office took a broad view of the A-76 implementation and estimated annual savings of $4.6 billion.[9] The office estimated that after 5 years 400,000 out of 500,000 positions in commercial activities would be contracted out. To achieve this level of conversions, it assumed that restrictions prohibiting contracting for support services in the DOD, VA, and the General Services Administration would be removed and that OMB's cost comparison procedures would be relaxed.

The changes in cost comparison procedures would involve (1) using established actual costs of in-house performance, rather than estimates developed in a management efficiency study and (2) eliminating the 10-percent differential used to account for loss of productivity and disruption of service while converting an activity to contractor performance. The office further assumed a 10-percent efficiency gain for the activities that remained in-house as a result of competition with the private sector.

Heritage Foundation

In 1986, an additional estimate of savings from OMB Circular A-76 was made by the Heritage Foundation as part of a larger study of proposals for reducing the federal deficit.[10] The foundation estimated that an expanded, reformed A-76 program would save $3 billion per year. The foundation estimated that 1 million federal employees, including postal workers, were engaged in commercial activities which would be subject to A-76 competitions. The foundation recommended stricter implementation of A-76, removal of restrictions from the Department of Defense, modifying the cost comparison procedures, and independent oversight of the A-76 process. As a result of these changes, Heritage estimated that 500,000 positions costing $10 billion would be converted to contract with savings of 30 percent or $3 billion per year after conversion, retirement, and other one-time costs were accounted for.

APPENDIX III—LIST OF RELEVANT GAO REPORTS

Title	Date	Publication No.
Development Of A National Make-Or-Buy-Strategy—Progress and Problems.	Sept. 25, 1978	PSAD–78–118
Factors Influencing DOD Decisions To Convert Activities From In-House To Contractor Performance.	Apr. 22, 1981	PLRD–81–19
Civil Servants And Contract Employees: Who Should Do What For The Federal Government.	June 19, 1981	FPCD–81–43
GSA's Cleaning Costs Are Needlessly Higher Than In The Private Sector.	Aug. 24, 1981	AFMD–81–78
Review Of DOD Costs Awarded Under OMB Circular A–76.	Aug. 26, 1981	PLRD–81–58
Expanding The Efficiency Review Program For Commercial Activities Can Save Millions.	Sept. 30, 1981	FPCD–81–77
Increased Agency Use Of Efficiency Guidelines For Commercial Activities Can Save Millions.	do	FPCD–81–78
Synopsis Of GAO Reports Involving Contracting Out Under OMBA Circular A–76.	May 24, 1983	PLRD–83–74
Increased Use Of Productivity Management Can Help Control Government Costs.	Nov. 10, 1983	AFMD–84–11
Compendium Of GAO's Views On The Cost Saving Prosposals Of The Grace Commission, Vol. II—Individual Issue Analysis, pp. 229–230.	Feb. 19, 1985	OGC–85–1
DOD Functions Contracted Out Under OMB Circular A–76: Contract Cost Increases And The Effects On Federal Employees.	Aug. 15, 1985	NSIAD–85–49
Information From Previous Reports On Various Aspects Of Contracting Out Under OMB Circular A–76.	July 5, 1985	NSIAD–85–107

APPENDIX IV—COMMENTS FROM THE OFFICE OF MANAGEMENT AND BUDGET

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET

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[5] *Revitalizing Federal Management: Managers and Their Over Burdened Systems* (A panel report of the National Academy of Public Administration, Nov. 1983); *Deregulation of Government Management, Federal Procurement Interim Report* (National Academy of Public Administration, Mar. 1983).

[6] *Enhancing Government Productivity Through Competition: Targeting for Annual Savings Of One Billion Dollars By 1988* (Office of Management and Budget, Office of Federal Procurement Policy, Mar. 1984).

[7] *Management of the United States Government, Fiscal Year 1987*, Executive Office of the President, Office of Management and Budget (U.S. Goverment Printing Office, Feb. 1986).

[8] President's Private Sector Survey On Cost Control, *Report on Personnel Management* (U.S. Government Printing Office, Nov. 1983).

[9] President's Private Sector Survey On Cost Control, *Report on Management Office Selected Issues* Volume X, *Opportunities Beyond PPSSCC* (U.S. Government Printing Office, Jan. 1984).

[10] *Slashing the Deficit, Fiscal 1987* (Washington, D.C.: The Heritage Foundation, Jan. 1986).

Washington, DC, December 16, 1986.
Mr. WILLIAM J. ANDERSON,
Assistant Comptroller General, U.S. General Accounting Office, Washington, DC.

DEAR MR. ANDERSON: Thank you for your letter of December 1, 1986, allowing the Office of Management and Budget to review and comment on the GAO draft report entitled "Federal Productivity: Potential Savings from Private Sector Cost Comparisons."

We concur with the report's findings and have only one comment. We do not believe that the footnote at the bottom of page 7 is necessary in the context used. The A-76 policy that the footnote refers to states that there is no review of agency management decisions to declare activities inherently governmental and therefore, not subject to competition with the private sector. The footnote states that GAO will review the results of A-76 cost comparisons if there is an allegation that an agency failed to comply with the established A-76 rules. The two policies for review are not the same and the footnote could lead to some confusion.

Your letter proposed a meeting to discuss OMB's comments; I do not believe that is necessary due to our agreement with the report. Thank you again for allowing OMB to comment.

Sincerely,

DENNIS C. BOYD,
Acting Associate Director for Management.

□ 1200

Mr. NICHOLS. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I come from a district where contracting out has been under close scrutiny for the 12 years that I have been in the Congress. I have to tell my colleagues something, this is one of those fool's-gold answers. We have found in almost every audit that is done in the Air Force, the Army, and the Navy that once we contract something out it gets more expensive to the taxpayers. I do not think we should rush to do more contracting out based on that experience. This administration has tried to increase contracting, and I think it is a very serious mistake and very expensive.

The Government has an A-76 review process, we can improve it with the Skelton-Panetta substitute. Trying to rush out and do more contracting is going to cost the taxpayers money because once the private sector has the work, the price escalates.

Mr. McCURDY. Mr. Chairman, will the gentleman from Washington yield?

Mr. DICKS. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, I appreciate the gentleman from Washington yielding.

I just want to agree with the gentleman from Washington [Mr. DICKS] and support his statement. We have found, for instance, that at Fort Sill, OK, in my district the Army had to admit that the procedures were flawed, that the calculations used in the determination of the rates for the civilian workers as opposed to the contracting firm were inappropriate, and that they were not balanced. However, they were afraid to reverse the process because of the pressure from the administration to push contracting out, and that is exactly what they are doing in these announcements here today in this book that the gentleman from Alabama [Mr. DICKINSON] has demonstrated.

I believe that we have to put a lid on this and slow it down. I support the gentleman's amendment.

Mr. HOYER. Mr. Chairman, will the gentleman from Washington yield?

Mr. DICKS. Mr. Chairman, I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I rise in strong support of the position of the gentleman from Washington [Mr. DICKS] in opposition to the amendment. In point of fact, study after study is showing that contracting out only in the short-term saves money because in the long-term prices in the private sector, pay and benefits, are going up much faster than they are going up in the public sector.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). All time has expired.

It is now in order to consider amendments numbered 1 and 4 printed in section 3 of House Report 100-590 relating to "contracting out," by, and if offered by, the following Members or their designees, in the following order only:

(A) Representative CRANE; and

(B) Representative TRAFICANT.

AMENDMENT OFFERED BY MR. CRANE

Mr. CRANE. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offerd by Mr. CRANE: At the end of title VIII of division A (page 144, after line 12), add the following new section:

SEC. 812. REQUIREMENTS RELATING TO PERFORMANCE OF DOD COMMERCIAL ACTIVITIES.

(a) COST COMPARISONS.—The Secretary of Defense shall identify all commercial activities performed by Department of Defense personnel. Each year, beginning in 1989, the Secretary shall require that studies at the annual rate of 3 percent of the Department of Defense civilian population shall be conducted until all identified commercial activities have been reviewed under Office of Management and Budget Circular A-76 for purposes of determining the most cost effective method of operation of such activities. Each review shall compare the costs of performing such activities by Department of Defense personnel with the costs of performing such activities by contractor personnel.

(b) BUDGET REQUIREMENTS.—The Secretary of Defense shall include in each Department of Defense budget proposal submitted to the Office of Management and Budget, beginning with the budget for fiscal year 1990, an estimate of the expected savings from the cost comparisons required under subsection (a) in the fiscal year preceding the year for which the budget is being submitted. The estimated savings shall be determined through an analysis of savings achieved in previous years from previous cost comparisons and on expected future conversions to contract. The budget estimate may reflect the retention by the Department of Defense of the amount to be used as incentive compensation for Department of Defense employees under subsection (d).

(c) JOB PLACEMENT PROGRAM.—The Secretary of Defense shall develop and maintain an effective job placement program for Department of Defense employees affected by conversion to contract and shall cooperate fully in interagency placement efforts.

(d) EMPLOYEE INCENTIVE COMPENSATION.—The amount of savings achieved by the Department of Defense as a result of a cost comparison in the year in which the comparison was conducted, and the amount of such savings (based on a unit cost system developed by the Department of Defense to monitor savings rates over time) in each of the five years following the comparison, shall be distributed as follows:

(1) 25 percent shall be distributed each year evenly among employees of the Department of Defense who were involved in carrying out the commercial activity which was the subject of the cost comparison.

(2) 75 percent shall be deposited each year into the General Fund of the U.S. Treasury.

(e) REPORT.—The Secretary of Defense shall submit to Congress each year a report on the amount of savings achieved during the previous year as a result of cost comparisons conducted as required under subsection (a).

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. CRANE] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

Mr. NICHOLS. Mr. Chairman, I rise in opposition.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. NICHOLS] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there is nobody in this body over the past 19 years who has supported our defense more strenuously than I have. I do not think the action I am taking today is designed in any way to weaken our defense posture.

Mr. Chairman, my amendment will make the operation of the Department of Defense [DOD] more efficient and at the same time reduce the deficit. My amendment will achieve these worthy goals by creating a legislative mandate to require DOD to implement the President's recent Executive order, "Performance of Commercial Activities." DOD will be required to identify all of its commercial activities and conduct competitions, using the procedures of OMB Circular A-76, between these Government operated commercial activities and non-Federal sources at the annual rate of 3 percent of the Department's civilian population, until all such positions have been studied. My amendment also directs DOD to distribute 25 percent of the recurring savings to employees who are affected by the results of these studies for a period of 5 years. The remaining 75 percent of these savings will be returned to the Treasury for purposes of deficit reduction. Finally, DOD will be required to maintain an effective job placement program for its workers affected by these studies and cooperate fully in placement efforts with other agencies.

My amendment will help DOD take even greater strides toward expanding its successful program of contracting out work with private firms. Despite the storm of controversy which seems to surround the contracting out program, its detractors have difficulty proving that the process does not offer positive results. The facts, offered by DOD and verified by the General Accounting Office, point to equal if not better quality commercial services at less cost to the Government. DOD reviewed the 235 contracts awarded between 1980 and 1982 and then the 131 awarded from October 1983 to October 1984. The first study indicated savings were approximately 30 percent of original cost. The second study, sent to Congress in April 1986, showed that savings averaged about 33 percent.

Since the A-76 program is not strictly a contracting out program it reduces costs in two ways: First, by provding an incentive to Federal agencies to reduce the cost of in-house operations in order to compete with private industry; and second, to provide the commercial sector the opportunity to compete for service. Taxpayers truly benefit as costs are reduced whether the Government or industry "wins" the competition. For example, since 1981 as the administration began emphasizing open competition by both sides, DOD reported average cost reductions of 25 percent in 1982, 27 percent in fiscal year 1983, 29 percent in fiscal year 1984 and 30 percent in fiscal year 1985. Hence by merely forcing DOD to expand its program of studying which positions it subjects to competition studies, taxpayers will save millions of dollars. If DOD studied 3 percent of all of its civilian positions, cost reductions could well amount to $300 million during the first year.

While my amendment will clearly make DOD more efficient and help reduce the deficit, it also provides DOD employees with an economic incentive to support the President's Executive order. All employees who are affected by the conclusions of cost comparison studies, will receive 25 percent of the recurring savings from such studies. This will show employees that efforts to make the operations of DOD more efficient can serve their own interests. Passage and implementation of my amendment could well result in $75 million for employee incentives from first year savings. Given the fact that DOD experiences a personnel attrition rate of about 75,000 per year, I am confident that the vast majority of civilian employees who lose competitive bids to the private sector will be able to regain employment within DOD. On the off chance that some of these employees are unable to find other suitable Federal employment, A-76 guarantees that they will be first in line to receive a similar position with the private contractor.

In conclusion, Mr. Chairman, I believe that my amendment provides a significant contribution to the debate on how Congress can provide direction to efforts to make DOD more efficient and likewise reduce the deficit. Given the horror stories of waste within DOD and the ever expanding budget deficit, I believe that consideration of my amendment on the floor of the House of Representatives will show the American people that we care about addressing these two very pressing problems.

Mr. NICHOLS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. My colleague from Illinois has pointed out that the Department of Defense currently employs about 1,700 people to conduct what is now 9,000 studies. I would point out that our committee's review on contracting out, and in the hearing we held on April 12, indicated the following. Secretary Robert Stone confirmed that at any given time the work load on A-76 review covers some 80,000 spaces that are in some phase of the review process.

I would further point out that in addition to the 1,700 full-time people in the field pulled countless other people off their jobs in order to do these studies.

Mr. Stone has confirmed that A-76 is exceedingly complex with a lot of technical rules that have to be followed scrupulously.

Mr. Chairman, this morning I had delivered to my office a book with hundreds of pages in it that purports to show the review schedule for contracting out studies in the next 5 years. I would point out to those of my colleagues here that we are talking about 234,000 civilian and military many years. I do not know what it does to the depots or to military installations in the districts of my colleagues but let me give my colleagues two examples from my own State of Alabama in my congressional district. They are studying for contracting out 868 spaces at Anniston Army Depot, 352 at Fort McClellan, and in the second congressional district of my good colleague from Montgomery, AL, they are studying 3,700 spaces at Fort Rucker, 1,000 at Maxwell, and 300 at Gunter Field for a total of 5,000 spaces. I suggest to all of my colleagues that they obtain a copy of this book and see what the plans of the Department of Defense might be in their respective districts.

The amendment of the gentleman from Illinois (Mr. CRANE) would increase the current workload by 300 percent. Where do we get that additional manpower to do this job?

We are currently spending about $150 million to $300 million, and I just cannot see us coming up with this money.

Mr. Chairman, I strongly oppose the amendment and urge that it be defeated.

Mr. Chairman, I yield 1 minute to the gentleman from Uath [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I thank the gentleman from Alabama [Mr. NICHOLS] for yielding this time.

Mr. Chairman, I respectfully disagree with the gentleman from Illinois. This is not the time to be increasing A-76 studies.

In my district, I have four military installations—all of which have experienced problems with contracting out. Let me give you just a few of the problems I've seen.

First. Contracting out causes serious morale problems. Two years ago at Dugway Proving Ground, base support functions were contracted out to a private contractor. For those employees who elected to hire on with the contractor, they lost their severance pay. For those employees who elected to accept employment elsewhere on base, they were required to train contract workers for the very same job they had been doing for years. My telephones were ringing off the hook by civilian workers who resented training contractors for the work they should have been doing.

Second. The Government often must accept bids from contractors that are only paper entries with no track record. At Tooele Army Depot, for example, Tooele had to "eat" costs when a private contractor failed to comply with a contract to overhaul heavy equipment for the Army. For 3 years, the equipment was stored at Tooele while the contractor attempted to renegotiate a new contract. When that failed, Tooele's added costs included storage of the equipment, maintenance of the equipment, and then shipping costs to move the equipment to another Army installation that finally overhauled the equipment.

Third. The purpose of A-76 is to save money. These are noble words, but in reality, the cost comparisons do not provide an equitable or true picture. A-76 studies are weighed heavily in favor of the contractor. Let me explain. In-house studies must include overhead costs when submitting cost studies, but the same is not required of contractors. There are added costs when a Government employee is forced into early retirement while, at the same time, the Government is paying the contractor to perform the same work. This added expense should be considered but is not.

One of the major complaints I have received from military management is that they have no problem competing with industry as long as the competition is fair. I agree.

Fourth. Management loses control of work that must be performed on his base. If the contract is not specific, down to crossing every "t" and dotting every "i", a contractor is not required to perform certain functions that a Federal employee would just naturally accept. For example, at Dugway Proving Ground, it was the responsibility of the contractor to keep the roads plowed during winter. However, the base commander learned that two roads were not specified on the contract, and the contractor informed the commander that he would not remove snow from these two roads unless the commander renegotiated the contract upward, of course. Well, snow doesn't melt very fast in Utah, and the roads couldn't wait for the contractor, so the base commander ended up pulling some of his Federal workers off their regular job to do the work that the contractor was paid to do.

A-76, as it is not written, raises serious question as to who is directing the national defense and who is in control of decisionmaking of the Defense Department. During peacetime, the snow removal incident was not critical, but in time of war, a base commander must have control of every function under his command.

Rather than increasing contracting out under A-76, Congress should give the OMB, the private sector, and management an opportunity to consider the contracting out process in its entirety.

In the meantime, Congress should encourage management to sharpen their pencils to achieve a 20-percent cost reduction goal.

Mr. NICHOLS. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I rise in opposition to the amendment.

The amendment would require the Department of Defense to study 3 percent of its civilian work force each year under the provisions of OMB Circular A-76.

Currently DOD is studying 1 percent of its work force with 1,700 personnel at a cost of between $150 to $300 million. This amendment will require DOD to triple the current workload with no increase in resources, people, or funds. Tripling the workload will cost $450 to $900 million and the requirement to expand the staff by 3,400 more personnel. DOD estimates that the first year cost savings will be only $78 million. Further, the Assistant Secretary of Defense for Installations, Mr. Stone, testified that DOD can only complete studies on 1 percent of the work force. We cannot afford to force an unreasonable requirement upon DOD.

This amendment is in conflict with the Nichols amendment from last year, whereby the base commander would have the authority to determine which positions would be studied under A-76. This amendment forces a minimum requirement on the DOD which will then be passed down to the services. Base commanders will not have total discretion to make a decision.

In summary, this amendment will require the services to contract more and more. It is going to cut into the muscle of our military forces. It affects readiness and the capability of our forces to provide adequate national defense. I urge my colleagues to vote in opposition to this amendment.

Mr. NICHOLS. Mr. Chairman, I yield the remaining 1 minute of my time to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, one cannot get any better than first place. Fort Leonard Wood, MO, 3 years ago was the best Army installation in the world. Last year it was the best Army installation in TRADOC, and this year it is the best Army installation in the world. What happened to them? They lost over 700 jobs, civilian jobs, by contracting out. Now the gentleman says that this contracting out amendment is going to save money. When one has an efficient base like we have at Fort Leonard Wood, that in and of itself is an example of efficiency and of saving money. In fact this amendment will cost money.

At Redstone Arsenal, for instance, one contract was supposed to save $1 million but ended up losing over $15 million. These rules happen again and again and again and cost millions because the Department of Defense cost comparisons just do not do the job.

The gentleman from Illinois [Mr. CRANE] also says that he feels confident that anyone who loses his job by contracting out may find another job. Mr. Chairman, that is just not true.

□ 1215

AMENDMENT OFFERED BY MR. SKELTON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. CRANE

Mr. SKELTON. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. SKELTON as a substitute for the amendment offered by Mr. CRANE: At the end of title VIII of division A (page 144, after line 12), add the following new section:

SEC. 812. APPLICABILITY OF COMMANDER AUTHORITY TO ONGOING AND FUTURE REVIEWS OF COMMERCIAL ACTIVITIES.

Section 1111 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1146) is amended by adding at the end the following new subsection:

"(e) APPLICABILITY.—The authority provided for commanders of military installations by subsection (a) shall apply with respect to reviews of commercial activities involving civilian employees that are being conducted on December 4, 1987, and to reviews of commercial activities that begin after such date.".

Mr. DICKINSON (during the reading). Mr. Chairman, I reserve a point of order against the amendment until we are furnished with a copy.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The gentleman from Alabama [Mr. DICKINSON] reserves a point of order.

The Clerk will continue reading the amendment.

Mr. SKELTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Missouri [Mr. SKELTON] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I, together with the gentleman from California [Mr. PANETTA] offer this substitute for the Crane amendment.

Mr. Chairman, the original Nichols amendment last year was meant to give base commanders the authority to show initiative in finding ways to save money. This initiative does not, as the gentleman from Illinois claims, destroy the chain of command. It only allows commanders to get around minor regulations which interfere with efficient operations.

There is a backlog of several years' worth of studies which have been announced, some of these studies still in the earliest of stages. Commanders need the authority to decide which functions should not be studied and which should be studied for reasons of readiness or efficiency which might not be understood by higher level commanders far from the scene.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to my friend and colleague, the gentleman from California.

Mr. PANETTA. Mr. Chairman, I rise in strong support for the substitute amendment offered by my colleague, Congressman SKELTON, to replace the

Crane amendment. I urge my colleagues to support this substitute amendment.

The Skelton amendment clarifies the contracting out provisions passed by Congress and enacted into law in last year's Defense authorization measure. The provision was written by Congressman NICHOLS and myself which called for the commanding officer at each military installation to be given authority to determine which activities at the installation would be considered commercial activities. The Nichols amendment also gave the commanding officer authority to determine which of these activities would be subjected to the cost comparison analysis and to conduct solicitations for contracts selected for contracting out.

The Department of Defense promulgated regulations on this law on February 29, 1988, to exclude ongoing studies from review by the installation commanding officers. The intention of this law by Congressman NICOLS and myself was to include, not exclude, ongoing studies from review by the base commanders. This amendment simply restores the original intention in the contracting out provisions of last year's DOD Act.

By giving base commanders the authority to operate these studies as they see fit may not be eliminating all the problems in the contracting program. However, such involvement by base commanders will ensure that those officers closest to the activities and personnel in question have the authority to make the final decision on the issue of contracting out.

Failure to clarify this law will continue to leave the base commanders out of the decisionmaking process on the status of the civilian work force on every military installation and improve the contracting out program in this Nation.

I urge my colleagues to support the Skelton substitute to strengthen the contracting out program on our military installations.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to rise in strong support of the Skelton-Panetta amendment. I think this helps do positive things as it relates to contracting out and as a substitute it gets rid of the onerous provisions of the Crane amendment. I hope the House will support it.

Mr. SKELTON. Mr. Chairman, this change only clarifies last year's Nichols amendment which I believe was intended all along to have the meaning that we offer today.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Alabama [Mr. DICKINSON] insist on his point of order?

Mr. DICKINSON. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN pro tempore. Does a Member desire to rise in opposition to the amendment?

The gentleman from Illinois [Mr. CRANE] is recognized for 5 minutes.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not sure I am prepared to rise in opposition, but I would appreciate it if the gentleman from Missouri would stay in the well so as to give a further clarification of his amendment.

Mr. Chairman, one of the concerns, frankly, that I have had has been the failure effectively to implement Executive orders dealing with A-76, and we felt that some kind of legislative language to get this particular circular implemented was in order. I would ask the gentleman from Missouri if he feels that his language in the form of a substitute does accomplish that objective to guarantee action because DOD said in 1979, as I indicated earlier, that they would review 99,000 positions in 3 years. The fact of the matter is here it is 9 years later and they have only done a fraction of those.

Would the substitute offered by the gentleman from Missouri facilitate the implementation of that commitment?

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, my substitute makes things a lot simpler. It follows actually the basic intent of what I voted for in the Nichols amendment last year. I felt very strongly that it should apply and it was my intention and my understanding that it did apply to ongoing contracts at the time. We cannot substitute legislation for good judgment. This allows good judgment not to apply just to things in the future but allows good judgment by the base commander to apply to what is before him right now.

There are many contracts immediately before the base commander that have just begun or they are just a little way down the road. Why exclude them? That is what this allows.

Mr. CRANE. The advantage, it seems to me, of some of the language in my own amendment is that it provided some proper kinds of guidelines to guarantee information available to a base commander upon which to make determinations. But sensing the position of the majority and distinguished colleagues whom I admire profoundly, who have real trouble with my amendment, I would thank the gentleman and ask that we all get behind the substitute offered by the gentleman from Missouri, and I think we have a consensus.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Chariman, I thank the gentleman for yielding me this time.

Mr. Chairman, I think most all of the arguments as to this matter have been covered very well. But I would like to note, with all due respect to the author of the Crane amendment, he did not have the benefit of the hearings before the Investigations Subcommitte of the Armed Services Committee. The DOD appeared and said it was only with great difficulty that they were able to review 1 percent of the civilian workforce at that time. Just doing that takes almost 2,000 employees and $150 million to $300 million. The Armed Services Committee estimates that the amendment offered by the gentleman from Illinois [Mr. CRANE] would jack those costs up to at least $900 million.

I would ask the gentleman from Illinois [Mr. CRANE] where is that money coming from? The gentleman's amendment does not provide for funding. They are simply having enough trouble now reviewing what is in the legislation. The proposal was counter to good administration, and I do think damages and deteriorates the morale and the efficiency on behalf of very loyal and competent employees.

I strongly oppose the Crane amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the substitute amendment. In effect, it keeps the Nichols proposal in effect which says these base commanders can make these decisions for another year of how much contracting out should be done. That is logical.

Mr. Chairman, I have been really concerned lately. I started out supporting contracting out, but they have gone too far. They are cutting into the muscle of defense readiness. I will give an example of this maintenance of aircraft. They are now contracting out for the maintenance of aircraft for the military. This work cannot be done as well as by the regular military. We cannot send these people to the Persian Gulf, these civilians are not eligible to go. It is just not right, and when the OMB said we want to contract out about as much as possible, they have gone too far.

I support the substitute, and I thank the gentleman for yielding me this time.

Mr. EVANS. Mr. Chairman, I have long been a staunch opponent of the contracting out process, and as a result I feel obligated to draw your attention to an unrealistic amendment which may be offered this morning by Mr. CRANE, my respected colleague from Illinois. By requiring the DOD to conduct annual reviews of its commercial activities employees in order to determine whether their jobs should be contracted out, Mr. CRANE's amendment is simply not a good idea. While greatly increasing the number of contracting out studies conducted each year, the Crane amendment ignores the fact that the DOD itself is not optimistic about the feasibility of handling such a heavy load. No matter what your views about contracting out, the fact that even the DOD cannot envision such an increased study load is reason enough to be skeptical about the Crane amendment.

As for contracting out in general, it is my strong belief that in most cases the process works to greatly weaken the morale of local workers and usually results in wasteful economic spending. Moreover, the process undercuts our combat readiness by ignoring the fact that arsenals and depots—and the people who work there—are as much a part of our military strength as any other piece of hardware we are building. Therefore, we cannot and should not deprive jobs from our communities through a process that serves no economic purpose and will only weaken our military strength.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Missouri [Mr. SKELTON] as a substitute for the amendment offered by the gentleman from Illinois [Mr. CRANE].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois [Mr. CRANE], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: At the end of part B of title III of division A (page 41, after line 18), add the following new section:

SEC. 316. PROHIBITION ON CONTRACTING OUT CERTAIN AIR FORCE RESERVE BASE SUPPORT FUNCTIONS.

The Secretary of Defense may not enter into a contract for the performance by contractor personnel of any base support function at any Air Force Reserve base.

The CHAIRMAN pro tempore. The gentleman from Ohio [Mr. TRAFICANT] will be recognized for 5 minutes and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I want to start out by saying that I was given a minute under general debate on this, and I was screwed by somebody on our side, and I do not like that, and that is one of the problems we have, as Democrats we don't stick together. That is why our Democratic Party is all screwed up!

First of all, I think the language of Crane is an improvement, but the base commander is going to follow the advice of the Pentagon, not the Congress.

I agree that saving money is important. I am here to talk legitimately about the Pentagon's major goal, and I cannot believe that the committee is talking about saving money when their major primary goal is to save lives.

The gentleman from Washington [Mr. DICKS] came up here and said every time they dismantle a unit they get rid of our workers who have benefits, hire people at minimum wage, and it looks so good in the beginning, and after a couple of years, the costs are higher. This is nothing more than deregulation of the military.

I ask the ultimate question to the philosophers, if you will: What if Eastern Air Lines, Texas Air, and Continental say they could provide our Air Force better services. Where does it end?

Let me tell you some of the base support functions that my amendment deals with. My amendment would stop contracting out in the beginning at Air Force Reserve bases only. It would force the Pentagon to give us facts. Even Mr. DICKS agrees they have been faulty. This would force them, before they begin dismantling our military.

Second of all, it is just not laundry. It is electrical work, motor pool, engineering, industrial operations, powerplant. Everybody in this Congress evidently takes for granted America will never have an attack on our soil, because we are falling asleep. This amendment protects our "war readiness."

I say that if Members really want to get a study, let us not make another deal like Monte Hall. Let us send a message to the Pentagon: "Congress does not want to denigrate our national security." We are beginning to do it.

I reserve the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Alabama rise in opposition?

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Alabama is recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I understand the thrust of what the gentleman is proposing to do.

I guess the bottom line is that this just goes too far. We have traditionally encouraged base commanders to make decisions which are really housekeeping decisions.

If the Traficant amendment were passed, the base commander of a Reserve base could not contract out grasscutting, he could not contract out laundry, as the gentleman has mentioned. It takes away all of the discretion that he has regardless of whether it is cost-saving or not.

We think it is effective to allow some discretion to the base commander. We have done that in the past. Some things he decides on should be contracted out, fine, and some he says are not economically feasible, that is his decision. To make a broad policy edict such as this to say that no contracting out can be made regardless of what the base commander wants to do, regardless of the cost savings, just an absolute prohibition on all contracting out, certainly goes too far.

□ 1230

Our committee has studied and restudied the matter. We have come up with the best solution that we can. To have this amendment come in from sort of a blind-sided amendment as an absolute prohibition, to take away all discretion I think is unreasonable. I certainly cannot support it. I would hope that the Members do not support it.

Mr. TRAFICANT. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. I thank the gentleman for yielding.

Mr. Chairman, I have a brief inquiry. This is an amendment that is very narrow in scope and very narrow in its application, is that not correct?

Mr. TRAFICANT. The beginning will be with the Air Force Reserve units and the second stage will be with the military bases.

This would force, without setting a policy change, the Pentagon and the GAO to come back and give us the truth and the facts.

I do not take it lightly on this housecleaning and grasscutting which we have been talking about. We can possibly be putting people on our bases, military bases, who do not have the best interests of America at heart.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The gentleman from Alabama has 3½ minutes remaining.

Mr. DICKINSON. Before I yield the balance of my time to the gentleman from Alabama, just let me say that this would reverse the guidance contained in the regulations issued by the Secretary of Defense just 2 months ago that were in full accordance with the letter and spirit of the Nichols amendment.

We have been through this. This undoes what we have done.

Mr. Chairman, I yield the balance of my time to my colleague, the gentleman from Alabama [Mr. NICHOLS].

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. NICHOLS] is recognized for 2½ minutes.

Mr. NICHOLS. I thank the gentleman for yielding.

Very briefly and very reluctantly, Mr. Chairman, I must rise in opposition to my friend's proposal, the gentleman from the State of Ohio.

Let me state that I appreciate his interest in the matter. He is exactly on target. I commend him for his interest in trying to do something about this contracting-out. It has gotten completely out of hand.

I must say, though, I must remind the gentleman and remind those here on the House floor that last year we reached an agreement with the Senate conferees. That agreement simply says that for the next 2 years we are going to have a trial run at this thing and let the base commanders make that decision.

After all, the base commanders are responsible for everything that happens on the base. If the roads have potholes in them, it is the base commander's fault; if somebody messes up, gets drunk, it is the base commander.

So it makes a lot of sense to me to let the base commander take a look at this. That is the law now.

The gentleman's amendment would certainly fly in the face of that. For that reason, I would have to oppose it.

Mr. DICKINSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Ohio [Mr. TRAFICANT] has 1½ minutes remaining.

Mr. TRAFICANT. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, I rise in support of the amendment of the gentleman from Ohio.

Mr. Chairman, I rise today in support of three amendments to the 1989 Defense authorization bill that are necessary to insure the fair treatment and protection of civilian employees who may be affected by contracting out. These amendments are a natural follow-up to another amendment which I supported, the Nichols amendment to the 1988 Defense authorization bill which gave base commanders the right to choose which functions could be studied for contracting out.

I share the concern of my colleagues that the Government and military wisely spend taxpayer dollars. In light of current budget deficits, it is essential that we continue our moneysaving efforts and that we find new ways to cut costs without undermining our national security. Contracting out is often billed as a cost-saving measure. Yet, actual savings have yet to be shown. In a recent article, the Washington Post quoted a Member of the other body as saying, "Few, if any, Government officials can show that there was actually money saved."

However, the cost in morale alone on my home base, the Selfridge Air National Guard Base, continues to climb as career civil servants with advanced training, proven loyalty and years of service lose interest in their jobs because they have learned that they may soon be unemployed. These men and women have written and phoned my office to ask me whether or not they should stay in their jobs. They ask me, "is it worth committing myself to the service of my country if I am under a continual threat of losing my job?"

One reason that contracting out does not show any savings gained is that cost analyses do not measure equally the costs to the Government of each employee and the cost of each employee to a contractor. If you do not take into account, for example, retirement costs for the contractor, naturally, they will come out being able to provide a service more cheaply than the Government. This is one of the reasons that I support Congressman SKELTON's amendment which would insure that all costs on both sides, Federal and private, are counted into the cost of the function being studied for contracting out.

Congressman SKELTON's amendment would also ensure that Department of Defense personnel who are being studied for contracting out are informed of that fact and consulted for their opinions. It is unfortunate, but true, that many civilian employees did not know that they were in danger of losing their jobs until they lost them. Futhermore, it is also true that it is not a standard practice to keep personnel informed on the progress of the contracting out study or to ask their opinions on the contracting out of the function which they perform. Congressman SKELTON'S amendment would end this oversight of the most important part of any DOD activity—the employees.

Congresswoman SCHROEDER's amendment would modify a provision in the defense bill which prohibits contracting out for the performance of certain maintenance functions. The current bill would exempt only trainer aircraft functions, but the amendment would exempt both trainer equipment and trainer aircraft functions. This amendment protects positions at Selfridge and other bases that are critical to the operation of our Nation's military air capability.

Congressman TRAFICANT's amendment would prohibit the contracting out of base support functions on Air Force Reserve bases. Base support functions include such items as engineering, housing, industrial operations, communications, motor pool, supplies, powerplant. This amendment would protect the essential services provided by our civilian workforce. It would insure that services which insure the safety, smooth operation and, therefore, the readiness of the Air Force Reserve continue as a civilian function without the disruption caused by the threat, or reality, of contracting out.

Civilian employees have proven themselves worthy of the positions that they are entrusted with by the military and the defense department. I urge my colleagues to support civilian employees, to recognize their incalculable value to our country, and to recognize that contracting out may not achieve significant savings when it is placed against both the tangible and intangible costs of sacrificing the tremendous efforts made by our civilian employees for their country.

Mr. Chairman, these amendments offered by Congresswoman SCHROEDER, Congressman TRAFICANT and Congressman SKELTON do not end contracting out. They are simply another step in making it equitable and fair to the valuable civilian employees who are so directly affected by it.

Mr. TRAFICANT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we are all talking about being concerned about communism, talking about the base commanders, giving them the latitude. The base commander reports to the Pentagon, the Pentagon reports to the President and he wants to take every military base and contract out.

Here is what this covers: we honestly believe we are never going to face the foe of our own soil. This does not just cover the grass cutting; this is electrical, industrial, their motor pool, the powerplant, communications. We are losing these people, the jobs to people coming in at minimum wage and 2 or 3 years later the costs keep going up. My amendment would say this to the Pentagon and to GAO: get us statistics. Give us facts.

All this year of deregulation we have gotten no statistics. Everybody knows the costs are going up.

I am saying if you want to fight communism, you are making it available in America for a Communist to work on an airplane in a motor pool or an aircraft carrier. That is nothing to laugh at.

My amendment, while it is streamlined, because that is where they are starting, with the Air Force Reserve—and the reservists, by the way, 55 percent of our forces are in the National Guard.

I think Mr. MONTGOMERY said that the top gun, the top pilot in America is an Air Force Reservist.

Many of the people who have these jobs are weekend soldiers in our reserve, and flyers. That is the people, the families that we are hurting. We are not helping our national security a bit.

So I am saying Congress is not starting to talk about money instead of defense; I am saying we should talk about lives and defense on the defense bill, not money.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 131, noes 229, not voting 71, as follows:

[Roll No. 82]

AYES—131

Ackerman
Akaka
Alexander
Anderson
Annunzio
Anthony
Atkins
AuCoin
Bennett
Bentley
Bilbray
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brown (CA)
Bruce
Bryant
Bustamante
Cardin
Chapman
Clay
Coelho
Coleman (TX)
Conyers
Coyne
Davis (MI)
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dowdy
Downey
Durbin
Dwyer
Dyson
Eckart
Edwards (CA)
Emerson
Erdreich
Evans
Feighan
Flake
Florio
Foglietta
Ford (MI)
Ford (TN)
Frank
Garcia
Gejdenson
Gephardt
Gilman
Gonzalez
Gray (IL)
Guarini
Harris
Hawkins
Hayes (IL)
Hertel
Hochbrueckner
Hoyer
Hughes
Johnson (SD)
Jontz
Kanjorski
Kennedy
Kildee
Kleczka
Kolter
Kostmayer
Levine (CA)
Lewis (GA)
Lipinski
Lowry (WA)
Manton
Markey
Matsui
McCloskey
McCurdy
McMillen (MD)
Mfume
Mineta
Moakley
Mollohan
Morella
Morrison (CT)
Mrazek
Murphy
Natcher
Nowak
Oberstar
Ortiz
Panetta
Pelosi
Pepper
Perkins
Petri
Ridge
Rodino
Rose
Roybal
Russo
Savage
Schroeder
Schumer
Sikorski
Sisisky
Skelton
Smith (FL)
Staggers
Stark
Studds
Synar
Torres
Torricelli
Traficant
Traxler
Udall
Visclosky
Watkins
Weiss
Wheat
Williams
Wise
Wyden
Yatron

NOES—229

Andrews
Archer
Armey
Aspin
Baker
Ballenger
Bartlett
Bateman
Beilenson
Bereuter
Bilirakis
Bliley
Boehlert
Boggs
Bonker
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Carper
Carr
Chandler
Chappell
Clement
Clinger
Coats
Coble
Coleman (MO)
Combest
Conte
Cooper
Coughlin
Crane
Dannemeyer
Darden
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dorgan (ND)
Dreier
Edwards (OK)
English
Espy
Fascell
Fawell
Fields
Fish
Foley
Gallegly
Gallo
Gekas
Gibbons
Gingrich
Glickman
Goodling
Gordon
Gradison
Grandy
Grant
Green
Gregg
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hastert
Hayes (LA)
Hefley
Hefner
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hubbard
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Kaptur
Kasich
Kastenmeier
Kemp
Kennelly
Kolbe
Konnyu
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (FL)
Levin (MI)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lott
Lujan
Luken, Thomas
Lukens, Donald
MacKay
Madigan
Marlenee
Martin (IL)
Mavroules
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McHugh
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Montgomery
Moorhead
Morrison (WA)
Murtha
Myers
Nagle
Neal
Nelson
Nichols
Nielson
Obey
Olin
Owens (UT)
Oxley
Packard
Parris
Pashayan
Patterson
Pease
Penny
Pickett
Pickle
Porter
Price
Pursell
Ravenel
Regula
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Roukema
Rowland (CT)
Rowland (GA)
Sabo
Saiki
Sawyer
Saxton
Schaefer
Scheuer
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Skaggs
Skeen
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swift
Swindall
Tallon
Tauke
Tauzin
Thomas (GA)
Upton
Valentine
Vander Jagt
Vento
Vucanovich
Walgren
Walker
Waxman
Weber
Weldon
Whittaker
Wilson
Wolf
Wolpe
Wylie
Young (AK)
Young (FL)

NOT VOTING—71

Applegate
Badham
Barnard
Barton
Bates
Berman
Bevill
Biaggi
Boland
Brooks
Campbell
Cheney
Clarke
Collins
Courter
Craig
Crockett
Daub
de la Garza
Dornan (CA)
Duncan
Dymally
Early
Fazio
Flippo
Frenzel
Frost
Gaydos
Gray (PA)
Hansen
Hatcher
Henry
Huckaby
Jones (NC)
Jones (TN)
Latta
Lehman (CA)
Leland
Lent
Lewis (CA)
Lowery (CA)
Lungren
Mack
Martin (NY)
Martinez
Mazzoli
Mica
Miller (CA)
Miller (WA)
Moody
Oakar
Owens (NY)
Quillen
Rahall
Rangel
Ray
Richardson
Rostenkowski
Roth
Schneider
Schuette
St Germain
Stallings
Stokes
Taylor
Thomas (CA)
Towns
Volkmer
Whitten
Wortley
Yates

□ 1254

The Clerk announced the following pairs:

On this vote:

Mr. Leland for, with Mr. Barnard against.

Mrs. Collins for, with Mr. Martinez against.

Mr. Miller of California for, with Mr. Thomas of California against.

Mr. Dymally for, with Mr. Frenzel against.

Mr. Volkmer for, with Mr. Lowery of California against.

Messrs. HUNTER, LEHMAN of Florida, PICKETT, DORGAN of North Dakota and HEFNER changed their votes from "aye" to "no."

Mr. ATKINS and Mr. SYNAR changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The Committee will rise informally.

ENROLLED BILLS SIGNED

The SPEAKER pro tempore (Mr. WILSON) assumed the Chair.

The SPEAKER pro tempore. The Chair lays before the House the following enrolled bill:

House Joint Resolution 545 designating May 8-14 1988, as "Just Say No Week."

The SPEAKER pro tempore. The Committee will resume its sitting.

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

The Committee resumed its sitting.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). It is now in order to debate the subject matter of defense burdensharing.

Pursuant to the rule, the gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 5 minutes, and the gentleman from Florida [Mr. IRELAND] will be recognized for 5 minutes.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I wanted to explain to the body what has been happening on the Armed Services Committee about burdensharing.

Our committee decided this was a very, very important area around which there is all sorts of conventional wisdom, and we needed some real facts. So, for the last 4 months I have had the privilege of sharing a burdensharing panel with the ranking member from Florida, Mr. IRELAND. We have spent all sorts of time in very intensive hearings hearing from witnesses across the political scale, looking at what we really can do in this whole area.

Mr. Chairman, I think it is very fair to say that every witness we have had has said that our allies can certainly do more, that after World War II there is positively no question they are in much better shape politically and economically and that they have not been doing their fair share.

Our problem becomes: What do we count? What do we count to find out exactly what we are looking at, whether we are looking at oranges and oranges and apples and apples? That becomes very important on the input scale.

We have also spent a lot of time in looking at the output scale. What do both sides get for it? Are some people buying a more efficient defense than ours? That is very critical.

We are looking at our commitment. We are looking at a broader perspective on burdensharing because of the uniqueness of the Japanese position. As we all know, post-World War II MacArthur put article X in their constitution saying they could defend themselves, but no more. They could build offensive forces. We feel since they are military allies, but trading competitors, that we still ought to be looking at their contributing a significant portion of their GNP, if not to offensive weapons, then maybe to economic aid in the region. There are certain countries that desperately need it, and we do not have the deep pocket to fund it any more, one of those areas specifically being the Philippines.

So, Mr. Chairman, we are not just defining burdensharing in the narrowest of defense terms. We are defining it in a broader defense term, as we have post-World War II, when we said that peace on this planet is preserved not only with weapons, but also with economic security. We are doing that because of the uniqueness of the Japanese position.

We have learned an awful lot, and we have an awful lot more to do. We will be preparing a position paper in the summer. We hope to be able to extend the panel to allow people to comment on this paper and move forward on that. And we really think at that time we can give it to each of the new perspective new Presidents, and move forward and make some very, very astute contributions to this area.

Mr. IRELAND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the ranking minority member of the Defense Burdensharing Panel, I can assure you that we have been actively pursuing this issue on a bipartisan basis. Since the beginning of the year, the panel has held eight hearings, two sessions with European parliamentarians, a number of discussions with Japanese and European foreign policy and defense leaders and there's more to come. We have learned that burdensharing is a far more complicated subject than most people realize and that ally bashing is a lot easier then finding constructive solutions to the problems. We are committed, however, to pursuing the latter course and I hope my colleagues will give us the chance to complete the work we have been asked to do.

Today, you will hear many statistics about how much the United States spends versus the amount spent by our allies. You will hear that world economic and military conditions have changed drastically since the post-World War II era and that our once devastated friends and enemies are now economically strong enough to do much more for their own defense. Finally, you will hear that by not spending as much for defense as we do, our allies have the luxury of putting more resources into domestic programs, subsidizing business and trade or taxing their citizens at a lower rate.

I am not going to dispute these charges because—by and large—they are true and I fully agree that the United States is bearing a disproportionate share of the burden. To be fair, the United States is a worldwide power with worldwide interests—but so are our allies. In today's world even the smallest country has economic and trade interests in resources and markets outside its borders.

At the same time, we should note that some of our allies do far more than others in defending our common interests and we should give credit where credit is due. But these contributions don't change the big picture and it has become clear that a reappraisal of some of our defense burden is in order and long overdue. In order to achieve equity we must ensure that those who reap the benefits of our protection and the resulting access to world markets must also share the responsibilities. We must improve our diplomacy so that our allies recognize the threats to our shared culture and recognize that America cannot and will not continue to pick up the check when benefits are reaped by all.

We've learned during the course of our hearings that U.S. diplomats have not been terribly effective negotiators when it comes to burdensharing with our allies. If the House today approves the Bryant and Robinson amendments requiring unilateral troop withdrawals—without negotiating asymetrical conventional reductions with the Soviets—we will have proven ourselves to be the worst negotiators of all. The challenge here is one of leadership. Leadership is not inviting all your friends to dinner and then picking up the check, leadership is getting your friends and allies to pay their fair share of the tab.

Mr. Chairman, I do not believe these amendments demonstrate that kind of leadership and I urge my colleagues to defeat these proposals.

□ 1255

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. Dicks].

Mr. DICKS. Mr. Chairman, I want to rise in support of the effort of the Armed Services Committee. The gentlewoman from Colorada [Mrs. Schroeder] is chairing this burdensharing task force.

I would urge the House today not to adopt any of the binding amendments that have been proposed at this time. I think we should give the committee an opportunity to look at this question in greater detail before making a judgment on what to do legislatively.

Yes, it is easy to beat up on our allies about burden sharing, but I think at this very critical moment when the other body is considering the INF agreement and there is great concern in Europe about the United States continued commitment to our NATO obligations, I think we would send the wrong message at the wrong time, so let us support the committee. The United States must strengthen its conventional forces—this amendment would weaken NATO and would send the worst possible message. Let us give the gentlewoman from Colorado [Mrs. Schroeder] and her panel a chance to analyze it and let us not start sending a message that we are pulling back from Europe and our worldwide responsibilities.

Mr. IRELAND. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. Hopkins].

Mr. HOPKINS. First of all, Mr. Chairman, let me express my personal appreciation for the work that the gentlewoman from Colorado and my colleague, the gentleman from Florida have done in the area of burden sharing.

Mr. Chairman, it is unfortunate that this topic of vital importance to the future of our country and the future integrity of our security alliance gets only 10 minutes of general debate under the rule.

Still, I think we must focus on the direct relationship between the burden sharing question and the defense budget.

America's defense has been cut 4 years in a row.

However, our commitments around the world have not been reduced—they have increased as result of our Persian Gulf operations and the pending INF Treaty.

The point is—this mismatch between declining resources and growing commitments has to be addressed before America is stretched too wide, and too thin.

We can prevent that with a thorough reexamination of our commitments that, I believe, will reveal areas where America's share of the load should be reduced and our allies' share increased.

Mrs. SCHROEDER. Mr. Chairman, I yield our remaining 1 minute to the gentleman from New York [Mr. Solarz].

Mr. SOLARZ. Mr. Chairman, I want to join with my good friend, the gentleman from Washington, in urging the Members to reject the burdensharing amendments which we will be considering a little bit late on today. I think these amendments could jeopardize the unity of the alliance. At a time when we are cutting back on our own defense expenditures, it does not seem appropriate to me to be bludgeoning our allies into spending even more.

The fact of the matter is that our European allies are carrying an important share of the burden. Ninety percent of the ground forces and 80 percent of the Air Force that would be available in Europe in the event of a Warsaw Pact attack on day one are European ground and air forces.

The Japanese are spending more on defense than Britain, France, or Germany. Next to the United States they are spending more on defense than any other country in the free world. While I would like to see the Japanese do more, I think we need to recognize they are already doing a great deal. They have more forces in the Pacific than we do. For all of these reasons I think we should avoid the amendments on burden-sharing.

The CHAIRMAN pro tempore (Mr. Gray of Illinois). It is now in order to consider amendments numbered 5 through 8 printed in section 3 of House Report 100-590 relating to defense burden sharing, by, and if offered by, the following Members or their designees, in the following order only:

(A) Representative Bryant;

(B) Representative Robinson;

(C) Representative McMillan of North Carolina; and

(D) Representative Richardson.

AMENDMENT OFFERED BY MR. BRYANT

Mr. BRYANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Bryant: At the end of title IX of division A (page 163, after line 6), add the following new section:

SEC. 934. PROGRAM FOR ENCOURAGING IMPROVED DEFENSE CAPABILITIES BY ALLIES.

(a) Findings and Policy.—The Congress finds that—

(1) the member nations of the North Atlantic Treaty Organization (hereinafter in this section referred to as "NATO") and Japan should each bear a greater share of the cost of their own defense by improving their conventional defense capabilities so as to lengthen the period during which they can be adequately defended by conventional forces in the event of a nonnuclear attack on any NATO member nation or Japan without the necessity of resorting to the early use of nuclear weapons; and

(2) increased defense spending by NATO member nations (other than the United States) and Japan and improving conventional military sustainability and providing support facilities in NATO member nations in western Europe for rapid reinforcements from the United States are crucial to accomplishing such defense capability.

(d) Permanent Ceiling on United States Armed Forces Overseas.—After September 30, 1989, funds appropriated pursuant to an authorization contained in this or any subsequent Act may not be used to support a level of personnel of the Armed Forces of the United States assigned to permanent duty ashore as of the end of any fiscal year—

(1) in member nations of NATO (other than the United States) at any level in excess of 326,414; or

(2) in Japan at any level in excess of 65,000.

(c) Reduction of Ceiling Unless Certain Objectives Accomplished.—

(1) General rule.—For fiscal years 1991, 1992, and 1993, the ceilings imposed by subsection (b) shall be reduced by 30,000 for NATO member nations and by 7,000 for Japan.

(2) Exceptions for NATO member nations.—The reduction in the strength levels of personnel of the Armed Forces of the United States assigned to permanent duty ashore in member nations of NATO required under paragraph (1) with respect to any fiscal year shall not be implemented if the requirements set forth in either of the following subparagraph are met during the fiscal year:

(A) Real economic growth plus one percent growth in defense spending.—Each member nation of NATO has increased its defense spending during the previous fiscal year (as determined by the Secretary of Defense) by at least the percentage equal to the percentage of real economic growth in the economy of that nation during such year plus 1 percentage point.

(B) Alternative objectives.—The Secretary of Defense certifies to Congress in writing that the member nations of NATO (other than the United States) have accomplished each of the following objectives during such fiscal year:

(i) Increase in supply of aerial and ground munitions.—Those member nations of NATO which have committed forces to the Center Region have placed on firm order, or accepted delivery of, supplies of aerial and ground munitions so as to reduce by 20 percent the gap between the goal (as established in NATO Ministerial Guidance) of 30 days supply of such munitions and the level of such munitions available in the Center Region of NATO as of January 1, 1989.

(ii) Increase in number of emergency operating facilities and semihardened aircraft shelters.—Member nations of NATO have increased the number of minimum essential and emergency operating facilities and semihardened aircraft shelters in Western Europe so as to reduce by 20 percent the gap between the number of such facilities and shelters available on January 1, 1989, and the number required (by NATO Ministerial Guidance) to support, under NATO/SHAPE standards, the commitment of United States reinforcing tactical aircraft set forth in the Defense Planning Questionnaire (DPQ) Response of the previous year.

(iii) Certification of significant improvement in conventional defense capability.—The Supreme Allied Commander, Europe, has certified to the Secretary of Defense in writing that during the previous fiscal year the member nations of NATO have undertaken significant measures to improve their conventional defense capabilities and that those improvements contribute to lengthening the projected period of time after a major conventional armed attack on any member nation of NATO in Europe before the Supreme Allied Commander would have to request authority for the use of nuclear weapons in order to defend against such attack.

(3) Exceptions for Japan.—The reduction of the level of personnel of the Armed Forces of the United States assigned to permanent duty ashore in Japan required under paragraph (1) with respect to any fiscal year shall not be implemented if the Secretary of Defense determines that the requirements set forth in either of the following subparagraphs are met during that fiscal year.

(A) Real economic growth plus one percent growth in defense spending.—The level of defense spending by Japan during the previous fiscal year exceeded that for the previous year by the percentage equal to the percentage of real total economic growth in the economy of Japan during such year plus 1 percentage point.

(B) Increase the defense of sea-lanes to 1,000 miles.—Japan is capable of defending its sea-lanes to a distance of 333⅓ miles from Japan by September 30, 1990, to a distance of 666⅔ miles from Japan by September 30, 1991, and to a distance of 1,000 miles from Japan by September 30, 1992.

(d) Amount of Reduction Related to Number of Objectives Accompanied.—(1) If the Secretary of Defense does not certify to Congress that each member nation of NATO (other than the United States) has met either the objective set forth in subsection (c)(2)(A) or all three objectives set forth in subsection (c)(2)(B) during the previous fiscal year, but certifies that at least one of the objectives set forth in subsection (c)(2)(B) have been met, the ceiling prescribed in subsection (b) shall be reduced as follows for member nations of NATO:

(A) Reduction if only one objective accomplished.—If the Secretary certifies to Congress that only one of the three objectives has been met, the ceiling shall be reduced by 20,000.

(B) Reduction if only two objectives accomplished.—If the Secretary certifies that two of the three objectives has been met, the ceiling shall be reduced by 10,000.

(2) If the Secretary of Defense does not certify to the Congress that Japan has met either the objective set forth in subsection (c)(3)(A) or the objective set forth in subsection (c)(3)(B) during the previous fiscal year, the ceiling prescribed in subsection (c) shall be reduced by 7,000 in each fiscal year for which one of the objectives is not met.

(e) Reduction as Additional to Previous Reductions.—If a reduction in a personnel ceiling is required to be made under this section for any fiscal year, such reduction shall be in addition to any reduction in that ceiling made under this section for any previous fiscal year.

(f) Reports on Accomplishment of Objectives.—

(1) Progress reports.—Not later than March 1 in each of the calendar years 1989 through 1993, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the status of the following matters as of October 1 of the fiscal year in which the report is submitted.

(A) Supply of aerial and ground munitions.—The number of days of supply of the aerial and ground munitions in hand or on order of the member nations of NATO (other than the United States) which have committed forces to the Center Region.

(B) Number or emergency operating facilities and semihardened aircraft shelters.—The number of emergency operating facilities and semihardened aircraft shelter completed or under construction as they relate to United States commitment of reinforcing aircraft in the United States Defense Planning Questionnaire (DPQ) Response of the previous year.

(C) Other measures taken to improve conventional defense capability.—The measures taken by the member nations of NATO (other than the United States) to improve their conventional defense capabilities which contribute to lengthening the projected period of time between an armed attack on any member nation of NATO and a request by the Supreme Allied Commander, Europe, for the authority to use nuclear weapons.

(2) BASELINE AND METHODOLOGY.—The first such report shall establish the baseline for measuring the annual performance of member nations of NATO in meeting the objectives established in subparagraphs (A) and (B) of subsection (c)(2) and of Japan in meeting the objectives established in subparagraphs (A) and (B) of subsection (c)(3). The second report shall describe, and employ on a trial basis, the methodology to be used to establish such baseline.

(3) CIRCUMVENTION OF REQUIREMENT TO INCREASE REAL DEFENSE SPENDING.—The report required by this subsection shall also include an assessment of whether reductions in any of the following areas was accomplished by real spending increases and not by reallocating infrastructure funds within existing or planned spending levels:

(A) SUPPLY OF AERIAL AND GROUND MUNITIONS.—The gap in aerial and ground munitions (referred to in subsection (c)(2)(C)).

(B) NUMBER OF EMERGENCY OPERATING FACILITIES AND SEMIHARDENED AIRCRAFT SHELTERS.—The gap in minimum essential and emergency operating facilities and semihardened aircraft shelters (referred to in subsection (c)(2)(B)).

(g) EXCEPTIONS.—This section shall not apply if—

(1) a declaration of war by the United States is in effect,

(2) there is an armed attack on any member country of NATO or Japan, or

(3) the President declares a national state of emergency and immediately informs the Congress of such action and the reasons therefor.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Texas [Mr. BRYANT] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Chairman, I rise to propose that our NATO and Japanese allies contribute a fair share to support their own security and defense. I offer the allies fair share amendment for consideration by the House.

I commend my colleague from Colorado, Congresswoman PAT SCHROEDER, for her efforts as chairwoman of the Armed Services Panel on Defense Burden-Sharing and her years of dedication to this issue. The issue of burden-sharing has been considered by Congress for decades, since the Mansfield amendments fo the late 1960's. I believe, however, that it is time to tell our allies to put their money where their diplomatic promises are.

In 1951, Dwight Eisenhower viewed American aid for NATO as essential, but said, "If in 10 years, all American troops stationed in Europe for national defense purposes have not been returned to the United States, then this whole project will have failed."

Now, more than four decades after the end of World War II, the number of United States troops stationed in Europe is 326,414; 75,000 more than a decade ago. Our allies' forces, in contrast, have barely increased. The United States troop presence in Japan is about 50,000. All told, 515,000 members of the U.S. military were stationed outside the United States in 1985.

A major U.S. role in the defense of our allies was warranted when, as they emerged from WWII, they were weak economically and fragile politically. Times have changed, however, and our security and trade relationships with our NATO allies and Japan must reflect that change. The economic and political strength and maturity of our allies now requires that they take more financial responsibility for their own defense and the worldwide defense of democracy.

We are subsidizing their defense while they are subsidizing their exports. And it's costing us millions of jobs.

Under the protective shield of the United States, European countries and Japan have been able to moderize their industrial plants. The United States had a trade deficit of $171 billion in 1987. Ironically, this figure is approximately the amount the U.S. Department of Defense says that we spend on the defense of NATO.

I believe the time has come to send a clear signal to our allies that we are serious about achieving a better balance of defense expenditures. And I am alone. The Reagan administration has created a high level task force headed by Deputy Defense Secretary William H. Taft IV, and, earlier this month, President Reagan notified all NATO government leaders and NATO Secretary General Lord Carrington that will be visiting them in the coming months to discuss rising concern about "equitable burden-sharing" and ways for NATO to make more effective use of existing resources.

Secretary of Defense Carlucci has said that our NATO allies "could and should do more." Rozanne Ridgway, Assistant Secretary of State for European and Canadian affairs, and George Bader, principal deputy for European and NATO policy in the Pentagon's Office of International Security Policy, each insisted during testimony to the Defense Burden-Sharing Panel that increasing allied contributions to military defense remains high on the diplomatic agenda.

The Senate Appropriations Committee's fiscal year 1988 military construction bill repeatedly emphasized that the deep cuts in projects in Europe and Japan reflected a fundamental demand that the allies pay more and the Pentagon pay less of the total cost of alliance defense.

Recognizing that Italy spends about 2 percent of its gross domestic product [GDP] on defense, Italian Defense Minister Valerio Zanone wants to raise Italian defense spending by $25 billion over the next decade to modernize the Italian Armed Forces. NATO's Commander of Allied Forces Baltic Approaches. Lt. Gen. Paul Thorsen, resigned from his post and from the Danish Army a few weeks ago, attacking the "skinflint" Danish politicians and administrators for failing to support NATO and for "continually undermining Danish defence."

A far-reaching report scheduled to be released next month by the North Atlantic Assembly, a group of influential political leaders from major NATO nations, states, in essence, that Europe must do more for its own defense.

While I am not suggesting that any one of these leaders might support my amendment, it is clear that these concerns deserve attention and response. Accountability must be added to our allies' promises. Our allies must share fairly and fully the risks, burdens, and responsibilities, as well as the benefits of our common efforts.

The United States devotes in excess of 6.8 percent of its GDP to defense, whereas the member nations of NATO, on the average, spend approximately 3.5 percent of their GDP on defense, and the Japanese allocate only 1 percent. In fiscal year 1985, a comparison of defense spending and population showed that the United States spent $1,079 per person on defense, NATO allies spent $255 per person, and Japan spent $113 per person.

The U.S. Department of Defense, in the introduction to its report to Congress on Allied Contributions to NATO Defense, states that the United States typically devotes 60 percent of its defense budget to our NATO commitment. Using this DOD percentage, the United States will spend $171 billion of our $285 billion fiscal year 1988 defense budget on NATO defense commitments.

In 1977, each of the NATO allies pledged to annually increase defense expenditures by 3 percent after inflation. On average, the allies have failed to meet the 3 percent spending objective in each year for the period 1978 to 1985—the total average increase for those years being 2.2 percent. For these same years, U.S. defense spending rose by 5.7 percent per year. Japan during this period raised its defense spending 5.4 percent, but still committed only 1 percent of its GDP to defense.

While I recognize that some NATO allies, such as Greece and Turkey, annually exceed the 3-percent objective and that NATO nations and Japan each donate their land and natural resources and permit foreign troops to live in their countries, and the NATO allies contribute the majority of aircraft, tanks, ships, and troops to the alliance, I would argue that in the post-INF world, our present conventional defense capabilities are dangerously inadequate.

Mr. Speaker, my amendment is not designed to terminate America's role in assisting in the defense of NATO nations, Japan, South Korea, or any of our democratic allies worldwide. We will continue to maintain a strong political, economic, and social attachment to our allies. What I seek is our allies' fulfillment of their repeated promises to the United States with regard to improving their own—and our common—defense capabilities.

My amendment is designed to encourage NATO nations and Japan to improve their conventional defense capabilities, because the continued reliance on the potential early defensive use of nuclear weapons is diametrically opposed to the national security interests of this country and the security interests of our allies. The measure establishes a permanent ceiling on United States forces assigned to permanent duty in NATO countries and Japan and provides for the reduction of United States forces in these countries under certain circumstances.

The Allies fair-share amendment sets a permanent ceiling of 326,414 personnel of the Armed Forces of the United States assigned to permanent duty ashore in member nations of NATO and 65,000 personnel assigned to Japan. Beginning in 1991 and continuing for 3 years, the troop ceiling would be reduced by 30,000 per year for our NATO allies and 7,000 per year for Japan, unless, during the previous fiscal year, each of these countries has increased its defense spending by its real economic growth plus 1 percent.

For example, if West Germany were to realize real economic growth of 1.5 percent in 1990, the following year the government in Bonn would be required to budget an increase of at least 2.5 percent for West German defense spending in 1991. In contrast to the 1977 NATO pledge to increase annual defense expenditures by 3 percent above inflation, which the NATO nations have consistently failed to do, this approach would take into account the direct relationship between economic performance and the relative ability of each ally to increase its contribution to the alliance.

In recognition of the fact that military capabilities are also an important indicator of the allies' ability to share the NATO burden, the member nations of NATO may also prevent the troop reductions by meeting three output goals the allies have set for themselves. These output goals are not ones I seek to impose on the alliance, but are objectives they have repeatedly pledged to meet in order to increase the sustainability of the conventional deterrent. My amendment simply tells our allies to "put your money where your mouth is and meet your commitments."

The first alternative goal for our NATO allies is to reduce by 20 percent the gap between conventional munitions on hand as of January 1, 1989, and the NATO goal of obtaining and maintaining a 30-days' munitions supply level. An increase of 20 percent is established for each year that this amendment would be in effect, aiming at 100-compliance over 5 years. However, the measure applies only to a 3-year period in order to give Congress and our allies a chance to review its effectiveness and the progress being made to comply with its provisions.

The NATO allies have pledged to reach the 30-day munitions supply level in order to be able to sustain their conventional military capability for 30 days. This is all well and good, but the problem is that our allies have yet to develop defense budgets which would enable them to achieve this goal.

The United States has twice the sustainability level of munitions as our allies. What does this mean if the American forces would comprise at most only 25 percent of all the forces in a conventional war scenario? It likely would mean that, when the allies have used all of their ammunition, the conventional war would be over. Then our leaders would have the choice of escalating to nuclear weapons or surrendering. This is not a choice any of us would like to face. The allies must reach the 30-day munitions goal.

The second goal is equally important: to reduce by 20 percent the gap between the number of existing emergency operating facilities and semihardened aircraft shelters available in Europe on January 1, 1989, and the number required to support the United States commitment of reinforcing tactical aircraft. This requires the allies to fulfill their commitment to provide the facilities essential to accommodate the refueling, maintenance, and protection of our rapid reinforcement aircraft whenever they might need to land in Europe.

If a war were to begin in Europe tomorrow, many of America's finest pilots and state-of-the-art aircraft would arrive in Europe only to become sitting ducks—without shelter, without refueling capability, without a way to maintain their aircraft—because our allies have failed to do what they have promised again and again to do. It's time to require our allies to build the facilities necessary for our emergency air support.

The third goal would be certification, made by the Supreme Allied Commander in Europe [SACEUR] to the Secretary of Defense, that the allies have significantly decreased the nuclear threat by increasing their conventional defense capabilities.

These three sustainability objectives give our NATO allies alternative methods to avoid troop reductions. If the NATO allies meet the first real economic growth plus 1-percent objective, there would be no troop withdrawal. If they meet all three of the second path's objectives, there would be no troop reduction. If they meet two of the second path's three objectives, the cut would be 10,000; if they meet only one, the cut would be 20,000.

Japan is also afforded an opportunity to meet a second goal in order to avoid troop reductions. Japan has consistently promised to increase the defense of its sealanes to 1,000 miles. My amendment simply requires Japan to follow through on that commitment in increments of one-third between 1990 and 1992 as an alternative way of avoiding the proposed annual troop reduction of 7,000 personnel.

I am not suggesting that Japan be encouraged to launch an offensive military buildup, a prospect that is greatly feared by its neighbors. I am merely suggesting that Japan obtain a defensive goal that it has set for itself: defense of its sealanes to 1,000 miles.

Finally, my amendment requires annual reports to be sent to the Armed Services Committees which establish the baseline and provide information that Congress can use to monitor allied performance. Also, the amendment's provisions do not apply in time of war, an attack on our NATO allies or Japan, or an emergency declared by the President.

I do commend our NATO allies for the progress they have made in working to develop concrete programs to redress the deficiencies in NATO's defense posture. I also note Japan's break with its policy of artificially holding defense spending to 1 percent or less of its GDP and am optimistic about Japan's $100 billion 5-year military spending plan that seeks to expand its sealane and air defense capabilities. And I encourage Japan to continue to increase its economic assistance to developing countries.

However, much of our allies' progress is still largely in promises and not in programs, and many past promises have never yielded achievements. I think that my amendment is necessary to encourage our NATO and Japanese allies to convert words into deeds.

It is important to recognize that the amendment gives our allies adequate time to meet the goals. The first measuring year is 1990, and the first troop withdrawals, in the event of failure by our allies to meet the proposed goals, would not occur until December 1991—3½ years from now.

The possibility of troop reduction is not a threat or punishment. The fact is that if our allies will not pay their fair share of their own defense, the American taxpayer should not be expected to pay billions of dollars for troops, ammunition, and equipment on their behalf. It would be much less expensive to resort to an undesirable nuclear tripwire and stop paying for a conventional deterrent in Europe and Japan. But I do not think that is what we or our allies want. It is certainly not what I would prefer.

It is time for our allies to fulfill their repeated commitments. That is all my amendment requires—that our allies live up to their promises, pay their fair share of defense, and relieve the American taxpayer of an excessive and unwarranted burden.

Mr. Chairman, I reserve the balance of my time.

Mrs. SCHROEDER. Mr. Chairman, I ask unanimous consent that I be permitted to yield 2½ minutes of my 5 minutes in opposition to the gentleman from Florida [Mr. IRELAND].

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Mrs. SCHROEDER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, over the last 4 months I have chaired a House Armed Services Committee Panel on Defense Burden-Sharing. During the course of our hearings the panel has heard testimony from experts whose views range across the ideological spectrum. One message is clear from the scholars, former and current Government officials, and Members of Congress who testified at these hearings: Our allies should more equitably share the burden of the free world's defense.

Our allies are no longer struggling to recover from the post-World War II chaos. The economies of many of our developed allies are in much better shape than our own. Uncle Sam may have been an apt moniker for the United States at the birth of NATO in 1949, but our allies are no longer our nephews.

Our allies need to provide more for their share of the common defense. But in examining the burden-sharing issue, the panel has raised deeper and more fundamental questions about the nature of our military commitments. We must remember that burden sharing is not necessarily a call-to-more arms. New events, such as the INF Treaty, give us an historic chance to lower the defense burden that the Western World shoulders and provide a more stable and secure world.

One change that we must keep in mind is that the Soviet Union is no longer the same country with which we had to contend with a decade ago. It is facing many of the same problems that we are now facing as a nation. The realities of the nuclear threat and Soviet economic constraints have stimulated a new generation of Soviet leadership. We need to seriously examine changes within the Soviet Union and deal with the Soviets, actively considering policys changes within.

Couple with this movement and the signing of the INF Treaty have been indications from the Soviets that they may agree to asymmetrical cuts in their conventional forces in Europe. We have come to a point where new events force us to reevaluate our old policy toward the Soviet Union in Europe. We must aggressively pursue negotiations with the Soviet Union on asymmetrical cuts in conventional forces. Withdrawing troops at this time without at least probing the Soviets would be folly.

The American people and many of its representatives believe that our allies need to take on a greater responsibility for their own defense. But we must keep the debate away from becoming an ally bashing forum. There should be a day when the American presence in Europe is reduced, but our relationship will not be reduced, it will be enhanced. In the near term we should concentrate on a new round of conventional weapons negotiations and extract from the Soviets political and military changes in Eastern Europe and in their own military posture. We must not lose this window of opportunity in restructuring East-West relations.

Today we must send our allies two basic messages: First, they must join with us in aggressively pursuing conventional arms control in Europe. Second, they must recognize that we can no longer subsidize the security of allies who are our major trading competitors. National security means both economic security and a stable military balance and we must work with our friends to achieve both goals in an equitable and fair manner.

Mr. IRELAND. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I rise in opposition to the amendment and point out that if we approved this amendment we could be withdrawing troops ourselves because we know our allies have failed to meet the goal.

Mr. Chaiman, I yield 1 minute and 10 seconds to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I rise to reluctantly oppose the amendment, but yet to compliment the gentleman from Texas [Mr. BRYANT] for his effort and I want to point out that the gentlewoman from Colorado [Mrs. SCHROEDER] really did get to the heart of the basic flaws in this amendment. It will not solve the problem. What I think we are doing and I think the membership should know this, the burden-sharing panel was created under the leadership of the gentlewoman from Colorado and the stewardship of the gentleman from Florida [Mr. IRELAND]. I can assure my colleagues that this panel has had hearing after hearing after hearing in an effort to try to define what we can do constructively to ask our allies to do more to carry their share of the load. It is not an easy thing and it is not something that can be accomplished in one single swipe. There are problems, for example, with us paying claims that have been fraudulently filed.

There are problems of us putting our equipment in warehouses that we are forced to pay rent on in order to protect the allies. We should not be paying money for renting warehouses in these countries whom we are protecting.

In summary, the gentlewoman from Colorado is doing a good job and we are moving cautiously and we can resolve this problem constructively. It is something that will benefit both the United States and the alliance in Europe. We can stay together and get on the road to solving this problem.

Mr. DICKS. Mr. Chairman, would the gentleman yield?

Mr. KASICH. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, would this not also be a blow to the administration right now when the INF Treaty is before the Congress?

Mr. KASICH. Certainly. It does not make a lot of sense to introduce a destabilizing factor when we are trying to pull the alliance together. I do not think it is a constructive thing to do at this time.

Mr. BRYANT. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Chairman, let me just give one example of the kind of noncooperation we have been getting and it does not affect the NATO burden-sharing but it is as to the basic attitude. I commend the gentleman for saying that we have been studying this problem for years and nothing has happened because that is the case. Right now with the Persian Gulf problems we have been shouldering almost all of the burden. The allies have finally chipped in. We have negotiated over a year with the Japanese to assume any burden responsibility for what we are doing to protect almost all of the oil that is shipped to Japan out of the Persian Gulf. Only 6 percent goes to us and more goes to Japan than to any other nation in the world. We have not arrived at a decision. It is still a year or more and nobody has come to a conclusion yet, because the Japanese refuse to pay their fair share.

I commend the gentleman from Texas [Mr. BRYANT].

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Chairman, I thank the gentleman from Colorado for yielding.

I think this amendment would be entirely counterproductive. Under the terms of the amendment, even if each and every one of our NATO allies plus

Japan increased their defense spending by the amount specified and required by this legislation, we would still be obligated to withdraw 30,000 American troops from Europe if we ourselves did not increase our defense spending substantially above the amount authorized in this bill. So if the purpose of this amendment is to get our allies to do more, how do we possibly achieve that laudable goal if we still have to withdraw our forces, because we ourselves have not met the criteria contained in the legislation?

We should not be imposing standards of policy and performance on our allies that we are not willing or which we are unable to impose on ourselves.

Mr. IRELAND. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, awareness of the need for our allies to share in the burden of defending the free world is growing.

An examination of the statistics reveals that the United States is bearing a disproportionate share of the free world's defense burden. While in 1985 the United States spent 6.9 percent of its gross national product [GNP] on defense, Japan spent 1 percent of its GNP on defense. To put these figures into perspective, during the same year, the Soviet Union spent 14 percent of its GNP and our European allies spent an average 3.5 percent of their GNP's on defense. It has been over 40 years since World War II, there is no need for the United States to continue subsidizing the free world's defense. The West European nations have combined economies' are now larger than the United States' economy. It's not right that they cumulatively spend less than half as much on defense as we do, especially since they are the ones on the frontline.

And, our share of the free world's defense burden vis-a-vis Japan is even greater. Recent developments in the Persian Gulf have reminded us that United States defense expenditures are protecting strategic international sea lanes without which the many free world's economies would come to a grinding halt. What would be Japan's alternatives if the Persian Gulf were closed? Japan imports 100 percent of its oil and 60 percent of that oil passes through the Persian Gulf. I should add, that we import 37 percent of our oil and that only 6 percent of it comes from the Persian Gulf.

If global freedom of the seas and passage through key waterways did not exist, if free, open markets did not exist, how would Japan, with the second largest world economy, with an inflation rate of 1 percent and unemployment rate of 2.8 percent in 1986 get their products to their markets?

Keeping the Panama canal, Suez Canal, Indian Ocean, and other strategic shipping lanes open is just as much in Japan's interest as it is in the United States interest, perhaps more. Japan has been a primary beneficiary of safe passage through international waterways, expanding global economies and trade.

Without freedom, without democracy, without capitalism, global economic vitality is diminished and markets for industrialized nations are diminished. If we compare the productive capacity of the free market economies to that of the Socialist nonmarket economies, it becomes clear what the United States protective umbrella has afforded the Japanese and others.

So, some may argue, the United States has subsidized the free world's defense for years, why is it so important to seek to change this equation now? The answer is America's civilian industrial vitality.

While we invest billions of precious dollars in defense industries, Japan takes equivalent funds and invests them in products earmarked for export. While we produce F-16's, B-1's, and aircraft carriers to protect freedom and Western civilization, the Japanese produce VCR's, compact discs, and the next best widget for the world economy.

As the Japanese invest billions in their export-oriented economy and the United States spends billions on defense, Japanese manufacturing is given a tremendous boost while United States domestic and consumer manufacturing is squeezed in our economy. Japanese industries have patient and inexpensive capital that is far more available in their economy due, in part, to low defense expenditures. If the Japanese had spent 3 percent of their gross national product on defense during the last 5 years—which is the European average—rather than 1 percent, they would have siphoned off $139 billion from their civilian economy to pay for their own defense, thus reducing our burden.

Our budget deficit would disappear and United States interest rates would be much lower, if we spent the proportion of GNP on defense that Japan does. It is clear that the U.S. taxpayer cannot be expected to indefinitely shoulder this disproportionate defense burden. The cost of civilian American industry and jobs is too great.

There are costs as well as benefits of being a global economic superpower. It is time Western Europe and Japan recognized and shared more of the costs. It is simply not fair to the American people that we devote so much of our resources to being the protector of law and order in the world while our allies are free to devote their resources to being the world's producers and salesmen.

Mr. IRELAND. Mr. Chairman, I yield 30 seconds to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, the gentleman from Washington [Mr. DICKS] made an excellent point that needs to be reemphasized—in the post-INF environment an amendment of this nature really is very counterproductive in any American or NATO effort to reduce the asymmetrical imbalance that we face in Warsaw Pact conventional weaponry. This amendment comes at a time when the Soviets have already launched and will emphasize an offensive to eliminate all tactical nuclear weapons in Western Europe and are fueling a resistance to the modernizing of NATO tactical nuclear weapon systems. This would clearly send the wrong message to the Soviets on both related matters. The distinguished senior Senator from the State of Georgia whose amendment is an earlier Congress was earlier referenced in this debate. The Nunn amendment did make many excellent points, years ago, but the Nunn amendment had a more important effect even though it was not adopted. The gentleman from Georgia [Mr. NUNN] probably understood very well at the time that such would be the favorable impact.

Mr. Chairman, I urge defeat of this amendment by the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Chairman, today we are debating what is always a difficult issue among friends: money. The United States is paying over half of NATO's bills, and Americans are increasingly frustrated with what they see as a United States subsidy for European and Japanese defense.

In 1986, Americans paid $1,120 each for national defense. By comparison, national defense cost each British citizen $503, each Canadian $312, and each Japanese citizen just $189.

In terms of gross domestic product, the United States spends more than 6.5 percent of GDP on defense. Large NATO countries spend an average of 3.6 percent of GDP on defense; small NATO countries spend 2.8 percent. In Japan, a paltry 1 percent of GDP is allocated to defense.

Mr. Chairman, there are mitigating factors, and we must take them seriously. Germany is literally overwhelmed with military facilities and foreign military personnel. Millions of acres that could be devoted to more economically beneficially purposes are instead devoted to NATO free of charge. And many of our allies still have the draft.

But Mr. Chairman, even when all sorts of factors are taken into account—ability to pay, manpower as a function of population, aircraft commitment, naval tonnage, et cetera—even then the administration has concluded that "while some of the allies appear to be making contributions that roughly equal or exceed their fair share, several nations appear to be doing substantially less than their fair share * * * Japan * * * appears to be doing far less than its fair share."

Japan, without question, is the worst offender. As former Assistant Secretary of Defense Richard Perle testified:

> The political and psychological excuses that Japan has sold a succession of American administrations, including this one, for not sharing the defense burden equitably, are little more than a gloss on a policy of chronic free-loading.

Mr. Chairman, that is why this amendment should pass. The amendment should pass because many of our allies are not paying their fair share for Western defense. Although the burden sharing situation isn't as simple or as dire as we sometimes think, the situation is very bad.

We have tried quiet diplomacy and it has not worked. We've tried juggling the numbers and that hasn't worked. The time for this amendment has come, Mr. Chairman. The situation is not getting better.

I urge my colleagues to support the Bryant amendment.

In 1986, the defense of the United States cost each American citizen $1,120. Elsewhere, national defense cost each Briton $503, each Canadian, $312, and each Japanese citizen, just $189.

Why do Americans pay so much compared to our allies? In part because the United States since World War II has assumed a far-reaching—and expensive—worldwide military posture. We have defined our national security interests broadly, and we are paying for it.

But since our allies benefit so greatly from our worldwide military effort, Americans are increasingly questioning this defense "subsidy", and asking why Europe and Japan don't pay a heftier share of the tab.

The North Atlantic Treaty Alliance [NATO]—the agreement under which the United States and Western Europe agreed to a collective security arrangement—has served American interests well since World War II. The United States, however, pays more than half of all of NATO's costs, in spite of being just one of 15 NATO members.

Of the $1,120 each American pays for defense, roughly $750 is spent to sustain U.S. commitments to NATO. Immediately after World War II, when the economies of Europe and Japan were devestated by the war, it made sense that the United States should shoulder the majority of the burden of Western defense. Today, the economies of Western Europe and Japan are strong and vibrant, and the United States continues to pay a disproportionate share of Western defense costs.

The NATO countries—Britain, France, West Germany, Italy, Protugal, Turkey, Greece, Belguim, Italy, Luxembourg, Canada, Denmark, Netherlands, and Norway—and Japan have heard United States burden-sharing complaints before. And predictably, they argue that many of the costs they shoulder are not easily quantified and are not therefore accurately taken into account when data on defense spending are analyzed.

But the United States spends far more of its gross domestic product [GDP] on defense than do our allies, 6.5 percent of GDP compared to 3.6 percent in large NATO countries and 2.8 percent in small NATO states. In Japan, a paltry 1 percent of GDP is allocated to defense. 320,000 American troops are stationed in Europe, and 65,000 United States troops are in Japan. These deployments cost the United States billions, and our allies contribute comparatively little in return.

Even when one looks only at United States military expenditures that are directly related to NATO, that American defense effort constitutes 56.7 percent of the combined defense spending of NATO and Japan.

American frustrations are only exacerbated by the Allies apparent unwillingness to support U.S. military efforts around the world. Consider the Persian Gulf. A disruption in the flow of oil from the Persian Gulf could pose a serious economic and strategic threat to the member states of NATO and to Japan, but when called upon to lend military assistance to that troubled region and to alleviate the pressure on American forces, we received nothing but a wait and see response.

In fact, it wasn't until French and Japanese ships and tankers began to be threatened that they conceded to help. The first U.S. casualties occurred with the attack of the U.S.S. *Stark* on May 17, 1987. Yet France did not send it's aircraft carrier and support ships until a full 2 months after the *Stark* incident. Britain eventually offered assistance by sending minesweepers on August 11, 1987, 3 months after the first United States deaths. Japan belatedly supplied a navigation system for ships transiting the Persian Gulf as a way to defray costs of the United States and allied escorts.

All this, even though of the United States, Western Europe, and Japan, the United States is the least dependent on oil from the Persian Gulf. Japan receives 54.5 percent of its total oil consumption from the gulf, Western Europe 29.2 percent, while only 5.6 percent of United States oil must pass through the gulf. Why then should the United States be footing the bill to protect oil bound for Europe and Japan?

When questioned about their efforts to get the Allies and Japan to pay more for their own defense, administration officials repeatedly cite the need for "quiet diplomacy—not brow beating." Fine, but when is quiet diplomacy going to yield something?

At United States urging, NATO countries in 1978 agreed to annual real defense budget increases of 3 percent per year. A decade later, the United States is the only NATO country that has consistently met the 3-percent goal. And over the same decade in the Pacific, the Japanese Government has increased its defense budget from 1 percent of GDP to only 1.004 percent.

Richard Perle, the former Assistant Secretary of Defense for International Security Policy recently told a House committee that "the truth is that the administration doesn't work as hard at this as it ought to. The exercise in preparing the annual report on burden sharing is largely an exercise in thinking of ways to put the best possible gloss on some pretty dismal figures * * * and we look for statistics that make the allies look good."

Even so, the Pentagon's annual Report on Allied Contributions to the Common Defense concluded that, while "some of the allies appear to be making contributions that roughly equal or exceed their fair share, several nations appear to be doing substantially less than their fair share * * * Japan * * * appears to be doing far less than its fair share."

That, it seems, is the best one can say about the allies contribution to Western defense. Some of them are paying their way, but many of them are freeloading off the U.S. taxpayer. And Japan is the worst offender of all.

We have tried quiet diplomacy and it has not worked. The American public knows it hasn't worked and so do those of us in Congress who are concerned about the budget deficit and the need to trim excessive Federal spending. This week and next the House will debate the defense bill for fiscal year 1989. I will be working to have language included in that bill which ask for greater allied contributions to the common defense. If the allies refuse to contribute more, the amendment will require proportionate reductions in our troop deployments abroad.

I am not advocating a United States withdrawal from NATO, nor do I believe that bringing U.S. troops home will necessarily save the U.S. money—it won't. But almost everyone who has studied the comparative defense budgets of the United States and our allies agrees that the current situation is intolerable. The United States is faced with both a massive budget deficit and a trade deficit. For economic as well as national security reasons, we simply can no longer afford large defense subsidies for Western Europe and Japan.

Mr. BRYANT. Mr. Chairman, I yield 30 seconds to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, I speak as chairman of the Subcommittee on Military Construction and it is discouraging for us year after year to ask for more burden sharing. We just do not get it. We hear the same arguments as we have heard today. In the meantime we are having to make sacrifices which effect our people who are living in substandard housing in this country so that we can allot more resources to foreign countries. I say it is time to quit with the excuses because this is something that is very fundamental. If we are going to fund the housing and quality of life for people in this country, we will have to have more burden sharing from our allies. It is just that simple.

Mr. BRYANT. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, the average American citizen pays $1,200 a year in taxes to maintain our military strength. The average Japanese citizen pays $120.

When I asked Secretary Carlucci how we could start shifting this burden so the Japanese and our NATO allies pay more, he said, "There is one way, if the United States will pay more."

That is totally unacceptable. The Bryant amendment is a sensible method of moving forward to have our allies share our goals and the expenses of meeting those goals.

Mr. BRYANT. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I simply want to observe as chairman of the Subcommittee on Foreign Operations that I have had one too many meetings with the European parliamentarians to believe that they will ever do anything to correct the differences between our spending levels unless they get a clear message from Congress. I support the amendment. It is time Uncle Sam quit being taken for "Uncle Sucker."

Mr. BRYANT. Mr. Chairman, I yield myself the remaining 30 seconds.

Mr. Chairman, I want to reiterate that I think it is very unfortunate the accidental misinterepretation of this bill by the gentleman from New York [Mr. SOLARZ] and by the gentlewoman from Colorado [Mrs. SCHROEDER]. This is the same provision that was proposed by Senator NUNN in 1984. Let us get smart and begin to tell our allies that we expect them to pay their fair share. It is a reasonable proposal. Do not put it off any longer. I urge my colleagues to vote for this amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield myself the remaining 30 seconds.

Mr. Chairman, I would like to say to this body that I do not think there is anyone who has worked harder on burden sharing than I have and I want to do everything I can to get our allies to pay their fair share, but there is a basic flaw in this amendment that locks in where the United States is concerned. It says that we have to increase our percentage as much as they do and since we are starting at a much higher percentage, this thing is really the Carlucci dream amendment. So I would hope that it is turned down because I think it was not what the gentleman from Texas [Mr. BRYANT] had intended, or what the debaters said it was.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). All time for debate has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. BRYANT].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. IRELAND. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 120, noes 240, not voting 71, as follows:

[Roll No. 83]

AYES—120

Ackerman
Anthony
Atkins
Bentley
Bilbray
Bonior
Borski
Boucher
Boxer
Brennan
Brown (CA)
Brown (CO)
Bruce
Bryant
Carr
Clay
Clement
Coelho
Dannemeyer
Darden
DeFazio
Dellums
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Eckart
Edwards (OK)
English
Erdreich
Espy
Evans
Feighan
Flake
Ford (MI)
Frank
Frost
Garcia
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Green
Hall (TX)
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hochbrueckner
Holloway
Hubbard
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jontz
Kaptur
Kastenmeier
Kennedy
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Leach (IA)
Lewis (GA)
Lipinski
Lowry (WA)
MacKay
Manton
Markey
Martin (IL)
McCloskey
Mfume
Moakley
Mollohan
Mrazek
Murphy
Nielson
Oberstar
Obey
Panetta
Patterson
Pelosi
Pickle
Price
Rangel
Ritter
Robinson
Rodino
Rogers
Rowland (GA)
Roybal
Savage
Schumer
Sensenbrenner
Sikorski
Slaughter (NY)
Smith (FL)
Stangeland
Stark
Studds
Swindall
Tallon
Tauke
Tauzin
Torres
Traficant
Traxler
Udall
Valentine
Vento
Walgren
Watkins
Wheat
Williams

NOES—240

Akaka
Alexander
Anderson
Andrews
Annunzio
Archer
Armey
Aspin
AuCoin
Baker
Ballenger
Bartlett
Bateman
Beilenson
Bennett
Bereuter
Bilirakis
Bliley
Boehlert
Boggs
Bonker
Bosco
Boulter
Brooks
Broomfield
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Cardin
Carper
Chandler
Chapman
Chappell
Clinger
Coats
Coble
Coleman (MO)
Coleman (TX)
Combest
Conte
Conyers
Cooper
Coughlin
Coyne
Crane
Davis (IL)
Davis (MI)
DeLay
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dornan (CA)
Dreier
Dwyer
Dyson
Edwards (CA)
Emerson
Fascell
Fawell
Fields
Fish
Florio
Foglietta
Foley
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Goodling
Gradison
Grandy
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Hastert
Hefley
Herger
Hertel
Hiler
Hopkins
Horton
Houghton
Hoyer
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Kanjorski
Kasich
Kemp
Kennelly
Konnyu
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leath (TX)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lott
Lujan
Luken, Thomas
Lukens, Donald
Madigan
Marlenee
Matsui
Mavroules
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Mineta
Molinari
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nowak
Olin
Ortiz
Owens (UT)
Oxley
Packard
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Pickett
Porter
Pursell
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Roberts
Roe
Rose
Roukema
Rowland (CT)
Russo
Sabo
Saiki
Sawyer
Saxton
Schaefer
Scheuer
Schroeder
Schulze
Sharp
Shaw
Shays
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swift
Synar
Thomas (GA)
Torricelli
Upton
Vander Jagt
Visclosky
Vucanovich
Walker
Waxman
Weber
Weiss
Weldon
Whittaker
Whitten
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NOT VOTING—71

Applegate
Badham
Barnard
Barton
Bates
Berman
Bevill
Biaggi
Boland
Campbell
Cheney
Clarke
Collins
Courter
Craig
Crockett
Daub
de la Garza
Duncan
Dymally
Early
Fazio
Flippo
Ford (TN)
Frenzel
Gaydos
Gray (PA)
Gregg
Hansen
Hatcher
Henry
Huckaby
Johnson (CT)
Jones (NC)
Jones (TN)
Latta
Lehman (CA)
Leland
Lent
Lewis (CA)
Lowery (CA)
Lungren

Mack
Martin (NY)
Martinez
Mazzoli
Mica
Miller (CA)
Miller (WA)
Moody
Nichols
Oakar
Owens (NY)
Quillen
Rahall
Ray
Richardson
Rostenkowski
Roth
Schneider
Schuette
St Germain
Stallings
Stokes
Taylor
Thomas (CA)
Towns
Volkmer
Wilson
Wortley
Yates

□ 1342

The Clerk announced the following pairs:

On this vote:

Mr. Leland for, with Mr. Barnard against.

Mrs. Collins for, with Mr. Martinez against.

Mr. Moody for, with Mr. Thomas of California against.

Mr. Dymally for, with Mr. Frenzel against.

Mr. Stokes for, with Mr. Craig against.

Mr. Volkmer for, with Mr. Roth against.

Ms. KAPTUR and Messrs. VENTO, ECKART, ENGLISH, DeFAZIO, and SWINDALL changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. JOHNSON of Connecticut. Mr. Speaker, on rollcall 83 I was unavoidably detained from the Chamber. Had I been present I would have voted "no."

AMENDMENT OFFERED BY MR. ROBINSON

Mr. ROBINSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROBINSON: At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 934. PHASED WITHDRAWAL OF UNITED STATES ARMED FORCES STATIONED IN EUROPE.

(a) PHASED WITHDRAWAL SCHEDULE.—The President shall carry out the withdrawal of United States Armed Forces stationed in Europe so that 20 percent of the base number are withdrawn by the end of fiscal year 1990 and an additional 20 percent of the base number are withdrawn during each succeeding fiscal year until all such forces have been withdrawn. Forces withdrawn pursuant to this section shall be relocated in the United States.

(b) BASE NUMBER DEFINED.—For purposes of subsection (a), the term "base number" means the number of members of the United States Armed Forces permanently stationed in Europe in connection with North Atlantic Treaty Organization commitments as of September 30, 1987.

(c) EXCEPTION BASED UPON LEVEL OF NATO DEFENSE EXPENDITURE.—The President may waive the provisions of subsection (a) with respect to fiscal years after fiscal year 1990 if the member nations of the North Atlantic Treaty Organization (other than the United States) collectively increase their defense spending as a percentage of gross national product to a level equivalent to that of the United States for fiscal year 1990.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Arkansas [Mr. ROBINSON] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first, let me explain my amendment. My amendment calls for a 20-percent reduction of the base number of troops by the end of fiscal year 1990 and an additional 20 percent of the base number withdrawn during each succeeding fiscal year until all such forces have been withdrawn.

The President may waive this if the NATO organizations collectively increase their defense spending as a percentage of gross national product to a level equivalent to that of the United States for fiscal year 1990. However, the first 20-percent reduction is mandatory; 70,000 troops that we will bring home to use hopefully when the Hunter-Robinson bill comes up for drug interdiction.

□ 1345

Mr. Chairman, I listened very carefully to the sort of weak-kneed response a while ago to the Bryant amendment and I thought it was very unfair to the gentleman from Texas [Mr. BRYANT]. It seems like most were saying it is easy to beat up on our allies.

Mr. Chairman, I am going to make it ever easier for my colleagues today and I hope they have an opportunity to look at the front page of the Chicago Tribune newspaper, a paper I normally do not read. Headline: "Japanese urge the President to veto the trade bill."

Mr. Chairman, 40 years ago we created NATO for one reason. We were the strongest Nation in the world. We had a trade surplus, we had no national debt. Our European allies, their economies had been devastated and in fact we had to pick them up by the bootstraps. We never envisioned 40 years ago that we would be down here asking our allies to pick us up by the bootstraps, but the truth of the matter is they have rubbed it in our noses.

Mr. Chairman, I want to go over what our allies are spending. In Belgium they spend 3 percent of their GNP on defense. We spent 6.9 percent. Canada spends 2.2 percent, Denmark 2.2 percent. The Japanese, even though they are not a part of NATO, they have the benefit from 1.1. Norway, 3.3, and the list goes on and one.

I would like to direct the attention of my colleagues to the trade side of the balance sheet. We have a trade surplus with Belguim. But with Canada we have a $23 billion trade deficit. With the Japanese we have a $58 billion trade deficit. We have a $16 billion trade deficit with West Germany, and I could go on and on.

The real purpose of this amendment is to demonstrate to not only our NATO allies but our other allies around the world that we have had it. This amendment is for the auto worker in Detroit, the sanitation worker in New York, the aerospace worker in Los Angeles and the police officer in Little Rock. These people are stealing our jobs because we have been suckered into paying for their defense.

The only defense that they are interested in is their own borders. They want us to assume the global responsibility while they take their research and development dollars and put them into manufacturing productivity.

Let me repeat that point. Our allies take their R&D dollars and put them into better manufacturing, productivity and supplementing some of their industries in their countries while we pour most of our R&D dollars into defense to take care of them.

As a Member of the Armed Services Committee I would challenge each of my colleagues to read Secretary Carlucci's annual report to Congress on what the Department of Defense is all about. Let me quote. "America's preeminent national security interest is in the survival of the United States," not our NATO allies, the United States, "as a free and independent Nation with its fundamental values and institutions intact."

Mr. Chairman, our institutions are not intact today because of our allies.

Furthermore, Secretary Carlucci goes on, "Other key American interests include: Unimpeded U.S. access to foreing markets and resources."

One of my fine Republican colleagues, and I will not mention his name, shared with me a while ago, "How can you unilaterally do what you are doing? How can you just withdraw those troops?"

I ask my colleagues how can these countries unilaterally close their markets to us, tell us we cannot shop our products over there? We have a $2.32 trillion debt today.

I urge my colleagues to vote for the Robinson amendment. It is the right thing to do.

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas [Mr. ROBINSON] has expired.

Does any Member desire to rise in opposition to the amendment?

Mrs. SCHROEDER. Mr. Chairman, I rise in opposition to the amendment, and ask unanimous consent to yield half of my 5 minutes to the gentleman from Florida [Mr. IRELAND].

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. Dicks].

Mr. DICKS. Mr. Chairman, I rise in strong opposition to this amendment. The Bryant amendment was temperate compared to this one. This would take 70,000 troops out of Europe each year. If we did that and relocated them back in the United States, as the Robinson amendment calls for, it would cost us $36 billion in new facilities that we would have to build in the United States in order to station those troops.

So one, it does not save money; two, it is bad defense policy; three, we are in the middle of the INF negotiations right now with the Soviet Union.

□ 1350

We are telling the world that we have got to improve our forces conventionally. This is a dangerous and irresponsible effort to bring troops home in order to deal with the trade question.

We have got a trade bill, let us worry about the trade question there. This amendment should be defeated and defeated soundly.

Mr. IRELAND. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. Weldon].

Mr. WELDON. Mr. Chairman, I think the intent of the gentleman's amendment is certainly a valid one. As a member of the burden-sharing panel working with my colleague Mrs. Schroeder and my colleague Mr. Ireland, we are all working to pursue a workable legitimate way to reduce our presence in Europe.

This is not the way to do it.

For those of you who are sincerely interested in coming up with a plan, a policy to work with our allies in a very positive pro-active way to reduce our presence both in Europe as well as around the world, I think the McMillan amendment which will be offered following this amendment will give Members that opportunity, to send a clear signal to this administration that we do want to work in a positive way keeping close ties and close relationships with our allies to reduce their dependency on America.

But that should be done in a clear process and not done on an emotional basis. I think that is what this amendment does; I think it is emotional and I think it is the wrong way to approach a very difficult issue that we are all trying to work to conclude.

We should defeat this amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. Solarz].

Mr. SOLARZ. I thank the gentlewoman for yielding.

If we have managed to prevent a third world war it has been largely due to the cohesion of the Western Alliance which has been the greatest bulwark in the defense of freedom and the preservation of peace ever known in the history of man. It is simply not possible, Mr. Chairman, to maintain the viability of a voluntary alliance of free countries if one member of the alliance unilaterally imposes standards on all of the other members of the alliance and says that unless those standards are met we are going to withdraw from the alliance. That is not the way to defend freedom and preserve the peace.

Furthermore, while our allies should be doing more, requiring them to spend the same percentage of their GNP on defense as us simply makes no sense. We have burdens they do not have. We have forces in Korea and in Japan that they do not have. So you cannot expect them to spend as large a percentage of their GNP on defense as we do.

Mr. IRELAND. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. Kyl].

Mr. KYL. Mr. Chairman, I have great respect for the author of this amendment. It is very tempting to support the amendment because of the asymmetry in spending between the United States and our allies. But we are not spending money just for the sake, or posting troops for that matter in Europe, just for the benefit of our allies in Europe. What we are doing is for the benefit of the United States of America. We need allies to deter aggression. We do need a tough but a very careful and sophisticated policy toward a greater sharing of burdens from our allies. That is what this burden-sharing committee which has been discussed before is doing.

I am pleased to serve with Mrs. Schroeder on that burden-sharing committee. I believe we will be able to work up the sort of policy that we can all support. If we want to send a message in the meantime I suggest that the McMillan amendment which is going to be offered shortly will send that message very well.

In the meantime I suggest we vote "no" on this proposal.

Mrs. SCHROEDER. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, I just want to compliment the gentleman from Arkansas. He is talking about the problem our panel is talking about. The only problem we feel is that right after the INF agreement, this is probably not the time. And with two new candidates looking at the Presidency it is probably not the time.

We also feel that our burden-sharing panel is going to come up with some very accurate figures so that we can really get down to the numbers he is grappling with.

I thank him for that and I certainly hope people vote against his amendment.

Mr. IRELAND. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, this amendment should be opposed despite the thoughts of the gentleman from Arkansas which are understood by us all. This amendment could literally end up, as a number of the speakers have told us, could end up by costing us a substantial amount of money, even if our allies increase their expenditures.

It should be opposed by all of us.

The CHAIRMAN pro tempore (Mr. Gray of Illinois). All time has expired.

The question is on the amendment offered by the gentleman from Arkansas [Mr. Robinson].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROBINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 21, noes 332, answered "present" 1, not voting 77, as follows:

[Roll No. 84]

AYES—21

Anthony
Bentley
Clement
Conyers
Donnelly
Ford (MI)
Gonzalez
Gray (IL)
Hall (TX)
Hayes (LA)
Holloway
Hunter
Johnson (SD)
Jontz
Murphy
Robinson
Stark
Tallon
Traficant
Traxler
Visclosky

NOES—332

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Bartlett
Bateman
Beilenson
Bennett
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Cardin
Carper
Chandler
Chapman
Chappell
Clay
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Cooper
Coughlin
Coyne
Crane
Dannemeyer
Darden
Davis (IL)
Davis (MI)
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dyson
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Feighan
Fields
Fish
Flake
Florio
Foglietta
Foley
Frank
Frost
Gallegly
Gallo
Garcia
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gordon
Gradison
Grandy
Grant
Green
Guarini
Gunderson

Hall (OH)
Hamilton
Hammerschmidt
Harris
Hastert
Hawkins
Hayes (IL)
Hefley
Hefner
Herger
Hertel
Hiler
Hochbrueckner
Hopkins
Houghton
Hoyer
Hubbard
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Matsui
Mavroules
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen

McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (OH)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nielson
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Porter
Price
Pursell
Rangel
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Rodino
Roe
Rogers
Rose
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schulze

Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tauke
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Udall
Upton
Valentine
Vander Jagt
Vento
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Livingston

NOT VOTING—77

Applegate
Badham
Barnard
Barton
Bates
Berman
Bevill
Biaggi
Boland
Campbell
Carr
Cheney
Clarke
Collins
Courter
Craig
Crockett
Daub

de la Garza
Duncan
Dymally
Early
Fazio
Flippo
Ford (TN)
Frenzel
Gaydos
Gray (PA)
Gregg
Hansen
Hatcher
Henry
Horton
Huckaby
Jones (NC)
Jones (TN)

Kemp
Latta
Lehman (CA)
Leland
Lent
Lewis (CA)
Lott
Lowery (CA)
Lungren
Mack
Martin (NY)
Martinez
Mazzoli
Mica
Miller (CA)
Miller (WA)
Moody
Nichols

Oakar
Owens (NY)
Pickle
Quillen
Rahall
Ray
Richardson
Rostenkowski

Roth
Schaefer
Schneider
Schuette
St Germain
Stallings
Stokes
Stratton

Studds
Taylor
Thomas (CA)
Volkmer
Wolpe
Wortley
Yates

□ 1414

Mr. RANGEL and Mr. HAWKINS changed their votes from "aye" to "no."

Mr. CONYERS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MC MILLAN OF NORTH CAROLINA

Mr. McMILLAN of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. McMILLAN of North Carolina: At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 934. CALL FOR DEFENSE BURDENSHARING NEGOTIATIONS WITH ALLIES

It is the sense of Congress that the United States should enter into negotiations with countries which participate in a common defense alliance with the United States (particularly the member nations of the North Atlantic Treaty Organization and Japan) for the purpose of obtaining an agreement for a more equitable apportionment of the burden of financial support for the alliance.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. McMILLAN] will be recognized for 5 minutes, and a Member opposed to the amendment will be recognized for 5 minutes.

Mr. McMILLAN of North Carolina. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this amendment expresses the sense of Congress that the United States negotiate with our NATO allies and Japan to develop a more equitable burden-sharing in support of the common defense.

Paul Kennedy, author of "The Rise and Fall of the Great Powers," states that if the United States continues to devote 7 or more percent of its GNP to defense spending, while allowing its major economic rivals in NATO and Japan to allocate a far smaller proportion, then the latter will continue to have greater funds free for civilian investment. Given this, he feels that the American share of world manufacturing will steadily decline and that domestic growth rates will lag behind those of countries dedicated to the marketplace and less eager to channel resources into defense.

By any standard, it is clear that the burden of defense is not equal. The United States is spending 6.7 percent of its GNP on defense, while our allies in NATO spend, on the average, 3.5 percent and Japan spends slightly over 1 percent. Viewed on a per capita basis, the contrast is even more stark. The individual U.S. taxpayer pays more than twice as much for defense as the citizen of any other ally. U.S. defense spending in 1985 was $1,091 per capita. The NATO average is $232 per capita and Japan averages slightly over $100 per capita. By even the most conservative estimates, the United States spends roughly $70 billion of its $300 billion defense budget on the defense of Europe and substantial amounts in Asia.

We recognize the fact that our allies bear certain costs associated with the common defense which are difficult to quantify and are not included in the NATO definition of defense spending. The two most obvious examples are the loss of valuable real estate that is provided free of charge for foreign military facilities and the economic burden imposed by maintaining conscription. The country bearing the highest burden of these costs is probably West Germany. CBO estimated what it would cost West Germany to shift to a volunteer army and to pay for the real estate occupied by foreign troops and determined that these contributions would raise its defense expenditures as a percentage of GNP from 3.2 percent to 3.8 percent, still well below the United States' 6.7 percent.

No one has expressed the focal point of the burden-sharing debate more clearly than the Secretary of the French Parliament's National Defense Committee, Jean-Pierre Bechter. In the July 13, 1987 Washington Post he asked whether we thought 320 million Europeans with an aggregate GNP in excess of $3 trillion can continue forever to ask 240 million Americans to defend us against 280 million Soviets? The answer to that question is yes, and will remain yes, unless the United States is willing to undertake a fundamental shift of our alliance policies in order to bring them in line with the present economic realities.

The issue of improved allied burden-sharing is a contentious, hotly debated one. Many Members of Congress, the administration and international security experts argue that this should not be debated, that the wrong message may be sent to our allies. Well, I believe that we've been sending the wrong message for 40 years. In that time we've seen the economies of Western Europe and Japan rise from the rubble of World War II and, with tremendous United States economic and military assistance, become the most productive economies on the globe. Their aggregate trade surplus with the United States of $96.6 billion underscores that.

After World War II, we said to our allies, "we'll handle it." After all, we didn't want old enemies to rearm and we didn't want those struggling economies that we were trying to help to be burdened with taking care of their own defense. A booming, unrivaled U.S. economy could afford to protect its exhausted friends.

It is now the time to update these relationships. President Eisenhower, shortly after leaving the White House, declared that a reduction in American strength committed to Europe should be initiated as soon as European economies were restored. We must now take that critical step. Though the individual European States and Canada contribute significant resources and capabilities to the alliance, NATO, as a whole, is still premised on the immediate postwar era. It is 40 years later and NATO has not evolved into a collective security relationship that reflects the global political and economic realities of the late 20th century.

We and our allies must accept the current economic realities and our alliance commitments must reflect these realities. The United States can no longer afford to carry the burden of defending Western interests. It must become a focus of U.S. policy that our allies share the burden of common defense to a much greater extent.

This amendment neither mandates troop withdrawals nor places a ceiling on U.S. troops deployed overseas. In no way does it compromise the strength of the common defense. It is a question, however, of who pays for this common defense. What we seek to accomplish is a fundamental shift in U.S. policy in regard to the issue of burden-sharing. We cannot continue to substitute our efforts for theirs. Our allies need to improve their economic commitment either through increased force levels or through financial compensation to the United States.

This amendment is similar to a bipartisan bill introduced last year with 62 cosponsors and to an amendment to the Senate Defense Authorization last year. We believe it's time for the United States to insist that the economic commitment of our allies to the common defense match their resources and our commitment. If this and future administrations fail to succeed over time, our policy will become increasingly vulnerable to specific congressional threats to reduce our commitments.

I urge my colleagues to support this amendment.

Mr. Chairman, I include the following table:

GROSS NATIONAL PRODUCT, DEFENSE EXPENDITURES AND U.S. TRADE BALANCES

[1985 constant dollars in billions]

Country	GNP	Defense budget	Defense spending as percent of GNP	Trade balance[1]
United States	4,010	265.8	6.7	NA
Japan	1,361	13.49	1.0	−59.82
West Germany	650	20.8	3.2	−16.28
France	509	20.8	4.1	−3.24
United Kingdom	460	24.2	5.3	−3.89
Italy	366	10.01	2.7	−6.17
Canada	346	7.9	2.3	−11.7
Spain	161	4.67	2.9	+0.05
Netherlands	130	4.05	3.1	+3.98
Belgium	81	2.41	3.0	[2] +1.83
Norway	59	1.85	3.2	−0.67
Denmark	55	1.26	2.3	−0.99
Turkey	52	2.4	4.6	+0.58
Greece	35	2.5	7.2	−0.13
Portugal	19	0.65	3.3	−0.13
Luxembourg	5	0.04	0.8	[2] +1.83
Non-U.S. NATO	2,928	103.54	3.4	−36.76
Non-U.S. NATO plus Japan	4,289	117.03	3.2	−96.58
Total NATO	6,938	369.34	5.4	NA
Total NATO plus Japan	8,299	382.83	4.6	NA

[1] Department of Commerce figures.

[2] Belgium and Luxembourg's trade deficit combined.

Mrs. SCHROEDER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I ask unanimous consent to yield 2½ minutes to the gentleman from Florida [Mr. IRELAND].

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Colorado? There was no objection.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute of it to the gentleman from Washington [Mr. BONKER].

Mr. IRELAND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, while I have no opposition to the amendment, I would point out that it is already in law. Specifically, last year's State Department Authorization Act contains a sense of the Congress provision that the President should enter into negotiations with members of our alliances for the purpose of achieving a more equitable distribution of the financial burden of support of such alliances.

In response to this provision, the President appointed Deputy Secretary of Defense Taft to head up this effort and he has been on the road periodically over the last several months trying to do just what the gentleman suggests.

By his amendment, the gentleman from North Carolina correctly calls attention to a key to the burden-sharing equation—that key is leadership. And I would point out that real leaders don't just bear burdens—real leaders are able to get others to share burdens and that is our challenge.

Mr. BONKER. Mr. Chairman, I rise in support of the amendment.

I opposed the two previous amendments, but I do agree that the time has arrived for the United States to reassess its global commitments particularly in view of the huge budget, and trade deficits and the external debt that now besets this Nation. The fact is that two-thirds of the military authorizations of this country now go to protect much of the western world, and that includes $10.5 billion in base commitments and the nuclear shield that keeps much of the world safe so that they can prosper economically. I am not sure that Pax America is that. That role is no longer sustainable, and the fact is that, if we allow other countries to continue to plow their national resources into building up their economies while we dedicate most of our resources to maintaining this global military and strategic commitment that we are going to lose economically. Indeed, it could be stated of our generation that we won the security war, but we lost the economic war.

□ 1415

Mr. McMILLAN of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, I have been very pleased to work with my thoughtful colleague from North Carolina [Mr. McMILLAN], on his very important and reasonable amendment.

Two-fifths of a century ago, Americans, through the Truman doctrine, helped rebuild a decimated Europe and took on awesome responsibilities for the defense of Europe through the NATO alliance. America, also, took on the responsibility of rebuilding and protecting war-torn Japan.

Now, 41 years later, the United States still devotes more resources to defense than all of our allies combined. Specifically, Japan, ranked at the top with the United States in terms of gross domestic product, a defense term quantifying the total value of the goods and services produced by a country, ranks close to the last in terms of defense contributions.

My colleagues, it certainly is time for a mature, developed, and competitive Europe and Japan to take on more responsibility for their own defense.

The military dependence on the United States must be diminished and it must be diminished soon. However, I cannot in good conscience, as a Member of Congress, set out an formula for change through troop withdrawal or through GNP equivalency requirements. The Congress should not, and, in fact cannot, require the allies to meet some artificial targets for increased defense commitments. What it can do is require this administration and the next administration to get serious about negotiating for increased commitments from our allies.

Because of currency fluctuations, differing approaches to defense budgeting and no way to quantify the quality and cost of their military forces, or the cost of host arrangements for U.S.

bases, it is most difficult to determine what constitutes an equitable sharing of alliance burden. Our allies need to begin significant increases in real growth defense spending. Admittedly, the Japanese have much more room for growth than Western Europe. Nevertheless, there is certainly considerable room for growth for the Europeans and Japan. These are some of the complicating factors that make a congressional mandated formula for burden sharing a well-intentioned but ill-conceived idea.

The weaning of our allies off of our military cash machine will take careful planning and require tough, serious, and ongoing negotiations at the highest level. I do not believe there are important differences between the Congress and the administration on the question of whether the allies should do more but I believe the resolution before us tells the administration to act and act quickly on our mutually held beliefs. My colleagues, we must let our allies know that we are serious about this issue, but we must also let them know that the dramatic change we seek can be achieved in a rational manner. My colleagues, I urge your support for the McMillan amendment.

Mr. McMILLAN of North Carolina. Mr. Chairman, I yield 1 minute to the gentlewoman from New Jersey [Mrs. Roukema].

Mrs. ROUKEMA. Mr. Chairman, I rise in support of this amendment which would call on the leadership of the United States to enter into negotiations with our allies for the purpose of establishing a more equitable apportionment of the burden of providing for the common defense. I commend the gentleman from North Carolina [Alex McMillan] for bringing it before the House.

When NATO was established in 1949, the objective of the alliance was to field a military force capable of deterring aggression from the Warsaw Pact. It was also meant to maintain military stability throughout the European continent.

Because the European nations, were so overburdened with the devastating effects of the war, the United States with its relatively robust economy assumed the natural position of leader in the alliance. But, we became not just the leader in military power but the leader in providing the necessary financial support the alliance required as well.

Today, almost 40 years later, that same economic and defense rationale prevails. What has changed, however, is that the economies of our European, and Asian allies, have never been stronger. I believe it is time for this Nation and its allies in Europe and Asia, to enter into more meaningful and comprehensive negotiations on defense burden-sharing.

To my knowledge, the NATO alliance has never established a comprehensive definition of what the alliance burden really is and what a real fair share for each member of the alliance constitutes. In this vein, I was encouraged to see the Armed Services Committee create a burden-sharing panel chaired by our colleague Mrs. Schroeder and hope that a comprehensive review of alliance responsibilities will begin here and carry beyond the initial findings of this panel.

The question of burden sharing is a complex issue which goes much beyond the simple matter of an annual defense budget figure. An understanding of the issue requires a comprehensive look at items such as the contemporary benefits of the alliance itself, the distribution of the alliance's fiscal burden, and the distribution of the alliance's military capabilities.

This amendment represents a reasoned approach to a complex problem. I believe the Congress should demand that the issue of burden sharing be comprehensively addressed. And, I believe we must go beyond the simplistic approach of comparing budgets. To do this would be to ignore important military questions such as the numbers of troops, weapons, equipment, ammunition, stockpiles of fuels and even issues such as the quality of the individuals soldiers in each allies military force.

I urge the adoption of this amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield myself the remaining minute and a half.

I just want to point out that this amendment is fine in that it is already the policy and the law of the land. The U.S. Congress passed this last year. We did it in the State Department authorization bill, and we are delighted. So we are just reaffirming what the law really is.

The problem is we have not had an administration who has aggressively followed this. They are now starting to with Mr. Taft out talking about it, but we certainly hope that we see much more aggressive followup than we have seen in the past, because one of the troubles in this area that is not just the congressional area, it desperately needs executive leadership, or they do not pay much attention to what happens here, so it is great to reaffirm it, but let us keep the spirit of leadership up over in the State Department and in the Defense Department on this issue, because it has been the law for a while, but we have not seen the aggressive pursuit of this that we would like to see.

Mr. IRELAND. Mr. Chairman, I yield the balance of my time to the gentleman from North Carolina [Mr. McMillan].

Mr. McMILLAN of North Carolina. Mr. Chairman, I will be very brief, because I know everybody is ready to move on.

I will call for a recorded vote on this. I appreciate the comments and the good work of the chairwoman of the Special Burden-Sharing Committee, but I think while this may have been embodied in other aspects of law, it has been so deeply embedded that no one is recognizing it.

I think it is exceedingly important that this Chamber cast an overwhelming vote in support of this type of amendment that will reinforce the activities of the subcommittee holding hearings, will send a signal to the administration, will send a signal to our allies that the United States is serious about this matter and that negotiations need to move forward over the coming years.

Mr. IRELAND. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. Russo). The question is on the amendment offered by the gentleman from North Carolina [Mr. McMillan].

The question was taken; and the Chairman pro tempore announced that the ayes appear to have it.

RECORDED VOTE

Mr. McMILLAN of North Carolina. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 350, noes 0, not voting 81, as follows:

[Roll No. 85]

AYES—350

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Bartlett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Conyers
Cooper
Coughlin
Coyne
Crane
Dannemeyer
Darden
Davis (IL)
Davis (MI)
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dyson
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Feighan
Fields
Fish
Flake
Florio
Foglietta
Foley
Ford (MI)
Frost
Gallegly
Gallo
Garcia
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)

Hamilton
Hammerschmidt
Harris
Hastert
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Houghton
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Matsui
Mavroules
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (OH)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nielson
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Porter
Pursell
Rangel
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stangeland
Stark
Stenholm
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NOES—0

NOT VOTING—81

Applegate
Badham
Barnard
Barton
Bates
Berman
Bevill
Biaggi
Boland
Campbell
Cheney
Clarke
Collins
Courter
Craig
Crockett
Daub
de la Garza
Duncan
Dymally
Early
Fazio
Flippo
Ford (TN)
Frank
Frenzel
Gaydos
Gibbons
Gray (PA)
Gregg
Hansen
Hatcher
Henry
Horton
Huckaby
Jeffords
Jones (NC)
Jones (TN)
Kemp
Latta
Lehman (CA)
Lent
Lewis (CA)
Lott
Lowery (CA)
Lungren
Mack
Martin (NY)
Martinez
Mazzoli
Mica
Miller (CA)
Miller (WA)
Moody
Nichols
Nowak
Oakar
Owens (NY)
Pickle
Price
Quillen
Rahall
Ray
Richardson
Rostenkowski
Roth
Schaefer
Schneider
Schuette
St Germain
Stallings
Stokes
Stratton
Studds
Taylor
Thomas (CA)
Traxler
Volkmer
Wolpe
Wortley
Yates

□ 1445

Mr. DINGELL and Mr. FASCELL changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1445

AMENDMENT OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, pursuant to the rule, as the designee of the gentleman from New Mexico [Mr. Richardson] I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Bereuter: At the end of title IX of division A (page 163, after line 6), add the following new section:

SEC. 934. LIMITATION ON WITHDRAWAL OF FORCES FROM NATO MEMBER COUNTRIES.

During fiscal year 1989, the Secretary of Defense may not take any action which would result in the number of United States military personnel stationed in countries which are members of the North Atlantic Treaty Organization (other than the United States) being reduced below the number of such personnel stationed in such countries as of September 30, 1988, unless the President certifies to Congress that such a reduction is in the national security interests of the United States.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Nebraska [Mr. Bereuter] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

The Chairman recognizes the gentleman from Nebraska [Mr. Bereuter].

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Chairman, I think that the debate on burden sharing has been very beneficial. The gentleman from New Mexico [Mr. Richardson] was unable to offer this amendment today. I am pleased to offer it for him.

At the conclusion of my remarks I will ask unanimous consent to withdraw this amendment. However, I think it is important that we have some additional discussion on this subject of burden-sharing. It is primarily important because I want to inform the Members that there has indeed been a substantial and postive indication that, at least with respect to our NATO allies they recognize the need to give us burden relief. I prefer the term "burden-relief rather than "burden-sharing," because debates over burden-sharing automatically carried the connotation that one or more parties are not doing their share. When you raise that kind of question, you are immediately involved in a never-ending debate about properly counting contributions and it comes down in some cases to very controversial variety of bean counting. That debate is typically very counterproductive in keeping a solid alliance.

This Member wishes to inform his colleagues that the senior Senators from the State of Delaware [Mr. Roth], the State of Georgia [Mr. Nunn], the gentleman from New Mexico [Mr. Richardson], and this Member are the four Members of Congress in a 13-member interparliamentary group of NATO countries who have been involved for over a year in a North Atlantic Assembly study entitled "NATO in the 1990's." In this study, chaired by the distinguished Senator from Delaware [Mr. Roth], we also have the assistance of academic experts who made great contributions. We have held hearings on both sides of the Atlantic, and this report will be released on May 10 of this year.

I think the news contained in this consensus report is really positive and rather amazing especially in light of the fact that on the European side we have great ideological diversity.

This consensus NAA report calls for these kinds of recommendations on burden-sharing.

First. It suggests that base negotiations in the future on NATO bases involving the United States would be NATOized. It would not simply be the United States negotiating with Greece or with Portugal or Turkey. It would be a matter of NATO as an alliance recognizing that it was important to have the United States Armed Forces located at such bases and involved and supportive in such negotiations.

Second. The report recognizes and suggests that the United States should not have to pay for those bases—not directly, nor in terms of foreign aid.

Third. It makes major suggestions for improvements in strengthening the NATO Alliance by building a strong European pillar.

Fourth. It asks for the NATO countries of northern and central Europe to make direct financial contributions to meet the needs of less prosperous countries on the southern flank, like Greece, Turkey, and Portugal.

Fifth. Steps are recommended which would indirectly result in close integration of French and Spanish forces into the NATO military alliance.

Sixth. It provides a variety of recommendations on coordination and cooperation and procurement.

Seventh. Among many other significant recommendations it endorses its concept of specialization for the smaller countries in the NATO force structure so that, in fact, they would be more likely to pick up a significantly larger share. Those recommendations, I think, are important and significant reasons for optimism that we will see burden relief for the United States. If we follow through on this opportunity.

The gentleman from Florida [Mr. IRELAND] previously said: "let us not involve ourselves in NATO-bashing," yet all of us have concerns about the need for burden relief, not only in the Far East or the Pacific Rim, but in the NATO area.

I want to commend the distinguished gentlewoman from Colorado [Mrs. SCHROEDER] and the gentleman from Florida [Mr. IRELAND] for their leadership on the burden-sharing panel. I would say to the gentlewoman, my colleague from Colorado, that the gentleman from New Mexico [Mr. RICHARDSON] and this member will be asking to make a presentation before your panel on the NAA report as soon as it is released on May 10, 1988.

We hope that the Members will find it interesting and encouraging, and we believe that they will.

First. Maintaining our troops in NATO at this time is, and has been, is in our national interest, plain and simple. Every administration for the past four decades has agreed, Congress, on repeated occasions, has agreed, most academics agree, and the American people agree—there seems to be quite a broad consensus that our NATO deployments serve our interests. Indeed, even amendments calling for coerceive, partial withdrawals of American troops recognize that our overall commitment to NATO is vital to our Nation's security.

Second. If there were ever to be an opportune time to withdraw American troops from NATO, now is not it. Just the opposite. The U.S. commitment to NATO must now be steadfast and hardy. The INF Treaty, for all its positive aspects, has also opened vulnerabilities in NATO. It makes the perennial conventional imbalance even more glaring a problem. To increase the gap between Warsaw Pact and NATO conventional capabilities at this time is unwise, bordering on dangerous. Now is the time to reinvigorate NATO's conventional forces, not to weaken them.

Third. Furthermore, with new Atlantic to the Urals conventional arms talks scheduled to start soon, we should avoid weakening our NATO forces and thereby undermining our negotiating position. Again, now is the time to reinvigorate NATO conventional forces, not to weaken them.

Fourth. NATO has withstood 39 years worth of various stresses, both internal and external, because it has dealt with its problems as an alliance, as a family of nations united by common ideals and common purposes. We all know Lincoln's dictum about the effects of dividing houses; it may be an overworked cliche, but that's because of its validity. The Richardson amendment offered by this Member is based on the principle that a united foundation in NATO is essential for dealing with the challenges which confront the alliance. To begin withdrawing U.S. forces, or even threaten such withdrawals, no matter how laudable the aim of such threats may be, erodes NATO's unity and its deterrent value. To solve its problems while serving as an effective defense alliance, NATO must not be forced to engage in a hostile internal battle.

Fifth. All of this is not meant to whitewash NATO's problems, of which burden-sharing, although greatly exaggerated by the use of shoddy statistics, is an important one. This amendment simply calls for a different approach—dealing with the problems while standing strong—together. The issue of burden sharing can best be settled in the friendly relationship we now share with our allies. Some members seem to think this is not possible. Congressman RICHARDSON and I strongly disagree. We were involved over the past year in an interparliamentary NATO study group which examined issues confronting NATO in the decade ahead. The conclusion we drew is that such an approach is entirely possible; indeed, that it has already begun. NATO can resolve its internal problems while at the same time presenting the Soviets with a robust alliance.

Sixth. The burden-sharing problem, for instance, would be greatly alleviated if NATO spending were more efficient. NATO already outspends the Warsaw Pact. However, its spending could be used to buy many more goods if it operated to an increasing extent on a European or North Atlantic-wide defense market, with countries undertaking task specialization and with greater cooperation among the different military establishments.

Seventh. There are heartening signs that this has begun. France and Germany for example, have created a joint brigade. These are promising signs that the European half of NATO has recognized the need to bolster their contribution to NATO, and has found a route through which to do so. I vote that we encourage them in this venture through the Richardson amendment which strengthens their confidence in our commitment to the alliance as a whole.

Eighth. Let's not abandon our own national interests in Europe, or elsewhere, by pointing a gun at our own best friends in the world. They already have enough guns aimed at them. Let's lead the alliance, not divide and betray it. Let's reaffirm our commitment to NATO in these trying times.

We believe that, in short, maintaining our troops in NATO at this time is and has been in our national interest. Indeed, even amendments calling for coercive partial withdrawal of American troops recognize that our overall commitment to NATO is vital to our Nation's security.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The CHAIRMAN pro tempore. It is now in order to debate the subject matter of "Buy America."

Under the rule, the gentleman from Massachusetts [Mr. MAVROULES] will be recognized for 5 minutes and the gentlewoman from Maryland [Mrs. BENTLEY] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the "Buy America" area the en bloc amendment approved earlier contained the provisions offered by the gentleman from Texas [Mr. LEATH] and the gentleman from Illinois [Mr. DAVIS]. The amendment of the gentleman from Michigan [Mr. HERTEL] will not be offered. The final amendment in this area is the amendment of the gentlewoman from Maryland and a compromise is agreed to. I will yield back the general debate time.

The CHAIRMAN pro tempore. The gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the sense of my amendment is to get as much bang for the buck as possible. That is what the defense jargon is.

What it really amounts to is the sense of the Congress to say that taxes paid to the Government will not be included as part of the cost of doing business with the Government, and that certainly seems sensible to me inasmuch as foreign bidders on our Government bids do not include any taxes on their end of it. That is what we are trying to do is get a fair, level playing field for American industry.

My amendment includes this philosophy in DOD's procurement. It points out that the United States does not currently use value-added taxes, and, therefore, my amendment simply acknowledges certain moneys spent by the Government in procurements are paid directly or indirectly back to the United States by way of taxes.

By deleting these tax figures from bid analysis, agency contracting officials can evaluate what, in fact, is the lowest cost to the U.S. Government and determine what is the most responsible bid.

I yield back the balance of my time.

Mr. FRENZEL. Mr. Chairman, due to business in my district, I will not be present when the House takes decisions on various Buy America amendments. There will be four of them, and I am vigorously opposed to all of them.

In addition, I oppose the Buy America sections put in H.R. 4254 by the committee. Each lessens competition, protects noncompetitive companies and industries, costs the taxpayers additional moneys, and conflicts with our international obligations under security and trade agreements.

Section 804, 805, and 806 prohibit the Secretary of Defense from purchasing anchor and mooring chain, certain valves, and several different categories of machine tools from foreign manufacturers.

It is easy for Members to be persuaded that this kind of protectionism is beneficial to American industry. Unfortunately, all three provisions are blatant violations of U.S. obligations under the Government Procurement Code and will threaten many more jobs than they could possibly save.

As a signatory to the GATT Government Procurement Code, the United States has agreed to follow open bidding procedures in Code-covered purchases in return for reciprocal treatment on bids by U.S. firms. When we reject our international commitments and close off procurement opportunities, we can only expect our trading partners to respond by shutting the door to U.S. companies.

This type of reaction is occurring very rapidly these days. The Europeans—with whom we have a large surplus in defense equipment—have already brought a case under the Code against restrictions on procurements of machine tools enacted in the DOD appropriation bill for fiscal year 1988. Staff at USTR informs us that the expansion contained in section 806 of this bill to include saws, welding equipment, and punching and shearing machines will make GATT sanctioned retaliation by Europeans against unsuspecting U.S. exporters a virtual certainty.

Needless to say, propping up selected industries by guaranteeing them buyers in the form of Government contracts also will be costly for taxpayers. I am told, for instance, that enacting the restriction on anchor and mooring chain in section 804 would ensure a monopoly situation for one Pennsylvania producer.

Mr. Chairman, this body has just completed a 3 year exercise which resulted in legislation chastising our trading partners for not living up to their obligations under international trade agreements. I urge my colleagues to recognize the inconsistency represented by enacting expanded Buy America restrictions at this time. Sections 804, 805 and 806 should be struck from H.R. 4264.

The CHAIRMAN pro tempore. It is now in order to consider amendments numbered 9 and 12 printed in section 3 of House Report 100-590 relating to "Buy America," by, and if offered by, the following Members or their designees, in the following order only:

(A) Representative Hertel; and

(B) Representative Bentley.

Mr. MAVROULES. Mr. Chairman, the gentleman from Michigan [Mr. Hertel] will not offer his amendment.

AMENDMENT OFFERED BY MRS. BENTLEY

Mrs. BENTLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. Bentley: At the end of title VII (page 144, after line 12) add the following new section:

SEC. 812. DETERMINATION OF THE MOST QUALIFIED RESPONSIVE BID.

In all procurements in excess of $100,000, a Department of Defense agency head shall not, when determining the most qualified responsive bid, include as part of the bidder's cost monies to be paid or anticipated to be paid to the U.S. Government or to the several States of the United States as taxes or withholdings.

Mrs. BENTLEY. Mr. Chairman, what my amendment does, in essence, is to provide a Buy Smart amendment rather than just a Buy America and/or Buy Foreign amendment.

Once again, I want to point out that what we are trying to do is to eliminate the taxes paid to the Government as being part of the cost of doing business with the Government.

□ 1455

We want to get as much bang for the buck as possible, including all of this philosophy in DOD's procurement.

I yield back the balance of my time.

Mr. RITTER. Mr. Chairman, the Bentley amendment addressed a critical question: Is the Department of Defense spending its dollars in a way that is beneficial to the country's best economic interest?

No one can doubt the integrity of our defense officials in their attempts to provide a protective umbrella for the free world. However, I suggest that, at times, defense priorities have been placed above the needs of American workers and American communities.

The Bentley amendment proposes to wed our defense and business interests. The amendment would lead to a comparable situation with that currently experienced by European manufacturers—who do not pay value added taxes on exports.

Also, this will not place any undue burden on DOD. Only large contracts in excess of $100,000 will be affected.

I urge my colleagues to vote "aye" on the Bentley amendment to bring good business practices back to DOD procurement practices.

AMENDMENT OFFERED BY MR. MAVROULES AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MRS. BENTLEY

Mr. MAVROULES. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Mavroules as a substitute for the amendment offered by Mr. Bentley: At the end of title VIII (page 144, after line 12), add the following new section:

SEC. 812. SENSE OF CONGRESS ON DETERMINATIONS OF MOST QUALIFIED RESPONSIVE BIDS.

It is the sense of Congress that, in determining the most qualified responsible bid for a purchase or contract from the Department of Defense for an amount in excess of $100,000, the Secretary of Defense or of the military department concerned shall take into account amounts to be paid by the bidder in Federal taxes as a result of the purchase or contract.

Mr. MAVROULES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore (Mr. Gray of Illinois). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr. Mavroules] is recognized for 5 minutes.

Mr. MAVROULES. Mr. Chairman, I would ask the Chair to put the question.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts [Mr. Mavroules] as a substitute for the amendment offered by the gentlewoman from Maryland [Mr. Bentley].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Maryland [Mrs. Bentley], as amended.

The amendment, as amended, was agreed to.

Mr. ASPIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. Foley] having assumed the Chair, Mr. Gray of Illinois, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4264) to authorize appropriations for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, to amend the National Defense Authorization Act for fiscal years 1988 and 1989, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask for this time for the purpose of inquiring of the distinguished majority leader the program for next week.

Mr. FOLEY. Mr. Speaker, will the distinguished Republican leader yield?

Mr. MICHEL. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, we have concluded the business for this week.

The House will meet at noon on Monday and consider the Consent Calendar and one bill under suspenson of the rules, H.R. 1811, to concur in Senate amendments to the Radiation-Exposed Veterans Compensation Act. We will also continue consideration of H.R. 4264, National Defense Authorization Act, fiscal year 1989. We expect the Committee to rise approximately 6 p.m.

On Tuesday, May 3, the House will meet at noon and consider the Private Calendar and then resume consideration of H.R. 4264, National Defense Authorization Act, fiscal year 1989.

On Wednesday, May 4, the House will meet at 11 a.m. and continue consideration of the National Defense Authorization Act. On Thursday the House will meet at 10 a.m. and continue consideration.

On Friday, May 6, the House will not be in session.

Conference reports, of course, can be brought up at any time, and a further program may be announced later.

Mr. MICHEL. First may I inquire of the gentleman on the suspension on Monday, I suspect there may very well be a rollcall on that. Would that come immediately after the consideration of that measure, or would it be delayed by any chance?

Mr. FOLEY. We could delay the suspension vote until after the consideration of H.R. 1811, but I do not think it is going to be very helpful.

Mr. MICHEL. I do not know whether that is significant or not. I am not sure how long it would be in the deliberation of the defense authorization when there would be a vote on an amendment.

Mr. FOLEY. I would tell the gentleman I think it would be preferable for Members to assume votes can occur anytime after noon.

Mr. MICHEL. The gentleman has taken us through next Friday when we will have no session. Does the gentleman have any look into the crystal ball for Monday, May 9?

Mr. FOLEY. We do not have any program to announce yet for Monday, May 9. Members should assume the possibility of a session on that day to continue consideration of the Department of Defense authorization bill, with votes. So that assumption for the present remains.

I would hope since the Committee on Armed Services is not on schedule in the consideration of this bill that we might be able next week to come to someplace very close to concluding the bill. I cannot predict that, but it might actually be something to consider for us jointly with the ranking Member and the chairman of the committee, to consider the possibility of one night late next week, if that would bring us to conclusion of the bill by the end of business on Thursday.

Mr. MICHEL. The gentleman from Washington has anticipated my next question, which was going to be how many nights next week would we be alerting our membership to working late?

Mr. FOLEY. We do not know at this point. As I have indicated, we intend to revise at 6 o'clock on Monday. But the possibility exists that we are going to consult with the distinguished gentleman and his colleagues about the possibility of working one or perhaps two nights next week if it brings us to the conclusion of this bill.

Mr. MICHEL. That might be preferable because I think we were talking about maybe starting appropriation bills by the middle of May, and that is creeping up on us.

Mr. FOLEY. We hope to have an announcement early next week on the subject the gentleman raises.

Mr. MICHEL. I thank the gentleman from Washington.

ADJOURNMENT TO MONDAY, MAY 2, 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Washington?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, MAY 3, 1988, AND THURSDAY, MAY 4, 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, May 3, 1988, it adjourn to meet at 11 a.m. on Wednesday, May 4, 1988, and that when it adjourn on Wednesday, May 4, 1988, it adjourn to meet at 10 a.m. on Thursday, May 5, 1988.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

COIN DESIGN CHANGES ARE NOT A SOURCE OF REVENUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, like all Members of the House, I am interested in doing all that can be done to reduce our Nation's deficit. As Members of Congress, we seek ways to reduce the deficit that will not adversely affect our Nation's defense or important domestic programs. In this House, as in our personal affairs, our human nature leads us to seek the easiest and most painless solutions to economic problems.

It is that part of human nature that makes proposals to change our Nation's coin designs so appealing. Supporters of these proposals have been telling Members how much revenue could be raised and how painless this would be. It is an attractive proposal, for Members were told that as much as $2.3 billion can be raised, merely by updating the portraits on our coinage. How simple and appealing this idea is! Simply change the design of coins and the deficit is reduced by billions of dollars.

Alas, the alluring vision is just that. What looks like a shimmering oasis in a desert of deficit disappears when one looks more closely at it.

As chairman of the Coinage Subcommittee, it is my obligation to my colleagues to alert them about this illusion.

Unfortunately, there is no revenue to be raised from changing our coin designs. A change in design will not generate billions of dollars. A change in design will not generate millions of dollars. It will not generate any revenue at all. It is nothing but an illusion.

Minting coins generates a peculiar off-budget miscellaneous receipt called seigniorage. Seigniorage is the difference between the face value of a coin and the cost of minting the coin. For example, it costs about 2 cents to make a nickel. The 3 cents difference is the seigniorage on that coin. The United States takes the seigniorage the moment a coin falls from the presses, whether it is ever put in circulation or not.

In terms of seigniorage, the Susan B. Anthony dollar was a tremendous success. In 2 years the government recognized seigniorage of over three-quarters of a billion dollars. It didn't matter that the coins never left the governments vaults. The seigniorage was produced by minting the coins, not circulating them.

The billions of dollars in seigniorage predicted by supporters of design changes use the same logic. They would have the Mint strike billions of extra coins in anticipation of great demand, even if no demand materializes. Evidence from past coin design changes provides no clear evidence that a new design increases demand. For the advocates of design change as a revenue source, it doesn't matter. The seigniorage is realized by minting the coins, not circulating them.

While seigniorage is an off-budget receipt, the cost of making coins is on-budget. Every year the Congress appropriates funds for the operation of the Mint. These appropriated funds are real dollars, not an accounting entry like seigniorage. Increased mintage would require an increase in appropriations. It would have a real, tangible, and direct adverse impact on the Nation's deficit. Simply put, it costs money to make coins. And it costs more money to make more coins.

Finally, let me point out that the Secretary of the Treasury already has the authority to change the designs of our coins. If changing design were really a source of revenue, why hasn't it been done by the Secretary?

On more than one occasion, this administration has suggested and used gimmicks for budget reduction. Coin design change has been presented as an easy way of raising revenue, yet the Treasury has taken no steps toward instituting this measure on its own. Were it to do so, it could claim all the credit from the resulting deficit reduction.

Yet the administration has not taken any steps to implement design changes. Mint Director Donna Pope, testifying on behalf of the Treasury Department before the Senate last week, did not indicate Treasury support for the proposal.

I do not think that the administration that has run up the highest deficits in our Nation's history would pass up an opportunity for a painless means of deficit reduction. The administration is like the dog that didn't bark in "The Hound of the Baskervilles." Its failure to seize on the issue is clue enough that the proposal is not a revenue raiser. If it were it would have eagerly seized on it for itself.

I sympathize with Members' desires to find easy sources of revenue. Changing coin designs has been presented as a simple way of doing so. It is not. We should not be led off-course by the siren's song, lest we founder on the rocks of hidden costs laying just below the surface of this alluring proposal.

□ 1510

I yield to the gentleman from Illinois [Mr. GRAY].

Mr. GRAY of Illinois. I thank the gentleman for yielding.

Mr. Speaker, I rise to compliment my friend on a very brilliant speech on coining. I think our colleagues and the general public should listen to what I consider to be the greatest expert in this House in this field.

After listening to the gentleman's remarks, if I were to give his remarks a title I would entitle them "All That Glitters Is Not Gold," because as the gentleman so very succinctly points out, it costs a lot more than what the speculators are contending.

I want to associate myself with the remarks of the gentleman from Illinois.

Mr. ANNUNZIO. I thank the gentleman from Illinois for his very cogent remarks.

TRIBUTE TO OLAF WIEGHORST

The SPEAKER pro tempore (Mr. MORRISON of Connecticut). Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I rise today to state that the United States, California, my community of San Diego, and El Cajon have lost a great American, Olaf Wieghorst, the dean of western artists who died on April 27, just a few days ago.

I thought it would be appropriate to point out the character of Olaf Wieghorst and what he meant to this country and to his peers and his colleagues in his field and also to all Americans who appreciated the ruggedness and the character of the American West because Olaf Wieghorst represented all of the best things of the American West.

He had no training in art. He came to the United States from Denmark. He joined the American cavalry and was stationed at the Big Bend area in the Southwest.

He told me that at one time the only English words that he really knew very well were the nomenclature for a 30-caliber air-cooled machine gun.

But he threw himself into his endeavors. He was a cavalryman, he was a horseman of the finest class.

He later left the American cavalry. He went back to New York where he married his childhood sweetheart or his sweetheart, Mae. There he became part of the New York Mounted Police.

He had a famous horse named Spooks, who was trained by Olaf to do just about anything that a horse is capable of doing.

He came to the West in 1946 when he arrived in San Diego, CA.

Without a day's schooling in art, he proceeded to become the highest priced artist in the world. He later was known for such great paintings as "Navajo Madonna," the "Nomad," the Indian painting which was hung by the President in the Oval Office, by President Reagan.

But I think the real trademark of Olaf Wieghorst was not his paintings that hung in some of the finest houses in America and in Europe, but those lithographs and pictures that he gave away to people, to ordinary Americans as a result of his generosity and his great spirit.

I can remember him coming to a barbecue one time in San Diego and he brought about $10,000 worth of lithographs. He said, "Let's hand these out to the people." And he gave away every one of those.

And I can remember talking to people in art shops in El Cajon who said,

> You know, we get some business, some framing business because if a plumber goes up to work on Olaf Wieghorst's house or somebody else goes up to do some type of work on his house or his yard he invariably gives them something. You can't walk out of Olaf Wieghorst's house without him giving you a picture, a very valuable picture. Those people bring those pictures down here and we frame them for him.

I am told that even when he was in very ill health, he was in his last several days at the hospital in San Diego, that he insisted on seeing to it that the nurses got some of his pictures. He was a man of great spirit and great generosity.

He had a western character about him that has inspired our people.

He is gone now.

Mr. Speaker, this is a picture I have in my office which is called the "Appaloosa." If you look at the picture and his other pictures you can see that Olaf Wieghorst painted his pictures into the Sun. Most artists paint with the sun over their shoulders. I asked him one time why do you paint into the Sun? He said,

> You know, I was in the southwest with a group of cattlemen or cavalrymen and the group of men when they were talking invariably turned away from the sun to keep the sun out of their eyes. I just decided that I would be different and I would paint my pictures into the sun.

Because of that, all of his pictures have an unusual backlighting effect that makes them different from any other pictures.

So Olaf Wieghorst is gone now. He leaves a wonderful family. He also leaves a heritage of the ruggedness, the character, the generosity of the Old West that hopefully will inspire westerners and all Americans in the years to come.

[From the San Diego Union, Apr. 28, 1988]

FAMED WESTERN ARTIST OLAF WIEGHORST DIES

Olaf Wieghorst, whose Western paintings were displayed in the White House by four presidents and who lived a long segment of his world-ranging, colorful life in El Cajon, died early yesterday afternoon in Grossmont Hospital.

He would have been 89 on Saturday.

Mrs. Wieghorst had expected her husband to come home in two or three days, but he developed respiratory complications that she thought might have been brought on by an old injury from being thrown from a horse. He had told many stories about the broken bones he received "courtesy of the horses that I have studied until I think like a horse."

He had slowed down somewhat in the past couple of years, said a longtime friend, George Thackeray, "but he still was riding his horse a year ago."

When he turned 80 in April 1979, Mr. Wieghorst commented on the passage of time: "I am older—changing—and my work changes. I have quieted down. My horses don't buck so much. And I don't know how long it has been since I put a gun in a cowboy's hand."

Olaf Wieghorst was born in Jutland, Denmark, on April 30, 1899. His father was an acrobat, entertainer, photographer and movie-maker. Olaf made his debut as an acrobat when he was 4 years old and by 1914 had appeared in nearly every Scandinavian town with a stage. His formal schooling ended with the fifth grade. He never studied art, but he always drew.

He loved horses and worked for his board on a stock farm when he was 15.

He went to Copenhagen and worked for the Great Northern Film Co. as a rider and stunt man. In summers he worked with Schumann Circus as a stunt rider. He always drew and painted, and was determined to get to the Great American West.

He had trouble getting permission to leave Denmark because of approaching war. When he got permission to leave the country for six months, he signed on as a cabin boy on a ship to New York, and once there he jumped ship. He worked at odd jobs until signing up with the U.S. Cavalry to work the Mexican border in Texas and Arizona. This was the period when the cavalry was pursuing, futilely, Francisco "Pancho" Villa.

After three years, he took his mustering-out pay and bought a saddle horse and pack mule and headed north. He worked for various outfits, breaking horses and punching cows.

Since arriving in New York, he had been writing to Mable "Mae" Walter, a Brooklyn girl he had known while he was an acrobat in Denmark. His aunt, who lived in the same apartment house as Miss Walter, had showed her a photo of her nephew, Olaf, and Mae was entranced.

He returned to New York City, and they were married on Oct. 27, 1924, in New Jersey. He spent the next 20 years as a member of the New York mounted police. He became part of the Police Show Team and won numerous ribbons and medals.

And he continued to draw and paint.

At the end of 20 years, the couple and their son Ray came West and settled in El Cajon, but made constant trips to the Indian reservations of the West.

Wieghorst's success and reputation for Western art grew steadily over the years. In recent years his paintings regularly sold in the $80,000 to $90,000 range. One painting, "The Navajo Madonna," originally sold for $45,000 and was resold in 1985 for $1 million—both prices said at the time to be the highest ever paid for the work of a living American artist. Of the painting, which depicts an Indian woman on horseback holding her baby, he once said, "That is the best moonlight I ever have painted."

While depiction of horses in their many moods was a major part of the Wieghorst genre, said his son Roy, a growing number of critics in recent years have called him "a significant landcape artist," with some examples being described as magnificent.

President Dwight D. Eisenhower hung a Wieghorst painting, a large oil called "Roundup," behind his desk in the Oval Office. Presidents Richard M. Nixon and Gerald Ford also collected Wieghorst paintings. President Reagan began his collection when he was governer of California and Nancy Reagan came to El Cajon to pick a Wieghorst for her husband's birthday. Ford has one of the Wieghorst bronzes

President Reagan honored Mr. Wieghorst at the White House on Feb. 23, 1984. Others, the rich and the famous and some who just loved the old West, collected Wieghorst. Among them were Barry Goldwater, Leonard Firestone, and many actors—including John Wayne, Burt Reynolds, Bing Crosby and Gene Autry.

Mr. Wieghorst has worked as a movie stunt man. He played a cavalry sergeant with John Wayne in the film "McClintock!" He was commissioned by producer-director Howard Hawks to do 14 paintings to run behind titles in the 1967 film "El Dorado," which also starred John Wayne.

The tales of Wieghorst sales were legion. He sold his first painting, of a Danish farmhouse, in his native Denmark for about 40 cents. In New Mexico he did a painting on the wall of a saloon in exchange for a bottle of bourbon. He once traded a painting in El Cajon for a few bales of hay. In the early, hard days in El Cajon, he often sold a painting for few dollars. Some buyers lost the paintings without ever realizing their worth, and others received thousands of dollars for works they had bought for as little as $3.

As their circumstances improved, the family moved into a traditional old adobe house in El Cajon. They lived there from 1945 to 1958, gradually expanding the house and adding a studio. In recent years the couple lived in Horizon Hills, El Cajon.

Funeral services were pending.

[From the Los Angeles Times, Apr. 28, 1988]

NOTED WESTERN ARTIST OLAF WIEGHORST DIES

(By Ralph Frammolino)

Olaf Wieghorst, one of this century's most prominent Western artists whose work once hung in the Oval Office of the White House, died Wednesday after lapsing into a coma at Grossmont Hospital in La Mesa. He was 88.

A hospital spokeswoman declined to release the cause of death. But a longtime friend of the El Cajon resident told The Times that Wieghorst's health began to deteriorate after a horseback-riding accident in October.

The friend—Scottsdale, Ariz., art gallery owner Troy Murray—said Wieghorst was riding with friends on a remote trail in Arizona when his horse bucked and rolled over on the feisty, outspoken artist. The artist suffered no broken bones but the accident left him weakened with bruises, blood clots and severe backaches, Murray said.

From that time on, he was going downhill." The incident serves as a sad irony for a man who prided himself on his equestrian prowess and credited his favorite animal with teaching him to paint.

"My greatest teacher has been the horse." Wieghorst told The Times in a 1982 interview.

"Observing and sketching horses in every kind of circumstance made me the painter I am. That's how I learned anatomy and style and perfected my sketching.

"I couldn't have learned what I did from some teacher in art school," he said. "I learned about horses by sleeping, freezing, thirsting and starving with them. I learned by doing; I paint what I know."

Horses, cowboys, mountain men, Navajo Indians—these were the things that Wieghorst knew. And he painted them so well that arts experts considered him this century's answer to the famed Western artist, Frederic Remington, who produced most of his paintings and sketches in the 1880s and 1890s.

A typical Wieghorst oil painting would fetch about $250,000, while a watercolor would go for roughly $12,500, Murray said.

A Wieghorst painting entitled "Navajo Madonna" was purchased for $450,000 in 1982, then resold three years later with another piece called "Navajo Man" for $1 million, a price unheard of for Western art.

Three U.S. presidents collected Wieghorst paintings—Dwight Eisenhower, Gerald Ford and Ronald Reagan—as did a host of other prominent Americans, such as former U.S. Sen. Barry Goldwater, actors Clint Eastwood and Burt Reynolds, and tire magnate Leonard Firestone. Eisenhower had a Wieghorst painting hanging on a wall of the Oval Office during his eight years in the White House.

Possessing a photographic memory, Wieghorst never referred to photos in his work as other Western artists often do, Murray said. Instead, the artist would size up landscapes and scenes with his own eyes or from his memory before retreating to his El Cajon studio to reproduce them on canvas or in bronze.

His artistic trademark was attention to detail, and Wieghorst once said there was "nothing sweeter for me than an old cowhand to come up and tell me he recognized in my painting a certain kind of saddle or chaps he used to use."

Wieghorst also credited television series such as "Gunsmoke" and "Rawhide" in the 1960s for opening the American public's eyes to Western art.

"People began to see you don't have to go to Italy or France to get a good painting," he told The Times. "We have good painters and terrific subject matter right here in America."

For Wieghorst, the subject matter was mostly autobiographical. More than most artists, he had lived his work.

Wieghorst was the son of a Danish photographer. He said he fell in love with the lore of the American West at the age of 10, when he read a Western pulp novel about Buffalo Bill.

With bucking broncos and cowpokes embedded in his young imagination, Weighorst signed up nine years later as a seaman on a Danish merchant vessel traveling to the United States. He jumped ship in Hoboken, N.J., and joined the Army. As a member of the cavalry he helped chase Pancho Villa through the arid terrain of the Southwest.

Granted American citizenship because of his Army service, Wieghorst embarked on a varied career that included work as a cowboy for three years in New Mexico and then 20 years as a mounted policeman in New York City. In his spare time he sketched horses.

When Wieghorst was eligible to receive his 20-year pension, he left the New York force and went to El Cajon in 1944, where he took up painting full time.

His earlier work showed a "tightness," said Bob Hill, director of the Art World Western Heritage Gallery in El Cajon. Murray said that, from the 1920s to the 1960s, Wieghorst used bold colors in his depiction of cowboys and horses.

During the 1950s, however, the artist seemed to mellow and he adopted the style that has become his trademark. His background and foregrounds, painted in softer colors, were impressionistic or often blurry.

Yet, his central subjects were treated with riveting detail. Horses, said Hill, seemed to be alive with a "sense of movement" that could not be reproduced by other artists.

Murray said Wieghorst was prolific. He produced an estimated 3,000 paintings and sculptures. Wieghorst's home studio was filled with Indian and cowboy artifacts, such as genuine war bonnets, and it overlooked the El Cajon Valley from a hilltop.

Murray also described the artist as a consummate story teller, often delighting visitors with humorous anecdotes about his own experiences as a cowboy and horse lover.

One favorite story, Murray said, was about the time that Wieghorst was a horse patrolman in New York. Checking an alley behind a Broadway theater, Wieghorst met Will Rogers, who had just finished a show. The budding artist told the humorist that he painted Western art.

The next night, Wieghorst returned with a painting of several horses hitched up in front of a saloon on a snowy winter night. Rogers took one look at the painting and said there was one thing missing: horse droppings.

Eager to oblige, Wieghorst took the painting home and added the missing detail. Returning yet again, he showed Rogers what he had done.

"'That's better,'" Murray quoted Rogers as saying, "'But why aren't those droppings steaming?'"

Unflaggingly optimistic and generous, Murray said the artist would freely give away sketches and prints worth thousands of dollars to strangers. One time, Murray said, he saw Wieghorst give a sketch worth about $3,000 to an airline attendant just in return for good food and beverage service.

That kind of generosity was repeated Wednesday. Just before Weighorst slipped into a coma, he made sure that several Grossmont Hospital nurses received signed lithographs of his work. It was not an unusual gesture for Wieghorst, who has been a frequent patient, said Grossmont spokeswoman Sharon Ross.

Wieghorst is survived by his wife, Mae; a son, Ray, and two grandchildren. The artist would have been 89 on Saturday.

Funeral arrangements, still incomplete, are being made by the Erickson-Anderson Funeral Home of La Mesa.

THE INTERGOVERNMENTAL COMMITTEE FOR MIGRATION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York [Mr. FISH] is recognized for 5 minutes.

Mr. FISH. Mr. Speaker, I join Chairman RODINO in a special order to support the nomination by the U.S. Government of James N. Purcell for the position of Director General of the Intergovernmental Committee for Migration [ICM].

ICM, an independent international organization with headquarters in Geneva, Switzerland, and offices in 34 countries throughout the world, has been serving refugees and national migrants since 1952. It has arranged for the movement of some 4 million persons since its inception.

James L. Carlin is leaving on September 30 after 9 years service as Director General. His tenure has been marked by numerous successful humanitarian operations on behalf of refugees and national migrants, many of a sensitive nature. He has responded effectively to the calls for assistance by the 33-member governments and has administered the organization judiciously and prudently.

I am confident that the U.S. nominee, James N. Purcell, will carry on the organization's rich tradition of readiness, availability, and expertise in coming to the assistance at governments' requests.

Jim Purcell, a career member of the Senior Executive Service, has served in the Federal Government for some 27 years. He has held positions in the Atomic Energy Commission, the Agency for International Development [AID], the Office of Management and Budget [OMB], and most recently in the Department of State.

He was appointed Director of the Bureau of Refugee Programs in October 1982 after having served in the Bureau as Deputy Assistant Secretary for Financial Management and later for Budget and Programs.

Jim Purcell successfully directed the State Department's programs for refugees and migrants during a period of unusually severe crises.

I recall his close cooperation with the Congress in the development of landmark legislation on behalf of refugees—the Refugee Act of 1980 and subsequent consultations on refugee admissions proposals by the President. Under the provisions of this new legislation, he devised and implemented programs which saw the successful resettlement of 800,000 refugees in the United States.

Under his direction, new and improved cooperative agreements with private American voluntary organizations led to the efficient resettlement of refugees and better focused orientation and English language training programs for these new arrivals. Subjects in which I continue to have a deep interest and sought to address in succeeding refugee reauthorization legislation.

Jim headed numerous United States delegations to international conferences and meetings which included ICM, the United Nations High Commissioner for Refugee Executive Committee [UNHCR], the International Committee of the Red Cross, and U.N. agencies in Indochina and the Middle East.

In concert with these organizations, Jim Purcell took the lead in establishing timely crisis management capabilities to trigger prompt and targeted responses to refugee and migration assistance situations which occurred in Africa, the Middle East, Asia, and Central America.

There is no doubt that Jim Purcell fulfills all the necessary attributes required by a Director General of ICM.

I have known ICM and its good works ever since I took up my assignment with the Judiciary Committee in 1973 when I became ranking member of the Subcommittee on Immigration then chaired by its distinguished Chairman PETER RODINO. I have attended many ICM Concil sessions in Geneva and have followed closely its multifaceted activities. I have met with ICM officials in many corners of the world. In every instance, I have been impressed by the dedication and industriousness manifested by these officials and their staff on behalf of refugees.

Jim Purcell fits in the mold of these impressive international civil servants. By his direction and example, I am convinced that ICM will expand in membership and continue to meet the challenges in the future.

Member governments of ICM can be assured that by nominating Jim Purcell as the next Director General of ICM, the United States reaffirms its total support for the organization and its commitment to a generous, humane and compassionate policy toward refugees and migrants wherever situated. It also acknowledges the successful efforts undertaken by ICM over the years on behalf of programs in Latin America, and hopes that more emphasis can be given to these operations in the future by devising new progams to help in cooperation with development strategies of these countries.

In supporting Jim Purcell as the United States designee for the position of Director General of ICM, I wish to salute Jim Carlin for his staunch and successful leadership for the past 9 years. He has been a gracious host, an expert counselor and a good friend. Throughout his term, he has maintained a vigorous discipline in avoiding partisanship or any conflict of interest by according equal treatment to all his member governments. I wish him and his wife, Anne-Marie, many best wishes in their endeavors in the future and I thank them for their many kindnesses over the years.

THE INTERGOVERNMENTAL COMMITTEE FOR MIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. RODINO] is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I am pleased to learn of the nomination of James N. Purcell as Director General of the Intergovernmental Committee for Migration [ICM] and hope that the member governments of the ICM Council will elect him as their new Director General. At the same time, I wish to take this occasion to say farewell to the man he may be succeeding, James L. Carlin—the present Director General of ICM.

The Council of the Intergovernmental Committee for Migration [ICM] is meeting in Geneva on May 27, 1988, to elect a new Director General. The United States has nominated James N. Purcell for this important post.

As a member of the House Judiciary Committee it has been my privilege to have been closely involved with the activities of ICM—the only operational international organization in the immigration field—since 1952.

ICM has over the years demonstrated not only an expertise in the movement and care of refugees and migrants but also has done so with remarkable sensitivity. In more than three decades of its existence ICM has resettled some 4 million persons seeking better opportunities for a new life.

I have also been privileged to attend a number of Council sessions as a congressional adviser and was honored by the membership to have been elected as its chairman on the occasion of its 20th anniversary.

James L. Carlin, has submitted his resignation to take effect as of September 30, 1988.

Mr. Carlin will have served 9 years in this capacity. Mr. Carlin has proved to be an effective leader. His leadership of ICM has won wide support and recognition in the international community.

Nine years ago I was pleased to applaud the nomination of Jim Carlin to be Director of ICM. Jim has served with distinction. I believe strongly that an expertise in refugee affairs and foreign relations is a necessary asset in directing the activities of ICM.

Jim Purcell possesses not only the experience, but also the qualities of leadership needed to carry on an effective and humane refugee and migration program in the fine humanitarian tradition of this intergovernmental committee.

He is a career member of the Senior Executive Service, who has served with the Agency for International Development [AID], the Office of Management and Budget [OMB] and most recently with the Department of State. In the Department of State, he served in the Bureau of Refugee Programs in management and financial assignments as Deputy Assistant Secretary. He later was appointed Director of the Bureau. He is a recipient of the Department's superior honor award.

I came to know Jim when my colleagues and I, in conjunction with the executive departments, were engaged in the many hearings and deliberations in processing the Refugee Act of 1980—landmark legislation which moved the United States away from ad hoc refugee admissions with ideological underpinnings to a fair and humane program involving close consultation between the Congress and the President.

It was during the consultations after the passage of the Refugee Act that I became fully aware of Jim's management and financial skills. His wide governmental experience enabled him to administer refugee budgets effectively after having formulated convincing justifications for these funds before the Office of Management and Budget and the Congress.

My experience with ICM recalls that each year during the Council sessions some budgetary concerns are raised. A Director General with Jim Purcell's capabilities and knowledge of the intricacies of government financing would be of extreme value to the organization. This is true especially in the climate of today's austere budgets, fluctuating currencies and intense competition for much needed funds.

Jim Purcell's election to this important post would assure the continuation of professional, nonpartisan leadership for ICM.

The United States has been in the forefront since World War II in humanitarian actions on behalf of refugees and national migrants. With Belgium, the United States was the catalyst for the founding of ICM. The United States has always acted promptly and responsibily in concert with other nations in responding to refugee and migration needs around the world.

I can remember the great efforts put forth by ICM to reunite families from Europe separated from their relatives in Latin America by World War II. Its subsequent programs to organize agricultural and industrial projects in South and Central America by recruiting and assisting qualified professional European experts to migrate and settle in these countries, all in the interest of providing new opportunities for the migrant and his new countrymen. Also, more recently we have seen the gradual emergence of the ICM "return of talent" program which made conditions easier for nationals of Latin American countries to return to their homeland.

During the course of a lecture at Georgetown University in 1980, I stated that:

> It is ironic that the only operational international entity dealing with refugees is the Intergovernmental Committee for Migration [ICM]. We must press that organization to be more imaginative, innovative, and resourceful in developing more effective approaches to worldwide migration.

Jim Purcell is indeed the ideal man to undertake such initiatives and to continue the cause of achieving international cooperation and assistance for both refugees and migrants. Each year we see new emergencies and international appeals for assistance. ICM must continue to play its traditional role as the ever present guardian ready to respond to these events and to its member governments' needs.

Member governments of ICM can be assured that in nominating Jim Purcell for this post, the United States reaffirms its complete support for ICM and its mission and pledges to continue an effective, flexible, and generous policy toward refugees. It also pledges to seek new ways and means to have ICM serve its Latin American neighbors by encouraging innovative programs in cooperation with these countries.

In closing, I would like to express my sincere appreciation for Jim Carlin's outstanding stewardship of ICM for the past 9 years, to congratulate him on a job well done and to wish him and his wife, Anne-Marie, a most fulfilling and enjoyable retirement.

THE WAVE OF JAPANESE PURCHASES SHOULD BE EXAMINED MORE CAREFULLY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, for some time now I have been pointing out to the American people what is really happening in our country in the industrial base and how the Japanese have conspired with their government and with many of their large industries to destroy a number of our industries. I have been reading out of the book, "The Japanese Conspiracy." I will read more of that next week.

Meanwhile, only this week in the New York Times there is an interesting article which again points up part of what I have been trying to pass on to the American public.

This particular article entitled "Japan's New Target: U.S. Companies," it says, "defies the traditional tenets of management" in Japan to buy another company. It goes on that "the company is a family cemented by carefully nurtured corporate loyalty that produces a commitment to quality and employee flexibility."

That was in quotes. I find that very interesting because over here it is a different ball game.

We look at the wave of recent Japanese purchases, driven partly by the strong yen, the lower American dollar, lower American stock prices since October and threat of protectionism. Now these are the companies that Japan has been buying into or invested in in American businesses in recent months.

For instance, Bridgestone acquired Firestone for $2.6 billion; Sony Corp. purchased CBS Records for $2 billion; Paloma Industries bought Rheem Manufacturing for $1 billion; Dainippon Ink bought Reichhold Chemical for $600 million, Ajinomoto Co. bought Knorr Foods for $200 million and Aoki Corp. bought Westin Hotels for $1.5 billion.

Now this article which was written by Susan Chira says that—

> First they tried their hands at United States Treasury securities and then they dabbled in New York skyscrapers. Now the next stage of Japanese investment in America has arrived—the acquisition of United States companies. After years of shunning foreign takeovers, the Japanese are shopping for American businesses. Both Japanese and American investment bankers here say they have been deluged with inquiries about possible acquisitions. Tadashi Natori, general manager of the Industrial Bank of Japan's investment banking department, said that of the bank's 7,000 clients, 500 are interested in acquisitions.
>
> Indeed, the Japanese moves have sparked some alarm in the United States, raising questions abut whether such sales undermine national interests by strengthening Japan's competitive edge. But the Japanese companies, sensitive to such concerns, are likely to tread carefully. They already play by somewhat different rules, shunning the hostile takeovers and asset-stripping that have characterized many recent mergers and acquisitions in the United States.
>
> The vast majority of deals involving the Japanese take place on friendly terms. As a result, many American companies now seek the Japanese as "white knights" to rescue them from hostile bids. The Japanese appeal as white knights is further enhanced, say investment bankers here, by their emphasis on acquiring only top-quality businesses with managers they respect, because they prefer to work with existing management rather than try to run a foreign company by themselves.

It goes on to point out that the higher yen and the lower dollar has stepped up all of this action.

But deep in it it points out that it is not friendly acquisitions only, it is very definitely a matter of some hostile takeovers.

I will include the entire article for the RECORD:

[From the New York Times, Apr. 23, 1988]

JAPAN'S NEW GOAL: U.S. COMPANIES

(By Susan Chira)

TOKYO, APRIL 22.—First they tried their hands at United States Treasury securities and then they dabbled in New York skyscrapers. Now the next stage of Japanese investment in America has arrived—the acquisition of United States companies.

After years of shunning foreign takeovers, the Japanese are shopping for American businesses. Both Japanese and American investment bankers here say they have been deluged with inquiries about possible acquisitions. Tadashi Natori, general manager of the Industrial Bank of Japan's investment banking department, said that of the bank's 7,000 clients, 500 are interested in acquisitions.

Indeed, the Japanese moves have sparked some alarm in the United States, raising questions abut whether such sales undermine national interests by strengthening Japan's competitive edge. But the Japanese companies, sensitive to such concerns, are likely to tread carefully. They already play by somewhat different rules, shunning the hostile takeovers and asset-stripping that have characterized many recent mergers and acquisitions in the United States.

The vast majority of deals involving the Japanese take place on friendly terms. As a result, many American companies now seek the Japanese as "white knights" to rescue them from hostile bids. The Japanese appeal as white knights is further enhanced, say investment bankers here, by their emphasis on acquiring only top-quality businesses with managers they respect, because they prefer to work with existing management rather than try to run a foreign company by themselves.

Scott A. von Eschen, a senior associate at Morgan Stanley & Company, says it is now standard procedure when mounting a takeover defense to check on whether any Japanese companies are interested in making an offer. He noted, however, that the Japanese companies generally do not make such decisions quickly enough to come to the rescue.

This new willingness to buy foreign companies is driven partly by the strong yen and the lower American stock prices resulting from last October's market crash. But it also implies that Japanese businesses are eager to move faster to expand their world market share and to buy access to countries where growing sentiment for trade protectionism threatens to shut them out.

Now that the Japanese are attuned to acquisitions, size seems to be no object. Last month, the Bridgestone Corporation agreed to buy the Firestone Tire and Rubber Company for $2.6 billion, blasting away a counteroffer by Italy's Pirelli S.p.A. In November, the Sony Corporation agreed to buy CBS Records for about $2 billion. And, in addition to a host of smaller deals and joint ventures, both American and Japanese investment bankers say that several other large acquisitions are under way.

NEW RIVALRIES AMONG ADVISERS

The boom in mergers and acquisitions is also sparking new competition for a piece of the pie. The rivals are the Japanese banks, securities firms and trading companies—flush with cash and connections to Japanese clients, but weak in merger and acquisition experience—and the American investment banks.

Japanese bankers say their deep pockets and their long-term relationships with clients give them an edge. "Bridgestone asked us overnight, 'Could you help us?'" And we said yes on the spot, said Toshihiko Yamamoto, joint general manager of Sumitomo Bank's investment banking department. "That's our strength."

But bankers for American companies, such as Taiji Okusu, a vice president of Morgan Stanley & Company here, counter that their greater experience means that Japanese clients turn to them for help with the most complex deals. Mark D. Leswing, managing director of First Boston's office here, said that Bridgestone sought help from American investment banks when Pirelli made its counterbid, turning to Lazard Frères rather than Sumitomo for investment advice.

So far, however, with some notable exceptions, many of the American investment banks have had more success representing American companies being sold than the Japanese buyers.

MOVES DEFY TRADITION

In any event, the very idea of a Japanese company buying another company defies the traditional tenets of management in this country—that the company is a family cemented by carefully nurtured corporate loyalty that produces a commitment to quality and employee flexibility.

These deals "would have been unthinkable a few years ago," said Mr. Natori, of the Industrial Bank. Most Japanese companies have preferred what is known as a "green fields" investment—starting entirely from scratch, building a factory and training hand-picked workers.

"Japanese management has come to realize the demerits of starting from scratch," said Shigeju Kita, general manager of international mergers and acquisitions for the Yamaichi Securities Company. Companies now need to act quickly to enter new markets, adjust to swiftly moving exchange rates, or to diversify into growth industries.

These strategic needs shape the way the Japanese go about buying companies. Most carefully evaluate potential acquisitions, preferring companies with strong sales networks, good production facilities or specific technologies.

Industrial sectors on Japanese shopping lists include health care, pharmaceutical and biotechnology companies, because the percentage of older people is rapidly increasing in Japan. In addition, any raw-material company, such as those in paper and pulp or food and beverages, are in favor because the strong yen makes it profitable to import these products to Japan. Also popular are auto parts companies, because Japanese auto makers must comply with local-content laws in the United States; electronics companies, such as Silicon Valley start-ups, because they offer new technologies, and financial institutions, which allow instant access to a complex market.

"THEY CAN AFFORD IT"

Moreover, as the Bridgestone deal demonstrated, the Japanese can outbid potential competitors. "If they really want it, they can certainly afford it better than the rest of us," Mr. Leswing said. A price that looks high to Americans, he said, may seem inexpensive to the Japanese, who are making long-term evaluations of the investment. Mr. von Eschen of Morgan Stanley said that while American clients first examine how much a purchase will dilute the per-share value of a company's stock, the Japanese will ask first about the strategic value of the purchase and the value of the company's assets.

Because of their long-term outlook, the Japanese have little interest in hostile takeovers, in quickly selling an acquisition or in dismembering a company to help pay off debt incurred in its purchase. Although Sumitomo financed the Campeau Corporation's hostile bid for the Federated Department Stores Company, Mr. Yamamoto said the bank would not act as an investment adviser. Even Dainippon Ink's purchase of Reichhold Chemicals Inc., which was characterized as a hostile bid, actually sprang from friendly talks between the heads of both companies, Mr. Leswing said.

"WOULD YOU SELL YOUR CHILDREN?"

In this sense, the Japanese view of a company as family still prevails, said Michael A. Freedman, chief operating officer of First Boston's investment banking department in Tokyo, who added, "A client said to me about asset-stripping, 'Would you sell your children?'"

Mr. Kita of Yamaichi said he believed the Japanese might consider such moves in the future. He noted that the Aoki Corporation, which along with the Robert M. Bass Group bought the Westin hotel chain from the Allegis Corporation, had sold two of the hotels.

"In some cases, you really have to divest some divisions you don't think are necessary for the business," Mr. Kita said. "By doing this, Japanese companies could minimize risk and could compete in the U.S. market in the areas they're most comfortable with. In the future, you might see more quick buying and selling."

For the time being, Japanese companies are hoping their conservative approach will quell some of the controversy sparked by their new interest in mergers and acquisitions. Mr. Natori of the Industrial Bank said that, compared with takeovers by American companies, those by the Japanese will be far less disruptive.

Moreover, said Mr. Okusu of Morgan Stanley, Japanese purchases accounted for only 6 percent of the total foreign acquisitions of American companies last year. In contrast, British purchases made up 65 percent of the total.

Critics of Japanese acquisitions, such as Clyde V. Prestowitz, a former American trade negotiator, say that such purchases will give the Japanese an even stronger competitve advantage.

Japan's Ministry of Finance, ever sensitive to possible friction with the United States, has cautioned Japanese companies to go slowly, Mr. Leswing said. Mr. Yamamoto of Sumitomo Bank predicted that more Japanese companies would try joint ventures rather than outright purchases.

"We are taking a very careful approach," Mr. Yamamoto said. "But I'm optimistic. You need our technology, you need our management skill to run companies more efficiently, with higher productivity and better quality control. By mixing up the two cultures, you probably get a better result."

Then it goes on after that article by Susan Chira, there is another article that the Wall Street Journal wrote talking about "Komori's Pact With AM International Shows New Muscle of Japanese Firms." This article discusses the bitter hostile takeovers that have been taking place.

I think that we need to have both of these articles in the Record to show what is really happening in this industrial base of our country.

[From the Wall Street Journal, Nov. 23, 1987]

Komori's Pact With AM International Shows New Muscle of Japanese Firms

(By Michael R. Sesit and Judith Valente)

AM International Inc. and Komori Printing Machinery Co. have entered into a business arrangement that some say could herald a new aggressive approach to U.S. markets by Japanese multinational corporations.

After accumulating a 6.7% stake in AM International as of last Thursday, Komori, a Tokyo-based maker of banknote printing equipment, agreed to limit its holdings to less than 8% over the next six months and reduce the stake to less than 5% over the next three-and-a-half years.

According to Merle H. Banta, AM International chairman and chief executive officer, Komori originally wanted control of AM International unit Harris Graphics, which accounts for about 50% of the parent company's revenue. Under terms of the new pact, the two companies agreed to begin before Jan. 4, 1988, "good faith" negotiations for Komori and Harris Graphics to share manufacturing facilities and technology, according to Genjiro Miwa, a managing director at St. Thomas Investment Inc. in Tokyo, which advised Komori.

The companies also agreed to discuss using AM International to distribute and service Komori's sheet-fed printing equipment. In addition, it was agreed to discuss joint efforts to develop new sheet-fed and web presses.

Sources close to the transaction said it showed how a determined, mid-sized Japanese corporation—counseled by St. Thomas, an upstart, small advisory firm based in New York—muscled an American multinational more than three times its size into negotiating a deal.

They noted that the combination of a strong yen that has risen almost 95% against the dollar since late February 1985 and depressed U.S. equity prices since the mid-October crash has made U.S. acquisitions appear very cheap to Japanese investors.

"While there has been a cultural reluctance to do hostile takeovers, Japanese companies are more willing to flex their financial muscle to achieve certain corporate goals such as control, distribution networks, technology or key personnel," said Ko-Yung Tung, a New York-based international lawyer at O'Melveny & Myers who does a lot of work for Japanese corporations.

Komori first approached AM International last summer with several joint-venture proposals that the Chicago company rejected. Mr. Banta said Komori's ideas would have given the Japanese company effective control of the Harris Graphics unit. "They weren't good (proposals) from our standpoint," he said. "They clearly would like to buy Harris."

The Harris subsidiary enabled AM International to dominate the high-technology, four-color press market in the high-technology, four-color press market in the U.S. according to Mr. Banta.

For the year ended July 31, AM International more than doubled its net income to $12.5 million on sales of $1.16 billion, up 69%. For the year ended May 31, 1987, Komori earned 3.1 billion yen ($22.9 million) on sales of 50.5 billion yen ($373.2 million).

This summer, as far as Mr. Banta was concerned, the two companies "decided we cannot agree," and parted "friendly competitors."

But then in the fall, Komori came back to AM International with additional joint venture suggestions "and said: 'By the way, we're buying your stock,'" accordingly to Mr. Banta. AM International's management subsequently concluded that Komori's motives were "not friendly and could be interpreted as trying to get by coercion what they couldn't get otherwise," he added. "We weren't going to negotiate while they were buying stock."

A senior Japanese banker who has talked to Komori about possible U.S. acquisitions said: "They didn't want to buy the whole company, but used the share purchases as leverage to get what they wanted."

Komori acquired at least 32.2% of its 3,484,000 share stake in AM International after the Oct. 19 market crash—mostly at prices between $3.75 and $5.125 a share—according to filings with the Securities and Exchange Commission. In early October, AM International shares were trading as high as $7.75.

Some analysts believe the Komori maneuvers will lead to other cash-rich Japanese companies taking a less-than-friendly approach to U.S. acquisitions or partnerships. Dainippon Ink & Chemicals Inc. in October completed a hostile takeover of Reichhold Chemicals, but Japanese bankers noted that Dainippon—unlike Komori—always has been considered a maverick company.

Other bankers believe that AM International overreacted to Komori's purchases. Even through Komori has been "quite interested in a U.S. acquisition, they wouldn't attempt a hostile takeover," said an executive at a major Japanese bank. Nevertheless, Meizo Sato, a senior managing director at Komori in Tokyo, conceded: "Our relationship is very nervous; our discussions are just beginning."

Then I think we need to learn or to take into consideration what the American people think about all this, that is their concern.

When asked the question, "Foreign companies are building more and more plants in America providing new jobs for Americans. Is that a good idea for the United States?", 49 percent said "no" and 45 percent said "yes".

But to the question, "Foreign companies are buying more companies and real estate in America. Is that a good idea for the United States?", 84 percent said "no" and 13 percent said "yes".

To the question, "Should restrictions be placed on foreign companies buying these things in the United States?", 82 percent said "yes" to companies making products related to national security.

And I think that is very, very significant and we have not been watching and observing who is buying into the companies that make products related to the national security.

Seventy-eight percent said "yes" to restrictions on real estate, 72 percent said "yes" to restrictions on manufacturing companies; and 72 percent said "yes" to restrictions on high technology companies.

That is the heartland of America speaking, Mr. Speaker. I say that now is the time for all of us to listen to them. They are trying to tell us that they are concerned about foreign investments and that they perceive a loss of jobs down the road.

I might add another line, Mr. Speaker, namely that no other country in the world allows foreign interests to buy in as freely as we do here and to take over as totally.

I think we really need to pay attention to what the American people think about all this and perhaps the Congress should take the lead in putting some brakes on all of this activity of taking over our country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCHUETTE (at the request of Mr. MICHEL), for today, on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. JOHNSON of Connecticut) to revise and extend their remarks and include extraneous material:)

Mr. HERGER, for 5 minutes, today.

Mr. FISH, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

(The following Members (at the request of Mr. ROWLAND of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. GAYDOS, for 60 minutes, on May 3 and 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. JOHNSON of Connecticut, after rollcall 83 in the Committee of the Whole House today.

Mr. SAXTON, today during consideration of en bloc amendments on defense authorization bill relative to Smith amendment with respect to Deborah Hospital.

(The following Members (at the request of Mrs. JOHNSON of Connecticut) and to include extraneous matter:)

Mr. GUNDERSON.

Mr. BALLENGER.

Mr. RIDGE.

Mr. KEMP.

Mr. CONTE in two instances.

Mr. DORNAN of California.

Mr. LIVINGSTON.

Mr. CRANE in five instances.

Mr. GOODLING.

(The following Members (at the request of Mr. ROWLAND of Georgia) and to include extraneous matter:)

Mr. LEWIS of Georgia.

Mr. LANTOS.

Mr. ERDREICH.

Mr. HAYES of Illinois.

Mr. TORRES.

Mr. HOCHBRUECKNER.

Mr. RAY.

Mr. SMITH of Florida.
Mr. COELHO.
Mr. OWENS of New York.
Mr. HAWKINS.
Mr. KOLTER.
Mr. GUARINI.
Mr. BROOKS.
Mr. ROYBAL.
Mr. WOLPE.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 545. Joint resolution designating May 8-14, 1988, as "Just Say No Week," and

H.J. Res. 552. Joint resolution making emergency mandatory veterans supplemental appropriations for the fiscal year ending September 30, 1988.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 222. Joint resolution to designate the period commencing on May 1, 1988, and ending on May 7, 1988, as "National Older Americans Abuse Prevention Week";

S.J. Res. 242. Joint resolution designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week"; and

S.J. Res. 250. Joint resolution designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week of 1988."

ADJOURNMENT

Mrs. BENTLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until Monday, May 2, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3532. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Rural Electrification Act of 1936; to the Committee on Agriculture.

3533. A letter from the Secretary of the Air Force, transmitting notification of the Department's decision to terminate the space defense and operations program and the small ICBM program resulting in a technical breach of the PAUC, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

3534. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to amend sections 106 and 212 of the District of Columbia Public Works Act of 1954 to require Federal agencies to directly reimburse the District of Columbia—hereinafter in this act referred to as "the District"—for water and sewer services rather than requiring lump-sum payment to the District through annual appropriations; to the Committee on the District of Columbia.

3535. A letter from the Chariman, Advisory Committee on Student Financial Assistance, transmitting interim report on selected need analysis and student aid delivery issues designed to improve title IV student aid programs, pursuant to 30 U.S.C. 1085; to the Committee on Education and Labor.

3536. A letter from the Secretary of State, transmitting the seventh report on the activities of the Multinational Force and Observers [MFO] and certain financial information concerning U.S. Government participation in that organization for the period ending January 15, 1988, pursuant to 22 U.S.C. 3425; to the Committee on Foreign Affairs.

3537. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the Commission's report of its activities under the Freedom of Information Act for calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3538. A letter from the Attorney General, transmitting certification of the region comprised of the Federal judicial districts for the States of Michigan and Ohio to the Court of Appeals for the Sixth Circuit, pursuant to 28 U.S.C. 581 nt; to the Committee on the Judiciary.

3539. A letter from the Acting Assistant Attorney General, transmitting a draft of proposed legislation to amend title 11 of the United States Code to delete the special tax provisions of chapter 12 and to make conforming amendments; to the Committee on the Judiciary.

3540. A letter from the Director, Council on Environmental Quality, transmitting a draft of proposed legislation to authorize appropriations for the Office of Environmental Quality for fiscal years 1989 and 1990, pursuant to 31 U.S.C. 1110; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SIKORSKI: Committee on Post Office and Civil Service. H.R. 3896. A bill to amend title 5, United States Code, to change the position of the Director of the Census Bureau to level IV from level V in the Executive Schedule (Rept. 100-592).

Mr. FORD of Michigan: Committee on Post Office and Civil Service. H.R. 3987. A bill to designate the United States Post Office Building located at 500 West Chestnut Expressway in Springfield, Missouri, as the "Gene Taylor Post Office Building" (Rept. 100-593).

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. STOKES: Permanent Select Committee on Intelligence. H.R. 4387. A bill to authorize appropriations for fiscal year 1989 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes, with an amendent, referred to the Committees on Armed Services, Foreign Affairs, and Post Office and Civil Service for a period ending not later than May 16, 1988, for consideration of such provisions of the bill and amendment as fall within the respective jurisdictions of those committees under clauses 1(c), 1(i), and 1(o), rule X, respectively (Rept. 100-591, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSE (for himself, Mr. GILMAN, and Mr. CONYERS):

H.R. 4491. A bill concerning human rights violations in Tibet by the People's Republic of China; jointly, to the Committees on Foreign Affairs, Ways and Means, and Banking, Finance and Urban Affairs.

By Mr. ALEXANDER:

H.R. 4492. A bill to amend the Water Resources Development Act of 1986 relating to cost sharing; to the Committee on Public Works and Transportation.

By Mr. ARCHER:

H.R. 4493. A bill relating to the tariff treatment of certain entries of digital processing units; to the Committee on Ways and Means.

By Mr. AuCOIN:

H.R. 4494. A bill to preserve the cooperative, peaceful uses of outer space for the benefit of all mankind by prohibiting the basing or testing of weapons in outer space and the testing of antisatellite weapons, and for other purposes; jointly, to the Committees on Armed Services and Foreign Affairs.

By Mr. BEREUTER:

H.R. 4495. A bill to amend the provisions of the Toxic Substances Control Act relating to asbestos in the Nation's schools to extend the deadline for submission of asbestos management plans and to provide financial assistance to States to carry out certain asbestos activities; to the Committee on Energy and Commerce.

By Mr. BERMAN (for himself, Mr. BEILENSON, Mr. LEVINE of California, and Mr. WAXMAN):

H.R. 4496. A bill to authorize the exchange of certain public lands in California and Nevada; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. BOUCHER (for himself, Mr. COOPER, Mr. TAUZIN, Mr. BLILEY, and Mr. CALLAHAN):

H.R. 4497. A bill to implement the recommendations of the Interagency Committee and the Technical Study Group on Cigarette and Little Cigar Fire Safety, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COELHO (for himself, Mr. CONTE, Mr. OWENS of New York, Mr. JEFFORDS, Mr. BENNETT, Mr. BERMAN, Mrs. BOXER, Mr. BRENNAN, Mr. CLAY, Mr. CONYERS, Mr. DELLUMS, Mr.

Dixon, Mr. Dymally, Mr. Edwards of California, Mr. Fauntroy, Mr. Ford of Michigan, Mr. Frost, Mr. Garcia, Mr. Gejdenson, Mr. Hayes of Illinois, Mr. Hoyer, Mr. Jontz, Mr. Kennedy, Mr. Kildee, Mr. Lehman of Florida, Mr. Levine of California, Mr. Lewis of Georgia, Mr. Martinez, Mr. Matsui, Mr. Mfume, Mr. Miller of California, Mrs. Morella, Mr. Morrison of Connecticut, Ms. Pelosi, Mr. Rangel, Miss Schneider, Mrs. Schroeder, Mr. Shays, Mr. Sikorski, Mr. Solarz, Mr. St Germain, Mr. Studds, Mr. Towns, Mr. Visclosky, Mr. Waxman, Mr. Weiss, and Mr. Williams):

H.R. 4498. A bill to establish a clear and comprehensive prohibition of discrimination on the basis of handicap; jointly, to the Committees on Education and Labor, the Judiciary, Energy and Commerce, and Public Works and Transportation.

By Mr. KASICH:

H.R. 4499. A bill to improve the Government's debt collection and credit management practices, and for other purposes; jointly, to the Committees on Government Operations and the Judiciary.

By Mr. MOLLOHAN:

H.R. 4500. A bill to suspend temporarily the duty on octadecylisocyanate; to the Committee on Ways and Means.

By Mrs. PATTERSON (for herself, Mr. Ravenel, Mr. DeFazio, Mr. Tallon, Mr. Dyson, Mr. Spratt, and Mr. Derrick):

H.R. 4501. A bill to amend the Internal Revenue Code of 1986 to allow small exporters which increase their exports to defer payment of tax on a portion of their income attributable to such increase; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 4502. A bill to establish a national advisory commission to promote and coordinate scientific information and research on biotechnology, and for other purposes; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

By Mr. WAXMAN (for himself and Mr. Mazzoli):

H.R. 4503. A bill to amend the Public Health Service Act to revise and extend the programs establishing migrant health centers and community health centers; to the Committee on Energy and Commerce.

By Mr. GUNDERSON (for himself, Mr. Conte, Mr. Stangeland, Mr. Tauke, Mr. Shaw, Mr. Lagomarsino, Mr. Sabo, Mr. Grandy, Mr. McEwen, Mr. Garcia, and Mr. Nagle):

H.J. Res. 559. Joint resolution to require the U.S. Fish and Wildlife Service to develop a plan to halt the illegal harvesting of migratory waterfowl; to the Committee on Merchant Marine and Fisheries.

By Mr. ROTH (for himself, Mr. Solomon, Mr. Burton of Indiana, Mr. Dornan of California, Mr. Smith of New Jersey, Mr. Blaz, Mr. Mack, Mr. Donald E. Lukens, Mr. Bilbray, Mr. Gilman, Mr. Lagomarsino, Mr. Hyde, and Mr. Miller of Washington):

H.J. Res. 560. Joint resolution condemning human rights violations by the Government of Ethiopia; jointly, to the Committees on Foreign Affairs, Ways and Means, and Banking, Finance and Urban Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

344. The SPEAKER presented a memorial of the House of Represntatives, Commonwealth of Massachusetts, relative to allowing Soviet nationals to emigrate to Israel; which was referred to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 592: Mr. Callahan and Mr. Hefley.

H.R. 1174: Mr. Derrick, Mr. Foglietta, Mr. Hayes of Illinois, Mr. Hutto, Mr. Kostmayer, and Mr. Torres.

H.R. 1242: Mr. Bryant.

H.R. 1436: Mr. Richardson.

H.R. 1598: Mr. Evans.

H.R. 1786: Mr. Lantos.

H.R. 2489: Mr. Brown of California, Mr. Hatcher, Mr. Lehman of Florida, Mr. Leath of Texas, Mr. Schuette, Mrs. Lloyd, Mr. Holloway, and Mrs. Bentley.

H.R. 2502: Mr. Morrison of Connecticut.

H.R. 3628: Mr. Hammerschmidt, Mr. Price of North Carolina, Mr. Davis of Illinois, and Mr. Alexander.

H.R. 3794: Mrs. Meyers of Kansas and Mr. Hefley.

H.R. 3865: Mrs. Vucanovich, Mr. Lent, Mr. Stratton, and Mr. Bartlett.

H.R. 3883: Mr. Garcia, Mr. Levin of Michigan, Mr. McEwen, and Mr. Brown of California.

H.R. 3907: Mr. Guarini.

H.R. 3944: Mr. Stenholm, Mr. Lujan, Mr. Coble, Mr. Hayes of Louisiana, and Mr. Cheney.

H.R. 3991: Mr. Carper.

H.R. 3999: Mr. Towns, Mr. Fazio, Mr. Dyson, Ms. Pelosi, Mr. Horton, Mr. Bevill, and Mr. McGrath.

H.R. 4000: Mr. Whittaker, Mr. McCloskey, Mr. Kostmayer, Mr. Emerson, Mr. Fish, Mr. Leath of Texas, Mr. Craig, Mr. Lewis of Florida, Mr. Mrazek, Mr. Barnard, Mr. Dornan of California, Mrs. Collins, Mr. Lightfoot, Ms. Slaughter of New York, Mr. DioGuardi, Mr. Hayes of Louisiana, Mr. Fauntroy, Mr. Shays, Mr. Goodling, Mr. McGrath, Mr. Boulter, Mrs. Bentley, Mr. Livingston, Mr. Quillen, Mr. Kildee, Mr. Gray of Illinois, and Mr. Eckart.

H.R. 4048: Mr. Barnard, Mr. Vento, Mr. Skaggs, Mr. Walker, Mr. Hubbard, Mr. Biaggi, Mr. Ravenel, Mr. Horton, Mrs. Lloyd, Mr. Gregg, Mr. Matsui, Mr. Gephardt, Mr. de Lugo, and Mr. Chapman.

H.R. 4049: Mr. Gray of Pennsylvania, Mr. Lowry of Washington, Mr. St Germain, Mr. Sunia, and Mr. Vento.

H.R. 4066: Mr. Rangel and Mr. Nowak.

H.R. 4071: Mr. Lipinski.

H.R. 4116: Mr. Martin of New York, Mr. Bereuter, Mr. Kostmayer, Mr. Jones of North Carolina, Mr. Wortley, Mr. Lent, Mr. Coble, Mr. Fauntroy, Mr. Lagomarsino, Mr. McGrath, Mrs. Johnson of Connecticut, Mr. Boulter, Mr. Daub, Mr. Herger, and Mr. Flake.

H.R. 4127: Mr. Miller of California, Mr. Vento, Mrs. Patterson, Mrs. Roukema, Mr. Glickman, Mr. Garcia, Mr. Kildee, Mr. Gingrich, Mr. Ravenel, Mr. Tallon, Mr. Lipinski, Mr. Robinson, Mr. Barnard, and Mrs. Byron.

H.R. 4197: Mr. Gekas, Mr. Schulze, Mr. Murphy, Mr. Clinger, Mr. Yatron, Mr. Kolter, Mr. Borski, Mr. Walker, Mrs. Saiki, Mr. Gaydos, Mr. Ridge, Mr. McDade, Mr. Kostmayer, Mr. Coyne, and Mr. Kanjorski.

H.R. 4219: Mr. Smith of New Hampshire, Mr. Dannemeyer, Mr. Dornan of California, and Mr. Donald E. Lukens.

H.R. 4309: Mr. Owens of New York.

H.R. 4373: Mr. Towns, Mr. Frank, Mr. Pepper, Mr. Gordon, Mr. Fauntroy, Mr. Grant, and Mrs. Boggs.

H.R. 4407: Mr. Akaka.

H.R. 4434: Mrs. Bentley.

H.R. 4463: Mr. McCandless.

H.R. 4470: Mr. Livingston and Mr. Whittaker.

H.R. 4481: Mr. Andrews, Mr. Archer, Mr. AuCoin, Mr. Baker, Mr. Ballenger, Mr. Bartlett, Mr. Barton of Texas, Mr. Beilenson, Mrs. Bentley, Mr. Bereuter, Mr. Berman, Mr. Bilirakis, Mr. Blaz, Mr. Broomfield, Mr. Brown of Colorado, Mr. Buechner, Mr. Bunning, Mr. Callahan, Mr. Carper, Mr. Chandler, Mr. Cheney, Mr. Coats, Mr. Crane, Mr. Dannemeyer, Mr. DeFazio, Mr. DeLay, Mr. DioGuardi, Mr. Dornan of California, Mr. Downey of New York, Mr. Dreier of California, Mr. Fields, Mr. Fish, Mr. Frank, Mr. Frenzel, Mr. Gibbons, Mr. Gingrich, Mr. Goodling, Mr. Gradison, Mr. Grandy, Mr. Green, Mr. Gregg, Mr. Gunderson, Mr. Hall of Texas, Mr. Henry, Mr. Hiler, Mr. Houghton, Mr. Hunter, Mr. Hyde, Mr. Ireland, Mr. Inhofe, Mr. Jacobs, Mrs. Johnson of Connecticut, Mr. Kasich, Mr. Kemp, Mr. Kolbe, Mr. Konnyu, Mr. Kyl, Mr. Lagomarsino, Mr. Latta, Mr. Leach of Iowa, Mr. Lightfoot, Mr. Donald E. Lukens, Mr. McCollum, Mr. McMillan of North Carolina, Mr. MacKay, Mr. Michel, Mr. Miller of California, Mr. Mineta, Mrs. Morella, Mr. Nielson of Utah, Mr. Oxley, Mr. Packard, Mr. Penny, Mr. Petri, Mr. Rhodes, Mr. Ritter, Mr. Rogers, Mr. Roth, Mrs. Roukema, Miss Schneider, Mr. Schulze, Mr. Schumer, Mr. Sensenbrenner, Mr. Shaw, Mr. Shumway, Mr. Denny Smith, Mr. Smith of Texas, Mr. Robert F. Smith, Mrs. Smith of Nebraska, Mr. Stangeland, Mr. Stump, Mr. Sundquist, Mr. Sweeney, Mr. Tauke, Mr. Upton, Mr. Walker, Mr. Weber, and Mr. Wilson.

H.J. Res. 50: Mr. Schumer, Mr. Dellums, and Mr. Conyers.

H.J. Res. 438: Mr. Grandy.

H.J. Res. 448: Mr. Ackerman, Mr. Andrews, Mr. Beilenson, Mr. Bilirakis, Mr. Bunning, Mr. Campbell, Mr. Chapman, Mr. Cheney, Mr. Cooper, Mr. Craig, Mr. DeFazio, Mr. Dellums, Mr. Dorgan of North Dakota, Mr. Dymally, Mr. Edwards of Oklahoma, Mr. Fields, Mr. Ford of Michigan, Mr. Gonzalez, Mr. Hall of Texas, Mr. Hayes of Louisiana, Mr. Alexander, Mr. Bartlett, Mr. Bilbray, Mr. Bryant, Mrs. Byron, Mr. Carr, Mr. Chappell, Mr. Coats, Mr. Coughlin, Mr. Davis of Michigan, Mr. DeLay, Mr. Dicks, Mr. Dwyer of New Jersey, Mr. Edwards of California, Mr. Espy, Mr. Flippo, Mr. Gaydos, Mr. Green, Mr. Harris, Mr. Huckaby, Mr. Hutto, Mr. Kolbe, Mr. Lewis of California, Mr. McCandless, Mr. Mineta, Mr. Parris, Mr. Robinson, Mr. Denny Smith, Mr. Staggers, Mr. Sundquist, Mr. Tauzin, Mr. Valentine, Mr. Waxman, Mr. Vento, Mr. Kennedy, Mr. Leath of Texas, Mr. Mica, Mr. Oxley, Mr. Pickle, Mr. Sharp, Mr. Smith of Iowa, Mr. Stenholm, Mr. Synar, Mr. Thomas of Georgia, Mr. Walgren, and Mr. Wilson.

H.J. Res. 530: Mr. Valentine, Mr. Oxley, and Mr. Beilenson.

H.J. Res. 540: Mr. Solomon, Mrs. Bentley, Mr. Quillen, Mr. Konnyu, Mr. Lagomarsino, Mr. Chapman, and Mr. Dwyer of New Jersey.

H.J. Res. 553: Mr. Panetta, Mr. Anthony, Mr. Borski, Mr. Bryant, and Mr. Conyers.

H. Con. Res. 6: Mr. Bliley and Mr. Hammerschmidt.

H. Con. Res. 115: Mr. Bevill, Mr. Ritter, Mr. Nichols, Mr. Sharp, Mr. Pepper, Mrs. Collins, Mr. Dingell, Mr. Latta, Mr. Robinson, Mrs. Bentley, Mr. de la Garza, Mr. Lipinski, Mr. Hoyer, Mr. Harris, Mr. Tallon, Mr. McCurdy, Mr. Berman, Mr. Carper, Mr. Leland, Mr. Hayes of Louisiana, Mr. Konnyu, Mr. Morrison of Connecticut, and Mr. Henry.

H. Con. Res. 276: Mr. Henry, Mr. Espy, Mr. Evans, Mr. Wyden, Mr. Chapman, Mr. Boucher, Mr. Lehman of Florida, Mr. Perkins, Mr. Broomfield, Mr. Traficant, Mrs. Bentley, Mr. Fawell, Mr. Davis of Illinois, Mr. Torres, Mrs. Martin of Illinois, Mr. Gray of Illinois, Mr. Bevill, Mr. Hochbrueckner, Mr. Skelton, Mr. Dorgan of North Dakota, Mr. Rowland of Connecticut, Mr. Martinez, Mr. Pepper, Mr. Neal, Mr. Carr, Mr. McMillen of Maryland, Mr. McEwen, Mr. Lantos, Mr. Cardin, Mr. Tallon, Mr. Lipinski, Mr. Erdreich, Mr. Solomon, Mr. Mineta, Mr. Owens of New York, Mr. Sunia, Mr. Davis of Michigan, Mrs. Patterson, Mr. Coats, and Mr. Hoyer.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

163. By the SPEAKER: Petition of the Town Board, East Hampton, NY, relative to Lyme disease; to the Committee on Energy and Commerce.

164. Also, petition of the Town Board, East Hampton, NY, relative to volunteer fire departments; to the Committee on Public Works and Transportation.

EXTENSIONS OF REMARKS

ENERGY EFFICIENCY

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. WOLPE. Mr. Speaker, rising imports of foreign oil, coupled with the ongoing violence in the Middle East, have made us all very concerned about America's energy security. The imports are worsening the trade deficit by tens of billions of dollars, while defense expenditures to protect Persian Gulf sea lanes and oil fields have reached $50 billion per year.

America's energy vulnerability is not fated. We have many low cost alternatives, most notably energy efficiency, to help wean us off costly and risky foreign oil imports. Energy saving improvements over the past 15 years have contributed mightily to enhancing America's energy security, as well as spurring the Nation's economic productivity, competitive edge, and environmental quality.

It can continue to do this, but it will take a dedicated commitment on the part of the Congress and the Federal Government to do its part in maintaining a vigorous energy conservation R&D effort and State and local assistance programs. That is the substance of Representative CLAUDINE SCHNEIDER'S testimony, delivered on behalf of the Northeast-Midwest Congressional Coalition before the Appropriation's Subcommittee on Interior and Related Agencies. I encourage my colleagues to read Representative SCHNEIDER'S review of the impressive accomplishments, and remaining opportunities, resulting from energy efficiency investments and Federal conservation R&D:

THE DEPARTMENT OF ENERGY'S FISCAL YEAR 1988 CONSERVATION BUDGET

(Statement By Representative Claudine Schneider)

Mr. Chairman, I want to thank you for the opportunity to testify before the Subcommittee on Interior Appropriations on behalf of the Northeast-Midwest Congressional Coalition. As you know, the Coalition is a bipartisan organization of members of Congress, who are particularly interested in the effect of budget and legislative policy issues upon the economic well-being of the 18 states of the Northeast-Midwest region.

We are here today to strongly urge your Subcommittee to adopt the funding levels proposed in *The Alternative Conservation Budget.* The Alternative Budget was prepared by more than 25 national organizations representing a cross section of public officials, industry associations, and public interest groups.

The Alternative Budget details the important role that energy efficiency has played and can continue to play in enhancing national security, economic productivity, global competitiveness and environmental quality.

We strongly agree with their proposal for increasing the FY89 Conservation R&D programs 22 percent above FY88 levels, and funding the FY89 State and Local Assistance Programs 16 percent above the FY88 levels. In real dollars, the Alternative Budget request amounts to less funds than appropriated in FY86. The increase reflects new initiatives specifically designed to enhance the several national concerns I just mentioned. For the record I am attaching a copy of the Alternative Budget, and a list of the supporting organizations.

OVERVIEW

The Alternative Budget reflects the goal of the National Energy Policy Plan, which calls energy efficiency a cornerstone of American energy policy and one of America's largest "untapped" energy resources.

Energy efficiency improvements since the 1973 Arab oil embargo now deliver the equivalent of one-fifth of U.S. energy services. These investments raised the efficiency of millions of buildings, vehicles, appliances, commercial equipment and manufacturing processes, saving the American economy an impressive *$150 billion per year.*

The efficiency measures also are displacing 14 million barrels of oil per day—over twice today's foreign oil imports. Where would this nation be without these measures?

We would be importing three times as much oil.

OPEC would still be in control, and setting extremely high prices.

Inflation and interest rates would be double digit.

The trade deficit would be tens of billions of dollars larger.

And the U.S. and its allies would be more vulnerable to Mid-East Oil distruptions.

The Department of Energy's *Energy Security* reports warns of another looming oil crisis and calls for action to reverse America's increasing foreign oil dependency. Incredibly, DOE has targeted enormous budget cuts in conservation, the program that offers the greatest savings at the lowest cost, and in the shortest time frame.

According to both government and independent analyses, efficiency investments could trim an *additional $150 billion per year* from the nation's $400 billion annual energy bill. These investments would eliminate our dependence on foreign oil, and reduce the trade deficit by more than $40 billion per year.

Efficiency can also greatly reduce the cost of producing American goods and services. The U.S. requires nearly twice as much energy to produce a dollar of Gross National Product than foreign competitors like Japan. This provides a five percent advantage for Japan in marketing its goods and services.

Efficiency improvements in U.S. buildings could save *half the $170 billion annually* spent on gas and electricity. This $85 billion savings represents precious investment capital that could become available for business expansion and new job creation. Comparably large savings are available in manufacturing and industrial facilities.

Federal energy conservation R&D programs have played an instrumental role in developing and spurring these energy savings. A report by the American Council for an Energy Efficient Economy found that taxpayers are rewarded handsomely for their investment in conservation research. In seven of the most successful research efforts, an expenditure of $16 million is spurring cumulative savings of $68 billion for consumers over the next 25 years. This represents a staggering payback of 4400 to one. If just these seven programs had to justify all federal expenditures on conservation R&D, it would still represent a *50 to one return on the taxpayers' investment.*

DOE's *Multi-Year Conservation Plan* identifies $60 billion per year in energy savings that are achievable by 2010 by continuing a modest buildings research program. Incredibly, however, DOE proposes slashing the buildings R&D budget 57 percent to a mere $14.9 million in FY89. The Alternative Budget figure of $55.9 is more consistent with the opportunities outlined in DOE's *Multi-Year Plan.* We strongly urge this funding level.

A key component of federally funded R&D programs is technology transfer. Our R&D work is excellent, but it is effective only when it reaches users in a timely manner. We must ensure that the results of taxpayer-funded research reach those who can use it: the taxpayers, including utilities and their ratepayers, businesses, and public agencies.

One of the most promising DOE technology transfer programs is the "Least-Cost Utility Planning Initiative." As you may recall, the Least-Cost Initiative was authorized by the House Science and Technology Committee three years ago. It has received roughly $1 million in annual appropriations, despite DOE's efforts to zero out this program in each budget request.

The Least-cost Planning Initiative has broad-based support from the National Association of Regulatory Utility Commissioners, the American Gas Association, the American Public Power Association, the Edison Electric Institute, the Electric Power Research Institute, the Gas Research Institute, the National Governors Association, the National Association of State Energy Officials, and the National Association of State Utility Consumer Advocates.

It is easy to understand why there is such unanimity of support for this low-cost, high-impact program. Society is now paying about $1 billion a year just for the interest on power plants which had to be abandoned because of inadequate planning. All parties are agreed that it is worth spending a few million dollars now to help avoid such colossal mistakes on the next cycle of construction.

The Alternative Budget recommends $2 million in funding for the Least-Cost Initiative as part of the Analysis and Technology Transfer program. These funds will be used primarily to get up and operating a technology database and a documents database that utility planners can use to ensure that customers get their utilities delivered at the least cost.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I want to reiterate that most of the Alternative Budget's funding increase focuses on new programs designed to strengthen America's competitive edge against foreign equipment manufacturers. As the President's Commission on Industrial Competitiveness noted in its report, *Global Competition: The New Reality*, the U.S. has lost large market shares in seven of the 10 high technology markets. High efficiency products are among these fast-growing high technology markets. As that report underscored, inadequate R&D and technology transfer are two primary reasons for our competitive failure in this area.

Foreign competitors are redesigning one electricity and energy consuming product after another with solid-state electronic components and advanced materials. Japan is the leader in this effort. It is targeting electric motors, lighting systems, heat pumps, air conditioners, photovoltaics, and industrial machinery.

Without federal R&D there is the danger that U.S. manufacturers will be caught dead in the waters. For example, Japan is moving aggressively to capture most of the market share in high-efficiency permanent magnet motors. Also, Japan and South Korea are positioned to capture most of the U.S. market in air conditioners with their high-efficiency, variable speed magnet motors. Finally, since 1985, foreign competitors have introduced nearly one-fourth of all new high-efficiency lighting technologies.

There is no doubt that America's manufacturers want to stop the steady erosion of their domestic market shares by foreign competitors. It is also obvious that U.S. firms want to capture an increasing share of the emerging multi-trillion dollar global market for high-efficiency equipment, appliances, vehicles and buildings.

To help industry meet the competitive challenge, the federal government must reverse the trend of abandoning vital R&D and technology transfer programs. *The U.S. ranks fifth behind the United Kingdom, France, Japan, and Germany in energy efficiency R&D funding* levels per unit of GNP. The U.S. has sadly retreated from federal R&D support at a time when our foreign competitors are advancing theirs.

In this regard, the General Accounting Office reached some very unsettling conclusions in its 1987 report to Congress on *Energy R&D*. GAO warned that "Substantial conservation R&D [In the buildings sector] is unlikely to be pursued without continued DOE support, particularly if conventional energy prices remain low." GAO notes that the private sector has not picked up R&D dropped by DOE, and as a result the U.S. has experienced "Delays in technology development and . . . an erosion of American technological leadership."

Finally, Mr. Chairman, the Coalition would like to bring to the Subcommittee's attention the need to continue modest funding for the State Heating Oil Monitoring Program.

Dependence on heating oil for residential heating varies dramatically across states from 44 percent in Maine and 40 percent in New Hampshire in 1985 to 1.9 percent in California. In the past the Energy Information Administration's State Heating Oil Program has provided 14 states (with a heavy dependence on heating oil in the residential sector) with a total of $200,000 in order to monitor heating oil prices, supplies and stocks through the winter heating season. The 14 states include: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, New Jersey, New York, Pennsylvania, Michigan, Minnesota, Ohio and Wisconsin.

This program provides biweekly information which is them published in the "Winter Distillate Report." The report serves two purposes: it provides an early warning system, should supplies and stocks become too low causing prices to rise precipitously; it provides policymakers with information about which to respond. It also provides information which allows analysts to question market trends. In other words, if prices were to rise suddenly in New England during the height of the heating season and nowhere else, policymakers can legitimately ask what caused the sudden and seemingly incongruous price increase. This situation did in fact occur in the 1983-84 heating season and EIA and members of the Congress had no information on what caused the price spike or how widespread it was, because the State Heating Oil Program had been discontinued. This program provides the only timely source of price and stock information available to EIA.

Last year, EIA was directed not to continue providing states with grants for fiscal 1988, although it was to continue reporting information provided by states on a voluntary basis. There are two problems with this: several if not many states are likely to elect not to continue collecting information; those that will are likely to change the format so that data reported are not consistent and compatible. The system, in order to be useful, relies on reporting from many states with significant heating oil use in order to compare stock and oil price levels. The system must have compatible information or the data cannot be published, since it would have no credibility.

The program requires only $200,000 to implement. It serves as an early warning system for price hikes, shortages, or potential disruptions. Policy-makers must have reliable information with which to make informed decisions should an emergency develop. We can ill afford to discontinue our source of information while the nation's dependence on imported oil grows and oil markets continue to be volatile. Please direct EIA in committee report language to continue this important program and provide the grants to states to monitor heating oil price, stock and supplies. This requires no additional money, simply committee direction to EIA to fund the program out of its budget appropriations.

Out of respect for the Subcommittee's time constraints, I will not go into the merits of each of the other conservation R&D program areas and the State and Local Conservation Programs. Let me just reiterate our strong support for increased funding in each of these areas, and refer you to the attached Alternative Conservation Budget for specific details.

THE SHAME OF THE AFGHAN ACCORDS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. CRANE. Mr. Speaker, if Afghanistan were a tributary, then the Mujahedin would be rolling down it—having just been sold downriver by their professed ally and mentor, the United States.

The Signing of the Geneva accords on Thursday is a slap in the face to the Mujahedin and their valiant 9-year struggle for self-determination. The American-backed Afghan rebels were excluded from the negotiations in Geneva preceding the signing; in fact; they have voiced a strong objection to the agreement and urged the United States not to participate in the accord. The fact that the State Department is going ahead with the agreement is surprising, considering that in a 1987 White House meeting, Yunis Khalis, former head of the Afghan Alliance, was promised that no settlement unacceptable to the Resistance would be signed.

Ironically, the town usually used to haggle United States-Soviet problems is now being used for the Afghan-Pakistan negotiations—symbolically, the superpower scent hangs heavily in the air over Geneva. The accord seems to hold more of public relations benefit for the State Department than anything else. With the Afghan problem out of the way, a more upbeat stage will be set for the superpower summit in May. The more positive the summit, the more satisfied the American public will be with the end of the Reagan Administration.

Granted, America does have an unchallengeable right to participate in Afghan negotiations. America supplied the Mujahedin with their lifeline of food, ammunition, and the powerful Stinger missiles. What America does not have the right to do, however, is sell the Mujahedin short. It was not American men who spent the past 9 years fighting from tribal strongholds in the Afghan hills after Soviet troops destroyed their homes and scattered their familes. Nor was it American children who were blown to pieces by Soviet bombs cleverly disguised as toys. Nor was it 5 million Americans who were forced to flee to impoverished, dirty, degrading refugee camps in neighoring Pakistan and Iran. And finally, it is not Americans who have to face rebuilding a country infiltrated with Soviet spies and plants, wreaking havoc and spreading Communist dogma wherever possible. Americans will not face a government which was established and molded by Moscow; a National government that will retain control of Afghanistan, according to the accords, after the United States and Pakistan have given up their assistance to the Mujahedin. Because these atrocities did not occur on American soil, America forgets too easily. America cannot pull the rug out from under a cause that literally thousands have sacrificed their lives for.

The Mujahedin are not foolish children incapable of understanding the nuances of negotiation or a peace treaty. Afghans are a very strong people with a long history of resistance to foreign invasion. The fact that these scattered tribes could join together to successfully combat one of the strongest armies in the world attests to their strength and commitment. If these people are capable of waging such a demanding battle, then they are surely capable of knowing when to end it and on what terms it should end. For it is they, more than anyone else, who would benefit from a cessation of this war.

But the Mujahedin are wise beyond their years in the ploys and tactics of the KGB and the WAD, the Afghan puppet-government's version of the secret service. The Afghan people, both in and out of Afghanistan, have been subject to the terror tactics of these sinister sister-organizations. Even in the few days before the accords were signed, the Afghan WAD had the audacity to sabotage a Pakistan ammunition dump and bombard Pakistan with a series of deadly explosions. The WAD, with the help of the KGB, has set up many intricate layers of agents throughout Afghan society to continue a more silent campaign even after a neutral government has been installed. And what about the myriad of Soviet-Afghan economic agreements, between the Soviet Union and Afghan towns, that will remain in effect at least until the end of the century? These are questions we should have asked ourselves before having rushed into an agreement the mujahedin adamantly opposed.

Perhaps the most sinister of all Soviet tactics in Afghanistan has been the establishment of a new, Soviet-trained generation. Not only did the Soviet military massacre thousands of Afghans, they went on to kidnap tens of thousand of the younger generation for reeducation in the Soviet Union. Sometimes the parents are cajoled into cooperating, more often, the children are simply taken from the classroom or streets. They are routinely kept on programs that vary in length from 1 month to 10 years. A United Nations' report documents this procedure: "Without warning, officials enter a classroom and, giving no explanation, choose a certain number of children, who leave with the officials. When the children do not return home that evening, no explanation is given to the parents. But several days later, the parents are told that their children have been sent to the Soviet Union. Some are kept in the U.S.S.R. for several years. There is also testimony that some of the children who are taken are programmed to be saboteurs and assassins and are trained to target a particular Mujahedin commander."

Trying to think a step beyond the immediate horrors of what the Soviet Union has done to these Afghan children and their families, we must ask ourselves what will happen to a country flooded by a future generation indoctrinated in the Communist word. What kind of hope for neutrality can we have for a country that has spent almost 10 years being soaked by Soviet propaganda?

These accords have been an obvious world-wide victory for the Reagan doctrine; it is only unfortunate that the Mujahedin could not experience the same elation as did Secretary of State George Shultz. Perhaps he never knew what it was to escape an army that tore up crops and homes, massacred families, and kidnaped children—all in the name of Soviet Socialist brotherhood and friendship. And if he ever knew, perhaps he forgot too soon.

Now that the applause has died down, and the limelight has shifted a little, it is important that we reaffirm our commitment to the Afghan freedom fighters. For it is now they who will pay for what is essentially a United States-Soviet agreement forbidding support by what they thought to be their two greatest allies, the United States and Pakistan. If we have sold these people down the river, then we as a nation must jump in and haul them out before it is too late. If we don't take the plunge now, we will lose face among the freedom-loving nations of this world—and gain a reputation as a country willing to sell out a nation for a little bit of good PR.

H.R. 4498, THE AMERICANS WITH DISABILITIES ACT OF 1988

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. CONTE. Mr. Speaker, today I am joining with the gentleman from California, Mr. COELHO, in introducing the Americans with Disabilities Act of 1988.

Nearly a quarter of a century ago, Congress passed an historic, comprehensive law to prohibit discrimination in this society. The debates over the passage of the Civil Rights Act of 1964 were lengthy and heated, fueled by passion, oratory and fear of the changes it would bring.

Much of the debate centered on the necessity for the law. Time and time again, Members rose to give examples that graphically illustrated the problems the bill was to address: people denied access to restaurants, movie theaters, and arenas; children barred from their neighborhood schools and parks; and jobs and careers off-limits to certain people. I was one of those involved in the debate and told a story about a black man denied his basic right to vote becasue he could not read a newspaper headline offered to him by the registrar of voters—a newspaper that was written in Japanese.

With passage of that momentous piece of legislation, Congress established that no person would, on the basis of race, color, or national origin, be excluded from the opportunity to travel freely in this country, to choose where to live, work, eat, and educate his or her children.

Twenty-five years later, a significant number of our citizens are still denied the opportunities to make those basic choices about their lives. For the 36 million Americans who have disabilities, equality of opportunity is a concept that often has no meaning in their daily lives. The legislation we are introducing today would provide that equality.

The National Council on the Handicapped, among others, has diligently and repeatedly brought to our attention the nature and scope of the problems confronting our citizens who have disabilities. In its reports to this Congress, "Toward Independence," 1986, and "On the Threshold of Independence," 1988, the Council has emphasized the ways in which our society and its laws foster dependence, perpetuate stereotypes and undermine self-sufficiency. From physical and communication barriers allowed to remain in the workplace that effectively preclude opportunities for employment to transportation policies that prevent mobility within society to the proliferation and sanction of inaccessible housing that, in turn, limits education and employment opportunities, laws and policies continue to be major, contributory factors in the denial and inequality of opportunities available to people with disabilities.

Over the years, specific legislative proposals have been offered to address many of the problems the National Council and the disabled community has identified and Congress has responded affirmatively to many of those proposals. Recent studies and polls, however, have shown that discrimination is the No. 1 problem facing people with disabilities. Armed with that information and convinced that the piecemeal approach could not address the underlying, pervasive problems of discrimination, we are proposing today a legislative solution as a means to remedy this serious societal problem and, as it did 25 years ago, proclaim as a national policy the elimination of second-class citizenship for a group of Americans.

The Americans With Disabilities Act of 1988 is a straightforward prohibition of discrimination on the basis of handicap in employment, housing, public accommodations, transportation, broadcasting and communications, and in the activities of State and local governments.

The act sets forth findings based on numerous recent studies, research, and polls that describe the types of discrimination to which people with disabilities are subjected, the effect such discrimination has in relegating people to an inferior position and maintaining them in that status, and the disadvantages they suffer. The act proclaims a comprehensive national mandate for the elimination of discrimination against persons with disabilities and aims to afford protection "parallel in scope of coverage with that afforded to persons on the basis of race, sex, national origin, and religion."

This act provides very specific definitions of who and what kinds of disabilities are covered, drawing on definitions contained in regulations promulgated under section 504 of the Rehabilitation Act of 1973 which has been interpreted and enforced for well over a decade.

While section 4 of the act, "Scope of Discrimination Prohibited," delineates specific parallels in coverage between this act and other major civil rights laws, section 5 describes in detail what does and does not constitute discrimination under the act. Drawing on years of experience in the interpretation and evolution of section 504 and other civil rights laws, the definition assures consistency, clarity and enforceability with the inclusion of this section.

Section 6 of the bill is identical to amendments to the Federal Fair Housing Act currently pending. The relationship of housing to every other aspect of one's life cannot be overemphasized. As the National Council on the Handicapped noted in its report, "Toward Independence," "[S]ecuring appropriate housing is a major prerequisite to social integration and living independently for persons with disabilities." Where one lives frequently dictates where one works, educates his or her children, eats, and participates in leisure activities. The lack of accessible housing curtails the availablility of employment, transportation and educational opportunities, opportunities already severely limited for people with disabilities.

Section 7 of the bill sets limitations on the duty to accommodate and remove barriers. In reasoned language, the act does not require alterations that would threaten the existence of a program or business or result in a fundamental alteration. This section also sets reasonable timelines for such alterations and barrier removal.

Section 8 establishes which Federal agency will issue and enforce regulations, leaving overall coordination of the regulatory process with the Attorney General. In the areas of employment, transportation and communications, however, the act recognizes that work, mobility, and information dissemination are crucial to effective participation in our society. The act provides significant guidance to regulators in those three areas. Enforcement provisions, contained in section 9, are similar to those available under the Civil Rights Act of 1964.

The current research and studies available document unequivocally the need for this act; the proposed bill addresses those needs in a straightforward and unambiguous manner. As our experience with the improvement of race relations in this country over the past 25 years demonstrates, a strong national policy, with laws and regulations to back it up, can drastically improve the quality of life for numerous people by prohibiting unjustified exclusion, segregation and unequal treatment.

The inherent limitation of any law is that it cannot change attitudes, abolish prejudice or dispel fear. Equal opportunity laws, however, very often do result in the elimination of barriers between people. A society in which people can move about freely and share in employment, housing, educational, and social opportunities is a society in which differences among people are tolerated and often even celebrated. This act breaks down another barrier to the realization of that society.

THE AMERICANS WITH DISABILITIES ACT OF 1988

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. COELHO. Mr. Speaker, today my good friend Mr. CONTE, the distinguished gentleman from New York, Mr. OWENS, the ranking member from the Education and Labor Committee, Mr. JEFFORDS, myself, and 30 of my colleagues are introducing the Americans With Disabilities Act of 1988. Identical legislation is being introduced in the Senate by Senators WEICKER, HARKIN, and others. This landmark legislation addresses the discrimination faced by persons with disabilities such as epilepsy, in securing employment, and others attempting to live normal and independent lives.

The Americans With Disabilities Act was developed by the National Council on the Handicapped, an independent Federal agency appointed by President Reagan to investigate the status of disabled Americans. Over the past 5 years, the Council has conducted innumerable hearings and forums across this country and has reached the same inescapable conclusions again and again: It is barriers and discrimination, rather than the inherent physical or mental characteristics of persons with disabilities themselves, which are to blame for the staggering unemployment and isolation of these citizens, our Nation's largest minority.

The Americans With Disabilities Act proposes a series of discrimination protections which parallel existing civil rights statutes. In drafting this bill, the Council has drawn also on the successful model used by the Federal Government in eliminating discrimination on the basis of handicap in federally funded activities. This vision of the National Council on the Handicapped, that existing civil rights could and should be extended to protect the disabled, has been shaped by the input of hundreds of disabled Americans and parents of disabled children.

As the Council found, unfair discrimination is the daily experience of many of the 36 million Americans with disabilities. Every sphere of life is affected: Housing, employment, recreation, transportation; even the ability to operate independently in the commercial sphere, or to vote, or to raise children. Our entire society has been inadvertently structured in a way that unnecessarily denies innumerable opportunities, great and small, to people with disabilities, in ways that are never even noticed by most Americans. Simple daily tasks, like visiting the grocery store or the bank, going to a restaurant or a movie, using the telephone to report an emergency, taking the bus to the doctor, or even getting in and out of one's own home, can become monumental tasks or impossible barriers to overcome—not due to the actual physical and mental conditions of disabled Americans, but due to prejudice, fears, and unnecessary obstacles which have been placed in their path.

Moreover, countless numbers of our fellow citizens who are veterans of foreign conflicts, have acquired a disability while defending their country, only to come home to a society that subjects them to discrimination and injustice, a society that shuns them merely because they are disabled. The architectural, communication, and transportation barriers they face do not affect them and their families alone. Our entire society bears the economic burdens of this prejudice: dependency is expensive. It increases benefit entitlements and decreases productive capacity sorely needed by the American economy.

As I can tell you from my own experience with epilepsy, employment discrimination is one of the most pervasive problems affecting Americans with disabilities. Jobs are unfairly denied every day to thousands of capable people with epilepsy and other disabilities due to prejudice, stereotypes, and groundless myths about our lack of abilities or because we are erroneously perceived to pose dangers to ourselves and others.

For example, I know one woman with epilepsy who was employed for nearly 8 years as a secretary for a company. One day she had a seizure at work and was fired, simply because her employer felt that her coworkers should not have to work with someone like her.

Similarly, a young man with multiple sclerosis was fired from his job because he was unable to handwrite his reports even though he was perfectly capable of dictating them. Or, what of the veteran who lost a leg in Vietnam and was denied a job in a factory line even though he was totally able to perform the job?

These stories, sadly, are all true. Yet these individuals, like many other American citizens, have no remedy to challenge the denial of employment. They want to be productive, self-supporting, and tax paying participants in society, but they have been told that they cannot do so, for reasons that are irrational, illogical, and unjust. This bill will give these persons a remedy for the first time.

People with disabilities want to work. This has been confirmed by numerous studies, including the 1986 Lou Harris survey which found that two-thirds of the disabled people polled who are not employed said that they wanted to work. One-quarter of these Americans attributed their unemployment to employer discrimination and an additional 28 percent attributed it to transportation barriers.

The full and dramatic reality of this problem has been largely hidden, denied, and explained away. When a program, or a job, or a school, has excluded disabled people, or segregated them in a separate facility, this has been justified through the unchallenged myth of equating disability with inability. When taking stock of the staus of unemployment in our society, the staggering level of disabled employment—66 percent—is not viewed as a solvable problem, it's viewed as an inevitability. You hear things like, "Of course they can't work. They're disabled." This alleged self-truth has gone substantially unchallenged and is one of the most fundamental errors our society has ever made.

Equating disability with inability is false. In employment, for example, numerous studies have shown that employment for the disabled is restricted more by misconceptions, stereotypes, and generalizations about handicaps, unfounded fears about increased costs and decreased productivity, and outright prejudice, than by people's disabilities themselves. Overwhelmingly, the documentation shows that disabled workers equal or outperform nondisabled workers, without increasing insurance benefits or worker's compensation costs. We have allowed our discomfort with the handicapped, and our feelings of hostility toward them to create this gigantic and wasteful injustice.

Society has neglected to challenge itself and its misconceptions about people with disabilities. When people don't see the disabled among our coworkers, or on the bus, or at the sports field, or in a movie theater, most Americans think it's because they can't. It's time to break this myth. The real reason people don't see the disabled among their coworkers, or on the bus, or at the sports field, or in a movie theater is because of barriers and discrimination. Nothing more.

It is barriers and discrimination that have caused an "out of sight, out of mind" situation with disabled people. When housing is inaccessible and unavailable, the disabled have to stay at home, under the care of their families, or live in nursing homes and other institutions, rather than establishing and controlling their own households next door to you and me. When regular transportation is inaccessible, and transit services for the disabled are segregated, you won't see them on your bus or commuter train. When prejudice dictates that the handicapped can be productively employed only in separate sheltered workshops, you won't see too many in your office or factory.

The exclusion and segregation of people with disabilities has had an insidious partner: the gloss of good intentions. An atmosphere of charity and concern has cloaked our ill-treatment of disabled people and permeated our excuses for denying them access to the full benefits of the complex fabric of modern American society. The institutions and the token van rides and the overprotective denials of employment have all been provided with the noblest intent.

While the charity model once represented a step forward in the treatment of persons with handicaps, in today's society it is irrelevant, inappropriate, and a great disservice. Our model must change. Disabled people are sometimes impatient, and sometimes angry, but for good reason: they are fed up with discrimination and exclusion, tired of denial, and are eager to seize the challenges and opportunities as quickly as the rest of us.

It is time to stop the excuses and the veneer of good intentions. We must stop the cycle of separateness which hides the people with disabilities, and creates prejudice, which creates more separateness.

In the past, concerns about cost have been raised as an obstacle to our addressing this problem. Estimates of these costs are inflated. For example, when the implications of section 504 of the Rehabilitation Act of 1973 were debated, universities and hospitals claimed that nondiscrimination was absolutely beyond their financial means. We have now had regulations implementing section 504 over 10 years. During that time, these institutions have not complained of financial difficulties due to accommodating the disabled.

I believe we will find that in the long run, ending discrimination will actually lower costs to our society as a whole. Maintaining discrimination is expensive because discriminatory barriers keep people out of work, lowers our gross national product and our tax revenue and what's more, swell benefits payments. Government studies have estimated that eliminating employment discrimination in even a narrow spectrum of jobs would add $58 million to annual Government revenues. A Department of Transportation study indicated that with accessible transportation, SSI benefit savings due to increased employment would account for $276 million a year. Statistics indicated that funds generated by eliminating handicap discrimination would return more than $3 for every $1 spent. We as a nation stand to cash in quite a bit on the integration, and subsequent enhanced productivity, of people with disabilities.

The Americans With Disabilities Act addresses six basic areas: employment, housing, transportation, public accommodations, public services, and communication barriers.

In employment, this act will make it illegal to deny job opportunities to qualified applicants on the basis of handicap. The act will cover the same range of employment activities as those covered by title VII of the Civil Rights Act of 1964.

In housing, the Americans With Disabilities Act will do three simple things to curb discrimination. It will make it illegal to refuse to sell or rent to a person based on his or her disability. This is analogous to the prohibitions on housing discrimination based on race and national origin contained in title VIII of the Civil Rights Act of 1968. It will require that disabled persons be allowed to modify dwellings at their own expense, such as by adding grab bars in a bathroom. And it will require that builders of multifamily buildings incorporate basic features of adaptive design in their most easily reachable housing units, such as accessible pathways, doorways, and common-use areas, and conveniently located light switches and other environmental controls These provisions are consistent with H.R. 1158, the Fair Housing Amendments of 1987.

These housing measures will make housing stock considerably more accessible to disabled people, who currently encounter formidable barriers to securing usable housing—including, in some areas, waits of 2 to 4 years for wheelchair-accessible housing units. This will enhance the integration of disabled people in their own communities, and help stem the trend toward segregated warehousing. It will also enhance the ability of the disabled elderly to maintain their lives within their home communities.

Adaptive design also makes tremendous economic sense. A new adaptable apartment has been shown to cost only about $500 more to build than one without adaptability features. This compares with renovation at a later date which, if it is even possible, can cost as much at $15,000. Moreover, institutionalization, which is a never-ending expense, is vastly more costly, between $40,000 and $75,000 a year.

In transportation, the act will eliminate barriers by requiring new transportation equipment to be accessible to the disabled. This follows a national trend, in which the current Federal mandate to provide useable public transportation for the disabled is being done through lift-fitted and otherwise-accessible equipment. The next step, barriers in existing equipment, will be dealt with by allowing phase-in periods. In this way, transit systems will slowly become more and more accessible to the disabled without creating a burdensome cost to the transit districts. The bill provides that para-transit—separate, subsidized door-to-door van systems—can and should still be used, but not as a substitute for regular fixed-route service.

In mandating this particular configuration of transportation services, Congress will be affirming the consensus which is being reached in both the disability community and the transit community after a decade of much experimentation in how best to eliminate transportation barriers. An increasing number of cities large and small, including New York, Denver, Seattle, San Francisco, Tacoma, Johnstown, and Champagne-Urbana, have successfully integrated large numbers of disabled people into their entire transit systems. These cities serve as models to the rest of the country, illustrating how to maximize disabled ridership, minimize costs, and work harmoniously with the disability community.

The act will prohibit discrimination in public accommodations covered by title II of the 1964 Civil Rights Act. Also, it will prohibit discriminatory activities of State and local governments resulting from ordinance, laws, regulations, or rules. It includes the continued phase-in of closed captioning in television broadcasts, viewable by deaf and hearing-impaired watchers upon purchase of decoder. Such measures will begin to bring down the many barriers that are so debilitating to the disabled on a day-to-day basis.

The Americans With Disabilities Act of 1988 provides the vehicle through which we can address the critical problem of discrimination on the basis of handicap in our country. We must provide disabled citizens the same equality of opportunity which our Nation values so highly. We must all work together toward the day when disabled people face no discrimination. I urge all my colleagues to join us in this fight.

AMERICANS WITH DISABILITIES ACT OF 1988

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. OWENS of New York. Mr. Speaker, when Congress enacted the Rehabilitation Act of 1973, it laid the groundwork for the Americans With Disabilities Act of 1988. By banning discrimination against the disabled in federally funded activities in section 504 of the 1973 Act, our Nation came out of the dark ages. Congress recognized that this population has been neglected for too long. While tradition regarded the handicapped as inherently disadvantaged, Congress recognized that it is prejudice, barriers and discrimination that pose the limits as much or more than the actual impairments. While tradition dealt with the disabled in categories, by disability type, Congress recognized that they form a distinct class, sharing a common lot of injustice. The message of Congress was quite clear: when fears and myths about the disabled systematically result in unfair exclusion and segregation, it is wrong and should be illegal. Section 504 was indeed a proud monument to the principles of equality.

The symbol of equality that is section 504, and the disability movement which brought it about, has carried us a long way. The increased acceptance and integration of disabled people into many aspects of society is apparent everywhere.

However, section 504 is very limited in coverage; its scope is too narrow. Only a small percentage of organizations are affected, because section 504 only applies to activities receiving Federal dollars.

The Americans With Disabilities Act takes the many lessons we have learned with section 504 and uses them as a blueprint for a program to end discrimination against the disabled all across America. We know a lot more than we did in 1973. We know how to setup hiring procedures so they don't screen disabled people out. We know how to provide "reasonable accommodation," that is, to adjust certain aspects of jobs, colleges, and programs of all different kinds of disabilities, from sight impairment to hearing impairment to mobility impairment to mental retardation and on and on, can be smoothly and fairly integrated. We know economical strategies for accomplishing these things. Perhaps most important, we know that this will not break the bank, despite dire predictions to the contrary. We know that fairness is possible. The disabled know it, too, and they are not about to let us forget it.

Yes, much has been accomplished. But let us not fool ourselves. What we've done so far is only the beginning. Great problems remain.

While it's true the Federal Government is discriminating in employment a lot less than they did before we made it illegal, employment discrimination against the handicapped is vicious and pervasive across most of our 50 States. Our Nation's employers continue to buy into myths and fears, despite the admonition of the Supreme Court last spring in the case of Gene Arline that "myths and fears about disability are as handicapping as are the physical limitations that flow from the actual impairment."

Property owners also act on myths and fears rather than facts, often refusing to rent to a disabled person. This is particularly a problem for people with mental retardation, despite experience over the last 20 years that mentally retarded people, in many instances, are perfectly capable of holding down jobs, living independently, and raising families.

Our efforts so far in housing are mostly separate and segregated, because this has been the norm: To warehouse our disabled, including our disabled elderly; to remove them from their own communities. A lot of property owners won't allow the addition of ramps and other accommodations—even at the expense of the tenant. Disabled adults often search for housing literally for years, because everything available poses barriers in its very architecture.

In most American cities, someone using a wheelchair still has to make a reservation days in advance in order to get public transportation, and they can't get enough rides to work a full-time job, and earn enough money to get off welfare. The disabled are placed in permanent transit limbo, or perhaps it is better called purgatory: The cities keep buying buses disabled people can't board, while funding a separate system that can't provide enough rides without being astronomically expensive.

In this era when information is power, sight and hearing disabilities become information disabilities—not because of the sensory limitations themselves, but because the communication barriers, which could be bridged easily, are not. An example is television, where captioning technology is so available now, and so inexpensive, but because we've left it voluntary, it doesn't get done.

The curb ramps at the downtown corners and the grab bars in the airport bathroom stalls and the disabled parking spaces at the new suburban shopping malls do not mean that the mobility-impaired can get around freely yet. How naive most of us are, to think that, because we observe these things, we understand the needs of the disabled now. Yet we fail to notice just how many restaurants and stores and doctors' offices and houses of worship and even parks still have steps and other barriers.

The States simply do not provide sufficient protection—not strong, not comprehensive, certainly not uniform, and not requiring the active steps needed to stop the rampant discrimination which our disabled citizens should not have to accept.

The problem is large, and it is growing. At least 36 million Americans are disabled. The 1980 Census counted one in five. And among the disabled, the percentage which is severely disabled is increasing. For example, 6 million Americans use a mobility aid—that is, a wheelchair, crutches, a walker, or a prosthesis.

Why is the number of disabled people growing? Certainly, improvements in medicine and technology which help keep people alive is part of the answer. But the main reason is that our entire population is aging. We are living longer, and on the average, we are increasingly likely to spend some of our years with a disability. It is said that every man over 21 has a 50 percent chance of experiencing a mobility impairment for at least 6 months of his life.

These statistics may bring closer to home those eventualites which we all generally try to deny. They show that many of us will have that experience known all too well by millions of Americans already: between one day and the next, one is suddenly stripped of rights and privileges previously taken for granted—not really because of the onset of a disability itself, but because of prejudice, discrimination, and barriers, thoughtlessly erected, which screen out on the basis of disability.

The roots of prejudice and stereotypes about disabled people reach far back in history and persist today. Disabled people have always been viewed as incomplete human beings—"defective." In early societies this view resulted in persecution, neglect, and death. These practices gradually gave way to the more humanitarian belief that the disabled should be given care and protection. Persecution was largely replaced by pity, but the exclusion and segregation remained unchallenged. Over the years, the view of disabled people as incompetent and dependent upon charity, custodial care, and protection became firmly embedded in the public consciousness. The invisibility of disabled Americans was simply taken for granted. Disabled people were out of sight and out of mind.

These historical atrocities which befell the disabled are not irrelevant today; we still find the handicapped as a class to occupy an inferior status in our great society. On average, they have the most staggering unemployment rates, the lowest incomes, and low educational achievement levels. Even socially, psychological tests show that many people have systematic ill-at-easeness and even aversion to disabled people. These tendencies are not the inevitable results of disabilities. For example, among disabled people who do work, studies consistently show their productivity to be equal to or greater than their nondisabled counterparts; their absenteeism and insurance rates are lower. Over and over again, it can be shown that barriers and discrimination explain the secondary status our society has rendered to disabled Americans.

The Americans with Disabilities Act of 1988 delineates the Nation's proper goals regarding persons with disabilities: To assure equality of opportunity, full participation, independent living, and, wherever possible, economic self-sufficiency. But we cannot reach these goals unless we address the terrible problem of discrimination. And we cannot effectively reduce discrimination unless we establish a comprehensive package of protections and requirements.

We must keep in mind that, to prevent discrimination against disabled people, affirmative steps are necessary. Congress recognized this years ago, in the Architectural Barriers Act of 1968, and the executive branch continued to develop the meaning of nondiscrimination in the regulations governing section 504 of the Rehabilitation Act of 1973. We know that a transit vehicle or a Social Security office can be discriminatory without someone actively preventing a disabled person from coming in. Discriminatory intent is not necessary—what matters is whether there's a discriminatory effect. The very existence of an architectural barrier—steps—or a transportation barrier—the lack of a lift—constitutes discrimination.

Not that removal of such barriers has to be costly. For example, the Americans With Disabilities Act proposes to make the most reachable units of new apartment complexes to incorporate basic universal features of adaptable design—this means that they can be easily modified to be barrier-free. And the cost? As little as $500 per new apartment constructed, and often less. The act also proposes that new public accommodations be barrier-free—at a cost of less than ½ of 1 percent of the construction cost. And a lift on a new bus? As little as 5 percent of the bus cost, or even less. Not to mention the savings we'll realize from decreased benefit support costs, as employment barriers fall and disabled people recover their innate productive capacity.

The Americans With Disabilities Act ties many of its provisions to established civil rights legislation, and thus can be seen as extending these protections to include disabled people. In housing, the basis is title VIII of the Civil Rights Act of 1968; in employment, the basis is title VII of the Civil Rights Act of 1964; and in public accommodations, the basis is title II of the same act.

The areas addressed comprehensively by this act include employment, housing, transportation, and public accommodations. In each area, prejudice, that is, the prejudging of an individual's eligibility based on someone's arbitrary notion of whether a person with this disability can do this thing, is not allowed, unless the standard used to rule out a disabled person's participation is substantially related to an essential component of the job, program, or service. For example, this Act will not force a bus company to hire a blind person to drive a bus—because sight is an essential component of driving. But if the job opening is in administration? Or sales? In that case, the blind applicant has to be evaluated as an individual. This is exactly the same rule that's applied to employment in federally assisted programs. The same application and interview procedures, and the same confidentiality protections are invoked.

Similarly, in the area of housing, the prejudicial refusal to sell or rent to a disabled person is prohibited—unless dangerous behavior of the person as an individual can be shown. And, to take care of architectural barriers currently rendering most of our housing stock exclusionary to the disabled, it shall be illegal to refuse to allow a disabled person to remove architectural barriers at their own expense. In many cases, this should prove to be a free benefit to the property owner. In addition, as mentioned already, the most easily-reachable apartments in large complexes will include the basic universal features of adaptive design. "Most easily reachable" in this case means ground floor units, and units reachable by elevator, but only in buildings with four units or more.

Barrier-removal is also required in public accommodations, and the heretofore vague area of communication barriers is clearly delineated. Phase-in periods are provided for difficult situations. These phase-in periods are also provided in transportation. In combination with the current trend toward buying accessible transportation vehicles, the phase-in periods are consistent with the normal rate of equipment deterioration to keep compliance from being a burden on transit districts. And any newly purchased equipment will be required to provide full accessibility.

The Americans With Disabilities Act will go a long way toward stopping a problem that never should have started. We may have inherited a society that segregates and excludes people with disabilities—but we don't have to maintain it. Maintaining such a system is folly, as our population statistically grows older and more disabled. The Americans With Disabilities Act should make personal sense to every American, because we all face old age—if we're lucky.

One day, one of my disabled constituents taught me a big lesson with one short phrase. She referred to us nondisabled people, not as able-bodied, but as temporarily able-bodied. When you think about it, our entire country is made up of disabled people and temporarily able-bodied people. The people we're protecting are not a mysterious, distant "them," but rather, ourselves.

KILDEE HONORS MRS. SUSAN JACOBS CAREY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. KILDEE. Mr. Speaker, I rise today to urge the Members of this House to join me in honoring Mrs. Susan Jacobs Carey, the 1987 recipient of the Golden Door Award given by the International Institute of Flint, MI. Each year the Golden Door Award is given by the International Institute to recognize and honor a foreign born person who has made a major impact on the quality of life in the Flint community.

Mrs. Carey exemplifies the generous, tireless spirit that is the moving force of all communities. She was born in North Battleford, Saskatchewan of Assyrian parents, and came to the United States early in her childhood. Rather than include her and her sisters on his citizenship papers, her father chose to have his daughters go through the formal naturalization process on their own when they came of age. He believed that becoming a citizen of the United States was an honor, and he wanted his children to appreciate the distinction. As a result, her naturalization papers continue to be among her most cherished possessions.

For three generations, Mrs. Carey's family has been involved with the International Institute of Flint, beginning in the 1930's when her grandmother, mother, and aunts learned English and prepared for naturalization at the institute. This was the origin of Mrs. Carey's wide community involvement. She has been active in the Community Chest, United Way, and the Bobby Crim race for the Special Olympics. She served on the first community committee that initiated blood storage and regularly scheduled blood donor drives, which ultimately led to the establishment of the first blood bank at Hurley Hospital in Flint. Mrs. Carey is also involved with the Assyrian-American Club, which was founded by the first wave of immigrants in order to maintain their ethnic identity and to record their heritage for future generations.

In the early 1940's, recognizing that there was no union for the clerical workers of the locals of the United Auto Workers [UAW], she wrote one of the first agreements for the Flint area to organize these workers. Today, the Office and Professional Employees Industrial Union of Flint is a strong and flourishing organization.

Currently, Mrs. Carey is the executive secretary to the president of UAW Local 599, David Yettaw. She has served 10 presidents in her 38 years with the local. During this time, her involvement with the UAW has led to a greater interaction between the local and the community, drawing them closer together.

Mr. Speaker, I am pleased to have this opportunity to recognize the work of Mrs. Susan Jacobs Carey. Her efforts for the people of Michigan have established her as a community leader in the tradition that exemplifies the essence of America's ethnic heritage. Mrs. Susan Jacobs Carey has given of herself for the good of her fellow citizens, and I am honored to have the opportunity to pay tribute to her.

THE ARMENIAN GENOCIDE: A REMINDER TO US ALL

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 1988

Mr. TORRICELLI. Mr. Speaker, this year marks the 73d anniversary of a tragedy that cost the lives of 1.5 million men, women, and children. It marks the beginning of the genocide of Armenians in the Ottoman Empire which lasted 8 years and cost two of every three Armenians their lives.

I am proud of America's response to this repulsive event in history. At the time, the U.S. State Department, the American Ambassador to Ottoman Empire, and the American press led the outcry against the atrocities. More recently, in 1986, the Senate approved the U.N. Genocide Convention, formally committing the United States to the opposition of genocide. Such responses by Americans are useful, but we should be careful not to become too complacent. There are important reasons why we must continue to remain vocal on such heinous events as the Armenian genocide.

With over 600,000 Armenian-Americans living in the United States today, it is important to show them and the world that the United States will not forget the atrocities perpetrated against the Armenians. Hitler trivialized life itself by claiming the world had not remembered the Armenians. It is indeed true that there weren't any Nuremberg-type trials after the Armenian genocide. However, remembrance and commemoration are of some recompense for the innocent Armenian victims. The memories are painful, but if they serve to prevent future atrocities, they are worth the emotional costs.

PARENTAL LEAVE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. CRANE. Mr. Speaker, the House of Representatives may soon consider legislation that seeks to mandate parental leaves. While such legislation is well-intended, I believe that it is also misleading. It is essential that management have the ability to make workplace and economic decisions, without burdensome and unwarranted Government interference. H.R. 925 represents an unnecessary Federal intrusion into the determination of employee benefit levels properly left to employers and employees. I commend to you the following article by Louis Dehmlow, which illuminates the problems inherent in mandating parental time off.

[From U.S. News & World Report, Dec. 7, 1987]

A ONE-SIZE-FITS-ALL LEAVE POLICY?

(Louis Dehmlow on Mandating Parental Time Off)

Do you remember Procrustes, one of the great villains of Greek legend? He tied those who fell into his clutches to an iron bed, and if his unfortunate guests were too long to fit, he solved that problem by lopping off their legs. If they were too short, he'd stretch them out. He was nothing if not accommodating.

Procrustes came to mind the other day when I was thinking about the latest scheme from the bureaucratic paradise known as Washington, D.C. It's called the Family and Medical Leave Act, and it would force all but the smallest businesses to lie down on the same bed. The bill mandates that companies provide a set period of leave for parents of newborn or newly adopted children and for the care of ill children and dependent parents. That may not sound bad on the surface, but a look underneath shows that there are enormous flaws.

Consider a small business that would lose one of its highly skilled workers for a number of weeks. The employer might think he could not afford to train a new person only to let the new employe go several weeks later, to which the government would reply: "To the bed! It's time for your stretching exercises!"

Those pressing for this proposal argue that they are on the side of humanity. But let's look beyond their "good intentions" to the principles at stake. Some proponents believe that businesses can readily replace people for up to 18 weeks. They see people as interchangeble funcitionaries, like cogs in a machine. They believe businesses can simply go to a rent-a-person agency, get people and then discard them. That view is dehumanizing.

A woman in our company, who recently retired after 43 years, had worked with us since she was 17. In fact, she met the man who would become her husband when he visited our plant as a truckdriver. When they decided to have childern, we agreed on a schedule that allowed her to do her office work between 3 and 11 a.m. Her husband stayed with the children until she got home, then he went to work. That arrangement was designed for one individual's particular case. How could such a situation be codified and enforced by the government? I could cite many other special arrangements involving salary, benefits, training and transfers.

The ability of business to provide greater employe benefits and freedom will suffer if government is allowed to steadily encroach on private relationships in private enterprise. And think about society as a whole when considering the consequences of the legislation. If the government imposes the standard of 18 weeks, what are young mothers and fathers to do when they decide that their weaning requires an additional two weeks—do they apply to a special agency for an extension? Or what if they're ready to return in just 10 weeks—do they worry that other would-be parents at their company will resent them for setting an example of returning early?

It's one thing to revere family; all politicians do, and no society truly progress that does not. But it's quite another to *prescribe* the responsibilities of motherhood or fatherhood.

What if the economy became dangerously sluggish and government economists claimed that it was partly due to a baby boom that took too many skilled workers out of the economy? Would Congress then vote to lower the 18 weeks to 12 until the economy improved again? Does the number of weeks mandated become an issue before every election, like bills to increase the minimum wage or Social Security? And what about the person hired as a substitute—does Congress make him or her eligible for unemployment compensation?

The questions go on an on, revealing endless problems. But the larger danger can be put quite simply: If we allow the government to manage people through companies, then we have helped usher in a bureaucratic state that will only become more and more powerful.

THE NEWMAN CENTER IN AMHERST

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. CONTE. Mr. Speaker, I want to take this opportunity to congratulate my friends at the Newman Center at the University of Massachusetts-Amherst as they celebrate their 25th year of service to the students and the community of the university on this most noteworthy occasion.

Excitement and hope were in evidence on that day in 1963, Mr. Speaker, when the Newman Center was dedicated under the able leadership of Cardinal Cushing of Boston. Our own bishop of the diocese of Springfield, Christopher J. Weldon, who is a close, personal friend of mine, was there to share in that excitement which is as clear today as it was that important day 25 years ago.

Today, the Newman Center is under the direction of the Reverend J. Joseph Quigley. He has been there since its inception, and has headed the center for the last 10 years. Along with a very able staff, Father Quigley has furthered Cardinal Newman's goals by assisting more than 30,000 Catholic alumni of the university as well as countless others who have sought the assistance of the Newman Center.

Mr. Speaker, the Newman Center in Amherst is the largest center of its kind on the east coast, and I am very proud to have represented it for the entire 25 years it has existed. The Newman Center has had the strong support of the diocese of Springfield, and I am proud to say that Bishop Joseph F. Maguire and Auxiliary Bishop Leo E. O'Neil have continued this strong commitment to the ideals of Cardinal John Henry Newman through their support for, and love of, the center.

Cardinal Newman's desire to encourage the laity of this Nation's colleges and universities to grow and develop through their active participation in the church is certainly evident at the Newman Center in Amherst. The 25 years of service to church and community that have been offered by Rev. David Power and his successor, Rev. Leo Leclerc, as well as the current director, Reverend Quigley, is quite an inspiration. These men have all established friendships with my wife, Corinne, and me, and I am sure that friendship extends throughout the community.

By preparing our Nation's college students to develop intellectually and spiritually through various programs that the center offers, the center has been of tremendous value to all the organizations with which it has worked. Whether it is reaching out to the community at Christmas, the "Friday Night Videos," the Annual Run for Ritter road race, or countless other events, the center represents so much to western Massachusetts.

Unfortunately, Mr. Speaker, my duties in Congress will not allow me to participate with, among others: His Eminence Bernard Cardinal Law, Archbishop of Boston; Most Reverend Daniel A. Cronin, Bishop of Fall River; Most Reverend Timothy J. Harrington, Bishop of Worcester; Most Reverend Joseph F. Maguire, Bishop of Springfield; and the Reverend Leo E. O'Neil, auxiliary Bishop of Springfield, as they are joined with many of my friends from across the Commonwealth of Massachusetts in celebrating the solemn pontifical ceremonies of Thanksgiving for the Newman Center's 25 years of service to the church and the community.

COMMEMORATION OF THE 100TH EMANCIPATION OF BLACK BRAZIL

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. HAYES of Illinois. Mr. Speaker, On May 13, 1988, black Brazilians will celebrate 100 years of freedom. Since their enslavement by the Portuguese in 1532, they have struggled for full equality and equal participation, even going so far as to establish the independent state of Palmores in 1645. Their centennial celebrates the marvelous advantage of autonomy.

In view of this historic occasion I wanted to share with my colleagues a proclamation which was approved by the Chicago City Council commemorating the 100th emancipation of black Brazilians. I and freedom loving people in the United States wish our friends in Brazil many, many more years of freedom and prosperity. The commemoration which was approved by the council is as follows:

Whereas, Afro-Brazilians were officially freed from slavery May 13th, 1888; and

Whereas, Nearly 60 million descendants of the African race call Brazil home, making them the largest population of Blacks anywhere outside the continent of Africa; and

Whereas, The Nation of Brazil was largely built on the back of Black slave labor and the contributions of Blacks to the development of the nation has never been fully recognized and appreciated; and

Whereas, Black Brazilians have struggled for full equality since they were first brought to Brazil by the Portugese in 1532 by rebelling repeatedly against their enslavement and even establishing the independent state of Palmores in 1645; and

Whereas, Chief Zumbi and his followers fought the Portuguese and the Dutch to their death in 1697 when, after 27 major assaults, the first independent Black state in the Western hemisphere crumbled under massive attack; and

Whereas, Chief Zumbi's last stand and great sacrifice in the name of freedom is celebrated November the 20th of each year by Black Brazilians; and

Whereas, These descendants of Africans taken from the Angola-Central Africa, Nigeria-Benin, Mozambique areas have maintained, despite 350 years of slavery, the indigenous African culture to a much greater extent than any other group of Africans outside the continent and

Whereas, Such culture is a Brazilian and world treasure to be preserved and not just trivialize in a carnival atmosphere; and

Whereas, A Chicago delegation led by Journalist Nathaniel Clay, and delegations from other parts of the U.S., will be traveling to the predominantly Black state of Babia in Northeast Brazil to participate in the emancipation celebrations taking place all across Brazil on the 13th of May; now, therefore,

Be It Resolved, That the Acting Mayor of Chicago and the members of the Chicago City Council, assembled here, this 27th Day of April, do hereby recognize and honor Black Brazilians on the occasion of their Centennial Celebration, and wish for them all the glorious things that full freedom and equal participation in society can bring; and

Be It Further Resolved, That a suitable copy of this resolution be prepared for presentation to representatives of Afro-Brazilians by Nathaniel Clay and members of the delegation accompanying him.

AMERICAN POLICY TOWARD PANAMA—CONGRESSMAN LEE HAMILTON AND VIRON P. VAKY DISCUSS U.S. ALTERNATIVES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. LANTOS. Mr. Speaker, many of us in the Congress share a sense of unease, concern, and frustration regarding the policy that has been pursued by the administration toward Panama and its military leader Gen. Manuel Noriega. At the same time, however, there has been little discussion of the potential alternatives and the long-term goals U.S. policy should pursue in relations with that important nation.

Yesterday's issue of the Washington Post includes an outstanding discussion of this complex and frustrating issue by our distinguished colleague from Indiana, Congressman LEE H. HAMILTON, a leading member of the House Foreign Affairs Committee, and Viron P. Vaky, senior associate of the Carnegie Endowment for International Peace and a former Assistant Secretary of State for Inter-American Affairs.

Mr. Speaker, I commend this excellent article to my colleagues. We can all benefit from its insight.

PANAMA: WHY NOT A NEGOTIATED SETTLEMENT?

(By Viron P. Vaky and Lee H. Hamilton)

U.S. efforts to remove Gen. Manuel Noriega from power in Panama through unilateral economic and political pressure are not working. Frustration with present policy is now pushing other options forward, but the U.S. government is badly divided over what to do. The choice for the United States in coming weeks is clear: either to move toward the use of miltary force in Panama or to press for a diplomatic solution.

U.S. military intervention in Panama would be a mistake. It would cost American lives, endanger the security of the canal and undermine U.S. interests in Panama and throughout Latin America. It would only benefit those who enjoy our failures: the Soviets and the Cubans.

A better course is to push for a mediated settlement between Noriega and his political opponents. The most important question for the United States is not Noriega's departure, but the nature of the Panamanian society and government that will follow. Only a negotiated, political solution can secure a peaceful succession.

Mistakes in recent U.S. policy are clear. First, we miscalculated the efficacy of economic pressure. Noriega has been able to withstand sanctions. Perhaps a period of protracted economic warfare could induce Noriega's collapse, but it is not clear how long that would take. Economic measures, in the meantime, are seriously damaging the country's economic and financial infrastructure. As the United States has acknowledged, they are hurting the Panamanian people. We may be unintentionally destroying the private sector—the base of moderate, democratic strength on which Panama's future stability will depend.

Second, we miscalculated support for Noriega within the Panama Defense Forces. He has proven resistant to discontent in the ranks, and he is alert to coup attempts orchestrated from outside or within. If he has the support of the drug cartel, as we claim, or quiet support from other governments, then he is likely to find the funds to ensure his troop's loyalty.

Third, we overestimated the effect in Panana of U.S. support for President Eric Delvalle. He was at first Noriega's man, and he has not won over the leadership of the opposition, the Civic Crusade. Moreover, many in the opposition are waiting for the United States to act, instead of working for a Panamanian solution to their country's problems. Our pressures have given them an excuse to sit on their hands.

Finally, we have failed to consult adequately with our friends and allies in Latin America. At the outset of the Panama crisis, many in the region expresed a general understanding of the U.S. position. Today, we are becoming increasingly isolated, and Latin American leaders are shying away from U.S. efforts. They are puzzled, suspicious and increasingly apprehensive about the possibility of U.S. military intervention.

At this point, we cannot return to business as usual in Panama. The departure of Noriega is a goal that still has regional support and bipartisan backing in Congress. But we must choose tactics that do not threaten broader U.S. interests. President Oscar Arias of Costa Rica has warned that all of Latin America will oppose U.S. military intervention.

The commitment of the United States to a diplomatic settlement is unclear. Neither the president nor the secretary of state has been engaged: lower level talks with Noriega to negotiate a trade of asylum for a nonextradition pledge do not exhaust diplomatic options.

What is most remarkable is that military options are being considered when not all diplomatic options have been pursued. The United States ignored last month's multilateral mediation effort undertaken by Arias, Spanish Prime Minister Felipe Gonzalez, three former Latin American presidents and Panama's Archbishop Marcos McGrath. These leaders are calling for renewed insistence by the international community that Noriega and the Civic Crusade negotiate a solution to the current crisis.

To date this mediation effort has languished, in large part because of U.S. neglect. Many of Noriega's opponents expect the United States to come in and solve their problems, so they do not compromise. Noriega, for his part, knows the Latin Americans cannot deliver the United States, so he temporizes as well.

Despite the lack of U.S. interests, this mediation effort holds the most promise:

A unified regional approach would increase pressures on Noriega, reducing his chances of outside support.

Noriega is more likely to make concessions to Latin American interlocutors. He will not bow to U.S. officials calling for his ouster.

A regional mediation effort with strong U.S. support would build momentum; it would quickly become the only game in town.

Mediation may not achieve Noriega's removal tomorrow, but it is likely to provide a better basis for the political succession in Panama that no doubt will come soon. It also offers a better means of promoting and protecting our interests, in Panama and the region, by avoiding a heavy-handed U.S. role.

Some in the administration distrust Latin American initiatives and believe that the United States must rely on its own power to protect its interests. But we must be clear. The price of military intervention in Panama will be high, and we cannot forsee the consequences. Frustration and impatience shoud not push us into choices we shall later regret. If we can accept a negotiated settlement in Afghanistan and advocate one in the Middle East, what's wrong with trying one in our own back yard?

TRIBUTE TO JOHN L.F. SIPP

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. MOLINARI. Mr. Speaker, I rise today to pay tribute to the memory of a rare individual—and dear friend of mine—who had a deep and abiding regard for his fellow man and who labored tirelessly to improve the quality of life of his neighbors. To the community of Staten Island, John L.F. Sipp was a treasured and dedicated friend. His untimely passing a year ago has left an enormous vacuum in the civic and charitable undertakings in our areas.

Though he is sorely missed, Jack has left behind a lasting legacy of generous deeds and accomplishments.

An attorney by trade and chairman of the board of a local bank, Jack always found time in the midst of a very demanding schedule to volunteer his skills and talents in a wide array of leadership and service roles.

He served as director of a cultural center, a children's society, the borough's chamber of commerce, the local chapter of the American Red Cross, and several health-related organizations.

Jack was instrumental in assisting the redevelopment of our more improverished neighborhoods and helped raise millions of dollars for worthy causes and projects. He also served on the task force created to facilitate arrangements for Staten Island to become the site for a new Navy homeport.

Among his numerous awards for community service, Jack was the recipient of honors from the Society of Seaman's Children, the Salvation Army, the Staten Island Chapter of the American Red Cross, and the Staten Island Local Development Corporation. He was presented with an honorary degree in commercial science from St. John's University, and served under two mayors in city government—first as a member of the Temporary Commission on City Finances created by Mayor Abraham

Beame during New York's fiscal crisis; and then as a member of the New York City Port Council on Development and Promotion under Mayor Edward I. Koch.

The list of Jack's accomplishments, however, only touches on his humanitarian spirit and genuine kindness. His door was always open to any problem, large or small, and his heart was sincerely behind every endeavor he undertook. It seemed he was a man driven by a need to be generous, and our community will indeed be fortunate to see his like again.

It is my privilege to bring Jack's unselfish and meritorious achievements to the attention of my colleagues in the House. I know they join me in paying tribute to the outstanding contributions he made to his community and the inspiring example he set for all who knew him.

DR. MAX COOPER: ALABAMA'S FIRST NATIONAL ACADEMY OF SCIENCES MEMBER

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. ERDREICH. Mr. Speaker, the medical center at the University of Alabama at Birmingham has firmly established its outstanding reputation as a world-class medical and research facility, and has long been on the cutting edge of the development of new avenues of treatment for a variety of medical diseases and disorders.

Much of the credit for our medical center's much-deserved reputation must go to the high calibre of scientists and physicians it employs, and it is with great pleasure that I take a few moments to tell my colleagues in the House about one medical researcher at UAB who has garnered one of the highest honors that can be accorded an American scientist or engineer.

Dr. Max Cooper, UAB professor of pediatrics and medicine and director of the school's laboratory of cellular immunology, was named on Tuesday, April 26, 1988 to the National Academy of Sciences. He was one of only 61 scientists and engineers across the country to receive this much-coveted recognition of distinguished and continuing achievements in original research.

The National Academy of Sciences is a private organization of scientists and engineers dedicated to the furtherance of science and its use for the general welfare. It was established in 1863 by an act of Congress that calls upon the academy to act as an official advisor to the Federal Government, upon request, in any matter of science or technology. The election of 61 new members brings the total number of current members to 1,540. The academy also elected 15 foreign associates from eight countries, bringing the total number of foreign associates to 257.

New members to the academy, in addition to having made a significant achievement in original research, must be nominated by a present member of the academy. Existing academy members select new members during their annual meeting in Washington, DC.

Dr. Cooper's research has focused on the relationship between breakdowns in the immune system and the development of medical disorders such as pneumonia, meningitis, organ rejection, and some forms of cancer. He made a major discovery of two types of immune cells, the T cell and the B cell, that attracted worldwide attention in the early 1960's. He also identified a specific type of leukemia.

We in Alabama are particularly proud that Dr. Cooper is the first person from any Alabama institution ever to be elected to the National Academy of Sciences.

I can think of no greater acknowledgement of one's achievements than that received from one's own peers, and I am certain that all my colleagues in the House join me in congratulating Dr. Max Cooper on being included among the best scientists and researchers in the world.

Congratulations must also go to the University of Alabama at Birmingham, for providing the type of nurturing and supportive research environment that fosters scientific and medical breakthroughs and the development of new forms of treatment.

I commend Dr. Max Cooper on his election to the National Academy of Sciences. All of us in Alabama, and the Nation, are proud of your outstanding accomplishments. Your past and future achievements mean a better quality of life and standard of living for all of us, and we look forward to your continued success as your research work continues.

CHIEF DONALD L. SAVIERS RETIRES

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. DORNAN of California. Mr. Speaker, a distinguished public servant from my 38th Congressional District in California has announced his retirement plans. After 29 years of dedicated and exemplary service. Chief Donald L. Saviers, of the Westminster Police Department, will take off his badge, hang up his gun, and return to civilian life.

On behalf of all the citizens in the 38th Congressional District, I would like to thank Chief Saviers for his outstanding work which has helped make our community a better place in which to live.

After leaving the Air Force in 1959, Chief Saviers joined the Westminister Police Department as a patrolman. Progressing through the ranks, Chief Saviers was appointed investigator in 1962, and was promoted to Sergeant in 1963. From 1966 to 1969 Chief Saviers served as traffic bureau commander, and was promoted to lieutenant and assigned detective bureau commander in 1971. Chief Saviers was promoted to captain in 1972 and assumed command of the operations division. During this period of time, he was also assigned to the Orange County Criminal Justice Council as special consultant on law enforcement. In 1973, Chief Saviers was appointed commander of the investigation division. Following the retirement of Chief Jack L. Shockley in April 1985, he was appointed chief of police.

Locally, Chief Saviers is a member of Westminster Kiwanis Club, serving as its president in 1984-85. He currently serves as district chairman of the Orange Frontier Boy Scouts of America, participating in the planning and implementation of many Scouting activities. He also serves as a member of the board of trustees for Humana Hospital Westminster.

Chief Saviers maintains an excellent relationship with Westminster's growing Asian community by working closely with Asian leaders. He is nationally recognized as a knowledgeable source of information on Asian-related crime, and has testified before the President's Commission on Organized Crime. Chief Saviers is also a member of the State of California Attorney General's Advisory Board on Asian Gangs, and supporter of community programs involved in youth diversion and victim/witness assistance.

Chief Saviers may be ending the career as a professional public servant, but I am certain that the citizens of Westminster will continue to benefit from Chief Saviers' dedication to making their community a better place to live.

SALUTE TO THE MEXICAN-AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. ROYBAL. Mr. Speaker, I rise today to salute the Mexican-American Legal Defense and Educational Fund for 20 years of outstanding service. MALDEF will celebrate its anniversary with a special dinner on April 30, 1988, and I ask my colleagues to join me in recognizing the great accomplishments of this important organization.

MALDEF is a national organization utilizing law, research, community education, and scholarships to gain equality for Mexican-Americans and other Hispanics. MALDEF was established in 1968 in San Antonio, TX. For the first time, an organization was created with the intent of fighting discrimination on the job and in the schools, to speak out against racist actions by police and in the courts, and to increase Hispanic participation in the political processes of this country.

Now, 20 years later, MALDEF's efforts are seen around the country, in the classrooms, at the polling sites and in city hall. But there are many cases yet to be filed and many battles still to be won. The voice of the immigrant remains unheard. Too many Hispanic children continue to receive an inferior education, and the Hispanic community continues to face discrimination. MALDEF's work will and must continue until all Hispanics share and enjoy the basic rights deserved by all individuals living in this country.

I would like to commend the individuals who had the foresight to found MALDEF, who decided that Hispanics had to change the status quo so as to allow succeeding generations to determine their own future.

It is a pleasure and an honor to thank the people who have in the past and will in the future serve the Hispanic community through MALDEF, and I congratulate them on 20 years of service.

POST-GOVERNMENT EMPLOYMENT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. CRANE. Mr. Speaker, in the April 2, 1988, Marietta, GA, Daily Journal, Lloyd Cutler had a piece captioned "Post-government employment restrictions are simply overkill." In it, he outlines the pros and cons of a Senate bill designed to tighten the longstanding conflict of interest laws that make it a crime for present or former Government officials to abuse their public trust for private gain.

Mr. Cutler recognizes that the avoidance of conflict of interest laws is an important political value in our system of Government. At the same time he points out that if restrictions on post-employment are too stringent, they may deter many of our best qualified citizens from taking their turn as occasional public servants. The opportunity to move from private to public service and back again is a vital feature of our political system.

Because proposals of this nature will affect Members of Congress, I commend this article to my colleagues.

[From the Marietta (GA) Daily Journal, Apr. 2, 1988]

POST-GOVERNMENTAL EMPLOYMENT RESTRICTIONS ARE SIMPLY OVERKILL

(By Lloyd N. Cutler)

The "Never Again Mike Deaver" bill is close to passage in the Senate. With sponsors as diverse as Strom Thurmond and Howard Metzenbaum, how can it fail? Its purpose is to tighten the longstanding conflict of interest laws that make it a crime for present or former government officials to abuse their public trust for private gain.

There are some desirable improvements in the bill. Since criminal convictions for technical white-collar crime are so difficult to obtain, it adds a civil enforcement alternative. Anyone who violates the law can be required to pay over to the government the fees earned by the violation, plus a penalty of 100 percent. And for the first time, former senators and congressmen and former congressional staffers would be subjected to the same conflict of interest rules they have legislated for former executive branch officials.

But because of the Deaver case, the bill's restrictions on post-employment activities involve so much overkill that they may deter many of our best qualified citizens from taking their turn as occasional public servants.

Present law bars any former official forever from advising or acting on any matter in which he participated as a government official, and from appearing for one year before his former agency on any other matter.

But under the new bill, a lawyer who specializes in food and drug and securities law and is appointed as a Securities and Exchange Commissioner could not, on his return to private life, resume his food and drug practice before the Food and Drug Administration. For one year, he would be barred from appearing not only before the SEC, but before any other department or agency of the government.

Moreover, the new bill would bar a former Cabinet-level official from advising or representing any foreign government or entity under its control as to any matter, whether or not it concerns the United States, for 18 months after his return to private life. A former attorney general or White House counsel could not advise or represent West Germany in a case against France before the International Court of Justice, even though the case has nothing whatsoever to do with the United States or the former official's responsibilities while a public servant.

The avoidance of conflicts of interest is an important political value in our system of government, but it is one among many important and often competing values. A second and equally important value is citizen participation in government, not only as voters or lifetime civil servants but also as occasional public servants during a primary private career.

Cincinnatus was a glorious and ancient example, emulated in this century by such admired citizen-statesmen as Elihu Root, Charles Evans Hughes, Henry Stimson, Dean Acheson, Cyrus Vance and George Schulz.

All of us want our government to attract to its service the most intelligent and public-spirited citizens we produce. None of us wants our government to consist solely of lifetime officials. Since we want as many citizens as possible to participate at least occasionally in public service, we must not make such service a positive detriment to the citizen's pursuit of a rewarding public-private career.

For all these reasons, the opportunity to move from private life to public service and back again is a refreshing an invigorating feature of our political system. In my view, we would pay a heavy political cost if we adopt such rigid post-employment rules that future generations will not produce their own counterparts of the citizen-statesmen listed above.

CELEBRATING THE 125TH ANNIVERSARY OF THE UNIVERSITY OF MASSACHUSETTS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. CONTE. Mr. Speaker, this weekend the University of Massachusetts is celebrating its 125th anniversary. During 125 years the university has developed itself as an institution, it has offered its students a chance to realize their own potential, it has broadened the scope of scientific research and it has provided its faculty with resources for further growth. But, more importantly, Mr. Speaker, the University of Massachusetts has developed with the region in a way that only a land grant institution can.

In fact, Mr. Speaker, the University of Massachusetts largely owes its very existence to one of the native sons of nearby Templeton, MA, also in the first district of Massachusetts. Jonathan Baldwin Turner first unveiled a plan for a State university for the industrial classes in 1850. His plan called for the endowment of a State university in Illinois from the receipt of public land sales.

In 1857, Congressman Justin Morrill of Vermont turned Mr. Turner's idea into a legislative proposal. The Morrill Act was signed into law the following year and has led to the establishment of land grant universities across the Nation including the creation of the Agricultural College in Amherst in 1863.

Since then, the "Aggie College" has flourished. As a State Senator, I oversaw a State charter for the entire University of Massachusetts system. And during my 30 years in the U.S. Congress, I have worked with the community, with university officials, and with my colleagues in Congress to make the University of Massachusetts one of the Nation's finest land grant institutions. Together we have blazed new trails in the field of polymer research, we established a mass transit system now duplicated across the Nation, and those strong agricultural foundations have blossomed into the seventh largest agricultural school in the Nation.

But the greatest resource of any university, Mr. Speaker, is the student body—the University of Massachusetts is no different. During 30 years, I have had the privilege of meeting many students at the university including many of my daughter's friends. And, in fact, I have invited many students to Washington to testify before my Appropriations Subcommittee on Labor, Health and Human Services, and Education. They are bright and ambitious, Mr. Speaker, and I am proud to work for them in the Congress.

Mr. Speaker, last spring at about this time the university endowed a Chair in Science and Technology in my name. For me, Mr. Speaker, this Chair captured the spirit of land grant universities and the beauty of the University of Massachusetts. This chair brings together a public commitment ot education, many personal and private commitments to education, and the university's commitment to educational opportunity for its students and economic opportunity for the community.

Mr. Speaker, it gives me great pride to represent the University of Massachusetts in the Congress and it gives me great pleasure to share their story with you today. This weekend's celebration is a tribute to everything accomplished by the university, but it is also a tribute to the ideals embodied in the University of Massachusetts.

I just want to take this opportunity to say, "Happy Anniversary to the University of Massachusetts."

THE IN-SCHOOL SCOUTING PROGRAM

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. TORRES. Mr. Speaker, I would like to take this opportunity to bring to the attention of my esteemed colleagues an event that will take place May 4, 1988, in my home State of California.

At this event, a man who has demonstrated his strong commitment on assisting the Boy Scouts of America will be presented the 1988 "Good Scout Award" for his long time personal and corporate involvement with Scouting both locally and nationally.

Mr. Speaker this man is Peter H. Coors, president of the brewing division of the Adolph Coors Co. Through the efforts of Peter Coors, more than 16,000 Hispanic boys and girls have participated in the "In-School Scouting Program."

"In School Scouting" offers leadership training and guidance to young people many of whom come from economically disadvantaged families, instilling in them a sense of pride and self-esteem. We are all aware of the importance of scouting and the positive impact it has on our different communities across the Nation. I would like to personally commend Peter Coors for his work supporting a vital volunteer organization which has meant so much to young people everywhere.

I would further like to ask my colleagues to join in extending Peter Coors a heart felt congratulations on receiving one of the highest honors Scouting has to give. Mr. Speaker, fellow Members of Congress, I congratulate Mr. Peter H. Coors, the Los Angeles area "Good Scout" for 1988.

THE MIAMI PROJECT TO CURE PARALYSIS

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. SMITH of Florida. Mr. Speaker, a very important event will take place in Miami, FL, on May 7, 1988. Members of the Miller-Lite All Stars and former NFL stars will be roasted during a benefit sponsored by the Miami Project to Cure Paralysis.

Members of the Miller-Lite All Stars including Bob Beamon, Frank DeFord, Conrad Dobler, Boom Boom Geoffrion, L.C. Greenwood, Bob Lanier, Ray Nitschke, Boog Powell, Jack "Hacksaw" Reynolds, and Marv Thronberry and former NFL stars such as Dick Anderson, Kim Bokamper, A.J. Duhe, Manny Fernandez, Bob Kuechenberg, Don Nottingham, Steve Towle and Nick Buoniconti will join forces to help build a stronger financial base for the Miami Project to Cure Paralysis.

Nick Buoniconti, the NFL all-pro linebacker for the Miami Dolphins, has been the inspiration behind the Miami project since 1985. The story behind Nick's initial involvement in the Miami project, however, is a tragic one.

Marc Buoniconti, Nick's son, sustained severe injuries while playing for The Citadel College football team which left him paralyzed from the neck down. From that day on, both father and son have contributed unyielding energy to the uphill battle to find a cure for paralysis.

Nick's personal commitment and perseverance has had an immeasurable impact on the success of the Miami project. His relentless energy and drive have propelled the Miami project into the international spotlight as a leader in modern neurological research. The University of Miami School of Medicine has recruited some of the world's top physicians and researchers to join the project's team. They are working tirelessly toward finding a cure for this devastating condition.

The old cliche, like father like son, has never been a more appropriate comparison than when describing Nick and his son, Marc. Marc's courage and dedication have been an inspiration for children and adults alike who find themselves locked in bodies that are oftentimes totally immobile due to injury or disease. All who come in contact with Marc are assured of a boost of self-confidence, determination, courage, and optimism.

I commend the emotional, physical, and mental strength of Nick and Marc. I also commend the Miller-Lite All Stars and the former members of the NFL for their consistent support of the fight to cure paralysis.

I urge all my colleagues and the community to support the goal of the Miami Project to Cure Paralysis. A cure for paralysis would answer the prayers of thousands of people throughout the world.

TRADE BILL

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. BALLENGER. Mr. Speaker, Even though the House and Senate have approved the conference report on the Omnibus Trade and Competitiveness Act of 1988, the trade issue is far from resolved. The President has pledged to veto the legislation, uncertain whether there are enough votes to sustain his veto. Meanwhile, those of us in Congress and the business community who are adamantly oppposed to inclusion of the plant closings provision in the bill are fighting for more responsible and beneficial trade reform.

I supported the original House version of the trade bill, as well as major portions of the conference report. Benefits of the legislation include a requirement that the U.S. Trade Representative take action against any of our trading partners who maintain a consistent pattern of unfair trading practices. This provision does not give American manufacturers an unfair advantage in global competition. Rather, it takes into account the logic that they can only be competitive in an international market governed by the same rules.

After a decade of negotiations, the United States committed to joining the other major trading countries of the world in a common system of classifying products that can be used for both imports and exports. The trade bill would implement the harmonized system.

The legislation contains a host of temporary duty reductions and suspensions, in addition to classification changes, on products that can't be obtained in this country. I have heard from companies in my district that have waited for years for enactment of these miscellaneous tariff provisions. Also, there is widespread support for greater protection of U.S. intellectual property rights as included in the trade bill.

During floor debate on the conference report, I laid out my reasons for opposing enactment of plant closing restrictions. I won't belabor those points. I voted in favor of the motion to recommit the bill and eliminate the restrictions, an effort that failed. Thus, I was forced to weigh the benefits of the overall package against the extreme negative implications of the plant closings provision. I voted against the trade legislation because I believe that the trade bill with plant closings is a bad bill.

In the likely event that his veto is sustained, the President has promised to reintroduce a trade bill without plant closings and if the Congress will approve it, he has pledged to sign the bill into law.

Textiles and furniture are two of the most prominent industries in my district. Yet, too many textile mills have closed due to the flood of cheap textile and apparel imports into this country. Furniture exports have suffered at the hands of high foreign tariffs. I came to Washington late in 1986, having decided that promoting fair trade was one of my own priorities as a Member of Congress.

Nonetheless, the trade bill, with plant closings included, would do more to hurt these two industries than help them. The furniture industry is adamantly opposed to the trade bill in its current form. The textile industry is supportive of the textile bill as the remedy for their trade problems—a measure I have worked hard to see enacted.

I urge the leadership to move forward on a truly competitive trade bill, minus plant closings. They have my support.

JOHN L. COSTELLO, M.D., HONORED BY UNIVERSITY OF VERMONT

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. GUARINI. Mr. Speaker, I would like my colleagues in the House of Representatives to be cognizant of a great honor being bestowed upon an outstanding physician in the 14th District of New Jersey which I represent.

In mid-May, Dr. John L. Costello, a long term and very popular member of St. Francis Hospital's medical staff, which is part of the national Franciscan Health System of New Jersey, Inc., is being honored as an alumnus of the University of Vermont for his outstanding services in their behalf.

According to the information provided by a dedicated member of the St. Francis Hospital administrative staff, Mrs. Joan Quigley, vice president of corporate affairs, the honoree has an outstanding record of service.

John L. Costello, M.D., who recently retired from the private practice of surgery in Jersey City, will be honored by the university of Vermont on Saturday, May 14, 1988. He will receive the A. Bradley Soule Award, named for an alumnus of the university, for loyalty and dedication to the school.

Dr. Costello is currently the assistant to the vice president for Medical Affairs of the Franciscan Health System of New Jersey. He is the liaison between the administration of St. Francis Hospital, Jersey City, and its 300-member medical staff.

He is a general surgeon who graduated from the College of Medicine of the University of Vermont and gained clinical experience in hospitals in New York, New Jersey, and Connecticut, as well as in service to his country overseas in the U.S. Army.

He attended additional classes in medicine at the University of Vienna and demonstrated such diligence in continuing medical education that he was twice awarded the Physician's Recognition Certificate of the American Medical Association and the New Jersey Medical Association.

He also served as clinical associate professor of surgery at the College of Medicine and Dentistry of New Jersey and is the author of several articles that have been published in distinguished medical journals.

He is a member and was elected a councilor of the American College of Surgeons and he is a fellow of the International College of Surgeons, a member of the American College of Gastroenterology, and a fellow of the American College of Utilization Review Physicians.

He was an active member of the medical staff of St. Francis Hospital since 1952 and served with distinction as an officer of its medical council and chairman of many committees. He served as a member of that hospital's board of trustees and twice led its fundraising efforts as chairman of its charity ball.

He is active in several Hudson County civic and social groups and is a former president of the Friendly Sons of St. Patrick. In 1981 he received St. Francis Hospital's Medal of Honor for extraordinary dedication to that institution and its patients.

I salute Dr. Costello for his professional service to thousands of individuals in the New Jersey area. In addition to his competence he has been generous on many occasions, assisting those medically indigent.

I commend the University of Vermont for bestowing this honor on Dr. John Costello. He has served his profession with honor and dignity. He has served his community with tender loving care.

I feel certain that my fellow Members of the House of Representatives wish to join me in this tribute to Dr. Costello.

THE DEPENDABLE EVERLASTING TAX DAY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday April 29, 1988

Mr. CRANE. Mr. Speaker, like the swallows to Capistrano, and the groundhog to his shadow, spring ushers in events that we may depend on seeing year after year. Included in this list of "dependables" is April 15, better known as "tax day."

However predictable tax day has become, the format by which we participate changes year to year. Once again confusion reigns as businesses and families file their yearly tax forms.

I would like to take this time to remind this distinguished body that 2 years ago, a tax package was born to alleviate unfair tax practises, to simplify our lives and to once and for all change the way Americans look at this time of year. We, however, have failed in these efforts.

President Reagan required four criteria be met before he supported a tax reform package: fairness, growth oriented, simplification, and family oriented.

Shifting of $120 billion in tax liabilities to the business sector—the same sector where the middle class finds employment—is not my idea of fairness. The elimination of the long-term capital gains reduction was a way of sticking it to the rich. However, small enterprises derive their dollars to start and conduct business from venture capital—the same capital eliminated from a tax preferential status. Even worse, while we have increased the maximum capital gains rate a record 65 percent, our main trading competitors have decreased and in some cases eliminated taxes on capital gains. Surely, these actions affect the creation of jobs so important to the growth of our economy.

April 15, marked the occasion when America would decide if Congress did its job and simplified the tax filing process. Confusion reigned supreme as the "caretaker" of tax collection, the IRS, found itself in some cases, unable to answer the questions Americans needed answered to file proper returns. This body spent so much time tinkering with the whole system to ensure that revenue levels remined at least constant, that it tinkered itself into a state of mass confusion.

The family oriented objective, too, failed to be implemented. Couples have recently discovered that Congress, by setting tax brackets at their current rates, have penalized individuals for the high crime of being married.

I am pleased to state that I fought strenuously against the 1986 tax reform bill. After hearing of the confusion and incredibly unequitable situation that was exposed during tax season, I again affirm my belief that we have created a monster that could spell disaster for the long-term health of the U.S. economy.

LIMIT ON HONEY PROGRAM

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. CONTE. Mr. Speaker, according to the U.S. Department of Agriculture, a record-setting 200 million pounds of 1987 crop honey will be placed in the Marketing Loan Program at a cost to the taxpayers of 24 cents for each pound. Honey producers are able to redeem up to 1.04 million pounds of honey through the marketing loan system, and will forfeit another 5.12 million pounds of the 1987 corp to the Federal Government to avoid a direct payment limitation.

Because of the substantial level of subsidies available to all producers, participation in the Federal program is at an alltime high. The 1985 Food Security Act has encouraged producers who have never before sought—or had reason to seek—Federal subsidies to sign up. While I have tried to impose some reasonable restrictions on the maximum individual gains that can be received by producers in this and many other commodity support programs, there are still very few effective statutory limits.

Among the many letters I have received from American beekeepers urging programmatic reform is one from a third-generation farmer in Defiance, IA, who supports a maximum individual payment limitation of $150,000. While I continue to advocate the phase out of this program, I include the full text of his letter for the review of our colleagues. In doing so, I must point out that the Honey Program was created back in 1949 to give some short-term help to our beekeepers until they could get a fair return for their pollination services. That was 40 years ago. And as the record shows, many of these services are still free while direct Federal subsidies for honey in fiscal year 1987 alone totaled $72.6 million.

The letter follows:

DEFIANCE, IA,
February 19, 1988.

Congressman SILVIO O. CONTE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN CONTE: I am a third-generation, commercial beekeeper managing approximately 900 swarms in Southwestern Iowa. And, like most commercial beekeepers, have a one-family operation (those with 750 to 2000 swarms. After reading recent news stories attacking the honey price support program, I felt I had to make my feeling known.

My income depends solely on honey sales to private packers. I have participated in the honey loan program but do not relinquish my product to the government. You will find that I and most honey producers are in favor of the $250,000 limit on sealing and I even feel it should be $150,000. But eliminating the program altogether at this point in time, without import protection, would seriously jeopardize many family businesses, plus eliminate millions of dollars worth of free pollination.

A few large, greedy beekeepers could not leave well-enough alone. The program, as it was, with the $250,000 limit and buy-back option was saving millions compared to the previous program without a buy-back. So, I am urging you not to throw out the honey price support program, but to establish it the way it was with the cap and buy-back. I am a husband and father of three youngsters and would far rather be a taxpayer than a tax burden.

Yours truly,
DOUGLAS L. SCHMITZ,
Honey Producer.

FTS 2000 TELECOMMUNICATIONS PROCUREMENT

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. BROOKS. Mr. Speaker, today three companies, AT&T, U.S. Sprint, and Martin Marietta, and their respective teammates, a total of 17 major companies, submitted proposals for the largest nondefense procurement in our Nation's history—the FTS 2000 telecommunications procurement. FTS 2000 will replace the current expensive and outmoded Federal Telecommunications System [FTS] and will save the American taxpayers hundreds of millions of dollars while providing greatly improved telecommunications services for the Federal Government.

The General Services Administration [GSA] has developed a sound request for proposals [RFP] which provides for state-of-the-art telecommunications services at enormous savings to the Federal Government. It has developed the RFP in close cooperation with potential bidders in order to assure the best possible system. In the process, it has succeeded in encouraging the maximum degree of competition possible for a procurement which because of its size, nature, complexity, and risk would have discouraged many companies from competing.

While GSA has encountered difficulties along the way which have extended this project's schedule, anyone familiar with Federal procurement knows that a few months delay on a project of this complexity is very typical. In fact, projects of this magnitude, involving billions of dollars, are often delayed several years while a consensus over structure and budget is forged between Congress and the administration. GSA should be highly commended for addressing the problems in a professional manner and issuing a restructured RFP in record time. This having been accomplished, it is now time for all of us to do everything possible to ensure that FTS 2000 is kept on track and successfully implemented.

One area we need to look at very closely is the degree of Federal agency participation in the new network. Congress recognized this during consideration of last year's appropriations bill when it directed that regulations be developed to require full participation in the procurement by all agencies. These regulations will provide appropriate exemptions in situations deemed to require unique or special purpose network capabilities. However, faced with severe budget cuts, all senior Federal executives should carefully examine their telecommunications needs and determine if they can first be met by the FTS 2000 network. It would be especially prudent for the military components to first determine if their requirements can be met by FTS 2000 before spending scarce tax dollars on unnecessarily duplicative or redundant systems. The savings available from the termination of such systems currently under development or in the planning stages, could be applied to more critical projects while at the same time maintaining military readiness. These savings are particularly important since the Department is facing drastic budget cuts, and ways must be found to reduce the costs of military programs.

In closing, I would like to point out that today's receipt of bids marks a major milestone in the FTS 2000 procurement. It is a credit to everyone involved that the issues were resolved quickly and a complete restructuring of the project was accomplished. I want to personally congratulate the dedicated professionals on the GSA FTS 2000 team who have worked around the clock to make today happen. They are a credit to government service.

FTS 2000 will provide the Federal Government with a competitive, efficient, modern, and high quality telecommunications system for the next decade and beyond. As such, I urge all those involved to do everything possible to bring this procurement to a successful completion in a prompt and orderly fashion so that we can commence to obtain the tremendous benefits that it promises.

SELECTIVE OUTRAGE AT THE U.N.

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. KEMP. Mr. Speaker, the New York Post published an editorial yesterday which showed a clarity of vision on an important issue where clear perspective has been sadly lacking. The Post boldly takes the U.N. to task for its biased and prejudicial attitude toward the United States and the Middle East.

"The United Nations demonstrated earlier this week that it can move swiftly on matters involving terrorism—when it's in the mood," the editorial reads. The United Nations must have been in the mood when it took only 2 weeks to condemn the killing of Abu Jihad, a PLO terrorist, and managed to implicate and thereby also condemn Israel for it. Yet this same august body has done nothing to effect the release of the chief of one of its own missions, American Lt. Col. William Higgins, who was captured more than 2 months ago in Lebanon.

The editorial expresses the feelings of many when it states that "The unprincipled bias at work here is no surprise to those who follow the U.N." If there is anyone left who questions whether the United Nations—this purportedly neutral peace-keeping body—distributes its version of justice in an even-handed fashion, a look at the U.N. attitude toward Israel, toward the PLO, and toward at least one American serving as a U.N. observer should dispell any doubts.

Such selective action by the U.N. draws the lines clearly and threatens U.N. missions everywhere. When the world is made aware that the U.N. will act more swiftly in support of terrorists than to protect its own, there is no safety for the men and women of any nation who serve in U.N. forces world-wide. The Post is right when it says, "If the U.N. expects anyone anywhere ever again to respect U.N. soldiers, it is deceiving itself. Unless the Secretariat tells the General Assembly that some sort of action is needed, Turtle Bay might as well abandon a program the U.N. was once very proud of—peace-keeping."

I would like to share with my colleagues this pointed editorial from yesterday's New York Post.

[From the New York Post, Thursday, Apr. 28, 1988]

SELECTIVE OUTRAGE AT THE UN

The United Nations demonstrated earlier this week that it can move swiftly on matters involving terrorism—when it's in the mood.

By a 14-to-0 vote, the Security Council passed a resolution condemning the killing of Khalil al-Wazir (a/k/a Abu Jihad), the top PLO terrorist who was assassinated in Tunisia a couple of weeks ago.

It seems strange that an institution created to promote civilized discourse among nations should pause to deplore the passing of a notorious terrorist.

All the more outrageous is the contrast between this swiftly prepared resolution and the UN's apparent indifference to the fate of its own chief truce observer in Lebanon, U.S. Marine Lt. Col. William R. Higgins.

More than two months have elapsed since Higgins—dressed in a UN uniform—was kidnapped by Shiite terrorists belonging to the Hezbollah (Party of God) faction. Hezbollah is effectively controlled by the government of Iran. And Iran is a member of the UN.

Yet neither the General Assembly nor the Security Council has seen fit to pass even a pro forma resolution deploring Higgins' kidnapping—not to speak of voting to condemn Iran for its general sponsorship of Hezbollah terrorism.

The Council's al-Wazir resolution, on the other hand, not only deplores the terror chieftain's death, but also—by pointedly noting that Tunisia blames Jerusalem for the assassination—implicitly condemns Israel for the killing.

Israel has not acknowledged responsibility for the assassination, even though striking back at a terrorist—one who'd only recently launched a murderous attack on a civilian bus in southern Israel—is nothing to be ashamed of. So the UN's condemnation is based entirely on hearsay evidence.

The unprincipled bias at work here is no surprise to those who follow the UN. The only thing that's different is the fact that Higgins was a UN truce observer, a soldier in service of the world body.

If the UN expects anyone anywhere ever again to respect UN soldiers, it is deceiving itself. Unless the Secretariat tells the General Assembly that some sort of action is needed, Turtle Bay might as well abandon a program the UN was once very proud of—peacekeeping.

THE 25TH ANNIVERSARY OF THE PARKWAY HOSPITAL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Parkway Hospital of Forest Hills, NY, as it celebrates its 25th anniversary. The Parkway Hospital is a 227 bed private, acute care hospital that has compassionately served the residents of Forest Hills, Rego Park, and surrounding Queens County communities since 1963.

The Parkway Hospital has thrived under the effective leadership of Richard Friedman, M.D., president of the board of directors; Irving Mauer, M.D., vice president of the board of directors, and vice president of the medical staff; Young I. Kim, M.D., secretary and treasurer of the board of directors; Shashi Patel, M.D., president of the medical staff; Raymond

Feinberg, M.D., secretary of the medical staff; Robert S. Goodman, chief executive officer; Paul Svensson, vice president of operations; and Joseph A. Fiorentino, R.N., vice president for patient care services. I commend and thank them for their selfless work on behalf of the community.

Mr. Speaker, through the years, the Parkway Hospital has exhibited an unyeilding commitment to quality care for its patients. It offers the latest in both diagnostic and therapeutic technology, including CAT scan and Ultrasound services, as well as Yag, Argon, and carbon dioxide laser surgery units.

Always sensitive to the needs of its patients, the Parkway Hospital recently opened an ambulatory surgery unit for same day surgery procedures and a preadmission testing service designed to minimize the amount of time patients scheduled for admission have to stay in the hospital.

The hospital has also coordinated a stop smoking program with the Queens division of the American Lung Association, operates an "I Can Cope" program with the Queens division of the American Cancer Society, created a community hypertension screening program, developed patient education programs on such important health subject areas as diabetes, and participated in numerous community health fairs.

The 25th anniversary of the Parkway Hospital not only celebrates a tradition of its first 25 years of community service, but also marks a new beginning with the current expansion of its emergency unit and the continuing growth of its impressive inpatient and outpatient programs.

Mr. Speaker, I ask my colleagues to join me in wishing the Parkway Hospital many more years of quality care and excellent community service.

ZINOVY OSTROVSKY, SOVIET REFUSENIK

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. HOCHBRUECKNER. Mr. Speaker, the Jewish holiday of Passover, commemorating the freedom of the Jews from slavery under Egyptian Pharaohs, was celebrated recently. In addition to the traditional ceremonies of the Passover service, many families in the United States and throughout the world used this Passover holiday as a chance to once again say to General Secretary Gorbachev, "Let my people go!" As we all know, even today, thousands of years after the exodus from Egypt, Jews and other religious and ethnic minorities are still prevented from exercising their basic rights to live freely and to practice the religion of their choice in the Soviet Union.

Today in the Soviet Union, there are over 400,000 Jews who have expressed their desire to leave the Soviet Union, and over 2 million other Jews who daily face the prospect of religious persecution. Today, I would like to bring to the attention of my colleagues, the situation of one refusenik family.

Zinovy Ostrovsky, his wife Olga, and his daughter Masha, have been awaiting permission to emigrate for 9 years. Zinovy graduated from the Optico-Mechanical Institute of Leningrad in 1971. In 1976 he was fired from his research engineering job when his older sister applied for an emigration visa to Israel. Since that time, the Soviet Government has allowed Zinovy to work only as a menial laborer.

Zinovy Ostrovsky is the only member of his family who still lives in the Soviet Union. His older sister lives in Israel, and his younger sister lives in the United States. The reason given for Zinovy's refusal was the typical: "His emigration is not in the interest of the state."

Zinovy Ostrovsky has not performed any technical work for the past 12 years, and has two "first degree" relatives outside of the Soviet Union as is required of all emigrees by current Soviet law. There can be no legitimate reason for preventing him from emigrating.

Mr. Speaker, I am currently circulating a letter to my colleagues on behalf of Zinovy Ostrovsky. The response I have received has been very supportive. This letter will be sent to the Soviet Union prior to President Reagan's May summit meeting with General Secretary Gorbachev. It is my hope that before the end of that meeting, Zinovy Ostrovsky and his family will be allowed to rejoin their family in Israel.

SPEECH BY KATHLEEN KENNEDY TOWNSEND

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. LEWIS of Georgia. Mr. Speaker, on June 5, 1988, we will observe the 20th anniversary of the death of one of America's most revered sons: the late Senator Robert F. Kennedy. As many of you may know, Bobby Kennedy was a friend, mentor, and a true voice of a generation which moved to reform the consciousness of America.

As we approach the 20th anniversary of Bobby Kennedy's untimely death we should stop and reflect on his life's ideals, dreams and accomplishments. As you know, he worked feverously to make our society more conscious, caring, and peaceful.

On April 22 and 23, 1988, a memorial event was held at Loyola Marymount University in Los Angeles which brought together many relatives and friends of the late Senator, many of whom I have not seen since 1968. Numerous panels, meetings and workshops were held as we celebrated the life of this man who awakened unknown strengths in a generation and inspired us to change the world.

The highlight of this event was a moving speech by Kathleen Kennedy Townsend, the daughter of the late Senator, which reflected on the legacy of this great American who touched something deep and enduring in each of us. Her remarks are as follows:

SPEECH BY KATHLEEN KENNEDY TOWNSEND

It is a real joy to stand here with each of you today. I want to thank you for all that you gave to my father twenty years ago. You gave him hard work, long hours, dedication, commitment. You gave him your faith that the reconciliation that he was trying to bring about in the nation could come to pass. For this you shall be remembered.

These two days are a time to recall the battles, to tell stories, to laugh and be happy that you were part of that joyful time.

We want to remember Robert Kennedy because he touched something deep and enduring in each of us. We miss him terribly. And it is a comfort to be among friends.

It is also an occasion to rededicate ourselves to fulfilling the sense of possibility that he saw in this Nation and in each of us.

I have been asked to speak about where we go from here, how to create the newer world. That is a bold and precocious charge. It is, after all, just an accident of birth that gives me the opportunity to address such serious topics. And yet, as my father believed, one should not shrink from challenge and responsibility. "If you do not do this, who will do this?" So, I thank you for this chance.

When my father was home, the moments were very special. And not because they were relaxing. They were not. But because he challenged us.

On Saturday mornings we had to practice before the touch football games.

At dinner time we were quizzed on history.

At night we receited the rosary and he read the Bible—always the Old Testament. He specially liked the story of Ruth—a tribute to our mother.

He taught his children that private happiness or the happiness of one's own immediate family was not enough. By his questions, and by taking us to the Senate racket hearings, to political rallies, to Fort Bragg, to the playgrounds that he built for ghetto children, he taught each of us that participation in public affairs was worthy and honorable. And he made it an adventure. By challenging us to do well, to know and understand our world, he instilled in each of us a belief that we must do our best. And as all of you know, he called on the best in us—the noble, rather than selfish and self-centered.

I speak about this because in a time when so many of our political leaders seem content to provide people with the ability to pursue their own private interests either by getting Government off our backs or by making the Government provide material satisfaction, he believed that the essence of our democracy was that each person could contribute, look beyond their several concerns, could dream, and could make a difference.

In each of the areas that he chose to make a contribution he spoke the truth and opened up the process of participation.

He tackled the corruption in the Teamster's Union. He saw the choice as "either they will own the country, or we will."

While some shied away from the investigation, he did not. He had faith in labor. And when the opportunity arose, he made sure that the committee's investigation into UAW demonstrated the commitment and honesty of the United Auto Workers. One of the most moving acts of 1968 was breaking bread with Cesar Chavez.

As Attorney General he grasped the fundamental moral issue, the civil rights movement. From a different vantage point perhaps, but with a single purpose he worked with civil rights leaders to end injustice. It was he who suggested concentrating efforts on voting.

And as Senator from New York, and candidate for President, he saw how many in this Nation were disposed. This offended his vision of a nation, which was political in the deepest sense. His vision was concerned with the way men and women walk and meet and work with their fellow citizens: with the way they look one another in the eye with the manner of their salutation, the style of their common discourse.

This was the central meaning of Bedford-Stuyvesant project—to be black run, black owned, black managed. To be independent economically so that it could meet the rest of society on something approximating equal terms.

Even more important, his vision of poverty has not confined to the poverty of a special class; it went far beyond, to the "poverty of satisfaction, purpose and dignity that affects us all." And he saw that as long as this poverty persisted, there could be no real equality. He knew, as we know, that eliminating even material poverty is not, for this country, a matter of resources—but whether we can transcend ourselves, and to love one another.

The central thread giving direction and consistency to all the rest was public participation. This is far more than a matter of volunteering for good works at the local hospital yet it is also that easy. What he was talking about was in effect participatory democracy—the active participation of people in the decisions and action of that affect their lives.

Today the issues are different. Twenty years ago we believed that participation was important and that our individual contribution effort was part of a shared effort to create a better world. We joined our fellow citizens in common cause, and we felt the victories of our fellows were our own.

This is no longer the case.

Individual efforts are still important. Tutoring, building low cost housing, running an effective drug treatment program makes a difference in the lives that they touch. There are anecdatal stories of admirable personal commitment. But there is a lack of connection between the individual effort and the larger public purpose.

There is, too, a greater apathy among old and young, and especially the young.

I believe that this withdrawal from the public life and the static quality of so many individual efforts is due in large part to the fact that our leaders are unwilling to acknowledge the fundamental issues that we in this country face to debate, discuss, what we should do. Our leaders have not articulated these larger public goals. They don't speak forthrightly about the real issues, and so we can not have shared solutions.

What are the truths of today?

We know that drugs are an insidious poison—possibly the most dangerous threat to our way of life. Drugs destroy families, threaten the safety of our citizens and corrupt our government. Our elected officials may have us believe that it is only those South American governments that fall victim. Not so.

What Dave Beck and Jimmy Hoffa did was child's play compared to the depth of the drug corruption. My father conducted a full scale two year Senate investigation into labor racketeering. This Congress has not even come close on drugs.

How can any individual police officer, attorney, or drug treatment workers feel any confidence that the political leadership really wants him to succeed. In fact, just the opposite is true. Investigations in Miami were stopped by the Administration. And now those efforts are again stymied because the President seems more intent to stand by Ed Meese than get to the heart of the drug problem.

In the 1960's we believed that by breaking down barriers to discrimination, by enacting a voting rights act many of the problems that blacks faced would be solved. Yet the problems are more intractable than ever.

Our inner city schools may not "discriminate" but they don't teach a whole lot either. Drop out rates in the inner cities in which the vast majority of students are black average 50 percent. And even those who graduate are not learning much. Fifty percent of the high school graduates in one city could not identify the United States on the map of the world.

Children are having babies and they aren't getting married. Who cares enough to say it is wrong. They are uneducated, untrainable, and hopeless. With little to occupy their time, they do crack, cocaine, PCP. In significantly larger percentages than the rest of the population they steal, assault, and kill.

Teenage pregnancy won't be solved by mere calls for abstention or of knowledge of better contraceptive devices, but only by the hardwork of building a culture and a community where one can take pride, and find respect for doing something other than being a teenage parent.

What political leadership have we had? Has the President of the United States called attention to this issue, or the Vice President, or any of the Presidential candidates? He hid it away, the politicians don't talk about it, and the citizens know that the politicians don't talk about it. And so how can we build that "beloved community"?

Twenty years ago my father recognized that laws alone would not immediately ameliorate 300 years of oppression. He started Bedford-Stuyvesant. It was a good idea. But where are the other Bedford-Stuyvesants?

What we are most struck by is the devastating failure of some of our best hopes. Take public housing. Remember the article in the Wall Street Journal describing the Henry Horner Housing project in Chicago? A mother told how the gangs would recruit children. If one refused, as one eight year old did, he was shot, killed, and his body placed on the elevator to serve as warning to others not to resist. The police, in fear, never came.

The day after the story ran, the Chicago Housing Authority called the woman. Why? To reprimand her for speaking out.

At least they noticed her. No public official called. No one else was angry enough to speak out.

Yet the crime in that housing project is not unique or really unrepresentative of the problems of our inner cities. In the first 2 months of this year, 40 children were shot in the Detroit public schools. Ten were killed. At least that is what I was told by a Detroit educator. I am not sure because neither the mayor nor police commissioner keep accurate count.

This lack of responsibility is hardly surprising considering the culture of Washington. All we see is a scramble for money. It is not only in the Olympics that people "go for the gold."

How can we look up to our leaders when we know that they look up to nothing. And care only for themselves. They are simply ahead of us in line. Nothing more. They don't challenge themselves, and they don't challenge us.

My father had a vision beyond himself, and because he deeply believed in that vision he told the truth, even when it was uncomfortable. He told white medical students about the desperation in the inner city and when they asked who would pay, said straightforwardly, "you will." He told the self-satisfied women who asked nothing he was disgusted with their lack of concern. He made enemies; Jimmy Hoffa, J. Edgar Hoover, George Wallace because he was * * *.

He believed in moral courage. As he said in South Africa, "moral courage is a rarer commodity than bravery in battle or great intelligence. But it is the one vital essential quality for those who seek to change the world that yields so painfully to change."

He understood the lessons of the Bible that we read each night, and the ritual of Sunday mass. He was deeply religious. That is very different than having a set of values, something that could be weighed and balanced as though a book of account. No, he believed in God, in good and evil, virtue and sin, truth and justice. He went to church and he meant it.

I went to a church the other day to learn about an after-school program for at-risk students. I asked whether they ever talk about God in these afternoon programs. Both the minister and his assistant seemed surprised by the question. "Oh no," I was told, "What would God mean to these children. Nobody loves them so why would they believe God would. I tell them that they must behave and obey the rules so that they won't get hurt." The minister added, "for these children God is the rich, not for them."

But what if God is black?

We tremble when we think there is a God and that He is just.

We tremble, and we wonder who our neighbor is, and what we have done to help.

We tremble when we consider all our talents and wonder how much we have squandered.

Still, it is not a time to feel shame, although there has been far too little shame in the last twenty years. This is a time to imagine what can be, and to strengthen our resolve.

Your decision to come today—to make that long and hard, and yes, painful journey fills me with enormous hope.

In 1965, which was 20 years after the death of Franklin Roosevelt, there were no great commemorative celebrations—not because we did not honor the memory of the man who was four times elected President of the United States, led us out of a depression and through a war but because people understood that he was now part of history. The fact that this and similar observations in other parts of the country is going on show us that Robert Kennedy, what he stood for, what he meant to us, and what he means to us has not yet passed into history.

He is not part of our past—something you read about. He lives in us.

And therefore with all that we have suffered through, we still retain confidence and hope. That indeed is an enormous achievement. To come through the difficulties of these last years and to have retained that special spirit, that special combination of faith and determination, grit and love, is a signpost of hope not just for us, but for everyone who wants something better for our country.

And because the people who share this and share it today are by that virtue such a special group of people, we can and do every day, whether we realize it or not, take strength from one another.

And so we are here to work together, and to consider how each of us can contribute.

For some this will mean teaching children, not in just creating a politician's "good school" where teacher's unions groups are placated and custodians make $70,000 a year, but where history and literature and a sense of their country comes alive, schools where the young can get a passion for learning and where they will think, and discover, and write with joy and confidence.

For others it will mean creating homes for those who now lie homeless, or jobs which pay a living wage, a stake in the company, work that offers purpose and dignity.

For still others it will mean creating day care and child care leave so that parents can read and talk and play with their children and teach them about our world.

For still others it will mean preserving our precious Earth, and saving the elephants and the whales, and showing some humulity in the fact of the creation of life that in many ways is more impressive than our own.

All this is good. But the real job is to pass on the spirit that we share today to our children. The young will always reach for something better if it is there for them. We teach by example, and by creating possibilities for our young to do the good that is in their hearts.

As I said in the beginning, if we do not do this, who will?

We can then recover our faith, as my father said in South Africa, that "each time a man stands up for an ideal or acts to improve the lot of others or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing others from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistence."

THE MINIMUM WAGE ILLUSION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. CRANE. Mr. Speaker, I would like to share with my colleagues my views on legislation that Congress will soon address, H.R. 1834, which seeks to increase the minimum wage. Although H.R. 1834 is well-intentioned, an increase in the minimum wage is merely an illusion in the attempt to help the working poor. In fact, an increase in the minimum wage would actually harm the very people it was intended to benefit. If the minimum wage were to be raised, the cost of doing business would also be raised. Such an increase would induce the elimination of jobs, the reduction of hours, as well as a rise in prices. The U.S. Chamber of Commerce estimates that 200,000 to 900,000 jobs will be lost due to an increase in the minimum wage. According to the chamber, 644,000 jobs were lost directly as a result of the last rise in the minimum wage. There are several alternatives to an increased minimum wage that should be carefully considered. These options include expanding earned income tax credits, changing the rate of increase, introducing a subminimum wage to encourge the hiring of teenagers, and raising the minimum wage at the State level. I commend to the attention of my colleagues, the following article by Mr. Louis Rukeyser entitled "The other side of the minimum wage argument," which appeared in the Atlanta Journal on April 2, 1988. This article illuminates the negative costs inherent in a minimum age increase.

[From the Atlanta Journal, Apr. 2, 1988]

THE OTHER SIDE OF THE MINIMUM WAGE ARGUMENT

(By Louis Rukeyser)

When politicians are in season, no American is safe, but Congress's latest attempt to jam through an increase in the minimum wage rate is even sillier than usual.

Oh, it sounds good when you say it fast—wouldn't it be nice if every worker made more money?—but what history invariably demonstrates is that such action turns out to be anti-youth, anti-blacks and anti-jobs.

If you presented it that way, its support would instantly evaporate. Instead, those who advocate increasing the minimum wage from $3.35 an hour to $4.65 or $5.05 talk as if the only effect of such government wage control would be to put more money in the pockets of America's poor. Would that it were true.

In reality, as the distinguished economist Andrew F. Brimmer trenchantly pointed out, "A growing body of statistical and other evidence accumulated by economists [particularly those outside the govenment and not connected with the trade-union movement] shows that increases in the statutory minimum wage dampen the expansion of employment and lengthen the lineup of those seeking jobs. Advances in the minimum wage have a notably adverse effect on young people—with the effects on black teenagers being considerably more severe."

CALCULATE THEIR COSTS

We are so used to having the problem presented in old-fashioned class-war terms—the fry cooks vs. McDonald's—that we fail to focus on what such laws really do to would-be workers.

In the real world, employers must calculate their costs, and if the benefit of hiring a particular worker is less than the price, the worker will not be hired. The true question today should be: "Is it better to have masses of workers unemployed at $4.65 an hour or working at $3.35?"

There's nothing theoretical about this. The so-called minimum wage law should more accurately be called the minimum work law. It assures that a larger group of Americans will be paid $0.00 an hour and will not get vitally needed initial work experience and will be excluded from entry to the ladder of economic success.

The issue as it relates to minorities is particularly poignant. We have grown so used to hearing devastating figures about black youth unemployment that we may have come to think of such statistics as a tragic remnant of our racist past. In fact, it is nothing of the kind: It s a phenomenon produced over the past four decades by repeated increases in the minimum wage rate.

HOW IT WAS IN '48

In 1948 the unemployment rate for 16- and 17-year-old blacks was actually less than that for whites—9.4 vs. 10.2 percent. And until 1954 black teenagers—indeed, blacks in every age group—were more active in the labor market than their white counterparts. That's the reverse of today's situation.

As one incisive observer, Professor Walter E. Williams, remarked, "Minimum wage laws make it uneconomical to hire highly disadvantaged youngsters." Williams contended that the AFL-CIO continually lobbies for higher minimum wage rates not to protect its own members, who earn much more, but to discourage employers from replacing one skilled union worker with two less-skilled beginners.

Whatever the motivation, here's an issue on which truly compassionate observers of all stripes overwhelmingly agree. With no change in the rate since 1981—and unemployment, not coincidentally, currently at the decade's low—we have the happy prospect of letting inflation put this divisive issue behind us. What America needs is maximum work; to ignore history and enact another job-thwarting change now would be unproductive and inhumane—at a minimum.

THE MILITARY CHILD

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. RAY. Mr. Speaker, the month of April has been designated as a time when the Nation should recognize the special needs of the military child. In doing so it is appropriate that we honor the strengths and bonds of the military family and community.

A program which I am familiar with, illustrates one of the finest traditions of the services, that is the ability of the military community to pull together during times of hardship and cope with their special needs by working with each other. The family child care services which are provided at Fort Benning in Columbus, GA, represent such a tradition.

The service was initiated in 1985 due to the problems which service personnel were experiencing in getting child care at a reasonable cost and which could meet their special needs. The service is designated to provide flexible day care. The success of the service has meant that military parents are assured of affordable child care at all times.

At present their are over 70 individuals who participate as caregivers at Fort Benning. These individuals receive a careful course in child care. Their backgrounds are examined in order to offer the parents assurances about the environment in which they are leaving their children. Once a caregiver has been trained and cleared their house is examined in order to make certain that it is safe and healthy.

In addition, the service has a trained nutritionists who makes certain that the children are receiving a balanced diet. The service participates in a USDA program which allows the State to reimburse the caregivers for the cost of the food.

The Family Child Care Service Acts as a referral service. Parents call in to the center and are given the names of caregivers. Fees for the service are in the range of $30 to $40 per week. This is a good bit lower than what parents are able to find off base, and therefore provides a needed service for personnel in the medium and lower income brackets.

Mr. Speaker, child care is becoming an important issue throughout our Nation and in the Congress. I believe that it is important that we safeguard the future of our children because they represent the future of the Nation.

The Child Development Program at Fort Benning demonstrates how one community was able to solve its unique problem. It illustrates the tradition of community self-reliance which use to be a hallmark of American life. In the month of the military child we should congratulate the many men and women who have worked hard to make this program a success, and look to their example in our coming deliberations.

THE YOUTH POLICY INSTITUTE'S 50-MILE CHALLENGE WALK

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. RICHARDSON. Mr. Speaker, I would like to bring to your attention a small band of hardy individuals dedicated to the betterment of America's young people, the Youth Policy Institute. On May 7, the institute is holding its annual 50-mile challenge walk along the C&O Canal.

The walk originated in 1963, when President John F. Kennedy, reminded of the Marine Corps march issued by Theodore Roosevelt, challenged his cabinet to complete a 50-mile hike. One member, Attorney General Robert Kennedy, finished the route, alone, late at night. Twenty-five years after he trekked through icy winter weather to demonstrate to his brother the dedication and zeal of the New Frontier, YPI staff, alumni, and friends will continue on this historic pathway with equal determination.

The challenge of the walk reflects the challenges that YPI confronts in their publications, forums, and neighborhood revitalization programs. Although some young people are taking advange of America's opportunities, YPI is concerned that many are being denied the basic chance to succeed by not having a good education, a healthy and safe environment, a clean and decent house, and a chance at productive employment. As we all are aware, in Washington, DC, the dramatic increase in the use of drugs, especially crack, by suburban and inner-city youth, has lead to record levels of murder. Clearly, there is a need to renew the comitment to provide all of America's young people a chance to succeed.

In that spirit, the Youth Policy institute monitors over 250 Federal programs affecting young people and examines effective State and local programs. Of particular importance are programs that encourage the active participation of youth in the events that affect their lives, the communities in which they live, and the schools in which they are educated. Under the direction of David Hacket, more than 600 young people have studied policy and produced ins three magazines, Youth Policy, American Family, and Student Press Service. In addition to the publications, the institute has organized numerous policy forums and conferences, and currently is collaborating with several other national organizations to present a June forum on youth issues at UCLA, days before the California Presidential primary.

The energy and determination that enabled Robert Kennedy to walk 50 miles in 1963 carried him on another odyssey, journey of anger and hope. From city slums, to migrant labor camps, and Indian reservations, and finally to the Presidential arena, he carried a simple message: "I think we can do better." With this effort, YPI hopes to keep the flame of that spirit kindled.

To those who would like to join this 50-mile endeavor, or who would like to provide support to the walkers, please contact the institute, at (202) 638-2144.

PENNSYLVANIA'S OUTSTANDING VOTERS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. GOODLING. Mr. Speaker, I am pleased to bring to your attention, and to that of my colleagues, two citizens from the 19th District of Pennsylvania who were inducted into the Voter Hall of Fame. There are now a total of 33 inductees in the Pennsylvania Hall of Fame from my district.

Membership is open to all registered Pennsylvania voters who have voted consecutively in every November election for which they were eligible for at least 50 years. The candidates must also encourage the registration of new voters.

I commend these citizens who recognize the virtues of democracy and have practiced its duties by participating in a half-century of voting. By consistently casting their ballots they have shown the first duty of democracy is the right to vote. I am proud of these two residents from my district who recognize that the right to vote is a most precious freedom fundamental to our country's legislative process.

Congratulations to Anna V. and Clyde A. Allison, of Arendtsville, for their outstanding record of citizenship and patriotism.

A TRIBUTE TO WALTER S. MEDARAC

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. KOLTER. Mr. Speaker, I rise before my colleagues to pay tribute to a great labor leader in my Fourth Congressional District of Pennsylvania. Walter S. Medarac, a life-long resident of Beaver County, is retiring as president of United Steelworkers of America, Local Union 1082. Walt has held this position since 1985.

As an employee of Babcock & Wilcox Co., for 32 years, Walt has served as an integral part of the union's representation of several thousand working men and women. Most recently, Walt's strong leadership has seen local 1082's membership through some difficult times.

In the past months, for instance, Walt has been instrumental in an effort to obtain TRA certification for Babcock and Wilcox employees. Facing great odds and limited resources, Walt has performed admirably in this effort.

It is, however, impossible for me to list all of Walt's accomplishments in the limited time I have here today. It is sufficient for me to say that, with his retirement, local 1082 will miss a great and inspiring leader.

It has been a pleasure to work with Walt on several occasions, and I recognize him for his unifying perseverance on behalf of the rank and file. I commend Walt Medarac as a fighter for organized labor and wish him the best for the future.

GOOD NEIGHBOR COUNCIL HONORS VOLUNTEERS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVE

Friday, April 29, 1988

Mr. HAWKINS. Mr. Speaker, I would like to take this opportunity to commend four outstanding voluteers in my congressional district for their tireless efforts in behalf of the community. On May 7, 1988, the Good Neighbor Council, Inc.—a community group which provides food and services to needy persons—will be hosting their 10th annual Mothers Day luncheon and awards program. The council, which is headed by the founder and president, Mrs. Annie P. Sharpe, will honor four outstanding community mothers.

Lula M. Meshack, the wife of the late Rev. B.A. Meshack and the mother of two lovely daughters—Phyllis Meshack-Bennett and Betty Meshack. Mrs. Meshack has received numerous honors, commendations, and awards throughout the Los Angeles area. She is listed in three publications including Who's Who Among Black Women in California.

Mrs. Mamie Frances Franklin-Williams, the wife of the late O.C. Williams. She is the proud mother of one daughter—Marie Williams-Jones—and several grandchildren. Mrs. Williams is involved with many organizations where she volunteers graciously and works diligently.

Olivia Castile Cormier, is the wife of Mr. Joseph Cormier and the mother of three children—Kevin, Althea Carissimi, and Joseph, Jr. She also boasts two grandchildren. She received a B.A. degree from Mount St. Mary's in California, and has served as a school vice-president.

Nola M. Carter perhaps best epitomizes the term volunteerism. For 22 years she was active in the Parent-Teacher Association while serving with the Boy Scouts of America, the Inter-Religous Goals Project, the Westminister Neighborhood, and other oganizations. In the 1970's she continued her volunteer activities which led her to become vice president of the Martin Luther King Auxiliary; president of Local No. 1108 Union and other positions. She is the mother of 10 children—Bernie, Robert, John, Jewell, Gregory, Kenneth, Edna, Sandra, and two deceased sons—Arthur and Al Prentice.

Mr. Speaker, it is dedicated individuals such as these which prompted me to introduce House Concurrent Resolution 61, "Volunteers and the Importance of Volunteerism." Individuals engaged in volunteer work are estimated to provide more than $65,000,000 in services to people and communities of the United States each year. This resolution would express the sense of the Congress that experience in volunteer work should be taken into account by the Federal Government, State and local governments, charitable and service organizations, and private employers in the consideration of applicants for employment.

The Good Neighbor Council, and the fine men and women associated with their volunteer efforts, are providing a valuable service to a needy community. We all should honor their volunteer activities, and those of others across our Nation.

A BILL TO HALT THE ILLEGAL HARVESTING OF MIGRATORY WATERFOWL

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. GUNDERSON. Mr. Speaker, today I along with a bipartisan group of my colleagues am introducing legislation to require the U.S. Department of Interior Fish and Wildlife Service to develop a plan to halt the illegal harvesting of migratory waterfowl.

In particular, this measure would require the U.S. Fish and Wildlife Service to:

Research and develop methods to accurately determine the number of migratory waterfowl that are being harvesting illegally each year in the United States;

Develop a plan to increase its law enforcement presence and better coordinate its efforts with those of appropriate State agencies in efforts to halt illegal harvesting of migratory waterfowl; and

Recommend whether the Pittman-Robertson funds should be withheld from States that are not in compliance with U.S. Fish and Wildlife Service regulations on illegal harvesting.

The Fish and Wildlife Service is required to report its findings and recommendations to the House Committee on Merchant Marine and Fisheries and the Senate Committee on Environment and Public Works within 90 days of enactment.

Mr. Speaker, it's no secret what spurred me to take this aggressive action today. In February, a four-part news series in the St. Paul Pioneer Press told a grim story of lawbreaking and wildlife slaughter. While the articles focused on illegal harvesting in Louisiana, I soon learned that the problem was nationwide. Law enforcement officials from the U.S. Fish and Wildlife Service with whom I met described the situation as critical.

Mr. legislation is designed to take the sting out of what can easily become a bitter regional issue. Waterfowl are the most prominent and economically important group of birds in North America. It is in all our interests to work together and to work with those in the executive branch who have the expertise on this issue. I would welcome support form any region of the country. Already, Members from California, Florida, Ohio, Minnesota, Iowa, Massachusetts, and New York have joined as cosponsors of this bill.

It is a national responsibility to manage and maintain our waterfowl populations for our future generations to enjoy.

U.S. CONSTITUTION: ROADS TO RATIFICATION

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 29, 1988

Mr. LIVINGSTON. Mr. Speaker, today I would like to call attention to Ashley Alderman, a fifth-grade student at Arden Cahill Academy in New Orleans, LA, who has won first place in her division in the Daughters of the American Revolution's [DAR] 1988 American History Essay Contest. Miss Alderman is the first person from Louisiana ever to win this DAR contest at the national level.

Miss Alderman's essay—entitled "U.S. Constitution: Roads to Ratification"—chronicles the 3 long years it took our Founding Fathers to ratify the Constitution. It is an excellent essay, one which brings pride and honor to all citizens of Louisiana. Miss Alderman has set a shining example for other students across this great Nation of ours to follow.

I congratulate her for a job well done, and I applaud the DAR for sponsoring this annual contest in the name of perpetuating "the noblest and best for America's present and future." With this, I would like to submit the text of Miss Alderman's winning essay:

The Constitution of the United States recently had its two-hundredth birthday. Today, we take its existence for granted because it has been part of our lives since we were born. If we had been there two-hundred years ago, we would have witnessed a difficult birth, for roads to ratification were paved with difficulty.

After a long, hot summer in 1787, the Constitution was signed on September 17 by thirty-nine members of the Constitutional Convention. It took a long time to get the Constitution approved because the new document had to be approved by nine out of thirteen state conventions.

Issues such as strong central government versus strong state governments and the lack of a written guarantee of rights under the Constitution were problems that presented major obstacles to ratification. These will be discussed in the next few paragraphs.

The Americans who wanted the new Constitution were the Federalists. The Federalists were rich folks, merchants, and professionals. To the Federalists, the Articles of Confederation promised a weak and divided America, but the Constitution promised that the United States would have a strong central government. John Jay, James Madison, and Alexander Hamilton were the biggest supporters of the Constitution. They also wrote The Federalist; a series of eighty-five letters, written to newspapers, which persuaded people to ratify the Constitution.

Some people at the Constitutional Convention refused to sign the document. These people were known as Anti-Federalists, and they believed the Articles of Confederation could be revised, rather than discarded in favor of a whole new Constitution. Anti-Federalists wanted to live under their own state governments and thought of themselves as citizens of particular states rather than citizens of the United States, so they favored more powerful state governments, instead of a powerful central government. Many of these people also wanted more individual human rights-freedom of speech, of the press, of assembly, of worship, and fair trials by jury. Many people wanted this "Bill of Rights" included in their Constitution. People included as Anti-Federalists were poor people, working men, farmers, and country folks.

Some of the smallest and weakest states quickly ratified the Constitution. Delaware was the first state to do so on December 7, 1787. Delaware thought the Constitution protected small states, unlike Rhode Island, which was the last state to ratify. Pennsylvania and New Jersey also ratified before the end of 1787, followed by Georgia and Connecticut in early 1788. These first five states acted quickly, but the other states required much hard fighting at state conventions. Massachusetts finally ratified after the Federalists promised to support a Bill of Rights. Maryland, South Carolina, and New Hampshire all followed in the spring. New Hampshire was the ninth state and that made the Constitution legal in June of 1788. The Federalists soon found that the new government could not work without Virginia and New York because they were the biggest and richest states. Through patience, cleverness, and hard work, the Federalists persuaded both states to approve in 1788.

Rhode Island and North Carolina were very much against ratification, but realized that if they did not join the union, they would become separate, weak countries, helpless against other countries. North Carolina voted "yes" November of 1789 and Rhode Island, the last of the thirteen colonies, followed in May of 1790.

The summer of 1787 was long and hot, and the nearly three years that were required for full ratification were full of controversy, politics, and hard work. Today the Constitution is two-hundred years old, and in spite of its difficult birth, it is very healthy.

HOUSE OF REPRESENTATIVE—*Monday, May 2, 1988*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Make your presence known to us, O God, not only in the beauty and joy of life, but also when we walk the dark valley of meaninglessness or emptiness. When our thoughts and actions show lack of direction, may Your love transcend our needs and give us purpose. Accept us as we are, O God, and show us the way to new life. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1828. An act for the relief of San Juan County Nursing Home, of Blanding, UT;

S. 2049. An act to establish an independent Commission on the Veterans' Administration Home Loan Guaranty Program; to amend title 38, United States Code, to authorize reductions in the interest rate on loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to establish creditworthiness requirements and require a 0.5 per centum fee for assumptions of such loans other than those sold without recourse, and for other purposes; and

S. Con. Res. 95. Concurrent resolution to express the sense of the Congress with respect to the denial of health insurance coverage for disabled adopted children.

The message also announced that pursuant to section 9355(a) of title 10 of the United States Code, the Chair on behalf of the Vice President appoints Mr. REID from the Committee on Appropriations, Mr. COCHRAN from the Committee on Appropriations, Mr. WIRTH from the Committee on Armed Services, and Mr. PRESSLER at large, to the Board of Visitors of the U.S. Air Force Academy.

The message also announced that pursuant to section 4355(a) of title 10 of the United States Code, the Chair on behalf of the Vice President appoints Mr. D'AMATO from the Committee on Appropriations, Mr. NICKLES from the Committee on Appropriations, Mr. SHELBY from the Committee on Armed Services, and Mr. MOYNIHAN at large, to the Board of Visitors of the U.S. Military Academy.

The message also announced that pursuant to section 6968(a) of title 10 of the United States Code, the Chair on behalf of the Vice President appoints Ms. MIKULSKI from the Committee on Appropriations, Mr. HATFIELD from the Committee on Appropriations, Mr. GRAMM from the Committee on Armed Services, and Mr. SARBANES at large, to the Board of Visitors of the U.S. Naval Academy.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar.

The Clerk will call the first eligible bill on the Consent Calendar.

AUTHORIZING CERTAIN DRAINAGE STUDIES IN THE COLUMBIA BASIN PROJECT, WASHINGTON

The Clerk called the bill (H.R. 2558) to authorize the Secretary of the Interior to take corrective action to protect certain portions of the Franklin County, WA, road system within the Federal Columbia Basin reclamation project.

There being no objection, the Clerk read the bill, as follows:

H.R. 2558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of taking actions necessary to protect the county road system in irrigated portions of Franklin County, Washington, within the Federal Columbia Basin reclamation project and which are underlain or adjacent to lands underlain by the unique geological setting identified as the Ringold Formation, the Secretary of the Interior is directed to investigate road instability problems caused by high water tables and landslides, to design corrective actions, and to make recommendations for action.

SEC. 2. Funds not to exceed $500,000 are authorized to be appropriated for the investigations directed in section 1 of this Act, which shall be nonreimbursable, and the Secretary shall submit a report of his findings and recommendations for corrective action to the President and to the Congress within two years after the date of enactment of this Act and availability of funds.

SEC. 3. The Secretary is authorized to design and construct such works as necessary to accomplish the purposes of section 1, including drainage works, road relocations, road repairs and other corrective measures, and funds appropriated for such purposes shall be nonreimbursable; however, no construction shall be undertaken on such measures until the Secretary has submitted a report of his findings and recommendations to the President and to the Congress and funds for such construction are specifically appropriated.

With the following committee amendments:

On page 2, line 14, strike "two years" and insert "three years";

On page 2, line 16, strike section 3.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLARIFYING FEDERAL RELATIONSHIP TO LAC VIEUX DESERT BAND OF LAKE SUPERIOR CHIPPEWA INDIANS AND TRANSFERRING TITLE TO TRUST LANDS

The Clerk called the bill (H.R. 3679) to clarify the Federal relationship to the Lac Vieux Desert Band of Lake Superior Chippewa Indians as a distinct Indian tribe, to clarify the status of members of the band, to transfer title to trust lands, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 3679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lac Vieux Desert Band of Lake Superior Chippewa Indians Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Lake Vieux Desert Band of Lake Superior Chippewa Indians, although currently recognized by the Federal Government as part of the Keweenaw Bay Indian Community, has historically existed, and continues to exist, as a separate and distinct Indian tribe that is located over 75 miles from the Keweenaw Bay Indian Community;

(2) the Lake Vieux Desert Band consists of approximately 250 members who continue to reside close to their ancestral homeland near the town of Watersmeet, Michigan;

(3) the Lac Vieux Desert Band entered into two treaties with the United States as a distinct tribal entity (7 Stat. 591, 10 Stat. 1109);

(4) members of the Lac Vieux Desert Band currently reside on or otherwise occupy lands within the Township of Watersmeet, Michigan, which are held by the United States in trust for the Keweenaw Bay Indian Community, and currently receive limited Federal benefits through the Keweenaw Bay Indian Community; and

(5) because of its distance from Keweenaw Bay and the failure of the United States to recognize the independent status of the

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tribe, the Lac Vieux Desert Band and its members receive only limited benefits to which the tribe and its members are entitled.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Band" means the Lake Vieux Desert Band of Lake Superior Chippewa Indians;

(2) the term "member" means those individuals eligible for enrollment under section 5 in the Band; and

(3) the term "Secretary" means the Secretary of the Interior.

SEC. 4. FEDERAL RECOGNITION.

(a) RECOGNITION.—The Band is hereby recognized as an independent tribe, separate and apart from the Keweenaw Bay Indian community or any other federally recognized tribe or Indian community, and all laws and regulations of the United States of general application to Indians or nations, tribes, or bands of Indians which are not inconsistent with any specific provision of this Act shall be applicable to the Band and its members.

(b) FEDERAL SERVICES AND BENEFITS.—The Band and its members shall be eligible, on and after the date of enactment of this Act, for all Federal services and benefits furnished to federally recognized Indian tribes or their members without regard to the existence of a reservation for the Band.

(c) APPLICABILITY OF INDIAN REORGANIZATION ACT.—The Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act"), is hereby made applicable to the Band.

SEC. 5. ESTABLISHMENT OF BAND ROLL.

Within six months after the date of enactment of this Act, the Band shall submit to the Secretary its membership roll which shall consist of all individuals eligible for membership in the Band. An individual is eligible for membership if that individual is—

(1) at least one quarter Chippewa Indian blood quantum who was born in the Lac Vieux Desert or Watersmeet area and still resides in that area;

(2) at least one quarter Indian blood quantum and is descended from the historical Lac Vieux Desert Band with one or more lineal ancestors whose names appear on any of the censuses for Lac Vieux Desert prepared by the Superintendent of the Mackinaw Agency prior to 1928;

(3) at least one quarter Lake Superior Chippewa Indian blood quantum, resides in Gogebic or Iron County, Michigan, or any other counties traditionally inhabited by the Lac Vieux Desert Band, and is closely and primarily affiliated with the Lac Vieux Desert Band; or

(4) a child, who is at least one-quarter Indian blood quantum.

Upon completion of such roll, the Secretary shall immediately publish notice in the Federal Register stating that the roll has been completed. The Band shall ensure that the roll, once completed, is maintained and that it is current.

SEC. 6. RESERVATION.

(a) CERTAIN LAND OF KEWEENAW BAY INDIAN COMMUNITY.—Subject to valid existing rights, the Secretary shall transfer the land which, on the date of enactment of this Act, is held in trust by the United States for the benefit of the Keweenaw Bay Indian community and occupied by the Band to the United States to be held in trust for the benefit of the Band.

(b) CERTAIN LAND OF THE BAND. Upon request of the Band, the Secretary shall hold in trust for the benefit of the Band the following described lands located in Gogebic County, Michigan:

Village land	Southwest ¼, Northeast ¼ sec. 5, Township 43 North, Range 38 West (government lots 1 and 2) 27.0 acres
Housing sites	Southwest ¼, Southwest ¼, sec. 22, Township 45 North, Range 39 West 8.0 acres
Town lot	South 35 feet of lot 2, block 15 of 1st addition, to Village of Watersmeet. 35 x 120 parcel. Township 45 North, Range 39 West

(c) OTHER LAND.—The Secretary may place such other land into trust for the benefit of the Band as the Secretary deems necessary or desirable pursuant to the provisions of the Act of June 18, 1934 (48 Stat. 84; 25 U.S.C. 461 et seq.; commonly referred to as the Indian Reorganization Act).

With the following committee amendment:

Beginning on page 3, line 17, strike all through page 6, line 6, and insert the following in lieu thereof:

SEC. 4. FEDERAL TRUST RELATIONSHIP.—(a) The Federal recognition of the Band and the trust relationship between the United States and the Band is hereby reaffirmed. The Act of June 18, 1934 (48 Stat. 984), as amended, and all laws and rules of law of the United States of general application to Indians, Indian tribes or Indian reservations which are not inconsistent with this Act shall apply to the members of the Band, and the reservation. The Band is hereby recognized as an independent tribal entity, separate from the Keweenaw Bay Indian Community or any other tribe.

(b) The Band and its members are eligible for all special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 5. ESTABLISHMENT OF A BAND ROLL.—(a) Within six months after the date of enactment of this Act, the Band shall submit to the Secretary, for approval, its base membership roll which shall include only individuals who are not members of any other Federally recognized Indian tribe or who have relinquished membership in such tribe and who are eligible for membership under subsection (b).

(b) An individual is eligible for inclusion on the base membership roll in the Band if that individual—

(1) is on the tribal membership roll as maintained by the Band prior to the date of enactment of this Act and is on file with the Bureau of Indian Affairs as of the date of enactment of this Act, or

(2) is at least one quarter Chippewa Indian blood and is a person or a descendant of a person who was listed, or could have been listed, on any of the census of the Lac Vieux Desert prepared by the Superintendent of the MacKinaw Agency prior to 1928 or by the Superintendent of the Great Lakes agency on or prior to 1940.

(c) The Band shall ensure that the roll, once completed and approved, is maintained and kept current.

(d)(1) Nothwithstanding paragraph (b) of section 6 and except as provided in paragraph (2), future membership in the tribe shall be limited to descendants of individuals whose name appear on the base roll and who have at least one quarter Chippewa blood quantum.

(2) The Band may modify such quarter Chippewa Blood quantum requirement if such modification is adopted in the tribal election as prescribed under paragraph (a) of section 6 or in a referendum by a majority of the votes and approved by the Secretary of the Interior. The Secretary shall approve such new membership requirements once adopted by the tribal voters unless he finds that the proposed amendment is contrary to Federal law.

SEC. 6. ORGANIZATION OF TRIBE; CONSTITUTION AND GOVERNING BODY—(a) Within one year following the enactment of this Act, the Band's governing body shall propose a governing document, and the Secretary shall conduct, pursuant to section 16 of the Act of June 18, 1934 (48 Stat. 984) and in accordance with applicable rules and regulations, an election as to the adoption of the proposed document. The Secretary shall approve the governing document if approved by a majority of the tribal voters unless the Secretary finds that the proposed constitution, or any provisions thereof, is contrary to federal law.

(b) Until the Band adopts and the Secretary approves a governing document, the Band's interim governing document shall be the Lac Vieux Desert Constitution which bears the approval date of June 18, 1986 and and a copy of which is in the files of the Division of Tribal Government Services, Bureau of Indian Affairs, Washington, DC.

(c) Until the Band elects a new governing body pursuant to the new governing document, the Band's governing body shall consist of its current Band officers, elected at the Band's election held on November 5, 1986, or any new officers selected under election procedures of the interim governing document identified under subsection (b) of this section.

SEC. 7. LAND ACQUISITION; ESTABLISHMENT OF FEDERAL RESERVATION.—(a) The Keweenaw Bay Indian Community is hereby authorized to convey, by deed to the United States in trust for the Band, all lands located in Gogebic County, Michigan, which, on the date of enactment of this Act, are held in trust by the United States for the benefit of said Community. The Secretary is hereby authorized and directed to approve and accept the deed with the expressed consent of the Keweenaw Bay Indian Community and the Band. Upon acceptance of the deed, all lands described therein shall constitute the reservation of the Band.

(b) The Secretary may place such other land into trust for the benefit of the Band pursuant to the provisions of the Act of June 18, 1934 (48 Stat. 84) or any other Act: *Provided*, That any such land placed in trust which is located in Gogebic County, shall become part of the reservation.

SEC. 8. (a) For the purpose of proceeding with the per capita distribution of the funds appropriated and subsequently apportioned to the Keweenaw Bay Indian Community in satisfaction of judgments awarded the Lake Superior Chippewas and Mississippi Chippewas in dockets numbered 18-C, 18-T, 18-S and 18-U of the Indian Claims Commission, the Secretary of the Interior shall accept the Tribe's certification or enrolled membership.

(b) Individuals who are or become members of the Lac Vieux Desert Band and who are eligible for per capita shares out of funds apportioned to the Keweenaw Bay Indian Community or Sokaogan Chippewa Community shall continue to be eligible for such per capita payments notwithstanding their relinquishment of their enrollment in either Community pursuant to section 5 of this Act.

Mr. BUNNING (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROHIBITING ADDITIONAL APPROPRIATIONS FOR THE STUDY OF THE SHAWS BEND SITE, COLORADO COASTAL PLAINS PROJECT, TEXAS

The Clerk called the bill (H.R. 3819) to prohibit additional appropriations for the analysis and study for the Shaws Bend site of the Colorado Coastal Plains project.

There being no objection, the Clerk read the bill, as follows:

H.R. 3819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHAWS BEND DAMSITE.

(a) FINDINGS.—The Congress finds that—

(1) there have been 5 studies of the Shaws Bend site of the Colorado Coastal Plains project, authorized as part of the study for the Texas Basins project under the Act entitled "An Act to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource development proposals", approved September 7, 1966 (80 Stat. 707), and

(2) there is no need for the construction of a dam at the Shaws Bend site.

(b) PROHIBITION ON APPROPRIATIONS.—Notwithstanding the first section of such Act and effective after the date of enactment of this Act, no funds may be appropriated for the analysis and study of the Shaws Bend site of the Colorado Coastal Plains project, authorized as part of the study of the Texas Basins project.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL DAY OF PRAYER

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate bill (S. 1378) to provide for setting aside the first Thursday in May as the date on which the National Day of Prayer is celebrated.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint Resolution to provide for setting aside an appropriate day as a National Day of Prayer", approved April 17, 1952 (Public Law 82-324; 66 Stat. 64), is amended by striking "a suitable day each year, other than a Sunday," and inserting in lieu thereof "the first Thursday in May in each year".

The SPEAKER. The gentleman from California [Mr. DYMALLY] is recognized for 1 hour.

Mr. DYMALLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for the benefit of my colleagues, I would like to briefly explain the purpose of S. 1378.

Unlike the commemorative resolutions we usually bring to the floor under unanimous consent, this bill does not designate a new public observance.

In 1952, Congress enacted a law calling for the observance of a National Day of Prayer each year. That law, however, did not designate a specific day. Instead, it required the President to set aside a "suitable day" each year for the observance.

S. 1378, sponsored in the House by Congressman TONY HALL of Ohio and cosponsored by the ranking majority member on our Census Subcommittee, Congressman GARCIA, simply amends the 1952 law to require that the National Day of Prayer be observed on the first Thursday of May each year.

Having a specific date in the law will allow those individuals who wish to participate in this longstanding public observance to plan accordingly, instead of having to wait for a suitable day to be chosen each year.

Mr. Speaker, since the first Thursday in May occurs this week, I urge timely passage of this bill today.

Mr. HALL of Ohio. Mr. Speaker, I rise in support of S. 1378, the bill to designate the first Thursday in May as the annual date on which the National Day of Prayer is observed. As the sponsor of the House version of this legislation, H.R. 4170, I wish to commend the gentleman from California [Mr. DYMALLY] for his help in expediting this measure. I also wish to thank the other original sponsors, the gentleman from New York [Mr. GARCIA], the gentleman from California [Mr. MOORHEAD], and the gentleman from Virginia [Mr. WOLF] for their active work in behalf of this legislation. In particular, I wish to note the special assistance of the gentleman from New York [Mr. GARCIA] in bringing this bill to the attention of his colleagues on the Subcommittee on Census and Population.

Since 1952, by act of Congress (Public Law 82-324), the President has declared "a suitable day each year, other than a Sunday" as the National Day of Prayer. This year, the President has proclaimed May 5, 1988, as a National Day of Prayer. This will be the seventh straight year in which the event has been celebrated in May.

Our bill would amend the current law to set a definite date each year for the celebration of the National Day of Prayer: the first Thursday in May. This will help to bring more certainty to the scheduling of events related to the National Day of Prayer, and permit more effective long-range planning. Here are some sample comments we have received in support of this legislation:

I support this bill because it will support inter-religious cooperation without violating the traditional line between church and state.—Rabbi Joshua Haberman of the Washington Hebrew Congregation.

The annual observance would be so much easier to celebrate if its occurrence was not subject to the issuance of an annual proclamation. The event has a tradition of some consequence for increasing our nation's awareness of the need for divine assistance. I look forward to the day when this bill will be passed.—Rev. Msgr. Joseph F. Rebman, Chancellor, Diocese of Wilmington, Delaware.

Since 1952, we have had consecutive observances with a different day being proclaimed each year. This had offered little advance notice to adequately inform the grass roots constituencies. I believe a definite date will allow millions of citizens within our nation who have explicit faith in a Prayer-hearing God to be informed about this significant day in our country.—Pat Boone, Co-chairman, National Prayer Committee.

It should be emphasized that this legislation does not create a new commemorative event; rather, we are proposing a technical correction to the current law to ensure consistent and dependable observance of the already-existing National Day of Prayer.

Although the statute which directs the President to proclaim a National Day of Prayer has been on the books since 1952, the tradition of a national day of prayer observance really dates from the founding of our Nation. In fact, the first official proclamation of a National Day of Prayer issued from the Continental Congress on July 12, 1775. As the National Prayer Committee has written, "Through the influence of General George Washington, many of our Founding Fathers and succeeding Presidents, prayer became an essential foundation stone in the establishment and growth of our United States of America."

The first amendment to the Constitution states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. * * *" The National Day of Prayer is very much in keeping with the pluralistic spirit of the "establishment" clause of the first amendment. No single religious group can claim ownership or control of the National Day of Prayer; rather, it truly belongs to all Americans who seek divine guidance for themselves and for the country.

The Founding Fathers of our Nation, although of different faiths, shared a deep and firm belief in God. They recognized the value and power of prayer, and they saw the intervention of Divine Providence in their lives as they went about the task of creating a new nation.

The National Day of Prayer is a celebration of the "free exercise" clause of the first amendment. Let us join in spirit with the Founding Fathers to acknowledge God's role in our lives and to turn to Him for personal and national guidance.

The passage of this bill today will help to ensure well-planned observance of the National Day of Prayer. With consistent observance over the years, the National Day of Prayer can become an even more meaningful occasion for our country. I urge my colleagues to vote in favor of this legislation.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and motion to reconsider was laid on the table.

TAKE PRIDE IN AMERICA MONTH

Mr. **DYMALLY**. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 530), designating May 1988 as "Take Pride in America Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

Mrs. **VUCANOVICH**. Mr. Speaker, reserving the right to object, I do not object, but Mr. Speaker, I rise today in strong support of House Joint Resolution 530, a resolution to designate the month of May as "Take Pride in America Month." I introduced this measure along with my colleagues, Mo Udall, Ed Madigan, and Kika de la Garza, on March 31, 1988, and I am pleased we are going to pass it today. As you can see from the list of cosponsors, there is a great deal of support for the beauty of our public lands and the need to take care of them.

Don Hodel and Dick Lyng, the Secretaries of Interior and Agriculture, respectively, started the Take Pride campaign to focus attention on our public lands and the stewardship efforts by citizens and citizen groups around the country. Last year, 1 week in May was designated as Take Pride Week where hundreds of activities were planned in communities all across the country.

Because this program was extremely successful and many participants expressed an interest in having more time to plan and develop stewardship activities, we have designated the entire month of May as Take Pride Month. The theme for 1988 is "Take Pride in America: You Can Make a Difference." I hope this will provide increased visibility and incentive for citizens to get involved in this worthwhile initiative. A greater awareness of the value of our public lands will help curb abuses such as litter, vandalism, and wildlife poaching.

An increased knowledge of the natural and cultural resources of our public lands is very important. I believe we all have a responsibility to care for these lands. I represent Nevada, a State where 87 percent of the total lands are public, which enhances the need in my State for everyone to be a good steward.

Recognizing the month of May as "Take Pride in America Month" will provide Americans of all ages the opportunity to renew their pride in our public lands. So America, take pride because you can make a difference.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 530

Whereas America is blessed with outstanding natural and cultural resources;

Whereas America is blessed with tremendous human resources, including citizens with a unique volunteer spirit rooted in the Nation's frontier tradition;

Whereas the Nation's recreational and cultural resources contribute to the economic and social well-being of the Nation;

Whereas the future of the Nation's great historical monuments and natural wonders depends upon the commitment of the American people to their preservation;

Whereas the Take Pride in American Campaign is a partnership of Federal agencies, States, and numerous public and private organizations committed to the wise use of our natural and cultural resources;

Whereas Take Pride in America Month will focus attention on the stewardship of public lands by concerned citizens and citizen groups around the Nation; and

Whereas "Take Pride in America: You Can Make a Difference" will become the theme for Take Pride in America Month: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1988 is designated as "Take Pride in America Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **DYMALLY**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1378 and House Joint Resolution 530, the measures just considered.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

HOW MUCH MORE CAN THE TAXPAYERS OF AMERICA AFFORD?

(Mr. **TRAFICANT** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **TRAFICANT**. Mr. Speaker, this Wednesday marks the deadline for the Federal Government's offer of amnesty to many illegal immigrants. The program has attracted 1.3 million illegal immigrants to apply for legal residence in this country; 1.3 million people, many of whom will end up on welfare.

How much more can the taxpayers of America afford?

Several weeks ago Congress considered an extension to this deadline. I was pleased to see the effort fail in the other body. It is evident the taxpayers and our country are beginning to say that we must stop this free ride.

I say the time not only has come to get tough on illegal immigrants, I think it is time to start using our defense budget, $300 billion strong, to start protecting our borders against drugs and illegal immigrants. I think it is time to put that money to work for America.

So the last thing I would like to say, I remind the Speaker and all others that the worst message we can send is if you want to be a citizen in America, "just jump the fence." That is not the way it is and I think we had better put our foot down.

BOOM AND BUST SPENDING OF DEFENSE BUDGET IS INEFFICIENT WAY TO SPEND TAXPAYER DOLLARS

(Mr. **KYL** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **KYL**. Mr. Speaker, today we are going to have the opportunity to debate and discuss defense budgeting. I think almost all of us agree that boom and bust spending in defense is a very inefficient way to spend taxpayer dollars and provide for the common defense.

Today we have a chance to do something about it. I hope my colleagues will be present to hear and to participate in this discussion.

When we are done I hope that they will join me and my colleague, Buddy Darden, in supporting our bipartisan resolution calling on the Congress to express its sense in support of moderate but sustained growth in defense budgets beginning with the fiscal year 1990.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Today is the day for motions to suspend the rules.

ATOMIC VETERANS COMPENSATION ACT OF 1987

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1811) to amend title 38, United States Code, to provide certain benefits to veterans and survivors of veterans who participated in atmospheric nuclear tests or the occupation of Hiroshima and Nagasaki and who suffer from diseases that may be attributable to low levels of ionizing radiation.

The Clerk read as follows:

Senate amendments: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Radiation-Exposed Veterans Compensation Act of 1988".

SEC. 2. PRESUMPTION OF SERVICE CONNECTION FOR CERTAIN RADIATION-EXPOSED VETERANS.

(a) PRESUMPTION.—Section 312 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) For the purposes of section 310 of this title, and subject to the provisions of section 313 of this title, a disease specified in paragraph (2) of this subsection becoming manifest in a radiation-exposed veteran to a degree of 10 percent or more within the presumption period (as specified in paragraph (3) of this subsection) shall be considered to have been incurred in or aggravated during the veteran's service on active duty, notwithstanding that there is no record of evidence of such disease during the period of such service.

"(2) The diseases referred to in paragraph (1) of this subsection are the following:

"(A) Leukemia (other than chronic lymphocytic leukemia).

"(B) Cancer of the thyroid.

"(C) Cancer of the breast.

"(D) Cancer of the pharynx.

"(E) Cancer of the esophagus.

"(F) Cancer of the stomach.

"(G) Cancer of the small intestine.

"(H) Cancer of the pancreas.

"(I) Multiple myeloma.

"(J) Lumphomas (except Hodgkin's disease).

"(K) Cancer of the bile ducts.

"(L) Cancer of the gall bladder.

"(M) Primary liver cancer (except if cirrhosis of hepatitis B is indicated).

"(3) The presumption period for purposes of paragraph (1) of this subsection is the 40-year period beginning on the last date on which the veteran participated in a radiation-risk activity, except that such period shall be the 30-year period beginning on that date in the case of leukemia (other than chronic lymphocytic leukemia).

"(4) For the purposes of this subsection:

"(A) The term 'radiation-exposed veteran' means a veteran who, while serving on active duty, participated in a radiation-risk activity.

"(B) The term 'radiation-risk activity' means any of the following:

"(i) Onsite participation in a test involving the atmospheric detonation of a nuclear device.

"(ii) The occupation of Hiroshima or Nagasaki, Japan, by the United States forces during the period beginning on August 6, 1945, and ending on July 1, 1946.

"(iii) Internment as prisoner of war in Japan (or service on activie duty in Japan immediately following such internment) during World War II which (as determined by the Administration) resulted in an opportunity for exposure to ionizing radiation comparable to that of veterans described in clause (ii) of this subparagraph.".

(b) EFFECTIVE DATE.—Subsection (c) of section 312 of title 38, United States Code, as amended by subsection (a), shall take effect on May 1, 1988.

(c) REQUIREMENTS REGARDING VETERANS' ENVIRONMENTAL HAZARDS ADVISORY COMMITTEE SCIENTIFIC COUNCIL REPORTS.—Section 6(d)(3) of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act (Public Law 98-542) is amended by striking out "the Committee and the Administrator" and inserting in lieu thereof "the Committee, the Administrator, and the Committee on Veterans Affairs of the Senate and House of Representatives.

The SPEAKER. Is a second demanded?

Mr. HAMMERSCHMIDT. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1811 would provide compensation benefits to certain veterans and survivors of veterans who participated in atmospheric nuclear tests or the occupation of Hiroshima and Nagasaki.

Diseases for which benefits would be paid include most leukemias, thyroid, and breast cancer as well as most cancers of the alimentary canal except the colon. The diseases would have to be manifested within 30 years of exposure for leukemia and within 40 years of exposure for all other covered cancers.

Public concern about health effects of low-level ionizing radiation has increased greatly in recent years. The relationship of x-ray overexposure to cancers has been well documented for over 80 years. Much is known about the relationship of high-dosage radiation to cancers but less is known about the carcinogenic effect of low-dosage exposure to ionizing radiation.

While the subject of radiation exposure and its relationship to disability has received wide-spread attention from the media, in terms of actual impact on veterans, the impact is not major. The total exposed population is about 250,000. Despite widespread publicity, less than 6,000 veterans or survivors have filed claims for compensation, and about half of those who filed claims do not claim any disability.

Nevertheless, the evidence is sufficient to invoke the reasonable doubt doctrine we have always applied to veterans benefits. Since the amount of exposure suffered by test participants is uncertain, the bill ignores it and instead focuses on the likelihood of relationship of disease entities to exposure. Only those diseases which have been identified in credible studies as bearing a reasonable probability of relationship to low-level ionizing radiation exposure are included in H.R. 1811.

By imposing the 30- and 40-year time limitations, the bill also preserves the longstanding legislative requirement that a disability need be related to service only by its incurrence during the active duty period rather than the more restrictive requirement that there be a cause-and-effect relationship. It is, therefore, sufficient for service-connection purposes if sound medical principles dictate that a disease first manifested long after service must, because of its insidious and slow development, have had its inception during the period of active duty.

Mr. Speaker, while there is no scientific certainty regarding the provisions of H.R. 1811, it does have sufficient medical credibility to meet the requirements for service-connected compensation.

The bill before us today, H.R. 1811, is the result of many hours of negotiations between the Veterans' Affairs Committees of the House and Senate. This bill would establish a presumption of service connection for 13 cancer-related diseases suffered by veterans who, while on active duty in service to their country, were exposed to ionizing radiation while participating in certain atomic tests following World War II. The presumption would be applicable if the disease is manifested to a compensable degree within 40 years for all of the diseases except for leukemia, which has a 30-year-time limitation.

Due to the tremendous degree of uncertainty existing within the scientific and medical communities as to the long-term health effects of exposure to low levels of radiation and, because the levels of radiation to which these veterans were exposed may never be accurately determined, it remains very difficult for a veteran to establish that his or her disability had its inception in service. In view of this, the establishment of a presumption would appear to be the only means by which these veterans will ever be compensated for their disabilities.

There is only one difference between the Senate amendments and the amendments passed by the House on March 29. The Senate amendments do not include the payment of compensation for veterans who are disabled as a result of colon cancer or DIC benefits to eligible beneficiaries of veterans who die of colon cancer.

Mr. Speaker, I am including a more detailed explanation of the agreement reached with the other body in the RECORD at this point.

EXPLANATORY STATEMENT ON H.R. 1811/TITLE II OF S. 9, THE "RADIATION-EXPOSED VETERANS COMPENSATION ACT OF 1988"

This document explains the provisions of H.R. 1811 as passed by the House of Representatives on July 21, 1987 (hereinafter referred to as the "House bill"); title II of H.R. 2616 as passed by the Senate on December 4, 1987, with a substitute amendment derived from title II of S. 9 as reported (hereinafter referred to as the "Senate bill"); and section 314 of H.R. 2616 as passed by the House on March 29, 1988, with a substitute amendment to the Senate amendment (hereinafter referred to as the "House amendment"); and the provisions of a compromise agreement between the House and the Senate Committees on Veterans' Affairs on those measures. The compromise agreement on H.R. 1811 was reached in the context of a conference committee agreement on H.R. 2616/S. 9; the conferees there decided to proceed separately with radiation-exposure legislation, and both sides receded from their radiation provisions in H.R. 2616/S. 9 in favor of immediate and separate action on H.R. 1811 incorporating the agreement reached by the conference.

The differences between the three measures and the provisions of the compromise agreement are noted below, except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

INTRODUCTION

Each of the three measures—the House bill and the House amendment, through an amendment to section 312 of title 38, relating to presumptions of service connection for certain diseases, and the Senate bill, through an amendment to title 38 to add a new chapter 14—would establish a presumption of service connection for purposes of disability and death benefits for certain diseases arising in veterans who were exposed to ionizing radiation during the atmospheric or underwater nuclear weapons test program or the American occupation of Hiroshima or Nagasaki, Japan.

FINDINGS, CONCLUSIONS, AND STATEMENT OF PURPOSE

Senate bill: The Senate bill (section 202) would set forth Congressional findings and conclusions regarding the nuclear test program; the state of science pertaining to ionizing radiation exposure, including the calculation (especially in light of two General Accounting Office reports) and carcinogenic effects of such exposure; the VA's history of adjudicating radiation claims; and the difficulties involved in resolving radiation-exposed veterans' claims for VA benefits. The Senate bill also would state that the purpose of the bill is to establish a process within the VA to carry out the findings and conclusions in order to provide benefits in specified circumstances.

House bill: No provision.

House amendment: No provision.

Compromise agreement: No provision.

The Committees reconfirm the findings and conclusions set forth in paragraphs (1) and (2) and (3)(B) and (E) of section 202(a) of the Senate bill.

CATEGORIES OF POTENTIALLY ELIGIBLE VETERANS

House bill: The House bill (section 2) would establish a presumption of service connection for specified disabilities suffered by veterans who, while on active duty, were exposed to ionizing radiation as a result of onsite participation in the atmospheric detonation of a nuclear device or the American occupation of Hiroshima and Nagasaki, Japan, between August 6, 1945, and July 1, 1946.

Senate bill: The Senate bill (section 203) would make potentially eligible for certain disability and death benefits those veterans (including persons who died in the active military, naval, or air service) who, during service (i) participated onsite in the United States Government's test of a nuclear device or the American occupation of Hiroshima or Nagasaki prior to July 1, 1946, or (ii) in connection with internment as a POW in Japan had an opportunity for exposure which the Administrator finds comparable to that of a veteran in the American occupation.

House amendment: The House amendment contains the Senate provision with an amendment to add a beginning date of August 6, 1945, to define the period of the American occupation.

Compromise agreement: The compromise agreement contains the provisions of the House amendment.

The Committees note their intention that the VA interpret the term "onsite participation" broadly rather than restrictively and to include, for example, airborne personnel who flew cloud-sampling planes during nuclear weapons tests and the ground crews who decontaminated or otherwise came in contact with contaminated planes or other equipment. Although such personnel were not present at the actual test site, many of these personnel clearly had an opportunity for exposure to ionizing radiation from such a test. The Committees' intention in including the word "onsite" is to exclude military personnel who were distant from the test site or any radiation-contaminated instrumentalities, such as personnel involved in procurement for a weapons test who did not travel to the test site.

SPECIFIED DISEASES AND DEGREE OF DISABILITY

House bill: The House bill (section 2) would establish a presumption of service connection for the following diseases (if manifested to a degree of 10 percent or more): Leukemia (except chronic lymphatic leukemia); thyroid cancer; bronchogenic carcinoma; breast cancer; cancer of the pharynx; cancer of the esophagus; cancer of the stomach; cancer of the small intestine; cancer of the colon; and pancreatic cancer.

Senate bill: The Senate bill (section 203) would establish a presumption of service connection for the following diseases: (1) leukemia (except chronic lymphocytic leukemia) and cancer of the thyroid; and (2) if the veteran was exposed to more than one rem of radiation, cancer of the small intestine; cancer of the stomach; cancer of the liver (except where cirrhosis or hepatitis B is indicated); cancer of the bile ducts; cancer of the gallbladder; cancer of the pancreas; lymphomas (excluding Hodgkin's disease); and multiple myeloma. The Senate bill would also require that, in the case of claims based on certain other cancers—cancer of the lung; cancer of the colon; cancer of the esophagus; cancer of the rectum; cancer of the pharynx; cancer of the liver (where cirrhosis or hepatitis B is indicated); cancer of the kidney; cancer of the urinary tract; cancer of the bladder; cancer of the brain and nervous system; cancer of the salivary glands; cancer of the bones and joints; and cutaneous melanoma—if the veteran was exposed to more than 1 rem of radiation, the claims receive special consideration. Such consideration would include the VA giving conclusive weight to the Congressional findings in the bill relating to the relationship between the particular disease, its susceptibility to radiation exposure, and its link to other significant risk factors.

House amendment: The House amendment would establish a presumption of service connection for the following diseases (if manifested to a degree of 10 percent or more): leukemia (except chronic lymphocytic leukemia); cancer of the thyroid; cancer of the breast; cancer of the pharynx; cancer of the esophagus; cancer of the stomach; cancer of the small intestine; cancer of the colon; cancer of the pancreas; multiple myeloma; lymphomas (except Hodgkin's disease); cancer of the bile ducts; cancer of the gallbladder; and primary liver cancer (except if cirrhosis or hepatitis B is indicated).

Compromise agreement: The compromise agreement contains the provisions of the House amendment with cancer of the colon deleted.

MANIFESTATION PERIODS

House bill: The House bill would require that all the specified diseases be manifested within 30 years after the veteran's last in-service exposure to radiation.

Senate bill: The Senate bill (section 203) would require that leukemia be manifested within 30 years after the veteran's last in-service exposure to ionizing radiation and would also require that all other specified diseases be manifested 5 or more years after the veteran's first such exposure.

House amendment: The House amendment would provide for a 30-year manifestation period for leukemia and cancer of the colon and a 40-year manifestation period for the other conditions described in the preceding item relating to the House amendment.

Compromise agreement: The compromise agreement contains the provisions in the House amendment with reference to cancer of the colon deleted.

SPECIAL PROVISIONS RELATING TO BENEFITS

Senate bill: The Senate bill (section 203) would provide benefits at the same rates as under chapters 11 and 13 of title 38 and would treat the diseases as service connected for all title 38 purposes except for purposes of chapters 11 and 13. The Senate bill also would provide that benefits would not be payable with respect to a disease for which compensation or DIC otherwise is payable.

House bill: No specific provisions.

House amendment: No specific provisions.

Compromise agreement: No provision.

ADJUSTMENT OF EXPOSURE ESTIMATES

Senate bill: The Senate bill (section 204) would amend section 354 of title 38, relating to consideration to be accorded in the processing of VA claims to time, place, and circumstance of service, so as to establish a process for the upward adjustment of veterans' radiation exposure estimates to equal the total of (a) the highest Defense Nuclear Agency (DNA) or other exposure estimate for the veteran, based on film badge, reconstruction, or a combination of film badge and reconstruction, plus (b) for test participants, (1) 5 rems, if the DNA estimates that at least 25 percent of the member of the veteran's service branch or of the total participants in the particular test were exposed to more than 3 rems; (2) 3 rems, if the DNA estimates that at least 25 percent of the members of the veteran's service branch or of the total participants in the particular test were exposed to more than 1 rem; or (3) 1 rem, if the DNA estimates that at least 20 percent of the members of the veteran's service branch or of the total participants in the particular test were exposed to more than 0.5 rem; or (c) for occupation troops or former POWs in Japan found to have a comparable opportunity for exposure, 1 rem; or (d) for a veteran exposed in more than one nuclear test or in one or more tests and in the occupation of Japan, the combined total from all such exposures, adjusted as described above.

House bill: No provision.

House amendment: No provision.

Compromise agreement: No provision.

PRESERVATION OF EXISTING RIGHTS

Senate bill: The Senate bill (section 206) would provide that nothing in that measure would operate or be construed to prevent the granting of service connection under chapter 11 or 13 of title 38 in the case of any disease or disability from which a veteran suffers or has died that is determined on a non-presumptive basis to have been incurred in or aggravated by active-duty service.

House bill: No provision.

House amendment: No provision.

Compromise agreement: No provision.

The Committees do not consider this provision to be necessary because the provisions of the compromise agreement would not on their face preclude or restrict, and are not intended to preclude or restrict, the right of claimants to apply for and receive benefits under current law—that is, on a nonpresumptive basis—including any right to have benefits paid retroactively. The Committees intend that the VA (a) make awards under this measure to all veterans and survivors with pending claims who satisfy this measure's requirements and (b) notify those claimants of their rights with respect to continuing to pursue their claims on a non-presumptive basis in order to receive retroactive benefits.

HEALTH-CARE ELIGIBILITY

Senate bill: The Senate bill (section 207) would provide for an extension, from September 30, 1989, to September 30, 1991, in the expiration of health-care eligibility for radiation-exposed veterans set forth in section 610(a)(1)(G) of title 38.

House bill: No provision.

House amendment: No provision.

Compromise agreement: No provision.

ENVIRONMENTAL HAZARDS ADVISORY COMMITTEE REPORTS

Senate bill: The Senate bill (section 208) would amend section 6(d)(3) of Public Law 98-542, relating to reports from the Scientific Council of the Veterans' Advisory Committee on Environmental Hazards, to require the Council to submit its reports to the House and Senate Veterans' Affairs Committees, as well as to the full Advisory Committee and the Administrator.

House bill: No provision.

House amendment: The House amendment contains this provision.

Compromise agreement: The compromise amendment contains this provision.

EFFECTIVE DATES AND SUNSET PROVISION

House bill: The House bill (section 3) would provide that its provisions would be effective on October 1, 1987.

Senate bill: The Senate bill (sections 210 and 211) would provide that (a) the radiation-benefits provisions would take effect on January 1, 1988, (b) such provisions would not apply with respect to claims filed about September 30, 1991, and (c) that benefits would not be payable for any period prior to enactment.

House amendment: The House amendment would provide for a May 1, 1988, effective date with no sunset provision.

Compromise agreement: The compromise agreement contains the provision in the House amendment.

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Mr. Speaker, I yield as much time as he may consume to the gentleman from Georgia, Mr. ROY ROWLAND, the chief sponsor of the bill, and the only practicing physician in the Congress.

Mr. ROWLAND of Georgia. Mr. Speaker, when I introduced H.R. 1811 over 1 year ago, I did so with the strong support of the leadership of the Committee on Veterans' Affairs. It is with that support that this legislation has come through the maze of our legislative process to the floor today. I want to thank my chairman, G.V. (SONNY) MONTGOMERY, and the ranking minority member, GERALD SOLOMON for their vital assistance with this bill.

I thank the chairman of the Subcommittee on Compensation, Pension, and Insurance, DOUGLAS APPLEGATE for the contributions he has made and the ranking member of the subcommittee, BOB MCEWEN, for his support. I also thank JOHN PAUL HAMMERSCHMIDT for his interest and work on this important issue.

Additionally, I want to thank Senators CRANSTON and MURKOWSKI for their contributions and cooperation in developing the compromise which H.R. 1811 represents today. Finally, I want to thank the staff of the Veterans' Affairs Committee who have helped so much in working on this legislation.

Mr. Speaker, we know ionizing radiation can cause cancer. It mutates healthy cells and turns them against the body. However, the effects of exposure to radiation may not be manifested for years. And this is the dilemma for our atomic veterans. How can they prove that the diseases many of them are now suffering existed during the time of their service?

Our atomic veterans willingly served this country by participating in the testing of our nuclear weapons and in the cleanup of Hiroshima and Nagasaki following World War II. Many worked under conditions which none of us would want to submit to. Their lives were at risk and whether they were aware of this fact or not, they carried out their duty without question.

Today, if an atomic veteran has developed a radiation-related cancer which he believes resulted from his service to our country, it is almost impossible for the veteran to receive compensation from the VA.

We ask the veteran to provide positive evidence that the disease he suffers from had its inception during the veteran's time of service to the country—a disease which took years to develop. In effect, we ask the veteran to prove a cause and effect relationship between low levels of radiation and the development of disease. We ask the veteran to do this when the methods used back then to measure exposure levels were crude and unreliable. We ask the veteran to show something that even medical experts are still debating. In other words, to crack a scientific equation which has yet to be solved.

As many as 250,000 veterans participated in the activities described under the bill. Out of 6,000 claims filed for VA benefits due to radiation exposure, approximately 44 have been granted.

It's time we took the burden off the backs of these brave veterans and recognize the suffering they have had to endure. H.R. 1811 addresses this issue in the most effective manner. A presumption of service-connection is created for 13 radiation-related cancers. There is nothing spectacular about creating these presumptions, many exist under current law. For instance, we presume that many different diseases were incurred during service for veterans who were prisoners of war.

The cost of this legislation is minimal in consideration of the suffering it addresses. The bill will cost only $15 million in fiscal year 1988 and $36 million in fiscal year 1989 and about that thereafter.

Mr. Speaker, the doubts surrounding the relationship of low levels of ionizing radiation and the development of cancer simply must be resolved in favor of our veterans. We owe them no less. They answered when their country called. And I do not believe their country should abandon them now that they are in need. I urge my colleagues to support this bill and the President to sign it into law.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1811, the Radiation-Exposed Veterans Compensation Act of 1988. This bill would for the first time establish presumptions of service connection for some disabilities known to be associated with exposure to ionizing radiation.

For a long time, the Government and private institutions have been investigating the possible relationship between the exposure of tens of thousands of Americans to radiation while in the military and illnesses, especially cancer, in these veterans years later. Generally, the scientific research results have been reassuring statistically, in that the average atomic veteran seems to have little to fear from radiation-related illnesses.

However, real people are obviously not averages; they are individuals with unique experiences and, more importantly, unique susceptibilities to disease processes. Modern science is not nearly so far along that it can predict whether different individuals, when exposed to various levels of radiation, will develop radiogenic diseases, even though today there is broad agreement in the scientific community that some diseases can be radiogenic.

As one of the original sponsors of the first bills allowing presumption of service connection based on radiation exposure, I believe the approval of this bill by the full Congress is long overdue.

The atomic veterans covered by this bill did not ask for the conditions military duty imposed on them, but accepted those conditions without hesitation. Many of these veterans have endured hardships and suffered disabilities beyond description. And in many cases, these disabilities came into view only later in life.

These veterans are the special charges of not just our committee but the full Congress and it is time that reasonable doubt was resolved in favor of the atomic veterans.

We have an obligation to fulfill their record of service to our country.

In my view, after all of the scientific research and the attempts to find out all that could possibly be found out through military records, we are left with a policy decision in which science and the records are of little help.

Going back to what we do know, that some diseases can be caused by radiation, it seems fair to me to conclude if a veteran can show his presence at Nagasaki or Hiroshima, or at one of the atomic bomb tests, and if he subsequently develops one of those diseases within a reasonable period of time, then it can be presumed to be service connected.

It does not seem fair to me to require atomic veterans to prove something which they cannot prove and which the Government cannot disprove. This approach may not satisfy lawyers, but I am not a lawyer, and this is the Congress, not a court.

Many people have contributed to H.R. 1811, but Roy Rowland has been its champion and deserves special recognition. Also, I commend Sonny Montgomery, our able chairman; Jerry Solomon our full committee ranking member; Doug Applegate, the chairman of the Subcommittee on Compensation, Pension, and Insurance; and Bob McEwen the subcommittee's ranking member, for their vigorous support of H.R. 1811.

Mr. Speaker, I urge in the strongest possible terms that this body favorably concur in the Senate amendments and approve H.R. 1811, the Atomic Veterans Compensation Act.

Mr. Speaker, I yield such time as he may consume to the distinguished ranking member of the subcommittee, the gentleman from Ohio [Mr. McEwen].

Mr. McEWEN. Mr. Speaker, I thank my friend, the gentleman from Arkansas [Mr. Hammerschmidt] for yielding.

It is on occasions like this when we recognize the responsibility we have to our veterans that it is a special privilege to be associated with such distinguished Americans as the chairman of our full committee, the gentleman from Mississippi, Mr. Sonny Montgomery, certainly the gentleman from Arkansas, Mr. Hammerschmidt, as longtime ranking member and leader, and the gentleman from Georgia, Dr. Rowland, who has championed this cause so faithfully over these many months, as well as the gentleman from New York, Mr. Solomon, the ranking member of the full committee for the 100th Congress.

I also want to express my deep appreciation to my friend and colleague, Mr. Doug Applegate, for his bipartisan spirit and cooperation. It is indeed an honor to work with him. As the chairman of the Subcommittee on Compensation, Pension, and Insurance, he has once again demonstrated his special commitment and ability to shepherd legislation on behalf of America's veterans on to the House floor.

Mr. Speaker, as an original cosponsor of H.R. 1811, I rise in strong support of the Radiation-Exposed Veterans Compensation Act. Previous speakers has explained this legislation well, and I concur with and associate myself with their comments.

This issue has been before the Congress for many years, and through his work with our colleagues, the gentleman from Mississippi [Mr. Montgomery], the gentleman from New York [Mr. Solomon], the gentleman from Arkansas [Mr. Hammerschmidt], and the gentleman from Georgia [Dr. Rowland], we have been able to strike a balance whereby we can accomplish what we have wanted to achieve for a long time within the constraints of budget limitations that they now face; however, as we try to come to grips with the problems of Americans who were exposed to ionizing radiation, there are no absolute answers. The presumptive diseases contained in H.R. 1811 are a reasonable and modest approach to compensate a number of those veterans affected by radiation.

Mr. Speaker, the issues affecting atomic veterans cannot be considered in the context of absoluteness, but the fact that they do exist is absolute.

If we err in our approach to H.R. 1811—and I think that we do not—then we err on the side of compassion, on the side of granting the benefit of the doubt to these veterans who served their country well.

The question before us is whether we can act on a possible, even probable presumption, or do we wait for all that scientific and medical certainty that we believe may never come.

For my part, I believe that we should approve this legislation, and I request my colleagues to support this compromise bill.

Mr. Speaker, I leave off as I began, expressing my appreciation to the gentleman from Georgia [Dr. Rowland], the chairman and ranking members of the committee for their leadership and the service they do our country by their service here.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Committee on Post Office and Civil Service, the gentleman from Michigan [Mr. Ford], who would like to talk about a nonrelated subject as far as the bill is concerned.

(By unanimous consent, Mr. Ford of Michigan was allowed to speak out of order.)

THE POSTAL REORGANIZATION ACT OF 1988

Mr. FORD of Michigan. Mr. Speaker, I thank the gentleman for yielding me this time to speak out of turn.

I would first like to say that I strongly support this very worthy and long overdue legislation.

Mr. Speaker, in 1973 the Office of Management and Budget removed the newly created U.S. Postal Service from the unified budget. The President's budget noted "treatment of the Postal Service * * * reflects its independence from Federal control." Unfortunately, 12 years later in 1985, OMB under David Stockman placed the Postal Service back on budget.

What has on-budget status wrought? Political interference with postal operations that has led to the cancellation or deferment of more than 700 badly needed construction projects and mandated service reductions. The Postal Service, its employees, and its customers—your constituents—have suffered.

On March 15, I introduced H.R. 4150, a bill to restore the Postal Service to off-budget status. Today, I dropped in the latest additional cosponsors. I'm proud to say 241 Members, a bipartisan majority of the House, have signed on to the bill and I intend to bring it before my committee at the next opportunity.

Now, for those intent on privatizing the Postal Service to skim the cream, I say "back off, don't be so greedy." There's plenty of postal business out there for you already. Last year the service pumped 8.6 billion dollars' worth of business into the private sector in the form of transportation and construction contracts, contract stations and routes, other contracts for goods and service, and work sharing opportunities.

So let's all pull together, support the universal postal service which our constituents expect and deserve, and support H.R. 4150.

H.R. 4150, COSPONSOR LIST, MAY 2, 1988

Ackerman, Gary; Democrat; New York.
Akaka, Daniel K.; Democrat; Hawaii.
Alexander, Bill; Democrat; Arkansas.
Annunzio, Frank; Democrat; Illinois.
Applegate, Douglas; Democrat; Ohio.
Aspin, Les; Democrat; Wisconsin.
Atkins, Chester; Democrat; Massachusetts.
Barnard, Doug, Jr.; Democrat; Georgia.
Bateman, Herbert; Republican; Virginia.
Bates, Jim; Democrat; California.
Berman, Howard I.; Democrat; California.
Biaggi, Mario; Democrat; New York.
Bilbray, James H.; Democrat; Nevada.
Boehlert, Sherwood; Republican; New York.
Bonior, David E.; Democrat; Michigan.
Bonker, Don; Democrat; Washington.
Borski, Robert A.; Democrat; Pennsylvania.
Boucher, Rick; Democrat; Virginia.
Boxer, Barbara; Democrat; California.
Brown, George E., Jr.; Democrat; California.
Bruce, Terry L.; Democrat; Illinois.
Burton, Dan; Republican; Indiana.
Bustamante, Albert G.; Democrat; Texas.
Byron, Beverly; Democrat; Maryland.
Cardin, Benjamin L.; Democrat; Maryland.
Carper, Thomas; Democrat; Delaware.
Clarke, James McClure; Democrat; North Carolina.
Clay, William (Bill); Democrat; Missouri.
Clements, Robert; Democrat; Tennessee.
Clinger, Bill; Republican; Pennsylvania.
Coelho, Tony; Democrat; California.
Coleman, Ronald D.; Democrat; Texas.
Collins, Cardiss; Democrat; Illinois.
Conyers, John; Democrat; Michigan.
Coyne, William; Democrat; Pennsylvania.
Craig, Larry E.; Republican; Idaho.
Crockett, George W., Jr.; Democrat; Michigan.
Daub, Hal; Republican; Nebraska.
Davis, Jack; Republican; Illinois.
Davis, Robert; Republican; Michigan.
DeFazio, Peter A; Democrat; Oregon.
deLugo, Ron; Democrat; Virgin Islands.
DeWine, Michael; Republican; Ohio.
Dicks, Norman D.; Democrat; Washington.
Dingell, John; Democrat; Michigan.
DioGuardi, Joseph J.; Republican; New York.
Dorgan, Byron; Democrat; North Dakota.
Dowdy, Wayne; Democrat; Mississippi.
Downey, Tom; Democrat; New York.
Duncan, John; Republican; Tennessee.
Dwyer, Bernard J.; Democrat; New Jersey.
Dymally, Mervyn; Democrat; California.
Dyson, Roy; Democrat; Maryland.
English, Glenn; Democrat; Oklahoma.
Espy, Mike; Democrat; Mississippi.
Evans, Lane; Democrat; Illinois.
Fascell, Dante B.; Democrat; Florida.
Fauntroy, Walter; Democrat; District of Columbia.
Fazio, Vic; Democrat; California.
Feighan, Edward P.; Democrat; Ohio.
Fish, Hamilton, Jr.; Republican; New York.
Flake, Floyd; Democrat; New York.
Florio, James J.; Democrat; New Jersey.
Foglietta, Thomas; Democrat; Pennsylvania.
Frank, Barney; Democrat; Massachusetts.
Fuster, Jaime B.; Democrat; Puerto Rico
Gallo, Dean A.; Republican; New Jersey.
Garcia, Robert; Democrat; New York.
Gaydos, Joseph M.; Democrat; Pennsylvania.
Gejdenson, Sam; Democrat; Connecticut.
Gekas, George W.; Republican; Pennsylvania.
Gilman, Ben; Republican; New York.
Gonzalez, Henry B.; Democrat; Texas.
Gordon, Bart; Democrat; Tennessee.
Grant, Bill; Democrat; Florida.
Gray, Ken; Democrat; Illinois.
Guarini, Frank; Democrat; New Jersey.
Hall, Tony; Democrat; Ohio.
Hammerschmidt, John Paul; Republican; Arkansas.
Hansen, Jim; Republican; Utah.
Hastert, Dennis J.; Republican; Illinois.
Hayes, Charles; Democrat; Illinois.
Hayes, James A.; Democrat; Louisiana.
Hefner, W.G. (Bill); Democrat; North Carolina.
Henry, Paul B.; Republican; Michigan.
Hertel, Dennis; Democrat; Michigan.
Hochbrueckner, George; Democrat; New York.
Hopkins, Larry; Republican; Kentucky.
Horton, Frank; Republican; New York.
Hoyer, Steny; Democrat; Maryland
Hubbard, Carroll; Democrat; Kentucky.
Hughes, William J.; Democrat; New Jersey.
Inhofe, James M.; Republican; Oklahoma.
Ireland, Andy; Republican; Florida.
Jacobs, Andrew; Democrat; Indiana.
Jeffords, James M.; Republican; Vermont.
Johnson, Nancy; Republican; Connecticut.
Johnson, Tim; Democrat; South Dakota.
Jones, Walter; Democrat; North Carolina.
Jontz, Jim; Democrat; Indiana.
Kaptur, Marcy; Democrat; Ohio.
Kennedy, Joseph P. II; Democrat; Massachusetts.
Kennelly, Barbara; Democrat; Connecticut.
Kildee, Dale; Democrat; Michigan.
Kleczka, Gerald; Democrat; Wisconsin.
Koelter, Joe; Democrat; Pennsylvania.
Kostmayer, Peter; Democrat; Pennsylvania.
LaFalce, John J.; Democrat; New York.
Lagomarsino, Robert; Republican; California.
Lancaster, Martin; Democrat; North Carolina.
Leach, Jim; Republican; Iowa.
Leath, Marvin; Democrat; Texas.
Lehman, Richard H.; Democrat; California.
Leland, Mickey; Democrat; Texas.
Lent, Norman; Republican; New York.
Levin, Sander; Democrat; Michigan.
Lewis, John; Democrat; Georgia.
Lipinski, William O.; Democrat; Illinois.
Lloyd, Marilyn; Democrat; Tennessee.
Lott, Trent; Republican; Mississippi.
Lowry, Mike; Democrat; Washington.
Luken, Tom; Democrat; Ohio.
Madigan, Edward R.; Republican; Illinois.
Manton, Thomas J.; Democrat; New York.
Markey, Edward; Democrat; Massachusetts.
Martin, David O'B; Republican; New York.
Martinez, Matthew G.; Democrat; California.
Matsui, Robert T.; Democrat; California.
Mavroules, Nicholas; Democrat; Massachusetts.
Mazzoli, Romano; Democrat; Kentucky.
McCloskey, Frank; Democrat; Indiana.
McCollum, Bill; Republican; Florida.
McCurdy, Dave; Democrat; Oklahoma.
McDade, Joseph M.; Republican; Pennsylvania.
McEwen, Bob; Republican; Ohio.
McGarth, Raymond; Republican; New York.
McHugh, Matthew F.; Democrat; New York.
McMillan, Thomas C.; Democrat; Maryland.
Mfume, Kweisi; Democrat; Maryland.
Miller, John; Republican; Washington.
Moakley, Joe; Democrat; Massachusetts.
Molinari, Guy V.; Republican; New York.
Mollohan, Alan; Democrat; West Virginia.
Montgomery, Sonny; Democrat; Mississippi.
Moody, Jim; Democrat; Wisconsin.
Morella, Connie; Republican; Maryland.
Morrison, Bruce; Democrat; Connecticut.
Morrison, Sid; Republican; Washington.
Mrazek, Bob; Democrat; New York.
Murphy, Austin; Democrat; Pennsylvania.
Murtha, John P.; Democrat; Pennsylvania.
Nagle, David R.; Democrat; Iowa.
Natcher, William H.; Democrat; Kentucky.
Neal, Stephen L.; Democrat; North Carolina.
Nielson, Howard; Republican; Utah.
Nowak, Henry J.; Democrat; New York.
Oakar, Mary Rose; Democrat; Ohio.
Oberstar, James L.; Democrat; Minnesota.
Olin, Jim; Democrat; Virginia.
Ortiz, Solomon P.; Democrat; Texas.
Owens, Major; Democrat; New York.
Owens, Wayne; Democrat; Utah.
Pashayan, Charles; Republican; California.
Patterson, Elizabeth; Democrat; South Carolina.
Pease, Donald J.; Democrat; Ohio.
Pelosi, Nancy; Democrat; California.
Penny, Timothy; Democrat; Minnesota.
Pepper, Claude; Democrat; Florida.
Perkins, Carl C.; Democrat; Kentucky.
Petri, Thomas E.; Republican; Wisconsin.
Pickett, Owen B.; Democrat; Virginia.
Quillen, James H.; Republican; Tennessee.
Rahall, Nick; Democrat; West Virginia.
Rangel, Charles; Democrat; New York.
Richardson, Bill; Democrat; New Mexico.
Ridge, Thomas; Republican; Pennsylvania.
Rinaldo, Matthew J.; Republican; New Jersey.
Roberts, Pat; Republican; Kansas.
Robinson, Tommy; Democrat; Arkansas.
Rodino, Peter; Democrat; New Jersey.
Roe, Robert A.; Democrat; New Jersey.
Rose, Charles; Democrat; North Carolina.
Rowland, John; Democrat; Connecticut.
Rowland, J. Roy; Democrat; Georgia.
Roybal, Edward R.; Democrat; California.
Sabo, Martin Olav; Democrat; Minnesota.
Saiki, Patricia F.; Republican; Hawaii.
St Germain, Fernand; Democrat; Rhode Island.
Sawyer, Tom; Democrat; Ohio.
Saxton, Jim; Republican; New Jersey.
Schaefer, Dan; Republican; Colorado.
Scheuer, James; Democrat; New York.
Schneider, Claudine; Republican; Rhode Island.
Schroeder, Patricia; Democrat; Colorado.

Schuemer, Charles E.; Democrat; New York.
Schuette, Bill; Republican; Michigan.
Shays, Christopher; Republican; Connecticut.
Sikorski, Gerry; Democrat; Minnesota.
Slaughter, Louise; Democrat; New York.
Smith, Christopher; Republican; New Jersey.
Smith, Lawrence; Democrat; Florida.
Smith, Virginia; Republican; Nebraska.
Solarz, Stephen; Democrat; New York.
Solomon, Gerald; Republican; New York.
Spratt, John; Democrat; South Carolina.
Staggers, Harley; Democrat; West Virginia.
Stallings, Richard H.; Democrat; Idaho.
Stangeland, Arlan; Republican; Minnesota.
Stokes, Louis; Democrat; Ohio.
Stratton, Samuel; Democrat; New York.
Studds, Gerry E.; Democrat; Massachusetts.
Sunia, Fofo I.F.; Democrat; Am Samoa.
Swift, Al; Democrat; Washington.
Synar, Mike; Democrat; Oklahoma.
Tallon, Robin; Democrat; South Carolina.
Tauke, Thomas; Republican; Iowa.
Tauzin, W.J. Billy; Democrat; Louisiana.
Taylor, Gene; Republican; Missouri.
Thomas, Robert Lindsay; Democrat; Georgia.
Torres, Esteban Edward; Democrat; California.
Torricelli, Robert G.; Democrat; New Jersey.
Towns, Eldophus; Democrat; New York.
Traficant, James A.; Democrat; Ohio.
Traxler, Bob; Democrat; Michigan.
Udall, Morris K.; Democrat; Arizona.
Vento, Bruce; Democrat; Minnesota.
Volkmer, Harold L.; Democrat; Missouri.
Vucanovich, Barbara F.; Republican; Nevada.
Walgren, Doug; Democrat; Pennsylvania.
Watkins, Wes; Democrat; Oklahoma.
Weber, Vin; Republican; Minnesota.
Weiss, Ted; Democrat; New York.
Weldon, Curt; Republican; Pennsylvania.
Whittaker, Bob; Republican; Kansas.
Williams, Pat; Democrat; Montana.
Wise, Robert E.; Democrat; West Virginia.
Wolpe, Howard; Democrat; Michigan.
Wortley, George; Republican; New York.
Wyden, Ron; Democrat; Oregon.
Yatron, Gus; Democrat; Pennsylvania.
Young, Don; Republican; Alaska.

□ 1230

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. STRATTON] who is a member of the Committee on Armed Services, who actually served out in the Pacific during World War II.

Mr. STRATTON. Mr. Speaker, I want to commend the gentleman from Mississippi [Mr. MONTGOMERY]. It was several months ago that the subject of the atomic veterans came before our Subcommittee on Procurement and Military Nuclear Systems. The atomic veterans had felt that there was no way that they could achieve their rights because of the Feres doctrine which says that the Federal Government cannot be sued, and also by another piece of legislation called the Warner amendment that said that if anybody is to be sued it was going to be Government contractors, not the Government. So the atomic veterans felt that they were not getting any help, which they deserved out of that either. Yet, the gentleman from Mississippi [Mr. MONTGOMERY] recognizing the problem he said that what we ought to do is provide, as he has already indicated with his legislation, provide the assistance to those veterans who were exposed to radiation and to permit them to get the medical services of the Veterans' Administration medical operations in the same way that other veterans are able to utilize the VA veterans medical services.

The chairman said that he would be delighted to try to get that bill through but unfortunately it was languishing in the other body. With the genius of the gentleman from Mississippi [Mr. MONTGOMERY] he provided the path and the way that this could be done, and I know that he spent many hours and a great deal of persuasion to get this legislation enacted.

I want to commend him for it and I know that the atomic veterans are going to recognize the gentleman from Mississippi for the outstanding service that he has provided and has always provided to veterans. Once more, Mr. Speaker, he has achieved a great success.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly thank the gentleman from New York [Mr. STRATTON] for his very, very kind remarks. This has been a team effort of finally after 40 years getting this legislation to the House floor.

I will ask the gentleman from New York [Mr. STRATTON] when we have the vote on this legislation if he will help us pass out our sheets, we would appreciate it.

Mr. STRATTON. I would be happy to.

Mr. MONTGOMERY. Mr. Speaker, I want to commend the distinguished gentleman from New York, the ranking minority member of the committee, Mr. SOLOMON, for his leadership in conference in working out an acceptable agreement with the other body on this issue.

I also appreciate the leadership of two other conferees, DOUG APPLEGATE, chairman of our Subcommittee on Compensation, Pension and Insurance, and MARCY KAPTUR, chairwoman of our Subcommittee on Housing and Memorial Affairs.

I'm especially grateful to the chief sponsors of H.R. 1811, Dr. J. ROY ROWLAND, a distinguished member of our committee, and JOHN PAUL HAMMERSCHMIDT, the ranking minority member of our Subcommittee on Hospitals and Health Care. Dr. ROWLAND and Mr. HAMMERSCHMIDT have worked several years in getting agreement between the House and Senate. They have spent many hours working with the staff, veterans organizations, and others in framing this compromise. I commend them for their efforts.

I also appreciate the work of the gentleman from Illinois, another distinguished member of our committee, LANE EVANS. He too has been instrumental in helping to develop this legislation.

The distinguished chairman of the Senate Veterans' Affairs Committee, Mr. CRANSTON, has been the chief sponsor of this legislation in the other body. As I recall, he was one of the first to speak out on the issue of veterans being exposed to radiation. Senators SIMON and DASCHLE have both appeared before our committee in support of legislative initiatives to provide relief to individuals exposed to radiation following World War II.

I'm grateful to all of these individuals and to all members of our committee for their work on this bill and I urge the adoption of H.R. 1811 as amended by the Senate.

Mr. APPLEGATE. Mr. Speaker, the bill before us today is the result of many hours of negotiations between the Veterans' Affairs Committees of the House and Senate. This bill would establish a presumption of service connection for VA benefits purposes for 13 cancer-related diseases suffered by veterans who, while on active duty in service to their country, were exposed to ionizing radiation while participating in certain atomic tests following World War II. The diseases included in the bill are: leukemia (except for chronic lymphocytic leukemia), cancers of the thyroid, breast, pharynx, esophagus, stomach, small intestine, bile ducts, gall bladder, and pancreas, as well as multiple myeloma, lymphomas (other than Hodgkin's disease), and primary liver cancer. The presumption of service connection would be applicable if the disease is manifested to a compensable degree within 40 years, with the exception of leukemia, which has a 30-year time limitation.

Mr. Speaker, we know that during the period from 1945 to 1963, the U.S. Government exploded some 235 nuclear devices in the atmosphere over the American Southwest and the Pacific Ocean. It is estimated that approximately 220,000 to 250,000 military personnel participated in these tests. Additional personnel may have been exposed to such radiation while participating in the occupation of Hiroshima and Nagasaki after the atomic bombings of those cities in 1945. What we do not know is how much exposure they received; nor do we know the long-term health effects of such exposure on these veterans.

Due to the tremendous degree of uncertainty existing within the scientific and medical communities as to the long-term health effects of exposure to low levels of radiation and, because the levels of radiation to which these veterans were exposed may never be accurately determined, it remains extremely difficult for a veteran to establish any relationship between the disability suffered and active-duty service.

It is very important that we remember that the principle of "service connection" is one that is based on a point-in-time relationship, not a cause and effect relationship. This permits the granting of service connection for a great number of disabilities that could not have been considered to have been "caused" by service, but, rather, were incurred or manifested during service.

Congress has, from time to time, expanded this principle through the use of statutory presumptions that consider certain diseases to be service connected, notwithstanding the fact that there is no record of such disease during the period of service.

Such presumptions are based upon the theory that, if the disease becomes manifest to a certain degree within a specified period of time after an individual's discharge from service, principles of sound medical judgment will justify recognizing the inception of the disease as having occurred during a particular point in time coincident with the individual's service on active duty.

The establishment of presumptions for diseases suffered by veterans exposed to ionizing radiation, on the other hand, poses somewhat of a different type of problem because so many uncertainties continue to exist in the scientific and medical communities as to the question of the long-term health effects of exposure on the participants.

There appears to be a growing amount of evidence that some veterans exposed to ionizing radiation are experiencing serious medical problems. However, available data falls short of meeting the test that, in the exercise of sound medical judgment, these diseases are related to, or were incurred during, military service.

Congress has taken action in recent years by enacting legislation authorizing health care services for veterans exposed to radiation who may be suffering from illnesses not found to be the result of other causes; by mandating further studies into the long-term health effects of such exposure; by requiring the Department of Defense and Defense Nuclear Agency to issue new guidelines pertaining to the preparation of radiation dose estimates in connection with VA claims; and by requiring the Veterans' Administration to issue new regulations giving special consideration to the adjudication of individual claims based on radiation exposure.

Notwithstanding these efforts by Congress, in the absence of positive evidence which establishes the inception of the disease during service, nearly all claims in which radiation exposure is an element are denied by the VA. In view of this, the establishment of a statutory presumption would appear to be the only means by which these veterans or their survivors will ever be compensated.

The House originally passed H.R. 1811 on July 28, 1987, with a list of 10 presumptive diseases subject to a 30-year manifestation period. On December 4, the other body passed H.R. 2616 with an amendment in the nature of a substitute, inserting the provisions of S. 9 as ordered reported by the Committee on Veterans' Affairs, which incorporated the provisions of S. 1002. The Senate-passed bill set out three categories of radiation-induced diseases for which payment of disability benefits would be authorized, depending on the level of exposure, as if service-connected, or for which special consideration would be afforded in adjudication of the veteran's claim for disability compensation.

Except for deletion of colon cancer from the list of presumptive diseases and a change in the title, the Senate amendments before us today are identical to the House amendments to the Senate amendments to H.R. 2616, passed on March 29. During the April 13 conference meeting on H.R. 2616, House and Senate conferees agreed to delete the radiation provisions from the conference report with the understanding that the Senate would take early action to pass H.R. 1811 with the provisions agreed to in conference. The bill as amended by the Senate is structured along the same lines as originally passed in this body, in that it is a straight-forward approach that will result in veterans being granted service-connected benefits on a presumptive basis with no complex determinations or procedures being required, and with no change to the manner in which their claims are adjudicated or their benefits paid. It does not contain an all-inclusive list of diseases, but it does include those malignancies considered most likely to be related to ionizing radiation exposure.

I applaud ROY ROWLAND of Georgia and JOHN PAUL HAMMERSCHMIDT for their leadership in introducing this bill and commend Chairman SONNY MONTGOMERY and ranking minority member JERRY SOLOMON for their combined efforts in reaching a fair compromise with the Senate in a very complex and controversial area and for bringing this important bill one step closer to enactment. It's been a long time coming and I am proud to support it.

Mr. SOLOMON. Mr. Speaker, as ranking member of the Committee on Veterans' Affairs, I rise in strong support of H.R. 1811, as amended, a bill to compensate certain veterans for exposure to ionizing radiation while in military service.

Reaching an agreement with the Senate was not easy; we began with bills which differed profoundly in philosophy and approach, but with basic agreement that something should be done. As the months passed, the House and Senate Veterans' Affairs Committees inched toward each other until they met on common ground. And the compromise, I think, is a rather good one. It includes various cancers, all of which scientists agree can be radiogenic, and it includes all leukemias, which also can be radiogenic, except for chronic lymphatic leukemia, which is scientifically known not to be.

The reason the House committee decided to take the presumptive approach to compensation is that we do not believe there is much of a prospect for the questions about individual levels of exposure and about the long-term effects of low-level exposure to be resolved any time soon.

The prospect is that many or all of the atomic veterans who would be helped by this bill may be dead before the questions are resolved, if they ever are. Consequently, we have been faced with a tough policy decision.

Mr. Speaker, reasonable people could and do differ about H.R. 1811, as amended. I cannot say that those who oppose it are obviously wrong, nor can I prove by any objective standards that those of us who support it are right; it isn't that kind of an issue.

So here we are. H.R. 1811, as amended, has solid bipartisan support in this body. Mr. HAMMERSCHMIDT, the senior minority member, the former ranking member of the full committee and Mr. MCEWEN, the ranking member of the subcommittee on compensation, pension and insurance, both favor it and will speak on it.

For radiation exposure, as for other disability claims, any reasonable doubt should be resolved in favor of the veteran. This, the doctrine of reasonable doubt, has been operative in adjudication of veteran's disability claims for many years and is the official policy of the Government. It ought to be applied equally to atomic veterans, given all the circumstances surrounding their cases, and they should not be required to meet an impossible burden of proof.

Mr. MONTGOMERY, Mr. APPLEGATE, Dr. ROWLAND, and Mr. HAMMERSCHMIDT have led the way for atomic veterans compensation, and it is to their credit that, even though controversy unusual for veterans affairs has marked this legislation in the Senate, they have not waivered. I commend them, and I urge all of my colleagues to vote "yes" with us on the Senate amendments to compensate atomic veterans.

Mr. LIPINSKI. Mr. Speaker, I rise in strong support of H.R. 1811, the Atomic Veterans Compensation Act, and am pleased to see it finally pass the Congress. One of my constituents, Mr. Donald Parchem, has waited a long time to receive the benefits due him under this important bill. Due to the late arrival of my flight from Chicago, I was unable to vote for the bill, but am in complete agreement with it.

Mr. Parchem served as a marine in the South Pacific in 1962 and was exposed to dangerous levels of radiation that developed into breast cancer 18 years later. While breast cancer is rare in males, Don Parchem is living evidence that it is certainly possible to contract this disease.

I am very happy to see that the bill includes breast cancer, without distinction to gender, as one of the illnesses now treated as any other service-connected disability. What further pleases me is the fact that the bill provides for a straight-out presumption of illness and is not based on the dubious veracity of past service records.

I urge the President to sign this legislation and allow financial compensation to the many victims of radiation who served their country honorably. If the bill is vetoed, however, and there is an indication that it will be, I ask my colleagues to pass this landmark bill over the President's veto. Only in this way can we be certain of insuring that all veterans who suffered from their service are treated fairly.

I want to commend the distinguished chairman of the Veterans' Committee, Mr. MONTGOMERY, and the chief sponsor of the legislation, Mr. ROWLAND of Georgia, for their interest in and commitment to this vital issue.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Kanjorski). The question is on the motion offered by the gentleman from Mississippi [Mr. Montgomery] that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 1811.

The question was taken.

Mr. ROWLAND of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 326, nays 2, not voting 103, as follows:

[Roll No. 86]

YEAS—326

Ackerman
Akaka
Anderson
Andrews
Annunzio
Anthony
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Bilbray
Bliley
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Carper
Carr
Chandler
Chappell
Cheney
Clay
Clement
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Cooper
Coughlin
Courter
Dannemeyer
Darden
Davis (IL)
Davis (MI)
DeFazio
DeLay
Dellums
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Dorgan (ND)
Dowdy
Downey
Dreier
Durbin
Dwyer
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flippo
Foley
Ford (MI)
Frank
Gallegly
Gallo
Garcia
Gaydos
Gekas
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Green
Gregg
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hochbrueckner
Holloway
Hopkins
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lloyd
Lott
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Nelson
Nichols
Nielson
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Oxley
Packard
Panetta
Parris
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Quillen
Ravenel
Regula
Rhodes
Richardson
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Sabo
Saiki
Sawyer
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Torricelli
Traficant
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Watkins
Waxman
Weber
Weiss
Whittaker
Whitten
Wise
Wolf
Wolpe
Wortley
Wyden
Yates
Young (FL)

NAYS—2

Shumway
Walker

NOT VOTING—103

Alexander
Applegate
Archer
Barton
Berman
Bevill
Biaggi
Bilirakis
Boehlert
Boucher
Boulter
Cardin
Chapman
Clarke
Clinger
Conyers
Coyne
Craig
Crane
Crockett
Daub
de la Garza
Derrick
Donnelly
Dornan (CA)
Duncan
Dymally
Dyson
Early
Fawell
Fields
Flake
Florio
Foglietta
Ford (TN)
Frenzel
Frost
Gejdenson
Gephardt
Gibbons
Goodling
Gray (IL)
Gray (PA)
Hall (OH)
Hatcher
Hawkins
Hefner
Hiler
Horton
Jeffords
Jones (TN)
Kaptur
Kleczka
Kolbe
Konnyu
Latta
Leland
Lewis (CA)
Lipinski
Lowery (CA)
Lungren
Mack
MacKay
McCloskey
McHugh
Mica
Moody
Moorhead
Morella
Neal
Oakar
Owens (NY)
Pashayan
Price
Pursell
Rahall
Rangel
Ray
Ridge
Rodino
Rose
Russo
Savage
Scheuer
Slattery
Slaughter (VA)
Smith, Denny (OR)
Solomon
Spence
Stokes
Studds
Taylor
Torres
Towns
Traxler
Walgren
Weldon
Wheat
Williams
Wilson
Wylie
Yatron
Young (AK)

□ 1300

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The title of the bill was amended so as to read: "An Act to amend title 38, United States Code, to provide a presumption of service connection to veterans (and survivors of such veterans) who participated in atmospheric or underwater nuclear tests as part of the United States nuclear weapons testing program or in the American occupation of Hiroshima or Nagasaki, Japan, and who suffer from certain diseases that may be attributable to exposure to ionizing radiation, and other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and that all Members may have 5 legislative days to revise and extend their remarks, and include extraneous matter, on H.R. 1811.

The SPEAKER pro tempore (Mr. Frank). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Speaker, due to my sponsorship and participation in a most important 2-day economic development symposium in my district last week I was not able to be present for sessions on Thursday, April 28, and Friday, April 29, 1988.

Had I been present Thursday, April 28, I would have voted "yea" on rollcall No. 74; "no" on rollcall No. 75; "aye" on rollcall No. 76, "aye" on rollcall No. 77, "aye" on rollcall No. 78 and "aye" on rollcall No. 79.

Had I been present Friday, April 29, I would have voted "yea" on rollcall No. 80 and "yea" on the following votes; rollcall No. 81; rollcall No. 82, rollcall No. 83, rollcall No. 85. I would voted "no on and rollcall No. 84.

PERSONAL EXPLANATION

Mr. LIVINGSTON. Mr. Speaker, on Friday, April 29, on rollcall No. 84, the Robinson amendment to withdraw U.S. troops from Europe I was recorded as voting present when it was my intention to vote "no." Earlier in the day I voted "no" to a similar amendment offered by Mr. Bryant, but on the Robinson amendment I was recorded present.

I have informed the Clerk of the House, however, I did want to state for the record that it was my intention to vote "no" on the Robinson amendment, and I ask unanimous consent that this statement appear in the permanent Record immediately following the vote on the Robinson amendment.

The SPEAKER pro tempore (Mr. Frank). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

The SPEAKER pro tempore. Pursuant to House Resolution 435 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4264.

□ 1303

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4264) to authorize appropriations for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, to amend the National Defense Authorization Act for fiscal years 1988 and 1989, and for other purposes, with Mr. Rostenkowski in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House on Friday, April 29, 1988, amendment No. 12 printed in section 3 of House Report 100-590 offered by the gentlewoman from Maryland [Mrs. Bentley] had been disposed of.

It is now in order to consider the amendments relating to Central America printed in section 1 of House Report 100-590, by, and if offered by, the following Members of their designees, which shall be considered in the following order only:

(A) By Representative Foley, which is not subject to amendment except for an amendment offered by Representative Hunter;

(B) By Representative Lowry of Washington; and

(C) By Representative Markey.

AMENDMENT OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Foley: At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 934. LIMITATION ON INTRODUCTION OF ARMED FORCES INTO NICARAGUA FOR COMBAT.

(a) Limitation.—Funds appropriated to the Department of Defense may not be obligated or expended for the purpose of introducing United States Armed Forces into or over Nicaragua for combat.

(b) Definition of Combat.—As used in this section, the term "combat" means the introduction of United States Armed Forces for the purpose of delivering weapons fire upon an enemy.

(c) Exceptions to Limitation.—This section does not apply with respect to an introduction of United States Armed Forces into or over Nicaragua for combat if—

(1) the Congress has declared war or enacted specific authorization for such introduction; or

(2) such introduction is necessary—

(A) to meet a clear and present danger of hostile attack upon the United States, its territories or possessions;

(B) to meet a clear and present danger to, and to provide necessary protection for, the United States Embassy; or

(C) to meet a clear and present danger to, and to provide necessary protection for and to evacuate, United States Government personnel or United States citizens.

(d) Existing Requirements Preserved.—Nothing in this section shall invalidate any requirement of Public Law 93-148.

(e) Treaty Authority Preserved.—Nothing in this section shall invalidate any authority of the United States to act in accordance with the provisions of the Inter-American Treaty of Reciprocal Assistance.

The CHAIRMAN. Pursuant to the rule, the gentleman from Washington [Mr. Foley] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Washington [Mr. Foley].

Mr. FOLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment which I have offered since 1984 limits the funds appropriated to the Department of Defense against obligation or expenditure for the purpose of introducing United States Armed Forces into or over Nicaragua for combat.

For purposes of the amendment, it defines combat as the introduction of Armed Forces of the United States for the purpose of delivering weapons fire upon an enemy. It does, however, provide for exceptions. For example it does not apply with respect to the introduction of United States Armed Forces into or over Nicaragua for combat if the Congress has declared war or enacted a specific authorization for that purpose. Nor would it apply if such introduction is necessary to meet a clear and present danger of hostile attack upon the United States, its territories or possessions; to meet a clear or present danger to the United States Embassy and its needs for protection; or; to provide for the protection of United States personnel or citizens faced with clear and present danger.

Nothing in this section invalidates any requirement of Public Law 93-148, the War Powers Act, or any authority of the United States to act in accordance with the provisions of the Inter-American Treaty of Reciprocal Assistance, the so-called RIO Treaty.

Not only has the House adopted this amendment every year since 1984 but, in recent years also adopted an amendment offered by the gentleman from California [Mr. Hunter]. In addition, it is in accordance with the oft-stated position of the President of the United States that this administration has no intention of introducing American Armed Forces into Nicaragua. Indeed, the Congress has adopted provisions of other acts which limit the approach of United States personnel to not more than 20 miles of the Nicaraguan border.

With the peace talks now underway and the Arias plan in the process of being implemented, it may seem to some not only appropriate but especially important that we reaffirm that the United States intends no active threat of intervention in Nicaragua with United States Forces.

I reserve the balance of my time.

□ 1310

The CHAIRMAN. Does the gentleman from Alabama [Mr. Dickinson] rise in opposition to the amendment?

Mr. DICKINSON. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from Alabama [Mr. Dickinson] is recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. Hyde].

Mr. HYDE. Mr. Chairman, this perennial amendment is still unconstitutional in my judgment. I do not think that we can repeal the power of the President as Commander in Chief by saying funds appropriated may not be obligated for the purpose of introducing U.S. Armed Forces anywhere.

It is as though we told the Supreme Court, "If you don't decide a case a certain way we are going to withhold your salary."

The President is Commander in Chief and we cannot change that by statute.

This is a terrible signal to send to any country in the world, especially one as hostile and as adversarial as Nicaragua.

Nicaragua by this statute is the only country in the world to enjoy congressional immunity.

As we enjoy immunity from parking tickets, they will enjoy immunity from even having our military visit them with loaded weapons because we have said so.

We have immunized them. It is unnecessary. It adds to the insecurity of our allies down there because it does not refer to them at all. It is a restriction on the power of the President as Commander in Chief. It gives aid and comfort to those wonderful, warm, freedom-loving Sandinistas and is a terrible signal.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from California [Mr. Lagomarsino].

Mr. LAGOMARSINO. I thank my friend for yielding.

Mr. Chairman, I rise in opposition to the Foley amendment unless it is amended by the Hunter amendment that will be offered in a moment.

You know, the administration has said many times that we would not send combat troops to Nicaragua, but to withdraw that option entirely gives the Sandinistas and our friends a message we will not act to defend our interests in the area. It does nothing to discourage the Sandinistas from continuing their armed subversion of their neighbors as they have done repeatedly and still do.

Mr. Chairman, I rise in opposition to the amendment by the gentleman from Washington [Mr. FOLEY] unless it is amended by the language offered by the gentleman from California [Mr. HUNTER].

We have debated this same language a number of times now and the arguments are still the same. The gentleman's amendment is a completely unwarranted attack on the constitutional powers of the Presidency. It is a prohibition taken in Central America that is not required in any other part of the world.

The Sandinista government in Nicaragua has done nothing to demonstrate that it deserves a shield against possible retaliation for aggression against its neighbors and against the national security interests of the United States. The serious Sandinista invasion of Honduras last March demonstrates once again the threat Nicaragua poses to Central America and to United States interests in the region.

The administration has said repeatedly that we would not send combat troops to Nicaragua. But to withdraw that option entirely gives the Sandinistas the message that the United States will not protect our friends and allies in the region. It will do nothing to discourage the Sandinistas from continuing their armed subversion of their neighbors.

If the Arias peace initiative is to be successful, the Communist Sandinista regime in Nicaragua has to know that its aggression, whether by subversion through insurgent guerrillas or outright invasion by the Sandinista army, will be deterred by force, if necessary. There's no incentive for the Sandinistas to negotiate if they believe they can wipe out their opposition at home and overpower their democratic neighbors in the region through superior force.

We must not automatically limit the President's range of options ahead of time when we do not know what aggressive actions the Sandinistas might take.

I urge my colleagues to adopt the Hunter amendment to the Foley amendment.

Mr. HYDE. In addition, the gentleman from Washington has said that this does not conflict nor is it designed to impinge on the War Powers Act. I suggest that the War Powers Act placed next to the Foley amendment renders the latter incoherent.

The War Powers Act authorizes the President—again it also is unconstitutional in my humble opinion—to move the troops around pursuant to his constitutional authority as Commander in Chief for up to 60 days. Congress can reverse that by doing nothing, by not passing an appropriate resolution. But this amendment says the President cannot introduce troops for 10 minutes into Nicaragua for purposes of combat. Yet is supposed to be not inconsistent with the War Powers Act.

So under the one the President has 60 days, under the other he does not have 6 seconds.

I suggest this is more legislative incoherence, unconstitutional, unnecessary, but it sure will give aid and comfort to President Ortega and to the Borge's and the rest of them because they are the only country in the world—not South Africa, not Chile—but Nicaragua enjoys a congressional immunity.

Now I know they have a special relationship with the majority party here. I know that their President comes up and has conferences with some of his political consultants on the other side. But congressional immunity, not enjoyed by any other country in the world, seems to me a bit much.

So I would hope that this well intentioned amendment is not passed, at least without the Hunter amendment attached thereto.

Mr. DICKINSON. Mr. Chairman, if I understand correctly, I have 1 minute remaining.

Mr. Chairman, I yield myself the balance of my time.

I will just say, that as the distinguished gentleman from Illinois has pointed out, this is a perennial amendment that now has been offered three or four times. It was passed last year in conjunction with the Hunter amendment, which I understand will be offered immediately following discussion on the Foley amendment. The Hunter amendment adds three exceptions to the Foley amendment.

We have very strong reservation on the Foley amendment standing alone. I do think that the Hunter amendment, which will be discussed in just a moment, makes the Foley amendment much more palatable. Without the Hunter modifications, I sincerely believe that the Foley amendment should not be passed. I think it would be a mistake to do so.

Mr. FEIGHAN. Mr. Chairman, I rise in support of the Foley amendment. It is a clear statement that will allow Congress to truly earn its name as the House of Representatives. In passing the Foley amendment, we will be representing the wishes of a clear majority of the American people who have said that the U.S. Government should not be in the business of overthrowing governments, simply because we disagree with them.

The Foley amendment contains responsible waiver provisions that will allow the President to respond to an attack on American citizens, or an attack on the U.S. Embassy or to address any action that poses a clear and present danger to the United States.

Opponents have suggested that this amendment grants immunity from United States military action to the Nicaraguan Government. The Nicaraguans know that no such immunity exists. All they have to do is point to the death and destruction of the past 8 years for confirmation of that fact. At the same time, the Sandinistas realize that the United States has serious security concerns in the region and will respond to any actions that pose a direct threat to the people of the United States—and the Foley amendment states that out front.

Finally, let me say that the Foley amendment will succeed in adapting current policy to the changing realities in Central America. Since the signing of the Guatemala accord last summer, we have had more progress toward peace than in the preceding 6 years under this administration's military policy. We have also witnessed the signing of a ceasefire agreement between the Sandinistas and the Contras. This amendment pledges the United States to pursue a policy which recognizes these changes. I urge my colleagues to support it.

Mr. DICKINSON. Mr. Chairman, I yield back the balance of my time.

Mr. FOLEY. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. HUNTER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. FOLEY

Mr. HUNTER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment offered by Mr. HUNTER as a substitute for the amendment offered by Mr. FOLEY: At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 934. LIMITATION ON INTRODUCTION OF ARMED FORCES INTO NICARAGUA FOR COMBAT.

(a) LIMITATION.—Funds appropriated to the Department of Defense may not be obligated or expended for the purpose of introducing United States Armed Forces into or over Nicaragua for combat.

(b) DEFINITION OF COMBAT.—As used in this section, the term combat" means the introduction of United States Armed Forces for the purpose of delivering weapons fire upon the enemy.

(c) EXCEPTIONS TO LIMITATION.—This section does not apply with respect to an introduction of United States Forces into or over Nicaragua for combat if—

(1) the Congress has declared war or enacted specific authorization for such introduction; or

(2) such introduction if necessary—

(A) to meet a clear and present danger of hostile attack upon the United States, its territories or possessions or its allies; or

(B) to meet a clear and present danger to, and to provide necessary protection for, the United States embassy; or

(C) to meet a clear and present danger to, and to provide necessary protection for and to evacuate, United States Government personnel or United States citizens; or

(D) to respond to hijacking, kidnaping, or other acts of terrorism involving citizens of the United States or citizens of any ally of the United States.

(d) Existing Requirements Preserved.—Nothing in this section shall invalidate any requirement of Public Law 93-148.

(e) Treaty Authority Preserved.—Nothing in this section shall invalidate any authority of the United States to act under the provisions of the Inter-American Treaty of Reciprocal Assistance.

(f) Expiration Upon Escalation.—This section shall not apply when MiG aircraft, or other aircraft of similar design or capability, or nuclear missiles or any other nuclear weapons are introduced into Nicaragua.

The CHAIRMAN. Is there a Member opposed to the amendment to the amendment?

Mr. FOLEY. Mr. Chairman, for purposes of the discussion I will record myself in opposition to the amendment.

The CHAIRMAN. The gentleman from California [Mr. Hunter] will be recognized for 5 minutes and the gentleman from Washington [Mr. Foley] will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. Hunter].

Mr. HUNTER. I think the gentleman from Illinois [Mr. Hyde] has laid out the problem with the Foley amendment. The amendment that I have offered in years past is meant to take care of some of those problems. One of the exceptions to the Foley amendment is to meet a clear and present danger of hostile attack upon the United States, its territories or possessions or its allies. That could, of course, apply to our Central American friends, Honduras, Guatemala, Costa Rica, and El Salvador. It also has an exception in cases of hijacking, kidnaping or other acts of terrorism involving citizens of the United States or citizens of an ally. That could, of course, have been invoked when President Duarte's daughter was kidnaped by a group which was headquartered in Managua. It also addresses the introduction of Mig aircraft.

We have all seen the overhead photos of the airfield built by the Soviet Union at Punta Huete where they have already built Mig revetments for a squadron of Soviet Mig aircraft. It is now our understanding, according to defectors and other information that we have, that in fact the Sandinistas have ordered Mig aircraft from the Soviet Union.

This sends a clear message to them that the United States will not have restrictions upon the President. In fact, I think it is an affirmative voice to the Sandinistas that if they introduce Mig aircraft in Nicaragua the United States is going to take very firm and serious action. The same exception applies to the introduction of nuclear weapons in Nicaragua. That was spoken about at one time by one of the Sandinista comandantes as being acceptable to them.

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from New Hampshire [Mr. Gregg].

Mr. GREGG. I thank the gentleman for yielding.

Mr. Chairman, I presume that also applies therefore if the Soviet nuclear navy and submarines use naval bases being built in Nicaragua?

Mr. HUNTER. In my estimation, it absolutely would apply. I think the gentleman raised a good point.

This Congress is unable to deal with what I would call the gradualism of the Soviet Union. They built a naval base at Corinto capable of handling any warship, ultimately, in the Soviet inventory. We deplore it, but we take no action.

They built a bomber base at Punta Huete complete with Mig revetments; we deplore it but we take no action.

The Soviets have learned that they can take intermediate incremental steps in the gradualism policy in arming one of their allies, in establishing a Soviet presence in Central America and this Congress will not take action. At least this amendment to some degree draws the line and lets them know we are not going to allow Mig aircraft, that we are not going to allow them to threaten our allies.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Indiana [Mr. Burton].

Mr. BURTON of Indiana. I thank the gentleman for yielding.

You know, we ought to put this in historical perspective: In 1932, Prime Minister McDonald of Great Britain was very vigorously pursuing the disarmament treaty while Hitler was violating the Treaty of Versailles. It led to World War II because they did not pay attention to what the enemy was doing.

The fact of the matter is, during the first 2 months of this year the Soviet Union sent over $100 million in additional armaments into Nicaragua.

Last year they sent 33,000 tons of war materiel into Nicaragua.

For us to pass an amendment like Mr. Foley is advocating is a tragic mistake. I urge my colleagues to put their heads in the sand and to support Mr. Hunter's amendment.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Oklahoma [Mr. McCurdy].

Mr. McCURDY. I thank the gentleman for yielding.

Mr. Chairman, I ask the gentleman to yield for the purpose of an inquiry which is: Is the amendment that the gentleman is offering the same amendment he has offered each year, exact same wording and technically the same?

Mr. HUNTER. Yes, it is the same amendment as passed annually by the House.

Mr. McCURDY. The committee has accepted that in the past. I know we have had votes on it but I would certainly urge and "aye" vote on the amendment offered by the gentleman from California.

Mr. HUNTER. Mr. Chairman, I yield back the balance of my time.

Mr. FOLEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. Hunter] as a substitute for the amendment offered by the gentleman from Washington [Mr. Foley].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GREGG. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 336, noes 21, not voting 74, as follows:

[Roll No. 87]

AYES—336

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Archer
Armey
Aspin
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Bateman
Bates
Bennett
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chappell
Cheney
Clement
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Cooper
Coughlin
Courter
Crane
Dannemeyer
Darden
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Dorgan (ND)
Dowdy
Downey
Dreier
Dwyer
Eckart
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flippo
Foglietta
Foley
Ford (MI)
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Glickman
Goodling
Gordon
Gradison
Grandy
Grant
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kemp
Kennelly
Kildee
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lott

Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Nelson
Nichols
Nielson
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Oxley

Packard
Panetta
Parris
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickle
Porter
Quillen
Ravenel
Regula
Rhodes
Richardson
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saiki
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Smith (FL)
Smith (IA)

Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Torricelli
Traficant
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Watkins
Waxman
Weber
Weldon
Wheat
Whittaker
Whitten
Williams
Wise
Wolf
Wolpe
Wortley
Wyden
Yatron
Young (FL)

NOES—21

Atkins
Beilenson
Clay
Collins
DeFazio
Dellums
Edwards (CA)

Frank
Gonzalez
Hayes (IL)
Kastenmeier
Kennedy
Lewis (GA)
Markey

Morrison (CT)
Roybal
Savage
Stark
Towns
Weiss
Yates

NOT VOTING—74

Applegate
Barton
Berman
Bevill
Biaggi
Boehlert
Boulter
Chapman
Clarke
Clinger
Conyers
Coyne
Craig
Crockett
Daub
de la Garza
Derrick
Donnelly
Dornan (CA)
Duncan
Durbin
Dymally
Dyson
Early
Flake

Florio
Ford (TN)
Frenzel
Frost
Gibbons
Gray (IL)
Hall (OH)
Hefner
Hiler
Jeffords
Jones (TN)
Kleczka
Kolbe
Konnyu
Latta
Lewis (CA)
Mack
MacKay
McCloskey
McGrath
Mica
Moody
Neal
Oakar
Owens (NY)

Pashayan
Pickett
Price
Pursell
Rahall
Rangel
Ray
Ridge
Rodino
Rose
Slattery
Slaughter (VA)
Smith, Denny (OR)
Solomon
Spence
Stokes
Studds
Taylor
Torres
Traxler
Walgren
Wilson
Wylie
Young (AK)

□ 1338

Messrs. MILLER of California, KENNEDY, TOWNS, STARK, and HAYES of Illinois changed their votes from "aye" to "no."

Mr. MILLER of California changed his vote from "no" to "aye."

So, the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1335

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. FOLEY], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PORTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 276, noes 92, not voting 63, as follows:

[Roll No. 88]

AYES—276

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Aspin
Atkins
AuCoin
Badham
Baker
Bates
Beilenson
Bennett
Bereuter
Bilbray
Bliley
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chandler
Clay
Clement
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Dannemeyer
Davis (MI)
DeFazio
Dellums
Dickinson
Dicks
Dingell
DioGuardi
Dixon

Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flippo
Foglietta
Foley
Ford (MI)
Frank
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hamilton
Hansen
Harris
Hatcher
Hawkins
Hayes (IL)
Hefley
Henry
Hertel
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Ireland
Jacobs
Johnson (CT)
Johnson (SD)

Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
Madigan
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy

Myers
Nagle
Natcher
Nelson
Nichols
Nielson
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Oxley
Panetta
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Quillen
Ravenel
Regula
Richardson
Rinaldo
Roberts
Roe
Rostenkowski
Roth
Roukema
Rowland (CT)

Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shuster
Sikorski
Skaggs
Skelton
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert (OR)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stangeland

Stark
Stratton
Swift
Synar
Tauke
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vento
Visclosky
Volkmer
Watkins
Waxman
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (FL)

NOES—92

Archer
Armey
Ballenger
Barnard
Bartlett
Bateman
Bentley
Bilirakis
Buechner
Bunning
Burton
Callahan
Chappell
Cheney
Coats
Coble
Combest
Crane
Darden
Davis (IL)
DeLay
DeWine
Dornan (CA)
Dreier
Edwards (OK)
Fawell
Fields
Gallegly
Gingrich
Grant
Hall (TX)

Hammerschmidt
Hastert
Hayes (LA)
Herger
Holloway
Hopkins
Hunter
Hutto
Hyde
Inhofe
Jenkins
Kemp
Kyl
Leath (TX)
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Marlenee
Martin (IL)
McCandless
McCollum
McCrery
McEwen
Michel
Moorhead
Murtha
Packard
Parris

Patterson
Pepper
Rhodes
Ritter
Robinson
Rogers
Rowland (GA)
Scheuer
Shaw
Shays
Shumway
Sisisky
Skeen
Slaughter (VA)
Smith (TX)
Smith, Robert (NH)
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauzin
Thomas (CA)
Thomas (GA)
Vander Jagt
Vucanovich
Walker
Weber
Wortley

NOT VOTING—63

Applegate
Barton
Berman
Bevill
Biaggi
Boehlert
Boulter
Chapman
Clarke
Clinger
Coyne
Craig
Crockett
Daub
de la Garza
Derrick
Donnelly
Duncan
Dyson
Early
Flake
Florio

Ford (TN)
Frenzel
Frost
Gibbons
Gray (IL)
Hall (OH)
Hefner
Hiler
Jeffords
Jones (TN)
Kolbe
Konnyu
Latta
Lewis (CA)
Mack
MacKay
Mica
Moody
Neal
Oakar
Owens (NY)
Pashayan

Price
Pursell
Rahall
Rangel
Ray
Ridge
Rodino
Rose
Slattery
Smith, Denny (OR)
Solomon
Spence
Stokes
Studds
Taylor
Torres
Walgren
Wylie
Young (AK)

□ 1358

The Clerk announced the following pairs:

On this vote:

Mr. Craig for, with Mr. Boulter against.
Mr. Rahall for, with Mr. Derrick against.

Messrs. ROWLAND of Georgia, THOMAS of Georgia, and SLAUGHTER of Virginia changed their votes from "aye" to "no."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. LOWRY OF WASHINGTON

Mr. LOWRY of Washington. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Lowry of Washington: Page 167, strike out lines 6 and 7.

Page 170, line 20, insert ", minus $3,050,000" before "as follows".

Page 171, line 3, insert ", minus $3,050,000" before the period.

The CHAIRMAN pro tempore (Mr. Downey of New York). Pursuant to the rule, the gentleman from Washington [Mr. Lowry] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Chairman, I oppose the amendment.

The CHAIRMAN pro tempore. The gentleman from Mississippi [Mr. Montgomery] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Washington [Mr. Lowry].

Mr. LOWRY of Washington. Mr. Chairman, the amendment before us deletes the new $3,050,000 for additional money for United States military construction in Honduras. The amendment simply eliminates the new requested $3,050,000. It does not delete the previously authorized but unspent $8,450,000. It does not delete that.

Mr. Chairman, the question before us is, Should we spend an additional $3,050,000 when the previously authorized $8,450,000 has not been spent?

Specifically, last December 22 in the continuing resolution the Congress put in language requiring the Department of Defense to send information to the Committee on Appropriations on the conditions and terms of existing leases throughout Honduras.

□ 1405

That information has not been sent. Then why should we be spending an additional $3 million when the $8 million already previously authorized has not been spent and the department has not sent to Congress what it requested which was information on the terms and the conditions on existing leases in Honduras? Are we just here for the purpose of throwing away money anywhere we can through it?

What this amendment does is say delete the $3,050,000 in the 1989 authorization bill. We have not spent the $8,450,000 previously authorized, and they have not sent to Congress the requested information on the terms and the conditions of leases throughout Honduras.

Clearly it is correct in both foreign policy and correct in fiscal policy to not go ahead and send another $3 million, and we do not have that requested information.

I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise in opposition to the gentleman from the State of Washington, [Mr. Lowry]. His amendment really hurts the Americans who are stationed at Palmerola. They are assigned down there from 2 to 6 months.

This money in the bill makes minor improvements. The argument of the gentleman from Washington is that $8 million was authorized but not funded. That is the fault of the Committee on Appropriations.

They need last year's appropriation, and they need this year's appropriation. The $3 million will get billets that are removal; they are relocatable, and for a central latrine system. If you have been down there, that is one thing they really need is latrine facilities; and then to have utilities which is such as the elimination of sewage around the mess halls.

Mr. Chairman, eight Members of the House went down last month, and we spent the night in Palmerola. It is the pits. It is tough living. It is not fair for those Americans to have to live in those conditions, and I certainly hope we will defeat the amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. Martin] who is the ranking minority member of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services.

Mr. MARTIN of New York. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Washington [Mr. Lowry], my friend, and I want to thank the gentleman from Mississippi [Mr. Montgomery] for his remarks.

If I could have the attention of the gentleman from Washington who posed the question as to why should we be spending this money when the money which was authorized last year was not spent. As the gentleman from Mississippi [Mr. Montgomery] pointed out, that is because the money was authorized, but not appropriated. It is still authorized for that segment, and this Congress should authorize it for this segment, and we hope that unlike last year it will be appropriated by the Committee on Appropriations.

The gentleman asked the question as to why we should spend this money in Honduras at this time. The chairman of the Subcommittee on Military Installations and Facilities and myself pride ourselves on doing all we can to provide for a decent quality of life for our soldiers and sailors, airmen and marines wherever they might be.

I do not know how many Members have had the opportunity to be in Honduras to observe the training of United States Forces in concert with the Hondurans. They get outstanding training there. I am talking about our regular forces as well as the National Guard and Reserves.

For those of the Members who have not been in Palmerola, I want to point out to them that it is not really the nicest place any of our people serve; frankly the conditions are pretty humble.

When the subcommittee talks about the quality of life issues facing our service people in Honduras where we get outstanding training, does anyone really want to say that for $8 million we will turn our back on those young American service men and women who are living in those hovels in a desolate, hot, miserable environment?

We are not asking for much unless the gentleman would suggest that it is too much to ask for relocatable barracks. How about a central latrine? I am talking about basic quality of life, and I ask the Members, our colleagues, to vote against the amendment of the gentleman from Washington.

□ 1415

Mr. LOWRY of Washington. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, in 1987 we authorized $4.3 million for these purposes, 2 years ago. If it were such a crying need, why has that not been done at this time? This is 2 years later, so that item to help our military personnel there was not done.

The basic point I want to repeat is that on December 22 of last year Congress asked the Department to send us information on conditions on the existing leases and that has not been sent, so I do not know why we would put in additional money.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. Dellums], the chairman of the Subcommittee on Military Installations and Facilities.

Mr. DELLUMS. Mr. Chairman, I do chair the Subcommittee on Military Installations and Facilities and I underscore many of the comments that my distinguished colleague, the gentleman from New York, and the ranking minority member has stated with respect to this debate.

However, that notwithstanding, I would simply attempt to make two points. The author of this amendment is correct that there was $8.45 million in the pipeline that has been both authorized and appropriated where the funds have not been utilized. The amount of $4.3 million was authorized in 1985 but not appropriated. In 1987 it was both appropriated and authorized. To date, no contract has been let with respect to that project.

With respect to the $4.51 million, we asked for a reprogramming. To date the Pentagon has not reprogrammed, so the $8 million plus is there and there appears to be no urgency.

However, I would make this final observation to my colleagues, Mr. Chairman, even though we are talking about the quality of life with respect to Honduras, I find an interesting pattern. Where we begin to make that facility more comfortable, the tour of duty begins to extend. We started out with an austere environment with personnel stationed there for a minimum period of time. I would suggest, Mr. Chairman, that as we make this facility or this area more comfortable, we are going to end up one day with permanent troops located in Honduras. I think that is a mistake. We ought to be waiting until the peace process evolves and then establish policy based upon the efficacy of the result of that process, and I would on the basis of that rise in support of the amendment offered by my distinguished colleague from Washington, [Mr. LOWRY].

Mr. MARTIN of New York. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I am very pleased to yield to the gentleman from New York.

Mr. MARTIN of New York. Mr. Chairman, just for a point of clarification, the gentleman from California and the gentleman from Washington speak about $4,150,000 and say there is no reason, obviously no urgency here because the money was not spent. The fact of the matter is, and I am sure the gentleman understands this, that it is because the Appropriations Committee did not appropriate it, is that not correct?

Mr. DELLUMS. I have no time remaining.

Mr. MONTGOMERY. Mr. Chairman, may I inquire as to how much time remains on each side?

The CHAIRMAN pro tempore (Mr. DOWNEY of New York). The gentleman from Mississippi [Mr. MONTGOMERY] has 2 minutes remaining and the gentleman from Washington [Mr. LOWRY] has 30 seconds remaining.

Mr. MONTGOMERY. Mr. Chairman, is it not appropriate that a member of the committee, and I being a representative of the committee, would have the opportunity to close debate?

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. MONTGOMERY. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the question before this body is whether we are going to take care of our troops to the best of our ability. I have been to Honduras, I have been to Palmerola and even doing what we have attempted to do for our young men and our young women soldiers down there, they are still going to be camping out at best. I think it is incumbent upon us to as best we can have better latrines, a better water supply system and better utilities; to have better places for them to reside if we are going to do our best to have a strong conventional force. There are those who say we should have a strong conventional force versus relying on nuclear weaponry. If we are going to have a strong conventional force, we have to train them, and there is no finer place to train people than in real life such as Honduras.

Mr. Chairman, I oppose this amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Washington [Mr. LOWRY].

Once again, we are debating the same issue we defeated soundly last year. And just as last year the argument is made that military construction activities in Honduras are detrimental to the peace process, I contend that not to go forward with military construction projects in Honduras would have a negative impact on the peace process in Central America.

Nothing in the negotiations by the Democratic leaders of Central America indicated a need for Honduras to limit its joint military construction activities with the United States. The people who are most closely affected by the United States military presence in Central America and are most closely associated with the peace negotiations in Central America have not asked the United States to leave and have not asked us to curtail our military construction in Honduras.

The United States military presence in Honduras is a reaffirmation to the Honduran Government that we stand ready to help the Hondurans defend their democratic government. As was so clearly demonstrated in early March when Sandinista troops invaded Honduras, the United States military presence is vital to demonstrate to the Hondurans that we will not abandon them while they are threatened by a neighbor with overwhelming military superiority.

Approving this amendment would be just one more signal to the Communist Sandinistas that the United States is not committed to defending the democracies of Central America.

I urge my colleagues to reject this amendment.

DEPARTMENT OF DEFENSE,
UNITED STATES SOUTHERN COMMAND,
Quarry Heights, Panama, April 27, 1988.
Hon. ROBERT J. LAGOMARSINO,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN LAGOMARSINO: A key element of our military strategy in U.S. Southern Command is force presence maintained through permanent stationing of forces in Panama and a vigorous exercise program in Honduras. The proposed Lowry Amendment to this year's Defense Authorization Bill to delete $3.05 million for Phase II of the troop upgrade at Palmerola would seriously impact on our ability to successfully carry out this program and demonstrate our long term commitment to a faithful ally who has seen us cut other critical programs such as security assistance. I would like to re-emphasize a few key points for your consideration as the FY 89 Defense authorization bill reaches the House floor.

We have responded to Congressional requests in FY 86 and FY 87 to submit projects to upgrade the quality of life of our non-exercise soldiers stationed at Palmerola. The program has been designed to be modular and relocatable and to be constructed over a three year period in order that Congress can review each project submission in light of the Sandinista threat to regional stability. The FY 88 submission addressed our most serious quality of life issues at Palmerola and included: a 30 bed clinic to replace inadequate and unsanitary wooden buildings, double surface treatment of the existing perimeter and interior road net to cut down on severe dust hazards to human health and aviation operations, and 300 relocatable billets to replace the oldest and most deteriorated wooden buildings.

That construction was authorized last year and a request to reprogram funds to meet conditions imposed by the Senate Appropriations Committee is now being forwarded through Army channels. The FY 89 program seeks to add an additional 300 relocatable billets and associated utilities. This MILCON requirement can be characterized in similar fashion to other overseas project requests:

It represents an investment in long-term U.S. commitment to a friendly or allied nation. Construction projects are highly visible reminders of U.S. ability or commitment to respond if a need arises.

The program is essential to the well-being and well-earned support of our soldiers, sailors, airmen and marines assigned overseas.

In the Southern Command area of responsibility there are also very major differences compared with other overseas commands in justifying MILCON programs. At the lower end of the spectrum, the set of relevant deterrent force options is far more likely to consist of activities encompassing security assistance (to include contract construction for host-nation militaries), exercises, intelligence support, engineer exercise construction, medical exercises, and infrastructure development. The majority of these activities provide powerful examples to host country military establishments of the potential use of their own engineers in critical nation-building functions.

Because the threat is different, our infrastructure needs are also different, and our programs must be designed to maximize flexible use of force options.

My MILCON projects may have multiple uses. Projects could and often do support U.S. joint or combined exercises, host nation infrastructure shortfalls, national development needs, humanitarian and civic action or contingency missions.

The deterrent value of our theater infrastructure construction programs in Honduras is documented. Congressional approval of the FY 84 Palmerola AB upgrade projects (runway and taxiway extensions, parking apron, and fuel storage) established the basing for intelligence sharing and force presence which hinders Nicaraguan attempts to aid the insurgency against the democratically elected government at El Salvador. These same upgrades proved essential to stage airlift assistance to Honduran forces resisting the Sandinista incursions in 1986, 1987 and in March of this year. Our ability to provide requested assistance (both military and disaster relief assistance following the 1986 earthquake) to the legitimate governments of El Salvador and Honduras was enhanced by the operational capabilities built with MILCON funds at Palmerola and Goloson airfields.

Your support of this program to upgrade living conditions for our exercise support forces in Honduras will enable us to realize substantial enhancement of our common goal of peace with freedom and democracy in Latin America.

Sincerely,

Fred F. Woerner,
General, U.S. Army,
Commander in Chief.

Mr. LOWRY of Washington. Mr. Chairman, I yield my remaining 30 seconds to the gentleman from California [Mr. Dellums], chairman of the subcommittee.

Mr. DELLUMS. Mr. Chairman, I would like to take the 30 seconds to answer the question propounded by my distinguished colleague from New York [Mr. Martin]. He is absolutely correct that with respect to the $4.15 million the project was authorized by the appropriations were not made. The Appropriations Committee said fund it out of savings or submit a reprogramming request. The point is, no reprogramming request to date has been received, and it would seem to me that in view of the fact it has not been received it speaks to the question of whether or not there is any urgency with respect to this issue.

Mr. MONTGOMERY. Mr. Chairman, I yield myself my remaining 30 seconds.

Mr. Chairman, as I said earlier, I rise in opposition to the amendment. The amendment really hurts the troops stationed in Palmerola and eliminates their getting better water and latrine facilities and better sewage facilities.

So I hope the Committee will oppose this amendment.

Mr. FEIGHAN. Mr. Chairman, I rise in support of the Lowry amendment and I commend the gentleman for giving us a chance to take another look at what the United States Government is doing in Honduras.

Honduras is the poorest country in Latin America. Per capital income is less than $700 a year. Two-thirds of the population works in agriculture—but average growth in that sector has been less than 1 percent over the last decade. During that same decade, this administration has ignored the underlying problems and focused instead of turning Honduras into a launching pad for its military policy in Central America.

Along the way, the administration also ignored the Hondurans who said they were tired of the United States using the lens of the administration's objectives in Nicaragua for viewing the problems in Honduras. The Hondurans have decided neither to make war nor peace with Nicaragua. They have decided that they are tired of having their country overrun by refugees and U.S.-backed parliamentary groups.

We have no base rights in Honduras. We have no permanent agreements with the Honduran Government. We have been told by the administration that the United States presence in Honduras is temporary. Under that rationale, we have built airstrips, radar stations, roads—and now we are talking about barracks and an administration building.

Let's not kid ourselves—there's no such thing as a "temporary air strip" or a "temporary radar station."

It's been argued that this is a quality-of-life issue. It's been said that we should not punish U.S. servicemen who are by withholding funds for their benefit.

Well, the truth is that we're not withholding funds from anybody.

In fact, we have already authorized over $8 million for these "quality of life" improvements—$8 million that remains unspent. Why are we authorizing $3 million more? While we may not know what the administration has in mind for Honduras, we should at least learn why these additional funds are necessary when we have unspent funds available.

I urge my colleagues to support the Lowry amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Washington [Mr. Lowry].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. LOWRY of Washington. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 111, noes 267, not voting 53, as follows:

[Roll No. 89]

AYES—111

Ackerman
Akaka
Atkins
AuCoin
Bates
Beilenson
Bonior
Bonker
Boucher
Boxer
Brennan
Brooks
Bruce
Bryant
Campbell
Cardin
Clay
Collins
Conyers
DeFazio
Dellums
Dingell
Dixon
Dorgan (ND)
Downey
Durbin
Dymally
Eckart
Edwards (CA)
Evans
Fazio
Feighan
Foglietta
Foley
Ford (MI)
Frank
Garcia
Gejdenson
Gephardt
Gray (PA)
Green
Hawkins
Hayes (IL)
Hertel
Hochbrueckner
Jacobs
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kildee
Kleczka
Kostmayer
Leach (IA)
Lehman (FL)
Leland
Levine (CA)
Lewis (GA)
Lowry (WA)
Markey
Martinez
Matsui
McCloskey
McHugh
Mfume
Miller (CA)
Mineta
Moakley
Morella
Morrison (CT)
Mrazek
Nagle
Nowak
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Pelosi
Perkins
Rangel
Roybal
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sikorski
Solarz
St Germain
Stark
Studds
Swift
Towns
Traficant
Traxler
Udall
Vento
Visclosky
Waxman
Weiss
Wheat
Williams
Wolpe
Wyden
Yates

NOES—267

Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Badham
Baker
Ballenger
Barnard
Bartlett
Bateman
Bennett
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boggs
Boland
Borski
Bosco
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Carper
Carr
Chandler
Chappell
Cheney
Clarke
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Cooper
Coughlin
Courter
Crane
Dannemeyer
Darden
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
Dicks
DioGuardi
Dornan (CA)
Dowdy
Dreier
Dwyer
Edwards (OK)
Emerson
English
Erdreich
Espy
Fascell
Fawell
Fields
Fish
Flippo
Frenzel
Gallegly
Gallo
Gaydos
Gekas
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gregg
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Henry
Herger
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Kasich
Kemp
Kennelly
Kolter
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lent
Levin (MI)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Nelson
Nichols
Nielson
Ortiz
Oxley
Packard
Parris
Penny
Pepper
Petri
Pickett
Pickle
Porter
Pursell
Quillen
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Saiki
Saxton
Schaefer
Schneider
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shumway

Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Synar
Tallon
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Torricelli
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Whitten
Wilson
Wise
Wolf
Wortley
Yatron
Young (FL)

NOT VOTING—53

Barton
Berman
Bevill
Biaggi
Boehlert
Boulter
Brown (CA)
Chapman
Coyne
Craig
Crockett
Daub
de la Garza
Derrick
Donnelly
Duncan
Dyson
Early
Flake
Florio
Ford (TN)
Frost
Gibbons
Gray (IL)
Hall (OH)
Hefner
Hiler
Jeffords
Jones (TN)
Kolbe
Konnyu
Latta
Lewis (CA)
Mack
MacKay
Mica
Moody
Neal
Oakar
Pashayan
Price
Rahall
Ray
Rodino
Rose
Slattery
Smith, Denny (OR)
Stokes
Taylor
Torres
Walgren
Wylie
Young (AK)

□ 1435

The Clerk announced the following pairs:

On this vote:

Mr. Rahall for, with Mr. Derrick against.
Mr. Moody for, with Mr. Slattery against.

Mr. DWYER of New Jersey changed his vote from "aye" to "no".

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. DOWNEY of New York). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY: At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 934. RESTRICTION ON ACTIVITIES IN CENTRAL AMERICA.

The prohibition established in section 216 (prohibiting certain activities by United States Government personnel within 20 miles of the Nicaraguan border) of title II of the Act set forth in section 101(k) of the continuing appropriations resolution for fiscal year 1987 (Public Laws 99-500 and 99-591) shall be deemed to prohibit the participation of members of the United States Armed Forces, within the land areas specified in section 216, in any military training exercise or maneuver (including a National Guard training exercise or a joint United States-Honduran military training exercise) which is funded in whole or in part with funds authorized to be appropriated or otherwise made available to the Department of Defense by this Act.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] will be recognized for 5 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I yield myself 3 minutes.

Right now, Mr. Chairman, current law prohibits, under the Foley amendment, United States combat troops from going into Nicaragua. We have a further restriction; the Mrazek amendment which prohibits American troops from being within a 20-mile border area training the Contras, for the purpose clearly of keeping our boys outside of the combat area.

Now 6 weeks ago the administration moved American boys into this 20-mile area saying they were going to be training themselves; moved them into the Jamastran airstrip and then we found within a very short period of time that they were within of 10 miles of the Nicaraguan border on a training mission, thereby circumventing the Foley amendment and circumventing the Mrazek amendment which is supposed to keep American boys out of harm's way. We found that they had weapons. That is, it was reported that they had 105-millimeter howitzers with live shells that, if they were fired, would have been able to go 10 miles within Nicaragua itself.

Now understand that no matter which of these amendments remains in effect that does not talk about the Palmerola air base, Tegucigalpa, Aguacate airstrip, Puerto Lempira, all of the key military installations within that country still remain accessible to United States troops.

United States troops can train in all of the rest of Honduras if they need that kind of training. But we keep them outside of this area.

So what this amendment does once again, is just to insure that American boys are not training within this 10-mile area because we found as recently as 6 weeks ago that the administration was moving them within 10 miles of the Nicaraguan border while fighting was taking place.

So it just fills the gaps. I think it is consistent with the intention which we have had all along of insuring that American boys are not unnecessarily put in danger.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr. MARKEY] has 2 minutes remaining.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts. As others have pointed out, this is exactly the same amendment debated and rejected by this body last year when it was offered by the gentleman from New York [Mr. MRAZEK].

Two years ago the Mrazek amendment was approved which prohibited United States Government personnel from assisting the Nicaraguan democratic resistance within 20 miles of the Nicaraguan border. United States personnel fully complied with that prohibition.

But to attempt once again to extend the scope of such a prohibition to all United States military exercises held jointly with the Government of Honduras or Costa Rica would be an unwarranted infringement on the sovereignty of Honduras and/or Costa Rica. That would mean, in effect, that Honduras or Costa Rica could not determine for itself where such joint exercises would have the greatest benefit for its own country.

The administration has stated repeatedly that any exercises, whether conducted in Honduras or in Costa Rica, would not be related in any way to United States support for the Contras. To prohibit joint exercises in a 20-mile zone signals to Honduras or Costa Rica that they cannot be trusted to make decisions in their own right on what is best for their own national security.

As I said last year in opposition to this same language, this amendment would be a signal to our friends that we cannot be relied on as an ally and that perhaps Honduras and Costa Rica should cut the best deal they can with the Communist Sandinista regime in Nicaragua for fear of being abandoned by the United States.

I urge my colleagues to defeat this amendment, which is a direct slap in the face of our democratic allies—Costa Rica and Honduras—in Central America.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I visited all the locations just a few weeks ago that Mr. MARKEY mentions.

There will be some cynics that will take exception to my statement that it hurts the peace process to put another restriction on the American forces, the forces of freedom. But it is true that 40 miles away from the fighting at the confluence of the Buki and Rio Cocos River, we had one of the battalions of the Seventh Division come into Jamastran. That was a powerful message to this Communist incursion onto the sovereign soil of Honduras.

If you go down there and talk to the boys, as they have been called, these men who are putting their lives on the line for freedom—and yes, believe it or not, they carry weapons. They are known to use M-16 rifles in the field with live ammunition in it.

I am glad that some Members like to know that our men have clips in their weapons as they did not in Beirut when 241 were slaughtered.

Now if we are going to send messages to the Communists down here in Managua that we are going to restrict the forces of freedom, it will end up hurting the peace process and if you follow that on a daily basis, you know that the Communist dictators are getting arrogant again. Vote "no" on the Markey amendment, please, for peace.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the very distinguished chairman of the subcommittee, the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I have been to Honduras as many other Members of the House have been. The big problem with this amendment is it is unenforceable. It is hard, it is impossible; you cannot pick out a 20-mile limit.

Most of our training is with the Honduran brigades. Our troops are safe with the Hondurans. You cannot regulate it. What we are getting ready to do is to put a restriction on good training. That is wrong.

The Americans gain a great deal out of working with the Hondurans. I certainly hope we would not restrict them.

If you go down there you cannot tell where you are and it is just an unworkable amendment.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. SKELTON].

□ 1445

Mr. SKELTON. Mr. Chairman, I might point out to the proponent of this amendment that there is a peace process going on that, if we believe what is being told us, the danger does not exist there.

But be that as it may, a restriction such as this would cause confusion. It would cause a complete survey to be done of the area, which, of course, is economically impossible to do. You would make it impossible for there to be full and complete training of the American troops wherever the Hondurans think it should be necessary within that country.

Mr. Chairman, it just does not make sense to tie the Americans' hands, the Honduran hands, from doing what should be done to further outstanding training in that very wild and very primitive environment. I do oppose this amendment.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I thank the gentleman for yielding this time to me.

I am going to ask for a yes vote on the Markey amendment. Let me make around three or four points here.

Mr. Chairman, the current law already establishes a 20-mile border zone for U.S. personnel training or assisting the Contras. The Pentagon has recognized and practiced a 20-mile exclusion zone for training. It is unnecessary and very dangerous to train United States forces within 20 miles of the Nicaraguan border. This amendment gives clear guidance to United States troops on the issue of training in the area, and this amendment does not affect an actual operation such as transporting Honduran troops to inaccessible areas, mounting rescue operations or even combat, and this amendment does not affect facilities normally based by the United States troops or any operations.

And when you look at this amendment in total, what is wrong with it? There is nothing wrong that is going to deter with the operation in Honduras.

Mr. DICKINSON. Mr. Chairman, it is my understanding that, representing the committee bill, I would have the right to close debate; is that correct?

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. MARKEY. Mr. Chairman, let me explain what this amendment is not, and I think that that is very important so that my colleagues will know what they are voting on. It does not, in fact, prohibit American transportation of Honduran troops. It does not prohibit American rescue missions into the 20-mile area. It in fact does not prohibit American combat troops inside the 20-mile area as long as it has in fact complied with the Foley amendment and other War Powers Act restrictions.

What it does say though is that we are not going to send American boys in on training missions into this 20-mile area, giving them ambiguous missions, murky missions, like Beirut, where they do not have clear instructions. They are in on training, but they have live ammunition. You have not given them clear instructions as to what they should do.

Mr. Chairman, we should not have boys in on training missions in this area with live ammunition. If my colleagues want to send in combat troops, this does not prohibit them, but we will just have to comply with the other restrictions in law and order to get the combat troops in. But, if my colleagues want to avoid a Beirut and do not want murky missions of training with thousands of American boys walking around with live ammunition, then vote yes on the Markey amendment.

Mr. DICKINSON. Mr. Chairman, I yield my remaining time to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding this time to me.

My colleagues, the President and the Secretary of Defense showed good judgment in the last scenario in which American troops trained in Honduras. Let us go back for a minute.

The Sandinistas invaded Honduras. They were killing Contras in their base camps. Contras were killing Sandinistas. The Honduran Government was reluctant to act because they did not know if the United States stood behind them. We sent in the 82d, not for combat, but for training. They trained in some cases fairly close to the border. When the 82d went in, Honduras, seeing that we were behind them, took strong action. They took two warning air strikes against Sandinista positions. The Sandinistas promptly withdrew from Honduras, ceasing the killing between Contras and Sandinistas. No troops in the 82d were harmed.

So, by the President and the Secretary of State exercising their judgment to do what the Markey amendment would prohibit us from doing, saved lives. I would urge all of my colleagues, Republican and Democrat, to vote against the Markey amendment.

The CHAIRMAN pro tempore. All time has expired on this amendment.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

The question was taken.

RECORDED VOTE

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 147, noes 238, not voting 46, as follows:

[Roll No. 90]

AYES—147

Ackerman
Akaka
Alexander
Anderson
Applegate
Atkins
AuCoin
Bates
Beilenson
Bennett
Boehlert
Boland
Bonior
Bonker
Bosco
Boucher
Boxer
Brennan
Brooks
Bruce
Bryant
Cardin
Carper
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Coyne
DeFazio
Dellums
Dingell
Dixon
Dorgan (ND)
Downey
Durbin
Dymally
Edwards (CA)
Espy
Evans
Fazio
Feighan
Flake
Florio
Foglietta
Foley
Ford (MI)
Frank
Garcia
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Gray (PA)
Green
Guarini
Hawkins
Hayes (IL)
Hertel
Hochbrueckner
Hughes
Jacobs
Jeffords
Johnson (CT)
Johnson (SD)
Jontz
Kaptur
Kastenmeier
Kennedy
Kildee
Kleczka
Kostmayer
LaFalce

Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
Miller (CA)
Mineta
Moakley
Morella
Morrison (CT)
Mrazek
Nagle
Natcher
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Panetta
Pease
Pelosi
Penny
Perkins
Rahall
Rangel
Regula
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sikorski
Skaggs
Slaughter (NY)
Smith (FL)
Snowe
Solarz
St Germain
Staggers
Stark
Studds
Swift
Torricelli
Towns
Traficant
Traxler
Udall
Vento
Visclosky
Walgren
Waxman
Weiss
Wheat
Williams
Wolpe
Wyden
Yates

NOES—238

Andrews
Annunzio
Anthony
Archer
Armey
Aspin
Badham
Baker
Ballenger
Barnard
Bartlett
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boggs
Borski
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Carr
Chandler
Chappell
Cheney
Clarke
Clement
Clinger
Coats
Coble
Coleman (MO)
Combest
Cooper
Coughlin
Courter
Crane
Dannemeyer
Darden
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
Dicks
DioGuardi
Dornan (CA)
Dowdy
Dreier
Dwyer
Eckart
Edwards (OK)
Emerson
English
Erdreich
Fascell
Fawell
Fields
Fish
Flippo
Frenzel
Gallegly
Gallo
Gaydos
Gekas
Gingrich
Glickman
Goodling
Gradison
Grandy
Grant
Gregg
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Henry
Herger
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Jones (NC)
Kanjorski
Kasich
Kemp
Kennelly
Kolter
Kyl
Lagomarsino
Lancaster
Lantos
Leath (TX)
Lent
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morrison (WA)
Murphy
Murtha
Myers
Nelson
Nichols
Nielson
Nowak
Ortiz
Oxley
Packard
Parris
Pashayan
Patterson
Pepper
Petri
Pickett
Pickle
Porter
Pursell
Quillen
Ravenel
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sisisky
Skeen
Skelton
Slaughter (VA)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Spratt
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Synar
Tallon
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Whitten
Wilson
Wise
Wolf
Wortley
Yatron
Young (FL)

NOT VOTING—46

Barton
Berman
Bevill
Biaggi
Boulter
Brown (CA)
Chapman
Craig
Crockett
Daub
de la Garza
Derrick
Donnelly
Duncan
Dyson
Early
Ford (TN)
Frost
Gibbons
Gray (IL)
Hall (OH)
Hefner
Hiler
Jones (TN)
Kolbe
Konnyu
Latta
Lewis (CA)
Mack
MacKay
Mica
Michel
Moody
Neal
Oakar
Price
Ray
Rodino
Rose
Slattery
Smith, Denny (OR)
Stokes
Taylor
Torres
Wylie
Young (AK)

□ 1507

The Clerk announced the following pairs:

On this vote:

Mr. Moody for, with Mr. Derrick against.

Mr. Rodino for, with Mr. Craig against.

Mr. Slattery for, with Mr. Boulter against.

Mrs. JOHNSON of Connecticut, Miss SCHNEIDER, and Mr. JEFFORDS changed their votes for "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. Downey). It is now in order to debate the subject matter of budget priorities.

Pursuant to the rule, the gentleman from Wisconsin [Mr. Aspin] will be recognized for 20 minutes and the gentleman from Alabama [Mr. Dickinson] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. Aspin].

Mr. ASPIN. Mr. Chairman, on our side, the person allocating the time during general debate will be the gentlewoman from California [Mrs. Boxer].

Mr. DICKINSON. Mr. Chairman, I would ask the Chair to designate the offerer of the amendment, the gentleman from Arizona [Mr. Kyl] to control the time on this side.

The CHAIRMAN. Without objection, the gentlewoman from California [Mrs. Boxer] will be recognized for 20 minutes and the gentleman from Arizona [Mr. Kyl] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from California [Mrs. Boxer].

Mrs. BOXER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are right now faced with two amendments on military budgeting, the Boxer amendment coauthored by Congressmen Gray, Miller, Mavroules, and Dellums, and the Kyl amendment.

The Boxer amendment embraces the pay-as-you-go concept, brought to us by the gentleman from California, Mr. George Miller, 6 years ago, and I might say, passed by this very House. It is a responsible budgeting amendment. It says that if we need to have modest, sustained increases in military spending, it should be done on a pay-as-you-go basis.

The Kyl amendment, quite frankly, will take us to the never-never land of skyrocketing budget deficits, with no guarantee of a sensible defense, because it calls for a yearly, almost automatic, increase in defense spending, but is silent on how to pay for it.

So whether, my colleagues, you call yourselves liberal or conservative, a dove or a hawk, we believe that no one in this House would support increasing the deficit because of automatic knee-jerk real increases in spending in any area of the budget, because we have made a commitment, Mr. Chairman, to the American people that we are going to resolve the deficit crisis.

Now, the stock market crash of October ripped the blinders from the eyes of many people, and the administration began to work with the leadership in the Congress to tackle the budget crisis. They produced the budget summit agreement. None of us thought it was perfect, but in fact they sat down and they looked at the need to use pay-as-you-go as a basis for budgeting.

Our amendment continues that spirit of fiscal responsibility in budget making.

Now, immediately following the Boxer amendment, we will have before us an amendment from my distinguished colleague, the gentleman from Arizona [Mr. Kyl], that calls for "modest, but sustained real growth." In other words, growth beyond inflation in the defense budget.

The gentleman from Arizona [Mr. Kyl] will argue with great spirit for his amendment, but I think, frankly, that it is an amendment that does not really have any guts to it, because the gentleman is silent, totally silent, on how he is going to pay for these yearly increases.

Now, let us assume a 4-percent inflation rate and a 3 percent real growth in spending for 1990, 1991, and 1992. By 1993 we would add nearly $67 billion to the budget and send our budget deficits spiraling upward again.

Mr. Chairman, that prospect is intolerable. We cannot continue to spend the resources that belong to future generations. We have to make hard tough choices. They are not easy. But they must be made on the domestic side of the budget, and they must be made on the defense side of the budget.

Now, because so many of my colleagues wish to speak, I am not going to take any more time at this point.

□ 1510

All I would say to my colleagues is listen to what President Reagan himself said in the 1989 budget message, "If this deficit is not curbed by limiting the appetite of Government, we put in jeopardy what we have worked so hard to achieve."

Madam Chairman, I think personally it would be the epitome of injustice to exempt the defense budget from that sentiment. Everything has to be done on a pay-as-you-go basis.

I hope my colleagues will vote up the Boxer amendment, vote down the Kyl amendment, so that we can have some responsible defense budgeting.

Madam Chairman, I reserve the balance of my time.

Mr. KYL. Madam Chairman, we have an opportunity in this general debate to focus on the deficiency in defense spending and in budgeting. For several years congressional and DOD leaders have been calling for more sensible budgeting, recognizing that it is very inefficient to alternate between big increases and then decreases in spending. Efficiency is especially important now that the defense budget is being squeezed to a point where we are actually suffering forced reductions. It does not look like the Soviets are about to let us off the hook either. They are spending and perhaps more importantly, their resulting strength continues to increase according to the just-released 1988 Soviet Military Power.

Let me quote some eloquent spokesmen on this point while referring to a chart which illustrates the point.

The chairman of the Committee on Armed Services, the gentleman from Wisconsin [Mr. ASPIN] in his March 1988, news release concerning this bill said, "What we are seeing is a roller coaster. Excessive increases in the early 1980's have produced real cuts in the late 1980's. What we needed in defense then, and what we need now, are real, modest, and repeated increases."

He went on to say, "The boom or bust cycle exhibited does no good for the economy or national defense."

Referring to the chart, this is the boom or bust cycle that the chairman was referring to. The bust cycle during the period 1971-76, and then periods of increases of 4.2 and 4.9 percent. Then we have decreases, and then another period of increases. Totaling that up, it comes to 13 percent in 1981, 11 percent in 1982, and then finally resulting in our forced decreases beginning in 1986. This is the boom and bust to which the chairman has referred.

He said, "I constantly hear the demand for the Defense Department to operate more efficiently. But it is unreasonable to expect efficiency when we fund the Department so erratically. The demand for efficiency requires some participation on the part of the Congress and the public by providing some constancy to the budget."

He concluded by saying, "I hope that when the current cut-and-slash part of the cycle bottoms out, we will not respond by throwing money at the Pentagon but by providing steady, modest increases on the order of 2 to 4 percent annually."

The gentleman from Alabama [Mr. DICKINSON], the ranking Republican member on the Committee on Armed Services, in the same press release echoed the same theme when he said, "Unless there is some remarkable decrease in the Soviet threat in the foreseeable future, we will need modest but sustained real growth in defense budgets to be able to provide the national security our citizens need and deserve."

It is illustrative that the Secretary of Defense Frank Carlucci pointed out that with respect to this boom and bust cycle, shown on this chart, "Had we had nothing but zero real growth from 1970 to 1988, we would be just as well, if not better, off than we have been with the up and downs."

This was also the conclusion of the Bipartisan Commission on Integrated Long-Term Strategy when in their report they said:

> Defense dollars will continue to buy less so long as we remain in this stop-go mode.
>
> Congress and the executive branch should aim at steady, moderate growth in the defense budget and avoid these extreme fluctuations.
>
> So long as the country remains afflicted by stop-go spending, the Pentagon will need plans for taking maximum advantage of the next crisis-driven surge in spending.

This is a bipartisan issue. As was pointed out by the chairman, and I would like to quote him again:

> This boom or bust approach to defense budgeting does no good either for our economy or our national security. What we need is a commitment by left and right, Democrats and Republicans, liberals and conservatives to raise defense spending modestly but consistently. Then and only then can we rightfully expect greater efficiency from the Pentagon.

Since there is such a strong consensus among those responsible, we felt it was time to take the next step and state this consensus as a matter of policy to guide our future decisions. Therefore, we drafted a simple sense-of-Congress resolution embodying the principle of modest but sustained real growth in defense budgets beginning with the fiscal year 1990 budget.

What does it mean? It does not set a specific percentage increase. It does not say that defense should begin taking a larger slice of the pie either as a percent of Federal spending or as a percent of gross national product. It means only that defense should share in the growth of our economy and the resulting annual increases in Federal revenue, and that such growth should be an amount modest but in direction sustained. In other words, slow but steady growth.

It is true that this sense-of-Congress resolution is not binding but it is an important expression of intent and principle both to the administration and to our constituents. We could have simply included this in report language of the DOD authorization bill. This amendment however, by the way, passed by a voice vote in the full Committee on Armed Services. We wanted all Members of the House to be able to participate in stating the consensus.

If we adopt this resolution it will ask the next administration when it presents its first budget not to send up an unrealistic increase but rather a modest increase in defense spending and to plan future budgets with moderate but steady growth.

It will similarly provide our Committee on the Budget with guidance and give the Congress a goal against which to judge proposed budgets.

Finally it will assure the American taxpayers that we are budgeting defense efficiently. Failure to vote for this resolution would send a signal that in Congress it is business as usual, all talk and no action when it comes to efficient defense budgeting.

This is not a partisan issue. Conservatives would like much more spending, liberals much less, but modest, sustained growth makes sense to all.

I know that some of my colleagues oppose this resolution but I believe their perfecting amendment would send the wrong signal. Their proposal would require defense spending and only defense spending to be restricted to a pay-as-you-go basis without defining what that concept means.

Does it mean no more defense dollars until the deficit is gone?

Does it mean we add up nondefense spending that we want and subtract that from real revenues and use what is left for defense?

Does it mean a tax increase?

The language of the substitute, I submit, is either meaningless or it is very dangerous, and contrary to the interests of the American people.

We can and we must afford modest growth in defense. Asking where the revenues for defense alone will come is a red herring. We are simply saying let us go on record as agreeing with our leadership that the most efficient use of tax dollars is through budgeting that allows intelligent planning. Steady, modest growth, not violent swings up and down.

I urge a yes vote on the Kyl-Darden resolution, and a no vote on the Boxer amendment.

Madam Chairman, I reserve the balance of my time.

Mrs. BOXER. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. FAZIO], a member of the Committee on the Budget and of the Committee on Appropriations.

Mr. FAZIO. Madam Chairman, I think this is a rather important debate we are about to have here because it is one of the few times during the discussions of the defense authorization bill that we are going to look a little bit down the road at what is coming for defense spending, and it is not a pleasant prospect.

In August Secretary Carlucci will be bringing us his revised 5-year defense plan, the FYDP, as it is called. That plan, if it contains what he intimates it will, will mean that we will have to cut $250 billion over the next 5 years from anticipated expenditures if we maintain a 2-percent real growth in the defense budget. I think we all realize that as the chart that was up here a minute ago indicates, we have not had real growth in defense for 3 years. It could well be that we will need more than 2 percent real growth if we are to avoid cuts that will probably mean people in our districts are laid off, people on assembly lines will be contacting their Congressmen, and we will all be feeling the political and economic crunch in the outyears.

I really do not have a major dispute with my friend the gentleman from Arizona [Mr. KYL] when he points out to us the folly of the ramp up and the ramp down, the boom and bust kind of approach that we have in defense spending at the present time.

□ 1525

Where I join the gentlewoman from California [Mrs. BOXER] in her dissent and support for her perfecting amendment, is that we cannot discuss this in a vacuum. We cannot discuss this question of what it will take to provide for proper defense without the "T" word, taxes or reductions in entitlements.

Deficit reduction has taken priority. And we know we are not going to be cutting back further on most domestic spending. Our annually appropriated domestic spending is now at the lowest percentage of our budget and as a percentage of our GNP, since the early 1960's.

We have turned the corner. If there is going to be an adequate amount of defense spending, and I think more of us than perhaps realize it will be advocating at least a level defense spending figure and perhaps even some increases in the next several years, we will have to pay for it. We are all going to have to put the money on the table to make it possible to provide for an adequate defense. We cannot continue to have it both ways—more defense and more deficit. The Kyl amendment allows that. The Boxer amendment makes us accountable and says pay as you go.

Mr. KYL. Madam Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Madam Chairman, the Kyl amendment is such a basic thing, I really have some difficulty understanding the partisan conflict here for one very basic reason. First of all, the idea for the Kyl amendment was probably not drafted up only within the head of the gentleman from Arizona, JOHN KYL. It really came from a study that was done, a bipartisan study, called "Discriminate Deterrence."

Some of the people who served on this long-term strategy study were Anne Armstrong, Zbigniew Brzezinski, Democrat Bill Clark, the respected Bill Clark, Admiral Holloway, Henry Kissinger, Gen. John Vessey. They sat down, and they tried to figure out exactly what the threat is to the United States and how we ought to plan to meet that threat.

There is going to be an amendment offered later that I have written that talks about the need to define weapons systems consistent with the threat so that they fit together, something that we said ought to be done for 100 years, and it is something I can hardly understand we have never done before.

I would like to get support on both sides of the aisle for that amendment. I think we will get it.

What they really say in this book, bottom line, when they talk about defense budgeting, is we ought to do what the gentleman said we ought to do, which is prevent wide fluctuation.

If you go back to the Kennedy years, and I was young then, but if you go back to the debate, the United States was experiencing a missile gap. When John Kennedy was elected President, we started to ramp up the defense budget and spend money. We went through the Vietnam war, debated guns and butter, and we decided we need guns and butter at that time. We were spending a significant percentage of GNP on defense then, and we went through a period where we absolutely starved defense. Then the President comes in and decides we have got to increase it. And that received bipartisan support.

What we do is where we starve defense, as you can see, from 1971 to 1976, we essentially starved defense, and then we come back, and we increase it significantly for a couple of years, and then we starve it again, and then this President comes in, and we have increases of 13, 11, 8 percent, clearly an increase in my judgment that put us in a position of almost throwing money at a problem, and some of that money was wasted. Now we are back down to 4 years of cuts which is an unraveling of what we have built up.

The bottom line is that feast-or-famine cycles lead to joint problems. When we increase it significantly, we waste some money, and then we all get concerned. I was one of the people who was most concerned about waste in defense spending. So then the public support builds to cut it. So we cut, cut, cut. Then we cut back to the point where we start unraveling what we gained. Then we start increasing again and throwing money at the problem.

Mrs. BOXER. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. MILLER] who is on the Budget Committee, and he was the author of the pay-as-you-go concept that passed this House 6 years ago.

Mr. MILLER of California. Madam Chairman, I thank the gentlewoman for yielding.

Members act like this was a money or a fiscal problem. What this actually says is that for a few years Congress was able to rob from every other program in the country and could run up the defense spending. But then pretty soon the priorities changed. Then we run up against it, and then ran against the deficit.

The priorities are back. The point is this: Members have got to have the courage of their convictions. If they believe there ought to be a sustained, modest growth. I do not think they are wrong, but they have got to tell the people how they are going to pay for it.

We have been paying for it over the last couple of years by stealing $200 billion out of domestic programs, cutting them by 35 percent, and at the same time increasing the deficit to an all-time historic high.

The question is: Will we have the courage of our convictions? If I believed so strongly about social programs, I have an obligation to tell people where we are going to get that money, and in the Committee on the Budget this year when we increased programs for children's programs, we took it from other domestic programs. It was a pay-as-you-go basis.

What happens with defense spending? Everytime Congress wants more defense spending, they just reach into the deficit bag. It is just like it is an open raid on the Treasury.

What we have got to determine in this country is: What are our priorities? Everybody says they want to set those priorities. Lyndon Johnson could not set them, because he wanted the Vietnam war and the war on poverty. Richard Nixon could not set them, because he did not want to tell the people the cost of the Vietnam war and raise taxes, and Presidents Ford and Carter were not quite sure why they created it. Ronald Reagan was interested in creating the deficit to run up the defense bill, and the fact of the matter is you have got to go back, and the country will choose its priorities.

I suspect many of my priorities will lose. Put them on a pay-as-you-go basis, and there are only two ways programs can be paid for. Either cut other programs to make room for food stamps or defense, or raise revenues. If that is not done, we are raising the deficit, increasing the deficit, which is supposedly what this administration with its fiscal conservatives are about, or else we will be dedicated to another $60 or $70 billion of deficit for the next several years.

Mr. KYL. Madam Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Madam Chairman, I thank the gentleman for yielding me this time.

Mr. KASICH. Madam Chairman, will the gentleman yield?

Mr. DARDEN. I yield to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Madam Chairman, just to conclude the thought I was making a moment ago, these cycles of feast and famine contribute to waste and inefficiency in the weapons systems and purchasing and everything else. This is a very simple, commonsense amendment that clearly says that we ought to be consistent, and I think we ought to support the Kyl amendment.

Mr. DARDEN. Madam Chairman, I rise in support of the amendment which I am offering with my good friend from Arizona.

The important aspect of this nonbinding sense-of-Congress amendment is that it is good defense policy. I also believe it is good economic policy. Critics may argue that we cannot afford sustained growth in defense. I propose that modest, and I emphasize modest, growth in defense spending is important to ensure that other budgetary accounts do not receive the brunt end of funding.

However, it makes a great deal of sense to ensure that defense spending does not increase by leaps and bounds, nor that it decrease tremendously.

In fiscal year 1980, defense spending increased by 2 percent. In fiscal 1981 it increased by 13 percent. The next year it increased by 12 percent. The sizable increase during these 2 years can probably be attributed to continuing the rebuilding efforts begun by the Carter administration and continued by the present administration. However, during the following years, fiscal years 1983 through 1985, the budget increased 9 percent, 5 percent, 7 percent, followed by decrease of 4 percent, 3 percent, and again by 3 percent. It has been said this is a roller coaster method for funding our national defense.

The amendment notes that the United States must continue to improve its defense capabilities to deter strategic attack and other threats. Although I am encouraged by recent arms control treaties and proposals, I don't believe anyone in this body believes that the Soviets will alter their stated military goals. If the Soviets continue to improve their military capabilities, the United States must meet this challenge.

At this time, the best solution to ensuring that we meet this military challenge is through modest budgetary growth in our defense spending. If we overfund the Department of Defense, this will lead to a time when, due to budgetary constraints, we must cut defense spending levels to a dangerous level. It stands to reason that if we overfund defense in 1 year, we are going to be forced to underfund it in upcoming years.

Madam Chairman, this sense-of-Congress amendment calls for the President to submit a defense budget that provides for modest growth. The amendment has been approved by the Committee on Armed Services. Our committee is responsible for setting defense policy, and the majority of its members believe this is the best method for ensuring that we will continue to meet the threats to our security. I strongly support this sense-of-the-Congress amendment, and urge its adoption.

[From the Wall Street Journal, May 2, 1988]

TOWARD A REAL DEFENSE BUILDUP

(By Gregory A. Fossedal)

Congress and the Reagan administration are well on their way to passage of the largest cut in military spending since the 1970s—arguably the biggest since 1955. The common wisdom is that this follows record peacetime defense hikes. Yet a review of recent history belies the notion of a massive defense buildup, and makes the present debate on cuts more serious.

A 1985 Pentagon report shows that real growth in defense budget authority peaked at a 12% annual rate in 1981. By 1982, other government figures show, money spent for defense was falling below levels that Jimmy Carter had campaigned on, and Ronald Reagan had called inadequate, in 1980. In 1984, defense spending began to level off, and has declined in real terms since 1985.

One reason for declining defense spending—and declining public support for it—is that people don't think the money spent so far has been spent well. They're right. Rep. Jim Courter (R., N.J.) puts the dark defense picture this way: "Officials who imagine that we're not losing [the arms race] are grossly misinformed, and therefore grossly irresponsible."

Since 1980, pay and morale have been raised from extremely low levels. This needed to be done, but since pay historically occupies 30% or more of the defense budget, bringing military salaries up to a more equitable level is a very costly business. It's hard to name another area in which the U.S. position has improved markedly.

TOO-LOW READINESS

The number of nuclear warheads on U.S. intercontinental missiles and bombers has declined since 1980. Our shrinking submarine fleet is increasingly vulnerable to Soviet attack. Slow cruise missiles, of debatable penetration capability, constitute the only significant addition to U.S. strategic forces.

According to the Pentagon, the Soviets spend multiples of what we do researching and deploying defenses against nuclear weapons, and have the only deployed shield against them on the planet. The Joint Chiefs of Staff, in a report cited favorably by George Bush, argue that the Soviet Union would win a defense deployment race with the U.S.

Conventional balance? Even the administration complains that U.S. forces suffer from too-low readiness. Our position in Europe is not better, and probably worse. Ex-National Security Adviser Robert McFarlane wrote in 1986: "In the past five years . . . the Soviet Union has produced as many fighter aircraft as the U.S. and her NATO allies, four times as many helicopters, five times as many artillery pieces, 12 times as many ballistic missiles, and 50 times as many bombers."

Still, Americans take the sensible view that they elect presidents to sustain the balance of power. They will doubt "standing-tall" platitudes only when real-world events put the lie to White House talking points. Today, to give President Reagan's detente its due, the calm international surface just doesn't seem to indicate dangerous currents below. The Soviets are pulling out of Afghanistan, or seem to be; taking missiles out of Europe, or say they are; moving to cut strategic and conventional forces, or at least negotiating cuts. They are even glasnosting the gulag.

That's not my version of events. Yet it's the world according to Reagan, the most anti-Soviet president in history. And any proof that he is wrong—that the Soviets will use agreements to solidify military superiority, and continue dominating such countries as Afghanistan at a lower cost—may not come for some time. This undermines support for defense spending.

Two more factors shaping the new budget-cut consensus were the nuclear freezeniks who took to the streets early in the decade and the military reformers who at about the same time began to attract great attention to overpriced spare parts.

Both groups helped inculcate the (correct) notion that merely spending money doesn't necessarily increase U.S. might. The administration helped, too. "By spending it so ineptly," a former aide to Rep. Les Aspin (D., Wis.) says, "they broke the perceived link between spending more and having more security."

Ironically, what the administration mainly did—as a laudatory 1981 Washington Post article noted—was simply request a little more money for old Carter programs like the MX missile and B-1 bomber. Then Congress, making matters worse, cut many weapons like the MX back to inefficient, high-cost-per-unit, production levels.

Meanwhile, though resisting proposals for a nuclear freeze, test ban, and narrow reading of the anti-missile defense treaty, the administration gave their premises great credence. From 1981 on, nearly every briefing paper from the Pentagon or the White House, nearly every Reagan speech, emphasized that one of the main goals of any buildup is to spur negotiations. Secure forces were presented not as an end in themselves, but as a means to the higher goal of arms control; treaties became not a means to security, but an end in themselves.

Arms-control progress claimed by the Reagan administration may not so much reverse the dynamic as redirect it. A recent newsletter for the Freeze Voter Education Fund says: "In 1988, the peace community [can] re-emerge as a champion of American strength, strength forged through investment in education and kids, competitive technologies, and social welfare." Changing these trends will require more than a frontal assault on anti-defense congressmen, or speeches about the need for vigilance. Ronald Reagan tried both. Rather, those concerned about U.S. vulnerability will have to rethink their tactics, and maybe even propose a policy change or two—taking a cue from the freeze supporters and military reformers.

Here are three concrete ideas:

1) Fund Things people like. When the question is framed right—and framing questions the right way is what leaders do—about three out of four Americans favor building a defense against nuclear weapons. They do this knowing better than many scientists that defenses are never leakproof. One way to rebuild support for defense spending, then, is to shift emphasis to the popular idea of actual "defense"—i.e., things that shield people from weapons. By contrast, one way to undercut both Star Wars and the Pentagon generally is to reassure voters that the strategic defense initiative involves only tentative research on a perfect shield. This reinforces the opposing message that Star Wars is a costly boondoggle.

Americans might also support a new effort to compete in the high frontier of space generally: say a contest among contractors to design a big, simple rocket to boost things into space cheaply. They probably would back a stepped-up war on terrorists, especially if U.S. might were used boldly: lots of Libyas and Grenadas, no more Lebanons or Nicaraguas.

2) Find things to cut. Doves plow a little money into a pet project each time they slash the budget. Hawks should propose a few cuts with every call for strong defense. Someone is always talking about closing unneeded military bases. These and the teeny-weeny, easy-to-shield-against Midgetman missile should both be cut. Yet they're just a start. Why hasn't someone, for example, proposed a line-item veto covering only the Pentagon?

Likewise, everyone opposes the boom in defense-oversight bureaucracies in recent years. Or rather, they oppose it in theory. Despite hot air from Sen. Sam Nunn (D., Ga.), Rep. Aspin, and a blue-ribbon commission, the budgets and staffs of Congress, the Joint Chiefs, the Defense Logistics Agency, and a dozen-odd other agencies are as much as several dozen times their 1960 levels. Why not slash this Military-Congressional Complex? This would not only trim waste directly, but reduce time delays that drive up the costs of many programs. This would even be the key to eliminating those big-ticket toilet seat covers and hammers.

3. Reduce obligations to our European allies. Administrations Republican and Democratic have tried pleading, signing agreements, and issuing threats. Yet nothing seems to persuade U.S. allies to pick up their own Eurotab. Happily, there is an alternative that has not yet been tried and that will work: Set a reasonable date, say 10 years off, for the removal of all U.S. troops from Europe. Invest half the savings to build a 900-ship Navy, field a strategic defense, and counter Soviet advances by aiding Third World freedom fighters, as such non-doves as Melvyn Krauss, William Safire and Irving Kristol have argued.

NO ACCIDENT

The few Pentagon success stories during the Reagan years generally follow one of these suggestions. The popular Star Wars program, for example, has enjoyed the most rapid funding growth this side of AIDS research, despite cuts from requested levels. To many, ex-Navy Secretary John Lehman was the best and brightest of Caspar Weinberger's aides, winning support for a 600-ship navy and building most of it on time, under budget. It's no accident that he was an early student and critic of the over-regulated procurement mess.

Defense buildups generally come after a campaign in which the political outs are able to charge the ins with sloth or incompetence, as in the campaigns of 1960 and 1980. Something for George Bush and Michael Dukakis to think about.

□ 1535

Mrs. BOXER. Madam Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GRAY], the distinguished chairman of the Budget Committee.

Mr. GRAY of Pennsylvania. Madam Chairman, what are we debating? We have before us two amendments. Both speak to the same issue.

The Kyl amendment says that we need to provide for real, sustained, modest growth in defense. The Boxer amendment simply says whatever increases we make in defense we ought to pay for them. My colleagues would not believe that these amendments are that close together the way this debate is going.

What we are simply saying in this debate is this: Are we going to make sure that whatever we do in funding programs in this Government will be deficit neutral? Right now we have a national debt of over $2.5 trillion simply because we all have wanted to spend spend, borrow borrow. No one has wanted to pay for what they thought was important on either side of the aisle.

All the Boxer amendment is saying is let us stop this. Let us stop accumulating this tremendous debt and deficit. Let us pay as we go.

There are those who argue, and I think with some degree of truth, that we ought not have these great swings up and down. I could agree with the gentleman from Arizona [Mr. KYL] that efficient use of tax dollars means avoiding the swing. But where were these voices when we went from 2.8-percent real growth in 1980 to 13 percent in 1981 and 11.5 percent in 1982? None of those people were talking about swings then.

I would simply say that whatever we do in this body we had better start doing it based on pay as you go, and it seems to me that when I look at the budget, when I look at the red ink we have in this Nation, and despite the fact that I want a strong national defense, I want efficient budgeting in national defense, I think a simple add-on of the Boxer amendment is absolutely what we need. Therefore, I urge my colleagues to vote for the Boxer amendment.

Mr. KYL. Madam Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. My colleagues, I oppose the Boxer amendment and support the Kyl amendment because I think our defense budget has to be measured against our global responsibilities, not the education budget or the public works or clean air, but the global responsibilities that have been ours since World War II for many reasons, but they are ours, and if my colleagues think the defense budget is high, wait until the day deterrence fails. Then they will see what a budget is.

Why do we not do this for foreign aid? Why do we not say no foreign aid unless we have it on a pay-as-we-go basis? How about education? How about the farm program? Instead of spending $21 billion for people not to grow things, why do we not have a pay-as-we-go system on that, or welfare or education or food stamps? Why do we take the defense budget? And incidentally, and parenthetically, it is almost amusing to read the "Dear Colleague" letter signed by the gentlewoman and her colleagues that says we should not undermine the many domestic programs which effect the general health, safety, and welfare of the people.

Take it from an old, beaten up World War II veteran. The defense of this country helps the safety, the welfare and the general health of the people. First thing in the Constitution it says we provide for the common defense.

Our defense budget is 40-percent personnel and personnel support. We do not have a draft. We want good young men who are educable. We spend a lot of money training them, and we want to retain them. It is important that we do that.

We have verification problems with strategic arms reduction treaties and the INF Treaty. Those satellites cost money. We go into quality satellites, we are going into quality equipment and we had better have the best R&D in the world.

Mrs. BOXER. Madam Chairman, I yield 2 minutes to the gentleman from New York [Mr. DOWNEY], a member of the Ways and Means Committee.

Mr. DOWNEY of New York. Madam Chairman, last time I checked, the Preamble to the Constitution listed as its first priority the Establishment of Justice, something we tend to forget from time to time.

In the years prior to Ronald Reagan, the Government of the United States borrowed $918 billion. With that money we fought World War I, World War II, Korea, Vietnam, built the National Highway System, harbors, airports, and other important matters of infrastructure.

When Ronald Reagan came to office we borrowed $1.8 trillion and we financed a wasteful tax cut and a spending spree on the military without parallel in peacetime history. We have gotten nothing for this buildup except larger deficits.

What the gentlewoman from California says, and it seems to me is so apparent and so obvious, is that the gyrations do not make any sense, and indeed they do not, but if we want to have slow and steady growth, for goodness sakes, recognize that we have to pay for it.

If my colleageues are a friend of the military, if they believe, as does the gentleman from Illinois, that the first priority of our Government needs to be defense, then they have to recognize a couple of things. First, the cyclical realities of the American people; and second, the deficit. We are never going to be able to sustain growth in defense unless we are prepared to pay for it.

We should not be able to sustain education increases unless we are prepared to pay for them.

The Reagan revolution has done amazing things. It has made the Republicans the darlings of the deficits and the Democrats interested in making sure we move toward a balanced budget. If he has accomplished little else, he should be remembered for that.

Mr. KYL. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Madam Chairman, since we are analyzing the Preamble to the Constitution, it is, "We the people of the United States, in order to form a more perfect Union, establish justice, ensure domestic tranquility," we were in rebellion at the time, and then it says, "provide for the common defense," and then, "promote the general welfare."

As the gentleman form California [Mr. MILLER] stated, this is just a fiscal problem. Wrong. This chart shows that this actually a graphic history of the United States and how it sees its national security over the last couple of decades. This roller coaster or defense spending, as Chairman ASPIN calls it, is the story of the Vietnam war in which we were involved. A war that the political forces which commanded it had no intention of winning. Those are the L.B.J. years, the President Johnson years here on this chart. Then comes Jerry Ford's rebuilding, and then President Carter. Mr. Carter intended to consistently build our defenses but he did not begin to rebuild until his 1980 budget. Then comes Ronald Reagan, and what did President Reagan accomplish?

Remember that Mr. Gorbachev became General Secretary on March 11, 1985, the third year into the Reagan defense growth. This block of growth right here in this chart, this block of growth brought General Secretary Gorbachev to Geneva, to Reykjavik in Iceland, it brought him here for the Washington summit on December 7 last year, and it has President Reagan going to Moscow later this month. We are beginning to get a thaw in the confrontation between the forces of communism and the forces of freedom.

What we are discussing now is a people issue. It is providing for the common defense and national security. But the roller coaster is so horribly wasteful, it costs so much money that the Kyl-Darden amendment simply brings common sense to our defense programs.

Every one of us recognizes that the issue of war and peace is our No. 1 concern. But we must not sacrifice our security on false promises. We have not raided anything from the Treasury. Every domestic program continues to grow. All that Congress has done is curb national security.

Mrs. BOXER. Madam Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. RUSSO].

Mr. RUSSO. Madam Chairman, first let me just congratulate my colleague from California for acknowledging that Jimmy Carter was the first President since Richard Nixon and Gerald Ford to increase defense spending. That fact seems to get lost in the debate when we have our discussions about who actually started to buildup.

Another fact is that when we start at $150 billion for defense spending in 1980 and are at $300 billion today, it is a little difficult for many of us sitting here today not to say that there are some real problems in defense spending. It's hard to sit here and hear that there have not been major increases in defense spending when the figures clearly show otherwise.

What this debate is all about is who gets the free lunch today. The conservatives for years have criticized Democrats for domestic spending saying there was no free lunch; we have to pay for it. I think they are right. We have to pay for those programs.

But what is wrong with defense paying for itself? All we are saying here is that the gentleman from Arizona has a decent amendment. His amendment is that we ought to have sustained growth in defense spending over a period of time. All the gentlewoman from California is saying is that supporters of the defense spending increase should, like everybody else, be willing to pay for it and to show us how to pay for it. Do we raise taxes? Do we cut other spending? Just tell us how we are to do it.

Unfortunately, whenever we get into this debate the conservatives want us to believe that we make some kind of mistake here it we say they have to show us how to pay for defense spending. Listen, we stood up here and we set the precedent. We passed catastrophic health care and we paid for it. We passed welfare reform and we paid for it. We passed the tax reform bill and we paid for it. So do not tell us we don't pay for domestic spending. We have set the precedent.

Now what is wrong, my dear colleagues with this approach on defense spending? I support defense spending. I think it ought to be slightly higher. But what is wrong with knowing how to pay for it? Are my colleagues afraid to go before the American people and say we want increased defense spending, we want $60 billion more defense spending over the next 3 years, and we are prepared to pay for it?

I am willing to support moderate increases in defense spending. I support justifiable increases. Just show me how we are going pay for it.

Mr. KYL. Madam Chairman, I yield 1 minute to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Madam Chairman, I would like to speak for a moment in favor of the amendment offered by the gentleman from Arizona [Mr. KYL]. In looking at the gentleman's amendment and the substitute amendment offered by the gentlewoman from California [Mrs. BOXER] it seems there is one basis conflict. This conflict can be found in the first line of the amendment of the gentleman from Arizona and in the last line in the amendment of the gentlewoman from California.

The first obligation of the Government of the United States is to provide for the common defense, says the amendment of the gentleman from Arizona [Mr. KYL], and in the last part of the amendment of the gentlewoman from California [Mrs. BOXER], it says without undermining the many domestic programs.

Which comes first? The Constitution of the United States lists first that of providing for the common defense of our country. Of course, the other things are so terribly important, and as my votes have reflected, I have favored so many of them.

Mrs. BOXER. Madam Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN], a member of the Budget Committee.

Mr. DURBIN. Madam Chairman, the Boxer amendment is a gut check on the right wing in the House of Representatives. Will the Members who lavish this Chamber with speeches about their fiscal conservatism apply the same responsible rhetoric to military spending? The answer is the Kyl amendment and the answer is no.

Styptic-hearted conservatives, who have rationalized our Nation's decline in education, who have ignored our Nation's disgraceful infant mortality rate, who have ravaged domestic programs, still plead with us to slather the Pentagon budget with more tax dollars.

Supporters of the Kyl amendment are choked with emotion about the cycles of feast and famine in military spending. There is no need to look for those cycles of feast and famine in domestic programs under President Reagan. A chart on education would show that our children have been feasted with cycles of famine and more famine.

Real fiscal conservatives favor pay as you go for the Federal budget, not the military blank check of the Kyl amendment. The Kyl amendment perpetuates the disastrous military funding of the Reagan administration, roller coaster rides in defense spending and deeper deficits. Our Nation's security cannot stand any more of that.

Mr. KYL. Madam Chairman, I yield 1 minute to the gentlewoman from Tennessee [Mrs. LLOYD].

☐ 1550

Mrs. LLOYD. I thank my colleague for yielding time to me.

Madam Chairman, I do rise in support of the Kyl/Darden amendment to express the sense of Congress that defense budgets should sustain moderate, real growth.

As a member of the House Armed Services Committee, I have myself seen many examples of the damage erratic funding has done. How can we expect the Pentagon and its contractors to operate efficiently if the Congress cannot provide them with stable funding from one year to the next? We have invested millions of dollars in programs that were later shelved. This is no way to do the important business of our national security.

This amendment would show that we have finally come around to the realization that large fluctuations, whether up or down, do not benefit our national security needs and result in distorted defense planning.

It is a popular exercise to point to the Pentagon as inefficient, but we must first look at ourselves and get our own house in order.

Mrs. BOXER. Madam Chairman, I yield 1 minute to a member of the Committee on Appropriations, the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Madam Chairman, I am pleased that the House has this opportunity to debate the defense spending requirements facing this Nation. But I am disappointed that the amendments before us for consideration present a dilemma for Members such as myself who recognize the need to balance our national security requirements with our domestic responsibilities and the goal of deficit reduction. I firmly believe that we need a bipartisan commitment to those goals, but I fear that the structure of this debate will only serve to focus on differences in emphasis rather than agreement on basic principles.

I share the assessment of the Kyl amendment that in fact our national security requirements require sustained, but modest real growth in defense spending. To my way of thinking there is no if, and or but about it. The United States retains important worldwide commitments that will not diminish as the globe becomes increasingly economically interdependent. And the Soviet Union, but from a wide range of other sources, is not diminishing. The threat to United States interests continues to grow.

In fact, there is increasing discussion on both sides of the aisle that with the intermediate nuclear forces agreement, and the prospect of dramatic reductions in strategic nuclear forces in START, that we will need to pay increased attention to the conventional force balance. While we may be able to reach a negotiated agreement with the Soviets to reduce some of those forces, such an agreement will take time to achieve. And it will not come about if we are not willing to make the investment needed to address existing conventional shortfalls.

A basic fact of life is that conventional forces are expensive. This is especially true given our commitment in the West to provide decent compensation to our troops and the expense of more sophisticated weapons systems needed to meet the advances in conventional weaponry made by the other side.

In other words, for the forseeable future we will not be able to obtain security on the cheap.

I also fully agree that we need to avoid the roller coaster impact of our recent history in defense spending levels. After 5 years of rapid increases, we have now seen 4 years of negative real growth.

I wish we had the advance of then Chief of Naval Operations Thomas Hayward when he testified in 1979 that we should make a long-term commitment to 3-percent real growth in defense spending so that we could establish a manageable plan for enhancing our forces to meet the realities of the 1980's. I also agree with the statement made by Chairman ASPIN that "The boom or bust cycle does no good for the economy or national defense. * * * It is unreasonable to expect efficiency when we fund the Defense Department so erratically."

On the other hand, I recognize that the Government also has a responsibility to address our very real domestic needs, and to work to reduce the deficit. Congress can't fund every item on the Pentagon wish list and then see if there is any money left for the homeless, the aged, or education, any more than we can neglect legitimate national security requirements.

If we are to be honest, we must be willing to recognize that these requirements will require enhanced revenues. There is no free lunch, no matter how much temptation there may be in an election year to wish there was. Pay as you go is an important concept. But it cannot be assigned to only one part of the budget. The priority decisions must be made on an overall basis, new revenues are needed for both defense and domestic needs, not for one or the other.

Ideally the House would blend the complimentary aspects of these two amendments to express our true position.

If the Boxer amendment which I support is defeated, then I intend to support the Kyl amendment. I would prefer Kyl with pay-as-you-go in order to establish a sensible defense spending policy.

Mrs. BOXER. Madam Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. I thank the gentlewoman for yielding.

Madam Chairwoman, I commend the gentlemwoman on her amendment to bring this issue to the correct focus here on the floor of the House.

People who speak about things that they think need to be done by the Government do their constituents a great disservice when they suggest that there are no costs involved, when they suggest that there is a free lunch, when they suggest that important things that must be done on behalf of this Nation, whether it be in foreign affairs, in the defense establishment of the country or the domestic problems, that these things can be achieved without choices, without sacrifice, without investment of the funds of the people of this Nation. What the Boxer amendment does is to say clearly that what one believes in here on the floor of the House one has to be willing to pay for.

It is a simple proposition.

We live by that in our own lives. We understand the consequences in our own lives of not living by that kind of a rule.

We know what it means to try to run up the credit card and not pay for things that the Nation needs.

Those who believe that we will respond and need to respond to the true needs of the country, be they domestic or foreign, be they defense or education, have got to be ready to tell the people "you get what you pay for."

The Boxer amendment says America believes you get what you pay for; this Congress believes you get what you pay for; what you get for nothing is worth that already.

Mrs. BOXER. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Madam Chairwoman, we are debating two amendments today. Both are designed to express the sense of Congress on military spending. Neither of these motions will be binding, but they do say a lot about where our priorities are. The Kyl amendment basically endorses military spending increases beyond the rate of inflation in all future budgets but does not admit that other programs must be cut or taxes increased to finance those defense outlays.

The Boxer amendment simply says that any such increases ought to be on a pay-as-you-go basis. Common sense should tell any Member which of these amendments is most prudent. But when it comes to budgeting in Congress, we have been practicing a lot of nonsense around here in recent years. We have not been responsible. We have increased budgets by putting it on the national credit card.

The Kyl amendment says, "Let's spend some more and put it on the tab."

The Boxer amendment says "no" to this borrow-and-spend philosophy. The Boxer amendment says "yes" to responsible budgeting.

If we want to increase the military budget let us show that we are willing to pay for it. Let us use some good sense today. Let us vote for the Boxer amendment.

Mr. KYL. Mr. Chairman, I wonder if I might make a request of the chairman of the committee to strike the requisite number of words in order to permit a question to be asked.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

I yield to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. I thank the gentleman for yielding. I want to make a statement and see if the gentleman would agree with me. I do not see any necessary inconsistency with the Kyl amendment and the gentlewoman's amendment. She is suggesting that before we develop a budget for the defense of this country we have to plan for how to pay for it. The gentleman from Arizona is saying that we should have a steady sustained but moderate growth from year to year. So the two are not necessarily inconsistent. But my problem is that you are selecting one important sensitive budget that must be determined by global developments over which we have no control and you are saying that program we must find out how to pay for it, pay-as-we-go. If you apply that theory across the board you would have a balanced budget amendment. What you are saying is what goes out must come in and they must be balanced.

So I assume if we are to be consistent we should apply this theory of pay as you go to the farm program, to foreign aid, to welfare. You are opting for the balanced budget amendment. So I hope you will become a cosponsor. I am not, but I hope you will be.

Mrs. BOXER. Madam Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. I thank the gentleman for yielding.

I agree with everything the gentleman said. I think the whole budget ought to be on a pay-as-you-go basis. I said that 6 years ago. The only reason we are doing it on this amendment is Mr. KYL, who raised the issue of sustained growth every year, that is inflation plus real growth in the military budget; no other committee came out with such a request. Honestly, I would be very happy to support such a request. As a matter of fact, I had wanted to amend the amendment of the gentleman, and then we could have all been happy. The Boxer amendment I hope he would have agreed to. Then they would pass the Kyl amendment as amended.

Unfortunately, when we got to the Rules Committee, the gentleman was not interested in this. He did this in a king-of-the-mountain fashion so that we now have to set these two things against each other.

I agree with the gentleman from Illinois.

Mr. ASPIN. Let me also respond to the gentleman from Illinois. I think the gentleman is right on the point about the Kyl amendment and the Boxer amendment. A person could, indeed, maybe will vote for both. But the gentleman's second point I think is not correct. You may be for pay as you go but not be for the balanced budget amendment. I do not think that because you are for pay-as-you-go means that you are for a balanced budget amendment.

Mr. HYDE. Does the gentleman mean we borrow on some functions but not on others?

Mr. ASPIN. No. The gentleman's amendment says you cannot spend in excess, and it is a straitjacket. I am happy to see that the gentleman is not a cosponsor of the amendment. I commend him for his wisdom.

I commend the gentleman and see the gentleman's support for a pay-as-you-go proposition.

Mr. RUSSO. Madam Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Illinois [Mr. RUSSO].

Mr. RUSSO. I thank the gentleman for yielding.

I would just like to ask the chairman: In the manner in which this rule was set up, normally wouldn't it have made more sense if we had the Kyl amendment first, voted on that and then perfected it by saying that, yes, we all agree there ought to be sustained steady growth. Fine, we would vote on that. Then the Boxer amendment would come in and say, yes, we would do that but then show you how to pay for it. That would make more sense. But we are doing it a little backward here. We are voting for the perfecting of the Kyl amendment first.

So we can be for both amendments but, unfortunately, if the Kyl amendment passes, the Boxer amendment is wiped out.

So those who want the proper type of budgeting here would have to vote for Kyl with Boxer. His amendment makes good sense if we first add the Boxer amendment to it.

Mr. ASPIN. I would like to reply to the gentleman from Illinois. The sequence here was, of course, an elaborately worked-out arrangement because the Republican side wanted the last vote on this issue and in exchange we got the last vote on a number of other issues. It is a little unfortunate that we are voting this way, but you can have the happy little grinning guys over there on the bench to thank for that.

Mr. KYL. Madam Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Arizona [Mr. KYL].

Mr. KYL. I thank the gentleman for yielding and I thank the chairman for his magnanimous gesture of giving us the last word on something. I simply want to suggest that supporting this resolution does not preclude us, starting tomorrow, from talking about pay as you go on every program for this entire Government. I would be happy to join my colleagues on this side of the aisle for doing just exactly that.

Mr. DICKS. Madam Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, does the gentleman object to a pay-as-you-go concept in terms of defense?

Mr. KYL. I object to a pay-as-you-go budget for only one-third of our Federal budget and not all of it.

Mr. DICKS. What about for all of the budget?

Mr. KYL. If it was for all of the budget, I would agree with Mr. HYDE, you would have a balanced budget amendment. I am a sponsor of that amendment.

Mr. DICKS. It would be more responsive.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. Aspin] has expired.

It is now in order to consider the amendment relating to the budget priorities printed in section 1 of House Report 100-590 by and if offered by the following Members or their designee, which shall be considered in the following order only: (A) Representative Boxer, (B) Representative Kyl. If more than one amendment is adopted, only the last such amendment which is adopted shall be considered as finally adopted and reported back to the House.

AMENDMENT OFFERED BY MRS. BOXER

Mrs. BOXER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. Boxer: At the end of title IX of division A (page 163, after line 60), insert the following new section:

SEC. 934. SENSE OF CONGRESS CALLING FOR FISCAL RESPONSIBILITY IN SPENDING FOR THE NATIONAL DEFENSE.

(a) Findings.—The Congress makes the following findings:

(1) The obligations of the Government of the United States include providing for the common defense and ensuring domestic tranquility and the general welfare of the people of the United States.

(2) The United States must be prepared for any threat to the national security of the United States from whatever source and must also be prepared to address pressing domestic needs.

(3) In addition to the obligations referred to in paragraphs (1) and (2), it is also the obligation of the Government of the United States to reduce the annual Federal budget deficit and to follow a sound fiscal policy.

(b) Sense of Congress.—It is the sense of Congress that if the exterior threats to the national security of United States require sustained, real growth in defense budgets, such growth should be financed on a pay-as-you-go basis without undermining the many domestic programs, such as Social Security and Medicare, which affect the general health, safety, and welfare of the people of the United States.

The CHAIRMAN. The gentlewoman from California [Mrs. Boxer] will be recognized for 5 minutes and the gentleman from Arizona [Mr. Kyl] will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from California [Mrs. Boxer].

Mrs. BOXER. I would ask the Chair for some guidance on procedure.

It is my understanding that there will be 10 minutes of debate. This debate will be controlled 5 minutes by me, and I assume 5 minutes by Mr. Kyl. Do I have the prerogative to close the debate?

The CHAIRMAN. The gentlewoman is correct.

Mrs. BOXER. I yield myself 1 minute and will reserve the remaining 4.

I think as we can tell from the general debate, the two amendments, the Boxer amendment, and the Kyl amendment, are not that far apart except there is one very major difference. The Boxer amendment says very, very clearly that if there is a need, and the Congress finds that there is a need, to have modest sustained, real growth in the military budget, it ought to be done on a pay-as-you-go basis.

As I said to the gentleman from Illinois, I fully agree with him. I said to Mr. Hyde a moment ago that I am willing to apply pay-as-you-go to every part of the budget because we have something that is facing us in this country which is overwhelming, and it is called the deficit. If every committee came forward as does this one and says, "We feel it is important to have sustained growth in every part of the budget," and no one said how they would pay for it, I think we can easily see we would be in a whole lot of trouble in this country; the deficit would go through the roof.

I ask for an "aye" vote.

Mr. KYL. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. Gekas].

Mr. GEKAS. I thank the gentleman for yielding.

"Reed a fess the mublican." I will spell that for you later because that is double talk.

Two years ago I offered an amendment to a bill that was being presented by now the erstwhile Presidential campaigner, Mr. Simon of Illinois, on a modest new program of domestic spending. I have forgotten the title of it to tell you the truth. But I offered a pay-as-you-go amendment to that, isolating that new spending program to a pay-as-you-go concept.

I remember very well the gentleman from Massachusetts, my good friend Mr. Mavroules and others standing up and saying it is ridiculous to offer an amendment on one subject out of a trillion dollar budget, but rather if we are serious about pay-as-you-go, would I be willing to offer one for the military budget, asked my good friend, the gentleman from Massachusetts [Mr. Mavroules]? I said of course. But Mr. Mavroules and others said to me that it is unwise to offer a pay-as-you-go on one subject alone. If you want to do so and it is a good concept because the gentleman from California [Mr. Miller] had done so years before, we ought to apply it as an overall concept for all the programs across the board.

I ask now for revision of that double talk and defeat of the Boxer amendment, not because we are not for pay-as-you-go for the military on one subject, but it is preferable to take that concept and apply it across the board to all programs.

I ask for a "no" vote on the Boxer amendment out of revenge.

□ 1605

Mrs. BOXER. Mr. Chairman, has the gentleman used up all his time on the other side?

The CHAIRMAN. The gentleman from Arizona has 3 minutes remaining.

Mrs. BOXER. I would ask to reserve the 4 minutes to close debate.

Mr. KYL. Mr. Chairman, I would advise the gentlewoman that we have only used 2 minutes of our 5 minutes.

Mrs. BOXER. Mr. Chairman, I am going to close with one speaker only. That is why I would like to reserve the 4 minutes.

Mr. KYL. Then, Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois [Mr. Hyde].

Mr. HYDE. My problem with the amendment of Mrs. Boxer simply says that, if exterior threats to the national security require sustained real growth in defense budgets, new revenues to finance such growth must be obtained, must be obtained on a pay-as-you-go basis without undermining any domestic program. Legal Services must be sacrosanct before we do anything to improve our defense. Now that is in my humble——

Mrs. BOXER. Will the gentleman yield?

Mr. HYDE. Yes, I will yield to the gentlewoman from California.

Mr. FRANK. Will the gentleman yield?

Mr. HYDE. Let me yield to the gentlewoman from California first. Given the choice, I yield to Mrs. Boxer.

Mrs. BOXER. Mr. Chairman, I do not know whether that is a compliment or not. I assume it is not.

I would say to the gentleman from Illinois [Mr. Hyde] that we used the word advisedly. We are talking about undermining domestic programs, and that is a very important point. We do not say we cannot cut anything.

Mr. HYDE. Well, the gentlelady from California [Mrs. Boxer] says "without undermining the many domestic programs."

Now is a crunch with the Soviets mobilizing in South Africa, because we have cut off all intelligence and we do not know what is going on over there, as they mobilize intercontinental ballistic missiles it may just mean that we ought to increase as rapidly as we can our military and not quite worry about "the many domestic programs." And to foreclose us from doing that seems to me shortsighted.

Mr. Chairman, I now yield to my friend from Massachusetts [Mr. Frank].

Mr. FRANK. Mr. Chairman, I thank the gentleman for yielding this time to me.

I just wanted to unfortunately tell the gentleman from Illinois that he and his friends have cut Legal Services so badly that there is not enough money in there to finance an hour in Grenada. So, you better look somewhere else.

Mr. HYDE. Why did I yield?

The CHAIRMAN. The gentleman from Arizona [Mr. Kyl] has 1½ minutes left.

Mr. KYL. Thank you, Mr. Chairman. Let me speak for a moment.

Herbert Stein is no raving conservative. He is a former adviser to Presidents Nixon and Ford, and recently in February of this year he wrote an article for the Wall Street Journal in which he said that according to administration projections real revenue adjusted for inflation will be rising by about 3½ percent a year and nondefense expenditures will be rising by about 1 percent a year. If this is correct, the budget would come into balance in about 1996 with real defense expenditures rising by 3 percent a year.

I am not proposing that we increase by 3 percent a year necessarily, but the point according to Mr. Stein is to make it clear that because of the $70 billion roughly that we are adding to our revenues each year, we have the ability to not only fund increases in domestic programs, but also in defense. And up until the last 4 years that is precisely what was occurring, as a result of which my proposal does not speak to give defense a bigger share of the pie as is being suggested here, but rather suggests that it share in this growth.

The Boxer amendment, which I believe should be defeated, singles out defense and says that this is the one program that we have to guarantee a source of revenue for before anything else. Otherwise the domestic programs come first. That is not fair. It is not sensible. It does not provide for the common defense, and I suggest that, if the gentlewoman and my colleagues on the other side of the aisle would like to apply that same principle to all parts of the budget, domestic and defense spending, it would be a very good principle. To limit it to defense is a very onerous principle.

Mrs. BOXER. Mr. Chairman, I yield the 4 remaining minutes to the gentleman from California [Mr. Dellums].

Mr. DELLUMS. Mr. Chairman, I thank the gentlewoman for yielding this time to me, and I rise in support of the perfecting amendment offered by my distinguished colleague from California [Mrs. Boxer].

Many laudable statements have been made in support of our amendment. I shall not repeat them. I would simply take the time to go back to the original amendment offered by the distinguished gentleman on the other side of the aisle, Mr. Kyl. He talks about a modest increase in real growth.

My first argument is this, and I think the gentleman from Illinois [Mr. Hyde] will agree with me. I do not believe that there is any intrinsic value in a dollar figure explicit in the gentleman's amendment calling for real growth as if in some way there is some value in a particular dollar figure. One cannot effectively argue, it seems to me, that a $299.5-billion budget brings us any greater defense than $275 billion, or $262 billion, or $282 billion. What we ought to be talking here is a military budget based upon sound intelligence, rational, coherent debate with respect to policy and issues. Let us spend what is necessary on defense, but let us have the debate on what is necessary. Simply throwing figures into the air, talking about 3 percent, 2 percent, 1 percent, 10-percent real growth, reduces us to auctioneers, and I think we ought to be about something more significant than that. We ought to be talking about policy; the amendment does not address that.

Second, we are talking about boom and bust and starving the military budget. Mr. Chairman, in fiscal 1980 the military budget was $144 billion. In fiscal 1989 we will pass a military budget of $299.5 billion, an increase of $155.5 billion.

If that is starvation, starve me. This is not boom and bust. If you start with 1980, the average real growth increase is nearly 5 percent.

□ 1615

It is somewhere between 4 and 5 percent. The average real growth from 1980 to 1989 is almost 5-percent real growth.

Now let us go to the last issue. First of all, the gentleman said we should not be singling out defense. They singled out defense with this particular amendment. But understand this. No one raised this question. There is a statutory requirement, an absurd, ludicrous law, without reason, without compassion and without accountability. The majority of my colleagues in this body voted for this absurdity. It is called Gramm-Rudman. It now on a statutory basis requires that this Congress reduce the deficit. You have no choice in that matter. You have to reduce it.

So the amendment of the gentleman when he calls for real growth in the military budget, understand what that does in the real world. It has an enormous impact upon the priorities of this country, against the backdrop of a statutory requirement to reduce the budget.

There are several ways we can reduce it. You engage in economic policies that move us toward full employment and real industrial realization. A drop of 1 percent in the unemployment rate reduces the deficit by between $18 billion and $30 billion. No one is talking about full employment here.

You raise taxes. The majority of my colleagues run away from taxes. In fact, many of you went into this well and said, "I pledge not to raise taxes."

So what does that bring us to in terms of deficit reduction, reducing expenditures?

My argument is as follows: If you suggest that you must on a mandatory basis or even with the sense of Congress suggest that each year we must increase the military budget on a real growth basis, then what part of the budget is left to decimate? It is the social programs.

That is why you have to talk about how you are going to spend the money, if you are going to use the military budget as a priority consideration here.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California [Mrs. Boxer].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KYL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 165, noes 220, not voting 46, as follows:

[Roll No. 91]

AYES—165

Ackerman
Akaka
Alexander
Anderson
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bates
Beilenson
Bennett
Berman
Bilbray
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Brown (CO)
Bruce
Bryant
Bustamante
Campbell
Cardin
Carr
Clarke
Clay
Clinger
Coelho
Coleman (TX)
Collins
Conyers
Coyne
DeFazio
Dellums
Dicks
Dingell
Dixon
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Espy
Evans
Fascell
Fazio
Feighan
Flake
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Garcia
Gejdenson
Gephardt
Glickman
Goodling
Gordon
Gray (PA)
Green
Guarini
Hamilton
Hawkins
Hayes (IL)
Hertel
Hochbrueckner
Hoyer
Hughes
Jacobs
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lowry (WA)
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
McCloskey
McHugh
Mfume
Miller (CA)
Mineta
Moakley
Morella
Morrison (CT)
Mrazek
Murphy
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Panetta
Pease
Pelosi
Penny
Perkins
Rahall
Rangel
Roe
Rostenkowski
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Sikorski
Slaughter (NY)
Smith (FL)
Solarz
Spratt
St Germain
Staggers
Stark
Studds
Swift
Synar
Torricelli
Towns
Traficant
Traxler

Vento
Walgren
Waxman
Weiss
Wheat
Wise
Wolpe
Wyden
Yates

NOES—220

Andrews
Applegate
Archer
Armey
Badham
Baker
Ballenger
Barnard
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boggs
Broomfield
Buechner
Bunning
Byron
Callahan
Carper
Chandler
Chappell
Cheney
Clement
Coats
Coble
Coleman (MO)
Combest
Conte
Cooper
Coughlin
Courter
Crane
Dannemeyer
Darden
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dowdy
Dreier
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fish
Flippo
Frenzel
Gallegly
Gallo
Gaydos
Gekas
Gilman
Gingrich
Gonzalez
Gradison
Grandy
Grant
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Henry
Herger
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jeffords
Jenkins
Johnson (CT)
Kasich
Kemp
Kolbe
Kolter
Kyl
Lagomarsino
Lancaster
Leach (IA)
Leath (TX)
Lent
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morrison (WA)
Murtha
Myers
Nagle
Natcher
Nichols
Nielson
Ortiz
Oxley
Packard
Parris
Pashayan
Patterson
Pepper
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter (VA)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Udall
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Whitten
Williams
Wilson
Wolf
Wortley
Yatron
Young (FL)

NOT VOTING—46

Barton
Bevill
Biaggi
Boulter
Burton
Chapman
Craig
Crockett
Daub
de la Garza
Derrick
Donnelly
Duncan
Dyson
Early
Fields
Frost
Gibbons
Gray (IL)
Hall (OH)
Hefner
Hiler
Konnyu
LaFalce
Latta
Lewis (CA)
Mack
Mica
Mollohan
Moody
Neal
Nelson
Nowak
Oakar
Ray
Rodino
Rose
Rowland (GA)
Slattery
Smith, Denny (OR)
Stokes
Tallon
Taylor
Torres
Wylie
Young (AK)

□ 1633

The Clerk announced the following pairs:

On this vote:

Mr. Derrick for, with Mr. Nelson of Florida against.

Mr. Rodino for, with Mr. Rowland of Georgia against.

Mr. Moody for, with Mr. Craig against.

Mr. Slattery for, with Mr. Boulter against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KYL

Mr. KYL. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KYL: At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 934. SENSE OF CONGRESS CALLING FOR MODEST BUT SUSTAINED REAL GROWTH IN DEFENSE BUDGETS.

(a) FINDINGS.—The Congress makes the following findings:

(1) The first obligation of the Government of the United States is to provide for the common defense. Citizens of the United States cannot enjoy the basic rights of life, liberty, and the pursuit of happiness without the protection of the sovereignty of the United States through the active defense of our national interests.

(2) Despite recent diplomatic initatives between the United States and the Soviet Union, the threat posed by the Soviet Union to the United States continues.

(3) The United States must continue to improve its defense capabilities to deter strategic attack and other, more likely threats.

(4) The fluctuating "boom or bust" defense budgets of the period since the end of the Vietnam era are inconsistent with rational defense planning and have prevented the United States from attaining the most efficient national defense for the dollars expended.

(5) The defense budget should not undergo sharp increases or sharp decreases in any year unless there is a corresponding significant increase or decrease in the threats to our national security.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, beginning with fiscal year 1990, the defense budget for each fiscal year should provide for modest but sustained real growth compared to the preceding fiscal year.

(c) CONGRESSIONAL DECLARATIONS.—In light of subsections (a) and (b), the Congress—

(1) calls upon the President to submit annual budgets for the Department of Defense consistent with this section;

(2) calls upon the Committees on the Budget of the Senate and House of Representatives to report budget resolutions consistent with this section; and

(3) pledges to support modest but sustained real growth in defense budgets.

The CHAIRMAN. The gentleman from Arizona [Mr. KYL] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

Mr. KYL. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. DARDEN] my distinguished colleague and coauthor of this amendment.

Mr. DARDEN. Mr. Chairman, as we used to say in the Georgia Legislature, this amendment does one thing and one thing only. It does not raise taxes. It does not have any hidden agenda. It is a simple statement that I wish every Member here on the floor would read. It merely states that rather than a roller coaster up and down, high increase, low decrease in the defense budget, what we ought to do is provide for modest but sustained real increases in the defense budget.

It is not binding on the Pentagon. It is not binding on future Congresses. It is not binding on anyone. It merely sets forth a statement of policy which if followed I think would be the proper course that we ought to take in planning for our defense.

Mr. Chairman, we all know that the reason many of our programs and weapons systems cost so much today is because we stretched them out and cut the dollars away from them.

Mr. Chairman, I ask my colleagues to join me in overwhelming approval with a "yes" vote on the Kyl-Darden amendment.

The CHAIRMAN. The Chair will inquire who is in opposition to the amendment?

Mrs. BOXER. Mr. Chairman, I am in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentlewoman from California [Mrs. BOXER] for 5 minutes.

Mrs. BOXER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I am going to take just 1 minute to share a chart with my colleagues. I say to my colleagues that because they have voted down a pay-as-you-go amendment, it is the sense of the Congress that they do not wish to pay for these defense increases.

Let us see what these increases will be if the Kyl amendment passes. He is talking about inflation. I figured inflation at 4 percent, which is fairly low. He talks about modest, sustained growth, I figured it at 3 percent. In 1990-91 that is $11.8 billion for inflation, $9.2 billion in real growth, and a total of $21 billion added to the defense budget.

The following year it is $22.4 billion, the year after that it is $24 billion, for a total of $67.4 billion. I would ask the Members in this House not to put blinders on. My colleagues, we are going to have to pay for this increase. I think my colleagues should vote down Kyl because it does not address that one issue, how are we going to pay for this $67 billion?

Mr. KYL. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I take this opportunity to compliment the gentleman from Arizona [Mr. KYL] and the gentleman from Georgia [Mr. DARDEN] for offering this amendment. This amendment recognizes a couple of things that are terribly important to us as a nation.

The first is that the first obligation of our Government is to provide for the common defense. That makes sense. It also calls for a sustained predictable increase in defense over the years and to do away with the boom and bust that we have had in recent years. I think this of course is the right thing to do.

This amendment leaves out something, and I would add it were I the author, and what we need for our Nation in addition to the excellent throught put forth by the gentleman from Arizona and the gentleman from Georgia, which is part of a plan, what our Nation needs in order to provide for the common defense is a sustained strategy for our country, a strategy based upon common sense, and based upon certain goals. We need a strategy of containment. We need a strategy for each part of the globe. I think at times we do not have such a strategy, and if we had such a strategy we would then be able to build upon a policy and upon that policy we would be able to build a plan rather than buying weapons systems at random, buying what is good and what is not good. This plan would incorporate what the gentleman from Arizona has in his amendment, sustained predictable growth for our common defense.

What we need to do is to have an overall strategy and not the mismatches of what we have at the present time.

For instance we have at the present time, Mr. Chairman, three Marine divisions and we have the ability for them to use assault craft for only one.

Mr. Chairman, I support the Kyl amendment. I urge its adoption.

Mrs. BOXER. Mr. Chairman, I yield the remaining 4 minutes to the gentleman from Massachusetts [Mr. MAVROULES], a member of the Committee on Armed Services.

Mr. MAVROULES. Mr. Chairman, first I yield to the gentleman from Illinois [Mr. RUSSO].

Mr. RUSSO. Mr. Chairman, over the 14 years that I have been in Congress my conservative colleagues have said to me that there is no such thing as a free lunch. But make no mistake about it, the last vote indicated one thing, that defense gets a free lunch and people programs pay for that free lunch. My colleagues cannot have it both ways in the Congress.

Mr. MAVROULES. Mr. Chairman, I yield to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY of New York. Mr. Chairman, I rise in opposition to the Kyl amendment.

If my colleagues like big deficits, the Kyl amendment is for them. If my colleagues like even more red ink, the Kyl amendment is for them. If my colleagues somehow do not trust the American people to know that if they really need something they have to pay for it, the Kyl amendment is for them. And if my colleagues really believe with all their heart and fiber that the military comes first, beyond any other need of the Government, the Kyl amendment is for them.

☐ 1645

Mr. MAVROULES. Mr. Chairman, given the slowdown in economic projections and the looming budget deficit, now is not the time to ask for additional real growth in defense spending. The greatest threat to the national security of this Nation is the Federal budget deficit. Over the last 8 years the Federal debt has increased from $932.3 billion in 1981 to $2.6 trillion at the beginning of fiscal year 1988, during which time there was an unprecedented buildup in defense. If the current policy continues, the deficit will increase to $3.6 trillion in 1993 and defense spending will experience a 52.6-percent growth. Currently, we spend 6 percent of our GNP on defense.

We cannot afford to continue this ill-conceived path of raising deficit spending for defense weapons systems and expect nondefense discretionary programs to bear the brunt of our deficit reduction efforts. While defense spending alone has grown 47.3 percent over the last 8 years and interest on the national debt has grown 92.7 percent, discretionary program spending has actually decreased 38 percent. This trend is expected to continue and grow even larger.

Furthermore, we must recognize that the development and maintainence of a strong economic system is important to our efforts to fully provide for the national security of this country. History shows that this country has grown when our national domestic priorities have shown a strong commitment to human investment. A healthy, educated population, a striving business community and a safe environment are all essential in building and maintaining a strong economy that helps to insure the short- and long-term national security of this Nation.

What good is having the most sophisticated weapons in the world without educated minds and healthy bodies to operate them. Education has been drastically reduced over the last 8 years, health care programs have been curtailed, the number of small business and bank failures have been astronomical, drug trafficking is out of control and yet we are continuing to ask for more funds for defense. Clearly, this is not responsible governance.

Mr. KYL's amendment proposes a modest but sustained, real growth in the defense budget. We must remain firm to our commitment to eliminate the Federal deficit by 1993. Therefore, I urge my colleagues to support the perfecting amendment which requires a financing provision for any real growth in defense spending.

Mr. KYL. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Chairman, I want to commend the gentleman from Georgia, my colleague, and I want to commend the gentleman from Arizona for a very fine bipartisan effort.

Walter Mondale called for this kind of continuous, steady growth. The chairman of the Committee on Armed Services has called for this kind of steady growth. It provides stability so we can have efficiency in spending by having the Pentagon plan. It provides for strength so the Russians negotiate, so that both sides slow down on the arms race.

Mr. ROWLAND of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I will be happy to yield to the gentleman.

Mr. ROWLAND of Connecticut. Mr. Chairman, I thank the gentleman for yielding. I want to point out that if we are ever criticized for anything in this House it is lack of planning.

This is one of the first instances where we are sitting down and planning for the future, trying to work together for some moderate substantive growth so we will not be criticized for lack of procedures, lack of planning, and certainly in light of the fact that we will be working with the Soviets, I think we will be sending the right message to our colleagues, to the American people, to our allies and our adversaries.

Mr. KYL. Mr. Chairman, I yield myself such time as I have remaining.

The first point I would like to make is that the chart the gentlewoman from California presented is a misrepresentation of what we are seeking to accomplish here. It presupposes, first of all, an inflation rate that is not in accord with the projections of the Treasury, of OMB and the Council of Economic Advisers and also presupposes a rate of increase.

We are not calling for a specific rate of increase. All we are suggesting here is that this Congress should express its sense to the administration, to the Committee on the Budget to present the budget to us which represents the principle of sustained but moderate growth in defense spending, no more ups and downs such as you see on this chart, no wild increases, no wild decreases, but sustained, moderate growth that is efficient spending for defense, and it is time for action in this body, not just words.

When we go back to our constituents and tell them that we are doing something to make our defense dollars go just as far as possible, that is all this resolution does, and I urge the support of the Members for the resolution.

Mr. FEIGHAN. Mr. Chairman, I rise in opposition to the Kyl amendment as written. While I oppose the amendment, I recognize the problem that the gentleman is trying to address. I agree that the current "boom-bust" pattern of defense spending is inefficient. Resources promised last year end up somewhere else next year. It's a defense planner's nightmare to build the Nation's defenses while the sands are shifting around his feet.

But, I have to ask if it's sound policy to mandate a mechanically increasing defense budget regardless of the nature of the threat to our national security. The language of the amendment recognizes that we have to strengthen our defenses—not only against strategic nuclear weapons, but other more likely threats. I'd like to see this amendment crafted to deal with the drug problem as a threat to our national security; terrorism as a threat to our national security; and the fact that over half a million Americans are homeless as a threat to our national security. I can support an amendment that speaks to the military threat—but it should also address these other, very real threats to our national security.

The Kyl amendment finds that "the first obligation of the United States is to provide for the common defense" for without defense, we would not enjoy the other freedoms found in the Constitution. But, what does the Constitution call for us to do?

To form a more perfect union;

Establish justice;

Insure domestic tranquility;

Provide for the common defense;

Promote the general welfare; and

Secure the blessings to ourselves and our posterity.

All these tasks are constitutional priorities of government.

We do have a problem in maintaining the value of our defense dollars and we should address it. That's why I will support the amendment offered by Mrs. BOXER. It calls for a balanced and more comprehensive view of the threat to our national security. It also says that we must stay militarily strong and fiscally sound. If defense increases are needed, then we have to figure out how to pay-as-we-go.

I urge my colleagues to join me in supporting the Boxer amendment for a rational, responsible, and comprehensive expression of congressional policy regarding the national defense.

Mr. ROWLAND of Connecticut. Mr. Chairman, I have been following the debate on this issue very closely. I must say that it is utterly fascinating in regard to what we are hearing from the other side of the aisle today.

Pay-as-we-go seems to be one of the buzzwords we are hearing from many Members on the other side of the aisle. Well, I agree wholeheartedly that these budget deficits are intolerable.

I would suggest, however, that action is a lot more significant than the rhetoric we are hearing. If my friends on the other side of the aisle are so supportive of balanced budgets, then why do they continually block floor action on House Joint Resolution 321?

Over 230 Members have cosponsored this legislation which would provide a constitutional guarantee of a balanced Federal budget. Yet, time after time, day after day, the Democratic leadership refuses to bring House Joint Resolution 321 to a vote.

If my friends on the other side of the aisle really want to bring a pay-as-we-go system to defense spending, then I suggest they talk to their leadership and demand that this important legislation be brought to the floor for an up or down vote.

But, let's get specific in regard to the DOD bill. We have a choice to make Thursday in regard to ICBM's. We can continue to develop a mobile basing mode for the already existing MX program, or we can continue to waste money on the so-called Midgetman.

Members who are concerned about the Federal deficit should agree with me that we can afford one or the other, but not both ICBM systems. For those who talk about pay-as-we-go on one hand, but who support development of the Midgetman on the other, I would like to ask a question: "Where do you propose to get the $42 billion to pay for it?"

Those who support this very dubious system have an obligation today. They should tell us exactly what tax increase they will support or exactly what programs they will cut to fund the $42 billion.

As I mentioned, the ICBM question will come up Thursday. At that time, I will offer an amendment to kill the Midgetman program outright. If we do so, $500 billion will be saved in fiscal year 1989 alone. Scrapping the system will enable us to reduce expenditures by $42 billion over the life of the program.

As a member of the Armed Services Committee, I believe we have crafted a good bill. It provides for our Nation's defense needs. Although I believe it is unfortunate that we had to cut defense spending in real terms for the fourth year in a row, I believe it is important to point out that things could be a lot worse.

Since inflation is running at very low levels—due to the success of President Reagan's economic program—we are able to come close to providing real growth. This would be impossible to do were we to have the kinds of out-of-control, double digit inflation, we had during the 4 years of the Carter/Mondale administration.

The amendment by the gentleman from Arizona [Mr. KYL] is a simple and reasonable policy statement that we should avoid having wild swings in defense spending. It deserves the support of the membership and I urge its adoption.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Arizona [Mr. KYL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KYL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 167, noes 219, not voting 45, as follows:

[Roll No. 92]

AYES—167

Andrews
Archer
Armey
Aspin
Badham
Baker
Barnard
Bartlett
Bateman
Bennett
Bentley
Bilbray
Bilirakis
Bliley
Bosco
Broomfield
Buechner
Bunning
Byron
Callahan
Chandler
Cheney
Clarke
Clement
Clinger
Coleman (MO)
Coleman (TX)
Combest
Coughlin
Courter
Crane
Dannemeyer
Darden
Davis (IL)
DeLay
DeWine
Dickinson
Dicks
Dornan (CA)
Dowdy
Dreier
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fazio
Fish
Flippo
Gallegly
Gallo
Gekas
Gilman
Gingrich
Glickman
Goodling
Grant
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hefley
Herger
Hiler
Holloway
Hopkins
Houghton
Hubbard
Hunter
Hutto
Hyde
Inhofe
Ireland
Jeffords
Jenkins
Jones (NC)
Kasich
Kemp
Kolbe
Kyl
Lagomarsino
Lancaster
Leath (TX)
Lent
Lewis (FL)
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
MacKay
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillen (MD)
Michel
Miller (OH)
Molinari
Montgomery
Moorhead
Morrison (WA)
Myers
Natcher
Nichols
Nielson
Oxley
Packard
Parris
Pashayan
Petri
Pickle
Quillen
Ravenel
Rhodes
Richardson
Robinson
Rogers
Roth
Rowland (CT)
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton
Slaughter (VA)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Spratt
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tauzin
Thomas (CA)
Thomas (GA)
Valentine
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Wilson
Wolf
Wortley
Young (FL)

NOES—219

Ackerman
Akaka
Alexander
Anderson
Annunzio
Anthony
Applegate
Atkins
AuCoin
Ballenger
Bates
Beilenson
Bereuter
Berman
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Brown (CO)
Bruce
Bryant
Bustamante
Campbell
Cardin
Carper
Carr
Chappell
Clay
Coats
Coble
Coelho
Collins
Conte
Conyers
Cooper
Coyne
Davis (MI)
DeFazio
Dellums
Dingell
DioGuardi
Dixon
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Espy
Evans
Fascell
Feighan
Flake
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Garcia
Gaydos
Gejdenson
Gephardt

Gonzalez
Gordon
Gradison
Grandy
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hamilton
Hawkins
Hayes (IL)
Hayes (LA)
Henry
Hertel
Hochbrueckner
Horton
Hoyer
Huckaby
Hughes
Jacobs
Johnson (CT)
Johnson (SD)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lightfoot
Lowry (WA)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
McMillan (NC)
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Porter
Price
Pursell
Rahall
Rangel
Regula
Ridge
Rinaldo
Ritter
Roberts
Roe
Rostenkowski
Roukema
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sharp
Shays
Sikorski
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Solarz
St Germain
Staggers
Stallings
Stark
Studds
Swift
Synar
Tauke
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whittaker
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—45

Barton
Bevill
Biaggi
Boulter
Burton
Chapman
Craig
Crockett
Daub
de la Garza
Derrick
Donnelly
Duncan
Dyson
Early
Fields
Frost
Gibbons
Gray (IL)
Hall (OH)
Hefner
Konnyu
LaFalce
Latta
Lewis (CA)
Mack
Mica
Mollohan
Moody
Neal
Nelson
Nowak
Oakar
Ray
Rodino
Rose
Rowland (GA)
Slattery
Smith, Denny (OR)
Stokes
Tallon
Taylor
Torres
Wylie
Young (AK)

□ 1705

The Clerk announced the following pairs:

On this vote:

Mr. Nelson of Florida for, with Mr. Derrick against.

Mr. Rowland of Georgia for, with Mr. Rodino against.

Mr. Craig for, with Mr. Moody against.

Mr. Boulter for, with Mr. Slattery against.

Mr. DAVIS of Michigan changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

EN BLOC AMENDMENTS, AS MODIFIED, OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, under the provisions of paragraph 7 of section 2 of House Resolution 436, I offer a second en bloc amendment composed of amendments printed in section 3 of House Report 100-590, including modifications.

The CHAIRMAN. The Clerk will designate the en bloc amendments.

The Clerk designated, as follows:

Amendment en bloc offered by Mr. Aspin composed of the following amendments, including modifications, listed as numbered in the order that they are printed in section 3 of House Report 100-580:

(17) Mr. Ritter of Pennsylvania;

(19) Mr. Ritter of Pennsylvania;

(21) Mr. Smith of New Jersey;

(22) Mr. Dymally of California, as modified;

(23) Mr. Mavroules of Massachusetts, as modified;

(27) Mr. Bennett of Florida;

(31) Mr. McCurdy of Oklahoma;

(32) Mr. Aspin of Wisconsin;

(36) Mr. Dickinson of Alabama;

(45) Mr. Spratt of South Carolina, as modified.

Mr. ASPIN (during the designation). Mr. Chairman, I ask unanimous consent that the reading of the designation be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The text of the en bloc amendments, as modified, is as follows:

En bloc amendments, as modified, offered by Mr. Aspin:

Page 18, after line 14, insert the following:

(c) High-Temperature Superconductivity.—Of the amount appropriated pursuant to section 201 for the Defense Agencies, $35,000,000 shall be available for the Defense Advanced Research Projects Agency for high-temperature superconductivity work.

At the end of part A of title III (page 37, after line 19), insert the following new section:

SEC. 304. PRISONERS OF WAR IN AFGHANISTAN.

(a) Findings.—The Congress finds the following:

(1) Since the Soviet invasion of Afghanistan in 1979, numerous Soviet Red Army soldiers have either defected to or been captured by Afghan resistance forces.

(2) Of the over 115,000 Soviet occuping troops in Afghanistan, it has been estimated that 250 Soviet soldiers are being held by Afghan resistance forces.

(3) Interviews with several dozen Soviet defectors and prisoners of war in Afghanistan indicate that the vast majority desire political asylum in the West.

(4) The Soviet Government does not admit the presence in Afghanistan of Soviet prisoners of war (POW's), therefore a Soviet POW is subject to imprisonment for up to fifteen years for treason.

(5) At the close of the Second World War many Red Army defectors and Soviet prisoners of war fleeing Stalin's tyranny were forcibly repatriated to the Soviet Union and subsequently sentenced to imprisonment and death for alleged collaboration with the enemy.

(6) Nikolay Ryzhkov, a Soviet soldier who defected in Afghanistan and later obtained asylum in the United States, returned to the Soviet Union at the urging of Soviet KGB agents in New York, and is now serving a 13-year "strict regime" prison camp sentence in Mordovia.

(7) Leaders of the Afghan resistance have indicated a willingness to release Soviet POW's to the custody of responsible representatives of the free world.

(8) The President has not established a mechanism whereby Soviet defectors in Afghanistan are provided an opportunity to seek political asylum in the West.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the President should direct the appropriate agencies of the United States Government to establish, insofar as logistically feasible, a systematic method for screening and processing Soviet defectors and prisoners of war in Afghanistan, and that such persons should be provided with proper information concerning the Geneva Conventions and United States law regarding political asylum;

(2) Soviet defectors and prisoners of war in Afghanistan who request political asylum and are eligible under United States law should be granted political asylum and be transported to the United States by the proper agencies of the United States Government;

(3) the President should seek to establish a framework, utilizing governmental and private resources, under which Soviet defectors would be helped in adapting to American life, which would include the opportunity to receive counseling, learn English, gain an education, and acquire the necessary skills to obtain gainful employment; and

(4) the President should direct the appropriate agencies of the United States Government to take necessary steps to inform the Afghan resistance forces and Soviet defectors and prisoners of war in Afghanistan of the provisions of this resolution.

Page 35, line 3, insert after "Soviet Union" the following: "and for carrying out section 304".

At the end of part A of title III of division A (page 37, after line 19), insert the following new section:

SEC. 304. AUTHORIZATION FOR SCHOOL DISTRICT ASSISTANCE.

(a) Authorization.—Of the funds appropriated for operation and maintenance for the Navy for fiscal year 1989, the Secretary of the Navy, subject to the requirements of subsection (b), may use not more than $1,500,000 to provide assistance to the Tinton Falls Schools District, Tinton Falls, New Jersey, for the purpose of supporting the education of dependents of members of the naval service or civilian officers and employees of the Department of the Navy who are stationed at Naval Weapons Station Earle during the 1989-1990 school year.

(b) Determinations.—The assistance authorized in subsection (a) may be provided only if the Secretary of the Navy determines all of the following:

(1) Federal impact aid and State aid expected to be allocated to the Tinton Falls Schools District will not meet the financial deficits expected to be incurred in the Tinton Falls School District during the 1989-1990 school year as a result of the expansion of Naval Weapons Station Earle.

(2) The Tinton Falls Schools District will face a shortage of operating funds during the 1989-1990 school year if such assistance is not provided.

(3) It is in the best interests of the dependents described in subsection (a) to provide such assistance.

The amendment as modified is as follows:

At the end of part A of title V (page 83, after line 24), insert the following new section:

SEC. 503. MILITARY EDUCATION FOR ARMY NATIONAL GUARD CIVILIAN TECHNICIANS.

(a) Phase-Out of Program Requiring Out-of-State Training.—A civilian technician of the Army National Guard whose military occupational specialty has been approved in accordance with subsection (b) for training by a National Guard school of that technician's State under the Reserve Component Noncommissioned Officers Education Program shall receive military training in that military occupational specialty through that school instead of through the Military Education Program.

(b) Approval of State Course.—(1) Each State National Guard school which receives from the Department of the Army a training program for National Guard training for a military occupational specialty as part of the Reserve Component Noncommissioned Officers Education Program shall implement that training program by the end of the 45-day period beginning on the receipt of such program by the school or as soon thereafter as feasible. The Secretary of the Army shall, not later than 45 days after any such school notifies the Secretary that it has implemented such a training program, determine whether or not such school has properly implemented such program. Upon the approval by the Secretary of the implementation of such program by such school, subsection (a) shall apply with respect to military education of civilian technicians of the Army National Guard in the applicable military occupations specialty.

(2) In the case of a State National Guard school for which a program has not been approved under paragraph (1) with respect to a military occupational specialty, the Secretary of the Army may, subject to subsection (d), order a civilian technician of the Army National Guard in that State with that military occupational specialty to receive training through the Military Education Program.

(c) Special Rule for Leadership Training.—A civilian technician of the Army National Guard who is required by the National Guard Bureau to receive leadership training through Primary Leadership Development courses shall receive such training through the appropriate State National Guard school.

(d) Transition.—In the case of a civilian technician of the Army National Guard for whose military occupational specialty there is not, as of the date of the enactment of this Act, a program of training approved under subsection (b) for the appropriate State National Guard school, the technician shall, at his request, be given the Skill Qualification Test appropriate for his military occupational specialty and skill level. If the technician passes the test and successfully completes the Army National Guard Battles Skills Course for the appropriate grade, the Secretary of the Army may not order the technician to receive training through the existing Military Education Program and may not reduce the technician in military grade, or deny the technician a military promotion, by reason of failure to receive training through the Military Education Program.

(e) Report.—The Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the implementation of the Reserve Component Noncommissioned Officers Education Program. The report shall discuss the implementation of such program at each State National Guard school and shall explain, in any case in which the implementation of a training program has not been approved under subsection (b), the reasons for the withholding of such approval. Such report shall be submitted not later than December 31, 1988.

Page 117, strike out lines 19 and 20 and insert in lieu thereof the following:

SEC. 634. EXTENSION OF MINIMUM TERMINATION DATE FOR FORMER PUBLIC HEALTH SERVICE HOSPITALS AND REQUIREMENT THAT SUCH HOSPITALS BE COST EFFECTIVE.

Page 117, after line 22, insert the following (and redesignate the subsequent paragraphs accordingly):

(1) by striking out "1988" in the first sentence and inserting in lieu thereof "1989".

At the end of title VIII of division A (page 144, after line 12), add the following new part (and designate the first sections of title VIII as part A):

PART B—DEFENSE CONTRACTOR PROFITS POLICY

SEC. 821. DEFENSE CONTRACTOR PROFITS AND FINANCES REVIEW.

(a) Short Title.—This part may be cited as the "Defense Contract Profit Policy Act of 1988".

(b) In General.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2313 the following new section:

"§ 2313a. Major defense contractors: profit analysis

"(a) Contractor Reporting.—(1) Each covered defense contractor annually shall submit a profits information report to the firm designated under subsection (b).

"(2) For purposes of this section, a profits information report is a report showing balance sheet and income statement information reflecting the financial position and operations of each contractor segment that received covered contracts and that contributed to the revenues the contractor received during the preceding year from covered contracts. The report shall include the following accompanying information:

"(A) Sufficient data so that levels of profitability as described in subsection (d) can be calculated for each such segment.

"(B) Such other information as may be deemed by the Secretary of Defense (acting through the Under Secretary of Defense for Acquisition on a non-delegable basis), after consultation with the Advisory Council established by section 822 of the Defense Contract Profit Policy Act of 1988, to be necessary to analyze the financial status of covered defense contractors.

"(C) The accountant statement required by paragraph (3).

"(D) A reconciliation of the information provided under this paragraph with the most recent annual financial statement the contractor filed with the Securities and Exchange Commission and such information as may be necessary to explain the reconciliation.

"(3) A covered defense contractor shall have the independent certified public accountant who furnished an opinion on the fair presentation of the defense contractor's annual financial statement filed with the Securities and Exchange Commission submit a statement on the reliability of the information submitted in the report required by paragraph (1).

"(4) The Secretary of Defense shall ensure that compliance with the requirements of this subsection is a condition of every covered contract entered into by the Department of Defense for the United States.

"(5) The Secretary of Defense may not require a covered defense contractor to report information under this subsection for a segment if the Secretary determines that disclosure of such information would be detrimental to the success of a classified project and injurious to national security.

"(b) Designated Private Sector Firm.—The Secretary of Defense shall designate an independent firm or organization in the private sector to receive reports required under subsection (a) and to annually transmit to the Secretary of Defense the information contained in such reports in a form that is aggregated by type of industry and that does not reveal the identity of the defense contractor. Such firm or organization shall be the sole recipient of all the information, papers, documents, and records submitted by the covered defense contractors under this section. Such firm or organization shall destroy or return to the defense contractor the reports submitted under subsection (a), after the annual aggregated reports to the Secretary of Defense are completed.

"(c) Confidentiality.—Notwithstanding any other provision of law—

"(1) any person who publishes or otherwise discloses any information provided by a covered defense contractor under subsection (a) in a manner which allows the covered defense contractor to be identified, shall be fined not more than $10,000, or imprisoned not more than 3 years, or both, unless such information is made publicly available by such covered defense contractor;

"(2) no person receiving information provided by a covered defense contractor under subsection (a) shall be subject to subpoena or other legal process to compel disclosure of information in a manner which allows the covered defense contractor to be identified; and

"(3) data submitted by covered companies under this section shall be considered commercial or financial information for purposes of section 552(b)(4) of title 5, United States Code.

"(d) Profit Study and Report to Congress.—(1) The Secretary of Defense shall conduct each year a study of the financial situation and level of profitability of covered defense contractors under covered contracts. Based on an aggregation of the information provided under subsection (a), each such study shall include a determination of the profitability levels of segments of covered defense contractors providing the United States with goods and services under covered contracts. Levels of profitability shall be determined by calculating the return on assets of such segments and by using such other measures of profitability as the Secretary of Defense determines to be appropriate to achieve the purposes of this section. For covered defense contractors that are primarily contractors for professional services, technical services, or research and development services, profitability of such segments shall be determined by calculating the return on assets, the return on sales, or such other measures of profitability as the Secretary of Defense determines to be appropriate to achieve the purposes of this section.

"(2) No later than six months after completion of a profit study under paragraph (1), the Secretary of Defense shall submit to Congress a report on such study. The report shall include any actions to be taken by the

Secretary to assure reasonable levels of profitability by future covered defense contractors on future covered defense contracts.

"(e) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense.

"(f) DEFINITIONS.—In this section:

"(1) The term 'covered defense contractor' means a contractor which is awarded covered contracts, or which receives payments from the United States under such contracts, in a total amount of at least $100,000,000 in any 12-month period.

"(2) The term 'covered contract' means any contract or contract modification with the Department of Defense subject to section 2306a of this title.

"(3) The term 'segment,' with respect to a covered defense contractor, means a division, product department, plant, or other subdivision of the contractor—

"(A) that is usually identified with responsibility for profit or with producing a product or service; and

"(B) that reports directly to an office of the contractor which (i) is responsible for directing or managing two or more such divisions, product departments, plants, or subdivisions, and (ii) typically provides policy and guidance to such divisions, product departments, plants, and subdivisions in their operations.

A covered defense contractor which does not have such a division, product department, plant, or other subdivision shall for purposes of this section be treated as a single segment.".

(2) The table of sections at the beginning of chapter 137 of such title is amended by inserting after section 2313 the following new item:

"2313a. Major defense contractors: review of profits and finances."

(c) APPLICABILITY TO NEW CONTRACTS AND CONTRACT MODIFICATIONS.—Section 2313a of title 10, United States Code, as added by subsection (b), shall apply with respect to—

(1) contracts entered into under solicitations issued after the end of the 150-day period beginning on the date of the enactment of this Act; and

(2) modifications entered into after the end of the 150-day period beginning on the date of the enactment of this Act with respect to existing contracts.

SEC. 822. ADVISORY COUNCIL ON PROFIT STUDY METHODOLOGY.

(a) ESTABLISHMENT AND PURPOSE.—(1) There is established an Advisory Council for the purpose of recommending to the Secretary of Defense a financial analysis methodology for the profitability studies required by section 2313a of title 10, United States Code (as added by section 821). The methodology shall be consistent with the purposes of such section 2313a.

(2) In carrying out its duties, the Advisory Council shall pay particular attention to the findings and recommendations of the Comptroller General in the report title "Assessment of the Study of Defense Contractor Profitability," dated December 23, 1986.

(b) APPOINTMENT.—The Secretary of Defense shall appoint seven members to the Advisory Council within 90 days after the date of enactment of this Act, with three representatives from the private sector and four representatives from the public sector, including the General Accounting Office, the Department of Defense, and other relevant government procurement offices.

(c) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Council established by this section.

(d) REPORT AND TERMINATION OF COUNCIL.—Not later than 180 days after the date of the appointment of the Advisory Council, the Council shall submit to the Secretary of Defense a report on the recommended financial analysis methodology. The Council shall cease to exist 90 days after submission of its report.

(e) REPORT TO CONGRESS.—Not later than 90 days after receipt of the report of the Advisory Council, the Secretary of Defense shall transmit the report to Congress, together with the Secretary's views on the Advisory Council's report.

At the end of title VIII of division A (page 144, after line 12), insert the following new section:

SEC. 812. DEADLINE FOR CERTAIN REGULATIONS.

The regulations required to be issued pursuant to subsections (f) and (h) of section 921 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661) shall be issued no later than June 1, 1988.

At the end of part A of title IX of division A (page 153, after line 11), insert the following new section:

SEC. 903. INCREASE IN FISCAL YEAR 1988 DEFENSE FUNDS TRANSFER AUTHORIZATION.

Section 1201 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1153) is amended—

(1) in subsection (a)—

(A) by inserting "of this Act or any prior defense authorization Act" in paragraph (1) before "for any fiscal year";

(B) by striking out "$2,000,000,000" in paragraph (2) and inserting in lieu thereof "$4,000,000,000"; and

(2) by striking out subsection (d) and inserting in lieu thereof the following:

"(d) SPECIFIED PURPOSES.—In determining the purposes for which the authority provided by subsection (a) will be used, the Secretary of Defense shall ensure that an appropriate portion of that authority is used to transfer to operation and maintenance accounts of the Department of Defense for fiscal year 1988 (1) funds for depot maintenance activities in amounts sufficient to reduce service backlogs which would otherwise occur, and (2) funds for pay of civilian personnel in amounts sufficient to prevent furloughs, reductions-in-force, or release of on-call employees into a nonpay status which would otherwise be required due to insufficient funding for civilian personnel of the Department of Defense for fiscal year 1988.

"(e) NOTICE TO CONGRESS.—The Secretary of Defense shall submit to Congress notification of each transfer to be made under the authority of this section not less than 15 days before the transfer is made. Any such notification shall include specific identification of any delays or deferrals in programs or other specific actions (including delays permitted by law in payments required to be made) that the Secretary is taking in order to ensure that the transfer is made in compliance with subsection (f)(1).

"(f) CONTROL OF OUTLAYS.—(1) The Secretary of defense shall carry out transfers authorized by this section and (notwithstanding the provisions of the Impoundment Control Act of 1974) shall manage appropriations and other accounts of the Department of Defense for fiscal year 1988 so that any such transfer, and the expenditure of funds so transferred, do not result in an increase in outlays by the Department of Defense during fiscal year 1988.

"(2) The Secretary shall submit to the Committees on Armed Services and Appropriations of the Senate and House of Representatives a report at the close of each month during fiscal year 1988 on any increase or decrease in outlays by the Department of Defense during that month resulting from the exercise of the authority provided by this section.".

At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 934. ASSESSMENT OF SECURITY AT UNITED STATES BASES IN THE PHILIPPINES.

The Secretary of Defense shall provide to Congress an annual assessment of security at United States bases in the Philippines, including the cooperation provided by the Philippine Government at both the national and local level in improving such security.

Page 8, strike out line 22 and all that follows through line 19 on page 9 and insert in lieu thereof the following:

(a) ADATS AIR DEFENSE WEAPON.—(1) The Secretary of the Army may obligate funds appropriated for fiscal year 1989 for procurement of the ADATS Air Defense Weapon system in the amount of $85,000,000 for production of five fire units and 60 missiles to be used specifically for production qualification testing and operational testing, but only after the Director of Operational Test and Evaluation of the Department of Defense certifies to the Committees on Armed Services of the Senate and House of Representatives that he has approved the test plan for such system.

(2) The Secretary of the Army may obligate funds for procurement and advanced procurement for such system for any fiscal year after fiscal year 1989 only after—

(A) the operational tests for such system are completed;

(B) the Secretary of Defense certifies to the Committees on Armed Services of the Senate and House of Representatives that the system meets or exceeds the operational performance criteria of the Army;

(C) the Director of Operational Test and Evaluation of the Department of Defense provides to those Committees his evaluation of the performance of the system; and

(D) the Comptroller General provides to those Committees his evaluation of the performance of the system.

Page 155, strike out line 16 and all that follows through line 3 on page 157 and insert in lieu thereof the following:

(1) FORWARD AREA AIR DEFENSE HEAVY SYSTEM.—Funds appropriated or otherwise made available for the Army for procurement of missiles for fiscal year 1988 may not be obligated for advance procurement for the Forward Area Air Defense Line-of-Sight Forward-Heavy (LOS-F-H) system until—

(A) the Secretary of Defense certifies to the Committees on Armed Services of the Senate and House of Representatives that it is reasonable to obligate funds for such purpose before operational testing of such system; and

(B) the Director of Operational Test and Evaluation of the Department of Defense certifies to those Committees that he has approved the issues and criteria associated with the operational testing of such system.

The CHAIRMAN. Pursuant to paragraph 7 of section 2 of House Resolution 436, said amendments are considered as having been read and are not subject to amendment or to a demand for a division of the question.

Under the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 30 minutes and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to briefly explain the second en bloc amendment that is offered at this point. This package includes 10 amendments made in order under the second rule. Included is language by Mr. DICKINSON on United States base security in the Philippines, the provision on uniformed services treatment facilities offered by Mr. MAVROULES, Mr. BENNETT's compromise on contractor profit reporting, and other amendments for which there is agreement on both sides.

Under the rule, Members have the authority to insert statements into the RECORD on provisions included in the en bloc amendment.

Those amendments made in order under section 3 of the second rule not included in this en bloc remain eligible for consideration as the general reading of section 3 amendments continue.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Kansas for the purpose of a colloquy.

□ 1710

Mr. GLICKMAN. Mr. Chairman, the House Defense authorization bill does not at this time include funding for the tanker trainer transport system [TTTS], a program to develop a new trainer aircraft for the Air Force. I understand that when the House Armed Services Committee was marking up the bill, the Office of the Secretary of Defense had not signed off on the USAF trainer masterplan which the House had requested from the Air Force last year. As a result, the $9.6 million for TTTS procurement was not included in the House bill. The Senate Armed Services Committee has included funding in the Senate bill based on a preliminary draft of the masterplan. While the House Armed Services Committee's decision not to provide funding was without prejudice, I know that you have certain questions which I expect will be answered by the masterplan. I hope that when the two versions of this bill go to conference, the House will recede to the Senate position.

Mr. ASPIN. The gentleman is correct. The committee's action was without prejudice and we recognize the importance of the TTTS Program. We received on Friday a copy of the OSD approved masterplan, which I expect will address the committee's questions about the long term consideration—in terms of practicability and affordability—the Air Force has given to the program. If those concerns are satisfied, I think that we can work this out in conference.

Mr. GLICKMAN. I thank the chairman.

Mr. ASPIN. Mr. Chairman, I reserve the balance of my time.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I take this time to discuss an amendment I have in the en bloc amendments because I think it is a matter of general interest to all the Members of the House and I think everybody that hears the contents of it will agree with me.

Mr. Chairman, over the last several years the Committee on Armed Services has focused considerable attention on the issue of security of our bases in the Philippines. It has been recognized for a long time that petty theft and common criminal activity on Clark Air Force Base and Subic Naval installations are the highest—and please listen to this—they are the highest of any of our bases worldwide in the Philippines. As a matter of fact, last November the gentlewoman from Maryland [Mrs. BYRON] led an Armed Services Committee trip that stopped in the Philippines. We had a town meeting. We invited all of the people, the dependents and so forth who wanted to come and attend the town meeting and to voice their concern of what their problems were, whether it be base housing, whether it be schooling or whatever. And in the face of the fact that we had just had three terrorist killings and a fourth was attempted to be killed—he was badly wounded but lived—the No. 1 issue that they talked about, the No. 1 complaint that the dependents voiced to us was thievery and burglary of their homes and against their persons.

Over half of all the dependents in the Philippines live off base. We cannot build enough family housing to accommodate all of them on base.

Under the articles of agreement by which we have our military bases there, the Philippine Government has a responsibility for security on the bases. What we are told by American dependents, though, is if they catch somebody burglarizing a house, the only thing that we can do is turn them over to the Philippine Government. They are on the street the next day; they do not even try them.

So we have in the past used guard dogs. These dogs created—when they caught somebody on the base thieving, the dog created an incident by hurting the person that was there. Now we cannot try them. It is the responsibility of the Philippine Government to bring these people to justice and they do not do a thing about it. All they do is turn them loose, put them at liberty on their own recognizance. They do not come to trial. There is a general unhappiness and a very upset American population there if they have to stay.

Right now there are two things under consideration. There is a question of base renewal that will soon be negotiated with the Philippine Government, "shall we stay at Clark Air Force Base? Shall we stay at Subic? And, if so, at what cost? "

Also there is a very hefty request for foreign aid by the Filipinos to the United States.

My amendment simply says that we shall order the Department of Defense to make a study and report to us as to what is being done to implement and to enhance the security of American dependents stationed there, and what cooperation we are getting from the Philippine Government.

I think it is very important to our dependents that we evidence this concern, that we put something in motion. I have written to the Secretary of State, the Secretary of Defense; I have asked to be allowed to testify before the Committee on Foreign Affairs when they consider foreign aid for the Philippines. We have got to do something to protect our own. If we cannot do it then I say we ought to just pull out and let the Filipinos have it.

Mrs. BYRON. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Alabama [Mr. DICKINSON] to require the Secretary of Defense to provide the Congress with an annual report on security at U.S. military bases in the Philippines.

In late November, as chairman of the Subcommittee on Military Personnel and Compensation, I led a House Armed Services Committee delegation that held field hearings on military personnel issues at Okinawa and Clark Air Base in the Philippines. The field hearing at Clark in particular is one that I will long remember.

We were at Clark only a few weeks after three American servicemen were killed by Communist guerrillas in neighboring Angeles City. As a result, we expected a high anxiety level among U.S. military personnel and their families stationed in the Philippines about the possibility of further terrorist attempts on American lives. While there clearly was an undercurrent of concern about the terrorist threat, the burning issue with our men and women in uniform was the security of their homes and personal possessions against petty larceny by the criminal element in the local Filipino population.

We held the field hearing in the packed base gymnasium that sultry late November evening. It was a transfixing experience for all the members present as witness after witness, often to tumultuous applause, spoke of the day-to-day fear of robberies at their quarters on base. One tearful, enlisted member's wife who had recently moved into the base told of her young child's recurrent nightmares after their on-base quarters were broken into 2 days in a row. Her 3½-year-old woke up screaming in the night each time their dog barked at a potential intruder in the area.

Our service members are willing to accept the threat of terrorism as one of the risks of their job—but not the petty thievery that runs rampant. They are justifiably outraged that they have to pay "protection" money to hire Filipino guards to protect their personal belongings from the invasion of local nationals who come "over the wall," as the base perimeter fence is sarcastically called, with impunity.

There is no question about it: The current base security situation at Clark Air Base is intolerable. In renegotiating the Philippine base agreements in the late 1970's, the United States relinguished the responsibility for perimeter security to the Philippine Armed Forces. Unfortunately, they have neither the manpower nor equipment to perform the task. In addition, those local nationals who are apprehended are turned over to a revolving-door Philippine judicial system in which prosecution, much less conviction, is a rarity indeed. United States military authorities are doing their best to shore up security operations within the base perimeter through increased patrols, improved lights, and concrete walls. The ultimate solution lies in a greater willingness by the Philippine Government to live up to the terms of their agreement to ensure the security of United States military installations and personnel stationed there. Based on recent history, the new Philippine base agreement negotiations just getting underway, are likely to move in the opposite direction. Should that occur, we must be prepared at some point to say that the price is simply too high. As the gentleman from Alabama has stated, the United States bases in the Philippines are important—but the Philippine Government must understand very clearly that they are not valuable at any price. It is imperative that the security of United States military installations and military personnel be made a major issue in both the new base agreement negotiations and in consideration of any Philippine foreign aid package. Our service personnel stationed there deserve no less.

I urge my colleagues' support of the Dickinson amendment as an important first step toward shoring up the security provided to United States service members and their families at Clark Air Base and other United States military installations in the Philippines.

Mr. DICKINSON. I thank the gentlewoman for her statement.

In closing, let me say that you might say, "Why don't we put up a fence? First off, you cannot put up a fence through swamp and many of the areas are such on the U.S. base. We tried putting up a fence in one area. They stole the fence. They rolled up a chain link fence and they stole it when we tried to put it up for base security.

On one occasion, someone stole a fire engine, a fire truck off the base. It was never seen again. They just drove it right off the base.

So we really must do better by our dependents and our military over there. This is simply a good step in the right direction. I thought the Members would be interested that this is one of the amendments in this package.

Mr. Chairman, I reserve the balance of my time.

Mr. ASPIN. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I rise in support of my amendment on defense contractor profits. This amendment is one of those incorporated in this larger package of amendments which we are considering en bloc.

I thank the chairman and ranking minority member of the committee for incorporating my amendment in this package. I believe that the amendment's inclusion in this way is possible because of all the discussions that I have had with representatives on industry in the interest of making my proposal as practical and constructive as possible while still preserving its main thrust.

This amendment is supported by the U.S. General Accounting Office. Some industry groups have also indicated that they feel that the amendment is constructive and reasonable. At the end of my statement I will discuss a letter to this effect from the Professional Services Council, which has numerous defense contractor members.

The amendment gives the Department of Defense [DOD] the necessary information to eliminate excessive profits on future negotiated defense contracts. The information would not be used retroactively, but rather only to correct regulatory policies covering future contracts.

The amendment is the result of negotiations to meet the major objections of contractors to the much more stringent legislative provisions originally recommended by the General Accounting Office [GAO]. In particular, this compromise amendment only applies to contractors with more than $100 million in negotiated defense contracts. Complete confidentiality is ensured, because no Government employee ever gets data on particular contractors. The Secretary of Defense has much discretion to determine what information is reported and how it is analyzed. Finally, a government/industry advisory council is established to recommend a profit study methodology to the Secretary of Defense.

The important thing is that the amendment gives DOD a tool to constructively respond to critical reports by the GAO and the Navy that defense contractor profits are twice as high as comparable commercial profits. There is nothing wrong with profits, but they should be reasonable. Some contractors say their profits are now getting too low. If this is so, then the amendment will help them show this to the Congress and the public. In any case, getting good information cannot hurt.

This is simple because all it does is require the very biggest defense contractors to report information on their profitability to the government in a way that protects the confidentiality of the information. Only contractors who have more than $100 million in negotiated defense contracts would be covered by the amendment. Further, the intent of the amendment is to measure profitability on negotiated contracts. Unfortunately, the majority of the dollars that the Defense Department spends are for complex items where market competition is not the final determinant of price. Therefore, the Government buyer must negotiate a reasonable profit.

Specifically, the information would be reported to an independent accounting firm hired by the Department of Defense. That independent firm would then aggregate the profitability reports by type of industry for example, aircraft manufacturers, and report this aggregated data to the Department of Defense. The Secretary of Defense would then study this aggregated data and report to Congress on his findings and on any actions he thought were necessary to ensure that these contractors make reasonable profits on future negotiated defense contracts.

This amendment is a very moderate and reasonable version of a bill I introduced last August. I have greatly modified the bill in response to comments from industry. I now believe that the amendment addresses all major concerns that have been raised by industry. The earlier bill, H.R. 3134, was prompted by a disturbing report from the General Accounting Office. GAO reported that profits of defense contractors on negotiated defense contracts had been as much as 120 percent higher than profits by similar and comparable commercial durable goods manufacturers. GAO further concluded that defense business had been substantially more profitable than commercial business during the 8-year period studied.

GAO was not alone in finding this problem. A study by the U.S. Navy found that major defense contractors earned more than twice as much profit selling weapons to the Pentagon, 22.4 percent return on assets, as they do selling other products in the commercial marketplace, 10.1 percent return on assets. The Navy also found that the disparity in profits between defense and commercial work had been widening in recent years. This study surveyed data from 33 major corporations which together received 52 percent of contract dollars awarded by the Department of Defense, and which also have commercial enterprises.

Just as alarming, GAO found that the Department of Defense [DOD] does not systematically collect information on actual defense contractor profits on negotiated defense contracts. The majority of defense contract dollars are still awarded without competition as the ultimate determinant of price. Rather, DOD negotiates price and it also negotiates profit. Based on complex regulations, DOD negotiates what it anticipates will be a fair profit. Amazingly, DOD almost never checks its predictions by getting information on actual profitability. The current, haphazard DOD practice is to request contractors to volunteer information infrequently—every 6 or 7 years, to ask for different types of data every time, and to analyze the data using inconsistent methodologies. Using analysis from this sloppy process, DOD then adjusts important regulations aimed at ensuring contractors receive a reasonable profit.

That is why GAO recommended that Congress enact legislation to require defense contractor profitability reporting. My amendment is based on GAO's suggested legislation, but is more moderate. This compromise amendment is much different from H.R. 3134.

The amendment that I propose to offer would accomplish a primary objective of my original bill—it would mandate the annual reporting in a consistent manner of meaningful financial data on profitability of segments of contractors receiving more than $100 million in such contracts annually. From this data, profitability of such contractors, aggregated by line of industry, on negotiated defense contracts would be calculated under a methodology to be determined largely by the Secretary of Defense, with very general guidance from the amendment. In addition, the amendment establishes an advisory council to recommend such methodology to the Secretary. Most importantly, after studying the aggregated profitability information, the Secretary would report to Congress on his findings and the actions to be taken to ensure reasonable levels of profitability by covered contractors on future covered contracts.

Congress should not wait for a big public outcry over this problem. Rather, we should act now to get accurate profit information. Further, many contractors now contend that their profits are actually too low. If this is true, my amendment might actually help them show this to Congress and the public. At any rate, I do not see how getting good information can hurt, and it is surely the first requirement for any further action in the profitability area.

As you know, I have long supported higher levels of defense spending, and have been disappointed with the recent lack of public trust in and support for higher defense spending. By taking care of this problem, I hope we can restore some public confidence in the defense budget. It is in this spirit that I offer this amendment.

During recent discussions with industry, several specific issues have been raised with me. I would like to clarify the intention of the amendment with regard to these issues, and I hope that we will be able to continue discussions to address these concerns. First, the amendment contemplates profitability studies by DOD every year. However, I would like to clarify that I would expect that a comprehensive study would be conducted only every 2 or 3 years. The other studies would be minor and not intended to precipitate policy changes.

Second, some have suggested that the amendment specifically direct the Secretary of Defense to calculate profitability using "return on sales." Although the amendment ensures that return on assets shall certainly be calculated for all nonservice companies, I realize that "return on sales" may be appropriate for certain kinds of nonservice companies. At any rate, the amendment gives the Secretary of Defense discretion to use such measures as he deems appropriate.

Third, some suggest that the amendment should not direct the Advisory Council to focus exclusively on the GAO report in studying profitability methodology. While I believe that the GAO report mentioned is excellent and deserves detailed study by the council, I agree that the council should review a wide range of sources and recommendations.

Fourth, it is my intention that commercial data should only be collected to the extent that it indicates profitability of defense firms, and for purposes of comparisons between parts of one company or segment.

The General Accounting Office wrote to me as follows:

> In the absence of overall industry profitability data, it is not possible to determine the full impact of existing policies. A system such as you propose with an Advisory Council would, in the future, correct the current situation and would provide on an aggregated basis, absolute levels of profitability being obtained under existing policies.
>
> Although your amendment differs from some aspects of our proposal, it is nonetheless a major step in the right direction of establishing a requirement for segment reporting for the defense industry.

The Professional Services Council representing many defense contractors, wrote me about my amendment, that "PSC has reservations about mandatory profit reporting, the modified version of your amendment eliminates PSC's major concerns with the original bill. This amendment, as presently drafted, represents a constructive effort to implement profit reporting in a responsive way."

Mr. Chairman, it therefore appears that my amendment is a thoughtful forward step, as described by the GAO; but it has been also found by many in industry to be a reasonable measure, as they say: "a constructive effort to implement profit reporting in a responsible way."

Mr. ASPIN. Mr. Chairman, for the purpose of entering into a colloquy, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MAVROULES.].

Mr. MAVROULES. I thank the Chairman for yielding this time.

Mr. Chairman, I have an amendment that, as modified, would extend for an additional year—until December 31, 1989—the earliest date on which the uniformed services treatment facility designation of the former public service hospitals could be terminated. I am very concerned about efforts several months ago by the Department of Defense to terminate the USTF's at the end of this year and would ask the gentlelady from Maryland [Mrs. BYRON] to engage in a colloquy on the future of these facilities.

Mrs. BYRON. I would be happy to do so. At the outset, let me describe briefly the current law. As you know, there is no automatic termination of the USTF status. Instead, the Department of Defense must move to terminate the USTF's through an order issued jointly with the Secretary of Health and Human Services. Both the affected facility and the Congress must be given 6 months' advance notice prior to the effective date of the proposed termination.

Mr. MAVROULES. I, frankly, do not understand the rationale for continued efforts by the Department of Defense to get rid of the USTF's. Although there may have been some problems with the program in its early years, several recent studies have found the USTF's to be a cost-effective source of care. The most recent one, a March 1988, General Accounting Office report, found not only that the USTF's are as cost-effective as the current CHAMPUS Program but also that some facilities are a good buy relative to civilian providers in the surrounding community.

Mrs. BYRON. As you may know, the GAO report was prepared at the request of the Subcommittee on Military Personnel and Compensation. As a result of the GAO report, the subcommittee in section 634 of H.R. 4264 revised the criteria for termination of the USTF's by requiring the Secretary of Defense, first, to certify that more cost-effective care is available in the surrounding geographic area and, second, to submit substantiating documentation of that more cost-effective care. With the addition of this cost-effectiveness certification criterion, the Secretary of Defense currently has no justification for attempting to terminate the uniformed services treatment facility designation of the former public health service hospitals.

Mr. MAVROULES. I commend the subcommittee chairman on this important addition to the present statute but remain concerned that the Department of Defense will nonetheless continue its relentless attempts to get rid of the USTF's which currently provide valuable and much-needed medical care to DOD and other beneficiaries in their local communities. For this reason, I feel that further statutory protection of the USTF's is needed. I had originally planned to offer an amendment for a 7-year extension. However, after discussions with the gentlewoman from Maryland [Mrs. BYRON], I have modified my amendment to provide a 1-year extension with the understanding that the subcommittee will hold comprehensive hearings on the uniformed services treatment facilities in the months ahead, in order to find a permanent fix for the USTF Program. I would like to thank the gentlewoman from Maryland for her efforts on behalf of these worthwhile medical facilities and look forward to working closely with her on this matter.

Mrs. BYRON. I thank the gentleman for his efforts and want to assure him that I will be pleased to work together to provide stability and greater security for the USTF's, while ensuring both high quality care for the DOD beneficiary and the most cost-effective sources of that care for the financially strapped military health care system. As you know, improvements to the military health care system have been—and remain—a primary focus of the Subcommittee on Military Personnel and Compensation.

Mr. MAVROULES. I thank the gentlewoman for her support and for her determined efforts to improve the health care available to our men and women in uniform and their families.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, I, too, want to compliment the chairman of the Subcommittee on Military Personnel and Compensation of the Committee on Armed Services for the work that she has done on this important question.

In the State of Washington we have had one of these former public health service hospitals. We find that in the GAO report that the cost of the care has been coming down rather dramatically and we feel it would be a detriment to taking care of the service people and the retirees in our area if that facility was closed. So I just want to say I think you are on the right track. Your new criteria make good sense.

I want to compliment the gentleman from Massachusetts and the gentlewoman from Maryland for their help in this effort and we will continue to try to work with them in this important endeavor.

Mr. ASPIN. Mr. Chairman, I have no further requests for time.

Mr. DICKINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. RITTER].

□ 1725

Mr. RITTER. Mr. Chairman, I come to the floor with two amendments in this en bloc, and one of them has to do with a very exciting new field of science and technology, the field of superconductivity.

The amendment I proposed, having worked on it with Mr. MCCURDY, who also serves on the Defense Subcommittee on Research and Development, would authorize $35 million for high-temperature superconductivity work done at the Defense Advanced Reserch Projects Agency [DARPA].

I might say that DARPA is an agency which manages R&D. It does not do its own R&D. It largely builds teams of researchers in the private sector. It deals with products and processes, and this is a segment of work in the field of superconductivity which is missing and which DARPA can fill a gap.

Mr. Chairman, I want to stress that out of the approximately 100 proposals judged worthy of DARPA funding, none originated from my own congressional district. I wish some did, but they do not.

I am not interested in funding this for paradoxical reasons, but I do serve on the Committee on Science, Space, and Technology. I serve on the Energy Subcommittee on Commerce, Consumer Protection and Competitiveness, the task force on high technology and competitiveness. I am active in the competitiveness caucus, and I am committed to some strategies that will help the United States to commercialize its science, bring from the lab bench to the factory floor into the global marketplace things like superconductivity.

Mr. Chairman, we have been losing this race, too often lately mostly to the Japanese, somewhat to the Europeans, and it is our job to create the environment where the trend is reversed.

There have been recent scientific breakthroughs in superconductivity which promise to revolutionize significant products involving motors and motions, from cars, to computers, to home appliances. The President sponsored a major White House conference. The press through cover stories, and national magazines such as Business Week and Time, and headlines in the Times and the Post and hearings in the Congress as well as the Committee on Energy and Commerce focused in American industry, and academia have brought significant attention to the subject of high-temperature conductivity, but the rhetoric has so far superseded the kind of funding for manufacturing and processing technologies for these new high-temperature superconductors in U.S. industries.

We could help here. We are not going to do the job ourselves, but the Government can be a partner, and we do not want to lose the race to globalize and commercialize superconductivities. There is a big difference between basic science at a university, or a defense lab, or a national lab and having industry work out the specifics of how processes, and products and manufacturing is developed for these new materials. There is an unparalleled need to go forward at the same time with the applied work, and processing and manufacturing. Even while the basic science still evolves the stakes are so high.

Now I wish we had a civilian DARPA-style agency, someone that brought together American industry to lead the charge in new technologies, but we do not. DARPA at the present time is the only Federal body that is capable of promoting industry development in a case such as this. It is a program of management agencies, and 99 percent of the funds go to mainly private-sector firms.

The present DARPA Program, I might add, is unclassified, and we have discussed this with the DARPA leaders, and the program will be unclassified. And, if we do not give DARPA a line item for these funds, it is conceivable that DOD weapons systems priorities could obscure the potential civilian commercial development of this technology.

Because of budgetary pressures the President's fiscal year 1989 budget allocated only $2.9 million for DARPA superconductivity work, an 85-percent reduction. At the same time the field was exploding with discovery. The fact is that high-temperature superconductors constitute perhaps the hottest scientific discovery in recent years, and the commercial potential is enormous.

I would hate to see, Mr. Chairman, the Japanese take the lead in commercializing superconductors as they have taken the lead after decades of American lead with autos, consumer electronics, semiconductors, and other arenas of technology.

Mr. RITTER. Mr. Chairman, this amendment would authorize $35 million in funding for high temperature superconductor work done by the Defense Advanced Research Projects Agency [DARPA].

As a member of the Science, Space and Technology Committee, Energy and Commerce Committee, chairman of the Republican Task Force on High Technology and Competitiveness, and active member of the bipartisan Competitiveness Caucus, I am committed to developing strategies to improve the United States' ability to move scientific breakthroughs from the lab bench to the factory floor. In to many areas, we are losing this race, mostly to the Japanese and somewhat less to the West Europeans. It is our job to create an environment where this trend is reversed.

Recent scientific breakthroughs in superconductivity promise to revolutionize significant numbers of products involving motors and motion—from cars to computers to home appliances. The President (in a major White House sponsored conference), the press (through cover stories in such magazines as Business Week and Time, and headlines in major newspapers), and the Congress (through many hearings), as well as American industry and academia, have focused significant attention on this subject. But, while the rhetoric has proceeded apace, the administration and Congress have thus far not provided adequate funding for the development of manufacturing and processing technologies in U.S. industry. And that's where we could well lose the global race to commercialize superconductors. There is a big difference between basic science work at a university, defense lab, or national lab and having industry work out the specifics of how they will develop, process and manufacture these new materials. There is an unparalleled need to go forward with applied work even while the basic science is still evolving; the stakes are so high.

I wish we had a civilian DARPA-style agency. But, we don't. DARPA is the only Federal body capable of promoting industry development of manufacturing and processing technologies. DARPA is a program management agency which funnels 99 percent of its funds mainly to private sector firms. DARPA will fund research and development even when the private sector will not, due to the high risk and preliminary nature of the work.

The current DARPA program in superconductivity is unclassified. My fear is that if we don't give DARPA a line item for these funds, DOD weapon system priorities will obscure the potential civilian commercial development of this technology. When budget pressures arise, experience has shown that the DOD's civilian oriented programs suffer disproportionately. Because of budgetary pressures, the President's fiscal year 1989 budget allocated only $2.9 million for DARPA superconductivity work, an 85 percent reduction. At the same time, the field was virtually exploding with discovery.

DARPA has indicated it could spend up to $60 million this year on superconductivity. My amendment asks for little more than half that amount. This $35 million investment in our technological future could well be among the best money we spend in the defense budget. I would hate to see the Japanese take the lead in commercializing superconductors as they have with autos, consumer electronics, semiconductors, and other areas. Thus far, the Federal Government has reacted with more talk than action. It's time to move.

I thank the House for considering this amendment and look forward to its passage.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. RITTER. Mr. Chairman, I yield to the gentleman from Alabama [Mr. Dickinson].

Mr. DICKINSON. We were having a conversation as to how to schedule this. I am trying to get some idea of how much time the gentleman might need.

Mr. RITTER. On this amendment I am just about done. I would like to introduce another amendment along with Mr. Frank, and I will get to that in about 15 seconds.

Mr. DICKINSON. I would appreciate you being brief because we have something subsequent to this.

Mr. RITTER. My other amendment, along with the gentleman from Massachusetts [Mr. Frank] is to encourage the President to establish a mechanism to bring Soviet defectors and prisoners of war held by the Afghan resistance to the West.

Mr. Chairman, we have had some very sorry history after World War II with the Soviet prisoners of war. We have had some sorry histories in war since then, and it is appropriate that we take an interest in some 250 defectors from the Red army who are living in cages and living in holes in the ground in Afghanistan literally and provide a mechanism whereby they could come to the United States or to the West in general.

What could happen with the withdrawal of Soviet forces, at least the main bodies of Soviet forces in Afghanistan, they may try to strike a deal for these defectors, and I would hope that we do not allow such a deal.

Mr. RITTER. Mr. Chairman, I rise in support of the Ritter/Frank amendment. This amendment encourages the President to establish a mechanism to bring Soviet defectors and prisoners of war, held by the Afghan resistance, to the United States and the West. In addition, it authorizes the Department of Defense to use funds in section 304 to carry out the purposes expressed in this amendment. This amendment is based on my resolution, House Concurrent Resolution 169, which enjoys significant bipartisan support.

It is estimated that over 250 Soviet Red Army defectors and POW's are in the hands of resistance forces. The resistance forces have indicated that they are willing to allow these young men to go to United States, but the U.S. Government has done nothing to make this happen. Only a handful of Soviet Red Army defectors have made it out of Afghanistan to freedom.

These young defectors and POW's are of many Soviet nationalities and face death or imprisonment if they are forced to return to the Soviet Union. One young Soviet defector from Afghanistan, Nikolay Ryzhkov, who was until recently living in New York, returned to the Soviet Union at the urging of Soviet KGB agents. He is now serving a 13-year "strict regime" prison camp sentence in Mordovia.

At the close of World War II, hundreds of thousands of Soviet POW's were forcibly repatriated to the Soviet Union in Operation Keelhaul, where most were killed or imprisoned because the Soviets regarded, and continue to regard, POW's as traitors. We may be at the close of another war and have it in our power to work to prevent history from repeating itself.

I thank the House for considering this amendment and look forward to its passage.

Mr. Chairman, I yield to the gentleman from California [Mr. Lagomarsino].

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman for yielding.

I want to commend the gentleman from Pennsylvania [Mr. Ritter] and the gentleman from Massachusetts [Mr. Frank] for the amendment that was just described. I strongly support it, and I urge the House to adopt it.

Mr. RITTER. Mr. Chairman, I thank the Chairman for his generosity.

Mr. DICKINSON. Mr. Chairman, I yield back the remainder of my time.

Mr. SMITH of New Jersey. Mr. Chairman, the amendment I am offering at this time authorizes the Navy to make a one-time appropriation as reimbursement to the Tinton Falls School District should any financial deficit be incurred as a result of the expansion of Naval Weapons Station Earle in Colts Neck, NJ. Mr. Chairman, I want to thank my good friend, Subcommittee Chairman Mavroules of Massachusetts, for his support, and the Rules Committee for making consideration of the amendment in order.

Over the last 2 years, Mr. Chairman, I have worked closely with my constituents in Colts Neck, the Navy and school officials in Tinton Falls to develop a workable solution whereby the Navy children receive quality education while not unduly burdening the local community. I believe the arrangement that we have worked out suffices in this regard. There are many in the loop who made considerable contributions to the resolution of what could have been a major crisis. A tremendous amount of credit must go, however, to immediate past mayor of Colts Neck, Hank Meisner, for his untiring and constructive efforts to find a solution to a thorny problem. I would also like to commend Ray Waters, immediate past president of the Tinton Falls Schools Board, for his diligence and creativity in providing the answer to the schooling dilemma.

To help put this entire matter into perspective, Mr. Chairman, I think it might be helpful to share some background regarding the situation at the Navy base. Naval Weapons Station-Earle spans both my district and District Three, that of our late colleague, Jim Howard. Due to the shortage of available housing and the pending relocation of two auxiliary oil and explosive [AOE] ships to Earle, the Navy has been authorized to build 500 units of housing. The units which were begun in 1986 will be built on base property which is physically situated within the Colts Neck School District.

Mr. Chairman, Colts Neck Township, the school board and concerned citizens filed suit against the Navy in February 1987 based on environmental and educational concerns. In March of last year, a court injunction, which halted the building of the homes was successful on the grounds that the Navy had violated several environmental regulations. These environmental issues are being resolved one by one and a settlement on the lawsuit is expected in the next few days.

With respect to the educational concerns, Mr. Chairman, the Tinton Falls School District has agreed to educate the children from Earle. The projected number of school-aged Navy children will increase from the current 76 to approximately 420. New Jersey Gov. Tom Kean recently signed into law the necessary legislation which permits the children who will technically live in the Colts Neck District to be educated in Tinton Falls. This new State law also allows Tinton Falls to receive its State-aid allocation upfront for school year 1988-89 instead of the usual payment in arrears. Mr. Chairman, this will help prevent an undue financial burden on the township in the startup year. Nonetheless, should the housing units not be complete by next March, which, regrettably, is the most likely scenario, the children then would not enroll in the spring 1989. The result would be that the State would withhold the Navy children's proportion of the State aid in school year 1989-90. The withdrawal of State aid for 1 year will essentially negate any benefits derived from the provision to receive the aid upfront in school year 1988-89. And I believe that would be very unfair to Tinton Falls.

Mr. Chairman, the amendment I am offering today will authorize the Navy to make a one-time appropriation as reimbursement to the school district should there be a financial deficit incurred due to the delay in arrival of the schoolchildren. The language of my amendment provides that the Secretary of the Navy will be required to make a determination that the funds are, indeed, needed before any disbursements are granted.

Mr. Chairman, it seems clear to me that Tinton Falls will only be able to educate the Navy children it has agreed to accept if funds are provided for the startup operating costs; that is, teachers, books, and supplies. Unless the Navy is authorized to provide such funds, Mr. Chairman, Tinton Falls could face a significant shortfall in revenue and the town would be required to increase property taxes. As you can imagine, Mr. Chairman, this undue financial burden is likely to foster ill feelings in the community and resentment against the Navy dependents, not to mention the detrimental effect on the quality of education for the children.

It has been a challenge, Mr. Chairman, to hammer out this agreement whereby the Navy children are afforded a quality education and, at the same time, the surrounding communities spared from a devastating financial burden. I am pleased that this amendment will provide an integral part of the solution and urge my colleagues to support the measure.

Mr. SPRATT. Mr. Chairman, I would like to address the Bennett amendment, dealing with defense industry profits, which was among those approved en bloc yesterday.

Profits made by contractors doing business with the Department of Defense have long been a matter of concern, and probably always will be. When I came to the Department of Defense [DOD] 20 years ago, to work for the Assistant Secretary of Defense, Comptroller, efforts were underway to revamp defense profit policy. It was then believed that if profits were keyed to the contractor's capital commitment to a contract, contractors could be induced to invest more capital, and if more capital were committed, cost efficiencies would be realized. Those efforts culminated in the weighted guidelines, adopted in the mid-1970's. Since then, there have been other profit studies, some conducted by DOD itself, others by the General Accounting Office, and at least one recently by an independent group on behalf of defense industry firms.0

Over the years, no one has ever quite settled all the issues involved. Not least among the unresolved issues is the most basic of all questions: What is the right rate of return for a defense contractor? Is the norm the rate earned by all durable manufacturers, or is defense business a species unto itself? Indeed, should there be differing profit rates among defense firms, in light of the disparities in technical complexity, project life, and risk among firms that vary from shipbuilding to tanks to microelectronics?

The Bennett amendment seems to stress return on assets, but is this the right return to focus on? The amendment does not foreclose other indices to profitability, but it also does not resolve which return on investment is the relevant return.

These are questions which frankly I think we should pursue in hearings before we finally enact this amendment into law. Fortunately, our colleague from Massachusetts [Mr. MAVROULES] as chairman of the Acquisition Panel, has scheduled such a hearing, and I am hopeful that we may address, if not answer, these and other unresolved issues about contractor profits before we go to conference.

When I was in the Department of Defense, I spent the better part of 2 years working on the financial and contractual problems of Lockheed Aircraft Corp. In order to understand Lockheed's financial problems, our team had to understand the L-1011, its wide-bodied commercial aircraft venture. We obtained from Lockheed significant details about firm sales and second buys; ship sets required for breakeven; and Lockheed's investment in research, development, and work-in-process for the L-1011. We encountered outside requests for disclosure of that data, which we declined, on the position that it was all proprietary. But in time, much of the data had to be revealed to Congress, and I daresay some of it probably reached Lockheed's commercial competitors. Based on that experience, I believe we should carefully guard the confidentiality of commercial data. The Bennett amendment recognizes that need and provides against disclosure. But from data that may be disclosed, profits on commercial work may still be discerned or inferred. Before we enact these provisions into law, I think we should make sure that even inadvertent disclosure of sensitive commercial data is avoided.

The Bennett amendment as passed corresponds closely to a substitute that I had considered offering if the gentleman offered his original profit-policy bill. Mr. BENNETT has since adopted many of the provisions in the substitute, and I think his amendment is improved. But I still believe the whole matter of defense profit policy and reporting bears further study and refinement. For example, the amendment passed yesterday calls for annual profit studies. Given the cycles in defense spending and in the economy, I think it would be wiser to collect the data annually, but do major studies of it over longer periods, at intervals of 3 to 4 years rather than annually.

Mr. Chairman, I believe we need to address issues like these before we finally enact this bill with its important policy implications into law; and I look forward to working with the gentleman from Florida to this end.

The CHAIRMAN. The question is on the en bloc amendments, as modified, offered by the gentleman from Wisconsin [Mr. ASPIN].

The en bloc amendments, as modified, were agreed to.

Mr. FRENZEL. Mr. Chairman, after the first day we worked on this bill, it became obvious that the rule was stifling or trivializing the debate on the Defense authorization. When the second rule, sillier than the first, came around, I voted against it. I am embarrassed to have voted for the first one.

We have been working on this bill for a week now. There has been plenty of debate; there have been plenty of votes. We have yet to talk much about the defense of our country or the items and costs of the bill.

The amendments are either within the jurisdiction of other committees, or are trifling. Arms control is an issue of critical importance, but has been trivialized by restricted debate with time available only to Armed Services Committee members, rather than the Foreign Affairs Committee members, or run-of-pile Congressmen like myself. The same criticism may be made of the Buy America amendments.

Today we, those of us on the Armed Services Committee that is, are debating trifling, micromanagement amendments or blue-sky, sense-of-Congress amendments that have real meaning only to their sponsors.

I would like to join the debate on military spending. I would like to listen to debate on systems or costs, or tradeoffs. Neither seems to be possible under the rule.

The right way to handle this bill is under an open rule with no waivers of germaneness or jurisdiction. The old-fashioned way is probably terrifying to the House leadership. It might cause issues to be raised, or arguments to be made, that aren't under leadership control through the rule.

It might take a few more days to finish the bill under an open rule. So what? We have not been overworked so far this year.

Every time this House votes to control, that means stifle, debate, it diminishes our procedures, our legislation, and our reputation. We gain nothing from this control, but we lose the very character and tradition of the House.

I know as much about the portions of the bill covered on days like last Friday when I was in Minnesota, as I do about the sections on which we are working today. I am left with no choice but to vote against the bill.

H.R. 4264 came to us from committee at a spending level agreed to at the summit last year. That was too high a level, and there have been limited opportunities for reductions. The costs are too dear and the procedures too unfair. I shall vote "no."

□ 1735

Mr. ASPIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mrs. BOXER] having assumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4264) to authorize appropriations for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, to amend the National Defense Authorization Act for fiscal years 1988 and 1989, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill, H.R. 4264.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMERICANS WITH DISABILITIES ACT OF 1988

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, I am pleased to join my colleagues in introducing the Americans with Disabilities Act of 1988.

More than a decade has elapsed since the passage of the landmark legislation that afforded disabled children the right to a free, appropriate public education. We have come a long way since disabled children were educated in school basements or hidden away in institutions.

But we have made little progress in offering these same children equal access to jobs, housing, or transportation once they leave school. In the real world, pervasive and unrelenting discrimination against individuals with disabilities is still a fact of life.

In 1973, Congress enacted section 504 of the Rehabilitation Act to protect the civil rights of disabled individuals—but only in agencies or organizations of the Federal Government or supported by the Federal Government.

As chairman of the Select Committee on Children, Youth, and Families, I am concerned about how we explain to children that their rights are protected only some of the time? How do we tell these children that the principle of equality matters only when Federal funds are specifically engaged?

The administration has hardly been a role model. In their proposal to withdraw Public Law 94-142's protective regulations, in their support of Grove City and in the shameful Presidential veto of the Civil Rights Act, and in their attempt to throw people off of SSI completely or reduce their benefits, they have demonstrated the official administration policy—to condone and carry out their own acts of blatant discrimination.

This legislation says to the administration, and to the Nation, that discrimination against individuals with disabilities is unacceptable anytime, anywhere, and under any circumstances.

To those who suggest that by giving disabled persons the right to enter the same buildings, live in the same neighborhoods, take the same planes and buses, or be able to enjoy the same TV shows that all citizens do is too costly, let them consider the billions of dollars that result from increased dependency, demoralization, and lost opportunities.

By denying basic rights, we are denying 36 million people with disabilities the right to be independent, productive, and economically self-sufficient.

The intent of the legislation is, however, to be reasonable in the pursuit of equality. The scope of discrimination prohibited is in line with other types of civil rights law. Only employers with 15 or more employees would be required to refrain from discriminatory hiring or workplace practices. In improving building accessibility, changes are not required if the existence of the business or facility is jeopardized. Mass transportation authorities would have up to 10 years to institute appropriate modifications.

I am not prepared, and I don't think the Nation is prepared, to tell disabled children that there are limits on their future, that there will be no protection from prejudicial attitudes or practices in the community or in the workplace, and that equality and free access are available only to some, and then only on certain occasions.

I want to thank my colleagues, especially Mr. COELHO, Mr. CONTE, and Mr. OWENS, for their leadership and for refusing to pass that kind of legacy on to the Nation's children. I pledge to work diligently for the bill's passage.

TRIBUTE TO LADY BIRD JOHNSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, I want to take a moment to say thank you to Lady Bird Johnson for all of her fine work. No one has done so much to make our country beautiful. Those of us who are fortunate enough to work in the Nation's Capital are the primary beneficiaries of her efforts. She has made our Capital a beautiful place. It was only about a block away from this Chamber that Lady Bird began her beautification program, and from that small beginning, grew a more attractive Nation. Lady Bird's efforts are not only part of our Nation's history, but are entangled in my family's history as well. My brother Stewart, as Secretary of the Interior, enacted much of the program which Lady Bird envisioned. Stewart always regarded that part of his job as a highlight of his service to this country. Lady Bird, our country owes you so much, and I am happy to see that we are beginning to pay our debt.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MACKAY] is recognized for 5 minutes.

Mr. MACKAY. Mr. Speaker, due to a previous committment I was forced to miss votes today. Had I been able to vote, I would have voted for H.R. 1811, for Mr. HUNTER's amendment to Mr. FOLEY's amendment, and for Mr. FOLEY's amendment as amended and against Mr. LOWRY's and Mr. MARKEY's amendments.

I appreciate the consideration of the Chair.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Alaska (at the request of Mr. MICHEL) for today, on account of official business.

Mr. WYLIE (at the request of Mr. MICHEL), for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Baker) to revise and extend their remarks and include extraneous material:)

Mr. Gingrich, for 60 minutes, today.

Mr. McEwen, for 5 minutes, today.

(The following Members (at the request of Mr. Skaggs) to revise and extend their remarks and include extraneous material:)

Mr. MacKay, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Miller of California, for 5 minutes, today.

Mr. Udall, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Baker) and to include extraneous matter:)

Mr. Dannemeyer.

Mr. Michel.

Mr. Gallo.

Mr. McEwen.

Mr. Smith of New Jersey in two instances.

Mr. Dornan of California.

Mr. Dannemeyer.

Mr. Rowland of Connecticut.

Mr. Sensenbrenner.

Mr. Bereuter in two instances.

(The following Members (at the request of Mr. Skaggs) and to include extraneous matter:)

Mr. Anderson in 10 instances.

Mr. Gonzalez in 10 instances.

Mrs. Lloyd in five instances.

Mr. Hamilton in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Mr. Jones of Tennessee in 10 instances.

Mr. de la Garza in 10 instances.

Mr. Smith of Florida.

Mr. Skelton.

Mr. McMillen.

Mrs. Schroeder.

Mr. Mrazek.

Mr. Roe.

Mr. Erdreich in two instances.

Mr. Skaggs in two instances.

Mr. Torricelli.

Ms. Slaughter of New York.

Mr. Rangel.

Mr. Kennedy.

Mr. Mazzoli.

Mr. Kildee.

Mr. Moakley.

Mr. Dellums.

Mr. Traxler.

Mr. Bosco.

Mr. Conyers.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1828. An act for the relief of San Juan County Nursing Home, of Blanding, UT; to the Committee on Energy and Commerce.

S. 1886. An act to modernize and reform the regulation of financial services, to strengthen the enforcement authority of depository institution regulating agencies, and for other purposes; to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

S. 2049. An act to establish an independent Commission on the Veterans' Administration Home Loan Guaranty Program; to amend title 38, United States Code, to authorize reductions in the interest rate on loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to establish creditworthiness requirements and require a 0.5 per centum fee for assumptions of such loans other than those sold without recourse, and for other purposes; to the Committee on Veterans' Affairs.

S. Con. Res. 95. Concurrent resolution to express the sense of the Congress with respect to the denial of health insurance coverage for disabled adopted children; to the Committee on Energy and Commerce.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 2273. An act to provide for the transfer of certain funds to the Secretary of the Interior for the benefit of certain members of the Crow tribe, and

S.J. Res. 59. Joint resolution to designate the month of May 1988 as "National Foster Care Month."

ADJOURNMENT

Mr. SKAGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 3, 1988, at 12 noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the third and fourth quarters of calendar year 1987 and the first quarter of calendar year 1988 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Delegations expenses			England								
Local transportation	7/2	7/5						5,944.32		5,944.32	
Control room	7/2	7/5							2,085.47		2,085.47
Delegations expenses			France								
Local transportation	7/5	7/7							1,040.35		1,040.35
Control room	7/5	7/7							1,178.60		1,178.60
Committee total									10,248.74		10,248.74

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM H. GRAY III, Chairman, Apr. 21, 1988.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Paul McNulty, staff	7/12	7/17	Costa Rica		792.00						792.00
Commercial transportation							734.00				734.00
Hayden Gregory, staff	7/12	7/18	Costa Rica		792.00		224.63		107.07		1,123.70

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1987—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial transportation							718.26				718.26
Rafael Maestri, staff	7/12	7/18	Costa Rica		792.00		21.60				813.60
Commercial transportation							478.00				478.00
Committee total					2,376,00		2,176.49		107.07		4,659.56

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PETER W. RODINO, JR., Chairman.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. William D. Ford	8/20	8/25	Great Britain				1,570.00		17.55		1,587.55
Hon. Gary L. Ackerman	8/18	8/21	Great Britain				942.00		17.55		959.55
Committee total							2,512.00		35.10		2,547.10

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM D. FORD, Chairman, Apr. 20, 1988.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Wise, Samuel G	6/21	8/1	Austria						[3] 5,171.26		[3] 5,171.26
Committee total									5,171.26		5,171.26

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Hotel expenses.

STENY H. HOYER, Apr. 12, 1988.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Wise, Samuel G.	9/14	10/17	Austria						[3] 4,753.03		[3] 4,753.03
	10/24	12/18	Austria						[3] 8,137.51		[3] 8,137.51
Committee total									12,890.54		12,890.54

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Hotel expenses.

STENY H. HOYER, Apr. 12, 1988.

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Harold L. Volkmer	1/6	1/7	El Salvador		110.00						110.00
	1/7	1/9	Tahiti		350.00						350.00
	1/10	1/13	New Zealand		504.00						504.00
	1/13	1/17	Australia		562.00						562.00
	1/17	1/19	Papua New Guinea		322.00						322.00
	1/19	1/21	Taiwan		364.00						364.00
	1/21	1/24	South Korea		447.00						447.00
Military transportation							8.500.00				8,500.00
Hon. E. Thomas Coleman	1/9	1/13	West Germany		872.00						872.00
	1/13	1/17	Soviet Union		708.00				26.57		734.57
	1/17	1/20	Czechoslovakia		442.00						442.00
Commercial transportation							962.00				962.00
William O'Conner	2/1	2/6	Singapore		864.00						864.00
	2/6	2/10	Hong Kong		8,268	1,060.00					1,060.00
Commercial transportation							2,612.00				2,612.00
A.M. Castillo	2/4	2/5	West Germany		336.21	199.00					199.00
	2/6	2/15	Italy	2,325.655	1,865.00						1,865.00
Commercial transportation							3,943.00				3,943.00
Timothy Galvin	2/4	2/5	West Germany	336.21	199.00						199.00
	2/6	2/15	Italy	2,325.655	1,865.00						1,865.00
Commercial transportation							3,943.00				3,943.00
Hon. Arlan Stangeland	2/25	2/26	Sweden	3,027.80	502.00						502.00
	2/27	2/29	Norway	3,823.80	600.00						600.00
Commercial transportation							4,090.00				4,090.00
Hon. Edward R. Madigan	1/6	1/8	Hong Kong								
	1/11	1/12	Hong Kong	4,948.10	636.00						636.00
	1/8	1/11	China	1,625	438.00						438.00
Commercial transportation							305.40				305.40
Codel:											
Diane Liesman	1/6	1/8	Hong Kong								
	1/11	1/12	Hong Kong	4,948.10	636.00						636.00
	1/8	1/11	China	1,625	438.00						438.00
Commercial transportation							305.40				305.40
Jacqueline Parke											
	1/6	1/8	Hong Kong								
	1/11	1/12	Hong Kong	4,948.10	636.00						636.00
	1/8	1/11	China	1,625	438.00						438.00
Commercial transportation							305.40				305.40
Charles Hilty	1/6	1/8	Hong Kong								
	1/11	1/13	Hong Kong								
	1/17	1/19	Hong Kong	9,896.10	1,272.00						1,272.00
	1/8	1/11	China	1,625	438.00						438.00
	1/13	1/17	Philippines	13,941.96	670.00						670.00
Commercial transportation							538.85				538.85
Codel Madigan other expenses:											
Local transportation							1,018.75				1.018.75
Foreign Service personnel									117.53		117.53
Miscellaneous (telephone)									186.02		186.02
Hon. Robin Tallon	3/6	3/8	Switzerland		410.00						410.00
Military transportation							5,531.00				5,531.00
Hon. James R. Olin	3/6	3/8	Switzerland		275.86						275.86
Military transportation							5,531.00				5,531.00
Hon. Arlan Stangeland	3/6	3/8	Switzerland		410.00						410.00
Military transportation							5,531.00				5,531.00
Hon. Bill Emerson	3/6	3/8	Switzerland		410.00						410.00
Military transportation							5,531.00				5,531.00
Hon. Robert F. Smith	3/6	3/8	Switzerland		410.00						410.00
Military transportation							5,531.00				5,531.00
Committee total					19,352.86		54,178.80		330.12		73,861.78

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1988

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Marge Roukema	1/4	1/6	Sao Paulo Brazil		308.00						308.00
	1/6	1/8	Buenos Aires, Argentina		405.00				77.48		482.48
	1/8	1/9	Santiago, Chile		139.00		[3] 3,606.87		[4] 24.86		3,770.73
Hon. Bruce Vento	1/4	1/6	Sao Paulo, Brazil		308.00						308.00
	1/6	1/8	Buenos Aires, Argentina		405.00				77.48		482.48
	1/8	1/9	Santiago, Chile		139.00		[3] 3,606.87		[4] 24.86		3,770.73
Hon. Pat Swindall	1/4	1/6	San Paulo, Brazil		308.00						308.00
	1/6	1/8	Buenos Aires, Argentina		405.00				77.48		482.48
	1/8	1/9	Santiago, Chile		139.00		[3] 3,606.87		[4] 24.86		3,770.73
Hon. Thomas Manton	1/4	1/6	Sao Paulo, Brazil		308.00						308.00
	1/6	1/8	Buenos Aires, Argentina		405.00				77.48		482.48
	1/8	1/8	Santiago, Chile		139.00		[3] 3,606.87		[4] 24.86		3,770.73
Hon. Gerald Kleczka	1/4	1/6	Sao Paulo, Brazil		308.00						308.00
	1/6	1/8	Buenos Aires, Argentina		405.00				77.48		482.48
	1/8	1/9	Santiago, Chile		139.00		[3] 3,606.87		[4] 24.86		3,770.73
Hon. Tom McMillen	1/4	1/6	Sao Paulo, Brazil		308.00						308.00
	1/6	1/8	Buenos Aires, Argentina		405.00				77.48		482.48
	1/8	1/9	Santiago, Chile		139.00		[3] 3,606.87		[4] 24.86		3,770.73
Hon. Walter Fauntroy	1/5	1/7	Barbados				[5] 780.00		[4] 21.00		801.00
Hon. Pat Swindall	1/20	1/27	Peoples Republic China		1,113.07						1,113.07
	1/27	1/29	Republic of Korea		166.00		[3] 14,461.90				14,627.90
Hon. Kweisi Mfume	2/4	2/8	Barbados		779.00		[3] 14,484.22				15,263.22
Hon. George Wortley	2/14	2/16	Madrid, Spain		303.72						303.72
	2/16	2/18	Paris, France		476.55				23.30		499.85
	2/18	2/19	Milan, Italy		674.78		[5] 2,736.87				3,411.65
Hon. Walter Fauntroy	3/20	3/22	Caracas, Venezuela		250.00		[5] 1,162.00				1,412.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1988—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Alfred McCandless	3/18	3/21	Caracas, Venezuela		375.00		[5] 813.00				1,188.00
Robert Browne	3/19	3/24	Caracas, Venezuela		625.00		[5] 806.00				1,431.00
Marc Constantine	3/19	3/24	Caracas, Venezuela		625.00		[5] 806.00				1,431.00
Committee total					6,240.12		39,656.86		146.64		49,043.62

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.
[4] Ground transportation.
[5] Commercial transportation.

FERNAND J. ST GERMAIN, Chairman, Apr. 27, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Congressman Martin Frost	2/14	2/16	Spain		415.84						415.84
	2/17	2/18	France		582.45				207.67		790.12
	2/19	2/20	Italy		885.39						885.39
Commercial transportation							2,303.88				2,303.88
Patrick Bogenberger	1/2	1/4	Hong Kong		324.00						324.00
	1/4	1/7	China (PRC)		404.00						404.00
	1/7	1/8	Japan		242.00						242.00
	1/8	1/11	South Korea		348.00						348.00
	1/11	1/12	Philppines		134.00						134.00
Department of Army transportation							2,139.56				2,139.56
Peter Storm	1-30	2-2	Austria		578.00						578.00
	2-2	2-4	Italy		418.00						418.00
	2-4	2-6	Germany		402.00						402.00
	2-6	2-9	England		790.00				66.55		856.55
Commercial carrier (Pan Am)							2,429.00				2,429.00
Lawrence Adams	1-3	2-2	Austria		578.00						578.00
	2-2	2-4	Italy		418.00						418.00
	2-4	2-6	Germany		402.00						402.00
	2-6	2-9	England		790.00						790.00
Commercial carrier (Pan Am)							2,429.00				2,429.00
Linda Hartke			Thailand								
	1/2	1/15	Bangkok		2,499		[3] 3,034.00				5,533.00
			Chiang-Kham				[4] 124.31				124.31
			Chiang-Rai								
			Hat Yai								
			Phuket								
	1/15	1/16	Laos, Vientiane								
	1/16	1/19	Thailand				[4] 86.11				86.11
Committee total					10,210.68		12,545.86		340.77		23,030.76

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Commercial air transportation.
[4] Local transportation.

WILLIAM H. GRAY III, Chairman, Apr. 21, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Patricia Morrisey	3/22	3/30	Italy		800.00		1,355.00				2,155.00
Ricardo Martinez	3/19	3/25	France		1,000.00		907.00				1,907.00
Lawrence Zaglaniczny	3/17	3/26	France		1,000.00		818.00				1,818.00
Hon. Tom Sawyer	1/9	1/13	West Germany	1,442.29	1,085.00		[3] 1,105.00				2,190.00
	1/13	1/17	Soviet Union		708.00		[4] 846.00		26.57		1,580.57
Committee total					4,593.00		5,031.00		26.57		9,650.57

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation, U.S./Europe and in Europe.
[4] Commercial transportation, Europe/U.S.

AUGUSTUS F. HAWKINS, Chairman, Apr. 25, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ackerman, G	3/23	3/25	Panama		212.00						212.00
Military transportation							4,599.10				4,599.10
Andross, S	2/8	2/9	France		248.00						248.00
	2/9	2/11	Italy		418.00						418.00
	2/11	2/13	England		506.00						506.00
Commercial transportation							2,430.90				2,430.90
Agris, N	3/23	3/25	Panama		212.00						212.00
Military transportation							4,599.10				4,599.10
Atkins, C	1/4	1/19	Thailand		1,176.00						1,176.00
	1/12	1/15	Vietnam		441.00		534.05				975.05
	1/15	1/16	Laos		73.50		87.00				160.50
	1/16	1/19	Thailand		441.00		753.01		496.97		1,690.98
Commercial transportation							4,741.25				4,741.25
Bereuter, D	1/20	1/27	PRC (China)		1,113.07						1,113.07
	1/27	1/29	South Korea		332.00						332.00
Military transportation							14,461.90				14,461.90
	3/5	3/8	Switzerland		420.00						420.00
White House transportation							4,467.00				4,467.00
Berry, S	1/20	1/27	PRC (China)		1,113.07						1,113.07
	1/27	1/29	South Korea		332.00						332.00
Military transportation							14,461.90				14,461.90
	2/29	3/2	Switzerland		426.00						426.00
Military transportation							7,085.10				7,085.10
Biegun, S	1/20	1/27	PRC (China)		1,113.07						1,113.07
	1/27	1/29	South Korea		332.00						332.00
Military transportation							14,461.90				14,461.90
Bolognese, K	1/31	2/4	Switzerland		800.00						800.00
Commercial transportation							3,871.00				3,871.00
Boyer, R.K	1/10	1/13	Yugoslavia		462.00		58.97				520.97
	1/13	1/14	Poland		139.50						139.50
	1/14	1/16	West Germany		398.00						398.00
	1/16	1/20	England		968.00		181.97				1,149.97
Commercial transportation							3,723.00				3,723.00
Bowman, M	2/4	2/8	Barbados		779.00						779.00
Military transportation							1,484.22				1,484.22
Broomfield, W	2/29	3/2	Switzerland		426.00						426.00
Military transportation							7,085.10				7,085.10
Bruce, T	3/7	3/11	South Korea		498.00						498.00
	3/11	3/14	Hong Kong		636.00						636.00
	3/14	3/17	Singapore		432.00						432.00
Commercial transportation							4,660.00				4,660.00
Bush, R	1/6	1/17	Philippines		1,474.00		337.67		258.00		2,069.67
	1/17	1/20	Taiwan		647.00						647.00
	1/20	1/23	Japan		876.00				920.92		1,796.92
Commercial transportation							3,995.00				3,995.00
Calabia, D	1/4	1/19	Thailand		2,205.00		747.00		496.97		3,448.97
	1/12	1/15	Vietnam				150.00				150.00
	1/15	1/16	Laos								
Commercial transportation							4,541.00				4,541.00
	2/2	2/7	India		[3] 272.67						272.67
Commercial transportation							3,019.00				3,019.00
Chambers, F.M	1/10	1/14	Paraguay		500.00						500.00
	1/15	1/17	Panama		294.00						294.00
	1/17	1/20	Costa Rica		528.00				82.19		610.19
	1/20	1/22	Honduras		426.00						426.00
Commercial transportation							3,477.00				3,477.00
Crockett, GW	1/6	1/7	El Salvador		110.00						110.00
	1/7	1/9	Tahiti		350.00						350.00
	1/10	1/13	New Zealand		486.00						486.00
	1/13	1/17	Australia		528.00						528.00
	1/17	1/19	Papua, New Guinea		363.00						363.00
	1/19	1/21	Taiwan		364.00						364.00
	1/21	1/24	Korea		447.00						447.00
Military transportation							8,500.00				8,500.00
	2/4	2/8	Barbados		779.00						779.00
Military transportation							1,484.22				1,484.22
Daoust, E	1/9	1/13	West Germany		1,085.00						1,085.00
	1/13	1/17	Soviet Union		708.00				26.57		734.57
	1/17	1/20	Czechoslovakia		442.00						442.00
Commercial transportation							3,401.00				3,401.00
Military transportation							1,105.00				1,105.00
Donovan, M	2/29	3/2	Switzerland		426.00						426.00
Military transportation							7,085.10				7,085.10
Dornan, R	1/18	1/19	Nicaragua								
	1/19	1/20	Honduras								
Commercial transportation							852.11				852.11
	3/23	3/25	Honduras								
Military transportation 1 way							1,566.18				1,566.18
Commercial transportation 1 way							250.00				250.00
Dunman, T	3/23	8/25	Panama		212.00						212.00
Military transportation							4,599.10				4,599.10
Dymally, M	1/4	1/10	Zaire		1,126.00						1,126.00
	1/10	1/11	Belgium		195.00						195.00
	1/11	1/13	Israel		225.00						225.00
	1/14	1/14	Jordan		107.00		88.95				195.95
	1/14	1/16	Saudi Arabia		[3] 468.00		96.00				564.00
Commercial transportation							2,903.20				2,903.20
Eckert, S	1/11/	1/16	Japan		1,752.00				13.20		1,765.20
Commercial transportation							2,019.00				2,019.00
Fascell, D	2/4	2/8	Barbados		779.00						779.00
Military transportation							1,484.22				1,484.22
	2/29	3/2	Switzerland		[3] 207.44						207.44
Military transportation							7,085.10				7,085.10
Finley, M	1/19	1/25	Portugal		[3] 624.70						624.70
Commercial transportation							4,053.00				4,053.00
	2/4	2/8	Barbados		[3] 612.77						612.77
Military transportation							1,484.22				1,484.22
	2/29	3/2	Switzerland		[3] 335.55						335.55
Military transportation							7,085.10				7,085.10
Finn, D	1/11	1/11	England		121.00						121.00
	1/13	1/21	South Africa		[3] 994.00						994.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1988—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial transportation							4,468.00				4,468.00
Fite, W	1/13	1/14	Belgium		195.00						195.00
	1/14	1/17	France		582.00		43.65				625.65
	1/17	1/20	Soviet Union		550.00						550.00
	1/20	1/21	Austria		191.00						191.00
	1/21	1/24	Germany		675.00		65.60				740.60
	1/24	1/27	England		726.00						726.00
Commercial transportation							4,583.00				4,583.00
Ford, B	1/9	1/13	Germany		1,085.00						1,085.00
	1/13	1/17	Soviet Union		708.00		26.57				734.57
	1/17	1/20	Czechoslovakia		442.00						442.00
Commercial transportation							3,401.00				3,401.00
Military transportation							1,105.00				1,105.00
Fuster, J	1/4	1/6	Brazil		308.00						308.00
	1/6	1/8	Argentina		405.00						405.00
	1/8	1/9	Chile		139.00		26.53		77.48		243.01
Military transportation							3,606.87				3,606.87
Galey, M	2/29	3/2	Switzerland		[3] 267.76						267.76
Military Transportation							7,085.10				7,085.10
Gilman, B	1/9	1/13	Germany		1,278.00						1,278.00
	1/13	1/17	Soviet Union		708.00				26.57		734.57
Commercial transportation							1,766.00				1,766.00
Military transportation							1,105.00				1,105.00
Goodman, M	3/23	3/31	India		[3] 902.82						902.82
Commercial transportation							5,568.00				5,568.00
Grunberg, C	1/11	1/17	Japan		1,752.00				13.20		1,765.20
Commercial transportation							2,019.00				2,019.00
Hickey, D	2/4	2/8	Barbados		779.00						779.00
Military transportation							1,484.22				1,484.22
Huber, R	1/9	1/13	Germany		1,085.00						1,085.00
	1/13	1/17	Soviet Union		708.00				26.57		734.57
	1/17	1/20	Czechosolvakia		442.00						442.00
Commercial transportation							3,401.00				3,401.00
Military transportation							1,105.00				1,105.00
Inglee, W	1/13	1/14	Belgium		195.00						195.00
	1/14	1/20	Soviet Union		[3] 1,100.00						1,100.00
	1/20	1/21	Austria		191.00						191.00
	1/21	1/24	West Germany		675.00						675.00
	1/24	1/26	England		484.99						484.99
Commercial transportation							4,583.00				4,583.00
Ingram, G	2/4	2/8	Barbados		779.00						779.00
Military transportation							1,484.22				1,484.22
Jackson, D	1/9	1/13	West Germany		1,085.00						1,085.00
	1/13	1/17	Soviet Union		708.00				26.57		734.57
	1/17	1/20	Czechosolvakia		442.00						442.00
Commercial transportation 1 way							3,401.00				3,401.00
Military transportation 1 way							1,105.00				1,105.00
Jenkins, R	1/10	1/14	Paraguay		500.00						500.00
	1/15	1/16	Panama		294.00						294.00
	1/16	1/20	Costa Rica		528.00				82.19		610.19
	1/20	1/22	Honduras		426.00						426.00
Commercial transportation							3,477.00				3,477.00
Kostmayer, P	3/23	3/25	Panama		212.00						212.00
Military transportation							4,599.10				4,599.10
Lantos, T	1/9	1/13	West Germany		872.00						872.00
	1/13	1/17	Soviet Union		708.00		26.57				734.57
	1/17	1/19	Czechoslovakia		328.00						328.00
Commercial transportation 1 way							1,303.58				1,303.58
Military transportation 1 way							1,105.00				1,105.00
Levine, M	1/3	1/10	Israel		1,120.00						1,120.00
	1/10	1/10	Jordan		164.00		45.01		49.86		258.87
	1/10	1/12	Iraq		200.00		353.89				553.89
	1/12	1/13	Kuwait		228.00				22.85		250.85
	1/13	1/15	Bahrain		208.00				367.18		575.18
	1/15	1/16	Saudi Arabia		180.00						180.00
	1/16	1/19	Oman		485.00				215.43		700.43
Commercial transportation							4,805.00				4,805.00
Lonie, D	1/20	1/27	PRC (China)		[3] 663.07						663.07
	1/27	1/29	South Korea		332.00						332.00
Military transportation							14,461.90				14.461.90
Lukens, D	12/23	12/27	Czechoslovakia		632.00						632.00
	12/27	1/2	Hungary		1,036.00						1,036.00
Commercial transportation							1,999.10				1,999.10
Mack, C	3/17	3/19	Panama		63.25						63.25
No transportation cost											—
Miller, J	1/9	1/13	West Germany		872.00						872.00
	1/13	1/17	Soviet Union		708.00				26.57		734.57
	1/17	1/20	Czechoslovakia		442.00						442.00
Commercial transportation 1 way							1,383.00				1,383.00
Military transportation 1 way							1,105.00				1,105.00
Morrison, S	1/12	1/13	Italy		700.00						700.00
	1/14	1/21	Angola		700.00						700.00
	1/21	1/22	Brazil		700.00						700.00
Commercial transportation							4,254.00				4,254.00
Nellius, R	2/4	2/8	Barbados		[3] 535.82						535.82
Military transportation							1,484.22				1,484.22
Oliver, R.S.	2/11	2/13	Belgium		394.00						394.00
	2/13	2/17	France		992.00						992.00
	2/17	2/17	Switzerland		—		37.14				37.14
	2/17	2/20	Austria		588.00				103.71		691.71
Commercial transportation							2,976.34				2,976.34
	3/7	3/8	Belgium		195.00						195.00
	3/8	3/12	Soviet Union		750.00						750.00
Commercial transportation							4,364.00				4,364.00
Owens, W	2/14	2/14	Egypt								
No transportation cost											
Paolo, B	1/31	2/4	Switzerland		800.00						800.00
Commercial transportation							3,871.00				3,871.00
Peckham, G	1/11	1/11	England		121.00						121.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1988—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	1/13	1/21	South Africa		1,309.00						[3] 1,309.00
Commercial transportation							4,529.00				4,529.00
Peel, K	1/10	1/13	Yugoslavia		462 00		58.97				520.97
	1/13	1/14	Poland		139.00						139.50
	1/14	1/16	West Germany		398.00						398.00
	1/16	1/21	England		1,210.00						1,210.00
Commercial transportation							3,723.00				3,723.00
Quilter, P	2/4	2/8	Barbados		779.00						779.00
Military transportation							1,484.22				1,484.22
Roberts, A	1/7	1/11	Korea		664.00						664.00
	1/11	1/15	Japan		1,460.00						1,460.00
	1/16	1/21	Thailand		735.00				103.24		838.24
Commercial transportation							4,762.00				4,762.00
Roth, S	1/3	1/4	Singapore		140.00						140.00
	1/4	1/7	Korea		498.00						498.00
	1/7	1/16	Philippines		[3] 657.04		337.67		258.00		1,252.71
Commercial transportation							4,898.00				4,898.00
Roth, T	2/4	2/8	Barbados		779.00						779.00
Military transportation							1,484.22				1,484.22
Smith, C	1/7	1/8	Romania		256.00						256.00
	1/8	1/9	Germany		175.00						175.00
Commercial transportation							2,715.00				2,715.00
Smith, L	1/3	1/14	Israel		1,760.00						1,760.00
Commercial transportation							3,879.00				3,879.00
Snowe, O	1/10	1/13	Yugoslavia		462.00		58.97				520.97
	1/13	1/14	Poland		139.50						139.50
	1/14	1/16	Germany		398.00						398.00
Commercial transportation							3,647.00				3,647.00
Solarz, S	1/3	1/4	Singapore		140.00						140.00
	1/4	1/7	Korea		498.00						498.00
	1/7	1/17	Philippines		1,474.00		337.67		258.00		2,069.67
	1/17	1/20	Taiwan		647.00		104.27		1,955.41		2,706.68
	1/20	1/23	Japan		876.00						876.00
Commercial transportation							4,898.00				4,898.00
	2/5	2/7	Germany		603.0.0						603.00
Military transportation							3,432,15				3,432,15
Solomon, G	1/20	1/27	PRC (China)		1,113.07						1,113.07
	1/27	1/29	Korea		332.00						332.00
Military transportation							14,461.90				14,461.90
Spalatin, I	1/13	1/14	Belgium		195.00						195.00
	1/14	1/16	France		244.00		43.65				287.65
	1/16	1/20	Soviet Union		75.000		70.00				820.00
	1/20	1/21	Austria		191.00		84.20				275.20
	1/21	1/24	Germany		675.50		65.60				741.10
	1/24	1/27	England		726.00						726.00
Commercial transportation							4,583.00				4,583.00
Sprunger, C	1/2	1/4	Hong Kong		324.00						324.00
	1/4	1/7	PRC (China)		[3] 329.00						329.00
	1/7	1/8	Japan		242.00						242.00
	1/8	1/11	Korea		[3] 298.00						298.00
	1/11	1/12	Philippines		[3] 84.00						84.00
Commercial transportation							2,139.56				2,139.56
Torricelli, R	1/10	1/11	Jordan				45.01		49.86		94.87
	1/11	1/12	Iraq		100.00		458.10				558.10
	1/12	1/12	Kuwait		228.00				22.85		250.85
	1/13	1/15	Bahrain		208.00		367.18				575.18
	1/15	1/16	Saudi Arabia		180.00						180.00
	1/16	1/19	Oman		485.00		215.43				700.43
Commercial transportation							7,203.51				7,203.51
Verstandig, T	1/10	1/13	Yugoslavia		462.00		58.97				520.97
	1/13	1/141	Poland		139.50						139.50
	1/14	1/16	Germany		398.00						398.00
	1/16	1/20	England		968.00						968.00
Commercial transportation							3,723.00				3,723.00
Watson, L	2/4	2/8	Barbados		779.00						779.00
Military transportation							1,484.22				1,484.22
Weinberg, H	1/9	1/13	Germany		1,065.00						1,065.00
	1/13	1/17	Soviet Union		708.00				26.57		734.57
	1/17	1/19	Czechoslovakia		328.00						328.00
Commercial transportation							4,577.00				4,577.00
Military transportation							1,105.00				1,105.00
	1/19	1/21	Austria		382.00		17.43		206.00		605.43
	1/21	1/23	Germany		386.00		60.16		100.00		546.16
Weiss, T	2/4	2/8	Barbados		779.00						779.00
Military transportation							1,484.22				1,484.22
White, J	1/11	1/17	Japan		1,752.00				13.20		1,765.20
Commercial transportation							2,019.00				2,019.00
	2/4	2/8	Barbados		779.00						779.00
Military transportation							1,484.22				1,484.22
Wilkens, K	1/9	1/13	Germany		872.00						872.00
	1/14	1/16	France		488.00						488.00
	1/16	1/20	Soviet Union		750.00						750.00
	1/20	1/21	Austria		191.00						191.00
	1/21	1/24	Germany		675.00		25.60				701.10
	1/24	1/27	England		[3] 534.00						534.00
Commercial transportation							4,701.90				4,701.90
Military transportation							1,105.00				1,105.00
Wright, J	1/13	1/14	Belgium		195.00						195.00
	1/14	1/16	France		244.00		43.65				287.65
	1/16	1/20	Soviet Union		750.00		70.00				820.00
	1/20	1/21	Austria		191.00		84.20				275.20
	1/21	1/24	Germany		675.00		65.60				740.60
	1/24	1/27	England		726.00						726.00
Commercial transportation							4,583.00				4,583.00
Committee total					111,363.66		365,016.70		6,326.13		482,706.49

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Represents refunds of unused per diem.

DANTE B. FASCELL, Chairman, Apr. 29, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. William Clinger, Jr	1/9	1/13	West Germany	1,442.29	872.00					1,442.29	872.00
	1/13	1/17	Soviet Union		708.00				26.57		734.57
	1/17	1/20	Czechoslovakia		442.00						442.00
Commercial airfare							640.56				640.56
Military airfare							1,105.00				1,105.00
Committee total					2,022.00		1,745.56		26.57		3,794.13

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK BROOKS, Chairman, Apr. 20, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Barbara Vucanovich	1/20	1/27	People's Republic of China		1,113.07						1,113.07
	1/27	1/29	South Korea		332.00						332.00
Committee total					1,445.07						1,445.07

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MORRIS K. UDALL, Chairman, Apr. 11, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1988.

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Andrew Feinstein	2/9	2/16	Japan	233,748	1,812.00					233,748	1,812.00
Commercial transportation							4,225.00				4,225.00
Kristin Gilbert	3/22	3/29	Italy		700.00		114.75				814.75
Commercial transportation							1,423.68				1,423.68
Committee total					2,512.00		5,763.43				8,275.43

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM D. FORD, Chairman, Apr. 12, 1988.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3541. A communication from the President of the United States, transmitting the fiscal year 1989 budget of the District of Columbia and revised fiscal year 1988 request, pursuant to Public Law 93-198, section 446 (87 Stat. 806); Public Law 98-473, section 101(b) (98 Stat. 1837) (H. Doc. No. 100-188); to the Committee on Appropriations and ordered to be printed.

3542. A letter from the Assistant General Counsel (Legal Counsel), Department of Defense, transmitting a report of individuals who filed DD Form 1787, report of DOD and defense related employment, for fiscal year 1987, pursuant to 10 U.S.C. 2397(e); to the Committee on Armed Services.

3543. A letter from the Deputy Secretary of Defense, transmitting notification of the transfer of funds in support of the Nicaraguan Democratic Resistance, pursuant to 10 U.S.C. 114nt.; to the Committee on Armed Services.

3544. A letter from the Assistant Secretary of Defense (Force Management and Personnel), transmitting the defense manpower requirements report for fiscal year 1989, which in conjunction with Secretary Carlucci's annual report to the Congress for fiscal year 1988, addresses the Department's total manpower resources, pursuant to 10 U.S.C. 115(b)(3); to the Committee on Armed Services.

3545. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the Soviet ballistic missile test near Hawaii, pursuant to Public Law 100-204, section 1201(b)(3) (101 Stat. 1410); to the Committee on Foreign Affairs.

3546. A communication from the President of the United States, transmitting a report on developments since his last report of October 30, 1987, concerning the national emergency with respect to Nicaragua, pursuant to 50 U.S.C. 1641(c) and 1703(c) (H. Doc. No. 100-190); to the Committee on Foreign Affairs and ordered to be printed.

3547. A letter from the Deputy Assistant Secretary of Defense, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3548. A letter from the Secretary of Health and Human Services, transmitting the twenty-first in a series of reports on refugee resettlement in the United States covering the period October 1, 1986 through September 30, 1987, pursuant to 8 U.S.C. 1523(a); to the Committee on the Judiciary.

3549. A letter from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting copies of the grants of suspension of deportation of certain aliens, pursuant to 8 U.S.C. 1254(c); to the Committee on the Judiciary.

3550. A communication from the President of the United States, transmitting notification of his intent to remove Brunei Darussalam, Bermuda, Bahrain, and Nauru from the list of beneficiary developing countries under the generalized system of preference [GSP], pursuant to 19 U.S.C. 2462(a) (H. Doc. No. 100-189); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROE: Committee on Space, Science, and Technology. H.R. 2737. A bill to direct the cooperation of certain Federal entities in the implementation of the Continental Scientific Drilling Program; with amendments (Rept. 100-580, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FRENZEL:

H.R. 4504. A bill relating to the temporary tariff treatment of impact line printers; to the Committee on Ways and Means.

By Mrs. LLOYD:

H.R. 4505. A bill to authorize appropriations to the Department of Energy for civilian research and development programs for fiscal year 1989; to the Committee on Science, Space, and Technology.

By Mr. RITTER:

H.R. 4506. A bill to amend the Internal Revenue Code of 1986 to allow individuals to withdraw not more than $4,000 from their individual retirement accounts within a 2-year period for the purpose of obtaining job training or retraining, without incurring additional tax; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 4507. A bill to amend the Internal Revenue Code of 1986 to remove certain limitations on charitable contributions of certain items; to the Committee on Ways and Means.

By Mr. SKAGGS:

H.R. 4508. A bill to provide for independent health and safety regulation of Department of Energy nuclear facilities; jointly, to the Committees on Energy and Commerce, Armed Services, and Interior and Insular Affairs.

By Mr. ATKINS:

H.J. Res. 561. Joint resolution to designate the week beginning September 11, 1988, as "Let's Face It Week"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

345. By the SPEAKER: Memorial of the Legislature of the State of New Hampshire, relative to adjustment of the shelter deduction permitted under the Food Stamp Program; to the Committee on Agriculture.

346. Also, memorial of the House of Representatives of the State of Florida, relative to deferring OCS oil and gas lease sale 116 scheduled for November 1988; to the Committee on Interior and Insular Affairs.

347. Also, memorial of the General Assembly of the State of Delaware, relative to a constitutional amendment prohibiting Federal taxation of State and local government bonds; to the Committee on the Judiciary.

348. Also, memorial of the Legislature of the State of New Hampshire, relative to legislation requiring Federal review and a delay in the imposition or increase of airport fees; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII:

Mr. OBERSTAR introduced a bill (H.R. 4509) for the relief of John A Smrekar; which was referred to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 81: Mr. Morrison of Washington and Mr. Davis of Michigan.

H.R. 245: Mr. Kyl and Mrs. Meyers of Kansas.

H.R. 551: Mrs. Vucanovich and Mr. Donnelly.

H.R. 631: Mr. MacKay.

H.R. 632: Mr. Chandler.

H.R. 1036: Mrs. Boxer.

H.R. 2580: Mr. Lungren.

H.R. 2999: Mr. Markey, Mr. Moody, Mr. Hockbrueckner, Mr. Goodling, Mr. Gray of Illinois, Mr. Hayes of Illinois, Mr. Smith of Florida, Mr. Traxler, Mr. Hawkins, Mr. Levin of Michigan, Miss Schneider, Mr. Johnson of South Dakota, Mr. Bosco, Mr. Porter, and Mr. Torres.

H.R. 3340: Mr. Moody.

H.R. 3565: Mr. Oberstar and Mr. Weber.

H.R. 3791: Mr. Nielson of Utah, Mr. Davis of Michigan, and Mr. Baker.

H.R. 3840: Mr. Guarini.

H.R. 3969: Mr. Lipinski, Mr. Huckaby, and Mr. Gunderson.

H.R. 4008: Mr. Vander Jagt, Mr. Coleman of Missouri, and Mr. Kildee.

H.R. 4009: Mr. Lightfoot and Mr. Boulter.

H.R. 4060: Mr. Ortiz, Mr. Levin of Michigan, Mr. Lantos, Mr. Henry, Mr. Downey of New York, Mr. Clay, Mr. Bryant, Mr. Bustamante, Mr. Fuster, Mr. Ford of Michigan, and Mr. Mollohan.

H.R. 4072: Mr. Swindall.

H.R. 4074: Mr. Grandy.

H.R. 4091: Mr. Brown of Colorado and Mr. Whittaker.

H.R. 4139: Mr. Gonzalez.

H.R. 4140: Mr. Gonzalez.

H.R. 4150: Mr. Schaefer, Mr. Solarz, Mr. Traxler, Mr. Daub, Mrs. Johnson of Connecticut, Mr. Hertel, Mr. Gekas, Mr. Molinari, Mr. Lancaster, Mr. Craig, Mr. Dingell, Mr. Lipinski, Mr. Schumer, Mr. Clement, Mr. Williams, Mr. Torres, Mr. Coleman of Texas, Mr. Pickett, Mr. Scheuer, Mr. Barnard, Mrs. Boxer, Mr. Wolpe, Mr. Fascell, Mr. Levin of Michigan, Mr. Martinez, Mr. Bateman, Mr. McCurdy, Mr. Aspin, Mr. Coyne, Mr. Owens of Utah, Mr. Fazio, Mr. Stangeland, Mr. Penny, Mr. Guarini, Mr. Bilbray, Mr. Studds, Mr. Montgomery, Mr. Hastert, Mr. Lagomarsino, Mr. Jeffords, Mr. Boucher, Mr. Roybal, Mr. Sisisky, Mr. Robert F. Smith, and Mr. Mineta.

H.R. 4170: Mr. Bereuter, Mr. Callahan, Mr. Clarke, Mr. Darden, Mr. de la Garza, Mr. DeLay, Mr. de Lugo, Mr. Derrick, Mr. DeWine, Mr. Fawell, Mr. Hughes, Mr. Denny Smith, and Mr. Torres.

H.R. 4216: Mr. Bilirakis and Mr. Smith of New Hampshire.

H.R. 4221: Mr. Coyne, Mr. Moorhead, and Mr. Solomon.

H.R. 4230: Mr. Bevill, Mr. Biaggi, Mr. Edwards of Oklahoma, Mr. Garcia, Mr. Gordon, Mr. Hyde, Mr. Lancaster, Mr. Leland, Mr. Mazzoli, Mr. Porter, Mr. Roe, Mr. Rowland of Georgia, and Mr. Shaw.

H.R. 4247: Mr. Perkins, Mr. Sabo, and Mrs. Kennelly.

H.R. 4273: Mr. Hawkins, Mr. Chapman, Mr. Garcia, Mr. Traficant, and Mr. Wortley.

H.R. 4325: Mr. Coyne, Mr. Sabo, and Mr. Sunia.

H.R. 4334: Mr. Wolpe, Mr. Sensenbrenner, and Mr. Davis of Michigan.

H.R. 4335: Mr. Mrazek, Mr. Beilenson, Mr. Hayes of Illinois, Mrs. Boxer, Mr. Borski, Mr. Hamilton, Mr. Jontz, Mr. Kostmayer, Mr. Foglietta, Mr. Lantos, and Mr. Neal.

H.R. 4444: Mr. Donnelly and Ms. Snowe.

H.J. Res. 137: Mr. McEwen, Mr. Barnard, Mr. Bilirakis, Mr. Boulter, Mr. Cheney, Mr. Clinger, Mr. Coble, Mr. Courter, Mr. Dreier of California, Mr. Hastert, Mr. Hopkins, Mr. Kemp, Mr. Lightfoot, Mr. Lungren, Mr. McCollum, Mr. McGrath, Mr. McMillan of North Carolina, Mr. Mack, Mr. Petri, Mr. Grant, Mr. Gilman, Mr. Brown of Colorado, Mr. Edwards of Oklahoma, Mr. Grandy, Mr. Lowery of California, Mr. Lujan, Mr. McCandless, Mr. Molinari, Mr. Rogers, Mr. McMillen of Maryland, Mr. Coleman of Missouri, Mr. Gallo, Mr. Saxton, Mr. Skeen, Mr. Denny Smith, and Mr. Smith of New Hampshire.

H.J. Res. 360: Mr. Vento and Mr. Gray of Illinois.

H.J. Res. 452: Mr. Edwards of Oklahoma, Mr. Quillen, Mr. Stump, and Mr. Buechner.

H.J. Res. 464: Mr. Stump, Mr. Smith of New Jersey, Mr. Downey of New York, Mr. Stallings, Mr. Johnson of South Dakota, Mr. Bryant, Mr. McMillen of Maryland, Mr. Schaefer, Mr. Archer, Mrs. Patterson, Mr. Sunia, Mr. Miller of Washington, Mr. Robert F. Smith, Mr. Andrews, and Ms. Snowe.

H.J. Res. 467: Mr. Rowland of Georgia.

H.J. Res. 474: Mr. Wolpe, Mr. Florio, Mr. Hyde, Mr. Ford of Michigan, Mr. Courter, and Mr. Moakley.

H.J. Res. 481: Mr. Ackerman, Mr. Archer, Mr. Akaka, Mr. Atkins, Mr. Barnard, Mr. Boland, Mr. Bonker, Mr. Boulter, Mr. Bruce, Mr. Bunning, Mr. Cardin, Mr. Carr, Mr. Coble, Mr. Coleman of Missouri, Mr. Coleman of Texas, Mr. Cooper, Mr. Davis of Illinois, Mr. DeFazio, Mr. Dixon, Mr. Dwyer of New Jersey, Mr. Edwards of Oklahoma, Mr. English, Mr. Fascell, Mr. Foley, Mr. Frank, Mr. Gejdenson, Mr. Gilman, Mr. Gordon, Mr. Grant, Mr. Gray of Illinois, Mr. Harris, Mr. Hopkins, Mr. Hutto, Mr. Ireland, Mr. Jacobs, Mrs. Johnson of Connecticut, Mr. Jones of North Carolina, Ms. Kaptur, Mr. Kemp, Mr. Lantos, Mr. Levine of California, Mr. Lewis of Florida, Mr. Lewis of California, Mr. Lightfoot, Mr. Lowry of Washington, Mr. MacKay, Mr. McCloskey, Mr. McGrath, Mr. Mack, Mr. Manton, Mrs. Martin of Illinois, Mr. Martinez, Mrs. Morella, Mr. Morrison of Connecticut, Mr. Neal, Mr. Nielson of Utah, Mr. Pashayan, Ms. Pelosi, Mr. Perkins, Mr. Pickett, Mr. Pursell, Mr. Quillen, Mr. Ravenel, Mr. Rinaldo, Mr. Rowland of Georgia, Mr. Russo, Mr. Schaefer, Mr. Shumer, Mr. Scheuer, Mr. Sikorski, Mr. Skelton, Mr. Spence, Mr. Spratt, Mr. Staggers, Mr. Synar, Mr. Tallon, Mr. Tauke, Mr. Taylor, Mr. Thomas of Georgia, Mr. Torricelli, Mr. Watkins, Mr. Weldon, Mr. Wheat, Mr. Wylie, Mr. Anderson, Mrs. Boggs, Mr. Coyne, Mr. Daub, Mr. Davis of Michigan, Mr. Dorgan of North Dakota, Mr. Duncan, Mr. Flake, Mr. Gallo, Mr. Grandy, Mr. Hawkins, Mr. Jenkins, Mr. Kildee, Mr. Livingston, Mr. Miller of Washington, Mr. Moakley, Mr. Ortiz, Mrs. Patterson, Mr. Rangel, Mr. Roberts, Mr. Robinson, Mr. Schuette, Mr. Smith of New Hampshire, Mr. Stallings, Mr. Stenholm, Mr. Traxler, Mr. Valentine, Mr. Wise, Mr. Mineta, and Mr. Emerson.

H.J. Res. 485: Mr. Akaka, Mrs. Boggs, Mr. Bonior of Michigan, Mr. Cardin, Mr. Clinger, Mr. Coughlin, Mr. Crockett, Mr. DeWine, Mr. Espy, Mr. Evans, Mr. Fields, Mr. Fuster, Mr. Goodling, Mr. Jacobs, Mr. Hayes of Illinois, Mr. Hughes, Mr. Kildee, Mr. Lantos, Mr. Lehman of California, Mr. Lewis of Georgia, Mr. McDade, Mr. Manton, Mr. Rhodes, Mr. Russo, Mr. St Germain, Mr. Scheuer, Mr. Staggers, Mr. Stratton, Mr. Sunia, Mr. Valentine, Mr. Walgren, Mr. Wheat, Mr. Wolf, Mr. Wortley, and Mr. Yatron.

H.J. Res. 505: Mr. Fish, Mr. Lungren, Mrs. Kennelly, Mr. Rowland of Georgia, Mrs. Morella, and Mr. Leland.

H.J. Res. 528: Mrs. Saiki.

H.J. Res. 530: Mr. Sundquist.

H.J. Res. 537: Mr. Levine of California, Mr. Lungren, Mr. Biaggi, Mr. Rowland of Georgia, Mr. Lagomarsino, Mr. Carr, Mr. Dwyer of New Jersey, Mr. Hughes, Mr. Chapman, Mr. McEwen, Mr. MacKay, and Mr. Campbell.

H.J. Res. 542: Mr. Lipinski and Mr. LaFalce.

H. Con. Res. 257: Mr. Fazio, Mr. Shays, Mr. Chapman, Mr. Hubbard, Mr. Jontz, Mr. Hayes of Illinois, Mr. Herger, Mr. Holloway, and Mr. Waxman.

H. Con. Res. 280: Mr. Borski and Mr. Ford of Michigan.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

165. The SPEAKER introduced a petition of the Selectman, Town of Isle au Haut, ME, relative to ending aid to the Contras; which was referred to the Committee on Foreign Affairs.

EXTENSION OF REMARKS

OMNIBUS TRADE BILL

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. BEREUTER. Mr. Speaker, I want to draw the attention of my colleagues to two recent editorials which discuss the trade bill.

This first editorial entitled "The Senate Trade Vote" appeared in today's Washington Post. While the editorial supports passage of the trade bill, it states that "* * * the trade deficit cannot be legislated away." This is a correct, but rather obvious statement. Unfortunately, some inside and especially outside Congress have used this strawman argument to oppose the trade bill. The flaw with the Post editorial is that it assumes that most Members of Congress believe the trade deficit will disappear with the passage of the trade bill.

On the contrary, most Members knowledgeable on trade matters know that the trade deficit is not going to disappear overnight. Most of the conferees involved with the trade bill were well aware the trade bill alone was not going to immediately solve all of our trade problems directly, or eliminate the reasons for more than one-quarter of the current trade deficit. Nevertheless, the trade bill does move our country in the right direction on trade, and it deserves to become law.

The second editorial entitled "Sign the Trade Bill" appeared in yesterday's Journal of Commerce. While I disagree with part of its assessment of the Toshiba provision of the trade bill, the editorial correctly states the reasons for passing the bill, and it describes some of the consequences if the trade bill is not enacted.

The editorials follows:

[From the Washington Post, Apr. 29, 1988]

THE SENATE TRADE VOTE

The trade vote in the Senate—more than enough to pass the enormous bill on which such effort has been spent, not quite enough to override the promised veto—means that negotiations between the president and Congress will go on. The provision requiring advance notice of plant closings, though peripheral to the bill, is said to be central to the president's objections. Maybe so, though major bills are rarely brought down for such minor reasons, and the president is said as well to object to other features that would restrict his and successors' freedom of action in this difficult field. The bill's proponents may also stray beyond plant closings as they try to find a combination to pick up the votes they need. It isn't clear what will emerge.

This is curious legislation. The early, objectionable protectionist features in both the House and Senate bills were swiftly scrapped in conference. The remaining provisions mostly range from harmless to useful. In addition to applying various minor salves and stimuli to the U.S. economy, they would stiffen U.S. trade posture a little—which is why Japan, the Europeans and such other major trading partners as Korea continue officially to object. But the stiffening would not be excessive. Though the burden on him would be greater, a president would still have the right at almost every major juncture not to retaliate against an aggressive trading partner if he chose.

That's half the story. The other half is that there continues to be a wondrous mismatch between this bill and the problem it purports to solve—a mismatch also between the bill and the inflated rhetoric surrounding it. The trade deficit cannot be legislated away. The direction of trade is not a matter of conspiracy, but of the relative strengths of the U.S. and foreign economies. At one point in its history, this bill could have done a lot of damage. Now the conflicting claims as to both the good and the damage it might do are vastly overblown. The country could live very comfortably both with and without it.

Nowhere is that truer than with regard to the plant-closing provision around which the debate now revolves. Most companies of the size that would be affected already give the notice the bill requires. The requirement that they all do so is as modest as it would be benign. Both business and labor lobbyists have pumped it up into something it is not. The political calendar has helped them, but this provision neither threatens nor will save American civilization as we know it.

The best thing about finally passing this bill is that then the movie will be over.

[From the Journal of Commerce, May 1, 1988]

SIGN THE TRADE BILL

After three years of wheeling and dealing, Congress has sent a trade bill to President Reagan's desk. Mr. Reagan's disparaging comments and veto threats notwithstanding, it is a bill he should sign.

The omnibus bill is not a perfect piece of legislation. But, given its checkered history, it offers a surprisingly sound and non-protectionist approach to trade.

Administration officials themselves apparently agree. Their opposition stems not from the trade provisions but from two sections of marginal importance. One punishes two foreign companies, Japan's Toshiba Corp. and Norway's Kongsberg Vappenfabrikk, for their role in selling restricted milling machine technology to the Soviet Union. The other is the much-ballyhooed plant-closings provision. Both of these objections concern matters whose importance is far more symbolic than real.

The "Toshiba provision" bars affliates of Toshiba and of Kongsberg from doing most non-defense business with the U.S. government for three years, and would bar all imports from a single Toshiba affiliate, Toshiba Machine Co., for the same period. Japanese rightly object to one of their firms being singled out, among all violators of export control regulations, for special treatments. The provision is undesirable, but it is also enormously popular on Capitol Hill. If the trade bill is vetoed, President Reagan can expect to find another version of the Toshiba provision on his desk soon.

The plant-closings provision requires companies to give their workers 60 days' notice of major layoffs or closings, except under certain circumstances. The exceptions, however, are so wide that laywers will have no difficulty helping their clients navigate through them. In any case, the penalties for violation—back pay for the workers involved, plus a maximum fine of $500 a day—are trivial. Although it does indeed move the government into a new area of labor relations, the amendment will make little difference in the way businesses do business.

The special-interest provisions that many members of Congress repeatedly attempted to engraft upon the trade bill have all but disappeared. When The New York Times ordered up a front-page story revealing the bill's favors for particular companies or industries, it could find only one, extending a patent owned by Warner-Lambert Co. All the other "favors" The Times identified involved tariff reductions—the kind of special-interest provision that helps increase, rather than diminish, the flow of international trade. There really isn't much to point a finger at.

In return for accepting two sections it dislikes, the administration would gain some provisions it dearly desires. One extends until 1993 the president's authority to negotiate new multilateral agreements to reduce trade barriers, subject only to an up-or-down vote in Congress. Another re-establishes the president's right to agree to tariff reductions. A third puts the United States on the harmonized system of tariff classifications, an internationally agreed-upon system of tariff categories that our major trading partners already have adopted. A fourth makes it easier for U.S. companies to go after imported goods that infringe upon their patents.

Some administration officials suggest that if Congress would simply reconsider the bill and remove the few sections to which the administration objects, a new bill could receive the president's signature within a matter of weeks.

That is unlikely: Congress remains rightly upset at the way the administration has handled trade matters and is not prepared to pass a bill incorporating only those provisions the president desires. In any case, Mr. Reagan is in a poor position to strike a bargain, since he has never been willing to specify exactly which changes would lead him to sign the bill. The plant-closings provision itself was retained only after administration officials specifically refused to pledge Mr. Reagan's approval if it were dropped.

A veto now has the potential to shatter the world's trading system. The current round of the General Agreement on Tariffs and Trade, in which the United States has been pushing for freer trade in agricultural products and services, stronger protection of patents and copyrights and fewer restraints on foreign investment, might well collapse if the U.S. president remains without authority to strike a deal. The prospects for ratification of the U.S.-Canada free trade agreement will be much diminished if Congress takes weeks to consider a veto override. The hundreds of industry-specific provisions that congressional leaders managed to exclude from the final bill will be back, attached to so many different pieces of legislation that the president will find it difficult to veto them all.

President Reagan is fond of proclaiming his faith in freer trade. Signing the Omnibus Trade Bill would show his pragmatism in helping that faith gain ground in the world.

AMERICA'S LIBERTY—OUR HERITAGE

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. McMILLEN of Maryland. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies' Auxiliary conduct the Voice of Democracy Broadcast Scriptwriting Contest. I would like to bring to the attention of my colleagues the winning script from the State of Maryland. The winning "America's Liberty—Our Heritage" theme was written by William H. Rubin of Odenton, MD:

AMERICA'S LIBERTY—OUR HERITAGE

"We the People of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." This—the Preamble to our Constitution—underlies the hopes and dreams of freedom-seeking individuals, from times past into the future, throughout the world. It set the precedent for government that not suppresses but rather upholds the liberty of the governed. For liberty did our Founding Fathers throw off the British yoke in open rebellion and declare our independence; for liberty was our august nation thus born. Truly, America's liberty is our heritage.

Americans have always prized liberty. Even before the American Revolution, it was a much sought-after commodity. Instances such as the Zenger trial and Boston Tea Party merely illustrated the inherent love for liberty held by all Americans. The War for Independence, then, was but the climax in a short drama that had been set by the British over a century earlier; the finale was the birth of our nation amidst liberty.

Undoubtedly, the freedoms we as Americans have enjoyed have allowed us to incorporate even greater liberty into our lives. Given the fundamental First Amendment guarantees of religion, speech, press, and assembly, the American citizenry has acted with remarkable determination to enjoy such privileges. Freedom of religion has molded scores of previously antagonistic religious sects into an interdependent theological community. Whether Catholic or Protestant, Jew or Gentile, Americans coexist peaceably. Free speech has provided us with the means by which we can rally behind and voice our support for any number of causes. Censorship is exercised only sparingly in our society, where truth is all-important. This want for truth is the basis for our free press. The news media can print freely that which the American public has the right to know. Freedom of assembly, too, has provided for a naturally democratic people. From the town meetings of early New England to the presidential caucuses of the Midwest, the right to assemble is longstanding in our history. Clearly, then, these precepts of liberty have given the American populace the flexibility it needs to survive in the shining example of democracy that is America.

And these precepts of liberty have delivered far beyond those modest expectations. With the First Amendment as a sound constitutional basis, Americans have striven to achieve far greater freedom in their lives. Demonstrations have become an accepted part of the American way of life. Without them, we might never have known Dr. Martin Luther King, Jr., or his civil rights movement in the 1960's. Without them, we would not have women nor blacks at the polls on election days. Without them, our men might still be fighting the endless conflict in Vietnam. Certainly, these rights have built our national character into one of the most respected in the world.

It should come as no great surprise then, to learn that America has come to be equated with the very concept of liberty that it has fostered. From our earliest days, immigrants and refugees have flocked to our shores in search of liberty, the liberty of which they were deprived in their homelands. From Central America, the Caribbean, Southeast Asia and Europe, came an onslaught of new people who have become integrated in the American Melting Pot. Defectors from the Soviet Union come to America to find the freedom of choice that has eluded them in Mother Russia. Only in America was there—is there— liberty. Such a swelling of numbers would have devastated other countries, forcing them to reject any newcomers. But in the United States, the disgruntled have always been welcome, if in limited numbers. But they have always been welcome. They have strengthened our nation with the addition of their culture, their values, their beliefs. They have given fresh insight into new problems. They have served as the backbone of the American labor force, and consistently move up the labor chains. Such successes as these immigrants have had in America—where elsewhere they had nothing—pays tribute to liberty in America. Such success proves that only where freedom reigns can the people truly live. Only with liberty can the people endure, as the American people have endured half a dozen global conflicts and its own civil strife. Only with liberty—for as Patrick Henry pleaded before his colleagues: "Give me liberty or give me death."

DR. MAX COOPER: ALABAMA'S FIRST NATIONAL ACADEMY OF SCIENCES MEMBER

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. ERDREICH. Mr. Speaker, the medical center at the University of Alabama at Birmingham has firmly established its outstanding reputation as world-class medical and research facility, and has long been on the cutting edge of the development of new avenues of treatment for a variety of medical diseases and disorders.

Much of the credit for our Medical Center's much-deserved reputation must go to the high calibre of scientists and physicians it employs, and it is with great pleasure that I take a few moments to tell my colleagues in the House about one medical researcher at UAB who has garnered one of the highest honors that can be accorded an American scientist or engineer.

Dr. Max Cooper, UAB professor of pediatrics and medicine and director of the school's laboratory of cellular immunology, was named on Tuesday, April 26, 1988, to the National Academy of Sciences. He was one of only 61 scientists and engineers across the country to receive this much-coveted recognition of distinguished and continuing achievements in original research.

The National Academy of Sciences is a private organization of scientists and engineers dedicated to the furtherance of science and its use for the general welfare. It was established in 1863 by an act of Congress that calls upon the academy to act as an official advisor to the Federal Government, upon request, in any matter of science or technology. The election of 61 new members brings the total number of current members to 1,540. The academy also elected 15 foreign associates from 8 countries, bringing the total number of foreign associates to 257.

New members to the academy, in addition to having made a significant achievement in original research, must be nominated by a present member of the academy. Existing academy members select new members during their annual meeting in Washington, DC.

Dr. Cooper's research has focused on the relationship between breakdowns in the immune system and the development of medical disorders such as pneumonia, meningitis, organ rejection, and some forms of cancer. He made a major discovery of two types of immune cells, the T cell and the B cell, that attracted worldwide attention in the early 1960's. He also identified a specific type of leukemia.

We in Alabama are particularly proud that Dr. Cooper is the first person from any Alabama institution ever to be elected to the National Academy of Sciences.

I can think of no greater acknowledgement of one's achievements than that received from one's own peers, and I am certain that all my colleagues in the House join me in congratulating Dr. Max Cooper on being included among the best scientists and researchers in the world.

Congratulations must also go to the University of Alabama at Birmingham, for providing the type of nurturing and supportive research environment that fosters scientific and medical breakthroughs and the development of new forms of treatment.

I commend Dr. Max Cooper on his election to the National Academy of Sciences. All of us in Alabama, and the Nation, are proud of your outstanding accomplishments. Your past and future achievements mean a better quality of life and standard of living for all of us, and we look forward to your continued success as your research work continues.

NORTHERN IRELAND

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. KENNEDY. Mr. Speaker, yesterday the British Government tried to pressure the country's independent television network to withhold a documentary on the "shoot-to-kill" attack against IRA members in Gibraltar that occurred last month.

While I do not approve of the IRA's use of violence, I also don't approve of the kind of government-sponsored violence used by the SAS in Gibraltar. What if the British death squad had caught innocent people in the crossfire? What if there had been a case of mistaken identity? Nor do I approve of government censorship of a broadcast designed to inform the British citizenry of questionable government actions. The network that carried the broadcast acted courageously and in the interest of the British public by giving them information they had a right to know.

British Foreign Secretary Sir Geoffrey Howe allegedly requested that the program not be aired because it would prejudice jurors at the coroner's inquest. By attempting to censor the program, Howe in fact would have prevented the British people from finding out that the three IRA members had their hands in the air when they were killed. In earlier statements, the British Government implied that the victims had made threatening movements.

Mr. Speaker, the British Government has been accused by Amnesty International and the Government of Ireland of delaying criminal investigation of the Gibraltar killings. Now it has added another outrage: attempting to hoodwink the British people. Mr. Speaker, polls indicate the British want their troops out of Northern Ireland. Not only does the government use the tactics of terrorists and censor information, but it acts against the wish of the people as well.

THEIR ONLY HOPE

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. McEWEN. Mr. Speaker, I rise today to submit into the RECORD a statement by Armando Valladares that he gave to the 44th session of the United Nations Commission on Human Rights, and which appeared in a recent edition of National Review magazine. Mr. Valladares, as many of my colleagues will remember, spent 22 years of his life in one of Fidel Castro's gulags being tortured for speaking out against that Communist dictatorship. As a member of the Congressional Human Rights Caucus, I urge all Members to read this very disturbing commentary on life in the prisons 90 miles off the coast of Florida:

THEIR ONLY HOPE

As many of you know, I spent 22 years in prison for political reasons. Perhaps I am the only delegate to this Commission who has spent such a long time in prison, although I do know that some of you know in your own flesh what torture means. I do not care what your ideology might be; I offer you my solidarity, that of one tortured person to another.

I had many friends in prison. One of them, Roberto López Chávez, was practically a child. He went on a hunger strike to protest abuses. The guards denied him water. Roberto, on the floor of his punishment cell, delirious and in agony, asked only for water . . . water. The guards entered his cell and asked: You want water? They urinated into his mouth and onto his face. He died the following day.

I remember when they had me in a punishment cell, naked, my leg fractured in several places—fractures that were never treated and eventually fused into a mass of deformed bones. Through the wire mesh that covered the cell, the guards would pour over me buckets of urine and excrement that they had collected earlier.

Mr. Chairman, I know the taste of other men's urine and excrement. That form of torture leaves no physical trace. What does leave traces are the beatings with metal bars or bayonets. My head is covered with still detectable scars and wounds. But what is more harmful to human dignity? Buckets of urine and excrement thrown in one's face or blows from a bayonet? Under which item should we discuss this question? Under what mass of numbers, hyphens, or strokes should we include this trampling of human dignity?

For me and for so many others around the world, human-rights violations were not a matter of reports, negotiated resolutions, and elegant and diplomatic rhetoric. For us, it meant daily sorrow. For me, it meant eight thousand days of hunger, systematic beatings, forced labor, solitary confinement. Eight thousand days struggling to show that I was still a human being. Eight thousand days of testing for my religious convictions, my faith, of struggling not to allow the hatred that my atheist guards sought to sow with their bayonets to flower in my heart.

The world of those who suffer and endure pain often has certain poetic characteristics. I think it was in a book by Victor Frankel, a survivor of the Nazi extermination camps, that I read that in the midst of their total despair, the camp inmates were kept alive by a violinist—a companion in misery who every afternoon played a piece of classical music. That violin, with its musical notes scraped out in the midst of so much pain, was a ray of hope.

Totalitarians treat their adversaries like animals. At times, when one is treated like a beast, the only thing that saves you is knowing that somewhere, someone loves you, respects you, fights to return to you your dignity. I was lucky: I had someone to fight for my freedom; I had my wife, who traveled the world knocking on doors and on the consciences of peoples and governments, pressuring them to demand my freedom. But the majority of those who suffer violations of human rights have only the hope that the international community, against all hope, will think about them. You are their only hope.

Many years ago, a political prisoner named Fernando López del Toro came to my cell. In a tone of despair, he said to me that what hurt the most, out of all of the torment, was that our sacrifice might be in vain. It was not the pain, but the apparent uselessness of enduring it that was defeating Fernando.

Some years later, I found out that one night Fernando could no longer endure; he took his life. Later, I learned the details. Fernando climbed up on his bunk, coiled a dirty towel around his neck, and with a sharp piece of metal tore open his skin, searched with his fingers for the jugular vein, and in one stroke cut it. He died a few minutes later. Fernando was the victim of indifference, of silence, of that terrible echoless universe in which, in this century of horrors and violations, so many good men and women die.

We must raise our voices without fear and use all available means in defense of those who are persecuted. We have to shout about the pain that they suffer and we must accuse their executioners without fear. We have to reach into the cells of all the world's Fernando López del Toros to tell them with firmness and solidarity, "Listen, do not take your life; men of good will are with you. In some corner, in your honor and in your memory, there will always be the note of a violin, the voice of compassion of those who will defend you. Look, you are not an animal. Do not take your life. Liberty will never disappear from the face of the earth."

DIAL-A-PORN

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. DANNEMEYER. Mr. Speaker, for the last 2 months the House heatedly debated the issue of dial-a-porn. Finally, the House voted in favor of banning this garbage. Opponents of a total ban repeatedly cited concerns about the constitutionality of such a ban. Proponents argued that its constitutionality should be decided by the Supreme Court but, notwithstanding this ultimate consent, legal precedent was on the side of a ban.

The Supreme Court has firmly established that obscenity is not protected by the first amendment—*Miller* v. *California* (1973). While the mere possession of obscene material in the home cannot be made a crime—*Stanley* v. *Georgia,* (1967), there is no correlative right to purchase obscenity in the marketplace or have it distributed to your house through commercial channels—*United States* v. *12 200-ft Reels,* 413 U.S. 123 (1973). The Court has clearly held that there is no right to receive obscenity in "the privacy of the home" and no right to use "common carriers in interstate commerce" for delivery of obscene material to the home—*United States* v. *Orito,* (1973).

Also, in *FCC* v. *Pacifica Foundation* (1978), the Court specifically held that radio and TV do not have a right to broadcast indecent material into the home and rejected the contention that an individual has a right of access in the home to indecent broadcasts. In so holding, the Court reasoned that such broadcasts are "uniquely accessible to children" and that the Government interest in protecting the "well-being of its youth" justified the regulation of otherwise protected speech.

The Supreme Court has rejected the contention that the distribution or transmission of obscene materials between consenting adults is constitutionally sanctioned. In *Paris Adult Theatre* v. *Slaton* (1973) the Court held that:

> We categorically disapprove the theory that obscene, pornographic films acquire constitutional immunity from state regulation simply because they are exhibited for consenting adults only. . . . We hold that there are legitimate state interests at stake in stemming the tide of commercialized obscenity, even assuming it is feasible to enforce effective safeguards against exposure to juveniles and to passersby. Rights and interests other than those of the advocates are involved.

All of these precedents were recently sustained when, on April 25, the U.S. Supreme Court refused to hear arguments that a self-imposed ban by a western phone company violates freedom of speech rights. *Carlin Communications, et al.* v. *Mountain States Telephone and Telegraph Co.,* docket No. 87-1479. This refusal to entertain these arguments is very significant. It means that phone companies, themselves, have the power to pull the plug on dial-a-porn. Now America will see if the good of the whole is worth more to these company executives, as they have insinuated all along, than the millions of dollars they make off of this sleaze.

Mr. Speaker, I commend the following news report for my colleagues who may have missed any coverage of the Court's refusal to consider the claims of the phone-smut peddlers.

[From the Washington Times, Apr. 26, 1988]

DIAL-A-PORN BAN IN ARIZONA UPHELD

(By Richard Carelli)

The Supreme Court, confronted with its first "dial-a-porn" case, yesterday let stand a ban on sexually explicit telephone dial-up message services in Arizona.

The justices, without comment, refused to hear arguments that the ban violates free speech rights.

The court's action comes at a time when Congress, the Federal Communications Commission and state governments have taken steps to crack down on dial-a-porn companies whose services are available to callers through 976 numbers and AT&T's 900 long-distance lines.

Congress last week sent to the president a bill that would ban all dial-a-porn services.

American Civil Liberties Union lawyers said the proposed law likely would be ruled unconstitutional. They support providing means of having the services available only to those who want them.

The FCC last week levied $600,000 in fines against two California dial-a-porn firms accused of failing to prevent children from hearing their messages.

Among the states, the California Public Utilities Commission most recently ordered the state's telephone companies to provide low-cost blocking for customers who want to cut off access from their phones to dial-a-porn and other pay services.

Blocking is available to phone subscribers in 21 of the 34 states where local 976 services are available, according to a recent survey by State Telephone Regulation Report, a Virginia-based industry newsletter.

Only in Utah can customers have 976 calls blocked at no cost.

Anti-pornography groups do not like the blocking alternative to flat bans because they say it puts a financial burden on the phone subscriber and not the provider.

The 976 and 900 exchanges also are used for other, non-controversial types of messages such as sports scores, time checks and stock market and weather reports.

In Arizona, Mountain Bell in 1985 announced a new policy banning from its 976 message network all firms that "provide adult entertainment messages with sexually oriented content."

The policy—not imposed in other states where Mountain Bell provides phone service—was challenged by two firms, Carlin Communications Inc. and Sapphire Communications Inc., as impeding their freedom of speech.

Only the government or some agency of the government can violate someone's constitutional rights, and so the two dial-a-porn companies argued that Mountain Bell's policy represented "state action."

They said Mountain Bell is a heavily regulated public utility and pointed to various pressures state authorities put on Mountain Bell to rid its 976 network of such message services.

For example, the Maricopa County prosecutor cited a state criminal law shielding minors from harmful items in a letter which said, "Should Mountain Bell continue to air these messages, it is the intention of this office to prosecute not only the subscribers who provide the messages but Mountain Bell."

A federal trial judge ruled Mountain Bell could not refuse to carry the dial-a-porn messages but the 9th U.S. Circuit Court of Appeals reversed that ruling last year.

Noting that "modern telephonic technology permits the pervasive transmission of vast quantities of information, as well as Shakespeare, Shaw and smut," the appeals court said Mountain Bell's policy did not amount to "state action."

A similar decision by another federal appeals court previously enabled Southern Bell to keep dial-a-porn services out of Florida, Georgia, North Carolina and South Carolina.

Justice Sandra Day O'Connor did not participate in the court's denial of review to Carlin Communications vs. Mountain States Telephone & Telegraph Co.

In another action, the high court let stand a ruling that property owners' rights are not violated when they are required to remove structures that could interfere with low-flying planes.

DOUBTS REMAIN ON ABORTION PILL'S SAFETY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. SMITH of New Jersey. Mr. Speaker, on April 23, 1988, the New York Times published an informative letter by Dr. Richard Glasow, education director for the National Right to Life Committee. Dr. Glasow's letter raises some serious questions about the development of the new abortion pill, RU486.

Citing well-documented evidence about adverse health effects and the fact that the powerful abortion pill is lethal for unborn babies, Dr. Glasow states that "no conclusive evidence exists that RU486 is other than a killer drug." I urge my colleagues to carefully review Dr. Glasow's letter as Congress gives further consideration to this life and death issue. The letter follows:

DOUBTS REMAIN ON ABORTION PILL'S SAFETY

To the Editor: How can you rationalize promotion of the newly developed French abortion pill, RU486, in "Abortion, Intimidation and RU486" (editorial, March 25), in the wake of the Dalkon Shield intrauterine device disaster?

Much like the ill-fated IUD, RU486 is being hyped as a "safe" method of birth control, and you are not alone among the news media in repeating this unsubstantiated claim by its promoters. This powerful abortion pill is lethal for unborn babies, but it also has extremely hazardous short- and long-term side effects for pregnant women who take it.

Every pregnant woman who takes RU486 has a miscarriage and heavy bleeding. Researchers reported in the British Medical Journal Lancet (Dec. 19, 1987) that half the women who took RU486 bled 12 days or more, and some bled for six weeks. Most of them had twice as much bleeding as in a normal menstrual period, and some had six times as much. If a woman with an ectopic pregnancy (in the Fallopian tube) takes RU486, the bleeding will give a false impression that she is no longer pregnant; however, eventual rupture of her Fallopian tube would endanger her life.

Moreover, when this pill does not produce a complete abortion (5 percent to 15 percent of the time), the woman must have immediate surgery to stop the bleeding and repair the damage. Also, because the drug has been tested for less than five years, the first generation of RU486 users will be guinea pigs for long-term effects on health and fertility.

No conclusive evidence exists that RU486 is other than a killer drug. Advocates have exaggerated the fragmentary results from a handful of tests about possible therapeutic uses.

Your projection that the American public would welcome an abortion pill is based on an inaccurate and one-sided reading of opinion polls. The majority of Americans are opposed to legal abortion for a narrow set of cases, such as rape, incest and endangerment of the mother's life. Most Americans definitely do not support the current situation, where no more than 1 percent of abortions are done for these reasons. Marketing RU486 in the United States would heighten uneasiness about abortion because the pill further trivializes the decision to take innocent human life.

National Right to Life's opposition to RU 486 arises out of a concern for the life of the unborn child and the life and health of the mother. If any pharmaceutical company attempts to manufacture or market such a killer drug in the United States, it would face so massive a boycott by right-to-life organizations, church groups and pro-life hospitals that RU 486 profits would be swallowed up many times over by the loss of other business.

American women aren't looking for a "chemical Dalkon Shield." Neither are we.

WORLD POPULATION AWARENESS WEEK

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday May 2, 1988

Mr. SKAGGS. Mr. Speaker, for the last 3 years, many people in Colorado and across the Nation have recognized April 17-23 as "World Population Awareness Week" and have used that week to promote awareness of the consequences of continued rapid population growth. Their efforts are very important and deserve our attention.

The world's population grew by some 90 million persons last year, the largest annual increase ever. Most of this increase occurred in the world's developing nations, where the rising population has put severe strains on those nations' ability to feed, clothe, house, educate, and provide health care for their citizens. This has led to deepening poverty and to desperate human settlement and farming practices that can cause long-term damage to the environment.

There is much we can do in our own country to help our neighbors in the developing world achieve the population stability we enjoy, and the economic improvements that stability makes possible. I am proud that Coloradans are playing an important role in making us aware of those possibilities through World Population Awareness Week. I congratulate them on their efforts, and I insert Gov. Roy Romer's proclamation in the RECORD:

WORLD POPULATION AWARENESS WEEK, APRIL 17-23, 1988

Whereas, the world's population of more than five billion may double in the next 40 years; and

Whereas, rapid population growth can overwhelm the capacity of human societies to provide food, housing, education, employment and basic health services and may undermine economic development as well as social, cultural and political stability; and

Whereas, population growth can place strains on the global environment, contributing to the depletion of natural resources, the conversion of cultivable fields and forests into desert, the pollution of the earth's lands and waters, and damage to its ozone;

Now, therefore, I, Roy Romer, Governor of Colorado, proclaim April 17-23, 1988, as World Population Awareness Week in the State of Colorado.

PERSONAL EXPLANATION

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. RAHALL. Mr. Speaker, due to a longstanding committee in Beckley, WV, I unavoidably missed a number of votes that took place earlier today on the floor of the House. Had I been present, I would have voted as follows:

"Yea" on passage of H.R. 1811, the Atomic Veterans Compensation Act.

"Yea" on the Hunter substitute to the Foley amendment.

"Yea" on the Foley amendment as amended.

"Yea" on the Lowry amendment.

REMARKS OF HON. CHARLES J. HAUGHEY

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. MRAZEK. Mr. Speaker, recently I had the opportunity to read a speech given by Hon. Charles J. Haughey, Prime Minister of Ireland. The Prime Minister presented his comments on April 22, 1988, to the Kennedy School of Government at Harvard University. Because I was struck by Prime Minister Haughey's insight on world affairs and the long relationship between our two countries I am inserting it in the CONGRESSIONAL RECORD for the edification of my colleagues.

REMARKS BY HON. CHARLES J. HAUGHEY

This the second occasion on which I have had the pleasure of speaking in this great seat of learning. I was last here in 1972 and at that time I was surprised, as I suppose many others have been, to discover how old Harvard is and at what an early stage in the history of America it was decided to found a University here.

The famous Irish philosopher and pioneer of American education, George Berkeley, was one of the earliest benefactors of the Harvard Library, and in his celebrated verses "On the prospect of planting arts and learning in America" confidently predicted "Time's noblest offspring is the last".

Harvard today is one of the great egalitarian educational institutions of the world to which access is earned through academic excellence.

Whem I came here before, it was to reflect on the arts and on what should be the policy of a modern democracy towards the arts.

Today I would like to reflect on democracy itself with special reference to some of the issues and problems facing my own country at the moment; and I would like to illuminate my observations by a few reflections on the history of democracy in America. If in speaking about that history I appear to trespass, I can only plead that it is of interest to us all and that it would be foolish for any citizen of our modern world not to attempt to learn as much as he or she could from the American experience.

How deeply the world is indebted to American ideas of democracy is well known, but it may be worth reflecting on the fact that the very words "ballot", "devolution", and "proportional representation", familiar to every schoolchild in Ireland, are of American origin. In any case Harvard is a place which tempts one to reflect on the history of democracy in America as well as its progress in the world generally, for this great University both mirrored and influenced that history and the names of Emerson, the great prophet of democratic self-reliance, and Thoreau, who posed fundamental questions about government, will always be associated with it.

American history can be seen largely as a struggle to attain three great objectives, liberty, democratic equality and political cohesion. The first thing to be said about these three noble objectives is that they were not attained more easily in America than anywhere else. They had to be struggled for right from the very beginning, against obstacles that seemed much larger to those who engaged in the struggle than they do to us in retrospect. "There is" said the second President of the Republic, John Adams, "an overweaning fondness for representing this country as a scene of liberty, equality, fraternity, union, harmony and benevolence. But let not your sons and mine deceive themselves. This country, like all others, has been a theatre of parties and feuds for near 200 years."

Because of the tendency of time to simplify issues we look back on the founding fathers of the Republic as people who were engaged in a noble struggle for certain high ideals. But as C.A. Beard reminds us, the members of the Convention were soon "weary of talk about the rights of the people". They "were not seeking to realise any fine notions about democracy and equality but were concerned much more urgently in a desperate effort to establish a Government which would be strong enough to pay the national debt, regulate interstate and foreign commerce, provide for national defence, prevent fluctuations in the currency created by paper emissions and control the propensities of legislative majorities to attach private rights."

That understanding by the Convention members of the realities of the world around them and in the light of which they had to formulate their decisions could, with benefit, be transmitted to many similar bodies today.

The ideals of liberty, democratic equality and political cohesion were not and are not to be attained without the overcoming of many obstacles, not least those inherent in human nature itself. More than that, in the history of the United States as in that of other countries, these ideals often seem to be in conflict not only with individual or regional or sectional interests, but even one with another.

In the history of the United States the rights of individual states seemed from the very beginning to have been in conflict with the larger interests of the Federal Union. Several times in its history the Union was on the point of dissolution or on the point of begin torn apart by the assertion of these rights. Three weeks before the Declaration of Independence, the legislature of Virginia adopted a Bill of Rights which said that "The people have a right to a uniform Government; and, therefore, no Government separate from, or independent of, the Government of Virginia, ought to be erected or established within the limits thereof."

Within the States themselves there were those who looked to an extension or strengthening of Federal power to further individual liberty or democratic equality. But there have likewise been those to whom the rights of the States themselves were the first guarantee of both. It probably is true to say that throughout the entire history of the United States every step taken to defend or increase one of the three great objectives has seemed to somebody or other to be an encroachment on or a weakening of the other two and often with a great deal of justification.

Other countries too must face these apparent contradictions and seek sometimes unwelcome compromises. Ireland as a nation is older than the United States but as a democracy on the modern model it is younger and has learned a good deal from you. The sense of nationhood goes very far back in Ireland, much further back than modern ideas of politics. Irish poets and men of learning down to the 17th century and beyond took the whole island as their domain. True, Ireland lacked a centralised Government of the modern kind. But it had a sense of unity, a unity of language and of culture, the essence of nationhood. That unity was fractured firstly by invasion and the divisions of language, culture and religion that colonisation brought, and later in our time by partition.

In re-establishing that unity as I believe we must, we face something of the same problems that the United States faced in maintaining the union since it was first established over two hundred years ago. From the moment when the Convention met at Philadelphia compromise was essential as well as the acquiescence in the decisions of the majority which Thomas Jefferson postulated in his first inaugural address as "the vital principle of republics". At the time there was much debate about democratic tyranny. Many contemporaries were inclined to believe that to submit oneself to the will of the majority rather than to that of the ring was to swop one tyranny for another. And yet democracy triumphed.

The principal political or constitutional problem that all the people on the island of Ireland face today is how to bring about unity or political cohesion while satisfying the minority on the island of Ireland that it would not involve the loss of that part of their tradition which they must dearly cherish and that democratic rule for the whole island could enhance their status and guarantee their rights and their security. Partition was imposed for the benefit of those who distrusted majority rule. Its imposition by an outside power in the Government of Ireland Act of 1920 can be seen as a violation of democracy, a negation of the right of the Irish people to self-determination, since up to that point Ireland had been agreed by everybody to be one political unit.

The challenge that we face over Northern Ireland is to create a solution that will restore political cohesion through the exercise of self-determination by the Irish people. This will not be created overnight and though there are analogies with the problems other countries have faced there are no instant formulae that can be summoned to our assistance. Violence must first cease as it can have no place in the building of the Ireland of the future that we desire. There will have to be a deliberate and careful assembling of the elements of a solution, a cautious and prudent assessment of how the various elements might interlock with each other, and a conscious cultivation of a sense of shared identity and collective purpose among the various parties in search of a solution.

In my view many of these elements were contained in the Report of the New Ireland Forum, which represents the agreed position of all the democratic Nationalist parties North and South. The Forum envisaged new constitutional arrangements which would accommodate the differing traditions in Ireland in a unity which had been achieved by consent. That is the outcome that this Government are committed to work for.

To achieve lasting peace and stability in Northern Ireland as well as reconciliation requires that the substance of the issues at stake be addressed. Temporary, ad hoc solutions, crisis management or horrified response or reaction to the latest atrocity are not enough. Political developments in recent years have been influenced mainly by the Anglo-Irish process initiated at a meeting between the British Prime Minister and myself at Dublin Castle in December 1980. It is clearly the responsibility of the two Governments involved, the Irish and British, to create a framework within which progress and political dialogue can take place.

The problem involves what was called in the communiqué issued after that meeting the totality of the relationships between the two islands. There followed the Anglo-Irish Agreement of November 1985, about which my party had reservations because of its constitutional implications. On coming into office my Government accepted it as an internationally binding agreement signed between two sovereign Governments and we set about using to the full the mechanisms of the agreement, particularly the Intergovernmental Conference and the Secretariat, to bring about any improvement that was possible in the situation of the people of Northern Ireland, and in particular the nationalist people.

The Intergovernmental Conference offers scope to confront a long agenda of issues; issues that are both difficult and divisive. But let me isolate those issues which I believe have a particular resonance here in the United States, because of American experience and sensitivities. These are: the administration of justice, the upholding of the rule of law, and fair employment.

In the United States the debates that surround judicial nominations, particularly nominations to the Supreme Court, are of great length and seriousness, because of the conviction that prevails in this Republic that the lives of citizens in a democracy are shaped in an important and fundamental way by the manner in which justice is administered. This perception is widely shared in Ireland and attention is focussed intensely on the administration of justice in Northern Ireland. The defects in the administration of justice are seen as symptomatic of an inadequate society, and the operation of the non-jury Diplock Courts, for example, have an effect well beyond the ranks of those who are ever likely to appear before such Courts.

Democratic parliaments today have cause to be concerned about the control and methods of operation of their own and other countries intelligence services and security forces. They see increasingly the need for democratic supervision and the need for Governments to uphold without fear or favour the rule of law. It cannot be acceptable that perversion of the course of justice by officers of the state should be publicly acknowledged and then left at that. While the United States is justly proud of its free institutions, it has not allowed that pride to stand in the way of investigating and dealing with any infringements of the law or the Constitution. On the contrary, the strength of American democracy lies in the lengths to which its representatives are prepared to go to uphold the rule of law and the belief that a democratic state must never in combatting its enemies depart from the high ground of moral rectitude.

Of basic importance too where modern concepts of democracy are concerned is the equal access to employment by all sections of the community. Experience of civil rights in the United States in the '60s brought the fair employment issue here to the centre of national concern. During the administrations of John Fitzgerald Kennedy and Lyndon B. Johnson, vigorous methods were devised to combat racial prejudice in employment. The methods devised here in the U.S. might not always be the best adapted to suit the somewhat different circumstances of Northern Ireland but, nevertheless, the heightened consciousness of employment equality issues which resulted from the trauma of the 1960s in the U.S. must also be brought to bear in Northern Ireland and a sense of real urgency created.

The nationalist community in Northern Ireland has been discriminated against in employment for too long. It is intolerable that nationalists still remain over twice as likely to be unemployed as unionists. Improvements are contemplated but there is an urgent need for comprehensive and effective legislation that will have clear and visible results.

Though the long shadow of the tragedy of Northern Ireland does fall over too many aspects of life in Ireland and affects the quality of Anglo-Irish relations, it must be understood that in the Republic of Ireland by contrast democracy has long grown to full maturity. Ireland as a modern parliamentary democracy plays a modest but honourable role in international affairs as an enlightened member of the community of nations.

From one global perspective the Irish are a small family, deeply concerned with their internal problems, political and economic. But we are also very conscious of the fact that there is a far wider dimension to the Irish in the modern world.

We are not in fact an insular family but one which extends around the world. The totality of the Irish nation reaches out far beyond the island of Ireland, beyond the boundaries of Europe and around the globe. There are major communities of Irish people on every continent. These communities are of great importance and significance in the life of these countries of adoption but they also represent potentially a powerful world-wide public voice of peace, justice and democratic government.

The Prime Minister of Australia, Bob Hawke, when he addressed the Irish Parliament last year, referring to those who had previously done so, said:

"The choice of two Americans and on Australian reflects the historical truth of this most anti-imperialist of nations—that Ireland is the head of a huge empire in which Australia and the United States are the principal provinces.

"It is an empire acquired not by force of Irish arms but by force of Irish character, an empire not of political coercion but of spiritual affiliation, created by the thousands upon thousands of Irish men and women who chose to leave these shores, or who were banished from them, to help in the building of new societies over the years."

The Irish Government has the responsibility to foster and promote Ireland's link with these communities and keep them fully informed of our political hopes and aspirations and our economic and social progress. We also have a responsibility to ensure that the Irish everywhere stand up for democratic Government wherever it may be threatened. By an enlightened and courageous stand on human rights, freedom, world hunger, the role of the UN, the nuclear menace and disarmament we can offer the Irish around the world moral leadership and encourage them to exert a powerful world-wide influence for the good in international affairs.

Ireland is one of the few nations of the European Community which has suffered colonisation and because of our history in that regard we are in a privileged position in regard to most of the small and emerging nations of the modern world. Our work in the mission fields and in health and welfare projects makes us keenly aware of the plight of smaller Third World nations with whom we have the privilege of special relationships. We stand, respected, in the middle ground between the affluent North and the underdeveloped South, ideally suited to play a valuable bridging role.

Because of our folk memory of the Great Famine which devastated the Irish people in 1845, the presence or the fear of famine and malnutrition strikes a deep chord amongst the Irish people. They have responded with overwhelming generosity to recent crises in Africa and elsewhere.

The promotion of respect for human rights is an important stand in Irish foreign policy. Historical experience and the humanitarian instincts of our people combine to ensure a real concern on the part of public opinion in Ireland for the rights of those whose essential freedoms are denied. Torture, disappearances, summary executions, denial of freedom of speech and association, obstacles to the free practice of religion—these are but some of the violations which are an everyday tragic reality for people in many regions of the world.

Ireland has always insisted that the international community has a right, and indeed an obligation, to concern itself with human rights violations wherever they occur. We have never accepted the argument that involvement in these matters can be construed as interference in the internal affairs of states; the fallacy of that argument is thankfully increasingly understood. Such concern can be expressed in a way that fully respects the legitimate rights of self-determination.

A particularly glaring example of the denial of human rights is the system of apartheid which is an institutionalised and brutally enforced system of racial discrimination. Ireland has long supported the total abolition of the apartheid system and the emergence in its place of a democratic and multi-racial society as far as possible by peaceful means.

Ireland has played a small but useful part in efforts throughout the democratic world to advance these objectives. At a national level the importation of agricultural produced from South Africa into Ireland has been prohibited since the beginning of 1987. In accordance with its support for the principle of non-discrimination in sport, the Irish Government seeks to prevent sporting fixtures involving Ireland and South Africa. We have no diplomatic relations with South Africa and minimal official contacts. State agencies are strongly discouraged from purchasing South Africa goods. Within the European Community we continue to seek consensus on further measures, such as a ban on the import of coal, while at the UN Ireland continues to support the imposition of selective mandatory sanctions.

A firm approach by democratic countries, particularly with the support of the United States, has succeeded in the last number of years in bringing many tyrannies to an end. Consistent support for humane and civilised values in other parts of the world should not conflict with enlightened self-interest.

As a maritime nation and an agricultural producer Ireland has a keen interest in an international approach to the protection of the environment. Experts from many disciplines are convinced that we are in the middle of a global ecological crisis and that our planet is now at a critical point in its evolution. There is the danger from nuclear emissions and accidents and the dumping of nuclear waste. Carbon dioxide in the atmosphere is increasing steadily and the warming of the atmosphere as a result has far-reaching implications. By the end of this century at least one-third of the earth's tropical forests which have a great influence on our climate and environment will have been destroyed. By the same date the total area of the world's desert will be increased by two-thirds. Marine resources are being seriously damaged and acid rain destroys lakes, rivers and forests.

Perhaps most serious of all is the destruction of the diversity of the earth's species. We are losing a species a day and some scientists put it even higher than that. Species are being destroyed before we even have time to research what benefits they might have for us. Professor O'Wilson of this University has called it "the terrible catastrophe, the loss of genetic and species diversity by the destruction of habitats."

In my view there is an urgent need for a new and enlightened international approach to the management of this planet that will take account of the interdependence and linkage between all living things.

An excellent document "The World Conservation Strategy" was published in 1980 and endorsed by FAO and UNESCO. There are a number of Treaties and Conventions in place such as the Convention on International Trade in Endangered Species to help in the work of preserving the diversity of species. It is also true that we have in fact the scientific capacity to reverse the process of destruction and renew the planet's resources. What is needed is enlightened international action by all the nations, but especially the powerful dominant countries, and by all the appropriate international agencies.

While statesmen generally have been concerned with the threat to the survival of mankind posed by the proliferation of nuclear weapons, the general public in Ireland and I believe in many other countries have recently begun to focus just as anxiously on civilian nuclear power and the real danger of nuclear accidents and the dumping of nuclear waste.

The grim reality of our modern world is that serious nuclear accidents do occur with effects which are in our human time-scale everlasting and range far beyond political boundaries. A serious accident at Windscale in 1957 on the north-west coast of Britain is suspected by expert medical opinion of being responsible for birth defects in children born many years later on parts of the east coast of Ireland.

The Three Mile Island accident in 1979 made responsible people everywhere think again about the wisdom of building more and more plants.

The Chernobyl nuclear accident in 1986, which forced the permanent evacuation of the immediate surrounding area, occurred a thousand miles from Ireland but posed threats to our health and welfare.

It was sadly ironic that after Chernobyl children all over Europe were admonished by their parents not to do all those things that generations of children had formerly been advised to do for their health; get out in the fresh air, drink milk, eat fresh vegetables, swim in the sea. Is this the sort of future that mankind must look forward to?

It is clear that nuclear dangers cannot be regarded in isolation or that the safety of installations is only of concern to the nation involved. The effects of radioactivity released into the natural environment will inevitably cross national boundaries.

In Ireland while we are nuclear free and intend to stay that way we live in the shadow of nuclear installations, some fifty or sixty miles away across the Irish sea. The Irish Parliament by a unanimous resolution has called for the closure of some of these installations which have a poor safety record and constitute a serious threat to the health and livelihood of our people. We oppose also the practice of dumping nuclear waste at sea, which is contrary to the best international practice and which the United States Administration in the past has expressed opposition to as being unsound. We are entitled to express our fears and anxieties but there is no way in which we can take the matter further.

While I believe that the wisest and safest thing to do is to phase out nuclear power altogether, the least the people of the world are entitled to at this stage is that it be subjected to the most stringent impartial international inspection and controls that respect the legitimate interests and rights of neighbouring jurisdictions.

I believe these concerns about the transnational effects of domestic nuclear activity are widely shared by many countries but there is no forum or tribunal to which we can have recourse. There is in my view an unanswerable case for an international body to police this dangerous sector and to act as a court of appeal, to which nations who feel that the safety and welfare of their people is endangered by the activity of their neighbours can go to seek remedial action.

The frightening growth within one generation of huge nuclear weapons arsenals, with the capacity to destroy mankind, has been a source of the greatest concern to every country.

The primary responsibility to disarm lies with the major military powers. The world must warmly welcome the agreement to eliminate intermediate-range nuclear weapons and the positive developments which have taken place in the US-Soviet relationship. This welcome is for both what has been achieved and for the possibility for further progress that it opens up. We hope that there can be substantial progress at the forthcoming Moscow US-Soviet meeting towards greater reductions in nuclear arsenals. The ultimate goal must remain the complete elimination of all nuclear weapons, and the early completion of a comprehensive nuclear test ban treaty would constitute another step in this direction. We also need more rapid progress towards the prohibition of chemical weapons and the reduction of conventional forces and armaments.

For good historical and political reasons Ireland maintains a steadfast policy of military neutrality in the modern world. It is a policy which is very widely supported by the people of Ireland. It has not always perhaps been fully understood here, but I should point out that during the course of its history the United States too has maintained for long periods an honourable tradition of neutrality.

I must emphasise that our neutrality is positive and outward-looking. It does not involve a passive role in world affairs; exactly the opposite. It involves a commitment, for example, to United Nations peacekeeping operations, a role which we have honourably and effectively discharged on many occasions; it involves disinterested action in international fora based on a fair and equitable evaluation of international political issues and human problems which is informed by humane values and our commitment to democratic principles.

There is a sense in which all democracies are one. As Professor Carl Becker has pointed out, "in the Declaration of Independence the foundation of the United States is indissolubly associated with a theory of politics, a philosophy of human rights, which is valid, if at all, not for Americans only, but for all men." Democracy thus described is an ideal to which all men and women everywhere aspire. It was a great Irishman, Dean Swift, who first said that "all Government without the consent of the governed is the very definition of slavery". This underlies the historical fact that if the peoples of the old world had not carried their democratic yearnings with them into the new there might well be no American democracy today. This School of Government is named after a great man of Irish descent who was also a great democrat. In his inaugural address John Fitzgerald Kennedy spoke not only to his fellow Americans, but, as he put it, to his "fellow citizens of the world" and he urged them to ask themselves "what together we can do for the freedom of man". The democratic goal and the right of people everywhere to self-determination is thus seen as something which must be of universal and permanent concern to Americans.

The history of our two countries suggest that their achievement in Ireland should have a very high priority for America today.

SALUTE TO HACKENSACK MEDICAL CENTER ON ITS 100TH ANNIVERSARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. ROE. Mr. Speaker, during the last century we have seen incredible advances in the field of medicine and medical technology that have improved both the length and quality of life for countless millions of people the world over. Back in my home State of New Jersey, I am proud to say we have an institution which, for the past century, has been on the cutting edge of these advances in the medical field.

I am referring to the Hackensack Medical Center, of Hackensack, NJ, which, in 1988, is celebrating its 100th anniversary. This outstanding health care facility has not only provided excellent care for generations of residents of the metropolitan northern New Jersey area, it has also achieved national recognition for its high quality physicians and innovative programs.

Mr. Speaker, the many fine people who have been associated with the Hackensack Medical Center is honoring this outstanding facility's century of a commitment to health care excellence with a week-long celebration which commenced on April 30 with the "Centennial Ball" at the Loews Glenpointe Hotel in Teaneck and will culminate with a gala birthday party this Saturday, May 7, on the campus of Hackensack Medical Center.

I know the great success of this 100-year anniversary celebration is a great tribute to the leadership of John P. Ferguson, president and chief executive officer of Hackensack Medical Center, as well as Charles Rothschild, chairman of the 100th Anniversary Advisory Committee and the 100th anniversary coordinators, Barry K. Hurtt and Lauren Giani.

Mr. Speaker, as the culmination of this celebration approaches, I would like to recite for you and our colleagues the illustrious past of this great institution as detailed in the official history of the Hackensack Medical Center:

In March of 1888, a great blizzard buried most of the eastern United States, along with all of the New York metropolitan area—including a small town on the western bank of the Hackensack River in Bergen County, New Jersey.

Unable to find secure footing on the ice, a brakeman on the Susquehanna Railroad fell on the Hackensack railroad platform and severely injured his head.

The nearest hospitals were in other countries, and according to newspaper accounts at the time of the man's death was blamed at least in part on the delay in reaching Paterson.

With a young widow and small child left behind, local sympathies ran high for the creation of a hospital in Hackensack. On June 13, a 10-room residence purchased by an association of 24 civic leaders for $4,000 officially became known as Hackensack Hospital.

What began as 12 beds in 1888 after "The Great Blizzard" has snowballed into Hackensack Medical Center, a 529-bed, regional-care, teaching hospital that offers a number of specialized services unique in Bergen County in 1988.

Today, Hackensack Medical Center is celebrating its 100th anniversary.

Hackensack Medical Center now operates one of the four largest open-heart surgery programs in the state. It has a state-of-the-art $2.4-million cardiac intensive care and stepdown and unit for patients just out of open-heart surgery, as well as a modernized $1.6-million cardiac catheterization laboratory that features bi-plane diagnostic equipment not in use at any other Bergen County hospital. Nationally recognized cardiac surgeon John E. Hutchinson III, M.D., recently operated on the medical center's 1,500th open-heart surgery patient.

The medical center has the largest and more comprehensive program in New Jersey for children with cancer. Michael Harris, M.D. and Michael Weiner, M.D., transferred their practice from Mount Sinai Medical Center in New York to Hackensack Medical Center in 1987, bringing 250 children with them to the program, called The Tomorrows Children's Institute for Cancer and Blood Disorders. A 4,800-square-foot outpatient clinic and 24-bed inpatient unit feature ultra-modern design and the latest equipment.

The medical center also has a nationally recognized Institute for Child Development (ICD) led by Marvin Gottlieb, M.D., an evaluation and treatment program for children with developmental and behavioral problems that attracts children and young adults from across the country and from nations around the world. The ICD has the only children's hearing program in a Bergen County hospital that is fully accredited by the American Speech-Language-Hearing Association. In addition, the medical center has merged with South Bergen Hospital, and uses part of the Hasbrouck Heights facility for ICD programs.

The county's only burn service and diabetic unit are at Hackensack Medical Center.

The medical center also is the regional paramedic dispatch center for all hospitals in northern New Jersey, and has a CPR Training Center that is busier than any other hospital in the county.

Other services include a newborn intensive care unit, limb replantation service, genetic counseling, and a Comprehensive Cancer Program affiliated with Memorial Sloan-Kettering in New York City that includes a pain service and the first Medicare-accredited Hospice program in Bergen County.

As a major affiliate of the University of Medicine and Dentistry of New Jersey, the medical center trains some 250 medical students and 70 resident physicians each year.

There are more than 460 physicians on staff, representing many different medical specialties, and more than 800 nurses.

The medical center is Bergen County's fourth largest employer, with 2,700 employees.

In recent years, the medical center has placed a strong emphasis on out outpatient programs. One-third of all surgical procedures performed at the medical center are done without patients having to spend a night in the hospital

Through such programs as nutrition counseling, sports medicine, home health care, phobia clinic, and many others, Hackensack Medical Center reaches out to the community.

"From its founding as Bergen County's first hospital in 1888, Hackensack Medical Center has grown to become a truly regional facillity, providing the highest quality medical care to New Jersey and the metropolitan area," said John Ferguson, president of the medical center.

Mr. Speaker, as illustrated in its official history the Hackensack Medical Center was created out of necessity and deep need by the residents of the greater Bergen County area. Over the past century, however, this model health care institution has excelled far beyond the basic needs of the community by providing services which not only save lives in times of emergency, but enhance the day-to-day quality of life for countless numbers of people throughout the Bergen County area and beyond. I invite you and our colleagues to join me in extending heartiest congratulations to the Hackensack Medical Center for its century long record of achievement and outstanding service to the greater north Jersey area, the entire State of New Jersey and to our Nation, as well.

A TRIBUTE TO THE DISTINGUISHED CAREER OF STATE SENATOR NICHOLAS C. PETRIS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. DELLUMS. Mr. Speaker, recently, many citizens gathered in Oakland, CA, to honor the distinguished career of State Senator Nicholas C. Petris. In our State House there is no parallel record of leadership that is so soundly committed to the enhancement of society, the betterment of people, the security of justice and the performance of duty than that of Senator Petris. I rise today to share with the Nation this extraordinary person.

Senator Petris served in the California assembly from 1959 through 1966 and has been in the senate since 1967. His impressive legislatiive career includes: an unprecedented assault on the poison producing internal combustion engine as the principal source of air pollution; a bill of rights for patients in mental health institutions; collective bargaining rights for farmworkers; a requirement for every parent to provide a child passenger seat restraint; more money for urban schools; housing for the poor; a bill of rights for tenants; and, Senator Petris led the fight to save the San Francisco Bay from polluters. This listing includes just a few of his legislative accomplishments.

Senator Petris has positioned himself on a lonely island of leadership taking on issues not for popularity but because it was right. His position of leadership has proven time and time again to be a place where the ship of state must pass to find real solutions to the problems of our society. Senator Petris' unselfish willingness to position himself at the cutting edge of change is by no means an accident. As a native of Oakland, CA, his exposure to inner-city life has rounded his experience, and his family's deep allegiance to Greece and his ancestry has certainly shaped his character and self-confidence.

Senator Nicholas C. Petris has shown more than wisdom and high principles in influencing and shaping public policy. I can say without fear of contradiction that Nicholas Petris is the embodiment of a statesman.

REPORT OF THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. MICHEL. Mr. Speaker, for the past few years I have been inserting in the RECORD excerpts from the annual report of the U.S. Advisory Commission on Public Diplomacy. I am glad to be able to do so this year.

The Commission's members are Chairman Edwin J. Feulner, Jr., president, the Heritage Foundation; Vice Chairman Tom Korologos, president, Timmons and Co.; Priscilla Buckley, senior editor, National Review; Herbert Schmertz, vice president, public affairs, Mobil Oil Corp.; Richard M. Scaife, publisher, the Tribune Review Publishing Co.; and Hershey Gold, chairman of the Board, Super Yarn Mart.

At this point, I want to insert in the RECORD the "Summary of Recommendations and Findings" of the Advisory Commission's report for 1988.

SUMMARY OF RECOMMENDATIONS AND FINDINGS

Recommendations

Public diplomacy should be treated as a primary strategic element in summit planning. It is the public attention given to summit meetings that makes them unique and distinguishes them from other forms of diplomatic dialogue.

A comprehensive and coordinated public diplomacy strategy for the Moscow summit should be developed at the highest levels of the White House, the Department of State, and the U.S. Information Agency. The Special Planning Group (SPG), established (NSDD) 77, should be convened at an early date by the Assistant to the President for National Security Affairs to consider such a strategy and its implementation through the SPG's International Information Committee (IIC).

Key elements in a summit public diplomacy strategy should include early guidance on U.S. policy goals; early decisions on summit themes; analysis of the anticipated public opinion impact of proposed U.S. policies; assessment of potential public affairs strategies of other nations and responses to them; reports on foreign public opinion and media trends; close cooperation between policymakers and the public diplomacy community; and a well-conceived plan of public affairs activities focused on foreign media and opinion elites.

Senior USIA officers should be assigned to the White House and all interagency planning groups to participate in the summit planning process.

President Reagan's appearance on Soviet television immediately prior to the next summit should be a major public diplomacy goal.

The United States should insist that the Soviets provide press treatment and access at the Moscow summit comparable to that extended by the U.S. at the Washington summit. This should be covered in a written understanding with the Soviets prior to the summit.

Equal access for foreign and domestic media should be pursued in pre-summit negotiations with the host country for all summits taking place overseas, and combined press centers should be the norm in all future summits in the United States.

U.S. spokespersons and senior officials should go to Moscow before the principals arrive to provide background information on the U.S. agenda and goals for the gathering world press.

U.S. officials and other experts should participate in post-summit briefings and other public diplomacy programs overseas.

Analyses of foreign elite, media, and public attitudes on summit issues should be fully considered in the National Security Decision Directives that establishes U.S. summit goals.

The United States should undertake more systematic evaluation of the Soviet Union's public diplomacy to provide as full a picture of its impact as we have of Soviet military, economic, and diplomatic activities.

Regional pre-summit meetings of senior policymakers and USIA's Public Affairs Officers can contribute significantly to public diplomacy planning and programming.

FINDINGS

In addition to President Reagan's skillful public diplomacy at the U.S.-Soviet summit in Washington, the United States Information Agency contributed a great deal to its success. Lessons from the Washington summit can serve U.S. interests well.

Favorable disposition of overseas audiences towards U.S. positions is important to the success of a Moscow summit and may be more difficult to achieve with the summit taking place outside of the United States.

USIA began public diplomacy planning for an INF agreement and a possible summit in Washington more than six months before the event. Although USIA received positive responses to its thematic and public affairs proposals, their quality and authoritativeness would have been enhanced by earlier policy guidance from the White House and the Department of State.

The Washington summit would have benefited from an early public diplomacy planning meeting involving senior officials from the White House, the National Security Council, the Department of State, USIA, the Department of Defense and other agencies.

Effective summit public diplomacy involves effort over an extended period of time and requires interagency coordination well before the summit becomes a certainty and its agenda is set.

Briefings of USIA's Public Affairs Officers in Geneva by principal U.S. arms control negotiators prior to the Washington summit significantly helped USIA's posts contribute to a favorable climate in Europe for the INF Treaty.

President Reagan's broadcasts on the Voice of America and Worldnet prior to the Washington summit and Secretary Shultz's interviews at USIA's Foreign Press Center wre notable examples of successful high level participation in summit public diplomacy.

The combined foreign and domestic press center, recommended by USIA and agreed to by the White House and the State Department, contributed to positive foreign press coverage at the Washington summit.

"TELEPHONE FRIENDS" MUTUALLY GRATIFYING FOR SENIORS, YOUTHS

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. ERDREICH. Mr. Speaker, It is not often that two segments of a community can come together in a mutually fulfilling endeavor, responding each to the needs of the other. I would like to tell my colleagues in the House about just such an experience, and how a pilot project that I initiated has helped fill a void in the lives of local senior citizens and young children.

Last year several staff members informed me that my district office in Birmingham, AL, often received calls from senior citizens who were not seeking help with a problem with the Federal Government, but rather, were lonely and in search of someone with whom to talk. I saw an opportunity to link them to others in the community in need of friendship and companionship, and thought of the many preschool children who could benefit from friendship and guidance from adults other than family members.

I initiated "Telephone Friends" in October of last year as a way of providing telephone companionship for senior citizens, and a caring adult friend for area youth. The project was established through the cooperation of the Jefferson County Office of Senior Citizens' Activities and the Jefferson County Committee for Economic Opportunity [JCCEO] Head Start Program. Head Start was responsible for selecting children for the program, with the permission of the parents, and assisting in planning the initial meeting between the child, his family, and the Office of Senior Citizens' Activities.

The Office of Senior Citizens' Activities selected senior citizens to participate in the program, provided seniors with transportation for initial meetings with children, and assisted Head Start in matching seniors with children and monitoring the "Telephone Friends" project.

After participating children and seniors were paired together, the "Telephone Friends" talked by phone several evenings a week. Some got to know each other so well that they shared Thanksgiving and Christmas meals and exchanged gifts. During the 6-month pilot program, coordinators monitored the participants with occasional telephone calls, and reported that the program was running smoothly.

I am pleased to report that the pilot program for "Telephone Friends" has proven to be a truly gratifying endeavor, enhancing the lives of all those who participated in the program and improving self-worth and self-esteem for both seniors and children alike. Plans are underway to expand the project, and the groundwork is being laid to use "Telephone Friends" as a model for other Head Start programs around the country.

I congratulate all those involved with the pilot program of "Telephone Friends," and would like to personally thank Charles Henry, executive director of JCCEO Head Start; Barbara Bonfield, director of the Jefferson County Office of Senior Citizens' Activities; Gail Cunningham, JCCEO Head Start project director; Mary Bess Price, Assistant senior citizens' coordinator, Office of Senior Citizens' Activities; Pamela Packer, JCCEO Head Start parent involvement coordinator; and Viola "Tish" Peoples, who coordinated the "Telephone Friends" project in my office. All of these people took great time and effort to assure that the project was the great success that it was.

I am certain that my colleagues in the House join me in commending all those who participated in the pilot program of "Telephone Friends'" and I encourage my colleagues to take a closer look at the program for possible implementation in their own congressional districts.

TOO EXPENSIVE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. BEREUTER. Mr. Speaker, I want to share with my colleagues an editorial entitled "Too Expensive" which appeared in the Norfolk Daily News of Norfolk, NE. The editorial applauds Brazil's elimination of its wheat subsidy which last year alone cost Brazil $880 million. This action by the Brazilians will have positive consequences not only for its economy, but also United States producers. It is the type of action which should be taken by other foreign agricultural producers.

Brazil's decision to eliminate the subsidy was based on the fact that it could no longer afford the subsidy given its present economic circumstances. While other agricultural producing nations may have stronger economies, they should multilaterally, across the board follow the Brazilian example and work toward eliminating costly agricultural subsidies which distort world markets and increase food costs for their consumers.

The United States has advocated a reduction in agricultural subsidies at the Uruguay round of GATT negotiations in Geneva, Switzerland. Brazil for economic reasons has now reduced its subsidies and moved a bit closer toward a free market form of agriculture. European countries that subsidize and continue to dump their surplus commodities on world markets should follow suit and eliminate their export subsidies; the United States has proposed to participate in such a multilateral effort in the Uruguay round.

[From the Norfolk Daily News, Apr. 29, 1988]

TOO EXPENSIVE

Officials in Brazil made an announcement recently that should be heartening to farmers in Northeast Nebraska and elsewhere. In order to reduce its national budget deficit, Brazil plans to eliminate an $880 million subsidy on wheat production. The news is encouraging for those who want to see international agriculture as free of government subsidies as possible.

American farmers know all about the kind of reductions in government farm programs that Brazil is now planning. For the past several years, government payments to U.S. farmers have been edging downward. The reason is twofold: the need to push agriculture into more of a free market situation and the simple fact that the cost of U.S. farm programs was in danger of becoming prohibitively expensive.

Numerous farmers and ranchers didn't appreciate the reduction in farm program benefits, primarily because they were forced into receiving fewer government benefits while their counterparts in other nations weren't. It may have been a move on the part of the United States toward free trade, but it didn't seem to some farmers as much progress toward fair trade.

But now the agricultural playing field appears to becoming more level. The European Community has encountered the kind of budget problems already faced in the United States and responded with reductions in agricultural subsidies for European farmers. Now, Brazil faces a money crunch and plans the same kind of response.

Slowly, but surely, the international marketplace for farm products is moving toward more of a free trade system. The farm subsidies that were so prevalent in the past are being reduced as their cost takes a greater toll.

It is unlikely that every foreign nation eventually will eliminate every one of its farm subsidies. But any kind of reduction is good news for the United States and its farmers.

NORTHERN IRELAND

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. KENNEDY. Mr. Speaker, on April 14 the House of Lords decided it would not hear the final appeal of the Birmingham six. This decision troubles me deeply.

There has been widespread and continuing concern that there may have been a miscarriage of justice in the cases of some of these six individuals. Nonetheless, the Birmingham six remain imprisoned, having spent more than 13 years in jail. The avenues of legal appeal have now been exhausted; it is the responsibility of the government of Prime Minister Margaret Thatcher to consider that there are compelling humanitarian reasons for using the powers of her office in this case.

The people of Northern Ireland have no faith in their right to fair treatment under the law. The categorical refusal of the British Government to examine questions regarding the cases of the six is further indication that Mrs. Thatcher's government will continue to pursue events in Northern Ireland with the mentality of an occupying nation in a conquered territory.

A TRIBUTE TO JOHN G. BREEN

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. McEWEN. Mr. Speaker, on May 4, one of Ohio's truly great business leaders will be honored by the Harvard Business School Club of Cleveland as "Business Statesman of the Year." The award is presented annually to a Cleveland-area chief executive officer who combines excellence in business management with civic involvement. This is an honor and distinction which Mr. Breen richly deserves.

Eight years ago, John G. Breen took the helm of the Sherwin-Williams Co. during difficult times—inflation was running rampant, interest rates were at all-time record highs and investment capital was shrinking. In the face of this economic adversity John Breen provided the energy, leadership and ideas to bring Sherwin-Williams through these hard times. Today, Sherwin-Williams is entering its ninth year of uninterrupted growth.

Born in Cleveland and growing up on its inner-city streets, my friend, Jack Breen began selling newspapers at the age of 7 to help support his family. After serving our Nation in the U.S. Army, he worked his way through John Carroll University and later received an MBA from Case Western Reserve University. Jack Breen climbed the ladder of corporate success beginning first as general manager of the foil division of the Clevite Corp. and then as group vice president of Gould Inc. before moving to Sherwin-Williams as executive vice president in 1977.

Jack Breen is an inspiration to us all. He is a tribute to our success as a nation.

Mr. Speaker, Jack Breen is deserving of our praise. I want to congratulate him and his wife, Mary Jane, as well as their five children on this outstanding distinction.

I commend to the attention of my colleagues an article from Business Week magazine on Mr Breen; and thank the Harvard Business School Club of Cleveland for this splended and much deserved honor.

I also include a news article commending Jack Breen:

THE TOUGH SO-AND-SO WHO SAVED SHERWIN-WILLIAMS: JACK BREEN FIRED HUNDREDS OF EXECUTIVES WHEN HE TOOK CHARGE. NOW THE PAINTMAKER IS RIDING HIGH

Seven years ago, John G. Breen rescued a company by tearing it apart. As the new chief executive officer of Sherwin-Williams Co., he embarked on a draconian mission to save the ailing paintmaker from itself. Hundreds of executives, many of whom had been with the company for years, were summarily dismissed. The 12th-floor conference room, where employees were fired and sometimes given desks and telephones to hunt for other jobs, was soon dubbed the Silver Bullet Lounge. Today, Breen looks back on the mass firings without regret. "It was a question of survival—I suppose I could have moved even faster," he says. "I tried not to be ruthless, but we were at the bottom of the well."

The legacy of Breen's uncompromising toughness has been seven years of uninterrupted growth for Sherwin-Williams—a remarkable turnaround for a company that some outsiders believed was headed for Chapter 11. The recovery was so swift that by the end of Breen's first year, profits and return on equity had more than tripled, despite almost no increase in sales. Since 1983 paint and coating sales have jumped 34%—an astonishing leap in a stagnant industry. In the first quarter of 1986 paint-store sales gained 11%. But Breen is not letting up. "Turning the company around was the easy part," he says. "The hard part is taking it from here."

HATCHET MAN?

Few who know him doubt Breen's ability to spur Sherwin-Williams to new heights. Yet some complain about the tactics he has used to reach them. Critics argue that Breen places too much emphasis on quick results—and could probably achieve the same goals by going slower and being more patient with his managers. "He ruined a lot of lives, a lot of families, to get where he's going," says one former executive, referring to the firings. "Sure, there was a lot of deadwood when he came in, but a lot of good people were tossed out during the purge."

These days, Breen worries about his image as a hatchet man. "The vast majority of those firings occurred a long time ago," he says, stressing that he now promotes from within. But the unbending emphasis on performance has not faded. "Our mission is to be No. 1 in every business we're in," he snaps. "We don't reward failure around here." Breen's own efforts have been well rewarded: Over the past three years he has been one of the best-paid chief executives in the country, based on this company's financial performance (page 51).

Intense and competitive, he drives himself as hard as he does his staff. Friends still marvel at a recent display of endurance. A long-distance runner since high school, Breen, 51, ran the New York City Marathon last October, finishing in a respectable 3 hours and 40 minutes. Then, while younger friends were still massaging their aching muscles, he flew to Chicago and gave a speech that evening before a group of Sherwin-Williams retirees.

Breen has always been tireless. Growing up poor on the inner-city streets of Cleveland, he started hawking newspapers at age 7 to help support his family. Now, Breen measures others by their capacity for hard work. Because he worked all through high school and college, Sherwin-Williams' college recruiters look only at candidates who earned at least part of their tuition by holding down a job while in college. "Fortunately, I never had to overcome the disadvantage of being born rich," says Breen.

HOOKED ON CASH

After graduating from Cleveland's John Carroll University, Breen took a job in 1957 at Clevite Corp., which was later bought by Gould Inc. Breen eventually became vice-president of Gould's industrial group, where he earned a reputation as a tough executive. "Some people think Jack is overly aggressive," says his former boss, Gould Chairman William T. Ylvisaker. "I think he's a superior manager."

Breen's formula has paid off at Sherwin-Williams. When he joined the company in 1979, it was disorganized and directionless. The company was thick with executive deadwood and "addicted to cash," says Breen. Sherwin-Williams had borrowed heavily to fund expansion plans, but the growth wasn't there. Its 1,400 retail stores were viewed as inventory outlets rather than profit centers.

Breen imported crack financial types to mop up. He revived the stores division by instituting strict controls and paid down long-term debt. Then he decentralized, giving top executives plenty of latitude—as long as they met agreed-on goals. If they failed, they got a one-way ticket to the Silver Bullet Lounge.

Breen dismisses the turnaround as "just doing the basics." Now he is pushing for more growth through acquisitions and expansion of the company's stores division. He has opened 200 new Sherwin-Williams decorating centers and in 1980 purchased Dutch Boy paints. Dutch Boy, which languished somewhat after its acquisition, is being heavily promoted through home-center stores.

'CRISIS TO CRISIS'

Not all of Breen's purchases have become immediate successes. Gray Drug Fair, the $600 million drug chain he bought in 1981, has so far failed to live up to expectations. Breen hoped the chain would make a major contribution to Sherwin-Williams' bottom line. Instead, Gray's performance has been erratic, with profit margins hovering around 1%. Breen faces formidable opponents in his market-share battles: PPG Industries, Glidden, and Sears in paint, and the likes of Jack Eckerd and Revco in drugstore sales.

The expansion will be costly. Yet because of his reputation for producing in the short term, he will be under pressure to keep returns high while spending more to increase market share. In classic Breen style, he is turning up the heat under his managers. Says one of his staffers: "The company is very shortterm oriented. It's often crisis to crisis. People don't feel like they can be away too long."

The siege mentality pervades Breen's executive corps. One top-ranking executive, following a leg amputation, continued to hold staff meetings in his hospital room at a Cleveland clinic.

Some critics charge that Breen has sometimes played too tough in his headlong race for the top, citing Breen's order to stretch out accounts payable to 60 days from 30 for six months in 1979. At the end of the six months, the order continued. "We were told we'd go to 60 days for six months, and that's what we told our suppliers," says a former purchasing agent. "But then it just became a permanent arrangement. That, to me, isn't right." Breen says the arrangement was always meant to be permanent.

Breen has also angered competitors apparently used to a more friendly management style. When "the outsider from Gould," as some call him, pulled Sherwin-Williams out of the industry trade association—supposedly to save money—other members were offended. "Breen did not want to share any information with us," says the president of another paint company. Sherwin-Williams has since rejoined the group.

More serious allegations have been raised by Sherwin-Williams' recent hiring of competitors' employees. SCM Corp., owner of Glidden Coatings & Resins, sued Sherwin-Williams in 1984, charging the company and a group of former Glidden researchers with theft of trade secrets. Though the case has been sealed, Business Week obtained copies of the complaint and depositions. SCM claims that Sherwin-Williams lured away six research and development employees involved in a paint research project, then put them to work on a similar project at Sherwin-Williams' research center. The company's lawyers deny the charges. The case hasn't yet come to trial.

STANDING ALONE

Such legal battles are unlikely to tame Breen's aggressiveness. Less than a year he became CEO of Sherwin-Williams, Breen would probably have lost his company if he hadn't stood his ground. The late Charles G. Bluhdorn, the legendary chairman of Gulf & Western Industries Inc., already owned a substantial stake in the old-line paint manufacturer, and he wanted to buy the rest. "Jack, I have to have this company, and I want you to come with it," Bluhdorn told Breen, throwing his arms around him. But Breen backed off. "You can't have it, Charlie," he said, "because I have to run my own show."

Breen and Bluhdorn eventually negotiated a buyback premium that was slightly higher than Sherwin-Williams' market price of around $7 a share. Then Breen engineered his turnaround, and the stock took off. Bluhdorn "used to call me from time to time after that and say, 'You so-and-so, you knew that stock was worth more than you gave me'," Breen remembers, grinning broadly. "And of course, he was right." For Jack Breen, being called a so-and-so is a compliment.

STATESMAN OF THE YEAR

John G. Breen, chairman and chief executive officer of Sherwin-Williams Co., has been named the "Business Statesman of the Year" by the Harvard Business School Club of Cleveland. The award will be presented at the club's annual dinner May 4 at Stouffer's Tower City Plaza Hotel. The award is presented annually to a Cleveland-area chief executive officer who combines excellence in business management with civic involvement.

THE ESTABLISHMENT OF A SISTER CITIES PROGRAM BETWEEN HOWELL, NJ, AND SHIN TIEN, ROC

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday May 2, 1988

Mr. SMITH of New Jersey. Mr. Speaker, today I am pleased to announce that representatives from the Fourth Congressional District of New Jersey will be traveling to the Republic of China to negotiate the creation of a Sister Cities Program.

With my enthusiastic support, the people of Howell, NJ will begin a mutually beneficial relationship with the citizens of Shin Tien, Taiwan. These two residential communities have several similarities. Both are located close to large commercial centers, Howell is near New York City, and Shin Tien is very close to Taipei. Furthermore, both have a true desire for a dynamic and useful relationship.

This Sister Cities Program can assist businesses and consumers in these two cities by opening new markets for international trade. However, the most important benefits which can result are in the educational area. By exposing people to new and different cultures, their horizons can be expanded and sterotypes can be eliminated. Closer relations can emerge through the sharing of ideas and historical experiences. Additionally, all can enjoy the beauty of the arts that Taiwan and the United States have produced.

The differences in language, religion and culture could be seen as a barrier to a meaningful relationship by some. However, under these circumstances, the differences between the two communities are what make a sister cities relationship so interesting. Learning more about one another is part of the reason for establishing this program. By sharing our views and communicating new ideas, the citizens of these communities can gain insights into each other's lives and can benefit from the other's knowledge.

Mr. Speaker, with this statement I proclaim my support for the successful development of the sister city relationship between Howell and Shin Tien.

NATIONAL HOMEBREW DAY

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. SKAGGS. Mr. Speaker, I would like to take this opportunity to bring to my colleagues' attention a day of national recognition for an art that predates our Republic: Homebrewing. The American Homebrewers Association has declared May 7 as "National Homebrew Day." As American as apple pie, homebrewing was practiced by the Mayflower pilgrims, George Washington, and Thomas Jefferson. Today, it is estimated that over a million Americans from all walks of life brew their own beer.

The Homebrewers Association, located in Boulder, CO, was incorporated as a nonprofit, educational corporation in 1978. This year, the association is celebrating its 10-year anniversary under its founder, Charlie Papazian. With nearly 6,000 members internationally, the AHA's goals are:

First, to promote public awareness and appreciation of the quality and variety of beer through education, research, and the collection and dissemination of information;

Second, to encourage responsible use of beer as an alcohol-containing beverage;

Third, to serve as a forum for the technological and cross-cultural aspects of the art of brewing; and

Fourth, to help maintain quality in the production and distribution of beer.

Please join me in saluting the members of AHA and recognizing May 7th as "National Homebrew Day."

PERSONAL EXPLANATION

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. RAHALL. Mr. Speaker, due to a longstanding commitment in Logan, WV, I unavoidably missed a number of votes that took place on the floor of the House on Friday, April 29, 1988. Had I been present, I would have voted as follows:

Rollcall No. 80, "yea."
Rollcall No. 81, "yea."
Rollcall No. 82, "yea."
Rollcall No. 83, "yea."
Rollcall No. 84, "nay."
Rollcall No. 85, "yea."

A TRIBUTE TO MAXWELL M. RABB, U.S. AMBASSADOR TO ITALY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to Maxwell M. Rabb, the U.S. Ambassador to Italy. A short time ago a special order to honor Max Rabb took place in this Chamber. Unfortunately I was not able to participate, but I do not want to let the occasion of the longest tenure of an American Ambassador to Italy go by without saying some words about the man who established this record.

I have been fortunate enough to have had a warm, ongoing, personal friendship with Max Rabb. When I first met Max, I was immediately charmed by his warm and open manner. Max Rabb has been the U.S. Ambassador to Italy since 1981. His humanity, energy and warmth has made him a well-respected and effective Ambassador.

The United States and the Republic of Italy have worked together on various issues which have resulted in outcomes which have been beneficial to both countries. During his tenure, the United States and Italy agreed to the deployment of intermediate range missiles on Italian soil. This brought on the INF Treaty between the United States and the Soviet Union, which eliminated all short- and medium-range nuclear missiles from Europe. In addition, three international peacekeeping forces were sent to the Middle East comprised of Italian and American servicemen and a new Extradition Treaty between Italy and the United States was established. This Extradition Treaty is especially significant because it has permitted a much needed coordination in both countries' efforts in prosecuting international drug traffickers and organized criminals.

However, Max Rabb's tenure as Ambassador was not without its share of crises and tense moments. In late 1981, he was the point man for the United States when Brig. Gen. James L. Dozier was kidnaped by Red Brigade terrorists and worked brilliantly with the Italian police to free him from his captors. In the *Achille Lauro* incident Max Rabb successfully repaired strained United States-Italian relations. These outcomes were made possible because of the deep respect which the Italian Government has for Max Rabb.

But, prior to his appointment as United States Ambassador to Italy, Max Rabb has had a long and distinguished career as a public servant and humanitarian. After having graduated from Harvard University Law School in 1935, Max Rabb practiced law in Boston until 1937, when he became the administrative Assistant to Senator Henry Cabot Lodge. In World War II he served in the U.S. Navy and earned the Navy Commendation Ribbon. After, the war he served as the legal and legislative consultant to Secretary of Navy James Forrestal.

During 3 years of President Eisenhower's two terms, he served as his Secretary of the Cabinet. In 1958, he became chairman of the U.S. delegation to the 10th UNESCO Conference. Subsequently, President Johnson, appointed Max Rabb as a member of the Presidential Commission on Income Maintenance Programs. President Nixon then appointed him to the Presidential Panel for Relief Aid for India, Pakistan, and Bangladesh.

Max Rabb, is a member of many educational and charitable organizations, among them the U.S. Committee for Refugees, the NAACP Legal Defense and Education Funds, and the American Immigration and Citizenship Conference.

In closing, I would like to say we are lucky to have such a capable and distinguished man represent the United States and that I have been lucky to have the privilege of having a warm and close friendship with the longest serving United States Ambassador to Italy.

HUMAN RIGHTS IN GUATEMALA SUMMARY OF AMERICAS WATCH CONCERNS

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. MOAKLEY. Mr. Speaker, the Arias peace plan has been an important tool in promoting human rights in Nicaragua. However, the agreement also extends to other countries in the region. In particular, it is important that we not neglect ongoing human rights problems in both El Salvador and Guatemala.

It is in that spirit that I urge my colleagues to review the following summary of current events in Guatemala that has been compiled by the Americas Watch. I would also like to call attention to a recent editorial in the Boston Globe which comments on the present situation in that country:

The Cerezo Government has been in office over two years. It has taken a number of initiatives on human rights, such as the creation of a special judicial office to investigate past disappearances. Americas Watch commends the Guatemalan Government for recently allowing the International Committee of the Red Cross to operate within the country, which the military has prevented for many years.

In spite of positive actions, Americas Watch continues to have grave concerns about continuing gross abuses of human rights in Guatemala. A summary follows.

1. *Political Killings:* It is difficult to know how many political killings have been committed in Guatemala because no human rights group has been able to monitor and document abuses. According to information received by the Americas Watch, however, political killings take place and many of the victims are from the same sectors which were particularly at risk from the military in the past. In 1987, 7 university students were killed and another 5 abducted. Others killed or abducted include 11 schoolteachers, 3 physicians, and 7 political leaders. Since President Cerezo took office, at least 6 trade unionists have been killed and 8 others have disappeared.

2. *Disappearances:* The 1987 State Department Country Report on Guatemala concedes that "disappearances are undoubtedly still taking place" but denies that they are government-sanctioned. In fact, there is abundant evidence that the military and police are involved in numerous disappearances, as they were in the past. Guatemalan Archbishop Prospero Penados submitted to President Cerezo 10 cases of disappearances between September and December 1987 (several of which took place in 1986). To date, there has been no response. In February, 1988, Americas Watch submitted 20 disappearances cases from 1987 and 1988 to President Cerezo, who promised us a response in two weeks. We have not yet received a response.

According to Amnesty International and Guatemalan sources, the military or police have been implicated in a number of murders and disappearances, including the following:

January 1987: Maria Odilia Raxjal-Sisimit denounced the kidnapping of her husband to the Special Operations Brigade (BROE) of the National Police. On January 27, she received a telegram from the BROE ordering her to come to the station. She then disappeared. That same day, her mother, Maria Esteban Sisimit was kidnapped from her home. Both women's bodies were found January 30th; the husband remains disappeared.

April 1987: Debora Carolina Vasquez was abducted; fifty people witnessed the abduction and the beating of her father who attempted to save her. Two uniformed policemen chased the vehicle but stopped when it entered military headquarters. On April 21, Vasquez's father met with President Cerezo, who told him that the military had abducted his daughter, and that she would be released if he did not talk to the press. Ms. Vasquez was released, and later told the Americas Watch that she had been tortured.

October 29, 1987: Manuel Chin Bosos, Jose Ruiz Ramirez and Jose Velasquez Garcia were abducted from the Finca San Basilio in Suchitepequez, and were reportedly taken to the local military detachment on the San Basilio estate. The body of Manuel Chin Bosos was found dead in early November, the other two remain disappeared.

February 10, 1988: Ana Elizabeth Paniagua Morales was kidnapped by three heavily armed men whom witnesses believe to be members of the National Police. Her body was found several days later.

February 15, 1988: Seven peasant workers from San Lucas Toliman, Solola Department, were detained by uniformed members of the armed forces. Their detention has not been acknowledged and they remain disappeared. These disappearances follow a wave of abuses in the area which began in December, 1987, when soldiers based at Santiago Atitlan circulated an alleged list of 220 guerrillas. In December, the naked bodies of two women were found in the area, who had been raped and shot. In January four men were kidnapped by uniformed men and disappeared, their tortured bodies were later found.

3. *Military immunity from prosecution:* To date, no member of the military or police has been convicted for a human rights abuse committed in this decade, though tens of thousands of murders have been attributed to them. The sole exception appears to be a case in which members of the National Police in Quetzaltenango are being held on charges of murdering two university students. To our knowledge, the perpetrators have not been tried and convicted, but, rather, have been denounced in the press by Interior Minister Rodil as those responsible for the murders.

Americas Watch was informed confidentially in February, 1988 by a top official in the Guatemalan security forces that the BIEN (the plainclothes investigative arm of the National Police) carried out investigations of 104 disappearances in 1987 which were all attributed to the Army.

The Guatemalan government has told human rights advocates that it has prosecuted military and police for human rights violations. Most recently, President Cerezo claimed that his government has prosecuted 172 military agents. A record of these cases has not been made available, however, in spite of repeated requests. We would welcome a chance to see the details on these cases, in particular, what was the crime, who perpetrated it, what was the charge, the verdict, and the punishment.

4. *Political Prisoners:* In December, 1987, the chief of prisons, Julio Rivera Claveria announced publicly that there were five political prisoners in Guatemala, though they were not named. Americas Watch has requested their names on five occasions, but the Government has not provided them. We would like the names and location of any political prisoners in Guatemala, and an explanation of the charges against them.

5. *Civil Patrols:* Civil patrols are a key aspect of military repression and control in the countryside. There are approximately 600,000 men and boys who participate in the civil patrols, most of them involuntarily. In some communities civil patrol members are forced to spend as much as 25% of their time in unpaid service to the Army. For peasants barely scratching out a living from farming in the highlands, this obligation has a serious impact on their ability to feed their families.

Since only 10% of the civil patrols are armed at any given time, the patrol system is clearly more a means for the Army to control the participants than it is a way to counter insurgency. Military control in the countryside is so pervasive that the notion that participation in the patrols is "voluntary" is laughable. In fact, Supreme Court President Edmundo Vasquez told the Americas Watch delegation in January that the civil patrols were "unconstitutional, illegal, and despicable."

6. *Model Villages:* The military has resettled some 60-70,000 Guatemalans in "model villages," where freedom of movement is strictly controlled. Most of those detained are highland Indians who fled to the mountains after the military destroyed their villages. Since then, the military has conducted periodic sweeps to round up these displaced people and force them to settle in model villages, where they are subjected to constant military surveillance and cannot leave without permission from the Army. One such sweep began in September, 1987, and some 2,000 peasants were rounded up by the end of the year. Before being assigned to a model village, these people are held in containment areas near military garrisons and subjected to interrogation and reindoctrination.

In January, 1988, the Americans Watch delegation in Guatemala observed such a group of approximately 180 people, a third of whom were children, who were packed into a squalid pen in Nebaj, in the Department of Quiche. They had been brought down from the mountains and were in military detention, and receiving "reeducation" from the military. Six days later an additional 110 displaced people were brought down, following a combined Army-Civil Patrol sweep in the same area.

[From the Boston Globe, May, 1, 1988]

GUATEMALAN GESTURES

The airport arrest in Guatemala last month of two members of a delegation of exiles returning under the Arias peace plan suggested that Guatemalan politics has not changed much. Rigoberta Menchu, a Quiche Indian woman who leads a peasant union, and Rolarido Castillo, a physician and medical school dean, survived their brief detention and were released by court order. For Guatemala, that was an advance.

As one vice president of Guatemala put it in 1980 before he, like Menchu and Castillo, fled into exile: "In Guatemala, there are no political prisoners, only political corpses." Menchu's father died in one of Guatemala's most flamboyant atrocities. He was one of a group of Indians who staged a sit-in in the Spanish Embassy in 1980 to call attention to demands for land reform. The military government burned the embassy down, Indians, Spanish diplomats and all. It was a peculiarly Guatemalan gesture.

Political murder is less frequent now, but there were more than 1,000 such killings in 1987. In December, an international commission evaluating Guatemala's compliance with the Arias plan found no political prisoners; all had been killed.

The military, installed by a CIA coup in 1954, is venal and efficient, and it is tightening its grip on the state. To be labeled "subversive" still means to be marked for death. The White Hand, the death squad that tutored El Salvador's assassins in 1979-80, issued a communique warning against the return of the Menchu-Castillo delegation. After the delegation's arrival in a Mexican airline plane, the plane was dynamited.

Menchu and Castillo, accompanied by international observers during their brief visit, are presumably safe. Their less prominent associates are in danger of being eliminated for "activities against the security of the state." President Cerezo avoids talking with representatives of victims "disappeared" by the authorities. So goes Guatemalan "democracy."

FINANCIAL STATEMENT OF F. JAMES SENSENBRENNER, JR.

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. SENSENBRENNER. Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 1988, a matter of public record. I have filed similar statements for each of the 9 preceding years I have served in the Congress.

ASSETS

Real property	Value
Single family residence at 609 Fort Williams Parkway, Alexandria, VA, at assessed valuation. (Assessed at $513,800. Ratio of assessed to market value—100%.) (Encumbered.)	$513,800.00
Condominium at N76 W14726 North Point Drive, Village of Menomonee Falls, Waukesha County, WI, at assessor's estimated market value. (Unencumbered.)	69,300.00
Undivided 23/44ths interest in single family residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, WI, at 23/44ths of assessor's estimated market value of $220,400. (Unencumbered.)	115,209.09
Total real property	698,309.09

PERSONAL PROPERTY

No. of shares	Common and preferred stocks	Value
338	First Wisconsin Corp. @ $22.25	$7,520.50
418.468	American Telephone & Telegraph @ $27.00	11,298.64
558	Idaho Power Corp. @ $23.375	13,043.25
450	First Interstate Bancorp. @ $42.75	19,237.50
62.679	American Information Technologies @ $86.50	5,421.73
83.120	Bell Atlantic @ $66.125	5,496.31
186.790	Bell South @ $38.75	7,238.11
84.042	NYNEX, Inc. @ $64.375	5,410.20
148	Pacific Telesis, Inc. @ $28.625	4,236.50
128.485	Southwest Bell, Inc. @ $36.25	4,657.58
84.387	US West, Inc. @ $52.375	4,419.77
548.105	Tenneco Corp. @ $42.625	23,362.98
580	Nevada Power Co. @ $20.125	11,672.50
300	Newell Corp., Preferred @ $32.00	9,600.00
720	General Mills, Inc. @ $47.50	34,200.00
800	Kellogg Corp. @ $52.125	41,700.00
2000	Dunn & Bradstreet, Inc. @ $46.875	93.750.00
1000	Halliburton Co. @ $33.875	33,875.00
19834	Kimberly-Clark Corp. @ $53.75	1,066,077.50
467	Insilco Corp. @ $19.125	8,931.38
400	Minnesota Mining & Manufacturing @ $57.50	23,000.00
100	Rank Organization ADR @ $13.00	1,300.00
1232	Exxon Corp. @ $42.00	51,744.00
480	Amoco Corp. @ $73.375	35,220.00
72	W.A. Krueger Co. @ $6.875	1,072.50
1080	Eastman Kodak Co. @ $40.75	44,010.00
510	Kraft, Inc. @ $53.50	27,285.00
400	General Electric Co. @ $40.375	16,150.00
204	General Motors Corp. @ $71.375	14,560.00
20	General Motors Corp., Series H @ $34.25	685.00
1200	Merck & Co., Inc. @ $157.00	188,400.00
200	Warner Lambert Co. @ $71.75	14,350.00
100	Continental Corp. @ $37.75	3,775.00
200	Sears Roebuck & Co. @ $35.75	7,150.00
910	Ogden Corp. @ $30.25	27,527.50
455	OMI Corp. @ $4.25	1,933.75
268	International Business Machines @ $107.625	28,843.50
26	Sandusky Voting Trust @ $70.00	1,820.00
26	Wis. Securities of Delaware Liquidating Trust @ $70.00	1,820.00
504	Monsanto Corp. @ $80.625	40,635.00
127	Premark International, Inc. @ $30.375	3,857.63
100	Unisys, Inc., Preferred @ $60.50	6,050.00
333	Benton County Mining Co. @ no value	nil.
	Total common and preferred stocks	1,952,318.42

Face amount	Life insurance policies	Cash surrender value
$12,000	Northwestern Mutual, #4378000	$15,111.30
$30,000	Northwestern Mutual, #4574061	35,971.56
$10,000	Massachusetts Mutal, #4116575	3,462.33
$100,000	Massachusetts Mutual, #4228344	61,261.37
$25,000	Old Line Life Insurance Co., #515950	17,814.86
	Total life insurance policies	133,621.42

BANK AND SAVINGS AND LOAN ACCOUNTS

Marine Bank, N.A. of Milwaukee, checking account No. 0046–2366	$51.22
Marine Bank, N.A. of Milwaukee, money market checking account No. 4011–5247	59,973.70
Marine Bank, N.A. of Milwaukee, savings account No. 497–525	552.64
Federated Financial Savings & Loan of Butler, WI, savings account No. 2–0033296	974.28
Sergeant at Arms, U.S. House of Represenatatives, checking account No. 748	461.98
Burke & Herbert Bank of Alexandria, VA, checking account No. 601–301–5	1,232.68
Federated Financial Savings & Loan of Butler, WI, individual retirement account	19,144.68
Total bank and savings and loan accounts	82,391.18

MISCELLANEOUS

1985 Pontiac 6000 automobile (at Blue Book trade-in value)	$5,200.00
Office furniture and equipment (estimated)	1,000.00
Furniture, clothing and personal property (estimated)	85,000.00
Stamp collection (estimated)	19,000.00
Interest in Wisconsin Retirement Fund	24,770.03
Deposits in Congressional Retirement Fund	47,225.23
Deposits in Federal Thrift Savings Plan	5,220.82
Traveller's checks	4,550.00
Total miscellaneous	191,996.06
Total assets	3,058,606.17

LIABILITIES

Sovran Mortgage Co. of Richmond, VA (Amount due on mortgage on Alexandria, VA residence) Loan 564377	$185,312.67
Cohen, Hottell & Gartlan, attorneys at law	22,531.45
Miscellaneous 30 day charge accounts (estimated)	2,000.00
Total liabilities	209,884.12
Net worth	2,848,722.05

STATEMENT OF 1987 TAXES PAID

Federal income tax	$31,612.00
Wisconsin income tax	10,006.00
Menomonee Falls, WS, property tax	1,909.00
Chenequa, WS, property tax	5,672.00
Alexandria, VA, property tax	4,963.00

I further declare that I am the direct beneficiary of one trust. I have no control over the assets of this trust. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of our minor sons, F. James Sensenbrenner III and Robert Alan Sensenbrenner and are also custodians of accounts established for the benefit of each son under the Uniform Gifts to Minors Act.

Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other State or foreign country.

A TRIBUTE TO ROBERT A. HANSEN, SUPERINTENDENT, NAPA VALLEY UNIFIED SCHOOL DISTRICT

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. BOSCO. Mr. Speaker, I rise today to pay tribute to Robert A. Hansen, who is retiring after 12 years of distinguished service as superintendent of the Napa Valley Unified School District.

Mr. Hansen has been involved in the education of California's young people for over a quarter of a century. He began his career in education as a teacher in Los Angeles, and a few years later he moved to Fresno, where he added a variety of administrative responsibilities to his duties as a mathematics instructor.

The Napa Valley Unified School District has been extremely fortunate to have Mr. Hansen in its employ since 1976. Over the past dozen years the Napa schools have maintained a national reputation for excellence in instruction, and the school district has kept its head above water during particularly rocky financial times. This is a true tribute to Mr. Hansen's administrative skills, for too many California school districts have not kept pace in the postproposition 13 era.

Mr. Hansen has also devoted himself for many years to other important forms of service in Napa, participating in local church, educational, and community affairs. He has served with distinction on many national, State, and local educational studies, boards, and commissions.

Superintendent Hansen leaves behind a dedicated and highly competent teaching staff as well as hundreds of students who have gone on to success in many fields. I encourage my colleagues to join me in thanking Robert Hansen for his many years of service to the people of Napa and in wishing him the very best in his future endeavors.

TRADE BILL PROVISION IS CONSTITUTIONAL

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. WOLPE. Mr. Speaker, as the principal author of section 2424 of the omnibus trade bill, I rise to set the record straight about whether Congress has adopted constitutionally sound restrictions on the export of certain refined and partially refined products from Alaska. In recent days, opponents of this provision have argued that it is unconstitutional, without citing any relevant judicial authority. Their attack should be seen for what it is: An attack on the substance of the amendment, using the Constitution as a crutch.

The prohibition in section 2424 against the export of certain refined and partially refined products does not differ from the prohibition contained in section 7(d) of the Export Administration Act that limits exports of Alaskan North Slope crude oil. Indeed, section 2424 merely augments section 7(d) by closing a loophole that would otherwise permit exports of North Slope crude in the form of product. The longstanding export restrictions in section 7(d) have never been challenged as unconstitutional in court, presumably because there has been little doubt that no court would strike them down.

Mr. Speaker, for the benefit of my colleagues, let me lay out the constitutional case in support of section 2424. First, economic legislation normally raises questions of equal protection and due process. This provision is thus no different from other legislation before the Congress. Moreover, the burden here falls not on the State of Alaska but on private commercial interests. The State itself is not being subjected to discriminatory treatment. In reviewing legislation of this kind, the courts apply the so-called minimum rationality test. In its very recent decision in News America Publishing versus FCC, the U.S. Court of Appeals for the D.C. circuit stated:

> Scrutiny under this view is so casual that validity is virtually assured.

The different outcome in that case depended on the court's construction of the statute as limiting free speech and therefore invoking the much more searching standards of the first amendment.

As the court emphasized, the constitutional question is whether "the statutory classification * * * is rationally related to some legitimate governmental interest." The national interest in preserving Alaskan oil for internal consumption in view of growing dependence on imports both in peace and war underlay the original TAPS Act. Congress clearly acted to further a legitimate governmental interest. The same policy underlies the congressional purpose of preventing evasion of the prohibition against exports through enactment of section 2424 of the trade bill.

Second, it is contended that section 2424 violates the port preference clause of the Constitution. That contention is wholly without substance. The port preference clause prohibits a preference "to the Ports of one State over those of another." The clause has never been applied to invalidate an act of Congress. As articulated by the Supreme Court over a century ago in Pennsylvania versus Wheeling & Belmont Bridge Co., the clause applies at most only to a "direct privilege or preference of the ports of any particular State over those of another." It does not apply to a provision which makes no distinctions between ports, but is directed at refineries. It is not a refinery preference clause.

Section 2424 does not grant a preference to a port in violation of the clause. Even if Alaskan ports could show some disadvantage, the Supreme Court has made clear that such "incidental effects" of a statute do not violate the clause; nor do results that flow from "accidents of geography," such as Alaska's proximity to Japan. Were this not so, in the words of the Supreme Court, the result would be to "strip Congress of much of the power that it long has been accustomed to exert and which always has been held to have been granted to it by the commerce clause." Louisiana Public Service Commission versus Texas & New Orleans Railroad Co.

Finally, it is said that, since the trade bill does not contain a so-called severability clause, the entire bill would be found unconstitutional if this one provision were struck down. This assertion as well is unfounded. In the Chadha legislative veto case, the Supreme Court affirmed the longstanding principle that if one section of a statute is declared unconstitutional, the remainder of the bill remains in full effect, except in the narrow circumstance in which it is evident that Congress would not have enacted the rest of the bill without the infirm section. This principle of severance applies whether or not there is a severability clause in the legislation. As the Supreme Court stated, a provision is "presumed severable if what remains after severance is fully operative as a law." Thus, even if there were a constitutional infirmity in section 2424—which there is not—the remainder of the trade bill would in no way be threatened. A court would simply sever section 2424 from the rest of the bill, which would remain fully operative.

In short, the claims that this provision is unconstitutional are without merit. This provision is consistent with and furthers longstanding congressional policy of ensuring that Alaskan North Slope crude is not exported unless doing so is demonstrably in the national interest.

SUPPORT THE MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. CONYERS. Mr. Speaker, I rise today to introduce a bill to extend indefinitely the Martin Luther King, Jr., Federal Holiday Commission and to provide Federal funding for this worthwhile endeavor. This legislation is essential to transforming Dr. King's vision of a just and harmonious world into a reality.

Dr. Martin Luther King, Jr., was a brilliant civil rights leader, a distinguished member of the clergy, and a Nobel laureate. His vision of equal rights and opportunity for all people transformed this country and energized social justice movements around the globe. Unfortunately, the impact and importance of Dr. King's life is being diluted by commercialism and selective memory.

The continuation of the Martin Luther King Federal Holiday Commission will help prevent further distortion in Dr. King's message and will help to spread his true legacy to the uninformed. When the Commission began its work in the fall of 1984, only 19 States observed Dr. King's birthday. This year, however, all but 7 States and over 100 foreign countries have made his birthday an offical holiday.

Millions of Americans participated in seminars, rallies, prayer services, and other tributes. People of all races, cultures and political persuasions came together in the same spirit of good will and fellowship that characterized Dr. King's life. The Commission has developed and helped to distribute "Living the Dream" pledge cards on which over 2 million people have affirmed their commitment to the ideals of freedom, justice and opportunity for all. In preparation for the third national holiday celebration, the Commission distributed more than 300,000 pamphlets, posters and maps, responded to 5,000 inquiries, and serviced over 135 State and local holiday commissions. The Commission has also published and distributed the new "Living the Dream" newsletter which provides information to King holiday celebrants around the country.

Consistent with the teachings of Dr. King, the Commission participates in projects addressing issues of national concern such as teen pregnancy, drug and alcohol abuse, illiteracy, urban economic development, child abuse, family violence, job placement and counseling, and voter registration.

On the night before Dr. King was assassinated, he asked a crowd in Memphis to remember him neither for his celebrity nor for his countless awards, degrees and publications. He asked only that he be remembered for leading a committed life. Two decades after Dr. King made the ultimate sacrifice for the betterment of the Nation, we have the chance to offer something in return to this man who gave us all so much.

The challenge remains for us to complete the work that he began. The celebration of his birthday will serve as an annual reminder of the task that lies before us. And the Commission will serve the essential role of making sure that Dr. King's life retains its special significance in our lives and memories.

That is why I urge my colleagues to join me in supporting the Martin Luther King Federal Holiday Commission.

H.R. 4443

A bill to make permanent the Martin Luther King, Jr., Federal Holiday Commission

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Martin Luther King, Jr., Federal Holiday Commission Extension Act".

SEC. 2. REMOVAL OF TERMINATION.

(a) REMOVAL.—Section 9 of Public Law 98-399 (98 Stat. 1475) is amended to read as follows:

"SEC. 9. The Commission shall continue in existence until terminated by law.".

(b) CONFORMING AMENDMENTS.—

(1) FINDINGS.—Paragraph (3) of the first section of Public Law 98-399 (98 Stat. 1473) is amended by striking "first".

(2) PURPOSES.—Section 3(1) of Public Law 98-399 (98 Stat. 1473) is amended by striking "first occurs on January 20, 1986" and inserting "occurs on the third Monday in January each year".

SEC. 3. MEMBERSHIP.

(a) TERMS IN GENERAL.—Section 4(c) of Public Law 98-399 (98 Stat. 1474) is amended to read as follows:

"(c)(1) Except as provided in paragraph (2) and (3), members of the Commission shall be appointed not later than June 1 of each year for terms of 1 year, and any vacancy in the Commission shall be filled in the manner in which the original appointment was made. Any vacancy in the Commission shall not affect its powers.

"(2) Coretta Scott King shall serve as a member for life. In the event of a vacancy, her position on the Commission shall be filled by a member of the family surviving Martin Luther King, Jr., not already a member of the Commission, who shall be appointed by the family and shall serve as a member of the Commission at the discretion of the family.

"(3) The 2 members of the Commission appointed as members of the family surviving Martin Luther King, Jr., shall serve as members of the Commission at the discretion of the family.".

(b) CONTINUATION OF TERMS OR EXISTING MEMBERS.—The individuals who are members of the Commission on the date of the enactment of this Act shall be considered to have been appointed members for a term ending on the first June 1 that occurs after the date of the enactment of this Act.

SEC. 4. REPORTS.

Sections 8 of Public Law 98-399 (98 Stat. 1475) is amended by striking the period at the end and inserting the following: "with respect to the most recent observance of the Federal legal holiday honoring the birthday of Martin Luther King, Jr.".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization.—Section 7 of Public Law 98-399 (98 Stat. 1474) is amended to read as follows:

"Sec. 7. There is authorized to be appropriated to carry out this Act $300,000 for each fiscal year.".

(b) Conforming Amendments.—

(1) Expenses of members.—Section 4(d) of Public Law 98-399 (98 Stat. 1474) is amended by striking "subject to section 7" and inserting "subject to the availability of sufficient funds".

(2) Pay for staff.—Section 6(a) of Public Law 98-399 (98 Stat. 1474) is amended by striking "Subject to section 7" and inserting "Subject to the availability of sufficient funds".

PERSONAL EXPLANATION

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. SCHUETTE. Mr. Speaker, due to the death of a close friend of my family, I was unable to be present on Friday, April 29, to record my votes. Had I been present, I would have voted:

"No," on approval of the Journal.

"Aye," on the en bloc amendments.

"No," on the amendment offered by Mr. TRAFICANT.

"No," on the amendment offered by Mr. BRYANT.

"No," on the amendment offered by Mr. ROBINSON.

"Aye," on the amendment offered by Mr. MCMILLAN.

LAW DAY 1988

HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. ROWLAND of Connecticut. Mr. Speaker, I am pleased to announce "Law Day 1988," which will be celebrated today, May 2d, in my hometown of Waterbury, CT. "Law Day" is sponsored by the Waterbury Bar Association, and this year's national theme is "Legal Literacy." This theme stresses not only the vital importance of being able to read and write, but also encompasses the way in which basic literacy is closely intertwined with the ability to understand the law. It is only when we can read and write that we can truly begin to understand how the law affects our everyday lives.

I commend the Waterbury Bar Association for providing a forum to bring much needed attention to the national tragedy of illiteracy. In order to maintain our legal system, knowledge and hence compliance with the law is essential. Yet with thousands of people across the State of Connecticut unable to read or write, this becomes impossible.

Our entire system of democracy is based on the participation of all. When people cannot read and write, they are precluded from participating fully in this democracy. This in turn undermines the foundations of our Government, and democracy is not as effective as it should be.

I ask my colleagues to stand with me in celebrating "Law Day USA 1988." The efforts of the Waterbury Bar Association show that the compassion and dedication of our local attorneys and judges goes beyond the confines of the courts and into the community. Their sponsorship of "Law Day 1988" makes Waterbury a better place to live and work.

RONALD G. ACTIS: A MOST DISTINGUISHED INDIVIDUAL

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. TRAXLER. Mr. Speaker, I rise to pay tribute to a good friend and most distinguished individual, Ronald G. Actis, who has been divisional director of Public Relations and Government Relations at the Saginaw Division of General Motors Corp. in Saginaw, MI, since 1981. He has recently been promoted and we bid him a fond farewell as he leaves our community.

I would like to take this opportunity to share with my colleagues some information about Ron Actis and his service to the community of Saginaw. Originally a native of Illinois, Ron worked for General Motors there upon his college graduation, but after many years of hard work and several promotions, Ron came to Saginaw to take on the position of divisional director.

Not only has Ron excelled in his job with General Motors, he has also been generous with his spare time and has made significant contributions to his community. Ron has been vice chairman of the Saginaw Area Economic Development Alliance, of the Saginaw-Midland-Bay Counties Private Industry Council, chairman of the Saginaw County Chamber of Commerce, a member of the Governor of Michigan's Task Force on Airline Transportation Service, and a charter member of the Saginaw Area Growth Alliance.

In addition to these honorable positions, Ron has been outstanding in his personal efforts to make a difference in Saginaw County. He is the cofounder and coordinator of the Business-Union-Government group, which bimonthly brings together 150 leaders from the three sectors to discuss economic development. He also helped coordinate Thompson Industries which brought 200 jobs to the Saginaw area. Finally, although there are many other noteworthy activities I haven't time to mention, Ron is cofounder of Leadership Saginaw, an awareness program for emerging civic leaders.

While to some, these may just be titles and job descriptions, to those of us who have known Ron, and have been touched by his service and dedication, these are the marks left by a man who has worked hard, not to make a name for himself, but to contribute to others. He has made special efforts to bring minority and non-minority groups together, and to provide greater economic opportunities for blacks and Hispanics. And he has worked enthusiastically to encourage other people to contribute their own skills and expertise to help reach a common goal.

It has been a pleasure for me to know Ron and to call him a friend, and while it is difficult to see him leave, it is with gratitude that we in the Saginaw area say farewell to him. I am certain that in his next assignment, and wherever else he goes, Ron Actis will continue to initiate and promote positive developments in his community.

PERSONAL EXPLANATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. MAZZOLI. Mr. Speaker, I was unavoidably absent on Friday, April 29. Had I been present I would have voted:

"Yea" on rollcall No. 80, to approve the Journal of Thursday, April 28;

"Aye" on rollcall No. 81, the Aspin amendment en bloc consisting of 43 separate noncontroversial amendments;

"No" on rollcall No. 82, the Traficant amendment that sought to prohibit contracting out of any base support function at Air Force Reserve bases to private contractors;

"No" on rollcall No. 83, the Bryant amendment, that sought to reduce United States troops in Europe by 30,000 and in Japan by 7,000 unless NATO countries and Japan increase their spending on defense at a rate equal to their economic growth plus 1 percent and take other actions to assume a greater share on their defense;

"No" on rollcall No. 84, the Robinson amendment that sought to provide for the phased withdrawal of United States forces in Europe unless other NATO countries collectively increase their defense spending as a percentage of GNP to a level equivalent to that of the United States; and

"Aye" on rollcall No. 85, the McMillen amendment expressing the sense of Congress that the United States should enter into defense burdensharing negotiations with our allies.

JIM FLORIO ON THE INSURANCE CRISIS

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. TORRICELLI. Mr. Speaker, I would like to bring to the attention of my colleagues an article in the Newark Star-Ledger concerning the proposals of my friend and colleague from New Jersey, JIM FLORIO, on ways to deal with problems in the insurance industry. The financial stability of the insurance industry should be a matter of interest to all Members, and in this context JIM's remarks deserve special attention:

SHORTCOMINGS IN INSURANCE CAN'T BE IGNORED

As chairman of a House subcommittee that has spent the better part of the last several years probing the subterannean maze of the nation's far-flung insurance industry, Rep. James Florio (D-1st District) has reached one basic conclusion, that the Armageddon of the insurance world is drawing near.

"The real insurance crisis may only be around the corner, a few years away at the very most," Florio said after another in a series of hearings last week by his Commerce Committee's subcommittee on consumer protection and competitiveness.

"I'm convinced that when it hits—and not if—people will flock to Washington to ask us what can be done. That's why we have been holding these hearings. We're hopeful of educating some of those in Congress, so that maybe we can respond capably," the Camden County congressman said in an interview.

His reference was to a growing uneasiness in the entire insurance world over the industry's financial stability. Florio said that the growing potential for insolvencies among insurance companies is spreading rapidly, "and we haven't been doing too much to either prevent or counter it."

Last week's hearing was heralded in advance as an effort to repond to the rapid increase in auto insurance rates and the growing unavailability of auto insurance in the voluntary markets of New Jersey and most of the other heavily populated states.

But just as previous hearings by Florio's subcommittee on consumer protection started by exploring issues dealing with commercial liability, insurance risk management and product liability, and ultimately reverted to the expectations of Armagedon, so it happened again.

The fact that the hearing turned to the dangers of insolvency in no way minimized the extent of the auto insurance peril. It merely emphasized the priority that is being given to what may well be the gravest of all insurance dilemmas.

Florio explained that some federal assistance may be needed to help insurers avoid the potential for insolvencies, depsite the fact that the insurance industry is by far the largest in the nation that is almost totally devoid of any form of federal regulatory involvement.

"We do not yet have a consensus on just what should be done," Florio said. "We are trying to develop a consensus for some moderate reform before the crisis occurs.

"If enough insurance commissioners say what the three testified before us, and if their words filter back to the public about the impending chaos," then Florio expects there may be sufficient support for a consensus in Congress to help avert the expectations.

"The National Association of Insurance Commissioners has identified 800 property and casualty companies on its troubled list. There are another 600 health and life insurance companies on that same list," Florio pointed out.

The three insurance commissioners who testified were Kenneth Merin of New Jersey, Constance Foster of Pennsylvania and Herman Coleman of Michigan.

Merin explained one facet of the insolvency dilemma that has been growing in the last decade, since the commercial liability crisis of the late 1970s and early 1980s.

"We have some very antiquated laws in New Jersey. For example, $300,000 can get you into the auto insurance business in New Jersey," Merin said, noting that such undercapitalization can also create a major level of danger that the public might not recognize.

For example, a driver who is unable to buy auto insurance because of the current tight conditions in New Jersey is concerned only about getting coverage so that he can comply with the State's requirements that he be insured in order to be permitted to drive on the state's roads.

However, one or two heavy claims against such an under-funded company would not only wipe out the operation but it would leave the "insured" driver with nothing.

"Some of the large insurance companies in New Jersey are very concerned about this question of solvency," Merin told the hearing. "We already had an insolvent life insurance company in Red Bank and now a health insurer, an HMO, and we have no guarantee fund in the state to protect claimants," the commissioner added.

Merin said that New Jersey is one of only eight states that does not have state-administered guarantee funds to protect health and life claimants from insolvent insurers.

But Merin emphasized that even a guarantee fund is not a totally acceptable solution. He explained that creation of such a fund would force the insurers to provide the fund's resources, then they would merely pass the cost along to their policyholders.

"So it's really the policyholder who is paying for bad laws, or inadequate laws that permit this situation," Merin testified of the under-funded or poorly regulated insurance companies.

Florio responded, "it sounds to me like this is a potential crisis that is as serious as the ones affecting some of the banks and savings and loans."

"It's even worse," said Merin.

Florio asked the commissioners of Pennsylvania and Michigan if that is so, if the insurance insolvency dangers are as Merin stated.

"Yes," both replied simultaneously.

NEW JERSEY LEADERSHIP

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. GALLO. Mr. Speaker, I take a great deal of personal pride in the fact that New Jersey produces more than its share of national leaders in almost every field of productive work.

We do so because countless New Jersey men and women are dedicated to the betterment of their chosen fields and stand by their principles in the never-ending process of give-and-take that is required of individuals living in a free and democratic society such as ours.

I am particularly proud when a New Jersey native, who has worked diligently and moved up through the ranks, is chosen by his peers to serve as national leader in his or her chosen field.

New Jersey's Sigurd Lucassen was chosen general president of the United Brotherhood of Carpenters and Joiners of America after more than 25 years of service.

Sigurd Lucassen has worked in all phases of his trade, as journeyman carpenter, foreman, and superintendent. A member of Carpenters Local 2250, Red Bank, NJ, he was elected a local business representative in 1960, and in 1963 he was elected to the general executive board of the New Jersey State Council of Carpenters. He became president of the State council in 1975.

He became a general representative of his international union in 1972 and became UBC second district executive board member in 1978. He became second general vice president of the union in 1980 and first vice president in 1982.

With the retirement of Patrick J. Campbell on February 1, 1988, Sigurd Lucassen became general president of the union.

As UBC president, Sigurd Lucassen brings a wealth of knowledge and experience in union affairs.

While residing in New Jersey, he was instrumental in the formation of the New Jersey Alliance for Action, a labor-management group whose purposes are to develop jobs and provide economic advancement within the State through the cooperation of labor, management, and government organizations.

As vice-president of the UBC, he provided leadership for the union's apprenticeship and training program, and for the union label program.

On Friday, June 17, 1988, the New Jersey State Council of Carpenters will honor Sigurd Lucassen at a testimonial dinner.

As a New Jersey native who spends a great deal of time in Washington, I have the opportunity to meet with a great many people who now live in the Nation's Capital, but who have strong New Jersey connections.

This event will provide Sigurd Lucassen with the opportunity to renew old friendships and catch up on the news from back home. Of equal importance, it provides his friends and colleagues with the opportunity to honor him for his leadership, as well as his friendship. I urge my colleagues to join in recognition of Sigurd Lucassen.

THE 100TH ANNIVERSARY OF THE MISSOURI FUNERAL HOME DIRECTORS ASSOCIATION

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. SKELTON. Mr. Speaker, I would like to take this opportunity to commend the Missouri Funeral Home Directors Association on its 100th anniversary. This statement is to recognize the outstanding service rendered to the people of the State of Missouri with their dedication and commitment to service.

On April 3, 1888, a large number of funeral directors assembled at a convention in Kansas City, MO, to establish and organize a State association. Their first president, Mr. G.B. Hickman of Butler, was elected and served until 1893. With the exception of 1945, during the war, the funeral directors have met in convention every year since the association's inception.

The Missouri Funeral Directors Association was represented at the National Funeral Directors Association Convention for the first time on October 1, 1890, by its delegate John W. Wagner. In 1895, initial legislation was enacted to regulate the practice of embalming throughout the State of Missouri. Gov. William J. Stone appointed the first State Board of Embalming consisting of five members.

Since its inception, the Missouri Funeral Home Directors Association has worked to provide services and administrative assistance to its membership through many and varied educational programs. They work to secure legislation to advance the status of the cause of licensed funeral directors and embalmers. Their current president is Mr. H.A. Roberson of Bethany, MO.

The association is celebrating the 100 years of service at their annual convention to be held June 5-8. I believe they have earned the congratulations from not only myself, but the entire U.S. House of Representatives.

SCOTT COUNTY ALL-STARS WIN NATIONAL JUNIOR PRO CHAMPIONSHIP

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. COOPER. Mr. Speaker, the people of Scott County, TN, are extremely proud these days because of the outstanding accomplishments of the Scott County Junior Pro Junior Varsity All-Star girls basketball team. I am pleased to add my voice in congratulations to Head Coach Connie Bertram, Assistant Coach Paulette Todd and all the players for winning the national championship.

This impressive team not only ended the season with a 13 to 0 record, they were also victors in the Tennessee State Championship. They then advanced to the national tournament, which was held this year in Knoxville's Stokely Center. And on April 2, Mr. Speaker, this great team won the title of national champions.

As we all know, it takes very dedicated individuals to make a team, and a team cannot win unless there is unselfish cooperation among its individual players. Allow me, then, to congratulate the team members individually for their accomplishments, both personal and collective.

The all-star team included: Lisa Pace, Kim Banks, Lorie Wright, Lisa Marcum, Brandy Brown, April Reagan, Toya West, Misty Coffey, Christy Chambers, Sandy Newport, Crystal Lewallen, and Marsha Eads.

I know I speak for all of Scott County and all of Tennessee when I say congratulations. We are very proud of you.

THE 40TH ANNIVERSARY OF THE FOUNDING OF ISRAEL

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Ms. SLAUGHTER of New York. Mr. Speaker, April 21 marked the 40th anniversary of the founding of the modern State of Israel. I rise today to congratulate the citizens and friends of Israel on the remarkable achievements of these past 40 years.

The 600,000 Jews who declared independence 40 years ago had just survived the unimaginable horror of the holocaust in which one-third of the Jewish people perished. Additionally, from its inception Israel has been surrounded by nations which have vowed to destroy it. In the face of these threats and major wars in 1948, 1956, 1967, and 1973 Israel has managed to not only field one of the world's most sophisticated defense forces, but also has developed a robust democracy, a technologically advanced industry, and an agriculture which has truly made the desert bloom. That a nation facing such odds can accomplish so much so quickly is truly a cause for celebration.

Like all nations Israel has faced problems as it matured; it continues to struggle with the linked problems of achieving national security and resolving the status of the Palestinians in the West Bank and Gaza Strip. But the last 40 years bear testimony that Israel will be able to work out these difficulties. Fledgling democracies ordinarily succumb to far less adversity than Israel has endured. Israel's democracy continues to debate the nation's policy directions openly and vigorously. It continues to safeguard such basic civil rights as equality for women, free press, freedom of religion, and equal rights for all citizens. The strength of Israel's commitment to democracy and the courage it demonstrated in working with Egypt in the Camp David process are strong signals that it can and will work toward a lasting and secure peace with its neighbors.

Over the past 40 years Israel has developed into a strong military, economic, and political ally and friend of the United States. The 1983 memorandum of strategic cooperation between the two countries underlines Israel's status as a bulwark of the defense of the free world. Similarly the 1985 United States-Israel Free Trade Agreement emphasizes the closeness and vitality of our trade relations. We all look forward to continuing and strengthening these special relationships between our nations.

As Israel celebrates this important milestone, I join all its friends in rejoicing in the accomplishments of these four decades. They provide a firm foundation for what we all desire: an Israeli future of prosperity, freedom, and peace. Mr. Speaker, I ask all Americans to join me in honoring Israel on the 40th anniversary of its founding.

OTA—THE HOME OF MODERN-DAY LUDDITES

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. DORNAN of California. Mr. Speaker, I am continually amazed at the ostrich-like attitude of my liberal colleagues who refuse to believe that effective defenses can be developed to protect the American people. As proof they parade MADcapped scientists, who first and foremost, share the dream that the best hope for peace is to keep the American people hostage to the threat of nuclear annihilation. These scientists, most of which are not weapons specialists, much less military experts, develop strawman scenarios which they can conveniently tear down. I fear, from what I have read so far on the soon to be released Office of Technology Assessment report on strategic defense, that it will again skirt the real issue and argue that President Reagan's strategic defense initiative will not work. This is not only a gross error in judgment, but flies in the face of reality. It totally ignores the results of objective, empirical tests conducted within the constraints of the ABM Treaty, the tremendous advances in high-speed computing, aerospace technology, and nonnuclear weapons development. Further, it is an insult to the tens of thousands of scientists, technicians, and workers who labor on strategic defenses on a daily basis and know the truth—SDI is not only desirable to defend our American homeland but it can bring an end to the proliferation of nuclear weapons. SDI can and will work.

Mr. Speaker, the attitude of the American antidefense lobby is simply astounding. I think Tom Clancy, the well-known author of "Red Storm Rising" and the "Hunt for Red October," has made the best analogy I have heard on the whole issue. He compares the liberal arms control lobby and their illogical fear of defense with the 19th-century Luddites. I enjoin my colleagues to read Mr. Clancy's commentary and contemplate his analysis.

[From the Wall Street Journal, Apr. 28, 1988]

LUDDITES ARE WRONG ABOUT SDI TOO

(By Tom Clancy)

In the old days they were called Luddites. The first Luddites, members of a quasi-social movement in England at the beginning of the 19th century, thought that the Industrial Revolution would end a social order and replace it with something worse. Specifically, they feared that industrial production would make cottage craftsmen obsolete.

This is precisely what happened, of course, but what the Luddites failed to recognize was that the Industrial Revolution would have the net effect of creating far more than it destroyed. After a brief, violent history, the first Luddites faded to become a curious historical footnote, and the world moved forward to an age in which ordinary people could obtain wares hitherto limited to the very rich.

Unfortunately for us all, the ethos of the Luddites has never quite disappeared. It's rather like the Flat-Earth Society, which at least admits to being an anachronism.

PERSONAL COMPUTERS

In a modern context, the Luddites are found in many communities including the scientific one, whose members should know better. Roughly half the scientists at Los Alamos in 1945 thought that the atomic bomb would not fire. They were wrong. As recently as 30 years ago some very learned people decided that the U.S. needed only four computers—each of which was less capable than the Apple Macintosh on which I am writing this article—to handle all of America's scientific and research needs. Fortunately no one listened, and an industry was born.

One can imagine the same people, less than 15 years ago, questioning the rationale for personal computers. After all, what possible use does a private citizen have for a computer? To write books? We already have typewriters for that. It will put secretaries out of work, and who will buy a personal computer, anyway?

Several tens of milions of Americans have bought computers, it turns out, and they've made life a lot easier for secretaries, authors and a lot of Americans who never dreamed that a personal computer could be such a useful tool. Every time you see a TV commercial for a personal computer, you should remind yourself of the learned study made 30 years ago, then consider that the multibillion-dollar PC industry did not exist even as a dream less than 15 years ago. That such a thing is possible is evidence of that which the Luddite abhors. We call it "progress."

Today's Luddites are most often found in the anti-defense community in the U.S. They oppose every new weapon. The Stinger surface-to-air missile, for example, was decried as a weapon that required its operator to have a master's degree; it was too complex, too costly, too unreliable, and should not be bought. As we all know now, the U.S. gave Stingers to the Afghan freedom fighters, few of whom have advanced degrees in physics, and those overly complex, ineffective and expensive weapons are being wielded by semi-literate hill people and were decisive in winning a war against the Soviet Union. The Luddites were wrong. Again. But don't expect any of them to admit it.

The current manifestation of the Defense Luddites is the soon-to-be-released (and already partly leaked) report on the Strategic Defense Initiative by the congressional Office of Technology Assessment. One hardly needs to be a rocket scientist to know exactly what the Defense Luddites will say.

SDI will never work, they proclaim. (Surprise!) Their method of arriving at this conclusion is rather curious. When you strip all the technospeak away, they're claiming that it can't be done because it hasn't been done yet, and therefore, we ought not even to try doing it, because it can't be done. That's Luddite Logic if ever I heard it.

The world is replete with people who think things are impossible. These are largely people who don't do very much—or haven't done much in recent years—and are spiritually offended by those who do. They are, in fact, people who prefer to look for problems instead of looking for solutions; they are people who fear change.

The Luddites observe that we already have deterrence to keep the peace. Deterrence is a kind of political agreement between East and West that says in essence, if you murder our civilians, we will murder yours. This is the strategy—if we can dignify that lunatic statement with such a word—to which the Luddites adhere, and with which, they tell us, we should all be content. To try to break out of the deterrence trap might destabilize the world, they warn us, as though nuclear deterrence represents some form of stability.

Mutual Assured Destruction—which isn't even good grammer—has never made sense. Everything about it is counterintuitive. No tribe of primitives ever came up with an idea like this. The early Romans carried off the Sabine women; they didn't slaughter them as MAD dictates. Today, those women would be reduced to glowing dust. This is progress? This is stability? People think this is a good idea? The Luddites do.

SDI, despite what the Defense Luddites say, is not an adventure in technology application. It is a tool of national policy, and as with any tool it is supposed to be used with a specific objective in mind. The object, lest we forget it, is to prevent a global nuclear war.

At minimum, what SDI can and will do is make the process of launching a nuclear strike infinitely more complex and, therefore, far less likely. That is something worth doing regardless of cost or effectiveness.

NO ADEQUATE MODEL

At the same time, it is worthwhile to remember that the Luddites are useful in that they are always wrong. Among other things, they tell us in the OTA report that computer science will not race forward fast enough to handle the task of making SDI work. Evidently they have failed to notice computers that once filled a basketball court now can rattle around inside a wristwatch. Of course, they said 30 years ago that computers weren't really needed anyway, and they ignored Seymour Cray's comment that the Apple Mac-II on the market today is in some ways comparable to his first supercomputer. But, of course, who needs such capability? We will all be surprised by the answer to that question—the Luddites most of all.

The OTA report says that "no adequate model" exists for testing full-scale SDI-system concepts. Yet I saw such a model last week, and in two months it will be used for precisely that purpose. The people who made it say that, sure, there are problems with SDI technology, as with any kind of new technology. But Americans have always viewed problems as things to be solved, and we have never yet failed to solve a major technological problem. The Luddites fail to take note of that, too, but it is hardly surprising, since Luddism is a philosophy alien to America.

BREAKING DOWN THE BARRIERS

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. SMITH of Florida. Mr. Speaker, as our Nation commemorates National Barrier Awareness Day on May 7, 1988, we will have the opportunity to give special recognition to the social, cultural, physical, architectural, and attitudinal barriers which pose daily challenges to disabled persons.

Fortunately, our Nation has taken great strides to break down these barriers which inhibit the disabled from conducting their lives in the fashion they want and deserve. It is comforting to see city buses equipped with wheelchair lifts, parking places reserved for the handicapped, ramps where stairs were commonplace, and closed captions for the hearing impaired television viewer. These advances must continue.

Without question, these critical barrier adaptations and improvements are a result of the hard work of awarness organizations, such as the Broward County Barrier Awareness Committee. This committee strives to educate and inform our society of the hidden, as well as obvious, impediments confronting the handicapped throughout our nation.

The Broward County Barrier Awareness Day 1988 Committee will conduct a county-wide, educational campaign and celebration during the week of May 1, 1988 culminating in the observance of National Barrier Awareness Day on May 7. This week-long celebration will provide the committee an opportunity to relay this important message to the public about existing barriers.

The Broward County Barrier Awareness Day Committee should be praised for their perseverance in the unrelenting struggle to open our Nation's eyes to the reality of barriers. It is my hope that National Barrier Awareness Day will encourage other organizations across the Nation to engage in similar activities.

I urge my colleagues to join me in support of National Barrier Awareness Day and to pursue legislation to break down all of the barriers impeding our Nation's disabled.

PERSONAL EXPLANATION OF ABSENCE

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. PICKLE. Mr. Speaker, I was absent from the floor on Friday afternoon, April 29, due to scheduled engagements in my district.

Had I been here, I would have voted "no" on rollcall No. 84, to withdraw United States forces from Europe; and "aye" on rollcall No. 85, to enter into defense burdensharing negotiations with our allies.

TRIBUTE TO THE HERRICK MEMORIAL HEALTH CARE CENTER

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. PURSELL. Mr. Speaker, I rise today to pay tribute to Herrick Memorial Health Care Center in Tecumseh, MI, in honor of its 50th anniversary celebration this month.

The Herrick Memorial Health Care Center is a full-service facility committed to providing quality health care services vital to Tecumseh area residents. Herrick is a member of the American Hospital Association, the Michigan Hospital Association and is licensed by the State of Michigan Department of Public Health. It also is fully accredited by the Joint Commission on Accreditation of Hospitals.

The medical staff and hospital board of trustees, executives and hospital employees and retirees are proud of the 50 years of service the hospital has provided. Residents of Herrick's surrounding communities have reason to be grateful for such a fine service and community oriented health facility.

Mr. Speaker, the professionals at Herrick understand the importance of thoughtful, personal care and service and how it contributes to wellness and patient comfort. I would like to take this opportunity to publicly recognize and commend the work that all individuals associated with Herrick perform. May the next 50 years at Herrick continue to reflect a commitment to excellence and growth in service.

CONGRESSMAN KILDEE HONORS ANTHONY RAGNONE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to the long and distinguished career of Mr. Anthony (Tony) Ragnone of Flint, MI. Tony will be honored by his friends and professional affiliates for his tremendous accomplishments in Flint and Genesee County on the evening of May 5, 1988. As Drain Commissioner for Genesee County for 25 years, Tony has been the mastermind and No. 1 advocate in our community for clean lakes and streams, the comfort and convenience of our population, and the effective and efficient provision of water and sewers for our industry.

In Michigan, the position of Drain Commissioner dates well back to the previous century when developing cities, towns, and villages recognized the need to adequately plan and protect lakes and streams, wetlands, and delta areas for the purpose of providing for orderly growth. It is a position of great importance to our respective Michigan communities and one that truly tests the mettle of those willing to run for an office that requires around-the-clock responsibility for public safety, adherence to a myriad of Federal regulations, and strong foresight for orderly growth is an environment consisting of several competing interests. Tony Ragnone has not only met these and countless other qualities, he is a living legend who has set an example that will forever stand in the history of environmental protection and development in Michigan.

In 1962, when Tony first ran for Drain Commissioner in Genesee County, one of his first public statements was that government should be the eager servant of all the people. I, too, was beginning my public career at that time, and I believe the reason Tony and I have always had a strong working relationship and sincere friendship is that we believe with all our hearts in upholding the public's trust and in the need to promote, protect, and defend human dignity. That is why Tony Ragnone would not think twice about arriving at the scene in the middle of the night when a home or neighborhood was flooded or when a family business was threatened by destruction.

In Flint, where we are facing some very difficult economic times as a result of reorganization measures taken by the automobile industry, I very often refer in public speeches to the superior infrastructure that we can promote for the purposes of retaining the presence of that industry as well as recruiting new business and people. Out of sight under the homes and businesses in Genesee County exists an infrastructure, Mr. Speaker, that is second to none. In the 1980 census, Genesee County led the Nation in precent of population served by public sanitary sewers. In Genesee County, our sanitary sewer system consists of activated sludge plants, pumping stations, and lagoons and serves a total of 17 townships, 8 cities, and 5 villages, At the same time, Tony Ragnone has managed the construction and improvement of a water system serving 11 townships, 6 cities, and 1 village. This system consists of two major pumping stations and 12 million gallons of storage. And soon to be constructed is the first phase of a master planned water system referred to as the county loop. Over time, the water loop will save our communities millions of dollars. This one project is exact embodiment of the spirit of forward think for which Tony is famous. Some of Tony's other responsibilities that are carried out with distinction include solid waste management and recovery and county flood plan control.

Mr. Speaker, aside from being a devoted husband and father to his loving wife, Dorothy, and their three wonderful children, Lucia Marie, Josephine, and Samuel, Tony Ragnone has many other personal qualities that I admire. An avid sportsman and outdoorsman, Tony recognized early on the benefits of providing temporary summer jobs in an outdoor setting for hundreds of youth in Genesee County. He has been the mentor to dozens of developing engineers and planners who individually attest to the career start provided them by Tony Ragnone. One of the most rewarding parts of my career has been the opportunity to work closely with Tony in packaging projects worth tens of millions of dollars. Tony is in the truest sense an expert and professional in leveraging Federal and State funds, making the individual assessments for local projects as reasonable as possible. Going back in history to agencies and programs that have long since ended, to today, with the Environmental Protection Agency, Tony Ragnone has championed an effort resulting in over $100 million in Federal funds coming home to Genesee County.

Mr. Speaker, during his tenure in Genesee County, Tony Ragnone has succeeded in far surpassing his expected duties as Drain Commissioner. Our water supply system, our sewage collection and treatment structures, our solid waste plan, and our storm drainage systems are second to none in the United States. It is indeed an honor and privilege to pay tribute to a man who has not only made history, but who has left a legacy that will be appreciated by generations to come.

H.R. 4150, THE POSTAL REORGANIZATION AMENDMENTS ACT OF 1988

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mrs. SCHROEDER. Mr. Speaker, I strongly support H.R. 4150, legislation introduced by my good friend and colleague, Mr. FORD of Michigan, to take the Postal Service off-budget.

In the past few months, the Postal Service has simultaneously raised rates and cut service. As a result, many of our constituents are hopping mad: What does the post office mean by charging more and delivering less?

What most citizens do not know is that the service cuts came not because the Postal Service could not make ends meet. Rather the cuts were ordered as part of a Reagan administration plan to privatize the Postal Service. Jim Miller, the OMB head, used the arcane procedures of the Gramm-Rudman budget law to force the Postal Service to make the public mad. Miller figured that the public reaction to closed post offices would be enough to win approval of his lifelong dream of having Dominos Pizza deliver the mail.

The only way to prevent Miller and his co-conspirators from striking again is to remove the Postal Service from the Federal budget, which is just what H.R. 4150 does. We do not appropriate any money to subsidize the operations of the Postal Service and, because postal income covers postal costs, Postal Service operations do not increase the size of the Federal deficit. So keeping the Postal Service on budget serves only one purpose: permitting ideologues to slash public service to build support for privatization.

A majority of our colleagues in the House have now cosponsored this bill. They know that the bill will prevent further service cuts affecting our constituents. It is time to let the Postal Service do what it does best—deliver the mail.

FEDERAL NUCLEAR FACILITIES ENVIRONMENTAL RESTORATION AND MANAGEMENT ACT H.R. 4193/S. 2189 FEDERAL NUCLEAR FACILITIES CLEANUP ACT

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. BONKER. Mr. Speaker, the recently discovered plutonium leak at the Department of Energy's [DOE] radioactive waste management complex of the Idaho National Engineering Laboratory, underscores the need for an aggressive environmental cleanup and compliance program for DOE facilities.

Plutonium leaks, first discovered at the 36-year-old radioactive waste management complex in June 1987, are now threatening to contaminate an underground water reservoir supplying thousands of southern Idaho residents. This occurrence is not an isolated incident. More than 20 major DOE nuclear facilities around the country have serious contamination problems. Studies by the General Accounting Office found that the Idaho site is one of 1,300 in which wastes from atomic weapons production were buried or stored. The particular problem of waste leakage has arisen at 12 other Government facilities.

Clearly, DOE facilities should be brought under the same environmental standards as the private sector. And the Federal Government, which created the waste problems, should be responsible for the cleanup of the radioactive and hazardous waste and contamination at DOE facilities, Senator BROCK ADAMS and I recently introduced the Federal Nuclear Facilities Environmental Restoration

Act (H.R. 4193/ S.2189), legislation to accomplish both of these goals.

Under the Bonker-Adams bill, the Environmental Protection Agency would develop cleanup plans for DOE facilities in the form of "compliance agreements" with DOE, which would include cleanup standards based on Federal environmental laws (especially CERCLA and RCRA), a timetable for action, and an outlay schedule. The bill would establish a cleanup trust fund and allocate costs among DOE, the Department of Defense, and other Federal and private users of DOE nuclear services. In addition, the legislation would establish a special environmental counsel to enforce the compliance agreements and Federal environmental laws of Federal nuclear facilities.

The problem of contamination and nuclear waste disposal at Federal nuclear facilities is one which we can ill-afford to ignore. The longer we wait to adopt a comprehensive cleanup plan, such as the one Senator ADAMS and I have proposed, the greater will be the cost and the threat to human health and the environment.

The following excerpt from an article in the New York Times by Keith Schneider is an excellent account of the plutonium leakage at DOE's Idaho facility, and the problem of contamination at DOE facilities generally:

PLUTONIUM LEAK IN IDAHO SYMPTOM OF ATOMIC ILLS

(By Keith Schneider)

IDAHO FALLS, ID.—The discovery of a plutonium leak in one of the nation's oldest and largest nuclear waste dumps has presented both a problem and an opportunity in the Federal Government's effort to deal with a legacy of dangerous wastes from the buildup of the nation's nuclear arsenal.

Against a pristine panorama of mountains, desert and brilliant sky in southeastern Idaho, engineers using delicate monitoring equipment have confirmed that traces of plutonium have drained from shallow waste pits at the Radioactive Waste Management Complex. They are moving through rock layers toward a vast underground water reservoir that supplies thousands of southern Idaho residents. The deadly elements have been confirmed 110 feet beneath the waste site and tests indicate they are as deep as 240 feet, nearly halfway to the reservoir.

The leaks at 36-year-old waste site, part of the Government's Idaho National Engineering Laboratory, were first identified in June 1987. It is a problem that has arisen in 12 other states at the national laboratories and industrial plants that spent almost five decades making nuclear weapons for the military, leaving behind radioactive waste that could take until the 22d century to clean up.

A LONG CLEANUP PROCESS

At the same time, the Idaho plant is one of those at which the Government is attempting to develop methods for stopping leaks at nuclear waste sites as well as developing methods for disposing of other radioactive substances, including contaminated soil.

"We're going to be in this cleanup business 50, 100, 150 years from now," said George Kritz, a physicist and director of the Energy Department's hazardous waste and remedial action division in Germantown, Md.

The Energy Department said last month that it would cost a total of about $100 billion to determine how much waste there is at sites nationwide, to contain it and to clean it up. This is an effort that emerged this year at one of the department's principal missions.

$895 MILLION WASTE PLAN

In the fiscal year 1988, the department will spend $895 million to manage its radioactive wastes, or nearly 12 percent of the $7.5 billion budget for nuclear weapons production. Two years earlier the amount was $618 million, 8 percent of the department's weapons budget.

Engineers in Idaho say the particles of plutonium that have penetrated to the deep rocks do not pose an immediate threat to any of the 10,000 employees at the Idaho laboratory, the 40,000 residents of Idaho Falls, or to any other citizen. Health specialists agreed.

But Federal engineers said they are concerned about future generations. Plutonium remains radioactive for 250,000 years and even microscopic particles can be lethal if they are inhaled or swallowed. If enough of the man-made element penetrates to the underground reservoir, the acuifer's use to farmers or households could be limited or ruined, the Federal authorities acknowledged.

WE'RE WATCHING CAREFULLY

"We don't expect that to happen," said James E. Solecki, director of waste management at the Idaho laboratory. "The levels of plutonium we've found are very low, about the same as what you'd find on the ground in New York or Washington from atmospheric testing in the 1950's. We're watching the situation very carefully."

According to studies by the General Accounting Office, the investigative arm of Congress, the Idaho site is one of 1,300 in which wastes from atomic weapons production were buried or stored. The agency said many had become substantial environmental and public health threats. Here are some of those situations:

Radioactive substances from waste pits holding 11 million gallons of uranium at an Energy Department plant in Fernald, Ohio, are leaking into an aquifer and have contaminated wells a half-mile south of the facility.

More than 500,000 gallons of highly radioactive liquids have leaked from tanks at the Hanford Reservation near Richland, Wash. Other radioactive substances have contaminated water under the ground. In another part of the reservation, billions of gallons of contaminated water were poured into the ground and a steady stream of radioactive tritium is flowing into the Columbia River.

Chemicals and radioactive material have contaminated the aquifer beneath the Savannah River Plant near Aiken, S.C., and are not present at levels 400 times greater than what the Government considers safe. The General Accounting Office and environmental and scientific groups say the 300-square-mile region could be irreversibly contaminated.

GOVERNMENT'S BIGGEST CHALLENGE

"The nation faces a formidable task to clean up thousands of sites owned by the Federal Government at which uncontained hazardous and radioactive wastes are contaminating soil and ground water." Dexter Peach, Assistant Comptroller General of the G.A.O., told a House Energy and Commerce subcommittee last month. "Cleaning up the Energy Department's nuclear facilities may be the Government's biggest challenge."

The department is completing a $1.3 billion plant to turn highly radioactive liquid wastes stored at the Savannah River Plant into glass logs for safer storage and a similar plant is planned for the Hanford Reservation. A $700 million waste repository is under construction in New Mexico to permanently store plutonium-contaminated wastes.

The agency is also studying how to decontaminate old reactors and production facilities that have been abandoned. Since 1982, workers clad in protective suits and outfitted with acetylene torches have been dismantling a laboratory building in Miamisburg, Ohio. Taking the plutonium-contaminated laboratory apart by hand and transporting the pieces to Idaho or New Mexico will not be completed until the mid-1990's when the cost is expected to total $50 million. . . .

SUPPORT FOR THE ATV CONSENT DECREE SHOULD MEAN OPPOSITION TO LEGISLATIVE ACTION

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1988

Mr. DANNEMEYER. Mr. Speaker, on Monday, April 18, 1988, Federal Judge Gerhard Gessell heard arguments regarding the efficiacy of the final consent decree that was filed by the Justice Department [DOJ] on behalf of the Consumer Product Safety Commission [CPSC] and by the all terrain vehicle [ATV] distributors. On April 27, 1988, the final consent decree was approved by Judge Gessell.

Since many of us represent ATV dealers and riders, it is important that Members be aware of the substantial progress of this issue. There are approximately 2.4 million ATV's is use in America with about 6.75 million riders. In addition, there are 4,900 independent ATV dealers nationwide. Because there is such widespread local interest in this issue and because of the attention this issue has received in the press, I commend to my colleagues the following information from the DOJ's brief in support of the final consent decree:

APPENDIX A

[Comparison of relief in section 12 complaint, PCD and FCD]

Category of relief sought in complaint	Relief agreed to in PCD	Relief agreed to in FCD
(1) Free hands on training courses for all past and future ATV purchasers and their immediate families, coupled with incentives for participation [Paragraph 2(a)].	(1) Framework for free, hands-on training program, to be operated nation-wide, coupled with participation incentives; details of program were to be fleshed out in FCD [PCDParagraph K].	(1) Remaining details of nation-wide free hands-on training program and anticipated structure agreed upon [FCD paragraph K]. (a) Country divided into six regions, each staffed by Administrator and support personnel, each broken down into Areas under jurisdiction of Area Administrators who bear direct responsibility for administering training component at sites reasonably accessible to purchasers. (b) Six-hour course content agreed upon; features practical riding experience coupled with lessons on proper riding behavior. (c) Course content to be field tested and modified from time to time to meet student needs better. (d) Each purchaser of a new ATV who completes training course will receive $100 U.S. Savings Bond, $50.00 in cash, or a merchandise certificate (where offered), at his option. (e) Distributors begin implementation of structure within 60 days of Court's approval of FCD. Instructor training to begin upon completion of field testing, with pool of 1,000 trained instructors anticipated within six months of Court approval. Rider training to begin as instructors are trained. (f) Distributors provide to dealers a 25% discount on ATVs loaned for use in training courses. (g) Reporting and verification requirements to CPSC on course content, level of participation, and the number of instructors available.
(2) Free written and visual training materials to past and future purchasers and their immediate families [Paragraph 2(b)].	(2) Not addressed in PCD.	(2) Student handbook provided free to each participant [FCD Paragraph K.2.a.].
(3) Extensive media campaign to advertise [Paragraph 2(c)]	(3) Media public awareness campaign.	(3) Media public awareness campaign.
(a) the operating characteristics of an ATV and of the availability of free training; and.	(a) Distributors to mount a substantial nation-wide print and broadcast media public awareness campaign, within 45 days of entry of FCD: agreement on precise contours of media campaign to be agreed upon in FCD [PCD Paragraph J].	(a) (i) Distributors to mount substantial media campaign to increase public awareness of ATV safety; campaign to be conducted on network cable, and spot television, and in enthusiast and outdoor magazines in late 1988; to be featured in print a second time in early 1989: Distributors to notify by mail specified public service organizations of availability of free written and videotaped safety material; CPSC to be provided copies of advertising, and to monitor compliance [FCD Paragraph J]. (a) (ii) Distributors to contact consumer groups and every County Extension Service to offer free safety brochures and safety videos.
(b) age recommendations	(b) within twenty days of entry of PCD. Distributors to make affirmative representations, including in electronic media if used for advertising, recommending ATVs with engines of 70 cc to 90 cc for riders aged 12 and older and ATVs with engines of greater than 90 cc for riders aged 16 and older and to use best efforts to ensure dealer compliance with these recommendations; agreement expressly made enforceable with entry of PCD, and survives even absent later agreement on FCD [PCD Paragraph G]. Right to proceed against vehicles marketed for children under 12 reserved to Commission [Paragraph P].	(b) No material modification from PCD [FCD Paragraphs G and P].
(4) Ban on advertising alleged to encourage unsafe riding [Paragraph 2(d)]	(4) Distributors to develop for inclusion in FCD, and to follow, marketing guidelines acceptable to Commission that alert public to potential risks associated with ATVs. The availability of free training, and that address the age recommendations for ATVs and the image of ATVs.	(4) All future advertising and promotional materials to conform to media guidelines [Paragraph J.1.]. (a) Guidelines address depictions of and statements about ATV stability, necessary skills and training, terrain, age recommendations, use of children in advertisements, speed/racing, operator behavior, protective equipment, and cargo. (b) Safety messages regarding training, helmets, recommended ages, and other safety tips required in advertisements and promotional materials.
(5) Direct mailing of notices and warnings to all known past purchasers [Paragraph 2(e)].	(5) Detailed and agreed-upon safety notice (Appendix A in PCD) regarding alleged risks associated with ATV use to be mailed to known past purchasers of ATVs within twenty days of the entry of the PCD [PCD Paragraph E.1.a.].	(5) Already completed.
(6) New labeling on all new models, with new labels sent to known past purchasers [Paragraph 2(f)].	(6) Distributors to agree on new warning label, posted on all new ATVs and mailed to all known past purchasers, bearing important safety information and age recommendations in language and format agreeable to Commission and specified in FCD [PCD Paragraph H].	(6) Format and language of warning lables agreed upon; to be mailed to all known purchasers and to dealers within 45 days of Court's approval of FCD or testing program, whichever is later [FCD Paragraph H.1.]. (a) Labels designed and tested to conform to generally accepted labeling practices. (b) Labels address age recommendations, proper tire pressure and potential hazards associated with carrying passengers, paved surfaces, public roads, use of alcohol, excessive speed, and stunt maneuvers.
(7) New owner's manuals emphasizing techniques of safe ATV operation [Paragraph 2(g)].	(7) Within 45 days of entry of PCD. Distributors to agree on revised owner's manuals, agreeable in language and format to CPSC, to give warnings regarding potential hazards associated with ATV use, and to send new manuals to dealers within 45 days of court approval of FCD [PCD Paragraph I.2.].	(7) Manual supplement and guidelines for new owner's manuals [FCD Paragraph H.2.]. (a) Manual Supplement contains information on 26 potential hazards and how to avoid the potential hazard. To be mailed to known past purchasers with the new lables and provided to all dealers to include with existing manuals. (b) Manuals for new models will contain introductory section highlighting the potential hazards in the manual supplement and will follow guidelines addressing content, format, and readability.
(8) Enhanced point-of-purchase safety material [Paragraph 2(h)]	(8) Provide all ATV retailers with a variety of point-of-purchase safety material, including: mandatorily displayed posters, measuring four feet by four feet, bearing ATV Safety Alert; hang tags with appropriate safety messages mounted in each ATV in showroom; safety videos; and copies of a Safety Verification Form (Appendix C) [PCD Paragraphs E.1.b., I.2.b.].	(8) Safety Alert poster already distributed; no material modification of PCD except that safety verification form no longer required and purchaser is to be given a revised safety alert. All safety material to follow guidelines addressing content and form [FCD Paragraph H.3.b.].
(9) Undertaking to encourage independent dealers to convey safety information to customers [Paragraph 2(1)].	(9) Within twenty days of approval of PCD, each dealer to receive specified letter (PCD Appendix B) providing terms of PCD, copy of PCD, advising them to encourage safety awareness and to take special care in matching riders with appropriate sized vehicles [PCD Paragraphs E.1.c., I.2.b.(6)].	(9) Already completed.
(10) Distributor oversight of dealer compliance [Paragraph 2(j)]	(10) Exercise oversight, to extent permitted by law, to encourage dealer compliance with safety requirements of consent decrees. [PCD Paragraph I.2.b.(5)].	(10) No material modification of PCD [FCD Paragraph H.3.a.].
(11) Toll-free safety hotline [Paragraph 2(k)]	(11) Toll-free hotline established by Distributors to provide safety information to consumers and to advise consumers how to contact CPSC with ATV questions [PCD Paragraph I.c.].	(11) No materal modification of PCD [FCD Paragraph H.4.].
(12) Immediate halt in sales of three-wheel ATVs, and an undertaking to repurchase dealer inventory [Paragraph 4].	(12) Effective with Court's approval of the PCD, each Distributor to halt marketing and distribution to dealers of all three-wheel ATVs immediately; within five days of entry of PCD, each Distributor to notify retailers to halt all marketing and sales of three-wheel vehicles immediately, and to offer commercially reasonable adjustment for all such vehicles in dealer inventory; CPSC reserves the right to take further actions if, twelve months or more after entry of FCD, Commission determines on new and substantial evidence that "a further and more extensive ATV recall and repurchase remedy is warranted" [PCD Paragraph F].	(12) No material modification of PCD [FCD Paragraphs F and Q].
(13) Refunds to all interested owners of three-wheel ATVs or of four-wheel ATVs purchased for use by children under age 16 [Paragraph 3].	(13) No comparable provision.	(13) No comparable provision.

APPENDIX A—Continued

[Comparison of relief in section 12 complaint, PCD and FCD]

Category of relief sought in complaint	Relief agreed to in PCD	Relief agreed to in FCD
(14) No request for relief	(14) Distributors to continue participation in voluntary performance standards process: to make good faith effort to reach agreement on such standards within four months of entry of FCD [PCD Paragraph L].	(14) No material modification of PCD [FCD Paragraph L].
(15) No request for relief	(15) Distributors will not oppose state legislation that provides for consistent age recommendations and hands-on training for ATV licensing and certification [PCD Paragraph O].	(15) No material modification of PCD [FCD Paragraph O].
(16) No request for relief	(16) Government retains right to bring separate proceeding under FHSA against ATVs marketed for use by children under age twelve [PCD Paragraph P].	(16) No material modification of PCD [FCD Paragraph P].
(17) No request for relief	(17) Government reserves right to initiate other rulemaking proceedings, under either the CPSA or the FHSA, against any additional hazards alleged to be presented by ATVs [PCD Paragraph Q].	(17) No material modification of PCD [FCD Paragraph Q].
(18) No request for relief	(18) No comparable provision	(18) No safety-related communication generally distributed from Distributor to consumer shall be inconsistent with the terms of FCD [FCD Paragraph I].
(19) Not applicable	(19) Not specified	(19) FCD shall have effect for term of ten years from date of Court's approval [FCD Paragraph E].

[In the U.S. District Court, District of Columbia, Civil Action No. 87-3525 GAG]

UNITED STATES OF AMERICA, PLAINTIFF, *v.* AMERICAN HONDA MOTOR CO., INC., HONDA MOTOR CO., LTD., HONDA RESEARCH & DEVELOPMENT CO., LTD., YAMAHA MOTOR CO., LTD., YAMAHA MOTOR CORP., U.S.A., SUZUKI MOTORS CO., LTD., U.S. SUZUKI MOTOR CORP., KAWASAKI HEAVY INDUSTRIES LTD., KAWASAKI MOTORS CORP., U.S.A., POLARIS INDUSTRIES, L.P., DEFENDANTS.

MEMORANDUM OF THE UNITED STATES IN SUPPORT OF FINAL CONSENT DECREES

D. The absence of a refund provision does not render the decree an unfair, inadequate, or unreasonable resolution of the ATV controversy

As demonstrated above the settlement before the Court fully satisfies the requirement that it be fair, reasonable and adequate. The absence of an agreement by defendants to provide a refund to past purchasers of ATVs in no way undermines this conclusion, notwithstanding the position of Amici to the contrary.

While a refund remedy is authorized by Section 12 if necessary to protect the public from an imminently hazardous product, we start from the premise that there has never been a case granting relief of this kind across an entire industry's product line. The breadth and novelty of such a remedy would, standing alone, create significant uncertainty about the Government's likelihood of success in litigation. But the legislative history of the CPSA suggests a cost-benefit approach in regulating consumer products. See S. Rep. No. 749, 92d Cong., 2d sess. 14-15 (1972); 118 Cong. Rec. S 18199 (October 14, 1972). The Government, as part of its pre-litigation preparation, did an exhaustive analysis of this factor, interviewing fact witnesses, consulting with experts, and examining the legal principles involved. While prudence dictates that our precise risk analysis not be disclosed here (because these privileged documents would be highly useful to adversaries in other CPSA cases or in this one, if the Final Consent Decree is not approved), suffice it to say that the Government's case would not be without difficulties.

The primary focus of the CPSA is, of course, safety. By contrast, the protection which a refund remedy would afford to ATV owners is in large measure financial, as some of the Amici readily acknowledge in their briefs. *See* Brief of Amici Curiae States, pp. 32-34. A refund would be designed to serve primarily as equitable compensation for those who bought ATV's under the mistaken belief that they were harmless easy-to-ride vehicles and would provide a kind of "insurance" in the event of a declining resale value for ATVs on the used market as a result of the hazards of ATVs becoming known. As useful a remedy as that might be, it is far from a central element of the safety-related remedies sought by the CPSC. As a result, its absence from the settlement agreement in no way renders the settlement unfair, unreasonable or inadequate, specifically given the preeminent purpose behind Section 12 of protecting the lives and limbs of consumers. The extensive safety-oriented relief achieved by the Final Consent Decree—relief which the Government could not have obtained in settlement had it persisted with its demand that defendants provide a refund—is indisputably more critical than a provision for restitution.[15]

The extent to which a refund remedy would advance consumer safety beyond what the relief achieved through settlement also cannot be known. Arguably, however, the availability of a refund would do little, if anything, to enhance consumer safety in any significant way that the settlement relief does not. Amici appear to suggest that a refund is essential for inducing ATV owners to stop using their ATVs and to stop allowing their children to use them, thereby reducing deaths and injuries associated with ATV use. *See* Brief of Amici Curiae States, p. 33; Brief of United States Senator Alfonise M. D'Amato As Amicus Curiae, p. 3; Memorandum In Support Of Intervenors' Motion Requesting Court To Hold A Hearing Before Approving Any Final Consent Decree, p. 9. Yet, based on its analysis of the data, the CPSC did not conclude that a recall or ban of ATVs was warranted at this time. Accordingly, the relief sought by the CPSC, including the voluntary repurchase proposal, was not designed to create the *de facto* recall Amici appear to support. Thus, to criticize the settlement because it does not have the effect of a ban or recall is to urge an approach to ATV safety not even adopted in the government's complaint.

At the same time, while it may be true that a refund would induce ATV owners to sell their ATV when they otherwise would not, the relief secured through settlement, with its numerous notification provisions, provides ample incentive for these individuals to discontinue their use (and their children's use) of ATVs if, fully informed of ATV risks by virtue of the settlement, he or she decides that operating the vehicle poses an unacceptable risk of harm. Amici have not presented any reason to believe that a refund, in addition to the notification relief, is necessary to coax informed consumers into taking steps, appropriate in their judgment, to protect themselves and their families, whether that is careful use of the machine or abandonment of it altogether.

Given the lack of assurance that a refund remedy would do anything to reduce the number of deaths and severe injuries associated with ATV operation beyond what the relief provided for in the consent decree will do,[16] the position that only a settlement which includes a refund remedy would fairly, adequately and reasonably resolve the ATV controversy is untenable. The Court, therefore, should approve the settlement agreement reached by the parties despite the fact that it does not require consumer refunds, a remedy which could only be obtained, if at all, through protracted litigation lasting several years. Any other ruling would completely vitiate the certain benefits of the wide-ranging, timely remedial actions to which the Final Consent Decree obligates defendants.

CONCLUSION

The ATV industry has committed itself in the Final Consent Decree to offering consumers relief that will substantially abate the hazards associated with ATV usage. The defendants are now prepared, at considerable cost, to disclose the dangers of their product to the public and to equip users of their product with the skills needed for its safe operation. There is simply no adequate reason for the Court to keep the public from receiving this long overdue relief. For the foregoing reasons, the Government respectfully requests that the court approve the final consent decree as promptly as possible.

Respectfully submitted,

JOHN R. BOLTON, *Assistant Attorney General.*
JAY B. STEVENS, *U.S. Attorney.*
ROBERT J. CYNKAR, *Deputy Assistant Attorney General.*

The ATV distributors agreed to implement every program sought in the Government's complaint, except one. The only action requested by the Government that was not included in the settlement was the provision that would have required the ATV distributors to provide refunds to all interested owners of three-wheel ATV's or of four-wheel ATV's purchased for use by children under age 16. In an effort to provide some perspective on the absence of this provision from the consent decree, I have also attached pages 34-38 from DOJ's brief. As DOJ noted, "[a] refund would be designed to serve primarily as equitable compensation for those who bought ATV's .* * *" Moreover, DOJ concluded that "* * * the availability of a refund would do little, if anything, to enhance consumer safety in any significant way that the settlement does not." Given the importance of the immediate relief contained in the consent decree, the CPSC would have breached its statutory duty to protect consumer safety if it had rejected the settlement because there was not refund provision.

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[15] The decree does not, moreover, foreclose ATV owners from seeking restitution against the defendants under state deceptive marketing laws. In fact, a class action is now pending in U.S. District Court in Philadelphia asserting such claims on behalf of all ATV owners. *Reinheimer, et al.* v. *American Honda Motor Co., Inc., et al.*, C.A. No. 88-0237 (E.D. Pa.) (filed January 13, 1988).

[16] A conceivable safety benefit to be attained through a refund remedy that is not attained by the consent decree is a deterrent in the future against product manufacturers and distributors defendants making the same mistakes that were made in the ATV industry. However, this result, albeit desirable, would do nothing to redress the imminent danger posed by ATVs and is therefore irrelevant to the purpose behind the government's Section 12 action.

I support the consent decree because of the immediacy and the nature of the relief contained in it. I urge my colleagues to join me in supporting the judge's decision in the final consent decree and opposing any legislative effort to undermine or vitiate it by legislatively imposing a requirement that ATV distributors provide refunds.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, May 3, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 9

9:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of the Interior and certain related agencies.
SD-192

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development and related agencies.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1989 for the Department of the Interior and certain related agencies.
SD-192

Governmental Affairs
To hold hearings on the U.S.-Canada Free Trade Agreement signed on January 2, 1988, to provide increased economic activity, higher trade levels, jobs, and enhanced competitiveness for the U.S. and Canada.
SD-342

MAY 10

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Education.
SD-116

Joint Economic
Education and Health Subcommittee
To resume hearings on the future of health care in America.
2325 Rayburn Building

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for defense programs.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development and related agencies.
SD-124

MAY 11

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Compensatory Education for the Disadvantaged, School Improvement Programs, Impact Aid, Bilingual, Immigrant and Refugee Education, Education for the Handicapped, Rehabilitation Services and Handicapped Research, and Vocational and Adult Education.
SD-192

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Special on Aging
To hold hearings to review biomedical advances in aging research.
SD-G50

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 1869, Dairy Farm Protection Act, and milk marketing orders.
SR-332

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Air Force military construction and family housing programs.
SD-124

Governmental Affairs
Business meeting, to consider pending calendar business.
SD-342

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 1480, to promote the integration of universities and private industry in the National Laboratory system of the Department of Energy in order to improve the development of technology in areas of economic potential, and Amendment No. 1627 proposed thereto.
SD-366

Small Business
Business meeting, to mark up S. 1993, to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and proposed legislation to authorize funds for fiscal year 1989 for the Small Business Administration.
SR-428A

MAY 12

8:00 a.m.
Veterans' Affairs
To hold hearings on S. 1692, to provide for the payment of a veterans' disability benefit in the case of certain veterans who have non-Hodgkin's lymphoma, S. 1787, to prescribe certain presumptions in the case of veterans who performed active service during the Vietnam era, and to review other related agent orange issues.
SR-418

9:00 a.m.
Rules and Administration
To resume hearings on S. 2061, to establish national standards for voter registration for elections for Federal office.
SR-301

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Student Financial Assistance, Guaranteed Student Loans, Higher Education, Higher Education Facilities Loans and Insurance, College Housing Loans, Howard University, Special Institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, and Gallaudet) Education Research and Statistics, and Libraries.
SD-192

Governmental Affairs

To resume hearings on restructuring the Nuclear Regulatory Commission.

SD-342

10.00 a.m.

Appropriations

Foreign Operations Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1989 for bilateral economic assistance programs.

S-126, Capitol

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for trade activities of the Department of Commerce and the U.S. Trade Representative.

S-146, Capitol

Rules and Administration

To hold hearings on S. 182 and H.R. 435, bills to establish a single poll closing time in the continental United States for Presidential general elections.

SR-301

2:00 p.m.

Energy and Natural Resources

To hold hearings on S. 2203, to extend the expiration date of title II of the Energy Policy and Conservation Act.

SD-366

MAY 13

9:30 a.m.

Governmental Affairs

To hold hearings on regulatory reform.

SD-342

MAY 17

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1989 for bilateral economic assistance programs.

S-126, Capitol

MAY 18

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

10:00 a.m.

Governmental Affairs

Government Efficiency, Federalism, and the District of Columbia Subcommittee

To resume hearings on S. 1992, to promote intergovernmental and interagency cooperation in the development of groundwater policy.

SD-608

1:30 p.m.

Labor and Human Resources

Employment and Productivity Subcommittee

To resume hearings on S. 1731, to establish a demonstration program to provide educational and job-training services for severely disadvantaged youths.

SD-430

2:00 p.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold oversight hearings on the President's proposed budget request for fiscal year 1989 for the Department of Energy, focusing on renewable energy and energy conservation programs.

SD-366

MAY 19

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold hearings on tourism as an export.

SR-253

Energy and Natural Resources

To hold hearings on the Economic Regulatory Administration's prosecution of individuals in oil overcharge cases under the "central figure" theory of recovery in restitution, as adopted in Citronelle-Mobile Gathering, Inc. et al, v. Herrington, 826 F.2d 16 (TECA 1987).

SD-366

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1989 for bilateral economic assistance programs.

S-126, Capitol

MAY 20

10:00 a.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1461, to convey certain lands to the YMCA of Las Vegas, Nevada, S. 1687, to correct historical and geographical oversights in the establishment and development of the Utah component of the Confederated Tribes of the Goshute Reservation, S. 1849, for the relief of Mr. Conwell F. Robinson and Mr. Gerald R. Robinson, and S. 2264, to exchange certain Federal mining rights for certain lands in New Mexico.

SD-366

MAY 23

8:30 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain activities of the Department of the Interior and Energy.

S-128, Capitol

10:00 a.m.

Energy and Natural Resources

Mineral Resources Development and Production Subcommittee

To hold oversight hearings on the Department of the Interior's royalty management program.

SD-366

MAY 24

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold oversight hearings on the President's proposed budget request for fiscal year 1989 for the Department of Energy, focusing on nuclear reactor and space nuclear power research and development programs.

SD-366

10:00 a.m.

Finance

To resume hearings on children's health care issues.

SD-215

MAY 25

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

Commerce, Science, and Transportation

To hold hearings on insurance antitrust matters.

SR-253

10:00 a.m.

Veterans' Affairs

To hold hearings on S. 1997, to reduce the monthly reduction of an individual's basic pay for the provision of basic educational assistance and provide for the payment to survivors of basic educational assistance paid for, but unused, by the participant, provisions of H.R. 4213, Montgomery GI Bill Amendments of 1988, and S. 2307, to make certain improvements in the educational assistance programs for veterans and eligible persons.

SR-418

MAY 26

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of

Labor, Health and Human Services, and Education, and related agencies.

SD–138

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1967, to provide for the establishment of the Tallgrass Prairie National Preserve in the State of Oklahoma.

SD–366

10:00 a.m.

Finance

To resume hearings on children's health care issues.

SD–215

JUNE 7

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD–192

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for export financing programs.

S–126, Capitol

JUNE 8

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD–192

JUNE 9

9:00 a.m.

Veterans' Affairs

To hold hearings on S. 2011, to increase the rate of VA compensation for veterans with service-connected disabilities and dependency and indemnity compensation for the survivors of certain disabled veterans, S. 1805, to protect certain pensions and other benefits of veterans and survivors of veterans who are entitled to damages in the case of "In re: 'Agent Orange' Product Liability Litigation", and to hold oversight hearings on activities of the Board of Veterans' Appeals, and related matters.

SR–418

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD–192

JUNE 10

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for defense security assistance programs.

S–126, Capitol

JUNE 14

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for foreign assistance programs.

S–126, Capitol

JUNE 16

9:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for foreign assistance programs.

SD–192

9:30 a.m.

Veterans' Affairs

To hold hearings on S. 2207, to authorize the Administrator of Veterans' Affairs to provide assistive simians and dogs to veterans who, by reason of quadriplegia, are entitled to disability compensation under laws administered by the Veterans' Administration, S. 2105, to extend for 4 years the authority of the VA to contract for drug and alcohol treatment and rehabilitation services in halfway houses and other certain community-based facilities, and S. 2294, to extend the authority of the VA to continue major health-care programs, and to revise and clarify VA authority to furnish certain health-care benefits, and to enhance VA authority to recruit and retain certain health-care personnel.

SR–418

JUNE 24

9:30 a.m.

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold hearings on Japanese patent policy.

SR–253

HOUSE OF REPRESENTATIVES—*Tuesday, May 3, 1988*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, You call Your people to be peacemakers and yet there is so much tumult. You direct us to be agents of reconciliation, and yet we so often highlight our differences and we miss our unity as a people. O God, make real in our lives the celebration of our common gifts and life, ordered by Your hand and blessed by Your grace. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Emery, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 237. An act to amend section 207 of title 18, United States Code, to prohibit Members of Congress and officers and employees of any branch of the United States Government from attempting to influence the United States Government or from representing or advising a foreign entity for a proscribed period after such officer or employee leaves Government service, and for other purposes.

PRIVATE CALENDAR

The **SPEAKER**. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

CHUN WEI WONG AND OTHERS

The Clerk called the bill (H.R. 2108) for the relief of Chun Wei Wong, Bic Ya Ma Wong, Wing Sing Wong, Wing Yum Wong, and Man Yee Wong.

Mr. **SENSENBRENNER**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

EMILIE SANTOS

The Clerk called the Senate bill (S. 393) for the relief of Emilie Santos.

There being no objection, the Clerk read the Senate bill, as follows:

S. 393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Emilie Santos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 202(e) of such Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SAMUEL O. JOHNSON

The Clerk called the bill (H.R. 2358) for the relief of Samuel O. Johnson.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **SENSENBRENNER**. Mr. Speaker, I object.

Mr. **BUECHNER**. Mr. Speaker, I object.

The **SPEAKER**. Two objections are heard. Under the rule, the bill is recommitted to the Committee on the Judiciary.

RODNEY E. HOOVER

The Clerk called the bill (H.R. 1491) for the relief of Rodney E. Hoover.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **SENSENBRENNER**. Mr. Speaker, I object.

Mr. **BUECHNER**. Mr. Speaker, I object.

The **SPEAKER**. Two objections are heard. Under the rule, the bill is recommitted to the Committee on the Judiciary.

ELIZABETH PALANSKY SURAK

The Clerk called the bill (H.R. 1672) for the relief of Elizabeth Palansky Surak.

Mr. **SENSENBRENNER**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CATHLEEN S. O'REGAN

The Clerk called the bill (H.R. 2684) for the relief of Cathleen S. O'Regan.

Mr. **SENSENBRENNER**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

HELEN LANNIER

The Clerk called the bill (H.R. 1864) for the relief of Helen Lannier.

Mr. **SENSENBRENNER**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

HILARIO R. ARMIJO AND OTHERS

The Clerk called the bill (H.R. 2682) for the relief of Hilario R. Armijo, Timothy W. Armijo, Allen M. Baca, Vincent A. Chavez, David G. Chinana, Victor Chinana, Ivan T. Gachupin, Michael J. Gachupin, Frank Madalena, Jr., Dennis P. Magdalena, Anthony M. Pecos, Lawrence A. Seonia, José R. Toledo, Roberta P. Toledo, Nathaniel G. Tosa, Allen L. Toya, Jr., Andrew V. Waquie, and Benjamin P. Waquie.

Mr. **SENSENBRENNER**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PINE RIDGE INDIAN RESERVATION

The Clerk called the bill (H.R. 2711) to settle certain claims arising out of activities on the Pine Ridge Indian Reservation.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

STONEWALLING AT FHLBB

(Mr. ST GERMAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ST GERMAIN. Mr. Speaker, the assistance programs being carried out by the Federal Savings and Loan Insurance Corporation for failing and failed savings and loan institutions are creating massive drains on the insurance fund.

It is essential, Mr. Speaker, that the Congress watch these operations closely and make certain they are being carried out with efficiency, and at the lowest possible cost and in a manner that preserves a competitive financial system.

As part of that oversight effort, the Banking, Finance and Urban Affairs Committee has been attempting to obtain basic information on the operations of the troubled Financial Corporation of America, the largest thrift holding company in the Nation with nearly $34 billion in assets.

Today marks the 92st day since I asked for a set of detailed documents from FHLBB on FCA. Outside of a few publicly available items and press releases—and belatedly one confidential letter—the committee has been stonewalled.

Now, even phone calls that have been initiated by the committee's investigative staff—which I have assigned to work on FCA—go unanswered by the bureaucrats at FHLBB.

Mr. Speaker, I suggest that the FHLBB wake up and face the fact that the committee will carry out its oversight responsibility. There are ways around the stonewall.

MORE TRADE BILL TRICKERY

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, here we go again. There seems to be a new Democratic leadership policy around here: a new one to win at all costs.

We saw it on the rule on reconciliation last year.

Now we are getting it in double doses on the trade bill. First we got it on consideration of a 1,200-page conference report without an opportunity really to read it or adequate time.

Now I understand the Democratic leadership is secretly delaying the official and final copy of the trade conference report agreement. I am told there is a proposed new rule in the works that will allow the majority to delete the Alaskan oil provisions in a last-ditch attempt to manipulate a veto override vote in the Senate.

Mr. Speaker, is there nothing left of the integrity of our rules and our procedures? Good policy is the product of good legislation produced honestly and openly in a deliberative manner.

Mr. Speaker, I think you're taking this House down a very slippery slope resorting to devious means to achieve a political victory.

Why is it necessary to twist our procedures and bend the rules to the breaking point?

I see it as breaking the bonds of trust and comity and blindfolding the Members.

We all like our legislative tussles around here but at what cost I would have to ask, Mr. Speaker.

THE TRADE BILL AND ALASKAN OIL

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, I find it intriguing that our minority leader is basing some comments on some speculation saying that he is concerned that we may have a secret plan to take care of the President's objection. I had understood that the President might be opposed to part of the trade bill that deals with Alaskan oil and we may want to correct that.

Now I have a hard time understanding how the minority leader would be opposed to such an effort. You know, maybe it is the astrological signs that say we are supposed to be opposed to certain things today. I well understand that.

CBO FOUND MINIMUM WAGE BILL COULD WIPE OUT 500,000 JOBS AND BOOST INFLATION

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, the majority party has been caught attempting to suppress unfavorable information in a report from the supposedly nonpartisan Congressional Budget Office.

The CBO found that the minimum wage bill could wipe out 500,000 jobs and boost inflation. But the folks who run the Labor Committee didn't want that kind of information, and ordered it removed from the CBO report before the minority could see it.

Last week, the majority staff had the gall to state that it had a right to suppress that information because it was not required by law to provide it.

What this shows is that these people aren't interested in the facts.

They aren't interested in nonpartisan analysis.

They're just interested in ramming their bill through with brute force—no matter who gets hurt.

Now, I ask you: Suppose you found a nice looking car at a used car lot.

And suppose before buying it you wanted an independent mechanic to check it out.

And suppose the salesman said, "I'm not required to do that—and besides, my mechanic says the car's fine. Trust me."

Would you buy a car from this fellow?

I sure wouldn't.

And I recommend that my colleagues not buy legislation from people that follow the same procedure.

THE PRESIDENT'S STARS WERE ON OUR SIDE!

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Deputy Defense Secretary Taft is touring Europe and Asia to talk with our allies about burden sharing. I am glad to see that the Pentagon is finally wising up and taking some action to end this free ride.

But I ask today: Why did it take this administration 7 years to wise up?

Our taxpayers spend $150 billion a year to defend NATO countries. We have our troops deployed on their soil.

World War II ended 40 years ago and the nations of Western Europe are mature economies now. Countries like Italy and West Germany have a trade surplus with America.

Now our so-called ally, Spain, is kicking out one of our more important Air Force bases.

For our taxpayers to continue paying the lion's share of NATO's defense makes no sense at all. But then again, as Mr. COELHO said, what can we expect from a President who schedules his press conferences and speeches based on the signs of the zodiac?

The only thing I can say is, "Thank you, Mr. President, I am glad to see that the stars were finally on our side."

SUSPEND PETE ROSE FOR A YEAR

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, last Saturday night the manager of the Cincinnati Reds, Pete Rose, disputed a call on a close play by deliberately bumping and shoving the umpire.

Rose was ejected from the game and there followed a reaction from the Cincinnati fans, throwing bottles and other objects, that required the umpire to leave the field for the remainder of the game.

The league president promptly suspended Mr. Rose for 30 days and fined him an unspecified "substantial amount." Rose is appealing the president's decision.

Mr. Speaker, the umpire should be allowed to appeal, and Rose should be suspended for a year without pay.

Young people in America look up to an authentic star and baseball hero like Pete Rose. What this ugly incident says to America, and young people in particular, is that legitimate authority can be spurned whenever we decide we disagree with it. This is exactly the kind of attitude that lies behind much of our Nation's crime, gang, and drug problems.

With star status comes responsibility. It isn't enough to say you respect authority, Mr. Speaker. Pete Rose shouldn't be slapped on the wrist. He should be hit over the head.

□ 1215

TIME TO BEGIN TRUE ECONOMIC REFORM IN POLAND

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, this morning's headlines bring us news of the worst wave of labor unrest in Poland since that Government's 1981 military crackdown on Solidarity.

Solidarity chairman, Lech Walesa, yesterday proclaimed a strike at the Gdansk Shipyard where Solidarity was born in 1980. This brings to four, the number of strikes in Poland this week.

These latest developments are not simply local conflicts, but the working men and women of Poland wondering if they haven't been left out of glasnost. These are good and decent people who are simply demanding legalization of Solidarity and a decent living wage for their hard work. They do so at great personal risk as the Government begins to clamp down on the activities of Solidarity activists.

Glasnost and successful economic reform in Poland requires respect and genuine dialog between the Government and the Polish people. I call on General Jaruzelski to begin negotiations with Walesa on the legalization of Solidarity and to begin true economic reform in Poland.

CONGRESS PUTS ITSELF ABOVE THE LAW

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I am concerned about an article that appears in the Washington Times this morning in which the Speaker and the majority leader defend the way that Congress hires and fires staff in this institution.

The article quotes the majority leader as saying, "There are no suggestions that this is a general problem, we don't condone it," as we talk about some of the problems in staffing that have been highlighted in recent days and recent months.

This is indeed an institution that has put itself above the law. We do not require ourselves to follow the same policies that we require of employers across this country. We do not require the same things in health and safety. We do not require the same things in discrimination in civil rights. We do not require anything of ourselves.

Now we have the two most powerful leaders of this House saying they condone what we have done.

I would suggest that there are a lot of employers in this country who do not think they discriminate, either, or who do not think they abuse the health and safety of their workers, who are covered by our laws.

It was not a general practice, it was a minority practice, it was a minority practice that we decided to cover; but when it comes to ourselves, there is a different standard.

We are indeed, as we have been described by a national publication the other day, the House of Lords, in which we believe we are above the law and that no law should cover us, only others.

Mr. Speaker, I think it is about time we change. I am disturbed by an article that says that the leadership around here says no change, we condone.

PERSONAL EXPLANATION

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, on Monday, I was unavoidably detained and missed the vote—rollcall No. 86—on H.R. 1811, the Radiation Exposed Veterans Compensation Act. Had I been present, I would have voted in favor of this important measure.

The compromise agreement reached between the two Chambers will provide long-overdue VA disability compensation and dependency and indemnity compensation to veterans and their survivors who were exposed to ionizing radiation. H.R. 1811 is a fair agreement that grants a service-connected disability to those exposed to low-level radiation.

Mr. Speaker, these veterans who were exposed to radiation following World War II have waited for years for Congress to take action on this issue. Between 1945 and 1963, as many as 220,000 military personnel were exposed to low levels of radiation during their military service.

We have debated this issue for years and regardless of incomplete information, the time has come to live up to our commitment and honor those who have served this Nation. As a cosponsor of H.R. 1811 and a member of the House Veterans' Affairs Committee, I am pleased the House overwhelmingly approved this legislation.

SUPREME COURT DECISION A BLOW AGAINST CONSUMERS

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, yesterday, the Supreme Court handed down a ruling that strikes a blow at vigorous competition in the retail marketplace. The Court held, in Business Electronics Corp. versus Sharp Electronics Corp., that a manufacturer's decision to stop selling goods to a discounting retailer like K-Mart of Walmart, in response to another retailer's complaints about their price cutting, is not a per se violation of the Sherman Act. The effect of this ruling is that discounters such as K-Mart, Walmart, Sam's Burlington Coat Factory, and others may not be able to buy goods from certain manufacturers unless they charge consumers higher prices. Of course, this means ultimately that the consumer either will pay a higher price at those stores or will find that certain manufacturer's goods are no longer available from discounters at all. What the majority of the Court has classified as a vertical nonprice restriction is in fact a boycott, and such conduct should be per se illegal. The Court has improperly accepted the Reagan administration's anticonsumer view of antitrust law.

Last year, the House passed H.R. 585, the Freedom From Vertical Price Fixing Act of 1987, which was intended to prevent the sort of conduct the Supreme Court has just sanctioned. We must now take whatever action is necessary to make sure that this bill becomes law in the 100th Congress, and that it overturns yesterday's decision. The antitrust laws were intended to maintain competition, not prices, and this decision is a giant step backward for consumers.

A WARNING TO VETERANS

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, it has started again. About this time each year someone mails out a form that says if you are a veteran and if you dropped your GI life insurance, or let it lapse, you are still eligible for a dividend.

Mr. Speaker, I wish this was correct, but it is not, and it is a hoax.

The Veterans' Administration is again warning veterans not to be misled by false information regarding the payment of a special life insurance dividend.

As Thomas Turnage, Administrator of the Veterans' Administration, has said, this is a hoax that has plagued this agency for over 40 years.

PERMISSION TO CONSIDER AMENDMENTS PRINTED IN SECTION 3 OF HOUSE REPORT 100-579 IN THE SAME MANNER AS AUTHORIZED BY SECTION 2(7) OF HOUSE RESOLUTION 436 FOR AMENDMENTS PRINTED IN SECTION 3 OF HOUSE REPORT 100-590 ON H.R. 4264, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that, during the further consideration of the bill (H.R. 4264) pursuant to House Resolution 436, it may be in order to consider amendments printed in section 3 of House Report 100-579 in the same manner as authorized by section 2(7) of that resolution for amendments printed in section 3 of House Report 100-590.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. KASICH. Reserving the right to object, Mr. Speaker, my understanding is that this is an effort by the gentleman from Texas [Mr. BUSTAMANTE]——

Mr. ASPIN. Mr. Speaker, if the gentleman will yield, no; the gentleman is ahead. That is the second unanimous consent request.

Mr. KASICH. This is the Solarz amendment?

Mr. ASPIN. No, this is neither.

Mr. Speaker, if the gentleman will yield, let me explain to the gentleman from Ohio, we have two rules. One rule says that if we can have an en bloc amendment of section 3 of that rule, the other allows us to put in an en bloc amendment of section 3 of the second rule.

All I am asking here is that instead of having two en bloc amendments, we might have one en bloc amendment comprising the amendments covered in both rules that would then be presented to the body for single consideration.

Mr. KASICH. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is the objection to the request of the gentleman from Wisconsin?

There was no objection.

REQUEST FOR PERMISSION FOR SOLARZ AMENDMENT PRINTED IN SECTION 1 OF HOUSE REPORT 100-590 TO BE CONSIDERED AS AMENDMENT 52 IN SECTION 3 OF THAT REPORT, AND THAT MR. BUSTAMANTE BE ALLOWED TO MODIFY HIS AMENDMENT, PRINTED IN SECTION 2 OF THE REPORT ON H.R. 4264, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that, during the further consideration of the bill (H.R. 4264) pursuant to House Resolution 436, the amendment of the gentleman from New York [Mr. SOLARZ] printed in section 1 of House Report 100-590 may be considered as though it were printed as amendment 52 in section 3 of that report. And that Mr. BUSTAMANTE be allowed to modify his amendment, printed in section 2 of the report.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. KASICH. Reserving the right to object, Mr. Speaker, if I could for just a moment explore the rule or the provisions of the rule that we passed, does the rule say that we can modify, or does it say we must go line for line, word for word? Is that the reason for the unanimous consent request?

Mr. ASPIN. Mr. Speaker, if the gentleman will yield, the rule we are operating under says that the amendment as it is printed in the RECORD must be offered, and then it is possible for any Member, the author or any other Member, to offer an amendment to modify that amendment.

We will have several amendments like that when we get into the process today.

So what we are trying to do here is to save a little time by allowing the gentleman from Texas [Mr. BUSTAMANTE] to amend his amendment.

If this unanimous consent request is not granted, the gentleman from Texas [Mr. BUSTAMANTE] will present his amendment as it is printed, within 10 minutes of debate on that one, but somebody then will have to offer the Bustamante amendment with 10 minutes of debate.

We are trying by this process to modify the Bustamante amendment, because the gentleman agrees to the modification, and allow it to go forward and save us some time.

Mr. KASICH. Further reserving the right to object, Mr. Speaker, were both these amendments submitted by the deadline that we established under the rule?

Mr. ASPIN. The gentleman is asking a question to which I do not know the answer.

Does the gentleman mean the Solarz amendment and the Bustamante amendment? The gentleman would have to ask the Rules Committee, I do not know.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. KASICH. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I am wondering if we are going to go through a process of modifying the rule so that people can offer amendments different from what is provided for in the rule, whether or not this is an opportunity for us to reconsider whether or not we want to have the drug amendments that a number of us were concerned about being dropped brought to the floor. Can we in fact get a unanimous-consent request that would allow the gentleman from California [Mr. HUNTER] and the gentleman from Florida [Mr. SHAW] to offer their drug interdiction amendments on the floor in the same kind of a modification procedure, since we are modifying the rule?

Mr. ASPIN. Mr. Speaker, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Wisconsin.

Mr. ASPIN. As I understand it, the amendments, the changes that we are recommending here, have been worked out with the minority side on these issues.

Mr. KASICH. Mr. Speaker, if I can reclaim my time, they have not necessarily been worked out with this Member.

□ 1230

They may have been worked out with other Members, and I am not convinced I am going to object, I say to the gentleman from Wisconsin [Mr. ASPIN], but the problem that I have is that we have passed a rule, and now we end up in this situation. We initially get a rule that is not satisfactory to us to begin with, and then we start to modify the rule, and as we found out last week, one of the amendments that will be offered was offered beyond the deadline and it was actually written in the rule.

Mr. ASPIN. Mr. Speaker, if the gentleman from Ohio will yield further, what I am trying to do here is not subvert the system. I am trying to save this body some time. If the gentleman from Ohio is unhappy with the things that we are working out with the gentleman from Alabama [Mr. DICKINSON], I think the gentleman from Ohio has got to take up the issue with the gentleman from Alabama. We are in fact offering no amendments, no proposals, no unanimous consents that have not been cleared with the gentleman from Alabama [Mr. DICKINSON].

Mr. KASICH. Mr. Speaker, reclaiming my time, I understand what the gentleman from Wisconsin is saying, But I have not had the opportunity to speak directly with the gentleman from Alabama about this and whenever anyone is trying to handle 50 different things at once, sometimes something will fall through the cracks.

Mr. Speaker, I am not objecting to this. My concern, and the concern of many on this side of the aisle is that when we establish a rule we want to make sure that we are not going to make revisions in that rule.

Mr. ASPIN. Mr. Speaker, I withdraw my unanimous-consent request. It is going to take more time to discuss it here than we were going to save with this process.

Mr. Speaker, again I withdraw my unanimous-consent request.

The SPEAKER. The gentleman from Wisconsin withdraws his unanimous-consent request.

EXTENDING INTERNATIONAL FISHERY AGREEMENT BETWEEN GOVERNMENT OF THE UNITED STATES AND GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-191)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries, and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement effected by exchange of notes April 12, 1988, extending for the period of 2 years from July 1, 1988, until July 1, 1990, and amending to conform with current United States law the Governing International Fishery Agreement between the Government of the United States of America and the Government of the German Democratic Republic, signed at Washington on April 13, 1983. The exchange of notes together with the present Agreement constitute a Governing International Fishery Agreement within the requirements of Section 201(c) of the Act.

United States fishing industry interests have urged prompt consideration of this Agreement, and, similarly, I request that the Congress give favorable consideration to this Agreement at an early date to avoid disruption of ongoing cooperative fishing ventures.

Since 60 calendar days of continuous session, as required by the legislation, may not be available before the current Agreement is scheduled to expire, I recommend that the Congress consider passage of a joint resolution to bring into force the Agreement of April 12, 1988.

RONALD REAGAN.

THE WHITE HOUSE, *May 3, 1988.*

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

The SPEAKER. Pursuant to House Resolution 436 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4264.

□ 1234

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4264) to authorize appropriations for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, to amend the National Defense Authorization Act for fiscal years 1988 and 1989, and for other purposes, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, May 2, 1988, the consideration of certain en bloc amendments printed in section 3 of House Report 100-590 had been disposed of.

It is now in order to debate the subject matter of the Davis-Bacon Act.

Pursuant to House Resolution 436, the gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 15 minutes and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 15 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I yield 6½ minutes to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. I rise today to offer my amendment No. 177, which the Rules Committee has made in order. My amendment is the text of H.R. 2216 as reported by the Committee on Education and Labor providing for comprehensive reform of the Davis-Bacon Act.

As I said recently in a letter to all of my colleagues, Mr. HAWKINS and I would not have chosen this forum to bring H.R. 2216 to the floor of the House. I have worked hard over the last year to fulfill a promise that the Education and Labor Committee would bring Davis-Bacon reform legislation before this body.

H.R. 2216 was introduced on April 29, 1987 by Mr. HAWKINS and myself. The Subcommittee on Labor Standards held hearings before and after introduction of these broad reaching amendments. The leadoff witness both times was my friend, and colleague Mr. STENHOLM. This legislation was modified and improved in discussions with construction industry employer groups as well as representatives of organized labor. We reported H.R. 2216 from the subcommittee on June 24, 1987. The Committee on Education and Labor ordered this bill reported on August 4, 1987, and the committee report, No 100-504 was filed on February 9, 1988.

The Davis-Bacon Act, in its origin and today provides basic protection for laborers and mechanics on federally funded or assisted construction projects. I would have preferred for us to set aside the time to conduct a longer and broader House debate on this legislation. However, the press of other business has greatly diminished the chances of our being able to address this matter on a different day under a different rule.

Unfortunately the opponents of the Davis-Bacon Act have forced consideration today and hopefully we will resolve the matter of Davis-Bacon without taking up too much of this body's time.

Very briefly let me describe the provisions of my amendment which is the text of H.R. 2216 as reported by the Committee on Education and Labor.

It will raise the act's coverage threshold for construction projects financed with tax dollars from $2,000 to $50,000.

It provides an objective standard to prevent agencies from splitting contracts to avoid the application of the new threshold. It raises from $2,000 to $15,000 for repairs and remodeling on Federal contracts.

It compels the Department of Labor to issue more timely wage determinations.

It restores the scope of prevailing wage surveys to include all similar construction in an applicable area and not statewide. Only in the applicable area.

It provides two alternatives to the present much-criticized compliance system of exclusive relief from the Department of Labor. It expedites the administrative process and it provides a private right of action.

I will say to my colleagues that private right is controlled by a very tight 90-day statute of limitations from the end of the project.

It cuts in half the employer payroll reporting requirements under the Copeland Act. It is now required weekly, and we would require it only every other week or 26 times per year instead of 52 times per year, which would aid the employers in that reporting requirement.

It codifies the authority of the Secretary of the Department of Labor to issue decisions concerning the interpretation and application of the act that are final and binding on all agencies, thus giving the Department of Labor by legislation the right to supersede rulings from other agencies, which has aided greatly in the conflict of application of Davis-Bacon.

It strengthens current law applying prevailing wages on lease-construction projects.

It defines apprentice, trainee, and helper. It restricts the amount of fringe benefits an employer may include as part of the prevailing wage payment to the aggregate level of fringe benefits determined to be prevailing.

Mr. STENHOLM's amendment No. 233 on the other hand raises the Davis-Bacon threshold to levels far beyond adjustments for inflation or a true small contract exemption from procurement paperwork. Coupled with weak language to discourage contract splitting, requiring proof of intent to avoid the Davis-Bacon Act, Mr. STENHOLM's amendment will deny thousands of workers on thousands of contracts essential prevailing wage protection.

My colleague's amendment would also encourage broader use of helpers, eliminating jobs for both skilled craftsmen and apprentices. The obvious result of this shortsighted administration approach is erosion of craftsmanship, and safety now and even worse shortages of skilled workers later because we allowed helpers to displace apprentices and trainees needed to build Federal projects in the future.

Finally, Mr. STENHOLM's amendment would eliminate regular payroll reports by contractors thereby preventing granting agencies, DOL, interested business or labor groups and even the Congress from monitoring Davis-Bacon compliance on federally financed or assisted construction projects.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I and my colleague, the gentleman from Texas [Mr. STENHOLM], intend to offer our Davis-Bacon reform amendment that applies to all military-construction projects.

This amendment would increase the threshold for Davis-Bacon compliance from $2,000 to $250,000 and would recognize the category of "helpers" to encourage the employment of entry-level workers.

Davis-Bacon was first enacted during the 1930's and has only been amended once, in 1934, which actually lowered the threshold. Obviously, times have changed over the past 50 years, and the need to bring the act in line with the 1980's is long overdue. With the threshold increased to $250,000 only 12 percent of the military construction budget would be affected, I repeat, only 12 percent.

The Congressional Budget Office estimates that the savings in budget authority alone would be $168 million in fiscal year 1989 and $882 million over the next 5 years. The amendment is strongly supported by the administration, even though they would rather see the threshold raised to $1 million. The $250,000 increase achieves a reasonable compromise between the administration request and the current law. Not only would this amendment save millions of defense dollars annually, it would also increase minority and small business participation in bidding for military-construction projects.

The small contractor has been discouraged from even attempting to bid on a military-construction project because of the inflated wage rate that they would be subjected to, along with the burdensome Federal paperwork requirements.

As an added safeguard against the possibility of abuse, the amendment prohibits the use of contract splitting so that a contract cannot be subdivided to come under the $250,000 threshold.

Even though my amendment pertains only to military construction, some may ask why a labor issue is being debated in the Defense authorization bill.

Mr. Chairman, for the past 2 years I have asked the Education and Labor Committee to begin work on reforming the outdated Davis-Bacon Act. Finally, after much discussion and prodding, that committee finally produced a reform bill of sorts, but the bill has been sitting in committee since last August. The so-called reform bill is the text of the Murphy-Hawkins amendment, which achieves no savings, covers Governmentwide construction not just military construction, and actually expands the scope of the Davis-Bacon Act.

We have an opportunity here to achieve some real savings by amending this outdated law while at the same time encouraging the participation of small and minority-owned businesses to compete for military-construction projects.

The amendment is reasonable. The amendment is a compromise. The amendment should be adopted.

In reply to what my good friend the gentleman from Pennsylvania [Mr. MURPHY] has said when he indicated that this should be handled by their committee and that it should not be brought up in this precipitous way, let me say the following.

□ 1245

We have been waiting for 3 years to get the Education and Labor Committee to do something. They talk, they talk, they say they are going to have hearings, they are going to report out something, and nothing happens. No Davis-Bacon reform bill has come to the floor yet.

Two years ago, and this is the third bill on which Davis-Bacon has come up, I initially was denied the right to even offer an amendment even though it was germane.

We have been trying and trying to get some legislation to the floor that we could act on. This amendment is the only remedy that we have.

Our amendment does affect military construction. The $250,000 limit is fair. You cannot build a sidewalk for $2,000 as is required under present law. Mr. Chairman, I think that the time has come, the place is here, and now I would like to see some action.

Mrs. SCHROEDER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HAWKINS], the distinguished chairman of the Committee on Education and Labor.

Mr. HAWKINS. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I rise in strong support of the Davis-Bacon reform amendment offered by the gentleman from Pennsylvania [Mr. MURPHY].

As chairman of the committee of original jurisdiction over the Davis-Bacon Act, I remain concerned about considering changes in the basic act in the context of legislation reported by another committee. However, I am fully aware that had we not agreed to this process, we would have jeopardized consideration of the National Defense Authorization Act.

I made the case to the Rules Committee, and made it again to my colleagues in the House. We should not consider vital worker protection on a fragmented, extra-jurisdictional basis. However, since the House is being prevailed upon to vote on a piecemeal Davis-Bacon Act amendment, correspondingly the House should have the opportunity to vote on comprehensive reform of the Davis-Bacon Act. You have that opportunity today.

The basis of reform legislation was formulated in the last Congress, when we were also pressured into debating a fragmented approach to reforming the basic law. At that time, my colleague, the gentleman from Pennsylvania [Mr. MURPHY] and I promised to hold hearings and report a reform bill. We have kept our promise. In the 99th Congress the Subcommittee on Labor Standards conducted extensive oversight hearings on the Davis-Bacon Act, and later held hearings on the reform bill, H.R. 2216. The amendment by the gentleman from Pennsylvania [Mr. MURPHY] is the text of H.R. 2216, the Davis-Bacon reform legislation reported by the Committee on Education and Labor on February 9, 1988 (House Report 100-504). Based on the thorough examination of the Davis-Bacon Act through oversight and legislative hearings, in the committee of original jurisdiction, we recommend to the House a true reform package.

The amendment brings the act up to date in economic terms. The coverage threshold is raised to a level far beyond what has been calculated as necessary to adjust for inflation. In recognition of the higher threshold, the amendment protects against the splitting of contracts to avoid the requirements of the act.

The extensive hearings by the Subcommittee on Labor Standards revealed major shortcomings in the way the act is administered by contracting agencies, and enforced by the Department of Labor. This reform amendment improves administration and enhances enforcement of the act. In addition, it establishes an expedited procedure for recovering wage underpayments and improves the ways in which other violations of the act can be pursued in a more efficient manner.

The amendment represents a comprehensive reform of the Davis-Bacon Act. It is based on the extensive findings and conclusions of the committee of original jurisdiction as to what form of legislative changes will best serve the interests of national labor policy.

To achieve true Davis-Bacon reform, I urge you to support the Murphy amendment.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I rise in strong support of the Stenholm amendment on the Davis-Bacon section of this bill and in opposition to the amendment that will be offered by Mr. MURPHY of the Committee on Education and Labor.

I do want to note that the reason this has been brought up is because a year ago the Congress in the last session considered these issues and concluded that the Committee on Education and Labor should hold hearings, which we did, indeed, do, gather some facts, which we did do, and at the end the Committee on Education and Labor considered all of the facts, and there was a substantial split on the committee as no doubt there is in this Congress.

The Stenholm amendment which is before us today, I want to make crystal clear, is an amendment that most Members can vote for. It is not everything that I would have wanted or the proponents of Davis-Bacon reform last session would have wanted. It is a modest proposal. It is in the form of a compromise proposal. It is a proposal that is a moderate proposal to provide some moderate, modest reforms to an area of law that is long overdue for reforms.

The Stenholm amendment only relates to the Department of Defense, to defense contracts. It would raise the $2,000 threshold that was set in 1934 to $250,000. That is a realistic threshold that, in fact, would exempt still only 12 percent of the defense contracts by dollar volume and yet exempt most of the actual individual contracts, and so everyone, everyone, in fact, succeeds. It creates more jobs. It provides for less paperwork on contractors and on the Government. It is estimated to save the Department of Defense in total approximately $700 million just by this $250,000 threshold.

The Stenholm amendment does include, as does the committee print, the prohibition against contract splitting which will be a problem with the $2,000 threshold.

The Stenholm amendment prohibites contract splitting, and I urge a "yes" vote for Stenholm and a "no" vote for Murphy.

Mrs. SCHROEDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to encourage this body to be sure and vote for the Murphy-Hawkins amendment.

Let us point out what it does. This is really historic, and now, in the heat of conferences and other kinds of things, all sorts of promises are often made and very rarely delivered on. These two gentleman have delivered, and they have delivered way beyond what they had to deliver. We asked them to update the Davis-Bacon Act and, by golly, they did it. I think this body should support them, compliment them, and say that we really here take seriously our promises to each other as colleagues.

What did they do? No. 1, they cut the paperwork in half required under the Copeland Act. That is very important. Cutting the paperwork in half you can accomplish by voting for this amendment offered by the gentleman from Pennsylvania [Mr. MURPHY] and the gentleman from California [Mr. HAWKINS]. Second, they raised the threshold far beyond adjustment for inflation. It goes from $2,000 to $50,000. I think that is terribly important.

It also closes an incredible loophole that we have seen used in Colorado over and over again. It closes the loophole of allowing the splitting of contracts to avoid this act, and that should be done. We should not allow people to run around all of these different laws that we pass very easily.

It also compels the Department of Labor to issue more timely wage determinations. That is something that we wanted. They did this. We asked them to do that, and I think we should compliment them.

If this passes, let me tell you a very, very significant number of contracts will be covered, but if we were to pass the other amendment, only 25 percent of the contracts would be covered. So we would be putting a loophole in there that you could drive Mack trucks through. In other words, if we were to pass the Stenholm amendment, in effect we would really be doing away with the Davis-Bacon Act in most places; I think it is very important to point out that Members really are going to let most contracts out from under Davis-Bacon if they pass the Stenholm amendment.

The Committee on Education and Labor has reformed, modernized and made the Davis-Bacon Act up to date as they promised to do and, again, it would cover over 50 percent of the contracts if we do it.

That is what I think is fair. That is what should be done. Mr. Chairman, I urge this body to support the Murphy-Hawkins amendment.

Mr. DICKINSON. Mr. Chairman, I yield 6 minutes to the gentleman from Texas [Mr. STENHOLM], who is the prime mover of this amendment.

Mr. STENHOLM. Mr. Chairman, I want to particularly say thank you to the gentleman from Pennsylvania [Mr. MURPHY], my good friend, the chairman of the Subcommittee on Labor Standards of the Committee on Education and Labor, for his cooperation and efforts in working on this subject today. Unfortunately, he and I, the gentleman from Alabama [Mr. DICKINSON], and others did not get the cooperation we needed to do as the gentleman from California [Mr. HAWKINS], has said we should have done today, and that is have a bill on the floor separately debating this subject of reform of Davis-Bacon.

□ 1255

But that is water under the bridge now. I am here today to talk about the bill as it is.

My amendment does not do what the gentlewoman from Colorado [Mrs. SCHROEDER] has indicated that it does, unless my colleagues happen to believe that there is no truth at all to the fact that this labor law, the Davis-Bacon Act of 1931, last amended significantly in 1935, can and should be significantly changed to bring us into the 1980's and the 1990's. Or let me put it this way, if my colleagues disagree with the CBO on the billions of dollars that Davis-Bacon as it is currently applied adds to construction costs of Federal projects in this country, then they would love the Murphy amendment because basically his amendment, according to the CBO, does not make any significant changes unless they go in the way of increasing costs to the taxpayer. No significant savings are made, according to CBO, not CHARLIE STENHOLM, but according to CBO.

A comment was made about the paperwork, and there is a significant difference. Let me point out under current law there are 11 million payroll reports submitted annually to contracting agencies at a cost of an estimated 5.5 million hours of industry employee time. An estimated 5.5 percent of all of the Department of Labor paperwork is generated by the Copeland and Davis-Bacon Acts. The statement was correct in saying that the Murphy amendment, in fact, cuts it in half. We cut it further.

That is what we are talking about. The question for the Members of this body to determine today is, If they decide, as I hope they will, to vote against the Murphy-Hawkins amendment and vote for the Stenholm-Dickinson amendment, whether in fact it should be enough to have a report filed at the beginning of a contract and at the end of the contract and once in between, or no less than quarterly when everyone has testified before the committee that those papers, those reports, are basically unread by anyone unless there is a problem. And nothing in my amendment changes the law under which we are going to operate or under the Murphy-Hawkins amendment, nothing changes there. The basic question is how much paperwork do we want to put on.

I think there is one other significant, major factor that I think would encourage Members of this body to vote for our amendment and against the opposing amendment, and that is when they look at the word "competition." Our amendment is contrary to current law. Current law almost completely disallows small businesses from competing for Federal projects because of the paperwork and the costs associated. My amendment exempts 12 percent of dollar volume. The Hawkins-Murphy amendment exempts less than 1 percent.

Surely if we believe that competition is good, surely if we believe that competition is good and believe in allowing small businesses through this Nation to compete on Federal projects, surely it would make sense for us to allow them to do so, and only by voting for the Stenholm-Dickinson amendment will Members allow competition to happen on 12 percent of the dollar volume. It is 70 percent of the total contracts but 12 percent of the total value.

Now I ask, does this gut the Davis-Bacon Act, does this do the terrible things the gentlewoman from Colorado has said my amendment does? Read the facts. We have the facts on the table. Members had them mailed to their offices and they can understand when they read them what the facts are and what we do and what we do not do. It is extremely important.

Take a look at who is in the coalition supporting my amendment. The National School Boards Association, the National Center for Neighborhood Enterprise, the National League of Cities, the National Governors' Association, the National Association of Minority Contractors.

It is not by accident that the National Association of Minority Contractors is supporting my amendment. There are a lot of people, myself included, very concerned about those who are looking for a way to grab that first rung up the economic ladder. The Davis-Bacon Act is one of the most onerous acts in the laws of this country keeping people at the bottom from gaining a foothold and grabbing the first rung up the ladder, and that is why the National Association of Minority Contractors supports my amendment.

I ask my colleagues to take a look at the facts. We are going to talk a lot about the good and the bad, but if my colleagues truly want to reform, not repeal, but want to reform a bill, an act, a law that has been on the books since 1931 and has not been significantly amended since 1935, the only way to do that is to vote against the Hawkins-Murphy amendment today and vote for the Stenholm-Dickinson amendment and let us truly reform this act and at the same time allow us to get $700 million more for our Federal military construction dollar over the next 5 years than we will if we do not pass the Stenholm-Dickinson amendment, $700 million more bang for the same buck.

ANALYSIS OF THE MURPHY-HAWKINS DAVIS-BACON EXPANSION AMENDMENT TO H.R. 4264, FY 1989 DOD AUTHORIZATION

The *Murphy-Hawkins Amendment* consists of the text of HR 2216, as reported by the Education and Labor Committee, and would apply *government-wide*. This amendment would *expand* Davis-Bacon coverage to leases, off-site suppliers and fabricators, and non-construction subcontractors not now covered.

Provisions in the amendment would consolidate in the Department of Labor non-reviewable discretion to interpret coverage of the approximately 60 Davis-Bacon "related acts."

During the 1985-87 period, DOL issued a letter ruling interpreting one such related act (the Housing and Community Development Act of 1974) to require that a *wholly privately financed* project, such as a *shopping center*, be covered by Davis-Bacon because the center's developers acquired the land from the city, which had used federal financing, in part, to acquire the land originally.

After great concern was expressed by housing and community development agencies nationwide, and after intense negotiations with HUD (responsible for primary administration of that related act) and the Justice Department, DOL reversed its ruling. Had HR 2216 been law in 1985, DOL could have refused with impunity to reverse its ruling, and rendered hundreds of housing and community development projects financially not viable by applying costly Davis-Bacon requirements.

Thus, the Murphy-Hawkins amendment (HR 2216) *realistically does imperil grants to state and local governments for non-construction work not presently covered by Davis-Bacon.*

Under *Murphy-Hawkins, a "helper"* would be defined in a way that would virtually preclude a helper from performing any tasks that arguably would overlap those normally assigned to a journeyman, or an apprentice or trainee in a formal (generally union-run) apprentice or trainee program. *In effect, this provision, codifyies a position DOL has rejected since 1982 as no longer reflecting prevailing practices.*

This is despite the fact that the use of semi-skilled helpers is widespread in private construction. The narrow helper language in the amendment also would render void DOL's process of developing new helper regulations, ongoing since 1982, including those provisions unheld in the *federal courts as consistent with the current Davis-Bacon Act.*

In addition, *Murphy-Hawkins* would *repeal 1982 DOL regulations that have been improving the accuracy of prevailing wage determinations.* These regulations have required that federal (i.e., Davis-Bacon covered) residential and commercial-type projects generally not be included in surveys designed to determine locally prevailing wage rates (consistent with the long-stated Congressional intent that Davis-Bacon merely reflect, rather than disrupt, locally prevailing *private sector* labor standards). The amendment also would undermine a related regulation *requiring that separate determinations be made for rural and urban areas, due to the economic dissimilarity.*

Murphy-Hawkins would exempt from Davis-Bacon coverage contracts smaller than $50,000 and repair contracts smaller than $15,000. However, the bifurcated threshold would be difficult to administer and other provisions would *require bundling together dissimilar contracts with unrelated contractors if "they related to the same work or related work", obviously a vague standard.*

It is not clear how a "hybrid" project would be handled. Also, much work arguably could fall under either category.

In any event, the $15,000/$50,000 is a token threshold change, at best. *According to CBO, it would exempt less than one percent* of federally funded construction, alteration, and repair work. Moreover, CBO estimates that *80% of all contracts valued between $15,000 and $50,000 would not be classified as new construction, effectively meaning that a $50,000 threshold for new construction is almost like having no change from the current $2,000 level*

An unprecendented private right of action would allow interested parties to sue the government in the Federal Courts if they alleged the government did not apply Davis-Bacon when it should have. A private right of action in the courts is also added to allow interested parties to sue contractor-employers for alleged noncompliance with Davis-Bacon. Currently, such remedies are sought through administrative review.

Clearly, the spectre of prolonged, costly court battles would only ensure that contracting officers simply applied Davis-Bacon whether application was warranted or not. Similarly, small and minority-owned firms without large financial resources will avoid federal contracts in even greater numbers than they do now.

Budget impact: In costing out HR 2216, CBO estimated that the bill's budgetary effects would be virtual wash with present law. However, CBO will acknowledge that, lacking hard data of experience, it did not include in its estimates some hard-to-determine factors that, if ascertainable, probably would indicate *increased costs* to the federal government if HR 2216 became law.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, the Davis-Bacon Act arose in the height of the Depression, in 1929, 1930, 1931. A Republican Congressman from New York, Mr. Bacon, first brought it to the attention of Congress. He was then joined by Senator Davis of my State of Pennsylvania who served under three Republican Presidents as Secretary of Labor.

They recognized and wrote in their reports in 1931:

> This measure does not require the Government to establish any new wage scales in any portion of the country. It merely gives the Government the power to require the contractors to pay their employees the prevailing wage scales in the vicinity of the building projects. This is only fair and just to the employees, the contractors and the Government alike. It gives a square deal to all.

The measure was signed by President Hoover.

The underlying principles of the Davis-Bacon Act are as valid today as they were when they were enacted. The Education and Labor Committee listened to all sides.

Our amendment resolves many of the problems and concerns identified in those hearings. We believe it is a sound, balanced approach which simplifies the Government contracting, improves administration and enforcement while continuing to protect America's workers against exploitive working conditions.

Remember, it is the payment of minimum wages based on the prevaling wage for a corresponding job in a corresponding geographic area. That is all this does.

Mr. DICKINSON. Mr. Chairman, I yield my remaining 2 minutes to the distinguished gentleman from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman. I had hoped to offer an amendment to this bill exempting all DOD construction contracts of under $1 million from the Davis-Bacon Act. Unfortunately, even though my amendment had the backing of the White House, the Pentagon, and scores of Members, the Rules Committee did not make it in order.

So, today, I rise in strong support of the amendment offered by Representatives STENHOLM and DICKINSON. The Stenholm-Dickinson amendment raises the Davis-Bacon threshold level from $2,000 to a compromise level of only $250,000 for DOD construction contracts. The Congressional Budget Office estimates that over the next 5 years this amendment could save more than $700 million.

Even though Stenholm-Dickinson proposes only modest changes in the application of the Davis-Bacon Act, we will continue to hear arguments from the other side that this is an antiunion amendment. Personally, I do not see this as a labor-management issue. But, perhaps I should lay out the facts.

The facts are that in the market-driven private sector, 75 percent of construction is performed by nonunion labor. On the other hand, because of Davis-Bacon, virtually all Federal Government construction is performed by union labor. The reason for this is that Davis-Bacon makes it impossible for small nonunion companies to compete with large union companies for Federal construction contracts. Therefore, Davis-Bacon precludes our most efficient businesses from performing Federal construction. This lack of competition, along with other constraints and requirements, is why the CBO says Davis-Bacon adds over $1 billion a year to total Federal construction costs.

It is clear that America's entrepreneaurs and free enterprisers know a little more about construction than the Congress and Washington, DC bureaucrats. With this in mind, the Stenholm-Dickinson amendment puts DOD construction in line with the private sector as it exempts three-fourths of the contracts from Davis-Bacon. This will save tax dollars and make it possible for small and minority-owned companies to obtain DOD work.

However, it should be noted that Stenholm-Dickinson only exempts 12 percent of the total dollar volume and 12 percent of the DOD construction workers, leaving 88 percent of the dollars and 88 percent of the workers still under Davis-Bacon coverage. There is nothing antiunion about this amendment.

One point about the Murphy-Hawkins amendment. I do not believe the DOD authorization is the appropriate vehicle for attaching complex, Government-wide revisions of the Davis-Bacon. In my opinion this amendment is not germane, does not save the taxpayers any significant money and would be harmful to the construction industry.

Please vote for the Stenholm-Dickinson which is real compromise, and against Murphy-Hawkins.

Mrs. SCHROEDER. Mr. Chairman, I yield myself my remaining 30 seconds.

Mr. Chairman, I just want to point out one thing. First of all, the Murphy-Hawkins amendment would apply to all Federal contracting, whereas the Stenholm amendment would only apply to DOD. So I think this is a very important distinction. We have much more comprehensive coverage if we vote with the Murphy-Hawkins amendment.

Second, I think when we talk about savings it is very important to note that no one really knows, but we do have one experience in our past where the Davis-Bacon Act was suspended. That was under the Nixon administration in 1971 by Executive order. A thousand contracts went out and when they got done they found out in rebidding the contracts they saved less than sixth-tenths of 1 percent.

So I urge a vote for the Murphy amendment.

Mr. DICKINSON. Mr. Chairman, I move to strike the last word.

Mrs. SCHROEDER. Mr. Chairman, could I also move to strike the last word?

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The Chair would state to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER] that only the chairman of the committee and the ranking minority member, under the rule, are entitled to strike the last word.

Mrs. SCHROEDER. Mr. Chairman, I ask unanimous consent for 5 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

The CHAIRMAN pro tempore. The gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Chairman, during the debate on the defense authorization bill, a familiar theme has been echoed again in the Chamber of the House of Representatives. That theme, Mr. Chairman, is that we must provide for a strong national defense program, but we must also do so within current budget constraints.

To achieve this goal, it is imperative that we work toward a defense bill that achieves economic efficiency. One way to achieve such efficiency is to adopt the Stenholm-Dickinson amendment to update the 1931 Davis-Bacon Act, as amended in 1935, to reflect economic conditions of the 1980's. The Stenholm-Dickinson amendment is a modest measure that would apply only to Defense Department construction, and would enable the Defense Department to proceed with important projects and programs, while operating within the scope of tightening budgetary limits.

The Davis-Bacon Act has not been reformed since 1935. The Stenholm-Dickinson amendment would modify the way Davis-Bacon is applied to military construction and military housing projects.

The threshold for application of Davis-Bacon should be increased from the current $2,000 limit to $250,000, a level that would exempt only about 10 percent of the value of all Department of Defense contracts for construction, repair, and alterations. Not only will increasing the threshold enable more projects to be constructed or repaired, but we can do this with less money. At the same time, this amendment would provide new opportunities for the beleaguered small business contractor, who has been excluded from bidding because of excessive wage rates and onerous paperwork requirements.

Mr. Chairman, this amendment also expands Davis-Bacon coverage to include the use of semi-skilled workers or "helpers." Expanding this provision will add greater opportunities for employment on military construction, repair and alteration projects. The amendment also scales back the paperwork burden without damaging the Government's ability to analyze payrolls and ensure compliance. And, just as important, the amendment prohibits splitting projects for the purpose of circumventing Davis-Bacon compliance.

Both Houses of Congress have considered amendments to modify the application of Davis-Bacon requirements to DoD contracts in recent years. The effect of the current budget squeeze on military construction and family housing makes a compelling argument for providing the most housing and procuring the most construction and repair services for the least money. Over 5 years, according to past Congressional Budget Office estimates, the Stenholm-Dickinson amendment would save taxpayers approximately $700 million in budget authority and $500 million in outlays on Department of Defense contracts alone.

Mr. Chairman, we have had to make difficult decisions in recent years. We have trimmed funds for Medicare, education, social services, agriculture, and a host of other important human resource programs. But as we ask some citizens to make substantial sacrifices, we have largely ignored other areas of the budget in which additional savings are possible.

By leaving the Davis-Bacon Act intact, we contribute significantly to the rapid escalation of construction costs, thereby reducing the number of projects and limiting employment opportunities. The Stenholm-Dickinson amendment would reverse that: it would make more projects possible and expand construction employment opportunities.

The Murphy-Hawkins amendment would apparently continue Davis-Bacon coverage for contracts valued about $50,000 for new construction and $15,000 for alteration, repair, and rehabilitation on Federal or federally assisted projects. It would also preempt the Department of Labor's regulations and allow for the use of urban wage data for prevailing wage determinations on rural jobsites. It would prohibit the use of helpers, thereby denying additional employment opportunities. The amendment would also apply the act's coverage to leased facilities and private, offsite suppliers, and it would lead to increased litigation claims by creating a private right to action. Even if the increase to a $50,000 threshold level was genuine and applied to all contracts, it would not go far enough. A $50,000 threshold would exempt less than 2 percent of the total value of contracts involved and result in miniscule budgetary savings. This amendment would clearly increase the Government's costs by discouraging competitive bidding.

We can no longer afford to ignore the skyrocketing costs of military construction projects, especially when a practical and equitable alternative is available. I urge my colleagues to vote for the Stenholm-Dickinson amendment.

Mr. DICKINSON. Mr. Chairman, I yield to the distinguished gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I reiterate that the debate is short, but Members need to understand the need to vote against the Murphy amendment, which is not a reform of Davis-Bacon but is a vast expansion of Davis-Bacon, and a vote for real reform of Davis-Bacon is a vote for the Stenholm amendment. The Stenholm amendment is a modest proposal, it is a moderate proposal, it is a bona fide compromise. It is not everything that the proponents of reform would have wanted, but it takes us in the right direction.

It is time to take the politics out of Davis-Bacon and reform Davis-Bacon, which we have the first opportunity to do on the floor today with the Stenholm amendment.

Mr. DICKINSON. Mr. Chairman, I yield to the other distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to make quickly two additional points.

One, the Murphy-Hawkins amendment expands Davis-Bacon. The Murphy-Hawkins amendment does not just pertain to the Department of Defense, but it includes all Federal projects and it expands Davis-Bacon.

There is one thing I have to say in another area of the Murphy amendment that helps justify voting for the Stenholm amendment, and that is, Mr. Chairman, it will provide for an unprecedented private right of action to allow the courts to get involved in decisions that have traditionally under Davis-Bacon been solved through administrative remedy. I think that in itself is significant and ought to be looked at very carefully before we have that kind of an expansion.

Again, I emphasize in the area of paperwork, it is true, and I complement the gentleman from Pennsylvania [Mr. MURPHY] for recognizing $11 million payroll reports are excessive, and the cost, whether we take the Department of Labor's $100 million or the CBO's $50 million, is cut by the gentleman from Pennsylvania in half, and that is a significant savings. We cut it again, and the truth of the matter is that most everyone will agree that our amendment makes more sense in this area from the standpoint of savings, particularly to small businesses.

Those points I think need to be considered, Mr. Chairman, as we decide whether or not to approve the Stenholm-Dickinson amendment and vote down the Murphy-Hawkins amendment.

□ 1310

Mr. DICKINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I rise in support of the Stenholm amendment and against the Murphy amendment.

Mr. Chairman, the Stenholm amendment gives us the opportunity to at long last reform the Davis-Bacon Act. In contrast, the Murphy amendment ignores the economic realities of the 1980's by further expanding this Depression-era law.

My colleagues should not be fooled. There is no reform to be found in the Murphy amendment. If there were, it would achieve savings much greater than the $6 million over 4 years estimated by the Congressional Budget Office.

There are no savings in the Murphy amendment because the modest, if not insignificant two-tiered threshold increases, are offset by provisions expanding Davis-Bacon Act coverage to separate contracts for related work at the same site and to privately constructed, Government-leased facilities. The Davis-Bacon Act is also expanded to include Federal contracts in prevailing wage determinations and to restrict the definition of helpers so that these helpers are restricted in using—hence learning—the tools of the trade.

The $250,000 threshold increase included in the Stenholm amendment is modest. It would exempt only 12 percent of the total dollar volume of military construction from Davis-Bacon. All of the Stenholm reforms would save the Government at least $560 million over the next 4 years.

A true indication of Davis-Bacon reform is its savings to the Government. The choice is clear that the Stenholm amendment embodies the reforms the Davis-Bacon Act urgently needs. I urge my colleagues to reject the Murphy amendment and to support the Stenholm alternative.

Mr. DICKINSON. Mr. Chairman, I have no more requests for time and I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Chairman, I just want to point out two more things. No. 1, I think it is important to point out that we did not clarify that to the extent helpers are used in the prevailing local practice they can be used under the Murphy-Hawkins amendment. So that is very, very important. Helpers, if they are in the local practice, then they are there, rather than this exempting them. I think it is also important to point out that this reform goes across-the-board to wherever we have Federal contracting and not just DOD, as the Stenholm amendment does.

So I think what they are doing is they are keeping their promise that they will try to reform the whole area of Davis-Bacon, but they would do it across-the-board rather than just in this one segment.

So by voting for the Murphy-Hawkins amendment you are voting for a much more comprehensive Davis-Bacon reform in every single form of Government contracting.

I think that is very important.

Mr. STENHOLM. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. I thank the gentlewoman for yielding.

I do not believe that the gentlewoman intentionally meant to misspeak regarding what Murphy-Hawkins does in the category of defining helpers. Because under Murphy-Hawkins a helper would be defined in a way that would virtually preclude a helper from performing any task that arguably would overlap the normally assigned tasks of a journeyman or an apprenticeship.

In effect, this provision in the Murphy-Hawkins bill codifies a position the Department of Labor has rejected since 1982. So the gentlewoman should not, I believe for the record, state that what it is doing——

Mrs. SCHROEDER. Reclaiming my time, the way I understand the intent and the extent of what they are doing, it is again tying the utilization of helpers to the prevailing area, and what the practice is in the area, which I think makes an inordinate amount of sense because it is looking at what it is.

Second, we do not want on defense contracts in particular, a lot of helpers. I mean, we really want people who are journeymen and qualified. So I think that becomes very important too, but as we know from the space mission and everything else, you do not always want to go with the cheapest job, you want to make sure they know how to do it. So we look at the prevailing area and how well they are dealing with helpers, and that is included.

Mr. MURPHY. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the author of the amendment, the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. I thank the gentlewoman for yielding.

Mr. Chairman, just to corroborate what the gentlewoman is pointing out, when we are dealing in highly sensitive contractual nature defense work or in fact any Government work, we do not want to encourage the contractors to move on to the construction site a group of helpers who are not apprentices, who are not journeymen, who are not craftsmen, but merely helpers working at a subminimum prevailing wage.

The idea, originally, of Davis-Bacon and as we project it today is that on Government contracts we will not separate a contractor coming in and saying, "Oh, I will bid a million dollars less so I can get this project and I will move a bunch of people on the job who don't know what they are doing because I can pay them less than the prevailing or prevailing minimum wage."

We have set aside in this amendment the apprenticeship. We hope that apprentices will move into the crafts trades. They are entitled to be paid less than prevailing wage. We do not want to encourage unlearned, unknowledgeable helpers. We provide for that. There are a certain number of helper jobs on every construction site. But we want the jobs performed properly by the proper tradesmen involved. That is why we have four separate categories.

Mr. CLAY. Mr. Chairman, would the gentlewoman yield to me?

Mrs. SCHROEDER. I yield to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. I thank the gentlewoman for yielding.

Mr. Chairman, I rise in opposition to the amendment. One of the myths about the Davis-Bacon Act is that it only protects highly paid construction workers. Let me give just one example showing the reality rather than the myth. On April 17, 1986, the Department of Labor issued a wage determination for heavy construction work in Martin County, FL, with basic hourly rate for laborers at $3.35 per hour. This is not an atypical wage determination. For 1986 alone, no less than 43.6 percent of the wage determinations issued by the Department of Labor for a given geographical area contained a wage rate of $5.30 or less.

A key feature of the Stenholm amendment codifies the Reagan administration's helper proposal. This proposal would cause serious problems for minority and lower paid construction workers. The Reagan administration's effort to implement a helper rule has been the subject of litigation in the case of Building and Construction Trades versus Donovan. The court of appeals in that case declared one part of the Reagan administration helper regulation illegal, the district court has refused to implement a new helper regulation until it is a rewritten rule to conform with the court of appeals' decision. The Stenholm amendment seeks to codify the same Reagan helper proposal that has given the courts and the Department of Labor significant problems.

Both the Department of Labor and congressional proponents of a new helper regulation have claimed that it will enhance minority employment. But academic experts in the field of construction, such as Dr. John Dunlop, former Secretary of Labor under President Ford, have concluded that the helper provision would adversely affect minority employment.

Dr. Dunlop has pointed out that such a provision will allow contractors to require construction laborers to perform the same work at lower wages under the guise of the helper classification. This would severely limit the employment standards and opportunities of the segment of the construction work force which is largely composed of minority members. The Department of Labor's own regulatory impact analysis of its helper proposal, states this outcome in no uncertain terms when it concluded that "* * * under the proposed regulation, helpers could in some instances replace laborers as well as journeymen. * * *"

Many laborers, particularly those in the nonunion sector, struggle to earn a living wage at semiskilled work. These workers, like many others on the lower end of the economic ladder, always faced efforts to have themselves reclassified into lower paying jobs. This is precisely what the helper proposal in the Stenholm amendment will do. The proposal will allow contractors to substitute helpers for laborers and pay them lower wages for the same work. The Honorable Harold Greene, U.S. district court judge for the District of Columbia, described the negative impact the helper proposal would have on training for youth, women and minorities. Judge Greene found that the result would be the creation of a cheap classification from which such workers would have little hope of escape. It is clear that the Stenholm helper proposal will limit training of young workers and have a devastating impact on the living standard of minority construction laborers—many of whom now struggle to maintain a decent standard of living at backbreaking and dangerous work. It is for these reasons that I oppose the Stenholm amendment.

Mrs. SCHROEDER. Mr. Chairman, I have no further requests for time, and I yield back the remaining time.

Mr. FRENZEL. Mr. Chairman, the Davis-Bacon Act has long been in need of revision or total repeal. I favor the latter.

Unfortunately, the unwise, unfair rule under which we are working precludes the consideration of Davis-Bacon repeal. Instead, we are left to choose between two forms of reform: the Murphy-Hawkins amendment, which I oppose, and the Stenholm amendment, which is inadequate, but preferable.

In my view, the amendment offered by Messrs. MURPHY and HAWKINS is a token designed to frustrate reform. It raises the Davis-Bacon threshold but only to $50,000 for construction projects and $15,000 for repair projects. This will take only an imperceptible nibble out of the outrageous and bloated cost that Davis-Bacon imposes upon taxpayers and the construction industry and, worst of all, on U.S. consumers.

The creation of a dual threshold is counter productive. It will complicate the bidding process by forcing the categorization of contracts and will open the door for expensive administrative and judicial disputes.

By comparison, the Stenholm amendment raises the threshold to $250,000. I wish Mr. STENHOLM would have repealed Davis-Bacon completely, or at least retained the $1 million threshold which he wrote into his reform legislation of last year. Nevertheless, his amendment is still more reasonable than Murphy-Hawkins.

I will be voting in favor of the Stenholm amendment. It is my hope that continued Davis-Bacon reform such as this will eventually convince my colleagues that what is really needed is Davis-Bacon repeal.

Mr. HOUGHTON. Mr. Chairman, virtually everyone agrees that the dollar threshold for Davis-Bacon coverage should be increased. The key question frankly is whether we stick with the issue at hand, military construction contracts, or do we go ahead with a nongermane provision which has no business being part of the Department of Defense authorization bill.

That is the choice. We have it today. So what I plan to do is to stick with the amendment which applies only to military contracts—covering 20 percent of Federal construction spending. The other approach—a $50,000 new construction threshold for all Federal contracts—should wait for another day. This latter issue goes beyond a simple threshold increase. It should be considered at a later time and considered on its own merits—then opened up for amendments.

Miss SCHNEIDER. Mr. Chairman, there appears to be universal agreement that after more than 50 years it is time to reconsider the Davis-Bacon Act. Does it still serve the purpose for which it was intended when passed in the depths of the Depression? How has the nature of Government contracting and labor requirements changed? Should the level of contracts covered by Davis-Bacon be reevaluated, and if yes, what method should be used in determining the appropriate level of coverage? These are legitimate questions that call for a greater consensus than has been reached in either of the amendments offered today.

I have chosen to reject both of these approaches, not because I cannot find some merit in either, but because I feel that both represent much more contentious approaches than are necessary. Surely we can find a middle ground between the current $2,000 exemption and the proposed $250,000 exemption. Certainly there are ways of protecting the construction worker without onorous paperwork requirements.

These are not simple issues and they deserve more than 30 minutes of debate sandwiched in the midst of the Defense authorization bill. I hope that the proponents of both of these approaches will take the time to reconsider their differences and to provide the House with an opportunity to give this matter the consideration it deserves.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). All time for general debate has expired.

It is now in order to consider the amendments relating to the Davis-Bacon Act printed in section 1 of House Report 100-590, by, and if offered by, the following Members or their designees, which shall be considered in the following order only:

(A) Representative MURPHY; and

(B) Representative STENHOLM.

If more than one amendment is adopted, only the last such amendment which is adopted shall be considered as finally adopted and reported back to the House.

AMENDMENT OFFERED BY MR. MURPHY

Mr. MURPHY. Mr. Chairman, pursuant to the rule I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MURPHY: Page 248, add after line 15 the following:

DIVISION D—MISCELLANEOUS

SEC. 1101. SHORT TITLE, REFERENCE.

(a) SHORT TITLE.—This division may be cited as the "Davis-Bacon Amendments of 1987".

(b) REFERENCE.—Whenever in this division (other than in section 4110) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Act of March 3, 1931 (known as the Davis-Bacon Act).

SEC. 1102. ACT TITLE.

The Act of March 3, 1931, is amended by inserting before subsection (a) of the first section the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Davis-Bacon Act'.".

SEC. 1103. STANDARD REVISION.

The first section (40 U.S.C. 276a) is redesignated as section 2 and the section designation and subsection (a) are amended to read as follows:

"SEC. 2. CONTRACT REQUIREMENTS.

"(a) GENERAL RULE.—

"(1) The requirements of paragraph (2) apply to any contract—

"(A) to which the United States or the District of Columbia is a party, and

"(B) which is in excess of—

"(i) $50,000 for new construction (including painting and decorating), or

"(ii) $15,000 for alteration, repair, renovation, rehabilitation, or reconstruction (including painting and decorating),

of public buildings or public works of the United States or the District of Columbia within the geographical limits of the States or the District of Columbia.

"(2)(A) A contract described in paragraph (1) shall—

"(i) contain a provision stating that the various classes of laborers and mechanics under the contract shall be paid minimum wages based upon wages determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the city, town, or other civil subdivision of the State in which the work is to be performed or in the District of Columbia if the work is to be performed there, and

"(ii) contain a stipulation that the contractor or subcontractor under the contract shall pay all laborers and mechanics under the contract—

"(I) unconditionally,

"(II) not less often than once a week, and

"(III) without subsequent deduction or rebate on any account,

the full amounts accured at time of payment which have been computed in accordance with clause (i) irrespective of any contractural relationship which may be alleged to exist between the contractor or subcontractor and such laborers or mechanics.

An individual shall for purposes of this subparagraph be considered a laborer or mechanic under a contract subject to this subparagraph if the person who entered into the contract paid, directly or through a subcontract, compensation to the individual for services performed as a laborer or mechanic to carry out the contract.

"(B) A contractor or subcontractor under a contract described in paragraph (1) shall post the scale of wages required to be paid under such contract in a prominent and easily accessible place at the site of the contract work.

"(3)(A) For purposes of a contract subject to paragraph (2), the prevailing wage required to be paid under such contract by such paragraph shall be the wages which were determined by the Secretary of Labor, within 3 years of the date the contract was entered into, to be prevailing for purposes of such paragraph. If the Secretary has not made such a determination within such 3-year period, the prevailing wage for purposes of such contract shall be the highest prevailing wage determined by the Secretary to be prevailing in an area in the State which is comparable to the area in which the contract is to be performed. In making such a determination for projects of a particular character in an area, the Secretary shall consider the wages paid for all projects of the same character in the area under contracts which have been entered into for amounts not less than the amounts prescribed by clause (i) or (ii) of paragraph (1)(B).

"(B) For purposes of subparagraph (A), the term 'prevailing wage' when used to describe the wages required to be paid a laborer or mechanic under a contract subject to paragraph (2) means the wages determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the city, town, or other civil subdivision of the State in which the work is to be performed or in the District of Columbia if the work is to be performed there.

"(4) If the United States or the District of Columbia has entered into a contract to lease a facility and if performance of a contract for the construction, alteration, repair, renovation, rehabilitation, or reconstruction of the facilty subject to the lease is required for fulfillment of the contract to lease, the contract for the construction, alteration, repair, renovation, rehabilitation, or reconstruction of the facility shall be subject to paragraph (2) if the contract meets the requirements of paragraph (1)(B).".

SEC. 4104. MULTIPLE CONTRACTS.

Section 2 (as so redesignated) is amended by adding after subsection (a) the following:

"(b) MULTIPLE CONTRACTS.—

"(1) Any 2 or more contracts for any construction project (including any alteration, repair, renovation, rehabilitation, reconstruction, painting, or decorating project) that—

"(A) individually do not exceed the applicable amount prescribed by subparagraph (B) of subsection (a)(1),

"(B) in the aggregate do exceed such amount, and

"(C) all relate to the same work or related work at the same site,

shall be treated as a single contract for purposes of subsection (a).

"(2) For the purpose of enforcing the requirements of subsection (a) for contracts which under paragraph (1) are to be treated as a single contract for purposes of subsection (a), any interested person may bring an action against the Secretary of the department or the head of the agency which entered into such contracts.

"(3) An action described in paragraph (2) may be brought in any United States district court for the district in which the violation of subsection (a) is alleged to have been committed or in the United States District Court for the District of Columbia. Such an action shall be commenced not later than 90 days after the day on which the last labor was performed under the contract with respect to which the action is brought.

"(4) If in an action brought under paragraph (2) the court finds that there has been a violation of subsection (a) with respect to contracts to which subsection (a) applies, the court may order such relief as may be appropriate, including (A) compliance with subsection (a) in the payment of wages under such contracts, and (B) the payment by the Secretary of the department or the head of the agency which entered into such contracts of prevailing wage rates in accordance with that subsection from the date construction began under the contracts involved in such action until the date of the judgment of the court, together with interest, at a rate determined by the court, on the difference between the wages paid under such contracts and the wages required to be paid under such contracts by subsection (a).

"(5) If an interested person prevails in an action brought under paragraph (2), the court in such action shall assess the defendants in the action reasonable attorney fees and other litigation costs reasonably incurred by the interested person.".

SEC. 4105. APPRENTICES, TRAINEES, AND HELPERS.

Section 2 (as so redesignated and as amended by section 4104) is amended by adding at the end the following:

"(c) APPRENTICES, TRAINEES, AND HELPERS.—

"(1) An apprentice who is employed on a contract subject to subsection (a) may be paid less than the rate required by such subsection if the apprentice is—

"(A) employed pursuant to and individually registered in a bona fide apprenticeship program registered with the Bureau of Apprenticeship and Training of the Employment and Training Administration of the Department of Labor or with a State Apprenticeship Agency recognized by the Bureau, or

"(B) employed in the apprentice's first 90 days of probationary employment as an apprentice in such an apprenticeship program and is not individually registered in the program but has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The Secretary shall promulgate regulations defining apprentices and prescribing the conditions under which apprentices will not be subject to the subsection (a) rate, the rate at which such apprentices will be employed, and such other conditions as may be appropriate.

"(2) A trainee who is employed on a contract subject to subsection (a) may be paid less than the rate required by such subsection if the trainee is employed pursuant to and individually registered in a program which has received prior approval which is evidenced by formal certification by the Employment and Training Administration of the Department of Labor. The Secretary shall promulgate regulations defining trainees and prescribing the conditions under which trainees will not be subject to the subsection (a) rate, the rate at which such trainees will be employed, and such other conditions as may be appropriate.

"(3) A helper who is employed on a contract subject to subsection (a) may be paid less than the rate required by such subsection if—

"(A) the helper is employed in a classification of helpers the use of which prevails in the area in which the helper is employed,

"(B) the scope of the duties of the helper is defined and can be differentiated from the duties of a laborer or mechanic, and

"(C) the helper is not used as informal apprentice or trainee.

The Secretary shall promulgate regulations defining helpers and prescribing the conditions under which helpers will not be subject to the subsection (a) rate, the rate at which such helpers will be employed, and such other conditions as may be appropriate.".

SEC. 4106. WAGE REVIEW.

Section 3 (40 U.S.C. 276a-2) is redesignated as section 4, subsections (a) and (b) of such section are redesignated as subsections (d) and (e), respectively, the section designation for such section is amended to read as follows:

"SEC. 4. WAGE PAYMENTS.".

and the following new subsections are inserted after the section heading:

"(a) ACTION BY THE SECRETARY.—The Secretary, on the initiative of the Secretary or at the request of a laborer or mechanic, may investigate compliance by a contractor with the requirements of section 2 and may take such action under section 7(1) to secure compliance with such requirements as may be appropriate.

"(b) PETITION FOR REVIEW.—

"(1) Any laborer or mechanic under a contract with the United States or the District of Columbia subject to section 2(a) or any interested person may petition the Administrator of the Wage and Hour Division of the Department of Labor (hereinafter in this subsection referred to as the 'Administrator') to review the wage payments to the laborer or mechanic under such contract to determine if the wage payments have been made in accordance with section 2(a). Upon receipt of such a petition, the Administrator shall notify the Chief Administrative Law Judge of the Department of Labor of the receipt of the petition and, within 30 days of the receipt of the petition, either—

"(A) determine if the Administrator will decide whether the wage payments have been made in accordance with such section, or

"(B) refer the petition to the Chief Administrative Law Judge of the Department of Labor for assignment to an administrative law judge of the Department of Labor to make such determination.

"(2)(A) If in response to a petition the Administrator elects to determine if wage payments have been made in accordance with section 2(a), the Administrator shall make such determination within 120 days of the receipt of the petition.

"(B) If the Administrator makes a determination on a petition within 120 days of its receipt, either the petitioner or the employer involved in the petition may, within 15 days of the date of issuance of the determination of the Administrator, request a hearing on the determination by an administrative law judge. The determination of the Administrator shall be deemed to be a final agency action if no request for a hearing is made within such 15 days.

"(C) If the Administrator does not make a determination on a petition within 120 days of its receipt, the Administrator shall refer to the petition to the Chief Administrative Law Judge of the Department of Labor for assignment to an administrative law judge of the Department of Labor to make the determination requested by the petition or if the Administrator does not refer the petition within 5 days of the expiration of such 120-day period, the Chief Administrative Law Judge of the Department of Labor shall assign the petition to an administrative law judge of the Department of Labor to make such determination.

"(3)(A) The administrative law judge—

"(i) to whom a petition has been assigned under paragraph (1)(B),

"(ii) to whom a determination of the Administrator has been referred under a request for a hearing under paragraph (2)(B), or

"(iii) to whom a petition has been referred under paragraph (2)(C),

shall, within 120 days of the assignment or referral, conduct a hearing on the record in accordance with section 554 of title 5, United States Code, with respect to such petition or determination and make a decision as to whether wage payments have been made in accordance with section 2(a). In any proceeding before an administrative law judge, the employer under the contract reviewed shall have the burden of demonstrating that the wage payments under the contract were made in accordance with such section.

"(B) Within 30 days of the date of issuance of the decision of the administrative law judge, the petitioner or the employer involved in the petition may request the Secretary to review the decision of the administrative law judge. The decision of the administrative law judge shall be deemed to be a final agency action if no request for review is made within such 30-day period or, within 30 days of the date the decision is made, the Secretary does not grant a request to review the decision of the administrative law judge.

"(C) The Secretary may grant a request to review a decision of an administrative law judge only if the Secretary determines that the request presents a substantial question of law or fact. If the Secretary grants a request for a review, the Secretary, within 30 days after receiving the request, shall review the record and either adopt the decision of the administrative law judge or issue exceptions. The decision of the administrative law judge, together with any exceptions, shall be deemed to be a final agency action.

"(4) The decision of the Administrator, an administrative law judge, or the Secretary on a petition under paragraph (1) for the review of the wage payments under a contract may include—

"(A) the award of damages to the petitioner in the amount of twice the amount of wages not paid in accordance with section 2(a) if it is found on review of the petition that the petitioner was willfully not paid wages in accordance with such section, and

"(B) in addition to any award to the petitioner, a reasonable attorney's fee to be paid by the defendant and the cost of the action.

"(5) An action seeking judicial review of a final agency action under this subsection shall be brought within 30 days of the date of such action.

"(c) CIVIL ACTIONS.—

"(1) Any employer who violates section 2 shall be liable to each laborer or mechanic affected in the amount of the laborer or mechanic's unpaid wages and, if the violation was willful, in an additional equal amount as liquidated damages. No civil action may be brought or maintained under this paragraph by a laborer or mechanic with respect to the laborer or mechanic's wages if a petition is or has been filed by that laborer or mechanic under subsection (b) with respect to the laborer or mechanic's wages.

"(2) An action to recover the liability prescribed by paragraph (1) may be maintained against any employer in any Federal or State court of competent jurisdiction by any interested party or by any one or more laborers or mechanics for and in behalf of the laborer or mechanic or laborers or mechanics and other laborers or mechanics similarily situated. No laborer or mechanic may be a party plaintiff to any such action unless the laborer or mechanic gives the laborer or mechanic's consent in writing to become such a party and such consent is filed in the court in which such action is brought.

"(3) The court in an action brought under paragraph (2) shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant and the cost of the action.".

SEC. 4107. ADMINISTRATION OF ACT.

(a) IN GENERAL.—Sections 5 and 7 (40 U.S.C. 276a-4, 276a-6) are repealed and the following new section is added at the end of the Act:

"SEC. 7. ADMINISTRATION OF ACT.

"The Secretary of Labor shall—

"(1) take such action as may be appropriate to ensure compliance with this Act and to enforce its requirements, and

"(2) promulgate appropriate standards and procedures to be observed by contracting officers with respect to contracts to which this Act applies.".

(b) CONFORMING AMENDMENTS.—

(1) Section 3 (as so redesignated) is amended—

(A) by striking out "found by the contracting officer" and inserting in lieu thereof "found by the contracting officer or the Administrator", and

(B) by striking out "may" and inserting in lieu thereof "shall".

(2) Section 4(c) (as so redesignated) is amended by striking out "whom he has found" and inserting in lieu thereof "whom the Secretary has found under subsection (a)".

SEC. 4108. DEFINITIONS.

The subsection (b) of section 2 (as so redesignated) which was in effect on the date of the enactment of this Act is inserted after section 7 (added by section 4106) and is amended as follows:

(1) The following heading is inserted before the subsection:

"SEC. 8. DEFINITIONS.".

(2) The matter preceding paragraph (1) is amended to read as follows:

"(a) WAGE.—

"(1) As used in this Act the terms 'wages', scale of wages', 'wage rates', and 'minimum wages' shall include—".

(3) Paragraphs (1) and (2) are redesignated as subparagraphs (A) and (B), respectively, subparagraphs (A) and (B) are redesignated as clauses (i) and (ii), respectively, and the margins of the subparagraphs and clauses are indented one em.

(4) The proviso is amended to read as follows:

"(2)(A) Except as provided in subparagraph (B), the obligation of a contractor or subcontractor to make wage payments in accordance with the prevailing wage determinations of the Secretary of Labor, insofar as this Act and other Acts incorporating this Act by reference are concerned, may be discharged by—

"(i) the making of payments in cash,

"(ii) the making of contributions of a type referred to in paragraph (1)(B)(i),

"(iii) the assumption of an enforceable commitment to bear the costs of a plan or program of a type referred to in paragraph (1)(B)(ii), or

"(iv) any combination thereof.

"(B) In discharging the obligation to make wage payments to laborers and mechanics in accordance with the prevailing wage determinations of the Secretary, a contractor or subcontractor may only include contributions described in paragraph (1)(B)(i) and costs described in paragaph (1)(B)(ii) which do not exceed the aggregate of contributions and costs determined by the Secretary of Labor to be prevailing under section 2(a).".

(5) The last sentence is amended by striking out "In determining the overtime pay" and inserting in lieu thereof the following:

"(b) OVERTIME.—In determining the overtime pay".

(6) The last sentence is amended by striking out "paragraph (1)" in the last sentence and inserting in lieu thereof "subsection (a)(1)(A)" and by striking out "paragraph (2)" each place it occurs in the last sentence and inserting in lieu thereof "subsection (a)(1)(B)".

(7) The following is added at the end:

"(c) INTERESTED PERSON.—For purposes of this Act, the term "interested person' means any contractor likely to seek or to work under a contract to which section 2(a) applies, any association representing such a contractor, any laborer or mechanic likely to be employed or to seek employment under such a contract, or any labor organization which represents such a laborer or mechanic.".

SEC. 4109. TECHNICAL AMENDMENTS.

(a) SECTION 3.—Section 2 (40 U.S.C. 276a-1) (as in effect on the date of the enactment of this Act) is redesignated as section 3 and is amended—

(1) by inserting before the section the following:

"SEC. 3. ENFORCEMENT.".

(2) by inserting after the section heading the following:

"(a) COVERAGE REVIEW.—

"(1) If the Secretary of a department or head of an agency determines that a contract entered into by the Secretary or agency head which involves construction (including alteration, repair, renovation, rehabilitation, reconstruction, painting, or decorating) of a public building or public works of the United States is not subject to subsection (a), any interested person (as defined in section 2(b)(2)) may petition the Secretary of Labor to review such determination. If the Secretary grants such a petition, the Secretary shall complete the review requested within 90 days of the date the petition is received. The Secretary shall make a determination on a petition on the record after opportunity for an agency hearing.

"(2)(A) Any interested person adversely affected or aggrieved by—

"(i) the determination by the Secretary of Labor made on a petition filed under paragraph (1), or

"(i) if the Secretary of Labor denies a petition filed under paragraph (a), the determination of a Secretary of a department or head of an agency under paragraph (1) with respect to which the petition was filed,

may obtain review of such determination in any United States court of appeals for the circuit in which such person is located or in the United States Court of Appeals for the District of Columbia Circuit by filing in such court, within 60 days following issuance of such determination, a written petition praying that such determination be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court in which it is filed to the Secretary or agency head which made the determination and to other interested persons.

"(B) Upon transmittal of the petition, the Secretary or agency head which made the determination shall file in the court the record of the proceeding upon which the decision to be reviewed was made and the questions determined in the proceeding as provided in section 2112 of title 28, United States Code. Upon such filing, the court—

"(i) shall have exclusive jurisdiction of the proceeding and of the questions determined in the proceeding, and

"(ii) shall have power—

"(I) to grant such temporary relief or restraining order as it deems just and proper,

"(II) to make and enter upon the pleadings, testimony, and proceedings set forth in the record a decree affirming, modifying, or setting aside, in whole or in part, the determination subject to review, and

"(III) to enforce such determination to the extent that it is affirmed or modified.

The decision of the court shall be final except that it shall be subject to review by the Supreme Court of the United States as provided in section 1254 of title 28, United States Code.

"(b) WITHHOLDING.—There may be withheld from any contractor under a contract subject to section 2(a) so much of accrued payments due the contractor under the contract as may be considered necessary by the contracting officer or the Secretary to pay all laborers and mechanics employed by the contractor or any subcontractor of the contractor the difference between the rates of wages required to be paid such laborers and mechanics by section 2(a)(2)(A)(i) and the rates of wages actually received by the laborers and mechanics.",

(3) by striking out "Every contract within the scope of this Act" and inserting in lieu thereof the following:

"(c) Termination.—Every contract subject to section 2(a)",

(4) by striking out "employed by the contractor or any subcontractor directly on the site of the work",

(5) by striking out "as aforesaid" and inserting in lieu thereof "by section 2(a)",

(6) by striking out "his right" and inserting in lieu thereof "the contractor's right",

(7) by striking out "said required wages" and inserting in lieu thereof "the required wages",

(8) by striking out ", and the contractor" and inserting in lieu thereof a period and "The contractor", and

(9) by striking out "any excess costs occasioned the Government thereby" and inserting in lieu thereof "any excess costs incurred by the Government because of the termination of the contract".

(b) Section 4.—

(1) Subsection (c) of section 4 (as so redesignated) is amended—

(A) by striking out "(a) The Comptroller General of the United States is hereby authorized and directed to pay" and inserting in lieu thereof "(c) Payments.—The Secretary shall pay", and

(B) by striking out "pursuant to this Act; and the Comptroller General of the United States is further authorized and directed to distribute" and inserting in lieu thereof "under section 2(a). The Secretary shall distribute".

(2) Subsection (d) of section 4 (as so redesignated) is amended—

(A) by striking out "(b) If the accrued payments withheld under the terms of the contract, as aforesaid," and inserting in lieu thereof "(d) Rights of Action.—If the accrued payments withheld under the terms of a contract subject to section 2(a)", and

(B) by striking out "shall have the right to action and/or of intervention against the contractor and his sureties conferred by law upon persons furnishing labor or materials" and inserting in lieu thereof "may bring an action against the contractor and his sureties for the payment of the wages required by section 2(a)".

(c) New Section 5.—Section 4 (40 U.S.C. 276a-3) (as in effect on the date of the enactment of this Act) is redesignated as section 5 and is amended by striking out "Sec. 5. This Act" and inserting in lieu thereof the following:

"SEC. 5. CONSTRUCTION.

"This Act".

(d) Section 6.—Section 6 (40 U.S.C. 276a-5) is amended by striking out "Sec. 6. This Act" and inserting in lieu thereof the following:

"SEC. 6. NATIONAL EMERGENCY.

"in the".

SEC. 4110. PAYROLL INFORMATION.

Section 2 of the Act of June 13, 1941 (40 U.S.C. 276c) is amended—

(1) by striking out "weekly" and inserting in lieu thereof "every 2 weeks",

"(2) by striking out "preceding week" and inserting in lieu thereof "preceding 2 weeks", and

"(3) by adding after the first sentence the following: "Any interested person may obtain, in accordance with the following sentence, a copy of any such statement from any department or agency which is required by law to maintain a record of such statement notwithstanding section 552(b) of title 5, United States Code. The copy of the statement to be provided under the preceding sentence shall only include with respect to each employee the name of the employee, the employment classification of the employee, the wage rate at which the employee was employed during the period reported on, the hours worked by the employee during such period, and the wages paid (including fringe benefits) to the employee during such period.".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. Murphy] will be recognized for 5 minutes and a Member speaking in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. Murphy].

Mr. MURPHY. I thank the Chairman.

Mr. Chairman, we have discussed most of these provisions. I just wanted to point out to my colleagues that if we adopt the Murphy-Hawkins amendment we will be exempting 36 percent of all Federal contracts under the 1986 Department of Labor statistics.

Now that is exempting a significant number of total Government contracts from the purview of Davis-Bacon, albeit they are the smaller contracts but they are the ones where the paperwork is most time consuming on the contractors and on the DOL.

On the other hand, Mr. Stenholm's amendment would exempt 75 percent of all Government contracts, hardly the compromise that he is referring to.

I say that if you adopt ours, we are exempting 36 percent of the smallest contracts and we cover the remainder.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does a Member desire to speak in opposition?

Mr. DICKINSON. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. Dickinson] is recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. Bartlett].

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. Chairman, speaking on the Murphy amendment, I do want the House to be very, very clear that the Murphy amendment is not a reform of Davis-Bacon. It is true that we had hearings in the Committee on Education and Labor. The result of the hearings was that business and laborers and workers and contractors from all over this country cried for reform of Davis-Bacon.

What the Murphy amendment does is it expands Davis-Bacon.

It requires, for example, a bundling of contracts so that all contracts at one site would be bundled together regardless of what the threshold is finally set at; if contracts are required to be bundled all at one site in effect there is no threshold.

It exempts less than 2 percent of all Federal construction by dollar volume. It extends the coverage of Davis-Bacon for the first time to off-site contractors and truckers and material suppliers. It extends coverage of Davis-Bacon to all privately constructed Government-leased facilities for the first time. We would include leasehold improvements, lease facilities in Davis-Bacon.

It proclaims the Department of Labor to be the sole arbiter and sole authority over Davis-Bacon coverage, reversing what is under current law; expanding the use of Davis-Bacon, not reforming it at all.

In effect, it prohibits the use of helpers, those very people that ought to be allowed to come onto a site to get that entry level job, get that first job to provide the kind of work that is provided with commercial construction, union and nonunion, all over this country.

Under the Murphy amendment we would prohibit the use of helpers for Federal prevailing wage law purposes.

The Murphy amendment is a step in the wrong direction. It is an expansion of Davis-Bacon, not a reform.

The Stenholm amendment which will be offered subsequently is indeed a reform of Davis-Bacon and ought to be adopted.

Mr. MURPHY. Mr. Chairman, I yield 2 minutes to my distinguished chairman, the gentleman from California [Mr. Hawkins].

Mr. HAWKINS. I thank the gentleman for yielding.

I think we should understand how Davis-Bacon actually operates. This imaginary savings is something that is clearly an illusion. No study has really considered all of the operations in terms of cost overruns, of the underhanded practices engaged in in the construction industry by fly-by-night operators who move into your community where your local people, your local business people and your local wage earners have combined to establish a local wage level. And suddenly you are faced with a contractor who comes in, bids on a contract, based on lower wages paid its itinerant workers, and ignores equity, and the moral responsibility to your community. They could have come from thousands of miles away in order to underbid your local people.

Now this results, as has been stated in the past, in very shoddy construction work.

Now maybe it won't appear in the first few years, but over the life of that construction, shoddy workmanship certainly be revealed.

Now is this a service to the taxpayers or is it a cost to that community and a cost to the Federal Government?

I think that in talking about so-called savings we ignore the fact that this type of practice would prevail. It was to prevent such practices that Davis-Bacon was started in the first place back in the 1930's.

I am quite sure that the fact it has operated over this long period of time without any drastic changes certainly supports the original intention of the act.

So what is the opposition about today? It is to help these fly-by-night operators operating on the basis of greed against responsible construction work.

I ask that the Stenholm amendment be defeated and the Murphy amendment be supported.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I might consume.

The CHAIRMAN pro tempore. The gentleman from Alabama has 3 minutes remaining.

Mr. DICKINSON. Mr. Chairman, as has been pointed out, 75 percent of the contracts under Stenholm-Dickinson would be exempt but not the money; 88 percent of the dollar figure would still be covered.

Let me point out how ludicrous the existing law is: The threshold on the existing law is $2,000. What can you build for $2,000? A chicken coop, a dog house? You certainly cannot build a family unit. You could not even build a sidewalk or a driveway to a family unit.

This is totally unrealistic. What we are doing is raising the threshold to a reasonable figure from $2,000, which is unworkable, to $250,000.

The Murphy amendment applies to all Government construction but it establishes two thresholds, $50,000 for new construction, $15,000 for alterations, which again creates an area of confusion as to which is new, which is add on.

It encourages the bundling, that is adding together a number of contracts to get beyond the threshold. It does not recognize the expanded use of helpers which the Stenholm-Dickinson amendment would, which does give a contractor the incentive to hire new people, to bring them into the work force.

It does not create savings. As a matter of fact, the Congressional Budget Office estimates that this amendment would create new Federal expenditures.

This is a commonsense amendment that Mr. STENHOLM and I are offering.

What Mr. MURPHY is doing is not in assistance of bringing new people into the work force to save money for the Federal Government, to reduce the deficit, to reduce defense spending; it is going to cost more. I think it is unrealistic. We have been trying now, as has been pointed out by my good friend Mr. HAWKINS who said it must be a good law, it has been on the books for so long and it has not been amended.

Lord knows we tried to amend it. We could not get a bill out of that committee. We still do not have a bill scheduled to come to the floor. We had to force consideration of the bill and get an agreement on the floor that they would even have hearings 2 years ago.

So I think the time is right. We should have an amendment to the Davis-Bacon act.

What has been proffered here is fair, it saves money, it creates new jobs. It is supported by a number of other organizations, including the minority small businesses as has been pointed out by Mr. STENHOLM.

I would urge the Members, if you really want to make some impact in saving money, creating jobs and a workable law, this is a fair and reasoned approach.

Please vote "no" on Murphy and "yes" on Stenholm.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania [Mr. MURPHY] has 2 minutes remaining.

Mr. MURPHY. I thank the Chairman.

Mr. Chairman, I merely want to say in a very few seconds that we have heard arguments about the cost of Davis-Bacon for years. The only hard statistic that was available to our committee was a CBO report in 1983 in which they stated that it added 3 percent to the total cost of Federal projects. Since that time we have had many, many changes at the Department of Labor to cut back on the Davis-Bacon cost and I would estimate today that what has happened since the 1983 study, and today, is it would add approximately 2 to 2½ percent of the total cost of the Davis-Bacon Federal project.

I say to my colleagues 2½ percent is a very small price to pay for American craftsmanship on American jobs, for the quality kind of work that we want to produce in this country.

Mr. EVANS. Mr. Chairman, today the House will consider two amendments which would raise the threshold for contracts covered by the Davis-Bacon Act. Only the Murphy amendment, however, would achieve real and much-needed reform. By raising the current Davis-Bacon threshold from $2,000 to $50,000 as it applies to all Federal construction projects, and from $2,000 to $15,000 for all Federal renovation, repair, and alteration projects, the Murphy amendment would help to preserve the underlying principles of the Davis-Bacon Act. At the same time, it would ensure that Federal procurement laws do not work to undermine the economy and living standards of local areas which depend on Federal and federally assisted construction projects for their livelihood.

By taking a look at the Senate Armed Services Committee report on the fiscal year 1987 Department of Defense Authorization Act, it is easy to see the problems with Mr. STENHOLM'S amendment to raise the threshold to $250,000. According to the Armed Service Committee's report, the effect of a $250,000 threshold would be to exempt 70 percent of the defense construction projects covered under that act from the requirements of Davis-Bacon. By effectively allowing a large majority of Federal contractors to pay less than the locally prevailing wage, the Stenholm amendment would come dangerously close to an outright repeal of the Davis-Bacon Act.

Mr. Chairman, I urge my colleagues to reject Mr. STENHOLM'S attempt to undercut the tenets of the Davis-Bacon Act, and support the Murphy amendment—a real attempt at Davis-Bacon reform.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MURPHY].

The question was taken; and the Chairman pro tempore. announced that the ayes appeared to have it.

☐ 1325

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 213, noes 195, not voting 23, as follows:

[Roll No. 93]

AYES—213

Ackerman
Akaka
Alexander
Anderson
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Campbell
Cardin
Carper
Carr
Chappell
Clay
Clement
Clinger
Coelho
Coleman (TX)
Collins
Conte
Conyers
Coyne
Davis (IL)
Davis (MI)
DeFazio
Dellums
Dicks
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Guarini
Hall (OH)
Hamilton
Harris
Hawkins
Hayes (IL)
Hertel
Hochbrueckner
Horton
Hoyer
Hubbard
Hughes
Jacobs
Jeffords
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
McCloskey
McDade
McHugh
Mfume
Mineta
Moakley
Mollohan
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher

Nelson
Nowak
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pashayan
Pease
Pelosi
Pepper
Perkins
Pickle
Rahall
Rangel
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Rostenkowski
Roybal
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schroeder
Schumer
Sharp
Shays
Sikorski
Skaggs
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Solomon
St Germain
Staggers
Stark
Stratton
Studds
Swift
Synar
Torres
Torricelli
Towns
Traficant
Traxler
Vento
Visclosky
Volkmer
Walgren
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NOES—195

Andrews
Anthony
Archer
Armey
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Chandler
Chapman
Cheney
Clarke
Coats
Coble
Coleman (MO)
Combest
Cooper
Coughlin
Courter
Craig
Crane
Dannemeyer
Darden
de la Garza
DeLay
Derrick
DeWine
Dickinson
Dornan (CA)
Dreier
Edwards (OK)
Emerson
English
Fawell
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gradison
Grandy
Grant
Green
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Johnson (CT)
Johnson (SD)
Jones (TN)
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Lancaster
Leach (IA)
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Martin (IL)
Martin (NY)
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morella
Morrison (WA)
Myers
Neal
Nichols
Nielson
Olin
Oxley
Packard
Parris
Patterson
Penny
Petri
Pickett
Porter
Price
Pursell
Quillen
Ravenel
Regula
Rhodes
Ritter
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Saxton
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Spence
Spratt
Stallings
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Watkins
Weber
Whittaker
Wolf
Wortley
Wylie
Young (FL)

NOT VOTING—23

Biaggi
Crockett
Daub
Dingell
Duncan
Dyson
Fields
Flake
Boulter
Foglietta
Latta
Lloyd
Mica
Miller (CA)
Moody
Oakar
Bustamante
Ray
Rose
Slaughter (NY)
Smith, Denny (OR)
Stokes
Udall

□ 1344

The Clerk announced the following pairs:

On this vote:

Mr. Foglietta for, with Mr. Ray of Georgia against.

Mr. Bustamante for, with Mr. Boulter against.

Mr. Moody for, with Mr. Denny Smith against.

Messrs. SPRATT, McMILLEN of Maryland, and CHAPMAN changed their votes from "aye" to "no."

Mr. NELSON of Florida and Mr. MacKAY changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. SLAUGHTER of New York. Mr. Chairman, I was unavoidably detained during rollcall vote 93. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Stenholm:

Page 249, after line 15, add the following:

DIVISION D—MISCELLANEOUS

SEC. 1101. APPLICATION OF MODIFIED DAVIS-BACON AND COPELAND ACT REQUIREMENTS TO MILITARY CONSTRUCTION CONTRACTS.

(a) Section 2852 of title 10, United States Code, is amended by adding at the end thereof the following new subsections:

"(c) Application of Modified Davis-Bacon Requirement to Military Construction Contracts.—(1) The Secretary of Defense and the Secretaries of the military departments shall apply the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes", approved March 3, 1931 (commonly referred to as the 'Davis-Bacon Act') (40 U.S.C. 276a—276a-5) to military construction projects and military family housing projects with the modifications described in paragraph (2).

"(2) The modifications referred to in paragraph (1) are as follows:

"(A) The Davis-Bacon Act shall not be applied to contracts for $250,000 or less.

"(B) Helpers of a class of laborers or mechanics shall be considered as a separate class and prevailing wages for such helpers shall be determined on the basis of the corresponding class of helpers. For purposes of this subsection, the term 'helper' means a semi-skilled worker (rather than a skilled journeyman mechanic) who—

"(i) works under the direction of and assists a journeyman,

"(ii) under the direction and supervision of the journeyman, performs a variety of duties to assist the journeyman, such as—

"(I) preparing, carrying, and furnishing materials, tools, equipment, and supplies and maintaining them in order,

"(II) cleaning and preparing work areas,

"(III) lifting, positioning, and holding materials or tools, and

"(IV) other related semi-skilled tasks as directed by the journeyman, and

"(iii) may use tools of the trade which are under the direction and supervision of the journeyman.

"(C) Prohibition on contract-splitting.—(i) The Secretary of Defense of the secretary of a military department may not divide any project into contracts of $250,000 or less if the project would not have been so divided but for the purpose of avoiding application of this subsection.

"(ii) Whenever the Secretary of Labor determines that a division for the purpose of avoiding application of this subsection has occurred, the Secretary of Labor may (1) require that the contract be amended so as to incorporate retroactively all the provisions which would have been required under this subsection and (2) require the contracting agency to compensate the contractor, as appropriate, for payment to each affected laborer, mechanic, or helper, of an amount equal to the difference between the rate received and the applicable prevailing wage rate, with interest on wages due at the rate specified in section 6621(c) of title 26, United States Code, from the date the work was peformed by such laborers, mechanics, or helpers. The Secretary of Labor shall make such determination only where the Secretary of Labor has notified the contracting agency in question no later than 180 days after completion of construction on the project that in investigation will be conducted concerning an alleged violation of this subsection.

"(d) Application of Copeland Act Requirements Modified To Reduce Paperwork Associated With Military Construction Contracts.—(1) Section 2 of the Act of June 13, 1984, entitled "An Act to effectuate the purpose of certain statutes concerning rates of pay for labor, by making it unlawful to prevent anyone from receiving the compensation contracted for thereunder, and for other purposes (40 U.S.C. 276c) (commonly referred to as the Copeland Act) shall be applied to military construction projects and miliary family housing projects in a manner which requires that a statement concerning the weekly wages paid each employee, pursuant to a contract entered into with respect to such a project, be made only at the beginning, midpoint, and conclusion of the period covered by the contract rather than on a weekly basis except that such statement shall be made no less oten than every three months.

"(2) Nothing in this subsection shall be construed to limit or change any pre-existing responsibilities on the part of an employer with regard to maintaining payroll records or limit or change any pre-existing rights of the appropriate federal agency to examine such records.".

(b) The amendment made by subsection (a) shall apply with respect to contracts entered into after September 30, 1988.

The CHAIRMAN pro tempore. The gentleman from Texas [Mr. Stenholm] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I rise for the sake of families of servicemen and in support of the Stenholm amendment.

Mr. Chairman, I serve on the Military Construction Subcommittee on the Committee on Appropriations. I can tell you very candidly that there are simply not enough dollars to adequately serve our Armed Forces construction needs. Many construction projects get pushed aside simply because of the lack of funds.

Now, I'm not going to stand here and complain about the need for more military construction dollars or why—but I do want to share with you obvious reasons why we should rid the Government of this costly, wasteful, anticompetitive provision called Davis-Bacon.

One good example deals with the quality of life of our military personnel. It seems that every year the military is taking in more and more personnel that are married and/or have children. This is fine. This Nation wanted a voluntary force and they got it. However, this voluntary force has increased the need for more family oriented structures such as single-family houses and day care centers. This demand has pressed the budget limits of our services and strapped the creative minds of housing experts attempting to deal with military families.

Hundreds of families have been waiting long periods of time to receive adequate living quarters. We have a housing crisis on our hands and we need to suspend wasteful rules. The savings realized by reforming Davis-Bacon will alleviate much of the immediate problem.

Why support a threshold increase to $250,000? Because it makes real dollar sense. As you all know, the administration supports a $1 million threshold increase. But, I'm sure that the Department of Defense will be pleased with a modest increase to $250,000. You may be interested to know that the DOD is on record stating that if they are faced with the Murphy amendment, only negligible savings will be realized. They said that they would rather stick with current law rather than wrestle with small dollar savings combined with more governmental redtape. That statement shows me just how useless the Education and Labor amendment is. It contains no real concessions to save tax dollars.

The best part about a threshold increase is the resulting massive reduction of paperwork. Last year, the Department of Labor amassed 11 million responses just to one Davis-Bacon related form—form WH-347. The annual reporting hours required to process all of these forms was 5.5 million hours. Now, let's do some simple math. A processor making on average $20,000 working for the DOL works 40 hours a week with 2 weeks vacation. This leaves 50 weeks, roughly 250 working days or 2,000 hours; 2,000 working hours into $20,000 is $10 per hour; $10 per hour times 5.5 million reporting hours is $55 million—cost to the American taxpayer—just from one form. And that's just salary. That is not including overhead such as office space, filing storage, supplies, and other necessities.

I hope that we can all pull together and realize that it is in the best interest of our Nation's defense system, our military personnel, and their families that we act on this squanderous law.

The original authors would be appalled if they realized what they created. The original intent of the act is entirely different from those circumstances that govern the use of Davis-Bacon today. Are the same events that were taking place in 1931 happening today? No. Is there still—as stated in the 1931 testimony—this "emergency need" for this act? No. Must Congress continue to waste countless millions if not billions of taxpayers dollars by upholding an outdated piece of legislation? I don't believe we do.

Vote "yes" on the Dickinson-Stenholm amendment.

Mr. STENHOLM. Mr. Chairman, the irony of what we have just done, should the previous vote stand and my amendment now not be approved, is that we have taken a 1931 law, the Davis-Bacon Act, amended once in 1935, and we have actually expanded Davis-Bacon to areas not previously covered.

We have actually taken some dollars from the Defense authorization bill and put them back into Davis-Bacon. That is not what we started out trying to do some 3 or 4 years ago, but now, my colleagues, we have the opportunity by supporting this amendment, the Stenholm-Dickinson amendment, to truly reform Davis-Bacon.

We increase the threshold to $250,000, which only exempts 12 percent of the dollar volume of all defense contracts—12 percent. The amendment now standing exempts less than 1 percent.

In the area of helpers, we truly reform the act, not in a way that is detrimental to workers, not at all, but we truly reform it in order to give those at the bottom end of the working ladder a chance to work up those rungs, which they do not have under current law.

Paperwork—if you are concerned about paperwork on small business, you must support our amendment. Some 11 million payroll reports are filed every year under current law, cut in half by the amendment previously passed, but cut again by the amendment that we offer.

□ 1350

Mr. DICKINSON. Mr. Chairman, would the gentleman yield?

Mr. STENHOLM. Mr. Chairman, I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, let me point out as a member of the Subcommittee on Military Installations and Facilities that we tried diligently, and have tried every year to increase the family housing allotment for our enlisted men as well as our officer quarters. We always came up short. If we adopt this amendment, just this amendment alone, we will be able to build $168 million more in family housing than we could under the present Davis-Bacon without expending one additional dollar. We can add $168 million in savings that we can use to spend in family housing with adoption of this amendment alone.

Mr. Chairman, I congratulate the gentleman from Texas [Mr. STENHOLM] on offering this amendment, and I urge its adoption.

Mr. STENHOLM. Mr. Chairman, I will follow up simply by saying that the basic issue is now whether or not we wish to reform Davis-Bacon and do what the gentleman from Alabama [Mr. DICKINSON] has said. If so, vote "yes" on the Stenholm amendment.

STENHOLM-DICKINSON DAVIS-BACON AMENDMENT TO H.R. 4264, FY 1989 DOD AUTHORIZATION

$250,000 THRESHOLD

The Secretary of Defense and the Secretaries of the military departments would not apply Davis-Bacon to contracts for less than $250,000, exempting only 12 percent of the dollar volume of all DOD contracts for construction, repair, and alteration.

Many small- and minority-owned businesses refrain from bidding on federal contracts because they find Davis-Bacon costly, disruptive of local wage schedules, and anticompetitive.

Because a small amount of work is taken up in a large number of very small contracts, 70 percent of the number of contracts would be exempted, finally opening up significant numbers of small contract opportunities to small firms.

A $250,000 threshold is moderate and reasonable—far from the subterfuge for repeal its opponents claim. Since DOD construction contracts account for less than ¼ of total federal construction spending, this amendment exempts only about 3 percent of all federal work from Davis-Bacon. If a $250,000 threshold were applied government-wide, 7 percent of all such work would be exempted.

The $250,000 level is a compromise. The Administration has requested a $1 million Davis-Bacon threshold for DOD contracts.

Contract splitting: To prevent any potential abuse of the higher threshold, dividing projects for the purpose of avoiding Davis-Bacon would be prohibited and back pay with interest provided for. Strong administrative enforcement by the Secretary of Labor is provided for. (Prevention of contract splitting was a primary reason Congress lowered the original 1931 threshold of $5,000 to $2,000 in 1935.)

EXPANDED USE OF HELPERS

A semi-skilled "helper" category would be recognized and ensure that helpers working on DOD/Davis-Bacon projects would be paid the wages prevailing for helpers in that locality.

DOL rarely has issued wage determinations for a rate lower than that for a skilled journeyman, regardless of the task to be performed. Thus, labor is allocated inefficiently, costs rise, and semi-skilled workers are denied entry-level jobs. Davis-Bacon has been left behind by the evolution of a more flexible workplace over the last half-century, as the utilization of helpers has become a widespread practice in private construction, but not on federal jobs.

The helper classification has been upheld in the federal courts as consistent with longstanding Congressional intent that Davis-Bacon reflect, rather than disrupt, locally prevailing practices. The definition proposed here, essentially proposed by DOL since 1982, would ensure that helpers were paid adequately and could not be substituted for skilled mechanics and laborers. "Helpers" would be defined as semi-skilled workers assisting, and under the direction of, skilled journeymen.

This change would open up job opportunities to those most in need of help up the first rungs of the economic ladder: Minorities, women, disadvantaged, displaced, and entry- and training-level workers.

PAPERWORK REDUCTION

The onerous payroll record submissions to the government by employers would be reduced from weekly to the beginning, midpoint, and end of the contract period, and be required at least quarterly.

Approximately 11 million payroll reports are submitted annually to contracting agencies, at a cost of an estimated cost of 5.5 million hours of industry employee time. An estimated 5.5 percent of all of DOL's paperwork is generated by Copeland and Davis-Bacon. Paperwork costs to contractors, passed on to the taxpayers, has been estimated at $100 million a year by DOL and $50 million by CBO.

The current flood of paperwork discourages small firms, which would have to hire additional clerical personnel and/or invest in new equipment, from even bothering to bid on federal projects.

Most payroll investigations are initiated upon receipt of complaints, since the sheer volume of and storage problems with the weekly reports greatly limits their practical usefulness.

This amendment would not reduce the contractor's responsibility to maintain orderly and complete payroll records or the government's current authority to conduct on-site investigations and inspect payroll records, a commitment repeated in the language of the amendment itself. Quarterly reports would complement the enforcement process in a timely and practical way.

The anti-small business bias that has developed in the operation of Davis-Bacon, in all the above areas, becomes especially evident in light of the fact that firms with 9 or fewer people make up about 80 percent of all construction industry employers.

BUDGET IMPACT

CBO estimates that Davis-Bacon increases federal construction costs by 3.3 percent (3.7 percent prior to 1985 regulatory changes). DOD has estimated the cost premium at up to 5 percent. An Oregon State University study estimated that the Act inflates costs in rural areas by 26 percent to 38 percent.

Current budget constraints on military construction and family housing require that we provide the most housing and procure quality construction and repair services for the lowest reasonable cost. The most recent CBO estimates project the Stenholm-Dickinson amendment would result in the following DOD savings (in $ millions):

	Fiscal year—					5-year total
	1989	1990	1991	1992	1993	
Budget authority	$168	$169	$175	$182	$188	$882
Outlays	79	129	154	170	183	715

Actual savings may be greater, since CBO does not score potential savings from increased competition for federal contracts (as more firms enter the bidding process) or the reduced inflationary impact on local economies (found by GAO and others).

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The Chair will inquire, does a Member desire to speak in opposition to the amendment?

Mr. MURPHY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentlemen from Pennsylvania [Mr. MURPHY] is recognized for 5 minutes.

Mr. MURPHY. Mr. Chairman, as I stated in the general debate on this matter, with the amendment we have passed, 36 percent of Federal contracts are now exempt from Davis-Bacon. I would like to state that the gentleman from Texas [Mr. STENHOLM] was very helpful during our hearings and I would like to quote his statement from one of our hearings. We discussed what the threshold would be compared to 1931 when the law was first enacted. The gentleman from Texas stated:

> Depending on what formula you use, you can come up with an answer anywhere from $15,000 today equivalency allowing for inflation to $115,000 depending on what you put into the formula, and I would suggest that this committee take a look at those figures and find somewhere, I would suggest, somewhere in between.

Based on that testimony, we came somewhere in between and we established it at $50,000 and therefore exempted 36 percent of the total contracts.

Again I would like to reiterate that the only hard figure we have on the cost of what Davis-Bacon does to Federal contracting is the General Accounting Office report dated in 1983 wherein that report stated that it costs us 3 percent more over the figure. I would like to say that that is a relatively small amount to pay for good American craftmanship.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I say to the gentleman from Pennsylvania, is he aware of a study done by the Department of Defense just last year and released this year in February that points out that $300 million a year could be saved by the repeal of Davis-Bacon, and up to $2.5 billion over a 5-year period? This is a study that is as recent as February of this year.

Mr. MURPHY. Mr. Chairman, I want to say that that study was done by the Defense Department, and it was looked at by our committee and discarded as being totally prejudiced to the views of this administration. All they wanted to do was to say they wanted more for the military and if we sacrificed Davis-Bacon we could have $300 million more. It was a totally biased report. The GAO report is the one our committee stands on.

Mr. STENHOLM. Mr. Chairman, let me respond that the gentleman from Pennsylvania [Mr. MURPHY] quoted me accurately, but I would point out to all the Members that that is only a small part of the reform of Davis-Bacon before us today. In regard to the savings, the Pentagon study is there for all to read. However, let us not talk about that one. Let us talk about last night's Congressional Budget Office figures that indicates if we should repeal Davis-Bacon it would save $4.6 billion over 5 years. Our amendment saves $715 million which would go to provide housing for those young men and women that serve the country.

If we do not pass my amendment, we are going to take away from the status quo, we will have less money than is now in the defense authorization bill for that purpose.

I urge an aye vote on my amendment.

Mr. DREIER of California. Mr. Chairman, I rise today to express my strong support for the Stenholm amendment to the Armed Services Authorization Act which would affect the coverage of the Davis-Bacon Act. In addition, I wish to state my appreciation for the efforts of my colleagues—in particular, Congressmen STENHOLM, STANGELAND, and DICKINSON—for their tireless efforts to adopt this much-needed reform to Federal and federally assisted construction projects.

The Stenholm amendment, which represents true reform of the Davis-Bacon Act, is an important first step toward updating the act to the employment situation and budget realities of the late 1980's and early 1990's. The original intent of this 1931 act was to protect local workers from itinerant labor who worked for lower wages. However, because other labor protection laws have been passed over the years to provide wage protection for workers, the role of the Davis-Bacon Act has diminished.

Today, the $2,000 threshold, the "prevailing wage," and paperwork requirements of the act are protectionist barriers which serve to insulate the unions from nonunion competition in bidding for Federal Government contracts. Since nonunion companies are effectively precluded from bidding for these Federal contracts, the results are inflated construction costs due to the highly inflated union wages paid to workers on these projects. In 1983, the General Accounting Office issued a report entitled "The Davis-Bacon Act Should Be Repealed." The report concluded that Davis-Bacon requirements add $2 billion annually to Federal construction contracts.

While the reforms contained in the Stenholm amendment actually fall far short of what many Members could support, they reflect a responsible and balanced approach which has broad-based support from organizations as diverse as the National School Boards Association and the National Tax Limitation Council. This amendment would raise the threshold of defense and military contracts to $250,000. This level represents a compromise from a $1 million Davis-Bacon threshold for Department of Defense [DOD] contracts which the administration earlier proposed. Further, to prevent any potential abuse of the higher threshold, dividing projects for the purpose of avoiding Davis-Bacon would be prohibited and back pay with interest provided for. The amendment also would recognize a semiskilled helper category and ensure that these workers would be paid the wages prevailing for helpers in that locality. The onerous payroll record submissions—a major disincentive to small firms to bid for these Federal contracts—to the Government by employers would be reduced from weekly to the beginning, midpoint, and end of the contract period, and be required at least quarterly.

The Stenholm amendment would provide a reasonable exemption from Davis-Bacon requirements for small military construction contracts. This effort is germane to the legislation under consideration and would save scarce defense dollars in the upcoming fiscal year. In addition, the limited reforms proposed by my colleague from Texas would afford an opportunity for further study of the savings which could be achieved Governmentwide should these reforms be applied to all Federal construction contracts. I urge my colleagues to join me in voting for the Stenholm amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. STENHOLM].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 210, not voting 17, as follows:

[Roll No. 94]

AYES—204

Andrews
Anthony
Archer
Armey
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Campbell
Carper
Chandler
Chapman
Chappell
Cheney
Clarke
Coats
Coble
Coleman (MO)
Coleman (TX)
Combest
Cooper
Coughlin
Courter
Craig
Crane
Dannemeyer
Darden
de la Garza
DeLay
Derrick
DeWine
Dickinson
Dornan (CA)
Dreier
Edwards (OK)
Emerson
English
Espy
Fawell
Fields
Frenzel
Gallegly
Gallo
Gekas
Gibbons
Gingrich
Goodling
Gradison
Grandy
Grant
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Hastert
Hatcher
Hefley
Hefner
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Lancaster
Leach (IA)
Leath (TX)
Lewis (FL)
Lightfoot
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Marlenee
Martin (IL)
Martin (NY)
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morella
Morrison (WA)
Myers
Neal
Nelson
Nichols
Nielson
Olin
Oxley
Packard
Parris
Patterson
Penny
Petri
Porter
Price
Pursell
Quillen
Ravenel
Regula
Rhodes
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rowland (GA)
Saiki
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Spratt
Stallings
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (FL)

NOES—210

Ackerman
Akaka
Alexander
Anderson
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bates
Bennett
Berman
Bevill
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Cardin
Carr
Clay
Clement
Clinger
Coelho
Collins
Conte
Conyers
Coyne
Davis (IL)
Davis (MI)
DeFazio
Dellums
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Erdreich
Evans
Fascell
Fazio
Feighan
Fish
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Glickman
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Hertel
Hochbrueckner
Horton
Hoyer
Hubbard
Hughes
Jacobs
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Lowry (WA)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
McCloskey
McDade
McGrath
McHugh
McMillen (MD)
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Nowak
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pashayan
Pease
Pelosi
Pepper
Perkins
Pickett
Pickle
Rahall
Rangel
Richardson
Ridge
Rinaldo
Rodino
Roe
Rostenkowski
Rowland (CT)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
St Germain
Staggers
Stark
Stratton
Studds
Swift
Synar
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Vento
Visclosky
Volkmer
Walgren
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NOT VOTING—17

Biaggi
Boulter
Crockett
Daub
Duncan
Dyson
Flake
Foglietta
Latta
Lloyd
Mica
Moody
Oakar
Ray
Rose
Smith, Denny (OR)
Stokes

□ 1418

The Clerk announced the following pairs:

On this vote:

Mr. Ray of Georgia for, with Mr. Foglietta against.

Mr. Boulter for, with Mr. Flake against.

Mr. Denny Smith for, with Mr. Moody, against.

Mr. BERMAN and Mr. LEWIS of California changed their votes from "aye" to "no."

Mr. BURTON of Indiana changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am going to in a moment move that the Committee rise for the purpose of going into the House of Representatives to get a unanimous-consent request which I think we have now worked out with the people from the minority side. It is only for the purpose of getting that, and then we will go back into the Committee of the Whole in order tc consider the rest of the amendments on the bill. I wanted to explain that.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, Mr. GRAY of Illinois, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4264) to authorize appropriations for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, to amend the National Defense Authorization Act for fiscal years 1988 and 1989, and for other purposes, had come to no resolution thereon.

REQUEST FOR PERMISSION TO CONSIDER SOLARZ AMENDMENT PRINTED IN SECTION 1 OF HOUSE REPORT 100-590 AS AMENDMENT 52 IN SECTION 3 OF REPORT 100-590 ON H.R. 4264, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that, during the further consideration of the bill (H.R. 4264) pursuant to House Resolution 436, the amendment of the gentleman from New York [Mr. Solarz] printed in section 1 of House Report 100-590 may be considered as though it were printed as amendment 52 in section 3 of that report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. WALKER. Mr. Speaker, reserving the right to object, do I understand that what we are doing now is we are changing the rule by which we are considering the legislation on the floor?

Mr. ASPIN. Mr. Speaker, if the gentleman will yield, we are changing the Solarz amendment from one section into another section in order that we may put it into an en bloc amendment.

Mr. WALKER. Is that the only thing we are going to do here?

Mr. ASPIN. That is the only thing we are going to do here.

Mr. WALKER. In other words, this is the only unanimous-consent request of this type the gentleman has?

Mr. ASPIN. It is the only one that the gentleman is asking for, yes.

Mr. WALKER. Mr. Speaker, I yield to the gentleman from Alabama [Mr. Dickinson].

Mr. DICKINSON. Mr. Speaker, just by way of explanation, we were caught by surprise earlier before we went into the Committee of the Whole. A unanimous-consent was requested by the chairman I was not here, my colleague manning the desk was unaware of what was coming up, and for that reason the unanimous consent was not granted. It was withdrawn. We have discussed this with Mr. Solarz, and we have no objection.

As a matter of fact, I have discussed this with Secretary Carlucci, who has no objection to the amendment to be offered by Mr. Solarz. Procedurally it was necessary to come into the House and back into the Committee of the Whole, and that is what we have agreed to. There is no problem. I do not even think it is too unusual, and we have no objection. I would have no objection.

Mr. WALKER. Further reserving the right to object, I do not see any particular policy objection to what the two gentleman are attempting to achieve. This gentleman's problem though is that every time we have one of these rules that basically closes down the ability of Members to offer amendments under their own timetable or with regard to the bill——

Mr. ASPIN. Mr. Speaker, I withdraw my unanimous-consent request.

☐ 1420

Mr. DICKINSON. Mr. Speaker, this was a time-saving amendment that was being asked for.

Mr. SPEAKER pro tempore (Mr. Murtha). Does the gentleman from Wisconsin [Mr. Aspin] withdraw his unanimous-consent request?

Mr. ASPIN. Mr. Speaker, I withdraw my unanimous-consent request.

Mr. SPEAKER pro tempore. The gentleman from Wisconsin withdraws his unanimous-consent request.

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

The SPEAKER pro tempore. Pursuant to House Resolution 436 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4264.

The Chair requests the gentleman from Illinois [Mr. Gray] to assume the chair temporarily.

☐ 1424

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4264) to authorize appropriations for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, to amend the National Defense Authorization Act for fiscal years 1988 and 1989, and for other purposes, with Mr. Gray of Illinois [Chairman pro tempore] in the chair.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier, the consideration of the Davis-Bacon amendments had been concluded.

It is now in order to consider the amendment relating to the Monroney amendment printed in section 1 of House Report 100-590 offered by the gentleman from Texas [Mr. Bustamante] or his designee.

AMENDMENT OFFERED BY MR. BUSTAMANTE

Mr. BUSTAMANTE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Bustamante: At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 931. UNIFORM METHOD FOR ESTABLISHING WAGE SCHEDULES AND RATES.

(a) Paragraph (2) of section 5343(d) of title 5, United States Code, is amended to read as follows:

"(2) When a lead agency determines that there is a number of comparable positions in private industry insufficient to establish the wage schedules and rates, such agency shall establish those schedules and rates on the basis of—

"(A) local private industry rates; and

"(B) rates paid for comparable positions in private industry in the nearest wage area that such agency determines is most similar in the nature of its population, employment, manpower, and industry to the local wage area for which the wage survey is being made.".

(b) Effective Date.—The amendment made by subsection (a) shall, with respect to any prevailing rate employee, become effective as of the first day of the first applicable pay period beginning on or after the later of—

(1) October 1, 1988; or

(2) the ninetieth day after the date of enactment of this Act.

(c) Initial Adjustment.—In the case of a prevailing rate employee employed by the Department of Defense immediately before the effective date (with respect to such employee) of the amendment made by subsection (a), the rate of pay payable to such employee shall, as of such effective date (and until the next pay adjustment thereafter), be adjusted by such amount as may be necessary to comply with such amendment, except that the rate which becomes payable as a result of that adjustment shall be at least equal to the rate which was payable immediately before such effective date.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Texas [Mr. Bustamante] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. Bustamante].

Mr. BUSTAMANTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the Rules Committee and the distinguished chairman of the Post Office and Civil Service Committee for their indulgence in permitting me to offer this amendment.

Mr. Chairman, I ask unanimous consent to add a technical and clarifying amendment to the amendment. This amendment has been cleared with both sides of the aisle.

Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. Nichols].

Mr. NICHOLS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would just like to point out that the Department of Defense, to my knowledge, is the only agency that is currently exempt from the provisions of the Monroney amendment, and I ask support for the amendment.

This is a matter of equity. It is a matter which turns not only on fairness and reasonableness but is crucial in terms of addressing one of the problems facing the Government today—that of retaining competent and capable employees. The importance of this amendment can, I believe, be best understood after a cursory review of the history of the Federal blue collar wage program.

The current blue collar wage system is based on the prevailing rate concept first established over 100 years ago for use in setting pay for trade, craft, and laboring employees of naval activities. Over the years, however, as various agencies also set prevailing rates, many differences developed in pay for employees doing the same work within the same local area.

As a consequence, the Coordinated Federal Wage System [CFWS] was established in 1965 by Presidential directive. The new system provided a common set of policies and operating procedures which were specifically developed to include grade structures, occupational standards, survey coverage, labor organization participation, etc. and it was implemented over a 2-year period beginning in 1968.

The basic principles of the Coordinated Federal Wage System were later incorporated into law with the passage of Public Law 92-392 in 1972. That law established the Federal blue-collar or prevailing rate system as it is known today and was based on the articulated principles that:

There be equal pay for substantially equal work for all prevailing rate employees who are working under similar conditions of employment in all agencies within the same local wage area;

There be relative differences in pay within a local wage area when there are substantial or recognizable differences in duties, responsibilities, and qualification requirements among positions;

The level of rates of pay be maintained in lines with prevailing levels for comparable work within a local wage area; and

The level of rates of pay be maintained so as to attract and retain qualified prevailing rate employees.

The Federal wage system provides common policies, practices, and job-grading standards for uniform application by all agencies in fixing pay for prevailing rate employees. The Federal wage system covers supervisory and nonsupervisory trade, craft, and laboring employees in virtually all Federal agencies. Each agency is held responsible for properly classifying and paying its wage employees. All wage areas for the Federal wage system have been established and defined. One set of wage schedules applies throughout a wage area. Provision is made for continuing evaluation of wage and survey areas to reflect local changes; for example, opening or closing of Federal activities, changes in private enterprise industrial patterns, etc. Wage data are collected from private establishments in survey areas for a prescribed list of jobs which are common to both private industry and Federal activities. The system has worked very well.

The statute places responsibilities on the agencies. It requires that when a wage survey is made for the purpose of establishing wage schedules for trade, craft, and laboring employees, the agency making the survey (referred to as the lead agency) shall determine whether there exists in the wage survey area a sufficient number of comparable positions in private industry to establish wage schedules for the principal kinds of Federal positions for which the survey is made. In addition, under the so-called Monroney amendment, in a number of areas where there is a concentration of highly specialized Federal civilian employees and it is determined that there is an insufficient number of comparable positions in the private industry to establish the wage schedules, the lead agency making the survey shall establish rates for the position in accordance with rates paid for positions in private industry in the nearest wage area which is determined by the agency involved to be most similar in the nature of its population, employment, manpower, and industry to the wage area for which the survey is being made. It is interesting to note that the Monroney amendment was initially designed to solve a DoD pay problem which existed at Tinker Air Force Base although the language developed to solve this problem is applicable to all agencies and all affected blue collar workers.

These statutory provisions insure that all Federal wage grade employees were paid in accordance with a uniform set of standards evenly applied throughout the agencies. Those employees who work in areas were there is an insufficient number of comparable private sector positions to provide a sound comparable base upon which to make the wage determinations benefit from the Monroney amendment. In such instances, equitable wage schedules are established by requiring agencies to use the local private sector wage rates in the nearest locale having a similar population. No system is perfect but certainly the design of this system provides an objective and realistic manner for determining Federal blue collar pay. But, the integrity of the system is seriously jeopardized as soon as specific exceptions are made to it. This is precisely what happened in 1985.

When the DoD Authorization Act of 1985 was considered in conference, one of the items to be considered was a provision contained in the Senate bill that exempted DoD from applying wage schedules and rates to its prevailing rate employees when such rates were established on the basis of a survey of rates paid for comparable positions in other than the local wage area. In other words, DoD, as the lead agency in many areas, still had to conduct the surveys and establish the rates which would be used by other agencies but it could pay its own employees decidedly less than the survey established prevailing wage—the benefits of the survey establishing rates based on comparability principles could be denied to its own civilian employees. The House amendment contained no similar provisions and the House receded. No explanation was given for the Senate provision just as no valid reason has been expressed here today as to why DoD should continue to be the only agency exempt from the provisions of the Monroney amendment—why DOD wage grade employees should be paid differently from their counterparts in other agencies in the same location.

I urge my colleagues to support the amendment offered today in an effort to insure that all Federal wage grade employees are under the same objective and fair wage system. Not only is this in furtherance of the goal of retaining qualificated and competent employees but the result will be a tremendous boost to morale—a factor sadly lacking throughout the government workplace.

Mr. BUSTAMANTE. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does any Member desire to speak in opposition to the Bustamante amendment?

Mr. BUSTAMANTE. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND of Georgia. Mr. Chairman, I rise in favor of the Bustamante amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas, and I commend him for this effort. The amendment embodies the language of H.R. 4145, legislation the gentleman introduced earlier this year, of which I am a cosponsor.

This amendment will restore the coverage of the Monroney amendment to DOD civilian employees. DOD civilian employees were exempted from coverage of the Monroney amendment in the DOD Authorization Act for fiscal year 1986. The amendment still remains intact for all other Federal prevailing rate employees. From purely a standpoint of fairness, this situation requires the adoption of the Bustamante amendment.

Under the requirements of the Monroney amendment, a Federal agency, in considering the wage rate to be paid for a certain position, determines whether there are sufficient comparable positions in private industry in the local area to establish wage schedules for the positions under consideration. If there are an insufficient number of comparable positions in the local area, the agency must establish wage schedules using both local private industry rates and rates paid in industry in the nearest area which is most similar in employment and industrial characteristics.

The Monroney amendment was designed for DOD specialized positions. However, as a result of the action taken in the fiscal year 1986 DOD Authorization Act, the DOD employees working in those positions are not benefiting from the amendment, while non-DOD workers at the same wage scale do benefit. For instance, the Macon, GA, area continues to qualify for Monroney based on DOD specialized employment, yet DOD employees working there do not benefit from the requirements of the Monroney amendment.

The Bustamante amendment will correct this inequity. I commend the gentleman again for this important amendment and urge my colleagues to support it.

Mr. BUSTAMANTE. Mr. Chairman, I yield back the balance of my time.

Mr. WOLPE. Mr. Chairman, I rise in support of Mr. Albert Bustamante's amendment to the Defense authorization bill. His amendment would defer for one year the construction of the Special Isotope Separation Facility [SIS] at the Idaho National Engineering Laboratory [INEL].

The SIS facility poses an unprecedented threat to U.S. efforts to stop the spread of nuclear weapons to additional countries. A cornerstone of that policy is a clear line between military and civilian nuclear programs. The SIS facility, however, would provide the United States with a capability to process plutonium from commercial spent fuel into nuclear weapons, potentially blurring that line and setting the wrong example to other countries.

Currently, the DOE is prohibited from using commercial plutonium in nuclear weapons by the Hart-Simpson-Mitchell amendment to the Atomic Energy Act. Once the facility is completed, however, the DOE could quickly move to undo this law.

One of the missions of the SIS facility is to provide a surge capability in plutonium production. Since the DOE has stated that it has only enough low quality plutonium to process in the SIS facility for seven to eight years, it does not have enough plutonium to provide for a surge capability. Does this mean that the commercial plutonium is that feedstock?

Reversing the Hart-Simpson-Mitchell Amendment would have disastrous consequences on U.S. nonproliferation policy. By providing a 1-year delay in funding a production-scale SIS facility in Idaho, the Bustamante amendment would enable a thorough assessment of the impacts of this SIS facility on U.S. nonproliferation policy.

I urge you to support Mr. Bustamante's amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas [Mr. Bustamante].

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider the amendments relating to arms control printed in section 1 of House Report 100-590, by, and if offered by, the following Members or their designees, which shall be considered in the following order only:

(A) Representative Markey; and

(B) Representative Solarz.

Mr. ASPIN. Mr. Chairman, the gentleman from Massachusetts [Mr. Markey] has decided not to offer his amendment.

AMENDMENT OFFERED BY MR. SOLARZ

Mr. SOLARZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Solarz: At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 934. SENSE OF CONGRESS ON START TALKS.

It is the sense of Congress that any agreement negotiated by the President to achieve a reduction and limitation on strategic arms (through the strategic arms reduction talks in Geneva or otherwise) should not include any provision which would result in a reduction of the total number of United States ballistic-missile-carrying submarines below 20.

The CHAIRMAN pro tempore. Under the rule, the gentleman from New York [Mr. Solarz] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. Solarz].

Mr. SOLARZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment, as I understand it, is acceptable to the gentleman from Wisconsin [Mr. Aspin], the distinguished chairman of the Committee on Armed Services, and to the gentleman from Alabama [Mr. Dickinson], the very distinguished ranking minority member of the Committee on Armed Services. It also is acceptable to Secretary of Defense Carlucci.

The amendment, which is not binding or mandatory on the administration, expresses the sense of Congress that any agreement negotiated by the President in the strategic arms reduction, or START, talks should not include a provision which results in a large asymmetrical reduction in any single element of the strategic triad, thereby simplifying the Soviet planners' task of targeting United States strategic forces.

Specifically, the amendment says that the President should strive to preserve the survivability of the triad and should not reduce the total number of U.S. ballistic-missile-carrying submarines below 20. The primary purpose of this amendment, Mr. Chairman, is to serve notice on the President that it is the sense of Congress that any START agreement which is negotiated should preserve the survivability of our nuclear deterrent, and, specifically, the sea-based leg of our triad, considered to be the most invulnerable part of our strategic defenses.

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In the late 1960's and through the 1970's, we had 41 strategic nuclear submarines. Today we have 35 and we are currently planning to have 20 Tridents by the late 1990's. This amendment says we should not go below 20. The reason for such a number is that, of the three different components of the U.S. strategic triad, the most survivable and the most invulnerable is our submarine force. In the context of improvements in Soviet antisubmarine warfare, however, it is not inconceivable that at some point in the future our submarines themselves could become vulnerable. Therefore, it is in our interest to have the maximum number of submarines possible within the overall framework of the strategic nuclear triad.

A force of 20 submarines—I personally hope we could have more, but I do not think we should have less—would mean that, at any given time, we probably will have about 14 boats at sea, with six in port or overhaul. I think this is the minimal acceptable number if we are to preserve the survivability of our nuclear deterrent—the key to the preservation of peace and the prevention of nuclear war.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Washington [Mr. Dicks].

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, I want to rise in very strong support of the Solarz amendment. I think it addresses one of the most important aspects of planning for modernization. That is, to start looking at the post-START environment. I believe 20 submarines is the minimum.

I am afraid that we could go below that with the START agreement.

I think this is a very well-thought-out amendment and I hope that the House and the committee will adopt it.

Mr. SOLARZ. If I may just say in conclusion that our ability as a nation to prevent nuclear war depends more than anything else on the preservation of a survivable nuclear deterrent, thereby serving notice on the Soviet Union that it cannot possibly hope to launch a nuclear attack against the United States without facing the fearsome possibility of a nuclear retaliatory strike by our own nuclear forces. Were we to go below 20 strategic nuclear submarines, we could potentially jeopardize the survivability of our nuclear deterrent. Therefore, I think this amendment sends a very useful signal to the administration that the Congress does not want the negotiators, in any post-START environment, to reduce the number of strategic nuclear submarines below 20.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Alabama [Mr. Dickinson].

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, we had a discussion about a possible amendment to the amendment of the gentleman that the gentleman has no objection to. It is my understanding, in the parliamentary sense, that only the gentleman can offer the unanimous consent request to amend it as we discussed. If the gentleman would care to offer it at the present time we would like to accept that too.

Mr. SOLARZ. Mr. Chairman, at the suggestion of my good friend from Alabama [Mr. Dickinson] I ask unanimous consent that the amendment be modified, as agreed to by the majority and the minority.

The CHAIRMAN. The Clerk will report the modification to the amendment offered by the gentleman from New York [Mr. Solarz].

The Clerk read as follows:

Amendment, as modified, offered by Mr. Solarz: At the end of title IX of division A (page 163, after line 6, insert the following new section:

SEC. 934. SENSE OF CONGRESS ON START TALKS.

It is the sense of Congress that any agreement negotiated by the President to achieve a reduction and limitation on strategic arms (through the strategic arms reduction talks in Geneva or otherwise) should not include any provision which results in a large assymetrical reduction in any single element of the strategic triad (bombers, ICBMs, and SLBMs), thereby simplifying the Soviet planner's task of targeting U.S. strategic forces. Specifically, the President should strive to preserve the survivability of the triad and should not reduce the total number of United States ballistic-missile-carrying submarines below 20.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. (Mr. Gray of Illinois). Does any Member desire to speak in opposition?

If not, the question is on the amendment, as modified, offered by the gentleman from New York [Mr. Solarz].

The amendment, as modified, was agreed to.

EN BLOC AMENDMENTS, AS MODIFIED, OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, under the provision of paragraph 7 of section 2 of House Resolution 436, I offer a third en bloc amendment, composed of amendments printed in section 3 of House Report 100-590, and section 3 of House Report 100-579, including modifications.

The CHAIRMAN pro tempore. The Clerk will designate the en bloc amendments, as modified.

The text of the designation and the en bloc amendments, as modified, is as follows:

Amendments en bloc offered by Mr. Aspin composed of the following amendments, including modifications, listed and numbered in the order that they are printed in section 3 of House Report 100-590, and section 3 of House Report 100-579:

(House Report 100-590):

(18) Mr. Kanjorski of Pennsylvania, as modified;

(25) Mrs. Boxer of California, as modified;

(39) Mr. Mavroules of Massachusetts, as modified;

(48) Mr. AuCoin of Oregon, as modified;

(50) Mr. Sharp of Indiana.

(House Report 100-579):

(2) Mr. Dyson of Maryland, as modified;

(17) Mr. AuCoin of Oregon;

(52) Mr. Richardson of New Mexico;

(53) Mr. Grant of Florida;

(55) Mr. Robinson of Arkansas.

At the end of part B of title III of division A (page 41, after line 17), insert the following:

SEC. 316. STUDY ON CONVERSION TO DISTRICT, DIRECT NATURAL GAS, AND OTHER HEATING SYSTEMS IN WEST GERMANY.

(a) In General.—The Secretary of Defense, in conjunction with the Secretary of State and the Secretary of Commerce, shall conduct a study of—

(1) the extent of, and the justification for, the economic benefits to the Union of Soviet Socialist Republics that result from the conversion of United States military installations in the Federal Republic of Germany to district heat and direct natural gas systems which utilize Soviet-supplied natural gas;

(2) the extent of, and the justification for, the economic benefits that the United States military is providing to the economy of the Federal Republic of Germany by assisting in financing the development and expansion of district heating facilities and by entering into long-term contracts to purchase heat from West German district heating facilities;

(3) the extent to which the Department of Defense enters into the kind of arrangements described in paragraph (2) with State and local governments and private business located near military installations in the United States;

(4) the national security implications of—

(A) relying on natural gas from the Soviet Union as a source of heating fuel for United States military installations in Europe, particularly the consequences of a supply interruption from the Soviet Union;

(B) relying on natural gas from Libya as a source of heating fuel for United States military installations in Europe, particularly the consequences of a supply interruption from Libya;

(C) the length of time before natural gas supplies from the North Sea are depleted and the resulting increase in reliance on natural gas supplies from the Soviet Union and Libya; and

(D) the level of security provided to district heat facilities and the potential for supply interruptions to United States military installations as a result of terrorist activities;

(5) the accuracy of the Department of the Army's life-cycle cost analysis used to evaluate conversions from existing heating systems in Europe to district heat and other alternatives, particularly its exchange rates and predictions for the cost of heat provided by district heat facilities;

(6) the policy implications of granting sole-source contracts for district heat facilities in Europe and of the subsequent reliance by United States military installations on only one source for heating when the conversions are complete;

(7) whether the requirements of section 2690 of title 10, United States Code, are being violated by district heat, direct natural gas, or other fuel conversions which rely on requirements by local governments rather than by the national government; and

(8) whether companies of the United States are being given an opportunity to participate in or bid on construction and modernization of the heat facilities in Europe which will receive assistance from the United States Government.

(b) Report.—Not later than February 1, 1989, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under subsection (a).

(c) Restriction on Conversions.—Beginning on April 14, 1988, and ending on July 1, 1989, neither the Secretary of Defense nor the Secretaries of the military departments may enter into any agreement or contract to convert a heating facility at a military installation outside the United States to district heat, direct natural gas, or other sources of fuel.

The amendment as modified is as follows:

Strike out section 701 (page 118, line 17, through page 119, line 20) and insert in lieu thereof the following:

SEC. 701. DESIGNATION IN EACH MILITARY DEPARTMENT OF ASSISTANT SECRETARY WITH RESPONSIBILITY FOR FINANCIAL MANAGEMENT.

(a) Department of the Army.—(1) Section 3016(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Financial Management. The Assistant Secretary shall have as his principal responsibility the exercise of the comptroller functions of the Department of the Army, including financial management functions. The Assistant Secretary shall be responsible for all financial management activities and operations of the Department of the Army and shall advise the Secretary of the Army on financial management.".

(2) Chapter 303 of such title is amended by adding at the end the following new section:

"§ 3022. Financial management

"(a) The Secretary of the Army shall provide that the Assistant Secretary of the Army for Financial Management shall direct and manage financial management activities and operations of the Department of the Army, including ensuring that financial management systems of the Department of the Army comply with subsection (b). The authority of the Assistant Secretary for such direction and management shall include the authority to—

"(1) supervise and direct the preparation of budget estimates of the Department of the Army and otherwise carry out, with respect to the Department of the Army, the functions specified for the Comptroller of the Department of Defense in section 137(c) of this title;

"(2) approve and supervise any project to design or enhance a financial management system for the Department of the Army; and

"(3) approve the establishment and supervise the operation of any asset management system of the Department of the Army, including—

"(A) systems for cash management, credit management, and debt collection; and

"(B) systems for the accounting for the quantity, location, and cost of property and inventory.

"(b)(1) Financial management systems of the Department of the Army (including accounting systems, internal control systems, and financial reporting systems) shall be established and maintained in conformance with—

"(A) the accounting and financial reporting principles, standards, and requirements established by the Comptroller General under section 3511 of title 31; and

"(B) the internal control standards established by the Comptroller General under section 3512 of title 31.

"(2) Such systems shall provide for—

"(A) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to the financial information needs of department management;

"(B) the development and reporting of cost information;

"(C) the integration of accounting and budgeting information; and

"(D) the systematic measurement of performance.

"(c) The Assistant Secretary shall maintain a five-year plan describing the activities the Department of the Army proposes to conduct over the next five fiscal years to improve financial management. Such plan shall be revised annually.

"(d) The Assistant Secretary of the Army for Financial Management shall transmit to the Secretary of the Army a report each year on the activities of the Assistant Secretary during the preceding year. Each such report shall include a description and analysis of the status of Department of the Army financial management.".

(3) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3022. Financial management.".

(b) Department of the Navy.—Section 5016(b) of such title is amended by adding at the end the following new paragraph:

"(3) One of the Assistant Secretaries shall be the Assistant Secretary of the Navy for Financial Management. The Assistant Secretary shall have as his principal responsibility the exercise of the comptroller functions of the Department of the Navy, including financial management functions. The Assistant Secretary shall be responsible for all financial management activities and operations of the Department of the Navy and shall advise the Secretary of the Navy on financial management.".

(2) Chapter 503 of such title is amended by adding at the end the following new section:

"§ 5025. Financial management

"(a) The Secretary of the Navy shall provide that the Assistant Secretary of the Navy for Financial Management shall direct and manage financial management activities and operations of the Department of the Navy, including ensuring that financial management systems of the Department of the Navy comply with subsection (b). The authority of the Assistant Secretary for such direction and management shall include the authority to—

"(1) supervise and direct the preparation of budget estimates of the Department of the Navy and otherwise carry out, with respect to the Department of the Navy, the functions specified for the Comptroller of the Department of Defense in section 137(c) of this title;

"(2) approve and supervise any project to design or enhance a financial management system for the Department of the Navy; and

"(3) approve the establishment and supervise the operation of any asset management system of the Department of the Navy, including—

"(A) systems for cash management, credit management, and debt collection; and

"(B) systems for the accounting for the quantity, location, and cost of property and inventory.

"(b)(1) Financial management systems of the Department of the Navy (including accounting systems, internal control systems, and financial reporting systems) shall be established and maintained in conformance with—

"(A) the accounting and financial reporting principles, standards, and requirements established by the Comptroller General under section 3511 of title 31; and

"(B) the internal control standards established by the Comptroller General under section 3512 of title 31.

"(2) Such systems shall provide for—

"(A) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to the financial information needs of department management;

"(B) the development and reporting of cost information;

"(C) the integration of accounting and budgeting information; and

"(D) the systematic measurement of performance.

"(c) The Assistant Secretary shall maintain a five-year plan describing the activities the Department of the Navy proposes to conduct over the next five fiscal years to improve financial management. Such plan shall be revised annually.

"(d) The Assistant Secretary of the Navy for Financial Management shall transmit to the Secretary of the Navy a report each year on the activities of the Assistant Secretary during the preceding year. Each such report shall include a description and analysis of the status of Department of the Navy financial management.".

(3) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"5025. Financial management.".

(c) Department of the Air Force.—Section 8016(b) of such title is amended by adding at the end the following new paragraph:

"(3) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Financial Management. The Assistant Secretary shall have as his principal responsibility the exercise of the comptroller functions of the Department of the Air Force, including financial management functions. The Assistant Secretary shall be responsible for all financial management activities and operations of the Department of the Air Force and shall advise the Secretary of the Air Force on financial management.".

(2) Chapter 803 of such title is amended by adding at the end the following new section:

"§ 8022. Financial management

"(a) The Secretary of the Air Force shall provide that the Assistant Secretary of the Air Force for Financial Management shall direct and manage financial management activities and operations of the Department of the Air Force, including ensuring that financial management systems of the Department of the Air Force comply with subsection (b). The authority of the Assistant Secretary for such direction and management shall include the authority to—

"(1) supervise and direct the preparation of budget estimates of the Department of the Air Force and otherwise carry out, with respect to the Department of the Air Force, the functions specified for the Comptroller of the Department of Defense in section 137(c) of this title;

"(2) approve and supervise any project to design or enhance a financial management system for the Department of the Air Force; and

"(3) approve the establishment and supervise the operation of any asset management system of the Department of the Air Force, including—

"(A) systems for cash management, credit management, and debt collection; and

"(B) systems for the accounting for the quantity, location, and cost of property and inventory.

"(b)(1) Financial management systems of the Department of the Air Force (including accounting systems, internal control systems, and financial reporting systems) shall be established and maintained in conformance with—

"(A) the accounting and financial reporting principles, standards, and requirements established by the Comptroller General under section 3511 of title 31; and

"(B) the internal control standards established by the Comptroller General under section 3512 of title 31.

"(2) Such systems shall provide for—

"(A) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to the financial information needs of department management;

"(B) the development and reporting of cost information;

"(C) the integration of accounting and budgeting information; and

"(D) the systematic measurement of performance.

"(c) The Assistant Secretary shall maintain a five-year plan describing the activities the Department of the Air Force proposes to conduct over the next five fiscal years to improve financial management. Such plan shall be revised annually.

"(d) The Assistant Secretary of the Air Force for Financial Management shall transmit to the Secretary of the Air Force a report each year on the activities of the Assistant Secretary during the preceding year. Each such report shall include a description and analysis of the status of Department of the Air Force financial management.".

(3) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"8022. Financial management.".

(d) Number of Assistant Secretaries in the Department of the Air Force.—Section 8016(a) of such title is amended by striking out "three" and inserting in lieu thereof "four".

The amendment as modified is as follows:

At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 931. ASSISTANT SECRETARY OF DEFENSE FOR INTELLIGENCE.

(a) Establishment of Position.—Section 136(b) of title 10, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking out "Assistant Secretary of Defense for Command, Control, Communications, and Intelligence" and inserting in lieu thereof "Assistant Secretary of Defense for Command, Control, and Communications"; and

(B) by striking out "communications, and intelligence" and inserting in lieu thereof "and communications"; and

(2) by adding at the end the following new paragraph:

"(5) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Intelligence. He shall have as his principal duty the overall supervision of intelligence and intelligence-related activities of the Department of Defense.".

(b) Number of Assistant Secretaries.—(1) Section 136(a) of title 10, United States

Code, is amended by striking out "eleven" and inserting in lieu thereof "twelve".

(2) Section 5315 of title 5, United States Code, is amended by striking out "(11)" after "Assistant Secretaries of Defense" and inserting in lieu thereof "(12)".

Page 227, line 14, strike out "$689,524,000" and insert in lieu thereof "$719,824,000".

Page 227, line 16, strike out "$120,925,000" and insert in lieu thereof "$138,925,000".

Page 227, line 19, strike out "$532,042,000" and insert in lieu thereof "$544,042,000".

Page 234, line 15, strike out "$22,500,000" and insert in lieu thereof "$27,500,000".

At the end of title I of division C (page 246, after line 6), insert the following new part:

PART D—DOE DEFENSE NUCLEAR FACILITIES SAFETY OVERSIGHT BOARD

SEC. 3141. SHORT TITLE.

This part may be cited as the "Department of Energy Defense Nuclear Facilities Safety Act of 1988".

SEC. 3142. ESTABLISHMENT OF DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

(a) ESTABLISHMENT.—There is hereby established an independent establishment in the executive branch, to be known as the "Defense Facilities Nuclear Safety Board" (hereafter in this part referred to as the "Board").

(b) MEMBERSHIP.—(1) The Board shall be composed of 5 members appointed from civilian life by the President, by and with the advice and consent of the Senate, from among United States citizens who are respected experts in the field of nuclear safety with a demonstrated competence and knowledge relevant to the independent investigative and oversight functions of the Board. Not more than 3 members of the Board shall be of the same political party.

(2) Any vacancy in the membership of the Board shall be filled in the same manner in which the original appointment was made.

(3) No member of the Board may be an employee of, or have any significant financial relationship with, the Department of Energy or any contractor of the Department of Energy.

(4) Not later than 180 days after the date of the enactment of this part, the President shall submit to the Senate nominations for appointment to the Board. In the event that the President is unable to submit the nominations within such 180-day period, the President shall submit a report to Congress with the reasons for such inability and a plan for submitting the nominations within the next 90 days. If the President is unable to submit the nominations within that 90-day period, the President shall again submit such a report and plan to Congress. The President shall continue to submit such a report and plan to Congress every 90 days until the nominations are submitted.

(c) CHAIRMAN AND VICE CHAIRMAN.—(1) The President shall designate a Chairman and Vice Chairman of the Board from among members of the Board. The Chairman and Vice Chairman and other Board members may be reappointed to such offices.

(2) The Chairman shall be the chief executive officer of the Board and, subject to such policies as the Board may establish, shall exercise the functions of the Board with respect to—

(A) the appointment and supervision of employees of the Board;

(B) the organization of any administrative units established by the Board; and

(C) the use and expenditure of funds.

(3) The Chairman may delegate any of the functions under this paragraph to any other member or to any appropriate officer of the Board.

(4) The Vice Chairman shall act as Chairman in the event of the absence or incapacity of the Chairman or in case of a vacancy in the office of Chairman.

(d) TERMS.—(1) Except as provided under paragraph (2), the members of the Board shall serve for terms of 5 years. Members of the Board may be reappointed.

(2) Of the members first appointed—

(A) one shall be appointed for a term of 1 year;

(B) one shall be appointed for a term of 2 years;

(C) one shall be appointed for a term of 3 years;

(D) one shall be appointed for a term of 4 years; and

(E) one shall be appointed for a term of 5 years,

as designated by the President at the time of appointment.

(3) Any member appointed to fill a vacancy occurring before the expiration of the term of office for which such member's predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of that member's term until a successor has taken office.

(e) QUORUM.—Three members of the Board shall constitute a quorum, but a lesser number may hold hearings.

(f) SALARY LEVEL FOR BOARD MEMBERS.—Section 5314 of title 5, United States Code, is amended by inserting after "Members, Nuclear Regulatory Commission." the following:

"Members, Defense Facilities Nuclear Safety Board.".

SEC. 3143. FUNCTIONS OF THE BOARD.

The Board shall perform the following functions:

(1) REVIEW AND EVALUATION OF STANDARDS.—The Board shall review and evaluate the content and implementation of the standards relating to the design, construction, operation, and decommissioning of defense nuclear facilities of the Department of Energy (including all applicable Department of Energy orders, regulations, and requirements) at each Department of Energy defense nuclear facility. The Board shall recommend to the Secretary of Energy those specific measures that should be adopted to ensure that public health and safety are adequately protected. The Board shall include in its recommendations necessary changes in the content and implementation of such standards, as well as matters on which additional data or additional research is needed.

(2) INVESTIGATIONS.—(A) The Board shall investigate any event or practice at a Department of Energy defense nuclear facility which the Board determines has adversely affected, or may adversely affect, public health and safety.

(B) The purpose of any Board investigation under subparagraph (A) shall be—

(i) to determine whether the Secretary of Energy is adequately implementing the standards described in paragraph (1) of the Department of Energy (including all applicable Department of Energy orders, regulations, and requirements) at the facility;

(ii) to ascertain information concerning the circumstances of such event or practice and its implications for such standards;

(iii) to determine whether such event or practice is related to other events or practices at other Department of Energy defense nuclear facilities; and

(iv) to provide to the Secretary of Energy such recommendations for changes in such standards (including Department of Energy orders, regulations, and requirements) and such recommendations relating to data or research needs as may be prudent or necessary.

(3) ANALYSIS OF DESIGN AND OPERATIONAL DATA.—The Board shall have access to and may systematically analyze design and operational data, including safety analysis reports, from any Department of Energy defense nuclear facility.

(4) SPECIAL STUDIES.—The Board may conduct special studies pertaining to adequate protection of public health and safety at any Department of Energy defense nuclear facility.

(5) EVALUATION OF INFORMATION.—The Board may evaluate information received from the scientific and industrial communities, and from the interested public, with respect to—

(A) events or practices at any Department of Energy defense nuclear facility; or

(B) suggestions for specific measures to improve the content of standards described in paragraph (1), the implementation of such standards, or research relating to such standards at Department of Energy defense nuclear facilities.

(6) REVIEW OF FACILITY DESIGN AND CONSTRUCTION.—The Board shall review the design of a new Department of Energy defense nuclear facility before construction of such facility begins and shall recommend to the Secretary, within a reasonable time, such modifications of the design as the Board considers necessary to ensure adequate protection of public health and safety. During the construction of any such facility, the Board shall periodically review and monitor the construction and shall submit to the Secretary, within a reasonable time, such recommendations relating to the construction of that facility as the Board considers necessary to ensure adequate protection of public health and safety.

(7) STUDY OF OTHER FACILITIES.—The Board shall study whether the provisions of this part should apply to any nuclear facility of the Department of Energy that is excluded by the definition of "Department of Energy defense nuclear facility" in section 3148. The Board shall include recommendations resulting from such study in its first annual report submitted to Congress under section 3147.

(8) RECOMMENDATIONS.—The Board shall make such recommendations to the Secretary of Energy with respect to Department of Energy defense nuclear facilities, including operations of such facilities, standards, and research needs, as the Board determines are necessary to ensure adequate protection of public health and safety. In making its recommendations the Board shall consider the technical and economic feasibility of implementing the recommended measures.

SEC. 3144. POWERS OF BOARD.

(a) HEARINGS.—(1) The Board or a member authorized by the Board may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places, and require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such evidence as the Board or an authorized member may find advisable.

(2)(A) Subpoenas may be issued only under the signature of the Chairman or any member of the Board designated by him and shall be served by any person designated by the Chairman or any member. The attendance of witnesses and the production of evidence may be required from any place in the United States at any designated place of hearing in the United States.

(B) Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

(C) If a person issued a subpoena under paragraph (1) refuses to obey such subpoena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Board) order such person to appear before the Board to produce evidence or to give testimony relating to the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt of the court.

(D) The subpoenas of the Board shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(E) All process of any court to which application may be made under this section may be served in the judicial district in which the person required to be served resides or may be found.

(b) Staff.—The Board may, for the purpose of performing its responsibilities under this part—

(1) hire such staff as it considers necessary to perform the functions of the Board, but not more than the equivalent of 100 full-time employees; and

(2) procure the temporary and intermittent services of experts and consultants to the extent authorized by section 3109(b) of title 5, United States Code, at rates the Board determines to be reasonable.

(c) Regulations.—The Board may prescribe regulations to carry out the responsibilities of the Board under this part.

(d) Reporting Requirements.—The Board may establish reporting requirements for the Secretary of Energy which shall be binding upon the Secretary. The information which the Board may require the Secretary of Energy to report under this subsection may include any materials designated as classified material pursuant to any provision of the Atomic Energy Act of 1954 (42 U.S.C. 201 et seq.), or any materials designated as safeguards information and protected from disclosure under section 147 or 148 of such Act.

(e) Use of Government Facilities, Etc.—The Board may, for the purpose of carrying out its responsibilities under this part, use any facility, contractor, or employee of any other department or agency of the Federal Government with the consent of and under appropriate support arrangements with the head of such department or agency and, in the case of a contractor, with the consent of the contractor.

(f) Assistance From Certain Agencies of the Federal Government.—With the consent of and under appropriate support arrangements with the Nuclear Regulatory Commission, the Board may obtain the advice and recommendations of the staff of the Commission on matters relating to the Board's responsibilities and may obtain the advice and recommendations of the Advisory Committee on Reactor Safeguards on such matters.

(g) Assistance From Organizations Outside the Federal Government.—The Board may enter into an agreement with the National Research Council of the National Academy of Sciences or any other appropriate group or organization of experts outside the Federal Government chosen by the Board to assist the Board in carrying out its responsibilities under this part.

(h) Resident inspectors.—The Board may assign staff to be stationed at any Department of Energy defense nuclear facility to carry out the functions of the Board.

SEC. 3145. RESPONSIBILITIES OF THE SECRETARY OF ENERGY.

(a) Cooperation.—The Secretary of Energy shall fully cooperate with the Board and provide the Board with ready access to such facilities, personnel, and information as the Board considers necessary to carry out its responsibilities under this part. Each contractor operating a Department of Energy defense nuclear facility under a contract awarded by the Secretary shall, to the extent provided in such contract or otherwise with the contractor's consent, fully cooperate with the Board and provide the Board with ready access to such facilities, personnel, and information of the contractor as the Board considers necessary to carry out its responsibilities under this part.

(b) Access to Information.—The Secretary of Energy may deny access to information provided to the Board to any person who—

(1) has not been granted an appropriate security clearance or access authorization by the Secretary of Energy; or

(2) does not need such access in connection with the duties of such person.

SEC. 3146. BOARD RECOMMENDATIONS.

(a) Public Availability and Comment.—Subject to subsections (g) and (h), the Secretary of Energy shall, as soon as practicable after receipt of any recommendations from the Board under section 3143, make such recommendations available to the public in the Department of Energy's regional public reading rooms and shall publish in the Federal Register such recommendations and a request for the submission to the Board of public comments on such recommendations. Interested persons shall have 30 days after the date of the publication of such notice in which to submit comments, data, views, or arguments to the Board concerning the recommendations.

(b) Response by Secretary.—(1) The Secretary of Energy shall transmit to the Board, in writing, a statement on whether the Secretary accepts or rejects, in whole or in part, the recommendations submitted to him by the Board under section 3143, a description of the actions to be taken in response to the recommendations, and his views on such recommendations. In evaluating whether a recommendation adequately protects public health and safety, the Secretary of Energy shall take into account the necessary risks inherent in the operation of Department of Energy defense nuclear facilities. The Secretary of Energy shall transmit his response to the Board within 45 days after the date of the publication, under subsection (a), of the notice with respect to such recommendations or within such additional period, not to exceed 45 days, as the Board may grant.

(2) At the same time as the Secretary of Energy transmits his response to the Board under paragraph (1), the Secretary, subject to subsection (h), shall publish such response, together with a request for public comment on his response, in the Federal Register.

(3) Interested persons shall have 30 days after the date of the publication of the Secretary of Energy's response in which to submit comments, data, views, or arguments to the Board concerning the Secretary's response.

(4) The Board may hold hearings for the purpose of obtaining public comments on its recommendations and the Secretary of Energy's response.

(c) Provision of Information to Secretary.—The Board shall furnish the Secretary of Energy with copies of all comments, data, views, and arguments submitted to it under subsection (a) or (b).

(d) Final Decision.—If the Secretary of Energy, in a response under subsection (b)(1), rejects any recommendation made by the Board under section 3143, the Board shall either reaffirm its original recommendation or make a revised recommendation and shall notify the Secretary of its action. Within 30 days after receiving the notice of the Board's action under this subsection, the Secretary shall consider the Board's action and make a final decision on whether to implement all or part of the Board's recommendations. Subject to subsection (h), the Secretary shall publish the final decision and the reasoning for such decision in the Federal Register and shall transmit to Congress a written report containing that decision and reasoning.

(e) Implementation Plan.—The Secretary of Energy shall prepare a plan for the implementation of each Board recommendation, or part of a recommendation, that is accepted by the Secretary in his final decision. The Secretary shall transmit the implementation plan to the Board within 90 days after the date of the publication of the Secretary's final decision on such recommendation in the Federal Register. The Secretary may have an additional 45 days to transmit the plan if the Secretary submits to Congress a notification setting forth the reasons for the delay and describing the actions the Secretary is taking to prepare an implementation plan under this subsection. The Secretary may implement any such recommendation (or part of any such recommendation) before, on, or after the date on which the Secretary transmits the implementation plan to the Board under this subsection.

(f) Implementation.—(1) Subject to paragraphs (2) and (3), not later than one year after the date on which the Secretary of Energy transmits an implementation plan with respect to a recommendation (or part thereof) under subsection (e), the Secretary shall carry out and complete the implementation plan. If complete implementation of the plan takes more than one year, the Secretary of Energy shall submit a report to Congress setting forth the reasons for the delay and when implementation will be completed.

(2) If the Secretary of Energy determines that the implementation of a Board recommendation (or part thereof) is impracticable because of budgetary considerations, the Secretary shall submit to the President and Congress a report containing the recommendation and the Secretary's determination.

(3) If the Secretary of Energy determines that the implementation of a Board recommendation (or part thereof) would affect the Secretary's ability to meet the annual nuclear weapons stockpile requirements established pursuant to section 91 of the Atomic Energy Act of 1954 (42 U.S.C. 2121),

the Secretary shall submit to the President a report containing the recommendation and the Secretary's determination.

(g) IMMINENT OR SEVERE THREAT.—(1) In any case in which the Board determines that a recommendation submitted to the Secretary of Energy under section 3143 relates to an imminent or severe threat to public health and safety, the Board and the Secretary of Energy shall proceed under this subsection in lieu of subsections (a) through (d).

(2) At the same time that the Board transmits a recommendation relating to an imminent or severe threat to the Secretary of Energy, the Board shall also transmit the recommendation to the President and for information purposes to the Secretary of Defense. The Secretary shall submit his recommendation to the President. The President shall review the Secretary of Energy's recommendation and shall make the decision concerning acceptance or rejection of the Board's recommendation.

(3) As soon as practicable after receipt of the recommendation from the Board under this subsection, the President shall make such recommendation available to the public and shall transmit such recommendation to Congress. The President shall promptly notify Congress of his decision and the reasons for that decision.

(h) LIMITATION.—Notwithstanding any other provision of this section, the requirements to make information available to the public under this section shall be subject to the orders and regulations issued by the Secretary of Energy under sections 147 and 148 of the Atomic Energy Act of 1954 (42 U.S.C. 2167, 2168) to prohibit dissemination of certain information.

SEC. 3147. REPORTS.

(a) BOARD REPORT.—(1) The Board shall submit to Congress each year, at the same time that the President submits the budget to Congress pursuant to section 1105(a) of title 31, United States Code, a written report concerning its activities under this part, including all recommendations made by the Board, during the year preceding the year in which the report is submitted. The Board may also issue periodic unclassified reports on matters within the Board's responsibilities.

(2) The annual report under paragraph (1) shall include an assessment of—

(A) the improvements in the safety of Department of Energy defense nuclear facilities during the period covered by the report;

(B) the improvements in the safety of Department of Energy defense nuclear facilities resulting from actions taken by the Board or taken on the basis of the activities of the Board; and

(C) the outstanding safety problems, if any, of Department of Energy defense nuclear facilities.

(3) The fifth annual report submitted by the Board under paragraph (1) shall include—

(A) an assessment of the degree to which the overall administration of the Board's activities are believed to meet the objectives of Congress in establishing the Board;

(B) recommendations for continuation, termination, or modification of the Board's functions and programs, including recommendations for transition to some other independent oversight arrangement if it is advisable; and

(C) recommendations for appropriate transition requirements in the event that modifications are recommended.

(b) DOE REPORT.—The Secretary of Energy shall submit to Congress each year, at the same time that the President submits the budget to Congress pursuant to section 1105(a) of title 31, United States Code, a written report concerning the activities of the Department of Energy under this part during the year preceding the year in which the report is submitted.

SEC. 3148. DEFINITION.

As used in this part, the term "Department of Energy defense nuclear facility" means any of the following:

(1) A production facility or utilization facility (as defined in section 11 of the Atomic Energy Act of 1954) that is under the control or jurisdiction of the Secretary of Energy and that is operated for national security purposes, but the term does not include—

(A) any facility or activity covered by Executive Order No. 12344, dated February 1, 1982, pertaining to the Naval nuclear propulsion program;

(B) any facility or activity involved with the assembly or testing of nuclear explosives or with the transportation of nuclear explosives or nuclear material; or

(C) any facility that does not conduct atomic energy defense activities.

(2) A nuclear waste storage facility under the control or jurisdiction of the Secretary of Energy, but the term does not include a facility developed pursuant to the Nuclear Waste Policy Act of 1982 (96 Stat. 2201; 42 U.S.C. 10101 et seq.) and licensed by the Nuclear Regulatory Commission.

SEC. 3149. TRANSFER.

The Secretary of Energy, to the extent provided in appropriations Acts, shall transfer to the Board from sums available for obligation for national security programs such sums as may be necessary, as determined by the Board, for the operation of the Board during fiscal year 1989, but in no case may more than $7,000,000 be transferred for such purpose. Sums transferred shall be available to the Board to carry out its responsibilities under this part and shall remain available until expended. Authorizations of appropriations for the Board for subsequent fiscal years shall be provided annually in authorization Acts.

SEC. 3150. CONTRACT AUTHORITY SUBJECT TO APPROPRIATIONS.

The authority of the Board to enter into contracts under this part is effective only to the extent that appropriations (including transfers of appropriations) are provided in advance for such purpose.

The amendment as modified is as follows:

Page 6, after line 23, insert the following:

(3)(A) There is authorized to be appropriated for other procurement for the Navy for fiscal year 1989 (in addition to other amounts authorized by this Act) the sum of $21,000,000 for procurement of a tethered aerostat radar surveillance system to be located in the vicinity of the Patuxent River Naval Air Station, Maryland.

(B) The Secretary shall make information received through that radar surveillance system available to the Secretary of the Treasury for use in the national drug interdiction effort. The Secretary of the Treasury shall designate the command, control, and communications center of the Department of the Treasury through which such information shall be made available.

(C) The Secretary of the Navy, upon the request of any other Government agency with law enforcement responsibilities, shall make information received through the aerostat radar surveillance system procured pursuant to subparagraph (A) system available to that agency.

(D) This paragraph shall be carried out subject to chapter 18 of title 10, United States Code (relating to military cooperation with civilian law enforcement officials).

Page 16, strike line 25 and insert in its place:

"For the Air Force, $15,013,814,000, of which $5,300,000 shall be available only for research, development, test, and evaluation of Satellite Systems Survivability."

Page 215, line 13, insert "plus $100,000," before "and".

Page 215, line 13, insert "plus $886,000," before "and".

Page 225, after line 16, insert the following:

SEC. 2816. REMOVAL OF CERTAIN RESTRICTIONS.

Notwithstanding any restriction which provides for a reverter of any interest to the United States with respect to real property at Camp Robinson, Arkansas, in the case of a certain use of such real property, or otherwise restricts the use of the real property in a manner beneficial to or imposed by the United States—

(1) not more than 1,000 acres of such real property may be used for an industrial park; and

(2) not more than 40 acres of such real property may be used for public use,

in accordance with safety and other appropriate standards prescribed by the Army National Guard of the United States.

The CHAIRMAN pro tempore. Pursuant to paragraph 7 of section 2 of House Resolution 436, and the order of the House of earlier today, said amendments are considered as having been read and are not subject to amendment or to a demand for a division of the question.

Under the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 30 minutes and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, this package of amendments offered en bloc includes an important amendment of mine which forces the Department of Energy to shut up and put up and start cleaning up 40 years of radioactive and hazardous wastes which have been building up at the Hanford Reservation near the Columbia River in the Pacific Northwest.

Through the years the Energy Department has paid little more than lip service to the disposing of millions of gallons of high-level radioactive waste at Hanford, much of which is stored today in flimsy single-shell steel tanks which are leaking into the environment.

On top of this there are hundreds, literally hundreds of hazardous toxic and radioactive hot spots that dot the 570-square-mile reservation.

In 1983, Mr. Chairman, DOE promised the Pacific Northwest that a 30-

year cleanup program would be implemented to deal with this enormous problem. They promised "cross their heart and hope to die" that they would do so. But just 5 years later that cleanup schedule has slipped to 50 years—more talking, more "shucking and jiving" from the Department of Energy.

Mr. Chairman, the time for talking is over; it is now time for action.

This amendment includes the provision that makes modest increases in authorizations for the high-level vitrification plant by some $5 million, it offers some $12 million for operations to clean up radioactive wastes which have been spilled into the ground on the Hanford Reservation and it provides funds for a B-plant waste separator at the Hanford Reservation. It also provides for environmental restoration investigations and actions to the tune of some $18 million.

Mr. Chairman, this is a significant step forward, this portion of the en bloc amendment, in improving the health and safety and environment of the Pacific Northwest from the dangers of radioactive pollution.

I urge my colleagues to accept this package of amendments and in particular that feature of it that deals with the Hanford Reservation and the Pacific Northwest.

I urge my colleagues to support the amendment.

Mr. DICKINSON. Mr. Chairman, I have no requests for time and I yield back the balance of my time.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. I thank the gentleman for yielding time to me.

Mr. Chairman, I am pleased to be offering this amendment along with my distinguished colleagues Mr. SPRATT and Mr. DICKS. Both of these Members bring special expertise to the issue of safety at our defense nuclear facilities. It was largely through their work and extensive knowledge of this area that we were able to reach agreement on an amendment we all can support. Our colleague Mr. WYDEN has also been a forceful and very helpful advocate for improving safety.

I also would like to thank Chairmen DINGELL, ASPIN, and UDALL for their help in bringing about the compromise and for their support of this amendment.

This amendment will establish a Defense Nuclear Facilities Safety Board to provide ongoing independent advice to the Department of Energy on the safety of its nuclear facilities. DOE inherited responsibility for these facilities from the Atomic Energy Commission in 1974, and from the beginning its assignment has entailed an inherent conflict. Many of these facilities are several decades old, and the Department has faced increasing demands for the production of nuclear weapons, while at the same time being solely in charge of the safety of its nuclear operations.

Meanwhile, our knowledge of the environmental hazards associated with the production of nuclear weapons materials has grown. Public concern has grown as well. As a result, DOE now is in the position of trying to address problems resulting from years of past neglect, while at the same time maintaining an adequate production level for the national defense. Inadequate maintenance and design not only threatens the environment, but also interrupts our productive capacity when facilities must be run at reduced levels or shut down for long periods due to safety problems.

The Department recently has taken several steps to safeguard the public health and the environment. Following the Chernobyl accident in 1986, Secretary Herrington asked the National Academy of Sciences to review the safety of its major weapons production plants.

Like other ad hoc reviews before it, including work by the Roddis panel and the General Accounting Office, the Academy recommended numerous changes in DOE's safety program. Some focused on technical matters, and some on management issues. But the most significant of these, in my opinion, was the Academy's conclusion that "an independent external safety oversight committee, advisory to the Secretary, should be established."

This recommendation to provide for an ongoing, outside source of advice on safety is hardly a radical innovation. In fact, prior to DOE's creation, these Federal nuclear facilities were overseen by the Advisory Committee on Reactor Safety. While today the same ACRS continues to advise the Nuclear Regulatory Commission on the safety of our domestic nuclear power plants, its historic role concerning Federal nuclear facilities ended with DOE's creation.

Our Subcommittee on Energy and Power, along with our Subcommittee on Oversight and Investigations, has held many hearings on safety at Department of Energy nuclear facilities, and virtually all witnesses have endorsed the need for independent review.

DOE also recently appointed an internal safety advisory committee. While this clearly is a step in the right direction, it is not enough to fulfill the recommendations for outside oversight. Only a statutory mandate can confer the stature and public credibility implicit in the concept of independent oversight.

This amendment would restore to DOE the ongoing advice and support of a highly qualified body focused on ensuring that our Federal nuclear facilities are designed and maintained to protect the public's health and the environment. It would establish a five-person Board to review each of DOE's defense nuclear facilities, investigate specific events and practices, and recommend technical and management improvements. The Board also would advise the Department on the design of any new defense nuclear facility, including the new production reactor now under development.

The amendment is sensitive to national security concerns, reserving final decision on Board amendments to the Secretary and the President. The amendment also recognizes budget realities, limiting the number of staff for the Board to 100.

While I appreciate that the Department of Energy has come only reluctantly to accept the idea behind this amendment, I am glad that we were able to incorporate several of the Department's suggestions in drafting the final version of the amendment.

This amendment is based upon a bill, H.R. 4121, which I introduced along with Congressman BRYANT and 12 other cosponsors earlier this year. I am pleased that we were able to work out this amendment with our colleagues on the Committee on Armed Services.

I urge my colleagues to vote for this amendment in order to help ensure the safety and the reliability of our weapons production system.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, it is my pleasure to rise in support of this amendment. First, I would like to congratulate my colleagues, the gentleman from Indiana [Mr. SHARP] and and the gentleman from South Carolina [Mr. SPRATT] for the fine work that they and their staffs have done to craft this important amendment. I would also like to thank the chairman of the Armed Services Committee, Mr. ASPIN, and the chairman of the Subcommittee for Procurement and Military Nuclear Systems, Mr. STRATTON for their support of this initiative.

This amendment creates a Department of Energy [DOE] Defense Nuclear Facilities Safety Oversight Board, which will serve as an independent oversight entity for monitoring the quality of safety activities at our Nation's defense production facilities. The Board will review and evaluate the content and implementation of the standards relating to the design, construction, operation, and decommissioning of defense nuclear facilities of the Department of Energy. Additionally, the Board may recommend to the Secretary of Energy specific measures that should be adopted to ensure that public health and safety are adequately protected, and may investigate any event or practice at a Department of Energy [DOE] defense production facility that it determines has adversely affected, or may adversely affect public health and safety.

The creation of a Defense Nuclear Facilities Safety Oversight Board is an important step toward addressing the very critical problems we face today in monitoring safety activities at our Nation's defense production facilities. As a member of the Appropriations Subcommittee on Defense, I fully understand that a healthy nuclear weapons arsenal is an indispensable component to the foundation of a credible national defense. Unfortunately, at present our national security is imminently threatened by a safety situation that represents an embarrassment in our relationship with our allies, and a danger in our relationship with our adversaries. At the Fernald Plant in Ohio, at Rocky Flats, at Hanford, WA, at the Savannah River reactors in South Carolina, and at other materials production and assembly facilities, both the management and monitoring of safety considerations have been left dangerously negligent.

At the heart of the issue, lies the inherent conflict within the Department of Energy, which must meet the Department of Defense's materials production requirements while facing the additional responsibility of operating these facilities safely. Studies conducted in recent years have revealed disturbing evidence that DOE's defense facilities are not only operating with deteriorating and unpredictable equipment, but receive oversight through a poorly managed and inefficient safety assurance process.

These conclusions are well-supported by the evaluations of distinquished scientists and engineers who have a great deal of experience with the industry. In the report that he presented to Secretary Herrington last October, Louis H. Roddis, chairman of an N-reactor review panel created by the Secretary himself, said that the Department's environment, safety, and health office lacks the authority to effectively monitor safety operations at DOE's defense facilities. The findings of the Roddis panel have been reinforced by a National Academy of Sciences report released last November which concludes that "DOE has set up safety standards that it cannot accurately verify, nor safely implement."

Clearly, the safety problem is one that we have to get on top of immediately, before it further endangers the public safety and threatens national security. Because tritium has a half-life of only 12 years and has to be replaced in our nuclear weapons about every 6 years, if our existing tritium production facilities cannot continue to operate because of safety concerns, and we are unable to bring a new production facility on line in time to meet the production need, a time gap will be created which will represent a national security crisis of the highest magnitude.

To leave the door open for such a situation to occur would be outrageously unfair to the American people. This amendment takes an important step towards correcting the problem by creating an oversight board over DOE defense production facilities which lies outside the jurisdiction of the Department of Energy.

Frankly, I had looked at offering a much stronger measure than this amendment, and have testified in the past year before both the Energy and Commerce Committee and the Armed Services Committee in this regard. However, I believe that this amendment is a solid effort in the right direction, and provides the public with needed assurance that an outside entity exists which will remain vigilant in identifying and responding to the safety problem areas associated with the production of defense nuclear materials.

I strongly urge my colleagues to vote for its adoption.

Mr. Chairman, I rise in support of the amendment presented by the gentleman from Oregon, Mr. AuCoin. This amendment is being offered to respond to the very critical need to stay on a reasonable timetable for cleaning up hazardous wastes at the Hanford Reservation in Washington State.

Although we are now beginning to see some progress in responding to the problems posed by dangerous wastes at defense facilities throughout the United States, we are only beginning to scratch the surface in dealing with this situation. Because of years of neglect by the Department of Energy [DOE] there is an urgent need to move aggressively in this direction.

The accumulation of dangerous wastes is particularly acute at the Hanford Reservation as a consequence of more than forty years of defense production activities. The direct result of these activities is that large amounts of radioactive wastes have been generated and temporarily stored at Hanford. The quantity of these wastes makes Hanford the Nation's largest storage site for radioactive waste.

Not only is there a large amount of waste stored at the site, but they are of a complicated mixture. Some wastes are liquid, others are solid, and some are a sludge substance. All of these wastes present a clear and present danger to both human beings and the natural environment. Some of these wastes will decay in a few hundred years, but others will remain radioactive for millions of years. While most of the defense waste placed in storage on the reservation since 1970 is easily retrivable, much of the waste disposed there prior to that time present some very difficult technical challenges because of leakage into the soil.

What is even more serious is that unless we get moving aggressively on researching and accurately characterizing the area, we won't be able to fully assess how serious a threat the existing waste poses to ground water in eastern Washington. Any seepage of radioactive waste into the Columbia River could poison the water supply for thousands of citizens in the Pacific Northwest.

This amendment is just one small step toward addressing the problem. It simply transfers $35 million from the DOE weapons activity—to be used to support the funding effort to clean up hazardous wastes at Hanford. The transferred amount represents less than 1 percent of the entire account and will not create a problem for the mission of that activity. Instead, these funds will be used to help keep us on track with a 30-year cleanup schedule, which will be in the best interest of both the Nation and the citizens of the Northwest.

The need at Hanford is much greater than we are attempting to address through this amendment. We believe that at a minimum, $150 million is necessary to adequately address the problem in fiscal year 1989. A great portion of this money can come from the administration's requested $95 million for waste cleanup at Hanford in the next fiscal year. Additionally, as a result of the N-reactor's closing there are funds available at Hanford that we would like to see remain at the reservation to respond to the waste cleanup need. Specifically, funds that had been designated in fiscal year 1988 for construction of additional waste storage tanks and for processing fuel can be used to support waste cleanup as a result of the N-reactor's closing. Even drawing on these resources, we will fall short on the critical need in fiscal year 1989 unless additional resources are identified.

Providing such additional resources is the purpose of this amendment.

The amendment is highly practical and highly necessary. The old saying that goes: "We can pay a little now or a lot later" is very applicable to the present situation at Hanford. Cleaning up this dangerous accumulation of wastes is an item on our national agenda that we simply have to move forward in addressing.

I urge my colleagues to support the adoption of this amendment.

Mr. LOWRY of Washington. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Washington [Mr. Lowry].

Mr. LOWRY of Washington. I thank the gentleman for yielding and commend him for his work on this subject. I also urge passage of this en bloc amendment. It covers many of the things that the gentleman has worked very hard on, and all of us in the Northwest.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Mrs. Boxer].

Mrs. BOXER. I thank the gentleman for yielding time to me.

Mr. Chairman, I am pleased that my amendment, which calls for an Assistant Secretary for Financial Management in each of the services, is now included in this package of en bloc amendments.

My legislation expands on a provision included in the fiscal year 1989 House Defense authorization bill by the distinguished chairman of the Investigations Subcommittee, Mr. Nichols. The House bill requires that one of the Assistant Secretaries in each of the services will have principal responsibility for the exercise of comptroller functions for the services, including financial management.

My amendment also calls for one of the Assistant Secretaries for each of the services to be designated as the Assistant Secretary for Financial Management. It then goes on to define the responsibilities and functions of that office.

The Investigations Subcommittee, on which I sit, held hearings on the issue of financial management and financial control in the services, and, in particular, whether reorganization efforts reflect one of the fundamental goals of the Goldwater-Nichols Reorganization Act—strengthening civilian control.

As the chairman of this committee knows, this is of particular concern in the Air Force. The Air Force abolished its civilian office of Assistant Secretary for Financial Management during the reorganization and is currently the only service without such an office. The financial management functions in the Air Force are now the responsibility of the Air Force comptroller, who is a military officer.

The General Accounting Office was assigned by Chairman Nichols to look at the financial management functions in the services. The Comptroller General, Mr. Bowsher, took a personal interest in this issue. In testimony before the subcommittee in February he said that "* * * the Air Force's elimination of the position of Assistant Secretary for Financial Management should concern the Congress because it may diminish civilian control." He strongly recommended that an Assistant Secretary for Financial Management should be required by statute for all military departments.

Mr. Chairman, my amendment does this and goes a step further. It mandates that the Assistant Secretary for Financial Management develop and maintain accounting, internal control, and financial reporting systems. He or she shall ensure that complete and timely accounting and financial information is available within the department, that cost information is developed and reported, and that accounting and budgeting information is integrated. The Assistant Secretary will also be responsible for developing and implementing systems for property and inventory management, which is a troublesome area and accounts for millions of dollars of waste each year.

In short, this legislation, which was developed with the help of Mr. Bowsher, should help ensure that financial systems are sound. It should provide for accountability over Government resources and make complete, reliable, consistent, and timely information available to policymakers, including the Secretary of Defense, the Secretaries of the services, and the Congress.

I applaud Chairman Nichols' leadership in this very important area and look forward to our continued examination of the effects of Goldwater-Nichols Reorganization Act on the services' financial and acquisition systems.

Mr. NICHOLS. Mr. Chariman, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from Alabama [Mr. Nichols].

Mr. NICHOLS. I thank the gentlewoman for yielding.

Mr. Chairman, I would just like to say a few words in accepting the amendment.

It strengthens a provision in the Defense authorization bill which I sponsored. My provision requires each military department to have an Assistant Secretary for Financial Management—a civilian who is appointed by the President and confirmed by the Senate. The Army and Navy already have a civilian Assistant Secretary heading their financial management operations. Only the Air Force is out of step. The effect of my provision, therefore, is to require the Air Force to reestablish a civilian as head of Air Force Financial Management.

The Air Force used the headquarters reorganization mandated by Goldwater-Nichols to abolish the position of Assistant Secretary for Financial Management and made the military comptroller its chief financial manager. The Comptroller General of the United States told Congress that the Air Force action should be of concern because it may diminish civilian control. The Comptroller General supports my provision—which brings me back to the amendment at hand.

Mrs. Boxer, a member of the Investigations Subcommittee who has closely followed the implementation of the military department reorganizations—asked the Comptroller General if he would also recommend defining the authorities of the Financial Management Assistant Secretary. I understand that she and her staff have worked closely with the General Accounting Office in developing the precise language in her amendment. I believe that her amendment strengthens my provision and I therefore welcome it.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. Stratton].

Mr. STRATTON. Mr. Chairman, as a result of discussions in the procurement subcommittee, the subcommittee has agreed to establish a nuclear facilities oversight committee. The committee held a hearing, and a version of the amendment was considered by the full Armed Services Committee. We are pleased that we have a provision that all parties can support.

This action should add to the safety of the operations of nuclear facilities.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. Spratt].

Mr. SPRATT. I thank the gentleman for yielding.

Mr. Chairman, I, along with my colleagues, Mr. Sharp of Indiana and Mr. Dicks of Washington, have offered an amendment to create a Defense Nuclear Facilities Safety Board. This amendment is not an idea that we generated on our own; it stems directly from a study done by a panel of the National Academy of Sciences. For that reason, before I explain the amendment itself, I would like to explain its background.

Shortly after the accident at Chernobyl in April 1986, the Secretary of Energy, John S. Herrington, requested the National Academy of Sciences to make an independent assessment of the implications of the accident for the safe operation of 11 of the Department of Energy's [DOE] larger reactors. The National Academy of Sciences impaneled a distinguished committee of experts, chaired by Dr. Richard Meserve, and in October of last year, the Committee to Assess Safety and Technical Issues at DOE Reactors [Committee] issued its report.

The Committee's report provided an assessment of the safety and technical issues at 4 of the 11 class A reactors: the K- L- and P-reactors located at the Savannah River plant in South Carolina and the N-reactor located on the Hanford Nuclear Reservation in Washington. These reactors are referred to as the "defense production reactors," because they are primarily operated to supply DOD with plutonium and tritium for use in nuclear weapons. The K- and P-reactors are used mainly to produce tritium, and the L-reactor, restarted in 1985 after a 17-year hiatus, is currently used only to produce plutonium 239. The N-reactor is a graphite-moderated reactor used to produce weapons-grade plutonium. The Savannah River reactors were built in the 1950's and the N-reactor started operation in 1963. In the words of the Committee, both reactor types are old and are beginning to experience lief-limiting, material aging brought on by irradiation and corrosion. Stress corrosion cracking of the stainless steel piping system and reactor tank is the most acute aging problem facing the Savannah River reactors. At the N-reactor, graphite expansion is stressing hardware within the reactor core, at a time when embrittlement caused by irradiation is making the components less able to withstand the stresses.

The Committee began by asking, "What is the stated safety objective for the defense production reactors?" Although they found that the stated safety objective is a level of safety comparable to commercial nuclear powerplants, which is plain and clear, they found a high degree of confusion both within DOE and among contractor staff. The Committee concluded that "the Department has not clearly articulated, documented, or implemented any specific safety objective for its reactors." The Committee found that the "department has failed to specify its safety requirements clearly, has failed to apply them uniformly at the two production reactor sites, and has failed to implement them in a timely manner." These failures are all the more serious because "the age and design of the defense production reactors" call for "increased levels of technological vigilance." Indeed, the Committee found that "levels of technological vigilance higher than those found in the commercial nuclear industry are needed to reach comparable levels of safety." As the Committee put it, "the complexity of the [production reactors] is inimical to safety in ways that are not easy to delineate."

The Committee found that some fundamental questions of safety simply had not been made. For example, it said, "The level of uncertainty about how long the production reactors can be safely operated is high. . . ." At both Savannah River Plant [SRP] and Hanford, the Committee found that neither DOE nor its contractors had "a thorough understanding of the behavior of the reactors in a major loss-of-coolant accident." Furthermore, in the 6 years prior to the accident at Chernobyl, the Committee found that DOE headquarters had done an appraisal of reactor safety programs at SRP only twice and at Hanford only once.

At SRP, the number of unresolved reactor incidents has been steadily increasing over time. In 1983, there were 130 such unresolved incidents; by 1986, the number of unresolved incidents had risen to over 250.

As a way of explaining how this situation had come about, the Committee gave a short history of the defense nuclear reactor. In 1946, when the AEC was formed, it was given responsibility for the production of nuclear materials. In its early days, the AEC led the way in reactor safety. Within the AEC was a small group of of the highest technical quality in the headquarters staff, whose role was to ride herd on the contractors and keep their feet to the fire. Those conditions no longer prevail for several reasons.

First, of course, the AEC was reorganized in 1974 into an independent regulatory body, the NRC, and an operating agency, ERDA, which became DOE in 1977.

Second, commercial experience with nuclear reactor operations has become far more extensive than that of DOE; and national leadership on matters of nuclear safety has shifted to the Nuclear Regulatory Commission [NRC], due its role as regulator of more than 100 nuclear powerplants.

Third, funding constraints have diminished the role DOE has been able to play in the area of reactor safety. Beginning in the mid-1970's, reactor upgrades and plant maintenance were deferred. Budgetary pressures mounted in the 1980's so that DOE's safety activities were largely devoted to catching up with deferred maintenance.

Fourth DOE has delegated reactor operation extensively to its contractors. Both at DOE headquarters and at the Richland and Savannah River operations offices, DOE relies almost entirely on its contractors to identify safety concerns and to recommend appropriate actions. In large part, the Committee found that this "results from a marked imbalance in technical capabilities and experience between the contractors and the DOE staff."

Finally, in the days of the AEC, there were standing committees of nonagency advisers, known as the Advisory Committee on Reactor Safeguards [ACRS]. There is still an ACRS, but it advises the NRC. The Secretary of Energy has the authority under 42 U.S.C. 5814 to seek advice from the ACRS, but it has never sought the advice of the ACRS on the production reactors. In 1979, after Three Mile Island, the Under Secretary of Energy formed an in-house panel to study the safety of DOE's large reactors in light of the TMI accident. The study was narrowly focused on operator training, but it pointed out that DOE was not effectively carrying out its responsibilities with respect to nuclear safety and did not have the in-house capability to do so. That was in 1981. Six years later, only one of the recommendations made as a result of DOE's study has been carried out: an Assistant Secretary of Environment, Health and Safety has been created.

Considering all of these circumstances, the NAS panel found that "DOE's safety oversight of the production reactors is ingrown and largely outside the scrutiny of the public. Weaknesses in management of the defense production reactors have led to a loose-knit system of largely self-regulated contractors operating within budgetary constraints imposed by and on DOE." The panel, therefore, recommended an "external oversight committee, advisory to the Secretary of Energy, with following features:

Members of recognized stature with expertise covering the full range of disciplines relevant to reactor safety;

Membership from outside the DOE community;

Authority to set its own agenda;

Authority to review design, safety analysis operations, management, inspection, and enforcement; and

The Sharp-Spratt-Dicks amendment follows this recommendation. Our amendment would create an agency, outside DOE and independent of it, whose sole concern would be safety at the defense production reactors. Therefore, we take up the Committee's recommendation by creating "an external oversight" body. The Defense Facilities Nuclear Safety Board would be composed of five members appointed from civilian life. Once again, we follow the recommendation of the Committtee, providing for membership from outside DOE, chosen among those who are "respected experts in the field." The Board's oversight is confined to matters of health and safety, but within this area, it has a broad charter and the authority to set its own agenda. Finally, we provide the Board with a staff up to 100 personnel and a budget in its initial year up to $7 million.

We also vest the Board with the authority to "procure the termporary and intermittent services of experts and consultants." I, for one, wanted to fix the composition of the governing Board, so that it would include three full-time Commissioners or Directors and four or possibly more part-time Commissioners, who would assume the role of "outside directors." We were not able to agree among ourselves on just how this should be done, so we have left the Board governed by a commission of five members, all full time.

The one major criticism made of our amendment by Dr. Meserve, Chairman of the NAS Committee, was that it might become "a body of overseers overseeing the overseers." What his Committee sought, he said, was a panel of the very best experts on reactor technology, to supply DOE with an infusion of talent and technical insight it now lacks. The Board has the authority to go and procure such expertise; and if it is to live up to its expectations, and meet the needs identified by the NAS Committee, it will need to exercise this authority liberally. I am hopeful that we can still consider in conference a makeup of the Board's governing body that will include part-time "outside directors." In any event, as Congress oversees the establishment of this Board and its initial work, I think we should watch closely for how well the Board succeeds in engaging the best expertise available to advise it and DOE on matters of safety at the reactors under its jurisdiction.

Mr. ASPIN. Mr. Chairman, I have no more requests for time and I yield back the balance of my time.

Mr. KANJORSKI. Mr. Chairman, I want to thank the chairman, Mr. ASPIN; the ranking member, Mr. DICKINSON; the subcommittee chairman, Mr. MAVROULES; the Republican whip, Mr. LOTT; and my colleagues from Pennsylvania Mr. MURTHA, Mr. YATRON, and Mr. GAYDOS for working with Mr. FOGLIETTA and me on my amendment. The bipartisan consensus we have reached here today will force the Defense Department to reexamine its policy of depending on Soviet natural gas to heat our bases in Europe, and it may save United States taxpayers over a billion dollars in subsidies for German municipal heating systems.

Mr. Chairman, this amendment evolves, in part, from a factfinding mission that Mr. FOGLIETTA and I made to West Germany a little over a month ago. My colleague from Pennsylvania takes his oversight responsibilities as a member of the House Armed Services Committee quite seriously, and I commend him for his diligence. A family emergency prevents him from being with us today, and I would be remiss if I did not acknowledge the important contribution he has made to our effort.

During our trip to West Germany we visited Army and Air Force installations and met with both United States military commanders and local German officials. Frankly, Mr. Chairman, I was shocked at what we learned. A full 12-page report on our factfinding mission was submitted to Chairman ASPIN on April 7, 1988, and printed in the CONGRESSIONAL RECORD on April 19, 1988.

We discovered during our March trip that the Defense Department was plunging ahead with contracts to convert the heating systems at United States bases in Europe from systems which use primarily United States energy resources to systems which use natural gas from the Soviet Union and North Sea, coal from West Germany, and oil from a variety of non-United States sources including OPEC nations and Libya.

The most shocking single thing we learned during the trip was how dangerously dependent our European bases will be on Soviet natural gas if these conversions continue. While the Defense Department was reluctant to acknowledge it, Germany today receives 25 percent of its natural gas from Eastern bloc nations. Gen. Glenn K. Otis, Commander in Chief of the U.S. Army in Europe, admitted to me in a letter dated April 26, 1988, that this percentage will rise to 30 percent by 1992. It is important to note that in the past DOD estimates of Eastern bloc natural gas usage have always been low, and as North Sea reserves are depleted over the next 10 to 15 years dependence on Soviet natural gas will undoubtedly increase.

General Otis' letter also acknowledges that while Germany buys little or none of its oil from the United States, 33 percent of its supply does come from Africa. I have not been provided a breakdown of the African oil suppliers, but I suspect that a substantial amount of that oil comes from Libya—a most unreliable supplier in time of emergency.

It makes little sense to be for the United States to be buying natural gas from the Soviet Union, and oil from Libya, to heat our bases in Europe. In addition to the threat of supply interruptions, our indirect purchase of these fuels provides the economies of these nations with badly needed Western currency.

It was also painfully obvious to us that by converting from on-base heating systems to off-base heating systems the Defense Department is substantially increasing the opportunity for terrorists to disrupt activities at our European bases. The on-base systems we currently use are much less vulnerable to attack than the off-base systems German municipalities are forcing on us. As all my colleagues are aware, the threat of terrorist attack in Germany is very real.

We also discovered during our trip that U.S. taxpayers are heavily subsidizing the construction costs of building these new heating systems for German municipalities. While the Defense Department claims that we are only paying our proportional "fair share," the evidence suggests otherwise. In particular, the capitalization of the plants is being spread over only a 10-year period, instead of the 20–25 years that is normal.

All in all, U.S. taxpayers are committed to paying nearly a billion dollars for conversions currently in progress, and millions, maybe billions, more for future conversion. All these expenses are being incurred without receiving a single BTU of heat. We will pay separately for the heat when it is finally delivered.

It is also worth noting, Mr. Chairman, that when the Defense Department builds a new base in the United States it does not pay for the construction of a new heating plant for the community which surrounds the plant. We are subsidizing the German economy, and German businesses, when we will not provide similar aid in the United States.

This raises the question of whether we are paying more than our fair share for the defense of Europe. Currently the United States spends 6.8 percent of its gross domestic product [GDP] on defense, while Germany spends only 3.1 percent of its GDP on defense. According to NATO, the United States already pays for 68 percent of the cost of the alliance.

Even though we are already paying more than our fair share, and even though the United States currently has a $16.3 billion trade deficit with Germany, German municipalities want us to subsidize their economies and their infrastructures by helping to pay the cost of new municipal heating systems.

A GAO report issued last fall also calls into question the assumptions used by the Defense Department in its cost-benefit analyses which supposedly show that district heat is less expensive than the current system over the life cycle of the system. These DOD analyses rely on exchange rates between the dollar and the mark which are now way out of date. The dollar has dropped roughly an additional 40 percent against the mark since the GAO issued its report. Clearly these cost-benefit analyses need to be redone.

Mr. Chairman, we should not allow local German officials to dictate either United States security policy, or that our tax dollars be used to subsidize their local economies—at the expense of the United States economy. Even more importantly, we should not allow the Defense Department to set in motion policies which will lead us down an irreversible course of dependence on Soviet natural gas and Libyan oil.

My amendment directs the Department of Defense, in conjunction with the Departments of State and Commerce, to report to the Congress by February 1, 1989, on the national security and economic policy, consequences of converting our bases in Europe to district heat, direct natural gas, or other fuel systems. It also places a moratorium on conversions until July 1, 1989, in order to give the Congress an opportunity to review, and act on, the interagency report.

Mr. Chairman, there are important policy considerations which must be taken into account before we embark on an irreversible policy course. We cannot allow inconsistent, ad hoc decisions by lower level bureaucrats at the Defense Department, to subvert the Nation's best interest. If we are going to buy natural gas from the Soviet Union to heat our bases in Europe we have to ask ourselves, "Why are we in Europe in the first place?" We also need to know where we will draw the line. If we can buy natural gas to heat our bases from the Soviets, is it also all right to purchase food, clothing, and ammunition for our troops from the Soviets? It is time we had the information we need to make an informed decision, and this amendment provides us with the tools to gain the data we need to make a knowledgeable choice. I urge all my colleagues to support my amendment.

Mr. MORRISON of Washington. Mr. Chairman, I rise today in strong support of an amendment by my colleague Mr. AUCOIN of Oregon, which will authorize an additional $35 million to supplement the Department of Energy's ongoing cleanup of 44 years of defense waste at the Hanford Nuclear Reservation.

The AuCoin amendment enjoys bipartisan, bistate support, and I would like to thank my colleagues in both delegations for the cooperation that made this consensus possible.

Mr. Chairman, for 44 years Hanford has been a major center for the production of defense materials. In the early years of the reservation, the technology for the treatment and storage of radioactive waste was not always adequate, and environmental considerations sometimes took a back seat to competing national needs. Last fall, the Department of Energy completed work on a plan for comprehensive cleanup on the Hanford site, a plan that was prepared in consultation with State and local government and affected groups of citizens. This year, we must continue to ensure that the ambitious cleanup plan is adequately funded.

Mr. AuCoin's amendment would target the $35 million for several specific activities. First, $12 million will be added to the waste operations and projects account. Of this amount, $6 million will accelerate the modification of the B-plant, which separates high level waste from low level waste. The other $6 million will go for operations to turn the low level waste into a grout that can be disposed of in vaults. Second, $5 million would be provided to accelerate the construction of the Hanford Waste Vitrification Plant, a facility that will turn liquid high level waste into a glasslike substance that will be easier to store and to transport safely for final disposal. Finally, $18 million will be available for a variety of site characterization and other cleanup activities.

In addition to DOE's aggressive cleanup program, the items in Mr. AuCoin's amendment will help make a quick and aggressive start on a project that is as immense as it is important.

I want to thank the chairman and the members of the Armed Services Committee for their favorable consideration of this amendment.

Mr. RAHALL. Mr. Chairman, I rise in strong support of the Kanjorski amendment and I'll tell you why in one sentence:

I simply do not believe that a bunch of German mayors should be in the position to squander $1 billion U.S. taxpayer dollars in a thinly disguised attempt to subsidize their own municipal heating system.

Heaven only knows, Mr. Chairman, that this country is already spending enough money for the defense of West Germany and the rest of Western Europe.

Yet, here we are, faced with a situation where the Army is planning to spend $1 billion to modernize West German municipal heating systems when the German Government itself refuses to spend its own marks for this purpose.

And why should they when Uncle Sam apparently is fully prepared to let out 89 sole-source contracts to do the job for them!

To add insult to injury, the fact of the matter is that the fuel of choice for these German heating systems is Soviet natural gas.

I'm sure the Kremlin enjoys this one, Mr. Chairman. What better way to undermine United States military readiness in West Germany than to get our forces addicted to a dependency on Soviet energy.

The fact of the matter is that these local power systems would be one of the first targets of an energy attack.

What this amendment says is let's take a look at the security and economic aspects of this situation prior to rushing headlong into a program that has the potential to out-boondoggle any other boondoggle that has ever been associated with the budget for the Department of Defense.

I urge my colleagues to vote for this amendment.

Mr. GREEN. Mr. Chairman, I rise in strong support of the amendment offered by my friend from Indiana, Mr. Sharp, in conjunction with my colleagues, Mr. Spratt and Mr. Dicks.

This amendment addresses an issue critical to this bill and more importantly, to our Nation—nuclear safety. This amendment would establish a five-member Nuclear Safety Oversight Board to provide independent technical advice to the Department of Energy regarding the safety of their nuclear defense facilities. This amendment would implement the recommendations of the National Academy of Sciences and the General Accounting Office and directly address the sorry safety record at DOE facilities.

Clearly, there is a pressing need for safety oversight at DOE nuclear facilities. Since they are outside the regulation of the Nuclear Regulatory Commission, there has been no outside oversight of their facilities since 1974.

I have been following this issue for several years. In May of 1986, 2 years ago, I wrote to the Secretary of Energy, John S. Herrington, concerning DOE's development of emergency evacuation plans, a central and vitally important part of civilian nuclear powerplant planning.

I learned that DOE does not plan to develop such plans in conjunction with State and local officials, explaining that DOE reactors are quite different from commercial reactors, and that DOE has in place equipment designed to prevent the "highly unlikely" from ever happening.

Mr. Chairman, we have learned from the Chernobyl experience that the highly unlikely can happen. DOE's cavalier disregard of accepted industry safety practice cannot be allowed to continue. The independent board created by this amendment will force DOE to examine its safety practices, ensuring safer operation of these faciltiies and less chance that the "highly unlikely" will happen.

I urge all my colleagues to support this important amendment. Whatever one's feelings on the volatile issue of nuclear power, I think we can all agree that safe operation of existing facilities is crucial. I am pleased that this issue, which I have been following for 2 years, has now been brought to the attention of the House. This amendment deserves your support.

Mr. DERRICK. Mr. Chairman, I rise in support of the Sharp-Spratt-Dicks amendment which establishes a five-member, Presidentially appointed independent Defense Nuclear Facilities Safety Board to oversee the safety of Department of Energy defense nuclear facilities. One of the largest and most important of these facilities, the Savannah River Plant, is in my district.

This amendment will ensure that the citizens who live in the area surrounding the Savannah River Plant can continue to have confidence that the vital national security work that is carried out at the facility will not endanger their health or safety. I think that the establishment of a truly independent oversight Board such as this is desirable even if you think that DOE and its contractors are currently doing a good job of operating these facilities.

No matter how hard people are trying to do a good job, it helps to have some independent, objective evaluation of their performance to make sure that they do not get careless or complacent. I am sure that every Member of the House of Representatives wants to do the best job he can, but I have no doubt that all of us work just a little bit harder because we know that the voters are watching us very carefully.

The citizens of the third district of South Carolina have strongly supported the operations of the Savannah River Plant. In order to ensure that that support continues to be deserved, we have a responsibility to do everything possible to guarantee the safe operation of the Savannah River Plant for years to come. The adoption of this amendment is a major step toward such a guarantee.

Mr. Chairman, I also want to express my sincere appreciation to all of those who worked so hard to craft a compromise amendment that will establish an effective independent oversight Board without unduly burdening the Department of Energy or threatening national security.

I especially want to thank Representative Phil Sharp of Indiana and my colleague from South Carolina, Representative John Spratt, for the statesmanship they demonstrated in working out a number of jurisdictional and substantive differences and bringing us an amendment that enjoys broad support.

Mr. SWIFT. Mr. Chairman, I rise in support of the Sharp-Spratt-Dicks amendment, which will finally provide meaningful independent oversight of the Department of Energy's nuclear operations.

This bill is based on H.R. 4121, the Department of Energy Facilities Safety Act of 1987, which was introduced by the gentleman from Indiana [Mr. Sharp] last year. It is narrowly drawn to deal with a specific, but very serious problem.

The problem is the Department of Energy. The Department of Energy's nuclear operations are out of control. While DOE should make the safe operation of its nuclear facilities of paramount importance, it consistently subordinates safety to production goals. While civilian nuclear facilities are held to stringent standards of safety enforced by an independent overseer, DOE enjoys the special status of being its own regulator.

DOE's nuclear facilities are not operated with adequate regard to safety. That's not because DOE is filled with bad people. It's not. It's because of a simple fact, which we have recognized throughout the history of our country—that is, self-regulation creates a conflict-of-interest which even the most conscientious agency would not be able to totally overcome. It is inconsistent with the system of checks and balances that we have had for over 200 years.

The Sharp-Spratt-Dicks amendment would go a long way toward solving this problem. It will establish a five-member Board to review health and safety standards for DOE defense facilities, conduct investigations, and recommend management changes. The recommendations of the Board will be made public. And, for the first time, this Board will be independent of DOE.

One of DOE's frequent objections to independent oversight of its nuclear operations has always been a concern that an independent board might not appreciate the national security needs which are served by these operations. Frankly, I don't think that it will be at all difficult to find five Board members who are sensitive to national security needs. But in any event, the Sharp-Spratt-Dicks amendment provides additional assurance that our national security needs be met by giving the President and the Secretary of Energy ultimate authority to act on Board recommendations.

I think that it would be appropriate to create an even stronger independent board than is established by the Sharp-Spratt-Dicks amendment. Nonetheless, I can support this amendment enthusiastically, because it does represent major progress in the effort to bring DOE under control.

Mr. ECKART. Mr. Chairman, I rise in support of the amendment offered by my colleague, Mr. Sharp, of Indiana, to the defense authorization bill. This amendment is similar to H.R. 3123, the Nuclear Protections and Safety Act, which I introduced in the House on August 5, 1987. The Senate Armed Services Committee has included a similar provision authored by Senator Glenn, of Ohio, in its defense authorization bill.

The amendment establishes an independent oversight Board at the Department of Energy to improve health and safety standards in operation at DOE defense facilities. The Board will be responsible for reviewing DOE's health and safety standards, investigating nuclear accidents, and making recommendations to safeguard the environment and ensure the health and safety of DOE workers and the general public.

The amendment follows recommendations made by the General Accounting Office [GAO] and the National Academy of Sciences. Both organizations found severe deficiencies in DOE's handling of its health and safety responsibilities and concluded that independent oversight was necessary to protect the public. A 1987 report by the National Academy of Sciences called DOE's health and safety oversight "ingrown and largely outside the scrutiny of the public."

The GAO has issued approximately 20 reports over the past several years which document unresolved health, safety and environmental problems at DOE defense facilities. From September 1986 to April 1987, the DOE shut down nine research and weapons production facilities because of operational and safety problems.

This problem is widespread—DOE nuclear facilities are located in 20 States and involve activities ranging from nuclear fuel fabrication and weapons research to the transportation, storage and disposal of radioactive wastes. According to Gen. William Hoover, a former DOE official, the amount of land occupied by DOE's nuclear arms industry is equal to the size of the State of Delaware. Moreover, the GAO has described DOE's nuclear defense complex as "probably one of the more potentially dangerous industrial operations in the world."

A GAO investigation conducted at the request of Senator Glenn found widespread disregard for safety and environmental protection at nearly every DOE facility surveyed. The investigation uncovered numerous instances of missing or incomplete safety analysis reports for DOE nuclear reactors, and contamination of soil and ground water at DOE sites in Ohio and other sites.

This technologically complex and dangerous activity must be carefully monitored. DOE has proven incapable of properly balancing its responsibility for nuclear production with its duty to protect our environment, and the health and safety of workers and the public. The establishment of an independent oversight Board is vital to ensure public health and safety concerns are met. I urge support for the amendment.

Mr. NICHOLS. Mr. Chairman, I want to make a brief statement about title VII of the Defense Authorization Act. Title VII consists entirely of seven amendments to the 1986 Department of Defense Reorganization Act. As Members may recall, the Reorganization Act, contains the most far-reaching realignment of the Defense Establishment in several decades. Based on testimony received at 10 oversight hearings and other information made available by the Defense Department and the General Accounting Office, the committee concluded that some changes are justified.

The seven amendments fall into two categories—those which relax or broaden provisions in the law and those which tighten the law.

The three broadening amendments would:

Relieve the pressure on colonels imposed by the new joint officer personnel system by suspending the application of the requirement for joint duty prior to promotion to general. The Secretary of Defense would be directed to use this legal requirement as a guideline. I want to emphasize that we are only grandfathering officers who are selected for or in the grade of colonel by the end of this fiscal year—in other words this amendment is self-sunsetting.

Another amendment would ease the transition to full implementation of the joint officer requirements by extending the transition provisions for another year. It would also further relax some of these provisions.

The last broadening amendment would give credit to captains serving in joint duty assignments.

The committee approved four tightening amendments to the Reorganization Act:

The most important tightening amendment would require that each military department have a civilian assistant secretary for Financial Management. To facilitate this action, the amendment would also authorize a fourth Air Force Assistant Secretary.

Another amendment would remove any ambiguity from certain provisions that let the Secretary of Defense believe that the requirement for a separate budget for the unified and specified combatant commanders was discretionary.

The third tightening amendment would limit an exception in the law with respect to combat arms officers, an action which the committee deems necessary to insure experience and stability in joint duty assignments.

The last amendment would greatly assist our oversight effort by providing for some reports. This amendment also contains technical amendments of a conforming nature.

In closing, I want to emphasize two points about what we have done. The committee's action demonstrates that Members of Congress care about officers caught in the midst of personnel management changes resulting from the new joint officer requirements. In fact, the committee went further than what the Pentagon proposed with respect to colonel promotees to make sure that the Reorganization Act is not an impediment to the promotion of any officer.

The second point I want to make is that the committee is under no illusion that these changes will satisfy the Pentagon. The services want to alter fundamental provisions of the law. I continue to believe, however, that the law should first be implemented. Only then will we know what works and what doesn't work.

If a provision of the law is then shown to require modification, the committee will recommend changes to this body. The committee has clearly demonstrated its good faith on this commitment with the proposed changes in the authorization bill.

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The CHAIRMAN pro tempore (Mr. Gray of Illinois). The question is on the en bloc amendments, as modified, offered by the gentleman from Wisconsin [Mr. Aspin].

The en bloc amendments, as modified, were agreed to.

The CHAIRMAN pro tempore (Mr. Gray of Illinois). Pursuant to the rule, it is now in order to consider the remaining amendments contained in section 3 of House Report 100-590.

As the Committee proceeds through the consideration of section 3 amendments, the Chair will call the number of the amendment and the name of its sponsor in order to give notice to the Committee of the Whole as to the order of recognition.

Pursuant to the order of the House of Friday, April 29, 1988, it is now in order to consider amendment No. 14 by Representative Aspin or his designee.

AMENDMENT OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Aspin: At the end of title I of division A (page 16, after line 14), insert the following new section:

SEC. 117. TESTING PROGRAM FOR BIGEYE BINARY CHEMICAL BOMB.

(a) The Secretary of Defense may not expend amounts made available for fiscal years before fiscal year 1990 for the procurement of the Bigeye binary chemical bomb except as required for 100 production-configured Bigeye bombs to be used only to conduct the required follow-on operational testing scheduled to be conducted through fiscal year 1990.

(b) Following the operational testing during fiscal year 1990, the Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the test results referred to in subsection (1), including details on whether the Bigeye binary chemical bomb meets the Department of Defense operation criteria established for the program. The Secretary shall provide a copy of such report to the Comptroller General at the same time it is submitted to the Committees;

(c) The Comptroller General of the United States shall monitor the tests referred to in subsection (a) and shall review the report submitted under paragraph (b), and, not later than 60 days after such report is submitted, submits to such Committees the comments and opinions of the Comptroller General on the report.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 5 minutes and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the pending amendment, as modified, is designed to prescribe the use of prior years funds that are available for the Bigeye chemical weapon program. Specifically, the amendment authorizes the Secretary of Defense to expend only those funds that are required to build 100 production configured test articles that are needed to conduct in fiscal year 1990 the mandated follow on operational reliability testing. The modifications that have been agreed to further clarify the precise intent of the amendment.

As background, I want to briefly review for my colleagues the funding history of the Bigeye bomb program. This will provide a better understanding of where we are today and the basis for the amendment.

In fiscal year 1986, the Congress appropriated $98.3 million for production facilities and equipment for the program. Also, $6 million was appropriated for additional operational test and evaluation of the Bigeye bomb. No funds were appropriated in that year for the production of the bomb.

In fiscal year 1987, the Congress appropriated $35 million for the production of the Bigeye bomb. However, section 152 of Public Law 99-661, the 1987 National Defense Authorization Act, fenced both the fiscal year 1986 and fiscal year 1987 funding for the program.

On January 19, 1988, in compliance with the requirements of section 152, the President certified to the Congress that production of the Bigeye binary chemical bomb is in the national security interests of the United States and that the design, planning and environmental requirements for the production facilities have been satisfied.

Subsequent to the Presidential certification, the Secretary of Defense in a February 18 letter to the Committee on Armed Services stated that the Bigeye program "should proceed to low-rate initial production." The Secretary further stated that, "before committing to full-rate production, the Department will conduct additional operation test and evaluation, under Director of Operational Test and Evaluation oversight, on production representative items from this limited production run."

According to the Secretary, a decision whether to proceed into full-rate production will not be made until an assessment is made of the tests to be conducted in fiscal year 1990.

This brings us up to date. Now, let me explain what the committee has done. The committee recommends no authorization in fiscal year 1989 for the Bigeye bomb. Based on the program schedule, the recent test results, and the availability of prior year funds the committee determined that fiscal year 1989 funding is not required. In effect, the committee has realigned the budget with the program structure and schedule.

With regard to the pending amendment, it limits the expenditure of the prior year production funds to the amount necessary to build 100 production configured test articles to conduct the tests that I mentioned previously. With the limitation, the Department of Defense cannot proceed to either a low-rate or full-rate production rate. Those decisions will not be made until we see the results of the tests.

As a further safeguard, the Comptroller General will monitor the tests and provide to the Congress an independent assessment of the test report. In this way, we will have our baseline on which to make further decisions about the program.

Before I conclude, I want to explain the requirement for permitting the Department to build the production configured test articles. In the past, the test bombs have been handbuilt items. They have not been built on tooling. Thus, the previous tests have evaluated engineering or preproduction models.

For us to obtain solid test data on which to make future decisions about the Bigeye bomb, it is necessary to permit the Department of Defense to build the 100 bombs. The Department has testified that it plans to have 80 flight tests. The amendment permits the expenditure of funds to build those 80 bombs, plus 20 spares. Without the amendment, the Department would proceed to a low rate production rate before the tests are conducted.

In conclusion, the amendment seeks to chart a rational course for the program. If it is rejected, we face the prospects of either a total ban or the unfettered use of prior year funds.

Mr. Chairman, I urge the adoption of the amendment.

Mr. FASCELL. Mr. Chairman, I want to commend the chairman of the Armed Services Committee and my colleagues on the Armed Services Committee for acting responsibly on the chemical weapons issue this year. They exercised proper oversight of the binary weapons program; they carefully noted the new problems; they based their final judgment on the fact that this program is still not ready for production; and they have saved one-quarter of a billion dollars that would have otherwise been wasted had the administration's proposal to begin production been allowed.

Our national security is well served by this decision. I support the committee's position and I support Chairman ASPIN'S amendment which is a wise attempt to direct the Department of Defense to spend previously authorized money for the Bigeye bomb on testing and not on production. We certaintly do not want to produce something that does not work.

The Armed Services Committee reported that it had zeroed out the total binary chemical weapons procurement request of $186 million except for $1.2 million for the 155 mm artillery canisters. These deletions—$64.8 million for the 155 mm artillery shell request, $99.4 million from the Bigeye bomb production and $20.9 million from the chemical version of the multiple-launch rocket system [MLRS]—mean that no new funds will be available for production and final assembly of these binary chemical weapons in fiscal year 1989. Problems in all three programs caused these deletions. During this past year, former Secretary of Defense Weinberger and Secretary of Defense Carlucci admitted in written letters to Chairman ASPIN that the Bigeye testing program was experiencing new problems and was not meeting DOD's reliability standards. The recent letter by Secretary of Defense Carlucci to Chairman ASPIN, dated February 18, 1988, admits that the Bigeye bomb is not "mature" and has not yet met the reliability standard.

The Armed Services Committee apparently acted on this candor by the two Secretaries by zeroing out the program. The Aspin amendment also indicates to me that the committee wants to be consistent and comprehensive in its judgment that it would be a mistake to allow a precedent to develop by granting the DOD request to begin initial low-rate production runs and then do more testing. The Aspin amendment makes clear that no moneys, present or past, shall be spent on production until the Bigeye bomb tests successfully. The committee is telling the House that it does not want money wasted on production until the testing is successful.

The committee action plus this Aspin amendment assures me that there will be no Bigeye bomb binary chemical bombs produced except for testing purposes during the next 2 fiscal years, 1989 and 1990. There will also be no final assembly of binary chemical artillery shells next year, only production of a limited number of canisters. This is due to new problems which have arisen with the chemicals and their availability in the 155 mm artillery shell program.

The Aspin amendment also assures us that the Comptroller General of the GAO will continue to monitor the Bigeye bomb testing program, will review the testing results, and will file a report with Congress on this testing program. The Comptroller General's independent report on the Bigeye will help us reach a final judgment on the Bigeye bomb's readiness for production. I urge my colleagues to support the Aspin amendment.

I would like to place the action of the Armed Services Committee and this Aspin amendment in the broader context of arms control to explain how Congress can:

Implement a comprehensive arms control strategy on chemical weapons, make a significant contribution toward stopping the proliferation of chemical weapons;

Save one-quarter of a billion dollars that would otherwise be squandered on a weapons system that just does not work; and

Stimulate progress in Geneva at the multilateral chemical weapons negotiations.

Support for the committee and the Aspin amendment delivers a firm arms control message:

We save money by avoiding wasteful production of weapons not yet proven reliable in testing;

We maintain the threat of binary production as a bargaining chip;

We stimulate chemical weapons arms control negotiations; and

We dilute the Soviet Union's propaganda advantage that they have gained by their negotiating concessions and their announced halt in chemical production.

Furthermore, during this past year the Soviet Union and the United States have exchanged visits to their chemical weapons facilities. The exchange of these expert delegations represents an important arms control confidence-building measure which should help improve the prospects for a mutual and verifiable agreement to eliminate chemical weapons.

In November 1985, President Reagan and Soviet leader Gorbachev pledged to work for a worldwide ban on chemical weapons. Consistent reports of progress toward a worldwide ban on chemical weapons have been received from the 40-nation U.S. Disarmament Conference negotiation in Geneva. During this past year, the Soviet Union has made unprecedented concessions which could be quite significant once they are negotiated into an agreement. For example, the Soviet Union announced that it had halted production of chemical weapons and begun building an incinerator to destroy its present chemical weapon stocks. The Soviets have also agreed to "on-site" and "quick-challenge" inspections. They have also presented some new ideas on the question of chemical weapons data exchange. This seemingly positive chemical arms control attitude by the Soviets must, of course, be translated into the necessary written provisions in the arms control document. An adequate verification regime will probably be the most difficult problem to resolve in addition to the problems of treaty organization and funding and of worldwide adherence to the treaty. Despite these remaining problems, this movement on chemical weapons arms control sets the stage for a truly historic opportunity to reach agreement on the worldwide elimination of all chemical weapons.

The committee position and the Aspin amendment wisely avoids producing new binary chemical weapons that do not work and gives arms control a 2-year window to move the world closer to an effective verifiable ban on the production and usage of chemical weapons.

Mr. ASPIN. Mr. Chairman, I have no further requests for time, and I yield back the balance of the time.

The CHAIRMAN pro tempore. Are there any Members desiring to speak in opposition?

If not, the question is on the amendment offered by the Gentleman from Wisconsin [Mr. ASPIN].

The amendment was agreed to.

The CHAIRMAN pro tempore. The next amendment is number 15 by the gentleman from Indiana [Mr. BURTON].

Is he present?

If not, the gentleman from New York [Mr. SCHUMER] has amendment number 16.

AMENDMENT OFFERED BY MR. SCHUMER

Mr. SCHUMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCHUMER. At the end of title I of division A (page 16, after line 4) insert the following new sections.

SEC. 117. ADDITIONAL FUNDING FOR CERTAIN AIRCRAFT AND MISSILES.

(a) ADDITIONAL AUTHORIZATION.—In addition to the funds authorized under this title for procurement for fiscal year 1989 for the following programs, there are hereby authorized the following additional amounts:

(1) F-15 Eagle, $700,000,000.

(2) HARM Missile, $200,000,000.

(3) IIR Maverick Missile, $300,000,000.

(b) FUNDING REDUCTIONS.—Reductions in authorizations under this title of a total of $1,200,000,000 shall be made in the following programs, to be distributed among the programs at the discretion of the Secretary of the Department of Defense.

(1) Land Craft Air Cushion.

(2) AMRAMM.

(3) Sincgars.

(4) M2 Bradley Fighting Vehicle.

SEC. 118. REQUIREMENTS FOR DOD TO ADHERE TO TERMINATION YEAR OF WEAPON SYSTEMS CONTRACTS.

(a) REQUIREMENT.—Except as provided in subsection (b), the Department of Defense shall adhere to the termination year of any weapon system contract in accordance with the Selected Acquisition Report submitted for that contractor.

(b) EXCEPTION.—The Department of Defense may extend the termination date on a weapon system contract only for nonbudgetary reasons and only if the Department of Defense submits a special request to Congress that outlines the reasons for the extension. Such requests shall be submitted as soon as the Department of Defense is aware that such an extension will be necessary. Within 21 days after the Department submits a request for such an extension, the Congressional Budget Office shall present to Congress an estimate for the likely increase in unit cost and total cost of any program for which the Department of Defense has requested an extension.

The CHAIRMAN pro tempore. Under the rule, the gentleman from New York [Mr. SCHUMER] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I will be brief. I do have an amendment at the desk, and the amendment is the same as the one I introduced last year dealing with stretchouts.

Mr. Chairman, right now we know that the Department of Defense and this body—we have passed budgets that produce weapons at less than a minimum efficient rate, which means that we are paying a lot more and getting a lot less, and I would argue to my colleagues that at the time when we have limited numbers of defense dollars that that makes no sense, that the weapons we are going to produce, since we all know there will be no weapons in the future that we will want to produce, should be produced at at least a minimally efficient rate.

Now in this amendment I had introduce last year I had singled out weapons programs that would be eliminated to pay for the cost of the speedup. I have talked to the good chairman of the committee, as well as the gentleman from South Carolina, and they have suggested a modification of that amendment, and I have agreed to modify that amendment.

Mr. Chairman, today I am joining my colleague Mr. MACKAY to offer an amendment in order to buy weapons more efficiently and more cheaply.

It is rare that we get an opportunity to vote on an amendment to save money and obtain the weapons our armed services need and exercise tighter control over our runaway military spending programs. But that is exactly what our amendment does.

In recent years the Department of Defense has reacted to the cuts in their budgets not by eliminating or delaying less important weapon systems, but rather by postponing some production on the weapons that our Armed Forces really need.

This practice is dangerous and foolish for several reasons. First of all, it doesn't save any money. It creates an illusionary savings in one year, since all it does is add years to the length of the contract. This stretchout of contracts means that assembly lines move slower and slower and unit costs increase every year.

In November of last year, CBO released a report on the pace of weapon production by the Department of Defense. That report, although largely unnoticed, was shocking.

CBO found that of the many major weapons that were studied, not a single one was built at its most efficient rate. In fact, according to CBO, the final cost of the weapons would increase by as much as 25 percent because of the slow production.

The F-15 fighter has a maximum production rate of 144 planes per year, yet CBO found that over the last 5 years we have only produced an average of 41 per year.

This snail's pace production may seem to save money but in fact, according to CBO, it increases the cost of this important fighter by more than $600 million.

The cost is important, but perhaps more important is the effect that this practice has on our Armed Forces. When contracts are stretched out the real losers are our theatre commanders and soldiers who are waiting for weapons.

The IIR Maverick missile has been in production for 6 years, but at the rate it is being bought it will take another 27 years to meet DOD's inventory goals. Most of the Air Force will be long since retired by the time that the weapons arrive.

Last year at this time, Mr. MACKAY and I offered an amendment that would speed up production on several important weapon systems. We were intending to offer a similar amendment this year. We are not.

Instead, after consulting with members of the Armed Services Committee on both sides of the aisle, we have decided to modify our amendment to deal with the problem of stretchouts in a slightly different way.

Rather than dealing with this problem retroactively by making adjustments to decisions that were reflected in this authorization, our amendment will make it easier for Congress to control stretchouts in the future while preserving flexibility for the Department of Defense.

The Schumer-Mackay amendment has three parts. The first section of the bill is some simple language that prohibits the Department of Defense from extending the last year of procurement contracts for budgetary reasons. Any contract may be extended for military or strategic reasons but the amendment prohibits the practice of stretching out contracts to show one time illusionary savings.

The second part of the amendment requires the Secretary of Defense to identify in his fiscal year 1990 budget request, 15 programs which are good candidates for increased production and of those programs at least 10 are required to be budgeted at the most efficient rate. And to ensure that conventional and tactical weapons are stressed, at least 6 of the 10 speedups have to be conventional, tactical, or dual capable.

This approach gives the Department of Defense the maximum amount of flexibility while requiring the DOD to start down the road of more efficient procurement.

The final part of our amendment is a reporting requirement: when the Department of Defense submits its budget request, and in that request programs are not even being funded at their minimum economic rate, our amendment would require the Secretary to submit an explanation for the slow procurement.

Thanks to the patient help of Chairman ASPIN and Mr. DICKINSON, this amendment addresses the problem of procurement stretchout yet is responsive to the needs of the Armed Services Committee and the Department of Defense.

The point of this amendment and the signal that will be sent if it is passed is simple: If we need it and we want it, let's buy it as quickly and cheaply as possible.

If you want to send that message this is your chance.

So, without further ado, I yield to the gentleman from South Carolina [Mr. SPRATT] for an amendment to my amendment.

The CHAIRMAN pro tempore. The gentleman from New York [Mr. SCHUMER] will have to yield back his own time before we can recognize anyone else.

Mr. SCHUMER. Mr. Chairman, I yield back the time that I have remaining.

AMENDMENT OFFERED BY MR. SPRATT TO THE AMENDMENT OFFERED BY MR. SCHUMER.

Mr. SPRATT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. SPRATT to the amendment offered by Mr. SCHUMER: Strike out all after "SEC. 117" and insert in lieu thereof the following:

MANAGEMENT OF CERTAIN DEFENSE PROCUREMENT CONTRACTS.

(a) ADHERENCE TO PROGRAMMED END OF ACQUISITION PROGRAMS.—(1) Except as provided in paragraph (2), the Secretary of Defense shall not extend the duration of a defense acquisition program which is subject to reporting under the Selected Acquisition Report system beyond the year set out for the end of that program in the Selected Acquisition Report submitted for that program.

(2) The Secretary may extend the duration of a program covered by paragraph (1) if the extension is for a nonbudgetary reason and if the Secretary submits to Congress a report setting forth the reasons for the extension. Any such report shall be submitted as soon as the Secretary becomes aware that such an extension will be necessary.

(3) Not later than 21 days after a report under paragraph (2) is received by Congress, the Congressional Budget Office shall submit to Congress a report containing an estimate of the likely increases in unit cost and in total program cost for any program covered by the request.

(b) PRODUCTION RATES.—(1) In the budget presentation materials submitted to Congress in connection with the budget of the Department of Defense for fiscal year 1990, the Secretary of Defense shall identify for the purposes of this subsection not fewer than 15 major acquisition programs each of which is capable of being produced during fiscal year 1990 at a production rate which is at the maximum economic rate of production for that program. Of those programs, not fewer than 10 shall be programs for the procurement of tactical, conventional, or dual-capable systems.

(2) Of the programs identified under paragraph (1), the Secretary shall include in the Department of Defense budget for fiscal year 1990 a request for funds for procurement for not fewer than 10 of such programs to allow procurement of each of those programs at the maximum economic rate of production for that program. Of those programs for which funds are to be requested for procurement at their maximum economic rate, not fewer than six shall be programs for the procurement of tactical, conventional, or dual-capable systems.

(3) In selecting programs for the purposes of paragraphs (1) and (2), the Secretary shall consider the effect of such selections on the defense production base, on competition, on future program modification costs, and on potential delays in fielding new systems.

(c) REPORTING REQUIREMENTS.—Paragraph (4) of section 2431(c)(4) of title 10, United States Code, is amended to read as follows:

"(4) the most efficient production rate, the most efficient acquisition rate, and the minimum economic rate of production consistent with the program priority established for such weapon system by the Secretary concerned, and an explanation of why the minimum economic rate of production is or is not being adhered to".

Mr. SPRATT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The gentleman from South Carolina [Mr. SPRATT] is recognized for 5 minutes in support of his amendment, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment to modify the original Schumer amendment provides for several important changes. Let me briefly explain them.

First, the amendment strikes the $1.2 billion transfer provision in the original proposal. As my colleagues will recall, the Schumer amendment provides for the reallocation of $1.2 billion in fiscal year 1989 procurement funds to three designated programs. The Secretary of Defense is empowered with the authority to distribute the reductions among four programs. Last year, the House rejected this approach.

Second, in place of this approach the modification provides that in the fiscal year 1990 Defense budget the Secretary of Defense should designate 15 major defense acquisition programs that are capable of being produced at their maximum economic rates. Of the 15, 10 programs should be conventional, tactical or dual capable systems.

Third, the Secretary would be required to select 10 of the 15 programs and provide sufficient funding for them at their maximum economic production rates. Of the 10 programs, 6 should be conventional or dual capable. A maximum economic rate is defined by the Department of Defense as the highest rate of production that is permitted by existing or planned plant capacity, tooling, or test equipment.

Fourth, in making the selection, the Secretary should take into consideration the impact on the existing defense production base, competition, future program modification costs and delay of fielding new technology.

Finally, the Secretary in his annual report to the Congress on procurement programs would be required to include information on the reasons programs are not funded at their minimum economic rate. DOD defines this production rate as the lowest production rate that still offers an acceptable rate of return on the investment made by the contractor and the Government.

Mr. Chairman, the modification builds on the original Schumer amendment. It is designed to start a process that has as its goal a more stable and efficient defense production base. I urge my colleagues to support this modest proposal.

The CHAIRMAN pro tempore. Does any Member desire to speak in opposition to either the Spratt amendment or the Schumer amendment?

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] is recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, I recognize what the gentleman is trying to do or the gentlemen are trying to do, and I am sympathetic with the thrust of it, however, what he is asking to be done here is something that really serves no useful purpose in my opinion first, and, second, it is putting an unusual burden on the Secretary of Defense to file reports when the simple fact is that most, if not all, of the major weapons systems for introduction that are not produced at the most economic rate are not at the most economic rate because the Committee on Appropriations does not give them adequate funds. Now it is just that simple.

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Now, the gentleman says—let me ask this question. I wonder if either the gentleman from New York [Mr. SCHUMER] or whoever, does the gentleman have any idea how many weapon systems are presently being produced at the most economical rate?

Well, I can tell the gentleman the answer.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I believe the question was, how many are being produced at the most efficient rate, not the minimum efficient economic rate, which the legislation calls for.

Mr. DICKINSON. Right.

Mr. SCHUMER. And according to a CBO recent study, none are.

Mr. DICKINSON. That is exactly right; not one weapons system, major weapons system that we are producing today is being produced at the most favorable economic rate.

Now, why is that? It is because they do not give them the money. We sit in here day after day on this bill and vote to cut the spending of the Defense Department, then we want them to come in and explain why they are not producing it at a more efficient rate.

Money is the answer. We authorize, but we do not appropriate. The Appropriations Committee has so much money that they have to distribute, so they stretch it out and they do this within the DOD also. They say, "Hey, we have only got so much money. The slice of the pie is only this big. Do we want to kill these programs, or do we want to keep them alive and just spend less on them?"

Well, ever since I have been in the Congress, which is over 20 years, that has been their way of doing business. If you do not have the money, you do not kill the program, certainly any program that is promising. You simply just stretch out the production rate and spend less on it this year.

So the gentleman says, "Hey, we want you to come in and give us a full report on these 10 programs or 15 weapons systems. Why are you not producing them at a minimum efficient production rate?"

The simple answer is that the Appropriations Committee does not give them the money to fully fund these programs so that they can be produced at the most efficient rate.

I mean, it is just common sense. Anybody can understand it.

Then to put a requirement on the Secretary saying, "Hey, come in and explain this to us." I think he could write one line and say, "We don't have the money."

I want them produced at the most efficient economic rate. The chairman would like them produced at the most efficient rate. What we have been doing traditionally is stretching out the programs, paying more per unit for them and putting them into the inventory later.

It is a bad way to do business, but until we get ready, until we have the money to fully fund them, I do not know what the answer is.

Mr. MacKAY. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I am very pleased to yield to the gentleman from Florida.

Mr. MacKAY. Mr. Chairman, the gentleman from New York [Mr. SCHUMER] and I are sympathetic to what the gentleman has said. We are sympathetic to the problems of the chairman.

The fact of the matter is we have not done this job properly before. We are looking for a way that on a prospective basis we can start to make sense out of it in the future.

We are essentially saying that we have got to make tougher choices and we think the choices ought to start with the Department of Defense, and this is a sensible way to start it. We are not going to be operating at a point where there is going to be more money every year. If what we are saying is that we can only do this when there is more money every year, then we might as well not offer the amendment.

Mr. DICKINSON. Well, Mr. Chairman, I wonder if I might have the attention of the author of the amendment, either the amended amendment or the initial amendment.

What I would like to see, and I have a suggested amendment, if the gentleman would accept those years in which the Department of Defense is not fully funded with negative spending being given to them, then that answers the question.

Mr. MacKAY. No; that cannot be.

Mr. DICKINSON. If they do not get the money they asked for, then he is exempted from filing these reports. If he has got the money, then we would like him to come in and report why he is not producing at the most economical rate. Now, that makes sense to me.

To say, "We gave you the money. Now, why aren't you producing it at the most economic rate?" is not fair.

Mr. MacKAY. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. Yes; I am glad to yield to the gentleman from Florida.

Mr. MacKAY. Mr. Chairman, I thank the gentleman for yielding.

Our point is, and perhaps it is a difference in perspective, our point is that we make what we think are cuts and we think as a policy decision and a full debate on the floor of the House, and it turns out they get translated into 1 year seeming reductions and an increase over the outyears. We think that has got something to do not only with the way the Pentagon is presenting its programs, but with the way the Congress is trying to oversee the whole thing.

We think there is a better way to do it.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The time of the gentleman from Alabama [Mr. DICKINSON] has expired.

The question is on the amendment offered by the gentleman from South Carolina [Mr. SPRATT] to the amendment offered by the gentleman from New York [Mr. SCHUMER].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SCHUMER], as amended.

The amendment, as amended, was agreed to.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield for the purpose of a colloquy to the gentleman from North Carolina [Mr. ROSE].

Mr. ROSE. Mr. Chairman, first I want to congratulate the gentleman from Wisconsin and the staff for the way in which the gentleman has handled this complex piece of legislation.

Mr. Chairman, I also want to thank the staff of the subcommittee of the gentleman from California [Mr. DELLUMS], specifically Miss Alma Moore, for her help in working out an agreement with the Department of the Air Force with regard to the Fort Fisher Air Force Base in my congressional district in North Carolina.

Unfortunately, the Air Force has decided to abandon for active purposes Fort Fisher and turn it into an R&R base.

We were concerned about the future of the base and wanted the North Carolina National Guard to have use of it as a training base.

Congressman HEFNER and his staff have been very helpful.

Mr. Chairman, I received a letter last week from James F. Boatright, the Deputy Assistant Secretary of the Air Force (Installations), and it says in the first paragraph:

> The purpose of this letter is to confirm some commitments I made on behalf of the Department of the Air Force in our meeting in your office on Thursday, 21 April, concerning the Air Force plan for follow-on use of Fort Fisher AFS, NC.

I will not read the rest of the letter, but I will insert it in the RECORD at this point:

DEPARTMENT OF THE AIR FORCE,
Washington, DC, April 25, 1988.

Hon. CHARLES ROSE,
House of Representatives,
Washington, DC.

DEAR MR. ROSE: The purpose of this letter is to confirm some commitments I made on behalf of the Department of the Air Force in our meeting in your office on Thursday, 21 April, concerning the Air Force plan for follow-on use of Fort Fisher AFS, NC.

The Air Force intends to use a portion of Fort Fisher AFS for a recreational facility to be financed with nonappropriated funds. The actual size and extent of this activity has not yet been determined but is under study. The primary use of the facility will be for military members and their families; however, some public access and use is being considered.

In addition to the planned recreation use, the Air Force will provide sufficient land and improvements to the North Carolina National Guard (hereafter referred to as "Guard") to accommodate its training requirements. This would be accomplished either with an indefinite license, as is our normal practice with the Air National Guard, or, if necessary, with a fixed term lease to the State for 25 years under the Military Leasing Act, 10 U.S.C. 2667. Under either case, the Guard would have exclusive use of the property, but a requirement for evacuation—at no cost to the government—would be included to support long term Army explosive safety requirements. The licenses or lease would involve no monetary payment but would require care and custody of the property. In addition, the Guard would share in the cost of operating and maintaining common use facilities such as access roads and utility systems. Other mutually beneficial support arrangements could be negotiated between the parties. Should the Air Force recreation activity be discontinued, the Guard use could continue.

As soon as our plans for the follow-on recreational use are firm, we will brief you and your staff on the details. Your support and assistance in this matter are appreciated.

Sincerely,

JAMES F. BOATRIGHT,
Deputy Assistant Secretary of the Air Force (Installations).

I would say, Mr. Chairman, the letter basically commits the Air Force to license or lease the majority or a large portion of Fort Fisher to the North Carolina National Guard to use as a training base, at no cost, but with the sharing of maintenance for a period of 25 years. It will keep the property title in the Air Force, but it will allow a much needed training facility to take place in North Carolina.

Mr. Chairman, I thank the gentleman's staff. I thank the gentleman from North Carolina [Mr. HEFNER], our man in North Carolina on military construction appropriations.

Mr. Chairman, there will be no need for me to offer my amendment and it will not be offered.

Mr. Chairman, I thank the gentleman for all his courtesies.

Mr. ASPIN. Mr. Chairman, I thank the gentleman from North Carolina for his very kind words. We will seek time to get the gentleman's insert into the RECORD at the close of business today.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Under the rule, amendment No. 24 to be offered by the gentleman from New Jersey [Mr. SMITH] is now in order.

Mr. ASPIN. Mr. Chairman, the gentleman from New Jersey [Mr. SMITH] is not going to offer that amendment.

The CHAIRMAN pro tempore. Under the rule, amendment No. 26 by the gentlewoman from California [Mrs. BOXER] is now in order.

AMENDMENT OFFERED BY MRS. BOXER

Mrs. BOXER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. BOXER: At the end of the title VIII of division A (page 144, after line 12), add the following new section:

SEC. 812. LIMITATION ON ALLOWABILITY OF COSTS OF CONTRACTORS INCURRED IN CERTAIN PROCEEDINGS.

(a) LIMIT ON COSTS.—Subparagraph (C) of section 2324(e)(1) of title 10, United States Code, is amended to read as follows:

"(C) Proceeding costs incurred in connection with any proceeding brought by the United States or a State or local government that relates to a violation of, or failure to comply with, any Federal, State, or local law or regulation on the part of the contractor if the proceeding results in any of the following:

"(i) A conviction (including a conviction pursuant to a plea of nolo contendere), a civil judgment containing a finding of liability, or an administrative finding of liability, by reason of such violation or failure to comply.

"(ii) A decision to debar or suspend the contractor or rescind, void, or terminate the contract.".

(b) LIMIT ON ATTORNEYS FEES.—Section 2324(e)(1) of such title is amended by adding at the end the following new subparagraph:

"(L) Costs in excess of a rate of $75 per hour for attorney or agent fees incurred by a contractor in connection with any proceeding brought by the United States or a State or local government that relates to a violation of, or failure to comply with, any Federal, State, or local law or regulation on the part of a contractor that does not result in any of the actions described in clause (i) or (ii) of subparagraph (C), except that costs of attorney or agent fees in excess of a rate of $75 per hour are allowable if the contracting officer finds that a special factor (such as the limited availability of qualified attorneys or agents) justifies an award of higher fees.".

(c) DEFINITIONS.—Section 2324(k) of such title is amended to read as follows:

"(k) In this section:

"(1) The term 'covered contract' means a contract for an amount more than $100,000 entered into by the Department of Defense other than a fixed-price contract without cost incentives.

"(2) The term 'proceeding' means a civil, criminal, or administrative investigation, prosecution, or proceeding.

"(3) The term 'proceeding costs' means all costs relating to a proceeding incurred before, during, or after the commencement of the proceeding. The term includes—

"(i) administrative and clerical expenses;

"(ii) the cost of legal services (whether performed by an employee of the contractor of otherwise);

"(iii) the cost of the services of accountants and consultants retained by a contractor; and

"(iv) the salaries and wages of employees, including officers and directors.".

(d) APPLICABILITY.—The amendments made by this section shall apply to contracts entered into after the date of the enactment of this Act.

The CHAIRMAN pro tempore. Under the rule, the gentlewoman from California [Mrs. BOXER] will be recognized for 10 minutes and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment with the gentleman from Pennsylvania [Mr. RIDGE] that will do two things:

First, prohibit defense contractors from billing taxpayers for their legal costs and fees if they are found guilty of violating any Federal, State, or local law.

Second, cap, at a reasonable level, the amount taxpayers will pay for defense contractors attorneys' fees when contractors are investigated or indicted, but not convicted. At present, there is no cap and taxpayers are facing milllions of dollars of unfair costs.

To explain my amendment further, I will use two examples.

FIRST, ON CAPPING FEES

General Dynamics' Pomona Division was indicted for fraud after charges were filed by the Justice Department in connection with the Divad gun contract.

Under current law, any defense contractor can bill taxpayers for all their attorneys' fees and other costs connected with an indictment.

There is no cap on these fees and we think there should be.

Why should there be a cap?

First, knowing that they can get the priciest lawyers in town and bill the taxpayers for that privilege is certainly no incentive to contractors to uphold the spirit of the law. Indeed, one could make a plausible argument that in some ways, this is an incentive to skirt the law. That cap is $75 an hour which may be raised in the contracting officer in special circumstances.

Second, no one in the private sector has this incredible perk of an almost "automatic" recovery of attorneys' fees. Our amendment will simply cap the attorneys' fees, not stop them if there is not a guilty verdict.

NOW AN EXAMPLE OF WHY TAXPAYERS SHOULD NOT PAY WHEN CONTRACTORS ARE FOUND GUILTY

Imagine if a defense contractor dumps toxic waste in one of your districts, violating a city or county law and is found guilty. They can bill the taxpayers for all their legal costs.

So—The taxpayers sue the defense contractor, the taxpayers win the suit, and then the taxpayers pay the attorneys' fees.

That's wrong.

Please protect the taxpayers from this abuse and vote "yes" on the Boxer-Ridge amendment.

The CHAIRMAN pro tempore. Does any Member desire to speak in opposition to the amendment?

Mr. DICKINSON. Mr. Chairman, I will speak in opposition.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. Dickinson] is recognized for 10 minutes.

Mr. DICKINSON. Mr. Chairman, let me say again that I am sympathetic with the thrust of the amendment. I just wonder if we are being fair and if this is a reasonable way to approach it.

For instance, limiting the attorney's fees to $75 an hour is quite low. It is my understanding that the norm in most metropolitan areas is substantially more than $75 an hour. I do not care what the figure is. I think this is unreasonably low, considering what attorneys charge. Fortunately, I have not had to pay one in recent history, but I would think that this is unreasonably low and would put an undue handicap on a contractor, even if he should be able to recover.

I was wondering if the author of the amendment had any reason or justification for this particular figure. Is this based on something?

Mrs. BOXER. Mr. Chairman, if the gentleman will yield, it is based on current Federal law, where under certain law we do cap the fee at $75. I would say, of course, we do not prohibit them from having the priciest lawyer in town. We only limit them.

In addition, we have a waiver, may I say to the gentleman from Alabama [Mr. Dickinson], in case of special circumstances the contracting officer can waive the $75.

Would the gentleman permit the gentleman from Massachusetts to answer further on that point?

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Massachusetts.

Mr. FRANK. Specifically, Mr. Chairman, we have, as the gentleman may be familiar with, something called the Equal Access in Justice Act, which takes small businesses and says that if you are a small business and you are accused by OSHA or the NLRB or any such agency of a violation and if in the course of the procedure you are exonerated, you can be reimbursed for your legal fees up to the limit.

The limit we have taken of $75 per hour, waivable in special circumstances, is taken from the existing Federal statute known as the Equal Access in Justice Act, which applies to small businesses, so we thought it was all right. If it was all right for them, it was all right for the larger ones. That is exactly it.

Both the fee and the process for waiving the fee come from that Equal Access in Justice, which reimburses small businesses who are accused and later exonerated of a Federal regulatory violation.

Mr. DICKINSON. Well, Mr. Chairman, I agree that if a person is tried and found guilty of misfeasance or malfeasance or some dishonest act of violating the law, the Government should not have to pay his attorney. Now, that is common sense.

I just feel that this is an unreasonable cap here, because we know that most attorneys, especially in metropolitan areas, charge substantially over this. If I had been prepared, I think I probably would have offered an amendment to at least increase that cap.

Before I yield to the gentlewoman from California, could the gentlewoman explain why this is limited only to defense, why are we singling out defense?

Mrs. BOXER. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentlewoman from California.

Mrs. BOXER. In essence, Mr. Chairman, I have another bill that would apply to the entire Government. That is the full intent. We are starting here, as we have in many of our reforms, we have started here.

I would like to say to the gentleman on page 2, I would like to read this to the gentleman from Alabama [Mr. Dickinson]. I think it answers the gentleman's problem, or I hope it answers his problem.

We say:

> A rate in excess of $75 per hour is allowable if the contracting officer finds a special factor is justified.

So there is clearly an ability to increase that amount. I hope the gentleman will reconsider his opposition.

Mr. DICKINSON. Well, I understood that provision was in there, but I still think the cap is unreasonable.

Mrs. BOXER. Mr. Chairman, I yield 2 minutes to the coauthor of the amendment, the gentleman from Pennsylvania [Mr. Ridge.].

Mr. RIDGE. Mr. Chairman, I am pleased to offer this amendment with the gentlewoman from California.

Frankly, I think we are being extremely generous with a cap. There are some of us who feel strongly about defense contractors picking up their complete costs, complete legal fees, so I think it is quite an accommodation for us just to have this $75 cap.

I might point out that many of the attorneys that we have actually out in the legal system who are paid directly from local and county governments, be it legal services or public defenders, would probably love to get reimbursed at $75 an hour, so it is more than adequate, and as far as I am concerned rather generous that there is even a cap.

I might point out to my colleagues that what we have here is that we have two distinct legal systems.

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If we have in our district businessmen or farmers who are cited for an environmental problem, or who are cited administratively or civilly, if they go through the process, they have defense costs and they may have fines and penalties. If they do, they have to pay the entire cost.

Anyone who has done criminal work, and we have some Members in the Chamber who have done criminal defense and prosecution work, they know that if an individual is indicted, goes through the trial, is acquitted or found guilty, clearly under either circumstance but most importantly when they are acquitted, they still absorb the entire cost of their defense. However, when we come to defense contractors, we have a slightly different system. We have got it so situated that if they are investigated for fraud and if they are indicted, they can submit those costs associated with defense of those charges as an allowable overhead cost. They are the ones that have been indicted and yet they can submit that cost as an allowable overhead cost. That just simply means, to interpret that, that they do not pay for it, the contractor does not pay for it. My colleagues pay for it, and our constituents and the American taxpayer pays for it.

So I think we are dealing with a very offensive, as far as I am concerned, a very offensive and I think a rather expensive loophole.

The gentlewoman from California [Mrs. Boxer] has been more than generous in offering a $75 cap and hopefully we can revisit this matter next year and let them do what the rest of the country does when litigation takes one to court be it civil, administrative, or criminal, and you bear the burden of your own costs.

Again, I think it is consistent with the Equal Access in Justice Act, something we want it to be. I commend the gentlewoman from California and appreciate the opportunity to offer the amendment with her.

Mr. DICKINSON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mrs. BOXER. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. Smith].

Mr. SMITH of Florida. Mr. Chairman, I rise in support of this amendment, which is consistent with legislation submitted last year by the administration.

I want to stress two reasons why this amendment is fair to Americans who are concerned about receiving the best defense for every dollar spent.

First, under current law, the American taxpayer actually pays three times for investigations of defense fraud. We pay for prosecution of cases by the Department of Justice. We also pay for the contractors' attorneys. Then we have the hidden cost. Every attorney's-fee dollar—misapplied, in my estimation, as "cost of doing business" by the accused contractor—is $1 less that otherwise could have been spent on our National Defense. This money, therefore, contributes to defense of the contractor but not to the defense of our Nation.

Second, the U.S. Government under ordinary circumstances is under no obligation to pay the legal costs of a person who can afford counsel. Where we do pay these fees, they amount to less than the $75 per hour in this amendment. Further, this amendment does not prevent an accused contractor from receiving the best available legal counsel. The amendment does say, however, that the company's shareholders and not the American taxpayer will pay those fees amounting to more than $75 an hour. That is fair to all parties.

Mr. Chairman, earlier today the Judiciary Committee approved the Major Fraud Act of 1988, which establishes stiff penalties for major contractors convicted of defrauding the U.S. Government. That bill is a step in the right direction.

Let's not take one step in the wrong direction by retaining a loophole that permits contractors to shift the cost of nonfraudulent, though illegal, activities onto the backs of the very people who were hurt by those actions.

Mrs. BOXER. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. Schumer].

Mr. SCHUMER. Mr. Chairman, I want to commend the gentlewoman from California [Mrs. Boxer], and the gentleman from Pennsylvania [Mr. Ridge] for putting in this amendment which I strongly support.

Let me make one other point and add it to those that have already been made. If this amendment does not pass, what incentive is there for a contractor to obey the law?

After all, they break the law, they go to court, they lose, their court costs are all paid, and they are even. This amendment for once puts real incentives on the part of the contractor to obey the law.

Mrs. BOXER. Mr. Chairman, I yield the remainder of my time to the gentleman from Massachusetts [Mr. Frank], a member of the Committee on the Judiciary.

Mr. FRANK. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Members may be wondering if there is some hidden aspect to all this. There is not. It is an unusually straightforward amendment. There is, as I responded to the gentleman from Alabama [Mr. Dickinson], a strong precedent. The Equal Access to Justice Act says that if one is a small business defined as we define small business, and incurs costs because the Government has inaccurately accused them of doing something wrong, they are entitled to exactly this type of reimbursement.

The question is: Should the large defense contractors be given better treatment than the small businesses? I do not understand why that should be, whether there is some rule that the bigger the business the bigger the lawyer and the more money they have to have to give them for the bigger fee. That ought not be the case.

As a matter of fact we could make a good argument for the reverse to be true, that if one is a small business and is not likely to have substantial in-house legal capacity, you need that assistance, whereas if one is a large business one has that capacity. All we are saying is that that is all we are going to reimburse no matter what. If a company thinks its case is such that they need a lot more expensive lawyer, they may go out and hire a more expensive lawyer. This is not a ban on a company hiring a more expensive lawyer. It is saying that this is as much as we will pay.

We have a problem now. We worry about people spending without any limitation. Under the present system if one is a defense contractor they not only do not have as much incentive as they should to obey the law, as the gentleman from New York [Mr. Schumer] said, but they have no incentive whatever to control legal fees. They have an entitlement, and it is not a new entitlement, it is an old entitlement. It is a winking, blinking, nodding overcharge entitlement because they can go out and hire all the most expensive lawyers in the world, and they have no cost containment incentive.

People say why is this only going to apply to defense? The short answer is that this is the Defense bill, but there is another answer as well. If this is applied it makes more sense in cost-plus contracts. Remember that if a company is another kind of a supplier and bids on a contract and a fixed price is bid and litigation subsequently arises, you would pay for it all. You cannot amend your bid to account for litigation. So this only arises in cost-plus contracts.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, I thank the gentleman from Massachusetts for yielding, and I rise in support of this amendment. I think it is a well-reasoned amendment and I think it could be an asset to the bill.

Mr. FRANK. Mr. Chairman, I appreciate the remarks of the gentleman from Oklahoma [Mr. McCurdy]. I think he says it quite correctly. This is not antidefense. One can still, if one is a large contractor, get as much legal reimbursement as a small business does and they would have the resources in their own in-house counsel to take care of it.

The final point I would say is, and let me say this to the gentleman from Florida [Mr. Smith], he pointed out we are paying for both sides. In these cases we pay the Government lawyers and the lawyers for the contractors. There is one difference though, we pay the contractor's lawyers about 10 times as much as the Government lawyers make. So if we pass this amendment, we will only be paying the contractor's lawyers about three times as much as the Government lawyers make.

I would think having a 3-to-1 advantage in what your adversary pays their lawyers would be enough.

The CHAIRMAN pro tempore (Mr. Gray of Illinois). All time has expired.

The question is on the amendment offered by the gentlewoman from California [Mrs. BOXER].

The amendment was agreed to.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to announce pursuant to the rule requiring that 1 hour's notice be given to the Lowry-Pepper amendment on the Coast Guard, that sometime after 4:15 this afternoon, and I understand it is worked out with the Republican side and the gentleman from Washington [Mr. LOWRY], that we will bring up that amendment sometime after 4:15 today. I would like to point out to the Members that that amendment was to deny the use of the Coast Guard in the Persian Gulf. The administration has already declared that that will not be done and the amendment will not be offered, however the people involved with the amendment would like to conduct a colloquy and it will occur this afternoon. The rules require that we give 1 hour's notification.

Mr. Chairman, at this time I yield to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I thank the chairman of the Committee on Armed Services for yielding to me for the purposes of a colloquy to be held with the distinguished gentlewoman from Maryland [Mrs. BYRON], the chairman of the Subcommittee on Military Personnel and Compensation.

Mr. Chairman, this colloquy refers to section 613 of the bill which is the Housing Lease Indemnity Program. I am an author of this provision and I want to first of all thank the gentlewoman from Maryland [Mrs. BYRON] for including this program in the defense authorization bill.

A test of this program was recently conducted at Fort Ord, CA, and now that the program will be made permanent, I believe it necessary to clarify two issues within the overall position.

Mrs. BYRON. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentlewoman from Maryland.

Mrs. BYRON. The gentleman is correct, and I am happy to engage in this colloquy. The permanent program authorized in H.R. 4264—as well as the test program at Fort Ord—would permit the Secretaries of the military departments to enter into agreements with local landlords whereby the Government would guarantee the military member's security deposit in lieu of the soldier paying a large security deposit to the landlord in advance. This program has worked extremely well at Fort Ord where military personnel often go into debt in order to pay upfront security deposits and will now be a great help to soldiers worldwide. Let me also say that this is a no-cost program supported by all the military services and will not be burdensome on the Government to administer.

Mr. PANETTA. I commend the gentlelady for her efforts on behalf of military personnel and wish to clarify two points about the Housing Lease Indemnity Program to ensure the efficient operation and implementation of the program and to prevent any possible abuse. First, the legislation provides that the total liability of the Secretary for a particular housing unit should not exceed an amount equal to the amount of a security deposit that would be required of a nonmilitary tenant in the same housing unit. I would strongly recommend that the contract between the service member and the lessor state that the security deposit not exceed a specific dollar amount that equals the security deposit required of a civilian tenant. Second, I would like to emphasize that the legislation provides that, in the rare cases of breach of the lease or damage, the landlord must exhaust his remedies against the military member before seeking compensation from the Government. To further strengthen this provision, I would strongly recommend that the lease or contract between the service member and the landlord allow for the installation to accept the results of binding arbitration or a court judgment as an exhausted remedy for resolution. Both the service member and the lessor would predetermine, in the lease agreement, whether they would agree to submit to binding arbitration in future disputes. Alternatively, the parties could choose not to be bound by binding arbitration and elect to pursue any remedies in court, should this need arise.

Mrs. BYRON. The gentleman raises some good points, and I look forward to working closely with him and the Secretary of Defense to ensure the effective implementation of this important program worldwide.

Mr. PANETTA. I thank the very able chairman of the subcommittee for her support in this area.

Mr. ASPIN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Under the rule, Amendment No. 28 to be offered by the gentlewoman from Maryland [Mrs. BENTLEY] is now in order.

AMENDMENT OFFERED BY MRS. BENTLEY

Mrs. BENTLEY. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. BENTLEY: At the end of title VIII, Division A (page 144, after line 12), add the following new section:

SEC. 812. LIMITATION OF TRANSFERENCE OF TECHNICAL DATA USED IN SECOND SOURCE PROCUREMENT.

Any technical data, which must be transferred for second source procurement in 10 USC Section 2305a, shall be used only for the purpose of reprocurement within the United States, and shall not be subject to public disclosure under the Freedom of Information Act.

MODIFICATION TO AMENDMENT OFFERED BY MRS. BENTLEY

Mrs. BENTLEY. Mr. Chairman, I offer a modification to my amendment.

The CHAIRMAN pro tempore. The Chair will report the amendment, as modified.

The Clerk read the amendment as modified as follows:

Amendment as modified, offered by Mrs. BENTLEY: At the end of section VIII (page 144, after line 12), add the following new section:

SEC. 812. LIMITATION OF TRANSFERENCE OF TECHNICAL DATA USED IN SECOND SOURCE PROCUREMENT.

Any technical data, which must be transferred for second source procurement in 10 USC Section 2305, shall be used only for the purpose of reprocurement within the United States

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Maryland to modify her amendment?

Mr. DICKINSON. Mr. Chairman, reserving the right to object, I would ask the gentlewoman from Maryland [Mrs. BENTLEY] for a written copy of what is being offered. We have not seen a copy of this modification.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. Mr. Chairman, further reserving the right to object, I yield to the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I would ask the gentlewoman from Maryland [Mrs. BENTLEY] if this is the Hunter amendment, the amendment that the gentleman from California [Mr. HUNTER] would have offered as the substitute?

Mrs. BENTLEY. Yes, the gentleman is correct.

Mr. ASPIN. If the gentleman would yield further, we know what is in it, if it is the Hunter amendment to the Bentley amendment, and we do know what is in it. We not only know what is in it, we do not disagree with the idea of her amending it. We support it with the Hunter amendment.

Mr. DICKINSON. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection

Mrs. BENTLEY. Mr. Chairman, what we have eliminated here are the words "shall not be subject to public disclosure under the Freedom of Information Act."

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The CHAIRMAN pro tempore. Pursuant to the rule, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

Mrs. BENTLEY. Mr. Chairman, Congress has previously recognized that it is important for the Department of Defense to have alternative sources for components to major weapon systems.

But, when attempting to eliminate excessive pricing of replenishment parts, Congress may have inadvertently created a process for foreign manufacturers to freely acquire U.S. technologies.

My amendment is intended to protect the valuable technical advantages of U.S. manufacturers while also continuing to encourage multiple sourcing within the United States.

This amendment will not stop joint ventures nor any normally authorized exchanges of technical data between a U.S. and a foreign firm—but a U.S. company will have the right to object to its proprietary data being given to a foreign company.

A foreign company that, I might add, does not have to operate under the constraints of Walsh-Healey, environmental, or tax laws. How can we compete if we give our only advantage—technical superiority—away to our competitors?

Vote "aye" on the Bentley amendment.

Mr. HUNTER. Mr. Chairman, will the gentlewoman yield?

Mrs. BENTLEY. Mr. Chairman, I will be happy to yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I want to commend the gentlewoman on her amendment.

As I understand it, today the Government requires a sharing of technical data for the establishment of second sources in the United States, so there will be companies that will give up proprietary information in return for their ability to do business or their right to do business with the Federal Government on particular contracts. All the Bentley amendment says is that may be necessary to ensure second sourcing in competition, but we do not want to expand the arena to an international arena in which there are some foreign countries sharing in hard-won and very expensive technical data that American companies have given their resources to obtain.

Is that what the gentlewoman is saying?

Mrs. BENTLEY. The gentleman from California is right. What we want to do is retain the technical data and information in this country, and that is the whole purpose of this amendment.

I yield back the balance of my time.

Mr. DICKINSON. Mr. Chairman, I would rise in opposition until I have a couple of points clarified.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] is recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, I believe the gentlewoman from Maryland [Mrs. BENTLEY] stated, and is it my understanding, that this affects no coproduction?

Mrs. BENTLEY. No; no.

Mr. DICKINSON. No joint venture?

Mrs. BENTLEY. That is right.

Mr. DICKINSON. If one wanted to go into second source of any nature, they could not do it abroad; a technical data package cannot be furnished to abroad?

Mrs. BENTLEY. Abroad, that is right.

Mr. DICKINSON. This would prohibit then the United States going to any NATO country and entering into a second-source contract with them if we have to provide the data package, technical data package, for Israel or any other country? They would be automatically precluded, and even if it was in the best interests of the United States and to save money and to create competition, they would be absolutely precluded from doing this if it was offshore? Is that correct?

Mrs. BENTLEY. If it means that we have to provide them with the technical information and the technical data, yes, but an American company could go into a joint venture with them but not give a foreign company of any kind, whether it is NATO or anywhere else, all of the information, all of the background to compete against one of our companies in this country.

Mr. DICKINSON. This presupposes who is the owner of the tech data package. Is this limited to only those instances where the Federal Government owns the tech data package, or does it say that a contractor who owns his own tech data package, the United States could not use it for second source offshore?

Mrs. BENTLEY. Well, the Federal Government could give it to another American company, a company in this country. That would be available. But it is the idea to prohibit the transfer of all of our technology overseas. That is the whole purpose of it.

Mr. DICKINSON. Mr. Chairman, let me just say this is not a matter that I have had an opportunity to study. I have never had it discussed with me. It is just another example of micromanaging from the floor matters that should have come through the committee process. Perhaps it did. If it did, I am unaware of it. But if we could have had hearings, had witnesses, people involved, the Department of Defense which would be naturally involved to express themselves and to study it, to see what mischief it might create, and I really do not know, and for that reason I am not going to support it. I do not know. It might be a good thing, but without knowing more about it, I would have to voice my objection and vote negative on it.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, by the gentlewoman from Maryland [Mrs. BENTLEY].

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. KENNEDY

Mr. KENNEDY. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY: At the end of title VIII of division A (page 163, after line 6), add the following new section:

SEC. 812. PROHIBITION OF DISCRIMINATION IN EMPLOYMENT PRACTICES OF CERTAIN DEFENSE CONTRACTORS AND SUBCONTRACTORS.

(a) REQUIREMENT.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410. Defense contractors and subcontractors: requirements concerning employment practices

"(a) Except as provided in subsection (c), the Secretary of Defense may not award a contract to be performed in a foreign country to any contractor (foreign or domestic) if, as determined under subsection (b) by the Inspector General of the Department of Defense, such contractor would be in violation of an equal employment opportunity law or order were all the operations of such contractor carried out in the United States.

"(b)(1) With respect to a contract awarded by the Secretary of Defense and performed in a foreign country, any person may file (in person or by mail) a complaint alleging that the contractor involved, or a subcontractor of the contractor, would be in violation of an equal employment opportunity law or order were all the operations of such contractor or such subcontractor carried out in the United States.

"(2) The Inspector General of the Department of Defense shall investigate the complaint and shall certify within six months of the date of receiving the complaint whether the allegation is true or false.

"(3) If the Inspector General certifies that the allegation is true within six months of the date of receiving the complaint, the Secretary of Defense shall prohibit the award to such contractor of any future contract to be performed in a foreign country until such contractor establishes, as determined and certified by the Inspector General, that—

"(A) such contractor or its subcontractor (as the case may be) would not be in violation of an equal employment opportunity law or order were all the operations of such contractor or such subcontractor carried out in the United States; or

"(B) under such future contract, such contractor will not enter into subcontractors with such subcontractor until the Inspector General certifies that such subcontractor would not be in violation of an equal employment opportunity law or order were all the operations of such subcontractor carried out in the United States.

"(c)(1) Subject to paragraph (2), the Secretary of Defense may waive the prohibition in subsection (a) or (b) for up to two years for a contractor providing goods or services if the Secretary certifies to the Armed Services committees of the Senate and House of Representatives that the goods or services are essential for national security purposes and are not reasonably available from another contractor.

"(2) The waiver in paragraph (1) may be granted only if such contractor agrees to develop a plan to reasonably assure that the operations of such contractor and its subcontractors, within two years after the Secretary grants the waiver, would not be in violation of an equal employment opportunity law or order were all the operations of such contractor and its subcontractors carried out in the United States.

"(3) This section does not apply with respect to a contract if—

"(A) the aggregate value of the goods and services required to be provided under all contracts awarded by the Secretary in the preceding 1-year period to the contractor involved is less than $100,000; or

"(B) the contract will be substantially performed by the contractor, and its subcontractors, in the United States.

"(d) DEFINITIONS.—

"(1) EQUAL OPPORTUNITY LAW OR ORDER.—For purposes of this section, an equal employment opportunity law or order is an equal employment opportunity law or order referred to in section 718 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-17).

"(2) SUBCONTRACTOR.—For the purposes of this section, a subcontractor is any corporation or individual at any tier who is engaged directly or indirectly to perform a substantial portion of the work under a prime contract with the Department of Defense.

"(e) The Inspector General shall report to Congress within one year from the date of enactment of this provision on the discriminatory employment practice of foreign corporations that have been awarded contracts by the Secretary of Defense and have not completed performance prior to the date of enactment of this provision."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"Sec. 2410. Defense contractors and subcontractors: requirements concerning employment practices.".

The SPEAKER pro tempore. Under the rule, the gentleman from Massachusetts [Mr. KENNEDY] will be recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

Mr. KENNEDY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a civil rights amendment. This amendment prohibits the Defense Department from doing business with companies that discriminate in their employment practices.

Around the world, employers routinely discriminate against people because of their beliefs, their gender, the color of their skin.

When the U.S. Department of Defense awards contracts to firms that blatantly discriminate, our country subsidizes and implicitly condones the sins we have worked so hard to correct.

There are those who claim that this amendment is an attempt to impose U.S. law on foreign corporations. That is not true. We say that a company that wants to bid on a U.S. defense contract must not overtly discriminate in employment.

This amendment does not apply to specific countries, but only to firms against which a discrimination charge has been lodged and proven true to the satisfaction of the inspector general. It does not impose penalties or put a violator in breach of contract. It simply forbids future contracts if the company is found to discriminate.

There are safeguards to ensure that this amendment will not jeopardize the national security of either the United States or its allies. For example, the Secretary of Defense would be able to waive the prohibition if the goods or services provided were essential to the national security and not available from another company.

Finally, the amendment does not apply to small contracts for less than $100,000 or to contracts that are performed here in the United States.

What we are talking about here is the defense of the United States. We are not just simply talking about defending our borders. We are talking about what the essential purposes of national defense really are. Is it simply to defend our borders, or is it to defend the moral principles for which the United States has stood in its Declaration of Independence and in its Bill of Rights? The United States can be a leader of the free world not by simply having the biggest, fastest and most destructive weapons but also by being the moral leader of the free world. That is what this amendment will do, and I hope we get the support of this Chamber.

I reserve the balance of my time.

The SPEAKER pro tempore. Does any Member desire to speak in opposition?

AMENDMENT OFFERED BY MR. MCCURDY TO THE AMENDMENT OFFERED BY MR. KENNEDY

Mr. McCURDY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. MCCURDY to the amendment offered by Mr. KENNEDY: In the matter proposed to be added to title 10, United States Code:

(1) In subsections (a) and (b) (1), strike out "would be in violation" and all that follows through the end of each subsection and insert in lieu thereof the following: "discriminates, on the basis of race, color, religion, sex, or national origin, in its employment practices.".

(2) In subsection (b)(3), strike out subparagraph (A) and (D) and insert in lieu thereof the following:

"(A) Such contractor or its subcontractor is not discriminating, on the basis of race, color, religion, sex, or national origin, in its employment practices in the foreign country;

"(B) Under such future contract, such contractor will not enter into a subcontract with a subcontractor until the Inspector General certifies that such subcontractor does not discriminate, on the basis of race, color, religion, sex, or national origin, in its employment practices in the foreign country; or

"(C) such contractor or its subcontractor has refused to hire members of minority groups as a result of substantial and legitimate national security concerns.".

(3) In subsection (d)—

(A) strike out paragraph (1);

(B) strike out "DEFINITIONS.—" and insert in lieu thereof "DEFINITION.—"; and

(C) strike out "(2) SUBCONTRACTORS.—".

Mr. McCURDY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. McCURDY. Mr. Chairman, I offer this amendment to the amendment offered by the gentleman from Massachusetts in order to strike certain provisions of his amendment relating to specific U.S. statutes and law.

Basically what my amendment does is incorporate the principles of U.S. law, and that is that firms should not discriminate on the basis of race, color, age, sex, or national origin in its employment practices. I believe that this amendment carries out the intent of the amendment offered by the gentleman from Massachusetts.

However, it does not go as far in order to raise constitutional questions and impose certain complications on the implementation of the intent of this amendment by the Department of Defense. It is clear that the United States does not condone discrimination in its employment practices here, and we certainly do not do business with those that do discriminate, whether it is based on race, religion, sex, creed, or national origin.

I yield to the gentleman from Massachusetts.

Mr. KENNEDY. Mr. Chairman, I thank the gentleman from Oklahoma for yielding.

Is the intent of the amendment of the gentleman from Oklahoma to make the principles of antidiscrimination that are provided in the United States the reference point for the inspector general to use in determining whether a company engages in discriminatory employment practices?

□ 1535

Mr. McCURDY. The gentleman from Massachusetts is correct.

Mr. KENNEDY. So the inspector general should use the standard we use here in the United States?

Mr. McCURDY. I believe he should use those standards, that is correct.

Mr. KENNEDY. I thank the gentleman.

Mr. McCURDY. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Chairman, I thank my able colleague from Massachusetts, Mr. KENNEDY, for yielding, and rise in vigorous support of the amendment.

The amendment is a cautious and balanced effort to impose a basic ethical standard as part of United States defense procurement.

Mr. Chairman, in Pretoria and Belfast and elsewhere such fundamental hopes as a right to compete for a job are denied on the basis of the color of people's skin or the church in which they worship.

The amendment proposed by the gentleman from Massachusetts will not halt such discrimination. We are reminded too often, in the daily unfolding of the news, that there are clear limits to how much we can do to arrest injustice in the world.

However, Mr. Chairman, the American people can demand that their tax dollar not be used to subsidize discrimination, and my friend from Massachusetts offers us an opportunity to enact that demand into law.

Injustice and discrimination have been with us from the beginning of time, Mr. Chairman. Perhaps this amendment will not end it. Nevertheless, Mr. Chairman, the amendment offers us to chance to take a stand and to say that hands stained by bigotry and injustice cannot, under law, reach out to our treasury.

I proudly join my friend from Massachusetts in that stand, and urge my colleagues to do so too, by adopting the pending amendment.

Mr. McCURDY. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). Does any Member desire to speak in opposition to either the Kennedy amendment or the McCurdy amendment to the Kennedy amendment?

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] is recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition reluctantly because I think this is a well intentioned amendment, both the original and the amendment thereto. This is another case of micromanaging on the part of the Congress so far as what the Department of Defense can do, first. Second, the amendment would require foreign contractors manufacturing in their country to comply with United States equal opportunity employment laws simply because they sell their products to the DOD. This is the equivalent of making say General Dynamics have to comply with Spanish equal employment opportunity laws because they sell the F-16 over there.

We are setting in place, if we should pass this amendment, a scene whereby we are going to have reciprocity and reciprocal action on the part of foreign countries who are going to impose restrictions and requirements on us which we do not presently have. It really gets into foreign relations and the business of the State Department in a very big way, in my opinion.

Virtually no other country in the world imposes the same type of EEO standards as the United States because of the adoption of the so-called affirmative action portion. Accordingly, it is conceivable that no NATO ally or Israeli companies will be eligible for DOD contracts under this provision.

Mr. Chairman, I think we are being very shortsighted. I think we are trying to legislate here on the floor matters which are best left up to both the State Department and the Department of Defense to negotiate with foreign sovereign governments and not on the floor of the House, without hearings, without being able to elicit from the Department of Defense what the ripple effect might be, or from the State Department.

I know my office has received several calls from embassies, the British in particular, who are very vehemently opposing this because they do a lot of business with us.

I think we are being shortsighted to write into legislation this requirement when no other country has the affirmative action portion that we put in our law. What we want to do in our country is our business, but to say that foreign governments have to comply with these laws I think is not in the best interest of defense contracting in general, and I oppose the amendment.

PARLIAMENTARY INQUIRY

Mr. ASPIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman from Wisconsin will state his parliamentary inquiry.

Mr. ASPIN. Mr. Chairman, could the Chair help in determining how much time remains because I think the author of the original amendment, the gentleman from Massachusetts [Mr. KENNEDY] has a number of requests for time. How will this proceed? First we have to dispose of the McCurdy amendment to the amendment, as I understand it?

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. ASPIN. And how much time is there remainding on the McCurdy amendment?

The CHAIRMAN pro tempore. The gentleman from Oklahoma [Mr. McCURDY] has 1 minute remaining, and the gentleman from Massachusetts [Mr. KENNEDY] has 8 minutes remaining on his original amendment.

Mr. ASPIN. Mr. Chairman, do we take that debate after or before the vote on the McCurdy amendment?

The CHAIRMAN pro tempore. The Chair will put the question first on the McCurdy perfecting amendment.

Mr. ASPIN. And then the gentleman from Massachusetts, has 8 minutes remaining on his amendment?

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. McCURDY. Mr. Chairman, will the gentleman from Alabama [Mr. DICKINSON] yield?

Mr. DICKINSON. I am pleased to yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, if I could, I want to make two quick points.

First is that by adopting the amendment that I have offered, it takes away the applicable statute. There is no reference whatsoever to U.S. applicable law. What we are saying is the standards of antidiscrimination, those principles.

Second, if my colleagues will look at subsection C there is a provision that indicates that such contractor or subcontractor has refused to hire members of minority groups as a result of substantial and legitimate national security concerns. I am told that that can address the situation in Israel and it certainly alleviates the great concerns they have.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say I think the gentleman from Oklahoma makes a substantial improvement on the original amendment, and certainly I think probably the Department of Defense could perhaps live with that.

I do not think that the original amendment as proposed by the gentleman from Massachusetts [Mr. KENNEDY], is enforceable. I think it not only is unworkable, but puts a burden on both the inspector general and the Department of Defense and perhaps the State Department that would make it unworkable. I do believe the amendment of the gentleman from Oklahoma corrects most if not all of the objections to it, but I am not sure it goes far enough.

Mr. McCURDY. Mr. Chairman, I yield my 1 remaining minute to the gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the perfecting amendment and the

Kennedy amendment. I believe it is critically important that the resources of the U.S. Government and the contracting strength of the U.S. Government not be used in support of discrimination, wherever that may occur.

These contracts are very valuable and the foreign firms that get them are very interested in having these contracts. We can use this kind of legislation in support of what we believe in, and what we believe in is nondiscrimination.

Like the gentleman from Massachusetts [Mr. KENNEDY], I visited Northern Ireland and saw the abuses in terms of employment practices where Catholics were not granted full and equal employment rights, and yet we are contracting with one or more firms in Northern Ireland despite that discrimination. I believe there are probably other places in the world where such discrimination occurs.

American taxpayer funds should not be used in support of discriminatory practices.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MCCURDY] to the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr. KENNEDY] has 8 minutes remaining.

Mr. KENNEDY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague, the gentleman from Massachusetts [Mr. KENNEDY] and I applaud him for his efforts in a very laudable amendment before this body.

In supporting the gentleman I would make briefly several points.

First of all, the American Government, it seems to me, has a responsibility to be consistent in its commitment against discrimination, whether the victim be an American or non-American. The Congress has recently overwhelmingly endorsed antidiscrimination language in the Civil Rights Restoration Act which overturned the Supreme Court ruling in Grove City. The same principles, it seems to me, are at stake in this amendment.

The fact that those who are being discriminated against are non-Americans, Mr. Chairman, does not lessen their humanity nor does it lessen their right to nondiscriminatory treatment by the U.S. Government.

Further, if ever there was a time to use the power of the purse for the furthering of human rights, it is when so much of that purse is being doled out as in this case for defense contracting.

Finally, Mr. Chairman, the Members of this body and the American people should be very disappointed by any defense contractor that finds such a requirement too burdensome.

Mr. Chairman, there are a number of things that this amendment does. Let me state quickly in the remaining time what it does not do.

It does not impose U.S. law on foreign corporations. It does not apply to all suppliers. It does not impose civil damages, civil penalties, or put a violator in breach of a contract. It simply forbids the award of additional contracts in the future. It does not apply to contracts less than $100,000 and, finally, it does not apply to country but rather to companies, and it does not subject foreign companies to U.S. labor laws.

With that explanation, Mr. Chairman, I would urge my colleagues to overwhelmingly accept the amendment offered by the distinguished gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Chairman, anyone who is truly concerned about protecting the rights of the worker should support the commonsense amendment being offered today by my colleague from Massachusetts, Mr. KENNEDY. By prohibiting the Department of Defense from awarding a contract to any foreign defense contractor if it is determined that the contractor would be in violation of U.S. equal employment opportunity laws or orders, the Kennedy amendment would effectively prohibit the Defense Department from working with foreign contractors that discriminate against their workers.

Over the past few decades, Congress and the American people have made great strides to ensure that all Americans—no matter what their beliefs, gender, or color—are free from discrimination in the workplace. It is only consistent, I would suggest, that we apply those same standards to foreign companies seeking to do business with our country. Simply put, U.S. tax dollars should not be used to subsidize discrimination anywhere in the world. As long as our Nation remains committed to the notion of workplace democracy, and as long as we continue to associate ourselves with foreign businesses, we cannot disassociate ourselves from discriminatory employment practices abroad.

Mr. Chairman, a vote for the Kennedy amendment is a vote against subsidized discrimination abroad. It deserves our strong support.

Mr. KENNEDY. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. WHEAT].

Mr. WHEAT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in favor of the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

This amendment is a simple, straightforward effort that asks that the DOD conduct business only with companies which do not discriminate in employment practices. While discrimination here in the United States is against the law, for too long, we have chosen to look the other way while the DOD subsidizes discrimination abroad through the awarding of DOD contracts to companies that routinely trample on human rights.

There is an ironic contradiction to this practice. In effect, when the DOD awards such contracts, it makes a mockery of the very values of freedom, justice, and respect for human rights which the DOD was created to defend in the first place.

I do not support heavy-handed U.S. efforts to intervene in the internal affairs of other countries, and this amendment clearly does not require intervention. It affects only those corporations that voluntarily choose to bid on contracts with the DOD. Clearly, that's our money, and that's our business, not theirs. We should hold those corporations to the same standards we hold American corporations.

Mr. Chairman, this amendment makes a powerful statement about American values. Very simply, it requires they be upheld.

Mr. KENNEDY. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BUSTAMANTE].

☐ 1550

Mr. BUSTAMANTE. Mr. Chairman, I rise in support of an amendment offered by the gentleman from Massachusetts [Mr. KENNEDY]. The amendment prohibits the Defense Department from doing business with companies that discriminate in their employment practices. What this amendment seeks is fairness in the procurement processes within the Department of Defense. By prohibiting the awarding of defense contracts to corporations, foreign or domestic, that discriminate against workers in foreign countries where the contracts are performed, the United States is ensuring that U.S. tax dollars are not used to subsidize discrimination anywhere in the world. As a Hispanic, I am appreciative of the effects of discrimination. The amendment contains safeguards that will protect national security by exempting goods or services that are not reasonably available from another contractor and are essential to the Defense Department. Mr. Chairman, I ask my colleagues in the House to support this amendment.

Mr. KENNEDY. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Chairman, I rise in support of the amendment offered by the gentlemen from Massachusetts [Mr. Kennedy]. I believe it is a reasonable proposal that simply brings fairness to our Department of Defense contract award process.

We have devoted much time, much effort and in fact, many lives to fighting discrimination in the United States. It is only appropriate therefore, that we be consistent in that struggle and demand that when it comes to the expenditure of hard earned tax dollars, that they too be used in a nondiscriminatory manner. No Member of this institution condones discrimination and neither does the vast majority of the American public. Therefore, it is only right that our official Government policies be consistent and reflect that position.

The Kennedy amendment is carefully drafted so as not to jeopardize our national security nor the security of our allies. It does however, impose a harsh penalty, and that penalty being contract denial, on those companies which are found to blatantly discriminate in their hiring practices. While I would personally prefer an even stronger criteria on which to base denial of contracts, such as subjecting foreign companies to U.S. labor laws, the Kennedy amendment would not subject foreign companies to U.S. labor law.

If the U.S. Government is to be consistent in advocating freedom and democracy both at home and abroad, the Kennedy amendment certainly is consistent in that stance and in my judgment, furthers our goal of true freedom for all the world's people.

I urge my colleagues on both sides of the aisle to vote in favor of this modest but worthwhile amendment.

Mr. KENNEDY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. Mavroules].

Mr. MAVROULES. I thank the gentleman for yielding.

Mr. Chairman, very simply I stand in support of the amendment put forth by the gentleman from Massachusetts [Mr. Kennedy] as perfected by the gentleman from Oklahoma [Mr. McCurdy].

Quite frankly, all the arguments put forth are very solid, very objective, and in my view an amendment long, long overdue. Because many of us travel, Mr. Chairman, we see firsthand some of the conditions which Mr. Kennedy has referred to.

Therefore, I stand and give the gentleman my full support on his amendment. I am strongly in favor of it. I thank the gentleman for having the foresight to bring this amendment to the floor.

Mr. KENNEDY. Mr. Chairman, I yield my final minute to the gentleman from Indiana [Mr. McCloskey].

Mr. McCLOSKEY. I thank the gentleman for yielding.

Mr. Chairman, I would like to say very briefly that with Mr. Kennedy's positive approach and Mr. McCurdy's commonsense modification, if you will, I think this amendment just stands for common sense and justice. It is somewhat ironic and I think a very negative sign that our defense money should be used to subsidize discrimination overseas such as Mr. Kennedy recently found in his overseas travels.

I commend the gentleman from Massachusetts [Mr. Kennedy] very much for offering this amendment and thank the gentleman from Oklahoma [Mr. McCurdy] for perfecting it.

Mr. Chairman, I urge strong support of the amendment.

Mr. BORSKI. Mr. Chairman, I rise in support of the amendment offered by Congressman Kennedy. I commend the Congressman from Massachusetts for his leadership in the fight for human rights and equal employment opportunities.

This amendment prohibits the Defense Department from awarding a contract to any foreign defense contractor if the Department's inspector general determines that the contractor would be in violation of any U.S. antidiscriminatory law. The company is innocent until proven guilty.

A company determined to be guilty of discrimination may become eligible for contracts again when the inspector general certifies that the company is in compliance.

The Kennedy amendment, however, does not impose U.S. law on foreign corporations. Only those companies that choose to bid on contracts with the Department of Defense will be affected.

Also affected under the amendment would be only those contractors and subcontractors who perform a substantial portion of the work under the DOD contract; and only those contracts over $100,000 or substantially performed in the United States.

Absent from the amendment are civil damages and criminal penalties.

The Kennedy amendment simply forbids the use of U.S. tax dollars to subsidize discrimination anywhere in the world.

For more than 200 years we have struggled to eliminate discrimination and to provide justice and equal opportunity for all citizens.

Yet around the world, employers routinely discriminate against people because of their political views, religious beliefs, gender or skin color. When the Government of the United States awards contracts to these firms, our country condones and subsidizes the sins that we have tried so long and so hard to correct.

Mr. Chairman, employment discrimination is wrong, whether it occurs in the United States, South Africa, the Soviet Union, or Northern Ireland. I urge all of my colleagues to stand up for human rights and justice, and join me in support of the Kennedy amendment.

Mr. DICKINSON. Mr. Chairman, I have no further requests for time and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. Gray of Illinois). The question is on the amendment offered by the gentleman from Massachusetts [Mr. Kennedy], as amended.

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 365, noes 50, answered "present" 0, not voting 16, as follows:

[Roll No. 95]

AYES—365

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Baker
Ballenger
Bartlett
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Burton
Bustamante
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Hoyer
Hubbard
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Mack
MacKay
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Montgomery

Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Rahall
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stratton
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOES—50

Archer
Armey
Badham
Barnard
Barton
Bateman
Bunning
Byron
Cheney
Clinger
Combest
Craig
Crane
Dannemeyer
DeLay
Dickinson
Dornan (CA)
Dreier
Fawell
Fields
Foley
Frenzel
Gibbons
Hammerschmidt
Hansen
Herger
Houghton
Huckaby
Hunter
Kyl
Leath (TX)
Livingston
Lukens, Donald
Lungren
Marlenee
McCandless
Mollohan
Nielson
Oxley
Packard
Quillen
Shaw
Shumway
Shuster
Smith (NE)
Smith, Robert (NH)
Stangeland
Stump
Taylor
Thomas (CA)

NOT VOTING—16

Biaggi
Boulter
Crockett
Daub
Duncan
Dyson
Foglietta
Kemp
Latta
Mica
Moody
Oakar
Ray
Smith, Denny (OR)
St Germain
Stokes

□ 1612

Messrs. HUNTER, SHAW, and DORNAN of California changed their votes from "aye" to "no".

Messrs. CALLAHAN, MOLINARI, SKEEN, LIPINSKI, RANGEL, and NAGLE changed their votes from "no" to "aye."

So the amendment as amended, was agreed to.

The CHAIRMAN pro tempore (Mr. Gray of Illinois). Under the rule, amendment No. 30 to be offered by the gentleman from New York [Mr. LaFalce] is now in order.

AMENDMENT OFFERED BY MR. LA FALCE

Mr. LaFalce. Mr. Chairman, I offer an amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LaFalce: On page 131, strike out line 18 and all that follows through page 132, line 7.

The CHAIRMAN pro tempore. Under the rule, the gentleman from New York [Mr. LaFalce] will be recognized for 15 minutes, and a Member in opposition will be recognized for 15 minutes.

□ 1615

Mr. LaFALCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman. The amendment offered by myself and my colleagues, Mr. Cooper and Mr. McDade, would strike section 808 from the bill.

Section 808 infringes upon small business programs established under the Small Business Act by effectively prohibiting small business set-asides and section 8(a) awards to disadvantaged small business concerns for any clothing and textile contract awarded by the military having an anticipated value of over $100,000. These small business set-aside programs are the primary mechanisms established by Congress for encouraging the utilization of small business concern in Federal procurement activities. Fully half of all procurement contracts awarded to small business are awarded through the set-aside procurement method. In fiscal year 1987, $570 million in clothing contracts were awarded under the small business set-aside and 8(a) program alone. The vast majority of these contracts were for amounts in excess of $100,000. If this provision is not striken from the bill the set-aside program will come to an end in this industry and there could be massive dislocation of workers throughout many States.

Section 808 was motivated by a desire to decrease the percentage of set-asides in Government purchases of clothing and textiles, and increase the portion of such purchases available for unrestricted industry competition. There are a number of alternatives available for dealing with the concentration of set-asides in certain markets. Dollar caps, however, appear to be most objectionable. While this methodology would free portions of the market for competition among firms of all sizes it would not serve the interests of smaller firms and would actually militate against achieving many of the national objectives of the set-aside program.

Imposition of a dollar cap would allow the larger small firms to dominate the set-aside market. This would drive the smaller firms out of business and lead to increased concentration in the market.

In addition, the dollar cap methodology is not likely to produce the sheltered effect needed to attract new entrants and to encourage the truly small firms to stay in the market. Newer and smaller firms would find the set-aside market of little benefit. Caps, therefore, would work against the set-aside objective of creating a sheltered market where new firms can enter and build their productive capacity.

Testimony presented to the Committee on Small Business in recent hearings leads us to conclude that while market share would be affected, dollar thresholds would likely lead to domination in the set-aside market, discourage new market entrants, and hurt the truly small and minority businesses now selling to the Government.

An attempt was made by the Armed Services Committee in last year's Defense authorization bill to impose a similar dollar threshold on the size of clothing and textile contracts that could be set aside for small businesses. The amendment was withdrawn by Chairman Aspin when he was advised that the Parliamentarian was favorably disposed to granting my committee's request for a sequential referral.

Recognizing that there may be a problem in this area, a commitment was made to Mrs. Byron, the author of section 808, that if she introduced a bill that would be properly referred to the Small Business Committee, we would hold hearings and attempt to resolve the problem.

Pursuant to that commitment, Mrs. Byron introduced H.R. 2703 which would afford the relief she is seeking. H.R. 2703 was referred to the Small Business Committee, and 3 days of full committee hearings were held on March 22, 23, and 24, 1988, to address H.R. 2703 and related-size standard issues. Mrs. Byron and three other Members appeared and testified at those hearings. As a result of our hearings, and in furtherance of its jurisdictional responsibilities, the Small Business Committee is proceeding in good faith to address and resolve the problem. At a full committee meeting held last Thursday, April 28, the Small Business Committee ordered favorably reported H.R. 4174—a bill reauthorizing SBA and providing for substantial reform of the set-aside program in the clothing and textile industry.

Section 808 was drafted in such a way, this year, so as to technically avoid a sequential referral even though this parlimentary maneuver has resulted in proposing a method of controlling set-asides that will be devasting to smaller firms. A dollar cap on the purchases of clothing, if enacted, would result in severe economic dislocation in many areas of the country and cause substantial harm to numerous small and minority business concerns.

In conclusion, Mr. Chairman, I am firmly opposed to the concept of dollar limitations on set-asides for the reason that such limitations prevent the program from achieving its goals and purposes. The harm caused by allowing dollar limitations to be set in relation to this one industry category, clothing and textiles, would have a damaging affect on the set-aside program, small businesses, and the common good.

I urge my colleagues to support our amendment and to permit the Small Business Committee to bring to the floor a more reasoned approach in a far more appropriate legislative vehicle.

The CHAIRMAN pro tempore. Does a Member desire to speak in opposition to the amendment?

Mrs. BYRON. Mr. Chairman, I rise to speak in opposition to the amendment.

The CHAIRMAN pro tempore. The gentlewoman from Maryland [Mrs. BYRON] is recognized for 15 minutes.

Mrs. BYRON. Mr. Chairman, I would like to engage in a colloquy with the chairman of the Small Business Committee.

Let me first of all say that the amendment the gentleman wishes to strike is an amendment I worked on last year once again this year. Because virtually all contracts are set aside for small business and if a company is not small, it is not eligible even to bid on a DOD contract.

The chairman last year with our discussion stated that he would look at it and would report out a bill this year in the small business authorization with this amendment in it, which he did last week. I expect that to arrive on the floor soon.

I believe the Senate is working on a small business authorization bill. I am not familiar with their timetable of it.

If the issue is turned over to the Small Business Committee and they fail to pass a bill out this year, can I get some assurance that the chairman will once again next year look at it, as we did last year?

The thing that I find very difficult is the subterfuge that has been found in companies splitting into five different categories to maintain their small business status, due to the indictment of several companies for fraudulently representing themselves as small business, we have a shortfall in the uniform area. I think when I testified before the gentleman's subcommittee, I was describing several scenarios whereby the military had a shortfall in raincoats and other clothing for our military at a time when they are needed.

I think we all understand, first of all, what is in our districts and we understand that the best. I have a company in my district that has three plants. Those plants in my district are all small and come under this category. One of them employs 250, another about 125, another 100. Those people in those plants as far as they are concerned are a small business, but because they are owned by a large company they are precluded from bidding on DOD contracts, and yet DOD has said that in their area there is a need.

I think we all have agreed that there is a problem with respect to clothing and textiles. I think we have reached an agreement on a solution. The only unresolved issue is what legislative vehicle that we should use.

The chairman and I disagree. He feels that it should be resolved as part of the Small Business Authorization Act and has reported a bill from his committee.

I disagree with this, and since the Parliamentarian has said that my amendment was germane to the Defense authorization bill, that amendment was presented and is now incorporated into that bill.

What I would like for the chairman is to hope that they will be successful in resolving this with his small business authorization this year, and if they are unsuccessful in reaching that goal, I hope that in all fairness the gentleman will not oppose my amendment next year if it is authorized to the DOD Act next year.

Mr. LAFALCE. Mr. Chairman, will the gentlewoman yield?

Mrs. BYRON. I yield to the gentleman from New York.

Mr. LAFALCE. Well, Mr. Chairman, I have difficulties with section 808 both procedurally and substantively. I think it is the most objectionable way to proceed.

I oppose philosophically the whole concept of dollar caps.

I am also cognizant, however, of the problem within the clothing and textile industry, at least as perceived by the gentlewoman from Maryland. That is why we have attempted through the Small Business Committee to deal with the gentlewoman's problem. I think that working in concert with other Congressmen from affected districts, affected from a different perspective than that of the gentlewoman, such as the gentleman from Tennessee [Mr. COOPER], working with the ranking minority member, the gentleman from Pennsylvania [Mr. MCDADE], we have been able to come up with what we think is the basis for a compromise. We reported that out. I hope it will pass the floor of the House of Representatives. I hope it will survive the conference.

I pledge to the gentlewoman that if it does not, that I will have the Small Business Committee again try in the future to work it out.

I think it is going to be successful. I do not think we are going to have a problem either on the floor of the House or with the Senate in conference.

While I hate to speculate about next year, I could not go along with this particular amendment next year, either, if we were unsucessful in the Small Business Committee, because I am opposed to the concept of caps, period. However, I am for addressing the problem of concentration and will work with the gentlewoman toward that end.

Mrs. BYRON. Well, as the gentleman knows, the Parliamentarian did not refer the amendment to the Small Business Committee, but rather to the Armed Services Committee.

So our feeling on my side that it is germane to the DOD bill.

Mr. BADHAM. Mr. Chairman, will the gentlewoman yield?

Mrs. BYRON. I yield to the gentleman from California.

Mr. BADHAM. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, as the gentlewoman has suggested, we have had this same argument before us in the past. We on the Armed Services Committee have waited and waited for the Small Business Committee, whom we respect and we respect its chairman, our good friend, to do something, and nothing has happened.

So we have a situation now where there are a substantial number of businesses who ordinarily would qualify to bid on these kinds of textile and clothing bids, but cannot because they are judged, for some reason, not to be small business.

The chairman in the agreement that we had last year promised to hold hearings and has proposed language in an authorization bill to address this issue, but the bill is discretionary that has come out of the gentleman's committee, and it only gives an admonition to the CBA to try to look at the problem.

So I think it is unfortunate that we have these kinds of problems that go on. This is another example, therefore, of a jurisdictional dispute that allows the micromanagement of defense, precluding in many cases reponsible qualified bidders from bidding on something that is going to try to save defense dollars. I just wanted to register that objection on this part of the aisle.

Mr. LAFALCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. MCDADE].

Mr. MCDADE. Mr. Chairman, I want to associate myself with the comments made by the gentleman from New York.

The idea of trying to control this problem with a dollar cap is substantively totally wrong. I do not think that any of us should be disabused of the notion that were we to permit the bill to proceed with this language in it, there would be 140 small businesses in 31 States put out of the business of bidding on defense contracts in the morning.

□ 1630

That is the result that none of us want to see. That is the reason that the Committee on Small Business has marked up, and has reported a new authorization bill which we will bring to the floor which will deal with this problem.

There are always people on both sides of this issue back and forth constantly examining it. It ought to be examined but it ought not be attempted to be dealt with by a dollar cap which will disadvantage small businesses all over the Nation.

Mr. Chairman, I urge support for the amendment offered by the gentleman from New York [Mr. LaFalce].

Mr. LaFALCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. Cooper].

Mr. COOPER. Mr. Chairman, I urge my colleagues to cast what I consider to be one of the easiest yes votes that we will certainly be able to cast in this Congress, a vote on the LaFalce-McDade-Cooper amendment. This is true because the fixed dollar cap is an idea that in my opinion is deeply flawed. As the DSG report itself states on amendment 30, section 808 of the bill in effect precludes small business setasides and the award of contracts to minority businesses under the Small Business Act.

Let me repeat that, the current section of the Defense authorization bill, section 808, in effect precludes small business setasides and the award of contracts to minority businesses under the Small Business Act.

What we are talking about here is a radical change in policy that I do not feel most any Member of this House could possibly agree with. The fixed dollar cap idea is a deeply flawed concept. We are trying to address in the Committee on Small Business a better solution to the problem.

We have appreciated the help of our colleagues on the Committee on Armed Services to try to help us solve this problem. There is a better way to do it. I urge my colleagues to support the bill that will be coming to the floor soon, H.R. 4174, the small business authorization bill, which will have a reasoned and careful solution to this problem.

Mrs. BYRON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. LaFALCE. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. Conyers].

Mr. CONYERS. Mr. Chairman, I thank the gentleman from New York [Mr. LaFalce], the chairman of the Committee on Small Business, for yielding me this time. I just want to weigh in on behalf of the minority small business concerns that will also be affected. The truth of the matter is that were we not striking this section, it would do great harm to the set-aside concept. Ironically, it would hurt even the smaller businesses that would be brought in under the cap and it would do harm to the businesses that might be growing under our set-asides in 8(a) if they were to be precluded at this rather small amount. The discussion that has been going on here between the authors of this amendment to strike are excellent. I support the reasoning.

Mr. Chairman, I thank the gentleman from New York [Mr. LaFalce], the chairman of the Committee on Small Business, for bringing this motion to strike to the Defense Authorization Act.

Mr. LaFALCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to make two points in closing. In response to the gentleman from California [Mr. Badham], let me say that from the day that we entered into an agreement with respect to the appropriations provision which put section 921 of the previous Congress' DOD bill on hold until May 31, the Committee on Small Business has acted in concert with interested Members from the Committee on Armed Services and other committees, and has acted with the utmost dispatch. The very first opportunity we could act was in the small business authorization bill and we have acted in a manner that I think is generally acceptable to all.

The second point is if my amendment should fail, if section 808 of the bill should remain within the bill, we would effectively take $500 million of contracts that are going to small businesses and minority businesses, and give it to big businesses. That is why the amendment should be passed overwhelmingly.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. Gray of Illinois). The question is on the amendment offered by the gentleman from New York [Mr. LaFalce].

The amendment was agreed to.

The CHAIRMAN pro tempore. Pursuant to the notice provided by the chairman of the Committee on Armed Services earlier today under paragraph 6 of section 2 of House Resolution 436, and pursuant to the unanimous-consent request of Friday, April 29, 1988, it is now in order to debate the amendment relating to limitations on the Coast Guard in the Persian Gulf for 40 minutes, equally divided by the proponent of the amendment and a Member opposed thereto.

AMENDMENT OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Aspin: On page 74, after line 9, insert the following new section:

"SEC. 353. PROHIBITION ON THE USE OF COAST GUARD RESOURCES IN THE PERSIAN GULF.

"That notwithstanding any other law, the Secretary of the department in which the Coast Guard is operating shall not use or authorize the use of any vessels, assets, personnel, or other resources of the Coast Guard to carry out any activities in the Persian Gulf region other than activities which were carried out with such resources in such region during the 1-year period ending April 26, 1988."

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. Aspin] is recognized for 20 minutes.

Mr. ASPIN. Mr. Chairman, I yield such time as he may consume to the gentlemen from Florida [Mr. Pepper].

Mr. PEPPER. Mr. Chairman, I thank the gentleman from Wisconsin, the chairman of the Committee on Armed Services, for yielding me this time.

By way of preliminary statement I would like to begin by yielding briefly to the gentleman from Washington [Mr. Lowry].

Mr. LOWRY of Washington. Mr. Chairman, I appreciate the gentleman from Florida [Mr. Pepper], the chairman of the Committee on Rules, for yielding, and for his outstanding leadership on bringing this to a very satisfactory situation concerning the subject before us.

The subject of the amendment, the Pepper-Lowry amendment, was to direct that the Coast Guard not be deployed to the Persian Gulf for activities in the Persian Gulf. This amendment came about of course because we had received information that the administration was considering deploying six 110-foot Coast Guard patrol boats to the Persian Gulf. We felt that Congress had intended as the first priority that those patrol boats be used for service here in drug enforcement, interdiction, fisheries enforcement, and things of that order. Our amendment was to direct the administration not to go ahead with the deployment of these vessels to the Persian Gulf.

We subsequently received, and the leadership on both sides of the aisle received yesterday from the Secretary of Defense notification that the Secretary had taken under consideration the proposal and had decided not to request the deployment of the six Coast Guard patrol boats to the Persian Gulf.

Mr. Chairman, I rise to commend the Secretary of Defense for making that decision and to ask the gentleman from Wisconsin, the chairman of the Committee on Armed Services, if it is his understanding that the planned deployment of the Coast Guard patrol boats will not go forward and that the Secretary of Defense has communicated to Congress and to him specifically that any future consideration of such a deployment would only be taken after very due notice to Congress so that we would have a chance to act.

Mr. ASPIN. Mr. Chairman, the gentleman is correct about that matter. I received a letter from the Secretary of Defense in that regard and it is my intention to include that letter in the RECORD when we go back into the House.

Let me read the relevant paragraph that addresses the concern that the gentleman from Washington expresses concerning due notice if the policy should change.

It says:

> In light of these questions and concerns I have decided not to request a deployment of Coast Guard ships to the Persian Gulf at this time. Over the next several months we will further review our force structure in the area. In the event that it is determined, at some time in the future, that Coast Guard forces are necessary to our policy and goals in the Persian Gulf, I can assure you that I will again consult with Congress before a decision is made.

Mr. LOWRY of Washington. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Washington.

Mr. LOWRY of Washington. Mr. Chairman, I thank the gentleman from Wisconsin for reading that into the RECORD. Again I would like to ask the gentleman from Wisconsin if he takes that as saying that that would definitely give us a chance to participate within that decision and if Congress did not think that decision was the right thing to be done that we would have ample chance to modify that decision?

Mr. ASPIN. I believe that this does not say anything about how much time before the decision would be changed that they would consult, but I do think that our relations with the Secretary of Defense, Mr. Carlucci, on a number of issues have shown him to be an honorable man and I think that he is showing by this letter that he wants to cooperate. I feel this does give us the assurance that we need.

Mr. LOWRY of Washington. If the gentleman will yield further, that is certainly the feeling that I have from that communication. I do again want to commend the Secretary of Defense for this communication, and I wish to thank the gentleman from Florida [Mr. PEPPER] the chairman of the Committee on Rules for his outstanding leadership on this issue.

Mr. PEPPER. Mr. Chairman, this matter concerned us very much when we first received information that six cutters from the Coast Guard were to be transferred to the Persian Gulf. That came on the heels of the Congress already having cut $100 million from the Coast Guard budget which according to the Commandant of the Coast Guard, Admiral Yost, had already reduced a large portion of their service by 55 percent. In addition to that, that cut had already reduced their ability to serve rescue missions on the high seas. So we were very much concerned that these six Coast Guard cutters were to be transferred out of the Caribbean away from the Miami area where they were doing such a fine job in interdicting the drugs that are flowing in such great volume into our country. I want to commend the distinguished gentleman from Florida [Mr. HUTTO] for calling a meeting where we had an expression from the membership of this House expressing very strong opposition to this proposed transfer.

We had wondered why some of these countries whose oil we are protecting, and whose oil we are escorting, why they could not furnish cutters, why some of our allies who have now come into this operation with us, why they could not afford cutters to the effort rather than taking away those that are so critically employed in our country in this devastating drug traffic that is pouring with such devastating effect into our country. Since we have the assurance from the distinguished chairman of the Committee on Armed Services, which in turn comes from the Department of Defense, that if they ever change their mind and decide to transfer these cutters that Congress will be notified amply in advance so that we may take such action as the Congress might choose to take to prevent such a transfer. I am prepared, after we hear what discussions others may wish to engage in, to offer a unanimous-consent motion in light of that.

Mr. HUTTO. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Florida.

Mr. HUTTO. Mr. Chairman, I appreciate the gentleman from Wisconsin yielding.

Mr. BADHAM. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. Will the gentleman from Wisconsin [Mr. ASPIN] yield to the gentleman from California [Mr. BADHAM] for a parliamentary inquiry?

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from California.

PARLIAMENTARY INQUIRY

Mr. BADHAM. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. BADHAM. Mr. Chairman, we have an amendment before us. How much time remains for the proponents?

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. ASPIN] has 14 minutes remaining, and it is the intent of the Chair to recognize the gentleman from California [Mr. BADHAM] in opposition to the amendment for 20 minutes.

Mr. BADHAM. I thank the Chairman.

Mr. ASPIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, I appreciate very much the distinguished gentleman from Wisconsin yielding, and I want to thank him and the distinguished gentleman from Florida [Mr. PEPPER], the chairman of the Committee on Rules, and the gentleman from Washington [Mr. LOWRY], and all who have worked on this issue. As chairman of the Subcommittee on Coast Guard and Navigation as well as being a member of the Committee on Armed Services, I have been deeply involved in this matter, and when the Commandant of the Coast Guard, Admiral Yost, mentioned to me that this was under consideration a number of days ago, I expressed hesitancy because of the fact that the Coast Guard is strapped in its funding and we are having to do all we can to piece together every piece of equipment to fight the war on drugs.

□ 1645

At the same time I said to him that if it is a matter of greater national security and if we can provide for a continuation of the war on drugs, then perhaps something can be worked out. Then as Mr. PEPPER mentioned I asked for a briefing which we had with not only members of the Subcommittee on Coast Guard and Navigation of the Committee on Merchant Marine and Fisheries, but the distinguished gentleman from Florida [Mr. PEPPER] as well as members of the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Armed Services. We had a very good meeting with Commandant Yost and also a representative of the JCS and talked about the problem, and at that time a great number of Members expressed their opposition to sending these 110-foot Island-class patrol boats to the Persian Gulf. There was a feeling, I think, that we wanted to do what was right if they were actually needed.

I am very pleased that the Secretary of Defense has acceded to our wishes on this matter, and I am sure that he took all of this into consideration.

I would like to take this moment to say that we have got to do something about funding the Coast Guard as was mentioned. We had a $103 million shortfall last year. It would have been more without the defense appropriations helping us, and Admiral Yost had to cut some facilities. If we do not get some help, there will be further cuts. I am asking for, and I appreciate the Subcommittee on Transportation of the Committee on Appropriations approving last week a $60 million reprogramming so that in this fiscal year we can get the Coast Guard back on its feet running regular patrols, and if we can get the Committee on Appropriations and all the Congress to go along on our request for fiscal year 1989, the Coast Guard will be able to resume patrols which have been cut by 55 percent.

They will not be able to open facilities closed, but we can at least get back to the war on drugs and doing all the other missions that the Coast Guard is called upon to do.

In closing, I want to say that the Coast Guard is a service. It is not in the Defense Department, but it is a service like the Army, Air Force, Navy, and Marine Corps, and they do a fine job for the United States of America, and they were willing and ready to go to the Persian Gulf and do whatever is asked of them.

I want to say also that I have written to Secretary Carlucci asking him to notify Congress early on in the process if and when they consider again using Coast Guard assets for the war in the Persian Gulf and, likewise, ask the Commandant of the Coast Guard to have a contingency plan so we can minimize as to any of the regular duties of the Coast Guard, particularly our efforts to conduct the war on drugs.

Mr. ASPIN. Mr. Chairman, I would like to commend both gentlemen from Florida [Mr. PEPPER and Mr. HUTTO] and the gentleman from Washington [Mr. LOWRY] for their interest in this issue and for their vigilance on it.

I think the Secretary of Defense has done the obvious thing, because I think had the Lowry-Pepper amendment come to the floor, it would have passed overwhelmingly, and I am glad to see that the Secretary took the action that he did.

I yield to the gentleman from Florida [Mr. PEPPER].

Mr. PEPPER. Mr. Chairman, under the rule, we are entitled to 20 minutes and the minority is entitled to 20 minutes. If the minority wishes to exercise its 20 minutes, I will defer asking unanimous consent to withdraw this amendment. If they do not wish to make any statement, I will make the motion now.

Mr. ASPIN. We are at the end of our discussion.

The CHAIRMAN pro tempore. The Chair would state that as long as the gentleman from Wisconsin has the floor or does not reserve his time, the Chair cannot recognize the gentleman. As soon as the gentleman from Wisconsin reserves his time, the Chair can recognize the minority for 20 minutes.

Mr. ASPIN. Mr. Chairman, I reserve the balance of our time.

I point out that we are going to withdraw the amendment.

The CHAIRMAN pro tempore. The gentleman from California [Mr. BADHAM] is recognized for 20 minutes.

Mr. BADHAM. Mr. Chairman, I am well aware of what is going on here, and I think the Members of the House ought to be well aware of what is going on here, too.

I would just like to say a few things about this procedure and about this particular amendment, and that is that we are discussing the Coast Guard here, and we are discussing drug enforcement, and when we are discussing the Coast Guard, I think it should be pointed out that this is not the Coast Guard bill. This is the Department of Defense authorization bill, and there is nothing in there about Coast Guard. That is point No. 1.

Point No. 2 is the subject has been brought up of antidrug enforcement, and the war on drugs, and now we have the Coast Guard interjected by an amendment here before us into the DOD authorization bill. I think it just ought to be pointed out that we have a situation here where no other drug amendments were allowed in the DOD bill, no amendments were allowed to be made in order under the rule by the Committee on Rules to fight drugs, using the military assets of the United States of America until now, somehow, we have a Coast Guard authorization bill right in here in this bill.

What does this amendment do? This amendment says that we cannot send Coast Guard cutters to the Persian Gulf. Well now, that sounds like a logical thing to do. How did it get here? How did this amendment get to the floor? We had a cutoff date of Thursday, whatever it was of April, or maybe it was March, that no amendment would be allowed to be considered on the floor as in order if it had not been submitted to the Committee on Rules by 5 o'clock on one Thursday afternoon about 2 weeks ago.

Every Member on this floor ought to know that this amendment got to the Committee on Rules after the deadline was passed. This amendment here before us today is here illegally, and it has to do with something that is not in the bill—the Coast Guard. It has something to do with something that is not even allowed by the Committee on Rules to be discussed, and that is drug enforcement.

There are just a few more things about this, and that is that when we talk about micromanagement of the Defense Department, my colleagues on both sides of the aisle, when we talk about micromanagement of the Department of Defense, let me tell you how micro this gets. This amendment which came illegally and late to the Committee on Rules was offered because a rumor had been heard that the Defense Department was considering sending some Coast Guard cutters to the Persian Gulf. I doubt very much that that would have ever happened, but when we talk about the admirals and generals here on this floor, on a rumor that the Secretary of Defense was thinking about sending Coast Guard cutters to the Persian Gulf, the generals and admirals on this floor took an amendment forthwith to the Committee on Rules of this body and said, "Don't even think about sending Coast Guard cutters to the Persian Gulf." Talk about micromanagement.

We have Coast Guard authorization on an amendment to the defense bill that was untimely and late, to cover a rumor that the Defense Department was thinking about sending some Coast Guard cutters to the Persian Gulf.

Mr. LOWRY of Washington. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I would be happy to yield to the gentleman from Washington.

Mr. LOWRY of Washington. Mr. Chairman, what the gentleman calls a rumor is when the Department of Defense came up to the leadership and told them they were considering this. That was not a rumor. The Department of Defense came up and met with the leadership.

Mr. BADHAM. Reclaiming my time, it was not a rumor, and I will give the gentleman that. The Department of Defense said that they were going to consider sending some Coast Guard cutters to the Persian Gulf. So that is the time for the generals and admirals in civilian clothes on the floor of the House of Representatives to act.

Mr. LOWRY of Washington. Will the gentleman yield?

Mr. BADHAM. I would be happy to yield.

Mr. LOWRY of Washington. Mr. Chairman, if we thought it was the will of Congress that those six Coast Guard patrol boats not go to the Persian Gulf and the Department of Defense had told us along with the Commandant of the Coast Guard that they were definitely considering to do so, it does seem a very likely time to do it before they sent them.

Mr. BADHAM. What about drugs? The gentleman does not know what else the Department of Defense is considering. The gentleman from Washington and his colleagues over there had ample time to discuss anything the Department of Defense Secretary might have been considering, but that I think to go to the Committee on Rules and get an illegal, late amendment in just because they are critical of something that the Department of Defense has announced it was thinking about is a bit much even for the micromanagement of this body.

I will yield to the gentleman.

□ 1655

Mr. BADHAM. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. Davis].

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I will try to be brief. It just seems to me, I would say to our colleagues on the other side who are offering the amendment and then going to not offer the amendment, that the comments of the gentleman from California [Mr. Badham] are very well taken about the spurious way in which this amendment came to the floor and now the spurious way in which it is going off the floor. I admit to being a freshman, and I admit to being born at night, but I was not born last night.

So I said to myself, gee, what a dumb thing we did, because the history of the errors is when my leader, the gentleman from Wisconsin [Mr. Aspin] rose last Friday to move this amendment from section 3 to section 2, to an unamendable section of the rule, then we really shot ourselves in the foot over here because it was our intention, at least mine, to ponder and to consider, and having so done the gentleman from California [Mr. Hunter] has reoffered his amendment on authorizing the military to participate in drug interdiction, something that 90 percent of the people in these United States want to see happen, and certainly those in my district do. The gentleman from California [Mr. Hunter] has offered that amendment as a perfecting amendment to the Pepper-Lowry amendment, and now we find out, by golly, because we did not object last Friday to the unanimous consent request by the gentleman from Wisconsin [Mr. Aspin] when the gentleman from Ohio [Mr. Kasich] questioned him as well as others at length, that we cannot really amend that unless I would ask for a unanimous-consent request to do that now and to hear the Pepper-Lowry amendment and the Hunter amendment for the Department of Defense at this time.

So then I would, Mr. Chairman, if I could, I would ask a unanimous consent request, but because as a freshman I had to inquire, I cannot do that because we have to be in the full House, and I doubt that the gentleman from Wisconsin [Mr. Aspin] the chairman of the committee, will ask to rise so that I can make that request.

So it appears as if we are not on this amendment going to get a rollcall, on a Republican amendment of the gentleman from California [Mr. Hunter] and the gentleman from Arkansas [Mr. Robinson], a Democrat, and myself on bringing the military into play to stop 10,000 flights a year from crossing the border of America on the south. And we did not interdict a one last year, or the year before or the year before that that have brought in in the last year alone, Mr. Chairman, 500,000 pounds of cocaine, unchallenged on our southern borders when it is very simple to stop it all. We put the military in place in concentric circles with AWACS. I was a CIC Airborne officer. I understand that. We cannot do it unless the gentlemen will let us do it on the other side.

Will you ask to rise, Mr. Chairman? Will we then ask Mr. Speaker for unanimous consent to hear the Hunter amendment to the Pepper amendment? We will gladly call the Coast Guard back from the Persian Gulf on this side forever and involve them in the war on drugs as surely as we would the Air Force and the Army and the Navy on our southern borders in interdiction of the poison coming to our streets. Will you let us do that, Mr. Chairman? Will you let us do that, Mr. Chairman of the Rules Committee? We beg you now to allow us to do that.

I am terribly afraid the answer is no. The Hunter amendment probably will not be heard unless we can amend something a little later today, perhaps tomorrow.

Mr. BADHAM. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. Hunter].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding this time to me, and I thank the gentleman from Illinois [Mr. Davis] who has laid out the problem and the particular frustration that we have on our side of the aisle in being told that the Rules Committee made a rule, it could not be violated, it could not be excepted to, and because of that we have to continue to allow foreign aircraft to come in with a 98-percent success rate across the borders of the United States, bringing in in excess, as the gentleman from Illinois [Mr. Davis] said, of 500,000 pounds of cocaine a year causing KIA's, killed in action and WIA's, people who have been touched by the drug menace in this country every day. And we could not allow an amendment that has already passed this House to come up. And yet we see that an amendment was in fact filed, it was violative of the time and the designation of place that was given by the Rules Committee for amendments to be offered, to be made in order, and it appears to me that the Rules Committee and the majority on this particular bill have their priorities absolutely misplaced.

We have great need, everybody agrees, on using the military in the drug war. This House, the full House, has already voted and approved this amendment by a fairly overwhelming vote, and it is not allowed to be in order.

I would ask my colleague, the gentleman from Illinois [Mr. Davis], who is a cosponsor of this amendment, if he could give us any estimation of how many thousands of pounds of cocaine will come in between now and the time when another omnibus drug bill will be coming up on the House floor? Let us say it comes up in 3 months.

Mr. DAVIS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Chairman, I would say roughly if we can just use last year's figures, within the next 90 day period while we thrash around trying to get an omnibus drug bill that may or may not, or may not, ladies and gentlemen, come forth, while we are trying to do that, somewhere in the neighborhood of 135,000 pounds of cocaine will have come across the southern borders of the United States, unchallenged by anyone.

Mr. HUNTER. I thank the gentleman for his response.

The drug lords of Central America and Mexico have moved their drug operations up now along the border. They are operating out of dirt strips a few hundred miles south of the International Border, and they are able to pay very high prices to small aircraft operators who are making these hops across the international border.

Last year on the California-Mexico border of all the planes that come across, and they come across by the dozens weekly carrying cocaine, we caught precisely zero aircraft in the last 12 months using our Customs assets in an attempt to interdict this air traffic. It is only the military that has the capability of stopping these aircraft. Certainly our E-2C's and F-16's, and we have something like 1,400 of them in the United States, in the Reserve units and the National Guard units, and we only need a fraction of those, and our Blackhawk helicopters and our Huey helicopters we have are capable of interdicting this traffic, and yet we are not putting them to use. It appears to me now we are not putting them to use largely because of the sluggishness of this House, which apparently the majority Members do not want to cure by putting this particular amendment on this bill, where it is very appropriate, and that is this defense bill.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding because I think it is important to put in perspective what we heard the other day as this bill came to the floor. The reason we were given why the gentleman's amendment could not come up, and the antidrug amendment of the gentleman from Florida [Mr. Shaw] could not come up, we were told flatly that those are not going to be allowed to come up because they will come up later, we are going to deal with drugs later rather than sooner.

But now it seems to me what we have heard in the course of this debate is if you get somebody from our leadership being briefed in the House by somebody from DOD about the potential that the Coast Guard might be sent to the Persian Gulf, we act on that sooner rather than later. We immediately run out, we immediately draft an amendment, we violate the procedures of the Rules Committee and we bring that out to the floor. So on something of that nature, the majority finds that when we are dealing with the possibility of the Coast Guard going to the Persian Gulf, by golly we can deal with that sooner rather than later. But when it comes to interdicting drugs, and when it comes down to getting tough on drugs, then we have a different standard. Then it is later rather than sooner.

We are supposed to wait for a bill that may or may not come, as the gentleman from Illinois said. We are told that the majority leader himself is going to introduce that bill.

It seems to me that the American people have been waiting now for a number of years for the right kind of bill to be introduced, and we still do not have it. And what we have is an opportunity here to adopt an amendment that this House has adopted previously to bring the military into drug interdiction, and we are told later, not sooner, on that kind of an amendment. I think it is a travesty what we have been given here.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding. We should never as a body miss any opportunity. We know that there is somewhere in the bowels of this building people crafting an overall drug bill, but we should not as a policy of this body ever miss an opportunity to take a slap at illegal drug trade in this country, and there is no better swat that we can take, and it may be a lethal blow to the drug problem in this country by getting the military involved.

I know the gentleman from Florida [Mr. Pepper], the chairman of the Rules Committee, is very much dedicated to this proposition, and I do not challenge that whatsoever. But the only thing I challenge is that we should have included this facet of the drug bill in this particular bill. It is appropriate, it is quite germane, it has something to do with the military. The House on both sides of the aisle is overwhelmingly dedicated to the proposition of getting the military involved.

Not to do it is like saying go ahead, keep fighting with the bucket brigade; we are putting together this fine new fire engine. It just seems a shame that we have missed this opportunity.

Mr. BADHAM. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, I would just say that I think we have put in reasonable perspective just what we are doing over here. We are talking about the Coast Guard in the DOD bill and saying that they cannot be used in the Persian Gulf because they might be used to fight the drug traffic. But it cannot be done on that because that is not in order to do on this bill anyway.

So on the basis of something that the Secretary of Defense said he was thinking about doing, thinking about sending some Coast Guard cutters to where they maybe can do something in the Persian Gulf, and then he has decided not to because we have an amendment that was entered late, after the deadline, after the cutoff, entered late and now is here for discussion on this floor, and I understand it is not even going to be perhaps put to a vote because they got a letter, they got a letter from the Secretary of Defense and it said I am not going to send Coast Guard cutters, I am not going to consider further at the present time sending Coast Guard cutters to the Persian Gulf, and the next time I do that I will inform the Members of Congress, so we are right back to doing absolutely nothing except demonstrating once again that the majority of the Rules Committee can violate their own rules, can run roughshod over their own rules that prevents amendments being submitted after hours, that we cannot use the Coast Guard to fight the oil war in the Persian Gulf, and we cannot use it to fight drugs at home either because that is not in order either under the DOD bill.

I think that is a sad, sad commentary for the majority of this House and for this House.

I yield back the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr. Mavroules] as the designee of the gentleman from Wisconsin [Mr. Aspin] has 9 minutes remaining.

Mr. MAVROULES. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. Pepper].

Mr. PEPPER. Mr. Chairman, let me reply to my friends on the other side of the aisle who apparently had a good time in attacking the Rules Committee. We debated this matter here last Thursday when I explained in the presentation of the rule why we deferred allowing drug amendments to be inserted in this bill, except we did allow the distinguished chairman of the Armed Services Committee to offer an amendment increasing the amount of money available to the Department of Defense to carry on the war against drugs. That amendment is in the rule, and as I understand it, the distinguished chairman of the committee expects to exercise the authority in the rule granted him in that respect.

Second, the gentlemen have apparently enjoyed charging the Rules Committee with violating its own rules. They are erroneously assuming that the Rules Committee promulgated a firm rule that we would entertain no amendment filed after a certain time. That is not correct. We simply, in a "Dear Colleague" letter, said it was the expectation of the Rules Committee that we would not allow amendments that were offered to the Rules Committee after a certain date. But after we began to consider the rule and the date had passed, we found a large number of amendments that had been offered subsequent to the date we specified in the "Dear Colleague" letter. We considered those amendments, considered them meritorious and allowed about 20 amendments after the filing date that we said was the date of expectation with respect to our allowing additional amendments. About half of those amendments were sponsored by Members of the minority and about half by the Members of the majority.

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So we felt that that was the right decision to make. We allowed 20 amendments in addition to those that we previously offered that came into us after the date that we specified in the "Dear Colleague" letter where we set out our expectations.

Now the third thing: The gentlemen have said we were presumptuous in saying there was a danger, there was an intent on the part of the Defense Department to transfer these six cutters.

Now let me call your attention to the letter that the distinguished chairman of the Committee on Armed Services read to the House just a few minutes ago.

Hon. Les Aspin,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

Dear Les: One of the keystones of the continuing success of the U.S. policy in the Persian Gulf has been the cooperative attitude between the Executive and Legislative branches in the formulation of that policy. In that spirit I discussed over the last two weeks with you and other Congressional leaders planned policy changes. In those discussions and elsewhere significant questions were raised about the need for Coast Guard forces in the Persian Gulf, and about the potential harm to other Coast Guard missions from a diversion of ships to the Gulf.

In light of these questions and concerns I have decided not to request a deployment of Coast Guard ships to the Persian Gulf at this time. Over the next several months we will further review our force structure in the area. In the event that it is determined, at some time in the future, that Coast Guard forces are necessary to our policy and goals in the Persian Gulf, I can assure you that I will again consult with Congress before a decision is made.

Now there must have been some justification for the distinguished chairman of the Coast Guard subcommittee for calling a meeting of his colleagues to discuss the matter. He certainly had some indication from these discussions that it was planned on the part of the Defense Department to change their policy and send those Coast Guard cutters over there.

I daresay that the reaction of the Members of the House to that proposed change in policy led to the decision of the Department of Defense not to make that transfer.

So we were acting apparently upon a suspicion that appeared to be well-founded.

Now then, in view of the fact that the Defense Department has very graciously, in a spirit of cooperation with our Congress, announced that they will not carry out that change in policy, they might do it at some time in the future, but if they do, Congress will be notified in ample time for Congress to take such action as it chooses to take with respect to this critical matter.

So I think all of us have acted with propriety and in the national interest.

I hope I have explained to the distinguished gentleman from California some of the matters about which I regret to say he has some confusion in his mind.

Now that is all I have to say.

I am prepared now, when the others have made comments that they wish to make—and I think I have the remainder of the time—I am prepared to submit a unanimous-consent request to the House in respect to withdrawal of this amendment in light of the assurance that we have from the Defense Department.

Mr. BADHAM. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. Does the gentleman wish to ask a question?

Mr. BADHAM. Yes.

Mr. PEPPER. I would be glad to answer if I can.

Mr. BADHAM. I thank the gentleman for yielding.

I can assure the gentleman that I was not confused and I do not remain confused, nor has my confusion that the gentleman refers to been dissuaded. But I would like to ask the gentleman, for whom I have the utmost respect with respect to his war on drugs and other matters upon which he is so well-versed on the floor, but I would like to ask the gentleman: Did the gentleman really mean to say that the promulgated deadline by the Committee on Rules for the submission of the amendments was not a deadline? That is the first question.

Mr. PEPPER. I had indicated it was not only not considered by the Rules Committee a deadline, but after the deadline we allowed 20 amendments, half by the minority and half by the majority and they were allowed to be offered and authorized by the rule. When I said I feared there was some confusion in the mind of the able gentleman, it is because he had construed expectations as a commitment or a firm rule of the committee, but we regarded it as a guide, not a firm rule, as a guide for the guidance of the Members in the submission of their amendments.

But when we discovered that 20 amendments were worthy and should have been observed, should have been allowed, we allowed them.

Mr. BADHAM. Would the gentleman yield on this point?

Mr. PEPPER. I yield to the gentleman from California.

Mr. BADHAM. I thank the gentleman for yielding further.

Mr. Chairman, I am glad to have that. I was not confused about it because I always thought a deadline was a deadline and I am sure that that comes as a surprise to me and I am sure that it comes as a surprise to the other 415 Members who did not offer amendments after the deadline that really was not a deadline.

But what I would like to ask is on those 20 amendments that were offered and accepted by the Rules Committee after the deadline, could we have a list of those? Could I have a list on this side of the 20 amendments, the other 20 amendments that were submitted after the deadline that were accepted by the Rules Committee?

Mr. PEPPER. I would be glad to ask the staff to prepare the list of amendments.

Mr. BADHAM. I would be delighted to have that.

Mr. PEPPER. Let me add this: In the determination of what amendments we were to allow and what we were not to allow, as you know we had a very difficult decision. Every amendment that we did not allow was not allowed after consultation with the chairman and ranking minority member of the Committee on Armed Services. We worked with their staff and they worked with our staff. It was a consensus, it was a bipartisan decision.

Mr. BADHAM. I understand that.

Mr. PEPPER. We could not have handled this kind of a rule in a way that the House could have reasonably considered it without that kind of cooperation between the two committees.

The CHAIRMAN pro tempore (Mr. Gray of Illinois). All time has expired.

Mr. PEPPER. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. BADHAM. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. Aspin].

The amendment was agreed to.

The CHAIRMAN pro tempore. Under the rule, amendment No. 33 is next in order to be offered by the gentleman from Wisconsin [Mr. Aspin].

Mr. ASPIN. Mr. Chairman, I will not offer that amendment.

The CHAIRMAN pro tempore. Under the rule, amendment No. 34 to be offered by the gentleman from Michigan [Mr. Broomfield] is in order. Is the gentleman from Michigan in the room presently?

Mr. ASPIN. No, he is not.

The CHAIRMAN pro tempore. Is the gentleman from Michigan here? The Chair will await the pleasure of the gentleman from Michigan [Mr. Broomfield] if he is in the Chamber.

Mr. ASPIN. Regular order, Mr. Chairman.

The CHAIRMAN pro tempore. The Chair is endeavoring to follow regular order, but we have signals over there in the Cloakroom that Mr. Broomfield is present.

If he is not present, amendment No. 35 by Mr. Buechner is now in order.

AMENDMENT OFFERED BY MR. BUECHNER

Mr. BUECHNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Buechner: At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 934. SENSE OF CONGRESS ON IMPLICATIONS OF INTERMEDIATE-RANGE NUCLEAR FORCES (INF) TREATY FOR NORTH ATLANTIC TREATY ORGANIZATION (NATO) AND ON OTHER ARMS CONTROL ISSUES.

(a) Findings.—Congress finds that—

(1) the Intermediate-Range Nuclear Forces (INF) Treaty, signed by President Reagan and Soviet Union General Secretary Gorbachev on December 8, 1987, raises important concerns for the security of the North Atlantic Treaty Organization (NATO);

(2) under the INF Treaty, the United States is required to remove vital elements of the overall flexible response strategy of NATO by eliminating all Pershing IA missiles, all Pershing II missiles, and all ground-launched cruise missiles from Europe;

(3) the United States has thoroughly documented violations by the Soviet Union or other arms control agreements, including the SALT I Anti-Ballistic Missile Treaty and the SALT II agreement;

(4) summit conferences between the United States and the Soviet Union, which have in the past focused almost exclusively on arms control issues, should in the future focus equally on other issues (including human rights, emigration, regional issues, and treaty compliance) in order to ensure long-term security between the two countries;

(5) NATO should strengthen its conventional forces by improving military command, control, communications, and intelligence capabilities and by using emerging technologies for antitank weapons, air defenses, and follow-on force attack purposes;

(6) there is a substantial conventional military force imbalance in Europe due to significant quantitative advantages of the Warsaw Pact in tanks and other major weapons; and

(7) a credible nuclear deterrent and a strong conventional defense force are necessary for the continued security of NATO.

(b) SENSE OF CONGRESS.—

(1) It is the sense of Congress that in light of the planned withdrawal of United States intermediate-range nuclear weapons from Europe under the Intermediate-Range Nuclear Forces (INF) Treaty (signed by President Reagan and Soviet Union General Secretary Gorbachev on December 8, 1987—

(A) the President should work to continue to provide a credible nuclear deterrent based in Europe for the security of the North Atlantic Treaty Organization (NATO);

(B) the President should provide leadership in achieving modernization of the conventional forces of NATO, especially in the areas of antitank weapons and air defenses;

(C) the President should provide leadership in achieving a credible United States conventional force to counter Soviet armor advantages in ground forces and a newer generation of Soviet aircraft;

(D) the President and Congress should modernize United States forces in the post-INF period by—

(i) utilizing existing technologies to improve the LANCE short-range missile,

(ii) developing the technology to utilize tactical-air-to-surface missiles, and

(iii) modernizing aircraft dually capable for both conventional and nuclear uses, and

(E) the President should discuss with other NATO member nations how NATO can best develop a comprehensive strategy for arms control and nuclear and conventional defense modernization in the post-INF period.

(2) It is further the sense of Congress that if after the INF Treaty has entered into force the President determines that the Soviet Union has violated the treaty and that the violation may deny the United States any essential benefit of the treaty, the President should halt the elimination of United States missile systems under the treaty and take over appropriate measures to protect the vital interests of the United States. Such measures would include timely testing and deployment of strategic defense systems to protect the United States and its allies from ballistic missile attack by the Soviet Union and would further include providing for the capability to produce and deploy the Pershing II and ground-launched cruise missile systems in Europe.

(3) It is further the sense of Congress that in the annual budget submission of the President to Congress, the President should direct the Secretary of Defense to implement a program designed to counter treaty violations by the Soviet Union in the event they should occur.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Missouri [Mr. BUECHNER] will be recognized for 5 minutes and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Missouri [Mr. BUECHNER].

Mr. BUECHNER. Mr. Chairman, I yield myself such time as I may consume.

No matter how pleased or comforted we are by an INF agreement secured through strength in negotiations, this Congress and future Presidents must be prepared to follow through with a prudent course of action in the post-INF period. To this end, my amendment urges the President to take a strong leadership role in modernizing NATO's conventional forces and addressing the need for a credible nuclear deterrent.

But this amendment goes further. In light of reported Soviet violations of the ABM Treaty, this amendment recognizes that the United States must be prepared to counter Soviet treaty violations should they occur. If the President determines that the Soviet Union has broken out of the INF Treaty, we expect action to halt and reverse the removal of intermediate-range missiles from Europe, as well as to test and deploy strategic defense systems. The President would then direct the Secretary of Defense to include a program designed to counter treaty violations in his annual budget submission to Congress.

Mr. Chairman, the provisions in this amendment simply reaffirm this country's right to protect itself in the event of an INF breakout. The Soviet Union has to realize that if they violate the INF Treaty the United States will respond with a series of steps aimed at ensuring our national security.

The INF agreement has been hailed for its close attention to verification procedures, adorned with the motto "Trust, but verify." But the Soviet record of violations demands our skepticism. If we are to be truly prepared to meet the challenges of Soviet behavior or misbehavior, we must implement a program that takes into account the vital interests of the United States. How many Krasnoyarsks will the Soviet Union be able to construct? Could new missiles be concealed in Eastern Europe to counter the loss of the SS-20's? Verification confirms our hopeful instincts, but violations require a ready response. Let's make sure the debate years from now will center around the positive aspects of an INF Treaty instead of a narrow or broad interpretation. This amendment sends a clear signal to allies and adversaries alike: We may agree to reduce our arms, but we will take every precaution to assure the success and survival of our national security and that of our allies.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, this is an area in which all of us in the House should have great interest because the real issue concerning INF is not what has happened, not how many ground-launched cruise missiles and Pershing II's have been pulled out of Europe or how many SS-20's have been pulled out of the Soviet Union, but rather what happens to NATO solidarity following this pullout. The West is either going to resolve to be tougher or we are going to see increased defense spending by the NATO nations, we are going to see increased cooperation between the other NATO allies and the United States, or we are going to see a division of NATO by Mr. Gorbachev. He is an excellent communicator. He has already made overtures to France, to West Germany, to Great Britain. He is attempting to split the alliance.

So I want to speak in favor of the Buechner amendment which will direct the President to start working with our NATO allies to bring about some strategic solidarity in the wake of the pullout of ground-launched cruise missiles, Pershing II's, and so forth.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I will yield to the gentleman from Massachusetts [Mr. MAVROULES.]

Mr. MAVROULES. I thank the gentleman for yielding.

Mr. Chairman, I believe there might be some confusion with regard to the amendment. I just wonder if the gentleman could better articulate exactly the points which are relevant so that we can objectively look at this very seriously.

Mr. HUNTER. I think it is best expressed in the sense-of-Congress statement on the second page:

> It is the sense of Congress that in light of the planned withdrawal of United States intermediate-range nuclear weapons from Europe under the Intermediate-Range Nuclear Forces [INF] Treaty (signed by President Reagan and Soviet Union General Secretary Gorbachev on December 8, 1987) (A) the President should work to continue to provide a credible nuclear deterrent based in Europe for the security of the North Atlantic Treaty Organization [NATO].

To shorthand that, what we are saying is we do not want to see the INF be the start of the denuclearization of Europe. We need to retain the nuclear deterrent.

Mr. MAVROULES. If the gentleman will yield one more time, I thank him for articulating: Was there a reference to the broad or narrow interpretation of the ABM? That is the part that caught my attention.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. Hunter] has expired.

The gentleman from Missouri [Mr. Buechner] has 30 seconds remaining.

Mr. BUECHNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I said in my remarks it had nothing to do with the ABM Treaty. All I said was in the future if we said a "sense of the Congress" now we will not be arguing years down the road what the broad or narrow interpretation of the INF Treaty is.

The CHAIRMAN pro tempore. Does any Member desire to speak in opposition?

If not, the question is on the amendment offered by the gentleman from Missouri [Mr. Buechner].

The amendment was agreed to.

The CHAIRMAN pro tempore. Under the rule, the next amendment in order is No. 37 to be offered by the gentleman from California [Mr. Dornan]. Is the gentleman from California present?

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If not, the next amendment in order is number 38 to be offered by the gentleman from Florida [Mr. Fascell].

AMENDMENT OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Fascell: At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 934. ON-SITE INSPECTION AGENCY.

(a) Transfer to ACDA.—Not later than October 1, 1989, the President shall transfer the On-Site Inspection Agency and its functions from the Department of Defense to the Arms Control and Disarmament Agency. Thereafter, United States on-site inspection functions shall be vested in the Arms Control and Disarmament Agency.

(b) Budget Requests.—Any budget request for United States on-site inspection functions for fiscal year 1990 or any fiscal year thereafter shall be submitted to Congress as a budget request for the Arms Control and Disarmament Agency.

(c) Definition.—As used in this section, the term "United States on-site inspection functions" means United States on-site inspections functions under the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (signed at Washington on December 8, 1987) or under any subsequent arms control agreement providing for on-site inspections.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Florida [Mr. Fascell] will be recognized for 20 minutes, and a Member in opposition will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Florida [Mr. Fascell].

Mr. FASCELL. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. Aspin], the chairman of the full committee.

AMENDMENT OFFERED BY MR. ASPIN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. FASCELL

Mr. ASPIN. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment offered by Mr. Aspin as a substitute for the amendment offered by Mr. Fascell: At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 934. ON-SITE INSPECTION AGENCY.

(a) Report Requirements.—(1) Not later than six months after the date of the enactment of this Act, the officers named in paragraph (2) shall each submit to the Committees on Armed Services and Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate an unclassified report, with classified annexes as necessary, on the responsibility of each such officer for the monitoring and verification of arms control agreements. Each such report—

(A) shall address specifically any responsibility the officer submitting the report has with respect to on-site inspections (whether inspections of facilities of the United States or inspections of facilities of another party to the agreement); and

(B) shall set forth the organizational elements of each department or agency over which the officer submitting the report has jurisdiction which have functions related to the monitoring or verification of arms control agreements.

(2) Officers referred to in paragraph (1) are the following:

(A) The Secretary of Defense.

(B) The Secreatry of State.

(C) The Director of Central Intelligence.

(D) The Director of the United States Arms Control and Disarmament Agency.

(b) Matters To Be Included.—Each report under subsection (a) shall—

(1) describe in detail the monitoring and verification activities carried out with respect to the INF Treaty,

(2) evaluate the effectiveness with which these functions have been implemented, and

(3) include recommendations for any future organizational or policy changes that may be necessary in view of the experience of implementing the INF Treaty.

(c) INF Treaty Defined.—For purposes of subsection (b), the term "INF Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles (signed at Washington on December 9, 1987).

(d) Budget Requests.—Any request submitted to the Congress by the executive branch for the enactment of budget authority for the On-Site Inspection Agency, or for the enactment of any other legislation concerning the On-Site Inspection Agency, shall be submitted separately from any other request for the enactment of budget authority or other legislation.

Mr. ASPIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Wisconsin [Mr. Aspin] will be recognized for 5 minutes in support of his substitute amendment and a Member in opposition will be recognized for 5 minutes.

The Chair now recognizes the gentleman from Wisconsin [Mr. Aspin].

Mr. ASPIN. Mr. Chairman, I yield as much time as he may consume to the gentleman from Florida [Mr. Fascell] the chairman of the Committee on Foreign Affairs.

Mr. FASCELL. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, the substitute mandates a report by the executive branch on the arms control and other activities of the On-Site Inspection Agency.

It defers without prejudice any decision on the transfer of On-Site Inspection Agency to the Arms Control and Disarmament Agency.

It stipulates that the OSIA budget should be submitted as a separate legislative budget request next year without in any way changing its current operations.

This substitute will help facilitate the jurisdictional claims of both the House Foreign Affairs and Armed Services Committees relative to the activities of the On-Site Inspection Agency without encumbering next year's Department of Defense authorization bill.

The CHAIRMAN pro tempore. Does the gentleman from Alabama [Mr. Dickinson] desire to speak in opposition to the substitute amendment?

If not, the question is on the amendment offered by the gentleman from Wisconsin [Mr. Aspin] as a substitute for the amendment offered by the gentleman from Florida [Mr. Fascell].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment, offered by the gentleman from Florida [Mr. Fascell], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN pro tempore (Mr. Gray of Illinois). The next amendment in order is No. 40 to be offered by the gentleman from New York [Mr. Solomon].

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON: At the end of title IX of division A (page 163, after line 6), add the following new section:

SEC. 931. SELECTIVE SERVICE REGISTRATION.

Section 3 of the Military Selective Service Act is amended by adding at the end the following new subsection:

"(c) in a prosecution of a person under section 12 for failure to register under this section, the absence of essential registration information in the records of the Selective Service System concerning that person shall be prima facie evidence of that person's failure to register as required by this section unless the person discloses to the Government before the tiral begins the date, time, and place of his registration under this section and the name and current address of any witness to such registration".

The CHAIRMAN pro tempore. Under the rule, the gentleman from New York [Mr. SOLOMON] will be recognized for 5 minutes, and a member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, the amendment I am offering requires a defendant accused of failing to register with Selective Service to come forward and assert that he registered, if in fact, he did register. Under the amendment, the Government could accept his assertion and the individual's record would be corrected.

Today, there is not a single prosecution underway for failure to register. And the reason is that the cases are too difficult to prosecute because the Government has to prove a negative proposition—that a person has not registered.

The difficulty is that extensive pretrial procedures are required for the Government to show that the absence of a registration in the records of Selective Service proves beyond a reasonable doubt that an individual has not registered.

This amendment would allow a presumption to be raised that without some type of proof that an individual registered either his name on the Selective Service registration lists or by he himself attesting to the fact that he registered that the individual is not registered.

In the most recent case prosecuted, the young man charged with failure to register, claimed that the absence of his registration from Selective Service files did not prove that he had not registered. Meanwhile, he refused to register or even admit whether or not he had in fact done so.

More than 5 years time was taken up by the "discovery phase" of the trial as the Government tried to prove that the individual did not register.

And that was a case where the indicted man had written several letters to Selective Service stating his refusal to register.

Rejection of this amendment would give carte blanche to those who refuse to register with the Selective Service System. It would be a statement that we in Congress don't care whether these lawbreakers are punished or not.

Such a position would be an insult to the 20 million young men who have obeyed the law and lived up to their obligation as a U.S. citizen.

Mr. Chairman, there has been some concerns raised that this amendment would somehow shift the burden of proof away from the Government to the individual. This is not the case.

Any young man indicted for failure to register would not be required to prove anything to avoid a guilty verdict.

Under the amendment he would simply have to state the time and place at which he registered. He would not have to prove his claim that he registered, was true.

He would not have to provide any corroborating evidence or witnesses. Instead, the Government would take his assertion at face value and could simply drop its prosecution.

The individual's record would be corrected and the young man's registration would be entered on the files.

The fact is that a nonregistrant is not inconvenienced or handicapped by a truthful disclosure of registration. In fact, the disclosure by the individual that he did register, could serve to preclude going forward with prosecution, obviously, to the advantage of the young man and our criminal justice system.

Mr. Chairman, this amendment allows the Government to prosecute nonregistrants in an expeditious manner, especially in time of war, when the number of prosecutions for failure to register is likely to escalate.

Mr. Chairman, this amendment is strongly supported by the Selective Service System and I urge its adoption.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. Mr. Chairman, I would be happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I want to comment the gentleman for his amendment. I think it speaks to the morale of the men and women of our Armed Forces, and that is what I would call domestic burdensharing, and that is the burden of defending this country.

Mr. Chairman, I want to commend him and urge all the Members to support his amendment.

The CHAIRMAN pro tempore. Does the gentleman from Oregon [Mr. DEFAZIO] desire to rise in opposition to the amendment?

Mr. DEFAZIO. Mr. Chairman, I do.

The CHAIRMAN pro tempore. The gentleman from Oregon [Mr. DEFAZIO] is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, the problem is the Selective Service System cannot keep its records straight. So they are having a hard time proving certain individuals have not registered for the draft. So now the gentleman from New York [Mr. SOLOMON] rises with a solution. He says that the solution is to turn our system of justice on its head; that is, to require a young man to prove that he did register.

Mr. Chairman, if the young man is unable to prove that he is registered, the gentleman from New York would create a presumption of guilt. It says in his amendment that in the absence of central registration information in the records of the Selective Service System concerning that person shall be prima facie evidence of that person's failure to register as required by this section. So the person is being found guilty of not having registered even though the records may have been misplaced by the Selective Service System. That victim may well be guilty of nothing more than shoddy recordkeeping, but he will be presumed guilty of a crime.

□ 1735

The sponsor of this amendment would allow this young man to avoid the presumption of guilt by re-registering for the draft with a witness present. The only problem is that it is a crime to register late.

So the amendment itself is faulty in that it does not amend other portions of law and it would find a person to be in technical violation of the law even if a re-registration were filed.

So the poor recordkeeping results in the prosecution of an innocent individual. He commits the crime of registering late in order to be convicted of failing to register.

If this amendment does not violate the fifth amendment guaranteeing due process, it certainly comes very close. It is an attempt to subvert one of our most basic liberties in the name of expediency, and I am rising in strong opposition to the amendment.

The author goes on to talk about the need for registration, and then the gentleman from California spoke of how this would boost the morale of our all-volunteer military to know that the kids at home are still registering on time or that they are being prosecuted if their forms are lost.

Mr. Chairman, I reject those arguments and I urge the Members to reject this amendment.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. DeFAZIO. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I appreciate the gentleman yielding.

The gentleman was not here back in 1983 when these amendments all passed this House overwhelmingly, with only two or three votes against them. The amendments were taken to the Supreme Court by the University of Minnesota. Let me just read this, because I know the gentleman would like to understand the reason that his arguments do not hold water. This is what the U.S. Supreme Court said in the past and it refers to this amendment as well:

> The fact that appellees must register later in order to get title IV aid and thus reveal to the Selective Service their failure to comply timely with the registration requirement does not violate appellees' fifth amendment rights. They have not been denied the opportunity to register and have not been disqualified for financial aid for asserting a constitutional privilege.

That is John Paul Stevens speaking for a 6-to-2 majority of the Supreme Court.

Mr. DeFAZIO. If I might reclaim my time, Mr. Chairman, still the gentleman is making a judgment of guilt. Instead of thinking that this bureaucracy has somehow lost the papers, which I think most Americans might believe, we are going to say that these young men did not register.

Prima facie evidence of that person's failure to register is required by this section.

I think that the people of America who come before the bureaucracy and the paper shufflers have constitutional rights also.

I urge my colleagues to reject this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 262, noes 140, not voting 29, as follows:

[Roll No. 96]

AYES—262

Andrews
Annunzio
Anthony
Applegate
Aspin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boucher
Brennan
Broomfield
Bryant
Buechner
Bunning
Burton
Byron
Callahan
Campbell
Carper
Chandler
Chapman
Chappell
Cheney
Clarke
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Cooper
Coughlin
Courter
Coyne
Craig
Dannemeyer
Darden
Davis (IL)
Davis (MI)
de la Garza
DeLay
Derrick
Dickinson
DioGuardi
Dorgan (ND)
Dornan (CA)
Dowdy
Dreier
Dwyer
Eckart
Edwards (OK)
Emerson
English
Erdreich
Espy
Fascell
Fawell
Fields
Flippo
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kemp
Kennelly
Kolbe
Kolter
Konnyu
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leland
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Luken, Thomas
Lungren
Mack
MacKay
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Miller (OH)
Miller (WA)
Mollohan
Montgomery
Moorhead
Morrison (WA)
Murphy
Murtha
Myers
Neal
Nelson
Nichols
Nielson
Olin
Ortiz
Owens (UT)
Oxley
Packard
Pashayan
Patterson
Penny
Pepper
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spratt
Stallings
Stangeland
Stenholm
Stratton
Stump
Sweeney
Swindall
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Upton
Valentine
Vander Jagt
Volkmer
Walgren
Watkins
Weber
Weldon
Whittaker
Whitten
Wilson
Wise
Wolf
Wylie
Yatron
Young (AK)
Young (FL)

NOES—140

Ackerman
Akaka
Alexander
Anderson
Armey
Atkins
AuCoin
Bates
Beilenson
Bennett
Berman
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boxer
Brooks
Brown (CA)
Bruce
Bustamante
Cardin
Carr
Clay
Coats
Coelho
Collins
Conte
Conyers
Crane
DeFazio
Dellums
DeWine
Dicks
Dingell
Dixon
Donnelly
Downey
Durbin
Dymally
Early
Edwards (CA)
Evans
Fazio
Feighan
Fish
Flake
Florio
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Garcia
Gephardt
Glickman
Gonzalez
Gray (PA)
Green
Hawkins
Hayes (IL)
Hochbrueckner
Horton
Hoyer
Jontz
Kastenmeier
Kennedy
Kildee
Kleczka
Kostmayer
Leach (IA)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Markey
Martinez
Matsui
McCloskey
McHugh
Mfume
Miller (CA)
Mineta
Moakley
Morella
Morrison (CT)
Mrazek
Nagle
Natcher
Nowak
Oberstar
Obey
Owens (NY)
Panetta
Pease
Pelosi
Perkins
Rahall
Rangel
Rodino
Rostenkowski
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Sikorski
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Staggers
Stark
Studds
Swift
Synar
Torres
Towns
Traficant
Traxler
Udall
Vento
Visclosky
Walker
Waxman
Weiss
Wheat
Williams
Wolpe
Wyden
Yates

NOT VOTING—29

Archer
Biaggi
Boulter
Brown (CO)
Crockett
Daub
Duncan
Dyson
Foglietta
Latta
Leath (TX)
Lukens, Donald
Mica
Michel
Molinari
Moody
Oakar
Parris
Ray
Richardson
Saxton
Schaefer
Smith, Denny (OR)
Spence
St Germain
Stokes
Sundquist
Vucanovich
Wortley

□ 1756

The Clerk announced the following pair:

On this vote:

Mr. Daub for, with Mr. Moody against.

Messrs. CRANE, MFUME, TRAXLER, BONIOR, HORTON, FOLEY, HOCHBREUECKNER, LEHMAN of California, SMITH of Florida, FAZIO, COELHO, and RAHALL changed their votes from "aye" to "no."

Mr. SKAGGS changed his vote from "no" to "aye."

So the amedment was agreed to.

The results of the vote was announced as above recorded.

The CHAIRMAN pro tempore. Under the rule the gentleman from New Jersey [Mr. TORRICELLI] will be recognized for the purpose of offering his amendment No. 41.

AMENDMENT OFFERED BY MR. TORRICELLI

Mr. TORRICELLI. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TORRICELLI:

SEC. 931. ENCOURAGEMENT OF CONSTRUCTION IN UNITED STATES SHIPYARDS OF COMBATANT VESSELS FOR ALLIES.

(a) IN GENERAL.—(1) Chapter 631 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7232. Construction in United States shipyards of combatant vessels for allies: encouragement

"(a) The Secretary of the Navy shall carry out an ongoing program to encourage United States shipyards to construct combatant vessels (including diesel submarines) for nations allied to, or friendly with, the United States. Any such construction shall be carried out so as to ensure that sensitive warship technology is protected.

"(b) In this section, the term 'sensitive warship technology' means technology relating to the design or construction of a combatant naval vessel that is determined by the Secretary of Defense to be vital to United States security.".

(2) The table of sections at the beginning of such section is amended by adding at the end the following new item:

The CHAIRMAN pro tempore. Under the rule the gentleman from New Jersey [Mr. TORRICELLI] will be recognized for 5 minutes and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, each year millions, indeed tens of millions of dollars of foreign military assistance given to some of our close friends and allies are spent for naval construction. Each year allied nations place orders with their own funds for naval construction.

Mr. Chairman, foreign military assistance given to our closest friends for naval construction, and millions of dollars' worth of construction funds for naval construction from our closest friends all have one thing in common today. To the extent that it is being spent for construction of diesel submarines, it is not being spent in the United States. The United States made its last diesel submarine 30 years ago. A critical naval technology has been lost.

Mr. Chairman, my amendment does not ask the U.S. Navy to buy anything. Indeed my amendment does not ask the U.S. Navy to do anything. My amendment asks simply that the U.S. Navy get out of the way. There are private companies in the United States today that are ready, willing and eager to enter the world market to build diesel submarines.

Indeed they are being prohibited from doing so. Nations that are close to America like Israel and Turkey, with our own money given in aid by America want to place orders here, are not able to. Nations with whom we have a real and lasting security concern like Taiwan and South Korea want with their own money to place orders here, and yet they cannot.

The reasons for this amendment I believe are clear. It is wrong that American aid must be spent in Germany to build submarines. It is wrong that nations who find themselves dependent on America cannot look to the United States in this area.

□ 1805

Mr. Chairman, it makes no sense for the United States with our own industrial needs, our own employment needs, to tell nations that want to buy diesel submarines in the United States, no. It makes sense instead for us to encourage our industry to enter the world market. Indeed, it makes sense not only as industrial policy but national-security policy.

In 1982 there were 110 yards available in America to build ships. Today there are 69. In 1969 there were 17 yards capable for building submarines in America. Today there are two, only two, yards in America which can build submarines. That, Mr. Chairman, is not the making of a great power.

This is a chance, without cost, without a dime to the American taxpayers, to improve and expand the naval industrial base of America.

Mr. Chairman, this is not a local concern for the State of New Jersey. We do not have the means to build diesel submarines. It is a matter in Mississippi, Washington, California, and other States that can enter this business.

Mr. Chairman, I want to send a message to the U.S. Navy. Their irrational fear that if the technology exists in America to build diesel submarines that we will force them to build diesel submarines is wrong. It is paranoid. It does not make sense. This is not my intent.

I do not believe that the U.S. Navy should be substituting and building submarines. I merely want those thousands of naval construction and steel jobs to come back to America and to expand our capacity.

I ask consideration of the amendment believing that we are getting the best of all worlds for jobs and expanded technological and naval capacity.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. TORRICELLI. I yield to to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, in addition to the reasons the gentleman from New Jersey has cited, by the way, it is a good amendment, and we have an industrial-base problem in this country. Your amendment will help solve that. I think it is a step in the right direction. I wholeheartedly endorse it.

The CHAIRMAN pro tempore. Does any Member desire to speak in opposition to the amendment?

Mr. BENNETT. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. BENNETT] is recognized for 5 minutes.

Mr. BENNETT. Mr. Chairman, I rise in opposition to the Torricelli amendment. I do so for two main reasons.

First, Mr. Chairman, the law of the land already directs the Secretary of the Navy to encourage U.S. shipyards to build combatant vessels for nations allied to the United States. The only apparent reason, from what has been said, the only reason at all for this particular provision is that specifically the words "including diesel submarines" are added to the existing law and the more general prescription. The implication is by law the decision is being made that there is no security problem with the transfer of that technology. So let us consider that.

Experts tell us that no matter how hard we try, a program to build diesel submarines in the U.S. shipyards would lead inevitably to the leaching of precious submarine construction technology into the program. There is just no way around it. The irony of this situation, of course, is that the bill before us today contains billions of dollars which are associated with maintaining the margin of submarine superiority the United States currently has over the Soviet Union, but as anyone who reads the papers has heard, it is getting harder and harder to maintain that edge, and the edge is getting narrower and narrower.

The Committee on Armed Services has convened a panel of experts to examine ways of maintaining our submarine superiority. They are finding out that it is a very costly and painstaking proposition, if it can be done at all. In the light of these facts, it makes no sense at all to take any step that could jeopardize the position of our submarine services now in existence.

The second reason for opposing the amendment is not only for what it seeks to do, but how it seeks to do it. Unlike current law, the amendment calls for the Secretary of the Navy to set up a specific program aimed at selling warships overseas. Although our shipbuilding industry in this country is having a very tough time of it right now, I doubt that any U.S.-built ship that did not provide technology transfers or give up defense secrets could be sold abroad. There is no way it can. It costs more to produce the ships here. The only way anybody would want to produce this kind of ship in the United States is to get this secret technology.

I also do not think it should be the Secretary of the Navy's responsibility to become a salesman on the overseas armament market. He has more important things to do.

Mr. Chairman, my opposition to this amendment is that inevitably its sole purpose is designed to transfer technical knowledge about submarine quietness and other things of that nature which is a dangerous thing to our country and certainly should be the subject of great hearings, if any such effort were to be made.

The other law that exists on this statute is adequate right now. It does not include submarines, specifically eliminated submarines, for the reason that they cannot be technologically helpful.

Mr. TORRICELLI. Will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from New Jersey.

Mr. TORRICELLI. Mr. Chairman, it is my understanding the United States has not built a diesel submarine since 1959, that those businesses in America today that would like to enter that business are going to have to do so by importing German technology. How then could we compromise technology we do not possess?

Mr. BENNETT. Some of it is even secret for me to say on the floor of the House. If we were to produce a diesel submarine of the vintage of 1920 or 1940, we would not have a problem.

The problem is that if we produce a diesel submarine in 1988, we are going to produce a diesel submarine which would be the best diesel submarine we could produce which would be one which have things like quietness in it that we have secrets about and other materials that are in this submarine.

I would think that the allies would want to have the best submarine we could build in the way of a diesel submarine, and that is the only reason why they would want to build a submarine in the United States, the only reason, because it costs more money to build a submarine in the United States, and the only reason why they would want to build it in the United States is for the purpose of getting the technology which we are trying to retain.

Mr. TORRICELLI. Is it not accurate, however, today that the submarines which are being built in Germany, some with American taxpayer money, are not state-of-the-art technology; they are, indeed, a 1950's and 1960's technology? Indeed, I think the gentleman would agree that my amendment does not require the U.S. Navy to license or give any technology, only that they be allowed to enter this as a commercial venture to bring those jobs back to America.

Is that an accurate protrayal?

Mr. BENNETT. I presume I have as many shipbuilding operations in the State of Florida and in my own district as the gentleman has.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from New Jersey [Mr. TORRICELLI].

The amendment was agreed to.

The CHAIRMAN pro tempore. Under the rule, the next amendment in order is No. 42 offered by the gentleman from California [Mr. BADHAM]. Is the gentleman from California here?

Under the rule, the next amendment in order is No. 43 by the gentleman from Florida [Mr. CHAPPELL].

Mr. ASPIN. Mr. Chairman, that amendment will not be offered.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. CHAPPELL] also has No. 44, the next amendment in order.

Mr. ASPIN. That amendment will not be offered, Mr. Chairman.

The CHAIRMAN pro tempore. The next amendment is No. 46 by the gentleman from North Carolina [Mr. ROSE].

Mr. ASPIN. That amendment will not be offered, Mr. Chairman.

□ 1815

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The next amendment in order is No. 47 by the gentleman from Oregon [Mr. AUCOIN].

Mr. ASPIN. Mr. Chairman, that amendment will not be offered.

The CHAIRMAN pro tempore. The next amendment in order is No. 49 by the gentleman from Washington [Mr. MORRISON].

AMENDMENT OFFERED BY MR. MORRISON OF WASHINGTON

Mr. MORRISON of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MORRISON of Washington: At the end of title I of division C (page 246, after line 6), add the following new section:

SEC. 3133. DEMONSTRATION OF BURNING WEAPONS GRADE NUCLEAR MATERIALS.

(a) FINDINGS.—The Congress finds the following:

(1) It is possible to remove weapons grade nuclear materials, including plutonium and enriched uranium, from dismantled nuclear weapons of both the United States and the Soviet Union and to burn up these materials in a liquid metal nuclear reactor.

(2) The Department of Energy has the expertise to dismantle nuclear weapons and the capabiltiy to safely burn the nuclear materials from those weapons in its liquid metal reactors.

(3) The United States and the Soviet Union have recently entered into a treaty that requires verified, bilateral reduction of nuclear weapons delivery systems, and future agreements will probably need to be expanded to include the disposition of nuclear weapons materials.

(4) The demonstration of burning weapons grade nuclear materials under section 2 would affirm the support of both nations for the actual reduction of nuclear arms.

(b) PLAN FOR DEMONSTRATING BURNING WEAPONS GRADE NUCLEAR MATERIALS.—The Secretary of Energy shall formulate a plan for conducting a demonstation of the technical feasibility of burning weapons grade nuclear materials from one or more dismantled nuclear weapons in a liquid metal reactor. The plan shall require the demonstration—

(1) to be conducted in existing Department of Energy reactor and supporting facilities; and

(2) to determine the capacity of existing Department of Energy liquid metal reactors for burning weapons grade nuclear materials.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Congress a report on the plan required under subsection (a). The report shall include funding requirements, a timetable for carrying out the plan, and the President's recommendations.

(d) INVITATION TO SOVIET UNION.—After the plan under subsection (a) is completed, the President shall consider inviting the Soviet Union to participate in any demonstration project that results from the plan under subsection (a) by providing weapons grade nuclear materials from a nuclear weapon for use in the demonstration project.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Washington [Mr. MORRISON] will be recognized for 5 minutes and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Washington [Mr. MORRISON].

Mr. MORRISON of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I am asking the support of my colleagues for an amendment that could demonstrate our ability "to turn swords into plowshares." My amendment calls for the Department of Energy to submit to Congress a plan for demonstrating, hopefully in partnership with the Soviet Union, the feasibility of destroying the material in a nuclear warhead.

DOE has the expertise to dismantle nuclear weapons and the capability to safely burn the nuclear materials converting the energy into electricity or other peaceful forms. This process will eliminate any future use of the materials for destructive purposes.

Why demonstrate a known technology? To prove to the world that we are ready to take the next step in securing lasting peace in the nuclear age. And, because the measure asks the President to consider inviting the Soviet Union to participate in a demonstration burn, this small effort would show our global neighbors that the superpowers are willing to demonstrate—together—the technology that will be needed if and when arms agreements include the destruction of complete weapons rather than delivery systems.

This amendment is an important policy statement; it is not a jobs bill. It calls for a demonstration—not a project. I envision the demonstration using one United States weapon and, hopefully, one Soviet weapon.

The demonstration can be carried out by existing staff at two or three existing facilities of the Department of Energy. In practice, the nuclear warhead would retrace its path backward through the manufacturing cycle. The first stop would be the Rocky Flats installation for dismantling of the weapon. Then the nuclear material would be sent to the Los Alamos laboratories where the plutonium would be converted to plutonium oxide in powder or pellet form. Finally, the plutonium oxide would be transported to the site of its final destruction, at Hanford or Idaho Falls, where it would be loaded in fuel pins, inserted in a fuel assembly line, and burned in the reactor.

The activity at the reactor would take place concurrently with other research activities. Transportation of plutonium is routine. The material is mildly radioactive and is shipped in accordance with U.S. Department of Transportation regulations calling for double containment and super safe transport in unmarked vault type trucks. Shipments like these are regularly conducted by the Department, and the weapons burn demonstration materials would move with other regularly scheduled deliveries.

Mr. Chairman, the Secretary of Energy has testified that "we are awash in plutonium," and that potential arms agreements could reduce the need even more. But a growing school of thought holds that truly verifiable arms control is not possible unless the gunpowder is destroyed along with the musket. Clearly, we must be prepared for a new era in preparing peace. This project would be a giant step toward meeting the demands of this new era. Let's have the technology ready to go when we need it.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I rise in very strong support of the gentleman's amendment. I think it is well thought out, and I urge the committee to give it very thorough consideration.

This is not only an innovative technology but a worthy goal of trying to develop facilities to deal with the aftermath of an START and INF agreement, and I commend the gentleman for his ingenuity on this amendment.

Mr. LOWRY of Washington. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the gentleman from Washington.

Mr. LOWRY of Washington. Mr. Chairman, I thank the gentleman for yielding. I, too, compliment the gentleman on his initiative.

This is a very important step in accomplishing nuclear arms control reductions that we all seek, and I compliment the gentleman for his amendment.

Mr. MORRISON of Washington. I thank both gentlemen for their comments.

Mr. MILLER of Washington. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the gentleman from Washington.

Mr. MILLER of Washington. Mr. Chairman, I would like to compliment my colleague for a very thoughtful and innovative amendment. It comes at the right time. This is the right kind of project today.

Mr. MORRISON of Washington. Mr. Chairman, I thank the gentleman and reserve the balance of my time.

The CHAIRMAN pro tempore. Does any Member desire to speak in opposition to the amendment?

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from New York [Mr. STRATTON] is recognized for 5 minutes.

Mr. STRATTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment offered by Mr. MORRISON.

The amendment would require the Secretary of Energy to formulate a plan to demonstrate the technical feasibility of burning weapons grade nuclear materials in a reactor.

Simply stated, there is no technical question that weapons grade nuclear material can be burned in a reactor. Technical feasibility has been demonstrated in reactors in the United States

Additionally, simple logic leads one to the conclusion that there is no issue of technical feasibility. The weapons grade materials that would be affected by the amendment are enriched uranium and plutonium. Enriched uranium is used as a reactor fuel in numerous applications in the United States. Plutonium is used as a reactor fuel in some countries, although it is not routinely used in the United States.

Both materials are extremely costly to produce and a demonstration of burning even small quantities constitutes an unnecessary waste of scarce materials.

Highly enriched uranium, similar to that used in weapons, is used by the Navy for naval reactors. There is more than $100 million included in the bill before us to purchase highly enriched uranium for the Navy. There will be a use and demand for highly enriched uranium for the Navy nuclear power program for the indefinite future. It simply makes no sense to demonstrate that highly enriched uranium can be burned in a reactor.

In the case of plutonium, as with uranium, there is no excess. Because of the potential for a requirement for additional plutonium, the bill contains funding for the special isotope separation process that would be capable of refining existing impure plutonium for use in weapons.

Thus it makes no sense to consume expensive and scarce plutonium or highly enriched uranium in an unnecessary demonstration of burning when the ability to burn both materials in reactors has already been demonstrated.

I urge the rejection of the amendment.

Mr. DAVIS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am glad to yield to the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the minority members of the House Armed Services Committee agree with the position just staked out by our colleague, the gentleman from New York of the majority party.

While it is true that there seems to be a surplus of plutonium, at this point in time, it is a marketable commodity. The demonstration has already been made, as the gentleman indicated, that plutonium can be burned in a reactor.

We appreciate the statement of the maker of the amendment that he wants to make at this point in time, but absent a START agreement at this point in time or even the INF agreement, there is still marketability of plutonium that is here for reactors in other countries or refurbishing of our nuclear arsenal in the event a START Treaty does not come along and for enriched uranium in the marketplace outside the United States and in the Navy.

So for that reason I, too, would rise to oppose the gentleman's amendment.

Mr. STRATTON. Mr. Chairman, I reserve the balance of my time.

Mr. MORRISON of Washington. Mr. Chairman, I yield myself my remaining minute.

Mr. Chairman, I would just like to make the point in rebuttal that we are coming at this from different directions. The committee looks at this from the point of view of production and the fact there is a need out there for materials. I agree. My district is very much caught up in these last 40 years in producing these materials.

But would it not be exciting at this time to demonstrate to the world that we could actually take the material from both a United States and a Soviet weapon and turn it actually into plowshares through the generation of electricity? That is the part that has never been demonstrated.

Yes, we know technically we can make these burns, but I do not believe that it has ever been demonstrated that it can be turned into plowshares of electricity.

Mr. STRATTON. Mr. Chairman, if the gentleman will yield, I do not know if it can be made into plowshares, but it can be burned. That was the question, and apparently the gentleman does not even believe that it can be burned.

Mr. MORRISON of Washington. Yes, we know technically that is possible. Let us show the world that it is possible, and let us demonstrate this.

All we are asking is for the Department to submit a plan for the gentleman's committee to look at.

Mr. STRATTON. I think when the nuclear materials are burned it is not just like a bonfire or a marshmallow roast.

You have expensive fuels and you have dangerous fuels.

The CHAIRMAN pro tempore. The time of the gentleman from Washington [Mr. MORRISON] has expired.

The gentleman from New York [Mr. STRATTON] has 1 minute remaining to close debate.

Mr. STRATTON. Mr. Chairman, I yield myself my remaining minute.

Mr. Chairman, I think we have already demonstrated that this can be burned. It is being burned in power reactors in the United States, and it is being burned in power reactors around the world. It has been burned in Admiral Rickover's submarines, and I think as I indicated, with dangerous materials of this type I do not think we ought to stick around too long to see it burn, hopefully not on the floor of the House of Representatives, anyway.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Washington [Mr. MORRISON].

The amendment was agreed to.

The CHAIRMAN pro tempore. Under the rule, the next amendment is order in No. 51.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to announce, because we committed to rise by 6:30 we are going to rise at this point, but I would like to make the announcement because there is a requirement to give an hour's notification on when the Markey CTBA amendment is going to come to the floor because we did not deal with it last Thursday and it was to be rescheduled, I would like to notify Members that we will do that tomorrow after the SDI vote tomorrow. It is on the schedule for tomorrow.

Mr. Chairman, I yield back the balance of my time.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. LEWIS of Georgia] having assumed the chair, Mr. GRAY of Illinois, Chairman pro tempore of the Committee of the Whole House on the Senate of the Union, reported that that Committee, having had under consideration the bill (H.R. 4264) to authorize appropriations for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, to amend the National Defense Authorization Act for Fiscal Years 1988 and 1989, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4264.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PERMISSION FOR MR. ASPIN AND MR. ROSE TO INCLUDE EXTRANEOUS MATERIAL ON H.R. 4264, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. ROSE] and I be permitted to include extraneous material in the RECORD at the appropriate point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PERSONAL EXPLANATION

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business during rollcall votes No. 86 through 92 on Monday, May 2, 1988.

Had I been present on the House floor, I would have cast my votes as follows:

Roll No. 86, "yea" on passage of H.R. 1811, atomic veterans compensation;

Roll No. 87, "yea" on the Hunter substitute to the Foley amendment on the DOD authorization bill;

Roll No. 88, "yea" on the Foley amendment;

Roll No. 89, "yea" on the Lowry amendment;

Roll No. 90, "yea" on the Markey amendment;

Roll No. 91, "yea" on the Boxer amendment; and

Roll No. 92, "no" on the Kyl amendment.

□ 1830

REPORT ON RESOLUTION PROVIDING FOR CORRECTING ENROLLMENT OF H.R. 3, TRADE AND INTERNATIONAL ECONOMIC POLICY REFORM ACT OF 1987

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 100-595) on the resolution (H. Res. 438) providing for correcting the enrollment of the bill (H.R. 3) to enhance the competitiveness of American industry, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HONORING CHARLES G. TOTH, TEACHER AT GIESSEN AMERICAN HIGH SCHOOL, WEST GERMANY

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, I would like to share with my colleagues and with our Nation an extraordinary individual, Mr. Charles G. Toth. Mr. Toth is a teacher at the Giessen American High School in Giessen, West Germany.

He is from Morgantown, WV, and has been an avid sportsman all his life. He is a graduate of West Virginia University completing his degree in physical education and English. In addition, he was an outstanding soccer player for West Virginia University. He has taken that love for education and zest for sports and combined his interests and talents into a very rewarding experience.

His family, friends, colleagues in the service join in recognizing his service to our country and we would like to have the following information added into the RECORD as a tribute to him.

MR. CHARLES G. TOTH, GIESSEN AMERICAN HIGH SCHOOL, GIESSEN MILITARY COMMUNITY, APO NEW YORK 09169

Mr. Toth has distinguished himself by demonstrating high professional expertise and determination in providing only the highest quality education and leadership to students and athletes of the DODDS Giessen American High School. Under his personal tutelage the men's high school football team completed school year 1987-88 undefeated in conference play and also won the European Small Schools Championship for the second consecutive year. The team's overall three year record is 24-2-1. The men's basketball team also completed 1987-88 season play undefeated and won the European Small Schools Championship for the third consecutive year with an overall record of 49-2. This team has recorded 42 consecutive wins.

As Athletic Director, Mr. Toth led the High School to 1987-88 Conference Championships in men's wrestling, women's volleyball, women's cross-country and men's cross-country. Giessen High School has captured a total of 14 different conference championships and 6 European Small School Championships in the last three years. For the first time in the school's existence, the women's basketball team has qualified for post season play. This enviable record attests to the complete abilities and absolutely superb skills of Mr. Toth.

Mr. Toth's positive personality and unparalleled leadership skills have continued this winning tradition of the playing field. His coaching, instructing and mentoring have touched the lives of countless young people, parents and other community members. He embodies all those principles expected in only the best—and has ensured the same results in every student he has coached/taught. His model will be emulated by students and educators for years to come.

Mr. Toth is an invaluable asset to the Giessen High School. He performs duties as Physical Education Instructor, Driver Education Instructor, Athletic Director, Football Coach, Basketball Coach, Soccer Coach and Varsity Club Sponsor. He is a member of the Overseas Education Association, the National Education Association, the Giessen High School Wide Booster Club and Phi Delta Kappa. He also serves as a member of the School Advisory Committee and chairperson of the Steering Committee for Giessen High School Self-Study.

Mr. Toth's outstanding contributions to this community's educational program have been significant to the overwhelming success of the Giessen American High School's educational and athletic programs. It is only fitting that he be recognized for his efforts to promote excellence in the DODDS education program.

McEWEN DEMANDS APOLOGY FOR ADA PRESS RELEASE

(Mr. McEWEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. McEWEN. Mr. Speaker, yesterday Members of Congress received what I believe to be a very distressing piece of information, in our daily mail. It listed the congressional voting records of certain Members of Congress and then categorized them according to their religious preference. They specifically singled out Members of the Jewish faith and gave a Jewish voting record for Jewish Members of Congress.

Mr. Speaker, this type of action is often the precursor of religious intolerance and bigotry. It should not be condoned and should not go uncondemned. I call upon this organization to apologize for this ugly effort to categorize Members of Congress according to their religious beliefs.

They then proceeded to do two additional things to add insult to injury. They then divided and listed the Congress according to race. They finally concluded by dividing the Congress and reporting Members voting records according to sex.

So, Mr. Speaker, I am submitting this press release that we received for the RECORD and express my condemnation of it, my offense to it, and call upon this organization in the name of fairness and decency in America to apologize not only to the Members of Congress, but also to all Americans.

Mr. Speaker, I include the ADA press release, as follows:

ADA RELEASES CONGRESSIONAL VOTING RECORD OF MINORITY MEMBERS

According to ADA's 1987 Congressional Voting Record, of the 92 members of Congress (women, Hispanic, Black and Jewish) 65 members—71 percent—can be considered liberal. Only 12 percent of the members, 11 in number, ranked as conservative.

The average score of the Senators and Representatives in the Hispanic, Black, and Women's Caucuses, along with their Jewish colleagues—who, incidentally, make up 17 percent of the entire U.S. Congress—was 75 in 1987. The average score of the entire Congress in 1987 was slightly more than 51. Ten members scored a perfect 100, while only one, Rep. Virginia Smith (R-NE), had the lowest possible "Liberal Quotient", a zero.

"The minority groups in our country have traditionally sought a legislative agenda which pursues economic equity and social justice," said Marc Pearl, ADA's National Director, "and these members of Congress best reflect, not only the liberalism of the constituency, but of the country as a whole."

ADA's 1987 Congressional Voting Record was based on 25 key votes in the House and 20 key votes in the Senate reflecting liberal/conservative differences on a wide variety of foreign, domestic and economic policy issues. Each member of Congress was rated on the number of times he/she voted with the ADA position on the selected votes. Absences, even if the member paired or announced in favor, were not counted toward the "Liberal Quotient."

ADA annually rates House and Senate members on selected votes, and computes a percentage score. Members who score 70 and above are considered liberal, 40 to 69 are categorized as moderate, and those below 40 are classified as conservative.

Attached are the scores for the Jewish members, and the members of the Hispanic, Women's, and Black Caucuses, along with their 1986 and 5-year averages (where applicable).

Currently celebrating its fifth decade of service, Americans for Democratic Action was founded by a group including Eleanor Roosevelt, Hubert Humphrey, Walter Reuther, and John Kenneth Galbraith. It was under the leadership of ADA that the Democratic National Convention in 1948 voted to approve the historic Civil Rights plank advocated by Hubert Humphrey. Under the leadership of its current President, Rep. Ted Weiss (D-NY), and Executive Committee Chair, James Bishop of Columbus, Ohio, ADA informs its members of the lobbies on a wide variety of domestic and foreign policy and economic justice issues on both the national and local level.

AMERICANS FOR DEMOCRATIC ACTION, INC., 1987 LIBERAL QUOTIENT—HISPANIC CAUCUS MEMBERS

House	1987	1986	5-yr. average
Albert Bustamante (D-TX), Chair	76	50	[1] 64
Tony Coelho (D-CA)	84	70	78
E de la Garza (D-TX)	[2] 60	55	53
Robert Garcia (D-NY)	100	95	92
Henry B. Gonzalez (D-TX)	96	95	92
Manuel Lujan (R-NM)	[2] 12	5	9
Matthew Martinez (D-CA)	80	85	82
Solomon Ortiz (D–TX)	[2] 56	45	57
Bill Richardson (D-NM)	80	75	81
Edward Roybal (D-CA)	88	95	95
Esteban Torres (D-CA)	96	90	89

[1] 3-year average.

[2] These scores differ from the enclosed 1987 voting record because, vote No. 14 in the *RECORD* is incorrect.

Average of Hispanic Caucus members

	Percent
House overall—11 members	75
House Republicans—1	12
House Democrats—10	82

AMERICANS FOR DEMOCRATIC ACTION, INC., 1987 LIBERAL QUOTIENT—JEWISH MEMBERS OF CONGRESS

	1987	1986	5-yr. average
Senate:			
Rudy Boschwitz (R–MN)	25	15	24
Chic Hecht (R–NV)	10	0	2
Frank Lautenberg (D–NJ)	85	85	89
Carl Levin (D–MI)	90	90	92
Howard Metzenbaum (D–OH)	100	100	100
Warren Rudman (R–NH)	25	10	20
Arlen Specter (R–PA)	80	75	68
House:			
Gary Ackerman (D–NY)	96	85	92
Anthony Beilenson (D–CA)	84	80	87
Howard Berman (D–CA)	88	95	95
Barbara Boxer (D–CA)	92	90	93
Benjamin Cardin (D–MD)	88		
Ben Erdreich (D–AL)	40	55	41
Barney Frank (D–MA)	100	100	98
Martin Frost (D–TX)	88	45	66
Sam Gejdenson (D–CT)	92	95	92
Benjamin Gilman (R–NY)	68	40	48
Dan Glickman (D–KS)	80	55	64
Willis Gradison (R–OH)	20	15	24
Bill Green (R–NY)	[1] 56	70	62
Tom Lantos (D–CA)	84	70	79
William Lehman (D–FL)	92	100	92
Sander Levin (D–MI)	84	85	88
Mel Levine (D–CA)	96	85	92
John Miller (R–WA)	[1] 48	40	36
James Scheuer (D–NY)	84	95	89
Chuck Schumer (D–NY)	88	85	88
Norman Sisisky (D–VA)	52	45	48
Lawrence Smith (D–FL)	80	65	73
Stephen Solarz (D–NY)	[1] 88	90	89
Henry Waxman (D–CA)	92	95	95
Ted Weiss (D–NY)	92	95	97
Howard Wolpe (D–MI)	92	90	91
Ron Wyden (D–OR)	84	80	82
Sidney Yates (D–IL)	96	90	95

[1] These scores differ from the enclosed 1987 voting record because vote No. 14 in the Record is incorrect.

Average of Jewish Members of Congress

	Percent
House and Senate—35 members	76
House only—28	81
House Republicans—4	48
House Democrats—24	86
Senate only—7	59
Senate Republicans—4	35
Senate Democrats—3	92

AMERICANS FOR DEMOCRATIC ACTION, INC., 1987 LIBERAL QUOTIENT—BLACK CAUCUS MEMBERS

House	1987	1986	5-yr. average
Mervyn Dymally (CA), chairman	84	100	89
William Clay (MO)	92	75	90
Cardiss Collins (IL)	92	95	93
John Conyers (MI)	92	85	89
George Crockett (MI)	84	95	89
Ronald Dellums (CA)	100	100	98
Julian Dixon (CA)	96	85	89
Mike Espy (MS)	84	—	—
Floyd Flake (NY)	92	80	89
Harold Ford (TN)	68	—	—
William Gray (PA)	[1] 92	80	89
Augustus Hawkins (CA)	92	85	84
Charles Hayes (IL)	100	95	[2] 99
Mickey Leland (TX)	96	100	94
John Lewis (GA)	96	—	—
Kweisi Mfume (MD)	100	—	—
Major Owens (NY)	[1] 100	95	93
Charles Rangel (NY)	88	100	[2] 92
Gus Savage (IL)	100	95	97
Louis Stokes (OH)	88	100	92
Edolphus Towns (NY)	92	95	92
Alan Wheat (MO)	100	95	98

[1] These scores differ from the enclosed 1987 voting record because vote No. 14 in the Record is incorrect.

[2] 4-yr. average.

Average score for Black Caucus members

	Percent
House overall—22 members	92

AMERICANS FOR DEMOCRATIC ACTION, INC., 1987 LIBERAL QUOTIENT—WOMEN CAUCUS MEMBERS

	1987	1986	5-yr. average
Senate:			
Nancy Kassenbaum (R-KS)	30	45	38
Barbara Mikulski (D-MD)	100	[1] 90	[2] 95
House:			
Helen Bentley (R-MD)	[3] 32	15	[4] 22
Lindy Boggs (D-LA)	[3] 68	80	71
Barbara Boxer (D-CA)	92	90	93
Beverly Byron (D-MD)	[3] 48	20	25
Cardiss Collins (D-IL)	92	95	93
Nancy Johnson (R-CT)	[3] 48	40	44
Marcy Kaptur (D-OH)	[3] 80	75	76
Barbara Kennelly (D-CT)	84	85	87
Marilyn Lloyd (D-TN)	[3] 28	20	29
Lynn Martin (R-IL)	20	15	24
Jan Meyers (R-KS)	12	25	[4] 17
Constance Morella (R-MD)	60		
Mary Rose Oakar (D-OH)	96	95	89
Elizabeth Patterson (D-SC)	[3] 68		
Nancy Pelosi (D-CA)	93		
Marge Roukema (R-NJ)	[3] 36	30	39
Patricia Saiki (R-HI)	28		
Claudine Schneider (D-RI)	[3] 76	80	74
Pat Schroeder (D-CO)	[3] 76	95	85
Louise Slaughter (D-NY)	76		
Virginia Smith (R-NE)	[3] 0	10	9
Olympia Snowe (R-ME)	56	50	46
Barbara Vucanovich (R-NV)	[3] 20	0	8

[1] In House.

[2] House and Senate.

[3] These scores differ from the enclosed 1987 voting record because vot No. 14 in the Record is incorrect.

[4] 3-yr. average.

Average of Women Caucus Members

	Percent
House and Senate—25 members	55
House Democrats—13	75
House Republicans—10	31

STATUS OF SSC AUTHORIZATION/APPROPRIATION

The **SPEAKER** pro tempore (Mr. LEWIS of Georgia). Under a previous order of the House, the gentleman from Texas [Mr. BARTON] is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Speaker, there is a project that is of utmost importance to the future competitiveness of our Nation that is being debated in some of the committees of the Congress this week. It is a project called the SSC which stands for superconductor supercollider high energy particle accelerator. This is a basic physics research project, and to put it in context, I would go back and explain to my colleagues that the first SSC was a Bunsen burner.

The purpose is to accelerate a particle and to let scientists study the effects that particles exhibit at higher energy levels.

We have gone from a very simple accelerator like a Bunsen burner to bigger and bigger, more complex accelerators.

Today, the largest accelerator in the world is in Illinois, a national laboratory called Fermi Lab. It has the energy equivalent of 1 trillion electron volts.

There is a facility in Europe called the CERN facility which is being expanded at this time and when expanded it will have an energy level of 5 trillion electron volts.

The SSC project, if built, would have an energy level of 40 trillion electron volts.

One may ask why do we want a particle accelerator at those energy levels? Very simply, a particle accelerator needs to get the higher and higher energy levels in order to look further and further into the atomic structure. A particle accelerator can be considered to be nothing more than a giant microscope.

At 40 trillion electron volts, we will be able to look into the smallest substructure of the atom. We will not only be able to look at atoms, we will be able to look at the protons that make up the atoms and hopefully even smaller, into the substructure of the proton, the very smallest part of matter called quarks and leptons.

Why is this important? It is important to try to find out the basic material that makes up the matter and it is also important to try to find out the basic forces that hold matter together.

We have always been, we being the United States, have always been at the forefront of particle physics research.

As a result of being at the forefront and being a world leader, we have led in the effort to develop super-conductivity, in the effort to develop microchip technology, in the effort to develop some of our medical technology like magnetic resonance imaging. This is a technology that is replacing the CAT scan. It allows physicians to take pictures of our body without exposing the body to x rays.

If we do not build this, the SSC, the superconductor supercollider project, some other nation will and when they do they are going to be the world leader and the best scientists in the world are not going to be in the United States, they are going to be in other parts of the world.

This week in the authorizing committee, the Committee on Science, Space, and Technology, they are voting on whether to authorize the project.

The Subcommittee on Appropriations tomorrow will be voting on whether to obligate any expenditures of funds for the project.

The President is his budget requested that we spend $363 million on this project. The budget resolution that the House passed several weeks ago authorized a minimum of $100 million. The authorizing committee is expected to authorize in the neighborhood of $147 million. The Appropriations Subcommittee is looking at a much lower number of $60 million.

We need to go to the higher number. We need to be in the neighborhood of $150 million to $200 million to keep the project alive, to keep the project on track.

This is an investment in our future. It has bipartisan support. It has support all across the country. The States that are in the running for the site selection are in Michigan, in Illinois, in the Midwest, in Tennessee, North Carolina, in the South, south central region, my State of Texas and in the West in Arizona and Colorado. It is a national effort.

It will reap many, many benefits. We need to move forward. We need to support it at a higher funding level than is currently being considered in the Subcommittee on Appropriations.

Mr. Speaker, I would urge my friends and colleagues to urge the higher funding level this week as we go through the committee process.

POLISH UNREST

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, what we are seeing today in Poland represents the failure of the government to achieve true economic and political reform. What started as a strike by local transit workers has now spread to several areas of the country with thousands of workers involved and is supported by the leader of Solidarity, Lech Walesa.

The workers are demonstrating in favor of pay increases to offset the great rise in prices, the Polish Government says, that has come as a result of economic reform. The pay increase issue, in my eyes, is just a manifestation of the government's inability to make life better for the people of Poland. If General Jaruzelski were in favor of true reform, the pain involved with price increases might be able to be borne, but no one trusts the government to carry the necessary reforms out. As Chairman Walesa has stated,

> A strike wave is covering the country. These strikes are not just local conflicts. These strikes are across Poland. They are the result of the economic crisis and the lack of convincing reform policies that would offer prospects for a better future.

What worries me, Mr. Speaker, is the fact that there has been no improvement in living conditions since the time Solidarity was crushed in this, a whole new generation of Poles, those who were teenagers during the Solidarity period, has taken up the leadership of the present unrest and has called for the legalization of Solidarity.

The Polish Government must seize this moment to engage in meaningful negotiations with Solidarity if it wants to end the strikes that have begun to spread throughout the country. If the authorities refuse, they are, according to Walesa, "deepening the losses" and "forcing Solidarity to lead the nation onto the road to reform."

What further worries me is the arrests the government has made in the past few days. Eight regional leaders of Solidarity, including Bogdan Lis of the Gdansk area, and prominent intellectuals and opposition figures like Adam Michnik and Leszek Moczulski have been questioned and detained—and no one knows when they will be freed. This goes against the past policy of the government not to imprison political opposition figures and may do damage to Polish-American relations.

The steelworkers in Nowa Huta and the shipyard workers in Gdansk are not out just to make things better for themselves. They speak for a broad group of workers throughout Poland—especially low-paid health workers and teachers who will have the hardest time facing a steep rise in prices. Their message is that the Polish Government's economic policy is bankrupt and further sacrifices will not be tolerated.

Their message is not just economic in scope, but deals with the relation of workers and the state. They demand that workers must have an organization that speaks for them and looks out for their interests. It is ironic that Poland, a Communist country which is supposed to stress the protection of workers' rights above all, has a labor problem of such mammoth proportions on its hands.

Polish Government spokesman Jerzy Urban says that recognition of Solidarity is "not a question that can be an object of negotiations," that it is "nonnegotiable." What I believe he is really saying is that the prospects for future economic growth for Poland and the well-being of Polish workers is not up for negotiation.

THE 350TH ANNIVERSARY OF HARTFORD PUBLIC HIGH SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Mrs. Kennelly] is recognized for 5 minutes.

Mrs. KENNELLY. Mr. Speaker, I rise today to recognize a very important birthday in the First Congressional District of Connecticut. This birthday honors an outstanding educational institution born in Hartford, CT in 1638. This year is the 350th anniversary of Hartford Public High School.

For these 350 years, Hartford Public High School has made quality public education available to thousands of young people, and has graduated students who have gone on to excel in all walks of life. These men and women have used their hands and their heads to make America what it is today. Modern graduates include doctors, lawyers, actors, Hartford mayors, a Connecticut Lieutenant Governor, an astronaut, an Olympic gold medalist, and a State and national Democratic chairman—my father, John Bailey.

Hartford Public High School is the second oldest school in the United States. From the time, three and one-half centuries ago, when Rev. John Higginson taught in a single room in a private home, to the present, with almost 300 young men and women preparing for graduation, the school has always maintained a high standard of education.

The school has been located in several different buildings in the city of Hartford over the years. But regardless of the walls surrounding it, education has always been the foundation of Hartford Public High School.

As we reflect on Hartford Public High School's 350 years, it is fitting to review the lyrics written by Elsie Taylor DuTrieuille, a 1915 HPHS graduate, to commemorate the tercentenary of Hartford High School. The "Song Triumphant" still rings true today as we celebrate the school's 350th anniversary.

Song Triumphant

Deep in the vista of three hundred years we stand,
Our torches kindled by thy guiding light,
A pilgrim host returned to thee from every land,
In festive robes, well girded by thy might,
O, Hartford High, Beloved School, all hail to thee:
Tower of might against a flaming sky,
The heav'ns resound with praise, ring out with victory,
God speed you on, triumphant, Hartford High.

Public education has contributed to the greatness of our country. It has allowed millions of individuals access to higher education. I am proud to say that Hartford Public High School epitomizes the excellence of the public education system in our State and Nation. Throughout its 350 years, HPHS has distinguished itself in the field of education and it has created a legacy that will continue into the 21st century.

□ 1845

Mr. Speaker, I am very pleased to mark this tremendous milestone for the benefit of my colleagues.

THE INTERGOVERNMENTAL COMMITTEE FOR MIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. Mazzoli] is recognized for 5 minutes.

Mr. MAZZOLI. Mr. Speaker, I have taken this special order to show my support for the nomination by the United States of James N. Purcell to be Director General of the Intergovernmental Committee for Migration [ICM].

On May 26, 1988, the Council—consisting of 33-member governments of the Intergovernmental Committee for Migration—will meet in Geneva to elect a successor to James L. Carlin of the United States who is retiring as ICM's Director General.

ICM is an independent organization dedicated to the service of refugees and national migrants. Since its inception in 1952, it has moved over 4 million refugees and national migrants to all parts of the world. It has, in effect, given these millions of people hope, greater opportunities, and a new life.

In 1983, 2 years after becoming chairman of the Subcommittee on Immigration, Refugees, and International Law, I served as congressional adviser to the U.S. delegation to a session of the ICM Council Session. Our delegation was headed by Mr. Purcell and at that meeting, I had the honor to nominate Mr. Carlin for reelection to a second term as Director General of ICM.

Since that time, I have become familiar with the invaluable and varied services that ICM has rendered on behalf of refugees and national migrants across the globe in response to appeals and requests from its member governments.

Mr. Carlin's retirement is effective September 30, 1988, and the U.S. Government has nominated James N. Purcell, a Government official and recent Director of Refugee Programs for the Department of State to succeed him.

Mr. Purcell has served in the U.S. Government since 1962 having held positions in the Atomic Energy Commission, the Agency for International Development [AID], the Office of Management and Budget [OMB], and the Department of State.

In all of these assignments, Mr. Purcell has exhibited management and administrative skills. These were especially noted when he was able to muster support in the administration and in Congress for adequate funding for refugee and migrant assistance even in fiscal years when cutbacks were the order of the day.

Over its life, ICM has seldom faced a year without some budgetary concerns. Unforeseen government requests for assistance, currency fluctuations in many countries of the world and unexpected emergency flows of refugees and migrants are all problems which ICM as an organization has had to face and will have to face in the future. These inevitable situations demand special management and administrative skills of its Director General. I feel Mr. Purcell possesses these rare talents and abilities.

His experience with U.S. AID and OMB has provided him with a special training for developing and implementing ICM programs in Latin America. ICM efforts in that area run the gamut of family reunification, the selection and placement of skilled workers in the Return of Talent Program, in which nationals living away from their homelands are given an opportunity and the needed financial assistance to return to their home countries to put to use these educational and work experience gained abroad. While these have all been worthwhile programs, ICM will have to develop even more initiatives if it is to serve its members completely. I feel sure Mr. Purcell will measure up to the challenge.

I feel confident that Mr. Purcell will maintain the tradition of ICM's humanitarian objectives, that his dedication to the task of Director General will be complete and that his energies will be enthusiastically applied toward enhancing strong and effective cooperation among member governments.

I hope the ICM Council will select Jim Purcell as the new Director General of the Intergovernmental Committee for Migration.

Before closing, I wish to commend the outgoing Director General, Mr. James Carlin, for his leadership of ICM over the last 9 years. I have been with him on numerous occasions and have been impressed by his thorough knowledge of refugee matters, his able and discreet handling of sensitive intergovernmental issues and his ability to negotiate and administer complicated refugee and migrant movements.

I wish him and his wife, Anne-Marie, a happy and fulfilling retirement and thank them both for the many courtesies they have extended to me.

HARRY GOLDEN, JR., A GREAT CHICAGO REPORTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, politicans, reporters, and ordinary citizens of Chicago are a bit poorer now because of the death of Harry Golden, Jr., over the weekend. Harry was a political reporter for the Chicago Sun-Times who seemed to know everything and won the respect of everyone.

The relationship between politicians and members of the press is always wary and often uncomfortable. We need one another. But we seldom trust one another. Every politician wants reporters to write nothing but nice things. But experienced practitioners ultimately settle for accuracy instead.

Harry Golden, Jr., was accurate and fair. He was smart and quick. He was the dean of the city hall reporters. To survive and even thrive in the environment tells you a lot about the man.

He was also entertaining. Anyone who works as a political reporter for several decades learns a lot of stories. Harry Golden, Jr., retold those stories well.

Journalistic trends may come and go. But the basis of journalism is the reporter who knows how to get the facts straight quickly and put them into a story that is easily understood by readers who may be less sophisticated than he is.

Harry Golden, Jr., was that type of reporter. I join thousands of others who read him regularly when I say we will miss him.

DISASTER REDUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN of California. Mr. Speaker, today I am introducing legislation supporting the International Decade for Natural Disaster Reduction and endorsing a U.S. Decade for Natural Hazard Reduction. On December 11, 1987, the General Assemby of the United Nations passed a resolution by unanimous consent supporting an International Decade for Natural Disaster Reduction to begin in 1990. That initiative calls on national governments to participate during the decade in concentrated international action to reduce the losses from natural disasters worldwide. In order to do so, the U.N. measure suggests that each country establish its own national committee for guiding hazard reduction efforts internally as well as for facilitating the timely and effective transfer of knowledge between the developed and developing countries of the world.

Although natural disasters have severe impacts locally, they also have national and global effects. Natural disasters have killed millions of people around the world in the past two decades and have caused short-term property losses estimated at $1 billion to $5 billion annually. In addition, it is important to note that moderate, more frequently occurring disasters as well as the large, less frequent catastrophes can have severe negative effects.

While individuals suffer the brunt of these losses, their governments also are affected when, for example, national treasuries are drained in the postdisaster relief and recovery phases of the disaster cycle. In the United States, losses to the U.S. Treasury from floods during the past few decades are estimated at $1 billion. Projections for the drop in U.S. GNP from a large earthquake in southern California are placed at 5 percent. Losses from a single disaster in some developing countries have amounted to the equivalent of the yearly GNP of individual nations. Besides the economic repercussions, these disasters have national defense and security implications.

What can we do, therefore, to help reduce these losses that affect not only our own local communities, but also our Nation and our ability, as part of the world community, to maintain a viable global society. In this country, we have started several programs to reduce losses from natural hazards. The National Earthquake Hazard Reduction Program, established in 1977, is one example of the attempt to reduce risks and losses to life and property from future disasters.

In 1980, we recognized that natural and technological disasters are interdependent. For example, earthquakes can contribute to the occurrence of other natural hazards, such as tsunamis, or techonlogical hazards like leaking toxic substances from fractured pipelines. In addition, many disasters are interrelated because of climatological and geophysical events. For instance, saturate hill slopes are more likely than arid ones to slide during earthquake shaking. These examples of the interrelated nature of hazards are not specific to earthquakes, but also are applicable to many types of natural hazards.

In addition, it is extremely important to note that social, political, economic, and cultural processes have as much to do with the interdependence of disasters as the environmental events themselves. While disasters occur because of natural environmental processes, they also occur because humans settle and develop high risk areas. As our rapidly growing population continues to concentrate in urban areas throughout the world, and capital investment in those areas increases, it is evident that the reduction of natural disasters depends not only on our understanding of environmental systems or societal systems, but also on the understanding of the interaction between people and their environment. Our recognition of the interrelated components of local vulnerability will us to address global vulnerability and reduce the potential for losses from disasters.

Therefore, I urge my colleagues to support the International Decade for Natural Disaster Reduction as a means to address the task of hazard reduction throughout the world and to provide the institutional framework for the timely and effective transfer and exchange of knowledge and expertise among developed and developing nations. Since effective efforts to reduce hazards can be suggested at many levels of government, but must be implemented at the local level with respect to social, economic, cultural, and environmental conditions, I also endorse a U.S. Decade for Natural Disaster Reduction. I suggest that the United States effort be one of the national components to the international decade initiative which will encourage international cooperation, and lead to better cooperative hazard reduction success in our own country both through present and future programs. I urge Federal Government agencies to undertake ways of better coordinating the programs already underway in our country, such as the National Earthquake Hazard Reduction Program, to achieve this end.

In the interest of fostering a dialog between local, national, and international participants of a coordinated effort needed for disaster reduction, I would like to draw attention to articles which appeared in the March 1988 issues of Environment and Natural Hazards Observer. Comments is these two articles by Dr. James K. Mitchell of Rutgers University and Dr. James Lewis of Datum International in Great Britain , respectively, both internationally known hazard specialists, stress several important points. First, Mitchell and Lewis emphasize the need for understanding local vulnerability to disasters in order to address the problem most effectively. Second, they draw attention to the fact that both societal and environmental processes are responsible for disasters. Third, they remind us that all disasters are slow onset in nature, if considered in the proper context of the locality where they occur. In addition, they recognize that the application of technocratic methods is only a partial solution to reducing disasters. Last, they suggest the hazard reduction strategy of linking the economic development processes with natural hazard management. I believe that ideas expressed in both articles should be considered in connection with the National Academy of Sciences report, "Confronting Natural Disasters: An International Decade for Natural Hazard Reduction" in order to address all possible ways of reducing future losses from disasters both in our own Nation and throughout the globe. In conclusion, Mr. Speaker, I urge my colleagues to cosponsor the legislation I am introducing today.

CLARK UNIVERSITY HONORS THE HONORABLE JOSEPH EARLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. BOLAND] is recognized for 5 minutes.

Mr. BOLAND. Mr. Speaker, Clark University in Worcester, MA, recently celebrated the commencement of its second century since the founding of that renowned institution. At that ceremony our colleague, Congressman JOSEPH EARLY, was awarded the Centennial Award. In receiving this award he took his place rightfully among an elite few whose contribution to the prosperity of the university have distinguished themselves above all others.

The formal citation reads appropriately: Presented in grateful appreciation for continued support and leadership in higher education.

TRIBUTE TO THE LATE HONORABLE MELVIN PRICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 60 minutes.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, I have asked for this special order today so that we may pay tribute to our distinguished colleague, and my dear and close friend, Congressman MEL PRICE, who died on April 22, after a long and exemplary career in public service to our country.

MEL was my trusted friend for more than 44 years, and I know that I speak for all of my colleagues in the House of Representatives when I say that I shall deeply miss this gentle, soft-spoken, caring Congressman from Illinois. I shall always cherish MEL's wise counsel and advice. Along with other colleagues, I conferred with MEL in the House Dining Room regularly—almost every day when the House was in session—and I know that these meetings will no longer be the same without his presence.

His more than 50 years of government service represent almost one-quarter of the history of our Nation. As the second ranking member of Congress in seniority, MEL served in the House of Representatives through the terms of nine Presidents, and during that time he himself left an indelible mark on the history of our Nation as he worked to improve the strength and readiness of our defense forces, moving their preparedness into the 21st century.

MEL was born on January 1, 1905, in East St. Louis, IL, and attended St. Louis University. He was a sports editor from 1920 to 1927, and a newspaper correspondent for the East St. Louis Journal from 1927 to 1933. Moving from covering sports to politics, he became a member of the St. Clair County Board of Supervisors from 1929 to 1933. He also served as an administrative assistant from 1933 through 1943 for Congressman Edwin M. Schaefer of Illinois.

MEL enlisted in the Army in 1943, and all of us can remember with a smile how MEL used to tell the story of how he was informed that he was elected a Member of Congress in 1944 while on "KP" duty loading apples. MEL's experience in the service endowed him with a special sensitivity to the needs of our Nation's military personnel.

Elected to the 79th Congress on November 7, 1944, MEL PRICE was dedicated to the service of his constituents from the 21st Congressional District of Illinois. He was a man of the people, who tirelessly served the needs of his constituents for the next 44 years. At this point in the RECORD, I would like to include an article which appeared in the St. Louis Globe-Democrat Sunday magazine, on April 27, 1975, which highlights the outstanding service MEL provided to his constituents and to our Nation. A copy of that article follows:

[From the St. Louis Globe-Democrat Sunday magazine, Apr. 27, 1975]

CONGRESSMAN MEL PRICE

[The chairman of the powerful House Armed Services Committee—which oversees a $100 billion defense budget—is a quiet man with a very large clout.]

On the afternoon of Nov. 8, 1943, a 39-year-old Army corporal in the quartermaster corps was pulling KP duty at Camp Lee, Va. As he unloaded a truck full of apples, he got the final word. By a narrow margin (2,600 votes), he had just been elected U.S. Representative from Illinois' 23rd District.

Today that same overage enlistee, Democrat Mel Price, is the first former serviceman ever to chair the powerful 40-member House Armed Services Committee which oversees an annual defense budget of more than $100 billion.

"I still remember that day," said Congressman Price with a smile on a recent trip to his home district. "My Colonel congratulated me, introduced me to the people in his office and then took me to meet Gen. Paul D. Harkins. Harkins, who later became a good friend, looked at me and said, 'I see you're a corporal. Well, we'll make you a sergeant. That'll be the custom around this post—anybody who's elected to Congress gets promoted one grade.'

"Then Harkins started talking business right away," Price added. "He said this is a good camp. It should be made a permanent post."

Melvin Price (his first name is actually Charles but he never uses it) should be used to being the No. 1 man by now. He even started out in life in East St. Louis as a New Year's baby, born the first hour of the first day of 1905. And he has served as a committee chairman before, of the Senate-House Joint Committee on Atomic Energy and of the House Ethics Committee. But he admits that since the Democratic caucus put him in charge of the important Armed Services Committee by a vote of 251 to 7, unseating Rep. F. Edward Hebert of Louisiana, he has noticed some changes.

"I get a lot more attention now," Price grinned, "and my work load has increased. I also have more direct contact with members of Congress who are coming to me now if they have military or defense budget problems in their areas."

The Congressman is quiet, soft-spoken and unassuming and some Washington observers speculate that it was these qualities and his lack of arrogance that persuaded Democratic newcomers in the House to vote for him as chairman.

One Capitol Hill observer called him "a quiet man * * * with very large clout."

Price agrees that his handling of the committee is different.

"I think probably the committee members feel I'm more accessible although I myself have never known Ed Hebert to be inaccessible," he said.

However, like his predecessor, Price believes in a strong U.S. defense stance. According to the Congressional Quarterly, the pro-military American Security Council gave Price an 80 per cent favorable rating on House defense votes during the last Congress, compared to Hebert's perfect score.

"In defense, you have to be prepared for what the other fellow might do," he stressed. "One of our goals is to rehabilitate the Navy. For the first time in many years, we're below 500 ships and we've done very little to modernize our Navy since World War II except for the nuclear submarine force. At the same time practically all of the Soviet Navy has been built since the war.

"It's not a question of whether we have the money for guns and butter; we need both," Price continued. "The problem is that the modern weapon systems cost so much. For example, the old B-29s came fully equipped for $500,000. The F-15s today are costing from $12 to $15 million. The only thing we can do is to cut the budget in areas that won't weaken our defense and the committee is in the process of investigating this now."

The Congressman is particularly concerned about the $10.3 billion budget of the Research and Development Subcommittee, which he also heads, because he feels that is where the future strength of the U.S. defense community comes from.

Mel Price grew up on the East Side, and after attending St. Louis University for two years, dropped out to become a sports writer (and later sports editor) on the now defunct East St. Louis News-Review. He also worked on the East St. Louis Journal. And after serving as secretary to the late Congressman Edwin M. Schaefer in Washington for 10 years, Price joined the staff of The Globe-Democrat for a time before his enlistment, covering city hall and general assignments. While at The Globe, he was the reporter who broke the story that Harry S Truman was going to be nominated for vice president.

However, his first love was sports and many of his close friends are and were people in the sports world—wrestling promoter Sam Muchnick, the late Leo C. Ward, traveling secretary of the Baseball Cardinals ("they called us the three musketeers"). Bob Burnes, Harry Mitauer and Bill Fairbairn, all of The Globe-Democrat's sports staff.

"You know right after the end of World War II, as a member of the Military Affairs Committee, I went to France and visited Eisenhower's headquarters in Rheims," Price recalled. "When I got out of the car, who do you think was standing there to greet me? It was Bill Fairbairn. I couldn't believe it."

Fairbairn remembers the incident, too.

"He made me get cleaned up," he said wryly. "Thanks to Mel, I got my first hot bath in six weeks and I got a new uniform so I could go visit him that night. The collar was falling off the old one."

Price has remained an ardent fan of all sports ("I tell 'em in Washington, I'm a Redskins' fan till they play the Football Cardinals") but most especially baseball. As a matter of fact, going to a baseball game once saved his life.

"I was covering city hall at the time and Mayor William Dee Becker told me he was going up for a glider ride the next day," related Price. "He asked me if I wanted to go along, I said no, I'm going to the baseball game. That's where I was when they announced that a wing had come off the glider and Mayor Becker and all aboard were killed in the crash."

Price's first election was his only squeaker. After that he began winning by respectable margins, then large margins and finally crushing margins. Last November, for instance, when he was re-elected for the 16th time, he defeated his Republican opponent Scott Randolph by 77,728 to 18,802 votes.

One of the reasons is that he obviously does his "homework" among his constituents in St. Clair and Madison Counties. Price gets back to the 23rd district at least one weekend a month, sometimes more. On one recent visit The Globe-Democrat followed the Congressman and his district secretary, Gene Jotte, around for most of a hectic day-long schedule. Jotte, a short pleasant man with an everready quip and a pixy grin, worked on Price's first campaign and has managed all of the succeeding ones. In addition to being the Congressman's ombudsman, he also serves as his eyes and ears on the home front.

The day began with a breakfast meeting at 7 a.m. in Fischer's Restaurant in Belleville with Mayors Williams Ebersoldt of Venice, Mike Sasyk of Madison, Paul Schuler of Granite City, and Avery Shermer, president of the Granite City Chamber of Commerce. The quartet talked primarily about the flooding and drainage problems in their areas.

"We hope Price lives to be 150 years old. I don't know what we'll ever do if we lose him. We cry on his shoulder every time he's in town," said Ebersoldt. "I've known Mel for years and years. I met him through Frank Reidelberger, who was a Justice of the Peace over here and also played piano for the Grand Theater. Remember?

"Sure," grinned Price.

"Reidelberger sent me the first telegram I received after I was elected," he told the rest of the group. "All it said was, 'Oh, what a beautiful morning.' I wired him back, 'What a difference a day makes.' "

Breakfast meeting over, Price and Jotte hurried over to the nearby St. Paul's Nursing Home, arriving at 8:25.

"We're honored to have you here," said administrator Warren Peters, as he greeted the Congressman. "I really didn't expect you to come. I didn't think we were important enough for you."

Peters briefed Price on the home and later took him on a tour.

"We could do this every weekend and never get around to everybody," Jotte whispered a little sadly.

During the tour Price ran into an old friend, former Belleville Mayor Harold Calhoun, now a resident there, and later he congratulated Mrs. Elizabeth Killian who had celebrated her 104th birthday several weeks before. A former school teacher, Mrs. Killian remembered receiving a birthday letter from the Congressman. Then he sat down for a cup of coffee and accepted an iced cookie.

From St. Paul's Jotte drove Price to Belleville Area College where he first said a few words on the energy crisis before a women's conference meeting there and then settled down for a question and answer session with a group of students.

A girl asked, "What is your opinion of nuclear energy as a solution to the energy problem?"

Price replied that the two major energy sources available to us now are nuclear and coal.

"In Illinois there are seven nuclear power plants built by Commonwealth Edison," he said. "They are supplying about 30 per cent of the energy need at about 25 per cent less cost than conventional plants. There are 54 nuclear power plants operating today; we need 200 by 1985 in order to be a position to do something about our oil situation. Each nuclear power plant would save 12 million barrels of oil a year. France, for example, says all new power plants have to be nuclear now."

When the student mentioned Ralph Nader's negative report on nuclear power plants, Price argued.

"Thirty-two nuclear scientists around the country have just published a report that is completely different from Nader's."

He discussed the CIA's monitoring of private mail from the Iron Curtain countries, the food stamp situation and the sale of arms to aggressive rivals.

"It wouldn't do one country any good to stop the sale of arms if other countries don't stop," Price noted. "France, for one, is in the arms sales business pretty big."

When gently reminded by Jotte that it was time to leave for an 11 o'clock meeting with the Belleville Chamber of Commerce, Price sighed reluctantly, "I'm enjoying this though."

Back he and Jotte went to Fischer's where there were more sweet rolls and coffee on the table, the third breakfast of the morning. The Belleville C. of C.'s main concern was their forthcoming trip to Washington the end of the month. They wanted to know if the Congressman could set up meetings for them at various government agencies and with officials from the Departments of Transportation and Agriculture.

"Sure, sure," he nodded, as they went over their requests.

Then members queried him about the proposed Waterloo Airport (he knew nothing new), funds for the completion of Highway 460 ("You're going to have to talk to the State Department of Transportation about that") and Earl Butz' farm program.

"You can't win on a farm bill," Price shook has head. "This is the toughest vote we have to make."

They also informed him of their plans to welcome members of the Air Force Communications Service and their families when the Command moves back to Scott Air Force Base from Richards-Gebaur near Kansas City.

Leaving Fischer's, Price and Jotte headed for Caruil's Restaurant in the O'Fallon Sports Bowl where the Congressman was to have lunch and to say a few words to the O'Fallon Chamber of Commerce. On the way over, we asked Price how he kept up such a hectic schedule.

"I've been lucky, always had good health," he replied. "Actually in Washington it's worse: I'm running from committee to committee and then I have to break out ever so often to see people who have come to see me. I average about a 10-hour day and then do extra reading and so on at home. I also get a lot of telephone calls, both from people in Washington and my district. I have a listed phone number."

Arriving at the Sports Bowl, Price was immediately surrounded by a crowd of people, many of whom were old friends, 'Hi Mel! Howya doing?" chorused the well-wishers.

Finally, in response to an appeal by Mrs. Robert Weinel, Chamber president, because of the shortage of time, the group headed for their seats and settled down to a fried chicken luncheon.

Mrs. Weinel was interrupted by a loud round of applause during her introduction of Price when she commented, "As you know, no letter goes unanswered; no call for help goes unaided . . ."

The Congressman spoke briefly on the energy crisis again and then asked if there were any questions. There were very few, a point that puzzled Gene Jotte until he discovered a short time later that the group had been warned that Price's time was at a premium and that they shouldn't keep him too long.

Walking out to a standing ovation, the pair left for Collinsville for an appointment with Mayor Lewis Krause and some Democratic buddies at the city hall. There also was a surprise visitor waiting for Price there—John Paoli, his old sergeant during basic training at Camp Lee, whom he hadn't seen in a long time.

"I showed him how to get out of the Army," quipped Price, "just get elected to Congress."

"Yeah, I got out too—after three years," Paoli retorted.

"How's Garry and Bill?" another friend asked.

(Garry is Price's wife, the former Garaldine Freelin of Moberly, Mo., and Bill, their 21-year-old son, who's studying at St. Louis University where he will enter medical school in the fall.)

"Fine, fine," answered Price. "Just missed Bill on this trip. He flew up to Washington to spend his spring vacation with his mother and me. (The Prices live in Falls Church, Va., about 10 miles from downtown Washington.)

"Mel's claim to fame as far as we're concerned," Mayor Krause told The Globe Democrat, "is that he gets the Federal people to say yes. He helped us get our new police headquarters built with funds from the Law Enforcement Assistance Administration. If we have problems, he's as close as a phone call or letter. Didn't you tell me once, Mel that you didn't have a file 13?".

"That's right," admitted Price.

"We hope they kick the economy in the pants a little better," the Mayor continued. "The costs are rising sky high. You know the oil we spread on the streets. A year ago, a truckload cost $120; now it's up to $640."

"Let me tell you about the Defense Department," parried Price. "They reduced fuel usage by 27 per cent and it still cost them 117 per cent more."

One of the men asked if he had gotten much mail on continuing aid to South Vietnam and Cambodia.

"About 1,000 letters so far," said Price, "and out of them only 60 to 70 asked for more aid."

After covering a number of other subjects, Price and Jotte left for Scott Air Force Base, visiting the St. Clair Shopping Center and a new supermarket in O'Fallon en route.

During the drive Price surveyed the passing countryside, and noted:

"Funny how things have grown up here. That tavern over there used to be sitting out in the country all by itself. And look at the nice black soil we have here. I'd like to take several loads back to Washington with me. All they have there is that old red clay."

At Scott, Gen. Paul K. Carlton, commander of the Military Airlift Command, showed Price where the new headquarters of the Air Force Communications Service will be and then he was briefed by base housing officer, Col. Robert Dixon, on plans for getting the newcommers settled. Next, the Congressman had a private meeting with Gen. Carlton and when that was over, the two headed down to the flight line to greet former astronaut, William A. Anders.

Anders, a member of the Apollo 8 crew which flew the first mission to the moon in December 1968, is now chairman of the Nuclear Regulatory Commission. He had come at Price's request to speak before the Fairview Heights Chamber of Commerce that night.

After making sure Anders would have transportation, Price and Jotte headed again for their car and left for Fairview Heights where the Congressman was going to squeeze in a press conference before the cocktail party and dinner at Dohack's that would climax his 15-hour day.

Why does Price set such a pace for himself? Because he evidently enjoys it.

"If you want to know what he likes best about being a Congressman, you can put it in one word—people," Jotte pointed out.

And people—both his colleagues in Washington and his constituents in the 23rd district—obviously like Price.

Perhaps an anecdote by Globe-Democrat Executive Sports Editor Bob Burnes best illustrates why.

"On Wednesday, Mar. 19, Mel Price answered a roll call in the House at 5:30 p.m., dashed to the airport and make his plane with two minutes to spare," Burnes related. "He arrived in St. Louis at 8:17. Gene Jotte and his son, Bill, met him at the airport and drove him immediately to Lupton's Chapel. He arrived at 8:50 to pay his last respect to one of his two closest friends, Leo Ward.

"Lupton's kept the funeral home open an extra half hour so that Mel could visit with the Ward family," he continued. "Then he went to a motel near the airport to spend the night so he could catch an 8:30 flight back to Washington the next morning because he had to preside at an Armed Services Committee meeting in the late forenoon.

"Imagine a 70-year old man flying halfway across the country for a half hour visit at a funeral home. I really got a lump in my throat when I saw him walk in."

Mr. Speaker, joining the House Armed Services Committee in 1948, Mel Price also served as the first chairman of the Subcommittee on Research and Development in 1964. He continued to play a leadership role in the development of new weapons systems and the modernization of our military, including the development of the first nuclear-powered submarine. He earned the respect and admiration of his colleagues for his unquestioned knowledge and expertise on these matters, and became the chairman of the House Armed Services Committee in 1975, a post he held for 10 years.

Because of his lifelong commitment to improving the defenses of the United States, I was proud to be a sponsor of an amendment to the Department of Defense Authorization bill honoring Mel by naming a Trident ballistic missile submarine, the U.S.S. *Melvin Price.* This amendment was approved overwhelmingly by the full House of Representatives last week.

Congressman Price was also an original member of the Joint Committee on Atomic Energy created in 1946, where he served as its chairman and vice chairman. In 1957, Mel sponsored the Price-Anderson Act, which gave a boost to our civilian nuclear power industry. In addition, he served as the first chairman of the House Committee on Standards of Official Conduct from 1967 to 1975.

In 1965 Mel was chairman of the Joint Commitee on Arrangements for the 100th Anniversary of the Second Inauguration of Abraham Lincoln, another great servant of the people from the Land of Lincoln. This stirring patriotic reenactment of the inauguration on the East Front of the U.S. Capitol, is still remembered by many as one of the best ceremonies ever sponsored by the Congress.

As one of the most respected Members of the House of Representatives, Mel was evenhanded and well-liked by his colleagues, and he proved to be one of the most knowledgeable and effective legislators in Congress. He was truly a gentleman, known for his fairness, honesty, and integrity, and for his great sense of humor. His dedication to the highest standards was an inspiration to his friends and his fellow citizens, and he will long be remembered by his constituents, and all of us in the House of Representatives who had the privilege to serve with him in the Congress of the United States.

At this point in the Record, I would like to include an article from the St. Louis Post Dispatch which appeared on Sunday, April 24, 1988, that summarizes how Mel had touched the lives of his colleagues and associates.

A copy of the article follows:

[From the St. Louis Post Dispatch, Apr. 24, 1988]

FRIENDS, ASSOCIATES HOLD WARM FEELINGS FOR PRICE

(By Safir Ahmed and Robert L. Koenig)

Friends and long-time associates of U.S. Rep. Melvin Price of Belleville recalled warm memories Saturday of the late congressman, while others talked of the many contributions he made to his district.

Some recalled the day in 1944 when Price, loading apples while serving as a corporal at an Army base in Virginia, received news that he had been elected to his first term in the House. Others told of how Price seemed to have a premonition of his death the day before he died.

Price died Friday of pancreatic cancer at a hospital at Andrews Air Force Base outside of Washington. He was 83.

A funeral service will be held at 11 a.m. Tuesday at St. Peter's Catholic Cathedral, 200 West Harrison Street in Belleville. Burial will immediately follow at the Mount Carmel Cemetery, 10101 West Main Street. Visitation will be from 3 p.m. to 9 p.m. Monday at the Kurrus Funeral Home, 657 North 57th Street.

Mike Mansfield, Price's top aide in Washington, said that he visited Price on Thursday.

"He said he was very dizzy," Mansfield said, "As I was going to leave, he said, 'Mike, Mike,' and reached out to shake my hand. I think he knew then that something was really wrong."

The same day, Rep. Ken Gray, D-West Frankfort, called Price at his home.

"I talked to him last by telephone on Thursday," Gray said, "I told him I missed him, and he started crying and said, 'I miss you, too.'"

Gray also recalled Nov. 7, 1944, when he was serving with Price at Camp Lee, Va., and Price was on KP duty and loading apples. On learning of Price's election, his commander sent for a limousine for him and gave him a promotion and a discharge, Gray said.

Rep. Terry Bruce, D-Olney, Ill., said that he was "sorry to see him leave."

"I like to remember Mel in the beginning rather than in the end," Bruce said. "When I met him in the mid-60s, he was a tremendous guy. He did great things for the defense of this country. And he was never unkind—there was not a mean streak in his body."

Others talked of Price's contributions to the 21st Congressional District, including his support of projects like the $1 billion replacement of Alton Lock and Dam No. 26 on the Mississippi River and the proposal for a light rail system.

Will McGaughy, chairman of the East St. Louis Democratic City Central Committee, said that Price had been elected to 22 terms essentially because people saw him as a politician who actually improved their daily lives.

"He dealt directly with people's needs," McGaughy said. "He was concerned about individuals, not just about bricks and mortar. That's why people kept voting for him."

"When people had problems with Social Security, Medicaid, whatever, he would help them," McGaughy added. "He would write letters and take care of their problems."

Price was a fixture in Democratic politics in Illinois and enjoyed wide support among his constituents. At the time of his death, he was the second-ranking member of Congress in terms of seniority, behind U.S. Rep. Jamie Whitten, D-Miss. At the peak of his career, he was considered to be one of the most powerful committee chairmen in the House.

He served for 10 years as chairman of the House Armed Services Committee. Previously, he was chairman of the House Ethics Committee and the Joint Committee on Atomic Energy.

He played a role in the military emergence of the United States from a victor in World War II into a "superpower." During his early years in Congress, he also focused on mine and rail safety. Price was concerned about the high number of mining deaths, and chastised his colleagues on the floor of the House on several occasions for failing to pass his bills or others that might reduce the number of deaths.

Price was also active in the formation of both the Military Airlift Command and the new Military Transportation Command at Scott Air Force Base.

Gen. Duane H. Cassidy, commander in chief of MAC and the transportation command, called Price a "friend of the military who worked hard to raise the quality of life for our soldiers, sailors, airmen and marines."

"I've known Mel Price since 1969 when I was first assigned to Scott as a major and have always had the utmost respect for him as a statesman, leader and friend," Cassidy said.

Rep. Ike Skelton, D-Mo., praised Price as a man who commanded the respect of his colleagues in Washington as well as constituents in his district.

"He was a highly respected gentleman—a gentleman in the true sense of the word," Skelton said.

Bruce Cook, the congressional district Democratic chairman, said that Price had served his district well.

"He lived four score and three years, and he was a good and honest man," Cook said. "He's always been a father figure to most of us and we respected him and liked him."

Mansfield said it was a privilege to have worked for Price for the last 10 years.

"Mel Price was a walking civics book," Mansfield said. "And he was famous for his fairness."

Price had been ill for some time with arthritis and diabetes, but he was diligent in his attendance and voting in the House. Last year, his 98 percent voting record was one of the best in the House.

Price was born Jan. 1, 1905, in East St. Louis and worked as a sports writer and newspaper editor before entering politics.

Robert H. Gaffner of Greenville, who is the Republican nominee for Price's seat and who was defeated by Price in the last three general elections, said he considered Price a good friend.

"I really feel that even though Mel and I were opponents the last three times, we developed a close friendship," Gaffner said.

Mr. Speaker, MEL PRICE will be sorely missed by all whom he served, and all who had the privilege of knowing him as a friend and as a colleague. Mrs. Annunzio and I extend our deepest sympathy to his dear wife and close friend, Gari, his son, Air Force Maj. William Price, his brother Harold, his three grandchildren, Michael, Bill, and Steven, and the other members of his family who survive him.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I thank the gentleman for yielding this time to me and, more importantly, for taking this special order that we might this afternoon pay special tribute to our late departed friend, MEL PRICE.

I guess at the very outset I would be remiss if I did not make mention, since so many of MEL's colleagues, both from our home State of Illinois and from throughout this House of Representatives, were privileged to attend his funeral. Taking those two flights was a very sad occasion, but I do not know of any funerals that I have had to attend of Members who have died while serving in this body of a more beautiful ceremony than the one at the church, and all the beautiful music and all the rest which gave us that feeling of just being so close to MEL once again as we laid him to rest.

Mr. Speaker, his death was a loss to all of us, to his family, to this institution and to this country.

To me, MEL was first of all an Illinois colleague who from the first days of my service in Congress was a very dear friend. He was helpful in showing me the ropes, always eager to lend a hand to a newcomer.

I have never forgotten his friendship to this very junior member because I guess the fact that he was once a congressional aide, as I was prior to my being elected as a Member, he made me feel right at home.

□ 1855

But there was something more about MEL PRICE and his admirable personal qualities and I do not think it should be forgotten, and that is the unassuming, but fervent patriotism that we saw in MEL PRICE.

There once was a time when there was a consensus in the Congress about national security and the interests of the United States. MEL was part of that.

Do not get me wrong. I am not saying it was a golden age of harmony in this Congress. We are rarely harmonious here, and almost never bipartisan on a number of the major issues, but there was a different feeling back then, a feeling that peace through strength was not just a slick slogan, but a fact of life in the nuclear age.

MEL PRICE believed in peace through strength. Most of us on our side of the aisle agreed with him on that point, and he was joined by many of his colleagues, obviously, on the Democratic side as well.

As a member and then chairman of the Armed Services Committee, MEL was a symbol of the old order which is so swiftly passing, like a sudden dream, an old order of bipartisanship in foreign policy and national security.

MEL is now gone and with him has gone a large part of the dream we once had of consistent, principled, effective bipartisanship in foreign policy and national security.

It seemed as if the kind of posture he took in defense policy would be with us forever. We know that is not the case, but MEL's approach was, I think, the right one. No one can tell what the future will hold for our national security. Perhaps we will find a new way of forging the kind of bipartisan policy that sustained us in the postwar years. Maybe, and maybe not; but one thing is certain. What MEL PRICE stood for—natural, beautifully unaffected American patriotism, transcending personalities and above party, was a wonderful thing to experience.

MEL's quiet, almost shy way of doing his job, might have blinded some to the fact that he was a firm, tough believer in a strong America, an America that is not always apologizing or questioning every last action it undertakes, a confident America, an America that has done more good for more people than any other country in history. That was the America MEL PRICE believe in and served so well.

I want to join my colleague, the gentleman from Illinois, FRANK ANNUNZIO, in our consolation and sympathy to his beautiful wife, Garry, and his son, Dr. Bill Price, both of whom obviously were at the funeral. We certainly want to extend from our family to their family our sincere sympathy in this period of bereavement.

We are going to miss MEL PRICE around here. He was one of the very, very best.

Mr. ANNUNZIO. Mr. Speaker, I thank the gentleman very much.

I yield to our distinguished colleague, the gentleman from Illinois [Mr. ROSTENKOWSKI], the chairman of the Ways and Means Committee.

Mr. ROSTENKOWSKI. Mr. Speaker, I thank my colleague, the gentleman from Illinois [Mr. ANNUNZIO]. I want to express my gratitude to him for taking this special order. I know what a special friend MEL PRICE was to FRANK ANNUNZIO. I know how closely in his failing days, FRANK, how you watched him. It was a great gesture on your part, and I am proud of the service and the way you watched over MEL.

A lot of Members in this body do not remember MEL as the vibrant, vigorous, exciting legislator who put together some of the great pieces of legislation that this country would benefit by.

Mr. Speaker, I rise in tribute to a remarkable Member of the House, a neighbor from Illinois, a friend, and a great American leader—the Honorable

MELVIN PRICE, who died on April 22, 1988, at the age of 83.

MEL PRICE served in this body for 44 years. During that time, he distinguished himself as a man of reason and compassion, as a student and teacher, and as a champion of the people he was proud to represent so faithfully.

Others will recount for us MEL's prodigious grasp of things military. Few Members in the history of this body can approach his record of commitment and accomplishment in that most difficult field. Luckily for me, MEL and I have had suites next door to each other for years, and his guidance and advice has been immensely helpful to me in sorting it all out. I am sure that hundreds of other Members, over the years of his life's work, have similarly benefited from MEL's expertise.

As dean of the Illinois delegation, MEL also was a great force for the State, and could take satisfaction that the diverse group of Members of the delegation, representing widely different constituencies, could band together for the common good of the State in such good will. As a final tribute to our leader, every single member of the delegation joined many of our other colleagues at MEL's funeral. Each of us, despite our differing backgrounds and positions, has his or her own special respect for MEL PRICE, and we wanted to be there to express it in that special way.

As the Representative of the 21st District of Illinois, MEL was faced with the difficult problem of representing both an urban constituency suffering the decline of the Rust Belt and a farm district faced with the problems of agriculture. His faithful service in helping one sector without sacrificing the needs of the other was skillful and effective. I always knew, when MEL told me what he was for or against, that it was the result of careful balancing and a lot of thought.

Finally, as an individual, MEL taught us the lessons of dedication to public service and grace under adversity. Always cheerful, always ready with something positive to say, MEL will live as an example to us all of how commitment can be translated into action. It is such a shame that he did not live long enough to hear the tributes which would have showered down on him upon his retirement this fall. I was glad to hear that, at least, he was made aware that a *Trident* submarine would be named for him. I know it must have gladdened his heart at the end and given him a great sense of pride and recognition.

Mr. Speaker, when all the eulogies are concluded, let us continue to honor MELVIN PRICE by emulating his example, by recalling all that he taught us, and by cherishing the memory of this dedicated, worthy representative of the American people. My family and staff joins me in expressing our heartfelt sympathy to MEL's wife, Garry, to his son, Major Bill, his family, and his many, many friends. May MEL PRICE rest in peace.

Mr. ANNUNZIO. Mr. Speaker. I yield to the gentleman from Iowa, Mr. NEAL SMITH, a great friend of MEL PRICE.

Mr. SMITH of Iowa. Mr. Speaker, I want to thank the gentleman for taking this special order. I know the gentleman was one of MEL's special and closest friends.

It was my privilege to know MEL PRICE as a personal friend and esteemed colleague for more than 30 years. We lived as neighbors for many of those years and our wives were the closest of friends. In his kindly, thoughtful way, MEL was very helpful to me, as he was to many other Members throughout his long and distinguished congressional career. Speaking for my wife, Bea, and myself, our hearts go out to MEL's beloved wife, Gari, and their son Bill, and his family in this time of sorrow. At the very large funeral service at St. Peter's Roman Catholic Cathedral in Belleville, IL, his friends felt and expressed their sorrow at his passing, but it was a beautiful ceremony that Bea and I will always remember.

Born in East St. Louis in 1905, MEL was a lifelong son of southern Illinois. He began his career as a reporter and sports editor on newspapers in his home area. Then, from 1929 to 1931, he served as member of the St. Clair County Board of Supervisors. Following this, he came to Washington where he served as principal aide to former Congressman Edwin M. Schaefer for 10 years. This was followed by a tour of duty in the U.S. Army and a bid for Congress. He may have been the only Congressman in history who first learned of his election to Congress while on KP duty in the Army.

His Army service and his newspaper experience served as invaluable background for the long and productive career in Congress which then unfolded. At the time of his death, he had served 44 years in Congress and was second in seniority in the House only to renowned chairman of the Appropriations Committee, JAMIE WHITTEN.

He was an original member of the Joint Committee on Atomic Energy from 1946 until it was discontinued in 1977. He was coauthor of the Price-Anderson Act which established the the first rules and regulations of the nuclear power industry. In the nuclear age, his work in atomic energy served as invaluable preparation for his next congressional assignment.

As chairman of the Armed Services Committee. He served in that capacity for 10 years. He had a key role in ushering the ships and submarines of our Navy into the nuclear powered era with a minimum of hazard and unnecessary cost. Within his tenure as armed services chairman, many classes of nuclear powered submarines and surface vessels were first deployed.

The Trident submarine is the cornerstone of our strategic arsenal, and the Trident is the culmination of the efforts of some outstanding individuals, of whom MEL PRICE is one of the most prominent.

It is entirely appropriate therefore, that, shortly before MEL's death, the House passed legislation to name the next Trident ballistic missile submarine the U.S.S. *Melvin Price.* MEL would never have expected that such an honor would come to him for he was one of the most modest and unassuming mortals you would ever meet.

MEL PRICE was a strong, vigorous man who chaired one of the most powerful committees in Congress. At the same time, he was gentle and kind; he didn't need to raise his voice to win a point. In all of the years I knew him, I do not recall him ever losing his temper or lashing out unfairly at anyone.

His colleagues will always remember his sunny disposition and his storytelling. A friend needed only to drop the name to him of some famous baseball player and MEL would fill in the sports history. He never failed to show concern about others' troubles, while never mentioning his own.

In his later days when he was wracked by pain and mortal illness, he never complained. He was blessed by abiding faith and a wonderful wife and family. One of the most touching things I have seen in my life was the loving care MEL received from his wife, Gari, when his infirmities finally closed in.

MELVIN PRICE will be remembered among the great congressional leaders of our times. He will also be remembered by those who knew him as a rare and lovable human being and Bea and I and our family extend heartfelt condolences to Gari and son Bill and the entire family.

Mr. ANNUNZIO. Mr. Speaker, I thank the gentleman.

I yield to the gentleman from Ohio [Mr. MILLER], a great friend of MEL PRICE.

Mr. MILLER of Ohio. Mr. Speaker, I first wish to thank the gentleman from Illinois [Mr. ANNUNZIO] for taking this special order, and I thank the gentleman for yielding.

I want to join my House colleagues today in paying my respects to one of the most honorable men to have served in the Congress: the late MELVIN PRICE of Illinois.

During his 44 years of distinguished service to the good people of the 21st district, MEL PRICE earned a reputation as a diligent and dedicated public servant who made the concerns of his district his priority in Washington.

Beyond his personal representation of his district, he is justifiably credited with keeping America strong and secure during the post-World War II era. As the chairman of the House Armed Services Committee for 10 years, MEL PRICE made certain that our combat forces were well prepared and fully equipped for duty, at any time and in any place. We owe him a great deal for that.

He was one of the most approachable and pleasant Members of Congress that I have had the opportunity to work with in the House. Always willing to be of assistance, MEL PRICE, in many ways, personified the qualities and traits that mark representative government as our Founding Fathers expected it to be.

My late wife, Helen, and MEL's wife, Gari, became very good friends after we came to the Congress, many years ago, I would have to add.

MEL was a great friend, a dedicated person, more so than probably most who have served in this House. We will miss MEL PRICE. We will miss his leadership and his example. To his family and many friends, I extend my personal sympathy.

Mr. ANNUNZIO. Mr. Speaker, I yield to our distinguished colleague, the gentleman from New York [Mr. STRATTON], who served with MEL on the Armed Services Committee.

Mr. STRATTON. Mr. Speaker, I thank the gentleman for yielding. I have recently been reflecting on MEL's service here in the Congress and it occurred to me that MEL PRICE really marked the beginning of the nuclear age and was also one of those who had a great deal of leadership in turning the nuclear age into one of considerable strength and power in the United States.

As we have heard on many occasions, he was elected to Congress while he was in the military service and was peeling potatoes when the message came that his effort to become a Congressman had been rewarded by the people of his district. That was in 1944. As a matter of fact, that was just 1 year before the atom bomb brought the end, thank God, to World War II, and MEL, as a result of his being elected to the Congress, served also in one of the many activities that were produced when the atom bomb had been first released.

□ 1910

MEL PRICE was the first chairman of the Committee on Nuclear Energy and it was a bipartisan committee. In fact, that is what MEL wanted to have because there were certainly few differences involved there. It was a bipartisan effort that he led.

Mr. Speaker, as a result of MEL PRICE's service as the chairman of the bipartisan Committee on Atomic Energy, he managed to serve and to make it possible for Admiral Rickover, whose brilliant capabilities in terms of utilizing the power of nuclear energy was greatly aided by MEL PRICE and by MEL's support here in the Congress.

In fact, there were two great organizations that were developed after the atomic bomb fell on Japan. The one was the Atomic Energy Commission led by Senator Brien McMahon, and the other was the Joint Committee on Atomic Energy here in the Congress. It was unfortunate that one of our former Members, I think misguidedly actually, decided that the Joint Committee on Atomic Energy should be broken up because there was too much atomic energy in it for his purposes, but MEL continued to carry on in the Committee on Armed Services and also in part in the subcommittee that I have the honor of chairing at the present time, the Subcommittee on Procurement and Military Nuclear Systems.

That was also something that MEL PRICE had determined to carry forward and I always welcomed his advice. That is what MEL did in making the nuclear era something that people could understand and could appreciate, and for that he deserves an outstanding debt of gratitude not only in the Congress but in the country as a whole. As somebody has already remarked, Admiral Rickover's widow was part of the party, that went to the funeral in Belleville, IL. I know that she recognized and appreciated the job that MEL PRICE had made possible in his way with the accomplishments of Admiral Rickover. He was one of the giants in this Congress. He made a great name for himself and for the possibilities of nuclear energy. Many of the Members of the House of Representatives may not recognize what nuclear energy has done and can do but MEL PRICE stuck with his beliefs and he was true to the end.

I, too, and my wife Joan were great friends with the Prices and he was someone that we thought a great deal of and I think all of us who had the privilege of attending the funeral service will never forget the beauty of that cathedral and the music and the spirit that clearly demonstrated the love that his people in his district felt for him. It was a very moving experience and we shall be missing him and long remembering him.

Mr. ANNUNZIO. Mr. Speaker, I thank the gentleman from New York [Mr. STRATTON] for his warm statements.

I now recognize the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I want to thank my colleague, the gentleman from Illinois [Mr. ANNUNZIO] for taking out this special order. I know he was a close friend of MEL PRICE. I can recall in my 5 years here in the House of Representatives how many times I saw the two of them sitting together on the floor here discussing the issues that were before us, joining one another for lunch, and I know that that friendship helped carry on your endeavors as well as MEL PRICE's in the closing years of his service. It is really fitting and a great tribute to him that the gentleman from Illinois [Mr. ANNUNZIO] would sponsor this special order this evening and invite those of us who counted MEL PRICE as a friend to come and to speak.

I was born in East St. Louis, IL, which was MEL PRICE's hometown, 2 weeks to the day before MEL PRICE was elected to the Congress of the United States. I grew up in East St. Louis knowing only one Member of Congress my entire life as I lived in that city, and that was MEL PRICE. My father was a Democratic precinct committeeman in East St. Louis and he brought home the campaign materials for each election, and I can remember year after year the campaign brochures for MEL PRICE. He was a friend not only to the city and the district but to my family and I can recall that when my father served on the county board of St. Clair County that he always counted MEL PRICE as one of the heroes in America's politics.

My father passed away in 1959 and my mother was consoled by a beautiful letter she received from MEL PRICE who never forgot those friends in politics over the years. I can remember as I stand here a nice letter that I received from MEL PRICE when I graduated from high school. That was something that I still remember to this day. I remind many of the people I work with in Congress that those little gestures which many of us think are insignificant really make a mark on the lives of individuals.

We counted MEL PRICE as a friend in our family for so many years. I knew him in that capacity, the Congressman from East St. Louis, a friend of our family. I can recall that in the closing years of his political life that a challenger came along and suggested that MEL PRICE had been in Congress too long. My mother at the time was in her seventies. I called her on the telephone and asked her, "Mom, what does the campaign look like back in MEL PRICE's district?"

She said, "Well, they are saying MEL has been in too long, but I'll tell you something, we need more Congressmen like him. He is an honest man. All the years he has been there I never heard a bad word about him in our congressional district."

That is true. It is her feeling and my feeling as well, having served in Congress with him, because 38 years after he was elected it was my honor to sit next to him as a Member of the House of Representatives representing the district to the north of Mel Price. I learned over the years of the record he had written in this House of Representatives, and many of the things he accomplished have been noted in this special order.

There is one thing I would like to speak to that has not been noted. That is the fact when this House of Representatives was under fire on the question of ethics, when the Members of this House had to turn to one Member to chair our Ethics Committee to stand in judgment over his colleagues, they turned to the man from Illinois, Mel Price. They gave him what I consider to be an extraordinary responsibility to stand in judgment as chairman of that Ethics Committee over their conduct. How much more trust can one place in an individual than the trust they placed in Mel Price in naming him the first chairman of the House Ethics Committee?

I recall in the closing days here that those of us who watched on the floor could also count on Mel Price coming right over here and sitting in one of these seats, one of the few seats right over to my left, and I remember when I did not see him there one day on a vote I knew something serious had happened to him because how many days he struggled to come over to the floor of the House of Representatives, his body wracked with arthritis.

I talked with Mel Price about that. I said, "Have you ever thought of using a wheelchair? I know it is tough for you to get around and to get over here."

He said, "No, I want to walk over." He said, "Sometimes I have to go to therapy once or twice a day to be able to walk, but I want to come into this body standing up walking and voting for my constituents."

It really reflected the strength of this man, the unheralded courage which he showed in his closing years of his life, and he did it as so many have said here this evening, without a word of complaint, not a whimper, not asking for any kind of sympathy.

He had his job and he knew what to do and he did it. His word was good, too. That may be the most important thing that when one serves in the House of Representatives, one develops a reputation. Mel Price developed a reputation that when he said he was for you, you know you could count on him, and go to the bank with that word from Mel Price. If he said he was going to vote for a bill, he would be there. That kind of reputation is hard to come by.

He had over four decades of that kind of service, and he had a good sense of humor, too. Even after he had been around this body for so many years, he could recall with wit some of the things he had seen and lived through and put them in historical perspective. He put these events in perspective for newer Members such as myself.

I attended the funeral in Belleville, IL, and as others have said, it was most certainly a beautiful ceremony. For his wife Garry it must have been encouraging to look about that congregation to see so many Members of Congress, and Members of the Senate, including Senator Alan Dixon, and Senator Paul Simon, and seeing so many friends from the district which Mel represented so well.

His son I know was a great source of pride to him. Maj. Bill Price, his son, serves as an orthopedic surgeon at the U.S. Air Force Academy and was a part of that service and really as he strode up to the altar I knew why Mel felt so must pride in his son and his family, and why they were so close to him.

To my colleague the gentleman from Illinois [Mr. Annunzio] I would close by saying only a few thousand Americans have been honored to serve in the U.S. House of Representatives in the history of this Nation. When one looks back at how many have the longevity of Mel Price, only a handful can claim to have served that long with so much distinction. I consider it an honor to count Mel Price as a friend of my family and as a fellow colleague for over 5 years and to have had the opportunity to serve with him. My sympathies are extended to his family and friends in this time of bereavement.

Mr. ANNUNZIO. Mr. Speaker, I thank the gentleman from Illinois very much for his remarks.

I now recognize our colleague the gentleman from Illinois [Mr. Lipinski].

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman from Illinois for yielding, and I want to express my sincere appreciation to him for calling this special order for Mel Price. We all know that the gentleman from Illinois [Mr. Annunzio] in a word is a very good friend of Mel's and has been for a long time. I would like to publicly thank the gentleman from Illinois [Mr. Annunzio] for the way he has looked after Mel and cared for Mel and really took care of Mel for a long time. It is very true that his body was wracked with arthritis and other illnesses and that he fought each and every day to make sure he made it here to the floor and cast his vote, but on many of those days I think it would have been impossible for him to have done so if it had not been for the gentleman from Illinois [Mr. Annunzio] assisting him. I guess it is only fitting and proper that tonight once again the gentleman from Illinois is aiding and assisting Mel Price by having this special order.

I did not know Mel Price that well. I knew him more through the gentleman from Illinois [Mr. Annunzio]. But I knew him certainly as a man that seemed to take everything in stride extremely well. Many have mentioned that he never complained, never moaned about anything and he certainly did not. At least not in my presence and I have never heard anyone say he did it in their presence either. Certainly if ever a man had an excuse to complain about what he had been afflicted with, it was Mel Price. To see the tremendous courage that that man showed each and every day coming on to this floor and voting, attending the various committee meetings that he had to attend to, going on trips that he went on as chairman of the Committee on Armed Services, and investigating the situations pertaining to the U.S. defenses around the world, it is really a magnificent testimony to the courage, the dedication, and endurance of this man Mel Price.

□ 1925

To see that courage come out of a man who was so mild-mannered, who was so kind and so generous to so many people demonstrates that one does not have to be boisterous, one does not have to be aggressive, one does not have to be assertive in order to have courage, in order to get things done, because Mel Price certainly was the kind, gentle giant who got an awful lot done in the 44 years he represented the 21st District from the State of Illinois.

I was honored to know him. I was also honored to know his wife. I have met his son.

From the Lipinski family to the Price family, I wish to express my sincere condolences.

I had some prepared remarks here which I would like to submit to the Clerk to be included in the Record, but I think that the remarks that I have just made mention of are probably even more appropriate than the remarks that I have put on paper here.

Mr. Speaker, I rise today to remember and honor a good friend and colleague. For over 44 years as a Member of Congress representing the 21st District of Illinois, Mel Price served with distinction in this august body and devoted great time and energy to meeting the needs of his constituency.

Mel began his long, honorable political career as a member of the St. Clair County Board of Supervisors in 1929 and then as assistant to Congressman Edwin M. Schaefer from 1933–43. When he was elected to the 79th Congress in 1944, Mel already had a wealth of experience in knowing the concerns of his constituents. Succeeding generations have come to know this selfless, dedicated man and have returned Mel to Congress ever since.

Mel Price left his most enduring mark, however, on the modernization and readiness of our Nation's defenses. In 1946, he became the first chairman of the Joint Committee on Atomic Energy and a leader and spokesman for the peaceful uses of that energy source. His name is associated with the landmark Price-Anderson Act which limited liability in the nuclear power industry and gave this infant energy sector a chance to survive. Indeed, there are other firsts when you talk about MEL PRICE. First chairman of the Research and Development Subcommittee of Armed Services in 1964, and first chairman on Standards of Official Conduct from 1967–75 to name a couple.

During his 10 years as chairman of the Armed Services Committee, MEL demonstrated an ability to look ahead and develop new weapons systems sorely needed for our Nation's defense. His special concern for the development and procurement of safe, stealthy and lethal nuclear-powered submarines has enabled our country to maintain a credible deterrent force of submarine-launched nuclear missiles. It is only fitting that the newest Trident submarine should be named in honor of one of its pioneer supporters.

When he was voted down as chairman of Armed Services a few years ago, MEL PRICE revealed a quiet dignity that touched many of his fellow colleagues. It was that kind of humility and grace which marked this man's life and endeared him to all who came to know him.

Today, we say goodbye to a good and kind man who served his country with diligence and with honor.

Mr. ANNUNZIO. I yield to the gentlewoman from Louisiana [Mrs. BOGGS], a great friend of the Price family, from New Orleans.

Mrs. BOGGS. Mr. Speaker, I thank the gentleman from Illinois very much for the opportunity of being able to express our love and respect and our memories of MEL PRICE. My husband, Hale, and MEL were very close friends for many years. They shared many enthusiasms together, particularly a love of the institution of the House of Representatives.

I remember when we welcomed Gari, we were here before, and, of course MEL and Gari were married, and we were here in Congress. What a magnificent helpmate Gari has been to MEL and what a tremendous contribution not only through MEL but through her own endeavors that she has made to this institution and to our country.

MEL PRICE was the kind of friend that you knew you could always depend upon, and he was the kind of friend that people all over this country, in addition to those in his own district, could depend upon, because he knew that our country had to be strong militarily and that it had to be sound fiscally in order to protect the freedoms that we all cherish and to provide the opportunities that he wished to provide for all Americans.

MEL was, indeed, a wonderfully funny man, and shortly after I came to the House when unfortunately I had to come in Hale's place, MEL always had a funny tale to tell me every day to cheer me up, and so when MEL became infirm and would come into the Chamber, I would try to go over to cheer him up a little bit, but he was always one up on me, and I missed in the last couple of weeks those wonderful exchanges with that dear and marvelous person.

I, too, remember going to East St. Louis once with Hale and Gari and MEL to a dinner in his honor, and I have been to many districts, congressional districts, in this country of ours, and I have been pleased with the way that our colleagues are received in their home districts. But never have I seen an outpouring of genuine love and affection to MEL and Gari Price that I witnessed on that trip to East St. Louis. I know that it must be a wrench for the people of his district to no longer have his strength and his dutiful attention to his job there for them.

We were talking about the letters that he wrote and that he paid personal attention to his mail. He not only signed all of his mail but often wrote little postscripts at the bottom. He was that kind of personal representative of his people.

It is going to be a long time before we find another one like MEL PRICE, and I know that I express the feelings of all of the members of the Louisiana delegation in being grateful to him for his service to our country and to the House of Representatives. I certainly thank him and Gari for being such close and good friends to Hale and to me.

Mr. ANNUNZIO. I yield to the distinguished gentleman from Florida, DANIEL FASCELL, chairman of the Committee on Foreign Affairs.

Mr. FASCELL. Mr. Speaker, I thank the gentleman from Illinois for yielding.

I want to join him and his colleagues from Illinois and other colleagues in the House in this mark of respect to a great Congressman.

I guess I served in this body with MEL PRICE almost as long as anybody, and while we had different duties and different committees, MEL and I were friends, because I think MEL was everybody's friend. I think that is fair to say around here.

I never met a kinder gentleman, and I think a gentleman is the right word for MEL PRICE. I never heard him say anything mean-spirited about anybody, whether it was in the heat of debate or anyplace else. He was always affable. He had a great sense of humor. He just made it a pleasure to be around him and to work with him.

Yet here is a man who, I dare say, we all have a certain amount of ego, and I am sure MEL had his share of it, but you would never know it. You would never know it about MEL PRICE. He just did his job, and he took his satisfaction in working with his colleagues, loving his family, serving his country, and he did this in such a humble way that perhaps some people might not even have recognized it, but certainly the people of his district and the Members of this House who worked with him recognized his strength and his ability.

He literally shaped policy in this country in his service in the Committee on Armed Services, with his concern about research and development, his concern about the quality of life for our enlisted people and officers as well, and as a founder and chairman of the Joint Committee on Atomic Energy with the Price-Anderson Act and all the things that my colleagues have so eloquently detailed here today with respect to his congressional record. It is a lifetime of service and accomplishment, one that anybody could be proud of, and those of us who had the opportunity to serve with MEL share in that pride, in that ability.

He had a great love of country, great love of family, and he made this institution a better place because he was here, and I know that he helped me in so many ways because of his own characteristics, the kind of person that he was.

The other thing that I wish to say also is that tower of strength contributed by not just him but by his lovely wife. I have always felt, and I am sure a lot of people have felt this, that we were fortunate here in the Congress, because we really had two Representatives. I think Gari is just a wonderful person in her own right, and she was a tower of strength and ability in her own right, and it gave so much to MEL that he could count on. All of us felt that way. We all knew it, and we all thought it was wonderful.

In these moments, I say to the gentleman from Illinois, my colleague, I am sad like everybody else is, but I also have a feeling of warmth and affection for just a lovely person, a great human being and for his family. I join all of you in paying our respects, extending our sympathies to Gari and family, and hope for a future for her that has no bounds.

Mr. GRAY of Illinois. Mr. Speaker, will the gentleman yield.

Mr. ANNUNZIO. I am happy to yield to the gentleman from Illinois, a great friend of MEL PRICE, from southern Illinois.

Mr. GRAY of Illinois. Mr. Speaker, I thank my distinguished friend [Mr. ANNUNZIO], a great chairman of this body, for taking this time, and I thank him for allowing me to speak last, because I want to associate myself with the remarks of all the previous speakers about our dear friend, MEL PRICE.

Mr. Speaker, on April 22, 1988, when MEL PRICE died, a part of me, and I know the gentleman in the well, died along with him, because you cannot associate with someone for 44 years as the gentleman from Illinois [Mr. ANNUNZIO] and I have without feeling a permanent sense of loss.

MEL PRICE and I were in the Army together. I was 18-years-old and MEL was 38 in Camp Lee, VA, when he was elected to this body.

I thank Mrs. Price so much, Gari, for allowing me to speak at the funeral, because at the funeral I picked up a coin out of my pocket and used that to draw an analogy about how we might forget the words that are being uttered at that service and this one, but we will never forget the services and the great work, the legacies, that MEL PRICE left for this country.

Mr. Speaker, I notice that the chairman mentioned Abraham Lincoln. In that famous Gettysburg Address, he said, "The world will little note nor long remember what we say here, but they will never forget what they did here." Is not that really, MEL PRICE? We will forget these words but we will never forget what he did for this country. We can think of any type of military assistance, or armed forces in any fashion, whether it be the Army, Navy, Air Force, Marine Corps, and I know many times when bills would come up on the floor, I would talk to MEL. I would say, "MEL, how are you going to vote on this amendment?" He had one standard reply. He said, "I would rather have their weapon" or, "I would rather have that service and not need it as to need it and not have it." That was his standard. Thank God we have people like MEL PRICE who helped build up this great country.

At the service I reached in my pocket and pulled out this penny. I noticed above the podium it says, "In God we trust." That is also on the penny. The penny says "one cent"—c-e-n-t, but if you changed that "c" to an "s," "one sent," s-e-n-t, and truly, starting in 1929, God sent MEL PRICE to render public service.

He started in that way far away year of 1929 as a member of the St. Clair County, IL, board of commissioners, and then he came here for 10 years, yes, 10 years as an assistant to a Member, knowing at the grassroots level what the needs of constituents were. Then he was sent to the military, and then he was sent in 1944 to this great body.

It is impossible for the gentleman, the distinguished chairman of the House Committee on Administration, who was such a dear friend of MEL PRICE, or myself or any other speakers to possibly enumerate all of the great work and the life's work of MEL PRICE. It is just an impossibility, because our districts joined in Illinois, our offices joined here in the Rayburn Building, our hearts joined in unison. We cannot possibly as human beings express the work of 60 years of this great public servant who was sent our way.

As I said, I used that simple analogy of a penny, that when people for generations yet unborn reach in their pocket and they see that "one cent" they will be able to look out through the landscape of this world, not just America, but our forces overseas or wherever they may be, and know that this man was sent, yes, to help build up the social and economic and military strength of this great Nation.

It is a sad day in one way, but it is a happy day, because MEL suffered an awful lot. No one knows any more than the gentleman from Illinois [Mr. ANNUNZIO] or myself, who spent hour after hour with him. He never complained, but his body was racked with pain, and many people would have retired and said, "Oh let's forget it. Let somebody else do it." But MEL wanted to die with his boots on.

I think a previous speaker talked about he would not even get in a wheelchair. He wanted to walk over here knowing it would hurt with his toes turned back, really literally walking on his toes. He wanted to come here, and up to 2 weeks before he died, he was still signing every letter that came into his office and putting little P.S.'s on there to let the recipient of that letter know that he had read it and had acknowledged it and had sent back the reply. That to me speaks far more eloquently than any word we could utter here about MEL PRICE.

I just close, again, extending my sincere sympathy to Gari and to Major Bill, this great orthopedic surgeon and to their three children and to brother Harold and all of the Price family that MEL will be missed, but in those immortal words of Abraham Lincoln, "His works will never be forgotten."

□ 1940

Mr. ANNUNZIO. I yield to my distinguished colleague, the gentlewoman from Maryland [Mrs. BYRON], a member of the Committee on Armed Services.

Mrs. BYRON. I thank the gentleman for yielding.

Let me just say that as a member of the Committee on Armed Services for the last 10 years and a Member of this body for the last 10 years, when I came to Congress as a very uninformed, a very new Member, MEL took me under his wing. I was very fortunate to be able to serve on the committee that he chaired. He was a tower of strength for those of us who were trying to decipher through the realm of weapons systems and issues. I cannot help but say that the support that not only MEL but his wife Gari gave me as a new widow, as a new Member of Congress with an overwhelming job to be done, I will be eternally grateful. I think those of us who have joined in this special order today feel such a great strong sense of what MEL understood and what he loved in this country that was his nation, and the strong defense that we have seen within this Nation.

But I think those of us who are looking for some way to honor him and to honor the many years of service that he gave to us, which we have all talked about here, his family, his love of country, we also have to stop and realize the longevity that he has in this body, and the mark, the very quiet mark that he has made on his country.

I think those of us who admired him so have a mandate now to make sure that those things that were so important to him are continued and the values and the strength of those values that he had will remain as a legacy not only to MEL and to Gari, but to the three grandchildren that he has left who will come along, and to his son who is a very important part of our military family right now; and also to those three grandchildren we want to make sure they have a better world to grow up in because their grandfather has served here.

So I want to thank my colleague from Illinois for his special order to say that we were very fortunate, many of us, to serve under MEL PRICE as a member of the Committee on Armed Services.

Mr. ANNUNZIO. I thank the gentlewoman for her statement.

Mr. RUSSO. Mr. Speaker, when I first came to Congress in 1975, Representative MEL PRICE had already served here 31 years, about the number I had been alive. Nevertheless, this gentleman treated me with respect and consideration, and never a trace of high-handedness entered his dealings with someone, even a wet-behind-the-ears Member of the Illinois delegation. It is from such a man that you learn the measured exercise of power tempered with humility and judgment.

I was proud to be in the Illinois delegation with Representative PRICE. The delegation will miss his being at the helm and Illinois' 21st District and the country have lost a dedicated Representative. During his decade of work as the Chairman of the Armed Services Committee, he contributed to the effectiveness of our defense system. His concern with the defense of our Nation meant that he focused on improving the readiness of our forces and the strength of our defense. The Nation owes him a debt of gratitude for his contributions.

I won't forget how just plain nice Representative PRICE always was to me. I won't forget his dedication to public service for it is a reminder to us all who want to contribute, who want to make a difference. You work hard, you do your job, you keep the interest of the people and the Nation before you. Few men have ever been asked to serve for 44 years in this body. It is a distinction that indicates the caliber of the man. He will be greatly missed and I join my colleagues in paying tribute to the Honorable MELVIN PRICE.

Mr. WHITTEN. Mr. Speaker, I would like to join my colleagues in paying respects to Congressman MELVIN PRICE, who passed away recently.

MEL and I served together and his office was across the hall from mine for many years. He was one of the finest people I have ever had the privilege of knowing.

In working with MEL, I always found him to be sincere, honest, and able. He applied himself to every task and was respected by all his colleagues.

I shall miss a dear friend. He left a solid record of accomplishment in which his family and friends can take pride. I'm sure he will be judged by history as one of our best Members.

To his family, we extend our heartfelt sympathy in the loss of a dear friend.

Mr. YATES. Mr. Speaker, I was deeply saddened to learn that MEL PRICE had died. When I came to the House after my first election in 1948, MEL was extremely kind and helpful to me. Addie and I spent many happy hours with MEL and Gari. Those were wonderful times and I cherish the friendship that I have had with MEL for all these years. I will miss him greatly.

MEL took very good care of the people of east St. Louis and he was justifiably proud of the thousands of families and individuals that he had helped over the years. MEL PRICE loved public life, politics and the House of Representatives where he spent the major portion of his adult life. As chairman of the Armed Services Committee, MEL will be remembered for his many contributions to the armed services and our defense effort. But MEL PRICE also understood that the strength and safety of the Nation depends on an educated, competent, and striving population and that is why he was a consistent supporter of Federal programs that provide opportunities and help people. He has many friends in Washington and around this country and I am proud to say that MEL PRICE was my friend.

Addie joins me in extending our warmest affection and condolences to Gari and Bill, their son.

Mr. STUMP. Mr. Speaker, I rise to add my voice in praise of the long career of the Honorable MELVIN PRICE. My 11-year association with Mr. PRICE is relatively brief when compared to that of many of my colleagues. However, we can all attest to the profound impact MELVIN PRICE had on us, as individual legislators and upon the House as an institution.

To be successful in this legislative body over a career spanning decades, one has to learn the fine art of being an effective committee chairman. Becoming a chairman provides a certain degree of new influence or power for a member, but does not by itself guarantee a successful career in the House. Many roll models exist for would be chairmen in the House. Two seemingly basic but often overlooked attributes of Chairman PRICE, which others should emulate, were his soft spoken persuasiveness and his willingness to help new members on his committee.

During my 11-year association with MELVIN PRICE, I never heard him raise his voice or lose his temper over any matter before his committee. He conducted business in a calm, orderly fashion, avoiding the distractions of partisan or personal flares of temper. Every committee member can appreciate this approach to important policy questions, as well as the daily routine.

I remember how willing MEL PRICE was to lend assistance to new members of the Armed Services Committee. It would have been easy for him to run roughshod over the needs of new committee members. But, he always took the extra time to help with information, advice, or a favor to ease the anxiety of initiation into the defense decisionmaking arena.

Some may not think such attributes to be significant in the high stakes world of modern legislative endeavors. I believe these personal, heartfelt considerations, offered to all who knew him, are things we will remember about MELVIN PRICE. More than his outstanding record of accomplishment in the defense of liberty and our ability to protect it, we will long remember how he conducted this critical business of national survival.

Mr. MONTGOMERY. Mr. Speaker, I want to thank Mr. ANNUNZIO for taking this special order today so we can pay tribute to our friend and colleague, MEL PRICE. Few Members of Congress served longer or worked harder than MEL PRICE.

In his more than 44 years in Congress, MEL took on some tough jobs and he did them well. He headed the Ethics Committee and was an original member of the Joint Committee on Atomic Energy from 1946 until it was disbanded in 1977. As a result of that experience, he helped write the Price-Anderson Act, which led to the first regulation of the nuclear power industry.

But I got to know my friend MEL PRICE because of our service together on the Armed Services Committee. MEL was chairman of the committee for 10 years. He was a good chairman and one of the most knowledgeable men in the country on military affairs. He had a good wit and was just a delightful person to be around, and he was always a gentleman.

I understand that one of the last things MEL was told before his death was that we were moving to name a *Trident* submarine in his honor. He appreciated our action and I think it certainly was a fitting tribute to a man who worked so hard for so long for a strong national defense.

I talked to Mrs. Price a couple of days before the funeral and asked if she wanted me to arrange to have MEL buried at Arlington National Cemetery. He was eligible to be buried there because of his military record and his service on the Armed Services Committee. But Mrs. Price said that she and her son wanted him to be buried back home in southern Illinois.

He served the people of that region so well over these past years. I know they will miss him, just as we will miss him. He was a great American.

Mr. BOLAND. Mr. Speaker it is with great sadness that I join my colleagues today in paying a tribute to Congressman MELVIN PRICE.

MEL has been as much a part of the institution of the U.S. Congress as anyone in this century. In his nearly 44 years of service, he has borne witness to and helped shape some of the most momentous events in American history.

To say that MEL was a supporter of a strong national defense would be an understatement. In fact, I think that every Member of this House on both sides of the aisle would have to agree that the strong posture which our defensive forces now assume stems directly from the policies advanced by MEL PRICE in his capacity as Armed Services Committee chairman. On a professional level, my recollection of MEL will always be that of a strong leader of one of the most powerful committees in Congress.

However, I have also known MEL for over 35 years on a personal level, and I suspect that many of the Members of this body may not know that MEL PRICE I will always remember. To me, MEL will always be recalled as a kind and considerate friend: someone whose knowledge and experience made him one of my favorite people to talk to on the floor of the House.

The citizens of the 21st District of Illinois are going to miss MEL PRICE the Congressman for his years of service and dedication in representing them in the House. The Members of the House and Senate, myself included, will miss MEL PRICE our dear friend whose honesty and warmth will never be forgotten.

Always to be remembered is MEL'S constant and endearing devotion to his gracious and ever-supportive wife Garaldine and his deep-seated and well-deserved pride in his son Dr. William Price and grandson Michael.

My wife Mary and I share their grief and extend our sympathy in this hour of sorrow.

Mr. NICHOLS. Mr. Speaker, I join with our many colleagues in the House today in paying tribute to the life and service of Congressman MELVIN PRICE of Illinois.

It has been my privilege to serve on the House Committee on Armed Services for some 20 years with the distinguished, respected, and much loved gentleman from Illinois and I consider myself fortunate to have had the privilege of serving on the committee for some 10 years when he directed the committee's activities as chairman.

As I sat in the beautiful St. Peter's Roman Catholic Cathedral in Belleville, IL, along with some 60 other Members of the Senate and the House, I thought about the significant contributions which MEL PRICE made in strengthening the defense of these United States. I listened to the eulogies from our colleagues Senator ALAN DIXON and Representative KEN GRAY and our distinguished Speaker JIM WRIGHT as I reflected on MEL PRICE'S career from the time he was first elected to the Congress during the World War II days of 1944. MEL PRICE was a strong advocate for defense and a firm believer that peace is achieved through strength and for that reason he supported not only new weapon systems but he was a strong advocate for the military men and women and their families. As Speaker WRIGHT recalled "He helped the humble, the powerless, those who have no voice."

We shall miss him on the committee and we shall miss him sitting in his favorite seat near the door on the right hand side of the Chamber, up close so that he could hear the discussion on any given piece of legislation. I shall miss him as a friend, for MEL was a lovable sort and if he had an emeny I never knew of him.

Our good friend will long be remembered for his devotion to a strong defense system and for his dedication in looking after those in his district in Illinois who entrusted the affairs of state to his good judgment.

Mr. Speaker, those of us closely associated with our departed colleague know that this world is a better place to live in, by his having lived in it and I wish to extend my deepest condolences to his lovely wife, Gari, and to his son, Dr. William Price.

Mr. MURTHA. Mr. Speaker, the career of Congressman MEL PRICE is in the greatest traditions of America and its principles, and the public service of Congressman MEL PRICE stands as an example to all who served with him and follow him in Congress.

I particularly remember, when I first came to Congress, the leadership and advice that MEL PRICE gave me on a number of defense issues. The experience and history which he was able to bring to an issue served as a virtual institutional memory for the House of Representatives on America's defense.

Consider for a moment the change in America, the various directions of governmental policies, and the historic moments of world history that MEL PRICE saw in his 44 years in Congress, and had to react to in his planning and leadership within Congress.

The entire Congress is saddened by the death of MEL PRICE, but this is certainly a Member who we are accurate in noting that his presence and record will live for many decades beyond his death, and that America, America's defense policy, and Congress have all been bettered by his presence.

Mr. PICKLE. Mr. Speaker, our colleague MELVIN PRICE was the dominant force on the House Armed Services Committee for most of his tenure in Congress. While he served with three other chairmen, it was generally acknowledged that the workhorse of the committee was MELVIN PRICE. Those who served with him looked to MEL for guidance and judgment; it was his recommendations that often brought members of the committee together. While he served 10 years as chairman of the committee, MELVIN PRICE'S influence was strong for over a quarter of a century.

In many respects, MEL and his wife Gari were among the most active congressional couples over the years. They were interested and involved not only in military functions but in a wide range of other activities. Their graciousness and concern placed them among the most loved and respected members of the congressional family.

During recent years, failing health slowed MEL PRICE'S pace, but those of us who worked with him over the years remember him as a strong and active leader of this House. He was truly one of the best presiding officers, and was in all respects one of the foremost senior Members of Congress.

To the junior Members of this body, I would say it's too bad you didn't know MEL PRICE in his heyday; he was a heck of a man. In spite of his considerable legislative and leadership talents, MEL PRICE was unusually quite and sweet-natured.

Mr. Speaker, the national security of this country was always in good hands during the years that MELVIN PRICE was active on the House Armed Services Committee. The fact that we are today a strong military force in the free world is largely attributable to the dedication and service of MELVIN PRICE.

Mr. GEPHARDT. Mr. Speaker, I want to add my voice to those honoring our late colleague, MELVIN PRICE. It is important that we pause in our business today because MEL PRICE was a great American. He was also a friend. When I came to Washington for the people of St. Louis, he was always willing to take a moment to offer advice and counsel.

We honor MEL PRICE because he dedicated his life to serving his country. For 44 years MEL served as a Member of the House, protecting the interests of not only the people of Illinois, but the interests of all Americans. Our Nation's national defense is stronger because of the efforts of MEL PRICE. It was appropriate and fitting that the House voted to name a trident submarine after MEL. He would have been proud of that honor. Just as in the past MEL was vigilant to threats to our Nation, in the future that vessel will continue in the spirit of MEL'S work.

Mr. GOODLING. Mr. Speaker, I want to thank my colleague from Illinois, Mr. ANNUNZIO, for allowing me this opportunity to say a few words about our late colleague Representative MELVIN PRICE.

MEL was a dedicated and inspiring Member of this House for some 44 years. During that tenure, he served as a well respected chairman of the Armed Services Committee. In that capacity he was able to guide and improve our Armed Forces' ability to protect the very freedoms that allow us to serve in this body.

Forty-four years is a long time to devote to any endeavor, especially one that can be as tiring and exasperating as being a Representative in Congress. But, by doing just that, MEL PRICE showed that he was more than just dedicated to his constituents in Illinois, he was dedicated to the security, well-being, and improvement of our great Nation.

We will miss his experience and his guidance, as will those who follow us who never had the benefit of knowing MEL PRICE.

Mr. DE LA GARZA. Mr. Speaker, together we gather to pay tribute to our former colleague, the Honorable MELVIN PRICE. It is on such occasions as this when I think how there are times in life which contain both elements of joy as well as sorrow. This to me is one of those times. I feel sorrow for his passing and yet joy for having had the privilege of knowing such a renowned individual.

MELVIN PRICE will be missed here. There are many reasons I say this, but I think foremost among them is the fact that whatever we do here in Congress while we deal with the impersonal law, it is the personal impact of the people chosen to represent that shapes our actions. The people of the 21st district of Illinois chose well when they sent MELVIN PRICE here and he has served them ably.

Certainly his presence has been a positive one for both his constituents as well as for the country. A good mind and a realistic perspective coupled with individual courage and commitment are the qualities of a good Congressman and that MELVIN PRICE has been.

As chairman of the House Armed Services Committee MELVIN PRICE worked to craft our Nation's defense. He possessed a remarkable grasp of military matters, and we truly owe him a great debt for his ability to teach us to confront the issue of how we think and organize ourselves and to look at new policies and concepts for defense.

For 23 years I have had the honor of knowing and working with MELVIN PRICE. I have admired his capacity for hard work, his brilliance and his ability to effectively legislate. Behind him MELVIN PRICE leaves an admirable record of 44 years of public service, and let us hope that the ideals and aspirations of this honorable man have not passed with him, but rather that the idea of a strong and free America which MELVIN PRICE so steadfastly championed will live on as an everlasting tribute to him.

Mr. BROOKS. Mr. Speaker, it was a rare privilege and distinct honor to serve in this House with MEL PRICE and we will all miss his presence here. He was loved and respected by his colleagues and friends and displayed kindness and graciousness in all things at all times.

His background as a working newspaperman prior to coming to Congress and his continued membership in journalistic organizations made him especially sensitive to first amendment rights and their protection. MEL PRICE and I were the only two surviving Members of Congress who also had belonged to the American Newspaper Guild of the 1940's. This experience and his special sensitivity to one of the Nation's most prized freedoms served to enhance the superb service he gave to his constituents and the Nation, particularly during his tenure as chairman of the Armed Services Committee.

My special sympathies go to his lovely wife Gari, who was always helpful and supportive of Congressman PRICE, as well as to his fine son Bill, who continues his father's dedication to serving the Nation as a doctor in the U.S. Army.

Mr. CRANE. Mr. Speaker, we can all be proud to declare we served in the House of Representatives with MEL PRICE, our late good friend and colleague from East St. Louis. This unassuming gentleman was a giant in the history of this Chamber.

He was transferred, as we know, from K.P. to Congress by the voters of southwestern Illinois 44 years ago to launch a career which saw him seeking to protect the interest of his country out of uniform just as he had when serving as a GI. Arriving in Washington from Camp Lee, VA, the newly promoted sergeant was assigned to the House Armed Services Committee, a detail he obviously accepted with relish.

He will, of course, be best remembered for those years spent dealing with the Nation's armed strength and defenses, from the days of World War II, through the wars of Korea and Vietnam, to our current global problems.

MEL PRICE fought and won hundreds of legislative battles aimed at providing this country with a strong defense. He consistently supported the requests of Presidents—the Armed Forces' Commander in Chief—when they sought congressional assistance in keeping our military strong.

His actions revealed he adhered to the conviction of the Father of his Country and the Nation's first Commander in Chief, George Washington, who in 1790 advised in his first Annual Address to Congress, "To be prepared for war is one of the most effectual means of preserving peace."

MEL's talents weren't restricted to the Armed Services Committee.

When this House found itself in need of a leader of an Ethics Committee, it wisely turned to MEL PRICE. He didn't let us down as he took over a stewardship few wanted and fewer still could handle with the distinction of MEL PRICE.

His excellence of leadership was also displayed during the years he served on and chaired the Joint Atomic Energy Committee. It was a mind-boggling task for those of us who fought the never-to-be-forgotten struggle through high school physics. Legislation he drafted in those days still figures prominently today in the atomic energy field.

We want to extend our sympathies to the lovely Gari, who played such an important role in MEL's career, and to their son, Dr. William Price.

I shall never forget that I was lucky enough to know MEL PRICE as a friend and as a colleague.

I shall also never quite forgive myself for not asking one question of him, the answer to which to this day I cannot imagine. As a former GI myself, I always wanted to ask one personal question:

"MEL, what in blazes was a corporal doing on KP?"

Mr. QUILLEN. Mr. Speaker, I want to join my colleagues in remembering our friend and colleague, Congressman MEL PRICE of Illinois who passed away on April 22.

Congressman PRICE served in the House for 44 years representing the 21st Congressional District of Illinois where he retained the affection and support of his constituents because of his effective work on their behalf in the Congress. Probably the capstone to Congressman PRICE's service was the 10 years he served as chairman of the House Committee on Armed Services. Chairman PRICE played an important role in strengthening our military forces, especially during the early years of this decade.

Those of us who served with MEL PRICE will miss him. We all knew of MEL's struggle against the ravages of illness in recent years and of this determination to carry on with his duties and responsibilities under difficult physical conditions. We were all saddened to learn of MEL's death and will miss his presence among us.

In this time of grief over his passing, I wish to extend my condolences to MEL's wife, Gari, his son, USAF Maj. William Price, his brother Harold Price, his grandchildren and the other relatives and friends of the family.

Mr. SPENCE. Mr. Speaker, the late MEL PRICE was a gentleman in the truest sense of the word, and like every Member of this body, I am going to miss him very much.

Not only was MEL PRICE my chairman on the House Armed Services Committee, but, he was my neighbor across the hall on the first floor of the Rayburn Building. During the 18 years or so that I knew him, I developed an admiration and affection for his positive, even-handed approach to matters which affects the well-being of our country, especially in regard to our national defense.

He was a product of the old school of American politics, and never lost sight of the reason that we are here; namely, to help people and to perpetuate the wonderful democracy and principles of freedom which countless millions have died to defend.

As chairman of the House Armed Services Committee, MEL PRICE put his Nation first and partisanship second. He could be firm and resolute, but, he sought to compromise devoid of rancor. He did this because he had a love affair with America that transcended political party differences.

Mr. Speaker, if anyone in this House epitomized the Horatio Alger story, it was MEL PRICE. Most of us know the famous story of MEL PRICE the soldier, who first learned of his election while pulling KP in the old Army during World War II. But, that incident was just typical of a man who was unassuming and yet steadfast in those great principles of duty, honor, and country.

MEL is going to leave a void that will be difficult to fill. I always appreciated his wisdom and counsel on the Armed Services Committee just as I respected his leadership and strong sense of values when he served as my chairman on the House Ethics Committee. Like the award-winning Broadway play and subsequent film, "A Man for All Seasons," MEL PRICE was such a man. To his dear wife and son I extend my heartfelt condolences and express my appreciation for having known this truly wonderful man.

Mr. HUGHES. Mr. Speaker, I rise to join in paying tribute to our late friend and colleague, MEL PRICE.

During his 22 consecutive terms in the House, MEL PRICE undoubtedly saw it all. He came to this body as America was emerging from the Second World War and taking her place as a world power. Through the cold war and through detente—through the days of the evil empire to the promise of glasnost—MEL PRICE was a leader in shaping America's response to events in a dangerous world.

That is one reason why MEL PRICE's wisdom on defense matters was esteemed so highly by Members on both sides of the aisle. His tenure as chairman of the Committee on Armed Services was marked by a commitment to strengthen and improve the readiness of our defense forces. We are now beginning to see the fruits of MEL's labor in a fighting force that is better equipped and prepared for the global challenges facing our country.

Our deepest condolences go out to the family and friends of MEL PRICE, as we honor a man whose contributions to his House are to be found not only in the legislation that bears his name, but also in the example that he set for his colleagues as a Representative of his district and as a trustee for his Nation.

Mr. ROE. Mr. Speaker, it is with the greatest admiration that I rise to join the special order today honoring our late colleague, Hon. MELVIN PRICE, who served this body and our Nation with the greatest distinction for nearly half a century, and who was held in such high esteem by those of us who were fortunate enough to know him.

That MEL PRICE was elected to Congress for 22 terms, serving 44 years in the U.S. House of Representatives, is an enduring testament to his devotion and commitment to serving his constituents and evidence that those back in his district had the highest regard for him as a statesman and legislator.

Mr. Speaker, MELVIN PRICE scaled the length and breadth of the political mountain over a period of 55 years, coming to Washington in 1933 as a congressional aide, and eventually being elected to represent what is now the 21st Congressional District of Illinois on November 7, 1944. At the time of his death, he was second in seniority in the House only to our distinguished colleague, the Honorable JAMIE WHITTEN of Mississippi.

During his long and rich career, MEL PRICE was truly a leader in many respects. He was the first chairman of the House Ethics Committee and served as head of the Joint Committee on Atomic Energy and as chairman of the House Armed Services Committee from 1975–85. I was privileged to have the opportunity to work with him for nearly 19 years in the House, and I always knew him, as I am sure my colleagues all knew him, as a man of fairness and integrity.

My deepest condolences go with MEL's devoted wife, Garaldine, and the rest of his family, whom he loved so dearly. I know that they, and we are the poorer for his loss. But it is just as certain that all of us are indeed much richer for MELVIN PRICE'S long and outstanding service to our country.

Mr. HORTON. Mr. Speaker, it is with great sorrow that I rise to commemorate the passing of a close personal friend, the Honorable MELVIN PRICE. It would be impossible in these few short minutes to review all that MEL achieved during his tenure in the Congress.

Suffice it to say, however, that MELVIN PRICE had done as much to secure the defense of American soil as any individual in the last few decades. As chairman of the House Armed Services Committee for 10 years, MEL proved a fair and effective leader. He gained the respect of Members of the House on both sides of the aisle by helping achieve what we all wished to see, a safer United States.

Even after losing the chairmanship of the committee in 1985, MEL proved his true character by continuing to make lasting contributions in the area of defense.

Beyond his role in improving the strength and readiness of the Armed Forces, MEL played an important role in ushering in the age of atomic energy for peaceful purposes. The 1957 Price-Anderson Act helped get the nuclear power industry off to a start by limiting the potential liability of those companies in the event of an accident. It is almost impossible to think of the shape the American energy industry would be in today if MEL had lacked the vision and ability to become the driving force behind this landmark legislation.

MEL and I became fast friends early on due to our mutual interest in sports, particularly baseball. Before coming to Congress, I had been president of Rochester Community Baseball which owns the Red Wings minor league team. MEL'S background included sportswriting in St. Louis and covering the Cardinals. The Red Wings had been the minor league team for the St. Louis Cardinals, so MEL and I shared similar loyalties on the diamond. Later, I served with MEL on the Joint Committee on Atomic Energy and traveled with him frequently in connection with our duties as members of the North Atlantic Assembly. I shall miss our chats and the friendly advice that MEL was always more than willing to share.

I would like to offer my and my wife Nancy's condolences to MEL's wife Gari and the rest of his family. MEL stood as a model to many of us who served in Congress with him. Perhaps the greatest tribute we can pay to MEL is to reflect back on that model, periodically, and try to live up to it.

Mr. CONTE. Mr. Speaker, for the second time in a month, it is with profound sadness that I come to the floor of the House to mourn the loss of one of our colleagues. For the second time, we come to pay our last respects to a man who lived a life that epitomizes public service. MELVIN PRICE, for 44 years a respected and loved Congressman from southern Illinois, died on Friday, April 22. With his death comes the passing of a legend in the halls of this body.

Both personally and professionally, MELVIN PRICE represented all that is good about public service. He gave of himself and his time selflessly. He took great pride in taking care of his constituents in southern Illinois. But he never sacrificed the needs of the country as a whole in his never-ending quest to represent his constituency.

For four decades he served on the powerful House Armed Services Committee. For ten of those years he was its chairman. And his efforts at ensuring this Nation's readiness to defend freedom around the world should never be forgotten.

Over the 30 years that we served together in the House, I developed tremendous respect and admiration for his commitment to and compassion for the American people. I can say without hesitation that MEL's death is one of the largest losses that this body could sustain. His position as Congressman for the 21st District of Illinois will be filled, Mr. Speaker. But the conscientious manner in which he held that seat will be most impossible to replicate.

Mr. Speaker, my wife Corinne and I will always hold sacred the many cherished memories of our time spent with MEL and his lovely wife Gari. Their friendship has been a special gift that the Conte family will remember with pride and joy.

I know Gari and the rest of the Price family have suffered a deep loss with MEL'S passing. Their loss is shared by the thousands of people and the scores of Members of Congress who had the pleasure of knowing and working with MEL. His leadership and guidance have been the Godsend to more people than anybody will ever know.

MELVIN PRICE is gone now, Mr. Speaker. But his presence, his love for his fellow man, his integrity, and his devotion will live on in all of us who knew and loved him. For that we owe him a great debt of gratitude. My thoughts and prayers are with the family and friends of MEL during this trying time. Their loss is our loss.

Mr. STOKES. Mr. Speaker, I would like to thank my distinguished colleague from Illinois, the chairman of the Committee on House Administration, Mr. ANNUNZIO, for reserving this time for Members to pay tribute to the late MELVIN PRICE, who passed away on April 22, 1988. I join with my colleagues in mourning the passing of our friend and a great statesman.

Upon learning of MELVIN's death, I thought a great deal about his career in public service which spanned over four decades. I know that Members on both sides of the aisle will agree that MELVIN PRICE served his constituency and our Nation in an outstanding manner.

During his 44 years as a Member of this body, MEL PRICE was respected and admired by his colleagues for his leadership and insight. He served with distinction as the first chairman of the House Ethics Committee and as head of the Joint Committee on Atomic Energy. His unflexing commitment to a strong national defense made him devote untiring energy to his work as chairman of the House Armed Services Committee. He was a conscientious and dedicated individual whom I was proud to support.

Mr. Speaker, each of us can appreciate the opportunity to have served in this institution with MEL PRICE. I join my colleagues in extending our sympathy to MEL's family and friends. He will be greatly missed.

Mr. BUECHNER. Mr. Speaker, I join many of my colleagues today in honoring the memory of MEL PRICE, who for more than 40 years represented the 21st District of Illinois with patriotic distinction. From his first election to the House of Representatives in 1944, MEL PRICE was the very example of the fine bipartisan tradition. He believed in an America protected with a vigilant defense, not just with weapons, but with a confidence in its promise.

Mr. Speaker, I honor not only MEL PRICE, the man of quiet dedication, or MEL PRICE, the Congressman of inspirational and exemplary service, but MEL PRICE, the proud American citizen. We live in an age of self-doubt and uncertainty over our public purposes, over our role in a world often hostile to our intentions. In remembering MEL PRICE and the age in which he led his country in Congress, we would do well to recover a principled confidence without arrogance in defense of our most cherished ideals, liberty, justice, and peace. In this, MEL PRICE will remain with us always.

Mr. APPLEGATE. Mr. Speaker, I would like to join with my colleagues in the House in extending special recognition and admiration of our late colleague from Illinois, Representative MELVIN PRICE.

I always enjoyed working with MEL ever since first coming to Congress nearly 12 years ago. Of course, my introduction to service here in the House of Representatives was very much different than the circumstances that brought MEL PRICE into this distinguished Chamber.

Taken out of military service during the middle of World War II, MEL followed up on his call to defend his Nation with an even more eager response to the call to represent the people of his newly won congressional district in southwestern Illinois. I can think of few Members of the House who can tell a story like the one that MEL PRICE could tell us about the time he first came to Capitol Hill.

But MEL PRICE never forgot the soldiers and sailors, airmen and Marines who served along with him in defending our world from the terrible scourge of the Axis powers during the Second World War. MEL served admirably as chairman of the House Committee on Armed Services, guiding this important panel over a course of 10 years and at a time when some of the most important debates about America's military posture and the stature of its fighting forces took place. I think every man and woman in uniform, today and in the past, owes much to the leadership that MEL exercised throughout his years in Congress and at the helm of the House Armed Services Committee.

The House of Representatives was made a much better place because of MEL PRICE. Likewise, we will be much less the august Chamber that we once were during the nearly 44 years that MEL served as a truly great Representative and colleague.

Mr. Speaker, I wish to extend my deep sympathies to MEL's dear wife Gari and to his son Bill. I will miss a fine and true friend.

Mr. HASTERT. Mr. Speaker, during his 44 years in Washington, our former colleague MELVIN PRICE became a real institution in the most honored sense of the word. He was a man of the people and represented well those who lived in his district. Those quoted in his obituary referred to him as a father figure and recalled he was so revered among the people it was not uncommon to see his photograph everywhere, including bars.

In his 22 terms in the House, he took on varied assignments. He had a keen interest in the peacetime applications of atomic energy and was one of the original members of the Joint Committee on Atomic Energy, later serving as chairman of that panel.

He advocated a strong national defense during his long service on the House Armed Services Committee and served with distinction as its chairman.

He had the unique perspective of having worked with administrations spanning the era from Franklin Roosevelt to Ronald Reagan. He has left his mark on the Nation through the legislation he helped write and craft and his dedication to the strong military concept.

His service in the district dates back to 1929 when he became a member of the St. Clair Board of Supervisors and later was secretary to his predecessor Edwin Schaefer. Today, we recall his long record of public service and his sense of fairness.

Mr. MINETA. Mr. Speaker, I rise, with immense respect and great sorrow, to honor an outstanding and honorable colleague, MELVIN PRICE.

I mourn for the vision and dedication which this Nation has lost in his passing. He was a worthy companion and I will miss him very much.

He was held in the highest esteem by his colleagues, and deservedly so. We were all touched by his dedication, determination, and vision. We all progressed through his leadership in areas of military and atomic energy establishments.

We were all inspired by his strong beliefs and integrity. He represented both his district and the Nation well.

His mark is not only on the progress of our defense technology. He fostered the growth of the emerging nuclear power industry. His dedication to a strong defense posture has served our Nation well, and will serve us for years to come. His legacy will be long remembered.

The number of his accomplishments which made our defense stronger and our country safer for Americans, or which simply made life better through any of his numerous other successes, are indeed legion. I cannot begin to list them all. Understandably so, considering that this man spent half of his entire life serving the people of this country.

He was an outstanding national influence on defense policy and a persistent figher for the ideas in which he believed.

MEL PRICE was a great asset to this body. The fuel which energized him was not glory, power, or gain, but a sincere desire to serve his constituents and this Nation to the best of his ability. And his best is truly the epitome of public service.

He will be greatly missed as a colleague, as a dedicated legislator, and as a good, good friend.

I extend my sympathy to his wife, Gari, and to his family.

Mr. MOAKLEY. Mr. Speaker, I would like to thank the gentleman from Illinois [Mr. ANNUNZIO] for reserving this special order to pay tribute to our late colleague Representative MEL PRICE, and to extend my condolences to his lovely wife Garaldine.

MEL PRICE was first elected to Congress in 1944 while serving in the U.S. Army as an enlisted man. After being promoted to Sergeant and discharged in 1945, MEL began his career in the House. During that career, which spanned over 44 years, MEL served as the first chairman of the House Ethics Committee, the head of the Joint Committee on Atomic Energy, and chairman of the House Armed Services Committee.

During MEL's time in Congress he became known as one of the most knowledgeable Members on defense issues and used that knowledge in contributing to a strong national defense. MEL was particularly interested in the use of atomic energy for the U.S. military. With his expertise of over 20 years on the Joint Committee on Atomic Energy MEL was instrumental in advancing his ideas for the protection of our country.

During his service in Congress, MEL rose to become one of the most powerful Members of the House, and became very active in international relations. Through these activities MEL established personal relationships with some of the most famous people in history, Winston Churchill, Charles DeGaulle, Harry Truman and Franklin D. Roosevelt, yet MEL never forgot where he came from or the people whom he represented from the 21st District of Illinois. Former Speaker Tip O'Neill has a saying, "All politics is local," and MEL PRICE lived by that saying. His main focus was for the people back home.

Over the last few years MEL PRICE's health took a turn for the worse, but despite his poor health MEL had an impressive 98 percent voting record for 1987, which was one of the best in the House. During his last few weeks even though he was in a great deal of pain MEL still was interested in the DOD authorization that we are presently considering in the House. I think it is appropriate that the next trident submarine that is to be built will be known as the U.S.S. *Melvin Price*, a fitting memorial to a man who gave so much of his life to public service and to a strong national defense.

Again Mr. Speaker, I would like to thank the gentleman from Illinois for allowing us in the House an opportunity to pay tribute to this great man and to acknowledge his contributions that he made to this institution.

Mr. COURTER. Mr. Speaker, I rise to pay tribute to the late Representative from Illinois MEL PRICE. It was an honor to have served on the Armed Services Committee with such an outstanding partriot and honorable Representative.

During his 44 years as a Representative, MEL PRICE was admired and respected by his colleagues and praised by his constituents and our Nation for his dedication and perseverance. On a number of occasions I had the opportunity of traveling with him in our work together on the Armed Services Committee. Although as he aged, his physical condition weakened. I often notice that his mental and intellectual acuity were undiminished by his physical health problems. My admiration only increased on seeing how determined he was to fulfill his obligations to his constitutents and the Nation which continued to call on him to serve. He was a true inspiration to all of us who knew him.

Congressman MEL PRICE represented our Nation for four decades through changing times and world conflicts. As chairman of the Armed Services Committee he has helped defend our Nation by improving our military forces and readiness in peace time and in war-time.

Congress has lost a truly valuable Member. His leadership will be greatly missed by all.

Mr. RANGEL. Mr. Speaker, I would like to join my colleagues in paying tribute to the late Representative MELVIN PRICE. MELVIN PRICE served his constituency and his country with the utmost devotion. He was a man of quiet yet determined dignity. His career as a Member of Congress taught him to look for the facts and he understood that his actions could sometimes speak louder than his words. For these traits he was respected.

His integrity earned him positions of authority. Congressman PRICE became a charter member and chairman of the Joint Committee on Atomic Energy from 1946 until it disbanded in 1977. He was elected the first chairman of the House Ethics Committee in 1967. In 1975, MEL was elected chairman of the Armed Services Committee by a vote of 251 to 7. He faithfully served on that committee for 10 years. In 1977, his colleagues unveiled his portrait in the Carl Vinson Room. MELVIN PRICE was also one of the only three Members of Congress who had received the Vanguard Award in recognition of his more than 30 years of dedicated public service.

Though he was very involved in his various committee work, Congressman PRICE'S primary concern was his district. It is known here in Congress that he always made it his business to answer every letter and return every phone call. I once read that his favorite part of being a Congressman was the people whom he was involved with. This fact, I do not doubt. His work can be seen all over the townships in the Bond, Madison, and Clinton Counties he represented. His support was immense and he was virtually unopposed in 20 elections. It is said that Congressman PRICE'S picture hangs behind bars in his district's pubs.

Congressman PRICE spent at least one weekend a month in his constituency, sometimes two. He was always in favor of a strong defense, but he also was a staunch supporter of the social programs which would benefit his constituents. In short, his constituents' needs were never ignored. MELVIN PRICE was a great man in his caring and love for people, and a great Congressman in his desire to better the lives of his constituents and his Nation.

Mr. RODINO. Mr. Speaker, I want to thank the gentleman from Illinois for arranging this tribute to our good friend and colleague MEL PRICE who died on April 22 and I want to extend my deepest sympathy to MEL's wife Garry and to his family.

MEL's death ended a long and distinguished career that spanned the postwar history of our Nation. It was a great personal privilege to call MEL PRICE my friend. For those of us who had the honor to work with him and for the Nation he served so well, we have lost both a friend and a dedicated public servant.

Throughout his 44 years as a Member of Congress and during his tenure as the dean of the Illinois congressional delegation, MEL ably and effectively represented the citizens of the 21st Congressional District of Illinois. In turn, he earned the respect and affection of his constituents.

But MEL PRICE's service extended to the entire Nation and his contributions benefited us all. When he first entered the House of Representatives, America was emerging from Second World War carrying a heavy mantle as a world power. In a time of cold war tensions and uncertainty, MEL was a leader in ensuring that our military was both efficient and prepared. He believed that a strong defense was an important factor in keeping the peace and he worked diligently to achieve this goal.

As the chairman of the House Armed Services Committee for 10 years, MEL continued to exhibit his tireless energy in the effort to provide for the adequate defense of our Nation. It is a tribute to his dedication that even in his final days, he remained keenly interested in the progress of the defense debate in the House.

MEL PRICE was the second most senior Member of the House. His wisdom and experience was an invaluable resource for all of us. What his friends will most remember about MEL was that he was a kind and warm individual whom we respected. He was a man of unyielding integrity and generous with both his time and expertise. Although we feel a sense of loss that his voice will no longer echo in this Chamber, there is some consolation in the thought that his commitment and service will continue to serve as an example to us all.

Mr. MARTINEZ. Mr. Speaker, on April 22, 1988, the country lost a respected and honored gentleman, MELVIN PRICE. I was fortunate to have had the opportunity to have known and served with him for even a short 6 years. For 44 years he stood as a symbol of the kind of leadership that personified the highest integrity as well as the deepest loyalty to his country.

I find it interesting that Mr. PRICE was elected to Congress while serving his country in the Army. One of my favorite stories that I have heard since coming to the House is that he learned of his victory while serving KP duty. He was then referred to as "Sir" by those officers he himself had moments before called "Sir".

Elected to the House of Representatives in 1944, he devoted himself to the welfare of the people he represented. He was chairman of the House Armed Services Committee, and closed his career as chairman of the Subcommittee on Research and Development of the Armed Services Committee. He never lost his ability to work forward and achieve the highest goals possible to preserve the defense of our Nation. He will be remembered for this patriotic duty that he so graciously gave to his country.

A native son of East St. Louis, IL, he never forgot his home and friends and represented them with outstanding constituent service. The people of the 21st District of Illinois exhibited their appreciation and confidence in him reelecting him to the House of Representatives 22 times. MELVIN PRICE's distinguished career in the House, as demonstrated by the respect of his constituents and colleagues, is one that we all strive for.

Let me state in closing that MELVIN PRICE will be deeply missed. Not only by his family, colleagues, and constituents; but by the entire Nation.

Mr. MATSUI. Mr. Speaker, it is with much sadness that I rise today to pay final tribute to a fine American, our late colleague, MELVIN PRICE. MEL devoted his work and life to the service of the public and we all suffer a great loss with his passing.

For so many years, MEL was a pillar of the Nuclear Armed Forces. His expertise in military matters were respected in all political circles and his commitment to providing the United States with the finest armed services anywhere was legendary. MEL served his constituency, the people of this country with uncommon dedication. His work as chairman of the Armed Services Committee was exemplary, combining a desire for real strength with measures to ensure the safety of all Armed Forces personnel.

MEL was truly a man who cared for his people and his country. No problem was to small for him to listen, whether it be one of his constituents or a House colleague. As a tribute to his everlasting dedication to U.S. defense interests, I thought it was most fitting and proper that the House overwhelmingly approved an amendment to name the next Trident submarine the MELVIN PRICE. I know MEL would be pleased.

Mr. Speaker, we have lost a truly outstanding member of this body. We will mourn the loss of this colleague and friend but we will remember him for all that he stood. Despite our sadness now, we all benefited from MEL's presence here and for that we will always be grateful.

Mr. BIAGGI. Mr. Speaker, I was deeply saddened to learn of the death of my friend and colleague, the Honorable MELVIN PRICE. His passing will leave a void in this House which will be difficult to fill. The guidance he provided to all of us who came here after him, have benefited millions of Americans across this land. All of us who have had the pleasure of knowing and working with this giant of a man, have had our lives touched in a very special way.

Over the many years that I have known this remarkable man, I became increasingly impressed with his knowledge of defense systems and, in particular, his compassion for those young men and woman who serve in our Nation's Armed Services. His expertise dates back to the mid-1940's when he was appointed to the Joint Committee on Atomic Energy, and to his work on the Price-Anderson Act, which brought about the first set nuclear power regulations. His dedication to excellence ensured that the U.S. Navy maintained a command of the high seas by bringing it into the nuclear age.

During his tenure as the chairman of the House Armed Services Committee, he dedicated himself to ensuring that the United States maintained a strong military defense, yet worked vigorously to prevent unnecessary expenditures. He was most prudent with the American taxpayer's dollar, yet knew that if spent wisely, that dollar could go far to make ours a safe, secure nation. His stand on the issues was strong and determined, yet he himself was a gentle man who deeply cared for humanity and for the "little people", whom he felt often did not have anyone to champion their cause. It was my honor to know MELVIN PRICE.

In closing, Mr. Speaker, I would like to express my sincere condolences to MEL's widow, Garaldine, and his son, William. Their loss is shared by us all.

Mr. GRANT. Mr. Speaker, on Friday, April 22, the House of Representatives was deeply saddened by the news that Representative MELVIN PRICE of Illinois has passed away.

Mr. PRICE was a remarkable American. His enthusiasm for life and his dedication to public service are qualities in short supply in today's world. His constituents of the 21st District of Illinois will be hard pressed to find another man who comes close to MELVIN PRICE'S commitment to his district, his State or his country.

Mr. PRICE is best known for his chairmanship of the House Armed Services Committee. During his 10 years of service as chairman, Mr. PRICE did much to ensure the strength and readiness of our defenses. If one were to enumerate all of Mr. PRICE'S accomplishments as chairman, they would fill page after page in the CONGRESSIONAL RECORD. Mr. PRICE would not want to see a display such as that, for he was a humble man as concerned about wasting taxpayer dollars as he was about America's military might.

The circumstances of Mr. PRICE'S election to the House 44 years ago go a long way toward explaining his deep dedication to the citizens of his district. Mr. PRICE was reportedly peeling potatoes in an Army mess kitchen when the news came he was elected to the House of Representatives. MELVIN PRICE has spent 44 years in Washington, including 10 as one of the most powerful men in this great institution, yet he never forgot the benefits of hard work.

Mr. Speaker, as a Member of the House of Representatives, I feel fortunate to have had the opportunity to work with MELVIN PRICE. Although he suffered from illness, he refused to allow his health to get in the way of his service to his district and to his country. There are few men more deserving of emulation than Mr. PRICE. I believe it is altogether fitting that the next Trident submarine bear the name of this dedicated American.

Mr. BRUCE. Mr. Speaker, when I met MEL PRICE in the 1960's, I was thoroughly impressed by the strength of his convictions and by his ability, after two decades in Congress, to be a man on the street.

MEL PRICE looked at being a Member of Congress as another way in which he could serve his country. Many have recalled that MEL PRICE heard he had been elected to Congress while loading apples as a corporal at a Virginia Army Base. He went from loading apples to helping America use its World War II victory to propel us into superpower status.

But he never lost sight of the people who put him in office. He epitomized Tip O'Neill's quote of a former Massachusetts Governor in O'Neill's book, "Man of the House":

> Over the years, hundreds and hundreds of people will come to your office and ask for favors. Some of these favors may be great, and some of them may be small. Some may be important, and some may be trivial. Some will be easy, some will be difficult. But always remember, for the person who comes to you, that favor is the most important thing in the world. If he could take care of it himself, he wouldn't be here. So treat them all alike and try to help everybody—no matter how big or how small the problem is.

When MEL PRICE passed away on April 22, this country lost one of its kindest leaders. MEL PRICE began his service to this Congress shortly before I was born, and growing up in southern Illinois, I always knew him as Congressman. It has been an honor and a pleasure to serve as part of the Illinois delegation with this distinguished gentleman. I will miss his presence in the House of Representatives.

Mr. MICHEL. Mr. Speaker, our former colleague, Congressman Bob McClory, has asked to have the following tribute placed in the RECORD in connection with the final tributes to our late beloved colleague, Congressman MELVIN PRICE.

TRIBUTE TO CONGRESSMAN MELVIN PRICE FROM FORMER CONGRESSMAN ROBERT MCCLORY

It is with a sense of deep respect and prayerful reflection that I pay tribute to my long-time colleague in the U.S. House of Representatives and close personal friend, Congressman Melvin Price of Illinois. Mel Price and his wife, Gari, have been close personal friends of my wife, Doris, and me during the entire 20 years of my service in the U.S. House from 1963 to 1983—and thereafter—until his final passing on Friday, April 22.

A gentle and friendly individual and yet a highly effective and devoted public servant, Mel Price earned the respect and support of his colleagues in the Congress, both Republicans and Democrats, as a result of his diligence, his thoughtful and thorough exercise of his legislative authority and his qualities of leadership—particularly as Chairman of the House Armed Services Committee.

My wife, Doris, and I have been close friends of Mel Price and his wife, Gari, during our years of service together in the Congress and since my retirement in 1983. Our affection and respect for Mel and Gari Price are based upon a close relationship which has enabled us to appreciate the qualities of loyalty, mutual respect and public service which have contributed to our close association during these many years.

At this hour my wife, Doris, and I join in this tribute of respect and affection for Mel Price and offer our loving and prayerful thoughts to his devoted and beloved wife, Gari, to whom we extend our most prayerful thoughts and condolences.

Mr. GILMAN. Mr. Speaker, it is with deep sadness that I join with our colleagues in paying tribute to our recently deceased colleague, the late Hon. MELVIN PRICE of Illinois.

The passing of MEL PRICE removes from our midst one of our three remaining colleagues who served on Capitol Hill while President Franklin D. Roosevelt was still in the White House. Accordingly, MEL PRICE first came to Congress—as did Representative WHITTEN and Representative PEPPER—during those heady years when a new, young generation came to Washington inspired with the goal of doing good for our fellow Americans, as our Nation assumed a new position in the center of the free world's stage.

MEL PRICE was a fast learner and soon became one of the most respected voices in the Halls of Congress. In the field of armed services, his expertise was considered second to none, both prior to and subsequent to his becoming chairman of that committee in 1974.

Few Members of Congress first arrived in this Chamber with the background and expertise that MEL PRICE brought with him upon his first election. Although he began his career as a newspaper reporter specializing in politics, and as a sportswriter, he later served for 10 years as Administrative Assistant to Congressman Edwin Schaefer. Those early years—the "New Deal" years—were years that many ambitious young men came to Washington from throughout the Nation, to help out in Government service, and to learn the ins and outs of Capitol Hill politics. One of the fellow staff members who MEL PRICE befriended in those early years was Lyndon B. Johnson, who had a similar position with a Congressman from Texas. I am sure these two young men spent many hours discussing policy and their own ambitious plans.

The retirement of Congressman Schaefer came just in time for MEL PRICE to serve in our Army during World War II. It has always impressed his colleagues to know that this man cared so deeply for our Nation's armed services was in fact a serviceman himself during time of war. MEL PRICE, in fact, was still in uniform when his old friends and neighbors elected him for the first of his 22 consecutive terms in the House in 1944.

Mr. Speaker, this Chamber is a lesser place without MELVIN PRICE in our midst. To his widow Garaldine, to their one child, and to their many loved ones, we extend our deepest sympathy.

Mr. DELLUMS. Mr. Speaker, I feel today, Mr. Speaker, as if an era has come to a close.

Fewer and fewer are the numbers of those who, like MEL PRICE, directly linked us to the New Deal era of dynamic change in America. MEL's passing is a loss to all of us in this sense. His background as a veteran legislative insider and guide provided us all with a rich body of experience which he unselfishly showed us, providing counsel and leadership, yet eschewing partisanship. I have drawn a great deal of insight from the consummate example set by MEL with respect to fairness and integrity.

This loss, Mr. Speaker, is to me more than the loss of a colleague. It is more than the loss of a distinguished chairman and elder statesman. MEL PRICE was a complex person with whom I often disagreed, yet one whom I respected both as a friend who inspired me to grow and to mature, and as a skilled legislator whose low-key manner belied considerable political skill and power.

Representative Barbara Jordan once said, "If you're going to play the game properly, you'd better know every rule." As an opponent, MEL PRICE was formidable, knew every rule, and how to use them. He always used them fairly, however, and exemplified our national tradition of vigorous, democratic debate of ideas and priorities. For example, I will always remember that it was Chairman PRICE who, while he vehemently disagreed with its content, graciously allowed floor debate and consideration of my first-ever substitute to his committee's military authorization bill. Over the years, and we were colleagues for many, MEL always accomplished his goals in a manner that respected the dignity of opposing points of view.

I cannot, Mr. Speaker, sum up the more than 15 years that I spent working alongside MEL PRICE in this one brief statement. There is too much to relate, too many cherished memories for this Member to impart in this forum. But I will always fondly remember MEL, and I will eternally respect his legacy of impartiality and decency. Sadly, Mr. Speaker, these qualities are always in short supply. How fortunate we were to have known an individual so generously vested with them as MELVIN PRICE.

Mr. YOUNG of Florida. Mr. Speaker, the gentleman from Illinois [Mr. ANNUNZIO] is to be commended for requesting this time today to honor Congressman MELVIN PRICE of Illinois, a man who devoted more than half his life to this great body.

For a short time, I had the privilege of serving with MEL PRICE on the Armed Services Committee. He was an outstanding chairman of the committee who made many important contributions to our national security having spent most of his 44 years in the Congress on the Armed Services Committee. In fact, following World War II, he served on the Joint Committee on Atomic Energy which was charged with overseeing the development of our nuclear weapons and commercial nuclear power industry.

MEL PRICE was not only a prominent national leader, who earned the respect of thousands of colleagues who he served with during the past five decades, he also established a reputation for his dedicated service to the people of the 21st Congressional District of Illinois.

Mr. Speaker, it was a privilege to have had the opportunity to serve with MEL PRICE who truly dedicated his life to serving the people of Illinois and our Nation. He was a kind and gentle man and although he will be missed by his many friends in the House, his lifetime of contributions in providing for a strong national defense will live on for years to come. MEL was also a good friend who I admired and respected.

Mr. BEVILL. Mr. Speaker, I rise today to pay tribute to a long-time congressional leader and a good friend, MEL PRICE, who passed away April 22.

MEL was a very outstanding Member of Congress for 44 years. He served his constituents from Illinois' 21st District with unfailing dedication and he served our Nation with a deep sense of commitment.

MEL had such a distinguished record for so many years. But, those of us who worked with him will especially remember his accomplishments as chairman of the House Armed Services Committee for 10 years.

He worked long and hard to improve our national defense. He knew the importance of maintaining a strong military and he never wavered in his support for the armed services.

I enjoyed working with MEL and I will miss him. The Congress has lost one of its most valuable leaders and our Nation has lost a great public servant and statesman.

But, the contributions made by MEL PRICE during his 44 years in Congress will not be forgotten.

Mr. FORD of Michigan. Mr. Speaker, I want to join Members from both sides of the aisle who have eulogized our late colleague MELVIN PRICE, a man of profound integrity who was dedicated to this institution and his Illinois constituents.

Mr. PRICE was a Member with many virtues. And certainly his unassuming nature was high on that list. Despite his many and frequent accomplishments in this legislative arena, he maintained an air of quiet modesty.

He was already a fixture in the House when I arrived here more than 23 years ago. My first impression was that here was a man of principle and political wisdom. Over the years that impression never changed. Indeed, time after time it was reinforced in actions more than words.

He will be missed, for his compassion, his knowledge and his friendship. He will be remembered as a shining example of our political system at its very best.

Mr. CLAY. Mr. Speaker, I wish to take this opportunity to pay tribute to the Honorable MELVIN PRICE. Congressman PRICE dedicated his life to serving the people of his home State of Illinois and his country. It is with a great sense of loss that I say he will be earnestly missed.

Representative Price strove to fulfill with skill and devotion all that he undertook. One obligation he took upon himself was to provide for the Nation's safety. With this in mind, he diligently served on the House Armed Services Committee.

His appointment to the chairmanship of the Committee on Ethics was a testimony to Congressman Price's reputation for fairness. Indeed, his illustrious legislative career of 44 years was marked by his dedication to justice and his unfailing personal integrity.

During his distinguished career in the public service, Melvin Price touched the lives of millions of Americans. He was a skillful politician, an accomplished legislator and a devoted statesman. It was a privilege to serve with the Honorable Melvin Price in the U.S. House of Representatives, he will be greatly missed by all his colleagues.

Mr. REGULA. Mr. Speaker, it was with great sadness that I learned of the death of our colleague, Mel Price. Congressman Price served in this Congress since 1944, a period which spanned the tenures of eight American Presidents. He was uniquely familiar with Capitol Hill and had a presence here which we will all miss very much.

During the period of Congressman Price's congressional career, he accomplished many important things for the people of the 21st District of Illinois and for the Nation. He was the coauthor of the Price-Andeson Act and served for years on the Joint Committee on Atomic Energy. He also served as the distinguished chairman of the House Armed Services Committee for 10 years.

Mel Price's accomplishments before this body were many, but the personal side of this friend and colleague is the legacy he left in the hearts of many of us who knew him. He was a kind and gentle man who showed tremendous courage in facing the obstacles of serving this Congress for over 40 years. His quiet dignity has made a lasting impression on me and many others who knew and worked with him.

May the memory of this honorable man stay with us and may his example here serve us as we continue the work to which he dedicated his life, his hopes and his considerable talents. We will surely miss him.

Mr. MAZZOLI. Mr. Speaker, I want to take this opportunity to pay tribute to the Honorable Melvin Price of Illinois who recently passed away after 44 years of distinguished service in the U.S. House of Representatives.

Here on Capitol Hill, Mel was known most for his four decades of dedicated service on the House Armed Services Committee during a time when our weapons systems were going through drastic changes—and specifically for his 10 years of leadership as chairman. We owe Mel much credit for the position of strength and readiness in our defense forces that our Nation enjoys today.

However, many of us are also aware of the compassionate and unfailing service Mel provided to Ilinois' 21st District. Mel was admired by his colleagues and constituents alike for his fairness, honesty, and integrity. The chairmanship of the Armed Services Committee is a job in itself, but Mel devoted most of his time and energy to meeting the needs of his constituency.

In his later years, Mel was inflicted with arthritis and a mortal illness. But because of his strong commitment to his constituents and country, Mel continued to maintain one of the highest voting percentages in the House.

For these and many other reasons, we are all better people and a better nation because of Mel Price. I extend my deepest sympathy to Mel's wife, Geri, his son Major William, his brother Harold, his three grandchildren, the rest of his family, and his many, many friends.

AMERICANS WITH DISABILITIES ACT OF 1988

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. Owens], is recognized for 30 minutes.

Mr. OWENS of New York. Mr. Speaker, last week the gentleman from California [Mr. Coelho], the gentleman from Massachusetts [Mr. Conte], and I introduced the Americans With Disabilities Act of 1988 which will protect some 36 million disabled Americans from discrimination. The Americans with Disabilities Act has been designed by the National Council on the Handicapped, appointed by President Reagan to advise the Federal Government on policy affecting disabled Americans. I turn to this council's report from January of this year, "On the Threshold of Independence," to illustrate the necessity of this act.

A major obstacle to achieving the societal goals of equal opportunity and full participation of individuals with disabilities is the problem of discrimination. Discrimination consists of the unnecessary and unfair deprivation of an opportunity because of some characteristic of a person. It is the antithesis of equal opportunity. The severity and pervasiveness of discrimination against people with disabilities is well-documented.

Existing nondiscrimination laws, such as section 504 of the Rehabilitation Act of 1973, are extremely important and have engendered much progress. In an overall context, however, our Nation's laws provide inadequate protection from discrimination for people with disabilities. Current statutes are not comparable in their scope of protection against discrimination to those afforded racial, ethnic, and religious minorities and women under civil rights laws.

Equality of opportunity is a bedrock right in our society, and discrimination against people because of their disabilities is an unacceptable denial of that right. Such discrimination is not only an affront to the dignity of the individual involved, but it undermines Federal programs that attempt to promote the independence and self-sufficiency of persons with disabilities. Discrimination is a significant reason why many people with disabilities are trapped in situations of dependency—dependency which costs our Nation dearly, both in lost potential productivity and in dollars spent for support programs.

President Reagan has declared:

"Our Nation's commitment to equal protection of the laws will have little meaning if we deny such protection to those who have not been blessed with the same physical or mental gifts we too often take for granted. I support Federal laws prohibiting discrimination against the handicapped, and remain determined that such laws be vigorously enforced."

To address the problem of discrimination against persons with disabilities, [we need] comprehensive equal opportunity protection for persons with disabilities . . . [Current laws have] large gaps in coverage, shortcomings and inconsistencies in interpretation and application, and deficiencies in enforcement . . . legislative improvements [are needed]. Chief among these is the enactment of a comprehensive equal opportunity statute providing clear standards of nondiscrimination, with broad coverage paralleling laws prohibiting discrimination on the basis of race, sex, religion and national origin.

In forums with citizens with disabilities across the Nation, the National Council on the Handicapped has heard over and over that discrimination is the number one problem faced by individuals with disabilities.

"Bringing Disabled Americans into the Mainstream," a nationwide poll conducted in 1986 by Louis Harris and Associates, underscores the conclusion that discrimination is a problem that people with disabilities frequently experience. Respondents identified a variety of types of discrimination, denials of life and health insurance, denials of educational opportunities, lack of access to public buildings and public bathrooms, the absence of accessible transportation, and various forms of social rejection (others shying away or feeling sorry for them). One-fourth of those interviewed said that they personally had encountered job discrimination because of their disabilities. Forty-seven percent of those individuals who were not employed or employed less than full-time listed disability as an important reason why they were not capable of doing a full-time job. In a subsequent Harris poll of employers (1987), three-fourths of managers of businesses reported that people with disabilities "often encounter job discrimination from employers."

The first Harris poll found great support among individuals with disabilities for legal protection against discrimination on the basis of disability. Its survey report declared:

"When it comes to how disabled persons should be treated under the law, a near consensus emerges. Three out of every four (75%) disabled persons believe that civil rights laws that protect minorities against discrimination should also protect them. Only 17% disagree." Such strong support for legal protection from discrimination corroborates the Council's priority for the enactment of a comprehensive equal opportunity law.

Employment is one of the most crucial components of the Americans With Disabilities Act of 1988. On employment, the report of the National Council on the Handicap stated:

"Employment has consistently headed the list of major concerns of persons with disabilities in this country. As is true for most other Americans, a major prerequisite to economic self-sufficiency and quality of life is a job. Employment offers the possibility of dramatically improving an individual's lifestyle, while at the same time resulting in tremendous financial savings for the Government. Perhaps most important is the ability to facilitate the integration of persons with disabilities into all facets of community life. In fact, employment for persons with disabilities is critical in determining independence. . . .

In order to explore and fully understand the problems of employment for persons with disabilities, the Council conducted a series of forums throughout the United States to gather data from consumers, parents, service providers, experts, and others. In addition to public forums, the Council initiated [the] two Harris polls.

The first Harris poll examined overall attitudes and life experiences of persons with disabilities, including the area of unemployment. Findings from the first Harris poll indicated that:

"Not working is perhaps the truest definition of what it means to be disabled. Two-thirds of all disabled Americans between the ages of 16 and 64 are not working. Only one in four work full-time, and another 10% work part-time . . . Furthermore, unemployment among persons with disabilities as a group is a bigger problem than among any other demographic group of working-age Americans."

Another significant finding from the first Harris poll was that 66% of working age persons with disabilities, who are not working, want to have a job. This overwhelming absence from the labor force of people with a strong desire to work is a tragic failure of the American dream.

Data from the first Harris poll coupled with the importance of employment in the lives of persons with disabilities generated a second Harris poll devoted solely to employment, "Employing Disabled Americans."

Based on interviews with over 900 companies, the purposes of the second survey were to determine what employers across the country were doing to employ persons with disabilities and to return persons with disabilities to work; what experiences employers had had with persons with disabilities; what barriers prevented employers from hiring persons with disabilities; and what steps the public and private sectors could take to increase the employment of persons with disabilities.

A great majority of employers rated the performance of disabled workers as "good to excellent."

Another significant finding dispelled a common myth about the cost of hiring a disabled person:

"75% of managers said that the cost of employing persons with disabilities is no greater than the cost of hiring non-disabled workers. Most employers appearded to be willing to consider the employment of more disabled people if they are qualified."

Unfortunately, data from the survey indicated that without some new stimulus, the employment of disabled people is unlikely to increase significantly. Most managers thought that their company was already doing enough to employ disabled people and should not make greater efforts to do so. Employers gave the hiring of disabled people a lower priority than the hiring of people from minority groups and elderly persons. Furthermore, disabled people are the least likely to be viewed as an excellent source of employees.

So a ban on employment discrimination will be necessary if the obvious potential of disabled Americans to work is to become a reality.

Another critical area of the act is a ban against discrimination in housing. The council described housing as "a major prerequisite to social integration and living independently for persons with disabilities," and noted:

"The lack of appropriate housing opportunities for individuals with disabilities frequently results in the unnecessary and expensive institutionalization of such persons. Available data suggest that the costs of providing appropriate housing options for people with disabilities are well worth the investment because of the significant savings that may be engendered by enabling disabled people to live in the community, get jobs, and pay taxes. Various reports of Federal agencies, disabled persons, and the few formal studies of the subject have documented a serious shortage of housing options for people with disabilities.

Also covered by the Americans With Disabilities Act is discrimination in the area of transportation. On this subject, the National Council on the Handicapped stated that:

* * * Accessible transportation is a critical component of a national policy that promotes the self-reliance and self-sufficiency of people with disabilities. People who cannot get to work or to the voting place cannot exercise their rights and obligations as citizens. According to Government data (DOT, 1978), the number of transportation—handicapped people, 7.4 million in urban areas; of that group 1.4 million are unable to use transit at all. Transportation is not a problem in a vacuum—the magnitude of the problem is increased exponentially by complex interactions between transportation and employment, housing, independent living, education, and leisure activities.

The 1986 Harris poll * * * underscores the fact that transportation is a major problem for persons with disabilities. A clear majority of disabled persons state that their disability prevents them from getting around, socializing, or going to cultural events as much as they would like. Forty-nine percent of the respondents believe that their mobility is limited because they "are not able to use public transportation or because [they] can't get special transportation or someone to give [them] a ride when [they] need one."

Transportation barriers not only limit social and community life; they also severely restrict employment options, and may explain a portion of the 66% of disabled persons who are without jobs. According to the Harris survey, approximately three out of ten people say that a lack of accessible or affordable transportation is an important reason why they are not working.

Discrimination in public transportation is one of the most destructive limitations facing disabled people. For an eloquent statement on this issue, I quote Paul Cheremeta, past president of the Paralyzed Veterans of America, in Paraplegia News, January 1984:

Public transportation is something most Americans take for granted.

Say what you will about your local transit authority—the buses may be dirty and crowded, the drivers may be rude, and the fare may have doubled since last year—but most people can be assured that there will be a bus going their way at 8:15 in the morning and 5:15 in the evening and most likely at decent intervals throughout the day as well.

The picture changes dramatically if one uses a wheelchair or is otherwise physically unable to climb the stairs into a bus or train.

Mr. Cheremeta continued to say that:

Most of us in this unfortunate predicament have been precluded from any meaningful use of public transportation.

The technology to make buses and trains accessible has clearly been developed. But a lack of understanding among transit operators, the regulators in the Department of Transportation, public officials, and to some extent the general public has added up to only a few systems in this country currently being accessible.

Some of the misconception about disabled people are that we are extremely intolerant of bad weather, will not know how to respond during an emergency, will be easy targets for criminals, and will take an inordinate amount of time to board and unload.

Furthermore he noted that:

Operators and regulators are also preoccupied with budgets and are convinced, through their own statistical manipulations, that mainline accessibility will be far too expensive to provide. Many operators have a "farebox" mentality rather than a service orientation. They are dedicated to moving as many people as possible from Point A to Point B while generating the maximum revenue possible.

Many transit operators have become enamored with "dial-a-ride" or "paratransit" services. They point out that many disabled persons would rather be picked up and delivered door to door. I ask, "What rational person would choose a bus rather than a taxi if the price were the same?"

The truth is that van service cannot be operated with the same frequency and convenience as the existing bus or rail service. In many cities, disabled citizens must reserve rides days in advance, and waiting periods of several months for enrollment into these programs are not uncommon. To provide anything even resembling mainline service would be expensive.

Some transit operators are finally recognizing this fact. As to claims that lift equipment is unreliable, it has been demonstrated that proper maintenance and training can overcome most problems.* * *

Transit operators and the Department of Transportation have misunderstood the true desires of disabled people. They have failed to realize that we are seeking to live a life as "normal" as possible. To live a meaningful life, one must be able to work, play, and travel with the same regularity as a non-disabled citizen. Their well-intentioned but misguided "paternalism" will hinder rather than help our cause.* * *

The fight for accessible mass transportation is far from over, but we are making progress. The Department of Transportation's "Final Regulations" are in keeping with the disappointing recent legacy of that department. Many transit authorities remain unconvinced that they have any obligation to the disabled public other than to devote 3% of their overall expenses to some sort of effort, thanks to DOT.

Since that time, a Federal court verified this judgment by abolishing the arbitrary 3 percent cost ceiling established by DOT.

Yet public transportation is a service to which all are entitled, disabled and non-disabled alike. Our belief in this principle is firm and we will ultimately prevail.

The Americans With Disabilities Act of 1988 would bring about this vision of equality. It requires that bus systems gradually become completely accessible to mobility-impaired people who can't climb normal bus steps. Every new bus is to have a lift, which adds as little as under 5 percent to the cost of the bus. Existing buses will be replaced gradually, and a transition time limit will be set so that by a reasonable date, all buses will be accessible.

Whether adding lifts to buses is a necessary expenditure has been the subject of much controversy over the last 15 years. Some proponents have argued that paratransit, a supplementary service, often called "Dial-a-Ride," is an adequate substitute. Paratransit usually means a number of lift-equipped vans which provide a demand-response service, meaning that disabled people schedule rides and are picked up at their homes and delivered to their destination, to the disabled.

Paratransit is a completely separate and segregated service. This topic was aptly addressed by James J. Weisman and Arlene Battis in the same issue of "Paraglegia News":

In 1896, in the case of Plessy v. Ferguson, the United States Supreme Court found that "separate but equal" transportation facilities for blacks was not unconstitutional and discriminatory. Over half a century later, the Court acknowledged its error; and in Brown v. Board of Education, determined that "separate" facilities are "inherently unequal."

It is not coincidental that Plessy v. Ferguson was a transportation case. The freedom to travel is fundamental to the American lifestyle. A policy that restricts an individual's right to travel unimpeded also has the effect of restricting an individual's access to education, employment, housing and medical care. Moreover, the inability to travel is tantamount to the inability to interact with others.

It would seem that, at least since Brown v. Board of Education, "separate but equal" government policies have been outlawed and abandoned. An examination of the struggle of the disabled community to gain access to mass transit vehicles and facilities, however, reveals that "separate but equal" solutions to the transportation problems of the disabled are desired by many federal, state and local authorities. Even "separate but equal" solutions have been approved by politicians and passed judicial muster.

However, experience has accumulated to show that its separateness is not paratransit's only problem. Paratransit can never be an adequate substitute for equipping our nation's buses with lifts because it simply can't provide anywhere near the equivalent service. To explain why, I quote from a question/answer guide in "Paraplegia News," October 1981:

Question. What about paratransit? Isn't it more convenient for the disabled than accessible fixed-route bus or train service?

Answer. [That] depends on what one means by the word "convenient." In most U.S. cities, paratransit functions with some or all of the following limitations: You have to be certified as "medically eligible" to use the service; you must register in advance to use the service, or sometimes you must be placed on a waiting list for the service; you must ride the service only during weekday off-peak hours; and your destination must be within the paratransit zone of operation. Usually travel to an adjacent paratransit zone means a higher fare. On the other hand, for accessible fixed-route service, all one must do is get to the bus or train stop. Everyone is eligible; no advance notice is necessary; one can ride during off-peak hours, but also during rush hours, evenings, and on weekends; and one can ride throughout the service area where accessible equipment is provided. Accessible fixed-route service is far more convenient, if the word "convenient" is understood in terms of level and frequency of service.

I will inject that studies once alleging that disabled people tend to prefer paratransit, "pick-up-at-your-house" type service to lifts on buses, have been shown to be unsound because they never informed the surveyed disabled persons that, in choosing paratransit, they were also choosing limited times, areas, and numbers of rides. Back to Paraplegia News.

Question. But, isn't paratransit a good substitute for making fixed-route transit accessible?

Answer. Perhaps the best way to consider the appropriateness of paratransit as a substitute for mass transit accessibility is to think of the operation of the taxicab, the most common form of paratransit in U.S. cities. The fare for a taxi is relatively inexpensive for a short trip. The taxi fare rises substantially for longer trips. The time and the distance traveled simply add to the operating cost of the taxi for long trips, so the fare increases. The same is true of paratransit service for the disabled. This is precisely why limits are placed on the operation of paratransit services. If paratransit was open to all disabled persons, to travel any time of the day or evening to any destination in the transit service area, its operating costs would skyrocket. The only cost-effective use of paratransit as a substitute would possibly be for a limited number of short trips. For most transit uses, paratransit is simply too expensive.

Question. But aren't paratransit services cheaper than the cost needed to make fixed-route transit accessible?

Answer. The most important consideration here is the level and frequency of paratransit service. It is easy to say that paratransit is cheaper, if the amount of service available on paratransit is not equal to the amount of service available in mass transit. If paratransit services for the disabled were established to provide exactly the same service which is available on fixed-route service, the cost would be far greater. Cost is a relative factor, which depends upon what is to be achieved by spending the funds.

For example, in one U.S. city, $4 million was available to provide some form of transit service for the disabled. The city planners estimated that, if a paratransit service was established for weekday trips only, approximately 1,200 one-way trips per weekday could be provided for the disabled. No evening and weekend would be allowed, and the $4 million would be exhausted at the end of one year's time.

For the same $4 million, it was estimated by city planners that approximately 250 lifts could be purchased for fixed-route buses. Accessible bus service would be available on about 20 routes, 7 days per week, 17 hours per day. And the lift equipment would last as long as the bus—about 12 years. A decision was made to purchase the 250 lifts, because for the $4 million outlay, a more lasting and frequent accessible service could be provided.

Paratransit service is not cheaper than mass transit service. It is less expensive only if its operating characteristics are scaled downward.

This examination demonstrates that a requirement for transit districts to purchase accessible vehicles is necessary for transportation barriers to be truly removed.

In conclusion, I encourage all Members of Congress to join me in a profoundly beautiful vision of the future: a future in which disabled people are not segregated and excluded, but rather participate fully in every aspect of our society. The Americans With Disabilities Act of 1988 will make a considerable contribution toward that future. I paraphrase from the prophetic description of such an integrated society, described in "The Unexpected Minority," by John Gliedman and William Roth:

An era arrived when the United States of America genuinely respected the needs and the Humanity of handicapped people. What would a visitor [to our country see]?

To begin with, the traveler would see that a market of millions of children and tens of millions of adults is not ignored. Many industries catered to the special needs of the handicapped. Some of these needs would be purely medical because many handicaps require special drugs and appliances to ensure the normal operation of bodily functions. But many would not be medical. The visitor would find industries producing everyday household and domstic appliances designed for the use of people with poor motor coordination. He would see cheap automobiles that could be safely and easily driven by a paraplegic or a quadriplegic. He would see a profusion of specialized and sometimes quite simple gadgets designed to enhance the control of a handicapped person over his physical world—special hand tools, office supplies, can openers, eating utensils, and the like.

Backing up this family of industries he would find a research and development base, a network of laboratories and institutes at least as numerous as the research and development base of the Apollo space program—the other instance of our society's bringing to bear its vast technological resources to design special prosthetic devices (i.e. the elaborate support systems necessary to allow a man to travel in space and to walk upon the surface of the moon).

As he examined our newspapers, magazines, journals, and books, as he watched our movies, television shows, and went to our theaters, he would see many reports about handicap, many fictional characters who were handicapped. He would constantly come across advertisements aimed at handicapped people. He would find many handicapped people appearing in advertisements not specifically aimed at them.

The traveler would explore our factories, and see that handicapped people were employed in proportion to their vast numbers. He would examine the industries that build and design factory machinery and see that a significant amount of research and development was devoted to increasing the productivity of mentally and physically handicapped workers.

He would travel across the country by car, staying overnight in our motels and hotels. He would take our planes and trains and buses. He would fly overseas, he would book passage on our ocean liners. He would walk the streets of our towns and cities. And everywhere he went he would see multitudes of handicapped people going about their business, taking a holiday, passing an hour with able-bodied or handicapped friends, or simply being alone.

He would find that in many families one or both parents were disabled. He would find that an elaborate network of services existed to help them in raising their children and that a parallel and partially overlapping service network existed to serve the needs of able-bodied parents who had handicapped children.

He would explore our man-made environment, and find that provision was made for the handicapped in our cities and towns. He would see ramps on curbs, ramps leading into every building. He would see the tiniest minutiae of our dwellings reflecting the vast numbers of disabled people.

Observing our elections, he would find that the major parties wooed the disability vote just as assiduously as they pursued the labor vote or the black vote. He would see that disabled individuals had their share of elected and appointive offices. He would find that the role played by the disabled as a special interest group at the local and national levels was fully commensurate with their great numbers.

The visitor would examine our trade unions, and see that many labor leaders were disabled. He would canvass high corporate management, finding many handicapped businessmen. He would go into our schools, and see handicapped teachers and principals. He would see that there were many disabled doctors, lawyers, and scientists.

The traveler would see all these things because roughly one-tenth of all children are handicapped, and at least half of all able-bodied adults have a disabled spouse, child, parent, or close friend.

Join me in helping to bring about this future. Support the Americans With Disabilities Act of 1988.

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INTRODUCTION OF THE ARIZONA-FLORIDA LAND EXCHANGE ACT

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 20 minutes.

Mr. UDALL. Mr. Speaker, last week President Reagan signed into law S. 90, which expanded the boundaries of the Big Cypress National Preserve and the Florida Panther National Wildlife Refuge in Florida. The bill I am introducing today would effect a major land exchange to acquire most of the lands covered by that new law. To accomplish this, the United States is agreeing to close the Phoenix Indian School and transfer to private interests most of the extremely valuable 104 acres on which the school sits in north central Phoenix.

Major interstate land exchanges are rare, Mr. Speaker, and I think this proposal helps to demonstrate why. The negotiations to achieve this legislation and the accompanying exchange agreement have been unusually long, difficult and complex. Members of the Arizona congressional delegation have themselves been intimately involved in these negotiations for more than a year, and the Department of the Interior and the Collier family, which owns the Florida lands, have been working at this proposal even longer.

Our work has involved hundreds of millions of dollars of property, the future of many Indian children, and numerous matters of vital interest to the developer, the city of Phoenix, the Veterans' Administration, the United States and others. This painstaking effort has produced an exchange proposal that I believe to be fair to all the parties and in the best interests of the United States.

In a nutshell, the United States would acquire from the Collier family about 118,000 acres of land to be added to Big Cypress and the Florida Panther preserves. These lands are valued at about $45.1 million. In addition, the Colliers would pay the United States an addition $34.9 million. In exchange, the Colliers would acquire 68 of the 104 acres of the Phoenix Indian School property.

The cash will be used to finance a trust fund to be used for the educational and child-welfare needs of Arizona Indian tribes. Mr. Speaker, the closure of the Phoenix Indian School is a necessary but very regrettable step. I believe that we have a profound moral obligation to use the proceeds from the sale of this property to address the critical educational and social needs of the Indian peoples affected by the closure.

A major concern has been to assure that the taxpayers receive full value for this highly valuable asset—the Phoenix Indian School is, by some accounts, the most valuable plot of urban in-fill land anywhere in the country. To do this, the bill contains a very unusual feature. After the Colliers and the city of Phoenix have completed an unprecedented planning and zoning process and before the site is actually transferred to the developer, the United States will put the property on the open market. If the United States receives a qualified offer higher than that agreed to by the Colliers, they will have an opportunity to match that offer or the property will be sold to the new and higher bidder. We therefore have a strong market element in the determination of the value of the land.

The city of Phoenix and the Veterans' Administration, which maintains a major medical facility on land adjacent to the school, also have major concerns to be addressed.

You can imagine, Mr. Speaker, that 104 acres of open space in the middle of one of the fastest growing cities in America is a subject of very lively discussion among the citizens of Phoenix. There is strong sentiment in Phoenix that this land should in its entirety become a city park. Phoenix is notably lacking in public open space and the dream of a major park in the central city—Phoenix' Central Park—has held the imagination of many for years. Frankly, it is a dream I share.

Unfortunately, the city of Phoenix is not in a position to purchase the property at its market value—appraised at a minimum of $122 million. Nor is the United States in a position to provide the entire parcel to the city at less than fair market value if it is to meet its obligations to Arizona Indians and the taxpayers.

The legislation, however, confirms an agreement between the city and the Colliers affording the city the right to purchase any or all of the property from the Colliers for the same price, on a prorated basis, as the Colliers will have acquired from the United States. In addition, the city is guranteed 20 acres of the site at no cost strictly for use as public open and recreation. Thus, the city is assured of a quality park and the opportunity to expand it significantly.

Finally, the exchange presents an unparalleled opportunity to provide for the expansion of the Veterans' Administration Medical Center. The veterans population served by this facility in Arizona and throughout the Southwest will be growing exponentially in the next several decades—faster than in any other region of the county. The already cramped VA hospital needs to expand. This legislation makes 11.5 acres available to the VA for that expansion, and an additional 4.5 acres would be available for transfer to the State of Arizona should it elect to participate in the creation of a State veterans' nursing home in the future.

Mr. Speaker, I look forward to working with my colleagues in moving this important piece of legislation.

SUMMARY OF ARIZONA-FLORIDA LAND EXCHANGE ACT OF 1988

The Arizona-Florida Land Exchange Act of 1988 provides for the exchange of property in Phoenix, Arizona under the jurisdiction of the Department of the Interior, with Florida property owned by Collier, to allow for the acquisition of lands to the Big Cypress National Preserve and other conservation units in Florida. The bill also sets forth the manner in which the Arizona property is to be disposed, provides for the closure of the Phoenix Indian High School, and establishes tribal educational trust funds.

DISPOSITION OF THE PROPERTY

Within three years after enactment of the legislation, Collier will have an option to purchase the Phoenix property under the terms of an Exchange Agreement signed by Collier and the Department of the Interior, and ratified by this legislation. The basic terms of the Exchange Agreement are that Collier will acquire the Phoenix Indian School property in exchange for Florida lands owned by Collier, which are to be included in the Big Cypress National Preserve and other conservation units, and approximately $34.8 million for deposit into tribal education trust funds.

Collier must first provide preliminary notice that it may accept the offer to purchase the property to the Secretary of the Interior, the Mayor of Phoenix, the Administrator of the Veterans Administration, the Governor of Arizona, the InterTribal Council of Arizona, and the governing body of the Navajo tribe.

The City of Phoenix will be given twenty acres of the property at no cost with the requirement that the land be permanently used to provide for public open space and recreation. The specific location of the twenty acres will be determined through the public planning process.

The Veterans Administration will be granted administrative jurisdiction over eleven and one-half acres of the property to allow for expansion of the V.A. hospital. The location of the V.A. parcel is to be adjacent to the current V.A. property, as determined by the V.A. Administrator. The Administrator is also directed to participate and cooperate in the public planning process.

The State of Arizona will be given four and one-half acres of the school property to provide for the construction of a state nursing home for veterans, with the location of the parcel to be determined through the public planning process.

If the Veterans Administration does not use all of the property allocated for its use, the unused land will revert back to the United States, with first right of purchase being offered to the City of Phoenix, with the requirement that the land be permanently used for public open space and recreation. The purchase price is to reflect the restriction in use. If the City does not elect to purchase the parcel, then the land is to be offered to the purchaser at either fair market value or $1.2 million per acre, whichever is higher.

The Secretary of the Interior then must give public notice that the Phoenix property is being offered for sale. Potential buyers must agree to pay for the property in a single cash payment, enter into the trust fund agreement, and enter into an identical planning and zoning agreement with the City of Phoenix. The minimum acceptable price is a cash amount that will provide for the purchase of Collier's Florida properties, the money for the trust funds, and a reimbursement of Collier's costs incurred in connection with the public planning process and planning and zoning process.

If the Secretary determines than an acceptable offer has been submitted, then Collier has thirty days to match the new offer and purchase the property. If there was no acceptable offer, then Collier may purchase the property under the terms of the Exchange Agreement.

Under the terms of the Planning and Zoning Agreement signed by the City of Phoenix and Collier, the City will have the option of purchasing additional undeveloped land from Collier by paying the fair market value for the land. If another buyer purchases the land, that buyer must enter into a planning and zoning agreement which contains the same provision.

CLOSURE OF THE PHOENIX INDIAN SCHOOL

The Secretary of the Interior is directed to close the Phoenix Indian High School between June 1 and September 1, 1988. The Secretary must notify each student and the governing body of the affected tribes of the closure within thirty days after enactment of the Act.

TRANSFER OF JURISDICTION

Once the school is closed, the property will be transferred from the jurisdiction of the Bureau of Indian Affairs to the National Park Service. The property will not, however, be considered a unit of the National Park System.

ESTABLISHMENT OF TRUST FUNDS

To compensate for the school closure, two educational trust funds will be created: one for the Navajo tribe, and one for the tribes belonging to the Arizona InterTribal Council. The funds will consist of the monetary proceeds resulting from the sale of the school property. The use of the trust income is limited to supplemental educational and child-welfare programs, activities, and services, and the construction, improvement and repair of related facilities.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RAY (at the request of Mr. FOLEY), for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GRAY of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mrs. KENNELLY, for 5 minutes, today.

Mr. MAZZOLI, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. BROWN of California, for 5 minutes, today.

Mr. BOLAND, for 5 minutes, today.

Mr. UDALL, for 20 minutes, today and for 5 minutes, on May 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KANJORSKI, prior to the vote on the Aspin en bloc amendment, on H.R. 4264, today.

(The following Members (at the request of Mr. BUNNING) and to include extraneous matter:)

Mr. RHODES.

Mr. DORNAN of California in two instances.

Mr. CONTE.

Mr. JEFFORDS.

Mr. GILMAN in two instances.

Mr. FRENZEL in five instances.

Mr. GALLEGLY.

Mr. KOLBE.

Mr. HORTON.

Mrs. SAIKI.

Mrs. ROUKEMA in two instances.

Mr. CLINGER.

Mr. DONALD E. LUKENS.

Mr. LUJAN.

Mr. LIVINGSTON.

Mr. HANSEN.

Mr. LAGOMARSINO.

(The following Members (at the request of Mr. GRAY of Illinois) and to include extraneous matter:)

Mr. SMITH of Florida.

Mr. HOYER in two instances.

Mr. DICKS.

Mr. KILDEE.

Mr. WALGREN.

Mr. CLARKE.

Mr. LEHMAN of Florida.

Mr. YATRON in two instances.

Mr. FRANK.

Mr. SKELTON in two instances.

Mr. RANGEL in three instances.

Mr. MINETA.

Mr. COELHO in two instances.

Ms. PELOSI.

Mr. LOWRY of Washington.

Mr. MOAKLEY.

Mr. EDWARDS of California in two instances.

Mr. LELAND.

Mr. ATKINS.

Ms. SLAUGHTER of New York.

Mr. DARDEN in three instances.

Mr. RAHALL.

Mrs. LLOYD.

Mr. BRENNAN.

Mr. ERDREICH.

Mr. CHAPPELL.

Mr. ACKERMAN.

Mr. ECKART in two instances.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1811. An act to amend title 38, United States Code, to provide a presumption of service connection to veterans (and survivors of such veterans) who participated in atmospheric or underwater nuclear tests as part of the United States nuclear weapons testing program or on the American occupation of Hiroshima or Nagasaki, Japan, and who suffer from certain diseases that may be attributable to exposure to ionizing radiation, and other purposes;

H.R. 2616. An act to amend title 38, United States Code, to revise, improve, and extend various veterans' programs, and for other purposes;

H.R. 2889. An act for the relief of Frances Silver;

H.R. 3025. An act to grant the consent of the Congress to the Appalachian States Low-Level Radioactive Waste Compact; and

H.R. 3606. An act for the relief of Brenda W. Gay.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1378. An act to provide for setting aside the first Thursday in May as the date on which the National Day of Prayer is celebrated.

JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, joint resolutions of the House of the following titles:

On April 29, 1988:

H.J. Res. 545. Joint resolution designating May 8-14, 1988, as "Just Say No Week," and

H.J. Res. 552. Joint resolution making emergency mandatory veterans supplemental appropriations for the fiscal year ending September 30, 1988.

ADJOURNMENT

Mr. OWENS of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 14 minutes p.m.), under its previous order the House adjourned until tomorrow, Wednesday, May 4, 1988, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3551. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Perishable Agricultural Commodities Act to increase the statutory ceilings on license fees; to the Committee on Agriculture.

3552. A letter from the Secretary of Education, transmitting notification of final funding priority—rehabilitation long-term training (rehabilitation counseling), pursuant to 20 U.S.C. 1232(d)(i); to the Committee on Education and Labor.

3553. A letter from the Under Secretary, National Oceanic and Atmospheric Administration, transmitting the administration's fiscal year 1987 report on ocean thermal energy conversion pursuant to 42 U.S.C. 9002(d); to the Committee on Merchant Marine and Fisheries.

3554. A letter from the Secretary of Health and Human Services, transmitting the department's report on federal agency drug-free workplace programs, pursuant to Public Law 100-71, title V, section 503(a)(i)(A) (101 Stat. 468); jointly, to the Committees on Energy and Commerce and Appropriations.

3555. A letter from the Secretary of Interior, transmitting the Department's seventh annual progress report on Alaska's North Slope, pursuant to Public Law 96-487, section 1001; jointly, to the Committee on Interior and Insular Affairs and Merchant Marine and Fisheries.

3556. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to transfer administration of bridges and causeways over navigable waters from the Secretary of Transportation to the Secretary of the Army, and for other purposes; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

3557. A letter from the Acid Precipitation Task Force, transmitting the 1987 annual report of the National Acid Precipitation Assessment Program, pursuant to 42 U.S.C. 8903(e); jointly, to the Committees on Science, Space and Technology and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FASCELL: Committee on Foreign Affairs. H.R. 4471. A bill to amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation, to make supplemental authorizations of appropriations for the Board for International Broadcasting, and for other purposes (Rept. 100-594). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONIOR: Committee on Rules. House Resolution 438. Resolution providing for correcting the enrollment of the bill (H.R. 3) to enhance the competitiveness of American industry, and for other purposes. (Rept. 100-595). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DREIER of California:

H.R. 4510. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the use of long-term health care insurance and group health insurance with a high deductible; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SKELTON (for himself and Mr. CHAPMAN):

H.R. 4511. A bill to amend title XVIII of the Social Security Act to provide for payment of hospitals under the DRG prospective payment system on the basis of a blend of hospital-specific rates and a national rate, depending on the degree of variation of costs within specific diagnosis-related groups; to the Committee on Ways and Means.

By Mr. BONKER (for himself, Mr. MILLER of Washington, and Mr. LOWRY of Washington):

H.R. 4512. A bill to amend the Magnuson Fishery Conservation and Management Act to provide for more effective enforcement of restrictions on foreign fishing, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DIOGUARDI (for himself, Mr. SMITH of New Hampshire, Mr. SMITH of Texas, and Mr. JEFFORDS):

H.R. 4513. A bill to provide a separate appropriation for all congressional foreign travel, and for other purposes; to the Committee on House Administration.

By Mr. DORGAN of North Dakota:

H.R. 4514. A bill to amend the Internal Revenue Code of 1986 to provide that the discount rules relating to short-term obligations shall not apply to certain obligations of small banks; to the Committee on Ways and Means.

By Mr. DORNAN of California:

H.R. 4515. A bill to establish an Independent National Commission on the Veterans' Administration Home Loan Guaranty Program; and to amend title 38, United States Code, to establish creditworthiness requirements for assumptions of Veterans Administration vendee loans; to the Committee on Veterans' Affairs.

By Mr. FORD of Michigan:

H.R. 4516. A bill to amend the Higher Education Act of 1965 to require multiple disbursement of supplemental loans for students, and for other purposes; to the Committee on Education and Labor.

By Mr. JONES of North Carolina:

H.R. 4517. A bill to amend title III of the Outer Continental Shelf Lands Act Amendments of 1978 to provide for indemnification and hold harmless agreements; to the Committee on Merchant Marine and Fisheries.

By Mr. LOWRY of Washington:

H.R. 4518. A bill to amend title 46, United States Code, to enhance the safety of passengers and employees on ferries operating on Puget Sound; to the Committee on Merchant Marine and Fisheries.

By Mr. UDALL (for himself, Mr. RHODES, Mr. KOLBE, and Mr. KYL):

H.R. 4519. A bill to provide for the disposition of certain lands in Arizona under the jurisdiction of the Department of the Interior by means of an exchange of lands, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Veterans' Affairs.

By Mr. TAUZIN (for himself, Mr. HAYES of Louisiana, and Mr. LIVINGSTON):

H.R. 4520. A bill to establish a program of financial assistance for research relating to pathogenic indicators of contamination of shellfish growing areas; to the Committee on Merchant Marine and Fisheries.

By Mr. ROTH (for himself, Mr. BROOMFIELD, Mr. GILMAN, Mr. LAGOMARSINO, Mr. HYDE, Mr. SOLOMON, Mr. DORNAN of California, Mr. SMITH of New Jersey, Mr. MACK, Mr. DEWINE, Mr. BURTON of Indiana, Mr. MILLER of Washington, Mr. DONALD E. LUKENS, Mr. BLAZ, Mr. YATRON, Mr. SOLARZ, Mr. WOLPE, Mr. LANTOS, Mr. ATKINS, Mr. CLARKE, Mr. BILBRAY, Mr. OWENS of Utah, Mr. SUNIA, and Mr. GRAY of Pennsylvania):

H.J. Res. 562. Joint resolution condemning human rights violations by the Government of Ethiopia, and providing for sanctions against Ethiopia; jointly, to the Committee on Foreign Affairs and Ways and Means.

By Mr. BROWN of California (for himself, Mr. WALGREN, Mr. SCHEUER, Mr. LEWIS of California, Mr. LOWRY of Washington, Mr. LUJAN, Mr. BOEHLERT, Mr. ROE, Mr. SKAGGS, Mr. NOWAK, Mr. HANSEN, Mr. MINETA, and Mr. PERKINS):

H. Con. Res. 290. Concurrent resolution supporting the International Decade for Natural Disaster Reduction by endorsing the establishment of a United States Decade for Natural Disaster Reduction; to the Committee on Science, Space and Technology.

By Mr. CHAPPELL (for himself, Mr. Dornan of California, Mr. Downey of New York, Mr. Sisisky, Mr. Weber, Mr. Clarke, Mr. McDade, Mr. Horton, Mr. Hochbrueckner, Mr. Quillen, Mr. Ravenel, Mr. Smith of Florida, Mr. Hutto, Mr. Bennett, Mr. AuCoin, Mr. McCloskey, Mr. de Lugo, Mr. Nelson of Florida, Mr. Hoyer, Mr. Wilson, Mr. Ackerman, Mr. Davis of Illinois, Mr. Lagomarsino, Mr. Fazio, Mr. Gejdenson, Mr. Weiss, Mr. Grant, Mr. Lewis of Georgia, Mrs. Boxer, Mr. Conte, Mr. Ireland, Mr. Bevill, Mr. Nichols, Mr. Vento, Mr. Badham, Mr. Fuster, Mr. Mazzoli, and Mr. Sabo):

H. Con. Res. 291. Concurrent resolution to recognize the heroic efforts of the officers and crew of the U.S.S. *Bonefish*; to the Committee on Armed Services.

By Mr. NEAL:

H. Con. Res. 292. Concurrent resolution expressing the sense of the Congress that tax legislation should not take effect earlier than 90 days after implementing regulations are issued; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

349. By the SPEAKER: Memorial of the Legislature of the State of California, relative to emergency drought relief; to the Committee on Agriculture.

350. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to allow the broadcast media to establish a code of conduct for sexually explicit content; to the Committee on Energy and Commerce.

351. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to the cost impacts of the Safe Drinking Water Act Amendments of 1986; to the Committee on Energy and Commerce.

352. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to films depicting extreme violence; to the Committee on the Judiciary.

353. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to sanitary water quality of shellfish harvest areas; to the Committee on Merchant Marine and Fisheries.

354. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to the Federal motor carrier safety regulations; to the Committee on Public Works and Transportation.

355. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to the Craney Island landfill; to the Committee on Public Works and Transportation.

356. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to exposure to Agent Orange among Vietnam veterans; jointly to the Committees on Veterans' Affairs and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AuCOIN:

H.R. 4521. A bill for the relief of Tube Forgings of America; to the Committee on Ways and Means.

By Mr. CALLAHAN:

H.R. 4522. A bill for the relief of Bassam S. Belmany; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 592: Mrs. Martin of Illinois and Mr. Jontz.

H.R. 593: Mrs. Lloyd and Mr. Hayes of Louisiana.

H.R. 719: Mr. Clay and Mr. Daub.

H.R. 763: Mr. Dellums, Mr. Savage, Mr. Flake, Mr. Clay, Ms. Pelosi, Mr. Crockett, Mr. Lehman of Florida, Mr. Ford of Tennessee, Mr. Kemp, Mr. Nelson of Florida, and Mr. Stokes.

H.R. 941: Mr. Bustamante.

H.R. 1028: Mr. Archer, Mr. Matsui, Mr. Andrews, and Mr. Donnelly.

H.R. 1204: Mr. Hefley.

H.R. 1471: Mr. Dorgan of North Dakota.

H.R. 1938: Mr. Applegate and Mr. Yates.

H.R. 1959: Mr. Craig.

H.R. 1990: Mr. Wortley.

H.R. 2640: Mr. Bartlett, Mr. Clement, Mr. Bruce, Mr. Foley, Mr. Lipinski, Mr. Savage, Mr. Hyde, Mr. Dreier of California, Mr. Stratton, Mrs. Martin of Illinois, Mr. Lantos, Mr. Hall of Texas, and Mr. Gonzalez.

H.R. 2854: Mr. Sensenbrenner, Mr. Bosco, Mr. Conte, Mr. Miller of California, and Ms. Kaptur.

H.R. 3081: Mr. Fazio, Mr. Swift, and Mr. Marlenee.

H.R. 3202: Mr. Mineta.

H.R. 3250: Mr. Neal and Mr. Smith of New Hampshire.

H.R. 3314: Mr. Oxley, Mr. Solarz, Mr. Blaz, Mr. Sunia, Mr. Stark, Mr. Scheuer, Mr. Matsui, and Mr. Bunning.

H.R. 3392: Mr. de la Garza, Mr. Bartlett, Mr. Shays, and Mr. Fazio.

H.R. 3620: Mr. Bates, and Mr. Lowry of Washington.

H.R. 3788: Mr. Gallo, Mr. Dwyer of New Jersey, Mr. Gordon, and Mr. Davis of Michigan.

H.R. 3850: Mrs. Johnson of Connecticut, Mr. Fish, and Mr. Synar.

H.R. 3868: Mrs. Boggs, Mr. Crockett, Mr. Dellums, Mr. Dixon, and Mr. Horton.

H.R. 3889: Mr. Rose, Mr. Weber, Mr. Porter, and Mr. Lungren.

H.R. 3893: Mr. Gregg and Mr. Dannemeyer.

H.R. 3907: Mr. Fazio.

H.R. 3944: Mr. Bartlett, Mrs. Saiki, and Mr. Packard.

H.R. 3950: Mr. Edwards of California, Mr. Lowry of Washington, Mrs. Collins, Mr. Leland, Mr. Stokes, Mr. Owens of New York, Mr. Crockett, Mr. Fuster, Mr. Clay, Mr. Gejdenson, Mr. DeFazio, Mr. Mfume, Ms. Pelosi, Mr. Rangel, Mr. Morrison of Connecticut, Mr. Solarz, Mr. Weiss, Mr. Evans, Mr. Lewis of Georgia, Mr. Berman, Mr. Hawkins, Mr. Hamilton, Mr. Dellums, Mr. Wheat, Mr. Garcia, Mr. Wolpe, Mr. Boehlert, Mr. Levine of California, Mr. Espy, Mr. Oberstar, Mr. Sikorski, Mr. Rodino, and Mr. Downey of New York.

H.R. 3953: Mr. Fazio.

H.R. 3969: Mr. Atkins and Mr. Ortiz.

H.R. 4012: Ms. Slaughter of New York, and Mr. Dwyer of New Jersey.

H.R. 4032: Mr. Swindall.

H.R. 4091: Mr. Buechner and Mr. Courter.

H.R. 4134: Mr. Kemp, and Mr. McMillan of North Carolina.

H.R. 4136: Mr. de Lugo, Mr. Wolpe, and Mr. Bustamante.

H.R. 4158: Mr. Slattery, Mr. Bonker, and Mr. Kleczka.

H.R. 4170: Mr. Sensenbrenner.

H.R. 4189: Mr. Buechner and Mr. Dwyer of New Jersey.

H.R. 4198: Mr. Nelson of Florida, Mr. Smith of Florida, Mr. Hutto, Mr. Gordon, Mr. Pepper, Mr. Andrews, Mr. Horton, Mr. Dorgan of North Dakota, Mr. Gray of Illinois, Mr. Rodino, Mr. Jones of North Carolina, and Mr. Skelton.

H.R. 4213: Mr. Synar.

H.R. 4221: Mr. Fazio and Mr. Vento.

H.R. 4226: Mr. Studds, Mr. Wolpe, Mr. Dellums, Mr. Sunia, Mr. Evans, and Mr. Owens of Utah.

H.R. 4260: Mr. Stratton, Mr. McGrath, Mr. Miller of Washington, Mrs. Bentley, Mr. Molinari, Mr. Baker, Mr. Lancaster, and Mr. McEwen.

H.R. 4273: Mr. Smith of New Hampshire and Mr. Crockett.

H.R. 4277: Mr. Ackerman and Mr. Jacobs.

H.R. 4289: Mr. DeLay.

H.R. 4302: Mr. Baker, Mr. Bunning, Mr. Roe, Mr. Nielson of Utah, Mr. Smith of New Hampshire, Mr. Moorhead, Mr. Herger, and Mr. Pashayan.

H.R. 4306: Mr. Solomon, Mr. Hatcher, Mr. Dowdy of Mississippi, Mr. Swift, Mr. Lewis of Georgia, and Mrs. Vucanovich.

H.R. 4308: Mr. Bartlett, Mr. Fields, Mrs. Johnson of Connecticut, and Mrs. Meyers of Kansas.

H.R. 4352: Mr. Morrison of Connecticut, Mr. Fascell, Mr. Edwards of California, Mr. Feighan, Mr. Bonker, Mr. Kastenmeier, Ms. Snowe, Mr. Mavroules, Mrs. Boxer, Mr. Smith of New Jersey, Mrs. Kennelly, Mr. Williams, Mr. Cardin, Mr. Dwyer of New Jersey, and Mr. Sabo.

H.R. 4360: Mr. Ackerman, Mr. Owens of Utah, Mr. Johnson of South Dakota, Mr. Owens of New York, Mrs. Collins, Mr. Neal, Mr. Morrison of Connecticut, Mr. Stark, Mr. Fawell, Mr. Nielson of Utah, and Mr. Smith of Florida.

H.R. 4426: Mr. Markey, Mr. Frank, Mr. Moakley, and Mr. Kanjorski.

H.R. 4433: Mr. Goodling.

H.R. 4434: Mr. Packard, Mr. Nielson of Utah, and Mr. Herger.

H.R. 4441: Mr. Young of Florida, Mr. Traxler, Mr. Neal, Mr. Goodling, and Mr. Weiss.

H.R. 4450: Mr. Florio and Mr. Rahall.

H.R. 4470: Mr. Goodling and Mr. Walker.

H.R. 4474: Mr. Edwards of Oklahoma, Mrs. Johnson of Connecticut, Mr. Studds, Mr. Stenholm, Mr. Ackerman, Mr. Bereuter, Mr. Fish, Mr. Livingston, Mr. Morrison of Washington, Mr. Saxton, Ms. Snowe, Mr. McGrath, and Mr. Horton.

H.R. 4498: Mr. Hawkins, Mr. Levin of Michigan, Mr. Espy, and Mr. Frank.

H.R. 4501: Mr. Spence and Mr. MacKay.

H.J. Res. 171: Mr. Richardson.

H.J. Res. 398: Mr. Green, Mr. Nagle, Ms. Snowe, Mr. DeLay, Mr. Bateman, Mr. Jones of Tennessee, Mr. Solomon, Mr. Anderson, Mr. Nelson of Florida, and Mr. Volkmer.

H.J. Res. 458: Mr. Moorhead, Mr. Fish, Ms. Pelosi, Mr. Gregg, Mr. Donald E. Lukens, Mr. Schulze, Mr. Sabo, Mr. Synar, Mr. Green, Mr. Roe, Mr. Vento, Mrs. Vucanovich, Mrs. Morella, Mr. McEwen, Mr. Chapman, Mr. Manton, Mr. Biaggi, Mr.

Coleman of Missouri, Mr. Brown of Colorado, Mr. Bonior of Michigan, Mr. Hutto, Mr. Annunzio, Mr. Wolf, Mr. Lungren, Mr. Borski, Ms. Kaptur, and Mr. Goodling.

H.J. Res. 461: Mr. Miller of Ohio, Mr. Hansen, Mr. Foley, Mr. Martin of New York, Mr. Ortiz, Mr. Richardson, Mr. Thomas of California, Mr. Montgomery, Mr. Kolbe, Mr. Holloway, Mr. Barnard, Mr. Anderson, Mr. McEwen, Mr. Mollohan, Mr. Robinson, Mr. Chandler, Mr. Brown of Colorado, Mr. Clement, Mr. Garcia, Mr. Wortley, Mr. Jones of Tennessee, Mr. Craig, Mrs. Johnson of Connecticut, Mr. Dicks, Mr. Duncan, Mr. Bilbray, Mr. Foglietta, Mr. Lowry of Washington, Mr. Sisisky, Mr. de la Garza, Mr. Gekas, Mr. Whitten, Mr. LaFalce, Mr. Anthony, Mr. Clarke, Mr. Hammerschmidt, and Mr. Rogers.

H.J. Res. 463: Mr. Waxman, Mr. Chapman, Mr. Roybal, Mr. Frost, Mr. Lantos, Mr. Pepper, Mr. Vento, Mr. Hughes, Mr. Kostmayer, Mr. Weber, Mr. Morrison of Washington, Mr. Lowry of Washington, Mrs. Lloyd, Mr. McGrath, Mr. McHugh, Mr. Miller of Washington, Mr. Murphy, Mr. Ravenel, Mr. Jones of North Carolina, Mr. Ritter, Mr. Scheuer, Mr. Tauke, Mr. Hyde, and Ms. Kaptur.

H.J. Res. 468: Mrs. Kennelly, Mr. Frenzel, Mrs. Johnson of Connecticut, Mr. Barnard, Mr. Foley, Mr. Levin of Michigan, and Mr. Gray of Pennsylvania.

H.J. Res. 481: Mr. Shumway, Mr. Chapman, Mrs. Kennelly, Mr. Upton, and Mr. Mazzoli.

H.J. Res. 485: Mr. Anthony, Mr. Boucher, Mr. DioGuardi, Mr. Kemp, Mr. Molinari, Mrs. Patterson, Mr. Ravenel, Mr. Schumer, and Mr. Tauzin.

H.J. Res. 524: Mr. Coats and Mr. Hamilton.

H.J. Res. 534: Mr. Mollohan and Mr. Grandy.

H.J. Res. 553: Mr. Dymally, Mr. Lehman of California, and Mr. de Lugo.

H. Con. Res. 273: Mr. Conyers.

H. Res. 379: Mr. Courter and Mr. Frank.

H. Res. 423: Mr. Holloway, Mr. Wylie, Mr. Badham, Mr. Huckaby, Mr. Dreier of California, Mr. Nichols, Mr. Hutto, Mr. Hammerschmidt, Mr. Crane, Mr. Inhofe, and Mr. Blaz.

EXTENSIONS OF REMARKS

TRIBUTE TO COL. KAI E. RASMUSSEN (1902-88)

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. MINETA. Mr. Speaker, I rise today to pay tribute to a great and noble American. Col. Kai E. Rasmussen, who passed away on March 10 at the age of 85, had the vision and courage to propose the establishment of a military intelligence school, relying on Americans of Japanese ancestry as soldier students at a time when they were regarded with suspicion and prejudice—indeed, at a time when 120,000 Americans of Japanese ancestry were summarily removed from their civilian homes and interned in distant, desolate camps.

Colonel Rasmussen knew this to be both unjust and wasteful of a key resource he knew the United States would need in fighting the Second World War. He doggedly persisted in his proposal until the Military Intelligence Service Language School [MISLS] was activated at the Presidio of San Francisco on November 1, 1941. That school is now the Defense Language Institute [DLI], Presidio of Monterey, CA, and continues as an invaluable asset toward the national security of the United States.

The story of Kai Rasmussen is a uniquely American one. He arrived in the United States from Denmark in the late spring of 1922 with less than $10 to his name. He looked for any job to keep body and soul together and drifted up the Hudson Valley in New York. His first full-time job—which was 7 days a week, 12 hours a day—was as a dishwasher in Albany. Not too much time passed before he was accepted into the U.S. Army for service in the infantry with station in Scofield Barricks, HI. And in 1924, barely 2 years after arriving in the United States, Kai Rasmussen entered the U.S. Military Academy at West Point, NY.

Through hard work, dedication, and a belief in excellence rather than expedience, Kai Rasmussen graduated from the Military Academy and went on to attain the rank of colonel. In 1941, his level of expertise in military intelligence enabled him to create the MISLS. Thirty-six years later, on June 25, 1977, Colonel Rasmussen addressed the graduating class of the school's successor, the DLI. In his address he spoke not only of why the school was created and how it was so important to the war effort—but also how it proved so invaluable to the acceptance of Americans of Japanese ancestry as true patriots.

Mr. Speaker, I ask my colleagues to join with me in this tribute to Colonel Rasmussen, a great American whose wisdom was timeless and still graces our Nation.

THE NISEI SCHOOL

(Excerpts From the Graduation Speech Given by Kai E. Rasmussen, June 25, 1977, at the Defense Language Institute, Monterey, CA)

When I'm speaking of the language school and its students during the period of 1941 to 1946 I often use the term Nisei. It is not because I denigrate the other students or language divisions but because, during my tenure at the school it was truly a Nisei school in which the staff and faculty as well as the great masses of students were indeed Nisei and the principle language taught was Japanese. The American people normally have never been linguistically gifted and the belief has sprung up accusing the United States of being a dullard where foreign languages are concerned. This is, of course, clearly not supported by fact when we realize that the very country we live in has been settled by diverse ethnic groups, all speaking separate and different languages. This belief, however, has some root in actuality in that these diverse and polyglot groups were all seeking a common goal of rapid and complete Americanization and often preferred not to speak the mother language with the result that a second generation frequently actually had lost their bilingual heritage. Then, also, our budding nation quickly became an inwardly expanding nation and the only lingua franca acceptable to them was that of English. In a need for social intercourse between various nations of the world, languages have been the means by which this intercourse has been achieved. . . . I shall attempt to outline in part the Army's role in satisfying national linguistic needs during the last three-quarters of a century.

The requirements for Oriental language were recognized early by the Intelligence Department and assignment to both U.S. Embassies in Tokyo and Peking were made on a regular basis in that one or two officers were detailed each year to each embassy for a four year period as language students and service attaches. I might point out that General Pershing, Class of 1886, was one of those students as well as General Strong, who was at G-2 at the beginning of World War II, Class of 1904. This system was kept in use until World War II. The requirements for French and Spanish were largely dictated by the need for language instructors detailed to the Military Academy and each instructor selected was afforded a one-year study in Europe. With the addition of German and Russian to the system, it had been enlarged to accommodate the added requirements. In the meantime, World War II was raging in Europe and by the summer of 1941 the war clouds were hanging heavily over the Pacific Ocean area and it became clear that, in the event of open hostilities involving American military forces, they would be fighting with the distinct handicap of not having the necessary linguistic assets in support. It also became apparent that the only possible solution to the problem initially would be utilizing bilingual Americans of Japanese ancestry, known as Nisei.

At that time, I was detailed to conduct a rapid survey of Nisei language capabilities. By mid-summer 1941 I had interviewed some 3,700 Nisei, all of whom were already serving in the drafted Army. I had prepared a scale upon which to gauge the result and I must admit that I had set up my sights too high, in that I found only 3 percent fully qualified and another 8 percent potential students after a long training period. As a result of these discouraging findings, the War Department directed the Fourth Army in San Francisco to establish a Japanese language school, which was then informally known as the Fourth Army Intelligence School. By November 1, when the school was activated, we were ensconced in the old Crissy Field airhangers in San Francisco with sixty students, eight civilian instructors and a commandant. We antedated Pearl Harbor by six weeks. We take great pride in it as an organization.

Despite the care with which these initial students were selected, only 35 of the 60 early students managed to finish the course of study. Even before the first graduation, commanders in Alaska and Guadalcanal were clamoring for Japanese language personnel, so the course had to be cut short though it had been planned for six months and the graduates were sent to the field commands immediately.

During the planning and early operational phases of the school it was inevitable that some negative minds should question the loyalty of the American Japanese in the war against Japan. However, as a result of the early intelligence successes of the graduates, predictions of these doubters were quickly stilled and the school work was pursued at an ever-increasing tempo. As historical fact, not one American Japanese nor one of his alien parents was guilty of an un-American act at any time before, during or after the war with Japan.

As the first class of the school was coming to a close, the relocation of all Japanese as well as Americans of Japanese origin was ordered and we had to select a new home. I was on the road once again, finally settling in Minnesota, where I received a great deal of help from, at that time, Governor Stassen. We resettled at Savage near St. Paul. Later on, when we had outgrown the temporary camp at Savage, we took over the historic old Fort Snelling where we stayed until 1946, when we returned to California to an equally historic fort, the Presidio of Monterey.

As time progressed, and as the war, the contact war, grew in all directions in the Pacific, all major commands and the chiefs of intelligence wrote highly commendatory letters back to the War Department and the Commandant at the MISLS. These were accompanied with ever increasing praise and requests for more and still more intelligence language specialists.

In sending out intelligence teams we felt a need for caucasian team leaders and we were authorized to secure and train those leaders. The main purpose of this was to have an unmistakably caucasian officer associated with Oriental faces in order not to have some trigger-happy G.I. pop a gun. The candidates for this detail were selected on academic excellence. They were largely

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

taken from the national Phi Beta Kappa rosters. After a year of ASTP training in Japanese at a university, the candidates attended another year of Japanese at the University of Michigan before coming to Camp Savage or Fort Snelling for a six month course in advanced language training and intelligence procedures. They were then issued their ten-man intelligence team, all Nisei, as well as all the Pacific Theatre equipment, including jeeps. That made them very popular with the commanders wherever they went.

From time to time the War Department laid new requirements on the school, which unfailingly met the challenge satisfactorily. Our special language requirements during 1945 included Chinese and Korean, and our students included my favorites, a Nisei WAC platoon. As the war started to wind down in '45 and early '46, the demand for combat-oriented training also lessened, we had to prepare ourselves for occupation and civil functions. Even so, there was no diminution in requirements for Japanese personnel and in excess of 6,000 graduates served in the Pacific Ocean area before the end of the war. No training function, however well executed and brilliant in design can be successful unless serving as a useful end and I feel that I must enumerate some of the uses to which the graduate lent his efforts.

It may be well to outline the geographical span of graduate assignments. MISLS personnel operated with the U.S. and allied forces from Alaska in the north, to Australia and New Zealand in the south, and from Hawaii in the east to China, Burma and India in the west. In addition to that, they served with highly classified special operations inside the United States. The diversity of assignments included all U.S. Army units, as well as Navy, Marine and Air Corps organizations. Additional assignments were to allied commands, such as Australia, New Zealand, Great Britain, India and China. Assignments were also made to small specialized units such as OSS, Psywar, Code Analysis, Radio Intercept, Camouflaging and OWI as well as to Merrill's Marauders. All in all, MISLS Nisei lent support to more than 130 organizations.

Finally, in conclusion of this detailed description of the planning for the establishment of a language school, as well as achievement of the graduates in these and countless other operational situations, the MISLS and its Nisei accepted the highest order of bravery, courage and excellence in execution of their assigned tasks. There can be but little doubt that, except for the intelligence teams in the Pacific, the war would without a doubt have lasted longer and resulted in hundreds of thousands of additional casualties.

ON THE DEATH OF GUNARS ASTRA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. HOYER. Mr. Speaker, on April 6, Gunars Astra, one of the most prominent and respected human rights activists of Latvia, died in a hospital in Leningrad. He was only 56 years old when he succumbed, according to Soviet physicians, to a pulmonary embolism and heart disease.

Gunars Astra first became seriously ill while visiting friends in Leningrad approximately a month and a half after his release from a Soviet labor camp in February 1988. He had spent over 19 years in Soviet labor camps as a result of trumped-up political charges. In December 1983, he had been sentenced to 7 years labor camp and 5 years internal exile following conviction on charges of "anti-Soviet agitation and progaganda." Among his "crimes," were his association with the statement signed by 45 Baltic dissidents calling for the annulment of the Molotov-Ribbentrop Pact and the granting of self-determination to the Baltic States, presently occupied by the Soviet Union. He was also accused of disseminating sections of George Orwell's 1984, and extracts from a book written by a Latvian living in the West.

Gunars Astra first attracted the attention of the police in 1961, when he escorted a group of American acquaintances around Riga, the capital of Latvia. Soon afterward, he was arrested for allegedly having passed sensitive information to foreigners. Convicted of "treason" and "organizing activity against the State," Astra was sentenced to 15 years labor camp.

But Gunars Astra was a man not easily intimidated or tamed by the Soviet police state. In 1977, he met with correspondents of Reader's Digest, and in 1979 spoke with officials from the U.S. Embassy in Moscow. By 1983, when the KGB decided to crack down on nationalist stirrings in the Baltics, it was inevitable that Astra would wind up in the dragnet. At his trial, the prosecution attorney paid him what was probably an unintentional compliment, referring to him as a "comrade in thought" of Dr. Andrei Sakharov. Mr. Speaker, I would like to quote briefly from Gunars Astra's final statement to the court:

> As a thinking entity, an individual must constantly receive information about the objective world, and the more varied, so much the better * * *
>
> Lack of information makes a person incapable of rational judgment, his mental processes are doomed to atrophy even if they have managed to develop at all. A person with atrophied mental processes is an inferior, humiliated being, he becomes an object of manipulation, a toy, a slave.

If the Soviet rulers of 1983 had understood and heeded what Gunars Astra was saying then, perhaps he would still be alive. And Soviet society itself—economically depleted, spiritually exhausted—would not be in such critical condition.

When the people of Latvia staged peaceful protests last year to denounce the Stalin terror of the past and the Russification of their country in the present, one of their demands was the release of Gunars Astra from labor camp. Even then, the authorities knew that his life was in danger due to his poor health and the effects of 18 years in the gulag. In September 1986, Livija Astra, Gunars' wife, wrote to General Secretary Gorbachev that she was desperately concerned about her husband's condition at the Perm labor camp. "He is 54 years old," she said, "and his life is in danger, as there are no doctors or drugs available in the prison."

Eventually, Gunars Astra was released in February 1988. Unlike Anatoly Marchenko, he did not die on the hands of his wardens. The Soviets magnanimously granted him a little time with his family, but tragically, about 19 years too little.

I am told that thousands of Gunars Astra's fellow countrymen attended his funeral in Riga, and that his coffin was wrapped in the flag of independent Latvia, while the mourners sang traditional Latvian hymns.

Mr. Speaker, as Chairman of the Helsinki Commission, I wish to express my deepest condolences to Gunars Astra's wife, Mrs. Livija Astra, to their two sons, and to the Latvian people on the loss of a true patriot. Gunars Astra's memory will surely live forever in the hearts of freedom-loving Latvians everywhere.

A TRIBUTE TO BANGOR CHURCH

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. YATRON. Mr. Speaker, I rise today to recognize and honor the congregation of Bangor Church in Churchtown, PA. On May 22, 1988, the congregation will celebrate their annual "Service of Rogation" as well as Bangor Church's recent listing on the National Register of Historic Places.

Bangor Church has a long and distinguished history. It was founded in 1722 by Welsh settlers who arrived in our area prior to the Pennsylvania Dutch. These settlers named the parish after their home church in Caernarvonshire, Wales. Churchtown was a bustling community at that time, and it is reported that George Washington worshipped at the Bangor Church upon his return from the Battle of Fort Duquesne.

The present church structure dates back to 1832. It is among the earliest Gothic revival style churches located in a non coastal part of the United States. Soldiers of every war from the French and Indian War to World War II are buried in the churchyard. As a result of its great historical significance, Bangor Church was recently listed on the National Register of Historic Places.

The congregation plans to combine this celebration with a traditional Service of Rogation, or prayer for the harvest. This service dates back to the fifth century A.D. and was originally employed to bless "new seed, young flocks and the husbandman of the vineyards." Through the years, the Parish of Bangor Church has continued this tradtional rite. For this year's service, they are pleased to have the Rev. Canon Stanley Imboden as the guest speaker.

The congregation of Bangor Church will be doubly blessed on May 22, 1988 with their celebration of the church's listing and the annual Service of Rogation. They have truly done an outstanding job of maintaining the Bangor Church as an active place of worship as well as an important historic site. Mr. Speaker, I know that my colleagues will join me commending the congregation on their fine work and in wishing them continued success and good fortune in the years to come.

TOURISM IN MISSOURI AND AMERICA

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. SKELTON. Mr. Speaker, for the past 2 years, my Small Business Subcommittee on Exports and Tourism has been holding hearings around the country to highlight and explore the economic importance of tourism. As chairman, my task has been to discover how the Federal Government can best assist American small businesses as they tap into the potentially endless market of international travelers visiting the United States.

My State of Missouri, and hometown of Lexington, provides an excellent example of just what tourism can mean to a State and a community. During a hearing in Lexington, our subcommittee was presented with a wealth of local history and scenic attractions. Tourism dollars bolster our restaurants, hotels, motels, recreational facilities, marinas, souvenir shops, travel agents, and service stations, just to name a few. In fact, 98 percent of the businesses—businesses capable and prepared to serve our foreign guests.

Mr. Speaker, we all know Missouri as the "show me" State; well, on behalf of my State, we would like to take this opportunity to "show off!" We want to show the homes of President Harry Truman and Mark Twain, the history of the Pony Express and Daniel Boone, and the beauty of our magnificent waterways—like the Lake of the Ozarks—and parks.

I conducted a survey of the 21 counties in my district and each and every county has a tourist attraction worth visiting, including Truman Lake and Truman Dam, the Big Piny River, many restored historic homes, wildlife preserves, apple festivals, State fairgrounds, and battlegrounds from the War Between the States.

No foreign visitor can truly appreciate the cultural diversity of the United States without traveling to our rural areas. America's heartland offers guests friendly people to welcome them, small businesses eager to serve them, and attractions to match every interest.

My goal today is to help promote the people and businesses involved in travel and tourism. Travel and tourism, America's third largest retail and service industry, produces yearly revenues of over $260 billion, is the second largest private employer in the Nation—employment that has grown over 57 percent over the past 10 years. Quite clearly, tourism is big business in Missouri and all across the country.

Travel and tourism is an industry that affects not only those directly involved in the business, but also virtually every company that offers a product or service. Tourists need transportation, food, and shelter. These basic needs stimulate other nontourist fields such as agriculture, meat production, retail trade, manufacturing construction, and various service industries.

Unfortunately, the Federal Government continues to refuse to provide meaningful support to the programs that are designed to stimulate more travel and tourism in the United States. The administration has, for the past number of years, tried to eliminate the Federal agency that promotes travel from foreign countries to the United States—even though it has been demonstrated that every dollar spent on travel promotion is multiplied and returned manifold to the Federal Treasury.

In this time of the falling dollar overseas, many Europeans and Japanese, who were previously unable to travel to America, can now afford to visit our country. But, instead of taking advantage by increasing seed money to the U.S. Travel and Tourism Administration [USTTA], we are cutting back. Trained personnel have been reduced and offices overseas have been closed. Instead of opening our doors to international tourists, we are making it more difficult for them to come here.

Tourism is America's largest business export. The United States is the country many people want to visit. In addition to promoting our larger cities and attractions, we must take the opportunity to promote and encourage travel to the heart of this Nation—our rural areas and small towns. Rural America has much to offer foreign guests; it is only lacking in the resources needed to encourage foreign guests.

The U.S. Government now ranks on a par with Madagascar in the amount of money we spend as a country to promote travel from abroad. The USTTA has a budget of about $11 million to promote the entire United States; Canada spends $26 million, and Italy spends almost $100 million. As a matter for comparison, Mr. Speaker, the tiny country of Jamaica is spending $20 million to promote their island nation. It is about time for the Federal Government to determine what steps to take to encourage travel and tourism. Let us remember that spending for the USTTA does not cost, but it is a short-term loan at a very high rate of interest, that is returned to the Federal Treasury.

While I will continue to support sufficient funding for the USTTA, budget constraints and opposition will certainly continue. With these thoughts in mind, I have introduced legislation, H.R. 2357, which would establish the "Tour USA Promotion Corporation," a nonprofit, federally chartered foundation similar to the Boy Scouts, American Legion, and Veterans of Foreign Wars. During 1988, my Small Business Subcommittee will continue to work to bring about a better partnership between Government and business—especially those businesses in small towns and rural areas—in an effort to promote travel and tourism. My "Tour USA Promotion Corporation" is an important step in that direction.

Furthermore, at the conclusion of our hearings, my subcommittee will present additional recommendations on how best to implement an effective strategy for increasing foreign travel to the United States.

Mr. Speaker, no other country can match what the United States has to offer. Our tourism potential is truly unlimited. No other nation can match our combination of history, culture, and beauty. Let us join together to take this opportunity to encourage foreign guests to visit and show them just what makes this country great.

In conclusion, Mr. Speaker, you can invest in a sure thing. Travel and tourism is that sure thing.

FREE MEDICINE FROM THE PRIVATE SECTOR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. RANGEL. Mr. Speaker, I would like to call the attention of the House to a wonderful program administered by the G.D. Searle Co., which is providing free heart medications to citizens who otherwise could not afford to buy them.

I commend the people at G.D. Searle for their concern for those needy individuals who are afflicted with heart disease but who cannot afford to acquire the medicines required to treat them. Our Nation needs more instances of the private sector doing something to help the less fortunate members of our society.

I wish to insert an article into the RECORD which details the aforementioned program.

[From the New York Times, Apr. 6, 1988]

NEEDY TO RECEIVE FREE HEART DRUGS—PHARMACEUTICAL COMPANY TO GIVE MEDICINE TO PEOPLE WHO CANNOT AFFORD IT

(By Lawrence K. Altman)

A leading pharmaceutical company announced yesterday that it would give all its heart drugs free to patients who cannot afford them. The manufacturer, G.D. Searle & Company of Chicago, called on other drug companies to follow its lead.

Searle said it was undertaking the program because an estimated 37 million Americans, including 4.8 million over the age of 45, have no health insurance.

Searle said it was adding five heart drugs to two it began giving away last year for treatment of high blood pressure and angina. The five drugs being added to the program are used to treat abnormal heart rhythm, congestive heart failure and other circulatory problems.

The offer is valid for as long as a patient needs the drugs, said Kay Bruno, a spokeswoman for Searle. Treatment for high blood pressure and many heart problems is lifelong.

COST TO COMPANY UNKNOWN

It is not known how many Americans go without heart drugs because they cannot afford them, and Searle does not know how many Americans will use its products under the program, Ms. Bruno said. About 20,000 patients have obtained the two drugs offered earlier, she said.

Under the program, physicians will determine the eligibility of patients. Searle will provide to physicians and clinics certificates that a patient can exchange for the medication at a local pharmacy, which will then be reimbursed by Searle.

The drugs involved are:

Verapamil, sold as Calan and Calan SR, among the calcium channel blockers that are commonly used to treat high blood pressure and heart problems like rhythm abnormalities. These are the drugs the company has already been giving away for a year.

Nitroglycerin, sold as Nitrodisc, which is administered by patches applied to the skin.

Spironolactone, sold as Aldactone, a potent diuretic used in the treatment of edema and congestive heart failure.

Two diuretics, spironolactone and hydrochlorothiazide, sold in combination as Aldactazide and used in treating congestive heart failure.

Disopyramide phosphate, sold as Norpace and Norpace CR, used in the treatment of heart rhythm abnormalities.

To determine eligibility, a physician must establish that a patient needs one of the drugs and cannot receive it free or under private or government insurance programs. Searle suggested that patients have an annual household income of $8,000 or less for one or two people, and $11,000 or less for three or more people. However, the company said it was leaving the selection of the patients in the hands of physicians.

In challenging other drug companies to start similar programs, Dr. Sheldon G. Gilgore, Searle's chairman, said that "the American pharmaceutical industry can satisfy the unmet prescription needs of the medically indigent patient population in this country."

Judee Shuler, a spokeswoman for the Pharmaceutical Manufacturers Association in Washington, said it would be "up to individual member companies to respond."

PRAISE FROM A.M.A.

The American Medical Association complimented Searle on the program. "The A.M.A. is certainly pleased to see a major pharmaceutical firm taking steps to make important drugs available free of charge to patients who could not otherwise afford them, and is also pleased that physicians are rightly being made a key part of the process," said Dr. James H. Sammons, executive vice president of the Chicago-based organization.

Any physician, clinic or hospital in the United States may ask Searle for the certificates for the free drug plan by calling 800-542-2526. Searle will deliver $1 million worth of certificates today to clinics and hospitals in a number of cities.

Searle's sales last year were $820 million, including $130 million from the two forms of Calan. The seven drugs being donated account for 75 percent of sales volume, Ms. Bruno said.

PHASEOUT OF THE MILITARY EDUCATION PROGRAM FOR CIVILIANS OF THE NATIONAL GUARD

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. MOAKLEY. Mr. Speaker, I would like to express my strong support for the amendment offered by the gentleman from California [Mr. DYMALLY] which passed the House yesterday as a component to the en bloc amendments offered by the gentleman from Wisconsin [Mr. ASPIN]. The amendment would essentially phaseout the Military Education Program for civilian technicians of the Army National Guard and replace it with a new Reserve Program for civilian technicians in their State.

I have been quite concerned with the Military Education Program and the inconvenience the program inflicted upon the technicians. In response to this concern, I along with the gentleman from California [Mr. DYMALLY] introduced H.R. 1808, which would suspend the Military Education Program for civilians of the National Guard while a study was undertaken to determine the cost effectiveness of the program, its effect on readiness, and morale of the civilian technicians.

The second part of H.R. 1808, which called for the study, was incorporated into last year's authorization bill. The study, undertaken and completed by mid-April, concluded that a new State Reserve Program would be less costly, have less of an impact on the readiness to the unit, and less of an impact on the morale of the technicians.

As a result of the recent report to Congress, Representative DYMALLY introduced the amendment to phase out the Military Education Program and require that a training program be established in the State that is parallel to the Military Education Program. I would like to go on record in support of the amendment in the hopes that the measure will alleviate the inconvenience to Civilian Technicians of the Army National Guard.

A LETTER FROM NICARAGUA

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. KILDEE. Mr. Speaker, I would like to bring to the attention of my colleagues in the U.S. House of Representatives the following article "A Letter from Nicaragua," which appeared in the column "Light One Candle," by Father John Catoir, director of the Christophers. The truth uttered in this article needs no embellishment.

LIGHT ONE CANDLE

(By Father John Catoir)

Archbishop Dom Helder Camara once said, "When I fed the poor, they called me a saint. When I asked 'Why are they poor?' they called me a communist."

I can empathize with the archbishop, having received the same kind of accusations when a column of mine denounced the murderous U.S. program of aid to the Contras. Having frequently denounced communism as a rotten philosophy, I find it amusing to be called a communist.

On Feb. 6, 1988, the U.S. Congress voted down the Contra aid program. Nevertheless the very next day the U.S.-backed rebels mined a public road in Quilali, Nicaragua and destroyed a bus, killing 17 civilians, including one infant. It was a Claymore antipersonnel mine which shreds people to death. The 18 people who survived will face the prospect of endless operations during which tweezers will have to be used to remove clusters of shrapnel so that healing can begin.

Attacking innocent civilians to terrorize the civilian population is immoral, illegal and guaranteed to be counter-productive. Americans are now hated in Latin America more than ever. Bishop Salvador Berg of Bluefields, Nicaragua, wrote to me on Feb. 3, "We need a lot of cheering up—with bloody war going on all over the place. I was in Rosita on Dec. 20 when it was attacked . . . 75 died, and 180 injured. We are all praying for a change . . . knowing guns bring war and hate, death and destruction, only in prayer and acceptance of persons can bring about peace in the name of Christ."

Those who back the so-called "feedom fighters" think of themselves as patriots. They can't understand how those of us who opposed those merciless attacks on women and children could so easily forget the horrendously evil legacy of communism. They don't want to hear about the Nicaraguan body count; they simply want to stop the evil empire before it reaches our back door.

Well, so do I. But evil can be devious. It creeps in everywhere, among the good as well as the bad. Communists believe that the end justifies the means, which is a morally bankrupt philosophy. That's why as Catholics we must denounce that same philosophy when our government adopts it as the basis of our Latin American policy. Killing the innocent is an evil means to attain a good end, and it is deplorable.

An enlightened Latin American policy should be based on sound moral principles.

SUPPORT A VETO OVERRIDE OF THE TRADE BILL

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. WALGREN. Mr. Speaker, as a cosponsor of the trade reform bill passed by the House almost 1 year ago, I am honored to support the conference agreement that has now been approved by wide margins in both the House and Senate. This legislation is long overdue and as critical today to American workers, industries and communities as ever, particularly as we hear monthly reports of our worsening balance of trade.

Under the Reagan administration, the U.S. trade deficit has soared from $34.6 billion in 1981 to a record high last year of $171.2 billion. From 1980 to 1986, the buying power of the dollar overseas jumped 40 percent, making American exports expensive for foreign consumers while reducing the price of foreign imports for Americans. The strong buying power of the dollar abroad can be tied directly to the unprecedented Federal budget deficit that has grown from $29 billion in 1979 to a record $237 billion in 1986. The deficit is now hovering at $150 billion. This deficit has been the result of administration tax cuts reducing revenues from the budget and increased defense spending and has brought havoc to Federal policymaking. Many worthwhile efforts like health and science research, Medicare and education are strangled by insufficient funds because of the deficit.

The penetration of imports into our economy has almost ruined some industries like autos, textiles and steel. For every $1 billion increase in the trade deficit, 25,000 jobs have been lost. Plant closings, farm failures and lay-offs in the 1980's have left an average of 2 million workers a year "dislocated," according to the Bureau of Labor Statistics.

The conference agreement that we have sent to the President provides a comprehensive and constructive package of trade revisions designed to halt the deterioration of our markets and promote fair trade internationally. It has become painfully clear that many of our trading partners do not abide by our standards of fairness and open markets.

The Reagan administration has clearly not used the trade tools it has in law to stop unfair trade practices. The conference agreement would address this problem, requiring the President to retaliate against violations of trade agreements, permitting him to waive this requirement only in specific circumstances. In addition, the agreement would transfer from the President to the U.S. Trade Representative, authority to decide whether a foreign practice is unfair under U.S. law.

The conference agreement would also strengthen the Trade Adjustment Assistance Program to retrain American workers who suffer trade-related unemployment. It includes plant closing legislation, requiring businesses employing 100 or more workers to give 60-day notice of plant closings that would result in job loss for 50 or more workers. Plant closings rip communities apart, creating a downward economic spiral that leaves little but despair. While this will not stop plant closings, it will at least give workers notice and hopefully time to find a new job.

The legislation also places restrictions on steel imports from countries with which the United States has no voluntary restraint agreement [VRA], if the steel was melted and poured in a VRA country in order to circumvent export restrictions.

By enacting trade legislation this year, Congress is taking strong steps to enhance the long-term competitiveness of American industry and turn back the ever-widening gap in our balance of trade. We are demanding from our trading partners nothing more and nothing less than a level playing field. This legislation signals to our trading partners that we will no longer tolerate closed markets for our exports and violations of trade laws while permitting a flood of cheap imports and Government-subsidized dumping in our domestic markets.

Each of the monthly economic indexes makes it more and more apparent that the trade deficit is seriously affecting the basic and fundamental health of the American economy. We have an opportunity to reverse this trend and toward that end, I urge my colleagues to support a veto override if, as he has threatened, the President vetoes the trade bill.

DEATH IN CZECHOSLOVAKIA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. HOYER. Mr. Speaker, Pavel Wonka, a Charter 77 signatory, died last week while being held in a Czechoslovak prison. As a member of Charter 77, the Czechoslovak citizens' initiative which has championed human rights causes for over a decade now, Wonka dedicated his life to securing for others basic fundamental freedoms.

Although the circumstances surrounding his death remain unclear, what is certain is that Mr. Wonka never should have been in prison to begin with and would probably be alive today had he not been sentenced unjustly and treated brutally.

Pavel Wonka was in good health prior to his first imprisonment from 1984 to 1985. In 1986, barely a year after serving his first 14-month sentence, Wonka was rearrested and sentenced to a catagory 3 prison facility—the most brutal type of prison in Czechoslovakia. Wonka's crime consisted of attempting to run for public office. For this he was charged with incitement under paragraph 100 of the Czechoslovak Penal Code. For this he was sentenced to 21 months in prison, to be followed by 3 years of protective supervision.

During his 21 months in prison, Wonka's health deteriorated dramatically due to the severe prison conditions and the beatings which he suffered there. Unable to carry out prison work because of his failing health, he was retried in September of 1987 for failing to fulfill his official duties. It was his physical appearance in court in the fall of 1987 which shocked his family and friends. Numerous appeals on Wonka's behalf finally resulted in a transfer, first to a prison hospital, and then to a somewhat less harsh prison. Upon completing his 21 months, imprisonment, Wonka was released this February.

Less than 2 months after his release, Wonka was rearrested on April 5. On April 22, just 3 days before his death, he was sentenced to 5 months in prison for allegedly violating the conditions of his so-called protective supervision—the euphemism used by the Czechoslovak authorities to describe the extension of one's imprisonment beyond the walls of the prison itself. Coincidentally, Wonka's third arrest came just after he applied to emigrate, and his detention prevented him from attending the civil proceedings which he had initiated to sue the Government for wrongful arrest.

Pavel Wonka, Charter 77 signatory, believed in the Helsinki Final Act—the act which the Czechoslovak Government pledged to implement. He believed he had the right to know and act upon his rights, as guaranteed in principle VII of the Final Act. His dedicated efforts to promote respect for human rights and fundamental freedoms led to his wrongful incarceration and ultimately to his death at the age of 35. His death is a tragic reminder of how much work there is yet to be done.

WELCOME TO SOVIET JEWRY ACTIVISTS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. YATRON. Mr. Speaker, today the distinguished leadership of the National Conference of Soviet Jewry and other Soviet Jewry activists are in Washington. I am pleased to welcome them.

The NCSJ and its 50 national member agencies and 300 local community councils, federations, and committees, have, since 1971, been in the forefront of the movement on behalf of Soviet Jews in this country. This was the same group which coordinated the spectacular showing of nearly a quarter of a million Americans who demonstrated on the Mall here in Washington last December 6, on the eve of the third summit meeting between President Reagan and General Secretary Gorbachev.

For two decades the NCSJ has worked diligently and tirelessly to help Jews leave the U.S.S.R. in accordance with international law, and to help those who choose to remain in the Soviet Union to live freely. NCSJ activists are here this week at an important time in United States-Soviet relations. The upcoming Moscow summit will be a major world event for it marks the first visit of an American President to Moscow in 14 years. These Jewish leaders are here to lend their support to our Government for its stated commitment to human rights. They will continue to stress their concerns until the U.S.S.R. grants basic freedoms and justice to Soviet Jews and other oppressed religious groups in the Soviet Union.

As chairman of the Subcommittee on Human Rights and International Organizations, I have worked closely with the National Conference for many years. Members of my subcommittee and I, on countless occasions, have looked to this organization as an accurate source for information and expertise on Soviet Jewry. The Washington office always provides us with reliable and timely information which assists us in combatting human rights abuses.

Mr. Speaker, the struggle to help Soviet Jews has not been an easy one. There have been successes and failures, tears and celebrations. Yet, it is indeed a testament to the nature of this country and to the Jewish people that an organization such as the NCSJ continues to press forward with its concerns for others after so many years of battle. I am certain that my colleagues will agree that every advocate of a just cause should look to the Soviet Jewry movement and the National Conference when fatigue sets in and the desire to forge on wanes.

SOVIET REFUSENIKS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. SKELTON. Mr. Speaker, knowing that so many of our colleagues are concerned about human rights around the world, I would like to bring to their attention the plight of two Soviet refuseniks, Anna and Iosif Klebanov-Lokshim.

Both Anna and Iosif were fired from their jobs as engineers when the couple applied for exit visas in June 1984. The Soviet Government denied this request on the grounds that

Anna and Iosif were exposed to important State secrets. They were denied visas again in December 1987. Surely, such secrets are outdated by now.

Iosif has been unemployed since his original application for religious freedom was denied. The family's only economic support is Anna's mother's pension and a small salary earned by Anna.

Recently, the Soviet Union and the United States signed the INF Treaty abolishing a whole class of nuclear weapons. Relations between the two nations are at a high point on the rythmic curve they seem to follow.

In December, the United Nations celebrated the 39th anniversary of the signing of the Declaration of International Human Rights, an effort to extent human rights to the entire world, rights that Americans already enjoy. The Soviet Union is a signator of this document. Can we not demand of the Soviet Union the same compliance to this treaty as they appear to want to give to the INF Treaty?

It is an obligation of free people of nations such as ours to protect the principles of freedom. This is what I do here today.

This weekend, as you walk into your chosen place of worship, for a moment realize the principle of freedom you just expressed, and those people of the world that cannot.

RECOGNIZING NEW YORK CITY'S TALENTED ARTS STUDENTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. RANGEL. Mr. Speaker, I would like to call the attention of the House to the high level of achievement by the students of New York's Fiorello H. La Guardia High School. Twenty-two students of this specialized high school in the arts and music have recently won honors and prizes in the national competition called the Arts Recognition and Talent Search [ARTS].

These students of La Guardia High School won twice as many awards for their excellence in drama, music, and dance than any other high school which competed in this national competition. This attests to the commitment and excellence of the faculty and the hard work and dedication of the students of La Guardia High School. In addition, their achievement illustrates that public schools can produce excellent young people, if they are just given the chance and resources required.

I am proud that this great school of the arts resides in my congressional district and want to applaud these fine aspiring, actors, dancers, musicians, and artists for their achievements. These talented and wonderful young people are a credit to their school, their teachers, parents, and community. I wish to insert into the record an article which appeared in the New York Daily News which details the achievements of the students of La Guardia High School.

[From the New York Daily News, Apr. 14, 1988]

WE'VE GOT ARTS—LAGUARDIA HIGH SCHOOL WIN PILE OF PRIZES

(By Joyce Young)

Roll over, Bronx Science and Stuyvasant High Schools! The students at LaGuardia High School of the Arts say they're winning awards that carry as much fame as the Westinghouse science prizes—and that if anyone wants to count, they've piled up more prizes than any other specialized city high school. But, who's counting?

The 22 students who just won honors in the nationwide Arts Recognition and Talent Search (ARTS) in Miami might want to do so. In that national competition alone, the LaGuardia contingent snared almost twice as many awards as any other arts high school in the country. The awards in dance and drama were handed out in ceremonies yesterday at the Lincoln Center high school.

"It's unfortunate that the ARTS awards haven't been publicized as much as the national math and science competitions for high school students," LaGuardia Principal Paul Saronson said yesterday. "The awards are equally prestigious, in my view, and can lead to students becoming presidential scholars."

The school learned yesterday that one of its ARTS winners, Alexander Burgos, 17, had done just that. In addition to $3,000, Burgos snared a coveted chance to go to Washington to perform three dramatic monologues at the Kennedy Center and perhaps win a presidential medal.

Burgos, a native of Richmond Hill, Queens, said he planned to use the prize money to pay tuition at Fordham University, where he will study drama and dance. He now trains with the Alvin Alley Dance Theater, and has appeared on the children's television show "Sesame Street," as well as in one feature film.

"I was one of the gang members. Typecast, what else?" said Burgos, whose parents were born in Cuba and Puerto Rico.

BEEN DOING IT FOR YEARS

His teacher, Peter Treitler, said Burgos was tops as a student, but so were the 2,600 others attending the public school created especially for youngsters preparing for careers in the arts.

"We've been winning these awards for years," said Treitler, who, like many other staff members, said it was all but impossible to total the number of student prizes. Treitler himself graduated from the old High School of the Performing Arts, which in 1984 absorbed the High School of Music and Art to become LaGuardia.

ARTS winner Alex Desert, 17, of Kew Gardens Hills, Queens, another actor, won $500 in the Miami competition. But he was more anxious yesterday about a part he hoped to get in a new television series.

If he didn't get it, Desert said, he plans to take a year off before going to college, just to see where his training so far could take him. He's already appeared on the daytime drama "Ryan's Hope" and in a film for junior high school students. Is he the next Theo Huxtable, the character played by Malcolm Jamal Warner on "The Cosby Show?" No, Desert said yesterday, "I'm the next James Earl Jones—I hope."

The students at the High School of the Arts have the usual high-school academic education, coupled with intensive study in art, drama, dance, instrumental and vocal music. Admission to the four-year school is on a competitive basis, and more than 16,000 students applied last year for the 650 freshman class slots.

WITHOUT MOBILITY, START WON'T GO

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. DICKS. Mr. Speaker, on Thursday, the House will be debating the future direction of our ICBM Program. At that time we will be discussing the importance of mobility, especially in anticipation of a strategic arms reduction agreement that cuts the forces on both sides by nearly 50 percent.

I am convinced that such an environment will place a premium on survivability for the fewer forces that remain. That means not only should we move toward mobility, but it is also in our interest to move away from destabilizing highly mirved systems such as MX. Both of these factors argue for development and deployment of the small ICBM.

I am sensitive to the cost issue surrounding Midgetman. But a fact of life is that there is a price to pay for stability, just as there is going to be a price to pay in enhanced conventional forces for reducing our reliance on nuclear weapons in Europe. But I believe it is a price worth paying, and in comparison to many major programs, including the cost to develop, purchase and operate the B-1 for 20 years, it is not out of line.

Jeffery Record, a long-time military analyst, formerly with The Heritage Foundation and now with the Hudson Institute, so he is no liberal, put the case for Midgetman with START very well in an article that appeared in the Los Angeles Times on April 27. I ask unanimous consent to insert in the RECORD so that my colleagues can review his arguments prior to our vote on Thursday.

[From the Los Angeles Times, Apr. 27, 1988]

WITHOUT MOBILITY, START WON'T GO: TO BE ABLE TO LIVE WITH 50 PERCENT CUTS, WE NEED MIDGETMAN

(By Jeffrey Record)

The proposed U.S.-Soviet strategic arms reduction treaty, which the Reagan Administration wants to conclude with such unseemly haste, is not only internally contradictory but also at odds with the sound advice of the President's own 1983 blue-ribbon Scowcroft Commission on strategic forces.

As outlined by Administration spokesmen, the agreement—known as START—would mandate about a 50% cut in existing American and Soviet inventories of strategic nuclear weapons. Reportedly, this would include a limit of 1,500 warheads on land-based inter-continental ballistic missiles.

Proponents argue that cuts of this magnitude enhance deterrence by drastically reducing the number of warheads that the Soviets could launch against so-called "hard" targets like the American ICBMs. Unfortunately, this argument ignores the fact that the same agreement would drastically reduce the number of U.S. hard targets that the Soviets would have to cover.

Moreover, a 50% cut would place a premium on attaining the highest measure of survivability for the remaining U.S. strategic nuclear forces. In the case of land-based ICBMs, this would seem to dictate a sharply reduced reliance on fixed-silo delivery systems—such as the Minuteman III or MX missiles—in favor of mobile systems. These include the Midgetman ICBM, recommended by the Scowcroft Commission, or the more recently proposed rail-mobile MX. Finally, a 50% cut would seem to mandate the avoidance of concentrating too many warheads on a relatively small number of missiles; to do so would inflate the potentially catastrophic consequences of a Soviet first strike against U.S. retaliatory forces.

The Soviets clearly understand these imperatives. They understand the self-evident truth that it is harder to hit a moving target than a stationary one and, therefore, that the investment in mobility enhances deterrence by reducing incentives to strike first.

The Soviets are already deploying the rail-mobile SS-24 and the road-mobile SS-25. They also are moving away from their traditional penchant from cramming the most possible warheads on each missile; the SS-25 carries only one warhead.

By contrast, the United States has yet to deploy a single mobile missile. Worse, the Administration has done little to promote the Midgetman (the Defense Department opposes it) and has even instructed its arms-control negotiators in Geneva to seek a complete ban on mobile missiles.

It is difficult to fathom the Administration's reasoning on this critical matter. Has it proposed the ban simply for bargaining purposes? If so, does it really believe that the Soviets would be prepared to trade away systems they have already deployed in exchange for the undeployed Midgetman, for which the Administration itself has shown no enthusiasm?

Has the Administration concluded that there are not enough dollars or votes in the Congress to carry the Midgetman to deployment? (If so, this would be attributable in large measure to the Administration's own inaction.)

Does it believe that any nuclear delivery system not subject to effective verification should be eliminated? And how would a ban on mobile missiles be verified?

Or is the Administration's proposed ban just another example of inconsistent and confused thinking when it comes to mastering the challenge of relating arms control to force planning?

The key question is whether mobile ICBMs enhance the stability of deterrence. It is not (for example) whether a ban on mobile missiles would make a START agreement easier to conclude and verify, thereby affording the Reagan Administration one last arms-control "triumph."

Given the prospects for a 50% cut in strategic nuclear weapons, the rationale for the Midgetman is greater today than it was in 1983 when first recommended by the Scowcroft Commission.

Deployment of, say, 250 to 500 single-warhead Midgetmans would also distribute remaining land-based ICBM warheads over a much larger number of missiles. This inflation of "aim points" would make it virtually impossible for the Soviets to "clean out" the entire U.S. land-based ICBM force in a single strike.

A total ban on mobile systems, attended by a limit of 1,500 warheads for land-based ICBMs, would force the United States to distribute those warheads over a smaller, and therefore more vulnerable, force of already deployed missiles. The present force of 50 MX missiles, each carrying 10 warheads, would consume fully one-third of that total. The remaining 1,000 warheads could be retained among the older U.S. Minuteman II and Minuteman III ICBMs.

But since there are 450 single-warhead Minuteman IIs and 550 triple-warhead Minuteman IIIs, a large number of both types would have to be junked to accommodate the warhead limit. The end result—a U.S. land-based ICBM force smaller in size and lacking mobility—would be a far more tempting target for a Soviet first strike. A real "window of vulnerability" could then open.

Paradoxically the Administration, though indifferent to the Midgetman, favors deployment to 50 additional MX missiles in a rail-mobile mode. How the Administration can reconcile its support for a rail-mobile MX with its proposed ban on all mobile ICBMs remains a mystery. Moreover, deployment of 50 more MXs could mean concentrating 1,000 warheads, or two-thirds of the permissible limit for land-based ICBMs, on only 100 missiles.

Unless the Administration's object is simply to hang another arms-control treaty on the wall, its present approach to START makes no sense, either in terms of promoting stability in the U.S.-Soviet nuclear balance or in terms of harmonizing U.S. force planning and arms-control objectives.

The proposed ban on mobile ICBMs should be discarded and deployment of the Midgetman accelerated, or START should be stopped.

ENFORCE EQUALITY IN THE TRADES

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Ms. PELOSI. Mr. Speaker, I would like to bring to the attention of my colleagues an important article by our esteemed colleague and dean of the California delegation, Representative DON EDWARDS. This article appeared in the April 28, 1988, Los Angeles Times. It focuses on the need to enforce equal employment opportunities for women in the trade business. I thank Congressman EDWARDS for bringing this issue to the public's attention and for recognizing the fact that women should have the right to participate in any trade they choose without facing unnecessary difficulties and/or harassment in the workplace.

I encourage my colleagues to read this article on the vital role of women in America's work force.

[From the Los Angeles Times, Apr. 28, 1988]

ENFORCE EQUALITY IN THE TRADES

(By Don Edwards)

Rosie the Riveter never wanted to quit her job. A 1944 survey showed that most of the 2.9 million women in the high-paying, non-traditional work force during World War II wanted to stay. But when the war had been won, women who had been an essential part of wartime production were channeled back to "women's work"—clerical jobs, domestic service and the like.

Today, apart from program in professions such as law and medicine, women remain overwhelmingly concentrated in low-paying occupations. More than one-third of all employed women work in clerical jobs. Full-time women workers earn a median income of $16,000, compared to full-time men workers' $25,000.

A House subcommittee recently held hearings on women in the skilled blue-collar trades. Women who had pioneered in such trades as carpentry and heavy equipment operation in the 1970s testified that when they first entered their field, they believed many more women would follow.

They had good reason for their belief. In 1978 the Department of Labor established regulations requiring goals and timetables designed to increase women's participation in the trades; an immediate 20% goal for women was set for apprenticeship. (Apprenticeship is paid, on-the-job training, the pathway into most of the skilled trades.) A more modest 6.9% goal was set for women in each craft on federally funded construction sites.

But there was no second wave. The Reagan Administration refused to enforce the regulations. By 1987 women in the skilled trades were practically invisible, less than 2% of the work force in most of these highly paid jobs.

It is not that there are no women ready to do the work. Advocacy organizations like Vermont's STEP-UP for Women, Boston's Women in the Building Trades and Tradeswomen of Philadelphia prepare women stuck in low-paying, dead-end jobs to enter the trades. They report that they have to turn away applicants. In New York City, NEW (Non-traditional Employment for Women) has helped hundreds of women—more than 80% of the women "hard hats" in the city—go from welfare to the hiring hall.

It's not that there is no work. Construction is booming in Los Angeles, Boston, Maine and in many other cities and states. About 119,000 mason jobs will be vacant over the next five years.

The few women who make it through the door suffer from the effects of job isolation and sexual harassment. In job interviews, they are asked insulting questions about what their husbands will think of their working in construction, who will mind their children, or why they can't find something else to keep them busy.

A member of the Laborers' Union, recently off welfare and delighted at the chance to support her six children, testified, "You must always do everything the hard way. Even though everyone was always working in teams, I almost all the time had to work alone. Instead of being able to use a dolly as the men did to move Masonite, I had to lift and carry it from one end of the hall or to other floors by myself."

Sexual harassment is common, including insults about a woman worker's sexual preference, sexually explicit graffiti and peepholes in the women's locker rooms. Unequal training and job-rotation opportunities also plague the few women who finally are hired.

A California study shows that one-third of women who leave the trades do so because of sexual harassment. In San Francisco, organizations have had to institute occupational-stress counseling to help women stay on the job. The 1978 Department of Labor regulations required trade employers receiving federal funding to hire at least two women when possible, and mandated a working environment free of harassment, intimidation and coercion. These regulations, like the ones establishing goals and timetables, have never been enforced.

The Department of Labor's own studies prove that goals and timetables have worked in the maritime and coal-mining industries and were exceeded on the Alaskan pipeline, where more than 2,500 women worked as operating engineers, Teamsters and laborers. Yet an official told the subcommittee the labor department still preferred the "glove" to the "bat" approach.

It's time to take the gloves off. The history of our equal employment opportunity efforts shows that employers respond to serious enforcement efforts, not to the kid-glove treatment. It is outrageous that the Administration is still not planning to enforce 10-year-old regulations. It is unconscionable to ask women to wait any longer. The 20% goal for women in apprenticeship should be implemented immediately and updated annually. The 6.9% goal for women on federally-funded sites must be raised.

Women should not have to put up with insulting interviews, poor-quality training or energy-draining harassment while on the job. They should not have to choose between a paycheck and freedom from intimidation. It's been 45 years since Rosie the Riveter was sent home. It's time to break down the barriers that keep women from full participation in the work force. They need the work and the country needs them.

BRIG. GEN. JOSHUA SHANI—A MODERN HERO

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. SMITH of Florida. Mr. Speaker, the State of Israel is in the midst of celebrating the 40th anniversary of its reestablishment as a nation-state. As we are all aware, a hallmark of those 40 years has been incessant Arab belligerence toward the Jewish State. Let there be no illusions, the Israelis have survived six Arab-Israeli conflicts due to their burning desire to live free in a democratic society.

This Sunday, an event will be taking place in Miami, FL, that embodies the spirit of the Israelis. The David Ben-Gurion Culture Club will be celebrating 40 years of Israeli independence by hosting a gala dinner. Delivering the keynote speech at the gala will be Brig. Gen. Joshua Shani. Both the David Ben-Gurion Culture Club and Brig. Gen. Joshua Shani are exceptional in their own right.

Brig. Gen. Joshua Shani is a typical Israeli in the sense that he, like all other young Israeli men, was required to serve in the Israel defense forces [IDF]. It is his achievements in the IDF and the degree of his commitment to the security of the State of Israel that sets him apart. General Shani participated in one of the most sensational hostage rescue attempts of all time—Israel's successful rescue of hostages in Entebbe, Uganda. The importance of this event transcends the value of saving Jewish lives. International opponents of Israel finally took note that the Jewish State would not role over to terrorists.

Although the Entebbe mission might be the most memorable mission General Shani has undertaken, his role as a wing commander in the Israeli Air Force and as an officer at the Air Force Headquarters in Tel Aviv, are equally significant in terms of protecting the security of the State of Israel.

General Shani continues to serve the cause of Israel in his capacity as the air attaché to the Israeli Embassy in Washington, DC.

I commend General Shani for his unwavering commitment to the security of the Jewish people and the professional manner in which he has performed these tasks. I welcome him to the city of Miami.

General Shani will be addressing a very special group of people on Sunday—the David Ben-Gurion Culture Club. In 1975, a small group of Holocaust survivors, led by Carl Rosenkopf, banded together to form an organization of patriotic Americans who supported the State of Israel and humanitarian causes at home. This was the genesis of the David Ben-Gurion Culture Club.

Since its inception, this vital organization has supported a number of philanthropic and humanitarian causes in the Greater Miami area—including hospitals, veterans groups, blind children, universities, and scholarships for needy students. With outstanding citizens such as Rose Rotmench, Morris Laufer, Eddy Estrajch, and Max Wein involved in the organization, I am confident that the David Ben-Gurion Culture Club will continue to make valuable contributions to the city of Miami.

Mr. Speaker, on the occasion of Israel's 40th birthday, I am proud to congratulate Brig. Gen. Joshua Shani and the David Ben-Gurion Culture Club.

IMPROVING THE LIFESAVING CAPABILITIES ON PASSENGER FERRIES

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. LOWRY of Washington. Mr. Speaker, I rise to introduce legislation which will correct a serious safety problem on passenger ferry vessels operating on Puget Sound in Washington State. That problem is the lack of adequate numbers of liferafts and life boats to accommodate all passengers riding on these vessels. Current Coast Guard regulations require only enough liferafts and life boats to accommodate 36 passengers. Yet these vessels regularly carry up to 2,500 people.

When the Coast Guard originally developed these regulations, they assumed that a full complement of liferafts was necessary because the vessels navigate relatively close to shore. Although most of these vessels operate within approximately 4 miles from shore, the Coast Guard failed to recognize that if passengers were forced into the cold waters of Puget Sound, within 20 minutes they would be suffering from advanced stages of hypothermia. Hypothermia very rapidly causes the victims to lose consciousness. In addition, the presence of fog, which is a common occurrence on Puget Sound, could substantially slow rescue efforts. Without the protection of a floatable platform or a liferaft, ferry passengers, if in the water, would face an increased risk of death from hypothermia.

The legislation I am introducing will correct this serious oversight by instructing the Coast Guard to develop and implement regulations requiring these vessels to be equipped with liferafts with sufficient capacity to accommodate all passengers and employees on such vessels.

A TRIBUTE TO MAXWELL RABB

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. DORNAN of California. Mr. Speaker, yesterday Maxwell Rabb became the longest serving U.S. Ambassador to Italy in the history of our diplomatic relations with that country. This is a record of truly outstanding service to our country.

I have known Max both personally and professionally for many years. His is one of the outstanding careers in our U.S. Foreign Service. As our longest serving Reagan ambassadorial appointee, he has worked on a new extradition treaty with Italy which has permitted joint action in prosecuting international drug traffickers and organized crime, and he was involved in three multinational peace forces sent by Western powers to the Middle East. Because of his outstanding service, Ambassador Rabb in 1982 was named "Cavaliere di Gran Croce" by Italian President Sandro Pertini, an honor awarded to foreigners for distinguished contributions to the Italian Republic. In short, the Ambassador's career has been distinguished by numerous diplomatic successes.

In his term as Ambassador to Italy, Ambassador Rabb has been intimately involved in some of the most difficult and sensitive foreign policy situations of the past 7½ years. For example, the decision to base nuclear armed cruise missiles at Comiso, Sicily, the kidnapping of Brig. Gen. James L. Dozier, and the *Achille Lauro* incident were all issues that had the potential to easily damage United States-Italy relations. Yet because of Ambassador Rabb's diplomatic skills and professionalism, these incidents were satisfactorily resolved and our relationship with Italy remained solid.

Mr. Speaker, the United States is very fortunate to have a person the caliber of Max Rabb serving in one of our most important ambassadorial posts. His keen intellect and extensive business and diplomatic experience have made Mr. Rabb respected and admired both within the Government of Italy and within our own. I hope that when Vice President Bush takes the President's oath of office next January, he asks Maxwell Rabb to either stay on as Ambassador to Italy or take on the challenge of an equally important diplomatic post.

LONG-TERM HEALTH CARE MARKETS DEVELOPMENT ACT

HON. DAVID DREIER

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 1988

Mr. DREIER of California. Mr. Speaker, today I am introducing H.R. 4510 the Long-Term Health Care Markets Development Act. It is a comprehensive bill to facilitate private sector development of long-term health care insurance.

Specifically, the legislation would allow for tax-exempt withdrawals from IRA's for the purpose of purchasing long-term care insurance. It would allow a company to offer a higher deductible health insurance package and contribute the premium savings to an employee IRA, whereby the funds could be withdrawn tax-free to purchase catastrophic or long-term health care insurance.

In addition, it would eliminate the Certificate of Public Need [COPN] Program, which many States use to limit competition in the nursing home industry and keep nursing home costs artifically high. It would also allow for the conversion of life insurance policies to long-term care insurance, and provide preferential tax treatment of long-term care insurance reserves similar to the tax treatment of life insurance reserves.

The availability and affordability of long-term health care is of great concern to older Americans. With the elderly population increasing in numbers, efforts must be made to address the long-term care problem before it becomes a national crisis. Unfortunately, some of our colleagues are proposing to fill the long-term care void by expanding the Medicare program to provide expensive and unneeded health care benefits.

In the next several weeks, the House is expected to consider the conference report to H.R. 2740, to so-called Medicare Catastrophic Protection Act. If enacted into law, this measure would impose massive premium increases on Medicare beneficiaries for coverage most of them receive through supplemental insurance. In addition, it neglects the most catastrophic costs associated with long-term care—expensive nursing home care or home-care for the chronically ill.

A home health care bill, H.R. 3436, is also scheduled for floor consideration in the next several weeks. It proposes a 5-year, $24 billion tax increase on workers and the elderly in addition to the premium increases contained in H.R. 2740. And like H.R. 2740, it fails to provide for nursing home care.

The reason these two measures fail to provide comprehensive long-term health care coverage is obvious. According to a recent Harvard study, folding long-term care into Medicare could add $50 billion a year to the program's $85 billion budget. To finance a long-term care program, a substantial increase in the Medicare payroll tax would be necessary because of projected deficits in both the Medicare Trust Fund and in the general treasury. Such a tax increase, which is proposed in a limited form in H.R. 3436, would be devastating to workers and to the Medicare system.

A massive federally sponsored long-term care program is not necessary, and we should stop misleading the elderly by paying lip service to long-term care with hollow legislation. Instead, Congress should encourage a market solution to this serious and growing problem.

According to the Health Insurance Association of America, good private long-term care insurance policies offering nursing home and home health services are available in all 50 States. Also, in the last 6 months, employer-sponsored group products have entered the market. Over time, long-term care insurance products are sure to grow in number, and in the services offered.

Unfortunately, H.R. 2470 and H.R. 3436 combined would effectively destroy this growing private long-term care insurance market. Rather than duplicating and, consequently, wiping out this market, we should offer incentives for the industry to create efficient, competitive, and cost-effective long-term care insurance products. The Long-Term Health Care Markets Development Act would provide a number of such incentives.

Mr. Speaker, it is unrealistic to believe that a massive, federally-sponsored program is the solution to the long-term health care crisis facing the elderly. That is evidenced by the fact that neither H.R. 2740 nor H.R. 3436 provides for the most severe long-term care needs, despite their enormous price tags. Rather, any future solution must include a viable private sector delivery system. H.R. 4510 would provide some practical incentives toward the development of such as system. I urge my colleagues to cosponsor this balanced alternative to a major public policy crisis.

GSA DEVELOPS A MORE COMPETITIVE PROCUREMENT POLICY

HON. FRANK HORTON

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, May 2, 1988

Mr. HORTON. Mr. Speaker, the General Services Administration received three bids last week on the largest civilian contract in the history of our Government. The FTS 2000 contract, when awarded and under performance, will constitute the new phone system and service for the Federal Government. The estimated value of the contract is in the neighborhood of $25 billion.

GSA has struggled for more than a year to construct a procurement that is competitive and fair, that provides the highest quality phone service to the Federal Government at the best cost. Receipt of the bids last week by GSA represents a major milestone in this procurement, and I am confident that an award will be made this year.

Award of this phone contract is important. A new and more efficient phone system for the Government promises savings estimated at more than $100 million annually. GSA recognizes this point and has been tireless in its efforts to keep the process on track. The process has not been an easy one. On the contrary, it has been difficult, painstaking, and sometimes frustrating. But we have now reached the bid evaluation stage, and, as the ranking minority member of the Government Operations Committee, I want to commend the many men and women working at GSA who have made the process work.

I also want to comment on the work of my chairman, JACK BROOKS, in this procurement. The leadership he and his staff have shown in ensuring a competitive procurement has contributed to sound public policy. This award will be constructed so that no one company controls all Federal phone operations. A monopoly is avoided. The procurement, which contains a 60-to-40 split, also contains a recompetition provision that will keep quality service and performance in the minds of those providing services under the contract.

At this point, FTS 2000 is moving forward responsibly and in the best interest of the Federal Government and public. I commend GSA for its work to this point, and I look forward to the award of this contract later this year.

THE ANNUAL CONVENTION OF THE PLAY-IT-SAFE GROUP

HON. TONY COELHO

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 3, 1988

Mr. COELHO. Mr. Speaker, this month the International Play-It-Safe group will be holding its annual convention in Hawaii to discuss the past and future accomplishments of its community safety campaign. I would like to take this opportunity to commemorate the organizers and volunteers who have been instrumental in helping to improve the safety and welfare of our Nation's children. I believe that this program should be saluted for its outstanding achievements.

Play-It-Safe International is a nonprofit organization designed specifically to prevent crimes that leave the children in our communities victimized each year. This organization promotes and implements awareness programs that focus on educating the youth of this country about proper safety and crime prevention techniques. Through the distribution of educational coloring books, the use of parents, teachers, and educational video aids, Play-It-Safe has been able to bring together community and law enforcement officials to bring about a cooperative effort to deter crime.

Celebrating its fourth year, Play-It-Safe International has many reasons for its continued success. The primary reason for Play-It-Safe's success is the thousands of volunteers that have been active in spreading this important message. Making a program work takes much time and devotion on the part of each individual involved. Play-It-Safe International could never have realized many of its goals without the help of those who have volunteered countless hours of time and effort. To those special prople I offer my congratulations and thanks.

In addition to recognizing the volunteers within the program, Mr. John Waihee, Governor of Hawaii, has been instrumental in not only hosting the program's annual convention, but also providing endless resources for the program's implementation. Also, Mr. Eugene Junette, the chairman of Play-It-Safe International, responsible for the organization and the dissemination of all of the Play-It-Safe information programs, has contributed enormously to the organization's continued success.

Play-It-Safe International is definitely spreading the message that the organization intends to do all that they can to deter crime. In fact, the program has been so successful that recently Play-It-Safe International expanded its role by providing educational materials to countries all over the world. Play-It-Safe International can now claim over 1,900 chapters worldwide.

Through all of these efforts, the children of the United States, as well as those in several countries throughout the world, are constantly made aware of potential safety hazards which could be tragic without the proper attention. I hope that you will join with me in expressing sincere appreciation to all of the players involved with the Play-It-Safe International organization.

ACCOUNTANT ADVOCATE OF THE YEAR: LAWRENCE S. NANNIS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. FRANK. Mr. Speaker, the economic strength of our Nation owes much to the small business people who contribute their hard work and entrepreneurial skills. Each year, the Small Business Administration recognizes eight individuals from around the country who have been particularly energetic in exemplifying the role small business has to play in providing jobs for our communities and stimulating economic growth.

During this year's Small Business Week ceremonies in Washington, DC, Mr. Lawrence S. Nannis will be among those recognized for his outstanding achievements. A certified public accountant at the firm of Levine, Zeidman & Daitch, he has been selected as "Accountant Advocate of the Year" for his contributions to his profession, to small business in general, and to his community. Among his many community activities, Mr. Nannis has served as director of the Small Business Association of New England [SBANE] and has given generously of his time as an advisory council member of the Small Business Development Center.

Mr. Nannis' service to small business is deserving of our thanks. As we begin "Small Business Week" I bring his accomplishments to the attention of my colleagues as an example of the contributions that can be made.

A TRIBUTE TO MR. OLAN MILLS II

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mrs. LLOYD. Mr. Speaker, an article recently appeared in the Chattanooga Times which commends an outstanding leader in business from my Third Congressional District of Tennessee, Mr. Olan Mills II, who is being honored as this year's Chattanooga Manager of the Year. Mr. Mills is an exemplary spokesman for private enterprise whose achievements in business and community affairs will continue to benefit our Nation for years to come. I submit the aforementioned article to the CONGRESSIONAL RECORD as an attestment to Mr. Mills' hard work and many fine accomplishments and wish him many more years of continued success.

The article is as follows:

His name appears on millions of photographs a year, making Olan Mills II perhaps Chattanooga's most famous resident.

But the soft-spoken head of the nation's largest portrait studio chain displays little celebrity status as he strolls through the Chattanooga headquarters of his 15,000-employee firm. Although the photography company has more than quadrupled in size since Mills took over the family-owned firm nearly two decades ago, Mills still regularly greets his home-office employees by their first name and takes an active interest in all parts of the business.

Mills' approach reflects a management style he says he learned from his father who founded the business in 1932 in Selma, Ala. The younger Mills, who has headed Olan Mills Inc. since the early 1970s, will be saluted for his management style by more than a dozen local management groups next month when he is honored as this year's Chattanooga Manager of the Year.

"Olan knows his employees and knows his business, in all its forms," said Chattanooga accountant Joseph Decosimo, a member of the team which selected Mills as the 1988 recipient of the Manager of the Year award.

Mills, the 57-year-old chairman and chief executive of Olan Mills Inc., will receive the management honor during a luncheon June 1 at the downtown Trade Center.

"Businesses are always made up of personal elements, but I think this honor reflects the contribution of many people in this company," Mills said.

With his name stamped on more than 16,000 photographs daily, Olan Mills is easily identified with the company he heads. But the second generation leader is quick to credit his younger brother C.G., with whom he now runs the company, and his father and other senior employees at Olan Mills from whom he learned the business.

"I've been very fortunate to have been able to work with a lot of very wonderful people," he said. "I had a leg up with a great teacher like my father and a great supporter like my brother."

Mills concedes he had many political and philosophical differences with his father, "but he taught me how to work with people which is still the most important thing."

"This has always been a family-owned business and we've regarded it as a business family here," Mills said. "But even if it wasn't a family business, people expect to be treated as a part of a team. I try to make an effort to know as many people as I can and I think that recognition and close touch is important."

Unlike his father—a consummate salesman who built the original business during the depths of the Great Depression in the 1930s—the younger Mills is more focused upon the upgrading the cameras and film processing techniques used by the firm. Olan Mills develops and builds many of the cameras it uses at its Carter Street facility downtown, while workers at the Amnicola Highway site prepare furniture and fixtures used at Olan Mills' studios nationwide.

"We're a vertically integrated company with a lot of operations, but this is still first and foremost a sales company," Mills said.

Olan's father started in the business by arranging engagements in advance by mail, then setting up a temporary studio in hotels across the South.

Today, Olan Mills derives much of its sales through telemarketing. The company regularly sets up telephone banks to call on nearly every household in an area to solicit business. At the company's headquarters on Amnicola Highway, giant IBM mainframe computers keep phone numbers of nearly every home in America.

Olan Mills operates some 900 studios across the country and processes photographs at plants in Chattanooga, Springfield, Ohio, Waco, Texas, and Kingston, Ontario. Recently, Olan Mills has expanded into the United Kingdom where the company is preparing to open a photo processing center.

The company derives more than 10 percent of its business today from church directories and about 2 percent from school portraits. Mills said about 60 percent of those pictured in the church directories opt to buy individual portraits while about 80 percent of the students photographed at school buy the photos.

"The bulk of our business continues to come from our studios and our itinerant photographers," Mills said.

Mills' business success differs from both of the previous Chattanooga Manager of the Year recipients. H. Carey Hanlin, the president of Provident Life & Accident Insurance Co. and the first award winner two years ago, manages one of Chattanooga's largest and oldest businesses whose ownership is controlled by thousands of stockholders. Last year's manager of the year, O.D. McKee, founded his own baking company and built McKee Baking into the nation's largest independent bakery.

Like Hanlin, Mills took over a large and successful company when he became chief executive of Olan Mills in 1970. But like McKee, Mills' company remains under the ownership and control of the company's original family.

Mills is similar to both of the previous winners, however, in his active community involvement. Mills currently serves as a trustee for the McCallie School and the University of Chattanooga Foundation. He is also a member of the board of directors of First Tennessee Bank and Brock Candy Co., and serves on the board of associates of Chattanooga State Technical Community College. Mills is also chairman of RiverCity Co., the non-profit corporation formed to redevelop Chattanooga's riverfront.

"I think these activities are part of the responsibility all of us have in the community in which we live and work," Mills said.

Olan Mills employs about 1,100 of its 15,000 employees in Chattanooga at four different sites: the corporate headquarters on Amnicola Highway, the photo processing center along Highway 153, the school finishing center on Brainerd Road and the camera repair and research and development plant downtown. Olan Mills is currently building a 35,000-square-foot office building next to its Amnicola Highway headquarters to accommodate the continued growth in the company.

Mills will not only be honored as Chattanooga's top manager next month, he will also be a candidate for NMA's national management competition.

"We feel like he is an excellent candidate for the national manager of the year and we're planning to submit his name," Decosimo said. "I think it speaks very well for our community that we have people like Olan who have had not just an important part in building their own company but also an important part in building our community in a variety of ways."

TRIBUTE TO DAVID R. MILLER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. GALLEGLY. Mr. Speaker, I rise today to honor one of the truly outstanding business leaders in southern California: Mr. David R. Miller, the outgoing president of the United Chambers of Commerce of the San Fernando Valley.

Mr. Miller has a long and distinguished career in Government and the private sector, and a long list of civic achievements as well.

He graduated as a Cutler Fellow with a bachelor's degree in economics and political science from Ohio University, then moved on to Washington, where he served on the Hill as an administrative assistant to our former colleague, the Hon. Victor Veysey. He also served as a White House staff member and as a national coordinator for a Presidential campaign.

In the business world, he is the owner of David R. Miller & Associates, an economic and management development firm specializing in governmental advocacy. Until recently, when he returned to the full-time management of his firm, he served as the advocate for the printing industry in California, representing more than 5,000 graphic art firms.

But for Mr. Miller, career and civic responsibilities go hand in hand. He has served longer than any other person as president of the United States Chamber, speaking for more than 7,200 member businesses. He also has been involved in the United Way, the Fernando Awards, the YMCA, and many other non-profit and charitable organizations.

Mr. Speaker, I am pleased to have this opportunity to recognize the accomplishments of David M. Miller, who has truly been one of the outstanding young men in America.

WORLD POPULATION AWARENESS WEEK

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. RAHALL. Mr. Speaker, few statistics from the international arena should trouble as much as this one: the world's population grew by an unprecedented 90 million people last year, and nine-tenths of that growth is taking place in the nations of the Third World.

That development is disturbing because it portends serious trouble ahead in the struggle for economic development and political stability in the Third World. Ninety developing nations will double their populations within the next 30 years at present growth rates. Such rapid populations expansion overwhelms the ability of developing economies to generate new jobs, build new schools and housing, and safeguard the environment against costly damage from short-sighted development schemes.

This situation seems even more stark when compared to that in the industrialized world, where population growth has largely stabilized. Compare, for example, the population trends in my own State of West Virginia with those of a similarly sized Third World nation. West Virginia's population, now not quite 2 million, would take well more than 100 years to double at current growth rates. The Western African nation of Togo, on the other hand, although slightly smaller geographically than West Virginia, has a population considerably larger. And the disparity is growing wider each day. Togo's 3.3-million population will double over just the next 22 years if current growth rates continue. And the population pressures faced by Togo are common throughout the Third World.

Given the real urgency of this world problem and the need for wise and far-sighted U.S. policies in response, it is encouraging that Americans recently marked their third annual "World Population Awareness Week." This is time set aside each year to consider the implications for all of us of rapid world population growth. And yet, besides contemplation, it is even more a time for action. This year, Americans took part in activities and educational events designed to promote a wider understanding of the ways in which America can contribute to an eventual solution.

I am very pleased that West Virginians played a leading role in these important events, and I ask that Gov. Arch Moore's proclamation be printed in the RECORD.

A PROCLAMATION BY THE GOVERNOR

Whereas, the world's population of more than five billion will, at its present growth rate, double in the next 40 years; and,

Whereas, more than 90 percent of this unprecedented growth takes place in nations of the third world least able to accommodate such rapid expansion; and

Whereas, rapid population growth overwhelms the capacity of human societies to provide food, housing, education, employment and basic health services and undermines economic development as well as social, cultural and political stability; and,

Whereas, the massive proliferation of our human numbers places enormous strains on the global environment, contributing significantly to the depletion of natural resources, the conversion of cultivable fields and forests into wasteland and desert, the pollution of the earth's land and waters, and the destruction of its ozone layer; and,

Whereas, the disastrous consequences that unchecked population growth portends for humankind and the natural environment can be averted by the extension of family planning services to the more than 500 million people in the developing world who need and want such services but lack the means or access to obtain them.

Now, therefore, I, Arch A. Moore, Jr., Governor of the State of West Virginia, do hereby proclaim the week of April 17 through 23, 1988, as: "World Population Awareness Week" in West Virginia, and call upon all of its citizens to reflect upon the consequences of world overpopulation and the opportunities to contribute to a solution.

FAIRNESS AND EQUITY FOR OUR RURAL HOSPITALS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. SKELTON. Mr. Speaker, I am pleased to rise today to mark the reintroduction of H.R. 4511, my bill to bring fairness and equity into the way Medicare pays our hospitals, specifically our rural hospitals.

As we well know, under the prospective payment system, rural hospitals are being penalized solely because of their location. This is an intolerable situation and fortunately, one that can be corrected.

To right this unjust wrong, my bill provides that Medicare eliminate the rural/urban differential and would pay hospitals on the basis of a coefficient of variation that does recognize the intensity of services. In a nutshell, H.R. 4511 is based on a price blending mechanism that is more reflective of the care actually provided to Medicare beneficiaries.

With the establishment of Medicare and Medicaid in 1965, Congress confirmed a basic human dignity and brought forth a lasting commitment: Access to quality health care should not be limited by age or income. Equally as important, Americans must not suffer because they live in rural areas.

In these times of ever tighter Federal budgets, it is essential that Congress not allow efforts to control Medicare expenditures to endanger the ability of older Americans, especially those living in rural areas, to receive high quality health care.

And, Mr. Speaker, for a refreshing change here in the House, my bill is budget neutral. I only propose to evenly redirect current Medicare spending—not add to it.

As chairman of the congressional rural caucus and as a member of the Rural Health Care Coalition my goal is to maintain and strengthen the quality of care offered through our health programs while at the same time work to reduce ever increasing medical costs. I hope that all our colleagues will join me in helping to raise the visibility of the unique situation facing our hospitals and health care providers in small town America. H.R. 4511 is a responsible approach to correct a flaw in current Medicare policy.

WHY THE MINIMUM WAGE SHOULD BE RAISED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. RANGEL. Mr. Speaker, there are several myths which surface every time minimum wage legislation is proposed. Opponents to H.R. 1834 have attempted to use the same claims ever since the minimum wage was first proposed in 1938. The first minimum wage was 26 cents an hour. Six times since 1938, Congress has raised the minimum wage. Six times we have heard the prophesies of unemployment, inflation, and bankruptcy, and six times it has not happened. The minimum wage has kept pace—until now—and the economy has neither collapsed nor has it been distorted.

Only once, during 1975, did the unemployment rate increase after an increase in the minimum wage, yet most economists blame the unemployment increase on the recession which accompanied the oil crisis. Actually, in 1966, the Secretary of Labor said that:

> Following the original establishment of the minimum wage * * * employment in the United States always went up.

In 1977, the Chamber of Commerce estimated that 391,000 teenagers would lose their jobs if the minimum wage was increased. In 1978, teenage employment increased 382,000 after the minimum wage was increased from $2.50 to $2.65. If the Department of Labor claims that every 10-percent increase in the minimum wage will lose 100,000 to 200,000 jobs, why hasn't it ever happened before?

Many opponents of the minimum wage claim that any increase will severely raise inflation. The Wharton School has shown that a $5.05 wage would cause only a one-tenth of 1 percent increase in inflation. All in all, inflation's role in the economy has declined, and certainly, the minimum wage is not the only factor.

The facts are that six times we have raised the minimum wage and the evidence is clear that there has been no significant employment and business disruption.

H.R. 1834 is not purely a piece of abstract economic legislation. It affects real people in real need. If this Nation is to be truly great we must invest in the human capital of the country. This bill affects the 17 million or so workers whose skills are such that they do not command high wages for their labor. These workers deserve to earn decent wages.

Anyone who is opposed to an increase in the minimum wage has not been forced to live on it. The minimum wage worker earns $6,968 a year. For a family of three, this is $1,800 less than the 1986 poverty threshold of $8,744. The minimum wage earner for a family of four makes $4,200 less than the poverty threshold of $11,209. Throughout the 1960's and 1970's the minimum wage kept a family of three out of poverty. Now, it has fallen way behind. The gap between rich and poor is the greatest it has been since World War II. It seems odd that we continually tell the poor that hard work is the way out of poverty, yet many work 40-hour weeks and still live beneath the poverty level.

Congress must take the initiative and show the working poor that their hard work will bring them out of poverty. An increase in the minimum wage will not only show people that work is better than welfare, but also will increase workers productivity and morale. H.R. 1834 is not as much an increase in the minimum wage, as it is a restoration. It is time to reaffirm our belief that fair work should yield fair wages.

THE HONORABLE SEELIG C. LEWITZ RETIRES

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mrs. ROUKEMA. Mr. Speaker, on Thursday, June 9, the residents of Ramsey, teachers, and friends will join together in testimony to a most esteemed educator and good friend, the Honorable Seelig C. Lewitz, who is retiring from the high office of public trust as superintendent of schools of the borough of Ramsey, NJ after 38 years of service to the community. I know that you and our colleagues here in the Congress will want to join with us in extending our deepest appreciation to Superintendent Lewitz and share the pride of his good wife, Edna, his son, Allen, and his wife, Susan, and daughters, Leigh Halvatgis, Lissa Hanson, and her husband Bruce. Lynn Ritchie and her husand Christopher, and their grandchildren, Jenna and Kara Halvatgis, Jessica and Keith Hanson, Melissa and Leighann Ritchie and Matthew and Zachary Lewitz.

Mr. Speaker, when you reflect upon the fact that the cultural, historical, and economic achievements—even the basic health as well being and longevity—of a State and Nation depend in large measure upon how well we educate each generation charged with the trust of carrying out its responsibilities and traditions, we can indeed be proud of Seelig Lewitz' outstanding contribution to the quality of life and the way of life for all of our people.

Mr. Lewitz has indeed earned the highest respect and esteem of all of us for his leadership and standards of excellence in seeking to improve the quality of education for our people. His personal commitment, diligence, and endeavors as an educator and school administrator have brought excellence to the students and State and national recognition to the schools of Ramsey where he has been a teacher for 13 years, an assistant administrator for 14 years, and superintendent of schools for the last 11 years.

Mr. Speaker, Seelig Lewitz has served our people and our country with distinction. There is much that can be said of his 38 years of outstanding service to the borough of Ramsey and the 2 years he served in the U.S Navy during World War II.

He has served in many capacities in the community; the Ramsey Literary Commission, the Recreational Commission, the Ramsey Pool Commission, the Senior Citizens Housing Commission, the Civilian Review Selective Service Board, the Ramsey Rotary Club, the New Jersey Civil Defense and Disaster Control, three terms as president of the Ramsey Baseball Association, a member of the Fortitude Lodge No. 200 Free and Accepted Masons, and a founding member of the Beth Shalom Synagogue.

During his career, he has been a member of many professional organizations as well. The American Association of School Administrators, the Bergen County Administrators Association, the Bergen County Coaches Association, the National Council for Social Studies, the New Jersey Association for School Administrators, the National Science Supervisors Association, the Association for Supervision and Curriculum, the New Jersey Schoolmasters Association, Phi Delta Kappa, Professional Education Fraternity of New York University, and a lifetime member of the National Education Association.

Coaching occupied his extra time during his teaching career of 13 years. He was an assistant football coach for 6 years, an assistant baseball coach for 2 years and an assistant basketball coach for 5 years. He served as varsity baseball coach for 10 years and won the New Jersey State sectional championship group II in 1961. During his baseball coaching career he became a member of the Bergen County Coaches Association "Century Club," 100 or more varsity wins. In 1961 he was All Suburban Coach of the Year and in 1982 he was given an award for his outstanding contribution to high school athletics.

While serving as administrative assistant and superintendent of schools, the system has expanded its facilities to provide an outstanding learning experience for our young people. Eric Smith School was built in 1967 and new additions to the high school were built in 1967, 1975, and 1980. His work and efforts impact the lives of thousands of students. The school district of Ramsey was recognized by the New York Times for its prestigious educational facilities and educational programs in November 1986. The educational system has been recognized by the Mathematics Association of America for the quality of our mathematics program, exhibited success in the Johns Hopkins Talent Search, placed in the top three teams in the past 3 years in the Odyssey of the Mind World Finals, and recognized for student publications by the Columbia Scholastic Press.

Under his direction many new programs were initiated. The gifted and talented program, the middle and high school reading programs, the child study team program, curriculum supervisor program, American field service program, the honors program, the Ramsey swim team program, and many more programs too numerous to mention.

Seelig Lewitz was the son of Martin and Lena Lewitz. He was born on July 4, 1926, at Englewood Hospital and spent his school days in the Englewood public schools, graduating in 1944 from Dwight Morrow High School. From 1944 to 1946 he served on shipboard Southwest and Western Pacific in the U.S. Navy. He received his B.A. from Montclair State College in 1950, a masters degree in administration and supervision in 1954, and an administrative externship from New York University during 1964-65.

Aside from his educational interests, Seelig Lewitz has a hobby of raising pigeons. He has been president of the National Pensom Roller Club for two terms, president of the National Ideal Roller Club for three terms, and area director of the United Roller Club and Southwest Roller Club. For his outstanding efforts he has been awarded the William Cowles Memorial Award and the National Ideal Roller Club outstanding service award.

Mr. Speaker, Superintendent Lewitz is an outstanding administrator, educator, and good friend whose richness of wisdom and expertise in his daily pursuits have touched the lives of many, many people. As we gather together on June 9 in tribute to his leadership endeavors and personal commitment dedicated to the education of our young people, we do indeed salute an esteemed educator, outstanding community leader, and great American—the Honorable Seelig C. Lewitz of Ramsey, NJ.

TRIBUTE TO COBB ELECTRIC MEMBERSHIP CORP.

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. DARDEN. Mr. Speaker, the provision of plentiful electrical power at a reasonable cost has—over the past half-century—revolutionized life in our Nation's rural areas, and helped transform the lives of people there.

Recently, I took part in the celebration of the 50th anniversary of the Cobb Electric Membership Corp., one of many electric cooperatives which were begun to help provide power in rural residences and businesses. Over the years, as my home community of Cobb County, GA, has grown, Cobb EMC has grown along with it. Cobb EMC has been an outstanding corporate citizen throughout its history, and has been a major contributor to the economic prosperity we enjoy today in Cobb County.

As we mark Cobb EMC's 50th anniversary, I would like to commend for my colleagues the efforts of its chairman of the board, Roy Sanders, and its chief executive officer, Paul Weatherby. I also would like to recognize the contributions of certain members of the Cobb EMC Women's Task Force, who celebrated the 50th anniversary last week at their annual dinner. They are: Carolyn James, president; Gayle Hayes, vice president; Edna Burnley, secretary-treasurer; and Vicki Crowley, manager for member services.

A TRIBUTE TO JAYLENE McMANUS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. DORNAN of California. Mr. Speaker, I rise today to pay tribute to a true hero, Jaylene McManus, of Hacienda Heights, CA. Jaylene is responsible for saving the life of one of my constituents, Richard Lowman. In doing so, she risked her own personal safety in the process.

After being involved in a motorcycle accident, Mr. Lowman was seen running down a street engulfed in flames. The quick-thinking Jaylene McManus stopped her car and used her fire extinguisher to put out the flames, saving the young man's life. This was done with little regard for her personal safety. It was indeed an heroic act.

I understand, Mr. Speaker, that Richard Lowman is now doing fine. He suffered second and third degree burns on a third of his body, but he has undergone treatment and rehabilitation at the Whittier Intercommunity Hospital, USC Burn Ward. Richard is home now, and according to his mother he is "alive and happy." I don't know if you can ask for more than that.

Jaylene McManus can be proud of herself. Under tremendous pressure she reacted with skill and bravery to save another's life. She is a hero in very sense of the word.

SALUTING THE CALIFORNIA RAISIN INDUSTRY

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. COELHO. Mr. Speaker, I am pleased to join my colleagues, Congressman RICK LEHMAN and Congressman CHIP PASHAYAN in saluting the California raisin industry during National Raisin Week, May 1 to May 7, 1988.

This year the California raisin industry has much to salute. Working to expand the industry by using new promotional efforts and introducing new products, the California raisin industry has danced both California sunshine and good health into the lives of many Americans with its renowned California Dancing Raisins.

The California Dancing Raisin television campaign, which will be highlighted this week, has won national acclaim. In fact, the hit record album "California Raisins" has earned the platinum rating by selling over 1,000,000 copies.

The California raisin industry is proud of being the world's largest raisin industry, responsible for producing and marketing roughly one-third of the world's raisin supply. It is of no surprise then, that the success of the raisin industry is of great economic importance to the future of many thousands of United States residents who are directly involved in the production, processing, and marketing of this product. In addition, this product is purchased and used by millions of consumers for snacks, in baking products, while cooking, in cereals and for a variety of other uses.

The California raisin industry benefits from a wide variety of efforts from various interests. Among these, the Raisin Bargaining Association merits high commendation for bringing growers and packers together in a concerted effort to give them a better voice in marketing. The raisin growers and packers also deserve a great deal of recognition for their efforts on behalf of this vital industry.

The California Raisin Advisory Board [CALRAB], founded in 1949, merits special recognition for its aggressive advertising and research activities which have dramatically increased raisin sales in recent years. CALRAB, represented and funded by the State's raisin growers and packers, is designed to promote the sale and consumption of raisins in both the United States and abroad.

The success of promotional efforts in Europe and Asia for California raisins have brought continued support from the U.S. Department of Agriculture and from the Foreign Agricultural Service. The industry is now expanding its overseas markets to encompass the Pacific Rim nations, including the People's Republic of China.

On the homefront, the California Raisin Advisory Board's "Name the Raisin" contest, introduced last year, has had much success. The contest has brought an astounding 310,000 entries, all competing to name three of the famous dancing raisins: Ben Indasun with the dark glasses; Tony Goodbites holding the microphone; and Justine X. Grape with the hightop blue sneakers. The winning contestants will each receive $5,000 in cash, and a trip to Hollywood and Vine—the Vine in this case being in Fresno, CA, which is the raisin capital of the world. In addition to the top three winning contestants, 3,000 additional creative entries will also receive prizes.

The raisin industry has proven to be highly successful in both its efforts to protect the future of an industry which has worked diligently at producing a healthy and tasty food for American and overseas consumers, and in its dedication to improving its expertise in the areas of sales promotion and advertising, which has lead the industry to achieve national acclaim. For these reasons as well as for many others, the California raisin industry deserves a special salute during National Raisin Week.

THE 100TH ANNIVERSARY OF THE GREATER LAWRENCE, MA, CHAMBER OF COMMERCE

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. ATKINS. Mr. Speaker, I am pleased and honored to rise to inform my distinguished colleagues of the 100th anniversary of the Greater Lawrence, MA, Chamber of Commerce.

The Greater Lawrence Chamber of Commerce is an association of 700 businesses, employing over 54,000 people, located in the communities of Lawrence, Methuen, Andover, and North Andover, MA. The chamber has a long and distinguished history of fostering economic growth and prosperity among its business, industrial, and professional members.

The chamber has received the Nation's highest award in the President's Citation Program for Private Sector Initiatives. Some of the chamber's recent innovative projects have involved establishing a coordinated drug and alcohol abuse education and prevention program among the five area public schools, initiating an extensive business-education collaborative in the city of Lawrence, conducting "adopt-a-school" programs in four area schools, and sponsoring an Academic Olympics Program. These programs, and others, contributed greatly to the decision by the Anna B. Casey Foundation to award a $5 million grant to the city of Lawrence to be used toward programs benefiting youth.

The chamber has also led in the development of the region's Private Industry Council, which has provided training for over 6,000 economically disadvantaged persons. For the past 15 years, the chamber has sponsored ACTION's Retired Senior Volunteer Program, which provides 350 senior volunteers to area hospitals, nursing homes, and other nonprofit organizations. Moreover, the chamber has, in cooperation with the Building Trades Unions, sponsored the annual construction of a house by the students at the Greater Lawrence Regional Technical High School; the proceeds from the project, directed into the Revolving Loan Fund, have assisted low-income people purchase homes.

I salute the individuals whose century of projects have clearly contributed to the betterment of the Greater Lawrence community. It is this type of volunteer community involvement which has promoted our growth and development. It is my great pleasure to congratulate the chamber on its 100th anniversary and to wish them continued success in its next century.

A TRIBUTE TO JULIE ANNE CHARLES

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. JONTZ. Mr. Speaker, I would like to take a moment to recognize one of my constituents, Julie Anne Charles, of White County, IN, the Indiana winner of the 1987-88 Veterans of Foreign Wars "Voice of Democracy Program."

Over 300,000 secondary school students throughout the United States competed in this program, whose theme this year was "America's Liberty—Our Heritage." I am very proud that the winner from Indiana resides in my home county.

Ms. Charles' essay speaks to what our veterans have sacrificed so much for—our American freedoms. My hope is that her efforts, and those of the other young people who participated in the Voice of Democracy contest, will serve as a reminder to all of us the need to be vigilant in guarding the liberties of our people.

"When an American says he loves his country, he means not only that he loves the New England hills. He means that he loves an inner air, an inner light in which freedom lives."

The inner light Adlai Stevenson writes of is freedom. For hundreds of years, men and women have come from all over the world just to bask in the light of America's freedom. These people often came with nothing but the realization that, once in America, they had the freedom to make their own lives and shape their own destinies. They made this country theirs because they had the liberty to build it as they chose.

Our founding fathers began the building with the foundations of the Declaration of Independence and the Constitution. The American people took over from there, finishing the building by demanding truth and justice and installing fixtures such as human rights that would let freedom's light shine over the land

As our country grew, many traveled to the West to raise their families and live off the land, to build something from nothing with their own hands and sweat. No one told them where to build or when to go. Even the people who decided to stay in the partially settled East began building their own cities, their own churches and schools for their children. They built massive railroads that would eventually connect the two worlds. These people were proud of what they had done. They were grateful freedom gave them the opportunity to build their own nation, and decided freedom was good, and all should have the chance to be free. It was these people who left us a legacy—a country of freedom.

When our liberty was threatened, brave men died so that freedom could prevail. Former President Woodrow Wilson said in a speech in Pueblo, Colorado in 1919: "These boys died for something that vastly transcends any of the immediate objects of the war. They saved the liberty of America." They fought so their children might be free. They died to carry on the heritage of liberty.

We fiercely guard our liberty—even in peacetime. Be he rich or poor, everyone is allowed a voice in America. Some have devoted their lives to making sure of this. The voice speaks of liberty and the inner light in which it thrives.

There are no more shadows of repression here. There is no dark gloom in which to weep alone. Instead there is a bright, bold progress for all. We pause to thank our ancestors for the gift they so venerated—the opportunity to cherish the sweet land of liberty. The opportunity to carry on the inner light. Someone who understood the value of our liberty was former President John F. Kennedy. I shall remember forever the words he spoke in his inaugural address on January 21, 1961: "We shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty."

PERSONAL EXPLANATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. CLINGER. Mr. Speaker, due to my absence yesterday May 2, I was unable to cast votes on three items. Had I been present I would have voted "yes" on H.R. 1811, the Atomic Veterans Compensation Act of 1987; "yes" on the Hunter amendment to the Defense authorization bill; and "yes" on the Foley amendment to the Defense authorization bill.

SALUTING THE OFFICERS AND CREW OF THE U.S.S. "BONEFISH"

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. CHAPPELL. Mr. Speaker, I rise today to recognize the officers and crew of the U.S.S. *Bonefish* for their courageous actions which resulted in the prevention of a disaster which could have cost the lives of all aboard.

More specifically, I wish to pay tribute to Lt. Ray Everts, Jr., PO1c Robert W. Bordelon, Jr., and PO3c Marshall T. Lindgren—who lost their lives in service to their country.

Today I am introducing a House concurrent resolution saluting these men and the other officers and crew of the U.S.S. *Bonefish* for their actions. I hope each of you will join me in cosponsoring this resolution, which I am including in the RECORD at this point.

CONCURRENT RESOLUTION

To recognize the heroic efforts of the officers and crew of the U.S.S. *Bonefish*.

Whereas the U.S.S. *Bonefish* (SS 582), a submarine of the United States Navy, during exercises off the coast of Florida, suffered an explosion resulting in a life-threatening fire, and

Whereas the men and officers of the U.S.S. *Bonefish* took brave actions to stabilize the boat on the surface, contain the fire, and enable most of the crew to survive with minimal injuries, and

Whereas Lieutenant Ray Everts, Jr., Petty Officer 1st Class Robert W. Bordelon, Jr., and Petty Officer 3d Class Marshall T. Lindgren, following a long-standing tradition with the men and women of the American Armed Force, made the ultimate sacrifice for their country, and

Whereas without the valiant deeds of these men and the other officers and crew, a much greater disaster could have occurred resulting in the loss of all crewmembers as well as the loss of the U.S.S. *Bonefish*: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress—

(1) that Lieutenant Ray Everts, Jr., Petty Officer 1st Class Robert W. Bordelon, Jr., and Petty Officer 3d Class Marshall T. Lindgren should be appropriately recognized by the Navy for their self-sacrificing devotion to duty;

(2) that the personnel of the U.S.S. *Bonefish* should be appropriately recognized for

their efforts to save their fellow shipmates and submarine;

(3) that all Americans should join in commending the courageous crew of the U.S.S. *Bonefish* for their commitment to military tradition and excellence in carrying out their duty while in service to their country.

HACKENSACK MEDICAL CENTER

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mrs. ROUKEMA. Mr. Speaker, 100 years ago, a disparate group of 24 northern New Jersey civic leaders came together, raised $4,000, and purchased a 10-room home in Hackensack, NJ. The building, renamed Hackensack Hospital and complete with 12 beds, was the first full-fledged medical facility in Bergen County.

From those modest beginnings has grown Hackensack Medical Center, a modern 500-bed regional teaching complex that offers a range of health care services. Over the years, Hackensack Medical Center has not only provided dependable medical care to millions of New Jersey residents, it has also developed a national reputation for the quality of its physicians, nurses, staff, and volunteers.

This week, Hackensack Medical Center is celebrating its 100th year of service to the northern New Jersey community. I ask my colleagues to join me in congratulating Hackensack Medical Center, the chairman of board of governors, Stanley Engleman of Emerson, the center's president and chief executive officer, John P. Ferguson. Among others, their committed leadership has helped make Hackensack Medical Center one of the premier facilities in New Jersey.

Today, Hackensack Medical Center is the site of one of the State's largest open-heart surgery programs. In fact, the program and its state of the art $2.4 million cardiac intensive care unit and its unique $1.6 million cardiac catheterization laboratory recently saw its 1,500th open-heart operation.

Children suffering with cancer from across New Jersey come to Hackensack Medical Center for the largest and most comprehensive pediatric oncology center in the State. In fact, today over 200 young patients are being treated in the Tomorrow's Children Institute for Cancer and Blood Disorders.

In addition to these outstanding facilities, Hackensack Medical Center boasts a nationally renowned Institute for Child Development; 55,000 children from 15 States and 6 foreign nations visit the program every year for evaluation and treatment of learning disabilities, behavioral problems and development disorders.

In addition, Hackensack Medical Center continues to serve as the region's paramedic dispatch center and houses Bergen County's only burn unit and diabetic treatment facility. Affiliated with the University of Medicine and Dentistry of New Jersey, the center trains over 250 medical students and 70 resident physicians each year.

From its earliest days as Bergen County's first hospital in 1888, the people of Hackensack Medical Center have proven time and time again that they have the knowledge, the skill, the facility and the will to serve the people of northern New Jersey. Over the years, the efforts of the physicians, nurses, staff, and volunteers of Hackensack Medical Center have immeasurably improved the lives of millions of people. Beyond saving lives in time of personal or community emergency, the medical center has made residents of northern New Jersey healthier and more productive.

Mr. Speaker, I hope you will join me in extending heartfelt thanks and congratulations to Hackensack Medical Center for a century of service to northern New Jersey.

THE ANNUAL STUDENT TEACHING COMPETITION

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. DARDEN. Mr. Speaker, a teaching career in our Nation's schools presents some of the most awesome challenges—and potential rewards—of any profession. Teachers open to our young people the whole world of knowledge, and help guide them along the path to their careers and their future roles, as adults, in our society.

Recently here in Washington, the National Education Association hosted its annual Student Teaching Competition. Several of our Nation's most outstanding new teachers took part in the competition, including Georgia State University's Mary Jo Pratt, of Smyrna in the Seventh Congressional District of Georgia.

Mary Jo, who won the right to compete in Washington as the finalist in the Southeastern Regional Student Teaching Competition, is committed to developing and nurturing the minds of our young people. She enters the teaching profession in an era when—more than ever before—quality education is the key to success for both individuals and our Nation as a whole.

Christa McAuliffe, the New Hampshire school teacher who died in the tragic explosion of the space shuttle *Challenger,* knew very well the importance of her job in the futures of her students, her community, and her country. Mary Jo Pratt and the other outstanding student teachers who competed here can say proudly, as Christa McAuliffe did, "I touch the future—I teach."

CONGRATULATIONS ON A SPECTACULAR SEASON

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. CONTE. Mr. Speaker, I would like to take this opportunity to congratulate the St. Joseph's Central High School Crusader Basketball Team upon its recent victory in the Massachusetts Division III State Basketball Championship.

These young men under the able leadership of Head Coach Paul Procopio, attained this title against all odds. They were not supposed to make it to the finals, let alone win the championship. Yet this hearty group known as the Crusaders, led by senior Paul Culpo advanced through the challenges of the western Massachusetts tournament and into the State finals. The decisive victory over a fine team from Cohasset at the Worcester Centrum, with a final score of 77–58, occurred with a standout performance from the members of this team, and occurred on the feast of St. Joseph, which makes for an interesting twist of fate.

St. Joseph's will suffer a great loss this year minus its six graduating seniors—most notably, Paul Culpo, and his fellow classmates, Mike Carnevale, Peter Ochs, John Carroll, Marty Kruze and Chris Unsworth but the great talent and energy displayed by these men will not be lost for I am certain that many will go on to play basketball at the colleges and universities of their choice across this country.

Western Massachusetts is proud of these champions, and I am certain that under the able leadership of Coach Procopio, and his assistant coaches George "Red" Pleau, and Matt Stracuzzi, along with the remaining members of the 1988 championship team: Dave Harte, Jeff Wilson, Shaun Heimann, Matt Masiero, Bill Quadrozzi, John McLaughlin, and Bryan Casuscelli, all of whom will be returning for their junior year in 1989, will undoubtedly repeat its impressive "first-ever State Division III Boy's Basketball Championship" for St. Joseph's.

The support and encouragement this team has received from first year athletic director, Fred Barschdorf, and from Principal Sr. Julie Sullivan, the many members of the St. Joseph's family, as well as the many up-and-coming members of Coach Stracuzzi's junior varsity team, bodes well for the future athletic promise of St. Joseph's Central High School as the defending division III State champions in the 1988–89 school year.

Pittsfield and Berkshire County is proud of the 1987–88 boy's basketball team and so am I. I find it encouraging and rare, indeed, to find such energy and devotion to the athletic ideals which the entire St. Joseph's community has always strived to attain.

Again, congratulations on a spectacular season!

VERMONT VIEWS: ISSUES FACING THE 100TH CONGRESS

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. JEFFORDS. Mr. Speaker, as I have in past years, I am reporting to my colleagues today on the results of my latest annual Vermont questionnaire. And I do so with what I freely admit amounts to a lot of pride. I think the opinions expressed by Vermonters are among the most considered and informed of any, and all of Congress benefits when those opinions are known.

Here, Mr. Speaker, are the results of my 14th annual Vermont questionnaire this year, to which 10,885 Vermonters replied:

FEDERAL DEFICIT

For several years, the Federal deficit and tax reform issues have figured prominently in the annual surveys. Last year, I specifically asked Vermonters what actions they would take to lower the deficit, offering choices ranging from cuts in domestic and/or defense programs to tax increases.

Although Congress and the administration have made some progress toward deficit reduction, the issue remains one of the most important before us. Because of that, I decided to ask the exact same question concerning the deficit this year, and the results were almost identical to those offered by Vermonters a year ago.

As they had last year, Vermonters who responded to the survey made it clear that the Federal budget should not be balanced on the backs of domestic programs. Some 35.3 percent, in fact, indicated they preferred cutbacks in defense programs but not in domestic programs. Another large percentage, 20.8 percent, favored cutting both domestic and defense spending to help lower the deficit, while 24.7 percent favored combining cuts in domestic and defense programs with revenue increases.

Only 6.5 percent favored cutting domestic programs but not defense programs, and only 12.2 percent favored simply freezing spending for all programs at current levels. A scant 0.5 percent said that the Federal Government should continue deficit spending without cutting back any programs.

MEDICARE

Costs for Medicare, which helps elderly citizens pay for medical services, have increased substantially over the last several years. As a result, the program has not been entirely immune from the belt-tightening that has been required of other government programs in the effort to reduce the Federal deficit. Last year, for instance, some Medicare spending was restricted although not by nearly as much as the administration had wanted.

Given those prior restrictions, the survey asked if Medicare should continue to share part of the burden of reducing the deficit and, if so, what areas should be affected by further cost controls. More than two-thirds of those responding—70.2 percent—indicated they did not think Medicare should be subject to further restrictions or cuts, while 29.8 percent indicated that it should be.

If further restrictions were required of the program, 27.4 percent indicated they should affect only payments to doctors; 21.2 percent said they should affect payments to hospitals; 6.6 percent said they should affect premiums paid by the elderly; and 7 percent said they should affect services and benefits. The largest number of Vermonters, 37.8 percent, favored across-the-board cost controls in all the categories, if controls were necessary.

CONTRA AID

Prospects for peace in Central America have improved significantly since the questionnaire went out early this year. We were hoping then for the very cease-fire we now have in Nicaragua.

The cease-fire between the Sandinistas and the Contra rebels was reached after Congress had rejected proposals for more military aid to the Contra rebels, and after it began considering a strictly humanitarian package—later approved—providing medicine, food and clothing to the Contras and money for medical help to children injured in the Nicaraguan conflict.

There is no way to predict how successful the current negotiations will be in bringing about real peace in Nicaragua. But Vermonters who responded to the questionnaires made it very clear that the road to peace should not be paved with further military aid to the Contra rebels. When asked if the United States should pursue its past policy of military and economic support for the Contras, 30.3 percent said "yes" while 69.7 percent said "no."

INF TREATY

The intermediate-range nuclear forces [INF] treaty that President Reagan and Soviet General Secretary Gorbachev signed last year remains, as of this writing, pending before the U.S. Senate for ratification. The treaty, which would eliminate American and Soviet intermediate-range nuclear arms in Europe, represents the kind of nuclear arms control measure that many Vermonters have long promoted. The results of the questionnaire reflect that: an overwhelming 91.6 percent said they think the Senate should ratify the treaty, while only 8.4 percent do not want ratification.

PLASTIC HANDGUNS

An equally large number of those responding to the questionnaire favored outlawing handguns that cannot be detected by security machines such as those at airports.

At issue is the potential advent of so-called plastic guns, which law enforcement officials fear will not be detectable by security machines. Congressional committees and the administration currently are looking at proposals to prevent the manufacture, sale and distribution of undetectable guns—the ban many Vermonters would appear to favor. Asked in the questionnaire if undetectable handguns should be outlawed, fully 91.1 percent said "yes," while only 8.1 percent said "no."

MINIMUM WAGE

Yet another issue pending before the Congress would increase the Federal hourly minimum wage, which at $3.35 has not been increased since 1981.

Several variations of an increase have been considered. The one that the House of Representatives now has before it for action—expected sometime during May—would increase the hourly minimum to $5.05 over a 3-year period. Alternatives that will be considered when the issue comes before the House include a slightly lower hourly minimum, of between $4 and $4.65, or increases in tax credits for low-income workers.

At the time the questionnaire was written, the most prominent proposal before the House would have increased the hourly minimum to $4.65 over 3 years.

Asked if the Federal minimum wage should be increased, 73.2 percent of the Vermonters responding replied "yes," while 26.8 percent said "no."

The responses were much closer on another related question of whether a compromise would be favored that would raise the minimum wage but freeze it at its current level for new employees who are in their first 6 months in the work force. Some 43.6 percent of those responding favored this approach; 56.4 percent did not.

AIDS TESTING

The final question in the annual survey this year concerned AIDS, Mr. Speaker. My own home State of Vermont has been fortunate: it has seen very few cases of this tragic illness compared to the many thousands in other parts of the country. Vermonters, however, are tremendously concerned about AIDS, and that concern reflected itself in the questionnaire.

The survey asked if AIDS testing should be mandatory for those applying for marriage licenses. Most experts now contend that such testing is basically useless since most of the people applying for marriage licenses are not at high risk for AIDS. They point out, too, that because AIDS tests are not always accurate, many people could be devastated if they undertook the test in order to get married and ended up receiving incorrect, or "false positive" results.

Despite such reservations about mandatory testing, most Vermonters who responded to my survey—70.7 percent—favored mandatory AIDS testing for those who apply for marriage licenses. Slightly more than a quarter of them, 29.3 percent, did not favor the mandatory tests.

WORLD FOOD DAY

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. LELAND. Mr. Speaker, World Food Day is a symbol of national and international commitment to preventing the hunger and malnutrition that affects 500 million people in the world. Children are dying every minute because they don't have enough food or water or because they lack the basic medical care to recover from nutrition-related illness.

Although there is food enough to feed the world, people suffer from hunger on every continent. World Food Day brings together Americans and people of all nations to confront the multiple causes of the inadequate nutrition endured by so many in the human family.

For millions of landless poor from Bangladesh to Brazil hunger is a fact of existence exacerbated by economic problems remote from their daily lives. They may grow sugar, coffee, and other cash crops but they do not understand the issues of balance of payments and the debt crisis. The present system of distribution denies them a plot of land for subsistence farming.

In Africa, war is more and more the cause of hunger. In the wake of drought, sufficient donations of food pour into Ethiopia and Sudan from other nations to prevent starvation but truck and airplane convoys are delayed and destroyed. Civilians flee war zones and farms are left untended. In the worst cases people flee to feeding camps where they are vulnerable to disease in crowded, unsanitary conditions.

Even where there is food, nutritional deficiencies exist that cripple and blind because the diet is incomplete. Lack of vitamin A affects one-half of a million children a year mainly in south and Southeast Asia and Africa; 200 million suffer from clinically evident disorders caused by iodine deficiency. Iron deficiency affects roughly one-third of the populations of developing countries.

In the face of these challenges, World Food Day enables us to respond locally, nationally, and internationally. The day is more than a platform for sharing information about the causes of hunger and its solutions through churches and community and private voluntary groups, although it does that very well. This year for the first time an international World Food Day strategy meeting was held by national groups. The resulting report laid the foundation for a more unified worldwide movement emphasizing the concepts of equity, justice, the right to food and world food security. Regional World Food Day meetings are now planned. This year, emphasis is placed on the important role of nongovernmental organizations in rural development.

World Food Day demonstrates the best impulse of our society, the desire to alleviate hunger, and rallies the skills and knowledge of the public and private sector to this end. I commend my friend and colleague Congressman BEN GILMAN for introducing this bill and for his leadership in forging solutions to end world hunger. I urge my colleagues to support this resolution.

THE ANNUAL BENEFIT DINNER DANCE FOR THE QUEENS MUSEUM

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today to honor two outstanding citizens, Dennis Donnelly and Robert Weir, and their contribution to the Queens Museum.

This Wednesday, May 4, the Queens Museum will be holding its annual benefit dinner dance to honor Dennis and Robert, and to celebrate the museum's 15th anniversary. Since 1973, the Queens Museum has been bringing arts, culture, and educational opportunities to the people of Queens County. Dennis Donnelly and Robert Weir have played a large role in the museum's success. I have known both of these men personally for many years, and I am pleased to bring their accomplishments to the attention of my colleagues.

Dennis Donnelly has been an active participant in the Queens community for many years. Besides being director of community relations at N.Y. Telephone, Dennis has found time to devote abundant energy toward many Queens civic organizations. In the past years he has served as chairman of the Queens Festival Committee, president of the Queens Economic Development Corp., and vice-chairman of the Flushing YMCA. He also has been active in the Flushing Rotary and the Flushing Boys Club.

Robert Weir also has been actively involved in community affairs for many years. Robert has served as chairman of the Congressional Committee of the Queens Chamber of Commerce, member of the board of directors for the Queens County Builders and Contractors Association, and has served on the board of directors for the Queens Museum. He also serves as president of the board of the Queens County Youth Development Corp., member of the board of Queensborough Community College fund, and a member of Friends of St. Mary's Hospital for Children. Robert also devotes time to Weir Realty, of which he is president.

Last year, both Dennis Donnelly and Robert Weir served as cochairmen of the dinner dance. This evening, these gentlemen are being honored by the Queens Museum for their overwhelming commitment to the arts in Queens and their continued support of the Queens Museum. Mr. Speaker, I am sure that all my colleagues would agree that this country needs more outstanding citizens like Bob Weir and Dennis Donnelly. I know that the families and many friends of both men are very proud of their accomplishments. I commend their hard work in the community and at the Queens Museum and wish them continued success.

MOUNT BETHEL ELEMENTARY COMMENDED

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. DARDEN. Mr. Speaker, I want to call to the attention of my colleagues the outstanding record of achievement built by the students, staff, and parents of Mount Bethel Elementary School in Cobb County, GA, during the first decade of that school's existence.

In these 10 years, Mount Bethel has become an example of how cooperation among those three basic elements of a school community can build an outstanding educational institution. The teachers and other staff members of Mount Bethel Elementary work with tireless dedication to provide quality educational opportunities for the students, who in turn devote a marvelous amount of energy to the learning process. The parents of the Mount Bethel community have been unwavering in their support for both their children and the teachers to whom they have entrusted the daily instruction of those children.

Mount Bethel has won numerous awards for excellence at the State and national levels.

I urge my colleagues to join me in commending the students, staff and parents of Mount Bethel Elementary School, including Dr. Robin Pennock, the school's principal. Together, they have built a strong education program at a school which truly is the heart of the community it serves.

AMNESTY PERIOD ENDS UNDER IMMIGRATION ACT

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. BONKER. Mr. Speaker, tomorrow marks the end of the 1-year period during which illegal aliens may seek amnesty under the Immigration Reform and Control Act. I remember back in 1986, when we debated the merits of this legislation, there was a good deal of skepticism and concern about the bill's amnesty provisions.

In approving the Immigration Reform and Control Act, the Congress had several goals: To regain control over America's borders by making it illegal for employers to hire workers who are not eligible to work in this country; to ensure that there are sufficient numbers of agricultural workers to pick perishable crops; and to legalize the status of the many illegal aliens who have resided in this country since January 1, 1982. I think we can safely say that this law has been successful on all three counts.

According to the Immigration and Naturalization Service, the number of people apprehended trying to enter this country illegally is down 30 percent. This decrease is in large part due to the fact that the word is out overseas that if U.S. employers flout the law and hire illegal aliens, they will be subjected to sanctions. Thus, Mr. Speaker, IRCA is having the desired deterrent effect.

Also, fears that the law would breed discrimination against people who look like foreigners, and that it would result in disastrous agricultural labor shortages have proved groundless.

Since last May, about 1.4 million illegal aliens have come forward to seek legalized status under IRCA's amnesty provisons. However, for several reasons, including administrative delay in processing applications, fear of the INS and inadequate public outreach efforts, many eligible aliens have not applied for amnesty.

Because implementation of the law's amnesty provisions did not go as we had hoped, this body 2 weeks ago voted to extend the amnesty deadline by 7 months. The legislation also would have appropriated $2 million for additional public outreach efforts to ensure that all of those who are eligible for amnesty could be aware that this once-in-a-lifetime opportunity is about to pass them by. Regrettably, however, the measure was not approved by our colleagues in the Senate.

Mr. Speaker, the Immigration Reform and Control Act's amnesty provision is a generous one, but I nonetheless feel that it is a great tragedy that through fear or ignorance, thousands of people will miss their opportunity to come out from the shadows and live and work in this country legally.

POLISH CONSTITUTION DAY

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I would like to commemorate Polish Constitution Day, a day which has come to represent the dedication to freedom of Poles worldwide.

During the late 1780's, while Russia was at war with Turkey, Poland's opportunity to adopt a new, reformed Constitution was at hand. In 1790, a Diet was formed and a plan for the new Constitution was drafted. At a meeting held on May 2, 1791, the new Constitution was read and met with great acclaim. The following day, the 3d of May, Poland's bloodless revolution came to an end when the Constitution was accepted by the king and his government.

Many of the provisions of the Constitution of 1791 resemble those found in our own Constitution. It allowed for religious freedom, secret ballot elections, and a legislature similar to those found in modern democracies. Above all, this new Constitution gave Poland hope for the future, a future of liberty and freedom from Russia's tyrannical rule.

Tragically, these dreams of the future were crushed less than 1 year later when Catherine the Great ordered an invasion of Poland. The Russians conquered Poland and divided the land among Prussia and itself, thereby abolishing the provisions of the May 3 Constitution.

Although the Communists continue to exploit and destroy the Polish culture, the Poles have refused to give up their fight for liberty and freedom. They have shown that they will not let their spirits be crushed, nor will they forget the May 3 Constitution.

It is spirit such as this which demands that we respect and support the people of Poland in their never ending quest for the cherished ideals embodied in the short-lived Constitution of 1791.

GET NORIEGA, NOT PANAMA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. EDWARDS of California. Mr. Speaker, the failure of President Reagan's recent attempt to force Panamanian General Manuel Noriega from power through economic sanctions demonstrates once again that the United States cannot single-handedly impose political change on Central America.

As my friend and former Ambassador to El Salvador and Paraguay, Robert White, states in a recent op-ed piece in the Christian Science Monitor, the United States must pursue policies that put pressure on General Noriega, not the Panamanian people. Only by working with the Panamanians can the United States play a constructive role in shaping the future of Panama. This kind of policy would not only help establish democracy in Panama, but would also improve the United States damaged reputation in Central America.

I am inserting Mr. White's piece in the RECORD, and I commend it to the attention of my colleagues as we continue our work on the issue of democracy in Panama.

[From the Christian Science Monitor, May 2, 1988]

GET NORIEGA, NOT PANAMA

(By Robert E. White)

Recent Foreign Relations Committee hearings run by Sen. John Kerry of Massachusetts showed drug dealing by its allies if they supported overthrowing the Sandinistas.

Perhaps most damaging was the testimony of Ambassador Frank McNeil, former deputy director of the State Department's Bureau of Intelligence and Research. He told how the Reagan administration in 1986 had compelling information on drug dealing by Gen. Manuel Noriega of Panama but decided to "put it on the shelf" until the contras ousted the Sandinistas. Washington has now decided that General Noriega, himself a Central Intelligence Agency asset for 20 years, must be ousted as chief of the Panamanian Defense Forces.

The Reagan administration appears to believe that Noriega will step down as a result of United States economic sanctions. Diplomatic historians will record the uniqueness of a policy that depends for its success on the cooperation of its target. Enemies of Noriega accuse him of many things. Qualities of renunciation and self-sacrifice are not among them.

It is vital to fight drug smugglers; it is also vital not to create chaos and despair inside a country of great strategic value to the U.S. Panama has a significant and dedicated Marxist movement ready to exploit the misery of the 50 percent of Panamanians who live in want. The major bulwark against the hopelessness that could lead to a leftist takeover is the traditionally vital private-enterprise sector. In direct consequence of U.S. economic sanctions, 40 percent of Panama's stores and businesses have gone bankrupt. Foreign banks have closed their doors. The majority of Panamanians are now without work. If this keeps up, Panama's economy will be destroyed along with the stability that acts as the best defense of the Panama Canal's integrity.

The most popular and respected leader in Panama today is Archbishop Marcos McGrath. While the fist of Noriega dominates Panama, the strong man himself rarely appears in public. The deposed president, Eric Delvalle, cowers in a safe house, afraid to show himself to the people whom Washington claims he governs. Arnulfo Arias Madrid, the elderly but still popular former President, waits in Miami to return in triumph after Noriega's overthrow. He may have a long wait.

On at least a dozen occasions, Assistant Secretary of State Elliott Abrams has predicted the imminent downfall of Noriega. It is hard to find a basis for these too frequent forecasts. US economic sanctions toward Panama do heavy damage to private enterprise and the working poor, yet leave Noriega essentially untouched. the Civic Crusade, which has led the strikes against Noriega, is pessimistic. In a confidential analysis, the opposition leaders concede that Noriega holds ultimate power: "If conditions become critical, popular support would go against the side that lacks weapons."

In an attempt to save a failing policy, the administration ratchets up tougher economic sanctions, sends in more US troops, and heightens the rhetoric. These measures not only make it harder to find an acceptable compromise, they violate the principle of nonintervention so important to Latin Americans.

White House chief of staff Howard Baker Jr. implied the need to rethink US policy when he noted that the sanctions hurt the people more than they do Noriega. US military occupation would buy the US endless trouble. It is time to send to Panama a high-level fact-finding team to evaluate the situation and make recommendations to the President; it should include a prestigious military officer familiar with Panama such as Gen. Wallace Nutting or Gen. Paul Gorman, former chiefs of the US Southern Command.

There are two overriding needs.

The administration should pledge to Panama its intent to abide by the letter and spirit of the Panama Canal treaties. Noriega speaks for all Panamanians and much of Latin America when he casts doubt on the intention of the US to turn over the canal defense to Panama in the year 2000, as the treaties provide.

Also, Noriega has pledged to resign before presidential elections in May 1989, but the nation cannot go without an elected leader for so long. Under the leadership of Archbishop McGrath, a consensus could well be reached to advance the elections to next fall. This could ensure Noriega's prompt departure, restore constitutional democracy, and give the US a face-saving rationale to end the economic and military intervention that is destroying both Panama and the US's reputation.

(Robert E. White, president of the International Center for Development Policy, served as ambassador to El Salvador and Paraguay under the Carter administration. He just returned from a trip to Panama.)

TRADE DEFICIT

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. FRENZEL. Mr. Speaker, the Commerce Department has recently reported that the trade deficit has narrowed by 23.2 percent over the past 6 years in constant-dollar terms. Exports have grown 27.2 percent in the last 18 months, creating many new jobs for U.S. workers.

In my judgement, determining the trade deficit in constant-dollar terms is a far better indicator of where we are vis-a-vis the deficit than the current system which overplays the impact of imports due to higher import prices caused by the decline in the dollar.

Another measure which would also appear to be a better indicator would be to measure imports in volume terms to determine whether imports have actually increased.

The trade bill includes language which requires the Census Bureau to examine the feasibility of reporting in volume terms. It also for the first time would require reporting in constant dollar as well as in real dollar terms.

I would urge my colleagues to examine the trade deficit from all perspectives, not just the current real dollar method of reporting.

ALOHA FLIGHT 243

HON. PATRICIA F. SAIKI

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mrs. SAIKI. Mr. Speaker, there have been few more gripping examples of professional skill and personal bravery than the saga of Aloha Airlines flight 243. This was the aircraft that last week lost nearly a third of its passenger cabin in-flight yet was brought to safety at Kahului Airport in Hawaii.

The skilled performances of Capt. Robert Schornstheimer and First Officer Mimi Tompkins kept the jet in the air. Their achievement is nothing short of miraculous. Had Captain Schornstheimer and his crew not reacted as professionally and as quickly as they did, flight 243 would truly have been a disaster.

The accident's single fatality was a member of that crew, flight attendant Clarabelle Ho Lansing. C.B., as she was better known, was one of Aloha's senior flight attendants. She loved flying and her enthusiasm for her profession was always evident to her fellow crew members and her passengers.

I know because I worked with C.B. when she joined the airline. I was a part-time flight attendant then working my way through college. Clarabelle was more than a colleague, she was a friend.

While the cause of the inflight accident is being investigated, there is no doubt about the courage and skill of Captain Schornstheimer, First Officer Tompkins, and the other members of the flight crew.

And there is no doubt in my mind that C.B. Lansing will be remembered for her dedication and commitment. She died doing what she loved the best.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. KOLBE. Mr. Speaker, due to a long standing commitment to observe flight operations on the carrier U.S.S. *Nimitz,* it was necessary for me to miss five rollcall votes yesterday. Had I been here, I would have voted as follows:

Rollcall No. 86, on agreeing to the Senate amendment to H.R. 1811, the atomic veterans compensation, "aye."

Rollcall No. 87, the Hunter amendment to the Foley amendment to H.R. 4264, the Department of Defense authorization for fiscal year 1989, "aye."

Rollcall No. 88, the Foley amendment to H.R. 4264, "no."

Rollcall No. 89, the Lowry amendment to H.R. 4264, "no."

Rollcall No. 90, the Markey amendment to H.R. 4264, "no."

ARIZONA-FLORIDA LAND EXCHANGE ACT

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. RHODES. Mr. Speaker, today, I am joining my colleagues in introducing the Arizona-Florida Land Exchange Act of 1988, which will provide for the disposition of lands in the city of Phoenix, known as the Phoenix Indian School property, in exchange for environmentally sensitive lands in Florida.

For the last few years, enrollment at the Phoenix Indian School has declined, and upkeep of the school by the Department of the Interior has been deferred. In response to these conditions, the Department has negotiated an exchange to further the national environmental interest by acquiring additional lands for the Big Cypress National Preserve, and wildlife refuges for the endangered black panther and the manatee. The legislation would confirm the negotiated agreement while protecting the Federal interest to get a fair price for the Phoenix lands.

The Phoenix Indian School lands are located in midtown Phoenix and are clearly an important Federal asset. Additionally, the property is located next to the Phoenix Veterans Medical Center. Phoenix city officials and other citizens have a genuine interest in how these lands are disposed of and how the new business partners will be integrated into the city life.

The bill specifically provides land to be transferred to the Veterans' Administration for the expansion of the Medical Center. Land would be reserved, at the option of the State of Arizona, for establishment of a State Veterans Nursing Home. Additionally, 20 acres would be transferred to the city of Phoenix to be dedicated for a city park. The rest of the land would be exchanged with the developer for the Florida lands and cash. The Florida lands have already been authorized for acquisition in the recently passed Big Cypress expansion legislation.

Finally, the cash component would be transferred to trust funds to be used for primarily educational purposes of the Arizona Indian tribes who have used the school in the past.

Mr. Speaker, this legislation provides national benefits, addresses the needs of the local Indian and non-Indian communities, and assists the Veterans' Administration in meeting future needs in the Phoenix area.

EPWORTH VILLAGE CELEBRATES 40TH ANNIVERSARY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. LEHMAN of Florida. Mr. Speaker, every person should have the opportunity to live his or her life with dignity, in a secure environment that meets their basic human needs. I would like to extend my warmest congratulations to Epworth Village for making this possible for thousands of south Floridians over the past 40 years.

Epworth Village is a 290-unit adult congregate living facility in our 17th Congressional District that is designed for independent retirees. It provides a full range of services and opportunities, and residents can choose to participate or not to participate in activities or live as actively or quietly as they like. Recently, a 120-bed skilled nursing facility was added to care for older persons no longer able to care for themselves.

As our "baby boom" population grows older, America will be confronted with difficult choices on how to care for an ever-increasing number of older citizens. Forty years from now, I expect Epworth Village will still be working to meet these needs.

JOANN WATTS NAMED 1988 ALABAMA TEACHER OF THE YEAR

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. ERDREICH. Mr. Speaker, the importance of providing our school-aged children with a solid education is an issue that has commanded center stage nationally, and it is with great pleasure that I take a few moments to tell my colleagues in the House about one teacher whose outstanding contributions to the teaching profession and young people in her charge have been rewarded with the highest honor that can be accorded an educator in the State of Alabama.

Joann Webber Watts, who teaches gifted children at Cahaba Heights Elementary School in Birmingham, AL, has been named the 1988 Alabama Teacher of the Year. She has been a teacher for 13 years, and has taught at Cahaba Heights for 6 years. The extent of her dedication to her vocation can be summed up in her opening paragraph on the Alabama Teacher of the Year application form: "I was born a teacher. From the time my younger sister was born, I was a teacher. Teaching was the natural thing for me to do. It was in my blood."

In her review of the events of her life that led her to the teaching profession, Mrs. Watts noted that she was inspired by teachers during her elementary and high school years who encouraged her with their compassion and ability to motivate and demand the best from their students. Clearly, she set and achieved the same goals for herself.

Focusing on the needs of special education and gifted children, Mrs. Watts has strived to include all students within the mainstream of school. She knows full well the importance of demanding not only the best of herself, but also her students, believing that "children will rise to our expectations. Learning is a self-fulfilled prophecy." Citing her motto, "If you think you can or if you think you can't, you are absolutely right," Mrs. Watts believes that all children are gifted in some socially valued way, and that it is the responsibility of teachers to unwrap "the gift" to reveal the talents that lie within each child. Noting that parents are children's "first and most important teachers," Mrs. Watts believes that teachers must work with parents to enhance self-confidence, encourage creativity and critical thinking and facilitate achievement. And she has worked to accomplish those goals by going the extra yard, continually seeking new and exciting ways to make learning fun and interesting.

Mrs. Watts has not limited her efforts and encouragement to her students, however. She also works to encourage teachers to identify and develop their own talents. Her enthusiasm, in fact, has been contagious, and has gone a long way toward uplifting the level of competence and achievement of all at Cahaba Heights, students, faculty, and staff alike.

Amazingly, but not surprisingly, Mrs. Watts is involved in many, many extracurricular activities at school. She serves as coach for the chess club, math team, future problem solving team, Olympics of the mind team, and scholars' bowl team. She is coeditor of the Cahaba Heights Community School Yearbook, chairman of the schoolwide spelling bee, and coauthor of many units developed at county and State level for gifted education. She has worked with the Alabama State Department of Education and a committee of gifted teachers from Jefferson County to write a curriculum guide for gifted programs in the State of Alabama. Mind you, this is only a partial list of her before—and after—school activities.

Her commitment to education and her students is clearly exemplified by the tremendous number of hours she has given to both. But somehow, she also finds the time to participate in community-based activities, including senior high youth counselor at Trinity United Methodist Church, classroom mother in Homewood and Gwinett County schools, Brownie Scout leader assistant, Cub Scout assistant den mother, Homewood Citizens Association, Sunday school teacher, Homewood Academic Boosters Club, American Heart Association, United Way Campaign, and University of Alabama at Birmingham National Alumni Society. And with all this, she also has another full-time and demanding job, that of wife and mother.

Joann Webber Watts' level of commitment to her community, her students, her profession, and her family is astounding, and sets a standard of excellence as teacher and citizen that few have reached, and to which all should aspire.

She is now a candidate for consideration as National Teacher of the Year, and it is doubtful that few others would be better qualified to serve as an ambassador to communicate to the public and teachers nationwide the importance of the teaching profession.

I have often noted the inextricable link between the quality of education being offered today, and the quality of life that will be led tomorrow. But I can sum it up no better than Joann Watts did when asked to consider today's public education issues:

> We must realize that it is the American dream that is at stake in the effectiveness of our schools. The opportunity to succeed must be held out to every youth all across these United States * * * We must broaden what we define as success and make it within the reach of each individual, each according to his own abilities, gifts, and talents. We cannot afford to waste even one mind. All children are a natural resource. We must not destroy our vision of liberty and justice for all.

PERSONAL EXPLANATION

HON. JAMES McCLURE CLARKE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. CLARKE. Mr. Speaker, on Friday, April 29, and Monday, May 2, 1988, I was absent for several votes. I would like to make clear my position on those measures considered by the House.

On the Trafficant amendment to H.R. 4264, the Defense Authorization Act, rollcall No. 82, I would have voted "nay."

On the Bryant amendment to the same bill, rollcall No. 83, I would have voted "nay."

On the Robinson amendment to the same bill, rollcall No. 84, I would have voted "nay."

On the McMillan amendment to the same bill, rollcall No. 85, I would have voted "yea."

On final passage of H.R. 1811, to provide certain benefits to veterans and survivors of veterans who participated in atmospheric nuclear tests or the occupation of Hiroshima and Nagasaki and who suffer from diseases that may be attributable to low levels of ionizing radiation, rollcall No. 86, I would have voted "yea."

On the Hunter amendment to H.R. 4264, the Defense Authorization Act, rollcall No. 87, I would have voted "yea."

On the Foley amendment to H.R. 4264, the Defense Authorization Act, rollcall No. 88, I would have voted "yea."

TRIBUTE TO LOUISE NEVELSON

HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. BRENNAN. Mr. Speaker, I rise today in tribute to Louise Nevelson, a daughter of Maine and the reigning queen of American sculpture until her recent death at the age 88.

Like myself, a child of parents who immigrated to Maine, Louise Nevelson's life spanned our century and her work summed up many of the forces and influences of the turbulent 20th century.

The Berliawsky family settled in Rockland, ME, in 1905 where Louise's father became proprietor of a successful lumber business and where his descendents still reside. Maine's brisk climate appears to have had a lasting effect on Louise Berliawsky's artistic bent. "I don't like cold weather," she said, "and I found the schools cold, so I selected art. I liked that room because it was so warm. * * * But it was only years later that I accepted the fact that I generated heat because I was so happy in that room."

Although her early exposure to wood was a lasting influence on her art, on her 1920 marriage to shipowner Charles Nevelson she moved from Maine to New York and was exposed to the swirling currents of the early 20th century art world.

Louise Nevelson deserves recognition not only for her impressive artistic accomplishments but also for her perseverance. Her first solo show was not until 1941 and she did not become widely known until her sixties. In 1969, she was awarded the MacDowell Colony Medal and in 1971 she received the Brandeis University Creative Award in Sculpture and the Skowhegan Medal for Sculpture.

Her work has been exhibited around the country and throughout the world. She exhibited regularly at the Pace Gallery in New York and in 1979 the city of New York dedicated Louise Nevelson Plaza in her honor. Her life and work provide abundant proof that creativity and accomplishment are not unique to youth and her entire life gave witness to her belief that "If you don't live up to your greatest potential, then you are cheating God."

THE SEARLE CO.'S PATIENT-IN-NEED PROGRAM

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. FROST. Mr. Speaker, the G.D. Searle & Co. has initiated a program where they are making available without cost life-saving cardiovascular disease medication for patients who would otherwise be unable to afford it.

Searle's Patient-in-Need Program is an innovative approach to the problem of providing health care to our Nation's low-income citizens. It demonstrates a genuine commitment to the less fortunate in our society. I'm pleased to lend my support to this effort, and hope others will follow Searle's lead in searching for creative solutions to the growing crisis of indigent health care.

Both the Dallas Times Herald and the Dallas Morning News recently reported on the program's introduction in the Dallas area. I urge my colleagues to read these articles and learn more about this important program.

[From the Dallas Morning News, Apr. 7, 1988]

COMPANY TO GIVE HEART DRUGS TO NEEDY DALLAS-AREA PATIENTS

(By Thomas J. Meyer)

A major drug manufacturer on Wednesday launched a program to provide hundreds of thousands of dollars in free prescription heart drugs to needy Dallas-area patients.

G.D. Searle & Co. officials said the effort is part of a nationwide program to provide seven drugs to patients who cannot afford the medication but are not covered by Medicare or other government programs.

Searle kicked off the program by distributing $1 million in drug coupons nationally to doctors, hospitals and clinics—including $100,000 to Parkland Memorial Hospital. The program is the first of its kind by a drug company. Parkland and drug company officials said.

"There are thousands of people who fall through the cracks of our public and private health-care system," said Johnny Lee, Searle's regional sales manager. "These are the people who will be served by this program."

The coupons will be available through Parkland as well as any private physician, hospital or clinic, Lee said.

"We've put no monetary limit or time limit on this program," he said.

Parkland received coupons for one Searle medication, a treatment for high blood pressure, as part of a pilot program last fall. Based on the success of that program, the company decided to expand the effort to include drugs that treat angina, congestive heart failure and arrhythmias, or irregular heart rhythm, officials said.

Lee estimated that Parkland alone will dispense about 72,000 doses of the company's heart drugs, and that nearly 95 percent of those will go to patients who qualify for the program.

The drugs available through the program are Calan and Calan SR, for angina and hypertension, Nitrodisc, for angina. Aldactone for fluid retention caused by congestive heart failure. Aldactazide, for congestive heart failure and high blood pressure, and Norpace and Norpace CR, for irregular heart beat.

Paul Hass, chairman of Parkland's Board of Overseers, said he hoped other drug companies would follow Searle's example, adding that the program would help ease the burden on Dallas County taxpayers.

The coupons will be distributed through individual physicians to any patient who demonstrates a financial need. Lee said it would be up to the physician to determine whether a patient qualifies for the program.

[From the Dallas Times Herald, Apr. 10, 1988]

HEART MEDICATION FOR INDIGENT

One of the nation's leading pharmaceutical companies, G.D. Searle & Co. of Chicago, has announced a remarkable program to help the indigent obtain heart drugs: Searle will give them away.

Last year, the company began giving away drugs for treatment of high blood pressure and angina. Now Searle is adding five more drugs to the free list. They are used to treat abnormal heart rhythm, congestive heart failure and other circulatory problems.

The company deserves congratulations for its generosity, and other drug manufacturers should follow its lead. It is outrageous that Americans die from treatable heart conditions simply because they cannot afford medicine.

Searle said it was taking the unusual step of giving its products away because an estimated 37 million Americans, including 4.8 million over the age of 45, have no health insurance. Skyrocketing health-care costs have priced many low-income citizens out of the market.

Importantly, the company says the drugs will be available for as long as a patient needs them, which is remarkable because treatment for high blood pressure and many heart problems is lifelong.

That's quite a commitment.

Who qualifies for the free drugs? That is being left in the hands of doctors. To determine eligibility, a physician must establish that a patient needs one of the drugs and cannot receive it free or under private or government insurance programs. While Searle recommended income guidelines, the selection process is up to doctors.

The American Medical Association said it "is certainly pleased to see a major pharmaceutical firm taking steps to make important drugs available free of charge to patients who could not otherwise afford them, and is also pleased that physicians are rightly being made a key part of the process."

We agree. Every American deserves adequate health care, and Searle's generosity is helping to make that possible.

NEW REQUIREMENTS FOR FOREIGN FISHING PERMITS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. BONKER. Mr. Speaker, I rise to introduce legislation to impose additional requirements on foreign fishing vessels desiring to fish and process fish within our Nation's 200-mile Exclusive Economic Zone [EEZ].

American fishermen and the U.S. Coast Guard have long been concerned that foreign fishermen may be harvesting fish illegally within our Nation's waters. Statistics recently released by the National Oceanic and Atmospheric Administration [NOAA] should heighten our concerns about the extent of illegal foreign fishing in U.S. waters and the potential impact that this fishing could be having on our fishery resources.

In 1980, 15,000 metric tons of fish were harvested by foreign fishermen in an area of international waters between the fishery management zones of the United States and the U.S.S.R. in the Bering Sea known as the "donut hole." In 1986, this figure increased dramatically to 993,000 metric tons. The lack of fishery resources in the deep waters of the "donut hole" coupled with a gradual and complete phaseout of foreign fishing in U.S. waters directed by the Magnuson Fishery Conservation and Management Act (Magnuson Act) suggests that a large volume of our fishery resources adjacent to the "donut hole" are taken illegally.

It should, therefore, not surprise us that on January 13 of this year, seven Japanese trawlers were videotaped by representatives of the fishing industry fishing without permits in the Bering Sea EEZ, 35 miles inside our 200-mile zone. The owners of the fishing vessels were fined a total of $200,000 and in the future will be unable to obtain permits to fish in U.S. waters.

What is particularly disturbing about this incident, Mr. Speaker, is that it is increasingly apparent that while the United States has claimed the right to conserve and manage our fishery resources under the Magnuson Act, we are unable to enforce this right. In order to prosecute an illegal fishing violation, our laws require that enforcement officials must catch the fishermen in the act of harvesting fish. This becomes an impossible task when the Coast Guard is looking for violators with their nets in the water in an area as vast as the Bering Sea. Recent reductions in the Coast Guard budget make it approach even less realistic.

I applaud and support the efforts of the Departments of Commerce and State and the interagency task force that these Departments have established to work on the problem of illegal fishing in the Bering Sea. I believe that joint management between United States and the Soviet Union of the fishery resources in the "donut hole" area may help us to control illegal fishing in the future. It is my experience that these agreements take time and are often delayed by other concerns between countries unrelated to the goals of a future fishery agreement.

I also support the efforts of my colleagues, Representative MILLER and Senator ADAMS, who recently introduced legislation that would require foreign fishing vessels to carry position-fixing devices known as transponders while operating within our Nation's EEZ. These tracking devices would surely help the Coast Guard and the National Marine Fisheries Service monitor the activities of foreign vessels that occur within our zone.

In the short term, I believe that we need to strengthen our domestic remedies. Today, I am joined by my colleagues, Congressman JOHN MILLER and Congressman MIKE LOWRY, in introducing legislation that will give our enforcement officials the tools that they need to effectively patrol the Bering Sea. I believe that this bill is a simple approach that will greatly enhance our efforts to put a stop to illegal foreign fishing in the proximity of the "donut hole."

Briefly, our legislation would require all foreign fishing vessels with permits to stow their fishing gear below decks while transiting the U.S. EEZ. A similar provision exists in Canadian law requiring U.S. fishermen to stow their fishing gear while transiting Canadian waters. This new requirement would give the Coast Guard a better understanding of the intentions of a foreign fishing vessel while in our waters and legitimate reasons to investigate those foreign fishing vessels that appear to be "set up" to harvest fish.

In addition, the Secretary of State would be required to negotiate with foreign governments who have entered into a governing international fishery agreement [GIFA] to make the fishing gear stowage requirement part of the existing bilateral agreement. This requirement would be applied to all fishing vessels that originate from the GIFA nation. Furthermore, the legislation specifies that all foreign fishing vessels must radio the Coast Guard before entering or leaving the EEZ to identify the vessel and its contents. If these nations refuse to comply with such requirements, their fisheries imports to this country could be reduced and their fishing fees increased.

The bill would establish a Fishery Enforcement Fund within the Department of the Treasury. All fines collected under the authority of the Magnuson Act for foreign fishing violations would be placed in the fund to offset the Coast Guard costs for fisheries patrols and enforcement in the Bering Sea.

Mr. Speaker, this is a simple and effective approach to the problem of illegal foreign fishing in the Bering Sea. The bill is not a silver bullet, but it will make life much more difficult for foreign fishermen intent on stealing our Nation's fishery resources.

H.R. 4512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. ADDITIONAL REQUIREMENTS IN FOREIGN FISHING VESSEL PERMITS.

(a) Permit Requirements.—Paragraph (7) of section 204(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(b)(7)) is amended—

(1) by redesignating subparagraph (F) as subparagraph (G); and

(2) by inserting after subparagraph (E) the following:

"(F) The requirement that the master or other person in charge of the fishing vessel shall ensure that during all times while the vessel is in an area of the exclusive economic zone in which the vessel is not authorized to engage in fishing all fishing gear on board the vessel is stored below deck or otherwise removed from the place where it is normally used for fishing and placed where it is not readily available for fishing.".

(b) Civil Penalty.—Subsection (a) of section 308 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1858(b)) is amended—

(1) by inserting "(1)" before the first sentence;

(2) by striking the second sentence; and

(3) by adding at the end the following:

"(2)(A) Except as provided in subparagraph (B), the amount of a civil penalty under this subsection shall not exceed $25,000 for each violation.

"(B) The amount of a civil penalty under this subsection for a violation of the permit requirement set forth in section 204(b)(7)(F)—

"(i) shall not exceed $50,000 for the first such violation; and

"(ii) shall not exceed $100,000 for each such violation thereafter.".

SEC. 2. FISHERY ENFORCEMENT FUND.

(a) Establishment.—Title IV of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) is amended by inserting before section 402 the following:

"SEC. 401. FISHERY ENFORCEMENT FUND.

"(a) Establishment.—There is established within the Treasury a fund to be known as the 'Fishery Enforcement Fund' (hereinafter in this section referred to as the 'Fund').

"(b) Contents.—The Fund shall consist of amounts deposited into the Fund pursuant to this section.

"(c) Use.—Amounts in the fund shall be available to the Coast Guard, subject to appropriations, for carrying out enforcement of this Act, and shall be in addition to amounts otherwise available for carrying out such enforcement.

"(d) Deposits Into Fund.—The Secretary of the Treasury shall deposit into the Fund all amounts received by the United States as a result of enforcement of this Act, including such amounts in the form of—

"(1) civil penalties and fines under this Act; and

"(2) proceeds of property forfeited to the United States pursuant to this Act.".

(b) Conforming Amendment.—The table of contents of the Magnuson Fishery Conservation and Management Act is amended by inserting before the item relating to section 402 the following:

Sec. 401. Fishery Enforcement Fund.".

SEC. 3. NEGOTIATIONS TO AMEND EXISTING INTERNATIONAL FISHERY AGREEMENTS.

(a) Negotiations To Amend Agreements.—

(1) In general.—The Secretary of State shall immediately enter into negotiations with each GIFA nation for the purpose of amending the governing international fishery agreement entered into by the United States with that nation so as to apply to all fishing vessels of that nation which operate in the exclusive economic zone—

(A) the requirements of section 611.4 of title 50, Code of Federal Regulations; and

(B) the requirements of section 204(b)(7)(F) (16 U.S.C. 1824(b)(7)(F)) of the Magnuson Fishery Conservation and Management Act (as amended by this Act).

(2) Certification.—If a GIFA nation has not agreed to amend its governing international fishery agreement for the purpose described in paragraph (1) before the date which is 6 months after the date of the enactment of this Act, the Secretary of State shall certify such fact to the President and to the Secretary of Commerce.

(b) Increased Foreign Fishing Fees.—

(1) In general.—Not later than 30 days after receiving such certification, the Secretary of Commerce shall issue a schedule of increased fees under section 204(b)(10) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(b)(4)), for GIFA nations certified by the Secretary of State under subsection (a)(2) of this section.

(2) Effective date of increased fees.—A schedule of increased fees issued under this subsection shall take effect 30 days after the date of the issuance of such schedule.

(c) Certification for Purposes of Fishermen's Protective Act of 1967.—Certification of a country by the Secretary of State under this section is deemed to be certification of that country for purposes of section 8(a) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)).

(d) Definitions.—For purposes of this section—

(1) GIFA nation.—The term "GIFA nation" means a foreign nation with which there is in effect a governing international fishery agreement.

(2) Governing international fishery agreement.—The term "governing international fishery agreement" means an agreement which is a governing international fishery agreement for purposes of title II of the Magnuson Fishery Conservation and Management Act.

(3) Exclusive economic zone; fishing vessel.—The terms "exclusive economic zone" and "fishing vessel" have the meanings such terms have in section 3 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802).

PHIL ROTELLA'S QUARTER CENTURY OF SERVICE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. GILMAN. Mr. Speaker, I wish to call to the attention of our colleagues a milestone that is about to be reached in Rockland County, NY.

Most residents of the mid-Hudson region of New York State are familiar with the legendary Philip J. Rotella, Sr., who has served as an outstanding town supervisor in the town of Haverstraw, NY. Now that Phil is approaching the 25th anniversary of his first election as town supervisor, the time is appropriate to review the career of this amazing man, whose dedication to public service should be an inspiration to all of us.

Phil Rotella was born in the town of Haverstraw during the dawning decades of the 20th century. Phil has continuously lived in the town of Haverstraw all his life, and in fact has lived in his house at 30 Hewitt Street since 1939. Phil was 1 of 10 children born of Italian immigrants, who came to our shores during the great wave of immigration that brought so much talent to our Nation. As 1 of 10 children, Phil learned early the value of teamwork and cooperation.

Phil married Celmentine Felice in 1931. Their happy marriage produced four children: Jack; Caroline; Philip, Jr.; and Diane. Phil and Celmentine had 13 grandchildren and two great-grandchildren. Celmentine's passing in 1981, after 50 years of happy marriage, saddened all who had the pleasure of knowing this fine family.

Phil was educated in the public school system of Haverstraw. Like many of his generation, Phil sprang to his country's defense in World War II, enlisting in the Navy and serving with distinction overseas.

Soon after returning from the battlefield, Phil—who had been serving as general manager of the Elastic Craft Corp., in Haverstraw—entered public service. He was elected a village trustee in the village of west Haverstraw in 1946. He earned such renown due to his hard work and dedication in that position that he was soon elected town justice for the entire town in 1947, a position to which he was reelected seven times. While serving as town justice he simultaneously served as acting police justice for the village of west Haverstraw.

In 1963, Phil Rotella was elected to the first of many terms as town supervisor. His management skills, his leadership abilities, and his political conviction have ensured his reelection to 12 successive 2-year terms. As supervisor, Phil Rotella has become a living legend for the people of our region. His accomplishments are too numerous to list here. Supervisor Rotella's administration has attracted new industry to Haverstraw; has developed a comprehensive park system, including a new marina and golf course; has established a new sewer program which included the replacement of dilapidated old lines; has overseen the construction of a new town hall, a new police station, a new courthouse, and new senior citizens housing. Phil Rotella helped establish senior citizens and youth summer recreation programs, new street lighting and fire hydrant districts, has improved the town water supply system, and has initiated new public works throughout the town, including new sidewalks and the replacement of deteriorating bridges.

Mr. Chairman, although our colleagues may well be impressed by this partial list of accomplishments, it should be pointed out that all of this has been accomplished with no increase in town taxes during the past 14 years. Perhaps Phil Rotella should come to Washington to show some of our colleagues downtown how to balance a budget.

While doing so much for the town, Phil has remained active in many other spheres of interest. He has served as a county legislator representing Haverstraw ever since the legislature was first established in the 1960's. In this position, Phil has always defended the interests of his beloved home town. And, in 1968, 1976 and again in 1984, Phil served as a delegate to the Democratic National Conventions.

Phil remains active as a member of Volunteer Hose Company No. 3; a member of the Italian-American Social Club; the Knights of Columbus; the American Legion; the Haverstraw Lions; Haverstraw Elks BPOE 877; and is past president of the Haverstraw Little League. Phil is past president and member of the Rockland County Magistrates Association.

In June 1983, Phil married the lovely Marilyn Lemenberg, a native of the town of Ramapo. Phil and Marilyn, along with all four of Phil's children, remain residents of the town of Haverstraw.

On May 15, Phil Rotella's friends and loved ones from all over the world will be coming together to celebrate his 25th anniversary as town supervisor. This amazing man has made many friends along the way, and his popularity remains the envy of us all.

Mr. Speaker, I invite all of our colleagues to join in saluting the amazng Phil Rotella as he rounds out a quarter century as town supervisor of Haverstraw, NY.

IN HONOR OF HENRY A. FIFIELD, HOLYOKE'S BUSINESSPERSON OF THE YEAR

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. CONTE. Mr. Speaker, I rise today to congratulate and pay tribute to Henry A. Fifield who recently has been named as the recipient of the Holyoke, MA Greater Chamber of Commerce's Businessperson of the Year Award.

This award is conferred upon those individuals who have contributed their time and effort to the city of Holyoke and who have made a substantial difference in the success of many local organizations. Over the years, Hank has worked tirelessly for the city, whether it be as vice chairman of the Ampad Corp., as chairman of the board of the Greater Holyoke Chamber of Commerce, as director of Greater Holyoke Inc, or as a member of the Mayor's Industrial Development Advisory Committee.

But, Mr. Speaker, Hank's achievements have not just been limited to the success of local businesses. As a senior board member of the Holyoke Boys Club, a trustee of the Second Congregational Church, a director of the YMCA and, most importantly, as the father of three beautiful daughters, Hank has dedicated his entire life to the city of Holyoke and its citizens.

I have had the honor and the privilege of knowing Hank and his lovely family for many, many years. Holyoke has endured a great deal of economic turmoil over the last several decades. It has not been easy. But I know one thing for sure—the troubled times would have been considerably more difficult to endure had it not been for Hank and so many others in the Holyoke Chamber of Commerce. Their dedication to and love for their community have been a source of inspiration and pride for me.

Unfortunately, Mr. Speaker, I will be unable to personally attend the dinner and the ceremonies because of previous commitments. But my best wishes for a successful evening go out to Hank, his beautiful wife Marti, his children and the scores of family and friends who will be at the Wherehouse in Holyoke, MA. This is a rich honor, but no one deserves it more than Hank Fifield.

PERSONAL EXPLANATION FOR H.R. 1811, ATOMIC VETERANS COMPENSATION ACT OF 1987

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. FIELDS. Mr. Speaker, I was unavoidably detained earlier this week and was unable to vote on House Resolution 1811, the Atomic Veterans Compensation Act of 1987. Had I been here, I would have voted for H.R. 1811.

Scientists have long recognized the direct relationship between high level exposure to ionizing radiation and the subsequent occurrence of certain forms of cancers in humans. The time has come to relieve the nearly four decades of suffering endured by veterans exposed to ionizing radiation. H.R. 1811 is modest compensation to those veterans who have served our country both honorably and faithfully.

STATEMENT IN SUPPORT OF H.R. 3719, TARGETED JOBS TAX CREDIT

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. LUJAN. Mr. Speaker, unemployment and welfare dependency often go hand in hand. While it is said that our tax system should not be used to bring about social change, I believe there are always exceptions. In this case, I refer to H.R. 3719, to extend the Targeted Jobs Tax Credit [TJTC] Program.

Set to expire at the end of 1988, TJTC has meant jobs and independence for many folks who were trapped in the web of public assistance programs. It is the logical final step in the process that trains our unemployed and underprivileged. While education for education's sake has never hurt anyone, I don't think we can afford to use limited Federal and State resources to pay for job-related training if there is no job available at the completion of training. Programs like the Targeted Jobs Tax Credit helps provide placement for these new workers.

Employers in New Mexico tell me success stories about workers they have hired through this special incentive program. They describe employees who have been promoted through the ranks of these companies to responsible positions, from the entry level jobs they might not have gotten without the TJTC Program. The end result is folks who want a chance to show they can work are given that critical opportunity, and employers are given a break, simply for hiring someone who can do the job. Everybody wins.

For these reasons, the Targeted Jobs Tax Credit Program makes good sense. I support this program, and I will work to see this important 3-year extension become law.

THE 126TH ANNIVERSARY OF CINCO DE MAYO

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. LAGOMARSINO. Mr. Speaker, I rise today to call the attention of my colleagues to the historic significance of May 5 or Cinco de Mayo. This day holds great meaning for our Hispanic friends on both sides of the border. It marks the anniversary of the 1862 victory of Mexican forces against the French forces trying to subjugate their nation.

This defeat of the French at Pueblo, Mexico, is comparable to the surrender of Cornwallis at Yorktown—both momentous occasions where principles of freedom, justice, and equality were victorious.

In celebrating this occasion, I would like to bring to your attention the great strides made by Hispanics in my community, in particular the achievements in the field of health care, the Clinicas del Camino Real and the Guadalupe Clinic. In the area of providing housing for farmworkers the Cabrillo Economic Development Corp. is doing great work. El Concilio del Condado de Ventura provides information on social, cultural, and educational matters as does Casa del Mexicano of Santa Paula and Casa de la Raza in Santa Barbara and El Pueblo Unido of Santa Maria.

Achievements in the field of business have come from the Mexican-American Chambers of Commerce of Oxnard, Santa Paula, and Santa Barbara.

Future Leaders of America assist Hispanic youth to become more involved in their schools and community and the Community Services Organization is doing much in providing care and educational information to the elderly Hispanic community.

These accomplishments are all paving the way for increased Hispanic involvement in all areas of our American way of life.

Today I join all Americans in saluting and congratulating our Hispanic friends south of the border and here in our own country on this 126th anniversary of Cinco de Mayo and in pledging our countinuing commitment to freedom, justice, and to cooperation and mutual respect for strengthening the ties that bind our two nations so closely together.

SOMERS CELEBRATES ITS BICENTENNIAL

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. FISH. Mr. Speaker, it is with great pride that I rise to salute the town of Somers, in Westchester County, in my home district of New York, which is celebrating its 200th anniversary.

The town of Somers was originally part of the Manor of Stephanus Van Cortlandt. The New York State Legislature created the town on March 7, 1788, and named it the "Town of Stephen." In 1808 the name was changed to Somers in honor of Capt. Richard Somers, a naval hero in the war with Tripolitan pirates.

The town showed its serious side when in 1809 it saw publication of the Somers Museum, the first newspaper in Westchester County. But the town also had a fun-loving side, as brought out by a local farmer, Hachaliah Bailey, whom P.T. Barnum later called the father of the American circus. Bailey put on a traveling show featuring his elephant, Old Bet. Other farmers also imported exotic animals to show.

The Elephant Hotel and a wooden statue of Old Bet, both of which Bailey built in the 1820's, are now listed in the National Registry of Historic Places. The hotel has served as the seat of town government since 1927.

Somers continues to grow. In this decade, Pepsico and IBM have located offices in the town.

Mr. Speaker, I am grateful for the Somers Bicentennial Committee and its cochairpersons, Don Penzine and Doris Jane Smith, for the activities they have planned.

On March 7 of this year, town residents celebrated the 200th anniversary with a wine and cheese party. A grand ball, which I am looking forward to attending, will be held this Saturday. And my father and I are also looking forward to the town's July 4 parade, in which we will be grand marshals. The parade, incidentally, will include an elephant.

PERSONAL EXPLANATION

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. FIELDS. Mr. Speaker, yesterday was a special day for me. Yesterday was a special day because yesteday a man I greatly honor and respect was named "Businessman of Year" for Humble, TX by the North Harris County College. That man is my father, Jack Fields, Sr.

It was a privilege for me to personally see my father receive this distinguished award. However, as a result, I missed rollcall votes Nos. 86, 91, 92, and 93. Had I been here, I would have voted for the Atomic Veterans Compensation Act to compensate veterans exposed to ionizing radiation, against the Boxer amendment to the DOD authorization bill, for the Kyl amendment to the DOD authorization bill and against the Murphy amendment to the DOD authorization bill.

TRYING TO DIMINISH THE PRESIDENCY

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1988

Mr. LIVINGSTON. Mr. Speaker, as an understandable but misguided response to the Iran-Contra affair, the Members of the House will soon be faced with deciding upon legislation which mandates that the President give notice, within 48 hours, to the House and Senate Intelligence Committees of any covert action that he authorizes. As a member of the House Intelligence Committee, I feel that this legislation is both unnecessary and potentially dangerous.

President Carter rejected a similar restriction during his tenure, and I feel certain that any future President, of either party, would find it unworkable. The President already informs the appropriate Members of Congress of nearly all of his covert action decisions, but in order to assure the cooperation of our allies and to protect the lives of our covert operatives, he needs to have the flexibility to keep a very small number of operations confidential until they have the necessary time to play out. Requiring notice within 48 hours is an arbitrary number that has no relevance to the real world of covert operations.

It is a mistake to strike back at the executive branch for the admitted mistakes made in the Iran-Contra Affair through legislation that has the potential of irreparably harming our ability to engage the cooperation of our allies in necessary covert operations. Both the executive and legislative branches have been the source of leaks in the past, and probably will be in the future. The possibility of leaks is what terrifies our allies, and legislation that mandates a specific timeframe in which the circle of those in the know must be expanded will lessen their willingness to work with us on covert operations.

The fear of leaks is not just a theory. Intelligence experts repeatedly testified in our committee hearings that operations such as the Canadian Embassy escape, where six Americans were spirited out of Iran after hiding in the Ambassador's residence in Tehran, would not have been possible if the 48-hour requirement had been in effect.

Mr. Speaker, I urge each of my colleagues to think about this matter very carefully before making a decision. With that in mind, I commend the following article by Cord Meyer, which appeared in the April 22, 1988, edition of the Washington Times:

TRYING TO DIMINISH THE PRESIDENCY

In a well-intentioned effort to prevent a recurrence of the Iran-Contra debacle, the U.S. Senate has already passed, 71-19, restrictive legislation to limit the president's authority to undertake any type of covert action.

After hearings held in March, the Democratic leadership is counting on enough votes in the House to ensure the two-thirds majority needed to override the inevitable presidential veto.

The frightening sophistication of the Kuwaiti hijacking and the newly discovered evidence of Japanese Red Army terrorism combine to play into the hands of the Republican minority and of the moderate Democrats, who warn that this is not the time to tie the president's hands in a way that is certainly imprudent and probably unconstitutional.

The basic issue between the Democratic congressional majority and President Ronald Reagan is whether the president must report within 48 hours to the House and Senate Intelligence committees any covert activity he authorizes the CIA to carry out.

Mr. Reagan is determined to try to retain his current authority under the 1980 oversight legislation to delay reporting to Congress in extreme situations when lives or vital national security interests are at stake. In these circumstances, Mr. Reagan wants to continue to use the escape clause in the 1980 law that allows him to notify Congress "in a timely fashion."

The Democratic leadership proposes to remove the permissive ambiguity of this language because of its abuse by the administration in the Iran-Contra affair. Democrats correctly point out that Mr. Reagan delayed 10 months before being compelled to notify the Congress and they demand strict adherence to a 48-hour rule as the only way to prevent another disastrous misuse of executive authority.

In reply, Reagan officials maintain that they have taken to heart the bitter lessons of the Iran-Contra affair, and they have in fact introduced far-reaching reforms in their handling of covert activities. A revised National Security Decision Directive spells out the rigid rules that prevent retroactive authorization, and an NSC review is now required every 10 days of any decision to delay notification.

In House hearings that received scant press coverage, former high-ranking national security and intelligence officials from both Democratic and Republican administrations spelled out their nearly unanimous opposition to holding the president to a rigid 48-hour deadline.

Secretary of Defense Frank Carlucci, who served as deputy director of Central Intelligence under President Jimmy Carter, provided the most compelling specific example of the folly of trying to impose a 48-hour deadline on a president trying to cope with the complexity of the real world.

Mr. Carlucci recounted how six Americans escaped to the residence of the Canadian ambassador in Tehran in 1980 and sought refuge there during the hostage crisis. Fearing a leak in Washington that would endanger their own diplomatic personnel, the Canadian authorities demanded as a condition of their willingness to cooperate in the secret exfiltration of these Americans an assurance that there be no notification of Congress.

Exercising his discretionary authority, President Carter withheld the information from Congress until the six Americans were safely at home and there were few legislators who later rose to criticize him. Under the proposed 48-hour rule, the president would have been forced either to allow the Americans to remain in captivity or to break the law with a claim that it was unconstitutional.

As this Canadian case demonstrates, the root of the problem with the 48-hour notification requirement is the fact that many friendly foreign governments and intelligence services have come to the conclusion that the U.S. congressional committees cannot keep secrets.

As one of the U.S. intelligence chiefs declared recently, "There is hard evidence of foreign intelligence services expressing extreme concern about the extent of reporting to the Hill, and some operations have had to be canceled."

In an ever more dangerous world, where increasingly sophisticated terrorism across national borders requires closer intelligence cooperation between the United States and its allies, the 48-hour rule, if passed, will predictably be a major obstacle.

In addition, the rigid notification requirement constitutes one more unnecessary congressional restriction on presidential authority. President Reagan has announced his determination to veto it, and Vice President George Bush, as a candidate is equally opposed to it.

Where do the Democratic candidates stand on this legislation which threatens to diminish the power of the office they aspire to occupy? It is time we heard from them.

HOUSE OF REPRESENTATIVES—*Wednesday, May 4, 1988*

The House met at 11 a.m.

Rabbi Seymour Rosenbloom, Congregation Adath Jeshurun, Elkins Park, PA, offered the following prayer:

Almighty God, in whose image each human being is created, and before whom individuals and nations stand accountable for their deeds, we give thanks for the innumerable "kindnesses which countless times Thou hast showered upon our ancestors and upon ourselves," among them most especially, the privilege of being an American.

Gathered in this Chamber, we ask Thy guidance for the Members of the House of Representatives, chosen by the people to protect through the rule of law the inalienable rights of "life, liberty, and the pursuit of happiness" with which Thou hast endowed each one of us.

Through their deliberations, may we continue to build a society in which the words of the Prophet will find their continuing fulfillment, a society in which "justice [shall] well up as waters, and righteousness as a mighty stream." Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. **BLAZ**. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The **SPEAKER**. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **BLAZ**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 259, nays 136, not voting 36, as follows:

[Roll No. 97]

YEAS—259

Ackerman
Akaka
Alexander
Andrews
Annunzio
Anthony
Applegate
Archer
Atkins
AuCoin
Barnard
Bartlett
Bateman
Bates
Bennett
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chapman
Clarke
Clement
Coelho
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Gradison
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
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Johnson (CT)
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Lancaster
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Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
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McCurdy
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Miller (CA)
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Mineta
Moakley
Mollohan
Montgomery
Morrison (CT)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
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Rowland (GA)
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Schulze
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
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Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stratton
Studds
Sweeney
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Valentine
Vento
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Walgren
Watkins
Waxman
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Aspin
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Buechner
Bunning
Burton
Chandler
Cheney
Clay
Coats
Coble
Coleman (MO)
Coughlin
Courter
Craig
Crane
Dannemeyer
Davis (IL)
DeLay
DeWine
Dickinson
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Dreier
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Emerson
Fawell
Fields
Frenzel
Gallegly
Gallo
Gekas
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Goodling
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Kemp
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McCloskey
Mica
Miller (OH)
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Owens (NY)
Ray
Schumer
St Germain
Stokes
Udall
Williams
Wilson
Wolpe

□ 1124

So the Journal was approved.

The result of the vote was announced as recorded.

WELCOME TO RABBI SEYMOUR ROSENBLOOM

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **COUGHLIN**. Mr. Speaker, it is truly an honor to welcome to the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

House of Representatives today Rabbi Seymour Rosenbloom of Congregation Adath Jeshurun in Elkins Park, PA, which is in the Commonwealth's 13th Congressional District.

Rabbi Rosenbloom attended the University of Rochester and the Jewish Theological Seminary of America. He, his wife Beth, and their three sons are residents of Elkins Park.

Later this year, Rabbi Rosenbloom will observe the 10th anniversary of his leadership at Adath Jeshurun. During his tenure there Rabbi Rosenbloom has distinguished himself in his service to "A.J." and to the community at large. His congregation, which was founded over 130 years ago and now includes some 1,200 families, will be celebrating the 10th anniversary of his spiritual guidance later this year.

Mr. Speaker, this is a particularly special time for Rabbi Rosenbloom to address the House. First, several dozen members of the congregation are here today to observe the Congress in action and to discuss with Members of Congress the current plight of Soviet Jewry. I know they feel a great sense of pride in seeing their rabbi before the House today.

In addition, Rabbi Rosenbloom has just returned from a trip to the Soviet Union, where he, Adath Jeshurun President Arnold Hoffman, and their wives spent 10 days. This group traveled to Leningrad and Moscow and met with a number of refuseniks, including A.J. adoptees Yuli Kosharovsky and Julian Khassin and their families. They saw firsthand the tragedy that befalls those in the Soviet Union who wish to worship freely, study their history and traditions, and pursue their rights to emigrate freely.

I make reference to the rabbi's visit because today, by contrast, he stands before one of the greatest institutions that democracy has ever known. The differences between his environment last week and the one in which he finds himself today could hardly be more dramatic. In one, free speech is suppressed, free worship is a farce, and basic rights are meted out arbitrarily by the State. In the other, symbolized most profoundly by this very Chamber, the free exchange of ideas is not only allowed, but encouraged. All are free to travel or worship as they see fit.

Mr. Speaker, we are grateful for the spirituality, the wisdom, and the moral leadership that Rabbi Rosenbloom shares with us today. As his words echo in this Chamber, let us remember also that there are indeed many who are not so fortunate, who long to express themselves freely and whose basic rights are not secured.

□ 1125

PERMISSION FOR SUBCOMMITTEE ON CRIMINAL JUSTICE OF COMMITTEE ON JUDICIARY TO SIT DURING THE 5-MINUTE RULE TODAY

Mr. BRYANT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Criminal Justice of the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule on Wednesday, May 4, 1988.

The purpose of the permission request is to sit so the subcommittee may meet on matters relating to the investigation of the impeachment of Judge Alcee Hastings.

This matter has been cleared with the minority.

The SPEAKER pro tempore (Mr. HUBBARD). Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON TRANSPORTATION, TOURISM AND HAZARDOUS MATERIALS OF COMMITTEE ON ENERGY AND COMMERCE TO SIT TODAY DURING 5-MINUTE RULE

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent that the Subcommittee on Transportation, Tourism and Hazardous Materials of the Committee on Energy and Commerce be permitted to sit today, May 4, 1988, while the House is reading for amendment under the 5-minute rule, to consider cigarette labeling and other matters.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ASTROLOGERS SAY TODAY IS GOOD DAY TO PASS PLANT CLOSING LEGISLATION

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, I have been in constant touch with my board of astrologers who guide my every act and they tell after consulting the stars that there is no good day in the life of any man to be fired, and that the act of being fired is a traumatic act. It is a source of great unhappiness, of trauma, of depression, of isolation. But they also told me after consulting the stars that there is a good day that comes maybe 60 days before that act of being fired, when a man could be given notice of a plant closing so that he could make plans for his future life and avoid buying a house or a car that would saddle him with large payments of all kinds.

Our neighbors in Canada, in Germany, and in Japan, follow this practice.

The big three automakers and many members of the Fortune 500 follow this practice.

There is no good day in the stars, so my astrologers tell me, for a decisionmaker on a national level to make it impossible for workers to get this 60-day notice. They say there is no good day to veto such a compassionate and humanitarian move by the Congress.

Mr. Speaker, I hope that our President, who is a man of compassion and decency, will empathize a little bit with the plight of workers who get that pink slip, and go through the trauma of reorganizing their lives. I hope that our President will reassess his position on the trade bill and avoid vetoing that measure.

FEDERAL AGENCIES IMPLEMENT EXECUTIVE ORDER FOR DRUG TESTING PROGRAM FOR FEDERAL EMPLOYEES

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I rise to commend the 42 Federal agencies who submitted plans to Congress yesterday outlining their proposals to test Federal employees in sensitive positions for illegal drug use. This action brings us closer to fully implementing the Executive order issued by President Reagan in September 1986, which calls for drug testing of Federal agencies. An important step in fighting the war on drugs is to set the example by taking measures to eliminate substance abuse in the Federal workplace.

Under the plans submitted yesterday to the Congress, 345,000 American Federal employees will be tested. There is an adequate 60-day notification and 30-day notification period for employees subject to testing. There are adequate safeguards to prevent false positive results. There are also adequate safeguards against switching or substituting urine samples used to conduct the drug test itself.

As we are all aware, the problems and violence associated with illegal drugs negatively affect all facets of life in America. As representatives of the American people, we should do all we can legislatively and personally to combat the drug dealers in our society.

The action taken by our President in waging an all-out effort against drugs needs our uncompromising support. The war on drugs is just that, a real war. We need to fight it on every front and we need to fight it to win. Drug testing is only one weapon in that war, but it is a very important one.

TODAY'S FAMILIES NEED FAMILY AND MEDICAL LEAVE

(Mr. CLAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLAY. Mr. Speaker, this weekend families across America will be celebrating Mother's Day. As we pay homage to the women who hold our families together, I urge the Congress to take action in support of the changing role and needs of mothers.

Today's mother is not just a homemaker. She is also a paid wage earner outside of the home. As a working woman, she has to juggle the dual responsibilities of working and raising a family.

With 82 percent of working women of childbearing age, women are increasingly being faced with the need for a short period of leave in order to have children or when serious illnesses strike their families.

Despite their increased role in the work force, only 40 percent of all working women have the right to take leave for the care of newborn children and have their jobs protected. All women need and deserve a minimum period of job-protected leave. The Family and Medical Leave Act provides that right. As we have seen in other areas—from minimum wages to civil rights, only through Federal legislation will all workers be afforded a basic level of job protection. It is time this country joined the rest of the industrialized world and provided some real assistance to the working members of today's families. I urge this body to supplement our rhetoric in support of the family with some concrete action. It is time that all workers have a right to family and medical leave.

A BOOK PUBLISHER'S TEASER

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, the press of this Nation is once again being used by book publishers to help sell copies of "kiss-and-tell" books written by apparent bitter or vindictive former employees of the White House and of the Government.

A reporter for a national newspaper stopped me yesterday and posed the question, "What seems to be the reaction of the Congress to the book teaser recently published about the President and Mrs. Reagan consulting or talking with astrologers?"

My reply was that I would bet the farm that every Member of Congress and their families read their horoscopes in the Morning Post, the Tribune, the Dispatch, the Telegraph, or the Times or the Herald News, along with their morning coffee, and many of the members of their families have probably consulted fortune tellers or astrologers during their lifetime, that I doubt if any of those members of their families have rested any decisions of import on those readings or visits, just as it is patently ridiculous to believe the President or the First Lady would rest any Government or life decisions of import on such readings. We all get a kick out of them. We all like them, we all halfway believe them and would like to see the magic of it come true, but it is just patently ridiculous that once again we look at America and it has been suckered by a wily book publisher and a disgruntled former Government employee who will reap fortunes from this free publicity of just a ridiculous story.

HONOR MOM WITH POLICY

(Mrs. SCHROEDER asked and was given permission to address the House 1 minute and to revise and extend his remarks.)

Mrs. SCHROEDER. Mr. Speaker, Mother's Day only comes once a year, the other 364 days of the year mothers go on being mothers but nobody seems to notice. Least of all Congress.

Women's lives have changed dramatically over the last 30 years. Since 1950, the number of women who have entered the work force has tripled. Today, almost 19 million mothers with children under 18 are in the work force; and over 70 percent of these mothers work full time.

Mothers today are involved in a delicate balancing act to protect their families economic security. They juggle caring for their families and working to support them.

But in America, a woman can still get fired for becoming a mother.

Mothers need more than praise, they need policy. The Family and Medical Leave Act is ready to be brought to the House floor for a vote. The bill provides a modest protection for mothers, fathers and their families. It guarantees an unpaid job protected leave for the birth, adoption or serious illness of a child or parent.

Let this Mother's Day be the time we close the gap between family rhetoric and family policy. We have made enough promises to families in America; now its time to do something that will help.

□ 1140

NATIONAL NURSING HOME WEEK

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, the Bear Creek Nursing Center of Hudson, FL, which is in my district, recently invited me to participate in their observation of "National Nursing Home Week"—May 8-May 14.

For those who may not know, "National Nursing Home Week" is an annual observance designated, through Presidential message, to commence on Mother's Day each year. Mother's Day is certainly an appropriate time, but it should be our responsibility to think about the millions of elderly confined to nursing homes throughout the year as well.

The people who live in our more than 19,000 nursing homes are more than our mothers, aunts, and fathers. The nursing home residents of today are unique individuals who have given us much through their contributions to our personal lives and our society.

It is not enough, Mr. Speaker, to visit them once or twice a year on Mother's Day or birthdays. I would, therefore, like to take a moment to ask that we take the time to mark the week's events with a gesture of our own. Let us each visit a nursing home! Even if it's only a 15-minute visit with a nursing home resident, we will be the better for it, for, through our visit, we are sure to gain the benefit of many years of wisdom and experience, and true love at its best.

MR. PRESIDENT, SIGN THE TRADE BILL

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. President, sign the trade bill. It represents good policy. It gives you the authority you need to continue multilateral trade talks. It has been stripped of protectionist features. It strengthens our ability to eliminate the unfair trade practices used by our competitors. It has provisions which are supported by most agricultural groups. It provides a reasonable plant closing notice to workers and communities.

Mr. President, do not shut the door on a well-crafted bipartisan bill which has been over 2 years in the making.

Mr. President, do not shut the plant gates on American workers. Sign the trade bill.

MINIMUM WAGE LEGISLATION

(Mr. LIGHTFOOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIGHTFOOT. Mr. Speaker, I am pleased to include in the Congressional Record the results of a minimum wage legislation survey taken of small business owners in my congressional district. I appreciate having their input since H.R. 1834 is expected to come before the full House for consideration in the near future.

Forty-six percent of those polled believe that the minimum wage should be kept at its present level of $3.35. Only 25 percent agreed the minimum wage should be increased above $4.25.

I was interested to see the results regarding my question of typing the minimum wage to an index for inflation purposes. Eighty-five percent strongly disapprove of this action, whereas only 14 percent approve of tying the minimum wage to an index.

My constituents, however, approved of legislation which would increase the earned income tax credit [EITC] by increasing the amount for each dependent child. Sixty-six percent agree with legislation to increase the EITC, and 7 percent favored an even higher credit. Twenty-three percent did not favor an increase and 4 percent did not respond.

Another survey question examined expanding employment training at the Federal level. The results did not surprise me since 49 percent of those surveyed feel training is a private sector responsibility and should not use Federal expenditures. Thirty-eight percent felt some type of cooperative agreement using Federal and private funding for training purposes should be examined.

Finally, of those surveyed, 71 percent agreed that a youth subminimum wage should be established since it enables teens to obtain a first job at a time when they do not have the responsibility of raising a family.

Mr. Speaker, the results of my survey have given me great insight concerning how a portion of the small businesses in the Fifth Congressional District of Iowa feel minimum wage legislation will impact their businesses and ultimately the consumer. Passage of a $4.65-per-hour minimum wage bill, will have a significant job loss impact in my congressional district.

My rural congressional district is particularly vulnerable to any further loss of employment opportunities. I was dismayed by the results of a study done by a University of Chicago economist who projected a loss of 1,302 jobs in my district by 1991.

I would like to include in the Record the results of employment losses in the Fifth Congressional District if a 39-percent minimum wage increase ($4.65) is passed by Congress.

Projected Employment Loss in Selected Congressional Districts Due to Passage of Minimum Wage Legislation

State of Iowa: District five

	Job losses
1989	585
1990	955
1991	1,302
1992	2,148
1993	2,318
1994	2,483
1995	2,638

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT DURING THE 5-MINUTE RULE ON THURSDAY, MAY 5, 1988

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be permitted to sit during the 5-minute rule on Thursday, May 5, 1988.

The SPEAKER pro tempore (Mr. Hubbard). Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATION TO GET OUR COUNTRY BACK ON TRACK

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Reagan revolution has become the Bush burden and Mr. Bush knows it. Ronald Reagan's program, voodoo economics, was coined by the Vice President. How right he was. We know have a $300-billion defense budget, with MX missiles that cannot fly straight, and B-1 bombers that get shot down by pelicans. We have a $2.5 trillion debt and the only program that Ronald Reagan offered that made sense, the investment tax credit, has been thrown out and he has abandoned it himself. Shame!!

I believe we should reinstate the investment tax credit program, the accelerated cost recovery program, but reinstitute it for the purchase of American-made goods only. There should be no incentive for money to go overseas in the purchase of foreign products.

My bill, H.R. 943, would do that.

Mr. Bush, and Mr. Reagan, you have passed on both voodoo economics and a burden. Maybe it is time now for your attempt to salvage some of this Presidency and put our country back on track.

The 510-KNOT PELICAN

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, I love this guy from Ohio, Señor Traficant. I love this guy. I checked his astrological chart this morning and the moons are in the seventh house, and Jupiter is aligned with Mars. That is why he was 90 percent on. I do not care what he talks about in this well, but please I warn him to leave the B-1 Avenger alone. That American pelican that hit an Ellsworth AFB B-1 weighed about 10 pounds. If a pelican hits the windshield of your car at 55 miles per hour it would certainly get your attention. Well that B-1 was going about 500 knots. That cannon ball, that is, the 10-pound pelican, was then closing at 500 knots, and since it was coming at the plane at about 10 miles an hour that means the closing speed the cannon ball American pelican was 510 knots. It hit the aircraft just above the engine intake at the only vulnerable spot. The Air Force has already corrected that problem and the pilots are becoming even more proficient at the four operational B-1 bases.

Mr. TRAFICANT. Mr. Speaker, will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman from Ohio.

Mr. TRAFICANT. My God, if a pelican can do it, what would some of the weapons on the other side do? With all this money, I think we are wasting it. We should put it into America and we would be stronger without missiles and be a better country for it.

Mr. DORNAN of California. Mr. Speaker, reclaiming my time, I extend to the gentleman from Ohio [Mr. Traficant] an invitation to fly on that aircraft, as your colleagues from North Dakota and from South Dakota have done and I know the gentleman will be impressed as I have been.

FAMILY AND MEDICAL LEAVE ACT

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, I am sorry to change the subject after that enlightened discussion but I must and I want to talk about the Family and Medical Leave Act.

Mothers of very young children are the fastest-growing segment of the work force. Mr. Speaker, 9 million women with children under the age of 6 are now working. We know the majority of them are there by necessity. What are we doing as a nation to foster the well-being of our families in this case of our working parents and their children? We are beginning to move toward a national policy on unpaid family leave for parents to care for a newborn child.

It is gratifying that the present bill enjoys strong bipartisan support. Each aspect, the size of the business, the number of unpaid weeks of leave, and the length of prior employment represents a measured response to the family leave issue.

In the family leave bill we are moving to setting a policy to strengthen the earliest connections between a parent and his or her child. Many other nations have such a policy, many of them far more extensive than the one we are proposing to undertake. It is time that we undertake our own and by the way nothing disrupts a family more than sudden unemployment, and we ask that the President get in step with the people of this Nation on that issue.

IN SUPPORT OF HOUSE RESOLUTION 438

(Mr. YOUNG of Alaska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I rise today in strong support of House Resolution 438. This resolution corrects a grave injustice to the State of Alaska, by removing the language in H.R. 3, the omnibus trade bill, which would have restricted the ability of Alaska to build the same type of energy refining infrastructure that the rest of the Nation enjoys. This correction removes what was almost certainly an unconstitutional preference of one port over another. This was flawed policy at the outset, and I am extremely pleased that the leadership of this body has seen fit to correct this injustice at this time. It also takes an important step toward returning the trade bill to its objective of promoting U.S. exports and developing U.S. industry and American jobs.

Placing new restrictions on Alaskan oil exports, particularly on refined products, is the equivalent of preventing the auto industry, in Michigan, from exporting automobiles, or prohibiting loggers, from Washington State, from exporting lumber. How any Member of this body could have supported such a proposal in a trade bill is beyond me. This resolution returns to the people of Alaska, their constitutional right to the fruits of their labor.

It is high time that this body recognize that we as a nation can no longer afford to restrict the export of natural resources to the most efficient market. A limited export capability can, and will, promote additional domestic production by offering the opportunity for additional profits. This type of trade flexibility is exactly what H.R. 3 was designed to promote—an increase of America's competitiveness within the world market.

I urge this body to adopt this resolution in the most expeditious manner possible.

WORKER RIGHTS IN POLAND

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, once in awhile, governments do get second chances to correct mistakes in policy. Such a moment has now arrived again for President Reagan and for General Jaruzelski.

President Reagan was right in 1981 to cutoff trade benefits and credit privileges when Solidarity, the first independent trade unions movement to emerge in Eastern Europe, was crushed under the iron fist of martial law. But the President was wrong when he quietly restored most-favored-nation status for Poland last year without receiving guarantees from the Government of Poland to respect the rights and independence of Solidarity. Mr. President, now you have a fresh opportunity to speak up for Solidarity. The continuation of MFN status for Poland should be made explicitly contingent upon the Jaruzelski regime recognizing the legitimacy of Solidarity and engaging its leaders in a new and lasting dialog about how to set Poland on a viable political and economic course for the future.

Hopefully, General Jaruzelski will conclude that recognizing Solidarity need not threaten the survival of the Government of Poland. Polish workers are seeking a genuine voice in their economic future. They can be brought into policymaking councils. But first their right to belong to a respected independent trade union movement must be accepted.

A GRATUITOUS SLAP AT A U.S. FRIEND

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, an amendment on the security of sensitive United States technology in Pakistan may be offered this afternoon to the defense authorization bill. I oppose this ill-advised amendment and call on my colleague to withdraw it.

This amendment calls into question Pakistan's ability and willingness to safeguard sensitive United States technology and information. Mr. Speaker, there is no sound evidence to suggest that Pakistan has failed to live up to its commitment to the United States under a 1982 general security of military information agreement. CRS reported that "an exhaustive search has turned up only one specific source on the possible compromise of U.S. defense technology, allegedly as a quid pro quo for Chinese nuclear aid." This single, unverified report comes from the Indian Statesman. I suggest, Mr. Speaker, that an Indian newspaper is not the most reliable or unbiased source of information about Pakistan's activities in any field.

While I share the concern about the threat posed to United States and allied forces by the compromise of sensitive technology, this amendment seems more concerned with making a public slap at Pakistan—a United States friend and ally—than with dealing with that threat. I call on my colleague to withdraw this biased and ill-conceived amendment.

□ 1155

PRESIDENT SHOULD SIGN TRADE BILL

(Mr. NAGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NAGLE. Mr. Speaker, I take the floor this morning for the first time during 1-minute speeches to raise one question I think is legitimate and needs to be revisited. That is the President's pronounced intention to veto the trade bill principally on the basis of the plant-closing legislation.

Prior to the President vetoing that trade bill, I think it is necessary to make absolutely crystal clear the message he is sending to the country. He is saying the wealth of a few, the right to leave communities is more important than the very community whose fabric they would wreck by their departure. He is saying those who wear white collars and ties and work in the main offices, they have no right even for 60 days to prepare for their future. He is saying to workers across the country the same: they have no right.

This administration has often been accused of representing simply a few to the detriment of many. Nothing would more crystallize and epitomize the legacy of that administration than to veto this trade bill.

For that express reason, I urge the President to reconsider.

SR-71 VITAL TO NATIONAL SECURITY

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, I have recently been involved in an effort to reverse an Air Force proposal to phase out the SR-71 Blackbird Strategic Reconnaissance Program. The SR-71 is the highest and fastest flying aircraft in the world and is vitally important to our intelligence gathering capabilities. Its usefulness remains undisputed among intelligence circles, and the Air Force decision caught many of us by surprise.

On Monday in the Washington Post, columnists Evans and Novak detailed the importance of the aircraft in these days of arms control treaties and crisis situations in the Persian Gulf and Elsewhere.

They pointed out that the Air Force decision to axe the program may have had more to do with interservice rivalries and parochial views on the proper rule of the Air Force than of any careful consideration of the possible impact on our national security.

I view this as an unfortunate development and would urge my colleagues to support the SR-71 Reconnaissance Aircraft Program.

SSC SHOULD BE AMONG TOP SCIENTIFIC PRIORITIES

(Mr. VALENTINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VALENTINE. Mr. Speaker, two House committees are currently considering the fiscal year 1989 authorization and appropriation for the proposed superconducting super collider.

While we have a number of important scientific programs to consider, I believe that the SSC should be among our top scientific priorities. The SSC could revolutionize not only the study of high energy physics but our basic understanding of the world in which we live.

Funding a project of this magnitude involves difficult decisions. The United States can do it, and I hope that we can find a way to build the SSC without damaging other, equally vital, scientific efforts.

The United States has achieved world scientific leadership by seizing great opportunities, even when large obstacles stood in our path. The SSC represents another such opportunity. It offers a chance for revolutionary advances in medicine, transportation, computers, electronics, and countless other fields.

We cannot know exactly what benefits the SSC will produce. We never do with fundamental scientific research. But we know that the entire world will benefit.

I urge my colleagues to give careful consideration to this unprecedented scientific initiative. The SSC will be constructed; it should be in the United States.

MOTHER'S DAY ISSUE: FAMILY AND MEDICAL LEAVE

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, with Mother's Day just a few short days away, I think it is only appropriate to bring the focus of the House to bear on a bedrock family issue: family and medical leave.

Families are increasingly strained by the competing demand of jobs and caring for family members. Two-thirds of women hold jobs outside the home. While some are on career paths, the largest single motivating factor driving women into the work force today is economic pressure. It now takes the paychecks of two workers to maintain the same standard of living that one salary sustained a short 15 years ago. Today's working families are not getting rich! They are getting by!

Add to this mixture the rapid increase in our elderly population and you have a compelling case for a policy to guarantee that employees who must take leaves of absence because of child birth, a serious illness or serious illness among family members will not be fired and will have their jobs remain open. Employment security for both breadwinners is more crucial than ever.

The Roukema-Clay bipartisan family leave compromise is a workable policy completely consistent with established labor standards which gave us protections as child labor laws, antisweatshop codes and the 40-hour work week. Let's vote on family leave. It's a bedrock family issue.

THE FAMILY AND MEDICAL LEAVE ACT

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, on May 8, we will celebrate Mother's Day. Mothers certainly do deserve our recognition. They also deserve our understanding that the family structure in this country is changing.

Today, 60 percent of mothers with children under 5 years old are in the work force. And, this figure promises to rise. There are more single parent families than ever before; and in an ever increasing percentage of two-parent families, both parents work.

The Congress has a responsibility to be sensitive to these changes. We now have the opportunity to institute and expand on excellent pro-family policies by supporting the Family and Medical Leave Act compromise. It is time for us to recognize and address the changes in the family structure. We need to follow through with a family policy that allows the new traditional family to regain its strength as a nucleus for our communities.

WASHINGTON POST OTA ARTICLE MISLEADING AND INACCURATE

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KYL. Mr. Speaker, many of us thought it more than coincidental when selected portions of a new OTA study were leaked to the press just a week before we began debate on the Defense authorization bill. It now turns out that the story was hightly misleading and inaccurate.

I would like to submit for the RECORD and quote from a letter sent to Ben Bradlee, editor of the Washington Post, by the Director of OTA, John Gibbons, and the Director of SDIO, Gen. James Abrahamson. They said in part:

> We take serious issue with the April 24 Washington Post story on the new OTA study of the Strategic Defense Initiative. The Post story offered an inaccurate and incomplete picture of the OTA findings. We regret the misleading characterization of our positions in the April 24 Post story, and look forward to a fuller, more accurate, and more productive airing of these issues when the OTA report is published.

Mr. Speaker, in view of this correction, I hope our debate today on SDI will not include reference to the OTA report which none of us have read and which has been inaccurately reported in the press.

MAY 2, 1988.

Mr. BENJAMIN C. BRADLEE,
Executive Editor, The Washington Post,
Washington, DC.

DEAR MR. BRADLEE: As the Directors of the U.S. Congress' Office of Technology Assessment (OTA) and the Defense Department's Strategic Defense Initiative Organization (SDIO), we take serious issue with the April 24 Washington Post story on the new OTA study of the Strategic Defense Initiative.

The Post story offered an inaccurate and incomplete picture of the OTA findings. The OTA study examines very complex issues in considerable detail; any effort to distill its contents into a few newspaper column inches would have to result in oversimplifications which, while regrettable, are understandable. However, in writing about the OTA report before it is publicly available, the Post denied its readers the ability to judge independently the accuracy or fairness of its presentation.

The Post story failed to report important areas of agreement between SDIO and OTA, and misrepresented some areas of disagreement. The headline and first paragraph of the Post story offer a particularly telling example of such misrepresentation. SDIO and OTA disagree on the feasibility of reliable, trustworthy software for a future defense against ballistic missiles. SDIO believes that such software can be developed; OTA is much more skeptical, and contends that there would be a "significant probability" of "catastrophic failure" of a ballistic missile defense system resulting from a software error. Nowhere in its study, however, does OTA conclude—as alleged by the Post—that such a failure would be "likely." As any statistician knows, and as the OTA report makes clear, "significant probability" does not equate to likelihood."

Technical experts can and will differ on how rapidly we can generate and refine the technologies needed for effective defenses against ballistic missiles. SDIO finds many of OTA's conclusions in this regard to be unduly pessimistic, whereas OTA considers SDIO to be excessively optimistic. Both our organizations, however, are firmly committed to informed, constructive discussion of strategic defense issues. We regret the misleading characterization of our positions in the April 24 Post story, and look forward to a fuller, more accurate, and more productive airing of these issues when the OTA report is published.

Sincerely,

JAMES A. ABRAHAMSON,
Lieutenant General, USAF, Director, Strategic Defense Initiative Organization.

JOHN H. GIBBONS,
Director, Office of Technology Assessment, U.S. Congress.

PLANT-CLOSING NOTIFICATION REPRESENTS EQUITY TO WORKERS

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Speaker, as the President takes pen in hand on the trade bill, I hope he will ask himself one question: Does not a company owe 60 days, at least, to an employee of 10, 20, 30 years before shutting down the plant and terminating his or her job? The answer should be yes. The plant-closing notification language in the trade bill simply represents equity in the workplace. That provision will allow workers a little breathing space, time to avoid worsening their economic condition, avoid entering into a home mortgage improvement loan or a car loan that would increase their burden of debt at a time when, unknown to them, they are about to lose their means of family support.

That situation has occurred in my district with the shutdown in the steel industry and the consequential effects. Many workers have said, "If I had only known 20, 30, 60 days ahead, I would not have gotten into that home mortgage improvement loan. I would not be in such severe economic straits."

Sign the bill, Mr. President. It is equity in the workplace, and it is good trade policy.

THE GOLDEN GOOSE DINNER

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, we have been reading—and being told by allegedly friendly nations that we must cut our deficit and, some say, reduce our standard of living to solve our problems. A solution they suggest is that we tax the middle class—while more of our companies are being sold to foreign interests. According to the Internal Revenue Service, those interests do not pay their fair share of the taxes.

Now Professor Nakatani at Osaka University states "the decline of U.S. economic power is evident." That, despite signs of more exports, "the United States is still expected to record a trade deficit of $150 billion." He goes on, that unless it changes "the United States will not be able to avoid economic structural reform—recession—after 1989."

Nakantani predicts an ominous future for us and yet the Japanese turn around and fight every effort we make to open their markets in order to help reduce the trade deficit. Since ours is the world's largest market, that means they recognize we are the golden goose that laid the golden eggs—yet, they seem intent on eating our golden eggs and the goose, too. Don't they realize the recession they predict and the continued fall of the dollar will also be devastating to them—in truth we may well be their economic Vietnam.

□ 1205

INTRODUCTION OF LEGISLATION TO REQUIRE THAT INCOME PAID TO CORPORATIONS BE REPORTED TO IRS

(Mr. BARNARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARNARD. Mr. Speaker, the 100th Congress has devoted considerable thought and energy to reducing our enormous Federal budget deficit. Although some progress is being made, clearly our search for new ways to increase revenues and reduce costs must continue into 1988 and beyond. I am pleased to introduce today, on behalf of myself and Congressman FRANK GUARINI, an amendment to the Internal Revenue Code that has the potential to contribute several billion dollars to our deficit reduction goal. My bill will not only enhance IRS' ability to collect additional tax revenues but will also make its enforcement of the tax laws more equitable by requiring third-party information reporting of certain types of income paid to corporations.

Mr. Speaker, I am sure that you, as well as most other taxpayers, are familiar with IRS' Information Returns/Document Matching Program that involves the computer matching of information documents filed by third-party payors of income with the income reported on tax returns. This highly successful, cost-efficient program for identifying unreported income and tax return nonfilers produced additional tax assessments totaling about $3 billion in 1986 at a cost of about $1 for every $19 found.

Despite these impressive results, the full revenue-generating potential of this program has not been developed. Only those income tax returns filed by individuals are subject to document matching. Although corporations and partnerships reported $715 billion, or more than twice the interest, dividend, rental, royalty, and capital gain income reported by individuals in 1983, this income is not subject to verification through the matching process.

A full-scale document matching program for business taxpayers cannot be initiated until information returns are required to be filed for income paid to corporations. Past Congresses have looked to information reporting as an equitable means for increasing revenues. As you may recall, Mr. Speaker, almost every major piece of tax legislation passed in recent years has expanded the information reporting requirements. The Tax Reform Act of 1986, for example, added the information reporting requirement for real estate transactions. While most major types of income paid to individuals, partnerships, and sole proprietorships are now reportable to IRS by third-parties, income paid to corporations is exempted, by statute or regulation, from the reporting requirements.

This, however, was not always the case. Before 1982, payors were required to file information returns for interest and dividends earned by corporations. When the Tax Equity and Fiscal Responsibility Act of 1982 imposed mandatory withholding from interest and dividends, payments to corporations were exempted from both the withholding and information reporting requirements. Although the legislative history does not provide the rationale for these corporate exemptions, it is my understanding that, at that time, there was a lack of evidence that corporations were underreporting a significant amount of income detectable through a document matching program.

Recently, Mr. Speaker, IRS acknowledged that the underreporting of income by business taxpayers is of great concern. While IRS has not conducted the research necessary to develop a statistically accurate estimate of the scope of business underreporting, it estimates that the Treasury is losing over $1 billion annually through corporate underreporting of just interest and dividend income. While I believe that a revenue loss of this size provides ample justification for a coporate Information Returns/Document Matching Program, I am convinced that the problem is even larger than IRS has been willing to recognize.

Earlier this year, the Government Operations Subcommittee on Commerce, Consumer, and Monetary Affairs, which I chair, conducted a comprehensive investigation of the feasibility and revenue consequences of an Information Returns/Document Matching Program for business taxpayers. The General Accounting Office [GAO] assisted in the investigation by selecting and analyzing a statistically valid sample representing 811,977 corporations, partnerships, and sole proprietorships. These businesses made up about 5 percent of those that filed income tax returns in 1983. GAO found that 316,577, or 39 percent, of the businesses' studied had potentially underreported $41 billion, or 13 percent, of their interest and dividend income. And IRS/GAO followup of 181 of the businesses identified as potential underreporters showed that 30 percent had actually failed to report 22 percent of the interest and dividend income reported on information returns.

While these underreporting rates are statistically valid only for those businesses GAO reviewed, they do represent the best empirical data available for estimating the overall extent of the business underreporting problem. A conservative interpretation of GAO's two samples indicates that at least 12 percent of the businesses studied underreported 3 percent of their interest and dividend income. If these same rates apply to all businesses earning interest, dividends, rents, royalties, and capital gains, then their unreported income would total $20 billion for an associated revenue loss of $8 billion.

Mr. Speaker, though these estimates are impressionistic rather than statistically precise, they clearly demonstrate a business underreporting problem of serious proportions. In this regard, it's important to note that IRS' audit coverage is totally inadequate for capturing the taxes owed from underreporting. The number of businesses audited is extremely small and, until recently, fewer and fewer examinations of corporations have been conducted. In fiscal year 1988, IRS plans to audit only 66,174, or about 2 percent, of the corporate income tax returns filed.

Thus, an Information Returns/Document Matching Program offers the only comprehensive and systematic means for detecting income not reported by corporations. My bill provides the necessary first step toward that end by requiring third-party information reporting of income paid to corporations. Although there are some administrative problems to be overcome before the information returns could be used in a document matching program, the reporting requirements will produce a number of important revenue benefits independent of the matching process.

First, information returns could immediately be used by IRS to detect corporations which fail to file income tax returns. In a separate study, GAO found that of 1,094 corporations 231, or 21 percent failed to file income tax returns. Significantly, IRS' program for identifying nonfilers failed to identify 156, or 68 percent, of the potential nonfilers detected by GAO. Those corporations which IRS' program has missed earned $236 million of interest and dividend income alone in 1983.

Second, information returns have proven to be extremely valuable in the audit process. An IRS study has shown that having information returns available during examinations increases the unreported income discovered by IRS auditors by 330 percent.

Third, IRS believes that information reporting has a positive effect on the voluntary reporting of income. Certainly, the knowledge that IRS has documentation on the amount of income received encourages compliance. However, the converse can also be true. The absence of information reporting can encourage noncompliance by those taxpayers so inclined.

Finally, eliminating the information reporting exemptions for corporations would help erase the perception of business favoritism that encourages disrespect for the tax laws and fosters noncompliance by individual taxpayers who perceive that the laws are applied and enforced in an uneven manner.

In sum, Mr. Speaker, my bill seeks to increase tax revenues in a manner that is fair to all. I invite my colleagues to join me by cosponsoring this legislation and urge the Committee on Ways and Means to give it prompt and thorough consideration.

RIGHTS OF THE UNBORN

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. SMITH of New Jersey. Mr. Speaker, the Washington Post reported yesterday in what appears to be a precedent-setting case that a Federal judge in Los Angeles has ruled that a 3-month-old unborn child is protected by the Constitution and can sue for violation of his or her civil rights.

The case, involving physical harm sustained by the mother and her unborn baby in an altercation, helps to highlight the fact that children, before their birth, can and must be recognized and protected by law.

Mr. Speaker, with the widespread use of ultrasound and other medical and technological advances in recent years, it just does not suffice for anyone to say, as the U.S. Supreme Court said in 1973, that unborn babies are not persons and are not entitled to the right to life.

Our current policy toward unborn children is unjust, it is cruel, and it is discriminatory and has resulted in over 22 million children being chemically poisoned or dismembered or otherwise killed by abortion.

Mr. Speaker, the carnage must stop. Unborn children deserve to be treated with respect, with compassion, and with legal protection.

I include the article from the Washington Post of Tuesday, May 3, 1988, as follows:

Judge: Fetus Has Constitutional Rights

> Los Angeles.—A federal judge ruled that a fetus of three months is protected by the Constitution and can sue for violation of its civil rights, a decision attorneys said was the first of its kind.
>
> U.S. District Court Judge Ferdinand Fernandez ruled in answer to a question from the jury deliberating an award in a 1986 suit brought by Brenda Cornwell, 26, of Riverside, Calif., and her daughter, Misti Dawn Cornwell, now 18 months old.
>
> Cornwell claimed a Riverside police officer violated the civil rights of her baby by punching her in the abdomen during a scuffle in her front yard in April 1986, when she was three months pregnant.
>
> The jury awarded the mother $415,229, but declined to award damages to the baby, whose claims lawyers on both sides said represented the first time a fetus had sued for violation of its civil rights.
>
> During deliberations, however, jurors asked Fernandez to clarify the point in a fetus' development at which it is afforded constitutional protection.
>
> "The judge sent a note back saying that at the time this incident occurred, the baby had constitutional protection," said Cornwell's attorney, Stephen Yagman. He said it was "significant because a federal judge has found as a matter of law that a fetus has constitutional rights" for the first time.

PLANT-CLOSING NOTICE IS FAIRNESS TO WORKERS

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, Congress has worked effectively to develop concensus trade policy, trade responded to constructive suggestions and has proposed a trade law, fair to our trading partners and more importantly fair to the American people. The administration led by the President have been constant nay sayers throughout this process, now at the last instance when the work is done and the compromises made the President claims that he favors a trade bill, but wants to cut out the plant notification provision—a good provision that simply lets workers have 60 days notice, not the golden parachutes of the executives who too often take such good care of only themselves.

Mr. President, don't use this plant-closing provision as an excuse, if you favor trade legislation, in spite of your actions and words, it is time to act.

Mr. President, it is time to act, not look for excuses—listen to the American people, the American workers that elected you, Mr. President, and this Congress and make this trade legislation law, not a phony political issue for special interests urging a veto, who care less about the $170 billion annual trade deficit and sound public policy than there continued dominance and unfair treatment of the American workers.

PLANT-CLOSING PROVISION OF THE TRADE BILL

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, I was deeply concerned to learn that the President of the United States is considering vetoing a very important trade bill over the question of notifying workers, giving them the decency of 60 days notice if there is to be a plant closure.

In my own district, the Sixth District of the State of Washington, ASARCO, a major national corporation, gave us 1-year's notice. Because of that, Mr. Speaker, we were able to put in place humane programs to retrain, reeducate and to get jobs for 400 of 1,000 workers who worked at that plant.

The minimal decency is to give 60 days. We need more notice if we can get it, and if we do get that notice we can do something to help these citizens preserve their jobs, to get retrained, get reeducated. I think it is appalling and shocking that the President would consider vetoing this bill over a provision which is there to help the workers of this country.

PLANT-CLOSING NOTICE TO WORKERS

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, the President indicates that he is going to veto the trade bill because of a 60-day notification to workers that plants are going to close. In Japan and other industrialized countries where they give notice to workers it is considered to be good planning, it is considered to be something that helps to give them a competitive advantage over us because they have better worker and employer relationships.

My own belief is, Mr. Speaker, that if we gave people 60 days notice that it would also be giving notice to the local communities and to the States, and like Massachusetts, which has the first plant-closing law, it would give the State a chance to move in and help to save the plant, to perhaps help with a tax deal, to help with some redtape cutting, to help with some additional programs that can keep those plants in operation. We do that in Massachusetts right now, and we do it in a State with 3 percent unemployment, and we have kept plants open where there was notice given not only to the workers but to the State.

Mr. President, if you really care about workers, if you really care about productivity, if you really care about saving jobs, the way to do it is to give the States, to give the local communities, to give the workers the notice so that they can save themselves and save this country in its competitive battle against our economic international rivals.

B-1 BOMBER—EXCELLENT EXAMPLE OF PRODUCTION CAPABILITY

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, on Saturday, April 30, 1988, the 100th B-1B was delivered to the Air Force at Palmdale, CA. This event took place just over 6 years from initial contract go ahead and exactly 2 months ahead of the contract schedule. Not surprisingly, this piece of good news about a manufacturing success story has received little attention in the media. Had the contract been completed 2 months behind schedule I am sure we would have been more aware of the event. Regrettably focusing on the negatives about the B-1B rather than the considerable positives has become the standard.

Mr. Speaker, I rise today in an attempt to clarify the record on the matter of the B-1B bomber. For the past year, the Armed Services Committee has conducted an investigation of this program, and I have been an active participant in this entire process.

During our investigation, the committee has primarily focused on some developmental problems that arose during the initial phases of operational deployment. Over the course of our investigation, the majority of these problems, such as fuel leaks, terrain-following radar, weapons separation, and flight control enhancements, have been resolved—just as the Air Force said they would be.

One significant issue, the defensive avionics system, remains unresolved at this time. However, the Air Force has developed a recovery plan that we hope will bring the system to full capability within the next few years. The Air Force has been quite candid as to the challenges that remain in this specific task, but they remain confident that this goal is achievable.

In summary, let me say that I believe our investigation has been thorough and has been useful in helping Members understand the complex technical issues that we face in the development of sophisticated weapons systems such as the B-1B.

However, I am not sure that all aspects of this investigation have been conducted in good faith in that there have been conclusions drawn by some that because of these problems the B-1B does not work and cannot penetrate Soviet airspace. Mr. Speaker, that conclusion is wrong. Not only is it wrong, but it is also irresponsible and could have potentially damaging consequences to strategic deterrence and our Nation's security.

The B-1B does work. It flies fast. It flies low—below enemy radar. And it has a radar cross section that is 100 times smaller than the B-52 which it was meant to replace. It can employ a variety of weapons and, with a highly reliable, state-of-the-art offensive avionics system, deliver them with great accuracy as recent tests have shown. Now I call that performance. Performance that rates far better than the F that some would have you believe.

The B-1B can penetrate Soviet airspace and will be able to continue doing so for many years to come. While it is true that the ECM system is not performing to specified requirements, it does have sufficient capability to supplement the other inherent capabilities of the airplane. To think that penetration capability is totally dependent on ECM is wrong. If this were true, we could still be using B-17's in our strategic force. To mislead others, less technically sophisticated, into thinking the B-1B cannot penetrate because its ECM is not fully capable is irresponsible.

The fact is that penetration capability for any airplane is a function of speed, altitude, and radar cross section, as well as ECM. The B-1B capacity to do the first three better than any other bomber in the world more than makes up for current shortfalls in the ECM. As the ECM improves, and is eventually enhanced, it will assure the B-1's ability to penetrate well into the future.

But don't take my word for it. Talk to the men whom we charge to carry out this most demanding of all missions—whose job is to put their life, and not their political career, on the line. They will tell you, as they have told me, that the B-1B is the best penetrating bomber in the world and is a valuable and necessary addition to our strategic forces.

The B-1 bomber has had a long and, at times, tortuous path to deployment, but it is now a critical part of our force structure. We on the Armed Services Committee have identified the problems, but must also acknowledge the successes of the program. The B-1B is ready, on alert, and represents a credible signal to all of this Nation's military strength and strategic deterrent.

FAMILY AND MEDICAL LEAVE ACT

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, as many of us are aware, this Sunday is Mother's Day, a holiday initiated by an act of Congress over 70 years ago. It is no longer adequate for our Nation to recognize the selfless acts of motherhood for just 1 day per year. Congress must address the needs of a society where women now comprise 44 percent of the labor force, 80 percent of which are likely to become mothers during their working lives. Throughout the entire industrialized world, it is already a socially accepted policy to provide paid maternity leave for all women workers.

The House will soon be considering the Family and Medical Leave Act which reinforces our Nation's commitment to the family while addressing the unique needs of our small businessman. A bipartisan compromise will enable certain employees to take up to 10 weeks of unpaid family leave over a 2-year period and up to 15 weeks of unpaid medical leave over 1 year. The bill would exclude employers with less than 50 employees, reduced to 35 employees after the third year of enactment. This proposal exempts over 95 percent of private employers while covering two-fifths of the work force. The GAO has concluded that the only real cost of family leave to affected businesses is the price of continued health insurance coverage for the absent employee, estimated to cost $188 million per year, or less than $1 per American per year.

I ask my colleagues who oppose this landmark bill to question how a compassionate democracy can force a decision between holding a job or caring for a newborn or sick child.

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

The **SPEAKER** pro tempore (Mr. HUBBARD). Pursuant to House Resolution 436 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4264.

□ 1216

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4264) to authorize appropriations for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, to amend the National Defense Authorization Act for Fiscal Years 1988 and 1989, and for other purposes, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The **CHAIRMAN.** When the Committee of the Whole rose on Tuesday, May 3, 1988, amendment No. 49 printed in section 3 of House Report 100-590 offered by the gentleman from Washington [Mr. MORRISON] had been disposed of.

It is now in order to debate the subject matter of appropriate levels of funding for the strategic defense initiative.

Pursuant to House Resolution 436, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 15 minutes and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, before we begin the general debate on the SDI, I would like to announce the coming up of two amendments.

First, pursuant to the rule I wanted to give notice of my intention to call up amendment No. 5 in section 2 of House Report 100-590 following completion of the votes on SDI dollar levels.

Second, I also want to give notice of my intention to call up the Bustamante amendment or special isotope separation amendment at the end of today's announced program, provided the compromise version has been worked out.

Mr. Chairman, I yield my time on this side to the gentleman from Missouri [Mr. SKELTON] who will be handling the general debate.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Chairman, first I would like to thank the gentleman for yielding time to me and giving me the opportunity to open this debate on SDI.

It has been 5 years since the President laid out his dream of a shield that would render nuclear weapons obsolete.

We have spent $11 billion in pursuit of that dream and those who have worked on the project and followed it closely have learned a lot about what is possible and desirable.

We now know that the dream cannot be realized against today's multitude of delivery systems, the present quantity of warheads and the probable offensive responses.

But we also know that an effective ballistic missile defense is probably possible under the right circumstances.

We do not yet know a lot of things we will need to know before it makes sense to deploy any system any time soon—what we need most is to continue and complete the rest of the research.

Experts agree that a sustained research effort of $3-$4 billion per year will give the answers we need and yield results.

We will get more information sooner with a steady, sustained effort than if we spent twice as much money, but changed our priorities every year or two based on political whims.

The Bennett amendment keeps a stable program—it will get us the answers we need—and it will not put us in space until we're ready and know where we're going.

Support the Bennett amendment.

□ 1220

Mr. SKELTON. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. BENNETT].

First of all, Mr. Chairman, I have been studying the SDI Program now for a great number of years, long before the present President became President. As a matter of fact, we spent billions of dollars on this general idea of protection, in the nature of the SDI. I have the honor of serving as cochairman of a task force which was set up, and the cochairman is VIC FAZIO of California.

We must not race ahead with SDI's half-baked proposals to deploy, as planned, 300 satellites in space.

I am convinced and deeply convinced that any SDI could be economically overcome by the simple tactic of increasing ICBM's.

As a matter of fact, Casper Weinberger told President Reagan in 1985 when he was Secretary of Defense, and I am quoting:

> Even a probable Soviet territorial defense would require us to increase the number of our offensive forces and their ability to penetrate Soviet defenses to assure that our plans could be executed.

Well, of course, if that is true for us and how we look at a possible Russian SDI, it is also true about the Russians how they feel about us and they have said so many times.

The obvious answer is to overwhelm SDI with more ICBM's. What a horrible picture.

Most scientists do not think that more than 80 percent can be shot down. And that would leave for us, on the other side, against us, 2,000 rounds, worse than Hiroshima and Nagasaki.

If we deploy SDI, the world will almost inevitably be a much more dangerous place, not a safer one.

Consider the question of what people now think of dinosaurs. They say dinosaurs were wiped off the face of this Earth for the simple reason an inanimate object hit the Earth, kicked up a lot of dust, killed vegetation for awhile and everything died. Well, if that be so, what would you think of thousands and thousands of IBM's, what they would do if they went off? The conclusion is that we would be very lucky if anything lived on the Earth.

Despite my very grave doubts about SDI being a valuable defense system, we cannot fail to have a robust research program. Why is that? Because we cannot fail to do that because the Soviets undoubtedly have such a program and it would be dangerous for us not to do likewise. So we must study the matter and a robust research program is in order.

Expert testimony to the Committee on Armed Services has shown clearly that a robust research program can be carried out for $3 billion or less per year. As a matter of fact, it is much less than that. This is the testimony of Dr. Robert Sproull of the SDI Science Advisory Board, Dr. Peter Zimmerman of the Carnegie Endowment and Dr. Robert Cooper, former head of the Defense Advance Research Projects Agency in the Reagan administration.

In fact, many experts such as Dr. Harold Brown, former Secretary of Defense consider $3 billion is far too much money and they may be right. So our amendment gives SDI even more than the specialists and experts say it needs; $3.5 billion splits the difference between what the House voted last year and what the conference gave us as a final figure.

Last year the House funded SDI at $3.1 billion. But the conference came out with just under $4 billion. This year the other body wants $4.6 billion. That is vastly too large.

Our amendment stabilizes the SDI Program. All witnesses before the Committee on Armed Services argued for a stable figure. Those that wanted a large figure, those that wanted a smaller figure all said it ought to be a stable figure. Our amendment does just that.

By voting for our amendment the House would prevent a rush to deploy inadequate and destabilizing weapons into space. Over half of the money we authorize will be used by SDI officials to test prototype weapons for their planned strategic defense system and that is not really an ordinary research program. Our amendment prevents a crash program and it preserves all of our very much needed research program.

So I hope everybody will vote for the research, not for the deployment, not for rushing into the deployment of something that may be injurious to our own country and to mankind as a whole.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, today the House must decide an appropriate funding level for SDI. But this debate cannot occur in a vacuum. It must be examined in the context of our other priorities within the defense budget. It makes no sense to spend billions on long shot futuristic dreams if we starve the readiness and modernization of our military forces.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. I thank the gentleman for yielding further.

Mr. Chairman, in this respect I have a very strong objection to the Kyl amendment. It proposes to delete $400 million in research and development funds from the Army, Navy, and Air Force in order to finance an increase of 20 percent in SDI from last year's levels.

In other words, it argues that the services' R&D accounts which have suffered real reductions in the last several years while SDI funding has increased by 400 percent in 5 years, should take even greater cuts for the sake of a research program that has very real questions about it.

I must tell my colleagues I have taken two nationwide trips to look into the SDI Program. I frankly think that progress has been made, but I am convinced that the phase 1 architecture that we are going to discuss later when we get to the Spratt amendment is premature; that we ought not to rob and take money to fund the near-term deployment of phase 1, that we ought to continue to look at the long-term objectives of this program.

The key today, of course, is a pragmatic decision on the part of the House. I think we should vote to support the Bennett amendment to cut SDI back to $3.5 billion in order to set up a conference agreement with the Senate that will bring us in at about the $4 billion level. I think that is too much for SDI, but pragmatically if we do not vote for Bennett we are going to get an amount much higher than the Committee on Armed Services has recommended.

So I urge some of my southern friends who feel compelled to stay with the committee position to consider this reality.

SDI should not be funded and take money away from DARPA and other important R&D efforts. I am fearful that if the Kyl amendment were enacted that is just what would occur.

So I urge my colleagues today to vote for Bennett and then to vote for Spratt because the restructuring in Spratt will preserve technologies that offer some long-term potential and will help us guard against a breakout by the Soviet Union in this area.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, once again the House is setting out to go through the charade of considering the proper funding level for SDI. We will spend the next several hours pretending to be openminded on this issue, but I am afraid that the only hearts and minds that will be won over by the debate on the floor will be those members of the public watching on C-SPAN.

Today the House will consider four SDI funding amendments followed by a series of SDI policy amendments. The funding amendments will be considered in the normal king-of-the-hill fashion with the last adopted amendment carrying the day. And if no amendment is adopted at all, then the committee position will prevail.

I am hopeful and look forward to the day when a majority of the members of the committee, including the chairman, will support the committee position.

The funding amendments, expressed in an apples to apples comparison, using SDI research and development figures, are: First, Mr. KYL will offer an amendment raising the committee-recommended amount to $4.5 billion, the same level as The President's request.

Next, Mr. DELLUMS will offer an amendment to lower SDI funding to $1.3 billion.

Third, I have an amendment that would restore the committee position of $3.7 billion. The SDI issue was debated in committee and a majority of the Committee on Armed Services reported out a $3.7 billion figure. I offer this amendment as a zero real growth amendment, because $3.7 billion is about last year's funding level plus inflation.

Finally, Mr. BENNETT, at $3.2 billion, represents about a 10-percent negative growth compared to last year's funding level.

Mr. Chairman, I have in my possession a letter which I received today from Secretary of Defense Carlucci. He is very concerned about this program.

I would like to read the letter at this time. It says:

> DEAR MR. DICKINSON: Last fall, as Assistant to the President for National Security Affairs, I was involved in negotiating the so-called budget summit agreement. Under this agreement, the Congress and the Administration adopted an overall framework for budget reduction. According to this plan, the Department of Defense was required to reduce its planned program for FY 1989 by $33 billion to $299.5 billion. This was well below the level that the Administration felt was necessary for our security, but in the interest of reducing the overall budget we agreed to accept greater risk in our national security posture.
>
> Since assuming my responsibilities as Secretary of Defense in November, the task of making the very difficult decisions required to meet this agreement fell on my shoulders. I cannot overstate how difficult these decisions were. They involved cancelling a number of programs, delaying others, and making reductions in our overall force structure. The budget I submitted represented the soundest overall defense program under

these difficult budgetary constraints. I am gratified that to date, the Congress has not reduced overall defense spending below the level agreed to in the budget summit agreement. However, I am very concerned about Congressional reductions to a central element of our defense program—the President's Strategic Defense Initiative (SDI) program.

SDI is the cornerstone of our overall defense program. It holds the promise of a more stable and effective deterrent posture based on a balance of offense and defense. The hopes we had for a more stable and safe deterrent under the ABM Treaty regime have not been realized. The Soviet Union has continued to modernize and expand both its strategic offensive and defensive forces in an effort to blunt the credibility and effectiveness of our deterrent. It is time we recognized this, and took the steps necessary to rectify an increasingly unstable situation. The case for the SDI program is further strengthened by the disturbing proliferation of ballistic missile technology.

The Administration's request for Department of Defense SDI activities in FY 1989 is $4.5 billion. This figure represents a reduction of $1.7 billion from what we had previously planned to spend in FY 1989. I recommended this reduction to our request with considerable reluctance, as Congressional reductions in SDI funding to date have already resulted in substantial delays in the program. However, I felt that I had made a commitment to present the minimum overall budget request that—while accepting greater risk—was consistent with our security requirements. The request the President submitted for the SDI program reflects a balance between our legitimate security requirements and existing budgetary constraints, and it is a sound technical program. I regret the reductions recommended by the Armed Services Committee because they would cause major restructuring and delays in the program. Further reductions in funding or other restrictions on the program would have the gravest consequences.

I urge you in the strongest possible terms to oppose any such amendments. If the Congress sends the President a defense bill that contains a funding level for SDI that is in my view inadequate, I would have no choice but to recommend a veto of that bill. While I would make such a recommendation with regret, I would not be living up to my responsibilities to the President or the Nation if I failed to do so.

The point, Mr. Chairman, is that we came into this budget cycle with a budget summit agreement providing total defense spending of $299.5 billion. After this agreement the Armed Services Committee took the funding allotted to us for defense spending, went through a series of hearings, and came out with recommended funding levels for research and development, for procurement, for SDI, and for other defense functions.

The committee itself came up with $3.7 billion for SDI. To reduce it further I think is reckless, is counterproductive, and is a breach of faith with the budget summit agreement.

The amendment that I will offer will be $3.7 billion which is simply a restatement of the committee position restated.

I would urge the members of the committee not to cut SDI further. We have already cut the President's request of $4.5 billion down to $3.7 billion. That is enough of a cut.

□ 1235

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to the gentleman from Oregon [Mr. AuCoin].

Mr. AuCOIN. Mr. Chairman, suppose the SDI Program solves every technical problem it faces, suppose some rich uncle dies and leaves us the trillions to build it. Let's even suppose all offensive countermeasures fail and SDI works 100 percent.

None of these things are going to happen, but let's just suppose they do. In that case, I challenge any SDI supporter to answer two questions—on your own time.

First, how are you going to stop the Russians from building a comparable system?

Second, how are you going to stop the Soviets from using it offensively? How are you going to stop them from pushing the button first, blowing our SDI satellites out of the sky, following up with a nuclear strike, and then using their SDI to protect themselves from whatever retaliation we can make? In short, how are you going to stop the Russians from using SDI to help a nuclear first strike against America?

In all the testimony I've heard in the Defense Appropriations Subcommittee, in all the speeches on this floor, no representative of the administration has ever answered those two questions. So why do you want to spend money on a system that will help a Soviet first strike? Why do you want to build it instead of ban it?

There's another reason why I urge you to vote for the Dellums-Boxer and Bennett amendments.

Savings from those amendments will be used to fund the war on drugs.

After either of those amendments are adopted, we'll follow with a committee amendment moving $300 million in savings to the Coast Guard for drug interdiction.

Now my friends on the Republican right have been complaining, wrongly, that the leadership hasn't allowed any antidrug amendments on this bill.

The truth is, this is your opportunity to fund antidrug efforts.

Your choice is to throw more millions at star wars, a system that won't make America more secure. Or to defend Americans against the real threat, the drug wars on the streets of our cities, in the schools in our communities.

The choice is yours: star wars or drug wars.

I say cut star wars and protect our kids from drug wars. Vote for Dellums-Boxer or Bennett.

Mr. DICKINSON. Mr. Chairman, I yield 4½ minutes to the gentleman from Ohio [Mr. Kasich].

Mr. KASICH. Mr. Chairman, there is going to be a long, drawn out debate obviously on SDI, but I think there is one essential thing we need to recognize as we start the debate which is contrary to a couple of the statements made earlier.

SDI does matter. In fact, the reason why we are not going to be able to achieve a dramatic reduction in strategic long-range nuclear weapons with the Soviets, at least at this point, is because the United States and Ronald Reagan have not been willing to give in to the idea of Gorbachev, which is to cripple the United States SDI Program, so SDI does in fact count. In fact, it can be argued that the reasons why the Soviets came back to the table to begin with once they left Geneva was because of the ability of the United States SDI Program to achieve great success.

The question now is: how fast should we proceed on SDI? And that really is what the battle is about today.

We have a series of amendments before the Committee. One is Mr. Kyl's amendment which has an amount that is less than what the President's original request was, but certainly more than what the committee requested. I intend to support the Kyl amendment because it still is below the President's request.

But, Mr. Chairman, I also want to offer strong support for the Dickinson amendment because the Dickinson amendment represents the committee position, and it says that rather than having an increase in the amount of funding for SDI during tough budgetary periods we ought to go with the committee position and accept the fact that we ought to have zero real growth. I would favor more than that, but I can accept the position that we should stay up with inflation, continue the program, be positive about the program, allow us to investigate all the various technologies and, therefore, I would argue that I hope that the membership can come here, if they cannot support the Kyl amendment, certainly to support the Dickinson committee position which is that SDI continues down the road, gives our negotiators leverage at the bargaining table.

The Bennett amendment and the Dellums amendments are dramatic decreases in the amount of spending for SDI, and, if you really want to limit the ability of our scientists, you vote for them. If you want to continue to support SDI, if you want to continue to support our negotiators and to make sure that we have a robust program that can explore most of the technologies, certainly not all of them that we would like to, but most of the technologies, then you have to support the Dickinson amendment and support a strong United States SDI Program because ultimately it is going to bring us deep cuts in strategic weapons and, I think, greater security for the people of this country.

Mr. SKELTON. Mr. Chairman, I yield 30 seconds to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, the strategic defense initiative is facing a critical period in the next few years. What happens to this year's budget is particularly important as well as the attitude of the next administration toward the prospects for this important program. To assure its healthy future, I would like to see the executive branch pursue SDI in a prudent but determined manner.

I am a strong supporter of SDI at a level of funding consistent with our defense priorities and economic realities. The funding level provided by the committee is within these bounds, and I urge my colleagues to reject significant changes, whether up or down. A drop in funding would cripple the R&D program, and yet a significant increase would be pointless in the present budgetary environment.

Constructive and reasoned congressional direction is needed for SDI at this time. The program's future is threatened from both sides. On one side there are those who wish to kill the entire program. In this regard, we must be cautious about reductions to levels where the program effort becomes unfocused and technological progress is arrested. The majority in Congress has repeatedly accepted the SDI concept; that is, to explore technologies which offer the potential of protection from incoming intercontinental missiles. At the other extreme, a move for excessive funding based on premature deployment would lose the consensus support for SDI.

The most prudent approach for SDI will be to continue our long-term research and development of exotic technologies that will not only permit a hedge against Soviet technological breakthroughs but will also offer us significant civilian benefits. This approach will allow maximum return on investment in the R&D to date and assure a meaningful contribution to U.S. technological competitiveness. The research done on SDI will benefit our civilian space program with development of the heavy lift launch vehicle in which NASA has a significant stake. SDI's space nuclear reactor program done with DOE and NASA—will provide us the first capability to do more than housekeeping in a space station while providing a power technology base for a lunar base or a manned Mars mission. The free electron laser has great potential for the fields of industrial chemistry and medicine while a number of other particle devices will undoubtedly find other applications as have past accelerations.

A rush to deploy a system within the next decade will divert important money from the most promising technologies and I believe we can move to protect against accidental launch without such diversion. I think laser and particle beam technologies are truly exotic in the context of the ABM treaty and allowing for aggressive R&D in these areas may indeed offer a route to orderly deployment within a reasonable international framework. It is important for Congress now to emphasize stability, efficiency, and sustainability. Fragmented and inconsistent guidance will lay us open to the charge of harmful meddling. On the other hand, simplistic urging of acceleration of deployment without allowing for promising technologies to mature will soon bring down the program. The committee has achieved a middle ground; let us stick with it.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, we have all seen the news story about the still-unreleased Office of Technology Assessment report on SDI. That report says that it requires an act of faith to believe that star wars will work as advertised. So far we have spent $12 billion on a system that will require an act of faith and ultimately $1 trillion. Today, this body will no doubt authorize a few billion more.

SDI represents a radical change in this Nation's nuclear strategy. SDI will mean the end of arms control if it is ever deployed, and it will be a disaster if it is ever used.

Mr. Chairman, I was reminded recently of the ghost dance ritual that swept through the Plains Indian Tribes in the late 19th century. They believed that ghost shirts would protect them from bullets. Unfortunately for the tribes, faith was not enough to stop the bullets, and the earnest faith of our President, and his generals and many of our colleagues will not turn back the ICBM's.

Mr. Chairman, SDI should be a research program, not a national obsession.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. KEMP].

Mr. KEMP. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I was listening to the previous comments about an act of faith and the study of OTA. If OTA had been around in 1961 when John F. Kennedy had suggested that this country could put a man on the Moon by the end of the decade in the sixties, OTA and other Luddites would have come out with a study as to why it would not have worked.

How many times in our country's history have we had people tell us things would not work? It was said that radar would not work in the 1930's. The atomic energy capability of this country, we were told would never work. In 1898, the director of the U.S. Patent Office, Charles Duell, said "that everything that can be invented has already been invented," and that was just a few years before the discovery of the law of relativity by Einstein that led to the breakthrough in lasers and so many of the great technologies of the 20th century.

□ 1245

In the 1930's the debate between Churchill and Chamberlain also between Churchill and Prime Minister Stanley Baldwin was whether or not Britain could ever be defended from Nazi bombers. I want to quote from the House of Commons in 1932 the statement made by Stanley Baldwin, who was soon to become Prime Minister of Great Britain. Unfortunately for Britain and the British people and the children and the men and women who were left vulnerable to Nazi bombers and died in those attacks, it was Baldwin who prevailed in the debate in the House of Commons in the 1930's. Baldwin said: "The only defense is in offense."

Baldwin said: "I think it is well for people to realize that there is no power on Earth which can protect people from ever being bombed. Whatever people may tell the men on the street," Baldwin went on to say, "bombers will always get through." He went on to say the only defense for Great Britain was "to kill more women and children more quickly than the enemy if you want to save yourselves."

Churchill from the back benches of the House of Commons stood up and talked about radar, talked about other new technology, courageously talked about an air defense for Great Britain, talked about a ground based defense against the growing Nazi threat from the air, but Baldwin and then Chamberlain kept saying, "Bombers will always get through."

Baldwin and Chamberlain went on to say in the House of Commons debate in the 1930's, "Not only will air defense not work, it would cost too much."

Then what is worse, they said an air defense system would provoke Adolf Hitler.

Mr. Chairman, it was not the strength of the British or the French that provoked Adolf Hitler in the 1930's. It was the weakness of the French and the British defense systems. It was the weakness of the U.S. Congress in the 1930's which passed the Neutrality Act which encouraged

Nazi Germany to invade other countries. Weakness led to the invasion of Austria, Czechoslovakia, and finally to the invasion of Poland. The bombers got through all right. They got through because Britain had no defense and didn't listen to Churchill.

Churchill lost the debate in the House of Commons over air defense in the thirties, but he finally was asked to come back and become the Prime Minister in 1939, and his wilderness years ended; but it is a fact that in 1944 when the Nazi—V-1 buzz bombs——

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The time of the gentleman from New York has expired.

Mr. DICKINSON. Mr. Chairman, I yield 1 additional minute to the gentleman from New York, and in doing so observe, I think, that the ghosts of Mr. Baldwin and Mr. Chamberlain still inhabit this Chamber.

Mr. KEMP. I agree. Obviously, no parallel in history is ever perfect, but the same arguments are being made that (A) SDI will not work and (B) it costs too much and that it is provocative for America to defend itself.

How can we measure the loss of lives in terms of a few billion dollars, which is about 1 percent or more of the total defense budget?

I am going to support the Kyl amendment. I am also going to support the Dickinson amendment. Congress has been cutting SDI, and I think its a dangerous mistake. I just traveled the country for a year and found that people around this country do not know today that we have absolutely no defense. None whatsoever. They were surprised that we have no defense against Soviet ICBM's.

We are debating in 1988 whose finger we want on the button of nuclear retaliation. We should rather be debating what kind of button it is. Why should not President Dukakis or President Bush be able to put a finger on a button that could defend lives?

A year ago in the Persian Gulf, the U.S.S. *Stark* was hit and 37 men's lives were lost because the ship's missile defense against the Exocet Iraqi missile was not operational and was not used.

What kind of nonsense is it to say that it is immoral to build a defense system? I think the moral position is for defense. I think it is for SDI. I think it is for the Kyl amendment.

I plan to propose an amendment that will accelerate the accidental launch protection system for America, and I hope the Members will support that as well.

Vote for Kyl. Vote for Dickinson.

The CHAIRMAN pro tempore. The gentleman will suspend.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The Chair will remind all persons in the gallery they are here as guests of the House and that any manifestation of approval or disapproval of proceedings here is in violation of the rules of the House.

The gentleman from Missouri [Mr. SKELTON] is recognized.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Maine [Mr. BRENNAN].

Mr. BRENNAN. Mr. Chairman, today, we have the opportunity to rein in a program which has seen tremendous growth from $991 million in fiscal year 1984 to the committee mark of $4.1 billion, about a 415 percent increase in 6 years.

This amount of growth for SDI is excessive and is taking scarce budget dollars from many other necessary programs like the war on drugs.

Program manager General Abrahamson has been unable to disclose an estimate of the total costs associated with this massive and complicated program. Is it $1 trillion?

They have also described a system which is vastly different from the program President Reagan unveiled in March of 1983. Their SDI Program is not an astrodome-type shield above the United States to protect our citizens from a massive ICBM attack.

I am not the only person who has severe doubts about this program and whether it can meet the objectives set forth by the President.

A poll taken in October 1986 by Cornell University revealed that the prestigious National Academy of Sciences membership opposed SDI as unworkable by a margin of 8 to 1.

For the SDI Program in that past 5 years we have spent over $13 billion. What have we gotten for that exhorbitant sum?

We have embarked upon a crash research program which some have criticized, for pursuing early deployment of the system.

Some of us believe the push for deployment is geared toward developing some type of system to lock us into further funding for the program.

I am deeply concerned about this crash course of research and possible early deployment.

We should keep in mind the SDI Program is contradictory to the 1972 ABM Treaty. This House voted last week 252 to 159 to adhere to the narrow interpretation of the ABM treaty. Any advanced testing and deployment of the SDI Program will likely result in a violation of the treaty.

Without question, the SDI Program is a massively complicated and difficult technology to integrate into a workable system. Common sense and tight budget dollars tells us we should not rush full bore into developing a system which:

Fails to achieve the original objectives established by the President;

Will violate the 1972 ABM Treaty;

Will not provide a leak-proof shield for population protection; and

By some estimates could cost $1 trillion to develop and $200 billion annually to maintain.

I support SDI research. However, I only support providing enough funding which allows necessary research to take place which will provide solid scientific evidence to make an informed decision.

For that reason, I support the Dellums amendment which calls for $1.2 billion in SDI research funding. I believe we can secure a significant amount of research for $1.2 billion.

I urge my colleagues to support a prudent and wise course regarding this significant defense program and support the funding level provided by the Dellums amendment.

Mr. DICKINSON. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, in the very short time remaining, I would like to do two things: first of all to suggest that the Washington Post story on the OTA report ought not to be relied upon by my colleagues on the left, because according to a letter to the editor Ben Bradley, dated May 2, from John Gibbons, the Director of the OTA and General Abramson, Director of SDI, and I am now quoting:

> We take serious issue with the April 24 Washington Post story on the new OTA study of the Strategic Defense Initiative. * * * The Post story offered an inaccurate and incomplete picture of the OTA findings. * * * We regret the misleading characterization of our position in the April 24 Post story and look forward to a fuller, more accurate and more productive airing of these issues when the OTA report is published.

My colleagues who argue from that story will do so at their peril.

Second, Mr. Chairman, I would like to quote two other points from Secretary Carlucci's letter to Mr. DICKINSON and to Mr. ASPIN, and I submit that in speaking with General Powell, the National Security Adviser this morning, he indicated to me that he concurred fully in these comments by Secretary Carlucci.

The letter says:

> The request of the President on SDI reflects a balance between our legitimate security requirements and existing budgetary constraints. I regret the reductions recommended by the Armed Services Committee, because they will cause major restructuring and delays in the program. Further reductions in funding or other restrictions on the program would have the gravest consequences.

And he concludes in this fashion:

> I urge you in the strongest possible terms to oppose any such amendments. If the Congress sends the President a defense bill that contains a funding level for SDI that is in my view inadequate, I would have no choice but to recommend a veto of that bill.

Mr. SKELTON. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, recently back in Missouri a lady asked me why we do not go ahead and build the SDI and put it in place? I attempted to explain to her that this is a multifaceted program consisting of some eight subsystems that are basically in the research and development stage, and I attempted to explain the research and development aspect of it.

According to the budgetary agreement between Congress and the President this last November, our part of the budgetary pie is $299.5 billion. From that figure, we must do many things, whether it be training, whether it be taking care of the troops overseas, building ships, buying airplanes, making military construction throughout the world, and making things better for our young people. We are doing the best we can in the Armed Services Committee to meet the very important steps, that is, for the SDI, and frankly, Mr. Chairman, I think that we should use the correct term, SDI, rather than the figure of speech of "star wars" when we speak of it.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). All time for general debate has expired.

It is now in order to consider the amendments relating to funding for the strategic defense initiative printed in section 1 of House Report 100-590, by, and if offered by, the following Members or their designees, which shall be considered in the following order only:

(A) Representative KYL;
(B) Representative DELLUMS;
(C) Representative DICKINSON; and
(D) Representative BENNETT.

If more than one amendment is adopted, only the last such amendment which is adopted shall be considered as finally adopted and reported back to the House.

AMENDMENT OFFERED BY MR. KYL

Mr. KYL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KYL: Strike out section 211 (page 19, line 13 through line 18) and insert in lieu thereof the following:

SEC. 211. SDI FUNDING FOR FISCAL YEAR 1989.

(a) AMOUNT AUTHORIZED.—Of the amount appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1989, not more than $4,500,000,000 may be obligated for the Strategic Defense Initiative.

(b) AUTHORIZATION ADJUSTMENTS.—The amounts authorized in section 201 are hereby adjusted as follows:

(1) The amount authorized for the Army is reduced by $192,000,000.

(2) The amount authorized for the Navy is reduced by $130,000,000.

(3) The amount authorized for the Air Force is reduced by $76,000,000.

(4) The amount authorized for the Defense Agencies is increased by $398,000,000.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. KYL] will be recognized for 12½ minutes and Member in opposition will be recognized for 12½ minutes.

The Chair recognizes the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, when Secretary of Defense Frank Carlucci took office he was requested by Members of this body to come to the Congress, unlike his predecessor, with his bottom line—not an unrealistic request for defense spending generally or specifically for programs like the SDI. He did that.

As a matter of fact, when he came before the Armed Services Committee, our chairman, the gentleman from Wisconsin [Mr. ASPIN] said this: "Every Secretary of Defense comes into office with certain strengths, and I think all members of this committee would agree that dealing with Congress was not one of Cap's strong suits. But your cooperation has been really exceptional, not just by comparison with you immediate predecessors, but by any standard I can think of."

Mr. Chairman, Secretary Carlucci was very cooperative. He came to us with his bottom line, not the $6.2 billion that had originally been requested, but a pared-down request of $4.5 billion. That represents 1.5 percent of our total defense budget. That is not too much money.

Well, what did the Congress do? What did the House Armed Services Committee do with this newly cooperative Secretary of Defense? We really kicked him in the shins, because we cut his bare-boned request by another 20 percent down to $3.7 billion.

Now, we can argue here all day about assertions, about experts, about our own opinions of things, but I believe that we ought to rely upon the people who we have put into positions of responsibility to come to us with recommendations for how we ought approach this research program of SDI.

We asked Secretary Carlucci to come up with a bare-bones request, and he did so.

I read before from his letter to the chairman and to the ranking member of this committee. I had to read too fast, because time was short. I would like just to reiterate one of the things he said and to again emphasize that this morning General Powell, the National Security Adviser, told me that he concurred fully with Secretary Carlucci's remarks. I do this to make the point that this is not some rightwing bomb thrower talking. This is not a bipartisan Republican versus Democrat issue. This is the National Security Advisor of the United States, Colin Powell, a much respected man. And Secretary of Defense Frank Carlucci, who has become very respected because of his honesty in approaching these budgeting questions. These are the people who are saying these words. The Secretary of Defense said:

> I regret the reductions recommended by the Armed Services Committee because they would cause major restructuring and delays in the program.

He said:

> I urge you in the strongest possible terms to oppose any such amendments—

Referring to the amendments to decrease the amount of funding below that which he requested.

Again he said:

> If the Congress sends the President a Defense bill that contains a funding level for SDI that is in my view inadequate, I would have no choice but to recommend a veto of that bill.

He concludes with these words:

> While I would make such a recommendation with regret, I would not be living up to my responsibilities to the President or to the nation if I failed to do so.

My point again in quoting these words is to try to elevate this debate, to get away from the assertions and counter assertions and the rather low level that has characterized much of the contentious argument in the past, and instead to try to point out that those people in whom we ought to have the most respect and confidence have told us that $4.5 billion is the appropriate budget level for SDI for this year.

We ignore these respected people's advice at our peril.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Chairman, I thank the gentleman from Missouri for yielding this time.

Mr. Chairman, the Kyl amendment would raise the SDI outlays about $400 million above the DOD request. This would have the effect of accelerating the phase 1 deployment which is currently being worked on.

There really is no official estimate, but experts agree, I think, that the cost of phase 1 would be somewhere in the range of $75 to $150 billion by the mid to late 1990's. If we had that much money, which we do not, we do not, we should not spend it on partial deployment of technology that could soon be rendered obsolete.

□ 1300

The proposed system at best would let through about half of the anticipated attacking warheads, more than enough to destroy this Nation. Phase 1 has already cut into the basic research necessary to create the ultimate hardware that could supply us an efficient and effective defense. Phase 1 would be destabilizing and premature and could be a disaster, but more likely it will expire by its own weight.

It is important for all of us to recognize that we do not know how much it would cost, how to protect it from attack, how it will discriminate between attacking warheads and decoys, how we would lift it into space, how we are going to design components we can afford, and how we could arrange to have the system debugged.

Phase 1 is a premature concept that should be put on the shelf.

Please vote against Kyl and for the Bennett amendment when it comes to the floor.

Mr. KYL. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. KEMP].

Mr. KEMP. Mr. Chairman, I want to congratulate the gentleman from Arizona [Mr. KYL] for his efforts not only on this amendment but on this whole debate over the defense bill. Certainly the ultimate question of defense is how do we protect ourselves against the threat of a nuclear attack and also against an accidental launch, which is something that I plan to be talking about a little bit later in the debate.

In terms of cost, I want to remind my colleagues who talk about the cost of SDI ad nauseam, that the Kyl SDI amendment, I believe, is around 1.5 percent of the total defense effort of the United States of America. To go below that level it seems clear to many of us who have been watching this SDI Program for a number of years, is going to jeopardize early deployment and cut back on the whole SDI effort which is needed, in my view, to help accelerate building a strategic defense. I do not need to tell anybody, and I do not believe we ought to spend money just because the Soviet Union is spending money, but it is obvious they are up to something with their ABM system around Moscow, their incredible effort on ballistic missile defense, antitactical ballistic missile defense, air defense, civil defense, and SDI defense. Whether these figures are totally accurate or not is subject to speculation but according to the Department of Defense later and publication on Soviet military power, the assessment is, the Soviet space program is about $80 billion over the last 10 years, their strategic defense program is $200 billion in the decade of the 1980's. Notwithstanding the fact we will not spend $200 billion on SDI in the 1980's, we are not going to spend anywhere near it, we are talking about an effort to bring an acceleration or bring the program back to its original design. I strongly favor it. I think this is a key SDI vote in 1988.

Earlier I had gotten up and spoke during general debate and pointed out that Churchill told the House of Commons in 1944 that the Germans launched 2,750 flying bombs, V-1 bombs. Churchill went on to say thanks to air defense, which the British had because of Churchill's leadership, a large proportion of those buzz bombs or V-1 rockets had been shot down. Churchill concluded by noting that the air force, confronted with the somewhat novel task of facing a projectile, found new methods of defense every day.

The question of faith always comes up. Who do we have more faith in, American technology and our scientific community or Members of Congress and the so-called OTA who do nothing but criticize the SDI Program and tremendous application of technology that has been accelerating and has been coming on stream in the last several years? As the author Tom Clancy wrote in the Wall Street Journal the other day, these critics are 20th century Luddites.

I just want to say I do not think we have to put faith in the Kyl amendment or in Kemp or in Stratton or Dickinson or any one person but it is the same faith in American technology that John F. Kennedy spoke of in 1961 when he said America is going to go to the Moon. He did not say that we are going to research it. He said we are going to go to the Moon because it is in the best interests of this country to put a man on the Moon in the 1960's. Let me tell my colleagues that it is much more important to protect America and our allies and the American people and our defense deterrent from the threat of a nuclear attack on the United States of America. I think it helps ensure that the arms control process will work. I strongly favor the Kyl amendment and I want to thank the gentleman from Arizona for taking the lead in this "House of Commons" in the 1980's. He is Churchillian in his perception of the threat that we face and the national effort that we need to make sure America is defended against this threat.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am driven to make a slight historical correction to the gentleman from New York.

I do admire his recollection of the battle against the V-1's, but it should also be pointed out that 25 percent of them fortunately never made it to the coast of Great Britain, and ended up in the English Channel.

Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, something has changed a little bit from last year. I have been trying to keep to the best of my ability, with others, these figures within some realm of logical effect. Mr. Chairman, $3 billion is the maximum amount really that is needed for a research program and that is the kind of evidence we have. Yet we have General Abrahamson suggesting he would like to have $45 billion more to be distributed in this program of preliminary activity with regard to SDI. This is in the reserach program.

What has that brought about? What has that push for additional money done? I find in many congressional districts Congressmen are now telling me that, "I now have a parochial interest. It is now difficult for me to be with you on SDI because we have blue collar jobs."

I now find when I talk to people about SDI that most of the people that turn me down in my efforts to have a reasonable forward-pushing thing for just adequate research and not any great expansion, many of them are telling me that, "Now I cannot do that because I have a parochial interest in my district," or they say sometimes, "in my State."

That is a very alarming thing because if that continues there is no way which we can stop this program if it is a bad program. It will just continue to roll over and we will spend more and more money on it. What does that do to the national defense of our country? I will tell my colleagues what it does. I am chairman of the Subcommittee on Seapower and Strategic and Critical Materials and I see a fight to try to get 15 carriers when in fact the Joint Chiefs of Staff say that we ought to have 21 carriers, but that they will settle for 15. I have a hard time getting 15 carriers because there is not enough money. There are three times the number of Warsaw Pact tanks today in Europe that we have, three times the artillery, and we are not taking care of our conventional weaponry. That is the real kind of war which is likely to be the one actually to be fought. We are dreaming about a type of war that is not likely to ever occur.

I will give my colleagues an illustration in my own experience. I was an infantry soldier in World War II in the Pacific. I fought against the Japanese. In many places the Japanese would be in a nipa hut. Against a nipa hut I could take one of my chambers of my weapon and I could empty it in a nipa hut and kill every Japanese soldier in that hut without any difficulty. I myself could do it alone.

When I approached, as I often did, a cave that had been dug out perhaps from a rocky location and was used by the Japanese soldiers, I had to take at least a squad, probably a platoon, and put more stuff on it. That is exactly the situation with regard to this approach for SDI. Nobody, Mr. Chairman, nobody, no scientists say this can be an umbrella over all of the United States. They all say a certain percentage will get through. Most of them say not 50 percent can be stopped.

I am a combat soldier. I had 5 years in the infantry in World War II. I know what I am talking about. I know when we can penetrate a shield that then we put all the more weapons we can possibly put on it. What is going to happen here? The Russians already have 10,000 rounds. Suppose we stop 90 percent from coming in? That 10 percent that gets through could kill my hometown, the 17th largest city in the United States. It could kill all the towns larger and they would still have 980 rounds left for the rest of the United States, 980 rounds. Each of those are much more powerful than the Hiroshima and Nagasaki bombs. What a disaster. What a disaster.

That is what we are asking for in this escalation of this funding.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to rise in strong support of the Bennett amendment. I know we are discussing the Kyl amendment, but I rise in support of the Bennett amendment.

Mr. Chairman, to go above the committee number here would be a serious mistake. This program has fundamental problems. It should be a research program. This rush to deployment under phase 1 is a mistake.

We all have read the OTA statement, and I resent very much the gentleman saying that we should not rely on it.

I have read it. The OTA statement is a strong indictment of this entire program.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I thank the distinguished gentleman from Missouri [Mr. SKELTON] for yielding me this time.

Mr. Chairman, later in this debate we will be offering an amendment, perhaps the only amendment that raises the policy consideration, one not dealing simply with dollars, but in the few moments that I have I would like to address the dollars issue because two of my colleagues have stated on the floor that the amount of money that we are talking about there is slightly in excess of 1 percent of the total military budget.

I would like to assert that that is, with all due respect, a rather superficial presentation of what the economic impact of all of this really is. Many of my colleagues have already stated, and later in the day will again point out, the absurdity and lack of effectiveness of this potential weapons system. Let us focus on the dollars, however. General Abrahamson, who is the Director of the Strategic Defense Initiative Office, has stated clearly and without equivocation that over the next 5 years there will be a need to authorize and appropriate $45 billion just to determine at the end of that expenditure whether it is even feasible to go forward or not. So we will be expected to pump in $45 billion additional over a 5-year period just to determine that question.

One does not have to be a brilliant mathematician to understand the economic budgetary implication of that. That means that we will have to spend approximately $9 billion per year for the next 5 years just to get to answer the question of feasibility. My colleagues and I operate within the confines of the gestalt, the total of our budget. We are here charged with the responsibility of determining priorities. We are operating within the statutory constraints of Gramm-Rudman which requires that we deal with the deficit.

How are we going to expend an average of $9 billion per year for the next 5 years just to answer the question of feasibility and address the myriad of problems that confront us as well particularly in view of the OTA report and other significant Nobel laureates who have come to realize that this is a futile program?

The second economic issue that needs to be looked at is that General Abrahamson again states that if we go forward with phase 1, and we are going to demonstrate during the course of time that we command the time on this floor that we are talking about maybe a 30-percent-effective system, but General Abrahamson says it will cost us between $75 and $150 billion in order to arrive not at a system that will give the American people a population defense shield but a system that will only defend nuclear weapons and only do that to the degree of 30 percent effectiveness.

Mr. Chairman, $9 billion per year for the next 5 years will decimate us, $75 to $150 billion with a megabillion-dollar deficit will decimate us. We cannot continue on an irrational basis to go forward propagandizing the American people that we are going to build a Houston Astrodome over America when we know that even the Pentagon has stated that we are talking about point defense.

□ 1315

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, may I ask the gentleman from Arizona [Mr. KYL], who is the sponsor of this amendment, I believe this amendment increases the authorization for SDI by $800 million over the committee's approval?

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I will be happy to yield to the gentleman.

Mr. KYL. That is correct.

Mr. SPRATT. That $800 million under our rule has to come from somewhere. Where did it come from with respect to the Army, the Navy, Air Force programs? What are we taking out of this program in the way of conventional and other defense to provide this $800 million?

Mr. KYL. The real answer is we are not taking anything. The original was $4.5 billion, and then the House Committee on Armed Services reduced the $4.5 billion down to $3.7 billion, and it redistributed that $192 million to the Army, $130 million to the Navy, $76 million to the Air Force, $402 million to defense agencies, and that money was not originally provided for those agencies, but was taken away from SDI, given to those agencies, and I would propose that they be returned to SDI.

Mr. SPRATT. Those technologies that would have been purchased with that $800 million include, as I understand it, submarine research, antiarmor research in the Army, conventional add-ons on other research in the Air Force. Can you identify what we are eliminating that was added into the budget if your amendment is adopted?

The SPEAKER pro tempore. (Mr. GRAY of Illinois). The time of the gentleman from South Carolina has expired.

Mr. KYL. Mr. Chairman, let me take a minute to respond to the gentleman from South Carolina [Mr. SPRATT].

As the gentleman is aware, the programs to which he referred were already being funded. These were not programs only funded by this money redistributed from SDI. These moneys were merely being added to already existing programs. Second, the gentleman from Washington had earlier indicated that same argument, and I point out to him this money is simply being redistributed back to SDI.

The gentleman from Florida [Mr. BENNETT] has made a point about funding, the need to fund other programs as well, conventional programs and others, and I think that is certainly a valid point.

That is why I proposed a couple of days ago to steadily and slowly increase defense spending. We need increases across the board. We do not need to take it at the cost of SDI.

Let me reiterate the numbers, Mr. Chairman. Out of a $300-billion defense budget, we are here talking either about the Carlucci proposal which is my amendment at 1½ percent of the entire defense budget or the committee proposal which is 1¼ percent of the entire defense budget.

I think it is a ludicrous argument to contend that the SDI Program is stealing money from other programs and is breaking the back of these other programs. The fact of the matter is that, like, the gentleman from California [Mr. DELLUMS] has indicated before, he would just as soon there would be no SDI Program and has called for an honest debate about whether we ought to have any spending for it rather than simply letting it starve by amounts of funding that permit it to starve but do not actually cut it off.

Mr. Chairman, I suggest we ought to be restoring the funding level suggested by Secretary Carlucci.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. KYL. I will be happy to yield to the gentleman.

Mr. KEMP. Mr. Chairman, I thank the gentleman for yielding.

I want to respond to the argument made by the gentleman from California who is always so articulate in his objections to the purpose of a strategic defense for America which is not to put a shield or a dome or Astrodome over the United States.

We all recognize that that is not possible, but it is possible to introduce doubt into the minds of the Soviet Union as to the efficacy or ability or efficiency of ever attacking the United States of America with impunity, and if we can introduce that doubt into their mind, it will reduce the chances of nuclear war, and since the gentleman from California is in favor of reducing those either by accident or by design, it seems to me he should not be saying, as he does, the purpose of SDI is to shield the whole country. It is to introduce doubt as to the ability of the Soviets ever to attack the United States.

I think that this is well worth the money that is being spent.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. KYL. I am happy to yield to the gentleman.

Mr. KASICH. Mr. Chairman, I think it is worth pointing out that we have heard discussion about Nobel laureates, and the Democrats' expert extraordinaire on defense, SAM NUNN, has now come out in favor of the concept of a limited defense.

You do not have to have a total shield in order for an SDI Program, in order for it to be effective, and I happen to agree with that Democrat. He may be on the ticket, and the Democrats may be looking for somebody who can have a more moderating position on defense, and I endorse what Senator NUNN says.

It is very, very significant that he believes like we do that these first steps are absolutely critical and perfection is not the only thing we are looking for, as the gentleman from New York just pointed out.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman.

Mr. LAGOMARSINO. Mr. Chairman, I support the gentleman's amendment and urge my colleagues to support it.

Mr. Chairman, I rise in support of the strategic defense initiative and in opposition to the amendments that further reduce funding for this important defense program.

During the past three decades deterrence has been based on our ability to use offensive nuclear weapons to retaliate against any attack. Sadly, we once did have to use these awful weapons in defense—we bombed Hiroshima and Nagasaki. Isn't it time we took steps that will permit us to do something to counter nuclear weapons, rather than live with them in fear? Many of my colleagues believe the answer lies not in the SDI but only in reaching further arms control agreements. Despite serious Soviet violations to present arms control agreements, these same members ignore Soviet noncompliance and tell us that greater trust and understanding will lead to arms control. I guess that's the same trust and understanding the Afghan people had with the Soviets. It nearly cost the Afghans their country and it did cost the lives of hundreds of thousands of their countrymen. Examining the track record of Soviet compliance with arms control agreements, I believe that realism, not just trust, will lead to arms control. Realism dictates that there is a need for a strategic defense to complement our arms control efforts.

Also, to the extent that arms control reduces the number of nuclear warheads the more effective a SDI system can be.

The concept of pursuing defenses is not new. In fact, it is wholly consistent with deterrence. It was actually being pursued during the Carter administration, but not in a very comprehensive or cohesive way. The reasoning is very logical. The policy of mutually assured destruction [MAD] has worked thus far, but the costs of a potential breakdown are great. I believe it is far safer to protect America with a "shield" than with the present "sword"—the threat of an unsurvivable nuclear holocaust should deterrence breakdown. In addition, an effective strategic defense can enhance deterrence by greatly complicating the war plans of the attacking nation. If greater uncertainty about the outcome of initiating such an attack can be achieved, defenses will have contributed to deterrence and stability.

Great strides have been made in our ability to track and intercept missiles before they reach their targets. The goal we seek is a system that can intercept deadly ballistic missiles in all phases of their flight. In this debate many opponents of the SDI will cite Nobel laureates and other distinguished physicists in arguing that the SDI is not feasible or safe. I urge these members to carefully examine the details of the reports they are quoting. Unfortunately, many are flawed in important respects and include misleading information. My well-informed friend, Mr. HYDE of Illinois, has provided me with a brief article written by an expert physicist with 25 years experience in defense work that analyzes these "great scientists" reports in layman's terms. I shall submit this brief analysis for the RECORD. I think you will be very surprised at how much wrong information on the SDI there has been and how little true facts have been considered. I urge my colleagues to review this short analysis.

While there has been much debate on the American SDI Program, many have conveniently ignored or denied the Soviet SDI Program. The Soviet Union has always considered defense to be a central part of its national security policy. In addition to their comprehensive air defense and civil defense network, the Soviets are engaged in developing a rapidly deployable anti-ballistic missile [ABM] system that could be deployable within 10 years. Thus, the SDI is a very prudent response to the very active Soviet ABM development and provides insurance against Soviet breakout.

I will give Mikhail Gorbachev credit for the good PR work he has done. His propaganda against our defensive efforts have pulled the wool over many folk's eyes. In discrediting our legitimate defensive needs he has managed to distract attention from his own greater, more intensive strategic defense system. Within the last decade the CIA estimates that the Kremlin has spent $150 billion, yes, that's $150 billion, on its version of the SDI. According to a respected group of Soviet dissident scientists, including some we in Congress helped emigrate, the Soviets devote much more of its efforts and resources into its own SDI Program than we do. They also warned that the Soviet Union would likey continue to proceed with its SDI even if it signed an agreement not to. They recommended that we not yield on development of the strategic defense peace shield.

The Soviets, in violation of the ABM Treaty, have developed a countrywide ABM capability. The Krasnoyarsk radar proves that. They are developing a new ABM system, based on two-layers of defense: silo-based Galosh missiles for long-range interception and silo-based high-acceleration missiles which can discriminate between real reentry vehicles and decoys inside the atmosphere. Soviet advances in conventional surface-to-air missiles have given many battlefield SAMS ABM capabilities. The Soviets are way ahead in laser technology developments. They also continue research and development of particle beam weapons, radio-frequency weapons, kinetic energy weapons, and computer and sensor technologies. Contrary to their propaganda, which many of my colleagues seem to be taking at face value, the Soviets are very interested and deeply committed to their own SDI. In fact, Soviet ballistic missile defense activities are so extensive that Moscow now has the potential to break out of the ABM Treaty much more rapidly than the United States can respond. It is clear beyond a doubt that the Soviets are moving right along at a quick pace to deploy their own strategic defense while we debate abouts sums that are only drops in the bucket compared to their extensive program.

Critics assert that the SDI cripples arms control. This is not true. Obviously the Soviets believe the two go together—they are pursuing strategic defense and claim they are serious about arms control. As Zbigniew Brzezinski, President Carter's national security adviser, said, the Soviets would not even be at the negotiating table with our country had it not been for the President's commitment to the SDI. The SDI is a very promising arms control mechanism. By providing a defensive shield, it reduces the need for nuclear missiles making reduction agreements more attractive and obtainable. The SDI coupled with arms reductions makes the argument that the Soviets can overwhelm our defenses moot. Even at partial effectiveness, the SDI denies any power the ability to carry out a successful first strike—further enhancing deterrence and making arms reduction proposals more acceptable. I urge Members to note that while we have been pursuing the SDI real progress has been made in arms control: The INF Treaty and advances on start. With the Moscow summit just around the corner, and with our negotiators making progress in Geneva, it is unwise for Congress to restrict this important program. The SDI, in addition to providing America with a sound defense, also keeps the Soviets serious at the negotiations table. Congress would be sending a very negative signal to the negotiations if we reduce SDI funding.

The SDI is already providing us with numerous spin-offs allowing us to make advances in medicine, materials construction, food irradiation, and engines—for automobiles, jets, and rockets. The nonmilitary benefits of the SDI are numerous and are conveniently ignored by SDI critics.

The SDI provides America with an alternative to our current dependence on nuclear weapons for national defense. It also provides protection against an accidental launch by the Soviets or some other power—a capability we are dangerously lacking today. I urge my colleagues to ignore what the Soviets are saying about the SDI—look at their actions. They are developing an SDI at a greater pace. With our commitment to the SDI, they have come to the arms control table. Actions speak louder than words. Let's take action now and preserve the necessary funding for the SDI and show the world we are committed to peace and security based on full armor—a shield and a sword, not just the bloody sword.

[From the National Review, May 4, 1987]

SDI WATCH

A committee of distinguished physicists released a report on SDI a few weeks ago that said that substantial progress had been made, but that it will take ten years or more to find out whether the U.S. can shoot down Soviet ICBMs with lasers and particle beams.

The report was commissioned by the American Physical Society, the nation's leading organization of physicists, and prepared by "scientists of great eminence," as the New York Times pointed out, including three Nobel laureates. Its view of SDI is more pessimistic than the one held by scientists in the government, who believe that within five to seven years they can reach a decision on whether to go ahead with laser weapons and the like.

The committee of physicists considered only lasers and particle beams—the more exotic components of SDI research. It did not discuss the only kind of missile defense actually being considered by the Department of Defense for deployment in this century. This defense involves the humdrum technology of heat-seeking missiles like the Sidewinder, which are routinely used in air defense. The heat-seeking missile homes in on and collides with its quarry, attracted by the heat it emits, and destroys it by the force of the impact.

These heat-seeking missiles in their "Star Wars" form are stored in pods on satellites and are called SBKKVs, which stands for space-based kinetic kill vehicles (the name comes from the fact that the kinetic energy released in the collision "kills" the ICBM). SBKKVs received high marks recently from the Marshall Institute and in a congressional testimony by General Abrahamson, director of the SDI project. They do not require any radical new developments in technology, and the annual cost for building a defense around them would be only a few percent of the total defense budget.

When the scientists working for SDI started their labors three years ago, defenses using lasers, particle beams, and kinetic kill vehicles or heat-seeking missiles were all considered to be good possibilities. They still are. But over the course of these three years of research, it gradually became clear that the heat-seeking missile was a more mature technology than the laser or the particle beam, and was the best bet for a defense to meet the Soviet missile threat in this century.

At any rate, the report by the physicists' committee focused on lasers and particle beams, and left out SBKKVs. The result is a very impressive document, loaded with equations and written by physicists for physicists. Needless to say, it has been examined with some curiosity by the scientists at Los Alamos and Livermore whose work was the main basis of the government's faster timetable for an SDI decision.

These government scientists started from the same facts and used the same basic equations as the outsiders. It is hard to see how one group of scientists could decide that the country might have the answers on a Space Shield in as little as five years, while another group, using the same facts and equations, says it will take at least ten years. Presumably the physicists and the Nobel Prizes are right. Where did the ones working for the government go wrong?

Hoping to find out, the government physicists got copies of the report. They were prepared to be impressed, and maybe to learn something. They poked around, and they found some peculiar things.

For example, the report says that one hundred nuclear reactors would have to be put into orbit to provide "housekeeping" power for the one hundred laser-equipped satellites that would make up the heart of the defense. "Housekeeping" means operating the satellite's computers and radios, keeping its temperature right, firing the little rockets that adjust its altitude, and so on. This was an important conclusion, because the image of one hundred large chunks of radioactive material whizzing overhead is disturbing. As the New York Times pointed out, "It undercuts the assertion that the defense would be non-nuclear."

Well, the prediction of one hundred nuclear reactors depends on an assumption made by the committee of physicists. The assumption is that satellite housekeeping requires between 100,000 and 700,000 watts of electric power. Providing a continuous supply of that much electric power in space would certainly require nuclear reactors.

But the amount of power needed for satellite housekeeping is well known. It is not hundreds of thousands of watts, it is only a few thousand watts—one hundred times less than the report said. This relatively small amount of power—about what an average household uses—is routinely supplied to a satellite by solar cells on the sunlit side of its orbit, and by storage batteries on the dark side. Nuclear reactors are not needed.

Why did the committee of physicists make an error by a factor of one hundred on the housekeeping requirements of the laser satellites? They mention that power is needed to operate radars on the satellites, and indeed a microwave radar does take a lot of power—but SDI does not plan to use any power-hungry microwave radars on its satellites. And they mention the power needed to cool the laser mirrors—but those mirrors only need heavy cooling during the few minutes the actual battle lasts, and even that cooling is accomplished by circulating fluid through the mirrors, and not with electricity.

The report also mentions that one billion watts of power is needed to run a neutral-particle-beam weapon. That might indeed be a daunting requirement. But the neutral-particle-beam weapon is being designed to produce one-hundred-million-volt particles with a current of one-tenth of an ampere. From Physics I, watts=volts x amps, and that gives ten million watts for the power of the beam produced by this gadget. For every watt that comes out, about three watts has to be put in, which means thirty million watts of power has to be supplied to run the device.

So thirty million watts is the requirement for a particle-beam weapon. But the report by the committee of physicists says one billion watts is needed. That is roughly thirty times more than the right answer.

As with the excess factor of one hundred for housekeeping power, this error by a factor of thirty is in a direction that makes defending the U.S. against Soviet missiles seem harder than it really is and the timetable for reaching the SDI goal seem longer.

It is beginning to be clear why the committee of physicists said the U.S. would need ten years to make a decision on SDI's laser weapons. It is also clearer how two competent groups of scientists, both working with the laws of nature, could reach different conclusions. The calculations by the committee of physicists were first-class, but some of their assumptions were flawed and so, therefore, were their conclusions.

Another important finding in the committee's report—item number one in the executive summary—says that chemical lasers have only been tested at a power somewhat above 200,000 watts, and must still be beefed up by another two "orders of magnitude" to be effective as space weapons. An "order of magnitude" means a factor of ten, and two "orders of magnitude" means a factor of one hundred. A hundredfold increase in the power of a 200,000-watt laser means building a laser with a power of many millions of watts.

But SDI demonstrated a multimillion-watt laser more than a year ago, and the Soviets have had multimillion-watt lasers in their own "Star Wars" program for several years. In fact, the Soviets have a number of multimillion-watt lasers operating in their weapons labs right now. Soviet scientists claim these are for "medical research," but since they can blow a hole a foot in diameter in your body in one second, that seems unlikely.

As the physicists' report notes, "substantial progress" is being made in the field of ultra-powerful lasers. That seems to be so in the Soviet Union as well as in the United States. Why, then, the pessimism? Part of the problem seems to be that the basic assumptions in the report are biased toward a pessimistic conclusion. The remainder of the difficulty may be connected with the mentality of some research scientists. As one of their own observed recently, that mentality is like a laser beam—very penetrating, but very narrow. Scientists have always been poor at forecasting progress in practical applications of their research. Perhaps the most famous forecast, and the one most germane to SDI, was offered by Vannevar Bush, science czar for the government during World War II, who said to President Truman after the war, "People . . . have been talking about a three-thousand-mile rocket going from one continent to another carrying an atomic bomb . . . I think we can leave that out of our thinking."

Mr. SKELTON. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I will simply respond to my colleagues that remember the President of the United States, President Reagan, sold the strategic defense initiative to the American people as a population-defense shield. He apparently is the only American citizen who was in elective office, well, two, Mr. DORNAN, who believes that is feasible. Only two people in America who are in elective office believe that can take place.

Even the gentleman from New York [Mr. KEMP] says that that cannot happen, and that is a major and important ingredient.

Mr. KYL. Mr. Chairman, I think the last argument is really a red herring. The fact of the matter is that National Security Adviser Colin Powell, Secretary of Defense Carlucci, General Abrahamson, and other experts who have appeared before us have made it crystal clear how this phased program, beginning with a research program, evolving into a first phase, and evolving into a follow-on phase, can provide the deterrence.

What the gentleman from New York [Mr. KEMP] pointed out is that it puts significant doubt into the minds of the Soviet planners so as to preclude them from launching this kind of devastating attack.

I would like to conclude by saying all my amendment does is restore the amount of funding requested by Secretary Carlucci when he came before the committee.

We are talking about 1½ percent of the entire defense budget. This will not cripple defense spending in other areas, and it is a legitimate request of the experts in which this Congress ought to have some confidence.

I hope the Members will support this effort and at a minimum will support the request for the $3.7 billion spending level.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I have remaining.

I am recalling the words of my fellow Missourian, Mark Twain, who once said, "The more you explain it to me, the more I don't understand it."

As a result of this debate, those of us who are about to cast a vote on this very, very important, terribly important, issue, I think we should probably recapitulate and see where we are and what the issues before us are at this moment.

First, let us look at the figures, because this is a monetary debate. We are looking at figures as opposed to facts supporting it, because we all know that this SDI system is a terribly important system.

Fiscal year 1988, and that is last year's appropriation, was $3.9 billion. The request this year coming from the administration is $4.9 billion. Not long ago the Committee on Armed Services came forth with a recommendation of $4.1 billion based upon the limits I had heretofore mentioned, the various constraints and various other areas which we wished to fund.

Also, taking into this equation, we must see that the Senate Armed Services Committee authorized $4.6 billion. In line with that, we have four amendments that are before us in the next several minutes.

The first is from the gentleman from Arizona [Mr. KYL], who would put the figure at $4.9 billion.

Mr. DREIER of California. Mr. Chairman, one of our colleagues who is opposed to the development and deployment of a strategic defensive weapons system has stated that, "SDI is not just another research program. It represents a radical shift in the Nation's nuclear strategy." While our colleague correctly notes that SDI is a shift in our nuclear strategy, he appears to have missed the significance of this "shift."

President Reagan's strategic defense initiative [SDI] is the most significant policy development since the beginning of the nuclear era. It represents a shift toward deterrence based primarily on strategic defenses and away from our current deterrent. Today, the United States can only defend against a nuclear attack by increasing the number and sophistication of our offensive nuclear arsenal. This policy of deterrence by nuclear terror, better known by its acronym MAD [or mutually assured destruction], is loosing its effectiveness as the Soviet Union accelerates the development of its own strategic defense program.

I support the Kyl amendment to increase the Armed Services Committee authorization of $4.1 billion for SDI in fiscal year 1989 to the requested level of $4.9 billion. I also oppose amendments which reduce the committee funding level or would micromanage allocation of SDI funds within the overall SDI budget. Reductions and restrictions of this type would further hamper efforts to provide continuity in SDI's critical research programs on which our current national security systems depend. In addition, these reductions and restrictions would force premature choices and cancellation of competition in several of the key SDI projects. I should not need to point out that this competition helps to assure cost-efficient and effective programs. These amendments are thinly disguised attempts to sabotage any prospects for near-term deployment.

The Director of the Strategic Defense Initiative Organization [SDIO], which oversees the entire project, has warned that in limiting the funds available for phase 1, the Spratt amendment would also constrain important follow-on technologies. This action, coupled with overall funding reductions, would result in further delays in the program.

Mr. Chairman, I would like to read a statement by General Secretary Gorbachev of November 30, 1987, in which he acknowledged that the Soviet Union is involved in strategic defense research. "The Soviet Union is doing all that the United States is doing, and I guess we are engaged in research, basic research, which relates to these aspects which are covered by the SDI of the United States." Mr. Gorbachev only failed to note that the Soviet Union has been conducting such research since the 1970's and that the Soviet effort into all aspects of strategic defense has been consistently far more vigorous than that of the United States.

While United States leaders have consistently maintained that a nuclear war cannot be won and should never be fought, Soviet civilian and military leaders have historically indicated their belief that such a war may well be fought, and won, under certain circumstances. Fortunately for the Kremlin, it does not have the United States Congress to tie its hands in the development and deployment of forces necessary to support a nuclear-war-winning strategy.

I urge my colleagues to join me in supporting the Kyl amendment, which provides for the President Reagan's requested funding for SDI, in order to ensure its rapid development and early deployment.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Arizona [Mr. KYL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KYL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 105, noes 312, not voting 14, as follows:

[Roll No. 98]

AYES—105

Archer
Armey
Badham
Baker
Bartlett
Barton
Bateman
Bentley
Bevill
Bilirakis
Bliley
Broomfield
Bunning
Burton
Callahan
Cheney
Coleman (TX)
Combest
Courter
Craig
Crane
Dannemeyer
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Erdreich
Fields
Flippo
Gallegly
Gekas
Gingrich
Hall (TX)
Hammerschmidt
Hansen
Harris
Hefley
Hiler
Holloway
Houghton
Hunter
Hyde
Inhofe
Ireland
Kasich
Kemp
Kyl
Lagomarsino
Latta
Lent
Lewis (CA)
Lewis (FL)
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Martin (NY)
McCandless
McCollum
McCrery
McEwen
Michel
Miller (OH)
Moorhead
Oxley
Packard
Parris
Pashayan
Porter
Quillen
Rhodes
Richardson
Robinson
Schaefer
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (TX)
Smith, Robert (NH)
Solomon
Spence
Stratton
Stump
Sundquist
Sweeney
Swindall
Taylor
Vander Jagt
Vucanovich
Walker
Weber
Wilson
Wolf
Wortley
Young (FL)

NOES—312

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Ballenger
Barnard
Bates
Beilenson
Bennett
Bereuter
Berman
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
English
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hamilton
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Herger
Hertel
Hochbrueckner
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Madigan
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Price
Pursell
Rahall
Rangel
Ravenel
Regula
Ridge
Rinaldo
Ritter
Roberts
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (OR)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Studds
Swift
Synar
Tallon
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Upton
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wise
Wolpe
Wyden
Wylie
Yatron
Young (AK)

NOT VOTING—14

Biaggi
Boulter
Daub
Duncan
Dyson
Hastert
Hawkins
Martin (IL)
Mica
Ray
Stokes
Udall
Waxman
Yates

□ 1342

The Clerk announced the following pair:

On this vote:

Mr. Boulter for, with Mr. Daub against.

Mr. CHAPPELL changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. ASPIN. Mr. Chairman, I yield for the purpose of engaging in a colloquy to the gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. Mr. Chairman, this Congress has demonstrated its continued support for the Anti-Ballistic Missile [ABM] Treaty. We have also shown our support for carrying out the strategic defense initiative [SDI] Program in compliance with this treaty's provisions.

Mr. ASPIN. That's correct. Last year the administration agreed that no tests under the SDI Program will violate the traditional interpretation of the ABM Treaty.

Mr. HOCHBRUECKNER. It has come to my attention that the flight measurement test of one SDI project, the airborne optical adjunct [AOA], is planned for fiscal year 1989. As you know, this test would involve an aircraft with an infrared sensor that could detect and track ballistic missile warheads in flight trajectory. To some, including the legal counsel to the U.S. ABM negotiations, testing of the AOA will appear to be a violation of the ABM Treaty's ban on air-based components that can substitute for an ABM radar.

Mr. ASPIN. Yes, the ABM Treaty bans air-based components that can substitute for ABM radars. However, SDIO has stated that the AOA test will not violate the treaty. Nevertheless, this test involves a gray area of the treaty in which definitions of ABM components are not clear. Without United States cooperation, the Soviets will be unable to verify if an AOA test is ABM compliant, creating a political problem and giving the Soviets an excuse to respond in kind. Clearly, the United States should try to reach common understandings with the Soviets in gray areas.

Mr. HOCHBRUECKNER. According to information submitted to the House Armed Services Committee earlier this year, the AOA is scheduled to be tested in fiscal year 1989. If the AOA test is carried out in fiscal year 1989, this may put the next President in an awkward position and tie his hands on policies regarding the ABM Treaty, SDI Program and United States-Soviet relations. This concern has prompted me to prepare an amendment to this bill to delay the first AOA flight experiment until June of fiscal year 1989. Can we establish the date at which the SDIO plans to test the AOA?

Mr. ASPIN. I understand that the date of the AOA test has been changed. SDIO now plans the first flight experiment no sooner than June 1989, according to a recent letter from Lieutenant General Abrahamson. I submit this letter for the RECORD:

STRATEGIC DEFENSE
INITIATIVE ORGANIZATION,
Washington, DC, April 26, 1988.

Hon. LES ASPIN,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my concern about a proposed amendment to the Defense Authorization Bill which would terminate ongoing testing of the SDI Airborne Optional Adjunct (AOA) until that project can be reviewed by the next Administration.

I believe the amendment is both unnecessary and counterproductive. The AOA flight experiments have been certified as fully compliant with the restrictive interpretation of the 1972 ABM Treaty for several reasons:

AOA cannot perform the basic radar functions of acquisition and closed loop tracking of an uncooperative target.

The target must travel along a programmed trajectory.

The experimental device has limited sensor elements, a small instantaneous field of view, slow slewing rate, no control feedback loop which prohibits closed loop tracking of even a single uncooperative target, inadequate sensor range, limited data and sensor processing capability and platform limitations for platform altitude and time on station.

The Airborne Optical Adjunct (AOA) is a test bed which incorporates stressing technologies. Testing is an integral part of the system assembly and check-out for experiments. Staged testing is necessary to verify flight worthiness; different levels of testing have already begun. Delay of further testing until February 1989 will seriously delay sensor completion and integration and planned experiments.

Earliest possible flight tests of the complete AOA system would not take place until well after January 1989 in any case. Earliest possible dates:

March 1989: shakedown of the integrated components of the AOA over the continental United States.

June 1989: flight experiments over the Kwajalein missile range.

While these are the earliest possible dates, completion of the shake-down could take up to six months, and the onset of experiment flights could be delayed up to a year. In any case, flight tests will occur after the change of Administration.

Thank you for your interest and support in this matter. If I can be of any further assistance please contact me.

Sincerely,

JAMES A. ABRAHAMSON,
Lieutenant General, USAF, Director.

Does this settle your concern regarding testing of the AOA in fiscal year 1989?

Mr. HOCHBRUECKNER. Yes, it does. By testing the AOA no earlier than June 1989, our next President will have the ability to assess United States policy regarding SDI testing and compliance with the ABM Treaty, as well an opportunity to negotiate with the Soviets regarding gray areas in the ABM Treaty. I agree with you that the next administration should take a hard look at these areas, such as infrared sensors, and use the Standing Consultative Commission to clarify gray areas. Thank you, Mr. Chairman, for clarifying this issue. I no longer need to offer my amendment.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). Under the rule, the next amendment in order will be offered by the gentleman from California [Mr. DELLUMS].

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment Offered by Mr. DELLUMS: Page 17, Strike out line 1 and insert in lieu thereof the following:

For the Defense Agencies, $6,169,304,000.

Strike out section 211 (page 19, lines 13 through 18) and insert in lieu thereof the following:

SEC. 211. TERMINATION OF STRATEGIC DEFENSE INITIATIVE.

(a) AMOUNT AUTHORIZED.—Of the amount authorized in section 201 for research, development, test, and evaluation for the Defense Agencies, no funds are available for the Strategic Defense Initiative Program.

(b) TERMINATION OF SDIO.—The Strategic Defense Initiative Organization (SDIO) is hereby terminated.

SEC. 212. STRATEGIC TECHNOLOGY RESEARCH.

(a) CREATION OF STRATEGIC TECHNOLOGY RESEARCH OFFICE.—The Secretary of Defense shall establish a Strategic Technology Research Office (STRO) within the Defense Advanced Research Projects Agency (DARPA). The STRO shall have responsibility for managing all research authorized under this part and all research previously managed by the SDIO.

(b) GUIDELINES FOR STRATEGIC TECHNOLOGY RESEARCH.—(1) Programs authorized under this part shall be designed to—

(A) increase the strategic surveillance and early warning capabilities of the United States;

(B) increase United States options for responding to potential future Soviet breakout from the 1972 Anti-Ballistic Missile (ABM) Treaty;

(C) explore technologies with a long-term potential for defending the United States against a responsive Soviet offensive nuclear threat; and

(D) complement other programs authorized in this and subsequent Acts to enhance the national security of the United States and not rquire resources which would undercut other pressing defense needs.

(2) The STRO shall avoid premature commitments to the development and testing of limited capability systems which have minimal potential to respond to Soviet offensive developments.

SEC. 213. FUNDING LEVEL FOR TECHNOLOGY BASE RESEARCH.

(a) AMOUNT AUTHORIZED.—Of the amounts authorized on page 17, line 1, not more than $1,265,000,000 is available for the STRO to conduct research authorized under this part.

(b) OBLIGATION LIMITATION.—Funds appropriated or otherwise made available to the Department of Defense under subsection (a) may be obligated or expended only for technology base research and may be obligated or expended for non-technology base experiments or demonstration projects.

(c) MANAGEMENT AUTHORITY.—Notwithstanding subsection (b), the Secretary of Defense may transfer management authority for a specific program, project, or activity from the STRO to the military departments or other defense agencies if such program, project, or activity has met all DARPA review criteria and if—

(1) the Secretary informs Congress of such transfers in the report specified in section 215; and

(2) such program, project, or activity complies with the restrictions and guidelines specified in sections 212(b) and 214.

SEC. 214. OBLIGATION RESTRICTIONS.

None of the funds appropriated or otherwise made available under this Part may be obligated or expended for—

(1) any program, project, task, or activity to develop, test, or deploy an antiballistic missile (ABM) system or component which is sea-based, air-based, space-based, or mobile land-based;

(2) the development or testing of any component, system, or concept which makes use of nuclear detonation;

(3) any activity, excluding technology base research, related to, and in support of the Space-based Interceptor Experiment; or

(4) flight tests of the Airborne Optical Adjunct.

SEC. 215. REPORTING REQUIREMENTS.

(a) Within 90 days of enactment of this Act, the Secretary shall submit to the Congress a report on the termination of the SDIO and the establishment, organizational structure, and allocation of funds to the STRO.

(b) As part of the fiscal year 1990 budget request for the Department of Defense, the Secretary shall submit to the Congress reports:

(i) outlining a ten-year program for research to be conducted under the STRO;

(ii) analyzing the feasibility, cost, potential missions, and advisibility of the United States deploying a single, fixed land-based anti-ballistic missile defense system, as permitted under the 1972 AMB Treaty; and

(iii) on the necessity, appropriateness, and cost of a program to conduct research into ways to decrease the possibility of the accidental explosion of nuclear devices targeted upon the United States, including, but not limited to, active defense against the accidental launch of nuclear-armed ballistic missiles.

Page 208, Strike out lines 10 and 11.

Page 210, Strike out lines 10 and 11.

Page 226, Strike out $252,254,000 on line 20 and insert in lieu thereof "no funds".

Page 237, Strike out $285,000,000 on line 7 and insert in lieu there of "$32,746,000.

Mr. DELLUMS. Mr. Chairman, it is my distinct pleasure to yield 6 minutes to the distinguished gentlewoman from California [Mrs. BOXER], the coauthor of the amendment.

Mrs. BOXER. Mr. Chairman, I thank the gentleman from California for yielding this time to me, and I thank his staff for working with our staff on this amendment. It is his amendment, and he gave me the privilege of working with him, and I am very grateful.

□ 1350

Mr. Chairman, in our esteemed House of Representatives, we engage quite properly in diplomatic talk. If we think a colleague is wrong, we do not say, "You are wrong." What we do is say, "The gentleman is missing the point."

If we do not like a program, we do not say, "The program is awful." We say, "It is not meeting its objective."

Well, I am going to talk straight about star wars. I think star wars is a ripoff, plain and simple. It is a totally flawed concept. It is a boondoggle, the biggest bait and switch scam ever, as deceptive as the "Wizard of Oz." It is a dream of laser weapons powered by nuclear explosions, particle beam weapons, chemical rockets, and space-interceptors parked in "garages," in orbit.

And in reality, it is a no-go, as wimpy as the little man who made believe he was the "Wizard of Oz."

Now, that is pretty plain talk, but I want to prove to you that what I say is backed up by the Joint Chiefs of Staff who say that at best star wars will only be 30 percent effective against the majority of Soviet missiles.

It is backed up by former Assistant Secretary of Defense Richard Perle, who said that star wars was never meant to be more than a partial defense. It is backed up by the Associate Director at Lawrence Livermore Labs, who says a partial defense will easily be overcome by thousands of Soviet nuclear warheads and decoys.

It is backed up by Loren Thompson of Georgetown University, who told the Wall Street Journal that it makes no sense to deploy star wars as long as there is no defense against Soviet bombers and cruise missiles.

Now, my colleagues, let us visualize together how ineffective star wars is.

Mr. Chairman, there are 1,400 Soviet ICBM's. With 30-percent star wars effectiveness, 980 would get through, and I want you to look at this chart. The red X's show where star wars could knock out these missiles. All of these missiles, 980 that get through, each one of them is 10 times the power of the bomb that hit Hiroshima. We would be history with this.

I would like to show you the next chart. The next chart shows stars wars effective against submarine-launched missiles. Again the Joint Chiefs of Staff say 30-percent effectiveness. There are 400 such missiles, and 280 would get through, again each one of these missiles 10 times the power at least of Hiroshima.

And another chart that shows the effectiveness of star wars against air-launched missiles. Zero percent effectiveness. Each and everyone of these missiles would get through.

Finally, if I could sum up these charts by showing you the last chart, what we have here is the total. Out of the total missiles, 2,600, the missiles that penetrate star wars, 2,060 for a rate of 21.1-percent effective passing.

Now, I think if we had to view any of the programs in this country and it was 21-percent effective, we would either cancel it or change it dramatically.

What our amendment does is changes it dramatically, takes it back to where it would most effective, keeps it as a research program.

Now, so far we have spent $12 billion on star wars.

Let us put it into context: $12 billion is 2½ times what we spend on elementary and secondary education in 1 year in our budget.

It is 3½ times what we spend on mass transit in this country in 1 year.

It is 120 times what we spend on international narcotics control in 1 year.

It is 24 times what we spend on maternal and child health in 1 year.

I know this is painful information to some people, but I think the American people have the right to see what we have been spending $12 billion on.

I say it is time to cut our losses. We need to fight drugs. We need to fight cancer and AIDS. We need to take care of our needy. We need to educate our children and retrain our workers and help our farmers. We need to cut the deficit. We need to have weapons that work and soliders that are prepared.

We do not need star wars. The proof is right here. It does not work. I say to my colleagues on both sides of the aisle, whether you are a hawk or you are a dove, or a liberal or a conservative, let us fund programs that work. This one was an astrological dream that our President decided to pursue. It is time to say, "Wake up, Mr. President, Wake up, America. Let us spend our money on what works and let us cut the deficit."

The CHAIRMAN pro tempore. Does the gentleman from Arizona [Mr. KYL] desire to rise in opposition to the pending amendment?

Mr. KYL. Yes, I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Arizona [Mr. KYL] is recognized for 12½ minutes.

Mr. KYL. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, to quote the distinguished gentlewoman from California, she is the one who is missing the point. You cannot cover up some very ugly rhetoric with the term "plain talk."

To say that strategic defense for our homeland is a boondoggle, a ripoff, a no-go, or a fraud, is insincere under this amendment, because if the gentleman from California [Mr. DELLUMS] truly believes, as the gentlewoman has said, that it is a fraud, hopelessly flawed, never will work, why does the gentleman want to put $1,300,000,000 into the program?

Have the courage of your conviction and stand up and zero this out.

I know that a lot of people in Berkeley do not want to spend a nickel on this, so why are we going to spend $1,300,000,000 on something that you think is a boondoggle or a ripoff, a no-go and a fraud? It is insincere in the extreme.

Now, the gentlewoman quoted the Joint Chiefs. I was with one of the Chiefs the other day, and he told me something I find astounding, that the Chief of Staff of the U.S. Air Force, has not been called before the Armed Services Committee to give testimony, open or closed, in the past 2 years.

The commanding officer of the Strategic Air Command, General Chain, told me that not only has he not been invited to testify before the House Armed Services Committee, but has only been invited to testify before the highly vaunted Senate Armed Services Committee, three times in 2 years.

So if we are going to hear from the Joint Chiefs of Staff, show us the documentation for those charts. Tell us what they really say. It is insincere to quote them out of context.

The CHAIRMAN pro tempore. The time of the gentleman from California has expired.

Mr. KYL. Mr. Chairman I yield 30 additional seconds to the gentleman.

Mr. DORNAN of California. If we go back to the analogy of the thirties, which we are reliving as though we are under a curse, in the early days of the German blitz on London, the RAF with older Hurricanes, did not get 10 percent of the German bombers. When the Heinkels were coming over, if they got 1 out of 20, 5 percent, they thought they were doing well. It wasn't until the Spitfires came on line, produced over the objections of the liberals in the House of Commons, that Great Britain started to increase its effective defenses to 10, 20, and even 30 percent. If Los Angeles and Orange Counties are in that minimal 30 percent, I would be happy for stopping 30 percent. But in reality the first phase of SDI will exceed 90 percent effectiveness.

Mr. DELLUMS. Mr. Chairman, as I understand it, since the distinguished gentleman from Arizona [Mr. KYL] represents the committee position, the gentleman is entitled to close the debate. We only have one remaining speaker on this side, so I would appreciate if the gentleman from Arizona [Mr. KYL] would wind his speakers down to the last speaker and then this gentleman will close debate on this side and the gentleman from Arizona [Mr. KYL] can close debate on his side.

The CHAIRMAN pro tempore. The gentleman from California is correct. The gentleman from Arizona [Mr. KYL] is entitled to close debate.

The gentleman from Arizona has 10 minutes remaining.

Mr. KYL. Mr. Chairman, I will wind it down somewhat. I am not sure how I am going to wind it down, but I yield 2 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I do not see a need to be very emotional on this issue, because emotionalism will simply cloud people's judgments.

A vote for the Dellums amendment, plain and simple, is a vote to kill SDI. People talk about its degree of ineffectiveness, but I want to tell you, I had the opportunity to meet at the request of the gentleman from New York [Mr. DOWNEY] the chief Soviet scientist, Dr. Velikhov. The gleam in Dr. Velikhov's eye was very easy to explain. That gleam represented his belief that the Soviets somehow could kill the United States SDI program. Why? Because clearly, as the gentleman from New York [Mr. KEMP] indicated earlier, SDI has great potential for becoming very, very effective.

The tragedy is at this point in time that the Soviets have walked away from the negotiations to reduce our strategic arsenals in half as the result of their inability to kill the SDI Program.

Let us not vote for the Dellums amendment, because the Dellums amendment will do what the President has resisted doing and will do what the Soviet negotiators hoped to achieve, and that is to eliminate our ability to develop an SDI Program to a high degree of effectiveness.

The debate no longer is whether we ought to have an SDI Program or not. The experts on both sides, Senator NUNN on the Democratic side, the strong thinkers on the Republican side, all support the basic concept of SDI.

It really comes down to a level of funding. If you support the amendment of the gentleman from California [Mr. DELLUMS], and I believe he offers it in good faith, then you really are destroying the program, eliminating our ability to make it effective. If you support the Dickinson amendment, which is the committee position, it permits the continued orderly development of SDI.

There is no reason to get emotional. All we have to do is look at the facts. The Soviets want to kill our system. The chief Soviet scientist told me that himself. We need to keep it going, because it offers us a great degree of hope. The technologies that can be developed over the next several decades can be crucial in giving us the kind of security that the American people really want.

Mr. KYL. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I think the House should be disturbed by the fatalism that we hear coming from the other side of this argument. The argument that was posed by the gentlewoman from California is that some of these missiles are going to get through. We cannot have a leak-proof defense, and therefore we should not try to build any type of defense against incoming intercontinental ballistic missiles.

Most people in this country, our polls show, think that this Congress has already taken care of it. They think that we do have a defense against incoming ballistic missiles.

We have not been candid with them. We do not have that defense.

I am reminded about what Churchill said after the bomb hit Hiroshima.

He said, "Thank God we developed this terrible technology before Mr. Hitler did, because the world would be a very different place if we hadn't done that."

Now, it is terrible technology, but as the gentleman from Ohio [Mr. KASICH] mentioned, there are many very expert authorities in the world on our side and the Soviet side who think it is possible to stop incoming ballistic missiles.

□ 1405

Mr. Velikov is one of those people.

We are asking a question of this research. Our question is, can we build an effective SDI system? We have to devote resources to this question to give to our scientists so that they can do experiments, do the laboratory work, and so they can answer the question for this Congress and for the American people of whether we can build an effective SDI.

The more resources we put into this issue, the faster we are going to have the answer and it is in the national interests of this country to receive that answer as quickly as possible.

The gentleman from Oregon [Mr. AUCOIN] said, "What if the Soviets build this shield, also?"

My answer is that I would rather have the Soviets with a shield, and I think they are going to build it as soon as they can regardless of our actions, I would rather they had a shield and we had a shield than have the communities of the United States rely on the mercy of the Soviet Union.

Mr. DELLUMS. Mr. Chairman, I yield myself the remaining 6½ minutes of my time.

Mr. Chairman, we are at a significant moment here. There are Members in this body who have made up their minds that it is necessary to go forward full steam with this system. There are some Members in this body who believe that it ought to be terminated.

At least half of my colleagues in this body are languishing somewhere in the middle. We all in this room understand that the political struggle is over where all of my colleagues who are in the middle, where they come down. I choose to address you today.

The gentlewoman from California [Mrs. BOXER] and I have stated over and over again that this was never a population shield, that it would come down to a point defense. That is now a matter of fact, not conjecture.

We said that this system could be underflown, and that is not conjecture, it is now fact. No one can argue that this system can shoot down cruise missiles or low-trajectory submarine-launched missiles or bombers.

My distinguished colleague, the gentlewoman from California, in her chart showed the futile nature of trying to defend against weapons systems that can underfly this system.

We told our colleagues that it could be outfoxed. That is now fact, not fantasy.

We told our colleagues that it could be overwhelmed. The gentlewoman from California showed with brilliant exposition by the charts that this system could be outfoxed.

Mr. Chairman, this is now the time to make a decision. This is not a moment to languish in the center with both feet in both camps. Make a judgment. Make a decision. We think that the amendment before this body to terminate is the only rational and cogent judgment that my colleagues can make.

In arguing in support of the Dellums-Boxer amendment, I would make the following points. First we want to terminate President Reagan's SDI Program and move the fundamental and necessary basic research away from the politically motivated SDI organization and place it in the Department of Defense, in DARPA where it ought to be.

Second, we would argue that the logic of the ABM Treaty continues to be present at this moment. The people who came together to sign the ABM Treaty realized that without a treaty we would go forward in a defensive missile race and of course an offensive missile system race. The logic goes as follows: we place an SDI, no matter how flawed, in the atmosphere. The most reasoned and logical response of the Soviet Union, and frankly cheaper, would be to accelerate and expand their arsenal of offensive nuclear missiles by several hundred, even several thousand. I have been here now almost 18 years and I know what the dynamics will be. The Pentagon will come back and say, "Look, they are expanding their offensive missiles. We must now correspond."

So we would have another ongoing race that would take us ad infinitum into the future with incredible danger militarily as well as economic chaos that would result. Also the competition would be between the two defensive systems so an arms race offensively and an arms race defensively would result. That is why the treaty in the first place.

Third, we would place $1.3 billion in basic research so that we might determine whether the Soviets are breaking out, we could continue to engage in research advancement. All of these things are taken care of to the tune of $1.3 billion. We do not allow engaging in testing and development that would abrogate the ABM Treaty. We do not allow spending money to bend metal to develop a system that costs between $75 and $150 billion in the first phase that the gentleman from California points out, that at best would be 30-percent effective.

Would any of my colleagues with their best clothes on walk out in the rain with an umbrella that was 30-percent effective?

In the context of a nuclear war that is a gross absurdity and a complete waste.

Next, we prohibit research that would violate the narrow interpretation of the ABM Treaty. Last week the overwhelming majority of my colleagues in this body voted to maintain the integrity of the narrow interpretation of the ABM Treaty. Unless my brain has taken flight, that means that the majority of my colleagues in this body chose not to violate the integrity of the ABM Treaty. I will make three points on that. First, the ABM Treaty and SDI are logically inconsistent. They are logically inconsistent.

Second, for the SDI to continue, it would be necessary to violate the ABM Treaty. That is not RON DELLUMS talking, let me quote General Abrahamson, the executive director of the SDI organization. In an article published recently in the Washington Times, which I will quote, the article said:

> The Pentagon's Strategic Defense Initiative director said yesterday the government will have to decide by 1993 whether to kill the program or back out of the 1972 antiballistic missile treaty, which sharply limits superpower missile defenses.

The article goes on to say:

> But before that can be undertaken, Congress and the future administation will have to determine if the program should continue thereby violating the "narrow" interpretation of the treaty, he said.

Mr. Chairman, I would suggest to my colleagues that the more than 200 Members who voted for the narrow interpretation of ABM indicate that logic and consistency and continuity cry out for them to vote for this amendment. To do anything other than that is a violation of your own vote, of your own politics, and a violation of your own logic.

Next, the administration continues to propagandize that in some way we are building this Astrodome where our young children can sleep and take us back to the naive days when there were no missiles.

Mr. KYL. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman from Arizona for yielding me this time. Mr. Chairman, it seems to me it is always difficult to follow the prior speaker who is so eloquent in his opposition to SDI. I only wish all of the opponents would have the courage to put a zero-dollar figure on SDI and kill it outright rather than fool around with $1.2 billion, rather than trying to salve their conscience to tell the American people that we are still going to do research.

My colleagues have heard earlier today, and will hear again that there are scientists, those of the opponents, who say, "Gosh, it will never work. It is suspect. The software will not work." Our scientists say it will work, just give us a little time and we will work it out.

I say to my colleagues, we do not know who to believe, do we? I think one group believes that SDI will work more than any other group and that is the Soviet Union. They believe SDI will work and they are responding to that. How do my colleagues think we got to Reykjavik last year? How do my colleagues think we got to INF Treaty last year? How do my colleagues think we got so far along in Geneva on START this year?

The President will not sign a START agreement in Moscow in the next 2 or 3 weeks, but those negotiations are ongoing and SDI is the fuel driving that engine toward an ultimate nuclear reduction to zero throughout the world, and to rid ourselves of nuclear weapons.

The argument is really simple. There are two acronyms for this nuclear activity that has occurred since World War II with us and the Soviets and now others, and they both spell the word MAD, mutual assured destruction, and mutual assured defense.

Which would my colleagues pick?

Mr. KYL. Mr. Chairman, I yield 30 seconds to my colleague, the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I thank the gentleman from Arizona, who differs with me politically, for his incredible generosity.

Mr. Chairman, first I would like to point out that the phase one system does not take us away from mutual assured destruction. As a matter of fact it only reinforces it.

In my final seconds, let me say that we are supported in this amendment by the Union of Concerned Scientists, and the Federation of American Scientists with membership including scores of Nobel laureates who have come to this position that we espouse. Members of the Congress who support a robust strategic defense research and strict adherence to the traditional interpretation of ABM should support the Dellums-Boxer amendment. That is an important endorsement as I see it. I hope my colleagues will understand the tremendous power of that kind of rational understanding of what this amendment is all about.

Mr. KYL. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. Mr. Chairman, I thank the gentleman from Arizona for yielding this time.

First of all, I would just like to mention a couple of words with respect to the gentlewoman from California [Mrs. BOXER]. I am not sure where she got her information on it. I would like to have a copy of the letter if she has it. I requested her to yield and she would not, therefore in my 2 minutes I cannot yield to the distinguished gentlewoman from California, but she said that the Joint Chiefs of Staff official position is that strategic defense is 30-percent effective.

That is wrong. That is not their position. That is as far from their position as one can possibly be.

Second of all, the gentlewoman from California [Mrs. BOXER] quoted individuals such as Richard Perle. Richard Perle is in favor of full funding for the strategic defense initiative. To use the name of Richard Perle to justify a slash of about 80 percent in the SDI budget is, in my mind, also misleading.

Finally, I would like to indicate as far as I am concerned that the Dellums amendment will not pass. I know it will not pass. We have gone through this debate a number of times. The high figure does not pass, although it should, and in essence the de facto zero which is the Dellums amendment will not pass. The gentleman from California [Mr. DELLUMS] wants to eliminate it as far as we understand. I understand where the gentleman from California is coming from, I understand his philosophical perspective. I do not appreciate it, I do not like the fact that if the world desired by the gentleman from California prevails, the United States will remain vulnerable to a ballistic missile attack whether it be by mistake, by error, or by design by Mu'ammar Qadhafi with a nuclear weapon, the United States will remain totally inevitably and perpetually vulnerable to an attack, or a threatened attack by whatever country it may be. It is not necessarily going to come from the Soviet Union. It may come from a Third World country that inherits the capability of deploying not only a ballistic missile but the warhead that goes with it.

The Dellums amendment is going to be defeated. It should be defeated. America must not remain completely vulnerable to a ballistic missile attack or threat of the same.

Mr. Chairman, if America is going to move from the doctrine of mutual assured destruction, which I cannot justify from a moral standpoint, I cannot justify it from a strategic standpoint, we will have the capability to do it.

There were those a few years ago, Mr. Chairman, that said we could not down an airplane, we could not stop a tank, we could not stop anything.

□ 1440

They were proved to be wrong. Let us proceed with SDI.

Mr. KYL. Mr. Chairman, I yield myself such time as I have remaining.

Mr. Chairman, in the final minute we have here, I would like to tell the gentleman from California [Mr. DELLUMS] something from the bottom of my heart regarding how he has argued that it is futile to try to defend against bombers or low-trajectory missiles, ICBM's. One reason I sought to become a U.S. Congressman was to make this world safer for my children. For their sake, I reject the fatalism of the gentleman from California [Mr. DELLUMS], my colleague.

I thank God we have people in this country who believe in science, believe in research and believe we can perfect a system to protect this country.

This is no time to kill SDI, which the gentleman candidly admits is the intent of his amendment. We disagree about the funding levels, but I hope we settle on the $3.7 billion level agreed to by the committee.

This vote on the Dellums amendment must be a "no" vote.

PRIVILEGED MOTION OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer a privileged motion.

The CHAIRMAN pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. DELLUMS moves that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DELLUMS] is recognized for 5 minutes and a Member in opposition will be recognized for 5 minutes.

Mr. DELLUMS. Mr. Chairman, I bring this privileged motion to the floor not for the purposes of executing it but for the purposes of seeking some time.

It is almost an embarrassment that we find ourselves constrained into these narrow confines of time, because we all know it is important to be able to talk.

Mr. Chairman, I rise because I cannot appreciate the shots that get fired after the fact. This gentleman has always been willing to take the floor, to take any Member of this body on any of these issues before us, and I have tried to do it with dignity, tried to do it with respect. I have never tried to challenge the motives of Members, never tried to challenge behavior of Members, have never tried to suggest in any way that Members are coming in other than intellectually honest terms, whether I disagree with them politically or disagree with them logically. I have never presented it any other way.

I do not appreciate the distortion of what we are attempting to do here. Yes, we want to terminate the strategic defense initiative, because we believe it is unnecessary, it will be ineffective, and that it will bankrupt this country. Those are, in my humble opinion, rational, cogent and intelligent arguments, and if we had several hours to debate this issue, I feel supremely confident to a moral certainty that we could convince the American people of the efficacy of what we are doing here.

My colleagues know that the gentleman from New Jersey and I have talked about this, but this debate does not occur in this body. We get up and read our various speeches, and rarely do we engage.

This gentleman has always been prepared intellectually and politically to debate on this matter.

The sum of $3.7 billion is enough for basic research, and we do not have to bend metal. Mr. Chairman, we do not have to go forward to abate the ABM Treaty, and those who do not want to abrogate the ABM Treaty, I believe, have a moral obligation to those who are fiscally conservative and who believe in funding these programs, that Members have a moral obligation to support this amendment, because a 21.1-percent-effective system in any other program, as the gentlewoman points out, would be laughable.

I would yield to the gentlemwoman from California.

Mrs. BOXER. Mr. Chairman, I thank the gentleman for yielding.

Let me just quickly say to the gentleman from Arizona [Mr. KYL] that I am not a fatalistic person. I am an optimistic person, very optimistic. That is why I ran for Congress. But I am also not dumb, and I know when something does not work, and we are spending billions, and it is the biggest program in the defense budget that I, representing my constituents, am not going to spend their good money for a bad program.

I would also like to say to the gentleman from New Jersey [Mr. COURTER], my good friend, that I will send him each and every copy of all the documentation supporting those charts. I will be happy to do that.

Mr. DELLUMS. Mr. Chairman, reclaiming my time for just a moment, there is a response. Star Wars is not the response. Negotiating an arms treaty and moving this country and this world in the context of arms control and moving away from the bizarre notions of nuclear war is the way we protect the next generation of our children and their children and their children's children. It is not engaging in some bizarre technology in space that is going to ruin us economically and militarily.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman.

Mr. AuCOIN. Mr. Chairman, I thank the gentleman for yielding.

I appreciate his leadership in bringing this, and I would like to address a couple of issues.

One is whether SDI would work against ballistic missiles. Everyone who has testified before my Subcommittee on Defense of the Committee on Appropriations has vouchsafed for the fact that against cruise missiles, SDI is zero effective.

What will we buy for the trillion dollars we have put into space? We would simply, if it worked 100 percent against ballistic missiles, we would simply change the nature of the arms race and have a trillion dollars of expenditures, and have a cruise missile race against the Soviet Union.

Now I would like to quote Ronald Reagan, because we have heard about bargaining chips, and let me quote from March 23, 1988, where he said, "SDI is not a bargaining chip." He said, "We will research it; we will develop it; and when it is ready we will deploy it."

Do not give us bargaining chip stuff. Its advocates want it deployed, and it is not going to work. It does not add to America's security.

Mr. DELLUMS. Mr. Chairman, I yield to the distinguished gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY of New York. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this really boils down to a debate between people who believe that another weapon system at the expense of someone else's security will provide greater security, versus those peopole who recognize the reality that the next generations of first-strike weapons will not bring us closer to security; it will bring us that much closer to insecurity.

Mr. KYL. Mr. Chairman, I rise in violent opposition to the amendment proffered by the gentleman from California [Mr. DELLUMS], my friend.

I yield 2 minutes to the gentleman from California [Mr. HUNTER], my colleague.

Mr. HUNTER. Mr. Chairman, I am glad we have had this extra several minutes, because it is apparent from the debate on this side of the aisle that we are really talking about two questions here. We are talking about the political question and the technical question.

I can respect my colleague from California if he thinks that politically it is not wise to defend the United States against incoming ballistic missiles. His position is that it is wise to remain mutually vulnerable and that will be a deterrent in some way. That is his opinion.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield, since he brought up my name?

Mr. HUNTER. Mr. Chairman, I would be happy to yield to the gentleman from California for a few seconds.

Mr. DELLUMS. Mr. Chairman, let me say to the gentleman that I respect the gentleman asserting his argument, but to attempt to be characterizing this gentleman's argument, I think, is beneath my distinguished colleague—

Mr. HUNTER. Mr. Chairman, I do not think that I have in any way spoken ill of the gentleman but of his arguments. The point is that the Afghan people placed themselves at the mercy of the Soviet Union, and a million Afghans are dead today.

I do not think the American people want to place their security at the mercy of the 12 people who run the Politburo of the Soviet Union. That is the political question.

The technical question is another question. The man who gave us the hydrogen bomb, Dr. Edward Teller, tells us there is a way to defend against the hydrogen bomb, and it is at least worth the time of this Congress to explore that question. Can we develop an effective SDI deterrent? Unless we spend some money on asking that question of our technical people, we will not get an answer.

It is important for us to devote substantial resources to this question, and that is exactly what we are debating today, and to kill this program would be a major disservice to the people of the United States who are not defended today against incoming ballistic missiles.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I do not think there is any question that anybody would argue that with a cruise missile, that cannot be effective. Everybody knows it cannot. We sat in committee, and we listened to that. But when you look at the war between Iran and Iraq and the incredible increase in the number of ballistic missile attacks in that war, we would be foolhardy not to move forward with this kind of a system.

Mr. KYL. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, there is nothing more important than the security of this Nation, and if a missile is launched by some crazy person, whether it be from the Soviet Union or from Iran or wherever, we must protect our citizenry, and right now we do not have the ability to do that. If someone launches a missile at New York, Los Angeles, or Chicago, we are going to lose several million human beings. That is the bottom line.

□ 1430

And to not pay attention to that eventuality is to be irresponsible. And we in this body must do everything we can to protect the people of this Nation.

There were people at the turn of the century that said we should close the U.S. Patent Office because there was not anything left to invent. But there were more things to invent. SDI will work. The human mind, if it can conceive of a program that will shoot down incoming missiles if we appropriate the funds to do it, it will work.

Mr. Carlucci just said recently that saying SDI will not work is like saying helicopters would not work 10 years before we invented them. We should give this program a chance to continue.

Mr. KYL. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. I thank the gentleman for yielding.

Mr. Chairman, first of all it was mentioned by Mr. AuCoin that strategic defense cannot defend or is not designed to defend against cruise missiles or bombers. No. 1, that is not the case; strategic defense can be multilayered in its ability to defend against projectiles. No. 2, we are spending, I think in the gentleman's subcommittee if I am not mistaken—and let me finish my statement—if I am not mistaken we are spending hundreds of millions of dollars in one of the gentleman's subcommittees researching the issue of how to protect ourselves more effectively against bombers and cruise missiles. It seems to me if the United States is going to defend itself against bombers, we should defend ourselves against cruise missiles and if cruise missiles, obviously strategic missiles as well.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I will yield to the gentleman very quickly.

Mr. AuCOIN. I thank the gentleman for yielding.

Mr. Chairman, I would just tell the gentleman that General Abrahamson, his guru on this subject, has testified before our committee and I assume his committee as well that SDI cannot work against—it has not solved the problems against cruise missiles.

Mr. COURTER. There are space-based assets with regard to SDI that are uniquely suited for the purpose of stopping ballistic missiles outside of the atmosphere. I will take back my time. There are other aspects on components and different types of strategic defense that are designed to defend against the cruise missile. It stands to reason a cruise missile goes slower, a cruise missile goes through the atmosphere and gives a large signal, a cruise missile does not go any faster than an airplane. It seems to me if we can stop a ballistic missile going through space at thousands of miles an hour, logic would dictate that we can stop a cruise missile going through the atmosphere at a much lower rate.

Let me just mention the fact that one time, Mr. Chairman, I was in New York City debating this particular issue. And one of the adversaries, one of the people that from my perspective and view of the world liked the fact that America is vulnerable, and I do not, I asked the gentleman what is protecting us now and he said——

POINT OF ORDER

Mr. DELLUMS. Mr. Chairman, point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DELLUMS. Mr. Chairman, I move that the gentleman's words be taken down. The gentleman has cast aspersions upon the motives of people in this body who are on this side of the issue.

The CHAIRMAN pro tempore. Will the gentleman from California please state the words that he is objecting to?

The Clerk will report the words to be taken down.

Mr. DELLUMS. Mr. Chairman, the gentleman said that proponents did not——

The CHAIRMAN pro tempore. The Clerk will report the words taken down.

The gentleman will please suspend. The Clerk will report the words that the gentleman objects to that are to be taken down.

While we are waiting, the Chair will state that the time of the gentleman from New Jersey has expired. All time has expired on the preferential motion.

The CHAIRMAN pro tempore. For what purpose does the gentleman from California rise?

Mr. DELLUMS. Mr. Chairman, I have discussed the matter with my distinguished colleague and there is no controversy at this point. I withdraw my point of order.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DELLUMS] withdraws his request.

The question is on the preferential motion offered by the gentleman from California [Mr. DELLUMS].

The preferential motion was rejected.

Ms. PELOSI. Mr. Chairman, I rise today in support of the Dellums-Boxer amendment which would cut the President's request of $4.5 billion to $1.3 billion for the strategic defense initiative in fiscal year 1989. The amendment terminates the administration's Strategic Defense Initiative Organization [SDIO] and creates the Strategic Technology Research Office [STRO]. The $1.3 billion figure is the amount the SDIO requested for basic research for SDI.

Mr. Chairman, in 1972 our country signed the Antiballistic Missile [ABM] Treaty with the Soviet Union. This treaty is significant because without it the defensive missile race will escalate, creating a corresponding offensive arms race to overwhelm the developing defensive systems. This treaty made sense in 1972 and it makes sense today. By escalating the star wars program, the administration is encouraging the Soviets to develop new, more advanced offensive systems, which is exactly what the ABM Treaty sought to prevent. This is only one of many reason why SDI should be terminated.

We must add to this the hard fact that SDI may not be deployable. No one knows if SDI will work. I do not understand how this administration can justify spending billions of taxpayer dollars on a system that, by definition, must someday violate the ABM Treaty, when this same administration is not even sure if it will work. This would be understandable if SDI could be viewed as a deterrent to nuclear annihilation, but SDI only serves to perpetuate and accelerate the arms race.

We have over 20 million people in our country living in poverty and over a million who have no place to live but in the streets. The billions of dollars already spent on SDI and the hundreds of billions of dollars projected for the future of SDI would be better spent on Americans who truly need help.

I urge my colleagues to join me in supporting the Dellums-Boxer amendment that takes strides toward the eventual elimination of the costly and questionable star wars program. Thank you.

Mr. DORGAN of North Dakota. Mr. Chairman, building a strong defense requires tough choices, especially during a time when we are wrestling to reduce budget deficits. Against the backdrop of $200 billion deficits, it's no surprise that a massive spending program for a questionable strategic defense initiative [SDI] has sparked so much debate and controversy.

To get a clearer picture on SDI, the Office of Technology Assessment recently completed an extensive review of the SDI Program. Drawing upon a nonpartisan panel of the Nation's top scientists and engineers, OTA concluded the present SDI Program raises more questions that it answers; that it offers not a secure defense against nuclear attack, but only the illusion of defense. I include for the RECORD a summary of the OTA report as described in the Washington Post on April 24, 1988.

The OTA project determined that SDI as now conceived could not protect itself against antisatellite attacks and enemy countermeasures; could not demonstrate its cost effectiveness; could not solve the enormous software problem of coordinating an integrated battle management system; and generally could not achieve SDI's announced goals. Even more damning, the OTA report concluded:

> There would be a significant probability that the first (and presumably only) time the ballistic missile defense system were used in a real war, it would suffer a catastrophic failure.

This is not the kind of system in which we should invest another $6 billion next year, on top of the $12 billion already expended. Instead, it's time to remold the program and set it on a more realistic budget track, as urged by the Federation of American Scientists.

I suggest that the Dellums amendment will permit us to do so. It will provide $1.2 billion next year—or twice the annual expenditure level for strategic programs of the 1970's. It will enable us to pursue a robust research program on the most promising strategic defense technologies, including surveillance, tracking, and kill assessment; directed energy weapons; kinetic energy weapons; and battle management research. But it will so at a level and in a manner that prevents us from bleeding research and development accounts for other vital defense programs and from rushing into a wasteful and provocative scheme of early SDI deployment.

A vigorous research program on strategic defense can offer leverage in negotiating arms reductions with the Soviets. But I would caution against becoming so enamoured of new weapons—even defensive ones—that we lose sight of even more promising and inexpensive ways to reduce the risks of accidental war.

I refer specifically to the need to press forward with an expanded role for the newly established nuclear risk reduction centers. I refer as well to the need to begin a sturdy program of research on accidental launch prevention and recall systems, including self-destruct capabilities for already launched ICBM's. As it now stands, we can destroy errant test missiles at the launch site; we cannot, however, recall or destroy a nuclear-armed missile—even though it was launched in error. Nor can the Soviets do likewise. We also need improved protection systems against accidental or unauthorized launches by any nation of submarine launched ballistic missiles.

In a word, let's pursue a vigorous program of research on promising strategic defense technologies. But let's do so without forgetting wider defense requirements, without ignoring the need to reduce budget deficits, and without shortchanging more likely ways to prevent the risks of nuclear war.

[From the Washington Post, Apr. 24, 1988]

SDI FAULTED IN 2-YEAR HILL STUDY

(By R. Jeffrey Smith)

President Reagan's proposed missile defense system likely would "suffer a catastrophic failure" the first—and therefore only—time it was used to protect the United States against a Soviet nuclear attack, the congressional Office of Technology Assessment (OTA) has concluded after a study of almost two years.

The nonpartisan scientific group, taking sharp issue with Reagan's vision of the Strategic Defense Initiative (SDI), said in a report not yet released to the public that the detailed computer instructions needed to destroy thousands of warheads streaking towards the United States probably cannot "be produced in the foreseeable future."

It also said that the timetable for missile defense deployment in the mid-1990s established by SDI officials requires "an act of faith" in assuming that the system could indefinitely stop a substantial portion of Soviet missiles because there is no scientific evidence to date to support that assumption.

The conclusions are among the principal findings of a 900-page report on SDI prepared by OTA's staff, which was given access to classified SDI data and drew advice from an expert panel containing SDI supporters and opponents.

Public release of an unclassified version of the report has been withheld for seven months by Pentagon officials, who say it contains sensitive information. Although three of the report's chapters remain in dispute, SDI officials last month cleared nine others, including a summary chapter obtained by The Washington Post.

The Pentagon is pursuing a planned first phase missile defense deployment at an estimated cost of $150 billion. Congress has already slashed the Reagan administration's annual requests for SDI funds by roughly 30 percent and barred elaborate tests of the space weapons needed in the initial antimissile scheme.

Reagan has asserted that the program can ultimately be a "space security shield" for the U.S. population, and has resisted efforts by the Soviets to restrict its development as part of a future arms treaty with the Soviet Union. The Soviets' demand for such restrictions was reiterated during Moscow meetings last week between Secretary of State George P. Shultz and Soviet leader Mikhail Gorbachev.

The OTA report's overall conclusion is that, despite five years and $12 billion worth of scientific research, "many questions remain about the feasibility of meeting SDI goals," which include at the outset substantial disruption of a Soviet missile attack and in later stages "elimination of the threat posed" by Soviet missiles.

Noting that the nation "would not want to base a major change in its nuclear strategy on a [missile defense] . . . in which it had little confidence," the OTA report cautioned that the system's sheer complexity suggested "there would always be irresolvable questions about how dependable . . . [the computer] software was."

OTA noted that "no existing [military or civilian] systems must operate autonomously in the face of deliberate enemy attempts to destroy them," making the design of SDI software an unprecedented challenge, with proof of success impossible.

"Extrapolating from past experience . . . it appears to OTA that the complexity of [ballistic missile defense], the uncertainty . . . of the requirements it must meet, and the novelty of the technology it must control would impose a significant probability of software-induced catastrophic failure in the system's first real battle," the report said.

The OTA report said missile defense scientists and engineers have produced "impressive technical achievements" over the past 30 years and recently identified "most of the gaps between today's technology and that needed for highly effective ballistic missile defenses."

It said "there is broad agreement in the technical community that significant parts of the research being carried out under the SDI [program] are in the national interest," and did not entirely rule out that "such achievements may someday (ac)cumulate to form the basis for a highly effective missile defense system."

But the report also expressed skepticism that the remaining technical problems could eventually be solved and called fresh attention to a host of potential Soviet measures to counter a ballistic missile defense, which it said had not been adequately studied by SDI managers.

O'Dean P. Judd, the chief scientist for SDI, said yesterday that "while it is not our practice to comment on reports before they are released, the SDI Organization believes the recent OTA report reflects a decidedly more constructive assessment than previous reports . . . by OTA" on the program.

Judd, who served on the study's advisory group before he came to SDI from the Los Alamos National Laboratory in Albuquerque, was apparently referring to a 1985 OTA study stating that an effective U.S. missile shield could not be devised "if the Soviets are determined to deny it to us."

Judd said "in some areas, we find some of the [OTA] report's conclusions to be unduly pessimistic," but he declined to comment more specifically until it is formally released next month.

One of the report's principal themes is that potential Soviet countermeasures to a U.S. space-based missile defense could be less challenging and less costly to develop than the exotic space-based weaponry and associated sensors currently on Defense Department drawing boards.

"Every part of the complex development, production and deployment scheme [for an initial missile defense] would have to work well and on schedule," the report said. "Otherwise, the Soviets could be well on the way to neutralizing" it before it was completed.

But the difficulty, according to OTA, is that the proposed starting point for full-scale development of an initial missile defense system is so early that SDI managers will have no way of ensuring they could, in effect, neutralize likely Soviet countermeasures with more effective weapons later on.

Exotic, space-based lasers and particle beams, which could potentially defeat early Soviet countermeasures in the third phase of an SDI deployment will not be proven feasible for at least a decade, the report said. As a result, U.S. "commitment in the mid-1990s to phase-one deployment would require an act of faith that phase three would prove feasible."

The OTA report said potential Soviet countermeasures include firing missiles carrying nuclear warheads at U.S. space weapons orbiting overhead, launching thousands of warhead replicas or decoys and deliberately jamming U.S. radars.

The report said that, despite SDI claims that these and other threats have been studied in depth, a search of SDI and contractor files turned up "Little analysis of any kind" of Soviet space weapons that could be used to attack a U.S. missile defense, swiftly degrading its effectiveness.

OTA said SDI officials maintain that U.S. space weapons could be designed to survive a direct nuclear attack. But the investigators concluded instead that such an attack "would pose a significant threat to all three defense system phases" envisoned by the Pentagon for deployment between 1995 and 2015.

If the Soviets wanted to, they could resort to such an attack "before the [initial] system was fully deployed," when it is most vulnerable, effectively preventing its operation, the report said.

EXCERPTS FROM OTA REPORT

Excerpts from the Office of Technology Assessment report on the Strategic Defense Initiative:

"After 30 years of [missile defense] research . . . the dedication and ingenuity of thousands of U.S. scientists and engineers have produced many impressive technical achievements . . . For now, however, many questions remain about the feasibility of achieving SDI goals."

"Nobody now knows how to calculate, let alone demonstrate to the Soviets . . . whether the criterion of 'cost effectiveness at the margin' has been met by any proposed [missile defense] system."

"In general, many scientists and engineers working on the SDI have agreed that [Soviet] countermeasures may well be feasible . . . in the near term. However, both within and outside SDIO, there is some dissent on the potential type, quality, number, and deployment times of Soviet countermeasures."

"There is widespread agreement that much more experimentation is needed on . . . [warhead] decoys. Very little SDI money has gone to [their] . . . design, construction, and testing."

"There has been little analysis of any kind of space-based threats to . . . system survivability. . . . In particular, SDIO and its contractors have conducted no serious study of the situation in which the United States and the Soviet Union both occupy space with comparable [missile defense] systems."

"It appears that direct-ascent nuclear antisatellite weapons would pose a significant threat to all three defense system phases [envisioned by SDI officials], but particularly to the first two."

"A [comprehensive ballistic missile defense] . . . is likely to be the most complex system ever constructed. . . . There may always be irresolvable questions about how dependable . . . software would be. . . . The relatively slow rate of improvement in software engineeting technology makes it appear unlikely to OTA that this situation will be substantially alleviated in the foreseeable future."

"In OTA's judgment, there would be a significant probability that the first (and presumably only) time the ballistic missile defense system were used in a real war, it would suffer a catastrophic failure."

Mr. FORD of Tennessee. Mr. Chairman, today we will decide how much we are going to be spending on something that will never work the way it is supposed to. Something which would suffer, according to the Office of Technology Assessment, "a catastrophic failure" if it is ever needed. Something which may actually call down the nuclear strike it is designed to prevent. Yet here we stand—not debating if SDI is in the best interests of this country. But debating what level we will spend on a program that we can never be sure of.

Mr. Chairman, in all likelihood we will approve an amendment which authorizes $3.5 billion for SDI. Just think what else we could do with this money. We could put food on the table for thousands of hungry children. We could provide child care and job training for mothers trapped in poverty. We could provide prenatal care so that our future children might have an opportunity to grow up healthy. We could improve the educational opportunities for disadvantaged youths. We could provide quality housing for those without. All of these things are within our grasp, yet we're letting them slip through our fingers by throwing our money away by putting lasers and other high technology equipment into space—unsure if it will work at all.

Let's support the Dellums-Boxer amendment. Let's take the toys away from the Pentagon. Instead of providing bombs in space, let's provide hope for those without it. We can do it, if we have the conscious. If we have the will.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. DELLUMS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device.

□ 1445

VACATING ROLLCALL NO. 99

The CHAIRMAN pro tempore (Mr. GRAY of Illinois) (during the vote). The Chair will announce that this vote by electronic device is being vacated due to a malfunction in the system.

The Clerk will call the roll.

The question was taken; and there were—ayes 118, noes 299, not voting 14, as follows:

[Roll No. 99]

AYES—118

Ackerman
Alexander
Atkins
AuCoin
Bates
Beilenson
Berman
Bonior
Bonker
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Carper
Clay
Coelho
Collins
Conte
Conyers
Coyne
Crockett
DeFazio
Dellums
Dixon
Dorgan (ND)
Downey
Durbin
Dymally
Early
Eckart
Edwards (CA)
Espy
Evans
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank
Garcia
Gejdenson
Gephardt
Glickman
Gonzalez
Gray (PA)
Guarini
Hall (OH)
Hayes (IL)
Hertel
Jacobs
Jontz
Kastenmeier
Kennedy
Kildee
Kleczka
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Markey
Martinez
Matsui
Mavroules
Mfume
Miller (CA)
Mineta
Moakley
Moody
Morrison (CT)
Mrazek
Oakar
Oberstar
Obey
Owens (NY)
Panetta
Pease
Pelosi
Perkins
Rangel
Rodino
Rostenkowski
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Shays
Sikorski
Skaggs

Smith (FL)
Solarz
St Germain
Stark
Studds
Swift
Synar
Torres
Towns
Traficant
Traxler
Visclosky
Walgren
Waxman
Weiss
Wheat
Williams
Wolpe
Wyden

NOES—299

Akaka
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Borski
Bosco
Boucher
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clement
Clinger
Coats
Coble
Coleman (MO)
Coleman (TX)
Combest
Cooper
Coughlin
Courter
Craig
Crane
Dannemeyer
Darden
Davis (IL)
Davis (MI)
de la Garza
DeLay
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Donnelly
Dornan (CA)
Dowdy
Dreier
Dwyer
Edwards (OK)
Emerson
English
Erdreich
Fascell
Fawell
Fazio
Fields
Fish
Flippo
Florio
Foley
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gekas
Gibbons
Gilman
Gingrich
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Gregg
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kemp
Kennelly
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (WA)
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Olin
Ortiz
Owens (UT)
Oxley
Packard
Parris
Pashayan
Patterson
Penny
Pepper
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Upton
Valentine
Vander Jagt
Vento
Volkmer
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Whitten
Wilson
Wise
Wolf
Wortley
Wylie
Yatron
Young (AK)
Young (FL)

NOT VOTING—14

Biaggi
Boulter
Daub
Duncan
Dyson
Hastert
Hawkins
McDade
Mica
Nowak
Ray
Stokes
Udall
Yates

□ 1510

The Clerk announced the following pairs:

On this vote:

Mr. Yates for, with Mr. Boulter against.
Mr. Hawkins for, with Mr. Daub against.

Mr. ROYBAL changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIR

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The Chair will announce that prior to the next vote Members will be advised whether or not the electronic voting system is operating.

The technicians are working on the system and hopefully by the time we complete debate on the next amendment the system will be operational.

AMENDMENT OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DICKINSON: Strike out section 211 (page 19, line 13 through line 18) and insert in lieu thereof the following:

SEC. 211. FUNDING FOR FISCAL YEAR 1989.

Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1989, not more than $3,701,000,000 may be obligated for the Strategic Defense Initiative.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Alabama [Mr. DICKINSON] will be recognized for 5 minutes and a Member in opposition will be recognized for 5 minutes.

Mr. BENNETT. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. BENNETT] will be recognized for 5 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Alabama [Mr. DICKINSON].

□ 1525

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The Chair thanks all the Members for their patience in the last rollcall which was unavoidable.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

As I stated earlier, my amendment to fund SDI at $3.7 billion is the same as the Armed Services Committee figure. I am compelled to offer this amendment because the "king of the hill" does not allow the committee position to be considered or voted on.

I think it is important for the House to have an opportunity to vote up or down on the recommendation of the committee on an issue as important as SDI. The committee's figure of $3.7 billion had strong bipartisan support when we marked up this year's bill, including my support and that of Chairman ASPIN.

I have heard several of my Democrat colleagues argue here today that $3.7 billion is where they would like SDI to end up after conference. Just once I wish the House would stand up and be counted on what it honestly believes is the right figure for SDI.

Let me just emphasize that providing $3.7 billion for SDI represents no real growth over the fiscal year 1988 SDI budget. It provides approximately 3-percent inflation only.

Moreover, $3.7 billion is an 18-percent reduction from the President's amended budget figure for SDI, and a 40-percent reduction from the President's original fiscal year 1989 budget.

If, as I expect, the House adopts the Bennett amendment, it will have reduced the fiscal year 1989 SDI budget by 50 percent. There is only one way that the House can approve the committee's position on SDI funding—it must defeat the Bennett amendment which will be voted on after this amendment.

Providing no real growth for a President's highest priority program is bad policy. Let's not make the problem worse. I urge my colleagues to vote for my amendment and, more importantly, to vote "no" on the Bennett amendment.

Mr. Chairman, I yield the balance of my time to the distinguished gentleman from New Jersey [Mr. COURTER], who has long had a real interest in this program.

Mr. COURTER. Mr. Chairman, I thank the gentleman from Alabama [Mr. DICKINSON] for yielding me the remaining time on this important amendment.

The one point I guess I want to make very clear is the fact that is the committee position. As much as the rules require, because of the king-of-the-hill situation, we have the Dickinson amendment at $3.7 billion. It is important to keep in mind for everybody that comes to the floor and votes and who may not be present at this particular juncture that this is the bipartisan position. This is the Committee on Armed Services position. This is the position of the gentleman from Wisconsin [Mr. ASPIN], the chairman of the Committee on Armed Services. He voted $3.7 billion. This position is not a real growth over last year. It is flat from last year.

This is the position certainly that this body ought to vote for. You must vote on the committee position. It is the Aspin position, the Dickinson position, $3.7 billion. This is the key vote.

The second thing I wanted to say is we have had, because of this debate, extreme positions, extremely high, according to some perspectives, extremely low, according to other perspectives. This particular position means that all of the essential programs that are so important for the research, the development, in order to prove that the United States can defend itself against an attack, whether that attack is launched by mistake or computer error.

Talking about computer errors, we just had one in this body as we were sitting here; we saw the lights flash, and Members' "no" votes were put on the "yes" column, and "yes" votes were put on the "no" column. There was a gentleman who correctly pointed out that there was a software problem. But if you have a software problem in a ballistic missile program, it can be launched by error. This body should vote yes on this $3.7 billion, the position of the Committee on Armed Services, and no real increase over last year.

It has been said that in life you can go up or you can go down. We are not asking certainly for less funding in strategic defense this year over last year. We are not, by virtue of this Dickinson amendment, asking for an appreciable increase over the level of essential funding.

If you talk to Abe Abrahamson, who is the head of the SDI office, he will say that this is the very bare minimum they need in order for full research in the various types of components and programs essential for researching the possibility of protecting our homeland, protecting America against a threat of a ballistic missile strike.

Mr. BENNETT. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ASPIN], the chairman.

Mr. ASPIN. Mr. Chairman, I would like to just say that my position is, on this amendment, that I am, in fact, going to support the Bennett amendment at this time.

I did support in the committee, and I do believe that where the committee has come out is about the right place to come out, but where we hit, where we came out in the committee was before the Senate had a chance to vote on this issue. If the Senate had come in at a reasonable level, I would still be supporting the committee position.

The Senate number is $4.6 billion. If we now support the Bennett amendment, we will end up, if we split the difference, at about where the committee position is.

I think the right move for the House right now is to support the Bennett amendment.

Mr. BENNETT. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, earlier during the debate I intended to set forth all of the various aspects of the amendments, and in so doing, I had hoped to separate the wheat from the chaff.

Let me briefly reiterate what we are doing here on all of these SDI amendments. Taking into consideration that the committee came out with a $4.1 billion figure, and that the Senate Armed Services Committee came out with a $4.6 billion figure, now, the figures I gave and give include research and development, Department of Energy money and military construction money.

We have already voted on two amendments. The gentleman from Arizona [Mr. KYL] sought 4.9, and had that been adopted and a split between the Senate position and ours, we would have come out with 4.7. The gentleman from California [Mr. DELLUMS] had $1.3 billion, and a split with the Senate, we would have come out with $3 billion. The gentleman from Alabama has the figure that was agreed upon in the Committee on Armed Services, $4.1 billion, and a split with the Senate would end up 4.3.

The gentleman from Florida [Mr. BENNETT] has an amendment which will be heard shortly at $3.5 billion, and split with the Senate, it will end up at $4.1 billion, which coincidentally is the figure that the committee agreed upon a bit earlier.

I think this may give us a bit better idea as to what we are doing and where we are going, separating the facts as we now know them.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, I would like to remind our colleagues basically what happened last year when we addressed this issue in a similar fashion.

Congressman BENNETT and those who supported his amendment capped spending in this Chamber at $3.1 billion, but once it was reported back of conference, the SDI Program received a very hefty increase taking us, I think, to the area of $3.9 billion.

I certainly think we can anticipate that history will repeat itself, and I think we have to be mindful of that. Second, this amendment is somewhat illusory, because it says the spending is going to be capped at $3.7 billion. Please understand that there are $300 to $400 million in SDI related programs in the DOE. These are programs that will promote additional research programs in SDI, and I hope my colleagues are mindful of that. Third, when this program was initiated, we thought it was prudent for this country to engage and embark upon a course that took us into a prudent, long-term careful research program for ballistic-missile defense. Clearly that should remain our objective rather than rushing out to the early deployment. We have seen during the past couple of years a successive variety of technologies that pro-SDI scientists have researched and found to be inadequate. I urge my colleagues to vote against this amendment. The next vote on the Bennett amendment authorizes the most appropriate form of funding.

□ 1535

Mr. BENNETT. Mr. Chairman, I yield my remaining 1 minute to the gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. Mr. Chairman, I rise in opposition to the Dickinson amendment. I believe that $4.1 billion is clearly overkill relative to the work that we need to do to have a robust research program for star wars.

I would like to point out that the final budget that we will spend this year in terms of defense will be $299.5 billion, and clearly there are many conventional programs that need to be supported.

I have in my hand an E-2 Grumman Hawkeye aircraft model. The Coast Guard has used two of these aircraft very effectively to reduce the flow of narcotics into Florida and the Caribbean area over the past 2 years. Clearly if the Dickinson amendment is passed we will lose the opportunity to provide additional money for this kind of conventional defense support.

This is where we need to put the money. So the choice we have today is to put money into a theoretical star wars in space or to put our taxpayers money into the drug war here on Earth. I vote for Earth. Let us wait for space later.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). All time has expired.

The question is on the amendment offered by the gentleman from Alabama [Mr. DICKINSON].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 190, noes 227, not voting 14, as follows:

[Roll No. 100]

AYES—190

Anderson
Archer
Armey
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Chappell
Cheney
Clinger
Coleman (MO)
Coleman (TX)
Combest
Coughlin
Courter
Craig
Crane
Dannemeyer
Darden
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Flippo
Frenzel
Gallegly
Gallo
Gekas
Gilman
Gingrich
Gregg
Hall (TX)
Hammerschmidt
Hansen
Harris
Hatcher
Hefley
Hefner
Herger
Hiler
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Johnson (CT)
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morrison (WA)
Murtha
Myers
Nelson
Nichols
Nielson
Oxley
Packard
Parris
Pashayan
Petri
Pickle
Porter
Quillen
Ravenel
Regula
Rhodes
Richardson
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roth
Rowland (CT)
Rowland (GA)
Saiki
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton
Slaughter (VA)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Spratt
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Whitten
Wilson
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOES—227

Ackerman
Akaka
Alexander
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bates
Beilenson
Bennett
Berman
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Coats
Coble
Coelho
Collins
Conte
Conyers
Cooper
Coyne
Crockett
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hayes (IL)
Hayes (LA)
Henry
Hertel
Hochbrueckner
Horton
Hoyer
Hughes
Jacobs
Jeffords
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lightfoot
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
Meyers
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Nagle
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Price
Pursell
Rahall
Ridge
Rodino
Roe
Rose
Rostenkowski
Roukema
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Snowe
Solarz
St Germain
Staggers
Stark
Studds
Swift
Synar
Tallon
Tauke
Torres
Torricelli
Towns
Traficant
Traxler
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yatron

NOT VOTING—14

Biaggi
Boulter
Daub
de la Garza
Duncan
Dyson
Hastert
Hawkins
Mica
Rangel
Ray
Stokes
Udall
Yates

□ 1555

The Clerk announced the following pairs:

On this vote:

Mr. Boulter for, with Mr. Yates against.

Mr. Daub for, with Mr. Hawkins against.

Mr. WOLPE changed his vote from "aye" to "no."

Mr. RICHARDSON changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. MICHEL was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. MICHEL. Mr. Chairman, I take this time for the purpose of inquiring of the distinguished majority leader if he might enlighten us on the program for the balance of today and tomorrow and, frankly, for the duration maybe of this bill, whatever is in store for the membership.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Washington, the distinguished majority leader.

Mr. FOLEY. I thank the distinguished minority leader for yielding to me.

Mr. Chairman, the purpose of this announcement is not to inform Members on the details of next week's schedule but, after consulting with the distinguished gentleman from Illinois [Mr. MICHEL] and the chairman of the committee, the gentleman from Wisconsin [Mr. ASPIN] and the ranking minority member, the gentleman from Alabama [Mr. DICKINSON] it seemed advisable to perhaps give Members a general idea of the plan for the rest of this week.

It is the intention of the committee to proceed to finish the section on SDI and to consider the possibility of the Aspin amendment. The thought is that would probably be concluded about 6 p.m. this evening, or before.

At that point the chairman will move that the Committee rise and we will take up a concurrent resolution regarding exports from Alaskan oil.

When that is concluded, we expect about 7:30, the House would conclude its business for today.

We will return tomorrow and continue consideration of the DOD authorization bill with the program worked out between the two leaders of the committee. We would expect to conclude the business of the House by 4 to 5 o'clock tomorrow afternoon at which point the House would adjourn to meet at noon on Monday, there being no votes on Friday.

On Monday we would take up debate only on suspensions and put over the votes ordered on Monday's suspensions until Tuesday. I now pause for applause from both sides of the aisle.

We will continue consideration of the Suspension Calendar on Tuesday. Votes on suspensions on both Monday and Tuesday will be taken on Tuesday and we will return to this bill on Wednesday with the understanding we would hope to finish it on that day.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the distinguished ranking member of the committee.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, I would like to inquire of the distinguished majority leader, I am not sure whether he misspoke or I misunderstood. Reading from the printed program that had been planned for today, the next item of business would be the offer of the gentleman from Florida's [Mr. BENNETT] 10-minute amendment. Then we would go into SDI phase 1, general debate 60 minutes, and then that would be followed by the Spratt amendment of 10 minutes.

Now following that it had been the intention of the chairman, as I understand it, to go to en bloc amendments and possibly then to add-back, to take up the money that had been made available from whatever deletions there might be from the SDI Program.

The leader referred to the Aspin amendment. I do not know what that is.

Mr. FOLEY. If the gentleman will yield, I misspoke; the add-back amendment was the amendment I was referring to.

Mr. DICKINSON. Did I recount the sequence of events as the chairman of the committee understands them?

Mr. ASPIN. If I may respond to the gentleman from Alabama, it is the intention of what we would like to finish today between now and 6 o'clock tonight when we yield the floor to the concurrent resolution, to do the 10 minutes, then vote on the Bennett amendment; to do the 60 minutes, and the 10 minutes on the Spratt amendment, to do the add-back amendment and to do the en bloc amendment. We would like to do all four of those between now and 6 p.m. If we cannot complete the whole program, we will do as much of it as we can.

Mr. DICKINSON. But the gentleman would take the add-back prior to the en bloc?

Mr. ASPIN. Yes, the gentleman is correct.

Mr. DICKINSON. I thank the gentleman for yielding.

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN pro tempore (Mr. Gray of Illinois). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Bennett: Strike out section 211 (page 19, line 13 through line 18) and insert in lieu thereof the following:

SEC. 211. FUNDING FOR THE STRATEGIC DEFENSE INITIATIVE FOR FISCAL YEAR 1989.

Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1989, not more than $3,183,000,000 may be obligated for the Strategic Defense Initiative (SDI).

Page 17, line 1, strike out "For the Defense Agencies, $8,604,304,000" and insert in lieu thereof "For the Defense Agencies, $8,087,304,000".

Page 208, line 11, strike out "Falcon Air Force Station, Colorado, $65,000,000" and insert in lieu thereof "Falcon Air Force Station, Colorado, $54,000,000".

Page 212, line 8, strike out "$748,000,000" and insert in lieu thereof "$737,000,000".

Page 212, line 11, strike out "$260,761,000" and insert in lieu thereof "$249,761,000".

Page 214, insert the following after line 4:

(c) Restriction on Certain Funding.—Of the amounts appropriated pursuant to this section or otherwise made available to the Department of Defense for fiscal year 1989, not more than $54,000,000 may be obligated or expended for use in planning and construction of a National Test Facility for the Strategic Defense Initiative at Falcon Air Force Base, Colorado.

Page 237, strike out lines 2 through 9 and insert in lieu thereof the following:

(a) Programs, Projects, and Activities of the Department of Energy Relating to the Strategic Defense Initiative.—Of the funds appropriated to the Department of Energy for fiscal year 1989 for operating expenses and plant and capital equipment, not more than $245,000,000 may be obligated or expended for programs, projects, and activities of the Department of Energy relating to the Strategic Defense Initiative.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. Bennett] will be recognized for 5 minutes and the Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. Bennett].

Mr. BENNETT. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. Foglietta].

Mr. FOGLIETTA. Mr. Chairman, I rise in support of the amendment offered by Mr. Bennett and Mr. Ridge to limit SDI funds to $3½ billion. I use the word "limit" here in a loose fashion given that that level actually represents a $400 million increase over the amount authorized by the House last year. This is not a reduction; it is a sensible level which adequately reflects the times.

Five years ago, when President Reagan made his now-famous star wars speech, the Defense budget was rapidly rising with wide congressional and public support. Furthermore, United States-Soviet arms control negotiations were deadlocked, with both Nation's festering a climate of accusation and hostility.

We are now in a new era which demands changed priorities. First off, public support for higher Defense spending has evaporated; the enormous budget deficit and its implications for our economy have forced all of us to search for ways to trim the budget. Defense spending has reached a plateau and previous budget projections have been scrapped in favor of more reasonable levels.

Second, the prospects for a historic arms reduction agreement have never been greater. As President Reagan prepares for his fourth, and probably final meeting with Soviet General Secretary Gorbachev, 50-percent reductions in the long-range, strategic nuclear missiles is a viable possibility—so long as the SDI question is settled.

Does Congress want to divert money from much-needed conventional programs, readiness, and sustainability for this pie-in-the-sky missile defense? Does Congress want to actually lower our capability to deter nuclear war? Does Congress want to send a signal to the Soviets that the United States is rushing ahead with an uncontrolled SDI Program, undercutting the opportunities to reverse the arms race.

It is obvious to me that the answer to all of these questions is a resounding "no." Congress should say "yes" to this critical amendment.

Mr. BENNETT. Mr. Chairman, I yield 30 seconds to the gentleman from Oregon [Mr. AuCoin].

Mr. AuCOIN. Mr. Chairman, last week the gentleman from Pennsylvania [Mr. Walker] said on the floor that the leadership was refusing to allow even one antidrug amendment on this bill, and he said that was "appalling."

Well, he was wrong.

Let me put it to my friends on the Republican right: Here's your antidrug vote opportunity.

Pass the Bennett amendment and we'll follow with a transfer of $350 million in star wars savings to drug interdiction.

Vote down the Bennett amendment, and you take $300 million from the war on drugs.

Of course, you do have to choose between star wars or drug wars. But that's OK. The American people want to know your priorities.

□ 1605

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. Spratt].

Mr. SPRATT. Mr. Chairman, I rise in support of this amendment for the same reasons that the chairman of our Committee on Armed Services has stated previously. I voted for the Dickinson position just a minute ago. I voted in committee to have an SDI budget that included inflation for this year, but I feel, if we are going to obtain that level of funding, our best position is to go into conference at the level the gentleman from Florida [Mr. Bennett] proposes, because inevitably, looking back over the history of the last 3 years dealing in conference, we will end up about where the committee was.

So, for that reason above all I support the gentleman's position and urge others to do the same.

Mr. BENNETT. Mr. Chairman, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. Gray of Illinois). The gentleman from Alabama [Mr. Dickinson] is recognized for 5 minutes to speak in opposition to the amendment.

Mr. DICKINSON. Mr. Chairman, I would hate very much if anyone would interpret an add back of any portion of this bill for drug purposes, drug interdiction, as a partisan issue. Nothing could be further from the truth. The chairman and I have discussed this. I know exactly how much is going back in.

As a matter of fact, we have agreed that of the amount going back in, about 60 percent goes in for procurement, and about 40 percent for operation and maintenance.

The Members on my side of the aisle over here would like to see more activity in the antidrug enforcement, and certainly there is nothing partisan about this. There is no Democrat stamp on it. Nobody is claiming credit for it. But, Mr. Chairman, I guess it is only natural that some people would like to claim credit for it. This is not the case, Mr. Chairman. We are just as much, if not more so, in favor of more strict drug enforcement than the gentleman that just spoke.

Let me say the committee position is $3.7 billion for SDI. Mr. BENNETT will take a half a billion dollars out of this, which is totally unacceptable according to the administration, to General Abramson, who is head of the SDI effort, and to the Department of Defense.

If my colleagues vote "no" on the Bennett amendment, my colleagues support the committee, support the committee position, and I would urge the Members to support the committee that has jurisdiction, that has heard the argument, knows the facts and reported out even with the chairman's vote, the 3.7 that would be the committee position, and my colleagues will get that position by voting "no" to Bennett to take out half a billion dollars more.

Mr. Chairman, I yield such time as he may consume to the very distinguished gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I would like to reemphasize the gentleman's position, and that is that we already have cut the amended request about $1.7 billion. Now we are going to go even further and make a reduction of another half a billion dollars, which I think is really going to jeopardize much of the vital research that has to be done on the SDI Program.

Mr. Chairman, with the reports of Saudi purchases of surface-to-surface missiles from the Chinese with 1,600 miles in range, with the recent reports of Libya attempting to buy surface-to-surface missiles from Brazil, with the spread to Third World countries of the use of surface-to-surface missiles, now is not the time to make a half-a-billion-dollar additional cut in the SDI Program and delay our ability to do the kind of effective research that needs to be done in order to make some very vital determinations.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, we face several amendments today which propose to cut funding for the strategic defense initiative, and several more proposals to restructure the SDI Program.

It is obvious that many attitudes are changing on these issues, even within the administration. Scientists are rethinking their positions on the viability of the system. This sort of scientific debate is healthy and should be expected. At the same time, our negotiators are attempting to overcome obstacles in achieving an arms control agreement with the Soviets. Once again, there is much debate on the proposed SDI system.

Since this program was unveiled, billions of dollars have been spent to research and develop the technologies which might support creation of a space-based defensive system. Our Government has encouraged and funded research on the part of private companies and institutions in developing and improving these important technologies.

Mr. Chairman, it's hard to argue against research and development. Such research always produces civilian spinoffs, even though it is impossible for us to calculate today what they might be. We are all familiar with the spinoffs from research in the early years of our Space Program—ranging from freeze-dried food to new medical technologies. The technology currently being developed for SDI, like that of the Space Program, holds the opportunity for limitless commercial spinoffs; for example, more sophisticated computers, enhanced radar detection and tracking, improvements in conventional weaponry, to name just a few.

We should not, on the basis of policy differences, decide to terminate or curtail this sort of groundbreaking research and development. The scientific community deserves our continued interest and support. Mr. Chairman, even if this SDI system is never deployed, I maintain that there will be a wealth of technology springing from the laboratories of our Nation that will benefit our society and our economy. I want to urge my colleagues to consider this aspect of the SDI debate when you cast your votes on the measures before us. Do not suffocate vital scientific exploration by cutting off the air for SDI research.

Thus, Mr. Chairman, I do not favor the reduction of SDI funds as proposed by Mr. BENNETT. We have reduced the SDI funds enough this year, and we ought not to reduce them further. We should support the committee.

Mr. DICKINSON. Mr. Chairman, I reserve the balance of my time.

Mr. BENNETT. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. My colleagues, I want the Members to recall the historic characterization of the SDI Program as it was initially conceived. My colleagues remember some of the TV advertisements in support of that program. Remember the nonnuclear, absolutely fail-safe astrodome concept that was going to protect everybody everywhere? That was the mission, and that was the architecture, and that was the characterization of the SDI Program.

We have seen during the past 5 or 6 years that both the mission and the architecture have begun to change. We are beginning to see that scientists, pro-SDI scientists, as they go through the process of examining and then eliminating technologies which apply and do not apply, have run into some very, very difficult problems, so let us not kid ourselves that we should not continue a level of funding for basic, prudent, reasonable research. Everyone who supports the Bennett amendment is certainly supporting that in a very, very aggressive fashion.

Let us not forget as well, my colleagues, that last year, when we capped spending in this body at 3.1, we reported it back out of conference at almost $4 billion, and, deja vu, it will happen again this year. And, if any of my colleagues had any assurance that the Dickinson amendment would prevail in conference, 3.7, the gentleman from Florida and I would not be offering this amendment.

Everybody said that 3.7 is the mark. Well, it may be the mark, but we know that unless you adopt the Bennett amendment we are not going to see it when it is reported back.

□ 1615

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, it is very evident to everybody here, I think, that the majority of this House support the SDI program. We do that really for two reasons. One is that we think this program will help us keep from being surprised by the Soviet military one of these days in this area.

We also think we can find out whether it is going to be possible to develop a ballistic missile defense system that will increase military stability in the world. Both of these objections can be achieved through a robust research program that has consistent funding.

Many of us do not want to get sidetracked on an escalation of the program through early deployment which we are not ready for, which is premature and would cut into the fundamental research that is needed.

The point of the Bennett amendment, which has been demonstrated I think here many times, is to keep the funding level for SDI level at $4.1 billion. That is plenty of money to do this program. We are going to need to stick with that for a number of years to get the program done.

So I urge the Members to consider that fact. Remember that the Bennett amendment is right for the SDI. Vote for it.

Mr. BENNETT. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. FAZIO].

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I rise in strong support of the Bennett amendment.

Mr. FAZIO. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Florida [Mr. BENNETT] and the gentleman from Pennsylvania [Mr. RIDGE].

Mr. Chairman, I think it is very important that we support the Bennett amendment to reach the committee's goal of about $4.1 billion in the next fiscal year, because we have got to look down the road at the additional defense costs that are accruing.

We talked a lot about the INF agreement and the additional conventional costs that will occur as the result of the signing of that treaty, which we all support.

Most of us are not aware, as Gen. Brent Scowcroft has told us, that if we get a START agreement similar to the one that has been offered we are going to have to pay more to modernize our strategic forces to disperse our launchers so that we do not have all our birds on a few Tridents and a relatively few MX missiles.

We have already heard from Mr. Carlucci that we are going to have to cut $250 billion in the next 5 years out of anticipated defense expenditures if we have 2 percent real growth, and I do not think very many of us expect to have 2 percent real growth for the next several years. We simply cannot afford to force feed more into the SDI.

This is a balanced, modest amendment.

The amendment does not gut SDI. The amendment provides $3.5 billion for a substantial research program, $400 million more than the House approved last year.

What this amendment seeks to do is simply provide some funding stability to the program.

SDI has grown faster than almost any other weapons program in history, growing from $1 billion in fiscal year 1984 to over $4 billion in the current fiscal year. Last year, the SDI budget jumped 11 percent even while the rest of the defense budget declined by 3 percent.

Even those most optimistic about the potential effectiveness of some of the SDI technologies cannot escape the unavoidable and nearly unfathomable price tag of this program.

During a recent meeting with General Abrahamson, I asked him how we could afford SDI, and he simply stated that the administration's request for SDI in fiscal 1989 fits within the administration's request for defense and that number is consistent with the budget summit.

But what about fiscal 1990, or fiscal 1991 or the year after that?

General Abrahamson had no answers, in essence deferring to Congress to find the funds and set the priorities.

It's time that we limit funding for SDI in an effort to curb demands on the defense budget in the future.

By General Abrahamson's own estimates, the first phase of SDI alone will have a price tag of up to $150 billion.

In a time of limited growth in our defense budgets, can we afford to spend $150 billion on a deployment scheme that even the Joint Chiefs of Staff admit would stop—at most—30 percent of the warheads in a full-scale Soviet attack?

Can we afford to gut our strategic modernization program or conventional forces or our critical readiness accounts, giving us a hollow military, to invest in a system that the Office of Technology Assessment says would likely suffer a "catastrophic failure" the first, and presumably only, time it is used?

The answer to all of these questions is clearly no, we can't afford it.

I support a substantial SDI research program; $3.5 billion is a significant investment in SDI. But a true defense that improves crisis stability and enhances national security will not be brought about by throwing money at SDI.

Mr. Chairman, under the Bennett amendment, funding SDI at $3.5 billion in fiscal 1989, we can maintain a substantial research program that will leave us with more than an ineffective, destabilizing defense based on 30-year-old kinetic energy technology and conventional and strategic forces that have been hollowed out by years of lost battles over limited defense modernization dollars.

I urge adoption of the amendment that will start us down the path of responsible strategic defense budgets and goals; I urge adoption of the Bennett-Ridge amendment.

Mr. DICKINSON. Mr. Chairman, the amendment of the gentleman from Florida [Mr. BENNETT] and his supporters reminds me of the little boy who did not want to hurt his puppy, so he just cut off his tail one inch at a time.

Mr. Chairman, I yield the balance of our time to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. Mr. Chairman, I do not know whether I can do any better than that.

When the SDI Program was originally conceived, we knew that it would take about $26 billion over 5 years to do the type of dedicated research in order to have a defensive system that we could use.

There are consequences to every vote. I think a lot of people in this Chamber are saying, "I believe in SDI, but I want to cut significant money from it."

The Bennett amendment cuts $600 million from basic research necessary to achieve the idea of America defending itself. That $600 million has consequences.

The $26 billion over a period of time is going to be needed whether we have the Bennett amendment or not. The point is, we have to prove this technology as soon as possible.

This amendment will mean we are going to shove off that day while the Soviet Union does their research, when they have all their scientists, when they are spending as much on defense that they spend on offense, we are going to have a date further on the horizon before we can justify deployment of this system.

Vote no on the Bennett amendment. It is going to hurt significantly the research program.

Mr. FRENZEL. Mr. Chairman, I have never supported SDI at the level requested by the President. But I believe that the SDI research should go forward. Each year I try to support an affordable, viable level of spending, usually opposing large increases.

Based on my previous years' record, I am tempted to vote for the Bennett amendment. I would like to see SDI appropriations either frozen or held to a small increase. A vote for the Bennett amendment would be based on the assumption that the Senate would increase the amount somewhat in conference.

However, despite the fact that I voted for a Bennett amendment last year, I will support the committee's figure—that is, the Dickinson amendment—this year. Part of the difference is that I have more confidence in the more realistic approach of Secretary Carlucci this year. The rest of the difference is that I would prefer not to give the impression that the United States is willing to reduce this program as we negotiate with the U.S.S.R., which seems to be nervous about it.

I believe the Dickinson figure is about right. I think we should not reduce any incentive the Soviets may have to negotiate substantial nuclear arms reductions.

The CHAIRMAN pro tempore. (Mr. GRAY of Illinois). All time has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. BENNETT].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BENNETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 195, not voting 13, as follows:

[Roll No. 101]

AYES—223

Ackerman
Akaka
Alexander
Anderson
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bates
Beilenson
Bennett
Bereuter
Berman
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Campbell
Cardin
Carper
Carr
Chandler
Clarke
Clay
Clement
Coats
Coble
Coelho
Collins
Conte
Conyers
Cooper
Coyne
Crockett
de la Garza
DeFazio
Dellums
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey

Durbin
Dwyer
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Johnson (SD)
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Kanjorski
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Kastenmeier
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Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
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Lowry (WA)
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Martinez
Matsui
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Mazzoli
McCloskey
McHugh
Meyers
Mfume
Miller (CA)
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Visclosky
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NOES—195

Andrews
Archer
Armey
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bentley
Bevill
Bilirakis
Bliley
Boehlert
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Brown (CO)
Buechner
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Burton
Byron
Callahan
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Cheney
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Dickinson
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Dornan (CA)
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Hall (TX)
Hammerschmidt
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Lukens, Donald
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Shumway
Shuster
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Skeen
Skelton
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Weber
Weldon
Whittaker
Wilson
Wolf
Wortley
Yatron
Young (AK)
Young (FL)

NOT VOTING—13

Biaggi
Boulter
Daub
Duncan
Dyson
Hastert
Hawkins
Mica
Rangel
Ray
Stokes
Udall
Yates

□ 1637

The Clerk announced the following pair:

On this vote:

Mr. Hawkins for, with Mr. Daub against.

Mr. McMILLEN of Maryland and Mr. VOLKMER changed their votes from "aye" to "no."

Mr. SIKORSKI changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). It is now in order to debate the subject matter of phase 1 of the strategic defense initiative.

Pursuant to the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 30 minutes and the gentleman from California [Mr. BADHAM] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, on our side of the aisle the Member controlling the time will be the gentleman from South Carolina [Mr. SPRATT].

The CHAIRMAN pro tempore. The gentleman from South Carolina will be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will presently yield to the gentleman from Wisconsin [Mr. ASPIN] the chairman of the Committee on Armed Services, and to the gentleman from New Mexico [Mr. RICHARDSON] for a brief colloquy about this particular amendment.

First let me state the purpose of the amendment. The Spratt-Hochbrueckner-McCloskey amendment proposes to retain the current allocation of SDI funding for near-term systems, or phase 1, at 40 percent which is the current level or allocation, blocking the increase to 50 percent of total funding for phase 1 or the near-term system in fiscal 1989 as the SDIO had requested. Our amendment would not dictate otherwise how the managers of the SDI program must spend the money that is budgeted for them. Our amendment simply would stabilize funding for the longer term technologies, the laser programs, the directed energy research effort, the longer term technologies so that these funds supporting these programs are not syphoned in the near-term phase 1 systems and the near-term deployment.

Mr. Chairman, that is the thrust and purpose of our amendment. We will go into debate with an explanation of it in just a moment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ASPIN] so that he might engage in a colloquy with the gentleman from New Mexico [Mr. RICHARDSON].

Mr. ASPIN. Mr. Chairman, first I will yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Chairman, I would like to express my strong support for the amendment offered by the gentleman from North Carolina. The Spratt amendment would maintain current levels of phase 1 funding of the SDI Program at 40 percent instead of the proposed increase to 50 percent in fiscal year 1989. The pursuit of phase 1 is simply premature—the Spratt amendment would stabilize funding for directed energy research programs and long-term research programs.

New Mexico is taking a leading role in directed energy research. The ground-based free electron laser project is located at the White Sands Missile Range in New Mexico. The primary purpose of this experiment is to determine that a high energy free electron laser beam can be generated and steered effectively through the atmosphere from a ground-based facility. This advanced technology is not only the next logical step in laser experimentation, but will lead to significant laser advances with numerous industrial and medical application. The success of this experiment requires construction of state-of-the-art facilities.

Mr. Chairman, is the engineering and construction of these facilities one of the committee's priorities in the directed energy program?

Mr. ASPIN. Yes. The fiscal year 1988 construct and design funding level for the Ground-Based Laser Program is $5.6 million, a substantial reduction from the anticipated level of $40 to $59 million. As a result, the overall design and construction program has been scaled back and stretched out. Maintaining the present pace will require a minimum of $22 million in fiscal year 1989.

Mr. RICHARDSON. Does the chairman agree with my conclusion that every effort should be made to accommodate this funding level within the SDIO budget?

Mr. ASPIN. Yes.

Mr. RICHARDSON. Mr. Chairman, another promising project in this area is the Full Moon laser project being conducted by the Mission Research Corp. in Los Alamos, NM. The Full Moon project is providing leadership in pulsed laser technology that will enable important tactical weapons applications. The armed services have expressed significant interest in the research on this project. Analysis of the Full Moon Program indicates that impulse lethality will require less energy, less advice volume, and less total weight than thermal lethality approaches for tactical missions.

Mr. Chairman, is the type of research conducted in the Full Moon project one of the committee's priorities in the directed energy program?

Mr. ASPIN. Yes.

Mr. RICHARDSON. Does the chairman agree with my conclusion that every effort should be made to accommodate funding for research projects such as the Full Moon Program?

Mr. ASPIN. Yes.

Mr. RICHARDSON. Mr. Chairman, the SDI Program has come under serious criticism in the past year for its emphasis on kinetic rather than directed energy programs. In fact, there exists speculation that much of SDI's fiscal year 1989 phase 1 funds would be allocated to the kinetic energy programs. Is this the intent of the Armed Services Committee?

Mr. ASPIN. No.

Mr. RICHARDSON. I want to thank the chairman for our informative exchange.

Mr. BADHAM. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, it is with some reluctance but yet with great concern that I rise against the Spratt amendment for some very basic reasons. Let me first of all begin to talk about phase 1 because I think that is what people must get clear in their own minds as to what phase 1 really represents. Phase 1 represents technology that we understand a great deal about at the present time. It represents what we call, for example, kinetic energy systems.

What do we mean by kinetic? We mean a system that can strike another system and destroy it, such as destroying a missile. That would be a kinetic kill vehicle, a system that would be put up in space that would circle the Earth in orbit and that would in terms of a Soviet launch of a ballistic missile, would send out small rockets and literally ram into the missile that is launching from Soviet territory into space.

□ 1645

What that would allow us to do, Mr. Chairman, is literally to knock out 10 warheads for the price of 1 missile. That is a technology that is not fully developed yet, but fully understood.

There are other types of technology that are understood including the ground-based kinetic vehicles which would allow us to destroy an incoming reentry vehicle.

What the gentleman from South Carolina [Mr. SPRATT] is attempting to do is to limit the amount of money that the SDI people want to spend on phase 1 development along with the middle-phase development.

There are three phases of development in the SDI Program. There is the phase No. 1 program, the middle program, and the follow-on phase. The follow-on phase is the most sophisticated systems that we yet do not have great understanding about, but what the gentleman from South Carolina [Mr. SPRATT] attempts to do is to limit the amount of money we can spend in the phase 1 program. That program we understand the best, and that program, in my view, offers us the greatest potential for achievement and advancement, particularly in the area of accidental launch.

I have some difficulty understanding why the gentleman from South Carolina wants to offer this amendment, because if Members take a look at fiscal year 1988 and fiscal year 1989 spending, we find that in the SDI Program, the programmers are doing essentially what the gentleman from South Carolina wants to do. In fact, they are probably doing even a little bit better, because as can be seen in the phase 1 technology, about 48 percent of the funding is going to develop that technology that is the most readily usable, the most easily obtainable, and the percentage of money that the administration asks for in fiscal year 1989 actually drops from 48 percent down to 36 percent.

The middle-term technology stays about the same in fiscal 1988 as compared to fiscal 1989, but those technologies that the gentleman from South Carolina [Mr. SPRATT] and I would both agree could perhaps in the future offer us the greatest potential are going to get the greatest increase in the 1988 to 1989 budget.

As for directed-energy weapons—what do we mean by directed-energy weapons? The chemical lasers, the particle beams, the x-ray lasers, those kinds of technologies that we do not have a really good grasp of right now are going to get 50 percent of the funding under the administration's request. Therefore, it does not make any sense to impose this kind of micromanagement policy on the SDI people when they are essentially doing what it is that the gentleman from South Carolina [Mr. SPRATT] wants to do.

What I think is most important to understand is we do not want to shut down phase 1 technology, because that is clearly the technology that we understand the best. It is the technology that we can use to knock down an accidental launch, and I think as even the opponents and proponents of this program will admit, in the period of the next 6 or 7 years if we are able to deploy a two-phase system against accidental launch, that system will be very, very, good in terms of capability.

What we clearly do not want to do is put the clamps on phase 1, because phase 1 not only offers us great utility in the present, but phase 1 is a critical step in terms of developing a more sophisticated system. In fact, phase 1 technology can be used to protect the more sophisticated technologies that may be deployed after the turn of the century.

It would not make very good sense to be cutting back on phase 1 technology. I am not sure if the gentleman from South Carolina perhaps drafted this and did not get it exactly as he wanted it to be, but the follow-on technology is not only useful in phase 1 but also useful in the long-term technology. Yet, we have an assault on those programs.

I think that the SDI people are doing pretty much what the gentleman from South Carolina, a gentleman I have great regard and great respect for, for his knowledge and his commitment to understanding this program, but I think it makes very bad policy sense to be micromanaging the program like this. Let the SDI people do it on their own.

Mr. SPRATT. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, as I understand the remarks of the gentleman from Ohio, we are not really imposing that much limitation on SDI, because SDIO is effectively doing what we are seeking to do, and we want to hold the program where it is, a 40-percent commitment of total resources to phase 1, 60 percent retained for the balance of the program.

Let me say why we seek that, by giving a little background of the program. There are two reasons, broadly speaking, that we are spending nearly $4 billion a year on strategic defense; one is to assess its practical potential. Safeguard, our last venture into strategic defense, was decommissioned in 1976. Much has happened since 1976 in sensors, computers, optics and guidance systems and microelectronics, and above all, in lasers, directed-energy systems, and I think it is timely that we take stock of the advances in technologies to see if the latest technology has the potential of making strategic defense cost-effective, practical and workable.

The other reason for pursuing SDI in earnest at this time stems from what the Soviets are doing. Our Strategic Defense Program is quite simply a hedge against their strategic defense program. The Soviets have a strategic defense system, Galosh missiles, deployed around Moscow. The Soviets have an extensive air defense system and an extensive civil defense system. Clearly, they believe in strategic defense, and we clearly have reason to query what they are up to at Krasnoyarsk and Dushambai and places like that. We are not quite sure what they are up to or what they are pursuing on the far edges of strategic defense. I hasten to say that not all of the Soviet investment in strategic defense has paid off. We are confident that our warheads can penetrate their Galosh ABM system around Moscow, and if the Stealth bomber performs as promised, it may render obsolete much of what the Soviets have invested in air defense. Still, we cannot take the risk that the Soviets might someday roll out a new breakthrough technology which could destroy our missiles or warheads before they reach the Soviet Union. That is why we did not quit spending on strategic defense in 1976 when we stood down the Safeguard system. That is why we were spending about $1 billion on it even before the President made his speech in 1983, and that is why we are spending $4 billion or nearly that amount today.

If one of our reasons is to assess the potential of strategic defense, rigorously assess it in light of all the latest advancements in technology, we cannot complete that assessment until we truly know what the longer-term directed-energy or laser technologies can actually do.

SDIO has a phased-deployment plan. The first phase of it would be spaced-based interceptors. These would be designed to take out Soviet ICBM's in the boost phase, and these would be followed up by ground-based interceptors which would try to intercept reentry vehicles in the midcourse.

No one for sure can say at this point in time just how effective such a system can be. Even as it is postulated by those designing it and supervising, the space-based interceptors are not even expected to take out more than a fraction of the Soviet ICBM's in the boost phase.

The ground-based interceptors would have to clean up the rest. It is not by any means resolved yet whether or not the ground-based interceptors would be able to take out the remaining reentry vehicles in midcourse. That will depend upon midcourse discrimination, telling the difference between a real RV and a decoy. We are a long way from being able to do that.

Whatever the efficacy of phase 1, in time its effectiveness will degrade. The Pentagon, the sponsor of this system, also admits that as the Soviets deploy fast-burn boosters, as they have already in the SS-25, and as they develop the capacity to fire at our space-based interceptors on their satellite platforms, which they can do with modest modifications to existing systems, the boost-phase intercept system will become less and less effective, more and more porous.

As the Soviets stress the midcourse intercept system, the other half of phase 1, with chaff and decoys, along with real RV's, the midcourse interceptors themselves will become less and less effective. That is not my opinion. I am not qualified to make it. It is the judgment of almost everyone who has looked critically at strategic defense.

The bottom line simply is this: In the long term, the efficacy of strategic defense is going to turn on the efficacy of directed-energy weapons. Again, this is not my opinion. In effect, it is the opinion of the Defense Science Board and of the Defense Acquisition Board. Just last June the Defense Science Board said that the design concept for first phase is "still in an early stage and still quite sketchy." Among other things, they pointed out the technology for the survivability of space-based interceptors on their satellites is still uncertain. I am quoting from their report. "Vulnerability to attack by ground-based ASAT's and lasers during peacetime is particularly disturbing." They said, "Serious questions remain unanswered about the ability to carry out discrimination against anything but the most primitive decoys and debris."

□ 1655

That was the Defense Science Board speaking. The Defense Acquisition Board had asked for their opinion, and when they got it they recognized the difficulty of these problems facing phase one of SDI, and the Defense Acquisition Board expressly stipulated that before phase 1 enters or passes milestone 2, that is before it goes into full-scale engineering, then the follow-on laser based technologies must be at the point or stage in time when they can demonstrate their validity.

Our amendment simply follows that policy is laid down by the Defense Acquisition Board. We do not want to go forward with phase one until we know what the longer-term technologies can provide. All we ask for in this amendment is that sort of long-term perspective, pacing, and balance in the SDI Program.

We have quoted in the handouts and the Dear Colleagues we have sent to different Members the impressions and the opinions of various members of the national labs who are in charge of the SDI directed energy program. For example, Dr. John Brown, who is the associate director for defense research at Los Alamos, testified recently before our committee, "A future strategic defense system with advanced DEW, directed energy, will be available as a national option only to the extent that research has been adequately emphasized and predictably funded. Funding to date has been neither adequate nor predictable."

That is simply what we seek, adequate funding for the long-term technology that holds the promise of making strategic defense truly revoluntionary and effective; stable funding for these technologies which may hold the promise of time making nuclear weapons obsolete.

Mr. Chairman, I reserve the balance of my time.

Mr. BADHAM. Mr. Chairman, I yield 11 minutes to the gentleman from New Jersey [Mr. COURTER], a member of the committee.

Mr. COURTER. Mr. Chairman, I thank the gentleman for yielding.

From listening to the offerer of the amendment, the gentleman from South Carolina [Mr. SPRATT], I do not believe that the documentation really supports his position, and the position is that we are spending insufficient money for a long-term project, for the directed energy, those things that have promise in the distant future. The documents submitted in support of the amendment state that the SDIO, the Strategic Defense Office, has requested funding growth from 40 percent for phase 1 in fiscal year 1988 to 50 percent in 1989. The information is flatly incorrect.

The budget breakout is actually as follows, without the Spratt amendment, without this restrictive language, without this amendment that really nitpicks, bureaucratizes, politicizes the SDI office. Basically the trend is already frankly to reduce the moneys in research in the short term, those technologies that can help us deploy something against an accidental launch, against a launch by mistake, against a launch by some Third World country. In looking at the exact 1988-89 figures in phase 1 and phase 2, which is really the phase 1 under the Spratt amendment, we have gone in 1988 from 48 percent for that phase 1 to 36 percent without the Spratt amendment in phase 1 in 1989.

So without the benefit of micromanaging, the office itself has moved significantly in the area such that we can do the basic research that is necessary for the long term, more exotic directed energy areas.

I think it is important for this body not to micromanage. It is important for this body, and I know the gentleman from New York has a very provocative amendment which he will be introducing very soon with regard, and correct me if I am wrong, to some sort of early deployment from accidental launch which could very well be a harrowing experience for this country. The United States has to have the capability to protect itself now against an accidental launch. But moving additional moneys from near term to far exotic research will put more distance between now and the time we can defend New York City and Morristown, NJ, from an accidental launch.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I am happy to yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I was listening to the gentleman's remarks about what this amendment if passed would do, and the gentleman is right on target with regard to not only micromanaging but shifting resources from early to long term projects. And I favor those, as the gentleman from New Jersey has so eloquently testified to so many times, I favor that, but I favor the long term projects we are working on.

But what I think some Members are getting away with in this debate is on the one hand saying they are for SDI and research, and then either they want to micromanage it or they quote ALPS or General Abramson. I just want for the record to make sure everybody knows that General Abramson said if adopted, this amendment would unbalance the program toward less technically mature projects, thereby sacrificing the development of options for deploying systems in the near term, including, as the gentleman from New Jersey has pointed out, some type of an accidental launch protection system, ALPS.

Since we are talking about it, the Spratt amendment that is to come up I guess tomorrow in conjunction with the Kemp amendment, which both purport to support accidental launch protection systems, this undercuts in my view that effort. I am not challenging the motives of the gentleman from South Carolina, but I think it is inconsistent to on one hand micromanage phase 1 and then tomorrow or later in the debate say there is a problem with accidental launch.

What is the technology that will answer the problem of accidental launch if it is not the near term phase one kinetic energy capability that is so advanced that we are ready, in my view, to begin deployment in the near term?

So the gentleman is making an important contribution to the debate and I hope my colleagues will see through the Spratt amendment and vote it down and get to the next debate to come which is, of course, how do we protect America against an accidental launch.

Mr. COURTER. I appreciate the gentleman's comments. We have seen this type of an approach in this body many, many times where certainly not the offerer of the amendment, the gentleman from South Carolina [Mr. SPRATT], but there are others who like to say they are in favor of strategic defense but they do not deploy anything. In fact, they restrict the research dollars to make sure that in perpetuity it remains a concept, it remains an idea, it remains more a goal. I think we want more than a goal, we want to protect the United States against accidental launch

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I am happy to yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I remember listening to the gentleman from New Jersey say one time, and I have quoted it many times but I give him credit for at least the concept of recalling for all of us what would have happened to this country's space program if John F. Kennedy had said I think we will do a research program on going to the moon in the decade of the 1960s. There would not have been the excitement, there would not have been the motivation. The scientific community was if not split at least divided in part over the project. It never, in my view, would have been possible to create that atmosphere, that environment, that motivation that really launched this country's great space program. And as the gentleman from New Jersey is pointing out for us, SDI is being chipped away. And what kills me is that I can understand the total opposition of some, but all of those who stand up and love the research, they love it so much that they think that they are going to be able to research it ad infinitum, and it is going to hurt and kill some of the most promising programs. There is even one other argument of those who stand up and say they are pro-SDI that the scientists tell us that these technologies are off in the distance. I have talked, as has the gentleman from New Jersey, with a number of the pro-SDI scientists. They are absolutely on fire with regard to not only the long-term possibilities and technologies, but what we can do right now.

I think it is a mistake to let the American people lose sight of the fact that there are experiments, there are programs, there are technologies, and there are things that can be done right now that can begin that architecture.

I would close with the thought, another metaphor, imagine the anticancer program. What if we said we are going to wait until we reach the perfect anticancer weapon before we ever use it. No one would stand for that. We deploy it as soon as we test its efficacy and of course its safety, and then we go ahead with it. It seems to me we ought to begin and that we ought to begin soon to deploy or to build. I favor that, as the gentleman from New Jersey does, and we ought not let the Spratt amendment get in the way not only of the promising technologies for the future, but what can be done in the near term.

Mr. COURTER. The gentleman is precisely correct. I am sure there was no Spratt amendment when John F. Kennedy was around and he said we wanted to place an American on the Moon and return that individual safely to Earth before the decade was out. It was a clarion call, something that focused the imagination and energy of this country.

I remember very well there were scientists at that particular time saying it was unachievable with the engineering technology of that day, but through working, funding, and commitment it was achieved, and there was no amendment by the Congress meddling in that decision. The Congress of the United States did not say we want to put a certain type of fuel in the boosters, we want to have two ages and not three stages, we want to have this type of helmet, we want to place more money in the more exotic systems.

This is an important amendment, it really is, and it is well intentioned by the gentleman from South Carolina, and I think by virtue of the fact that it has been given an hour it means that it is significant, and I know the gentleman wants to achieve this.

My point is the Congress of the United States often is saying let the experts decide where the money should go. This is a sophisticated, complicated thing and there is balance between the short term and the long term, and when there is a change in technology sometimes that balance has to be changed. When there are new types of research, the Office of Strategic Defense has to be able to channel resources to new technologies.

This amendment restricts that to a degree. It micromanages to a degree, not totally, but partially, and that is in fact the bad part about the amendment.

The movement is toward future research in this area, but if we want to have a deployed system that protects us against accidental launch, we have to spend money on HEDI and the high endo-atmospheric interceptor, and that is in phase one. Let us not restrict the amount of money we can put in HEDI. Let us not restrict the sum of money we can put in kinetic energy.

Vote no on the Spratt amendment.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I am happy to yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, phase 1 technology is critical to protecting advanced technology somewhere down the road. We cannot get to the advanced unless we develop the first technology.

Mr. COURTER. Exactly. I appreciate the gentleman's comments. It is the engineering experience. It is one thing to have a laboratory conceptual understanding of a technology, and we all can agree that our best scientists recognize that a bullet can hit a bullet, that we can have space based interceptors that can track and intercept. But the problem is in where the United States is good, which is in the engineering, in creating something from concept to fruition to deployment to safety, and that is what this amendment is hurting. This amendment is hurting America using what America is good at, the engineering and moving something from concept to deployment.

Mr. KASICH. Will the gentleman yield again?

Mr. COURTER. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I appreciate the gentleman yielding.

In solid terms, I think the gentleman should make the point that the KKV, the kinetic kill vehicle, is used as a defense to a space-based laser program; that is, a directed energy weapon program that the gentleman wants to shift resources to. If we do not have a KKV, it does not offer the protection that we need to have for our more advanced systems.

So I say to the gentleman from New Jersey it is not just the engineering development, but it is a practical use of phase 1 technology that is complementary with advanced technology to make this system as good as it possibly can be.

Mr. COURTER. I thank the gentleman.

Finally, just let me say if my colleagues think that this particular office, which is doing a remarkable job, merits the flexibility, and it is not totally flexible, we know where they are putting their money, they let us know line by item, phase by phase, and we know precisely where the effort is going, why restrict that, why put handcuffs on it, why make it less flexible than it really is?

Vote no on the Spratt amendment.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume to respond to one statement made by the gentleman from New Jersey [Mr. Courter] and the gentleman from Ohio [Mr. Kasich].

The HEDI system, the high endoatmospheric interceptor, is classified by SDI as a follow-on phase system in the resource allocation chart which is referenced in the amendment, and which SDI presented with its budget. So it indicates that we have not foreclosed that or eliminated that in imposing this amendment.

Mr. Chairman, I yield 6 minutes to the gentleman from Indiana [Mr. McCloskey].

Mr. McCLOSKEY. Mr. Chairman, I thank the gentleman for yielding, and for all of his intelligent and outstanding vanguard leadership on this issue. It is true that John stands here accused perhaps of not being here to impede President Kennedy in 1960, but I would note that he was establishing an excellent academic record then as a freshman in college.

Mr. Chairman, I urge strong support of the Spratt amendment. The Spratt amendment sets priorities for the SDI Program that encourage long-term research and technology development—not hare-brained early deployment schemes.

The Pentagon now clusters early deployment schemes under a label called "phase 1" of a strategic defense system. The phase 1 program fails to meet cost, schedule, and performance goals required of other major weapons systems. The Spratt amendment proposes resources for phase 1 be deemphasized in the SDI budget request for fiscal year 1989. Our amendment caps spending for phase 1 to this year's level: 40 percent of the SDI budget. There still would be a significant dollar increase for phase 1.

The space-based interceptor—formerly known as a space-based kinetic vehicle, a major element of phase 1, is moving full-speed ahead. This year about $200 million has been obligated for the project. The SDI organization says a phase 1 system will cost $75 to $150 billion.

Last year SDIO said phase 1 would cost $40 to $60 billion. What will it cost next year?

If $150 billion pays only for the first phase, what will be the price tag of follow-on space-weapon deployments? Where will we get the funds to pay for phase 1? What programs will we have to cut or eliminate to pay for phase 1?

Even as a major weapons system, phase 1 is prohibitively expensive; $150 billion is nearly four times the cost of procuring and maintaining the small mobile missile, or "midgetman"—rejected by the Air Force as too expensive; $150 billion is three times the estimated, unofficial cost of the super-secret Stealth bomber, the B-2.

If the small missile and Stealth bomber proceed as planned, these two strategic nuclear programs will be among the most expensive in history. Yet their costs are far less than a phase 1 strategic defense system.

Cost is one concern. Efficiency is another problem. It takes a major leap of the imagination to conclude we would be one iota more secure with phase 1 deployment.

Sam Nunn, chairman of the Senate Armed Services Committee, has said, "most objective and independent analysts agree that a phase 1 system based primarily on space-based kinetic kill vehicles could not satisfy (the Nitze criteria of survivability and cost effectiveness at the margin.)"

In a phase 1 strategic defense system, SBI's would be accompanied by sensors and ground-based interceptors that would attempt to catch Soviet warheads missed by the SBI's. According to the Joint Chiefs of Staff, about 3,300 Soviet warheads would detonate on United States soil even if a phase 1 defense worked as planned. The Joint Chiefs estimate that a "first wave" Soviet attack would involve about 5,000 warheads, which means a phase 1 system would miss 70 percent of the Soviet warheads launched in an attack against the United States. The term "porous" doesn't even begin to describe such a defense.

The OTA says: "There would be a significant probability that the first (and presumably only) time the ballistic missile defense system were used in a real war, it would suffer a catastrophic failure."

According to a Washington Post story, OTA says: "There has been little analysis of any kind of space-based threats to * * * system survivability. * * * in particular, SDIO and its contractors have conducted no serious study of the situation in which the United States and the Soviet Union both occupy space with comparable (missile defense) systems."

Potential Soviet countermeasures to a United States space-based missile defense could be less challenging and costly to develop than space-based weapons and sensors for the envisioned strategic defense system.

Thus, if the Soviets were to counter an American phase 1 system without building their own version, they could:

Attack SBI's in space;

Make enough ballistic missiles to overwhelm the defense; and

Develop new missiles that release their warheads before the SBI's can fire at the missiles.

Why should we spend billions on a system of limited effectiveness that enjoys no positive consensus?

Problems with survivability have plagued other strategic programs. Is the 100th Congress to emphasize survivability only for "traditional" strategic nuclear weapon platforms such as the MX and B-1B? If OTA is right, and if Congress fails to make the Defense Department accountable for the survivability of phase 1 vulnerability problem, then Congress will be complicit in yet another national security and fiscal disaster.

SCHEDULE AND DECISION TIMES

The Defense Acquisition Board says it will not approve full-scale development on phase 1 until it is comfortable approving initial exploration related to follow-on phases. These phases would rely primarily on directed energy weapons such as lasers and particle beams. But the American Physical Society says directed energy weapons are at least 10 years away. What is the rush on phase 1?

Software issues, as OTA notes, could create a very important "bottleneck" in phase 1 schedules. The OTA report indicates there are serious doubts about the slow rate of improvement in software engineering technology. It is more appropriate to concentrate on longer term advances in technology than phase 1.

CONCLUSION

The potential for an arms race in space that could result from early deployment makes SDI one of the great issues of our time. Deployment of space based interceptors would violate article V of the ABM Treaty. Testing of system components would violate the 1972 ABM Treaty long before we could tell whether or not strategic defenses were feasible.

I would never sanction the use of computers to substitute for Presidential decisions. But the short flight-times of modern missiles and our desire to intercept them as they leave the ground inevitably move us in this direction. Are we prepared to let space sensors determine the fate of the Earth?

Mr. Chairman, from the knowledge we now possess, it is clear there are numerous cost, schedule, and performance problems with the space-based interceptor and the proposed phase 1 strategic defense system.

I urge support of the Spratt amendment.

□ 1710

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The Chair would respectfully request that Members refrain from quoting Members of the other body.

Mr. BADHAM. Mr. Chairman, I yield 8½ minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I am not going to speak as quickly as the distinguished former mayor, my good friend from Indiana, and a professor of some note, because I want to back up and analyze what we are really doing here today on defending our homeland.

The gentleman from South Carolina [Mr. SPRATT] is very knowledgeable on this issue. And as some of the Members on this side have pointed out, this is very sophisticated, very technically complex issue he has raised and it does not cost any money. But we must put it in the picture what has happened here today or what happened at the White House a few months ago. Because of budgetary constraints, President Reagan with his own goal of making a decision in the next Presidency which will be moot if it is Jesse Jackson or the Governor from Massachusetts, they will kill the whole idea of defending America. And I doubt it will all go to fighting drugs, Mr. BENNETT.

But if our next President, which I know will be Vice President GEORGE BUSH, is to make the decision, it has to be adequately funded. All the scientists who believe in SDI have worked out the money figures, but the President himself cut that figure by $1 billion $700 million. Then the Committee on Armed Services added almost a $1 billion cut to that, the Committee on Appropriations another $800 million.

Then today because Mr. BENNETT, of Florida, and a lot of us share concern about drugs, the enemy within tearing our Nation apart, we diverted some of it. That is micromanagement folks, but it is another half billion dollars, $500 million was cut today by the successful Bennett amendment. Now we get into a disagreement over whether this technical, sophisticated Spratt amendment is micromanagement or macromanagement. With all due respect, I believe it to be micromanagement and here is why.

Coming up tomorrow is Mr. SPRATT's amendment on ALPS.

Now Mr. Chairman, you have just counseled us not to quote Members of the other body. I am not going to quote the distinguished chairman of the Armed Services Committee, but I have to refer to his coining the phrase, unless the gentleman wants time to correct me, ALPS. Now ALPS is a term coined by the Senator from Georgia, Mr. NUNN, and it means Accidental Launch Protection System.

Could somebody be worrying about the Qadhafi bomb even though this gentleman has endorsed GEORGE BUSH for the Presidency? Could we be worrying about some terroristic weapon coming through the heavens and we have absolutely zero protection against 1, 5, 10 bombs accidentally launched at us?

Now the gentleman is for the ALPS because it is his amendment tomorrow. What are we going to use to protect our country with an ALPS system? Could it be kinetic kill weapons that Mr. MCCLOSKEY has just criticized? Could it be the point protection or the near term protection to save just one American citizen that is going to be asked to rely on a system that involves some of the technology that has been developed to this point? Or is it a near term deployment situation?

What we have here, when you put the whole picture together: The $1.7 billion cut, the $.8 billion cut, the $.5 billion cut and now this micromanagement; then contradicted tomorrow by the same distinguished bright gentleman's ALPS amendment; what we have here, gentlemen, is Members playing around with the defense of our homeland. What those of us who believe in it call strategic defense; what the news media cheapens and trivializes and ridicules by calling star wars when it does not involve the stars and it does not involve war. Because, to come back to the kickoff line of this debate, the distinguished lady, Mrs. BOXER from California who said we failed to get the point. The point is what we are doing is confusing Soviet war planners that they would never contemplate launching a first strike against the United States. This is deterrence.

I honestly have not heard one Member opposed to SDI or any aspect of the defense budget, have the decency, the graciousness to get into this well and say, "I, a liberal Member, was wrong on the nuclear freeze. I was wrong on *x* number of points on the defense budget. The President was right to stand up to the Soviets, to not tie SDI top what was happening at Reykjavik or later in Washington, DC." To graciously say, "The President hung tough and I will even concede that the R&D on SDI is what brought the Soviets to the bargaining table." Because for them SDI means "Soviets Do It." Gorbachev himself has admitted they have an ongoing program.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. JACK is back, JACK is back and I am glad to yield to the gentleman from New York [Mr. KEMP].

Mr. KEMP. I thank the gentleman for yielding.

Mr. Chairman, I was thrilled with the gentleman's statement until he came to the point where he told us he supported GEORGE BUSH. But I will let that pass for a moment.

I am, of course, teasing and I too am now supporting him.

Mr. DORNAN of California. I knew that. I knew that.

Mr. KEMP. He beat me, he beat me, and as an old football player, when you get beat you shake hands and you go on from there.

We know one thing, we know one thing: The gentleman is absolutely right when he says the Soviet Union would not be at the table with this President or any President had it not been for the willingness to stand tall at Reykjavik as the gentleman pointed out and to propose SDI. And I would think that those who are for arms control would at least give a modicum of support to the statement that has been made by the gentleman in the well for this President's determination, notwithstanding that I think it was oversold in the beginning and I still believe, as my friend from California has pointed out, that it so disrupts Soviet planning that they in no way would ever even entertain the possible thought of attacking the United States if we had a system based upon the phased architecture of a terminal, a space-based system for the defense of America. And I want to say that going after KKV's, or going after space-based kinetic technology, is ludicrous when it was that type of a system that could have shot down that Soviet launch of two ICBM's which landed within just a few hundred feet of their target outside of Hawaii and the United States was not even told that the Soviet Union was testing a few months ago. Do you remember? Can you imagine if we had had a system we could have helped—had that been an accident and had there been a nuclear warhead on those two ICBM's they could have been shot down. I am shocked that they would go after space-based kinetic technology.

Mr. DORNAN of California. I was going to ask the gentleman a shamelessly leading question because we have been informed that one of our Members today quoted from a classified document on this House floor. The figure was taken out of context. Instead of correctly pointing out that the JCS figure was the minimum accepted figure the JCS believed was needed to effectively deter a Soviet attack, it was stated that SDI would only be 30 percent effective. That if we could destroy with any type of an SDI system 30 percent, that that would so confuse and confound the problems of Soviet war planners that they would not strike. In reality, as I stated earlier, SDI would be more than 90 percent effective; more than sufficient to preserve the peace and protect American lives.

Mr. SPRATT. Mr. Chairman, I yield 5½ minutes to the gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. Mr. Chairman, I rise in strong support of the Spratt amendment.

Mr. Chairman, as a member of the Committee on Armed Services I have two big problems with the SDI program. The first problem is that the SDI office is not implementing the program that the President has promised to the people of our Nation.

President Reagan back in June 1986 said to a group of schoolchildren in New Jersey, "Our strategic defense initiative might one day enable us to put in space a shield that missiles cannot penetrate, a shield that could protect us from nuclear missiles just as a roof protects a family from rain."

Now that is an important goal and a beautiful sentiment and that is what the President of our Nation promised the people of this Nation.

□ 1725

Unfortunately that is not what the SDI office is doing. General Abramson recently said, "Nowhere have we stated that the goal of the SDI is to come up with a leak-proof defense." The problem, my colleagues, is that the President has promised the people protection, but in reality what the SDI office is doing is giving us not a population defense, but a system that will protect military establishments and improve our deterrence. If we want more deterrence, we can just buy it by building the Midgetman or beefing up existing offensive systems. We do not need to spend an incredible amount of money on stars wars to get more deterrence.

The second problem that I have with the present SDI Program is that I fear that there will be cuts in research. What the people of this Nation want, and have been promised, is a robust research program. They want to know if we can protect this Nation from nuclear weapons, and, if it is possible, then let us deploy.

As you can see from the chart, the administration requested in excess of $5 billion for SDI in fiscal year 1989. Based on the Bennett amendment that just passed, they could receive $3.5 billion. The fear that we have, that JOHN SPRATT has, and FRANK MCCLOSKEY and I have, is that the SDIO in their effort to make and promote an early deployment will take necessary and important research dollars and not put them in research, but put them into deployment of a system that is not designed to protect the people of this Nation.

Mr. Chairman, that is the problem we have, and that is why this amendment. So the fact of the matter is this is not a tremendous amendment that wipes out star wars. This is an amendment that says that since we spent 40 percent of this fiscal year's money in SDIO phase 1, let us limit next year's spending to 40 percent, too. Do not go to 50 percent. Stay at 40 percent.

That is all this amendment does. It says that we want a strong research program. Let us make sure we have a robust research program by limiting the spending on phase 1 to 40 percent.

Now the issue has been raised that there is a major concern relative to micromanagement that, because we are saying let us have a 40-percent limit instead of allowing 50 percent of the money to be spent on phase 1, that we are micromanaging. That is absurd.

Let me give my colleagues some examples. Take the Air Force. This year they requested $14.9 billion for research and development to be spent on 268 line items meaning each line item is worth an average of about $56 million. The Navy requested $9.2 billion for 293 line items that we micromanage as a Congress; $32 million an item. The Army requested $5 billion for research and development. They are going to spend that on 186 items.

What are we doing in star wars? We were requested to spend $4.5 billion. My colleagues, there is one line item under star wars, one line item. It is worth $4.5 billion.

Now, if my colleagues are going to tell me that having a 40-percent cap on phase 1 is micromanagement, we have to talk about what the definition of "management" is.

The fact of the matter is that it is time for some minimum management, and that is what this program does. It lets them spend a tremendous amount of money on phase 1. It just says to limit the total spending for phase 1 to 40 percent of the total SDI budget in fiscal year 1989, the same percentage as in fiscal year 1988.

Mr. Chairman, I think everyone who supports SDI wants a robust research program, but what we do not want is to have that money spent on phase 1 deployment items which get us away from what the President promised the people of this Nation, which is a robust research program that defends everybody.

So my colleagues can support SDI, and my colleagues can support the Spratt amendment. This makes sense. This is not micromanagement.

And so, if my colleagues want a robust research program, please support this 40-percent limit on phase 1. That is all it does. It is not micromanagement. It is, if anything, minimum management. Please vote for the Spratt-Hochbrueckner-McCloskey amendment.

Mr. BADHAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think we have strayed a little far afield on this debate thus far in talking about micromanagement, and some Members are saying that they are not technically capable to address this. And I will agree that we do not have technicians; we have politicians here, and it is pretty tough to micromanage a very complex system with political technocrats.

But, if I might go into a little history to bring us back to where we truly are in this program, in year, about 5, of the suggestion, in March 1983, when our President did say, and I have referred to this on this floor before as the Un Bel Dei speech, calling back to the aria from an Italian opera that starts: "One Fine Day," and literally what President Reagan said in March 1983, "Wouldn't it be a fine day for the people of this country if someday, rather than facing the terror of nuclear war, and deterrence, and nuclear blackmail and the thing, wouldn't it be a fine day if we could put our research to development of a program that would render incoming intercontinental ballistic missiles ineffective and impotent?"

That is what the President said, my colleagues. That was no micromanagement. That was a very simple statement, "Wouldn't it be a fine day if we could render our people safe from ineffective and impotent incoming ICBM's?"

And I think, yes, that would be a fine day, and what the President suggested at that time in the creation of SDIO, Strategic Defense Initiative Office, is that we combine together all of the research programs in our country, some of which had been started, some of which were dreams, that, if they could be applicable to rendering incoming ICBM's ineffective and impotent, that we could combine these programs and go forward with research, development and deployment, and share that technology with all the people of the world who were so inclined.

That is what the President said. That was the beginning of SDIO.

Now we are met on a field of combat, if you will, testing the future, and there has not been a heck of past to it, of strategic defense initiative.

The nontechnicians of this body have thrown around such words as "postboost," "midcourse," "terminal phase," "decoys," "load trajectories," "discrimination" and "technology changes every day," and indeed it does; "kinetic energy," "kinetic kill vehicles," "x-ray lasers" and "chemical lasers."

Mr. Chairman, this is a political body, and it is ours to judge what to do with the program that is intended to protect people of the United States from incoming intercontinental ballistic missiles. For that purpose, the combining of all research programs that might have an effect on SDI, the administration has asked for $6.2 billion. The Rose Garden budget reduction cut that to $4.5 billion. On the floor today we cut another $0.8 billion before the bill came to the floor, and today we cut another half a billion dollars, so we have effectively cut $3 billion out of a $6.2 billion request to get to where we are today.

□ 1735

And where are we today? Mr. Chairman, if you want to kill a program, if you want to kill a program first you squeeze the research and squeeze it into a sausage tube long enough that research goes on and on until the opponents that keep cutting and cutting say, "You've researched and researched and you don't have a program. You haven't done anything. Kill the program because it hasn't done anything."

The other way to kill a program, and we have only got half of this kill mechanism in progress so far, is the B1-ATB argument, that "don't go ahead with the B-1 bomber because right around the corner is the ATB." That is exactly what the gentleman from South Carolina and his minions from New York and other places, Indiana and other places are saying, kill the research and go on with long-term research because we know enough about this so we will cut this. Kill the B-1 because the ATB is right around the corner.

Mr. Chairman, we cannot do that, because we will squeeze it out and kill it off. The program is not right around the corner, but it cannot be out of research until we get into development and even some sort of deployment, early, late, but some time with vehicles that are able to be used.

We are doing in this exercise, and the gentleman from South Carolina, my friend and colleague, voted for the Dickinson amendment to preserve the committee position. Then he turned right around and voted for the next amendment, the Bennett amendment, to cut another half a billion dollars out of this program. Now he wants to restrict the research so it cannot go on until we say next week that it does not work.

Beware of the scientist who says, not "let's look at the horizon," beware of the scientist or technician or politician who says flatly, "It can't be done."

This, Mr. Chairman, can be done if we give the office a chance to manage its resources.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume, just to respond to the gentleman.

Mr. Chairman, if this amendment is adopted and if as I expect the SDI is funded fully around $4 billion after we come out of conference, we will still allow $1.6 billion for phase 1 and $2.4 billion for the follow-on phase.

Now, $1.6 billion is hardly the death knell for phase 1.

Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Chairman, I am a little reluctant to get into this. I readily concede that my understanding of this is limited, but I will also tell you that my concern is very great.

I think the debate here is not over whether we want this, whether we want an SDI that works, that protects us, that confounds Soviet planners, that makes it so unlikely that they could knock out all our defenses, that they would never risk attacking us.

The problem as I see it is that there are people who want to rush to deploy phase 1, which we know is incapable of even deterring or even confusing Soviet planners and maybe even incapable of stopping an accidential launch.

We have got to know whether the follow-on phases work first, and that is what this is all about.

I have heard the speeches. I have heard the Presidential campaign. I have heard people saying, "Let's get phase 1 up there. Let's get it out there so we don't lose this momentum. Let's get this thing going, whether we know it is going to work or not," and that is what concerns me. This alone costs $150 billion or more.

I think the danger of being consumed by debt in this country is a heck of a lot greater than ever suffering from an attack by intercontinental ballistic missiles, and that is my concern today.

Mr. Chairman, I support the Spratt amendment, not because I want to kill anything to do with SDI. We want to know, will this work? If it does, fine, let us pursue it; but let us not go willy-nilly into this and start deploying things before we know the answer to that question.

Mr. SPRATT. Mr. Chairman, I yield 2½ minutes to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Chairman, I thank the gentleman for yielding this time to me. I congratulate the gentleman and all the other members of the Research and Development Subcommittee of the Armed Services Committee for the attention that they have given to SDI over the last now at least 2 years, maybe before.

It is getting to the point now where we have quite a number of members of that committee who are familiar enough with the details of SDI to have some good opinions on it. I think they have a good ability to evaluate it. I think they have a good ability to deal with strategy issues.

This amendment is a good example of some good thought coming out of the committee.

It is very evident to me over the last 2 years that I have worked on SDI that the fundamental research has been to some extent hampered and it is getting a little bit worse because of what I call political attempts to dramatize SDI and gain support for accelerated funding.

This was not bad in 1985 and 1986, but in those years the SDIO found out that the Congress did not support the level of funding it presented, so by 1987 they came up with the first politicized move and they came up with the idea of demonstration projects. That did not work too well, so in 1988 the issue of early deployment was introduced.

In 1989, of course, it became phase 1. It is very evident to me that the present effort at SDIO is to accelerate phase 1 to the point where it is really going to cut into the basic research and development that is needed for this program ever to come to anything.

Now, the theory of phase 1 deployment, as we all know, is that it is a partial deployment. It was not intended to stop all the missiles. It is not final equipment in terms of quantity, type of equipment or technology. The theory of it is that the work on the subsequent phases, the work on the beam weapons and so on, will be ready by the time the actual deployment occurs in the mid-1990's, so that the next generation, which is going to be relied upon to be the real thing, can fill the gaps and replace the system elements that either do not work or it turns out that by that time are overpowered by the efforts of the opposition, the offense.

One of the problems that the SDIO is having is that it is getting phase 1 a little bit ahead of the research.

I think it makes a lot of sense to limit the amount of phase 1 work and be sure the fundamental research gets done so the program can come along in a balanced fashion.

Mr. SPRATT. Mr. Chairman, I yield 30 seconds to the gentlewoman from California [Mrs. Boxer].

Mrs. BOXER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the amendment and to make a point of clarification.

I understand the gentleman from California [Mr. Dornan] commented about the 30-percent number on SDI effectiveness as coming out of a classified document. That number was gotten out of the Washington Post.

I will place this into the Record at this time, as follows:

[From the Washington Post, Mar. 28, 1988]

JOINT CHIEFS' GOALS ON SDI ONE-SIDED

A recommendation by the Joint Chiefs of Staff that the United States deploy a defense capable of stopping 30 percent of attacking Soviet missiles was based on military goals, with little heed to strategic, political and arms-control implications, according to several U.S. military officials.

"We were more interested in the military capability that defenses would add if deterrence failed [and nuclear war began] than the contribution they make to deterrence itself," said Brig. Gen. Wayne Knudson, director of plans for the U.S. Space Command in Colorado Springs who drafted documents leading to the Joint Chiefs' endorsement.

[From the Washington Post, Mar. 28, 1988]

PENTAGON SCALES BACK SDI GOALS—NEW AIM IS TO SHIELD MILITARY INSTALLATIONS RATHER THAN CITIES

(By R. Jeffrey Smith)

Five years and $12 billion after President Reagan launched a major effort to render Soviet ballistic missiles "impotent and obsolete," the Defense Department is sharply scaling back its effort to fulfill his dream because of seemingly insurmountable hardware and money problems.

Instead of developing the massive "space security shield" that the president envisioned on March 23, 1983, to protect U.S. cities, the department has settled on the far less ambitious, immediate goal of protecting vital U.S. military installations from a Soviet attack.

Senior U.S. officials said in interviews that the decision to concentrate on a limited defensive system reflects broad agreement within the administration that the president's dream probably cannot be attained. The threat of a ballistic missile attack will not be diminished in the foreseeable future, they said privately.

The dramatic reorientation of Reagan's cherished Strategic Defense Initiative (SDI) program, popularly known as "Star Wars," is revealed in part by a 1987 Joint Chiefs of Staff classified document calling for development and deployment of a defensive system to stop only 30 percent of the nuclear warheads in a massive Soviet first strike.

The CHAIRMAN pro tempore. The gentleman from South Carolina [Mr. Spratt] has 1½ minutes remaining.

Mr. SPRATT. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. Fazio].

Mr. FAZIO. Mr. Chairman, I rise in support of the amendment offered by the gentleman from South Carolina [Mr. Spratt].

Mr. Chairman, I think this is a good example of where the House and the Senate together simply have to involve themselves in some detail, not in the sense of micromanagement, and I think the gentleman from New York [Mr. Hochbrueckner] made that point very effectively, but simply to emphasize the benefits of the long-term technology that is taking place in our national laboratories right now.

At Livermore in California right now they have recently completed a strategic defense system report which simply says that the effectiveness of the proposed phase J architecture that we are talking about here will not do the job. The Soviets very inexpensively, with countermeasures, with fast-burn boosters on their rockets, can overwhelm a system that we would put up, which is composed of all technology, technology that goes back before the adoption of the ABM Treaty in the early 1970's.

We are simply saying that those people who understood the potential of SDI, the tellers of the world, have got some concepts, laser weapons, the energy weapons generally, that deserve attention, deserve the kind of research investment that all of us are willing to make; but if we emphasize near-term deployment, increasing last year's 40 percent share up to 56 percent and then onward, we are going to not only waste money on a system that will have very little tenure, but will undermine public confidence in the concept in the first place.

If you are truly interested in the potential of a defensive system, you ought to be looking over the horizon, not simply to imbed a program politically before this administration leaves office.

Mr. Chairman, this is a modest amendment. It simply seeks to impose some balance and direction on a program that has lost any semblance of the President's original vision of developing a defense system that would render nuclear weapons impotent and obsolete. In place of protecting the American people and our allies, the Pentagon has adopted the goal of seeking to protect a few high priority military targets from the Soviet first strike.

While I concur with the Office of Technology Assessment report that it is unlikely that a system that meets the President's original vision of SDI could be deployed in our lifetimes, I nonetheless believe that the primary focus of SDI should be researching those advanced technologies which promise real defense from a responsive Soviet nuclear threat.

The Spratt amendment seeks to bring this about.

The Spratt amendment continues to give SDIO the flexibility it needs to manage the program. This is not micromanagement. The amendment simply keeps the fiscal 1989 allocation of SDI funding for near-term systems—or the phase 1 architecture, such as the space-based interceptor [SBI]—at 40 percent of the overall SDI budget, the same level phase 1 received in fiscal 1988.

The administration's rush to lock in SDI by making deployment in the mid-1990's a major goal of the program, has led the Pentagon to request a 56-percent increase in funding for phase 1.

The phase 1 system, if deployed, according to the Joint Chiefs of Staff would—at most—knock out 30 percent of the incoming warheads in a full-scale Soviet attack.

A recent report by the Strategic Defense Systems Division of Lawrence Livermore National Laboratory was even more pessimistic of the effectiveness of the proposed phase 1 architecture.

The Livermore report indicated that a space-based interceptor system would be partially effective only against Soviet missiles now in use and could quickly be defeated by fast-burn boosters and other countermeasures that the Soviets could easily have in place by the time phase 1 became operational. The cost to the Soviets would be miniscule in relation to ours.

The Livermore report indicated that it "would take a few thousand" kinetic kill weapons in orbit to knock out a sizable fraction of the Soviet SS-18/19 ICBM's. The study found that it would take 100,000 kinetic kill vehicles, at a cost of hundreds of millions of dollars, to destroy 90 percent of the current Soviet threat.

Clearly, without the Spratt amendment, the near-term SDI systems will continue to quickly absorb a larger and larger share of the overall SDI budget at the expense of important research on those advanced technologies that promise more effective, long-term defense benefits.

SDI has contributed to the Soviet willingness to talk in START. It has reinforced Gorbachev's elements in the Soviet leadership. But they fear directed energy weapons and other long-term threats. They would be fortunate if we embarked prematurely on an SBI system.

I think it would be extremely shortshighted to allow this push for near-term deployment to proceed, and I urge adoption of the Spratt amendment.

The CHAIRMAN pro tempore (Mr. Gray of Illinois). All time has expired on general debate.

It is now in order to consider the amendment relating to phase 1 of the strategic defense initiative printed in section 1 of House report 100-590 offered by the gentleman from South Carolina [Mr. Spratt] or his designee.

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Spratt: Page 19, after line 18, insert the following new section:

SEC. 212. LIMITATION ON SDI PHASE I SYSTEMS.

(a) Limitation.—Of the amount provided for research, development, test, and evaluation for the Strategic Defense Initiative (SDI) for fiscal year 1989, no more than 40 percent may be used for activities for Phase I of the SDI program.

(b) Phase I Defined.—(1) For purposes of this section, the term "Phase I of the SDI program" means those projects that were cited as "Phase I" and "Both" in the SDI Organization graph entitled "FY89 Resource Allocation" submitted by the Director of the Strategic Defense Initiative Organization in testimony on March 16, 1988, to the Committee on Armed Services of the House of Representatives and further detailed as "Description of Selected Architecture for Phase I" and "Follow-On Phases" in the January 1988 report entitled "Report to Congress on The Strategic Defense System Architecture" by the SDI Organization in Chapter II (Strategic Defense System Description).

(2) Phase I of the SDI program also includes any system that is approved for development for demonstration/validation by the Defense Acquisition Board as part of a Strategic Defense System Phase system after submission of the reports referred to in paragraph (2).

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from South Carolina [Mr. Spratt] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. Spratt].

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. McCurdy].

Mr. McCURDY. Mr. Chairman, I rise as one who supported the Dickinson amendment and opposed the Bennett amendment and as one who sits on the Research and Development Subcommittee of the Armed Services Committee. I rise in support of the Spratt amendment because I believe that it protects the integrity of the SDI, the robust research and development program, for long-term applications, not only to guard against a Soviet breakout, but offers to develop the missile defense which if technologically feasible can prove to enhance our security.

I believe that the Spratt amendment is a reasoned amendment and one that Members can support without any question of the integrity of the research program, because I believe that this approach protects those long-term investments, whether it is lasers or others, that enhance the SDI Program, not detracts from it.

The CHAIRMAN pro tempore. Does the gentleman from Ohio [Mr. Kasich] rise in opposition to the pending amendment?

Mr. KASICH. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Ohio [Mr. Kasich] is recognized for 5 minutes.

Mr. KASICH. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, any way you want to look at this, this is simple micromanagement of this SDI Program. There is no question about it.

Let me just make it clear, because we have been hearing about the scientists who have been saying that they do not want to put too much money in phase 1 technology. The gentleman from California mentioned it down here. I want to tell the gentleman that the scientists from Los Alamos happened to come before our panel. I asked them directly whether they favored the concept of putting a firm number on the amount of research that should be done on phase 1, and they said they did not favor it. They did not disagree with the general concept of making sure that the dollars were directed toward the follow-on phases, but they would oppose the idea of the Congress of the United States, most of whom do not understand the technologies involved in either phase 1 or the follow-on technologies, trying to tell the SDIO people exactly what percentage of the resources should be spent on which area of development.

So I want to make it clear to the gentleman that this is not something that we just think. It is from the people who come from that institution, probably in the gentleman's district, who oppose this concept.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I am glad to yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I just want to point out that we are not directing funds 2 years away from SDI or anything of that sort. We are leaving plenty of flexibility in the Spratt amendment to the SDIO to make allocations in those areas that they think ought to have a little extra emphasis, but we are simply saying that we think the outyears are at least as important as the short-term premature deployment that the administration proposes.

Mr. KASICH. Well, Mr. Chairman, I thank the gentleman for his comments, but when the gentleman cites the belief that the scientists from Los Alamos feel a certain way, I think we have got to be accurate on the record.

Mr. FAZIO. Mr. Chairman, if the gentleman will yield, I was quoting Livermore.

Mr. KASICH. The scientists themselves say, "Look, I don't want the Congress telling me how to run my program."

I have confidence that the SDI people are putting the resources in the proper percentage of allocation, and it is reflected right down here in the chart.

The simple fact of the matter is that the SDIO is dedicating——

The CHAIRMAN pro tempore. The time of the gentleman from Ohio has expired.

Mr. KASICH. Mr. Chairman, I yield myself 1 additional minute.

The simple fact of the matter is, the SDI people are going to be directing that percentage of the money that the gentleman from South Carolina [Mr. Spratt] would like to direct, pretty much determining on their own basis, but if they think there is a reason to invest more in the basic technology that could save the gentleman's constituents from a nuclear holocaust, an accidental launch, that is a big mistake to think we should not develop this technology, and to tell them that you in statute in the Congress—in statute—we are going to tell you what percentage of this money ought to go into what program, that is micromanagement.

□ 1750

There is no other way to define it other than micromanagement. We have to vote "no" on the Spratt amendment. We have to let the SDI people develop the phase 1 technology which protects us against accidential launch which is a vital component that fits complementary with follow-on technology and will ensure a successful SDI Program.

Mr. Chairman, I urge my colleagues to reject the Spratt amendment. Let us use good common sense and stop micromanaging.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. Dicks].

Mr. DICKS. Mr. Chairman, I appreciate the gentleman from South Carolina yielding me this time. I feel that this is the most important amendment that we are going to be debating during this consideration of the Defense bill. What we are talking about here is the so-called phase 1 system which is intended to create additional uncertainty for a Soviet war planner. In other words, the objective of phase 1 is nothing more than to increase to some degree the survivability of key military targets. Thus, it should be judged on the same basis as other steps to enhance deterrence through survivability, target hardening, and mobility.

What is the cost of phase 1? The cost is between $75 and $150 billion. It is a very expensive option.

Mr. Chairman, after having gone out and visited the contractors, it is clear that phase 1 can be easily countered either by direct descent nuclear Asat's or by countermeasures. Therefore, I have very major reservations about whether we should deploy it at all.

The Office of Technology Assessment has recently completed a study that talks about the potential for a massive failure caused by software technology that would be used in this system, and if it did fail massively I think it would certainly not confound any Soviet targeters with that kind of a problem. I would urge the committee to go ahead with the Spratt amendment. I think what we need to be focusing on is the longer term technologies and in my judgment there is more promise there than in rushing ahead with phase 1 deployment.

Mr. Chairman, I yield to the author of the amendment who I know wants to comment on some of the remarks of the gentleman from Ohio [Mr. KASICH].

Mr. SPRATT. Mr. Chairman, I appreciate the gentleman yielding.

The gentleman from Ohio [Mr. KASICH] referred to a series of hearings, and to a question that he asked. But we had testimony from a Dr. Richard Briggs which the gentleman from Ohio will remember. Mr. Briggs is the associate director at Lawrence Livermore Laboratory for beam research and magnetic fusion. He said,

> Directed energy did not come along with SDI. They were developed in the years when DARPA was in charge and in those days we had risk-takers in charge of the programs. They gave us money. They knew they were taking big risks but they nurtured the programs along, and let us take ownership of them.

What he decried was the fact that today the funding for these programs has become unstable and unpredictable. Several of the lab directors gave us testimony to the same effect.

We had testimony that,

> In the present situation I am concerned that 10 years from now we will be examining the same technology options you see today as advanced systems instead of a new exciting set of possibilities.

What we are trying to do here is put forth the money for them to come forward with these new exciting set of possibilities that could indeed help the President's dream of making nuclear weapons obsolete come true.

Mr. DICKS. Mr. Chairman, reclaiming my time, let us support the Spratt amendment.

Mr. KASICH. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. Mr. Chairman, I thank the gentleman from Ohio for yielding to me. I wish to make two points. The amount of money that is being used for research and development, test and evaluation in phase 1 without this amendment has gone down, as we can see on this graph, 14 percent plus the 48 percent down to 50 percent between 1988 and 1989 fiscal years. The trend is in that direction.

The first point is the Spratt amendment is not needed. Second, as was mentioned by the gentleman from Ohio [Mr. KASICH], if there is a major breakthrough that would allow the United States to defend ourselves against an accidental launch, this amendment means the Office of SDI does not have the flexibility to target their research in a proper way.

My third point, the way we have the situation right now, if the President of the United States in 1991 is sitting in his Oval Office and someone comes in and says,

> There is a ballistic missile that we spot over the Atlantic. We just do not know where it is coming from, whether a Soviet submarine, or whether it was launched by mistake. What are we going to do about it?

The only thing that the President could do in that circumstance would be to attack the Soviet Union, or watch that incoming ballistic missile land.

This money is important to defend ourselves and give the President another option, a peace option.

Mr. KASICH. Mr. Chairman, I yield myself the remaining minute of my time.

Mr. Chairman, let me go back to the testimony that the gentleman from South Carolina [Mr. SPRATT] referred to, and the concern that Dr. Briggs has. Clearly that concern is not reflected in the direction SDI is going, but the simple fact of the matter is that Dr. Briggs said he was opposed to the Spratt amendment. He was opposed to the concept of the Congress, the House of Representatives of the United States, micromanaging the Office of SDI.

Mr. Chairman, General Abrahamson has done a fantastic job over in the Office of SDI. We have heard no criticism of his office or his operation. It does not make any sense to try to tell him where he should spend his resources, particularly when these two phases, the phase 1 and the followon phases, fit together. Phase 1 protects us against accidental launch, when we get the sophistication of it, a high degree of protection from accidental launch.

Second, phase 1 works complementary with the advanced technologies to give us a sound SDI Program.

I say to my colleagues, the bottom line is let us have faith in the people that have run this program so effectively. Let us not micromanage. Let them put the resources where they think they can make the greatest gain to produce an effective system for the money that is available.

Mr. SPRATT. Mr. Chairman, I yield myself the 1 minute remaining of my time.

Mr. Chairman, in the remaining time let me simply state what this amendment does. This amendment, I reemphasize, does not impose a new allocation on SDI. It simply retains the current allocation of SDI funding from near-term systems or phase 1, at 40 percent which is the current level. It does not impose anything new. It does prohibit them from going from a 40-percent allocation to a 50-percent allocation in the next fiscal year.

Will we starve these phase 1 programs? Of course not. They will be funded at their existing level of $1 to $1.5 billion.

Furthermore, we will be preventing funds from being siphoned out of the longer term programs so essential to the success of strategic defense, and preventing those funds from being siphoned out into near-term deployment, and that is why this is an important and positive amendment.

We are voting here on the success of the program, and that is why it makes sense.

Mr. FOGLIETTA, Mr. Chairman, I rise in support of the amendment offered by Mr. SPRATT, Mr. MCCLOSKEY, and Mr. HOCHBRUECKNER to limit SDI spending on phase 1 of strategic defense to no more than 40 percent of the total SDI budget. In my mind, phase 1 spending should go even lower, but I vigorously support this spending cap.

President Reagan and his advisers have continually reassured Congress and the American people that the SDI Program is simply research—simply a call to the scientists of America to find a means to render nuclear weapons "impotent and obsolute."

If that is the case—if SDI is a research program focusing on long-range technologies and not on near-term deployment—then why are we having this debate? The answer is that, despite the public declarations, many star warriors want to ram SDI down the throats of Congress and the American people.

In the past year, cost estimates for phase 1 defense have more than doubled, up to $150 billion. What will the bill be next year? Will it experience a similar rise up to $375 billion? Where does it stop?

It should stop here and now. Early deployment of SDI would launch a system of ineffective battle stations which, at best, will leave America defenseless to 7 out of 10 Soviet missiles. It would undercut current attempts to negotiate reductions in offensive nuclear missiles. It would divert much-needed money from conventional weapons programs and from the domestic programs which are so important to our communities.

Last year, Attorney General Ed Meese gave the most honest rationale for early deployment: He said it would prevent the program "from being tampered with by future administrations."

Our next administration should be allowed to make up its own mind regarding SDI. Deploying SDI now would only heighten the arms race and undercut the chance of any future breakthroughs. Indeed, star wars may be the enemy of strategic defense.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). All time has expired.

The question is on the amendment offered by the gentleman from South Carolina [Mr. SPRATT].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KASICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device; and there were—ayes 244, noes 174, not voting 13, as follows:

[Roll No. 102]

AYES—244

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Baker
Bates
Beilenson
Bennett
Bereuter
Berman
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Glickman
Gonzalez
Goodling
Gordon
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Hayes (IL)
Hertel
Hochbrueckner
Horton
Hoyer
Hughes
Jacobs
Jeffords
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lowry (WA)
Lujan
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Meyers
Mfume
Mineta
Moakley
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Nagle
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Price
Rahall
Rangel
Ravenel
Regula
Richardson
Ridge
Rodino
Roe
Rose
Rostenkowski
Roukema
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sensenbrenner
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stratton
Studds
Swift
Synar
Tallon
Torres
Torricelli
Towns
Traficant
Traxler
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yatron

NOES—174

Archer
Armey
Badham
Ballenger
Barnard
Bartlett
Barton
Bateman
Bentley
Bevill
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chappell
Cheney
Coats
Coble
Coleman (MO)
Combest
Courter
Craig
Crane
Dannemeyer
Darden
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Erdreich
Fawell
Fields
Flippo
Frenzel
Gallegly
Gallo
Gekas
Gibbons
Gingrich
Gradison
Grandy
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Johnson (CT)
Kasich
Kemp
Kolbe
Konnyu
Lagomarsino
Latta
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lott
Lowery (CA)
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Moorhead
Morrison (WA)
Murtha
Myers
Nelson
Nichols
Nielson
Oxley
Packard
Parris
Pashayan
Pickle
Porter
Pursell
Quillen
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roth
Rowland (CT)
Rowland (GA)
Saxton
Schaefer
Schuette
Schulze
Shaw
Shumway
Shuster
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stump
Sundquist
Sweeney
Swindall
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wilson
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOT VOTING—13

Biaggi
Boulter
Daub
Duncan
Hawkins
Kyl
Lukens, Donald
Mica
Miller (CA)
Ray
Stokes
Udall
Yates

□ 1816

The Clerk announced the following pairs:

On this vote:

Mr. Miller of California for, with Mr. Boulter against.

Mr. Hawkins for, with Mr. Daub against.

Messrs. PASHAYAN, ROWLAND of Georgia, EDWARDS of Oklahoma, ERDREICH, and NICHOLS changed their votes from "aye" to "no."

Mrs. MEYERS of Kansas changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. ASPIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GRAY of Illinois, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4264) to authorize appropriations for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, to amend the National Defense Authorization Act for Fiscal Years 1988 and 1989, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill, H.R. 4264.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON HUMAN RESOURCES AND GOVERNMENT RELATIONS OF COMMITTEE ON POST OFFICE AND CIVIL SERVICE TO MEET DURING 5-MINUTE RULE ON THURSDAY, MAY 5, 1988

Mr. WEISS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Human Resources and Government Relations of the Committee on Post Office and Civil Service be permitted to meet during the 5-minute rule tomorrow. I have cleared this with the ranking minority member.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1820

PROVIDING FOR CORRECTING ENROLLMENT OF H.R. 3, TRADE AND INTERNATIONAL ECONOMIC POLICY REFORM ACT OF 1987

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 438 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 438

Resolved, That upon the adoption of this resolution, the House shall be considered to have adopted a concurrent resolution consisting of the text printed in section 2 of this resolution.

SEC. 2. *Resolved by the House of Representatives (the Senate concurring),* That, in the enrollment of the bill (H.R. 3) to enhance the competitiveness of American industry, and for other purposes, the Clerk of the House of Representatives shall make the following correction:

Amend section 2424 to read as follows:

"SEC. 2424. EXPORTS OF DOMESTICALLY PRODUCED CRUDE OIL.

"(a) TECHNICAL AMENDMENT.—Section 7(d) of the Act (50 U.S.C. App. 2406(d)) is amended by striking paragraph (4).

"(b) CRUDE OIL STUDY.—

"(1) REVIEW OF EXPORT RESTRICTIONS ON CRUDE OIL.—The Secretary of Commerce, in consultation with the Secretary of Energy, shall undertake a comprehensive review to assess whether existing statutory restrictions on the export of crude oil produced in the contiguous United States are adequate to protect the energy and national security interests of the United States and American consumers. Taking into account exports licensed since 1983 and potential exports of heavy crude oil produced in California, the review shall assess the effect of increased exports of crude oil produced in the contiguous United States on—

"(A) the adequacy of domestic supplies of crude oil and refined petroleum products in meeting United States energy and national security needs;

"(B) the quantity, quality, and retail price of petroleum products available to consumers in the United States generally and on the West Coast in particular;

"(C) the overall trade deficit of the United States;

"(D) acquisition costs of crude oil by domestic petroleum refiners;

"(E) the financial viability of sectors of the domestic petroleum industry (including independent refiners, distributors, marketers, and pipeline carriers); and

"(F) the United States tanker fleet (and the industries that support it), with particular emphasis on the availability of militarily useful tankers to meet anticipated national defense requirements.

"(2) PUBLIC HEARING AND COMMENT.—The Secretary of Commerce shall provide notice and a reasonable opportunity for public hearing and comment on the review conducted pursuant to this subsection.

"(3) CONSULTATIONS WITH OTHER AGENCIES.—The Secretary of Commerce shall consult with the Secretary of Defense, the Secretary of the Interior, and the Secretary of Transportation, in addition to the Secretary of Energy, in undertaking the review pursuant to this subsection.

"(4) FINDINGS, OPTIONS, AND RECOMMENDATIONS.—After taking public comment and consulting with appropriate State and Federal officials, the Secretary of Commerce, in consultation with the Secretary of Energy, shall develop findings, options, and recommendations regarding the adequacy of existing statutory restrictions on the export of crude oil produced in the contiguous United States in protecting the energy and national security interests of the United States and American consumers.

"(5) CONSULTATIONS AND REPORT.—In carrying out this subsection, the Secretary of Commerce shall consult with the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Energy and Natural Resources of the Senate. Not later than 12 months after the date of the enactment of this Act, the Secretary shall transmit to each of those committees a report which contains the results of the review undertaken pursuant to this subsection and the findings, options, and recommendations developed under paragraph (4).".

POINT OF ORDER

Mr. LOTT. Mr. Speaker, I make a point of order against the consideration of House Resolution 438 and I ask to be heard on my point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. LOTT. Mr. Speaker, my point of order is that House Resolution 438 is not a privileged resolution because it contains nonprivileged matters. In defense of my point of order I cite Cannon's Precedents, volume 8, section 2257, and I quote: "The right of the Committee on Rules to report at any time is limited to report on subjects within its jurisdiction and the incorporation of extraneous matter destroys the privilege."

Mr. Speaker, House Rule 10, clause 1(q) gives the Rules Committee jurisdiction over "the rules and joint rules * * * and order of business of the House." According to Deschler's Precedents, volume 6, chapter 21, section 20, the Rules Committee has broad authority to report order of business resolutions or special rules "for the consideration of a proposition, and directing how the proposition will be considered."

That section of Deschler's Precedents goes on to note that a rule may provide for the "consideration" of "a House or Senate bill or resolution not reported from committee or a measure which has not yet even been introduced."

However, I would emphasize here that the purpose of a rule or order of business resolution is to provide for the consideration of a proposition and not for the actual passage of a matter not within the jurisdiction of the Rules Committee.

In the case of House Resolution 438, we have what is called a "self-executing" rule whereby the vote on the rule is considered the vote on passage of an unreported, unintroduced concurrent resolution which directs the Clerk to make certain corrections in the bill H.R. 3, the trade conference report. However, unlike the traditional concurrent resolutions which make truly "technical corrections" of such matters as printing errors, this concurrent resolution would amend an already agreed to conference report in a substantive way by replacing a limitation on the export of refined Alaska oil, with a study of existing limits on the export of domestic crude oil.

Mr. Speaker, as volume 4, section 3446 of Hinds' Precedents makes clear, "the correction of an enrolled bill is sometimes ordered by concurrent resolution of the two Houses." But, as section 574 of the House Rules and Manual, 100th Congress, also makes clear, such concurrent resolutions are confined to, and I quote, "correction of an error when an enrollment is made." The substantive change being proposed by House Resolution 438 goes way beyond correcting a technical error in the trade bill. It makes a major change in direction which goes to the very heart of the jurisdiction of other committees of this House.

Mr. Speaker, in this connection I would cite 6 Deschler's, chapter 21, section 17.13, which notes that, "Although the Committee on Rules has authority to report as privileged resolutions creating a select House committee, the inclusion of a subject coming within the jurisdiction of another standing committee destroys the privilege, and it is therefore necessary for the committee to report a privileged resolution making in order the consideration of the nonprivileged matter reported by it."

The vote on the adoption of this rule is also a vote to pass a separate concurrent resolution which is not within the jurisdiction of the Rules Committee. If introduced separately, it would probably be referred to the House Administration Committee, which has jurisdiction over the Clerk and the enrollment of bills; and to the Energy and Commerce Committee which has jurisdiction over interstate and foreign commerce, and national energy policy. It might also be jointly referred to the Foreign Affairs and Merchant Marine and Fisheries Committees. But, by no stretch of the imagination could the Rules Committee claim jurisdiction over this concurrent resolution. As a result, the text of section 2 of this rule is nonprivileged matter which is not within the jurisdiction of the Rules Committee. And, under the precedents, this destroys the privilege of this rule.

In conclusion, Mr. Speaker, I would urge the Chair to fully consider the implications of this ruling. The key question is, "Can the Rules Committee directly report and obtain a direct vote on matters within the jurisdiction of other committees?"

If the answer is yes, then we will have radically altered the jurisdictional balance of powers in this House. We may as well abolish the authorizing committees and cede all legislative authority to the Rules Committee.

Mr. Speaker, a similar point was made by your hero, Speaker Sam Rayburn, back on June 7, 1944. On that occasion the Rules Committee had reported a rule on a simple extension of the Emergency Price Control and Stabilization Acts of 1942. However, the rule also made in order a series of nongermane amendments from a bill sponsored by the de facto head of the Rules Committee, Judge Smith. Here's what Mr. Sam had to say about that:

> * * * the Committee on Rules was never set up to be a legislative committee. It is a committee of procedure, to make it possible that the majority of the House of Representatives may have the opportunity to work its will. * * * I do not want to take away any of the rights of the Committee on Rules, and I do not want the Rules Committee to take away the rights, prerogatives and privileges of other standing committees of the House. * * *

On that occasion, Mr. Speaker, the House upheld its Speaker. On this occasion, I hope the Speaker upholds the House.

□ 1830

The SPEAKER. Does the gentleman from Michigan wish to be heard on the point of order?

Mr. BONIOR. Mr. Speaker, just on a couple of the points raised by the gentleman from Mississippi.

Mr. Speaker, in recent history, the Rules Committee has recommended—and the House has adopted—resolutions that facilitated the disposition of concurrent resolutions to correct the enrollment of certain bills.

In the 99th Congress, the House passed House Resolution 597, a rule that provided that upon its adoption, the House was considered to have taken the omnibus drug bill (H.R. 5484) from the Speaker's table and to have concurred in a Senate amendment with amendment. With the adoption of the rule, the House was also considered to have adopted a concurrent resolution directing the Clerk of the House to make a correction in the enrollment of the bill.

Also in the 99th Congress, the House adopted House Resolution 598, a rule which provided that, upon its adoption, the House was considered to have taken an enrollment resolution from the Speaker's table and to have concurred in the Senate amendments to the concurrent resolution with amendments. The concurrent resolution was to correct technical errors in the enrollment of H.R. 3838, the Tax Reform Act.

In the 93d Congress, the House adopted House Resolution 1496, a rule which provided for the consideration of the conference report on a Senate bill to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations.

In fact, Mr. Speaker, since 1962 on nine separate occasions the substance of legislation has been dealt with in similar manner before the enrollment of said legislation.

At this point, Mr. Speaker, I would invite the decision of the Chair.

The SPEAKER. Does the gentleman from Mississippi [Mr. Lott] desire to be heard further?

Mr. LOTT. Mr. Speaker, briefly, momentarily, in support of my point of order.

The SPEAKER. The gentleman from Mississippi is recognized.

Mr. LOTT. Mr. Speaker, in response to the gentleman's comments, I would like to make note that again this is a quantum jump from what has been done in the past. It has usually been in a process of technical corrections of errors, where a wrong number was put in or a paragraph was inadvertently left out. These technical resolutions have come along with or close behind the conference report.

In this case that is not the situation. I note also that these references that the gentleman from Michigan refers to were not tested, were not questioned with a point of order.

We are here today making that test; this is a point of order which should be heard and it is one that I hope that the Speaker recognizes is a significant jump from technical corrections through this concurrent resolution process into one that involves absolute, clearly substance.

I urge the Speaker to uphold the point of order.

The SPEAKER. Does the gentleman from Michigan care to be heard further?

Mr. BONIOR. I defer to the Chair, Mr. Speaker.

The SPEAKER (Mr. Wright). The Chair is prepared to rule. The Chair has carefully examined House Resolution 438 offered by the Rules Committee for consideration of the House today, has listened attentively to the point of order offered by the gentleman from Mississippi [Mr. Lott] and to the citations offered by the member of the Committee on Rules, the gentleman from Michigan [Mr. Bonior].

It is apparent to the Chair that this resolution proposes a rule which provides for a special order of business, as distinguished from the ordinary and regular order of House business.

It is well within the inherent authority of the Committee on Rules to report rules to the House recommending a special order for the consideration of legislation.

Part of the objection offered by the gentleman from Mississippi [Mr. Lott] is directed to the proposition of self enforcing rules. It is not an uncommon practice on the House floor for the Committee on Rules to report and for the House to adopt a self enforcing rule, a rule which declares that it is hereby construed or it is hereby held that a certain legislative fact has been done by the House.

And so there is nothing unique nor contrary to general practice in the self-executing rule, so long as it is consistent with clause 4(b), rule XI.

The Committee on Rules on numerous occasions has brought rules to the floor which discharge standing committees of the House from further consideration of certain legislative matter in order that the bill be brought before the House.

It is well within the practice of the Committee on Rules to report these special rules for the consideration of the House and the House then is at liberty to adopt or to reject the rule recommended by the Committee on Rules. That, in fact, is the function of the Committee on Rules, to make a recommendation which the House may or may not accept.

And so the Committee on Rules in the opinion of the Chair is well within common practice and well within its jurisdiction and fully within its responsibility in reporting this rule, which would be a special order called up in the House for its consideration. And the House, of course, is the final authority. If it adopts the rule today, it will be operating within the established procedures of the House. If it rejects the rule today it will be operating within the established procedures of the House.

The House is the final arbiter of the propriety of the rule that is offered. And a rule suggesting a special disposition of a concurrent resolution is well within the established and accepted responsibility of the Committee on Rules, and that, in fact, is the definition of the function of the Committee on Rules.

And for these reasons the Chair overrules the point of order.

The gentleman from Michigan [Mr. Bonior] is recognized for 1 hour.

Mr. BONIOR. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. Quillen], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 438 provides that upon adoption of the rule, the concurrent resolution contained in section 2 of the rule, shall be considered as adopted. There will therefore be the customary 1 hour of debate, in the House, equally divided.

Mr. Speaker, the conference report on H.R. 3, the Omnibus Trade and Competitiveness Act of 1988, passed this body on April 21, 1988, on a vote of 312 to 107.

However, the bill has not yet been enrolled. In this stage, the conference report is subject to correction.

Mr. Speaker, this concurrent resolution is a correction to the enrollment of H.R. 3. It deals with section 2424 regarding exports of domestically produced crude oil.

The conference agreement included three basic provisions:

First, a requirement that the Secretary of Commerce, in consultation with the Secretary of Energy, study whether existing restrictions on crude oil exports from the lower contiguous 48 States are adequate to protect U.S. national security and energy interests.

Second, an agreement to permit—subject to passage of the Canada Free Trade Agreement—the export of up to 50,000 barrels per day of Alaska North Slope crude oil to Canada.

Third, a restriction prohibiting refineries commencing operation in Alaska after the date of enactment of this bill from exporting more than 50 percent of its annual output of refined and partially refined petroleum products made from Alaska North Slope crude oil, excluding sales to U.S. military and flag airlines. Further, total sales of Alaska North Slope refined and partially refined petroleum products produced by these refineries shall not exceed in aggregate an annual average of 70,000 barrels per day allocated on a first-come-first-served basis.

Mr. Speaker, this concurrent resolution replaces these provisions with the text of section 2 of House Resolution 438 which basically includes:

First, a study calling for the Secretary of Commerce and the Secretary of Energy to assess whether existing restrictions on the export of crude oil produced in the contiguous United States are adequate to protect the energy and national security interests of the United States and American consumers. The study shall also assess the effect of increased exports of crude oil produced in the contiguous United States on:

Our ability to meet U.S. energy and national security needs.

The quantity and quality and retail price of petroleum products available to consumers in the United States generally and on the west coast in particular.

The overall trade deficit.

Acquisition costs of crude oil by domestic petroleum refiners.

The financial viability of sectors of the domestic petroleum industry.

The U.S. tanker fleet and the industries that support it, emphasizing the availability of militarily useful tankers to meet anticipated national defense requirements.

Second, the concurrent resolution also includes a provision that the Secretary of Commerce shall provide notice and a reasonable opportunity for public hearing and comment on the review.

Third, it includes a provision that the Secretary of Commerce shall consult with the Secretaries of: Defense, Interior, Transportation and Energy in undertaking the review.

Fourth, after taking public comment and consulting with the appropriate State and Federal officials, the Secretary of Commerce in conjunction with the Secretary of Energy shall develop findings, options and recommendations regarding the adequacy of restrictions on the export of crude oil produced in the contiguous United States in protecting the energy and national security interests of the United States and American consumers.

Fifth, the Secretary of Commerce shall consult with the following committees of the U.S. House of Representatives: Foreign Affairs, Energy and Commerce, and Banking, Housing and Urban Affairs. In the Senate, the Committees would be: Energy and Natural Resources, and Commerce, Science and Natural Resources.

No later than 12 months after adoption of this bill, the Secretary shall transmit to each of these committees, the results of the review along with the findings, recommendations and options.

Mr. Speaker, as you well know, our trade deficit is almost $14 billion! In the last 5 years, over 2 million Americans have lost their jobs due to unfair foreign competition. The big joke in this country is that jobs are now our No. 1 export.

We desperately need a comprehensive trade bill to deal with desperate situation.

Mr. Speaker, this body has worked for 3 years crafting an omnibus trade bill. We have worked with the administration in a good faith effort to take care of their problems with the bill. Even the President, admits that many of the parts he objected to have been completely removed.

In his most recent weekly radio address, he singled out two provisions to which he still objected. One of those provisions was the curb on Alaskan oil exports.

Mr. Speaker, this concurrent resolution is yet another effort to accommodate the President. We will be removing yet another part of the bill he does not like.

With the passage of House Resolution 438, the House leadership will have done absolutely everything it could do, in good conscience, to make the President happy. Mr. Speaker, with the removal of the Alaska oil provision, it is our genuine and fervent hope that the President will sign this monumental legislation and let the Congress proceed with the consideration of additional very important trade legislation such as the Canada free trade agreement.

The offering of this concurrent resolution is an indication of just how much we want and need a trade bill enacted into law. I hope, Mr. Speaker, the President recognizes our additional compromise and drops his threat to veto this bill for the sake of the millions and millions of Americans who desperately need and are anxiously waiting for the passage of this trade legislation.

Mr. Speaker, for those of my colleagues who say that if we were really serious about a trade bill we would remove the plant closing section, I answer that we simply cannot.

Recent polls show that 86 percent of the American people support the worker notification section of the trade bill.

Worker retraining and readjustment is a large part of the trade bill. A task force appointed by Secretary of Labor Brock concluded that advance notification is essential to any successful readjustment program.

According to GAO, blue collar workers, on the average, get around 7 days notice of a plant closing or permanent layoff. White collar workers get about 14 days notice. Nonunion blue collar workers get an average of 2 days warning. For those who think most workers can see a plant closing or a layoff coming, the fact is nearly half of today's displaced workers had absolutely no idea they were going to be laid off before it happened.

Mr. Speaker, the Office of Technology Assessment has found that worker productivity does not fall off after notification of a plant shutdown—in some cases, productivity increases.

Worker notification is the law in Canada, France, Germany, Japan, Great Britain, and Sweden. Mr. Speaker, I use the example used today at your press conference for those who believe the worker notification section would make us less competitive abroad. Taiwan requires advanced notification of all layoffs. Rather than losing export trade, Taiwan has increased its trade surplus with the United States every year of the Reagan administration.

Mr. Speaker, what we need here is good old-fashioned compromise. The President has two things that bother him about this trade bill. We are willing to drop one of those two things. If the President really wants a comprehensive trade bill, he will compromise and let us get on with reducing the trade deficit, increasing our exports and putting our workers back to work.

□ 1845

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this procedure being used today is an outrage. On approximately 1 hour's notice, the Rules Committee was called into emergency session yesterday afternoon at 4 p.m. We did not see a copy of this rule until a few minutes before we had to vote on it. I objected to the emergency meeting then. I object to it now.

Today the House is about to be forced to vote on this package after only 30 minutes debate on each side, with no chance to amend or alter the package. Once the rule is adopted, the concurrent resolution directing the Clerk to change the conference report on the trade bill will be deemed to have been adopted. There will be no separate consideration of the substantive issue. Once this rule is adopted, it is all over.

By this procedure we are rushing in to make a major change in a conference report which took 14 committees over a year to work out. This is a bad procedure, Mr. Speaker. More than that, because the Senate is not even in session this week, there is no need or jurisdiction for abandoning the normal notice requirements of the Rules Committee.

Not only is this a terrible procedure, Mr. Speaker, it is an openly political maneuver to buy off two votes in the other body. Upon adoption of this rule, the House will have directed the Clerk to strip out the existing provisions on Alaskan oil from the trade conference report and to replace them with a study.

Mr. Speaker, under existing law there is in effect a prohibition on the export of crude oil from Alaska's north slope but no restrictions on the export of refined oil products. There are plans to build a refinery in Alaska to get around existing law. The provisions in this conference report are a compromise solution which will put some limits on the amount of refined oil products which could be exported from any Alaskan refinery. If this House today accepts this rule, we will be removing all restrictions on the export of Alaskan refined oil products. Every bit of Alaskan oil could end up in Japan or some other country.

Mr. Speaker, the Alaskan oil provisions in the conference report were designed to ensure that a reasonable proportion of Alaskan oil would actually get into this country where it is needed. Those provisions also have the effect of ensuring some much-needed business for our American merchant marine.

Mr. Speaker, a strong and able American merchant marine is important in peacetime but in wartime it may be indispensable. The existing provisions help to maintain our merchant shipping capability and we should keep them.

We should not further reduce the capability of our merchant marine fleet. Already we have knocked it down, and down, and down, and we must stop that.

Mr. Speaker, I urge the defeat of the rule.

Mr. Speaker, I yield 30 seconds to the gentleman from Oklahoma [Mr. EDWARDS].

(By unanimous consent Mr. EDWARDS of Oklahoma was allowed to speak out of order.)

UPDATE ON SITUATION IN NICARAGUA

Mr. EDWARDS of Oklahoma. Mr. Speaker, what we have before us is an important issue that I have asked our ranking member to yield to me so I could just inform the House about a couple of things that have happened in Nicaragua.

As the Members know, the food that we voted is not getting to the Contras, but I thought the Members of the House might be interested in learning that today the Sandinista government has not only arrested a number of labor leaders in Nicaragua, but has also arrested 14 members of the Democratic Opposition in Nicaragua and has temporarily closed three independent newspapers, and I thought that ought to be shared with my colleagues.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, today we have before us a highly unusual, indeed bizarre, request from the sponsors of the trade bill, of the objectionable trade bill, which has previously passed the House. Perhaps it is a day for mea culpa on behalf of those sponsors in fessing up that at least this 1 and 2 provision of the trade bill were counter to the idea of good trade and of reducing the trade deficit.

Mr. Speaker, the fact is that the resolution we are considering this afternoon, House Resolution 438, the purpose of it is not to pass legislation, not to consider legislation, not to consider a trade bill, not even to consider a rule on this House floor, but to do what is called correcting the enrollment of a bill that had already passed this House. It seems to me that indeed this highly unusual procedure comes to the floor, must come to the floor, with some sense of embarrassment by the sponsors of the trade bill.

☐ 1855

I suppose it is progress of sorts, because what the sponsors would do with this resolution is to delete one of the two most objectionable provisions of the trade bill, those two provisions which were contrary to the idea of reducing the trade deficit.

This provision that in fact should have been deleted and should have been deleted on the House floor which would have restricted or indeed prohibited the sale of exports of Alaskan refined products to our trading partners, it should be debated, it should have been deleted, but this provision, just like the other provision that is not being deleted, the so-called plant closing, is also a provision which is contrary to the notion of reducing the trade deficit.

Now, the purpose of the trade bill ought to be to reduce the trade deficit. The provision on Alaskan oil which this bill seeks to delete would in fact have increased the trade deficit, and I want to call the Members' attention to the provision that is left, the so-called plant closing provision, would also likewise discourage the reduction of trade deficits, would discourage exports, would cost Americans their jobs. It also ought to be deleted.

The sponsors of the trade bill need to bring to the House floor legislation instead of political games. They ought to bring provisions to the House floor, legislation that can be passed and signed into law, legislation that would delete not just this one objectionable provision, but the other provision also, the so-called plant closing legislation.

I do want to remind Members that the plant closing legislation that is in the bill is not a compromise. It is not watered down anything. It is not a moderated proposal. It is mandatory notice of a kind that has never been provided in the United States. It is the kind of mandatory notice that at least one study in January of this year concluded would drive a minimum of 450,000 American jobs overseas, thus increasing our trade deficit in a bill that was designed to or at least purported to be designed to decrease its deficit.

It applies to as few as 50 employees at a time. It applies to the closing of an operating unit within a facility, no matter how large the facility.

Mr. Speaker, it is time for the sponsors to bring us a trade bill, a real trade bill, a trade bill that encourages trade, that encourages export, that encourages a reduction of the trade deficit.

As long as the so-called plant closing provision is left in the trade bill, then we are simply playing political games. We are not trying to pass a trade bill.

The only relation that the so-called plant closing provision that is left in the bill after this is passed, the only relation to it is that it causes higher trade deficits. It costs more Americans their jobs. It does have a relation to plant closings in that it causes more plant closings.

The fact is that this provision is good so far as it goes. This bill is good so far as it goes, but we ought to bring a bill that deletes both sections.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Speaker, I rise in support of the rule and the current resolution that is embodied in the rule that would strike the Alaskan oil provisions in the Omnibus Trade legislation.

I do so very reluctantly, and I will explain my reluctance in a moment. But it seems to me that it is critical that we support this decision of the leadership in the hope that this change that is being made, this compromise that is being offered, will cause the President to reconsider his intention to veto this vital trade legislation.

I cannot stress too much the importance of this legislation to my constituents. It is seen across the board as legislation needed to protect American jobs, to restore American competitiveness, to insure our economic future. It is legislation that we need. It is legislation that we have worked on in a bipartisan way. And, in crafting this legislation, we have attempted repeatedly to accommodate the administration.

Mr. Speaker, as important as the Alaskan oil provision is, I do not want to see the omnibus trade bill doomed by our insistence on this language. For that reason, I am prepared to support the decision to strike the Alaskan oil provision from the trade bill.

It should also be said that it would be especially tragic if the President were to reject this compromise by going ahead and vetoing the trade bill on the basis of the plant closing provision.

What is so unreasonable about asking that workers be afforded the same kind of warning that executives receive when it becomes necessary to close a plant? Plant closing notification is simply a means of enabling both workers and their communities to adjust to one of the most traumatic of decisions. There is no provision of this trade legislation that is more reasonable and more deserving of the support of this President.

Let me now explain for a moment my strong reluctance to acquiesce to this decision to drop the Alaskan oil provision. Very simply, the Alaskan oil provision we would strike by this provision makes sense. It embraces the long-standing energy security policy of this Congress, policy that has been repeatedly ratified by overwhelming bipartisan votes.

Congress has said repeatedly that Alaskan oil should be used for domestic purposes and that there should be tight restrictions placed on its export. To remove those provisions at this point I think is to really throw into question how serious we are about the maintenance of an effective energy security policy.

Mr. Speaker, the Alaskan oil export refinery provisions are the product of a considerable amount of compromise, as we have labored for over 2 years to craft a provision that balances the interests of Alaska and the energy security of our Nation. As we proceed further with this effort, I trust the leadership will keep in mind the importance of this provision for promoting national energy security, particularly given the growing instability in the Middle East. I intend to work with the leadership in finding an appropriate legislative vehicle to adequately accept the provision we are now striking.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. BONIOR. Mr. Speaker, I yield 1 additional minute to the gentleman.

Mr. WOLPE. My support of this resolution, as I say, is offered very reluctantly. The provision being struck here would place restrictions on the export of refined products from Alaska. In my judgment the refinery that is being contemplated in that State is a way of circumventing the present restrictions in law on the export of Alaskan crude oil.

We attempted to fashion the refinery-related restrictions in a way that balanced the interests of Alaska and the interests of our Nation's energy security.

This is an issue that I hope we can revisit once we get beyond the trade legislation. We need, in the interests of our energy security, to maintain the restrictions on the export of Alaskan oil.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. WOLPE. I am pleased to yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, let me just make sure the gentleman has explained the situation clearly.

I am in support of this resolution, but as far as the intent of the trade bill concerning Alaskan oil, it went far beyond what existing law is today. What we are doing here today is putting it right back to square one in existing law.

The SPEAKER. The time of the gentleman from Michigan has again expired.

Mr. BONIOR. Mr. Speaker, I yield 1 additional minute to the gentleman.

Mr. YOUNG of Alaska. Mr. Speaker, if the gentleman will yield further, this resolution does not expand any present law. It does still keep the present law that prohibits us from exporting Alaskan crude oil.

What the orginial trade bill did and the gentleman's amendment did was to prohibit us from exporting any of our other oil outside of the TAPS line. It prohibited us from building a refinery and in fact it exceeded anything in present law today.

What we are doing here today is putting it right back to square one.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for supporting the resolution, and I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. Mr. Speaker, I thank the gentleman from Tennessee for yielding me this time.

I will not go over what is in the rule, since the gentleman from Tennessee did an outstanding job pointing out what we are dealing with here and I will not repeat the arguments I made in my point of order. I thought surely the Speaker was going to rule in my favor, especially after I quoted Speaker Sam Rayburn, but since he did not, I do want to just emphasize a couple points.

First of all, this is an unusual procedure. You remember a couple weeks ago when the trade bill came through, I did not see it, I got a glimpse of it when it went by. It was over 1,000 pages, 14 inches thick, but we were told, "We've got to get this thing through immediately. We've got to get it to the President so he can sign it or veto it." That was on April 21.

It went to the Senate, to the other body. They had it for about a week. They reported it about April 27, and then instead of being enrolled and sent to the President, it has been languishing, just languishing, a very unusual process.

Then all of a sudden we have this House concurrent resolution, not for technical corrections, but for substantive changes in a conference report that we have already voted on.

Now, the Speaker in his ruling said that the final judge on something like this, a procedure like this, is the House: So I urge the House to take a look again at what we are doing here.

This is unorthodox. It is in my opinion a corruption of the rules and one that could come back and haunt all of us. There are some bizarre things about it, and I want to emphasize just two or three points.

First, this resolution authorizes the Clerk of the House to do more than the House acting alone can do, and that is amend the conference report without killing it. Think about that.

Second, it is self-executing. We are dealing not just with a rule here, but we are dealing with a substantive change in a conference report, and yet when we have this 1 hour of debate we vote on the rule. We are also voting on the substance. That is it. It is unnumbered. it is unintroduced. It is an unreported concurrent resolution which directs the Clerk to make these changes in the enrollment.

Then third, this rule does not even provide for the separate consideration of the measure striking out this oil export limitation, and no amendments are in order.

So this is a very unusual process, one that I think the Members should be very careful about. It is not the correct way to proceed.

I assume that the idea is to try to force the President to accept a bill that still has basic fallacies in it.

Let us go ahead and send it to the President. Let him act, and then we can make changes or corrections if necessary, which is the normal way to do it. This certainly would not comply with the presentment clause of the Constitution.

Mr. Speaker, I urge my colleagues to vote against this process. Vote against this change in substance and let us really get serious about passing a trade bill.

Mr. Speaker, this bizarre little rule is like a can opener, reopening a can of worms: When the full aroma hits you, you know somebody's up to something fishy.

In this case, the can of worms being reopened is the trade conference report, which has already been finally agreed to by both Houses. And make no mistake about it, this concurrent resolution will be subject to protracted debate and further amendment when it reaches the other body. Once one worm is out of the can, others will likely follow.

And what's fishy about this whole procedure is that we're using a device reserved for correcting printing errors to make a major, substantive change in a conference report which has already passed both Houses and is awaiting final enrollment. And the reason this technical corrections device is being used and abused is solely for the political purpose of trying to secure enough votes in the other body to override an expected veto. But that might not be all you get from the other body.

Mr. Speaker, let's consider what else is really bizarre and fishy about this rule. In the first place, it authorizes the Clerk of the House to do more than the House acting alone can do, and that is amend a conference report without killing it. As most of you are aware, under House Rule 28, relating to conference reports, if the House votes to delete a provision from a conference report, and I quote, "the conference report shall be considered as rejected." Under this rule, however, the Clerk is given authority to delete an entire section from the conference report and substitute another section, and the conference report is still alive and well. How much more bizarre can you get than a rule that gives the House Clerk more authority than the House or Senate to enact legislation?

In the second place, this is a so-called self-executing rule whereby the adoption of the rule automatically passes an unnumbered, unintroduced, and unreported concurrent resolution which directs the Clerk to make these changes in enrollment.

This goes beyond a normal order of business resolution or rule which provides for the consideration of a proposition. This rule doesn't even provide for the separate consideration of the measure striking the oil export limitations from the conference report and substituting a study. Instead, this rule provides for everything but separate consideration; it provides for the introduction, the discharge, and the vote on that substantive matter—all in one fell swoop. The committees having jurisdiction over the concurrent resolution—House Administration, Energy and Commerce, Foreign Affairs, and maybe even Merchant Marine and Fisheries—are completely cut out of the loop on this.

If we go for this we are saying that the Rules Committee has authority to directly report and have passed any legislation under any committee's jurisdiction. It controls all the time on that legislation and it precludes amendment to it because it is considered in the House instead of the Committee of the Whole.

Do you really want to give the Rules Committee such extraordinary powers to encroach on your committees' jurisdiction? I should think not; and yet that is exactly what this does.

The third bizarre aspect of this rule is that it makes a mockery of the Constitution's presentment clause, which requires that every bill, order, resolution, or vote to which the concurrence of the two Houses may be necessary "shall be presented to the President of the United States."

If this procedure is followed and both Houses pass the concurrent resolution, the bill sent to the President will not be one that has passed both Houses; not will the concurrent resolution be presented to the President. For this to conform to the constitutional requirement would require that a joint resolution be presented to the President, or that both Houses reconsider H.R. 3 as amended.

Mr. Speaker, as if this perverse process were not reason enough for defeating this rule, consider if you will what this does substantially. The adoption of this rule eliminates a restriction on exporting refined Alaskan oil.

Under the provision in the trade bill, as I understand it, new Alaskan refineries would be permitted to export up to 50 percent of capacity, up to 70,000 barrels a day, and would permit Canada to buy up to 50,000 barrels a day, if it is transported through a lower 48 State port. The concurrent resolution that would be passed with the adoption of this rule eliminates that limitation and substitutes a study of existing export restrictions on domestic crude oil.

Mr. Speaker, I would simply ask my colleagues to consider what you will be doing substantively on this rule as well as procedurally. The existing restrictions on oil exports has a direct bearing on our national security interests. Most of you will remember that our country is still striving to achieve greater energy independence. This rule moves in the opposite direction. Moreover, it would deal an extreme blow to the American maritime industry—our shipbuilders and shipping companies. Do you want to further undercut this important national security industrial component? I hope not. Vote down this rule.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. BONKER].

Mr. BONKER. Mr. Speaker, this concurrent resolution poses a real dilemma for myself and others on my subcommittee who were responsible for placing these Alaskan North Slope oil provisions in the trade bill. We are informed that if this concurrent resolution passes that it may enhance the ultimate signing of the trade bill that is now pending before the Congress.

President Reagan has stated several times now publicly that there are two provisions in the trade bill to which he now objects. One, of course, we know is the plant closing notification provision, and the second is the several provisions in the trade bill that relate now to the export not of the Alaskan North Slope crude oil but of possible refinery products that would come as a result of a facility being built in Valdez, AK.

We are also informed that we have no assurances whatsoever that our action today would result either in a favorable decision by the President, or hopefully picking up a few more Senators who voted against the trade bill, but who now might well be disposed to vote in favor of an override.

Mr. Speaker, restrictions on the export of North Slope oil are a longstanding policy of the Congress, dating back to 1973, a policy which has been reaffirmed now many times over.

Mr. Speaker, this trade bill that is pending before the Congress attempts to close loopholes that now exist, because we are informed that the Japanese investors want to build a refinery to circumvent the existing ban on North Slope oil in order to export refinery products.

We also incorporated language that makes the provision more compatible with the section in the pending trade agreement with Canada.

My subcommittee has devoted many years to insuring that we have in this country ample oil supplies to meet our energy security.

□ 1910

It is a well-established national policy, and frankly I am disappointed that the leadership has seen fit now to drop those vital provisions from the trade bill, but I also think it is terribly important that this Congress send down to the President a trade bill that he can sign. We have provisions in there that would strengthen the trade revenue law so we can deal more effectively with unfair trade practices.

We also have provisions that would provide for an investment in education and training and other programs to help restore our competitive position and bring down the trade deficit.

We have important provisions on export promotion so we can facilitate the export of U.S.-made products.

Mr. Speaker, the President has threatened to veto this trade bill which is so terribly important to our Nation's economy unless some of these provisions are removed. I think the House is making a good-faith effort to go half the distance, to say that while we will not abandon our longstanding position on the plant notification provision that we at least will go half the way and drop these provisions that involve standing policy by this Congress on Alaskan crude oil.

Mr. Speaker, if this concurrent resolution takes us that additional step, then I would reluctantly support it.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. MICHEL], our distinguished leader on this side.

Mr. MICHEL. Mr. Speaker, yesterday I took the floor to protest the latest round of trade bill trickery, and I said it was discouraging to me that trade policy and the rules and procedures of the House were once again being sacrificed under the Democratic leadership's "win-at-all-costs" approach to legislating.

Just weeks ago, Mr. Speaker, there was such a rush to get the trade conference agreement voted on it was rammed through here without even giving our Members time to browse through its 1,200 pages.

I guess the majority knew they had the votes, knew they could probably embarrass the President, and though they had a veto override wired so they drove the trade conference report through here with record-breaking speed.

Then the agreement went to the other body and again I guess the majority thought they had it wired there, too, but the wire became somewhat frayed and the votes to sustain a veto seemed to be there in the other body.

That set of circumstances dictated slowing down the vote and reports ran rampant that the trade bill would then be delayed until after new trade figures came out on May 17. The conference report came back here for final enrolling, and it was ready for the President, or so we thought, and then we discovered that the rush to judgment had once again become rather a slow crawl. The enrolling clerk was delaying final processing so this latest and most devious of all schemes could be hatched. It kind of reminds me of the driving school where there is an acceleration, then the application of the brakes, acceleration, application of the brakes, a speed-up and slow-down, stop-and-go lawmaking, if you please.

Mr. Speaker, I am deeply distressed to see the House being asked to play so fast and loose with our once cherished rules and procedures around here. Just for the record, let me make sure we have our facts straight. We are here on the floor today violating every precept of democratic government. We are considering a resolution which has had no hearing, it came from no authorizing committee, it is less than 24 hours old, and we have here a technical procedure with which the majority will attempt to surgically extract something from a piece of legislation that has been officially and formally and finally adopted by both Houses of the Congress and should be by all rights on the President's desk for signature.

Why?

The majority will tell you it is to accommodate the President. They have been quoted as saying that they are meeting the President halfway.

Mr. President, beware. These folks are trying to tell you that the check is in the mail, that they are from the Government, and that they are here to help you.

Hold on to your wallet. The irony in all this is that the provisions on which this resolution focuses are typical of the legislative refuse we adopt around here. It is poorly drawn, ill-conceived, and probably in violation of article I, section 9 of the Constitution. However, eliminating it this way is like attempting, I guess, to eradicate crime by eliminating everyone convicted of a crime.

Mr. Speaker, a winning-at-all-costs strategy is not good government and I think you will find that it is not even good politics. This strategy does not produce winners, it only produces losers, maybe not now, not here today, but believe me, this is a loser, a real loser.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield to the gentleman from Massachusetts [Mr. FRANK], I do want to respond very briefly to my friend the gentleman from Illinois [Mr. MICHEL].

Since 1962 it is not an uncommon thing for a bill to be recalled or sent back once it has reached the President's desk for further amendment by the Congress. We have done this on a number of occasions. In fact according to an October 14, 1987, CRS report there have been at least nine separate occasions where Congress has corrected the enrollment of a conference report with substantive changes, not technical changes, substantive changes. I do not recall the minority raising any concern, raising their voices objecting to those substantive changes. In fact, the last one that I do recall offhand was the tax bill that we had before us recently.

Mr. Speaker, this is not an unusual procedure in the sense that it has been repeated on a number of occasions without the objection of the minority. I think their concern obviously is reflected by the fact that they are on the wrong side of an issue that the American people feel very strongly about and I can well understand their uneasiness.

The fact of the matter is what we have done is in keeping with the rules of this House and with the precedents we have set, especially since 1962.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I thank the gentleman from Michigan for yielding.

Mr. Speaker, I have seen some unusual displays in the House but the previous half hour is the most bizarre case of unspecific indignation known to medical history. We have members of the minority professing to be outraged except that they are not quite clear on what it is they are outraged about. The deputy minority leader made among his points the ringing charge that we are about to pass a bill which, and I quote him, "Is unnumbered."

Mr. Speaker, it may be that there are vast numbers of American people ready to smite us for passing an unnumbered resolution. I doubt it, but it may be. If it were not going to further complicate the parliamentary situation, Mr. Speaker, to alleviate my friend's distress I was going to ask unanimous consent that we number this so that we would not suffer the indignity, the constitutional challenge of passing an unnumbered resolution. But it would be too complicated so I will ask the gentleman from Mississippi [Mr. LOTT] to join me later and we will introduce a bill to number this concurrent resolution.

A concurrent resolution amending a bill is, of course, something that has been unheard of since the last time we did it, which was with Republican support on the tax bill. We did exactly this when we had the tax bill. At that point maybe more Republicans had a piece of the action so they were not quite as indignant. Now we just have our friend, the gentleman from Alaska [Mr. YOUNG].

Let me say on the merits of this that I think the first Alaska purchase worked out well for the country, and I am ready to support the second one. That is what we have before us. Why not?

The fact is that what we brought forward here is a perfectly sensible effort to compromise, and what the minority is upset about is that they are being agreed with in a way that they find inconvenient. They would rather be unhappy. Here we have an effort by the majority with some support on the minority side, the gentleman from Alaska and his many friends, who are upsetting the minority because we want to be conciliatory.

Mr. Speaker, we passed the trade bill, and the gentleman said we did not have time to read it. Mr. Speaker, I trust I am betraying no secrets when I suggest that if we had had a month, the number of Members on either side who would have read the trade bill is very, very small. Frankly, most Members would have waited for the movie, no matter how soon we moved to pass it. We had a trade bill in which there were summaries around, and which staff and Members knew particular aspects of. People know what was in the bill. There were several provisions that were controversial, and the majority decided to be conciliatory. I happen to agree with the gentleman from Alaska [Mr. YOUNG] and others, because I do not think those restrictions made sense. I think we should do free trade in that oil. But I was in the minority on that. This was a conciliatory gesture. The minority is now outraged because it is being agreed with. It is outraged because it is being agreed with by a procedure that they have used themselves in the past.

This is indignation in search of a cause. This is opposing for the sake of opposition, except when we come to the real nub and that is that the President of the United States is in a bind. He is going to have to veto a trade bill which is a pretty good trade bill, even by his own standard, because it has a plant closing provision in it. Apparently people who work in this country are not entitled to that notification.

Maybe they should consult their astrologers to know when they are going to be out of work. If they read their horoscopes maybe they will get 60 days' notice, but those who do not get it from their horoscopes would get it from this bill.

What we have is the President unhappy because he does not want to have to veto a bill which says they will get 60 days notice unless there are extenuating circumstances to the contrary. We are making it clear that that is apparently the President's problem and that is what activates some Members of the minority. They do not want to expose the central reason that the President has to sign it.

Mr. BARTLETT. Mr. Speaker, will the gentleman from Massachusetts yield?

Mr. FRANK. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Speaker, I might suggest that it is not the President that is in a bind, it is the sponsors of the trade bill who are bringing to this floor a trade bill that cannot pass and become law because of this nontrade issue, plant closings, which is contained in it. So if we want a trade bill, let us compromise. If we want to compromise, let us sit down and have both sides discuss a compromise. That is be definition a compromise.

Mr. FRANK. Reclaiming my time, Mr. Speaker, I will say to the gentleman there are many, many compromises embodied in this bill. We do not have a situation where the President is being denied a chance to compromise. We do have a situation where he is being denied a chance to dictate. Of course there is the new rightwing theory, I understand Judge Bork subscribes to, which is that the President really has a line-item veto even though the Constitution does not say so, and he may line-item veto the plant closing. But I do not recommend that he risk it. The fact is we are following constitutional procedures. The veto means if a bill is passed by both Houses and goes to the President, and he does not like it, he vetoes it and then we have a big public debate about it. All of this complaint about the procedural irregularity is nonsense. What we have here is the minority unhappy because we are by this focusing attention on the President's opposition to the plant-closing provision in the bill.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Speaker, Lord Acton said that power tends to corrupt and absolute power corrupts absolutely.

I have served in this Chamber now for almost 19 years and in the 19 years that I have been here I have witnessed many changes and transformations one of which we went through this afternoon when fortunately the electronic system broke down and we had a chance to socialize, to get better acquainted with one another, and proceed at a little more leisurely pace as this body operated when I first came here. During the course of the years that I have been here, Mr. Speaker, I have witnessed what in my estimation can only be described as institutional nervous breakdown. I do remember, in response to the gentleman from Massachusetts [Mr. FRANK] who said nobody would have read that trade bill had he had it in the requisite time that traditionally we are entitled to look at legislation, 3 days, instead as we were an hour and a half into the debate before that stack of papers, loose bound, unnumbered, unbound papers encompassing 1,200 pages of technical changes in trade law were thrust upon us. The fact of the matter is we are doing that on a routine basis. Nobody read the tax bill in 1986, not a Member of the House or the Senate has read the tax bill to this day, and in addition to that we did it on budget reconciliation. That is something that again has a significant impact on the way in which this country is being run.

Mr. Speaker, the question that arises is who does these things for us?

The fact of the matter is that it is what my distinguished colleague the gentleman from Minnesota [Mr. FRENZEL] likes to refer to on tax matters as "those nameless, faceless gnomes buried in their windowless cells in the bowels of Treasury."

We are being governed today no longer by the elected representatives of the people who do not bother to read the legislation and have no understanding of the legislation; rather we are being governed by unelected people who cannot be thrown out of office by the electorate short of the commission of high crimes and misdemeanors. We are permitting this outrage to be perpetuated, and now we are told that the Clerk of the House should do the effective legislating for us on the particular provision before us, change a fundamental provision of the bill upon which we voted, having not read it anyway, so I suppose it is irrelevant and inconsequential. But I submit, Mr. Speaker, that we are flirting, because of our behavior and the flouting of procedures and rules, and the rules apply to the emergency requirements to give at least 48 hours notice to the Committee on Rules unless there is some urgent emergency before calling a session.

□ 1925

What was the emergency? The Senate is not even in town. Yet, this emergency required only 1 hour's notice so that this document could be presented.

Mr. Speaker, I submit that there is a political motivation, and everybody in this Chamber knows it. Otherwise, why just the Alaskan thing? Why not deal with plant closings, too? Then the Members guarantee there will not be a veto, and we are not going to have to go through the process of having the veto sustained and then bring the bill back up under suspension with plant closings thrown out.

I had a lot more objections to that trade bill than this particular issue before us tonight, and the plant-closing provision which to me was decidedly inferior to some of the other deficiencies of the bill, but, Mr. Speaker, I would urge that all of our colleagues in the name of order and in the name of what we were elected to do when we came before this body, that we defeat this measure, defeat it, let it be vetoed, then bring it back, and we can alter it to meet the requirements of the House.

Mr. BONIOR. Mr. Speaker, I yield 1 minute for an announcement by the gentleman from Washington [Mr. BONKER].

(By unanimous consent, Mr. BONKER was allowed to speak out of order.)

ANNOUNCEMENT OF PASSING OF JULIA BUTLER HANSEN

Mr. BONKER. Mr. Speaker, it is my sad duty to report to the House the passing of my predecessor from the Third District in Washington State, Julia Butler Hansen.

She served with distinction in this body for 14 years from 1960 to 1974. She was chairman of the House Subcommittee on Appropriations on Interior and Related Affairs, and she headed the Bolling Committee to reform the committee system in the early 1970's. She was a powerful figure in Washington State politics for over 50 years. Her contributions are legendary, and I know that she is going to be missed by many in this body and in the State of Washington.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. BONKER. Mr. Speaker, I will be happy to yield to the gentleman.

Mr. FOLEY. Mr. Speaker, I certainly join with the gentleman from Washington [Mr. BONKER] in expressing our deepest sympathy on the death of Julia Butler Hansen.

She was, as the gentleman said, one of the most effective and respected Members ever to serve in Congress from the State of Washington, and all Members who knew her and had the honor to serve with her will mourn her passing.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, in his State of the Union Address, President Reagan accidentally sprained his finger when he slammed a 40-pound stack of paper onto the table beside him. As physically painful as this must have been for him, the President's unusual visual aid—the continuing appropriation resolution—and his vow that he would not sign another CR, was an even more painful embarrassment to this body. The President exhortations were greeted by cheers and applause in this Chamber. As many Members said at the time, there was a great sense of release, a feeling that the President would finally do what Congress could not: Put an end to "Government by CR" and restore discipline, integrity, and openness to the legislative process.

Unfortunately, the good feeling didn't last. Instead of working to uphold the spirit of what the President said—of what we cheered—Congress dwelled instead on the letter of his statement; namely, that he wouldn't sign any more continuing resolutions. It didn't take long to figure out that Government by CR could continue as long as we called it something else.

What does this have to do with H.R. 3, the omnibus trade and competitiveness bill? A great deal. H.R. 3 is Government by CR all over again. Tucked beneath a veneer of some admittedly worthly trade provisions and some equally unworthly ones—such as the Hollings "Super 301" language that, by mandating retaliation against an entire nation because of the trading practices of single industry, is reminiscent of the vanquished Gephardt amendment—are layers of special-interest boondoggles that have nothing whatsoever to do with trade and will certainly not help boost the Nation's competitiveness. The sheer length and weight of H.R. 3 testifies to the nature of the deed. Let's not fool ourselves or the American people: a CR by any other name is still a CR.

Some commentators in the media have expressed surprise that H.R. 3 bogged down over a provision that is unrelated to trade policy, the provision requiring mandatory notification of a layoff or plant closing. In fact, the plant closings language is typical of the nontrade related stuff of which H.R. 3 is made. To make the rest of us swallow this bitter medicine, trade bill architects laced the final package with various sweetners. A good example is repeal of the windfall profits tax on oil. Like many Members from the Southwest, I am keenly aware of the damage this tax has wrought on working men and women and their families. Having some knowledge of their suffering, I cannot believe the callousness and irresponsibility of isolating windfall profit tax repeal—which is, let me stress again, clearly a nontrade issue—and welding it to H.R. 3 in order to ensure the passage of an otherwise unpalatable package. Make no mistake: This Congress is engaging in political gamesmanship at the public's expense. I respectfully submit that the ransom is not worth the price.

Even more outrageous is the bill before us today, a resolution that supposedly makes "technical corrections" to H.R. 3 by deleting from the conference report the provision dealing with the export limits on Alaskan crude oil. Far from being a correction, this is a blatant attempt to buy the votes of two of our colleagues in the other body who previously voted against H.R. 3. The leadership's thinking is that if those two gentlemen will change their votes, perhaps President Reagan's threatened veto can be overridden after all, even though both Houses have already debated the conference report thoroughly and voted on it. To carry out the leadership's will, the Rules Committee has resorted to parliamentary gymnastics, engineering a "self-executing rule" that will adopt the resolution upon the rule's adoption. These are tactics fitting of a banana republic, not a great democracy. The leadership's message is undeniable: not only must this pseudo-CR pass, it must be enacted at any cost.

Even if this scenerio comes to pass and the "technical correction" is included in the conference report, it will not change the essential character of H.R. 3. The bill will still be a hodgepodge, an expression of congressional indecision on a wide range of unrelated issues bound up in a politically streamlined package. If this sounds like a CR to you, I urge you to join me in defeating the rule. By so doing, we can send a clear signal that business as usual, no matter what it's called, is unacceptable.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, this resolution that is before us is another example of the arrogance and the tyranny of the majority group.

This bill was completed 2 weeks ago. Under our rules, the fat lady has sung on the trade bill, but because the Speaker has told the enrolling process to slow down to wait for this concurrent resolution, we are giving a one special privileged group that is the AFL-CIO and a few labor unions a special peak, an extra chance for amendment after the bill has been passed in contravention of all the rules and all the spirit of representative government.

There is no end to the process in the way that you have presented it. You are presenting us a futile, foolish and unfair attempt to improve the trade bill to avoid the suspension of the Presidential veto. It is doomed to failure, because this resolution is not even going to be accepted by the Senate. In the unlikely event that it would be, it would simply encourage more people to support the Presidential veto, because nobody likes this kind of unfair tactic.

We have been told, in addition, by the majority group why we are outraged. We have been told we have no reason to, and we are simply pouting in the corner. We have had the resolution read to us. We have been told that they want to accommodate the President, that they have come halfway.

Mr. Speaker, you have come the wrong half, and you have done it the wrong way, and every one of us know it, or you would not be indulging in the sophistry that we have been exposed to tonight.

What is wrong with the process? It is not part of our rules and part of our representative process. When it is over, it is over. We do not give special groups around here an extra look except that we are doing so now.

But, remember, this is the Committee on Rules, this is the leadership, this is the Speaker, this is the House that declared last year there would be 2 days in one 24-hour period to serve its willful intentions, never mind the rules and never mind realistic processes.

Recently the Philadelphia Inquirer ran a little series about how we operate in the dark and by perverting our rules and without letting our Members know what we are doing. That has stimulated a little complaint in my district as to how we work.

Today's process is going to be a perfect followup for that Philadelphia Inquirer story. Here we are again wrecking our own rules, telling the people we passed a bill, jerking it back because we see the Presidential veto going to be sustained. This is a perfect example of arrogance and tyranny. It is being done illegally as the movers know it.

My constituents have complained about the process. They have complained about the rules. They have complained about 1,200-page bills not being printed. They complain about us being unwilling to follow our own rules.

If there was a way for the Committee on Rules to waive the Constitution, it would do so and probably the leader of the ship of the House would urge the House to do it.

If the House can pass this fact-is-fiction-and-fiction-is-fact resolution which tells us that which we did 2 weeks ago we really did not do, then this House can do anything.

Mr. Speaker, this is a day that will shame the House's tradition for years in the future. I urge a vote against the resolution to recoup a little bit of the former reputation of the House that used to speak for the people and used to want to try to follow its own rules once in a while.

Mr. QUILLEN. Mr. Speaker, I yield the balance of my time to the gentleman from Alaska [Mr. Young] to close debate on this side. In the meantime, I urge defeat of the rule.

□ 1935

The SPEAKER. The gentleman from Alaska [Mr. Young] is recognized for 4½ minutes to close debate.

Mr. YOUNG of Alaska. Mr. Speaker, I am going to speak to my colleagues on this side of the aisle. We may be upset. We have heard from our leaders about the procedure. I cannot quarrel with that.

But I can quarrel on the side of the issue we are speaking to today, the issue of restriction on Alaskan oil.

For a little history, that issue was passed by this House in 1973. In 1983 we lived under those prohibitive clauses. And for a little history I informed the gentleman from Washington State and the gentleman from Michigan not to have this in the trade bill.

It passed this House overwhelmingly and I was able to go to the conferees, the gentleman from California [Mr. Lagomarsino], and other members of that committee of conference, and the conferees were able to beat back parts of that provision within the trade bill, but not all of them.

What was left is unconstitutional. It is wrong. It should have never been in the trade bill to begin with.

But remember on this side of the aisle, those of my colleagues who say they may vote against this resolution today because of the way it was brought to the floor, they are already on record supporting the export of Alaskan oil. It is part of our trade bill. It is part of the Republican platform. It is necessary to have the right of free trade regardless of what resources we are dealing with.

The amendment in the trade bill made it unconstitutional because it picked out one State. All this resolution does today is return it back to where we were before the trade bill passed this House.

The term was used of bribery or seeking votes to override the President. I do not believe that will happen. I have spoken to both of my Senators.

But I think it is important that this House, if it recognizes it has made an unconstitutional error, it should erase that error when it is given the opportunity, and we have that opportunity today, an opportunity to right a wrong. We are not trying to embarrass the President. We are not trying to seek new votes. We are trying to clean the slate of the House.

I agree with the gentleman from Minnesota who was talking about the massive number of pages, and I agree, we did not read it, and I agree, it was a poorly constructed bill in many areas. But when we do recognize a mistake we should rectify it as soon as possible, because we have sworn to uphold the law.

So I urge my colleagues today to remember the things that I have said right now, that there is nothing new here. We are going back to existing law. It is right for us to have the opportunity as other States do to export refined products. It is right that we erase a mistake made.

So I urge my colleagues to support this resolution. It is the correct way to rectify a wrong.

I am urging my colleagues to support this for an injustice done to us in the passage of the trade bill. Whether the President vetoes the bill is another question. I do not think it hangs on this issue alone. But it is our job and our responsibility today to vote for this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, how much time do I have remaining on my side?

The SPEAKER. The gentleman from Alaska [Mr. Young] has yielded back 1 minute.

Mr. QUILLEN. Mr. Speaker, I yield myself that 1 minute.

Mr. Speaker, in conclusion I would again like to urge that the House vote down this resolution. I think it is a turkey. Like a turkey is a turkey is a turkey, and certainly this resolution is a turkey.

I urge my colleagues to vote "no."

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The gentleman from Michigan [Mr. Bonior] has 6 minutes remaining.

Mr. BONIOR. Mr. Speaker, I yield myself my remaining time.

Mr. Speaker, I will just conclude briefly by suggesting that what we have here is an opportunity to provide an equitable solution to a problem that has arisen by definition of the President himself. In his last two major addresses on the trade bill he said there was a problem with the provision we are addressing today, and he also mentioned the concern that he had with the plant notification section.

We have spoken clearly in this House and the other body has spoken clearly on notification. The American people overwhelmingly have spoken about the fairness of notification.

We will come halfway today by providing the President with the opportunity to deal with the question of Alaskan oil, and I urge my colleagues to vote yes on this resolution, to get on with this bill, and I urge the President to respond to the American people and pass and sign the trade bill so that we can deal with this $171 billion trade deficit that is strangling the American worker and the American economy.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRENZEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 253, noes 159, not voting 19, as follows:

[Roll No. 103]

AYES—253

Ackerman
Akaka
Alexander
Andrews
Annunzio
Anthony
Armey
Aspin
Atkins
Baker
Barnard
Bartlett
Barton
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Boehlert
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Brennan
Brooks
Brown (CA)
Brown (CO)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Chapman
Chappell
Clarke
Clay
Clement
Coelho
Coleman (TX)
Collins
Combest
Conyers
Cooper
Courter
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
DeLay
Derrick
DeWine
Dicks
Dingell
Dixon
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hochbrueckner
Houghton
Hoyer

Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jenkins
Johnson (SD)
Jones (TN)
Jontz
Kaptur
Kastenmeier
Kennedy
Kennelly
Kleczka
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McEwen
McHugh
McMillen (MD)
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Nagle
Natcher
Neal
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Price
Rangel
Regula
Richardson
Rinaldo
Robinson
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schumer
Sharp
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert (OR)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stratton
Studds
Swindall
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Valentine
Vento
Visclosky
Volkmer
Watkins
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Young (AK)

NOES—159

Anderson
Applegate
Archer
AuCoin
Badham
Ballenger
Bateman
Bentley
Bilirakis
Bliley
Boggs
Boxer
Broomfield
Buechner
Bunning
Burton
Callahan
Carr
Chandler
Cheney
Clinger
Coats
Coble
Coleman (MO)
Conte
Coughlin
Craig
Crane
Dannemeyer
Davis (IL)
Dickinson
DioGuardi
Donnelly
Dornan (CA)
Dreier
Edwards (OK)
Fawell
Fields
Fish
Foglietta
Frenzel
Gallegly
Gallo
Gaydos
Gekas
Gilman
Gingrich
Goodling
Gradison
Grandy
Gregg
Gunderson
Hammerschmidt
Hansen
Hastert
Hefley
Henry
Herger
Hertel
Hiler
Holloway
Hopkins
Horton
Hunter
Hyde
Inhofe
Ireland
Jeffords
Johnson (CT)
Kanjorski
Kasich
Kildee
Kolbe
Kolter
Konnyu
Kyl
Latta
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Madigan
Manton
Martin (IL)
Martin (NY)
McCandless
McCollum
McGrath
McMillan (NC)
Meyers
Michel
Molinari
Moorhead
Murtha
Myers
Nelson
Packard
Panetta
Parris
Pashayan
Petri
Porter
Quillen
Rahall
Ravenel
Rhodes
Ridge
Ritter
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schneider
Schroeder
Schuette
Schulze
Sensenbrenner
Shaw
Shays
Shumway
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Snowe
Solomon
Spence
Stangeland
Stump
Sundquist
Sweeney
Swift
Tauke
Tauzin
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walgren
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wyden
Wylie
Yatron
Young (FL)

NOT VOTING—19

Biaggi
Boulter
Daub
Dellums
Duncan
Hawkins
Jones (NC)
Kemp
Levine (CA)
Mack
Mica
Mollohan
Pursell
Ray
Rodino
Stokes
Udall
Waxman
Yates

□ 2000

The Clerk announced the following pair:

On this vote:

Mr. Daub for, with Mr. Mack against.

Mr. SAXTON and Mr. FOGLIETTA changed their votes from "aye" to "no."

Messrs. SWINDALL, NIELSON of Utah, DEWINE, and SCHEUER changed their votes from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to House Resolution 438, the House is considered to have adopted House Concurrent Resolution 293 consisting of the text printed in section 2 of House Resolution 438.

□ 2005

WHO ARE THE COMMUNISTS IN NICARAGUA?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, today things get darker and darker in that tiny, little, beleaguered country of Nicaragua which is suffering so grievously under its Communist warlords.

Now, Mr. Speaker, I know that even though you are a Texan with proximity to Mexico and Central America, I have to take you at your word that, in spite of the overwhelming body of evidence, you, sir, say that you still do not have enough evidence to brand Daniel Ortega as a Communist, even though the Washington Post, even though the New York Times, even though the Los Angeles Times, and all the major liberal papers of record, even the networks with their liberal production teams, they all concede this man is a Marxist-Leninist. But you, sir, want more evidence in spite of your proximity to the Communist colony that is being locked into Nicaragua.

Mr. Speaker, I have before me an interview that you gave to the Washington Times where you, with some articulation, state how you feel that the Ortega brothers are in a swing group, that they are not hard-core Communists like Tomas Borge or Biyardo Arce. You concede they are Communists, and then you say there are some you think who are not Communists, like the one who graduated from the University of Kansas at Lawrence, KS, the vice president, Sergio Ramirez, and then you say that you do not think Jamie Wheelock is a Communist, that you can speak to these two men rationally with more ease than the others either in the swing group in the middle or the hard-core Communist group.

Mr. Speaker, the article that I am referring to follows:

Q: And I'm suggesting that, maybe one of your bad habits might be believing what Soviet officials tell you. Robert Conquest, who wrote the book about Stalin's purges ("The Great Terror") said that when cannibals learn to use utensils, this is not progress. And this is what I see the Soviets doing. Of course, their public relations are a little better, a little smoother. But, so what? This doesn't indicate, necessarily, any fundamental change.

I'll tell you what has changed: your attitude toward communism. On "Meet the Press" recently you said you didn't know if Daniel Ortega is a Communist. You said you hadn't asked him if he was because you don't know him that well. But why don't you know if Mr. Ortega is a Communist? Is this because you haven't done your homework? Or is this because you have and your research is simply inconclusive?

A: The research, in my judgment, is inconclusive. I have read a great many things written about him. I have listened to a great many people who have known him, including some who were U.S. observers assigned to assist during the Somoza regime. So far as I am concerned, the research is inconclusive.

I see him, probably, as a person who has matured and changed to a considerable extent in the brief years I have observed him. I first met Daniel Ortega and his brother Humberto Ortega in 1979. I went there at the request of President Carter and in the company of Arturo Cruz and Alphonso Robelo.

I went with a delegation from the Congress and we asked some very pointed questions. I don't believe that Daniel Ortega, at that time, had very much depth. He had passion, but very little understanding. I think there exists in Nicaragua a group of hard-core Communists . . .

Q: But Daniel Ortega is not among them?

A: Let me say that I believe that Tomas Borge and Bayardo Arce probably are committed Marxists. I think there are some on the other end of the specturm, from their point of view, not conservatives from our point of view—but more moderate people such as the vice president of their country Sergio Ramirez and Jaime Wheelock, who are easier for me to talk to. Then, in the middle, I have the impression that there are a swing group like Mr. Ortega. Admittedly, there are some people in Nicaragua who don't . . .

Q: What does swing group mean?

A: A group that is somewhat in between the hard-core Marxist Communists who want a military solution, on the one hand . . .

Q: You don't put [Daniel] Ortega in that group?

A: I am inclined to think that he is between that group and the group that would like to have a detente with the United States.

Q: So [Ortega] is sort of a centrist or moderate?

A: Not by our standards. I think he is someone who, like a political leader often does, is trying to ride both horses and perform the act of bridging the chasm. I do this in my political group. Bob Michel [the House Republican leader] does it in his.

Q: (laughing) I'm laughing because I don't see you or Mr. Michel having much in common with Mr. Ortega.

A: The only difference is that Bob Michel is a Republican and I'm a Democrat and Mr. Ortega is a Sandinista. Now whether a Sandinista is, by definition, a communist, I'm not sure. I believe a majority of the people in Central America are ready for peace. I believe that there is a possibility that these peace accords may work out and result in greater democratization of Nicaraguan society. I want to give that a chance. . . .

Give peace a chance. You said that what they did was almost treason! [Note: In a speech to the Downtown Rotary Club of Fort Worth, on Oct. 27, 1967, Mr. Wright, asserting that the Vietnam War was being won, said this about those who waved Viet Cong flags and stormed the Pentagon: "If this is not 'treason', it is so close to it as to be almost indistinguishable."]

A: I'm sorry, Mr. Lofton. You didn't let me complete the statements . . .

Q: I'm sorry. But I feel strongly about those who said give peace a chance in Indochina, the people you and I were together on, that were pro-communist and waved the Viet Cong flag. . . .

A: I know you do. And I appreciate that. I know. I realize that. Well. I regret very deeply that I have to be on the floor in five minutes. I regret even more deeply that I have not been really given an opportunity, I feel, to express to you, without argumentative interruptions, the way I, what I really see in Central America.

I think there is a group in Nicaragua which does not want the peace process to work, just as I believe there is a group in our administration that does not want the peace process to work. It wants a military victory. . . . I think it [a military victory over the Sandinistas], would provide grist for the mills of those who hate our country . . . I think it would reap for us a generation of resentment and bitterness. And I don't want to see that happen to our country.

Q: I don't either.

A: I think there is a chance that they can negotiate peace and democracy. And as long as that chance exists, I want to help it along.

Q: Mr. Speaker, I would remind you that the only people who achieved a military victory were the Sandinistas. And they are not going to give up at the bargaining table what they achieved on the battlefield. I don't understand why you think they will. Communists have never done that, have they? Where has a communist ever given up, at the conference table, what he achieved on the battlefield?

A: Well, we've run out of time.

Q: OK. Thank you, sir.

Now, Mr. Speaker, I asked you once in the hall out there, and I asked you once in the hall over here, and I asked you once in the center corridor, "Would you please meet with the courageous defector, Maj. Roger Miranda," and you said you would, but you never did.

When I asked Miranda in room 2318 a few weeks back if Sergio Ramirez was a Communist, the vice president, he said, "No, he is not"; he told this to 18 Congressmen.

You were there, FRENCH SLAUGHTER of Virginia; remember? He said he is not a Communist, so you are right, Mr. Speaker. The vice president, University of Kansas graduate, Sergio Ramirez, is not a Communist.

But the next person I asked by coincidence, not knowing you had ever given this interview, was Jaime Wheelock, the minister of agriculture, and he said, "Oh, absolutely hard-core Communist."

And then I asked rather gently, "Well, how do you know this? Were you a Communist?"

And he looked at me like I had not read the briefing papers, which I had, and he said, "Well, of course, I was a Communist, thoroughly, totally a Communist since my days in school and in Chile," and that is where he took a degree and then went up to Mexico to the autonomous Appopria University in Mexico City and got a degree in economics.

He said he was a hard-core Communist. He did not tell us then, Mr. FRENCH, that he had been shot in a raid in Chile by Pinochet's troops, and that he had a false hip and that after his divorce and his remarriage with his wife that he got out of Nicaragua, that it was during this period of recovering from the gunshot wound that shattered his hip that he became an even more dedicated and angry young Communist.

Then I asked him, "How many of the commandantes were Communists?" I said, "How many of the nine," and you recall, Mr. SLAUGHTER, I said, "Six? Seven?"

He goes, "All nine."

I said, "How about the deputy foreign minister?" He is Victor Hugo Tinoco who would not speak English to Mr. BURTON and myself when we were down there in September but whom I see speaking English every night on the television now that the Sapoa negotiations have moved to Nicaragua.

He got a particular look on his face of disgust and he said, "Hard-core Communist, Victor Hugo Tinoco."

Mr. BURTON, do you remember what happened at the end of the meeting? Remember I was calling him "Vic," and I said, "Come on, Vic, level with Mr. BURTON and with me. What's the story? You know, what is the main motivation?"

And finally, the gentleman from Indiana [Mr. BURTON] asked the dynamite question that our Speaker cannot grasp. He said, "Are you a Communist?"

Do you remember his answer?

Mr. BURTON of Indiana. If the gentleman will yield, yes, I do.

Mr. DORNAN of California. He said, "I studied to be a priest, and I don't know now whether I'm a Catholic or a Communist. All I know is I'm a Sandinista."

And we both said, "Get off it, Vic."

LET'S VOTE ON THE FAMILY AND MEDICAL LEAVE BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island [Mr. ST GERMAIN] is recognized for 5 minutes.

Mr. ST GERMAIN. Mr. Speaker, times have changed in the 28 years I have served in the House. The traditional American family with one male wage earner rapidly is being replaced by two-earner couples and single working parents. In 1950 only 12 percent of women with young children were in the work force; today that proportion has increased to 54 percent. By the year 1995, fully two-thirds of women with small children will be working. These changing labor patterns are reshaping not just the workplace but American family life as well. We need to recognize and adapt to these new realities in a way that strengthens both the rights of employees and the fabric of American family life.

In the House we often talk about the importance of family life and the many factors that threaten to tear families apart. I am pleased that the House approved legislation to ban dial-a-porn services, encourage adoptions, and fight child abuse. But we need to do more. We need to redouble our efforts in the war against drugs and to approve expanded child care services. And we need to enact legislation that guarantees parental leave benefits for American workers. We need to end the national disgrace of being the only industrialized country in the world without a national parental leave policy.

Approving H.R. 925, the Family and Medical Leave Act, will give American workers and American families the job protected parental leave benefits that are becoming critical to a healthy society. Employees who know that their employers will support them through family emergencies will be better workers. Parents who know they can take the time necessary to care for their children will build better, stronger families.

H.R. 925 is a reasonable compromise bill that requires employers of 50 or more to guarantee up to 10 weeks of family leave for workers to care for a newborn or seriously ill child. The bill does not grant frivolous, paid benefit rights that workers will abuse; this legislation merely guarantees that employees will have a job to come back to after the necessity of taking maternity leave or time to care for critically ill children. After all, workers shouldn't have to choose between caring for their children or losing their jobs.

Although fathers increasingly are taking on the responsibility of caring for children, the major burden of child care still falls on the mother. Most likely, in two-earner families it is the mother who will be forced to sacrifice her job and her income for the children. This year, let's give mothers and their families a really valuable Mother's Day gift. Let's give them the right to job protected parental leave benefits by voting this week for the Family and Medical Leave Act.

THE CONTRAS ARE DYING ON THE VINE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I think it is interesting that Mr. Miranda made these revelations very clear to most of us in Congress that talked with him, and yet the Speaker does not know whether or not the leaders of the Sandinista movement are Communists. There is no question in most of our minds that they are Communists, and the thing that bothers me the most is today we had a briefing from the directorate of the Contras, and they literally are dying on the vine down there right now.

Mr. Speaker, many people in this country feel that everything is well during the cease-fire talks going on down there, that they are living off the fat of the land and that there is no problem.

The fact of the matter is they are starving, many of them. The food supplies, the humanitarian aid that this body agreed to give to them, to send to them, is not getting into the country. The Communists continue to negotiate, negotiate, negotiate knowing full well that until a cease-fire is agreed upon and both sides agree that there will be no third party that can bring the food in because the agreement states very clearly that the Sandinistas, the Communists and the Contras have to agree on that third party to bring the humanitarian aid in. As long as they drag this out, they can keep the food supplies and the humanitarian aid from getting to the Contras, and the Contras are literally dying on the vine, and they are sending people in there as emissaries to the Contras telling them they ought to lay down their arms and become part of the Communist society down there. They do not call it the Communist society, but to lay down their arms.

Mr. Speaker, they are even promising that they will allow them to take helicopter rides back to visit their families if they will lay down their arms——

Mr. DORNAN of California. Soviet helicopter rides.

Mr. BURTON of Indiana. Soviet helicopters, of course, and the morale is not that good, and I think we are all very concerned who went to that meeting today that the Contras may be on their last legs, and, as the Contras die, if we allow that to happen, which will be a tragedy, the very real possibility exists that they will fulfill their promises to spread that revolution into El Salvador, Guatemala and Honduras.

Now I have a boy 13 years old; and I said this time and again on this floor, Danny Lee Burton II, and the last thing I want him to have to do is go fight and possibly die in an unnecessary war. The fact of the matter is though that that is a very real possibility if we allow the Contras to die on the vine as they are doing at this very moment.

Mr. EDWARDS of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. First of all, I totally associate myself with the gentleman's words. I might say it is not only the Contras and their movement which is in danger of dying, but democracy itself in Central America. And I am inclined to wonder how much is it going to take to wake up the majority in the House to what really is happening in Nicaragua.

Mr. Speaker, not only have we observed, as La Prensa has been closed down and opened again, closed down and opened again; now three independent radio stations closed down. Today the Ministry of Justice was closed and turned over to Tomas Borge and the Ministry of the Interior, the state police. All these things continue to happen, and today labor leaders are arrested and thrown in jail. Members of the Democratic Opposition in Nicaragua are arrested and thrown in jail.

And you just wonder. You have to wonder, looking at the Speaker and the majority in this body, what does it take? What does it take to realize that we are killing democracy in Central America?

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield for a fact about the radio station?

Mr. BURTON of Indiana. Mr. Speaker, I gladly yield to my colleague from California.

□ 2015

Mr. DORNAN of California. Yesterday 15 labor leaders were arrested. One died in prison on April 30 that was arrested last week. Thirty-five were arrested today as they closed down these radio stations and accused them of sowing discord and spreading insidious lies that were demoralizing. This is all Communist pattern and garbage that we hear all the time. This is going on right now.

The arrogance of the Ortegas is based upon what we do in this Congress to delay the liberation of the prisoners.

I ask this question: What day in this year or next for those prisoners in those concentration camps down there become JIM WRIGHT's prisoners, not just the Ortegas' prisoners?

Mr. BURTON of Indiana. That is a very valid point. I know we are running out of time. We have only 5 minutes, but let me just lay this out before the body very clearly.

The stakes are much higher than anyone realizes. The Contras are dying on the vine at this moment as we speak. If we do not do something to help them right now, freedom is dead in Nicaragua. The Communist revolution will expand throughout Central America and our kids are going to be down there fighting, and it is unnecessary.

Mr. DORNAN of California. Quickly a fact. The gentleman knows that I am at least a loyal Catholic, if not a saintly person. I try. I go to church every Sunday.

There are a lot of nuns and priests out there saying, "You are wrong." And guess what? When Cardinal Obando y Bravo begins with a prayer, none of the Sandinistas bless themselves, only the Contra-resistance people do. That tells this Catholic a lot.

AMERICAN EAGLE GOLD COIN SALES REMAIN ALARMINGLY LOW

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, sales figures for April for the American Eagle gold bullion coin continue this program's disturbing trend. I have criticized the mint's use of an illegal cartel of distributors, rather than selling the coins to all comers as the law requires. It appears that not only are the distributors an illegal cartel, but are not fulfilling the mint's purpose in selling the coins. Nevertheless, the mint continues to go on with business as usual.

In April, the cartel of authorized distributors purchased only 30,000 ounces of the gold bullion coins from the U.S. Mint. This amount is the second lowest monthly total in the 19-month history of the program. As a monthly total it exceeds only the 10,000 ounces purchased in March 1988. In fact, the combined March and April sales are lower than the previous single month low.

Gold American Eagle sales in April were 80 percent lower than sales in the same month a year ago. April marked the seventh consecutive month in which American Eagle gold coin sales were less than in the same month a year earlier.

Sales for the first 4 months of 1988 are one-third the level of sales for the first 4 months of 1987. It is clear that the mint's distribution cartel has failed to sustain a market for these coins. Nevertheless, the mint has taken no steps to bring in new distributors to do the job.

There are new distributors who are anxious to sell the American Eagle gold coins. The mint, for inexplicable reasons, turns a cold shoulder toward these potential new players. Let me provide an example.

I was recently contacted by a large financial institution in the Midwest. Last year, this institution established a precious metals department and developed a marketing plan. The mint's only U.S. gold coin distributors are located on either coast. This Midwest institution was anxious to fill the need it saw to distribute the gold bullion coins in the Midwest. When it approached the mint, it was discouraged from filing an application to become a distributor. Because the institution had only recently entered the precious metals business, the mint was prepared to reject its application. The mint was unwilling to give any consideration to the fact that the head of the division had been active in the precious coins and metals business for 18 years or that the institution was extremely well capitalized.

Mr. Speaker, when a team is not doing well, the management has an obligation to bring in new players. Often a team will bring in a young player and release an older player who is not producing. This is a lesson that the mint should apply to its gold coin distribution cartel. It is apparent that many of the current members of the cartel are complacent and not doing their job in marketing gold bullion coins. Since the mint is unwilling to scrap the illegal distribution method, the least it can do is shake it up.

Let some of the nonproducers go and bring in some new enthusiastic distributors. This is the very least that the shareholders of the U.S. Mint team, the American taxpayers, deserve.

CLARK UNIVERSITY CENTENNIAL MEDAL PRESENTATION TO THE HONORABLE JOSEPH D. EARLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. BOLAND] is recognized for 5 minutes.

Mr. BOLAND. Mr. Speaker, Clark University in Worcester, MA, recently celebrated the commencement of its second century since the founding of that renowned institution. At that ceremony, our colleague, Congressman JOSEPH D. EARLY, was awarded the university's Centennial Award.

In receiving this award, JOE took his place among an elite few whose contributions to the prosperity of the university have distinguished themselves above all others. The formal citation reads appropriately: "Presented in grateful appreciation for continued support and leadership in higher education."

Clark University is very fortunate to be represented in Congress by an education advocate such as JOE EARLY. The president of Clark University, Richard P. Traina, who presented JOE with the Centennial Medal, noted JOE's deep and abiding interest in education. He said, in part:

> Joe, as you well know, has been in political office for many years. * * * He has stressed during those years the need for excellence in research and the need for a fine education for our youth, since that determines the quality of the future of our nation. His insistence upon the importance of creating new knowledge—and upon the importance of finding ways to bring local, regional and national efforts together to produce that new knowledge—has been important to the welfare of research and of research universities beyond Clark University and, in particular, through the National Institutes of Health.
>
> He has—I hope—in another, metaphorical sense shared something along with Clark. We have attempted to serve our local community and to serve the larger world. Certainly that has been true of our Congressman who has done that with responsibility and vision.

Mr. Speaker, I can only add to that commentary by saying that in my years in the Congress of the United States, I cannot think of anyone who has fought harder and more diligently for education than JOE EARLY. The burgeoning higher education community in Worcester today is certainly a testament to the success of his efforts.

It gives me great pleasure to call to my colleagues' attention Clark University's recognition of his accomplishments, and I include a selection of his remarks from that ceremony in the RECORD:

ACCEPTANCE REMARKS BY U.S. REP. JOSEPH D. EARLY, SIXTH RECIPIENT OF THE CLARK UNIVERSITY CENTENNIAL MEDAL, CLARK UNIVERSITY, APRIL 15, 1988

President Richard Traina, head table guests, friends of Clark University, I want each of you to know that I am deeply honored to join Alice Higgins, Jacob Hiatt and Francis Harrington as a recipient of the Clark University Centennial Award. It is often said that we are known by the company which we keep. I certainly hope so. The importance of this award is attested to by the quality of the previous recipients.

I have had the privilege of serving in public office for almost thirty years, first as a Massachusetts State Representative and now as a member of Congress. I have had the opportunity to see, first hand, the type of citizen, contributor and neighbor which Clark University has been in this city. This great university is one of several which are located in this city. Clark is the only one of the colleges which, in the fullest sense, has its only campus located within the confines of what could be described as a city neighborhood. Clark University, in addition to providing outstanding education to thousands of students, is a key factor in the vigor of the Main South neighborhood. As with any neighbors there is occasionally some small friction or disagreement. It is difficult, however, to imagine what this part of the city of Worcester would be like if there were no Clark University. I suspect that the Main South area would be much worse off for not having Clark University among its major citizens.

We live in a society based upon free enterprise. The economy is driven by the forces of the marketplace and the enlightened self interest of our individual citizens. That system serves us very well. We must, however, temper a set of values guided largely by financial self interest by other values. Financial self interest can be paraphrased to be the answer to the question: "What can I get out of it?" when it comes to a specific activity. While that guideline may be most helpful in telling McDonald's where to locate the next hamburger stand it is not a good benchmark in deciding how educational and public institutions should conduct themselves. Clark University is guided not by the question "What can I get out of it?", but rather by "What can we put in?"

In closing let me comment briefly on the ever increasing importance of higher eduation in our nation. This nation, this society and this world are becoming more complex and more exciting each and every day. Whether it is in the fields of business, medicine, literature, government or research, today is a day in which excellence and intellect are to be valued more than ever before in history. Tomorrow will be a day when excellence and intellect will be still more important than today. The single mechanism by which we best allow individuals to realize their full potential is education. It is by education that we turn a twelve year old Little League ball player into a neurosurgeon by the time he or she is thirty. It is by education that we allow another twelve year old to realize his or her potential and become a Nobel Laureate in literature or science or some other field. It is by education that we teach another young person the lessons of history which, if we do not remember, we are destined to relearn by making the same mistakes again or that allow him or her to become a government leader. Education is the single process which best advances our society and world towards a better future. Education should also teach us that it is more important to put in than to take out.

LEGAL SERVICES CORPORATION AUTHORIZATION ACT OF 1988

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KASTENMEIER] is recognized for 5 mintues.

Mr. KASTENMEIER. Mr. Speaker, I am pleased today to introduce the Legal Services Corporation Authorization Act of 1988. This bill will reauthorize the Legal Services Corporation for a period of 1 year and a funding level of $335,150,000.

The maintenance of an effective Legal Services Program is essential to the integrity of this country's system of legal representation. Without such a program, we perpetuate a system that, with skyrocketing legal fees and court costs, effectively precludes a substantial portion of our population from obtaining legal representation. Such a result is abhorrent to our notions of justice and fair play.

This year, for the first time, this President included a provision for legal services in his proposed 1989 budget. While the President's recognition of the Legal Services Program is encouraging to the proponents and beneficiaries of the program, the $250,000,000 funding level that he has requested is wholly inadequate to meet the legal needs of the poor. Indeed, it has been suggested that even a funding level of $400,000,000 would be insufficient to give the poor the same access to legal services in 1989 that they had in 1981.

The amount that I have included in the legal services authorization bill simply takes the fiscal year 1987 appropriation and adjusts it for inflation to reach a funding level of $335,150,000. It is my intent that this figure will represent a compromise between the constraints that we are facing in the Federal budget and the need to sustain a vibrant and effective Legal Services Program.

TO PROVIDE REIMBURSEMENT TO PHYSICIANS AND FACILITIES THAT PROVIDE EMERGENCY HEALTH CARE TO UNDOCUMENTED ALIEN PATIENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. COLEMAN] is recognized for 5 minutes.

Mr. COLEMAN of Texas. Mr. Speaker, I rise today to introduce legislation that would provide reimbursement to health care facilities and physicians that provide emergency medical care to undocumented workers.

As we all know, there have been many bills introduced this congressional session that in one way or another attempt to improve our health care delivery system. But while it may be too massive a system to try to improve as a whole, my bill concentrates on a particularly pervasive problem of our health care delivery system for us to attempt to improve.

For those of us who represent the border area, we know the nature and scope of the problem in the region. We have medical facilities that are overburdened, hospital emergency rooms that are closed more often than they are open because they are filled to capacity, and we have local hospital districts that must absorb enormous losses every year due to uncompensated care. These losses are ultimately passed to local citizens either through higher taxes or reduced services provided by the hospitals. And while most hospitals have some amount of uncompensated care every year, they do not experience this problem of the same nature or degree that hospitals along the border there. You see, Mr. Speaker, hospitals along the border due to their proximity to Mexico have higher amounts of uncompensated care because of undocumented workers who are often injured or become ill in the United States and must secure medical treatment for which they cannot pay.

Also as we all know, most undocumented workers are employed in occupations where they are more susceptible to disease and injury and by employers who do not offer medical insurance. When they require medical treatment, it is often emergency care that is required, which is the most expensive type of treatment that can be secured. There is no doubt but that these individuals must be provided services at the time they walk into a hospital emergency room, but the Federal Government should bear this responsibility. At the local level, we should not allow this pattern of uncompensated care to continue. In fact, we cannot afford to let it continue.

My bill provides for 100 percent reimbursement to the health care facility and to the attending physician that provides care to the indigent, undocumented aliens patient in an emergency situation and charges a reasonable fee. My premise for this bill is that the failure of our country's immigration laws are the direct cause of this large uncompensated care amounts, and as such, the Federal Government must assume responsibility for this. I do not believe that my bill will solve the myriad of problems facing the health care delivery system, but it will address a pressing issue that if resolved will either reduce the enormous tax burden on local citizens or relieve these funds so that they are available for other services.

Mr. Speaker, I introduced this same bill last session, and was disappointed that the subcommittees to which it was referred did not take any action on it. I understand that the health agenda of the House is very full this session, but I respectfully request that as Federal representatives, we pay appropriate attention to this problem because it is not a problem that is going to go away and it is not a problem that is diminishing.

It is incredibly ironic that this Nation spends about 12 percent of its gross national product securing health care, a larger percentage than any other industrialized nation, and that yet there are so many people who get inadequate or no medical treatment, that our country has no comprehensive universal health insurance coverage and that we have no comprehensive long-term care system. The members of this honorable body are at this time grappling with these issues. It is imperative, however, that we also try to relieve our States and localities of this great burden we have placed upon them.

The needs of the people in this region must be brought to the forefront. I am hopeful that this bill will receive more congressional action than it did during last session, that we will begin to seriously consider this problem, and I urge my colleagues to support this measure.

TRIBUTE TO THE LATE JACK ANDERSON OF MAYFIELD, KY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. HUBBARD] is recognized for 5 minutes.

Mr. HUBBARD. Mr. Speaker, one of my hometown leaders, Jack Anderson, died on March 1 at age 65 at his home in Mayfield, KY.

Jack Anderson, whom I liked and admired, was a very talented and respected journalist for the Mayfield Messenger and the Paducah Sun which was the Sun-Democrat when Jack joined that newspaper in 1964.

The best tribute to the late Jack Anderson was an editorial in the Paducah Sun on March 2 written by Don Pepper, editorial page editor of the Paducah newspaper.

The editorial is as follows:

JACK ANDERSON

Since the shocking news reached us—or rather, struck us—yesterday morning, we've been trying to think whether we ever heard Jack Anderson say an unkind word about anybody. We don't think we did.

Oh, he'd sometimes express a genial wonderment at the folly of some people he encountered in a career in newspapering and politicking. He could get exasperated with folks who were so foolish as to be Republicans, or who were pompous or pretentious. But such exasperation never took the form of meanness. He'd shake his head, crack a joke and move on.

No member of this newspaper's staff was better liked or more respected than Jack Anderson. He came to visit us for the last time just last week, a little tottery from the effects of a stroke, but shrugging it off, jovial and bantering as always with his friends here.

And everyone here was his friend. He liked everybody. He was the center of whatever room he was in.

When Jack came to work at the Sun-Democrat, as we were then, he brought a rich background of small-city newpapering to our newsroom. He had worked at the Mayfield Messenger, learning the craft under his father, Jess, who was editor of that newspaper and who survives.

He could do everything there was to do in the newsroom—report, interview, write, edit, compose headlines, manage a desk. Everything was done with a casual skill earned in doing such things from his boyhood.

We marveled at the extent of his knowledge, especially about thoroughbred racing. You couldn't stump him with a question about the Kentucky Derby. He managed to attend most Derbies over a period of three decades.

He had a fund of stories about baseball, especially of the days when towns of western Kentucky and Tennessee had entries in the old Kitty League. He savored the eccentricities and exploits of the athletes who represented Mayfield, Paducah, Fulton and the other cities of our area.

You could seldom engage Jack in conversation for long about serious matters of life. Such things seemed to embarrass him. But if anybody among his colleagues or their families had to go to a hospital, he would be among the first visitors and among the first to send flowers.

And now Jack himself is gone, and everyone in this business in our area has lost a friend whose place nobody can fill. What we do have left is a memory of a kind, generous, large-spirited man who warmed the lives of all of us.

We extend to his fine family our sympathy in their great loss.

My wife Carol and I extend to Jack Anderson's wife Linda Anderson, his son and daughter-in-law Steve and Jeanne Anderson of Frankfort, KY, his parents Mr. and Mrs. Jess Anderson of Mayfield, and his sister Martha Anderson of Mayfield, our sympathy and good wishes.

TRIBUTE TO HON. JAMES J. HOWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, last week our colleagues mourned the death of Melvin Price, a man who dedicated 44 years of his life to the House. Last month we lost another colleague, James J. Howard. These two men will be missed. Jim Howard was a good friend of mine, for 23 years we served and laughed and worked together. Jim's family, his wife Marlene, and his three daughters, Marie, Kathy, and Lenore, are grieving and they know that every Member of the House shares their grief. However, their sorrow must have been compounded when the the Washington Post ran an obituary on March 26 that read more like an editorial. Intimations were spread throughout the piece and reflected views more suited for the editorial page. I have always adhered to a rule which Herb Block once cited to me, "When God places his hands on a man, I take mine off." I think the Post could learn from their award winning editorial cartoonist.

Two individuals, who had worked with Jim, wrote an open letter to the Post to express their ire over the obituary. The authors, Joan Claybrook and Chuck Hurley, mentioned the legislative battles Jim fought during his long career in the House, and how his legislative agenda centered around public safety more than any other concern. The Post did Jim Howard, his family, and friends a serious injustice by ignoring Jim's strong attributes and unnecessarily highlighting petty allegations. Mr. Speaker, I include the letter in the CONGRESSIONAL RECORD:

[From the Washington Post, Apr. 12, 1988]

JAMES HOWARD AND HIS FIGHTS FOR PUBLIC SAFETY

(By Joan Claybrook and Chuck Hurley)

The Post, in its March 26 obituary for Rep. James Howard, did not do justice to a man who fought some of the toughest battles on Capitol Hill and modestly sought little public recognition for his achievements.

A former schoolteacher who was first elected to Congress in 1964, Jim Howard became the chairman of the powerful House Public Works and Transportation Committee the year Ronald Reagan became president. He led the battle to expand Superfund enforcement of toxic-waste cleanup, to strengthen clean-water laws and to empower citizens with the right to know about dangerous chemicals in their communities.

Although he was from a Republican district in New Jersey, Democrat Howard didn't shrink from confronting powerful industries when their activities threatened public health and safety. And although he was a loyal Democrat, he took on Democratic colleagues when necessary—such as the pugnacious commerce committee chairman, Rep. John Dingell—because he was unafraid to serve as the voice of the average citizen in America.

Howard was the leader in the fight for the 55 mph speed limit, the single most effective highway safety law in our nation's history. Since 1974 it has saved 50,000 lives and prevented many more disabling injuries.

When Congress last year voted to allow 65 mph speeds on rural interstates, Howard expressed disdain for colleagues who justified their votes by calculating the lives saved with new safety-belt and drunk-driving laws and then balancing them against those that would be lost because of higher speeds. "As long as we're 300 lives to the good, we're okay" is what some told Howard. He was contemptuous of these mathematics of convenience, which are totally irrelevant to the family of a child crippled or a father killed in a highspeed crash.

And when the first figures showing sharp increases in fatal high-speed crashes were described by federal officials and proponents of 65 mph as "too preliminary" and "inconclusive," Howard put that in perspective too. "If I was waiting for the returns on election night and I was 20 percent behind my opponent, you might say the numbers are inconclusive . . . but they sure are indicative."

Howard was inspired by President John F. Kennedy to switch from public service in the school system to serving the public in elective office. He practiced a person-to-person style of politics, always accessible and willing to listen and, as a teacher, able to translate legislative gobbledygook into the everyday language of his constituents.

Howard was also a hard-nosed horse-trader on Capitol Hill, using the spending power of his public works committee to encourage bipartisan support for his legislative programs. He successfully led the fights for the law on a national, uniform drinking age of 21, for increased federal aid for truck safety, for assistance to states in a nationwide crackdown on drunk drivers and for greater funding of state child-passenger safety programs.

The Post's obituary emphasized that Howard was given significant campaign contributions from business and was entertained on others' expense accounts. This, unfortunately, is permissible under our existing laws, and committee chairs are the biggest recipients of these business funds. But what The Post did not point out is that Howard usually voted for legislation against the parochial interests of many of his contributors.

For example, during the Reagan years he voted for stronger pesticide, clean-air and clean-water laws; for stronger mine safety and health regulations; to retain and enlarge the power of the Consumer Product Safety Commission to regulate consumer products; for the elimination of billions of dollars of corporate tax loopholes; against the elimination of the Legal Services Corp.; for the Federal Trade Commission used-car defect disclosure bill; for oversight of doctors, lawyers and other professionals; for canceling the synthetic fuels demonstration project; for reducing the dairy subsidy; and for deleting funds for the Clinch River Breeder Reactor.

But of all his achievements, Howard was probably proudest of having earned the appellation "Mr. Highway Safety." He recently told the Lifesavers Conference in Boston that though "some might think I'm corny, when I drive through my district at night and see the houses lit up and families inside, I wonder how many of them might not be here without 55 mph." We mourn that the light in the window has gone out on a politician who didn't forget to use his exalted position to nurture the public interest.

(Joan Claybrook is president of Public Citizen, and Chuck Hurley is vice president for public policy at the National Safety Council.)

MORE ON THE TRADE DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, through countless hours of speeches—both on this floor and before the public—I have warned of the growing dependence of this country on foreign suppliers for strategic component parts to our defense base.

Through my experiences during the Vietnam war at the Federal Maritime Commission, I learned that even the best of allies sometimes do not support the policy of the United States and can almost cripple our efforts if they refuse to ship our supplies.

Twenty-five years later, it seems that our dependence upon foreign supplies and money has become so great that U.S. trade policy is being dictated by that dependence.

The Congress of the United States cannot write a trade bill without being threatened by the producers of a foreign government that were we to ban their products, many of our own production lines will be shut down.

One foreign national company—Toshiba—whose subsidiary—Toshiba Machine—was found guilty of selling strategic machines to the Soviets—now supplies approximately 50 percent of the memory chips needed by the United States.

But, that is not all that we depend upon from the Toshiba Corp. The Washington Post in a May 1 article last Sunday by Robert A Rosenblatt of the Los Angeles Times reports,

> Toshiba America, the company's U.S. subsidiary, employs 6,000 Americans who make lap-top computers in Irvine, CA., television sets and microwave ovens in Tennessee, television tubes in New York, copying maching parts in South Dakota and engineering controls in Oklahoma. But, beyond that, thousands of other Americans are employed by companies that use key Toshiba components or sell Toshiba imports under their own labels.

Farther on in the article Rosenblatt quotes a lobbyist for one of the firms dependent upon component parts as saying,

> Members of Congress and their staffs "didn't fully believe how important a player in the marketplace Toshiba is," * * * "and they didn't want to hear that U.S. companies could be heavily dependent on Japanese technology."

Believe it. Hear it now. Not only is the Toshiba-dependence dictating U.S. policy, but according to a story from the San Francisco Examiner on March 13, 1988, written by Paul Freiberger, suggests that Toshiba is a major player in the recent memory chip shortage and the consequent inflation in the price of computer chips.

The story states that Japan accounts for more than 90 percent of the DRAM chip market. Industry sources have told me that Toshiba accounts for 50 percent of that amount.

In order to understand what is going on here, if you recall, Mr. Speaker, the Japanese were found to be guilty of dumping memory chips at below market value several years ago. Quoting from the Examiner article:

> Moreover the Japanese were dumping in third countries like Taiwan, further damaging U.S. chip manufacturers.
>
> The glut of Japanese chips sent the U.S. chip industry into a tailspin. Japanese firms meanwhile, benefitted from government subsidies and a financial picture that places little importance on shortterm profit.

Continuing the quote:

> The trade agreement established "fair market value" prices for semiconductors, including such essential memory chips as 256 kilobit and 1 megabit DRAMs (dynamic random access memory) used in computers. It banned third-country dumping and Japan agreed to open its economy further to U.S. goods.
>
> Yet by 1986 most U.S. firms had abandoned the memory business entirely. In the ideal scenario, chip prices would have risen to a point where American companies could afford to return to the fray.
>
> Instead, only two U.S. firms, Texas Instruments Inc. of Dallas and Micron Technology of Boise, Idaho, remain in the DRAM business, and they make a relatively tiny number of chips. Japan accounts for more than 90 percent of the DRAM market, according to Dataquest Inc., a San Jose market research firm.
>
> Meanwhile, Japanese companies have raised prices of memory chips above the fair market value.

Let me repeat that:

> Meanwhile, Japanese companies have raised prices of memory chips above the fair market value.
>
> "We forced the Japanese to make a lot of money but created a capacity problem," say William H. Gates, chairman of Microsoft Corp., the Redmond, Wash., PC software giant that makes the standard operating system software used on IBM desktop computers.
>
> Some industry observers see the chip drought as part of Japan's strategy to undercut U.S. computer makers in favor of its own just as chip dumping aided the Japanese semiconductor industry.

Let me repeat that:

> Some industry observers see the chip drought as part of Japan's strategy to undercut United States computer makers in favor of its own just as chip dumping aided the Japanese semiconductor industry.
>
> They say Japanese firms are diverting memory chips away from the United States to gain clout in the United States market for computers and other products.
>
> They say—

And I am repeating that again—

> Japanese firms are diverting memory chips away from the United States to gain clout in the United States market for computers and other products.

I would like to interject here references to the "Japanese Conspiracy," a book that I have been reading segments from on this floor from time to time, to point out to the American public what really happens to American industry, how it was deliberately conspired by the Japanese Ministry of International Trade and Industry and the Japanese manufacturers to destroy American manufacturers by targeting them and then going after them with the full backing of the Japanese Government.

And here we are talking about it in this very, very important computer game, seeing right now what is happening right now again.

I am going to continue the article from the San Francisco Examiner:

> We're seeing companies like Sony introduce competitive desk-top computers that are very DRAM intensive and I don't hear any chit-chat about Sony being out of DRAM, says Scott McNealy, president of Sun Microsystems of Mountain View, "in fact, I don't hear anything from Japanese vendors complaining about a DRAM shortage on the computer side of the house."

Nothing about a Japanese shortage, just a shortage in this country.

> Sheridan Tatsuno, a semiconductor analyst at Dataquest, says Japan's Ministry of International Trade and Industry

That is MITI—

> has helped cause the shortage in order to derail the trade accord and prevent U.S. chip makers from influencing future policy.

Now, that is what is happening today in this country.

Of course the Japanese deny these allegations, but the evidence from the amount of chips available to Japanese producers seems to prove the case that the Japanese are punishing us for the 1986 semiconductor agreement.

And the frightening truth is that we have put them in a position to do it!

If as a manufacturing nation we had put them at a cost disadvantage with the falling dollar, then—create a shortage in the international supply—being sure that your own producers are well taken care of—and push the prices up all the while putting your competition out of business either through pricing or slowing down production.

Beautiful strategy, isn't it?

I hope the Congress believes it.

Lobbyists for the Toshiba cause on the Hill made great gains by pointing to the numbers of jobs involved in a ban on Toshiba products—6,000 direct employees and then, all of the indirect employees.

I do not know how many Americans would be thrown out of work with a Toshiba ban, but I do know that every figure I have seen—whether for imports or exports—says that for each billion dollars in trade 22,500 jobs are involved in the United States of America.

□ 2030

This year, our trade deficit is predicted to be in excess of $150 billion. A rough multiplication of that number gives a figure in excess of 300,000 American jobs which will be lost in this 1 year due to our purchases abroad.

And that does not count the jobs lost to last year's deficit or the deficit the year before.

And before the Toshiba threat of losing less jobs than the trade deficit is costing us, the real threat is that we are losing our freedom to act in the Congress; that we are possibly losing our personal computer industry—the same way we lost our television industry and our radio industry and much of our machine tool industry.

If people have not believed the intent of the Japanese before—this frightening exercise in power which we have just seen displayed on Capital Hill over the trade bill should forever dispel any notion that the Japanese intend to share any industry—any market with the United States.

It should also dispel any notion that the Japanese are only interested in selling into our markets. The Japanese have shown by their behavior that they are perfectly willing to suggest to the United States Treasury that if they do not get their way, they will not purchase our Treasury notes.

In the same issue of the Washington Post on Sunday, May 1, Senator EVANS of Washington State—in an interview about his reasons for voting against a veto override on the trade bill says about demanding reciprocity from the Japanese in allowing our primary security dealers equal access to their markets, he says—

> Maybe we will get what we want out of that proposal. But it could be a decision on their part to retaliate or in some fashion withdraw their investing in U.S. Government securities.
>
> Now, who in the world do our members think is supporting our annual fiscal deficit? Primarily the Japanese, buying our debt. If they decide they are less interested in buying that debt, that alone could create waves in our financial markets that would far exceed any potential benefit.

All right ladies and gentlemen: we can't pass a tough Toshiba sanction section of the trade bill, because of a Japanese company. We can't override the President's veto, because the Japanese may not buy our Treasury bills.

THE MINIMUM WAGE ISSUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. PETRI] is recognized for 60 minutes.

Mr. PETRI. Mr. Speaker, I have reserved time for a special order this evening for the purpose of discussing the minimum wage issue and inserting in the RECORD a significant body of information related to that issue.

There is little disagreement about the need to enable low skilled people to support families by working rather than welfare, which is the stated objective of a minimum wage increase. When H.R. 1834 is debated in the House, all the argument in favor of the bill will turn on the decline in purchasing power of the minimum wage and the difficulty of supporting a family at $3.35 an hour. But almost all of us agree that there is a problem out there that needs to be addressed.

The real argument should be and will be over the best solution to the problem. I have proposed a compromise approach that combines a modest increase in the minimum wage to $4 per hour with a reform of the current earned income tax credit, as contained in my Job Enhancement for Families Act (H.R. 4119).

The basic problem is that economic need, and, consequently, welfare payments, vary by family size, but wages do not. The solution provided by H.R. 4119 is to supplement low wages according to need as determined by family size. The current law EITC provides a framework well suited for this task: it's already somewhat related to need since you must have at least one child to qualify, and it is refundable, which means that if you expect to have no tax liability against which to take the credit you can arrange to have "reverse withholding" amounts added to your regular paychecks. It's even indexed. H.R. 4119 adds additional EITC amounts for each additional child, up to a maximum of $2,500 for a family with four or more children.

When combined with $4 minimum wage, this EITC reform will provide more help to more of those who need it than will a larger minimum wage increase alone. For example, by 1991 it will provide the head of a larger family earnings equivalent to a wage of $5.47 an hour, even if he is capable of earning only the minimum wage. But the proposal will also provide substantial help to millions of people already capable of earning more than any new minimum wage under consideration, because the enhanced EITC doesn't completely phaseout until your earnings reach $9 per hour. A minimum wage increase alone gives no help to any of these people. The compromise proposal also helps the 10 percent of the population that is not covered by the minimum wage. Finally, the compromise has far lower bad side effects than a larger increase in the minimum wage alone.

On the other hand, even the Congressional Budget Office reported that H.R. 1834 would be likely to cause the loss of between 250,000 and 500,000 jobs and increase inflation by between .2 and .3 percent per year. It is easy to understand why the sponsors of the bill attempted to suppress that report, since those effects would be devastating for the very poor people that the bill is supposed to help.

Nor would H.R. 1834 be costless to the Federal Government. In fact, it would probably increase the Federal deficit by as much as $9 billion per year. The cost of the compromise is not known completely, but it is somewhere between zero and $2 billion, because the $2 billion cost of the EITC reform would be balanced by substantial welfare savings as welfare recipients gained increased incentives to take jobs. In any case there is little question that the cost of the compromise, if there is one, is far less than the cost of 1834.

The compromise is, then, a good faith effort to find the best achievable solution to the real problem that we know is out there. I hope this special order will provide a handy and useful compilation of information on the subject. And toward that end, I include for the RECORD at this point a one-page summary of H.R. 4119, the bill itself, an article I have written on the subject.

H.R. 4119

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Job Enhancement for Families Act".

SEC. 2. INCREASE IN EARNED INCOME TAX CREDIT.

(a) *Increase in Amount of Credit.*—Subsections (a) and (b) of section 32 of the Internal Revenue Code of 1986 (relating to earned income tax credit) are amended to read as follows:

"(a) *Allowance of Credit.*—

"(1) *In general.*—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the credit percentage of so much of the earned income for the taxable year as does not exceed $7,143.

"(2) *Limitation.*—The amount of the credit allowable to a taxpayer under this subsection for any taxable year shall not exceed the excess (if any) of—

"(A) the credit percentage of $7,143, over

"(B) the phaseout percentage of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds $8,000.

"(b) *Percentages.*—For purposes of subsection (a)—

"In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
"1 qualifying child	14	10
"2 qualifying children	21	15
"3 qualifying children	28	20
"4 or more qualifying children	35	25"

(b) *Inflation Adjustments to Credit Percentage.*—Subsection (i) of section 32 of such Code is amended to read as follows:

"(i) INFLATION ADJUSTMENTS TO CREDIT, PERCENTAGE.—

"(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1988, each credit percentage contained in subsection (b) shall be increased by the product of—

"(A) such percentage, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins.

"(2) ROUNDING.—Any increase under paragraph (1) in a credit percentage shall be rounded to the nearest multiple of one-tenth of 1 percent."

(c) QUALIFYING CHILD.—Subsection (c) of section 32 of such Code is amended by adding at the end thereof the following new paragraph:

"(3) QUALIFYING CHILD.—The term 'qualifying child' means any child (within the meaning of section 151(c)(3)) of the eligible individual if—

"(A) such individual is entitled to a deduction under section 151 for such child or would be so entitled but for paragraph (2) or (4) of section 152(e), and

"(B) such child has the same principal place of abode as such individual for more than one-half of the taxable year."

(d) CONFORMING AMENDMENT.—Paragraph (2) of section 32(f) of such Code is amended by striking out "subsection (b)" each place it appears in subparagraphs (A) and (B) and inserting in lieu thereof "subsection (a)(2)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1987.

JOB ENHANCEMENT FOR FAMILIES ACT (JEFFA)

SUMMARY

Restructure existing earned income tax credit (EITC) as follows:

1. Provide refundable credit against up to $7143 of annual earned income at percentage rates differentiated according to family size as follows:

		Maximum credit
1 child (percent)	14	$1,000
2 children (percent)	21	1,500
3 children (percent)	28	2,000
4 or more children (percent)	35	2,500

2. Phase out credit between total income of $8,000 and $18,000. EITC is reduced by the following percentages of income above $8,000:

	Percent
1 child	10
2 children	15
3 children	20
4 or more children	25

3. Starting in 1989, index the phasein percentages for inflation. Since that will raise the maximum EITC levels, it will extend the endpoint of the phaseout, but always by the same amount for all families.

PURPOSES

1. Increase work incentives for welfare families according to the need for incentives, as determined by family size and thereby welfare payment size.

2. Support formation or retention of two parent families (since working fathers qualify for EITC only if they reside with their children).

3. Achieve the objective of minimum wage increases (to help low skilled workers support families) directly and efficiently, targeting help to those who need it in proportion to their need, including millions already earning more than the particular hourly rate at which a minimum wage might be set.

COST

Direct revenue loss of $2.0 billion annually (estimated informally by CBO), mitigated by the following:

1. Offsetting welfare savings due to the fact that EITC is considered income for purposes of phasing out AFDC and other welfare benefits.

2. Larger welfare savings due to incentives to move people off welfare into work and to form two parent working families. Wage supplements of up to $2,500 should make a big difference for many people whose decisions in these matters are otherwise margin-

al. Since the federal share of AFDC, food stamps and medicaid costs $50 billion per year, we need to save only 4% of that amount to pay for JEFFA completely.

[From the Republican Perspective, April/May 1988]

LET'S HELP THE POOR ESCAPE FROM WELFARE

(By Rep. Thomas E. Petri)

We have to find ways to help welfare recipients re-enter the workforce. Practically everybody agrees about that. And as a result, Congress has focused welfare reform efforts on a mix of education and workfare proposals.

Of course, reducing welfare dependency would be easier if low-income citizens could expect to make more money working than they got on welfare. But all too often, they can't. While a full-time minimum wage job now provides enough after-tax income to bring a two-person family up to the poverty line, it leaves larger families $1,900 a year short for each additional child. In many states, low-skilled heads of larger families can actually do better financially with welfare than with jobs. This undermines efforts to start them on low-paying jobs, undermines political support for requiring them to take such jobs, and saps the morale of poor workers and welfare recipients alike.

In a high benefit state like Wisconsin, for example, a three-person welfare family can receive $8,004 per year in Aid to Families with Dependent Children (AFDC) and food stamps, plus Medicaid, and possibly other benefits like school lunch, Head Start, housing subsidies and energy assistance. A four-person family is eligible for $9,576 in AFDC and food stamps, and a family of five for $10,980. If the family head takes a minimum-wage job, he or she will take home about $7,057 this year, minus work expenses and (if there is no grandmother or other relative around to take care of the kids) child care costs. Of course, the family may still be eligible for some government subsidies, including food stamps and school lunch.

Even if welfare recipients want to work, as most do, and even if they hope to increase their earning power with experience, large numbers of them face big financial penalties for entering the workforce. Some of those will nevertheless choose to work, but it is asking a lot to expect most of them to forfeit a financial benefit. They are caught in a welfare trap.

The basic problem is that, unlike welfare benefits, wages are not related to need as determined by family size. In fact, child care costs can make net take-home pay go down as family size goes up. The obvious solution, then, is to supplement wages according to need.

Fortunately, we already have a program that can be adapted to provide this solution: the earned income tax credit, or EITC. The current EITC is somewhat related to need, since you have to have at least one dependent child to qualify. It provides a direct wage supplement of up to $870 this year, and it is the only federal tax credit that is refundable; that is, if you have no tax liability against which to take the credit, you can still get a check from the government. In fact, the EITC can even be estimated in advance and added to the worker's paycheck each week.

If we build on this base by varying the EITC according to family size, we can greatly increase work incentives for those with the greatest need, and enable many more people to get started in the workforce. Under one proposal, the maximum credits in 1988 for families with one, two, three, and four or more children would be $1,000, $1,500, $2,000 and $2,500 respectively. These amounts would be indexed for inflation and phased out for annual incomes between $8,000 and $18,000.

Wage supplements of this magnitude should be enough to make a big difference in the financial calculations of many people. For example, a single Wisconsin mother of three would need a job paying $4.71 per hour to match her AFDC and food stamp benefits without the proposal; but with it, she would need to make only about $4.10. A mother of four would need to make $5.46 without the proposal, but only $4.60 with it. In states with welfare benefits lower than Wisconsin's, these comparisons would occur at lower wage levels. Also, the comparisons would get wider in future years as indexing raises the various EITC levels in the proposal.

Some people want to get into the workforce badly enough that it won't be necessary to match their welfare benefits with earnings. They'll work if they can just come reasonably close. Others will need more of an incentive to work. But regardless of individual preferences and circumstances, it will be easier to move people into jobs with EITC-enhanced wages than without them.

Many welfare reformers now believe that able-bodied welfare recipients should be required to take jobs. The House-passed welfare bill in fact contains some provisions to that end, but it also says people cannot be required to take jobs that pay less than they could get on welfare. The EITC proposal, by supplementing wages, increases the chances that work will pay more than welfare.

The Congressional Budget Office (CBO) has informally estimated the cost of this proposal at $1.5 billion per year in lost tax revenue. However, that does not count the welfare savings that result from moving more welfare recipients into the workforce. In fact, that $1.5 billion is only 3 percent of the $50 billion per year that the federal government alone spends on AFDC, food stamps, and Medicaid. Since the EITC proposal's incentives apply mainly to families with larger welfare benefits, the proposal would pay for itself if it resulted in reducing the current welfare caseload by something less than 3 percent. Efforts are under way to provide a basis for estimating these welfare savings; but in the interim, a 3 percent savings does not seem like an unreasonable target for a proposal of this magnitude.

Of course, another way to help low-wage workers support families is to increase the minimum wage, and currently there is a bill sponsored by Rep. Hawkins to raise it to $5.05. Raising the minimum wage, however, is an extremely crude tool for achieving the welfare objectives its backers cite as their motivation.

In the first place, most of the benefits go to people who do not need wage supplements to support families, since most minimum-wage workers are from the middle class, primarily students and other secondary earners working parttime. Only 10 percent of minimum-wage earners are heads of families of three or more, and an undetermined number of those are tipped employees actually making much more. There are more family heads making between $3.35 and $5.05, but the closer they are to $5.05, the smaller the benefit they would get from the Hawkins bill.

In the second place, Hawkins gives no help at all to many people who do need it. There are large numbers of people already capable of earning $5.05 or more who still need a wage supplement because they head bigger families. The minimum-wage boost does nothing for them.

In the third place, a minimum-wage boost reduces the demand for labor below where it would otherwise be. Estimates of the job losses and jobs not created as a result of the Hawkins bill range from 100,000 to 900,000 with the consensus falling between 200,000 and 300,000. By and large, the typical middle class, minimum-wage workers would still be able to find jobs at $5.05. The people who would be frozen out are those most in need—those with the fewest skills, living in the most depressed areas; in other words, those living on welfare or struggling to stay off it. It doesn't make sense to try to encourage work through welfare reform while yanking away job opportunities with a minimum-wage hike.

In the fourth place, the large costs Hawkins places on the private sector would probably lead to a small but significant amount of extra inflation. Of course, inflation hits the poor particularly hard, so in this way too they'd be hurt by a policy that's supposed to help them.

Finally, a minimum-wage boost is not at all costless for the federal government. A macroeconomic study of an earlier bill, raising the minimum wage to $4.65, by the U.S. Chamber of Commerce implies that by 1990 it would cost the government around $8 billion per year—$5.6 billion in reduced revenue associated with a $28 billion lower GNP, $1.4 billion in higher interest expense through higher rates associated with extra inflation, and one billion more for unemployment insurance. Even if that study overestimates by a factor of two or even four, the cost is still large.

It should be no surprise that a minimum-wage boost has all these disadvantages. It's like trying to win a battle with random bombing when a rapier will do. In this case, the goal everyone acknowledges is helping low-skilled workers support families while avoiding welfare. The Hawkins bill attacks that goal indirectly, causing all kinds of side effects and collateral damage, while not even hitting all its targets. The family size-adjusted EITC achieves the goal directly and efficiently, supplementing wages only for those who need it, in amounts related to their level of need, and without altering the entire private labor market and depressing economic activity that would otherwise occur.

The EITC approach is the best tool for helping people escape the welfare trap. As currently proposed, it won't help everyone do that, but it should make a big difference to many people in marginal situations where more earning power will enable them to get into the workforce. There are many other pieces that fit into the welfare-reform puzzle—making the Child Care Tax Credit refundable (and phasing it out for the wealthy) would be an important one, and better child-support enforcement is another. But the EITC is a very substantial piece and deserves to take a prominent place in any welfare-reform legislation Congress might enact.

Mr. PETRI. Mr. Speaker, at this time I yield to the gentleman from Vermont [Mr. JEFFORDS] the ranking Republican on the Committee on Education and Labor.

Mr. JEFFORDS. Mr. Speaker, I thank the gentleman from Wisconsin for yielding. First of all, I want to commend the gentleman from Wisconsin for the tremendous work he has done on this issue, and as he knows I have been deeply involved in trying to find that magic solution out of this dilemma that we are in, recognizing there is a need to revise the minimum wage, but at the same time recognizing there are other very important problems that we should not be ignoring at a time when we are trying to establish a policy on the minimum wage.

I know that the debate on the one hand includes people who cannot seem to find a wage level that is high enough, and who would raise the minimum wage. On the other side, we also cannot find a wage that is low enough that will make them happy with respect to the minimum wage. That ignores some of the basic problems, however. There are probably three that I would like to mention very briefly. One is the one that the gentleman from Wisconsin has discussed, and that has to do with what do we do about the dilemma that we have where if the most important purpose of raising the minimum wage is to attempt to give an incentive to those that want to get off of welfare and to go to work, that there is no way we can raise the minimum wage sufficiently, especially with a larger family involved, to be able to take the families off welfare without causing horrendous economic damage to the other parts of the economy as well as displacing hundreds of thousands if not millions of workers if we get the wage high enough in order to solve the welfare problem.

What do we do?

The gentleman from Wisconsin has a very logical and excellent solution to this dilemma and it is one that we should not run down the track for raising the minimum wage without taking into consideration what the other problems are that we should be dealing with. We have passed the welfare reform bill but the welfare reform bill depends upon people being able to get jobs and being able to work and the incentive is to do that. Yet if the wage they get is not high enough to give them incentive to get off welfare, the problem is going to create tremendous difficulties.

Another question we should deal with concerns the problem of displacement of people that would get jobs if it was not for raising the minimum wage. That group of individuals, if we raise the minimum wage high enough to try and do something about the welfare respects, will not have a chance to get a job. The number of jobs that a business has to reduce in order to take the adjustment of wages is substantial, as the Congressional Budget Office report has pointed out. That is why in addition to what the gentleman has proposed we ought to take a look at other innovative suggestions, and that is a first job wage, or training wage, or whatever it might be called in order to ensure that we do not lock people out at a time when this Nation needs an improvement in the available workers, and as we are finding less and less workers being available as we go forward.

Another critical problem facing us that we might want to look at deals with the fact that fewer and fewer businesses are covering people for such things as health insurance. We have a declining number of people covered in that respect. To show that we are bipartisan in this matter, a Member of Congress, the gentleman from California [Mr. STARK] has a suggestion that perhaps at a time we are looking at raising the minimum wage we ought to give serious consideration to, and that is giving credit to an employer above what the level might be now, or where we might raise it to, to allow that employer to have credit for benefits that might be given for health insurance, for example. At a time when we are facing these very problematical situations, the welfare mother who cannot get enough money to get off of welfare, the worker we may preclude from getting a job, and for the business that cannot provide health care because the wages are going up, why should we not take time and look at the solutions to those questions? Why do we rush into a long-term high-cost minimum wage when there are problems that ought to be solved by more rational approaches?

Again, I commend the gentleman from Wisconsin [Mr. PETRI] for the tremendous work he has done on this very critical area, one of the most important areas we have, for purposes of the family and for purposes of our society and purposes of economics and everything else to try and do something to get the welfare mother back to work, and the welfare parents back to work, and give them an incentive to do that and reward them for working instead of penalizing them.

I include for the RECORD additional information to back up the statements especially statements made by the gentleman from Wisconsin.

[From the Washington Times, Mar. 10, 1988]

A BETTER WAY WITH WAGES

(By Warren Brookes)

When it comes to "social policy," the theme song of most politicians seems to be "You Always Hurt the One You Love," while for the poor, it should be "You'd better watch out, Santa Claus is coming to town."

At the moment we have "Santa Claus" in the form of Democratic Sen. Edward M. Kennedy of Massachusetts and his partner in the House, Democratic Rep. Augustus Hawkins of California, trying to "help the working poor" by raising the minimum wage from $3.35 an hour to $4.65, and then permanently indexing it to inflation.

(Except for the indexing, the bill is to be marked up this week by the House Education and Labor Committee.)

Since the employer cost of this rise is about $21.6 billion, and falls almost entirely on small business or narrow-margin retailing, no one argues that it won't kill jobs—the only debate is over how many. The estimates range from 200,000 to 900,000. The consensus figure approaches 500,000.

Since the minimum wage now applies to only 4.7 million workers, mostly part-time and youthful, the Kennedy-Hawkins bill could kill up to 10 percent of minimum-wage jobs.

Unfortunately, the most likely job-losers will be those few minimum-wagers (10 percent) who are working full-time—meaning, of course, the poorer head-of-household workers. The main beneficiaries will be the vast majority of minimum wagers (68 percent of whom are single, and nearly 40 percent teenagers) who use these part-time jobs to supplement mid-range family incomes.

Fortunately, there is a much better way to help the really needy without doing damage to the economy, or to their jobs. It's called the Job Enhancement for Families Act and it's the brainchild of Republican Rep. Thomas E. Petri of Wisconsin.

Mr. Petri's approach, instead of raising the minimum wage by $21 billion, which would cost the U.S. Treasury about $2 billion in net lost taxes (in reduced business profits and payrolls), is to expand and restructure te Earned Income Tax Credit to provide more generous benefits to the working poor, Total cost: $1.5 billion.

At present, the EITC is a refundable tax credit of 14 percent of the first $5,714 earned by an eligible person who maintains a home for one or more children. The present maximum credit is $800, phasing out as income approaches $17,000.

Mr. Petri would raise the amount covered by the credit from $5,714 to $7,143, and change credit percentages to reflect family size, with a maximum payment of 14 percent ($1,000) for a family with one child, up to 35 percent ($2,500) for a family of four or more children.

The credit would be phased out between incomes of $8,000 to $18,000 by series of graduated percentages of that income that exceed $8,000. Starting in 1989, the phase in incomes would be indexed for inflation.

The economic and social advantages of this approach should be obvious. Without raising wage costs to mostly small business employees, it dramatically increases the after-tax income of those family incomes are actually low. It finances this increase out of the progressive income tax structure, instead of punishing small businesses with higher wage costs.

In other words, it targets the poor, and provides them with nearly as good benefits. The after-tax value of the higher minimum wage to the full time worker is about $2,000. The after tax value of the EITC ranges from $1,000 to $2,500.

Whereas the vast majority of the benefits of the minimum wage will go to part-time workers in middle-income families, all the EITC benefits go to low-income workers—without destroying any jobs.

Additionally, the Petri bill provides the missing basis for serious welfare reform; it slashes the marginal tax rates of moving from welfare to work. This is why it has been endorsed by the Urban League and Children's Defense Fund.

Currently, in high benefit states like Wisconsin, for example, a single mother of three would have to earn $4.71 an hour to match basic AFDC and food stamp benefits; with the Petri proposal she would only need $4.40 to make getting a job more attractive. In lower-benefit states, the incentives would be even greater, at lower wage levels.

The House welfare reform bill now proposes to require many ablebodied AFDC recipients to take jobs so long as those jobs don't pay less than the family can receive from welfare. The Petri proposal would vastly increase the job requirement coverage, and dramatically reduce total welfare costs (now more than $50 billion a year) as a result.

If the EITC proposal only cut total welfare rolls by 3 percent, it would more than pay for itself.

(Clarification: The Children's Defense Fund and the Urban League have backed EITC reform in the past but have not yet, to our knowledge, endorsed the Petri JEFFA bill.)

Helping the poor—Two ways

	Billions
Dangerous and inefficient—Minimum wage hike of $1.30 per hour:	
Costs to employers	$20.72
Minus: Gross revenue gains to Treasury	−5.66
Plus: Revenue losses from job destruction:	
(a) Lower corporate taxes	+4.22
(b) Lower FICA and other taxes	+3.58
Net revenue losses	2.04
Net costs to the economy	22.76
Direct benefits to working poor	2.07
Efficient and constructive—Expanded earned income tax credit (EITC):	
Direct costs to Treasury	1.50
Loss savings in welfare costs	−1.50
Net costs to taxpayers and economy	
Direct benefits to working poor	1.50

Sources: Congressman Tom Petri, Congressional Budget Office.

[From the New York Times, Feb. 23, 1988]

THE MINIMUM-WAGE ILLUSION

It's small wonder that politicians like the idea of raising the minimum wage: improving the lot of the lowest-paid workers seems virtuous, at no apparent cost to the public. But the rationale is half-true at best, and the free price tag is false.

The minimum wage has been stuck at $3.35 an hour since 1981. Legislation now in a House Education and Labor subcommittee would raise it to $4.65 an hour over three years and peg it afterward at one-half the average hourly wage for nonsupervisory workers.

Without question, $3.35 an hour is not a living wage for a family. Proponents of an increase point out that the cost of living has gone up 30 percent since 1981. A person working full time at the $3.35 rate in 1986 would have earned $4,600 less than the poverty level for a family of four. The question is whether legislating a higher minimum would improve life for the working poor.

It definitely would—for those who still had work. But by raising the cost of labor, a higher minimum would cost other working poor people their jobs. The Department of Labor estimates that each 10 percent increase means that 100,000 to 200,000 jobs would be eliminated or not created. The House legislation contemplates an increase of nearly 40 percent. The cost to the Treasury, in lost taxes and unemployment payments, would be substantial.

Why not attack the problem of inadequate wages directly, with subsidies? One potential mechanism is already in place: the Earned Income Tax Credit, a negative income tax that can be worth $800 to a working poor family. Expanding and refining this device could easily put more money into the pockets of low-wage workers.

The problem might also be addressed by efforts to improve the skills of minimum wage workers so that they can qualify for higher-paying jobs. This is particularly important for teen-agers and young adults, who make up more than half the minimum wage work force.

Raising the minimum wage is not cost-free, just cost-concealing. Congress owes the working poor well-designed help, not a well-intentioned illusion.

[From the Wall Street Journal, Mar. 3, 1988]

A BETTER ALTERNATIVE TO A HIGHER MINIMUM WAGE

(By J.D. Foster)

One of the first items in the 1988 legislative chute in Washington is "The Minimum Wage Restoration Act of 1988," introduced by Sen. Edward Kennedy (D., Mass.) and Rep. Augustus Hawkins (D., Calif.) to raise the minimum hourly wage to $4.65 from $3.35 by 1990 and to index it to inflation thereafter. Before rushing to pass this bill, Congress ought to consider as an alternative Rep. Thomas Petri's (R., Wis.) "Job Enhancement for Families Act" to expand and to restructure the Earned Income Tax Credit.

Increasing the minimum wage is no way to improve the condition of the poor. The history of the minimum wage shows that it destroys the jobs and job opportunities of poorly trained workers—inner-city teenagers, the semiliterate, those we used to call economically disadvantaged. It's particularly hard on such workers who must provide the principal support for their families. There are now about five million workers who earn the minimum wage or less. According to several estimates, the Kennedy-Hawkins bill would slam shut the doors of the workplace of 300,000 to 750,000 people by 1990. These job losses would be concentrated on the economically disadvantaged.

One existing means for increasing the after-tax earnings of the poor is the Earned Income Tax Credit. The EITC is a refundable tax credit of 14% of the first $5,714 earned by an eligible person who maintains a home for one or more children. The maximum credit is $800 and it phases out as income rises, falling to zero when the taxpayer's income reaches $17,000.

Rep. Petri's bill would expand and restructure the EITC as an alternative to raising the minimum wage and as part of welfare reform. One benefit of the EITC is that it can be restructured easily to provide greater benefits to households with children. This could play an important role as Congress attempts to reform welfare to better match resources to needs while reducing the anti-work and anti-family side effects of the current welfare program. In comparison, raising the minimum wage is a very blunt instrument; it would benefit a middle-class teen-ager in a summer job just as much as it would a person trying to support a family.

The bill to increase the minimum wage and the Petri plan to expand the EITC would each increase some workers' after-tax income by comparable amounts and, therefore, would increase their work incentive. Incrasing the minimum wage, however, would reduce employment because businesses could not afford to hire or keep less productive workers. Expanding the EITC, on the other hand, would raise the worker's after-tax wage without raising the employer's labor costs. To the extent that improved work incentive increase the number of workers willing to work, raising the EITC could lower the pre-tax wages employers would have to pay while raising workers' after-tax wages. Raising the EITC, therefore, could actually increase low-wage employment opportunities.

One of the often-ignored side effects of raising the minimum wage is the loss of tax revenue to the federal government from the loss of jobs and national output. There would also be an increase in government spending as those who lose their jobs file for unemployment insurance, are forced into welfare, expand their use of food stamps, and so on. Combining the tax revenue loss with the increase in government spending, the Kennedy-Hawkins bill would increase the deficit by about $7 billion annually.

According to an informal estimate by the Congressional Budget Office, the EITC would cost about $1.5 billion annually in lost revenue. The job creation made possible by expanding the EITC would offset at least part of that revenue loss and would also result in some budget savings through lower welfare costs. Raising the minimum wage, in other words, would increase the budget deficit about five times as much as would expanding the EITC.

One basis for choosing between raising the minimum wage and increasing the EITC is whether jobs are to be destroyed or created. Another basis is how carefully the benefit is matched to need. Yet another basis is what will happen to government spending and the budget deficit. In each case, the Petri approach to expanding and restructuring the Earned Income Tax Credit is clearly superior to raising the minimum wage: It encourages job creation, it helps those workers most who need the most help, it reduces government spending, and it has a minimal effect on the budget deficit.

(Mr. Foster is an economist at the Institute for Research on the Economics of Taxation in Washington.)

[From the New York Times, Apr. 6, 1988]

ECONOMIC SCENE—MINIMUM WAGE: A TANGLED PUZZLE

(By Peter Passell)

Would the House Labor Committee's plan to increase the Federal minimum wage in stages, to $5.05 an hour from $3.35, lift the living standards of the working poor? Or, as opponents contend, would it push marginally qualified workers onto welfare?

The answer, say economists who carry the least ideological baggage, is both. That seems to leave Congress with a choice between more jobs for the poor or better jobs for the poor—a tough choice that partly explains why Congress has been ducking the issue since it last raised the wage in 1981.

In fact, however, there may be a way to raise the pay of low-income workers without reducing incentives to hire the young and badly educated. Representative Thomas E. Petri, Republican of Wisconsin, proposes an increase in the Federal earned income tax credit, a tax-based wage subsidy. Expanding this credit ought to hold great appeal for liberals as well as conservatives. It is far from clear, though, whether advocates of a higher minimum wage are ready to sacrifice means for ends.

According to Sar Levitan, director of George Washington University's Center for Social Policy Studies, the purchasing power of the minimum wage has fallen by a third from its peak two decades ago. In 1968 a full-time worker getting the Federal minimum wage earned 94 percent of the amount needed to support a family of four at the poverty line. Today the minimum wage amounts to barely 60 percent of the poverty line.

There is little disagreement among economists that a higher minimum wage would allow many poor workers to regain ground lost to inflation. But there is also a broad consensus that some young, unskilled workers would be priced out of the market. A research survey directed by Charles Brown, an economist at the University of Michigan, concluded that every 10 percent increase in the minimum wage would reduce the number of jobs for teen-agers by 1 to 3 percent. Nigel Gault and Roger Brinner, writing in Data Resources U.S. Review, estimate that an increase in the minimum wage to $4.65 would cut employment for people 16 to 24 years old by at least 350,000.

One way out of the jobs-vs.-income difficulty is to raise the neediest workers' pay without raising employers' labor costs. Such a wage subsidy is already built into the tax code. In 1987, married workers with children and incomes up to $6,080 a year received a 14 percent earned income tax credit. The credit, moreover, is refundable: workers who file the right Federal form can have the cash added to their paychecks. The benefit phases out gradually, disappearing for families with incomes over $15,000.

Mr. Petri, a member of the labor standards subcommittee, wants to bolster the tax credit and link it to family size, raising the maximum credit to 35 percent of wages up to $2,500 for families with four or more children. For large families with one full-time breadwinner earning the minimum wage, this would increase take-home pay by 82 cents an hour.

A clear advantage, Mr. Petri notes, is that it would have no effect on employment. Perhaps as important, the benefit would focus on those in need. A full-time worker supporting a large family on $6 a hour would gain nothing from an increase in the minimum wage but would receive an extra 58 cents an hour with the expanded tax credit.

On the other hand, a suburban teen-ager who flips burgers after school for gasoline money would get the full benefit of a higher minimum wage but would not be eligible for the tax credit. This is not a small category, by the way: the Congressional Budget Office estimates that in 1985 fewer than 20 percent of minimum-wage workers were members of families living below the poverty line.

The tax credit should please conservatives because it ties Government aid to work, it encourages fathers to support children and it keeps down business costs. It ought to please liberals, too, because it tightens the frayed safety net and it indexes benefits to inflation. Nonetheless, it has proved a difficult concept to sell.

One complicating factor is the Orwellian nature of the deficit reduction law. A study by Data Resources Inc. for the Labor Department concluded that a $4.65 minimum wage would increase welfare costs and interest payments on the national debt, adding $4 billion to the budget deficit. According to the Congressional Budget Office, the expanded tax credit would increase the deficit by half that sum. Unlike minimum wage legislation, however, any change in the tax law would force a formal acknowledgement of the deficit consequences and initiate a search for new revenues or budget cuts.

A more fundamental obstacle lies in the politics of the minimum wage. Organized labor, long frustrated by its inability to push a higher minimum past a hostile White House, is loath to change course when victory is in sight. And without backing from the liberal interest groups, prospects for the expanded tax credit are poor.

[From the New York Times, Apr. 15, 1987]

DON'T RAISE THE MINIMUM WAGE

Democratic legislators are right to search for ways to help the working poor, but wrong to think that raising the minimum wage is one of them. To do that would hurt many low-income workers, something legislators need to grasp before ramming a bill through Congress.

Senator Edward Kennedy and Representative Augustus Hawkins, Democratic chairmen of the Congressional Labor Committees, propose raising the minimum wage in three annual steps to $4.65 an hour, from $3.35 where it has stood since 1981. According to a spokesman, Senator Kennedy considers raising the minimum wage as "something like an anti-poverty program for the working poor without any Federal spending." That last part is especially seductive in a time of budget restraints.

Congress has increasingly been putting more burden on employers, like higher minimum wages or particular health and welfare benefits, as the Federal deficit has made Government financing harder. These requirements amount to a hidden tax. In the case of the minimum wage, the tax is on the jobs of those at the lowest rung. At $3.35 an hour, the minimum wage has lost 27 percent in purchasing power since 1981. A full-time worker at that rate earns less than $7,000 a year. Even at $4.65 an hour, the worker would earn less than $10,000, not even reaching the poverty level.

But the increase would come out of the hides of other working poor people. Employers are bound to circumvent a higher minimum wage in two ways: by evading the law through underground, sub-minimum hiring or by letting workers go. A higher minimum wage would probably price working poor people out of jobs, since they could not demonstrate the productivity necessary to justify the higher wage.

Advocates argue that no one has proved that previous increases in the minimum wage cost jobs. Yet the Administration and many economists argue that a *lower* minimum wage is needed—to create jobs for unemployed young people. The proponents also argue that, even if some jobs are lost from a higher minimum, the overall benefit to the working poor will offset it. That's an argument likely to persuade only those whose jobs are secure.

There are at least two other approaches toward the same goal of helping the working poor, neither with the negative side effects of a higher minimum wage. In the short run, the Government could supplement the wages of working poor families. The vehicle for doing so already exists in the Earned Income Tax Credit, a kind of negative income tax.

Ultimately, the working poor would be helped most by gaining the job training and skills necessary to qualify for higher paying jobs. Senator Kennedy recognizes this, as is evident from his Jobs for Employable Dependent Individuals program for welfare recipients, recently passed by the Senate. But if there is any group that skills enhancement can help, it is the working poor, who already possess the work ethic.

The Government has not been notably successful in job and skills training in the past, but that's no reason to quit trying. Either income subsidies or training would do more for the working poor than raising the minimum wage. Such a raise may sound good; it probably does harm.

[From the New York Times, Jan. 14, 1987]

THE RIGHT MINIMUM WAGE: $0.00

The Federal minimum wage has been frozen at $3.35 an hour for six years. In some states, it now compares unfavorably even with welfare benefits available without working. It's no wonder then that Edward Kennedy, the new chairman of the Senate Labor Committee, is being pressed by organized labor to battle for an increase.

No wonder, but still a mistake. Anyone working in America surely deserves a better living standard than can be managed on $3.35 an hour. But there's a virtual consensus among economists that the minimum wage is an idea whose time has passed. Raising the minimum wage by a substantial amount would price working poor people out of the job market. A far better way to help them would be to subsidize their wages or—better yet—help them acquire the skills needed to earn more on their own.

An increase in the minimum wage to, say, $4.35 would restore the purchasing power of bottom-tier wages. It would also permit a minimum-wage breadwinner to earn almost enough to keep a family of three above the official poverty line. There are catches, however. It would increase employers' incentives to evade the law, expanding the underground economy. More important, it would increase unemployment: Raise the legal minimum price of labor above the productivity of the least skilled workers and fewer will be hired.

If a higher minimum means fewer jobs, why does it remain on the agenda of some liberals? A higher minimum would undoubtedly raise the living standard of the majority of low-wage workers who could keep their jobs. That gain, it is argued, would justify the sacrifice of the minority who became unemployable. The argument isn't convincing. Those at greatest risk from a higher minimum would be young, poor workers, who already face formidable barriers to getting and keeping jobs. Indeed, President Reagan has proposed a lower minimum wage just to improve their chances of finding work.

Perhaps the mistake here is to accept the limited terms of the debate. The working poor obviously deserve a better shake. But it should not surpass our ingenuity or generosity to help some of them without hurting others. Here are two means toward that end:

● *Wage supplements.* Government might subsidize low wages with cash or payments for medical insurance, pensions or Social Security taxes. Alternatively, Washington could enlarge the existing earned income tax credit, a "negative" income tax paying up to $800 a year to working poor families. This would permit better targeting, since minimum-wage workers in affluent families would not be eligible.

- *Training and education.* The alternative to supplementing income for the least skilled workers is to raise their earning power in a free labor market. In the last two decades, dozens of programs to do that have produced mixed results at a very high cost. But the concept isn't necessarily at fault; nurturing the potential of individuals raised in poverty is very difficult. A humane society would learn from its mistakes and keep trying.

The idea of using a minimum wage to overcome poverty is old, honorable—and fundamentally flawed. It's time to put this hoary debate behind us, and find a better way to improve the lives of people who work very hard for very little.

□ 2044

Mr. PETRI. Mr. Speaker, I would like to thank my colleague, as long as we are commending people. I would like to commend him for his superior leadership he has provided not just to the minority but to the entire membership and the committee on which he is ranking Republican.

Mr. GRANDY. Mr. Speaker, in 1938, Congress took an important step by enacting the Fair Labor Standards Act. The minimum wage, established at 25 cents an hour, was a reasonable approach to addressing the needs of workers in 1938.

The action of Congress in 1938, to set minimum standards for American workers, signficantly altered the workplace. In the years since the minimum wage was last raised, the value of the dollar earned by minimum wage worker has fallen. The minimum wage should be raised to compensate for the decline.

However, the responsibility of the Congress does not end with an increase in the minimum wage. I would encourage my colleagues to carefully consider a more effective means of improving the well-being of low-wage earners in need: the earned income tax credit. The reason is simple: targeting. The earned income tax credit, H.R. 4119, is structured to provide benefits based on need. The minimum wage cannot do that. The earned income tax credit would to a long way toward alleviating poverty because it offers benefits directly to those with low incomes and particularly to low-income families with children. The minimum wage is not so targeted. It is an inefficent shotgun approach to a serious problem. Earning the minimum wage is not equal to being in poverty. Obviously, then, raising the minimum wage will not eliminate or even significantly address the poverty issue.

If we are to offer genuine help to individuals and families with low incomes, we ought to look to the earned income tax credit to do it. I want to commend my colleague from Wisconsin for bringing this constructive alternative, H.R. 4119, to the House. I urge my colleagues to join this bipartisan effort renewing our commitment to genuinely contributing to the well-being of the American worker.

At this point, I would like to insert in the RECORD the testimony of Robert D. Reischauer of The Brookings Institute to the Senate Finance Committee on this issue:

TESTIMONY OF ROBERT D. REISCHAUER,[*] THE BROOKINGS INSTITUTION, BEFORE THE SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY OF THE COMMITTEE ON FINANCE, U.S. SENATE, FEBRUARY 23, 1987

During the past few years, a good deal of effort has been directed at making welfare recipients more self-sufficient. Work-welfare initiatives have proliferated; experimental or full-scale programs have been started in 39 states. Some of these programs offer modest job readiness and job search assistance while others are providing comprehensive education and training approaches, supplemented by supportive services such as day care and transportation assistance.

It is still too early to judge whether or not these efforts will markedly increase the number of welfare recipients who are able to work their way off of the welfare rolls. However, our expectations for these programs should be modest, because, in many cases, welfare recipients have little financial incentive to strive for independence.

This lack of incentive does not arise because welfare benefits are so sumptuous. They are not. In no state does the combination of AFDC and food stamps support a family at or above poverty level; in the average state, these programs provide assistance for a family of three that amounts to less than three-quarters of the poverty threshold. Moreover, the adequacy of these benefits has eroded over the past decade. Between 1976 and 1986, the real value of AFDC and food stamp benefits to a family of three with no other income fell by 18 percent in the average state.

Instead, the major reason for the lack of incentive is the low level of income that most AFDC recipients can expect to earn from the jobs that are available to them. Over half of AFDC mothers do not have a high school diploma, close to one-third have no previous work experience, and the vast majority of those who have held a job worked in relatively unskilled occupations. With little education, few skills, and not much in the way of work experience, most recipients can only expect to secure low-wage jobs that offer few fringe benefits—in other words, jobs that do not pay enough to lift a family out of poverty.

The experience of poorly-educated women who are currently working bears this out. In 1985, over half of the working women who lacked high school diplomas held jobs that, on a full-time, full-year basis, did not pay enough to support the median-size AFDC family of three above the poverty threshold. The earnings prospects for AFDC recipients are likely to be even bleaker than those of current workers because AFDC mothers have less in the way of experience and skills than the average current worker and, therefore, can not commend as high a wage.

Low wages is not the only reason why the earnings prospects for welfare recipients are limited. Many may find it difficult to work full-time throughout the year and still fulfill their family responsibilities. Over half of AFDC parents have two or more children to care for; in three-fifths of the families the youngest child is a pre-schooler (under six years of age). The neighborhoods in which many AFDC recipients live lack community facilities that provide constructive outlets for children; some are sufficiently dangerous environments so that a responsible parent may be reluctant to leave her children unsupervised after school. Day care, summer camp, after-school music lessons, the Girl and Boy Scouts, and other activities that middle-class families with working mothers rely on to substitute for parental care are often not available options for the low-income, single, working parent.

The fact that many AFDC mothers may not be able to work full-time throughout the year is not peculiar to this group. While a great deal of attention has been focused on the rising labor force participation rates of women with small children, less attention has been paid to the fact that many of these women limit the number of hours that they work. Two-thirds of married women with children under six worked at some time during 1984. However, a distinct minority of such women—fewer than one in four—worked full-time throughout the year. Some 27 percent worked fewer than 40 weeks during the year and 24 percent held part-time jobs. In total, close to two-thirds of working married women with small children did not work full-time throughout the year.

Unemployment is a third reason why the earnings prospects for AFDC recipients may be limited. Low-wage jobs employing unskilled labor tend to be relatively insecure even in the best of economic times. Many such jobs are in small firms which do not have the financial resources to withstand downturns in demand. Layoffs, therefore, are more frequent. In addition, in some low-wage jobs the workers face the choice of quitting or being fired if they must miss work for more than a few days. These jobs often do not offer paid sick leave or vacations. Once unemployed, the poorly-educated, unskilled worker is likely to have a difficult time finding a new job and may, therefore, remain unemployed for a long period of time. Women who have not completed high school experience three to four times as much unemployment as those who have attended college. The bottom line is that the welfare recipient who does find a job will be more likely than the average worker to experience some unemployment during the year.

If the nation expects the work-welfare initiatives to significantly increase self-sufficiency among welfare recipients, more must be done to ensure that there exist strong financial incentives to work. Those who work must be clearly better off than those who remain dependent. This will require action on three fronts.

First, the overall economy needs to be strengthened. As long as almost 7 percent of the labor force is unemployed and 14 percent of women without high school diplomas are looking for work, welfare mothers are going to have a difficult time competing for the jobs that are available. Much would be gained if the overall unemployment rate could be reduced. This would tighten up the low-skill labor market, making it easier for AFDC mothers to find and keep jobs. A tighter labor market would also push up the wages for low-skill jobs.

In a nation that has had a difficult time maintaining both high employment and low inflation, it is unlikely that we can rely on a healthy economy alone to provide strong financial incentives for welfare recipients to strive for self-sufficiency. A second way to strengthen these incentives is to reduce the barriers that AFDC mothers face when they consider entering the labor force. One impediment is the loss of the health insurance coverage that welfare recipients are provided through the Medicaid program. Many jobs available to an AFDC mother do not provide group health insurance. For example, in 1984 three-quarters of the women working in the service sector were not covered by an employer- or union-provided group health plan. Of women who worked full-time in jobs that paid less than $10,000 per year, 57 percent lacked job-related health insurance; 87 percent of women who worked part-time in such jobs did not have group health coverage. While those who lost their AFDC benefits because their earnings rise are covered by Medicaid for nine months, some may need more time to establish themselves in the labor force and find adequate and affordable health insurance.

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[*] The views expressed in this testimony are those of the author and should not be attributed to the trustees, officers, or other staff members of the Brookings Institution.

Child care is a second impediment that can limit the participation of welfare mothers in the labor force. Several states have initiated work-welfare programs which have emphasized the provision of child care, but more will have to be done if there is to be a substantial increase in employment of welfare mothers. At the federal level, middle- and upper-class working mothers receive benefits through the tax code's child and dependent care credit. However, low-income working mothers have not received much help from this provision because few can afford paid child care and because the credit is limited and non-refundable. In 1983, less than one percent of the tax credit's benefits went to families with incomes below $10,000.

Under the provision of the Tax Reform Act of 1986, families with incomes below roughly 110 percent of the poverty threshold will not be eligible for this credit because they will have no tax liabilities and the credit is not refundable. If the fraction of eligible child care expenditures were raised from 30 to 50 percent for those in the lowest income bracket and the credit were made refundable, AFDC mothers contemplating work could be helped with their child care expenses in a simply and non-intrusive way.

The third front on which action is needed to increase the work incentives for welfare recipients is wage policy. In high-benefit states, the earnings from a low-wage job may not be much more than the assistance that is offered by welfare. Few of these jobs are likely to keep a family from being poor. The earnings for a full-time, full-year minimum wage job are not enough to keep a mother with one child out of poverty. A mother with three children would have to earn more than $5.25 per hour to keep her family from being poor.

The ideal way to increase the earnings potential of AFDC mothers is to raise their productivity through increased education, training and work experience. Some of the state work-welfare initiative take this approach. However, such policies take time, have proven difficult to do well, and often are not realistic for adults who are not highly motivated.

While awaiting the results of education and training programs, more direct steps can be taken to boost the earnings of these workers. One option is an hourly wage subsidy like that which Robert I. Lerman of Brandeis University has proposed.[1] Another is an expansion of the existing Earned Income Tax Credit (EITC). There are two advantages of relying on the EITC: first, it does not require the creation of a new and complex program structure; second, it offers a practical method of adjusting the earnings of low-income workers to reflect differences in family financial responsibilities.

When the modifications of the Tax Reform Act of 1986 are fully implemented in 1988, the EITC will provide families with dependent children a 14 percent credit on their earnings up to $6,210.[2] (See pages A-2 to A-11 for a description of the current EITC.) The maximum credit of $869 will be reduced by $0.10 for every dollar of income the family has over $9,780. Thus, families will receive a credit until their incomes exceed $18,470. If the credit is larger than the family's tax liability, the excess will be refunded to the taxpayer.

In effect, the EITC is an earnings supplement for very low-income families with children because such families do not have tax liabilities under the Tax Reform Act of 1986 and, therefore, will receive their EITC as a refund. It will be a strong inducement to those holding low-wage, part-time jobs—the kind of jobs that many AFDC mothers may find most readily available. For example, an AFDC mother who takes a $4.00 per hour job will receive from the EITC an extra $0.56 per hour for each hour that she works up to 1,552 hours a year; this is roughly three-quarters time.

However, as currently structured, the assistance provided by the EITC is smaller relative to the income needs of large families than it is for small families. This is the case because the credit does not vary by family size although the amount needed to keep a family out of poverty rises as family size increases. Thus, a single mother with one child who earns just enough to reach the poverty threshold will get an EITC credit of $869 in 1988, while a mother of four who earns just enough to bring her family's income up to the poverty line will get a credit of less than half that amount. For larger families with poverty-level earnings, the EITC does not even offset the social security taxes the worker must pay (see pages A-4 to A-7).

If the EITC were modified to provide larger credits for families with greater needs, these inequities would be reduced, the tax system would be more effective at reducing poverty among the working population, and the welfare-dependent population would have a stronger incentive to enter the labor force. A number of the study commissions and task forces which have examined the shortcomings of the current welfare system have reported a family size adjustment to the EITC (see page A-1).

One straightforward method of adjusting the EITC by family size would be to increase the credit rate according to the number of dependent children in the family. The current rate of 14 percent could be maintained for families with one child, and four percentage points could be added for each additional child. Thus, a family with two children would receive a credit of 18 percent; a family with three children a credit of 22 percent; and a family of four or more children a credit of 26 percent (see pages A-12 to A-21 for a description of this alternative).

This modification would add roughly $250 per child to the maximum credit that a family could receive. It would ensure that, for virtually all, the EITC would offset the social security taxes that poor families with children were required to pay. It would also substantially increase the likelihood that a welfare mother with several children could earn enough from a wage, supplemented by the EITC, to leave the welfare system.

In an efficient market economy such as ours, workers are paid according to their productivity, not according to the numbers of mouths they must feed. For those with positive tax liabilities, we rely on the personal exemption provision in the tax code to ensure that large families have more disposable income than small families with equal pre-tax incomes. In 1988, this exemption will be worth $292.50 per child for most families. A family with two children will pay $292.50 less in federal taxes and, therefore, have that much more income to spend on food, clothing, and other necessities than the family who earns the same income but has only one child. By adjusting the EITC by family size, this same principle can be extended to working parents who do not earn enough to owe federal income taxes.

Such a reform would help the millions of working poor in this nation. It would also provide a greater incentive for welfare recipients to work. When combined with strong economic growth and a reduction in the employment barriers facing welfare recipients, an enhanced EITC could help ensure that the nation's effort to substitute work for welfare succeeds.

RECENT SUPPORT FOR VARYING THE EITC BY FAMILY SIZE

"We also recommend that the EITC be amended to increase credits for larger numbers of children."—"One Child in Four," The American Public Welfare Association, 1986.

"We should go beyond the assistance provided to the working poor in the Tax Reform Act of 1986. We should provide further tax relief to the working poor by varying the Earned Income Tax Credit by family size and by assuring that the ratio of the tax threshold to median family income be at least kept constant over time."—"Ladders Out Of Poverty," The Project on the Welfare of Families, 1986. (Bruce Babbitt and Arthur Fleming, Co-chairs).

"We also propose that the EITC vary by family size. Under the new tax law, the maximum credit a family can claim is raised to $800 by 1988 and would be phased out for workes earnings between $9,000 and $17,000. While this is an important step, it does not respond adequately to the needs of working poor families, especially large families.

Varying the EITC by family size would approximate a children's allowance for low-income families. Every industrialized country except the United States recognizes the importance of children through some sort of universal child allowance. Using the Earned Income Tax Credit to increase the earned income available to working-poor and near-poor families will bolster the efforts by parents to support their children through work."—"A New Social Contract," Task Force on Poverty and Welfare, State of New York, 1986. (Submitted to Governor Mario M. Cuomo).

"The EITC could be modified by introducing a "per child" factor. For example, if an eligible family has three children, the amount of income on which they could earn the credit would increase accordingly."—"The Family: Preserving America's Future," White House Working Group on the Family, 1986.

Mr. MICHEL. Mr. Speaker, I commend the gentleman from Wisconsin [Mr. PETRI] for taking out this special order so that we can discuss more fully his proposal on the earned income tax credit.

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[1] Robert I. Lerman, "Separating Income Support from Income Supplementation", The Journal: The Institute for Socioeconomic Studies, Volume X, No. 3, Autumn 1985.

[2] All of the figures for 1988 are estimates based on assumed rates of inflation.

It is appropriate that this proposal be discussed in connection with the minimum wage legislation, because if the goal of such legislation is to help the poor, an increase in the earned income tax credit would do a much better job of it than simply to increase the minimum wage.

Virtually every analysis, from whatever source, admits that a significant increase in the minimum wage of the amount being proposed would cost jobs, somewhere between 100,000 and 900,000. These would be jobs taken away from the poor in many cases. So you would be increasing the income of some at the expense of jobs for others. An increase in the earned income tax credit, however, would increase the income of low income families without costing jobs.

It is also important to note that an increase in the minimum wage would not assist those low income families with large numbers of family members who may be earning slightly more than the proposed minimum, but still not enough to support their families. The earned income tax proposal, adequately on the other hand, would actually increase the income level of such families, by upwards of $2,500 annually.

This is a proposal that should be considered as part of the minimum wage proposal, because it is the only effective way we can truly assist the working poor. It would also be an important incentive under welfare reform to help move people off the welfare rolls and into the workforce. I have asked the Rules Committee to make the Petri proposal in order in connection with the minimum wage bill, and I hope it will do so.

I would ask at this point to include a letter we received from the Office of Management and Budget providing cost estimates of the Petri proposal.

Office of Management and Budget,
Washington, DC, April 18, 1988.

Hon. Robert H. Michel,
Republican Leader, House of Representatives, Washington, DC.

Dear Mr. Leader: This is in response to your letter of March 14th in which you asked for an estimate of the cost to the Federal Government of raising the minimum wage over four years to $5.05 an hour, as approved by the House Education and Labor Committee. As you thought, there are certain programs whose expenses would be directly affected by an increase in the minimum wage. The Federal budget would definitely not be insulated from this increase.

A conservative estimate puts the direct effect on the annual budget deficit at about $2½ billion by 1992, when the final stage of the proposed increase in the minimum wage is in place. This consists of a direct increase in outlays of $1.0 billion, and a loss of $1.4 billion in tax receipts because fewer young and unskilled workers will be employed. The total budget costs are likely to be several times larger than the direct budget costs when the indirect (ripple) effects on the economy of the higher minimum wage are taken into account.

We have identified five areas where outlays would be directly affected by a higher minimum age: the Summer Youth Employment and Training Program, the College-Work Study Program, Community Service Employment for Older Americans, unemployment insurance benefits, and DOD payments to employees paid out of receipts from business transacted at post exchanges and the like. The combined increase in annual outlays for these areas is about $1 billion by 1992.

A higher minimum wage would also have direct effects on the revenue side of the budget. The most serious consequence of a higher minimum wage would be to hold down employment of young and inexperienced workers. We estimate that by 1992, when the proposed legislation takes full effect, employment for workers aged 16 to 24 would be lower by roughly 850,000 jobs. These lost jobs will raise the already high teenage unemployment by about 3 percentage points, reversing the gains of the last six years. They represent lost wages and lost opportunities for young workers. Lost wages also mean lost Federal revenues. The decline in annual Federal income and payroll tax receipts because of this lost income equals $1.4 billion in 1992.

In addition to the above direct effects, there are potentially large indirect (ripple) effects that could widen the budget deficit further. Workers who earn more than the minimum wage may seek wage increases to restore, at least partially, the differential they previously enjoyed relative to minimum wage workers. These second-round wage increases could lead to increases in inflation, especially if no action is taken by the monetary authorities to offset it. Higher inflation will raise the costs of entitlement programs. In the case of Medicare and Medicaid, a higher minimum wage would raise annual program costs by an estimated $3/4 billion by 1992. Procurement expenses are likely to rise as well. The procurement budget is $200 billion, so even minor increases in average prices have significant budgetary consequences. For example, if the proposed increase in the minimum wage raises the average price of goods purchased by the Federal Government by as little as 0.5 percent, it would raise procurement costs by $1 billion.

If the monetary authorities resist the inflationary pressures, output and employment will be reduced beyond the direct effects of the increase in minimum wage. This would lead to further increases in the deficit. A number of estimates have been made of these budget effects using major macroeconomic models of the economy. Depending on the wage-price interactions and the specific response of the Federal Reserve to the potential inflationary pressures, the budget deficit increase is in the range of $4 to $9 billion by 1992.

In summary, the proposed minimum wage legislation is likely to raise the budget deficit by at least $2½ billion. The total direct and indirect effects on the budget could be two to four times higher.

Sincerely yours,

James C. Miller III,
Director.

Mr. HOUGHTON. Mr. Speaker, the "tinkerers" are at it again—this time here on the Hill with the Federal minimum wage.

In the House, several options are being marketed: One such option is to hike the minimum wage four steps from the present $3.35 rate to $5.05 per hour by 1991. Another option would push the rate to $4 by 1990, still another would go to $4.35. In a similar vein, some suggest increasing the earned income tax credit for full-time, minimum wage workers with families.

I believe that our minimum wage could stand an increase. After all, nothing has been done since 1981. But the big question is how much. Clearly, the cost of living has outpaced this static figure. As a result, the "purchasing power" of the 4.7 million minimum wage earners—which is less than 5 percent of the workforce—is considerably less than it was 7 years ago. In fact I've found the attitude among some to be, "Why work for a living when you can make more on welfare?" Obviously, putting more money into the pockets of those struggling under or around the poverty line helps those who are barely making it from going over the edge.

Many of the owners of smaller businesses in my district—the southern tier of New York State—have told me in the last few months that a large increase could cripple their operations—and along with this, hurt a lot of jobs in our area. And the argument goes, what good is a higher wage if the jobs don't exist? So, I've been asking is it possible to straddle both needs—increase the minimum wage to help those living below the poverty level without shocking our businesses and forcing layoffs? I think it is. But the balance between what to do to help those in need and what it takes to provide jobs is very delicate. Our thrust here then must be sensitive to the human lives involved, yet appropriate to maintain this economy's uneasy balance.

How do we do this? First, I believe we can increase the wage in smaller, more sustainable steps to give our smaller businesses at least the room to adjust. Then—if our prime aim is to help the neediest—why not nudge up the existing earned income tax credit for low-income workers who support families? This acts as a progressive wage supplement for the low-income worker and encourages people to work while taking the total burden of an increase from the shoulders of business, and ultimately, the consumer.

Let me explain what I mean. The tax credit works this way: If a full-time worker who maintains a home with one or more children earns $5,700 in wages, under the present law he or she is entitled to an $800 cash refund from the government—even if he or she doesn't even owe any taxes. This is done on a sliding scale. The more a family earner makes, the less he receives as a refund. Now, under the new proposal, a person with one child might earn as much as $7,100 a year and get an even higher refund—maybe in the range of $1,000.

What this plan would do is link the amount a family worker receives to the number of dependents in his or her household. For example, a working mother of four might receive a $2,500 refund—the new refund ceiling. The present ceiling is around $800. The trouble, of course, with this approach, is that it costs the Government money—about $1.5 billion more a year, according to the Congressional Budget Office. But that cost would, I assume, be at least partially offset by a drop in the welfare population. That's important, too.

Now this can get awfully confusing, but in the last analysis, I have to believe that such a tax credit change would put money where it is needed the most. Census data tells us that about one-third of those earning the minimum wage are full-time workers. Of that number, fewer than 25 percent are heads of households. We're talking about a relatively small, targeted group—yet a group which must depend on minimum wage jobs to survive, and to avoid welfare.

So if we really want to get at the problem of poverty in this country, let's do it and do it regularly—not wrench the minimum wage ahead so abruptly that it destroys the chances of those it intends to help. If Congress wants to help the needy, a knee-jerk reaction isn't the answer. As with anything of such magnitude, it requires care and a very special sense of balance.

Mr. BALLENGER. Mr. Speaker, I appreciate the opportunity tonight to rise and speak in favor of H.R. 4119, the Jobs Enhancement for Families Act, authored by the distinguished gentleman from Wisconsin, Representative PETRI.

I joined Mr. PETRI as an original cosponsor of H.R. 4119. I did so because I am convinced that this proposal is the proper way to address the problems of the working poor, as opposed to raising the minimum wage to $5.05 per hour over 4 years.

If Congress wants to raise the price of a Big Mac and put a lot of teenagers out of work, the best way to do that is to increase the minimum wage.

However, if you want to aid the working poor—those who need and deserve a helping hand—the most sensible solution is H.R. 4119.

H.R. 4119 has a goal identical to increasing the minimum wage: it would provide direct financial assistance to workers at the bottom rung of the economic ladder. And, it would accomplish that goal without throwing thousands out of work or endangering the competitiveness of our Nation.

H.R. 4119 would increase after-tax earnings, the take-home pay that buys groceries and clothes, by revamping and expanding the provision of the U.S tax code called the "earned income tax credit."

This innovative approach does more than pay lip service to solving the problems of the working poor. It targets the assistance to those who really need it, without putting their jobs at risk.

I would like to make a part of the record, a recent editorial I wrote on the Petri proposal, entitled "A Better Way to Help the Working Poor."

I urge all my colleagues to break out of the mindset that exists regarding the minimum wage. Increasing the minimum wage is not a panacea. Numerous studies clearly demonstrate that raising the minimum wage throws the lower skilled and unskilled employee out of work. However, no study illustrates this point as well as a letter I received on May 2 of this year from a mother in my district. My constituent has a retarded son, who is employed and is self-supporting. She fears, however, that as the minimum wage is raised, her son will be among those who will lose their job. I would like to include her letter as part of my statement.

Expanding and reshaping the earned income tax credit provides us with a credible, workable and better alternative. I urge my colleagues to support it.

I would also like to include information on the effect of mininum wage increases on nursing home costs.

MRS. SAMUEL JAMES BROWN, Jr.,
Gastonia, NC, April 25, 1988.

Hon. CASS BALLENGER,
House of Representatives, Washington, DC.

DEAR MR. BALLENGER, My son is retarded but he works every day and he is self supporting. He works for a janitorial service and his pay is probably little more than the present minimum wage. Rodney's work production is not worth more than that and if the federal government keeps raising the minimum wage, employers will keep cutting back on their employees and demanding more production—and better producers. There won't be any jobs for the Rodneys or the untrained school kids. Please vote against raising the minimum wage.

Yours truly,
RUTH BROWN.

[From The Charlotte Observer, Apr. 16, 1988]

A BETTER WAY TO HELP THE WORKING POOR.

(By U.S. Rep. Cass Ballenger)

WASHINGTON.—If Congress wants to raise the price of a Big Mac and put a lot of teenagers out of work, the best way to do that is to increase the minimum wage.

If it wants to aid the working poor—those who need and deserve a helping hand—the most sensible solution is one offered by Congresseman Tom Petri, R.-Wisc.

Congressman Petri's proposal has a goal identical to increasing the minimum wage: It would provide direct financial assistance to workers at the bottom rung of the income ladder. And it would accomplish that goal without a harmful impact on American competitiveness.

Unfortunately, it now appears unlikely that Congress will have a chance to debate the merits of these two quite different proposals.

Instead, it will probably have only the option of voting for or against a bill drafted by Congressman Augustus Hawkins, D.-Calif., which would increase the minimum wage from $3.35 to $5.05 an hour by 1992.

Congress last amended the Fair Labor Standards Act in 1977, raising the federal minimun wage more than 46% over a four-year period. The last 25-cent increase went into effect in 1982.

Those who favor the current proposed increase argue that raising the minimum wage benefits low-paid, unskilled and entry-level workers. They would reduce poverty by simply paying a higher base wage.

Does that make sense? Well, at first blush it certainly sounds reasonable.

But if the solution to poverty is that simple, why stop at a $5.05 minimum wage? Let's raise it to $20 an hour and guarantee every entry level, low-skilled worker $40,000 a year.

Ridiculous? Of course, but the principle is the same.

MINIMUM WAGE HIKE'S COST

The fact is that increasing the minimum wage has its costs. It is estimated, for example, that the 1977 action by Congress resulted in:

The direct loss of 644,000 jobs. These were marginal jobs eliminated by employers in an effort to hold the line on overall labor costs.

Unmeasured "disemployment." This means that many jobs were not created because they could not be justified under the higher minimum wage.

Inflation: as much as a 6.5% increase in the rate of inflation over a four-year period.

If a minimum wage increase puts more people out of work, reduces the number of new jobs and causes the cost of products and services to increase, who benefits?

A study published in American Economic Review states:

"There is practically no evidence that minimum wage rate provisions increase the earnings or improve the poverty position of the least educated . . . Thus the minimum wage policy appears to be a poor policy with effects that often have been misunderstood or misrepresented."

The Minimum Wage Study Commission, established by Congress in 1977, noted that nine out of 10 U.S. families are worse off when the minimum wage is increased.

These are views not only embraced by a conservative, business-oriented congressman from North Carolina. They also reflect the editorial position of the New York Times, which often represents the opinion of somewhat more liberal thinkers.

Congressman Petri's bill, called the Job Enhancement for Families Act (House Resolution 4119), attacks the root problem of the working poor. It increases after-tax earnings, the take-home pay that buys groceries and clothes.

His bill would revamp and expand a provision of the U.S tax code called the "earned income tax credit." This is also known as the "negative income tax."

Here's how it works:

A family with one child that earns, say, $8,000 a year would normally pay income taxes of just over $1,000. Under the Petri plan, this family would be entitled to a tax credit of $1,500, or an amount in excess of their taxes. This family's tax obligation would be reduced to zero. Each week, that family would have an extra $90-plus a month to pay for essentials of everyday living.

The tax credit would be phased out between incomes of $8,000 and $18,000 a year. Those who need help the most would get the most help.

Thus Congressman Petri's proposal would accomplish the stated goal of those who advocate an increase in the minimum wage—without putting jobs at risk or threatening U.S. business competitiveness.

PETRI PLAN PAYS OFF

The estimated direct cost of this plan to the federal government, in terms of lost tax revenue, is put at between $1.5 billion and $2 billion a year.

But there are also savings. The tax credit would be considered income in calculating welfare benefits, including Aid to Families with Dependent Children (AFDC). With the federal share of AFDC, food stamps and Medicare costs now costing some $50 billion a year, only 3 to 4% of that figure would have to be saved to pay the entire cost of the Petri proposal.

The direct loss of revenue under the Petri plan has the further advantage of forcing Congress to face up to its pledge to balance benefits and costs under Gramm-Rudman-Hollings guidelines. That's tough medicine, but it's far more responsible than a minimum wage increase whose greater—and more far-reaching—impact is cleverly hidden in nearly every segment of the economy.

It will come as no surprise that I intend to vote against an increase in the minimum wage. I will do so because it would hurt the people it is supposed to help, not to mention those who would suffer by its concealed inflationary affect.

But there is an alternative that would truly help the working poor, without creating a new spiral of inflation and putting young fast-food workers out of work.

During the coming weeks I will urge my colleagues in Washington to consider joining in support of Congressman Petri's proposal. It deserves the thoughtful and serious consideration that it probably won't get.

Mr. DEWINE. Mr. Speaker, I would like to express my support for legislation, introduced by Congressman TOM PETRI of Wisconsin, that would help working low-income families. The Job Enhancement For Families Act would increase the earned income tax credit for low-income people to encourage them to support their families through work rather than through welfare.

I have written an article, which has been published in the Marysville Journal-Tribune of Marysville, OH and the Circleville Herald of Circleville, OH, that outlines my support for this legislation. I submit the article for inclusion in today's RECORD:

[From the Circleville Herald, Mar. 30, 1988]

MIKE DEWINE—WASHINGTON REPORT

Most of us would agree that helping people on welfare find and keep useful jobs is the best way to cut poverty and reduce welfare costs.

But in some cases, low-income families make more money on welfare than they make on the job. Some find that their skills do not enable them to earn as much as they could receive on welfare. Others remain caught in a welfare trap, facing financial penalties for trying to escape.

These situations discourage many low-income people from entering the work force. As a society, we need to take steps to improve the economic incentives for America's working poor and for those who are trying to get off welfare.

The Job Enhancement For Families Act, introduced by Congressman Tom Petri of Wisconsin, would go a long way to help working low-income families. This legislation would increase and reform the Earned Income Tax Credit (EITC), which is a wage supplement for workers who are trying to support families on low incomes.

Under current law, the EITC is a tax credit of 14 percent of the first $5,714 earned by an eligible person who maintains a home for one or more children. Those who earn under $17,000 are eligible for the credit, and the maximum credit is $800.

The Job Enhancement For Families Act would increase the tax credit based on need which would be determined by family size. This legislation would increase the tax credit for each additional child, up to a maximum of $2,500 for a family with four or more children.

According to the Institute for Research on the Economics of Taxation, expanding the Earned Income Tax Credit for the working poor "encourages job creation, helps those workers most who need the most help, and reduces government spending."

This legislation would help low-income people support their families by working rather than through welfare. I believe it's better to supplement the wages of workers than it is to have these same people drop out of the work force so they can receive more money through welfare programs.

I believe this legislation would benefit low-income families, taxpayers, and the economy.

[From the Marysville Journal-Tribune, Apr. 1, 1988]

HELPING THE WORKING POOR

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Mr. GREEN. Mr. Speaker, I should like to thank my colleague from Wisconsin [Mr. PETRI], for his leadership in sponsoring this special order on the minimum wage and the earned income tax credit. As Members of Congress review the current minimum wage legislation (H.R. 1834), I believe we must carefully evaluate the economic and social costs of such a proposal.

At great risk of inflation, we have devalued our currency in order to increase our competitiveness internationally. Thus far it has been effective, but we must not ignore the serious inflationary pressures this Nation continues to face. To undermine those efforts by a 50-percent upthrust in our wage structure is lunatic, yet that is what the minimum wage bill would do, since its wage increases would quickly be followed by like percentage increases in higher parts of the wage structure to maintain skill differentials. Clearly a worker's wage is valued not only for its purchasing power, but also for the relative status it implies.

Another extremely important issue relevant to debates on the mimimum wage is the relationship between that wage and the poverty level. Study after study shows that only a very low percentage of workers at or immediately above the minimum wage are from poverty households. Economists at the Congressional Budget Office have estimated that among those paid $3.35 in March 1985, only 18.5 percent were in families below the poverty level.

In fact, the minimum wage is plainly for most an introductory wage for teenagers and part timers. In March 1985, teenagers held almost one-third of all jobs paying the minimum wage. According to 1984 wage data, only 18 percent of minimum wage earners reported having worked full time, year-round, as compared with 59 percent of the workers with wage rates above the minimum.

For numerous reasons, raising the minimum wage would not be the best way to aid the working poor. Too many workers would lose their jobs or lose job opportunities. While estimates vary, several studies have concluded that if the minimum wage is increased from $3.35 to $5.05 over 4 years as proposed by H.R. 1834, as many as 500,000 jobs may be lost. This legislation would also add an estimated 0.2 to 0.3 percentage points to the annual inflation rate. For the less than 20 percent of the mimimum wage earners who are in poverty households, let us assist them without destroying the whole economy.

Instead of following a foolhardy and inflationary approach, let us provide targeted assistance to that population. A restructuring of the existing earned income tax credit [EITC] is the ideal solution, and a lot less expensive overall. An expanded EITC, which would provide a direct wage supplement based on family size, clearly offers a mechanism for putting more money into the pockets of low-wage workers. EITC could be estimated in advance and added to the recipient's regular paycheck. In expressing support of EITC, a New York Times editorial noted, "Congress owes the working poor well-designed help, not a well-intentioned illusion" like an increased minimum wage. I urge my distinguished colleagues in Congress to support Mr. PETRI's EITC proposal as an effective alternative to an increase in the minimum wage.

I believe my colleagues would be interested in seeing some articles on this issue.

I include these articles to be inserted in the RECORD at this point.

[From the New York Times, Apr. 12, 1988]

MINIMUM WAGE: A PERVERSE POLICY

(By John Raisian and George J. Stigler)

PALO ALTO, CALIF.—Congress appears ready to approve an increase in the Federal minimum wage, a perverse policy that hurts the low-income families it seeks to help. A bill calling for a $5.05 minimum recently passed the House Education and Labor Committee, and a similar bill calling for $4.65 is pending in the Senate Labor Committee.

Adding to the momentum, 54 economists wrote a letter to Congress in support of increasing the minimum wage from the current $3.35 an hour to $4.65, and thereafter pegging the minimum to one-half of the average hourly wage for nonsupervisory workers. Congress and the public should not assume, however, that this letter puts forth the majority view among economists.

In fact, the contention of the 54 that a higher minimum wage would not raise the unemployment rate appreciably is at odds with the opinion of the overwhelming majority of economists, who were surveyed on this question in the May 1979 issue of the American Economic Review. Moreover, the 54 fail to consider the potential effect on employment.

In addition to layoffs, the reduction in employment would take the form of unfilled vacancies, job elimination and substitution of part-time for full-time jobs. Since the unemployment rate does not include either workers who drop out of the labor force or jobs that employers decide not to fill the actual effects of a higher minimum wage on employment are not fully measured. Hence, a higher minimum wage could lower total employment significantly, even though the unemployment rate might not rise dramatically.

The 54 economists see the minimum wage as "a social contract to protect the standard of living of the working poor." Yet a social contract that eliminates one's job would seem to injure, not protect, that person's standard of living. Again, they state that "a worker paid at the present minimum wage of $3.35 per hour earns $6,700 on a full time year round job . . . an annual income more than $1,900 below the official poverty threshold for a family of three." This statement seems to imply that such a situation is typical for a minimum-wage worker. It is not.

Indeed, it is illuminating to review the characteristics and circumstances of a worker earning a wage that is at or below $3.35 an hour. As of the mid-1980's, there were approximately 5 million such workers, representing less than 5 percent of total employment.

About these 5 million, census figures tell us the following: 58 percent were between the ages of 16 and 24; 76 percent were not the heads of a household; 65 percent were part-time workers; 81 percent were in families with income above the Federal poverty line; 70 percent were in families that had one or more other workers; and, most significant, only 2.3 percent were both full-time, full-year workers and in families below the Federal poverty line. Thus, the typical minimum wage worker is young, not the head of a household, working part-time and not in poverty.

For the sake of the affected workers, Congress should oppose the minimum wage initiative. Low incomes should be combatted by policies that raise the productivity of poorly paid workers, not by overpricing the workers' services to employers.

[From the Atlanta Daily World, Oct. 8, 1987]

Study Says Minimum Wage Increase Tied to Poverty

An analysis of the minimum wage and the rate of poverty in America shows a strong correlation between minimum wage increases and increases in poverty.

According to Professor James Bennett of George Mason University, increasing the minimum wage by $1.00 would increase the rate of poverty by 1.56 percent.

Congress is presently considering legislation which would increase the minimum wage by $1.35 to $4.65 an hour over the next three years and index it thereafter to 50% of the average hourly wage.

Testimony supporting the legislation has relied heavily on the fact that a single wage earner earning the minimum wage does not earn enough to support a family above the federally established poverty level.

The new analysis was requested by the Public Service Research Council when recently released poverty figures showed that poverty declined during years in which the minimum wage was not increased and increased when it was increased.

In a letter to Senator Ted Kennedy (D-MA), the author of the legislation to increase the minimum wage, David Denholm, the President of the Public Service Research Council, said that while the relationship between increased minimum wages and increased poverty was clear, the reason for it was not. Denholm suggested that the cost of goods and services upon which low income families depend may be more sensitive to minimum wage increases than others. He cited a study which showed that a 20 percent increase in the minimum wage only increased the income of the lowest income families by .02 percent and concluded that the consequences of a minimum wage increase for America's poor will be negative.

The Public Service Research Council, which opposes the minimum wage increase proposal, contends that it is being pushed by organized labor to "use the power of government to protect itself from the consequences of its labor cartel activity by reducing competition from low wage earners."

The Public Service Research Council is a national citizens' organization concerned with the influence of unions on public policy and is the sponsor of Americans Against Union Control of Government.

[From the Dallas Times Herald, Nov. 22, 1987]

Raising Minimum Wage Helps Poor Very Little, Professor Argues

(By John Cunniff)

New York.—The professor offered many reasons why the minimum wage shouldn't be raised precipitously, but one of them sounded particularly ironic. Such increases, he said, seldom help those who need the money.

"Impossible," said a listener. "Isn't it obvious that those lowest on the pay scale are most in need of more money?"

Probably, he said, but the minimum wage usually doesn't go to the minimum-income households. In fact, he said, it seldom goes to them. Most of the money, he contended, ends up in the pockets of families with above-average incomes.

"The minimum wage is earned primarily by secondary earners' from above-median income families," he stated firmly. Then he dropped this bomb:

"In the retail industry, a major employer of lower-wage workers, 70 percent of the recipients come from families with incomes more than 200 percent above the threshold poverty level."

Professor William C. Dunkelberg, economist and dean of Temple University's School of Business and Management, has a penchant for puncturing popular assumptions, and this is one of his pets.

According to his estimates, low-income workers account for little more than 10 percent of all workers earning the minimum wage. Thus, he argues, a higher minimum wage cannot effectively redistribute income to the poor.

A second defense of proposed minimum wage increases—to $3.85 an hour to $4.25 to $4.65 over the next three years—is that the cost is small. No way, says Dunkelberg.

Conservatively, he said, such increases would result in a loss of $9 billion or $10 billion from the gross national product by 1990, an increase in the inflation rate of 0.2 percent to 0.3 percent, and an increase in the jobless rate.

While he conceded that in percentage terms any increase might be small, it might not be in actual numbers, since any increase at all in the jobless rate applies to a base of 110 million workers.

And who, he asked, do you think gets hurt by those "slightly" higher jobless rates? "Not us," he said, to his listener.

Who, then? "Just those with few skills, poor educations, unlucky draws in the genetic lottery and young people," he answered. And for most of these people, "the loss of jobs and job opportunities becomes critical."

Such increases also would hurt small businesses, often considered the primary creator of jobs. He was asked how, and among the reasons he offered, this one stood out:

"Small firms often are started with under $20,000 in capital. An increase of $1 in the minimum wage for such a firm with two minimum wage employees would wipe out 20 percent or more of the capital of half the new small firms starting in any given year."

In response to a higher minimum wage, many such companies would eliminate entry-level jobs.

Mr. KOLBE. Mr. Speaker, I commend my colleague from Wisconsin for taking this time to discuss a vitally important issue that will come before the House in the next several weeks. I am referring to efforts to increase the Federal minimun wage from $3.35 to $5.05 over the next 4 years. As I am sure that all my colleagues are aware, this is an extremely emotional issue. I would like to take time now to look at some of the facts surrounding this issue.

Supporters of increasing the minimum wage argue this increase on two grounds. First, that the purchasing power of the $3.35 wage has shrunk considerably since 1981 and thus should be increased to cover inflation. Second, that increasing the minimum wage will help people pull themselves out of poverty. These conclusions run contrary to all of the evidence.

There is no doubt that the minimum wage has lost purchasing power. In constant 1967 dollars, the minimum wage ranged from $1.25 to $1.40 an hour during the 1960's and 1970's it is now worth about a dollar. During that period, the minimum wage represented about 50 percent of average wages in the private sector. It has dropped to 38 percent. This is the scale used in H.R. 1834, the Kennedy-Hawkins proposal. In addition, the full-time, full-year earnings of an employee at minimum wage were only 80 percent of the Federal poverty level for a family of three. In a sense, the minimum wage has been partially repealed already. One might jump to the conclusion that our workforce is not keeping pace with the economy.

Let's look at the other side of these facts before any rash decisions are made to increase the minimum wage. Of a workforce of over 115 million, 4.7 million earn the minimum wage or less. That represents a decline of 40 percent since 1981 in the numbers of workers at minimum wage. Of these workers, only 14 percent are head of households. This could simply be construed to be an indiciation of a shrinking job market, but this is not the case. Since 1982, over 15 million jobs have been created. During this time, wage and salary jobs averaging $10 or more per hour have increased by 15.6 million while jobs paying less than $4 an hour have declined by 6.8 million, or more than 25 percent. This is a very clear indicator that our economy is growing at a steady rate, and our job growth is in full-time, well paying jobs.

This is the cold statistical analysis of the situation. All to often, Congress gets wrapped up in the numerical argument and fails to consider the human impact of policy and procedure. When we look at the human impact, it becomes all too clear the supporters of the minimum wage have gotten stuck on one side of the numerical, calculated approach to the poverty problem. This at the expense of the thousands of people who will lose their jobs or not find job openings available to them. For the sake of compassion, Congress should not enact legislation that would actually increase the number of people on poverty just as the last increase did.

Raising the minimum wage would dramatically worsen the plight of those at or near the poverty level. Syndicated columnist, James J. Kilpatrick, starkly illustrated the very real impact of increasing the minimum wage. He described the impossible situation facing both a small restaurateur and a hopeful job seeker. Due to the obvious increase in labor costs that the minimum wage would cause, the restaurateur would be unable to hire the additional help that he needs and may, in fact, have to let an employee or two go. At this point, I would like to include in the RECORD a copy of Mr. Kilpatrick's column.

Increasing the minimum wage is no way to improve the condition of the poor. The history of the minimum wage shows that it destroys the jobs and job opportunities of poorly trained workers—inner city teenagers, the semiliterate. It's particularly hard on such workers who must provide primary support for their families. According to several estimates, the Kennedy-Hawkins bill would close the job market to 300,000 to 750,000 people. These job losses would be concentrated on the economically disadvantaged.

I agree that something must be done to increase the income of the working poor. Increasing the minimum wage for some, while costing the jobs of 600,000 to 800,000 others is clearly not the way to pull people out of poverty. My colleague and friend, Mr. PETRI, has suggested a very workable solution to this problem. His proposal would expand the earned income tax credit [EITC] in lieu of increasing the minimum wage.

The EITC is a refundable tax credit of 14 percent of the first $5.714 earned by an eligible person who maintains a home for one or more children. Currently, the maximum credit is $800, an is phased out according to increased earnings. The EITC can be restructured easily to provide benefits to households with children. This could be very useful in reforming the welfare system to get resources to directly address the needs of the family.

Mr. PETRI'S Job Enhancement for Families Act would supplement low wages according to need as determined by family size. The current EITC provides the framework necessary to do this. While increasing the minimum wage would destroy jobs, adjusting the EITC would help to create jobs in addition to help those families that need it the most. In addition, it would help to decrease Federal spending by helping people get off of many social welfare services. While it would cost the Federal Government $1.5 billion in lost revenue, some of this would be offset by increased personal revenues as workers move up the ladder. In comparison with increasing the minimum wage, which could cost the Federal Government as much as $7 billion in additional services, this is very reasonable.

Once again, I would like to thank Mr. PETRI for taking out this special order. I hope that we can persuade some of our colleagues to stop and think about the direct and indirect impacts of increasing the minimum wage. When people look beyond the emotional haze that surrounds this issue, they will recognize the common sense of supporting Mr. PETRI's thoughtful, compassionate, and profamily proposal.

Mr. Speaker, I would like to insert in the RECORD at this point some material on the minimum wage issue provided by the Department of Labor. These four summaries include some important statistical data and impact analysis that all members should be aware of before making any decisions.

[From the Bridgeport (CT) Post, Aug. 18, 1987]

DON'T RAISE THAT MINIMUM WAGE!

(By James J. Kilpatrick)

WASHINGTON.—Joann Peters, 18, is an attractive young woman, not overly endowed in the brains department, who was graduated a few weeks ago from her small-town high school. She has no great interest in college and no funds for tuition. She is living at home with her mother and a younger brother. Her mother earns $9,360 a year as an ironer in a local laundry.

James Kennon, 41, is manager of the Steamboat restaurant at 23rd and Main streets. His franchised fast-food operation is in heavy competition with the Sizzlin' Steak and the Happy Crab. Kennon works seven days a week, but his food costs are rising and his rent just went up. In slow weeks he has a tough time meeting his payroll.

The Steamboat now employs 10 persons per shift at the minimum wage of $3.35 an hour and two others at $4 an hour. This figures out to labor costs of $41.50 an hour or $332 for an eight-hour shift. He really could use an 11th worker to clear tables and wash dishes, but he hesitates to add to his payroll when his margin of profit is so small.

Very well. Joann Peters and James Kennon, meet Senator Edward Kennedy. The gentleman from Massachusetts is about to complicate your lives. He and Rep. Augustus Hawkins, D-Calif., are pushing hard for a bill that would increase the minimum hourly wage in 1988 from $3.35 to $3.85. Their bill would mandate a minimum of $4.65 in 1990.

Joann would like to work at the Steamboat. Jim Kennon would like to hire Joann. This would be her first job, and there's an opening on the floor. She's good-hearted but a little careless; she needs the experience of holding a job and showing up on time. All of us know such Joanns.

But this is how Jim Kennon looks at the situation: The Kennedy-Hawkins bill would require him to pay his 10 lowest-level employees $3.85 an hour, or $38.50 per hour. The two cooks would have to be raised to $4.50 an hour to preserve a reasonable differential. If he keeps everyone employed, he is now looking at labor costs of $380 a shift, two shifts a day, compared to his present $332 a shift. He is looking at added labor costs of $35,000 a year, with no increase in productivity or service.

Goodbye, Joann, and tough luck, kid. Instead of 10 full-time hired hands at $3.35, Kennon will hire eight persons full-time and one to work six hours a shift at the required $3.85. Assuming the raise of 50 cents an hour for the cooks, the Steamboat will now have labor costs of $341.50 per shift. The manager will be spending roughly $7,000 more a year for labor; he will have nothing to show for it, and Joann will be just kind of, you know, hanging around home.

The example is hypothetical, of course, but this is how the real world works. In the idealistic world of Messrs. Kennedy and Hawkins, an increase in the statutory minimum wage is a great thing for the poor folks. Don't you believe it. Every study that has been made of the economic "benefits" of a higher minimum wage demonstrates that an increase harms the very class of unskilled workers it is intended to help.

Who are these workers on minimum wage? The Department of Labor says there are about 5 million of them, of whom 3 million are in the 16-to-24 age bracket. Nearly 40 percent are teen-agers. One third are men, two-thirds women. Only about 1.7 million work full time; the other 3.3 million work part time.

Kennedy and Hawkins, with the very best intentions, suppose that a higher minimum wage will reduce welfare costs and lower the number of families at the so-called poverty level. No evidence supports this surmise. On the contrary, for every increase of 10 percent in the minimum wage, we may anticipate a loss of 80,000 to 240,000 jobs for teenagers. To the extent that higher labor costs results in higher prices to consumers, we get into the kind of inflation that nullifies the increase in hourly wages.

MINIMUM WAGE: DEMOGRAPHIC SUMMARY

The typical minimum wage earner is young, single, lives at home in a non-poverty household, and works part-time.

Of a workforce over 115 million, 4.7 million earn no more than $3.35 per hour.

Those earning "no more than" the minimum wage include those who report this or a lower hourly age but also earn tip income.

The number of minimum wage earners has declined by more than 3 million or 40 percent since 1981.

Almost 60 percent of all minimum wage earners are under age 25. Teenagers account for over 36 percent of all minimum wage earners, with more than one-in-four teenagers earning the minimum wage.

Sixty-eight percent of minimum wage earners are single, 60 percent have never been married.

Sixty-six percent of minimum wage earners work part-time. Over 90 percent of the jobs created in the current expansion have been full-time positions. The vast majority (nearly 80 percent) of those who work part-time, prefer part-time work.

Sixty-five percent of teenagers employed at the minimum wage report that school, not work, is their major activity.

While the minimum wage has remained at $3.35 since 1981, most of those currently earning the minimum wage are not "stuck" at it. The vast majority move to higher wage rates after an initial training/probationary period.

MINIMUM WAGE: THE ISSUE IS SKILLS

Economically and demographically, the target has moved since the last minimum wage debate over a decade ago.

Since 1982, over 15 million new jobs have been created.

During this time, wage and salary jobs averaging $10 or more per hour have increased by 15.6 million. Jobs paying less than $4.00 per hour have declined by 6.8 million or more than 25 percent.

Jobs that require higher skills are growing at a much faster rate than jobs which require few or no skills.

Our focus needs to be on education, training and retraining.

About half of the heads of households below the poverty threshold lack even a high school diploma.

Skills are the way out of poverty, not an increase in the minimum wage, which will cost jobs.

MINIMUM WAGE: SUMMARY OF ECONOMIC IMPACT

Increasing the minimum wage results in the loss of job opportunities, according to a consensus of dozens of academic studies (including those of the Minimum Wage Study Commission and a more recent (June, 1982) Journal of Economic Literature survey study).

Young workers, the least skilled and the disadvantaged bear the brunt of the disemployment.

Since youth account for such a large proportion of the minimum wage population, most minimum wage studies measure the decline in youth employment from what it would have been, absent an increase in the minimum wage. These studies do not attempt to estimate total employment or unemployment which are, of course, more driven by demographics and the business cycle. Similarly, the teenage unemployment rate understates the adverse impact of a minimum wage increase since a discouraged youth, who is unable to find an entry level job and drops out of the labor force, is not counted among the unemployed.

The loss of employment opportunities includes layoffs, reductions in hours of work, jobs which become automated, vacant jobs that remain unfilled and jobs never created.

For each 10 percent increase in the minimum wage, there is a loss of between 100,000 and 200,000 employment opportunities.

Dr. Charles Brown, senior economist for the Minimum Wage Study Commission, provided a similar estimate in Congressional testimony in April, 1987.

Thus, the irony is that the brunt of an increase would be felt by those least able to bear it:

Civilian Unemployment Rate: 5.6 Percent

Teenage Unemployment Rate: 16.5 Percent

Minority Teenage Unemployment Rate: 36.9 Percent

The current Senate proposal contains a 38 percent increase, implying a potential loss of between 400,000 and 800,000 job opportunities. The current House proposal suggests a potential loss of between one-half and one million job opportunities.

These proposals come at a time when minority youth are making substantial gains in securing employment. Employment gains for black youth have been among the strongest of all demographic groups—up over 50 percent since 1982, compared with a gain of only 11 percent between 1975 and 1980. In fact, during 1987 alone, employment of black teenagers increased by nearly the same amount as it did during the entire 1975-1980 expansion. Employment gains for black males have been even more remarkable, up 69 percent between November, 1982 and November 1987.

The impact of a minimum wage increase is felt especially by small business, which are responsible for 70 percent of all new jobs. Two-thirds of all workers enter the workforce via a small business.

Increasing the minimum wage will raise labor costs. Typical employer responses may include the substitution of more productive labor for unskilled youth, the substitution of capital equipment for labor, and cutbacks in the total amount of labor utilized. Increases in costs that are passed on to consumers through higher prices would tend to lower or reduce demand for the products or services of the firm, thereby further reducing the demand for labor.

Since raising the minimum wage reduces employment opportunities, it also reduces basic on-the-job training opportunities for youth. The traditional method a worker uses to "pay" for on-the-job training is by taking a reduced wage while in training. An increase in the minimum wage reduces opportunities for this traditional avenue from those workers with the lowest skill levels, and hence, those most in need of training.

MINIMUM WAGE: SUMMARY OF IMPACT ON POVERTY

Only 14 percent of minimum wage earners are head of households living with other relatives. Other individuals in these households may also be wage earners.

Just one percent of all workers are both below the poverty threshold and earn the minimum wage. Seventy percent of minimum wage earners reside in a family in which the income is at least 150 percent above the poverty threshold.

Almost 90 percent of all minimum wage earners are not employed on a full-time, year-round basis. The poverty rate for full-time, year-round employees is but 1.8 percent.

Nearly half of the heads of households in poverty are not in the labor force.

Historically, increasing the minimum wage has had no impact on poverty.

Academic studies on the income distribution effects of the minimum wage suggest only slight increases or even decreases in the equality of income distribution.

During the last four year phase-in of a minimum wage increase (1978-1981), the poverty rate actually began to rise for the first time in the postwar era.

Raising the minimum wage will eliminate low-wage jobs, but will do little to reduce poverty.0

Mr. BROWN of Colorado. Mr. Speaker, here are several articles relevant to the subject of this special order.

THE MINIMUM WAGE: POLITICS AND ECONOMICS

(By William C. Dunkelberg, Dean, School of Business and Management, Temple University)

"Deregulation" of the U.S. economy under the past two presidents has probably contributed substantially to the fact that the current economic expansion is now celebrating its 60th month anniversary. In spite of several unpleasant "shocks", the economy has managed to continue expanding, bringing the unemployment rate below 6% and employing the highest percentage of our population in history. But many still wish to return to the days when the government was more actively involved in setting prices and wages in our economy. Once again, a wave of proposed minimum wage legislation is sweeping the nation. It is alleged that the minimum wage worker has not shared in the prosperity, an allegation that ignores the impressive employment numbers [having a job is indeed a great benefit compared to the alternative] and the fact that many jobs that typically pay the minimum wage now pay far more in regions of the country such as New England and the Delaware Valley.

Supporters of the minimum wage now admit that it will increase unemployment and raise the inflation rate. We are however, told that these effects are "small" and so we shouldn't worry about them. Another example of how government regulations "nickel and dime" the economy into a TRILLION dollars of government spending and untold billions of hidden costs in the private sector like those generated by the proposed increase in the minimum wage. Among very competitive businesses, higher labor costs mandated by law must produce higher prices and reduced employment. The higher cost of workers doesn't just disappear. Any program can be presented as only costing each consumer a small amount. But count the programs and laws that absorb your resources on April 15 and you get the picture.

And are the effects really small? Estimates conservatively suggest a loss of only $9 or $10 billion in Gross National Product by 1990 if the Federal minimum raises to $3.85, $4.25 and $4.65 over the next three years, only a .2% to .3% increase in the inflation rate [which will be reflected in higher interest rates as well] and a minor increase in the unemployment rate of .1% or .2% [of over 110,000,000 workers!]. These are not small numbers. And the adverse employment effects don't bother most of us—just those with few skills, poor educations, unlucky draws in the genetic lottery, and young people. Here the loss of jobs and job opportunities becomes critical.

Small firms, the major producers of jobs in our country, are started with under $20,000 in capital. An increase of $1 in the minimum wage for such a firm with two minimum wage employees would wipe out 20% or more of the capital of half the new small firms starting in any given year. This is not particularly conducive to job formation or economic growth. In this sense, the minimum wage represents a very nasty tax on new firms and the jobs they create. Tax anything and you get less of it. And if Pennsylvania raises its minimum wage while surrounding states do not, firms with a choice will pick other states to start their businesses in. Entry level jobs are critical to the development of good working habits for new workers, but a higher minimum wage will extinguish many opportunities. Most workers earn the minimum wage for only short periods of their lives, advancing to higher paying jobs as their skills improve.

Even so, maybe we could accept these costs if the minimum wage worked—if it achieved its objective of raising the salaries of low-income and below-poverty level workers. But it doesn't. The minimum wage is earned primarily by secondary earners from above-median income families. In the retail industry, a major employer of lower-wage workers, 70% of the recipients come from families with income over 200% above the threshold poverty level. Low income workers account for little more than 10% of all workers earning the minimum wage. Thus, a higher minimum wage cannot effectively redistribute income to the poor. Most of the beneficiaries are not the people we are trying to help. If that is the case, the "small" cost of the minimum wage really starts looking big. Another program to pay for that doesn't work.

In the meantime, states alone (excluding Federal welfare payments) devote an amount to public welfare programs that, if distributed directly to the poorest 10% of all families in the U.S., would yield over $12,000 per family per year, 50% more than a person could earn working 2,000 hours at today's minimum wage. A little more efficiency in delivering these funds to the needy would be far more productive than helping these families only one-in-ten times with a higher minimum wage that delivers to all of us just a "little" dose of higher inflation, interest rates, and unemployment.

Trying to help the less-advantaged is an admirable goal and one that we all probably support. But, let's do it efficiently, not with the shot-gun approach of a minimum wage that is destined to miss its target 9 out of 10 times while imposing substantial economic costs on us all, and particularly on those it purports to help. Our economy has prospered under "deregulation" and proven itself to be far more resilient to substantial economic shocks than an economy hobbled with rules and regulations. With employment at historically high levels, it hardly seems appropriate to interfere with the markets that have served us so well, especially to implement a program that has been shown to fail in its objective to help the poor.

[From the Daily Press and Dakotan, Dec. 4, 1987]

MINIMUM WAGE HIKE WOULD HURT THOSE IT SEEKS TO HELP

There is afoot yet another petition drive in the state, this one directed at South Dakota's congressional delegation asking them to support an increase in the federal minimum wage.

More than 1,500 signatures have been collected by the United Electrical, Radio and Machine Workers of America Union, in what a union spokesman termed a "strong showing of support" for the raise.

Our congressional delegation should resist the plea, though the arguments for higher wages for the poor seem persuasive.

Seem to be, but are not.

Raising the minimum wage from $3.35 to $4.65 in three annual steps would succeed in putting many low-income workers out of work. It is true that economists have different views on this, but there is agreement that since most of the working poor could not increase productivity to match the higher wage, they would lose their jobs.

Advocates of the higher wage argue that the tradeoff would be worth it since even if some jobs were lost, the benefit to those hanging on to their positions would offset it. Perhaps the proponents ought to ask those who would lose their jobs about this.

The impact of a higher minimum wage generally would harm the working poor, which is the primary reason we oppose it. But there are other factors our delegation should consider on this matter. Who in America today holds the minimum wage jobs? The Congressional Budget Office reports that 5.2 million workers earn a minimum wage. But many are teen-agers from middle class economic families. Of those at minimum wage jobs, only 20 percent are classified as poor.

Raising the minimum wage 40 percent would not only take away jobs from those who need them most, but also from teenagers and others who supplement other sources of income. It is not just speculation that the jobs will evaporate. The cost to employers is more than just the $1.30 an hour increase. A higher hourly wage means higher Social Security taxes, which the employer matches.

The predictable response from employers would be a cutback in jobs or an increase in prices, or both. This in turn would affect consumers and would boost inflation.

A higher minimum wage is a temptress, difficult to resist because the objective of helping those who truly need it is so worthy. Unfortunately for the working poor, it's not that simple. Raising the minimum wage would harm them more than help them.

[From the Dallas Times Herald, Nov. 22, 1987]

RAISING MINIMUM WAGE HELPS POOR VERY LITTLE, PROFESSOR ARGUES

(By John Cunniff)

NEW YORK.—The professor offered many reasons why the minimum wage shouldn't be raised precipitously, but one of them sounded particularly ironic. Such increases, he said, seldom help those who need the money.

"Impossible," said a listener. "Isn't it obvious that those lowest on the pay scale are most in need of more money?"

Probably, he said, but the minimum wage usually doesn't go to the minimum-income households. In fact, he said, it seldom goes to them. Most of the money, he contended, ends up in the pockets of families with above-average incomes.

"The minimum wage is earned primarily by secondary earners from above-median income families," he stated firmly. Then he dropped this bomb:

"In the retail industry, a major employer of lower-wage workers, 70 percent of the recipients come from families with incomes more than 200 percent above the threshold poverty level."

Professor William C. Dunkelberg, economist and dean of Temple University's School of Business and Management, has a penchant for puncturing popular assumptions, and this is one of his pets.

According to his estimates, low-income workers account for little more than 10 percent of all workers earning the minimum wage. Thus, he argues, a higher minimum wage cannot effectively redistribute income to the poor.

A second defense of proposed minimum wage increases—to $3.85 an hour to $4.25 to $4.65 over the next three years—is that the cost is small. No way, says Dunkelberg.

Conservatively, he said, such increases would result in a loss of $9 billion or $10 billion from the gross national product by 1990, an increase in the inflation rate of 0.2 percent to 0.3 percent, and an increase in the jobless rate.

While he conceded that in percentage terms any increase might be small, it might not be in actual numbers, since any increase at all in the jobless rate applies to a base of 110 million workers.

And who, he asked, do you think gets hurt by those "slightly higher jobless rates? "Not us," he said, to his listener.

Who, then? "Just those with few skills, poor educations, unlucky draws in the genetic lottery and young people," he answered. And for most of these people, "the loss of jobs and job opportunities becomes critical."

Such increases also would hurt small businesses, often considered the primary creator of jobs. He was asked how, and among the reasons he offered, this one stood out:

"Small firms often are started with under $20,000 in capital. An increase of $1 in the minimum wage for such a firm with two minimum wage employees would wipe out 20 percent or more of the capital of half the new small firms starting in any given year."

In response to a higher minimum wage, many such companies would eliminate entry-level jobs.

[From the Atlanta Daily World, Oct. 8, 1987]

STUDY SAYS MINIMUM WAGE INCREASE TIED TO POVERTY

An analysis of the minimum wage and the rate of poverty in America shows a strong correlation between minimum wage increases and increases in poverty.

According to Professor James Bennett of George Mason University, increasing the minimum wage by $1.00 would increase the rate of poverty by 1.56%

Congress is presently considering legislation which would increase the minimum wage by $1.35 to $4.65 an hour over the next three years and index it thereafter to 50% of the average hourly wage.

Testimony supporting the legislation has relied heavily on the fact that a single wage earner earning the minimum wage does not earn enough to support a family above the federally established poverty level.

The new analysis was requested by the Public Service Research Council when recently released poverty figures showed that poverty declined during years in which the minimum wage was not increased and increased when it was increased.

In a letter to Senator Ted Kennedy (D-MA), the author of the legislation to increase the minimum wage, David Denholm, the President of the Public Service Research Council, said that while the relationship between increased minimum wages and increased poverty was clear, the reason for it was not. Denholm suggested that the cost of goods and services upon which low income families depend may be more sensitive to minimum wage increases than others. He cited a study which showed that a 20% increase in the minimum wage only increased the income of the lowest income families by .02% and concluded that the consequences of a minimum wage increase for America's poor will be negative.

The Public Service Research Council, which opposes the minimum wage increase proposal, contends that it is being pushed by organized labor to "use the power of government to protect itself from the consequences of its labor cartel activity by reducing competition from low wage earners."

The Public Service Research Council is a national citizens' organization concerned with the influence of unions on public policy and is the sponsor of Americans Against Union Control of Government.

[From the Atlanta Journal and Constitution, Nov. 8, 1987]

RAISING MINIMUM WAGE MAY HURT THOSE IT SEEKS TO HELP

(By Dwight R. Lee)

Congress is considering an increase in the minimum wage. Currently, the minimum hourly wage is $3.35. The proposal before Congress would increase it to $4.65 over the next three years. Opponents charge that this increase will cause significant unemployment. Supporters deny this charge and counter that increasing the minimum wage will help the lowest-paid members in the work force. Both are wrong.

Most workers, even low-income workers, earn more than the current minimum wage. As long as the minimum wage remains below the market wage being received, boosting the wage floor will have no effect.

Even those whose current wage is less than the proposed minimum will not necessarily be threatened with the loss of their jobs. Low-wage workers often receive additional compensation in the form of fringe benefits such as health insurance, company discounts and on-the-job training.

Employers can offset the cost of an increased minimum wage by reducing these fringe benefits. Workers won't be laid off if the minimum wage is increased, but neither will they be better off. They may be worse off because fringe benefits are not taxed, while income is.

It is the very lowest-paid workers who are most threatened by a higher wage floor. Those workers with no fringe benefits to be scaled back will be the ones who will lose their jobs if the minimum wage is boosted.

Their numbers are not large, so the job losses that occur will barely show up in the unemployment statistics. But those who will lose their jobs because of an increase in the minimum wage are the very ones proponents of such an increase claim they want most to help.

Many, if not most, of the lowest-paid workers are disadvantaged minority youth who see employment as more than just a job; they see it as an educational opportunity. Increasing the minimum wage would threaten that opportunity.

Not everyone receives his best education in the classroom. The poor education for large numbers of teenagers, particularly minority teenagers.

The best hope these teenagers have for developing the skills needed for productive employment is on-the-job training. The fact that many beginning-level jobs pay low wages is far less important to disadvantaged teenagers than the opportunity to acquire a sense of responsibility and job skills on these jobs.

The young worker without pressing financial obligations is often willing to take a low wage now to develop his or her potential to earn a higher wage later. This is no different than the willingness of beginning college students to put in long hours studying for no pay to prepare for a good job in the future.

Increasing the minimum wage will have little noticeable effect on the economy. Those who lose their jobs, or who fail to find jobs, because of a high minimum wage are currently capable of making only marginal contributions to the economy.

But only the most naive can believe that increasing the minimum wage is an effective way of helping the poor. To the contrary, boosting the minimum wage is an effective way of reducing opportunities to those who are reaching for the first rung on the economic ladder.

[From the Fond du Lac (WI) Reporter, May 2, 1988]

PETRI GAINING SUPPORT FOR TAX CREDIT CHANGES

U.S. Rep. Tom Petri is finding strong support for his proposed Job Enhancement for Families Act.

The bill, H.R. 4119, takes a cost-effective, pro-family approach to welfare reform and the minimum wage question. It has a common-sense approach that is winning friends in a variety of settings.

"Petri's plan is a working formula for success, not just for disadvantaged workers, but for the entire nation as well," editorialized The Arizona Republic.

Economist J.D. Foster of the Institute for Research on the Economics of Taxation wrote in The Wall Street Journal: "The Petri approach to expanding and restructuring the earned income tax credit is clearly superior to raising the minimum wage: It encourages job creation, it helps those workers most who need the most help, it reduces government spending, and it has a minimal effect on the budget deficit."

Peter Passell said in The New York Times that Petri's proposal "ought to hold great appeal for liberals as well as conservatives."

Petri, who should be able to use his position on the House Education and Labor Committee to good advantage in pushing his bill, sees his proposal as an alternative to raising the minimum wage. The earned income tax credit is a refundable tax credit of 14 percent of the first $5,714 earned by an eligible person who maintains a home for one or more children. It can easily be restructured to provide greater benefits but would not have a chilling effect of jobs.

By expanding the refundable portion of an eligible working person's tax liability, the Job Enhancement for Families Act would increase for real wages of low-income workers without corresponding increases in employers' labor costs or prices.

Instead of low-wage jobs being lost to a higher minimum wage, they could be expected to increase and be more attractive.

It's a win-win situation that Congress and the White House should readily recognize.

[Newsletter of Congresswoman Nancy Johnson, Apr. 8, 1988]

NEW PLAN HELPS FAMILIES MAKE ENDS MEET

All things being equal, most Americans would prefer a paycheck to a welfare check any day of the week. But in recent years, it has become increasingly apparent that federal policies are failing to offer low-skilled workers adequate incentives to get off the welfare rolls and out into a job.

That is especially true for families with children, since welfare benefits rise with the size of the family. And while the federal minimum wage has remained stable since 1981, welfare benefits have crept steadily upward.

Raising the minimum wage, which has lost more than a fourth of its buying power since it was last increased seven years ago, is clearly one method of helping our working poor remain independent. But it should not be seen as the only way.

Another innovative approach is embodied in a bill I am cosponsoring to expand and restructure the Earned Income Tax Credit, a refundable tax break available to low-income families with children.

This benefit is designed to encourage working by supplementing low wages up to a certain ceiling, phasing out as income rises above a particular point. Even if workers have no tax liability against which to claim the credit, they can still get cash from the government added to their paychecks.

For many low-skilled workers, the EITC has offered a crucial buffer against slipping onto welfare. But it has one significant drawback: it fails to take a family's size into account. Consequently, a family with one child receives the same benefit as a family of four, as long as they both earn the same income. So for many large families, welfare has made more economic sense than trying to eke out a living at a low-paying job.

That's where our proposed overhaul of the EITC comes in. Under this legislation, known as the Job Enhancement For Families Act, the maximum tax-credit payment would not only rise, but would also provide increased benefits for larger families.

At present, workers with children and incomes up to about $6,200 per year are eligible for a tax credit equal to 14 percent of their earned income—for a total of about $870. That payment declines as income increases, phasing out entirely at about $18,000.

By contrast, the maximum tax credit would increase to 35 percent, or about $2,500, for low-income families with four or more children under our proposal. Thanks to this change, most families would be better off working than they would be on welfare.

Under current law, a single mother with three children in Connecticut would have to find a job paying at least $4.36 an hour to equal the benefits she would receive from Aid to Families with Dependent Children and food stamps. But if the proposed EITC reforms were in place, she would only need to find a position paying about $3.75 an hour—Connecticut's current minimum wage.

Another benefit of the bill is that it would encourage families to stay together. Currently, two-parent families are ineligible to receive AFDC in many states. Since parents must live with their children to receive the EITC, expanding it would reduce the incentive for families to split up.

The factors that prompt families to make the transition from welfare to work vary considerably with individual circumstances. But there is no doubt that expanding and restructuring the EITC would provide a strong incentive for millions of families to opt for employment.

Finally, by encouraging more families to become independent, this bill will have the additional advantage of lowering our spending on welfare benefits. In fact, if these reforms induce just 3 percent of welfare recipients to go to work, the legislation's $1.5 billion pricetag would be entirely offset.

By linking benefits to family size, this proposal would allow us to target federal assistance to the working families that need it most. It is an affordable plan to increase the buying power of families struggling to make ends meet, to help them to become self-reliant and strong.

Mr. BARTON of Texas. Mr. Speaker, I come to the floor today to participate in a discussion about the troubling direction the supposedly nonpartisan Congressional Budget Office [CBO] is going.

My concern and complaint with CBO is twofold. First, I am extremely disturbed at the tactics used by some in the majority to withhold information from minority Members of Congress and the general public regarding a CBO report on the economic impact raising the minimum wage from $3.35 to $5.05.

Second, I would like to share with the House some difficulties my personal staff and I have had with acquiring simple budgetary breakdown figures I assumed were public information. To aid my analysis of the budget resolution, I was interested in seeing how the budget resolution functions were allocated to the 13-appropriation subcommittees. Much to my surprise this request was not denied by CBO, supposedly upon direct instructions from Members of the majority party of this body. I must point out that my request was made over 1 month after the budget resolution passed. This information should be readily available to any Member of Congress. We must remember that we are given the large responsibility of spending a trillion dollars a year made up largely of tax payments made by our constituents to the Federal Treasury.

Perhaps these two incidents, deleting part of the impact of report on the minimum wage bill, and refusing a straightforward request for budget information, are atypical of the normal operating procedures of the CBO. However, if they are typical, and part of a growing pattern of partisanizing the CBO, then all Members must unite and insist that this behavior be reversed. We can disagree on philosophy and policy, but all Members must have access to impartial, unbiased statistical reports and analysis on pending legislation. Regardless of party affiliation, we all need the information to make honest decisions on behalf of our constituents.

I would like to share the information that was deleted in the second report sent the Education and Labor Committee concerning the minimum wage. The original report stated that raising the minimum wage from $3.35 to $5.05 would cost our country up to 500,000 jobs, and increase inflation from 0.2 to 0.3 percent.

Most Members of Congress have been denied the privilege of reviewing the full CBO report on H.R. 1834. I submit for the RECORD both CBO reports, the correspondence between the CBO and the chairman of the Education and Labor Committee concerning these reports, along with recent articles that have recently appeared in respected periodicals and newspapers.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 25, 1988.

Hon. AUGUSTUS F. HAWKINS,
Chairman, Committee on Education and Labor, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 1834, the Fair Labor Standards Amendments of 1988, as ordered reported by the House Committee on Education and Labor on March 16, 1988. At the request of several Committee members, the estimate also includes a discussion of the possible impact of H.R. 1834 on the economy.

If you wish further details on this estimate, please call me or have your staff contact Michael Pogue.

Sincerely,

JAMES L. BLUM,
Acting Director.

CONGRESSIONAL BUDGET OFFICE, COST ESTIMATE

March 25, 1988.

1. Bill number: H.R. 1834.

2. Bill title: Fair labor standards amendments of 1988.

3. Bill status: As ordered reported by the House Committee on Education and Labor on March 16, 1988.

4. Bill purpose: To amend the Fair Labor Standards Act of 1938 to restore the minimum wage to a fair and equitable rate and for other purposes.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1988	1989	1990	1991	1992	1993
Estimated: Authorization level	0	3	13	25	35	30
Estimated outlays	0	3	13	25	35	30

Basis of estimate.—H.R. 1834 would increase the federal minimum wage in four steps between now and January 1, 1992. The new levels would be $3.85 per hour for the year beginning January 1, 1989; $4.25 per hour for the year beginning January 1, 1990; $4.65 per hour for the year beginning January 1, 1991; and not less than $5.05 per hour after December 31, 1991.

The Office of Personnel Management estimates that the wage bill for certain support personnel on U.S. military bases would increase by the amounts shown in the table above. Currently these workers are paid at hourly rates between the $3.35 per hour minimum wage and the minimum wage rates proposed in H.R. 1834.

Increasing the minimum wage could also increase administrative and enforcement caseloads within the Wage and Hours Division of the Employment Standards Administration at the Department of Labor (DOL). While this could result in higher costs to the federal government, H.R. 1834 provides no additional appropriations for this purpose.

Additional provisions.—Several other amendments to the Fair Labor Standards Act are included in H.R. 1834. The small business exemption would increase from the current level of $362,500 in annual gross sales to $500,000. The current tip credit is 40 percent of the applicable minimum wage, or $1.34 out of $3.35 per hour in 1988. This tip credit is the maximum amount of tip an employer can use to reduce employee wages, and still be in compliance with minimum wage laws. H.R. 1834 would increase this rate to 45 percent during the year beginning January 1, 1989 and to 50 percent after December 31, 1989. In addition, legislative branch employees (except for Members' personal staffs) would now be covered by the Fair Labor Standards Act. These amendments are estimated to have no cost effect on the unified federal budget.

Effects on the economy.—Passage of H.R. 1834 may result in changes in macroeconomic variables, particularly in employment levels and the inflation rate. However, because of uncertainty surrounding the overall macroeconomic impact of minimum wage legislation, and uncertainty over future federal monetary policy, this estimate does not take into account federal revenue and outlay effects of these changes.

The Congressional Budget Office (CBO) estimates that the increases in the minimum wage contained in H.R. 1834 could cause the loss of approximately 250,000 to 500,000 jobs, or about 0.2 to 0.4 percent of total employment. In general, the negative impact on employment would be larger in the sectors of the economy and the groups in the labor force with low wage rates. The loss of jobs probably would be minimal in durable goods manufacturing and in metropolitan areas where labor markets are tight and jobs readily available. Among demographic groups, the loss of jobs most likely would be concentrated among youth, and especially among teenagers.

Increases in the minimum wage also could have three principal impacts on inflation. First, a "direct" effect as the average hourly earnings of workers earning less than the new minimum wage were increased to the new wage floor. Second, a broader or "ripple" effect as other wages were adjusted at least partially to retain relative wage differences. Third, a "wage-price-wage" effect, as these wage increases caused employers to raise prices, which was reflected in turn in higher wages. Thus, CBO estimates that H.R. 1834 could add about 0.2 to 0.3 percentage points to the annual inflation rate during the projection period.

These estimates are based primarily on a review of available economic studies of the impact of minimum wages. Because of estimating difficulties, the estimates should be interpreted as no more than rough orders of magnitude. These estimates do not include a consideration of the small business exemption provision in H.R. 1834.

Currently, the federal minimum wage rate is exceeded in 10 jurisdictions (Alaska, Connecticut, District of Columbia, Hawaii, Maine, Massachusetts, Minnesota, New Hampshire, Rhode Island, and Vermont). Also, California is scheduled to raise its rate from the current federal minimum to $4.25 per hour in July 1988, and Connecticut's rate will rise from $3.75 an hour to $4.25 an hour in October 1988. Therefore, H.R. 1834 could have less of a macroeconomic impact than if all states were at the current federal mimimum wage rate.

6. Estimated cost to State and local Government: To the extent that state and local governments have workers who are paid at the current minimum wage or between the current minimum wage and the higher rates prescribed in H.R. 1834, state and local government wage costs could increase with passage of H.R. 1834. There is no data available that allows CBO to estimate the magnitude of these costs. However, there are 10 states which have set minimum wage levels above the federally mandated $3.35 per hour. In these states, the new federal minimum wage rates could have less of an effect than in states in which the minimum wage is at the current federal level.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Michael Pogue; George Iden.

10. Estimate approved by: James L. Blum, Assistant Director For Budget Analysis.

U.S. Congress,
Congressional Budget Office,
Washington, DC, March 29, 1988.
Hon. Augustus F. Hawkins,
Chairman, Committee on Education and Labor, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the attached cost estimate for H.R. 1834, the Fair Labor Standards Amendments of 1988, as ordered reported by the House Committee on Education and Labor on March 16, 1988.

If you wish further details on this estimate, please call me or have your staff contact Michael Pogue (226-2820).

Sincerely,
James L. Blum,
Acting Director.

Congressional Budget Office Cost Estimate

1. Bill number: H.R. 1834.

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Increasing the minimum wage could also increase administrative and enforcement caseloads within the Wage and Hours Division of the Employment Standards Administration at the Department of Labor (DOL). While this could result in higher costs to the federal government, H.R. 1834 provides no additional appropriations for this purpose.

Additional provisions.—Several other amendments to the Fair Labor Standards Act are included in H.R. 1834. The small business exemption would increase from the current level of $362,500 in annual gross sales to $500,000. The current tip credit is 40 percent of the applicable minimum wage, or $1.34 out of $3.35 per hour in 1988. This tip credit is the maximum amount of tips an employer can use to reduce employee wages, and still be in compliance with minimum wage laws. H.R. 1834 would increase this rate to 45 percent during the year beginning January 1, 1989 and to 50 percent after December 31, 1989. In addition, legislative branch employees (except for Members' personal staffs) would now be covered by the Fair Labor Standards Act. These amendments are estimated to have no cost effect on the unified federal budget.

6. Estimated cost to State and local government: To the extent that state and local governments have workers who are paid at the current minimum wage or between the current minimum wage and the higher rates prescribed in H.R. 1834, state and local government wage costs could increase with passage of H.R. 1834. There is no data available that allows CBO to estimate the magnitude of these costs. Currently, state minimum wage rates exceed the federal level in 10 jurisdictions (Alaska, Connecticut, District of Columbia, Hawaii, Maine, Massachusetts, Minnesota, New Hampshire, Rhode Island, and Vermont). Also, California is scheduled to raise its rate from the current federal minimum to $4.25 per hour in July 1988, and Connecticut's rate will rise from $3.75 an hour to $4.25 an hour in October 1988. In these states, the new federal minimum wage rates could have less of an effect than in states in which the minimum wage is at the current federal level.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Michael Pogue.

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

[From the Congressional Quarterly Weekly Report, Apr. 16, 1988]

(By Macon Morehouse)

As House members brace for battle over a Democratic-sponsored minimum-wage bill (HR 1834—H Rept 100-560), a controversy is bubbling in the background over cost estimates for the measure.

The Congressional Budget Office (CBO), which has always prided itself on its nonpartisan, professional assessments of economic issues, prepared not one but two "official" cost estimates for HR 1834. While both cited the same probable costs to the states and the federal government, only the first discussed the measure's likely impact on the economy at large.

It concluded that the projected increase in the minimum wage, from $3.35 to $5.05 over four years, could lead to higher prices on consumer goods and the loss of nearly 500,000 jobs.

That report, dated March 25, barely saw the light of day before it was superseded March 29 by a second version, which omitted any reference to the bill's effect on the economy.

According to Michael Pogue, who prepared both CBO estimates, staffers on the Education and Labor Committee had specifically requested a discussion of the bill's impact on the economy. In fact, in the cover letter accompanying the original estimate, acting CBO Director James L. Blum wrote, "At the request of several committee members, the estimate also includes a discussion of the possible impact of HR 1834 on the economy."

The majority staff, Pogue said, then "decided they didn't want it," and a second report—minus the impact assessment—was sent to the committee.

James M. Jeffords of Vermont, ranking Republican on the Education and Labor Committee, corroborated Pogue's story. "We requested certain information. . . . But when the majority got to take a look at it, they didn't like the looks of it, so it got deleted," he said.

Susan McGuire, the committee's majority staff director, gave a different account. "They [CBO] provided information which was not requested," she said.

Committee Chairman Augustus F. Hawkins, D-Calif., also laid the blame at CBO's doorstep, saying, "I don't think CBO performed well in the matter at all."

Nobody would say why the economic impact was deleted from the final CBO estimate, although McGuire said the House rules require an estimate only of a measure's cost to the federal government.

"It may be that the committee didn't like the answers we gave," said CBO's Blum. "I think they were hoping it would have less of an impact."

Rudolph G. Penner said that during his tenure as CBO director (1983-87), "there were a lot of revised cost estimates." However, when asked whether revisions ever included getting rid of an entire section of the estimate, Penner declined to comment.

Although Jeffords, as ranking committee Republican, normally receives CBO estimates as a matter of course, it took his aides three tries to obtain a copy of the March 25 report from CBO.

Jeffords was reluctant to discuss the incident in detail. But he did say that the first report had been "kind of shunted aside, shall we say."

Other GOP sources, however, speculated darkly that the incident presaged a "politicization" of CBO, which has been without a permanent director since Penner resigned in March 1987. Senate Budget Committee leaders have reportedly blocked the choice favored by the House Democratic leaders—Van Doorn Ooms, the chief economist of the House Budget Committee—believing he would favor the House and the Democrats, damaging CBO's status as a nonpartisan agency.

[From the Washington Times, Apr. 27, 1988]

Laundered Data From CBO?

(By Warren Brookes)

The unwillingness of House Speaker James Wright to name a new Congressional Budget Office director (the post has been open since March 1987), other than an unacceptably partisan hack, has given rise to the suspicion that the speaker is, as one congressman put it, "trying to turn CBO from an independent voice to a kind of Democratic Pravda."

This suspicion was reinforced last month when the CBO was forced by House leadership to withdraw and bury a March 25 report which showed that the proposed rise in the minimum wage to $5.05 an hour by 1991 (H.R. 1834) would hurt the economy far more than anyone had predicted:

"H.R. 1834 would cause the loss of approximately 250,000 to 500,000 jobs, or about 0.2 to 0.4 percent of total employment. In general, the negative impact on employment would be larger in the sectors of the economy and the groups in the labor force with low wage rates.

"Among demographic groups, the loss of jobs most likely would be concentrated among youth, and especially teen-agers."

In other words, CBO was confirming what economists have long demonstrated statistically—namely that the minimum wage will actually hurt the poor and younger workers most.

CBO's March 25 analysis went on to say of the minimum wage bill, "H.R. 1834 could add about 0.2 to 0.3 percentage points to the annual inflation rate during the projection period."

This report from the supposedly nonpartisan and professional congressional agency was obviously a potentially devastating blow to a bill already in trouble in the House.

It confirmed a University of Chicago study just released that shows that the biggest job losers due to the proposed rise in the minimum wage would be the Southern states. (See table.)

Since these are exactly the predominantly Democratic congressional states the leadership needs to secure passage of the touchy bill, the CBO's confirmation of serious job losses could have been fatal to the bill—and may still be.

As CBO's initial letter put it, "the loss of jobs would be minimal in durable goods manufacturing and in metropolitan areas where labor markets are tight and jobs are readily available"—in other words, in areas where support for raising the minimum wage as a means of leveraging up the higher union pay scales (not helping the poor) is already solid.

But Sun Belt states with their predominantly non-durable goods, lower-wage industries would be savaged, with job losses that could rise to 122,000 in Florida, more than 81,000 in Georgia and more than 78,000 in North Carolina.

Small wonder that when this report first went out, its author, economist Michael Pogue, was (he said) told that "the majority staff (of the Education and Labor Committee) then decided they didn't want it," and according to the April 16 issue of Congressional Quarterly, a "second report—minus the economic impact assessment—was sent to the committee."

So, on March 29, a new letter and report were issued, deleting all reference to the negative economic assessment—and no further copies of the March 25 letter and report were even available to the press, or to members of Congress.

This obvious tampering with CBO's analysis has caused great consternation among both Republicans and Democrats, who see this as deliberate abuse of the CBO's offices for partisan purposes.

As ranking minority member of the Education and Labor Committee Rep. James Jeffords of Vermont complained, "We requested certain information . . . But when the majority got to take a look at it they didn't like the looks of it, so it got deleted."

Indeed, the cover letter of the March 29 version even deleted the following statement from the March 25 version: "At the request of several committee members, the estimate also include a discussion of the possible impact of H.R. 1834 on the economy."

This allowed Susan McGuire, the Ed-Labor committee's majority staff director, to tell CQ, "They [CBO] provided information which was *not* requested," when, of course it had been specifically requested by Mr. Jeffords and House Minority Leader Robert Michel, among others.

Committee Chairman Augustus Hawkins, Democrat of California, even blamed CBO for going beyond its mandate, saying, "I don't think CBO performed well in the matter, at all."

Of course the only problem with the "performance" is that as Acting CBO Director James Blum put it to CQ, "the committee didn't like the answers we gave. I think they were hoping it [the minimum wage hike] would have less of an impact."

This whole episode is suspiciously reminiscent of a similar situation last June 9 when Mr. Wright stopped the presentation to the House Banking Committee of a powerful report by the Federal Home Loan Bank Board on widespread corruption and crime in the Texas savings and loan industry, just as the report was about to be delivered by FHLBB's William K. Black.

That report has never been presented to Congress—even as its finding are being routinely vindicated by federal indictments of Mr. Wright's own S&L banking cronies in Texas.

The minimum-wage report fiasco is only the latest in a vicious cycle of venality and sleaze now engulfing Congress.

MINIMUM WAGE-RELATED JOB LOSSES

[Effects of rise from $3.35 to $4.65]

	By 1991	By 1995
Alabama	18,464	39,572
Florida	57,111	122,486
Georgia	33,694	81,278
Kentucky	14,152	30,417
Louisiana	22,118	48,053
Mississippi	16,877	36,408
North Carolina	37,162	78,773
South Carolina	20,475	43,800
Tennessee	23,362	49,708
Virginia	29,223	62,225

Source: University of Chicago Committee on Public Policy Studies, March 1988.

[From the Wall Street Journal, May 3, 1988]

MINIMUM WAGE, MAXIMUM COVER-UP

One of the most frequently used phrases in Washington is "the nonpartisan Congressional Budget Office." It look as if we can all drop the "non-partisan" pose. An embarrassing incident suggests that the CBO is being pulled into the expanding empire of the House Democratic leadership.

The Congressional Budget Office was asked recently to assess the impact of a current bill hiking the minimum wage from $3.35 to $5.05. The bill's outcome is uncertain, but the Democratic leadership has been pushing hard for an election-year vote that would force the people who don't agree with them (Republicans, Southern Democrats, various "moderates") to vote against what is sometimes thought to be a Mom-and-apple-pie issue. The CBO, however, concluded that raising the minimum wage would push up consumer prices and cause the loss of as many as 500,000 jobs. That conclusion is hardly novel. Almost all economists agree that minimum-wage laws destroy jobs and hurt younger workers, especially the poor. What is news is that some House Democratic staffers, unhappy with the CBO's analysis, have suppressed this report. A second version issued four days later omitted any reference to the bill's effect on the economy.

The initial three-page CBO report was sent to the House Education and Labor Committee on March 25. It included an estimate of the minimum-wage bill's cost to the federal government as well as a discussion of its impact on the economy that, according to Acting CBO Director James Blum, had been requested by the committee's staff.

The report concluded that increasing the minimum wage by the amounts indicated in the bill "could cause the loss of approximately 250,000 to 500,000 jobs" and add "about 0.2 to 0.3 percentage points to the annual inflation rate." Job losses would be concentrated in "the groups in the labor force with low wage rates . . . and especially among teen-agers." If made public, the report obviously would have been a slap in the face to the bill's liberal sponsors and might have swayed several votes.

CBO's Michael Pogue, the co-author of the report, says that "the majority staff of the committee then decided they didn't want it" and asked for a second version. So on March 29, a new report—shorter by a third and minus all reference to the bill's impact on unemployment and inflation—was issued by CBO.

The original March 25 report then seemed to vanish. Rep. James Jeffords, the ranking Republican on the Education and Labor Committee, is supposed to routinely receive CBO estimates. But when his staff members learned of the report's existence, CBO told them that they couldn't have it. It took three attempts for Rep. Jeffords to obtain a copy. When it finally came to light, the accompanying cover letter indicated a copy was supposed to have been given to him all along.

Rep. Jeffords confirmed Mr. Pogue's account in an interview with Congressional Quarterly, "We requested certain information but when the majority finally got to take a look at it they didn't like the looks of it, so it got deleted."

Committee Democrats are stonewalling the issue. Susan McGuire, the committee's majority staff director, claims that "CBO provided information which was not requested." Rep. Augustus Hawkins, the committee chairman, also blames the CBO for going beyond its mandate, telling Congressional Quarterly, "I don't think CBO performed well in the matter, at all." CBO Acting Director Blum remembers matters differently: "The committee didn't like the answers we gave and I think they were hoping the minimum wage hike would have less of an impact."

The CBO was created to serve as Congress's fiscal umpire. Partisan tampering with reports that are the basis of Congress's deliberations on public policy is an abuse of power. "CBO is supposed to give us the facts," says Rep. Thomas Petri, a moderate Wisconsin Republican. "It is not supposed to be a propaganda arm of the House leadership."

But that may be just what House Speaker Jim Wright wants to be. The key post of CBO director has been vacant for more than 13 months, largely because Speaker Wright insists on backing a candidate who Senate Budget Committee leaders fear would tilt in favor of the House's more liberal spending priorities. People wonder why the political process in Washington works so poorly now. Incidents such as this offer an explanation.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore (Mr. WOLPE). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KYL (at the request of Mr. MICHEL), from 5:30 p.m. to 7 p.m. today, on account of medical reasons.

Mr. YATES (at his own request), for May 4, May 5, and possibly May 6, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PETRI) to revise and extend their remarks and include extraneous material:)

Mr. SWINDALL, for 60 minutes, today.

Mr. DORNAN of California, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. FIELDS, for 60 minutes, on May 10.

(The following Members (at the request of Mr. GONAZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. HUBBARD, for 5 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BOLAND, for 5 minutes, today.

Mr. KASTENMEIER, for 5 minutes, today.

Mr. COLEMAN of Texas, for 5 minutes, today.

Mr. SLATTERY, for 60 minutes, on June 6.

Mr. WOLPE, for 60 minutes, on May 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PETRI) and to include extraneous matter:)

Mr. WELDON in three instances.

Mrs. MORELLA.

Mr. CLINGER.

Mr. THOMAS of California.

Mr. GREEN.

Mr. HORTON.

Mr. GILMAN.

Mr. MCDADE.

Mr. GALLEGLY.

Mr. CRANE in eight instances.

Mr. LIGHTFOOT.

Mr. YOUNG of Florida.

Mr. KEMP in two instances.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. PEPPER.

Mr. SCHEUER.

Mr. ROE.

Mr. DYMALLY.

Mr. LELAND.

Mr. COELHO.

Mr. FLORIO in two instances.

Mr. MONTGOMERY.

Mr. CARDIN.

Mr. DARDEN.

Mr. BERMAN.

Mr. DOWNEY.

Mr. SYNAR.

Mr. MILLER of California.

Mr. RANGEL.

Mr. MORRISON of Connecticut in three instances.

Mr. FROST in three instances.

Ms. PELOSI.

Mr. FORD of Michigan.

ADJOURNMENT

Mr. PETRI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 45 minutes p.m.) under its previous order, the House adjourned until Thursday, May 5, 1988, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3558. A letter from the Acting Director, The Wilson Center, transmitting a draft of proposed legislation to authorize appropriations for the Woodrow Wilson International Center for Scholars' Endowment Challenge Fund, pursuant to 31 U.S.C. 1110; to the Committee on House Administration.

3559. A letter from the Secretary of Defense, transmitting a copy of the Department's "Report on Allied Contributions to the Common defense", pursuant to 22 U.S.C. 1928 nt; jointly, to the Committees on Armed Services and Foreign Affairs.

3560. A letter from the Secretary of Transportation, transmitting the ninth annual report on administration of the offshore oil pollution compensation fund, pursuant to 43 U.S.C. 1824; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

3561. A letter form the General Counsel, Department of Transportation, transmitting copies of the fiscal year 1989 budget requests of the Federal Aviation Administration to the Department, including requests for facilities and equipment and research, engineering, and development, pursuant to 49 U.S.C. app. 2205(f); jointly, to the Committees on Public Works and Transportation and Science, Space and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. SCHROEDER: Committee on Post Office and Civil Service. H.R. 4318. A bill to improve the administration of the personnel systems of the General Accounting Office; with an amendment (Rept. 100-599, Pt. 1). Ordered to be printed.

Mr. FASCELL: Committee on Foreign Affairs. H.J. Res. 493. Resolution disapproving the 1988 certification by the President with respect to Bolivia under section 481(h) of the Foreign Assistance Act of 1961. (Rept. 100-601, Pt. 1). Ordered to be printed.

Mr. FASCELL: Committee on Foreign Affairs. H.J. Res. 495. Resolution disapproving the 1988 certification by the President with respect to Paraguay under section 481(h) of the Foreign Assistance Act of 1961. (Rept. 100-602, Pt. 1). Ordered to be printed.

Mr. FASCELL. Committee on Foreign Affairs. H.J. Res. 497. Resolution disapproving the 1988 certification by the President with respect to Peru under section 481(h) of the Foreign Assistance Act of 1961. (Rept. 100-603, Pt. 1). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAZZOLI: Committee on the Judiciary. H.R. 4363. A bill for the relief of Ivan Lendl. (Rept. 100-596). Referred to the Committee of the Whole House.

Mr. MAZZOLI: Committee on the Judiciary. H.R. 3925. A bill for the relief of Gagik Barseghian. (Rept. 100-597). Referred to the Committee of the Whole House.

Mr. MAZZOLI: Committee on the Judiciary. H.R. 446. A bill for the relief of Jens-Peter Berndt. (Rept. 100-598). Referred to the Committee of the Whole House.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1516. A bill to require annual appropriations of funds necessary to support timber management and resource conservation on the Tongass National Forest; with amendments; referred to the Committee on Agriculture for a period ending not later than June 10, 1988 for consideration of such provisions of the bill and amendments as fall within the jurisdiction of that committee pursuant to clause 1(a), rule X. (Rept. 100-600, Pt. 1). Ordered to be printed.

PUBLIC BILL AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of South Dakota:

H.R. 4523. A bill to restore the occupational tax on small retail beer dealers to $24; to the Committee on Ways and Means.

By Mr. ASPIN:

H.R. 4524. A bill to increase the dollar amount of defense authorizations for fiscal year 1988 that are subject to transfer for new purposes pursuant to law, and for other purposes; to the Committee on Armed Services.

By Mr. BRENNAN:

H.R. 4525. A bill to designate the U.S. Courthouse located at 156 Federal Street in

Portland, ME, as the "Edward Thaxter Gignoux United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. ANDREWS (for himself, Mr. Mrazek, Mr. Lewis of Georgia, Mr. Clarke, Mr. Montgomery, Mr. Bustamante, Mr. Shaw, Mr. Wilson, Mr. Coleman of Texas, Mr. Tauzin, Mr. Richardson, Mr. Kastenmeier, Mr. Skeen, Mr. Beilenson, Mr. Dornan of California, Mr. Stark, Mr. Frost, Mr. Fields, Mrs. Kennelly, Mr. de Lugo, Mr. Lipinski, Mr. Chapman, Mr. Stenholm, and Mr. Slattery):

H.R. 4526. A bill to provide for the addition of approximately 600 acres to the Manassas National Battlefield Park; to the Committee on Interior and Insular Affairs.

By Mr. ANNUNZIO (for himself and Mr. Hiler) (both by request):

H.R. 4527. A bill to authorize appropriations for the U.S. Mint, for fiscal years 1989 and 1990, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BARNARD (for himself and Mr. Guarini):

H.R. 4528. A bill to amend the Internal Revenue Code of 1986 to provide that information returns shall be filed with the Internal Revenue Service with respect to interest, dividends, royalties, and certain other amounts paid to corporations; to the Committee on Ways and Means.

By Mr. BARTON of Texas (for himself and Mr. Leland):

H.R. 4529. A bill extending permission for the President's Commission on White House Fellows to accept certain donations; to the Committee on Post Office and Civil Service.

By Mr. COLEMAN of Texas (for himself and Mr. Leland):

H.R. 4530. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to reimburse physicians and medical facilities which give emergency treatment to certain undocumented aliens and alien commuter workers; to the Committee on Energy and Commerce.

By Mr. CRANE:

H.R. 4531. A bill to amend the Internal Revenue Code of 1986 to provide that service performed for an elementary or secondary school operated primarily for religious purposes is exempt from the Federal unemployment tax; to the Committee on Ways and Means.

By Mr. DAVIS of Michigan:

H.R. 4532. A bill to provide that surplus dairy products should be provided to carry out the Temporary Emergency Food Assistance Program before certain dairy export programs to extend such dairy export programs, and for other purposes; to the Committee on Agriculture.

By Mr. KASTENMEIER:

H.R. 4533. A bill to authorize appropriations for fiscal year 1989 to the Legal Services Corporation to carry out the Legal Services Corporation Act, and for other purposes; to the Committee on the Judiciary.

By Mr. LIGHTFOOT:

H.R. 4534. A bill to amend the Internal Revenue Code of 1986 to permit taxpayers to elect to pay tax shown on return in installments and to authorize the Secretary to enter into installment agreements, to the Committee on Ways and Means.

By Mr. RODINO (for himself, Mr. Montgomery, Mr. Hammerschmidt, Mr. Solomon, Mr. Roe, Mr. Rinaldo, Mr. Florio, Mr. Hughes, Mr. Courter, Mr. Guarini, Mr. Dwyer of New Jersey, Mrs. Roukema, Mr. Saxton, Mr. Torricelli, Mr. Gallo, and Mr. Smith of New Jersey):

H.R. 4535. A bill to designate the outpatient clinic of the Veterans' Administration to be located on New Jersey State Route 70 in Brick Township, NJ, as the "James J. Howard Veterans' Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. WEBER (for himself, Mr. Davis of Illinois, Mr. Garcia, Mr. Grandy, Mr. Gunderson, Mr. Holloway, Mr. Johnson of South Dakota, Mr. Lagomarsino, Mr. Donald E. Lukens, Mr. Penny, Mr. Oberstar, and Mr. Stangeland):

H.R. 4536. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to use multiyear set-asides to establish wildlife habitats and feeding areas; to the Committee on Agriculture.

By Mr. WYLIE:

H.R. 4537. A bill to authorize the Secretary of the Army to carry out a flood control project on the Scioto River at West Columbus, OH; to the Committee on Public Works and Transportation.

By Mr. GILMAN (for himself, Mr. Leland, and Mr. Emerson):

H.J. Res. 563. Joint resolution designating October 16, 1988, as "World Food Day"; to the Committee on Post Office and Civil Service.

H. Con. Res. 293. Concurrent resolution correcting the enrollment of the bill H.R. 3; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII,

357. The SPEAKER presented a memorial of the Senate of the State of Illinois, relative to the amnesty period for applying for temporary legal residence; which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MORRISON of Washington introduced a bill (H.R. 4538) to permit reimbursement of relocation expenses of William D. Morger; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 995: Mr. Dowdy of Mississippi.

H.R. 1270: Mr. Hansen, Mr. Rangel, Mr. Kildee, Mr. Grant, Mrs. Kennelly, Mr. Lowry of Washington, Ms. Kaptur, Mr. Rodino, Mr. DeFazio, Mr. McDade, Mr. Oxley, Mr. Sikorski, Mr. Matsui, Mr. Lehman of Florida, Mr. Miller of Washington, Mr. Pepper, Mr. Hall of Ohio, Mr. Perkins, Mr. Miller of Ohio, Mr. Kleczka, Mr. Wheat, Mr. Natcher, Mr. Ford of Tennessee, Mr. Leland, Mr. Lungren, Mr. Watkins, Mr. Ford of Michigan, Mr. Manton, Mr. Gordon, Mr. Borski, Mr. McMillan of North Carolina, Mr. Sisisky, Mr. Stangeland, Mr. Tallon, Mr. Tauke, Mr. Spence, Mr. Walgren, Mr. Whitten, Mr. Bonior, Mr. Visclosky, Mr. Fuster, Mr. Gaydos, Mr. Gray of Illinois, and Mr. Murphy.

H.R. 1801: Mr. Robinson, Mr. Atkins, Mr. Hayes of Illinois, and Mr. Wise.

H.R. 1808: Mr. Glickman.

H.R. 2762: Mr. Anderson, Mr. Levine of California, Mr. Manton, Mr. Fuster, Mrs. Morella, and Mr. Emerson.

H.R. 2944: Mr. Smith of Florida.

H.R. 3215: Mr. Frost.

H.R. 3294: Mr. Thomas A. Luken, Mr. Goodling, Mr. Chandler, Mrs. Collins, Mr. Foglietta, and Mr. Markey.

H.R. 3455: Mr. Smith of New Jersey, Mr. Crockett, and Mr. Rangel.

H.R. 3565: Mr. Vento.

H.R. 3588: Mr. Roe, Mr. Garcia, and Mr. Torres.

H.R. 3628: Mr. Anthony, Mr. Stenholm, Mr. Morrison of Washington, Mr. Smith of New Jersey, Mr. Lewis of California, Mr. Hastert, and Mr. Glickman.

H.R. 3635: Mr. Holloway, Mr. Thomas of Georgia, and Mr. Rowland of Georgia.

H.R. 3646: Mr. Carper, Mr. Smith of New Hampshire, Mr. Udall, Mrs. Lloyd, Mr. Gingrich, Mr. Sundquist, Miss Schneider, and Mr. Moakley.

H.R. 3723: Mr. de la Garza, Mr. Skelton, Mr. Hefner, Mr. Cheney, Mr. Marlenee, Mr. Matsui, Mr. Montgomery, and Mr. Stump.

H.R. 3766: Mr. Vento, Mr. Conyers, Mr. Evans, and Ms. Pelosi.

H.R. 3791: Mr. Ray, Mr. Wolpe, Mr. Skaggs, and Mr. Fazio.

H.R. 3892: Mrs. Vucanovich and Mr. McMillan of North Carolina.

H.R. 3893: Mr. Courter.

H.R. 3907: Mrs. Boxer, Mr. Fields, Mr. Barton of Texas, and Mr. Rhodes.

H.R. 4002: Mr. Lent.

H.R. 4008: Mr. Lott.

H.R. 4036: Mr. Chapman.

H.R. 4074: Mr. Gray of Illinois.

H.R. 4083: Mr. Mineta.

H.R. 4190: Mr. Synar, Mrs. Bentley, Mr. Towns, Mrs. Collins, and Mr. Roe.

H.R. 4192: Mr. Clinger, Mr. Kemp, Mr. Gephardt, Mr. Bunning, Mr. Hughes, Mr. Upton, Mr. Mack, Mr. McEwen, Mr. Gallo, Mr. Moakley, Mr. Kolter, Mr. Hansen, Mrs. Lloyd, Mrs. Schroeder, Mr. Wolf, Mr. Wilson, Mr. Akaka, Mr. Saxton, Mr. Molinari, Mr. Taylor, Mr. Ballenger, Mr. Hammerschmidt, Mr. Stangeland, Mr. Miller of Ohio, Mr. Coble, Mr. Tauzin, Mr. Bateman, Mr. Callahan, Mr. Parris, Mrs. Bentley, Mr. Kleczka, and Mr. Gordon.

H.R. 4212: Mr. Green.

H.R. 4270: Mr. Leland, Mr. Pepper, Mr. Dixon, Mr. Bonker, Mr. Brown of California, Mr. Gilman, Mr. Gray of Pennsylvania, Ms. Pelosi, Mr. DeFazio, Mr. Jeffords, Mr. Feighan, Mrs. Roukema, and Mr. Bustamante.

H.R. 4373: Mr. Alexander, Mr. Leland, Mr. Buechner, Mr. Hoyer, Mrs. Boxer, Mr. Levin of Michigan, Mr. Chapman, and Mr. de la Garza.

H.R. 4403: Mr. Weiss, Mr. Wheat, Mr. Hayes of Illinois, Mrs. Kennelly, Mr. AuCoin, Mr. Torres, Mr. Kastenmeier, Mr. Morrison of Connecticut, Mr. Kennedy, Mr. Moody, Mr. Rodino, and Mr. Towns.

H.R. 4420: Mr. Dornan of California, Mr. Wortley, Mr. DeFazio, Mr. Lagomarsino, Mr. Smith of New Hampshire, Mr. Barton of Texas, Mr. Owens of New York, Mr. Nielson of Utah, and Mr. Upton.

H.R. 4433: Mr. Clinger.

H.R. 4516: Mr. Jeffords, Mr. Coleman of Missouri, and Mr. Williams.

H.J. Res. 138: Mr. Mavroules.

H.J. Res. 315: Mr. Lantos and Mr. Wilson.

H.J. Res. 378: Mr. Miller of Washington, Mr. Donald E. Lukens, Mr. Lightfoot, Mr.

Lewis of California, Mr. Rowland of Georgia, Mrs. Saiki, Mr. Schulze, Mr. Skelton, Mr. Smith of New Hampshire, Mr. Stratton, Mr. Stump, Mr. Sweeney, Mr. Synar, Mr. Tauzin, Mr. Taylor, Mr. Thomas of Georgia, Mr. Weldon, Mr. Whittaker, Mr. Young of Alaska, Mr. Hughes, Mr. Gingrich, Mr. Regula, Mr. Chandler, Mr. Coleman of Missouri, Mr. Cooper, Mr. Derrick, Mr. Espy, Mr. Fawell, Mr. Gekas, Mr. Gray of Illinois, Mr. Guarini, Mr. Harris, Mr. Hastert, Mr. Hefley, Mr. Hertel, Mr. Hunter, Mr. Hutto, Mrs. Johnson of Connecticut, Mr. Pickett, Mr. Lott, Mr. de la Garza, Mr. Borski, Mr. Kanjorski, Mr. Mazzoli, Mr. Badham, Mrs. Bentley, Mr. Bilirakis, Mr. Bliley, Mr. Buechner, Mr. Carr, Mr. Clinger, Mr. Coble, Mr. Coleman of Texas, Mr. Courter, Mr. Craig, Mr. Dannemeyer, Mr. Dreier of California, Mr. Kolbe, Mr. Huckaby, Mr. Houghton, Mr. Hefner, Mr. Hansen, Mr. Hammerschmidt, Mr. Hall of Ohio, Mr. Gregg, Mr. Gunderson, Mr. Gallegly, Mr. Edwards of Oklahoma, Mr. Robinson, Mr. Rhodes, Mr. Ravenel, Mr. Pursell, Mr. Petri, Mr. Perkins, Mr. Pashayan, Mr. Parris, Mr. Oxley, Mr. Owens of Utah, Ms. Oakar, and Mr. Montgomery.

H.J. Res. 398: Mr. Petri, Mr. Fields, Mr. Daub, Mr. Parris, Mr. Skeen, Mr. Traxler, Mr. Goodling, and Mr. Emerson.

H.J. Res. 438: Mr. Rangel and Mr. Owens of Utah.

H.J. Res. 452: Mr. Grant and Mr. Schuette.

H.J. Res. 458: Mr. McDade, Mr. Burton of Indiana, Mr. Frost, Mr. Gunderson, Mr. Broomfield, Mr. Kastenmeier, Mr. Lantos, Mr. Hastert, Mr. Lancaster, Mr. Bateman, Mr. Aspin, Mr. Archer, Mr. Buechner, and Mr. Markey.

H.J. Res. 476: Mr. Quillen, Mr. Borski, Mr. Lipinski, Mr. Yates, and Mr. Leach of Iowa.

H.J. Res. 478: Ms. Pelosi, Mr. Weiss, Mr. Hayes of Louisiana, Mr. Horton, Ms. Kaptur, Mrs. Bentley, Mr. Rodino, Mr. Clement, Mr. Lehman of Florida, Mr. Frost, Mr. Hochbrueckner, Mr. Goodling, Mr. DeFazio, Mr. Waxman, Mr. Jones of North Carolina, Mr. Vento, Mr. Hughes, Mr. Hawkins, Mr. Kanjorski, Mr. Dyson, Mr. Dingell, Mr. Spence, Mr. Darden, Mr. Stangeland, Mrs. Byron, Mr. Hoyer, Mr. Anderson, Mr. Berman, Mr. Biaggi, Mr. Boucher, Mr. Broomfield, Mr. Bustamante, Mr. Cardin, Mr. Carper, Mr. Coleman of Texas, Mrs. Collins, Mr. de Lugo, Mr. Dicks, Mrs. Lloyd, Mr. Dowdy of Mississippi, Mr. Duncan, Mr. Erdreich, Mr. Fauntroy, Mr. Frenzel, Mr. Guarini, Mr. Gunderson, Mr. Hall of Texas, Mr. Hefner, Mr. Henry, Mr. Ireland, Mr. Kolter, Mr. Lancaster, Mr. Leach of Iowa, Mr. Lewis of California, Mr. McEwen, Mr. McMillen of Maryland, Mr. Manton, Mr. Matsui, Mr. Miller of Ohio, Mr. Murphy, Ms. Oakar, Mr. Conyers, Mr. Levin of Michigan, Mr. Owens of New York, Mr. Perkins, Mr. Pursell, Mr. Richardson, Mr. Robinson, Mr. Pashayan, Mr. Savage, Mr. Campbell, Mr. Staggers, Mr. Stokes, Mr. Tauke, Mr. Taylor, Mr. Traxler, Mr. Valentine, Mr. Walgren, Mr. Yatron, Mr. Hansen, Mr. Natcher, Mr. Wolpe, Mr. Dixon, Mr. Ford of Michigan, Mr. Rogers, Mrs. Vucanovich, Mr. Pepper, Mrs. Kennelly, Mr. Yates, Mr. Sabo, and Mr. Miller of California.

H.J. Res. 485: Mr. Cooper, Mr. Duncan, Mr. Jones of Tennessee, Mr. MacKay, Mr. Spratt, and Mr. Tallon.

H.J. Res. 504: Mr. McEwen, Mr. Sisisky, Mr. Bonior of Michigan, Mr. Mazzoli, Mr. Smith of New Hampshire, Mr. Vander Jagt, Mr. Kolter, Mr. Grant, Mr. Ford of Michigan, and Mr. Frost.

H.J. Res. 542: Mr. Lungren and Ms. Pelosi.

H.J. Res. 553: Mr. Hammerschmidt, Mr. Clay, and Mr. Fauntroy.

H. Con. Res. 11: Ms. Snowe.

H. Con. Res. 19: Mrs. Meyers of Kansas.

H. Con. Res. 239: Mr. Waxman and Mr. Smith of New Hampshire.

H. Con. Res. 253: Mr. Ackerman, Ms. Pelosi, Mr. Gray of Pennsylvania, Mr. Grant, Mr. Fauntroy, Mr. Hoyer, Mr. Jones of North Carolina, Mrs. Boxer, Mr. DeFazio, Mr. Lagomarsino, Mr. Bennett, Mr. Smith of Florida, Mrs. Patterson, Mr. Torres, Mr. Lehman of Florida, Mr. Pepper, Mr. Roe, Mr. Wheat, Mr. Scheuer, Mr. Mrazek, Mr. Clarke, Mr. Sunia, Mr. Brown of California, Ms. Kaptur, Mr. Upton, Mr. Glickman, Mr. Weiss, and Mr. Dellums

H. Con. Res. 254: Mrs. Bentley, Mrs. Boggs, Mr. Foglietta, Mr. Martinez, Mr. Hughes, Mr. Eckart, and Mr. Davis of Illinois.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

166. By the SPEAKER: Petition of the Presbytery of San Fernando, Northridge, CA, relative to peace in Central America; to the Committee on Foreign Affairs.

167. Also, petition of Jaime S. Valdez, Tempe, AZ, relative to a notice of joiner; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE U.S. GOVERNMENT AND JOBS: THE FAMILY CONNECTION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. CRANE. Mr. Speaker, we are beginning to hear more and more in the news about Federal jobs being provided to relatives of Government executive employees. Currently, the law says that Members may not hire their own relatives, but it says nothing about their working for the Federal executive branch or for other Members or for Congress itself.

This is a trend that Congress must become aware of and possibly investigate. Congress must not allow elected officials to act as an employment agency for their family members. This is a dangerous precedent to set. Not only is it wrong for elected officials to use their office to provide employment for family members, but it also opens the door for conflict of interests to occur between the executive branch and the elected branch.

Recently, an article in the March 31, 1988, Wall Street Journal entitled "Ursula Meese, and Others" regarding this issue was brought to my attention. I find it noteworthy because it clearly indicates that this family connection may be a problem that Members of Congress will have to deal with in the future. Therefore, I commend my colleagues to read this article:

[From the Wall Street Journal, Mar. 31, 1988]

URSULA MEESE, AND OTHERS

Amid the stories about the two resigned Justice Department officials yesterday, the Washington Post had another story: "Independent Counsel Subpoenas Ursula Meese's Job Records." It now develops that Independent Counsel James McKay is investigating Mrs. Meese's $40,000-a-year job with the Multiple Sclerosis Society. "According to sources familiar with McKay's inquiry, the independent counsel has been trying to determine whether the Meeses' close friend, E. Bob Wallach, in effect helped supplement the Meeses' income by recommending Ursula Meese for the jobs." Mrs. Meese's job is matching MS patients with employers.

Whatever is going on here, the one thing we may fairly conclude is that it is worthy of investigation. But if it merits the attention of special prosecutors and reporters, then the town may hold enough such stories to command the attention of many such investigations. Last December, a UPI reporter produced a long story listing 73 relatives of House and Senate members who have worked for Congress in paid jobs since mid-1986. By law, members may not hire their own relatives, but the law says nothing about their working for other Members or for Congress itself. Here is a partial state-by-state summary, current at the time of UPI's story:

American Samoa: Fiti Sunia, son of Delegate Fofo Sunia, works in the office of California Rep. Mervyn Dymally. "It's hard to get a position if you come in right off the street," says Fiti Sunia. Vaaomala Sunia, another of Fofo Sunia's sons, works as a Capitol Hill policeman.

Arizona: Vincent Fabrizio, stepson of Rep. Morris Udall is a staff member for the House Public Works Committee, chaired until last week by the late Rep. James Howard. Rep. Howard's daughter works on the Interior Committee chaired by Rep. Udall.

California: Edith Wilkie, wife of Rep. Don Edwards, works as executive director of the Arms Control and Foreign Policy Caucus. She worked for Congress before her husband's election.

Arlene Willis, wife of Rep. Jerry Lewis, works as his administrative assistant. While she worked for him before their marriage, their current relationship was not listed, as is required, on monthly payroll records.

Phyllis Coelho, wife of Rep. Tony Coelho, is a secretary in Indiana Rep. Andy Jacobs' office, where she worked before her marriage.

Douglas Boxer, son of Rep. Barbara Boxer of California, worked last summer for the House Ways and Means committee. His sister, Nicole, worked the previous summer for Rep. Les AuCoin.

Colorado: Janna Hefley, daughter of Rep. Joel Hefley, worked as a paid intern for Rep. James Bunning of Kentucky.

Connecticut: John Kennelly, son of Rep. Barbara Kennelly, worked last summer as a clerk for the House postmaster.

District of Columbia: John Ball, a brother-in-law of Delegate Walter Fauntroy, works in the House doorkeeper's office.

Florida: Daniel Barton, cousin of Rep. William Lehman, worked last summer as a page for the House doorkeeper.

Mary McGillicuddy, sister of Rep. Connie Mack, worked until last year for Rep. Barbara Vucanovich.

Hawaii: Andrew Matsunaga, brother of Sen. Spark Matsunaga, works as director of the Senator's Honolulu office. He began work before current anti-nepotism laws were passed. Also, Senator Matsunaga's son-in-law is a Capitol Hill police officer.

Idaho: Sallianne Stallings, daughter of Rep. Richard Stallings, worked as a summer clerk for the House postmaster.

Illinois: Doyle Evans, brother of Rep. Lane Evans, works in the House doorkeeper's office.

Herman Morris, nephew of Rep. Cardiss Collins, worked last summer as a clerk for the House doorkeeper.

Rose Marie Lipinski, wife of Rep. William Lipinski, works part time for the House Administration Committee.

Heather Davis, daughter of Rep. Jack Davis, worked as a paid intern last summer for Rep. Jim Bunning of Kentucky.

Phillip Miller, stepson of Rep. Charles Hayes, works for the House postmaster.

Kansas: Rhoda Glickman, wife of Rep. Dan Glickman, works as executive director of the Congressional Arts Caucus.

Kentucky: Kelly Hubbard, daughter of Rep. Carroll Hubbard, worked as a paid intern last summer for Rep. Les AuCoin.

Maryland: Samuel Lee Dyson, brother of Rep. Roy Dyson, works as a Capitol Hill policeman. He was hired before his brother's election, and reports that he has seen at least one congressional relative walk into a Member's office and "come out in a second with a job. . . . It is that easy when you know someone."

Massachusetts: Christopher Moakley, nephew of Rep. John Moakley, worked in six different temporary congressional jobs between 1982 and 1986, four of them patronage jobs controlled by his uncle.

Patricia Hamel, niece of Rep. Moakley, works as an office manager for Rep. Barney Frank. Susan Lewis, the niece of Rep. Frank, works for Rep. Stephen Solarz, although her relationship to Rep. Frank was not declared on payroll records. She had previously worked for Sen. John Kerry, whose staff also included John Dukakis, son of Governor Michael Dukakis. Susan Lewis's uncle, David Frank, was Rep. Solarz's press secretary until 1986.

George Early, brother of Rep. Joseph Early, runs the House folding room, which handles congressional mail. Folding-room employees have complained about being forced to lend money to supervisors and work 70-hour weeks without overtime pay. Mark Early, Rep. Early's son, works for Rep. Robert Traxler where he took the place of Dennis Early, the congressman's nephew.

Michigan: Barbara Shaffer, daughter of Rep. William Broomfield, works in the House clerk's office.

David Kildee, son of Rep. Dale Kildee, worked last summer for the House doorkeeper.

Minnesota: Peter Vento and John Vento, sons of Rep. Bruce Vento, both worked last summer as congressional clerks.

Missouri: Michelle Clay, daughter of Rep. William Clay, works as an assistant counsel for the House Judiciary Committee.

Montana: Griff Williams, son of Rep. Patrick Williams, worked for the House postmaster last summer.

Nevada: George Vucanovich, husband of Rep. Barbara Vucanovich, is a CPA who does financial consulting for three other GOP House members.

New Mexico: Clare Domenici, daughter of Senator Pete Domenici, works as a clerk for the House postmaster.

New York: Robert Power, stepson of Rep. Robert Garcia, also works for the House postmaster.

North Carolina: Stacye Hefner, daughter of Rep. W.S. Hefner, works for the House Administration Committee.

Anita Jones, daughter of Rep. Walter Jones, worked for the House Banking Committee until last year.

Joan Teague Rose, wife of Rep. Charles Rose, works as a staff assistant for a House agriculture subcommittee chaired by her husband. Mrs. Rose was hired shortly before her marriage.

Stephen Neal, son of Rep. Stephen Neal, worked for the House doorkeeper until last year.

North Dakota: Lucy Calautti, wife of Sen. Kent Conrad, works as an executive assistant for Rep. Byron Dorgan of North Dakota. Ms. Calautti is not listed in payroll records, as required, as the spouse of a Member. James Sinner, son of North Dakota Governor George Sinner, aslo works in Rep. Dorgan's office.

Ohio: Helen Rose Ellas, a cousin of Rep. Mary Rose Oakar, works as a secretary for the House doorkeeper.

Bert Hammond, son-in-law of Rep. Louis Stokes, works for the House Foreign Affairs Committee.

Oklahoma: Wade Watkins, son of Rep. Wes Watkins, worked last summer for the House doorkeeper.

Oregon: Leland AuCoin, brother of Rep. Les AuCoin, works for the House clerk's office. The congressman's daughter, Stacey AuCoin, worked last year as a temporary employee for Rep. Robert Traxler.

Pennsylvania: Maureen Dinneen, daughter of Rep. Austin Murphy, works as an assistant for Rep. Nick Rahall of West Virginia, who serves with Rep. Murphy on two subcommittees.

Robert Dinneen, Maureen Dinneen's husband, works for a House committee on which Rep. Murphy, his father-in-law is a member. The committee also employed Tanya Rahall, Rep. Rahall's sister, for five years until 1984.

Kyle Jones Beatty, sister-in-law of Rep. Peter Kostmayer, works as a secretary for the House clerk.

Joel Secundy, nephew of Rep. William Gray, worked last summer for the House doorkeeper.

South Carolina: Thaddeus Strom, third cousin of Sen. Strom Thurmond, works as administrative assistant in Sen. Thurmond's office. "It's really coincidental that I'm working here," Mr. Strom told UPI.

Rita Hayes, sister of Rep. Butler Derrick, works as an administrative assistant for Rep. Elizabeth Patterson of South Carolina.

Texas: Katherine Brooks, daughter of Rep. Jack Brooks, worked last summer for the House doorkeeper.

Thomas Leath, son of Rep. Marvin Leath, worked last summer as a paid intern for Rep. Beryl Anthony of Arkansas.

Kimberly Coleman, daughter of Rep. Ron Coleman, worked last summer for the House postmaster.

Utah: Scott Hatch, son of Senator Orrin Hatch, works for the Secretary of the Senate. The Senator's daughter, Wendy, recently worked for the House Administrative Committee.

Ted Owens, son of Rep. Wayne Owens, worked for the House doorkeeper last summer.

West Virginia: Sandra Casper Wise, wife of Rep. Robert Wise, works for the House Ways and Means committee. She worked for Congress prior to her marriage.

Wisconsin: Craig Obey, son of Rep. David Obey, works for the Senate Special Committee on Aging.

TESTIMONY ON BANK POWERS LEGISLATION

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. MORRISON of Connecticut. Mr. Speaker, on April 13, 1988, consumer advocates Ralph Nader and Jonathan Brown testified before the Subcommittee on Telecommunications and Finance on the issue of expanded bank powers. They make a strong argument against giving banks the authority to underwrite and deal in corporate securities. I wanted to be sure that my colleaguos would have the opportunity to review this testimony as they consider the bank powers issue.

The testimony follows:

TESTIMONY OF RALPH NADER AND JONATHAN BROWN

Mr. Chairman and members of the Committee, we appreciate the opportunity to present our views on the separation of commercial banking and securities activities.

Congress should not repeal the provisions of the Glass-Steagall Act which prohibit banks and bank holding companies from underwriting and dealing in corporate securities. Specifically, the following securities activities should continue to remain off limits to banking organizations:

(1) underwriting or dealing in corporate debt or equity securities;

(2) sponsorship or investment management of mutual funds comprised of corporate debt or equity securities;

(3) underwriting securities collateralized by their own loans.

Three primary reasons justify retention of the Glass-Steagall barrier between commercial banking and these securities activities. First, commercial bank underwriting and dealing in corporate securities involves serious conflicts of interest that can injure public investors, undermine the integrity of capital markets, and are not readily controlled by any realistically available set of safeguards. Second, underwriting and dealing in corporate securities constitutes the core activity of the securities sector and there are broad public policy reasons for maintaining separate commercial banking and securities sectors. Third, notwithstanding the claims of the banking lobby to the contrary, the integration of commercial banking and securities activities is not a prerequisite for preserving the vitality of the banking sector or realizing the benefits of financial innovation.

CONFLICTS OF INTEREST

The basic conflicts of interest inherent in commercial bank underwriting and dealing in corporate securities can be summarized as follows.

(1) A bank has a creditor interest in a broad array of corporate borrowers. These interests could easily bias the bank's (or the bank's securities affiliate's) performance as a securities underwriter or investment adviser to a mutual fund.

(2) A bank as a creditor has privileged access to a broad range of confidential information on its corporate borrowers. This "insider" information could easily be used by the bank's securities affiliate in its underwriting, dealing, or mutual fund activities.

(3) A bank as a portfolio holder of loans has an incentive to "securitize"—pass off on the public—its poor quality loans. This incentive could easily bias its performance as underwriter or investment adviser to a mutal fund.

The only practical way to contain these conflicts of interest is to prohibit a securities affiliate from underwriting, dealing in, or purchasing for a sponsored or advised mutual fund any security issued by a firm with which an affiliated bank has a creditor relationship. Yet, banks contend that such a restriction would undermine the economies associated with bank entry into securities activities. If the banks are correct, then there is no public purpose served by authorizing such securities powers for banking institutions. The danger inherent in authorization with strong safeguards is that over time the banks will use their considerable lobbying power to whittle away the safeguards. In considering the issue of bank entry into securities activities it is important to distinguish between the conflict of interest problem—which involves injury to public investors and public capital markets—and concerns about bank safety and soundness. Concerns that securities activities may injure banks can be addressed to a considerable extent by requiring that securities activities be conducted in a separate bank holding company subsidiary and by prohibiting all transactions, such as loans, credit enhancement, or transfers of assets, between a bank and its securities affiliate.

S. 1886, the Glass-Steagall repeal legislation recently passed by the Senate, contains "firewall" provisions that address many of the bank safety and soundness concerns. Unfortunately, the bill fails to include the necessary conflict of interest barriers. Its specific deficiencies can be summarized as follows.

(1) The bill would allow a securities affiliate to underwrite and deal in corporate debt securities issued by a firm with which an affiliated bank has a creditor relationship.

(2) The bill would allow a securities affiliate to use confidential information concerning corporate borrowers of its affiliated bank so long as the borrowing firm gave consent. It should not be difficult for creditors to obtain such consent from most borrowers.

(3) The bill would generally allow a mutual fund sponsored by a securities affiliate to purchase corporate debt or equity securities issued by a firm with which an affiliated bank has a creditor relationship. The bill does contain a narrow provision prohibiting the purchase of such securities during an underwriting if the proceeds will be used to retire indebtedness to the affiliated bank. However, this provision would be difficult to enforce given the fungibility of money.

(4) The bill would generally allow a securities affiliate to underwrite securities that are collateralized by loans made by an affiliated bank. The bill does contain a narrow provision requiring such securities to be rated by an unaffiliated rating firm. However, bond rating firms will hardly have the same knowledge concerning the quality of the affiliated bank's loans as the bank itself.

MAINTAINING SEPARATE SECURITIES AND COMMERCIAL BANKING SECTORS

An excellent report prepared by the Subcommittee On Telecommunications, "Restructuring Financial Markets: The Major Policy Issues," (July 1986), has developed the view that there are important advantages to maintaining a securities sector that is separate from the commercial banking sector. This perspective can be extrapolated and summarized as follows. Bank's dominant position among financial institutions in terms of assets and capital, their access to the federal safety net, and their unique role in supplying liquidity means they are likely to emerge as the controlling power in most major commercial bank-securities conglomerates. Somewhat ironically, such a situation might enable these financial conglomerates to follow a strategy of promoting more expensive bank products, such as commercial loans, and de-emphasizing less expensive securities alternatives, such as commercial paper. This pattern is certainly in evidence in West Germany where banks control the securities industry and German industrial corporations are heavily dependent on bank credit, while the growth of corporate debt and equity securities have been stunted.

Giant financial conglomerates will have more leverage over industrial, commercial, and agricultural corporations than large, but separate banks, securities firms, or insurance firms. One of the real advantages of the growth of separate financial sectors in the United States over the last 70 years is that it has inhibited the financial sector control over real sector corporations that was manifest in the heyday of the Money Trust at the turn of the century. Today there is a broad recognition that financial firms should be the servants of corporations in the real sector of the economy, not their masters.

Moreover, a financial system comprised of separate sectors provides an important set of checks and balances that are missing in a consolidated financial system. For example, a separate securities sector provides a better check on the quality of bank loans that are being securitized than a securities industry dominated by banks.

BROAD SECURITIES POWERS ARE NOT NECESSARY TO THE VITALITY OF THE COMMERCIAL BANKING SECTOR

The root cause of the profitability problems currently being encountered by many banks, especially large money center banks, lies in poor lending decisions and other management errors. Against this backdrop of mismanagement, it is bizarre to find new powers being prescribed as a remedy for sagging profits. In the early 1980's a similar remedy was prescribed for the ailing savings and loan industry—in that instance real estate equity investment authority—with disastrous results.

Proponents of broad securities powers for banks claim that "securitization" is shrinking traditional lending opportunities for banks and that banks need additional fee income from securities activities to compensate for the declining loan market. However, looking at the commercial banking system as a whole, "securitization" has not resulted in any largescale by-pass of commercial banks as intermediaries. In fact, commercial banks now hold $2 trillion in deposits and 67% of their total assets are invested in loans. Apart from mortgage backed securities, which have been aided by federal credit guarantees, securitized loans represent a very small segment of our capital and credit markets.

The one area where some commercial banks have lost a large share of a traditional loan market to securitization—short term commercial loans to large corporate borrowers—has impacted primarily on a limited number of money center banks, such as Manufacturers Hanover or Chase Manhattan Bank. However, while a few money center banks stagnate, many regional banks are booming. Congress has correctly placed its full faith and credit behind the federal deposit insurance system; but, there is no reason why it should guarantee market shares for a handful of money center banks.

Moreover, it is misleading to argue that failure to repeal Glass-Steagall will place U.S. banks at a competitive disadvantage in the international banking arena. At present U.S. banks are permitted broad securities powers outside the United States. As long as the exercise of securities powers in foreign markets does not impair the safety and soundness of our banks, there is nothing wrong with this. If the British or the Germans want to allow commercial banks—whether British, or German, or U.S. banks—to underwrite corporate securities in London or Frankfurt, that is their decision.

However, no one can seriously claim that the existence of Glass-Steagall in the United States has weakened our capital markets. In fact, the capital markets in the U.S. are among the most sophisticated and innovative in the World. Moreover, some of the more freewheeling international securities markets, such as the London-based Eurobond market, have encountered competitive difficulties because they lack the integrity of the U.S. capital market. In 1987 the volume of dollar-denominated bond issues on the Eurobond market fell sharply to below its 1984 level. Analyzing this decline, the lead article in the Wall Street Journal of March 29, 1988 observed:

"The unregulated, cowboy-like aspects of Eurobond dealing and underwriting helped sully the market's image and further discourage investment."

APPROPRIATE SECURITIES POWERS LEGISLATION

Opposition to Glass-Steagall repeal does not mean that there is no need for Congress to act to delimit permissible securities powers for banking institutions. The Federal banking agencies are engaged in a vigorous campaign to repeal Glass-Steagall through loophole exploitation and this regulatory usurpation of Congressional authority is no longer restrained by the common sense approach of former Federal Reserve Board Chairman Paul Volcker.

Moreover, there are a number of important concepts that should be embodied in legislation addressing the securities powers issue. Particularly important is the requirement that securities activities of banking organizations be placed in separate subsidiaries and subject to full-fledged SEC regulation. Whatever the scope of securities powers that Congress ultimately grants to banking organizations, this approach should be followed.

In 1984 the Senate passed legislation, S. 2851, that would have granted bank holding companies authority to underwrite and deal in municipal revenue bonds, mortgage backed securities, and commercial paper. The conflicts of interest involved in the exercise of these limited securities powers by banking institutions are far more manageable than those inherent in bank uderwriting and dealing in corporate debt securities and mutual funds. Limited securities powers of this nature may well serve borrower interests and enhance the efficiency of capital markets. However, there is no reason for the Congress to pay tribute to the big bank lobby in the form of overbroad securities powers in order to secure passage of legislation that would establish a more rational—and Congressionally determined—structure for the exercise of securities powers by banking institutions.

THOMAS P. GIBLIN HONORED FOR PUBLIC SERVICE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues one of New Jersey's distinguished public officials, Mr. Thomas P. Giblin, who will be honored by his friends and colleagues at a special dinner next week.

Mr. Giblin, a Montclair, NJ, resident, is currently serving his fourth term on the Essex County Board of Chosen Freeholders. Because of his dedication to the residents of Essex County and exemplary leadership, Tom was unanimously elected Freeholder president by his colleagues in early 1987 and again in 1988. Mr. Giblin's commitment to his community, though, extends beyond serving as a Freeholder.

Tom has been very active in a variety of charitable and public service organizations. He serves as director of the Essex County Unit for the New Jersey Association of Retarded Citizens and as a trustee of the United Cerebral Palsy Association of Northern New Jersey. Mr. Giblin has also been involved with the Main Street Counseling Center in West Orange, St. Vincent's Academy in Newark and Community Health Care of New Jersey.

As president and chairman of the Education Fund of local 68 of the International Union of Operating Engineers, Mr. Giblin has continually proven to be an instrumental and integral part of the success of local 68, as well as the entire statewide labor organization. It is apparent that he possesses a unique talent that has enabled him to excel in his profession. Tom's commitment to organized labor is reflected in his serving as a delegate to the Essex-West Hudson Labor Council, Essex County Building and Construction Trades Council, the Passaic County Central Labor Council and the Union Labor Council of New Jersey.

I applaud Mr. Giblin's expertise and commitment to his community and the Operating Engineers' Union. My best wishes are with Tom as he continues through his career. We, in the State of New Jersey, certainly owe him a debt of gratitude.

CONGRATULATIONS TO THE PARISH OF ST. LUKE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. WELDON. Mr. Speaker, I would like to take this opportunity to congratulate the Greek Orthodox Church of St. Luke in Broomall, PA on its 25th anniversary. Since its founding in 1963, the parish of St. Luke has acted as a pillar of support in my community, serving as a source of strength for hundreds of parishioners, and a source of both compassion and assistance for the needy.

On their Silver Jubilee, the parishoners of the Greek Orthodox Church of St. Luke can be proud of the contributions that they have made to the community. The parish of St. Luke has set a fine example of not just goodwill, but of active concern for the needs of others, and for this guidance it is truly deserving of our gratitude.

While congratulating the parish of St. Luke on its accomplishments over the past 25 years, I would also like to extend my thanks for their dedication that I am certain will continue over the next 25 years, and beyond.

H.R. 4502, THE BIOTECHNOLOGY SCIENCE COORDINATION AND COMPETITIVENESS ACT OF 1988

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. SCHEUER. Mr. Speaker, on Friday, April 30, I introduced H.R. 4502, the Biotechnology Science Coordination and Competitiveness Act of 1988. Today, the Office of Technology Assessment is releasing a copy of a new report, "Field Testing Genetically-Engineered Organisms: Genetic and Ecological Issues." The report reminds us of biotechnology's enormous potential for improving the quality of life, not only in our country, but also in the developing world.

In agriculture, we can design plants to be more resistant to drought, salinity, disease, and pests. We can design plants to take nutrients from the air and reduce our dependence on synthetic fertilizers and pesticides, which can threaten our ground water supplies. We may be able to genetically engineer microorganisms to help clean up toxic wastes, contaminated ground water, and oil spills. In the health area, biotechnology is already paying dividends, with the development of new diagnostic tools and therapeutic agents such as human growth hormones and TPA, a new drug which can help save heart attack victims. In the future, biotechnology may give us vaccines for the world's remaining intractable diseases, including hepatitis, malaria, and AIDS.

Despite these dazzling promises, we remain wary, recalling past promises of new technologies. Based on past experiences with introductions of novel organisms into the environment, and our limited knowledge about microbial ecology, there is indeed some reason to be concerned about potential environmental effects from field-testing genetically-engineered organisms.

But we cannot let our uncertainties paralyze us. Americans have never expected or demanded a zero-risk future. Hopefully, the OTA report will help provide a sense of reassurance that we can move ahead safely to start field testing biotechnology products.

It is high time to move beyond this debate, which has hindered the development of promising new biotechnology products and has hampered the ability of the U.S. biotechnology industry to be competitive in the world marketplace. Frankly, the long-running debate on releasing genetically-engineered organisms into the environment has largely diverted Congress' attention from the significant benefits in the areas of health, environment, and agriculture and from the need to create conditions favorable to the development of biotechnology products.

We still have an opportunity to take the initiative to ensure the Nation's competitive edge in biotechnology. But doing so will require a commitment from Congress, the industry, and other affected interest groups to work together to frame a national strategy for biotechnology. We need to stop focusing on isolated issues and address the broad variety of challenges facing the biotechnology industry in a comprehensive and holistic manner.

H.R. 4502 would establish a National Biotechnology Policy Commission, composed of representatives of industry, government, public interest groups, and academics. The Commission would be charged with reviewing Federal policies affecting biotechnology and making recommendations to the President and to Congress. The recommendations should address policies that will enhance the efficient and timely advance of biotechnology research, methods to enhance the competitiveness of the United States in commercial biotechnology, policies to ensure an adequate future supply of scientists and engineers in fields critical to biotechnology, Federal participation in cooperative research initiatives with the private sector, and technology transfer activities.

Congress' failure to address these larger issues—to decide what our national strategy should be on biotechnology—is an abdication of our responsibility which could send the U.S. biotechnology industry to the high-technology graveyard.

I urge my colleagues to review the bill and to become a cosponsor.

A section-by-section analysis follows:

H.R. 4502, THE BIOTECHNOLOGY SCIENCE COORDINATION AND COMPETITIVENESS ACT OF 1988

(Section-by-Section Analysis)

SECTION 1. SHORT TITLE.

Sets out the short title of the bill.

SEC. 2. FINDINGS.

States that biotechnology is an enabling technology which spans all sectors of the economy; that biotechnology may provide beneficial new techniques for cleaning up hazardous waste sites, managing natural resources, meeting the needs of developing nations for food, fiber, and fuel, reducing environmental threats from agricultural chemicals, and developing higher-yielding and more resilient agricultural products; that other nations have targeted biotechnology as a strategic economic area; that maintaining the U.S. lead in biotechnology will require an increased commitment to scientific and technical excellence; and that it is in the national interest to develop a national strategy for biotechnology through the coordination of existing government programs and policies and through cooperation with the private sector.

SEC. 3. NATIONAL BIOTECHNOLOGY POLICY COMMISSION.

Section 3(a) establishes a National Biotechnology Policy Commission, consisting of representatives of federal agencies involved in biotechnology, the research community, the private biotechnology sector, and public interest groups. Requirements for the composition and structure of the Commission are set out in the remainder of section 3(a).

Section 3(b) sets out the duties and functions of the Commission. The Commission shall review and evaluate federal biotechnology programs and non-confidential privately-funded biotechnology activities and make recommendations to the President and to Congress. In particular, the recommendations should address policies that will enhance the efficient and timely advance of biotechnology research, methods to enhance the competitiveness of the U.S. in commercial biotechnology, policies to ensure an adequate future supply of scientists and engineers in fields critical to biotechnology, federal participation in cooperative research initiatives with the private sector, and technology transfer activities.

The Commission is required under section 3(c) to report to Congress by January 31, 1990, and every two years thereafter. Section 3(d) sets our various provisions relating to staff and personnel.

Section 3(e) directs the Commission to work in consultation and coordination with federal agencies, and directs federal agencies to cooperate with the Commission by providing relevant information as requested by the Commission. This section also authorizes the Commission to hold hearings throughout the U.S. as necessary. Section 3(f) sets out provisions relating to the compensation of Commission members.

TRIAL BY SLEAZE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. CRANE. Mr. Speaker, the personal and business affairs of public and executive government officials have long been a topic of concern for American citizens. However, recent allegations made about some officials have been unfounded. Government officials are being accused of wrong doing, with no evidence to back up these charges. Juries are either finding these officials innocent, or prosecutors are finding no basis for prosecution. Personal attacks on one's character are being made because of one's political viewpoint. This is simply beyond ethics, the law or any real definition of politics. Because of this I would like to bring to my colleagues' attention the following article that appeared in the March 31, 1988, Wall Street Journal, entitled "Trial by Sleaze."

[From the Wall Street Journal, Mar. 31, 1988]

TRIAL BY SLEAZE

"Mr. Meese has become the crown jewel of the sleaze factor in Reagan administration history," the Majority Leader of the United States Senate said yesterday. "He ought to get out. The country cannot have confidence in the Justice Department when the top law enforcement officer obviously has to spend an inordinate amount of his time defending himself."

True enough. Ask Ray Donovan, who had to resign as Labor Secretary before he was officially declared innocent by a jury last year after years of trial by sleaze. Ask James Beggs, forced by charges that proved utterly baseless to leave his job as acting administrator of NASA, turning it over to an acting chief two months before the ill-fated Challenger launch.

Now, with the abrupt resignation of Justice Department officials Arnold Burns and William Weld, we scour the papers looking for what Ed Meese has done—indeed, for the charges against him. We find his "calendar of troubles"—his personal finances, the Iran-Contra affair, Wedtech and the Iraqi pipeline. This is the indictment that has been handed up by the Washington sleaze brigade. Under the personal-finances subhead we find that Special Prosecutor Jacob Stein investigated 11 different allegations and found no basis for prosecution. But the federal Ethics Office had the final word, the one that counts: Mr. Meese "had created the appearance of impropriety." The pipeline, of course, was never built. But the sleaze campaign rolls onward.

The assault on Ed Meese is disingenuous. It has virtually nothing to do with Wedtech, Frank Chinn, or his wife's job. (Ursula Meese's job and related matters are the subject of the editorial below.) The entire, seven-year-long attack on Ed Meese is about things that are worthier of all this effort—the exclusionary rule, the Miranda rule, affirmative action and Ronald Reagan. The message being sent here is what your personal fate will be if you come to Washington intent on taking away the crown jewels of modern liberalism.

Senator Arlen Specter is so aflutter over the Justice Department resignations that he wants to convene the Judiciary Committee. That's fine with us, but let the Senator convene his hearing on the corner of West 158th Street and Amsterdam Avenue in Harlem. Then the public could come forward to talk about not only that terrible Robert Wallach but also about the Brunson Gang, Willie's Gang, the John-Johns, the Do-Wops, the P.C. Boys, and Ed Meese's campaign against the exclusionary rule.

Two weeks ago, the New York Times ran a detailed map of the neighborhoods in upper Manhattan now controlled by drug gangs ("hoodlums could be responsible for 523 slayings"). Six days later a group of Harlem citizens in a crime- and crack-infested neighborhood stoned to death a purse snatcher, apparently without reading him his Miranda rights. Vigilantes elsewhere have burned down crack houses. This page yesterday described a police technique called "the hammer" in Los Angeles, which has some 500 gangs. It consists of 200 police sweeping through areas rousting gang members. According to press accounts, citizen support for "the hammer" is high. To liberals, who don't normally live in these murderous slums, Ed Meese personifies "the hammer."

The two just-resigned department officials are said to be concerned that Justice isn't functioning well amid the endless Meese stink bombs. We aren't surprised. In a perfect world, we would prefer an Attorney General freer to devote his full attention to the work of the Justice Department, including protecting the prerogatives of the presidency, firing independent counsel who overstep prosecutorial guidelines and perhaps even empaneling a grand jury in Fort Worth, Texas.

But Washington is not a perfect world, and Mr. Meese's resignation would not give us such an Attorney General, if indeed a new Attorney General could be confirmed at all. Keeping the Justice Department from functioning properly is precisely the first object of the attack on Mr. Meese.

The larger object is to blacken the Reagan presidency, to prevent the consolidation of its incipient political legacy. The people who have been made sick by two Reagan terms insist that they merely wish to preserve the high ethical tone of national politics, and we suppose they have a right to hypocrisy under the First Amendment.

Our own view is that the whole long Meese affair has floated well beyond ethics, the law or any real definition of politics. It is about what its promoters claim. It is about something sleazy. It is about what Washington has become.

IN MEMORY OF LOUIS A. LAVASSA

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. MORRISON of Connecticut. Mr. Speaker, I rise today to honor the memory of Louis Lavassa, a beloved resident of Stony Creek, CT. Mr. Lavassa was as much a fixture of his town as two of the organizations in which he served for over 50 years—the Stony Creek Fife and Drum Crops and the volunteer Rescue Fire Co. No. 5. Mr. Lavassa's countless civic deeds were labors of love; no one better demonstrated the virtues of charity and selflessness.

By the time he died on March 31 of this year—in the same house in which he was born 74 years earlier—Mr. Lavassa had earned the friendship and admiration of hundreds of other citizens in the Stony Creek area and beyond. It was not at all surprising that so many of them came to pay their respects at his funeral April 4.

Among those in attendance was Anthony "Unc" DaRos, who delivered a moving eulogy for his late friend. I would like to recall some of Mr. DaRos' words here:

On a granite hilltop in 1913 Lou Lavassa came into this world, and on that same chunk of granite in the exact spot, 74 years later, Lou left this world. Needless to say, Lou's roots were firmly planted in the "Creek."

At the time of his birth, Lou had but the love of his parents and sisters; at the time of his death, he had the love of three full generations of an entire community.

Lou did not have his own family in the traditional sense, but countless people would consider him a brother, uncle, father, grandfather. We have all benefited for having known him.

President, captain, mayor, commissioner, director, trustee—all titles by which we knew Lou, and he was proud of each. His favorite was simply "Creeker"; you would see him give a little grin and blush with pride.

Lou never did anything half-heartedly. In everything he did, he would give his all, especially if it was volunteer work, or if someone was in trouble. Those two things got most of his attention. When he ran his "Fix-it" shop, for example, I would see him drop everything in the middle of a large project to help someone who had a problem. It would be months before he would get back to it. By that time, it would be buried under other projects. So I asked him about that. And he explained his actions, which is something Lou very seldom did. It was a very complicated system of priorities, and I found money had absolutely nothing to do with it. I know that Lou's pay for most of those top-priority jobs was a simple "thank you."

Lou was a veteran of World War II and had seen action in Europe. He was active in the VFW and the American Legion. Lou was a true patriot in every sense of the word. He did not talk about the war much, but when he did it was with pride.

Another organization he belonged to was the Branford Fire Department, in which he had over 56 years of active service, 16 as a commissioner. But it was in Rescue Fire Co. No. 5 that Lou honed and refined some of his best talents. One was as an orator. No matter how hot an issue was on the floor, no matter how excited everyone was, Lou would just lay back until all the hollering was done. Then he would ask for the floor. Deliberately slow he would stand up, deliberately slow he would clear his throat. He would deliver the solution to the problem in so few words that it wouldn't seem possible. And when it came to a vote, Lou's ideas generally prevailed.

Another of his talents was letter-writing. Lou would use this talent often, as condolences, as reassurance, as a reminder of what your obligations were. The successful fund-raising letters of both the Drum Corps and the Fire Company were of Lou's hand. The splendid uniforms of the Corps, Engine 10, Car 21, and Marine 5 were proof of his success.

Lou was very civic-minded, always helping to make his community a better place to live. He simply liked people. When he drove the senior citizen bus, he laughed and joked with those folks, and he loved it. What a sense of humor he had. His last job was delivering flowers, a job he enjoyed because he got to meet more people and see the joy the flowers would bring.

But his greatest love was the Stony Creek Fife and Drum Corps in which he played an active part and was a driving force for more than 60 years. I could not do justice to him in attempting to describe the historic role that Louie played in the Corps, for I never belonged to the Corps. I just loved to hear them and, like thousands of others would listen for that ancient beat which is the unique signature of the Corps. Let it suffice to say that it was something that he cherished and was most proud of.

Today we witness the passing of our friend. But when Rescue Fire Co. No. 5 is racing to the aid of one of his neighbors, Lou's spirit will be riding with them. When you hear that ancient beat of the Stony Creek Fife and Drum Corps with all their colors flying, his spirit will be marching with them.

I thank Mr. DaRos for his eloquent tribute to Mr. Lavassa, and I urge my colleagues in the Congress to join me in recognizing the contributions of a man whose life exemplified the best American tradition of volunteer service to one's community.

POLICE CHIEF RECOGNIZED FOR LIFELONG SERVICE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. FLORIO. Mr. Speaker, it is with great pleasure that I bring to the attention of my colleagues a gentleman who is being honored by his community for his lifetime commitment to law enforcement. I am speaking of Chief Robert J. Battersby, of Haddon Heights, NJ.

Chief Battersby began his career as a member of the force with the Delaware River Port Authority in 1957. Two years later, he joined the Haddon Heights Force which he has so capably served for amost three decades. Beginning as a patrolman, Chief Battersby has continually brought an extraordinary professionalism to all of the positions he has held, especially to the Office of Chief of

Police. The chief recognized the need for improvements, while maintaining the tradition of excellence which has always been a part of this South Jersey Police Force. While firm and eager to make tough decisions, Chief Battersby maintained an "open-door" policy with his coworkers as well as the community, thus earning him much respect and admiration.

It is indeed apparent that the modern, efficient, and responsive force that is the Haddon Heights Police Department is largely a result of the tireless efforts of Chief Robert Battersby. Therefore, Mr. Speaker, it is a privilege for me to join with the chief's wife Brenda, and all of his family and friends in extending my most sincere best wishes for much success and happiness in all of the years to come.

ROCKY'S CRUSADE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. WELDON. Mr. Speaker, today I would like to offer long-overdue recognition to a constituent of the 7th Congressional District of Pennsylvania. His name is Reverend Dr. William Rocky Brown III, fondly referred to as "Rocky," and he is a man of unusual accomplishment not just in this district, but, I believe, in this country. Known and loved as the Pastor of the First Baptist Church of Bernardtown, as well as serving as a comptroller for the city of Chester, his greatest accomplishment is his crusade against drug abuse in our schools.

What makes Rocky's crusade against drugs so exceptional is his ability get his message through, which he does by a means as simple as it is effective—he 'raps' it. That's it. After entering a room filled with school kids, bursting with an energy that can only come from deep caring and conviction, he delivers his message of love, self-respect, and self-achievement by putting it to rap music.

By the time his "show" is in full-swing, it is clear that he has made an influence on his audience. Kids dance to and sing along with his raps, enthusiastically repeating such phrases as "You don't need dope, just God's hope."

Rocky has rapped his message to hundreds of kids across 20 different States, and receives from them dozens of letters telling him how they believe his message and asking him to come back. Clearly, the Reverend Rocky Brown is delivering a message to kids that they get, and that they keep.

Mr. Speaker, I believe that this is an amazing thing—that one man who cares can convince kids from drug prone areas that there is a better alternative than drug abuse. This one man has perhaps changed the lives of hundreds of children—given them hope in the future and faith in themselves.

For all of us who are concerned about the effects of drug-abuse on our children, the Reverend Rocky Brown is an inspiration for what can be accomplished on the individual level in the fight against drug abuse. For everything that he has done, I cannot express my thanks any better than the student who wrote to him, "God bless you and keep up the good work."

COMPARABLE WORTH

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. CRANE. Mr. Speaker, legislation is currently pending before Congress regarding the comparable worth issue which would pay equal salaries to different jobs if their value to an organization or society is judged "comparable" even if the jobs are dissimilar in content. This concept should not be confused with "equal pay for equal work" which requires that men and women performing the same jobs be paid the same.

Before enacting comparable worth legislation, Members of this body should consider new studies which reveal that the wage gap is already narrowing by itself because of improved education and work experience. Consequently, comparable worth legislation would be counterproductive and disruptive to the labor market. Because the labor market is the only true measure of worth in any job, Government should remain neutral in this issue. There already is too much inefficiency and excess in Government, resulting from the Government dictating wage and personnel practices.

In October 1987, an excellent article explaining the National Organization for Women's [NOW] misguided views on comparable worth appeared in American politics on this subject by Linda Chavez and I commend it to my colleagues.

COMPARABLE WORTH

(By Linda Chavez)

NOW, AS ALWAYS

This summer, the National Organization for Women elected a new president, Molly Yard, who looks more like a scion of the Daughters of the American Revolution than a hardcore feminist. Don't be fooled. Yard and her organization seem to have taken their cue from Yard's predecessor, Eleanor Smeal, whose confrontational political style was designed to dramatize what she and NOW saw as the continued plight of women in our society.

Listening to Yard and her cohorts is like being transported back to the 1960's. Their cacophony of complaints reminds me of the old Mick Jagger song, "I Can't Get No Satisfaction." Never was the lament more incongruous than when Yard and company greeted news that women's average earnings had increased relative to men's for the first time in 30 years with the charge that it was too little too late.

The irony is that NOW doesn't recognize victory when it sees it. If they were serious about revitalizing their intellectually moribund organization, they would point to the new statistics on women's progress and claim credit instead of continuing to cry foul.

What the Census Bureau report shows is that women are finally making a dent in the pay gap that has persisted despite a quarter of a century of Federal legislation to eliminate sex discrimination in employment. For nearly three decades, the gap has remained relatively constant, with women earning about 63 percent of the average earnings of men. In the new census study, however, which reflects 1984 earnings, women's wages jumped to 70 percent of men's.

The explanation for the change is rather simple: More women are moving into higher-paying fields such as engineering, law, medicine, computers, and other professions traditionally dominated by men. Now that women are entering those fields more often, they are sharing the benefits of higher salaries. The more women who enter these fields, therefore, the higher the average earnings of women.

Feminists argue, however, that these jobs pay more because they are "men's jobs," which the American economy reward more lucratively than jobs usually thought of as "women's work," such as teaching, nursing and clerical work. The solution, the feminists argue, is to eliminate the wage differences for "male" and "female" jobs. Unfortunately, the only way to do that, whether the feminists admit it or not, is to abandon the market as the arbiter of wages. In its place would be substituted an administered wage system that relies on a supposedly unbiased method of evaluating how jobs should be compensated by rating relative skills, education, levels of responsibility and working conditions.

Legislation mandating such systems in the public sector have passed several state legislatures already, and Congress is likely to adopt such a measure for Federal pay sometime in this session. It all sounds rather benign. After all, why should tree trimmers, mostly men, make more than childcare workers, mostly women? NOW and company contend that sex discrimination its the cause. An evaluation system such as the feminists favor would surely rate the education, skill and level of responsibility of child care workers higher than that of tree trimmers. It would be a simple enough way of eliminating the pay gap, and quicker than waiting for enough women to switch from jobs in childcare to jobs in tree trimming.

The trouble is that such schemes ignore the fundamentals of a marketplace economy. Employers pay more for people to cut down trees than to take care of children because there are fewer people able to willing to trim trees. It's the old law of supply and demand. It has nothing to do with whether we value our greenery more than our children or what the sex is of the person doing the job. (After all, male childcare workers make as little as female childcare workers do, and female tree trimmers as much as male tree trimmers.) It's possible that fewer people go into tree trimming because of the hazards associated with climbing 20 feet into a tree and operating dangerous machinery at that height, but in the marketplace it really doesn't matter what their reasons are. All that is important to know is that the fewer people there are willing to perform a job for which there is relatively high demand, the higher the pay will be for that job.

The ludicrousness of the feminists' argument that pay should be based on objective criteria is even better illustrated by comparing two almost identical jobs. Presume that two translators—one of Spanish, the other of Japanese—have equivalent years of education and skill levels in their respective languages, are given the same degree of responsibility and work under the same conditions. Yet the employer decides to pay the Japanese translator a higher wage than the

Spanish translator. Is it fair to assume that some sort of discrimination is occurring?

The facts seem suspicious, but upon examination it turns out the firm is located in Miami and its major client is in Tokyo. The supply of persons in the area able to translate into Spanish is quite high while the demand for Spanish translation is low, since most of the company's clients are in the Far East. Supply and demand set the wages for this firm. It will pay what it has to, and only what it has to, to fill each job with a competent worker. Even if most Japanese translators turned out to be male and most Spanish translators female, no sex or other bias determines the wage differentials in this example.

Feminists like Molly Yard will continue to argue that equity requires government to intervene to eliminate the pay differentials between the average earnings of men and women. They've even taken to calling their proposals pay equity rather than the more straight-forward but less persuasive equal pay for comparable worth. The truth is, however, that the pay gap will diminish only as women learn to use the laws of supply and demand to their advantage. The Census Bureau statistics suggest that women have learned this lesson more quickly than have the leaders of groups like NOW who purport to speak for them.

CORPORATIONS ARE NOT PERSONS

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. MORRISON of Connecticut. Mr. Speaker, on Saturday, April 9, 1988, the Washington Post published an op-ed piece written by consumer advocate Ralph Nader and Carl J. Mayer, a graduate student at Harvard Law School. The authors argue that corporations are not "persons" within the meaning of the Constitution. I am inserting the article in the RECORD in the hope that my colleagues will take the time to review it:

CORPORATIONS ARE NOT PERSONS

(By Ralph Nader and Carl J. Mayer)

WASHINGTON.—Our constitutional rights were intended for real persons, not artificial creations. The Framers certainly knew about corporations but chose not to mention these contrived entities in the Constitution. For them, the document shielded living beings from arbitrary government and endowed them with the right to speak, assemble and petition.

Today, however, corporations enjoy virtually the same umbrella of constitutional protections as individuals do. They have become in effect artificial persons with infinitely greater power than humans. This constitutional equivalence must end.

Consider a few noxious developments during the last 10 years. A group of large Boston companies invoked the First Amendment in order to spend lavishly and thus successfully defeat a referendum that would have permitted the legislature to enact a progressive income tax that had no direct effect on the property and business of these companies. An Idaho electrical and plumbing corporation cited the Fourth Amendment and deterred a health and safety investigation. A textile supply company used Fifth Amendment protections and barred retrial in a criminal antitrust case in Texas.

The idea that the Constitution should apply to corporations as it applies to humans had its dubious origins in 1886. The Supreme Court said it did "not wish to hear argument" on whether corporations were "persons" protected by the 14th Amendment, a civil rights amendment designed to safeguard newly emancipated blacks from unfair government treatment. It simply decreed that corporations were persons.

Now that is judicial activism. A string of later dissents, by Justices Hugo Black and William O. Douglas, demonstrated that neither the history nor the language of the 14th Amendment was meant to protect corporations. But it was too late. The genie was out of the bottle and the corporate evolution into personhood was under way.

It was not until the 1970's that corporations began to throw their constitutional weight around. Recent court decisions suggests that the future may hold even more dramatic extensions of corporate protections.

In 1986, Dow Chemical, arguing before the Supreme Court, suggested that the Fourth Amendment's prohibition against unreasonable searches and seizures should prohibit the Environmental Protection Agency from flying planes over Dow's manufacturing facilities to monitor compliance with environmental laws. Although the Court permitted the flights on technical grounds, it appeared to endorse Dow's expansive view of the Constitution.

That year, corporations received the most sweeping enlargement of their free speech rights to date. In a 5-3 decision, the Court invalidated a California regulation ordering a public utility monopoly to enclose in its billing envelopes a communication from a nonprofit rate-payer advocacy group that financed the insert. The purpose of the regulation was to assist the Public Utility Commission in achieving its authorized goal of reasonable rates. Even so, the Court held that the enclosures violated a new corporate First Amendment right "not to speak." Associate Justice William H. Rehnquist wrote in a pro-consumer dissent that to "ascribe to such artificial entities an 'intellect' or 'mind' [for constitutional purposes] is to confuse metaphor with reality."

Today, corporations remain unsatisfied with their ascendant constitutional status. They want much more. At a 1987 judicial conference in Pennsylvania, lawyers counseled that corporations use the First Amendment to invalidate a range of Federal regulations, including Securities and Exchange Commission disclosure requirements that govern corporate takeovers, and rules affecting stock offerings.

Businesses angry at Congressional attempts to ban cigarette advertising—by that, we mean commercial carcinogenic speech—are alleging First Amendment violations.

The corporate drive for constitutional parity with real humans comes at a time when legislatures are awarding these artifical persons superhuman privileges. Besides perpetual life, corporations enjoy limited liability for industrial accidents such as nuclear power disasters, and the use of voluntary bankruptcy and other disappearing acts to dodge financial obligations while remaining in business.

The legal system is thus creating unaccountable Frankensteins that have human powers but are nonetheless constitutionally shielded from much actual and potential law enforcement as well as from accountability to real persons such as workers, consumers and taxpayers.

Of course individuals in these companies can always exercise their personal constitutional rights, but the drive for corporate rights is dangerously out of control.

Too frequently the extension of corporate constitutional rights is zero-sum game that diminishes the rights and powers of real individuals. The corporate exercise of First Amendment rights frustrates the individual's right to participate more equally in democratic elections, to pay reasonable utility rates and to live in a toxin-free environment. Fourth Amendment rights applied to the corporation diminish the individual's right to live in an unpolluted world and to enjoy privacy.

Equality of constitutional rights plus an inequality of legislated and de facto powers leads inevitably to the supremacy of artifical over real persons. And now the ultimate irony: Corporate entities have the constitutional right, says the Supreme Court, to patent living beings such as genetically engineered cattle, pigs, chickens and, perhaps someday, humanoids.

This is not to say that corporations should have only the legal rights emanating from state charters that create them. What is required, however, is a constitutional presumption favoring the individual over the corporation.

To establish this presumption, we need a constitutional amendment that declares that corporations are not persons and that they are only entitled to statutory protections conferred by legislatures and through referendums. Only then will the Constitution become the exclusive preserve of those whom the Framers sought to protect: real people.

CONGRESSIONAL SALUTE TO RABBI DR. DAVID H. PANITZ, TEMPLE EMANUEL OF NORTH JERSEY, UPON HIS RETIREMENT FROM THE ACTIVE PULPIT RABBINATE

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. ROE. Mr. Speaker, on Sunday, June 12, residents of my congressional district and the State of New Jersey will join with the congregational families of Temple Emanuel of North Jersey to express their gratitude and deep appreciation to their beloved rabbi, Dr. David H. Panitz, upon his retirement from the active rabbinate. I join with many of my friends and constituents in saying to him, "todah rabbah," thank you, for his outstanding record of service as a nationally and internationally renowned spiritual leader, esteemed author, exemplary educator, community leader, and good friend, who has devoted his whole career to serving the peoples and the communities which he holds dear.

Mr. Speaker, I know that you and our colleagues will want to join with me in extending our warmest greetings and words of "shalom," to Rabbi Panitz, his charming wife Esther, their three sons, Jonathan, Raphael, and Michael, daughters-in-law Jane, Susette, and Sheila, and their grandchildren Zimra, Obadiah, and Yasmeen; William Jeffrey; and Emily, Ezekiel, and Benjamin. On this most memorable occasion, I feel privileged to share with his family the great pride they must take in his lifetime of achievement in devotion and dedication to the Jewish community and to all mankind.

Mr. Speaker, the people of my congressional district are singularly honored by and wish to wholeheartedly commend to you the distinguished and dedicated lifetime of outstanding public service rendered by Rabbi Panitz. At the helm of Temple Emanuel of North Jersey, he has remained steadfast to the ideals and principles of his alma mater, the Jewish Theological Seminary of America. He has endeared himself to his congregation and to the Jewish community, and his interfaith and interreligious activities have left their mark on all faiths and religions.

As an educator and author, he has helped to strengthen the ethical and moral fabric of our society. He has devoted his whole career to developing the minds and hearts of our people, both Jewish and non-Jewish. He has in particular given so much toward building the future of Judaism in this country through his work with Jewish children, and played a leading role in helping to establish the Solomon Schechter Day School in north New Jersey.

As a community leader, has brought enlightenment and encouragement, aid and comfort, peace and rehabilitation to those in need of his counsel and judgment.

As a friend, I can say that I have been truly blessed by the inspiration of his good deeds and by his good example. I am proud to be numbered among his many, many friends, and I may be the only Irish Catholic Member of Congress who has his own personal rabbi!

Rabbi Panitz' long list of noteworthy achievements encompass the wants and aspirations of all of our people, and with your permission, I would like to insert at this point a brief biography, as follows:

Rabbi David Hirsch Panitz, son of the late Ezekiel and Nettie Panitz, was born in Baltimore in 1918. He was educated in the public schools of that city, and also graduated from both the academic and teacher training schools of the Baltimore Hebrew College. He received his B.A. and M.A. from the Johns Hopkins University, and received his rabbinic ordination from the Jewish Theological Seminary of America in 1943. The seminary later conferred upon him the degree of doctor of divinity, honoris causa.

At Hopkins, he was a student of the noted scholar William Foxwell Albright, where he studied ancient Near Eastern languages, history, and archeology. Rabbi Panitz taught Bible at the George Washington University in the Nation's Capital and served on the faculty of the Rabbinical School of the seminary. He was also dean of the American Academy for Jewish Religion.

He has been the spiritual leader of Paterson's Temple Emanuel of North Jersey since 1959. Prior to coming to Paterson, he held pulpits at Temple Adath Yeshurun in Syracuse, NY, at Congregation B'nai Jeshurun in New York City, and at Adas Israel Congregation in Washington, DC.

Rabbi Panitz has fashioned an outstanding record of service to his congregational families, to the entire Jewish people, to Israel, and to the overall community at large. He was for a number of years a commissioner of the Paterson Board of Education. He has been for 29 years the Jewish chaplain of the Passaic County Jail, and serves also as the Jewish chaplain of the Paterson Police and Fire Departments. He was chairman of the Passaic County Alcoholic Rehabilitation Board for 15 years. He has been national chairman of the Joint Commission on Rabbinic Placement of the Rabbinical Assembly, the United Synagogue of America, and the Jewish Theological Seminary of America; national cochairman of the State of Israel Bonds Rabbinic Cabinet; national chairman of the Interreligious Affairs Committee of the B'nai B'rith Anti-Defamation League; vice president of the Jewish Conciliation Board of America; president of the New Jersey Board of Rabbis; the first Jewish person to be elected to the presidency of the Coalition of Religious Leaders of New Jersey, and was a member of the Plenum, the Domestic Policy Committee, and the International Affairs Committee of the Synagogue Council of America.

Always active in interfaith and intergroup endeavors, he has held high positions of leadership in the National Conference of Christians and Jews, and lectured at scores of churches, colleges, and civic organizations. He has also served, in Paterson, as chairman of the Mayor's Brotherhood Committee, cochairman of the Commission on Jewish-Catholic dialog and as the cochairman of the Task Force for Community Action to Combat Poverty.

Within the movement of conservative Judaism, he has served as national secretary for the Rabbinical Assembly, as a member of that group's Committee on Jewish Law and Standards, and as national chairman of the Committee on Regions for the Rabbinical Assembly. He was a member of the seminary's Rabbinic Cabinet, a fellow of the seminary's Herbert H. Lehman Institute of Talmudic Ethics and chairman of the Rabbinic Tutors Committee of the seminary's Institute of Religious and Social Studies. He has also served the United Synagogue of America as a member of the National Youth Commission and chairman of its Committee on Peace and Religion of the Joint Commission for Social Action.

Among other positions he has held, Rabbi Panitz has served as national chairman of the Broadcasting-TV-Film Commission and the Commission on Social Justice of the Synagogue Council of America; he also was the council's head of its delegation to the Conference of Major Jewish Organizations. He has been the president of the Louis Marshall Lodge of B'nai B'rith, vice president of the North Jersey Jewish and Family Children's Service, and long time chairman of its Child Care Committee; he was a member of the National Rabbinic Advisory Committee of the United Jewish Appeal, a member of the board of directors of the Jewish Federation of North Jersey and the Board of Jewish Education, chairman of the Paterson Board of Education's Advisory Committee and chairman of its Adult Evening School, as well as chairman of the Passaic County Narcotics Rehabilitation Committee. In addition to all of the above, Rabbi Panitz has rendered more than 7,500 hours in 29 years of voluntary chaplain services at the Barnert Hospital and Medical Center.

Rabbi Panitz is the author of "Studies in the Legal Responsa of Joseph Colon"—researchers in the 15th century Italian Jewish history—coauthor, with his wife, of "Simon Wolf, U.S. Consul to Egypt," and of numerous articles and chapters in books. He is married to the former Ester Leah Allentuck, who is the author of "The Alien in Their Midst: Images of Jews in English Literature," and "Simon Wolf: Private Conscience and Public Image," and of many basic monographs in American immigration history. They have three sons, Lt. Comdr. Jonathan A. Panitz, career chaplain in the U.S. Navy, now assigned to teach chaplains of all faiths at the Naval War College in Newport, RI—married to Jane Royal—Dr. Raphael I. Panitz, who has taught at the University of Pennsylvania and SUNY-Binghamton, and now serves as a legislative assistant to Congressman ROBERT A. ROE and as a science consultant to the U.S. House Committee on Science, Space, and Technology—married to Susette Mottsman—and Rabbi Michael E. Panitz, who is spiritual leader of Temple Beth Israel in Maywood, NJ, and serves on the faculty of Queens College—married to Sheila Salzer—and seven grandchildren: Zimra, Obadiah, and Yasmeen; William Jeffrey; and Emily, Ezekiel, and Benjamin. The rabbi's major relaxation comes from playing with these youngsters, listening to his extensive collection of classical music, and reading from his personal library of more than 13,000 volumes.

Mr. Speaker, it is a privilege and a deep honor to seek this national recognition of Rabbi Panitz and all of his good works on the occasion of his retirement. I ask all my colleagues here to join with me in expressing our most sincere appreciation for the richness of his wisdom and the quality of his leadership in all of his accomplishments and achievements. If he could but know the high esteem with which he is held in the hearts and minds of our people and could but experience the pleasure and comfort that he has given to his fellowman over these past 46 years, he would surely enjoy the abundant rewards of happiness, success, and peace that he so justly deserves. It is indeed a great pleasure to salute on this event a dear friend and great American, Rabbi Dr. David H. Panitz.

BELLEAIR BLUFFS PROUDLY CELEBRATES ITS 25TH ANNIVERSARY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. YOUNG of Florida. Mr. Speaker, as the city of Belleair Bluffs, which was incorporated under the laws of the State of Florida on March 4, 1963, celebrates its 25th anniversary this year, I want to call attention to the special character of this community in Pinellas County, FL.

Belleair Bluffs, which covers an area of less than one square mile, is small in size, yet, the citizens of this community are proud of its beginnings and look to the future with great anticipation. Together the people of Belleair Bluffs provide for their own fire, police, and public works service, and in cooperation with the county other municipal services are maintained and upgraded.

Originally these services were paid for totally by cigarette taxes. Over the years, however, as Belleair Bluffs grew, these revenues were inadequate to provide all the necessary services, and the authority to levy ad valorem taxes and franchise and license fees was granted by the Florida Legislature. Being conscious of the impact of these taxes on residents, Belleair Bluffs' city officials are most careful with their city's budget and to this day have neither asked for nor accepted any Federal grants, loans or special bonds.

Now, as it celebrates its 25th anniversary with a variety of programs throughout the year, Belleair Bluffs is almost completely built-out. There are more than 200 commercial and professional businesses among the 650 condominiums, 320 apartments, and 540 single-family homes. While there is little vacant land left for future development, Belleair Bluffs and its residents not only continue to revitalize and redecorate this community, but also open their arms to new residents and visitors alike.

Mr. Speaker, I am proud to be able to salute Belleair Bluffs on its 25th anniversary, and it is a special privilege for me to wish all of the residents, municipal employees and businesses of Belleair Bluffs continued success during the next 25 years.

STATEMENT OF NORMA DOWNEY

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. DOWNEY of New York. Mr. Speaker, I submit for the RECORD a speech by Norma Downey:

STATEMENT OF NORMA DOWNEY

Good morning. I am honored to be here today. As a member of the Older Women's League, it is gratifying that on this Mothers' Day I can share with you my pride in my son, Tom. Tom is a Member of Congress, a member of the Aging Committee, but more than that, he is a caring human being who has deep feelings for and a commitment to the plight of the midlife and older women.

The fact that five million midlife and older women are poor is a national disgrace. I know Tom will do all in his power to reverse these statistics. Those of us who have had the good fortune to avoid this fate cannot ignore the millions trying to survive tremendous odds.

Tom, you cannot allow your colleagues to ignore this fact. They all have mothers, sisters, aunts, friends—people they care about, people they love. On this Mothers' Day, all across this great country, too many women will spend the day wondering how they will be able to pay their rent, feed their children and maintain some semblance of the American Dream. They pray no one in the family will become ill because the astronomical cost of medical care will leave them in debt forever. Too often Members of Congress have eloquently recited the platitudes of extolling motherhood and all it embodies when the reality was a trade off of mothers for missiles and children's welfare for weapons too frightening, too devastating and too expensive to even contemplate as reality.

Tom, my mother and your adored grandmother, if she were alive today, would have fit into the category of poverty. My father died at forty-nine years old. My mother worked and waited until sixty-five to receive his Social Security. My father had no pension! Although my mother had worked most of her life, she had no pension! Her monthly Social Security check was $325.00. Fortunately, she lived with us and in fact, her grandson thought she was rich because she was always giving him or lending him money during his high school and college days.

I would imagine there is no one in this room today who couldn't tell the story of at least one older woman touched by poverty. Hundreds of letters come into OWL's headquarters each day. I'd like to share one letter that is typical of so many others. To protect the identity of the writer, I've changed a few of the details. The woman whom I will call Anne, writes:

Dear Older Women's League:

"I hope you can help me, as I don't know where to turn to. I was married in 1946, divorced in 1961. I receive $290.00 Social Security. My husband worked for the railroad for fifteen years, up until the war. After he served his country, he worked for the Post Office for another 25 years. I cannot receive the railroad pension as it is less than my own Social Security. I wonder if I qualify under his Post Office pension. I never asked as I was trying to get by on my own, but things are getting worse and it is difficult to make ends meet. I cannot get supplementary income as I own 195 shares of stock in Sears Roebuck. I would rather not sell them as they bring me a small income, and I'd like to hang on to them in case of an illness or other problem. Could you tell me where I can inquire about this Post Office pension?"

I choose Anne's story to share with you today because it is such a cautionary tale full of financial ignorance and moral courage. Anne is not yet a poverty statistic, but the slightest medical emergency would easily wipe out her "nest egg" of stock, which is worth the princely sum of seven thousand dollars. In short, Anne is on the road to poverty and doesn't even know it. Like so many women, she lacks the information to combat it. And, like so many women even today, Anne has always been only a man away from poverty. Tom, your mother didn't bring you up to let other mothers down and I know you won't let us down.

On behalf of the Older Women's League, I present you with this year's Mother's Day Card and urge you to take its message to the Floor of the Congress and make thousands of women as proud and happy as you have made me this Mother's Day.

ABOLISH AMTRAK

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. CRANE. Mr. Speaker, the U.S. deficit is a growing problem in America today. In order for this country to reduce its huge deficit, we must cut our spending. No program is more suitable to cut than Amtrak. Amtrak is not alone. Farm payments, small businesses, culture, mass transit, and rural programs should also be curtailed.

However, an area that should be touched is Amtrak. Originally, the proponents of Amtrak expected that it would be self-sustaining. This did not prove to be the case. Amtrak receives more Federal funds than any other intercity passenger mode, but serves less than 2 percent of all intercity passengers. Amtrak performance has failed to justify continued Federal subsidization. Amtrak's dependence on congressional funding must be eliminated. Many foreign countries, such as England and France, have switched from government owned to privately owned railways. After the switch, the countries showed improved service through increased competition.

I urge my colleagues to read the following article by Robert J. Samuelson which follows:

[From the Washington Post, Mar. 2, 1988]

CUT AMTRAK TO DERAIL DEFICIT

(By Robert J. Samuelson)

Do you favor reducing the federal budget deficits? Well, of course. All serious people do. Do you favor eliminating Amtrak? You're unsure. Think again. You can't sensibly favor reducing the deficits while supporting spending for Amtrak.

As a metaphor for the deficit stalemate, no program is more apt than Amtrak. The budget debate proceeds at a level of lofty abstraction. Everyone deplores the deficits. No one wants to talk about whose programs will be cut or whose taxes raised. But the deficits won't miraculously vanish. Unless we cut spending—starting with the least worthy programs—deficits will persist or will be closed only by crushing tax increases.

Every year I attack Amtrak. Every year the assault stimulates angry letters from diehard railroad buffs. People need Amtrak, I'm told. Eliminating Amtrak will hardly affect the overall deficit. Other forms of transportation are also subsidized. Amtrak saves oil. Some of these arguments are correct, others silly. Yes, axing Amtrak (1987 cost; $597 million) would shave the deficit less than 1 percent. No, Amtrak doesn't save much oil. It accounts for less than one two-hundredth of intercity travel.

These standard objections miss the larger point. Government can't afford everything. The deficits are now stuck in the range of $150 billion to $160 billion annually, says the Congressional Budget Office. The numbers belie the idea that higher taxes can easily close the gap. To increase tax revenues by $100 billion, you'd have to double corporate income taxes or raise personal income taxes by 25 percent.

We can afford only programs that serve important national needs. Amtrak fails that test. Half its passengers are in the Northeast Corridor, and even there it isn't the main form of travel. Amtrak subsidies per passenger far surpass other transportation subsidies. Since 1957 highway fuel taxes have covered 96 percent of the federal costs of the interstate highway system. Drivers and truckers are paying for the roads they use. By contrast, fares paid by rail passengers account for only two-thirds of the cost of running Amtrak. General taxpayers pick up the rest.

It would be lovely to have passenger trains everywhere—if they paid for themselves. Could an operation in the Northeast alone support itself? Amtrak says no. Someone has to choose. By continuing less valuable programs, we shortchange more pressing national needs. Until recently, we spent more on Amtrak than on AIDS research. The resignation of Navy secretary James Webb Jr. raises the question of whether defense spending cuts are damaging the military. Amtrak isn't unique. Other domestic programs have outlived their usefulness. Consider:

FARM PAYMENTS

No sector of the economy is subsidized more than agriculture. Eliminating direct income-support payments and subsidized loans could save $15 billion to $17 billion annually.

SMALL BUSINESS ADMINISTRATION

Most small businesses don't rely on SBA loans or advice. Ending the SBA's nondisaster programs would save about $800 million annually, though the full savings would materialize only after five years.

CULTURES

In the 1960s the government began subsidizing public television, theater groups, operas, artists and study projects in the humanities. Spending totals $500 million for the Corporation for Public Broadcasting, the National Endowment for the Arts and the National Endowment for the Humanities. These agencies should be eliminated.

MASS TRANSIT

Hefty construction subsidies cause cities to build uneconomic mass transit systems, which burden local taxpayers for years. In Miami, ridership on a new transit system is a sixth of the level originally predicted. Federal subsidies should be cut by at least $1 billion.

RURAL PROGRAMS

Through the Rural Electrification Administration and the Farmers Home Administration, the government subsidizes loans to rural utilities and home mortgages. Ending these loans would ultimately save more than $2 billion annually.

If these programs—and others—were ended, most Americans wouldn't notice or care. It's true that savings from many individual programs would be small. But collectively they could total $20 billion to $30 billion. That obviously wouldn't balance the budget. A realistic deficit reduction program also requires cuts in Social Security, Medicare and federal retirement spending. It would need tax increases of perhaps $40 billion to $50 billion. Preserving the least justifiable programs would dim the prospects of success by requiring bigger spending cuts or tax increases elsewhere.

Of course, all the Amtrak-like programs do some good. But none serves a vital national need. The REA was created to electrify rural areas; that was long ago accomplished. Government support for public television or local opera subsidizes mainly upper-middle-class audiences. A $3.5 million grant to the MacNeil/Lehrer NewsHour does not serve an important national priority. Just because people or organizations have become dependent on federal programs does not mean the programs should continue. Accepting that argument implies that government never makes mistakes or that needs never change. By this logic, no program could ever be abolished.

In practice, cutting is difficult. Program beneficiaries claim our sympathies. Some spending—farm subsidies, for instance—ought to be phased out gradually to limit the pain of withdrawal. But programs often survive simply because congressmen, bureaucrats and lobbyists need them. They confer job security, prestige and ego gratification. Without an SBA, the House and Senate small-business committees would have less power. President Reagan's resistance to higher taxes isn't the only cause of huge deficits. Since 1982 Congress has ended few programs, while the White House has accepted more than $100 billion of annual new taxes.

So Amtrak subsidies must go. They symbolize the ongoing dreamlike nature of the budget debates. Everyone wants lower deficits and no reductions in government services without higher taxes. In 1988 little will happen. Republicans and Democrats want to avoid budget battles in an election year. The next president inherits the stalemate: eliminating programs like Amtrak is a litmus test of whether he—and we—can get serious about the deficits.

THE COURAGE OF SANDRA HILLIARD

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. FORD of Michigan. Mr. Speaker, a dozen years ago I began in my congressional district a program to recognize young people who give of themselves for the good of others.

It is called the Medal of Merit Program and every year it honors outstanding youth who have distinguished themselves through public service in Michigan's 15th Congressional District.

One of the last year's winners was Sandra Hilliard, the daughter of Russell and Janice Hilliard of Southgate. In the 12 years I have been awarding Medals of Merit, few have been more deserving than this young lady who proved to be a model of courage and selflessness.

When classmates needed assistance with their studies, Sandra helped as a tutor. When a neighbor fell ill, she took care of the lawn and cheerfully took on household tasks to help out. She was an ardent softball enthusiast who played for the Downriver Travel softball team and took it upon herself to look after new players on the team.

Sandra was unable to attend last year's Medal of Merit ceremony. She had just undergone a leg amputation as the result of cancer. We presented the medal at private ceremonies at her home.

I will never forget Sandra's blithe spirit in the face of such painful adversity. I recall wondering at the time about the source of such courage.

Sandra died last month. But her memory lives as an inspiration for all those she touched with her special kind of open kindness.

I, for one, feel richer for having met her.

MORE OPPORTUNITIES FOR SUCCESS: NEW STUDY FINDS SCHOOL BREAKFAST IMPROVES PERFORMANCE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. MILLER of California. Mr. Speaker, a study released yesterday reports that he school breakfast program for low income children improves their academic performance and reduces tardiness. The study, which was conducted in Lawrence, MA public schools, found that the test scores of students participating in the program improved more rapidly than those of nonparticipating students.

The findings of this study add to the abundant evidence from academicians, independent foundations and Government researchers that key educational, nutritional and medical programs demonstrably boost the achievements of disadvantaged and impoverished children. The Lawrence study provides further proof that the cynical allegations that Government doesn't work, and that progressive social policies have failed, are nothing but partisan ideological rhetoric. The programs do work—and they save money and children, too.

Recently, the Select Committee on Children, Youth, and Families, which I chair, released "Opportunities for Success: Cost Effective Programs for Children," a report on eight major programs for children that not only preserve lives and boost achievement but also save U.S. tax dollars. The eight programs include WIC, Prenatal Care, Medicaid, Childhood Immunization, Preschool Education, Compensatory Education, Education for All Handicapped Children, and Youth Employment and Training. The report demonstrates the great long-term costs we incur by failing to fund proven programs for young children at levels adequate to serve the eligible population.

I refer your attention to the following Washington Post article describing the study released yesterday.

[From the Washington Post, May 3, 1988]

SCHOOL BREAKFAST SEEMS TO BOOST PERFORMANCE

(By Spencer Rich)

A school breakfast program for poor children improves academic performance and reduces tardiness, according to a study conducted last year in Lawrence, Mass.

The study, to be released here today at a meeting of the Ambulatory Pediatric Association, was based on a comparison of 335 elementary-school children who took part in a public-school breakfast program in 1987 with 688 who did not. The children attended third through sixth grades in Lawrence public schools. Virtually all were from families below or near the official poverty line.

The researchers, Alan Meyers and Michael Weitzman of Boston City Hospital and Amy Sampson of the Tufts University School of Nutrition, administered a standard achievement test to the children after the school-breakfast program had been in effect for several months.

"On an absolute scale of 200 to 800, we found that on average all improved" their scores on the test, both in the breakfast group and the nonbreakfast group, Meyers said in an interview.

But he said the children who had received breakfast improved their scores an average of 48.4 points over the previous year, while those who did not receive school breakfast improved only 40.9 points.

Meyers said the change was statistically significant. The authors said previous studies found that children who eat breakfast make fewer mental errors in the morning and, since the Lawrence test was conducted then, "the observed improvement in academic performance could represent an immediate beneficial effect" of being assured of breakfast. They said it also is possible that academic improvement could be due to a longer-term effect of dietary improvement.

The study also found that breakfast participants reduced their school lateness rate from 1.5 percent of the time the previous spring semester to 0.9 percent in 1987.

CONGRESSMAN FROST CONTINUES PRACTICE OF FULL PERSONAL FINANCIAL DISCLOSURE

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. FROST. Mr. Speaker, As I have done each year since my first election to Congress, I am submitting herewith for inclusion in the CONGRESSIONAL RECORD a full disclosure of all personal assets and liabilities of my wife, Valerie, and me as of December 31, 1987.

Balance Sheet: Martin and Valerie Frost

[As of Dec. 31, 1987]

Assets:	*Amount*
Checking Account, 1st National Bank of DeSota	$172.02
Condominium, Dallas, Texas	47,500.00
House and Lot, Arlington, Virginia	242,500.00
Home furnishings and other personal effects	35,000.00
Savings, Wright Patman Federal Credit Union	129.12
Checking Account, Wright Patman Federal Credit Union	7,300.05
Retirement, U.S. Congress	28,170.62
IRAs (Martin and Valerie)	17,273.67
Washington Fringe Benefit Investment Club	4,663.15
Subtotal	382,708.63
Automobiles:	
1979 Chevrolet Chevette	500.00
1984 Toyata Van	5,950.00
1984 Starcraft Pop-up Trailer	2,000.00
1985 Pontiac 600	6,300.00
Subtotal	14,750.00
Stocks and Bonds:	
513 Shares Central and Southwest	15,069.00
740 Shares Exxon	28,582.00
203 Shares Federated Department Stores	6,699.00
93 Shares General Motors	5,766.00
248 Shares Houston Industries	7,347.00
123 Shares Eli Lilly	10,141.00
54 Shares Mobil	2,085.00
179 Shares Westinghouse	8,950.00
870 Shares Fundamental Investors	11,666.00
297 Shares Massachusetts Investors Trust	3,765.00
261 Shares Wellington Fund	3,935.00
U.S. Savings Bonds	300.00
300 Shares Wal-Mart	7,687.00
8 Shares General Motors (E)	285.00
4 Shares General Motors (H)	189.00
100 Shares Annheiser Busch	3,162.00
60 Shares Waste Management	2,205.00
40 Shares Blockbuster Entertainment	680.00
Subtotal	118,513.00
Total assets	515,971.63
Liabilities:	
Mortgages:	
Star States Mortgage Corporate (Dallas Condominium)	37,413.12
Paine-Webber (Arlington Residence)	172,205.82
Century National Bank (Arlington Residence)	38,560.59
Subtotal	248,179.53
Installment Loans:	
Open Charge Accounts (Balance)	1,000.00
Wright Patman Federal Credit Union (Automobile)	798.22
GMAC (Automobile)	5,185.68
Subtotal	6,983.90
Total liabilities	255,163.43
Net Worth:	
Total assets	515,971.63
Total liabilities	255,163.43
Total net worth	260,808.20

SPEND THE TRUST FUND MONEY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. ANDERSON. Mr. Speaker, the members of the Committee on Public Works and Transportation have repeatedly warned that this Nation is on the verge of crisis. Our bridges are collapsing, many of our roads are collapsing, new roads are needed and there is an urgent need to clean up our water.

We have attempted, at a minimum to have the Highway, Aviation, and Water Resources Trust Funds removed from the unified budget. The people of America have provided the money for these funds and it should be used for the purposes for which it was intended.

We have made major efforts in the last three Congresses to win this battle. Now, with the closing of the Williamsburg Bridge, a major bridge in the middle of New York City, the realization of the magnitude of this problem is becoming more widespread. It should be made clear that the Williamsburg Bridge is not an isolated example. It is the tip of the iceberg.

It is estimated that removing the Highway Trust Fund from the budget will allow an additional $2 billion annually to be spent on our surface transportation system. That amount will not solve all our problems but it will help us meet some of our needs.

Syndicated columnist George Will, in a column titled "Listen to the Bridges," recently described the problem of decay as a threat to the Nation. Mr. Will has provided an excellent description of the problems and I offer it here for my colleagues.

LISTEN TO THE BRIDGES

(By George F. Will)

New York, New York, it's a wonderful town [songwriters are not under oath], the Bronx is up and the Battery's down. And so, almost, is the Williamsburg Bridge. That 85-year-old suspension span across the East River connects Manhattan with America, which may not be in the national interest, but nearly a quarter of a million people use it daily. Used it. Since last Tuesday only pedestrians and bicyclists do. It is not quite collapsing—yet—but it is unsafe for vehicular traffic, and that is a considerable defect in a bridge.

The discovery last week of its corroded condition was serendipitous. The discovery occurred while the three surviving Democratic presidential candidates were careering around the Empire State promising to make America into a paradise and, in their spare time, pacify the Middle East. The mere crumbling of a bridge is too mundane a matter to arrest the attention of candidates who are bent on the betterment of all mankind. However, the sounds made by that tired old bridge (it was screeching and squealing ominously) should be listened to. It tells us more about our future than the candidates do. The nation has a huge bill coming due for the neglect of its infrastructure, meaning bridges, roads, airports, waterways, water and sewer systems—all the things that make everything else possible.

This neglect, which reflects a weak ethic of common provision, may be a consequence of our individualism. Individually, Americans are exercising more and eating more sensibly to maintain their personal infrastructures while the nation's physical plant deteriorates. In the years dead ahead that physical plant is going to force itself upon our attention. It will be something to think about while we creep along in increasingly congested traffic, or wait for our delayed flights to take off at overburdened airports.

The National Journal reports that one out of four bridges is considered dangerous. More than 4,100 are closed. Every two days a bridge collapses. Sixty-five percent of the Interstate Highway System is in need of rehabilitation. The average age of the 184 principal locks on the inland waterway system is 40 years. The Army Corps of Engineers says 3,000 dams in populated areas are hazardous. Air traffic has doubled in the 14 years since the last new commercial airport (Dallas-Ft. Worth) opened. Los Angeles needs to spend $111 million more every year just repairing streets or 60 percent of them will be unusable by the end of the century. The Environmental Protection Agency says $108 billion will be needed between now and then just for construction of new sewage treatment plants.

OK, some of these numbers may involve overreaching and attention seizing and an appetite for pork. Still, there are many needs and not enough money. The cost of public-works investment is substantial, but so is the cost of underinvestment. Millions of workers-years are lost as congestion and detours sap economic efficiency. The cost of Los Angeles County congestion is estimated to be nearly half a million hours a day and half a billion dollars' worth of working time (and 72 million gallons of gas) a year. Unfortunately, blocking the road to a solution is a mountain—Mount Deficit.

The deficit is the numerical expression of a cultural tendency, the national tendency to live for the moment and beyond our means, consuming more than we produce and investing too little, heedless about the future. A government devoting 14 percent of its budget to pay interest on its debts—to rent money—has not enough money for the physical prerequisites of efficient and commodious living. Four federal trust funds—highway, transit, aviation and waterways—had a combined cash balance of about $24 billion at the end of 1987, all of it from user fees that can be spent only on infrastructure. But our leaders, ever imaginative at cooking the books to make the deficit seem smaller than it is, are hoarding the money. This is done so that deficit estimates will be smaller and the Gramm-Rudman knife will be easier to avoid.

Internal improvements: An earlier, more robust America had more energetic leaders regarding "internal improvements." On March 9, 1832, a candidate for the Illinois General Assembly distributed an open letter to the people of his county. The first plank in his platform was: "Time and experience have verified . . . the public utility of internal improvements," such as roads and navigable streams. Lincoln lost, but he soon won and authored a flurry of bills such as those pertaining to "a state road from the Wabash to the yellow banks of the Mississippi River" and "a canal upon the valley of the Sangamon River."

In 1808 Jefferson's Treasury secretary, Albert Gallatin, issued his "Report on Roads and Canals," a proposed network of projects, most of which were built over 60 years. It is unfortunate they were not built sooner. In 1816 John C. Calhoun, who eventually would sow seeds of secession, introduced a bill for internal improvements at federal expense. He warned that New York and other Northern states had public and private financial resources sufficient for such improvements, but that the South did not. Without federal help, the South would be consigned to inferiority, and "disunion" might result. President Madison, taking a crabbed view of federal power, vetoed the bill as unconstitutional. Denied federal help, the South's dependence on slavery grew, as did its sense of separateness.

Disunion is not a danger today. Decay is. That is a pity because public works are the sort of things government is good at. The Tennessee Valley Authority and the Interstate Highway System were not just good in themselves, they were good for the morale of government, which periodically needs some inspiriting successes. Alas, in election years we have this sort of dispiriting experience:

You are driving warily down a street cratered with potholes deep enough to serve as silos for the MX missile. Your car radio is emitting the sounds of candidates promising to provide "meaningful jobs" and "a sense of community" in "model cities" in a disarmed world. And you are thinking (if thinking is possible as you jolt along, your radio chattering and radial tires disintegrating): Thanks a lot, but could we please start our trip to utopia on a wellpaved street leading to a structurally sound bridge?

THE IRONY OF POPULISM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. CRANE. Mr. Speaker, as Americans we all recognize the principles of free enterprise and competition as the keys to a prosperous economy. However, with an election year upon us, the Congress is again being bombarded by populist rhetoric and legislation which betray these very principles in the pretense of finding a quick fix to the Nation's economy.

A prime example of this political phenomenon is the current effort to establish antitakeover laws that protect top-level management from loss of employment due to hostile corporate takeovers. If passed, the laws would greatly impede companies in their effort to streamline their management ranks. In essence, these companies would be forced by law to run top heavy, inefficient corporations. The price of their products and/or services would increase, resulting in a cutback in employment, overall restricted economic growth as well as a disastrous decrease in the level of competitiveness with foreign firms. Thus, not only would the blue-collar labor force be made to suffer for expendable top-level management, but also the American people as a whole.

Corporate takeovers have been a vital element in the economic success of the Reagan era. If we are to expand on this past success, we must encourage any efforts by U.S. businesses to eliminate waste and increase efficiency within their levels of production. Laws which discourage the natural propensity to increase efficiency go against the basic tenets of capitalism and will certainly cause serious damage to the American economy.

It is not surprising, but ironic nevertheless, that the Democratic Party, which prides itself as the champion of the common man, supports this measure. While espousing populist rhetoric to the people, these individuals quietly protect America's business elite. It is a shame that many of my Democratic colleagues are not as competent in managing the Nation's economy as they are in misleading the American people.

In the upcoming months, I urge my colleagues to carefully consider the implications of antitakeover laws to the U.S. economy. Any bills which establish such senseless regulations on the business community must be defeated. We must put the interests of common Americans above those of the few, but powerful business elite.

For an excellent review of the effects of antitakeover laws on the U.S. economy, I highly recommend an article in the Washington Times entitled "Anti-takeover=Anti-competitiveness" and an article by Robert J. Samuelson entitled "Corporate Socialism" in the December 28, 1987 Newsweek.

[From the Washington Times, Dec. 28, 1987]

ANTI-TAKEOVER-ANTI-COMPETITIVENESS

(By Robert J. Samuelson)

Even as Democratic Rep. Richard A. Gephardt of Missouri has railed against the "callousness of corporate America," he and his party have crawled warmly into bed with the National Association of Manufacturers and the Business Roundtable with their agenda of management protection.

There is no better example than the rush to pass "anti-takeover" laws in every state whose sole purpose is to insulate top management from competitive pressure. The most disgusting of these was recently passed in Delaware, where the BR and the NAM ganged up with organized labor to virtually force helpless legislators into raping the individual investor.

Yet, when the shareholders' groups attempted to alleviate organized labor's legitimate concerns by adding a union-contract "grandfather" clause, the BR lobby crushed it.

This is a case of naked protectionism for entrenched management, not "saving jobs" for labor. The same politicians who scream about "competitiveness" are thus trying to kill one of the key causes of America's competitive revival.

It is no accident that over the last four years, as total merger and takeover activity reached its greatest level in history, the manufacturing industry put on its best competitiveness performance in U.S. history. (See table.) In that period, manufacturing productivity rose an average of 4.4 percent a year, while manufacturing productivity rose an average of 4.4 percent a year, while manufacturing unit labor costs actually fell 1.6 percent per year (in current dollar terms).

This is why one of the nation's most respected business economists, Ed Yardeni of Prudential Bache (no fan of Reaganomics), said back in December: "On an operating basis, U.S. corporations are probably as lean and as mean as they have ever been. Since 1982 the managers of America's companies restructured their operations. They slashed their costs. . . . they shut down excess and obsolete capacity."

They did all this "good stuff" not because they are smart managers, but because if they didn't get their act together unhappy investors would replace them.

The result, Mr. Yardeni reports: "Productivity gains are awesome. From 1960 to 1982 manufacturing productivity rose at a compounded annual rate of 2.4 percent. After 1982, factory productivity increased by 4.8 percent a year.

"Even more impressive are the efficiency gains in the production of durable goods. The 7.1 percent compounded increases from 1983 to 1987 were more than three times greater than the 2 percent gains from 1960 to 1982. Now that's impressive!"

As Mr. Yardeni reported, by the beginning of 1987 the restructuring process has been completed, and "there was no more fat left." No wonder industrial production rose more than 5.7 percent in the last 12 months and U.S. exports are soaring.

Of course, one of the major tools in "corporate restructuring" has been the rise in hostile takeovers, which forced managers to get their economics and balance sheets right.

That is the basic thrust of a new study by Columbia Business School economists Frank Lichtenberg and Donald Siegel, which shows that "total factor productivity"—the combined corporate output gains for all factor inputs (capital, labor, raw materials)—raises changes in ownership.

"We found that plants involved in ownership changes experienced on average 0.5 percent [per year] higher TFP growth from 1974 to 1980." And this growth-rate premium increases, with those companies that experienced ownership changes early in the cycle showing a nearly 1 percent higher rise in TFP.

This is why they conclude that "policymakers should be extremely cautious when considering policies that would make the process of ownership change more difficult or costly."

Yet that is precisely what nearly 28 states have done. It is no accident that merger activity fell sharply in 1987, down 38 percent in numbers and about 4 percent in dollars.

If history is any guide, this downward trend will hurt management performance and U.S. productivity.

This is why House Energy and Commerce Chairman John Dingell of Michigan should be the first Democrat to turn a deaf ear to the NAM and the BR. He should push for a federal takeover law that will preempt the state statutes completely—and stop management from using "poison pills" and "greenmail" to prevent legitimate takeover activity, while protecting labor's legitimate interests. The Republican alternative does this better than the bill now being considered.

Mr. Dingell is a solid, union-label Democrat who is too smart to be taken in by the NAM's protectionist blandishments. He surely understands that strong productivity growth is the key not only to protecting future jobs but also to higher wage contracts.

[From Newsweek, Dec. 28, 1987]

Corporate Socialism

(By Robert J. Samuelson)

You might not ever have to think about Delaware except for this: although its citizens represent only 0.3 percent of the nation's shareholders, more companies are incorporated there than in any other state. There are 179,000 of them, including 56 percent of the Fortune 500. Delaware may soon enact an antitakeover law, which—given the state's pre-eminent position—would amount to a national antitakeover law.

This is a ghastly idea. Its only purpose is to shield well-paid executives against hostile takeovers. Corporate leaders like to project themselves as defenders of the productive economy against sinister financiers and "raiders." In fact, hostile takeovers promote greater efficiency and productivity. The whole antitakeover exercise smacks of corporate socialism: the marshaling of government powers to protect established businesses against change and challenge.

Executives to sleep easier at night, and Delaware is eager to please. The corporate franchise tax and other fees provide 16 percent of state revenues. A Supreme Court decision last spring seemed to permit tougher state antitakeover laws. Since then, 13 states have passed new laws, bringing to 27 the number with antitakeover statutes. Delaware officials fear that companies will reincorporate elsewhere if the state doesn't offer greater protection. The local bar association is drafting a proposal, which the legislature may approve in early 1988.

The speed with which these antitakeover laws have passed represents a political triumph for big corporations. They've largely succeeded in portraying hostile takeovers as an economic pestilence. By now, the indictment is familiar. The takeover threat (it's said) forces companies to focus on short-term profits and sacrifice long-term investment or research. Corporate raiders cheat small shareholders by coercing them to sell their stock at low prices.

There's just enough truth to the indictment to make it seem compelling. Ivan Boesky was just sentenced last week. Some takeover bids are phantom, intended mainly to create speculative opportunities in the stock market. Outlandish trading profits are made. Not surprisingly, corporate raiders and investment bankers are the new villains of popular culture—reviled in novels (Tom Wolfe's "The Bonfire of the Vanities") and movies (Oliver Stone's "Wall Street"). But beyond the imagery, the indictment against hostile takeovers is essential false. Consider:

They aren't rampant. In 1986 only 40—a record—were attempted, according to W.T. Grimm & Co.; a mere 15 succeeded. What is rampant is executive anxiety about takeovers. In one survey of 200 large companies, 57 percent said they'd been subject to takeover rumors.

Hostile takeovers haven't cut total investment or research. Between 1979 and 1986, corporate-financed research and development rose 51 percent, after adjusting for inflation. The increase between 1969 and 1976—when hostile takeovers barely existed—was only 12 percent. Investment, as a share of gross national product, is higher now than in the 1970s.

There's no evidence that shareholders fare worse in hostile takeovers than in friendly ones—those negotiated by the managers of merging companies. Typically, investors get 25 to 40 percent more than the previous market price.

Still, the corporate rhetoric continues. Listen to H.B. Atwater Jr., chairman of General Mills. He deplores financial "manipulations" and bad "bust-ups." He says hostile takeovers create "no new wealth." He's probably right. But they can improve use of the existing wealth by redirecting wasteful corporate investment. Ironically, General Mills proves the point.

USEFUL THREAT

General Mills has an "extremely profitable base [business] that subsidized poor diversification," as Michael Porter of the Harvard Business School writes. The company is the second largest cereal maker (Wheaties, Cheerios) and the leader in cake mixes (Betty Crocker). Food profits financed diversification in everything from toys to fashion to furniture. In 1985 Atwater overhauled the company. He sold poorly performing businesses and turned the toy and fashion operations into separate companies, whose stock was distributed to General Mills' shareholders.

The results have been dazzling. The toy and fashion businesses have done better as independent companies. Focusing on fewer businesses, General Mills improved its return on shareholders' equity from 19 to 31 percent. Since 1984 its stock price (including the value of the spun-off companies) has risen about 150 percent. That's more than three times greater than the overall market rise. But suppose Atwater hadn't acted and a raider had? In 1985 someone could have bought General Mills for 50 percent more than its market price and, by doing what the company itself did, profited enormously. Would that be a financial "manipulation" or undesirable "bust-up"?

The economic value of hostile takeovers doesn't lie in the few that occur. It lies in the mere threat, which motivates managers to stay efficient. Just because the pressure operates through the stock market doesn't make it illegitimate. The Delaware antitakeover proposal aims to reduce the threat. Management-approved mergers are exempted. For others, the proposal would make it difficult for investor groups to borrow the money to finance hostile takeovers. Notably, many public pension funds—large stockholders representing millions of retirees—oppose the plan.

What Delaware and shortsighted executives are jeopardizing is a division of labor that's worked well for decades. Congress has left the details of corporate law to the states, as long as states don't use it to settle major issues of national policy. Once that happens—as it is happening here—the question arises: why should Delaware have such power? The logical response is to abolish state corporate charters and replace them with a federal charter.

This step has long been advocated by social activists, but it's fraught with dangers. It would represent a huge politicization of the economy. Through federal charters, corporations could become the target of every passing political and social fad. It would be an economic nightmare. But if business leaders want to corporate socialism, that's what they're risking. Those who beg for government protection are also inviting governmental control.

THE DEATH OF MAESTRO ADLER OF THE SAN FRANCISCO OPERA

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday May 4, 1988

Ms. PELOSI. Mr. Speaker, San Francisco mourns the death of Maestro Kurt Herbert Adler. I would like to enter into the record the remarks of Robert S. Fisher which appeared in Leitmotive, the Journal of the Wagner Society of Northern California.

The death of Maestro Adler could not have been unexpected, but it nonetheless has been a blow to all of us, even if we knew him only casually. This is because we recognize that a most unusual and remarkable man is no longer with us.

He was remarkable because he was a magician: He created one of the two or three greatest opera companies in the world, with only a fraction of the resources available to the general directors of the other great companies. How this was possible will remain a mystery; nevertheless, he did it. Andrew Porter, himself a European and now one of American's leading music critics, said of Adler's creation, "Internationally, the San Francisco Opera has the reputation of being America's first. . . ."

Adler was perhaps not the easiest man to work with. His temper was legendary; singers knew him well for driving a tough bargain; he sometimes terrified his staff; he pushed everyone, often beyond their limits. He was not known as "Mr. Nice Guy." Yet he was widely respected and even loved because he accomplished so much more of value than any ordinary human.

Compare the list of new singers he introduced to America; compare his trail-blazing in taking opera away from only the privileged few and bringing it to the multitudes; compare his championing of new and unusual repertory; compare the consistently high quality of his productions; compare everything this man did; compare him with anyone else in the opera world.

We in San Francisco became quite spoiled by this wonderful man: we complained when a performance was only a little better than almost anything else in America. We came to expect the most spectacularly supreme from Kurt Adler. And he rarely disappointed us.

He was one of those rare members of the species who have enormous ambition and dreams that border on the wild; but he went out and caused it all to happen. Those of us with more modest pretensions can only stand in awe of Dr. Adler's accomplishments.

Of greatest impact on us, his audience, is the incontrovertible fact that he brought so much pleasure to so many for such a long period of time. We enjoyed, although perhaps we did not recognize it at the time, a Golden Age from 1953 to 1982. He established standards of quality and quantity that we can hardly hope will ever be equaled.

We will all miss Kurt Herbert Adler not a little; we are all grateful that we had the privilege to be around while he was here.

TAXPAYER INSTALLMENT ACT

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. LIGHTFOOT. Mr. Speaker, now that most taxpayers have prepared and filed their income tax returns, many of them are faced with paying more in taxes than they anticipated. I've heard from many constituents who were surprised by the impact of the Tax Reform Act of 1986 on their tax bills.

Today I am introducing a measure permitting taxpayers to pay their tax bills in three separate installments instead of being forced to come up with the entire amount owed immediately. This measure is a companion bill to S. 2099 introduced by Senators CARL LEVIN and STEVEN SYMMS.

The bill would allow taxpayers to pay the IRS in three installments, with the first installment due on April 15, the second third of the amount owed due on June 15, and the final one-third of the amount owed due on September 15.

This measure has several advantages over the present situation. Since income averaging and many deductions and exemptions were eliminated by the Tax Reform Act, taxpayers with dramatic fluctuations in income in 1987 will be given a bit of a breather to recover. Furthermore, the Internal Revenue Service [IRS] will be permitted to charge appropriate interest rates on the tax amount still owed, possibly bringing in even more revenue to the Federal Treasury.

Also, if taxpayers know they are given a little leeway in meeting their tax obligations, they may be more willing to abide by the law instead of simply invading it. Although taxpayers currently can negotiate with the IRS to pay their taxes in installments, the IRS is not required to permit them to do so. This legislation gives all taxpayers the right to pay in this manner, though the IRS can still charge interest for paying in installments.

CYCLE OF VIOLENCE IN THE WEST BANK AND GAZA

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. SYNAR. Mr. Speaker, all people of good will are yearning for the day when the cycle of violence will cease in the West Bank and Gaza. Yolanda Charney, director of community relations for the Jewish Federation of Tulsa, has written an excellent article on this subject which I submit for the RECORD.

[From People's Forum]

POINT OF VIEW: TALKS COULD END VIOLENCE ON WEST BANK

(By Yolanda Charney)

All people who value human life are saddened by the recent cycle of violence in the West Bank and Gaza.

It was bound to happen. The Palestinian Arabs frustrated by 20 years of living in occupation, having been ignored on the agenda of the Arab summit in Amman and the Reagan-Gorbachev meetings, are dying for the world's attention.

Israel, the reluctant occupier, faces a problem inherited when it successfully defended itself in 1967. As an open society, Israel allows the media access to the troubled area.

These disturbances must be examined in the context of the overall Middle East situation and viewed within a historical perspective. Prior to the creation of the state of Israel, this area was under British mandate. In 1948, the United Nations partition allowed for the land to be divided into a Jewish state and an Arab state. The Jews accepted the partition. The Arabs did not. Five Arab countries launched a war against the newborn state and lost.

There were equal numbers of refugees on both sides; Jewish refugees from Arab lands, as well as Arab refugees. The Jewish refugees were welcomed and absorbed into the mainstream of Israeli life, despite language barriers and tremendous cultural differences. The Arab refugees were left in refugee camps and used as pawns in the Arab-Israeli conflict. Forty years later they are still there.

Every year from 1949 to 1967, Israeli governments proposed peace along the lines that existed when the West Bank and East Jerusalem were in Arab hands. Never during this period did Jordan or Egypt propose to make this area a separate Palestinian state. To this date, Jordan seems to want no part of the West Bank, nor does Egypt seem to want the Gaza Strip.

The Arab states engage in considerable rhetoric to demonstrate their solidarity with the plight of Palestinian refugees. A discrepancy, however, is apparent between their vocal support and their monetary backing of the Palestinians.

While the oil-rich Arab states took in almost $1.2 trillion in oil revenues from 1974 to 1984, these nations together have contributed only $127 million to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) since that agency's establishment in 1950.

The United States—rather than the Arab states collectively—has been the major source of support for UNRWA over the years. From UNRWA's inception in 1950 through Sept. 30, 1987, the United States contributed over $1.3 billion.

The Wall Street Journal of July 21, 1986, reported that the seven major Arab oil-producing nations agreed to contribute a total of $250 million annually to the Palestine National Fund from 1978 to 1988. However, the Journal article noted, only Saudi Arabia has been making its annual payments of $85.5 million. The Economist magazine of Aug. 2, 1980, estimated that PLO Chairman Yasser Arafat then controlled about $7 billion to $8 billion, kept in a separate fund for his branch of the PLO, Fatah.

These figures stand in stark contrast to the vast sums Israel has spent to rescue, resettle and rehabilitate some 600,000 Jewish refugees from Arab countries. Yehuda Dominitz, who retired recently as director general of the Jewish Agency's Aliyah and Absorption Department, estimates that Israel's assistance to these Jewish refugees totals some $11 billion.

When Israel took over the territories, there was a concerted effort to be responsive to needs in health, education and welfare. Before 1967 there were no universities in the territories. Today, there are six: The overall standard of living has improved. It was recognized all the while that this was not enough to fulfill Palestinian aspirations.

The Arab summit, held in Amman, Jordan, in November, totally ignored the Palestinian issue. The members were preoccupied with the Iran-Iraq war.

From this summit, Jordan's King Hussein and Egypt's President Hosni Mubarak emerged as victors. How great it would be if this new victory could translate into the impetus needed for one of these leaders to come forward as a negotiation partner for Israel.

The beauty of the Camp David peace accords was that they provided for a five-year *modus vivendi* in the West Bank and Gaza, leading to full Palestinian autonomy. Unfortunately, Sadat was assassinated before he saw this dream fulfilled. At Camp David, however, the world saw how far Israel will go for the sake of peace. The hard-line Menachem Begin gave up territory, oil fields and air bases for a promise of peace.

In short, this tragic cycle of violence can be halted if responsible Palestinian leadership will come forward to confront the Israelis, not with violence in the streets, but with words at the negotiation table.

There are forces in the region, principally the PLO and radical Islamic fundamentalist groups, which continue to encourage armed confrontation with Israel and threaten Palestinians and other Arabs who consider the option of a negotiated political settlement. It is these radical elements which have betrayed the Palestinian people. In this situation Israel, sadly, has no choice but to take measures to assure the peace and tranquility of the territories.

A CONGRESSIONAL SALUTE TO ELIZABETH HARMER OF BOUNTIFUL, UT

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. HANSEN. Mr. Speaker, I often have spoken of how proud I am to represent the many outstanding young people who reside in the First Congressional District of Utah. At this time, I would like to take a few minutes to tell my colleagues in the House of Representatives about one young lady who is exceptional in every way.

Elizabeth Harmer, of Bountiful, UT, is the winning contestant from my State of the Veterans of Foreign Wars of the United States and its Ladies Auxiliary Voice of Democracy scriptwriting contest. Her essay, "America's Liberty—Our Heritage," which I am inserting in the CONGRESSIONAL RECORD, is an example of a young person with a promising future. Elizabeth takes time to ponder the purpose of the Tomb of the Unknown Soldier and what the Unknown Soldier represents to liberty and freedom. It is an essay that would make any parent proud. As we debate the defense of our great Nation, I would hope that every Member of the House would take the time to read Elizabeth's essay.

AMERICA'S LIBERTY—OUR HERITAGE

Several years ago, with a number of my classmates, I had the opportunity to visit Arlington National Cemetery. As we waited for the changing of the guard over the tomb of the Unknown Soldier, we bubbled with all the excitement of young teenagers free on a sunny day. Then, a moment before the ceremony began, an officer asked the audience for silence. In the sudden quiet, I had a moment to read the inscription on the white sarcophagus: "Here rests in honored glory an American soldier known but to God." A more thoughtful mood came over me, and this question came to my mind: "Who is the Unknown Soldier?"

No one really knows who the unknown soldier is, yet in a way, everyone knows him or someone like him. He is an American, one of more that eight million soldiers who dies in World War I to preserve liberty. He died so that I could enjoy freedom, and in a way, that makes him not only my brother but also the brother of everyone who loves liberty. Maybe he was afraid to go to war, but we know he was brave, because he had the courage to give his life for freedom.

Why is liberty so important? What blessings does liberty contain that men and women will give their very lives for it? Each person has his or her own definition of liberty. It is waving a flag on the Fourth of July or voting on election day. Liberty is the chance of failure or the hope for success; it is the opportunity to stand up and declare oneself a man with the same rights and privileges as any other man no matter how much money he had or who his parents are. It is the realization that no man is good enough to govern another. In short, liberty is what makes people into men and women who, whether their decisions bring sadness or joy, at least have the right to make those decisions.

Patrick Henry's words were prophetic when he exclaimed: "Give me liberty, or give me death!" For two hundred years loyal Americans everywhere have lived and died for liberty. In the Declaration of Independence, Thomas Jefferson wrote: "We hold these truths to be self-evident, that all men are created equal," and the founders of our country pledged their lives, fortunes, and sacred honor to uphold that Declaration. During the Civil War, a young nation once again struggled to uphold the liberty of all men, black or white, so that, in the words of Abraham Lincoln, "Government of the people, by the people, and for the people shall not perish from the earth". Whether in World War I, World War II, Korea, or Vietnam, Americans have volunteered their lives to preserve freedom. Others besides soldiers have lived Patrick Henry's words. The Unknown Soldier was someone's son, a husband, or even a father. Someone's heart was broken when Johnny didn't come marching home again.

If, as stated in a dictionary, a heritage is something passed down from preceding generations, then liberty is every American's heritage; it is their birthright. For centuries men have fought and died that Americans would have freedom. Our forefathers died that we might have it; perhaps we shall die so our children will have it. The last lines of Billy Rose's poem, the Unknown Soldier, read:

I am the Unknown Soldier,
And maybe I died in vain,
But if I were alive, and my country called,
I'd do it all again.

Some fear that Americans don't appreciate their liberty, but if freedom were ever threatened, Americans would respond with all their power, military strength, and their very lives to protect their sacred heritage. Liberty is America's heritage, the most valuable gift Americans own. May America ever love and fight for her liberty that freedom's sweet song will ring from sea to shining sea, and that her great heritage of liberty will be preserved—forever.

TRIBUTE TO CHARLES LUGER

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. McDADE. Mr. Speaker, I rise to pay tribute to Mr. Charles Luger, who has served his community, his church and his family with love and dedication for many years.

Charlie, as he is known to his many friends in northeastern Pennsylvania, has consistently volunteered to serve on boards and commissions that make the region a better place to live. The local chamber of commerce, the Scranton school system, the Alcohol and Drug Abuse Council of Northeastern Pennsylvania, the Scranton Jewish Community Center, United Cerebral Palsy of Pennsylvania, and the Scranton Industrial Development Authority are but a few of the organizations that have benefited from having Charlie Luger as a leader in their efforts.

Charlie Luger has also been a tireless public servant. He was a member of the Pennsylvania State Legislature in 1967–1968, and served on the State House Committee investigating mine subsidence problems. Luger was on the Statewide Planning Project for Vocational Rehabilitation. Furthermore, Charlie Luger served on the Lackawanna County Board of Commissioners and was the board chairman just prior to his retirement.

Mr. Speaker, the list of accomplishments on Charlie Luger's résumé would take up pages in the CONGRESSIONAL RECORD, so I won't document them all here. I will say that he has earned the respect and admiration of countless numbers of people in northeastern Pennsylvania. He has unselfishly donated of his time and energy for the betterment of others.

I would like to personally recognize and thank Charlie Luger for leading by example, for giving without thought of reward for himself, and for providing an outstanding role model for the young people in the community.

ANOTHER CAPITAL (GAINS) IDEA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. CRANE. Mr. Speaker, there has been much talk regarding the preferential treatment of capital gains. Some say that a reduction in the capital gains rate would only benefit the rich. As the cosponsor, along with the Heritage Foundation, of the February 2, 1988, capital gains hearing, the majority of business and economic experts agree that a lower capital gains rate promotes venture-capital. The formation and use of venture-capital on which this country is based, along with the continuing drive to fund new ideas that bring about new jobs, enhances the tax roles of this country. As Americans, we strive to be the creative force for the world; why then do we insist on hampering the great entrepreneurial spirit that is manifested in us? The March 8, 1988, Wall Street Journal has an excellent editorial on capital gains taxation and the effect of this debilitating tax.

The article follows:

[From the Wall Street Journal, Mar 8, 1988]

A CAPITAL IDEA

If the presidential-primary season has established anything it is that the 1980s' lowered tax rates are untouchable. But prior to passage of the 1986 tax act, there was a lot of rhetoric about how these efforts were a "giveaway to the rich." To counter this tax demagogy, the lawmakers raised the 20% tax rate on capital gains to match the new personal rate of 28% on highest incomes.

That was surely a mistake. Past experience with capital-gains rates suggests that running them up not only hobbles growth industries but also causes the rich to pay a smaller, not larger, share of the Treasury's tax revenue.

President Reagan has asked Congress to reduce capital-gains taxes. He pointed out that the higher rates encourage investors to hold on to stocks and other assets rather than sell them and realize taxable gains. The result is likely to be a decline in federal revenue.

The historical evidence that higher capital-gains taxes yield lower revenues is compelling. The maximum rate on long-term gains was doubled in 1969. Revenues plummeted. Five years later they were still below their 1969 levels.

In the face of this kind of historical experience, Congress's Joint Committee on Taxation now calculates that a cut in capital-gains rates would cost the Treasury money. Under the "static revenue" models still in use by the committee, revenue supposedly moves up or down in virtual lock step with rising or falling tax rates; affected taxpayers presumably make no effort to modify the tax status of their income.

In fact, everyone knows that people notice changes in tax incentives and respond accordingly. Back during the 1978 debate over reducing maximum effective capital-gains taxes to 28 percent from 49 percent, the Treasury Department, using static analysis, predicted "the measure would cost more than $2 billion annually." The actual result: Revenues from capital gains jumped from $8.1 billion to $11.7 billion between 1977 and 1979. And the bulk of those new revenues was paid by the rich.

The nearby table offers a thought-provoking look at how other industrialized nations tax capital gains. They have either lowered capital-gains taxes in the past few years or they never imposed them at all. The U.S. is the sole exception. Indeed, recent data suggest that U.S. venture-capital firms already are redirecting investments away from new ventures and into mature firms.

There is bipartisan support for changing the capital-gains tax. At least five Democrats on the House Ways and Means Committee want to cut the maximum rate to 15 percent. They observe that five recent academic and government studies indicate that with the higher capital-gains rates now in effect, the Treasury will lose between $27 billion and $105 billion in revenue between fiscal 1987 and 1991. All but one study implies that the tax rate that would maximize revenue falls somewhere between 9 percent and 21 percent.

Senator Bill Bradley believes that any attempt to reduce capital-gains taxes could "unravel" the coalition that passed tax reform, and lead a revenue-hungry Congress to consider a third, higher income-tax bracket. We recognize that danger. We also recognize that Congress's treatment of tax matters is barely rational and mostly political.

By what economic logic, for instance, do you raise taxes on capital gains but disallow deductions for capital losses? And surely Senator Bradley recognizes that the greatest threat to the new tax law will be Congress's compulsion to create new revenue enhancements. The tax-increase crowd should understand that if it wants to start that game, a proven revenue-raiser, the capital-gains cut, also will be on the table.

CAPITAL GAINS TAX RATES

	Maximum long-term rate	Maximum short-term rate
United States	[1] 33	[1] 33
United Kingdom	[1] 30	[1] 30
Sweden	[1] 18	[1] 45
Canada	[1] 17.51	[1] 17.51
France	[1] 16	[1] 16
West Germany	Exempt	[1] 56
Belgium	Exempt	Exempt
Italy	Exempt	Exempt
Japan	Exempt	Exempt
Netherlands	Exempt	Exempt
Hong Kong	Exempt	Exempt
Singapore	Exempt	Exempt
South Korea	Exempt	Exempt
Taiwan	Exempt	Exempt
Malaysia	Exempt	Exempt

[1] In percent.

Source: Arthur Anderson and Company.

STUDY CONFIRMS GI BILL'S EFFECTIVENESS

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. MONTGOMERY. Mr. Speaker, I recently had the opportunity and good fortune to meet Lt. Rosanna Gray, U.S. Navy. Lieutenant Gray, who was awarded the degree of Master of Science in Management from the Naval Postgraduate School, chose as her thesis topic the influences of high quality Army enlistment.

In the introduction, Lieutenant Gray states that, "The purpose of this thesis is to investigate the influences on the enlistment decision of Army recruits. With more knowledge about what motivates individuals to serve on active duty, those resources used to reach potential recruits might be directed in a more cost-effective and efficient manner." Of particular interest to Lieutenant Gray was the impact of enlistment incentives on high quality young people. Influences analyzed were economic benefits—including the Montgomery GI bill and the Army College Fund—military advertising, and Army recruiters. Data were from the 1985 New Recruit Survey of active duty Army recruits.

In her thesis, Lieutenant Gray raises important issues and reaches very important conclusions. She points out that recruiting the necessary number of individuals has seldom been a problem for the services. Enlisting high quality recruits, capable of learning the technical skills required in today's military who will also perform well in a variety of military scenarios, has been the challenge faced by the Armed Forces. High quality recruits are defined as those who have a high school diploma and who score 50 or higher on the Armed Forces Qualification Test [AFQT], which is used to determine the applicant's mental group category. Lieutenant Gray notes that studies show that a high school diploma graduate is twice as likely to complete his or her initial term of service as is a nonhigh school graduate. Additionally, several studies demonstrate that intelligent soldiers are the best performers in combat. Thus, smart high school diploma graduates will not only do their jobs well, but will fulfill their military service obligations.

Having demonstrated the desirability of recruiting high quality young people, Lieutenant Gray investigates the incentives which will attract these smart recruits to military service. I would like to quote from section V-C—conclusions—of the thesis:

> . . . Upper TSC [test score category] recruits were more strongly influenced by educational benefits than by the chance to learn a skill or to escape unemployment.
>
> "With the increasing costs of a college education, more college-bound students are having to find ways to finance their education. Upper TSC recruits were motivated to join the Army to acquire money for further formal education. Upper TSC recruits were also interested in money for vocational/technical school. Upper TSC recruits joined to receive extra educational bonuses, which are given to the recruits upon successful completion of their enlistment. High quality recruits enrolled in the Army's contributory educational benefit programs.

This conclusion was demonstrated by the response of recruits when asked, "Rate how important the following reason was in your decision to enlist: I enlisted so I can get money for a college education." Thirty-six percent of the recruits in the upper mental category said educational assistance benefits were "very important" and 30 percent said they "would not have enlisted except for this reason." In other words, 66 percent considered money for college a major factor in their decision to enlist and many wouldn't have considered military service if the educational assistance had not been available. This response is certainly not a surprise to those of us who are supporters of the new GI bill. In contrast, only 40.5 percent of the lower mental category recruits placed a high priority on money for college.

I want to congratulate Lieutenant Gray on her very impressive thesis. The issues she explored are important ones and the conclusions reached are well documented. We must keep this study in mind as we continue to evaluate the recruiting incentives used by our Armed Forces.

A TRIBUTE TO DALE BUDD

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. CLINGER. Mr. Speaker, I rise today to pay tribute to Dale Budd, an outstanding young man and athlete from Port Allegany, McKean County, a small town in the northeast section of my district. Dale is the State champion of the class AA 167 pound Pennsylvania Interscholastic Athletic Association, held March 19 at the Hershey Park Arena.

Labeled the underdog, Dale battled a difficult and exciting match to a 5–0 victory to become the first State champion from Port Allegany High School. Although this was Dale's first State championship, this was not the first time he has qualified for post season grappling. Dale has won the District 9 championship twice, the Northwest Regional championship, and has represented Port Allegany High twice at the PIAA championship.

With great pleasure, I congratulate Dale Budd on his outstanding achievement. As a senior, the victory caps an exciting career, one that will be long remembered by family, friends, and community.

Congratuations, Dale.

SAN BERNARDINO COMMUNITY PROGRAM DESERVES PRAISE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. BROWN of California. Mr. Speaker, I would like to take this opportunity to commend the Emergency Services Program administered by the community services department [CSD] of San Bernardino County.

The Emergency Services Program provides a helping hand to low-income families during crisis situations—offering emergency food, shelter assistance, payment of utility bills, clothing, and client advocacy. According to Joan Hunsaker, CSD Program manager, more than 24,000 low-income families and individuals have been served by the project since 1985. This remarkable performance has been achieved on a day by day, client by client, crisis by crisis, basis.

The staff and volunteers who have contributed to this outstanding project are worthy of our recognition. They are: Joan Hunsaker, Delia Mendoza, Donna Johns, Eileen Thaxton, Janice Hardy, Ona Shelley, Lisa Rivas, Tha Le, Norma Castro, Patricia L. Nickols, Sandra Brown, Kathy Hage, Terry Baden, Ellen Dattaray, Sondra Alvarado, Rita Acueto, Albert V. Perrault, Jean Comport, Jo Cord, Pat Slater, Marilyn Hawkins, Ruby Speas, Margaret Amos, Rose Engleton, Sherry Pursley, Jack Brown, Larry Collins, Rodolfo H. Castro, Bob McDowell, Betty McDonald, Dee Nagle, Margie Ramirez, Janice Baker, Stephanie Lang, Claudine Mercatoris, Debbie Cook, Kathy Lenox, Judy Lewis, Jean Fowke, Linda Craig, Jonnie Linder, and Marsha Lindquist.

CSD is the "War on Poverty" agency for San Bernardino County. Members of the community action board [CAB] include: Nancy Ruth White, Wanda Bethel, Dorothy Grant, Cindy Lobo-Jaurequi, Venny Newman, Johanna Olson, Mary Louise Cogswell, Carolanne Corbett, Beverly Sauers, John Williams, Belva Holder, Dolores Kossman, Francisco "Kiko" Gomez, and Armine Hogate.

Ms. Nancy Ruth White, CAB chairperson, says "CSD is usually the last hope for clients in need. It makes the difference between being hungry and cold, and having food and shelter." CSD plays a vital role in the 36th Congressional District, and I welcome the opportunity to bring some additional attention to its good work.

PROHIBITION ON THE USE OF DOD FUNDS TO PAY FOR ABORTIONS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. GEJDENSON. Mr. Speaker, one aspect of the Defense authorization bill that has largely gone unnoticed is the bill's continuation of the current prohibition on the use of Department of Defense funds to pay for abortions. Under current law, first approved by Congress in 1979, members of the military and their spouses must pay for abortions from their own pockets, except if the life of the mother is in danger.

I am submitting for the RECORD testimony given by Denny Edwards, a member of the U.S. Navy, before the House Appropriations Subcommittee on Defense in 1979. His words speak loudly for the need to take a serious look at the current Department of Defense prohibition on payment of abortion services.

I feel that equity demands that the current prohibitions be loosened significantly or eliminated altogether. The current policy is blind to the turmoil that dangerous or unwanted pregnancies cause in the families of our Nation's soldiers. For example, if a physician is unable to determine the extent of the risk posed to a woman who has muscular dystrophy, epilepsy or a blood coagulation disease such as lupus, the Department of Defense will not pay for the abortion. While well-off military families will simply pay for the abortion out-of-pocket, the lives of women from poor families will be put at risk.

Even though the issue of abortion will not be raised during the current debate on the Department of Defense authorization bill, I hope that Denny Edwards' compelling testimony will cause all Members to think about the negative impact of the current policy.

TESTIMONY FROM ENLISTED MAN DENNY EDWARDS BEFORE DEPARTMENT OF DEFENSE APPROPRIATIONS SUBCOMMITTEE, MAY 22, 1979

Members of the House Subcommittee: I have come before you, to present to you the problem that I and my family have encountered and the terrible tragedy that we have had to endure due to the wording of the law concerning the use of Federal Funds for abortions.

I am in the Navy, and I have been for the past five years. I am married and we have a little girl who is three years old. My wife's and daughter's names are Donna and Betty Jo. Because I am in the Navy, my family receives all its medical needs from them, we have been restricted in the type of medical services we receive because of the wording in the law that affects the funding of military medicine.

Members, I am not a pro-abortionist, but neither am I an anti-abortionist. I believe that each case should be judged on its own merits. The best way that I have to show you that belief is to let you know what my family and I have been through.

I cannot give you a fancy speech, because I'm just a simple man trying to do a job and provide a living for my family. All I can do is tell you what has happened to us, and pray you'll understand and try to do something so that we or anyone else will not have to go through the same thing again.

In April of 1978, my wife became pregnant with our second child. We'd planned on having another one and so we were both very happy and pleased when she found out, for we both wanted this child very much. But our want and desire for this child were nothing as compared to our daughter's want. She'd been asking us for months to give her either a baby brother or sister. And she was overjoyed to hear that her wishes and prayers were finally going to be answered. So we were all very happy and things were going good for us for awhile. My wife was receiving her prenatal care from Lt. Lyman Spaulding, at NRMC Portsmouth. She was doing what the doctors said and was taking care of herself. Then the doctors began to suspect that there was something the matter with the baby, for my wife was not as big as she should be.

The doctors began to run tests on my wife to determine exactly what was the matter with the baby. The tests that they ran were (1) ultra-sounds, (2) fetalgrams, (3) amniocentisis, (4) X-rays, just to name a few. All of the tests pointed to the same thing, that being, that the baby was an anencephalic. Anencephalic is where the baby has no head, no brain, no skull, and no spine, and that the baby would die either during birth or shortly thereafter. The tests were not conclusive at first, so they were run time and time again to give the doctors enough information for a diagnosis.

The doctors were finally able to obtain a conclusive diagnosis after several months of testing, and their findings was the same as what the tests had pointed to all along; that the baby was an anencephalic.

Upon receiving this news, that the baby was anencephalic, and there was nothing anyone could do to save the baby, my wife and I were extremely shaken up. We had known the possibility of an anencephalic child was possible. So we had grudgingly sat down and discussed what we should do if the baby was in fact anencephalic. It was a very hard decision, but we asked the doctors to terminate the pregnancy, because of the tremendous strain that it would have on all of us, me, my wife, and our little girl. If my wife were to carry the baby to full term knowing the entire time that it would die. The doctors told us that they would have to send the request to the Surgeon General of the Navy for his approval. His reply, needless to say was, "No, because it was not covered under the Department of Defense Appropriations Bill.", which was signed by the President.

After this reply we were terribly shaken up. We were being forced to carry a child which we knew would die and no one would reply and help us. Upon receiving the "NO" reply from the Surgeon General, I sat down and wrote a letter to Senator Talmadge asking for his help and he replied, after checking into the matter with the Department of Defense people, and the reply was "I'm sorry but it is not covered in the law and at this point there is nothing I can do to help you." I wrote to the Surgeon General himself, asking and demanding to know why we were turned down in our request. I received a reply from his special assistant JAGC lawyer, stating that the Surgeon General had no other alternative because of the restrictive wording of the law concerning the use of federal funds for abortions. I also wrote to the President begging and pleading to him for his help. I received a reply to his letter from Vernon McKenzie and his reply was the same as all the others, "I'm sorry for your situation but there is nothing I can do to help you."

I tried to take my wife to a civilian doctor, but because I'm not paid an exorbinate amount, and I don't have any medical insurance (being in the military I figured my family's and my own medical needs would be taken care of by them) I didn't have the funds to take her. I couldn't use champus because that too involved use of federal money, and could receive no help from Navy Relief because I could get no doctor to quote an exact amount of money that it would take for termination of my wife's pregnancy. Having this type of situation thrust upon you where you could not receive any type of medical help could possibly force me and others like me out of the service.

Do any of you, have any idea as to the pain and hell a pregnant mother goes through when she feels her child move and kick inside her and knowing all the time that there is no hope for the child and that it will die? Let me tell you I've seen that pain on my wife's face and seen that pain almost kill her. And I pray that NO other women in the world has to go through it. Especially another military wife or mother, for with the way the words of the law read now the government which employs her husband or herself will not stand behind her and help her and she will be FORCED to carry her baby, the way we were, knowing the entire time that all the pains and tests that she has endured, and will endure, has all been for nothing, for the child will die anyway.

This disease strikes every two (2) out of one thousand (1000) babies and the chances of it happening to us again are now one (1) in twenty (20) which are not very good odds. With the wording of the law as it reads now, how can we possibly try to have another child knowing that if it is an anencephalic that we will be forced to carry it to full term, again, knowing it will die, simply because the government won't allow any money for the military doctors to take the baby in a case like this.

In the law it says that if a woman gets pregnant because of rape or incest then she has a right to an abortion. But, that child has a chance to live outside the mother's womb, where as our child, who did not have that chance, had to be born into this world just to die. How much more of a mental strain can a woman who was raped carrying a child (which she doesn't want) have as compared to one who does want her child (knowing nothing in the world can save her baby) and knowing the child will die.

On December 22, 1978 our daughter, Patricia, was born and died, and she was, as the doctors said she would be, an anencephalic. I cannot describe to you what I saw when I went to her side after her death. Let me just say, Patricia was my daughter, and I love her very much, I did then, I do now, and I always will, but seeing her there with a perfectly formed face but no brain was a very grotesque and terrifying sight.

The autopsy report showed afterwards that not only did she not have a brain, skull, or spine but that her pelvis was separated into two separate pieces, she had bad kidneys and some of her other organs were not completely formed so you see she never even had the slightest chance for survival. But even if the rest of her was normal how can someone with no brain live? It's a strange thing that a child who has a chance to live outside the womb of the mother can be scraped away with federal funds, but one poor deformed child with no chance of life (who's dad is in the military just trying to do his job) has to fight and suffer to come into this world just to die. Why do you appropriate a huge amount of money, to get modern medical technology to the outstanding point it is today, if the results of those technological advances are not used? And why spend money on doing all those tests on pregnant women when nothing will be done in the end, and the same woman must suffer through all these tests with the knowledge that even if her child will die nothing will be done to help her.

I feel that my family has been prejudiced against simply because I am in the Navy and my money comes from the government (for which I pay taxes to give them). And it is a shame that some of our leaders cannot and do not care about us little people at the bottom, who've dedicated our lives for the defense of this country. And how can they ask me to leave my family, to go out and put my life on the line for the defense of this country and to depend on me to do my job right, when I can't even depend on them to make and pass the right laws to protect my family.

The circumstances surrounding the birth and death of our daughter have left an almost unbearable amount of stress and strain upon my wife, myself, and my family. Things have gotten to the point where my wife and I had to seek out psychiatric help and ask for help from a marriage counselor, to see if they can help us get our lives and our marriage back together again. I have also asked for, and have had approved, the Navy to grant my shore duty request for humanitarian reasons. After seeing what we have been through since we found out the baby was anencephalic, and the Navy couldn't help us through Patricia's birth and death.

Also because of the way the law reads and the suffering we've been through, we have both decided not to pursue the possibility of another. So you see not only has this affected me and my family, it has also interfered with my job for the Navy. Because I'm so concerned with their well being that I cannot concentrate on my job, in the Navy, to the extent I should or would like to.

Members, I realize that it may not have been the actions of this subcommitee that allowed such a restrictive wording on this law to pass. But it is with you that I must begin to make people begin to understand that this is a situation that cannot be covered so simply as "Yes, it's okay," or "No, it's definitely wrong." I am not here to try to change every mind on the issue of abortions, for it is a far too complicated matter. It is in itself a very touchy issue and does not need such stringent rules. The rules governing its use probably should be tight, but not so tight as to prevent it from helping those people who need it, such as in our case.

So I genuinely beg you to completely review your conscience and feelings. And try to place yourselves in our place and ask yourselves, what you would have done in our position. I beg of you to convince these people that in the issue of abortions there should be a clause or an amendment of some kind that will allow for and help people in cases such as ours.

Your sincere consideration and your time have been greatly appreciated. Thank you.

CONGRESSIONAL TERM LIMITATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. CRANE. Mr. Speaker, proposals on the limitation of congressional terms are not uncommon to congressional debate. In an effort to better utilize the offices of the legislative branch, I have introduced legislation, House Joint Resolution 15, to limit the number of terms a Member of Congress may serve. This proposal mandates that no person be elected to the House of Representatives for more than three terms, or to the Senate for more than one consecutive term. Similar proposals have been initiated as early as 1777 denoting the ever-present concern of obtaining power. Arguments in favor of this legislation demonstrate unselfish thought with resolutions clearly in the best interest of the people. It reestablishes the basic intentions of our Founding Fathers, emphasizing equal representation by fostering checks on the accumulation of power.

This is an era of career politicians. The very nature of a Member's duties and responsibilities require that he live in the Washington area. Within time, too many become Washingtonians. This length of time and distance from one's congressional district can contribute to an increasingly indifferent and less representative legislator. They begin to regard their respective districts and States as political territory instead of home. Anything they do or not do for the area they represent does not affect them or their family directly. Such a Member's role as a representative begins to diminish.

House Joint Resolution 15 would ensure that Members answer to and even abide by the consequences of the legislation which they themselves have enacted. That is, after 6 years, most Members would return to their district to live under the laws they established or supported. Should these circumstances exist, they might promote more thoughtful and even humble legislation.

In addition, House Joint Resolution 15 would benefit the shaping of legislation by insuring that a Member's vote on legislation would not be cast according to what is best for the member's career goals, but rather what is in the best interest of the Nation. Too often, career interests promote Members of Congress to initiate pork-barrel legislation consisting of special projects within their district, with no consideration of how the Federal Government will pay for them. Thus, this becomes a primary factor in our ever-growing Federal deficit. Furthermore, by avoiding any confrontation with the constituency Members turn to quick-fix temporary solutions. As a result, that which is more beneficial in the long term and therefore in general, may be left untouched. Many times the implementation of a long-term solution, which offers no immediate relief, irritates the constituency and thus may cause loss of the seat. Consequently, the congressional position is beginning to function as a primary campaign source rather than an office used to make a contribution to the well-being of this Nation.

Furthermore, a long-term membership provides an opportunity to acquire seniority and recognition which in turn promotes an unequal distribution of power. While the 22d amendment to the Constitution was passed to prevent a President from becoming too powerful, it is also necessary to pass similar legislation to prevent Members of Congress from having too much power. It is clear that power and influence belong to the senior or incumbent Members of Congress. Thus, representation does not necessarily reflect public sentiment. Power emanates from experience, exposure, favors, and the like. Consequently, the desires of the constituents of an incumbent Member of Congress are recognized more frequently than those of a freshman legislator.

Passage of House Joint Resolution 15 would also affect the powers of other individuals associated with congressional activities. For instance, lobbyists would no longer be as influential as they have been in the past. Their impact would be minimized because Members would be less inclined to consider the effect of adverse votes. Likewise, the press would not be able to persuade Members of Congress to vote a particular way. Negative or even false publicity would no longer have substantial effects on the career of the politician. Members would be less likely to consider their public image and keeping it favorable for the next election and more inclined to act in the best interests of the country.

Incumbents have numerous benefits or advantages around election time. The simple fact of name recognition is one of the greatest benefits. People have a tendency to vote on the familiarity of a name rather than researching and voting on specific issues of interest. Incumbents also have franking privileges, and an experienced staff to advise, assist, and support during reelection campaigns, all of which a first-time candidate does not. These benefits may prevent a highly qualified congressional candidate with new blood, ideas, and enthusiasm from being elected, while falsely securing those who have been there too long.

Those opposed to limited congressional terms have frequently argued that modern communication, public opinion polls, and the media are all that is necessary to keep representatives responsive to their constituency. However, this does not address the realization that Members of Congress are aware of the impact of the incumbency advantage. Once a candidate has obtained his office, there is a great chance that he will be reelected because of name recognition and constituent service.

Another argument put forth by those in favor the current system is one which claims that it is the fault of the voters themselves if they let their Senator or Representative serve an excessive length of time. Unfortunately the average voter does not keep sufficiently abreast of his Representative's activities in Congress in order to make a fully informed decision at election time. However, on the other side of the coin, it can be argued that limited terms may pressure voters into paying more attention to the issues, thus resulting in a more educated electorate.

A further advantage which should be given serious deliberation is that of reducing the Federal budget by eliminating pensions paid to Members serving 32 years or more. At a time when our Federal debt is over a trillion dollars, this is a benefit which cannot be ignored. Further savings can be anticipated because of the likelihood of Congress to refrain from voting in favor of future pay raises. If Members are not in office long enough to reap the rewards of a pay raise they will be less likely to pass legislation to this effect.

Abraham Lincoln understood the importance of a revolving Congress. In 1849, he refused to run for reelection after only one term in the House because he felt "it was someone else's turn to run." Limited terms will give many men and women with fresh thoughts and ideas the opportunity to serve their Nation by representing the views of their fellow countrymen. Through limited terms, this will be accomplished much more readily without pressure from outside interest groups, or the pressure which accompanies any career-minded individual. Based upon these arguments, I strongly urge my fellow colleagues to support House Joint Resolution 15.

THE DEATH OF JOE LaBOON

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. DARDEN. Mr. Speaker, the recent passing of Joe LaBoon, chairman and chief executive officer of Atlanta Gas Light Co. has taken from Atlanta and the State of Georgia an outstanding leader of the business community and a man dedicated to an active role in community affairs.

Joe LaBoon's story exemplifies the "American dream" at its very best. He was a native of Monroe, Ga, who graduated from North Georgia College, Georgia Tech and the Woodrow Wilson School of Law. Joe was both a registered professional engineer and a member of the Georgia bar. He rose through the ranks of the Atlanta Gas Light Co., attaining the position of vice president in 1962, director in 1970, and president and chief operating officer in 1976. He was named chief executive officer in 1980, then added the title of chairman of the board in 1985.

Over the years, Joe served as director and chairman of the American Gas Association. He also served as chairman, at one time, of the Southern Gas Association.

Joe LaBoon was a man of great patriotism. He served in the Marine Corps during World War II, then in the Marine Reserves until 1975, attaining the rank of colonel.

His many community service activities including serving as chairman of Wesley Homes, Inc. and a trustee of both Woodrow Wilson School of Law and Young Harris College. He served as a director of the Georgia Business Council, the DeKalb Chamber of Commerce, First Atlanta Corp. and John Harland Co. An active member of the Rotary Club of Atlanta for 24 years, Joe put the club's motto, "Service Above Self," into action every day of his life.

Mr. Speaker, I ask my colleagues to join me in extending sympathy to Joe LaBoon's widow, Marjorie, and to their four children and five grandchildren.

Joe LaBoon was committed to hard work and the attainment of excellence throughout his life, whether in his role as a Marine, a businessman, a community leader or a family man. All of us who knew him will sorely miss Joe LaBoon.

THE FAMILY AND MEDICAL LEAVE ACT: A MUCH NEEDED GIFT FOR MOTHERS IN THE WORK FORCE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. GREEN. Mr. Speaker, Sunday, May 8, is Mother's Day, an appropriate time to honor our Nation's mothers and reflect upon the varied roles they play in our society. If we look at the demographics of today's work force, we can easily see a dramatic shift away from the traditional roles of women. A substantial majority of children have working mothers. Seventy percent of U.S. women between the ages of 25 and 54 work. Ninety percent of single parents are women. This trend is predicted to increase even further in the future so that by 1990, 64 percent of all families with children under 18 will have mothers in the work force. Because this is a nation which values the family, there has been a growing consensus that a minimum leave policy is needed to help families accommodate these new circumstances.

The Family and Medical Leave Act (H.R. 925), as amended by a bipartisan compromise, should soon be scheduled for consideration on the House floor. I urge my colleagues to support this much-needed legislation. H.R. 925 would enable certain employees to take up to 10 weeks of unpaid family leave over a 2-year period and up to 15 weeks of unpaid medical leave over 1 year. Family leave covers the birth or adoption of a child, and the care of a seriously ill child or parent. Medical leave covers serious illness of an employee. The bill would initially exempt employers with fewer than 50 employees and after 3 years would exempt employers with fewer than 35 employees. Only employees who have worked for 1 year and at least 20 hours a week are covered. Businesses may deny leave to the highest paid 10 percent of their employees to avoid serious economic harm to the business. This compromise addresses the needs of families while taking into account the concerns of business.

In a nation where women are playing such an important role in the working world, we need legislation that will allow employees to take necessary leaves without fear of losing their jobs. I ask all of my colleagues to join me this Sunday in honoring our country's mothers and in supporting the Family and Medical Leave Act, which would serve as a significant step in strengthening the family unit to which our country is so committed.

THE 50TH ANNIVERSARY OF ADAT ARI EL

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. BERMAN. Mr. Speaker, I rise today to acknowledge the 50th anniversary of Adat Ari El, the first synagogue in the San Fernando Valley. Established in 1938, the synagogue has come to occupy a very special place in the lives of the area's Jewish citizens. A wide variety of events have been planned for 1988 to mark this special occasion and I am pleased to join in the celebration of the synagogue's 50th year.

From its very beginning, Adat Ari El has gained national and international recognition for its many outstanding programs.

The synagogue is recognized as a leader in the effort to preserve and protect the doctrines of Judaism. In fact, several programs of Adat Ari El are considered to be pioneer developments in Judaism. Under the leadership of Rabbi Aaron M. Wise, the first bar mitzvah, west of the Mississippi was celebrated. Use of lay people to interpret the Torah began at Adat Ari El and it was there that Leslie J. Alexander was installed as the first woman Rabbi of a major conservative synagogue.

Current head Rabbi Moshe J. Rothblum is regarded as an important leader of the Jewish community. His new melodies to traditional prayers have received significant recognition, adding to the list of innovations at Adat Ari El that have earned public praise. Over the years, his spiritual leadership and guidance have provided an invaluable service for many. I have known Rabbi Rothblum for 30 years, and like me, he is an alumnus of the well-known Camp Ramah. I am proud to call this very distinguished gentleman a friend.

I am honored to ask my colleagues to join me and the members of the Adat Ari El congregation as we celebrate the half century of strong support and leadership that Adat Ari El has provided to the Jewish community of the San Fernando Valley.

WORLD FOOD DAY RESOLUTION—HOUSE JOINT RESOLUTION 563

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. GILMAN. Mr. Speaker, today I am introducing legislation designating October 16, 1988, as "World Food Day." World Food Day has been supported by the Congress for the past 7 years. It has and continues to play a key role in focusing world attention and action on the problem of world hunger.

Patricia Young, the national coordinator for World Food Day, informs us that "the problem of hunger and malnutrition among the world's poor remains critical and should be a concern of all Americans". Our House Select Committee on Hunger through extensive hearings and studies confirms that the only way to eradicate hunger is to mobilize the political will necessary to tackle the issue.

Accordingly, I am honored to introduce "World Food Day" and urge my colleagues to cosponsor and support the bill.

Mr. Speaker, I request that at this point in the RECORD there be inserted the full text of the House joint resolution (H.J. Res. 563) designating October 16, 1988, as "World Food Day."

H.J. RES. 563

Whereas hunger and malnutrition remain daily facts of life for hundreds of millions of people throughout the world;

Whereas the children of the world suffer the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease, and many others suffering permanent physical or mental impairment because of vitamin or protein deficiencies;

Whereas the United States and the people of the United States have a long tradition of demonstrating humanitarian concern for the hungry and malnourished people of the world, recently manifested by the American response to African famine;

Whereas efforts to resolve the world hunger problem are critical to the maintenance of world peace and, therefore, to the security of the United States;

Whereas the United States, as the largest producer and trader of food in the world, has a key role to play in assisting countries and people to improve their ability to feed themselves;

Whereas although progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain groups, notably Native Americans, migrant workers, the elderly, and children, remain vulnerable to malnutrition and related diseases;

Whereas the Congress is acutely aware of the paradox of the enormous surplus farm production capacity of the United States despite the desperate need for food by people throughout the world;

Whereas the United States and other countries should develop and continually evaluate national policies concerning food, farmland, and nutrition to achieve the well-being and protection of all people and particularly those most vulnerable to malnutrition and related diseases;

Whereas improved agricultural policies, including farmer incentives, are necessary in many developing countries to increase food production and economic growth;

Whereas the Congress is particularly concerned about continuing food shortages in Africa and supports efforts to reform and rationalize African agricultural policies to better meet the food needs of the African people;

Whereas private enterprise and the primacy of the independent family farmer have been basic to the development of an agricultural economy in the United States and have made the United States capable of meeting the food needs of most of the people of the United States;

Whereas increasing farm foreclosures threaten to destroy the independent family farmer and weaken the agricultural economy in the United States;

Whereas conservation of natural resources is necessary for the United States to remain the largest producer of food in the world and to continue to aid hungry and malnourished people of the world;

Whereas participation by private voluntary organizations and businesses, working with national governments and the international community, is essential in the search for ways to increase food production in developing countries and improve food distribution to hungry and malnourished people;

Whereas the member nations of the Food and Agriculture Organization of the United States unanimously designated October 16 of each year as World Food Day because of the need to increase public awareness of world hunger problems;

Whereas past observances of World Food Day have been supported by proclamations by the Congress, the President, the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States, and by programs of the Department of Agriculture, other Federal departments and agencies, and the governments and peoples of more than 140 other nations;

Whereas more than 400 private voluntary organizations and thousands of community leaders are participating in the planning of World Food Day observances in 1988, and a growing number of these organizations and leaders are using such day as a focal point for year-round programs; and

Whereas the people of the United States can express their concern for the plight of hungry and malnourished people throughout the world by fasting and by donating food and money for them: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 16, 1988, is designated as "World Food Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities, including worship services, fasting, food and money donations collections, educational endeavors, and the establishment of year-round food and health programs and policies.

AND JUSTICE FOR ALL

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. CRANE. Mr. Speaker, today I am introducing a bill that would correct a gross injustice in our Tax Code.

Under the Federal Unemployment Tax Act, States are given the opportunity to establish certain requirements in order to grant certain individuals and entities credit against Federal unemployment tax. Currently, all 50 States have established these minimum requirements.

Emerging from this legislative quagmire is a situation which is of specific concern to me. Elementary and secondary schools which are under the direction of a church and/or a separate corporation, formed by a church or an association of churches, are given this tax credit. However, elementary and secondary schools which are of religious nature, but are not affiliated with an organized church, do not receive the credit.

Why these schools are discriminated against totally perplexes me. They perform the same duties as affiliated religious schools and teach the doctrine of an organized church. Moreover, they are considered to be too religious to receive a nutrition education funding grant from the Department of Agriculture, but not religious enough to be exempted from State unemployment tax.

My bill would finally rectify this inequality in our Tax Code. All elementary and secondary religious schools, affiliated or independent, would be guaranteed the benefit of this tax credit. It is that simple.

I urge my colleagues to join me in my efforts to bring fairness back into the U.S. Tax Code. Taxation and discrimination of religious institutions is clearly unconstitutional. Let us join together and restore credibility to our beleaguered tax system.

H.R. 2616

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. HORTON. Mr. Speaker, last week the House and Senate overwhelmingly agreed to the conference report to accompany H.R. 2616, the Veterans' Benefits and Services Act of 1988. I was very pleased to lend my support.

I rise today, Mr. Speaker, to call to the attention of my colleagues the procurement provisions of the legislation. In particular, I would urge my colleagues to note the remarks the ranking minority member of the Senate Veterans Affairs Committee, Mr. MURKOWSKI, made on April 28 during Senate consideration of the conference report.

I believe it is extremely important to understand, as the Senator from Alaska stated, that the conference report language on standardization does not require the VA to use a competitively bid single supplier. Likewise, the legislation does not preclude the VA from doing so if high quality health care is maintained.

Mr. Speaker, I agree with Senator MURKOWSKI's assessment that the purpose of standardization is to reduce the number of procured items that serve the same functional use. I would point out, however, that a number of medical supplies have unique characteristics. Any failure on the part of the VA to recognize this fact could seriously jeopardize the health care of our Nation's veterans. I do not believe that is what the Congress intended. Quite the contrary, we feel very strongly that our veterans deserve health care services of the highest possible quality.

In closing, Mr. Speaker, I would like to thank Senator MURKOWSKI and his staff who have discussed this issue extensively with VA officials. I wholeheartedly agree that flexibility in the procurement process is necessary to assure the delivery of quality health care services and trust that the VA will be mindful of our concerns.

HONORING THE 100TH ANNIVERSARY OF THE MONTEFIORE-WOODMOOR CONGREGATION

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. CARDIN. Mr. Speaker, I am honored to bring the Moses Montefiore Emunath Israel Woodmoor Congregation to the attention of my colleagues today. This distinguished congregation will mark its 100th anniversary on May 7, 1988.

The Montefiore-Woodmoor Congregation has a proud history dating from 100 years ago this weekend when it was first incorporated under the laws of Maryland. Its first president, M.W. Rosenstein founded the organization as the Moses Montefiore Synagogue.

The congregation spent many years in temporary buildings, but moved into permanent quarters in 1912. The first boy to be bar mitzvah in the new building was Leon Frankle, still an esteemed member of the congregation. Frankle is an honored name in this congregation; when the congregation found itself divided just after World War I, the late Nathan Frankle reunited the two groups.

The congregation was expanded when it merged with the Woodmoor Congregation in 1962. The newly named Moses Montefiore Emunath Israel Woodmoor Congregation now holds services on Coronado Road, the site of the old Woodmoor Congregation building.

The Moses Montefiore Emunath Israel Woodmoor Congregation will hold a celebration of its 100 years of service to the Baltimore community on May 15. I will be honored to attend that celebration, and to commend this fine group for its achievements over the years. I urge my colleagues to join me in recognizing this fine congregation.

COMMITTEE'S GOOD JUDGMENT

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. THOMAS of California. Mr. Speaker, I want to commend the Armed Services Committee's judgment in resolving an issue affecting my constituents at the Naval Weapons Center at China Lake, CA. After carefully reviewing evidence I presented and information presented by the Department of Defense, the committee has concluded that the center's supersonic sled tracks should remain open. The committee's intent, clearly stated in the report accompanying this legislation, represents an important step toward resolving an important issue.

The committee's report states the committee's intent that both the Naval Weapons Center and Holloman Air Force Base sled tracks should continue operations. The language goes a long way toward ending a dispute that has been going on since 1985 and which, as a result of last year's defense authorization process, could have resulted in a potentially costly closure of China Lake facilities during the coming year.

Instead of saving money as a 1985 report by the Department's Office of the Inspector General suggested, new information clearly shows that consolidating the center's supersonic naval ordinance research track with Holloman facilities would increase testing costs for the Department. Although the Air Force has revised some of its estimates, the costs of consolidation clearly weigh against closing the center's facilities at this time.

Although the potential cost of consolidation is small in comparison to the total spending level contemplated by this authorization bill, the continued availability of China Lake track facilities is crucial to both the Naval Weapons Center's mission and to Department of Defense efforts to ensure that our military has quality weapons systems that will perform as expected. Closure of any portion of the center's sled track facilities would reduce testing capability at a time when budget constraints clearly call for the most effective use of defense dollars. The committee's report makes a valuable contribution toward that end by clearly stating an intent to see China Lake facilities remain in operation.

TRIBUTE TO ANN RAPP

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. COELHO. Mr. Speaker, it is often said that our Nation's most precious resource is its children. I firmly believe this adage, and its counterpart is that our teachers are one of our most important resources as well. It is most fitting, then, that we pause periodically and pay tribute to those exemplary teachers who go above and beyond the call of duty in their efforts to educate our children. Such an outstanding educator is Ms. Ann Rapp, a fifth grade teacher at Standiford Elementary School in Modesto, CA.

Ms. Rapp developed a part-time gifted education program for 400 second through sixth grade students throughout the Sylvan Unified School District. The program was so successful that it eventually evolved into a full-time classroom for gifted students. Ms. Rapp is recognized throughout the district for her dynamism, her creativity, and her dedication to providing her students with the best education possible. The superintendent of the Sylvan Unified School District paid her perhaps the supreme compliment by stating that more than a simple teacher, Ms. Rapp should more adequately be called a prophet.

Recently, Ms. Rapp's achievements were recognized at the national level as she was chosen to be one of 15 teachers throughout the country to attend a special seminar program on Socrates sponsored by the National Endowment for the Humanities. That she was one of only two elementary school teachers chosen for this seminar is a special tribute to her advanced teaching methods, and I know Ms. Rapp will bring a special insight to the seminar this summer.

Mr. Speaker, I would like to take this opportunity to commend Ms. Rapp for all that she is doing for the students of Standiford Elementary School and indeed for students throughout the Sylvan Unified School District. These students are lucky to have as talented and dedicated a teacher as Ann Rapp, and I would like to extend my deepest appreciation to her for all she is doing to nurture our most precious resource—our children.

REMARKS OF MARSHALL BREGER TO THE UNITED NATIONS HUMAN RIGHTS COMMISSION

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. KEMP. Mr. Speaker, the honorable Marshall Breger, Chairman of the Administrative Conference of the United States, is always an able spokesman for our country. As alternate representative for the U.S. delegation to the U.N. Human Rights Commission, Marshall spoke most eloquently at the February session of the United Nations on the question of the violation of human rights in the occupied Arab territories, including Palestine. I would like to share with you his remarks on a resolution to condemn Israeli action.

STATEMENT OF CHAIRMAN MARSHALL BREGER

Among the falsehoods, errors, and unacceptable language in these resolutions are claims that Israel has a policy of causing miscarriages among pregnant women; that Israel has a policy of kidnaping children; and that Israel has destroyed the architectural character of Jerusalem. The resolutions claim that Israel commits "aggression on Islamic and Christian religious holy places." In the debate on this matter, Israel has been charged with crimes as disparate as the genocide of the Palestinian people and the torture of Arab-owned donkeys. These are grotesque charges, Mr. Chairman. They make a mockery of the business of this Commission. The United States has expressed these concerns to the Israeli government directly and in international forums. Among these concerns is our belief that deportation of Palestinians from the West Bank and Gaza violates the Geneva Convention.

However, fairness requires that we recognize that many of the countries that have vituperatively attacked Israel are countries which have themselves carried out or maintain the right to carry out deportations for political purposes. I will not detail those countries here. They know who they are as does any reader of the Department of State yearly human rights reports.

The United States has also communicated its concern about any policy of indiscriminate beatings and the use of live fire in selected circumstances. But fairness requires that we point out that Israel has legitimate and serious security concerns in the West Bank and Gaza. Indeed, under international law they have an obligation to maintain civil order. Without the restoration of civil order no progress on a political settlement is imaginable.

We must point out, Mr. Chairman, that it is folly to condemn Israeli riot control practices without similarly calling for a halt to acts of terror and violence that inevitably create the need for some kind of riot control activity. For it is an often ignored fact that Israeli civilian lives have been at risk and that Israeli security forces have often been faced with life-threatening provocations. Contrary to the position of some, Mr. Chairman, there is no human right to throw stones or petrol bombs.

Even so, it is natural that friction will exist between the military administration and the Palestinian population. No occupation can provide a feeling of full human dignity to those who live under it. The United States is conscious of this fact and begins its diplomacy from the view that the status quo cannot be considered a permanent state of affairs.

Let us be perfectly clear. The Israeli occupation of the West Bank and Gaza is a result of over 40 years of conflict between Israel and the Arab states. The occupation began, twenty-one years ago, after a war in which nearly all of Israel's neighbors were arrayed against her.

Mr. Chairman, the status quo in the West Bank and Gaza is not acceptable. More important, it is likely not sustainable. We can only hope that the recent unrest will encourage all concerned parties to begin the process of direct negotiation which is, we believe, the only way to achieve permanent peace in the area.

The United States is actively consulting with the parties directly concerned on ways to secure a permanent and comprehensive peace through direct, negotiations on the basis of U.N. Resolutions 242 and 338. Those efforts should be our primary goal. Votes in favor of these resolutions do not serve that end.

BRIG. GEN. JOSHUA SHANI TO BE HONORED BY DAVID BEN-GURION CULTURE CLUB

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. PEPPER. Mr. Speaker, I would like to call to the attention of my colleagues the outstanding work that has been done by the David Ben-Gurion Culture Club—Survivors of the Holocaust—to help hospitals, veterans, the blind, universities and academically gifted children. This coming Sunday, May 8, will be a very special occasion for the club. It is holding a gala dinner on Miami Beach to celebrate the 40th anniversary of Israel and the speaker will be a true patriot and dedicated servant of Israel, Brig. Gen. Joshua Shani.

Shani, who is air attaché to the Israeli Embassy in Washington, DC, was born in the Soviet Union in 1945. He immigrated to Israel with his parents in 1947 and grew up in the northern port city of Haifa. After graduating from high school, he attended the Air Force Academy and since 1965 has served as an active pilot, fighting in the Israeli-Arab wars. As squadron commander he flew the lead plane in the July 4, 1976, raid on the Entebbe Airport that freed 103 hostages held by terrorists.

In 1978, he was appointed wing commander. In 1982, Brig. Gen. Joshua Shani attended the Air War College and Auburn University in Montgomery, AL, graduating from both in 1983. He was based at the Israeli Air Force Headquarters in Tel Aviv until he undertook his current assignment in 1985.

Shani and his wife, Orna, have four children, Guy, Anat, Dan, and Uri.

H.R. 925, THE FAMILY AND MEDICAL LEAVE ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mrs. MORELLA. Mr. Speaker, the Older Womens League today is releasing a report, "The Road to Poverty," which documents the links between poverty and inequities for women, such as wage and pension discrimination, and unpaid family responsibilities.

This report clearly indicates the need for congressional action in a number of areas, and I take this opportunity to join a number of my colleagues today in specifically urging support for H.R. 925, the Family and Medical Leave Act.

This legislation would allow parents to take unpaid leave at the birth or adoption of a child, to care for a seriously ill parent or child, or for an individual's own serious health condition. Truly, we must take action to ensure job security for individuals with these family responsibilities. Just yesterday, the Select Committee on Children, Youth and Families held a hearing on double duty caregivers, the group of family members who must care both for children and elderly or disabled parents.

As the only industrialized nation without a family leave policy, it is time for Congress to make this matter a priority. Mr. Speaker, I urge my colleagues to honor the mothers of this country for Mother's Day by cosponsoring H.R. 925.

TRIBUTE TO HAIG KEHIAYAN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. GALLEGLY. Mr. Speaker, Gov. George Deukmejian has appointed a distinguished attorney from the 21st Congressional District to serve as a judge in the Los Angeles County Superior Court.

He is Haig Kehiayan, 60, who for many years has had his own legal practice in Mission Hills.

Mr. Kehiayan is the immediate past president of the San Fernando Valley Bar Association, and is a member in good standing of the Los Angeles County Bar Association and the American Bar Association as well.

Mr. Kehiayan received his bachelor's degree from the University of Southern California in 1950, and his J.D. from Southwestern University in 1955.

I heartily congratulate Mr. Kehiayan on his elevation to the superior court, where I am certain he will serve with distinction.

NATIONAL SCIENCE AND TECHNOLOGY WEEK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. RANGEL. Mr. Speaker, as many of my colleagues may know, the week of April 24–30, 1988, was the Fourth National Science and Technology Week. The event was a success, in that it helped increase awareness and interest in the sciences. Recent surveys indicate that precollege students in the United States rank below fellow high school students in other countries in the field of science. One of the goals of National Science and Technology Week is to encourage high school students' curiosity through various hands-on experiments.

National Science and Technology Week provided a forum for schools, communities, museums, and corporations to discuss and educate their respective audiences on a variety of scientific subjects. Subjects ranged from the elementary questions of photosynthesis and evolution to cutting-edge topics such as robotics and superconductivity. The week long program also offered dozens of teacher-train ing workshops and lectures. All such activities helped increase the curiousity of those who did not possess a predisposition toward the sciences.

If the United States is to continue its position as a leader in the scientific and technological community, then, the next generation must be inclined to pursue careers in the growing scientific fields. It is important, especially in minority populations, to increase the emphasis placed on math and science. Research illustrates the fact that black students are frequently tracked away from math and science achievement as early as third or fourth grade. Although their performance is close in early development stages, teachers and counselors often do not have equivalent expectations for the success of black and white students. These differences translate in lower precollege performance levels, lessened success in higher education, and lack of career access for black children in science and technology.

Since blacks and Hispanics will comprise at least one-third of the college age talent pool in science and technology by 1995, we must strengthen the math and science education pipeline for these groups now. It is important that programs and events such as National Science and Technology Week work to reverse these trends in math and science education.

I hope that my colleagues will continue to assist the National Science Foundation in their annual sponsorship of the week and will urge their constituents to participate in next year's activities. Only through such awareness programs, can we express to today's youth the importance of mathematics and science in the future.

THE WALL STREET EDITORIAL ON THE TRADE POWERS ACT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. KEMP. Mr. Speaker, today's Wall Street Journal again focused attention on the trade legislation that we in the Congress are working so hard to force on America. They point out, as they have so many times in the past, the harm this will bring not only to American people and to American business but to the Office of the Presidency itself.

I commend this article to all of my colleagues, and hope that we will all take a moment to carefully consider the serious consequences that might result from a rash political action.

I would also like to thank the editors of the Journal for their intelligent and unflinching support of an aggressive, positive trade policy and for looking beyond the surface of this issue and recognizing whats happening to the executive branch authority to conduct policy in the interest of our country and all our people.

[From the Wall Street Journal, May 4, 1988]

President Reagan said again Monday he'll veto Congress's protectionist trade bill, and if he says it often enough maybe one of these times he'll even offer the right justification. The real reason to deep-six this bill isn't because it muddles plant closings. The more significant problem with this bill is that it will do the trade policy what the War Powers Act has done to U.S. foreign policy since 1973. The trade bill is a congressional raid on presidential power—and on the national interest.

As usual, Washington has reduced the trade fight to a special-interest melodrama. The Democrats have bowed to organized labor on plant closings, while the White House has hinged its opposition to the entire bill on this single anti-jobs provision. Maybe if the White House talked intelligently about the really awful parts of the bill it wouldn't find itself scrambling for 34 Senate votes to sustain a veto. The bill contains provisions that no one serious about the office of the presidency would dream of signing, even without plant closings.

The bill transfers decisions on trade injury and retaliation, for example, from the President to the U.S. trade representative's office. Who elected the trade rep? A President elected by the entire nation must balance trade decisions against other U.S. interests, such as national security. But a trade rep confirmed by the Senate will become a prisoner of the trade and congressional bureaucracies, ignoring other, larger American interests.

The trade bill also limits presidential influence over the International Trade Commission, the group that decides whether an industry has been "injured." Currently a President must confirm an ITC finding before protection is granted. But if the trade bill passes, an ITC finding automatically will trigger protection—unless the President says otherwise. So a President will find it politically more difficult to do something sensible, such as decide that the prices paid by 265 million American consumers take precedence over, say, the competitive problems of the shoe industry.

Senate Finance Committee Chairman Lloyd Bentsen of Texas (who already has squeezed more than $1 million in special-interest PAC money from the political system) even has slipped in a provision to limit Mr. Reagan's appointment powers. He's rigged the process so Mr. Reagan will have little choice but to appoint a protectionist as the next ITC chairman.

These comments describe only the tip of a 1,000-page iceberg. The bill mandates some 100 separate trade studies and establishes broad new demands for the executive branch to report to Congress. As economist Richard Billmire has pointed out, these will result in more conflicts between Congress and the Executive. Other forms of "procedural protectionism" limit a President's flexibility and discretion. And because the bill requires new trade "priorities," special-interest objectives will dominate an administration's trade agenda. The bill even directs the Treasury Secretary to conduct international exchange-rate talks. So as has happened with foreign policy, we soon can expect to have 535 new Treasury Secretaries.

If this all seems arcane, remember the 1930s. A Congress besieged by special interests passed Smoot-Hawley, and a Republican President too sensitive to business interests signed it. Disgusted by what resulted, Congress liberated itself in 1934 by handing over much of its trade power to the President. Secretary of State Cordell Hull then took that authority and over the next decade negotiated 32 trade-opening agreements with 27 countries. Now Congress wants to bind itself again to the special interests, perhaps because it sees a wellspring of PAC money in it.

In the postwar era Presidents have dominated U.S. trade policy; they have understood that America's national strength and economic interest are best represented by freer and expanding trade. The bias in Congress' bill is all in the other direction—toward protecting parochial interests and unduly empowering the Members of Congress to speak for them.

For all he's accomplished, Ronald Reagan often has had a blind spot for protecting the constitutional powers of his office. He has signed Boland amendments, continuing resolutions and even laws he's claimed are unconstitutional. One Republican President already has left the nation the legacy of the War Powers Act. A strong veto message would let the country know that this President has larger matters on his mind than the politics of plant closings. The trade bill is a debilitating Trade Powers Act. It should be vetoed for the right reason.

CONGRATULATIONS TO TECHNOSERVE ON ITS 20TH ANNIVERSARY

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1988

Mr. LELAND. Mr. Speaker, I rise to congratulate Technoserve on its 20th anniversary in the field of international development, and to commend the agency for its commitment to improving social and economic conditions for low-income people in developing nations. Technoserve is celebrating its anniversary by announcing the establishment of its World Harvest Council, committed to empowering the farmers of Latin America and Africa to feed themselves and their children. The World Harvest Council's philosophy is that poverty and hunger ultimately will be overcome not through gifts of food or money, but by teaching the use and management of existing resources.

For 20 years Technoserve has been a strong force in development, focusing on the establishment of community-based agricultural enterprises in Africa and Latin America. Technoserve has earned the respect of host country governments and development agencies by consistently implementing effective, sustainable programs. The organization takes advantage of the skills, knowledge, and experience of local residents by making them the owners and operators of the enterprises. In addition, Technoserve's staff of 180 is primarily made up of qualified citizens of the host countries where the programs operate.

Again, I extend my congratulations to Technoserve, and encourage the organization to continue its admirable efforts to bring equity and effectiveness to development assistance programs.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, May 5, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 9

9:30 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of the Interior and certain related agencies.

SD-192

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development and related agencies.

SD-124

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1989 for the Department of the Interior and certain related agencies.

SD-192

Governmental Affairs

To hold hearings on the U.S.-Canada Free Trade Agreement signed on January 2, 1988, to provide increased economic activity, higher trade levels, jobs, and enhanced competitiveness for the U.S. and Canada.

SD-342

MAY 10

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Education.

SD-116

Environment and Public Works

Hazardous Wastes and Toxic Substances Subcommittee

To hold oversight hearings on applying the National Environmental Policy Act to United States activities involving international financial insitutions.

SD-406

Joint Economic

Education and Health Subcommittee

To resume hearings on the future of health care in America.

2325 Rayburn Building

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for defense programs.

SD-192

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development and related agencies.

SD-124

MAY 11

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for Compensatory Education for the Disadvantaged, School Improvement Programs, Impact Aid, Bilingual, Immigrant and Refugee Education, Education for the Handicapped, Rehabilitation Services and Handicapped Research, and Vocational and Adult Education.

SD-192

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Special on Aging

To hold hearings to review biomedical advances in aging research.

SD-G50

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on S. 1869, Dairy Farm Protection Act, and milk marketing orders.

SR-332

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for Air Force military construction and family housing programs.

SD-124

Governmental Affairs

Business meeting, to consider pending calendar business.

SD-342

2:00 p.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To resume hearings on S. 1480, to promote the integration of universities and private industry in the National Laboratory system of the Department of Energy in order to improve the development of technology in areas of economic potential, and Amendment No. 1627 proposed thereto.

SD-366

Judiciary

Constitution Subcommittee

Business meeting, to consider proposed balanced budget amendments.

SD-226

Small Business

Business meeting, to mark up S. 1993, to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and proposed legislation to authorize funds for fiscal year 1989 for the Small Business Administration.

SR-428A

MAY 12

8:00 a.m.

Veterans' Affairs

To hold hearings on S. 1692, to provide for the payment of a veterans' disability benefit in the case of certain veterans who have non-Hodgkin's lymphoma, S. 1787, to prescribe certain presumptions in the case of veterans who performed active service during the Vietnam era, and to review other related agent orange issues.

SR-418

9:00 a.m.

Rules and Administration

To resume hearings on S. 2061, to establish national standards for voter registration for elections for Federal office.

SR-301

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for Student Financial Assistance, Guaranteed Student Loans, Higher Education, Higher Education Facilities Loans and Insurance, College Housing Loans, Howard University, Special Institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, and Gallaudet), Education Research and Statistics, and Libraries.

SD-192

Governmental Affairs

To resume hearings on restructuring the Nuclear Regulatory Commission.

SD-342

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1989 for bilateral economic assistance programs.

S-126, Capitol

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings proposed budget estimates for fiscal year 1989 for trade activities of the Department of Commerce and the U.S. Trade Representative.
S-146, Capitol

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Rules and Administration
To hold hearings on S. 182 and H.R. 435, bills to establish a single poll closing time in the continental United States for Presidential general elections.
SR-301

2:00 p.m.
Energy and Natural Resources
To hold hearings on S. 2203, to extend the expiration date of title II of the Energy Policy and Conservation Act.
SD-366

Judiciary
To hold hearings on activities of the Drug Enforcement Administration, Department of Justice.
SD-226

MAY 13

9:30 a.m.
Governmental Affairs
To hold hearings on regulatory reform.
SD-342

MAY 17

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1989 for bilateral economic assistance programs.
S-126, Capitol

MAY 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

10:00 a.m.
Governmental Affairs
Government Efficiency, Federalism, and the District of Columbia Subcommittee
To resume hearings on S. 1992, to promote intergovernmental and interagency cooperation in the development of groundwater policy.
SD-608

1:30 p.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on S. 1731, to establish a demonstration program to provide educational and job-training services for severely disadvantaged youths.
SD-430

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the President's proposed budget request for fiscal year 1989 for the Department of Energy, focusing on renewable energy and energy conservation programs.
SD-366

MAY 19

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on tourism as an export.
SR-253

Energy and Natural Resources
To hold hearings on the Economic Regulatory Administration's prosecution of individuals in oil overcharge cases under the "central figure" theory of recovery in restitution, as adopted in Citronelle-Mobile Gathering, Inc. et al. v. Herrington, 826 F. 2d 16 (TECA 1987).
SD-366

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1989 for bilateral economic assistance programs.
S-126, Capitol

MAY 20

10:00 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1461, to convey certain lands to the YMCA of Las Vegas, Nevada, S. 1687, to correct historical and geographical oversights in the establishment and development of the Utah component of the Confederated Tribes of the Goshute Reservation, S. 1849, for the relief of Mr. Conwell F. Robinson and Mr. Gerald R. Robinson, and S. 2264, to exchange certain Federal mining rights for certain lands in New Mexico.
SD-366

MAY 23

8:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain activities of the Department of the Interior and Energy.
S-128, Capitol

10:00 a.m.
Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold oversight hearings on the Department of the Interior's royalty management program.
SD-366

MAY 24

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the President's proposed budget request for fiscal year 1989 for the Department of Energy, focusing on nuclear reactor and space nuclear power research and development programs.
SD-366

10:00 a.m.
Finance
To resume hearings on childrens health care issues.
SD-215

MAY 25

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

Commerce, Science, and Transportation
To hold hearings on insurance antitrust matters.
SR-253

10:00 a.m.
Veterans' Affairs
To hold hearings on S. 1997, to reduce the monthly reduction of an individual's basic pay for the provision of basic educational assistance and provide for the payment to survivors of basic educational assistance paid for, but unused, by the participant, provisions of H.R. 4213, Montgomery GI Bill Amendments of 1988, and S. 2307, to make certain improvements in the educational assistance programs for veterans and eligible persons.
SR-418

MAY 26

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of

Labor, Health and Human Services, and Education, and related agencies.

SD-138

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1967, to provide for the establishment of the Tallgrass Prairie National Preserve in the State of Oklahoma.

SD-366

10:00 a.m.

Finance

To resume hearings on childrens health care issues.

SD-215

JUNE 7

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for export financing programs.

S-126, Capitol

JUNE 8

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

JUNE 9

9:00 a.m.

Veterans' Affairs

To hold hearings on S. 2011, to increase the rates of VA compensation for veterans with service-connected disabilities and dependency and indemnity compensation for the survivors of certain disabled veterans, S. 1805, to protect certain pensions and other benefits of veterans and survivors of veterans who are entitled to damages in the case of "In re: 'Agent Orange' Product Liability Litigation", and to hold oversight hearings on activities of the Board of Veterans' Appeals, and related matters.

SR-418

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

JUNE 10

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for defense security assistance programs.

S-126, Capitol

JUNE 14

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for foreign assistance programs.

S-126, Capitol

JUNE 16

9:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for foreign assistance programs.

SD-192

9:30 a.m.

Veterans' Affairs

To hold hearings on S. 2207, to authorize the Administrator of Veterans' Affairs to provide assistive simians and dogs to veterans who, by reason of quadriplegia, are entitled to disability compensation under laws administered by the Veterans' Administration, S. 2105, to extend for 4 years the authority of the VA to contract for drug and alcohol treatment and rehabilitation services in halfway houses and other certain community-based facilities, and S. 2294, to extend the authority of the VA to continue major health-care programs, and to revise and clarify VA authority to furnish certain health-care benefits, and to enhance VA authority to recruit and retain certain health-care personnel.

SR-418

JUNE 24

9:30 a.m.

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold hearings on Japanese patent policy.

SR-253

HOUSE OF REPRESENTATIVES—*Thursday, May 5, 1988*

The House met at 10 a.m.

The Reverend John D. Flanagan, associate director, the National Shrine of the Immaculate Conception, Washington, DC, offered the following prayer:

We bless the Lord our God, who has gathered us here to work on behalf of His people. May we be ever in humility of heart, and our joy be with Him alone.

Let us not for some prosperity or other of this world be puffed up or conceited. But let us know that our happiness is only when the things of this world have passed and complete justice and peace have been established.

For the present let our joy, my sisters and brothers, be in hope. We rejoice not in mere things that pass away, but let our joy be in our hope to come: All longing, the longing for eternal life.

May the Lord bless you and keep you. May the Lord let His face shine upon you and be gracious unto you. May the Lord look upon you with kindness and grant you His peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BARTON of Texas. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BARTON of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 248, nays 132, not voting 51, as follows:

[Roll No. 104]

YEAS—248

Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bevill
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Clarke
Clement
Coelho
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coyne
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flippo
Florio
Foglietta
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grandy
Grant
Gray (IL)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Lujan
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McEwen
McHugh
McMillen (MD)
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Montgomery
Moody
Morrison (CT)
Mrazek
Murtha
Nagle
Natcher
Neal
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Packard
Panetta
Parris
Patterson
Pease
Pelosi
Perkins
Petri
Pickett
Pickle
Price
Rahall
Rangel
Ravenel
Richardson
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Russo
Sabo
Sawyer
Scheuer
Schneider
Schulze
Schumer
Sharp
Shaw
Shumway
Sisisky
Skaggs
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stratton
Studds
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Whitten
Wise
Wolpe
Wyden
Wylie
Yatron

NAYS—132

Armey
Badham
Baker
Ballenger
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Clay
Clinger
Coats
Coble
Coughlin
Courter
Craig
Crane
Dannemeyer
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dreier
Emerson
Fawell
Fields
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gradison
Gregg
Hammerschmidt
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Jacobs
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lott
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCrery
McDade
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Morella
Morrison (WA)
Murphy
Nielson
Oxley
Pashayan
Penny
Porter
Pursell
Quillen
Regula
Rhodes
Ridge
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schroeder
Schuette
Sensenbrenner
Shays
Shuster
Sikorski
Skeen
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stangeland
Stump
Sundquist
Tauke
Thomas (CA)
Upton
Vucanovich
Walker
Wheat
Whittaker
Wolf
Wortley
Young (FL)

NOT VOTING—51

Ackerman
Bartlett
Bentley
Biaggi
Bilbray
Boulter
Brown (CA)
Chapman
Chappell
Coleman (MO)
Crockett
Daub
Dornan (CA)
Duncan
Edwards (OK)
Flake
Foley
Ford (MI)
Ford (TN)
Gray (PA)
Hawkins
Hayes (LA)
Kasich
Kemp
LaFalce
Leath (TX)
Lowery (CA)
Mack
Mica
Mollohan
Myers
Nelson
Owens (NY)
Owens (UT)
Pepper
Ray
Roybal
Savage
Skelton
Stokes
Sweeney
Swift
Swindall
Udall
Vander Jagt
Weber
Weldon
Williams
Wilson
Yates
Young (AK)

☐ 1022

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will announce that in order to make as much progress as possible upon the military authorization bill today, there will be no 1 minute speeches until the conclusion of legislative business, except for the one in which the Chair desires to recognize the gentleman from Michigan [Mr. KILDEE] to speak for 1 minute with respect to our guest chaplain.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

FATHER JOHN D. FLANAGAN

(Mr. KILDEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, it gives me great pleasure to introduce to the House our guest chaplain for today, Father John D. Flanagan.

Father Flanagan is the associate director of the National Shrine of the Immaculate Conception here in Washington, DC.

Father Flanagan grew up in the Bronx of New York City, where he attended Catholic grammar school and later the Cathedral College Seminary in Manhattan.

He completed his theological training at St. Joseph's Seminary in Yonkers, NY, and was ordained a priest on May 26, 1973, for the Archdiocese of New York.

From 1973 until 1980, Father Flanagan served as parish priest in northern Westchester, the Bronx, and Manhattan.

In 1980, he was put in charge of marriage preparation for the Archdiocese of New York. After 5 years in that position, he was assigned as the guidance director at Archbishop Stepinac High School in White Plains, NY.

On July 1, 1987, Cardinal O'Connor appointed Father Flanagan as the associate director of the National Shrine.

We are indeed honored to have this distinguished man of God bless Congress and our proceedings today.

VACATING ORDER OF HOUSE OF APRIL 29, 1988, MOVING BUSTAMANTE AMENDMENT FROM SECTION 3 OF HOUSE REPORT 100-590 TO SECTION 2 OF THAT REPORT ON H.R. 4264, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that the order of the House of April 29, 1988, moving the amendment of the gentleman from Texas [Mr. BUSTAMANTE] from section 3 of House Report 100-590 to section two of that report, be vacated.

The SPEAKER. Is there objection to the request of the gentleman from Wiconsin?

There was no objection.

REDUCING DEBATE TIME ON NAGLE AMENDMENT TO 10 MINUTES AFTER 40 MINUTES OF GENERAL DEBATE ON DEPRESSED TRAJECTORY MISSILES, ON H.R. 4264, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that, during the further consideration of the bill (H.R. 4264) pursuant to House Resolution 436, after the 40 minutes of general debate on the subject of depressed trajectory missiles, the period of time for debate on the amendment of the gentleman from Iowa [Mr. NAGLE] be reduced to 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. DICKINSON. Reserving the right to object, Mr. Speaker, it is my understanding this is really correcting a typographical error, that the debate time was never intended to be 40 minutes.

Mr. ASPIN. Mr. Speaker, if the gentleman will yield, yes, it was a typographical error in the printing of the rule. It was the intention that we debate the subject for 40 minutes in total and then have a vote on the Nagle amendment. As it came out, we ended up with 40 minutes of general debate, plus 40 minutes on the amendment. It was just a misprint in the rule.

Mr. DICKINSON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3081

Mr. CRAIG. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 3081.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

PERMISSION FOR COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, TO SIT DURING 5-MINUTE RULE TODAY

Mrs. LLOYD. Mr. Speaker, I ask unanimous consent that the Committee on Science, Space, and Technology, be permitted to sit today, Thursday, May 5, 1988, while the House is considering H.R. 4264, for the purpose of marking up pending legislation.

Mr. Speaker, this has been cleared with the minority.

The SPEAKER. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

PERSONAL EXPLANATION

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, due to a family emergency, I was called away Tuesday, May 3, and missed rollcall vote Nos. 93 through 96:

Had I been present I would have voted:

"Yes" on roll No. 93, the Murphy amendment to Davis-Bacon;

"No" on roll No. 94, the Stenholm amendment to Davis-Bacon;

"Yes" on roll No. 95, the Kennedy amendment, as amended by the McCurdy amendment, regarding foreign defense contractors;

"No" on roll No. 96, the Solomon amendment to Selective Service registration.

Mr. Speaker, I ask unanimous consent that these explanations be placed in the permanent RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

The SPEAKER. Pursuant to House Resolution 436 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4264.

□ 1030

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4264) to authorize appropriations for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, to amended the National Defense Authorization Act for fiscal years 1988 and 1989, and for other purposes, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 4, 1988, the amendment relating to phase 1 of the strategic defense initiative printed in section 1 of House Report 100-590 offered by the gentleman from South Carolina [Mr. SPRATT] had been disposed of.

EN BLOC AMENDMENTS, AS MODIFIED, OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, under the provision of paragraph 7 of section 2 of House Resolution 436, I offer a fourth en bloc amendment, composed of amendments printed in section 3 of House Report 100-590, and section 3 of House Report 100-579, including modifications.

The CHAIRMAN. The Clerk will designate the en bloc amendments, as modified.

The text of the designation and the en bloc amendments, as modified, is as follows:

Amendment en bloc offered by Mr. ASPIN composed of the following amendments, including modifications, listed and numbered in the order that they are printed in section 3 of House Report 100-590, and section 3 of House Report 100-579:

(House Report 100-590):

(13) Mr. Bustamante of Texas, as modified;

(34) Mr. Broomfield of Michigan, as modified;

(37) Mr. Dornan of California, as modified.

(House Report 100-579):

(46) Mrs. Collins of Illinois, as modified.

Page 239, after line 9, add the following new subsection:

(e) SPECIAL ISOTOPE SEPARATION PROJECT.—

(1) Funds appropriated or otherwise made available to the Department of Energy for the special isotope separation project, Idaho Falls, Idaho, may not be obligated or expended for site preparation for such project before March 1, 1989.

(2) Not later than March 1, 1989, the Secretary of Energy shall submit to Congress a report in unclassified form (with a classified appendix as necessary) on the special isotope separation project. The report shall include the following:

(A) An assessment of the adequacy of the special isotope separation technology for transition to safe, routine production operations by Department of Energy personnel at the designated Idaho site.

(B) A comparison of the cost and technical risk of special isotope separation with the cost and technical risk of other processes for obtaining weapons-grade plutonium, including recycling plutonium from retired warheads, blending supergrade plutonium with fuel grade plutonium, scrap recovery, and the use of reactors in the Department of Energy complex for plutonium production.

(C) A description of the specific sources and quantity of feed materials available for the special isotope separation project facility over the expected economic lifetime of that facility.

(D) A description and assessment of the economic impact in eastern Idaho of other plans at the Idaho Falls site for treatment and long-term storage of radioactive waste, environmental restoration, and other large-scale Department of Energy projects or activities.

(E) A determination that the designated location of the special isotope separation project facility is consistent with the recommendations of the Department of Energy's study on the modernization of the nuclear weapons complex.

(F) A determination that the technology for special isotope separation is fully operational and meets all applicable safety standards.

(G) Appropriate documentation of the circumstances and analyses that support the determinations required by subparagraphs (E) and (F).

The amendment as modified is as follows:

At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 931. ADDITIONAL PROTECTION OF CLASSIFIED INFORMATION FROM HOSTILE INTELLIGENCE ACTIVITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should determine the extent to which classified information which is inadvertently or deliberately disclosed to journalists or others by persons who have had authorized access to such information is vulnerable to collection by hostile foreign intelligence operatives while it is being held outside Government security protections.

(b) REPORT.—The Secretary of Defense or such other appropriate officer of the executive branch as may be designated by the President shall submit to Congress a report related to the issue identified in subsection (a). The report shall include—

(1) consideration of the likelihood that the places of business of journalists and other nongovernmental organizations may be subject to electronic or other surveillance by hostile intelligence operatives; and

(2) an analysis of the feasibility of addressing any problem identified as a result of the consideration of the matters referred to in paragraph (1).

(c) SUBMISSION.—The report required by subsection (b) shall be submitted not later than six months after the date of the enactment of this Act. The report shall be provided in unclassified form, except that it may be accompanied by an annex classified at the appropriate level.

The amendment as modified is as follows:

At the end of title IX of division A (page 163, after line 6), add the following new section:

SEC. 931. SENSE OF CONGRESS CONCERNING DECLASSIFICATION OF CLASSIFIED INFORMATION.

It is the sense of Congress that the Secretary of Defense should take all reasonable measures to declassify classified material under the control of the Department of Defense that the Secretary determines is no longer required in the interest of national security to be protected from unauthorized disclosure.

At the end of title IX of division A (page 163, after line 6), insert the following new section:

SEC. 931. VALUE ENGINEERING REVIEW.

(a) REQUIREMENT.—(1) Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410. Value engineering review

"(a) REQUIREMENT.—Except as provided in subsection (b), the Secretary of Defense shall requires a value engineering review for each of the following types of contracts:

"(1) A supply and service contract for a major weapon system.

"(2) A construction contract in an amount in excess of $2,000,000.

"(b) LIMITATION.—Subsection (a) shall not apply to the following:

"(1) Research and development contracts that do not involve full scale development.

"(2) Engineering services contracts with not-for-profit or nonprofit organizations.

"(3) Personal services contracts.

"(4) Contracts providing for product or component improvement, except that subsection (a) shall apply to activities under such a contract that do not relate to product or component improvement.

"(5) Contracts for commercial products.

"(6) Incentive-type construction contracts.

"(c) DEFINITION.—In this section, the term 'value engineering review' means a specialized cost control technique that analyzes the function of the equipment, supplies, or construction in question in a systematic and creative approach for the purposes of identifying and focusing on unnecessarily high costs in a project and reducing life-cycle costs without sacrificing quality, reliability, or efficiency.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2410. Value engineering review.".

(b) STUDY AND REPORT.—(1) The Secretary of Defense shall conduct a study that describes the results of the Department of Defense value engineering program and the efforts to increase the benefits from the program. At a minimum, the report shall include the following:

(A) A description of the Department of Defense efforts to increase contractor participation in the value engineering program.

(B) A description of the 20 largest projects in each military department and each defense agency that were conducted by contractors during fiscal year 1988 as a result of value engineering reviews.

(C) A description of the fiscal year 1988 value engineering accomplishments in the major procurement and research programs of each military department and each defense agency.

(D) A description of the 20 largest construction projects in each military department and each defense agency that were conducted during fiscal year 1988 as a result of value engineering reviews.

(E) A description of the efforts to implement the standard contained in the Federal Acquisition Regulation that requires the Department of Defense to accept or reject a contractor proposal for a contract change (as a result of a value engineering review) within 45 days after receipt of the proposal, and information on compliance with that standard for fiscal years 1986, 1987, and 1988.

(F) A description and evaluation of the contracts entered into during fiscal years 1986, 1987, and 1988 that fall within the exceptions contained in subsection (b), including the dollar amounts of those contracts and an assessment of the rationale for, and consequences of, those exceptions.

(2) Not later than February 28, 1989, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the study required by paragraph (1).

(c) EFFECTIVE DATE.—Section 2410 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to paragraph 7 of section 2 of House Resolution 436, said amendments are considered as having been read and are not subject to amendment or to a demand for a division of the question.

Under the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 30 minutes and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield myself such time as I may consume.

I would like to explain to my colleagues this final en bloc amendment. The amendment contains four provisions, the compromise on the special isotope separation project offered by the gentleman from Texas [Mr. BUSTAMANTE], the provision of the gentleman from Michigan [Mr. BROOMFIELD] on the protection of classified information, the provision of the gentleman from California [Mr. DORNAN] on classified material, and the amendment of the gentlewoman from Illinois [Mrs. Collins] on value engineering.

Following the adoption of this en bloc amendment, only the Collins amendment on child care, and perhaps one other, will remain outstanding. It is my understanding that the gentlewoman from Maryland, the chairwoman of the Personnel Subcommittee, wishes to engage the gentlelady from Illinois in a discussion of the issue.

The gentleman from California [Mr. Dornan] has withdrawn his remaining amendment. With the disposition of this en bloc and the remaining Collins and Markey amendments, work on the section 3 amendments—the regular order amendments—will be completed.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. Bustamante].

Mr. BUSTAMANTE. Mr. Chairman, I want to thank the gentleman from Wisconsin [Mr. Aspin], the gentleman from Alabama [Mr. Dickinson], and the Armed Services Committee staff for their work on a compromise on my amendment to defer the decision to build $1 billion special isotope separation [SIS] plant in Idaho.

At a time of constrained defense budgets when funding essential activities to deep our Armed Forces ready is difficult, we cannot justify building an expensive facility we do not need.

In 1984, when defense budgets were still growing and there were no arms control agreements in the horizon, the Department of Energy decided against building an SIS plutonium production facility because it was not needed. At the time DOE found the SIS process too expensive and the most technologically uncertain.

Now, 4 years later, when we can least afford it and when we don't need it, how can we justify committing a billion dollars for this project? Gramm-Rudman has cut our defense budget and Energy Secretary Herrington has said that we are awash in plutonium. We have signed an INF Arms Control Treaty which will expand our already extensive plutonium stockpile and are currently negotiating a Strategic Arms Reduction Treaty which will flood our plutonium stockpiles. If SIS was not justified 4 years ago when defense dollars were plentiful, when there was no arms control and when we had less plutonium, it is not justified now.

Under the compromise worked out with the committee, no construction funds can be spent on SIS until DOE explains what has changed since 1984 to justify this project. This compromise gives Congress an opportunity to review the SIS project before construction and avoid the possible waste of billions of dollars.

I urge your support for this fiscally responsible amendment.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I might consume.

I just want to make sure that it is part of the record and that all concerned parties have gotten together and reached a meeting of the minds.

I have in mind particularly the Senator from Idaho who called me several times because of his interest in this issue.

Now, this is an agreement made between DOE, the gentleman who is the author of the amendment, and the interested parties in Idaho. The amendment, as modified, calls for a study. I understand that the issue is resolved and that everybody is happy with it. Is that the gentleman's understanding?

□ 1030

Mr. BUSTAMANTE. The answer is "Yes." The questions that I have raised will be answered between now and March 1, 1989.

Mr. DICKINSON. I thank the gentleman from Texas.

Mr. ASPIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Idaho [Mr. Stallings] who was a very instrumental person in getting together this amendment which we have before us.

Mr. STALLINGS. Mr. Chairman, I want to assure my colleagues that we have worked very closely with the Department of Energy in crafting this amendment. We feel the compromise is in the best interests of the people of Idaho as well as the people of the Nation. I think that the solution is something that will resolve many of our problems.

Mr. Chairman, I wish to extend my appreciation to the gentleman from Texas [Mr. Bustamante] for raising some of these issues, and I appreciate the work of the gentleman from Wisconsin [Mr. Aspin] and his staff, and my staff during the course of these negotiations. I think we have something that will really solve our problems.

Mr. DICKINSON. We certainly have no obligation on this side. I just wanted to be sure this was part of the record, that this was an agreement of all interested parties and it is by unanimous consent here. We have no objection to it.

Mr. DELLUMS. Mr. Chairman, I rise in strong support of the Bustamante amendment, which would postpone the commitment to begin construction of the special isotope separation facility in Idaho.

Our Nation already possesses the capability to produce more than adequate supplies of plutonium from existing production reactors. Additional supplies of plutonium will be created by the dismantling of more than 400 warheads soon to be retired under the terms of the INF Treaty. Clearly, further expansion of production capacity is unwarranted. In fact, in explaining the decision to shutdown an existing production reactor, Secretary of Energy John Herrington recently said "We're awash in plutonium. We have more plutonium than we need."

We must prepare, Mr. Chairman, for a future in which nuclear weapons will be significantly reduced and hopefully eliminated. Construction of the SIS is inconsistent with both our national priorities and global reality. I urge my colleagues to vote "aye" on the Bustamante amendment.

Mr. BRYANT. Mr. Chairman, I rise in support of the Bustamante amendment to the Defense Authorization Act for Fiscal Year 1989.

The Department of Energy has not made a convincing argument that construction of the special isotope separation facility [SIS] plant should begin in fiscal year 1989. The Secretary of Energy, John Herrington, testified recently that "We have more plutonium than we need." In light of the current plutonium surplus, the DOE closed a plutonium production reactor at Hanford, WA, in February.

The DOE justified the closure of the N-reactor at Hanford in its fiscal year 1989 congressional budget request as follows:

> Based on a reduction in the Department of Energy Defense material requirements, the Department of Energy is recommending placement of the N-reactor at Richland, WA, in a "cold standby" status, with the capability to restart if a future national security need develops.

Under these circumstances, starting construction of a new plutonium plant this year is not justifiable, especially in view of the severe budget constraints we are facing.

By delaying construction for 1 year, we would not compromise national security. As reported in the Washington Post on February 28, 1988:

> DOE Undersecretary Joseph F. Salgado conceded that a two year moratorium on plutonium production "would not have a negative impact" on national defense.

If the DOE demonstrates a clear need for the SIS plant next year, we could approve construction funds at that time. However, to begin construction this year is not justified and would be fiscally irresponsible.

I urge my colleagues to support the Bustamante amendment.

Mr. MARKEY. Mr. Chairman, I rise in support of the gentleman from Texas' amendment to the Department of Defense authorization bill to delay funding for construction of a special isotope separation plant in Idaho.

The Department of Energy says we need to spend $1 billion to build an SIS plant that will cost approximately $2 billion to operate during its expected lifetime, so that we can have a "surge capacity" to produce plutonium, like some Barbie doll manufacturer getting ready for the Christmas rush.

I question the need to spend this much money for a plutonium surge capacity when Energy Secretary Herrington admits that we are already "awash" in plutonium.

This program is not needed for national security. It is little more than a plutonium pork barrel project.

If the INF and START Treaties proceed successfully, they will free up several tons of old plutonium for use, thus eliminating the need for an SIS facility to produce new plutonium.

Let's not waste $3 billion on plutonium pork. Let's vote for the Bustamante amendment.

Mr. BROWN of California. Mr. Chairman, I rise in support of the Bustamante amendment to the Defense authorization bill to defer construction for the proposed special isotope separation [SIS] facility at the Department of Energy's Idaho National Engineering Laboratory [INEL].

DOE's plan to construct a $3-billion facility using new technology to purify stockpiled plutonium makes no sense given that current supplies of plutonium are adequate for our defense needs. DOE has offered vague explanations regarding future plutonium requirements in lieu of rational justification for building this expensive facility. The fact is that plutonium surpluses are behind DOE's decisions to close down the N-reactor at Hanford and to convert the L-reactor at the Savannah River plant to produce tritium. And the surpluses will grow if arms control negotiations are successful. We simply don't need this facility to maintain the nuclear arsenal.

The highly questionable justification for the SIS facility is not the only consideration. Such facilities have been the source of dangerous levels of contamination in nearby ground water aquifers, surface water, and soil. In fact, DOE's environmental track record leaves much to be desired—contamination at DOE facilities around the country will take years and billions of dollars to clean up. It is not only important to defend our citizens against risks of military aggression, but also from risks to human health from environmental contamination. Extensive contamination from radionuclides, heavy metals, and organic chemicals has been well documented at DOE production facilities. Spending priorities should reflect risk, and in this case, massive cleanup efforts are the first priority.

Spending $3 billion on a frivolous and unnecessary program like the SIS facility, at a time of runaway budget deficits, would be neither wise nor prudent. At the very least, we need more time to complete assessments of future plutonium requirements. Therefore, I urge my colleagues to vote "yes" on the Bustamante amendment, which would tell DOE "no" on SIS construction until additional analysis of the project has been completed.

Mrs. COLLINS. Mr. Chairman, my modified amendment would require that "value engineering review" be conducted to reduce costs on most major DOD contracts.

This amendment would apply to construction contacts over $2 million and to contracts for major weapons systems. Exceptions would be made for certain types of contracts that have traditionally been viewed by the DOD as inappropriate for value engineering review. It also calls for a study and report to be performed by the DOD that would review DOD's value engineering program.

As you know, value engineering is a systematic, multidisciplinary, functional method of analyzing a project's design to determine how it can be performed at the lowest possible cost without sacrificing reliability, quality, or efficiency. Value engineering differs from other cost-reduction techniques because it achieves cost savings by questioning methods, processes, and materials that have been used for years. Such reviews do not result in project delay, because they typically take only about 40 hours to complete.

Value engineering has been successfully employed by both Government and private practitioners of the technique. In fact, a GAO report found "convincing evidence that value engineering can result in substantial savings."

On what seems to be a regular basis, news reports reveal massive cost overruns on DOD contracts, contract inefficiencies, and sometimes, even pure contractual fraud. Just last month, on April 21, the Washington Post reported that the advanced cruise missile is running at least 3 years behind schedule, and will cost $7 billion instead of the intended $5 billion. This is $2 billion that could easily pay for such critical necessities as child care facilities or public housing units. But instead, the $2 billion will be ending up in the wallets of major weapons contractors.

Chairman ASPIN referred to this situation as a procurement disaster. This state of affairs is unequivocally insane and intolerable.

A 1987 report by the Senate Governmental Affairs Subcommittee on Oversight of Government Management found that value engineering review has become increasingly effective in recent years at reducing costs. But most of these savings have been from the DOD's in-house expenditures, not from outside contractors, where most of the inefficiency and waste exists. The report indicates that in 1986, for example, over $1.8 billion were saved by DOD through in-house value engineering. At the same time, unfortunately, less than half a billion dollars were saved through such review of contracted expenses. In two fiscal year 1984 samplings of contracts with value engineering incentive clauses, for example, only 3.2 percent and 3.1 percent of the contractors engaged in value engineering. In addition, the report cites DOD data for fiscal year 1985 which shows that only one-fourth of 115 major weapons programs reported savings from value engineering. In the realm of construction projects, it states, "that DOD saw no incentive to reduce the cost of military construction projects if there was adequate project funding." This blasphemous attitude cannot coexist with any effort to efficiently finance a country, especially when, as now, we face a severe budget deficit. The potential for extensive savings as a result of value engineering is tremendous, and we must avail ourselves of this proven cost-cutting technique.

The fact that value engineering works can be illustrated by its successful use in the Environmental Protection Agency, as the only Federal agency legislatively mandated to perform this review. EPA has reported very substantial savings through its program, to the impressive tune of $381 million for the period from 1981 to 1984. More significantly, the EPA is presently achieving an astounding return of up to $34 saved for every $1 invested in value engineering.

A 34-to-1 ratio of savings on the much larger DOD budget for major contracts would translate to an absolutely staggering savings. It is a degree of savings which we simply cannot afford to forego.

Among the merits of this amendment is its scope: it is narrowly tailored to the greatest source of wasteful, inefficient expenditures. It does not encompass the thousands of smaller DOD contracts. This amendment only covers major weapons contracts and large construction contracts. It is precisely these contracts which are regularly cited as offering the greatest potential savings.

Value engineering review does not eliminate any weapons or other programs which have been authorized, but it does cut out the flack, the excess, and the poor use of the funds which have been allocated to carry the program out. It is the Government's way to be smart shoppers, and to get the most out of every dollar. It is clear that even the U.S. Government needs some consumer protection for its own benefit. Value engineering would supply this by simply reviewing contracts to streamline them and eliminating any unnecessary costs. "Competitiveness" must apply to defense contractors just as it must apply to other American businesses.

To reiterate, this amendment only covers major weapons contracts and large construction contracts, and therefore, addresses the largest sources of savings.

I urge my colleagues to adopt this much needed, cost cutting amendment.

Mrs. BOXER. Mr. Chairman, I am submitting this statement in support of the amendment of Representative BUSTAMANTE's amendment to the fiscal year 1989 House defense authorization bill.

This year is the wrong time to begin construction of the $1 billion special isotope separation [SIS] plutonium plant at the Idaho National Engineering Laboratory [INEL]. Assistant Secretary of Energy Troy Wade recently testified that "we do not need SIS to provide nuclear material in the near term."

The SIS plant may not be needed in the long term either, because the plutonium from weapons dismantled under arms control agreements would be made available to the Department of Energy, further swelling our current plutonium surplus.

In light of the deficit and the prospects for new arms control agreements, it would be prudent to postpone the construction of SIS for 1 year and this would pose no threat to national security. If a sudden need for plutonium arises, the DOE could produce the necessary quantities at the N Reactor in Hanford, WA. DOE is currently renovating that facility and placing it in standby status for emergency use at a cost of about $100 million.

Even if a new plutonium producing facility were necessary, SIS would be the wrong one to build. As the DOE stated in its fiscal year 1985 congressional budget request:

> The SIS process has the highest cost * * * of the various methods of increasing productivity. The SIS also requires the most lead time and is the most technologically uncertain.

In light of all these uncertainties, I believe it is wise to defer funds for construction of the facility. Next year, we may have a clearer idea of the need for the SIS plant. In the meantime, national security will not be jeopardized. I urge support of the Bustamante amendment.

Mr. DICKINSON. Mr. Chairman, we have no more requests for time, and I yield back the balance of my time.

Mr. ASPIN. Mr. Chairman, we have no more requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the en bloc amendments as modified offered by the gentleman from Wisconsin [Mr. ASPIN].

The en bloc amendments as modified were agreed to.

The CHAIRMAN. Pursuant to the notice provided by the chairman of the Committee on Armed Services on Wednesday, May 4, 1988, under paragraph 6 of section 2 of House Resolution 436, it is now in order to consider amendment No. 5 printed in section 2 of House Report 100-590 offered by the gentleman from Wisconsin [Mr. ASPIN] or his designee.

AMENDMENT OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ASPIN: At the end of division A (page 163, after line 6), insert the following new title:

TITLE X—ADDITIONAL AUTHORIZATIONS

SEC. 1001. DRUG INTERDICTION.

(a) PROCUREMENT.—(1) The amount provided in section 102(a) for procurement of aircraft for the Navy is hereby increased by $180,000,000 of which—

(A) $90,000,000 is for procurement of two E-2C aircraft; and

(B) $90,000,000 is for procurement of six HH-60 helicopters.

(2) the amount provided in section 102(c) for shipbuilding and conversion for the Navy is hereby increased by $42,000,000 for procurement of six Island-class patrol boats.

(3) The amount provided in section 102(d) for other procurement for the Navy is hereby increased by $8,000,000 for procurement of secure communications equipment.

(b) RDT&E.—The amount provided in section 201 for research development, test, and evaluation for the Army is hereby increased by $3,000,000.

(c) OPERATION AND MAINTENANCE.—(1) The amount provided in section 301 for operation and maintenance for the Army is hereby increased by $2,000,000.

(2) The amount provided in section 301 for operation and maintenance for the Navy is hereby increased by $120,000,000 for drug interdiction assistance, of which—

(A) $60,000,000 shall be transferred in accordance with subsection (d)(3); and

(B) $60,000,000 shall be used to defray expenses of Defense drug interdiction assistance activities.

(d) TRANSFERS TO THE COAST GUARD.—(a) The Secretary of the Navy shall loan to the Coast Guard for a period of ten years, at no cost to the Coast Guard, the equipment specified in subsection (a) (other than the equipment specified in subsection (a)(1)(A)), which shall be used for Coast Guard activities relating to the interdiction of the transportation of illegal addictive narcotics into the United States.

(2) Upon delivery to the Navy of the E-2C aircraft authorized in subsection (a)(1)(A), the Secretary shall loan to the Coast Guard for a period of 10 years, at no cost to the Coast Guard, not less than two E-2C aircraft in the current inventory of the Navy.

(3) The Secretary of the Navy shall transfer from amounts available for operation and maintenance for the Navy for fiscal year 1989 the sum of $60,000,000 to the Coast Guard for (A) the operation and maintenance of the equipment loaned to the Coast Guard under this section, and (B) other Coast Guard operating purposes relating to the interdiction of the transportation of illegal addictive narcotics into the United States, as considered appropriate by the Secretary of Transportation.

(e) LIMITATION OF PROCUREMENT.—Amounts appropriated or otherwise made available to the Department of Defense for procurement for fiscal year 1989 or any prior fiscal year may be obligated for equipment for enhancement of authorized drug enforcement activities under subsection (a) or any other provision of law if the equipment—

(1) is fully supportable within the existing service support system of the Department of Defense; and

(2) reasonably relates to an existing military, war reserve, or mobilization requirement.

SEC. 1002. NAVY PROCUREMENT.

(a) AVIATION SPARES.—The amount provided in section 102(a) for procurement of aircraft for the Navy is hereby increased by $120,000,000 for procurement of aviation spares.

(b) SHIPBUILDING AND CONVERSION.—The amount provided in section 102(c) for shipbuilding and conversion for the Navy is hereby increased by $125,000,000 for the mine countermeasures (MCM) ship program.

The CHAIRMAN. Pursuant to the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would restore $600 million in authorization that has been cut as a result of the actions taken on funding for the SDI Program. This add-back would be allocated to high priority programs that the House can and should support.

First, $350 million is earmarked for increased efforts in the war against drugs. Specifically, $230 million would go for the procurement of items that are required to be both supportable within the existing DOD logistics system and for which there are existing military requirements. In this instance, six patrol helicopters, six patrol craft and two radar aircraft would be procured. The remaining $120 million would go to the operations and maintenance account to help offset increased DOD costs and Coast Guard involvement in drug interdiction efforts.

Second, the remaining $250 million would be used to enhance sustainability with the procurement of needed naval aircraft spares, to strengthen our antimine warfare capabilities and to improve our military equipment test and operational analysis program, the Army's Development and Employment Agency.

As my colleagues will note, these are bread and butter items—basic essentials—that strengthen our conventional force posture. Mr. Chairman, I urge the adoption of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Alabama [Mr. DICKINSON] is recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have no problem with most of the add-backs, but I do have an amendment that I believe has been furnished.

AMENDMENT OFFERED BY MR. DICKINSON TO THE AMENDMENT OFFERED BY MR. ASPIN

Mr. DICKINSON. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKINSON to the amendment offered by Mr. ASPIN: At the end of the Aspin amendment add the following new sections:

SEC. 1003. USE OF ARMED FORCES FOR INTERDICTION OF NARCOTICS AT UNITED STATES BORDERS.

(a) GENERAL REQUIREMENT.—

(1) AUTHORITY TO LOCATE, PURSUE, AND SEIZE AIRCRAFT AND VESSELS.—Within 30 days after the date of the enactment of this Act, the President shall deploy equipment and personnel of the Armed Forces sufficient to halt the unlawful penetration of United States borders by aircraft and vessels carrying narcotics. Such equipment and personnel shall be used to locate, pursue, and seize such vessels and aircraft and to arrest their crews. Military personnel may not make arrests of crew members of any such aircraft or vessels after the crew members have departed the aircraft or vessels, unless the military personnel are in hot pursuit.

(2) RADAR COVERAGE.—As soon as practicable after the date of the enactment of this Act, the President shall deploy radar aircraft in sufficient numbers so that during the hours of darkness there is continuous aerial radar coverage of the southern border of the United States.

(3) PURSUIT AIRCRAFT.—The President also shall deploy sufficient numbers of rotor wing and fixed wing aircraft to pursue and seize intruding aircraft detected by the radar aircraft referred to in paragraph (2). The President shall use personnel and equipment of the United States Customs Service and the Coast Guard to assist in carrying out this paragraph.

(4) USE OF NATIONAL GUARD AND RESERVES.—In carrying out this Act, the President shall use members of the National Guard and the Reserves. The tours of such members shall correspond to their training commitments and shall be considered to be within their mission. The President shall withhold Federal funding from any National Guard unit whose State commander does not cooperate with the drug interdiction program required by this Act.

(5) EXPENSES.—The expenses of carrying out this Act shall be borne by the Department of Defense.

(b) 45-DAY DEADLINE.—The President shall substantially halt the unlawful penetration of United States borders by aircraft and vessels carrying narcotics within 45 days after the date of the enactment of this Act.

(c) REPORT.—As soon as practicable after the date of the enactment of this Act, the President shall report to Congress the following:

(1) The effect on military readiness of the drug interdiction program required by this Act and the costs in the areas of procurement, operation and maintenance, and personnel which are necessary to restore readiness to the level existing before commencement of such program.

(2) The number of aircraft, vessels, and persons interdicted during the operation of the drug interdiction program and the number of arrests and convictions resulting from such program.

(3) Recommendations for any changes in existing law that may be necessary to more efficiently carry out this program.

(d) REQUEST FOR FUNDING.—Within 90 days after the date of the enactment of this Act, the President shall submit to Congress a request for—

(1) the amount of funds spent as a result of the drug interdiction program required by this Act; and

(2) the amount of funds needed to continue operation of the program through fiscal years 1988 and 1989.

Such request shall include amounts necessary to restore the readiness of the Armed Forces to the level existing before commencement of the program.

(e) BUDGET REQUESTS.—Beginning with the budget request for fiscal year 1990 and for each fiscal year thereafter, the President shall submit in his budget for the Department of Defense a request for funds for the drug interdiction program required by this Act in the form of a separate budget function.

On page 1, line 6, strike "$90,000,000" and insert "$125,000,000", and strike "two" and insert "three."

On page 1, line 12, strike "$42,000,000" and insert "$70,000,000", and strike "six" and insert "ten."

On page 1, line 15, strike "$8,000,000" and insert "$25,000,000."

On page 1, after line 16, insert the following:

(4) the amount provided in section 102(d) for Navy other procurement is hereby increased by $45,000,000 for procurement of two aerostat radar surveillance systems. On p. 3, strike lines 21-24.

□ 1045

Mr. ASPIN. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The gentleman from Wisconsin [Mr. ASPIN] reserves a point of order.

The gentleman from Alabama [Mr. DICKINSON] is recognized for 5 minutes and a Member in opposition will be recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman from Alabama for yielding me this time.

Mr. Chairman, the reason this amendment to the amendment has been offered, and I understand the point of order will be raised against this amendment, which I think is a dreadful shame, because the gentleman from Wisconsin is offering an amendment that adds back some budget authority stricken from the strategic defense initiative budget authority as recently as yesterday that goes in the right direction.

It is something that the gentleman from Arkansas [Mr. ROBINSON] and the gentleman from California [Mr. HUNTER] and myself have been working on all year and were prevented by the Committee on Rules from offering to this bill. What they are doing with this amendment is to strike forward and add back $600 million in money for the Coast Guard to buy E-2C and helicopter equipment for drug interdiction, a problem that on our southern borders is just a sieve of cocaine and heroin coming over unchallenged every night.

The Hunter-Robinson-Davis amendment offered by the gentleman from Alabama [Mr. DICKINSON] to the amendment, that is going to have a point of order against it, Mr. Chairman, and it is very simply this: We want to direct the President to bring all of the military in, the Air Force, the Navy, the Army, the Reserves who are spending thousands and millions of dollars in flying hours on our southern borders punching holes in the skies training when they, the drug dealers are causing——

PARLIAMENTARY INQUIRY

Mr. AUCOIN. Mr. Chairman, I make a parliamentary inquiry.

The CHAIRMAN pro tempore. Does the gentleman from Alabama yield for the purpose of a parliamentary inquiry?

Mr. DICKINSON. Mr. Chairman, if it does not come out of my time.

The CHAIRMAN pro tempore. It does come out of the time of the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, then I will not yield.

The CHAIRMAN pro tempore. The gentleman from Alabama declines to yield.

The gentleman from Illinois [Mr. DAVIS] is recognized.

Mr. DAVIS of Illinois. Mr. Chairman, if I may continue, and I think maybe the interruptions sometimes are motivated otherwise, but I would simply say to you this, Mr. Chairman: What is wrong with an amendment that passed this House 2 years ago, 233 to 177? Why does the other side continue to resist this amendment?

I think there is going to be a point of order made that the amendment is permanent, and I simply say we will just make it for next year, that is all right, we will make an amendment on its face, and that probably will be disallowed. They are going in the right direction. The other side wants to do something about this.

Our sponsors are both Democrats and Republicans. It is not a partisan issue. We simply want to bring the front lines into this battle against that poison coming across our borders. When you have a war, who do you call in to fight the war? You call the military in.

I was an airborne CIC officer, and I understand how it can be done and easily how it will be done if we simply direct the President to enter the armed services fully into this battle against drugs. No one can argue that point. No one can say "No. We cannot do that on a technical point of order." You must accept this amendment, and we beg you, on the other side, to accept this amendment. If you do not like it, if you want to modify it, if you want to take it out in conference committee, that is your right, but for gosh sakes, for the kids of America, let us get the military in the battle.

Mr. DICKINSON. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I appreciate what the gentleman from Illinois [Mr. DAVIS] said. I want to have a brief colloquy with the gentleman from Arkansas [Mr. ROBINSON], my friend, because he is one of the cosponsors of the amendment.

This is an amendment that has been before every Member of the House. Every Member has had chances to read the amendment. They have had "Dear Colleague" letters. They voted overwhelmingly 2 years ago in favor of the amendment precisely as it appears before the House today, and it would be a true disservice to those people who are trying to interdict narcotics coming across our international borders to disallow it.

I yield to the gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. Mr. Chairman, I thank the gentleman for yielding.

Let me make a couple of relevant points. No. 1, both the gentleman from California [Mr. HUNTER] and I serve on the Committee on Armed Services. We put the committee on notice that we would be going to the Committee on Rules for the Hunter-Robinson-Davis bill once again. We were denied an amendment by the Committee on Rules.

I understand now that this next amendment offered by the gentleman from Wisconsin [Mr. Aspin], the chairman, was not submitted to the Committee on Rules. So what is fair for the goose ought to be fair for the gander.

Our motivation is to stop drugs from coming into this country and ruining the moral fabric of our children. It is time to use the Armed Forces of this country to stop the drug cartel.

Mr. HUNTER. Mr. Chairman, I would like to ask the gentleman from Wisconsin [Mr. Aspin], the chairman of the committee, if he would not allow us to make this amendment in order; if he has any objections from a parliamentary standpoint, if I could get the attention of the gentleman from Wisconsin, could we make this amendment in order? I would ask the gentleman from Wisconsin, my chairman, for a 1-year period. The chairman had no problem with me offering this on the floor when we talked about it in committee, and I would like to ask his permission to revise this to make it a 1-year amendment so it would be in order.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. Mr. Chairman, I am happy to yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, there are several problems with this amendment, and the difficulty is that we are dealing with the drug issue piece meal.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama [Mr. Dickenson] has expired.

The gentleman from Wisconsin [Mr. Aspin] is recognized for 5 minutes.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Florida who is very important on this issue, and I yield to the gentleman from Oregon [Mr. AuCoin] who is the leader of the effort to bring this drug issue into this bill in this amendment. He is the person who is behind it on our side, but I would like to point out to the gentlemen on the other side that this is a fight that the people who are raising this issue have with the Committee on Rules, because it was ruled that their amendments were not going to be offered to this bill because we have a drug bill coming up in which we have to deal not just with the military aspect of it but the whole panoply of efforts by the U.S. Government, not just the Pentagon but all parts of the U.S. Government.

In order to deal with a comprehensive piece of legislation having to do with drugs, we do not want to deal with it piecemeal, a little bit here, a little bit there.

I just want to say that the amendment of the gentleman was ruled out of order not because of prejudging the substance of it but only on the orderly process, that what we are dealing with here are not the issues raised by the gentleman's amendment.

□ 1055

There will be a forum for it. In fact, we are going to hold hearings beginning next week in the Armed Services Committee on this subject and there will be another bill coming forward.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. Lehman].

Mr. LEHMAN of Florida. Mr. Chairman, I thank the distinguished gentleman for yielding.

Mr. Chairman, I rise in support of the amendment and would like to take this opportunity to engage the distinguished chairman of the Armed Services Committee in a brief colloquy.

I note the gentlemen's amendment would specify in detail what equipment would be purchased with the $350 million to be provided. I wish to point out that this listing was not reviewed by all committees of jurisdiction and that the possibility could exist that other Coast Guard spending options may be more effective in conducting the drug war.

I would ask for the distinguished chairman's assurance that, when he goes to conference with the other body, he will do his best to authorize these sums only for the two major Coast Guard appropriations accounts—"Operations" and "Acquisition, Construction, and Improvements," to afford greater flexibility in the use of these funds.

Mr. ASPIN. If the gentleman will yield, I agree with the gentleman from Florida, that greater flexibility is desirable to provide the most effective use of these limited drug war funds. The gentleman has my assurance that we will work toward this end in conference.

Mr. LEHMAN of Florida. Mr. Chairman, I thank the gentleman.

Mr. ASPIN. Mr. Chairman, again I would like to commend the gentleman from Oregon for his efforts on this, the gentleman from Florida, and I commend most of the people on the Republican side on this issue.

POINT OF ORDER

Mr. ASPIN. Mr. Chairman, I would like at this point to insist upon my point of order on the amendment.

The CHAIRMAN pro tempore (Mr. Gray of Illinois). The gentleman will state his point of order.

Mr. ASPIN. Mr. Chairman, I point out that the problem with the amendment, I raise the point of order first of all that the bill we are dealing with is a 1-year authorization and the amendment offered by the gentleman from California [Mr. Hunter], in fact changes permanent law.

Second, there is a section under the amendment, section B of the bill that goes well beyond drug interdiction.

It says that the President shall substantially halt the unlawful penetration of U.S. borders by aircraft, vessels, carrying narcotics within 45 days of the date of enactment. That goes beyond the scope of this bill. The bill here deals with the Defense Department assets, and this deals well beyond that. It goes beyond the Defense Department assets.

The CHAIRMAN pro tempore. Does the gentleman from Alabama [Mr. Dickinson] desire to be heard on the point of order?

Mr. DICKINSON. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Alabama is recognized for that purpose.

Mr. DICKINSON. Mr. Chairman, I would like to recognize the gentleman from Illinois and subsequently the gentleman from California and the gentleman from Arkansas who are the prime movers of this amendment, if I might yield.

The CHAIRMAN pro tempore. If the gentleman from Alabama does not desire to be heard, the Chair will recognize the gentleman from Illinois [Mr. Davis] on the point of order.

Mr. DAVIS of Illinois. I thank the Chair for his recognition.

Yes, it is flawed. Yes, it does say permanent law. There is nothing wrong with permanent law except we have tripped over a minor technicality that is going to have the amendment to the amendment declared out of order probably triggering us to appeal the ruling of the Chair and get a rollcall on that, I suppose, and make that the rollcall on the amendment to the amendment.

America is not going to understand, Mr. Chairman, what we are doing here. America only wants this amendment to be adopted. They want this amendment to be adopted because they want the military involved in stopping drug traffic.

So my question to you is, and we would ask the Chair, and we would ask the Parliamentarian if we can amend on its face, parliamentary question, can we amend on its face the objectionable provision that it is a multiyear authorization to the President and make it only for the life of the bill, 1 year?

The CHAIRMAN pro tempore. The Chair would state that the Chair will rule on any other amendment that might be submitted, but we are dealing with this one at the present time.

Mr. DAVIS of Illinois. Fine.

The CHAIRMAN pro tempore. Does any other Member desire to be heard on a point of order?

Mr. DAVIS of Illinois. No. I just think, I understand the point of order and I understand the rule of law, so we will probably have to succumb to the rule of law because we are a House of law, and we are a House of rules despite what happened last night.

Nevertheless, I simply say that we indeed should have this amendment, and I think that the point of order raised is so technically minor that the chairman does himself well if he removes his objection and we go forward with this minor point of order and correct it as we have so many times in the conference committee or in the enrolling and engrossing.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin [Mr. ASPIN] desire to be heard further on his point of order?

Mr. ASPIN. Only to make the point in response to the gentleman from Illinois [Mr. DAVIS] that this issue is going to be debated, it is going to be debated in the House Armed Services Committee, it is going to be debated on the floor. We are going to deal with it as part of the drug package which is coming later.

The House, the Rules Committee decided that for purposes of comprehension and coherence that it would be better to deal with a total drug package, with all of the parts on the table before we dealt with individual parts and, therefore, ruled out using this bill as a vehicle for getting involved in the issue of the U.S. military dealing with the drug problem. There will be ample opportunity for all Members to be concerned with that issue later.

The CHAIRMAN pro tempore. Does any other Member desire to be heard on the point of order?

Mr. SHAW. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. SHAW] is recognized to speak on the point of order.

Mr. SHAW. I thank the Chair, and I think this point of order is indeed regrettable. This House has passed on this issue many times. We voted to get the military involved on an amendment that I offered back in the early 1980's. The gentleman from Florida [Mr. BENNETT] has been very active and has submitted amendments on this, and the present sponsors of this amendment have been very active in this area, and this House has spoken many times.

The gentleman from Wisconsin [Mr. ASPIN] is absolutely correct, there are a lot of drug bills being crafted around the House, one that I have already filed that has almost 150 cosponsors after only being filed for a couple of weeks. However, what we have here is a situation that is such a dire emergency that I think for us to delay or pass one single opportunity to hit a lethal blow at the illegal drug trade coming into this country is quite regrettable.

I can anticipate how the Chair is going to rule. I wish that this would not be the case. I wish this point of order had not been raised.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin [Mr. ASPIN] desire to be heard further on the point of order?

Mr. ASPIN. Mr. Chairman, let me just respond to the points of the gentleman from Florida [Mr. SHAW]. If we vote on this amendment today it does not mean that it happens. We have to go to conference with the U.S. Senate.

The fact of the matter is that the Senate has not passed their authorization bill. They are going to postpone it until they do the INF Treaty. Then we have to go to conference, et cetera.

Dealing with this issue in the drug bill that comes later will mean faster action on this bill than putting it into the authorization bill. We will deal with this action a lot quicker, even though we in the House are dealing with it next because the Senate is not going to be able to deal with this action in terms of the authorization bill. There will not be any delay by postponing, by not voting on this issue, in other words, taking a decision not to vote on this issue here and deciding to vote on it later.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

The CHAIRMAN pro tempore. The Chair will hear the gentleman from Florida [Mr. SHAW] on the point of order.

Mr. SHAW. Mr. Chairman, we do not know how many trains are leaving the station or when they are going to be leaving. We would like to know on this side when is this bipartisan drug bill going to emerge and what action is being taken here in the Capitol to get it moving?

I think the gentleman from Wisconsin has vast experience and I know of his personal feelings with regard to this problem, which are certainly in harmony with mine and the majority of the Members of this House. We have constantly had problems with this particular issue in dealing with the other body. However, they have not been cooperative. We would have had this impediment to military involvement removed from the law 5 or 6 years ago had this body had its say.

Mr. DINGELL. Mr. Chairman, I demand regular order.

Mr. SHAW. Instead, the Senate continues to block our efforts.

Mr. ASPIN. The gentleman is right about that.

Mr. DINGELL. Mr. Chairman, I demand the regular order.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. ASPIN] is recognized to be heard on the point of order.

Mr. ASPIN. Mr. Chairman, the point is we are not losing any time by not dealing with this issue here, and it is the intention of the Speaker to move the package and to move it very quickly.

Mr. DINGELL. Mr. Chairman, I demand the regular order.

The CHAIRMAN pro tempore. Does the gentleman from Michigan [Mr. DINGELL] desire to be heard on the point of order?

Mr. DINGELL. Mr. Chairman, I demand the regular order. I believe it is now in order for the Chair to rule on the point of order.

The CHAIRMAN pro tempore. The gentleman makes a very good point, and the Chair is attempting to maintain regular order. But any Member who would like to address himself to the point of order should address the Chair and not have a debate or colloquy between Members on the merits of the amendment.

Does the gentleman from California [Mr. HUNTER] desire to be heard on the point of order?

Mr. HUNTER. Yes, I do, Mr. Chairman.

The CHAIRMAN pro tempore. The Chair will hear the gentleman from California briefly and then the Chair is prepared to rule.

Mr. HUNTER. Mr. Chairman, I acknowledge the power of the chairman, the gentleman from Wisconsin [Mr. ASPIN], to urge his point of order and to demand his point of order.

Mr. Chairman, almost all of the drug provisions were stricken by the Rules Committee from consideration on the House floor. Apparently this provision that the chairman offered was not stricken, it was made in order, so we did not eliminate all of the drug provisions. We kept one of them in.

The statement that was made on the House floor yesterday is what do you want, star wars or drug wars. This provision was used in a political way by the other side of the aisle to try to make a point. When we called their raise and we raised them one, they are folding on this.

This is an amendment that has been voted on by the full House, passed overwhelmingly. We have today five or six drug planes an hour penetrating the southern border of the United States carrying cocaine to America's children.

The CHAIRMAN pro tempore. The Chair would state to the gentleman he is not addressing the point of order. We are not debating the issue, we are addressing the point of order. The Chair will be glad to hear the gentleman if he would like to address his remarks to the point of order.

Mr. HUNTER. Mr. Chairman, I appreciate the Chair's admonition, and my only remarks with regard to the point of order is I hope the Chairman would allow us to cure the defect that he has pointed out in this particular package.

The CHAIRMAN pro tempore. Does the gentleman from Arkansas [Mr. Robinson] desire to be heard on the point of order?

Mr. ROBINSON. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Arkansas is recognized.

Mr. ROBINSON. Mr. Chairman, we had a date certain deadline for all amendments to the DOD bill to be submitted to the Rules Committee.

Parliamentary inquiry, was the Aspin amendment submitted to meet the deadline initially when we all had to abide by the rules to bring any amendment to this floor?

The CHAIRMAN pro tempore. The Chair cannot answer that inquiry. That is not a parliamentary inquiry.

Mr. ROBINSON. Further parliamentary inquiry and point of order. It seems to me that we are doing now just what the chairman said we were not going to do, and that is piecemeal a drug bill together. I think if the chairman has a right to allow some of his friends to piecemeal somewhat a drug interdiction bill, then this Hunter-Robinson-Davis, certainly the Chair would agree would have the same right to go in and interdict drugs.

Mr. AuCOIN. Regular order, Mr. Chairman.

The CHAIRMAN pro tempore. The Chair is prepared to rule.

Mr. BADHAM. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN pro tempore. It is evident that this is turning into a debate, and the only question before the Committee of the Whole now is whether or not this amendment to the amendment is germane. The Chair is prepared to rule.

Does the gentleman from California [Mr. Badham] desire to be heard on the point of order?

PARLIAMENTARY INQUIRY

Mr. BADHAM. No, Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. BADHAM. Mr. Chairman, my parliamentary inquiry is that allusion was made to the fact that we had a deadline for submitting amendments. Is it not true that there was no deadline for submitting amendments?

The CHAIRMAN pro tempore. That would be a question the gentleman would have to ask the Rules Committee.

Mr. BADHAM. I tried, Mr. Chairman, Lord knows I tried.

The CHAIRMAN pro tempore (Mr. Gray of Illinois). The Chair is not prepared to rule on that question.

The Chair is prepared to rule on the point of order.

The Chair has examined both the amendment to the amendment and the amendment itself, and as the gentleman from Wisconsin [Mr. Aspin] very clearly points out, the amendment to the amendment now pending on which a point of order has been raised is very clearly beyond the scope of the original amendment. Therefore, the Chair sustains the point of order.

For what purpose does the gentleman from Alabama [Mr. Dickinson] rise?

AMENDMENT OFFERED BY MR. DICKINSON TO THE AMENDMENT OFFERED BY MR. ASPIN

Mr. DICKINSON. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

Mr. ASPIN. Mr. Chairman, I reserve a point of order against the amendment until we have a chance to see it.

The CHAIRMAN pro tempore. The gentleman from Wisconsin reserves a point of order on the amendment.

The Clerk read as follows:

Amendment offered by Mr. Dickinson to the amendment offered by Mr. Aspin: At the end of the amendment, add the following new section:

SEC. 1003. USE OF ARMED FORCES FOR INTERDICTION OF NARCOTICS AT UNITED STATES BORDERS.

(a) General Requirement.—

(1) Authority to locate, pursue, and seize aircraft and vessels.—Within 30 days after the date of the enactment of this Act, the President shall deploy equipment and personnel of the Armed Forces sufficient to halt the unlawful penetration of United States borders by aircraft and vessels carrying narcotics. Such equipment and personnel shall be used to locate, pursue, and seize such vessels and aircraft and to arrest their crews. Military personnel may not make arrests of crew members of any such aircraft or vessels after the crew members have departed the aircraft or vessels, unless the military personnel are in hot pursuit.

(2) Radar coverage.—As soon as practicable after the date of the enactment of this Act, the President shall deploy radar aircraft in sufficient numbers so that during the hours of darkness there is continuous aerial radar coverage of the southern border of the United States.

(3) Pursuit aircraft.—The President also shall deploy sufficient numbers of rotor wing and fixed wing aircraft to pursue and seize intruding aircraft detected by the radar aircraft referred to in paragraph (2). The President shall use personnel and equipment of the United States Customs Service and the Coast Guard to assist in carrying out this paragraph.

(4) Use of national guard and reserves.—In carrying out this Act, the President shall use members of the National Guard and the Reserves. The tours of such members shall correspond to their training commitments and shall be considered to be within their mission. The President shall withhold Federal funding from any National Guard unit whose State commander does not cooperate with the drug interdiction program required by this Act.

(5) Expenses.—The expenses of carrying out this Act shall be borne by the Department of Defense.

(b) 45-Day Deadline.—The Secretary of Defense shall substantially halt the unlawful penetration of United States borders by aircraft and vessels carrying narcotics within 45 days after the date of the enactment of this Act.

(c) Report.—As soon as practicable after the date of the enactment of this Act, the President shall report to Congress the following:

(1) The effect on military readiness of the drug interdiction program required by this Act and the costs in the areas of procurement, operation and maintenance, and personnel which are necessary to restore readiness to the level existing before commencement of such program.

(2) The number of aircraft, vessels, and persons interdicted during the operation of the drug interdiction program and the number of arrest and convictions resulting from such program.

(3) Recommendations for any changes in existing law that may be necessary to more efficiently carry out this program.

(d) Request for Funding.—Within 90 days after the date of the enactment of this Act, the President shall submit to Congress a request for—

(1) the amount of funds spent as a result of the drug interdiction program required by this Act; and

(2) the amount of funds needed to continue operation of the program through fiscal years 1988 and 1989.

Such request shall include amounts necessary to restore the readiness of the Armed Forces to the level existing before commencement of the program.

(e) Budget Requests.—The President shall submit in his budget for fiscal year 1990 for the Department of Defense a request for funds for the drug interdiction program required by this Act in the form of a separate budget function.

(f) This section shall expire on September 30, 1989.

On page 1, line 6, strike "$90,000,000" and insert "$125,000,000", and strike "two" and insert "three".

On page 1, line 12, strike "$42,000,000" and insert "$70,000,000", and strike "six" and insert "ten".

On page 1, line 15, strike $8,000,000 and insert $25,000,000.

On page 1, after line 16, insert the following:

(4) The amount provided in section 102(d) for Navy other procurement is hereby increased by $45,000,000 for procurement of two aerostat radar surveillance systems.

On page 3, strike lines 21-24.

□ 1110

Mr. DICKINSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore (Mr. Gray of Illinois). Is there objection to the request of the gentleman from Alabama?

Mr. ECKART. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

The Clerk will read.

The Clerk completed reading the amendment to the amendment.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin [Mr. Aspin] insist on his point of order or reserve his point of order?

Mr. ASPIN. Mr. Chairman, we are still looking at it to see whether it is germane.

We still want to reserve the point of order.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. Aspin] reserves his point of order.

The gentleman from Alabama [Mr. Dickinson] is recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, in support of the amendment and in opposition to the point of order that was made on the initial amendment that it was permanent law and it exceeded the 1 year of the bill, this amendment simply changes the time so that instead of being permanent law it conforms to the objection previously raised. The amendment covers only 1 year, the life of this bill. We have done our best to conform it to meet the objection previously raised.

For that reason we think that it is in order on the points of objection raised before and we would urge the acceptance of the amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does any Member desire to rise in opposition to the pending amendment to the amendment?

Does the gentleman from Wisconsin [Mr. Aspin] rise in opposition to the amendment?

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Ohio [Mr. Eckart].

Mr. ECKART. I thank the gentleman for yielding.

Mr. Chairman, on the gentleman's reservation of the point of order, I would like to draw to the attention of the Chair two matters. One is the language relative to posse comitatus. That is a matter which is not within the exclusive jurisdiction of the Committee on Armed Services. It belongs in a manner of reference to the Committee on the Judiciary and therefore is not within the course or scope of the gentleman's original amendment, which simply increases an authorization and changes a number relevant to procurements for services and materiel for the Department of the Navy.

Second, I would point out there is an additional section in the amendment which deals with the discretionary authority that a commander may have with the peculiar level of activities of the National Guard, reverting that authority back to the Federal Government. Clearly that is a matter that is beyond the scope and course of the gentleman from Wisconsin's original amendment.

Therefore, although the intention clearly by the offerers is clear in what they seek, I believe that the gentleman from Alabama's efforts are peculiarly beyond the course and scope of the amendment originally offered by the gentleman from Wisconsin and that the point of order that the gentleman will assert should in fact be upheld by the Chair.

Mr. ASPIN. Mr. Chairman, let me just point out that the problem that we are having with the germaneness here is the exact problem that we have with trying to deal with this issue on this bill. We could possibly at the end of the day here end up with an amendment that is germane to this bill. We will raise other points of order, the gentleman will correct it; we will go back and try it again; and so forth.

Eventually we may end up with an amendment which is germane to this bill at this time, but it is not a comprehensive approach to the drug problem and it is going to knock out some of the provisions that the gentleman from California [Mr. Hunter] had in his amendment. We are not going to be able to deal with the Hunter amendment in this bill, the Hunter-Robinson amendment in this bill because in order to get the thing germane to this bill we are going to have to alter it in such a way that we are going to end up not doing what the gentleman from California or the gentleman from Arkansas would want to do.

We are still having a look at the problem and see whether in fact we can make it an amendment that is germane. But it seems to me we are trying to force something in here which should not be forced because we are going to end up doing something that does not make any sense and we are not going to be able to deal with it in a comprehensive way.

The gentleman from Alabama knows that his colleague from Alabama, the chairman of the investigating subcommittee, and the people on the investigating subcommittee, the chairman and I are all committed to a thorough examination of this issue of the use of the military in the drug interdiction problem. It is a complicated issue and a very, very important issue and something that should not be dealt with by trying to force an amendment. We are going to have to strike several other parts of it, I would guess, in order to make it germane. We are going to end up with something that is not going to do the job and we are going to have to do it in the regular order anyway.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield to me?

Mr. ASPIN. I yield to the gentleman from Alabama [Mr. Dickinson].

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, I understand what the gentleman is saying. It was not my intent or desire to prolong discussion on the bill. Let me just say in response to the points that the gentleman raised, however, that I recognize there will be a separate drug bill on which there will be an opportunity to deal with all of these matters. This amendment would not have come up if the chairman had not agreed with the gentleman from Oregon [Mr. AuCoin] to take a certain amount of the SDI money and plug it into the add-back package for drug interdiction.

If that had not been in order, this amendment would not have come up.

So for that reason the gentleman from Illinois and the gentleman from California thought "well, if that is going to be made in order we think our amendment should be made in order." I am sorry it came up, too. I would rather it had been dealt with in the ordinary course of business. But since it was not, since the other drug interdiction money was injected, the gentleman from Illinois and the gentleman from California and the gentleman from Arkansas felt it was only fair that their amendment be considered.

Mr. ASPIN. Let me reclaim my time and let me respond to the gentleman from Alabama that what we were dealing with in this bill and what we dealt with in the add-back amendments was money allocated for certain kinds of pieces of equipment. And in our add-back package we had 350 million dollars' worth of equipment that could be used for drug interdiction. The gentleman from Alabama, when we came on the floor this morning, had an amendment that would add another $125 million.

The gentleman from Alabama's amendment was certainly consistent and within the purview of this committee; it was consistent with the amendment, it was clearly a germane amendment and we clearly would have had a chance to have the gentleman from Alabama's amendment.

What the gentleman from California has is an amendment that goes beyond the issue of funding ships and planes and goes into the issue of other parts of the drug-fighting problem, of who is to make arrests, what the policy is going to be and that is what makes this germaneness problem.

Mr. DICKINSON. I understand.

Mr. Chairman, I just thought I might mention that the other amendment triggered this amendment.

If the point of order is sustained, it would be my intent to offer the dollar-only amendment to which the chairman just alluded.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin [Mr. Aspin] has expired. Does the gentleman from Alabama [Mr. Dickinson] move to strike the last word?

Mr. DICKINSON. Mr. Chairman, I move to strike the penultimate word.

Mr. Chairman, we have made copies of the amended add-back package available to the chairman of the committee and he indicated initially that he had no objection to it. I hope that would be the case, in the event the point of order is sustained to the amendment now pending, so that we could get on with the balance of the bill.

Mr. ASPIN. Mr. Chairman, would the gentleman yield?

Mr. DICKINSON. I yield to the chairman of the committee, the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. I thank the gentleman for yielding.

Mr. Chairman, let me propose in the interest of not spending the entire day on this issue, let me propose that the problem is that the language of this amendment in several places goes beyond the scope of the bill as defined, as we have it.

I would propose at this point that I drop my point of order on the amendment, we will accept the amendment and do the best we can with it in conference and we will deal with the issue when we would, I would think, better deal with it in the drug bill coming up later.

Mr. DICKINSON. Let me say to the chairman I appreciate it. I think that is a fair deal and we should do it.

Mr. ASPIN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN pro tempore. The point of order is withdrawn.

The question is on the amendment offered by the gentleman from Alabama [Mr. DICKINSON] to the amendment offered by the gentleman from Wisconsin [Mr. ASPIN].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHAW. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 385, noes 23, not voting 23, as follows:

[Roll No. 105]

AYES—385

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Bennett
Bentley
Bereuter
Berman
Bevill
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Dannemeyer
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Derrick
DeWine
Dickinson
Dicks
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
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Messrs. FRANK, SWIFT, DYMALLY, SAVAGE, and VENTO changed their votes from "aye" to "no."

Messrs. VOLKMER, LAGOMARSINO, MURPHY, TOWNS, and PETRI changed their votes from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. (Mr. GRAY of Illinois). Does the gentleman from Wisconsin [Mr. ASPIN] desire to debate his amendment?

Mr. ASPIN. No, Mr. Chairman. I yield back the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Alabama [Mr. DICKINSON] desire to debate the amendment, as amended?

Mr. DICKINSON. No, Mr. Chairman. I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. ASPIN], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. It is now in order to debate the subject matter of ballistic missiles.

Pursuant to the House Resolution 436, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 45 minutes and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 45 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield 6 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, for the last decade there has been no more divisive issue before this House than ICBM modernization. Believe me, I know.

Once again, we are debating how and whether we should proceed to make our missiles mobile, in order to reduce their vulnerability. I am convinced there is real value in this effort, especially with the prospect of a 50-percent reduction in strategic forces.

If we are not careful, we could wind up with a situation where the temptation to strike first in a crisis is increased, rather than reduced after a START agreement. This would come to pass if both sides choose to retain vulnerable, and highly MIRV'd systems while foregoing highly survivable single warhead, mobile missiles. Of course the worst of all worlds would be if the Soviets were smart enough to deploy only small mobile and we were not.

That is why I continue to be a strong proponent of the small ICBM. Jeffery Record, a long-time, and conservative, military analyst noted in a recent article in the Los Angeles Times:

> Given the prospects for a 50 percent cut in strategic nuclear weapons, the rationale for Midgetman is greater today than when first recommended by the Scowcroft Commission. Deployment of, say, 250 to 500 single warhead Midgetman would also distribute remaining land-based ICBM warheads over a much larger number of launchers. This inflation of "aim points" would make it virtually impossible for the Soviets to "clean out" the entire U.S. land-based ICBM force in a single stroke.

The single warhead small ICBM restores survivability to the land-based leg because it is highly mobile and with only one warhead it is not an inviting target. MX rail mobile is slow, vulnerable and with 10 warheads a highly lucrative target.

General Scowcroft reaffirmed his Commission's position in a December 9, 1987, letter to Chairman NUNN when he stated,

> We would stress, once again, that it is vital for the Nation's security that "we have underway a program for long-term ICBM survivability to hedge against long-term vulnerability of our forces. While there are several possible approaches to the fulfillment of this compelling need, the small mobile ICBM is currently the most promising. In that respect, the rail garrison basing for the MX, while possessing attractive features, is not a substitute for the small mobile ICBM, in as much as it requires significant warning time to achieve survivability.

This last point is the crux of the debate. Rail garrison gets you absolutely nothing for protection against the so-called bolt out of the blue attack. In fact by being vulnerable to such an attack, but providing some survivability if we have days or at least several hours warning, it invites the Soviet planner to view the hair-trigger surprise option as the only possibility of success. With the advent of highly accurate Soviet submarine-launched ballistic missiles this problem becomes even more serious. The Soviets are developing a submarine-launched missile that can hit rail mobile MX, our silos, and our bomber bases within a matter of minutes. Only small ICBM can survive the bolt out of the blue scenario.

The MX in whatever basing mode also has real penalties in a start environment. As Mr. Record notes, deployment of 50 more MX's could mean concentrating 1,000 warheads, or two-thirds of the permissible limit for land based ICBM's on only 100 missiles.

For years the administration has objected to the structure of the SALT limits because they limited launchers, but not warheads. I think that is a valid criticism. It is what drove the Soviets to deploy the SS-18 which has caused us so much concern. By limiting warheads, both sides will have to pay a premium if they want to continue to deploy highly MIRV'd systems that raise concerns about first strike. While the economics of acquisition cost may look good for the MX, the economics for survivable warheads do not.

Single warhead missiles have the additional advantage of not posing the type of threat to the other side that has led to first strike fears. Today, a 10-warhead missile has substantial leverage in going first assuming that a planner would target two warheads against each opposing missile. When you have to target two warheads against one, the incentive ratio is lost, and stability is enhanced. The Soviets, faced with a force of mobile single warhead missiles would have to barrage thus driving up the warhead count to 16 needed to destroy a single United States warhead.

As with everything in life, there is no free lunch. I would be the first to admit that the small ICBM is a costly program. I would note however, that acquisition estimates have declined from $57 billion in 1984 to $36 billion today, as the program has become more defined. It has been a model for program management to date.

I would also note that it is a far less expensive way to address the concern over ICBM survivability than phase one of SDI. According to SDIO's own estimates phase one would cost between two and four times as much, and would not do the job nearly as effectively as the small ICBM. That of course, assumes that SDI phase 1 would work a major question mark in light of the OTA study. Enhancing deterrence and promoting stability has a price, but I am convinced that the cost of the Midgetman program is not an unreasonable one for the contribution it makes to these vital goals.

Obviously, we are not going to make a final decision on ICBM modernization today. This is an issue that will confront the new President and the next Congress. Given this fact there is a certain logic to those who argue that we should fund both programs at a level to keep them both alive.

Clearly the administration budget does not do that. Original plans called for $1.9 billion for the small ICBM this year. The $200 million they have proposed would force the entire subcontractor network to be lost, and would add significantly to cost should we decide to proceed. By the same token, $800 million is far more than is needed to keep rail garrison on the same basis as Midgetman.

While the committee has improved on the imbalance in the budget request, funding for Midgetman is still short of the $700 million that the Air Force has testified is needed to keep the full contract team on hand. While it is unlikely we will fund that figure, the closer we can come the less we will be penalized.

In addition, we have to consider the action taken by the other body. The Senate Armed Services Committee approved only $50 million for Midgetman, a bare fig leaf that will kill the program. If we are to be able to secure a reasonable figure in conference, then the funds included in the Mavroules-AuCoin amendment are a minimum figure.

By the same token that Senate committee approved $700 million for rail garrison, more than it reasonably needs. In order to see that figure reduced, the House will have to go in with a low number. I personally wish we could avoid these positioning games, but circumstances do not allow it.

Finally, the Mavroules-AuCoin amendment will allow us to provide $300 million to critical operations and maintenance requirements including spare parts.

It is for all these reasons that I strongly urge this body to support the Mavroules-AuCoin amendment.

□ 1150

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this, it would seem, is an issue that comes up every year at this time, which I think is unfortunate. The administration, the Department of Defense, and most of us in the past have made ICBM modernization decisions based on monetary constraints, and frankly, on this basis, the best, most economical and most survivable system for our ICBM's is rail garrison.

Under the rail-garrison concept, there will be a number of garrisons on military installations where our ICBM's will be stored permanently on trains. In the event of an emergency, these missiles would be put on alert, they would come out of the garrison—would be flushed out in the same manner as the small mobile—and they would be placed in different locations along the network of railways in the country.

The theory behind rail garrison is that accuracy will overcome hardness anytime. We now have ICBM's located in silo complexes, and we recognized that with the increased accuracy of Soviet ICBM's, our silos have become more and more vulnerable to the point where we cannot sufficiently harden against a Soviet attack. We now must develop a concept to make our future missiles mobile.

What is the best policy to make them mobile? One approach—the Midgetman concept—is to put missiles on mobile launchers that will go overground, and put them all on some military reservation principally in the West so that they can go to prearranged positions and be launched from there. The Midgetman is a single-warhead missile that has been limited to 37,000 pounds, and is not even large enough to carry penetration aids to deceive enemy defenses.

The other approach is rail garrison, which will cost about one-third as much as the Midgetman. The MX rail garrison carries 10 warheads per missile and in time of emergency, the trains are flushed out across the rail system. This system is similar to the SS-24 system that the Soviets have today. Because they have already deployed the SS-24, the Soviets are ahead of us. They recognized the efficacy of such a system early.

I have an artist's rendition of the SS-24 here on the easel. The Soviets have at least three trains deployed, each of which carries three missiles and associated launch control provisions. This artist's conception is based on intelligence that we have gathered on the SS-24. The large building is the facility where the weapons are calibrated.

It is a totally spurious argument to say that if we put MX missiles in garrisons they will be more susceptible of being struck with a bolt out of the blue attack. We have bombers on alert, and the same alert concept would be applied to the small mobile. The plan is to store MX missiles in the same complexes as the current silos for security reasons. All missiles would be put on alert, and they would be flushed out on receipt of strategic warning. The rail garrison could be fired without moving it an inch; if necessary it could be fired from within the garrison.

The main reason that the defense planners, the scientists, and the people who have the basic responsibility of defending this country have decided on the rail garrison system is that it will cost somewhere around $15 billion as compared to about $40 billion for the small single-warhead Midgetman.

There is no money in next year's budget or the 5-year defense plan for the Midgetman, because it is unaffordable at present levels of defense funding.

The very same people on the other side of the aisle who vote time and time again and year after year to cut the Defense budget, now want to procure the most expensive system that we cannot afford, the $40 billion Midgetman, and all the while they cut money out of the DOD budget so that it cannot be afforded.

The Soviets have both types of systems. They have an SS-25 as depicted in this artist's conception. That is an over-the-ground concept. The Soviets do not have the dollar constraints that we do. They have deployed both types of systems.

The question is, Are we going to deploy both? The answer is "No." We simply do not have the money, and there is no way to get the money because each year, and this is the fourth year of negative defense spending, the proponents of the small mobile have voted to cut the money, but spend more on the more expensive ICBM. I say to my colleagues we just cannot get there from here.

The fact is we have to make a choice. Our defense planners at the Department of Defense, the Secretary of Defense, the President, and everybody in the business of protecting us say that with the money problems that we have and looking down the road, the most practical way to approach the problem is with rail garrison. We would keep the missiles in the silos as a temporary transitional measure, and move them into the rail garrison as the concept is perfected and comes on line. Missiles on rail cars will be just as accurate as those in silos, they will have 10 warheads, and they will offer to this country the same kind of protection as do the Trident submarines now that are at sea.

Mr. Chairman, to fund Midgetman and not rail garrison MX is to be very wasteful of this country's assets. As a matter of fact, in a conversation that the gentleman from Wisconsin [Mr. ASPIN] and I had with the Secretary of Defense, Mr. Carlucci, we were discussing the budget that was to come over. The Pentagon initially provided zero for the Midgetman and $1 billion for the rail garrison, because the DOD decided that this was the way we had to go with the money constraints.

Our chairman suggested to the Secretary of Defense that this was not viable politically, that there was a body of thinking in the House that felt very strongly that the Midgetman was the way to go, regardless of cost.

So as an accommodation, the Secretary of Defense Carlucci said, "All right, we will take $200 million of the money and put it in the small mobile, the Midgetman, to keep the system alive so that the next administration which will come in in less than a year will then make the final decision. Of the $1 billion, we will put $200 million in the small mobile, and $800 million to go forward with the rail garrison concept. We will keep that system alive so that whoever the next President is can decide if that is the way to go, and if he does, the program will not be killed. In the meantime, we will go forward with our best judgment."

I thought this was accepted, but as it turned out in our Committee on Armed Services, it was not accepted. An amendment was offered to take the $1 billion and cut it in half, increasing the Midgetman from $200 to $500 million, and then take the $800 million and decrease it to $500 million. That 500/500 split is what came out of our committee.

Now there will be an attempt on the floor to zero the rail garrison, and then there will be other amendments to modify the expenditure levels on the two KBM programs.

□ 1205

The rail garrison is a proven concept. The Soviets also think it is pretty good since, as I say, they have already deployed and have operational at least three trains with three missiles on each. It is a threat to us.

Hopefully this situation can be addressed in our arms control negotiations with the Soviets as soon as we find a suitable way of verifying the mobile concepts. But I think we have been foolish in the extreme not to go forward with rail garrison MX.

The Scowcroft Commission study and findings were mentioned earlier. Let me say it was mentioned just in those parts which suited whoever was making the argument. The Scowcroft Commission recommended 100 MX's. We have only built and approved 50, and may not approve any more. The Scowcroft Commission study was based on a number of concepts that all went together in a package. We have decided not to follow the Scowcroft Commission, to accept only half of the MX's, yet the liberals want to pick out only the things that please them and ignore the other parts. They point to the Scowcroft Commission as if it were some sort of bible.

I would hope very sincerely that the Members of the House would consider the Midgetman in the context of the overall defense budget. If they are willing to fund both, fine. If these people that consistently vote for lower defense spending, are going to change their philosophy and say, "OK, we are going to go for the more expensive system, we will pay for it," fine, but they will not do that. They want to vote for less overall defense spending, yet they want to fund the most inefficient system, kill the one that is the most efficient, and I do not know why it is turning into such a partisan fight.

I think we should go on the merits of each case. The merits say we should go rail garrison, not the small Midgetman.

Mr. Chairman, I reserve the balance of my time.

Mr. HERTEL. Mr. Chairman, I yield myself such time as I might consume.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. HERTEL. Mr. Chairman, I yield to the gentleman from California.

PARLIAMENTARY INQUIRY

Mr. DELLUMS. Mr. Chairman, I wish to propound a parliamentary inquiry.

Mr. Chairman, are the amendments that will be presented after general debate to be presented in a king-of-the-hill fashion, and that is, does that mean that the last amendment that prevails on the floor then wipes out any other action prior to that?

What this gentleman is trying to ascertain is whether or not there is any cumulative effect of these amendments.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The Chair would state to the parliamentary inquiry of the gentleman from California [Mr. DELLUMS] on page 9 of the rule that, "If more than one of said amendments is adopted, only the last such amendment which is adopted shall be considered as finally adopted." So the answer to the question of the gentleman from California is in the affirmative.

Mr. HERTEL. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, let me explain at the outset the amendments that we are talking about in a brief outline.

The first amendment that will be voted upon after 90 minutes of debate will be the Rowland amendment which does not speak to the MX funding but talks about zeroing out the money for the Midgetman missile, the mobile missile. The second will be my amendment, the Hertel amendment, which does not speak to the mobile missile, but, instead, would zero out the money and the funds for the rail MX, and the Dickinson amendment, which the gentleman from Alabama [Mr. DICKINSON], the ranking member, just talked about would take from the mobile and give to the MX and then the Mavroules amendment, the final amendment to be voted upon, would decrease the MX to $100 million while increasing $100 million to a total of $600 million for the mobile missile.

At this point, I would like to talk about my amendment to strike the $500 million for the MX missile, the rail car garrison. First of all, we talked about the rail garrison system, and we are talking about expending $13 billion for the rail system, and at the outset, I would like to point out while my amendment takes the $500 million away for this year, the $350 million that was allocated last year by this Congress for the MX rail garrison system was not spent.

The committee estimates that about $300 million of that money is still left to be spent on studies, on planning for the MX garrison system.

If Members vote for the Hertel amendment they are voting to save $500 million this year, but they are not voting to zero out this money for that system since they still have $300 million which enables them to do all the things they say they need to do. If they vote for $500 million, and the Senate is talking about $793 million plus the $300 million that remains from last year, Members are talking about $1 billion after conference, and if they want to allocate that kind of money which remains in the bill they are talking about going ahead to build and deploy the MX garrison system.

Let me make that clear from the outset, if Members want to go forward, if they think all the questions have been answered, if they have made the decision to build and deploy the MX rail garrison system, then vote against my amendment, but if they share some of the doubts and concerns that we did in the subcommittee and we do here on the floor, if they agree the $300 million that is currently in the pipeline is enough for the Air Force to come back and answer all of our questions and to do proper planning, if you do not want to go ahead and build and deploy the MX rail garrison system, then vote to take it down to zero in the Hertel amendment.

Let us look at all the systems we have had regarding our nuclear deterrence. They all have one thing in common: We have control over those systems to the fullest extent possible, and we move those weapons systems away from civilian areas and civilian populations. That is true of our bombers where we have total power of recall. That is true of our submarines where we spent so much to improve our communications. That is true of our silos where our missiles are in the ground away from population centers with total control of the military. That has been a hallmark of our nuclear deterrent, and I think up to this point the military, the Department of Defense, under all administrations, has done a very excellent job, and it is one reason that the American people have supported overall these systems, because the military remains in control, and all of these systems are away from civilian populations.

We now come up with a new idea that has been rejected in the past under a new system, putting missiles on rail systems which was rejected in the 1960's by this Congress, rejected in the 1970's by the Congress, and now in the 1980's, we have a new system where we are going to put our largest weapon on railroad cars and run them on public railroad tracks.

First of all, the military would not keep total control, because when those railroad cars left the garrison, they would be under civilian railroad control. There are no plans for any new tracks. There are no plans for any repairs. There are no plans for any training of these people who do not work for the military but who are the same people who are operating our railroad system right now. The military loses control. It is up to the civilian operators to make the decisions about the other railroad traffic and about changing the signals and the tracks.

Unfortunately, that record has not been perfect, and unfortunately just a year ago we saw a very tragic accident with loss of life because of civilian railroad employees who were delinquent in their jobs.

Under the money spent and allocated here, $500 million, there would be no change in the current railroad system whatsoever. These railroad trains carrying our largest weapon would also be moving through civilian areas, once again, going against the grain, going against a very important principle that we have seen for all the other nuclear weapons systems which we maintain for this country. These are railroad cars operating on the current tracks we have today. The public railroad tracks will be going through areas populated by civilians to a very, very great extent.

We have already heard from the gentleman from Alabama, the ranking minority member, that the goal is to have them move on the tracks for 4 hours from the time of an alert before they are fired, but we know in these times of less time to decide, 4 hours is far too much to get them all the way to their destination for firing.

The Air Force has not been able to answer any of our questions about sabotage, which you can realize could be very hard to prevent, so very hard to prevent. We talk about hundreds of miles of railroad tracks. By having one track destroyed or bombed, that could cause derailment and a very great tragedy.

Today, unfortunately, on television and the front page of the newspapers we hear about a very terrible explosion that took place in Nevada in the rocket factory. That terrible explosion, the injuries caused, will be much smaller than what could occur with our largest missile, the MX, if in fact the worst happened on this railroad excursion.

□ 1215

So most importantly we asked the Air Force, we asked the Department of Defense what their plans are for deployment. We had a joint hearing of the House Armed Services Subcommittees on Research and Development and Procurement and Military Nuclear Systems, and we had there as the chief witness, Dr. Woodruff, the Assistant Secretary of Defense for Strategic Systems. This is the man in charge, this was the proponent of this MX rail garrison system, the man who makes the decisions and who came to both of the subcommittees who make the decisions to tell us what the system could do and to answer our questions.

On page 13 of his report I quote: "Survivability can be achieved by movement of the missile trains along the railroad network upon receipt of strategic warning or at times of need."

On the next page of his report: "All trains will be capable of deployment in response to an international crisis or changing threat."

So the obvious question is what does he mean? How often are these trains going to be running with real, live MX missiles, the largest weapon in our arsenal, the most destructive weapon in our arsenal, how often are these trains going to be running? When he uses phrases like strategic warning or times of need or in response to an international crisis or changing threat, what does he mean? These are Dr. Woodruff's phrases, the man in charge of the system, the proponent of the system.

So I asked him what do these phrases mean. Dr. Woodruff answered, "No, it is not open-ended. There are certain rules that will be—and this system, by the way, is still under development—the rules have not been fully established," verbatim. The man in charge, the proponent who is asking us to spend $13 billion from this year and last year to build and deploy the MX rail garrison system, when asked when these missiles are going to be on trains moving through civilian, populated areas, he tells us the rules have not been fully established.

At the end of this hearing, of course, after a very long discussion, we asked him to get back to us and tell us what the rules are and what the rules are going to be when they are established. Here we are before the full House debating the Defense bill, the authorization with $500 million plus $300 million and we still do not have an answer to what the rules are going to be when these trains with our biggest weapon, our biggest missile, the most destructive missile, will be moving through civilian populated areas on civilian railroad tracks, public railroad tracks.

Are my colleagues shocked? I am.

I have seen in the past how careful the military has been, as I said at the outset, with our nuclear weapons systems, to keep control, to keep them away from civilian populated areas. But now they want enough money to go ahead and build and deploy this system and they cannot tell us when it is going to be used and how often those trains are going to be going through civilian populated areas, and they cannot tell us any safety precautions they have taken, and they cannot tell us if they are going to do anything to improve these railroad tracks, and they cannot tell us that they are going to be in control of those railroad tracks.

For all of those reasons I ask my colleagues to take away this $500 million. They do not need it. To answer these questions they already have $300 million, and that is plenty of money to decide what the rules are going to be. That is plenty of money to do the proper studies as to how this rail garrison system should be handled.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. HERTEL. I yield to the gentleman from California.

Mr. HUNTER. I thank my friend for yielding.

Mr. Chairman, I think it is important for the House to understand the reason why we need to have mobile systems to begin with, and that is because the Soviets have the capability with their SS-18's and other missiles to preempt presently our land-based missiles. The reason that we have to come up with the rail system, which is one system, and I am not totally adverse to the Midgetman system either, I think it is one way to move missiles around, to attain some survivability, but the reason we have come up with this is because, very simply, our rail systems, as the Soviets have realized and their scientists realize, have the capability of transporting very great weights, and that is what we are dealing with when we are dealing with a missile that has 10 RV's or something in that area, whether it is the SS-24 or whether it is the Peacekeeper. We have to have something that can transport very large RV's.

I will go to the gentleman's statement that he is talking about moving through domestic areas.

Mr. HERTEL. I will take back my time unless the gentleman wants to ask a question. If he wants to make a statement he can get his own time.

Mr. HUNTER. My question is does the gentleman have any other system or any alternative for mobilizing large ICBM's? I understand his Midgetman and that he supports Midgetman, but for large ICBM's other than this rail system?

Mr. HERTEL. The gentleman makes my point, and I thank him for the question.

The reason that the past railroad systems have been rejected in the 1960's and the 1970's, and including the Reagan administration in 1980, was because there was civilian opposition to it. The gentleman makes the point that the Soviets have such a system and they operate very often continuously, and they do not have to listen to civilian concerns. That is the difference between our system and theirs.

In our system of government we represent the people, listen to their ideas, their concerns first, and in that case they are going to reject having these missiles run through their population areas, just as they have rejected it before. That is why we should not spend all of this money for something that is not going to be a deterrent; it is going to be a waste of money.

I thank the gentleman for his question.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. HERTEL. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Chairman, on that one point I think it should be noted, however, in arguments between the small ICBM and the rail garrison, that when we have a warning system that will take 4 or 5 hours on the rail garrison, certainly a preemptive strike would take it out, and we would have no protection, none whatsoever when it comes to the rail garrison program. I think that point should be and has to be made here this morning.

Mr. HERTEL. That is why it is not a deterrent, and I thank the gentleman.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Chairman, on December 8, 1987, President Reagan and General Secretary Gorbachev signed a treaty to eliminate each nation's intermediate and short range nuclear missiles. For the first time in history, the United States and the Soviet Union had agreed to actual reductions in their nuclear arms, rather than simply placing limits on their growth.

As we approach the START talks it might behoove us to ask why the Soviets agreed to a proposal in 1987 that they had categorically rejected in 1981.

Was it because the men in the Kremlin were suddenly filled with goodwill?

No, the Soviets did not sit down at the bargaining table out of a sense of altruism. The Soviets decided to bargain in earnest only after the United States and our NATO allies showed the strength and resolve to deploy the Pershing II missiles. As the old phrase goes, the Soviets did not see the light, they felt the heat.

I hope we remember this lesson today when we debate the amendment to cut funding for the MX rail garrison and put $600 million into the development of the Midgetman missile.

I wonder if the supporters of this amendment realize that this cut in the MX rail garrison will push full deployment back from early 1992 to 1995?

I wonder if the supporters of this amendment really want to give the Soviets a 3-year window of opportunity to update their strategic forces—which they are presently doing with the deployment of the mobile single warhead SS-25 and the rail-mobile 10+ warhead SS-24.

I wonder if the supporters of this amendment want to delay a meaningful START agreement by rendering the United States impotent at the bargaining table?

I wonder why the supporters of this amendment are willing to put $600 million of American tax dollars into a program when both of their candidates for President have already declared that they would eliminate the program if elected?

I cannot help but wonder if this amendment is a sincere difference in priorities or a backdoor attempt at unilateral disarmament.

During the debate today I would like these questions answered. I feel the American people have the right to know.

Mr. ASPIN. Mr. Chairman, I yield 4 minutes to the gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. Mr. Chairman, I rise in support of the Mavroules-AuCoin amendment because it offers the best possibility of preserving the option to deploy the small ICBM in the next administration.

The primary objective of our strategic nuclear forces must be to deter nuclear war. All other considerations, short of national survival, are secondary. The vast destructive power of strategic nuclear weapons rules out their use in any rational war-fighting sense. Consequently, when we develop a new strategic weapon, it must be designed so that its deployment will not only increase deterrence of nuclear war but, equally important, it will also increase nuclear stability. It is senseless and dangerous to do otherwise.

I strongly believe in maintaining the triad as opposed to allowing the ICBM leg to whither and die and ending up with a diad. Clearly, the triad will continue to be the most effective way to maintain nuclear deterrence because it creates a very difficult targeting problem for the Soviet strategist attempting to knock out the United States retaliatory capability. With a viable triad, it can't be done. But, with a diad, coupled with a breakthrough on antisubmarine warfare capability, it becomes more possible. The nuclear triad is a strategic concept, the protection of which, and the continuance of which, we should all take very seriously.

Consequently U.S. ICBM's, in order to continue to contribute to the deterrence of nuclear war in the 1990's, must reduce their vulnerability. This requires a new type of ICBM force that uses mobility for survivability. The best missile for the 1990's is the small ICBM known also as the Midgetman.

Studies show that the price to attack a Midgetman force of 500 missiles in hard mobile launchers requires so many warheads that it makes it virtually impossible for the Soviets to wipe the force out. Indeed, the price of attack is so high that it would discourage the Soviets from launching a preemptive strike in time of nuclear crisis. Because of its relative invulnerability, the small ICBM will become the first U.S. ICBM that will increase nuclear stability in times of crises.

The rail garrison MX is not the optimum strategic choice because it is clearly dependent on strategic warning for survivability, whereas the small ICBM only requires tactical warning. Furthermore, the rail garrison MX, each carrying 10 MIRV warheads, makes a tempting target for a Soviet preemptive strike in time of crisis.

Making some future ICBM rail-mobile may prove to be an additional way to increase nuclear stability, therefore we should continue to fund feasibility studies of a generic rail mobile system, but clearly the answer is not a rail-mobile MX.

Furthermore, in an era of deep-cut reductions under a START agreement MX, because of its 10 warheads, is not the optimum weapon to deploy. Given our current ICBM force or a future ICBM force composed primarily of the MX missile, signing a START agreement would actually decrease nuclear stability in times of crisis because of its high warhead-to-missile ratio. The kind of deep-cut agreement being pursued in Geneva puts a premium on single warhead missiles. The stark fact is that the United States is simply not prepared, force structure-wise, for a deep-cut START and we won't until we can get the small ICBM deployed.

Indeed, the Commander in Chief of the Strategic Air Command, Gen. Jack Chain, stated in a speech recently that if money was not a problem, he would equip the entire ICBM force with the small ICBM. Furthermore he said it was his hope that after the election "this country will pull itself together and fully support the SICBM.

This is confirmation of what many of us have been saying for a long time, that the best weapon for the modernization of the land-based leg of the triad is Midgetman and it will cost approximately no more than it did to acquire the F-15 fighter.

We must continue to keep the option open to deploy the small ICBM in the next administration. I urge my colleagues to vote for the Mavroules amendment.

Mr. DICKINSON. Mr. Chairman, I yield 4 minutes to the very distinguished and able gentleman from Connecticut [Mr. ROWLAND].

☐ 1230

Mr. ROWLAND of Connecticut. I thank the distinguished ranking member of the committee for yielding this time.

Mr. Chairman, I want to congratulate the gentleman and also the chairman of the full committee for their leadership and their efforts in bringing this bill to the floor.

Many difficult choices were made as we debated the issues during the committee markup and we did indeed manage to stay under our budget number of $299.5 billion.

Mr. Chairman and my colleagues, I have an amendment which I will be bringing out later this afternoon which is quite simple, to eliminate the Midgetman missile, to eliminate the $500 million presently placed in the budget through the committee process.

I believe this amendment will have broad appeal in this Chamber.

To my Republican colleagues, I would urge them to look at the considerations of the Pentagon, the Secretary of Defense, the Air Force, and this administration. I think many of those individuals and departments would like to see two land-based missile systems. However, I think in these economic times there is great recognition that we cannot continue to build a $40 billion missile system. Indeed many of these people, and these departments, the Pentagon, the Air Force, and the administration, do support the MX in the rail garrision mode.

To my Democratic colleagues, over these past few weeks we have had some rather passionate pleas to keep the defense spending down, for pay-as-you-go legislation, for cutting back on SDI, holding the line on the defense buildup.

Indeed I would reach out to them and ask them to join us in eliminating this program.

If you look to the future, the Air Force does not allot any dollars in the out years for Midgetman. The total cost of Midgetman will be over $40 billion. The question becomes quite clear: Where are we going to get $40 billion to supplement the small ICBM program?

The MX is a fraction of that entire cost. Mr. Chairman, the argument that we have heard used time and time again through the committee process and we will hear it again here on the floor is that we need to allow an option of the MX or the small Midgetman for the next administration.

It sounds like a good argument except there is one flaw. Mr. Dukakis, Mr. Jackson, and Mr. BUSH do not support the small ICBM.

There is no reason to allow for this particular option, when indeed all the candidates for office want to scrap the small Midgetman.

It is a program that we cannot afford, I believe that we need to take the proper action today. Unfortunately there is a tendency for all of us on both sides of the aisle to be a little bit numb to the expenditures of the defense budget and even nondefense programs, millions and billions, and to arbitrarily say, "Let's spend $500 million to allow an option," I think is irresponsible.

I would hope that we can take those dollars, that $500 million to use for the military pay raises, military construction, improving the quality of life for our servicemen and servicewomen.

If the $500 million Midgetman is a political vote, let us be honest with each other and say it is a political vote; if it is not, let us do the right thing here and now.

There will be other amendments. My good friend from Massachusetts [Mr. MAVROULES] will want to increase funding for Midgetman. Even if you do not like my amendment, if you are going to vote against my amendment, I would encourage you not to support Mr. MAVROULES' amendment to increase funding for the Midgetman. At this point in time we would be wasting even more of our taxpayer dollars. This is an opportunity and a chance to do something constructive, to do something in the best interst of our national defense and most importantly in these economic times to do something in the best interest of the taxpayer. I would urge all of my colleagues to vote "yes" on the Rowland amendment and "no" on the Mavroules-Hertel amendment.

Mr. KYL. Mr. Chairman, I yield 4 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. I thank the gentleman for yielding.

Mr. Chairman, I remember when we were talking markup in the Committee on Armed Services, the chairman of the committee said we should form a list that says "List of Things You Would Like if You Had the Money."

If you look at the things we could use in the military, I guess both of these would be very important to the military and to the defense of this country.

I recall very distinctly when President Carter talked about the MX, bringing it on board, and I remember more distinctly than that the MPS system that was going to go into Utah and into Nevada. It seems all along there has been a difficult time to give this MX a home, whether we would actually deploy the MX. I remember a man by the name of Ronald Reagan, a candidate for the U.S. Presidency in Salt Lake City making an interesting point. He said, "I looked at the deployment of the MX. I would not deploy it on the MPS system." You understand the MPS system, that was little huts that were around, roads between them, they were going to jump out of bunkers and fire at different places. It seemed like all the money was going to go into cement and bunkers and not too much in shooting the missile off.

Another idea that came down, "Well, well let's drop it out of airplanes," the big bird system. People came on this floor and talked about putting it in mines and shooting it out of mines, that idea. No one could figure what to do with the MX.

Finally it got down to the idea that we will put it in silos and we will harden the silos so they can protect the missiles.

Then the idea came up when the Soviets with their fertile minds said, "We are going to do two mobile systems. One of those is going to be with the rail and the other with the mobile launcher," of some kind.

So now we find ourselves in a situation with only one and "How are we going to do it?"

Well, back to the chairman's idea: What are the things you would like if you had all the money in the world?

Well, we do not seem to have all the money in the world. So how are we going to spend it to best protect our country? That becomes the issue.

As I look at this small ICBM, and sure it is a great idea, it would be a nice thing to have if you could afford it. But as I understand it, it will never come along until 1993. So, you remember, it was not too long ago people standing up on this floor talking about the B-1 bomber and I remember people in the aisles standing up and saying "the B-1 is a paper airplane, we cannot fight with that, put something in our hands."

So now we got us a paper missile here; we call it the small ICBM. There is nothing to fight with except a small ICBM and it is not even funded if it does come along. So we have this great choice facing us right now. One-third the cost to do the rail garrison as it is the small ICBM, and now we get 10 shots with one MX and we get one shot with the small ICBM.

Therefore I think it has come down to the point: If we want it, fine, let us have the guts enough to stand up here and say, "Great, let's move from $299.5 billion, move it up to $310 billion and have them both."

But we are not going to do that. We do not seem to have the money.

So like everybody, every State legislature, every city council and everyone in their homes, you find that you have to prioritize where you are going to put the bucks. If you are a businessman and a hard-nosed businessman, you always get the most bang for your buck and it seems to me most evident the most bang for the buck is the MX missile.

I would urge the people to go along with the Dickinson amendment which I feel takes care of the problem.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. I thank the gentleman for yielding this time.

Mr. Chairman, I must confess I had not previously been that crazy about the Midgetman, but now I am very pleased that it has come forward because I have not heard so much Republican concern for excessive defense spending since I have been here. In all the time since I have been here the Republicans have seemed to think that the Pentagon had invented the printing press. All of a sudden because the Democrats came up with a missile, we have Republican concern and they are talking about how you cannot just spend and how you cannot have everything you want. I think that is a very good idea. I encourage them to hang onto it for a little while and maybe it will grow and nurture and they will see that is has broader applicability than just to the Midgetman.

I am going to vote for the amendments that would cut the ICBM's. I wish the rule were structured differently. I will have to say there is one attractive thing about several of these amendments, and that is that they are actually going to save money. I know that that is not, in this defense debate, an idea whose time appears yet to have come. But these do, if some of them pass, give us the option of saving money.

I would urge Members to keep that in mind.

I also intend, if others fail, and particularly the amendment of the gentleman from Michigan fails, to vote for the amendment of the gentleman from Massachusetts. The rail garrison idea I thought the gentleman from Utah did a pretty good job of talking about how wrong some of the previous basing modes were. We ran out of new ones, we are back to one of the old ones. I do not think that the rail basis is a lot smarter now than it was when Ronald Reagan was against it in 1980. Perhaps the planets are somewhat differently aligned now than they were then and it has become a more attractive option. But I do not think it is worth all that money.

But one point I want to close on, a couple of the people before me said "Well, we'd better not vote to cut this missile or that missile," and we have heard that throughout the debate, because we are told when Congress votes to reduce arms spending it interferes with the arms reduction process because the Russians will see this and will not go ahead.

In fact, recent history proves exactly the opposite.

During that period in this administration when they were getting everything they wanted from Congress in the military, that every weapons system was being funded, we had no progress whatsoever in arms control.

Some things changed.

One of them was the accession of Mr. Gorbachev. Mr. Gorbachev is not eligible for membership in the American Friends Service Committee or the American Civil Liberties Union. He is not going to run the kind of government any of us would approve of or would want to live under, but he does appear to have an understanding of the economic craziness of the arms race from his country's standpoint. Since his accession things have begun to get a little better. The fact is that congressional interest in arms reduction has aided rather than hindered the arms reduction process. President Reagan and Secretary Gorbachev signed an agreement last time they met, partly a binding one on the INF and part of it was a general statement on START. If the Congress of the United States had not restricted the President's ability to go forward with SDI you would not have gotten that statement.

So we are helping create an atmosphere in which we can take advantage of that change in the Soviet Union and I hope we will vote for the reductions now.

Mr. KYL. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, it is too bad we do not have these Christmas trees, king-of-the-hill arrangements where the last amendment offered and passed negates everything else on all of the expanding domestic programs. But be that as it may. I am for the Dickinson and Rowland amendments, and I am against the Mavroules amendment.

Now a lot of bright people come to this Congress but they are necessarily not bright in defense or other matters that require a lot of scholarship and skill. I do not come into the well to micromanage our defenses. Nor do I pretend that I know more than four-star and three-star admirals and generals. They are the professionals. They are paid to analyze these things. But I am smart enough with 23 years as an Air Force officer capable of flying supersonic aircraft, to go to them and say, "What is the story here? What have you decided?" "What is best for America?"

I just find it strange when people who are smart but do not know anything about the issue, walk on the floor, hear about 5 minutes of debate and then make up their minds that they know how to spend billions of dollars and criticize systems that the the Soviets already have in place.

The Soviets at this moment have deployed their own rail garrison. Just like SDI, the "Soviets do it." They have about 10 trains running around their country armed with a very effective, very accurate SS-24 missile. We have pictures that include a big, brand new calibration building where they run a train with three sets of SS-24 missiles. One set of trains at a time on the same long train and then calibrate it.

Now for those of us who come to the floor and become instant experts I have a proposition for you and I think it is very fair: In H-219 the Air Force is ready to provide Members with the real numbers and to show us the pictures. Information we are allowed to have access to as Members. Every Member of this Chamber, every U.S. Senator has a top secret clearance. The rest of America does not unless they are professionals in the military or working on specific top secret projects in defense.

That is one of the most valuable things we get the day when we raise our hand in this Chamber and swear to uphold the Constitution against enemies, domestic and foreign, is that top secret clearance. Every one of us. You can go a few feet away, right in H-219 and see the pictures first hand. I do not think you are worthy to sit in this Chamber and participate in this debate if you will not do this and look at the real photographs, some of them as recent as March 2 of these Soviet rail garrison trains trolling around the Soviet Union ready to strike the United States if we came to a crisis point.

They have it, we do not.

Now the Air Force have to be very careful of stepping on people's toes and getting involved in politics. They are very upset at some of the figures that have been thrown around. They have a right in the name of truth to put out accurate figures.

Here is what they say about the chairman's figures. They say that they stand by their cost analysis, these professionals, for deployment of the Peacekeeper rail garrison. By the way, everybody who calls it MX is using old terminology. X means experimental and it is not experimental anymore. You may not think it keeps the peace, I do, but its name is Peacekeeper, not MX.

□ 1245

It has gone through all its test phases. It is operational.

Now they say that the total missile procurement remains at less than $13 billion, $12.6 billion; $12.6 billion; this is the Air Force, four-star and three-star generals, men who have been on active duty over 30 years and receive annual efficiency reports that none of us gets in this House.

Some of these professional men get an efficiency report several times a year. They say Mr. ASPIN's figure of $36.5 billion is incorrect. It is $12.6, not $36.5. They say it is obvious from his comments that the costs for rail garrison and Peacekeeper in Minutemen silos have been erroneously added together distorting the actual costs.

But even using the distorted logic it is clear that 1,000 Peacekeeper warheads; that is 50 in silos, 50 on the rails, costs less than 500 small ICBM's.

And here are the figures, and I will close on this. Life-cycle costs in 1988 dollars for rail garrison, $12.6. Life-cycle costs for small ICBM, $38.2. Cost to complete and deploy an additional 500 Peacekeepers, if we want that for that option, $9 billion. Cost to complete and deploy an additional 500; Midgetman, $27 billion.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for yielding to me this time.

Mr. Chairman, for about 15 years, it seems, we, in the Congress and spokesmen for the various administrations that have served during that period of time have debated the question of modernization of the ICBM force—15 years.

In 1975 I reviewed the satellite photographs that were made available to me that depicted the Soviets deploying their ICBM, characterized as the SS-24, now, on railcars. In addressing the question of survivability then it made sense to me that a defense system should have mobility. U.S. bombers are mobil. U.S. submarines are mobil. The Soviets have successfully demonstrated that mobility is essential for survivability for missiles. Mr. Chairman, mobility is essential, to survivability for U.S. missiles.

Now I think I heard someone ask the question a minute ago: How are we going to pay for this system? Affordability has not been considered by the Reagan administration. But the answer is that the cost of the MX is about $15 billion, whereas the cost of the so-called Midgetman is almost twice that amount.

Mr. Chairman, I support a mobile basing mode for the ICBM and given the choice between the MX and the Midgetman I would choose the cheaper of the two systems—the MX. I support the Dickinson amendment.

Mr. KYL. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. MCCRERY].

Mr. McCRERY. Mr. Chairman, the United States has accumulated a national debt of $2.4 trillion. Interest on the debt is now the third largest item in the Federal budget, and that debt threatens the survival of the United States as a great Nation. Congress has created the problem, we control the purse strings of this country, but in Congress lies the solution.

We all know that in order to get spending under control in this country, we must at least reduce the growth in spending of the massive budget areas, including defense. To the credit of the Congress, we have made it clear to the Department of Defense that they will have to participate in efforts to get our fiscal house in order. And to the credit of our armed services, they have developed a set of priorities designed to provide the best possible defense for our country within the reasonable constraints imposed upon them by the Congress. Among the choices the Air Force has made is one designed to bolster the land-based leg of the triad. That is, to develop the rail garrison Peacekeeper system at one-third the cost of the other land-based alternative—the Midgetman. To quote General Welch, Chief of Staff of the U.S. Air Force, in a letter to the esteemed chairman of the House Armed Services Committee, "Considering the budget levels available to the Air Force, the rail garrison Peacekeeper is our clear choice." For this House on the one hand to demand a reduction in the growth of defense spending, and on the other demand that the Air Force fund equally two programs designed to accomplish the same military objective, contrary to the clear advice of our military experts, is, putting it in its best light, inconsistent.

A vote for both Dickinson amendments is a vote for a strong national defense and fiscal responsibility.

I respectfully urge their adoption.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, today we are debating another $15 billion for the MX. We have already spent $21 billion. The fact is, the reason why this debate is taking place at all today is we now admit, finally, the MX is a sitting duck.

My colleagues know that recent studies have come out, and they have gone even further. They say studies show that the MX has a flawed guidance system. That is nice language down here. That means the MX cannot fly straight.

Now imagine this scenario: God forbid we would even have to use one. We launch one of these great warheads, and it strikes the Pentagon. The truth is today we have got a giant, drunk turkey flying around the Halls of Congress, and it is time we shot it down.

Mr. Chairman, this is pure pork. We might as well say under the deregulation of this President, "Why not give the Air Force to Eastern Air Lines and save the money?"

I said today that really in all seriousness America would be much stronger with a vibrant economy than more missiles.

The trouble is, we have got a President that never met a weapons system that he did not like. And we do not have enough votes here today to stop it. He has got more votes in the House of Congress than we do on our side. And this drunk turkey is probably going to pass.

My colleagues, Dwight Eisenhower warned us. He warned us about that military establishment, the tail that would wag the dog, and he was so right because it is here.

Mr. Chairman, this is pure pork barrel, and the defense industry of this country has its grips on Congress, and it is squeezing it. Those toilet seats at $600, those coffeepots at $2,000; that is not a joke. It is happening. We are being ripped off.

I say this $15 billion could complete our water transportation system. It could fix our bridges and put Americans back to work. Instead of MX on railcars, how about high-speed rail systems for taxpayers? No, that is pork barrel; that is pork. My eye.

Do my colleagues know what this is? This is unadulterated pork, and the fattest cats in America are getting the harvest, and I say, "Shame on us, shame on Congress. Vote for Hertel, and then take a very good look at these other amendments because, if Hertel does not fly, we better do something else with this pork because that is exactly what it is."

Mr. KYL. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, the MX is the foremost ICBM now in existence. During 17 test flights, the MX has met or exceeded every performance and design requirement set. Reentry vehicle requirements and fuze performance requirements were exceeded. MX accuracy has been described as "remarkable" by the Scientific Advisory Board. The program is on schedule and below predicted costs. Simply put, the MX is the finest ballistic missile in the world today.

The accuracy of the missile effectively threatens the highest value military assets in the Soviet Union and it has sufficient range to hit any Soviet target. Just as importantly, the unmatched throw-weight permits any necessary future addition of penetration aids should Soviet ballistic missile defenses be expanded or improve in quality.

Rail garrison provides the most cost effective means of addressing any vulnerability problems confronting our land-based missile forces. Its potential costs will be but a third of any proposed small ICBM. It would be over $20 billion cheaper. This is a very significant difference during these times of record deficits when we must make cuts in all of the Federal budget, including the defense budget. Additional funds spent on a more expensive small ICBM will mean that there is less money to spend on other crucial defense programs.

I personally support a full funding of the MX because I believe that it is the best sysem given the current fiscal climate.

I ask my colleagues to vote for peace and security and support adequate funding of the MX.

☐ 1255

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I would first like to make this observation, that I do not believe that this is the way we ought to be doing business. I say that to point out that for those of us in this body who believe that this Nation already has a mobile missile, it is on submarines; and second, that we do agree with the Scowcroft Commission to the extent that they pointed out that based upon the synergistic effect of our total nuclear arsenal, that there really is no need to talk about a vulnerable leg of our ICBM's, because the Soviet planners then have to look at our capacity to respond with the other surviving legs of our nuclear triad.

I say that to make the next point. Under normal circumstances, I would have risen in support of the amendment of the gentleman from Connecticut [Mr. ROWLAND], which seeks to strike the Midgetman, but based on how the rule has been constructed, the so-called King of the Mountain approach, there is no way for us in this body to be able to oppose both mobile missiles. Therefore, a vote in favor of the Rowland amendment not only strikes Midgetman, but it explicitly supports the MX. So it does not give us the chance to express ourselves in a clear and clean fashion.

Therefore, trying to walk myself through this particular political and legislative thicket, Mr. Chairman, based upon the shrewd nature of how this rule has been constructed, I find myself constrained to (A) oppose the Rowland amendment; (B) to support the amendment offered by my distinguished colleague, the gentleman from Michigan [Mr. HERTEL] who seeks to strike the rail garrison MX, which I think is a very strange weapons system, anyway; to oppose Dickinson and finally to support the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES].

Mr. KYL. Mr. Chairman, might I inquire of the Chair two things. First of all, who has the opportunity to close debate? And second, how much time do both sides have remaining?

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The gentleman from Arizona [Mr. KYL] has 15 minutes remaining and the gentleman from South Carolina [Mr. SPRATT] has 10 minutes remaining.

Under the rule, the gentleman from South Carolina [Mr. SPRATT] upholding the committee position will have the right to close.

Mr. KYL. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I would like to respond to some of the comments that have been made here, first of all, to my colleague, the gentleman from California [Mr. DELLUMS] who suggests that we have missiles on submarines and that ought to do the trick. It doesn't. We need a land based leg to our strategic triad.

Mr. DELLUMS cited the Scowcroft Commission. I would make two points: First of all, the Scowcroft Commission did not say that we should not have a land-based leg for our three-leg stool for strategic defense.

Second, the Scowcroft Commission said that we should have 100—not 50, but 100—Peacekeeper missiles. It would cost only $3 billion more to acquire 50 more Peacekeeper missiles.

I think, though, that the most important thing that I can say, is to ask a question.

The question is, what ever happened to the concept of pay-as-you-go? When I proposed the level of spending for SDI that Secretary Carlucci had requested; namely, $4.5 billion, which represented 1½ percent of the defense budget, I was told by my colleagues from the left that it was too expensive, that we could not afford it, that we had to have pay-as-you-go for defense projects.

Now we have support for the small ICBM, coming largely from the left side of the aisle, with the knowledge that it will cost approximately $40 billion, but seemingly no concern about where the money is going to come from to pay for this program.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. KYL. I am happy to yield to my colleague, the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Chairman, I thank the gentleman very much for yielding.

We want to remember, of course, that under the amendment which I am offering, along with the gentleman from Oregon [Mr. AUCOIN], that we reduce by $400 million the amount of the rail garrison account. Therefore, we have a reduction of $400 million.

If we take the overall figures, we are well within the figures put forth in the budget summit which took place last November and last December, so we are well within the goals of the budget resolution.

Mr. KYL. Excuse me, if I could reclaim my time on that point, you are talking about an annual budget. I am talking about a $40-billion life cycle of that program.

Mr. MAVROULES. Let me talk about that for a moment.

Mr. KYL. Will the gentleman please be brief in his comments.

Mr. MAVROULES. I will be brief, and if I have any time, I will give it back to the gentleman, because this is a very important part of the argument here.

The gentleman is throwing around arguments here that it is going to cost only one-third, versus the small Midgetman missile. If we take the complete cost of the MX missile from day one, we are talking about $46 billion—$46 billion compared to $31 billion for the Midgetman missile; so I do not know where the gentleman is getting the figures for one-third of the total cost.

Mr. KYL. Well, I would like to reclaim my time, Mr. Chairman, and point out that what the gentleman has just stated is totally in error.

I would like to point out that according to official Air Force figures, the cost to develop the rail garrison is $7.4 billion, If, as I said, we were to acquire an additional 50 ICBM's, that would be an additional $3 billion.

The cost for developing the rail garrison or the ICBM program to date is about $14 billion. To build the whole program out would be about $19 billion.

The small ICBM program, again according to the Government, is $27 billion if we use 1988 dollars, which of course we will not be doing, because it is a program that takes time, and it is $34 billion in the dollars that will be spent at that time.

Let me just on to point out that a factsheet——

Mr. MAVROULES. Mr. Chairman, will the gentleman yield? The gentleman just said my figures were incorrect. Let me at least defend myself.

Mr. KYL. They are not, but I want to complete my point here.

If the gentleman is relying upon a factsheet distributed by the chairman, I gather today, this factsheet is, if not in error, highly misleading; and here is why.

It shows the cost of the Midgetman at only $21.6 billion. Ah, but if you read further and get down to the fine print, that is to acquire only 250 warheads.

So now we have gotten down to comparing apples and oranges, not apples and apples.

If we are talking about a comparable number of warheads, then you can almost double it and be at the figure the Air Force claims to be the right figure for the Midgetman, or $34 billion.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. If I may defend my position, Mr. Chairman, and I appreciate the kindness the gentleman has shown to me, the record will show that I stated from day one that the MX program, along with the rail garrison and what we expect to buy in missiles—by the way, you buy one missile, you have got to buy two for testing and replacement. The gentleman is not counting that. We are talking about $46 billion.

That is the only statement that I made, and I think that is correct.

Mr. KYL. Mr. Chairman, I will disagree with the gentleman. It is not $46 billion. The gentleman from Wisconsin [Mr. ASPIN] in his figure has $36.5 billion as the number, which takes the program all the way back to the days of R&D. In other words, it encompasses every nickel you could ever say is related to any kind of ICBM modernization. Of course, part of the cost was due to piecemealing in this very body. The missiles could have been produced much less expensively if we had authorized the money to do so at the appropriate time.

As I said, again according to the Air Force, from this point forward we are talking about $7.4 billion as opposed to $34 billion.

Mr. DAVIS of Illinois. Mr. Chairman, will the gentleman yield to me?

Mr. KYL. I yield to the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman for yielding.

I think the gentleman just made my point. My fine chairman has made the point of an extravagant amount of dollars for the Peacekeeper missile that has already been spent from day one.

I think the gentleman is trying to make the point that on the Midgetman we do not want to make the same mistake, to go through $40 billion and find out that maybe we did not start the right way or go the right way or finish the right way, and we are trying to correct those earlier decisions. We can do it now since that money has been committed and is irretrievable.

Now we have the top side of the curve when the production costs of the Peacekeeper are less and the rail garrison affords us survivability and gives us the added flexibility of survivability of the system.

Mr. KYL. Mr. Chairman, I would like to conclude my points first, and if I have any time remaining I will be happy to yield.

The gentleman makes the precise argument that I was leading into, and it is in reponse to my question, where is the money going to come from? The answer is, we are going to take it out of the rail garrison, which is what I expected. Now, we will not get it all out of the rail garrison, but to the extent we rob that Peter to pay this Paul, which is what you are doing, you are violating another principle of efficiency in defense spending by scrapping a program that basically is ready to go now. We have already put all this money into it, as the gentleman points out, and we are going to dump it down the drain over a program that we might be able to get the funding for sometime in the future, if all our colleagues on this side of the aisle as well as some over there are willing to devote another $34 billion to the program in the future, a very questionable proposition in view of the fact that all we get from day one when we started debating the defense budget is, "Well, we can't afford this program, we can't afford that program. We have to pay as you go."

We are not worrying about spending $34 billion on the small ICBM, but we just worried a whole lot about another $800 million for the SDI Program.

So to conclude my first point, I think it is a little bit hypocritical, I guess I would say, to argue on the one hand that for one program we have got to watch every penny and pay as you go for the program, but on this $40 billion program, 10 times as costly, well, we will find it somewhere.

I would like to conclude with three other points before I yield.

This time the objections to the rail garrison are not really monetary, as they have been in past programs. Now we hear that maybe it is vulnerable, perhaps to sabotage.

I have three quick responses to that. First of all, many of those same objections apply to the small ICBM, and I think we recognize that.

Second, many of those objections are overcome if you understand the briefing that is supplied, unfortunately too much of it of a classified nature.

Third, and I would reiterate what my colleague, the gentleman from California [Mr. DORNAN] said, there are briefings available today and there is a very detailed 6-hour classified briefing available for any Member of this body who wishes to take advantage of it, which addresses that precise question.

I challenge my colleague to take advantage of that 6-hour briefing and then say that you still conclude that the system is too subject to sabotage.

In other words, I believe these questions have been answered.

Moreover, as someone from this side of the aisle pointed out, the Soviets have both capabilities. They have got a rail-based and a truck-based capability and because of problems with classification we cannot really discuss exactly how capable those two systems are.

Mr. HERTEL. Mr. Chairman, will the gentleman yield?

Mr. KYL. I will yield to the gentleman for about 20 seconds.

Mr. HERTEL. Mr. Chairman, I thank the gentleman for yielding.

All the proponents of the MX rail garrison have pointed out that the Soviets have their trains with their missiles operating continuously. Is that correct?

Mr. KYL. I did not say operating continuously.

Mr. HERTEL. Operating at a very regular rate.

Mr. KYL. This gets into things we cannot discuss.

Mr. HERTEL. But we can discuss the fact what we should do with our system. Does the gentleman think we should have our system operating on a very regular basis, these MX missiles?

Mr. KYL. No, I do not. This is why I support the rail garrison mode, which is a mode which will permit us on warning to disseminate the missiles into a system which is not subject to attack.

Mr. HERTEL. Four hours?

Mr. KYL. Well, if the gentleman would like to get into the briefings, it depends on where you are and what you are doing; some less than 4 hours, some more than 4 hours.

Mr. HERTEL. Well, these things are not classified that we discussing right here.

Mr. KYL. Well, as to the time it would take to get a certain number of missiles out, I am not certain that we can get into that discussion.

Mr. Chairman, I would like to reclaim my time and get on to another point, and that is the suggestion maybe the public would not be supportive of a system that uses our rail system.

□ 1310

Mr. HERTEL. The gentleman has made my point.

Mr. KYL. It is instructive to note that on hearings conducted from March 15 through April 25 on environmental scoping, 11 such hearings were held, I believe, and interestingly enough the public has been very supportive of this concept. I think we will find the public will support this program.

A final point that I would like to make is that I believe that supporting both the small ICBM and the rail garrison program at this time will also help us in our arms control negotiations. We have demonstrated before that when we take the position with the Soviets that we are very serious about doing something, they become very serious. Until we are serious, they are not serious. If we want to unilaterally negotiate our advantages away on the floor of the House of Representatives rather than trying to get some quid pro quo from the Soviets, then we can support these amendments to reduce the funding levels to the point where the programs are not worthwhile. I suggest that the expenditure of relatively small amounts of money in this year's budget will enhance our opportunities at Geneva.

I know that there are other speakers who wish to address these questions, so in the limited time available to me I will conclude by making the point that this is not the time to further reduce the expenditures for the rail garrison program. The Dickinson amendment that calls for $650 million is the right amendment. That is the right level of spending to move forward with the rail garrison at this point.

With respect to the small ICBM, I have no objection to the $200 million. I suppose I do not even have objection to $350 million because I think both systems are worthwhile systems. But I would not want to be supporting one at the expense of the other.

Unfortunately, I am of the opinion that too many of my colleagues are supportive of the small ICBM at the expense of rail garrison for the reasons pointed out by my colleague the gentleman from Illinois [Mr. DAVIS]. That would be a grave error in terms of strategic defense and for the economy of the country.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, briefly let me make two clarifications. First of all, the gentleman referred to a factsheet handed out by the gentleman from Wisconsin [Mr. ASPIN] that refers to the AF-2RV system. That system which is estimated to cost $21.6 billion is based on an internal Air Force estimate for 250 Midgetmen, but it has 2 MARK-12A reentry vehicles, with 2 warheads each; so on a warhead-for-warhead basis, there is comparability with the MX.

Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, can we talk for just a moment about what mobility is all about? Mobility has importance militarily only if it produces a survivable missile.

The rail garrisoned MX is mobile—but it is not survivable because it takes 4 hours to get those missiles out of their garages and onto the railroad tracks and then dispersed far enough to be safe from an incoming Soviet missile attack. Four hours.

But, Mr. Chairman, how long does it take for a Soviet missile attack to arrive?

Fifteen minutes.

So the rail garrison MX is a weapons system that is vulnerable not at the time of deployment, but at the time of conception.

Rail garrison MX advocates also fail to point out there is no known defense to sabotage, the simple fact of, for example, tearing up the railroad tracks at the choke points in the rail disposal network.

The gentleman from Arizona [Mr. Kyl] talks about cost effectiveness. The Midgetman, which is mobile, does cost more, but its dispersability is fast enough to allow it to survive an incoming attack.

We have to talk cost effectiveness in terms of value. A low-cost missile that does not produce value, or survivability, produces nothing but a Soviet target rather than a credible deterrent and is not a bargain at all. It is not cost effective.

Midgetman may incrementally cost more but because it is survivable, it is a bargain.

The MX is no bargain. It is a pig in a poke, it is vulnerable, and it ought to be defeated. That is why I support the Hertel amendment, and I support the Mavroules-AuCoin amendment.

Mr. SPRATT. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, the key index we are talking about here today is the cost per survivable warhead. Our land-based missiles are vulnerable because they are in stationary silos, they are vulnerable to the SS-18, the SS-19, and maybe the SS-N-23. What we are choosing today is between the rail mobile MX and the rail mobile Midgetman. We are choosing from recommendations that have been laid before us by the Scowcroft Commission. This is not something that we came up with on our own.

Mr. Chairman, there is an emerging threat that we have not discussed today, and it is not the SS-18 or the SS-N-23. It is a projected threat to our missile systems that we talked about yesterday, and that is strategic defense.

There is another reason that the Midgetman system is more vulnerable and therefore is a better system, and that is because it can survive in a defensive environment.

The amendment is really a test of the sincerity and consistency of those who believe that in the next decade we and our adversaries may indeed have deployed strategic defense systems. The best response to strategic defenses, to boost phase interceptors and postboost phase interceptors, is to cut down the operating time for the boost and for the postboost phases. This system, a single-warhead system, carries the capability of reducing these phases to a far greater extent than the MX missile at 190,000 pounds, with 10 warheads. In the postboost phase alone, this system can probably offload its reentry vehicles in 1 to 1½ minutes. The actual number is classified, but there are estimates recently published by Lawrence Livermore Laboratory, to the effect that our systems can offload RV's somewhere around at 45 seconds. Again that is an estimated number. I am not revealing anything classified.

This Midgetman system with two warheads would offload its RV's in 45 seconds to 1½ minutes, as opposed to possibly 7 minutes for the postboost phase of an MX missile. That makes the Midgetman superior not only because of its mobility and the fact that it presents 250 missiles to target in the postboost phase, but also because in the postboost phase, its offload and its RV's faster. Therefore, the Midgetman is much more survivable in the world that some project toward the end of the next decade, when strategic defenses may be factored into the strategic equation.

This is another reason to vote for the Mavroules amendment and support the Midgetman. U.S. mobility, and dispersion will not only make it more survivable versus the SS-18 and SS-19; but against boost and postboost intercepts, it will present more targets and less time for attack. It is a system which can survive not just against today's threat by counterforce missiles, but also against tomorrow's threat of strategic defenses.

Mr. Chairman, I reserve the balance of my time.

Mr. KYL. Mr. Chairman, I yield 1½, minutes to the gentleman from New York [Mr. Stratton].

Mr. STRATTON. Mr. Chairman, we have all been intrigued with the way in which the Defense bill has been argued in these last few weeks, and it has been really a debating society and a remarkable type of thing. I think we ought probably to consider it again another year. But what we should be doing today now is putting into the Defense bill what we actually need for our own protection.

The idea of the MX was to be a defense against the Soviets SS-18's against the SS-19, but we have failed to realize we are competing against both the SS-18 and the SS-19. And we have been also talking about old silos, but today have something that is really new. We have seen a system that the Soviets themselves have developed is obviously more effective than the old silos. This is what we should be focusing on. And I think we ought to carry out the rail garrison. I refer to the mode. It was a proposal of Secretary Weinberger, and I think it is a good idea.

We should embrace it.

Mr. KYL. Mr. Chairman, I yield myself my remaining 30 seconds.

First, I concur in the remarks of the gentleman from New York [Mr. Stratton]. Second, I would suggest that we still have not gotten the answer to the question I previously asked; we have still not heard where we are going to get the Midgetman money from. We cannot pay for it on the back of the Peacekeeper. There is not enough money there.

Third, we are too selective when we say the small ICBM is required by the findings of the Scowcroft Commission. I agree and I am all for the small ICBM if we can pay for it, but we are being too selective when we do not also note that the Scowcroft Commission called for 100 Peacekeepers.

My point is, Mr. Chairman, this is not the time to sacrifice the rail garrison program. It is time to go forward with that at the funding level of $650 million as called for in the Dickinson amendment.

Mr. SPRATT. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. Mavroules] for the purpose of closing our debate.

Mr. MAVROULES. Mr. Chairman, I thank the gentleman from South Carolina for yielding me this time.

On the pay-as-you-go issue, and it has been mentioned a number of times here today, I commend the gentleman from Arizona [Mr. Kyl] for bringing it up. I would ask the gentleman to remember back a number of years ago before either he or my friend the gentleman from Illinois [Mr. Davis] were here, an amendment was put forth by Congressman Miller from California that we pay as we go in all areas, and it was the Republican side that turned it down.

If the gentleman wants to point fingers, start pointing.

Mr. KYL. Mr. Chairman, would the gentleman from Massachusetts yield?

Mr. MAVROULES. I yield to the gentleman from Arizona.

Mr. KYL. I simply want to clarify that I am not pointing fingers. I hope the gentleman from Massachusetts realizes that.

Mr. MAVROULES. I say to the gentleman, I realize that.

Mr. KYL. I am simply saying that if it is fair to argue with respect to an amendment that was going to cost $800 million on the SDI, that that should be paid for as we go, that it would then only be fair to ask the same question of an almost $40 billion program.

Mr. MAVROULES. Mr. Chairman, reclaiming my time, I think it is a fair question and I tried to give the gentleman from Arizona a response, that something had taken place here 5 or 6 years ago. Unfortunately at that time the gentleman from Arizona was not here so, therefore, he is not accountable.

The gentleman from Arizona talked about the Presidential candidates. It has been mentioned here that the two Democrats running for the Democratic nomination, and apparently Vice President Bush, are not for the Midgetman. Let me say to my colleagues, President Reagan was not for the rail garrison back in 1980 when he was kicking the hide off Jimmy Carter all over the west coast, but President Reagan has come around. I think what we have to do here as a body, is to demonstrate that we have the leadership qualities, and I think we can direct the next administration hopefully in the right direction.

Mr. Chairman, I hear this talk about Weinberger this and Weinberger that. It was Secretary Weinberger who came before the Committee on Armed Services back about a year and a half ago and said to us, those of my colleagues who were serving in the Congress at that time, and made an incredible statement. He said, "You would be amazed at what we have done in hardening of the silos for the purposes of the MX missiles which are going into the Minuteman III silos. You would be amazed at what we have done with the technology, and it is going to work."

The question I ask now, of course, is what has happened to the hardening of the silos? Why are we running away from that and suddenly we come up with a new rail garrison position?

The other point which I think is extremely important, and we ought to lay it out, is that there is not a Democrat and for that matter a Republican who does not believe we need a good triad position. We do have the qualitative edge in my judgment and I think in the judgment of everyone including the military, and the Department of Defense as a whole. We have qualitative edges on the ocean, and under the surface of the ocean.

□ 1325

We certainly have qualitative edges in the air with the new technologies. We have the B-1 bomber, we have the B-2, we have amazing programs going on in areas which we cannot discuss. The one area that we have to improve upon is the area of the land-based missile.

The point is that Members talk about experts on this issue, well, I think one of the great experts of our time, was the former Secretary of State, Mr. Henry Kissinger, when he stated only a week ago in the Washington Post. "The wisest course would be to develop a new single-warhead missile to combine the advantages for discriminating targeting and dispersal for survivability. It could be placed into a silo or preferably be made mobile or both."

Let me bring everyone up to date on some of the problems we are having with MX missiles. Forty percent, forty percent of the current MX's based in silos are not on alert because of lack of guidance systems, 40 percent. Incredible. Only 23 of the 38 MX's currently in silos have guidance systems. At the present time we are at least nine systems short of achieving the recovery plan to meet full operational capability of 50 MX's on alert in December 1988.

If Members think we are talking about an incredible program, that is an incredible problem that we should be paying attention to, and this experience strongly suggests the rail garrison MX should be slowed down, slow it down, notwithstanding the Air Force's argument that we should proceed on a concurrent basis with rail garrison because it builds on existing technology. That is the very same argument we heard on the B-1B bomber, and the experience with the current MX Program underscores one point that the rail garrison should be slowed down.

A vote for the Mavroules amendment will be a vote in the right direction.

The debate over ICBM survivability has been clouded by this administration, and it is time to clear the air. This administration would have us believe that after discarding more than 30 basing schemes for the multiwarhead, first-strike MX, this rail-mobile proposal is something that we should embrace. However, because of many fundamental flaws inherent in this scheme, it is painfully apparent that the rail-mobile plan should have never left the drawing board.

Not only would these trains be vulnerable to a sudden Soviet attack, but there is also no way to protect the 180,000 miles of track proposed for this scheme. Protecting every railway line, switch, tunnel, and junction from destruction by determined persons would be either impracticable or impossible. In addition, when based in garrison, these MX trains would be more vulnerable to Soviet warheads than they are sitting in the ground today. That's correct, I said more vulnerable.

The rail garrison would offer no protection against a direct hit. Furthermore, it would take only a minor barrage of the Nation's rail lines to stop the MX trains in their tracks. Some have estimated that it would take but one-half of the Soviet SS-18 ICBM force to wipe out the rail garrison completely.

As many of you know, Pentagon officials have openly admitted that this system is vulnerable to a Soviet attack within 4 to 5 hours of dispersing the trains. In a crisis situation, time is one of the most valuable commodities. Under the rail garrison plan, therefore, we are put at a distinct disadvantage in dealing with a terrifying situation.

This fundamental flaw in the rail garrison scheme puts us in a "use 'em or lose 'em" situation when the MX trains are dispersed.

You and I know that these trains would be set in motion on any indication of a threat. However, because of their vulnerability for 4 to 5 hours after dispersal, it is highly likely that, in this deadly equation, dispersion equals launch.

In the early 1960's, rail mobile deployment was looked at as a possible option for Minuteman but was rejected because of the public interface problem. As the chairman of my committee and correctly noted, public opposition to MX trains trundling through their communities promises to be strong.

This system needs to be scaled back; it should be recognized for its mediocrity and sent back to the drawing board.

We should be doing as much as possible to promote second-strike survivable systems such as the small ICBM, or Midgetman missile. In stark contrast to the soft and slow rail garrison, the Midgetman is survivable in a matter of minutes, not hours.

Many of my colleagues have acknowledged the aforementioned attributes of the Midgetman, but have labeled cost as a drawback. First, when compared to other major programs such as the advanced technology bomber, the advanced tactical fighter, and the advanced tactical aircraft, the cost of the Midgetman is well within reason.

Second, many of us are familiar with the tire commercial that sells its product by proclaiming "because there is a lot riding on your tires." Well, the lives of the American people are riding on this issue. Let's not confuse the goal: we need a survivable ICBM force, and the Midgetman would go a long way toward that goal.

Make no mistake my friends, if we decide to adopt the rail-mobile system at the expense of the Midgetman, we are going to end up with 100 MX missiles. The 50 MX cap that we worked hard to put in place would be nullified, and the genie will have been let out of the bottle.

Please join me in moving the question of ICBM survivability in the right direction.

[From the Washington Post]

START: A DANGEROUS RUSH FOR AGREEMENT

(By Henry Kissinger)

President Reagan has stated that he hopes the START agreement to reduce U.S. and Soviet strategic forces by 50 percent will be completed in time for the summit at the end of May. There has been astonishingly little debate about the impact of such an agreement on strategy, verifiability and foreign policy. A pause in the rush to agreement is needed to permit a national debate while the treaty can still be reshaped. It is essential also to insure that Congress will fund the measures that will be necessary to ensure the survivability and strategic effectiveness of America's nuclear deterrent under START conditions. Before America makes another arms control deal with the Soviet Union, it must make a deal with itself.

For START is being negotiated in a conceptual vacuum. The United States has not yet decided—or at least has not put forward—what strategic forces it proposes to deploy under the START ceiling of 4,900 warheads in 1,600 missiles and 1,100 nuclear weapons on aircraft. Or how it plans to verify Soviet observance of these limits. Yet the relative capability of U.S. strategic forces—or the perception of it—has been the key element in Western security policy for the entire postwar period.

Still, common sense permits certain projections. The United States will almost certainly opt to retain 18 submarines out of the current 36, down from 41 in the 1970s. Since each Trident submarine has 24 missiles counted as having eight warheads each, this would place 3,456 warheads on submarines and leave 1,444 warheads to be distributed among land-based missiles.

When the number of submarines is cut so drastically while the agreement leaves Soviet antisubmarine forces free to grow and modernize, the vulnerability of the U.S. residual submarine force must inevitably increase. This would be especially true were a technological breakthrough to occur in antisubmarine warfare.

The situation with respect to land-based missiles is more precarious still. The Washington summit agreement reduces Soviet heavy missile warheads from 3,080 to 1,540. Though this is lauded as a great achievement, any serious analysis shows that the survivability of the U.S. land-based force after the proposed reduction can be maintained at present levels only by a major—and expensive—modernization program. And the present level of vulnerability already is considered dangerous by most experts.

U.S. land-based missiles now consist of 2,000 warheads on three types of missiles: 500 highly accurate warheads on 50 MX missiles; 1,500 reasonably accurate warheads on 500 Minuteman III missiles and 500 inaccurate large warheads on Minuteman II single-warhead missiles—the oldest in the U.S. arsenal.

Retaining the most accurate and modern weapons—the MX and Minuteman III—and scrapping the Minuteman II would be most cost effective and most consistent with a strategy of sparing civilian populations and concentrating on military targets. However, it would also produce the most vulnerable U.S. deployment. Indeed, such a START scheme would actually worsen the vulnerability of American silos. Today the Soviet Union has 3,080 SS-18 warheads aimed at 1,000 U.S. silos. After START, assuming the United States retains its most effective weapons, the Soviets would have 1,540 warheads aimed at 364 silos, thereby raising the ratio of warheads to silos from 3.08:1 to 4.2:1. It is hard to argue that such a result would be a contribution to "stability."

The cheapest way to maintain the existing ratio of Soviet warheads to U.S. missiles would be to disperse U.S. targets by replacing a number of Minuteman IIIs with three warheads for a three times larger number of Minuteman IIs with single warheads. The disadvantage is that Minuteman IIs have relatively poor accuracies. They are most useful for a strategy of civilian devastation and least suitable for a strategy concentrating on military targets.

The wisest course would be to develop a new single-warhead missile to combine the advantages for discriminating targeting and dispersal for survivability. It could be placed into a silo or preferably be made mobile or both. But the best course is also the most expensive.

But no agreement on the composition of the strategic forces exists either within the executive branch or between the administration and Congress. For budgetary reasons the administration has all but shelved the Midgetman, the proposed single-warhead mobile missile. The Senate Armed Services Committee has approved a mobile Minuteman III; the House Armed Services Committee has opted for the Midgetman in principle but allocated insufficient funds. There are drawing board schemes to reduce the number of missiles on Trident submarines from 24 to 16, thus increasing the number of submarines by a third and complicating the tasks of Soviet antisubmarine warfare. But nobody has advanced a concept for how to pay for the additional submarines.

The administration therefore needs to make sure that Congress will in fact fund the necessary programs. At a minimum, there should be an executive-legislative summit in which the administration outlines how it proposes to compose post-START U.S. strategic forces and congressional leaders agree to fund the programs needed to improve their survivability.

A pause in the rush to agreement also would permit closer examination of verification in the crucible of the realities that would be created by the new agreement.

A verification system would have to be able to determine whether the permitted numbers of 6,000 warheads and 1,600 missiles have been exceeded.

I know of no expert who believes that the margin of error with respect to counting the number of mobile intercontinental missiles can be smaller than 25 percent. Yet the two newest Soviet missiles are mobile: the SS-25 is land mobile and the SS-24 is rail mobile.

The problem of counting Soviet missiles produced but never deployed is even more intractable. In the negotiations for the recently concluded INF agreement, the Soviet Union revealed that it had produced 50 percent more medium-range weapons than it had deployed. In START, unlike INF, the production lines for strategic weapons would remain open.

If verification of the total number of missiles is difficult, determining the number of warheads could turn into a nightmare. Since it is impossible to establish from a satellite how many reentry vehicles a missile carries, certain mechanical "counting rules" have been established over the years. Every multiple-warhead missile was assumed to have the maximum number of reentry vehicles that had been tested on that missile even if it carried fewer reentry vehicles when actually deployed.

The Washington summit jettisoned that principle. America's new submarine-launched missile, the D-5, has been tested with 10 warheads. Nevertheless, to maintain a minimum number of submarines the United States chose to equip each D-5 missile with eight reentry vehicles. In return the Soviets were permitted to count the reentry vehicles on their submarine-launched missile, the SSN-23, at four, even though it had been tested in an 8-to-10-warhead version. Similar discrepancies exist with respect to the Soviet heavy ICBM, the SS-18. The number of reentry vehicles assigned to missiles has become a subject of negotiation, not of verifiable testing data.

Complex schemes—probably too complex for day-to-day use—for the on-site inspection of deployed warheads are being discussed, but no arrangement could prevent the Soviet Union from producing warheads with the largest number of reentry vehicles already tested, stockpiling them and installing them in times of crisis or perhaps even between the inspections. We must take care lest on-site inspection works more to tranquilize than to reassure.

Before an agreement is signed, the public and Congress need to understand precisely the scope and limits of verification. A number of questions must be answered, such as:

(a) What confidence do we have in the verification scheme for limitation subject to the START agreement?

(b) What is the cumulative risk if the verification system is under stress and not carried out under ideal laboratory conditions?

(c) By how much and in what ways does on-site inspection improve on national technical means, such as satellites?

(d) How will the verification system be integrated into American decision-making at the highest levels?

(e) What is the United States prepared to do in case of violations?

(f) What level of violation would threaten free-world security and why?

In the end the START process will mark another major step away from the deterrent strategy pursued for the entire postwar period. It will be another step toward stripping away the legitimacy of nuclear weapons without linking that process to the vital need to reduce the conventional arms threat either by building conventional forces or via conventional arms control. The growth of Soviet strategic forces in the mid-'70s coincided with making nuclear strategy a domestic issue in most democracies. As a result Western nuclear strategy has progressively become separated from rational objectives. Accurate warheads and missile defenses have all been vilified; mass destruction of civilian targets has been emphasized as if only the prospect of a holocaust would preserve peace. These evasions leave the democracies increasingly suspended between Armageddon and surrender. The prospective START agreement will inevitably exacerbate this incoherence, accelerating abdication from the weapons on which Western strategy is based without producing an alternative.

It is self-evident that the dismantling of American medium-range weapons in Europe, followed by a 50 percent cut in the strategic forces of the United States, must have some impact on Western strategy. What targets that once were covered will be left unattended under the new agreement? What happens to the four submarines "assigned" to the North Atlantic Treaty Organization when the total number of submarines on station in the Atlantic has shrunk to around six? How does NATO visualize the relationship between nuclear and conventional defense in both strategy and arms control? How do we propose to link these processes?

One way to improve the survivability of strategic forces would be to build a strategic defense at least for missile sites. Yet in order to achieve START the administration has agreed to a nine-year deployment ban extending into a third presidential term after the Reagan administration. It is in the process of agreeing to unspecified restrictions on testing. If history is any guide, these restrictions are likely to atrophy the program, since no deployment ban or testing restrictions have ever been abandoned by the United States. If the administration is willing to accept that outcome, it should obtain a higher price, for example, scrapping all the Soviet heavy missiles. If, however, the administration seriously intends to proceed with the Strategic Defense Initiative, it should put before an executive-legislative summit a strategic rationale and a program and budget levels for the next decade. If it fudges the issue, it will inherit the disadvantages of every course of action: de facto abandonment of SDI for no equivalent concession.

"Reductions" and "ending the nuclear threat" have become catchwords in the domestic debate of all NATO countries. But the Western alliance requires a strategy, not a slogan. START should not proceed further until the American people and our allies have been told with some precision where this process is leading.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). All time has expired.

It is now in order to consider the amendments relating to ballistic missiles printed in section 1 of House Report 100-590, by, and if offered by, the following Members or their designees, which shall be considered in the following order only:

(A) Representative DICKINSON;

(B) Representative HERTEL;

(C) Representative DICKINSON; and

(D) Representative MAVROULES.

If more than one amendment is adopted, only the last such amendment which is adopted shall be considered as finally adopted and reported back to the House.

AMENDMENT OFFERED BY MR. ROWLAND OF CONNECTICUT

Mr. ROWLAND of Connecticut. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN pro tempore. Is the gentleman from Connecticut [Mr. ROWLAND] the designee of the gentleman from Alabama [Mr. DICKINSON]?

Mr. ROWLAND of Connecticut. Mr. Chairman, yes, I am.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROWLAND of Connecticut: At the end of part A of title II of division A (page 19, after line 11), insert the following new section:

SEC. 206. FUNDING FOR ICBM MODERNIZATION PROGRAMS.

Of the amount provided in section 201 for the Air Force, no funds are available for the Small Intercontinental Ballistic Missile (SICBM) program.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Connecticut [Mr. ROWLAND] will be recognized for 5 minutes and a Member in opposition will be recognized for 5 minutes.

MODIFICATION TO AMENDMENT OFFERED BY MR. ROWLAND OF CONNECTICUT

Mr. ROWLAND of Connecticut. Mr. Chairman, I ask unanimous consent to modify my amendment.

The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment as modified, offered by Mr. ROWLAND of Connecticut. At the end of part A of title II of division A, page 19, after line 11, insert the following new section:

SEC. 206. DENIAL OF FUNDING FOR SMALL ICBM PROGRAM.

None of the amount provided in section 201 for the Air Force is available for the Small Intercontinental Ballistic Missile (SICBM) program. The amount provided in section 201 for the Air Force is hereby reduced by $500,000,000.

The CHAIRMAN pro tempore. Is there objection to the request for the modification by the gentleman from Connecticut?

There was no objection.

The CHAIRMAN pro tempore. The amendment is considered as modified.

The gentleman from Connecticut [Mr. ROWLAND] is recognized for 5 minutes.

Mr. ROWLAND of Connecticut. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. STRATTON], the distinguished chairman of the Subcommittee on Procurement and Military Nuclear Systems of the Committee on Armed Services.

Mr. STRATTON. Mr. Chairman, I join the gentleman from Connecticut that we ought not to have the small mobile missile. It is too expensive. It does not do the job, and we ought to go instead to the rail garrison as fast as we can.

Mr. ROWLAND of Connecticut. Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from South Carolina [Mr. SPRATT] is recognized for 5 minutes.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I think this would be a very dangerous step to kill all funding for the Midgetman Program. Much has been made of the Scowcroft Commission recommendations.

Let me tell you what they said in December 1987 when Brent Scowcroft wrote a letter to the chairman of the Senate Armed Services Committee. He was asked the question about making a judgment between Midgetman and rail mobile MX, and the general said:

> We would stress, once again, that it is vital for the Nation's security that we have underway a program for long-term ICBM survivability to hedge against long-term vulnerability of our forces. While there are several possible approaches to the fulfillment of this compelling need, the small mobile ICBM is currently the most promising. In that respect, the rail garrison basing for MX, while possessing attractive features, is not a substitute for the small mobile ICBM inasmuch as it requires significant warning time to achieve survivability.

If we go with the amendment of the gentleman from Connecticut [Mr. ROWLAND] we will then have killed the Midgetman Program. We would then be faced with a cap here in the House on 50 MX's, and the result would be that we would have in place no ICBM modernization program. I do not believe this House is going to take the cap of MX and, therefore, we would be making a very serious mistake in killing Midgetman.

Let us keep both of these programs alive. Let us let the next President make a recommendation to Congress on this issue. Let us defeat the Rowland amendment.

Mr. ROWLAND of Connecticut. Mr. Chairman, I yield myself 2 minutes.

I would like to follow up on a few points which have been made during the last 90 minutes of debate we have had on this issue.

Indeed, these are tough economic times. I think many of us on both sides of the aisle have tried to make good decisions with regard to SDI and many of the other missile systems and programs we have talked about throughout the week.

The fact of the matter is that we should not allow an option for the next administration, because by all accounts Mr. Dukakis, Mr. Jackson, and Mr. BUSH, candidates for office next year, would all scrap the Midgetman system. To spend $200 million or $500 million or $600 million to allow an option makes no sense whatsoever. We have got to make a decision which system we are going to stick with.

The total cost of the Midgetman is at least $40 billion. The Pentagon, the Air Force, Democrats, Republicans, conservatives, liberals all agree that we cannot afford both systems.

I would agree with the gentleman that the most difficult position we could be in is if we eliminated the Midgetman and the MX rail garrison.

I would encourage Members on both sides of the aisle to support the Dickinson amendment in case this particular legislation does not pass.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I have given a lot of thought to this matter as it has been before our committee many, many times.

It seems to me the Rowland amendment is a mistake, because it makes a decision not to do anything about the Midgetman at all, and as I look at these various other amendments here, I come down in favor of the amendment of the gentleman from Massachusetts [Mr. MAVROULES] and the AuCoin amendment. This seems to be the most logical thing, because if we pass that amendment, we will be passing an amendment which will allow us to be evenhanded between these two competing concerns.

My own feeling about the MX would be that if the MX were really in fact mobile and in a secure manner, I might buy that, because it is cheaper. Unfortunately, the decision has apparently been made in the Pentagon that there is no way to put it on ordinary highways and railways which I think is feasible; but as long as they think that is not feasible, it seems to me the MX garrison is a mistake.

Mr. ROWLAND of Connecticut. Mr. Chairman, I yield back the balance of my time.

Mr. SPRATT. Mr. Chairman, I simply want to add to the debate some information which I do not believe yet has been brought forth, and that is that substantial funds have been provided for the exploration and engineering of the rail mobile garrison deployment for the Peacekeeper missile. First, we have provided moneys to explore alternative basing modes for the MX or the Peacekeeper in prior fiscal years.

□ 1335

Of that money, $120 million was provided for exploring the engineering feasibility of this rail mobile garrison system.

Last year we provided $350 million more for rail-mobile basing. If today we adopt and approve the Mavroules amendment we will provide another $100 million. Much of this previously provided authority has yet to be used, so if we pass the Mavroules amendment with $100 million more for the mobile rail garrison system, we will have provided $570 million to explore and do a lot of engineering and development on what is not really such an advanced concept, the rail mobile garrison. We will not slight that system, we will give it enough money so that the next President can make an informed and wise decision and choose between these two competing systems. But he can only make that decision if we also keep alive the Midgetman system, and that is why it is important that we reserve our options, and support the Mavroules amendment which will be coming up shortly, and defeat the Rowland amendment now.

Mr. Chairman, I yield back the balance of my time.

PREFERENTIAL MOTION OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. DELLUMS moves that the Committee now rise and report the bill back with the recommendation that the enacting clause be stricken.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DELLUMS] is recognized for 5 minutes in support of his preferential motion.

Mr. DELLUMS. Mr. Chairman, I shall not press the thrust of this privileged motion to its logical conclusion. I simply use this extraordinary means, given the time constraints, to make several points.

First of all, as I said earlier, this gentleman is frustrated by the fact that we cannot challenge both of these weapons systems. Both of these weapons systems are considered mobile systems. Both of these systems are considered to be systems that respond to the so-called vulnerability of our fixed-based ICBM's.

Mr. Chairman, I would like to recant a little history to tell how we got to this moment. In 1977 this gentleman, the first Member of this body to stand up and oppose the MX missile as a mobilized ICBM, stated at that time that we are attempting to fashion a solution for which there is no problem. I stated then that the Soviet Union could not look into the mid-1980's and suddenly say, aha, the United States' fixed based missiles are vulnerable, let us attack. That would be a bizarre flight into insanity, because I believe then the Soviet planner would have to take into account the aggregate of our total nuclear forces, what remaining survivable missiles could do in terms of making a response: "synergism."

At that time no one was prepared to listen to the argument. President Reagan came into office. The question became what do we do with the MX missile. He established a Scowcroft Commission. The Scowcroft Commission, after tens of thousands of dollars, many weeks of study, came out saying we ought to deploy a certain number of MX missiles in fixed-base Minuteman silos.

People could not believe this. They said, what, you are placing MX's in vulnerable silos?

What was the Scowcroft Commission's response? They read DELLUMS' testimony in 1977, apparently, because they said, "synergism." The Soviet planner must look at the aggregate of American force.

I gave you that, it did not cost you a dime, and you were not prepared to listen to it. Hopefully today my colleagues will be prepared to listen to it.

The issue of vulnerability is a straw man. We are attempting to fashion a solution that does not exist.

This is now beyond the mid-1980's. We do not have an MX in mobile mode. We do not have Midgetman in mobile mode. Have we been attacked by the Soviet Union? Obviously not, because of synergism, because the Soviet Union knows that we do have two legs of our triad that can respond and inflict such incredible damage that they could not survive as a civilized society in modern time, to say nothing of the myriad of human, the incredible aggregate of human life that would be destroyed on this planet if we moved down the road toward the absurdity of thermo nuclear war.

Mr. Chairman, we do not need the Midgetman, we do not need the MX missile, we do not need any of this. What we do need is to return to a rational and sane understanding that technology is not going to save us in the nuclear age. But it is coming to two points. That is, rational minds must come to understand that war is no longer an option in a nuclear age, and No. 2, that we ought to talk about sitting down to negotiate. There has been a great deal of discussion here about making the Soviets know what we mean. We are at the table: why do we not negotiate?

We have homeless and poor people, we have unemployed people, and farmers being driven off the land. But what are we doing? We are talking about tens of billions of dollars, building some Midgetman that would destroy life beyond comprehension, and some MX missiles on a rail garrison, as someone said it is a mobile Chernobyl right in the middle of, in the heart of the American people. We do not need any of that madness.

What we need to do is to negotiate peace. If the Soviets are prepared to come to the table, then let us do that. But spending billions of dollars talking about handling a problem of vulnerability, even the Scowcroft Commission understood that. I would say to my colleagues that if the Scowcroft Commission conclusion made sense a few short years ago with respect to synergism, why is it not not relevant, or are we saying that it was a fraudelent presentation to the American people then? If it was correct at that time it is correct now.

I wish, Mr. Chairman, that those of my colleagues who believe all of this is absurd had a chance to challenge it. But this has been configured in such a manner that those who want the Midgetman will end up getting the Midgetman; those who want MX will end up getting MX. And again this body will not have made an intelligent and rational decision, but we will have tap-danced on the winds of expediency and made this world a more dangerous place.

The CHAIRMAN pro tempore. Does any Member desire to rise in opposition to the preferential motion? Members of the committee have priority.

Mr. ROWLAND of Connecticut. Mr. Chairman, I rise in opposition to the motion.

The CHAIRMAN pro tempore. The gentleman from Connecticut is recognized for 5 minutes.

Mr. ROWLAND of Connecticut. Mr. Chairman, first I would like to thank the distinguished gentleman from California [Mr. DELLUMS] for rising in support of my amendment. I appreciate his well thought out words and thoughts, and quite frankly what we are discussing today is an economic/political issue.

This, in my memory, is one of the first times that we will be sending a message to the Pentagon and the American people that we are willing to set some priorities, that we are willing to make some tough decisions. I have listened to the arguments now for the last hour and a half, and there have been different viewpoints.

The gentleman form California [Mr. DELLUMS] of course would like to eliminate both programs. There are some like myself and the chairman of the Subcommittee on Procurement and Military Nuclear Systems who are willing to make the tough choices, and there are plenty of individuals on this side of the aisle who would like to have both systems. We simply cannot afford to have both systems. The price tag is $40 billion just for the Midgetman system.

We can easily throw away $500 million, which is what we are doing here, because the next administration, whoever it may be, does not support the Midgetman. The Air Force has shown time and time again that they have responded to congressional pressure in keeping the Midgetman before us. They have also stated that in the long term, in the out years, there is no money being allocated or planned for the Midgetman system.

So what are we doing today? We are saying to the American people, we are saying to our colleagues, we are saying to the Pentagon OK, fine, we will make the decision, we will cut out the $500 million, that option. We keep talking about the option for the next administration. That is a false argument if we cut out that $500 million we can use that money. It is a savings, something we do not talk about very often. That money can be used for improving the quality of life for our service men, for military construction, for military pay increases. We can be using it to enhance, maintain, and retain the fine young men and women that come into our military. And if we do not do that, we have $500 million that we use to try to counter the deficit.

So, Mr. Chairman, I hope and pray that this is going to be one of the messages that we are going to be sending, that this is going to be one of the times we are going to look past some of the political overtures. I know some of my distinguished colleagues on the other side look at the Midgetman as a fallback to the MX. They say to themselves if I am against the MX I have to be in favor of something, so I will be in favor of the Midgetman. I do not think that is going to hold water.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. ROWLAND of Connecticut. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I would just like to say two things.

First of all, I would like to make one correction in the RECORD. The Scowcroft Commission did recommend 100 MX's, but they also said in the long term we should develop a single warhead survivable mobile system. As I said earlier, the Commission continues to stay with that position.

I appreciate very much the gentleman from California and his concern about peace and his concern about arms control. One thing he should remember is what we are talking about here is the post-START environment. When we are at 6,000 warheads or less, then synergism does not work nearly as well as it does at current levels. I am certain my colleague supports going down to 6,000 warheads or less; therefore, survivability becomes a much more important issue and one that he should take into account.

The single warhead system proliferates AIM points, and makes it impossible for the Soviet Union to contemplate an attack against our land-based ICBM's. It takes away the necessity of having phase 1 of SDI, which is three times as expensive as Midgetman.

Mr. ROWLAND of Connecticut. Mr. Chairman, reclaiming my time, in conclusion I want to thank my colleagues on both sides of the aisle. I do not know if this amendment is going to pass, but I hope as we look at the next four amendments that we make an economic decision, we set some priorities and not just fall back on what seems to be the best political decision.

The CHAIRMAN. All time has expired.

The question is on the preferential motion offered by the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent to withdraw the preferential motion.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Connecticut [Mr. ROWLAND].

The question was taken; and on a division (demanded by Mr. DICKS) there were—ayes 7, noes 15.

RECORDED VOTE

Mr. ROWLAND of Connecticut. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 100, noes 309, not voting 22, as follows:

[Roll No. 106]

AYES—100

Archer
Armey
Baker
Ballenger
Bartlett
Bentley
Bilirakis
Bliley
Buechner
Callahan
Coble
Combest
Craig
Crane
Dannemeyer
Davis (IL)
Davis (MI)
DeFazio
DeLay
Dickinson
Dornan (CA)
Dreier
Edwards (OK)
Fields
Ford (MI)
Frank
Gallo
Gekas
Gingrich
Goodling
Gregg
Hammerschmidt
Hansen
Hastert
Hefley
Hefner
Henry
Herger
Holloway
Huckaby
Hunter
Hyde
Inhofe
Johnson (CT)
Kanjorski
Kastenmeier
Konnyu
Latta
Livingston
Lowery (CA)
Lowry (WA)
Lujan
Lukens, Donald
Lungren
Madigan
Martin (NY)
McCandless
McCrery
Michel
Molinari
Moody
Murtha
Nielson
Packard
Parris
Ridge
Ritter
Robinson
Rogers
Roth
Rowland (CT)
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Skeen
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Stratton
Studds
Sundquist
Swindall
Tauke
Upton
Vander Jagt
Visclosky
Walker
Weber
Weldon
Wolf
Wylie

NOES—309

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Barton
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Darden
de la Garza
Dellums
Derrick
DeWine
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Ford (TN)
Frenzel
Frost
Gallegly
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hertel
Hiler
Hochbrueckner
Hopkins
Horton
Houghton
Hoyer
Hubbard
Hughes
Hutto
Ireland
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jontz
Kaptur
Kasich
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lott
Luken, Thomas
MacKay
Manton
Markey
Marlenee
Martin (IL)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moorhead
Morella

Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Nagle
Natcher
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Oxley
Panetta
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Rahall
Rangel
Ravenel
Regula
Rhodes
Richardson
Rinaldo
Roberts
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Scheuer
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert (OR)
Snowe
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stump
Sweeney
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Valentine
Vento
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weiss
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolpe
Wortley
Wyden
Yatron
Young (AK)
Young (FL)

NOT VOTING—22

Badham
Biaggi
Bilbray
Boulter
Crockett
Daub
Duncan
Foley
Gray (PA)
Hawkins
Jones (TN)
Mack
Mica
Myers
Neal
Owens (NY)
Owens (UT)
Quillen
Ray
Stokes
Udall
Yates

□ 1410

The Clerk announced the following pairs:

On this vote:

Mr. Badham for, with Mr. Boulter against.
Mr. Quillen for, with Mr. Daub against.

Mr. BOLAND and Mr. ECKART changed their votes from "aye" to "no."

Mrs. JOHNSON of Connecticut, Mr. GOODLING and Mr. PARRIS changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DICKINSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time with the agreement of my chairman to take advantage of the Members' presence so that we can explain the sequence of events and the votes that will be upcoming.

There will be four votes and five total positions.

Mr. Chairman, this is a decision as to which of the two ICBM systems we would fund, and in what amounts. One has to do with rail garrison, and the other has to do with the so-called Midgetman, the small single-warhead ICBM.

The amendment we just voted down would have taken all the money out of the Midgetman and left 500 million in for the rail garrison.

The next vote, which will be offered by Mr. HERTEL, will do just the opposite. It takes all the money out of the rail garrison and funds 500 million for the Midgetman. If that is the way my colleagues want to go, that will be their next vote.

Mr. HERTEL. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. Mr. Chairman, I yield to the gentleman from Michigan [Mr. HERTEL].

Mr. HERTEL. Mr. Chairman, as far as interpretation, my amendment only takes down the money for the MX; it does not do anything to the money for the Midgetman that is already in the bill.

Mr. DICKINSON. The final figure will be as I stated; is that correct?

Mr. HERTEL. I agree.

Mr. DICKINSON. The next amendment will be offered by this gentleman. I will put in $650 million for the rail garrison, and $350 for the Midgetman, which would carry it at least to the end of this year.

Mr. Chairman, the last amendment that will be offered will be offered by the gentleman from Massachusetts [Mr. MAVROULES]. He will propose $100 million for the rail garrison and $600 million for the small mobile. This is a king of the mountain voting procedure, and, if none of the four amendments prevails, then we go back to the original committee position of $500 million for each.

So what we are doing in this series of amendments is jockeying to see which one of these two systems are preferred. If my colleagues do not want to prefer one over the other at all, then it goes back to the committee position of $500 million each. That will be the sequence of votes. The Department of Defense started out with $800 million for the rail, $200 million for the Midgetman. The committee provided $500 million for each system.

Mr. Chairman, the next will take out all money for the rail and leave in just $600 million for the Midgetman. My amendment would say $650 for the rail plus $350 for the Midgetman. Mr. MAVROULES would say $100 for the rail plus $600 for small Midgetman or small mobile.

If none of these prevail, then there will be no vote on the committee position on the king of the mountain; and the 500/500 position stands.

□ 1415

I think I have stated it correctly. I would be glad to yield to anyone who wants to correct anything I have said.

Mr. Chairman, I yield back the balance of my time.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

I would just like to say that the gentleman from Alabama has stated the parliamentary situation exactly correctly. Each of these amendments will have 10 minutes of debate and then we will have a vote. The gentleman states the situation as it is.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. HERTEL

Mr. HERTEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HERTEL: At the end of part A of title II of division A (page 19, after line 11) insert the following new section:

SEC. 206. PROHIBITION OF FUNDS FOR MX RAIL-GARRISON PROGRAM.

None of the funds authorized by section 201 for the Air Force shall be available for the MX rail-garrison program.

MODIFICATION TO AMENDMENT OFFERED BY MR. HERTEL

Mr. HERTEL. Mr. Chairman, I ask unanimous consent to offer a modification to my amendment.

The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified:

The Clerk read, as follows:

Amendment, as modified, offered by Mr. HERTEL: At the end of part A of title II of division A (page 19, after line 11) insert the following new section:

SEC. 206. PROHIBITION OF FUNDS FOR MX RAIL-GARRISON PROGRAM.

(a) PROHIBITION.—None of the funds authorized by section 201 for the Air Force shall be available for the MX rail-garrison program.

(b) REDUCTION IN ACCOUNT TOTAL.—The amount provided in section 201 for the Air Force is hereby reduced by $500,000,000.

Mr. HERTEL [during the reading]. Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan to modify his amendment?

There was no objection.

The CHAIRMAN pro tempore. The amendment is considered as modified.

The gentleman from Michigan [Mr. HERTEL] is recognized for 5 minutes in support of his amendment, as modified.

Mr. HERTEL. Mr. Chairman, first of all, let me characterize my amendment by saying that we would take the entire amount out in this bill for the MX Garrison system, though let me remind my colleagues that in last year's budget we allocated $350 million in the continuing resolution and the authorization bill and that the committee estimates that $300 million of that amount is still available for the Air Force to answer the following questions that have not been answered in this debate. We have had over 90 minutes of debate. I realize it is somewhat difficult with four different amendments, but I spoke early on it in that debate, and let me put these issues once again to the opposition to this amendment.

I pointed out that in all of our other nuclear weapons systems we have two things in common. One, the military is in control. That is not true in this case. When these missiles leave the garrison, they will be on public railroad systems operated by the current public railroad people, not the military. The civilian railroad people will make the decisions as to traffic in the way, as to changing tracks and all the rest.

No. 2, unlike all of our other nuclear weapons systems, this rail garrison system with the MX on the railroad cars will go through population centers. We make sure that our submarines have good communications and are obviously away from our populations. That is also true of our bombers, now and in the future. It is obviously true of the missiles we have in silos and on the ground.

This would be the only nuclear weapons system that we would put in population centers. That is why I oppose it. That is why I believe the American people oppose it, as they have opposed and as this Congress has opposed every other rail system proposed for missiles in the sixties and the seventies. That is why I say we should not spend the $350 million last year and another $500 million plus on a $13 billion system that the public is rightfully going to object to because they are concerned about railroad accidents, they are concerned about what happened yesterday in Nevada with an explosion, when rockets and missiles are involved.

So why spend all that money and then rightfully have a future Congress say no?

The public is justified in its concern about putting our largest weapon with the most warheads on railroad cars through population areas. That is why I oppose it. That is why the American public is going to oppose it.

Finally, we do not have an answer from the Department of Defense, from the very top people who are making these decisions, as to when it is going to be deployed. All we know is that they have told us, "The rules have not been fully established," even though they want a billion dollars from us, $500 million of it in this bill.

General May, in charge of the program, has told our committee this year, 2 months ago, that they will put the train out on the tracks before they put the SAC bombers in the air. That shocked me. I think it should shock this Congress. That means the trains would be deployed more than our bombers now and in the future. I think that is wrong. I think the public will agree.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does any Member desire to speak in opposition to the pending amendment?

Mr. DICKINSON. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] is recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, I am very pleased to rise in opposition to the amendment, because what the gentleman would propose to do first does not make sense; second, it is terribly expensive, and third, is contrary to what both the Department of Defense and our committee has agreed to do after studying the problem.

The gentleman from Michigan has pointed out questions that were asked of the general before one of our hearings and were not answered. It is quite obvious to me from the statements that the gentleman had made that he had not heard the answers. The answers have been forthcoming and anyone in the committee or off the committee, as long as they are members, have available to them classified briefings as to how these missile trains will operate and what will be done with them.

But the fact is there is a whole sequence of events that will be set up that are in the making right now as to the switches, who will man the trains. The trains will be manned by military personnel. They will deploy, just as the small mobile would have to be deployed and just as the bombers that stand on alert in times of national emergency would deploy when ordered out by the President. What is wrong with that? In times of crisis they are flushed and deployed and made very difficult to forget by any opponent.

It is a commonsense thing, and to say zero this and go with the Midgetman just makes no sense at all.

Who is going to fund it? Every year we get less spending for defense. They want to pick the most expensive system, delete the most economical and viable system, and it just makes no sense.

Mr. Chairman, I yield the balance of my time to the very distinguished gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. Mr. Chairman, I rise in opposition to the Hertel amendment.

I have listened very carefully to the arguments of my distinguished colleague against the small ICBM or against the rail garrison MX. I think they should be shot full of holes.

In the first place, we have not heard from the gentleman where the small ICBM will be driven around. If I had to choose from a safety variable today, our railroad tracks are much more safe than our highways. If you look at accidents per capita, there are a lot more truck wrecks than there are train wrecks.

As far as that goes, in a national emergency the railroads, in my opinion, would be the one mode of operation that would be unimpeded. If we have a national emergency, very few people have trains in their garages that they can get out on and drive down the railroad tracks. They are going to be out on the highways and the byways and in the air.

I think this is just a political argument. It is not based upon the facts of the survivability of the rail garrison MX.

I was thinking coming over, I made me a paper airplane. I made a mistake. I make it on the whip notice. I hope that the small ICBM is more predictable than our whip notice, but be that as it may, we are not in junior high school playing with paper airplanes today. Since 1972 while we have been carrying on this political debate the Soviet Union has deployed five different ICBM systems: the SS-17, 18, 19, 24 and 25.

Mr. Chairman, the Soviets have a rail garrison MX. They know the benefits of the rail garrison MX.

Mr. Chairman, I like the small ICBM. I wish that we could afford both systems, but the truth of the matter is that we are not going to be able to afford both systems.

Look at the ones running for President today. Mr. Dukakis is against the small ICBM. Mr. Jackson is against the small ICBM, and Mr. BUSH is against the small ICBM. When they have to make a decision with the Congress about spending $20 billion more for right now a paper missile system, I want to see some of my dear colleagues come down here and support taking money out of educational funds, Social Security and health care, to build another paper missile system.

Mr. Chairman, I rest my case. Vote against the Hertel amendment. Vote for the Dickinson amendment.

Mr. HERTEL. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, the questions have not been answered. We know that the operational test and evaluation Director, John Kriegs, has said that the testing report was not good enough to support a full-scale development system.

The difference between the bombers that were alluded to, the difference between the rail garrison and the small mobile is still that all those other systems will not be operational in population centers, like the MX rail. We do not want our biggest, most powerful missile, going down the public railroad tracks. It was rejected in the 1960's. It was rejected in the

1970's. It will be rejected once again by a future Congress, and I believe by a future administration. So let us not sink more money, $500 million, into this system because it is cheaper, if it is no good, if the public will oppose it, if the next administration will oppose it. We should not waste money on it just because it is cheaper. That is money down a rat hole. They have got $300 million left from last year to answer the questions that I have proposed once again today.

When is it going to be deployed? How is it going to be safe on public railroad tracks? What is going to happen when the people in these population centers are opposed to an MX missile coming through their cities, towns, and neighborhoods? Those questions have not been answered.

Therefore, Mr. Chairman, I ask you to vote "no" on MX rail and to save $500 million.

The CHAIRMAN pro tempore. All time for general debate has expired.

Mr. ASPIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Maine [Mr. Brennan].

Mr. BRENNAN. Mr. Chairman, I rise today in strong support of the Hertel amendment calling for deletion of funding for the rail garrison basing plan.

As a member of the House Armed Services Committee, I have heard considerable testimony relating to the issue of ICBM survivability. I must say, that testimony has failed to convince me of the rail garrisons contribution to enhancing our ICBM forces security.

This rail garrison basing scheme is a ploy to procure more MX missiles. The Congress, after reviewing the recommendations of the Scowcroft Commission, decided to cap the MX deployment at 50 missiles and endorse the concept of a survivable small ICBM. The proponents of the rail garrison cite the Commission's report of endorsing 50 additional MX missiles if a survivable basing plan is adopted. I believe we are still without a survivable basing plan for more MX missiles.

The underlying premise for the rail garrison plan is that sufficient warning will be given by the Soviets that a massive ICBM attack will take place. In order to receive maximum protection of our forces, the garrison will be flushed from the military reservation out along our rail system.

According to the Air Force, some 4 hours will be needed to properly disperse the rail garrison from the military reservation. We all know in this threatening world of nuclear ICBM's, launch time can be pared down to minutes rather than hours.

A plan which calls for hours of warning time is simply not feasible.

Another consideration which seriously calls into question the safety aspects of the basing plan relates to using our Nation's rail system. While we have accepted the basing of ICBM's on our Nation's military reservations, our constituents seriously question the wisdom of placing our ICBM's running through populated regions.

The recent history of our rail system indicates the problems with rail safety and the likely danger this rail garrison would pose to our constituents.

There is a danger of sabotage to the rails which would disrupt the plan to disperse our missiles. What kind of survivability would that have bought?

The Reagan administration reviewed a significant number of basing plans for the MX missile. The Carter administration's plan of using a race-track system underground (called multiple-protective-shelter) was dismissed by the Reagan administration as unworkable and too vulnerable.

I see many similarities between the Carter MPS plan and the current rail garrison proposal. I believe both should be scuttled before massive funding is squandered on them.

The basing studies reviewed in the early months of the Reagan administration indicated the faults in seeking a truly survivable basing mode. However, we are attempting once again to "find" a plan which contradicts significant scientific and military study.

Today we can stop this misallocation of scare defense budget dollars and support the Hertel amendment.

Mr. ASPIN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Michigan [Mr. Hertel].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HERTEL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 143, noes 265, not voting 23, as follows:

[Roll No. 107]

AYES—143

Ackerman
Akaka
Annunzio
Anthony
Atkins
AuCoin
Bates
Beilenson
Berman
Boland
Bonior
Bonker
Bosco
Boucher
Boxer
Brennan
Bruce
Bryant
Cardin
Carr
Clay
Coelho
Collins
Conte
Conyers
Cooper
Coyne
DeFazio
Dellums
Dingell
Dixon
Donnelly
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Evans
Feighan
Flake
Florio
Foglietta
Ford (MI)
Ford (TN)
Frank
Garcia
Gejdenson
Gephardt
Gonzalez
Gray (PA)
Hall (OH)
Hamilton
Hayes (IL)
Hertel
Hopkins
Horton
Hoyer
Jacobs
Jeffords
Johnson (SD)
Jones (NC)
Jontz
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Markey
Martinez
Matsui
Mavroules
McCloskey
McHugh
Mfume
Miller (CA)
Mineta
Moakley
Moody
Morrison (CT)
Mrazek
Nagle
Nowak
Oakar
Oberstar
Obey
Olin
Panetta
Pease
Pelosi
Perkins
Petri
Rahall
Rangel
Rodino
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sensenbrenner
Shays
Sikorski
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Solarz
St Germain
Staggers
Stark
Studds
Swift
Synar
Torres
Towns
Traficant
Traxler
Vento
Visclosky
Walgren
Waxman
Weiss
Wheat
Williams
Wolpe
Wyden

NOES—265

Alexander
Anderson
Andrews
Applegate
Archer
Armey
Aspin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boehlert
Boggs
Borski
Brooks
Broomfield
Brown (CA)
Brown (CO)
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Carper
Chandler
Chapman
Chappell
Cheney
Clarke
Clement
Clinger
Coats
Coble
Coleman (MO)
Coleman (TX)
Combest
Coughlin
Courter
Craig
Crane
Dannemeyer
Darden
Davis (IL)
Davis (MI)
de la Garza
DeLay
Derrick
DeWine
Dickinson
Dicks
DioGuardi
Dorgan (ND)
Dornan (CA)
Dowdy
Dreier
Edwards (OK)
Emerson
English
Erdreich
Espy
Fascell
Fawell
Fazio
Fields
Fish
Flippo
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gekas
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Gregg
Guarini
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Hochbrueckner
Holloway
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Johnson (CT)
Kanjorski
Kasich
Kemp
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
MacKay
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morrison (WA)
Murphy
Murtha
Natcher
Nelson
Nichols
Nielson
Ortiz
Oxley
Packard
Parris
Pashayan
Patterson
Penny
Pepper
Pickett
Pickle
Porter
Price
Pursell
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Saxton
Schaefer
Schuette
Schulze
Sharp
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Spratt
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist

Sweeney
Swindall
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Whitten
Wilson
Wise
Wolf
Wortley
Wylie
Yatron
Young (AK)
Young (FL)

NOT VOTING—23

Badham
Biaggi
Bilbray
Boulter
Crockett
Daub
Duncan
Dyson
Foley
Hawkins
Jones (TN)
Mack
Mica
Morella
Myers
Neal
Owens (NY)
Owens (UT)
Quillen
Ray
Stokes
Udall
Yates

☐ 1446

The Clerk announced the following pairs:

On this vote:

Mr. Yates for, with Mr. Mack against.
Mr. Hawkins for, with Mr. Daub against.

Messrs. FAZIO, SLATTERY, and PORTER changed their votes from "aye" to "no."

Mr. GARCIA and Mr. GONZALEZ changed their votes from "no" to "aye."

So the amendment as modified was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. MORELLA. Mr. Chairman, on rollcall No. 107 I was in the Chamber and thought I had voted, but do not see myself recorded. I meant to vote "aye."

AMENDMENT OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Dickinson: At the end of part A of title II of division A (page 19, after line 11), insert the following new section:

SEC. 206. FUNDING FOR ICBM MODERNIZATION PROGRAMS.

Of the amount provided in section 201 for the Air Force—

(1) $650,000,000 is available for the MX rail-mobile program; and

(2) $350,000,000 is available for the Small Intercontinental Ballistic Missile (SICBM) program.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Alabama [Mr. Dickinson] will be recognized for 5 minutes and a Member in opposition will be recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, my amendment is the only one that represents a compromise position. The committee position is 500 for one missile system, 500 for the other missile system. The administration requested 800 for rail, 200 for the Midgetman. My amendment would split the difference. It reduces from 800 to 650 for the rail, and increases the 200 to 350 for the small ICBM or Midgetman.

This is a real sincere effort to reconcile the differences from the two schools of thought. I think it is fair. I think it is reasonable.

Mr. Chairman, the committee came out with 500 each. As I said, the administration wanted 800 and 200. This amendment says 650 for one, 350 for the other. It tries to meet halfway.

Mr. Chairman, who is in favor of the rail mobile? I will tell you who is in favor of it. First, the President of the United States is in favor of it; second, the Chairman of the Joint Chiefs of Staff and the Joint Chiefs are in favor of it, and the Secretaries of Defense is in favor of it. The Speaker of the House has joined with 27 Members of the Texas delegation in writing a letter to Secretary of Defense Carlucci. The last sentence says, "We extend a large welcome mat and ask you to join us and make Texas a future home of the Peacekeeper rail garrison." This is signed by Speaker Jim Wright, Charles Stenholm, Phil Gramm, Lloyd Bentsen, and a total of 27 Members from Texas.

My amendment is a sensible approach to breach the chasm between the two points of view. It is needed. It is not in excess of what was requested by anybody. I think it is a common sense approach that I will sincerely urge the Members to let us try to straddle the difference. Let us have an accommodation between the two points of view, and I would urge the Members that the following amendment after this would only give $100 million for the rail and increase the Midgetman to $600 million.

My amendment represents the fairest agreement. It is nearer to the committee position. It is nearer the position of the Department of Defense, and I would urge support of all the Members for the 650/350, which is contained in this amendment.

I yield to the gentleman from Ohio [Mr. Kasich], my colleague.

Mr. KASICH. Mr. Chairman, I think the gentleman from Alabama [Mr. Dickinson] hit the nail right on the head when he said that this is a fair compromise, because what it does is recognize the importance of MX and moves us into the area of rail garrison, but also emphasizes the Midgetman by providing more than what the administration wanted.

I think this is the fairest of all the amendments. I voted against the Rowland amendment to eliminate Midgetman, but I support the Dickinson amendment because it emphasizes MX mobility but at the same time re-emphasizing our support for the Midgetman. It keeps that system alive.

To make them equal is not proper; to balance it the other way would not be fair. I think the Dickinson amendment is the best approach, and for those who are looking to supporting constructively two systems, I urge them to support the Dickinson amendment.

Mr. DICKINSON. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. For what purpose does the gentleman from Wisconsin [Mr. Aspin] rise?

Mr. ASPIN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. Aspin] is recognized for 5 minutes.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. Russo].

Mr. RUSSO. Mr. Chairman, I rise in opposition to the Dickinson amendment.

Mr. Chairman, what happens if we build this MX rail garrison basing mode and the Soviets attack it with an SS-17 missile? I will tell you what happens: A $15-billion system goes up in smoke without one missile being dispersed. In fact, what do the following Soviet Missiles have in common: the SS-17, SS-19, SS-24, SS-25, the SS-N-8, SS-N-18, SS-N-20, and SS-N-23? What they have in common is that they are all deployed today, and none of them are accurate enough to hit our ICBM in silos today, but any one of them can annihilate the MX rail garrison.

After 10 years of MX basing modes that would be vulnerable by the time they were deployed, we are now offered one that is vulnerable the day it is conceived.

☐ 1455

That is progress? We are going to make it easier for the Russians to destroy our ICBM's.

Under the rail garrison basing mode it is going to take about a half an hour for the first train to disperse and about 4 to 6 hours for the others. But a Soviet SLBM can be on target in 15 minutes, or 5 minutes if they get depressed trajectories.

Then I am told, well, we might not disperse the trains. We might just launch under attack right through the roof of the garrison. That is true, we could do that. But we could also do that today from the silos. So we do not need to spend another $15 billion to do something we can do already.

The bottom line is this, do you trust the Russians to warn us before they do a Pearl Harbor sneak attack? Do you trust them not to develop and use the ability to attack by surprise? If you do, you vote for the MX garrison basing mode, and then I will tell you where you can get a good deal on the Brooklyn Bridge.

Mr. ASPIN. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. Gray of Illinois). The gentleman from

Alabama [Mr. Dickinson] has 1 minute remaining.

Mr. DICKINSON. Mr. Chairman, I have the right to close debate, it is my understanding, since this is my amendment and it is not against the committee position.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. Aspin] has the right to close debate on behalf of the committee.

Mr. DICKINSON. He is not representing the committee position, Mr. Chairman.

Mr. ASPIN. On this amendment, the gentleman from Wisconsin is representing the committee position, which is to be against the Dickinson amendment.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. Aspin], chairman of the committee, does have the right to close debate.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. McCrery].

Mr. McCRERY. Mr. Chairman, part of a realistic approach to solving our country's fiscal problem is for the Congress to define the parameters of a reasonable level of spending for defense and allow the armed services to devise the best possible defense for the United States within those parameters.

The question of a mobile land-based ICBM provides us the opportunity to begin that process. A vote for the Dickinson amendment is a vote for a strong national defense, and a vote for fiscal responsibility.

I urge adoption of the Dickinson amendment.

Mr. ASPIN. Mr. Chairman, I yield myself my remaining 2 minutes.

Mr. Chairman, I rise in opposition to the Dickinson amendment. The arrangement that I think most Members agreed to was that we should keep both of these systems alive, and I would say the votes today on the Rowland amendment and the Hertel amendment show that a majority of the Committee of the Whole want to keep both systems alive.

The question then is how much should we fund? We ought to adequately fund both of these systems. The committee bill I think did in fact pretty adequately fund both of these systems with $500 million for each system.

The trouble was over in the Senate. They have grossly underfunded the Midgetman to the tune of only $50 million and put $700 million for MX rail. I think the only way in which we can get anything that comes out of conference that is anywhere faintly close to the original arrangement that I think most Members in the House agreed to would be to now vote for the Mavroules amendment to tilt the House heavily in favor of the Midgetman and against the rail MX.

I strongly urge my colleagues to vote against the Dickinson amendment because we are going into conference with a Senate that has $700 million for rail MX and only $50 million for Midgetman. I urge my colleagues to vote against the Dickinson amendment and in favor of the Mavroules amendment.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Alabama [Mr. Dickinson].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 156, noes 247, not voting 28, as follows:

[Roll No. 108]

AYES—156

Alexander
Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chappell
Cheney
Coble
Coleman (MO)
Combest
Courter
Craig
Crane
Dannemeyer
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Erdreich
Fawell
Fields
Flippo
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodling
Gradison
Grant
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Henry
Herger
Holloway
Houghton
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Johnson (CT)
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Lent
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McMillan (NC)
Michel
Miller (OH)
Molinari
Montgomery
Moorhead
Morrison (WA)
Nichols
Nielson
Oxley
Packard
Parris
Pashayan
Pickett
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Robinson
Rogers
Roth
Rowland (CT)
Saiki
Saxton
Schaefer
Schuette
Schulze
Shaw
Shays
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tauzin
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (AK)

NOES—247

Ackerman
Akaka
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Byron
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coats
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Darden
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
English
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Florio
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Grandy
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Hall (OH)
Hamilton
Hatcher
Hayes (IL)
Hefner
Hertel
Hiler
Hochbrueckner
Hopkins
Horton
Hoyer
Hubbard
Hughes
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McGrath
McHugh
McMillen (MD)
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Panetta
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Rahall
Rangel
Richardson
Ritter
Roberts
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sensenbrenner
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert (OR)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Studds
Swift
Synar
Tallon
Tauke
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yatron

NOT VOTING—28

Badham
Biaggi
Bilbray
Boulter
Bustamante
Crockett
Daub
Duncan
Dyson
Foley
Frenzel
Hawkins
Jones (TN)
Mack
Mica
Myers
Neal
Ortiz
Owens (NY)
Owens (UT)
Quillen
Ray
Schneider
Stokes
Udall
Valentine
Yates
Young (FL)

□ 1518

The Clerk announced the following pairs:

On this vote:

Mr. Young of Florida for, with Mr. Bilbray against.

Mr. Boulter for, with Mr. Hawkins against.

Mr. Daub for, with Mr. Bustamante against.

Mr. Quillen for, with Mr. Ortiz against.

Mrs. SMITH of Nebraska, Mr. HILER, and Mr. MINETA changed their votes from "aye" to "no".

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MAVROULES

Mr. MAVROULES. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN pro tempore (Mr. Gray of Illinois). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Mavroules: Page 19, after line 11, insert the following new section:

SEC. 206. BALLISTIC MISSILE MODERNIZATION PROGRAMS.

(a) Program Funding.—Of the amount provided in section 201 for the Air Force—

(1) not more than $100,000,000 shall be available for the MX rail-garrison program; and

(2) the amount otherwise provided for the Small Intercontinental Ballistic Missile (SICBM) program (as specified at page 151 of House Report 100-563 under amounts for ICBM Modernization programs (line number 74)) is hereby increased by $100,000,000.

(b) Account Reduction.—The amount provided in section 201 for the Air Force is hereby reduced by $300,000,000.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Massachusetts [Mr. Mavroules] will be recognized for 5 minutes and a member in opposition will be recognized for 5 minutes.

Mr. MAVROULES. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. AuCoin].

Mr. AuCOIN. Mr. Chairman, last month in England the commander of an F-11 squadron there told me he could not get 30 percent of his bombers off the ground because he did not have spare parts. Last month my Subcommittee on Defense Appropriations was told that our Navy fighter pilots are falling dangerously short in air combat training hours. To a fighter pilot, combat flight training is the difference between living and dying.

This is critically important now that the Soviets are introducing the Mig-29 Fulcrum which is competitive with our best fighters.

In tactical air power we have always relied on equipment superiority and people superiority to make up for numerical inferiority. But for the next few years people superiority, and that means combat hours, are going to be crucial to America's ability to maintain her competitive edge.

Mr. Chairman, this amendment helps solve this problem. It adds $200 million for operation and maintenance. That is enough to operate 250 F-16's for a full year. We get the money from the MX rail garrison basing mode which is a basing mode that cannot survive and therefore is not effective. It adds nothing to our defense. When you think rail garrison basing, think vulnerability because that is all it is. It is advertised as mobile, but in fact it is too slow for survivability. Rail garrison MX takes at least 4 hours to disperse but it only takes 15 minutes for Soviet missiles to land in the United States.

That makes the MX a Soviet target practice program, not a functional deterrent. If you want to take our MX's out of the hard silos where they are 80-percent vulnerable and put them in soft garages where they are 100-percent vulnerable, vote against our amendment. But if you want to give our troops the combat readiness they need, then vote "yes" on the Mavroules/AuCoin amendment.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. Foglietta].

Mr. FOGLIETTA. Mr. Chairman, I rise in support of the amendments to reduce funding for the rail-mobile MX missile.

Time after time we are told the MX is vital for our national security and we are given new, somehow different, basing modes. But time after time the basing modes are rejected because they do not cure the root problem of vulnerability, therefore only heightening the chances of an attack instead of deterring them.

Five years ago, General Scowcroft and his commission suggested a means to end the debate through limited MX deployment, but the commission strongly urged that the real focus be on a smaller, less vulnerable missile—the Midgetman.

With the Midgetman we finally have a missile which works with, rather than across, the grains of arms control. We have a missile which truly deters a Soviet first strike, not by the empty threat of preemption, but by greatly reducing the ratio of nuclear warheads to targets, thereby assuring a retaliatory strike following a Soviet attack.

The Midgetman is expensive and, given the constrained budget realities, it is clear the Pentagon cannot have it all; it cannot have both the MX and the Midgetman. The Defense Department must make a choice.

But we must not single out the Midgetman to bear the burden of the budget cuts. To fund the MX missile and its railroad cars would simply waste the precious dollars, it would not make sense, in strategic terms or budget terms.

I urge support for the amendments to reduce MX rail garrison funding.

Let us end the MX debate and move on to some new thinking.

Mr. MAVROULES. Mr. Chairman. I would reserve my time unless they have speakers on the other side.

The CHAIRMAN pro tempore. Does the gentleman from Alabama [Mr. Dickinson] desire to speak in opposition?

Mr. DICKINSON. Mr. Chairman, it is my understanding I have the right to close.

The CHAIRMAN pro tempore. Is the gentleman upholding the committee position?

Mr. DICKINSON. I am opposing the amendment of the gentleman from Massachusetts which would, I assume, make me in the position of upholding it.

The CHAIRMAN pro tempore. The question of who has the right to close would depend on who is espousing the cause of the committee.

Mr. DICKINSON. I would assume that the Chair would rule the same on this issue as it did the last time I asked the question and that would mean I have the right to close.

The CHAIRMAN pro tempore. The manager of the bill always has the right to close. In this case, since the gentleman is upholding the committee position, he would be entitled to close.

Mr. DICKINSON. I am in the same position as the chairman was on the last amendment. I am opposing the amendment to the committee bill.

□ 1525

The CHAIRMAN pro tempore (Mr. Gray of Illinois). The Chair will assume the gentleman is representing the committee position. He is recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, I only have one speaker, and I would reserve my right to close.

The CHAIRMAN pro tempore. The gentleman from Alabama is correct.

Mr. MAVROULES. Mr. Chairman, I yield myself such time as I may consume.

Let us be clear in our intent: it is imperative that we establish a level playing field for the next administration, so that the next President can equally weigh the pros and cons of the Midgetman and MX. We should not take that decision away from him; he should be free to consider all the options. This amendment allows him to do just that.

In addition, we must not close the door on the recommendations of the Scowcroft Committee, which advocated the production of the single-warhead, mobile missile called the Midgetman. The Department of Defense budget makes no bones about tilting the scale toward deployment of this rail garrison basing mode. It is up to this body to ensure that a level playing field is set for this debate, that the

MX and Midgetman be considered on equal terms by the next President.

Please join me in moving the question of ICBM survivability in the right direction and ensuring a level playing field for this vital issue.

Mr. DICKINSON. Mr. Chairman, at this time I yield the balance of my time to the distinguished gentleman from Wyoming [Mr. CHENEY].

Mr. CHENEY. Mr. Chairman, I rise in opposition to the Mavroules amendment. I think it is a bad amendment which tilts us in the direction of the small ICBM and away from rail garrison. I am intrigued by the arguments from the gentleman from Wisconsin [Mr. ASPIN], the distinguished chairman of the committee, who suggests that the House should adopt the position based upon what the Senate is likely to do so that we can go to the conference and have leverage. I assume that means then, if the Senate had approved $1 billion for the small ICBM, we would be here today considering an amendment for $1 billion for rail garrison.

Mr. Chairman, my voters did not send me here to vote based upon anticipation of what the Senate might or might not do. I think we ought to support the position that we believe is the correct one.

I am fascinated, Mr. Chairman, by the debate here today. We have some of those same Members who have consistently argued the Defense budget trying now to require that we take the most expensive option to obtaining a mobilized ICBM force. Unfortunately, I think the support of some of my colleagues for the small ICBM is a bit of a smoke screen. They are not so much interested in building a small ICBM as they are in providing a fig leaf to hide behind to justify opposition to rail garrison.

Some of our colleagues never support the deployment of any additional capability on the grounds that there will always be something better in the future. They opposed the B-1 on the grounds that we should wait for the B-2. Now they oppose Pacekeeper and rail garrison on the grounds that we should wait for the small ICBM. A few years ago they opposed the deployment of Peacekeeper in silos because of basing problems. Now that we have a survivable basing mode, they are opposed to rail garrison. Oftentimes they oppose any improvement to our strategic capability.

Mr. Chairman, the quickest, cheapest way to guarantee the survivability of the land-based leg of our triad is to deploy Peacekeeper and rail garrison. The quickest, cheapest, most efficient way to add 500 highly accurate warheads to our inventory, warheads that will guarantee our ability to hold at-risk targets in the Soviet Union, is Peacekeeper and rail garrison. The missile has been tested, developed, and deployed. There have been 17 successful test flights. It has met or exceeded every requirement. It has the best record of any missile we have ever developed, and it has the most capable ICBM in the world today. For $13 billion we can deploy an additional 500 accurate, survivable warheads; the cost of an equivalent number of warheads using the small ICBM, $38 billion, nearly 3 times as much.

I do not doubt, Mr. Chairman, that some of my colleagues who are advocating the small ICBM really would like to add it to our force, but many are using it simply as a device to rationalize their opposition to a program that would provide additional capability now and in the near term.

But regardless of whether our colleagues are true advocates of the small ICBM, we must keep in mind the facts of life about our budgetary situation. As a result of last fall's budget agreement, the Air Force had to accept $10.5 billion in the fiscal year 1989 request. For fiscal year 1990 they are faced with a $21 billion cut, and between fiscal year 1990 and 1993 the total expected reduction in the Air Force budget is $97 billion.

Given that fact and the enormous difference between the cost of rail garrison and the small ICBM, we have no choice if we want to follow a realistic course of action but to go for rail garrison and support research on the small ICBM. We should continue R&D on the Midgetman, allow the next administraion to make the choice, but to do that we have to support the committee position. We have to oppose the Mavroules amendment. It should be defeated.

Mrs. LLOYD. Mr. Chairman, because of the present budgetary constraints, two programs which had previously been considered separately are now competing for the same share of the pie. Although I recognize some of the merits of the small ICBM, or Midgetman, under this arrangement I will support funding for the rail garrison basing for the MX missile. The MX Missile Program is one in which Congress has already invested a great deal, and this proposal will help us to maximize return on that money. The rail garrison has the virtue of protecting the multiwarhead MX without the major drawbacks of the previous basing schemes.

In the House Armed Services Committee we funded both programs at the $500 million level to carry both over into the next administration. This keeps both barely alive but does not provide either with levels of funding which would represent a congressional commitment. The decision on this program is simple and it is one that can be made in this Congress.

The essence of both programs is survivability through mobility. The better a system is able to survive a first strike, the greater its second strike, and therefore, defensive capabilities. But we must also consider the cost effectiveness of such systems through development and deployment. The national commitment, supported by Congress, is that current and planned U.S. Forces should provide high confidence deterrence of a surprise attack.

The rail garrison proposal can provide this deterrence through mobility at one-third the cost of the small ICBM. We simply cannot afford up to $42 billion for a new missile system. Budget pressures have forced restructuring of several strategic programs. According to the Air Force, the only option for financing continued SICBM development and deployment is to divert most of the funding from conventional forces

The investment has been made, the MX missile has been developed. We should maximize the return on the money we have already spent on ICBM basing. The rail garrison is the logical approach.

Mr. FRENZEL. Mr. Chairman, on the previous vote, the Dickinson amendment, I was in the House Chamber, but failed to vote. It had been my intention to vote no. I have voted no on other amendments in this series, indicating my support for the committee's figures with respect to MX rail garrison and the Midgetman missile.

Mr. MARLENEE. Mr. Chairman, I find myself in a quandary because of the structure of the amendments before this body on an important nuclear strategic issue. I find it distasteful that we play politics with the defense of our country.

The Soviets now have a sufficient number of modern accurate weapons they can use to destroy most of our silo-based nuclear missiles. This is not a good deterrent policy because if the Soviet leaders believe they could strike first and destroy our ability to strike back, they may be more likely to take this dramatic move during a future crisis.

The advantage of Midgetman and rail garrison based MX is that they will be able to move during a crisis and possibly avoid destruction in a Soviet first strike. So, adding the Midgetman and the MX to our strategic arsenal will help prevent a nuclear war from ever occurring. And, according to anyone's definition, that's real peace.

I would like to have the opportunity to vote for full funding of both the Midgetman and the Peacekeeper missile based in rail garrison. I was pleased to learn that the House Armed Services Committee supported an additional $300 million for research and development of the Midgetman missile above the President's initial request. While this missile is slated to be deployed at Malmstrom Air Force Base, which is in my district, I would still support the Midgetman regardless of where it is deployed because it is strategically sound.

However, I was disappointed that the Armed Services Committee took funds designated for the Midgetman from the rail garrison Peacekeeper Missile Program. In my opinion, both ICBM systems are important complements to the enhancement of a modern land-based nuclear deterrent. The United States has not introduced a new land-based nuclear missile since the 1960's while the Soviets have embarked on several strategic modernization programs since the 1970's.

Mr. Chairman, the amendments before us today offer only partial solutions to our need to modernize our land-based nuclear deterrent. The Rowland amendment would delete all funds for the Midgetman. Conversely, the Hertel amendment would delete all funds for the MX rail garrison program. Congressman DICKINSON has offered an amendment that would add funds to the MX Program to $650 million by transferring funds from the Midgetman Program, which would be left with $350 million. Finally, Congressman MAVROULES would like to cut the Peacekeeper Program by bringing its funding level down to $100 million while boosting Midgetman funding to a total of $600 million.

In the best of all possible worlds, I would like to vote to fully fund both systems. However, the amendments on the floor precludes this option. As a result, I believe that the amendment offered by Congressman DICKINSON remains the least of the bad options open to me. With the Dickinson amendment, the MX rail garrison would proceed on schedule and the Midgetman Program will have $150 million more than was in the President's original fiscal year 1989 budget request.

However, when that amendment failed, I was compelled to vote the Mavroules measure, which would at least increase funding for the Midgetman. I can only hope that the other body will analyze this issue from a less political perspective. Maybe this issue can be worked out in conference committee that would satisfy the concerns of my colleagues and bolster our strategic nuclear deterrent.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES].

The question was taken; and the chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 233, noes 171, not voting 27, as follows:

[Roll No. 109]

AYES—233

Ackerman
Akaka
Anderson
Andrews
Annunzio
Anthony
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bevill
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Byron
Campbell
Cardin
Carper
Carr
Chapman
Clarke
Clement
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Darden
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dowdy
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hertel
Hochbrueckner
Hopkins
Horton
Hoyer
Hubbard
Hughes
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Panetta
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Rahall
Rangel
Richardson
Roberts
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sensenbrenner
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden

NOES—171

Alexander
Applegate
Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Chappell
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Courter
Craig
Crane
Dannemeyer
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
Dorgan (ND)
Dornan (CA)
Dreier
Edwards (OK)
Emerson
English
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodling
Gradison
Grandy
Grant
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Hastert
Hefley
Hefner
Henry
Herger
Hiler
Holloway
Houghton
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Johnson (CT)
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Lancaster
Latta
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Madigan
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moorhead
Morrison (WA)
Nelson
Nielson
Oxley
Packard
Parris
Pashayan
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Robinson
Rogers
Roth
Rowland (CT)
Saiki
Saxton
Schaefer
Schuette
Schulze
Shaw
Shays
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tauke
Tauzin
Taylor
Thomas (CA)
Upton
Valentine
Vander Jagt
Walker
Weber
Weldon
Whittaker
Wilson
Wolf
Wortley
Wylie
Yatron
Young (AK)

NOT VOTING—27

Badham
Biaggi
Bilbray
Boulter
Bustamante
Clay
Crockett
Daub
Duncan
Dyson
Foley
Gaydos
Hawkins
Jones (TN)
Mack
Mica
Myers
Neal
Ortiz
Owens (NY)
Owens (UT)
Quillen
Ray
Stokes
Udall
Yates
Young (FL)

□ 1550

The Clerk announced the following pairs:

On this vote:

Mr. Bilbray for, with Mr. Young of Florida against.

Mr. Hawkins for, with Mr. Daub against.

Mr. Bustamante for, with Mr. Quillen against.

Mr. Ortiz for, with Mr. Badham against.

Mr. Yates for, with Mr. Boulter against.

Mr. COURTER and Mr. RINALDO changed their votes from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. It is now in order to consider the amendment relating to the D-5 missile printed in section 1 of House Report 100-590 offered by the gentleman from New York [Mr. WEISS] or his designee.

AMENDMENT OFFERED BY MR. WEISS

Mr. WEISS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WEISS: At the end of title I of division A (page 16, after line 14), add the following new section:

SEC. 117. TRIDENT MISSILE PROGRAMS.

(a) PROHIBITIONS ON EXPENDITURES FOR TRIDENT II PROGRAM.—None of the funds appropriated or otherwise made available for procurement of weapons for the Navy for fiscal year 1989 may be obligated or expended for the Trident II missile program.

(b) FUNDS FOR TRIDENT I PROGRAM.—Of the amount authorized in section 102(b) for weapons (including missiles and torpedoes) for the Navy for fiscal year 1989, $1,877,612,000 is available only for procurement under the Trident I missile program.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from New York [Mr. WEISS] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, it is extraordinarily important for the United States to maintain a secure retaliatory deterrent against Soviet nuclear attack.

Submarine-based weapons are particularly well suited to this task. The invulnerability of these weapons makes them an ideal choice for the American nuclear arsenal.

However, not all submarine weapons are created equal.

The amendment I am offering today does not ask Members to abandon submarine-based weapons. It does not ask them to reduce the fiscal year 1989 defense budget. It simply asks them to carefully consider the characteristics of two different missiles we can place aboard our Trident submarines. And it asks them to cast their votes for the submarine missile that is most likely to enhance deterrence.

The committee bill designates $1.87 billion for procurement of 66 Trident II—or D-5—missiles. My amendment would transfer these funds into an account for the procurement of additional Trident I missiles. That is the choice here: Shall we build Trident II or shall we build Trident I?

In my view, the choice is clear. The Trident II missile is a dangerously destabilizing first-strike weapon. Its pinpoint accuracy and high explosive yield will give the United States the ability to destroy Soviet ICBM's while they remain in their silos. Rather than risk the loss of the entire ICBM force, the Soviets will be forced to adopt a policy of "launch on warning."

Launching nuclear missiles on warning is dangerous under any circumstances. But it will become even more perilous if we deploy the Trident II. The short-flight time of the Trident II means that the Soviets will have 15 minutes or less in which to distinguish between an equipment malfunction and incoming ICBM's. This will significantly increase the risk of accidental nuclear war.

In a time of crisis, the Soviets might even attempt a preemptive strike against American targets.

It is clear that the Trident II does not protect us from Soviet attack. On the contrary, it is a destabilizing weapon that actually increases the risk of war.

On the other hand, the Trident I or C-4 missile—already deployed on the first eight Trident submarines—offers a secure retaliatory deterrent.

The Trident I is extremely powerful. It has the same range as the Trident II. It can destroy a wide range of Soviet targets. In fact, it can do absolutely everything that the Trident II can do, except destroy hardened targets. As a result, it does not pose a threat to Soviet ICBM's, and it will not increase the risk of war.

If we are looking for a submarine-based weapon that enhances deterrence, we already have one: the Trident I.

Trident I is better than Trident II from a strategic standpoint. And it is also better from a fiscal standpoint.

Two years ago, the Congressional Budget Office estimated that the taxpayers would save between $9.6 and $11.3 billion if we canceled the Trident II and instead procured additional Trident I missiles.

Last month, CBO projected that simply canceling the refit of the first eight Trident submarines—which now carry Trident I missiles—would save a total of $6.4 billion. Despite the enormous expense, the Navy now plans to refit these eight submarines with Trident II missiles in the early 1990's.

Clearly, a shift to production of Trident I missile would provide a windfall to the Treasury at a time when we desperately need it.

We are bound to hear from the other side about the excellent track record of the Trident II missile thus far. According to the House Armed Services Committee, the missile shows every sign of achieving its performance objectives in a timely fashion.

One would think this a cause for celebration, given the Pentagon's shabby record in recent years. However, sound management does not a missile make. The Pentagon's new-found managerial excellence is being wasted on a missile that is strategically and fiscally undesirable.

I applaud Chairman Aspin for identifying those characteristics of the Trident II program that have prevented mismanagement, delay and cost overruns. But sound management is not a good enough reason to support the production of a weapon. In the case of the Trident II, we are devoting huge sums of money to a weapon that is dangerous and wasteful. And all the while, the obvious alternative—Trident I—has been right under our noses.

There are real lessons to be learned from the sound management of the D-5 program. We should move quickly to apply these lessons to a sound missile: the Trident I.

I urge all of my colleagues to consider this choice carefully. If you wish to follow the Navy in its headlong rush toward a self-defeating first-strike capability, vote against this amendment.

But if you are interested in fielding an effective submarine weapon for the defense of our Nation, if you are interested in preserving stability between the superpowers, and if you wish to save the taxpayers billions upon billions of dollars, you should vote for my amendment to continue production of the Trident I.

I urge my colleagues to make the right choice. Cancel the Trident II. Stick with the Trident I. Vote for this amendment.

The CHAIRMAN pro tempore. Does the gentleman from Alabama [Mr. Dickinson] rise in opposition to the amendment?

Mr. DICKINSON. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. Dickinson] is recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it might be appropriate at this time to call the attention of the Committee on Rules to some of the amendments that they have made in order that really are redundant and unnecessary. This will be the fifth time that we vote on this amendment. It was defeated with only 93 votes last year, with only 79 votes the year before, and with 94, 93, and so on. We keep bringing up the same thing.

The gentleman from New York [Mr. Weiss] would have us build 20 Trident submarines but deny us the ability to put the most modern weapons in them that we possibly can. Why build them if we are not going to have Trident missiles to go with them? I think it is ridiculous. I think it ought to be rejected out of hand.

Mr. Chairman, I have no requests for time, and I yield back the balance of my time.

Mr. WEISS. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. DeFazio].

Mr. DeFAZIO. Mr. Chairman, this is not a vote for or against the submarine-based leg of our nuclear triad.

This is a vote for a nonprovocative deterrent aboard those submarines.

The D-5 missile, like the MX before it, is really a missile without a mission. It is designed to destroy Soviet land-based missiles in their hardened silos.

What does that mean?

It means we either strike first, which we say we won't do, or we subscribe to the dangerous fantasy that we can somehow fight a protracted nuclear war and win.

It is time this Congress rejected that notion.

This amendment strengthens deterrence. I congratulate our colleague from New York for offering it.

Mr. WEISS. Mr. Chairman, I yield 1 minute to our distinguished colleague, the gentleman from Ohio [Mr. Feighan].

Mr. FEIGHAN. Mr. Chairman, I rise in support of the Weiss amendment and commend the gentleman for allowing us the opportunity to have this debate. The motto of our nuclear Navy is "run silent, run deep." But that motto should not extend to the House of Representatives. With the D-5, we have a program that many feel poses the greatest threat to maintaining stable deterrence between the United States and the Soviet Union.

I know that many Members like the Trident program—and rightly so—the submarine leg of the triad is seen as the most stabilizing of our strategic force.

Why?

—Because it is nearly invulnerable to attack; and

—Because it is viewed as a retaliatory force—able to eliminate Soviet cities and key military installations in response to a Soviet attack.

With the D-5, both of these very good reasons for supporting the Trident go right out the window. The D-5 missile adds two destabilizing factors to the equation: Increased payload and deadly accuracy. This combination turns Tridents from caretakers into killers.

For the first time, our submarines will be able to hold Soviet missiles at risk. Even if we say it is not a first-strike capability, the Soviets could not afford to think otherwise. Their land-based missiles will likely be placed on "launch-on-warning" status, increasing the likelihood of accidental launch.

Many of my colleagues feel they need to support some weapons system. You can't vote no on everything or you're somehow soft on defense. Well, you are not voting no on everything. You're voting to continue the stable deterrence provided by the C-4 missile.

I ask my colleagues to look hard at the D-5 on the merits, look at the combination of increased payload and deadly accuracy, and then vote for the Weiss amendment.

Mr. WEISS. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, some of my dearest friends on the other side of the aisle, distinguished patriots that they are, think that for some reason it is too much to spend 5 minutes on trying to save up to $11.3 billion of hard-earned taxpayers money, and that is what we will save if we adopt this amendment. I urge my colleagues to vote for this amendment. The D-5 is unnecessary. The C-4 will do everything it can. I urge a "yes" vote on the Weiss amendment.

Mr. BRENNAN. Mr. Chairman, I support our national security posture which includes the strategic triad—air, land, and sea-based nuclear forces. Perhaps the most important component of that triad is the sea-based leg, which includes the *Ohio*-class Trident submarine.

The survivability of our sea-based leg of the triad is considered the most reliable among our strategic assets. With the need to maintain a sea-based nuclear deterrent force on patrol, I believe support for the D-5 missile is warranted.

There are troubling aspects associated with this amendment canceling the D-5 missile in support of the C-4.

As we know, the D-5 and C-4 missile systems are not compatible for use without modification aboard the *Ohio*-class SSBN. The conversion work would require a delay in bringing the submarine into our fleet or removing ones which are already in the fleet. That delay could be critical.

It is estimated that 1½ years would be required to convert a D-5 capable SSBN to a C-4 capable SSBN, when the components are available. Delay of up to 4 years could be expected to restart the C-4 production line and have the missile delivered to the Navy. The C-4's production line closed in 1985 and our submarine forces would face delays while the line was reopened and production was resumed.

There are currently seven D-5 configured Trident submarines under construction. If the D-5 program is canceled with a production line closed for 3 years, their efficient delivery schedule would be scuttled.

I believe we have reached a point where practical considerations of production and delivery schedules necessitate a move toward the D-5 missile. While the C-4 missile is a capable and reliable component of our submarine fleet, previous decisions by the Congress requires us to make a determination with all the available information.

The information presented to us indicates the sea-based leg of the triad would be delayed or disrupted by canceling the D-5 missile in favor of the C-4. We must continue modernizing the one leg of the triad which best serves our deterrent role. I believe it would be unwise to delay further production of the *Ohio*-class or withdraw those SSBN's which have been delivered and are on patrol.

Because the C-4 production line is cold and current delivery schedules are pressing, I will oppose the Weiss amendment and continue support for modernizing our important sea-based leg of the triad.

Mrs. BOXER. Mr. Chairman, I rise in support of the Weiss amendment to cancel production of the Trident II missile and shift those funds to continued production of the Trident I.

Mr. Chairman, I know that you have given the Navy high marks for management of the D5 program, and normally I would applaud such an exemplary track record. However, there are far more serious problems with this weapon system that overshadow its procurement success story.

First, the accuracy and greater explosive yield of the missile make it extremely dangerous. Unlike its predecessor, it can kill hardened targets, that is, Soviet ICBM's in their silos. As a result, its primary value is perceived to be that of a first strike weapon. A first strike is contrary to the principle on which our nuclear strategy should be based. Regardless, the fact that the United States has the capability of destroying their ICBM's could cause the Soviets to strike first to protect their land-based missiles in time of crisis.

Second, cancellation of this program and continued production of the Trident I will save between $9 and $11 billion, according to the Congressional Budget Office, savings which we can literally not afford to ignore.

In summary, the most compelling argument against this weapon is that it is easily viewed as an offensive weapon and is therefore dangerously destabilizing. We have made these arguments year after year; they are no less compelling today.

Vote for the Weiss amendment.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). All time has expired.

The question is on the amendment offered by the gentleman from New York [Mr. WEISS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WEISS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device; and there were—ayes 79, noes 307, not voting 45, as follows:

[Roll No. 110]

AYES—79

Ackerman
Atkins
AuCoin
Bates
Beilenson
Bonker
Boxer
Brooks
Brown (CA)
Bruce
Cardin
Carr
Collins
Conyers
Coyne
DeFazio
Dellums
Dorgan (ND)
Downey
Durbin
Dymally
Edwards (CA)
Espy
Evans
Feighan
Flake
Foglietta
Frank
Garcia
Gejdenson
Gonzalez
Hayes (IL)
Hochbrueckner
Jontz
Kastenmeier
Kildee
Kostmayer
LaFalce
Lehman (FL)
Leland
Lewis (GA)
Lowry (WA)
Markey
Matsui
McHugh
Miller (CA)
Moakley
Moody
Morrison (CT)
Mrazek
Nagle
Nowak
Oberstar
Obey
Panetta
Pelosi
Penny
Rangel
Rodino
Rostenkowski
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Sikorski
St Germain
Staggers
Stark
Studds
Torres
Towns
Vento
Walgren
Weiss
Wheat
Williams
Wolpe

NOES—307

Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Berman
Bevill
Bilirakis
Bliley
Boehlert
Boggs
Boland
Borski
Bosco
Boucher
Brennan
Broomfield
Brown (CO)
Bryant
Buechner
Burton
Byron
Callahan
Campbell
Carper
Chandler
Chapman
Chappell
Cheney
Clarke
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Cooper
Coughlin
Courter
Craig
Crane
Dannemeyer
Darden
Davis (IL)
de la Garza
DeLay
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Donnelly
Dornan (CA)
Dowdy
Dreier
Early
Eckart
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fazio

Fields
Fish
Flippo
Ford (MI)
Frenzel
Frost
Gallegly
Gallo
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (TX)
Hamilton
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Kanjorski
Kaptur
Kasich
Kemp
Kennedy
Kennelly
Kleczka
Kolbe
Kolter
Konnyu
Kyl
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Luken, Thomas
Lukens, Donald
Lungren
MacKay
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Martinez
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Mineta
Molinari
Mollohan
Montgomery
Morella
Morrison (WA)
Murphy
Murtha
Natcher
Nelson
Nichols
Nielson
Olin
Oxley
Packard
Parris
Pashayan
Patterson
Pease
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Rahall
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Saxton
Schaefer
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Torricelli
Traficant
Traxler
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Watkins
Waxman
Weber
Weldon
Whittaker
Whitten
Wilson
Wise
Wortley
Wyden
Wylie
Yatron
Young (AK)

NOT VOTING—45

Badham
Biaggi
Bilbray
Bonior
Boulter
Bunning
Bustamante
Clay
Crockett
Daub
Davis (MI)
Dixon
Duncan
Dwyer
Dyson
Fascell
Florio
Foley
Ford (TN)
Gaydos
Hall (OH)
Hammerschmidt
Hatcher
Hawkins
Jones (TN)
Lujan
Mack
Mica
Moorhead
Myers
Neal
Oakar
Ortiz
Owens (NY)
Owens (UT)
Quillen
Ray
Roe
Sawyer
Stokes
Taylor
Udall
Wolf
Yates
Young (FL)

□ 1620

The Clerk announced the following pairs:

On this vote:

Mr. Yates for, with Mr. Florio against.

Mr. Hawkins for, with Mr. Bilbray against.

Mr. LEVINE of California changed his vote from "aye" to "no."

Mr. MATSUI changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, pursuant to the rule, I want to give notice to the Members of the House on the schedule of remaining amendments that are left under the DOD bill.

As I understand it, these amendments will be considered when we come in on Wednesday, but the remaining amendments are the following: First is a series of two amendments on SDI ALPS, king of the mountain, 10 minutes debate, first Spratt amendment 180, Kemp substitute on ALPS, both 10 minutes, and a possible debate. The next amendment is SDI policy, AuCoin No. 196; third is an amendment that was scheduled for today which was the depressed trajectory amendment of the gentleman from Iowa [Mr. Nagle] and the gentleman from California [Mr. Dornan]. The fourth is a comprehensive test ban amendment which has 40 minutes of general debate; the Markey amendment No. 204 with 10 minutes of debate, and a Dickinson substitute with 10 minutes of debate.

In addition, there are, we believe, two amendments remaining under regular order, the Collins amendment No. 202, 10 minutes of debate, and the Markey No. 208, 10 minutes of debate.

In addition, Mr. Chairman, we have 1 to 4 add-back amendments which may be scheduled anytime throughout the day with 10 minutes each. We have a total here of business to do of about 4½ hours counting amendments, counting debate of amendments, counting votes.

As I understand it from the leadership, the agreement has been to bring this bill up and to finish then next Wednesday.

Mr. NICHOLS. Mr. Chairman, I have supported the development and production of the B-1 bomber from the very first and I want to urge that this body continue to support the program. Despite a number of problems that inevitably accompany the introduction of a complex new aircraft, the B-1 is without question the best bomber in the world today. It was built to penetrate and deliver bombs or missiles on targets within the Soviet Union, and it would be used for this mission today. Moreover, I have every hope that whatever problems remain can be resolved in the next 2 or 3 years.

In expressing my continued support for the B-1, I want to make it clear that I am not in any way taking issue with the chairman of the Committee on Armed Services, Mr. Aspin. I commend him for discovering and bringing to light the problems in the B-1 program. And I agree that there is merit in his criticisms of the Air Force program and of some manufacturers who produce the aircraft.

I do want to point out, however, that Rockwell Corp., the builder of the B-1 airplane, should not be tainted by these criticisms. Rockwell was not the "prime contractor" for the system. Instead, the Air Force, itself, filled the role of prime contractor for the B-1. Thus Rockwell's job has been to build a good airframe that will accept engines, defensive avionics, offensive avionics, and equipment produced under Air Force supervision by other contractors. And Rockwell has done a good job. I can assert that as a fact—not because the Air Force leadership has told me, but because I have direct reports from staff who have both flown the airplane and talked to Air Force personnel at the user level. They report that Rockwell's performance deserves high marks.

To put the B-1 issue in perspective, I think the House should appreciate that the Committee on Armed Services is more carefully examining pentagon programs today than ever before. This is a constructive development and Chairman Aspin deserves great praise for leading us in that direction. But, when the committee investigations uncover negative aspects of a program, we should not let that information obscure the program's positive attributes. The Armed Services Committee, under Chairman Aspin's leadership, has given the Congress a chance to weigh both the positive and the negative aspects of the B-1 program. I believe that, on balance, the positive continues to outweigh the negative. Consequently, Congress should maintain its support of the B-1 program.

Mr. ASPIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. Harris] having assumed the chair, Mr. Gray of Illinois, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4264) to authorize appropriations for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, to amend the National Defense Authorization Act for Fiscal Years 1988 and 1989, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill, H.R. 4264.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 1625

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask to proceed for 1 minute for the purpose of inquiring of the acting majority leader the program for next week.

Mr. COELHO. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from California.

Mr. COELHO. Mr. Speaker, on Monday we have scheduled nine bills on the Suspension Calendar, as follows:

H. Con. Res. 274, to commend the Prime Ministers of Turkey and Greece for initiating their current dialog;

H. Con. Res. 223, to express the sense of Congress that the Soviet Union should proclaim a general amnesty for imprisoned Christians;

H.R. 4162, to make the International Organizations Immunities Act applicable to the Organization of Eastern Caribbean States;

H.R. 4318, to improve the administration of the personnel systems of the GAO;

H.R. 4083, to establish the FBI and the DEA Senior Executive Service;

H.R. 3896, to upgrade the position of the Director of the Census Bureau;

H.R. 3987, to designate the Gene Taylor Post Office Building;

H.R. 4433, to designate the John Dent Post Office Building; and

H.R. 4448, to designate the John O. Holly Building of the U.S. Post Office.

We will not have any votes on Monday. We will postpone those until Tuesday.

On Tuesday the House meets at noon and we have scheduled 10 bills on the Suspension Calendar, as follows:

H.R. 4267, WEB rural water development project authorization;

H.R. 3927, Indian Housing Act;

H.R. 4306, National School Lunch Act amendments;

H.R. 3424, Overseas Teachers Act of 1987;

H.R. 3146, Lottery Advertising Clarification Act of 1987;

H.R. 4262, to implement the Berne Convention;

H.R. 3911, Major Fraud Act of 1988;

H.R. 4445, Terrorists Firearms Detection Act of 1988;

H.R. 2756, to amend the Middle Atlantic Interstate Forest Fire Protection Compact to include the State of Ohio;

H.R. 2835, to direct the Secretary of Agriculture to release certain; and restrictions on a parcel of land located in Henderson, TN.

Mr. MICHEL. Mr. Speaker, I assume those will be printed in the Record?

Mr. COELHO. They will be printed in the Record.

At the conclusion of the debate of the 10 bills on Tuesday we will then have the necessary votes on the Tuesday suspension items and then the necessary votes on the Monday suspension items.

On Wednesday we will come in, if approval is granted, at 11 o'clock and complete the Department of Defense authorization. It should take approximately 5 hours.

Then we have scheduled for the balance of the week, Wednesday and Thursday, the supplemental appropriations for fiscal 1988, subject to a rule being granted; Miscellaneous International Affairs Authorization Act, subject to a rule being granted; Hate Crime Statistics Act, subject to a rule being granted; the Juvenile Justice and Delinquency Prevention Act amendments, subject to a rule being granted.

On Friday the House will not be in session.

Mr. MICHEL. Could the gentleman enlighten me with respect to the supplemental appropriation, whether or not that is going to stay within the bounds and limits of our overall summit agreement, or is that going to exceed the limits which we set?

Mr. COELHO. Normally supplementals do exceed, as the gentleman knows. The CBO has indicated to us that the President's request may be $1.9 billion above. So obviously this is something that we will have to consider and make a decision on early next week.

Mr. MICHEL. And I think we probably ought to remind our Members that while that number of suspensions, 9 on Monday and 10 on Tuesday, there will undoubtedly be a number of them put to a record vote, and as the gentleman indicated, those votes will not occur until Tuesday, but there will be no doubt a significant number of rollcall votes on the Suspension Calendar?

Mr. COELHO. Members should be alert that there will be a number of votes by mid-afternoon on Tuesday of both the Monday and Tuesday Suspension Calendar. There will be a number of votes.

Mr. MICHEL. And again the gentleman has told us that we definitely will not have a session on next Friday?

Mr. COELHO. There will be no session on Friday, and we expect to be out at a reasonable hour on Wednesday.

Mr. MICHEL. I thank the gentleman.

ADJOURNMENT TO MONDAY, MAY 9, 1988

Mr. COELHO. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. Harris). Is there objection to the request of the gentleman from California?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, MAY 11, 1988

Mr. COELHO. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, May 10, 1988, it adjourn to meet at 11 a.m. on Wednesday, May 11, 1988.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. COELHO. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection on the request of the gentleman from California?

There was no objection.

TRIUMPHS OF TAX REFORM A MYTH

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, one of the self-proclaimed triumphs of the Reagan administration has been the cutting of the tax burden of the average American. Like the claims the President made about the 1986 Tax Reform Act and tax simplification, the decrease in the tax burden on the average American is just a myth.

In an analysis done by the Tax Foundation, a research group here in Washington, it was determined that in 1988 the average American's tax burden is greater than in any period since data on this was first tallied back in 1929. What is unique about the foundation's analysis is that the tax burden is put in terms of how many working days it will take an individual to pay off his or her taxes. This year it will take until today, May 5, for the average American taxpayer to pay his or her Federal, State, and local taxes. This means the average American will work 126 days out of every year to conquer his or her debt. This is up 8 days from 1984 when it only took until April 28.

The Reagan administration can make all the claims it wants to when it comes to easing the tax burden for the American taxpayer. But, as shown graphically by the Tax Foundation's analysis, the average American is working much longer than usual to pay off a much higher tax bill.

ETHIOPIA

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, the world is witnessing and living through an Auschwitz. The place is called Ethiopia.

The overwhelming evidence is that some 7 million people, 7 million people are on the verge of starvation and 2 to 3 million human beings, people like you and me, will die. They will die not because of a lack of food. The American people alone have donated thousands of metric tons of food. But they will die because the Marxist government of Ethiopia under the brutal dictator, Mengistu, prevents the food from going into and has forced the relief workers out of the stricken areas of the country.

I ask what is the world going to do about it? I ask what is this House going to do about it?

□ 1630

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL MIDNIGHT, FRIDAY, MAY 6, 1988, TO FILE REPORT ON H.R. 4262

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight on Friday, May 6, 1988, to file a report on H.R. 4262, Berne Convention Implementation Act of 1988.

The SPEAKER pro tempore (Mr. HARRIS). Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL TUBEROUS SCLEROSIS AWARENESS WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 212) to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 212

Whereas tuberous sclerosis (hereinafter referred to in this resolution as "TS") is a genetic disorder affecting as many as 1 in 10,000 Americans;

Whereas TS remains poorly understood and frequently misdiagnosed, even though it is one of the common genetic disorders;

Whereas TS affects males and females of all races;

Whereas thus characterics of TS include skin markings, seizures, motor difficulties, mental retardation, tumors of the brain and other organs, and behavioral abnormalities;

Whereas in any individual, the disease's severity can range from being mild, when patients can live normal lives, to being exptreme, when TS is disabling and may be life threatening;

Whereas although modern research technology has provided information about TS, there remains much to be learned;

Whereas only with continued, extensive research is there any chance of conquering TS; and

Whereas establishing a national TS awareness week would serve to enhance public awareness of TS and stimulate further TS research: now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the period commencing May 8, 1988, and ending on May 14, 1988, is designated as "National Tuberous Sclerosis Awareness Week", and the President is authorized and requested to issue a proclamation calling the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL SAFE KIDS WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 240) to designate the period commencing on May 16, 1988, and ending on May 22, 1988, as "National Safe Kids Week," and ask for its immediate consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation.

Mr. Speaker, further reserving the right to object, I yield to the prime sponsor of this legislation, the distinguished gentleman from New York [Mr. GARCIA].

Mr. GARCIA. I thank the gentlewoman for yielding.

Mr. Speaker, nearly 10,000 children die due to accidental injuries each year while an additional 50,000 are permanently disabled. Accidents are the leading cause of death among children. Nearly 50 percent of deaths of 1 to 14-year-olds are caused by injuries sustained in accidents. As many children die from these injuries as they do from noninjury deaths such as cancer, AIDS or congenital problems. Yet the tragic fact is that the vast majority of these deaths, over 90 percent, could have been prevented.

The best prevention is education and it is for this reason that I sponsored, working in conjunction with the 1988 National Children's Accident Prevention Campaign, "National Safe Kids Week." During the week of May 16–22, a national public education campaign will be launched to educate parents, teachers and other adults who interact with children on how to best prevent accidents in such major risk areas as traffic, water, fire, falls, choking, and poisoning.

I would like to commend the chairman of the subcommittee, the gentleman from California [Mr. DYMALLY] and the ranking minority member, the gentlewoman from Maryland [Mrs. MORELLA], for bringing this legislation to the floor so promptly. I also would like to extend a special thanks to the National Safe Kids Coalition for all the work they have done on "National Safe Kids Week." I urge passage of this bill.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I would like to commend the gentleman from New York for introducing this legislation and for the eloquent statement that he has made.

Indeed, we support "National Safe Kids Week" but we also promote "National Safe Kids Year" every year.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 240

Whereas the children of the United States represent the most precious natural resource of the United States;

Whereas each year approximately one out of every four children under the age of fifteen in the United States is involved in an accident;

Whereas injuries resulting from accidents are the leading cause of death among children in the United States, claiming the lives of nearly eight thousand children each year;

Whereas approximately fifty thousand children in the United States are left permanently disabled because of accidental injuries each year;

Whereas the incidence and seriousness of such injuries can be significantly reduced through preventive measures and appropriate treatments; and

Whereas adults and children in the United States should become aware of the frequency and nature of accidental injuries to children, and of the need to undertake preventive measures and seek appropriate treatment: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on May 16, 1988, and ending on May 22, 1988, is designated "National Safe Kids Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL ASPARAGUS MONTH

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 137) designating the month of May as "National Asparagus Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. SHUMWAY].

Mr. SHUMWAY. I thank the gentlewoman for yielding, and I would like to thank her for assisting in bringing this measure to the floor.

Mr. Speaker, I would like to thank my colleague from California, Chairman DYMALLY, for bringing this measure to the floor so expeditiously. Additionally, my thanks to the 224 Members who joined with me in sponsoring the measure.

I am delighted that my colleagues have seen fit to recognize the economic value of asparagus, which generates revenues of $137 million per year.

And, finally, my appreciation to the California Asparagus Growers Association, which annually provides samples of asparagus to be distributed to each Member of Congress. California is the main asparagus producing State, yielding more than 50 percent of the 235 million pounds of asparagus grown last year. Stockton, CA, my hometown, recognizes itself as the "Asparagus Capital of the World"; it recently celebrated the third annual Asparagus Festival. Some 70,000 visitors flocked to Stockton for this event, the biggest crowd yet. Hopefully, the celebration will continue throughout the United States during the month of May.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I would like to thank the gentleman from California [Mr. SHUMWAY] for the asparagus that we have received in our office.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 137

Whereas the genus asparagus, a member of the lily family, originated along the shores of the Mediterranean Sea and on its many islands;

Whereas asparagus was considered a culinary delicacy and used for medicinal purposes by the ancient Greeks and Romans;

Whereas asparagus has been grown in America since the 1600's for its nutritional and decorative value in floral arrangements;

Whereas two hundred and twenty-three million pounds of asparagus was grown in the United States comprising a total value of approximately $137,000,000 in 1986; and

Whereas the delectible vegetable is low in calories and fat, and contains large amounts of calcium and phosphorus as well as vitamins A, C. and B, all important components of a well balanced diet; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May is designated as "National Asparagus Month". The President is requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered, Senate Joint Resolution 212, Senate Joint Resolution 240, and House Joint Resolution 137.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ARREST OF OPPOSITION LEADERS IN NICARAGUA

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, it was reported in the Washington Times yesterday that many of the top leaders of the Nicaraguan opposition were arrested after peacefully marching to the headquarters of a labor union to attempt to see 35 union members who are on a hunger strike.

The hunger strike began late last month to protest the Sandinista government's refusal to negotiate with striking union members. With temperatures in Managua reaching 100 degrees daily, several of the hunger strikers are reported to be seriously ill.

But that's not all. Outraged by press coverage of the hunger strike, the Sandinista government suspended all news programming at the largest opposition radio station, Radio Corporacion. News broadcasts at the three other opposition radio stations, including the one operated by the Catholic Church, Radio Catolica, were also suspended.

The Congress has halted military aid to the Contras and has placed total and complete faith in the Sandinistas to honor the peace process. With the leverage the Contras provided gone, I fear we will see more arrests of members of the opposition and more censorship of the free press. It is clear to me, Mr. Speaker, that the Sandinista government has once again shown its true nature.

BEEF-CITRUS DISPUTE GOES TO GATT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, on Tuesday, May 3, 1988, the latest round of informal negotiations between United States Trade Representative Clayton Yeutter and Japanese Agriculture Minister Takashi Sato broke off after they were unable to reach an agreement that would liberalize Japan's beef and citrus markets.

As Ambassador Yeutter said, the final Japanese proposal offered only a modest increase in access, and it would have left in place provisions that the United States considers to be incompatible with the GATT rules.

While the Japanese offered to continue increasing their import quotas, the increase next year under the proposed formula would have come to just one additional Big Mac, one quarter-pounder, and two 6-ounce glasses of orange juice for each resident of Japan, according to United States trade officials.

The current United States-Japanese agreement on beef and citrus expired on March 31 of this year. In signing the Brock-Yamamura Agreement in 1984, the Japanese assured the United States that it would eliminate all quotas and trade barriers to the import of United States beef and citrus products over the 4-year duration of the now expired agreement. Result: promise broken.

Since 1984, the Japanese Government has resisted opening its markets to United States beef and citrus products. The barriers which existed 4 years ago remain in place today. And, since the expiration of the current beef and citrus agreement on April 1, the Japanese have continued to stonewall on this issue.

While bilateral negotiations have been suspended, a GATT panel in Geneva was established on Wednesday to hear the dispute. In light of the victory of the United States at GATT on 12 other agricultural products earlier this year, I am confident that we will also win our beef and citrus case before the GATT.

It is important, however, for all Members of Congress and agricultural organizations to show their solid support for Ambassador Yeutter and the efforts by the USTR to open the Japanese market. We must continue to bring pressure to bear on the Japanese Government.

Elimination of beef and citrus quotas and trade barriers would not only benefit United States producers, but also the Japanese consumer. If Japan's markets were opened without the importations of high-variable rate duties, United States beef exports to Japan will at least double in the next 2 years. Approximately $550 million to over $1 billion per year. The benefit to the Japanese consumer would be realized at the supermarket where beef currently sells for well over $25 per pound.

In refusing to keep its promise to the United States, the Japanese Government has once again kowtowed to the small special interest of Japanese beef and citrus producers. It has also ignored the interests of the vast majority of Japanese consumers who want to purchase lower cost, high-quality beef. If they want to protect these beef and citrus farmers they can do so by direct subsidy—in short they can pay them, and give their consumers a break and treat their best export market country, the United States, fairly.

Japan, it's time to end your trade barriers to beef and citrus products. And no trickery through the imposition of variable rate import duties is acceptable either. As one of the major trading nations of the world, you should be totally apolojetic concerning your parochial, protectionistic, and illegal trade policies. They are unbecoming to a trading nation that has benefited enormously, in unprecedented amounts from the open markets of the United States. The continuation of these barriers will only lead to truly protectionistic responses by the U.S. Congress, future confrontations on a wide variety of issues and the eventual retaliation by the United States, that will lead us to a total trade war. Treat America fairly or say Sayonara, Japan, to increasing shares of your best export market.

I ask to include the May 3, 1988, statement by Ambassador Clayton Yeutter and an article from the May 5, 1988, edition of the Journal of Commerce.

Statement by Ambassador Yeutter on Ending Japanese Beef and Citrus Talks

I have met with Japanese Agriculture Minister Takashi Sato for nearly a week trying to reach an agreement that would liberalize Japan's beef and citrus markets. Regrettably the final Japanese proposal offered only a modest increase in access, and it would have left in place provisions that the United States considers to be incompatible with the GATT rules.

The United States has been seeking an elimination of the Japanese beef and citrus quotas by a date certain along with a transparent and comprehensive package which would assure U.S. beef and citrus producers full access to Japan's market. In addition, the United States sought an immediate end to the GATT-illegal citrus juice blending requirement as well as substantial cuts in Japan citrus tariffs.

The Japanese were willing to make concessions in some areas; however, for beef they wanted to substitute other measures that would sustain a high level of import protection. In addition, none of our citrus concerns was addressed to our satisfaction. Under the Japanese proposal, U.S. exporters and Japanese consumers would continue to bear the cost and burden of Japan's insistence on constraining agricultural imports.

Tomorrow, the GATT Council will meet in Geneva, Switzerland and the United States will for a second time ask for the establishment of a panel to review our complaint about Japan's obstructive beef and citrus import practices. We hope that Japan will live up to its international obligations and agree to this action.

It is essential that the Japanese government join the United States and other major trading partners in pursuing and promoting open global trade—in agricultural as well as industrial goods. The continuation of GATT inconsistent quotas, or alternative schemes of a similarly constricting nature, do not meet that responsibility.

Statement on Break-Off of U.S./Japan Beef and Citrus Quota Talks

(By Richard E. Lyng, Secretary of Agriculture, May 4, 1988, Fallbrook, CA)

I am extremely disappointed that the trade talks with Agriculture Minister Takashi Sato and Ambassador Clayton Yeutter have broken off without a bilateral solution. While the United States has pressed for liberalization of the beef and citrus market, previous agreements have settled on annual quota increases—the most recent being the four-year Brock-Yamamura Agreement which expired on March 31. Since the signing of the beef-citrus agreement four years ago, we have been consistent in our position that Japan must remove its quotas upon the expiration of that agreement.

Both Ambassador Yeutter and I have repeatedly told the Japanese that we will not negotiate a new agreement that does not provide for complete liberalization. We are firm in our position that the import quotas on beef and citrus products and related measures that restrict consumer access to imports be removed. We believe that these practices are illegal under the General Agreement on Tariffs and Trade (GATT) and today at the GATT Council meeting a panel was established.

[From the Journal of Commerce, May 5, 1988]

U.S. Complaints on Trade To Go to GATT Panel

(By Frances Williams)

GENEVA.—The General Agreement on Tariffs and Trade, the world body that regulates most world trade, agreed Wednesday to set up independent arbitration panels to hear U.S. charges that Japan's restrictions on imports of beef and citrus, and South Korea's ban on beef imports, violate international fair trade rules.

Similar complaints by Australia against both countries on beef also will be investigated.

Japan and South Korea had previously blocked the establishment of panels on beef and citrus, saying they wanted more time for bilateral consultations. Top-level consultations between the United States and Japan continued through Tuesday in Washington without success.

Discussions with South Korea have proven equally fruitless.

Fred Montgomery, deputy head of the U.S. Trade delegation in Geneva, told the GATT council Wednesday that Japan's restrictions on beef, veal, oranges and orange juice were causing "immediate and substantial harm" to U.S. exporters. Up to $1 billion of trade could be at stake, he said.

The United States says the limitations on imports of beef and oranges breach GATT rules forbidding import quotas, while the requirement for imported orange juice to be blended with domestic juice before sale runs counter to the basic GATT principal of non-discrimination.

Yoshio Hatano, Japan's ambassador to GATT, said that while Japan no longer would oppose establishment of a panel, the United States "had not shown sufficient understanding nor a flexible attitude to circumstances that made immediate liberalization difficult."

The Reagan administration has been pushing for speedy abolition of Japanese import quotas, following the expiry of a four-year bilateral deal on March 31. But relaxation of restraints has run into strong opposition from Japan's powerful farming lobby.

Australia, which has lost market share in the Japanese beef market to the United States, also secured agreement to a panel investigation. Alan Oxley, Australia's ambassador to GATT, said the U.S. share of total Japanese beef imports had risen from 13% in 1976 to 39% in 1987, while Australia's share had fallen over the same period from 74% to 41%.

The extremely restrictive nature of Japan's quota system meant the growth of the Japanese beef market was "unreasonably constrained," he added.

New Zealand, Japan's third-largest supplier after Australia and the United States, said it also might request a panel if forthcoming consultations with Japan were unsuccessful.

It also gave notice that it might follow the United States and Australia in calling for a panel on South Korea's import licensing system for beef that has effectively barred all beef imports since 1985.

U.S. officials say the South Korean ban not only contravenes GATT rules outlawing quantitative import restrictions but "nullifies and impairs" the duty-free concession on beef that South Korea granted to the United States in the last round of GATT multilateral trade negotiations.

Since 1984 South Korea has granted no import licenses for beef with the exception of high-quality meat for tourist hotels. Since May 1985 it has prohibited imports altogether, except one shipment of 49 tons for the annual meeting in Seoul of the International Monetary fund in Oct. 1985.

GATT officials say it could take several months before the panels are ready to take evidence on the U.S. and Australian complaints. Consultations are being arranged to decide how many panels should be set up and who should be on them.

The recent spate of disputes being brought to GATT has produced an acute shortage of panelists who, apart from being knowledgeable about GATT affairs, have to come from countries not involved or interested in the dispute.

In London, Japanese Prime Minister Noboru Takeshita, who is on a four-nation tour of Europe, said he regretted that talks in Washington failed to produce an agreement on Japan's restricted imports of U.S. beef and citrus products.

"I intend to discuss the details of the talks with Agriculture Minister Takashi Sato (Japan's chief negotiator) and consider appropriate action when I return to Japan," he said.

Mr. Takeshita is scheduled to return May 9.

In Tokyo, government leaders echoed Mr. Takeshita's disappointment.

During a news conference, chief government spokesman Keizo Obuchi said he hoped the issue could be resolved without waiting for a GATT decision.

"We cannot let the domestic beef producer be destroyed," and unidentified Japanese official told a local wire service.

"It is indispensable to stabilize the price of beef, and the introduction of a variable import fee is essential in order to respond to the price gap in and outside of Japan," the official said.

Executives of the U.S. meat industry said they also were disappointed that negotiators of the two countries did not resolve the dispute.

□ 1645

Mrs. BENTLEY. Mr. Speaker, will the gentleman yield?

Mr. BEREUTER. Mr. Speaker, I am pleased to yield to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, again I want to commend the gentleman for bringing this issue to the forefront of the Congress and to point out once again how unfair our exports are being treated in Japan while all of our doors have been opened to that country to ship in here anything they have wanted and how unfair it is.

Mr. BEREUTER. Mr. Speaker, I thank the gentlewoman for her comments.

POLISH CONSTITUTION DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, May 3 was the 197th anniversary of the first democratic Constitution of Poland in 1791, and on Saturday, May 7, the Polish National Alliance is sponsoring Chicago's annual Constitution Day Parade to commemorate this highly significant event in the history of free nations.

It will be a genuine pleasure and an honor for me to participate in this year's commemorative celebration. This magnificent parade will step off at 12 noon from Wacker Drive and Clark Street in Chicago, and will consist of numerous floats, bands, marching units, and drum and bugle corps. Many marchers will be wearing the beautiful costumes of their native Poland, and the theme of this year's parade will also commemorate the 70th anniversary of Poland's independence in 1918. This event will be televised live on WLS-TV, Channel 7, in Chicago.

I would like to take this opportunity to congratulate my good friend of many years, Aloysius Mazewski, president of the Polish American Congress and the Polish National Alliance, along with the many officers and members of these organizations for their outstanding contributions to the Polish-American community. I would also like to extend my congratulations to Helen M. Szymanowicz, vice president of the Polish National Alliance, and chairwoman of these May 3 observances, for her dedicated and diligent efforts to ensure that this year's anniversary celebration will again be a great success.

The drafting and adoption of the Constitution of 1791 by patriotic Polish leaders marked a turning point in the history of Poland. By creating this significant document, the Poles effected a peaceful change in the structure of their government without resorting to the bloodshed and violence prevalent in the French Revolution. By adopting a progressive and popular constitution, the Polish leadership led their countrymen from the feudal ways of the Middle Ages to the concepts of individual liberty and responsibility characteristic of our own American Constitution of 1787.

With the enactment of the May 3 Constitution, the Polish people were able to shake off the yoke of tyranny and oppression which previously had dominated Poland and all of Europe. The Polish Constitution provides a priceless and enduring heritage of democracy, religious tolerance, and humanitarianism, and continues to be a beacon of hope for the people of Poland as they strive today to throw off the yoke of their Communist oppressor.

As we all know, thousands of workers are currently on strike—at the Lenin Shipyard in Gdansk, at the metallurgical complex in Nowa Huta, at the railroad car factory in Wroclaw—and many others are spontaneously striking in other areas in solidarity with their countrymen. Their only wish is to achieve a decent standard of living, and the right to determine the course of their own destiny. Today, in predawn raids, the governmental authorities have responded to these actions. Plainclothes police surprised workers at Nowa Huta and arrested leaders of the 10-day-old strike. At the same time, police in full riot gear closed off the Lenin Shipyard. Nonetheless, Solidarity leader Lech Walesa has urged that the workers continue to come to the Lenin Shipyard to strike and show support for obtaining the rights which have been denied them at the hands of the Communists.

In commemorating the 197th anniversary of Polish Constitution Day, we in Congress are giving our support to our brothers and sisters in Poland in their efforts to reinstate political, cultural, and religious freedoms in their homeland, and we continue to condemn the actions of the Communist authorities who are denying these rights.

Mr. Speaker, I join with Polish-Americans in the 11th Congressional District of Illinois, which I am honored to represent, and Americans of Polish descent all over this country, in paying tribute to those in Poland who have bravely struggled and sacrificed so much to achieve liberty, and to those who continue in their footsteps to carry on this effort against overwhelming odds. Let us never forget the timeless guiding principle in the 1791 Constitution which states, "All power in civil society should be derived from the will of the people," and let us always be prepared to defend ourselves against those who would deprive us of this most cherished right.

MORE GREEN TEA AND DIRTY TRICKS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, over the past month or two I have been reading various sections from the book, "The Japanese Conspiracy," which points out the way that our industries have been targeted by the Japanese Ministry of International Trade and Industry along with their major corporations, and yesterday I read from newspaper articles about Toshiba's efforts at lobbying our industries as another part of this targeting and also about what has happened in the semiconductor field to us.

Now I want to tie, to link, a section of the book to a matter, the semiconductor, as it was discussed and what happened in 1983 to show how it is happening, what is happening to us today as a result of that. There is part of chapter 2, chapter 2 being called "Green Tea and Dirty Tricks," of course referring to the green tea that the Japanese have over which business contracts and contacts are made and then the dirty tricks that have been heaped upon American industry. Now this particular segment of the chapter deals with one corporation in the semiconductor field. I want to point out that:

> Stanford Ovshinsky is a brilliant inventor whose work in optical electronics rates an entry in *Webster's New Collegiate Dictionary* under a newly coined word, *Ovonics.* In 1970 Ovshinsky patented a remarkable system for storing data on a computer memory disk. Using a laser, the Ovshinsky device can place 100 times as much information into the same space as conventional

> magnetic storage methods, and it can be erased or changed at will. Even though IBM was not sure what products might result from the process, in 1972 it bought a license from Ovshinsky's company, Energy Conversion Devices. ECD is a small firm based in Troy, Michigan, primarily devoted to research and development. It has fewer than 300 employees.

Remember this was written in 1983 by Marvin J. Wolf when he was researching for his book, "The Japanese Conspiracy." It says that it has fewer than 300 employees—

> * * * and less than $21 million in sales, but it has been very active in licensing Japanese companies and in forming joint ventures with them.
>
> "We've had very good relationships in Japan up to now," explains Larry Norris, a senior VP with Ovshinsky's firm. "We have a joint venture with Sharp Corporation in the field of photovoltaics, which is now in production making solar electric cells from our amorphous silicon technology. And we're now going to calculators. We have several Japanese licensees with a chemical company and Fuji. We also have a Japanese subsidiary, and a wide range of business associates, partners, and licensees. In fact we have more business in Japan than we have in the U.S."
>
> In April 1983, Ovshinsky was shaken to see an elegant press kit distributed by Matsushita, a $45-billion-a-year conglomerate which proudly claimed that it had produced "an erasable optical disk for the first time in the world." Ovshinsky's firm promptly filed suit. "IBM is a licensee under this patent which is being infringed by Matsushita," says Norris. "IBM did the right thing. In 1972 it took out an insurance policy and put in in the bank. 'If we ever use the process, we'll pay you a royalty,' they told us. In Norris's opinion, 'Matsushita went ahead and just grabbed it without paying us a cent.' "

The book goes on to say, the book goes on to ask:

> Why would a giant company like Matsushita just take someone's technology? Norris has no theory. "I can't understand this behavior. They're invested a lot of money in development, probably as much as $100 million. Then to go out and jeopardize the whole thing by just blatantly infringing somebody's patent—to me it doesn't respresent rational business behavior. It's stupid."
>
> But in Tokyo, Shigeki Hijino does have a theory to explain Matsushita's behavior. Hijino is the 42-year-old editor-in-chief of Britannica International Yearbook and a prominent social critic. "Matsushita is an octopus. Everybody knows it. It's just out to grab whatever it can," he says.
>
> Norris of Energy Conversion Devices is still shaking his head. "We took a very aggressive stance. A small company like us could have written them a letter and gotten into their corporate bureaucracy, and we could have been there for ten years, and they would just put us on hold. Maybe that's what they were relying on," Norris says. "Stan wasn't going to be put in a position like that. That's why we filed our lawsuit, and held a big press conference. They were stunned."
>
> A few weeks later, Ovshinsky and Norris went to Congress to testify about the case before the Dingle Committee. "We talked for an hour and Matsushita got raked over the coals," recalls Norris. "I'm sure that they didn't think that a little company of two or three hundred people was going to give them that kind of anguish. Maybe they're in a mood to talk business, now that we have their attention."

Mr. Wolf writes on that—

> They do seem to have captured Matsushita's attention. While Matsushita continues to publicly deny that it has done anything wrong, they have initiated talks with ECD, and Ovshinsky has gone to Japan to negotiate with the giant electronics firm. "We've got a patent infringement case and if they take a license from us on reasonable terms, that should settle the matter," says Norris. If Matsushita does not agree to terms, however, it could take a long time for Ovshinsky's firm to get anything out of Matsushita. Japan has comparatively few courts and only 11,000 lawyers in the entire nation. Their judges have caseloads five or six times heavier then those of U.S. federal district judges, which makes litigation an impractical avenue for corporate redress.

□ 1655

I might point out that we call EDC the company, and it is still in business because it was able to get a substantial settlement only because it went on the attack, and it now has 350 employees at its plant. And then there is another company, one of the most, as it goes on to point out:

> One of the most popular components in home computers is a chip called the Z80, developed in 1976 by Federico Faggin, one of the maverick geniuses of America's Silicon Valley. Faggin founded Zilog to manufacture the chip, and after a few years sold his company to Exxon, returning to devote more time to his research.

According to Mr. Wolf.

> As personal computers rose in popularity, more and more manufacturers chose the Z80 as the CPU or "brain" of their computers. Zilog licensed three companies, including Sharp in Japan, to make the Z80 and collected a small royalty on each Z80 chip these companies sold.
>
> Several of the newest home computers are being produced by such Japanese companies as Nippon Electric Company (NEC), SORD, Fujitsu, Sony and Hitachi, and many of them have chosen to use the Z80. This chip allows software manufacturers to easily adopt many programs written for other, mostly American, computers.
>
> In early 1983 Zilog came upon a new chip called the PD 780, produced by NEC, which was becoming a best-seller in Japan's awakening home computer markets. When Zilog took the chip apart and examined it carefully, it seemed to be an identical copy of the Z80.

Mr. Wolf says:

> "There are three legitimate alternative sources—companies we licensed—for the Z80. But we are contending that NEC, which is now rivaling us for market share, is illegally producing our chip," says an angry Chuck Signor, spokesman for Zilog, which has sued NEC in the U.S. federal court. "They just went out and copied the chip and it's selling like crazy—mainly in the Japanese markets, but now also in the U.S.," Signor claims.

Mr. Wolf points out:

> The Japanese are skilled, and noted, for "reverse engineering," taking someone else's product apart to see how it works, then building something that does virtually the same thing as the original. "They have their top engineers, maybe the best 5 percent of their force, working on nothing but reverse engineering," claims Ronald N. Billings, an American who has worked in the Japanese computer industry for 14 years and is now a consultant to Nihon Soft Bank, Japan's largest software company. Apparently the technique is legal, or almost so. "It's a tricky business because historically reverse engineering has been considered a valid situation, even on patentable areas," says Zilog's Signor. "A person opens your chip and looks at it and tests it and tries it out. Then he goes to his R&D people and says, 'Can you put out a chip that does the same thing?' They start from scratch and they go do it. That's considered allowable in this business."

Mr. Wolf continues to point out:

> The problem, says Signor, is that he is convinced that the NEC chip is not a product of reverse engineering. "They photographed it, warts and all, the errors are still in there," he contends. "Federico Faggin, the guy who designed our chip, says it's all still in there. It's a direct copy and not an engineering development. Other companies we've licensed have paid several million dollars for the right to be a second source."
>
> In addition to the lawsuit, Zilog has brought a complaint to the International Trade Commission, which has accepted the case. But in Japan, Zilog is powerless. "We can't prosecute them over there," says Signor. "But if we can get an ITC ruling in our favor, the ITC will stop all imports of products with that chip in it. The ITC will settle it in nine months to a year. Unfortunately, the U.S. courts will take three to five years. That's why we went to the ITC."
>
> After Zilog presented its claims, NEC countersued Zilog, contending that the Z80 is a copy of the NEC chip, not the other way around. "They claim to have patents on their chip," says Signor. "But we'll agree to their suit, if they'll agree to ours. Their claim is worth about a million bucks. Ours, in our opinion, is worth $40 million. Even if they could prove their suit, they would receive very little in damages. On the other hand, we've had tremendous damages."
>
> Even if the ITC ruling is in Zilog's favor, hundreds of thousands of products with NEC's chip will have been sold around the world each representing a sale lost to Zilog. And more will be sold in Japan, where Zilog can neither block sales nor hope to get a court settlement.

Some of the repercussions that we are feeling from all of this action by Japanese interests on the semiconductor industry and the chip industry, the memory chip industry, is really beginning to hurt in this country

Yesterday, I pointed out from an article in the San Francisco Examiner some of the offshoots of that, of how we are down to depending almost totally now upon Japanese manufacturing in the chip department.

In this particular article, it says:

> Yet by 1986 most U.S. firms had abandoned the memory business entirely. In the ideal scenario, chip prices would have risen to a point where American companies could afford to return to the fray.

Instead, because of what has happened and because of the way our industries were targeted, "only two U.S.

firms, Texas Instruments Inc. of Dallas and Micron Technology of Boise, ID, remain in the DRAM business, and they make a relatively tiny number of chips."

The San Francisco Examiner points out that Japan accounts for more than 90 percent of the DRAM market, and meanwhile Japanese companies have raised prices of memory chips above the fair market value, and this is all part of this conspiracy that we have been pointing out of targeting American industry, of putting them out of business so they will control, more than control what happens economically in the United States of America.

In closing, I simply want to refer to a poll that was made recently about how the American people feel about all this. How do they feel about having others come in and taking over our businesses? Forty-nine percent of the public said that they do not think it was good for the United States to have foreign companies building more plants here in this country, and 84 percent thought it was not a good idea for them to buy companies and real estate in the United States, and of course, they are all upset, all of the American people are upset about the way we have been exporting jobs, been forced to export jobs overseas and to buy so many of our goods from overseas because our industries have been targeted and destroyed.

I might note that targeting our businesses and threatening Americans with the loss of their jobs if they do not support, for instance, Toshiba, which is one of the companies that had a vast public relations campaign on in Washington to make certain that they were not barred from doing business in this country, even after they sold secret machinery to the Soviet Union, that is not one of the ways that I think we should keep America prosperous.

The references that I made in the book "Japanese Conspiracy" came out of the chapter, once again I want to point out, "Green Tea and More Dirty Tricks."

I will read more of that in the weeks to come.

So once again the American people are alerted and have been made knowledgeable about what really has happened in the destruction of our industries. It is not by any means all our people's fault. There were major contributors to this from overseas.

SANDINISTAS EMPTY PROMISES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. KEMP] is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, today my distinguished colleague Congressman CLAUDE PEPPER and I cosigned a letter to you regarding the lack of approved food aid delivery to the Nicaraguan democratic resistance. The text of the letter reads as follows:

> DEAR MR. SPEAKER: We write to you in the hope that you will join us in our demand that the humanitarian food and medical assistance voted by the Congress in March be delivered immediately to the Nicaraguan Democratic Resistance.
>
> The Resistance has bargained in good faith to reach an agreement under the Sapoa accord. Indeed they have been willing to sit in negotiations with the Sandinista dictatorship in almost prison-like conditions.
>
> On the other hand President Daniel Ortega and the rest of the Sandinista rulers have taken almost every opportunity to further suppress the internal opposition including detaining that leadership yesterday and killing a peaceful protester Tuesday. They have also suspended broadcasts by Radio Catolica and have censored La Prensa. Coupled with their continued violation of human rights, one can only come to the conclusion that they do not want to reach any agreement. It is clear that they are holding up discussions in order to deny the basic humanitarian food and medical aid to the resistance.
>
> No person who desires freedom, democracy, justice, and peace in Nicaragua can object to this humanitarian aid being delivered without delay.
>
> Mr. Speaker, we know that the agreement we reached in March is one you want to honor and believe it is imperative that we join in demanding that the Sandinistas allow the humanitarian aid to be delivered now.
>
> We look forward to your reply.
>
> Sincerely,
>
> JACK KEMP.
> CLAUDE PEPPER.

Mr. Speaker, the aid package that we passed with overwhelming bipartisan support assumed that the Sandinistas would comply with the Sapoa accord and allow delivery of food to the resistance inside Nicaragua.

The resistance has kept its part of the Sapoa agreement and has even gone to Managua to negotiate in an atmosphere that resembles a prison rather than serious negotiations toward democracy.

Since the Sapoa accords were signed, the Sandinistas have repeatedly detained civic leaders in Managua, censored all forms of press, and Daniel Ortega reiterated in his May Day speech last Sunday that "they—the Resistance—should be thankful that we're not offering them the guillotine or the firing squad, which is what they deserve." These are not the words of a man who is interested in democracy.

The Sandinistas have a history of empty promises and broken commitments. I believe that there is only one commitment Daniel Ortega is capable of keeping and that is his commitment to destroy the armed resistance in the fields and crush the internal civic opposition in the cities.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Florida (at the request of Mr. MICHEL), after 3 p.m. today, on account of official business.

Mr. BILBRAY (at the request of Mr. FOLEY), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, on May 10, 11, and 12.

Mrs. BENTLEY, for 60 minutes, May 17, 18, 19, 23, 24, 25, and 26.

Mr. KEMP, for 10 minutes, today.

(The following Members (at the request of Mr. GRAY of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BEREUTER) and to include extraneous matter:)

Mr. BLILEY.
Mr. DANNEMEYER.
Mr. DREIER of California.
Mr. LAGOMARSINO.
Mr. PACKARD.
Mr. LEWIS of California.
Mr. HILER.
Mr. BEREUTER.
Mr. MCDADE.
Mr. GILMAN in two instances.
Mr. GALLEGLY.
Mr. COLEMAN of Missouri.
Mr. HASTERT.
Mr. RITTER in three instances.
Mr. GEKAS.
Mrs. BENTLEY.

(The following Members (at the request of Mr. GRAY of Illinois) and to include extraneous matter:)

Mr. TORRICELLI in two instances.
Mr. FLORIO.
Mr. DOWNEY of New York.
Mr. WAXMAN.
Mr. MCMILLEN of Maryland.
Mr. DURBIN.
Mr. DINGELL.
Mr. MAZZOLI.
Mr. FAZIO.
Mr. LANTOS.
Mr. DE LUGO.
Mrs. COLLINS.
Mr. HOCHBRUECKNER.
Mr. TRAFICANT.
Mr. DELLUMS.
Mr. SKAGGS.

Mr. Dwyer of New Jersey.
Mr. Nowak.
Mr. Smith of Florida.
Mr. Weiss.
Mr. Yates.
Mr. Hoyer.
Mr. Ford of Michigan in two instances.
Mr. Lipinski.
Ms. Pelosi.
Mr. Akaka.
Mr. Gray of Illinois in two instances.
Mr. Markey in two instances.

ADJOURNMENT

Mrs. BENTLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until Monday, May 9, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3562. A letter from the Chairman, Council of the District of Columbia, transmitting the personal financial statement for Board member James A. Tydings, pursuant to D.C. Code sections 1-732, 1-734(a)(1)(A); to the Committee on the District of Columbia.

3563. A letter from the Secretary of Education, transmitting a copy of final regulations—"Program Fraud Civil Remedies Act Regulations", pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3564. A letter from the Secretary of the Interior; transmitting a report entitled, "Outer Continental Shelf Lease Sales Fiscal Years 1984 through 1986: Evaluation of Bidding and Competition", which is in response to the requirements to evaluate alternative bidding systems and competition found in section 8 and 15 (43 U.S.C. 1337(a)(9) and 1343) of the Outer Continental Shelf Lands Act; to the Committee on Interior and Insular Affairs.

3565. A letter from the Chairperson, Martin Luther King, Jr. Federal Holiday Commission, transmitting a report on the Commission's activities as of February 28, 1988, pursuant to Public Law 98-399, section 8 (98 Stat. 1475); Public Law 99-284, section 1(b) (100 Stat. 406); to the Committee on Post Office and Civil Service.

3566. A letter from the Assistant Secretary for Conservation and Renewable Energy, Department of Energy, transmitting the twelfth annual report of activities of the geothermal energy coordination and management project for fiscal year 1987, pursuant to 30 U.S.C. 1162(a); to the Committee on Science, Space and Technology.

REPORT OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ST GERMAIN: Committee on Banking, Finance and Urban Affairs. H.R. 3927. A bill to amend the United States Housing Act of 1937 to establish a separate program to provide housing assistance for Indians and Alaska Natives; with an amendment (Rept. 100-604). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on Education and Labor. H.R. 1801. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1989 through 1992; with an amendment (Rept. 100-605). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on Education and Labor. H.R. 4306. A bill to amend the National School Lunch Act to require eligibility for free lunches to be based on the no farm income poverty guidelines prescribed by the Office of Management and Budget; with amendments (Rept. 100-606). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee on Post Office and Civil Service. H.R. 3424. A bill amending the Defense Department Overseas Teachers Pay and Personnel Practices Act and the Defense Dependents' Education Act of 1978; with an amendment (Rept. 100-607, Pt. 1). Ordered to be printed.

Mrs. SCHROEDER: Committee on Post Office and Civil Service. H.R. 4083. A bill to amend title 5, United States Code, to authorize the establishment of the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, and for other purposes; with an amendment (Rept. 100-608). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. BOXER:

H.R. 4539. A bill to amend the Act of August 24, 1935, to require payment bonds for all contracts with the United States; to the Committee on the Judiciary.

By Mr. PICKLE:

H.R. 4540. A bill to amend the Internal Revenue Code of 1986 to provide that the passive loss limitation shall not apply to deductions allowable for cash out-of-pocket expenses for taxes, interest, and trade or business expenses in connection with rental real estate activities in which the taxpayer actively or materially participates; to the Committee on Ways and Means.

By Mr. COLEMAN of Missouri (for himself, Mr. Bereuter, Mr. Chapman, Mr. Clinger, Mr. Davis of Illinois, Mr. de la Garza, Mr. Ford of Michigan, Mr. Goodling, Mr. Grandy, Mr. Gunderson, Mr. Jeffords, Mr. Lagomarsino, Mr. Lightfoot, Mr. McEwen, Mr. Murphy, Mr. Oxley, Mr. Penny, Mrs. Roukema, Mr. Rowland of Connecticut, Mr. Schuette, Mr. Skelton, Mr. Robert F. Smith, Mr. Solomon, Mr. Stangeland, Mr. Tauke, Mr. Watkins, and Mr. Weber):

H.R. 4541. A bill to amend title IV of the Higher Education Act of 1965 to remove certain assets from the computation of expected family contribution in the determination of need for assistance under such title; to the Committee on Education and Labor.

By Mr. DAUB (for himself, Mr. Dorgan of North Dakota, Mr. Brown of Colorado, Mr. Roberts, Mr. Donald E. Lukens, Mr. Bereuter, Mr. Tauke, Mr. de la Garza, Mr. Madigan, Mr. Stenholm, Mr. Holloway, Mr. Penny, Mr. Wilson, Mr. Kastenmeier, Mr. Emerson, Mr. Stangeland, Mr. Coleman of Missouri, Mr. Whittaker, Mr. Glickman, Mr. Lightfoot, Mr. Durbin, Mr. Petri, Mr. Johnson of South Dakota, Mr. Weber, Mr. Chapman, Mr. Volkmer, Mr. Jontz, and Mr. Craig):

H.R. 4542. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of sales of certain assets by cooperatives; to the Committee on Ways and Means.

By Mr. THOMAS A. LUKEN (for himself, Mr. Whittaker, and Mr. Walgren):

H.R. 4543. A bill to amend the Federal Trade Commission Act to authorize a continuing study of tobacco smoke and for other purposes; to the Committee on Energy and Commerce.

By Mr. MOODY:

H.R. 4544. A bill to reduce the rates of the occupational taxes on retail dealers in liquor and retail dealers in beer to the rates in effect before the Revenue Act of 1987; to the Committee on Ways and Means.

By Mr. RAHALL:

H.R. 4545. A bill to determine the feasibility of protecting and preserving certain significant cultural, historic, and natural resources associated with the coal mining heritage of southern West Virginia, and for other purposes, to the Committee on Interior and Insular Affairs.

By Mr. TRAFICANT:

H.R. 4546. A bill to establish the Harriet Taylor Upton National Historic Site in Warren, OH; to the Committee on Interior and Insular Affairs.

By Mr. WYDEN (for himself, Mr. Florio, Mr. Johnson of South Dakota, and Mr. Tauke):

H.R. 4547. A bill to amend the Department of Transportation Act to reauthorize local rail service assistance; to the Committee on Energy and Commerce.

By Mr. DYMALLY (for himself and Mr. Dornan of California):

H. Con. Res. 294. Concurrent resolution expressing the sense of Congress that the home port of the battleship U.S.S. *Missouri* should be Naval Station, Long Beach; to the Committee on Armed Services.

By Mr. SHAW (for himself, Mr. Andrews, Mr. Ballenger, Mr. Bennett, Mr. Bevill, Mr. Bryant, Mr. Fields, Mr. Frost, Mr. Harris, Mr. Leath of Texas, Mr. Mack, Mr. MacKay, Mr. Montgomery, Mr. Neal, Mr. Pickle, Mr. Price of North Carolina, Mr. Ray, Mr. Robinson, Mr. Rowland of Georgia, Mr. Spence, Mr. Stenholm, and Mr. Valentine):

H. Con. Res. 295. Concurrent resolution expressing the sense of the Congress that, in the administration of Federal laws which allocate benefits based on population data, appropriate measures should be taken to ensure that the most recent data are used; to the Committee on Government Operations.

By Mr. BROWN of Colorado:

H. Res. 439. Resolution to amend the Rules of the House of Representatives to make its proceedings more open, representative, and accountable, and to authorize and direct certain standing committees of the House to report legislation by October 1, 1988, to apply the National Labor Relations Act, the Fair Labor Standards Act of 1938, and the Occupational Safety and Health Act of 1970, to the House of Representatives, and for other purposes; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 382: Mr. Hayes of Louisiana, Mr. Lowry of Washington, and Mr. Rowland of Connecticut.

H.R. 387: Mr. Bosco, Mr. Coelho, Mr. Dicks, Mr. Fuster, Mr. Matsui, Mr. Nowak, Mr. St Germain, Mr. Vento, Mr. Walgren, and Mr. Wheat.

H.R. 592: Mr. Hyde, Mr. Chapman, Mr. Upton, and Mr. Courter.

H.R. 593: Mr. Schuette, Mr. Wolpe, and Ms. Kaptur.

H.R. 672: Mr. Boehlert.

H.R. 958: Mr. Bilbray, Mr. Thomas A. Luken, Mr. Wise, Mr. Gephardt, Mr. MacKay, Mr. Tauke, Mr. Mfume, Mr. Taylor, Mr. Ireland, Mr. McMillen of Maryland, Mr. Grant, and Mr. Hoyer.

H.R. 1076: Mr. Bennett, Mr. Erdreich, Mr. Jones of Tennessee, Mr. Rangel, Mr. Schaefer, Mr. Smith of New Jersey, Mr. Hall of Ohio, Mr. Fazio, and Mr. Denny Smith.

H.R. 1443: Mr. Lightfoot, Mr. Fauntroy, Mr. Fawell, Mr. Jontz, and Mr. Hamilton.

H.R. 1580: Mrs. Morella, Mr. Biaggi, Mr. Nagle, and Ms. Slaughter of New York.

H.R. 1587: Mr. Wortley.

H.R. 1957: Mrs. Smith of Nebraska, Mr. Coleman of Missouri, Mr. Boulter, Mr. Manton, Mr. Yatron, Mr. Carr, Mr. Burton of Indiana, Mr. Bosco, Mr. Cooper, and Mr. Synar.

H.R. 2036: Mr. Dyson, Mr. Lipinski, Mr. Brown of California, Mr. Gephardt, Mr. Glickman, Mr. Stark, Mr. Alexander, Mr. Mrazek, Mr. AuCoin, Mr. Ford of Tennessee, Mr. Bryant, Mr. Dellums, Mrs. Schroeder, Mr. Aspin, Mr. Donnelly, Mr. Markey, and Mr. Carper.

H.R. 2532: Mr. Florio, Mr. Stokes, Mr. Dixon, and Mr. Rahall.

H.R. 2750: Mr. Feighan, Mr. Pepper, Mr. Jones of North Carolina, Mrs. Johnson of Connecticut, Mr. Downey of New York, and Mr. Penny.

H.R. 2854: Mr. Murphy and Mr. Owens of Utah.

H.R. 2862: Mr. Spence, Mr. Williams, Mr. Skaggs, Mr. Owens of Utah, Mr. Bustamante, Mr. McMillan of North Carolina, Mr. Tauzin, Mr. Staggers, Mr. Dornan of California, Mr. Fuster, Mr. Neal, Mr. Spratt, Mr. Thomas of Georgia, Mr. Bevill, Mr. Oberstar, Mr. Buechner, Mr. Marlenee, Mr. Lancaster, Mr. de Lugo, and Mr. Edwards of Oklahoma.

H.R. 3215: Mr. Whitten and Mr. Pepper.

H.R. 3314: Mr. Fazio, Mr. Bevill, Mr. Hawkins, and Mr. Biaggi.

H.R. 3336: Mr. Ballenger.

H.R. 3355: Mr. Studds, Mr. Neal, and Mr. DeFazio.

H.R. 3363: Mr. Frank, Mrs. Collins, and Mr. Pepper.

H.R. 3969: Mr. Rangel.

H.R. 4013: Mr. Porter, Mr. Quillen, Mr. Fazio, and Mr. Ritter.

H.R. 4015: Mr. Johnson of South Dakota, Mr. Hefley, and Mr. Smith of New Hampshire.

H.R. 4036: Mr. Feighan.

H.R. 4048: Mr. Andrews, Mr. Jacobs, Mr. Flippo, Mr. Russo, Mr. Huckaby, Mr. Morrison of Connecticut, Mr. Fascell, Mr. Moakley, Mr. Hansen, and Mr. Thomas of Georgia.

H.R. 4088: Mr. Clay.

H.R. 4181: Mr. Craig.

H.R. 4224: Mr. Fawell.

H.R. 4277: Mr. Pepper, Mr. Atkins, Mr. Rangel, and Mr. Sensenbrenner.

H.R. 4297: Ms. Pelosi, Mr. Lowry of Washington, Mr. Wolpe, Mr. Stangeland, Mr. Synar, Mr. Smith of Florida, Mr. Chapman, and Mr. Hayes of Illinois.

H.R. 4335: Mr. Hughes, Mr. Levine of California, Mrs. Collins, Mr. Sunia, Mr. Fuster, and Mr. Smith of Florida.

H.R. 4364: Mr. Porter.

H.R. 4409: Mr. Jontz, Mr. Schuette, and Mr. Chapman.

H.R. 4434: Mr. Chapman.

H.R. 4463: Mr. Frost, Mr. Packard, Mr. Goodling, Mr. Chapman, and Mr. Rangel.

H.R. 4470: Mr. Rangel and Mr. Gilman.

H.R. 4486: Mr. Fauntroy, Mr. Towns, Mr. DeFazio, Mr. Dorgan of North Dakota, Mr. Weiss, Mr. Frank, Mr. Yates, Mr. Lantos, Mr. Stark, Mr. Roe, and Mr. Smith of Florida.

H.J. Res. 417: Mr. Gilman, Mrs. Johnson of Connecticut, Mr. Rangel, Mr. Waxman, Mr. Hertel, Mr. Rahall, and Mr. Atkins.

H.J. Res. 453: Mr. Gray of Pennsylvania, Mr. Foley, Mr. Synar, Mr. Sunia, Mr. Darden, and Mr. Shays.

H.J. Res. 461: Mr. Boehlert, Mr. McHugh, Mr. Wise, Mr. Swift, Mr. Thomas A. Luken, Mr. Livingston, Mr. Applegate, Mr. Boulter, Mr. Davis of Michigan, Mrs. Smith of Nebraska, Mr. Vander Jagt, Mr. Nowak, Mr. Dowdy of Mississippi, Mr. Fawell, Mr. Lewis of Florida, Mr. Bonior of Michigan, Mr. Clinger, Mr. Frenzel, Mr. Coughlin, Mr. Bereuter, Mr. Gradison, Mr. Green, Mr. Houghton, Mr. Lent, Mr. Molinari, Mrs. Roukema, Mrs. Saiki, Mr. Nagle, Mr. Rinaldo, Mr. Spence, Mr. Borski, Mr. Dymally, Mr. Saxton, Mr. Jones of North Carolina, Mr. Baker, Mr. Bartlett, Mr. Cheney, Mr. Gallo, Mr. Buechner, Mr. DeWine, Mr. Dickinson, Mr. Gregg, Mr. Fields, Mr. Hefley, Mr. Lewis of California, Mr. Moorhead, Mr. Hunter, Mr. McCandless, Mr. Latta, Mr. McCrery, Mr. Rowland of Connecticut, Mr. Shays, Mr. Ritter, Mr. Smith of Iowa, Mr. Wylie, Mr. Roybal, Mr. Bliley, Mr. Conte, Mr. Goodling, Mr. Hopkins, Mr. Hyde, Mr. Lungren, Mr. Kemp, Mr. Mineta, Mr. Schaefer, Mr. Shumway, Mr. Oxley, Mr. Parris, Mr. Waxman, Mr. Pursell, Mr. Regula, Mr. Slaughter of Virginia, Mr. Smith of New Jersey, Mr. Wolf, Mr. Stump, Mr. Coats, and Mr. Dannemeyer.

H.J. Res. 462: Mr. Crockett.

H.J. Res. 481: Mr. Anthony, Mr. Skaggs, and Mr. Bilirakis.

H.J. Res. 490: Mr. Markey and Mr. Saxton.

H.J. Res. 539: Mr. Clay, Mr. Crockett, Mr. DeFazio, Mr. Dornan of California, Mr. Hefner, Mr. Hyde, Mr. Lancaster, Mr. Lantos, Mr. Levin of Michigan, Mrs. Lloyd, Mr. McCollum, Mr. Mack, Ms. Pelosi, Mr. Pepper, Mrs. Roukema, Mr. Spratt, and Mr. Stark.

H.J. Res. 540: Mr. Buechner.

H.J. Res. 559: Mr. Sawyer, Mr. Schuette, Mr. Atkins, Mr. Baker, Mr. Dorgan of North Dakota, Mr. Weber, and Mr. Sensenbrenner.

H.J. Res. 562: Mr. Rinaldo.

H. Res. 379: Mr. Ritter and Mr. Smith of Florida.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3081: Mr. Craig.

EXTENSIONS OF REMARKS

TELECONFERENCE EXECUTIVE SUMMARY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. GILMAN. Mr. Speaker, the World Food Day Teleconference held here in Washington took place last October. Yet, the fascinating information and dialog that grew out of the process is still having an impact. International and domestic policy considerations and grassroots efforts are under review while the teleconference's important information is being assimulated.

Accordingly, I am inserting in the RECORD at this point an executive summary of the teleconference in order to share the conference information with my colleagues:

TELECONFERENCE EXECUTIVE SUMMARY

The fourth annual World Food Day teleconference, emanating from George Washington University studios in Washington, D.C. on October 16 and linking a distinguished international panel to more than 400 receive sites across the United States and Canada, highlighted problems of the "informal" sector of developing countries and the impact of world food trading systems on small farmers in all countries. The theme of the teleconference, selected by participating institutions, was "Poverty, Hunger and Interdependence."

World Food Day, held for the first time in 1981 and marking the anniversary of the founding of the UN Food and Agriculture Organization, has captured the imagination of people throughout the world. In the U.S., the Day is observed in virtually every community in the country, and the National Committee for World Food Day has grown in membership to more than 400 private voluntary organizations.

Serving on the teleconference panel were Dr. Hernando de Soto, founder and director of the Institute for Liberty and Democracy in Lima, Peru; Dr. John Gatu of Kenya, vice-president of the All Africa Conference of Churches; Anne Kanten, assistant commissioner of agriculture for the state of Minnesota and a founding member of the American Agriculture Movement; and Torild Skard, director-general of the multilateral department of the Royal Norwegian Ministry of Development Cooperation. TV/film star Eddie Albert hosted the program and CBS news anchorwoman Maureen Bunyan served as moderator.

TELECONFERENCE CONCEPT

The World Food Day Teleconfernce is a model of development education/action. In ways not tried on this scale before, it stretches the concept of teleconferencing from an on-the-air program of a single day to a year-around, interactive educational process. The main components of the teleconference package are: 1) a Study/Action Packet, this year prepared by Michigan State University's Center for Advanced Study of International Development (CASID) and distributed to all sites and other WFD study centers throughout the country; 2) the three-hour satellite telecast on October 16 composed of three hour-long segments for expert presentations, special local site programs and a site-panel question-and-answer interchange; 3) the written teleconference report, including answers to site questions by panelists which could not be taken up during the broadcast period and also recommendations for action offered by the sites on the basis of their teleconference experience; and 4) analysis and planning by selected site planners and educators after each year's teleconference to prepare recommendations for the following year.

All of the teleconference components are designed as college-level curricular aids and are used in classrooms and for adult study across the country. Videotapes of the broadcast are also frequently used and are kept in college and community libraries.

THE STUDY/ACTION PACKET

Although the Study/Action Packet is an integral part of the teleconference program, it also serves, and is widely used, as a separate study resource by groups not participating in the October 16 telecast event. More than 1,300 copies of the packet were distributed prior to the teleconference in 1987, including the main field offices of the Department of Agriculture's Extension Service. Funding for the packet, as well as for other parts of the teleconference program, was provided through a Biden-Pell Development Education Grant from USAID as well as by contributions from the National Committee for World Food Day and the Xerox Foundation.

The 1987 packet was entitled "The Right to Food: From Awareness to Action." Although not conceived as a full analysis of world hunger and poverty problems, it was prepared for curricular use at the college level and with the further goal of stimulating private commitment to anti/hunger action. For example, it includes 50 suggestions on how individuals can begin or increase involvement in anti-hunger action programs. The packet also includes an 18-page compendium of other study resources in print and film and a special insert pamphlet on credit for poor people based on the experiences of the Grameen Bank of Bangladesh, written by its founder and managing director, Professor Muhammad Yunus. The entire packet was especially designed to facilitate local duplication either in part or whole, and thousands of copies were made by site organizers for local distribution. Michigan State University is also to prepare the Study/Action Packet for the 1988 teleconference.

TELECONFERENCE OUTREACH

The WFD teleconference network has grown each year, from 125 official sites for the first program in 1984 to more than 400 in 1987. Pick-up of the satellite telecast by other networks and stations also has increased dramatically, especially for the first hour of panel presentations, and the total number of television sets assessed in the U.S. is now counted in the millions.

Many factors contributed to the expansion of the network in 1987, including expanded participation by the Healthcare Information Network (HIN), the Black College Satellite Telecommunication Network (BCSTN), stations of the Public Broadcasting Service and other educational and commercial cable stations. The program has for several years been offered through Catholic Telecommunications Network of America (CTNA). Another factor affecting site audiences, which also have grown steadily, has been the granting of continuing education credits for participation. These were offered by the American Dietetic Association in 1986 and again in 1987, and also by the American Home Economics Association and the National Association of Social Workers in 1987. The increase in the number of college sites was also financed by initiatives taken by the National Student Campaign Against Hunger, which has made WFD participation a major part of its program.

LOCAL SITE PROGRAMS

Over the four-year experience of the WFD teleconference, several important developments have emerged in the on-site programs; interest in local hunger problems has led to new ties between colleges and anti-hunger groups in surrounding communities; community links and the awareness of the financial plight of many American farmers influenced the selection of the 1987 theme of "interdependence"; local programming has been increasingly recognized as a natural vehicle for involving government officials and elected leaders as development education resources and for open exchange of views; and, finally, each year has seen greater integration of on-site programs into curricular programs. Expansion in all these areas was evident in 1987.

A different but important use of the middle hour at many sites was the showing of special documentary films. A one-hour documentary telecast by the Black College Satellite Telecommunications Network (BCSTN) (on "The Role of Historically Black Colleges in Alleviating Poverty and Hunger") was shown at more than 25 sites. In at least three states—Iowa, New Jersey and Tennessee—documentaries of special telecasts were shown at teleconference sites and/or over other public and commercial TV channels. Hospital site programs included government officials explaining programs for Women Infants and Children, Senior Nutrition Centers and Food Stamps. Site program participation by elected officials included mayors and mayoral candidates, country commissioners and state and federal legislators.

PROGRAM SUMMARY

The teleconference began with an introduction by Eddie Albert followed by a taped welcoming statement by FAO Director-General Edouard Saouma, who noted that the theme of "interdependence" raised issues beyond humanitarian concerns and made it possible to discuss mutual self-interest that could be achieved through changing aid recipients into trading partners. Moderator Maureen Bunyan then began the panel presentations.

Hernando de Soto briefly outlined his central thesis that a main cause of hunger and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

poverty in developing countries is that more than half of all people work in an "informal" sector of the economy because the laws in nearly all countries serve to restrict rather than encourage the natural desire of people to build and produce goods and services. Of special concern, he said, was the endless red tape involved in legal conduct of small business and also the inability of the poor and "informals" to influence the shaping of new laws. As an example, he cited the problems of squatters attempting to gain title to government land for housing, which in Peru could take seven years of procedures involving 52 government agencies. De Soto noted that the problem of land ownership and restrictive laws was rural as well as urban, and that the urban hunger problem was, in any case, a transferral of a rural problem to an urban setting. (The Institute staff of 40 economists, engineers and lawyers make an effort to "create a legal framework that will protect and stimulate what is presently the informal sector.")

Gatu said that the problems of "informals" probably were much the same in Africa, particularly in the difficulty of working through bureaucratic red tape. However, he noted that bureaucratic restrictions were largely inherited from colonial government systems and one advantage of slowness in bureaucracy in the present African context was that it gave governments a chance for deliberate decision-making, especially regarding foreign participation in African economies.

Skard said that Norway was giving more attention to the informal sector in its lending activities because it was in the informal sector where most poverty could be found. She agreed that governments often restrict the abilities of the poor to organize their affairs, and added that this was particularly true in the case of women. It was particularly difficult for Third World women to cross from the informal to formal sectors of the economy because, she noted, both laws and custom tended to reduce women's visibility and also reduce the time they have in a long work day to take advantage of existing opportunities.

Kanten, after noting that American farm women were becoming more active politically but still have many of the same problems as Third World women, brought the discussion to the issues of interdependence and international food policy, making a link between farm problems and world hunger. Tracing the volatile shifts in U.S. farm policies over the years, she concluded that the future protection of small and family-operated farms in the U.S. and throughout the world lay in higher commodity prices and that although subsidies should and could be reduced this would be very burdensome unless coupled with higher prices. On the international farm economy, she called for market sharing rather than "cut-throat" competition. In response to the question of whether higher food prices for farmers would not have a negative impact on nutrition for the non-farm poor, Kanten argued that a more healthy rural sector would rapidly reduce poverty in both rural and urban sectors by rural development and a slowing of urban migration.

Follow-up comments among the panelists revolved mainly around these main points: poverty and the informal sector, the impact of higher farm prices and the need for international cooperation to protect farmers, the special and especially difficult position of Africa in feeding its people and in the international agricultural market, and the problems of women as informals and as farmers. The panelists also took up the issues of "sustainable agriculture" in involving environmental protection, mixed farming practices, the value of food crops over or alongside cash crops, the need for developed countries to increase their aid to Third World countries and also to be certain that international agricultural policies and terms of trade did not negatively affect Third World hunger.

INTERACTIVE SEGMENT

Questions from the sites in the third hour (or answered by panelists afterwards) tended to center around the themes and points raised by the panelists. More than 100 questions arrived from the sites. Subjects in which there appeared to be very broad interest among the site participants included: how higher food prices would impact on the poor, the link between hunger and dependency on international markets, how American policy might be changed to more directly benefit the poor and especially poor farmers, whether politics and/or governmental corruption were major impediments to hunger elimination, and what steps should be taken to empower and improve the lot of women. In their answers, all panelists stressed the need for international cooperation and development assistance both in money and policy changes. However, Gatu and Skard urged that considerable care be given in American (and World Bank/IMF) attempts to influence policymaking to avoid interference in internal affairs of the developing countries. All panelists agreed that more needed to be done to protect and to encourage them to grow more family subsistence foods as a protection against market swings.

RECOMMENDATIONS FOR ACTION

In site teleconference reports, prepared after the event to evaluate experiences, contribute to a consensus of views on subject matter, and to make recommendations for follow-up action, recommendations were made in five areas:

For North American governments: Internationalist tendencies of the site audiences were clear in the number of calls for increased development aid, the use of grants rather than loans and support of international agencies such as FAO. Underlying these recommendations, however, was a strong current of views that aid should be better targetted to get to those most in need and to avoid corruption. For the International Community: There was widespread agreement that activities of the international agencies should be prioritized toward the poor, including more training, credit and support for people's organizations outside government; For Food Crisis Governments: Among the relatively few suggestions made in this category, there was a strong bias against military spending by aid-recipient counties and a view that food-short countries should do more to become self-sufficient in food staples; For North American Colleges: By far the largest number of recommendations for colleges came in a call for curricular change to increased study of international economic affairs and North-South relations; For Community Groups: Most recommendations called for more active organization to solve local hunger problems and to improve opportunities for the poor. Others urged local community groups to take a more aggressive public-advocacy role on food, hunger and poverty issues.

TRIBUTE TO HACKENSACK MEDICAL CENTER

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. TORRICELLI. Mr. Speaker, it is with great pleasure and pride that I address my colleagues in the House today, for I rise to pay tribute to the Hackensack Medical Center on the occasion of its centennial year. When formally dedicated on June 13, 1888, this first hospital in Bergen County, was a 10-room residence with 12 beds. Hackensack Medical Center has the most comprehensive programs in New Jersey for children with cancer and blood disorders. The program is called "The Tomorrows' Children's Institute." The hospital's new 24-bed inpatient pediatric unit contains the latest in medical technology to provide the best possible care for children. The Institute for Child Development at Hackensack Medical Center is a regional diagnostic treatment center that attracts children and young adults from across the country and around the world. Started in 1966, the two ICD sections, audiology and communication disorders, helps children from newborn to adolescents with developmental, physical, behavioral and emotional problems. ICD offers a comprehensive approach to evaluation and therapeutic services to help the children reach their fullest potential. The center's cardiac surgery program was begun in 1985 and recently performed open-heart surgery on the 1,500th patient. They are now operating the State's fourth largest open-heart surgery program and have become a major referral center.

Other services include a unit to treat diabetes, a genetics counseling program, a newborn intensive care unit, a regional dialysis service and the first Medicare accredited hospice program in Bergen County. Hackensack Medical Center reaches out to the community through such programs as nutrition counseling, sports medicine, home health care and a parent-child health program. HMC is a member of the university health system which is a statewide network of teaching hospitals and benefits from joint hospital supply and equipment purchasing. As a result, the center can provide more affordable medical services without cutting the quality of the health care.

Mr. Speaker, let me conclude my remarks by extending my appreciation and respect to the skilled medical professionals associated with this excellent facility. May the more than 460 physicians and 800 nurses on staff continue in their dedication and commitment to rendering outstanding patient services and care. I hope the House will join me in saluting their efforts and accomplishments.

THE FIFTH STREET RENAISSANCE

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. DURBIN. Mr. Speaker, it is a pleasure to discuss with my colleagues today an important project that is under way in my congressional district. It is called "The Fifth Street Renaissance," and it is playing an important role in assisting the homeless in Springfield, IL.

The Fifth Street Renaissance gives assistance to people who are faced with a shortage in available housing but have demonstrated a desire to work and remain financially independent. It serves as an intermediate step for people who are seeking to leave the confines of an emergency housing shelter, but cannot yet afford permanent housing.

Volunteers who staff the shelter work closely with other area emergency facilities as well as various community agencies to pool resources in an effort to provide the best assistance for its tenants. Many of those who live in the shelter are enrolled in training, education or counseling programs. Others have found part-time work and are in search of permanent employment.

Aside from private contributions, the shelter receives housing and urban development funding, and is an excellent example of Federal funds put to good use. The steps that "The Fifth Street Renaissance" has taken to alleviate the affordable housing shortage in Springfield have been cost-effective and have paved the way for similar projects in other cities.

The example that has been set by "The Fifth Street Renaissance" breaks the unwanted reputation of shelters as large, run-down welfare hotels housing the unemployable and derelict. This shelter puts the human element on homelessness, and emphasizes the fact that those who inhabit these facilities have the capacity to make themselves independent.

Their success rate in accommodating those without housing and making their move into a permanent home easier has taken away the stigma of the homeless as a lazy, indigent group. Giving those without housing temporary shelter not only helps those looking for employment and job skills; by making them more employable, their efforts also add to the quality of the community.

Mr. Speaker, I encourage other Members to give their support to efforts like this in their districts. They are cost-efficient, positive and productive solutions to the housing shortage many of our constituents are facing.

NO PLACE FOR HOME

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. FLORIO. Mr. Speaker, homelessness in America takes many forms in many places. In a two-room efficiency at a motel in Williamstown, NJ, homelessness has a face and a name.

Those faces can be recognized in every community. Some of those faces belong to people who live on the streets of our cities. Some of those faces belong to hard-working people who struggle to live in poverty and in fear of imminent homelessness. None of those faces should be allowed to remain nameless.

In that two-room efficiency in Williamstown, the names and the faces belong to the family of Ralph and Bonnie Greene.

For the Greene family in that Williamstown motel, homelessness does not necessarily mean having to live on the streets. Instead, it means struggling to live with the constant fear of homelessness. For the Greenes and the many others like them, poverty is the key that has locked them out from a home they can call their own.

The struggle of the Greenes is to keep a roof over their heads and to hope for a better future for their children.

This struggle does not affect only one family in only one city in only one State. It is a struggle that is relived day in and day out across the Nation by thousands of families and thousands of individuals.

Increasingly, it is a struggle that is faced by more and more families. In fact, families now compromise one-third of all of the homeless people in our country.

In the vicious cycle of poverty, homelessness especially threatens the poorest members of our society. We are increasingly becoming a nation where many people live with one foot in the door and one foot out. These people make up a nation at risk.

Last week, I wrote to the President of the United States to point out to him the crisis faced by the Greenes of Williamstown. The question remains, "What can we do to help those who find themselves in two-room efficiencies at a motel, like the Greenes. And what can we as a nation do for those who find themselves on the street with no address, no roof, and no place to go?"

That question is a question that must be answered if those faces and names are to find a home.

It is a question that can be answered only by trying, not by stepping away from the needs of these people.

I would like to share with my colleagues the letter that I sent to the President, asking for his consideration of how our Nation can best meet these needs and recommending that it takes a nation's undivided attention to meet these needs. The letter and an article from the Camden Courier-Post describing the condition of the Greenes follow:

APRIL 27, 1988.

President RONALD REAGAN,
The White House, Washington, DC.

DEAR MR. PRESIDENT: There has been a lot of talk in recent months about the problem of our nation's homeless. You, in fact, have at times been on record as saying that there is no problem. I'd like to take this opportunity to introduce you to a family that not only proves that there is a serious problem, but that shows the dimensions of it go far beyond the stereotypes.

Come to Gloucester County, and meet Ralph and Bonnie Greene, and their eight children. The Greenes are homeless. No, they are not living on the sidewalk. They have a roof over their heads. But they still are homeless, and their plight reflects the misguided policies and, indeed, the failure in the past few years of our national government to live up to its responsibilities.

You can find the Greene family in Williamstown. All ten of them are sharing a tiny two-room efficiency at a motel. This is not the way the Greenes want to live, Mr. President. They have been trying very hard to make a better life for themselves. Unfortunately, they have not always received the support they ought to expect from the people to whom they pay their taxes.

Let me tell you a little more about the family. Ralph Greene is a Vietnam veteran who twice received a Purple Heart for his battle wounds. He works as a laborer, pulling down about $5 an hour. The Greenes' youngest child, a five-year-old girl, has cerebral palsy and is blind. She receives a monthly check from Social Security for her disability, and that money helps the family to pay the approximately $275 a week to live in the motel.

As you can see, however, the Greenes' chances are slim of putting together the kind of money it would take to buy a home of their own. That is where we are failing the Greenes, Mr. President. They are hardworking people who deserve a chance. And I have to believe there are millions like them, who fall through the cracks of government policies that seem guided more by the desire to reduce the power of government than to help empower people who are in need.

Space doesn't allow me to give you all the details of the Greenes' dealings with the Farmers Home Administration, through which they are trying to get approval for a mortgage. Initially, they were turned down because a house they had found needed, in the view of FMhA, more repair and maintenance than the Greenes could afford—even though they had a solid commitment from the community to help them.

After a lot of looking, that rundown house was the only thing the Greenes could find that would be big enough to accommodate the family, and still fall within the agency's $75,000 loan limit. After some prodding from my office, the FMhA reopened the Greenes' case and the state FMhA office approved a $95,000 loan limit.

There might turn out to be a happy ending for the Greenes, but not every family in their position gets community backing and knows enough to turn to their Congressman for help. I am deeply concerned that the "government off our backs" mentality that your administration brought to Washington in 1981 is not only a gross misreading of what people in this nation really want, but it also threatens to make an underclass out of people who are willing, and should be able, to be productive members of society.

It is my hope that we can move our nation beyond debates about big government versus small government, and start providing what people really want: smart government. Only then can we be sure that people like the Greenes can fulfil their potential as Americans, and that America can fulfil its potential as a nation.

Sincerely,

JAMES J. FLORIO,
Member of Congress.

TROUBLED FAMILY PUT IN SPOTLIGHT

(By Karen Kofoed Muldoon)

MONROE.—Ralph and Bonnie Greene are hardworking people who have lived quietly with their eight children in two tiny model rooms for the past two years.

They've dreamed of having their own home, but never really believed the dream could come true.

This week, their obscure lives were spotlighted when Rep. James Florio, D-N.J., wrote to President Reagan and pointed to the family as an example of the millions of people who "fall through the cracks of government policies the seem guided more by the desire to reduce the power of government than to help empower people who are in need."

Ralph Greene, a Vietnam veteran, had trouble finding work for a number of years because of his war wounds.

"My husband has a bullet in his liver from Vietnam, but the government told him he wasn't eligible for benefits because he is able to work," Bonnie Greene said. "But nobody wanted to hire him."

About six years ago, Greene got a job as security guard.

Meanwhile, the house where they had been living, Mrs. Greene's father's home, burned down, and the family began living in motels and campgrounds.

At the Star Motel, where they've been living for the past two years, they pay $275 a week for two small rooms.

The rent is a big chunk of the family's income, which consists of Ralph Greene's salary of about $375 a week, $385 a month in supplemental security income for the Greene's youngest daughter who is blind and has cerebral palsy, and approximately $160 a month in food stamps.

The Greenes had heard about low-interest loans for low-income families, "but I didn't think we'd qualify," Mrs. Greene said.

About two months ago, a friend suggested she check into a Farmers Home Administration (FmHA) loan.

A loan amount of $75,000 was approved, but every house the family wanted to buy was turned down by the FmHA because the agency believed the houses needed more maintenance and repair work than the family could afford.

Finally, the friend who suggested applying for a loan contacted Florio's office.

Florio visited the family and was appalled when he saw their living conditions.

He helped them get the loan amount raised to $95,000, and the family is again looking for a home.

"The Greenes are homeless," Florio wrote to the president. "They have a roof over their heads. But they still are homeless, and their plight reflects the misguided policies and, indeed, the failure in the past few years of our national government to live up to its responsibilities.

"They are hardworking people who deserve a chance. And I have to believe there are millions like them," Florio wrote.

He said that though things may turn out well for the Greenes, he is concerned that the Reagan administration's "government-off-our-backs mentality" may "threaten to make an underclass out of people who are willing and should be able to be productive members of society."

"It is my hope that we can move our nation beyond debates about big government and start providing what people really want, smart government," Florio wrote.

Bonnie Greene said Florio's letter to the president "kind of shocked me."

"I feel very nervous. We usually just keep to ourselves."

Even so, she said, "I feel that there is a stereotype that everyone that lives in a motel is on welfare. There are a lot of people in my circumstances that get stuck in a rut and can't get out."

RESTORATION OF THE $54 TO $24 SPECIAL OCCUPATIONAL TAX FOR RETAIL ALCOHOL BEVERAGE DEALERS

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. MOODY. Mr. Speaker, I am today introducing legislation to restore prior year occupational tax levels affecting retailers in the alcohol beverage industry.

Last year, as part of the 1987 Omnibus Reconciliation Act, the special occupational taxes were increased from $54 to $250 per place of business per year for retail liquor dealers, and from $24 to $250 per place of business per year for retail beer dealers.

That action affected some 600,000 retailers, including taverns, grocery stores, and convenience stores. In retrospect, a 400-percent increase in this Federal "user fee" is excessive, and will be particularly burdensome for the many thousands of "Mom and Pop" grocery and convenience stores across the country.

The GAO has suggested in the past that the occupational tax on retailers should be repealed altogether. Despite that recommendation, I believe that outright repeal is not warranted at this time. Instead, my legislation simply restores the occupational taxes to the level in effect prior to enactment of last year's reconciliation bill.

Mr. Speaker, the legislation I am introducing is supported by the Tavern League of Wisconsin, the National Licensed Beverage Association, and numerous other organizations representing alcohol beverage retailers. I hope my colleagues in the House will support this effort to restore some equity to the taxation of the retail beverage industry.

A NEBRASKA EDITOR SPEAKS OUT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. BEREUTER. Mr. Speaker, two excellent recent editorials appeared in the Norfolk (NE) Daily News which I wish to bring to the attention of my colleagues.

The first, "Glaring Exception," addresses the trade bill and the unfortunate decision to keep the plant-closing provisions in the conference report. While I voted for the bill despite the exaggerated or overdrawn administration objections to the plant-closing provisions, I am pleased that the newspaper specifically recognized the many beneficial provisions contained in this important legislation.

The second editorial, "Withholding Aid," discusses the issue of withholding U.S. aid to countries that have been identified as major drug-producing and transit points. The editorial writer's point of view in this discussion deserves to be heard by my colleagues.

I request permission to have both editorials reprinted in the CONGRESSIONAL RECORD.

The editorials follow:

[From the Norfolk (NE) Daily News, Apr. 26, 1988]

GLARING EXCEPTION

When Members of Congress, with the urging of President Reagan, sat down to work on a major trade bill, one goal loomed large: The legislation should make the United States more competitive in international trade. The bill passed by the House of Representatives last week—and being debated in the Senate this week—goes a long way in accomplishing that goal, with one glaring exception.

Included in the bill, at the insistence of House Democrats, is a provision that requires all but the smallest employers to give workers 60 days notice of intentions to close plants or make large-scale layoffs. Politically, it could be argued, the provision makes sense because it should help guarantee organized labor support for Democratic congressional candidates in the upcoming elections.

Political sense, yes. Economic sense, no. After all, the Democrats have yet to explain how requiring employers to give advance notice of plant closings will make the United States more competitive in international trade. Don't hold your breath waiting for that explanation, either.

The provision doesn't belong in a trade bill, as President Reagan has justifiably argued. But because it is in the trade legislation, Reagan says he will veto it, even though he likes other parts of the bill. The bill does contain some important improvements in helping make the United States more competitive, including giving more flexibility and authority to the U.S. trade representative—Nebraska native Clayton Yeutter—in dealing with international trade issues.

It would have been far better for the House to pass a trade bill that dealt specifically with competitiveness and trade issues and nothing more. If there is demand for separate legislation on the plant-closing provision, so be it. Let it stand or fall on its own merits, rather than hide in the skirts of a much more important trade bill.

[From the Norfolk (NE) Daily News, Apr. 23, 1988]

WITHHOLDING AID

Some members of the House Foreign Affairs Committee want to withhold customary U.S. aid to countries that have been identified as major drug-producing and transit points. Among them might be the Bahamas, Mexico, Peru, Paraguay and Bolivia. Such sanctions would be applied where the governments involved are regarded as not doing enough to deal with drug traffickers.

The danger is that such actions would make those governments even more subject to the influence of the big money which flows in the drug trade, and which is readily available to corrupt officials.

Certainly the United States must withdraw all direct support from any regime, anywhere, which participates directly in the drug trade. Trying to determine a foreign government's degree of "toleration" of such trade that would result in an aid cutoff or reduction is more difficult. It could be impossible.

In bringing up the subject, the House can best act by showing its concern, then letting a chief executive delegated the responsibility for foreign affairs determine what course should be followed. Congressional action could more logically take the form of changes in laws which are user-friendly so far as the drug habit is concerned.

TRIBUTE TO DR. VICTOR BORDEN

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. TORRICELLI. Mr. Speaker, on Saturday, May 7, the members of the congregation of Temple Beth El in Closter, NJ, will join in testimony to honor Dr. Victor Borden on the occasion of his completion of an exceptional 2-year term as president of his temple. Dr. Borden has been an active, involved leader at the temple for many years and has served tirelessly and enthusiastically as adult education chairman, trustee and vice president. He was installed in June, 1986 as the temple's 20th president. Joining him at the time of this honor will be his wife Francine and his two daughters, Heather and Gayle.

As an obstetrician, Dr. Borden has consistently demonstrated his skill and talent with compassion and understanding, both in his private practice and as an attending physician at Englewood Hospital. He has shown a strong impulse to serve his community as well with his involvement in several community and nonprofit organizations, serving as medical advisor and a member of the board of directors of planned parenthood of Bergen County.

Dr. Victor Borden is an elected member of the board of the United Jewish Community and serves on its Community Relations Committee. He is active in the movement for Freedom for Soviet Jewry and has made several trips to the U.S.S.R. He has long expressed strong support and genuine concern for the refuseniks in that country, and has spoken out publicly and assertively on their behalf in an attempt to further an understanding of their situation.

Dr. Borden has earned high respect and admiration for his leadership skills, personal integrity, dedication and personal commitment to all his endeavors. I welcome this opportunity to join with family, friends, colleagues, and the congregation that honors him, in wishing Dr. Victor Borden continued success in the years ahead.

ILLINOIS GROCERS JOIN FIGHT FOR HEALTHY BABIES

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. DURBIN. Mr. Speaker, Illinois is ranked among the top 10 States nationwide with the highest infant mortality rate. It is hard to believe that an infant born in a Third World country like Jamaica or Trinidad has a greater chance of survival than a black baby born in Chicago or a child born in Pulaski County in downstate Illinois.

Although we have made some progress in Illinois, babies continue to die because their mothers don't receive the care they need. It is estimated that in my State 11,000 low-income mothers this year will not receive the prenatal care they desperately need. Without this care, these women are three times more likely to deliver a sick, low birthweight infant.

Last fall, I brought the U.S. House Select Committee on Children, Youth and Families to Chicago and Springfield for hearings on this problem. Much of the information from those hearings indicated a link between a lack of education about prenatal care and high infant mortality rates.

Mr. Speaker, in an effort to increase awareness in Illinois about the importance of prenatal care, I recently met with representatives of the Illinois Food Retailers Association to discuss a public service campaign on this issue. The response I received was overwhelmingly positive.

Beginning May 8, Mother's Day, over 600 grocery stores in Illinois will initiate an education campaign to promote the importance of prenatal care and advertise a State-run prenatal care hotline. This promotional push will run through the Fourth of July. Through the distribution of bag stuffers, advertisements, and grocery bags publicizing this information, thousands of Illinoisians will be bringing needed information directly in their homes.

Dr. Bernard Turnock of the Illinois Department of Public Health and Gov. James R. Thompson are to be congratulated for making the reduction in infant mortality rates a high priority for our state. In making available a prenatal care hotline, the State's Families with a Future Program accommodates the needs of many pregnant women who can't afford a doctor visit or who are without health insurance.

I want to thank the Illinois grocers for joining me in this important campaign. Their help, along with the assistance of the Illinois Retail Merchants Association and the Southern Illinois University School of Medicine, will put important information in the hands of those who need it the most.

They recognized a serious problem, made the decision to become actively involved, and their efforts will help many women and children in our State lead better, healthier lives. They are to be congratulated for their leadership in fighting against these preventable infant deaths and for a better future for Illinois families.

ATOMIC VETERANS DESERVE COMPENSATION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. FLORIO. Mr. Speaker, on May 2, 1988, the House approved legislation that seeks to accord to veterans who were exposed to radiation the dignity they deserve and the appreciation they earned while serving their Nation. As a cosponsor of H.R. 1811, I was pleased to see the overwhelming support for this legislation which provides compensation to the atomic veterans who suffer a variety of cancers because of their exposure to radiation at Hiroshima and Nagasaki.

Mr. Speaker, I regret that I was unable to be present for this historic vote, because of prior commitments in New Jersey and because of the unexpected nature of the vote this past Monday. However, I did want to indicate, for the record that, had I been present, I would have voted "aye." As an active cosponsor and supporter of this legislation and as a member of the House Veterans Affairs Committee, I am pleased that we are finally doing justice to a group of veterans whose troubles have been ignored by the VA.

This legislation links 13 types of cancers that have been contracted by atomic veterans and their exposure to ionizing radiation during atmospheric nuclear tests or as they participated in the occupation of Hiroshima and Nagasaki. Currently, 6,000 veterans who served in these areas have filed claims with the VA requesting compensation for the cancers they have contracted. The VA has only granted 44 of these claims.

The VA claims that there is no scientific link between the troubles of these veterans and their exposure to radiation. Mr. Speaker, while the VA debates the merits of one scientific study or another, veterans who bravely served their country are dying of cancer. Radiation exposure has been linked to cancer.

It is time we put aside the scientific debates and finally acted to compensate a group of veterans who deserve better treatment, who deserve our appreciation and deserve compensation.

It is important that this legislation be given final approval and signed into law.

PERSONAL STATEMENT

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. MOODY. Mr. Speaker, on April 28, 1988, I was unavoidably detained on official business and unable to vote on several measures. Had I been present, I would have voted "aye" on House Resolution 436, the rule to allow consideration of H.R. 4264, the Defense Authorization Act. I would have voted "no" on the motion to adjourn. Had I been present, I would have voted the following way on amendments to H.R. 4264: "no" on the Dickinson amendment to provide $100 million for research and development on antisatellite weapons; "aye" on the Brown of California amendment to permanently ban the testing of antisatellite weapons; "aye" on the Broomfield amendment supporting the Threshold Test Ban and Peaceful Nuclear Explosions Treaties; and "aye" on the Gephardt amendment to ban nuclear explosive tests with a yield exceeding 1 kiloton.

On April 29, 1988, I was also unavoidably detained on official business and unable to vote on several measures. Had I been present I would have voted as follows on these proposed amendments to H.R. 4264: "No" on the Traficant amendment to prohibit Air Force Reserve bases from contracting out base support functions; "aye" on the Bryant amendment regarding allied defense spending; "no" on the Robinson amendment regarding allied defense spending; and "aye" on the McMillan—of North Carolina—amendment regarding allied defense spending.

On May 2, 1988, I was also unavoidably detained on official business and unable to vote on several measures. Had I been present, I would have voted as follows on these proposed amendments to H.R. 4264: "Aye" on the Senate amendment to veterans compensation; "no" on the Hunter substitute to the Foley amendment; "aye" on the Foley amendment to prohibit the introduction of United States combat forces into or over Nicaragua; "aye" on the Lowry amendment to delete funding for military construction in Honduras; "aye" on the Markey amendment to prohibit all United States personnel from coming within 20 miles of the Nicaraguan border during military exercises in the region; "aye" on the Boxer amendment regarding future defense budgets; and "no" on the Kyl amendment regarding future defense budgets.

On May 3, 1988, I was also unavoidably detained on official business and unable to vote on several measures. Had I been present, I would have voted as follows on these proposed amendments to H.R. 4264: "Aye" on the Murphy-Hawkins amendment to revise the Davis-Bacon Act; "no" on the Stenholm amendment to revise the Davis-Bacon Act; and "no" on the Solomon amendment regarding registration for the Selective Service System.

BLACK ROCK BUSINESS MEN MARK 100TH ANNIVERSARY

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. NOWAK. Mr. Speaker, this weekend in Buffalo, NY, the Black Rock Business Men's Association, Inc. will observe its 100th year of service to the businesses and community of northwest Buffalo.

Throughout its history, this association has demonstrated, through words and deeds, dedication to the goal of improving the quality of life in the community.

Whatever the need, be it consumer and environmental protection or public safety, transportation, infrastructure and recreational improvements, steadily year after year the Black Rock Business Men's Association was actively involved.

Its record of accomplishment and service to the common good, as detailed in the following history, should serve as a model for public-spirited civic organizations across this Nation interested in promoting and achieving good Government and bettering their communities.

100 YEARS OF COMMUNITY SERVICE

To John Esser, Alfed Tovey, Richard Humphrey, C.O. Rano, O.S. Laycock, Wells M. Bird, George Pooley and the 15 others who founded the Black Rock Businessmen's Association Inc. at Heitzman's Hall on March 29, 1888, and to the countless number who have since been members, we pause for a moment upon the celebration of 100 years of service by this association to the community.

Our founders' greatest accomplishment was not that they established an organization that has lasted a century. It was the creation of a group which shared a common bond and concern for improving the human condition in their small part of the world known as Black Rock.

Whether it was modernizing services by the installation of a subtelephone station for Black Rock in the 1890's (later adopted by the city and the country) or, as today, delivering federal surplus food to hundeds of needy shut-ins in northwest Buffalo, the businessmen were there, quietly at work.

Black Rock business men and women were and are people who help shape a community, merchants with a deep sense of concern not only for their own establishment but for their neighborhood.

Although Black Rock was annexed by the City of Buffalo in 1854 it always maintained a strong sense of independence. It was for the people of their community that the association fought for projects. They were entrepreneurs who adapted their business savvy to political and social issues. A yellow, yet distinct newspaper clipping on the first page of the association's minute book tells readers of the city's first daily newspaper, the Buffalo Commercial, of the ingenuity and influence of the Black Rock Businessmen in 1895. It reads:

"The Black Rock Business Men's Association has discovered that the local telephone company is charging altogether too much for the privilege of whispering over the wire. The Association will make an effort to secure a lower rate. It would be amusing if the energetic hustlers succeeded in getting a lower rate for themselves while the rest of the city was compelled to pay the same old rate. The people of Black Rock generally get what they want and wait until the Black Rock Business Men's Association gets it for them or else do without."

In the early years the businessmen would pass resolutions opposing city charter changes without council and mayoral approval, confer with telephone company officials regarding service and rates, protest railroad freight discrimination and lack of a stop-over in Buffalo on World's Fair business. Letters were sent to those in power after discussions about postal rates and the cleaning of sidewalks.

Issues like education were not taken lightly. In 1893 the members move that, "Mr. Guenther be requested to (sic) enact any reasonable compulsory education law that may be brought before the legislature." They also discuss the seating capacity of schools with the Supt. of Public Works, sent letters to other cities to examine what could be done to obtain better school facilities.

As new services became available in late 1890's the businessmen made sure their community got its share. They requested an early car on Tonawanda St. from the Street Railroad Co. and received it. They asked for and were successful in obtaining fire alarm boxes in the area.

One proposal, had it been accepted, would have changed the cultural and physical orientation of the city of Buffalo. On May 23, 1899, the B.R.B.A. sent a letter to the Board of Directors of the Pan-American Exposition requesting the board to consider Riverside Park as a site for the 1901 world event. It contained 16 points for the board to consider including, "The view of the Niagara River from the grounds is doubtless the finest between Buffalo and Niagara Falls," and "Facilitities for reaching the site by steam-boats are unexcelled. Docks of any size and which will accommodate any number of boats, and can be utilized in any kind of weather can be erected directly on the grounds. Two docks are now there." Imagine the Albright-Knox Art Gallery overlooking the Niagara or the Historical Society building on Tonawanda St., in Riverside Park rather then Delaware Park.

On June 12, 1905 Alf E. Tovey the editor of the International Gazette and secretary for the association posted a clipping of their latest endeavor. The resolution read:

"Whereas, there are several dangerous crossings at grade in this end of the city which should be abolished at the earliest possible moment, and, . . . Resolved, that this Association hereby puts itself on record as being opposed to any action which will delay in any way the abolition of the grade crossings at Austin, Amherst and Niagara streets."

It took more than 25 years to bring this project to a successful end. Throughout the early years of this century the helping hand was ever present. On March 28, 1930 a committee was "continuing its efforts" to reopen the Jubilee Theater. At the same meeting a report on the Black Rock Market was presented. While 75 percent of the stallers were occupied "the committee feels that the market should be continued, the fact of there being some deficiently in revenue over expenses should not be seriously considered as other community efforts . . . are not necessarily self-supporting."

On November 25, 1930 the association led by General Chairman Edward C. Brennan held the "First Annual Card Party and Dance" for the "For Needy Fund." The last page of a souvenir program for that event contains an article that reads:

"After all is said and done, the aim of any Association is to promote interest in a community for the well-being of the people comprising same, and the Merchants of The Black Rock Business Men's Association in the many years of existence have diligently endeavored and have succeeded in bringing to the people of Black Rock the very best in the way of new industries, new schools, additions to others and have played a major part in bringing to Riverside a magnificent new modern high school opened to the children of our section as well as other sections last September. They have also assisted in bringing about the elimination of the dangerous railroad crossings within our bounds, and have promoted the Barge Canal project."

In 1932 transportation issues were being watched by the association. A communication was sent to the Chamber of Commerce opposing the St. Lawrence Shipway Canal and the Traffic Department was informed of the "traffic conditions around the islands at the new subway." (viaduct)

The businessmen were not all work and no play. On August 13, 1930 they held their annual Black Rock Play Day at Crystal Beach, sailing on the Canadiana as a group for the first time. An account reads:

"Black Rock and Riverside turned out en masse and crowds of people surged to the foot of Hertel Avenue from where a boat departed to make its journey to the Canadian shore. After a delightful lake ride the party landed at the beach and spent the day in merrymaking. Alfred C. Boyd, Vice-President of the Association, was general chairman of this affair. All the members of the

Association assisted in making this a day of history in the records of the Black Rock Business Men's Association."

The popularity of that event, started in 1928, would last until the late 1970's.

The longevity of the association has had an impact on its effectiveness. Some ventures would take years, others decades to see fruition. On March 30th 1938, "Councilman Roth gave a favorable report on the several projects this associaton has been fighting for, for several years. Namely Sewer Drain—Scajaquada Creek Culvert—and Street paving." On May 25, 1938 the association stated its position on parkland along Scajaquada Creek: "Motion made by J. Hoffman 2nd by Simpson that the B.R.B.A. go on record favoring the piping of Scajaquada Creek from Niagara to Grant Street and after same being filled a parkway be constructed to connect the present creek parkway—carried." The parkland portion of that project is still being fought for today 50 years later.

During both World Wars the businessmen kept active, as air raid wardens viewed films related to the war effort, promoted liberty bond campaigns and supported the government. In November 1940 they passed a resolution endorsing the conscription of youths between 21 and 35 years of age. And resolved, "That this association will oppose any efforts by subversive groups to 'smear' this phase of our national defense." In September 1942 the businessmen discussed sending Christmas gifts to the sons of members of the association. A motion was passed to get a list of names and to send a money order for $2 to each serviceman.

The businessmen helped fight disease as well as war. In November 1946 President Degenhart chaired the committee for the Tuberculosis Unit. He reported 623 people responded to the x-ray unit at the Jubilee Library. Also in the late 40's they discussed and voiced opposition to a "new tax:, the sales tax and heard about plans for a "proposed New York State thruway".

From a history filled part of the city, the association held a pageant in 1954 at the Buffalo Track and Field Club to commemorate the centennial of the merger of the Village of Black Rock with the City of Buffalo. Lewis Wargo played Chief Red Jacket, Francis G. Brobeil was General Lafayette, Joseph C. Perry became Commodore Oliver Hazard Perry, and Frank E. Roe acted as Father Time.

Also during the 1950's, the group initiated formal action to preserve land between the proposed Niagara thruway and the Niagara River as "access to the River Shore must be preserved." Association representatives lobbied in Albany, to appeal Niagara Expressway Plans, reporting progress on the access issue.

During the next decade, the B.R.B.A. won some and lost some; it was the era of the Squaw Island Dumps and the proposed incinerator; the group charted buses to take their fight to the council chambers in City Hall. Another, and more successful effort, was an organized protest of plans to transfer the local corps of engineers headquarters to Detroit. Also, a lobbying endeavor to keep Jubilee Library in Black Rock.

In 1966, the association met with city and state officials at the foot of Ontario street regarding access to the thruway, especially a North bound entrance to the Niagara Expressway from Black Rock. Again, it was 20 years before their persistence and determination paid off with a ribbon cutting ceremony.

While this emphasis on transportation facilities may seem excessive, the geographic isolation of the Black Rock Community from the city center helps to explain the businessmen's preoccupation and to justify their concern.

Over the years, a variety of sports and leisure activities have been promoted by the association for the community at various locations from sponsoring local cycle, soccer, football, basketball and bowling teams, to supporting the widely renowned St. Francis Sports Cavacade.

Bison Baseball Day has moved from Offerman Stadium to Civic (War Memorial) Stadium to the New Pilot Field this year. Miss Buffalo Cruises are a fairly new Lake Erie and Niagara River attraction but they still revive memories of cruises leaving for Crystal Beach from the foot of Hertel Avenue. And, more recently, for the past 15 years, the association has sponsored the Black Rock Open for local golfers.

The association's accomplishments in the past quarter century are at times strikingly similar to endeavors 50 to 100 years ago. In Oct. 29, 1941 "Guest speaker of the evening was Mr. James Witmore managing director of the City Planning Association. He gave a very comprehensive and interesting talk on the present condition of the real estate situation at present and future plans the planning association has in mind to alleviate the blight that is gradually creeping upon Buffalo." In the 1970's area businessmen were acting as catalyst for rehabilitation of the area's housing stock. They helped bring in the Black-Rock Riverside Neighborhood Housing Services which offers a variety of services to home owners. The NHS mission is "to foster a healthy neighborhood environment and increase resident ownership and pride."

The Niagara River has always been looked upon as a friend. Waterfront issues have been high on the priority list for the association. Members helped with the distribution of petitions for the formation of a park on surplus land from the thruway on-off ramps at Ontario St. Squaw Island has attracted the association's attention on a number of occasions. When incinerator ash hovered over Black Rock, the Businessmen successfully fought to have it closed. Last summer they joined in the protest to keep the incinerator from reopening. With the newly formed North District Waterfront Review Committee, the association has promoted public access to the local waterfront.

Cooperation has been a key word for the businessmen in the 1980's. Together, the Black Rock, Riverside and Grant-Amherst business associations are spearheading a drive to rejuvenate the area's commercial strips and make this area the next growth area of Buffalo. A marketing plan, business seminars, promotional contests, and a loan program are just a few pieces of the great puzzle being put together by the Northwest Buffalo Commercial Consortium, working hand in hand with Neighborhood Housing Services.

In recent years the Black Rock Businessmen's Assn. has co-sponsored candidates night with Grant-Amherst and Riverside business associations so that area residents could hear and question political hopefuls.

The 1980's have also been a time for the business men and women to lend a helping hand. They have dedicated their efforts to serving the area's many disabled and handicapped by coordinating home deliveries of government surplus food. On a regular basis members will volunteer time and manpower to distribute cheese, honey, and other commodities to hundreds of residents who are homebound.

Since its inception the Black Rock Businessmen's Association has been a low-profile organization, shunning the public spotlight, but always working behind the scenes to improve the quality of life for all the people of Black Rock and its neighboring communities.

Mr. Speaker, it is a pleasure for me to congratulate the Black Rock Businessmen's Association as they mark their centennial and to wish them continued success and achievement for decades to come.

TRIBUTE TO MORTON S. ACKERMAN

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. TORRICELLI. Mr. Speaker, it is with great pleasure and pride that I rise today to pay tribute to Morton S. Ackerman

Long known for his generosity and unswerving dedication to the concept of humanitarianism, Mr. Ackerman is being honored for his philanthropic services on behalf of Jews in the United States and around the world by the Corrugated and Allied Industries Division of the UJA-Federation Campaign.

Morton Ackerman is the founder and senior partner of M.S. Ackerman & Co., a certified public accounting firm in Fort Lee, NJ. He serves as financial analyst and consultant to the Packaging and Point-of-Purchase Display Industries. In addition, he is a nationwide lecturer for the Association of Independent Corrugated Converters. In recognition of his leadership and organizational skills and his inexhaustible energy and enthusiasm, Morton S. Ackerman is also being honored by his industry.

Mr. Ackerman is the new gifts chairman of the UJA-Federation for his industry and is treasurer and a director of the American Friends of the Israel Philharmonic Orchestra. He has shared his interest and involvement as a member of the New York State Society of CPA's, New Jersey State Society of CPA's, and the American Institute of CPA's.

Morton Ackerman's willingness to respond to the needs of others reflects his sense of caring and commitment. I am proud to join in paying tribute to his efforts.

THE 15TH DISTRICT OF MICHIGAN SURVEY RESULTS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. FORD of Michigan. Mr. Speaker, every year since I was first elected to the Congress, I have sent a survey to my constituents soliciting their views on the most critical issues facing our Nation and my congressional district. This year, I asked 11 specific questions and also gave my constituents an opportunity to comment on the matters of greatest concern to them.

The response to my survey was overwhelming. Over 12,000 residents of my district took the time to answer and return the questionnaire. Hundreds more took extra time to write separate letters. I am very grateful to each of my constituents for their participation in this survey. I only wish I could thank each of them individually.

I think that my constituents' views will interest my colleagues, Mr. Speaker, and at this time I would like to share my survey results with them.

The 11 questions I asked dealt with trade and labor relations policy, education, arms control, the war on illegal drugs, and foreign policy.

Our Nation's $170 billion trade deficit continues to be one of my constituents' gravest concerns. A large majority of them favored H.R. 3 in the form in which it originally passed the House and will, undoubtedly, be disappointed by the changes made in the House-Senate conference; 84.4 percent of my constituents supported the Gephardt amendment, which would have required countries that practice unfair trade and maintain excessive trade surpluses with the United States to reduce those surpluses by 10 percent each year. Residents of my district have not been fooled by phony claims that our trade problems are taking care of themselves or are somehow a sign of a healthy economy. As our trade deficit rose in the last year, so did my constituents' support for the Gephardt amendment.

The Pease amendment to H.R. 3, which would have made the denial of worker rights in foreign countries an unfair trade practice under U.S. law, was also very popular; 77.1 percent of those who responded favor the amendment, which was retained in modified form in H.R. 3.

Eighty-five percent of my constituents support the trade bill provision that requires companies with 100 or more employees to give 60 days notice of plant closings and permanent mass layoffs to the affected workers and communities. This provision, which is an amended version of H.R. 1122, a bill I introduced in February of last year, has become the focus of and the excuse for President Reagan's opposition to the omnibus trade bill, despite the public's overwhelming support for mandatory advance notice. According to a Harris poll conducted for Business Week, more than 80 percent of the American people in every region of the country support the plant closing notice law. Two-thirds, in fact, support a requirement for 1 year's notice of plant closings. President Reagan is completely out of touch with the voters on this issue.

He is also at odds with the Congress. On April 21, the House voted 253 to 167 to retain the plant closing notice provision in spite of Mr. Reagan's veto threats. Subsequently, the entire trade bill passed the House by a vote of 312 to 107 and passed the Senate 63 to 36.

Large majorities in my district favor both of President Reagan's major arms control initiatives with the Soviet Union. Eighty-four percent want the Senate to ratify the INF Treaty which Mr. Reagan negotiated last December and which the Senate has begun debating. The treaty would eliminate intermediate-range nuclear force missiles, which are primarily located in or aimed at Europe.

Sentiment is equally strong for a treaty that would reduce the strategic nuclear forces of the Soviet Union and the United States by 50 percent. Eighty-three percent of my constituents believe that President Reagan should seek such a treaty and that the Senate should ratify it. Whether Mr. Reagan can negotiate a mutually verifiable treaty before the end of his term is unclear; but residents of my district encourage him to try.

My constituents were most sharply divided on the question of continuing foreign aid and military assistance to the Nicaraguan Contras. I asked my constituents whether they would support any additional assistance for the Contras, without specifying whether that assistance would include lethal military aid. A clear majority, 62 percent, responded that they oppose any assistance to the rebel army. A substantial minority, however, favor a continuation of our support.

Although I voted against it, the Congress on March 30 and 31 approved a $47.9 million package of foreign aid to the Contras, to a commission monitoring peace negotiations, and to children inside and outside of Nicaragua who have been victims of the Contra war. The bill authorizes the President to spend $17.7 million for food, shelter, and medicine for the Contra army.

President Reagan has notified the Congress of his desire to initiate another controversial foreign aid program, a $2 billion arms to our Mideast allies that includes the sale of 555 M-1 tanks to Egypt. Under the plan, the tanks will be partly constructed in the United States and then shipped to Egypt for final assembly. Eighty-eight percent of my constituents believe that Congress should not allow production of this tank outside our country.

In response to concerns raised by many Members of Congress, myself included, the administration's coproduction plan for the M-1 calls for at least 80 percent of the tank's production to take place in the United States and precludes the production in Egypt of any of the major components of the tank, such as the engine or fire control system.

My survey contained one other question relating to foreign affairs—whether Congress should require the administration to reduce our military presence in Korea and Europe and force those countries to assume a larger share of the cost of their own defense. Eighty-six percent of my constituents support such action by the Congress. On April 29, the House of Representatives voted to urge the President to enter into negotiations with our allies to increase their share of the burden of their defense. In the course of the debate, it was pointed out that the average U.S. taxpayer pays more than twice as much for defense as the citizens of any other ally. U.S. defense spending in 1985 was $1,091 per capita. The NATO average is $232, and Japan averages only about $100 per capita.

I agree with my constituents that this imbalance must end. We cannot support 50,000 troops in Japan and more than 300,000 in Europe if our allies will not pay their fair share. I voted for all three burden-sharing amendments which were offered on the defense authorization bill.

One of the most important issues confronting the Congress is the amount of resources the Federal Government should devote to the war against illegal drugs. Drug control is a top priority of my constituents and—at least in theory—is a top priority of President Reagan and the Congress.

Yet last year's "budget summit" between the President and Congress resulted in a $105 million budget cut for the Coast Guard. Coast Guard officials report they have had to cut back on drug patrols and antismuggling activities. They called it an "about-face for the war on drugs." I asked my constituents whether they would support adding money to the Coast Guard's budget to restore its antismuggling operations. Eighty-seven percent said they would.

The Appropriations Subcommittee on Transportation has restored $60 million to the Coast Guard's operating account by shifting funds from other accounts, such as Panama Canal operations. I support this action and look forward to an opportunity to vote on this issue when the transportation appropriations bill reaches the House floor.

The most lopsided result of the entire survey came in response to a question I asked concerning private pension security. More and more companies are terminating their pension plans in order to recapture excess assets—contributions and investment earnings above and beyond what is actuarially required to fund currently vested benefits. The practice can lead to the elimination of any pension for young employees and greatly diminished benefits for employees who expected to accrue benefits under the pension plan throughout their work life. The practice always reduces the cushion in the pension plan that protects participants against investment losses and shocks such as the stock market crash last October. Companies have removed $17 billion from their pension plans since 1981, potentially affecting 1.8 million retirees and plan participants.

More than 90 percent of my constituents believe that Congress should enact legislation to discourage companies from taking these excess pension assets or, at least, to require them to share the excess with their pensioners.

On March 9, I joined 48 other Members of Congress in introducing H.R. 4111, the Employer Reversion Moratorium Act, which would stop all such terminations and recaptures for 1 year, in order to allow Congress to study the complexities of this issue. I also supported an unsuccessful effort last year to require companies to share half of any recaptured assets with their retirees and plan participants.

In order to gauge my constituents' support for Federal education programs, I asked them a simple question: Would they be willing to pay increased Federal taxes in order to increase Federal support for education? Nearly two-thirds said, "no."

This is not an indication that my constituents do not support Federal education programs. In fact, when I asked them to list the three things on which the U.S. Government should spend more, education was the No. 1

priority. Improving education was also very high in their ranking of the most critical problems Congress and the President should be working to solve. I can only conclude that most residents of the 15th district would prefer to see funds shifted to education programs from other Federal budget areas so as to increase the Federal education effort without causing a tax increase. This, of course, was exactly what the House accomplished in its fiscal year 1989 budget resolution, which increases funding for education programs by 8 percent, while cutting most domestic discretionary programs.

The other highest priority problems for the Federal Government to tackle, according to my constituents, are the budget deficit, drug control, the trade deficit, homelessness, and the environment. I was surprised to see homelessness listed on my survey as a top priority national problem for the first time. I am heartened by the generosity of my constituents and their concern for others—the people who responded to my survey are not, themselves, homeless. But I also wonder whether the growing feeling of economic insecurity in Michigan caused by our gigantic trade and budget deficits, coupled with the harsh example of GM's elimination of 22,000 jobs in Michigan, are not factors in my constituents' concern about homelessness.

In any event, I share their concern and voted to fully fund the McKinney Homeless Assistance Act, which is authorized at $700 million a year—$450 million more than the administration requested. In addition, I am a sponsor of H.R. 4026, a major new initiative to alleviate homelessness which will expand four housing programs: low income housing assistance, public housing grants, and programs to rehabilitate rental and moderate income housing.

Knowing my voting record, my colleagues will not be surprised that my constituents listed foreign aid and the defense budget most frequently as the items on which the U.S. Government should spend less. Government in general, followed by welfare, nuclear weapons, and agricultural subsidies were the other most frequently listed targets for budget cuts.

I regret that last year's so-called budget summit, which was intended as an agreement on deficit reduction, actually increased the defense budget for the coming year. At the insistence of President Reagan, there will be no opportunity to reduce the defense budget this year, virtually guaranteeing that our budget deficit will not be cut in any significant way.

As I already indicated, education was my constituents' No. 1 choice as an area on which the U.S. Government should spend more. Drug control, medical care, homelessness, crime, and AIDS were the other areas for which my constituents believe Federal spending should be increased.

As I said at the outset, Mr. Speaker, I was very pleased by the overwhelming response my survey generated. This annual questionnaire continues to be a valuable learning experience for my constituents and for me. All who responded have my heartfelt thanks.

CAPT. STEPHEN P. LESLIE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. GILMAN. Mr. Speaker, it is my sad duty to inform our colleagues that my constituent, Capt. Stephen P. Leslie, will be posthumously awarded the Distinguished Flying Cross and the Navy Commendation Medal.

Captain Leslie, a native of Goshen, NY, is being citated for heroism while participating in aerial flight as an attack helicopter pilot in the Persian Gulf. This action, on April 18, cost him his life.

These posthumous honors will be presented to his parents at a memorial service to be conducted at Arlington National Cemetary on Monday, May 9.

Captain Leslie's sacrifice is an inspiration to us all. While conducting combat operations, Captain Leslie provided helicopter escort and close-in fire suppression for a flight of transport helicopters tasked to place assault forces aboard an Iranian gas/oil separation platform.

According to the citation from the Secretary of the Navy, Captain Leslie—

> Demonstrated an uncommon singleness of purpose in executing his duties by destroying an antiaircraft artillery gun as it opened fire on the formation.

The Secretary's citation continues:

> He continued to suppress enemy fire so that a safe helicopter insertion could be accomplished. Captain Leslie's presence of mind and heroic actions under enemy fire resulted in a well executed mission. By his unfaltering courage, unrelenting perseverance, and complete devotion to duty in the face of hazardous flying conditions, Captain Leslie reflected great credit upon himself and upheld the highest traditions of the Marine Corps and the United States Naval Service.

Mr. Speaker, I have been acquainted with Captain Leslie and his family for many years and I can personally attest the he was the type of young men and women who have been the pride of all Americans for over 200 years. His unselfish devotion to his country and his dedication to our goal of freedom of the seas ensure that Steve Leslie will not soon be forgotten.

I urge our colleagues to join with us in extending our deepest sympathies to his parents, Robert, Senior, and Ruth; to his brothers, Bob; to the rest of the Leslie family, and to the many friends and loved ones who mourn his loss.

SUMMARY OF 1987 TAX RETURN DATA

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. DOWNEY of New York. Mr. Speaker, I am once again making a summary of my tax return public because I believe that Federal officeholders should be forthcoming about the sources of their income. Therefore, I include the following summary in the RECORD of the day's proceedings:

Hon. Thomas J. Downey; Summary of 1987 Tax Return Data

Salary—U.S. House of Representatives	$83,300
Interest income	[1] 5,109
Dividend income	206
New York and California tax refunds	1,891
Rental loss (after application of passive loss limitations)	(7,882)
Capital gains	2,727
Other gains (attributable to Mrs. Downey)	9,957
Business income—Honoraria (net of expenses)	28,800
Total Income	124,108
Less: Payments to Keogh retirement plan	3,756
Adjusted gross income	120,352
Itemized Deductions:	
Taxes	9,450
Interest expense	19,856
Contributions	5,763
Miscellaneous deductions (after 2 percent of AGI limitation)	4,412
Total itemized deductions	39,481
Subtotal	80,871
Less: Personal exemptions	7,600
1987 taxable income	73,271
Federal income tax (based on schedule D computation)	18,544
New York State income tax	6,445
New Jersey income tax	39
California income tax	153
Wisconsin income tax	72

[1] $1,051 is attributable to Mrs. Downey.

PALAUANS IN GUAM CONCERNED ABOUT COMPACT

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. DE LUGO. Mr. Speaker, the President has proposed legislation to authorize a Compact of Free Association with the western Pacific islands of Palau, which the United States now administers for the United Nations Security Council.

The compact would provide Palau with $428 million and other benefits such as free entry into the United States over 15 years. It would also provide self-governing authority in all matters other than those affecting security, which would be retained by the United States.

Other members of the Committee on Interior and Insular Affairs and I who support the compact are concerned about whether it has been approved by Palau, as the President has told Congress. We are also concerned about allegations of corruption and heroin trafficking and other problems.

A Palauan judicial ruling that the islands have not approved the compact suggests that there is good reason for concern about whether Palau has approved the compact. A committee investigation, assisted by the General Accounting Office, suggests that there is good reason for concern about the allegations.

The compact cannot be implemented until Palau approves it. The compact should not be implemented unless measures are taken to address the problem I have mentioned as well as other problems involving serious debt and medical needs.

Chairman UDALL and I will soon propose measures to address these problems. They should made it possible for the compact to be implemented when it is clear that Palau has approved the compact.

Some 87 members of an organization of concerned Palauans in Guam have expressed their concern that not addressing these problems will delay implementation of the compact which they support. I ask that the text of their petition be included in the RECORD at this point:

APRIL 29, 1988.

DEAR CONGRESSMAN DE LUGO: It is very clear to us now that the reasons for delaying the implementation of the Compact of Free Association including the following:

(1) President Salii, his brother Carlos Salii, and others, received money from IPSECO and now Palau has to pay this money back;

(2) Breakdown of the government of Palauy to the point where people's individual rights have been violated;

(3) Drug trafficking in Palau.

We realize the President Salii has failed in his responsibilities to resolve the above problems. Additionally, he has failed to:

(1) Resolve the assasination of President Remeliik and the murder of Mr. Bedor Bins;

(2) properly manage government funds (a few examples include the fact that Salii used government money to build his own house and committed all the roads to be built without public bidding).

There are numerous other examples of fiscal mismanagement which have caused Palauy to plummet deeper into a financial quagmire, in addition to other problems that plague the Republic of Palau—for which Salii's administration is responsible.

Since Palau is still a Trust Territory of the United States, we demand that U.S. law enforcement officials investigate and bring legal action against those who have committed crimes in Palau.

We strongly believe now that President Salii's actions and in-actions are the cause of the delay of the Compact's implementation. Please help us clean the government of Palau in order for the Compact of Free Association to be implemented.

Sincerely,

THE FIGHT AGAINST TERRORISM—WAS ABU JIHAD FAIR GAME OR A NONCOMBATANT?

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. LANTOS. Mr. Speaker, considerable controversy has surrounded the recent assassination of Khalil Wazir, also known as Abu Jihad, the military commander of the Palestine Liberation Organization and the mastermind of numerous PLO acts of terrorism, including the massacre of Israeli athletes at the Munich Olympic games.

The administration's position was less than enlightened. In an unfortunate decision, the United States Government abstained on the U.N. Security Council vote condemning Israel for his death.

Richard Grenier, in a column in the Washington Times earlier this week examines the questions surrounding the death of Abu Jihad and comes to a well-reasoned and defensible answer to the question "Was Abu Jihad Fair Game or a Noncombatant?" Mr. Speaker, I ask that his column be placed in the RECORD for the benefit of my colleagues.

[From the Washington Times, May 2, 1988]

WAS ABU JIHAD FAIR GAME OR A NONCOMBATANT?

(By Richard Grenier)

Was Dwight D. Eisenhower a combatant in World War II? He had all the pleasures of home, better food than at Fort Benning, plus Kay Summersby, who—I don't want to be wicked, but . . .—some people thought had a trimmer ankle than Mamie Eisenhower's. The general might never have heard the sound of incoming German shells, yet he wore the uniform of the U.S. Army, commanded our troops. Few would have considered him an uninvolved bystander.

He could have worn golfing knickers every Thursday and still failed to achieve noncombatant status. If Germany had infiltrated a commando team and assassinated him after the landings in France, we would have considered it a grievous setback, but in no way immoral.

This said, it is hard to see how our State Department has made such heavy weather of the killing in Tunis of Khalil Wazir, otherwise known as Abu Jihad.

After wringing its hands with such anguish that they doubtless became all chapped, it came down on the wrong side, in fact, if with some ambivalence. The State Department "condemned" the assassination but declined to call it an act of terrorism, and later weakly abstained in the U.N. Security Council vote condemning Israel.

Within the State Department, you see, there apparently are two schools of thought as to whether Abu Jihad was a "combatant." The hard noses maintain that he was commander of the Palestine Liberation Organization's military arm; often, if not usually, wore a uniform; and had planned a whole array of operations against Israel that unquestionably *were* acts of terrorism: the coastal road bus massacre of 1978 (33 civilians killed and 82 wounded), the attack on a Hebron synagogue (6 and 16), the Savoy Hotel (8 and 20) and the massacre of Israeli athletes at the Munich Olympics (11 dead in all). Abu Jihad means "father of holy war."

The limp-wrist school plaintively maintains that Abu Jihad was *not* a combatant because he never actually pulled a trigger. This view of aggressive action would allow countless murderers to beat the rap under U.S. criminal law and, as I say, would firmly establish Gen. Eisenhower as a Red Cross lady.

The refined public tends to forget a Middle-Eastern fact of life:

Israel has been in a permanent state of war with its Arab neighbors since its creation in 1948, with the Arabs—the given of the conflict—repeatedly trying to destroy it as a nation. Except with Egypt, the Jewish state has never had a Congress of Versailles or even a Potsdam Agreement recognizing its existence. The PLO Covenant calls for deportation of all Jews who arrived after 1917 and establishment in Palestine of a democratic, secular, *Arab* state.

Furthermore, *all* countries subject to terrorist attack are in a state of permanent low-intensity warfare.

Neil C. Livingstone, who teaches a course on terrorism at Georgetown University and is author of the excellent "War Against Terrorism" (and author-editor with Terrell E. Arnold of "Fighting Back" and "Beyond the Iran-Contra Hearings"), writes lucidly:

"Just as it is not a crime to kill the enemy during wartime, so too should it not be regarded as a crime or a morally reprehensible act when a nation, acting in concert with its obligation to protect its own citizens from harm, seeks out and destroys terrorists outside its borders who have committed, or are planning to commit, atrocities on its territory or against its citizens."

If Abu Jihad does not fit this description, no one ever will.

Moreover, compare his killing with our own most conspicuous anti-terrorist action, the 1986 air strike on Libya—supported by me, and considered in general a great success.

The killing of Abu Jihad was clean, surgical, executed with admirable speed and precision. Aside from the commander and three guards, no one was harmed. Abu Jihad's wife and daughter (the latter dressed, somber irony, in an haute couture version of camouflage fatigues) were untouched. His wife's principal complaint seemed to be that in seconds the four-man commando team poured 75 slugs into his body. One wonders if after PLO raids planned by her husband she was given to counting fastidiously the slugs in the bodies of Israeli children.

The American air raid on Libya, although it received the overwhelming approval of the American public (polls ran from 3-1 to 6-1 in favor of it), was, comparatively speaking, a mess.

Consider. As the public later learned, Libya was no more guilty of sponsoring terrorism than Syria or Iran. Libya was picked as the target partly because it was an easy mark. The raid itself was imperfectly conceived (another one of those interservice "joint operations"), set no record for marksmanship and, as in many air strikes, killed innocent people.

There is some controversy over whether one of the objectives of the raid was to kill Libya's leader, Col. Muammar Qaddafi. If it was an assassination attempt, it was a failure.

By any measure, compared with our Libyan strike, the killing of Abu Jihad was better executed, more precise, more limited, more logical and more justified.

It was no push-button operation. Eight men had to land on a foreign beach in the dead of night, approaching from two sides, cut all telephone lines, take out guard one, guard two, guard three. Finally four men, tracking Abu Jihad in his own house, from only a few feet cut him down with automatic weapons. Then got away.

Men who volunteer for this sort of work tend to know why they're fighting: survival. Our problem might be that most of the cookie-pushers of the State Department lost touch with that kind of thinking a long time ago.

OPPOSITION TO DOD AUTHORIZATION BILL

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. DELLUMS. Mr. Speaker, I rise in opposition to the committee bill and offer a comprehensive alternative as a substitute to the DOD authorization bill.

I am well aware that the $299.5 billion authorization level approved by the committee was the inevitable result of the December 1987 budget summit between the Congress and the administration; and thus, the level included in the House-passed budget resolution. Nevertheless, the committee has approved a military budget that expends far too many scarce dollars, and includes policies and programs that are not in the best interests of the national security of the United States.

While making minor adjustments from the administration request, this authorization represents a continuation of the policies of the Reagan administration. We must begin the process of reassessing the programs and policies which allegedly justify this military authorization. Unfortunately, it appears that we will have to wait for the next administration for this process to begin.

It is my view that we could better provide for our national security, and at spending levels far below those in this authorization, by challenging many of the basic assumptions of the administration and of the committee. Five basic principles should guide such an alternative authorization:

First. Reduce the risk of nuclear war through arms control negotiations and restrictions on new nuclear weapons funding;

Second. Reorient the present force structure emphasis away from Third-World intervention and preparation for World War II-style land wars in Europe;

Third. Eliminate overlapping and unnecessary weapons and procurement inefficiencies and abuse;

Fourth. Fully fund military personnel and family benefits;

Fifth. Establish programs for economic conversion and military toxic waste cleanup.

(I) REDUCE THE RISK OF NUCLEAR WAR

The only value of nuclear weapons is to prevent their use. This is the view of every responsible military thinker and policy maker. While some nuclear weaponry may be necessary as a deterrent to nuclear war, existing inventories of well over 25,000 warheads are far more than sufficient for that purpose. Present efforts to modernize the U.S. nuclear arsenal do not add to deterrent needs. Instead, they are costly, in many instances highly destabilizing, and should be opposed.

The administration has muted its early rhetoric about fighting and winning a nuclear war. Nevertheless, it has actively sought both nuclear war-fighting and first-strike capabilities. These would be of value only on the mistaken belief that nuclear weapons, on the scale of those dropped on Hiroshima and Nagasaki, can actually be used in battle.

Systems such as the land-based MX and submarine-based Trident II missiles do not enhance deterrence. What differentiates the MX and Trident II from existing systems is their ability to destroy Soviet missiles in their silos. They threaten unlaunched Soviet missiles, but were there a Soviet first-strike, hitting missile silos loses its attraction. Thus, they add little to existing deterrents based on retaliatory capability. Instead, their power, range, and accuracy provide the United States with a potential first-strike capability. This creates strategic instability and might provoke a Soviet preemptive attack in the event of an extreme crisis.

This argument goes beyond the vulnerability arguments that are the basis of much opposition to a fixed silo MX. For example, many MX opponents who based their opposition on MX vulnerability still support the mobile, and thus less vulnerable, "rail-mobile" MX or Midgetman systems, or the submarine-based Trident II, which is essentially an invulnerable MX. Similarly, opposition is independent of recent reports on the technical problems facing the MX system. The argument is instead that purchasing additional nuclear weapons, even the less vulnerable systems, offers no improvement in security, and at best is a massive waste of taxpayer resources.

The INF Treaty presents an important opportunity for beginning the process of reductions in both nuclear and conventional weaponry. While the treaty itself only affects "intermediate" missiles (and does not even address warheads) and would reduce the nuclear missile inventory by less than 4 percent, it is a first step. The present START talks may extend this process to strategic weaponry. As a high priority, the next administration should aggressively pursue negotiations to substantially reduce the superpowers' nuclear arsenals.

A brief digression: The START negotiations, laudable as they are, also point out the danger of nuclear force modernization in the context of arms reduction. There is tentative START agreement to limit each side to 4,900 warheads on land and at sea. With the development and deployment of the Trident II (D-5) warhead, each Trident submarine will (for arms control counting purposes) carry 192 warheads. We now have 500 MX warheads (50 missiles with 10 warheads apiece) and some 900 Minuteman launchers, with either one or three warheads apiece.

The United States has purposely placed the majority of its strategic nuclear force in submarines, because of their virtual invulnerability. But START reductions, in the context of MX and our plans to deploy Trident II, mean that we would be limited to between 14 and 20 submarines in total, depending on what was done with the Minuteman force. Thus, the combination of Trident II deployment and START limitations, increases reliance on the land-based deterrent force, and leads us to greater vulnerability and hence greater instability. In short, the world would be far safer with the elimination of both MX and Trident II.

Strategic Defense Initiative [SDI]: The SDI ("Star Wars") proposals are also misguided. The idea of a defensive shield against nuclear weapons sounds attractive; however, the defensive capability of SDI is illusory and much of the supporting rhetoric is both dishonest and contradictory. The administration continues to emphasize the population shield concept (that is, protecting the entire population) using exotic laser technologies. Most SDI funding, however, is actually directed at deploying systems to protect missiles, not people, and using existing technologies. This means that rather than moving away from a reliance on the threat of mutual assured destruction [MAD] to prevent nuclear war, the President's asserted justification for SDI, it would simply reinforce the present MAD reality and the idea of prevention through deterrence. Second, while the President has made much of the program being nonnuclear, substantial funds have been provided for SDI nuclear programs, including the x-ray laser and orbiting nuclear reactors.

Most scientists argue that the scientific, engineering, and computer problems associated with the exotic versions of SDI make it impossible in the next decades, and highly improbable thereafter. Even assuming, however, the technical feasibility of the most exotic of the laser technologies, no SDI can "render nuclear weapons impotent" as asserted by the President. This is because SDI is directed at intercepting ballistic missiles. It does not offer even theoretical protection against cruise and other low-trajectory missiles, bomber attacks, or small "backpack" and other "tactical" weaponry.

It should be noted that a defensive SDI could be used offensively as well. In addition to shooting at missiles or other targets, it could be used to blind or destroy satellites, thereby threatening opposing command and control systems. This is the basis of the Soviet concern about SDI; in particular, that it might be part of a nuclear war-fighting plan.

Finally, SDI would violate both the terms and logic of the 1972 Anti-Ballistic Missile [ABM] Treaty. While debate exists concerning at what point SDI "tests" would technically violate the treaty, it would necessarily be violated in the next few years. More important, SDI would lead to the same offensive and defensive arms races that the ABM Treaty sought to avoid. The ABM Treaty was agreed to because the parties understood that absent the treaty there would be a missile defense arms race, and a corresponding offensive arms race to overwhelm the developing defensive systems. SDI is, at a minimum, an ABM system; thus the logic of ABM applies directly to any SDI.

PRINCIPAL REDUCTIONS OR ELIMINATIONS

No additional MX funding;

Cancel Trident II;

Limit sea- and ground-launched cruise missiles;

Cancel Midgetman;

No additional Trident submarines;

Eliminate SDI, replace with basic research program;

Limit Stealth to R&D;

Terminate development of chemical and biological weaponry.

Limit atomic warhead production;

End anti-satellite (ASAT) procurement and development;

Establish research programs for enhancing verification capabilities for nuclear weapons testing.

(2) REORIENT PRESENT CONVENTIONAL FORCE PRIORITIES

For four decades, the United States has maintained security alliances with Western Europe and Japan. These continue to be vital, but the argument for such vast U.S. resource commitments may no longer apply and the terms and requirements of these, and other foreign policy commitments, should be reassessed: first, increasing budget pressures place limits on what the Government can commit to; second, there is increasing discomfort about the relative inequality in the contributions and responsibilities of the various alliance partners. Most important, the present security threat facing these alliances is substantially changed with prospects for real arms control now greatly improved.

European Land War Preparation: According to Department of Defense reports, well over half of our military budget is devoted to preparation for fighting a World War II-style land war against the Soviet Union in Europe. The probability of such a war is close to zero; however, were there war, the probability of it remaining conventional is even more remote. Most experts argue that such a war would turn nuclear within a matter of days. To spend such amounts of money on conventional forces in Europe makes no sense.

There appears to be a serious possibility of improved relations with the Soviet Union (for example, the INF Treaty, movement on a START Treaty, Gorbachev statements and actions, et cetera). This provides an extraordinary opportunity for initiating significant reductions in this part of our military spending, as well as that of the Soviet Union. The next administration must seize this opportunity to not only reduce the threat of nuclear war, but to bring about substantial conventional reductions as well.

Many political commentators, both Democrat and Republican, suggest that the Europeans should become responsible for their own conventional defense. While increasing European defense burdens may be realistic in the short term, particularly given U.S. budget problems, the crucial concern is to reduce the defense burden of both NATO and the Warsaw Pact, and not to simply concern ourselves with shifting responsibilities within NATO, while still maintaining high levels of military spending.

Even absent negotiations, the United States could safely remove substantial portions of its 325,000 troops currently in Europe. We propose removing some 20 percent of these troops over the next 4-year term, but far greater reductions would be possible if the next administration would aggressively pursue negotiated reductions.

PRINCIPAL REDUCTIONS OR ELIMINATIONS

Reduce the United States European presence by two divisions, decommissioning one and reorganizing the other into a reserve unit.

Limit hardware purchases predicated on preparation for extended land war in Europe (for example, M-1 tank, Bradley, et cetera).

Limit Third World Intervention: The proper U.S. defense policy is to defend U.S. security interests, not intervene militarily in and against Third World countries. A significant part of the spending build-up has gone in support of administration efforts to create the 600-ship Navy, particularly the increase in aircraft carrier battle groups from the present 13 to 15.

These battle groups are the primary instrument of the Navy's "forward offensive strategy" and account for the large majority of Navy funding. They are of little use, however, against the alleged target, the Soviet Union. As a recent congressional study indicated, a battle group is probably the world's most tempting target for tactical nuclear weapons (that is, battle group destruction would be assured, and there would be little chance of unintended damage).

In reality, their primary purpose is for Third World intervention. Most recently, three carrier groups were deployed against Libya, while last year two were deployed against Nicaragua. Devoting such an extensive part of the naval budget to these forces is both inappropriate and expensive.

The administration has also given priority to the creation of Rapid Deployment and Special Operations forces. These forces are oriented toward "low-intensity conflict," the euphemism for actions like the invasion of Grenada. This is part of a changing military strategy which envisions U.S. armed intervention throughout the Third World (for example Central America). The problems of the Third World are not military ones, and the next administration should disband, or at least limit, the further growth of these forces.

PRINCIPAL REDUCTIONS OR ELIMINATIONS

Defund the two fiscal year 1988 approved carriers;

Limit purchases of battle group destroyers and cruisers;

Reduce number of carrier-based airplane purchases;

Limit other related battle group purchases;

Curtail Rapid Deployment and Special Operations Forces.

(3) EFFICIENTLY FUND NECESSARY SYSTEMS

Eliminate Overlapping and Unnecessary Weapon Systems: The massive increase in military funding has led to plans based on the availability of funds, rather than on necessity or mission. Many programs are over-bought. Moreover, interservice rivalry has led to unnecessary levels of duplication, with the consequent purchase and production of inefficient, and more costly, numbers of both necessary and unnecessary systems.

The Pentagon and the Congress must determine which systems are necessary, and then purchase them in the most efficient way possible. This will of necessity result in the cancellation of certain systems, while increasing production of others deemed of higher priority; this, instead of maintaining a large number of systems in production at inefficient, and costly, production levels. For 1988, the House and Senate Armed Services Committees took initial steps in this direction; however, the final appropriation, based on the "budget summit" agreement, restored funds for most of the previously canceled systems.

Similarly, budgetary excess has led to the development of ever more sophisticated systems at enormous capital and maintenance costs and requirments. Approval of such high-cost and high-technology systems should be closely scrutinized, particularly when the improvements over existing models are marginal. In addition, simple tactical considerations of quantity (that is, more lower-cost items) may be superior to a lesser number of expensive, high-technology systems.

Reform Procurement Practices: Congress has finally become alarmed at the Pentagon procurement system. The publicity surrounding Pentagon purchases of dime-store hardware items for thousands of dollars has forced Congress to insist on initial reforms in this area. These must go much further. In particular, sole-source contracts must be limited, and competitive contracts increased. The revolving door, whereby high Pentagon officials and defense contractors simply exchange seats, must be severely constrained. Greater control over quality, efficiency, and cost must be exercised by the Pentagon in all of their contract dealings. Moreover, whistle-blower protection must be assured.

Real reform, however, requires a radical change in the relationship between the Pentagon and the major U.S. military contractors who benefit from this relationship. Military contracts are a major source of profits for many of the largest U.S. industries, and making the process more efficient, and presumably less profitable, will require substantial political commitment.

(4) FULLY FUND PERSONNEL AND FAMILY PROGRAMS

Force levels should be reduced for policy reasons. All remaining forces, however, must be properly supported. This requires providing for substantial improvements in living and other "quality of life" conditions for all members of the services and their families. In particular, more and better family housing and dependent programs are necessary.

(5) ECONOMIC CONVERSION AND MILITARY TOXIC WASTE CLEAN-UP

The burden of a decision to eliminate or reduce certain weapons systems should be a national one. The cities and towns where those particular systems are produced should not be forced to shoulder the effects of necessary changes in national policy. Thus, the alternative provides some $4 billion for the funding of approximately 150,000 new jobs annually in areas where workers on military programs are displaced as a result of weapon systems cuts. This is an initial step in the longer term process of reducing the present economic dependence on military spending.

Military sites are also major sources of toxic waste dumps and environmental pollution. Substantial efforts are needed to begin the process of removing the dangerous conditions present in many of these sites. The alternative provides $2 billion to initiate the program on conversion.

DOLLAR IMPLICATIONS OF THE ALTERNATIVE

	Actual fiscal year 1988	Admin fiscal year 1989	HASC fiscal year 1989	Dellums fiscal year 1989
Personnel	76.1	78.4	78.5	77.6
Operation and maintenance	80.7	85.6	85.4	80.9
Procurement	81.0	79.8	79.7	62.2
R, D, T, & E	36.7	38.2	38.2	31.9
Military construction	8.5	8.7	8.7	8.5
Atomic energy	7.7	8.1	8.1	3.9
Other	0.6	0.9	0.9	0.7
Conversion				4.0
Military toxic cleanup				2.0
Total	291.4	299.5	299.5	271.9

MILITARY TRAINING FOR CIVILIAN TECHNICIANS IN THE ARMY NATIONAL GUARD

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. DYMALLY. Mr. Speaker, as a member of the Committee on Post Office and Civil Service, it has come to my attention that many problems have been created by the establishment in August 1985 of the Military Education Program [MEP] for civilian technicians in the Army National Guard.

I am pleased, therefore, that this body has approved an amendment to H.R. 4264, the Department of Defense authorization for fiscal year 1989, which will phase-out the Military Education Program training requirement for technicians and allow these employees to receive comparable training at National Guard State schools.

I want to thank Chairman ASPIN and ranking minority member DICKINSON of the Committee on Armed Services, as well as subcommittee Chairwoman BYRON and Congressman MONTGOMERY, a member of the committee, for their assistance and support in developing an acceptable amendment to address the problems created by the Military Education Program. The amendment was approved as part of the en bloc amendments offered on May 2, 1988.

Presently, military personnel of the Army National Guard may complete their required noncommissioned officer training at certified State controlled training centers. On the other hand, civilian technicians must attend active component courses away from their home State, often for months at a time, which places additional—and in my judgment, unjustifiable—burdens on the technicians, their families, and the American taxpayer.

In order to complete the required active component training, a technician often must utilize his earned annual leave, and then enter into a leave-without-pay [LWOP] status. Under LWOP, technicians lose many benefits normally afforded Federal workers.

During the period a technician is attending the MEP, the maintenance and clerical workload at the National Guard base falls behind. In some cases, replacement workers who may not be as qualified are hired to fill the void of the absent technician. Obviously, this double-slotting adds to the overall cost of the MEP and adversely affects the preparedness of our National Guard units.

A technician must satisfactorily complete an active component course in order to be considered for military promotion to the next highest grade. Because of the statutory requirement that technicians hold dual military status, their failure to receive a military promotion within a specified period of time would result in a loss of their military status in the National Guard and a subsequent loss of their civilian position. I believe this places the technician in an untenable position.

Last year, many of my colleagues joined me in writing to the Chief of the National Guard Bureau, to request that the agency address the adverse effects the MEP had on Army National Guard technicians. The response we received did not acknowledge the negative effects the program had on the civilian technician workforce and offered no solutions to the problems we raised.

On March 25, 1987, I joined my colleague from Massachusetts, Congressman JOE MOAKLEY, in introducing legislation—H.R. 1808—to suspend the MEP for 2 years, pending receipt of a report by the Department of Defense on the effects of this program on readiness and benefits for civilian technicians.

Subsequently, on May 18, 1987, I offered an amendment—which was adopted—to the fiscal year 1988 Department of Defense authorization bill, which, in part, required a report from the General Accounting Office to the Committees on Armed Services, relative to the Military Education Program.

That report has been completed, Mr. Speaker, and will be released publicly in the near future. The report will show that training for civilian technicians under the MEP is three to five times more costly than similar training at the State schools already utilized by military personnel in the National Guard. In addition, the MEP has caused substantial morale problems among civilian technicians due to the long periods of time they must spend away from home.

Although I originally planned to offer an amendment to H.R. 4264 which would suspend the MEP entirely, I believe the alternative amendment, drafted with the help of the Armed Services Committee and subsequently approved by the House, offers a responsible approach to eliminating the problems caused by the MEP while ensuring that civilian technicians continue to be qualified in their military occupational specialty.

The adopted amendment will phase-out the Military Education Program requirement as comparable training in each military occupation specialty [MOS] becomes available at the National Guard State schools under the Reserve Component Noncommissioned Officers Education Program. The National Guard Bureau is currently developing new training programs for each MOS, to be implemented by the State schools. When a particular MOS package is developed, implemented by the State schools, and such implementation is approved by the Secretary of the Army, technicians requiring training in that MOS shall receive their training at the State schools instead of under the Military Education Program.

The General Accounting Office indicates that development of all MOS packages for use by the State schools should be completed by early 1989. The amendment requires a report to Congress from the Secretary of the Army by December 31, 1988, discussing the implementation of the new program for training at the State schools.

For technicians who must complete leadership training only, the amendment provides that such training shall be completed at the State schools without a waiting period for approval by the Secretary of the Army. This provision reflects the findings of GAO that primary leadership development courses offered at the State schools already are comparable with those offered under the MEP.

Finally, the amendment addresses training requirements during the period of transition from the MEP to the State schools by providing that a technician who has not received training through MEP, but is scheduled to do so before receiving a military promotion, shall, at his request, be administered the skill qualification test [SQT] for the appropriate MOS. If the technician passes the SQT, he may not be required to attend the MEP in order to receive a promotion and may not be reduced in military grade for failure to attend the MEP training. This transition provision ensures that technicians remain fully qualified in the military specialty before approved training becomes available through the state schools under the phase-out.

Mr. Speaker, I am very pleased that we have finally been able to reach a responsible solution to the problems caused by the Military Education Program training requirement. Civilian technicians in the National Guard are a unique group of Federal employees, serving their country in a civilian and military status, who deserve our attention in Congress.

HONOR JAMES WYLLIE

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. HILER. Mr. Speaker, it is with special pride that I rise today to honor Mr. James Wyllie, president of Nyloncraft, Inc., located in Mishawaka, IN; Loretta Jacobson, the director of Nyloncraft's Learning Center; and the many individuals serving on the learning center staff.

Several months ago, I nominated Nyloncraft for a child care award sponsored by the congressional caucus for women's issues. I am very pleased and excited to share with my colleagues that of the nearly 170 companies considered, Nyloncraft was chosen by the caucus to receive a "pioneer award." The company is being recognized for initiating and developing one of the most innovative employer-sponsored child care programs in the United States. Nyloncraft lies at the heart of the American dream and holds fast to the courage and entrepreneurial spirit of our Founding Fathers. Nyloncraft is a true pioneer, blazing a trail and lighting the way for those who follow.

Seven years ago, before child care was the issue of the day, Jim Wyllie, the president of Nyloncraft, recognized the dilemma young, working families faced in meeting child care needs and watched these difficulties erode the company's productivity and competitive position. Mr. Wyllie came up with an imaginative, never tried before plan. Acting with the understanding that child care is not just a mother's problem but a business issue as well, a firm commitment to helping families, and an eye to the future, Nyloncraft's Learning Center was born: the first 24-hour, on-site day care facility in the State of Indiana.

This Saturday, the learning center celebrates its seventh birthday. The center now includes a "latch-key program" for school age children which involves providing transportation to and from approximately 35 local schools each day. During the summer months, the learning center is expanded to accommodate a day camp program.

Before the child care center was in place, it was typical for each Nyloncraft job to turn over at least three times during the year at a cost of $1,500 to $2,000 to train each new employee. Last year, a mere 25 employees out of a total work force of 450 resigned from their jobs. Absenteeism has dropped to less than 3 percent.

But going beyond making good business sense to my way of thinking, Nyloncraft deserves recognition for contributing to the care and development of our most precious and most important resource—our children.

Over the past year, I have been actively involved with the issue of child care, and I have had the honor of working with a small group of my colleagues in developing comprehensive child care legislation which will responsibly answer the problems low and middle-income families face in finding affordable and available quality child care settings.

While the Federal Government has a responsibility to help find answers to the child care crisis, we need to be careful that the Government's role is not expanded to the point of telling parents which day care arrangement is best for their toddler. Nor should we go the way of creating unnecessary Federal bureaucracy.

What we need, and what I hope Congress will achieve, is a Federal policy that complements the response the private sector has already undertaken and motivates new solutions. We need to join hands, form a partnership, and work together. Nyloncraft's work epitomizes that idea of a joint venture. The private sector alone cannot be expected to solve the child care problem, neither can the Federal Government; but we, together, can and will.

It is often said our children are our future and our world. Likewise, we parents are the key for their tomorrows. I hold the highest admiration for Jim Wyllie's insight, and I am deeply impressed with the dedication of the learning center staff and the exceptional and outstanding level of care the center provides. Nyloncraft literally picked up the ball, and the bat, and everything that goes with it, and built from ground up a spectacular, educational child care program that today is a model and ideal for other companies throughout our Nation.

I ask my colleagues to join me in applauding Nyloncraft, and thanking the company for the service given to our community, the care given to our children, and the security which has been placed in the hearts and minds of so many parents.

PERSONAL EXPLANATION

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. McDADE. Mr. Speaker, I was participating in hearings Wednesday afternoon, May 4, by the Defense Appropriations Subcommittee during the House vote on rollcall No. 99. Dr. Bob Costello, Under Secretary of Defense for Acquisition, was testifying on U.S. defense acquisition practices. I unintentionally missed the vote as the result of confusion caused by the breakdown of the automatic voting system.

Had I been present for the vote, I would have voted "no" on the Dellums amendment.

SUPPLEMENTAL LOANS FOR STUDENTS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. FORD of Michigan. Mr. Speaker, there appears to be a serious problem in the Supplemental Loans for Students Program that could lead to a very significant increase in student loan defaults.

Supplemental loans to students [SLS] are authorized by the Higher Education Act of 1965. Under this program, independent students—and in limited circumstances dependent students—may borrow up to $4,000 per year. Repayment begins within 60 days although students need not pay the loan principal while they are in school, and interest payments during the in-school period may be accrued and capitalized. Students pay a market interest rate that is capped at 12 percent. This program was designed to provide independent students with the same access to educational credit as dependent students whose parents can borrow on their behalf through the Parent Loan [PLUS] Program.

The loan volume in the SLS Program has increased from about $200 million in fiscal year 1986 to over $500 million in fiscal year 1987. The volume in the program is projected to be $1.8 billion in the current fiscal year, a spectacular growth of 900 percent in 2 years.

There is some anecdotal evidence and substantial suspicion that this boom in SLS volume is due in large measure to some unscrupulous schools directing students into the SLS Program rather than into the Guaranteed Student Loan [GSL] or Pell Grant Programs. The GSL Program charges students a lower interest rate and charges them no interest while they are in school. Both the GSL and the Pell grant are obviously more advantageous for the student, and the intent of Congress was that these programs would be used before there was any resort to SLS. Some schools are directing students into SLS because of three features of the program. First, under the SLS Program students in their first or second year can borrow up to $4,000, while in the GLS Program the annual maximum is $2,625. Second, the GSL Program requires that students have a determination of their eligibility for a Pell grant before receiving a GSL. This is not true of the SLS Program, which means that students can get a much quicker turn around on an SLS compared to a GSL, in some cases within 24 hours. Third, a GSL is paid to a student in several disbursements, while an SLS is paid in a single disbursement. In sum, under the SLS Program students are receiving as much as $4,000 in a very short time in a single lump sum.

The fear is that even if these SLS borrowers default at the same rate as current GSL borrowers the default problem will significantly worsen. This will be the case because of the higher loan maximum and the failure to offset borrowing with Pell grant aid. In addition, the single lump sum payment will also exacerbate the default problem. Most students who default have dropped out of their postsecondary educational program, and most of these drop outs occur early in the educational program. Thus, students are likely to be in default on a larger amount since they will have the entire SLS up front.

To avoid these problems, I introduced H.R. 4516 on May 3, 1988. This bill would simply require that the SLS be multiply disbursed to students and that there be a Pell grant determination prior to receiving an SLS. Thus, the conditions for receiving an SLS would be much more comparable to a GSL, and much of the temptation to direct students into SLS rather than GSL would be removed. Even if our suspicions about the cause of the growth in SLS volume prove groundless, requiring multiple disbursement and a Pell grant determination in the SLS Program is sound and prudent public policy.

It is very important that H.R. 4516 be enacted prior to July 1, 1988. Approximately 40 to 50 percent of the annual student loan volume occurs in the fourth quarter of the fiscal year, July, August, and September. Therefore, if H.R. 4516 is enacted before July 1 as much as half of the projected $1.8 billion in fiscal year 1988 SLS volume can be subject to these safeguards. This is likely to produce a substantial reduction in SLS volume and in defaults.

I would urge my colleagues to cosponsor H.R. 4516. If you would like to cosponsor please contact Gloria Gray-Watson or Tom Wolanin at 225-6295.

NUCLEAR WEAPONS PRODUCTION HEALTH AND SAFETY ACT OF 1988

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. SKAGGS. Mr. Speaker, I introduced this week H.R. 4508, the Nuclear Weapons Production Health and Safety Act of 1988. This bill would provide for independent environmental, health and safety regulation of Department of Energy [DOE] nuclear facilities, including the Rocky Flats nuclear weapons plant of Arvada, CO.

DOE is currently both the manufacturer of nuclear weapons and the regulator of its own activities. The Department needs to be subject to independent oversight and regulation to remove any possible conflict of interest. That's what this bill would do, by establishing the Nuclear Weapons Production Health and Safety Board, a new independent, regulatory agency.

The first important fact about the Board is that it would be regulatory. It would establish environmental, health and safety standards for DOE nuclear facilities, which DOE and its contractors would have to meet. This is a huge improvement over other legislative proposals that would set up a board with only advisory powers—only the authority to make recommendations that DOE could either accept or reject.

The second important fact about the Board is that it would be independent. Along with the other independent agencies—like the Federal Trade Commission—the Board would be able to issue administrative orders and, if necessary, to seek court orders to compel an executive department—in this case, DOE—to comply with its standards. There avoids the constitutional question about whether one conventional agency in the executive branch—like the Environmental Protection Agency—can take such a binding action with respect to another executive branch agency or department.

The major provisions of the bill include:

An independent, regulatory agency would be created in the executive branch, to be known as the Nuclear Weapons Production Health and Safety Board and to be composed of five members appointed by the President and confirmed by the Senate.

The Board would establish standards for DOE nuclear facilities to ensure the protection of the environment and the health and safety of the public, DOE officers, employees and contractors.

The standards established by the Board would include occupational health and safety standards. Currently, DOE weapons plants are exempted from regulation by the Occupational Safety and Health Administration.

The standards established by the Board would include standards for the cleanup of radioactive materials previously released into the environment.

The standards established by the Board would include standards for location, design, construction and operation of DOE nuclear facilities.

The Board would have the authority to investigate any event at a DOE nuclear facility that may pose an actual or potential adverse effect on the environment or on the health or safety of the general public or people at the plant.

The Board would be required to maintain an onsite investigatory and review staff at each facility.

The Board would have the authority to review periodically the design and operation of existing DOE nuclear facilities. These investigations would include reviews of the transportation of nuclear materials, including nuclear wastes, to and from the DOE facilities.

If the Board determines that a DOE facility activity presents an imminent and substantial danger to the environment or the health and safety of the general public and individuals at the plant, the Board would have the authority to issue administrative orders directing the DOE to stop such activities. If the Secretary of Energy does not comply, the Board would have the power to take court action. The President may issue an exemption to the Board's administrative orders may be necessary to protect overriding national security interests. An exemption would be for a specified period of time, not to exceed 1 year.

The Board would be appropriated $5 million a year for fiscal years 1989, 1990, 1991, 1992, and 1993. Under a sunset provision included in the bill, the Board would cease to exist in 6 years unless reauthorized by Congress.

The Board may delegate its authority to any State that has a capable program for regulating activities at DOE weapons plants, if the State program is compatible with the Board's program. Under such an agreement, the State would have the authority to regulate facilities to protect the environment and the health and safety of the public and individuals at the plant. The Board would have the authority to issue a grant to help the State fund its regulatory program.

Any new DOE nuclear facility would be required to receive a license from the Nuclear Regulatory Commission before the facility begins operating. At this time, no DOE weapons facility has an NRC license.

The Clean Water Act would be amended so it applies to the discharge of weapons-related radioactive material as well as other water pollutants. The Resource Conservation and Recovery Act would be amended to clarify that weapons-related radioactive wastes are subject to that act when intermingled with other hazardous wastes.

The Department of Energy's authority to study the health effects of radiation from DOE nuclear facilities would be transferred to the Centers for Disease Control.

YESHIVA OHR ELCHONON-CHABAD DINNER HONORING MR. LOUIS KEMP

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. WAXMAN. Mr. Speaker, on June 13, 1988, hundreds of citizens of the Los Angeles area will participate in the 10th anniversary dinner of a distinguished educational institution, Yeshiva Ohr Elchonon-Chabad. The focus of attention at the dinner will be the esteemed honoree, Mr. Louis Kemp, of Pacific Palisades.

Despite Mr. Kemp's extensive business responsibilities and involvement with numerous philanthropic causes, Mr. Kemp has found the time, energy and resources to play a major role in the affairs of the Yeshiva. That role has included not only substantial, but also laborious efforts to involve other people in the work of supporting and sustaining this great center of education, religion and community outreach.

Mr. Kemp, a native of Duluth, MN, presides over one of the largest frozen fish operations in the United States. The Kemp business is involved in the processing, distribution, and exportation of fish from plants in Alaska, Canada, and Minnesota.

Mr. Kemp, an unassuming and humble individual, is often asked how he came to embrace so wholeheartedly the complex teachings and practices of Chassidic Judaism. He invariably answers that he had the good fortune, in a world filled with perplexing questions, to find a path to trustworthy answers. Mr. Kemp identifies that path as the way of the Torah. Mr. Kemp means by this, not only the written Hebrew scriptures, but also the entire corpus of Talmudic, Halachic, and Esoteric writings of the sages up to, and including, those of our day. It is Mr. Kemp's hope that the students of the Yeshiva Ohr Elchonon-Chabad will derive from their rich program of scared and secular studies the strength they will need for the challenges of an ever-more troubled world.

I wish to note that Yeshiva Ohr Elchonon-Chabad plays a central role in the Louis Kemp's personal and family life. His beloved daughter, Ilana, is a proud student of the Yeshiva.

As honoree of the dinner, to be held at the Beverly Hilton Hotel, Louis Kemp will be designated recipient of the "Lamplighter Award." This designation truly fits him, for he has done so much to dispel the darkness and confusion of our young people with the light of traditional Jewish teachings.

Also to be honored at the gala 10th anniversary dinner are the founders who rallied around Rabbi Simcha Wasserman, to found the original Yeshiva. The Yeshiva bore the name of the saintly Rabbi Elchonon Wasserman, Martyred by the Nazis. Its union, 10 years ago with Chabad, brought together two revered streams of Jewish thought—that of Lithuanian scholasticism and Chassidic mysticism. The school has a remarkable array of programs, including an early childhood program, elementary and high school and advanced Hebraic studies at the college and post-graduate levels. The institution, headed by the reknowned scholar and author, Rabbi Ezra Schochet, is part of the worldwide network of Chabad schools. The schools, located in nearly a score of nations, are all under the personal guidance of the leader of the Chabad movement, the Lubavitcher movement Rabbi Menachem Mendel Schneerson.

I ask the Speaker and all my esteemed colleagues in the House of Representatives to join me in saluting Mr. Louis Kemp on the occasion of his receipt of the Lamplighter Award of Yeshiva Ohr Elconon-Chabad and extending wishes to him and his family for good health and continued participation, not only in the affairs of the Yeshiva, but in the vast array of worthy causes to which he is committed.

DR. RONALD HORVATH—ONE OF AMERICA'S BEST COMMUNITY COLLEGE LEADERS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. MAZZOLI. Mr. Speaker, the University of Texas' Community College Leadership Program recently released a study listing the top 50 community college leaders in the Nation. Included among these transformational leaders is the fine president of Jefferson Community College [JCC] of Louisville and Jefferson County, KY, Dr. Ronald J. Horvath.

Those of us who know Dr. Horvath are certainly not surprised by this recent recognition. Since his arrival at JCC—one of the 14 community colleges in the University of Kentucky—in 1975, he has consistently earned the respect of colleagues, faculty and students alike for his leadership and personality.

Dr. Horvath is completely involved in all facets of operations at JCC and the community in general. While Dr. Horvath steadfastly executes the normal duties of a school president, he also thrives in performing the little tasks that bring him closer to the students and faculty. For example, it is not uncommon to see Dr. Horvath working at the registration tables at the beginning of school each year, advising and meeting with the students.

Dr. Horvath is especially noted for his goal-setting methods which involve everyone at JCC in the decision making process. This system helps Dr. Horvath locate the weaknesses within each department and, subsequently, the information and basis with which to improve those areas of need.

Tangible results suggest that Dr. Horvath's goal-setting system is working. In 1985, JCC was ranked second in the Nation in another University of Texas Community College leadership study.

But the progress did not stop there. Last year, a goal to increase enrollment was overwhelmingly realized when the number of students at the JCC's two campuses rose by an average of 16 percent from 6,996 to 7,840. Also, through increased personal counseling and in-class involvement, JCC students' failure or withdrawal rate per semester has been reduced to 27 percent—well below the national average of 40 percent.

Mr. Speaker, Dr. Horvath's dedication to the community college system, and in particular, the Jefferson Community College, is exemplary. He firmly believes in the opportunity for higher education for all those who so desire. I am sure I speak for all Louisvillians and Jefferson Countians when I say that we are indeed fortunate to have such an outstanding leader in our midst.

Again, I want to congratulate Dr. Horvath for being chosen as one the best community college leaders in the Nation, and wish him, his wife Gladys, and his two children Tim and Ann all the best in the days ahead.

PERSONAL EXPLANATION

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mrs. COLLINS. Mr. Speaker, although business pertaining to my responsibilities on the Telecommunications and Finance Subcommittee required my absence on Friday, April 29, 1988, had I been present I would have voted the following on legislation considered by the House on that day.

Approval of the Journal (rollcall No. 80) "yes."

En bloc amendments to H.R. 4264, defense authorization for fiscal year 1989 (rollcall No. 81) "yes."

Traficant amendment to H.R. 4264 (rollcall No. 82) "yes."

Bryant amendment to H.R. 4264 (rollcall No. 83) "yes."

Robinson amendment to H.R. 4264 (rollcall No. 84) "yes."

McMillan amendment to H.R. 4264 (rollcall No. 85) "yes."

THE TESTIMONY OF HON. DONNA POPE, DIRECTOR OF THE MINT ON S. 1776

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. RANGEL. Mr. Speaker, I would like to submit into the RECORD, the testimony of Hon. Donna Pope, Director of the Mint, who testified on behalf of S. 1776, a bill which calls for the redesign of U.S. coinage, before a hearing of the Senate Committee on Banking, Housing and Urban Affairs on April 22, 1988.

As it is probably known S. 1776 is the identical Senate version of my bill, H.R. 3314. However, some of our colleagues have expressed their skepticism over the revenue enhancing aspect of H.R. 3314. This testimony by the Director of the Mint, reveals that indeed revenues will be raised from a change in the design of U.S. coinage. I urge my colleagues to read this testimony.

STATEMENT BY HON. DONNA POPE, DIRECTOR OF THE MINT

INTRODUCTION

Good morning. The Treasury welcomes the opportunity to present comments on Senate Bill 1776. The movement to "modernize" United States coinage, which began over a year ago, has attracted great interest in the numismatic hobby. Given the considerable number of sponsors of this legislation, there is obviously interest here in the Senate. As presently drafted, the Treasury finds generally nothing objectionable to this legislation. However, we do have some concerns which I will address this morning and would request the Senate to consider some minor changes to the legislation.

GENERAL COMMENTS

Since its establishment in 1792, the Mint has successfully fulfilled the nation's demand for coinage. President Washington and his Secretary of the Treasury, Alexander Hamilton, both placed great importance on the establishment of the Mint and sound coinage. As a new nation just beginning to record its own history, it was decided that our new nation's coinage would depict allegorical designs of Liberty. It was believed that to depict a President would have been in the tradition of monarchy, and not fitting for a young democracy. This sentiment continued and for 115 years allegorical designs appeared on coins. At the beginnin of the twentieth century, the rise of nationalism and the emergence of the United States as a great power began to have influence on coin design. Perhaps after recording a century of proud history, the country felt confident that it could depict that heritage on its coins. In 1909, beginning with the one cent coin and eventually including all coins, the nation stepped away from allegorical designs, replacing them with historical designs recognizing the contributions of great Presidents. The change in coin designs was, in large part, a populist initiative of President Theodore Roosevelt.

The designs of our current coins, except for the 1976 Bicentennial issues, have remained unchanged since the introduction of the Kennedy Half-Dollar nearly twenty-five years ago. Over the course of this period, there has been a rapid growth in coin demand with production increasing from 2.8 billion to 14 billion coins a year.

As we approach the twenty-first century, there is again an initiative to change coin designs. The proponents, largely members of the numismatic community, cite the need to "modernize" coin designs, which they believe to have grown stagnant. Some have suggested contemporary themes for circulating coins. In our rapidly changing world, where technological marvels quickly become museum pieces, contemporary designs may not be desirable. For example, if contemporary designs had been adopted twenty-five years ago, coins depicting a Mercury Space Capsule or a revolutionary device known as the transistor, would certainly be dated in this era of space shuttles and microchips. Yet, the current Jefferson nickel design is as fitting today as it was when first introduced in 1938. The timeless property which marks existing coinage design should be carried forward on any new coin designs. Ample time will be needed to create coin designs that are distinguished by this important characteristic.

Consideration should be given to placing numeric designation on our coinage in lieu of alphabetic designations. For instance, the words "quarter dollar" on the quarter would be replaced with the number "25" and the number "10" would be more appropriate than the words "one dime". The United States is one of a handful of nations that does not denominate coinage with numeric designations.

IMPLEMENTATION

We believe it will be possible, over a six-year span, to implement new coin designs as prescribed in the legislation. Prior to the first design change, at least fifteen months of development time is needed. Three months are reserved for the selection of artwork—if an open competition is not contemplated—three months to develop the design from artwork to coin die, six months of crucial testing, and three months of production to mint an adequate inventory of the new coins.

Introduction of each new design should commence at the beginning of the calendar year—when designs are normally modified for the new date. A mid-year change is not recommended as it will increase numismatic speculation and place undue strain on our coin production capacity. The beginning of a new year also seems more fitting for the introduction of a new coin.

We would request that the legislation be amended to require the first coin to be issued at the beginning of the year fifteen months after enactment. If the legislation were enacted by October of this year, the first coins could be available on January 2, 1990.

Coins for circulation are minted by machine crafted dies which are fitted in multi-die or high speed stamping presses. To make optimal use of equipment, dies must have a long life. For example, a one-cent die will stamp 750,000-930,000 coins—the life of an obverse and reverse die is often different—before it is worn out. Over 27,000 one cent dies alone will be used for circulating coins this year, each costing approximately $35. To operate efficiently and cost effectively, it will be necessary for a new coin design to achieve a long die life. Coin presses must be shut off to change a die; low die life will reduce coin production rates, in addition to the die cost. The production of coin dies is a lengthy and expensive process. Once artwork is selected, clay and plaster models must be hand sculpted, the design must be reduced to a master hub, master dies are then prepared, and finally trial strike dies are produced. Finding the right combination of relief, crown and sharpness of detail on the dies is not an exact science. If the trial strike fails, this process must be repeated until successful.

After a successful trial strike, a larger number of dies are tested in a limited production run. If the die life is unacceptable, then the process may have to be repeated. Six months will be needed for this testing.

To minimize public confusion and prevent undue problems for merchants and bankers, the new coins would be distributed across the nation for release on a predetermined day. Three months of full scale production will prepare an adequate inventory for general release. To ensure that the public is adequately informed about the new coins, funding may be requested for a public information campaign.

If this legislation is enacted, we would propose to introduce the commemorative design on the quarter the first year; change the design of the half-dollar the second year; replace the commemorative design on the quarter with a new design the third year; change the nickel the fourth year; the dime the fifth year; and the penny would change in the sixth year.

Each of the six design changes is expected to cost approximately $125,000 for engraving and production testing. In addition, an estimated $7.1 million would be required to produce the additional coins needed over the six-year phase-in period.

COIN DEMAND/PRODUCTION CAPACITY

There are separate effects from the legislation's requirement of a two-year commemorative design and the long-term redesign of all coinage.

Bicentennial design

As stated earlier, the Mint would introduce the Constitution Bicentennial design on the quarter. The temporary change in the reverse design will add numismatic character to the quarter and eventually lead to large withdrawal of the coin. Research done in 1987 revealed an abnormal removal of the 1976 Bicentennial coins. Only 38 percent of the coins expected were present, based on normal attrition rates, due to the public pulling the coins out of the circulation pool because of their numismatic character.

Based on this experience, we estimate that in addition to the approximately 1.4 billion quarters needed in each of the years 1990 and 1991, an estimated 12 percent withdrawal of the new coin in the first and second years will necessitate an increase in production of 170 million quarters in each of the two years. Through 1995, 985 million quarters will be needed above normal demand due to the high attrition of this semi-numismatic coin.

Long-term design changes

The Mint anticipates a 6 percent withdrawal of the new design during the first year of a new circulating coin design change. After this initial withdrawal, there will not be significant demand for the redesigned coin, above normal requirements, until eight years after the change. At this time, from the experience with the "wheat" cent, the old coins will be pulled out of circulation in increasing volume and will necessitate increased production of the new design.

This estimate is based on a Research Triangle Institute analysis of the 1959 conversion from the "wheat" cent to the "memorial" cent, which did not reveal any preferential withdrawal of the "wheat" cent until the eighth year after the conversion. At that time, withdrawal began to accelerate dramatically.

If this legislation is enacted, a total of 2.015 billion coins, above normal demand, over the six-year period will be required. Existing coin production capacity, and planned equipment purchases and modifications will allow the Mint to meet coin demand through 1995 provided all other factors remain stable. Eight years after the redesign of the coinage, significant increases in demand could be expected, especially between the years 1998 and 2011.

REVENUE ENHANCEMENTS

Proponents of new coin designs have cited certain revenue enhancements that will accrue as a result of design changes. These cited enhancements are derived from predicted increases in the sale of numismatic sets and from predicted increased seigniorage. Seigniorage refers to the difference between the face value of a coin and its production costs. The latter a result of additional demand for coins caused by the design changes. Embellished revenue estimates as high as $2.3 billion have been cited and some have looked to coin redesign as a panacea for budget deficits. Based on analyses of past demand patterns, we estimate $224 million in additional seigniorage receipts will be generated in the first six years of the new designs and $18 million in additional numismatic profits over the same period.

Seigniorage is often called the "profit" from coin production, and many have assumed that this profit is similar to the profit from the sale of numismatic products—when, in fact, it is quite different. Seigniorage is not an on-budget receipt and does not directly offset expenditures. Seigniorage in itself does not reduce the budget deficit. As an off-budget miscellaneous receipt, it is subtracted from the amount of the annual deficit to determine how much money must be borrowed from the capital markets. By decreasing the amounts which must be borrowed from the public, it reduces the interest which must be paid on these borrowings. The Treasury's Comptroller has estimated that for every $100 million of seigniorage generated during 1987, $5.9 million in interest costs were saved. Consequently, the $224 million estimated increase in seigniorage over the first six years of the new designs would reduce budget outlays by about $2.2 million per year.

The profits from increased sales of numismatic sets will result in new revenues to the Treasury. Last year, the Mint returned a profit of $25 million from the sale of proof and uncirculated coin sets. Increased sales of numismatic coin sets are estimated to be about 500,000 sets in each of the years for which changes are made. An additional $3 million annual profit can be expected. The legislation earmarks these funds for debt reduction. This specific provision is not necessary because these funds would be available to reduce Treasury borrowing anyway and would thus reduce the deficit in any given year.

CONCLUSION

This concludes my prepared remarks. I would like to take a moment and congratulate Commissioner of Fine Arts, Diane Wolf, on the campaign she has waged to galvanize support for coin design changes. Many people think they cannot make a difference in government and so never make an attempt. Commissioner Wolf's success in aligning the coalition necessary to bring serious consideration to this matter is a testimony that even in our complex society, one person can make a difference. Thank you, I will be glad to answer any questions from the Committee.

COMMEMORATING "TAX FREEDOM DAY"

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. DREIER of California. Mr. Speaker, Labor Day is set aside each year to allow working Americans to celebrate the contributions they've made to our great country. And today, May 5, is the day they celebrate the end to Government confiscation of those contributions.

That's because today, according to the Tax Foundation, is "Tax Freedom Day." This is the day that the average American worker fulfills his/her Federal, State, and local obligation to the tax man if every dollar earned since January 1 is withheld by the Government.

Tax Freedom Day is increasingly becoming a day of mourning, not celebration. This year, it came 2 days later than in 1987, and it is later than the previous record set in 1981. The average worker now pays a whopping 34.5 percent in taxes. Worse yet, the Federal Government is responsible for all of this increase.

The main culprit was the Tax Reform Act of 1986. As millions of taxpayers found out this year, there was an increase, not a reduction, in the overall tax burden. In addition, last year's reconciliation bill and continuing resolution increased Federal taxes by another $11.5 billion. These tax increases have not been accompanied by a subsequent reduction in the Federal deficit.

President Grover Cleveland once said of excessive taxes: "* * * such exaction becomes ruthless extortion and a violation of the fundamental principles of free government." The Reagan tax cuts have been completely reversed, and there appears to be no end in sight to this"ruthless extortion."

Mr. Speaker, I would like to submit for the RECORD a recent press release from the Tax Foundation declaring May 5 as "Tax Freedom Day." It provides a specific breakdown of the growing tax burden facing working Ameicans. I hope my colleague will come to recognize the significance of Tax Freedom Day, and join me in reversing this siege on the American worker.

The press release follows:

TAX FREEDOM DAY IS MAY 5

(Graphs and charts mentioned in article not reproducible in the RECORD.)

WASHINGTON, DC, April 15, 1988.—The bad news is that Tax Freedom Day 1988 is May 5. The worse news is that, although Tax Freedom Day last year was May 4th, this year's date is two days later than 1987 because 1988 is leap year.

TAX FREEDOM DAY

Economists at the Tax Foundation announced today that the average American would work from January 1 through May 4 to furnish Federal, state and local tax collectors with the funds to pay all taxes, if every cent earned from the first of the year went for taxes. On May 5, Americans finally start working for themselves.

Put another way, it will take 126 days to satisfy the man this year, two days longer than were required last year. This way of expressing the tax load is calculated on the assumption that, sooner or later, the American "worker" ultimately pays the total tax burden—including business taxes which are passed on to individuals—in his or her capacity as an employee, proprietor, or investor.

Uncle Sam did it, counsel economists at the Washington-based tax watchdog organization. Increases in the corporate income tax passed in the Tax Reform Act of 1986 (TRA86) are continuing to kick in; the Omnibus Budget Reconciliation Act of 1987 has loaded an estimated $9.1 billion on taxpayers; a large increase in social insurance taxes has taken hold; and the Continuing Resolution for 1988 increased Federal receipts an estimated $2.4 billion this year, taking an additional $1 billion from individual income taxes alone. Combined, the '87 Reconciliation Act and the '88 Continuing Resolution have boosted the 1988 Federal take by $11.5 billion, say Foundation economists.

TAX FREEDOM DAY AND TAX BITE IN 8-HOUR DAY

Year	Tax freedom day	Tax bite in 8-hour day (hours minutes)		
		Total	Federal	State and local
1955	April 9	2:09	1:34	0:35
1956	April 11	2:13	1:37	0:36
1957	April 13	2:14	1:37	0:37
1958	April 10	2:12	1:32	0:40
1959	April 14	2:16	1:36	0:40
1960	April 17	2:22	1:40	0:42
1961	April 18	2:22	1:38	0:44
1962	April 18	2:21	1:38	0:43
1963	April 19	2:23	1:39	0:44
1964	April 15	2:18	1:33	0:45
1965	April 15	2:17	1:33	0:44
1966	April 18	2:21	1:36	0:45
1967	April 20	2:24	1:37	0:47
1968	April 25	2:32	1:39	0:53
1969	May 1	2:38	1:48	0:50
1970	April 28	2:34	1:40	0:54
1971	April 25	2:31	1:36	0:55
1972	April 29	2:36	1:39	0:57
1973	April 29	2:36	1:41	0:55
1974	May 3	2:41	1:45	0:56
1975	April 28	2:35	1:38	0:57
1976	May 1	2:40	1:42	0:58
1977	May 3	2:41	1:43	0:58
1978	May 3	2:41	1:45	0:56
1979	May 3	2:41	1:48	0:53
1980	May 1	2:39	1:48	0:51
1981	May 4	2:43	1:52	0:51
1982	May 3	2:41	1:48	0:53
1983	April 30	2:38	1:43	0:55
1984	April 28	2:36	1:42	0:54
1985	April 30	2:38	1:44	0:54
1986	April 30	2:38	1:43	0:55
1987	May 4	2:43	1:48	0:55
1988	May 5	2:45	1:50	0:55

Source: Department of Commerce, Bureau of Economic Analysis; and Tax Foundation computations.

The U.S. taxpayer has now lost all the ground gained through the major cuts of the Economic Recovery Tax Act of 1981 (ERTA). Since ERTA, large revenue raisers in 1982, 1983, and 1984, plus the 1987 omnibus bill and the 1988 continuing resolution, have lopped off big chunks of the '81 cuts and social security hikes have made further inroads, until, like the Cheshire Cat in "Alice in Wonderland," nothing remains but the smile.

State/local taxes will continue to increase in 1988, but not faster than the economy as they did over the previous six years. Also, the states receive an ongoing windfall as the effects of TRA86 continue to make state levies generally more progressive. Although some states changed their laws to avoid such windfalls, others opted to keep revenue gains, and they will rake in an estimated $1.1 billion extra this year.

TAX BITE FROM THE 8-HOUR DAY

Another perspective on the tax burden is revealed by the tax bite in the typical worker's 8-hour day. In 1988, that worker will spend 2 hours and 45 minutes on the job for the tax collector, two minutes more than in 1987, and the largest tax bite since U.S. tax statistics began to be recorded early in this century. Of that period, 1 hour 50 minutes goes to Washington, and 55 minutes go to states and municipalities, say economists at the Foundation.

As the accompanying table shows, the extra allocation for the two minute tax boost comes from the "Food and Tobacco" and "Clothing" categories, which lost 2 minutes and 1 minute, respectively, while the "All Other" category (personal care, personal business, private education, religious and welfare activities, net foreign travel, and net savings) will require an additional minute's labor.

In sum, what the average consumer managed to save on the price of clothes, food and smokes, was gobbled up by the tax collector.

The Tax Foundation is a nonprofit, nonpartisan research and public education organization founded in 1937 to monitor tax and fiscal activities at all levels of government. Its purpose is summed up in the motto: "Toward Better Government Through Citizen Understanding."

"TAX BITE IN 8-HOUR DAY" 1987–88

	Hours minutes—	
	1987	1988
Total taxes	2:43	2:45
Federal	1:48	1:50
State and local	:55	:55
Personal consumption expenditures	5:17	5:15
Housing and household operations	1:24	1:24
Food and tobacco	:58	:56
Transportation	:40	:40
Medical care	:39	:39
Clothing	:23	:22
Recreation	:21	:21
All other	:52	:53
8-hour day	8:00	8:00

CENTENNIAL CELEBRATION AT GLEN BURNIE, MD

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. McMILLEN of Maryland. Mr. Speaker, 1988 marks the centennial celebration of Glen Burnie, MD. Glen Burnie, a suburb of Baltimore, is both a new and expanding town, as well as a community with many traditions.

The Curtis Creek Mining, Furnace, and Manufacturing Co., Incorporated in 1854 by William Wilkens Glen, acquired several thousand acres of land in northern Anne Arundel County. This included the future site of Glen Burnie. After the death of William Wilkins Glen, the family business was managed by John Glen. Assisted by his son, John "Jack" Glen, and his nephew, John Mark Glen, the subdivision of "Glenburnie" was platted in 1889. The "Glenburnie" Post Office was established in 1888. Postmaster Louis J. Dealba changed the name to Glen Burnie in 1930.

The development of Glen Burnie was greatly aided by some early settlers. William K. Kuethe was appointed by the Glen family to sell real estate in the new town. He was instrumental in the initial development of Glen Burnie as a town. He began the first general store, became the postmaster, provided the first public park and library, and founded the Glen Burnie Savings and Loan Association.

Other men who were instrumental in the early settlement of Glen Burnie included Dr. Thomas H. Brayshaw and Albert Hamlen. Dr. Thomas H. Brayshaw, the first doctor to practice in Glen Burnie was instrumental in establishing St. Alban's, the first church in Glen Burnie. Albert Hamlen, along with Dr. Brayshaw, is credited with starting the Glen Burnie Improvement Association. The improvement association held the first Glen Burnie carnival in 1908 in order to raise funds to build the first sidewalks. The carnival is a community tradition that continues today.

Glen Burnie was at the forefront in providing education to its residents. Glen Burnie, along with Annapolis, was the only community in Anne Arundel County to have a brick school that was not a one-room school. The First Avenue Elementary School, built in 1889, is still in use today as a beautician school. Richard Henry Lee Elementary School, still in use today, was built in 1923. The first class graduated from Glen Burnie High School in 1926.

During the 1920's Glen Burnie began to develop quickly. The Glen Burnie Volunteer Fire Co. was established in 1922. The Johnson Lumber Co. moved to the area in the 1920's. The Glen Burnie Ice Co., established in 1922, still sells crushed and block ice today. The Downs-Riley Motor Co., was built in 1925 and Crain Highway was opened in 1927.

During the 1950's and 1960's, another business boom came to Glen Burnie. Many familiar businesses expanded and thrived. In 1958, Harundale Mall, the first enclosed mall in the country was opened. A second mall, the Glen Burnie Mall was completed in 1962. The North Arundel Hospital, licensed for 107 beds, opened in 1965.

Glen Burnie has evolved from a Small town with only one business, the Curtis Creek Mining, Furnace and Manufacturing Co., to a city with a large business community. Glen Burnie is the home of thriving business such as Cardinal Industries, the largest modular housing manufacturer in the United States, as well as many family businesses such as H&M Wagner and Sons.

Even more than the success of its business community, Glen Burnie is known for what it gives back to the community. Events such as the Glen Burnie Carnival unite Glen Burnie into one community that cares. Glen Burnie is more than a place to live and work, it is a place to raise a family.

Over the past 100 years, Glen Burnie has evolved from a small town into a thriving city. Today, the area is still growing and expanding.

Due to the efforts of the community, Glen Burnie is undergoing an extensive urban renewal. While the area is expanding, Glen Burnie has retained much of its small town traditions and charm. I am very proud to represent Glen Burnie in the U.S. Congress and I look forward to being a part of Glen Burnie's future.

A TRIBUTE TO MOST REV. WALTER F. SULLIVAN AND MR. NATHANIEL KRUMBEIN

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. BLILEY. Mr. Speaker, I would like to take this time to bring to my colleagues' attention the extraordinary work of two gentlemen from my district who are being honored for their work for religious tolerance, religious freedom, and a better understanding among people of all faiths.

Most Rev. Walter F. Sullivan and Mr. Nathaniel Krumbein have been selected by the National Anti-Defamation League to receive the Distinguished Community Service Award. These men are the first Virginians ever to be honored with this prestigious award.

Bishop Sullivan has long been a leader, not only in his Diocese of Richmond, but throughout the State in advocating the strengthening of interfaith relations, particularly between Catholics and Jews. This year, Bishop Sullivan held an interfaith service at the Cathedral of the Sacred Heart in memory of those who died in the Holocaust. More than 500 people of various denominations attended this memorial service which was presided over by priests, rabbis, and ministers from several Christian faiths. At the conclusion of this service, Bishop Sullivan dedicated a statue, which stands on the cathedral grounds, dedicated to the memory of the Holocaust victims.

Mr. Nathaniel Krumbein, an equally dedicated leader in the effort to improve interfaith relations, will likewise be honored with the Distinguished Service Award. Mr. Krumbein served for 8 years as the chairman of the Virginia Anti-Defamation League—longer than anyone else has ever held that post. In recognition of his work and leadership in that position, he has been named an honorary lifetime commissioner of the National Anti-Defamation League—an honor reserved for very few. Mr. Krumbein has also been honored by his fraternity, Alpha Epsilon Pi, in recognition of his years of dedicated service to the community by awarding him the Order of the Eagle—the highest honor awarded by Alpha Epsilon Pi.

Mr. Speaker, both of these men represent the best that our community and our country have to offer. I am pleased that they are being recognized for their outstanding contributions to society and I am proud to join those who today are honoring Bishop Walter Sullivan and Mr. Nathaniel Krumbein.

SPECIAL TRIBUTE TO OUR MOTHERS

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. YATES. Mr. Speaker, each year at this time we pay special tribute to our mothers with such things as bouquets of flowers, boxes of candy, and declarations of our love for them. This year however, Congress has the distinct opportunity to honor parents across America with something that will last long after the flowers have wilted and the candy is gone. H.R. 925, the Family and Medical Leave Act is that something.

These days we hear much concern expressed over the decline of the American family. Yet this basic and essential element of the American social fabric continues to deteriorate. More and more kids are being raised in broken homes or in households where both parents are forced to work. And while the forces of the job market have become dominant in our society, the needs of the family continue to decrease in importance. The workers' productivity has become top priority while the personal needs of those same workers have not been adequately addressed. It has gotten to the point where, in times of critical family illness, even the most efficient and productive employees are often forced to decide between caring for themselves or their families, and leaving their jobs.

For too long now, this great American tragedy of the declining family has been allowed to continue. We have not been responsive to the needs of career-oriented parents who decide to have children just as we have overlooked the necessity of providing employees some measure of job security when they are forced to take extended leave to care for a seriously ill family member or attend to their own serious health condition. The Family and Medical Leave Act addresses these problems and provides hope that the social and economic trends which have been destroying our families can be reversed.

The Family and Medical Leave Act is not a free ticket to unlimited unpaid work leave. It is a limited and long overdue response to a complex problem. I think we all know that one piece of legislation cannot save the struggling American family unit. It would be ridiculous to think that it could. But it is not ridiculous to hope that the passage of H.R. 925 will signal a reordering of priorities by this body to stem the tide that has disintegrated the American family. And it is not ridiculous to hope that this bill might instill some small measure of hope into the living rooms of our Nation that the family can and will be a viable and integral part of our Nation's future.

To the present and future mothers of America, I would like to extend my best wishes for a happy Mother's Day along with the hope that the passage of H.R. 925 and our continued efforts here in the House will contribute to the strengthening of America's families and ultimately to a stronger America.

ILLINOIS SCHOOL TO BE DEDICATED TO MARIAM MORGAN BOECKER

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. FAWELL. Mr. Speaker, on May 16, the Naper School in DuPage County, IL, will be dedicated to a woman who has given 35 years of her life to the teaching of our young people. Although Mariam Morgan Boecker retired from teaching in 1972, she remains an inspiration to those she taught. This honor is a fine tribute to a woman who has dedicated a large part of her life to teaching others.

An article in a local DuPage County newspaper, the Naperville Sun, recounts Mrs. Boecker's teaching career and civic commitments. A copy of the article follows:

FORMER TEACHER REFLECTS UPON NAPER SCHOOLS

With 35 years of teaching experience behind her, Mariam Morgan Boecker feels comfortable giving advise to prospective elementary school teachers: "Try first grade, first. You'll love it!" she says.

A native of Elroy, Wisc., the former Mariam Morgan attended Plattville (Wisc.) State Normal University and taught in Wisconsin for a year before her 1925 arrival in Naperville.

She and Martin Kline, who taught manual arts at the high school for years, were recruited by then-Superintendent of Schools Harry O. Waterman.

Mrs. Boecker was assigned to teach first grade at the "old Ellsworth" school, which had served the east side of Naperville since 1879.

Serving the west side of town was Naper School, which had begun as a private academy in 1852. Both structures were long past their heyday, and the facilities were limited. Also, both buildings were without gymnasiums and facilities for art and music instruction.

Mrs. Boecker received a first-year salary of $1,000—she taught a class of 48 students—with an extra $50 tossed in for her year of experience teaching in a country school.

Eventually, help arrived in the form of an assistant—a college girl—but there were no specialists to assist children who had learning disabilities or handicaps.

In October, 1927, shortly after Ralph Beebe replaced Waterman as superintendent, voters finally agreed it was time to replace the old schools.

Construction began, and what are now Naper and Ellsworth schools were completed in 1928-29.

"At that time and through the war years," said Mrs. Boecker, "the (City's) east side was supposedly a white-collar community, and the west side was the blue collar area. We were told we could expect differences in standards concerning discipline and learning achievement, but I never noticed any—and I taught in both schools."

Because married women were not allowed to teach in those days, Mrs. Boecker first married Paul Herman Boecker in 1930, then concentrated on home and family.

But she did some substitute teaching while rearing Bud, her son.

Bud is the first fire chief of the Lisle/Woodridge Fire District. Mrs. Boecker's daughter, Ann, is secretary for Boughton Materials Company.

Mrs. Boecker returned as a first-grade teacher at Ellsworth in 1943, but two years later she took her instruction to Naper School, where her first class consisted of 20, second-grade boys.

The following fall, she taught fifth grade for a couple of months before moving back to the first-grade level.

During this period of movement, Paul Boecker was, too, associated with the school district, serving for a time as treasurer for the Board. He was also a cashier at the Naperville National Bank (now Naper Bank) until his death in 1949.

The war was a catalyst for many changes in Naperville. School enrollment skyrocketed.

At one point, Mrs. Boecker's sister-in-law, Stella Larson Boecker, had 51 first-graders in her classroom at Naper. Kindergarten classes were moved to a church. During the war years. Mrs. Boecker had several children from displaced families in her classrooms.

One year, Mrs. Boecker became, quite literally, an English teacher. During this period she had—in one class—a German girl, a Japanese boy and a Mexican girl. None of whom knew a word of English, at first.

"We didn't have any experts in teaching English as a second language in those days," said Mrs. Boecker, "but the (other) children helped them learn."

Post-war Naperville saw the beginning of a long period of rapid growth: subdivisions sprouted and school enrollments soared. A new high school building was erected, in 1950, on Aurora avenue in 1950.

In 1963, when Lincoln Junior High was newly built and Elmwood Elementary School was under construction, Mrs. Boecker was transferred, for a short time, to the junior high school that housed first through eighth grades.

There, she taught first graders for two years before returning to Naper School, where she remained until her retirement in 1972.

"I loved teaching," said Mrs. Boecker. "I would rather teach than eat and sleep in those days. Even as a child, I liked to play teacher. First grade was an especially exciting level because you would begin with students who had no skills, and end with children who were able to read and write."

Last year, Mrs. Boecker was honored at the 50th reunion of the Naperville Community High School Class of 1937. Among those in attendance were 18 alumni who had been in her first class of Naperville first graders.

"They were surprised at how much I remembered about them," she said. "I even recognized all but two right away."

That she remembers so well, she said, is a testament to a journal she has kept through the years. The record of the cute and amusing happenings witnessed and comments heard in her classes has kept the memories alive, Mrs. Boecker contended.

After her retirement, Mrs. Boecker volunteered for 12 years at Little Friends, Inc. She especially enjoyed helping with the six-month to 3-year-old children in her daughter-in-law Sonja's class there.

Mrs. Boecker is active in the Naperville retired teachers association, the Delta Kappa Gamma Society for DuPage Educators, Eastern Star, and a philanthropic organization that awards scholarships to deserving students and helps support colleges and retirement homes.

A MATTER OF EQUITY

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. GREEN. Mr. Speaker, before the defense authorization debate is over and the bill voted on, I should like to draw our attention to a provision in the DOD authorization that bars the use of DOD funds for abortions for military personnel and their dependents except in cases of life endangerment of the mother. This restriction has been imposed on military personnel and their dependents since 1979; and, though there will be no debate about it this year, I want to state for the RECORD once again that this provision is as wrong and misguided now as it was 9 years ago when it first reared its ugly head.

In 1972 the Supreme Court ruled that the constitutional right to privacy is "broad enough to encompass the decision of a woman whether or not to terminate her pregnancy." But for the men and women in the military who are serving our country, a different set of rules apply. A person with private health insurance coverage or a person with substantial income can make this personal decision. But a person who is poor or whose health insurance is subject to Government control, as in the case of military personnel, is unable to exercise the same constitutional right. This policy is neither wise nor just, and I would ask my colleagues to reflect on the cruel hardship that such restrictions place on the people who are serving their country.

I am submitting for the RECORD an afterword, written by the Right Rev. Paul Moore, Episcopal bishop of New York, to a document published in 1980 by the Alan Guttmacher Institute, entitled "Safe and Legal: Ten years' Experience with Legal Abortion in New York State." This study examined the impact of legal abortion on the health of individuals and families and concluded that the benefits of legal abortion are enormous. Reverend Moore eloquently addresses the issue of denying Federal funds for abortions and convincingly makes the argument that the right to terminate an unwanted pregnancy is not exclusively for the wealthy.

ABORTIONS IN NEW YORK STATE—A MORAL DECISION—A HUMAN SERVICE

(By the Right Rev. Paul Moore)

The facts presented in this book show how prescient the Supreme Court majority was in indicating that the Hyde Amendment, which cut off federal payments for virtually all abortions for poor women, is neither provident nor wise social policy. These facts also demonstrate how unfortunate that decision was in confirming the right of Congress to withhold such funding and, in effect, to force scores of thousands of poor and dependent women to have births that they conscientiously seek to avoid.

A decade of experience with legal abortion in New York—including public funding of abortions for women too poor to pay for the procedure themselves—has shown the incalculable (and, as this book has shown, the calculable) health and social benefits legal abortion has bestowed on all New Yorkers—and on the society at large.

The decision about whether or not to obtain an abortion to terminate an unwanted pregnancy is always a serious one. I believe that New York State women, and Americans generally, have made that decision responsibly, in light of their own religious and moral beliefs and of the objective circumstances that exist. Poor women—and poor women alone—have been cruelly singled out by Congress to be denied the opportunity to make that decision.

It is bitterly ironic that most of the members of Congress who voted for the Hyde Amendment have also opposed extending welfare and health benefits to poor mothers and their children. The decision of New York's Catholic governor, himself personally opposed to abortion, to veto legislative attempts to inflict the brutal choice offered by the Hyde Amendment on New York's poor women is a tribute to his fairmindedness, and is in harmony with New York's traditional liberal and humane public policies.

The commitment of New York State to keeping abortion safe and legal has been evident from the moment the law was liberalized early in 1970. As a result of timely planning for the provision of abortion services by New York hospital and health authorities, when the new legislation went into effect three months later there were a variety of public and private facilities ready to perform abortions safely and promptly. Despite the large numbers of women who came to New York from other states where restrictive abortion laws were still in effect, the prediction that New York's health facilities would be swamped, abortions botched and levels of morbidity and mortality increased proved wrong. Indeed, New York has, over the decade, set an enviable record of safety as well as of considerateness in dealing with women who have made the difficult decision to terminate an unwanted pregnancy by abortion—a record that can be (and has been) a model for other states.

We have seen in this book how the availability of legal abortion services has had a profound impact on the lives of residents of New York State:

Illegal abortion—to which many thousands of New York women had turned in desperation before 1970, with resultant injury, illness, disability and even death to significant numbers, and humiliation to nearly all—has virtually been wiped out.

Safety of the procedure has improved as abortions have been performed earlier in pregnancy using the most appropriate techniques.

Legal abortion has helped speed the decline in maternal and infant mortality by giving young teenagers, older women and women with serious medical problems the opportunity to terminate pregnancies that could seriously endanger their lives or health if carried to term.

Combined with prenatal diagnosis, abortion has given couples with reason to fear serious genetic disorders the opportunity to have healthy, normal children whereas, previously, many of them would have feared to have children at all.

Abortion has helped reduce high birthrates among teenagers, for whom childbirth carries a host of serious adverse health and social consequences.

It has helped stem the rise in out-of-wedlock births, not only among teenagers, but among adult women as well.

That decline has reduced sharply the number of babies and their teenage mothers placed in foster homes and institutions.

Because of the availability of legal abortion to back up contraception, the overwhelming majority of the 2.5 million babies born to New York State women during the 1970s have been planned, wanted and welcomed.

Poor and minority women and teenagers, because they are at relatively greater risk of having unwanted pregnancies than other women, and are likely to suffer more from unwanted births, have benefited particularly from New York's fair abortion policies.

New York's policy of paying for abortions for indigent women eligible for Medicaid has benefited not only the poor pregnant women involved, but all poor people. This is because the $32-113 million in public funds that would have to be paid if those unwanted pregnancies were brought to term would have to come out of the scarce public funds earmarked for health and welfare services for the poor.

The increased availability of abortion has *not* led to carelessness in use of contraception. Indeed, there is convincing evidence that New Yorkers of all ages and economic and ethnic groups have improved their use of contraception over the decade.

The fact that the great majority of New York State residents, including a majority of Catholics, Protestants and Jews, believe that a woman should have the right to decide whether and when to have children, "even if that means having an abortion," indicates clearly how the people who have lived under New York's liberal abortion policies for the past decade feel about those policies.

Much has been said on all sides about the morality of abortion. Those who oppose legal abortion seem to asssume that they are the only ones who have thought about this question. For my part, I am certain that no one has given greater consideration to this issue than the more than one million women in New York State and the eight million women throughout the country who have obtained legal abortions over the past decade.

I know from my own experience in counseling women that few if any women make the decision casually to terminate an unwanted pregnancy. When that decision is made in favor of abortion, it can be as thoughtful and as moral as the decision in favor of childbirth.

The Supreme Court ruled in 1973 that it was unconstitutional to legislate morality in the manner of when and whether to have children. The right to use contraception and to obtain an abortion has been secured for married and unmarried women, for teenagers as well as adults, for everyone, in fact, except the poor.

How long will it be before the rest of the country joins New York and the handful of other states that have refused to make that cruel exception, that have insisted that basic human rights—like the right to have wanted children—are not reserved for those who can afford to exercise them?

VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. AKAKA. Mr. Speaker, I would like to share with my colleagues a speech prepared by one of my constituents, Richard P. Guillory, Jr. This fine speech was the winning entry from the State of Hawaii in the Veterans of Foreign Wars [VFW] Voice of Democracy Scholarship Program.

The VFW has sponsored the Voice of Democracy Program since 1961. During the past 28 years, over 6 million students have participated in this worthwhile program, and more than $6 million in awards have been presented to deserving students. This past year alone saw more than than one-quarter million students participating from over 6,000 schools. I commend the VFW for conducting the Voice of Democracy Program and helping students extend their education through this scholarship program.

I am especially proud that the VFW has chosen a resident of the Second Congressional District as Hawaii's winning entry this year. I am certain you will agree that Richard Guillory's speech is an excellent representation of this year's theme, "America's Liberty—Our Heritage":

AMERICA'S LIBERTY—OUR HERITAGE

When I was in 1st Grade, I said the Pledge of Allegiance. I put my hand over where I thought my heart was, recited it, and firmly believed that I knew exactly what I was saying. ". . . with Liberty and Justice for all." "Justice," was the easy part; I thought I knew that. Later, I looked up "Liberty" in a dictionary, and figured that it was just a fancy word for freedom. I reckoned that since I had grown up in the United States (and especially since I had grown up on military bases), I had to have known what "liberty" was.

I'm older now, and I feel I have a much better grasp of what liberty is. I see liberty as freedom, plus a little wisdom; because freedom without discretion is senseless. Although laws are made to protect the freedom of others, knowing what I can do with my own freedom is as necessary to me as a sextant is to a ship's captain at sea. Few could deny the fact that our whole Constitution is based on the idea of liberty; our forefathers saw liberty as the secret to happiness. It makes perfect sense—doing something because you know that it's right.

Recently, I applied for one of the U.S. military academies. I'd be kidding you if I said it was easy, but I think the harder part came before I applied. Signing that paper would mean that I would be willing to give my life for my country in a combat situation. For anyone, especially a 17-year-old, that's a pretty far-reaching commitment. What I thought about was the first American soldiers, the revolutionary soldiers. They were willing to give their lives in the pursuit of liberty. Would I be willing to give my life to protect that liberty? Searching for an answer to this, I remembered reading a book, called The Soviet System. In it, I was amazed at something I read. Soviet children of my age—in high school—are tested and evaluated as to which job suits them most. What really got to me is that this decision is enforced by law with few exceptions. A personal goal I have is to be an engineer. I have pretty average grades and I do well on exams, but I'm not sure I could be evaluated as "engineer" with the Soviet test.

After thinking about this, I came to the conclusion that without the liberty I enjoy in America, life would be very unfulfilling, and certainly frustrating. And, if it did come down to being possibly killed for defending what I believe in, I would accept it.

Thomas Edison said that his inventions were 1% inspiration and 99% perspiration. I apply that to my life and say that if I really work for something I believe in, then I can get it. Whatever I may believe in, I can do in America, because of liberty.

If it weren't for liberty, my outlook on life, my opportunities, and my future itself, would be significantly limited. I would, in effect, have little or no freedom and little or no happiness.

A NATIONAL DAY OF PRAYER

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. DANNEMEYER. Mr. Speaker, on this day, May 5, this Nation is to acknowledge a National Day of Prayer. The official sanction for this present occasion was established back in 1952 by a joint resolution of Congress. This occasion, however, has historically received a higher sanction than that given by Congress, a divine sanction.

A nation in prayer has traditionally given this great Republic of ours the efficacy required to sustain it. A National Day of Prayer should be more than a mere commemorative occasion, it should be the spiritual sustenance that sets America apart from the rest of the world, the difference between freedom under God or slavery under the rule of men.

Mr. Speaker, I will not hesitate to say that the constant and righteous prayers of the citizens of this Nation are a prerequisite to our national prosperity and success. In his first inaugural address, President George Washington stated, "No people can be bound to acknowledge and adore the Invisible Hand which conducts the affairs of men more than those of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency."

The religious sentiments of our Founding Fathers can be hardly denied. James Madison wrote in The Federalist, No. 37, that, "It is impossible for the man of pious reflection not to perceive in it a finger of that Almighty hand which has been so frequently and signally extended to our relief in the critical stage of the revolution."

And the second President of the United States, John Adams, expressed that, "Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other." All Members of Congress would do well to reflect on that statement.

But far from getting down on bended knee this Nation as a whole has failed its God. While Congress and the Supreme Court begin each day with a word of prayer, the only public offering given to the people is a 1-day recognition of our Nation's spiritual roots. We now live in the day and age of secular humanism where civil libertarians and amoral civil eunuchs roam the Halls of Congress and the countryside seeking out religious life for its ultimate destruction.

We no longer as a nation pair morality and good character with human life. Because our current elders have rejected the morality of our Founding Fathers the rising generation is confused and holds their fathers in contempt. Murderous abortions are now a form of birth control and other forms of birth control are mere techniques allowing heightened sexual pleasure. A job is now considered a birthright along with a government relief check and the entrepreneurial spirit so hailed at the birth of America now manifests itself as hustling drugs or selling sex.

Mr. Speaker, if this Nation is to have efficacy on this National Day of Prayer we must live the Judaeo-Christian principles which underlie such an event. People generally get the kind of government they deserve. If we are to seek the help of a higher authority we will most necessarily have to live a higher law as our Founding Fathers recognized. This law means that our Nation's citizenry will not seek to receive what we have not earned by our own labor. It means we will remember that government owes us nothing. It means we will keep the laws of the land and seek to make wise laws the norm.

Mr. Speaker, it means we will look to God as our lawgiver and the source of our liberty. I pray that all of my colleagues and all of America will heed this counsel. I pray we will all remember the Source of our livelihood on this National Day of Prayer.

NATIONAL NURSES' DAY: PROUD TO CARE

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to honor one of the most important professions in this country, nursing. This Friday, May 6, has been designated "National Nurses' Day." It is an opportunity for all Americans to recognize the contribution that nurses make to the health and well-being of this country.

The theme of this year's National Nurses' Day is "Proud to Care." I believe it is a most appropriate theme. Anyone who spends any time in a hospital knows that it is nurses who provide the day to day personal care essential to the physical and mental health of patients. Nurses justifiably take pride in their ability to put a human face on the often intimidating practice of modern health care.

There is, however, more to being a nurse than just the dispensing of comfort. Health care grows increasingly more complex every year. Nurses are informed and committed participants in this effort. Their training and experience assure that they are active partners in all fields of medicine. We should remember that it was through the efforts of a nurse, Florence Nightengale, that sanitary conditions in hospitals improved. These improvements produced a significant decrease in hospital mortality rates. The history of medicine is filled with similar improvements brought about by the knowledge and understanding of nurses.

Currently there is a serious shortage of nurses throughout the country. The work done by nurses in too important to allow this situation to continue. There is much the country can do to rectify this crisis. I am a cosponsor of legislation that will establish programs to increase the number of professional nurses. But part of the solution must be an increased recognition of the enormous importance of nursing. I believe "National Nurse's Day" is a first step to increasing public awareness. Nurses are proud to care and it should be clear that America is very proud of its nurses.

CHANGING ASSET FORMULA ESSENTIAL TO HELPING FAMILIES PAY COLLEGE COSTS

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. COLEMAN of Missouri. Mr. Speaker, given the steadily rising costs of attending college and the current exclusion from eligibility of most middle-income families from Federal financial aid programs, many families are increasingly unable to pay tuition and fees, now averaging above $8,000 per year for 4-year public and private colleges and universities.

Congress must reconsider financial aid policy which, in effect, denies access to Federal grants and loans for many middle-income families because family assets—homes, farms, and small businesses—are included by current law in the calculation of how much a family can contribute to the cost of attending college.

In the best of circumstances, families must make tough decisions about financing a college education, balancing the ability to attend a particular college or university with the need to sell or mortgage family assets. Such decisions are made more difficult by the greatly appreciated value of homes throughout the country and by conditions in agricultural areas, such as northwest Missouri, which have been hit by a downturn in the farm economy.

Futures are foreclosed for young people from farming communities when educational doors are closed. As part of a rural development initiative which I have sponsored, we are attempting to broaden access to educational and career opportunities for high school graduates, who might otherwise have pursued farming or farm-related careers. Yet, because of the value of assets, such as land, livestock, and farm machinery and other equipment, these same children of farm families are, in effect, disadvantaged by eligibility requirements in need-based financial assistance programs.

I am introducing legislation today which will exclude from the "expected family contribution" the net value of homes, family-farm and small business assets, and other nonliquid assets, as defined by the Secretary of Education by regulation, in all Federal need-based programs for financial assistance for postsecondary education. Eliminating such assets will provide access to Pell grants and guaranteed student loans for students from middle-income families who could not otherwise afford the rising cost of a college education.

It is estimated that an additional 200,000 dependent students will be eligible for Pell grants, the great majority coming from middle-income families with incomes between $20,000 and $40,000. This legislative change will bring an additional 200,000 students, again dependents of families with annual incomes between $20,000 and $40,000, into the GSL Program—the category of borrowers who have, in the past, shown the greatest propensity to benefit from and repay these loans.

This legislation will also simplify the determination of need in all major Federal need-based programs by excluding assets which are difficult to verify and which account for much of the error in determining eligibility levels for title IV programs. It is aimed at middle-income families—farm families, homeowners, and owners of small businesses—for whom college has been traditionally a means of insuring a better future for their children. These are the families who will contribute their fair share to the cost of a college education, but they can only do so by having access to some form of Federal financial assistance. Legislation eliminating a family's nonliquid assets will insure this access.

A TRIBUTE TO ROBERT W. STEWART

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. DINGELL. Mr. Speaker, it gives me great honor to pay tribute to an outstanding American and Michigan citizen who has had an esteemed career as a leader in the Michigan's business community and who has made a major contribution to the social fabric of the Great Lakes State. On May 16, Robert W. Stewart, will be honored by his friends and coworkers chairman of the board and chief executive officer of Primark Corp. Stewart will step down from his executive position at Primark Stewart but will remain on the board of directors of Primark for another 2 years.

Bob Stewart is a friend who has had a remarkable career in government, industry and community relations. He received a degree in economics from Missouri State College and a master's degree in Business Administration from Harvard Business School. From 1942 to 1963, Bob had a distinguished career in the U.S. Navy as a commissioned officer of the Supply Corps. For 6 years, from 1955 to 1960, he was assigned to the Naval Reactors Branch of the Atomic Energy Commission and was involved in the development of nuclear submarines. He retired from the Navy with the rank of commander after 21 years of service.

In 1965, Bob joined the American Gas Association where he served as director of research and engineering and director of marketing for national programs to the national gas industry. Bob joined Michigan Consolidated Gas Co. in 1970 as assistant vice president, marketing, and later became vice president, Michigan Gas and Storage Activity for the American Natural Resources System.

Bob left the American Natural System in 1973 and joined Houston Natural Gas Corp. as vice president and assistant to the chairman and chief executive officer. In 1975, Bob rejoined Michigan Consolidated as executive vice president. He assumed the presidency of the company on January 1, 1981. He was named chairman of the board and chief executive officer in January 1982, when he also became chairman and CEO of Primark Corp. He relinquished his position as chairman and CEO of Michigan Consolidated on December 31, 1983.

In addition to Bob Stewart's remarkable accomplishments as an industrial leader in the field of energy, he has made numerous contributions to Michigan and to its people. He currently sits on the Board of Directors of the National Bank of Detroit. While guiding Michigan Consolidated through its toughest years, Bob Stewart played a key role in working with the State of Michigan in fashioning an energy assistance program during the Nation's energy crisis in 1979. Throughout his career, he was relentless in his advocacy of racial equality and improving the working conditions of all workers.

Bob Stewart will always be remembered as an industrial and community leader who worked to improve the energy industry, to contribute to the betterment of Michigan and its people, and, most importantly, to recognize the inherent value of this fellow human beings.

I join with his coworkers, his friends and his admirers in honoring Robert W. Stewart as a truly remarkable individual who has made his mark on history.

VIVA CINCO DE MAYO

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. GALLEGLY. Mr. Speaker, I rise to call attention to today's festivities for Cinco de Mayo, both in my district and around the Nation. On May 5, 1862, in Puebla, Mexico, 2,000 Mexican soldiers led by Gen. Ignacio Zaragoza defeated the 6,000 French soldiers of Emperor Napoleon III, who had been intent on conquering the capital of Mexico. That was not merely a military victory, but also a symbolic victory of political and personal independence from foreign dominion.

At crucial times in the history of the Americas, brave individuals have fought for the liberty of society. Such were the events in Puebla, 126 years ago, and all who live in the United States, regardless of origin, can share in the pride for this day with Americans of Mexican heritage.

As Mexico celebrates its national triumph, let us rejoice in its ramifications and significance. A spirit exists which transcends our borders and bonds our nations. A spirit that declares to people of all hemispheres that we pledge a commitment to the principles of liberty, justice, and independence. For as long as we continue to honor this day, and other holidays commemorating these truths, we too shall be victorious and free.

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. DWYER of New Jersey. Mr. Speaker, since coming to the House of Representatives almost 8 years ago, I have been honored to participate in the Congressional Call to Conscience Vigil for Soviet Jews. Over the years, our efforts on behalf of some of the thousands of Soviet Jews seeking permission to emigrate have shown some success. Unfortunately, however, many still remain locked inside the Soviet society: unable to leave but no longer considered Soviet nationals because of their requests to leave. It is on behalf of one of these families that I rise this evening.

The Meshkov's story is a sad one. Vladimir and Luba Meshkov initially applied to emigrate in 1977. For 5 years their efforts were thwarted by officials in submitting the proper forms required for application. Subsequent to their application being denied, Vladimir was forced to leave his position as a mathematician in the Institute for Teachers. His wife was unemployed and remained at home with the couple's three children.

The family is seeking to emigrate to Israel, where Luba's father resides. Once, in 1985, Vladimir was given permission to leave but felt that he had to wait for permission to be extended to his mother. Since that time, there has been no positive action on the applications. The situation is further complicated by the fact that Luba's mother will not sign a financial claims waiver, relegating Vladimir a member of the "Poor Relative's Group." The Soviet Government feels that one is financially responsible for their parents and children; and, unless Luba's mother is willing to sign a financial claims waiver, they will not be granted permission to emigrate.

There is a pressing need to call attention to the Meshkov family's plight. Vladimir's eyesight is becoming progressively worse and he is in danger of losing it. Luba and their daughter Miriam suffer from congenital heart disease. Because neither Vladimir nor Luba are employed, the family's financial situation is very difficult and, because of their work with Moscow's Jewish community, they are the victims of continual KGB harassment.

In the spirit of glasnost, I implore the Soviet Government to release this family so that they can rebuild their lives in a country which offers them the religious and political freedom to which all persons are entitled.

POLISH CONSTITUTION DAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. LIPINSKI. Mr. Speaker, I rise today to bring to the attention of my colleagues that May 3, 1988, marked the 197th anniversary of the Polish Constitution. It is a day to celebrate the bond of freedom that links our country with the people of Poland.

The Polish Constitution of 1791 was landmark victory in the Polish fight for democratic principles, religious freedom, and individual liberties. In many ways, this historic document embraced many of the same liberties and rights outlined in our own U.S. Constitution, adopted just a few years earlier.

However, we must look back on the Polish Constitution with a mixture of sadness and despair. For the victory for democracy forged on this day in 1791 would not last, and still does not exist today for the people of Poland.

Today, Poles suffer under a Communist, Soviet-sponsored regime that permits no political dissent or freedom of speech, and punishes those who assert their religious beliefs. Indeed, the Polish Government has done everything it can do to destroy the most important new Polish expression of hope and freedom to come along in many years, the solidarity movement.

The unrest we are witnessing right now in Poland is first and foremost a the desire of the Polish people to decide their own fate—not unlike the sentiment that existed in 1791. Sadly, the country has had few moments in its history when it could decide its own fate. Yet, this does not mean the longing for freedom and independence is dead. The striking workers in Gdansk and Nowa Huta are strong evidence of this and we must do everything we can to support them.

The Polish Constitution of almost two centuries ago embodies the values and principles that the Polish people still strive for in 1988. As we honor those who have fought bravely in Poland and have sacrificed so much, we in America must pledge to stand with our friends in Poland as they continue the struggle for freedom.

THE SSC—AN INVESTMENT IN TOMORROW'S FUTURE

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. HASTERT. Mr. Speaker, next week the House Appropriations Committee will report out a bill setting funding for the superconducting super collider. The amount of that funding recommendation, and the language contained in the accompanying report, will likely determine whether the SSC goes forward as a viable new frontier for high energy physics.

If adequate funding is not provided, including important funding for actual construction of the SSC, the United States will have lost the opportunity to maintain our position at the leading edge of high energy research and discovery. Anyone that might wonder what this means to the average citizen need only look to fields such as nuclear medicine and nuclear power, advanced electronics, computer chips, x rays, and other fields which did not exist until basic research in high-energy physics made this new technology possible.

It has been estimated that as much as one-third of our Nation's GNP is directly related to discoveries in the field of high energy physics research. The SSC can contribute enormously to continuing that impressive record. The SSC is not a pie in the sky proposition, it is not a giant toy for curious scientists, it is an essential element of our Nation's scientific, economic and educational future. If history tells us anything, it tells us that failure to plan ahead will leave us far behind. We cannot take that risk. We cannot neglect to respond to changing times and to press our boundaries of existing knowledge.

I strongly urge the House Appropriations Committee to look toward the future when considering the funding level for the SSC, and to provide a level of support which ensures that this project proceeds as planned. In this case, congressional foresight will pay very large dividends for all Americans.

TRIBUTE TO NINA MABEL ELEAZER McPHEE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to an outstanding individual from my 17th Congressional District of Ohio, Nina Mabel Eleazer McPhee.

Mabel was born May 11, 1903, in Chapen, SC. She attended high school and college in Newberry, SC. During her junior year at Newberry College, she met and married Chester McPhee of Youngstown, OH. After graduating from college, Chester and Mabel McPhee moved to Laurens, SC, where Chester taught and coached at the local high school.

On a visit to Youngstown in 1924, Chester heard that a new high school, Chaney High School, would soon be built. He applied for and received the positions of head football and basketball coach for the new school. From that point forward, Mabel McPhee devoted a great deal of time to the boys of the athletic squads, being their team mother and number-one cheerleader for 28 years.

When the last of her three children went off to college, Mabel went to work at South Side Hospital in Youngstown as the first ward secretary the hospital had ever employed. She set a precedent for all secretaries who have followed.

Although her husband Chester died in 1975, Mabel continues to live a productive life, of which her seven grandchildren and five great-grandchildren are an important part. She is also very involved in church and community activities. Mabel will be 85 years old this year. Mr. Speaker, it gives me great pride and honor to represent such a devoted, caring person.

AMERICA'S SMALL BUSINESS: THE KEY TO ECONOMIC PROSPERITY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. SMITH of Florida. Mr. Speaker, the week of May 8–14, 1988, has been designated as Small Business Week to honor this very important segment of American society. On May 9, the 16th District of Florida will honor its own outstanding small business men and women during a special awards breakfast.

The significance of the contributions made by small business to our country must not be underestimated. From the "Mom & Pop" store in the neighborhood to the firm that is manufacturing photographic chemicals for the international market, these small entrepreneurs are providing a wide range of goods and services and are, indeed, the lifeblood of the U.S. economy.

Oftentimes, these same men and women are also a driving force in our communities. As such, they take the time to become our community and civic leaders.

The theme for this special week is "Small Business: Working for America." This is a simple and accurate description of just what these men and women do. Small businesses provide 2 of every 3 new jobs, most job training, 40 percent of national production, half of private employment and most new products and technologies. These businesses are the embodiment of the American dream—to be your own boss—and every day, more and more people are reaching out and making that dream a reality.

We depend on the small business community—each and every one of us. I urge all my colleagues to recognize the achievements of their own small business owners during this week. To the 17 million entrepreneurs who comprise this impressive group, a resounding and heartfelt thank you. To the small business owners in Florida, and especially the 16th district, we're proud of you.

HAPPY BIRTHDAY, LACONIA NURSING HOME CENTENARIANS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. WEISS. Mr. Speaker, I rise today to congratulate eight very special constituents, who will reach or have surpassed their 100th birthdays this year. Unfortunately, I am not able to attend the Gala Spring Fling being held in their honor today at Laconia Nursing Home in the Bronx.

I'd like to express my sincere birthday wishes and blessings to Loretta Sheehan, who is 113; Eugenia Pryce, who is 104; Elizabeth Precht, who is 104; Catherine Gilbert, who will be 102. And then we have the youngsters—who will all have recently turned or will be turning 100: Hilma Benson, MaryAnn Von Barth, Mae Aikman, and Ollie Yarbro.

If I were able to be with them today, I would ask Loretta, Eugenia, Elizabeth, Catherine, Hilma, MaryAnn, Mae, and Ollie for their recipe for longevity. There are not too many of us who have the good fortune to enter the centenarian circle. But you know, it is not only the length of their lives that is being celebrated today—it is also the tradition and faith that they have passed on to those who have known them over the years. When you live 100 years you touch a lot of other people's lives, and I am sure that there are many who are richer for having known these special individuals.

Again, congratulations to you all. I hope I can dance with you at next year's celebration.

BERNARD GEORGE CINQUE RETIRES

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. LEWIS of California. Mr. Speaker, I rise today to recognize a truly special man, Mr. Bernard George Cinque. Bernie, as we all know him, is a dedicated teacher and citizen in his community. His retirement on June 15, 1988, marks the culmination of a 37-year career.

Bernie came to Fontana from Ohio as a teenager. He graduated from Chaffey High School in 1946 and went on to Chaffey College for his associate of arts in 1948. Then he was off to Arizona State at Tempe, where he received his bachelor of science degree in business administration. He continued with postgraduate studies there until he returned to Fontana to teach in September of 1951.

His first teaching position was at the Sierra Seville School where he taught the fourth grade. However, after less than 4 months as a teacher, he received his draft notice. When he told his students that he was called to the service of his country, the students cried.

After 2 years in the service he returned to Fontana and was assigned to Redwood Elementary for 2 years. In 1955 he moved to a new school, and until a year ago, Bernie taught in the same classroom at Oleander School.

Last year he accepted the challenge of helping to open a new school by taking a position at Southridge. Since starting to work for the Fontana Unified School District, he has continued his studies at the University of Redlands, Cal-State at Los Angeles, University of California at Riverside and a master's degree from Azusa Pacific College.

Bernie is known for his interest in history and Government and plans to write about the history of the United States. He taught history and also citizenship training in the adult school. His interest has motivited him to collect a flag from every State of the Union. Because of his knowledge and interest in American history and Government, he was asked to serve as one of the judges this past December for the National Bicentennial Competition on the Constitution and the Bill of Rights. He judged 11 high schools within the California 35th Congressional District.

Mr. Speaker, I ask that you join Bernie's wife Pat, his three children, one granddaughter, and me in saluting Bernie Cinque. He serves as an outstanding example to us all for his dedication to teaching. While his presense in the education community will be greatly missed by students and teachers alike, his many contributions will serve as a reminder of the truly remarkable man he is. It is with great respect that I pay tribute to him today.

VIVA CINCO DE MAYO

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. PACKARD. Mr. Speaker, today is a special day in the hearts of millions of Mexican-Americans because it marks the 126th anniversary of the day when Gen. Ignacio Zaragosa led a Mexican army which defeated a French assault on the Mexican capitol. Today, I join with my Hispanic constituents in celebrating Cinco De Mayo.

This 5th of May holiday will be observed by numerous community events and family activities. As you may be aware, millions of Americans trace their ancestry to Mexico. They are proud of their Mexican heritage. They are also proud of their American heritage.

As a Congressman from Southern California I represent a district where there is much Hispanic culture. This culture adds variety and spice to the daily life of Californians. This variety and spice can be seen in the food, in the music and in the culture that traces it's origins to Mexico and Mexican-Americans.

Mr. Speaker, I urge all of my congressional colleagues to join me in recognizing this important holiday. Viva Cinco De Mayo.

NATIONAL BUS DRIVER APPRECIATION DAY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. LAGOMARSINO. Mr. Speaker, I would like to take this opportunity to honor the bus drivers in the Santa Barbara Metropolitan Transit District [MTD]. Wednesday, May 18, 1988, has been declared "National Bus Driver Appreciation Day" by the American Public Transit Association and all across the Nation, special events are being held to recognize bus drivers' contributions to public transportation and the people they serve.

Every day from dawn until midnight, MTD bus drivers are on the streets of the south coast, providing safe, reliable transportation to residents and visitors. Through all kinds of traffic, in all kinds of weather, these drivers are responsible for getting people to their destinations safely and on time.

Mr. Speaker, the MTD frequently receives calls and letters praising a bus driver. These men and women make a special effort to make their passengers feel safe, comfortable and welcome. Extra effort and pride in their careers is what make these bus drivers special. Tourists, students, seniors, children and the disabled all benefit from the caring and attention to personal service offered by the MDT drivers. Each driver's committment to serving the public goes well beyond his or her shift behind the wheel. Many MDT employees are active members of the community and give generously to local causes. During the last 2 years, these employees have started funds to help a passenger who had been paralyzed in an accident, a retired employee stricken with cancer and an injured mechanic who has been unable to return to work. Recently, they collected donations to buy a retired bus for a clinic in impoverished Potem, Mexico. Since 1983, more than $20,000 has been raised through ongoing payroll deductions for a scholarship fund for the children of MTD employees.

Mr. Speaker, I am very proud of the Santa Barbara metropolitan transit district bus drivers and ask that the House join me in recognizing these hard working men and women on "Bus Driver Appreciation Day."

CONGRATULATING MRS. MICKI NAIDITCH

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. CARDIN. Mr. Speaker, I rise today to commend an outstanding citizen of Maryland, Micki Naiditch. Mrs. Naiditch has been named Maryland's first recipient of the Golda Meir Award, and will be honored by the Maryland Women's Division of the State of Israel Bonds on Thursday, May 19, 1988.

Micki Naiditch has been involved with Israel Bonds for over 30 years, serving as a member and leader of the Israel Bond Congregational and High Holy Days Appeal Campaign. She has held many high positions including vice-chairman of the National Women's Division, general chairman of the Maryland Women's Division, and cochairman of the 1986 National Leadership Conference in Baltimore.

In addition to her service with Israel Bonds, Micki has also found time to operate a full-time business office, plan and coordinate parties, serve as sisterhood president for the Liberty Jewish Center, and take care of her family—her husband Bernard and children Marshall and Susan.

Micki Naiditch is truly a remarkable, creative woman who has served her community with selfless devotion. I am honored to salute her today.

ON THE OCCASION OF CINCO DE MAYO

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Ms. PELOSI. Mr. Speaker, today people around the world are celebrating Cinco De Mayo, honoring the victory led by Ignacio Zaragoza over the French in Mexico on May 5, 1862. This victory paved the way for Mexico's eventual independence from foreign domination. In celebrating Cinco De Mayo, the city of San Francisco also celebrates its rich and diverse Latin American culture. San Francisco has planned 2 days of festivities to recognize the Hispanic community. The contributions of this community has played a central role in our city's history, and are an outstanding example of an actively involved and civic minded population.

San Francisco's Cinco De Mayo festivities will include the annual Cinco De Mayo Parade; and a 3.5-mile roadrace to benefit the Instituto Familiar De La Raza whose motto is "Salud Es Roder," Health Is Power, and will be run in the memory of psychologist Reynaldo J. Maduro, who gave invaluable guidance to the Latino youth of San Francisco for many years.

The Cinco De Mayo cultural festival highlights the music, dance, arts and crafts, and food of Central and Latin America. I commend the Mission Economic and Cultural Association [MECA] for organizing San Francisco's annual Cinco De Mayo celebration. The Hispanic community has enhanced our culture and made invaluable contributions in every discipline. I invite my colleagues to join the celebration of our Hispanic community, and to recognize their contributions to our society.

PROTECT U.S. SECURITY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. MARKEY. Mr. Speaker, some unfortunate remarks were made yesterday regarding an amendment I have proposed to the Department of Defense authorization bill to require a report on the possible compromise of sensitive U.S. military technology or information transferred abroad and the implications of any such compromise.

This amendment has as its aim the security of the United States and the safety of our Armed Forces. It is a matter of considerable importance and some sensitivity.

I would hope that Members would take the time to inform themselves fully on these important issues before making statements on the floor and would be cautious in making statements on questions of fact before they have been fully briefed. In particular, on an issue of this nature, statements should be based on more than a collection of news clippings.

Mr. Speaker, I think it is unwise to make judgments on this issue based solely on public-source information. Interested Members would be well advised to seek appropriate information in the closed briefings and classified material which are available to them. Nonetheless, I would like to submit for the RECORD two published references readily available to anyone concerned about this issue. The first is an excerpt from the debate on an amendment offered by Senator GLENN on December 18, 1982, to require assurances that sensitive U.S. defense equipment, materials or technology transferred abroad is not transferred to any Communist country or country which receives arms from a Communist country. This amendment was adopted overwhelmingly in the other body and enacted into law. In debate on this amendment regarding the compromise of U.S. defense secrets, Senator GLENN stated:

> We have some specific cases which we are not at liberty to discuss on the floor. We would have to have a secret session to go into these. It involves Pakistan.

I would also like to submit for the RECORD an excerpt from the recommendations of a Senate Foreign Relations Committee staff report entitled "United States Security Interests in South Asia." This report recommends a cap on the sensitivity and sophistication of military equipment provided to Pakistan, stating that:

> Over the long term, the United States cannot adequately monitor the security of U.S. provided weapons or military technology. There is a significant risk that any military equipment or technology sold to Pakistan will be compromised.

Mr. Speaker, the purpose of this amendment is not to embarrass any foreign country but to protect the security of our country and our military servicemen. That is an objective which I am certain that all of my colleagues support.

ARMENIAN MARTYR'S DAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. HOYER. Mr. Speaker, I join my colleagues in commemorating the 73d anniversary of the genocide which claimed the lives of 1.5 million Armenians in the Ottoman Empire. It remains imperative for us, as Americans, to remember the Armenian holocaust, as well as other holocausts, so that such tragedies will never recur. The importance of rememberance must never be downplayed, especially in the face of those who would have us forget—or, worse still, deny—the tragedies of the past.

Yet, Mr. Speaker, today in the Soviet Union there is cause for new alarm for the Armenian people. In February of this year, hundreds of thousands of Armenians took to the streets of Yerevan. They expressed their anger that silence had been the only Kremlin response to their 2-year petition campaign for reunification of the Nagorno-Karabakh region of neighboring Azerbaidzhan with Armenia. The Nagorno-Karabakh, which was made part of the Soviet Republic of Azerbaidzhan in 1923, has a 75-percent Armenian population. Despite assurances from the Soviet leadership that public opinion would be taken into account the only decision on the territorial question entailed an announcement that a $64 million economic package had been proposed for that region. More than 150 people, mostly Armenian in Azerbaidzhan, have been killed in the demonstrations. As chairman of the Commission on Security and Cooperation in Europe, I have been following this crisis of the Armenian people with increasing alarm.

As I join my colleagues in pausing to reflect on the tragic events of the years 1915–23, I am pleased to note the passage in the House of Representatives of legislation implementing the historic Genocide Treaty. The singificance of the final ratification of the Genocide Treaty goes far beyond the inclusion of its provisions within the Criminal Code of the United States. It represents a positive and concrete step toward strengthening the rule of law which must bind each and every nation. Genocide truly is a crime against all humanity. It is incumbent upon all nations to join together to prevent these heinous act and punish its perpetrators.

The lessons of 1915 should remain clear to our Nation and the world. Respect for the rights of individuals and the groups which they comprise—whether religious, ethnic, racial, or national—must lie at the foundation of the relationship between a government and its people. We can and should ask for no less.

RICHARDSON STATEMENT FOR CINCO DE MAYO

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. RICHARDSON. Mr. Speaker, today I rise to join in celebration with our Mexican-American citizens and the nation in Mexico as they commemorate the defeat of French forces under Napoleon III at the Battle of Puebla. In the following years May 5, El Cinco de Mayo, has come to symbolize the struggle of Benito Juarez and all Mexican patriots and their honorable defense of justice, equality and liberty. These are the very values upon which our great Nation was also founded and what links us so closely to our neighboring nation to the South.

Freedom, as we know, has a very high price and is never safe from the forces of tyranny. At times, though, we fail to fully appreciate freedom and the responsibilities it bestows upon its keepers. For this reason today we join in celebrating the spirit of these brave people who fought to preserve the freedom of Mexico. The spirit of Benito Juarez has joined that of Washington, Lafayette, Jefferson, von Steuben, as an integral part of the American spirit as surely as have the Mexican-American people become a part of this great Nation.

This is also a time to celebrate the many contributions that Mexican-Americans have made to our Nation. In the realms of culture, science, letters, and patriotic duty, Mexican Americans have distinguished not only themselves but this Nation. For their contributions, all Americans are duly proud and thankful.

Both of our great nations were born of revolutionary struggle against a tyrannous empire. In our struggles we affirmed the true value of freedom and justice. And surely as we have a common history, I suggest that we have a common destiny. In our journey into the future we are inexorably tied to each other. It is for this reason that we must cooperate in every manner to assure that our peoples continue to enjoy the freedom and justice for which our ancestors laid down their very lives.

Mr. Speaker, allow me to conclude by sending a message to all Mexican-Americans and the nation of Mexico and wish them un Feliz Cinco de Mayo.

EXCELLENCE, EDUCATION, AND ECONOMIC DEVELOPMENT

HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. BRUCE. Mr. Speaker, in an area that has learned to face a challenging economy, many people in Danville, IL, have stood out for their efforts to preserve the quality of the community. But few have been as important to Danville as Lou Mervis.

It seems appropriate then, that Lou Mervis will receive the First Community Leadership Award at the graduation ceremony of Leadership Danville on May 13.

Lou Mervis exemplifies the three "E's" that are that adult equivalent of the three "R's." Education, excellence, and economic development are the cornerstones of Lou's foundation. The strength of that cornerstone has helped Lou run several successful businesses in an area that has not benefited from a strong economy.

Lou is on the boards of a local bank, the chamber of commerce, United Way, and the State Board of Education. He has served as president of District 118 Board of Education and is a charter member of the Economic Development Corp., which he served as chairman for two terms.

He is untiring in his efforts to better the Danville Community. The question, "is it good for Danville?" seems to always be on his mind. I can answer with certainty that Lou Mervis is good for Danville.

Leadership Danville is a program to develop the community leaders of the future. A committee of prominent leaders have chosen Lou Mervis to be the first recipient of the Community Leadership Award. These leaders have chosen a man who was, is, and will be good for Danville, Vermilion County, and the State of Illinois.

JOHN P. "JAKE" COMER

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mrs. BENTLEY. Mr. Speaker, I truly love America's veterans—each and every one. They are the special people who risked life and limb to preserve America's liberty and way of life. There is nothing that gives me more pride than saluting our veterans, and I make a special effort to do so at every opportunity. Yet today I have the chance to recognize one truly "special" vet—John P. "Jake" Comer, the National Commander of the American Legion. What makes Jake so special among so many people? It's because he has received an honor that probably means more to a vet than anything else—the recognition and appreciation of his fellow veterans.

Jake's background reflects a long history of commitment both to America's veterans as well as to the community in which he lives. A U.S. Air Force veteran of the Korean war, Jake Comer served as a communications sergeant until 1959. He returned to his native Quincy, MA, where he worked for Western Union and John Hancock Life Insurance before becoming a city assessor in 1969. This civic involvement propelled him to the position of deputy sheriff of Norfolk County and executive director of the Quincy Housing Authority.

Jake's involvement with the American Legion began in 1963, when he joined the Thomas J. Roberts Post No. 78. Within 3 years he was post commander; within 12 years he was State commander. He has held a number of important executive committee positions with the National Headquarters until August 27, 1987, when he was elected National Commander at the American Legion's 69th annual convention in San Antonio, TX.

Besides all he has done on behalf of veterans, Jake has truly helped to make a difference for those in his own community. He serves on a number of civic committees concerned with such issues as aging, human rights, alcoholism, and youth. If all people were as eager to "get involved" as has Jake Comer, Mr. Speaker, society would be that much better off.

Jake is indeed an outstanding individual, and there are certainly a lot of people proud of him. Thousands of veterans have thrown him their support. His wife Eileen and their three children also take great pride in what he has done. I had the opportunity to participate in a ceremony honoring Jake not too long ago, and I may say that I am proud of him too!

I am proud of any American who fights for his country, fights for his community, and fights for those who fought for their country. This is a man who has fought all of the "good fights"; for this he deserves to be proud of himself.

Congratulations, Jake, for all you have done. Most of all, congratulations for a job well done.

THE 75TH ANNIVERSARY OF HOLY ASCENSION ORTHODOX CHURCH

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to a very special church located in Lykens, PA, the Holy Ascension Orthodox Church. On May 15, 1988, the Holy Ascension Church, a Russian Orthodox community, will celebrate its 75th anniversary. In central Pennsylvania there are a number of diverse ethnic groups, groups who first came to the United States in the late 1800's and early 1900's to practice the religion of their choice and to seek a better life for themselves and their families. This is the case with a small group of immigrants from Austria/Hungary. They came to central Pennsylvania to take advantage of the prosperous anthracite coal mines.

Of those who came, a group of men decided in 1912 to form the St. Nicholas Society of the Russian Brotherhood Organization and from this society sprang the need for a parish. It was decided by the members that they would be an Orthodox parish.

The first parish church and rectory was a house, but construction of a permanent church, which is still in use today, was begun in 1913. Over the years a number of renovations have taken place, including a major refurbishing of the interior and exterior in 1960 in preparation for the church's 50th anniversary. This project was completed by 1963 for the anniversary celebration. Sadly, only 12 years after this major renovation was begun—and a bare 9 years after it was completed—tropical storm Agnes hit central Pennsylvania causing great damage to the church and rectory. However, the stamina of the parishioners was not broken and the church was able to make a recovery, and a few improvements.

Although this parish is small the people who make up the Holy Ascension Orthodox Church are strong in their faith. I would like to congratulate the Holy Ascension community on their 75th anniversary and wish them many years of continued faith and growth.

CINCO DE MAYO, A DAY OF LIBERTY, FREEDOM, AND INDEPENDENCE

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. ARMEY. Mr. Speaker, today, Mexican-Americans celebrate Cino de Mayo. Cinco de Mayo represents the spirit of freedom alive in the hearts of people around the world. On May 5, 1862, while our own Nation was engulfed in a war to preserve our Union, Mexico fought to gain their own freedom and independence. Under the inspired leadership of Gen. Ignacio Zaragoza, 2,000 Mexicans engaged an invading French force four times their size. In the small town of Puebla some 60 miles east of Mexico City, French forces attempted to take Fort Quadalupe and Fort Loreto. After a day-long siege, Mexicans drove back the French forces and emerged victorious.

But the victory at Puebla did not secure independence, it only secured the hope and will to have victory. While the French forces eventually took control of Mexico, the battle of Puebla inspired the Mexican people to realize that freedom and independence was possible, no matter what the odds. It is this determined spirit of freedom and independence that Cinco de Mayo represents. Their efforts and hope were not denied. By 1864, Mexicans had deposed Archduke Maximillian and won back their freedom.

In America, we understand the spirit of freedom and independence that runs throughout Latin America. Like the Cinco de Mayo, our own Fourth of July does not symbolize the victory of freedom. It represents the declaration of freedom, a freedom that was won many years later after many battles and more lives. My home State of Texas is uniquely endowed with the two spirits of freedom represented by America's Fourth of July and Mexico's Cinco de Mayo. While all Americans share the same values of family, religion, culture and justice with our Mexican neighbors, Mexican-Americans have a unique commitment and appreciation of freedom and independence. Cinco de Mayo is a indispensable celebration of that spirit.

SUPPORT FOR H.R. 925

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. HOYER. Mr. Speaker, this year, Mother's Day falls on Sunday, May 8. Almost without exception, every son or daughter in Congress will remember the experiences of childhood—the fun, the pain, the love. For many of us Mother's Day will mean a family dinner, flowers, greeting cards and gifts.

Unfortunately, Monday morning will mean a return to reality. Millions of mothers will leave their homes to join the trek to the workplace. Each of them will, from that moment on, do their utmost to put aside an anxiety about a phone call that may not come.

The Family and Medical Leave Act, H.R. 925, should not be a "women's bill." But the reality of life in our society places the burden and responsibilities of child care upon the shoulders of women.

Two earner and single parent families all across this country work and live in fear that a child or other family member will fall ill. That anxiety is compounded by the knowledge that the consequences of this illness may grow to destroy not only a job but the emotional and economic security of an entire family.

The act provides a measure of protection to that majority of American families that can no longer afford a parent in the home full-time.

A bipartisan compromise on the Family and Medical Leave Act guarantees an employee 10 weeks of unpaid leave over 2 years for the birth or adoption of a child or for a sick child or parent. Employees are entitled to 15 weeks of medical leave per year. The compromise provides ample protection for employers and deserves favorable consideration by the Congress.

Sunday marks another day when we pause in honor of motherhood. There will be many warm words expressed in remembrance of the occasion. Those words of support and praise will be well deserved. But as a Member of this body, I insist that we simply not give way to more platitudes and cliches.

H.R. 925 is a concrete measure we can take to strengthen American families. In our increasingly complex society, H.R. 925 is a cost-effective means of improving the ability of American families to maintain their independence and self-reliance. I am convinced that our failure to establish clear public policy in this area imposes often hidden financial and emotional costs on employers, the taxpayers, and most importantly on American families.

As millions of men and women return to work Monday morning, I hope that each of us here in the Congress will return with a new and sustained commitment to action on behalf of American families, beginning with passage of H.R. 925.

NURSE RECOGNITION DAY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mrs. MORELLA. Mr. Speaker, May 6 is "Nurse Recognition Day" and I urge my colleagues to join me in thanking the nurses of this country for their invaluable contributions to the care of so many Americans. This day is especially necessary to heighten public awareness of the critical nursing shortage which currently poses a very real threat to the quality of care across the country. While the percentage of vacant nursing positions in the United States has more than doubled, enrollment in nursing education programs has declined. Both recruitment and retention are problems, and the shortage is affecting nursing homes, as well as hospitals.

Several Federal initiatives are underway to address this crisis in nursing. H.R. 3340, "The Nursing Shortage Relief Act of 1987," would establish a special advisory committee to set up a comprehensive plan to develop long-term solutions in recruiting and retaining professional nurses. It would award grants to demonstrate hospital nursing practice models that would improve working conditions and retention of nurses; the bill would also award grants to establish regional model nurse recruitment centers.

H.R. 4190 would require the Secretary of Health and Human Services to construct or improve facilities for nursing research. The bill is designed to increase the capacity of academic institutions to support nursing research.

Mr. Speaker, on the eve of my own daughter's graduation from nursing school, I urge my colleagues to take immediate action to address the nursing shortage and to join me in cosponsoring these bills and in working to ensure increased support for nursing education. The magnitude of this situation is placing health care for all Americans in jeopardy.

CONGRESSIONAL RECORD STATEMENT HONORING IRVING BERLIN ON HIS 100TH BIRTHDAY AND THE GIRL SCOUT COUNCIL OF GREATER NEW YORK

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to honor two American classics, Irving Berlin and the Girl Scouts.

Irving Berlin is celebrating his 100th birthday this weekend. One of the greatest American composers of popular song, Berlin has penned some of the best known songs of our time, including "God Bless America," and the best selling song of all time "White Christmas."

The Girl Scout Council of Greater New York has been serving the young girls and women of the metropolitan area for many years. The Scouts' traditions, ideals and goals have instilled a common spirit in hundreds of thousands of girls over the years.

Irving Berlin believed in the Girl Scouts. He and his wife gave their time and money to ensure that the Council of Greater New York would be able to provide the services and programs that we have come to expect from the Scouts. Berlin may have made the ultimate gesture to the Scouts however, when he gave them a piece of his legacy. The Girl Scout Council of Greater New York has been given half of the proceeds from Berlin's "God Bless America."

This Saturday over 5,000 Girl Scouts from the five boroughs will be marching in New York to celebrate Irving Berlin's 100th birthday. I would like to wish the Girl Scouts continued success in all of their endeavors, and salute both them and Irving Berlin, for everything they have given to us over the years.

H.R. 1834, THE MINIMUM WAGE RESTORATION ACT

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. FAZIO. Mr. Speaker, I want to voice my strong support of H.R. 1834, the Minimum Wage Restoration Act and to dispel some of the myths created by those who oppose this bill.

Ever since FDR won a hard and long fought battle to raise the minimum to 25 cents in 1938, history has shown that an increase in the minimum wage stimulates the creation of new jobs by putting more money into the Nation's economy. Raising the minimum wage does not force the Government to spend money, as is feared by the opponents of this bill; the Government simply acts as a mediator between the employer and employee.

According to records kept by the Bureau of Labor Statistics, in the 13 times that the minimum wage was raised between 1950 and 1981, employment dropped only once after a minimum wage increase, and that was during the recession of 1975. The major cause of unemployment in 1975 was the recession itself and not the increase in the minimum wage.

In addition, from 1977-81, when the minimum wage increased some 50 percent, there was a 9-percent increase in unemployment. In the next 5 years, with no minimum wage increase, there was also a 9-percent increase in employment. What the opponents of an increase in minimum wage fail to take into account is that there are a variety of factors—trade deficits, removal of plants overseas, a stock market crash, et cetera, which have had a far greater impact on umemployment than the minimum wage.

In 1981 dollars, the year in which the minimum wage was last increased, the minimum wage is currently worth $2.52. As a direct result, the income gap between the richest and the poorest fifths of the population—their shares of total income—is the greatest it has been since World War II. The head of a household in a family of four, working full time and earning minimum wage, earns $11,612 or 40 percent below the poverty level. The issue here is whether employers, the Government and more affluent Americans will give the working poor a fair shake and help move them into the mainstream.

For America's 8 million working poor, an increase in the minimum wage is an absolute necessity. I urge my colleagues to support this bill.

CENTRAL AMERICA: STATUS REPORT

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 5, 1988

Mr. SWIFT. Mr. Speaker, the Central American (Arias) peace agreement will be 1 year old on August 5. It is not a perfect document, nor has it been honored by all parties in all respects. The civil war continues in El Salvador; the Contras are still a military force; a strong U.S. military and Contra presence in their country has alienated and displaced many Hondurans; and the human rights records of Guatemala and El Salvador can only be considered "improved" when compared with the wholesale killings of the recent past. But the year has also brought progress, notably in the negotiations to end the violence in Nicaragua. After 8 years of failed U.S. policies to impose military solutions on the people of Central America, the Arias peace plan offers an opportunity for the nations of the region to resolve their own differences.

Going into the 1988 Presidential election, the most controversial foreign policy issue before the electorate will continue to be that of our Central American policy. The continuing war in the region has also been the major political battlefield of American foreign policy. In many ways, it engages the same convictions, emotions, and moral beliefs as did the national debate over Vietnam. While the parallelism can be overdrawn, it seems clear that a central conclusion can be reached: war brings only devastation and misery to a people. Protracted wars such as Vietnam and Central America never "solve" problems; human rights and a commitment to democratic ideals are usually the first victims of such wars. By intruding ourselves into such conflicts, based on our own cultural and political preconceptions, we escalate this violence and thus help create unintended victims of the unanticipated consequences of war.

I think we also have to be careful about reverse biases. The boat people of Vietnam and the current Vietnamese war against the Cambodians show a side to the Indochina war that was not contemplated by the ideologically fervent in the antiwar movement in the United States. It was easy to ignore the doctrinaire communism of the North Vietnamese because the compelling fact for most Americans was that 500,000 American troops could not stop the Vietnamese from overthrowing the unpopular regime we supported in Saigon. Just as certainly, the overthrow of Somoza in Nicaragua was an event that most Americans could only wish had come sooner. But while Nicaragua has made great strides in health and literacy programs in the countryside, there is a disturbing tendency by the Sandinista leadership in the cities to silence criticism by autocratic means.

It is clear that the administration's military solution to the problems of the region have been a tragic failure. But at the same time, I don't believe we can just walk away from Central America. That is not to agree with the administration that we somehow have a mandate of keeping our smaller neighbors to the south from choosing the wrong political path. But for 100 years—for both good and ill—we have been a major determinant in the politics of Central America. Now that the nations of Central America through the Arias peace plan have resolved on a course of political self-determination, we owe it to the people of Central America that we will help see them through this turning point.

Consider the deteriorating situation of our major client-state in the region, El Salvador. Since 1981 we have sunk over $3 billion into economic and military assistance to fight what is now estimated to be around 7,000 rebels or, at a cost of a half-million dollars per rebel. Since 1981, over 60,000 people have died violently in that country of 6 million. A third of the population has fled from their homes, half the population is unemployed, and three-quarters live in poverty. It now appears that there has been a resurgence in support for the rightwing ARENA party, in part because of charges of corruption against the ruling Christian Democrats through the misuse of the billions of dollars of U.S. aid to that country. If ARENA, which ran on an anti-American platform and which has clear ties to the death squads, should gain control of the government, civilian violence and human rights abuses will almost certainly increase dramatically.

In both Guatemala and Honduras there are extremely thin civilian overlays on traditional military ruling structures. We have a limited ability to reinforce civilian government in these countries, in part because of our failure in the past to respect their national sovereignty. In Nicaragua, our Government has echoed legitimate complaints by many Nicaraguans about the ongoing restrictions on a free press, freedom of assembly, and religious activities. But our moral suasion is severely limited in Nicaragua through our support of the Contras and the seeming lack of concern we have shown about the much greater human rights violations perpetrated by the military of "friendly" countries such as El Salvador and Guatemala. In short, our past history of military interventionism and our current inability to use moral or economic leverage leaves us with few options to be a positive force in Central America.

We need to change our current policies in dealing with the countries of Central America. Direct (and expensive) foreign aid has not caused our client-states to stop the human rights abuses, undertake authentic land reform, or commit to genuine democracy. Military aid has only escalated the cycle of violence. We need to explore multilateral procedures for financing and managing aid to Central America as a means of contributing to the Arias peace plan. In particular, I would urge the next administration to join with other nations—both in our hemisphere and in Europe and Asia—to develop multinational aid programs targeted to regional projects. The Marshall plan succeeded in post-war Europe, not only because the United States contributed substantial amounts of aid, but in part because it required the recipient countries to work together in the recovery process. The United States can't afford to fund a Central American Marshall plan. If all the developed nations of the world joined together, such a program would not only be affordable, it would effectively shield such aid from the charges of manipulation and power politics that now characterizes unilateral U.S. foreign aid.

I hope that the next administration will take the opportunity of the Arais peace agreement to make fundamental changes to American foreign policy. The resolve shown by all five Central American countries in determining their own path to peace must be supported by the other nations of the world. Countries as diverse as Nicaragua, Honduras, and El Salvador are willing to now work together because they are poor, exhausted by war, and their economies, are in shambles. Now is the time to contribute to the rebuilding and prove that peace is the better way.

HOUSE OF REPRESENTATIVES—*Monday, May 9, 1988*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, the Psalmist has written that our days should be filled with joy and gladness and with a song on our lips. Yet we know that there are so many tasks to be done that the day doesn't seem to allow the time for thanksgiving. O merciful God, who hears our every word and nurtures us along life's way, teach us so to number our days and that we may gain a heart of wisdom ever open to Your steadfast love and faithfulness. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Emery, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On April 18, 1988:

H.R. 3459. An act to amend the Federal Food, Drug, and Cosmetic Act to revise the provisions respecting orphan drugs, and for other purposes.

On April 20, 1988:

H.J. Res. 527. Joint resolution to designate the week of April 17, 1988, through April 24, 1988, as "Jewish Heritage Week."

On April 22, 1988:

H.R. 1207. An act to amend the Federal Food, Drug, and Cosmetic Act to ban the reimportation of drugs produced in the United States, to place restrictions on the distribution of drug samples, to ban certain resales of drugs by hospitals and other health care entities, and for other purposes.

On April 25, 1988:

H.J. Res. 347. Joint resolution recognizing the identical plaques initiated by Sami Bandak, created by Margareta Hennix and Ginvanni Bizzini, and depicting the Calmare Nyckel, the ship that brought the first Swedish settlers to North America, as significant symbols of the "Year of New Sweden"; and providing for the placement of one of such plaques at Fort Christina in the State of Delaware; and

H.R. 1900. An act to amend the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Family Violence Prevention and Services Act to extend through fiscal year 1991 the authorities established in such Acts.

On April 26, 1988:

H.J. Res. 373. Joint resolution to designate May 1988 as "National Trauma Awareness Month."

On April 28, 1988:

H.R. 5. An act to improve elementary and secondary education, and for other purposes.

On April 29, 1988:

H.J. Res. 552. Joint resolution making emergency mandatory veterans supplemental appropriations for the fiscal year ending September 30, 1988; and

H.R. 3971. An act to establish procedures to implement the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980, and for other purposes.

On May 3, 1988:

H.J. Res. 421. Joint resolution designating May 1988 as "National Digestive Disease Awareness Month."

On May 5, 1988:

H.R. 2139. An act for the relief of John H. Teele; and

H.R. 3439. An act for the relief of Marisela, Felix, and William Marrero.

On May 6, 1988:

H.J. Res. 508. Joint resolution designating May 1988 as "Older Americans Month"; and

H.J. Res. 541. Joint resolution commending the State of Israel and its people on the occasion of the 40th anniversary of the reestablishment of the independent State of Israel.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3932. An act to amend the Presidential Transition Act of 1963 to provide for a more orderly transfer of executive power in connection with the expiration of the term of office of a President.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1220. An act to amend the Public Health Service Act to provide for a comprehensive program of education, information, risk reduction, training, prevention, treatment, care, and research concerning acquired immunodeficiency syndrome.

The message also announced that pursuant to section 9033(c)(1)(C) of Public Law 100-203, the Chair on behalf of the President pro tempore appoints Dr. Emil McKee Sunley of Maryland, to the Commission on Railroad Retirement Reform.

BEST WISHES TO HON. FLOYD SPENCE FOR A SPEEDY RECOVERY

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, our colleague, Floyd Spence of South Carolina, received a double lung transplant Friday night at the University of Mississippi Medical Center in Jackson. The operation took around 6 hours and was performed by a university medical team doing its fourth lung transplant.

I visited Floyd briefly Sunday morning in the intensive care unit. He nodded to me when I told him I was going to tell his colleagues how well he was doing. He is listed in critical, but stable, condition.

His new lungs are those of an 18-year-old from Texas, whose family made the decision to donate the lungs after the teenager was killed in a motorcycle accident. The family of this Texas teenager has given our colleague the opportunity to survive and live a normal life.

Floyd's four sons and his fiancee are with him in Jackson. I know you all want to join with me in sending best wishes and our prayers to Floyd for a speedy recovery.

TERMINATION OF APPOINTMENT AND APPOINTMENT TO ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE

The SPEAKER. On the recommendation of the minority leader, the Chair terminates his appointment of Mr. Jeffrey A. Flatten to the Advisory Committee on Student Financial Assistance. Pursuant to section 407 of Public Law 99-493 and on the recommendation of the minority leader, the Chair appoints Mr. Stephen C. Biklen of Pittsford, NY, to fill the vacancy.

THE POLITICAL SUBVERSION OF THE CONGRESSIONAL BUDGET OFFICE

(Mr. PETRI asked and was given permission to address the House for 1 minute.)

Mr. PETRI. Mr. Speaker, the revelations about the political subversion of the supposedly nonpartisan Congressional Budget Office have not yet finished. This House will be treated to

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

additional shocking information shortly.

In the meantime, this House should appoint a commission to look into the cooking of figures by this supposedly objective research arm.

It has already been established that the CBO acceded to a demand to suppress important information relevant to the minimum wage debate.

Frankly, Mr. Speaker, I must assume that the leaders of organized labor were shocked and outraged to discover that powerful figures in this House would attempt to hide the CBO's conclusion that the Labor Committee's minimum wage bill could throw 500,000 low-skilled workers out of their jobs.

It is time to appoint a commission to look into this matter. May I suggest that this commission be cochaired by Lane Kirkland and J. Peter Grace?

I fear that with every rock turned over by such a commission, numerous odd creatures would be revealed. But the sooner the work is begun, the sooner the situation will be cleaned up at the CBO.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, May 10, 1988.

GENERAL ACCOUNTING OFFICE PERSONNEL AMENDMENTS ACT OF 1988

Mrs. SCHROEDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4318) to improve the administration of the personnel systems of the General Accounting Office, as amended.

The Clerk read as follows:

H.R. 4318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "General Accounting Office Personnel Amendments Act of 1988".

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 31, United States Code.

TITLE I—PERSONNEL APPEALS BOARD

SEC. 101. MEMBERS.

(a) 3 Years of Experience in Adjudication or Arbitration Not a Prerequisite.—Section 751(a) is amended by striking paragraph (1) and by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(b) Candidates Recommended Need Only Be Considered.—Paragraph (1) of section 751(b) is amended to read as follows:

"(1) after considering any candidates who are recommended to the Comptroller General (at such time and in such manner as the Comptroller General requires) by organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters; and".

(c) Terms of Office.—Section 751(c) is amended—

(1) by striking "The" in the first sentence and inserting "(1) Except as provided in paragraph (2), the";

(2) by striking "3" each place it appears and inserting "5"; and

(3) by adding at the end the following:

"(2)(A) The term of a member serving on the date of the enactment of the General Accounting Office Personnel Amendments Act of 1988 shall be as follows:

"(i) Of the 2 members appointed in 1985, the term of 1 such member shall be 5 years, and the term of the other such member shall be 6 years.

"(ii) Of the 2 members appointed in 1986, the term of 1 such member shall be 6 years, and the term of the other such member shall be 7 years.

"(iii) The term of the member appointed in 1987 shall be 7 years.

"(B) Within 60 days after the date referred to in subparagraph (A), the Comptroller General shall determine—

"(i) with respect to the members under subparagraph (A)(i), which will have a term of 5 years and which will have a term of 6 years; and

"(ii) with respect to the members under subparagraph (A)(ii), which will have a term of 6 years and which will have a term of 7 years.

"(C) A term established for a member under this paragraph shall be measured—

"(i) from the date on which the member was originally appointed; or

"(ii) in the case of a member serving for the unexpired portion of a term, from the appointment date of the individual who was originally appointed to serve for such term.".

SEC. 102. PAY RATES.

(a) General Counsel.—The second sentence of section 752(b)(2) is amended to read as follows: "The rate of basic pay of the General Counsel may be not more than the maximum rate of basic pay payable for grade GS-16 of the General Schedule.".

(b) Members.—The first sentence of section 751(e) is amended to read as follows: "While carrying out a member's duties (including travel), a member who is not an officer or employee of the United States Government is entitled to basic pay at a rate equal to the daily rate of basic pay payable for grade GS-18 of the General Schedule.".

SEC. 103. JUDICIAL REVIEW.

(a) Jurisdiction of Courts.—Section 755 is amended by striking "District of Columbia Circuit or by the court of appeals of the United States for the circuit in which the petitioner resides." and inserting "Federal Circuit.".

(b) Attorney's Fees in Discrimination Cases.—Section 755 as amended by subsection (a), is further amended—

(1) by inserting "(a)" immediately before the beginning of the first sentence; and

(2) by adding at the end the following:

"(b) If an officer, employee, or applicant for employment is the prevailing party in a proceeding under this section, and the decision is based on a finding of discrimination prohibited under section 732(f) of this title, attorney's fees may be allowed by the court in accordance with the standards prescribed under section 706(k) of the Civil Rights Act of 1964.".

(c) Applicability.—Nothing in any of the amendments made by this section shall apply with respect to an appeal pending on the date of the enactment of this Act.

TITLE II—RETIREMENT AND ANNUITIES

SEC. 201. ELIGIBILITY REQUIREMENTS FOR RETIREMENT.

Section 703(e)(1) is amended by striking "retires on becoming 70 years of age." and inserting "may retire after becoming 70 years of age and completing 10 years of service as Comptroller General or Deputy Comptroller General (as the case may be).".

SEC. 202. DEFINITIONS.

(a) Dependent Child.—Section 771(1) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "; or", and by adding after subparagraph (B) the following:

"(C) between 18 and 22 years of age and is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution. For the purposes of this subchapter, a child whose 22nd birthday occurs before July 1 or after August 31 of a calendar year, and while such child is regularly pursuing such a course of study or training, is deemed to have become 22 years of age on the first day of July after that birthday. A child who is a student is deemed not to have ceased to be a student during an interim period between school years if the interim period is not more than 5 months and if such child shows to the satisfaction of the General Counsel of the General Accounting Office that such child has a bona fide intention of continuing in the same or a different school during the school semester (or other period into which the school year is divided) immediately after the interim period.".

(b) Surviving Spouse.—Section 771(2) is amended—

(1) in subparagraph (A), by striking "2 years" and inserting "1 year"; and

(2) in subparagraph (B), by inserting "before age 55" after "remarried".

SEC. 203. ANNUITY OF THE COMPTROLLER GENERAL.

Section 772 is amended—

(1) in subsection (a), by striking "is retired for age under section 703(e)(1) of this title after serving at least 10 years" and inserting "retires under section 703(e)(1) of this title"; and

(2) in subsection (c), by striking "subchapter III of chapter 83 of title 5 remains subject to subchapter III" and inserting "subchapter III of chapter 83 or chapter 84 of title 5 remains subject to such subchapter III or such chapter 84 (as the case may be)".

SEC. 204. ELECTION OF SURVIVOR BENEFITS.

Section 773 is amended—

(1) in subsection (b)(1), by inserting "5 percent of the" before "annuity";

(2) in subsection (b)(2)(C), by striking "4.5" and inserting "3"; and

(3) by adding after subsection (c) the following:

"(d) The reduction in the Comptroller General's annuity under subsection (b)(1) for the purpose of providing survivor benefits shall be terminated for each full month after the death of the spouse.".

SEC. 205. SURVIVOR ANNUITIES.

Section 774 is amended—

(1) in subsection (b), by striking "5 years" each place it appears and inserting "18 months";

(2) in subsection (c), by amending paragraphs (2) and (3) to read as follows:

"(2) by a spouse and a dependent child, the surviving spouse shall receive an immediate annuity computed under subsection (d) of this section and each dependent child shall receive an immediate annuity equal to the smaller of—

"(A) 10 percent of the average annual pay computed under subsection (d)(1) of this section; or

"(B) 20 percent of the average annual pay computed under subsection (d)(1) of this section, divided by the number of dependent children; or

"(3) only by a dependent child, each dependent child shall receive an immediate annuity equal to the smaller of—

"(A) the annuity a surviving spouse would be entitled to receive under clause (2) of this subsection, divided by the number of dependent children;

"(B) 20 percent of the average annual pay computed under subsection (d)(1) of this section; or

"(C) 40 percent of the average annual pay computed under subsection (d)(1) of this section, divided by the number of dependent children.";

(3) in subsection (d)(1), by striking "1.25" and inserting "1.5"; and

(4) in subsection (e), by amending the first sentence to read as follows: "A surviving spouse's annuity may not be more than 50 percent nor less than 25 percent of the average annual pay computed under subsection (d)(1) of this section.".

SEC. 206. PAYMENT OF SURVIVOR BENEFITS.

Section 776(b) is amended—

(1) in paragraph (1), by inserting "before age 55" after "remarries"; and

(2) in paragraph (2), by striking "age," and inserting "age (unless the child is then a student as described in section 771(1)(C) of this title),".

SEC. 207. ANNUITY INCREASES.

Section 777 is amended to read as follows:

"§ 777. Annuity increases

"(a) An annuity payable under this subchapter shall be increased at the same time that, and by the same percent as the percentage by which, annuities are increased under section 8340(b) of title 5.

"(b) An annuity under section 772 of this title may not be more than the basic pay of the Comptroller General. A surviving spouse's annuity may be increased under this section without regard to any limitation set forth in section 774(e) of this title.".

SEC. 208. EFFECTIVE DATE.

The amendments made by this title shall be effective after the end of the 60-day period beginning on the date of enactment of this Act, except that an individual who, as of such date of enactment, is receiving an annuity under subchapter V of chapter 7 of title 31, United States Code, as a retired Comptroller General (and the spouse and any dependent children of such individual who may survive such individual) shall remain subject to the provisions of such subchapter, as in effect immediately before such date, if the retired Comptroller General makes an election under this section. An election under this section shall be ineffective unless it is be made in writing and received by the General Counsel of the General Accounting Office before the end of the 60-day period referred to in the preceding sentence.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. PREVAILING RATE EMPLOYEES.

Section 5349(a) of title 5, United States Code, is amended by inserting "the General Accounting Office," after "the Government Printing Office,".

SEC. 302. MAXIMUM NUMBER OF POSITIONS PAYABLE AT GS-18.

Section 732(c)(4) is amended—

(1) by striking "119" and inserting "129"; and

(2) by striking "the highest rate for GS-18," and inserting "the rate of basic pay payable for grade GS-18 of the General Schedule,".

SEC. 303. TECHNICAL AND CONFORMING AMENDMENTS.

Section 732(c)(3) is amended by striking "in section 733(a)(3)(B) of this title," and inserting "under section 733(a)(3)(b) of this title or section 5349(a) of title 5,".

The SPEAKER pro tempore (Mr. Montgomery). Is a second demanded?

Mr. GILMAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Colorado [Mrs. Schroeder] will be recognized for 20 minutes and the gentleman from New York [Mr. Gilman] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. Schroeder].

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4318, the General Accounting Office Personnel Amendments Act of 1988, makes a few needed changes in the personnel system covering employees of the General Accounting Office. Most of these changes are minor and technical corrections to the 1980 General Accounting Office Personnel Act.

There are three titles in H.R. 4318. The first deals with the Personnel Appeals Board, which was established in 1980 by the General Accounting Office Personnel Act. The Board hears and decides on a broad range of employee grievances which, in the executive branch, would be heard by agencies such as the Merit Systems Protection Board and the Equal Employment Opportunity Commission. H.R. 4318 expands the universe from which members of the Board may be appointed and extends the term of office of members of Board from 3 years to 5. It also adjusts the maximum rate of pay for the general counsel to the Board from GS-15 to GS-16.

The second title amends the retirement annuities and survivor benefits for the Comptroller General and Deputy Comptroller General to keep them in line with the benefits provided to Federal judges. Briefly stated, the bill provides slightly better survivor annuities but requires a slightly larger reduction in the annuity of the Comptroller General to pay for them. The same improvements were passed for Federal judges last Congress.

The third title corrects a couple of references in the law. Also, section 302 increases the allocation of senior executives in the General Accounting Office from 119 to 129.

This bill was jointly requested by GAO management and the Personnel Appeals Board. The Subcommittee on Civil Service could find no opposition by any employees in GAO to the changes. The bill was jointly referred to the Committees on Government Operations and Post Office and Civil Service. I ask unanimous consent that a letter from Chairman Brooks to the Speaker on this issue be printed in the Record.

I urge passage of H.R. 4318.

□ 1210

Mr. Speaker, I include a letter from Chairman Brooks the Speaker on this issue, as follows:

Committee on Government Operations,
Washington, DC, May 5, 1988.

Hon. Jim Wright,
Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: It is my understanding that the Committee on Post Office and Civil Service has reported the bill, H.R. 4318, a bill to improve the administration of the personnel systems of the General Accounting Office. This bill was jointly referred to the Committees on Post Office and Civil Service and Government Operations.

The matter coming within the jurisdiction of the Committee on Government Operations is Title II—Retirement and Annuities. This provision makes changes in the retirement coverage for the Comptroller General and Deputy Comptroller General and their dependents and survivors. If this bill were enacted, retirement and annuity benefits for the Comptroller General will be patterned along the lines of benefits available to judges. In my opinion, this is an appropriate procedure for dealing with the Comptroller General's retirement program since he is appointed for a 15-year term and is not eligible for reappointment.

I have reviewed the bill as reported by the Committee on Post Office and Civil Service, and have no objection to its being brought before the House for its early consideration, notwithstanding that the Committee on Government Operations has not yet acted upon it. My agreement to the consideration of this bill does not constitute a waiver of the Committee's jurisdiction over matters pertaining to the General Accounting Office.

This procedure is concurred in by our Ranking Minority Member, Mr. Horton.

Sincerely,

Jack Brooks,
Chairman.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the chairwoman of the Civil Service Subcommittee, Mrs. SCHROEDER, for developing this legislation. H.R. 4318 makes long overdue changes in the operation of the GAO Personnel Appeal Board, in the Comptroller General's retirement system, and in other provisions of the law relating to GAO personnel.

Accordingly, Mr. Speaker, the minority supports the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado [Mrs. SCHROEDER] that the House suspend the rules and pass the bill, H.R. 4318, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEDERAL BUREAU OF INVESTIGATION AND DRUG ENFORCEMENT ADMINISTRATION SENIOR EXECUTIVE SERVICE

Mrs. SCHROEDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4083) to amend title 5, United States Code, to authorize the establishment of the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, and for other purposes; as amended.

The Clerk read as follows:

H.R. 4083

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY.

(a) IN GENERAL.—Chapter 31 of title 5, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER III—THE FEDERAL BUREAU OF INVESTIGATION AND DRUG ENFORCEMENT ADMINISTRATION SENIOR EXECUTIVE SERVICE

"§ 3151. The Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service

"(a) The Attorney General may by regulation establish a personnel system for senior personnel within the Federal Bureau of Investigation and the Drug Enforcement Administration to be known as the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service (hereinafter in this subchapter referred to as the 'FBI-DEA Senior Executive Service'). The regulations establishing the FBI-DEA Senior Executive Service shall—

"(1) meet the requirements set forth in section 3131 for the Senior Executive Service;

"(2) provide that positions in the FBI-DEA Senior Executive Service meet requirements that are consistent with the provisions of section 3132(a)(2);

"(3) provide rates of pay for the FBI-DEA Senior Executive Service that are not in excess of the maximum rate or less than the minimum rate of basic pay established for the Senior Executive Service under section 5382 and that are adjusted at the same time and to the same extent as rates of basic pay for the Senior Executive Service are adjusted;

"(4) provide a performance appraisal system for the FBI-DEA Senior Executive Service that conforms to the provisions of subchapter II of chapter 43;

"(5) provide for—

"(A) removal consistent with section 3592;

"(B) reduction-in-force procedures consistent with section 3595(a), together with measures to ensure that a member of the FBI-DEA Senior Executive Service may not be removed due to a reduction in force unless reasonable efforts to place such member in another such position are first taken;

"(C) procedures in accordance with which any furlough affecting the FBI-DEA Senior Executive Service shall be carried out; and

"(D) removal or suspension consistent with subsections (a), (b), and (c) of section 7543 (except that any hearing or appeal to which a member of the FBI-DEA Senior Executive Service is entitled shall be held or decided pursuant to procedures established by regulations of the Attorney General);

(6) permit the payment of performance awards to members of the FBI-DEA Senior Executive Service consistent with the provisions applicable to performance awards under section 5384; and

"(7) provide that members of the FBI-DEA Senior Executive Service may be granted sabbatical leaves consistent with the provisions of section 3396(c).

"(b)(1) Except as provided in subsection (a), the Attorney General may—

"(A) make applicable to the FBI-DEA Senior Executive Service any of the provisions of this title applicable to applicants for or members of the Senior Executive Service; and

"(B) appoint, promote, and assign individuals to positions established within the FBI-DEA Senior Executive Service without regard to the provisions of this title governing appointments and other personnel actions in the competitive service.

"(2)(A) Notwithstanding any other provision of this section, an individual may not be selected for the FBI-DEA Senior Executive Service unless such individual is a career employee in the civil service.

"(B) For the purpose of subparagraph (A), 'career employee in the civil service' shall have such meaning as the Attorney General, in consultation with the Director of the Office of Personnel Management, by regulation prescribes.

"(c) The President, based on the recommendations of the Attorney General, may award ranks to members of the FBI-DEA Senior Executive Service in a manner consistent with the provisions of section 4507.

"(d) Notwithstanding any other provision of this section, the Attorney General may detail or assign any member of the FBI-DEA Senior Executive Service to serve in a position outside the Federal Bureau of Investigation or the Drug Enforcement Administration (as the case may be) in which the member's expertise and experience may be of benefit to the Federal Bureau of Investigation or the Drug Enforcement Administration (as the case may be) or another Government agency. Any such member shall not by reason of such detail or assignment lose any entitlement or status associated with membership in the FBI-DEA Senior Executive Service.

"(e) The Attorney General shall each year submit to Congress, at the time the budget is submitted by the President to the Congress for the next fiscal year, a report on the FBI-DEA Senior Executive Service. The report shall include, in the aggregate and by agency—

"(1) the number of FBI-DEA Senior Executive Service positions established as of the end of the preceding fiscal year;

"(2) the number of individuals being paid at each rate of basic pay for the FBI-DEA Senior Executive Service as of the end of the preceding fiscal year;

"(3) the number, distribution, and amount of awards paid to members of the FBI-DEA Senior Executive Service during the preceding fiscal year; and

"(4) the number of individuals removed from the FBI-DEA Senior Executive Service during the preceding fiscal year—

"(A) for less than fully successful performance;

"(B) due to a reduction in force; or

"(C) for any other reason.

"§ 3152. Limitation on pay

"Nothing in this subchapter shall be construed to allow the aggregate amount payable to a member of the FBI-DEA Senior Executive Service under this subchapter during any fiscal year to exceed the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such year. This section shall be applied in a manner consistent with paragraphs (1) and (2) of section 5383(b).".

(b) CHAPTER ANALYSIS.—The analysis for chapter 31 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III—THE FEDERAL BUREAU OF INVESTIGATION AND DRUG ENFORCEMENT ADMINISTRATION SENIOR EXECUTIVE SERVICE

"Sec.
"3151. The Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service.
"3152. Limitation on pay.".

SEC. 2. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 2108(3) of title 5, United States Code, is amended in the matter following subparagraph (G) by inserting "the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service," after "the Senior Cryptologic Executive Service,".

(b) Section 3109(c) of title 5, United States Code, is amended by inserting "or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service" after "Service".

(c) Section 3132(a) of title 5, United States Code, is amended—

(1) in paragraph (1)(B), by inserting "the Drug Enforcement Administration," after "the Federal Bureau of Investigation,"; and

(2) in paragraph (2)—

(A) by adding "or" at the end of clause (i);

(B) by striking "or" at the end of clause (ii); and

(C) by striking clause (iii).

(d) Section 3321(c) of title 5, United States Code, is amended by striking "Service." and inserting "Service or the Federal Bureau of

Investigation and Drug Enforcement Administration Senior Executive Service.".

(e) Section 3501(b) of title 5, United States Code, is amended by striking "Service." and inserting "Service or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service.".

(f) Section 4301(2)(E) of title 5, United States Code, is amended by striking "Service;" and inserting "Service or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service;".

(g) Section 5108(a) of title 5, United States Code, is amended—

(1) by striking "and" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting "; and";

(3) by inserting after clause (ii) the following:

"(iii) the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service."; and

(4) in the last sentence, by striking "GS-16, 17, and 18 in the Federal Bureau of Investigation." and inserting "the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service.".

(h) Chapter 53 of title 5, United States Code, is amended—

(1) in section 5311(a), by striking "Service positions," and inserting "Service positions and positions in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service,";

(2) in section 5311(b)(2), by striking the matter after subparagraph (B) and inserting the following:

"but does not include any Senior Executive Service position (as defined in section 3132(a) of this title) or any position in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service."; and

(3) in section 5331(b), by striking "Service positions," and inserting "Service positions and positions in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service,".

(i) Chapter 55 of title 5, United States Code, is amended—

(1) in section 5541(2)—

(A) by striking "or" at the end of clause (xv);

(B) by striking the period at the end of clause (xvi) and inserting "; or"; and

(C) by adding at the end the following:

"(xvii) a member of the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service."; and

(2) in section 5595(a)(2)(i), by striking "other than a member of the Senior Executive Service" and inserting ", other than a member of the Senior Executive Service or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service,".

(j) Section 5723(a)(1) of title 5, United States Code, is amended by striking "shortage," and all that follows thereafter through "of any person" and inserting "shortage, (B) of a new appointee to the Senior Executive Service or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, or (C) of any person".

(k) Section 6304(f) of title 5, United States Code, is amended—

(1) by striking "or" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; or"; and

(3) by adding at the end the following:

"(5) the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service.".

(l) Section 8336(h) of title 5, United States Code, is amended by adding at the end the following:

"(3) A member of the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service who is removed from such service for less than fully successful executive performance after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity.".

(m) Section 8414(a) of title 5, United States Code, is amended by adding at the end the following:

"(3) A member of the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service who is removed from such service for less than fully successful executive performance after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity.".

The SPEAKER pro tempore. Is a second demanded?

Mr. GILMAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4083, which was introduced by my good friend and colleague DON EDWARDS, establishes a Senior Executive Service for the Federal Bureau of Investigation [FBI] and the Drug Enforcement Administration [DEA]. The bill was requested by the administration.

The Senior Executive Service established by this bill is modeled after the Government-wide SES established in 1978 by the Civil Service Reform Act. The purpose of the Government-wide SES, as well as the Senior Executive Service established under H.R. 4083, is to improve the efficiency and effectiveness of Government management by providing agencies managers with greater flexibility in utilizing top executives and by providing better pay and benefits for those top executives.

Since the passage of the Civil Service Reform Act, separate, independent Senior Executive Services have been created by statute for the General Accounting Office, the National Security Agency, and the Defense Intelligence Agency. These agencies, like the FBI and DEA, were specifically excluded from coverage by the 1978 law because of the special nature of their missions. H.R. 4083 brings the FBI and DEA in line with these agencies by creating a separate Senior Executive Service for them.

The FBI and DEA have had increasing problems in retaining executives. Early retirement or a private sector job look better to some individuals than an assignment to an expensive area like Washington or New York. Creating a Senior Executive Service for these agencies will not solve the retention problem, but it will make it easier for these agencies to keep top employees. The financial advantages of being in the SES include unlimited accumulation of annual leave, higher base pay rates, and performance awards.

H.R. 4083 is the product of bipartisan effort. The Committee on Post Office and Civil Service unanimously reported the bill April 27, 1988. It has been a 10-year wait for executives at the FBI and DEA. I urge adoption of H.R. 4083.

Mr. GILMAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I commend the gentleman from California [Mr. EDWARDS] and the gentlewoman from Colorado [Mrs. SCHROEDER] for crafting this important piece of legislation.

The Civil Service Reform Act of 1978 established the Senior Executive Service [SES] for top managers in most executive agencies, but specifically excluded managers in certain agencies, including the FBI and DEA. These agencies were excluded from the Governmentwide SES due to the special nature of their missions. Since that time, separate, independent senior executive services have been created by statute for the General Accounting Office, the National Security Agency, and the Defense Intelligence Agency. The Central Intelligence Agency has created its own SES by regulation. H.R. 4083 provides a similar deserving SES for the FBI and for the DEA.

Accordingly, I urge my colleagues to support the bill.

Mr. RANGEL. Mr. Speaker, I rise in strong support of H.R. 4083, Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service. I commend the diligence of the gentlewoman from Colorado, Mrs. SCHROEDER, in bringing this bill before us.

When the Civil Service Reform Act of 1978, Public Law 95-454, was passed, which established a Governmentwide Senior Executive Service, the FBI and DEA were excluded because of security considerations. The purpose of H.R. 4083, is to authorize the establishment of a separate and independent Senior Executive Service [SES] for the Federal Bureau of Investigation and the Drug Enforcement Administration, not subject to the control of the Office of Personnel Management. The creation of a Senior Executive Service for the FBI and the DEA is an administration proposal which is supported by the two agencies involved. H.R. 4083 would provide the DEA with comparability in pay and benefits with senior managers of other Federal departments and agencies.

Because of the unique nature of the work performed by the FBI and the DEA, it is not appropriate that all of the traditional rules applied to the Senior Executive Service under the supervision of the Office of Personnel Management apply to the FBI and DEA. There is precedent for creation of a separate independent Senior Executive Service for specialized agencies. Since the passage of the Civil Service Reform Act, separate independent Senior Executive Services have been created by statute for the General Accounting Office, the National Security Agency, and the Defense Intelligence Agency, and the Central Intelligence Agency has established its own SES by regulation.

According to House Report 100-608, which accompanies H.R. 4083, "The FBI and DEA want their top employees to gain the financial advantages of the SES, including unlimited accumulation of annual leave, higher base pay rates, and performance awards. Erosion of pay and increased living costs in many areas have made it necessary to provide the higher SES benefit levels to retain executive level personnel within the FBI and DEA."

In recognition of the special need for confidentiality surrounding the work of the FBI and DEA, under H.R. 4083 the Office of Personnel Management is not authorized to review the performance appraisal system established for the FBI-DEA Senior Executive Service. Unlike for the Senior Executive Service of most other Federal departments and agencies, the names of the members of the performance review boards for the FBI-DEA Senior Executive Service would not have to be published in the Federal Register.

House Report 100-608 states:

> H.R. 4083 provides that the Attorney General may establish a personnel system for senior personnel with the Federal Bureau of Investigation and the Drug Enforcement Administration to be known as the Federal Bureau of Investigation and the Drug Enforcement Administration Senior Executive Service. The Attorney General is authorized to issue regulations for the SES that are consistent with the governmentwide Senior Executive Service in matters of pay, performance appraisal, removal, reduction in force, payment of performance awards, and sabbatical leave. The Attorney General's functions include the issuance of regulations, allocation of SES positions, and recommendations of individuals to receive rank awards.

Mr. Speaker, the creation of a FBI-DEA SES is in no way intended to provide greater integration between the two agencies than exists now. Unlike the governmentwide SES, which permits a limited number of noncareer senior executives, this bill does not permit any noncareer senior executives in the FBI-DEA senior executive service. Current law allows for the accumulation of 240 hours of annual leave with some restoration permitted under limited conditions. Because of the nature of the work done by the FBI and DEA executives frequently cannot take the leave they are entitled to. H.R. 4083 would permit senior executives in the DEA and FBI to accumulate annual leave without limit, as can senior executives of other agencies.

In brief H.R. 4083 simply provides parity for senior executives of the Federal Bureau of Investigation and Drug Enforcement Administration in terms of pay and benefits with senior executives of other Federal departments and agencies. I urge my colleagues to pass this legislation overwhelmingly.

Mr. Speaker, the minority has no further requests for time, and I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado [Mrs. SCHROEDER] that the House suspend the rules and pass the bill, H.R. 4083, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PAY FOR THE DIRECTOR OF THE BUREAU OF THE CENSUS

Mrs. SCHROEDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3896) to amend title 5, United States Code, to change the position of the Director of the Census Bureau to level IV from level V in the Executive Schedule.

The Clerk read as follows:

H.R. 3896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5316 of title 5, United States Code, is amended by striking the item relating to the Director, Bureau of the Census, Department of Commerce.

(b) Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Director, Bureau of the Census, Department of Commerce.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 20 minutes and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3896, a bill to upgrade the position of the Census Bureau Director from executive level V to executive level IV. The bill was introduced on February 3, 1988, by Representative MERVYN DYMALLY, of California, and is supported by the administration. The bill was ordered reported by voice vote of the Committee on Post Office and Civil Service.

As we all are aware, the Census Bureau provides the statistics which enable us to anticipate and plan for demographic and economic changes. Decennial, economic, and agriculture census data collected by the Census Bureau is crucial to the development and implementation of both public and private sector programs. Agencies of Government ranging from the Central Intelligence Agency to Health and Human Services, from Housing and Urban Development to the National Science Foundation, rely on the Census Bureau to perform key statistical surveys, analyses, and training.

The current pay level of the Census Bureau Director was set in the 1960's and does not reflect the extensive role the Bureau now plays in our national activities. Although the Census Bureau Director is currently a level V position, the responsibilities of the Director suggest that the position is comparable to Commerce Department level IV positions.

H.R. 3896, which is based on a legislative proposal submitted by the Secretary of Commerce, corrects this situation by raising the pay level of the Census Bureau Director to executive level IV. The accompanying salary increase, from $72,500 to $77,500, will be absorbed within the Census Bureau's budget and will not require an additional appropriation.

This legislation is necessary if we are to properly recognize the dedication and hard work of the Census Bureau Director. The Director must be of the highest quality if we are to ensure the integrity of statistics used throughout the Nation. H.R. 3896 will help to maintain the exemplary professionalism which now characterizes the Director of the Bureau of the Census. I urge my colleagues to recognize this need and support the passage of H.R. 3896.

Mr. GILMAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I commend the gentleman from California [Mr. DYMALLY] for taking the initiative to introduce this bill.

The Census Bureau has been taking on more and more responsibility and yet the Director has not been appropriately compensated.

It has been reported that Federal pay and benefits are 25 percent behind the private sector. Accordingly, this legislation appropriately addresses this problem.

I urge my colleagues to support the bill.

Mr. DYMALLY. Mr. Speaker, as the sponsor of H.R. 3896, I would like to thank Mr. SIKORSKI, in his capacity as Chair of the Subcommittee on Human Resources, for his assistance in moving this bill so quickly.

H.R. 3896 would amend title 5, United States Code, to change the position of the Director of the Census Bureau to level IV from level V in the Executive Schedule.

The present executive level position of the Census Bureau Director, who is appointed by the President with the advice and consent of the Senate, is not commensurate with the responsibilities and authority exercised within and on behalf of the Department of Commerce by that official. It was set in the early 1960's before legislation expanded the activities and roles of the Census Bureau.

The work of the Census Bureau in the 1980's includes the decennial census—the largest peacetime activity of the Federal Government—and the agricultural and economic censuses. Data collected from these censuses are used in public and private planning, including such matters as tax policy and social security. Additionally, many Federal agencies rely on the Census Bureau for key statistical surveys, analyses, and training.

The role of the Bureau, however, is not reflected in the level now accorded the position of its Director. A comparative analysis of functions and responsibilities at the various levels of the Executive Schedule found in the Department of Commerce and its level IV positions suggests that the Census Bureau Director's responsibilities are comparable to those of other Commerce Department level IV positions.

Mr. Speaker, for these reasons I urge that the position of Director, Bureau of the Census, should be raised from a level V to a level IV of the Executive Schedule.

Mr. GILMAN. Mr. Speaker, the minority has no requests for time, and I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado [Mrs. SCHROEDER] that the House suspend the rules and pass the bill, H.R. 3896.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENE TAYLOR POST OFFICE BUILDING

Mrs. SCHROEDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3987) to designate the U.S. Post Office Building located at 500 West Chestnut Expressway in Springfield, MO, as the "Gene Taylor Post Office Building."

The Clerk read as follows:

H.R. 3987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the United States Post Office Building located at 500 West Chestnut Expressway in Springfield, Missouri, is hereby designated as the "Gene Taylor Post Office Building". Any reference to such building in a law, rule, map, document, record, or other paper of the United States shall be considered to be a reference to the "Gene Taylor Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 20 minutes and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my privilege to speak on behalf of H.R. 3987, the Gene Taylor Post Office bill. My good friend from Missouri has represented his Ozark constituency for the last 16 years; and although we may have been on the opposite side of the fence on different issues, partisan rancor has never been a part of GENE's political demeanor.

GENE presently serves as the ranking minority member on the Post Office and Civil Service Committee. It is a tribute to his legislative skills that all members of the committee and members from his home State of Missouri have cosponsored the legislation before us.

GENE, as ranking minority member of the Post Office and Civil Service Committee, has played a pivotal role in crafting and developing legislation improving the working conditions and benefits on the Nation's postal and Federal work forces. It was GENE's ingenuity and creativity which led to the bipartisan support in passage of the Federal Employees' Retirement System and the Hatch Act reform bill. In overseeing the operations of the Postal Service, GENE has been a staunch defender of the integrity of the postal system.

I believe I speak for all my colleagues in expressing my admiration for Congressman TAYLOR and best wishes for a happy and fulfilling future. But I don't call his departure from the Congress a retirement.

He will have his hands full running his farm back in his hometown of Sarcoxie, MO. I wish him nothing but the best of luck.

Mr. GILMAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr Speaker, H.R. 3987 designates a postal facility in Springfield, MO, as the "Gene Taylor Post Office Building." It is designated to honor a respected colleague and valued friend, the gentleman from Missouri [Mr. TAYLOR] who is retiring from this body after 16 years of distinguished service.

As the ranking minority member of the Post Office and Civil Service Committee, GENE TAYLOR has given real meaning to the term "bipartisanship" in the development of meaningful legislation. Congressman TAYLOR, along with another of our colleagues, Mr. WILLIAM CLAY, were the key players in putting together the Missouri compromise, circa 1987, better known as Hatch Act reform. Because of their herculean efforts, the measure won approval in this body with more than 300 affirmative votes. Mr. TAYLOR also played an important role in crafting legislation creating a new Federal Employees' Retirement System Act of 1986.

I think it is worth noting that all of the members of the Post Office and Civil Service Committee are cosponsors of this bill as are all of the members of Congressman TAYLOR's home-state Missouri delegation.

The facility in Springfield which the committee has chosen to bear Congressman TAYLOR's name, features advanced technological mechanisms for processing mail. It is appropriate that such a facility be associated with a man who always was in a lead role on meaningful legislation.

Mr. CLAY. Mr. Speaker, I rise in support of H.R. 3987, to designate a U.S. Post Office Building in Springfield, MO, as the Gene Taylor Post Office Building.

GENE TAYLOR has served as a distinguished Member of Congress for 16 years. As a fellow member of the Missouri delegation and the ranking minority member of the Post Office and Civil Service Committee, it has been a pleasure working with GENE. Upon his retirement from Congress at the end of this session, I know he will be missed in the Halls of this hallowed institution.

Through GENE TAYLOR's diligence and hard work last year we were able to forge ahead with H.R. 3400, legislation to reform the antiquated Hatch Act. he certainly demonstrated his legislative skills in leading the effort on the minority side to make this bill a truly bipartisan one. The overwhelming House vote on H.R. 3400 of 305 to 112 is a tribute to GENE's hard work and dedication.

I consider myself privileged to have served with GENE TAYLOR in the House and on the committee. Enactment of H.R. 3987 will be an enduring tribute for the service he has performed to his district, his State, and his Nation.

I urge support for H.R. 3987.

Mr. FORD of Michigan. Mr. Speaker, I rise to support H.R. 3987, which designates the post office building located at 500 West Chestnut Expressway in Springfield, MO, as the "Gene Taylor Post Office Building."

If anybody deserves to have his name on a post office, it is our colleague GENE TAYLOR, who has been a valued and diligent member of the Post Office and Civil Service Committee, which I have the honor of chairing.

Every single member of that committee, from both sides of the aisle, is a cosponsor of this bill, poignantly attesting to the high esteem in which GENE is held by his colleagues.

Over the years he has worked assiduously to protect both the Postal Service and postal employees. And I want to say that he is going to be greatly missed on the committee.

As he returns to private life in Missouri, I believe it is altogether fitting that we honor GENE for a job superbly done.

No one in Congress has had a more abiding commitment to the independence and integrity of the Postal Service. With GENE these twin virtues have been akin to religion. And he battled fiercely over the years to protect them.

Without GENE's contributions and political skills, we could not have passed and had signed into law the new Federal Employee Retirement System, which has become a model among retirement plans.

Mr. Speaker, my personal political persuasions are well known to this body. And I am certain that my colleagues understand that when I heap praise on a Member from the other party, he is well deserving of the accolade.

For GENE TAYLOR I have very special warm feelings. I know our associates in this body feel the same way. And this is one of the best ways I know to honor him and his efforts.

Mr. BUECHNER. Mr. Speaker, with one reservation, I express my full and faithful support for the dedication of the Gene Taylor Post Office Building. On the glorious, but saddening event of the retirement of GENE TAYLOR, my fine Missouri Republican colleague and notorious down-home storyteller, we should rededicate it "The Gene Taylor Storytellin', Hunkerin' Down, Whittlin', Spittin', Legend of the Ozark Post Office Building."

Woe unbeknownst to the man, woman, or child who has not shared in the legacy of the Gene Taylor storytelling routine, for no matter where you're sitting when GENE gets going, it feels like you're in front of a crackling campfire or gliding slowly along on a Mississippi riverboat. I would like to retell one of them, but they're so long that with my commitment to fiscal responsibility, I wouldn't want to require the Government Printing Office to spend the extra money on more pages in the CONGRESSIONAL RECORD. You'll just have to take my word for it.

GENE is also well-known for his commonsense quips. Once, when GENE was asked why he had voted against a bill officially converting the United States to the metric system, he said "they're trying to change the length of an inch." Better yet, in this age of congressional micromanagement, we should all remember the eternal ring of GENE'S maxim along the lines of "Congressmen are like cockroaches: it ain't what they eat; it's what they mess up."

With the well-earned retirement of GENE TAYLOR, this body loses not only a wealth of lore, but a wealth of inspiration. Through it all, GENE has provided the best combination of serious commitment with an elbow nudge and a grin that reminds us of our place in the universe of governance. In future sessions, we must try to remember his presence and dedicate ourselves to following in his modest, yet accomplished steps.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado [Mrs. SCHROEDER] that the House suspend the rules and pass the bill, H.R. 3987.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1225

JOHN DENT POST OFFICE BUILDING

Mrs. SCHROEDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4433) to designate the U.S. Post Office Building in Jeannette, PA, as the "John Dent Post Office Building."

The Clerk read as follows:

H.R. 4433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United State Post Office Building in Jennette, Pennsylvania, is designated as the "John Dent Post Office Building". Any reference in a law, map, regulation, document, record, or other papers of the United States to that building shall be deemed to be a reference to the "John Dent Post Office Building".

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the rule, a second is not required on this motion.

The gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 20 minutes and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4433 would designate the U.S. Post Office Building in Jeannette, PA, as the "John Dent Post Office Building."

John Dent was a distinguished Member of Congress for 20 years (1958–78). He is a native of the town of Jeannettee, within the then-21st Congressional District of Pennsylvania, which he represented in the House. When he retired, he was second ranking member of the House Education and Labor Committee and chairman of the Subcommittee on Labor Standards.

Among the landmark bills he sponsored and shepherded through to enactment were the Employee Retirement Income Security Act of 1972, the Coal Mine Health and Safety Act of 1969, and the Black Lung Act. Prior to his service in the House, John Dent was a distinguished member of the Pennsylvania State Legislature. In total, John Dent devoted 43 years of his life to public service representing the people of Pennsylvania and the Nation.

Enactment of H.R. 4433 will be a fitting tribute to John Dent's life service to his community, his State, and his country. Mr. Speaker, the House passed a similar bill during the 98th Congress, but the other body failed to act on it.

I urge support for H.R. 4433.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a privilege to rise in support of H.R. 4433 which designates the U.S. Post Office Building in Jeannette, PA, as the "John Dent Post Office Building." It is a well-deserved tribute to a former colleague who was a valuable and respected member of this body for 20 years.

John Dent first was elected in 1958, and he was reelected at successive congressional elections until his retirement in 1978. His long, distinguished career was highlighted by his chairmanship of a labor subcommittee of the House Education and Labor Committee where friend and foe acknowledged his expertise on labor legislation. It was John Dent who established the legislative guidelines for black lung legislation.

This bill was reported without dissent on, April 27, by the Post Office and Civil Service Committee. I am pleased to recommend this worthwhile legislation for your approval.

Mr. CLAY. Mr. Speaker, I rise in support of H.R. 4433 to designate the U.S. Post Office Building in Jeannette, PA, as the "John Dent Post Office Building."

John Dent was a distinguished Member of Congress for 20 years, 1958–78. He is a native of the town of Jeannette within the then-21st Congressional District of Pennsylvania, which he represented in the House. When he retired, he was second ranking member of the House Education and Labor Committee and chairman of the Subcommittee on Labor Standards.

Among the landmark bills he sponsored and shepherded through to enactment were the Employee Retirement Income Security Act of 1972, the Coal Mine Health and Safety Act of 1969, and the Black Lung Act. Prior to his service in the House, John Dent was a distinguished member of the Pennsylvania State Legislature. In total, John Dent devoted 43 years of his life to public service representing the people of Pennsylvania and the Nation.

I was privileged to serve with John Dent in the House and on the Education and Labor Committee for many years. Enactment of H.R. 4433 will be a fitting tribute to his life of service to his community, his State, and his country.

I urge support for H.R. 4433.

Mr. FORD of Michigan. Mr. Speaker, it is a great pleasure to speak in support of H.R. 4433, a bill to designate the U.S. Post Office Building in Jeannette, PA, as the John Dent Post Office Building. This legislation is a fitting tribute to a great legislator and a remarkable human being.

John Dent was a representative of the "little people," the average working man and woman in America.

When John retired from the Congress in 1978, because of ill health, his absence was felt immediately. He was preparing to take to the House floor legislation to lift low-wage workers out of their financial morass. The 1977 law which provided increases in the Federal minimum wage was John Dent's appropriate farewell to public service in behalf of American workers.

John was a leader in the fight for progressive labor legislation. Another landmark law is the Employee Retirement Income Security Act—ERISA. It was his usual concern that American workers not be denied the fruits of their labor, that led John to develop the legislation. It was his leadership, political acumen, and legislative skills that achieved passage of the law that guarantees that workers who are covered by private pension plans will receive their pensions when they retire.

A review of significant workers protection laws of the last two decades invariably leads to the contributions made by John Dent. From construction workers to miners, from waterfront to the factory. If there was legislation to improve the wages and working conditions of American labor, John Dent was involved in shaping the law.

However, it was John's greatest quest which eluded him. He conducted an almost one-man crusade for a fair trade policy. Heading a special Subcommittee on the Impact of Imports, John documented the manner in which foreign producers, with the backing of their governments, placed American producers at a competitive disadvantage, and displaced thousands of American workers. Unfortunately, many of John's expressed concerns about the harm to the American economy caused by misguided trade policies have come to fruition.

I do not want to give the impression that John Dent was a one-dimensional man. Far from it. In his early career on the Education and Labor Committee, John headed an education subcommittee which produced such important laws as Federal assistance for libraries and education of needy children, and financial assistance to federally impacted school districts.

John's commitment to the American working class has its roots in the place he called home. Jeannette is an industrial town in western Pennsylvania, populated mainly by the kinds of working people John fought so hard for. It is fitting that his name will be enshrined on the U.S. Post Office Building in the town he represented so well in the State legislature and in the U.S. Congress.

John Dent's achievements are legion, but he will also be remembered for his innate abilities. He had geat common sense, and an uncommon ability to cut through the rhetoric and get to the central point of any discussion. He was not college educated, yet he could interpret legislation as well as any attorney. He was also a master politician. It was these inborn skills that John used so well, and which enabled him to accomplish so much that was good. He was a warm person with a great sense of fairness, and a deep concern for people.

I wholeheartedly support this legislation to honor and remember a very special person.

Mr. MURTHA. Mr. Speaker, I take particular pride in speaking in support of this bill, because I had the chance to work with and be friends with John Dent, and to know first-hand what an extraordinary human being he was.

I am also proud because I am listed as chief sponsor of this bill. I say listed, because I am actually only offering it on behalf of the residents of Westmoreland County who John Dent represented so excellently for 40 years in Government, and on behalf of the literally millions of Americans who today are living better, fuller lives because of the legislation developed, authorized, and guided into law by John Dent. These individuals are the true chief sponsors of this bill.

In a recent news article, Jeannette mayor, Jeffry Pavetti, made the following observations about this bill:

> I think it's absolutely appropriate. Dent began his political career in Jeannette, and throughout his career he stood for us—the average working people.
>
> He has a legacy which needs to be remembered, and I think the people of Jeannette would be proud to rename their post office commemorating Dent. I think it's the least that can be done to honor him.

John Dent served in the highest traditions of the U.S. House of Representatives. He was a man of his word. He was a man of vision. He was a man of leadership. He was a man of compassion.

But for all the good work John Dent did within this body, his true focus was always outside, on the people of this country, and on the people he represented in Pennsylvania's Westmoreland County. And that remained his greatest vision. Today, it remains as his greatest legacy.

It is fitting that we take a building in the center of the area that was his focus and name it in his honor. I urge full support for this bill to name the Jeannette Post Office after Congressman John Dent.

Mr. GILMAN. Mr. Speaker, the minority has no further requests for time, and I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question in on the motion offered by the gentlewoman from Colorado [Mrs. SCHROEDER] that the House suspend the rules and pass the bill, H.R. 4433.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JOHN O. HOLLY BUILDING OF THE U.S. POSTAL SERVICE

Mrs. SCHROEDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4448) to designate the Cleveland, OH, general mail facility and main office in Cleveland, OH, as the "John O. Holly Building of the United States Postal Service."

The Clerk read as follows:

H.R. 4448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building located at 2400 Orange Avenue, Cleveland, Ohio, known as the Cleveland, Ohio General Mail Facility and Main Office is designated as the "John O. Holly Building of the United States Postal Service". Any reference in a law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the John O. Holly Building of the United States Postal Service.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 20 minutes and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to urge my colleagues to support H.R. 4448, a bill to designate the Cleveland OH, general mail facility as the "John O. Holly Building of the United States Postal Service." This bill was introduced by my colleague from Ohio [Mr. STOKES]. In a letter to each of us earlier this year he summarized the accomplishments of the late Mr. Holly as follows:

> During his lifetime, 1903–74, the late John Oliver Holly distinguished himself as both a champion and pioneer in the realm of civil rights and equal employment opportunity. At a time when most of the civil rights leaders of the sixties were only children, Mr. John O. Holly was organizing the future Outlook League, one of the most successful "grass roots" local organizations for tearing down racial barriers to employment opportunities in the Nation. He was a pioneer in the use of peaceful demonstrations to achieve social justice.
>
> The unyielding efforts of John O. Holly resulted in major accomplishments in the field of social and human rights including the first hiring of Blacks in major food chains, department stores, and leading corporations throughout the Cleveland area.
>
> Through the use of innovative methods, he succeeded in moving foward an agenda of social and economic equality that would serve as a guide for the generations of civil rights leaders who were to follow him.
>
> By any standard, John O. Holly is a great American. His dedication to employment access and equity must not be allowed to go unrecognized. The designation of Cleveland's main post office building in honor of Mr. John O. Holly's steadfast commitment to social and human equality is a deserving tribute to a man who dedicated his entire life to creating employment opportunities for the less fortunate in our society.

Again, I urge my colleagues to support H.R. 4448.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4448 is a bill to rename the main postal facility in Cleveland, OH, the "John O. Holly Postal Facility." It is a bill worthy of our wholehearted support and I commend the gentleman from Ohio [Mr. STOKES] for bringing this legislation to the House floor.

This legislation embodies much more than a simple name change. In my view, it is legislation of deep significance since it pays tribute to John Oliver Holly's lifelong commitment to social and human equality. He was a pioneer in the practice of peaceful demonstrations in the pursuit of social justice.

His innovative methods in the field of social and human rights served as a broad and meaningful roadmap for the generations of civil rights leaders who were to follow him.

H.R. 4448 is a tribute to a great American who always was in the forefront of the fight to advance and create opportunities for the less fortunate in society.

It is my pleasure to recommend H.R. 4448 for your approval.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Ohio [Mr. STOKES], the author of the bill.

Mr. STOKES. Mr. Speaker, I rise in support of H.R. 4448, to rename the U.S. postal building located at 2400 Orange Avenue in Cleveland, OH, as the "John O. Holly Building of the United States Post Office."

Mr. Speaker, it was with great pride that I introduced this legislation, in tribute to and in recognition of one of the greatest citizens of Cleveland, OH—John Oliver Holly. During his lifetime, John Oliver Holly distinguished himself as both a champion and a pioneer in the realm of civil rights and equal employment opportunity.

John O. Holly was the founder and organizer of the Future Outlook League, the most successful grassroots organization in Cleveland history for tearing down racial barriers to employment opportunities. He was a pioneer in the use of peaceful demonstrations to achieve social justice.

The unyielding efforts of John O. Holly resulted in the first hiring of blacks in major food chains, department stores, and leading corporations throughout the Cleveland area. Through the use of innovative methods, he succeeded in moving forward an agenda of social and economic equality that would serve as a guide for the generations of civil rights leaders who were to follow him.

In 1954, John O. Holly made a bid for the Democratic nomination for Congress to represent the 21st District of Ohio. I am proud to serve the district he sought to represent, and like many other black leaders in the Cleveland community and throughout our Nation, I have benefited from the causes this great man championed. John O. Holly's leadership, commitment, and his cognizance of political and economic realities, was utilized to the benefit of all Clevelanders but particularly for blacks who were shut out of the economic and political system.

Mr. Speaker, by any standard, John O. Holly was a great American. The designation of Cleveland's main post office building in recognition of his commitment to social and human equality is a deserving and lasting tribute to a man who dedicated his entire life to helping the less fortunate in our society.

Mr. CLAY. Mr. Speaker, I rise in support of H.R. 4448, to designate the Cleveland, OH, General Mail Facility and Main Office as the "John O. Holly Building of the United States Postal Service." The bill is sponsored by my colleague, Congressman LOUIS STOKES of Cleveland.

The purpose of H.R. 4448 is to pay tribute to an heroic and unique American, John O. Holly. During his lifetime, 1903–74, the late John Oliver Holly distinguished himself as both a champion and pioneer in the realm of civil rights and equal employment opportunity. At a time when most of the civil rights leaders of the sixties were only children, Mr. John O. Holly was organizing the Future Outlook League, one of the most successful grassroots local organizations for tearing down racial barriers to employment opportunities in the Nation. He was a pioneer in the use of peaceful demonstrations to achieve social justice. In his determination to improve employment opportunities for blacks, Mr. Holly often placed his personal safety in jeopardy.

The unyielding efforts of John O. Holly resulted in major accomplishments in the field of social and human rights including the first hiring of blacks in major food chains, department stores, and leading corporations throughout the Cleveland area. The many accomplishments and attributes that have come to characterize John O. Holly are both noteworthy and remarkable. Through the use of innovative methods, he succeeded in moving forward an agenda of social and economic equality that would serve as a guide for the generations of civil rights leaders who were to follow him.

John O. Holly was one of my heroes and renaming the post office building in his honor would be an appropriate manner of memorializing his enduring contributions to Cleveland and the Nation. I urge my colleagues to support H.R. 4448.

Mrs. SCHROEDER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado [Mrs. SCHROEDER] that the House suspend the rules and pass the bill, H.R. 4448.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on H.R. 4318, H.R. 4083, H.R. 3896, H.R. 3987, H.R. 4433, and H.R. 4448, the bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

SEVENTH REPORT ON STATE OF SMALL BUSINESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. MONTGOMERY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Small Business:

(For message, see Proceedings of the Senate of today, Monday, May 9, 1988.)

COMMEMORATE SIGNIFICANT NATIONAL EVENTS WITH COMMEMORATIVE COINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, numismatics, the study or collection of coins, tokens, or paper money, has long been of interest and importance to me. I agree with many who maintain that coinage serves as a reflection of our history and progress. I do not, however, believe that a change in the design on our coinage is a pressing national concern.

We have had commemorative coin programs since 1982 which have evolved into an impressive collection of historical representations honoring people and events which have helped to make this country strong and unique. These programs have become quite popular and profitable. Commemorative coins honoring the 250th anniversary of the birth of George Washington, the Centennial of the Statue of Liberty, the 1984 and 1988 Olympics, and the Bicentennial of the Constitution have been produced. Judging by the popularity of these coins, these programs are an appropriate way to symbolize American culture and to commemorate that which has made our country a world power and a living example of democratic principles.

Those in favor of design changes might well consider the substantial advantage of flexibility in commemorative coinage over changing designs on circulating coins. New commemoratives may be produced as events arise which merit this honor. Commemorative coins should be timely reflections of significant events in our history.

In reaction to the excesses of the 1930's, Congress and the President repeatedly refused to issue further commemorative coins, with none at all issued between 1954 and 1982. As chairman of the Coinage Subcommittee, I feel a deep sense of responsibility to ensure that the Nation does not again begin to slip down the road toward a proliferation of commemorative issues, resulting in a termination of all commemorative coins. For this reason, I generally oppose the issuing of more than one commemorative coin per year. Since the resumption of commemorative coinage in 1982, this honor has been bestowed on a relatively small number of significant events which are of the greatest importance to the Nation. As these events arise, Congress may authorize these coins if it feels that public sentiment is strong enough to ensure the sale of the coins.

Though such occasions are certainly worthy of the special attention that appearances on coins provides, it would be illogical to represent these events on circulating currency as the design would have to change once the anniversary passed. These important events should be honorably commemorated through our existing program rather than through the more costly and confusing notion of continually changing circulating coins. It would certainly be redundant to honor these milestone on circulating as well as commemorative coins, as pending legislation proposes with the Bicentennial of the Constitution.

Continuity is important for circulating coinage. Our coins must be recognizable around the world. The Lincoln penny and the Kennedy half dollar are known worldwide as symbols of our heritage. Why change such established, respected symbols on a whim? Congress has made, and continues to make, valuable contributions to numismatics through successful commemorative coin programs. There is no need to change designs on our circulating coins.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. NIELSON) to revise and extend his remarks and include extraneous material:)

Mr. WELDON, for 5 minutes, on May 10.

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. RAY, for 5 minutes, on May 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. NIELSON of Utah) and to include extraneous matter:)

Mr. CRANE in two instances.

Mr. KEMP.

Mr. RITTER in three instances.

Mr. MCEWEN.

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mrs. BOXER.

Mr. GRANT.

Mr. GRAY of Pennsylvania.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 393. An act for the relief of Emilie Santos;

S. 999. An act to amend title 38, United States Code, and the Veterans' Job Training Act to improve veterans' employment, counseling, and job-training services and programs, and for other purposes;

S.J. Res. 212. Joint resolution to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week"; and

S.J. Res. 240. Joint resolution to designate the period commencing on May 16, 1988, and ending on May 22, 1988, as "National Safe Kids Week."

□ 1240

ADJOURNMENT

Mrs. SCHROEDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 42 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 10, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3567. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to improve the Community Credit Corporation's export programs; to the Committee on Agriculture.

3568. A letter from the Assistant Secretary of the Army (Installations and Logistics), transmitting notification of the decision to convert to contractor performance the Directorate of Engineering and Housing at Fort Carson, CO, pursuant to 10 U.S.C. 2304 note; to the Committee on Armed Services.

3569. A letter from the Secretary of the Navy, transmitting notification of the proposed transfer of the obsolete submarine ex-*Growler* (ex-SSG-577) to the Intrepid Sea-Air-Space Museum, New York, NY, pursuant to 10 U.S.C. 7308(c); to the Committee on Armed Services.

3570. A letter from the Secretary of Housing and Urban Development, transmitting the 1987 annual report for the Department's solar energy and energy conservation bank program, pursuant to 12 U.S.C. 3617(a); to the Committee on Banking, Finance and Urban Affairs.

3571. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to terminate the Federal Crime Insurance Program; to the Committee on Banking, Finance and Urban Affairs.

3572. A letter from the Acting Director, Department of Housing and Urban Development, D.C. Government, transmitting a report compiled by the Office of the Inspector General entitled, "Audit of the Home Purchase Assistance Fund for the Fiscal Year Ended September 30, 1987," pursuant to D.C. Code section 45-2205(b); to the Committee on the District of Columbia.

3573. A letter from the Secretary of Education, transmitting a draft of proposed legislation to achieve greater accountability in Federal student assistance programs, to minimize the potential for waste and abuse, and for other purposes; to the Committee on Education and Labor.

3574. A letter from the Assistant Secretary for Health, and Director, National Vaccine Program, Public Health Service, Department of Health and Human Services, transmitting the first report on the implementation of the National Vaccine Program and activities planned for fiscal year 1988 that are related to the long-term goals of the national vaccine plan, pursuant to 42 U.S.C. 300aa-4; to the Committee on Energy and Commerce.

3575. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the annual report of activities of the Federal Open Market Committee under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3576. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notification of an altered record system submitted by the Department of the Army, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3577. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notification of a proposed new computer matching program between DOD and various financial institutions, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3578. A letter from the Director, Office of Management and Budget, transmitting a report on the implementation by the Federal agencies and State and local governments of the Single Audit Act of 1984, for the period ending January 30, 1988, pursuant to 31 U.S.C. 7507(b); to the Committee on Government Operations.

3579. A letter from the Acting Assistant Attorney General, Office of Legislative Affairs, transmitting a report on the activities of the Bureau of Justice Statistics during fiscal year 1987, pursuant to 42 U.S.C. 3732; to the Committee on the Judiciary.

3580. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the annual reports for 1987 of the 12 voluntary organizations participating in the reception and placement program for the initial resettlement of refugees, pursuant to 8 U.S.C. 1522 note; to the Committee on the Judiciary.

3581. A letter from the Executive Director, American Chemical Society, transmitting the annual comprehensive report and audit for the year ending December 31, 1987, pursuant to 36 U.S.C. 1101(2), 1103; to the Committee on the Judiciary.

3582. A letter from the Secretary of Transportation, transmitting a report of the Buhne Point shoreline erosion demonstration project which was constructed to demonstrate state-of-the-art methods for repairing and protecting highways from shoreline erosion, pursuant to Public Law 97-424, section 131(c)(3) (96 Stat. 2120); to the Committee on Public Works and Transportation.

3583. A letter from the Acting Administrator, General Services Administration, transmitting an informational copy of a lease prospectus to acquire space in Chicago, IL, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3584. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to repeal provisions relating to setting the interest rate on guaranteed or insured housing loans to veterans and inspecting manufactured homes purchased by veterans, to modify the procedures for the sale of loans by the Administrator of Veterans' Affairs, and for other purposes; to the Committee on Veterans' Affairs.

3585. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the U.S. Customs Service for fiscal year 1989, pursuant to 31 U.S.C. 1110; to the Committee on Ways and Means.

3586. A letter from the Board of Trustees, the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, transmitting the 1988 annual report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), 1395t(b)(2) (H. Doc. No. 100-192); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee on Education and Labor. H.R. 3424. A bill amending the Defense Department Overseas Teachers Pay and Personnel Practices Act and the Defense Dependents' Education Act of 1978; with an amendment (Rept. 100-607, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on May 5, 1988, the following report was filed on May 6, 1988]

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 4262. A bill to amend title 17, United States Code, to implement the Berne Convention for the Protection of Literary and Artistic works, as revised at Paris on July 24, 1971, and for other purposes; with an amendment (Rept. 100-609). Referred to the Committee of the Whole House on the State of the Union.

[Submitted May 9, 1988]

Mr. HUGHES: Committee on the Judiciary. H.R. 3911. A bill to amend title 18, United States Code, to provide increased penalties for certain major frauds against the United States; with an amendment (Rept. 100-610). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII,

Mr. DORGAN of North Dakota (for himself, Mr. Jacobs, Mrs. Smith of Nebraska, Mr. Penny, and Mr. Jontz) introduced a bill (H.R. 4548) to amend the Internal Revenue Code of 1986 to clarify the special estate tax valuation rules; which was referred to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

358. By the SPEAKER: Memorial of the Legislature of the State of South Carolina, relative to the McCarran-Ferguson Act; to the Committee on the Judiciary.

359. Also, memorial of the General Assembly of the State of Maryland, relative to a southern division of the U.S. district court for the district of Maryland; to the Committee on the Judiciary.

360. Also, memorial of the Legislature of the State of Hawaii, relative to U.S.-flag vessels; to the Committee on Merchant Marine and Fisheries.

361. Also, memorial of the Senate of the State of Hawaii, relative to a comprehensive national health insurance program; jointly, to the Committees on Ways and Means and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 578: Mr. Espy.

H.R. 2213: Mr. Stokes, Mr. Lancaster, Mr. Bryant, Mr. Wolpe, Mr. Hoyer, Mr. Morrison of Connecticut, and Mr. Tauke.

H.R. 3250: Mr. Mineta, Mr. Rinaldo, and Mr. Downey of New York.

H.R. 3312: Mr. Johnson of South Dakota.

H.R. 3455: Mr. Broomfield.

H.R. 3791: Mr. Chandler and Mr. Hyde.

H.R. 3883: Mrs. Patterson and Mr. McCollum.

H.R. 4074: Mr. Lightfoot, Mr. Obey, Mr. Gunderson, Mr. Wortley, and Mr. Staggers.

H.R. 4198: Mr. Skeen, Mr. McDade, Mr. Bennett, Mr. Chapman, Mr. Sunia, Mr. Stallings, Mr. Towns, Mr. Bonker, Mr. Roe, Mr. Hefner, and Mr. Lipinski.

H.R. 4221: Mr. Boehlert, Mr. Wortley, and Mr. Nowak.

H.J. Res. 50: Mr. Lantos, Mr. Markey, and Mr. Stokes.

H.J. Res. 438: Mr. Kildee.

H.J. Res. 461: Mr. Hamilton, Mr. Alexander, Mr. Obey, Mr. Bonker, Mrs. Meyers of Kansas, and Mr. Davis of Illinois.

H. Con. Res. 238: Mr. Packard.

PETITIONS, ETC.

Under clause 1 of rule XXII,

168. The SPEAKER presented a petition of Rodney D. Strand, et al., Cle Elum, WA, relative to a redress of grievances; which was referred to the Committee on the Judiciary.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the first calendar quarter 1988:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th

(Mark one square only)

Is this an Amendment? ☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

Organization or Individual Filing	Employer/Client
Jean R. AbiNader, 1625 Eye Street, NW, #902 Washington, DC 20006	National U.S.-Arab Chamber of Commerce
John R. Adams, One Tabor Center 1200 17th Street, #2500 Denver, CO 80202	Energy Fuels Nuclear, Inc
Elmer E. Adkins, 89 East Avenue Rochester, NY 14649-0001	Rochester Gas & Electric Corp
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	BNS, Inc
Do	Hasbro Industries, Inc
Do	McDonnell Douglas Corp
Do	National Health Laboratories
Do	Shell Oil Co
David Alberswerth, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation
Alcalde Henderson O'Bannon Rousselot & Wahlquist, 1901 N. Fort Myer Drive, #1204 Rosslyn, VA 22209	Alliance for Clean Energy
Do	City of Las Vegas
Do	Jack Eckerd Corp
Do	Home Shopping Network
Do	McDonnell Douglas Corp
Do	Playtex, Inc
Do	Port of Jacksonville
Do	PIMA
Donald C. Alexander, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Charter National Life Insurance Co)
Douglas S. Alexander, 6050 Tain Drive Dublin, OH 43017	Scherer Companies
Alliance of Nonprofit Mailers, 2001 S Street, NW, #540 Washington, DC 20009	
James E. Allred, 400 First St., NW, #804 Washington, DC 20001	Transportation Communications Union
American Assn for Marriage & Family Therapy, 1717 K Street, NW, #407 Washington, DC 20006	
American Homeland Defense Alliance, P.O. Box 1159 Cave Junction, OR 97523	
John G. Ams, 1660 L St., NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America
Anthony A. Anderson, 1818 N St., NW Washington, DC 20036	Eckert Seamans Cherin & Mellot (For:Burlington Northern, Inc)
Do	Eckert Seamans Cherin & Mellott (For:CSX Corp)
Anderson Hibey Nauheim & Blair, 1708 New Hampshire Ave., NW Washington, DC 20009	Amerop Sugar Corporation
Do	Eco Corporation
Do	Steven Eggers
Do	Enterprise Leasing Co
Do	Park 'N Fly, Inc
Mark Andrews, 2550 M St., NW, #695 Washington, DC 20037	American Assn of Int'l Auto Dealers
Do	American Maritime Officers Service
Do	Transportation Institute
Andrews' Associates, Inc, 2550 M St., NW, #695 Washington, DC 20037	American Maritime Officers Service
Do	Transportation Institute
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Arizona Grape Grower's Assn
Do	Automotive Parts & Service Coalition, Inc
Fred Armstrong Jr, 1100 15th Street, NW, #730 Washington, DC 20005	Portland Cement Assn
Tertia R. Armstrong, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	Donahue & Associates, Inc
Do	LyphoMed, Inc
Do	Mutual of America
Thomas M. Arrasmith, 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp
Michael Ashford, 2030 M Street, NW Washington, DC 20036	Common Cause
Lud Ashley, P.C., 1735 New York Avenue, NW, 6th Fl. Washington, DC 20006	Secondary Mortgage Market Support Group
Association for Commuter Transportation, Inc, 1776 Massachusetts Ave., NW, #521 Washington, DC 20036	
Association of Biotechnology Companies, 1120 Vermont Avenue, NW, #601 Washington, DC 20005	
Leslie Aubin, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business
Walt Auvil, 7981 Eastern Avenue Silver Spring, MD 20910	National Assn of Social Workers
APCO Associates, 1155 21st Street, NW,# 1000 Washington, DC 20036	Bank of Montreal
Carole A. Baekey, 1815 H Street, NW, #600 Washington, DC 20006	Mark B. Weinberg, P.C. (For:Federal Indian Tribes in Michigan)
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	American Protestant Health Assn
Do	Association of Independent Organ Procurement Agencies
Do	Committee for a Just Animal Drug Law
Do	Hospital Insurance Forum
Do	IBM Corp
Do	Loyola University
Do	Missouri Baptist Hospital
Do	National Assn of Nuclear Pharmacies
Do	Occidental Petroleum Corp
Do	Organ Recovery Systems
Do	Western Fuels Assn, Inc
Baker & McKenzie, 815 Connecticut Ave., NW Washington, DC 20006	Honeywell
Jacqueline Balk-Tusa, 2550 M St., NW, #695 Washington, DC 20037	American Maritime Officers Service
Do	Transportation Institute
M. Graeme Bannerman, 888 Sixteenth St., NW Washington, DC 20006	Government of Bangladesh
Martha G. Bannerman, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836-2568	NAC Re Corp
Barrett Smith Simon & Armstrong, 1201 Pennsylvania Avenue, NW, #821 Washington, DC 20004	Bear Stearns & Co, et al.
Robert G. Bartlett, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn
Christopher M. Bates, 1325 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Motor & Equipment Manufacturers Assn
M. Wendell Belew Jr., 499 South Capitol St., SW, #407 Washington, DC 20003	United Parcel Service
Karen A. Berg, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce
Richard B. Berman, 1015 15th St., NW, #1200 Washington, DC 20005	Burger King Corp
Do	Godfather's Pizza, Inc
Do	Pillsbury Company
Do	Quik Wok, Inc
Do	S&A Restaurants Corp
Berman Bergner & Boyette, Inc, 1016 16th Street, NW, #700 Washington, DC 20036	Avianca, Inc
Do	NESCO, Inc
Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn
Margot Bester, 2300 M Street, NW, #800 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co, Inc)
Do	Murphy & Demory, Ltd (For:Committee for the Advancement of Cellular Telephone Service)
Do	Murphy & Demory, Ltd (For:Government of Haiti)
Bethea Jordan & Griffin, P.A., P.O. Box 1454 Columbia, SC 29202	Commercial Metals Co
Richard Bilek, 7721 S. Narragansett St. Burbank, IL 60459	N.R.B. & Associates Ltd
Birch Horton Bittner Pestinger & Anderson, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Ellers Oakley Chester & Rike
Do	McCaw Communications Cos
Bishop Cook Purcell & Reynolds, 1400 L Street, NW Washington, DC 20005-3502	Wal-Mart
Jared O. Blum, 1731 Connecticut Ave., NW, 2nd Fl. Washington, DC 20009-1146	Albers & Company (For:May Department Stores Co)
Michael Bowers, 1717 K Street, NW, #407 Washington, DC 20006	American Assn for Marriage & Family Therapy
Bradbury Bliss & Riordan, 431 West 7th Ave., #201 Anchorage, AK 99501	Akhiok-Kaguyak, Inc
Raymond F. Bragg Jr., 50 F Street, NW, #1040 Washington, DC 20001	Environmental Power Corp
Barbara Bramble, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	National Assn for Home Care
Jean A. Brashears, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee
Broad Schulz Larson & Wineberg, One California Street San Fransisco, CA 94111-5482	De La Salle Institute
Bradly A. Broadwell, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn
David M. Brockman, 725 15th St., NW, #500 Washington, DC 20005	National Grain & Feed Assn
Brownstein Hyatt Farber & Madden, 410 17 St., 22nd Floor Denver, CO 80202	Columbia Savings & Loan Assn
Do	Republic Health Corp
J. M. Brunkenhoefer, 400 First Street, NW, #704 Washington, DC 20001	United Transportation Union
Lana Buck, 1111 14th St., NW, #1100 Washington, DC 20005	American Dental Assn
Robert Buckler, 405 Sibley St., #120 St. Paul, MN 55101	National Board of Fur Farm Organizations
Kevin M. Burke, 1111 14th St., NW Washington, DC 20005	American Bakers Assn
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	American Assn of Dental Schools
Do	American Dental Assn
Do	Federation of Special Care Organizations in Dentistry
Do	Partnership for Improved Air Travel
Cadwalader Wickersham & Taft, 1333 New Hampshire Ave., NW, 7th Fl. Washington, DC 20036	Official Committee of Dalkon Shield Claimants
Elizabeth B. Cady, 1919 Pennsylvania Ave., NW Washington, DC 20006	Steel Service Center Institute
Camp Barsh Bates & Tate, 2550 M St., NW, #275 Washington, DC 20037	National Assn of Nuclear Pharmacies
David Campbell, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation

Organization or Individual Filing	Employer/Client
Jeanne Campbell, 1010 Pennsylvania Ave., SE Washington, DC 20003	American Airlines, Inc
Do	Product Liability Alliance
John G. Campbell, 9418 Wooded Glen Ave. Burke, VA 22015	General Electric Co
Do	West Virginia University
Linda E. Carlisle, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Mercedes-Benz of North America, Inc)
George L. Cary, 1700 Pennsylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co
Cassidy and Associates, Inc, 655 15th St., NW, #1100 Washington, DC 20005	Challenger Center
Do	Children's Hospital in Michigan
Do	Emerson College
Do	Friends of the American Tel Aviv Museum of Art
Do	Gonzaga University
Do	Hygienetics, Inc
Do	Institute for Circadian Physiology
Do	Loyola University of Chicago
Do	Massachusetts Corp for Education Telecommunication
Do	Massachusetts League of Banks
Do	Schutz American School
Do	Tougaloo College
Do	University of Nebraska
Mitchell Ceasar, 8181 W. Broward Boulevard, #300 Plantation, FL 33324	Port Ever Glades Authority
Mark G. Chalpin, 1101 15th St., NW, #1000 Washington, DC 20005	National Constructors Association
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Express Co
Maxine Champion, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20007	LTV Corporation
Nedra Chandler, 2030 M Street, NW Washington, DC 20036	Common Cause
John H. Chettle, 1050 Connecticut Ave., NW, #825 Washington, DC 20036	Universal Frutrading Co-operative, Ltd
Samuel D. Chilcote Jr., 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute, Inc
Samuel W. Christine III, 1129 20th St., NW, #200 Washington, DC 20036	Greater Washington Board of Trade
James F. Clark, Court Plaza Building, #800 240 Main Street Juneau, AK 99802-1211	Alaska Loggers Assn
Sara F. Clary, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	BNS, Inc
Do	Day-Glo Color Corp
Do	U.S. Bancorp
Stanley A. Cmich, 220 Market Ave., South, #1190 Canton, OH 44702	Roetzel & Andress
Do	Stark County Commissioners
Amy A. Coggin, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn
Coleman & Christison, Inc, 513 C Street, NE Washington, DC 20002	
Collier Shannon Rill & Scott, 1055 Thomas Jefferson St., NW, #308 Washington, DC 20007	Aylward & Finchem
Do	Citizens for U.S. - Canada Free Trade Pact
Comfort Lipe & Green, P.C., 2100 Mid-Continent Tower 401 South Boston Avenue Tulsa, OK 74103	Thrifty Rent-A-Car System, Inc
Committee on U.S. Business Canadian Life & Health Ins. Assn, 800 Michigan National Tower Lansing, MI 48933	
Michael Conlon, 1818 N Street, NW, #200 Washington, DC 20036	Automotive Parts Rebuilders Assn
Jim Copeland & Associates, 555 New Jersey Ave., NW, #880 Washington, DC 20001	Pacific Mutual Life Insurance Co
Frank W. Corley, 8430 Blakiston Lane Alexandria, VA 22308	ITT Electro-Optical Products Div
Do	Pilkington Electro-Optics, Inc
Anthony R. Corso, 150 East 42nd Street New York, NY 10017	Mobil Corp
Christopher D. Coursen, 1627 Eye Street, NW, #525 Washington, DC 20006	O'Connor & Hannan (for Pacific Telesis Group)
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	Archer Daniels Midland Company
Do	Charles Steiner Medical Corp
Do	Interstate General Company L.P.
Do	Non-Ferrous Metals Producers Committee
Do	Uranium Producers of America
Mark D. Cowan, 1823 Jefferson Place, NW Washington, DC 20036	Jefferson Group, Inc (For:Industrial Safety Equipment Assn)
Do	Jefferson Group, Inc (For:Kelly Services, Inc)
Jerry W. Cox, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Odyssey Partners)
Ronald Crawford, 1700 K Street, NW, #303 Washington, DC 20006	Caribbean Marine, Inc
Credo, Ltd, P.O. Box 166 Tyngsboro, MA 01879-0166	
Robert W. Crolius, 1100 15th Street, NW, #730 Washington, DC 20005	Portland Cement Assn
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Lukens Steel Co
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Lukens Steel Co
Do	Nashua Corporation
Crown Communications Consulting Co, 1050 17th Street, NW, #840 Washington, DC 20036	National Strategies & Marketing Group
Philip Cummings, 1455 Pennsylvania Ave., NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:Castle & Cooke (for Sterling Drug))
Cutler & Stanfield, 1850 M Street, NW Washington, DC 20036	Colorado SSC Project
CR Associates, 317 Massachusetts Ave., NE, 1st Floor Washington, DC 20002	American Assn for Dental Research
Do	Association for Health Services Research
Do	(For:Association of University Programs in Health Administration)
Do	Conjoint Comm on Diagnostic Radiology
Brian Daly, 1625 I Street, NW, #911 Washington, DC 20006	Consortium of Social Science Associations
James H. Davidson, James H. Davidson & Associates, Inc 1211 Connecticut Avenue, NW, #610 Washington, DC 20036	Miller & Chevalier
James H. Davidson & Associates, Inc, 1211 Connecticut Ave, NW, #610 Washington, DC 20036	Miller & Chevalier, Chtd
John W. Davis, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Ad Hoc Comm of Life Insurance Companies
Do	Consumer Credit Insurance Assn
Davis Polk & Wardwell, 1575 Eye St., NW Washington, DC 20005	LTV Corp
Davis Wright & Jones, 1752 N St., NW, #800 Washington, DC 20036	First Interstate Bank of Washington
Donald S. Dawson, 1155 Connecticut Ave., NW, #500 Washington, DC 20036	Michael Gaughan
Robert G. Dawson, 1101 17th St., NW, #405 Washington, DC 20036	Southern Company Services, Inc
De La Salle Institute, P.O. Box A-D St. Mary's College Moraga, CA 94575-1154	
John Dean E., 1101 Vermont Avenue, NW, #400 Washington, DC 20005	Advanced Technology, Inc
Richard Del Vecchio, Keene Shirley & Associates, Inc 919 Prince Street Alexandria, VA 22314	McDonnell Douglas Astronautics Co
Willard L. Demory, 2300 M St., NW, #800 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co, Inc)
Do	Murphy & Demory, Ltd (For:Committee for the Advancement of Cellular Telephone Service)
Do	Murphy & Demory, Ltd (For:Government of Haiti)
George G. Demougeot, 1612 K St., NW, #206 Washington, DC 20006	Haggar Women's Wear
Do	Kellwood Company
Do	United Gamefowl Breeders Assn, Inc
George H. Denison, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016	American Nuclear Energy Council
Dewey Ballantine Bushby Palmer & Wood, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Aerospace Industries Assn
Do	General Reinsurance Corp
Law Offices of Paul H. DeLaney, Jr., 1920 N Street, NW, #610 Washington, DC 20036	Universal Frutrading Co-operative, Ltd
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	Flare, Inc/Seismic Reflections
Do	International Medical News Service
Do	IPP Working Group
Do	Medtronic, Inc
Do	J. P. Morgan Securities, Inc
Do	Occidental Petroleum Corp
Do	Security Life Insurance Co
James C. Dinegar, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives
Lucia DiVenere, 925 15th St., NW Washington, DC 20005	National Council of Senior Citizens
Norman L. Dobyns, 600 Maryland Ave., SW, #607 Washington, DC 20024	Northern Telecom, Inc
Daniel P. Doherty, 2001 S St., NW, #540 Washington, DC 20009	Alliance of Nonprofit Mailers
Brad L. Doores, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202	Energy Fuels Nuclear, Inc
R. J. Doubrava, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Johnson-Simmons Co
Do	Life Care Services Corp
Do	Marriott Corp
Do	Sporicidin Company
Alvin Drischler, 1667 K St., NW, #700 Washington, DC 20006	Intelsat
Lorraine Driscoll, 1300 Connecticut Avenue, NW, #401 Washington, DC 20036	Citizen Action
Deborah A. Dull, 2200 Mill Road Alexandria, VA 22314	American Movers Conference
Mac S. Dunaway, Dunaway & Cross 1146 19th Street, NW Washington, DC 20036	Crown Control Corp
Do	Industrial Truck Assn
Do	Walbro Corp

Organization or Individual Filing	Employer/Client
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	City of Klamath Falls
Do	WEB Water Development Assn
Dutko & Associates, 412 First St., SE, #40 Washington, DC 20003	Association of Telemessaging Services Int'l, Inc
Do	Midlands Consortium
Dykema Gossett Spencer Goodnow & Trigg, 1752 N St., NW, 6th Fl. Washington, DC 20036	Committee on U.S. Business Canadian Life & Health Ins. Assn
Do	Michigan Assn of County Treasures
E.D.E.A., Inc, 1151 Acquidneck Avenue Middletown, RI 02840	American Ship Building Co
Eric D. Eberhard, 1155 Connecticut Ave., NW, #1000 Washington, DC 20036	Gover Stetson Williams & Eberhard (For:Campo Band of Mission Indians)
Jack Edwards, 3000 First Natonal Bank Bldg. P.O. Box 123 Mobile, AL 36601	Fiat USA
Energy Fuels Nuclear, Inc, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202	
John Ernst, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation
Billy Lee Evans, 499 South Capitol St., SW, #507 Washington, DC 20003	Bill Hecht & Associates, Inc (For:H. F. Ahmanson & Co)
Do	Hecht Spencer & Oglesby, Inc (For:BATUS, Inc)
Do	Hecht Spencer & Oglesby, Inc (For:Great Western Financial Corp)
William D. Fay, 818 Connecticut Avenue, NW Washington, DC 20006	Clean Air Working Group
Scott Feierabend, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation
Ferguson Township Open Democratic Club, 457 N. Elizabeth Ave. Ferguson, MO 63135	
John H. Ferman, 1023 12th Street Sacramento, CA 95814	California Assn of Hospitals & Health Systems
Manuel D. Fierro, 1901 N. Fort Myer Dr., #202 Rosslyn, VA 22209	National Indian Gaming Assn
Joseph Findaro Jr., P.O. Box 61000 New Orleans, LA 70161	MSU System Services, Inc
Finley Kumble Wagner Heine Underberg Manley Myerson & Casey, 1120 Connecticut Ave., NW, 10th Floor Washington, DC 20036	Henley Group, Inc
Susan G. Flack, 1320 19th St., NW, #400 Washington, DC 20036	Dayton Hudson Corp
Do	National Assn of Chain Drug Stores, Inc
Shira A. Flax, 330 Pennsylvania Ave., SE Washington, DC 20003	Sierra Club
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Murdock International
Foreman & Heidepriem, 1751 N Street, NW, #301 Washington, DC 20036	United Food & Commercial Workers Int'l Union
Fox Weinberg & Bennett, 1714 Massachusetts Avenue, NW Washington, DC 20036	Courtaulds North America, Inc
Do	Memorial Sloan-Kettering Cancer Center
Do	New Medico Associates, Inc
Do	Pickens County Medical Center
Do	Serono Laboratories, Inc
Do	Wireless Cable Assn, Inc
Fraternal Order of Police, Legislative Committee, 2100 Gardiner Lane Louisville, KY 40205	
Ronna Freiberg, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Association for the Advancement of Human Rights)
Do	Hill & Knowlton, Inc (For:Irving Bank Corp)
Larry E. Fridie, 25 Bryant Street, NE Washington, DC 20002	
Owen V. Frisby, 499 South Capitol Street, #500 Washington, DC 20003	American Security Council
John B. Gantt, 2000 Pennsylvania Ave., NW Washington, DC 20006	Associated Aviation Underwriters
Gardner Carton & Douglas, 1001 Pennsylvania Ave, NW, #750 Washington, DC 20004	Ansell, Inc
Lori B. Garver, 922 Pennsylvania Avenue, SE Washington, DC 20003	SPACECAUSE
Pamela J. Garvie, 1050 Connecticut Avenue, NW Washington, DC 20036	Burlington Northern Railroad Co
Karl Gawell, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation
Gerst Heffner Foldes & Podgorsky, 1700 K Street, NW, #1107 Washington, DC 20006	
Kenneth Gersten, P.O. Box 667 Annapolis, MD 21404	Sierra Club
Dawn Gifford-Martinez, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Majestic Shipping Services Corp)
Brad Gilman, Robertson Monagle & Eastaugh 1050 Thomas Jefferson Street, NW Washington, DC 20007	BP America
Jim Gilmore, 2000 M St., NW, #580 Washington, DC 20036	National Fisheries Institute
Ginn Edington Moore & Wade, 803 Prince Street Alexandria, VA 22314	National Assn of Chain Drug Stores
Mark R. Ginsberg, 1717 K Street, NW, #407 Washington, DC 20006	American Assn for Marriage & Family Therapy
George E. Glasier, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202	Energy Fuels Nuclear, Inc
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	Sisters of Charity of the Incarnate Word
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	American Assn of Airport Executives
Do	Thomson-CSF, Inc
Madeleine Golde, 1300 Connecticut Avenue, NW, #401 Washington, DC 20036	Citizen Action
Janice Goldman-Carter, 1412 16th Street, NW Washington, DC 20036	National Wildlife Federation
John A. Gonzalez, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp
Nancy G. Gourley, 2717 South Elder Avenue Broken Arrow, OK 74012	Thrifty Rent-A-Car System, Inc
Government Liaison Project, 6313 Tulsa Lane Bethesda, MD 20817	
James E. Graf II, 1800 K Street, NW Washington, DC 20006	Contel Corp
David F. Graham, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS
Graham & James, 1050 17th St., NW, #1200 Washington, DC 20036	Contact Lens Manufacturers Assn
Gerald W. Grandey, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202	Energy Fuels Nuclear, Inc
Neil A. Gray, 1776 Massachusetts Ave., NW Washighton, DC 20036-1993	Highway Users Federation
Robert K. Gray, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:First American Bank, N.A.)
Robert H. Green, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors
Malachi J. Greene Associates, 1000 Greenleaf Avenue Charlotte,, NC 28202	Thompson Mann & Hutson
Lynn Greenwalt, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation
Jeffrey J. Grieco, 2300 M Street, NW, #800 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy, Inc)
Do	Murphy & Demory, Ltd (For:Government of Haiti)
Randall V. Griffin, 1111 19th St., NW Washington, DC 20036	Reid & Priest (For:Halecrest Company)
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	American Assn of Airport Executives
Hurdis M. Griffith, N. Woodbury Rd., Box 56 Pitman, NJ 08071	Anthony Janetti, Inc
James N. Groninger, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419-19 Washington, DC 20036	Marine Shale Processors, Inc
Milton S. Gwirtzman, 1250 24th St., NW, #600 Washington, DC 20037	Van Dyke Associates, Inc (For:Boston Company)
Jay D. Hair, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	State Street Development Corp
Harry Handsford, 231 Russ Street Bainbridge, GA 31717	National Assn of Minority Wholesale/Retail Petroleum Dealers
Frederick J. Hannett, 1823 Jefferson Place, NW Washington, DC 20036	Jefferson Group, Inc (For:Industrial Safety Equipment Assn)
Mark Harrison, 711 G Street, SE Washington, DC 20003	SANE/FREEZE, Inc
R. Hart, P.O. Box 1071 Appomattox, VA 24522-1071	Credo, Ltd
James C. Hassett, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc
Arnold I. Havens, 1818 N Street, NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Sharon Steel Corp)
Ann Marie Havrilko, 1001 22nd Street, NW, #600 Washington, DC 20037	BP America, Inc
Robert T. Hayden, 1120 Connecticut Avenue, NW, #469 Washington, DC 20036	Maurer Anderson Conway Communications (For:Coalition for Safe & Responsible Railroads)
Anne A. Heanue, 110 Maryland Avenue, NW, #101 Washington, DC 20002	American Library Assn
Bill Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Oglesby, Inc (For:H. F. Ahmanson & Co)
Do	Hecht Spencer & Oglesby, Inc (For:BATUS, Inc)
Do	Hecht Spencer & Oglesby, Inc (For:Great Western Financial Corp)
Hecht Spencer & Oglesby, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	H. F. Ahmanson & Co
Do	Brown & Williamson Tobacco Corp
Do	BATUS, Inc
Do	Great Western Financial Corp
Do	Los Angeles Raiders
Do	Southern California Rapid Transit District
James B. Hedlund, 1200 18th St., NW Washington, DC 20036	Association of Independent Television Stations, Inc
Scott E. Heisel, 735 N. Water Street, #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc
Craig R. Helsing, 499 S. Capitol St., SW, #507 Washington, DC 20005	Bill Hecht & Associates, Inc (For:Government of the Republic of Panama)
Charlotte W. Herbert, 444 New Jersey Avenue, NW, #255 Washington, DC 20001	Vern Clark & Associates, Inc
Heron Burchette Ruckert & Rothwell, 1025 Thomas Jefferson St., NW, #700 Washington, DC 20007	California State Teachers' Retirement System
Do	CH2M Hill
Do	Federal Land Exchange, Inc
Do	Good Sam Club
Do	Greenbrier Intermodal
Do	Legal Services Corp
Do	Northern California Power Agency
Do	San Gabriel Valley Boys Club of America
Do	Solano Water Authority
Hal D. Hiemstra, 218 D Street, SE Washington, DC 20003	Coalition for Scenic Beauty
Pamela Hill, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202	Energy Fuels Nuclear, Inc
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Amgen, Inc
Do	Freightliner Corp
Do	Schering-Plough Corp

Organization or Individual Filing	Employer/Client
Do	Simplex Wire & Cable Co
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	Indian River Citrus League
Holly Corporation, 2600 Diamond Shamrock Tower 717 North Harwood Street Dallas, TX 75201	
Hoog & Associates, 1877 Broadway, #405 Boulder, CO 80302	Asarco Inc
Toni A. Horst, 206 G Street, NW, #201 Washington, DC 20002	Foley & Co
Do	Shelson International
Walter D. Huddleston, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Oglesby, Inc (For:Brown & Williamson Tobacco Corp)
Do	Hecht Spencer & Oglesby, Inc (For:BATUS)
Stewart Hudson, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation
Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201	Holly Corporation
William N. Hunter, 1305 Vincent Place, #200 McLean, VA 22101	
Steven M. Hyjek, One Thomas Circle, NW, #900 Washington, DC 20005	Richard L. Sinnott & Co (For:Galena Resort Co)
Do	Richard L. Sinnott & Co (For:Intermec Corp)
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Association for the Advancement of Human Rights)
HCA The Healthcare Company, One Park Plaza P.O. Box 550 Nashville, TN 37202-0550	
Edwin T. C. Ing, 2000 Pennsylvania Ave., NW, #7400 Washington, DC 20006	Hawaiian Electric Industries, Inc
Do	Kamehameha Schools/Bernice P. Bishop Estate
Do	Kauai Electric Co
Do	U.S. Windpower, Inc
Doug Inkley, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation
Edrie Irvine, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc
Kenneth M. Iwashita, 29400 Lakeland Boulevard Wickliffe, OH 44092	Lubrizol Corp
Jerry Jackson, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation
Jarratt & Associates, Inc, 2000 L Street, NW, #200 Washington, DC 20036	Bristol-Myers Co
Richard H. Jenrette, 787 7th Avenue New York, NY 10019	Equitable Financial Companies
Rod Johnston, 1250 24th Street, NW, #600 Washington, DC 20037	Prisco E. Entines
Theodore L. Jones, 2033 K St., NW, #300 Washington, DC 20006-1056	Maxicare Health Plans, Inc
Jones Day Reavis & Pogue, 1450 G Street, NW, #600 Washington, DC 20005-2088	Computer & Business Equipment Manufacturers Assn
Do	Consumers for Competitive Fuels
Do	Consumers United for Rail Equity (C.U.R.E.)
Do	Empire of America Federal Savings Bank
Do	Laurel Industries, Inc
Do	Ohio Company
Do	Trinova
Do	Webster Industries, Inc
Harris Jordan, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	American Express Co
Do	Hotel Employees & Restaurant Employees Int'l Union
Do	Monarch Capital Corp
Nancy Jumper, 1150 17th Street, NW Washington, DC 20036	Health Insurance Plan of Greater New York
Enid Kassner, 925 15th Street, NW Washington, DC 20005	National Council of Senior Citizens
Kaye Scholer Fierman Hays & Handler, 1575 Eye Street, NW, #1150 Washington, DC 20005	American Nuclear Energy Council
Do	Robert Bosch Corp
Keck Mahin & Cate, 170 Pennsykvania Ave., N.W. #350 Washington, DC 20006	General Instrument Corporation
David A. Keene, 7800 Willowbrook Road Fairfax Station, VA 22039	Marine Engineers Beneficial Assn (AFL-CIO)
John T. Kelley, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute
Kelley Drye & Warren, 1330 Connecticut Ave., NW #600 Washington, DC 20036	Cushman & Wakefield
Do	U.S. League of Savings Assns
Timothy C. Kernan, 1627 K Street, NW, #300 Washington, DC 20006	Fluor Corporation
Aubrey C. King, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council
Charles L. King, 1111 North 19th St., #700 Arlington, VA 22209	National Assn of Federal Credit Unions
Kirkland & Ellis, 655 15th Street, NW, #1200 Washington, DC 20005	Committee for Future Investment in America's Past
Kirkpatrick & Lockhart, 1800 M St., NW, S. Lobby-9th Fl. Washington, DC 20036	Koppers Co, Inc
Do	Midlantic Corp
Carla Kish, 3413 1/2 M St., NW Washington, DC 20007	Florida Solar Energy Center
Do	University of Oregon
William Klinefelter, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation
William E. Koch Jr., 579 D'Onofrio Dr., 2nd Floor Madison, WI 53719	NorLight
Diane J. Koller, 1101 17th St., NW, #600 Washington, DC 20036	American Airlines, Inc
Stephen Koplan, 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc
Keith R. Krueger, 1708 19th Street, NW Washington, DC 20009	Tele-Systems Assn, Inc
Frederick L. Kumar, 8002 Sleepy View Lane Springfield, VA 22153	
Lachelli Waller & Associates, 600 Maryland Ave., SW, West Wing #302 Washington, DC 20024	
Mary Lou Lackey, 1776 K Street, NW, #300 Washington, DC 20006	Motorola, Inc
Richard A. Lauderbaugh, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn
Laxalt Washington Perito & Dubuc, 1120 Connecticut Ave., NW Washington, DC 20036	American College of Neuropsychopharmacology
Do	AVW Electronic Systems, Inc
Do	City of Inglewood
Do	City of Oakland
Do	Committee on Problems of Drug Dependents, Inc
Do	Government of Antigua
Do	Group Hospitalization & Medical Services, Inc
Do	Nordisk-USA
Do	Southwest Gas Corp
Do	State of Arizona
Edward J. LaFleur, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp
Robert J. Lewis, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute
Lewis & Roca, 100 West Washington Street Phoenix, AZ 85003-1899	Syncor International Corp
LeBoeuf Lamb Leiby & MacRae, 1333 New Hampshire Ave., NW, #1100 Washington, DC 20036	Physicians Insurer Assn of America
Roger Lindberg, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Damon Corp)
Lipsen Hamberger Whitten & Hamberger, 1725 DeSales St., NW, #800 Washington, DC 20036	National Board of Fur Farm Organizations
Lobel Novins Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005	Phone Medium
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	Carribean Tubular Co, Inc
Do	Committee for Just Animal Drug Law
Do	Commonwealth Mortgage Corp of America
Do	CIGNA Corp
Do	First United Bank
Do	Loyola University
Do	National Assn of Nuclear Pharmacies
Do	New Orleans Cold Storage & Warehouse Co., Ltd
Do	Non-Profit Hospital Insurance Forum
Do	Pennington Biomedical Complex Foundation
Do	Toyota Motor Manufacturing, USA
Arthur M. Luby, 1300 L Street, NW, #200 Washington, DC 20005-4178	O'Donnell Shwartz & Anderson (For:Transport Workers Union of America, AFL-CIO)
Leslie G. Ludwick, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn
Robert E. Mackin, 122 South Swan Street Albany, NY 12210	National Conference of Insurance Legislators
Paul MacMurdy, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council
James E. Mahoney, 2200 Concord Pike Wilmington, DE 19899	Rollins Jamaica Ltd
Manatt Phelps Rothenberg & Evans, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	California Bankers Assn
Do	First Bank Systems, Inc
Law Off of Ricardo B. Marasigan, 6420 14th Street, NW, A-4 Washington, DC 20012	Prisco E. Entines
Bristow Marchant, P.O. Box 394 Columbia, SC 29202	Frank J. Merrill
Kaiya Marie, P.O. Box 1338 Chicago Heights, IL 60411	
Donald F. Massey, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Association for the Advancement of Human Rights)
Dawson Mathis, 499 South Capitol St., SW, #407 Washington, DC 20003	United Parcel Service
Mary Helen Mathis, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For:City of Newark, NJ)
Robert V. Maudlin, 1511 K Street, NW Washington, DC 20005	C.V. & R.V Maudlin (For:Southern Company Services, Inc)
James C. May, 700 Anderson Road Purchase, NY 10577	National Assn of Broadcasters
Joseph T. Mayer, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Accountants' Liability Assurance Co, Ltd
Marc Steven Mayerson, 1201 Pennsylvania Ave., P.O. Box 7566 Washington, DC 20044	Covington & Burling (For:Coalition to Preserve the Integrity of American Trademarks)
McAuliffe Kelly Furlong Aldrich & Siemens, 555 New Jersey Ave., NW, #880 Washington, DC 20001	Alcohol Beverage Legislative Council
Do	Association of Human Resource Consultants

Organization or Individual Filing	Employer/Client
Do	Bay Area Rapid Transit District
Do	Cellular Telecommunications Industry Assn
Do	Chicago Mercantile Exchange
Do	International Franchise Assn
Do	Pacific Mutual Life Insurance Co
Do	Transamarica Corporation
Do	U.S. Telephone Assn
Charlie McBride Associates, Inc, 1101 Connecticut Ave., NW, #906 Washington, DC 20036	Oxford Energy Co
David J. McCarthy, Baker & Daniels 1920 N Street, NW, #600 Washington, DC 20036	Indiana Electric Assn
James R. McCarthy, 1801 K St., NW, Suite 700 Washington, DC 20006	Sun Co, Inc
John M. McClung, 727 N.yashington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn
Aubrey McCutcheon III, 711 G Street, SE Washington, DC 20003	SANE/FREEZE, Inc
McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006	Hitachi America, Ltd
Do	Home Intensive Care, Inc
Do	Technicon Instruments Corp
Jack McDonald, 1001 Pennsylvania Avenue, NW, #625-S Washington, DC 20004	Jack McDonald Co (For:Association of Bank Holding Cos)
Jack McDonald Co, 1001 Pennsylvania Avenue, NW, #625-S Washington, DC 20004	Association of Bank Holding Cos
Gale W. McGee, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Association for the Advancement of Human Rights)
Monica M. McGuire, 1331 Pennsylvania AVe., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers
McHale Cook & Welch, P.C., 1100 Chamber of Commerce Building Indianapolis, IN 46204	Indiana Bell Telephone Co
Larry McKenzie, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation
Law Offs of James D. McKevitt, 1101 16th Street, NW Washington, DC 20036	Kelly Assisted Living
Do	Kelly Services, Inc
Do	National Assn of Wholesaler-Distributers
Do	National Fed of Independent Business
McNair Group, Inc, 1155 15th St., NW, #400 Washington, DC 20005	Akin Gump Strauss Hauer & Feld
Do	Blue Cross & Blue Shield of South Carolina
Do	Clemson University
Do	Railstar Control Technology, Inc
Do	Railway Progress Institute
Do	Riedel Omni Products, Inc
McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Association of Independent Television Stations, Inc
Do	GSX Corporation
William A. Meaux, 1600 M Street, NW, #702 Washington, DC 20036	ICI Americas, Inc
Joseph J. Meder, 1730 M St., NW, #515 Washington, DC 20036	Joseph J. Meder Associates
Joseph Mehrkens, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society
Katherine Meier, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn
J. Roger Mentz, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Mercedes-Benz of North America, Inc)
Charles Mergentime, P.O. Box 662 Flemington, NJ 08822	Mergentime Corp
Harold E. Mesirow, Lane & Mittendorf 1750 K Street, NW Washington, DC 20006	Global Marine, Inc
Larry D. Meyers, 412 First Street, SE #40 Washington, DC 20003	Concerned Shrimpers of America
Frank G. Michelena, 17925 Sky Park Cir. Irvine, CA 92714	Landsdell Co
Michigan Assn of County Treasurers, 1752 N Street, NW, 6th Floor Washington, DC 20036	
Bonnie K. Miller, Box 528 Gainesville, VA 22065-0528	National Health Federation
Carolynn E. Miller, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business
Marye T. Miller, 637 Third Street, NE Washington, DC 20002	Mobil Oil Corp
Peggy Miller, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	De La Salle Institute
Do	Gold Fields Operating Co - Mesquite
Do	Hercules Aerospace Co
Do	Runaway Plant Coalition
Do	Tandem Computers, Inc
Do	UDC-Universal Development L.P.
Kenneth Y. Millian, 919 18th Street, NW Washington, DC 20006	W. R. Grace & Co
Miner Fraser & Gabriel, 1025 Connecticut Ave., NW, #700 Washington, DC 20036	Government of Haiti
Minimum Wage Coalition to Save Jobs, P.O. Box 28261 Washington, DC 20038	
Charles P. Mitchell, 1501 16th Street, NW Washington, DC 20036	Center for Science in the Public Interest
David H. Montplaisir, 2550 M Street, NW, #695 Washington, DC 20037	American Maritime Officers Service
Do	Association of Trial Lawyers of America
Do	CSX Corp
Do	Mars, Inc
Do	Martin Marietta Corp
Do	Transportation Institute
Timothy X. Moore, 2900 M Street, NW, #300 Washington, DC 20007	National Machine Tool Builders' Assn
Richard M. Moose, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co
Sue Markland Moreland, 918 North Carolina Avenue, SE Washington, DC 20003	Association of Biotechnology Cos
Anne L. Morgan, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees
William G. Morin, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers
Tom C. Morris, 1825 K St., NW, #1107 Washington, DC 20006	Phillips Petroleum Co
James W. Morrison Jr., 655 15th St., NW, #300 Washington, DC 20005	Morrison Associates (For:Blue Cross & Blue Shield Assn)
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	California Bankers Clearing House Assn
Evelyn M. Morton, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons
Michael L. Morton, 910 16th Street, NW, #402 Washington, DC 20006	Florida Sugar Cane League
Laurie A. Moshier, 2001 Eye Street, NW Washington, DC 20006	Electronic Industries Assn
Steve Moyer, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	First Nationwide Bank
James Brian Munroe, 340 Kingsland Street Nutley, NJ 07110	Hoffmann-La Roche, Inc
Daniel J. Murphy, 2300 M Street, NW, #800 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co, Inc)
Do	Murphy & Demory, Ltd (For:Government of Haiti)
Daniel R. Murphy, 310 West End Ave., #14-A New York, NY 10023	American Express Co
Murray & Scheer, 2715 M Street, NW, #300 Washington, DC 20007	Wisconsin Central Railroad
Nash Railsback & Plesser, 1133 15th Street, NW, #1100 Washington, DC 20005	Home Box Office, Inc
National Alliance of Senior Citizens, Inc, 2525 Wilson Boulevard Arlington, VA 22201	
National Consumer Assn, P.O. Box 65733 Washington, DC 20035	
National Democratic Council of Asian & Pacific Americans, 1050 Thomas Jefferson St., NW, 6th Floor Washington, DC 20007	
National Stone Assn, 1415 Elliot Place, NW Washington, DC 20007	
National Strategies Inc., 1919 Pennsylvania Ave., NW, #701 Washington, DC 20006	Ladies Professional Golf Assn (LPGA)
National Wildlife Federation, 1412 16th Street, NW Washington, DC 20036-0001	
Neal Neuberger, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn
Sharon Newsome, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation
Todd C. Nichols, 1600 Seattle Tower Seattle, WA 98101	Francis & Nichols (For:Ueki America Corp)
Patrice North-Rudin, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council
NorLight, 579 D'Onofrio Dr., 2nd Floor Madison, WI 53719	
David D. O'Brien, O'Brien & Associates 600 New Hampshire Avenue, NW Washington, DC 20037	Harley-Davidson, Inc
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Morgan Grenfell Group, PLC
Do	National Funeral Directors Assn
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	CIGNA Corp
Do	Mobil Oil Corp
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	National Football League
Do	National Gas Pipeline Coalition
Do	Pyrotechnic Signal Manufacturers Assn
Do	Source Data Network
Do	USTA
Maureen O'Ryan, 2300 M Street, NW, #800 Washington, DC 20037	Murphy & Demory, Ltd (For:Government of Haiti)
Thomas P. Ochsenschlager, 1850 M Street, NW, #300 Washington, DC 20036	Grant Thornton
Marion Browne Oglesby Jr., 499 South Capitol Street, SW, #507 Washington, DC 20003	Bill Hecht & Associates, Inc (For:H. F. Ahmanson & Co)
Do	Hecht Spencer & Oglesby, Inc (For:BATUS, Inc)
Do	Bill Hecht & Associates, Inc (For:Church Alliance)
Do	Hecht Spencer & Oglesby, Inc (For:Great Western Financial Corp)
Eric Olson, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation
Lisa M. Olson, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:The Limited, Inc)
Do	McDonnell Douglas Astronautics Co
Omega International, Inc, 11 Carriage House Circle Alexandria, VA 22304	Signal Landmark

Organization or Individual Filing	Employer/Client
Oppenheimer Wolff & Donnelly, 1020 19th Street, NW, #400 Washington, DC 20035	Nissei Corp
Edward R. Osann, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation
Charles D. Osborn, Gwinn Area Community Schools, M-35 Gwinn, MI 49841	Gwinn Area Community Schools
Arthur R. Ouslander, P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corp
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	American Savings Financial Corp
Preston R. Padden, 1200 18th St., NW Washington, DC 20036	Association of Independent Television Stations, Inc
Palumbo & Cerrell, Inc, 1629 K St., NW Washington, DC 20006	Artists for Tax Equity
Do	Graphic Artists Guild
Patton Boggs & Blow, 2550 M St., NW Washington, DC 20037	American Logistics Assn
Do	City & County of Denver
Do	College Savings Bank
Do	Fundacion de Defensa del Comerio Exterior
Do	Universal Lottery Co
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	National Music Publisher's Assn, Inc
Joe P. Peck Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.
Franklyn G. Perry, #22870-048 P.O. Box 1000 Leavenworth, KS 66048-1000	
Peyser Associates, Inc, 1000 Vermont Ave., NW, #400 Washington, DC 20005	Juvenile Products Manufacturers Assn
Do	National School Health Education Coalition
Kurt Pfotenhauer, 1120 20th Street, NW, #600 South Washington, DC 20036	Union Pacific Corp
Laura Phelps, McLeod & Pires 2501 M Street, NW, #400 Washington, DC 20037	American Assn of Crop Insurers
Do	Chicago Board of Trade
Do	United Egg Producers
Piper & Marbury, 1200 19th Street, NW Washington, DC 20036	Baltimore County, MD
Do	General Electric Capital Corp
Do	Shearson Lehman Hutton, Inc
Do	United Telecom
James H. Pissot, 801 Pennsylvania Ave., SE, #301 Washington, DC 20003	National Audubon Society
Gerry Poje, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation
Mindy Pollack, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836	NAC Re Corp
Portable Power Equipment Manufacturers Assn, 4720 Montgomery Lane, #514 Bethesda, MD 20814	
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Association of Bank Holding Cos
Do	General Cinema Corp
Preston Thorgrimson Ellis & Holman, 1735 New York Avenue, NW, #500 Washington, DC 20006	Hewlett-Packard Co
Do	Lutheran Medical Center
Do	Martin's Point Health Care Center
Do	Pacific Medical Center
Do	Seattle Organizing Comm
Do	Xerox Corp
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	Wolverine Exploration
Lucius W. Pullen, 1300 St Mary's Street Raleigh, NC 27605	Investment Company Institute
Earl C. Quist, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc
Peri Jude Radecic, 1517 U Street, NW Washington, DC 20009	National Gay & Lesbian Task Force (NGLTF)
Ragan & Mason, 900 17th St., NW Washington, DC 20006	Earth Observation Satellite Co
John C. Ramig, 1730 M Street, NW, #900 Washington, DC 20036	Stoel Rives Boley Jones & Gray (For:Gregory Affiliates, Inc)
Craig Raupe, 1010 Pennsylvania Ave., SE Washington, DC 20003	American Airlines, Inc
Do	Product Liability Alliance
Bruce A. Ray, Bruce Ray & Company 420 C Street, NE Washington, DC 20002	Bayley Seton Hospital
Do	Gift of Life Organ Procurement Organization, Inc
Do	Maimonides Hospital, et al.
Diane Reis, 1275 K Street, NW, #750 Washington, DC 20005	National Women's Political Caucus
Susan Riley, 1401 New York Ave., NW, #900 Washington, DC 20005-2102	Capital Strategies, Inc (For:Camera de la Industria de transformacion de Nueve Leon)
Do	Capital Strategies, Inc (For:Export Packers Co, Ltd)
Do	Capital Strategies, Inc (For:Forest City Residential Development, Inc)
Do	Capital Strategies, Inc (For:Kidder Peabody & Co, Inc)
Do	Capital Strategies, Inc (For:National Multi Housing Council)
Do	Capital Strategies, Inc (For:New York City Housing Development Council)
Do	Capital Strategies, Inc (For:New York State Mortgage Loan Enforcement & Admin Corp)
Do	Capital Strategies, Inc (For:Olympus Corp)
Do	Capital Strategies, Inc (For:South Bay Foundry)
Do	Capital Strategies, Inc (For:Tri-Star Electronics)
Do	Capital Strategies, Inc (For:Universal Furniture Industries, Inc)
Do	Capital Strategies, Inc (For:Vitrocrisa Cristaleria, S.A.)
Valentin J. Riva, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn
Rivkin Radler Dunne & Bayh, 1575 I Street, NW, #1025 Washington, DC 20005	Allstate Insurance Co
Do	National Foreign Trade Council
Robins Zelle Larson & Kaplan, 1627 Eye St., NW, #610 Washington, DC 20006	Polaris Industries
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20007	Nevada Resort Assn
Do	Suzuki Motors of America, Inc
Patrick C. Rock, 1120 Connecticut Avenue, NW Washington, DC 20036	United Gas Pipe Line Co
Raymund Rodriguez, P.O. Box 982 El Paso, TX 79960	El Paso Electric Co
Rogers & Wells, 200 Park Avenue New York, NY 10166	Jockey Club
Gregory M. Rosenberg, 5410 Grosvenor Lane, #120 Bethesda, MD 20814	Mechanical Contractors Assn of America, Inc
Herb Rosenbleeth, 1811 R Street, NW Washington, DC 20009	Jewish War Veterans of the USA
Edwin Rothschild, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen Action
J. Patrick Rowland, 1575 Eye St., NW, #1075 Washington, DC 20005	Rowland Government Relations Associates (For:Baker Industries)
Do	Rowland Government Relations Associates (For:Borg-Warner Automotive, Inc)
Do	Rowland Government Relations Associates (For:Borg-Warner Chemicals, Inc)
Do	Rowland Government Relations (For:Committee of National Security Cos)
James S. Rubin, Kleinfeld Kaplan & Becker 1140 19th Street, NW Washington, DC 20036	Ganes Chemicals
Tonda F. Rush, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn
J. Randy Sabo, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202	Energy Fuels Nuclear, Inc
Robert W. Santy, 1900 M Street, NW Washington, DC 20036	Touche Ross & Co (For:Money Store Investment Co)
Do	Touche Ross & Co (For:Restaurant Associates)
Do	Touche Ross & Co (For:Schnuck Markets, Inc)
Donna Scampoli, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees
Robert H. Scheerschmidt, 490 L'Enfant Plaza, #4200 Washington, DC 20024	Xerox Corp
Elizabeth J. Schram, 1120 20th St., NW, #600 South Washington, DC 20036	Union Pacific Corp
Adam D. Schwartz, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions
James E. Secrist, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp
Merrill K. Seggerman, 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW Washington, DC 20037	Alabama Contruction Contractors
Do	American Insurance Assn
Do	ADDSCO Industries, Inc
Do	Bristol-Myers Co
Do	Citmoco Services, Inc
Do	Drummond Company, Inc
Do	Intergraph Corporation
Do	Michelin Tire Company
Do	Munitions Carrier Conference
Do	National Industries
Do	Pfizer, Inc
Do	Southern Company Services, Inc
Do	Vulcan Materials Co
Michael W. Sheehy, 1800 K Street, NW Washington, DC 20006	Contel Corp
T. V. Shockley III, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Co
John G. Shortridge, 818 Connecticut Ave., NW Washington, DC 20006	USX Corporation
Eric Shulman, 925 15th Street, NW Washington, DC 20005	National Council of Senior Citizens
Susan Siemietkowski, 1522 K Street, NW, #828 Washington, DC 20005	American Veterinary Medical Assn
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Government of Bangladesh
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	Cushman & Wakefield
Deborah S. Simmons, 1717 K St., NW, #407 Washington, DC 20006	American Assn for Marriage & Family Therapy
Leonard S. Simon, 815 15th St., NW, #709 Washington, DC 20005	Simon & Company (For:City of Erie, PA)
Do	Simon & Company (For:City of Fresno, CA)

Organization or Individual Filing	Employer/Client
Do	Simon & Company (For:City of Portland, OR)
Do	Simon & Company (For:Fresno County, CA)
Do	Simon & Company (For:Gary, Indiana)
Do	Simon & Company (For:San Leandro, CA)
Do	Simon & Company (For:Water Department in San Bernadino, CA)
Simon & Company, Inc, 815 15th St., NW, #709 Washington, DC 20005	City of Erie, PA
Do	City of Portland, OR
Thomas D. Simpson, 700 N. Fairfax Street Alexandria, VA 22314	Railway Progress Institute
Richard L. Sinnott, One Thomas Circle, NW, #900 Washington, DC 20005	Galena Resort Co
Do	National Paint Co, Inc
Do	New United Motor Manufacturing, Inc
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Federated Department Stores, Inc
Do	Government of Jamaica
Paul A. Skrabut Jr., 1629 K Street, NW, 1100 Washington, DC 20006	Palumbo & Cerrell, Inc (For:Graphic Artists Guild)
Maureen Smith, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities
Gene Snyder, 140 Chenoweth Lane Louisville, KY 40207	United Parcel Service
Laurie J. Snyder-Cavell, 1001 22nd Street, NW, #600 Washington, DC 20037	BP America, Inc
Nancy C. Somerville, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects
Sandra Spence, 1776 Massachusetts Ave., NW, #521 Washington, DC 20036	Spence Group (For:Association for Commuter Transportation, Inc)
Jane Sutter Starke, 1818 N St., NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:CSX Corp)
Randolph J. Stayin, 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Westland Oil Development Corp)
Deborah Steelman, 1140 19th St., NW, #600 Washington, DC 20036	Pharmaceutical Manufacturers Assn
Allan Stein, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn
Stein Davidoff & Malito, 100 East 42nd Street New York, NY 10017	Long Island University
Do	Nassau-Suffolk Hospital Council, Inc
Eugene L. Stewart, 1001 Connecticut Ave., NW, #910 Washington, DC 20036	Floral Trade Council
Terence P. Stewart, Stewart and Stewart 1001 Connecticut Avenue, NW, #910 Washington, DC 20036	Floral Trade Council
Do	Roses, Inc
Do	Torrington Company
Stoel Rives Boley Jones & Grey, 1730 M Street, NW, #900 Washington, DC 20036	Onsite Energy, Inc
Robin E. Stombler, 1919 Pennsylvania Avenue, NW, #300 Washington, DC 20006	American College of Surgeons
Strategic Resources Corp, 3000 K Street, NW, #300 Washington, DC 20007	National Machine Tool Builders' Assn
Dorothy E. Stucke, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects
Glenn Sugameli, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation
Sutherland Asbill & Brennan, 1275 Pennsylvania Ave., NW Washington, DC 20004-2404	Ad Hoc Comm for a Competitive Electric Supply System
Do	Forethought Life Insurance Co
Frederic H. Sweet, 720 East Wisconsin Avenue Milwaukee, WI 53202	Northwestern Mutual Life Insurance Co
Leland H. Swenson, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America
Swidler & Berlin, Chtd, 3000 K Street, NW #300 Washington, DC 20007	Hyundai Motor Company
Do	National Assn of Wholesaler-Distributors
SPACECAUSE, 922 Pennsylvania Avenue, SE Washington, DC 20003	
Martha Tableman, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation
Robert Taft Jr., 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Westland Oil Development Corp)
George C. Tagg, 300 Maryland Ave., NE Washington, DC 20002	Federal Express Corp
Paul M. Tendler, 1090 Vermont Ave., NW Washington, DC 20005	Tendler & Biggins (For:Mears International Sales Co)
Barbara Cheryl Terio, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects
Robert D. Testa, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electrical Co
Marilyn Berry Thompson, 444 North Capitol Street, #711 Washington, DC 20001	Keefe Co (For:City of Newark, NJ)
Thompson & Company, 529 14th St., NW, #425 Washington, DC 20045	ALTEC International
Do	Peterson Group
Do	Suzuki of America Automotive Corp
Richard M. Tilley, 1700 Pennsylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co
Mary Catherine Toker, 555 13th Street, NW, #490 West Washington, DC 20004	General Mills, Inc
Billy W. Tongate, 4842 Randolph Drive Annandale, VA 22003	Circus Circus Enterprises, Inc
Touche Ross & Co, 1900 M Street, NW Washington, DC 20036-3564	Money Store Investment Co
Do	Restaurant Associates
Do	Schnuck Markets, Inc
Tower & Associates, 2101 L St., NW, 9th Floor Washington, DC 20037	British Aerospace, Inc
Do	Hicks & Associates
Do	Jeford-McManus Int'l, Inc
Do	LTV Defense & Space Co
Do	Martin Marietta Corp
Do	Rockwell International Corp
Stanley F. Turesky, 2550 M St., NW, #300 Washington, DC 20037	Van Dyke Associates, Inc (For:Boston Company)
J. Terry Turner, 2200 Mill Road Alexandria, VA 22314	Interstate Carriers Conference
John R. Tydings, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade
U.S. Commerce Coalition, P.O. Box 1003 Hartselle, AL 35640	
Van Dyk Associates, Inc, 1250 24th St.,N.W. Suite 600 Washington, DC 20037	Boston Company
Matthew Van Hook, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc
William P. Verdon, 1627 K Street, NW, #1200 Washington, DC 20006	United Shipowners of America
Verner Liipfert Bernhard McPherson & Hand, Chtd, 1660 L Street, NW, #1000 Washington, DC 20036	General Aviation Manufacturers Association
Do	Mars, Inc
Virginia C. Vertiz, 1801 North Moore Street Arlington, VA 22209	American Assn of School Administrators
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Bank Tax Group
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Fraternal Order of Police - National Headquarters
Robert J. Wade, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc
Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	Burlington Northern, Inc
Do	National Assn of Small Business Investment Cos
Do	Sea-Land Corporation
Do	Shearson Lehman Hutton, Inc
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	National Assn of Temporary Services, Inc
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Federal Compress & Warehouse Co
Richard J. Walsh, 6770 Lake Ellanor Drive Orlando, FL 32859-3330	General Mills Restaurants, Inc
Samuel J. Walsh, 1608 K Street, NW Washington, DC 20006	American Legion
John C. Walton, 2300 N St., NW, #600 Washington, DC 20037	General Dynamics Corp
Do	General Electric Co
Do	Martin Marietta Corp
Do	Morton Thiokol, Inc
Do	Stone & Webster Engineering Corp
Do	Texton, Inc
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	Marine Shale Processors, Inc
Wellford Wegman & Hoff, 1701 Pennsylvania Ave., NW, #1000 Washington, DC 20006	City of Kenosha, Wisconsin
Wexler Reynolds Harrison & Schule, Inc, 1317 F Street, NW, #600 Washington, DC 20004	American Institute for Foreign Study Scholarship Foundation
Do	Natioanl Assn of Social Workers
Do	Regional Planning Commission
Do	Schaefer & Associates
Do	Woods Hold Oceanographic Institution
June M. Whelan, 400 Madison Street, NW Alexandria, VA 22314	Van Ness Feldman... (for Uranium Producers of America)
Margita E. White, 1730 M Street, NW, #713 Washington, DC 20036	Association of Maximum Service Telecasters, Inc
Richard H. White, 1875 I Street, NW, #800 Washington, DC 20006	Tobacco Institute
Sam White, 412 First St., SE, #40 Washington, DC 20003	Concerned Shrimpers of America
Andrew F. Wiessner, Kogovsek & Associates 1801 Broadway #1420 Denver, CO 80202	Glacier Park Co
Do	(For:Robert D. Lindner)
Do	Mt. Baldy Homeowners
Do	Murray Pacific Corp
Do	Nature Conservancy
Do	Trust for Public Lands
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Security Pacific Corp
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	Colgate-Palmolive Co
Do	Danaher Corp
Do	Trailer Train Co
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	American Soc of Composers, Authors & Publishers
Do	International Swap Dealers Assn

Organization or Individual Filing	Employer/Client
Lars Winoy, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects
Winston & Strawn, 2550 M St., NW, #500 Washington, DC 20037	American Appraisal Associates, Inc
Winthrop Stimson Putnam & Roberts, 1155 Connecticut Ave., NW, #1000 Washington, DC 20036	Brown & Bain
Do	Wilbert A. Tatum
Lyn M. Withey, 1620 Eye Street, NW, #700 Washington, DC 20006	International Paper Co
Sandra W. Wobbe, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc
S.R. Wojdak and Associates, Inc, 1401 Walnut St., #1000 Philadelphia, PA 19102	Mercy Catholic Medical Center
Do	National Assn of Children's Hospitals & Related Institutions
Do	National League of Nursing
Do	St. Francis Medical Center
Willard A. Workman, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce
Worldwide Information Resources, Ltd, 1717 K Street, NW, #706 Washington, DC 20006	Bombardier Corp
Owen Wormser, 12942 Oak Lawn Place Herndon, VA 22071	Command & Control Consulting, Inc
Wunder & Diefenderfer, 1615 L St., NW, #650 Washington, DC 20036	Alaska Airlines, Inc
Do	Dominion Resources
Do	Federation of Postal Police Officials
Do	Hook-SupeRx, Inc
Do	Mutual Life Insurance Co Tax Committee
Do	National Assn of Temporary Services
Do	Joseph E. Seagram & Sons, Inc
Do	1587 Group
John S. Yodice, 600 Maryland Avenue, SW, #701 Washington, DC 20024	Yodice Associates (For:Aircraft Owners & Pilots Assn)
Kathleen Zimmerman, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the first calendar quarter 1988:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............."Expense Money" and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	(*"Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302(b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*________________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	American Ambulance Assn	48,843.17	8,299.64
Do	Golden Gate Bridge Highway & Transportation District	17,640.00	6,178.99
Do	Tobacco Institute	40,466.99	4,149.82
Paul C. Abenante, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn	1,142.31	6.00
Thomas G. Abernethy Sr., 3973 Stuart Place Jackson, MS 39211	U.S. Cane Sugar Refiners' Assn		
Matthew J. Abrams, 1828 L St., NW, #660 Washington, DC 20036	CANAMCO (For:Aerospace Industries Assn of Canada)	2,500.00	
Do	Dominion Marine Assn		
Elaine Acevedo, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	2,000.00	
Action for Children's Television, 20 University Road Cambridge, MA 02138		99,147.00	1,365.72
Ad Hoc Coalition on International Electric Power Trade, 12800 Shaker Blvd. Cleveland, OH 44120-2099			1,001.62
John J. Adams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Ethyl Corporation		
Do	Vepco		
John R. Adams, One Tabor Center 1200 17th Street, #2500 Denver, CO 80202	Energy Fuels Nuclear, Inc	1,500.00	1,918.19
Kenneth R. Adams, 2211 Congress Street Portland, ME 04122	UNUM Life Insurance Co	500.00	60.00
Robert O. Aders, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute		
Terrance M. Adlhock, 1111 19th St., NW, #303 Washington, DC 20036	Southern California Edison Co	4,500.00	1,500.00
Aerospace Industries Assn of America, Inc, 1250 Eye Street, NW, #1100 Washington, DC 20005		39,234.65	39,234.65
Agendas International, 820 Second Avenue, #1302 New York, NY 10017	Ministerio del Exterior, Republic of Nicaragua		
David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006	Baxter	2,000.00	280.00
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp		46.00
Air Conditioning & Refrigeration Institute, 1501 Wilson Boulevard, #600 Arlington, VA 22209			
Air Products & Chemicals, Inc, 1730 Pennsylvania Ave., NW, #265 Washington, DC 20006			3,778.58
Air Transport Assn of America, 1709 New York Ave., NW Washington, DC 20006		47,649.58	96,440.83
Aircraft Owners & Pilots Assn, 421 Aviation Way Frederick, MD 21701		5,249,040.00	203,520.00
Randolf H. Aires, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	3,150.00	37.33
Michael A. Aisenberg, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	17,000.00	
Donna A. Akers, 1800 M Street, NW, #700 South Washington, DC 20036	Dow Chemical Co		4,875.00
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	Aldrich Eastman Waltch, Inc	1,120.00	19.00
Do	Amerada Hess Corp		
Do	American Nuclear Energy Council	2,400.00	38.00
Do	American Stores Co		
Do	American Telephone & Telegraph Co	500.00	10.00
Do	Archer Daniels Midland Company		
Do	Asamera Minerals (U.S.), Inc		
Do	Baltimore District Farm Credit Council		
Do	Bank of New York	36,920.00	700.00
Do	Boston Company	1,120.00	19.00
Do	Buckeye Pipeline Co, L.P	550.00	11.00
Do	Charles Jacquin et Cie, Inc	495.00	
Do	City of Philadelphia	1,000.00	19.00
Do	Clark Enterprises, Inc		
Do	Clarke/Bardes Organization, Inc	3,725.00	70.00
Do	Coalition for Fair Capital Reimbursement	1,050.00	19.00
Do	Commercial Metals Co	4,174.00	75.00
Do	Copley Real Estate Advisors, Inc	1,120.00	19.00
Do	Creditors in case of Grant Broadcasting System, Inc		
Do	COMSAT Corp		
Do	Drexel Burnham Lambert, Inc	36,180.00	680.00
Do	Embassy of the People's Republic of China		
Do	First City BanCorporation of Texas, Inc	6,470.00	114.00
Do	First Texas Savings & Loan		
Do	Fujitsu America, Inc	1,300.00	28.00
Do	W. R. Grace & Co	6,700.00	133.00
Do	Guardian Industries		
Do	Gulf & Western Industries, Inc	100.00	
Do	Hasbro Industries, Inc	1,600.00	29.00
Do	Houston Oilers	50.00	
Do	Interim Systems Corp		
Do	Jacquin's	495.00	
Do	Peter Kiewit Sons', Inc	5,280.00	95.00
Do	Levi Strauss & Co	250.00	
Do	Lone Star Steel Co		
Do	Long Island Lighting Co	3,950.00	76.00
Do	McDonnell Douglas Corp	1,480.00	19.00
Do	Merrill Lynch Capital Partners		
Do	Mesa Petroleum Co	2,375.00	1,038.00
Do	Metropolitan Transit Authority of Harris County	7,500.00	133.00
Do	Morgan Stanley & Co, Inc	500.00	12.00
Do	Motion Picture Assn of America, Inc	11,400.00	230.00
Do	Mutual Fairness Taxation Assn		
Do	MEDCO Containment Services, Inc		
Do	National Football League		
Do	Nevada Resort Assn	26,200.00	490.00
Do	News America	2,100.00	38.00
Do	Pepsico, Inc	500.00	
Do	Pharmaceutical Manufacturers Assn		
Do	Population Services International	800.00	19.00
Do	Property Capital Advisors, Inc	1,120.00	19.00
Do	Reebok International Ltd		
Do	Research Corporation		
Do	RJR Nabisco, Inc	1,500.00	28.00
Do	Scotfoam Corp		
Do	Shell Oil Co	1,000.00	
Do	Sheller-Globe		
Do	Southern California Edison Co	650.00	12.00
Do	Texas Air Corp		
Do	Tinicum, Inc		
Do	Todhunter International, Inc	495.00	
Do	United Illuminating Co	2,000.00	38.00
Do	W. B. Voss		
Do	Warner-Lambert Co	18,600.00	350.00
Do	Wertheim & Co		
William E. Albers, 1731 Connecticut Ave., NW, 2nd Fl. Washington, DC 20009-1146	Albers & Company (For:May Department Stores Co)	9,600.00	
David Alberswerth, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	741.89	
Alcalde Henderson O'Bannon Rousselot & Wahlquist, 1901 N. Fort Myer Drive, #1204 Rosslyn, VA 22209	Alliance for Clean Energy	4,000.00	
Do	Alliance for Responsible CFC Policy	6,000.00	
Do	Americans for the National Dividend Act, Inc	3,000.00	
Do	Brown Boveri Corp	1,000.00	
Do	Carnival Cruise Lines	3,000.00	
Do	City of Las Vegas	4,000.00	
Do	Computer Sciences Corp	1,500.00	
Do	Consolidated Freightways	9,000.00	
Do	Dade County Aviation Department	1,500.00	
Do	Dade County Seaport Authority	3,000.00	
Do	Jack Eckerd Corp	1,000.00	
Do	Home Shopping Network	2,000.00	
Do	Jim Walter Corp	15,000.00	
Do	McDonnell Douglas Corp	2,000.00	
Do	Norwegian Caribbean Lines	3,000.00	
Do	Playtex, Inc	2,000.00	
Do	Port of Jacksonville	2,000.00	
Do	PIMA	2,000.00	
Do	Regular Common Carrier Conference	6,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Royal Caribbean Cruise Line	3,000.00	
Do	Tampa Electric Co	1,500.00	
Do	Tampa Port Authority	3,000.00	
Do	Texas Air Corp	3,000.00	
Donald C. Alexander, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Air Products & Chemicals, Inc)	27.50	
Do	Cadwalader Wickersham & Taft (For:Air Transport Assn of America)		
Do	Cadwalader Wickersham & Taft (For:American Financial Corp)		
Do	Cadwalader Wickersham & Taft (For:Bechtel Group, Inc)		
Do	Cadwalader Wickersham & Taft (For:Charter National Life Insurance Co)	165.00	
Do	Cadwalader Wickersham & Taft (For:Clark/Bardes Organization, Inc)		
Do	Cadwalader Wickersham & Taft (For:Disabled American Veterans)		
Do	Cadwalader Wickersham & Taft (For:Eastern Air Lines, Inc)		
Do	Cadwalader Wickersham & Taft (For:Family Life Insurance Co)	137.50	
Do	Cadwalader Wickersham & Taft (For:Henley & Co, Inc)		
Do	Cadwalader Wickersham & Taft (For:Knoll Pharmaceuticals)	13.75	
Do	Cadwalader Wickersham & Taft (For:Management Compensation Group)		
Do	Cadwalader Wickersham & Taft (For:Mortgage Guaranty Insurance Corp)		
Do	Cadwalader Wickersham & Taft (For:Nationwide Mutual Insurance Co)		
Do	Cadwalader Wickersham & Taft (For:PepsiCo, Inc)		
Do	Cadwalader Wickersham & Taft (For:Raychem Corp)		
Do	Cadwalader Wickersham & Taft (For:Scott Paper Co)		
Nancy C. Alexander, 245 Second Street, NE Washington, DC 20002	Friends Comm on National Legislation	4,715.58	
John D. Allan, c/o Doh Lohnes & Albertson 1255 23rd St., NW Washington, DC 20037	Stelco, Inc		
Alexandra Allen, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	3,923.10	
Barbara Allen, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	9,250.00	158.39
Kenneth B. Allen, 555 New Jersey Ave., NW, #800 Washington, DC 20001	Information Industry Assn	7,500.00	250.00
William E. Allen, 1111 14th Street, NW Washington, DC 20005	American Dental Assn	1,000.00	
Alliance for Acid Rain Control, 444 N. Capitol Street, #526 Washington, DC 20001		15,000.00	2,331.00
Alliance for Capital Access, 1919 Pennsylvania Ave., NW, #704 Washington, DC 20006		358,000.00	113,841.84
Alliance of American Insurers, 1501 Woodfield Road, #400 West Schaumburg, IL 60195			46,997.91
Alliance of Nonprofit Mailers, 2001 S Street, NW, #540 Washington, DC 20009		8,311.00	2,102.08
Alliance to Save Energy, 1925 K Street, NW, #206 Washington, DC 20006			2,254.94
Allied Acid Rain Prohibition, 11573 Embers Court Reston, VA 22091			
Robert F. Allnut, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Alltel Corporation, 100 Executive Parkway Hudson, OH 44236			
Harvey Alter, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	3,200.00	
Michael J. Altier, 1000 Connecticut Avenue, NW Washington, DC 20036	National Retail Merchants Assn	7,780.00	216.27
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Coal Assn	9,800.00	195.44
Ricardo R. Alvarado, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal Inc	2,045.00	
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016			5,000.00
Robert P. Ambrose, 14615 Lone Oak Road Eden Prairie, MN 55344	Cooperative Power Association	4,000.00	38.31
American Academy of Family Physicians, 1740 West 92nd St. Kansas City, MO 64114		17,208.22	17,208.22
American Amusement Machine Assn, 205 The Strand Alexandria, VA 22314			
American Arts Alliance, 1319 F Street, NW, #307 Washington, DC 20004-1182		58,560.00	125,420.00
American Assn for Marriage & Family Therapy, 1717 K Street, NW, #407 Washington, DC 20006			22,628.83
American Assn of Equipment Lessors, 1300 North 17th St., #1010 Arlington, VA 22209			
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		865.12	50.00
American Assn of Presidents of Independent Colleges & Univs, C-366 ASB Provo, UT 84602			23,354.45
American Automobile Assn, 8111 Gatehouse Rd. Falls Church, VA 22047			
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036		106,900.43	106,900.43
American Business Conference, Inc, 1730 K Street, NW, #703 Washington, DC 20006		3,260.00	3,091.47
American Camping Association, Bradford Woods Martinsville, IN 46151			
American Council for Capital Formation, 1850 K Street, NW, #400 Washington, DC 20006		20,385.00	4,261.00
American Council of Life Insurance, Inc, 1001 Pennsylvania Avenue, NW Washington, DC 20004		131,186.66	131,186.66
American Farm Bureau Federation, 225 Touhy Ave Park Ridge, IL 60068		134,093.00	134,093.00
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			137,629.72
American Feed Industry Assn, 1701 N. Ft. Myer Dr. Arlington, VA 22209		3,240.00	3,240.00
American Financial Services Assn, 1101 14th St., NW Washington, DC 20005			1,000.00
American Frozen Food Institute, 1764 Old Meadow Rd., #350 Mclean, VA 22102		6,000.00	6,000.00
American Hellenic Institute Public Affairs Committee, Inc, 1730 K Street, NW, #1005 Washington, DC 20006		1,500.00	
American Hotel & Motel Assn, 1201 New York Ave., NW Washington, DC 20005		23,040.70	13,627.80
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036			3,162.70
American Insurance Assn, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036		3,396.00	3,396.00
American International Group, Inc, 70 Pine Street New York, NY 10270			52,403.88
American Israel Public Affairs Comm, 500 N. Capitol St., NW, #300 Washington, DC 20001		148,347.00	139,794.41
American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036			2,325.00
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001		126,700.00	11,964.08
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202		22,643.85	3,396.44
American Meat Institute, P.O. Box 3556 Washington, DC 20007			6,500.00
American Medical Assn, 535 North Dearborn St. Chicago, IL 60610			106,467.22
American Medical Care & Review Assn, 5410 Grosvenor Lane, #210 Bethesda, MD 20814			
American Medical Peer Review Assn, 440 First Street, NW, #510 Washington, DC 20001			
American Movers Conference, 2200 Mill Road Alexandria, VA 22314			3,550.00
American Newspaper Publishers Assn, Box 17407 Dulles International Airport Washington, DC 20041		8,806.28	8,806.28
American Nurses' Assn, 2420 Pershing Rd Kansas City, MO 64108		35,948.41	35,948.41
American Optometric Assn, 1505 Prince Street, #300 Alexandria, VA 22314			
American Paper Institute, Inc, 260 Madison Ave. New York, NY 10016			9,875.00
American Petroleum Institute, 1220 L St., NW Washington, DC 20005		331,830.17	256,535.67
American Physical Therapy Assn, 1111 N. Fairfax St. Alexandria, VA 22314		5,598.11	5,598.11
American Podiatric Medical Assn, 9312 Old Georgetown Road Behesda, MD 20814-1621			36,793.83
American Postal Workers Union, AFL-CIO, 1300 L Street, NW Washington, DC 20005		70,542.03	68,633.82
American Public Transit Assn, 1225 Connecticut Ave., NW Washington, DC 20036		82,217.00	82,217.00
American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005			
American Retreaders' Assn, P.O. Box 17203 Louisville, KY 40217		500.00	500.00
American Seed Trade Assn, 1030 15th Street, NW, #964 Washington, DC 20005			14,585.00
American Short Line Railroad Assn, 2000 Massachusetts Ave., NW Washington, DC 20036			
American Soc of Anesthesiologists, 1111 14th Street, NW, #501 Washington, DC 20005			19,613.53
American Soybean Association, 600 Maryland Avenue, SW, #510 Washington, DC 20024		9,900.00	6,487.06
American Textile Machinery Assn, 7297 N. Lee Hwy. Falls Church, VA 22042		460.00	460.00
American Textile Manufacturers Institute, Inc, 1801 K Street ,NW #900 Washington, DC 20036		34,346.09	56,624.71
American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706		27,200.00	27,200.00
American Veterinary Medical Assn, 1522 K Street, NW, #828 Washington, DC 20005			
American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209		358,486.37	388.30
Americans for the National Voter Initiative Amendment, 3115 N St., NW Washington, DC 20007			
Americans for Immigration Control, Inc, P.O. Box 738 Monterey, VA 24465		7,909.19	7,909.19
Americans for Nonsmokers' Rights, 2054 University Ave., #500 Berkeley, CA 94704			
Ameriserv, Inc, The Paragon Center 2400 East Commercial Blvd., #500 Fort Lauderdale, FL 33308			
Joanne Ames, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	Coalition for American Energy Security		
Do	Nathan Lewin (for 47th Street Photo)	10,000.00	
Do	Northrop Corp	3,000.00	
Do	Thompson Medical Co	1,000.00	
John G. Ams, 1660 L St., NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America	300.00	
Jan S. Amundson, 1331 Pennsylvania Ave., #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers		
Christopher E. Anders, 1667 K Street, NW, #660 Washington, DC 20006	Marlowe & Company (For:Graphic Communications International Union)	1,830.00	48.00
Anthony A. Anderson, 1818 N St., NW Washington, DC 20036	Eckert Seamans Cherin & Mellot (For:Burlington Northern, Inc)	3,276.25	
Do	Eckert Seamans Cherin & Mellott (For:City of Pompano Beach, Florida)	787.50	
Do	Eckert Seamans Cherin & Mellott (For:CSX Corp)	2,848.75	8.10
Arne Anderson, 80 F St., NW Washington, DC 20001	American Fed of Government Employees	10,972.15	5.50
Bette B. Anderson, 1020 19th St., NW, #520 Washington, DC 20036	Anderson Benjamin Read & Haney (For:De La Rue Giori of America, Inc)		
Do	Anderson Benjamin Read & Haney (For:SICPA Industries of America, Inc)		
Do	Anderson Benjamin Read & Haney (For:U.S. Banknote Corp)		
Byron Anderson, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,264.20

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
H. Kim Anderson, Virginia Petroleum Council 1001 E. Broad Street Richmond, VA 23219	American Petroleum Institute		
J. Lem Anderson, 4111 Franconia Rd. Alexandria, VA 22310	Temple-Inland		
James A. Anderson Jr., 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Steven C. Anderson, 1764 Old Meadow Rd, #350 Mclean, VA 22102	American Frozen Food Institute	5,000.00	
William C. Anderson, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		92.50
Anderson Benjamin Read & Haney, Inc, 1020 19th St., NW, #520 Washington, DC 20036	Coalition to Stop the Raid on America	2,070.00	100.00
Mark Andrews, 2550 M St., NW, #695 Washington, DC 20037	Association of Trial Lawyers of America		
Do	CSX Corporation		
Do	Mars, Inc		
Do	Martin Marietta Corp		
Michael Andrews, 1455 Pennsylvania Ave., NW, #325 Washington, DC 20004	Salomon Brothers, Inc	875.00	
Robert B. Andrews, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Corp	500.00	
Andrews' Associates, Inc, 2550 M St., NW, #695 Washington, DC 20037	Association of Trial Lawyers of America		
Do	CSX Corporation		
Do	Mars, Inc		
Do	Martin Marietta Corp		
Anglo American Auto Auctions, Inc, 2 International Plaza Dr., #600 Nashville, TN 37217			
J. Donald Annett, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc		
Philip H. Anns, 1101 Vermont Avenue, NW, #405 Washington, DC 20005	A. H. Robins Co	3,000.00	
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	4,342.00	
Apartment & Office Building Assn, 1413 K Street, NW, #600 Washington, DC 20005			
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	2,325.00	
John Archer, 8111 Gatehouse Rd. Falls Church, VA 22047	American Automobile Assn		
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp	48.00	
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Ameritech		
Do	Aris Anagnos Properties	18,246.72	228.90
Do	Arizona Grape Grower's Assn		32.99
Do	Artery Corp		
Do	Automotive Parts & Service Coalition, Inc		0.45
Do	Central States SE & SW Areas Health Welfare & Pension Funds	13,389.66	333.54
Do	Diagnostic Health Services, Inc	507.53	2.00
Do	Guardian Life Insurance Co of America	27,161.73	222.65
Do	Independent Federation of Flight Attendants	8,000.00	1,082.42
Do	Motor and Equipment Manufacturers Association		
Do	National Assn of College Stores	14,800.00	1,286.26
Do	National Field Selling Assn	2,484.00	
Do	National Parking Association	4,465.51	586.00
Do	Schoenke & Koenig	4,050.98	314.75
Do	Toshiba America, Inc	125,885.13	6,147.47
Do	Toshiba International Corp		
Do	Toyota Motor Corporation		
Do	Washington Gas Light Co		
John A. Armstrong, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Carl F. Arnold, 617 Rivercrest Drive McLean, VA 22101	American Iron & Steel Institute	400.00	
Do	Ashland Oil Co	250.00	
Do	Corporate Property Investors	1,000.00	
Do	Quintana Petroleum Corp	1,250.00	
John E. Arnold, 1725 Jefferson Davis Highway, #401 Arlington, VA 22202	Unisys Defense Systems	1,000.00	218.61
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	American Assn of Exporters & Importers	787.50	12.60
Do	Asea AB		
Do	Canadian Meat Council		9.80
Do	Chubb Corporation		0.90
Do	Continental Corporation	3,116.00	0.90
Do	Donahue & Associates, Inc		4.35
Do	Federated Department Stores, Inc	195.00	
Do	Fluor Corporation		
Do	Grain & Feed Trade Assn		
Do	International Commodities Clearing House		
Do	Japan Fair Trade Center	625.00	
Do	London Commodity Exchange (1986) Limited		
Do	London International Financial Futures Exchange, Ltd		
Do	LyphoMed, Inc		139.77
Do	Metal Market & Exchange Co, Ltd		
Do	Recording Industry Assn of America, Inc	99.00	
Asbill Junkin Myers & Buffone, 1607 New Hampshire Ave., NW Washington, DC 20009	Coalition on Smoking or Health	18,650.00	14,923.93
Michael Ashford, 2030 M Street, NW Washington, DC 20036	Common Cause	666.68	
Milton F. Ashford, P.O. Box 24305 Oakland, CA 94623	Clorox Company		
Lud Ashley, P.C., 1735 New York Avenue, NW, 6th Fl. Washington, DC 20006	American International Group, Inc	8,745.00	
Do	Secondary Mortgage Market Support Group		
Do	Wells Fargo Bank, N.A.	7,550.00	
Joseph Ashooh, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Nicholas J. Ashooh, 1000 Elm Street P.O. Box 330 Manchester, NH 03105	Public Service Co of New Hampshire	800.00	33.80
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippine			
Asphalt Roofing Manufacturers Association, 6288 Montrose Road Rockville, MD 20852			
Associated Credit Bureaus, Inc, 16211 Park 10 Place Houston, TX 77084		1,500.00	
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006			14,559.33
Association for Commuter Transportation, Inc, 1776 Massachusetts Ave., NW, #521 Washington, DC 20036			
Association of American Publishers, 2005 Massachusetts Ave., NW Washington, DC 20036		8,046.85	8,046.85
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001		90,898.76	90,898.76
Association of American Veterinary Medical Colleges, 1522 K Street, NW, #834 Washington, DC 20005			
Association of Biotechnology Companies, 1120 Vermont Avenue, NW, #601 Washington, DC 20005		10,500.00	10,500.00
Association of Government Accountants, 727 South 23rd Street, #100 Arlington, VA 22202			
Association of Junior Leagues, Inc, 660 First Avenue New York, NY 10016		15,000.00	12,049.00
Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007		14,510.00	14,510.00
Association of Urban Universities, 1225 Connecticut Ave., NW, #300 Washington, DC 20036		14,000.00	6,323.77
George J. Aste, 1707 L St., NW, #300 Washington, DC 20036-4202	United Airlines, Inc	500.00	
Victor Atiyeh & Co, 519 SW Park St., #208 Portland, OR 97205	Arthur Andersen & Co		
Do	Fujitsu, Ltd		
Do	Seiko Epson		
Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071			1,277.44
Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc		
John J. Auciello, P.O. Box 269 Elizabethtown, PA 17022	American Assn of Meat Processors		
Ronald R. Austin, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc	634.31	241.91
Automotive Parts Rebuilders Assn, 6849 Old Dominion Drive Mclean, VA 22101			
John S. Autry, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp	4,000.00	2,000.00
Aviation Consumer Action Project, 2000 P Street, NW #700 Washington, DC 20036			
Rebecca Avila, 2030 M St., NW Washington, DC 20036	Common Cause	6,961.55	1,145.91
William H Axtman, 950 N. Glebe Rd., Rm. 160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		2,115.00
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Mil Davie Inc		
ADAPSO - The Computer Software & Services Industry Assn, 1300 North 17th Street, #300 Arlington, VA 22209			3.50
Hope M. Babcock, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		
Dale R. Babione, 1700 N. Moore St. Rosslyn, VA 22209	Boeing Company	2,408.25	160.38
Victor Bach, 105 East 22nd Street New York, NY 10010	Community Service Society	139.84	
Robert Baechtold, 277 Park Avenue New York, NY 10172	Fitzpatrick Cella Harper & Scinto (For:Pharmaceutical Manufacturers Assn)	500.00	
Richard Anthony Baenen, 1735 New York Avenue, NW, #600 Washington, DC 20006	NANA Regional Corp, Inc		
Do	People's Republic of Angola		
Do	Shee Atika, Inc		
William T. Bagatelas, 1730 K Street, NW, #319 Washington, DC 20006	American Hellenic Institute Public Affairs Committee, Inc		
Joan N. Baggett, 815 15th St., NW Washington, DC 20005	International Union of Bricklayers & Allied Craftsmen	4,000.00	30.00
Brent A. Baglien, 725 15th Street, NW Washington, DC 20005	National Grain & Feed Assn		
Franklin Eugene Bailey, 1030 15th St., NW, #700 Washington, DC 20005	National Cotton Council of America	4,812.75	322.22
Paul C. Bailey Jr., 108 South Columbus Street Arlington, VA 22204	Southern Company Services, Inc	1,974.05	391.77
William W. Bailey, 1700 Pennsylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	2,000.00	1,619.72

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Judith L. Baird, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	200.00	
Edward R. Bajer, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	400.00	
Emil F. Baker, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn		
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,000.00	520.80
James Jay Baker, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,370.70	135.69
Monica S. Baker, 206 G St., NE, #201 Washington, DC 20002	Foley & Company		
Do	PolyPhaser Corp		
R. Garrity Baker, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	225.00	48.50
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Alamo Rent-A-Car, Inc	8,986.25	71.40
Do	American Protestant Health Assn	20,000.00	458.63
Do	Association of Independent Organ Procurement Agencies		67.20
Do	Astroline Communications Co	10,000.00	6,650.00
Do	Burlington Northern Railroad	7,310.00	86.95
Do	Committee for a Just Animal Drug Law		
Do	Hospital Insurance Forum	8,085.00	
Do	IBM Corp		
Do	Loyola University		
Do	Missouri Baptist Hospital	13,120.00	121.15
Do	National Assn of Nuclear Pharmacies	1,050.00	61.68
Do	Occidental Petroleum Corp		
Do	Organ Recovery Systems		162.50
Do	Uniden Corp of America		
Do	Western Fuels Assn, Inc		
S. Eason Balch, P.O. Box 306 Birmingham, AL 35201	Balch & Bingham (For:Southern Company Services, Inc)		
Patricia A. Baldi, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		
Donald Baldwin, 1140 Connecticut Ave., NW, #804 Washington, DC 20036	Association of Federal Investigators		
Do	Diagnostic/Retrieval Systems, Inc		
Do	Federal Criminal Investigations Assn		
Do	Mack Trucks, Inc		
Do	National Law Enforcement Council		
H. R. Balikov, 333 Thornall St. Edison, NJ 08818	J. M. Huber Corp		
Jacqueline Balk-Tusa, 2550 M St., NW, #695 Washington, DC 20037	Association of Trial Lawyers of America		
Do	CSX Corporation		
Do	Mars, Inc		
Do	Martin Marietta Corp		
Helen M. Ball, 1016 16th St., NW, #100 Washington, DC 20036	Brown Bridgman & Co, Inc	6,250.00	58.00
Ballard Spahr Andrews & Ingersoll, 555 13th St., NW, #900 East Washington, DC 20004	Arthur Andersen & Co		
Do	U.S. Committee for UNICEF		
Thomas M. Balmer, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Henchi Balos, P.O. Box 921 Majuro, Marshall Islands	Republic of the Marshall Islands (RMI)		
Charles E. Bangert, P.C., 1450 G Street, NW,#1200 Washington, DC 20005	Business Roundtable	2,500.00	
Bank of Boston Corporation, 100 Federal St. Boston, MA 02110			
Bank Capital Markets Assn, National Press Building, 2nd Fl. Washington, DC 20045			
James T. Banks, 1155 Connecticut Avenue, NW, #800 Washington, DC 20036	Waste Management, Inc	3,550.00	2,224.00
M. Graeme Bannerman, 888 Sixteenth St., NW Washington, DC 20006	Embassy of Lebanon	6,000.00	1,105.00
Do	Government of Bangladesh	3,000.00	1,300.00
Do	Sawyer-Miller Group	6,000.00	1,290.00
Samuel J. Baptista, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	3,750.00	
Emory W. Baragar, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	3,245.70	693.77
Haley R. Barbour, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	Joint Maritime Congress	9,000.00	114.90
Do	Al Williams & Company	7,000.00	710.68
William J. Barnds, 1000 Connecticut Avenue, NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	Heidelberg Eastern, Inc	1,462.50	38.29
Do	Rukert Marine Corp	300.00	19.57
Do	Stratton Hats, Inc		19.34
Do	Texas Citrus and Vegetable Import Association	1,125.00	27.53
Larry P. Barnett, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	12,137.84	
Barnett & Alagia, 250 South County Rd. Palm Beach, FL 33480	Cuban American Foundation		
Do	Dairymen, Inc	10,780.00	1,567.95
Barnett D'Amours Sivon & Shay, P.C., 1090 Vermont Ave., NW, #810 Washington, DC 20005	American Council for State Savings Supervisors	525.00	
Do	Citibank, N.A	3,533.00	95.00
Do	Credit Union National Assn, Inc	420.00	
Do	Investors in Industry	330.00	8.00
Neil D. Baron, Booth & Baron 122 East 42nd Street, #1507 New York, NY 10168	Standard & Poor's Corporation		
James C. Barr, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	3,300.00	
Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
David M. Barrett, Barrett Hanna Daily & Gaspar 1055 Thomas Jefferson St., NW, #501 Washington, DC 20007	Allied Tube & Conduit Corp		
Do	Energy Consumers & Producers Assn		
Robert W. Barrie, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	3,000.00	
Robert E. Barrow, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	
Roger V. Barth, 1735 Eye St., NW, #715 Washington, DC 20006	American Assn for Clinical Chemistry Inc		
Linda L. Bartlett, 1100 17th Street, NW, #601 Washington, DC 20036	Kraft, Inc	750.00	
Robert G. Bartlett, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
James E. Bartley, 1090 Vermont Avenue, NW, #410 Washington, DC 20005	National Industrial Transportation League	7,500.00	45.00
Mark A. Bartner, 100 Maryland Avenue, NE Washington, DC 20002	Religious Coalition for Abortion Rights, Inc	5,875.02	19.40
Diane Bateman, 1015 18th Street, NW Washington, DC 20036	Fertilizer Institute	9,000.00	1,502.02
Robert E. Bates Jr., 1100 Connecticut Ave, NW Washington, DC 20036	Mobil Corp	1,125.00	
Robin Battaglini, 1600 M Street, NW Washington, DC 20036	ITT Corporation	2,000.00	45.00
Laurie C. Battle, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	1,500.00	
Barbara Bauman, 1990 M Street, NW, #480 Washington, DC 20036	Detroit Edison Company	450.00	30.00
Baumbach & Fisher Assoc., Inc, 1900 S. Harbor City Blvd. Melbourne, FL 32901	Extradition Corp of America	489.00	
Ann F. Bavaria, 35 North Sixth Street Reading, PA 19601	Meridian Bancorp, Inc		27.35
Margaret E. Bayers, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
Tina Marts Beach, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co	372.00	
Bruce A. Beam, 1667 K St., NW, #450 Washington, DC 20006	American Electric Power Service Corp	695.98	2,365.43
Donald S. Beattie, P.O. Box 6474 Alexandria, VA 22306	B T Enterprises	19,000.00	6,770.00
Hubert Beatty, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Edward A. Beck III, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	8,550.00	279.25
Robert E. Beck, P.O. Box 6808 Falls Church, VA 22046	National Assn of Plumbing-Heating-Cooling Contractors	175.00	
Daniel F. Becker, 1525 New Hampshire Ave., NW Washington, DC 20036	Environmental Action, Inc	2,469.57	
Merritt Becker, 1712 Euclid St., NW Washington, DC 20009	Bruce P. Cameron	3,776.80	
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	7,569.75	25.00
William W. Beddow, 1730 Pennsylvania Ave., NW, #750 Washington, DC 20006	Caterpillar, Inc	2,500.00	157.40
Howard Bedlin, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	559.96	252.09
Jon Charles Bednerik, 11 Embarcadero West, #202 Oakland, CA 94607	Western Independent Bankers	500.00	
Josiah Beeman, 15 Second St., NE Washington, DC 20002	Magne-Tek ALS Corp	10,000.00	3,626.36
Beer Institute, 1225 'Eye' Street, NW, #825 Washington, DC 20005			
Robert M. Beers, 2101 E Street, NW Washington, DC 20037	American Foreign Service Assn	5,210.00	57.00
William A. Behan, 1700 N. Moore St., #820 Rosslyn, VA 22209	Magnavox Government & Industrial Electronics Co	9,837.00	1,519.15
James Beizer, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Mark Belanger, 805 Third Avenue New York, NY 10022	Major League Baseball Players Assn		
Peter M. Belanger, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
Donald K. Belch, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Stelco, Inc	33.12	450.01
M. Wendell Belew Jr., 499 South Capitol St., SW, #407 Washington, DC 20003	American Electronics Laboratories, Inc		
Do	Crowley Maritime Corp		
Do	Long Lake Energy Corp		
Do	Massachusetts Mutual Life Insurance Co		
Do	United Parcel Service		
Denise Bell, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	259.08
Diane L. Bell, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	466.41
Matt Langley Bell III, P.O. Box 1312 Pensacola, FL 32596	Escambai County, Florida		
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #325 Washington, DC 20004	Salomon Brothers, Inc	1,000.00	
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Bruce Benefield, 1000 Wilson Blvd., #2600 Arlington, VA 22209	TRW, Inc	216.00	
Beverly L. Bennett, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc	2,500.00	
David E. Bennett, 740 Hillgrove Avenue Western Springs, IL 60558	West Central Municipal Conference		
Douglas P. Bennett, 9020 Saunders Lane Bethesda, MD 20817	Corning Associates		
John C. Bennison, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	8,500.00	
James E. Benton, N. J. Petroleum Council 150 W. State Street Trenton, NJ 08608	American Petroleum Institute	325.00	427.50
Diana Berardocco, 555 13th St., NW, #1050 East Washington, DC 20004	Avon Products, Inc		
George L. Berg Jr., 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,125.01	88.87
Edwin M. Bergsmark, Three SeaGate Toledo, OH 43603	Trustcorp, Inc	480.00	34.00
Paul C. Bergson, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,000.00	
Jane W. Bergwin, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
Nathan R. Berkley, 2200 Mill Road Alexandria, VA 22314	American Movers Conference	400.00	
Peter A. A. Berle, 950 Third Avenue New York, NY 10022	National Audubon Society	1,000.00	253.00
Berliner & Maloney, 1101 17th Street, NW, #1004 Washington, DC 20036-4798	Embassy of Belize	1,100.00	127.56
Do	Government of Barbados, Ministry of Finance & Planning	10,065.00	278.63
Debra Berlyn, 1400 K St., NW, #500 Washington, DC 20005	Handgun Control, Inc	4,694.00	
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America		
Jason S. Berman, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	3,000.00	
Jay Harris Berman, 621A 7th Street, NE Washington, DC 20002	National Assn of Professional Insurance Agents		
Richard B. Berman, 1015 15th St., NW, #1200 Washington, DC 20005	Burger King Corp		
Do	Godfather's Pizza, Inc		
Do	Pillsbury Company		
Do	Quik Wok, Inc		
Do	S&A Restaurants Corp		
William R. Berman, 8111 Gatehouse Rd. Falls Church, VA 22047	American Automobile Assn		
Berman Bergner & Boyette, Inc, 1016 16th Street, NW, #700 Washington, DC 20036	China External Trade Development Council	2,000.00	1,316.00
Do	Electronic Industries Assn	3,000.00	2,229.42
Do	Eli Lilly & Company	800.00	819.81
Do	First Atlantic Investment Corp	2,000.00	3,035.80
Do	First Boston Corp	3,000.00	5,601.66
Do	Flo-Sun Land Corp	2,000.00	3,035.80
Do	Forum Group, Inc	2,000.00	1,320.00
Do	Galesi Group	2,000.00	1,020.94
Do	Natural Gas Supply Assn	3,000.00	2,364.74
Do	Okeelanta Corp	1,700.00	3,335.80
Do	Republic of Korea	2,000.00	1,230.00
Mary E. Bernhard, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S	2,295.00	
Delanne Bernier, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	470.00	212.00
Donald C. Berno, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	9,875.00	226.93
Craig A. Berrington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers Meat Products Group		
Do	Centre National Interprofessionnel de L'Economic Laitiere		
Do	Committee to Assure the Availability of Casein		
Do	Federation des Exportateurs de Vins & Spiritueux de France		
Willard M. Berry, 1625 K Street, NW, #1090 Washington, DC 20006	National Foreign Trade Council, Inc	5,000.00	1,100.00
John F. Betar, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	1,187.50	65.00
Better Working Environments, Inc, P. O. Box 1765 Carson City, NV 89702			
Robert Betz, 1010 Vermont Avenue, NW, #1116 Washington, DC 20005	Robert Betz Associates, Inc (For:Alabama Hospital Association)	5,250.00	312.72
Beveridge & Diamond, P.C., 1333 New Hampshire Ave, NW Washington, DC 20036	Town of Oyster Bay Industrial Development Agency		
Cheryl Beversdorf, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20036	American College of Surgeons		161.98
Sheldon D. Beychok, P.O. Box 2924 Baton Rouge, LA 70821	American Waste & Pollution Control Co		
Do	Camp Dresser & McKee, Inc		
Do	First Boston Corp		
Do	Lamar Corporation		
Do	Southeast Health Plan of Louisiana, Inc		
L. Christina Beydoun, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn		
John C. Biechman, 655 15th St., NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Joan T. Bier, 1726 M Street, NW, #701 Washington, DC 20036	International Minerals & Chemical Corp	1,200.00	269.90
Moe Biller, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	12,402.72	
Kevin W. Billings, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	2,592.50	1,021.45
Leon G. Billings, Inc, 1660 L St., NW, #809 Washington, DC 20036	South Coast Air Quality Management District	23,075.66	
Hugh L. Binford, 339 Ruckel Drive Niceville, FL 32578			
Bingham Dana & Gould, 1724 Massachusetts Avenue, NW Washington, DC 20036	Disabled American Veterans		
Bipartisan Budget Appeal, P.O. Box 9 Bowling Green Station New York, NY 10004		107,600.00	174,048.96
Birch Horton Bittner Pestinger & Anderson, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Alaska Pacific Refining, Inc		
Do	Alaska Teamsters-Employer Pension Trust		
Do	Amerada Hess Corp		
Do	City of St. George		
Do	Ellers Oakley Chester & Rike		
Do	McCaw Communications Cos		
Do	North Slope Borough		
Do	Old Harbor Corp		
Do	Sealaska Corp		
Do	St. George Tanaq Corp		
Do	Tanadgusix Corporation		
Do	Westinghouse Electric Corp		
Do	Yukon Pacific Corp		
Charles O. Bishop Jr., 1225 Connecticut Ave., NW Washington, DC 20036	American Public Transit Assn	6,920.00	126.00
Bishop Cook Purcell & Reynolds, 1400 L Street, NW Washington, DC 20005-3502	Akhiok-Kaguyak, Inc	1,400.00	
Do	Natural Gas Pipeline Coalition		
Do	Tobacco Institute	14,600.00	265.60
Do	Washington Public Power Supply System	7,500.00	
J. Barry Bitzer, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006	B.F. Goodrich Co	100.00	
Black Crotty Sims Hubka Burnett & Samuels, 501 North Grandview Ave. P.O. Box 5488 Daytona Beach, FL 32018	Aetna Life Insurance Company		
Black Manafort Stone & Kelly, P.C., 211 North Union Street, 3rd Floor Alexandria, VA 22314	Aetna Life & Casualty	7,000.00	456.21
Do	Allentown Cement Co, Inc	15,000.00	42.04
Do	Allied-Signal Corp	22,500.00	243.64
Do	Bethlehem Steel Corp	22,500.00	
Do	Chicago RTA	9,000.00	1,142.11
Do	Clark Construction Group	9,000.00	
Do	Cooper's Ferry Development Assn, Inc	9,000.00	989.25
Do	Diamond Star Corp	30,000.00	225.44
Do	Financial Security	22,500.00	
Do	GTech Corp	9,000.00	5,375.61
Do	Johnson & Johnson, Inc	30,000.00	792.86
Do	Kaman Aerospace Corp	45,000.00	
Do	Massa Products Corp	15,000.00	386.73
Do	NOVA University	30,000.00	5,170.95
Do	OCG Technology, Inc	1,500.00	
Do	Puerto Rico Federal Affairs Administration	9,000.00	79.12
Do	Revlon Group, Inc	6,000.00	1,131.88
Do	Tobacco Institute	22,500.00	151.89
Do	Trans World Airlines, Inc	18,000.00	138.15
Do	U.S. Sprint	12,000.00	
Do	Union Pacific Corp	22,500.00	209.50
Do	UNITA	75,000.00	887.81
Robert J. Blackwell Jr., 1025 Connecticut Avenue, N.W. Suite 1014 Washington, DC 20036	Enserch Corporation	3,038.00	1,235.31
Bev D. Blackwood, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
David A. Blair, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	2,050.00	90.26
Stephen Blair, 2251 Wisconsin Ave., NW Washington, DC 20007	National Assn of Trade & Technical Schools	750.00	
Richard R. Blake Jr., 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
Helen Blank, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	6,415.77	236.36

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Kenneth T. Blaylock, 80 F St., NW Washington, DC 20001	American Fed of Government Employees	22,329.25	12,458.15
Beatrice K. Bleicher, 1700 K Street, NW, #1100 Washington, DC 20006	Owens-Illinois, Inc	2,000.00	100.00
Christopher M. Blessington, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Bryant C. Blewett, P.O. Box 24305 Oakland, CA 94623	Clorox Company		
Richard W. Bliss, 3242 Grace Street, NW Washington, DC 20007	Amax, Inc		
Do	Brother International Corp		
Do	Environmental Science & Engineering		
Do	Fluor Corporation	4,300.00	36.38
Do	National Paint & Coatings Assn, Inc		
Do	PB-KBB, Inc		
Do	St. Joe Minerals Corp		
Do	Varian EIMAC		
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	
Douglas M. Bloomfield, 500 N. Capitol St., NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	21,499.98	1,008.20
Mark Bloomfield, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	1,050.00	
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	807.44
Vera Steiner Blore, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	300.00	5.00
John B. Blount Jr., 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,039.88
Jared O. Blum, 1731 Connecticut Ave., NW, 2nd Fl. Washington, DC 20009-1146	Albers & Company (For:May Department Stores Co)	13,200.00	898.97
Robert A. Blum, 600 Montgomery Street San Francisco, CA 94111	Orrick Herrington & Sutcliffe (For:Permanente Medical Group, Inc)		
Charles R. Blumenfeld, Bogle & Gates 2100 Bank of California Center Seattle, WA 98164	Pacific Seafood Processors Assn		
Patti Blumer, 1667 K Street, NW, #430 Washington, DC 20007	American Dietetic Assn	1,000.00	548.85
Wayne F. Boan, 927 15th St., #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304		75,000.00	75,000.00
Karen Bodenhorn, 1522 K Street, NW, #1120 Washington, DC 20005	American College of Nurse-Midwives		
Seth M. Bodner, 386 Park Avenue South New York, NY 10016	National Knitwear & Sportswear Assn	1,312.50	
Larry A. Boggs, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Timothy A. Boggs, 1133 21st Street, NW, #400 Washington, DC 20036	Warner Communications, Inc	16,000.00	11,450.14
Bogle and Gates, One Thomas Circle, NW, #900 Washington, DC 20005	Northwest Apparel & Textile Assn	5,000.00	
Robert Z. Bohan, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn		
Patricia Boinski, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Richard O. Bolger, 2055 N. 15th Street, #300 Arlington, VA 22201	American Soc of Magazine Photographers	21,315.00	611.13
Harold W. Bolinger, 517 Maryland Ave. Cumberland, MD 21502	Liberty Lobby, Inc	550.00	
Sharon E. Bomer, 727 N. Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	2,437.50	517.36
Joseph C. Bonanno Jr., 4068 Keith Drive Campbell, CA 95008			
A. Dewey Bond, P.O. Box 3556 Washington, DC 20007	American Meat Institute	500.00	
Bonsib, Inc, P.O. Box 1807 Washington, DC 20013			
Gaylon B. Booker, 1918 N. Parkway Memphis, TN 38112	National Cotton Council of America		
John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc	100.00	
Patricia A. Borowski, 6824 Pacific Lane Annandale, VA 22003	National Assn of Professional Insurance Agents		1,450.00
Laurence D. Bory, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	900.00	
G. Stewart Boswell, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	4,958.50	23.80
Charles G. Botsford, 1730 M St., NW, #515 Washington, DC 20036	McDonnell Douglas Helicopters, et al	1,500.00	115.00
John E. Bouchard, 1667 K Street, NW, #350 Washington, DC 20036	Maersk Inc		
James G. Bourie, P.O. Box 20655 126 S. Washington Street Alexandria, VA 22320	Potomac Advisory Group		
Albert D. Bourland, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S		
Laura L. Bourne, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Wayne A. Boutwell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,400.00	
Rodney A. Bower, 8701 Georgia Avenue, #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
John Bowers Jr., 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	6,361.61	1,019.37
Michael Bowers, 1717 K Street, NW, #407 Washington, DC 20006	American Assn for Marriage & Family Therapy		250.00
Bowery Savings Bank, 110 East 42nd Street New York, NY 10017			
Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
Gina M. Bowman, P.O. Box 7305, Dept. 178 Kansas City, MO 64116	Farmland Industries, Inc		
Jim D. Bowmer, P.O. Box 844 Temple, TX 76503	Tribal Council of the Coushatta Tribe of Louisiana		44.75
Joan Costain Bowyer, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	150.00	
John G. Boyd, 1801 K St., NW Washington, DC 20006	International Business Machines Corp	310.00	40.20
Richard A. Boyd, 1400 K St., NW, #500 Washington, DC 20005	Handgun Control, Inc	7,000.00	
Robert K. Boyd, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	7,000.00	914.00
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	Appalachian Energy Group		
Do	Austin Capital Metropolitan Authority		
Do	Chemical Manufacturers Assn, Inc	600.00	239.40
Do	Coalition of Funeral Directors		
Do	Computer Dealers & Lessors Assn, Inc		
Do	COMDISCO, Inc		
Do	Enron Corp	760.00	303.24
Do	Graham Resources, Inc		
Do	Liberty Bank & Trust of New Jersey		
Do	Louisiana Land & Exploration Co		
Do	Massachusetts Mutual Life Insurance		
Do	National Cable Television Assn, Inc	200.00	79.90
Do	Pennsylvania Natural Gas Assn		
Do	Southdown/Pelto Oil Company		
Do	Star-Kist Foods, Inc		
Do	Valero Energy Corporation	960.00	383.04
Bracy Williams & Company, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	American Southwest Financial Co	10,000.00	360.00
Do	Arkla, Inc	4,000.00	200.00
Do	City of Tucson	7,000.00	170.00
Do	Coin Coalition	5,000.00	215.00
Do	CSX Corporation	8,000.00	235.00
Do	Energy Absorption Systems, Inc	8,000.00	265.00
Do	Energy Contractors Price-Anderson Group	4,000.00	125.00
Do	Estes Company	3,000.00	95.00
Do	LaserVideo, Inc	1,000.00	35.00
Do	Pratt & Whitney Aircraft Group	4,000.00	85.00
Do	Satellite Broadcast Network	1,000.00	65.00
Do	Satellite Broadcasting & Communications Assn	3,000.00	115.00
Do	Southern Arizona Water Resources Association	2,000.00	135.00
Bradbury Bliss & Riordan, 431 West 7th Ave., #201 Anchorage, AK 99501	Akhiok-Kaguyak, Inc	34,249.00	3,553.43
Robert W. Bradford, P.O.Box 4600 Rochester, MN 55903			
Frank W. Bradley, 1700 K St., NW Washington, DC 20006	Chevron USA, Inc	8,250.00	
Wayne W. Bradley, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn		
Dennis M. Bradshaw, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Lawrence J. Brady, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:International Brotherhood of Teamsters)		
Carren Bragg, 1901 L Street, NW, #303 Washington, DC 20036	Colt Industries, Inc	500.00	
Charles G. Bragg, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America		
Raymond F. Bragg Jr., 50 F Street, NW, #1040 Washington, DC 20001	American Independent Refiners Assn	200.00	
Do	Consolidated Natural Gas Co	100.00	
Do	Environmental Power Corp	100.00	
Do	Tosco Corporation	100.00	
Stuart J. Brahs, 655 15th St., NW, #950 Washington, DC 20005	Principal Financial Group	375.65	
Sally M. Brain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Barbara Bramble, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	1,330.59	
Robert M. Brandon, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen Action	2,000.00	767.40
Do	Citizen/Labor Energy Coalition		
William C. Brashares, Mintz Levin Cohn Ferris Glovsky & Popeo 1825 Eye St., NW, #1201 Washington, DC 20006	Smith Barney Harris Upham & Co, Inc		
Jean A. Brashears, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	225.00	
Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Roy Braunstein, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	13,504.34	437.88
Donald H. Brazier, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al		
Harold E. Brazil, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co	237.09	
Noel Brazil, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Edward T. Breathitt, 1050 Connecticut Ave., NW Washington, DC 20036	Norfolk Southern Corp	1,000.00	
Roy S. Bredder, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Bregman Abell & Kay, 1156 15th St., NW, #1212 Washington, DC 20005	Air Transport Assn of America	1,200.00	
Do	American Car Rental Assn		
Do	American Fed of Labor & Congress of Industrial Organizations	5,000.00	
Do	Committee to Eliminate Equipment Giveaways	5,000.00	
Do	Murry's, Inc		
Do	Temistocles Ramirez	5,000.00	
Do	Ryder Systems, Inc	2,500.00	
Do	Trans World Airlines, Inc	7,500.00	
Do	Truck Renting & Leasing Assn		
Carolyn L. Brehm, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	1,469.93
Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	10,800.00	213.73
Peter E. Brereton, 900 Euclid Avenue P.O. Box 5937 Cleveland, OH 44107	Ameritrust Co, Nat'l Assn	1,368.00	1,283.77
Richard Brescia, N.Y.S. Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute		
Thomas M. Bresnahan III, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	1,500.00	
Albert E. Brewster, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		254.50
Sue M. Briggum, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	3,550.00	2,224.00
Elizabeth Y. Britton, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	249.68	524.78
Stephen W. Broadie, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	1,500.00	187.60
Bradly A. Broadwell, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	2,000.00	4,161.75
David M. Brockman, 725 15th St., NW, #500 Washington, DC 20005	National Grain & Feed Assn		
Mary Broderick, 1625 K St., NW, 8th Fl. Washington, DC 20006	National Legal Aid & Defender Assn	1,500.00	
William M. Brodhead, 2715 M St., NW, #300 Washington, DC 20007	Plunkett & Cooney (For:American Soc for the Prevention of Cruelty to Animals)	833.34	2.34
Do	Murray & Scheer (For:Lightning Location & Protections, Inc)	4,500.00	
Do	Plunkett & Cooney (For:Massachusetts Soc for the Prevention of Cruelty to Animals)	833.33	2.33
Do	Plunkett & Cooney (for Blue Cross & Blue Shield of Michigan)	6,370.00	385.05
Do	Plunkett & Cooney (for City of Detroit, Michigan)	7,500.00	90.07
Do	Plunkett & Cooney (for Detroit Educational TV Foundation)		
Do	Plunkett & Cooney (for Humane Soc of the U.S.)	731.25	27.99
Do	Plunkett & Cooney (for Michigan Consolidated Gas Co)	10,500.00	292.73
Do	Plunkett & Cooney (for Michigan Humane Society)	731.25	27.98
Do	Plunkett & Cooney (Humane Soc of the U.S.)	833.33	2.33
Do	Murray & Scheer (For:PHP Healthcare Corp)	2,108.75	42.60
David A. Brody, 1640 Rhode Island Ave., NW Washington, DC 20036	Anti-Defamation League of B'nai B'rith	4,200.00	
Marcia D. Brody, 1522 K Street, NW, #828 Washington, DC 20005	American Veterinary Medical Assn	100.00	
Michael D. Bromberg, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	4,500.00	
Brook Associates, Inc, 1620 Eye Street, NW, #706 Washington, DC 20006	Northern Textile Assn	8,268.00	8,268.00
Dale E. Brooks, 1700 K St., NW Washington, DC 20006	Chevron USA, Inc	5,500.00	
E. R. Brooks, 2121 San Jacinto Street, #2500 Dallas, TX 75201	Central Power & Light Co		
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	4,597.88	212.71
Robert M. Brooks, 206 G St., NE Washington, DC 20002	Evergreen Associates, Ltd (For:Clover Park School District)	6,337.50	29.00
Do	Evergreen Associates, Ltd (For:Computer Dynamics & Aeronautics Corp)		
Do	Evergreen Associates, Ltd (For:DCL Industries)		
Do	Evergreen Associates, Ltd (For:Military Impacted Schools Assn)		
Donald G. Brotzman, 1400 K St., NW Washington, DC 20005	Rubber Manufacturers Assn	10,000.00	
Cheryl A. Brown, 1667 K Street, NW, #710 Washington, DC 20005	American Assn for Respiratory Care	17,500.00	
Cynthia A. Brown, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20006	American College of Surgeons		64.50
Cynthia L. Brown, 1110 Vermont Ave., NW, #1250 Washington, DC 20005	Shipbuilders Council of America	5,000.00	
David C. Brown, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	1,106.25	1,093.79
David S. J. Brown, 1101 17th St., NW, #604 Washington, DC 20036	Monsanto Co	700.00	1,128.48
Doreen L. Brown, 1001 Connecticut Ave., NW, #800 Washington, DC 20036	Consumers for World Trade		
George L. Brown, 1000 Wilson Boulevard Arlington, VA 22209	Grumman Corporation	1,250.00	199.94
James P. Brown, 5622 Delmar Blvd., #105-W St. Louis, MO 63112	City of St. Louis - City Hall		
Jesse P. Brown Jr., 1918 N. Parkway Memphis, TN 38112	National Cotton Council of America	2,423.08	11.74
Ralph Brown, Suite 107 701 S. 22nd Street Omaha, NB 68102	M.O.A.A.I.O.A. & Subs, Inc		10.00
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute	2,500.00	1,517.80
Virginia Brown, 15th & M streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
William E. Brown, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	614.25	396.27
William R. Brown, 122 C Street, NW, #200 Washington, DC 20001	Council of State Chambers of Commerce	332.21	
William Y. Brown, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	3,550.00	2,224.00
Brown Finn & Nietert, Chtd, 1920 N Street, NW, #510 Washington, DC 20036	Amway Corp	7,000.00	34.00
Do	Cellular Corp	1,912.00	16.00
Do	Home Satellite Television Association, Inc	240.00	154.00
Brownstein Hyatt Farber & Madden, 410 17 St., 22nd Floor Denver, CO 80202	Alliance for Capital Access	9,830.92	
Do	MDC Asset Investors, Inc	38,129.77	448.42
Do	Republic Health Corp	8,150.00	6,089.84
Do	Smith Barney Harris Upham & Co, Inc		868.92
Do	Western Union Corp	75,000.00	1,194.04
Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005	Canadian Financial Corporation		
Do	Schochet Associates		
Wolf Brueckmann, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	250.00	35.00
Kathryne M. Bruner, 1025 Connecticut Ave., NW, #704 Washington, DC 20036	GA Technologies, Inc	1,400.00	488.33
William K. Brunette, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	562.61	424.00
J. M. Brunkenhoefer, 400 First Street, NW, #704 Washington, DC 20001	United Transportation Union		
Michael E. Brunner, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn		
J. Charles Bruse, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Allstate Insurance Co	1,500.00	653.01
Dawn M. Brydon, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Don C. Buchanan, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	16,715.00	
Lana Buck, 1111 14th St., NW, #1100 Washington, DC 20005	American Dental Assn	1,000.00	271.67
Robert Buckler, 405 Sibley St., #120 St. Paul, MN 55101	National Board of Fur Farm Organizations	9,000.00	2,327.77
Thomas L. Buckmaster, 1301 Connecticut Avenue, NW, #700 Washington, DC 20036	Citizens for Sensible Control of Acid Rain	540.00	
Roy C. Buckner, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron	600.00	150.00
G. N. Buffington, 2230 California Street, NW Washington, DC 20008	National Assn of Real Estate Investment Trusts, Inc	712.50	9.96
Douglas W. Bulcao, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	2,400.00	44.50
Darrel D. Bunge, Minnesota Petroleum Council 350 St. Peter Street, #1025 St. Paul, MN 55102	American Petroleum Institute	692.00	996.40
David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation	1,000.00	
Do	Magazine Publishers Assn, Inc	3,000.00	
Do	Parcel Shippers Assn	2,000.00	
Norman D. Burch, 1101 Vermont Ave., NW, #604 Washington, DC 20005	College of American Pathologists	9,000.00	168.70
David G. Burden, 200 E. Randolph Dr. Chicago, IL 60601	Amoco Corporation		
Paul F. Burdett, Suite 700 South 1800 M Street, NW Washington, DC 20036	Merrell Dow Pharmaceuticals, Inc		76.50
Robert J. Burdick, 1126 16th Street, NW Washington, DC 20036	Oil Chemical & Atomic Workers International Union	3,057.90	
Clair W. Burgener, P.O. Box 8186 Rancho Santa Fe, CA 92067	Bixby Ranch Co	6,500.00	367.18
Harriet Hunt Burgesss, 116 New Montgomery Street, 4th Floor San Francisco, CA 94105	Trust for Public Lands	4,252.50	3,185.94
William J. Burhop, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	10,471.72	
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
Kevin M. Burke, 1111 14th St., NW Washington, DC 20005	American Bakers Assn	507.69	5.00
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW Washington, DC 20036		45,614.00	1,000.00
Charles S. Burns, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	1,200.00	
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	2,000.00	81.75
Burr & Forman, 3000 Southtrust Tower Birmingham, AL 35203	Investment Company Institute	3,808.80	
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	American Assn of Dental Schools		
Do	American Dental Assn		
Do	Arthur Andersen & Co	2,000.00	
Do	City of Philadelphia	75.00	6.00
Do	Clark Equipment Co	1,200.00	
Do	Federation of Special Care Organizations in Dentistry		
Do	Hankin Management-Arsenal Business Center Associates	450.00	36.00
Do	Partnership for Improved Air Travel	2,450.00	486.44
Do	Pennwalt Corp		
Do	Philadelphia Industrial Development Corp	75.00	6.00
Do	Philadelphia Port Corp	450.00	24.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Philip Morris, Inc		
Do	Softgel Assn	250.00	
Do	Temple University	75.00	6.00
Do	Thomson Group	3,500.00	
Do	U.S.-Taiwan, Republic of China Fair Trade Council		
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
David W. Bushong, 1700 N. Moore St., #2120 Arlington, VA 22209	Boeing Company	12,814.75	
James J. Butera, 4th Floor 1101 15th St., NW Washington, DC 20005	National Council of Savings Institutions	10,000.00	
Henry Butler, 3707 Woodview Trace Indianapolis, IN 46268	Crop Insurance Research Bureau		
M. Caldwell Butler, P.O. Box 720 Roanoke, VA 24004	National Conference of Bankruptcy Judges	2,118.50	
Patrick Butler, 1875 Eye Street, NW, #1110 Washington, DC 20006	Times Mirror Co		
Mrs. H. E. Butt, 3700 Ocean Drive Corpus Christi, TX 78411			
Bruce Butterfield, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufacturing Housing Institute	900.00	100.00
John Butts, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	224.37
John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	3,000.00	
James R. Byron, 1627 K Street, NW, #200 Washington, DC 20006	Fluor Corporation		
Cadwalader Wickersham & Taft, 1333 New Hampshire Ave., NW, 7th Fl. Washington, DC 20036	Official Committee of Dalkon Shield Claimants		61.06
Elizabeth B. Cady, 1919 Pennsylvania Ave., NW Washington, DC 20006	Steel Service Center Institute		
John D. Cahill, 1310 19th St., NW Lower Level Washington, DC 20036	Massachusetts Bay Transportation Authority	3,750.00	
Do	Massachusetts Port Authority	11,625.00	
Do	Massachusetts Water Resources Authority	2,900.00	
C. Richard Cahoon, 1120 Vermont Ave., NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America	4,000.00	747.49
Christopher G. Caine, 1801 K St., NW, #1200 Washington, DC 20006	IBM Corp	3,325.00	1,683.00
Tony Calandro, 2251 Wisconsin Ave., NW Washington, DC 20007	National Assn of Trade & Technical Schools	1,750.00	
James D. Calaway, 2011 Crystal Drive, #903 Arlington, VA 22202	Space Industries, Inc	1,425.00	
Alan Caldwell, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,200.00	
Frank W. Calhoun, 3400 Texas Commerce Tower Houston, TX 77002	Burlington Northern, Inc		
James Callan, 1726 M Street, NW, #1000 Washington, DC 20036	Electronic Funds Transfer Assn	375.00	
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Cambridge International, Inc, 1600 Wilson Boulevard, #713 Arlington, VA 22209	Ford Aerospace & Communications Corp	175.00	
Do	FMC Corporation	175.00	
Do	General Dynamics Land Systems	400.00	
Do	General Dynamics Valley Systems Division	200.00	
Do	Lockheed Aeronautical Systems Co	325.00	
Do	Norden Systems, Inc	180.00	
Do	Textron Lycoming	200.00	
Arthur E. Cameron, 316 Pennsylvania Ave., SE, #402 Washington, DC 20003	Amerace Corporation	2,250.00	
Do	Lukens General Industries, Inc	1,500.00	
Do	Safetran Systems Corporation	2,663.00	
Do	Syro Steel Co, et al.	2,100.00	
Do	3M Company	6,766.00	
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of Mozambique	34,250.00	1,888.40
Do	Government of Guatemala	6,000.00	1,027.74
Nancy Camm, 1800 K Street, NW, #900 Washington, DC 20006	Bank of America	605.15	459.36
Camp Barsh Bates & Tate, 2550 M St., NW, #275 Washington, DC 20037	Associated Financial Corp	312.00	
Do	Blue Cross & Blue Shield Assn		
Do	Campbell Soup Co	62.50	
Do	Chemical Manufacturers Assn, Inc	2,300.00	
Do	Committee for Equitable Compensation	562.50	
Do	EG&G, Inc		
Do	FASA (Fashion Accessories Shippers Assn)		
Do	Government Program Services	20.00	
Do	Greater Boston Community Development, Inc		
Do	Hospital Insurance Forum		
Do	Missouri Baptist Hospital of Sullivan		
Do	Mobil Oil Corp		
Do	Stephen Moses Interests		
Do	National Assn of Nuclear Pharmacies	187.50	
Do	Natural Gas Supply Assn	800.00	
Do	NATCO (National Assn of Tax Credit Coalition)	125.00	
Do	Occidental Petroleum Corp		
Do	Olin Corporation		
Do	Pennzoil Co		
Do	Presidential Airways, Inc	40.00	
Do	PPG Industries, Inc		
Do	Russ Berrie & Co, Inc	83.00	
Do	Sears Roebuck & Co	6,906.25	
Do	South Central Bell		
Do	Texaco, Inc		
Do	Union Pacific Resources, Inc		
Do	World Airways	125.00	
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	2,500.00	
Carl C. Campbell, 1030 15th St., NW, Suite 700 Washington, DC 20005	National Cotton Council of America	800.00	
Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	2,000.00	
David Campbell, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	462.50	
Jeanne Campbell, 1010 Pennsylvania Ave., SE Washington, DC 20003	Algonquin Gas Transmission		
Do	American Airlines, Inc		
Do	American Nuclear Energy Council		
Do	Credit Union National Assn, Inc		
Do	Invest to Compete Alliance		
Do	LTV Aerospace & Defense Co		
Do	The New England		
Do	Product Liability Alliance		
Do	Securities Industry Assn		
Do	Stone & Webster Engineering Corp		
Do	Texas Utilities Services, Inc		
Do	Union Pacific Corp		
Do	United Illuminating Co		
Do	Westinghouse Electric Corp		
Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
John G. Campbell, 9418 Wooded Glen Ave. Burke, VA 22015	General Electric Co		
Do	General Motors Corp	4,000.00	
Do	National Civic Crusade for Panama		
Do	West Virginia University		
Thomas D. Campbell & Associates, Inc, 517 Queen Street Alexandria, VA 22314	Cyprus Minerals Co	5,000.00	3,281.69
Charles J. Campisi, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	13,750.00	230.11
Canadian Coalition on Acid Rain, 112 St. Clair Avenue, #401 Toronto, Ontario Canada M4V 2Y3		789.23	5,786.00
Robert P. Canavan, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	323.77	
Candlelighters, 123 C St., SE Washington, DC 20003			
Anne C. Canfield, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	400.00	
Edward F. Canfield, 1331 Pennsylvania Avenue, NW, #524 Washington, DC 20004	Casey Scott & Canfield, P.C. (For:Association for Regulatory Reform)		
Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	186.80	
W. Dean Cannon Jr., 9800 S. Sepulveda Blvd., #500 Los Angeles, CA 90045	California League of Savings Institutions	3,000.00	1,253.46
Howard W. Cannon & Associates, 499 South Capitol St., SW, #400 Washington, DC 20003	Rockwell International Corp		
David L. Cantor, 1233 20th St., NW, #400 Washington, DC 20036	Porter Wright Morris & Arthur (For:Coalition for Environmental-Energy Balance)	280.00	
Anne Gavaghan Cantrel, 1667 K Street, NW Washington, DC 20005	Baxter		
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Citizens Comm for Medical Research & Health Education	300.00	
Do	Cystic Fibrosis Foundation	450.00	
Do	Emory University Medical School	861.25	
Do	Endocrine Society	400.00	
Do	Illinois Collaboration on Youth	88.00	
Do	Joint Council of Allergy & Immunology	412.50	
Do	Merck & Co, Inc	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Assn of Pediatric Nurse Associates & Practitioners	375.00	
Do	National Coalition for Volunteer Protection	150.00	
Do	National Multiple Sclerosis Society	572.50	
Do	Polymer Technology Corp	500.00	
Do	Rehabilitation Institute of Chicago	812.50	
Do	Saatchi & Saatchi Compton Worldwide	1,050.00	
Do	Technicon Data Systems Corp	1,200.00	
Do	Thompson Medical Co	337.50	
Do	University of California (San Diego)	500.00	
Do	Westmore, Ltd	750.00	
Capitol Marketing Services, 923 Riva Ridge Drive Great Falls, VA 22066			
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	Association of American Publishers		
Do	National Council of YMCA of the USA		
Denise A. Cardman, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Norval E. Carey, 1025 Connecticut Ave., NW #704 Washington, DC 20036	Gulf Oil Corp (for GA Technologies, Inc)	19,683.00	1,218.87
Maurice E. Carino Jr., 1000 16th St., NW, #800 Washington, DC 20036	Bethleham Steel Corp	70.00	
Robert B. Carleson, 1800 K Street, NW, #605 Washington, DC 20006	KMG Main Hurdman (For:Mercedes-Benz of North America, Inc)		
Linda E. Carlisle, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:GAF Corporation)		
Do	Cadwalader Wickersham & Taft (For:Mercedes-Benz of North America, Inc)	49.00	
Edward J. Carlough, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	25,987.00	
Anne E. Carlson, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	5,000.00	
Robert E. Carlstrom Jr., 1823 Jefferson Place, NW Washington, DC 20036	Jefferson Group, Inc (For:Doe Run Company)	6,750.00	1,060.07
Carmen & Muss, 1901 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Cab-Tek, Inc	100.00	6.00
Do	Carmen Carmen & Hugel (for CareerCom)		
Carmen Carmen & Hugel, Inc, 1667 K Street, NW, #950 Washington, DC 20006	CareerCom		
Bertram W. Carp, 111 Massachusetts Ave., NW, 3rd Fl. Washington, DC 20001	Turner Broadcasting System, Inc	5,625.00	
Chapin Carpenter Jr., 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Magazine Publishers Assn, Inc	4,000.00	
Cy Carpenter, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America	8,000.00	673.83
George D. Carpenter, 6110 Center Hill Road Cincinnati, OH 45224	Procter & Gamble Manufacturing Co	113.50	
Susan Carr, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	3,000.00	
John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621	American Podiatric Medical Assn	18,000.00	
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Appalachian Power Co		
John R. Carter, 1000 Wilson Blvd., #2600 Arlington, VA 22209	TRW, Inc	618.75	843.76
Joseph L. Carter Jr., 50 F Street, NW, #1200 Washington, DC 20001-1564	Association of American Railroads	720.93	329.64
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
George L. Cary, 1700 Pennsylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	2,000.00	116.00
Martin Casey, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	250.00	23.75
Allen R. Caskie, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	5,500.00	
Eugene I. Casraiss Jr., 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	15,361.96	173.40
J. Warren Cassidy, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	2,437.50	
Lawrence J. Cassidy, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	13,929.00	
Cassidy and Associates, Inc, 655 15th St., NW, #1100 Washington, DC 20005	Alexander Graham Bell Assn for the Deaf	150.00	143.00
Do	Alloy Technology		
Do	American Hospital in Shanghai Foundation	525.00	
Do	Anatolia College Board of Trustees		
Do	Arizona State University	25.00	
Do	Atlanta University	75.00	
Do	Atlantic Financial		6.50
Do	Barry University		
Do	Bolt Beranek & Newman, Inc	200.00	79.25
Do	Boston College	150.00	
Do	Boston University	300.00	26.00
Do	Brown University		
Do	Catholic University of America	300.00	6.50
Do	Centex Communications, Inc		
Do	Children's Hospital	150.00	
Do	Children's Hospital in Michigan	150.00	
Do	Columbia University		13.00
Do	Crane Co Resistoflex		
Do	Crane Company		
Do	Crane Hydroaire		
Do	Crane National Vendors		
Do	Critical Languages & Area Studies Consortium, Inc		6.50
Do	Drexel University	75.00	19.00
Do	Experiment in International Living	225.00	149.25
Do	Friends of the American Tel Aviv Museum of Art		
Do	Fudan Foundation	225.00	
Do	Global Broadcasting Group, Inc	450.00	6.00
Do	Gonzaga University	100.00	
Do	Indiana University		
Do	J & B Management Co		
Do	Loma Linda University Medical Center, Inc	450.00	
Do	Louisiana Public Facilities Authority	150.00	
Do	Loyola College (Baltimore)	75.00	
Do	Loyola Marymount University	125.00	
Do	Martha Graham Center of Contemporary Dance, Inc		
Do	Massachusetts Corp for Education Telecommunication	25.00	13.00
Do	Medical College of Pennsylvania	150.00	6.50
Do	Medical University of South Carolina	150.00	
Do	Medusa Cement Co		
Do	Mount Sinai Medical Center		
Do	NeoRx		
Do	New England College of Optometry		
Do	Northwestern University		
Do	O'Connell Management Co, Inc	150.00	
Do	Ocean Spray Cranberries, Inc	100.00	13.00
Do	Oceanic Institute	100.00	10.00
Do	Pan Metal Corp		
Do	Pioneer Financial	150.00	
Do	Pirelli Cable Co	300.00	8.00
Do	Renewable Fuels Assn	150.00	
Do	Rochester Institute of Technology	450.00	88.50
Do	Rocky Mountain Energy Co		
Do	Saint Joseph's University		6.50
Do	Schutz American School	675.00	
Do	Thomas Jefferson University	75.00	
Do	Tufts University		
Do	United Hospitals, Inc		
Do	Universal Med Center/U of TX Health Science Center at Dallas	300.00	6.50
Do	University of Alabama in Huntsville	275.00	19.50
Do	University of Bridgeport		
Do	University of Hawaii	75.00	19.00
Do	University of Kentucky Research Foundation	125.00	
Do	University of Nebraska	75.00	
Do	University of Scranton	150.00	
Do	University of Southern Mississippi	100.00	
Do	University of Utah		
Do	University of Vermont		
Do	Wertheim Schroder & Co, Inc		
Do	West Virginia University		
Do	Wojdak & Assocs, Inc for: Children's Hospital of Pittsburgh		
Mark A. Casso, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
John J. Castellani, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	1,200.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Rita L. Castle, 100 NE Adams Street Peoria, IL 61629	Caterpillar, Inc	10,000.00	1,706.00
G. Thomas Cator, 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates, Inc (For:Association of Small Business Development Centers).	1,350.00	1,350.00
Do	National Assn of Development Companies	1,350.00	1,350.00
Do	Neece Cator & Associates, Inc (For:Small Business United)	1,350.00	1,350.00
Do	Neece Cator & Associates, Inc (For:Southeastern Lumber Manufacturers Assn)	1,350.00	1,350.00
Red Cavaney, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc	4,600.00	
Nicholas G. Cavarocchi, 317 Massachusetts Ave., NE, 1st Floor Washington, DC 20002			
Rosario Ceballo, 2030 M St., NW Washington, DC 20036	Common Cause	4,725.00	1,488.09
Cederberg & Associates, 7100 Sussex Place Alexandria, VA 22307	Grumman Corporation	200.00	
Do	Martin Marietta Corp	2,000.00	
Cendrowski & Selecky, P.C., 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	10,150.00	
Centerior Energy Corp, P.O. Box 94661 Cleveland, OH 44101-4661			1,163.34
David Certner, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	565.26	219.00
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	Applied Energy Services, Inc	870.00	
Do	Manufacturer's Liie Insurance Co		
Do	Napp Chemicals, Inc		
Do	Peat Products of America, Inc		
Do	Ruan Transportation Management Systems	870.00	36.00
Do	Ultrapower, Inc		
Chadwell & Kayser, Ltd, 8500 Sears Tower Chicago, IL 60606-6592	Harza Engineering Co		
Deborah M. Chalfie, 1319 F St., NW, #300 Washington, DC 20004	Halt, Inc		
Dean S. Chalios, 1350 New York Avenue, NW, #900 Washington, DC 20005	International Franchise Assn		
Durwood Chalker, P.O. Box 660164 2121 San Jacinto Street, #2500 Dallas, TX 75266-0164	Central & South West Corp		
Mark G. Chalpin, 1101 15th St., NW, #1000 Washington, DC 20005	National Constructors Association		
Terry M. Chamberlain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Assn of Retired Persons		
Do	American Express Co	2,700.00	
Do	American Postal Workers Union, AFL-CIO		
Do	Apache Corporation		
Do	Coalition of Publicly Traded Limited Partnerships	575.00	
Do	Coalition of State Employment Security Agencies		
Do	Manville Corporation		
Do	Metcalf & Eddy/KVB Group	175.00	
Do	National Assn of Retired Federal Employees		
Do	University Patents, Inc		
Maxine Champion, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20007	LTV Corporation	3,000.00	975.00
Ed Chandler, 7901 Westpark Drive Mclean, VA 22102	National Machine Tool Builders' Assn	11,385.00	500.00
Nedra Chandler, 2030 M Street, NW Washington, DC 20036	Common Cause	4,125.00	145.85
William C. Chapman, 2801 Fort Scott Drive Arlington, VA 22202	Multinational Business Services, et al.	30,012.00	1,017.00
Richard M. Charlton, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	64.00	179.57
Peggy Charren, 975 Memorial Drive, #504 Cambridge, MA 02138	Action for Children's Television	150.00	
Leslie Cheek III, 1025 Connecticut Avenue, NW, #414 Washington, DC 20036	Crum & Forster Corp	27,750.00	345.00
Chemical Specialties Manufacturers Assn, Inc, 1001 Connecticut Avenue, NW, #1120 Washington, DC 20036			2,574.50
William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Chernikoff & Company, 1826 Jefferson Place, NW, #101 Washington, DC 20036	Arena Stage	1,145.50	1,252.25
Do	Capital Childrens Museum	1,145.50	1,252.25
Do	Corcoran Gallery	1,145.50	1,252.25
Do	Fords Theater	1,145.50	1,252.25
Do	National Building Museum	1,145.50	1,252.25
Do	National Symphony	1,145.50	1,252.25
Do	Phillips Collection	1,145.50	1,252.25
Do	Shakespeare Theater at the Folger	1,145.50	1,252.25
Do	Textile Museum	1,145.50	1,252.25
Do	Washington Ballet	1,145.50	1,252.25
Do	Washington Opera	1,145.50	1,252.25
Do	Washington Performing Arts Society	1,145.50	1,252.25
John B. Childers, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	6,138.00	156.00
Children's Television Workshop, One Lincoln Plaza New York, NY 10023			
Peggy M. Childress, 4500 Lincoln Plaza Dallas, TX 75201-3318	National Gypsum Co	390.00	825.05
William W. Chip, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	Cadwalader Wickersham & Taft (For:Raychem Corp)		
J. Samuel Choate Jr., 1101 Connecticut Ave., NW, #405 Washington, DC 20036	Choate Filler & Nehf, P.C. (For:Association of Progressive Rental Organizations)		
Joseph L. Choquette III, c/o Vermont Petroleum Assn P.O. Box 566 Montpelier, VT 05602	American Petroleum Institute	1,908.00	1,013.61
Hal M. Christensen, 317 Massachusetts Ave., NE, #100 Washington, DC 20002	Delta Dental Plans Assn	1,500.00	
William Christensen, 4647 Forbes Blvd. Lanham, MD 20706	AMVETS	6,800.00	6,800.00
Samuel W. Christine III, 1129 20th St., NW, #200 Washington, DC 20036	Greater Washington Board of Trade		
Jack E. Christy, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	650.19	
James T. Christy, 1730 Pennsylvania Ave., NW, #265 Washington, DC 20006	Air Products & Chemicals, Inc	1,800.00	47.90
Chugach Electric Assn, Inc, P.O. Box 196300 Anchorage, AK 99519-6300			7,927.33
Donald T. Chunn, Route 2, Box 89 Columbia, TN 38401	Title Associates, Inc		
Chwat/Weigend Associates, 400 First Street, NW, #100 Washington, DC 20001	American Home Sewing Assn, Inc	500.00	500.00
Do	American Radio Relay League	3,000.00	3,000.00
Do	Associated Locksmiths of America	1,200.00	1,200.00
Do	National Licensed Beverage Assn	3,000.00	3,000.00
Do	National Weather Service Employees Organization	300.00	300.00
Charisse Victoria Ciambrone, 1705 South 17th Street Las Vegas, NV 89104			
Donna M. Cirolia, 1518 K Street, NW, #401 Washington, DC 20005	Water Quality Association		
Citizen Action, 1300 Connecticut Ave., NW, #401 Washington, DC 20036		5,835.53	5,835.53
Citizen/Labor Energy Coalition, 1300 Connecticut Ave., NW, # 401 Washington, DC 20036		1,500.00	1,500.00
Citizens for Sensible Control of Acid Rain (CSCAR), c/o 1225 Connecticut Avenue, NW, #300 Washington, DC 20036		475,000.00	95,869.33
Citizens Comm for the Right to Keep & Bear Arms, Liberty Park, 12500 NE Tenth Place Bellevue, WA 98005		508,833.64	179,908.37
Citizens Political Action Committee, P.O. Box 645 228 South A Street, #2 Oxnard, CA 93032			
Donald D. Clancy, 6507 Leeds Lane Cincinnati, OH 45215	American Continental Corp		
Do	Grocery Manufacturers of America, Inc		616.00
James W. Clark Jr., 1505 Prince Street, # 300 Alexandria, VA 22314	American Optometric Assn		
Jordan Clark, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Robert Clark, 400 Madison St., #1908 Alexandria, VA 22314	Ryder Systems, Inc		
Rudy I. Clark, 5342 Woodbury Woods Place Fairfax, VA 22032	Air Force Sergeants Assn, Inc		
Vernon A. Clark, 555 New Jersey Ave., NW, #255 Washington, DC 20001	Outdoor Advertising Assn of America, Inc	2,812.50	1,789.52
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	Day-Glo Color Corp		20.00
Do	Ministry of Finance & Public Credit of the United Mexican St		
Do	North Wind Undersea Institute		
Do	Security Pacific National Bank	7,000.00	31.00
Do	Synthetic Organic Chemical Manufacturers Assn, Inc		
Do	U.S. Bancorp		
Do	Union Oil Co of California, et al.		
Ronald D. Clements, 1111 19th St., NW, 9th Floor Washington, DC 20036	Edison Electric Institute	3,332.96	592.11
Cleveland Electric Illuminating Co, 55 Public Square P.O. Box 5000 Cleveland, OH 44113			
W. M. Click, P.O. Box 719 Dallas, TX 75221	Southland Corporation		
Clifford & Warnke, 815 Connecticut Ave., NW Washington, DC 20006	Australian Meat & Live-Stock Corp	7,500.00	2,500.00
Do	J. C. Maxtone-Mailer	600.00	205.00
Do	Proprietary Association		
Edward T. Cloonan, 70 Pine Street, 39th Floor New York, NY 10270	American International Group, Inc		
Stephen J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	500.00	
W. Dewey Clower, 1199 North Fairfax, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Stanley A. Cmich, 220 Market Ave., South, #1190 Canton, OH 44702	Putman Properties, Inc		
Do	Roetzel & Andress		
Do	Timken Co		
Coalition to Keep Alaska Oil, AFL-CIO Building 815 16th Street, NW, #309 Washington, DC 20006		1,662.50	1,740.50
Coalition to Oppose Energy Taxes, 1100 15th St., NW, #1200 Washington, DC 20005		25,000.00	708.55
Alan J. Cobb, 1120 Vermont Avenue, NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America	7,500.00	797.05
Richard B. Cobb, Petroleum Council of Ga 230 Peachtree St., NW, #1500 Atlanta, GA 30303	American Petroleum Institute	800.00	981.13
Amy A. Coggin, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Don V. Cogman, 1100 Connecticut Avenue, NW, #535 Washington, DC 20036	MAPCO, Inc	4,750.00	
Dan Cohen, 500 North Capitol Street, NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	11,841.00	1,276.04
Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
David Cohen, 1616 P St., NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	13,833.32	
Jacqueline Abelman Cohen, 1199 N. Fairfax St., #701 Alexandria, VA 22314	National Assn of Tobacco Distributors	2,500.00	
Joseph L. Colaneri, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		1,524.47
George T. Coldeway, 8245 NW 53rd St., #200 Miami, FL 33166-4609	South Florida Hospital Assn		732.69
E. William Cole, 1050 Connecticut Avenue, NW, #760 Washington, DC 20036	Union Oil Co of California	700.00	87.00
Randall I. Cole, 50 F St., NW, #1080 Washington, DC 20001	BN Services, Inc -	1,000.00	797.95
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp	425.00	56.00
Cole Corette & Arbutyn, P.C., 1110 Vermont Avenue, NW, #900 Washington, DC 20005	Ad Hoc Ski Boot Committee		
Do	Chase Manhattan Bank, N.A.		
Do	Dalmark Corporation		168.94
Do	Government of the Netherlands Antilles		
Do	Millipore Corporation		
Do	Tremark Corporation		56.33
Colette R. Coleman, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Jessie M. Colgate, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180	American Watch Assn, Inc		
Collier Shannon Rill & Scott, 1055 Thomas Jefferson St., NW, #308 Washington, DC 20007	Alliance for Capital Access	30,000.00	30,000.00
Do	American Couplings Coalition		
Do	American Frozen Food Institute		
Do	American Meat Institute		
Do	American Textile Machinery Assn	160.00	160.00
Do	Bicycle Mfgrs Assn of Amer, Inc	2,550.00	2,550.00
Do	Citizens for U.S. - Canada Free Trade Pact	8,590.00	8,590.00
Do	Committee of American Ammunition Manufacturers	680.00	680.00
Do	Crop Insurance Research Bureau	400.00	400.00
Do	Ferrous Scrap Consumers Coalition		
Do	Food Marketing Institute		
Do	Footwear Industries of America	250.00	250.00
Do	Independent Lubricant Manufacturers Assn	490.00	490.00
Do	Inland Steel Corp		
Do	Municipal Castings Fair Trade Council		
Do	National Assn of Convenience Stores	5,950.00	5,950.00
Do	National Assn of Mutual Insurance Cos	65.00	65.00
Do	National Broiler Council		
Do	National Coalition of Fresh Potato Processors		
Do	National Cosmetology Assn, Inc		
Do	National Juice Products Assn	247.50	247.50
Do	National Pasta Assn	985.00	985.00
Do	Norris Industries		
Do	Outdoor Power Equipment Institute	240.00	240.00
Do	Petroleos de Venezuela, S.A.	3,752.50	3,752.50
Do	PetroJam, Ltd	10,000.00	10,000.00
Do	Pittsburgh Corning Corporation		
Do	Secondary Lead Smelters Assn, Inc	120.00	120.00
Do	Society of Independent Gasoline Marketers of America	12,700.00	12,700.00
Do	Specialty Steel Industry of the United States	3,041.25	3,041.25
Paul Edward Michael Collin, (Fed. Reg. No. #77634-012) Rural Route #2 P.O. Box 9000 Safford, AZ 85546-9736			
Terese Colling, 1818 N Street, NW, 7th Floor Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Media General, Inc)	1,417.50	14.20
Do	Eckert Seamans Cherin & Mellott (For:York Wallcoverings, Inc)	236.25	4.50
Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	6,000.00	670.81
Paula J. Collins, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
William P. Collins, 900 17th Street, NW, #1100 Washington, DC 20036	Southern Company Services, Inc		
Kent W. Colton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Tim Colton, P.O. Box 498 Chester, PA 19016	Pennsylvania Shipbuilding Co	360.00	35.00
Columbia Gorge United, Box 328 Stevenson, WA 98648			
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council	1,250.00	
Lori A. Comeau, 2550 M Street, NW, #640 Washington, DC 20037	CF Industries, Inc	500.00	75.56
Comfort Lipe & Green, P.C., 2100 Mid-Continent Tower 401 South Boston Avenue Tulsa, OK 74103	Thrifty Rent-A-Car System, Inc		
Committee for Fair Trade with China, Evergreen Point Rd., Box 288 Medina, WA 98039			59,308.83
Committee for Humane Legislation, Inc, 1 Pine Street Neptune, NJ 07753		22,074.90	18,647.35
Committee for Proposition Thirty, P.O. Box 915 Hartselle, AL 35640			
Committee for Stable Deterrence, 2460 Westlake N., #E Seattle, WA 98109			
Committee to Assure the Availability of Casein, 3213 O St., NW Washington, DC 20007		2,000.00	
Committee to Protect the Family, 8001 Forbes Place, #102 Springfield, VA 22151		350,732.23	280,758.88
Committee to Support the Antitrust Laws, 1401 New York Avenue, NW, #740 Washington, DC 20005		71,000.00	13,877.85
Common Cause, 2030 M St., NW Washington, DC 20036		3,376,978.00	702,063.00
Community Service Council of Central IN, Inc, 1828 North Meridian Indianapolis, IN 46202			
Community Service Society, 105 East 22nd Street New York, NY 10010			457.91
Lance Compa, 1411 K St., NW, #410 Washington, DC 20005	United Electrical Radio & Machine Workers of America	6,303.18	
Competitive Enterprise Institute, 611 Pennsylvania Avenue, SE Washington, DC 20003		88,250.00	
Bert M. Concklin, 1500 Planning Research Drive Mclean, VA 22102	Planning Research Corporation		303.89
Edward C. Cone Jr., P.O. Box 1788 Forest Park, GA 30051	Southeastern Lumber Manufacturers Assn		
Gary L. Conkling, P.O. Box 500, 50-705 Beaverton, OR 97077	Tektronix, Inc	9,500.00	5,633.87
Michael Conlon, 1818 N Street, NW, #200 Washington, DC 20036	Automotive Parts Rebuilders Assn		
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp		
Connerton & Bernstein, 1920 L Street, NW, #501 Washington, DC 20036	National Assn of Police Organizations	16,809.00	1,596.03
John J. Connolly, 499 South Capitol St., SW, #507 Washington, DC 20003	Hecht Spencer & Oglesby, Inc (For:Crowley Maritime Corp)		
Do	Hecht Spencer & Oglesby, Inc (For:Freedom & Justice for Cyprus Trust)		
Do	Hecht Spencer & Oglesby, Inc (For:Hong Kong Trade Development Council)		
Do	Hecht Spencer & Oglesby, Inc (For:Kansas City Southern Industries, Inc)		
Do	Hecht Spencer & Oglesby, Inc (For:Southern California Rapid Transit District)		
Do	Hecht Spencer & Oglesby, Inc (For:Western Growers Association)		
Catherine Connor, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
Richard J. Connor Jr., 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	562.50	
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	1,000.00	100.00
David Conover, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	853.50	62.48
Gregory E. Conrad, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Consolidated Rail Corporation, P.O. Box 23451 Washington, DC 20026			12,587.07
Consortium of Social Science Assns, 1625 I Street, NW, #911 Washington, DC 20006		102,400.00	3,085.99
Consumers for World Trade, 1001 Connecticut Ave., NW Washington, DC 20036		12,250.00	18,179.57
Consumers Union of U.S., Inc, 256 Washington St. Mount Vernon, NY 10553			11,990.00
John J. Contney, 1250 E. Hollandale Beach Blvd. Hollandale, FL 33009	Textile Rental Services Assn of America		
Daniel J. Conway, 1819 L St., 7th Floor Washington, DC 20036	Reinsurance Assn of America		
John A. Conway, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
John J. Coogan, 1919 Pennsylvania Ave., NW, #705 Washington, DC 20006	Eastman Kodak Co	116.75	73.00
Alexandra W. Cook, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	256.00	1,015.00
Cheryl L. Cook, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-operative Union of America	4,992.39	28.08
K. Richard Cook, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	375.00	
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Eileen D. Cooke, 110 Maryland Ave., NE, Suite 101 Washington, DC 20002	American Library Assn	1,758.00	
Bente E. Cooney, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	1,875.00	
Benjamin Y. Cooper Jr., 1730 North Lynn St. Arlington, VA 22209	Printing Industries of America, Inc	10,000.00	
Jesse D. Cooper, 1860 Lincoln Street, #404 Denver, CO 80295	Rocky Mountain Oil & Gas Assn	3,000.00	74.33
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn	19,500.00	1.60
Darrell Coover, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	2,000.00	694.50
Michael J. Copps, 1660 L St., NW, #1000 Washington, DC 20036	Collins and Aikman Corp	8,633.34	5,271.88
John F. Corcoran, 1050 Connecticut Ave., NW, #740 Washington, DC 20036	Norfolk Southern Corp	1,000.00	
William M. Corcoran, 1001 Pennsylvania Ave., NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Alfred C. Cordon, 1920 N St., NW Washington, DC 20036	Buffalo Broadcasting Co, Inc		
Frank W. Corley, 8430 Blakiston Lane Alexandria, VA 22308	Pilkington Electro-Optics, Inc	7,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Corman Law Offices, 1420 16th Street, NW Washington, DC 20036	Airlease Management Service, Inc		
Do	Alcalde Henderson O'Bannon & Rousselot		
Do	Institute of Electrical & Electronics Engineers		
Do	Kelso & Company	10,200.00	
Do	MCA, Inc	5,900.00	
Do	National Structured Settlements Trade Assn	1,100.00	
Do	Texas Air Corp	1,600.00	
Do	Tropicana International, Inc	11,450.00	
Do	U.S. League of Savings Institutions	1,200.00	
George F. Cormeny Jr., P.O. Box 1596 Baltimore, MD 21203	First National Bank of Maryland		1,000.00
Corn Refiners Assn, Inc, 1001 Connecticut Ave., NW Washington, DC 20036		9,362.00	2,702.00
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	3,060.00	102.70
Mary Marcotte Corrigan, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
Richard L. Corrigan, 1201 Pennsylvania Avenue, NW, #250 Washington, DC 20004	CH2M Hill	2,000.00	
Marty Corry, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	719.19	793.35
Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning Glass Works	3,000.00	
William R. Corson, 1707 H St., NW Washington, DC 20006	Penthouse International, Ltd		
Alfred W. Cortese Jr., 655 15th Street, NW, #1200 Washington, DC 20005	General Motors Corp	16,022.00	
Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
R. H. Cory, 1005 Congress Avenue, #795 Austin, TX 78701	Central & South West Services, Inc	500.00	150.95
Cosmetic Toiletry & Fragrance Assn, Inc, 1110 Vermont Ave., NW, #800 Washington, DC 20005			
Michael E. Costello, 1090 Vermont Avenue, NW, #600 Washington, DC 20005	Texas Eastern Transmission Corp		849.83
Council for Rural Housing and Development, 2300 M St., NW Washington, DC 20036		4,000.00	4,000.00
Council of State Chambers of Commerce, 122 C St., NW, #200 Washington, DC 20001		6,163.99	752.78
Council on Alternate Fuels, 1225 Eye St., NW, #320 Washington, DC 20005			
William R. Courtney, P.O. Box 844 Temple, TX 76503	Tribal Council of the Coushatta Tribe of Louisiana		
James Cousins, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	5,000.00	
Mark J. Covall, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
John F. Cove, 918 16th St., NW, #702 Washington, DC 20006	Cove Associates, Inc (For:Association of U.S. Night Vision Manufacturers)		
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	American Watch Assn	1,000.00	
Do	Archer Daniels Midland Company		10.00
Do	Association of Maximum Service Telecasters, Inc		
Do	Champion International Corp	2,643.75	
Do	Charles Steiner Medical Corp		
Do	Coalition for Effective Tax Reform		
Do	Coalition to Preserve the Integrity of American Trademarks	5,000.00	39.00
Do	Coalition to Stop the Raid on America		
Do	Commonwealth of Puerto Rico		
Do	ERISA Industry Committee	268.75	
Do	General Mills, Inc		
Do	Georgia-Pacific Corp		
Do	Hallmark Cards, Inc	3,768.75	
Do	International Business Machines Corp	4,587.50	
Do	International Paper Co	2,643.75	
Do	Interstate General Company L.P.		17.50
Do	Investment Company Institute	5,900.00	23.45
Do	National Football League		
Do	O-W Fund, Inc	13,612.50	
Do	Post-Newsweek Stations, Inc		
Do	Scott Paper Co		
Do	Sun Life Assurance Co of Canada (U.S.)	2,275.00	156.32
Do	United Technologies Corporation	2,750.00	
Do	Uranium Producers of America		102.15
Do	Wesleyan University, et al.		11.00
Do	Westvaco Corporation	2,643.75	
Eugene S. Cowen, 2759 Unicorn Lane, NW Washington, DC 20015	Capitol Cities/ABC, Inc	243.00	
C. Deming Cowles, 6th Floor 1050 Thomas Jefferson Street, NW Washington, DC 20007	Bering Sea Fishermen's Assn	3,500.00	177.19
Do	United Fishermen of Alaska		174.55
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause	6,037.50	117.60
C. Richard Cox, 800 Briar Creek Road Charlotte, NC 28232	Belk Stores Services, Inc		
Eric Cox, 418 7th St., SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	3,375.00	66.75
Jeffrey T. Cox, 1420 King St. Alexandria, VA 22314	National Society of Professional Engineers	1,250.00	
Jerry W. Cox, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Anglo American Auto Auctions, Inc)		
Tamara Cox, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Nebraska Wheat Board)		
Donald Forsyth Craib III, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	345.00	61.00
Bruce Craig, P.O. Box 677 Harpers Ferry, WV 25425	National Parks & Conservation Association	440.00	32.00
Eric F. Craven, P.O. Box 2943 Fort Worth, TX 76113	Texas-New Mexico Power Co		
Kelly Craven, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Richard L. Crawford, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc		
Ronald Crawford, 1700 K Street, NW, #303 Washington, DC 20006	Caribbean Marine, Inc	500.00	
William H. Creamer III, 600 New Hampshire Ave., NW Washington, DC 20037	New York Life Insurance Company	192.00	40.00
John P. Cregan, 220 National Press Building Washington, DC 20045	U.S. Business & Industrial Council	5,000.00	
Patricia Cregan, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	2,100.00	415.37
Ken A. Crerar, 600 Pennsylvania Ave., SE, #211 Washington, DC 20003	National Assn of Casualty & Surety Agents	3,000.00	3,129.84
Douglas P. Crew, 100 N.E. Adams Street Peoria, IL 61629	Caterpillar Tractor Co	625.00	925.56
Joseph M. Cribben, 6900 Valley Brook Dr. Falls Church, VA 22042	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	1,750.00	
P. H. Croft, 2000 Massachusetts Ave., NW Washington, DC 20036	American Short Line Railroad Assn		
Charles H. Cromwell, Inc, 6709 Georgia Street Chevy Chase, MD 20815	EDO Corp		
Do	McDonnell Douglas Helicopters		
Do	Northrop Corp		
Crop Insurance Research Bureau, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268		400.00	400.00
David T. Crow, 1015 18th St., NW Washington, DC 20036	Fertilizer Institute	10,000.00	956.38
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Asarco Inc	397.50	10.00
Do	Associated Gas Distributors		
Do	Avon Products, Inc		
Do	Brooklyn Union Gas Co	50.00	10.00
Do	Central Nebraska Public Power & Irrigation District		
Do	City of North Miami		
Do	Communications Satellite Corp		
Do	Contractors Liability & Indemnification Alliance	630.00	12.00
Do	Cook Inlet Region, Inc		
Do	Eli Lilly & Company	596.25	10.00
Do	Emery Worldwide		
Do	Meridian Minerals Co		
Do	National Assn of Wholesaler-Distributors	1,325.00	10.00
Do	Nebraska Public Power District		
Do	Pan American World Airways, Inc, et al.		
Do	Regional Airline Association		
Do	Sterling Drug, Inc		
Do	Tiffany & Co		
Do	Trust for Public Lands		
Do	United Cities Gas Co		
Do	Western Governors' Assn		
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Board of Foreign Trade, Government of the Republic of China		
Do	Lukens Steel Co	100.00	100.00
Do	Nashua Corporation		
Crown Communications Consulting Co, 1050 17th Street, NW, #840 Washington, DC 20036	National Strategies & Marketing Group	2,695.00	19.75
Cuba Claims Association, P.O. Box 014004 Miami, FL 33101			
Brien F. Culhane, 5752 Drake Ct., #371 Alexandria, VA 22311	National Parks & Conservation Assn	100.00	31.00
Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041			
David M. Culp, 1525 New Hampshire Ave., NW Washington, DC 20036	Environmental Action, Inc	3,289.08	45.65
Jonathan W. Cuneo, 1401 New York Avenue, NW, #740 Washington, DC 20005	Committee to Support the Antitrust Laws	12,127.80	1,121.36

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William J. Cunningham, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	15,012.43	1,254.96
John T. Curran, 815 16th St., NW, #603 Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	16,536.75	401.69
Do	National Coordinating Comm for Multiemployer Plans		
Kathleen L. Curry, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	1,881.00	
Cutler & Stanfield, 1850 M Street, NW Washington, DC 20036	Colorado SSC Project		36.00
Everett E. Cutter, 620 SW Fifth Avenue Bldg., Suite 300 Portland, OR 97204	Oregon Railroad Assn		
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			1,000.00
CR Associates, 317 Massachusetts Ave., NE, 1st Floor Washington, DC 20002	Alzheimer's Disease & Related Disorders Assn		
D'Amore & Doyle, Inc, 1156 15th St., NW, #1100 Washington, DC 20005	American Psychological Assn	7,500.00	1,105.96
Do	Gafney Bennett & Associates, Inc	12,309.00	1,045.69
Do	New England Assn of Business, Industry & Rehabilitation, Inc	1,000.00	1,936.44
William K. Dabaghi, Arter & Hadden 1919 Pennsylvania Ave., NW, #400 Washington, DC 20006	Central Union of Agricultural Cooperatives (ZENCHU)	9,142.50	5,102.08
Do	Coalition for Regional Banks		30.00
Do	Houston Clearing House Assn		
Susan Dahlquist, 2000 K St., NW, 8th Foor Washington, DC 20006	National Committee to Preserve Social Security	10,000.00	805.22
Stephen J. Daigler, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
William Kay Daines, 1616 H St., NW Washington, DC 20006	American Retail Federation	400.00	183.00
Dairy Farmers for Responsible Dairy Policy, 517 C Street, NE Washington, DC 20002		17,750.00	14,036.22
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cynamid Company (For:Lederle Laboratories)	1,705.00	841.56
James G. Dalton, 1420 King St. Alexandria, VA 22314	National Society of Professional Engineers	2,500.00	
John M. Damgard, 1825 Eye Street, NW, #1040 Washington, DC 20006	Futures Industry Assn, Inc		
Tracy Danese, P.O. Box 14000 Juno Beach, FL 33408	Florida Power & Light Co	1,074.00	3,748.90
John E. Daniel, 1233 20th St., NW, #400 Washington, DC 20036	Ohio Edison Co		
David S. Danielson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Charles Franklin Daoust, P.O. Box 12910 Charleston, SC 29412-0910	Kiawah Island Co, Ltd		
Cynthia L. Darcy, 245 Second St., NE Washington, DC 20002	Friends Committee on National Legislation	2,457.00	
Richard C. Darling, 1156 15th St., NW Washington, DC 20005	J. C. Penney Co, Inc		
Diane Davenny Darneille, 1726 M St., NW, #300 Washington, DC 20036	Schering-Plough Corp	1,025.00	857.33
John C. Datt, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	11,712.51	
Earl F. David, 1825 K St., NW, #1107 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
James H. Davidson, James H. Davidson & Associates, Inc 1211 Connecticut Avenue, NW, #610 Washington, DC 20036	American Assn of Advertising Agencies	1,769.12	
Do	American Newspaper Publishers Assn	5,431.28	
Do	Association of National Advertisers	1,769.12	
Do	Direct Marketing Assn	2,181.22	
Do	National Assn of Broadcasters	17,939.93	
James H. Davidson & Associates, Inc, 1211 Connecticut Ave, NW, #610 Washington, DC 20036	Magazine Publishers Assn, Inc	15,265.34	
Do	Miller & Chevalier, Chtd	16,541.54	
Do	National Assn of Industrial & Office Parks	16,330.50	
Do	Rouse Company	846.28	
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn	1,000.00	
Drew M Davis, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn	152.03	
Edward M. Davis, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	9,000.00	708.69
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause	9,450.00	
Fred G. Davis, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	4,097.81	929.36
Kenneth E. Davis, Suite 1210 1667 K St., NW Washington, DC 20006	Rohm & Haas Co	500.00	31.32
Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,200.00	402.22
Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Robert Davis, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	1,775.00	612.00
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	American General Life Insurance Co	843.00	53.80
Do	American Horse Council	937.50	30.54
Do	Armco Steel Co	1,560.00	12.00
Do	Bethlehem Steel Corp	1,560.00	12.00
Do	Chandis Securities Co	250.00	
Do	Chicago Board of Trade	3,124.90	122.67
Do	Committee of Annuity Insurers	370.37	19.00
Do	Committee of Life Insurers	2,998.30	49.70
Do	Consumer Credit Insurance Assn	417.60	12.00
Do	Dresser Industries		
Do	Florida Power & Light	232.00	5.00
Do	Florida Sugar Cane League, Inc	300.00	
Do	James Graham Brown Foundation		
Do	LeBoeuf Lamb Leiby & MacRae (Underwriters of Lloyd's London)	1,335.30	14.00
Do	Lincoln Life Improved Housing, Inc		
Do	Lincoln National Life Insurance Co	376.87	5.00
Do	Monumental Corp		
Do	National Assn of Life Companies		
Do	National Cattlemen's Assn	625.00	9.00
Do	NEOAX, Inc		
Do	Stock Information Group	4,679.20	53.00
Do	Travelers Companies		
Do	U.S. Sugar Corp	150.00	
Davis Hockenberg Wine Brown & Koehn, 2300 Financial Center Des Moines, IA 50309	E&J Gallo Winery		11.59
Do	Northwestern Bell (Iowa Div)		
Davis Polk & Wardwell, 1575 Eye St., NW Washington, DC 20005	American Inst of Certified Public Accountants	1,292.50	19.50
Do	Kohlberg Kravis Roberts & Co		
Do	Manville Corporation		
Do	Morgan Guaranty Trust Co	900.00	24.00
Do	New York Clearing House		
Do	Norwest Corporation	100.00	8.00
Do	Occidental International Corp	1,292.50	34.50
Do	Otto Bremer Foundation		
Davis Wright & Jones, 1752 N St., NW, #800 Washington, DC 20036	Energy Contractors Price-Anderson Group	10,180.33	186.19
Do	McCaw Communications Cos	14,850.00	287.26
Do	Non-Indian Negotiating Group		
Do	Pacific Northwest Coalition for Maritime Law Reform		
Do	Star-Kist Foods, Inc		
Do	Tri-City Nuclear Industrial Council, Inc		
Donald S. Dawson, 1155 Connecticut Ave., NW, #500 Washington, DC 20036	Opticians Assn of America		
Do	Virgin Islands Gift & Fashion Shop Assn		
Do	Virgin Islands Merchants Assn		
Robert G. Dawson, 1101 17th St., NW, #405 Washington, DC 20036	Southern Company Services, Inc		1,216.62
Brenda T. Day, 655 15th St., NW, #300 Washington, DC 20005	Armtek Corp	6,330.00	
Harry F. Day, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Gaston De Bearn, 1050 Connecticut Avenue, NW, #401 Washington, DC 20036	Hoffmann-La Roche, Inc		
Ralph De La Cruz, 1225 Connecticut Avenue, NW Washington, DC 20036	American Public Transit Assn	3,080.00	71.00
O. Mark De Michele, 411 North Central Avenue P.O. Box 21666 Phoenix, AZ 85014	Arizona Public Service Company		
John Russell Deane III, 1607 New Hampshire Ave., NW Washington, DC 20009	Auto Internacional Assn	1,602.00	791.60
Do	Coalition of Automotive Assns	978.75	452.11
Do	Specialty Equipment Market Assn	2,936.25	1,357.66
Debevoise & Plimpton, 555 13th Street, NW Washington, DC 20004	Sony Corp of America	120.00	
Do	Westpac Banking Corp	86.60	
Dechert Price & Rhoads, 1500 K Street, NW, #500 Washington, DC 20005	A.I.A. & Associates	16,725.00	19.46
Do	Center for Civic Education	800.00	7.00
Do	Constitutional Rights Foundation		113.46
Do	Constitutional Rights Foundation, et al	2,579.10	98.80
Mark O. Decker, 1129 20th Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc	300.00	
Do	Pension Real Estate Assn		
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
William R. Deere, 600 Maryland Ave., SW, #701 Washington, DC 20014	Aircraft Owners & Pilots Assn	4,696.81	1,875.63
Brian Deery, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
George K. Degnon Associates, Inc, 6728 Old McLean Village Drive Mclean, VA 22101	Association of State & Territorial Health Officials		1,000.00
Do	Nurses Organization of the Veterans Administration		1,000.00
Richard Del Vecchio, Keene Shirley & Associates, Inc 919 Prince Street Alexandria, VA 22314	McDonnell Douglas Astronautics Co	2,750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Delaney & Young, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006	Harcourt Brace Jovanovich, Inc	15,330.00	263.98
Do	National Assn of Independent Insurers	25,000.00	2,823.55
Do	Transamerica Insurance Services	15,075.00	58.31
Willard L. Demory, 2300 M St., NW, #800 Washington, DC 20037	Hill & Knowlton, Inc (For:Bell Atlantic Management Services)		
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)		
George G. Demougeot, 1612 K St., NW, #206 Washington, DC 20006	Haggar Women's Wear	2,052.16	77.83
Do	Kellwood Company	2,052.16	28.71
Do	United Gamefowl Breeders Assn, Inc	3,750.00	7.00
George H. Denison, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016	N U S Corporation		
Do	National Office Products Assn	400.00	
Do	Primark Corporation	300.00	
Do	Westinghouse Electric Corp	600.00	
John H. Denman, Missouri Oil Council 428 E. Capital St., #203 Jefferson City, MO 65101	American Petroleum Institute		
Robert A. Denman, 600 Maryland Avenue, SW, #202w Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	7,474.60	
Thomas J. Dennis Sr., 1111 19th St., NW, #303 Washington, DC 20036	Southern California Edison Co	6,375.00	1,500.00
Edward A. Dent, 3115 N St., NW Washington, DC 20007	Americans for the National Voter Initiative Amendment		
Wells Denyes, 1919 Pennsylvania Ave., NW Washington, DC 20006	Eastman Chemicals Division	650.00	105.68
Department for Professional Employees, AFL-CIO, 815 16th St., NW Washington, DC 20006		15,967.37	15,967.37
Janice Deputy, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy		
Julie Desmond, 1111 14th St., NW, #900 Washington, DC 20005	National Apartment Assn		
Samuel L. Devine, 170 Burning Tree Drive Naples, FL 33942	American Continental Corp		
Do	Grocery Manufacturers of America, Inc		908.45
R. Daniel Devlin, 1825 Eye Street, NW, #350 Washington, DC 20006	Trans World Airlines, Inc	400.00	
Dewey Ballantine Bushby Palmer & Wood, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Air Products & Chemicals, Inc		
Do	Amax, Inc		
Do	American Ref-Fuel Company		
Do	American Stock Exchange, Inc		
Do	Arctic Alaska Seafoods, Inc	300.00	
Do	Bankers Trust Co		
Do	Baptist Foundation of Texas		
Do	Bell Atlantic Corp		
Do	Beneficial Corporation		
Do	Browning-Ferris Industries, Inc		
Do	Catholic Health Assn of the U.S.		
Do	Chase Manhattan Corp		
Do	Chrysler Corporation		
Do	Committee for Future Investment in America's Past	1,200.00	
Do	CIC Enterprises, Inc		
Do	Digital Equipment Corp		
Do	Disk Drive Consortium		
Do	Dolco Packaging Corp		
Do	Duke Endowment		
Do	Federal National Mortgage Assn		
Do	Federation of American Health Systems		
Do	General Electric Pension Trust		
Do	Hanschell Inniss, Ltd		
Do	Health Insurance Assn of America		
Do	Hershey Foods Corp		
Do	Hospital Coalition		
Do	Household International		
Do	Integrated Resources, Inc	600.00	
Do	Intel Corporation		
Do	IBM Corp		
Do	Labor-Industry Coalition for International Trade	1,000.00	
Do	Man-Made Fiber Producers Assn, Inc		
Do	Morgan Stanley Group, Inc		
Do	Mutual Life Insurance Co of New York		
Do	National Assn of Wholesaler-Distributors		
Do	Norfolk Southern Corp	75.00	
Do	NYNEX Corp		
Do	Pfizer, Inc	150.00	
Do	Premark International		
Do	Primerica, Inc		
Do	Prudential Insurance Co of America		
Do	Salomon Inc		
Do	Joseph E. Seagram & Sons, Inc		
Do	Squibb Corporation	300.00	
Do	Teachers Insurance & Annuity Assn of America		
Do	Tribune Broadcasting Co	600.00	
Do	U.S. Coalition for Fair Lumber Imports		
Do	Union Pacific Corp		
Do	West Indies Rum & Spirits Producers Assn		
Doris J. Dewton, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
George T. DeBakey, 1300 North 17th St., #300 Arlington, VA 22209	ADAPSO, The Computer Software & Services Industry Assn		
Jeff DeBoer, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	1,686.77
Michael DeEmilio, 400 First St., NW, #801 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	10,000.00	
James U. DeFrancis, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	3,187.00	1,183.00
Law Offices of Paul H. DeLaney, Jr., 1920 N Street, NW, #610 Washington, DC 20036	Groth Air Services, Inc		
Do	Universal Frutrading Co-operative, Ltd		
Michael J. DeLoose, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	717.89	85.94
Gregory L. DePriest, 1730 M Street, NW, #713 Washington, DC 20036	Association of Maximum Service Telecasters, Inc		
William R. DeReuter, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	2,000.00	
John M. Dickerman, 1015 15th St., NW, #700 Washington, DC 20005	National Lumber & Building Material Dealers Assn		
Chester T. Dickerson Jr., c/o Bernadette Hammond 1101 17th St., NW, #604 Washington, DC 20036	Monsanto Co		379.34
Ann Sanders Dickey, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S.	7,000.00	
Gary Alan Dickinson, 2 International Plaza Dr., #600 Nashville, TN 37217	Anglo American Auto Auctions, Inc		
Norman Dickinson, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Institute of Steel Construction		
Dickinson Wright Moon Van Dusen & Freeman, 1901 L St., NW, #801 Washington, DC 20036	Allied Signal, Inc	12,600.00	
Do	Chicago & Western Transportation	12,900.00	
Do	United Technologies Corporation	20,000.00	
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	Advance Publications	6,500.00	
Do	American Greyhound Track Operators Assn	12,068.00	
Do	ABD Securities Corp		
Do	Bear Stearns & Co	2,100.00	
Do	Boundary Gas, Inc		
Do	California Assn of Thrift & Loan Companies	9,975.00	
Do	Car Audio Specialists Assn (CASA)	500.00	
Do	Children's Hospital		
Do	DOT Partnership	1,094.00	
Do	Federal National Mortgage Assn		
Do	Federated Cash Management Systems	7,000.00	
Do	Fiat USA		
Do	Flare, Inc/Seismic Reflections	250.00	
Do	International Medical News Service	5,181.00	
Do	Iroquois Gas, Inc	31,328.00	
Do	IPP Working Group	1,859.00	
Do	Marine Engineers' Beneficial Assn		
Do	Medtronic, Inc	6,895.00	
Do	Morgan Guaranty Trust Co	4,063.00	
Do	Mudge Rose Guthrie Alexander & Ferndon (for Toshiba Corp)	9,875.00	
Do	National Fed of Societies for Clinical Social Work	4,000.00	
Do	Ocean State Power	2,150.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Paulucci Enterprises	23,203.00	
Do	Security Life Insurance Co	1,938.00	
Do	States of Arkansas, et al.		
Do	Technomed	113.00	
Rick Diegel, 1125 15th Street, NW Washington, DC 20005	International Brotherhood of Electrical Workers, AFL-CIO-CLC	2,281.25	150.00
Diepenbrock Wulff Plant & Hannegan, 300 Capitol Mall, #1700 Sacramento, CA 95814	St. Elizabeth Community Hospital	3,752.91	3,752.91
Walter E. Diercks, 1730 M St., NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
George Dillard, 5128 Sauer, Suite A Houston, TX 77004	Kaleidoscope Research & Marketing Group		
Thomas A. Dine, 500 North Capitol St, NW, #300 Washington, DC 20001-1510	American Israel Public Affairs Comm	17,508.00	3,011.77
Direct Selling Association, 1776 K Street, NW Washington, DC 20006			
Dale P. Dirks, 400 First St., NW, #712 Washington, DC 20001	Health & Medicine Counsel of Washington		
Do	Professional Services Counsel		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		220,498.56	220,498.56
Gloria Dittus, 18 Muzzey Street Lexington, MA 02173	BMc Strategies, Inc (For:New Hampshire Yankee)	2,400.00	575.03
Diversified Energies, Inc, C/O Mr. Carl W. Cummins 201 South 7th Street Minneapolis, MN 55402			
Patsy B. Dix, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,036.80	443.00
Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,900.00	
Sharon Pratt Dixon, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co	6.34	
Charles J. DiBona, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	2,500.00	
Margaret R. DiPaula, 1700 K Street, NW, #1204 Washington, DC 20006	Chevron USA, Inc	325.00	
Lucia DiVenere, 925 15th St., NW Washington, DC 20005	National Council of Senior Citizens	9,000.00	12.00
J. Graham Dodson, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Co	185.50	38.50
Steven P. Doehler, 1615 L Street, NW, #1230 Washington, DC 20036	Mortgage Insurance Companies of America	6,000.00	27.60
Julie Domenick Doerr, 1600 M St., NW Washington, DC 20036	Investment Company Institute		1,342.42
Daniel P. Doherty, 2001 S St., NW, #540 Washington, DC 20009	Alliance of Nonprofit Mailers	1,250.00	60.48
Eileen Marie Doherty, 1000 Connecticut Avenue, NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Nancy A. Donaldson, 305 7th Street, SE, #204 Washington, DC 20003	Women's Action for Nuclear Disarmament, Inc, et al	1,875.00	
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
Thomas F. Donnelly, 955 L'Enfant Plaza, SW, #1202-N Washington, DC 20024	National Water Resources Assn	3,125.00	
Sally S. Donner, 1710 Rhode Island Avenue, NW, #400 Washington, DC 20036	General Foods Corporation	1,343.75	27.67
William Donovan, 1111 N. 19th St, #700 Arlington, VA 22209	National Assn of Federal Credit Unions	2,500.00	67.00
Brad L. Doores, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202	Energy Fuels Nuclear, Inc		
Ira Dorfman, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn	642.23	5.00
Linda Dorian, 2012 Massachusetts Ave., NW Washington, DC 20036	BPW/USA	1,000.00	306.85
Doris Day Animal League, 111 Massachusetts Ave., NW, #200 Washington, DC 20001		348,424.00	348,424.00
Kevin L. Dorn, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	7,269.00	
James A. Dorsch, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	728.75	
Michael I. Dougherty, Pillsbury Center MS 3771 Minneapolis, MN 55402	Pillsbury Company	1,000.00	
Sally L. Douglas, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	200.00
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Do	Ameritech		
Do	Beeman and Associates		
Do	California Wine Commission	1,065.00	6.25
Do	Canadian Institute of Steel Construction		
Do	Chicago City Colleges	235.00	
Do	Cox Enterprises, Inc, et al		
Do	Directors Guild of America		
Do	Dofasco, Inc, et al	3,893.00	282.27
Do	Harris Steel Group, Inc		
Do	Hercules, Inc		
Do	Home Shopping Network, Inc		
Do	Johnson-Simmons Co		
Do	Lake Ontario Cement, Ltd	483.00	
Do	Laurel Steel Products, Ltd		
Do	Life Care Services Corp		
Do	Marriott Corp		
Do	Masstock (International) Ltd		
Do	Monarch Wine Co of Georgia, et al		
Do	Profit Sharing Council of America		
Do	Sporicidin Company	752.00	53.36
Do	State Higher Education Executive Officers Assn		
Charles P. Downer, 7901 Westpark Drive Mclean, VA 22102	National Machine Tool Builders' Assn	1,300.00	250.00
Jane Lind Downey, 2200 Mill Rd Alexandria, VA 22314	American Movers Conference	500.00	
Richard Morgan Downey, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
John P. Doyle Jr., 8600 Boundbrook Lane Alexandria, VA 22309	J. P. Doyle Enterprises, Inc	1,000.00	
Steve Doyle, 5205 Leesburg Pike, #505 Falls Church, VA 22041	National Beer Wholesalers Assn		
William A. Doyle, 2346 S. Rolfe Street Arlington, VA 22202	Harris Corporation	3,050.00	1,483.54
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	18,340.40	20.01
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,000.00	89.62
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	5,272.00	
Andrea N. Dravo, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	10,000.00	522.56
Paul A. Drazek, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,375.01	
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	Briggs & Stratton	250.00	
Do	General Dynamics Corp	250.00	
Do	Metropolitan Life Insurance Cos		
Do	Science Applications Int'l Corp	250.00	
Joan Albert Dreux, 1700 Pennsylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	4,000.00	297.15
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	500.00	
John P. Dring, 1331 Pennsylvania Ave., NW, #565 Washington, DC 20004	Texas Gas Transmission Corp		
Alvin Drischler, 1667 K St., NW, #700 Washington, DC 20006	Intelsat	11,460.80	129.80
Do	PHLCORP	15,000.00	698.06
Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Lorraine Driscoll, 1300 Connecticut Avenue, NW, #401 Washington, DC 20036	Citizen Action	1,312.50	316.03
Fran Du Melle, 1029 Vermont Ave., NW, #710 Washington, DC 20005-3517	American Lung Assn	2,890.00	3,618.88
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Dudek Communications, 902 Pennsylvania Avenue, SE Washington, DC 20003	Lyonnaise Marianas America, Inc	8,000.00	8,000.00
Dana D. Duden, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
John Dudinsky Jr., 201 Massachusetts Ave., NE, #C-9 Washington, DC 20002	AMSPEC	3,000.00	730.00
Do	Harris/3-M Document Products, Inc	11,250.00	650.00
Douglas F. Duerr, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc		
Ann Anderson Duff, 1331 Pennsylvania AVenue, NW Washington, DC 20004	National Assn of Manufacturers	1,200.00	
Michael J. Duff, 1101 16th Street, NW Washington, DC 20036	Scientific Apparatus Makers Assn	1,400.00	22.00
Daniel A. Duffy, 1400 K St., NW, #900 Washington, DC 20005	Rubber Manufacturers Assn	2,500.00	
Stephen C. Duffy, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	141.40
C. Ray Duggan, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	1,975.00	1,975.00
Robert H. Dugger, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	20.00
Evelyn Dukovic, 3 East 85th Street New York, NY 10028	Morality in Media, Inc	16.98	
Dulles Access Rapid Transit Corp, 8000 Towers Crescent Dr., #801 Vienna, VA 22180			12,216.51
Mervin E. Dullum, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	200.00	92.41
Amy K. Dunbar, P.O. Box 19230 Washington, DC 20036	Palmer & Dodge (For:National Assn of Bond Lawyers)	9,166.68	14.50
Don R. Duncan, 1825 K Street, NW, #1107 Washington, DC 20006	Phillips Petroleum Co	5,000.00	
Duncan Allen & Mitchell, 1575 Eye Street, NW Washington, DC 20005	Cecil Saydah Co	1,063.50	177.86
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	City of Klamath Falls		
Do	Kenai Natives Assn, Inc		
Do	Lake Andes-Wagner Water Systems, Inc		
Do	Mid West Electric Consumers' Assn, Inc		
Do	National Assn of State Energy Officials		
Do	Western Fuels Association, Inc		
Pauline Dunlap, P.O. Box 868 Kodiak, AK 99615	Eagle Fisheries, Inc		
Mari Lee Dunn, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John H. Dunne, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
James A. Dupree, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	4,312.00	1,861.00
Joseph L. Duran, 100 Federal St. Boston, MA 02110	First National Bank of Boston		
Margaret A. Durbin, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	2,200.00	
B. J. Durham, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Co	410.60	1,396.58
Ed Durkin, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America		
Duryea Murphy Davenport & Van Winkle, 711 Capitol Way Olympia, WA 98501	State of Nevada, Nuclear Waste Project Office	2,438.00	1,375.87
Dutko & Associates, 412 First St., SE, #40 Washington, DC 20003	Miguel H. Agosto	3,200.00	
Do	American Consumer Trade Council	3,227.51	
Do	Anchor Industries, Inc	6,059.61	
Do	Associates of North America		
Do	Association of Telemessaging Services Int'l, Inc	800.00	
Do	Colorado River Municipal Water District (CRMWD)		
Do	Committee for Preservation of the Anesthesia Care Team	10,500.00	
Do	Communications Satellite Corp	1,200.00	
Do	D & B Wholesale Cosmetics, Inc		
Do	DSC Communications	9,698.00	
Do	William Gold		
Do	Jaime Goldenberg		
Do	Granger Associates		
Do	Gulf & Western Industries, Inc	9,000.00	
Do	Hart-Culp International		
Do	International Telecharge, Inc	6,000.00	
Do	Lightnet	15,882.36	
Do	MedMax		
Do	Midlands Consortium		
Do	Model Imperial Supply Co, Inc		
Do	Oklahoma State University	3,600.00	
Do	PacifiCare Health Systems	3,971.50	
Do	Pitts Energy Group		
Do	Psychemedics Corp	877.50	
Do	R-Max	2,390.00	
Do	Southland Corporation		
Do	St. Thomas Paving		
Do	Stedman Foundation, Inc	3,936.50	
Do	M. Stevens Cosmetics Co		
Do	Superconducting Super Collider		
Do	U.S. Sprint	3,382.50	
Peggy L. Duxbury, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004	National Assn of Manufacturers	300.00	
Ernest DuBester, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	15,019.03	468.99
William P. DuBose IV, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	1,500.00	
Duncan Dwelle, 1001 Bridgeway, #301 Suasalito, CA 94965	American Fair Trade Council	5,000.00	5,000.00
Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Dykema Gossett Spencer Goodnow & Trigg, 1752 N St., NW, 6th Fl. Washington, DC 20036	Military Boot Manufacturers Assn		
Do	Total Petroleum, Inc		
DynCorp, 1313 Dolley Madison Blvd. Mclean, VA 22101			3,726.00
Talis Dzenitis, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	500.00	72.40
Jack D. Early, 1155 15th St., NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn	262.50	35.00
Charles H. Eaton, 1725 K St., NW, #1111 Washington, DC 20006	Eaton Associates, Inc		
Robert E. L. Eaton, 1725 K St., NW, #1111 Washington, DC 20006	Eaton Associates, Inc		
Eaton Associates, Inc, 1725 K St., NW, #1111 Washington, DC 20006			
Robert E. Ebel, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	1,450.00	523.00
Eric D. Eberhard, 1155 Connecticut Ave., NW, #1000 Washington, DC 20036	Gover Stetson Williams & Eberhard (For:Confederated Tribes of the Colville)	640.00	
Do	Gaming Pueblos of New Mexico		
Do	Gover Stetson Williams & Eberhard (For:Pueblo of Sandia)	290.00	
Do	Gover Stetson Williams & Eberhard (For:Sault Ste. Marie Tribe of Chippewa Indians)	450.00	14.25
Do	Gover Stetson & Williams (For:Shoshone Business Council)	1,287.00	
Charles J. Eby, 8408 Queen Elizabeth Blvd. Annandale, VA 22003	Hill & Knowlton, Inc (for: Monsanto)		
N. Boyd Ecker, 1100 Connecticut Ave., NW Washington, DC 20036	Mobil Oil Corp	1,500.00	47.60
Robert C. Eckhardt, 122 3rd Street, SE Washington, DC 20003	Certain Claimants Lawyers		
Do	Investment Company Institute	5,000.00	
Patricia K. Economos, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Helen H. Edge, 700 N. Fairfax St. Alexandria, VA 22314	Railway Progress Institute	537.50	
Edison Electric Institute, 9th Floor 1111 19th St., NW Washington, DC 20036		288,503.96	76,220.13
V. Anne Edlund, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Stephen L. Edmiston, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	16,395.00	471.86
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter Financial Services Group	551.00	35.00
J. Rodney Edwards, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
Jack Edwards, 3000 First Natonal Bank Bldg. P.O. Box 123 Mobile, AL 36601	Fiat USA	436.32	176.47
Do	Societe Nationale d'Etude et de Const de Moteurs d'Aviation	1,476.96	
Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,422.95	553.80
William A. Edwards, 201 Massachusetts Ave., NE Washington, DC 20002	New Hampshire Yankee	5,500.00	3,321.18
Edwards Associates, 507 Second St., NE Washington, DC 20002	Confederated Tribes of Warm Springs		
Paul S. Egan, 1325 15th Street, NW, #503 Washington, DC 20005	Vietnam Veterans of America, Inc	10,900.00	1,827.93
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	9,000.00	31.15
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10001	National Commercial Finance Assn	12,250.00	1,424.00
H. J. Elam III, 1201 Maple St. Greensboro, NC 27405	Cone Mills Corp	13,650.00	6,895.53
Jane Elder, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	1,200.00	944.65
Timothy L. Elder, 100 N.E. Adams Street Peoriagton, IL 61629-1430	Caterpillar, Inc	250.00	528.40
Electronic Funds Transfer Assn, 1726 M Street, NW, #1000 Washington, DC 20036			200.00
George K. Eliades, 7297-P Lee Highway Falls Church, VA 22042	Society of American Wood Preservers, Inc	4,000.00	720.00
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute	12.00	
Christine Elliott-Groves, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	200.00
J.W. Ellis, 1629 K St., NW, #1100 Washington, DC 20006	Old Republic Companies	1,375.00	
John M. Ellis, 1120 Fairfield Avenue Roseville, CA 95678	Nor-Cal Federal Coalition		
Mark G. Ellis, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Mark C. Ellison, 300 N. Washington St, #208 Alexandria, VA 22314	Satellite Broadcasting & Communications Assn	1,000.00	
Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036		85,411.46	98,314.29
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			4,052.94
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Brotherhood of Electrical Workers	6,300.00	627.50
Randy Eminger, 5205 West 37th Street Amarillo, TX 79109	Southwestern Public Service Co	798.25	1,704.01
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
H. John Endean, 1730 K St., NW, #1200 Washington, DC 20006	American Business Conference	112.50	25.00
Energy Consumers & Producers Assn, Box 1726 Seminole, OK 74868		18,532.51	
Energy Fuels Nuclear, Inc, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202			44,593.32
Gary D. Engebretson, 1350 New York Ave., NW, #200 Washington, DC 20005	Contract Services Assn		213.00
Ralph Engel, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc	315.00	24.00
Joseph J. English, 1610 Tanyard Hill Rd. Gaithersburg, MD 20879	Stewart-Warner Corp	11,404.47	
Patricia A. English, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Christopher Engquist, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Richard Engram Jr., P.O. Box 506 Merchants & Miners Bank Bldg. Welch, WV 24801			
Clinton W. Ensign, 2600 Virginia Avenue, NW, #901 Washington, DC 20037	Sinclair Oil Corporation	1,000.00	188.60
Environmental Action, 1525 New Hampshire Ave., NW Washington, DC 20036			
J. Barry Epperson, P.O. Box 42464 Houston, TX 77242	Associated Wire Rope Fabricators		414.00
John Ernst, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	2,269.08	
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	9,587.03	114.49
Stephen E. Eure, 1711 King Street Alexandria, VA 22314	Snack Food Assn	4,320.00	398.12
European Travel Commission, 630 Fifth Avenue New York, NY 10111			
Billy Lee Evans, 499 South Capitol St., SW, #507 Washington, DC 20003	Hecht Spencer & Oglesby, Inc. (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Oglesby, Inc (For:BATUS, Inc)		
Do	Hecht Spencer & Oglesby, Inc (For:Crowley Maritime Corp)		
Do	Hecht Spencer & Ogelsby, Inc (For:Freedom & Justice for Cyprus Trust)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hecht Spencer & Oglesby, Inc (For:Great Western Financial Corp)		
Do	Hecht Spencer & Oglesby Inc (For:Hong Kong Trade Development Council)		
Do	Hecht Spencer & Oglesby, Inc (For:Western Growers Association)		
C. Lawrence Evans Jr., 51 Louisiana Avenue, NW Washington, DC 20001	Acacia Group		
Dewitt Howard Evans, 1320 G Street, SE Washington, DC 20003	Institute for Preservation of African American Literature		175.00
Dwight H. Evans, 1101 17th St., NW, #405 Washington, DC 20036	Southern Company Services, Inc	1,406.25	1,216.62
Elaine Evans, 1133 21st Street, NW, #500 Washington, DC 20036	National Hydropower Assn		
Joseph O. Evans, 4401 Lee Highway, #21 Arlington, VA 22207			
Robert B. Evans, 1101 14th Street, NW Washington, DC 20005	American Financial Services Assn	250.00	
Robert D. Evans, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
William J. Evans Jr., 1660 L St., NW, #901 Washington, DC 20036	Pan American World Services, Inc	620.00	86.98
Dave Evans Associates, 4076 Rosamora Court Arlington, VA 22207	Association for Regulatory Reform		
Do	ACA	2,500.00	
Do	SIA	2,500.00	
Wayne S. Ewing, Associated Petroleum Industries of Pa P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Paul K. Eyer, 122 C Street, NW, #875 Washington, DC 20001	American Osteopathic Assn	1,500.00	
EDS Corporation, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004			2,706.00
F/P Research Associates, 1700 K St., NW, #504 Washington, DC 20006	National Cable Television Assn, Inc	500.00	
Do	Shell Oil Co	250.00	
Robert R. Fahs, 1101 15th St., NW, #205 Washington, DC 20005	Cargill, Inc	2,500.00	
Leslie Fain, 400 First St., NW, #800 Washington, DC 20001	Committee for Humane Legislation	6,250.00	
Dale W. Fallat, P.O. Box 119 Maumee, OH 43537	Andersons		
Frank J. Farfone, 1800 M St., NW, #700 South Washington, DC 20036	Dow Chemical USA		4,875.00
Thomas B. Farley II, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	5,000.00	59.50
David M. Farmer, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	7,000.00	
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024		184,478.00	82,297.52
John W. Farquhar, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	100.00	
Dagmar T. Farr, 1750 K Street, N.w. Washington, DC 20006	Food Marketing Institute	300.00	
J. Dent Farr, 2000 M St., NW, #550 Washington, DC 20036	North American Telecommunications Assn	11,497.52	
Christopher G. Farrand, 1120 20th Street, NW, #720 Washington, DC 20036	Peabody Holding Co, Inc		661.00
Michael Farrar, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	200.00	
Joseph A. Farrell, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Central Utah Water Conservancy District	30,392.23	2,642.23
Do	Echo Bay Mining Co	4,687.80	105.77
Do	Public Service Co of New Mexico	27,802.25	4,377.25
Do	Sierra Pacific Power Co	24,131.74	1,311.54
Do	Standard Oil Co (Ohio)	11,250.00	
Jane Fawcett-Hoover, 801 18th St., NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	27.08	
William D. Fay, 818 Connecticut Avenue, NW Washington, DC 20006	Clean Air Working Group	4,375.00	3,527.28
Federal Judges Association, 2188 U.S. Courthouse 75 Spring Street Atlanta, GA 30303		23,984.26	19,076.53
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		1,158.59	1,158.59
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		9,000.00	9,000.00
Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002			3,376.53
Federation of Behavioral Psychological & Cognitive Sciences, 1200 17th Street, NW Washington, DC 20036			
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)		
Donald M. Fehr, 805 Third Ave. New York, NY 10022	Major League Baseball Players Assn		
Scott Feierabend, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	1,072.39	
Eli M. Feinberg, 9100 S. Dadeland Blvd., #1109 Miami, FL 33156	EMF & Associates (For:Aviation Collection)	1,500.00	63.45
Joel F. Feldman, 1752 N St., NW, #800 Washington, DC 20036	National Welding Supply Assn	6,000.00	
Claudia Feller, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences		
Kenneth E. Feltman, 927 15th St., NW, #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
Randolph Fenninger, 10000 Falls Road, #300 Potomac, MD 20854	American Assn of Colleges of Osteopathic Medicine	3,000.00	
Do	American Gastroenterological Assn		
Do	American Soc for Gastrointestinal Endoscopy	1,000.00	
Do	American Soc of Clinical Pathologists	6,750.00	
Do	American Urological Assn/Amer Assn of Clinical Urologists	1,000.00	
Judith W. Fensterer, 242 E. 80th Street New York, NY 10021	Generic Pharmaceutical Industry Assn	177.00	
George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036	American Mining Congress	150.00	
Edward T. Fergus, 100 Gold St. New York, NY 10292	Prudential-Bache Securities, Inc	750.00	
Betsy Ferguson, 1875 Eye St., NW, #1110 Washington, DC 20006	Times Mirror Co		
Denise G. Ferguson, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
John L. Festa, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Fiber Fabric & Apparel Coalition for Trade, 1101 Connecticut Ave., NW, #300 Washington, DC 20036		1,632,953.00	1,233,227.00
Fred C. Fielding, 1725 Jefferson Davis Hwy, #900 Arlington, VA 22202	AM General Corporation		
C. H. Fields, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,500.00	13.20
Marshall S. Filler, 1101 Connecticut Ave., NW, #405 Washington, DC 20036	Continental Airlines, Inc, et al.	5,840.00	
Do	Eastern Airlines, Inc	2,572.00	
Do	National Business Aircraft Assn	4,251.00	
Do	Texas Air Corp		
Financial Services Council, 1225 19th St., NW, #410 Washington, DC 20036		15,343.00	5,670.00
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers	125.00	
William A. Finerfrock, 1117 N. 19th Street, #300 Arlington, VA 22209	American Academy of Physician Assistants	11,500.00	166.50
Matthew P. Fink, 1600 M St., NW Washington, DC 20036	Investment Company Institute		383.60
Nelson L. Fink, 378 Valley Oak Court Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Thomas D. Finnigan, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		
M. J. Fiocco, 1090 Vermont Ave., NW, #410 Washington, DC 20005	National Industrial Transportation League	5,500.00	82.00
First National Bank of Boston, 100 Federal St. Boston, MA 02110			23,645.93
Richard L. Fischer, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation		
Carleton W. Fish, P.O. Box 35106 Minneapolis, MN 55435	American Collectors Assn	1,000.00	1,119.77
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn, Inc	251.00	
Janet S. Fisher, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co		
William P. Fisher, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn		
Fisher Wayland Cooper & Leader, 1255 23rd Street, NW, #800 Washington, DC 20037-1125	International Communications Assn		
Thomas H. Fitzpatrick, Connecticut Petroleum Council 410 Asylum Street Hartford, CT 06103	American Petroleum Institute		
Richard S. Fitzsimmons, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Alan M. Fitzwater, 3800 Continental Plaza 777 Main Street Fort Worth, TX 76102	Burlington Northern Railroad	22,500.00	3,023.55
Hilliard J. Fjord, 602 Main St., #600 Cincinnati, OH 45202	Ohio River Co	3,000.00	845.95
Susan G. Flack, 1320 19th St., NW, #400 Washington, DC 20036	Dayton Hudson Corp	100.00	5.00
Do	National Assn of Chain Drug Stores, Inc	300.00	15.00
Do	Flack, Inc (For:Spiegel, Inc)	300.00	28.00
Daniel V. Flanagan Jr., 12 Third Street, NE Washington, DC 20002	Virginia Power		
James J. Flanagan, 25 Research Dr. Westborough, MA 01581	New England Power Service Co	1,276.50	190.35
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Home Satellite Services		
Do	Murdock International	4,925.00	61.56
Do	Pathology Practice Assn	28,000.00	1,465.14
Do	Syva Company	36,000.00	483.56
Michael Fleming, 1300 17th St., #1010 Arlington, VA 22209	American Assn of Equipment Lessors		
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute	3,000.00	2,089.63
Fletcher Heald & Hildreth, 1225 Connecticut Ave., NW, #400 Washington, DC 20036	Wheat Gluten Industry Council, et al.		
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	4,715.58	
Veronica M. Floyd, 2001 S. Jeff Davis Highway, #1107 Arlington, VA 22202	Brunswick Corp	5,250.00	1,358.46
David H. Foerster, 1201 16th St., NW Washington, DC 20036	National Education Assn		
Joseph P. Foley, 206 G St., NE, #201 Washington, DC 20002	American Security Fence Corp		
Do	Coalition Against Noneffective Technologies		
Do	Gray's Family Department Stores		
Do	PolyPhaser Corp		
Do	Sedima International, Inc		
Do	Shelson International		
Do	Brough E. Treffer & Associates		
Foley & Lardner, 777 East Wisconsin Avenue Milwaukee, WI 53202	City of Kenosha, Wisconsin	400.00	100.06
Do	Dimensions, Inc	800.00	7.95
Do	Kohlberg Kravis Roberts & Co		
Do	Paper Machine Cloth Group	1,000.00	21.14

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006		13,901.00	13,901.00
Food Marketing Institute, 1750 K St., NW Washington, DC 20006			4,850.00
Foodservice & Lodging Institute, 1919 Pennsylvania Ave, NW, #504 Washington, DC 20006			
Foodservice & Packaging Institute, Inc, 1025 Connecticut Ave., NW Washington, DC 20036			
James E. Ford, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co	500.00	
Foreman & Heidepriem, 1751 N Street, NW, #301 Washington, DC 20036	Camp Barsh Bates & Tate		
Do	Coalition to Protect the Integrity of American Trademarks	200.00	
Do	Olsson Frank & Weeda, P.C		
Forest Farmers Assn, P.O. Box 95385 Atlanta, GA 30347			242.00
Mark A. Forman, 345 Park Ave., 31st Fl New York, NY 10154	Union Pacific Corp	625.00	
Sallie H. Forman, 1825 K Street, NW, #807 Washington, DC 20006	National Broadcasting Co, Inc	500.00	
Larry Forrester, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Richard C. Fortuna, 2916 Stephenson Pl., NW Washington, DC 20015	Hazardous Waste Treatment Council	1,500.00	750.00
Maria Foscarinis, 1439 Rhode Island Avenue, NW Washington, DC 20005	National Coalition for the Homeless	625.00	
Bruce Foster, 1111 19th Street, NW, #303 Washington, DC 20036	Southern California Edison Co	4,437.00	1,500.00
Nancy E. Foster, 600 Maryland Ave., SW, #510 Washington, DC 20024	American Soybean Association	4,245.00	298.50
Stacie Foster, 1100 15th St., NW, #700 Washington, DC 20005	Sonat, Inc		
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	Providence Hospital		4,072.15
Allan M. Fox, 1714 Massachusetts Ave., NW Washington, DC 20036	Fox Weinberg & Bennett (For:National Coalition for Cancer Research)		
Fox Group, USA Ltd, P.O. Box 1831 Charleston, SC 29402	Camp Carmouche Barsh... (for Sears Roebuck & Co), et al.	3,000.00	
Fox Weinberg & Bennett, 1714 Massachusetts Avenue, NW Washington, DC 20036	National Coalition for Cancer Research		
Do	Pickens County Medical Center		206.00
Donald Fraher, 777 14th Street, NW Washington, DC 20005	American Symphony Orchestra League	10,323.12	189.32
Douglas L. Francisco, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		62.50
Richard L. Frank, 1029 Vermont Ave., NW, #400 Washington, DC 20005	Olsson Frank & Weeda (For:Ad Hoc Pizza Standard Rulemaking Group)		
Stephen R. Frank, 8744 Gothic Avenue Sepulveda, CA 91343	Eagle Group	1,500.00	32.00
Faye B. Frankfort, 9312 Old Georgetown Road Bethesda, MD 20814-1621	American Podiatric Medical Assn	3,750.00	
David C. Frankil, 918 16th Street, NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	750.00	485.51
Walter L. Frankland Jr., 1717 K St., NW Washington, DC 20006	Silver Users Assn, Inc	1,684.00	
Ellis B. Franklin, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
James R. Franklin, 1185 Avenue of the Americas New York, NY 10036	J. P. Stevens & Co, Inc		291.70
Kevin Frankovich, 1350 New York Ave., NW, #200 Washington, DC 20005	Contract Service Assn		9.85
Sally Narey Frans, 385 Washington Street St. Paul, MN 55102	St. Paul Fire & Marine Insurance Co	15,270.00	
John B. Franz, P.O. Box 10568 Pompano Beach, FL 33061			
Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008	National Campaign for a Peace Tax Fund	825.00	217.50
Fran Frazier, 1730 K Street, NW, #1200 Washington, DC 20006	American Business Conference	104.00	68.94
Gregory W. Frazier, P.O. Box 427 Englewood, CO 80151	International Energy Brokers, Inc		
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	9,000.00	
John S. Fredericksen, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Regional Airline Association	1,000.00	15.00
Free the Eagle, 11244 Waples Mill Rd., Suite J Fairfax, VA 22030		22,019.00	251,113.87
Joel Freedman, 1600 M St., NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance Co	5,000.00	
James O. Freeman, 50 E Street, SE Washington, DC 20003	U.S. League of Savings Institutions	5,000.00	
Lewis R. Freeman Jr., 1025 Connecticut Ave., NW, #409 Washington, DC 20036	Society of the Plastics Industry, Inc		
Ronna Freiberg, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Asarco Inc)	600.00	
Do	Hill & Knowlton, Inc (For:Association for the Advancement of Human Rights)	1,200.00	
Do	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc (For:Irving Bank Corp)		
Do	Hill & Knowlton, Inc (For:Palm Oil Registration & Licensing Authority)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)	400.00	
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)	600.00	
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)		
Joyce Gross Freiwald, P.O. Box 85608 San Diego, CA 92138	GA Technologies, Inc	3,065.00	114.25
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	International Electronics Mfgrs & Consumers of America, Inc	620.00	
Do	Montgomery Ward & Co, Inc	1,200.00	
Do	Wheels, Inc	400.00	
Annette P. Fribourg, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn	23,625.00	781.44
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004	Bristol Bay Native Corp		
Do	Doyon, Limited		
Do	General Electric Co	1,800.00	52.41
Do	Lonza, Inc	777.00	61.64
Do	Pueblo of Laguna		
Do	Shoshone Tribe of the Wind River Reservation		
Philip P. Friedlander Jr., 1250 Eye Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	550.00	
James M. Friedman, 1100 Citizens Bldg. Cleveland, OH 44114	Cleveland Electric Illuminating Co	25,391.00	1,349.12
Do	Coalition for Environmental-Energy Balance	11,202.00	296.54
Gay H. Friedmann, 1150 Connecticut Ave., NW, #717 Washington, DC 20036	Southern California Gas Co	10,500.00	100.00
Friends Committee on National Legislation, 245 2nd St., NE Washington, DC 20002			35,805.92
Owen V. Frisby, 499 South Capitol Street, #500 Washington, DC 20003	American Security Council		131.25
Ellen Frishberg, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	5,625.00	
Susan T. Fritschler, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	2,043.96	260.87
Edward O. Fritts, 1771 N Street Washington, DC 20036	National Assn of Broadcasters	2,500.00	
William D. Fritts Jr., 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Charles H. Fritzel, 499 S. Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	420.00
Jeffrey Fritzlen, 1120 20th Street, NW, #600-S Washington, DC 20036	Union Pacific Corp	12,500.00	384.37
Marcy Masters Frosh, 2030 M Street, NW Washington, DC 20036	Common Cause	1,045.20	
Nancy R. Fulco, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	8,223.00	
Don Fuqua, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	2,750.00	
Claudia R. Fuquay, 727 North Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	3,240.00	514.70
Futures Industry Assn, Inc, 1825 Eye Street, NW, #1040 Washington, DC 20006			
Eric Keith Gabrielle, P.O. Box 12532 Gainsville, FL 32604			
James E. Gaffigan, 1201 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn	2,346.15	
Leslie Gainer, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	3,692.28	
Karl Gallant, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	3,600.00	450.20
Mark Gallant, 40 Ivy Street, SE Washington, DC 20003	National Lumber & Building Material Dealers Assn	4,500.00	
Cheryl Gannon, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	7,431.07	
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	38,138.50	
Nicole Gara, 1117 North 19th Street, NW, #300 Arlington, VA 22209	American Academy of Physician Assistants		
Isabella Garcia, 1201 16th St., NW, #624 Washington, DC 20036	National Education Assn	2,095.25	416.50
Raymond Garcia, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	97.36
Sherwin Gardner, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Gardner Carton & Douglas, 1001 Pennsylvania Ave, NW, #750 Washington, DC 20004	Alamo Rent-A-Car, Inc	545.00	
Do	Ansell, Inc	952.00	51.00
Do	Midcon Corp		
Nancy Garland, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Mary Leslie Garmon, 1010 Massachusetts Avenue, NW Washington, DC 20001	National Food Brokers Assn		
Garrett & Company, 1630 Connecticut Avenue, NW, #202 Washington, DC 20009	Taiwan Power Company		
John C. Gartland, 7575 E. Fulton Road Ada, MI 49355	Amway Corp		
Ann Lakin Garver, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	25.00	5.00
Garvey Schubert & Barer, 1000 Potomac St., NW Washington, DC 20006	Space Industries, Inc	35,296.00	
Do	Totem Ocean Trailer Express, Inc	2,960.00	
Do	Washington Citizens for World Trade	9,660.00	
Pamela J. Garvie, 1050 Connecticut Avenue, NW Washington, DC 20036	Burlington Northern Railroad Co	24,035.00	78.30
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209			
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Philip Gasteyer, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	2,000.00	
Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Karl Gawell, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	1,382.18	
Fred Gebler, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	Electronic Data Systems Corp	80.00	229.78
Ruthann Geib, 1156 15th Street, NW, #1020 Washington, DC 20005	American Sugarbeet Growers Assn		
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Do	Robert H. Kellen Co (For:Infant Formula Council)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Morton A. Geller, 100 Federal St. Boston, MA 02110	First National Bank of Boston		
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			10,537.00
Generic Pharmaceutical Industry Assn, 200 Madison Ave., #2404 New York, NY 10016		56,159.19	56,159.19
Diane J. Generous, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
John Gentille, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Nancy Whorton George, 499 South Capitol Street, SW, #407 Washington, DC 20003	Enron Corp		
Do	Transco, Inc		
George W. Gephart, P.O. Box 1475 Baltimore, MD 21203	Baltimore Gas & Electric Co	161.77	235.00
Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	1,500.00	1,217.13
Gerard Byler & Associates, Inc, 1100 17th Street, NW, #1000 Washington, DC 20036	Commissioned Officers Assn of the U.S. Public Health Service	150.00	
Do	Leech Lake Reservation Business Committee		
Do	Siletz Tribal Council		
Do	Tohono O'odham Nation	522.00	
Do	Tulalip Tribes	743.50	
Do	White Earth Tribal Council	465.00	
Louis Gerber, 1925 K St., NW Washington, DC 20006	Communications Workers of America	6,927.09	198.27
Gerst Heffner Foldes & Podgorsky, 1700 K Street, NW, #1107 Washington, DC 20006		600.00	25.00
Phyllis H. Gerstell, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,500.00	
Kenneth Gersten, P.O. Box 667 Annapolis, MD 21404	Sierra Club	1,299.99	58.03
Alvin J. Geske, 1016 16th St., NW, 6th Floor Washington, DC 20036	Renewable Fuels Assn		8.26
Dorothy F. Gevinson, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	25.66	
Danny Ghorbani, 8014 Falstaff Road McLean, VA 22102	Association for Regulatory Reform	4,950.00	210.00
William C. Gibb, 1050 Thomas Jefferson St., NW, 6th Fl Washington, DC 20007			
William T. Gibb, 1001 Pennsylvania Ave., NW9 Washington, DC 20004	American Council of Life Insurance, Inc	250.00	
Wayne Gibbens, 1919 Pennsylvania Ave., NW, #503 Washington, DC 20006	Mid-Continent Oil & Gas Assn	16,000.00	411.75
William G. Giery, 1919 Pennsylvania Ave., NW Washington, DC 20006	Foodservice & Lodging Institute		
William L. Gifford, 100 Interpace Parkway Parsippany, NJ 07054	GPU Service Corporation		
Dawn Gifford-Martinez, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Majestic Shipping Services Corp)		
Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	4,846.14	
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
Michael Gildea, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	15,019.03	
John E. Giles, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,500.00	530.85
Mary Ann Gilleece, 1713 Maple Hill Place Alexandria, VA 22302	Allied Defense Industries	200.00	
Do	Astra Holdings Corp	200.00	
Do	IPAC, Inc	200.00	
Neal P. Gillen, 1725 K Street, NW, #1210 Washington, DC 20006	American Cotton Shippers Assn	30,416.00	1,209.70
Annelise Gillespie, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,200.00	
Daniel F. Gilligan, 1015 15th St., NW, #1240 Washington, DC 20005	National Manufactured Housing Federation	1,000.00	
Gilmartin Poster & Shafto, 26 Broadway, #1300 New York, NY 10004	B & B Dredging Corp	7,950.00	3,305.00
Jim Gilmore, 2000 M St., NW, #580 Washington, DC 20036	National Fisheries Institute	11,250.00	238.82
Ginn Edington Moore & Wade, 803 Prince Street Alexandria, VA 22314	Allied-Signal, Inc	4,000.00	33.07
Do	American Polygraph Assn	19,500.00	149.44
Do	Lockheed Corporation	1,000.00	8.93
Do	Lockheed-Georgia Co	5,000.00	41.71
Do	Mechanical Technology, Inc	1,250.00	8.23
Do	Oglethorpe Power Corp		
Do	Rockwell International Corp	3,000.00	23.83
Do	Turner Broadcasting System, Inc		
Do	U.S. Cane Sugar Refiners' Assn	2,000.00	22.77
Do	Watkins Associated Industries, Inc		
Mark R. Ginsberg, 1717 K Street, NW, #407 Washington, DC 20006	American Assn for Marriage & Family Therapy		5,020.00
Brenda M. Girton, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co		
Francis J. Gist, 1511 K Street, NW, #809 Washington, DC 20005			
Michael J. Giuffrida, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	1,000.00	
George E. Glasier, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202	Energy Fuels Nuclear, Inc	1,500.00	1,916.95
Donna Siss Gleason, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp		
Law Offices of Thos Gleason, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Robert E. Gleason, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	9,060.26	
Donald R. Glenn, 1627 K Street, NW, #200 Washington, DC 20006	Energy Research Corp		
Sara B. Glenn, 1100 Connecticut Ave., NW Washington, DC 20036	Mobil Corp	1,125.00	
Leslie Alan Glick, Duncan Allen & Mitchell 1575 I Street, NW, #300 Washington, DC 20005	Visaflor, S.A		8.21
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	All Nippon Airways Co, Ltd		
Do	Fanuc Ltd		
Do	Hitachi Ltd	72.00	
Do	Hyundai Motor America	60.00	
Do	Japan Fed of Construction Contractors, Inc	163.00	
Do	Komatsu Ltd		
Do	Kyocera Corporation		
Do	Mazak Corporation		
Do	Sisters of Charity of the Incarnate Word	151.00	
Do	Teco Transport & Trade Corp	23.00	
God Family & Country, P.O. Box 777 Harrison, TN 37341			
Stephanie R. Godley, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	1,000.00	50.00
James W. Godlove, 1825 K Street, NW, #1107 Washington, DC 20006	Phillips Petroleum Co	1,050.00	66.56
Judith M. Goff, 375 Jackson Street St. Paul, MN 55101	Farm Credit Services	600.00	817.82
A. James Golato, 2300 M St., NW, #800 Washington, DC 20037	H&R Block, Inc		
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Aerojet Ordnance Co		1,479.00
Do	American Academy of Ophthalmology	3,490.00	1,621.00
Do	American Assn of Airport Executives	2,400.00	1,506.00
Do	American Medical Assn	19,500.00	1,797.00
Do	Beretta USA Corp	7,655.00	1,879.00
Do	Camp Barsh Bates & Tate	10,920.00	1,879.00
Do	Chemical Manufacturers Assn, Inc	1,285.00	1,690.00
Do	College of American Pathologists	6,666.00	1,879.00
Do	Dana Corp	16,000.00	1,730.00
Do	Electronic Data Systems Corp	8,750.00	1,879.00
Do	Energy Research Corp	8,400.00	1,872.00
Do	Equitable Life Assurance Society of the U.S	25,000.00	1,879.00
Do	Eye Bank Assn of America	1,250.00	1,879.00
Do	Federal Express Corp	8,112.00	1,879.00
Do	Federated Investors, Inc	6,250.00	1,879.00
Do	Fiat, USA, Inc	24,000.00	1,879.00
Do	Ford Motor Co		1,479.00
Do	Investment Company Institute	2,587.00	1,664.00
Do	Martin Marietta Corp	1,500.00	1,651.00
Do	MCI Communications Corp	9,750.00	1,879.00
Do	National Assn of Homes for Children	1,500.00	1,725.00
Do	National Cattlemen's Assn	859.00	831.00
Do	National Football League	3,710.00	1,879.00
Do	National Restaurant Assn	7,500.00	1,879.00
Do	National School Transportation Assn	4,450.00	1,879.00
Do	Phillips Petroleum Co	14,100.00	1,879.00
Do	Public Securities Assn	11,700.00	1,879.00
Do	Ricoh Corp		1,879.00
Do	Texas Cattlefeeders Assn	859.00	831.00
Do	Thomson-CSF, Inc	4,000.00	1,879.00
Do	Ticor Title Insurance Co	7,500.00	1,724.00
Do	Times Mirror Co	9,210.00	1,879.00
Do	Tobacco Institute	20,000.00	1,879.00
Do	Washington Metropolitan Area Transit Authority	13,500.00	1,479.00
Allen Goldberg, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Goldberg & Spector, 1229 19th St., NW Washington, DC 20036	Pan American Satellite Corp	1,660.00	65.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Madeleine Golde, 1300 Connecticut Avenue, NW, #401 Washington, DC 20036	Citizen Action	1,125.00	314.60
Ronald L. Goldfarb, Goldfarb & Singer 918 16th Street, NW, #503 Washington, DC 20003	Washington Independent Writers, Inc		
H.P. Goldfield, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)		
Do	Swidler & Berlin (For:Majestic Shipping Services Corp)		
Goldman Sachs & Co, 1825 Eye St., NW, #450 Washington, DC 20006			3,600.00
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Americans for Immigration Control, Inc	6,300.00	
Benson S. Goldstein, 1010 North Fairfax Street Alexandria, VA 22314	National Soc of Public Accountants		
Jack Golodner, 815 16th St., N.W. Washington, DC 20006	Department for Professional Employees, AFL-CIO	6,178.90	
John Gonella, 50 F Street, NW, Washington, DC 20001-1564	Association of American Railroads	813.37	
John A. Gonzalez, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	5,000.00	637.43
David R. Goode, 8 N. Jefferson Street Roanoke, VA 24042	Norfolk Southern Corp		
Richard F. Goodstein, 1150 Connecticut Avenue, NW, #600 Washington, DC 20036	Browning-Ferris Industries, Inc	1,050.00	345.99
Linda Goold, 1600 M Street, NW Washington, DC 20036	Investment Co Institute	153.82	11.00
John Gordley, 201 Massachusetts Ave, NE, #C-5 Washington, DC 20002	Evans Grain Co	4,500.00	476.30
Do	Hill & Knowlton, Inc (For:Iowa Pork Producers Assn)		
Do	Hill & Knowlton, inc (For:Monsanto Co)		
Do	National Sunflower Assn	16,500.00	3,819.74
Do	Hill & Knowlton, Inc (For:Nebraska Wheat Board)	570.00	
Do	Renewable Fuels Assn	10,500.00	857.14
Randall C. Gordon, 725 15th Street, NW Washington, DC 20005	National Grain & Feed Assn		
Gordon Feinblatt Rothman Hoffberger & Hollander, 233 East Redwood Street Baltimore, MD 21202	O-W Fund, Inc	1,000.00	
Millicent Gorham, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	14,835.60	202.50
Mark S. Gorman, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
James D. Gormley, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	1,881.00	
Gould, Inc, 1755 Jefferson Davis Highway, #900 Arlington, VA 22202			3,453.11
Nancy G. Gourley, 2717 South Elder Avenue Broken Arrow, OK 74012	Thrifty Rent-A-Car System, Inc		372.50
Government Liaison Project, 6313 Tulsa Lane Bethesda, MD 20817		70.00	73.50
Edmund Graber, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
John R. Graff, 4230 King Street Alexandria, VA 22302	International Assn of Amusement Parks & Attractions		
Rick Grafmeyer, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	
David F. Graham, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	6,800.00
David W. Graham, 1800 M St., NW, #700 South Washington, DC 20036	Dow Chemical USA		4,870.20
Elaine Z. Graham, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Lawrence T. Graham, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	500.00	100.00
Graham & James, 1050 17th St., NW, #1200 Washington, DC 20036	Contact Lens Manufacturers Assn	4,950.00	47.00
John K. Gram, 610 S.W. Broadway, #608 Portland, OR 97205	Public Timber Purchasers Group	1,781.25	328.75
Frances Turk Granahan, 1090 Vermont Avenue, NW, #600 Washington, DC 20005	Texas Eastern Transmission Corp		418.82
Gerald W. Grandey, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202	Energy Fuels Nuclear, Inc	3,000.00	3,891.46
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			
James L. Granum, 1050 Connecticut Ave., NW Washington, DC 20036	Norfolk Southern Corp	1,000.00	
Alan W. Granwell, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:PFIC Group)	46,786.70	20,666.66
Andrew N. Grass Jr., One World Trade Center, #4511 New York, NY 10048	National Security Traders Assn, Inc	1,875.00	
Karla L. Graue, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	920.00	
Ruth P. Graves, 600 Maryland Ave., SW, #500 Washington, DC 20024	Reading Is Fundamental, Inc		
David C. Gray, 3728 Kanawha Street, NW, Washington, DC 20015	American Camping Association	8,214.00	
Do	Portsmouth-Kittery Armed Services Committee, Inc	1,000.00	464.15
James A. Gray, 7901 Westpark Dr. Mclean, VA 22102	National Machine Tool Builders' Assn	1,028.00	25.00
Robert K. Gray, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Bell Atlantic Management Services)		
Do	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc (For:First American Bank, N.A.)	700.00	
Do	Hill & Knowlton, Inc		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Tesoro Petroleum Corp)		
Do	Hill & Knowlton, Inc (For:Tobacco Institute)		
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)		
William T. Gray III, 5210 Banks Place, NE Washington, DC 20019			
Do	National Assn for the Advancement of Justice		
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	
Greater Wash/MD Service Station & Automotive Repair Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706		500.00	500.00
Greater Washington Board of Trade, c/o Ellie Weilenmann 1129 20th Street, NW, #200 Washington, DC 20036			
James R. Greco, P.O. Box 3151 Houston, TX 77001	Browning-Ferris Industries, Inc		
Donald R. Greeley, 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	3,500.00	314.94
Edward M. Green, 1920 N St., NW Washington, DC 20036	American Mining Congress		
George R. Green, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	450.00	
John K. Green, 800 American Charter Center 1623 Farnam St. Omaha, NB 68102-2130	Papillion-Lavista School District	766.00	17.77
Micah S. Green, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	976.06
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	9,000.00	
Howard W. Greene, 205 E. 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
Lynn Greenwalt, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	41.20	
Sarah Massengale Gregg, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
John D. Gregory, P.O. Box 12458 Columbia, SC 29211	Norfolk Southern Corp		
William G. Greif, 1155 15th St., NW Washington, DC 20005	Bristol-Myers Co	25,000.00	
Ellen Griffee, 1413 K Street, NW, 10th Fl. Washington, DC 20005	Association of Science-Technology Centers	8,491.00	238.00
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Air Transport Assn of America		
Do	American Assn of Airport Executives	200.00	6.00
Do	American Insurance Assn	600.00	18.00
Do	American Psychological Assn	1,000.00	30.00
Do	Arthur Andersen & Co		
Do	Camp Barsh Bates & Tate		
Do	Coalition to Preserve the Integrity of American Trademarks		
Do	CBS, Inc	200.00	6.00
Do	COMSAT Corp	400.00	12.00
Do	McCaw Communications Cos		
Do	Merck & Co, Inc		
Do	Pharmaceutical Manufacturers Assn	4,000.00	12.00
Do	Philip Morris, Inc		
Do	Puyallup Tribe of Indians		
Do	United Cable Television Corp	400.00	12.00
Mark N. Griffiths, Smith Bucklin & Associates 1101 Connecticut Ave, NW, #700 Washington, DC 20036	National Assn of Metal Finishers	750.00	
McGee Grigsby, 1001 Pennsylvania Ave., NW, #1300 Washington, DC 20004	Latham & Watkins (For:Farmers & Merchants Bank of Long Beach)	2,000.00	102.00
A. Jack Grimes, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Norman E. Grimm Jr., 8111 Gatehouse Road Falls Church, VA 22047	AAA Potomac		
Olga Grkavac, 1300 North 17th St., #300 Arlington, VA 22209	ADAPSO, the Computer Software & Services Industry Assn		
Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007			49.11
James N. Groninger, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		74.00
Groom & Nordberg, Chtd, 1701 Pennsylvania Ave, NW, #1200 Washington, DC 20006	Ad Hoc PFIC Group		
Do	American Petroleum Institute		
Do	Bankers Life Company		
Do	Chevron Corporation	100.00	10.00
Do	Colorado-Ute Electric Assn, Inc		
Do	Eli Lilly & Company		
Do	Goldman Sachs & Co		
Do	Murphy Oil USA, Inc		
Do	New York City Teachers Retirement System		
Do	Phillips Petroleum Co		
Do	Physicians Mutual Insurance Co	100.00	10.00
Do	Prudential Insurance Co of America	200.00	25.00
Do	Prudential-Bache Securities, Inc	100.00	10.00
Do	Puerto Rico, USA Foundation	1,500.00	13,360.00
Do	Reading & Bates Corporation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Southern California Edison Co	100.00	10.00
Do	Union Texas Petroleum Corp		
Do	Westinghouse Electric Corp		
Stanley C. Gross, 249 Maitland Avenue Altamone Springs, FL 32701-4201	Institute of Internal Auditors, Inc		
Walter B. Grubbs, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Co	457.38	713.67
John T. Grupenhoff, 10000 Falls Rd., #300 Potomac, MD 20854	American Academy of Dermatology		110.00
Do	American Academy of Otolaryngology-Head & Neck Surgery		110.00
Do	American Gastroenterological Assn		110.00
Do	American Soc for Gastrointestinal Endoscopy		110.00
Do	American Soc of Clinical Oncology		110.00
Do	Cooley's Anemia Foundation		110.00
Geri A. Guardino, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	8,212.00	275.35
Mary Scott Guest, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Dillon Read & Co, Inc	11,100.00	
Do	LF Rothschild Unterberg Towbin, Inc		
Do	Michigan State Housing Development Authority	1,050.00	
Do	Morris Communications	12,600.00	
Do	O'Connor & Hannan	9,125.00	
Do	Paine Webber Group, Inc		
Do	Riverton Investment Corp	25.00	
Clark J. Guild Jr., Guild & Hagen, Ltd 102 Roff Way Reno, NV 89501	Motion Picture Assn of America, Inc		
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419-19 Washington, DC 20036	BASF Chemicals Corp	6,000.00	50.00
Do	KMS Fusion, Inc	700.00	25.00
Do	Walk-Haydel & Associates, Inc	1,000.00	100.00
Lewis Gulick, 1008 N. Randolph Street, #206 Arlington, VA 22201	TCR Services, Inc	5,000.00	
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		176,269.44	106,097.40
Dan A. Gunderson, Minnesota Petroleum Council 350 St. Peter St., #1025 St. Paul, MN 55102	American Petroleum Institute		
Robert F. Guthrie, 815 16th St., NW, #608 Washington, DC 20006	Department for Professional Employees, AFL-CIO	8,588.25	
Alvin M. Guttman, 1924 N Street, NW Washington, DC 20036	Towing & Recovery Assn of America, Inc	600.00	
Milton S. Gwirtzman, 1250 24th St., NW, #600 Washington, DC 20037	Lazare Kaplan International, Inc	1,100.00	27.00
Dallas E. Gwynn, Balcor Plaza 4849 Golf Road Skokie, IL 60077	Balcor Co	22,130.00	2,249.94
GA Assn of Petroleum Retailers, Inc, 900 N. Hairston Road, Suite D Stone Mountain, GA 30083		1,100.00	1,100.00
Jane Scherer Haake, 1667 K Street, NW, #420 Washington, DC 20006	Mead Corporation	175.00	
Dana W. Haas, 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Co, et al	13,425.00	8,866.83
Charles W. Hackney Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
William G. Haddeland, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Gene P. Haflich, Indiana Petroleum Council 714 Harrison Building Indianapolis, IN 46204	American Petroleum Institute	1,154.18	1,212.37
Thomas M. Hagan, 1005 Congress Ave., #795 Austin, TX 78701	Central & South West Services, Inc	2,657.40	12,486.53
Bruce N. Hahn, 9300 Livingston Rd. Ft. Washington, MD 20744	National Tooling & Machining Assn	14,019.24	795.03
John F. Haifley, 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
Jay D. Hair, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	1,413.30	
Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California	6,000.00	504.49
Randolph M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Avondale Industries, Inc		
Do	Boston Redevelopment Authority		77.93
Do	Gay Head Taxpayers Assn	35.00	
Do	Indian Land Claim Committee		
Do	Leach & Garner Refining Corp		
Do	Northeastern University	1,015.00	83.57
Do	Town of Mashpee		
George W. Haley, 733 15th Street, NW, #700 Washington, DC 20005	Grocery Manufacturers of America, Inc		
Angelynn Hall, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	11,805.90	
Edwin K. Hall, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	5,000.00	421.08
Elliott S. Hall, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Company	1,800.00	1,292.30
Richard F. Hall, 1700 K Street, NW, #502 Washington, DC 20006	Pacific Resources, Inc	500.00	
William F. Hall, P.O. Box 803887 Chicago, IL 60680-3887	Midwest Public Affairs-Management Consulting Group		
Marian Hall-Crawford, 316 Pennsylvania Avenue, SE, #301 Washington, DC 20003	San Diego Gas & Electric	1,385.00	2,532.60
Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,250.00	455.70
Maurice E. Halsey, P.O. Box 190 Aurora, IL 60507	Northern Illinois Gas Company	2,000.00	
Paul T. Haluza, 1325 Pennsylvania Ave., NW Washington, DC 20004	Motor and Equipment Manufacturers Association	3,000.00	94.90
Rhonda Lee Halverson, 1730 K St., NW, #1200 Washington, DC 20006	American Business Conference, Inc	137.50	25.00
Martha R. Hamby, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	240.00	20.00
Hamel & Park, 888 16th Street, NW Washington, DC 20006	Alaska Joint Venture Seafoods, Inc		
Do	Alaska Tae Woong		
Do	Alaskan Cod, Inc		
Do	Cook Inlet Land Exchange, Inc	3,655.00	171.00
Do	Estate of Helen Wodell Halbach	425.00	
Do	First Federal Savings Bank		
Do	Graeper-Van Noy-Wagner, Inc		
Do	Grand Trunk Corp	945.00	37.50
Do	Louisiana Pacific Corp	15,220.00	769.96
Do	Martel Laboratory Services, Inc		
Do	Safe Travel America		57.40
Do	Skylink Corporation, Inc		
Do	Tandy Corporation		
Do	United Video	147.50	67.88
David S. Hamilton, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	3,576.90	
J. Lee Hamilton, 1331 Pennsylvania Avenue, NW, #1550N Washington, DC 20004-1703	National Assn of Manufacturers	228.96	
Joyce Hamilton, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Philip W. Hamilton, 1825 K St., NW Washington, DC 20006	American Soc of Mechanical Engineers		
Ronald P. Hamm, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	2,100.00	
Amy R. Hammer, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	967.00	743.15
Thomas A. Hammer, 1000 Potomac St., NW, #106A Washington, DC 20007	Sweetener Users Assn	7,500.00	5,100.00
Steven A. Hammond, Hughes Hubbard & Reed One Wall Street New York, NY 10005	Bureau Veritas	2,925.00	
Timothy A. Hanan, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Corp	1,500.00	
Nolan W. Hancock, 1126 16th St., NW Washington, DC 20036	Oil Chemical & Atomic Workers International Union	5,926.37	
William G. Handfield, 50 F Street, NW Washington, DC 20001	Association of American Railroads	579.68	
Donald K. Hanes, 50 F St., NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	673.98	
Elisabeth Hanlin, 2000 L St., NW, #810 Washington, DC 20036	Unisys Corp		
Thomas H. Hanna, 300 New Center Building Detroit, MI 48202	Motor Vehicle Manufacturers Assn of the U.S., Inc	600.00	174.07
Hannaford Co, Inc, 655 15th St., NW, #200 Washington, DC 20005	China External Trade Development Council	1,650.00	20.96
Do	Royal Embassy of Saudi Arabia		
Do	Trans World Airlines, Inc		
Do	3M Corporation		
M. Arnita Hannon, 1029 Vermont Ave., NW, #710 Washington, DC 20005-3517	American Lung Assn	1,826.40	1,285.87
Hansell & Post, 1667 K St., NW, #500 Washington, DC 20006	Insurance/Financial Affiliates of America		119.25
Do	Northeast Georgia Medical Center	2,870.00	48.32
Do	Nuclear Fuel Service, Inc	2,808.50	173.81
J. E. Hansen, 400 First St., NW Washington, DC 20001	Brotherhood of Railroad Signalmen	350.00	
Daniel J. Hanson Sr., 5600 Utah Avenue, NW Washington, DC 20015	American Road & Transportation Builders Assn	12,000.00	387.00
Robert N. Harbor, P.O. Box 1492 El Paso, TX 79978	El Paso Natural Gas Co		
Mary V. Harcar, 1747 Pennsylvania Ave., NW, #704 Washington, DC 20006	Manufacturers Life Insurance Co, Inc	10,082.50	558.00
Ralph Harding, Suite 717 Watergate 2600 Virginia Avenue, NW Washington, DC 20037	Sugar Regulatory Administration	45,000.00	28,261.17
Eugene J. Hardy, 1100 17th St., NW, #1000 Washington, DC 20036	Gerber Products Co		
Stuart B. Hardy, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.		
Jon Harkavy, 205 East 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
Patricia L. Harmening, 316 Pennsylvania Ave., SE, #301 Washington, DC 20003	San Diego Gas & Electric	793.00	2,415.43
Wiley C. Harrell Jr., 1211 Connecticut Ave., NW, #502 Washington, DC 20036	Anheuser-Busch Companies, Inc		
Toni Harrington, 950 L'Enfant Plaza North, SW Washington, DC 20024	Honda North America, Inc	200.00	420.12
Jeffrey Harris, Sachs Greenbaum & Tayler 1140 Connecticut Ave., NW, #900 Washington, DC 20036	Domino's Pizza, Inc		
Marilyn A. Harris, 818 Connecticut Avenue, NW Washington, DC 20006	USX Corporation	125.00	17.50
Milton E. Harris, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Harris Steel Group, Inc		
Richard M. Harris, 525 School St., SW Washington, DC 20024	American Road & Transportation Builders Assn	12,000.00	935.74
Sandra Zeune Harris, 1120 20th Street, NW, #700 Washington, DC 20036	Williams Companies	500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Harris & Berg, 1101 30th St., NW, #103 Washington, DC 20007	Adidas, USA		
Do	American Railway Car Institute	3,000.00	9.00
Do	Association of Food Industries, Inc		25.00
Do	Cheese Importers Assn of America, Inc		
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs		
Harris Orr & Kinzer, First Interstate Center, #3210 999 Third Avenue Seattle, WA 98104	Netlink USA	240.00	
Do	SP Energy Development Co		
Jack E. Harrison, c/o West Virginia Petroleum Council 1250 One Valley Square Charleston, WV 25301	American Petroleum Institute		
Jim Harrison, 1225 Connecticut Ave., NW, 306 Washington, DC 20036	Association of Urban Universities	1,875.00	
Mark Harrison, 711 G Street, SE Washington, DC 20003	SANE/FREEZE, Inc	2,000.00	
Anne Harrison-Clark, 1725 K Street, NW, #814 Wsahington, DC 20006	March of Dimes Birth Defects Foundation	4,125.00	182.40
Jayne A. Hart, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	80.00
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	3,000.00	
Thomas D. Hart, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Harter Secrest & Emery, 700 Midtown Tower Rochester, NY 14604-2070	Genesee & Wyoming Industries, Inc		
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			35,800.00
Fanny L. Haslebacher, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	400.00	
Holly Hassett, 1730 Rhode Island Avenue, NW, #206 Washington, DC 20036	Hershey Foods Corp		
James C. Hassett, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Walter A. Hasty Jr., 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Co	48.75	
Janet S. Hathaway, 1350 New York Ave., NW, #300 Washington, DC 20005	National Resources Defense Council	8,864.00	325.25
Hauck & Associates, 1255 23rd Street, NW Washington, DC 20037	National Soybean Processors Assn	1,886.16	1,886.16
Howard M. Haug, 100 East 42nd St. New York, NY 10017	National Foreign Trade Council, Inc	6,000.00	1,943.00
James N. Haug, 55 E. Erie Street Chicago, IL 60611	American College of Surgeons		
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Marilyn Beth Haugen, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	250.00	
Barbara J. Haugh, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		801.56
Arnold I. Havens, 1818 N Street, NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Armstrong World Industries, Inc)	7,000.00	27.00
Do	Eckert Seamans Cherin & Mellott (For:Burlington Northern, Inc)	24,877.50	255.61
Do	Eckert Seamans Cherin & Mellott (For:City of Pompano Beach, Florida)	450.00	240.08
Do	Eckert Seamans Cherin & Mellott (For:Corning Glass Works, et al.)	29,985.00	402.97
Do	Eckert Seamans Cherin & Mellott (For:CSX Corporation)	15,092.50	116.65
Charles W. Havens III, 1333 New Hampshire Avenue, NW, #1100 Washington, DC 20036	Leboeuf Lamb Leiby & Macrae		
Kathryn Joann Hawes, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	1,325.00	45.00
Paul M. Hawkins, 26 Ridgeview Drive Asheville, NC 28804	Colonial Life & Accident Insurance Co		
Edmund S. Hawley, 1120 20th St., NW, #600-S Washington, DC 20036	Union Pacific Corp	12,500.00	257.37
David J. Hayes, c/o Hogan & Hartson 555 13th Street, NW Washington, DC 20004	American Electronics Assn		32.74
Do	Hogan & Hartson (For:Semiconductor Industry Association)		20.41
Do	Hogan & Hartson (For:Tektronix, Inc)		23.69
R. Michael Haynes, 1156 15th Street, NW, #1101 Washington, DC 20005	National Assn of Small Business Investment Cos	3,000.00	
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	18,375.00	969.41
Holly Elisabeth Hazard, 111 Massachusetts Ave., NW, #200 Washington, DC 20001	Animal Legal Defense Fund	875.00	
Do	Doris Day Animal League	9,000.00	28.00
Do	New England Anti-Vivisection Society	1,465.35	
Paul Hazen, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,500.00	95.00
Health Insurance Assn of America, Inc, 1025 Connecticut Ave., NW Washington, DC 20036			
HealthCare COMPARE, Corp, 1133 21st St., NW, #450 Washington, DC 20036			
Robert L. Healy, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	300.00	
Lynn C. Hearnes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,200.00	
Bill Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Oglesby, Inc (For:Boy Scouts of America)		
Do	Hecht Spencer & Oglesby, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Oglesby, Inc (For:BATUS, Inc)		
Do	Hecht Spencer & Oglesby, Inc (For:CSX Corporation)		
Do	Hecht Spencer & Oglesby, Inc (For:Freedom & Justice for Cyprus Trust)		
Do	Hecht Spencer & Oglesby, Inc (For:Great Western Financial Corp)		
Do	Hecht Spencer & Oglesby, Inc (For:Hong Kong Trade Development Council)		
Do	Hecht Spencer & Oglesby, Inc (For:Los Angeles Raiders)		
Do	Hecht Spencer & Oglesby, Inc (For:Southern California Rapid Transit District)		
Do	Hecht Spencer & Oglesby, Inc (For:Western Growers Association)		
Hecht Spencer & Oglesby, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Boy Scouts of America	1,000.00	
Do	Brown & Williamson Tobacco Corp	3,000.00	
Do	BATUS, Inc	1,500.00	
Do	Crowley Maritime Corp	500.00	
Do	CSX Corporation	1,000.00	
Do	Freedom & Justice for Cyprus Trust	500.00	
Do	Great Western Financial Corp	1,500.00	
Do	Hong Kong Trade Development Council	2,000.00	
Do	Illinois Dept of Energy & Natural Resources	1,000.00	
Do	Kansas City Southern Industries, Inc	1,500.00	
Do	Los Angeles Raiders		
Do	Multinational Business Services	100.00	
Do	Mutual Fairness Taxation Assn	1,000.00	
Do	Southern California Rapid Transit District	2,000.00	
Do	Western Growers Association	2,000.00	
Herbert A. Hedden, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		20.00
Jay Hedlund, 2030 M St., NW Washington, DC 20036	Common Cause	12,068.76	1,192.97
Mark G. Heesen, 1725 K St., NW, #601 Washington, DC 20006	Association of National Advertisers		
Edward D. Heffernan, 1019 19th St., NW, Penthouse #1 Washington, DC 20036	CSX Corporation		
Do	Ductile Iron Pipe Research Assn		
Do	Harza Engineering Co		
Do	Sealaska Corp		
John Heffner, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Robert E. Heggestad, 1331 Pennsylvania Avenue, NW, #524 Washington, DC 20004	Casey Scott & Canfield, P.C. (For:Association for Regulatory Reform)		
John F. Heilman, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	20,259.20	421.59
Robert M. Heine, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Scott E. Heisel, 735 N. Water Street, #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	600.00	650.10
Helicopter Assn International, 1619 Duke Street Alexandria, VA 22314			23,651.00
DeWitt F. Helm Jr., 155 East 44 St. New York, NY 10017	Association of National Advertisers, Inc		
Edward A. Helme, 444 N. Capitol Street, #526 Washington, DC 20001	Alliance for Acid Rain Control	1,556.00	500.00
Suzanne C. Helmick, One Nationwide Plaza Columbus, OH 43216	Nationwide Insurance Co	600.00	
Thomas M. Helscher, 1101 17th St., NW, #604 Washington, DC 20036	Monsanto Co		592.04
Craig R. Helsing, 499 S. Capitol St., SW, #507 Washington, DC 20005	Hecht Spencer & Oglesby, Inc (For:Freedom & Justice for Cyprus Trust)		
Do	Hecht Spencer & Oglesby, Inc (For:Hong Kong Trade Development Council)		
Do	Hecht Spencer & Oglesby, Inc (For:Illinois Department of Energy & Natural Resources).		
Do	Hecht Spencer & Oglesby, Inc (For:Kansas City Southern Industries, Inc)		
Do	Hecht Spencer & Oglesby, Inc (For:Multinational Business Services)		
Mike D. Helton, Kentucky Petroleum Council 305 Ann St., #403 Frankfort, KY 40601	American Petroleum Institute		
Carol C. Henderson, 110 Maryland Ave., NE, #101, Box 54 Washington, DC 20002	American Library Assn	1,128.00	
Leonard N. Henderson, 1615 L St., NW, #1210 Washington, DC 20036	Metropolitan Life Insurance Co	1,000.00	
Richard Dean Henderson, 2022 P Street, NW Washington, DC 20036	Private Truck Council of America, Inc		40.00
Kathleen Henderson-Whyte, 1625 Eye St., NW, #500 Washington, DC 20006	Ketchum Public Relations (For:Ormet Corporations)		
Karen Hendricks, 1319 F Street, NW, #604 Washington, DC 20004	Association of Junior Leagues, Inc	4,000.00	597.00
C. Dayle Henington, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
George F. Hennrikus Jr., 201 N. Washington St. Alexandria, VA 22314	Retired Officers Assn	6,693.00	
LeAnn Hensche, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	205.00	404.92
Catherine L. Heron, 1600 M St., NW Washington, DC 20036	Investment Company Institute	223.21	10.00
Heron Burchette Ruckert & Rothwell, 1025 Thomas Jefferson St., NW, #700 Washington, DC 20007	Aerojet General Corp	4,148.44	663.83
Do	American Medical Technologists	2,808.75	313.41
Do	Claudia Ashton		2.81
Do	Asocoflores		6.34
Do	Association of Floral Importers of Florida		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Association of Human Resource Consultants	1,290.31	69.19
Do	ARCO	2,875.00	3.88
Do	Balanced Trade Group		148.77
Do	Bay Area Rapid Transit District	5,521.58	213.83
Do	Bechtel	2,125.31	11.61
Do	Bramelea Pacific	1,109.69	3.88
Do	C.B.I. Sugar Group, Inc	2,500.00	6,194.25
Do	California Almond Growers Exchange	18,739.50	1,211.70
Do	California Energy Commission	1,795.00	831.89
Do	California Kiwi Commission	4,350.31	57.88
Do	California State Teachers' Retirement System		308.81
Do	Canada Cement LaFarge, Ltd		
Do	Central Utah Water Conservancy District	4,417.19	366.39
Do	Council of American Overseas Research Centers		13.97
Do	CH2M Hill		340.29
Do	Dalton Construction Co		770.97
Do	Desert Research Institute	372.19	126.38
Do	East Kentucky Power Cooperative	1,318.44	96.97
Do	Electronic Data Systems Corp	1,768.44	188.10
Do	Farm Labor Alliance	3,164.06	1,892.03
Do	Genstar Cement, Ltd		0.70
Do	Girling Health Care, Inc	1,250.00	2,108.59
Do	Globos International, Inc	733.72	10.72
Do	Good Sam Club		489.95
Do	Granite Rock Co	1,782.50	114.38
Do	GA Technologies, Inc	2,390.56	387.16
Do	Halogenated Solvents Industry Alliance		
Do	Independent Cement Corp		2.81
Do	International Apple Institute		90.00
Do	John Hancock Mutual	2,132.04	41.36
Do	Lake Ontario Cement, Ltd		0.70
Do	Las Vegas YMCA		20.13
Do	Massport/Commonwealth of Massachusetts	4,550.00	1,127.47
Do	Mid-Valley Water Authority	2,100.63	80.12
Do	National Council on Teacher Retirement	4,622.50	698.56
Do	National Medical Care	7,728.44	1,774.26
Do	National Potato Council	5,250.00	1,314.77
Do	Northern California Power Agency		107.43
Do	NTEC - Northeast Texas Electric Cooperative, Inc	14,345.63	829.62
Do	Prudential Insurance Co of America	397.50	100.42
Do	Riverside Resorts	15,506.25	662.70
Do	Ryder Systems, Inc	5,733.44	205.22
Do	Sabine River Authority	14,220.94	148.00
Do	San Gabriel Valley Boys Club of America		1,242.00
Do	Sioux Honey Assn	1,713.44	3.19
Do	Solano Water Authority	44.06	294.53
Do	St. Lawrence Cement	39,051.07	2,520.83
Do	St. Mary's Cement		
Do	Sunkist Growers, Inc	21,018.13	3,997.48
Do	Tex-La	134,695.00	1,864.55
Do	Thai Steel Pipe Industry Assn		361.46
Do	University of California		41.83
Do	University of Nevada/Las Vegas	1,890.00	739.16
Do	University of Nevada/Reno	4,950.00	1,298.69
Do	Vermont Electric Cooperative	503.25	206.38
Do	Walnut Street Bridge Commission	1,181.25	160.37
Do	Westlands Water District	2,526.68	43.33
Do	Yamaichi International (America), Inc	1,757.81	1,250.57
Jo-Ann T. Herrick, 1800 K Street, NW, #530 Washington, DC 20006	Tesoro Petroleum Corp	1,500.00	
Barry Alexander Herring, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products, Ltd		
Fred Hervey, 909 N. Mesa El Paso, TX 79902	Reduce Our Debt Foundation		
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		17,250.00	5,486.29
Ted Allen Heydinger, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	3,222.20	89.34
G. Brockwel Heylin, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Robert G. Hibbert, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	1,000.00	
Donita Hicks, 815 15th St., NW, #711 Washington, DC 20005	Americans for Democratic Action, Inc		
Paul T. Hicks, Rhode Island Petroleum Assn 154 Francis St. Providence, RI 02903	American Petroleum Institute	550.00	
J. Thomas Higginbotham, One Mellon Bank Center, #3003 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al.	2,000.00	148.68
Carol A. Higgins, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	549.60	647.35
John S. Hightower, 1344 Kenilworth Parkway Baton Rouge, LA 70808	Louisiana Pacific Corp	7,125.00	2,257.00
Clifton T. Hilderley Jr., 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Gerald 'Jerry' Hill, 6 Executive Park Drive Atlanta, GA 30329	Amoco Corporation		
J. Eldred Hill Jr., 600 Maryland Ave., SW, #603 Washington, DC 20024	UBA, Inc	2,000.00	
Pamela Hill, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202	Energy Fuels Nuclear, Inc	4,000.00	1,278.39
Patricia Hill, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Robert B. Hill, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	147.35
Shepard William Hill, 11003 Burywood Lane Reston, VA 22094	Rockwell International Corp	15,737.00	3,070.48
Thomas M. Hill, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	2,720.55	
Edward Joseph Hillings, 1020 16th Street, NW Washington, DC 20036	Enron Corp	7,500.00	
John L. Hills, Rt. 1, Box 645 Purcellville, VA 22132	Sundstrand Corporation	1,900.00	
Roderick M. Hills, 1155 15th St., NW, #302 Washington, DC 20005	Manchester Group, Ltd (For:C Itoh & Co, Ltd, et al.)		
John M. Himmelberg, 888 17th Street, NW, #900 Washington, DC 20006	Florida Fruit & Vegetable Assn	3,000.00	
Do	Florida Tomato Exchange	1,500.00	
Grace L. Hinchman, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	16,875.00	
Rick Hind, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	5,538.48	
Robert A. Hirsch, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Trucking Assn		
Cornish F. Hitchcock, Suite 700 2000 P St., NW Washington, DC 20036	Aviation Consumer Action Project		
J. D. Hittle, 3137 S. 14th St. Arlington, VA 22204	KMS Industries, Inc	1,500.00	
Do	LTV Aerospace & Defense Co	2,500.00	
Kenneth Hoagland, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	2,750.00	
Lawrence S. Hobart, 2301 M St., NW, #300 Washington, DC 20037	American Public Power Assn	1,000.00	
Scott Hodes, 180 North La Salle St., #3800 Chicago, IL 60601	Investment Company Institute	50,000.00	
Glen D. Hofer, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Irvin A. Hoff, 20 N. Live Oak Rd. Hilton Head Island, SC 29928	U.S. Cane Sugar Refiners' Assn		
Adonis E. Hoffman, 2908 Fort Baker Drive Washington, DC 20020-7222	Angola Peace Fund	10,500.00	
Gail Hoffman, 1400 K St., NW, #500 Washington, DC 20005	Handgun Control, Inc	8,832.00	
Robert C. Hoffman, 2600 N. Powhatan Street Arlington, VA 22207	Foresight Consulting Group, Inc		
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	11,856.00	1,963.02
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	Archer Daniels Midland Company		
Do	Coca-Cola Company		
Do	Marine Engineers' Beneficial Assn		
Do	Wilmorite, Inc		
Elizabeth Hogan, 1133 19th St., NW Washington, DC 20036	MCI Communications Corp	5,000.00	50.50
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	American Physical Therapy Assn	400.00	5.60
Do	Amgen, Inc		
Do	Baptist Medical Center	1,125.00	
Do	Caremark/Home Health Care of America	615.00	17.25
Do	Citizens Energy Corp		
Do	CH2M Hill		25.60
Do	Glasrock Home Health Care, Inc	330.00	
Do	Jewish Institute for Geriatric Care	535.00	
Do	Lehndorff Management (USA) Limited, Inc		56.37
Do	Manufacturers Hanover Trust Co	6,750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	May Department Stores Co	13,373.50	88.00
Do	Mel Fisher Maritime Heritage Soc/Mel Fisher Enterprises, Inc		
Do	Mercedes-Benz of North America, Inc		
Do	Mutual Life Insurance Co of New York	3,600.00	
Do	National Hospice Organization	174.00	5.60
Do	National Telecommunications Network		
Do	Ontario Ministry of Industry, Trade & Technology		
Do	Schering-Plough Corp		
Do	Simplex Wire & Cable Co		
Do	Software Co Task Force on Foreign Market Penetration	7,735.00	544.00
Do	Timex Corporation	500.00	
Do	Toyota Motor Sales, USA, Inc	11,292.50	76.62
Do	Underwriters at Lloyd's London	14,662.50	1,430.11
Do	University of Pennsylvania	127.50	
Philip A. Hogue, 150 S. Washington St., #100 Falls Church, VA 22046	International Technical Expertise Ltd		
Richard F. Hohlt, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	6,490.00	38.00
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	17,500.00	
Michele O'Donnell Holbrook, 10 Lafayette Square, Rm. 900 Buffalo, NY 14203	National Fuel Gas Distribution Corp, et al	875.00	1,477.62
Holden Group, Inc, 11365 West Olympic Boulevard Los Angeles, CA 90064			
Philip C. Holladay, 1025 Connecticut Avenue, NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	Indian River Citrus League		
Do	Pan American Satellite Corp	4,130.00	
Wendell M. Holloway, 815 Connecticut Ave., NW, #900 Washington, DC 20006	Ford Motor Co	2,490.00	3,013.96
Holly Corporation, 2600 Diamond Shamrock Tower 717 North Harwood Street Dallas, TX 75201			
Holly Farms Corporation, 1755D Lynnfield Road, #149 Memphis, TN 38119			13,338.04
Diane S. Holmes, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	2,187.50	1,195.23
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn	3,036.80	438.50
E. Y. Holt Jr., 1111 North 19th St., #700 Arlington, VA 22209	National Assn of Federal Credit Unions		
Fred H. Holt, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute	80.00	
John W. Holt, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	350.00	
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Home Recording Rights Coalition, P.O. Box 33576 1145 19th Street, NW Washington, DC 20033		142,000.00	159,722.74
Pete Homer Jr., 4905 Arroyo Chamisa, NE Albuquerque, NM 87111			
Billy E. Hooper, 1522 K Street, NW, #834 Washington, DC 20005	Association of American Veterinary Medical Colleges		
Candice Shy Hooper, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	5,570.00	2,089.75
Helen Hooper, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	2,472.17	
Karen A. Hoover, 430 M St., SW, Apt. N-409 Washington, DC 20024	American Maritime Officers Service		
Mark Hopkins, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy	526.27	
Virginia E. Hopkins, 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Great American Broadcasting Co)		
Do	Taft Stettinius & Hollister (For:Kings Entertainment Co)		
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)	1,081.25	15.00
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)	322.00	7.00
Robert Jack Horn, 1990 M St., NW, #480 Washington, DC 20036	Detroit Edison Company	750.00	30.00
Sarah Hospodor, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,250.00	25.00
Margaret A. Houlihan, 1620 Eye St., NW, #703 Washington, DC 20006	Bechtel Group, Inc		
Thomas B. House, 1764 Old Meadow Lane #350 Mclean, VA 22102	American Frozen Food Institute	1,000.00	
Jack W. Houston, 900 N. Hairston Road, Suite D Stone Mountain, GA 30083	GA Assn of Petroleum Retailers, Inc	700.00	
Hoving Group, 910 17th St., NW, #318 Washington, DC 20006	Eagle-Picher Industries, Inc	12,000.00	1,657.16
Do	Western-Southern Life Insurance	14,350.00	89.06
John Howard, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	300.00	5.00
Robert M. Howard, 815 Connecticut Avenue, NW Washington, DC 20006	Ford Motor Co	1,740.30	1,541.84
Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802	Burlington Northern Railroad		
Allynn Howe, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	9,264.71	41.00
Gary Howell, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	500.00	
J. William Howell, 1801 K St., NW, #1200 Washington, DC 20006	International Business Machines Corp	12.20	
James P. Howell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,205.00	
John A. Howes, 1050 17th St., NW, #490 Washington, DC 20036	Consumers Power Co	6,000.00	6,998.00
Susan Howland, 20 Black Oak Mews Newtown, PA 18940	Philadelphia Maritime Exchange		
Do	PJDM Electrical Alliance		
Clifford T. Howlett Jr., 1875 Eye St., NW, #400 Washington, DC 20006	Georgia-Pacific Corp	2,800.00	
Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	1,000.00	
Walter D. Huddleston, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Oglesby, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Oglesby, Inc (For:BATUS)		
Betty Hudson, 1627 K Street, NW, #300 Washington, DC 20006	Fluor Corporation	15,000.00	441.14
Margaret Renken Hudson, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	200.00
Stewart Hudson, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	900.33	
Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
James R. Hughes, 1020 19th St., NW Washington, DC 20036	U S West, Inc	1,250.00	
Peter W. Hughes, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	21,750.00	601.58
Richard H. Hughes, P.O. Box 880 Valley Forge, PA 19482	Avtex Fibers, Inc		
Richard T. Hughes, 1700 K St., NW Washington, DC 20006	Chevron USA, Inc	815.10	
Royston C. Hughes, 1020 16th St., NW Washington, DC 20036-5754	Enron Corp	7,500.00	
Sharon M. Hughes, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc		
Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201	Mrs. H. E. Butt		
Do	Holly Corporation		
Do	Sammons Enterprises, Inc		
William Hughes, 1522 K St., NW, #836 Washington, DC 20005	National Assn of Federal Veterinarians	19.86	
Hughes Hubbard & Reed, 1201 Pennsylvania Ave., NW, #300 Washington, DC 20004	American Institute of Certified Public Accountants	2,291.25	9.00
Do	Anglo American Auto Auctions, Inc		
Do	Grocery Manufacturers of America, Inc		
Do	Pfizer, Inc	650.00	5.00
Do	47th Street Photo		
Edward L. Huie, 4780 Corridor Place, #B Beltsville, MD 20705	National Assn of Air Traffic Specialists	7,696.78	305.05
Cordell W. Hull, 50 Beale St., 23rd Fl. San Francisco, CA 94119	Bechtel Group, Inc		
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
Jean E. Hungiville, 1111 14th St., NW Washington, DC 20005	American Dental Assn	1,000.00	210.96
Francis M. Hunt, 1800 M Street, NW, #700s Washington, DC 20036	Dow Chemical Co	500.00	4,855.00
James C. Hunter, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	Cities Service Oil & Gas Corp	252.00	196.20
Janet L. Hunter, Int'l Business-Gov't Counsellors, Inc 1625 Eye Street, NW Washington, DC 20006	Xerox Corp	3,700.00	44.80
Michael M. Hunter, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	2,200.00	53.00
Milton F. Huntington, Maine Petroleum Assn 283 Water St. Augusta, ME 04330	American Petroleum Institute		
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 P.O. Box 19230 Washington, DC 20036	Copyright Justice Coalition		
Do	Historic Ricefields Assn		
Do	Long Island Lighting Co	1,000.00	
Adele M. Hurley, 112 St. Clair Ave., West, #504 Toronto, Ontario Canada M4V 2Y3	Canadian Coalition on Acid Rain	2,182.50	384.17
Gerard F. Hurley, 1625 I St., NW, #609 Washington, DC 20006	National Club Association		
Ronald A. Hurst, 5410 Grosvenor Lane, #210 Bethesda, MD 20814	American Medical Care & Review Assn		
Geoffrey B. Hurwitz, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	500.00	
Michael Hussey, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	494.93
Philip A. Hutchinson, 490 L'enfant Plaza, #7204 Washington, DC 20024	Volkswagen of America, Inc	200.00	25.00
Robert E. Hutchinson, 909 N. Mesa El Paso, TX 79902	Reduce Our Debt Foundation		
Suzanne C. Hutchinson, 1615 L St., NW, #1230 Washington, DC 20036	Mortgage Insurance Companies of America	3,400.00	130.70
James L. Hutchison, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
Karen Hutchison, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Helena C. Hutton, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Randy Huwa, 2030 M St., NW Washington, DC 20036	Common Cause	10,828.13	
B. F. Hyde, Tennessee Petroleum Council 211 7th Avenue, North, 4th Fl. Nashville, TN 37219	American Petroleum Institute	350.00	
Lester S. Hyman, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Majestic Shipping Services Corp)		
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Anglo American Auto Auctions, Inc)		
Do	Hill & Knowlton, Inc (For:Asarco Inc)		
Do	Hill & Knowlton, Inc (For:Association for the Advancement of Human Rights)	50.00	
Do	Hill & Knowlton, Inc (For:Budd Company)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:Hastings College)		
Do	Hill & Knowlton, Inc (For:Hitachi America, Ltd)		
Do	Hill & Knowlton, Inc (For:HTB Corporation)		
Do	Hill & Knowlton, Inc (For:MediVision, Inc)	100.00	
Do	Hill & Knowlton, Inc (For:Newmont Mining Corp)		
Do	Hill & Knowlton, Inc (For:Palm Oil Registration & Authority)		
Do	Hill & Knowlton, Inc (For:Panhandle Eastern Corp)		
Do	Hill & Knowlton, Inc (For:Republic of Korea)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	1,075.00	
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Tambrands)		
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)		
Do	Hill & Knowlton, Inc (For:Tobacco Institute)		
Do	Hill & Knowlton, ınc (For:U.S. Banknote Corp)		
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)		
Robert D. Hynes Jr., 1825 K St., NW, #807 Washington, DC 20006	National Broadcasting Co, Inc	1,000.00	341.66
Brian M. Hyps, 2215 Constitution Avenue, NW Washington, DC 20037	American Pharmaceutical Assn	500.00	
Richard H. Ichord, 499 S. Capitol St., SW, #520 Washington, DC 20003	AAI Corporation	862.50	299.18
Do	Emerson Electric Co	525.00	
Kevin J. Igli, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	812.00	438.00
Independent JOA Publishers Assn, 1050 17th St., NW, #590 Washington, DC 20036			
Independent Lubricant Manufacturers Assn, 1055 Thomas Jefferson Street, NW Washington, DC 20007		490.00	490.00
Industrial Biotechnology Assn, 1625 K Street, NW, #1100 Washington, DC 20006		1,106.11	1,106.11
Industrial Gas Cleaning Institute, Inc, 1707 L St., NW Washington, DC 20036			
Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Charles E. Ing, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	2,650.00	318.95
Edwin T. C. Ing, 2000 Pennsylvania Ave., NW, #7400 Washington, DC 20006	Kamehameha Schools/Bernice P. Bishop Estate	425.00	425.00
Do	U.S. Windpower, Inc	3,400.00	3,400.00
Robert A. Ingram, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	1,000.00	248.33
Doug Inkley, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	1,010.48	
Maurice C. Inman Jr., 1231 Stone Canyon Road Los Angeles, CA 90077			
Institute of International Bankers Inc., East Building, 4th Floor 280 Park Ave. New York, NY 10017	Institute of Foreign Bankers		
Int'l Union, United Auto Aerospace & Agric Implement Workers, Workers of America (uaw) 8000 E. Jefferson Avenue Detroit, MI 48214.		131,711.76	131,711.76
International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006		9,205.76	20,005.76
International Brotherhood of Teamsters, 25 Louisiana Ave., NW Washington, DC 20001			82,951.36
International Communications Industries Assn, 3150 Spring St. Fairfax, VA 22031		316,065.00	4,759.74
International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004			56,787.96
International Taxicab Assn, 3849 Farragut Avenue Kensington, MD 20895			
International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005			10,030.00
Investment Company Institute, 1600 M St., NW Washington, DC 20036			93,416.32
Investment Counsel Assn of America, Inc, 20 Exchange Place New York, NY 10005			
Peter A. Iovino, 1235 Jefferson Davis Highway, #1300 Arlington, VA 22202	Ford Motor Co	2,124.00	612.00
Kathy D. Ireland, 1600 M Street, NW Washington, DC 20036	Investment Co Institute	66.75	6.00
Charles C. Irions, 2200 Mill Rd. Alexandria, VA 22314	American Movers Conference	650.00	
Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537	Andersons		
Iron Ore Lessors Assn, Inc, 2081 First National Bank Bldg Saint Paul, MN 55101		6,878.91	13,470.25
William A. Isokait, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
INTERACT, 1350 Old Bayshore Highway, #750 Burlingame, CA 94010	American Comm for Vietnam Claims Justice	3,716.00	1,000.00
Charles R. Jackson, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	7,900.00	16,140.49
Glenn Jackson, 1660 L Street, NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America	300.00	
Jerry Jackson, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	876.65	
William P. Jackson Jr., Jackson & Jessup, P.C. 3426 N. Washington Boulevard Arlington, VA 22201	Osborne Truck Line, Inc, et al	1,268.04	2,022.50
Stephen Jacobs, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,700.00	318.94
E. A. Jaenke & Associates, Inc, 777 14th St., NW, #666 Washington, DC 20005	University of Kansas	250.00	
Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers		
Jaffe Snider Raitt & Heuer, P.C., 1800 First National Building Detroit, MI 48226			
Edward L. Jaffee, 1730 Rhode Island Avenue, NW, #713 Washington, DC 20036	PPG Industries, Inc		
Claudia James, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	1,500.00	250.94
Jamin Ebell Bolger & Gentry, P.O. Box 4269 Kodiak, AK 99615	Old Harbor Native Corp		10,034.24
Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		1,439.00	1,439.00
Joseph J. Jaquay, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Jarratt & Associates, Inc, 2000 L Street, NW, #200 Washington, DC 20036	Bristol-Myers Co		
Evelyn Jarvis-Ferris, 444 Market Street San Francisco, CA 94111	Shaklee Corporation		
Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1500N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Sonia S. Jasso, 815 16th Street, NW, #707 Washington, DC 20006	Labor Council for Latin American Advancement		
Joseph A. Jeffrey, 1920 N St., NW, #300 Washington, DC 20036	American Mining Congress		
Jeford-McManus International Inc, 1600 Wilson Boulevard, Suite 713 Arlington, VA 22209	Garber International Associates, Inc	105.00	
Do	ISC Defense & Space Group	200.00	
Do	John Deere Technologies International, Inc	200.00	
Do	LTV Defense & Space Co	100.00	
Do	Newport News Shipbuilding & Drydock Co		
Do	Pratt & Whitney Group	150.00	
Do	Raytheon Corp	225.00	
Jellinek Schwartz Connolly & Freshman, Inc, 1350 New York Avenue, NW, #400 Washington, DC 20005	Adolph Coors Co	28,034.00	688.00
Do	ASARCO, Inc	73,093.00	1,914.00
Do	Colorado School of Mines Foundation	4,032.00	109.00
Do	East Bay Municipal Utility District	9,054.00	846.00
Do	Los Angeles County Sanitation District	22,175.00	2,933.00
Do	New York Power Authority	2,331.00	390.00
Do	Rhone-Poulenc, Inc	17,603.00	1,173.00
Joseph S. Jenckes, Suite 300 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	5,000.00	
Linda Jenckes, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Jenner & Block, 21 Dupont Circle, NW Washington, DC 20036	Adhesive & Sealant Council, Inc		
Do	American Assn of Electromyography & Electrodiagonosts		
Do	American Dental Assistants Assn		
Do	American Dental Trade Assn		
Do	American Diabetes Assn		
Do	American Film Marketing Assn		
Do	American Soc for Cataract & Refractive Surgery		
Do	Auto Glass Industry Comm		
Do	Cable TV Admin & Marketing Society, Inc		
Do	Dental Gold Institute		
Do	International Soc for Hybrid Microelectronics		
Do	Metropolitan Transit Authority	4,500.00	285.37
Do	MCI Communications Corp		
Do	National Glass Association		
Do	San Francisco Public Utilities Commission	9,929.42	349.27
James C. Jennings, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc		
Rusty L. Jesser, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	3,600.00	
Nancy H. Jessick, 1331 Pennsylvania Ave., NW, #720 Washington, DC 20004	Hiram Walker & Sons, Inc		
Kataejar U. Jibas, P.O. Box 921 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
Aileen A. Johnson, 2000 P St., NW, #400 Washington, DC 20036	Women's Legal Defense Fund		
Allen Fredrick Johnson, 1255 23rd Street, NW Washington, DC 20037	Hauck & Associates, Inc (For:National Soybean Processors Assn)	1,836.66	32.50
Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	15,019.03	293.50
Clifford T. Johnson, 1700 North Moore Street Rosslyn, VA 22209	Boeing Military Airplane Company		
Joel L. Johnson, 122 C St., NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	6,600.00	490.79
John B. Johnson, Alabama Petroleum Council P.O. Box 4220 Montgomery, AL 36195	American Petroleum Institute	1,608.34	914.96
John W. Johnson, P.O. Box 35106 Minneapolis, MN 55435	American Collectors Assn	1,000.00	
Johnny Johnson, P.O. Box 921 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
Kenneth A. Johnson, 4524 Hillsboro Ave. North New Hope, MN 55428	Pillsbury Company		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
L. Oakley Johnson, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20036	Maersk, Inc		
Nancie S. Johnson, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Conoco, Inc		
Do	E. I. du Pont de Nemours & Co	378.00	
Rady A. Johnson, 200 East Randolph Drive P.O. Box 87703 Chicago, IL 60680-9978	Amoco Corporation		
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	7,274.88	90.00
Stanley L. Johnson, 5344 29th St., NW Washington, DC 20015	Texaco, Inc		
Thomas G. Johnson, One Shell Plaza P.O. Box 2463 Houston, TX 77252-2463	Shell Oil Co		
Barbara W. Johnston, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	BHP-UTAH International, Inc		149.41
David A. Johnston, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Geo. Allen Johnston, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	5,152.00	
James D. Johnston, 1660 L St., NW, #401 Washington, DC 20036	General Motors Corp	3,600.00	7,962.05
Joint Corporate Comm on Cuban Claims, c/o Lone Star Industries, Inc PO Box 5050 Greenwich, CT 06830			180.00
Mary K. Jolly, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,020.65	157.74
Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817	Owens-Corning Fiberglas	1,900.00	
Ernest W. Jones Jr., 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Gerald R. Jones, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp		
James E. Jones Jr., 1629 K St., NW, #1010 Washington, DC 20006	Alliance of American Insurers	1,005.00	115.90
Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,562.50	
T. Lawrence Jones, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Marsh & McLennan Cos, Inc		
Wiley N. Jones, 1825 I St., NW, #400 Washington, DC 20006	Southern Pacific Transportation Co	1,000.00	500.00
Jones Day Reavis & Pogue, 1450 G Street, NW, #600 Washington, DC 20005-2088	AmeriTrust Co, Nat'l Assn		
Do	Automotive Dismantlers & Recyclers Assn, Inc		
Do	Bank Street Consultanting Group		
Do	Bear Stearns & Co		10.00
Do	Cleveland Cliffs, Inc		
Do	Computer & Business Equipment Manufacturers Assn		280.94
Do	Consumers for Competitive Fuels	687.00	697.50
Do	Consumers United for Rail Equity (C.U.R.E.)	1,943.00	77.25
Do	Heron International, Ltd		
Do	Los Angeles County	3,795.50	430.80
Do	M.A. Hanna Company		
Do	Michigan Consolidated Gas Company	1,939.00	37.30
Do	National Assn of Independent Insurers		
Do	National Assn of State Auditors Comptrollers & Treasurers		
Do	National Beer Wholesalers Assn		
Do	Pfizer, Inc	2,350.00	7.34
Do	State Assn of County Retirement Systems		
Do	Teleconnect Co		
Do	USAA Federal Savings Bank		
David H. Jonson, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences		
De Soto Jordan, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	EDS Corporation	44.00	
David C. Jory, 1200 New Hampshire Ave., NW, #350 Washington, DC 20036	Citibank, N.A.	500.00	
Mary Lou Joseph, 2025 M Street, NW Washington, DC 20036	National Public Radio		
Diana Jost, 1709 New York Ave., NW, #303 Washington, DC 20006	Blue Cross & Blue Shield Assn		
John J. Joyce, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	3,000.00	
Tomaki Juda, P.O. Box 921 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Amy E. Judy, 2030 M St., NW Washington, DC 20036	Common Cause	5,293.80	1,543.34
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	Aetna Life & Casualty Insurance Co	12,000.00	
Do	American Express Co	10,000.00	
Do	ADAPSO	5,000.00	
Do	Hotel Employees & Restaurant Employees Int'l Union	27,625.02	787.75
Do	International Speedway Corp	7,500.00	
Do	Monarch Capital Corp	5,000.00	
Do	National Academies of Practice	2,500.00	
Do	Rentar Industries, Inc	4,000.00	
Do	Stock Information Group	10,000.00	
JK Research Associates, Inc, 3408 Bonnie Road Austin, TX 78703	Seabed Assn	16,872.08	10,620.08
Geza Kadar Jr., 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Jim Kaitz, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	11,749.98	137.80
Martin B. Kanner, 2301 M St., NW Washington, DC 20037	American Public Power Assn	2,000.00	
Nancy E. Kantola, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,500.00	
Gene Karpinski, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	6,000.00	
Anthony K. Karwoski, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufactured Housing Institute	700.00	100.00
Peter J. Kassander, 412 Fifth Street, SE, #1 Washington, DC 20003	Seattle Organizing Committee, 1990 Goodwill Games	7,755.00	
Enid Kassner, 925 15th Street, NW Washington, DC 20005	National Council of Senior Citizens	7,600.00	100.00
Robert C. Kaufmann, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc		
Everett E. Kavanaugh, 1110 Vermont Ave., NW, #800 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc		
Bronwen A. Kaye, 1575 Eye St., NW, #200 Washington, DC 20005	American Cyanamid Co	288.46	27.50
Lisa E. Kazel, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers		
Kevin B. Kearney, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	300.00	146.52
Richard F. Keating, 1211 Connecticut Ave., NW, #502 Washington, DC 20036	Anheuser-Busch Companies, Inc		
Keck Mahin & Cate, 170 Pennsykvania Ave., N.W. #350 Washington, DC 20006	Schwinn Bicycle Co	180.00	
Robert J. Keefe, 444 N. Capitol Street, #711 Washington, DC 20001	Keefe Company (For:Westinghouse Electric Corp)		
Vicki R. Keenan, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
David A. Keene, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:American Freedom Coalition)	679.69	
Do	Keene Shirley & Associates, Inc (For:Apex Marine)	679.69	
Do	Keene Shirley & Associates, Inc (For:Australian Barley Board)	679.69	
Do	Keene Shirley & Associates, Inc (For:Council for International Development)	679.69	
Do	Keene Shirley & Associates, Inc (For:CSR, Ltd)	679.69	
Do	Keene Shirley & Associates, Inc (For:Limited, Inc)	679.69	
Do	Keene Shirley & Associates, Inc (For:McDonnell Douglas Astronautics Co)	679.69	
Do	Keene Shirley & Associates, Inc (For:Mortgage Guaranty Insurance Corp)		
Do	Keene Shirley & Associates, Inc (For:National Farmers' Federation of Australia)	679.69	
Do	National Tax Limitation Committee	679.69	
Do	Keene Shirley & Associates, Inc (For:United Maritime Officers Assn)	679.69	
Keene Shirley & Associates, Inc, 919 Prince Street Alexandria, VA 22314	American Freedom Coalition	15,735.00	3,475.52
Do	Apex Marine	15,000.00	1,963.02
Do	Australian Barley Board	18,000.00	3,463.02
Do	Council for International Development	12,000.00	1,963.02
Do	CSR, Ltd	3,819.63	3,463.02
Do	Limited, Inc	7,496.52	4,838.02
Do	McDonnell Douglas Astronautics Co	10,000.00	7,588.02
Do	Mortgage Guaranty Insurance Corp		
Do	National Farmers' Federation of Australia	18,000.00	3,463.02
Do	National Tax Limitation Committee	27,000.00	1,963.02
Do	United Maritime Officers Assn	15,000.00	679.69
Keith Keeney, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Robin E. Keeney, 1828 L Street, NW Washington, DC 20036	American Land Title Assn	2,025.00	
Kendell W. Keith, 725 15th Street, NW Washington, DC 20005	National Grain & Feed Assn		
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 20342	Robert H. Kellen Co (For:Calorie Control Council)		
Keller & Heckman, 1150 17th Street, NW, #1000 Washington, DC 20036	Specialty Advertising Assn Int'l	3,200.00	
Kelley Drye & Warren, 1330 Connecticut Ave., NW #600 Washington, DC 20036	Business Roundtable		
Do	Cushman & Wakefield	487.50	9.00
Do	ITT Consumer Financial Corp		
Do	Marconi Underwater Systems Ltd		
Do	J.P. Morgan & Co, Inc	1,472.50	139.30
Do	Society of the New York Hospital	4,911.00	3,595.35
Do	Tokyo Electric Co., Ltd		
Do	U.S. League of Savings Assns	67.50	
Joseph T. Kelliher, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	2,296.98	1,272.66

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Stephen G. Kellison, 1720 Eye Street, NW, 7th Floor Washington, DC 20006	American Academy of Actuaries		
Carol A. Kelly, 1700 Pennsylvania Ave, #525 Washington, DC 20006	Equitable Financial Companies	300.00	5.00
Edward L. Kelly, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Ernest B. Kelly III, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	1,500.00	
Harold V. Kelly, 1025 Thomas Jefferson St., NW, #511 W. Washington, DC 20007	LTV Corporation		
John E. Kelly, 3408 Bonnie Road Austin, TX 78703	JK Research Associates, Inc (For:Seabed Assn)	10,471.56	3,523.56
John F. Kelly, 1828 L Street, NW # 906 Washington, DC 20036	Merrill Lynch & Co, Inc	2,000.00	
Mark L. Kemmer, 1660 L Street, N.w. Washington, DC 20036	General Motors Corp	2,500.00	2,013.38
Coletta Kemper, 1401 New York Avenue, NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Jackson Kemper Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	8,750.00	
Jonathan Kempner, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	2,530.01	2,530.01
Kendall & Associates, Inc, 50 E St., SE Washington, DC 20003	ALC Communications Corp	300.00	
Do	Hogan & Hartson (for Timex Group, Ltd)		
Do	Hogan & Hartson (for Volume Shoe Corp)		
Do	Manville Corporation	500.00	
Do	Rose Communications		
Do	Toyota Motor Sales, USA, Inc	1,000.00	
Do	Worldwide Information Resources, Inc		
Stephanie Kennan, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	541.38	395.00
Joseph W. Kennebeck, 490 L'enfant Plaza, SW, #3210 Washington, DC 20024	Volkswagen of America, Inc	250.00	30.00
Art Kennedy, Box 200576 Anchorage, AK 99520	Alaska Resource Analysts, Inc	13,100.00	11,990.72
James J. Kennedy Jr., 400 First St., NW, #804 Washington, DC 20001	Railway Labor Executives' Assn	11,250.00	
Michael E. Kennedy, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Robert P. Kennel, 12500 Fair Lakes Circle, #260 Fairfax, VA 22033	National Wood Energy Assn, Inc		
Do	Ultrasystems, Inc		
Jeremiah J. Kenney Jr., 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	5,050.00	520.80
J. H. Kent, Kent & O'Connor 1211 Connecticut Avenue, NW #302 Washington, DC 20036	American Soc of Plastic & Reconstructive Surgery		
Do	American Supply Association	8,693.99	3,154.15
Do	International Assn of Airport Duty Free Stores	8,777.38	3,208.84
Do	National Customs Brokers & Forwarders Assn of America	15,004.27	5,469.64
Vytautas Kerbelis, P.O. Box 44 Sea Harbor, ME 04675	ARAS		
Michael L. Kerley, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	4,283.00	187.00
Timothy C. Kernan, 1627 K Street, NW, #300 Washington, DC 20006	Fluor Corporation	8,000.00	382.20
Susan Akers Kernus, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	1,000.00	55.91
Suzanne S. Kerr, 305 7th Street, SE, #204 Washington, DC 20003	Women's Action for Nuclear Disarmament, Inc, et al	1,384.62	
Michael J. Kerrigan, 1925 K Street, NW, #504 Washington, DC 20006	Smokeless Tobacco Council, Inc	70.00	
Margaret Kerry, 105 East 22nd Street New York, NY 10010	Community Service Society	95.07	223.00
Dale Rodney Ketcham, 1980 N. Atlantic Ave., #980 Cocoa Beach, FL 32931			
Robert M. Ketchel, 1331 Pennsylvania Ave., NW, #895 Washington, DC 20004	General Electric Co		
Dorothy A. Keville, 422 11th Street, SE Washington, DC	Mothers Without Custody, Inc		
Gilbert W. Keyes, P.O. Box 3999 (Mail Stop 8c-68) Seattle, WA 98124	Boeing Aerospace Co	69.96	59,731.06
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Earline A. Keyser, 3022 Cedar Hill Road Falls Church, VA 22042	Bechtel Group, Inc		
Kiawah Island Co, Ltd, P.O. Box 12910 Charleston, SC 29412-0910			
Richard F. Kibben, 200 Park Ave., #2222 New York, NY 10166	Business Roundtable		
Ingolf N. Kiland Jr., 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	4,662.29
Brian M. Kilbury, 815 16th St., NW, #511 Washington, DC 20006	Transportation - Communications Union	1,250.00	1,250.00
Thomas J. Kilcline, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	1,058.00	
Maryann Kilduff, 2000 M St., NW, #230 Washington, DC 20036	Telocator Network of America	5,660.00	82.80
Gregory Kilgore, 1101 16th Street, NW Washington, DC 20036	Scientific Apparatus Makers Assn	1,100.00	248.21
John J. Killeen, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Mary K. Killorin, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	1,500.00	
Kilpatrick & Cody, 2501 M St., NW, #500 Washington, DC 20037	Chemical Fuels Corp		148.50
Do	Chicago Research & Trading Group, Ltd	449.50	26.01
Do	Flying Tigers		
Do	Furniture Rental Assn of America	3,700.00	17.00
Do	Georgia Forest Landowners Council	987.00	5.58
Do	Gray Communications Systems, Inc		
Do	John Hancock Mutual		
Do	Kootznoowoo, Inc		
Do	Marathon U.S. Realties, Inc		
Do	Mitsubishi Electronic America, Inc	2,083.00	15.50
Do	Prudential Insurance Co of America		
Do	U.S. Sprint Telecommunications Co		
Do	University of Georgia	3,034.50	270.20
Eun Sang Kim, 1030 15th Street, NW, #776 Washington, DC 20005	Korean Foreign Trade Assn	1,350.00	970.00
James L. Kimble, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Thomas N. Kindness, 1001 Prince Street Alexandria, VA 22314	Contractor Liability & Indemnification Alliance	1,125.00	
Charles L. King, 1111 North 19th St., #700 Arlington, VA 22209	National Assn of Federal Credit Unions	1,250.00	165.39
Lewis O. King, P.O. Box 10045 Austin, TX 78766	National Guard Assn of Texas	7,000.00	1,133.33
Lonnie J. King, 1552 K St., NW, #828 Washington, DC 20005	American Veterinary Medical Assn		875.00
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran D.C., Inc	500.00	153.25
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Aetna Realty Investors, Inc	22,007.50	39.11
Do	Camberent Financial Group	47,035.50	1,151.72
Do	Coca-Cola Bottling Co West, Inc	3,550.00	55.38
Do	George W. Felker III, et al	1,560.00	
Do	Generic Pharmaceutical Industry Assn	32.00	
Do	Intelligent Systems		12.00
Do	Lincoln Property Co, et al	10,000.00	94.87
Do	National Assn of Bond Lawyers		96.40
Do	Trammell Crow Co		79.20
King Shapiro Cohen Boyd & Young, 3100 Breckinridge Blvd., Bldg. 1200 Duluth, GA 30136	A. L. Williams Corp	37.50	
Ruby King-Williams, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Kathleen N. Kingscott, 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp	8,500.00	698.04
Daniel T. Kingsley, 1655 N. Fort Myer Dr., #700 Arlington, VA 22209	National Venture Capital Association	14,250.00	6,212.42
Roger P. Kingsley, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Janie A. Kinney, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	575.00	175.00
Marcia Y. Kinter, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc	2,000.00	202.14
Cecilia Anne Kirby, 1201 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn	1,654.85	
Alan G. Kirk II, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
John R. Kirk, Bingham, Dana & Gould 100 Federal St. Boston, MA 02110	First National Bank of Boston		
Kirkland & Ellis, 655 15th Street, NW, #1200 Washington, DC 20005	Committee for Future Investment in America's Past		
Do	Service Master	23,000.00	
Do	T.I.M.E.-DC, Inc	6,000.00	
Do	Valhi, Inc	51,000.00	
Kirkpatrick & Lockhart, 1800 M St., NW, S. Lobby-9th Fl. Washington, DC 20036	County of Suffolk, New York		
Do	Midlantic Corp	3,330.00	
Kirlin Campbell & Keating, One Farragut Square South Second Floor Washington, DC 20006	Council of European & Japanese National Shipowners' Assn		567.79
Robert A. Kirshner, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	500.00	
Carla Kish, 3413 1/2 M St., NW Washington, DC 20007	Florida Solar Energy Center	3,000.00	
Do	Sierra Club (Toiyake Chapter)	375.00	
Do	University of Oregon	2,000.00	
William J. Kissick, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	3,458.00	
James A. Klein, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	1,750.00	141.66
Kline & Knopf, Inc, 355 N. 21st Street, #303 Camp Hill, PA 17011	General Public Utilities Corp		
William Klinefelter, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	2,221.14	
Michael R. Klipper, 1600 I St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	708.25	411.50
David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719	New Jersey Natural Gas Co		
Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070			
John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036	American Mining Congress		
Gary D. Knight, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Peter E. Knight, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	8,000.00	691.33
Keith R. Knoblock, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	2,000.00	629.44
George W. Koch, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	6.00	
William E. Koch Jr., 579 D'Onofrio Dr., 2nd Floor Madison, WI 53719	NorLight		240.00
Gary J. Kohn, 1600 M Street, NW Washington, DC 20036	Investment Company Institute		893.66
Michael S. Koleda, 1225 Eye St., NW, #320 Washington, DC 20005	Council on Alternate Fuels		
Diane J. Koller, 1101 17th St., NW, #600 Washington, DC 20036	American Airlines, Inc	2,500.00	594.52
Timothy S. Kolly, 2805 Meadow Vista Drive Charlottesville, VA 22906	Worrell Enterprises, Inc		
Nicholas Kominus, 1001 Connecticut Ave., NW Washington, DC 20036	U.S. Cane Sugar Refiners' Assn	843.75	131.80
Steven Kopperud, 1701 N. Ft. Myer Drive Arlington, VA 22209	American Feed Industry Assn	3,240.00	
Nicholas G. Kordopatis, One Hillendale Road Perkasie, PA 18944	Independence Bancorp, Inc	15,106.60	15,678.04
Kerrill K. Kornegay, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	2,093.00	2,265.45
Ronald W. Kosh, 8111 Gatehouse Road Falls Church, VA 22047	AAA Potomac		
Nicholas P. Koskores, 1455 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	New England Council, Inc		
Marilyn S. Koss, 600 New Hampshire Ave., NW Washington, DC 20037	New York Life Insurance Company	415.00	581.10
Gerald J. Kovach, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	52,934.57
Kenneth S. Kovack, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	13,023.80	
Mylio S. Kraja, 1608 K St., NW Washington, DC 20006	American Legion	3,938.00	458.65
Joseph H. Kramer III, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc (For:HTB Corporation)		
Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,000.00	
Raymond R. Krause, 3771 Pillsbury Center Minneapolis, MN 55402	Pillsbury Company	1,500.00	549.00
Earl R. Kreher, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Lawrence E. Kreider, 1015 18th St., NW Washington, DC 20036	Conference of State Bank Supervisors		
Hugh A. Krentz, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Institute of Steel Construction		
Kroger Company, 1014 Vine St. Cincinnati, OH 45201			4,391.18
Krooth & Altman, 2101 L Street, NW, #210 Washington, DC 20037	Healthcare Financing Study Group		
Keith R. Krueger, 1708 19th Street, NW Washington, DC 20009	Tele-Systems Assn, Inc	105.00	
Paul R. Kruse, 1155 15th St., NW, #600 Washington, DC 20005-2770	Pennzoil Co	625.00	
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
M. J. Kuehne, P.O. Box 11346 Tacoma, WA 98411	Northwest Independent Forest Manufacturers	4,000.00	770.00
Philip Kugler, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers		
Sara E. Kuhn, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,000.00	
Thomas R. Kuhn, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	6,916.48	607.25
Frederick L. Kumar, 8002 Sleepy View Lane Springfield, VA 22153			
Kurrus & Kirchner, P.C., 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	Marine Transport Lines, Inc	140.00	39.69
Do	Seafarers International Union	30,000.00	235.80
Valerie W. Kurylo, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Ester Kurz, 500 North Capitol St., NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	16,903.50	209.49
Kutak Rock & Campbell, 1101 Connecticut Aven., NW, #1000 Washington, DC 20036	Citicorp Investment Bank		646.46
Do	Financial Security Assurance, Inc		857.24
Do	State of New York Mortgage Agency	30,000.00	932.65
Kuykendall Company, 517 3rd Street, SE Washington, DC 20003	Alpha Environmental, Inc		
Do	Alpha 21 Corporation		
Do	Federal Land Bank Stockholders Defense Fund		
Do	Guardsmark, Inc		
Do	R. F. Shoup Corp		
Peter Kyros, 3909 Yoakum Parkway, #4-303 Alexandria, VA 22304	Mutual Protection Trust Cooperative of American Physicians		
Do	Uniformed Services Disabled Retirees		
John R. Kyte, 201 Massachusetts Avenue, NE, #5 Lexington, MA 02173	BMc Strategies, Inc	2,080.00	406.42
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			
Labor-Management Maritime Committee, Inc, 100 Indiana Avenue, NW Washington, DC 20001		5,201.00	6,550.00
Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006			28,826.22
Joseph L. Lach, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corp	500.00	
Mary Lou Lackey, 1776 K Street, NW, #300 Washington, DC 20006	Motorola, Inc	1,000.00	
Marc E. Lackritz, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	578.23
John D. Lacopo, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	EDS Corporation	96.00	45.00
Christine Ladd, 2030 M St., NW Washington, DC 20036	Common Cause	6,300.00	26.50
Robert A. Ladig, Scott Plaza Philadelphia, PA 19113	Scott Paper Co	1,000.00	615.12
David F. Lambert III, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
David R. Lambert, 1030 15th St., NW, #964 Washington, DC 20005	American Seed Trade Assn	6,000.00	
James E. Lamble, 4000 Tunlaw Road, NW, #324 Washington, DC 20006	Bechtel Power Corporation		
Stephen K. Lambright, One Busch Place St. Louis, MO 63118	Anheuser-Busch Companies, Inc		
Martha D. Lamkin, P.O. Box 3005 Columbus, IN 47202	Cummins Engine Co, Inc	637.00	228.02
Ray H. Lancaster, 1331 Pennsylvania Ave., NW, #565 Washington, DC 20004	Texas Gas Transmission Corp	3,000.00	119.42
L. Charles Landgraf, 1333 New Hampshire Avenue, NW Washington, DC 20036	Leboeuf Lamb Leiby & MacRae		
Thomas M. Landin, P.O.Box 7929 One Franklin Plaza Philadelphia, PA 19101	SmithKline Beckman Corp		
Landis Cohen Rauh & Zelenko, 1019 19th St., NW, #500 Washington, DC 20036	American Soc of Composers Authors & Publishers	1,500.00	
Do	National Council for Japanese American Redress		
Do	NFL Players Association	4,500.00	
Moon Landrieu, P.O. Box 18198 Washington, DC 20036	Coalition to Stop the Raid on America	750.00	
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	4,000.00	6.38
Bruce Alan Landy, 2601 Virginia, AVE., NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
Scott H. Lane, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,300.00	
William C. Lane, 100 N.E. Adams Street Peoria, IL 61629-1460	Caterpillar, Inc	875.00	1,665.04
Lane & Edson, P.C., 2300 M Street, NW Washington, DC 20036	Council for Housing & Rural Development	4,000.00	
Do	National Leased Housing Assn	900.00	
Do	National Taxpayers Union		
Adrienne C. Lang, 1111 14th Street, NW, #501 Washington, DC 20005	American Soc of Anesthesiologists	5,000.00	
Robin W. Lanier, 1000 Connecticut Ave., NW Washington, DC 20036	National Retail Merchants Assn	4,000.00	20.00
J. Stephen Larkin, 9225 Katy Freeway, #310 Houston, TX 77024	Petroleum Equipment Suppliers Assn	1,430.00	2,627.15
Mary Ellen Larson, 1420 King Street Alexandria, VA 22314	National Soc of Professional Engineers	1,250.00	
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Lash Group, 555 13th St., NW Washington, DC 20004	American Physical Therapy Assn	400.00	
Do	Caremark/Home Health Care of America		
Do	University of Pennsylvania		
Warren Lasko, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Theodore A. Lattanzio, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,376.98	
Lorraine Lavet, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S	2,100.00	218.98
Charles B. Lavin Jr., 1120 19th St., NW, #LL-20 Washington, DC 20036	Alarm Industry FCC Frequency Advisory Committee		
Do	Central Station Electrical Protection Assn		
Do	National Burglar & Fire Alarm Assn, Inc		
Lloyd R. Lawrence Jr., Bob Lawrence & Associates 803 Prince Street Alexandria, VA 22314	Valmont Industries, Inc	10,500.00	1,950.00
Ursula Lawrence, 167 Maple Avenue Sea Cliff, NY 11579	America's Conscience		8.10
Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	4,195.37	32.60
Janie L. Lawson, 1025 Connecticut Avenue, NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Richard L. Lawson, 1130 17th St., NW Washington, DC 20036	National Coal Assn	2,565.00	
Laxalt Corporation, 1455 Pennsylvania Ave., NW, #985 Washington, DC 20002	Mesa Limited	1,800.00	
Do	Motion Picture Assn of America, Inc	1,500.00	
Do	R. T. Vanderbilt Co, Inc		
Laxalt Washington Perito & Dubuc, 1120 Connecticut Ave., NW Washington, DC 20036	American College of Neuropsychopharmacology		
Do	AVW Electronic Systems, Inc		
Do	City of Inglewood		
Do	Committee on Problems of Drug Dependents, Inc		
Do	Government of Antigua	603.50	
Do	Greenebaum & Rose	815.25	
Do	Nordisk-USA	1,124.20	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	State of Arizona	128.00	
Sandra L. LaFevre, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Sally Ann LaHue, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	2,000.00	779.96
Wayne R. LaPierre Jr., 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	2,062.50	2,000.00
Clifford C. LaPlante, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co	1,700.00	
Joan H. LaVor, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036		50,733.81	50,733.81
League to Save Lake Tahoe, 2197 Lake Tahoe Blvd. P.O. Box 10110 South Lake Tahoe, CA 95731			2,307.43
Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109	Business Roundtable	34,820.96	
Richard J. Lease, 2145 Boise Drive Las Cruces, NM 88001			
Carlton Lee, 1012 14th St., NW, 6th Fl. Washington, DC 20013	Human Rights Campaign Fund	7,869.25	181.85
L. Courtland Lee, Inc, 3814 West Street Landover, MD 20785	Minerals Exploration Coalition, Inc	400.00	60.00
Peter A. Lefkin, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn	450.00	200.00
Marsha P. Lefkovits, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	990.00	660.84
Leslie A. Lehmann, 111 SW Columbia, #800 Portland, OR 97201	Nerco, Inc	6,765.00	589.15
Matthew R. Lehrman, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,500.00	
G. Timothy Leighton, 1101 14th St., NW Washington, DC 20005	American Financial Services Assn	250.00	
Leighton & Regnery, 1667 K Street, NW Washington, DC 20006	American Dairy Products Institute		
Do	ALPO Petfoods, Inc		
Do	Clorox Company		
Do	Express Foods Co, Inc		
Do	General Instrument Corporation		
Do	GTE Products Corp		
Do	Johnson & Johnson		
Do	Leprino Foods, Inc		
Do	Merrick's, Inc		
Do	Visiting Nurse Assn of America	1,800.00	
Terry L. Leitzell, One Thomas Circle, NW, #900 Washington, DC 20005	Bogle & Gates (For:American Shrimpboat Association)	1,000.00	
Do	Bogle & Gates (For:Crystal Globe, Ltd)	1,750.00	
Do	Bogle & Gates (For:Marine Construction & Design Co)		
Do	Bogle & Gates (For:Northern Eagle Partners, L. P.)		
Do	Bogle & Gates (For:Northern Falcon, Inc)	2,500.00	
Do	Bogle & Gates (For:Port of Seattle)		
Do	Bogle & Gates (For:Sahlman Seafoods, Inc)	500.00	
Joseph L. Leitzinger, Bank of California Building 900 4th Ave. Seattle, WA 98164	Simpson Investment Co	463.00	83.00
Robert A. Lembo, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
Laverne Still Lemen, 1030 15th St., NW, #700 Washington, DC 20005	National Cotton Council of America	600.00	22.39
Donna Lenhoff, 2000 P St., NW, #400 Washington, DC 20036	Women's Legal Defense Fund	3,604.55	1,467.03
Betty Jane Leonard, P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc		
Burleigh C. W. Leonard, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	600.00	821.61
Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	1,144.00	1,664.64
Lloyd Leonard, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	5,874.66	227.60
Lepon McCarthy & Jutkowitz, 2011 Eye St., NW, #401 Washington, DC 20006	Helmsley-Spear, Inc	10,050.00	
Charles Leppert Jr., 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Co	63.36	
Richard L. Lesher, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.		
William Gene Lesher, 517 C Street, NE Washington, DC 20002	Lesher and Associates, Inc		
Lesher and Associates, Inc, 517 C Street, NE Washington, DC 20002	Agricultural Policy Working Group	90,000.00	15,962.50
Do			
Daniel Lesmez, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
William J. Lessard Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	3,400.00	5.80
Joseph S. Lester Jr., 1201 Pennsylvania Ave., NW, #370 Washington, DC 20004	Control Data Corporation		
Dale Lestina, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,422.95	385.00
Leva Hawes Mason & Martin, 1220 19th St., NW, #700 Washington, DC 20036	Finnigan Corporation		
Leventhal Senter & Lerman, 2000 K Street, NW, #600 Washington, DC 20006-1809	Aeronautical Radio, Inc		
Betsy Levin, One Dupont Cirle, NW, #370 Washington, DC 20036	Association of American Law Schools		
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Association of American Railroads	2,500.00	
Do	Independent JOA Publishers Assn		
Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	634.50	
Bertram J. Levine, 1667 K Street, NW, #410 Washington, DC 20006	Johnson & Johnson	1,000.00	225.00
Harry Levine Jr., 1331 Pennsylvania Ave., NW, #700 South Washington, DC 20004	General Electric Co		
Lawrence E. Levinson, 1875 Eye St., NW, #940 Washington, DC 20006	Gulf & Western, Inc	2,750.00	80.00
James F. Levy, 215 Assembly Street Columbia, SC 29201	Vista, Inc		
Roger N. Levy, 1660 L St., NW, #1000 Washington, DC 20036	Travelers Companies	2,500.00	
Jack W. Lewis, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	3,100.00	
Michael R. Lewis, 1133 15th St., NW, #640 Washington, DC 20005	International Longshoremen's & Warehousemen's Union	10,100.00	1,583.65
Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005	American Pulpwood Assn		
Richard W. Lewis, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	562.00	
William H. Lewis, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	U.S. Gypsum Co	1,000.00	50.00
John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	4,611.73	
LeBoeuf Lamb Leiby & MacRae, 1333 New Hampshire Ave., NW, #1100 Washington, DC 20036	General Conf of the 7th Day Adventists Church Risk Mgt Svcs	5,000.00	
Do	Maritrans Operating Partners, L.P.	516.25	9.10
Do	Underwriters at Lloyd's London		
Harris W. LeFew, 300 Pratt Street Luke, MD 21540-1099	Westvaco Corporation		
Lynn H. LeMaster, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	1,537.55	176.62
William J. Lhota, 215 N. Front Street Columbus, OH 43215	Columbus and Southern Ohio Electric Co		
Judith Lichtman, 2000 P St., NW, #400 Washington, DC 20036	Women's Legal Defense Fund	4,080.96	1,286.17
Richard A. Lidinsky Jr., 1440 New York Ave., NW, #430 Washington, DC 20005	Sea Containers America, Inc		
William C. Lienesch, 238 10th St., SE Washington, DC 20003	National Parks & Conservation Association	981.00	77.00
Howard C. Liggett, P.O. Box 1312 Pensacola, FL 32596	Escambia County Tax Collector		
Ross W. Lillard, 920 Main Street Kansas City, MO 64105	Stinson Mag & Fizzell (For:Farmland Industries, Inc)		
Leanne Klyza Linck, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	552.50	141.06
Stephen R. Lindauer, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Karl W. Lindberg, 2322 Easter Lane New Orleans, LA 70152	Southern Forest Products Assn	1,925.00	
Roger Lindberg, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:Damon Corp)		
Do	Hill & Knowlton, Inc (For:MediVision, Inc)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:United Network for Organ Sharing)		
George E. Lindow, 625 Liberty Avenue Pittsburgh, PA 15222-3197	Peoples Natural Gas Co		
Donald Lindsey, 400 First Street, NW, #819 Washington, DC 20001	Brotherhood of Locomotive Engineers (OH)	415.77	53.68
Linda A. Lipsen, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	2,160.00	
John M. Lison, 200 West Adams, #2015 Chicago, IL 60606	Maverick Tube Co, et al	10,000.00	2,600.00
Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005	Ethyl Corporation	1,500.00	
Charles B. Little, 600 Maryland Ave., SW, #603 Washington, DC 20024	UBA, Inc	1,000.00	
William F. Little, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	487.00	612.15
Roy Littlefield, 15900 Pinecroft Lane Bowie, MD 20716	American Retreaders' Assn	500.00	
Do	Greater Washington/Maryland Service Station Assn	500.00	
E. Geoffrey Littlehale, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	54.50
E. F. Livaudais Jr., 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Livestock Marketing Association, 7509 Tiffany Springs Parkway Kansas City, MO 64190-1402			
Lobel Novins Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005	Generic Pharmaceutical Industry Assn	30,196.24	42.69
Do	Phone Medium	20,500.00	182.59
Paul Locigno, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	22,395.10	
Robert F. Lockhart Jr., 490 L'enfant Plaza East, SW Washington, DC 20024	Tenneco, Inc		
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	Carribean Tubular Co, Inc	1,775.00	744.42
Do	Commonwealth Mortgage Corp of America		
Do	CIGNA Corp	1,050.00	
Do	First United Bank		
Do	Loyola University		
Do	National Assn of Nuclear Pharmacies	3,150.00	911.43
Do	New Orleans Cold Storage & Warehouse Co., Ltd		
Do	Non-Profit Hospital Insurance Forum	700.00	
Do	Pennington Biomedical Complex Foundation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Toyota Motor Manufacturing, USA	1,750.00	
John H. Lonnquist, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	1,000.00	
Susan J. Loomis, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	4,000.00	500.00
Loomis Owen Fellman & Howe, 2020 K St., NW, #800 Washington, DC 20006	Association of Bituminous Contractors		
Do	Classroom Publishers Assn		
Do	First Co		
Do	Industrial Diamond Assn		
Do	Optical Manufacturers Assn		
Do	Textile Rental Services Assn of America		
Gerald D. Lore, 1050 Connecticut Avenue, NW, #401 Washington, DC 20036	Hoffmann-La Roche, Inc		
Philip J. Loree, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	500.00	168.00
Robert E. Losch, P.C., 1716 New Hampshire Ave., NW Washington, DC 20009	American Dredging Co, et al	28,340.00	4,062.14
Timothy Lovain, 3713 Gunston Road Alexandria, VA 22302	Denny Miller Associates	12,000.00	
Celia C. Lovell, 1050 Connecticut Ave., NW, #740 Washington, DC 20036	Norfolk Southern Corp	1,000.00	
Stephanie P. Loving, 1101 Vermont Ave., NW, #405 Washington, DC 20005	A. H. Robins Co	5,004.00	558.50
Arthur M. Luby, 1300 L Street, NW, #200 Washington, DC 20005-4178	O'Donnell Shwartz & Anderson (For:Transport Workers Union of America, AFL-CIO)	4,000.00	62.00
Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	9,727.43	19.50
Kathy K. Luhn, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	2,887.00	71.53
David R. Lukens, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Sylvester Lukis, 1155 15th St., NW, #504 Washington, DC 20005	Cassidy & Associates, Inc		
Do	City of Miami	3,750.00	
Do	City of Miami Beach	3,500.00	
Do	Cybernectics & Systems, Inc	6,000.00	
Do	Dade County, Florida	7,000.00	
Do	Fowler White Gillen Boggs Villareal & Banker (For:National Medical Enterprises, Inc)		
Do	Fowler White Gillen Boggs Villareal & Banker (For:University of Tampa)		
Do	Washington Consulting Group	6,000.00	
J.C. Luman & Associates, 1030 15th Street, NW, #720 Washington, DC 20005	National Assn of Personnel Consultants	5,000.00	3,000.00
Lund & O'Brien, 1625 Eye St., NW Washington, DC 20006	Pennsylvania Power & Light Co	1,404.00	143.21
Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20005	National Assn of Manufacturers		
Ann P. Lunson, Eastman Kodak Company 1919 Pennsylvania Ave., NW Washington, DC 20006	Eastman Chemicals Division	16.75	6.00
Howard T. Lyman, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	7,265.80	
David H. Lynch, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
Timothy P. Lynch, 1901 N. Fort Myer Dr., #204 Arlington, VA 22209	Roadway Express, Inc	425.00	200.00
Margaret Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	2,875.00	
William T. Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	6,011.00	6,493.00
M.O.A./AIOA & Subs, Inc, 701 S. 22nd, #107 Omaha, NB 68102			10.00
James E. Mack, 9005 Congressional Court Potomac, MD 20854	National Assn of Mirror Manufacturers		
Do	Peanut Butter & Nut Processors Assn		
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	National Machine Tool Builders' Assn	20,995.00	500.00
Thomas L. Mack, 14 Almaden Place Gaithersburg, MD 20878	Bechtel Group, Inc		
Olivia C. Mackin, 1825 K St., NW, #1107 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
John Macnamara, c/o Dow Lohnes & Albertson 1255 23rd Street, NW, #500 Washington, DC 20037	Algoma Steel Corp, Ltd		
Timothy MacCarthy, 1620 I Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	9,375.00	
Malcolm MacKay, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company	280.00	178.00
John H. Madigan Jr., 224 East Capitol Street Washington, DC 20003	American Cancer Society	5,000.00	1,250.00
Cliff Madison Government Relations, Inc, P.O. Box 7006 Northridge, CA 91327-7006	American Assn of Airport Executives	3,000.00	
Do	Burbank-Glendale-Pasadena Airport Authority	7,500.00	
Do	Citation Homes	15,000.00	
Do	City of Avalon	3,000.00	
Do	Federal Express Corp	10,500.00	
Do	Mark Air, Inc	15,000.00	
Do	Quantas Airways, Ltd	15,000.00	
Do	Regency Outdoor Advertising	5,000.00	
Do	Southern California Rapid Transit District	15,000.00	
Do	Ventura Port District	9,000.00	
Susan Magaw, P.O. Box 3556 Washington, DC 20007	American Meat Institute	2,000.00	
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S	4,500.00	208.00
A. John Maguire, 1110 Vermont Ave. NW Suite 430 Washington, DC 20005	National Cotton Council of America	23,000.00	1,096.46
W. Terry Maguire, Box 17407 Dulles International Airport Washington, DC 20041	American Newspaper Publishers Assn	1,125.00	10.30
Linda F. Maher, 9000 Montgomery Ave Chevy Chase, MD 20815	Turner Broadcasting System, Inc	550.00	
James E. Mahoney, 2200 Concord Pike Wilmington, DE 19899	Rollins Jamaica Ltd	3,250.00	258.00
John Francis Mahoney, 536 Seventh St., SE Washington, DC 20003	Mahoney & Associates (For:American Medical Assn)	8,000.00	
Terence P. Mahony, 1825 K Street, NW, #807 Washington, DC 20006	National Broadcasting Co, Inc	500.00	107.22
Michael C. Maibach, Intel Corporation, GR1-63 3535 Garrett Drive Santa Clara, CA 95051-8119	Intel Corporation	12,000.00	8,895.76
Major League Baseball Players Assn, 805 Third Avenue New York, NY 10022			
K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	425.00	15.00
Daniel C. Maldonado, 10000 Falls Rd., #300 Potomac, MD 20854	National Hemophilia Foundation		
Do	Research Society on Alcoholism		
Do	Samaritan Health Services		
Andrew T. Malleck, 400 First Street, NW Washington, DC 20001	Brotherhood of Maintenance of Way Employes	14,922.46	
Conrad L. Mallett Jr., 1800 First National Bldg Detroit, MI 48226	Jaffe Snider Raitt & Heuer, P.C		
David Mallino, 815 16th Street, NW Washington, DC 20006	Industrial Union Department, AFL-CIO	7,593.00	1,397.77
J. Wilson Malloy Jr., 1919 Pennsylvania Ave., NW Washington, DC 20006	Eastman Chemicals Division		
Lawrence R. Malone, 1211 Avenue of The Americas New York, NY 10036	Hoechst Celanese Corp		
Robert H. Maloney, 490 L'enfant Plaza East, SW Washington, DC 20024	Tenneco, Inc		
William R. Maloni, 3900 Wisconsin Avenue, NW Washington, DC 20016	Federal National Mortgage Assn	30,000.00	84.00
Manatt Phelps Rothenberg & Evans, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	American Institute of Real Estate Appraisers	995.00	
Do	Bowling Proprietors' Assn of America	112.50	
Do	California Bankers Assn	2,465.00	
Do	Centre Pointe Associates		
Do	Chronar Corporation		
Do	Connecticut National Bank	180.00	
Do	Fairfield Communities, Inc		
Do	First Bank Systems, Inc	240.00	
Do	Flying Tiger Line, Inc		
Do	Government of Cyprus	1,375.00	
Do	Krueger, Inc		
Do	Melrose Company	275.00	
Do	Money Store		
Do	National Cable Television Assn, Inc	7,335.15	
Do	North Beach Property Owners' Assn		
Do	Northrop Corp	700.00	
Do	NEC Corporation	1,375.00	
Do	Philip Morris, Inc	275.00	
Do	Rollins Environmental Services		
Do	RLC Corporation		
Do	Security First Group, Inc		
Do	Donald T. Sterling & Associates		
Do	Superior Training Services	1,012.50	
Do	Texas International Co		
Do	U.S. Telephone Assn	4,495.50	
Katherine T. Mance, 1616 H Street, NW Washington, DC 20006	American Retail Federation	200.00	125.00
Manchester Associates, Ltd, 1707 L Street, NW, #725 Washington, DC 20036	Corporacion Del Cobre (USA), Inc		
Do	Nissan Motor Company, Ltd		
Do	Nissan Motor Manufacturing Corp, USA	2,400.00	2,280.00
Manchester Group, Ltd, 1155 15th St., NW, #302 Washington, DC 20005	C Itoh & Co, Ltd, et al		
Susan Manes, 2030 M Street, NW Washington, DC 20036	Common Cause	13,650.00	153.90
Frank Mankiewicz, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Bell Atlantic Management Systems)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)		
Do	Hill & Knowlton, Inc (For:United Air Lines)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Donald W. Mann, 210 The Plaza Teaneck, NJ 07666	Negative Population Growth, Inc	500.00	
Cynthia Mansfield, 600 Maryland Ave., SW, #520 Washington, DC 20024	GPU Service Corporation	2,249.38	320.42
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			5,900.00
Anthony Manzanares Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
John V. Maraney, 324 East Capitol St., NE Washington, DC 20003	National Star Route Mail Contractors Assn		
R. A. Marble, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,978.02	446.46
March for Life, Inc, P.O. Box 90300 Washington, DC 20090		96,105.68	88,834.17
R. V. Mariani, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	2,750.00	2,750.00
Maritime Institute for Research & Industrial Development, 1133 15th St., NW, #600 Washington, DC 20005			14,549.00
Richard Mark, 1616 P St., NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	9,999.96	4,558.20
Lawrence D. Markley, P.O. Box 196300 Anchorage, AK 99519	Chugach Electric Assn, Inc	2,868.32	5,059.01
Marc L. Marks, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp		
Matthew J. Marks, 1120 20th St., NW, #650 Washington, DC 20036	UETA, Inc	1,011.00	28.81
Ronald Anthony Marks, 10 Waterside Plaza, #2b New York, NY 10010			
Luther A. Markwart, 1156 15th St., NW, #1019 Washington, DC 20005	American Sugarbeet Growers Assn		
Ernest Robert Marlow, 1126 16th Street, NW, #410 Washington, DC 20036-1081	International Chemical Workers Union	4,000.00	
Howard Marlowe, 1667 K St., NW, #660 Washington, DC 20006	Marlowe & Company (For:Graphic Communications International Union, AFL-CIO, CLC).	250.00	
Do	Marlowe & Company (For:Lazare Kaplan International, Inc)	6,300.00	240.84
Marlowe & Company, 1667 K Street, NW, #660 Washington, DC 20006	Graphic Communications International Union	2,080.00	2,128.00
Do	Lazare Kaplan International, Inc	6,300.00	6,540.84
Valsin A. Marmillion, 10880 Wilshire Blvd., #2010 Los Angeles, CA 90024	Hunt Marmillion & Associates (For:American Bankers Assn)		949.94
Chalmers H. Marquis, 1818 N Street, NW, #410 Washington, DC 20036	National Assn of Public Television Stations	600.00	150.00
Lori A. Marsden, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	200.00	
Thomas A. Martens, P.O. Box 10110 SO. Lake Tahoe, CA 95731	League to Save Lake Tahoe	1,541.60	
Cynthia L. Martin, 2711 Jefferson Davis Highway, #903 Arlington, VA 22202	Avondale Services Corp	5,500.00	
Danea Kehoe Martin, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	6,000.00	240.00
David F. Martin, 2020 14th Street, North Arlington, VA 22201	American Standard, Inc	3,000.00	
Dennis G. Martin, Dow Lohnes & Albertson 1255 23rd St., NW Washington, DC 20037	Dofasco, Inc		
Donald N. Martin, Donald N. Martin & Company, Inc 630 Fifth Ave. #565 New York, NY 10111			
Fred J. Martin Jr., 1800 K Street, NW Washington, DC 20006	Bank of America	923.04	233.43
J. Ross Martin, Kansas Petroleum Council 1005 Merchants Tower Topeka, KS 66612	American Petroleum Institute	765.00	1,062.29
John M. Martin Jr., 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Katherine E. Martin, 50 F Street, NW Washington, DC 20001	Association of American Railroads	560.64	428.72
Larry K. Martin, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	2,600.00	75.00
Maureen A. Martin, 23 Wall Street New York, NY 10015	Morgan Guaranty Trust Co		
Robert L. Martin, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	2,500.00	
Stephen I. Martin, Hartford Plaza Hartford, CT 06115	Hartford Fire Insurance Co		
Judith Marty, 85 Ridge St. North Sydney, NSW 2060 Australia			
Merrill D. Marxman, 7708 Fullerton Road Springfield, VA 22153	Marxman & Associates, Inc		
Maryland People's Counsel, 231 E. Baltimore Street, 9th Fl. Baltimore, MD 21202			958.53
Mike M. Masaoka, Suite 520, The Farragut Bldg. 900 17th St., NW Washington, DC 20006	Japan Telescope Manufacturers Assn	200.00	
Do	Nisei Lobby		
Do	Toyota Motor Sales, USA, Inc	750.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,249.99	125.46
Michael J. Mason, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	9,500.00	180.29
Donald F. Massey, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Asarco Corporation)		
Do	Hill & Knowlton, Inc (For:Association for the Advancement of Human Rights)	600.00	
Do	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:Hastings College Foundation)		
Do	Hill & Knowlton, Inc (For:Hitachi America, Ltd)		
Do	Hill & Knowlton, Inc (For:International Brotherhood of Teamsters)	450.00	
Do	Hill & Knowlton, Inc (For:MediVision, Inc)		
Do	Hill & Knowlton, Inc (For:Monsanto Co)		
Do	Hill & Knowlton, Inc (For:Palm Oil Registration & Licensing Authority)		
Do	Hill & Knowlton, Inc (For:Panhandle Eastern Corp)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	4,050.00	
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Tesoro Petroleum Corp)		
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)	675.00	
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)		
Do	Hill & Knowlton, Inc (For:United Network for Organ Sharing)		
James D. Massie, 50 F Street, NW, #1050 Washington, DC 20001	Freeport McMoran D.C., Inc	300.00	104.00
Noel D. Matchett, 1001 Spring St., #123 Silver Spring, MD 20910	Information Security, Inc	10.00	
Mary Cheryl Matheis, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	593.13	128.57
Richard D. Mathias, 1660 L St., NW, #901 Washington, DC 20036	Pan American World Airways, Inc		
Dawson Mathis, 499 South Capitol St., SW, #407 Washington, DC 20003	Dawson Mathis & Associates (For:American Electronic Laboratories, Inc)		
Do	Dawson Mathis & Associates (For:Crowley Maritime Corp)		
Do	Long Lake Energy Corp		
Do	Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co)		
Do	United Parcel Service		
Mary Helen Mathis, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For:Carteret Savings & Loan)	150.00	
Do	Keefe Company (For:New York University)	1,500.00	
Do	Keefe Company (For:University of Medicine & Dentistry of New Jersey)	200.00	
Do	Keefe Company (For:University of Miami)	99.00	
Dawson Mathis & Associates, 499 South Capitol St., SW, #407 Washington, DC 20003	American Electronic Laboratories, Inc		
Do	Crowley Maritime Corp		
Do	Massachusetts Mutual Life Insurance Co		
Peter Mattheis, 1050 Connecticut Avenue, NW Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Charles D. Matthews, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	3,250.00	
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,181.25	
Joseph M. Mattingly, 1901 North Moore Street, #1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc		
Daniel J. Mattoon, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp		4,554.09
Marshall L. Matz, 888 17th Street, NW, #900 Washington, DC 20006	American School Food Service Assn	9,000.00	1,303.07
Robert V. Maudlin, 1511 K Street, NW Washington, DC 20005	C.V. & R.V Maudlin (For:Southern Company Services, Inc)		
Michael Mawby, 2030 M Street, NW Washington, DC 20036	Common Cause	11,826.30	953.57
William A. Maxwell, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	12,000.00	
Albert E. May, 1627 K Street, NW, 1200 Washington, DC 20006	United Shipowners of America	5,250.00	
Jerry C. May, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Walter R. May, 7004 Park Terrace Drive Alexandria, VA 22307	Yellow Freight System, Inc	13,500.00	2,195.00
Arnold Mayer, 1775 K St., NW Washington, DC 20006	United Food & Commercial Workers International Union	19,615.38	321.50
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Accountants' Liability Assurance Co, Ltd		
Do	Attorneys' Liability Assurance Society Ltd		
Do	Business Roundtable		
Do	Comdisco, Inc		
Do	Continental Illinois Nat'l Bank & Trust Co		
Do	FMC Corporation		
Do	Goldman Sachs & Co	68.75	
Do	GATX Corporation		
Do	Hewlett-Packard Co		
Do	Household Commercial Financial Services, Inc		
Do	Inland Steel Corp		
Do	JMB Realty Corp	68.75	
Do	Lasalle Partners, Inc		
Do	Lebenthal & Co, Inc		
Do	Lehndorff & Babson Real Estate Counsel		
Do	Merrill Lynch Capital Markets		
Do	Philip Morris USA		
Do	RJR Nabisco, Inc		
Do	Sara Lee Corp	68.75	
Do	Sears Roebuck & Co		
Do	Shearson Lehman Brothers, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Smith Barney Harris Upham & Co, Inc		
Do	Tele-Communications, Inc		
Do	Voluntary Hospital Assn		
Martin Mayfield, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	750.00	106.70
Jeffrey G. Mays, 1505 Prince Street, Suite 300 Alexandria, VA 22314	American Optometric Assn		
Rosemary A. Mazon, 1001 Pennsylvania Ave., NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Donald S. Mazzullo, 700 Midtown Tower Rochester, NY 14604-2070	Genesee & Wyoming Industries, Inc		
Douglas E. McAllister, 1920 N St., NW Washington, DC 20036	American Mining Congress		
John H. McAllister, Dow Lohnes & Albertson 1255 Twenty Third St., NW Washington, DC 20037	Dofasco, Inc		
Jerry McAndrews, 120 Maryland Ave., NE Washington, DC 20012	Competitive Telecommunications Assn		
McAuliffe Kelly Furlong Aldrich & Siemens, 555 New Jersey Ave., NW, #880 Washington, DC 20001	Alcohol Beverage Legislative Council	2,000.00	
Do	American Health Care Assn		
Do	Association of Human Resource Consultants	100.00	
Do	ADAPSO	2,000.00	
Do	Bay Area Rapid Transit District	1,500.00	
Do	Cellular Telecomrr.unications Industry Assn	400.00	
Do	Chicago Mercantile Exchange	550.00	
Do	Human Rights Campaign Fund	3,000.00	
Do	International Franchise Assn		
Do	Lawyers' Mutual Insurance Co		
Do	Pacific Mutual Life Insurance Co	1,200.00	
Do	Joseph E. Seagram & Sons, Inc	2,000.00	
Do	Southern California Rapid Transit District	3,000.00	
Do	State Street Development Co of Boston		
Do	Stock Information Group	2,000.00	
Do	Transamarica Corporation	100.00	
Do	U.S. Telephone Assn	100.00	
Do	VIAG Fuels, Inc	400.00	
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	16,040.04	
Charlie McBride Associates, Inc, 1101 Connecticut Ave., NW, #906 Washington, DC 20036	American Electric Power Co, Inc	4,500.00	
Do	American Nuclear Energy Council	4,000.00	75.49
Do	Carolina Power & Light Co	4,500.00	
Do	Commonwealth Edison Co	4,500.00	
Do	Consolidated Edison Co of New York, Inc	2,000.00	
Do	ETA Systems, Inc		
Do	GA Technologies, Inc	3,000.00	705.80
Do	Sealaska Corp	6,000.00	105.87
Do	Southern California Edison Co	4,500.00	
Do	Stone & Webster Engineering Co	4,000.00	
Do	Tri-City Industrial Development Council	4,000.00	
Do	United Illuminating Co	2,500.00	145.90
Do	Urenco, Inc	9,000.00	
Do	Westinghouse Electric Corp	8,800.00	3,570.57
Stephen C. McCaffrey, 1828 N. Meridian Street Indianapolis, IN 46202	United Way of Central Indiana		
John A. McCahill, 1250 Connecticut Ave, NW Washington, DC 20036	U.S. Olympic Committee		
Julie P. McCahill, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn		
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	45.42	
McCamish Ingram Martin & Brown, P.C., 650 MBank Tower 221 West 6th Street Austin, TX 78701	Central & South West Corp		
Do	United Services Automobile Assn	625.00	381.99
Katherine S. McCarter, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	2,566.00	
James R. McCarthy, 1801 K St., NW, Suite 700 Washington, DC 20006	Sun Co, Inc	250.00	6.00
John M. McClung, 727 N.yashington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	5,250.00	436.76
Robin W. McClung, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	500.00	156.83
Frederick D. McClure, 1201 Pennsylvania Ave., NW, #300 Washington, DC 20004	Texas Air Corp	10,800.00	7,847.00
McClure & Trotter, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Allied Capital Corp		8.34
Do	Avanta Corp	4,815.00	3.88
Do	Bell & Howell/Columbia Pictures Video Services	1,787.50	6.26
Do	Coca-Cola Company	10,175.65	156.82
Do	Geneve Corporation	3,970.00	29.95
Do	Gulf & Western Industries, Inc	8,943.75	107.39
Do	Henley Group, Inc	1,715.00	5.93
Do	Mobil Oil Corp	2,126.25	117.05
Do	Ross Capital Corp	135.50	18.56
Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Hugh T. McCormick, 520 Madison Avenue New York, NY 10022	LeBoeuf Lamb Leiby & MacRae (For:General Conf of the 7th Day Adventists Church Risk Mgt Svcs).	5,000.00	
Margaret M. McCormick, 236 Hamburg Hall 5000 Forbes Ave. Pittsburgh, PA 15213	Carnegie-Mellon University	10,000.00	2,321.61
Meredith McCoy, Arnold Groburger & Haley 1629 K St., NW, #400 Washington, DC 20006	Arkansas Assn of Securities Dealers		
Do	Mid-South International Trade Assn		
Steven A. McCoy, 1030 15th Street, NW #1020 Washington, DC 20005	North American Export Grain Assn, Inc		
James K. McCracken, 9211 Holly Oak Drive Bethesda, MD 20817			
Cliff G. McCreedy, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		71.14
Aubrey McCutcheon III, 711 G Street, SE Washington, DC 20003	SANE/FREEZE, Inc	2,500.00	
John McDavitt, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	2,808.00	
Daniel J. McDermott, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	875.00	
Marianne McDermott, 1350 New York Avenue, NW, #615 Washington, DC 20005	Resources for Group Management, Inc (For:Greeting Card Assn)		
Mark T. McDermott, Joseph Powell McDermott & Reiner, P.C. 1300 19th Street, NW, #400 Washington, DC 20036	Civil Pilots for Regulatory Reform		
McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006	American Dental Hygienists' Assn		
Do	California Assn of Children's Hospitals		
Do	Juvenile Diabetes Foundation, International		
Do	Outpatient Opthalmic Surgery Society		
Do	Society of Outpatient Surgeons		
Edward T. McDonald, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	4,375.00	4,375.00
Jack McDonald, 1001 Pennsylvania Avenue, NW, #625-S Washington, DC 20004	Jack McDonald Co (For:American Express Corp)		
Do	Jack McDonald Co (For:Association of Bank Holding Cos)		
Do	Jack McDoanld Co (For:Belz Enterprises)		
Do	Jack McDonald Co (For:Dow Corning Corp)		
Do	General Cinema Corp		
Do	Jack McDonald Co (For:Hitachi America, Ltd)		
Do	Jack McDonald Co (For:Hitachi Sales Corp of America)		
Do	Jack McDonald Co (For:Jacques Borel Enterprises, Inc)		
Do	Jack McDonald Co (For:Royal Zenith Corp)		
Do	Jack McDonald Co (For:Societe Generale de Surveillance, S.A.)		
Michael D. McDonald, Maryland Petroleum Council 60 West St. Annapolis, MD 21401	American Petroleum Institute	125.00	
Patricia McDonald, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Jack McDonald Co, 1001 Pennsylvania Avenue, NW, #625-S Washington, DC 20004	American Express Corp		54.00
Do	Association of Bank Holding Cos		
Do	Belz Enterprises		
Do	Dow Corning Corp		
Do	Hitachi America, Ltd	770.00	10.50
Do	Hitachi Sales Corp of America		
Do	Jacques Borel Enterprises, Inc		
Do	Royal Zenith Corp		
Do	Societe Generale de Surveillance, S.A.		
Sandra McDonough, 920 SW 6th Ave., 1400 PSB Portland, OR 97204	Pacific Power & Light Co	491.60	731.22
Marian E. McDowell, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	2,408.72	411.41
Dinah D. McElfresh, 1255 23rd Street, NW, #850 Washington, DC 20037	Hauck & Associates, Inc (For:Hearing Industries Assn)		
Rick McElheny, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:International Brotherhood of Teamsters)		
Monica E. McFadden, 2012 Massachusetts Ave., NW Washington, DC 20036	BPW/USA	4,250.00	751.24
Robert H. McFadden, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Terry M. McGann, 1900 Placer Gold Court Gold River, CA 95670	California Assn for Health Services at Home (CAHSAH)		
Do	Foundation Health Corp		
Do	Maxicare	22,200.00	4,296.08

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Paul J. McGeady, 27 Hampton Place Nutley, NJ 07110	Morality in Media, Inc	243.83	
Donna Lee McGee, 1001 Connecticut Ave., #701 Washington, DC 20036	Burlington Industries, Inc		
Gale W. McGee, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Association for the Advancement of Human Rights)	450.00	
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause	9,712.50	227.45
P. Anne McGhee, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	500.00	
Robert M. McGlotten, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations		1,581.84
Phyllis M. McGovern, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute		
Jeanne H. McGowan, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	205.00	71.60
Christopher C. McGrath, New York State Petroleum Council 156 William St. New York, NY 10038	American Petroleum Institute		
Richard L. McGraw, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp		
Joseph M. McGuire, 1501 Wilson Blvd. Arlington, VA 22209	Air Conditioning & Refrigeration Institute		
James E. McInerney Jr., 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	3,500.00	
Robert McIntyre, 1313 L St., NW Washington, DC 20005	Citizens for Tax Justice	6,635.79	
Jan E. McKenzie, 1111 19th St., NW, #702 Washington, DC 20036	Edison Electric Institute	3,824.61	526.91
Larry McKenzie, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	3,583.34	7.70
Robert T. McKernan, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	250.00	
William Colm McKeveny, Chadbourne Park Law Firm 30 Rockefeller Plaza New York, NY 10112	American Pulpwood Assn		
C. A. 'Mack' McKinney, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	11,000.00	676.63
Steven G. McKinney, P.O. Box 306 Birmingham, AL 35201	Balch & Bingham (For:Southern Company Services, Inc)		
Thomas I. McKnew Jr., 1667 K St., NW, #600 Washington, DC 20006	Santa Fe Southern Pacific Corp	1,500.00	
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	425.00	
Ursula H. McManus, 1707 H St., NW, #602 Washington, DC 20006	G. Heileman Brewing Co, Inc	502.50	253.63
William F. McManus, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	525.00	
James D. McMillan, 1899 L St., NW, #1100 Washington, DC	Exxon Corporation	1,100.00	475.52
Sandra H. McMullan, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	4,350.00	56.00
McNair Group, Inc, 1155 15th St., NW, #400 Washington, DC 20005	Akin Gump Strauss Hauer & Feld		
Do	Blue Cross & Blue Shield of South Carolina	4,176.00	105.36
Do	CSX Corporation	4,479.75	40.00
Do	Illinois Central Gulf Railroad	9,278.25	255.10
Do		16,749.99	
Do	McNair Law Firm, P.A.	405.00	
Do	Norfolk Southern Corp	3,386.00	12.00
Do	Railstar Control Technology, Inc	300.00	
Do	Railway Progress Institute	2,995.00	28.00
McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Alabama Construction Contractors, et al.	2,131.00	75.59
Do	Alabama Power Co	2,707.00	364.64
Do	Allied-Signal, Inc	5,095.40	247.82
Do	American Insurance Assn		19.31
Do	Association of Independent Television Stations, Inc		
Do	Auburn University		123.96
Do	ADDSCO Industries, Inc		123.66
Do	Blue Cross & Blue Shield of South Carolina	4,414.40	432.23
Do	Bristol-Myers Co		
Do	Carolina Urocorp	152.00	15.39
Do	Citmoco Services, Inc	6,946.00	170.13
Do	Gasoline Alliance to Preserve Competition	7,927.36	224.98
Do	Georgia-Pacific Corp		
Do	GSX Corporation	411.60	0.87
Do	Intergraph Corporation	1,350.00	
Do	International Paper Co	3,378.00	
Do	Marriott Corp		
Do	Michelin Tire Company	4,397.50	20.71
Do	Milliken Mills	400.50	8.86
Do	Munitions Carrier Conference	500.00	18.58
Do	National Council on Alcoholism, Inc	1,994.49	13.75
Do	National Industries	573.00	38.16
Do	New York State Bankers Assn	8,207.24	708.38
Do	Norfolk Southern Corp	180.00	32.65
Do	Pacific Theatres	1,280.00	
Do	Pfizer, Inc	7,371.00	2.85
Do	R.J. Reynolds Tobacco Co	956.02	78.65
Do	Times Mirror Co		9.54
Do	Union Pacific Corp		1,307.01
Do	Vulcan Materials Co		187.86
Do	Waste Management, Inc		
Do	Westinghouse Electric Corp	561.00	
Kathryn M. McNamara, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	150.00	115.00
Laramie Faith McNamara, 1000 Wilson Blvd., #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
Mary Martha McNamara, 1150 17th St., NW, #1000 Washington, DC 20036	Art Supply Labeling Coalition	218.75	
Peter F. McNeish, 1156 15th Street, NW, #1101 Washington, DC 20005	National Assn of Small Business Investment Cos	3,000.00	
John P. McNerney, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Michael J. McShane, 1101 30th Street, NW, #500 Washington, DC 20007	National Computer Systems		
Martha McSteen, 2000 K Street, NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	8,000.00	462.46
George G. Mead, 1908 Ednor Road Cloverly, MD 20904	North American Van Lines, Inc	2,500.00	
Leslie S. Mead, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Joseph F. Meadow, 7307 Baltimore Avenue, #112 College Park, MD 20740	United Action for Animals, Inc	1,750.00	
Francis X. Meaney, 1825 Eye Street, NW Washington, DC 20006	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Goldman Sachs & Co)		
Do	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Securities Industry Assn)	1,500.00	
Joseph J. Meder, 1730 M St., NW, #515 Washington, DC 20036	Joseph J. Meder Associates	4,500.00	
Medical-Dental Diversified Services, Inc, 15600 San Pedro #107 San Antonio, TX 78232-3738	U.A.G. Alumni Assn		
Colise G. Medved, 1800 Diagonal Rd., #500 Alexandria, VA 22314	Penn Central Corporation		
William H. Megonnell, 1111 19th St., NW, 9th Floor Washington, DC 20036	Edison Electric Institute	2,328.13	386.25
Larry Mehlhaff, 23 N. Scott Sheridan, WY 82801	Sierra Club	6,500.00	4,194.71
Michelle Meier, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	2,000.00	
Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,819.30	385.00
Carol Melton, 1133 21st St., NW, #400 Washington, DC 20036	Warner Communications, Inc	9,250.00	246.96
James T. Melville, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Howard H. Menaker, 1199 North Fairfax Street, #801 Alexandria, VA 22313	National Assn of Truck Stop Operators, Inc		
John R. Mendenhall, 345 Park Avenue New York, NY 10154	Union Pacific Corp	5,000.00	290.51
Edward L. Menning, 1522 K St., NW, #836 Washington, DC 20005	National Assn of Federal Veterinarians	17.57	
J. Roger Mentz, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Mercedes-Benz of North America, Inc)	49.00	
Do	Cadwalader Wickersham & Taft (For:PFIC Group)	25.00	
Jane Mentzinger, 2030 M Street, NW Washington, DC 20036	Common Cause	7,875.00	
Edward L. Merrigan, 6000 Connecticut Ave., NW Washington, DC 20815	Central Gulf Lines, Inc	6,250.00	622.51
Do	Rolls-Royce Motors, Inc	14,399.50	193.20
Nancy Jo Merrill, 1725 K St., NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation		
Merrill Lynch & Co, Inc, 1828 L St., NW, #906 Washington, DC 20036			13,000.00
Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	1,503.88
Neil T. Messick, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	1,200.00	
Howard M. Messner, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	900.00	
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	Cities Service Oil & Gas Corp	263.56	83.93
Jeremy Metz, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn	50.00	6.00
Larry D. Meyers, 412 First Street, SE #40 Washington, DC 20003	American Beekeeping Federation		
Do	Concerned Shrimpers of America	1,400.00	
Do	CEPEX Pacific, Inc	1,800.00	
Do	International Assn of Refrigerated Warehouses	1,000.00	
Do	National Coalition to Defeat H.R. 281/S. 492	5,000.00	
Do	National Peanut Growers Group	1,000.00	
Do	Nuclear Waste Task Force	5,000.00	
Do	Rice Belt Warehouse, Inc	4,500.00	
Do	Sam Kane Packing		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Superconducting Super Collider		
Do	Texas A&M Research Foundation	7,500.00	
Do	Texas Cotton Marketing		
David R. Mica, Florida Petroleum Institute 325 John Knox Rd., #F-210 Tallahassee, FL 32303	American Petroleum Institute	841.68	1,204.11
John L. Mica, 201 Massachusetts Ave., NE, #C-9 Washington, DC 20002	Harris RF Communications	12,000.00	840.00
Do	Harris/3-M Document Products, Inc	11,250.00	1,572.00
Michael G. Michaels, P.O. Box 150160 Lakewood Station Altlanta, GA 30315			
James G. Michaux, 6917 Granby Street Bethesda, MD 20817	Federated Dept Stores, Inc	500.00	
Laurie L. Michel, 555 13th St., NW, #900 East Washington, DC 20004	Ballard Spahr Andrews & Ingersoll (For:Arthur Andersen & Co)		
Kathleen Michels, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	4,415.00	205.23
Mid-Continent Oil & Gas Assn, 711 Adams Office Bldg. Tulsa, OK 74103		67,503.54	24,209.16
Roger E. Middleton, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,100.00	260.00
Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009			
Rene Milam, Box 17407 Washington Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn		
Miles & Stockbridge, 1701 Pennsylvania Ave., NW, #500 Washington, DC 20006	Black and Decker Corp		275.00
Do	PepsiCo, Inc		
Do	Pizza Hut, Inc		190.00
Carol Miller, 2012 Massachusetts Ave., NW Washington, DC 20036	BPW/USA	2,300.00	354.45
Charles R. Miller, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	812.00	438.00
Dale Miller, 4000 Reno Road, NW Washington, DC 20008	Texasgulf, Inc	1,125.00	324.37
Deborah Imle Miller, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Grant Miller, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	125.00
Harris C. Miller, 322 Westview Court Vienna, VA 22180	Occidental Chemical Corp	390.00	92.00
Lawrence E. Miller, 1522 K Street, NW, #828 Washington, DC 20005	American Veterinary Medical Assn	100.00	
Marye T. Miller, 637 Third Street, NE Washington, DC 20002	Mobil Oil Corp	4,000.00	200.00
Michael J. Miller, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Paul J. Miller, 8000 Sears Tower Chicago, IL 60606	Investment Counsel Assn of America, Inc		
Richard G. Miller, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	3,900.00	852.82
Robert H. Miller, 490 L'Enfant Plaza East, SW, #2202 Washington, DC 20024	Tenneco, Inc		40.00
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	American Nuclear Energy Council	1,660.00	
Do	Chevy Chase Savings & Loan Assn	1,200.00	
Do	Ideal Basic Industries, Inc		
Do	Lincoln Savings & Loan Assn	132.50	
Do	National Assn of Temporary Services, Inc		
Do	Perpetual American Bank, F.S.B.		
Do	Western Savings & Loan Assn	1,992.68	
Denny Miller Associates, Inc, 400 N. Capitol St., NW, #325 Washington, DC 20001	Boeing Company	3,000.00	
Do	Marine Engineers' Beneficial Assn	1,000.00	
Do	Olin Corporation	3,000.00	
Do	Port of Tacoma	945.00	
Do	State of Washington, Dept of Transportation	3,400.00	
Miller Cassidy Larroca & Lewin, 2555 M St., NW, #500 Washington, DC 20037	National Assn of Life Underwriters, et al	33,600.00	
Miller Hamilton Snider & Odom, 256 State St., P.O. Box 46 Mobile, AL 36601	Camp Carmouche Barsh... (for Sears Roebuck & Co)		
Do	Colonial Bancgroup, Inc		
Miller Young & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	City of Sacramento, et al	3,440.75	99.45
Do	Sugarland Telephone Co	6,062.25	195.32
Kenneth Y. Millian, 919 18th Street, NW Washington, DC 20006	W. R. Grace & Co		772.50
C.G. Pete Milligan, 1442 S.W. Troon Circle Palm City, FL 33490	American Telephone & Telegraph Co	1,500.00	168.78
Amy J. Millman, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	800.00	600.00
Robert G. Mills, 450 Maple Ave., East, #204 Vienna, VA 22180	U.S. Defense Committee	2,400.00	
Richard V. Minck, 1001 Pennsylvania Ave., N.W. Washington, DC 20004	American Council of Life Insurance, Inc	1,750.00	
Minimum Wage Coalition to Save Jobs, P.O. Box 28261 Washington, DC 20038		29,500.00	23,256.00
Joseph G. Minish, 66 Sheridan Avenue West Orange, NJ 07052	Bayamon Federal Savings	6,000.00	
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 1825 I Street, NW, #1025 Washington, DC 20006	Cablevision Systems Development Co		
Do	Communications Industry Assn of Japan	24,000.00	
Do	Home Recording Rights Coalition	18,762.00	
Do	Siemens Capital Corp	25,141.00	
Do	Smith Barney Harris Upham & Co, Inc	1,000.00	
Do	Turner Broadcasting System, Inc	1,500.00	
Miro Miro & Weiner, P.C., 500 N. Woodward Ave., #200 P.O. Box 908 Bloomfield Hills, MI 48303-0908	Detroit Tooling Assn	465.00	
Do	Michigan Council of Self-Insured Group Administrators		
Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co	139.78	
Lisa Mitnick, 3000 K St., NW, $300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)		
Stacey J. Mobley, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
David T. Modi, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
John Moehring, 2200 Mill Road Alexandria, VA 22314	American Movers Conference	2,000.00	
Robert M. Moliter, 1331 Pennsylvania Ave., NW, #865 Washington, DC 20004	General Electric Co		
John V. Moller, 1707 L Street NW, #725 Washington, DC 20036	Manchester Associates, Ltd (For:Corporacion Nacional del Cobre (USA))		
Do	Manchester Associates, Ltd (For:Nissan Motor Company, Ltd)		
Do	Manchester Associates, Ltd (For:Nissan Motor Manufacturing Corp, USA)	1,800.00	24.00
Robert H. Mollohan, 912 Sylvan Avenue Fairmount, WV 26554	Airspace Technology, Inc	750.00	
Do	Lynch Associates	750.00	
Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	5,000.00	96.00
C. Manly Molpus, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	1,000.00	
Christopher Monek, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Elizabeth R. Monro, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	13,234.12	
Michael Monroney, 1000 Wilson Blvd., #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
John C. Monsul, 923 Riva Ridge Drive Great Falls, VA 22066			
Alfredo C. Montoya, 815 16th Street, NW, #707 Washington, DC 20006	Labor Council for Latin American Advancement		
James P. Mooney, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	8,750.00	
Alan J. Moore, 1667 K St., NW, #600 Washington, DC 20006	Santa Fe Southern Pacific Corp	1,000.00	
Carlos Moore, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc		
Frank B. Moore, 3003 Butterfield Road Oak Brook, IL 60521	Waste Management, Inc	5,000.00	5,121.63
Richard L. Moore, P.O. Box 338 Dearborn, MI 48121	Detroit Tooling Assn Worker's Compsensation Fund	4,343.38	21.59
Thomas L. Moore, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Trucking Assn		
William D. Moore, Commerce Center 30 Exchange Terrace Providence, RI 02903	Greater Providence Chamber of Commerce	337.50	142.50
Richard M. Moose, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co		
Morality in Media, Inc, 475 Riverside Dr., #239 New York, NY 10115		2,496.33	2,496.33
Mark E. Moran, 1850 M Street, NW, #280 Washington, DC 20036	Shawn Berger Mann & Moran (For:Republic of Mexico)		
Moran & Pilger, P.C., 440 Business & Trade Center 200 North Washington Square Lansing, MI 48933	Megaquest Group, Inc, et al	15,630.00	1,212.00
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	168.00	
Sue Markland Moreland, 918 North Carolina Avenue, SE Washington, DC 20003	Association of Biotechnology Cos	6,400.00	
Dudley Digges Morgan III, 4900 Baronne New Orleans, LA 70115	Southern Forest Products Assn	12,875.04	
E. Joyce Morgan, 1920 N St., NW Washington, DC 20036	American Mining Congress		
J. Railton Morgan, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,300.00	
Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	92.90
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Business Roundtable		
Do	Coalition to Stop the Raid on America		
Do	Consolidated Natural Gas Co		
Do	Scotch Whisky Assn		
James A. Morrill, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	6,000.00	302.14
Loretta C. Morris, 1725 K Street, NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation	1,131.25	9.40
Tessa Morris, 1155 Connecticut Ave., NW, #1130 Washington, DC 20036	Security Pacific Corp		
Tom C. Morris, 1825 K St., NW, #1107 Washington, DC 20006	Phillips Petroleum Co	1,800.00	
W. Patrick Morris, 1110 Vermont Avenue, NW Washington, DC 20005	Shipbuilders Council of America	1,500.00	
William C. Morrison, 2001 North Adams St. Arlington, VA 22201	Meat Importers Council of America, Inc		
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	California Bankers Clearing House Assn	1,520.00	5.00
Do	City and County of San Francisco	4,102.50	23.65
Do	Consolidated Freightways		
Do	Mastercard International, Inc, et al	32,636.50	418.74
Do	Rosenberg Real Estate Equity Fund, Inc	2,876.25	30.70
Valerie T. Morse, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		1,864.83

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Dorothy J. Moss, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037	Association of Bank Holding Cos	900.00	
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006		35,763.75	35,763.75
John J. Motley, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	9,570.00	200.00
L. A. Motley and Company, 1800 K Street, NW, #1000 Washington, DC 20006	Adical	15,000.00	886.74
Do	ABRASSUCOS - Brazilian Juice Assn	30,000.00	396.11
Do	ANIC - National Assn of Citric Industries	29,970.00	426.68
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW Washington, DC 20004			3,094.90
Motor Vehicle Manufacturers Assn of the U.S., Inc, 300 New Center Bldg. Detroit, MI 48202		24,898.37	24,898.37
Thomas O. Moulton Jr., 1275 Penn. Ave., NW, 4th Floor Washington, DC 20004	Pacific Telesis Group	12,000.00	
Susan Connolly Moya, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Steve Moyer, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	256.37	
Gregory R. Mueller, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:American Freedom Coalition)	1,512.50	
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	Anchor Savings Bank, FSB		
Do	Carteret Savings Bank, F.A.		
Do	Empire of America, FSB	36,816.25	
Do	First Nationwide Bank		
Do	Glendale Federal Savings & Loan Assn		
Do	Northeast Savings, F.A.		
Do	Washington Mutual Savings Bank		
James S. Mulhern, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	3,225.00	
John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,200.00	431.81
Albert E. Mullin Jr, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	15,000.00	
Tracy Mullin, 1000 Connecticut Ave., NW, #700 Washington, DC 20036	National Retail Merchants Assn	4,000.00	85.50
William F. Mullin, 1615 L St., NW, #1210 Washington, DC 20036	Metropolitan Life Insurance Cos		
Robert J. Mullins, Suite 202-W 600 Maryland Avenue, SW Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	4,616.10	
H. Edward Munnerlyn, P.O. Box 1017 Greenwood, SC 29648	Greenwood Mills, Inc	2,500.00	2,179.78
James Brian Munroe, 340 Kingsland Street Nutley, NJ 07110	Hoffmann-La Roche, Inc		
Daniel R. Murphy, 310 West End Ave., #14-A New York, NY 10023	American Express Co		
Elizabeth A. Murphy, 1901 N. Fort Myer Drive, #204 Arlington, VA 22209	Roadway Express, Inc		
George F. Murphy Jr., 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	498.75	116.67
James F. Murphy, 6200 Oaktree Blvd. Independence, OH 44131	Centerior Energy Corp, et al		
James P. Murphy, 485 Lexington Ave., 25th Floor New York, NY 10017	New York State Bankers Assn	2,100.00	1,044.00
John P. Murphy, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc	1,716.00	340.25
Lester L. Murphy Jr., 5709 W. 21st St., P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc	490.08	475.00
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al	8,600.00	
Daniel H. Murray, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp		3,576.07
James E. Murray, One Farragut Square South Washington, DC 20006	Brown Wood Ivey Mitchell & Petty (For:National Assn of Small Business Investment Cos, et al.).		
Rosemary Griffin Murray, 1660 L St., NW, #901 Washington, DC 20036	Pan American World Airways, Inc		
Murray & Scheer, 2715 M Street, NW, #300 Washington, DC 20007	American Cyanamid Co	500.00	
Do	Bear Stearns & Co	500.00	
Do	Cleveland Cliffs Iron Co	250.00	
Do	Connecticut Mutual Life Insurance Co	500.00	
Do	Home Life Insurance Co	500.00	
Do	Industry Council for Tangible Assets	400.00	
Do	Iron Ore Assn	250.00	
Do	Lightning Location & Protection, Inc	625.00	
Do	LTV Corporation	450.00	
Do	National Business Aircraft Assn	500.00	
Do	National Council of Coal Lessors	300.00	
Do	New England Life Insurance Co	500.00	
Do	Pacific Mutual Life Insurance Co	500.00	
Do	Penn Mutual Life Insurance Co	500.00	
Do	Provident Mutual Life Insurance Co of Philadelphia	500.00	
Do	PHP Healthcare Corp	600.00	
Do	Shubert Organization, Inc	400.00	
Do	Swaziland Sugar Assn	400.00	
Do	Wisconsin Central Railroad	500.00	
Robert J. Muth, 180 Maiden Ln. New York, NY 10038	Asarco Inc	800.00	
Lawrence P. Mutter, 6849 Old Dominion Dr. Mclean, VA 22102	Automotive Parts Rebuilders Assn		
Mutual Life Insurance Co Tax Committee, 720 East Wisconsin Avenue Milwaukee, WI 53202		6,000.00	4,323.61
Fred J. Mutz, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	4,100.00	
Gary D. Myers, 1015 18th Street, NW Washington, DC 20036	Fertilizer Institute	4,500.00	1,374.24
MWW/Strategic Communications, 70 Grand Avenue Grand Four Office Center River Edge, NJ 07661	Winter's Liquor Filled Chocolates	28,000.00	1,800.00
Daniel Nadash, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
John Francis Nash Jr., 214 Massachusetts Ave., NE, #420 Washington, DC 20002	Milliken & Company	5,000.00	2,600.00
Nash Railsback & Plesser, 1133 15th Street, NW, #1100 Washington, DC 20005	Home Box Office, Inc	97.50	
Do	Monsanto Co		
Gary M. Nateman, 1225 'Eye' Street, NW, #825 Washington, DC 20005	Beer Institute		
Frances E. Nathan, 455 Fifth Avenue New York, NY 10016	New York Public Library	6,205.72	
Hardy L. Nathan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	500.00	
National Agricultural Chemicals Assn, 1155 15th St., NW Washington, DC 20005		8,007.14	8,007.14
National Air Carrier Assn, 1730 M St., NW, #710 Washington, DC 20036			
National Alliance of Senior Citizens, Inc, 2525 Wilson Boulevard Arlington, VA 22201		80,938.00	74,909.85
National Assn for the Advancement of Justice, 5210 Banks Place, NE Washington, DC 20019			
National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006		123,150.00	12,844.21
National Assn for Neighborhood Schools, Inc, 335 Locust St. Pittsburgh, PA 15218		1,338.79	821.76
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		2,143.64	4,064.20
National Assn of Air Traffic Specialists, 4780 Corridor Pl., Suite B Beltsville, MD 20705			9,146.89
National Assn of Aircraft & Communications Suppliers, Inc, 23871 Madison Torrance, CA 90505			2,682.80
National Assn of Beverage Importers, 1025 Vermont Avenue, NW, #1205 Washington, DC 20005			
National Assn of Broadcasters, 1771 N Stret, NW Washington, DC 20036		10,300.00	2,731.60
National Assn of Federal Employees, 4101 NW 122nd Street, Suite D OKlahoma City, OK 73120			
National Assn of Federal Veterinarians, 1522 K St., NW, #836 Washington, DC 20005			37.43
National Assn of Independent Colleges & Universities, 122 C St., NW, #750 Washington, DC 20001			47,785.00
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			
National Assn of Manufacturers, 1331 Pennsylvania Ave., NW, #1500 Washington, DC 20004-1703		97,774.60	97,774.60
National Assn of Mutual Insurance Cos, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268			130.00
National Assn of Olympic Businesses, P.O. Box 3337 Idyllwild, CA 92349-3337		150.00	150.00
National Assn of Real Estate Investment Trusts, Inc, 1129 20th St., NW, #705 Washington, DC 20036		10,000.00	655.20
National Assn of Stevedores, 2011 I Street, NW, #601 Washington, DC 20006		3,300.00	2,600.00
National Assn of Temporary Services, Inc, 119 South Saint Asaph Street Alexandria, VA 22314			
National Assn of Trade & Technical Schools, 2251 Wisconsin Ave., NW Washington, DC 20007		7,500.00	7,500.00
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314			
National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002		7,900.00	7,045.00
National Beer Wholesalers' Assn, 5205 Leesburg Pike, #505 Falls Church, VA 22041	National Beer Wholesalers Assn	124,456.00	34,268.00
National Broiler Council, 1155 15th St., NW Washington, DC 20005		3,170.00	3,170.00
National Business Aircraft Assn, 1200 18th St., NW, #200 Washington, DC 20036-2598			
National Cable Television Assn, Inc, 1724 Massachusetts Ave., NW Washington, DC 20036		43,615.83	43,615.83
National Cattlemen's Assn, 5420 S. Quebec Street P.O. Box 3496 Englewood, CO 80155			6,000.00
National Club Association, 1625 Eye St., NW, #609 Washington, DC 20006			
National Coalition for Fair Trade, 1718 Connecticut Avenue, NW, #310 Washington, DC 20009		25.00	84.00
National Coalition of Fresh Potato Processors, c/o Collier Shannon Rill & Scott 1055 Thomas Jefferson St., NW Washington, DC 20007.			
National Comm of Cities & States for Airline Service, Transportation Bldg., #417 St. Paul, MN 55156		5,297.43	3,000.00
National Comm to Preserve Social Security, 2000 K Street, NW, 7th Floor Washington, DC 20006		985,745.00	985,745.00
National Comm Against Repressive Legislation, 236 Massachusetts Avenue, NE, #406 Washington, DC 20002		4,855.50	5,949.37
National Commercial Finance Assn, 225 W. 34th St. New York, NY 10001		12,250.00	1,424.00
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		77,911.78	39,771.18

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
National Cooperative Business Assn, 1401 New York Ave., NW, #100 Washington, DC 20005		27,500.00	10,925.00
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		39,124.15	39,124.15
National Council for Languages & Int'l Studies, 20 F Street, NW, 4th F. Washington, DC 20001		20,062.50	21,532.15
National Council of Agricultural Employers, 499 S. Capitol Street, SW, #411 Washington, DC 20003		5,000.00	6,892.18
National Council of Farmer Cooperatives, 50 F Street, NW, #900 Washington, DC 20001		23,421.00	14,340.49
National Council of Savings Institutions, 1101 15th St., NW, #400 Washington, DC 20005		622,435.77	
National Education Assn, 1201 16th St., NW Washington, DC 20036		23,413.57	23,413.57
National Electrical Manufacturers Assn, 2101 L Street, NW, #300 Washington, DC 20037		4,192.95	4,192.95
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001		134,793.00	316.00
National Fed of Independent Business, 150 W. 20th Ave. San Mateo, CA 94403		44,353.75	44,353.75
National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005		4,450.00	4,450.00
National Foreign Trade Council, Inc, 100 East 42nd St. New York, NY 10017		56,604.00	56,604.00
National Grain & Feed Assn, 725 15th St., NW Suite #500 Washington, DC 20005			
National Grange, 1616 H St., NW Washington, DC 20006		20,875.00	20,875.00
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001		3,321.80	7,317.58
National Industrial Transportation League, 1090 Vermont Ave., NW, #410 Washington, DC 20005		15,000.00	13,817.00
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016			13,740.75
National Leased Housing Assn, 2300 M St., NW, #260 Washington, DC 20037		900.00	900.00
National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201			
National Multi Housing Council, 1250 Connecticut Ave., NW, #620 Washington, DC 20036		5,762.86	5,762.86
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Printing Equipment & Supplies Assn, Inc, 1899 Preston White Drive Reston, VA 22091			
National Public Affairs Corp, 1050 Thomas Jefferson Street, NW, #600 Washington, DC 20007	Westinghouse Electric Corp	300.00	
National Realty Committee, 1250 Connecticut Ave., NW, #303 Washington, DC 20036		3,079.00	3,079.00
National Retail Merchants Assn, 1000 Connecticut Avenue, NW Washington, DC 20036			20,992.60
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		7,775.65	7,775.65
National Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048			7,250.00
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314		12,500.00	10,350.00
National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036			84.98
National Solid Wastes Management Assn, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036			
National Stone Assn, 1415 Elliot Place, NW Washington, DC 20007			
National Strategies Inc., 1919 Pennsylvania Ave., NW, #701 Washington, DC 20006	Alliance for Capital Access	43,750.00	
Do	Joy Technologies	69,562.50	1,790.19
Do	Manor Care	62,370.67	2,747.65
Do	PGA Tour, Inc	15,000.00	
Do	Triangle Industries	17,357.81	8.16
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		27,000.00	2,903.32
National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005		1,750.00	6,780.00
National Venture Capital Association, 1655 N. Fort Meyer Dr., #700 Arlington, VA 22209			35,001.80
National Wildlife Federation, 1412 16th Street, NW Washington, DC 20036-0001			8,989.12
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		12,000.00	12,000.00
Landis M. Neal, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	9,000.00	
Karen J. Neale, 2501 M Street N.w. Washington, DC 20037	Chemical Manufacturers Assn, Inc	465.00	59.75
Jeffrey Nedelman, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	27.90	
Allen Neece Jr., 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates, Inc (For:Association of Small Business Development Centers).	1,350.00	1,350.00
Do	Neece Cator & Associates, Inc (For:National Venture Capital Association)		
Neece Cator & Associates, Inc, 1050 17th Street, NW Washington, DC 20036	Association of Small Business Development Centers	1,350.00	1,350.00
Do	Colson Investments	1,350.00	1,350.00
Do	National Small Business United	1,350.00	1,350.00
Do	National Venture Capital Association		
Do	Southeastern Lumber Manufacturers Assn	1,350.00	1,350.00
Mary Elizabeth Neese, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	2,000.00	470.20
Jorge A. Negron, 111 Massachusetts Ave., NW, #200 Washington, DC 20001	U.S. Hispanic Chamber of Commerce	10,250.00	913.00
Laura C. Nehf, 1101 Connecticut Avenue, NW, #405 Washington, DC 20036	Choate Filler & Nehf, P.C. (For:Association of Progressive Rental Organizations)		
Stanley Nehmer, 1225 19th Street, NW, #210 Washington, DC 20036	Non-Ferrous Metals Producers Committee	500.00	
Neighborhood Housing Services of America, 3805 Alton Place, NW Washington, DC 20016			
Frederick W. Neill, 600 5th Street Aurora, IL 60505			4,200.00
Neill & Company, Inc, 900 17th St., NW, #400 Washington, DC 20006	Arab Republic of Egypt	180,000.00	25,974.98
Do	Hashemite Kingdom of Jordan	55,000.00	6,886.71
Do	Islamic Republic of Pakistan	60,000.00	5,992.46
Do	Kingdom of Morocco		22,548.65
Do	Republic of Kenya		4,537.42
Neill Mullenholz & Shaw, 900 17th St., NW, #400 Washington, DC 20006	Florida East Coast Railway Co	1,000.00	
Do	National Council Social Security Management Assns, Inc	4,000.00	175.00
Do	National Farm & Power Equipment Dealers Assn	1,500.00	
Do	PHH Group, Inc		
Do	Senior Executives Assn	5,000.00	210.00
Do	Soo Line Corporation	2,500.00	
Do	TACA International Airlines		
Joshua E. Neiman, 815 16th St., NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept., AFL-CIO	427.00	
Mark D. Nelson, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20036	E. I. du Pont de Nemours & Co		
Paul Gunnar Nelson, Hamilton & Hamilton 734 15th St., NW, 11th Floor Washington, DC 20005	Weyerhaeuser Company	18,092.50	305.33
Michael A. Nemeroff, 1722 Eye Street, NW 7th Floor Washington, DC 20006	Sidley & Austin (For:Borden, Inc)		
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	94.50
Mark Nestlen, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	
Network, 806 Rhode Island Ave., NE Washington, DC 20018		119,759.45	35,453.73
E. John Neumann, 1101 17th St., NW, #405 Washington, DC 20036	Southern Company Services, Inc	2,479.99	2,524.11
New York Comm of Intl Comm of Passenger Lines, 74 Trinity Place New York, NY 10006			
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017		118,500.00	79,855.00
Cynthia E. Newman, 400 North Washington Street Alexandria, VA 22314	Professional Insurance Agents	500.00	270.00
George S. Newman, 7915 Jones Branch Dr. McLean, VA 22102	BDM International, Inc		37.00
William B. Newman Jr., P.O. Box 23451 Washington, DC 20024	Consolidated Rail Corporation	5,500.00	
Newman & Holtzinger, P.C., 1615 L St., NW, #1000 Washington, DC 20036	Utility Nuclear Waste Management Group		
Sharon Newsome, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	4,502.06	
Todd C. Nichols, 1600 Seattle Tower Seattle, WA 98101	Francis & Nichols (For:Ueki America Corp)	120.00	
E. Bruce Nicholson, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Thomas Nickels, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	5,144.00	427.55
Patrick J. Nilan, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	14,527.99	1,399.52
Nissan Motor Corporation, U.S.A., 1919 Pennsylvania Avenue, NW, #707 Washington, DC 20006			
Peter Nixon, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	American Free Trade Assn, Inc	1,743.75	35.00
Do	Bausch & Lomb		
Do	Thompson Medical Co		
Barbara D. Nocera, 905 L'Enfant Plaza, SW Washington, DC 20024	Honda North America, Inc	200.00	62.54
A. Allan Noe, 655 - 15th St. NW, #975 Washington, DC 20005	Unilever United States, Inc	1,500.00	636.16
Robert W. Nolan, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn	100.00	
Walker F. Nolan, 1111 19th St., NW, 9th Fl. Washington, DC 20036	Edison Electric Institute	10,276.93	882.51
Robert I. Nooter, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,312.51	11.65
David F. Norcross, 1010 Kings Highway So., #2-C Cherry Hill, NJ 08034	National Check Cashers Coalition	6,505.00	1,454.55
Julia J. Norrell, 1001 Pennsylvania Avenue, NW Washington, DC 20004	American Council of Life Insurance, Inc	5,325.00	
North American Export Grain Assn, Inc, 1747 Pennsylvania Ave., NW, #1175 Washington, DC 20006			
North American Telecommunications Assn, 2000 M St., NW, #550 Washington, DC 20036		11,497.52	11,497.52
Northeast Utilities Service Co, Selden St. Berlin, CT 06037			2,177.78
Northern Telecom, Inc, 600 Maryland Avenue, SW, #605 Washington, DC 20024			
Graham T. Northup, 2333 Highland Avenue Falls Church, VA 22046	Golembe Associates	4,000.00	130.00
Do	Sanwa Bank Ltd		
Edward M. Norton Jr., 1660 L St., NW, #812 Washington, DC 20036	Grand Canyon Trust		
Mary Jane Norville, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	200.00
NorLight, 579 D'Onofrio Dr., 2nd Floor Madison, WI 53719			240.00
Nathan Note, Box 373 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
P. Michael Nugent, Suite 1300, North Tower 1331 Pennsylvania Ave., NW Washington, DC 20004	EDS Corporation	32.00	39.74
Patrick J. Nugent, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	8,581.27

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Silas O. Nunn, 1110 Vermont Avenue, NW, #1250 Washington, DC 20005	Shipbuilders Council of America	1,500.00	
Ralph D. Nurnberger, 500 North Capitol Street, NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	12,966.00	1,159.18
C. D. Nyberg, P.O. Box 800 Austin, MN 55912	Geo. A. Hormel & Co		
Hubert K. O'Bannon, 50 F Street, NW Washington, DC 20001	Association of American Railroads	134.15	470.80
George O'Bea Jr., 815 16th Street, NW, #701 Washington, DC 20006	United Paperworkers International Union		
Dinah K. O'Berry, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	8,205.00	195.97
Coleman C. O'Brien, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	8,313.00	183.00
Mary Eileen O'Brien, 1800 M St., NW, Suite 710 South Washington, DC 20036	Dow Corning Corp		
Michael P. O'Brien, 1004 Duke Street Alexandria, VA 22314	American Subcontractors Assn	900.00	
Raymond V. O'Brien, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	2,000.00	150.00
Rosemary L. O'Brien, 2550 M St., NW, #640 Washington, DC 20037	CF Industries, Inc	500.00	101.17
Thomas H. O'Brien, P.O. Box 69, The Cay Key Colony Beach, FL 33051	Harris Corporation	2,500.00	475.00
David O'Brien & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	A. L. Williams & Company	7,000.00	104.00
David S. O'Bryon, 7297 Lee Highway, Unit N Falls Church, VA 22042	American Textile Machinery Assn	300.00	
Shannon O'Chester, 122 C Street, NW, #800 Washington, DC 20001	Concerned Women for America		
Frank J. O'Connell, 148 South Maple Avenue Kingston, PA 18101	Pennsylvania Power & Light Co	281.52	70.00
James J. O'Connell, 1201 Pennsylvania Avenue, NW, #370 Washington, DC 20004	Control Data Corporation	111.00	192.99
Richard T. O'Connell, Richard T. O'Connell & Associates, Inc 3208 Traveler Street Fairfax, VA 22030	Chocolate Manufacturers Assn of the USA		
Do	National Confectioners Assn of the U.S		
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Company (For:Westinghouse Electric Corp)		
William B. O'Connell, 111 East Wacker Dr. Chicago, IL 60601	U.S. League of Savings Institutions	25,375.00	3,005.68
Charles Albert O'Connor Jr., 200 N. Pickett Street, #810 Alexandria, VA 22304			
K. James O'Connor Jr., 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	46.10
Patrick C. O'Connor, 1211 Connecticut Ave., NW, #302 Washington, DC 20036	American Supply Association	8,693.99	3,086.02
Do	American Warehousemen's Association		
Do	National Assn of Fleet Administrators	9,660.25	3,424.95
Do	Steel Tank Institute	11,877.67	4,209.84
Do	Transportation Lawyers Assn		
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Alliance for Capital Access		
Do	American Bus Assn	11,184.06	
Do	American Businesses for Int'l Trade	15,000.00	
Do	American Clinical Laboratory Assn	1,250.00	
Do	American Family Life Assurance Co		
Do	American Inst of Certified Public Accountants	14,447.00	
Do	American Maritime Transport, Inc		
Do	American Soc of Assn Executives	6,299.06	
Do	American Soc of Cataract & Refractive Surgery	4,500.00	
Do	American Trucking Assns, Inc		
Do	Arthur Andersen & Co	1,000.00	
Do	California Student Loan Finance Corp	1,037.83	
Do	Center for Environmental Education, Inc		
Do	ChemWaste Management, Inc		
Do	China External Trade Development Council	5,400.00	
Do	City of Minneapolis	500.00	
Do	Coca-Cola Company	12,500.00	
Do	Connaught Laboratories, Inc	17,910.63	
Do	Corcoran Mullins Jennison		
Do	CNA Insurance Co	1,914.33	
Do	Distilled Spirits Council of the U.S., Inc	1,000.00	
Do	Drexel Burnham Lambert, Inc		
Do	Eastern Michigan University	200.33	
Do	Electronic Data Systems Corp		
Do	Embassy of Bolivia	3,000.00	
Do	Government of Netherlands Antilles	9,200.00	
Do	Health Care Financing Study Group		
Do	Hennepin County	400.00	
Do	Historic Landmarks for Living		
Do	Independent Advertising Council		
Do	Independent Computer Consultants Assn	4,176.25	
Do	Investment Company Institute	2,578.00	
Do	Journal Newspapers		
Do	Kawasaki Kisen Kaisha, Ltd		
Do	Martin Marietta Corp	4,800.00	
Do	Mexican Cement Chamber	6,000.00	
Do	Miller & Schroeder Financial, Inc		
Do	Minnesota Mutual Life Insurance Co		
Do	Mitchell Sweet & Associates	600.00	
Do	Morgan Grenfell Group, PLC		
Do	National Apartment Assn	1,000.00	
Do	National Assn of Portable X-Ray Providers		
Do	National Assn of Private Enterprise of El Salvador	9,000.00	
Do	National Club Association		
Do	New York City Council	750.00	
Do	Pacific Telesis Group	9,474.00	
Do	Philadelphia Stock Exchange	1,700.00	
Do	Primark Corporation	4,207.19	
Do	Prudential Insurance Co of America	1,743.00	
Do	Roberts & Shefelman		
Do	Joseph E. Seagram & Sons, Inc	1,114.37	
Do	Securities Industry Assn	10,685.00	
Do	SmithKline Beckman Corp	6,505.63	
Do	State of Alaska	10,893.00	
Do	State of West Virginia		
Do	United Illuminating Co		
Do	Westinghouse Electric Corp	1,000.00	
Thomas A. O'Day, 1629 K St., NW, #1010 Washington, DC 20006	Alliance of American Insurers	800.00	
John F. O'Donnell, 1111 14th St., NW, #1100 Washington, DC 20005	American Dental Assn	1,000.00	
J. Daniel O'Flaherty, 1625 K St., NW, #1090 Washington, DC 20006	National Foreign Trade Council	5,000.00	400.00
Daniel J. O'Grady, 815 16th St., NW, #310 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	3,216.00	78.30
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	15,019.03	255.47
Terri O'Grady, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	1,052.70	257.34
Barbara E. O'Hara, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	125.00	
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	Amax, Inc		
Do	Dulles Access Transit Corp	12,000.00	216.51
Do	Holden Group, Inc (Public Employer Benefits Council)		
Joseph O'Neil, 1600 M St., NW Washington, DC 20037	ITT Corporation	2,500.00	50.00
John Vincent O'Neill, 13411 Running Pump Ct. Herndon, VA 22071	Institute of Electrical & Electronics Engineers	2,344.00	639.00
Joseph P. O'Neill, 1616 H Street, NW Washington, DC 20006	American Retail Federation	2,400.00	160.00
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	Allegheny County Commission		
Do	Bank of New England		
Do	Business Roundtable	1,400.00	
Do	BHC, Inc		
Do	Chris-Craft Industries, Inc		
Do	Connecticut Bank & Trust Corp		
Do	Cruise America Line, Inc		
Do	Glass Packing Institute		
Do	Massachusetts General Hospital		
Do	Massachusetts Hospital Assn		
Do	Milk Industry Foundation		
Do	National Assn of Jai-Alai Frontons, Inc		
Do	National Football League		
Do	National Gas Pipeline Coalition		
Do	New England Deaconess Hospital	750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Northwestern Mutual Life		
Do	Pyrotechnic Signal Manufacturers Assn		
Do	Sears Roebuck & Co	200.00	
Do	Source Data Network		
Do	Texas Utilities Co		
Do	USX Corporation		
Rita W. O'Rourke, 1875 Eye St., NW, #800 Washington, DC 20006	Tobacco Institute	600.00	
J. Denis O'Toole, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	8,500.00	
John E. O'Toole, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	2,500.00	750.00
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	3,813.22
Jana R. Oakley, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers		
Paul C. Oakley, 50 F Street, NW Washington, DC 20001	Association of American Railroads		
Harry R. Obley, One Mellon Bank Center, #3003 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al.	2,000.00	1,362.70
Kim M. Oboz, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	550.00	1,905.04
Thomas J. Oden, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	4,062.79	82.45
Neil H. Offen, 1776 K Street, NW Washington, DC 20006	Direct Selling Association		
Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	
Ogilvy & Mather, 1901 L Street, NW Washington, DC 20036			
Marion Browne Oglesby Jr., 499 South Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Oglesby, Inc (For:Boys Scouts of America)		
Do	Hecht Spencer & Oglesby, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Oglesby, Inc (For:BATUS, Inc)		
Do	Hecht Spencer & Oglesby, Inc (For:CSX Corporation)		
Do	Hecht Spencer & Oglesby, Inc (For:Freedom & Justice for Cyprus Trust)		
Do	Hecht Spencer & Oglesby, Inc (For:Great Western Financial Corp)		
Do	Hecht Spencer & Oglesby, Inc (For:Hong Kong Trade Development Council)		
Do	Hecht Spencer & Oglesby, Inc (For:Illinois Department of Energy & Natural Resources).		
Do	Hecht Spencer & Oglesby, Inc (For:Kansas City Southern Industries, Inc)		
Do	Hecht Spencer & Oglesby, Inc (For:Multinational Business Services)		
Do	Hecht Spencer & Oglesby, Inc (For:Mutual Fairness Taxation Assn)		
Do	Hecht Spencer & Oglesby, Inc (For:Western Growers Association)		
R. Teel Oliver, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	687.50	500.00
Eric Olson, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	815.26	
Gerald L. Olson, Pillsbury Center, MS 3771 Minneapolis, MN 55402	Pillsbury Company		
Lisa M. Olson, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Asociates, Inc (For:The Limited, Inc)	1,375.00	
Do	McDonnell Douglas Astronautics Co	1,375.00	
Richard C. Olson, 2000 Edmund Valley Drive, #400 Reston, VA 22091	Citibank, N.A.		
Do	DynCorp	3,490.00	3,390.00
Roy E. Olson, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
Omega International, Inc, 11 Carriage House Circle Alexandria, VA 22304	Los Angeles-Long Beach Harbor Repair Council	200.00	
Do	Signal Landmark	500.00	
Do	United Engineers & Constructors	300.00	
Clark Onstad, 1201 Pennsylvania Ave., NW, #300 Washington, DC 20004	Texas Air Corp, et al.	8,750.00	4,904.00
Philip C. Onstad, 500 West Putnam Avenue Greenwich, CT 06832	Control Data Corporation	200.00	
Charles J. Orasin, 1400 K Street, NW, #500 Washington, DC 20005	Handgun Control, Inc	9,911.00	
Organ. for Protection & Advancement of Small Telephone Cos, 2000 K Street, NW, #205 Washington, DC 20009			
Elvira J. Orly, 1001 Pennsylvania Ave., NW, #700 Washington, DC 20004-2502	Allied-Signal, Inc		
Edward R. Osann, 1412 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	31.33	
Roger D. Oswalt, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:Australian Barley Board)	1,500.00	
Do	Keene Shirley & Associates, Inc (For:CSR, Ltd)	1,500.00	
Do	Keene Shirley & Associates, Inc (For:Limited, Inc)	1,500.00	
Do	Keene Shirley & Associates, Inc (For:McDonnell Douglas Astronautics Co)	1,500.00	
Do	Keene Shirley & Associates, Inc (For:National Farmers' Federation of Australia)	1,500.00	
J. F. Otero, 815 16th Street, NW Washington, DC 20006	Tranpsortation Communications Union	1,000.00	300.00
Karl Ottosen, 208 G Street, NE Washington, DC 20002	NL Industries, Inc	7,500.00	
Do	U.S. Federation of Small Businesses, Inc	1,500.00	
Gene E. Overbeck, 1101 17th Street, NW Washington, DC 20036	American Airlines, Inc	2,125.00	95.05
Overseas Education Assn, 1201 16th Street, NW Washington, DC 20036		1,375.00	139.23
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	American Savings Financial Corp	6,875.00	1,081.86
Do	Dollar Savings Bank, et al	37,687.50	6,168.36
Do	Washington Physicians Service		
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	900.00	100.00
Allen Scott Pack, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd, et al		
Joel Packer, 1201 16th Street, NW Washington, DC 20036	National Education Assn	2,722.70	444.50
Lee W. Paden, P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Pagonis & Donnelly Group, 1620 Eye St., NW, #202 Washington, DC 20006	Algoma Steel Corp, Ltd, et al		
Do	ABB, Inc	4,912.50	67.95
Do	Burroughs Wellcome Co	8,100.00	339.56
Do	City of Pompano Beach	750.00	
Do	Dow Chemical USA	3,000.00	
Do	Harrah's, Inc		
Do	Holiday Corp	13,668.75	24,421.04
Do	Management Compensation Group	2,730.00	
Do	National Wool Growers Assn	7,500.00	105.35
Do	Nord Resources Corp		
Henry S. Palau, 201 N Washington St. Alexandria, VA 22134	Retired Officers Assn		
Benjamin L. Palumbo, 1629 K St., NW Washington, DC 20006	Atlantic Richfield Co	21,937.50	
Do	European Community	19,800.00	
Palumbo & Cerrell, Inc, 1629 K St., NW Washington, DC 20006	American Soc of Composers Authors & Publishers	54,000.00	
Do	RJR Nabisco, Inc	12,000.00	
Do	Southern California Rapid Transit District	15,000.00	
Pan American Satellite Corp, One Pickwick Plaza Greenwich, CT 06830			6,065.00
Peter J. Pantuso, 7900 Westpark Drive, A-320 Mclean, VA 22102	National Confectioners Assn of the U.S.		1,650.00
Marcia M. Pape-Daniels, 1201 Pennsylvania Ave., NW, #250 Washington, DC 20004	CH2M Hill	750.00	
G. Oliver Papps, N.J. Petroleum Council 170 W. State St. Trenton, NJ 08608	American Petroleum Institute	265.00	316.82
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Nancy L. Parke, 210 Little Falls Street Falls Church, VA 22046	American Cong. on Survey. & Mapp./Amer Soc of Photogrammetry	2,692.25	3,336.00
Alan A. Parker, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	5,000.00	100.00
David N. Parker, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute		38.33
John N. Parker, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	375.00	
Kimberly C. Parker, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	9,815.81	267.72
Tom V. Parker, Arkansas Petroleum Council 460 Twin City Bank Bldg. North Little Rock, AR 72114	American Petroleum Institute	426.00	910.05
Benjamin G. Parks III, 1919 Pennsylvania Avenue, #300 Washington, DC 20006	National Forest Recreation Assn	750.00	346.00
Do	National Inholders Assn	7,920.00	376.00
Carl M. Parks, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	5,000.00	475.00
Ann M. Parman, 1015 15th St., NW, #1240 Washington, DC 20005	National Manufactured Housing Federation	100.00	
Amber Parson, 7901 Westpark Drive McLean, VA 22102	National Machine Tool Builders' Assn	1,000.00	500.00
Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	2,500.00	
Jack Partridge, 1014 Vine St. Cincinnati, OH 45201	Kroger Company	2,500.00	1,279.18
Richard E. Pasco, 1015 15th St., NW, #402 Washington, DC 20005	National Pork Producers Council	2,000.00	9.00
DeLane Pate, c/o Dow, Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products Ltd		
Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903	American Petroleum Institute		200.00
Jerry M. Patterson, 3200 Park Center Dr., #650 Costa Mesa, CA 92626	Burke Williams & Sorensen (For:City of Huntington Beach)	242.00	
Do	Burke Williams & Sorensen (For:City of Santa Ana)		
Richard M. Patterson, 1800 M St., NW, #700 South Washington, DC 20036	Dow Chemical Co	500.00	4,925.00
Kenton H. Pattie, 3150 Spring St. Fairfax, VA 22031	International Communications Industries Assn	4,069.00	247.25
David J. Pattison, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Patton Boggs & Blow, 2550 M St., NW Washington, DC 20037	Ad Hoc Group for 8(a) Reform		
Do	Aiwa America, Inc	0.37	
Do	Akai America, Ltd	0.58	
Do	Alexander & Baldwin, Inc		
Do	American Congress on Surveying & Mapping	2,367.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	American Express Co		
Do	American International Automobile Dealers Assn	720.00	47.00
Do	American Logistics Assn	1,000.00	
Do	American Maritime Assn		
Do	Association of Professional Flight Attendants		
Do	Association of Trial Lawyers of America	3,810.00	50.00
Do	Atacra Trustees	900.00	90.00
Do	ALTA Technology		
Do	Biogen		
Do	BATUS, Inc		
Do	Cadawalader Wickersham & Taft		
Do	Chelsea Property Owners		
Do	Chemfix Technologies, Inc	1,880.00	
Do	Chicago Board Options Exchange		
Do	Chrysler Corporation		
Do	City & County of Denver	5,332.50	
Do	Coalition on State Use Taxes	6,000.00	30.25
Do	College Savings Bank	360.00	55.00
Do	Columbia Farm Credit District		
Do	Columbia, Inc	0.06	
Do	Computerland Corporation		
Do	Costa Rican Foreign Trade Committee		
Do	Council of Graduate Schools	87.50	20.00
Do	Crowley Maritime Corp		
Do	Cryolife, Inc		
Do	Dealer Action Association		
Do	Dole Fresh Fruit Co		
Do	Dredging Industry Size Standards Committee (DISSC)	400.00	
Do	Duty Free Shoppers Group, Ltd	300.00	
Do	DOYON, Ltd	680.00	61.50
Do	Fiart Cantieri Italiani, S.P.A.	3,671.25	
Do	Fidelity Investors		
Do	Fishing Vessel Owners' Assn	550.00	16.00
Do	Flint Industries		
Do	Freedom to Advertise Coalition	835.00	
Do	Fuji Photo Film USA, Inc	1.27	
Do	Fundacion de Defensa del Comerio Exterior		
Do	Government of the Republic of the Marshall Islands	800.00	32.00
Do	Great Western Financial Corp		
Do	G. Heilman Brewing Co, Inc	225.00	10.00
Do	Hitachi Sales Corp of America	16.93	
Do	Hobby Industries Assn		
Do	Hotel Dieu Hospital		
Do	Immune Response Corp		
Do	Incorporated Research Institutions for Seismology	160.00	
Do	Institute of Scrap Iron & Steel, Inc	360.00	23.00
Do	Kaiser Aluminum & Chemical Corp		
Do	Kenwood USA Corporation	0.37	
Do	Litton Industries, Inc		
Do	Loan America Financial Corp		
Do	Loop, Inc		
Do	Marathon Oil Co	640.00	
Do	Mars, Inc		
Do	Mass Mutual	700.00	140.21
Do	Matson Navigation Co		
Do	Matsushita Electric Corp of America	29.87	
Do	Maxell Corp of America	2.31	
Do	May Department Stores Co	180.00	35.00
Do	Metropolitan Life	350.00	310.23
Do	Minerals Marketing Corp of Zimbabwe		
Do	Mitsubishi Electric Sales of America, Inc	6.22	
Do	Mocatta Metals Corp		
Do	Mutual Benefit Life		
Do	Mutual Legislative Committee	700.00	162.76
Do	MCI Telecommunications, Inc	112.50	
Do	Nakajima All Co, Ltd	920.00	32.00
Do	Nakamichi USA	0.33	
Do	National Assn for Foreign Student Affairs		
Do	National Assn of Life Underwriters	350.00	125.00
Do	National Assn of Retail Druggists		
Do	National Cable Television Assn, Inc	1,080.00	
Do	National Intergroup, Inc	1,650.00	
Do	National Marine Manufacturers Assn	1,800.00	36.00
Do	National Soft Drink Assn		
Do	Navajo Nation		
Do	New Process Co		
Do	New York Life Insurance Co	475.00	290.24
Do	Newmont Mining Corp		
Do	Northwestern Mutual Life	350.00	7.00
Do	NEC Electronics (USA) Inc	0.92	
Do	Onkyo USA Corp	0.20	
Do	Options Clearing Corp		
Do	OSG Bulk Ships, Inc	260.00	16.00
Do	OTASCO, Inc		
Do	Paine Webber, Inc		
Do	Pioneer Electronics (USA), Inc	0.51	
Do	Reader's Digest Assn, Inc		
Do	William G. Reed		
Do	Retail Industry Trade Action Coalition	175.00	
Do	Retail Tax Committee		
Do	Rice Millers' Assn		
Do	Sansui Electronics Corp	0.53	
Do	Sanyo Electronics, Inc	14.55	
Do	Sharp Electronics Corp	9.12	
Do	Shell Oil Co		
Do	Smokeless Tobacco Council, Inc		
Do	Sony Corp of America	9.27	
Do	Squibb Corporation		
Do	State of Louisiana, Department of Conservation		
Do	Sultantate of Oman	1,500.00	15.00
Do	Teac Corp of America	0.45	
Do	Toshiba America, Inc	5.52	
Do	TDK USA Corp	2.86	
Do	U.S. Air, Inc		
Do	U.S.A. Coalition/Fishing Vessel Reflagging		
Do	Union Pacific Corp	1,500.00	50.25
Do	Unitary Tax Campaign		
Do	Universal Lottery Co	1,000.00	
Do	US JVC Corporation	10.12	
Do	Yamaha Electronics Corp, USA	0.13	
Andrew R. Paul, 1875 Eye Street, NW, #940 Washington, DC 20006	Gulf & Western, Inc	4,000.00	141.88
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Amdahl Corporation	1,865.00	
Do	CalMat Company		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	GAF Corporation		
Do	Kawasaki Motors Corp, USA	6,127.50	
Do	Oglethorpe Power Corp		
Do	Security Life of Denver	3,212.50	
Do	Tobacco Institute	1,437.50	
Nell Payne, 111 Massachusetts Ave., NW, 3rd Floor Washington, DC 20001	Turner Broadcasting System, Inc	1,625.00	
Tommy J. Payne, 1875 Eye St., NW, #800 Washington, DC 20006	Tobacco Institute	800.00	81.89
Richard A. Paysor, 1415 Elbridge Payne Rd., #135 St. Louis, MO 63017	First Capitol Associates - Gateway, Inc		
Marc A. Pearl, 815 15th St., NW, #711 Washington, DC 20005	Americans for Democratic Action	15,000.00	
Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa		
Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa	15,000.00	54.10
Joe P. Peck Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Elin Peltz, 1511 K St., NW, #723 Washington, DC 20005	Hawaiian Sugar Planters' Assn		
Humberto R. Pena, 1155 15th St., NW Washington, DC 20005	Bristol-Myers Co	500.00	
Margaret Pena, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	10,123.80	14.20
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	1,250.00	
Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101			1,547.21
Pennwalt Corporation, Three Parkway Philadelphia, PA 19102			4,751.99
Joseph M. Penot Sr., 100 Indiana Ave, NW, #311 Washington, DC 20001	Radio Officers Union	13,749.00	
Pension Real Estate Assn, 1129 20th Street, NW, #705 Washington, DC 20036			
Victor J. Perini Jr., 1776 Massachusetts Ave., NW Washington, DC 20036	Highway Users Federation for Safety & Mobility		
James W. Perkins, 1 Beacon Street, Rm. 2200 Boston, MA 02108	National Assn of Bond Lawyers, et al		
Perkins Coie, 1110 Vermont Ave., NW, #1200 Washington, DC 20005	Boeing Company		
Do	Burlington Northern, Inc		
Do	Cook Inlet Region, Inc		
Do	Kootznoowoo, Inc		
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Perkinson & Associates, Inc (For:Beneficial Management Corp of America)		
Do	Perkinson & Associates, Inc (For:National Second Mortgage Assn)		
Do	Perkinson & Associates, Inc (For:Save Home Equity Deductions (SHED))		
Perkinson & Associates, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Do	National Second Mortgage Assn		
Do	Save Home Equity Deductions (SHED)		
Ernest Michael Perley, 112 St Clair Ave., W., #401 Toronto, Ontario M4v 2y3	Canadian Coalition on Acid Rain		
Jeffry L. Perlman, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	3,250.00	306.36
Kate M. Perry, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation		
Susan Perry, 1025 Connecticut Avenue, NW Washington, DC 20036	American Bus Assn	2,687.50	75.00
Mark Pertschuk, 2054 University Ave., #500 Berkeley, CA 94704	Americans for Nonsmokers' Rights		
Phillips S. Peter, 1331 Pennsylvania Avenue, NW—Suite 800-s Washington, DC 20004	General Electric Co	250.00	
Michael W. Peters, 5709 W. 21st St., P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc	1,650.00	346.50
Robert Peters, 342 West 15th Street New York, NY 10011	Morality in Media, Inc	2.83	
Esther Peterson, 2001 S St., NW, #510 Washington, DC 20009	International Organization of Consumers Unions		
Geoffrey G. Peterson, 1250 Eye St., NW, #900 Washington, DC 20004	Distilled Spirits Council of the U.S., Inc	2,000.00	
Kenneth W. Peterson, Kansas Petroleum Council 1005 Merchants Bank Tower Topeka, KS 66612	American Petroleum Institute		
Lars E. Peterson, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	500.00	
Mary B. Peterson, 700 New Hampshire Ave., NW Washington, DC 20037	General Motors Corp	4,000.00	76.00
Mary Jo Peterson, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
Sheryl L. Peterson, 1101 14th St, NW Washington, DC 20005	American Financial Services Assn	250.00	
Peterson Engberg & Peterson, 1730 M St., NW, #907 Washington, DC 20036	Federated Research Corp	26,000.00	1,169.59
Susan F. Petniunas, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Michael J. Petrina Jr., 1110 Vermont Avenue, NW, #800 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc		
Petroleum Marketers Assn of America, 1120 Vermont Ave., NW, #1130 Washington, DC 20005		205,525.00	20,444.76
Evelyn A. Petschek, 1730 Pennsylvania Ave., NW Washington, DC 20006	Patterson Belknap Webb & Tyler (For:Cultural Institutions Retirement Systems)		
Do	Patterson Belknap Webb & Tyler (For:Financial Institutions Retirement Fund)	11,098.00	
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
Annabelle Petys, 1500 10th Avenue, North, Apt. 3 St. Petersburg, FL 33705			137.30
Peyser Associates, Inc, 1000 Vermont Ave., NW, #400 Washington, DC 20005	City of Philadelphia		
Do	Juvenile Products Manufacturers Assn	3,750.00	
Do	Metro	4,600.00	
Do	Metropolitan Toledo Consortium	46,875.00	
Do	National School Health Education Coalition	5,100.00	
Do	New York State Bridge Authority	3,000.00	
Do	Regional Transit Authority	13,500.00	
Do	Southeastern Pennsylvania Transit Authority	9,000.00	
Robert X. Peyton, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Steven J. Pfister, 1000 Connecticut Avenue, NW Washington, DC 20036	National Retail Merchants Assn	2,000.00	190.93
Kurt Pfotenhauer, 1120 20th Street, NW, #600 South Washington, DC 20036	Union Pacific Corp	5,000.00	93.65
James R. Phalen, 1100 Connecticut Avenue, NW, #535 Washington, DC 20036	MAPCO, Inc	3,570.00	
Pharmaceutical Manufacturers Assn, 1100 15th Street, NW, #900 Washington, DC 20005		31,155.40	31,155.40
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co	4,577.25	442.01
Dennis J. Phelan, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	3,750.00	100.00
Do	Pacific Seafood Processors Assn	7,500.00	632.00
Mary Frances Phelps, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		40.00
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation	6,800.00	6,686.37
William W. Phelps, P.O. Box 2159 Dallas, TX 75221	American Petrofina, Inc	21,000.00	3,996.32
Deborah M. Phillips, 1155 21st Street, NW, 4th Fl. Washington, DC 20036	General Instrument Corporation		
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston		
Janet K. Phillips, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	795.00	
Patricia Lynn Phillips, P.O. Box 10891 McLean, VA 22102	National Assn of State Agencies for Food Distribution	6,600.00	
William G. Phillips, 417 Sixth Street, SE Washington, DC 20003	Association of Univ Environmental Health Science Centers	6,000.00	480.44
Do	Association of Univ Programs in Occupational Health & Safety	11,050.00	972.83
Do	Metal Trades Department, AFL-CIO	3,725.00	232.73
Phillips Nizer Benjamin Krim & Ballon, c/o Tibero Schwartz 40 West 57th Street, 32nd floor New York, NY 10019	Riverbay Corp	10,300.00	940.32
Paul J. Phoenix, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Dan Phythyon, 1771 N St., NW Washington, DC 20036	National Assn of Broadcasters	1,650.00	268.43
Joan Piccolo, 1776 K Street, NW, #300 Washington, DC 20006	Motorola, Inc	4,000.00	
Paulette C. Pidcock, 1100 Connecticut Avenue, NW, #530 Washington, DC 20036	Baltimore Gas & Electric Co	416.27	97.87
Janice Pieper, 1775 K Street, NW Washington, DC 20006	United Food & Commercial Workers Int'l Union	3,365.38	176.55
Pierson Semmes & Finley, 1054 31st Street, NW Washington, DC 20007	Mauritius Sugar Syndicate		
Do	Oklahoma Natural Gas Company		
Do	Six Flags Corporation		2.74
Susan G. Pikrallidas, 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
John H. Pilcher, 1331 Pennsylvania Ave.,NW, #1500 Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Pillsbury Madison & Sutro, 1667 K St., NW, #1100 Washington, DC 20006	D. L. Berger Associates, Inc	755.00	24.00
Do	Grocery Manufacturers of America, Inc		
Do	Pfizer, Inc		
Do	Temis Ramires de Arellano		
Jane Pinsky, 1101 14th St., NW, #200 Washington, DC 20005	American Nurses' Assn	4,625.00	1,011.90
Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	1,121.00	
Robert Pipkin Jr., Pearson & Pipkin, Inc 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa		
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
Reuben C. Plantico, 111 SW Columbia, #800 Portland, OR 97201	Nerco, Inc	4,475.00	589.24
Wyll W. Pleger, 1150 Connecticut Ave., NW, #205 Washington, DC 20036	Brown & Root, Inc		
Martha Rachel Plotkin, 2300 M Street, NW, #910 Washington, DC 20037	Police Executive Research Forum	1,823.92	31.00
John A. Poindexter, 3805 West Alabama Houston, TX 77027	Columbia Gulf Transmission Co	15,000.00	
Gerry Poje, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	789.58	
Michele Pollak, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	574.55	244.55
Alfred M. Pollard, 1155 Connecticut Ave., NW, #1130 Washington, DC 20036	Security Pacific National Bank	2,543.00	650.00
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	Meadows Recovery Center		
Richard Popkin, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)		
Do	Swidler & Berlin (For:Majestic Shipping Services Corp)		
Edward T. Porcaro, 1615 L Street, NW, #1210 Washington, DC 20036	Metropolitan Life Insurance Cos	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Port of Seattle, P.O. Box 1209 Seattle, WA 98111			
Portable Power Equipment Manufacturers Assn, 4720 Montgomery Lane, #514 Bethesda, MD 20814			
Porte Stafford & Associates, 1050 17th Street, NW, #840 Washington, DC 20036	American Medical Records Assn	3,000.00	
Do	National Assn of Medical Directors of Respiratory Care	6,000.00	
Do	National Dialysis Assn	9,000.00	
Carol Alice Porter, 1000 Connecticut Ave., NW, #1002 Washington, DC 20006	Wildlife Legislative Fund of America	5,867.22	
Porter Wright Morris & Arthur, 41 South High Street Columbus, OH 43215	Coalition for Environmental Energy Balance		3,639.32
Potomac Advisory Group, P.O. Box 20655 126 S. Washington Street Alexandria, VA 22320			
Joseph L. Powell Jr., 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather		
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Association of Bank Holding Cos	23,350.00	
Do	Bayley Seton Hospital		
Do	Chase Manhattan Bank, N.A.		
Do	Committee for Competitive Marketing	45,718.62	
Do	Council of State Housing Agencies	633.00	
Do	CORTECH	6,930.00	
Do	Federal National Mortgage Assn		
Do	Flood Control Advisory Committee		
Do	Hitachi Sales Corp of America	210.00	
Do	International Telecommunications Satellite Organization	4,423.00	
Do	Massachusetts Housing Finance Agency		
Do	National Development Service Corp		
Do	National Investment Development Corp		
Do	National Multi Housing Council		
Do	Owens-Illinois, Inc	10,719.00	
Do	Societe Generale de Surveillance, S.A.	9,832.00	
Do	Starrett Housing Corp		
Do	Westinghouse Electric Corp	4,360.00	
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	15,019.03	440.05
Frederick W. Powers III, 223 Perimeter Center Parkway P.O. Box 89000 Atlanta, GA 30356-9000	Siemens Energy & Automation, Inc		
Graydon R. Powers Jr., 1101 16th St., NW Washington, DC 20036	Scientific Apparatus Makers Assn		
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Dollar Bank, Federal Savings Bank		1.24
David J. Pratt, 1130 Connecticut Ave., NW, #100 Washington, DC 20036	American Insurance Assn	620.00	90.00
Robert L. Pratt, 125 Second Avenue Waltham, MA 02254	Thermo Electron Corporation	4,100.00	1,164.00
Richard H. Prendergast, 1020 19th St., NW Washington, DC 20036	Anderson Benjamin Read & Haney (For:De La Rue Giori of America, Inc)		
Do	Anderson Benjamin Read & Haney (For:SICPA Industries of America, Inc)		
Preston Thorgrimson Ellis & Holman, 1735 New York Avenue, NW, #500 Washington, DC 20006	Alaska Loggers Assn		
Do	American Nuclear Insurers		
Do	American President Lines		
Do	Bay Tankers Inc		
Do	Bellingham Cold Storage		
Do	Boeing Company		
Do	Calista Corp		
Do	Council on Research & Technology		
Do	COMPACT		
Do	Data General Corp	1,651.00	
Do	Design Professionals Coalition		
Do	Dragnet Fisheries, Inc		
Do	Hewlett-Packard Co		
Do	Intelsat	250.00	
Do	Kellogg Company		
Do	Lutheran Medical Center		
Do	Marine Management, Inc		
Do	Martin Marietta Corp		
Do	Martin's Point Health Care Center		
Do	McDonnell Douglas Corp		
Do	Moore McCormack Resources, Inc	11,931.50	
Do	Mutual Atomic Energy Liability Underwriters		
Do	National Council on Compensation Insurance		
Do	Pacific Medical Center		
Do	Port of Seattle		
Do	Professional Services Council		
Do	Seaboard Pacific Co	4,976.00	
Do	South Dakota Dept of Transportation	407.00	
Do	Sunmar Shipping, Inc		
Do	Transportation Institute		
Do	Tri-City Industrial Development Council	80.00	
Do	University of Michigan Hospitals		
Do	University of Washington		
Do	Waste Management, Inc		
Do	Xerox Corp		
James M. Price, 730 Polk Street San Francisco, CA 94109	Sierra Club		
Robert V. Price, 1150 Connecticut Avenue, NW, #500 Washington, DC 20036	Browning-Ferris Industries, Inc	4,500.00	70.00
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	Investment Company Institute		
Do	Wolverine Exploration	278.00	6.50
Patricia Pride, 1129 20th St., NW Washington, DC 20036	Financial Accounting Foundation	412.09	62.82
Joel Pritchard, Bogle & Gates One Thomas Circle, NW, #900 Washington, DC 20005	International Telecommunications Satellite Organization		
George W. Pritts Jr., 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	1,875.00	295.41
Pro-Life CDAC 12, P.O. Box 7145 Menlo Park, CA 94025			
Sydney Probst, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Procompetitive Rail Steering Committee, c/o Vuono, Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219		69,500.00	35,340.55
Stuart E. Proctor Jr., 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	12,000.00	934.19
Product Liability - Sports, 200 Castlewood Drive North Palm Beach, FL 33408		6,000.00	5,664.99
Profit Sharing Council of America, 20 N. Wacker Drive Chicago, IL 60606			
Project Cure, Inc, 2020 K St., N.W. Suite 350 Washington, DC 20006			
Proprietary Association, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036			
Prudential-Bache Securities, Inc, 100 Gold St. New York, NY 10292			
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc	255.00	
Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006		66,901.18	21,921.45
Public Employer Benefits Council, 555 13th Street, NW #500-W Washington, DC 20004			
Public Timber Purchasers Group, 610 SW. Broadway, #608 Portland, OR 97205		20,250.00	28,322.39
Theresa Pugh, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
Philip N. Pulizzi Jr., 1000 16th Street, NW, #800 Washington, DC 20036	Bethlehem Steel Corp	110.00	
David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	1,000.00	
John R. Purcell, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	500.00	
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	2,475.00	155.84
Do	Florida Progress Corp	625.00	38.96
Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Howard Pyle III, 1050 17th Street, NW, #550 Washington, DC 20036	Houston Lighting & Power Company	5,100.00	
Robert N. Pyle & Associates, 3222 N Street, NW, #32 Washington, DC 20007	Ceramatec, Inc	2,750.00	75.00
Do	Elkem Metals Company	4,250.00	84.00
Do	Independent Bakers Assn	3,000.00	600.00
Do	Stratcor	6,000.00	110.00
Do	Welch Foods, Inc	3,750.00	65.00
John R. Quarles Jr., Morgan Lewis & Bockius 1800 M St., NW Washington, DC 20036	National Environmental Development Assn		
William A. Quinlan, 3045 Riva Rd. Riva, MD 21140	National Candy Wholesalers Assn, Inc		
Do	Retail Bakers of America		
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Coal Assn	5,470.00	31.60
Mark J. Raabe, 1615 L St., NW, #1320 Washington, DC 20036	Merck & Co, Inc	500.00	300.00
Theresa Rabel, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,700.00	892.90
Clifford Raber, One McDonald's Plaza Oak Brook, IL 60521	McDonald's Corp		
Steve Rabin, 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather		
Alex Radin, 1200 New Hampshire Ave., NW, #507 Washington, DC 20036	Washington Public Utility Districts Assn	1,500.00	
Radin & Associates, Inc, 1200 New Hampshire Ave., NW Washington, DC 20036	Arnold & Porter		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
W. A. Radziewicz, 400 First Street, NW Washington, DC 20001	Brotherhood of Railroad Signalmen	350.00	
Michael Rae, 2030 M St., NW Washington, DC 20036	Common Cause	5,655.08	112.00
Tess A. Rae, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Tanya A. Rahall, 2033 M Street, NW, #300 Washington, DC 20036	National Assn of Arab Americans	7,750.02	60.55
Roderic W. Rahe Jr., 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
Richard W. Rahn, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	225.00	130.56
Thomas F. Railsback, 1133 15th St., NW, #1100 Washington, DC 20005	National Council of U.S. Magistrates	1,558.00	
Do	Walt Disney Productions	4,162.50	
Railway Labor Executives' Assn, 400 First St., NW, #804 Washington, DC 20001		144,000.00	212,217.00
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			
Rainbow Lobby, 236 Massachusetts Avenue, NE, #409 Washington, DC 20002		155,655.75	141,173.83
Elizabeth L. Raisbeck, 801 Pennsylvania Ave., SE, #301 Washington, DC 20003	National Audubon Society	13,500.00	3,262.13
John C. Ramig, 1730 M Street, NW, #900 Washington, DC 20036	Stoel Rives Boley Jones & Grey (For:Association of O & C Counties)	700.00	
Do	Stoel Rives Boley Jones & Gray (For:Gregory Affiliates, Inc)	12,650.00	309.78
Do	Stoel Rives Boley Jones & Grey (For:Pacificorp)	5,380.00	1,040.00
Kathleen Marie Ramsey, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
James D. Range, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc.	3,550.00	2,224.00
D. Michael Rappoport, P.O. Box 52025 Phoenix, AZ 85072	Salt River Project	1,680.00	2,590.98
Magda Ratajski, One Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		
Billye Lynn Ratliff, 1025 Connecticut Ave., NW Washington, DC 20036	Shell Oil Co	500.00	
Robert Ratliffe, 5808 Lake Washington Blvd., 3rd Fl. Kirkland, WA 98033-7397	McCaw Communications Cos	4,600.00	6,100.00
John W. Rauber Jr., 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	350.00	231.00
Carol L. Raulston, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	2,075.00	
Craig Raupe, 1010 Pennsylvania Ave., SE Washington, DC 20003	Algonquin Gas Transmission		
Do	American Airlines, Inc		
Do	American Nuclear Energy Council		
Do	Credit Union National Assn, Inc		
Do	Invest to Compete Alliance		
Do	LTV Aerospace & Defense Co		
Do	Pitney Bowes		
Do	Product Liability Alliance		
Do	Securities Industry Assn		
Do	Stone & Webster Engineering Corp		
Do	Texas Utilities Services, Inc		
Do	The New England		
Do	Union Pacific Corp		
Do	United Illuminating Co		
Do	Westinghouse Electric Corp		
G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Bruce A. Ray, Bruce Ray & Company 420 C Street, NE Washington, DC 20002	Bayley Seton Hospital	750.00	
Do	Maimonides Hospital, et al.	2,000.00	
Do	Pines Steel Supply Corp	2,000.00	154.18
John K. Rayburn, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp	235.00	30.00
Ralph Rayburn, 403 Vaughn Bldg. 807 Brazos Austin, TX 78701	Texas Shrimp Assn		75.00
David A. Raymond, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	3,379.00	1,194.21
Floyd C. Raynard, 3169 Holcomb Bridge Rd., #505 Nrcross, GA 30071	Stellar Technology Enterprises, Inc		
Richard J. Razook, 200 South Biscayne Blvd. 4900 Southeast Financial Center Miami, FL 33131-2363	Thomson Zeder Bohrer Werth & Razook (For:Burger King Corp)	876.91	
Julian O. Read, 1005 Congress Avenue, #500 Austin, TX 78701	Central & South West Corp		
Reading Is Fundamental, Inc, 600 Maryland Ave., SW, #500 Washington, DC 20560			
Linda S. Rearick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Recording Industry Assn of America, Inc, 1020 19th St., NW #200 Washington, DC 20036		12,999.00	12,999.00
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00
Robert E Redding, 7315 Wisconsin Ave., #325 E Bethesda, MD 20814	Shippers National Freight Claim Council, Inc		
Donald L. Redfoot, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	504.23	77.31
Jo Reed, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	635.59	
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	26.00
J. Mitchell Reese, 1700 K Street, NW, #1204 Washington, DC 20006	Chevron USA, Inc	400.00	50.00
William D. Reese, 1407 West North Temple Salt Lake City, UT 84140	Utah Power & Light Co		
Reese Communications Companies,Inc., 2111 Wilson Boulevard, #900 Arlington, VA 22201	Citizens for Sensible Control of Acid Rain (CSCAR)	190,157.41	151,322.45
Do	Philip Morris USA		2,956.88
Benjamin F. Reeves, 1100 17th Street, NW Washington, DC 20036	Burley & Dark Leaf Tobacco Export Assn	1,000.00	
J. Ronald Reeves, Washington National Airport Washington, DC 20001	U.S. Air, Inc	2,000.00	225.00
Timothy J. Regan, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning Glass Works	13,000.00	3,125.00
John T. Reggitts Jr., 95 Booton Ave. P.O. Box 470 Boonton, NJ 07005			
Regional Airline Association, 1101 Connecticut Ave., NW Washington, DC 20036		2,000.00	1,165.00
John Regnier, 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
David K. Rehr, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	200.00
Kenneth A. Reich, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Northeast Solvents Reclamation Corp	729.00	65.66
Reichler, Appelbaum & Wippman, 1701 K Street, NW, #700 Washington, DC 20006	Republic of Guatemala	13,194.84	2,829.60
Do	Republic of Nicaragua	4,000.00	34.00
Do	United Coconut Assn of the Philippines		655.41
Charlotte Reid, 2466 Chatham Road Aurora, IL 60506	Motorola, Inc		
Michael Reid, 1925 K Street, NW, #206 Washington, DC 20006	Alliance to Save Energy	603.48	
Michael W. Reid, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	2,699.29	698.89
Reid & Priest, 1111 19th St., NW, #1100 Washington, DC 20036	City of Philadelphia	37,420.00	1,454.60
Do	Committee of Corporate Telecommunications Users		
Do	CIAC Group		60.90
Do	Edison Electric Institute	1,812.50	21.40
Do	Pennsylvania Shipbuilding Co	25,500.00	986.75
Do	Rhode Island, Inc		
Do	SPD Technologies	1,620.00	
Do	Transol USA, Inc	2,124.00	
Do	Utility Decommissioning Group		12.80
Mary Lynn Reilly, P.O. Box S708 Washington, DC 20016	Neighborhood Housing Services of America		
Reinsurance Assn of America, 1819 L St., NW, 7th Floor Washington, DC 20036			
Diane Reis, 1275 K Street, NW, #750 Washington, DC 20005	National Women's Political Caucus	4,000.00	40.00
Dale L. Reistad, 1726 M Street, NW, #1000 Washington, DC 20036	Electronic Funds Transfer Assn	375.00	
Religious Coalition for Abortion Rights, Inc, 100 Maryland Avenue, N.e. Washington, DC 20002		146,669.67	19,170.45
Zev M. Remba, 1111 14th Street, NW Washington, DC 20005	Academy of General Dentistry		
John W. Rendon Jr., 1439 Rhode Island Ave., NW Washington, DC 20005	Rendon Company (For:EXPEX, Inc)	1,500.00	
Rendon Company, 1439 Rhode Island Ave., NW Washington, DC 20009	EXPEX, Inc		2,172.47
Renewable Fuels Assn, 201 Massachusettes Ave, NE, #C-4 Washington, DC 20002		4,679.11	67,597.70
Diane Rennert, 2005 Massachusetts Avenue, NW Washington, DC 20036	Association of American Publishers	4,300.00	656.99
Resource Technical Consultants (USA), Inc, d/b/a TECNA 330 Seventh Avenue, #1902 New York, NY 10001			
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		74,604.05	20,526.42
John H. Reurs, 74 Trinity Place New York, NY 10006	New York Comm of Intl Comm of Passenger Lines		
Vincent P. Reusing, 1615 L Street, MW, #1210 Washington, DC 20036	Metropolitan Life Insurance Companies	1,000.00	
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	19,247.32	93.45
Allan R. Rexinger, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036	Proprietary Association	3,850.00	150.00
Mark E. Rey, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,500.00	
Renee Reymond, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Mary Anne Reynolds, 8111 Gatehouse Road Falls Church, VA 22047	AAA Potomac		
Frederick W. Rhodes, 1828 L Street, NW #801 Washington, DC 20036	Loral Systems Group	4,250.00	
Grace Ellen Rice, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,562.49	46.40
Rice Genocide Research, 3046 Roosevelt Street Detroit, MI 48216			212.60
James E. Rich Jr., 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Richard Richards, Law Office of Richard Richards 1050 Thomas Jefferson Street, NW, 6th Fl Washington, DC 20007	Hughes Aircraft Company		
Do	Universidad Autonoma de Guadalajara	600.00	
Alan H. Richardson, 2301 M St., NW Washington, DC 20037	American Public Power Assn	500.00	
Donna Richardson, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	4,935.00	117.48
John C. Richardson, 520 Madison Avenue New York, NY 10022	LeBoeuf Lamb Leiby & MacRae (For:Underwriters at Lloyd's London)		
K. O. Richardson, 815 16th Street, NW, #511 Washington, DC 20006	Transportation - Communications Union	3,000.00	42.69
Warren S. Richardson, 325 Pennsylvania Ave., SE Washington, DC 20003	Washington Lobby Group, Inc (For:Preston Corp)	3,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Wesley S. Richardson, P.O. Box #65 Washington Grove, MD 20880	Washington Lobby Group, Inc (For:Preston Corp)	1,500.00	
Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	1,092.00	
Larry D. Rickards, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	2,500.00	98.21
Glenn Wadsworth Riddell, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products Ltd, et al		
Riddell Holroyd & Butler, 1331 Pennsylvania Avenue, NW, #1215 Washington, DC 20004	W. K. Kellogg Foundation		
Christine R. Riddiough, 114 15th St., NE Washington, DC 20002	National Assn of Gay & Lesbian Democratic Club	4,200.00	
Judy Noel Riddle, 6630 West Broad Street Richmond, VA 23230	Lawyers Title Insurance Co		
Mary Catherine Riddle, 1700 K St., NW, #1200 Washington, DC 20006	Chevron USA, Inc	100.00	35.00
Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute	693.00	1,057.66
William P. Rieck, 2200 Mill Road, #616 Alexandria, VA 22314	Specialized Carriers & Rigging Assn, Inc		
E. George Riedel, 1600 M Street, NW Washington, DC 20036	International Telephone & Telegraph Corporation	3,000.00	75.00
E. Philip Riggin, 1608 K St., NW Washington, DC 20006	American Legion	13,674.00	264.20
Russell C. Ring, 600 Pennsylvania Ave., SE, #211 Washington, DC 20003	National Assn of Casualty & Surety Agents	1,500.00	29.64
Dale P. Riordan, 3900 Wisconsin Avenue, NW Washington, DC 20016	Federal National Mortgage Assn		
Kevin J. Riordan, 1700 K St., NW, #1204 Washington, DC 20006	Chevron USA, Inc	110.00	90.00
John S. Rippey, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	1,562.50	30.00
Carol A. Risher, 2005 Massachusetts Ave., NW Washington, DC 20036	Association of American Publishers	2,000.00	
Jeanne M. Ritchie, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
James E. Ritchie & Associates, 499 S. Capitol St., SW, #400 Washington, DC 20003	Gaming Industry Assn of Nevada, Inc	3,200.00	4,558.19
Do	Golden Nugget, Inc		
Do	National Assn of Off-Track Betting	1,900.00	4,975.63
Do	National Assn of Optometrists & Opticians, Inc		5,534.99
Do	Nevada Resort Assn	4,800.00	6,837.32
Leslie Sue Ritts, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	National Environmental Development Assn		
Valentin J. Riva, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Ivette E. Rivera, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	2,700.00	
Phillip W. Rivers, 1050 17th St., NW #500 Washington, DC 20036	Texaco, Inc	60.00	
Rivkin Radler Dunne & Bayh, 1575 I Street, NW, #1025 Washington, DC 20005	Ad Hoc Ethanol Committee	9,761.79	15.00
Do	Akin Gump... (Drexel Burnham Lambert, Inc)	2,637.50	17.00
Do	Allstate Insurance Co		41.00
Do	American Bakers Assn	525.00	37.00
Do	ALC Communications Corp	2,919.25	110.00
Do	Business Coalition for RICO Reform		148.34
Do	Chemical Bank	22,000.00	4,770.00
Do	City of South Bend	4,212.50	16.00
Do	Emmis Broadcasting		
Do	Gunnar Dana Associates		
Do	Lever Brothers Co, Inc		
Do	National Basketball Assn	2,000.00	
Do	National Soft Drink Assn		
Do	New Energy Co of Indiana	1,950.00	5.00
Do	Primerica		
Do	Renewable Fuels Assn		45.00
Carole T. Roberts, 1660 L St., NW, #1000 Washington, DC 20036	Travelers Companies	1,587.50	289.80
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		745.64
Richard W. Roberts, 100 East 42nd St. New York, NY 10017	National Foreign Trade Council, Inc	10,000.00	3,522.00
William A. Roberts, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For:Dallas Area Rapid Transit)	1,250.00	
Do	Keefe Company (For:Tres Grande Vitesse (TGV-USA, Inc))	2,000.00	
Do	Keefe Company (For:University of Miami)	600.00	
Gordon C. Robertson, 444 North Capitol St., NW, #534 Washington, DC 20001	International Assn of Fish & Wildlife Agencies	9,329.97	115.90
Nathan Robfogel, 700 Midtown Tower Rochester, NY 14604-2070	Genesee & Wyoming Industries, Inc		
Robins Zelle Larson & Kaplan, 1627 Eye St., NW, #610 Washington, DC 20006	Cabot Corporation		
Do	Dominium Group, Inc		10.00
Do	Polaris Industries	1,760.00	60.00
Betty S. Robinson, 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	15,527.18	104.25
Ernestine S. Robinson, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Kenneth L. Robinson, 1111 N. 19th Street, #700 Arlington, VA 22209	National Assn of Federal Credit Unions		
Thomas E. Robinson, 1129 20th Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc	250.00	
Do	Pension Real Estate Assn		
Robison International, Inc, 2300 N St., NW, #600 Washington, DC 20037	Euromissile	10,500.00	7,676.00
Do	FMC Corporation	4,500.00	3,090.00
Do	McDonnell Douglas Corp	7,500.00	5,483.00
Do	Royal Ordnance, Inc	12,000.00	8,772.00
James Anthony Rock, 1730 M Street, NW, #607 Washington, DC 20036	Montana Power Co, et al	1,500.00	807.47
Quincy Rodgers, 1155 21st Street, NW, #400 Washington, DC 20036	General Instrument Corporation	1,000.00	116.35
Bruce N. Rogers, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	4,357.23
Joe O. Rogers, 1815 H St., NW, #600 Washington, DC 20006	Rogers International, Inc (For:China External Trade Development Council)	15,000.00	
Nancy Rogers, 815 16th Street, NW Washington, DC 20006	Industrial Union Department, AFL-CIO	6,093.50	302.92
Terrence L. Rogers, 80 F St., NW Washington, DC 20001	American Fed of Government Employees	12,965.65	31,553.71
Rogers & Wells, 200 Park Avenue New York, NY 10166	Adamar of New Jersey, Inc, et al		
Do	American Express Co		
Do	Liz Claiborne, Inc		
Do	Compagnie Financiere de Paribas		
Do	Desert Palace, Inc		
Do	Dreyfus Corporation	7,500.00	107.15
Do	Grocery Manufacturers of America, Inc		
Do	Indal, Ltd		
Do	Internoor Trade, Inc		
Do	Investment Partnership Assn	7,500.00	95.60
Do	Jockey Club		
Do	Kamehameha Schools/Bernice P. Bishop Estate		
Do	Liga Agricola Industrial de la Cana de Azucar		
Do	Merrill Lynch & Co, Inc		
Do	National Assn of Beverage Importers		
Do	Pan American World Airways, Inc		
Do	Pan American World Services, Inc		
Do	Republic National Bank		
Do	Rutgers, The State University of New Jersey		
Do	Teachers Insurance & Annuity Assn/College Ret. Equities Fund		
Do	Walker Telecommunications Corp	3,500.00	52.75
Do	Wine & Spirits Wholesalers of America, Inc		
Do	Wordperfect Corp		29.60
Carole M. Rogin, 1255 23rd Street, NW, #850 Washington, DC 20037	Hauck & Associates, Inc (For:Hearing Industries Assn)		
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	32,250.00	174.23
Stephen F. Rohrkemper, 150 S. Washington St., #100 Falls Church, VA 22046	International Technical Expertise Ltd		
Jackie Rollins, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc		
John F. Rolph III, 1200 New Hampshire Ave., NW, #350 Washington, DC 20036	Citibank, N.A.	1,000.00	
Kenneth S. Rolston Jr, 1025 Vermont Ave., NW, #1020 Washington, DC 20005	American Pulpwood Assn		
Emil A. Romagnoli, 180 Maiden Lane New York, NY 10038	Asarco Inc	4,050.00	
Daniel Romanko, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Steel Producers Assn		
Joseph D. Romer, 304 N. Virginia Avenue Falls Church, VA 22046	Brown Bridgman & Company	75.00	11.50
Wilfred J. Romero, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
Michael J. Romig, 1001 Pennsylvania Avenue Washington, DC 20004	American Council of Life Insurance, Inc	2,500.00	
Fred B. Rooney, 1050 Connecticut Ave., NW, 12th Fl. Washington, DC 20036	American Iron & Steel Institute	2,450.00	
Do	Association of American Railroads	2,550.00	
Do	CalMat Company	2,350.00	
Do	Crawford Fitting Co	2,350.00	
Do	Lone Star Industries, Inc	2,350.00	
James Roosevelt, 201 East Sand Point, #250 Santa Ana, CA 92715	National Committee to Preserve Social Security	22,500.00	419.00
John C. Roots, 1333 New Hampshire Ave., NW, #1001 Washington, DC 20036	Atlantic Richfield Co	117.44	
Ropes & Gray, 1001 22nd St., NW, #700 Washington, DC 20037	Amherst College, et al		
Do	Digital Equipment Corp		
Do	Eastern Gas & Fuel Associates		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Reebok International Ltd		
Rose Communications, Inc, 1660 L St., NW, #809 Washington, DC 20036	Johnson Matthey Inc	6,355.00	5,550.00
Rose Schmidt Hasley & DiSalle, 1250 24th Street, NW, #630 Washington, DC 20037	Cigar Assn of America, Inc		
Do	Equimark Corporation		
Do	Joy Technologies	2,500.00	
Do	Social Security Protection Bureau	1,000.00	
Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America	5,000.00	
Richard Rosen, 5010 Wisconsin Ave., NW, #118 Washington, DC 20016			
Sara Rosenbaum, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	1,904.00	
Gregory M. Rosenberg, 5410 Grosvenor Lane, #120 Bethesda, MD 20814	Mechanical Contractors Assn of America, Inc		
Herb Rosenbleeth, 1811 R Street, NW Washington, DC 20009	Jewish War Veterans of the USA	3,333.00	
Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009	Migrant Legal Action Progran, Inc		
Gail E. Ross, 918 16th St., NW, #503 Washington, DC 20006	Washington Independent Writers, Inc		
Lawrence J. Ross, Ross & Duerk, P.C. 1700 K Street, NW, #1100 Washington, DC 20006			
Nancy Ross, 1830 17th St., NW Washington, DC 20009	Rainbow Lobby	3,900.00	143.91
William F. Ross, South Carolina Petroleum Council 1310 Lady Street, #716 Columbia, SC 29201	American Petroleum Institute	438.00	824.51
Richard Rosser, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	1,121.00	
Barry N. Roth, 1120 20th Street, NW, #700 Washington, DC 20036	Williams Companies	500.00	
Rhond Rudolph Roth, 813 Maryland Avenue, NE Washington, DC 20002			
John C. Rother, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	1,340.19	
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc	12,000.00	708.75
Emily B. Rothrock, 1455 Pennsylvania Ave., NW, #900 Washington, DC 20004	American International Group, Inc	2,000.00	
Edwin Rothschild, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen/Labor Energy Coalition	1,500.00	
Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute		
Michael O. Roush, 600 Maryland Avenue, SW. #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	200.00
Brigette M. Rouson, Box 17407 Dulles Airport Washington, DC 20041	American Newpaper Publishers Assn	800.00	27.40
John H. Rousselot, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	10,000.00	
Eugene F. Rowan, 2550 M Street, NW Washington, DC 20037	National Assn of Chain Drug Stores, Inc	306.00	
Do	Revco D.S., Inc	481.00	
Rowan & Blewitt, Inc, 1000 Vermont Ave., NW Washington, DC 20005	Velsicol Chemical Corp		
James H. Rowe III, 1511 K Street, NW, #1100 Washington, DC 20005	Corcoran Youngman & Rowe (For:Quasha Schneider & Wessely)	5,140.00	96.87
J. Patrick Rowland, 1575 Eye St., NW, #1075 Washington, DC 20005	Rowland Government Relations Associates (For:Baker Industries)	1,500.00	1,500.00
Do	Rowland Government Relations Associates (For:Borg-Warner Automotive, Inc)	1,000.00	1,000.00
Do	Rowland Government Relations Associates (For:Borg-Warner Chemicals, Inc)	2,000.00	2,000.00
Do	Rowland Government Relations (For:Committee of National Security Cos)		
Ted Rowland, 47 W. 34th Street, #804 New York, NY 10001	International Footwear Assn		
Charles Rowton, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation	375.00	86.53
Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202	Medical Identification Card		
Robert S. Royer, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	American Military Sales		
Do	Chrysler Military Sales Corp		
Do	City of Akron, Ohio		
Do	Drexel Burnham Lambert, Inc		
Do	Ford Riff & Burgess		
Do	Harley-Davidson Military Sales		
Do	International Futures Exchange		
Do	Intex Holdings (Bermuda) Ltd		
Do	Michigan Trade Exchange		
Do	Morgan Stanley & Co, Inc		
Do	Municipal Finance Industry Assn		
Do	Overseas Military Sales Group		
Do	Phillips Petroleum Co		
Do	Securities Industry Assn		
Royer Shacknai & Mehle, 1747 Pennsylvania Avenue, NW Washington, DC 20006	John Nuveen & Co, Inc		
Tobi Z. Rozen, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Eric M. Rubin, Rubin Winston & Diercks 1730 M St., NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
James S. Rubin, Kleinfeld Kaplan & Becker 1140 19th Street, NW Washington, DC 20036	Great Lakes Products, Inc	3,500.00	
Joseph T. Ruble, 1300 North 17th Street, #300 Arlington, VA 22209	ADAPSO, The Computer Software & Services Industry Assn		3.50
Henry C. Ruempler, 1200 New Hampshire Ave., NW, #350 Washington, DC 20036	American Bankers Assn	2,000.00	
Nicholas L. Ruggiere, 1667 K Street, NW, #410 Washington, DC 20006	Johnson & Johnson	1,000.00	225.00
Ronald R. Rumbaugh, 5205 Leesburgh Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers of America	432.00	
John Runyan, 1730 North Lynn St., #409 Arlington, VA 22209	Printing Industries of America, Inc	1,000.00	
Morgan S. Ruph, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	6,800.00
Domenic R. Ruscio, 317 Massachusetts Ave., NW, 1st Floor Washington, DC 20002			
Tonda F. Rush, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn		
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		45.00
Dorothea L. Russell, 1120 Vermont Avenue, NW, #1120 Washington, DC 20005	National Candy Wholesalers Assn, Inc		
James A. Russell, 122 C St., NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	475.00	28.29
Randall M. Russell, 517 C Street, NE Washington, DC 20002-5809	Lesher and Associates, Inc		
William Russell & Associates, Inc, 1775 Pennsylvania Ave., NW, #450 Washington, DC 20006	Columbia Communications Corp		
Do	Pacific Telecom, Inc		
Herman Max Ruth 71990-158, FCI La Tuna P.O. Box 1000 Anthony, NM 88021	Herman Max Ruth		
J. T. Rutherford & Associates, Inc, 1301 N. Courthouse Rd., #1802 Arlington, VA 22201	American Assn of Bioanalysts/Intl Soc of Clinical Lab Techs		726.40
Do	American College of Radiology		835.10
Do	American Optometric Assn		698.40
Frank T. Ryan, 1400 K Street, NW Washington, DC 20005	Rubber Manufacturers Assn	2,500.00	
George J. Ryan, 915 Rockefeller Building Cleveland, OH 44113	Lake Carriers' Assn		
Joseph Ryan, 1155 21st., NW, 4th Fl Washington, DC 20036	General Instrument Corporation		
Patricia Ryan, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Thomas L. Ryan, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA		
John Ryan Associates, 8447 Portland Place McLean, VA 22102	MPB Corp	350.00	55.35
Charles Ryan Associates, Inc, 1015 18th St., NW, #720 Washington, DC 20036	West Virginia Bankers Assn	2,250.00	145.20
Do	West Virginia Hospital Assn	8,250.00	128.20
Do	West Virginia Independent Oil & Gas Assn	7,500.00	104.42
Kermit W. Ryman, 1700 K St., NW, #1200 Washington, DC 20006	Chevron USA, Inc	203.80	54.00
RADAR, 4949 S 25A Tipp City, OH 45371		199,666.64	244.52
RBC Associates, 324 Fourth Street, NE Washington, DC 20002	Ann Arbor Railroad	10,000.00	4,969.00
Do	Bangor & Aroostook Railroad	6,750.00	5,466.67
Do	Chicago & North Western Transportation Corp	33,000.00	5,122.56
Do	Delaware Otsego System	6,000.00	5,205.13
Do	Genesee & Wyoming Corp	750.00	4,920.96
Do	Regional Railroads of America	48,000.00	4,920.97
RJR Nabisco, Inc, 401 N. Main Street Winston-Salem, NC 27102			19,022.11
J. Randy Sabo, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202	Energy Fuels Nuclear, Inc	6,000.00	6,500.00
G. J. Thomas Sadler Jr., 3521 Valley Drive Alexandria, VA 22302	Communications Satellite Corp	1,500.00	545.64
Susan L. Sadtler, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	695.28
Anthony J. Saggese Jr., 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc		
Frank Max Salinger, 1101 14th St., NW, 4th Floor Washington, DC 20005	American Financial Services Assn	250.00	
James H. Sammons, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn	3,000.00	
Sammons Enterprises, Inc, 403 South Akard Dallas, TX 75202			
Brenda Seymore Sanders, 1825 K St., NW, #218 Washington, DC 20006	American Soc of Mechanical Engineers		
James C. Sanders, 1225 'Eye' Street, NW, #825 Washington, DC 20005	Beer Institute	50.00	
Rose Marie Sanders, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	200.00	7.00
Sanders Schnabel & Brandenburg, P.C., 1110 Vermont Avenue, NW, #600 Washington, DC 20005	American Soc of Assn Executives	3,403.46	171.89
Stephen E. Sandherr, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
Myron G. Sandifer III, 1489 Chain Bridge Road, #200 McLean, VA 22101	Jack McDonald Co (For:Belz Enterprises)		
Do	Jack McDonald Co (For:Dow Corning Corp)		
Do	Jack McDonald Co (For:Hitachi America, Ltd)		
Do	Jack McDonald Co (For:Hitachi Sales Corp of America)		
Do	Jack McDonald Co (For:Jacques Borel Enterprises, Inc)		
Do	Jack McDonald Co (For:Royal Zenith Corp)		
Do	Jack McDonald Co (For:Societe Generale de Surveillance, S.A.)		
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
Peter G. Sandlund, 1725 Eye St., NW, #315 Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	300.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Eric Sapirstein, 1333 H St., NW, #400 Washington, DC 20007	California Assn of Sanitation Agencies	1,500.00	1,101.62
Do	Cure Corp		
Do	Las Virgenes Municipal Water District		
Do	Victor Valley Wastewater Reclamation Authority		
Do	Western Research Institute	2,450.00	131.20
Betty O. Sapp, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Ronald A. Sarasin, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	15,000.00	990.00
Satellite Broadcasting & Communications Assn, 300 N. Washington Street, #208 Alexandria, VA 22314		1,200.00	1,200.00
Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	18.40
Mary Jane Saunders, 1300 N. 17th Street, #300 Arlington, VA 22209	ADAPSO, The Computer Software & Services Industry Assn		
Save Our Security, 1201 16th St., NW, #222 Washington, DC 20036		22,788.00	17,502.00
Richard N. Sawaya, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Thomas C. Sawyer, 1825 K Street, NW Washington, DC 20006	National Broadcasting Co, Inc	5,000.00	520.72
Laurie S. Schaffer, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	500.00	
Schagrin Associates, 1112 16th St., NW, #200 Washington, DC 20036	Committee on Pipe & Tube Imports	18,855.50	138.62
Harold A. Schaitberger, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	15,007.85	
William T. Schapaugh, 1030 15th Street, NW Washington, DC 20005	American Seed Trade Assn	5,000.00	
Mary L. Schapiro, 1825 Eye St., NW, #1040 Washington, DC 20006	Futures Industry Assn, Inc		
C. M. Schauerte, P.O. Box 3247 Houston, TX 77253	American General Corporation		
Jay T. Scheck Jr., Rt. 202-206 North Somerville, NJ 08876	Hoechst Celanese Corporation		
Robert H. Scheerschmidt, 490 L'Enfant Plaza, #4200 Washington, DC 20024	Xerox Corp	500.00	
Schell & Co, Inc, 1776 K Street, NW, #700 Washington, DC 20006	Fuller Co		
Do	GATX Corporation		
Robert J. Schenk, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Michael T. Schilling, 1000 Wilson Blvd. Arlington, VA 22209	TRW, Inc	540.00	
Kenneth D. Schloman, 499 South Capitol, SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	470.82
Schmeltzer Aptaker & Sheppard, 1800 Massachusetts Ave., NW Washington, DC 20036	American Honda Motor Co, Inc	1,100.00	9.00
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Association of American Publishers	500.00	
Do	National Assn of Trade & Technical Schools	1,250.00	
Arthur C. Schmitt, 3705 S. George Mason Drive, Apt. 301 So. Falls Church, VA 22041	Oxford Group, Limited		
Robert Richard Schmitt, #12453-047 PO Box 1000 Leavenworth, KS 66048-1000			
Schnader Harrison Segal & Lewis, Suite 1000 1111 19th St., NW Washington, DC 20036	Savin Corporation		
Do	Toyota Motor Corporation	945.00	76.50
Thomas J. Schneider, 1300 19th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee		
Abraham Schneier, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	200.00
Frank Schneller, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Paul Schoellhamer, 900 17th St., NW, #526 Washington, DC 20006	Northwest Airlines, Inc	1,000.00	100.00
Elizabeth J. Schram, 1120 20th St., NW, #600 South Washington, DC 20036	Union Pacific Corp	5,000.00	60.31
Carl J. Schramm, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Jack J. Schramm, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	3,550.00	2,224.00
H. B. W. Schroeder, 1050 17th Street, NW, #490 Washington, DC 20036	Consumers Power Co	8,000.00	6,998.00
Leah Webb Schroeder, 1030 15th Street, NW, #100 Washington, DC 20005	Health Industry Manufacturers Assn		
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute	160.00	
Judy Schub, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	662.13	470.58
Mark Schultz, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	5,000.00	20.00
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	13,629.20	424.88
Robert L. Schulz, c/o Iowa Petroleum Council 1012 Fleming Bldg. Des Moines, IA 50309	American Petroleum Institute	737.50	1,122.35
Ralph D. Schumack, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp		202.26
Walter A. Schumann III, 16219 San Dominique San Antonio, TX 78232	Potomac Overlook Associates		
Adam D. Schwartz, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	2,000.00	
Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204	California State Lands Commission	10,800.00	1,168.87
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	14,000.00	
Steve Aaron Schwartz, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Richard S. Schweiker, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	915.00	
Carl F. Schwensen, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	1,630.00	
Scientific Apparatus Makers Assn, 1101 16th St., NW Washington, DC 20036		6,989.57	4,302.55
Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	14,000.00	
Harold B. Scoggins Jr., 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		
Ellen Scott, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	7,423.00	
James L. Scott, 1919 Pennsylvania Ave., NW, #703 Washington, DC 20006	American Healthcare Institute	11,125.00	188.25
John Havens Scott, 1101 Vermont Ave., NW 12th Floor Washington, DC 20005	American Medical Assn	3,750.00	
Scribner Hall & Thompson, 1850 K Street, NW, #1100 Washington, DC 20006	CNA Financial Corp	25,000.00	
Do	Provident Life & Accident Insurance Co	20,000.00	
Do	Security Life of Denver Insurance Co	43,475.00	
Do	Transamerica Corporation	10,000.00	
Scrivens Goldstone & Co, 5857 S. Gessner, #287 Houston, TX 77036			
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	11,633.73	
Seabed Assn, 3408 Bonnie Road Austin, TX 78703		5,500.00	16,872.08
Earl W. Sears, P.O. Box 12285 Memphis, TN 38112	National Cotton Council of America	1,520.00	54.35
Law Offices of John Sears, 818 Connecticut Avenue, NW Washington, DC 20006	Embassy of the Republic of South Africa	15,000.00	7,026.39
James E. Secrist, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	2,000.00	737.88
Pamela Sederholm, 1001 Pennsylvania Ave N.W. #310 Washington, DC 20004	Southland Corporation		175.00
Charles M. Seeger III, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange	2,650.00	
Ruth L. Segal, 555 New Jersey Ave., NW, #255 Washington, DC 20001	Vern Clark & Associates	650.00	1,668.00
Merrill K. Seggerman, 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
H. Richard Seibert Jr., 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	2,100.00	
George H. Seidel Jr., Associated Petroleum Industries of Pa P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Seidman & Associates, P.C., Federal Bar Building, #1001 1815 H Street, NW Washington, DC 20006	National Tooling & Machining Assn	247.88	53.77
Marlissa Senchak, 3900 Wisconsin Ave.,NW Washington, DC 20016	Federal National Mortgage Assn	15,000.00	883.99
Stanton P. Sender, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	13,250.00	865.08
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	17,250.00	5,486.29
John J. Serfustini, 1407 West North Temple Salt Lake City, UT 84140	Utah Power & Light Co	6,500.00	1,996.63
Terry L. Serie, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	2,000.00	
Seven Months Session for Congress, 4210 Spicewood Road, #202 Austin, TX 78759			192.00
Seward & Kissel, 818 Connecticut Avenue, NW, #800 Washington, DC 20006	Daily Dollar Reserves, Inc		
Do			
J. Richard Sewell, 1800 K St., NW, #1110 Washington, DC 20006	Florida Power & Light Co	3,000.00	964.69
Seyfarth Shaw Fairweather & Geraldson, 1111 19th St., NW, #500 Washington, DC 20036	Agricultural Producers		
Do	American Soc of Pension Actuaries	13,800.00	293.56
Do	Flxible Corp		
Do	Technology for Communications International	6,000.00	
Victoria McKenzie Shain, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	2,000.00	
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
James M. Shamberger, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,350.00	
Gary J. Shapiro, 2001 Eye Street, NW Washington, DC 20006	Electronic Industries Assn	500.00	
Luther W. Shaw, 1155 15th St., NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn	5,625.00	26.40
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW Washington, DC 20037	Atlas Minerals Division		
Do	Emerson Electric Co		
Do	Federation of Bankers Assn of Japan		
Do	Holly Farms Corp	11,972.50	1,365.54
Do	Institute of Foreign Bankers		
Do	Investment Company Institute		
Do	Investment Counsel Assn of America, Inc		
Do	National Automobile Dealers Assn		60.25
Do	Taiwan Power Company		
Do	Utility Nuclear Waste Management Group		420.00
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Marshall & Stevens, Inc	1,681.25	
Do	Societe Generale de Surveillance, S.A.	322.50	12.00
Shea & Gould, 1627 K St., NW, #1000 Washington, DC 20006	Group Health, Inc	995.00	
James V. Sheahan, 223 Perimeter Ctr. Pkwy. P.O. Box 89000 Atlanta, GA 30356-9000	Siemens Energy & Automation, Inc		
Gail E. Shearer, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	14,522.03	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Peggy A. Sheehan, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,700.00	210.00
Shaun M. Sheehan, 1111 19th Street, NW, #1000 Washington, DC 20036	Tribune Broadcasting Co	3,000.00	5,465.41
Kathleen Sheekey, 3rd Floor 2030 M Street, NW Washington, DC 20036	Common Cause	13,650.00	993.94
C. Douglas Shelby, Florida Petroleum Council 325 John Knox Rd., #F-210 Tallahassee, FL 32303	American Petroleum Institute	1,000.00	1,231.01
Zack H. Shelley Jr., 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	200.00	
Seymour Sheriff, 1126 Woodward Bldg. Washington, DC 20005	Man-Made Fiber Producers Assn, Inc		
Nancy Sherman, 1025 Connecticut Ave., NW Washington, DC 20036	Foodservice & Packaging Institute, Inc		
Nelson T. Shields, 1400 K St., NW Washington, DC 20015	Handgun Control, Inc	7,074.00	
Harvey A. Shipman, 1800 Diagonal Road, #500 Alexandria, VA 22314	Penn Central Corporation		
Shippers National Freight Claim Council, Inc, 120 Main Street Huntington, NY 11743			
Craigan P. Shirley, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:American Freedom Coalition)	1,283.33	
Do	Keene Shirley & Associates, Inc (For:Apex Marine)	1,283.33	
Do	Keene Shirley & Associates, Inc (For:Australian Barley Board)	1,283.33	
Do	Keene Shirley & Associates, Inc (For:Council for International Development)	1,283.33	
Do	Keene Shirley & Associates, Inc (For:CSR, Ltd)	1,283.33	
Do	Keene Shirley & Associates, Inc (For:Limited, Inc)	1,283.33	
Do	Keene Shirley & Associates, Inc (For:McDonnell Douglas Astronautics Co)	1,283.33	
Do	Keene Shirley & Associates, Inc (For:Mortgage Guaranty Insurance Corp)		
Do	Keene Shirley & Associates, Inc (For:National Farmers' Federation of Australia)	1,283.33	
Do	Keene Shirley & Associates, Inc (For:National Tax Limitation Committee)	1,283.33	
Julie Shisler, P.O. Box 85608 San Diego, CA 92138	GA Technologies, Inc	3,490.00	3,047.65
John B. Shlaes, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute		
T. V. Shockley III, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Co	536.99	1,328.24
John G. Shortridge, 818 Connecticut Ave., NW Washington, DC 20006	USX Corporation	200.00	
Scott Shotwell, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	2,475.00	
John Shuey, P.O. Box 3151 Houston, TX 77253	Browning-Ferris Industries, Inc	19,588.04	
Eric Shulman, 925 15th Street, NW Washington, DC 20005	National Council of Senior Citizens	11,800.00	25.00
Kathy Shulman, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	3,743.00	21.60
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Donrey, Inc		
Do	Peoria Journal Star, Inc		
Siegel Mandell & Davidson, P.C., One Whitehall Street New York, NY 10004	Sigallo, Ltd	5,000.00	
Christine Sigler, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	2,475.00	
Stephan Silberfarb, 500 North Capitol St., NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	8,946.00	359.70
Mark Silbergeld, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	3,700.00	20.00
David Silver, 1600 M St., NW Washington, DC 20036	Investment Company Institute		425.03
Howard J. Silver, 1625 Eye St., NW, #911 Washington, DC 20006	Consortium of Social Science Assns	1,175.00	82.99
Steve Silver, Robertson Monagle & Eastaugh 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Alaska Loggers Assn	11,556.23	
Do	Alaska Pulp Corp		
Do	Amselco Minerals, Inc		
Do	ARCO Marine Co, Inc		
Do	Bristol Bay Native Corp	1,837.50	
Do	General Communications, Inc		
Do	Standard Oil Co		
Silver Users Assn, Inc, 1717 K St., NW Washington, DC 20006		4,706.00	3,128.21
Bruce A. Silverglade, 1501 16th Street, NW Washington, DC 20036	Center for Science in the Public Interest	60.00	10.00
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Government of Bangladesh	500.00	
Do	Philippine Coconut Authority	490.00	
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	Association for Advanced Life Underwriting	5,000.00	
Do	Bristol-Myers Co		
Do	GATX Corporation		
Do	Music Corp of America, Inc		
Do	National Assn of Home Builders of the U.S.		
Do	Rolls-Royce Motor Cars, Inc		
Deborah S. Simmons, 1717 K St., NW, #407 Washington, DC 20006	American Assn for Marriage & Family Therapy		7,086.01
M. P. Simmons, P.O. Box 860 Valley Forge, PA 19482	CertainTeed Corp		
Gary D. Simms, 1720 Eye Street, NW, 7th Floor Washington, DC 20006	American Academy of Actuaries		
Neil A. Simon, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
William Douglas Simon, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Simon & Company, Inc, 815 15th St., NW, #709 Washington, DC 20005	City of Erie, PA	7,666.64	3,411.71
Do	City of Fresno, CA	9,584.37	5,041.30
Do	City of Portland, OR	6,696.23	3,652.29
Do	Fresno County, CA	9,584.37	5,041.30
Do	Gary, Indiana	8,803.49	4,448.14
Do	San Leandro, CA	4,241.81	3,662.94
Do	Water Department in San Bernadino, CA	4,079.07	4,023.35
Talmage E. Simpkins, 100 Indiana Ave., NW Washington, DC 20001	Labor-Management Maritime Committee, Inc	1,553.00	376.84
C. Kyle Simpson, 9 Greenway Plaza, #714 Houston, TX 77046	Coastal Corporation		
Thomas D. Simpson, 700 N. Fairfax Street Alexandria, VA 22314	Railway Progress Institute	437.50	
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	First Mississippi Corporation	2,000.00	
Do	Mississippi Power & Light Company	2,000.00	
Do	State of Mississippi	4,000.00	
Albert M. Sims, 11006 Hampton Rd. Fairfax Station, VA 22039	Performance Engineering, Inc		
Ivan E. Sinclair, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
James W. Singer III, 1100 15th Street, NW Suite 900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Donna L. Singletary, 1730 North Lynn Street Arlington, VA 22209	Printing Industries of America, Inc	500.00	
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	American Telephone & Telegraph Co		
Do	Anheuser-Busch Companies, Inc	1,000.00	
Do	Drexel Burnham Lambert, Inc	7,500.00	
Do	Foster Wheeler Corp	1,000.00	
Do	General Development Corp	3,000.00	
Do	Government of Jamaica	2,000.00	
Do	Long Island Power Authority		
Do	Mesa Petroleum Co		
Edmund J. Skernolis, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	812.00	438.00
James H. Skidmore, 1156 15th St., NW, #1201 Washington, DC 20005	NCR Corporation		
William J. Skinner, 815 15th St., NW, #534 Washington, DC 20005	U.S. Pharmacopeial Convention, Inc	2,894.66	50.65
Barney J. Skladany Jr., 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	1,125.00	
Steven A. Skonberg, 1111 North 19th Street, #700 Arlington, VA 22209	National Assn of Federal Credit Unions	1,250.00	
Dale D. Skupa, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos	65.00	
Jonathan Slade, 444 North Capitol St., #711 Washington, DC 20001	Cuban-American Freedom Coalition, Inc	1,000.00	110.00
F. Slatinshek & Associates, Inc, 1102 Belle Vista Dr. Alexandria, VA 20007	Grumman Aero Corp, et al	200.00	
Robert G. Slaughter, 1615 M ST., NW, #200 Washington, DC 20036	Amoco Corporation		
Joshua J. Slavitt, 450 Maple Ave., E., #204 Vienna, VA 22180	U.S. Defense Committee	1,500.00	
Barry S. Slevin, 1000 Potomac Street, NW, #204 Washington, DC 20007	Seifman Semo & Slevin, P.C. (For:United Food & Commercial Workers International Union)		
William T. Slider, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Ronald J. Slinn, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
Deborah Sliz, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	2,500.00	
Catherine Reiss Sloan, 120 Maryland Ave., NE Washington, DC 20002	Competitive Telecommunications Assn		
John E. Sloan Jr., Capital Gallery East, #695 600 Maryland Avenue, SW Washington, DC 20024	National Fed of Independent Business	1,150.00	200.00
Slover & Loftus, 1224 17th St., NW Washington, DC 20036	Western Coal Traffic League	3,500.00	
Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904		48,544.03	21,386.20
Smathers Hickey & Smathers, 1050 Connecticut Avenue, NW, #1230 Washington, DC 20036	American Horse Council	3,666.00	
Do	Florida East Coast Railway Co	750.00	
Do	National Hockey League	500.00	
Do	Pennzoil Co	6,000.00	
Donald E. Smiley, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation		
James R. Smircina, P.O. Box 94661 Cleveland, OH 44101	Centerior Energy Corp, et al	1,221.54	1,163.34
C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Daniel T. Smith, P.O. Box 660074 Dallas, TX 75266	International Airline Passengers Assn, Inc		
Debbi L. Smith, 374 Jamie Ct. Glen Burnie, MD 21061	Center for Electrical Systems & Hydrogen Research	6,562.50	438.00
Elizabeth M. Smith, 815 16th St., NW, #310 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	6,500.00	383.99
Gordon L. Smith, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Florists' Transworld Delivery Assn)	2,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Herbert Smith, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Angus Defense Systems, Inc)		
Do	Hill & Knowlton, Inc (For:Euromissile)		
Jeffrey A. Smith, 19001 S.Western Avenue Torrance, CA 90509	Toyota Motor Sales, USA, Inc		
Jeffrey A. Smith, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Jennifer L. Smith, 900 17th Street, NW, #520 Washington, DC 20006	West Mexico Vegetable Distributors Assn	300.00	
Jerry N. Smith, P.O. Box 9158 Amarillo, TX 79105-9158	Texas Federation of Production Credit Assn		
Julian H. Smith Jr., 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	19,263.00	5,692.10
Michael E. Smith, P.O. Box 5000 Cleveland, OH 44101	Cleveland Electric Illuminating Co		
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	2,500.00	1,863.00
Patricia Smith, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	603.75	657.79
Richard F. Smith, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Ronald E. Smith, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	4,021.84
Susan Snyder Smith, 7900 Westpark Drive, #514 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA	300.00	184.00
William A. Smith, 453 New Jersey Ave., SE Washington, DC 20003	Perkinson & Associates, Inc (For:Beneficial Management Corp)		
Do	Perkinson & Associates, Inc (For:National Second Mortgage Assn)		
Do	Perkinson & Associates, Inc (For:Save Home Equity Deductions (SHED))		
Smith Anderson Blount Dorsett Mitchell & Jernigan, P.O. Box 12807 1300 St. Mary's Street Raleigh, NC 27605	Investment Company Institute	8,387.30	
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #304 Washington, DC 20036	City of Eugene, Oregon	6,000.00	
Do	Illinois Diversatech Corp		
Do	N.Y. Metropolitan Transportation Agency	9,000.00	522.54
Do	Power Packaging, Inc	1,000.00	
Do	S & F Warehouses, Inc	4,000.00	317.71
Do	San Francisco P.U.C	5,500.00	
John W. Smith T, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	999.00	276.13
Smokeless Tobacco Council, Inc, 1925 K Street, NW, #504 Washington, DC 20006		154.55	154.55
Peter Leigh Snell, 401 Wythe Street, #2-A Alexandria, VA 22314	International Assn of Amusement Parks & Attractions	537.40	
Larry S. Snowhite, 1825 Eye St., NW, #1201 Washington, DC 20006	GSX Corporation		
Do	Massachusetts Education Loan Authority		
Clair A. Snyder, 35 North Sixth Street Reading, PA 19601	Meridian Bancorp, Inc		2.06
David F. Snyder, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn	300.00	44.05
Edward F. Snyder, 245 2nd St., NE Washington, DC 20002	Friends Committee on National Legislation	6,596.25	
Gene Snyder, 140 Chenoweth Lane Louisville, KY 40207	Cincinnati Microwave, Inc	40,000.00	2,269.30
Do	Norfolk Southern Corp	15,000.00	2,406.74
Do	U.S. Air Group	15,000.00	2,406.32
Do	United Parcel Service	5,000.00	88.67
John M. Snyder, 600 Pennsylvania Ave., SE, #205 Washington, DC 20003	Citizens Comm for the Right to Keep & Bear Arms	9,000.00	
Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	General Motors Corp	70.00	59.90
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		12,244.32	32,317.06
Society for Nutrition Education, 1700 Broadway, #300 Oakland, CA 94612-2128			
Nancy C. Somerville, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	2,368.00	
Sonnenberg Anderson O'Donnell & Rodriguez, 200 West Adam St., #2625 Chicago, IL 60606	Florsheim Shoe Co	5,345.50	114.31
Roberta Lee Sorensen, 1101 Vermont Ave., NW, #604 Washington, DC 20000	College of American Pathologists	7,000.00	66.00
Walter Larke Sorg, 1625 Eye St., NW, #204 Washington, DC 20006	American Assn of Small Dredging & Marine Construction Cos	15,700.00	2,186.60
Southern Forest Products Assn, P.O. Box 52468 New Orleans, LA 70152		19,858.64	19,858.64
Space Industries, Inc, 2011 Crystal Drive, #903 Arlington, VA 22202			36,465.00
D. Dean Sparkman, 1707 L St., NW, #300 Washington, DC 20036-4202	United Airlines, Inc	300.00	
Ian D. Spatz, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	4,634.96	
Specialized Carriers & Rigging Association, 2200 Mill Road, #616 Alexandria, VA 22314	Specialized Carriers & Rigging Assn, Inc		
Sandra Spence, 1776 Massachusetts Ave., NW, #521 Washington, DC 20036	Spence Group (For:Association for Commuter Transportation, Inc)		
William C. Spence, 3805 W. Alabama Houston, TX 77027	Columbia Gulf Transmission Co		
Larry N. Spiller, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	200.00	
William M. Spodak, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	200.00	20.00
Earl C. Spurrier, The Madison Building, #900 1155 15th Street, NW Washington, DC 20005	National Agricultural Chemicals Assn		
Mark G. Spurrier, 400 Kenilworth Drive Towson, MD 21204	Baltimore County Police Department, et al		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	Alaska Air Group, Inc	9,807.50	120.00
Do	American Chamber of Commerce in Germany		
Do	American Soc of Anesthesiologists		
Do	ADAPSO, the Computer Software & Services Industry Assn		
Do	Chemstar, Inc	623.75	11.40
Do	Cincinnati Gas & Electric Co, et al	11,861.03	56.00
Do	Independent Data Communications Manufacturers Assn	2,135.00	10.50
Do	Microband Companies, Inc		
Do	National Collegiate Athletic Assn	8,366.00	20.10
Do	Public Securities Assn		
Do	Samaritan Health Services	3,968.00	
Cecile Srodes, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Janet G. St. Amand, 23 Wall Street New York, NY 10015	Morgan Guaranty Trust Co	750.00	
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	300.00	792.06
Melvin R. Stahl, 1235 Jefferson Davis Hwy., #1410 Arlington, VA 22202	Motorcycle Industry Council, Inc		
Tyrone Stallworth, 220 North Devillers Street Pensacola, FL 32501			
David P. Stang, P.C., 1629 K St., NW, #601 Washington, DC 20006	McDermott, Inc	3,774.05	
Joseph M. Stanton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S		
Jane Sutter Starke, 1818 N St., NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Burlington Northern, Inc)	5,753.25	85.19
Do	Eckert Seamans Cherin & Mellott (For:Corning Glass Works, et al.)		
Do	Eckert Seamans Cherin & Mellott (For:CSX Corp)	454.50	5.05
Bette Anne Starkey, 1030 15th Street, NW, #1100 Washington, DC 20005	Health Industry Manufacturers Assn		
Lois Starkey, Suite 511 1745 Jefferson Davis Hwy. Arlington, VA 22202	Manufactured Housing Institute	900.00	100.00
Frank M. Staszesky Jr., 10025 Scenic View Terrace Vienna, VA 22180	Bechtel Group, Inc		
David Michael Staton, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	5,900.00	
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Mick Staton Associates, Inc, 8712 Gateshead Road Alexandria, VA 22309	Delchamps, Inc	260.00	
Samuel E. Stavisky, 1725 Desales Street, NW, #804 Washington, DC 20036	Samuel E. Stavisky & Associates, Inc (For:Broadcast Music, Inc)	150.00	40.00
Do	Samuel E. Stavisky & Associates, Inc (For:Federacion Nacional de Cafeteros de Colombia).	150.00	45.00
Samuel E. Stavisky & Associates, Inc, 1725 Desales Street, NW, #804 Washington, DC 20036	Broadcast Music, Inc	200.00	60.00
Do	Federacion Nacional de Cafeteros de Colombia	150.00	45.00
Randolph J. Stayin, 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Machinery Dealers National Association)		
Do	Taft Stettinius & Hollister (For:National Candle Assn)		
Do	Taft Stettinius & Hollister (For:Special Comm for Workplace Product Liability Reform).		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)		
Do	Taft Stettinius & Hollister (For:Westland Oil Development Corp)		
Martin J. Steadman, 164 Lexington Avenue New York, NY 10016	Paul Buiar Associates, Inc (For:Phillip Morris USA)		
Dean E. Steel, 1655 N. Ft. Myer Drive, #1120 Arlington, VA 22209	Varian Associates, Inc		
Allan Stein, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Stein Davidoff & Malito, 100 East 42nd Street New York, NY 10017	Long Island University	18,000.00	414.53
Do	National Passenger Traffic Assn	6,721.25	300.20
Do	SPC Securities Services Corp	22,500.00	1,473.23
Charles W. Stellar, 5410 Grosvenor Lane, #210 Bethesda, MD 20814	American Medical Care & Review Assn		
Jack L. Stempler, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	75.00
Stephens Overseas Services, Inc, 114 East Capitol Avenue Little Rock, AR 72201			
Stephens, Inc, 114 East Capitol Avenue Little Rock, AR 72201			
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Alliance for Cannabis Therapeutics		
Do	Association of Private Pension & Welfare Plans, Inc	50,814.15	2,517.08
Do	Bear Stearns & Co	2,049.56	
Do	Caltex Petroleum Corp	580.00	
Do	Citizens Savings Financial Corp	2,072.85	
Do	Co-Operative Central Bank		
Do	CSO Company		
Do	Harley-Davidson Motor Co, Inc	70.00	
Do	Pioneer Financial		
Do	Rule of Law Committee		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Sterling Drug, Inc, 1615 L St., NW, #920 Washington, DC 20036			
Michael E. Steward, 7957 Revenna Lane Springfield, VA 22153	Puget Sound Power & Light Co.	5,583.00	251.01
Eugene L. Stewart, 1001 Connecticut Ave., NW, #910 Washington, DC 20036	Floral Trade Council		
Do	Monsanto Co.		
Do	Roses, Inc	7,475.00	1,282.84
Do	Timken Co.	260.00	
Robert B. Stewart, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	1,999.00	
Terence P. Stewart, Stewart and Stewart 1001 Connecticut Avenue, NW, #910 Washington, DC 20036	Cabot Corp		
Do	Floral Trade Council		
Do	Monsanto Co.		
Do	PPG Industries, Inc	419.25	1,312.27
Do	Roses, Inc	117.00	
Do	Smith Corona Corp	7,424.63	2,169.63
Do	Timken Co.	15,136.88	3,016.64
Do	Torrington Company	195.00	0.45
Warren E. Stickle, 1225 19th Street, NW, #300 Washington, DC 20036	Chemical Producers & Distributors Assn		1,483.01
Do	Cheminova		
Do	International Sanitary Supply Assn		396.00
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	1,712.33	20.00
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	750.00	
Edward W. Stimpson, Suite 801 1400 K St., NW Washington, DC 20005	General Aviation Manufacturers Association	1,675.00	
David J. Stirpe, 1501 Wilson Blvd., #600 Arlington, VA 22209	Air Conditioning & Refrigeration Institute		
Heidi A. Stirrup, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
John J. Stocker, 1110 Vermont Avenue, NW Washington, DC 20005	Shipbuilders Council of America	3,300.00	
Stockholders of America, Inc, 1625 Eye Street, NW, #724A Washington, DC 20006		13,820.00	613.16
Stoel Rives Boley Jones & Grey, 1730 M Street, NW, #900 Washington, DC 20036	A-dec, Inc	8,760.00	281.00
Do	Onsite Energy, Inc	1,250.00	
Dennis C. Stolte, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,249.99	384.99
Robin E. Stombler, 1919 Pennsylvania Avenue, NW, #300 Washington, DC 20006	American College of Surgeons		29.34
Stonebridge Group, 1250 24th St., NW, #230 Washington, DC 20037	Brandeis University	3,000.00	63.71
Do	Marine Biological Laboratory	3,000.00	133.67
Do	University of Nevada at Reno	2,000.00	
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	3,800.00	
Stephen Storch, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Harry L. Storey, 555 17th St., #840 Denver, CO 80202	Alliance for Clean Energy	21,000.00	4,862.00
William M. Stover, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,000.00	
John L. Stowell, 1800 K St., NW, #1018 Washington, DC 20006	Public Service Indiana	2,562.50	15,656.48
Luther J. Strange III, 1100 15th Street, NW, #700 Washington, DC 20005	Sonat, Inc		
Marcy B. Stras, 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:National Candle Assn)		
Strategic Resources Corp, 3000 K Street, NW, #300 Washington, DC 20007	Matsushita Electric Corp of America		
Do	National Machine Tool Builders' Assn		
Terrence D. Straub, 818 Connecticut Avenue, N.w. Washington, DC 20006	USX Corporation	250.00	102.41
George W. Strong, 2242 Bartlett Houston, TX 77098	Enron Corp		
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	Dreyfus Corporation		
George Strumpf, 1150 17th St., NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	11,900.00	2,300.00
Cory N. Strupp, 23 Wall Street New York, NY 10015	Morgan Guaranty Trust Co	2,828.00	2,195.00
Dorothy E. Stucke, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	2,368.00	
Susan Stuebing, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	1,650.00	54.95
Eugene F. Sturgeon, 182 Crater Lane Kensington, CT 06037	Northeast Utilities Service Co	1,666.40	511.38
Lawrence J. Suffredin Jr., 69 W. Washington, #1250 Chicago, IL 60602	Harza Engineering Co		
Glenn Sugameli, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	2,221.11	
Ann Sullivan, 1660 L Street, NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America	300.00	
Arthur E. Sullivan Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	3,250.00	
Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440	General Mills, Inc		
Charles S. Sullivan, 11 15th Street, NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants	7,915.15	1,581.11
Edward L. Sullivan, 1120 20th St., NW, Suite S-720 Washington, DC 20036	Peabody Holding Co, Inc		
Gael M. Sullivan, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20005	LTV Corporation	2,344.00	755.40
Harold R. Sullivan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	600.00	
Margaret Cox Sullivan, 1625 Eye St., NW, #724A Washington, DC 20006	Stockholders of America, Inc		
Patrick J. Sullivan, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	7,858.11	1,782.44
Pauline Sullivan, #11 15th St., NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants	300.00	
Sullivan & Cromwell, 1775 Pennsylvania Ave., NW Washington, DC 20006	American International Group, Inc		
Do	BP North America, Inc		
Do	Esselte Business Systems, Inc		
Do	Goldman Sachs & Co.		
Do	Grand Met USA, Inc		
Do	Kidder Peabody & Co, Inc		
Do	Securities Industry Assn		
Sutherland Asbill & Brennan, 1275 Pennsylvania Ave., NW Washington, DC 20004-2404	Baker Hughes Production Tools		
Do	City of Baton Rouge	3,000.00	99.97
Do	City of New Orleans		
Do	Committee Against Revising Staggers	13,750.00	
Do	Council of Industrial Boiler Owners	2,900.00	
Do	Duke University	1,425.00	591.00
Do	Forethought Life Insurance Co.		
Do	Hand Arendall Bedsole Greaves & Johnston	1,372.50	7.00
Do	Industrial Oil Consumers Group		
Do	North American Co for Life & Health Insurance	1,145.00	11.20
Do	Philip Morris, Inc	2,400.00	89.72
Do	Process Gas Consumers Group	18,000.00	
W. Thomas Suttle, 1521 Vermont Avenue, NW Washington, DC 20005	Institute of Electrical & Electronics Engineers	3,081.00	639.00
William W. Suttle, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	580.00	37.00
Douglass W. Svendson Jr., 1730 Rhode Island AVenue, NW, #417-19 Washington, DC 20036	Hollywood Marine Service, Inc	1,500.00	
Do	Shell Oil Co		
David L. Swanson, Craft & Loesch 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Clean Coal Technology Coalition	5,940.00	
Do	Edison Electric Institute	24,412.50	
Do	GA Technologies, Inc	15,000.00	
Deborah Swartz, 1225 19th Street, NW, #210 Washington, DC 20036	Luggage & Leather Goods Manufacturers of America, Inc	500.00	
Do	Neckwear Assn of America, Inc	500.00	
Do	Outboard Marine Corp		
David A. Sweeney, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	20,405.64	
Frederic H. Sweet, 720 East Wisconsin Avenue Milwaukee, WI 53202	Northwestern Mutual Life Insurance Co.	250.00	
Robert D. Swezey Jr., 1133 19th St., NW Washington, DC 20036	MCI Communications Corp	250.00	
Swidler & Berlin, Chtd, 3000 K Street, NW #300 Washington, DC 20007	All-Industry Television Station Music Licensing Committee	2,400.00	
Do	Hyundai Motor Company	4,360.00	
Do	National Assn of Wholesaler-Distributors		
Do	National Council of Community Hospitals	4,777.50	
Carol A. Swift, 311 First St., NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	1,300.00	32.13
Ivan Swift, P.O. Box 607 Courthouse Station Arlington, VA 22216	New England Anti-Vivisection Society	9,500.00	1,295.00
Tricia L. Swift, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,200.00	
Scott R. Swirling, 122 C St., NW, #380 Washington, DC 20001	National Family Planning & Reproductive Health Assn, Inc	219.00	59.00
Randall Swisher, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	3,000.00	
Ronald G. Sykes, 1660 L Street, NW Washington, DC 20036	General Motors Corp	2,500.00	7,761.71
David A. Sykuta, Illinois Petroleum Council P.O. Box 12047 Springfield, IL 62791	American Petroleum Institute	700.00	1,573.05
Christopher U. Sylvester, 1831 Briar Ridge Court Mclean, VA 22101	Garrison Diversion Conservancy District	3,000.00	355.90
Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	400.00	61.30
Martha Tableman, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	39.44	
Robert Taft Jr., 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Great American Broadcasting Co)		
Do	Taft Stettinius & Hollister (For:Kings Entertainment Co)		
Do	Taft Stettinius & Hollister (For:Machinery Dealers National Association)		
Do	Taft Stettinius & Hollister (For:Recordings Import Trade Committee)		
Do	Taft Stettinius & Hollister (For:Special Comm for Workplace Product Liability Reform).		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)		
George C. Tagg, 300 Maryland Ave., NE Washington, DC 20002	Federal Express Corp	6,000.00	
Taggart & Associates, Inc, 1155 15th Street, HW, #1108 Washington, DC 20005	Animal Health Institute		
Do	Association of American Railroads		
Do	Marion Laboratories, Inc		
Do	Telephone & Data Systems, Inc		
Do	Uniroyal Chemical, Inc		
Rita Takahashi, 1730 Rhode Island Ave., NW, #204 Washington, DC 20036	Japanese American Citizens League Legislative Education Comm	9,750.00	8.50
Kirk Talbott, Weisgall Law Office 1300 19th St., NW, #407 Washington, DC 20009	Bikini/Kili/Ejit Council		
Tanaka Ritger & Middleton, 1919 Pennsylvania Ave., NW, #303 Washington, DC 20006	Electronic Industries Assn of Japan		
Do	Japan Automobile Tire Manufacturers Assn (JATMA)		
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	6,386.28	180.90
William E. Tanner, 10803 Norman Ave. Fairfax, VA 22030	Coalition for Environmental-Energy Balance	7,200.00	1,281.42
M. Louise Tate, 450 Maple Avenue, E., #204 Vienna, VA 22180	U.S. Defense Committee	900.00	
Thomas N. Tate, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	25,392.00	1,236.47
Susan Tatum, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,600.00	
Taubman Company, Inc, 200 E. Long Lake Rd., #200 P.O. Box 200 Bloomfield Hills, MI 48303-0200			22,927.00
Graca Da Silva Tavares, 17 Perkins Street West Newton, MA 02165			
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
Jefferson D. Taylor, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	83.97
Margaret J. Taylor, 50 F Street, NW, #1080 Washington, DC 20001	BN Services, Inc	1,750.00	184.00
Patricia Taylor, 1501 16th St., NW Washington, DC 20036	Center for Science in the Public Interest	490.00	
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	15,269.02	308.90
R. William Taylor, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Norman J. Temple, 155 Dresden Avenue Gardiner, ME 04345	Central Maine Power Co, et al.	8,000.00	
Paul M. Tendler, 1090 Vermont Ave., NW Washington, DC 20005	Paul Tendler Associates, Inc (For:American Licensed Practical Nurses Assn)		
Do	Paul Tendler Associates, Inc (For:Bascom, Inc)		
Do	Tendler & Biggins (For:Geodesco)		
Do	Tendler & Biggins (For:Mears International Sales Co)		
Do	Paul Tendler Associates, Inc (For:Rasch Elektronik)		
Do	Tendler & Biggins (For:Solargistics Corp)		
Barbara Cheryl Terio, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	2,368.00	46.75
Betty-Grace Terpstra, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	4,000.00	206.35
John H. Terry, P.O. Box 4878 Syracuse, NY 13221	Hiscock & Barclay (For:Niagara Mohawk Power Corp)	2,250.00	260.55
Michelle C. Tessier, 1818 N Street, NW, #410 Washington, DC 20036	National Assn of Public Television Stations	600.00	150.00
Robert D. Testa, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electrical Co	675.20	32.66
James G. Tetirick, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Thacher Proffitt & Wood, 1140 Connecticut Ave., NW, #512 Washington, DC 20036	Amoskeag Savings Bank	354.52	331.83
Do	Citicorp Mortgage Finance, Inc	971.22	331.83
Do	Maine Savings Bank		331.83
Do	Massachusetts Bankers Assn	215.21	331.83
Do	New Hampshire Savings Bank		331.83
Do	Salomon Brothers, Inc	331.83	
Mary Kay Thatcher, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	5,874.99	165.26
Karen E. Theibert, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	400.00	
Janelle C. Morris Thibau, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	1,500.00	
Diane Kay Thomas, 2727 29th St., NW, #634 Washington, DC 20008	National Assn of Investment Companies	9,230.00	
Doris I. Thomas, 15th & M St, NW Washington, DC 20005	National Assn of Home Builders of the U.S		
Gordon M. Thomas, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Henry A. Thomas, 5902 Lamont Drive New Carrolton, MD 20784			
J. David Thomas, 1919 Pennsylvania Ave., NW, #705 Washington, DC 20006	Eastman Chemical Division	250.00	166.25
John W. Thomas, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute	90.00	
Meshall Thomas, Suite 400 2000 P Street, NW Washington, DC 20036	Women's Legal Defense Fund		
Robert L. Thomas, 1319 F St., NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Virginia Lamp Thomas, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,400.00	413.00
Barbara Thompson, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,500.00	120.00
Bruce E. Thompson, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	7,500.00	
Frank Thompson Jr., 1020 Prince Street Alexandria, VA 22314	Boilermakers Iron Ship Bldrs Blacksmiths Forgers & Helpers		
Do	Metal Trades Department, AFL-CIO		
Do	Sheet Metal Workers International Assn	3,000.00	266.42
Marilyn Berry Thompson, 444 North Capitol Street, #711 Washington, DC 20001	Keefe Company (For:Carteret Savings & Loan)	550.00	
Do	Keefe Company (For:Mutual Benefit Insurance Co)	7,500.00	
Do	Keefe Company (For:New York University)	7,500.00	
Do	Keefe Company (For:University of Medicine & Dentistry of New Jersey)	1,250.00	
Do	Keefe Company (For:University of Miami)	650.00	
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		
W. Reid Thompson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Thompson & Company, 529 14th St., NW, #425 Washington, DC 20045	ALTEC International	6,750.00	
Do	Bear Stearns & Co	210.00	3.71
Do	Chicago Research & Trading Group, Ltd	33,418.13	1,792.81
Do	Hinderliter Industries, Inc		165.47
Do	Mitsubishi Electronics America, Inc	16,800.00	3,195.54
Do	Morse/Diesel	1,950.00	394.30
Do	Peterson Group	11,421.88	551.87
Do	Suzuki of America Automotive Corp	6,000.00	
Thompson & Mitchell, 1120 Vermont Ave., NW, #1000 Washington, DC 20005	American Inland Waterways Committee		3,446.47
Do	Cold Finished Steel Bar Institute	1,325.00	
Do	Crown Life Insurance Co	15,000.00	2,195.52
Do	Mutual Fairness Taxation Assn	31,250.00	14,015.00
Do	Wheat Gluten Industry Council	3,536.00	
Thompson Hine & Flory, 1920 N St., NW, #700 Washington, DC 20036	Alltel Corporation		
Thompson Mann & Hutson, 1730 Pennsylvania Ave., NW, #1250 Washington, DC 20006	Bechtel Group, Inc	1,555.25	72.03
Do	Combustion Engineering, Inc	1,555.25	72.03
Do	Daniel International Corp	1,555.25	72.03
Do	M.W. Kellogg Company	1,555.25	72.03
Do	Morrison-Knudsen Co, Inc	1,555.25	72.03
Do	National Coalition to Defeat H.R. 281/S. 492		1,284.67
Parker D. Thomson, 200 South Biscayne Blvd. 4900 Southeast Financial Center Miami, FL 33131-2363	Thomson Zeder Bohrer Werth & Razook (For:Burger King Corp)		
Thomson Zeder Bohrer Werth & Razook, 200 South Biscayne Blvd., #4900 Miami, FL 33131	Burger King Corp	15,185.34	12,807.34
Margo Thorning, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	125.00	
Tiber-Potomac, Inc, 1199 North Fairfax St., #601 Alexandria, VA 22314	International Council of Shopping Centers	27,498.00	16,122.67
Tighe Curhan & Piliero, 1750 Pennsylvania Avenue, NW, #1201 Washington, DC 20006	Ad Hoc Comm of Mutual Fund Managers	8,455.44	
Do	Coalition for H.R. 2972 (Richardson) Substitute Bill	7,500.00	
Do	Integrated Resources, Inc	300.00	
Do	Sharp Manufacturing Co of America		
Do	Town of Andover, Massachusetts		
Patti A. Tilson, Suite 520 900 17th Street, NW Washington, DC 20006	Toyota Motor Sales, USA, Inc	500.00	
Gary G. Timmons, 1201 16th Street, NW Washington, DC 20036	National Education Assn	2,879.90	385.00
Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006	American Petroleum Institute	624.99	
Do	American Trucking Assns, Inc	1,187.50	
Do	Amoco Corporation	812.50	
Do	Anheuser-Busch Companies, Inc	1,812.50	
Do	Association of Trial Lawyers of America	1,150.00	
Do	Boeing Company	500.00	
Do	Brown Group, Inc	1,062.50	
Do	Capital Cities/ABC, Inc	937.50	
Do	Chrysler Corporation	1,312.50	
Do	H. J. Heinz Co	250.00	
Do	Major League Baseball	812.50	
Do	Morgan Stanley & Co, Inc	1,495.00	
Do	MSU System Services, Inc	1,062.48	
Do	National Rifle Assn of America	625.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Northern Telecom, Inc		
Do	Northrop Corp	470.00	
Do	NutraSweet Co	1,062.50	
Do	G. D. Searle & Co	937.50	
Alan R. Timothy, 601 Pennsylvania Ave., NW, #500 Washington, DC 20004	Adolph Coors Co	11,947.00	28,753.75
Michael L. Tiner, 1775 K St., NW Washington, DC 20006	United Food & Commercial Workers International Union	12,646.14	764.35
G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	125.00
William C. Tinklepaugh, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Constance D. Tipton, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation & Int'l Ice Cream Assn		
Title Associates, Inc, Rt.2, Box 89 Columbia, TN 38401			
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	3,000.00	519.00
Tobacco Associates, Inc, Suite 912 1101 17th St., NW Washington, DC 20036			3,493.00
James S. Todd, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn	1,200.00	
M. Douglas Todd, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		
Webster B. Todd Jr., 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	2,000.00	
David R. Toll, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Western Utilities Clean Air Group		
Edward Tonat, 6723 Brigadoon Drive Bethesda, MD 20817	Robert Goff & Associates, Inc		
Billy W. Tongate, 4842 Randolph Drive Annandale, VA 22003	Circus Circus Enterprises, Inc	25,500.00	1,667.41
Peter W. Tooker, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Total Petroleum, Inc, 999 18th Street, Suite 2201 Denver, CO 80202			
Frank V. Toti Jr., 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	200.00
Touche Ross & Co, 1900 M Street, NW Washington, DC 20036-3564	Money Store Investment Co		
Do	Restaurant Associates		
Do	Schnuck Markets, Inc		
Gilbert D. Tough, 70 North Main St. Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Tower & Associates, 2101 L St., NW, 9th Floor Washington, DC 20037	British Aerospace, Inc		
Do	Hicks & Associates		
Do	LTV Defense & Space Co	420.00	
Do	Martin Marietta Corp		
Do	Rockwell International Corp		
Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	1,220.00	
Joseph P. Trainor, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	2,000.00	787.42
Jeffrey B. Trammell, 1455 Pennsylvania Ave., NW, #1270 Washington, DC 20004	Hill & Knowlton, Inc (For:Palm Oil Registration & Licensing Authority)		
Transportation - Communications Union, 815 16th St., NW Washington, DC 20006		16,350.00	28,830.11
Travel & Tourism Government Affairs Policy Council, 1133 21st Street, NW Washington, DC 20036		1,760.00	1,760.00
Travis & Gooch, 1100 15th St., NW, #1200 Washington, DC 20005	Coalition to Oppose Energy Taxes		
Trilling & Kennedy, 1900 L Street, NW, #310 Washington, DC 20036	National Small Bus. Council for Competitiveness in Pub. Cont		
Sally A. Triplett, 1725 Desales Street, NW, #804 Washington, DC 20036	Samuel E. Stavisky & Associates, Inc (For:Broadcast Music, Inc)	50.00	20.00
Tripp Scott Conklin & Smith, 2000 E. Oakland Park Blvd. Fort Lauderdale, FL 33306	Alamo Rent-A-Car, Inc	10,000.00	2,000.00
Eugene M. Trisko, 9817 Rosensteel Avenue Silver Spring, MD 20910	Stern Bros, Inc		
Michael G. Troop, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	12,500.00	
Robert C. Troup, Box 893 New Canaan, CT 06840			
George G. Troutman, Suite 1100 1090 Vermont Ave., NW Washington, DC 20005	Bell Helicopter Textron, Inc	150.00	
Alexander B. Trowbridge, 1331 Pennsylvania Avenue, NW Washington, DC 20004	National Assn of Manufacturers	1,125.00	
Thomas L. Trueblood, 401 North Michigan Ave. Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	3,956.59
Trumble & Associates, P.O.Box 87 Chaska, MN 55318	Stakeholders in America	23,660.09	4,750.89
Motoyuki Tsutsui, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Tucker & Associates, 1701 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Manville Corporation		
Do	Regional Transportation District		
Shannon B. Tuel, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Stanley F. Turesky, 2550 M St., NW, #300 Washington, DC 20037	Van Dyke Associates, Inc (For:American Gas Assn)		
Do	Van Dyke Associates, Inc (For:Boston Company)	1,500.00	65.00
Do	Van Dyke Associates, Inc (For:USF&G Corp)	1,250.00	35.00
Brian Turner, 815 16th Street, NW Washington, DC 20006	Industrial Union Department, AFL-CIO	7,803.00	53.00
J. Terry Turner, 2200 Mill Road Alexandria, VA 22314	Interstate Carriers Conference	500.00	150.00
Jane L. Turner, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
John M. Turner, 1875 Eye St., NW, #470 Washington, DC 20006	Georgia-Pacific Corp	10,000.00	
William F. Turner, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,050.00	178.52
Turner Broadcasting System, Inc, 111 Massachusetts Ave., N.W. Third Floor Washington, DC 20001		10,975.00	10,975.00
Richard F. Turney, 1725 K St., NW Washington, DC 20006	Courtney McCamant & Turney	300.00	
S. Diane Turpin, 1100 17th St., NW, #1203 Washington, DC 20036	Financial Executives Institute		
St. Clair J. Tweedie, Suite 220 1575 Eye Street, NW Washington, DC 20005	American Cyanamid Co	10,000.00	
John R. Tydings, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade		
U.S. Cane Sugar Refiners' Assn, 1001 Connecticut Ave., NW Washington, DC 20036		4,635.50	4,975.55
U.S. Defense Committee, 450 Maple Avenue, E., #204 Vienna, VA 22180		8,388.88	8,388.88
U.S. League of Savings Institutions, 111 E. Wacker Dr. Chicago, IL 60601			152,003.31
U.S. Public Interest Research Group, 215 Pennsylvania Avenue Washington, DC 20003		141,656.33	86,094.17
Gilman Udell, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	6,000.00	
Jerry G. Udell, 1616 H St., NW Washington, DC 20006	American Retail Federation	250.00	73.00
Kenji Ueno, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			
Unilever United States, Inc, 10 East 53rd St., 24th Fl. New York, NY 10022			4,555.70
United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001			30,000.00
United Food & Commercial Workers International Union, 1775 K St., NW Washington, DC 20006		54,112.56	54,112.56
United Fresh Fruit & Vegetable Assn, 727 N. Washington St. Alexandria, VA 22314		10,927.50	1,468.82
United Gas Pipe Line Co, P.O. Box 1478 Houston, TX 77251-1478			
United International Consultants, 1800 Diagonal Road Alexandria, VA 22314	Republic of South Africa	90,000.00	24,999.00
United Services Automobile Assn, P.O. Box 4525 Reston, VA 22090-1489			
Utility Nuclear Waste Management Group, c/o Edison Electric Institute 1111 19th St., NW Washington, DC 20036			
Grayce K. Uyehara, 1730 Rhode Island Avenue, NW, #204 Washington, DC 20036	Japanese American Citizens League Legislative Education Comm	2,058.00	43.85
Robert E. Vagley, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Anthony Valanzano, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	5,000.00	142.66
Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	2,160.00	
R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	675.00	
Van Dyk Associates, Inc, 1250 24th St.,N.W. Suite 600 Washington, DC 20037	American Gas Assn		
Do	Boston Company	6,200.00	2,501.00
Do	USF&G Corp	4,000.00	1,320.00
Burkett Van Kirk, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	INTERARMS		
Nick L. Van Nelson, Suite 540 1875 Eye Street, NW Washington, DC 20006	Champion International Corp		
Van Ness Feldman Sutcliffe & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Ad Hoc Coalition for Health Security	396.00	
Do	Alaska Eskimo Whaling Commission		
Do	American Inst of Certified Public Accountants		
Do	American President Lines		
Do	Arctic Slope Regional Corp	6,150.00	
Do	Bumble Bee Seafoods, Inc		
Do	BRAE Corporation		
Do	Clean Coal Technology Coalition		
Do	Collier Company	3,502.50	
Do	Consumers United for Rail Equity (C.U.R.E.)	11,398.50	167.21
Do	Fidelity Management & Research Co	743.00	
Do	Geothermal Resources Assn	1,250.00	14.00
Do	Hawaiian Electric Company, Inc		
Do	LUZ International Ltd		
Do	Postal Square Associates	1,178.00	
Do	Uranium Producers of America	6,460.00	14.00
Do	Wagner & Brown		
Fred Van Remortel, 1016 16th St., NW, #100 Washington, DC 20036	Brown Bridgman & Co, Inc		
John A. Vance, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	6,184.00	127.65
Norman C. VanderNoot, New Hampshire Petroleum Council 23 School Street Concord, NH 03301	American Petroleum Institute	330.00	
Robert C. Varah, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc	150.00	993.99
Variable Annuity Life Insurance Co, 2929 Allen Parkway Houston, TX 77019			18,000.00
Theresa Varner, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	610.38	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Donald R. Vaughan, P.O. Box 2909 Asheboro, NC 27203	Stedman Corporation		
Nicholas A. Veliotes, 2005 Massachusetts Avenue, NW Washington, DC 20036	Association of American Publishers		
Carol Verby, 1390 Piccard Drive Rockville, MD 20850	CNA Insurance Co		
Jerry T. Verkler, 1660 L Street, NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America	6,250.00	464.75
Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Co	1,084.50	
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc		
Do	National Assn of Crop Insurance Agents		
Victoria E. Vidal, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	1,000.00	39.00
David Vienna & Associates, 410 Wythe Street ,#2A Alexandria, VA 22314	National Assn of Credit Management	15,000.00	
Do	Pacific Stock Exchange, Inc	38,257.52	
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	76.54
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Bank Tax Group		
Do	Bear Stearns & Co		
Do	Dunigan Enterprises		
Do	Enserch Corporation		
Do	Federal Express Corp	1,106.25	7.00
Do	Fidelity Management & Research Co		
Do	Goldman Sachs & Co		
Do	John Hancock Mutual Life Insurance Co		
Do	Merrill Lynch & Co, Inc		
Do	Pennzoil Co		
Do	Provident Life & Accident Insurance Co		
Do	Public Service Co of New Mexico	1,486.25	102.08
Do	Salomon Brothers, Inc	990.00	159.57
Do	Southern California Edison Co	3,485.00	3.00
Do	Southern Star Shipping Co, Inc	1,535.00	3.00
Do	Travelers Insurance Co		
Walter D. Vinyard Jr., Zuckert, Scoutt, Rasenberger & Johnson 888 17th St., NW, 7th Fl. Washington, DC 20006	Continental Insurance Companies	150.00	
Do	National Fraternal Congress of America	35.00	
Virginia Association of Railway Patrons, P.O. box 867 Richmond, VA 23207		20.00	42.90
George A. Viverette Jr., 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
Jesse S. Vogtle, 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	49,000.00	518.24
Nick J. Volcheff, 7325 Del Norte Drive Scottsdale, AZ 85258	AT&T		
Volkswagen of America, Inc, 490 L'enfant Plaza, SW, #7204 Washington, DC 20024			450.00
Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006	Paralyzed Veterans of America	19,772.84	
Ian D. Volner, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	National Assn of Trade & Technical Schools	1,250.00	
Volpe Boskey & Lyons, 918 16th Street, NW, #602 Washington, DC 20006	American Assn of Equipment Lessors		
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Grocery Manufacturers of America, Inc		
Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	9,205.76	259.93
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburg, PA 15219	Procompetitive Rail Steering Committee	32,640.00	
Rex B. Wackerle, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		
Sadami Wada, 9 West 57th Street New York, NY 10019	Sony Corp of America		
Wagner & Baroody, Inc, 1615 L St., NW, #750 Washington, DC 20036	Association of Business Publishers		
Do	Canadian General Electric		
Do	National Beer Wholesalers of America	19,687.50	4,782.91
Do	National Debt Repayment Foundation		
Do	New MediCo Associates, Inc	1,725.00	546.81
Do	Rainbow Navigation, Inc	14,154.25	2,730.57
Howard W. Wahl, 10501 Bit and Spur Lane Potomac, MD 20854	Bechtel Group, Inc		
Herbert R. Waite, 100 Federal St. Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston	12,300.00	11,345.93
Susan Stephenson Walden, 1667 K St., NW, #410 Washington, DC 20006	Johnson & Johnson	1,000.00	225.00
Angela S. Waldorf, N.C. Petroleum Council P.O. Box 167 Raleigh, NC 27602	American Petroleum Institute		
Robert E. Waldron, Associated Petroleum Industries of Michi 930 Michigan Natl Tower, PO Box 10070 Lansing, MI 48901	American Petroleum Institute	920.00	1,142.48
Jean A. Walker, 122 C Street, NW, #200 Washington, DC 20001	Council of State Chambers of Commerce		
Robert Joseph Walker, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	312.09	
Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	Agrico Chemical Company, et al.		
Do	Aluminum Company of America	750.00	
Do	American Telephone & Telegraph Co	750.00	
Do	Anheuser-Busch Companies, Inc	4,500.00	
Do	Bank Capital Markets Assn	8,166.67	
Do	Broadcast Music, Inc	3,750.00	
Do	Burlington Northern, Inc		
Do	Champion International Corp	750.00	
Do	Coalition to Preserve Group Workers' Compensation Funds		
Do	CBS Records Group	7,500.00	
Do	CBS, Inc	5,500.00	
Do	CSX Corporation	500.00	
Do	Dresser Industries, Inc	750.00	
Do	Enron Corp	750.00	
Do	First Texas Savings & Loan		
Do	Ford Motor Co	750.00	
Do	Goodyear Tire & Rubber Co	750.00	
Do	Lone Star Technologies, Inc		
Do	National Assn of Small Business Investment Cos		
Do	Northville Industries Corp	4,500.00	
Do	Northwestern Mutual Life Insurance Co	7,500.00	
Do	Oppenheimer & Co, Inc		
Do	Owens-Illinois	10,000.00	
Do	Phlcorp, Inc	1,875.00	
Do	Quanex Corp		
Do	Resorts International, Inc	2,700.00	
Do	Sea-Land Corporation	1,250.00	
Do	Shearson Lehman Hutton, Inc		
Do	Southern Company Services, Inc	10,000.00	
Do	Texas Ozone Task Force		
Do	U.S. Fidelity & Guaranty Co	4,500.00	
Do	Union Carbide Corp	750.00	
Do	Vulcan Materials Co		
Do	Weil Gotshal & Manges		
Do	Weyerhaeuser Company	750.00	
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Ad Hoc Comm on Coal Taxation	1,500.00	
Do	Bell Atlantic Corp	500.00	
Do	Brinks, Inc	1,000.00	
Do	California Federal Savings & Loan Assn	1,000.00	
Do	Cantor Fitzgerald & Co, Inc	500.00	
Do	Footwear Retailers of America	1,500.00	
Do	Hong Kong Trade Development Council	1,500.00	
Do	JMB Realty Corp	1,000.00	
Do	Life of Virginia	1,000.00	
Do	National Assn of Temporary Services, Inc	1,000.00	
Do	New York State Bankers Assn	1,500.00	
Do	Pharmaceutical Manufacturers Assn	1,500.00	
Do	Securities Industry Assn	500.00	
Do	Torchmark Corporation	1,000.00	
Henry Scott Wallace, 1110 Vermont Ave., NW, #1150 Washington, DC 20005	National Assn of Criminal Defense Lawyers	11,250.00	50.00
Raymond C. Wallace, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Alabama Farmers Federation	1,500.00	
Do	American Sugar Cane League	3,750.00	
Do	Amstar Corp	3,750.00	
Do	Cotton Warehouse Assn of America	4,550.00	
Do	Federal Compress & Warehouse Co		
Do	Fiber Fabric & Apparel Coalition for Trade	6,250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Flue-Cured Tobacco Cooperative Stabilization Corp	2,500.00	
Do	Merchants Grain & Transportation, Inc	5,000.00	
Do	Service Corporation International	1,875.00	
Lionel L. Wallenrod, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
R. Douglas Wallin Jr., 1235 Jefferson Davis Hwy. Arlington, VA 22202	Emerson Electric Co		807.30
Charles S. Walsh, Fleischmen & Walsh 1725 N St., NW Washington, DC 20036	National Cable Television Assn, Inc		
James P. Walsh, Davis Wright & Jones 1752 N St., NW, #800 Washington, DC 20036	American Tunaboat Assn	12,000.00	
Richard J. Walsh, 6770 Lake Ellanor Drive Orlando, FL 32859-3330	General Mills Restaurants, Inc	483.33	236.82
William C. Walsh, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	3,923.10	
Frank J. Walter, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufactured Housing Institute	900.00	100.00
Henry L. Walther, 450 Maple Avenue, E., #204 Vienna, VA 22180	U.S. Defense Committee	3,000.00	
John C. Walton, 2300 N St., NW, #600 Washington, DC 20037	General Dynamics Corp	12,499.98	503.65
Do	General Electric Co	9,000.00	545.15
Do	Martin Marietta Corp	8,100.00	188.15
Do	Morton Thiokol, Inc	6,300.00	354.72
Do	Stone & Webster Engineering Corp	5,400.00	
Do	Texton, Inc	9,999.99	908.64
William C. Wampler, 412 First Street, SE Washington, DC 20003	Sterling Drug, Inc	9,000.00	
Bonnie B. Wan, 1201 Pennsylvania Avenue, #730 Washington, DC 20004	Kimberly-Clark Corp		
John F. Wanamaker, 201 N. Washington, St. Alexandria, VA 22314	Retired Officers Assn	2,331.00	
Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Justin R. Ward, 1350 New York Avenue, NW, #300 Washington, DC 20005	Natural Resources Defense Council, Inc		
Stephen E. Ward, 1919 Pennsylvania Avenue, NW, #503 Washington, DC 20006	Mid-Continent Oil & Gas Assn	4,618.99	154.50
Richard D. Warden, 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	21,420.23	194.00
Jack Ware, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	7,940.00	180.65
Michael O. Ware, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	2,500.00	
Peter F. Warker, Suite 2700 1000 Wilson Boulevard Arlington, VA 22209	TRW, Inc	1,250.00	
Ann D. Warner, 1513 16th St., NW Washington, DC 20036	Air Conditioning Contractors of America	1,250.00	
William H. Warner, 1201 Pennsylvania Avenue, NW, #370 Washington, DC 20004	Control Data Corporation	39.00	30.35
Christine M. Warnke, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	400.00	187.00
B. Jack Warren, P.O. Box 95385 Atlanta, GA 30347	Forest Farmers Assn	242.00	
Barbara J. Washburn, 1201 Pennsylvania Avenue, NW, #370 Washington, DC 20004	Control Data Corporation	357.00	140.62
Washington Gas Light Co, 1100 H St., NW Washington, DC 20080			981.24
Washington Independent Writers, Inc, 733 15th St., NW, #220 Washington, DC 20005			
Koichi Watanabe, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Waterbed Manufacturers Assn, 2500 Wilshire Boulevard, #603 Los Angeles, CA 90057			
Millie Waterman, 5256 Corduroy Road Mentor, OH 44060	National Congress of Parents & Teachers		1,644.76
Jerry B. Waters, 777 14th Street, NW, #680 Washington, DC 20005	Farmland Industries	2,400.00	
Austen W. Watson, 1725 Jefferson Davis Hwy., #701 Arlington, VA 22202	Singer Co	540.00	821.54
Clarke R. Watson, 375 Detroit Street Denver, CO 80206	Westland Companies, Inc		
John L. Watson III, One World Trade Center, #4511 New York, NY 10048	National Security Traders Assn, Inc	5,375.00	
Leroy Watson, 1616 H Street, NW Washington, DC 20006	National Grange	4,875.00	
Carl E. Watt Jr., 1745 Jefferson Davis Hwy, #1200 Arlington, VA 22202	Rockwell International Corp	9,250.00	254.41
Douglas R. Watts, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	1,521.00	
George B. Watts, 1155 15th St., NW Washington, DC 20005	National Broiler Council	1,500.00	
Bruce H. Watzman, 1130 17th Street, N.w. Washington, DC 20036	National Coal Assn	6,660.00	267.98
William H. Weatherspoon, North Carolina Petroleum Council PO Box 167 Raleigh, NC 27602	American Petroleum Institute	1,000.00	1,373.33
A. Vernon Weaver, 114 East Capitol Ave. Little Rock, AR 72201	Stephens Inc		
James M. Webb, 801 North 11th Street St., Louis, MO 63101	Sverdrup Corp		
Andrew H. Webber, 440 First Street, NW, #510 Washington, DC 20001	American Medical Peer Review Assn		
Frederick L. Webber, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn		
Peter K. Weber, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	3,700.00	40.00
Webster & Sheffield, 1200 New Hampshire Ave., NW, #350 Washington, DC 20036	Asarco Corporation		
Do	Mazda Motor Manufacturing (USA) Corp		
Webster Chamberlain Bean & McKevitt, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Beer Industry Alliance		
Do	Better Working Environments, Inc		
Do	Diagnostic Retrieval Systems, Inc		
Do	International Taxicab Assn		
Do	Miller Brewing Co	800.00	130.00
Do	Waterbed Manufacturers Assn		
Charles W. Wegner Jr., 400 N. Washington St. Alexandria, VA 22314	National Assn of Professional Insurance Agents	1,000.00	13,950.00
Stephen Wehrly, Route 4, Box 457 Vashon, WA 98070	Miller Brewing Co		
Edward L. Weidenfeld, 1155 21st Street, NW, #400 Washington, DC 20036	Pillsbury Madison & Sutro (for Southern Company Services)		
Steven A. Wein, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Mark Weinberg, 1815 H St., NW, #600 Washington, DC 20006	Mark B. Weinberg, P.C. (For:Coalition for a Free Marketplace of Ideas)		10.14
Weinberg & Jacobs, 1815 H Street, NW, #600 Washington, DC 20006	Coalition for a Free Marketplace of Ideas		10.14
Weiner McCaffrey Brodsky & Kaplan, P.C., 1350 New York Ave., NW, #800 Washington, DC 20005	National Manufactured Housing Finance Assn	4,934.00	251.05
Donald G. Weinert, 1420 King St. Alexandria, VA 22314	National Society of Professional Engineers	1,500.00	
Arthur E. Weisberg, 2200 First Bank Place East Minneapolis, MN 55402	Dorsey & Whitney		
Arthur A. Weiss, 1800 First National Building Detroit, MI 48226	Jaffe Snider Raitt & Heuer, P.C.		
David Weiss, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	611.10
Don Welch, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Co		
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Kathleen Welch, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	5,134.59	
Jerry Welcome, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	2,000.00	
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	Old Republic Companies	1,000.00	
Wellford Wegman & Hoff, 1701 Pennsylvania Ave., NW, #1000 Washington, DC 20006	American Business Conference	750.00	
Do	Canadian Embassy	3,375.00	
Do	Catalyst Energy Corp		
Do	City of Kenosha, Wisconsin	3,600.00	
Do	Department of Natural Resources, Province of Manitoba		
Do	Energy Factors, Inc	750.00	
Do	Grants & Contracts Projects, United Way of America		
Do	J&B Management Company	600.00	
Do	Long Lake Energy Corp	500.00	
Do	Manville Corporation		
Do	Ministry of the Environment	6,250.00	
Do	National Corp for Housing Partnerships	500.00	
Do	National Independent Energy Producer's Hydro Tax Reform Comm	1,500.00	
Do	National Independent Energy Producers	500.00	
Do	Sithe-Energies USA, Inc	1,500.00	
Do	Taurus International Manufacturing, Inc	540.00	
Do	VMS Realty		
Do	YMCA of the USA	500.00	
L. H. Wells, Suite 200 1025 Connecticut Avenue, NW Washington, DC 20036	Shell Oil Co	500.00	
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn		
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	18,136.26	938.97
Roland Wesley, 1159 Quail Run Bolingbrook, IL 60439	Committee for Minor. Access to Post Second. School Ownership		
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 1015 18th Street, NW Washington, DC 20036	Fertilizer Institute	25,000.00	742.84
G. Franklin West, 3804 Rodman St., NW, #302 Washington, DC 20016	Church Alliance	4,000.00	
Joy Cherie West, 1629 K St., NW, #715 Washington, DC 20006	City of Detroit	36,729.95	10,182.78
West Mexico Vegetable Distributors Assn, P.O. Box 848 Nogales, AZ 85621			1,300.00
Western Coal Traffic League, 1224 17th St., NW Washington, DC 20036		3,500.00	3,500.00
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	318.75	152.68
William Wewer, 7201 Wisconsin Ave., Suite 705 Bethesda, MD 20814	National Comm to Preserve Social Security	5,900.00	
Brian B. Whalen Jr., 401 N. Michigan Ave. Chicago, IL 60611	Navistar International Transportation Corp	1,250.00	13.54
Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Leonard P. Wheat, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Clyde A. Wheeler Jr., Bishop Cook Purcell & Reynolds 1400 L Street, NW Washington, DC 20005	American Petroleum Institute		
Do	Kidder Peabody & Co, Inc		
John C. Whitaker, 2021 L Street, NW, #320 Washington, DC 20036-4909	Union Camp Corporation	2,308.00	30.00
Deborah A. White, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	160.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
George E. White Jr., P.O. Box 61000 New Orleans, LA 70161	MSU System Services, Inc	1,559.68	361.73
John C. White, 1899 L Street, NW, #500 Washington, DC 20036	Camp Barsh Bates & Tate	6,500.00	
Do	Chicago Mercantile Exchange	4,166.00	
Do	Coastal Corp	12,500.00	
Do	Comtran, Ltd		
Do	Louis Dreyfus Corp		
Do	Tobacco Institute	6,300.00	
John Thomas White II, Suite 2202 490 L'Enfant Plaza East, SW Washington, DC 20024	Tenneco, Inc		
Larry White, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	559.96	144.00
Leland J. White, 1825 K St., NW, #218 Washington, DC 20006	American Soc of Mechanical Engineers		
Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041	Harris Corporation	3,500.00	1,591.25
Sam White, 412 First St., SE, #40 Washington, DC 20003	American Beekeeping Federation		
Do	Concerned Shrimpers of America	1,400.00	
Do	Independent Cattlemen's Assn		
Do	National Agricultural Chemicals Assn	15,000.00	
Do	National Peanut Growers Group	6,000.00	
Do	Nuclear Waste Task Force	7,500.00	
Do	Sam Kane Packing		
Steven C. White, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Toni D. White, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments		
Josiah R. Whitehead, 3030 Cornwallis Road Research Triangle Park, NC 27709	Burroughs Wellcome Co		
Richard M. Whiting, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	1,350.00	
Elizabeth D. Whitley, 499 S. Capitol Street, SW, #411 Washington, DC 20003	National Council of Agricultural Employers	2,000.00	200.00
William F. Whitsitt, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,500.00	421.54
Pamela J. Whitted, 1700 K St., NW, #502 Washington, DC 20006	Pacific Resources, Inc	500.00	
William E. Wickert Jr., 1000 16th Street, NW, #800 Washington, DC 20036	Bethlehem Steel Corp	300.00	
Mary Frances Widner, 1455 Pennsylvania Ave, NW Washington, DC 20004	American Inst of Certified Public Accountants	500.00	17,748.25
Phillip R. Wiedmeyer, 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	15,203.10	15,569.21
Andrew F. Wiessner, Kogovsek & Associates 1801 Broadway #1420 Denver, CO 80202	American Public Land Exchange Co	300.00	
Do	CSX Corporation		
Do	Flex, Inc	3,000.00	
Do	Glacier Park Co	2,500.00	
Do	(For:Robert D. Lindner)	2,500.00	
Do	Mt. Baldy Homeowners	1,000.00	
Do	Murray Pacific Corp	1,500.00	
Do	Nature Conservancy	2,000.00	
Do	Trust for Public Lands	2,500.00	
Do	Union Pacific Resources		
Do	Western Land Exchange Co	1,975.91	975.91
Do	Weyerhauser Company	5,000.00	
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	263.40
Brian Wilcox, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	4,000.00	222.21
Thomas D. Wilcox, 2011 Eye Street, NW, #601 Washington, DC 20006	National Assn of Stevedores	1,850.00	280.00
Guenther O. Wilhelm, Suite 1100 1899 L Street, NW Washington, DC 20036	Exxon Corporation		
Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Bonneville International Corp	32,328.00	1,671.84
Do	Central States Health & Life Co of Omaha		
Do	Empire Blue Cross & Blue Shield	8,202.00	235.63
Do	Greenwich Capital Markets		
Do	Manville Corporation		
Do	J. C. Penney Co, Inc	21,875.00	538.15
Do	Security Pacific National Bank	53,833.15	3,214.98
Do	Shee Atika, Inc	4,605.00	
Do	SPC Securities Services Corp	25,000.00	519.47
Ralph E. Willham, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	14,220.00	
Charles C. Williams, P.O. Box 3500 M/S 630 Vancouver, WA 98668	Tektronix, Inc	490.00	1,169.50
Faith Williams, 600 New Hampshire Ave., NW Washington, DC 20037	New York Life Insurance Company	70.00	117.17
Floyd L. Williams, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Harding deC. Williams, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	4,000.00	
Lee Williams, 1616 H St., NW Washington, DC 20006	American Retail Federation	900.00	
Leonard B. Williams, 1000 16th Street, NW, #800 Washington, DC 20036	Bethlehem Steel Corp	120.00	
Lucinda L. Williams, 1155 15th Street, NW, #510 Washington, DC 20005	National Medical Enterprises, Inc	4,980.00	
Margie R. Williams, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	890.00	
Peter Williams, 2030 M St., NW Washington, DC 20036	Common Cause	400.00	
Robert E. Williams, 1707 L Street, NW, #300 Washington, DC 20035-4202	United Airlines, Inc	1,500.00	
Williams & Connolly, 839 17th St., NW Washington, DC 20006	Institute for Clinical Research, Inc	5,000.00	
David K. Willis, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Wayne D. Willis, 1025 Connecticut Ave., NW, #704 Washington, DC 20036	GA Technologies, Inc	795.88	45.66
Charlotte M. Wilmer, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	200.00	
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	American Broadcasting Co, Inc, et al		
Do	American Honda Motor Co, Inc	8,265.00	2,877.90
Do	American Soc of Composers, Authors & Publishers		
Do	American Textile Manufacturers Industries, Inc		3.50
Do	Apache Corporation		
Do	Capital Cities/ABC, Inc		
Do	Citicorp	480.00	4.00
Do	Government of Tibet in Exile		70.00
Do	National Assn of Broadcasters		
Do	People of Enewetak		
Do	World Wildlife Fund		
Charles D. Wilson, 1919 South Broadway, Box 19130 Green Bay, WI 54307-9130	Fort Howard Corp	923.04	230.24
Dena L. Wilson, Suite 1000 1600 Wilson Blvd. Arlington, VA 22209	American Waterways Operators, Inc	6,000.00	186.16
Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	775.00	15.00
H. Graham Wilson, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Patrick Wilson, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Robert Gary Wilson, 1730 Rhode Island Avenue, NW Washington, DC 20036	PPG Industries, Inc		
William F. Wilson, 231 W. Michigan Street Milwaukee, WI 53201	Wisconsin Electric Power Co	98.00	37.86
John P. Winburn, Winburn Associates, Inc 453 New Jersey Ave., SE Washington, DC 20003	American Assn of Equipment Lessors	11,000.00	
Do	American Automotive Leasing Assn	6,000.00	
Do	Beneficial Management Corp	30,000.00	
Do	Burlington Northern, Inc	15,000.00	
Do	Coalition to Preserve Group Worker's Compensation Funds		
Do	FAG Bearings Corporation		
Do	Gray Communications Systems, Inc	12,000.00	
Do	Green Bay Packaging Co		
Do	The Hartford	15,000.00	
Do	Leggett & Platt	12,000.00	
Do	National Assn of ASCS County Office Employees	2,830.00	
Do	Pennzoil Co	15,000.00	
Do	Quanex Corp		
Do	Rosenberg Real Estate Equity Fund, Inc		
Do	Ruan Transport Corp	27,000.00	
Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	500.00	257.72
Joseph B. Winkelmann, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	American Resort & Residential Development Assn		
Kathleen J. Winn, 1155 15th St., NW, #600 Washington, DC 20005-2770	Pennzoil Co	690.00	
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	656.25	85.00
James L. Winston, 1730 M Street, NW, #412 Washington, DC 20036	National Assn of Black Owned Broadcasters		
Winston & Strawn, 2550 M St., NW, #500 Washington, DC 20037	American Assn of Museums		
Do	Beatrice Companies, Inc		
Do	City of Tucson		
Do	Council of Forest Industries of British Columbia	600.00	8.50
Do	CNA Financial Corp		
Do	Emerson Radio Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Lease Management Corp		
Do	Staley Continental, Inc		
Do	Syntex Laboratories, Inc		
Winthrop Stimson Putnam & Roberts, 1155 Connecticut Ave., NW, #1000 Washington, DC 20036	Alaska Native Coalition		
Do	America West Airlines, Inc		
Do	Amoco Performance Products, Inc	400.00	
Do	Bowater, Inc	1,066.25	
Do	Brown & Bain		
Do	BASF Structural Materials, Inc	400.00	
Do	BASF, Corp		
Do	Connecticut Liquidity Investment Fund, Inc		22.40
Do	Defense Products Division of Kongsberg Vapenfabrikk A/A Mfg		
Do	Fiberite Corp	400.00	
Do	Fusion Systems Corp	1,185.00	
Do	Hercules Aerospace Co	400.00	
Do	Irving Bank Corp	56,733.25	233.24
Do	IBJ Schroder Bank & Trust Co	1,187.50	
Do	National Vehicle Leasing Assn		
Do	Navajo Nation		
Do	Norsk Forsvarsteknologi A/S	9,700.00	28.00
Do	Patrolmen's Benevolent Assn		
Do	QO Chemicals, Inc		
Do	Singer Co		
Do	Wilbert A. Tatum		
Do	Thrifty Rent-A-Car System, Inc	33,800.00	33.59
Claudia A. Withers, 2000 P Street, NW, #400 Washington, DC 20036	Women's Legal Defense Fund		
Glenn P. Witte, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
S.R. Wojdak and Associates, Inc, 1401 Walnut St., #1000 Philadelphia, PA 19102	Children's Hospital of Pittsburgh	18,000.00	2,828.87
Do	Medical College of Pennsylvania	15,000.00	1,566.14
Do	Mercy Catholic Medical Center	28,500.00	1,468.83
Do	National Assn of Children's Hospitals & Related Institutions		1,340.00
Do	National League of Nursing		3.00
Do	St. Christopher's Hospital for Children	36,000.00	1,197.20
Do	St. Francis Medical Center		3.00
James Wolf, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy	286.37	
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard Inc	1,000.00	
Thomas J. Wolf, 1439 Rhode Island Ave., NW Washington, DC 20005	Rendon Company (For:EXPEX, Inc)	300.00	
Megan McGrath Wolfe, 1726 M Street, NW, #300 Washington, DC 20036	Schering-Plough Corp	112.50	165.53
Ronald Wolsey, One North Charles St., #1520 Baltimore, MD 21201	Amoco Corporation	1,200.00	176.07
John L. Wood, 2121 San Jacinto St. P.O. Box 660164 Dallas, TX 75266	Central & South West Corp		
S. Roy Woodall Jr., 1455 Pennsylvania Ave., NW, #1250 Washington, DC 20005	National Assn of Life Companies	1,477.37	
G. Kent Woodman, 1818 N Street, NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Burlington Northern, Inc)		
Irvin M. Woods, 600 Maryland Ave., SW, #701 Washington, DC 20024	Aircraft Owners & Pilots Assn	8,865.00	1,778.89
Perry W. Woofter, Suite 530 1800 K St. NW Washington, DC 20006	Tesoro Petroleum Corp	3,000.00	
Howard E. Woolley, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,700.00	1,072.81
Linda Anzalone Woolley, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	2,400.00	78.00
Noel C. Woosley, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	6,800.00
Worldwide Information Resources, Ltd, 1717 K Street, NW, #706 Washington, DC 20006	Avon Products, Inc		
Do	Bombardier Corp	58,500.00	13,972.73
Do	Equitable Life Assurance Society of the U.S		
Do	Toshiba America, Inc		
Do	Toyota Motor Sales, USA, Inc		
Do	Transportation Group, Inc	4,500.50	2,512.50
W. Robert Worley, 190 St.Clair Street Drive St.Simmons Island, GA 31522	Southern Company Services, Inc	1,875.00	
David A. Wormser, Pepper Hamilton & Scheetz 1777 F Street, NW Washington, DC 20006	Norlight, Inc		
Owen Wormser, 12942 Oak Lawn Place Herndon, VA 22071	Command & Control Consulting, Inc		
Worthington Associates, 2132 Southbay Lane Reston, VA 22091	HRM		
Joseph T. Wrabek, Box 70 Cascade Locks, OR 97014	Columbia Gorge United		
David L. Wray, 20 North Wacker Drive Chicago, IL 60606	Profit Sharing Council of America		
Alan D. Wright, P.O. Box 94661 Cleveland, OH 44101-4661	Centerior Energy Corp, et al		
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc		593.50
Kenneth Wu, 1755 Jefferson Davis Highway, #900 Arlington, VA 22202	Gould, Inc	1,500.00	1,100.17
Wunder & Diefenderfer, 1615 L St., NW, #650 Washington, DC 20036	Airship Industries, Ltd	16,268.50	702.87
Do	Alaska Airlines, Inc	120.00	9.82
Do	Alliance of American Insurers	1,825.50	23.75
Do	Association of American Railroads	1,249.95	24.93
Do	BellSouth Corp		
Do	Bohemia Lumber Co		
Do	Duke Power Co		
Do	Enserch Corporation		
Do	Federation of Postal Police Officials	97.50	7.67
Do	Food Marketing Institute		
Do	Ford Motor Co	1,022.50	10.53
Do	Genentech	1,600.00	11.58
Do	General Aviation Manufacturers Association	2,806.50	40.04
Do	Georgia-Pacific Corp	3,781.30	52.45
Do	GTE Corporation		
Do	Interlocking Directorate Reform Coalition	5,350.95	128.81
Do	LTV Corporation	1,395.00	39.35
Do	Metropolitan Insurance Co	3,500.00	98.71
Do	Michigan Consolidated Gas Company	1,771.40	42.54
Do	Mortgage Guarantee Insurance Corp		
Do	Mutual Life Insurance Co Tax Committee		
Do	National Cable Television Assn, Inc	12,499.80	507.98
Do	North American Phillips Corp	14,598.75	280.76
Do	Northwestern Mutual Life Insurance Co		
Do	Pennsylvania Higher Education Assistance Agency		
Do	Polaris Industries	508.20	24.85
Do	Product Liability Coordinating Committee	6,000.00	93.06
Do	Shared Medical Systems (SMS)	1,200.00	28.63
Do	Sony Corp of America	2,525.00	77.72
Do	State of North Carolina		
Do	Texas Oil & Gas Corp		
Do	Tobacco Industry Labor Management Committee	24,507.20	1,388.95
Do	U.S. Telephone Assn	3,079.20	40.49
Do	1587 Group	6,000.00	179.25
Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,519.00	253.12
Wyman Bautzer Christensen Ruchel & Silbert, 2300 N Street, NW, #600 Washington, DC 20037	American Boiler Manufacturers Assn, Inc		
Do	Eklutna, Inc		
Do	Louis R. Miller		
Marc D. Yacker, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	500.00	
T. Albert Yamada, Suite 520 900 17th St., NW Washington, DC 20006	Toyota Motor Sales, USA, Inc	500.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
Nancy Foster Yanish, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	400.00	
Mary J. Yarrington, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	3,250.00	
Edward R. Yawn, 1111 19th St., NW Washington, DC 20036	Edison Electric Institute	2,187.50	673.41
Kim Yelton, 8120 Fenton St. Silver Spring, MD 20910	Americans United for Separation of Church and State	8,512.96	58.69
Jack Yelverton, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn		
Paul Yestrumskas, Gate Post Lane Southbury, CT 06488	Timex Group Ltd	120.00	6.43
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	
Larry E. Yoakam, 650 S. Front Street Columbus, OH 43206	Grange Mutual Casualty Co		
D. Scott Yohe, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	390.00	157.30
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Edward A. Yopp, 1200 Golden Key Circle, #141 El Paso, TX 79925	West Texas Higher Education Servicing Corp.		
Judith A. Young, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Robert A. Young, 12248 Turkey Creek Ct. Maryland Heights, MO 63043	Brown & Associates	2,500.00	
Do	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	4,500.00	310.39
Thomas F. Youngblood, 1201 L Street, NW, #600 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn	1,957.61	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	6,000.00	271.72
Eugene A. Yourch, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
David E. Yudin, 1707 H Street, NW, #500 Washington, DC 20006	Bus Transit Caucus	637.00	
Do	Regional Transportation District	1,584.00	115.68
Lynn Zakupowsky, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co.	1,500.00	
Barnaby W. Zall, 1156 15th St., NW, #525 Washington, DC 20005-1704	Federation for American Immigration Reform	150.00	7.00
John S. Zapp, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	4,900.00	
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn		
Kathy Zebrowski, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	775.00	459.92
Leo C. Zeferetti, 9912 Fort Hamilton Parkway Brooklyn, NY 11209	Building & Construction Trades Dept, AFL-CIO		
Do	New York Telephone		
Do	Sikorsky Aircraft		
Denis R. Zegar, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Geoffrey Zeh, 12050 Woodward Avenue Detroit, MI 48203-3596	Brotherhood of Maintenance of Way Employes		
Philip F. Zeidman, 1401 New York Ave., NW, #900 Washington, DC 20005	American Business Conference, Inc		
Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,850.00	750.38
Mitchell Zeller, 1501 16th Street, NW Washington, DC 20036	Center for Science in the Public Interest	450.00	32.00
Carl A. Zichella, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	1,235.00	925.00
Judith Ziewacz, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	3,300.00	
Kathleen Zimmerman, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	97.12	
23rd Congressional District Action Comm, 575 Charles St. St. Marys, PA 15857			

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the fourth calendar quarter of 1987 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER

Is this an Amendment?
☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............“Expense Money” and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	(*"Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*______________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Samuel F. Abernethy, Four World Trade Center, 8th Fl. New York, NY 10048	Coffee Sugar & Cocoa Exchange, Inc		
Ablondi & Foster, P.C., 1776 K Street, NW, #606 Washington, DC 20006	Rhone-Poulenc, Inc	12,830.00	1,228.35
Do	Taiwan Textile Federation		
Action, Inc, 333 Pennsylvania Ave., SE Washington, DC 20003	American Indian Higher Education Consortium		
Adams Quackenbush Herring & Stuart, P.O. Box 394 Columbia, SC 29202	Empire of America		
Agendas International, 820 Second Avenue, #1302 New York, NY 10017	Ministerio del Exterior, Republic of Nicaragua		
Air Transport Assn of America, 1709 New York Ave., NW Washington, DC 20006		58,253.25	104,980.09
Donna A. Akers, 1800 M Street, NW, #700 South Washington, DC 20036	Dow Chemical Co		4,875.00
Susan Alexander, 1400 Eye St., NW, 10th floor Washington, DC 20005	Wilderness Society	1,607.49	742.59
Nicholas W. Allard, 1714 Massachusetts Ave., NW Washington, DC 20036	Fox Weinberg & Bennett (For:Wireless Cable Assn, Inc)	1,104.38	40.00
Alliance for Rail Competition, 1120 G St., NW, #800 Washington, DC 20005		2,450.00	178.01
Robert Alvarez, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	595.50	
Jerome A. Ambro Associates, 4734 Timber Ridge Dr. Mountclair, VA 22026	Associated Universities	6,000.00	5,597.50
Do	County of Suffolk, New York	8,762.66	9,132.76
American Amusement Machine Assn, 205 The Strand Alexandria, VA 22314			
American Apparel Manufacturers Assn, Inc, 2500 Wilson Blvd., #301 Arlington, VA 22201		18,177.64	18,177.64
American Assn for Respiratory Therapy, 1720 Regal Row, #112 Dallas, TX 75235		2,395.68	19,226.08
American Assn of Exporters & Importers, 11 West 42nd Street, 30th Fl. New York, NY 10036			2,260.50
American Assn of Museums, 1225 Eye Street, NW, #200 Washington, DC 20005		9,210.00	40,902.75
American Assn of Presidents of Independent Colleges & Univs, C-366 ASB Provo, UT 84602			15,762.51
American Assn of University Women, 2401 Virginia Avenue, NW Washington, DC 20037			559.82
American Business Conference, Inc, 1730 K Street, NW, #703 Washington, DC 20006		3,000.00	4,005.03
American Cement Trade Alliance, Inc, 1331 Pennsylvania Ave., NW, #910 Washington, DC 20004		42,247.49	50,022.51
American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036			
American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209		27,840.00	27,840.00
American Homeland Defense Alliance, P.O. Box 1159 Cave Junction, OR 97523		814.50	2,801.02
American Hospital Assn, 840 N. Lake Shore Dr. Chicago, IL 60611		75,658.24	75,658.24
American Logistics Association, 1133 15th Street, NW, #640 Washington, DC 20005			500.00
American Medical Student Assn, 1890 Preston White Drive Reston, VA 22091			
American Nuclear Energy Council, 410 1st St., SE Washington, DC 20003		226,301.92	97,928.82
American Nurses' Assn, 2420 Pershing Rd Kansas City, MO 64108		32,643.63	32,643.63
American Optometric Assn, 1505 Prince Street, #300 Alexandria, VA 22314			
American Rivers Conservation Council, 801 Pennsylvania Avenue, SE, #303 Washington, DC 20003-2155		2,032.00	3,373.00
American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706		27,350.47	27,350.47
Arne Anderson, 80 F St., NW Washington, DC 20001	American Fed of Government Employees	10,427.83	13.25
Scott G. Anderson, 50 F St., NW, #1080 Washington, DC 20001	Burlington Northern, Inc	1,900.00	1,033.79
Anderson Hibey Nauheim & Blair, 1708 New Hampshire Ave., NW Washington, DC 20009	Alamo Rent-A-Car, Inc	39,513.20	4,076.88
Do	Amerop Sugar Corporation	1,542.75	69.79
Do	Bay Area Rapid Transit District		
Do	Communication Industries Assn of Japan	4,005.75	514.61
Do	Eco Corporation	1,469.70	21.67
Do	Institute for Financial & Fiscal Studies		
Do	Japan Machine Tool Builders Assn	3,564.00	82.81
Do	Project Orbis, Inc	3,481.50	33.81
Do	Riviana Foods, Inc		
Do	Seidman & Seidman/BDO		
Do	Toshiba Corp	6,760.00	378.51
David R. Andrews, Three Embarcadero Center San Francisco, CA 94111	McCutchen Doyle Brown & Enersen (For:Castle & Cooke, Inc)	1,102.50	
Do	McCutchen Doyle Brown & Enersen (For:Sterling Drug, Inc)	686.00	
William Robert Andrews, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	4,068.37
Owen W. Anglum, 1667 K Street, NW, #650 Washington, DC 20006	Armco, Inc	1,200.00	280.45
Marc Apter, David Apter & Associates 1706 R Street, NW Washington, DC 20009	Government of the Republic of Togo		
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	American Assn of Exporters & Importers		
Do	Amok, Ltd, et al	438.75	
Do	Building & Construction Trades Dept, AFL-CIO		
Do	Canadian Forest Industries Council		
Do	Canadian Meat Council		
Do	Cemai	327.50	
Do	Grain & Feed Trade Assn		
Do	International Commodities Clearing House		
Do	Japan Fair Trade Center	2,644.50	
Do	London Commodity Exchange (1986) Limited		
Do	London International Financial Futures Exchange, Ltd		
Do	Metal Market & Exchange Co, Ltd		
Do	National Coordinating Comm for Multiemployer Plans	15,312.00	1,372.27
Do	State Farm Mutual Automobile Insurance Co	15,254.25	535.59
Do	Survival Technology, Inc	2,484.25	303.67
Lud Ashley, P.C., 1735 New York Avenue, NW, 6th Fl. Washington, DC 20006	American International Group, Inc		
Do	Central States of Omaha		
Do	Irving Trust Co	5,000.00	
Do	Manville Corporation	4,505.00	
Do	J. C. Penney Co, Inc	21,875.00	
Do	Wells Fargo Bank, N.A.		
Associated Builders & Contractors, Inc, 729 15th St., NW Washington, DC 20005		20,000.00	
Association of Maximum Service Telecasters, Inc, 1730 M St., NW, #713 Washington, DC 20036			376.00
Kenneth E. Auer, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council	320.00	
Azanian Coalition, 616 South Carolina Ave, SE, #2 Washington, DC 20003			746.00
AFL-CIO Maritime Committee, 100 Indiana Ave., NW Washington, DC 20001		6,845.00	6,755.61
APCO Associates, 1155 21st Street, NW,# 1000 Washington, DC 20036	Advanced Center for Technology Training		
Do	American Foreign Service Assn		
Do	Amok, Ltd, et al	4,055.00	81.40
Do	Asocolflores	115.00	
Do	ASEA AB		
Do	Canadian Meat Council		
Do	Cemai	2,118.75	
Do	CEL Educational Resources	27.50	
Do	Earthquake Project		19.88
Do	Embassy of Australia	575.00	28.00
Do	Ferroalloys Association		
Do	Japan Fair Trade Center	86.25	
Do	Manitoba Energy Authority	282.50	
Do	New Hampshire Yankee	1,717.50	6.75
Do	Norhthen California Power Agency	460.00	57.61
Do	Profilo Holding A.S.	130.00	25.00
Do	Recording Industry Assn of America	45.00	
Do	Sacramento Municipal Utility District	1,092.50	81.32
Do	Tulane University	680.00	
Do	University of California	373.75	99.50
Geoffrey Bacino, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	300.00	361.42
Robert Baechtold, 277 Park Avenue New York, NY 10172	Fitzpatrick Cella Harper & Scinto (For:Pharmaceutical Manufacturers Assn)	500.00	
Emil F. Baker, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn		
Lisa Baker, 1730 K Street, NW, #703 Washington, DC 20006	American Business Conference, Inc	137.50	25.00
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	American Resort & Residential Development Assn	1,000.00	1,000.00
Do	Banc One, Cleveland, NA	1,000.00	1,000.00
Do	Beverly Investment Properties, Inc	1,000.00	1,000.00
Do	Blue Cross & Blue Shield of Northern Ohio	3,500.00	3,500.00
Do	Cleveland Clinic Foundation	3,000.00	3,000.00
Do	Edison Electric Institute	5,000.00	5,000.00
Do	Federal Deposit Insurance Corp	4,000.00	4,000.00
Do	Rouse Company	1,000.00	1,000.00
Do	Travelers Insurance Co	2,000.00	2,000.00
Do	U.S. League of Savings Institutions	2,500.00	2,500.00
Baker & McKenzie, 815 Connecticut Ave., NW Washington, DC 20006	Coalition to Exclude Operationg Income from PFIC Provisions	11,000.00	1,907.19

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Nuclear Electric Insurance Co, et al.	22,266.23	
Michael Baly III, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	7,000.00	869.34
Charles E. Bangert, P.C., 1450 G Street, NW,#1200 Washington, DC 20005	Business Roundtable	1,500.00	
Frederick Wm. Banig, 900 15th Street, NW Washington, DC 20005	United Mine Workers of America	9,000.00	6,321.80
Bank Capital Markets Assn, National Press Building, 2nd Fl. Washington, DC 20045			
Robert D. Bannister, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Baraff Koerner Olender & Hochberg, P.C., 2033 M Street, NW, #203 Washington, DC 20036	College Football Association		
Do	National Assn of Collegiate Directors of Athletics	1,450.00	
Do	National Basketball Assn	300.00	
Emory W. Baragar, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	1,755.65	732.01
Haley R. Barbour, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	Joint Maritime Congress	9,000.00	
Do	Al Williams & Company	5,000.00	
Jim Barnes, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	519.00	
Larry P. Barnett, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	11,398.19	
James C. Barr, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	3,300.00	
David M. Barrett, Barrett Hanna Daily & Gaspar 1055 Thomas Jefferson St., NW, #501 Washington, DC 20007	Allied Tube & Conduit Corp		
Do	Energy Consumers & Producers Assn		
Barrett Smith Simon & Armstrong, 1201 Pennsylvania Avenue, NW, #821 Washington, DC 20004	Bear Stearns & Co, et al.	7,500.00	7,500.00
Do	Coffee Sugar & Cocoa Exchange, Inc		
Do	Irving Trust Co	5,662.50	170.00
Catharine R. Batky, 50 F Street, NW, #1080 Washington, DC 20001	Burlington Northern, Inc	750.00	200.58
Davis M. Batson, 1155 15th Street, NW, #611 Washington, DC 20005	Ethyl Corporation	300.00	
John L. Bauer Jr., 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	2,700.00	1,624.53
James R. Baxter, 1101 15th St., NW, #1040 Washington, DC 20005	National Construction Employers Council		
Richard 'Sandy' Beach, 1730 Rhode Island Ave., NW, #810 Washington, DC 20036	Credit Union National Assn, Inc	300.00	19.20
Barbara F. Beatty, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Orren Beaty Jr., Magruder Building 1625 M St., NW Washington, DC 20036	Western Fuels Association, Inc	2,117.50	558.72
Daniel F. Becker, 1525 New Hampshire Ave., NW Washington, DC 20036	Environmental Action, Inc	2,456.82	
Beer Drinkers of New Mexico, 8100 Mountain Road, NE Albuquerque, NM 87110			1,359.00
Edwin L. Behrens, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co		
Donald K. Belch, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Stelco, Inc	66.25	438.64
Joe Belew, 1300 N. 17th St., #1200 Arlington, VA 22209	Consumer Bankers Assn		58.98
Bruce Benefield, 1000 Wilson Blvd., #2600 Arlington, VA 22209	TRW, Inc	54.00	
Benner Burnett & Coleman, 1401 New York Avenue, NW, #740 Washington, DC 20005	Messerschmitt Bolkow-Blohm Gmbh, et al	412.50	
Daniel J. Bennet, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Alan R. Bennett, 1714 Massachusetts Ave., NW Washington, DC 20036	Fox Weinberg & Bennett (For:Bristol-Myers Co)		
Douglas P. Bennett, 9020 Saunders Lane Bethesda, MD 20817	Association of Executive Search Consultants, Inc		
Do	Corning Associates		
George L. Berg Jr., 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	5,916.67	164.69
Bob Bergland, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	234.00	44.22
William R. Berman, 8111 Gatehouse Rd. Falls Church, VA 22047	American Automobile Assn		
Mary E. Bernhard, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S	513.00	
Charles Bernhardt, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees	102.58	
Zalman C. Bernstein, Sanford C. Bernstein & Co, Inc 767 Fifth Avenue New York, NY 10153			
Eve Berton, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Cheryl Beversdorf, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20036	American College of Surgeons		18.00
L. Christina Beydoun, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn		
Kevin W. Billings, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	2,953.92	1,426.07
Bishop Cook Purcell & Reynolds, 1400 L Street, NW Washington, DC 20005-3502	Akhiok-Kaguyak, Inc	2,100.00	
Do	American Rice, Inc	4,400.00	
Do	Baxter Healthcare Corp	7,134.50	
Do	Board of Trade of Kansas City, MO, Inc		
Do	ConAgra, Inc	8,345.00	773.27
Do	CNA Insurance Co of Chicago, Illinois	4,500.00	
Do	CSR, Ltd	38,977.50	1,784.37
Do	Electronic Industries Assn		
Do	IBP, Inc	8,060.00	63.26
Do	Master Marketers Assn of America	1,943.68	75.20
Do	Natural Gas Pipeline Coalition		
Do	Pyramid Energy, Inc	12,293.75	672.24
Do	Texaco, Inc	1,200.00	
Do	Texas Gas Transmission Corp	2,568.66	
Do	Tobacco Institute	24,450.00	151.52
Do	U.S. Agricultural Export Development Council		
Do	U.S. Rice Producers' Legislative Group	21,920.50	2,579.39
Do	Washington Public Power Supply System	2,950.00	
Roger Blacklow, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	8,794.72	1,126.98
Brent Blackwelder, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	641.00	
Bowen Blair Jr., 519 S.W. Third Ave., #810 Portland, OR 97204	Friends of the Columbia Gorge		
Kenneth T. Blaylock, 80 F St., NW Washington, DC 20001	American Fed of Government Employees	25,194.40	5,967.14
Gordon B. Bluechel, 9805 Avondale Rd., E214 Redmond, WA 98052	Gordon Bluechel & Associates, Inc	1,940.79	
Gordon Bluechel & Associates, Inc, T.L.P.O. Box 8006 Kirkland, WA 98034	International Services, Inc	3,750.00	1,940.79
Charles R. Blumenfeld, Bogle & Gates 2100 Bank of California Center Seattle, WA 98164	Pacific Seafood Processors Assn		
Alice Bodley, 1016 16th Street, NW Washington, DC 20036	National Federation of Federal Employees		
Timothy A. Boggs, 1133 21st Street, NW, #400 Washington, DC 20036	Warner Communications, Inc	16,080.00	15,633.24
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
John E. Bonitt, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc	690.00	85.00
Patricia A. Borowski, 6824 Pacific Lane Annandale, VA 22003	National Assn of Professional Insurance Agents		9,250.00
James G. Bourie, P.O. Box 20655 126 S. Washington Street Alexandria, VA 22320	Potomac Advisory Group		
James J. Bowe, 4 World Trade Center New York, NY 10048	Coffee Sugar & Cocoa Exchange, Inc		
Doug B. Bowles, 205 Spring Hill Terrace Roswell, GA 30075	Georgia Power Co	9,991.50	9,915.58
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	Coalition of Funeral Directors		
Raymond F. Bragg Jr., 50 F Street, NW, #1040 Washington, DC 20001	American Independent Refiners Assn	200.00	
Do	Consolidated Natural Gas Co	100.00	
Do	Tosco Corporation	100.00	
Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Robert J. Brinkmann, 1627 K Street, NW, #400 Washington, DC 20006	National Newspaper Assn	5,000.00	114.40
Philip A. Brooks, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	820.00	48.00
Cynthia A. Brown, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20006	American College of Surgeons		46.45
David C. Brown, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	1,343.75	1,238.05
Donald K. Brown, 1121 L St., #810 Sacramento, CA 95814	Crowley Maritime Corp		
Do	Summa Corporation		
George L. Brown, 1000 Wilson Boulevard Arlington, VA 22209	Grumman Corporation	1,250.00	222.15
James P. Brown, 5622 Delmar Blvd., #105-W St. Louis, MO 63112	City of St. Louis - City Hall		1,500.00
John J. Brown, 1125 17th St., NW, Washington, DC 20036	International Union of Operating Engineers	8,500.00	765.00
Virginia Brown, 15th & M streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Arthur W. Brownell, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	5,000.00	937.26
Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005	Camara de la Industria de Transformacion de Nuevo Leon	27,040.77	8,110.17
Don C. Buchanan, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	16,715.00	
Building Owners & Managers Assn International, 1250 Eye St., NW, #200 Washington, DC 20005			471.15
Linda Knell Bumbalo, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,750.00	259.00
William J. Burhop, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	10,854.81	
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	10,072.26	133.00
J. J. Burke Jr., 40 E. Broadway Butte, MT 59701	Montana Power Co		180.85
Francis X. Burkhardt, 1750 New York Ave., NW Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
Lon Burnam, 6220 Gaston Ave., #609 Dallas, TX 75214	Sierra Club	3,000.00	898.00
Mahlon A. Burnette III, 631 Walker Road Great Falls, VA 22066	National Broiler Council	420.00	
David G. Burney, 2033 M St., NW, #628 Washington, DC 20036	U.S. Tuna Foundation	6,000.00	3,000.00
Burnham Connolly Oesterle & Henry, 3050 K St., NW, #450 Washington, DC 20007	Sparber Shevin Shapo & Heilbronner (for Emma L. Bixby Hosp.)	363.00	28.00
Michael Burns, 21 Dupont Circle, NW, #300 Washington, DC 20036	Business Executives for National Security	5,296.00	
Burr & Forman, 3000 Southtrust Tower Birmingham, AL 35203	Investment Company Institute		
Larry D. Burton, 1001 22nd Street, NW, #600 Washington, DC 20037	Standard Oil Co (Ohio)		
James J. Butera, 4th Floor 1101 15th St., NW Washington, DC 20005	National Council of Savings Institutions	10,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mary Jane Butterfield, 1818 N Street, NW, #350 Washington, DC 20036	Susan Davis International (For:Turkish Republic of Northern Cyprus)	4,202.10	63.75
John Butts, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	309.46
James Callan, 1726 M Street, NW, #1000 Washington, DC 20036	Electronic Funds Transfer Assn	375.00	
Peter E. Callanan, 1100 Connecticut Ave., NW Washington, DC 20036	Honeywell, Inc	300.00	580.00
Camp Barsh Bates & Tate, 2550 M St., NW, #275 Washington, DC 20037	FASA (Fashion Accessories Shippers Assn)		
Jeanne Campbell, 1010 Pennsylvania Ave., SE Washington, DC 20003	Algonquin Gas Transmission		
Do	American Nuclear Energy Council		
Do	Credit Union National Assn, Inc		
Do	Invest to Compete Alliance		
Do	LTV Aerospace & Defense Co		
Do	The New England		
Do	Securities Industry Assn		
Do	Stone & Webster Engineering Corp		
Do	Texas Utilities Services, Inc		
Do	Union Pacific Corp		
Do	Westinghouse Electric Corp		
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	9,710.00	905.00
Candlelighters, 123 C St., SE Washington, DC 20003			
Capitol Marketing Services, 923 Riva Ridge Drive Great Falls, VA 22066			
Edward J. Carlough, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	25,987.00	
Robert E. Carlstrom Jr., 1823 Jefferson Place, NW Washington, DC 20036	Jefferson Group, Inc (For:Doe Run Company)	6,750.00	259.11
Bruce J. Carlton, 444 North Capitol St., NW, #801 Washington, DC 20001	Joint Maritime Congress	1,617.00	
Cassidy and Associates, Inc, 655 15th St., NW, #1100 Washington, DC 20005	Alexander Graham Bell Assn for the Deaf	300.00	4.00
Rita L. Castle, 100 NE Adams Street Peoria, IL 61629	Caterpillar, Inc		
G. Thomas Cator, 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates, Inc (For:Association of Small Business Development Centers).	1,350.00	1,350.00
Do	National Assn of Development Companies	1,350.00	1,350.00
Do	Neece Cator & Associates, Inc (For:Small Business United)	1,350.00	1,350.00
Do	Neece Cator & Associates, Inc (For:Southeastern Lumber Manufacturers Assn)	1,350.00	1,350.00
Gordon Cavanaugh, 509 C Street, NE Washington, DC 20002	Roisman Reno & Cavanaugh (For:Council of Large Public Housing Authorities)	13,125.00	298.76
Center for Law and Education, Inc, Larsen Hall, 6th Floor 14 Appian Way Cambridge, MA 02138		102,760.80	3,118.64
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Assn of Retired Persons		
Do	American Postal Workers Union, AFL-CIO		
Do	Apache Corporation		
Do	Coalition of Publicly Traded Limited Partnerships	6,050.00	
Do	Coalition of State Employment Security Agencies		
Do	Manville Corporation		
Do	Metcalf & Eddy/KVB Group	1,320.00	
Do	University Patents, Inc	75.00	
William C. Chapman, 2801 Fort Scott Drive Arlington, VA 22202	Multinational Business Services, et al	21,963.00	876.37
Chernikoff & Company, 1826 Jefferson Place, NW, #101 Washington, DC 20036	Directors Guild of America	10,875.00	11,539.49
William W. Chip, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	Cadwalader Wickersham & Taft (For:Raychem Corp)		
William Christensen, 4647 Forbes Blvd. Lanham, MD 20706	AMVETS	6,800.00	150.47
Citizens for Stabilizing Corporate Taxes & Foreign Policy, P.O. Box 1036 Guthrie, OK 73044-1036			
Citizens Comm for the Right to Keep & Bear Arms, Liberty Park, 12500 NE Tenth Place Bellevue, WA 98005		339,914.92	120,483.74
Jordan Clark, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Michael S. Clark, 218 D St., SE Washington, DC 20003	Environmental Policy Institute		
Coalition to Promote America's Trade, 1101 15th St., NW, #205 Washington, DC 20005		20,000.00	32,710.27
Coastal Properties Institute, Inc, 66 Surfwatch Drive Johns Island, SC 29455			
Coffee Sugar & Cocoa Exchange, Inc, 4 World Trade Center, 8th Fl. New York, NY 10048			
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp	200.00	45.00
Cole Corette & Arbutyn, P.C., 1110 Vermont Avenue, NW, #900 Washington, DC 20005	Dalmark Corporation		146.78
Do	Tremark Corporation		146.76
Eileen M. Collins, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	1,936.68	232.00
Paula J. Collins, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Stephen J. Collins, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
William P. Collins, 900 17th Street, NW, #1100 Washington, DC 20036	Southern Company Services, Inc		
Kent W. Colton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Committee for Fair Trade with China, Evergreen Point Rd., Box 288 Medina, WA 98039			63,035.82
Committee for Stable Deterrence, 2460 Westlake N., #E Seattle, WA 98109		2,271.88	2,271.88
Committee to Support the Antitrust Laws, 1401 New York Avenue, NW, #740 Washington, DC 20005		17,000.00	6,550.00
Community Service Society, 105 East 22nd Street New York, NY 10010			1,454.62
Robert J. Conlan, 110 Maryland Ave., NE, #409 Washington, DC 20002	National Peace Institute Foundation	87.92	
Francis J. Conners, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	4,310.57	
Connerton & Bernstein, 1920 L Street, NW, #501 Washington, DC 20036	National Assn of Police Organizations	15,000.00	21,412.14
John J. Connolly, 499 South Capitol St., SW, #507 Washington, DC 20003	Hecht Spencer & Oglesby, Inc (For:Crowley Maritime Corp)		
Do	Hecht Spencer & Oglesby, Inc (For:Freedom & Justice for Cyprus Trust)		
Do	Hecht Spencer & Oglesby, Inc (For:Hong Kong Trade Development Council)		
Do	Hecht Spencer & Oglesby, Inc (For:Kansas City Southern Industries, Inc)		
Do	Hecht Spencer & Oglesby, Inc (For:Southern California Rapid Transit District)		
Do	Hecht Spencer & Oglesby, Inc (For:Western Growers Association)		
Gerald R. Connor, 1030 15th Street, NW, #1100 Washington, DC 20005	Health Industry Manufacturers Assn		
Richard J. Connor Jr., 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	562.50	
Consolidated Rail Corporation, P.O. Box 23451 Washington, DC 20026			14,449.00
Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036		75,583.00	67,165.00
Brian D. Cooney, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	7,556.00	313.00
Edward Cooney, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center		
Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	300.00	
Stephen H. Cooper, 74 North Pearl St. Albany, NY 12207	Hospital Assn of New York State	288.45	4,977.14
George F. Cormeny Jr., P.O. Box 1596 Baltimore, MD 21203	First National Bank of Maryland		
Bennett J. Corn, Four World Trade Center New York, NY 10048	Coffee Sugar & Cocoa Exchange, Inc		
Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
Walter Coulliard, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	7,623.95	
Council for a Livable World, 20 Park Plaza, #603 Boston, MA 02116			23,327.85
Kevin J. Coyle, 801 Pennsylvania Ave., SE, #303 Washington, DC 20003	American Rivers	647.70	
Richard C. Creighton, 1331 Pennsylvania Ave., NW, #910 Washington, DC 20004	American Cement Trade Alliance, Inc	10,437.50	117.10
Ken A. Crerar, 600 Pennsylvania Ave., SE, #211 Washington, DC 20003	National Assn of Casualty & Surety Agents	3,000.00	1,525.84
Mary Dent Crisp, 21 Dupont Circle, NW, #300 Washington, DC 20036	Business Executives for National Security, Inc		
Robert W. Cromartie, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	180.00	
Rae E. Cronmiller, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	80.00	
Herminia L. Cubillos, 20 F Street, NW, 2nd Floor Washington, DC 20001	National Council of La Raza	2,000.00	600.00
David M. Culp, 1525 New Hampshire Ave., NW Washington, DC 20036	Environmental Action, Inc	3,036.81	65.70
Jonathan W. Cuneo, 1401 New York Avenue, NW, #740 Washington, DC 20005	Committee to Support the Antitrust Laws	4,800.00	1,750.32
John T. Curran, 815 16th St., NW, #603 Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	16,535.75	331.25
Do	National Coordinating Comm for Multiemployer Plans		
Richard C. Curry, P.O. BOX 66 Mclean, VA 22101	Fire Island Associates, Inc		
Jay B. Cutler, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	6,586.00	734.05
Ron D'Aloisio, 2001 S St., NW, #210 Washington, DC 20009	Farmworker Justice Fund, Inc		
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cynamid Company (For:Lederle Laboratories)	3,500.00	1,041.32
John M. Damgard, 1825 Eye Street, NW, #1040 Washington, DC 20006	Futures Industry Assn, Inc		
Tracy Danese, P.O. Box 14000 Juno Beach, FL 33408	Florida Power & Light Co		8,829.43
John C. Datt, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	11,387.51	
John B. Davenport Jr., 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	110.00	
Edward M. Davis, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	6,000.00	1,919.44
Kenneth E. Davis, Suite 1210 1667 K St., NW Washington, DC 20006	Rohm & Haas Co	500.00	
Susan A. Davis, 1818 N Street, NW, #350 Washington, DC 20036	Susan Davis International (For:Turkish Republic of Northern Cyprus)	300.50	
Davis Graham & Stubbs, 1001 22nd St., NW, #500 Washington, DC 20037	Municipal Subdistrict, No. Colorado Water Conservancy Dist	321.30	321.30
Do	Northern Colorado Water Conservancy District	2,723.40	2,723.40
Susan Davis International, 1818 N Street, NW, #350 Washington, DC 20036	Turkish Republic of Northern Cyprus	25,000.00	19,169.57
Donald S. Dawson, 1155 Connecticut Ave., NW, #500 Washington, DC 20036	Opticians Assn of America		
Do	Virgin Islands Gift & Fashion Shop Assn		
Do	Virgin Islands Merchants Assn		
Robert M. Dawson, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004-1108	Third Class Mail Association	600.00	
Deloitte Haskins & Sells, 1001 Pennsylvania Ave., NW, #350 Washington, DC 20004-2505	Arkansas Electric Cooperative Corp		
Do	Lin Pac International PLC, et al		
Do	Union Pacific Corp		
Elizabeth C. Demato, 5201 Auth Way Camp Springs, MD 20746	Seafarers International Union	3,000.00	174.55
Edward A. Dent, 3115 N St., NW Washington, DC 20007	Americans for the National Voter Initiative Amendment		
Department for Professional Employees, AFL-CIO, 815 16th St., NW Washington, DC 20006		7,714.63	7,714.63
Julie Desmond, 1111 14th St., NW, #900 Washington, DC 20005	National Apartment Assn		
Dewey Ballantine Bushby Palmer & Wood, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Bankers Trust Co		
Do	General Electric Pension Trust		
Do	Labor-Industry Coalition for International Trade		
Do	Salomon Inc		
Do	SEMATECH	10,543.60	
Do	Teachers Insurance & Annuity Assn of America		
Do	U.S. Coalition for Fair Lumber Imports		
Doris J. Dewton, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Jeff DeBoer, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	1,268.47
Beth DeGrasse, 100 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	2,651.20	
Direct Selling Association, 1776 K Street, NW Washington, DC 20006			
Diversified Energies, Inc, C/O Mr. Carl W. Cummins 201 South 7th Street Minneapolis, MN 55402			
G. Diane Dodson, 2000 P St., NW, #400 Washington, DC 20036	Women's Legal Defense Fund		
Steven P. Doehler, 1615 L Street, NW, #1230 Washington, DC 20036	Mortgage Insurance Companies of America	6,000.00	221.20
Nancy A. Donaldson, 305 7th Street, SE, #204 Washington, DC 20003	Women's Action for Nuclear Disarmament, Inc, et al	1,875.00	
Thomas F. Donnelly, 955 L'Enfant Plaza, SW, #1202-N Washington, DC 20024	National Water Resources Assn	3,125.00	
Marguerite Donoghue, 729 8th St., SE, #200 Washington, DC 20003	FARO-AIDS Action Council	8,077.25	1,468.24
Paul M. Donovan, 1120 G St., NW, #800 Washington, DC 20005	Alliance for Rail Competition	2,450.00	178.01
Linda Dorian, 2012 Massachusetts Ave., NW Washington, DC 20036	BPW/USA		1,306.85
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Automobile Importers of America, Inc	2,050.00	60.00
Do	European Confederation of the Footwear Industry		
Do	Guam Contractors Assn	3,649.97	3,649.97
Do	International Electronics Mfgrs & Consumers of America, Inc	360.00	35.00
Do	MacMillan Bloedel, Inc		
Do	Texas Assn of Steel Importers	600.00	5.00
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Ameritech	3,275.00	
Do	California Wine Commission		
Do	Chicago City Colleges	11,101.25	
Do	Cox Enterprises, Inc, et al	36,183.00	1,139.26
Do	Directors Guild of America		
Do	Dofasco, Inc, et al	5,029.00	443.83
Do	Hercules, Inc	1,606.50	
Do	Home Shopping Network, Inc	989.00	62.26
Do	Monarch Wine Co of Georgia, et al	46,666.00	44.24
Do	Profit Sharing Council of America		
Do	Smit-Lloyd BV	2,875.00	119.08
Do	Sporicidin Company	3,125.50	
Do	State Higher Education Executive Officers Assn		
Do	ZIM Israel Navigation Co, Ltd		
John C. Doyle Jr., 218 D St., SE Washington, DC 20003	Environmental Policy Institute	685.00	
Steve Doyle, 5205 Leesburg Pike, #505 Falls Church, VA 22041	National Beer Wholesalers Assn		
Andrea N. Dravo, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	3,750.00	80.55
Paul A. Drazek, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,166.67	
Anthony V. Dresden, 444 N. Capitol Street, NW, #801 Washington, DC 20001	Joint Maritime Congress		
Evelyn Dubrow, 1710 Broadway New York, NY 10019	International Ladies' Garment Workers Union	13,000.00	612.80
Morgan D. Dubrow, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	115.00	
Douglas F. Duerr, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	300.00	25.81
Michael J. Duff, 1101 16th Street, NW Washington, DC 20036	Scientific Apparatus Makers Assn	1,400.00	63.00
Duncan Allen & Mitchell, 1575 Eye Street, NW Washington, DC 20005	Cecil Saydah Co	5,392.00	63.53
Pauline Dunlap, P.O. Box 868 Kodiak, AK 99615	Eagle Fisheries, Inc		
Dunnells Duvall Bennett & Porter, 1220 19th Street, NW, #400 Washington, DC 20036	National Assn of Aircraft & Communications Suppliers, Inc		158.40
Ed Durkin, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America		
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Allscrips, et al	10,500.00	59,133.58
Do	Apex Marine Corp	20,706.00	679.00
Do	ARCO Marine Co, Inc	4,260.00	145.19
Do	Bender Shipbuilding & Repair Co, Inc	16,665.00	1,039.06
Do	Crowley Maritime Corp	9,075.00	701.90
Earle Grovatt & Assoc, Inc, 356 Main Street Matawan, NJ 07728	Dickinson Business School	3,000.00	1,636.00
John D. Echeverria, 801 Pennsylvania Ave., SE, #303 Washington, DC 20003	American Rivers	656.24	
Marsha A. Echols, Law Offices of Max N. Berry 3213 O Street, NW Washington, DC 20007	Gilway Company, Ltd		
Do	National Assn for the Specialty Food Trade, Inc	3,750.00	
Patricia K. Economos, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Paul S. Egan, 1325 15th Street, NW, #503 Washington, DC 20005	Vietnam Veterans of America, Inc	10,500.00	1,464.45
Jill W. Eiland, 507 Second Street, NE Washington, DC 20002	Portland General Electric Co		
Electronic Funds Transfer Assn, 1726 M Street, NW, #1000 Washington, DC 20036			200.00
Electronic Industries Assn, 2001 Eye St., NW Washington, DC 20006		1,925.00	23,191.60
Dorothy A. Ellsworth, 1300 Connecticut Ave., NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	14,661.03	196.30
Lowell J. Endahl, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
H. John Endean, 1730 K St., NW, #1200 Washington, DC 20006	American Business Conference	100.00	25.00
John T. Engelen, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Patricia Hanahan Engman, 1615 L St., NW, #1350 Washington, DC 20036	Business Roundtable	300.00	33.00
J. Barry Epperson, P.O. Box 42464 Houston, TX 77242	Associated Wire Rope Fabricators	200.00	2,372.37
Paul A. Equale, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	29,777.00	
Erisa Industry Committee, 1726 M Street, NW, #1101 Washington, DC 20036			14,278.00
Mark Esherick, 1601 Connecticut Ave, NW, #400 Washington, DC 20009	Zero Population Growth, Inc	1,602.00	15.00
Jane B. Esterly, 729 2nd Street, NE Washington, DC 20002	Karl A. Funke & Associates (For:Ad Hoc Group on Indian Affairs)	1,500.00	601.00
Stephen E. Eure, 1711 King Street Alexandria, VA 22314	Snack Food Assn	4,100.00	267.31
Andreas W. Evans, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Billy Lee Evans, 499 South Capitol St., SW, #507 Washington, DC 20003	Hecht Spencer & Oglesby, Inc. (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Oglesby, Inc (For:BATUS, Inc)		
Do	Hecht Spencer & Oglesby, Inc (For:Crowley Maritime Corp)		
Do	Hecht Spencer & Ogelsby, Inc (For:Freedom & Justice for Cyprus Trust)		
Do	Hecht Spencer & Oglesby, Inc (For:Great Western Financial Corp)		
Do	Hecht Spencer & Oglesby Inc (For:Hong Kong Trade Development Council)		
Do	Hecht Spencer & Oglesby, Inc (For:Western Growers Association)		
Dewitt Howard Evans, 1320 G Street, SE Washington, DC 20003	Institute for Preservation of African American Literature	51.00	1,622.50
William J. Evans Jr., 1660 L St., NW, #901 Washington, DC 20036	Pan American World Services, Inc	495.00	197.96
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	5,000.00	134.41
Ellen E. Eves, 1600 M Street, NW, #702 Washington, DC 20036	ICI Americas, Inc		
Robbie G. Exley, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Farm Credit Council, 50 F Street, NW, #900 Washington, DC 20001		218,000.00	2,670.00
J. Dent Farr, 2000 M St., NW, #550 Washington, DC 20036	North American Telecommunications Assn	13,461.56	
Jane Fawcett-Hoover, 801 18th St., NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	43.75	
Frederick Fedeli, 1400 K St., NW Washington, DC 20005	American Psychiatric Assn	2,129.00	781.48
Federal Kemper Life Assurance Co, Kemper Bldg. D-3 Long Grove, IL 60049			440.51
Joel F. Feldman, 1752 N St., NW, #800 Washington, DC 20036	National Welding Supply Assn	5,100.00	
Randolph Fenninger, 10000 Falls Road, #300 Potomac, MD 20854	American Soc of Anesthesiologists	3,774.60	
William Ferguson Jr., 1730 Rhode Island Ave., NW, #400 Washington, DC 20036	Alhambra Redevelopment Agency		
Do	Berg-Revoir Corp		
Do	City of Baldwin Park		
Do	City of Inglewood		
Do	City of Oceanside	700.00	94.45
Do	City of Provo		
Do	City of Redondo Beach		
Do	City of Santa Ana		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	City of South Salt Lake		
Do	Gavin Associates		
Do	Imperial Irrigation District		
Do	Irvine Company		
Do	Long Beach Transit		
Do	Oceanside Redevelopment Agency		
Do	Santa Cruz Properties, Inc		
Robert J. Fersh, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center		
C. H. Fields, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,291.66	71.10
Dallas N. Fields, 1448 Duke St., #1000 Alexandria, VA 22314	National Rural Letter Carriers Assn	15,943.00	22,399.00
Manuel D. Fierro, 1901 N. Fort Myer Dr., #202 Rosslyn, VA 22209	Fond Du Lac Reservation		
Joseph Findaro Jr., P.O. Box 61000 New Orleans, LA 70161	MSU System Services, Inc	1,512.56	85.00
Mary Ellen Fise, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	3,174.00	1,242.00
Florida Business Associates, 1146 19th St., NW, #400 Washington, DC 20036-3703	CSX Transportation Systems	4,963.00	
Do	ETA Systems, Inc	4,963.00	
Do	Westinghouse Electric Corp	6,860.00	
John J. Flynn, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	7,500.00	100.00
Footwear Retailers of America, 1319 F St., NW, #700 Washington, DC 20004			1,550.00
Foreman & Heidepriem, 1751 N Street, NW, #301 Washington, DC 20036	United Food & Commercial Workers Int'l Union	450.00	20.00
Richard C. Fortuna, 2916 Stephenson Pl., NW Washington, DC 20015	Hazardous Waste Treatment Council	1,500.00	750.00
Bruce Foster, 1111 19th Street, NW, #303 Washington, DC 20036	Southern California Edison Co	2,940.00	1,500.00
Conrad M. Fowler, Box 71 West Point, GA 31833	West Point Pepperell	6,740.00	4,804.00
John P. Fowler, 1187 National Press Building Washington, DC 20045	Ad Hoc Comm in Defense of Life, Inc	2,598.00	6,030.25
Allan M. Fox, 1714 Massachusetts Ave., NW Washington, DC 20036	Fox Weinberg & Bennett (For:Bristol-Myers Co)	218.75	82.25
Do	Fox Weinberg & Bennett (For:National Coalition for Cancer Research)		
Chuck Fox, 218 D Street, SE Washington, DC 20003	Environmental Policy Institute	596.00	
Fox Weinberg & Bennett, 1714 Massachusetts Avenue, NW Washington, DC 20036	Bristol-Myers Co	7,795.00	1,425.69
Do	Johnson & Johnson	4,520.00	771.88
Do	Lederle Laboratories	7,728.76	1,560.63
Do	National Coalition for Cancer Research		
Do	Wireless Cable Assn, Inc		1,144.38
Jacob Fraire, 1010 Vermont Ave., NW, #1100 Washington, DC 20005	Bank One	625.00	
Do	California Student Aid Commission	2,250.00	
Do	Colorado Student Loan Program	4,500.00	
Do	GEM Corp	2,325.00	
Do	Illinois State Scholarship Commission	1,275.00	
Do	Just Kids	2,250.00	
Do	Nebraska Higher Education Loan Program, Inc	1,115.00	
Do	Nebraska Student Loan Program	250.00	
Do	Texas Guaranteed Student Loan Corp	1,500.00	
George Franklin, 1 Kellogg Square Battle Creek, MI 49016-3599	Kellogg Company	3,000.00	325.00
Fran Frazier, 1730 K Street, NW, #1200 Washington, DC 20006	American Business Conference	100.00	21.22
Gregory W. Frazier, P.O. Box 427 Englewood, CO 80151	International Energy Brokers, Inc		
Lewis R. Freeman Jr., 1025 Connecticut Ave., NW, #409 Washington, DC 20036	Society of the Plastics Industry, Inc		
Mary Ann Freeman, 1331 Pennsylvania Ave, NW Washington, DC 20005	General Electric Co	373.02	
G. William Frick, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute		
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004	Bristol Bay Native Corp		36.02
Do	Doyon, Limited		
Do	Pueblo of Laguna		
Do	Shoshone Tribe of the Wind River Reservation		
Friends of the Columbia Gorge, 519 SW Third Ave., #810 Portland, OR 97204			
Charles H. Fritts, 1111 14th St., NW, #900 Washington, DC 20005	National Apartment Assn	10,630.00	25.00
Futures Industry Assn, Inc, 1825 Eye Street, NW, #1040 Washington, DC 20006			
David H. Fyock, 600 Maryland Ave., SW, #520 Washington, DC 20024	GPU Service Corporation	2,219.50	426.80
FARO-AIDS Action Council, Inc, 729 8th Street, SE, #200 Washington, DC 20003		70,125.09	121,685.43
Marc P. Gabor, 900 15th Street, NW Washington, DC 20005	United Mine Workers of America	7,000.00	6,357.90
Linda Parke Gallagher, 1225 Eye Street, NW, 7th Floor Washington, DC 20005	Linda Parke Gallagher & Associates (For:National Corp for Housing Partnerships)		
Mark Gallant, 40 Ivy Street, SE Washington, DC 20003	National Lumber & Building Material Dealers Assn	1,500.00	
Sara G. Garland, 137 13th St., NE Washington, DC 20002	Grand Forks (N.D.) Regional Economic Development Corp	1,350.00	145.00
Do	Pfizer, Inc	4,500.00	105.20
Do	Rapoza Associates	6,500.00	120.00
Garvey Schubert & Barer, 1000 Potomac St., NW Washington, DC 20006	Port of Bellingham	6,900.00	
Do	Space Industries, Inc	12,580.00	
Do	Totem Ocean Trailer Express, Inc	4,300.00	
Garry Geffert, 2001 S Street, NW, #312 Washington, DC 20009	Farmworker Justice Fund, Inc		
Fred Gehringer, P.O. Box 1002 Chino, CA 91710			
Cheryl K. Genevie, 1120 G St., NW, #800 Washington, DC 20005	Alliance for Rail Competition	2,450.00	178.01
David Troy Saxton Getty, 4888 West Cherry Lane102 Meridian, ID 83642			
Dorothy F. Gevinson, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	33.33	
Gilmartin Poster & Shafto, 26 Broadway, #1300 New York, NY 10004	B & B Dredging Corp		1,333.00
Gerard Giovaniello, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	688.44
Leslie Alan Glick, Duncan Allen & Mitchell 1575 I Street, NW, #300 Washington, DC 20005	Visaflor, S.A	292.50	11.40
Horace D. Godfrey, 918 16th St., NW, #701 Washington, DC 20006	Godfrey Associates, Inc		
Godfrey Assoc, Inc, 918 16th St., NW, #701 Washington, DC 20006	Godfrey Associates, Inc		
Joseph Goffman, 1616 P Street, NW, #150 Washington, DC 20036	Environmental Defense Fund	9,500.00	
Allen Goldberg, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	42.29	
Ronald L. Goldfarb, Goldfarb & Singer 918 16th Street, NW, #503 Washington, DC 20003	Washington Independent Writers, Inc		
Patricia R. Goldman, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	4,193.65	406.81
Jack Golodner, 815 16th St., N.W. Washington, DC 20006	Department for Professional Employees, AFL-CIO	2,920.24	
Linda F. Golodner, 815 15th Street, NW, #516 Washington, DC 20005	National Consumers League		
Stephen Gordon, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
William Gordon, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	3,000.00	629.73
Brenda J. Gore, 1000 Wilson Blvd., 2600 Arlington, VA 22209	TRW, Inc	567.98	336.13
John C. Gore, 1001 22nd St., NW, #600 Washington, DC 20037	BP America, Inc		
Millicent Gorham, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	15,116.08	5,761.38
Government Strategies, Inc, 1712 Walnut Street Philadelphia, PA 19103	Lukens, Inc	12,778.00	7,132.00
John K. Gram, 610 S.W. Broadway, #608 Portland, OR 97205	Public Timber Purchasers Group	1,781.25	375.00
Frances Turk Granahan, 1090 Vermont Avenue, NW, #600 Washington, DC 20005	Texas Eastern Transmission Corp		138.54
Andrew N. Grass Jr., One World Trade Center, #4511 New York, NY 10048	National Security Traders Assn, Inc		
Ruth P. Graves, 600 Maryland Ave., SW, #500 Washington, DC 20024	Reading Is Fundamental, Inc		
William T. Gray III, 5210 Banks Place, NE Washington, DC 20019			
Kaylene H. Green, 2341 Jefferson Davis Highway, #1035 Arlington, VA 22202	Bath Iron Works Corp	500.00	256.10
Micah S. Green, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	583.38
Phyllis Greenberger, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,129.00	1,808.73
Janice M. Gregory, 1726 M St., #1101 Washington, DC 20036	Erisa Industry Council	5,880.00	105.00
Randall V. Griffin, 1111 19th St., NW Washington, DC 20036	Reid & Priest (For:Halecrest Company)	2,000.00	
James J. Grogan, P.O. Box 19614 Irvine, CA 92714	Lincoln Savings & Loan Assn	10,000.00	
David Gusky, 1016 16th Streeet, NW Washington, DC 20036	National Fed of Federal Employees	1,282.40	
Robert F. Guthrie, 815 16th St., NW, #608 Washington, DC 20006	Department for Professional Employees, AFL-CIO	3,623.95	
Richard E. Gutting Jr., 2000 M St., NW, #580 Washington, DC 20036	National Fisheries Institute	6,000.00	34.95
Milton S. Gwirtzman, 1250 24th St., NW, #600 Washington, DC 20037	Lazare Kaplan International, Inc	1,300.00	
Charles W. Hackney Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
William G. Haddeland, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Hagedorn-Cando, Inc, 1704 23rd St., So. Arlington, VA 22202	Yankee Energy Co	6,000.00	
Kenneth C.O. Hagerty, 1225 Eye St., NW, #950 Washington, DC 20005	American Electronics Assn		
Peter H. Hahn, 10409 La Costa Dr. Austin, TX 78747	Chromalloy American Corp		
George W. Haley, 733 15th Street, NW, #700 Washington, DC 20005	Grocery Manufacturers of America, Inc		
Angelynn Hall, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	12,236.47	
Rhonda Lee Halverson, 1730 K St., NW, #1200 Washington, DC 20006	American Business Conference, Inc	137.50	25.00
Martin Hamburger, 100 Maryland Ave., NE Washington, DC 20002	Peace Political Action Committee	4,514.77	
Violet B. Hamilton, 4-21 Astoria Blvd., #5b Long Island City, NY 11102	Astoria Tenants Organization		
Karen Hammond, 1400 K St., NW Washington, DC 20005	American Psychiatric Assn	1,800.00	1,285.94

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Handgun Control, Inc, 1400 K Street, NW, #500 Washington, DC 20005		1,166,552.00	287,356.00
Hannaford Co, Inc, 655 15th St., NW, #200 Washington, DC 20005	China External Trade Development Council	1,650.00	75.49
Do	Embraer Aircraft Corp		
Do	Royal Embassy of Saudi Arabia		
Do	Trans World Airlines, Inc		
Do	3M Corporation	300.00	
Frederick J. Hannett, 1823 Jefferson Place, NW Washington, DC 20036	Jefferson Group, Inc (For:Foundation Health Corp)		
M. Arnita Hannon, 1029 Vermont Ave., NW, #710 Washington, DC 20005-3517	American Lung Assn	1,826.40	1,176.02
Daniel J. Hanson Sr., 5600 Utah Avenue, NW Washington, DC 20015	American Road & Transportation Builders Assn	12,000.00	422.45
Mary V. Harcar, 1747 Pennsylvania Ave., NW, #704 Washington, DC 20006	Manufacturers Life Insurance Co, Inc	4,850.00	110.00
Eugene J. Hardy, 1100 17th St., NW, #1000 Washington, DC 20036	Gerber Products Co	250.00	14.00
James W. Harff, 1818 N Street, NW, #350 Washington, DC 20036	Susan Davis International (For:Turkish Republic of Northern Cyprus)	1,901.23	364.12
Harris Orr & Kinzer, First Interstate Center, #3210 999 Third Avenue Seattle, WA 98104	Netlink USA	1,980.00	616.61
Jack E. Harrison, c/o West Virginia Petroleum Council 1250 One Valley Square Charleston, WV 25301	American Petroleum Institute		
Thomas D. Hart, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Harter Secrest & Emery, 700 Midtown Tower Rochester, NY 14604-2070	Genesee & Wyoming Industries, Inc		
Vance Hartke, 7637 Leesburg Pike Falls Church, VA 22043	Alliance of Foreign Medical Graduates	6,250.00	
James N. Haug, 55 E. Erie Street Chicago, IL 60611	American College of Surgeons		
Arnold I. Havens, 1818 N Street, NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Armstrong World Industries, Inc)	9,836.05	10.00
Do	Eckert Seamans Cherin & Mellott (For:Burlington Northern, Inc)	21,198.75	132.89
Do	Eckert Seamans Cherin & Mellott (For:City of Pompano Beach, Florida)	6,437.50	
Do	Eckert Seamans Cherin & Mellott (For:Corning Glass Works, et al.)	43,137.50	325.24
Do	Eckert Seamans Cherin & Mellott (For:CSX Corporation)	13,176.25	
Do	Eckert Seamans Cherin & Mellott (For:Sharon Steel Corp)	9,947.50	10.00
Charles E. Hawkins III, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Edmund S. Hawley, 1120 20th St., NW, #600-S Washington, DC 20036	Union Pacific Corp	1,250.00	
Bill Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Oglesby, Inc (For:Boy Scouts of America)		
Do	Hecht Spencer & Oglesby, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Oglesby, Inc (For:BATUS, Inc)		
Do	Hecht Spencer & Oglesby, Inc (For:CSX Corporation)		
Do	Hecht Spencer & Oglesby, Inc (For:Freedom & Justice for Cyprus Trust)		
Do	Hecht Spencer & Oglesby, Inc (For:Great Western Financial Corp)		
Do	Hecht Spencer & Oglesby, Inc (For:Hong Kong Trade Development Council)		
Do	Hecht Spencer & Oglesby, Inc (For:Los Angeles Raiders)		
Do	Hecht Spencer & Oglesby, Inc (For:Southern California Rapid Transit District)		
Do	Hecht Spencer & Oglesby, Inc (For:Western Growers Association)		
Hecht Spencer & Oglesby, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Boy Scouts of America	1,000.00	
Do	Brown & Williamson Tobacco Corp	3,000.00	
Do	BATUS, Inc	1,500.00	
Do	Church Alliance	500.00	
Do	Crowley Maritime Corp	500.00	
Do	CSX Corporation	1,000.00	
Do	Freedom & Justice for Cyprus Trust	750.00	
Do	Great Western Financial Corp	1,500.00	
Do	Hong Kong Trade Development Council	1,500.00	
Do	Illinois Dept of Energy & Natural Resources	1,000.00	
Do	Kansas City Southern Industries, Inc	1,500.00	
Do	Los Angeles Raiders		
Do	Multinational Business Services	100.00	
Do	Mutual Fairness Taxation Assn	1,000.00	
Do	Southern California Rapid Transit District	2,000.00	
Do	Western Growers Association	2,000.00	
Dan C. Heinemeier, 2001 Eye St., NW Washington, DC 20006	Electronic Industries Assn	625.00	
Suzanne C. Helmick, One Nationwide Plaza Columbus, OH 43216	Nationwide Insurance Co	600.00	
Thomas M. Helscher, 1101 17th St., NW, #604 Washington, DC 20036	Monsanto Co		
Craig R. Helsing, 499 S. Capitol St., SW, #507 Washington, DC 20005	Hecht Spencer & Oglesby, Inc (For:Freedom & Justice for Cyprus Trust)		
Do	Hecht Spencer & Oglesby, Inc (For:Hong Kong Trade Development Council)		
Do	Hecht Spencer & Oglesby, Inc (For:Illinois Department of Energy & Natural Resources).		
Do	Hecht Spencer & Oglesby, Inc (For:Kansas City Southern Industries, Inc)		
Do	Hecht Spencer & Oglesby, Inc (For:Multinational Business Services)		
Kathleen Henderson-Whyte, 1625 Eye St., NW, #500 Washington, DC 20006	Ketchum Public Relations (For:Ormet Corporations)		
Diane Hendricks, 1805 Crystal Drive, #209 Arlington, VA 22202	Westermann & Hendricks		
Bruce Heppen, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Mary Lyn Herdt, 1001 22nd Street, NW Washington, DC 20037	Standard Oil Co (Ohio)		
Richard A. Herrett, 1600 M St., NW, #702 Washington, DC 20036	ICI Americas, Inc		
Jo-Ann T. Herrick, 1800 K Street, NW, #530 Washington, DC 20006	Tesoro Petroleum Corp	1,500.00	
Donita Hicks, 815 15th St., NW, #711 Washington, DC 20005	Americans for Democratic Action, Inc		
Clifton T. Hilderley Jr., 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Anne R. Hill, 1101 Connecticut Ave., NW, #500 Washington, DC 20036	Kids Project	13,749.99	
Cynthia A. Hill, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Shepard William Hill, 11003 Burywood Lane Reston, VA 22094	Rockwell International Corp	16,825.00	3,222.00
J. D. Hittle, 3137 S. 14th St. Arlington, VA 22204	KMS Industries, Inc	1,500.00	
Do	LTV Aerospace & Defense Co	2,500.00	197.35
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Agri-Land International, Inc		
Do	Aroostook Band of Micmacs	1,500.00	
Do	Association of Navajo Community Controlled School Boards	2,090.00	
Do	Bristol Bay Area Health Corp	630.00	
Do	Maniilaq Assn	140.00	
Do	Menominee Indian Tribe	2,000.00	
Do	Metlakatla Indian Community	900.00	
Do	Miccosukee Tribe of Indians of Florida	840.00	
Do	National Congress of American Indians, Inc		
Do	Norton Sound Health Corp	40.00	
Do	Oglala Sioux Tribe	4,300.00	
Do	Pueblo de Cochiti	2,500.00	
Do	Quinault Indian Tribe/Quinault Allottees Assn		
Do	Seminole Tribe of Florida	20,000.00	
Do	Tanana Chiefs Conference, Inc		
Do	Three Affiliates Tribes of the Fort Berthold Reservation	500.00	6.75
Adonis E. Hoffman, 2908 Fort Baker Drive Washington, DC 20020-7222	Angola Peace Fund	3,500.00	
Robert C. Hoffman, 2600 N. Powhatan Street Arlington, VA 22207	Foresight Consulting Group, Inc		
William J. Holayter, 1300 Connecticut Avenue, NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	8,063.51	
Michele O'Donnell Holbrook, 10 Lafayette Square, Rm. 900 Buffalo, NY 14203	National Fuel Gas Distribution Corp, et al		
Diane S. Holmes, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	3,499.99	932.98
Lois Holwerda-Hoyt, 600 Maryland Avenue, SW, #770 Washington, DC 20024	American Academy of Family Physicians	2,394.00	26.25
Pete Homer Jr., 4905 Arroyo Chamisa, NE Albuquerque, NM 87111			
Hoog & Associates, 1877 Broadway, #405 Boulder, CO 80302	Colorado State University	3,750.00	3,750.00
Do	ECAD, Inc	4,500.00	4,500.00
Do	International Brotherhood of Teamsters	500.00	500.00
Do	MediVision, Inc	2,000.00	2,000.00
Do	Strohs Brewery Co	500.00	500.00
Do	United Technologies Corporation	4,500.00	4,500.00
Do	Warner-Lambert Co	3,625.00	3,625.00
Helen Hooper, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation		
Marian Hopkins, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	3,900.00	779.79
Hospital Association of New York State, 74 N. Pearl St. Albany, NY 12207		6,374.00	6,374.00
Edward F. Howard, 1334 G Street, 3rd Fl. Washington, DC 20005	Villers Advocacy Associates	7,521.00	79.60
Allynn Howe, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	9,032.45	94.60
Susan Howland, 20 Black Oak Mews Newtown, PA 18940	Philadelphia Maritime Exchange		
Do	PJDM Electrical Alliance		
Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	8,000.00	
Terry D. Hudgins, P.O. Box 53999 Station 1715 Phoenix, AZ 85072-3999	Arizona Public Service Company	13,500.00	173.26

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Hudson Bayless & Boland, Inc, 438 New Jersey Ave., SE Washington, DC 20003	Primark Corporation		2,825.00
Do	Salomon Brothers, Inc	4,380.00	1,412.00
Do	Space Services, Inc of America	4,120.00	648.00
Richard H. Hughes, P.O. Box 880 Valley Forge, PA 19482	Avtex Fibers, Inc		
Sharon M. Hughes, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc		
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
Richard M. Hunt, 550 N St., SW, #S-201 P.O. Box 70192 Washington, DC 20024	NL Industries, Inc	5,100.00	
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 P.O. Box 19230 Washington, DC 20036	Copyright Justice Coalition		8.00
Geoffrey B. Hurwitz, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	500.00	38.00
Suzanne C. Hutchinson, 1615 L St., NW, #1230 Washington, DC 20036	Mortgage Insurance Companies of America	3,400.00	185.58
Steven M. Hyjek, One Thomas Circle, NW, #900 Washington, DC 20005	Richard L. Sinnott & Co (For:Dallas/Ft. Worth International Airport)		
Do	Richard L. Sinnott & Co (For:Oakland Colliseum)		
Do	Richard L. Sinnott & Co (For:Port of Oakland)		
Independent Insurance Agents of America, Inc, 100 Church St., 19th Fl. New York, NY 10007		41,644.00	41,644.00
International Assn of Machinists & Aerospace Workers, 1300 Connecticut Ave., NW Washington, DC 20036			29,777.04
International Brotherhood of Painters & Allied Trades, 1750 New York Ave., NW Washington, DC 20006			
International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036		22,500.00	1,261.00
Peter A. Iovino, 1235 Jefferson Davis Highway, #1300 Arlington, VA 22202	Ford Motor Co		
John Isaacs, 100 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	5,800.05	
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	American Textile Manufacturers Institute, Inc		
Do	Borg-Warner Corp	6,750.00	
Do	Employee Relocation Council	337.50	
Do	Limited, Inc		
Do	Oberlin College		
Do	Rochester Tax Council		
Timothy P. James, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	6,500.00	396.00
Kempton B. Jenkins, 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	200.00	588.11
Jenner & Block, 21 Dupont Circle, NW Washington, DC 20036	CECO Industries, Inc	37,000.00	2,521.96
Richard H. Jenrette, 787 7th Avenue New York, NY 10019	Equitable Financial Companies	1,000.00	6.00
Ronald P. Johnsen, 1250 Eye St., NW, #703 Washington, DC 20005	Columbia Gas System Service Corp	175.00	700.00
Aileen A. Johnson, 2000 P St., NW, #400 Washington, DC 20036	Women's Legal Defense Fund		
Beth Johnson, 6220 Gaston Avenue, #609 Dallas, TX 75214	Sierra Club	4,294.00	2,301.00
Barbara W. Johnston, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	BHP-UTAH International, Inc		67.60
Geo. Allen Johnston, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	5,152.00	185.97
Joint Corporate Comm on Cuban Claims, c/o Lone Star Industries, Inc PO Box 5050 Greenwich, CT 06830			180.00
Joint Maritime Congress, 444 N. Capitol St., #801 Washington, DC 20001		26,277.00	26,277.00
Beverly E. Jones, 1101 16th Street, NW Washington, DC 20036	Consolidated Natural Gas Co	1,000.00	297.65
Theodore L. Jones, 2033 K St., NW, #300 Washington, DC 20006-1056	Mall Properties, Inc	1,500.00	
Do	Primark Corporation		
Do	United Companies Life Insurance Companies		
Do	Zapata Gulf Marine Corp		
Jones Day Reavis & Pogue, 1450 G Street, NW, #600 Washington, DC 20005-2088	Geostar Corp		
De Soto Jordan, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	EDS Corporation	44.00	
Patricia Jordan, 1730 Rhode Island Ave., NW, #400 Washington, DC 20036	Berg-Revoir Corp	900.00	17.28
Do	City of Alhambra		
Do	City of Baldwin Park		
Do	City of Inglewood		
Do	City of Oceanside		
Do	City of Provo		
Do	City of Redondo Beach		
Do	City of Santa Ana		
Do	City of South Salt Lake		
Do	Gavin Associates		
Do	Imperial Irrigation District		
Do	Irvine Company		
Do	Long Beach Transit		
Do	Oceanside Redevelopment Agency		
Do	Santa Cruz Properties, Inc		
Diana Jost, 1709 New York Ave., NW, #303 Washington, DC 20006	Blue Cross & Blue Shield Assn		
Suzanne Kalfus, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Laurel B. Kamen, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
James L. Kane Jr., 1315 Vincent Place Mclean, VA 22101			
Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	11,749.98	114.50
James W. Kanouse, 1700 North Moore Street, 21st Floor Rosslyn, VA 22209	Boeing Company	14,500.00	1,322.48
Kevin Kaplan, 8100 Mountain Road, NE Albuquerque, NM 87110	Beer Drinkers of New Mexico	410.00	365.00
Anthony P. Kavanagh, 410 First Street, SE Washington, DC 20003	Consolidated Edison Co of New York, Inc	1,930.00	525.30
Bronwen A. Kaye, 1575 Eye St., NW, #200 Washington, DC 20005	American Cyanamid Co	947.88	405.53
Kaye Scholer Fierman Hays & Handler, 1575 Eye Street, NW, #1150 Washington, DC 20005	Brown Brothers Harriman & Co		3,008.91
Do	Carlon Company	2,124.24	233.75
Do	Eastern Airlines, Inc	3,306.80	826.70
Do	Alfredo J. Estrada	4,025.36	
Do	Goldman Sachs & Co	15,819.87	2,246.49
Do	GAF Corporation	940.00	235.00
Do	Kraft, Inc	9,384.88	27.50
Do	KWG Properties		124.69
Do	Morgan Guaranty Trust Co of New York	1,119.32	2,125.54
Do	Siemens Medical Systems, Inc	1,886.80	2,289.00
Do	U.S. Industrial Fabric Institute		495.63
Do	Westwood One, Inc	10,360.89	13.75
Do	Winfield Manufacturing Co	9,799.76	487.00
Keck Mahin & Cate, 170 Pennsykvania Ave., N.W. #350 Washington, DC 20006	Schwinn Bicycle Co	610.00	
Mary Catherine Keegan-Ayer, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	10,031.00	
David A. Keene, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:American Freedom Coalition)	416.66	
Do	Keene Shirley & Associates, Inc (For:Apex Marine)	416.66	
Do	Keene Shirley & Associates, Inc (For:Australian Barley Board)	416.66	
Do	Keene Shirley & Associates, Inc (For:Council for International Development)	416.66	
Do	Keene Shirley & Associates, Inc (For:CSR, Ltd)	416.66	
Do	Keene Shirley & Associates, Inc (For:Limited, Inc)	416.66	
Do	Keene Shirley & Associates, Inc (For:Marine Engineers Beneficial Assn)	3,000.00	
Do	Keene Shirley & Associates, Inc (For:McDonnell Douglas Astronautics Co)	416.66	
Do	Keene Shirley & Associates, Inc (For:Mortgage Guaranty Insurance Corp)	416.66	
Do	Keene Shirley & Associates, Inc (For:National Farmers' Federation of Australia)	416.66	
Do	National Tax Limitation Committee	416.66	
Do	Keene Shirley & Associates, Inc (For:United Maritime Officers Assn)	416.66	
Keene Shirley & Associates, Inc, 919 Prince Street Alexandria, VA 22314	American Freedom Coalition	4,305.27	2,256.93
Do	Apex Marine	20,000.00	1,319.43
Do	Australian Barley Board	18,000.00	2,211.43
Do	CSR, Ltd	13,064.89	2,211.43
Do	Limited, Inc	32,617.95	3,111.43
Do	Marine Engineers Beneficial Assn	3,000.00	3,000.00
Do	McDonnell Douglas Astronautics Co	15,000.00	2,211.43
Do	Mortgage Guaranty Insurance Corp	6,000.00	1,319.43
Do	National Farmers' Federation of Australia	15,000.00	2,211.43
Do	National Tax Limitation Committee	5,000.00	2,256.93
Do	United Maritime Officers Assn	15,000.00	416.66
Keiki Kehoe, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	687.50	
William D. Kelleher, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,500.00	
Joseph T. Kelliher, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	1,968.75	1,209.97
Mary Linda Kemp, 815 15th Street, NW, #709 Washington, DC 20005	Floyd H. Hyde Associates, Inc (For:Alameda, CA, et al.)		
Do	Floyd H. Hyde Associates, Inc (For:City of Fresno, CA)	2,461.20	2,744.74
Do	Floyd H. Hyde Associates, Inc (For:City of Gary, IN)	2,461.20	834.94
Do	Floyd H. Hyde Associates, Inc (For:Fresno County, CA)	2,461.20	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Floyd H. Hyde Associates, Inc (For:Water Department in San Bernadino, CA)	2,090.31	
Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603			217.59
Kemper Investors Life Insurance Co, 120 South Lasalle Street Chicago, IL 60603			349.31
Sabastian Kenight, 1994-A Woodward Ave., #312 Bloomfield Hills, MI 48013	KF, Inc (For:AFGE - Alliance for Local 1658)		950.00
Vytautas Kerbelis, P.O. Box 44 Sea Harbor, ME 04675	ARAS		
Suzanne S. Kerr, 305 7th Street, SE, #204 Washington, DC 20003	Women's Action for Nuclear Disarmament, Inc, et al	461.54	
T. Michael Kerr, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	9,913.56	103.20
Margaret Kerry, 105 East 22nd Street New York, NY 10010	Community Service Society	293.20	189.00
Maryann Kilduff, 2000 M St., NW, #230 Washington, DC 20036	Telocator Network of America	5,660.00	
Gregory Kilgore, 1101 16th Street, NW Washington, DC 20036	Scientific Apparatus Makers Assn	1,100.00	253.71
William P. Killmer, 1331 Pennsylvania Avenue, NW, #910 Washington, DC 20004	American Cement Trade Alliance, Inc	3,749.98	186.59
Kilpatrick & Cody, 2501 M St., NW, #500 Washington, DC 20037	Georgia Forest Landowners Council	341.00	21.00
Do	Gray Communications Systems, Inc	2,263.00	
Do	John Hancock Mutual	573.50	6.75
Do	Marathon U.S. Realties, Inc	2,873.50	12.00
Do	Mitsubishi Electronic America, Inc	775.00	33.00
Do	Prudential Insurance Co of America	573.50	6.75
Do	University of Georgia	2,619.50	35.00
Roberta D. Kimball, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Gene Kimmelman, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	7,902.00	493.00
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Fuqua Industries, Inc	4,228.50	398.02
Marcia Y. Kinter, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Kirkpatrick & Lockhart, 1800 M St., NW, S. Lobby-9th Fl. Washington, DC 20036	Color Systems Technology, Inc	214.50	
Do	Columbia Pictures Industries, Inc	1,170.00	
Do	County of Suffolk, New York		
Do	Grocery Manufacturers of America, Inc		
Do	H. K. Porter Company, Inc		
Do	Search Group, Inc	8,741.00	1,223.14
William J. Kissick, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd	25.00	425.80
Lisa K. Kjaer, 2001 Eye St., NW Washington, DC 20006	Electronic Industries Assn	475.00	154.00
Jerry D. Klepner, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	7,840.91	128.21
Peter E. Knight, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	8,000.00	498.40
C. Neal Knox, Neal Knox Associates Box 6537 Silver Spring, MD 20906		5,000.00	650.00
Bradley R. Koch, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	137.50	
Patrick C. Koch, 900 19th St., NW, #800 Washington, DC 20006-2102	U.S. Telephone Assn	5,000.00	
Herb B. Kuhn, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	465.01	195.76
Labor Policy Assn, Inc, 1015 15th St., NW, #1200 Washington, DC 20005			
Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006			28,731.48
Marc E. Lackritz, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	385.51
Bruce C. Ladd Jr., 1776 K Street, NW Washington, DC 20006	Motorola, Inc	16,500.00	87.00
Gerard F. Lamb, 2341 Jefferson Davis Hwy, 4th Floor Arlington, VA 22202	Todd Shipyards Corp	2,500.00	
Bruce Alan Landy, 2601 Virginia, AVE., NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
Lane Powell Moss & Miller, 3800 Ranier Bank Tower Seattle, WA 98101-2647	Afognak Joint Venture	14,045.20	12,990.02
Richard Eugene Larochelle, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
Debra L. Larson, 729 15th St., NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Lash Group, 555 13th St., NW Washington, DC 20004	American Physical Therapy Assn	1,300.00	
Do	Caremark/Home Health Care of America	350.00	
Do	University of Pennsylvania	467.50	
Theodore A. Lattanzio, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,206.25	
George H. Lawrence, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	3,800.00	
Ursula Lawrence, 167 Maple Avenue Sea Cliff, NY 11579	America's Conscience		8.10
Sally Ann LaHue, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	2,000.00	1,212.74
Wayne R. LaPierre Jr., 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	2,062.50	2,000.00
Leach Biesty & McGreevy, 1619 New Hampshire Ave., NW Washington, DC 20009	Washington Psychiatric Society	5,250.00	
League of American Investors, 32123 Lindero Canyon Rd., #300 Westlake Village, CA 91361			
League of Rural Voters Education Project, Inc, 3255 Hennepin Avenue South, #225 Minneapolis, MN 55408		56,000.00	2,660.00
League of Rural Voters, Inc, 3255 Hennepin Avenue South, #225 Minneapolis, MN 55408			
Carlton Lee, 1012 14th St., NW, 6th Fl. Washington, DC 20013	Human Rights Campaign Fund	7,219.22	158.60
Julie S. Lee, 444 North Capitol St., NW, #801 Washington, DC 20001	Joint Maritime Congress		
Arnold H. Leibowitz, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Republic of Palau	16,440.00	16,440.00
Leibowitz & Spencer, 3050 Biscayne Blvd., #501 Miami, FL 33137	Curt Gowdy Broadcasting, et al		
Cynthia R. Lenhart, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	7,000.00	2,972.48
Donna Lenhoff, 2000 P St., NW, #400 Washington, DC 20036	Women's Legal Defense Fund	2,536.09	945.63
Daniel Lesmez, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Raymond D. Lett, 201 James Thurber Court Falls Church, VA 22046	Marxman & Associates, Inc		
S. R. Levering, Route 2 Ararat, VA 24053	U.S. Committee for the Oceans		
Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	634.50	
James F. Levy, 215 Assembly Street Columbia, SC 29201	Vista, Inc		
David A. Lewis, 1601 Connecticut Ave., NW, #800 Washington, DC 20009	Physicians for Social Responsibility	3,115.38	27.19
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	First Interstate Bancorp	750.00	
Do	Manufacturers Hanover Corp	850.00	
Do	National Bank of Detroit	700.00	
LeBoeuf Lamb Leiby & MacRae, 1333 New Hampshire Ave., NW, #1100 Washington, DC 20036	Maritrans Operating Partners, L.P.		
Lawson LeGate, 177 East 900 South, #102 Salt Lake City, UT 84111	Sierra Club		
Judith Lichtman, 2000 P St., NW, #400 Washington, DC 20036	Women's Legal Defense Fund	52.13	21.77
William Lilley III, 1730 K Street, NW, #703 Washington, DC 20006	American Business Conference	3,125.00	74.00
Lincoln Savings & Loan Assn, P.O. Box 19614 Irvine, CA 92714			429.94
Linton Mields Reisler & Cottone, 1225 Eye Street, NW Washington, DC 20005	Iowa Department of Transportation	7,038.00	
Do	Madison Gas & Electric Co	1,943.00	
Do	Metropolitan Sanitary District of Greater Chicago	8,287.00	
Do	Michigan Dept of Transportation	4,158.00	
Do	Northern States Power Co	3,198.00	
Do	Oregon Department of Transportation	3,750.00	
Do	State of Colorado, Dept of Highways	3,136.00	
Do	State of IL, Dept of Transportation	7,921.00	
Do	State of IL, Dept of Transportation, Div of Water Resources	2,913.00	
Do	Superior Water Light & Power Co	425.00	
Do	Wisconsin Electric Power Co	6,896.00	235.00
Do	Wisconsin Fuel and Light Co	253.00	
Do	Wisconsin Natural Gas Co	964.00	
Do	Wisconsin Power & Light Co	4,312.00	
Do	Wisconsin Public Service Corp	3,825.00	
David A. Litvin, 1001 22nd St., NW, #600 Washington, DC 20037	Standard Oil Co (Ohio)		
Sheldon London, Law Offices of, 1025 Vermont Avel, NW, #1201 Washington, DC 20005	American Hardware Manufacturers Assn		
Charles M. Loveless, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	12,478.02	327.31
Mrs. Freddie H. Lucas, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	583.81
Lukens, Inc, 50 South First Avenue Coatesville, PA 19320			
J.C. Luman & Associates, 1030 15th Street, NW, #720 Washington, DC 20005	National Assn of Personnel Consultants	2,000.00	
James Lyon, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	635.00	
John Macnamara, c/o Dow Lohnes & Albertson 1255 23rd Street, NW, #500 Washington, DC 20037	Algoma Steel Corp, Ltd		
Sheila MacDonald, 3231 Beech Street, NW Washington, DC 20015	National Taxpayers Union	2,322.00	
Steven R. Maimon, P.O. Box 7579 Washington, DC 20044	Ibus Group, Ltd		
R. Roger Majak, 1700 N. Moore Street, #1620 Arlington, VA 22209	Tektronix, Inc	10,317.50	
Daniel C. Maldonado, 10000 Falls Rd., #300 Potomac, MD 20854	American Soc of Anesthesiologists	35,875.00	23,981.27
Lawrence R. Malone, 1211 Avenue of The Americas New York, NY 10036	Hoechst Celanese Corp		
Man-Made Fiber Producers Assn, Inc, 1150 17th St., NW, #310 Washington, DC 20036		130,077.00	134,042.50
Management & Government Resources, 1305 Mt. Holly Road Burlington, NJ 08016	Burlington Coat Factory	24,929.60	12,995.80
Peter T. Mangione, 1319 F Street, NW, #700 Washington, DC 20004	Footwear Retailers of America	50.00	
Sandra Marqunadt, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	536.00	
Dianne D. Marshall, 1331 Pennsylvania Avenue, NW, #910 Washington, DC 20004	American Cement Trade Alliance, Inc	812.50	26.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Danea Kehoe Martin, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	560.00	60.00
Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,041.68	171.36
Dawson Mathis, 499 South Capitol St., SW, #407 Washington, DC 20003	Dawson Mathis & Associates (For:American Electronic Laboratories, Inc)		
Do	Dawson Mathis & Associates (For:Crowley Maritime Corp)		
Do	Long Lake Energy Corp		
Do	Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co)		
Mary Helen Mathis, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For:Carteret Savings & Loan)	150.00	
Do	Keefe Company (For:New York University)	1,500.00	
Do	Keefe Company (For:University of Medicine & Dentistry of New Jersey)	200.00	
Do	Keefe Company (For:University of Miami)	99.00	
Dawson Mathis & Associates, 499 South Capitol St., SW, #407 Washington, DC 20003	American Electronic Laboratories, Inc		
Do	Crowley Maritime Corp		
Do	Massachusetts Mutual Life Insurance Co		
Herbert S. Matthews, Rt. 3, Box 435 Mechanicsville, MD 20659	Martin Marietta Aerospace	6,600.00	
Albert E. May, 1627 K Street, NW, 1200 Washington, DC 20006	United Shipowners of America	4,500.00	
Arnold Mayer, 1775 K St., NW Washington, DC 20006	United Food & Ccmmercial Workers International Union	26,686.81	572.91
Wiley Mayne, 400 Home Federal Building P.O. Box 5049 Sioux City, IA 51102	Monona County Land Assn	1,380.68	
Rosemary A. Mazon, 1001 Pennsylvania Ave., NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Donald S. Mazzullo, 700 Midtown Tower Rochester, NY 14604-2070	Genesee & Wyoming Industries, Inc		
Maryln Lee McAdam, 1010 Vermont Ave., NW, #1100 Washington, DC 20005	Bank One	625.00	
Do	California Student Aid Commission	2,250.00	1,054.06
Do	Colorado Student Loan Program	4,500.00	1,859.63
Do	GEM Corp	2,325.00	35.33
Do	Illinois State Scholarship Commission	1,275.00	20.00
Do	Just Kids	2,250.00	
Do	Nebraska Higher Education Loan Program, Inc	1,125.00	
Do	Nebraska Student Loan Program	250.00	110.08
Do	Texas Guaranteed Student Loan Corp	1,125.00	362.08
Jerry McAndrews, 120 Maryland Ave., NE Washington, DC 20012	Competitive Telecommunications Assn		
Robin W. McClung, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	500.00	372.55
Molly McCormick, 2301 Market Street, S 13-1 Philadelphia, PA 19101	Philadelphia Electric Company		
Marianne McDermott, 1350 New York Avenue, NW, #615 Washington, DC 20005	Resources for Group Management, Inc (For:Greeting Card Assn)		
McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006	American Dental Hygienists' Assn	11,600.00	
Do	California Assn of Children's Hospitals	6,000.00	
Do	Caterpillar Tractor Co		
Do	Federal Kemper Life Assurance Co		
Do	Hitachi America, Ltd	300.00	35.00
Do	Home Intensive Care, Inc	6,750.00	
Do	Juvenile Diabetes Foundation, International	7,000.00	
Do	Kemper Investors Life Insurance Co		
Do	Lumberman Mutual Co		
Do	Outpatient Opthalmic Surgery Society	10,800.00	
Do	Public Employees Retirement Assn of Colorado	642.50	60.00
Do	Society of Outpatient Surgeons	2,600.00	
Do	Technicon Instruments Corp	7,820.00	
Sandra McDonough, 920 SW 6th Ave., 1400 PSB Portland, OR 97204	Pacific Power & Light Co	1,320.00	929.47
Christine W. McEntee, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		130.97
Monica E. McFadden, 2012 Massachusetts Ave., NW Washington, DC 20036	BPW/USA		4,622.04
Ann McFarren, 729 8th St., SE, #200 Washington, DC 20003	FARO AIDS Action Council, Inc	10,748.97	5,069.98
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	American Polygraph Assn		
Do	Borg-Warner Corp		
Do	City of West Lafayette		
Do	Coin Depot Corp		
Do	International Theatrical Agencies Assn		
Do	National Assn of Orchestra Leaders		
Do	National Manufactured Housing Assn		
Do	Pony Express Courier Corp		
Do	Wells Fargo Armored Service Corp		
Robert McIntyre, 1313 L St., NW Washington, DC 20005	Citizens for Tax Justice	7,455.00	
Michael R. McLeod, Mcleod and Pires 2501 M St., NW, #400 Washington, DC 20037	American Assn of Crop Insurers	962.50	
Do	Chicago Board of Trade	1,250.00	
Do	United Egg Producers	537.50	
Nanine Meiklejohn, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees		
James T. Melville, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
J. Roger Mentz, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Knoll Pharmaceuticals)		
Do	Cadwalader Wickersham & Taft (For:Pepsico, Inc)		
Edward L. Merrigan, 6000 Connecticut Ave., NW Washington, DC 20815	Central Gulf Lines, Inc	7,500.00	214.63
Do	Rolls-Royce Motors, Inc	8,381.25	128.09
Harold E. Mesirow, Lane & Mittendorf 1750 K Street, NW Washington, DC 20006	Lillick Mchose & Charles (For:Foss Launch & Tug Company, et al.)		
Michael G. Michaels, P.O. Box 150160 Lakewood Station Altlanta, GA 30315			
Kathleen Michels, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	4,415.00	155.79
Michigan Council of Self-Insured Group Administrators, 3670 Golfside Rd. Ypsilanti, MI 48197			
Lisa Mihaly, 122 C Street, NW, 4th Fl. Washington, DC 20001	Children's Defense Fund of the Washington Research Project	593.06	307.95
Janice I. Milazzo, 1001 22nd Street, NW Washington, DC 20037	Standard Oil Co (Ohio)		
Milbank Tweed Hadley & McCloy, 1825 Eye St., NW Washinton, DC 20006	Committee for Fair Trade with China		2,421.62
Fred Millar, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	634.00	
Carol Miller, 2012 Massachusetts Ave., NW Washington, DC 20036	BPW/USA		2,619.05
Clinton R. Miller, 5001 Seminary Road, #1330 Alexandria, VA 22311	National Health Federation		
Deborah Imle Miller, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Jeffrey T. Miller, P.O. Box 1933 East Hanover, NJ 07936	Nabisco Brands, Inc		
Linda B. Miller, 1625 Eye St., NW, #810 Washington, DC 20006	Volunteer Trustees of Not-For-Profit Hospitals		
Marye T. Miller, 637 Third Street, NE Washington, DC 20002	Ray F. Bragg, Inc (For:American Independent Refiners Assn)		
Richard G. Miller, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	3,900.00	573.35
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Computer & Business Equipment Manufacturers Assn		
Do	Hercules, Inc	1,063.75	
Do	Runaway Plant Coalition	2,428.75	25.00
Do	Tandem Computers, Inc	2,052.50	
Do	UDC-Universal Development L.P.	4,079.04	31.00
Denny Miller Associates, Inc, 400 N. Capitol St., NW, #325 Washington, DC 20001	Boeing Company	3,000.00	
Do	Marine Engineers' Beneficial Assn	1,000.00	
Do	Olin Corporation	3,000.00	
Do	Port of Tacoma	945.00	
Do	State of Washington, Dept of Transportation	3,000.00	
Richard V. Minck, 1001 Pennsylvania Ave., N.W. Washington, DC 20004	American Council of Life Insurance, Inc	1,750.00	
John H. Miner, Room 1414-South Building, USDA Washington, DC 20250	Organization of Professional Employees of USDA	652.20	
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 1825 I Street, NW, #1025 Washington, DC 20006	Houghton Mifflin Company	2,910.67	
Elizabeth R. Monro, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	13,055.45	
John H. Montgomery, 2555 M St., NW, #100 Washington, DC 20037	National Rural Water Assn	10,092.00	5,587.00
Walter K. Moore, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		1,614.56
Mark E. Moran, 1850 M Street, NW, #280 Washington, DC 20036	Shawn Berger Mann & Moran (For:Republic of Mexico)		
Dudley Digges Morgan III, 4900 Baronne New Orleans, LA 70115	Southern Forest Products Assn	12,402.54	
John Morgan, 1925 K St., NW Washington, DC 20006	Communications Workers of America		
James Morrison, 601 Pennsylvania Ave, NW, #700 Washington, DC 20004-2602	Business Executives for National Security	3,606.00	
Michael L. Morton, 910 16th Street, NW, #402 Washington, DC 20006	Florida Sugar Cane League		
Beth Moten, 1016 16th St., NW, Washington, DC 20036	National Fed of Federal Employees	10,175.21	
Mudge Rose Guthrie Alexander & Ferdon, 2121 K Street, NW, #700 Washington, DC 20037	Toshiba Corp	26,708.50	17,476.77
Gregory R. Mueller, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:American Freedom Coalition)	937.50	
Do	Keene Shirley & Associates, Inc (For:National Tax Limitation Committee)	937.50	
James S. Mulhern, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	3,225.00	
Richard J. Muller, 1100 Connecticut Ave., NW, #930 Washington, DC 20036	Chrysler Corporation	2,000.00	105.00
H. Edward Munnerlyn, P.O. Box 1017 Greenwood, SC 29648	Greenwood Mills, Inc	2,500.00	1,201.35
Barbara Munson, 1300 North 17th St., #1200 Arlington, VA 22209	Consumer Bankers Assn	3,869.60	189.68
Elizabeth A. Murphy, 1901 N. Fort Myer Drive, #204 Arlington, VA 22209	Roadway Express, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
George F. Murphy Jr., 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	1,050.00	352.27
Jeanne Marie Murphy, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	300.00	84.44
Margaret R. Murray, McLeod & Pires 2501 M Street, NW, #400 Washington, DC 20037	American Assn of Crop Insurers	525.00	
Do	Chicago Board of Trade		
Do	National Rural Telecom Assn	180.00	
Do	United Egg Producers		
Robert J. Muth, 180 Maiden Ln. New York, NY 10038	Asarco Inc	750.00	
Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
Diane M. Nash, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	10,152.00	
National Assn for the Advancement of Justice, 5210 Banks Place, NE Washington, DC 20019			
National Assn of Beverage Importers, 1025 Vermont Avenue, NW, #1205 Washington, DC 20005			
National Assn of Carrier Agents, 1000 Connecticut Avenue, NW, #1200 Washington, DC 20008			
National Assn of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005		44,798.66	97,644.37
National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001		5,627,857.24	459,822.35
National Assn of Realtors, 777 14th St., NW Washington, DC 20005			93,485.94
National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002		500.00	11,653.00
National Coal Assn, 1130 17th Street, NW Washington, DC 20036		1,68,230.00	18,370.24
National Coalition for Fair Trade, 1718 Connecticut Avenue, NW, #310 Washington, DC 20009			
National Coalition for Marine Conservation, Inc, P.O. Box 23298 Savannah, GA 31403		20,495.00	19,192.55
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		100,599.84	44,367.25
National Council of Agricultural Employers, 499 S. Capitol Street, SW, #411 Washington, DC 20003		5,500.00	6,810.00
National Council of Savings Institutions, 1101 15th St., NW, #400 Washington, DC 20005		2,616,716.02	
National Democratic Council of Asian & Pacific Americans, 1050 Thomas Jefferson St., NW, 6th Floor Washington, DC 20007		22,328.00	
National Education Assn, 1201 16th St., NW Washington, DC 20036		60,998.29	60,998.29
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001		80,375.00	2,685.00
National Fed of Federal Employees, 1016 16th Street, NW Washington, DC 20036		23,026.68	23,026.68
National League of Postmasters of the U.S., 1023 North Royal Street Alexandria, VA 22314			51,538.00
National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201		12,536.78	12,536.78
National Newspaper Assn, 1627 K St., NW, #400 Washington, DC 20006		128,039.72	7,914.40
National Parking Association, 1112 16th St., NW, #2000 Washington, DC 20036			42,640.15
National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036		191,017.58	169,006.40
National Rural Electric Cooperative Assn, 1800 Massachusetts Ave., NW Washington, DC 20036			2,644.74
National Rural Letter Carriers Assn, 1448 Duke St., #100 Alexandria, VA 22314		22,888.00	22,399.00
National Solid Wastes Management Assn, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036			
National Strategies Inc., 1919 Pennsylvania Ave., NW, #701 Washington, DC 20006	Ladies Professional Golf Assn (LPGA)		
National Tour Assn, Inc, 546 E. Main Street Lexington, KY 40508		47,028.00	47,028.00
National Venture Capital Association, 1655 N. Fort Meyer Dr., #700 Arlington, VA 22209			36,553.00
Allen Neece Jr., 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates, Inc (For:Association of Small Business Development Centers).	1,350.00	1,350.00
Do	Neece Cator & Associates, Inc (For:National Small Business United)	1,350.00	1,350.00
Neece Cator & Associates, Inc, 1050 17th Street, NW Washington, DC 20036	Association of Small Business Development Centers	1,350.00	1,350.00
Do	Colson Investments	1,350.00	1,350.00
Do	National Small Business United	1,350.00	1,350.00
Do	Southeastern Lumber Manufacturers Assn	1,350.00	1,350.00
Mary Elizabeth Neese, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	2,000.00	189.97
Neighborhood Housing Services of America, 3805 Alton Place, NW Washington, DC 20016			
Frederick H. Nesbitt, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	10,805.34	1,217.68
David B. Neumeyer, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center	28.00	
William B. Newman Jr., P.O. Box 23451 Washington, DC 20024	Consolidated Rail Corporation	5,000.00	
E. Bruce Nicholson, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Thomas Nickels, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	5,144.00	140.54
Ellen Nissenbaum, 236 Massachusetts Avenue, NE, #305 Washington, DC 20002	Center on Budget & Policy Priorities	1,985.94	40.00
Peter Nixon, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Robert W. Nolan, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn	100.00	
Robert I. Nooter, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,104.17	108.15
David F. Norcross, 1010 Kings Highway So., #2-C Cherry Hill, NJ 08034	National Check Cashers Coalition		956.50
North American Telecommunications Assn, 2000 M St., NW, #550 Washington, DC 20036		13,461.56	13,461.56
Nossaman Guthner Knox & Elliott, 1140 19th St., NW, #600 Washington, DC 20036	Aetna Life & Casualty	2,375.00	1,675.00
Do	California Co-Compost Systems		
Do	Milton Gordon, First Financial Group		
Do	Northwestern National Life Insurance Co	375.00	575.00
Do	Southern California Edison Co	750.00	750.00
NL Industries, Inc, 3000 North Belt East P.O.Box 60087 Houston, TX 77205			5,100.00
Hubert K. O'Bannon, 50 F Street, NW Washington, DC 20001	Consolidated Rail Corporation	2,667.00	
David O'Brien & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	A. L. Williams & Company	5,000.00	75.25
Paul T. O'Day, 1150 17th Street, NW Washington, DC 20036	Man-Made Fiber Producers Assn, Inc	2,500.00	
Terri O'Grady, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	950.00	421.50
Bartley M. O'Hara, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20006	Grocery Manufacturers of America, Inc	1,500.00	
Kathleen O'Leary, 1250 Eye St., NW, #703 Washington, DC 20005	Columbia Gas Transmission Corp	4,000.00	185.96
Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Rural Telecom Assn	1,531.25	
Patricia M. O'Toole, 1201 West 5th Street Los Angeles, CA 90017	Union Oil Co of California		
Thomas J. Oden, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	4,062.79	
Neil H. Offen, 1776 K Street, NW Washington, DC 20006	Direct Selling Association		
Marion Browne Oglesby Jr., 499 South Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Oglesby, Inc (For:Boys Scouts of America)		
Do	Hecht Spencer & Oglesby, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Oglesby, Inc (For:BATUS, Inc)		
Do	Hecht Spencer & Oglesby, Inc (For:CSX Corporation)		
Do	Hecht Spencer & Oglesby, Inc (For:Freedom & Justice for Cyprus Trust)		
Do	Hecht Spencer & Oglesby, Inc (For:Great Western Financial Corp)		
Do	Hecht Spencer & Oglesby, Inc (For:Hong Kong Trade Development Council)		
Do	Hecht Spencer & Oglesby, Inc (For:Illinois Department of Energy & Natural Resources).		
Do	Hecht Spencer & Oglesby, Inc (For:Kansas City Southern Industries, Inc)		
Do	Hecht Spencer & Oglesby, Inc (For:Multinational Business Services)		
Do	Hecht Spencer & Oglesby, Inc (For:Mutual Fairness Taxation Assn)		
Do	Hecht Spencer & Oglesby, Inc (For:Western Growers Association)		
Ohrenstein & Brown, 655 Third Avenue New York, NY 10017	Mutual Signal Corp	7,995.00	136.78
Michael D. Oldak, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Lisa M. Olson, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Asociates, Inc (For:The Limited, Inc)	900.00	
Organization of Professional Employees of USDA, Rm. 1414 S. Building U.S. Dept of Agriculture Washington, DC 20250		5,751.05	1,714.22
Abraham Orlofsky, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	1,311.52	
Roger D. Oswalt, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:Australian Barley Board)	892.00	
Do	Keene Shirley & Associates, Inc (For:CSR, Ltd)	892.00	
Do	Keene Shirley & Associates, Inc (For:Limited, Inc)	892.00	
Do	Keene Shirley & Associates, Inc (For:McDonnell Douglas Astronautics Co)	892.00	
Do	Keene Shirley & Associates, Inc (For:National Farmers' Federation of Australia)	892.00	
Karl Ottosen, 208 G Street, NE Washington, DC 20002	NL Industries, Inc	7,500.00	
Do	U.S. Federation of Small Businesses, Inc		
Cliff Ouse, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
Jack W. Owen, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn		
Sara Lynn Parker, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center		
Prudence H. Parks, 11301 Popes Head Road Fairfax, VA 22030	Washington Gas Light Co		105.20
Ken Parmelee, 1448 Duke Street, #100 Alexandria, VA 22314	National Rural Letter Carriers Assn	15,284.00	1,767.00
Tom E. Paro, 1730 M STreet, NW, #713 Washington, DC 20036	Association of Maximum Service Telecasters, Inc	355.00	
Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903	American Petroleum Institute		261.47
William H. Patterson, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	274.00	
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	Cook Inlet Region, Inc	12,765.00	
Do	McDonnell Douglas Corp		
Do	NEC Corp and NEC America, Inc		10.00
Peace Political Action Committee, 100 Maryland Avenue, NE Washington, DC 20002			6,360.83
Law Offices of Jack Pearce, 1000 Connecticut Ave., NW, #1200 Washington, DC 20006	C.H. Robinson		
Do			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Transportation Brokers Conference of America, Inc		
James M. Peirce Jr., 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	1,918.56	
Elin Peltz, 1511 K St., NW, #723 Washington, DC 20005	Hawaiian Sugar Planters' Assn		
Edward F. Pembleton, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,000.00	245.00
Margaret Pena, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	9,870.00	12.55
Pepper & Corazzini, 1776 K St., NW Washington, DC 20006	Tempo Enterprises, Inc	3,500.00	250.00
Robert A. Perkins, 1100 Connecticut Avenue, NW Washington, DC 20036	Chrysler Corporation	15,000.00	450.00
Kate M. Perry, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation		
Stephan Petry, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	133.02	
Pettit & Martin, 1800 Massachusetts Avenue, NW, #600 Washington, DC 20036	Nippon Yusen Kaisha (NYK) Line	60,000.00	1,537.53
Do	U.S. Suzuki Motor Corp	59,671.00	527.26
Peyser Associates, Inc, 1000 Vermont Ave., NW, #400 Washington, DC 20005	City of Philadelphia	25,500.00	
Do	Juvenile Products Manufacturers Assn	12,000.00	
Do	Metro	6,450.00	
Do	Metropolitan Toledo Consortium		
Do	National School Health Education Coalition	5,100.00	
Do	New York State Bridge Authority	4,500.00	
Do	Regional Transit Authority	13,500.00	
Do	Southeastern Pennsylvania Transit Authority	9,000.00	
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	First National Bank of Boston		
Physicians for Social Responsibility, 1601 Connecticut Avenue, NW, #800 Washington, DC 20009		15,724.11	17,290.13
Joan Piccolo, 1776 K Street, NW, #300 Washington, DC 20006	Motorola, Inc	4,000.00	
Pierson Ball & Dowd, 1200 18th St., NW, #1000 Washington, DC 20036	American Academy of Pediatrics	16,547.90	
Do	Genentech	11,633.28	
Do	Infectious Diseases Society of America	6,124.41	
Do	National Assn for Biomedical Research		
Do	Securities Industry Assn	2,750.00	
Jane Pinsky, 1101 14th St., NW, #200 Washington, DC 20005	American Nurses' Assn	4,625.00	402.82
Pirtle Morisset Schlosser & Ayer, 1500 Seattle Trust Tower 1000 Second Avenue Seattle, WA 98104	American Indian Business Development Consortium	315.00	
Do	Central Council of Tlingit & Haida Tribes of Alaska	1,862.00	
Do	Colville Confederated Tribes		
Do	Confederated Tribes of the Goshute Reservation		
Do	Hoopa Valley Tribe	1,921.60	
Do	Ketchikan Indian Corp		
Do	Makah Indian Tribe	105.00	
Do	Miccosukee Tribe of Indians of Florida	577.00	
Do	Navajo National Health Foundation, Inc	1,635.00	
Do	Red Lake Band of Chippewa Indians	9,601.00	
Do	Rosebud Sioux Tribe	9,129.00	
Do	Saginaw Chippewa Indian Tribe		
Do	Saint Regis Mohawk Tribe		
Do	Sault Ste. Marie Chippewa Tribal Council		
Do	Seneca-Cayuga Tribe of Oklahoma		
Do	Shoshone-Bannock Tribe-Fort Hall Reservation		
Do	Tulalip Tribes of Washington	105.00	
Do	Ukpeagvik Inupiat Corp	246.00	
Jean S. Polatsek, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		595.41
Richard J. Pollack, 50 F Street, NW #1100 Washington, DC 20001	American Hospital Assn	17,089.73	635.96
Population-Environment Balance, 1325 G St., NW #1003 Washington, DC 20005			3,696.86
Porte Stafford & Associates, 1050 17th Street, NW, #840 Washington, DC 20036	American Medical Records Assn	3,000.00	
Do	National Assn of Medical Directors of Respiratory Care	6,000.00	
Do	National Dialysis Assn	9,000.00	
Donna Potemken, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		199.52
Potomac Advisory Group, P.O. Box 20655 126 S. Washington Street Alexandria, VA 22320			
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Alliance for Medical Nutrition	2,807.00	
Do	CORTECH	2,585.00	
Do	Flood Control Advisory Committee		
Do	Hitachi Sales Corp of America	2,744.00	
Do	International Telecommunications Satellite Organization	5,871.00	
Do	Owens-Illinois, Inc	4,884.00	
Do	Westinghouse Electric Corp	825.00	
Graydon R. Powers Jr., 1101 16th St., NW Washington, DC 20036	Scientific Apparatus Makers Assn		
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Banker's Assn for Foreign Trade	5,525.00	40.38
Woodruff M. Price, 1331 Pennsylvania Ave., NW, #560 Washington, DC 20004	CSX Corporation	3,000.00	404.12
Joel Pritchard, Bogle & Gates One Thomas Circle, NW, #900 Washington, DC 20005	International Telecommunications Satellite Organization	4,848.00	
Pro-Life Congressional District 11, P.O. Box 727 San Carlos, CA 94070		205.25	569.65
Product Liability - Sports, 200 Castlewood Drive North Palm Beach, FL 33408		20,000.00	2,255.00
Project Advisory Group, 1029 Vermont Ave., NW, #860 Washington, DC 20005			1,323.53
Project Cure, Inc, 2020 K St., N.W. Suite 350 Washington, DC 20006		247,878.63	370,434.13
Gerald R. Prout, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,800.00	
Public Timber Purchasers Group, 610 SW. Broadway, #608 Portland, OR 97205		47,557.13	2,794.58
John C. Ramig, 1730 M Street, NW, #900 Washington, DC 20036	Stoel Rives Boley Jones & Grey (For:Association of O & C Counties)	905.66	
Do	Stoel Rives Boley Jones & Gray (For:Gregory Affiliates, Inc)	1,909.50	1,601.29
Do	Stoel Rives Boley Jones & Grey (For:Pacificorp)	1,118.00	926.61
Craig J. Rancourt, 2000 Pennsylvania Ave., NW, #3700 Washington, DC 20006	American Assn of Classified School Employees	11,663.57	2,431.58
Robert A. Rapoza Associates, 201 Massachusetts Ave., NE, # C-8 Washington, DC 20009	Policy & Management Associates	23,011.00	16,525.62
Robert Rathe, 8451-A Hilltop Road Fairfax, VA 22031	American Soc of Magazine Photographers		304.03
Craig Raupe, 1010 Pennsylvania Ave., SE Washington, DC 20003	Algonquin Gas Transmission		
Do	American Nuclear Energy Council		
Do	Credit Union National Assn, Inc		
Do	Invest to Compete Alliance		
Do	LTV Aerospace & Defense Co		
Do	Pitney Bowes		
Do	Riffe Petroleum Co		
Do	Securities Industry Assn		
Do	Stone & Webster Engineering Corp		
Do	Texas Utilities Services, Inc		
Do	The New England		
Do	Union Pacific Corp		
Do	United Illuminating Co		
Do	Westinghouse Electric Corp		
G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Floyd C. Raynard, 3169 Holcomb Bridge Rd., #505 Nrcross, GA 30071	Stellar Technology Enterprises, Inc	675.00	1,489.48
Reading Is Fundamental, Inc, 600 Maryland Ave., SW, #500 Washington, DC 20560			
Reese Communications Companies, Inc, 2111 Wilson Blvd., #900 Arlington, VA 22201	Drexel Burnham Lambert, Inc	2,498.66	2,104.88
Reese Communications Companies,Inc., 2111 Wilson Boulevard, #900 Arlington, VA 22201	Citizens for Sensible Control of Acid Rain (CSCAR)	72,674.78	48,045.50
Do	Philip Morris USA	1,222,447.60	1,275,220.32
Dale L. Reistad, 1726 M Street. NW, #1000 Washington, DC 20036	Electronic Funds Transfer Assn	375.00	
Zev M. Remba, 1111 14th Street, NW Washington, DC 20005	Academy of General Dentistry		
Renewable Fuels Assn, 201 Massachusettes Ave, NE, #C-4 Washington, DC 20002		360,766.22	44,772.52
Reserve Officers Assn of the US, 1 Constitution Ave., NE Washington, DC 20002		3,446.89	15,322.31
Resource Technical Consultants (USA), Inc, d/b/a TECNA 330 Seventh Avenue, #1902 New York, NY 10001		59.00	180.00
Timothy M. Reynolds, 1001 22nd St., NW Washington, DC 20037	Standard Oil Co (Ohio)		
Grace Ellen Rice, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,312.49	114.69
Donna Richardson, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	4,935.00	140.90
Kevin C. Richardson, 2001 Eye St., NW Washington, DC 20006	Electronic Industries Assn	825.00	603.00
Riddell Holroyd & Butler, 1331 Pennsylvania Avenue, NW, #1215 Washington, DC 20004	H. F. Ahmanson & Co		
Do	Associates Corp of North America	500.00	
Do	First Chicago Corp	500.00	
Do	W. K. Kellogg Foundation		
Russell C. Ring, 600 Pennsylvania Ave., SE, #211 Washington, DC 20003	National Assn of Casualty & Surety Agents	1,500.00	41.37
Riselli & Pressler, 2033 M Street, NW, #504 Washington, DC 20036	Professional Managers' Assn		
Rivkin Radler Dunne & Bayh, 1575 I Street, NW, #1025 Washington, DC 20005	Ad Hoc Ethanol Committee	14,037.50	30.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Nathan J. Robfogel, 700 Midtown Tower, Rochester, NY 14600-2070	Genesee & Wyoming Industries, Inc		
Michelle Robinson, 100 Maryland Avenue, NE Washington, DC 20002	Council for a Livable World	3,600.03	
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20007	Sun-Diamond Growers of California	5,000.00	
Michael J. Rock, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	3,912.26	377.58
Bruce N. Rogers, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	3,185.67
Terrence L. Rogers, 80 F St., NW Washington, DC 20001	American Fed of Government Employees	12,322.45	12,650.54
Emil A. Romagnoli, 180 Maiden Lane New York, NY 10038	Asarco Inc	700.00	
Francis P. Rooney, 888 16th St., NW Washington, DC 20006	Biscuit & Cracker Mfgrs Assn		
Ropes & Gray, 1001 22nd St., NW, #700 Washington, DC 20037	Eastern Gas & Fuel Associates		
Leslie Rose, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	3,429.20	
Richard Rosen, 5010 Wisconsin Ave., NW, #118 Washington, DC 20016			
Gregory M. Rosenberg, 5410 Grosvenor Lane, #120 Bethesda, MD 20814	Mechanical Contractors Assn of America, Inc		
Gail E. Ross, 918 16th St., NW, #503 Washington, DC 20006	Washington Independent Writers, Inc		
William C. Rountree, Suite 600 1001 22nd St., NW Washington, DC 20037	Standard Oil Co (Ohio)		
John H. Rousselot, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	10,000.00	
Ted Rowland, 47 W. 34th Street, #804 New York, NY 10001	International Footwear Assn		
Robert S. Royer, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	American Military Sales		
Do	Chrysler Military Sales Corp		
Do	City of Akron, Ohio		
Do	Drexel Burnham Lambert, Inc		
Do	Ford Riff & Burgess		
Do	Harley-Davidson Military Sales		
Do	International Futures Exchange		
Do	Intex Holdings (Bermuda) Ltd		
Do	Michigan Trade Exchange		
Do	Morgan Stanley & Co, Inc		
Do	Municipal Finance Industry Assn		
Do	Overseas Military Sales Group		
Do	Phillips Petroleum Co		
Do	Securities Industry Assn		
Eric M. Rubin, Rubin Winston & Diercks 1730 M St., NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
James S. Rubin, Kleinfeld Kaplan & Becker 1140 19th Street, NW Washington, DC 20036	Great Lakes Products, Inc	615.00	
Eldon Rudd, Shimmel Hill Bishop & Gruender, P.C. 3700 North 24th Street Phoenix, AZ 85016	Central Arizona Project Assn	4,585.08	1,674.40
Lois J. Rude, 50 F Street, NW, #1080 Washington, DC 20001	Burlington Northern, Inc	500.00	107.15
Gloria Cataneo Rudman, Suite 801 444 N. Capitol St., NW Washington, DC 20001	Joint Maritime Congress	7,478.00	
Morgan S. Ruph, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	150.47
Robert A. Rusbuldt, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	21,538.00	
Wally Rustad, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	50.00	
George J. Ryan, 915 Rockefeller Building Cleveland, OH 44113	Lake Carriers' Assn		
John G. Ryan, 655 15th Street, NW, #410 Washington, DC 20005	Squibb Corporation	1,000.00	
Charles Ryan Associates, Inc, 1015 18th St., NW, #720 Washington, DC 20036	West Virginia Bankers Assn	2,250.00	
Do	West Virginia Hospital Assn	3,000.00	151.71
Do	West Virginia Independent Oil & Gas Assn	8,000.00	305.72
RBC Associates, 324 Fourth Street, NE Washington, DC 20002	Bangor & Aroostook Railroad	6,750.00	5,931.67
S.A.F.E.S.T., 1120 G St., NW, #800 Washington, DC 20005		1,400.00	2,844.59
David J. Sadd, 2033 M Street, NW, #900 Washington, DC 20036	National Assn of Arab Americans	4,536.80	
William Samuel, 900 15th Street, NW Washington, DC 20005	United Mine Workers of America	7,000.00	6,217.15
Felix R. Sanchez, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,500.00	937.79
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	American Escrow Assn	1,500.00	893.19
Do	GM Energy Company, Inc	4,500.00	315.79
Do	National Tour Assn, Inc	18,000.00	3,161.07
Do	Truckee-Carson Irrigation District	5,312.50	367.66
Betty O. Sapp, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Save Our Security, 1201 16th St., NW, #222 Washington, DC 20036		12,726.00	15,000.00
Mary L. Schapiro, 1825 Eye St., NW, #1040 Washington, DC 20006	Futures Industry Assn, Inc		
Robert J. Schenk, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.	3,148.14	52.90
S. Jacob Scherr, 1350 New York Ave., NW, #300 Washington, DC 20005	Natural Resources Defense Council, Inc	196.00	4.50
James P. Schlicht, 655 15th Street NW #410 Washington, DC 20005	Squibb Corporation	1,000.00	
Schmeltzer Aptaker & Sheppard, 1800 Massachusetts Ave., NW Washington, DC 20036	American Honda Motor Co, Inc	702.00	19.80
Herbert K. Schmitz, 1600 M St., NW, #702 Washington, DC 20036	ICI Americas, Inc		
Thomas J. Schneider, 1300 19th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee		
A. Kolbet Schrichte, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Association		500.00
H. B. W. Schroeder, 1050 17th Street, NW, #490 Washington, DC 20036	Consumers Power Co	8,000.00	6,998.00
William B. Schultz, Suite 700 2000 P St., NW Washington, DC 20036	Public Citizen, Inc		
Walter A. Schumann III, 16219 San Dominique San Antonio, TX 78232	Potomac Overlook Associates		
Schwabe Williamson & Wyatt, 2000 Pennsylvania Ave., NW, #8335 Washington, DC 20006	Investment Co Institute	816.52	1,090.43
Do	State of Oregon, City of Portland, Oregon Metro	5,220.34	6,971.11
Adam D. Schwartz, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	2,000.00	52.00
Elizabeth Nash Schwartz, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	4,973.50	1,848.81
Richard P. Schweitzer, 2022 P Street, NW Washington, DC 20036	Private Truck Council of America, Inc		40.00
Carl F. Schwensen, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	4,628.00	
Schwinn Bicycle Co, 217 North Jefferson St. Chicago, IL 60606			610.00
Scientific Apparatus Makers Assn, 1101 16th St., NW Washington, DC 20036		6,989.57	3,325.53
Thomas W. Scoville, 444 N. Capitol Street, NW, #801 Washington, DC 20001	Joint Maritime Congress	1,301.00	
J. Peter Segall, 1025 Connecticut Ave., NW, #700 Washington, DC 20036	Miner Fraser & Gabriel Public Affairs, Inc (For:STRATCO, Inc)	810.00	543.00
H. Richard Seibert Jr., 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	2,800.00	
Seidman & Associates, P.C., Federal Bar Building, #1001 1815 H Street, NW Washington, DC 20006	National Tooling & Machining Assn		1.75
M. Mark Seklecki, 50 F Street, NW Washington, DC 20001	American Hospital Assn		438.33
Seven Months Session for Congress, 4210 Spicewood Road, #202 Austin, TX 78759			191.00
Shea & Gould, 1627 K St., NW, #1000 Washington, DC 20006	Group Health, Inc	1,275.00	
Robert G. Shepherd Jr., 1155 21st Street, NW Washington, DC 20036	Federal Express Corp		
Seymour Sheriff, 1126 Woodward Bldg. Washington, DC 20005	Man-Made Fiber Producers Assn, Inc		
R. Philip Shimer, 444 N. Capitol St., NW, #526 Washington, DC 20001	Western Governors Assn		
William Jeffry Shipp, 50 F St., NW, #900 Washington, DC 20001	Farm Credit Council	900.00	
Craigan P. Shirley, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:American Freedom Coalition)	902.77	
Do	Keene Shirley & Associates, Inc (For:Apex Marine)	902.77	
Do	Keene Shirley & Associates, Inc (For:Australian Barley Board)	902.77	
Do	Keene Shirley & Associates, Inc (For:Council for International Development)	902.77	
Do	Keene Shirley & Associates, Inc (For:CSR, Ltd)	902.77	
Do	Keene Shirley & Associates, Inc (For:Limited, Inc)	902.77	
Do	Keene Shirley & Associates, Inc (For:McDonnell Douglas Astronautics Co)	902.77	
Do	Keene Shirley & Associates, Inc (For:Mortgage Guaranty Insurance Corp)	902.77	
Do	Keene Shirley & Associates, Inc (For:National Farmers' Federation of Australia)	902.77	
Do	Keene Shirley & Associates, Inc (For:National Tax Limitation Committee)	902.77	
Sierra Club, 730 Polk Street San Francisco, CA 94109		458,594.17	458,594.17
William A. Signer, 444 North Capitol St., NW, #711 Washington, DC 20001	Keefe Company (For:A.P.G. Corp)		
Do	Keefe Company (For:Coalition to Extend Safe Harbor Leasing for Mass Transit)	2,000.00	
Do	Keefe Company (For:Corporate Growth Concepts)		
Do	Keefe Company (For:CIC Enterprises)		
Do	Keefe Company (For:Greater New York Hospital Assn)	1,500.00	
Do	Keefe Company (For:Linnabary & Associates)		
Do	Keefe Company (For:Management Insights, Inc)		
Do	Keefe Company (For:National 4&5 Bondholders)	4,000.00	
Do	Keefe Company (For:New York Hospital)	1,300.00	
Do	Keefe Company (For:Pierce Kennedy & Hearth)		
Do	Keefe Company (For:RJR Nabisco, Inc)	3,000.00	
Do	Keefe Company (For:Targeted Management Consultants)	5,000.00	
Do	Keefe Company (For:U.C. Consultants)		
Do	Keefe Company (For:Vrain)		
Stephen Silbiger, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	15,420.96	319.98
Marsha J. Simon, 1334 G St., NW, 3rd Fl. Washington, DC 20005	Villers Advocacy Associates	6,734.73	258.85
Simon & Company, Inc, 815 15th St., NW, #709 Washington, DC 20005	City of Fresno, CA	7,157.38	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Fresno County, CA	9,500.00	
Do	Gary, Indiana	5,243.57	
Do	San Leandro, CA	6,377.95	1,955.57
Do	Water Department in San Bernadino, CA	2,090.31	
Talmage E. Simpkins, 100 Indiana Ave., NW Washington, DC 20001	AFL-CIO Maritime Committee	300.00	822.72
Patricia Simpson, 105 East 22nd Street New York, NY 10010	Community Service Society	947.04	25.38
Richard L. Sinnott, One Thomas Circle, NW, #900 Washington, DC 20005	Dallas/Ft. Worth International Airport	9,054.46	
Richard L. Sinnott & Co, One Thomas Circle, NW, #900 Washington, DC 20005	Port of Oakland	2,894.00	229.84
William J. Skinner, 815 15th St., NW, #534 Washington, DC 20005	U.S. Pharmacopeial Convention, Inc	2,894.00	229.84
William T. Slider, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Catherine Reiss Sloan, 120 Maryland Ave., NE Washington, DC 20002	Competitive Telecommunications Assn		
Ellen S. Smith, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,432.00	1,193.88
Hugh H. Smith, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co		
Jeffrey A. Smith, 19001 S.Western Avenue Torrance, CA 90509	Toyota Motor Sales, USA, Inc		
Kern Smith, 400 First St., NW, #710 Washington, DC 20001	Alliance of Foreign Medical Graduates	6,250.00	
Velma Smith, 218 D Street, SE Washington, DC 20003	Environmental Policy Institute	627.50	
Smith Anderson Blount Dorsett Mitchell & Jernigan, P.O. Box 12807 1300 St. Mary's Street Raleigh, NC 27605	Investment Company Institute	2,812.50	
John W. Smith T, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	918.75	482.94
Peter Leigh Snell, 401 Wythe Street, #2-A Alexandria, VA 22314	International Assn of Amusement Parks & Attractions	12,993.75	
Larry S. Snowhite, 1825 Eye St., NW, #1201 Washington, DC 20006	GSX Corporation		
Do	Massachusetts Education Loan Authority	858.73	
Do	The New England Education Loan Authority	334.25	
Society for Nutrition Education, 1700 Broadway, #300 Oakland, CA 94612-2128			
Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	5,122.11	
Sonnenberg Anderson O'Donnell & Rodriguez, 200 West Adam St., #2625 Chicago, IL 60606	Florsheim Shoe Co	4,459.50	561.29
Spriggs Bode & Hollingsworth, 1015 15th St., NW, 11th Floor Washington, DC 20005	PetroJam, Ltd		
Mark G. Spurrier, 400 Kenilworth Drive Towson, MD 21204	Baltimore County Police Department, et al		
Melvin R. Stahl, 1235 Jefferson Davis Hwy., #1410 Arlington, VA 22202	Motorcycle Industry Council, Inc		
Standard Oil Co (Ohio), 1001 22nd St., NW, #600 Washington, DC 20037			35,210.59
Joseph M. Stanton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Bette Anne Starkey, 1030 15th Street, NW, #1100 Washington, DC 20005	Health Industry Manufacturers Assn		
William N. Steele, 1700 North Moore St., Fl. 21 Rosslyn, VA 22209	Boeing Company	2,859.04	2,631.33
Henry J. Steenstra Jr., 1000 Wilson Boulevard, #2600 Arlington, VA 22209	TRW, Inc	1,074.00	
Kristin Stelck, 2401 Virginia Avenue, NW Washington, DC 20037	American Assn of University Women	5,000.00	330.99
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Association of Private Pension & Welfare Plans, Inc	21,438.50	944.47
Do	Cement Importers Assn	5,357.00	1,160.00
Do	Coalition to Promote America's Trade	23,576.50	2,895.41
Richard W. Sternberg, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	80.00	
H. Donald Stewart, 188 W. Main Street Penns Grove, NJ 08069			
James N. Stirewalt, 3601 Buckeystown Pike, 2nd Floor Buckeystown, MD 21717		167.36	217.36
Dennis C. Stolte, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,041.67	260.00
Stonebridge Group, 1250 24th St., NW, #230 Washington, DC 20037	Brandeis University	3,000.00	142.00
Do	Marine Biological Laboratory	3,000.00	
Do	University of Nevada at Reno	2,000.00	
Dena G. Stoner, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	100.00	
Richard B. Storey, 304 East Brunswick Street Sterling Park, VA 22170	International Military Club Executives Assn		
R. Keith Stroup, Suite 500A, Box 69 100 Maryland Ave., NE Washington, DC 20002	League of Rural Voters Education Project, Inc	1,500.00	660.00
Do	League of Rural Voters, Inc		
Marcia Z. Sullivan, 1300 N. 17th St., #1200 Arlington, VA 22209	Consumer Bankers Assn	5,760.00	213.98
Sutherland Asbill & Brennan, 1275 Pennsylvania Ave., NW Washington, DC 20004-2404	American Industrial Clay & Georgia Kaolin	2,519.50	64.05
Do	Anglo-American Clays Corp	2,519.50	64.05
Do	Engelhard Minerals & Chemicals Corp	2,519.50	64.04
Do	J. M. Huber Corp	2,519.50	64.04
Do	Nord Resources Corp	2,519.50	64.04
Do	Thiele Kaolin Co	2,519.50	64.04
Rosemarie Sweeney, Suite 770 600 Maryland Ave., SW Washington, DC 20024	American Academy of Family Physicians		1,655.81
Joseph C. Swidler, 1000 Thomas Jefferson St., NW Washington, DC 20007	Swidler & Berlin (For:South Carolina Public Service Authority)	1,468.75	393.15
Swidler & Berlin, Chtd, 3000 K Street, NW #300 Washington, DC 20007	All-Industry Television Station Music Licensing Committee	17,360.00	
Do	D.C. Hospital Energy Cooperative		
Do	National Council of Community Hospitals	975.00	
Scott R. Swirling, 122 C St., NW, #380 Washington, DC 20001	National Family Planning & Reproductive Health Assn, Inc	1,800.00	99.00
Ronald G. Sykes, 1660 L Street, NW Washington, DC 20036	General Motors Corp	2,500.00	4,289.10
William S. Taylor, 239 W. New York Avenue Las Vegas, NV 89107			
Elayne L. Tempel, 1016 16th St., NW, Washington, DC 20006	National Fed of Federal Employees		
Tempo Enterprises, Inc, P.O. Box 702160 Tulsa, OK 74170			7,506.30
Paul M. Tendler, 1090 Vermont Ave., NW Washington, DC 20005	Paul Tendler Associates, Inc (For:American Licensed Practical Nurses Assn)		
Do	Paul Tendler Associates, Inc (For:Bascom, Inc)		
Do	Tendler & Biggins (For:Geodesco)		
Do	Paul Tendler Associates, Inc (For:National Institute of Tenants)		
Do	Paul Tendler Associates, Inc (For:Rasch Elektronik)		
Do	Paul Tendler Associates, Inc (For:Schoeneman, Inc)		
Do	Tendler & Biggins (For:Solargistics Corp)		
Do	Paul Tendler Associates, Inc (For:Southeastern Exporters)		
James Terrell, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	2,680.18	413.98
Joseph L. S. Terrell, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council		
Mary Kay Thatcher, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	5,666.67	127.50
Third Class Mail Association, 1333 F Street, NW, #710 Washington, DC 20004-1108		600.00	600.00
Diane Kay Thomas, 2727 29th St., NW, #634 Washington, DC 20008	National Assn of Investment Companies	7,210.00	
Doris I. Thomas, 15th & M St, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Meshall Thomas, Suite 400 2000 P Street, NW Washington, DC 20036	Women's Legal Defense Fund		
Sarah M. Thomas, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance	3,000.00	3.20
Virginia Lamp Thomas, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,400.00	188.81
W. Dennis Thomas, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	4,000.00	135.00
Marilyn Berry Thompson, 444 North Capitol Street, #711 Washington, DC 20001	Keefe Company (For:Carteret Savings & Loan)	550.00	
Do	Keefe Company (For:Dormitory Authority)	1,400.00	
Do	Keefe Company (For:Mutual Benefit Insurance Co)	7,500.00	
Do	Keefe Company (For:New York University)	7,500.00	
Do	Keefe Company (For:University of Medicine & Dentistry of New Jersey)	1,250.00	
Do	Keefe Company (For:University of Miami)	650.00	
Richard L. Thompson, 655 15th Street, NW, #410 Washington, DC 20005	Squibb Corporation	1,500.00	
Samuel C. Thompson Jr., Schiff Hardin & Waite 1101 Connecticut Avenue, NW, #600 Washington, DC 20036	Chicago Board Options Exchange		
Thompson & Bussart, 1919 Pennsylvania Avenue, NW, #850 Washington, DC 20006	Central States SE & SW Areas Health Welfare & Pension Funds	5,540.00	
Do	Westinghouse Electric Corp	330.00	
Thompson & Company, 529 14th St., NW, #425 Washington, DC 20045	Bear Stearns & Co	500.00	10.29
Do	Chicago Research & Trading Group, Ltd	32,541.00	1,455.84
Do	Hinderliter Industries, Inc	1,000.00	165.05
Do	Mitsubishi Electronics America, Inc	12,000.00	1,173.08
Do	Morse/Diesel	2,000.00	184.37
Thompson & Mitchell, 1120 Vermont Ave., NW, #1000 Washington, DC 20005	American Inland Waterways Committee		1,378.74
Do	Cold Finished Steel Bar Institute	3,272.50	125.06
Do	Crown Life Insurance Co	15,000.00	3,598.07
Do	Mutual Fairness Taxation Assn	31,250.00	5,404.65
Wallace Tillman, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	149.00	
Michael L. Tiner, 1775 K St., NW Washington, DC 20006	United Food & Commercial Workers International Union	15,380.07	660.46
Burke A. Tracey, 1101 Vermont Ave., NW, #400 Washington, DC 20005	Coalition of Higher Education Assistance Organizations		
Trilling & Kennedy, 1900 L Street, NW, #310 Washington, DC 20036	National Small Bus. Council for Competitiveness in Pub. Cont		
Robert C. Troup, Box 893 New Canaan, CT 06840			
Genevieve W. Tuchow, 1250 Eye St., NW, #703 Washington, DC 20005	Columbia Gas Distribution Companies	4,000.00	
William J. Turenne, 1901 L Street, NW Washington, DC 20036	Eli Lilly & Company	3,000.00	122.54
Audrey Schumacher Turner, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	Cadwalader Wickersham & Taft (For:Loyens & Volkmaars)		
Do	Cadwalader Wickersham & Taft (For:New Tech Snacks, Inc)		
Max Turnipseed, 1155 15th Street, NW, #611 Washington, DC 20005	Ethyl Corporation	1,050.00	29.00
U.S. Committee for the Oceans, Route 2, Box 91 Ararat, VA 24053			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
U.S. Recreational Ski Association, P.O. Box 15486 Santa Ana, CA 92705-0486			
Mark J. Ugoretz, 1726 M Street, NW, #1101 Washington, DC 20036	Erisa Industry Committee	4,760.00	144.00
Robert D. Umphrey Jr., 1150 17th Street, NW Washington, DC 20036	Man-Made Fiber Producers Assn, Inc	5,000.00	125.00
Steven W. Unglesbee, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
United Food & Commercial Workers International Union, 1775 K St., NW Washington, DC 20006		60,523.31	60,523.31
John A. Vance, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	7,060.00	198.70
Kathleen M. Vanston, 888 Sixteenth St., NW Washington, DC 20006	Biscuit & Cracker Mfgrs Assn		
George F. Vary, 1667 K St., NW Washington, DC 20006	Armco, Inc	800.00	290.00
Donald R. Vaughan, P.O. Box 2909 Asheboro, NC 27203	Stedman Corporation		
Robert J. Verdisco, 1901 Pennsylvania Avenue, NW, #200 Washington, DC 20006	National Mass Retailing Institute	4,000.00	100.00
Verner Liipfert Bernhard McPherson & Hand, Chtd, 1660 L Street, NW, #1000 Washington, DC 20036	Atlantic Richfield Co	5,192.00	
Do	Bell Atlantic Corp	8,465.00	
Do	Brown & Root, Inc	942.75	
Do	Central Gulf	972.00	
Do	Federated Dept Stores, Inc		
Do	GenCorp	10,281.00	
Do	Investment Company Institute	43,177.00	
Do	John F. Kennedy Center for the Performing Arts		
Do	Mutual of America		
Do	NYNEX Corp	6,406.75	
Do	Rayburn Country Electric Cooperative, Inc		
Do	STV Engineers	962.50	
Do	Travelers Corporation	2,934.00	
Do	TRW, Inc	12,618.00	
Do	UNC, Inc	6,453.00	
Victoria E. Vidal, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	1,000.00	123.64
David Vienna & Associates, 410 Wythe Street ,#2A Alexandria, VA 22314	National Assn of Credit Management	12,000.00	
Do	Pacific Stock Exchange, Inc	19,537.50	
Volunteer Trustees of Not-For-Profit Hospitals, 1625 Eye St., NW, #810 Washington, DC 20006		10,000.00	11,429.00
Ann Hadley Vom Eigen, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,750.00	130.00
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Bank One, Columbus, N.A.	15,156.25	64.36
Do	Committee of Publicly Owned Companies	1,467.35	24.30
Do	Dale Michael A/K/A Riviera Bowling Lanes		299.37
Do	Distrigas Corp	4,080.25	19.59
Do	Ohio Manufacturers Assn	1,375.01	391.47
Do	Trustcorp/Toledo Trust Co	27,686.92	3,089.64
John A. Waits, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council	400.00	
Henry L. Walther, 450 Maple Avenue, E., #204 Vienna, VA 22180	U.S. Defense Committee	3,000.00	
Barbara F. Warden, 1710 Broadway New York, NY 10019	International Ladies' Garment Workers Union	7,875.01	157.68
Washington Independent Writers, Inc, 733 15th St., NW, #220 Washington, DC 20005			525.90
Lucy R. Watkins, 236 Massachusetts Ave., NE, #504 Washington, DC 20002	Center for Law and Education, Inc	1,041.46	
Austen W. Watson, 1725 Jefferson Davis Hwy., #701 Arlington, VA 22202	Singer Co		843.30
Carolyn Herr Watts, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	50.00	
Norman E. Watts Jr., RR 1, Box 854 Woodstock, VT 05091	Grocery Manufacturers of America, Inc	4,450.00	1,424.00
Andrew H. Webber, 440 First Street, NW, #510 Washington, DC 20001	American Medical Peer Review Assn		
Susan Weber, 1601 Connecticut Ave., NW, 4th Fl. Washington, DC 20009	Zero Population Growth, Inc		5.00
Paul Weckstein, 236 Massachusetts Ave., NE, #504 Washington, DC 20002	Center for Law and Education, Inc	1,259.30	
Stephen Wehrly, Route 4, Box 457 Vashon, WA 98070	Miller Brewing Co		
Theodore F. Weihe, 1800 Massachusetts Avenue, NW Washington, DC 20036	U.S. Overseas Cooperative Development Committee	2,812.00	
Stanley A. Weiss, 21 Dupont Circle, NW, #300 Washington, DC 20036	Business Executives for National Security		
Susan Weiss, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	5,200.00	134.00
William B. Welsh, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	19,256.18	47.00
Edith E. Westermann, 1225 Jefferson Davis Highway, #600 Arlington, VA 22202	Westermann & Hendricks, Inc		
Western Fuels Association, Inc, 1625 M St., NW Washington, DC 20036			8,493.63
Wexler Reynolds Harrison & Schule, Inc, 1317 F Street, NW, #600 Washington, DC 20004	Aetna Life & Casualty		
Do	Allied-Signal, Inc		
Do	American Airlines, Inc	6,375.00	147.77
Do	American International Manufacturing Corp	800.00	25.80
Do	Americans For Safe & Competitive Trucking	600.00	66.60
Do	ARCO	4,875.50	
Do	Bank Capital Markets Association		
Do	Blue Cross & Blue Shield Assn	1,450.00	19.00
Do	Communications Satellite Corp	12,375.00	51.00
Do	Consortium of State Maritime Schools	909.00	
Do	Coopers & Lybrand	1,250.00	17.00
Do	Ethigen Corp		12.00
Do	Foothills Pipe Lines (Yukon) Ltd	1,054.75	15.00
Do	General Motors Corp		
Do	Gulf South Engineers, Inc	843.75	17.85
Do	Health Policy Agenda for the American People		
Do	Hughes Aircraft Company	4,035.00	43.36
Do	Manhattan Building Companies, Inc	4,250.00	
Do	Manville Corporation	400.00	4.95
Do	Massachusetts Maritime Academy	2,280.00	
Do	Monarch Capitol Corp	1,764.79	36.30
Do	Motion Picture Assn of America, Inc	4,800.00	180.77
Do	Mullen Advertising	2,912.50	85.50
Do	MCI Communications Corp	3,600.00	78.38
Do	National Assn of Business Political Action Committees	180.00	12.45
Do	National Gypsum Co	8,085.65	68.25
Do	New England Electric System		
Do	New England Fisheries Development Foundation, Inc	1,600.88	
Do	Nova, An Alberta Corp		
Do	Novacor Chemicals, Ltd	37.50	
Do	Oceanic Institute	2,071.44	6.00
Do	Paul Weiss Rifkind Wharton & Garrison	2,684.00	46.95
Do	Radio Assn Defending Airwave Rights, Inc	90.00	45.50
Do	Spanish International Communications Corp		
Do	Springs Industries, Inc	3,700.00	4.95
Do	Training Media Distributors Assn	1,425.00	48.50
Do	Viacom International, Inc	4,287.50	71.00
John C. Whitaker, 2021 L Street, NW, #320 Washington, DC 20036-4909	Union Camp Corporation	2,165.00	555.00
Elizabeth D. Whitley, 499 S. Capitol Street, SW, #411 Washington, DC 20003	National Council of Agricultural Employers	2,500.00	200.00
Wickham & Geske, 2300 N St., NW, #600 Washington, DC 20037	Reliance Group Holdings, Inc		
Andrew F. Wiessner, Kogovsek & Associates 1801 Broadway #1420 Denver, CO 80202	American Public Land Exchange Co	300.00	
Do	CSX Corporation		
Do	Flex, Inc		
Do	Page Land & Cattle Co	1,000.00	
Do	Sierra Club		
Do	Union Pacific Resources	2,000.00	
Do	Western Land Exchange Co	3,000.00	
Do	Weyerhauser Company		
Harry G. Wiles II, 1023 15th St., NW, 4th Fl Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		480.00
Wiley Rein & Fielding, 1776 K St, NW, 12th Fl. Washington, DC 20006	Chaparral Steel Co		
Do	Committee of Domestic Nitrogen Producers		
Do	Georgetown Industries		
Do	Oklahoma Steel & Wire Co		
Do	Raritan River Steel Co		
Suzanne C. Wilkins, 801 Pennsylvania Ave., SE, #303 Washington, DC 20003	American Rivers	486.08	
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	J. C. Penney Co, Inc	43,750.00	2,514.19
Do	Security Pacific National Bank	36,000.00	
Do	SPC Securities Services Corp	95,059.52	1,346.54
Ralph E. Willham, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	14,220.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Floyd L. Williams, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Harding deC. Williams, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	4,000.00	
Margie R. Williams, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	2,500.00	
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	American Home Products	230.00	15.01
Do	American Hospital Assn		38.19
Do	American Real Estate Committee		6.82
Do	Association of Family Farmers	2,550.00	144.61
Do	Association of Progressive Rental Organizations		
Do	Century 21 Real Estate Corp		
Do	Colgate-Palmolive Co	450.00	24.56
Do	Committee for Employment Opportunities		
Do	CIGNA Corporation	25.00	2.55
Do	Danaher Corp	225.00	12.27
Do	Environmental Processing, Inc		6.82
Do	Estee Lauder, Inc		
Do	Federation for American Immigration Reform	727.50	69.57
Do	Financial Security Assurance Co		
Do	First Boston Corp	1,775.00	94.13
Do	First Data		
Do	Goldome FSB	100.00	6.82
Do	Higher Education Assistance Foundation	875.00	62.75
Do	IU International Management Corp	475.00	6.82
Do	Kellogg Company		
Do	Kelly Appleman Hart & Hallman	465.00	30.01
Do	Mustang Fuel Corporation		
Do	National Assn of Rehabilitation Agencies	100.00	8.19
Do	National Cable Television Assn, Inc	80.00	5.46
Do	Nationwide Insurance Co		
Do	Norfolk Southern Corp	2,637.50	100.95
Do	Paralyzed Veterans of America		
Do	Pharmaceutical Manufacturers Assn	5,710.00	185.54
Do	Recording Industry Assn of America, Inc	300.00	18.10
Do	Southwestern Bell Corp	80.00	5.46
Do	Student Loan Marketing Assn	192.50	21.83
Do	Texaco, Inc		
Do	Texas Air Corp	4,149.00	100.95
Do	Turner Broadcasting System, Inc		
Do	United Bankers, Inc	80.00	6.82
Do	Universal Foods, Inc	80.00	6.82
Do	USAA Financial Service Co		
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	American Textile Manufacturers Industries, Inc		21.40
Do	RMI Company		3.90
David W. Wilmot, 2303 36th Street, SE Washington, DC 20020	Anheuser-Busch Companies, Inc		
Windels Marx Davies & Ives, 1701 Pennsylvania Avenue, NW Washington, DC 20006	Onkyo Corp		
Marie Winslow, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	8,191.16	
James L. Winston, 1730 M Street, NW, #412 Washington, DC 20036	National Assn of Black Owned Broadcasters		
Winthrop Stimson Putnam & Roberts, 1155 Connecticut Ave., NW, #1000 Washington, DC 20036	Defense Products Division of Kongsberg Vapenfabrikk A/A Mfg		
Claudia A. Withers, 2000 P Street, NW, #400 Washington, DC 20036	Women's Legal Defense Fund		
G. Kent Woodman, 1818 N Street, NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Burlington Northern, Inc)		
F. Dalton Yancey, 910 16th St., NW, #402 Washington, DC 20006	Florida Sugar Cane League, Inc		
Jack Yelverton, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn		
Mehmet Yildiz, 1559 Rockville Pike, #78 Rockville, MD 20852	Citizens Alliance, Inc	2,400.00	2,400.00
Judith A. Young, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,500.00	75.61
Thane Young, 1730 Rhode Island Ave., NW, #400 Washington, DC 20036	Berg-Revoir Corp		
Do	City of Alhambra		
Do	City of Baldwin Park		
Do	City of Inglewood		
Do	City of Oceanside		
Do	City of Provo	500.00	28.91
Do	City of Redondo Beach		
Do	City of Santa Ana		
Do	City of South Salt Lake	1,000.00	28.91
Do	Gavin Associates		
Do	Imperial Irrigation District		
Do	Irvine Company		
Do	Long Beach Transit		
Do	Oceanside Redevelopment Agency		
Do	Santa Cruz Properties, Inc		
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn		
Zero Population Growth, Inc, 1601 Connecticut Ave., NW, 4th Fl. Washington, DC 20009		3,195.00	3,805.00
Judith Ziewacz, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	4,950.00	
Murray Zweben, 1140 19th St., NW, #600 Washington, DC 20036	New Hampshire Yankee		230.00
Do	Romulus Engineering		875.00
Kurt D. Zwikl, 702 Hamilton Mall Allentown, PA 18101	Merchants Bank		

SENATE—*Monday, May 9, 1988*

The Senate met at 11 a.m., and was called to order by the Honorable Tom Harkin, Senator from the State of Iowa.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Who can find a virtuous woman? for her price is far above rubies * * *. The heart of her husband doth safely trust in her * * *. Her children arise up and call her blessed; her husband also, and he praiseth her * * *. Favour is deceitful, and beauty is vain; but a woman that feareth the Lord, she shall be praised.*—Proverbs 31:10, 11, 28, 30

Thank you, Gracious Father in heaven, for Godly wives and mothers whose influence from before birth continues throughout our lives, setting our courses, directing, inspiring, and encouraging long after we leave the home. Thank You for their commitment to mothering: carrying us in the womb—bearing the pain of birth—caring for us in infancy and childhood—patient with us in adolescence. We praise and thank You, Lord, for the incalculable influence of mothers in the home, the community, the Nation, the world. In the name of the Savior who remembered His mother in His own agony. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Stennis].

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, May 9, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Tom Harkin, a Senator from the State of Iowa, to perform the duties of the Chair.

John C. Stennis,
President pro tempore.

Mr. HARKIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A TRIBUTE TO MOTHERS

Mr. BYRD. Mr. President, I found most fitting the reference in the Chaplain's prayer today to the word "mother."

To many of us, that is probably the first reality that one can remember, a mother's love. That mother's love is the conduit through which the lasting elements of character are brought to the human heart: Courage, honesty, patience, discipline, truthfulness, patriotism.

Abraham Lincoln said, "All that I am or ever hope to be, I owe to my angel mother."

Emerson said, "Men are what their mothers make them."

Benjamin West said that a mother's kiss made him a great painter. Benjamin West painted "The Death of General Wolfe." He was a historical painter who painted in the late 1700's and in the early 1800's, an American painter.

He told the story of how he approached his mother with some drawings, tiny paintings, I suppose, of birds and other objects, and how she took him up on her knee and said, "You will grow up to be a great painter," and she gave him a kiss on the cheek. Afterward, he related that it was that mother's kiss that inspired him to be a painter.

Mr. President, I know that most of us have memories of our mothers. I have no memories of mine. I was a year old when she died. But I remember the woman who raised me—my aunt. She was the hardest worker I believe I ever saw in my life, very tough. I do not remember her ever giving me a kiss, so I do not remember a mother's kiss. But she loved me, and she taught me how to live.

We all understand that we err, and although we veer away from the paths that we are taught to trod, eventually we will come back to them.

We remember a mother's kiss and how she tapped us on the shoulder to get us out of bed, to go to school; how, if we made good grades, we saw that approving smile, and, likewise, we saw that frown if we did not; then, how she told us fairy tales and helped us to go to sleep, tucked us in with the bedcovers.

At Christmastime, she played many roles. She was the chef. She was Santa's helper. She remembered who got what size suit and who got what size dress, who got what present last year, and where this one should sit and where that one should sit at Christmas dinner.

And then we remember also the day she went away.

The woman who raised me was good to me. I can remember many times when I, as a Member of the House of Representatives, would go back to West Virginia and I would get to my little town of Crab Orchard at, say, 2 o'clock in the morning and she would come to the door and open the door. She always asked me if I wanted something to eat. She would prepare me something to eat at that hour of the night.

Then on the next day when I left on Sunday to drive back to Washington, she would say to me: "Robert, you be a good boy. I always pray for you."

And many is the time that I have lain down and after the lights were out, I have heard her prayers come from the other room—praying on her knees.

She did not have a college degree. She did not have a high school diploma. She never went through elementary school. She probably had only a few weeks of schooling in her life. But she had an unshakable, indomitable, unfaltering, unfailing faith in a higher power.

And she taught me that there is a God. She taught me that there is a life after this life. There is nothing that can ever happen to me that will shake that kind of faith, and it was instilled in my life by that woman and her husband whose name I carry today.

So, I thank our Chaplain.

The part that the mother has played in the history of this country is a part that will never be fully written, but it is written on the hearts of men and women. And as long as we have mothers who are dedicated to setting the example for their children, the right kind of example, we can be sure that those children, as I say, may stray away but some day they will come back.

I often talk with the Chaplain about the King James version of the Bible. I will not read the revised version of the Bible. I will not read any other version but the King James version, because it was the book that my Mom and Dad brought me up with.

That reminds me of the story of the three preachers who were talking about the various versions of the Bible. Someone asked, "What version do you like best?" The first said he liked the revised version of the Bible best because it was written in words that he could better understand.

The other one said he liked the King James version best because it was written in such beautiful, dignified English.

And they turned to the other minister and asked what version he liked best, and he said, "I like my mother's version best because she translated it into real life."

So that is the version that the Chaplain in talking about today. The translation by mother into real life—the daily lives of us all.

I do not recall who wrote this bit of verse but to me it is an appropriate one if I can recall it.

When Mother use to mix the dough,
Or make a batter—long ago;
When I was only table high,
I used to like just standing by
And watching her, for all the while,
She'd sing a little, maybe smile,
And talk to me and tell me—what?
Well, things I never have forgot.

I'd ask her how to make a cake.
"Well, first," she'd say, "some sugar take
Some butter and an egg or two,
Some flour and milk, you always do,
And then put in, to make it good"
This part I never understood
And often use to wonder at
"A pinch of this, a pinch of that."

And then, she'd say, "my little son,
When you grow up, when childhood's done,
And Mother may be far away,
Then just remember what I say,
For life's a whole lot like a cake;
Yes, life's a thing you have to make—
Much like a cake, or pie, or bread;
You'll find it so," my Mother said.

I did not understand her then,
But how her words come back again;
Before my eyes my life appears
A life of laughter and of tears,
For both the bitter and the sweet
Have made this life of mine complete,
The things I have, the things I miss,
A pinch of that, a pinch of this.

And, now I think I know the way
To make a life as she would say:
"Put in the wealth to serve your needs,
But don't leave out the lovely deeds;
Put in great things you mean to do,
And don't leave out the good and true.
Put in, whatever you are at,
A pinch of this, a pinch of that."

Mr. DOLE. That is great.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the Republican leader is recognized.

BICENTENNIAL MINUTE

MAY 1, 1933: J.P. MORGAN AND THE PECORA COMMITTEE

Mr. DOLE. Mr. President, 55 years ago this month, during the depths of the Depression, the Senate Banking and Currency Committee conducted illuminating investigations into Wall Street banking and stock exchange practices. The Banking Committee hearings, which began in 1932, became popularly known as the Pecora investigation when the energetic Ferdinand Pecora became chief counsel in 1933 and reinvigorated the Senate inquiry. In May 1933, Pecora called the Nation's most powerful banker, J.P. Morgan, Jr., to the witness stand.

Depression-weary reporters and curiosity seekers filled the corridors of the Senate office building to view the spectacle. Pecora unveiled evidence that the extremely wealthy Morgan had not paid income taxes during the years 1931 and 1932, and had been distributing stock and financial favors to influential individuals for some time. These disclosures undermined the power of Mr. Morgan.

Symbolizing the fall of the olympian banker was a photograph which appeared on May 2, 1933, in newspapers across the Nation. During the break in the hearings, an enterprising press agent slipped into the Senate caucus room and placed a circus midget in the lap of the unsuspecting J.P. Morgan. Believing it was a child, Morgan put his arm protectively around her. "I've got a grandson bigger than you," he said. "But I'm older," replied the midget. "She's 32," the press agent informed him, whereupon Morgan slid the little woman off his lap, but not before press photographers managed to snap pictures of the embarrassing incident.

Through his investigations, Pecora succeeded in diminishing the power of many of Wall Street's bankers and investors. By the time he had concluded his inquiries the Securities Act of 1933, the Banking Act of 1933, and the Securities Exchange Act of 1934 had become law.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Maryland.

MOTHERHOOD

Ms. MIKULSKI. Mr. President, I extend my compliments to the majority leader on his eloquent and moving comments about his own mother. As usual, he was both gallant and moving.

Mr. President, I, too, wanted to make a few comments about motherhood today.

Yesterday was a wonderful day throughout the United States of America in which Americans reached out to say thanks to their mothers, and we know that our mothers have carried us not only to life, but our mothers have carried us in life, often through the good times and the bad, and they have meant a great deal to us.

The celebration or commemoration in my own family was mixed with sadness and sweetness. My mother celebrated her Mother's Day at Mercy Hospital. As of last week, thanks to the high touch, high tech quality of medicine given at Mercy Hospital, we were able to snatch my mother from really the clutches of the "grim reaper".

So yesterday, though we celebrated Mother's Day in the hospital, we were delighted that mother was with us, that her daughters and five grandchildren and even a Governor came by to say, "Hi," to Miss Chris. And if you want to know what Miss Chris is like, just think of me 20 years older. If you think I have spunk and spirit, I hope one day to bring my mother to these Chambers.

But as I talked to my mother and talked with my own sisters who are wives and mothers, I thought a little bit about where we are in terms of family policy, and I must say that very often what we have explicitly stated as our values, we implicitly deny in public policy and public practice.

I talked to my own sisters who are wonderful women, caring for their children. They are also working mothers and they put in two shifts, one in the marketplace to ensure their children a good education and a good home. And, by the way, I have the best brothers-in-law in the world. But my sisters put in one shift in the marketplace and another shift at home. And often their work, as for all mothers, is undervalued and undercompensated.

Mr. President, what we find in our society today is a mixed message. The marketplace tells us that they cannot do without women. However, when we turn to the marketplace and to Government to support women, we find that there is little support for our unique role.

I am going to say once again that what we explicitly state as our values we implicitly deny in public policy and practice. We say that we honor motherhood, but yet we deny equal pay for equal or comparable work to women who are faced with raising their own family. If we really want to help mothers, we should start paying attention to pay equity legislation.

We say that another value is to care for the sick, but then we deny a parental leave policy to mothers and fathers whose children have fatal diseases. The same companies that will contribute to a Ronald McDonald House will not give workers time off to be with their children while they are getting cancer treatment.

Mr. President, that is why we have to examine a rational and sane, but nevertheless, an existing policy around family leave.

We say that our most important resources are our children, but when we look at the care of children we find that day care is unavoidable for many working parents but it is also unavailable and unaffordable. That is why we have to get on with the day care policy.

Our colleague, Senator DODD, has offered many interesting ideas for us to consider. Our Republican colleague, Senator HATCH, also has alternative views.

Mr. President, we also say we honor our father and our mother, until it comes time to pay for nursing home bills, and then we find that the cruel regulations of Medicaid often force families who are middle class into bankruptcy in order to qualify for any help. That is why we must move to catastrophic health insurance legislation that also will deal with spousal impoverishment. If we pass catastrophic health care with that important amendment that deals with spousal impoverishment to provide a safety net to people, we will send a Mother's Day card to 3 million elderly people.

We say in this country that we reward hard work, but we know the minimum wage can still mean full time poverty for a full time job, and we have to examine that.

So, Mr. President, all the mothers welcome the Mother's Day cards and the wonderful tributes that were given to mothers yesterday, but we should honor mothers by passing some of this important legislation. Then we will put Mother's Day in our lawbooks and in our checkbooks.

I hope the Senate will really give serious consideration to these most important family policy issues.

I yield back the floor.

[Disturbance in the galleries.]

Mr. BYRD. Mr. President, may we have order in the galleries?

The ACTING PRESIDENT pro tempore. The galleries will be in order. The Sergeant at Arms will restore order in the galleries.

The Chair will remind visitors in the galleries that no applause or vocal expression of support or nonsupport is permitted in the Senate galleries at any time.

Mr. PRESSLER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. BYRD. Will the Senator yield to me without time coming out of his time?

Mr. PRESSLER. Yes.

THANKS TO SENATOR MIKULSKI

Mr. BYRD. Mr. President, I want to thank the Senator from Maryland, Senator MIKULSKI, for her references to Mother's Day and for her kind references to me.

I should have mentioned in my earlier remarks that Mother's Day really originated in West Virginia in a church at Grafton. Anna Jarvis was the author of the idea. She honored her own mother and it was in that church that her mother attended. So today the Mother's Day shrine, I would like for all Senators to know, is at that church in Grafton in Taylor County, WV.

I believe Miss Jarvis was from Pennsylvania. I have spoken in that church in Grafton when they had a Mother's Day event.

I again thank the distinguished Senator for her contributions to this discussion.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, if the Senator will yield further, I ask unanimous consent that, at the conclusion of morning business today, the Senate proceed to the consideration of S. 2355, the authorization bill on DOD. I have just been discussing this with the distinguished Republican leader who is on the floor and I make that request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Republican leader for approving this request.

Mr. PRESSLER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

DISCUSSIONS ON THE GENERAL AGREEMENT ON TARIFFS AND TRADE

Mr. PRESSLER. Mr. President, last week I had the pleasure of accompanying our Republican leader to some discussions regarding trade negotiations with some of our representatives to the General Agreement on Tariffs and Trade.

I am very concerned about three areas in agriculture trade being discussed at GATT. First of all, the United States has filed a complaint against Japanese beef and citrus quotas. This complaint is moving through GATT's procedures. It is supposed to be resolved within 6 months, but Japan has already begun to delay getting this case before the board of arbiters.

Under GATT rules, when there is a trade complaint, it is supposed to go before three expert economists. The Japanese have restricted our beef and citrus exports using quotas and other barriers. The negotiations between Clayton Yeutter and the Japanese have broken off.

Recently, the United States filed a complaint, which is supposed to go through the normal processes in GATT. But the Japanese have already begun to delay. I am today preparing a letter to Clayton Yeutter urging that we use every vehicle available to get this beef and citrus matter resolved. The United States has very open markets. We play by the rules in GATT, but other countries do not.

In a second area—soybeans, sunflowers, rape seed, and other related items—we find that our complaint to the General Agreement on Tariffs and Trade has not even been allowed to come up because the 12 European Economic Community countries have unanimously vetoed bringing it up. One item, soybeans, for example, is subsidized to the level that the European producers are paid $12 a bushel. Our market price is between $6 and $7 a bushel and our loan rate is between $4 and $5 a bushel.

We want to sell soybeans to Portugal at the market price. However, they will not be able to get in the Economic Community. So we have filed a complaint before the General Agreement on Tariffs and Trade, but the Economic Community countries have used their votes to veto our even bringing up the complaint. It is a sophisticated form of filibuster without speeches. We must find a way to get around this because, as the Wall Street Journal pointed out last week, the Economic Community is becoming the most protectionist bloc in terms of trade in the world and they are working with Japan against the United States.

A third area is Korea. Korea will allow no beef imports from the United States. A complete embargo against any beef from the United States. Yet there are Korean and Japanese trade groups going around the United States alleging to be engaged in trade without telling us that many of our products cannot be imported. Korea has a total embargo on United States beef. We have filed a complaint under the General Agreement on Tariffs and Trade. But, again, both the Economic Community, Japan, and Korea are working together to keep our case from getting to the three independent arbiters. We do not do this to other countries. We do not play this game in GATT and it is really very unfair.

I am, today, sending a letter to Clayton Yeutter, asking what steps we can take. What do we need to do to get these matters to the arbiters so they can be resolved? I am speaking as a Senator who has believed in free trade. But unless we start getting some of our disputes resolved, I am going to have to become a protectionist. That is the message I would like to leave. We must have two-way trade. We are the good guys all the time. We are the open market. We have nothing to do but to retaliate. If we do that, we are going to have a trade war, agricultural products will be retaliated against first. But what alternative does this Senator or this body have?

So, Mr. President, in conclusion, I would like to say that in three areas—soybeans, sunflowers, rapeseed and related items in Europe, beef in Japan; and beef in Korea—we found flagrant violations in trade against the United States. We also found that Portugal would like to buy soybeans from the United States at about half the European price, but is barred from doing so. Our products are restricted. Their products are going out.

So, Mr. President, I shall follow this matter closely. I shall publish Mr. Yeutter's response. I hope there are recourses. But we are finding in the General Agreement on Trade and Tariffs that the United States is procedurally being barred from getting relief and that is a very serious matter. When we consider trade matters, it is something we will have to consider in the future. I hope we are alert to the fact that the European Economic Community is becoming the most protectionist bloc in the world. It is a big bloc. They have enough votes in the GATT to block many of our complaints from coming up. It is something we have to take action on.

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent the period for morning business be extended an additional 15 minutes and that Senators may speak therein, not to exceed 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MR. PRESTOWITZ' NEW BOOK

Mr. BYRD. Mr. President, I want to congratulate the Senator from South Dakota on his remarks. The debate has gone beyond that of free trade versus protectionism.

I do not know whether the Senator has read this book or not. I read this book in its entirety over the weekend: "Trading Places. How we allowed Japan to take the Lead" by Clyde V. Prestowitz, Jr. I had read excerpts from it prior to then. Has the Senator read this book?

Mr. PRESSLER. I have not but I will.

Mr. BYRD. It is an eye opener. And I am going to recommend that all Senators read this book.

As the Senator may see, I have carefully read it, with a lot of yellow underlining through it because I want to read it a second time.

But it is an eye opener. I would recommend the Senator get this book and read it. I read it beginning last Friday, a week ago, and finished it yesterday. That was last Friday. I finished it yesterday. A great book.

Mr. PRESSLER. I thank the leader very much. I will read the book. I might also say the Wall Street Journal last week did a series on the Economic Community and some of the steps they are taking in trade. I thank the majority leader.

Mr. BYRD. The man who wrote this book participated in the negotiation for this administration for a number of years. He was one who was on the teams that went to Japan, time after time after time; the negotiating teams. So he speaks from what he knows.

I will not take further the time of the Senate.

Would the Senator let me know when he has completed reading this book? I will be glad to loan it to him.

Mr. PRESSLER. I will. I thank my colleague very much.

Mr. DOLE. Would the Senator yield? I want to second the majority leader. I have read the book. It is fascinating. It is easy to understand why we are falling behind around the world in our trade policies. But it was written, as you indicate, by someone in the administration and I would certainly suggest it to all of my colleagues. It is one of the books that comes over your desk, you have it for a couple of days, and you do not know where to send it. So I decided to read it. It was good reading. You learn a lot and I would certainly recommend it, and I thank the majority leader for raising it.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. WIRTH. Mr. President, 17 years ago Congress directed the Environmental Protection Agency to aggressively regulate hazardous air pollution to protect the health of all Americans. Today, the Agency's toxic air pollution program is virtually moribund.

As a result, millions of Americans living in urban areas across the country are daily exposed to a deadly "chemical soup" of known and suspected toxic chemicals. Now, we are discovering that toxic air pollution is a threat to people and environments far removed from the source of this pollution.

A few weeks ago, for example, the Washington Post covered a story that adds an entirely new dimension to our effort to draft tough new legislation to control toxic air pollution. The Post reported that toxic air pollutants that are being dumped into the atmosphere are being transported over great distances before being washed out of the air by rain and snow—damaging the environment and threatening the health of people hundreds, even thousands, of miles from the pollution sources.

The consequences of this long-distance transport of toxic chemicals are far-reaching:

Scientists have discovered PCB's, toxaphene—a pesticide used primarily on cotton crops in the South—and dioxins in a small lake on Isle Royale, a wilderness island within Lake Superior. The only way these pollutants could have reached this wilderness park was through the atmosphere;

Atmospheric deposition is now the major source of toxic pollution for the upper Great Lakes, including Lake Superior. These toxic chemicals are contributing to an increased incidence of disease in fish and to the loss of bird populations, for which the Great Lakes are the foundation of their food chain;

According to the EPA, atmospheric deposition may be the major source of mercury pollution of some lakes in the Lake Superior region;

And even though we, as a nation, have made progress in reducing lead pollution, recent EPA studies show that 65 to 85 percent of the lead currently entering Lake Superior is from atmospheric sources.

The statistics on the quantities of toxic air pollutants emitted into the air every year are staggering. I have just a few examples of how serious this problem has become in this country—and these are just examples. If all emissions were monitored and added up, the total annual emissions of toxic compounds could run into the billions of pounds each year:

Petrochemical plants in five Texas counties release more than 500 million pounds of volatile organic compounds into the air every year;

The Chevron refinery in Richmond, CA, emits 5 tons of benzene into the air every year;

The residents of South Chicago annually are exposed to 46 million pounds of toxic air pollutants. This means that 126,000 pounds of toxic chemicals are released into this airshed from large and small industries and mobile sources every single day of the year;

Last fall, a Baton Rouge newspaper reported that in one Parish, more than 36 million pounds of volatile organic chemicals were released into the air in 1 year. That works out to 91 pounds for each and every resident of the Parish. In two other Parishes, local industries released "more than 3 million pounds of chemicals known or suspected of causing cancer, birth defects, or reproductive problems" in 1985;

Dow Chemical's Midland, MI, factory emits millons of pounds of carcinogens into the air, including 76,000 pounds of benzene, 1,600 pounds of vinyl chloride, and 4.6 million pounds of methylene chloride;

And a survey of industries in New Jersey documented significant emissions of benzene, toluene, and a number of other chemicals.

As I said, Mr. President, these are just examples. But they illustrate that toxic air pollution is not a problem that affects only a few cities or a few States. It is a pervasive national problem and it is a problem with which we must come to grips.

What does current law say on this subject? Hazardous air pollutants are covered by section 112 of the Clean Air Act. That section was first added to the Clean Air Act in 1970 and was then strengthened in 1977. The core of that law is its definition of "hazardous air pollutant" as any pollutant that "causes, or contributes to, air pollution which may reasonably be anticipated to result in an increase in serious irreversible, or incapacitating reversible, illness."

What kind of chemicals does that definition cover? It includes air pollution that causes cancer, birth defects, genetic damage, neurobiological disorders, and other types of chronic and acute diseases. These are chemicals that, if emitted into the air, threaten the health and the environment of those who live, work, and play nearby. And we are now learning that these air pollutants threaten the integrity of ecosystems many miles away—such as the Great Lakes.

How big is the problem? Just how many potential toxic air pollutants are there? EPA doesn't know, partly because it hasn't done the research it should have done, and partly because the universe of candidate chemicals is large and growing. The committee report on S. 1894 includes one list of 60 toxic substances that are routinely released into our air in huge quantities every year. That list includes chemicals like benzene, a known carcinogen, vinyl chloride, another known human carcinogen and chloroform.

Section 313 of the 1986 Superfund amendments lists more than 300 air pollutants for which industries must begin reporting releases later this year. According to the EPA, 53 percent of the substances on the list are carcinogens, 52 percent are mutagens, 44 percent are acutely toxic, and 38 percent are chronically toxic.

Clearly, dumping these pollutants into the atmosphere threatens the health of all Americans. Our scientists cannot tell us with any precision how many people are being injured by this chemical stew. But we do know that when EPA looked at just 17 toxic air pollutants, the Agency concluded that these pollutants could be responsible for as many as 2,000 cancer deaths a year. Other EPA scientists have said that as many as 10,000 deaths a year may be attributable to ambient concentrations of just one category of air pollutant known as polycyclic organic matter.

The point, Mr. President, is that hazardous air pollutants are a very serious threat to human health. We cannot afford to delay tough action to reduce emissions of these chemcials into the atmosphere.

What has EPA done? In the 17 years that section 112 has been on the books, EPA has listed only eight substances as hazardous air pollutants. In the case of some pollutants, EPA has refused to regulate releases from some sources until the courts ordered EPA to act. And in some cases, EPA has used cost and feasibility considerations to set emission limits that do not adequately protect human health. On that score as well, the courts rejected EPA's approach and told the Agency to start over again.

Mr. President, that is a dismal record. It is time for Congress to put the Environmental Protection Agency back into the business of reducing toxic air pollution.

S. 1894, of which I am a cosponsor and which was reported out of the Environment and Public Works Committee late last year, includes tough but responsible provisions to reduce toxic air pollution. I strongly support that legislation, and I urge the Senate to take up that legislation soon so that we can get on with the task of cleaning up the air.

That legislation has two basic tracks. First, the Environment and Public Works Committee identified 224 air pollutants that must be controlled as toxic air pollutants. This new legislation would establish a mandatory schedule for setting emission standards for each of these pollutants. However, this legislation breaks new ground by directing the Agency to base the standards on the maximum reduction in emissions that can be achieved by using the best available control technology.

This emphasis on technology-based standards is very similar to the toxic pollution control program that was established in the Clean Water Act. This approach has worked well in cleaning up the Nation's waterways, and I believe it holds great promise for cleaning up the Nation's air as well.

In addition, Mr. President, this legislation recognizes that some air pollutants are so dangerous to human health that their emissions must be even more stringently regulated. This regulation preserves the Agency's ability to set health-based standards under the existing provisions of section 112 of the Clean Air Act.

Mr. President, this is a good, strong bill. If enacted into law, this legislation would put this country on a clear path toward removing a large number of toxic chemicals from the air that we breathe. This legislation is needed to protect the health of millions of Americans who, today, are exposed to a frightening array of cancer-causing chemicals. And this legislation is needed to make sure that the progress we have made in cleaning up our lakes and rivers does not fall victim to the newest environmental threat of toxic rain.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

THE INF TREATY

Mr. COCHRAN. Mr. President, Friday a week ago I rose on the floor of the Senate to observe that when we came back into session after the week's break, we would probably be taking up and reviewing the resolution for ratification of the Intermediate-Range Nuclear Force Treaty negotiated between our Government and the Soviet Union. I was somewhat disappointed, therefore, when on that same day the majority leader and the chairmen of the Intelligence, Armed Services, and the Foreign Relations Committees called a news conference to announce that consideration of the agreement was being delayed; that the Senate would not take up the treaty until Wednesday, May 11.

When I was speaking on the floor, about the same time the news conference was in preparation, I observed that the recess afforded a good opportunity for Senators to take advantage of the week off from Senate sessions to become familiar with the issues surrounding the ratification of the treaty, to look at some of the terms of the treaty itself, and perhaps to review the hearing record. I know I took advantage of some opportunities to become more familiar with the treaty and the ratification process, and I am sure all Senators did.

One thing I observed in my review, Mr. President, is that 54 Senators serve on the 3 committees which have been engaged in the oversight exercise, reviewing the message of the President and the recommendation that the treaty be ratified, having hearings on the verification issues that surround the ratification process, and taking a look at the military consequences of ratification. But 46 of us are not on those committees.

I know Senators have their own sources of information and their own staff members who have been helping them review documents and become familiar with the issues that are going to be involved as we debate this treaty. I found it helpful during this past week in beginning a review to start with a publication of the Hudson Institute, a document I assume was circulated to all Senators. It is entitled "The INF Treaty Pro and Con."

It is an excellent discussion of the background leading up to this treaty and of some of the military implications. It also touches on the political implications of the Senate's failure to ratify the treaty; in my judgment this is an important consideration for us as we approach this process.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. COCHRAN. I will be happy to yield.

Mr. WARNER. Why the Senate failed to ratify? What did the Senator say?

Mr. COCHRAN. I said this document touches not only on the military implications of ratification of the INF Treaty but also on the political ramifications of a failure of the Senate to ratify the treaty.

Mr. WARNER. I understand.

Mr. COCHRAN. I think this is a very important consideration as we go through this process of review.

Mr. WARNER. As the Senator may know, I serve on two of the committees: Armed Services, which has had 32 hearings on this committee, and also on the Intelligence Committee, which had a dozen more hearings. A great deal of work has been done by the two committees.

As the Senator may know also, the Intelligence Committee meets again today at 1 o'clock to examine a certain area and the 3 committees, in an unusual combined session, I think will meet around 2 for the purpose of looking at the same area.

Mr. COCHRAN. I thank the Senator for his observation. I know 54 Senators serve on these 3 committees. These Senators have had the opportunity to conduct hearings and be present when witnesses were called. But those of us who have not had that opportunity might find it helpful, as a starting point in the process of debate on ratification, to review some condensed discussions of the key issues involved in the process.

I pointed out the Hudson Institute publication. I am not trying to tell Senators what they ought to read, but the majority leader talked about a book on trade, and we all share information with each other as we find it helpful as we go about the business of discharging our responsibilities.

Also important to an understanding of the treaty is an actual reading of the document, as well as the appendix and the protocols. As a starting point, those documents are helpful.

There is also a State Department analysis which Senators might find helpful as the next step. That document is a little over 100 pages long and presents an article-by-article analysis which is must reading.

Other associations and groups have studied the treaty. The American Enterprise Institute has an excellent analysis, an article-by-article review of the treaty, which I recommend.

I found the White House issue briefs helpful because they are chronological. The White House made an effort to keep the public informed at various stages of the negotiation process through the periodic release of White House issue briefs. I found it very helpful to look over those as they were issued.

Also, the Republican Policy Committee has done an excellent job of putting together some descriptions of the INF Treaty itself and issues to consider. The Intelligence Committee, of course, as Senator WARNER pointed out, has filed a report, an unclassified report, which has been sent to all Senators with a letter of transmittal pointing out, of course, that a 185-page classified version of the report is available for review.

I am hoping, Mr. President, that we can proceed to the consideration of the treaty.

The ACTING PRESIDENT pro tempore. The time for morning business has expired.

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask there be an additional 2 minutes for morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COCHRAN. I thank the majority leader. I hope the Senate can proceed to consideration of the treaty. I know the majority leader and the three chairmen of the committees with jurisdiction are not delaying the debate on the Senate floor just for the sake of delay. There is a reason; there are differences being discussed in those committees and reviewed with the White House before a debate is begun.

But I hope there will not be any further delays, and I hope we can get the treaty to the floor, have a thorough review of it by the Senate, and proceed to vote on any suggested changes, clarifications, amendments, or statements that the Senate might decide to approve.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. COCHRAN. Then ratify this treaty in a timely fashion, if that is the will of the Senate. I will be happy to yield.

Mr. BYRD. Mr. President, the delay in this instance occurred because administration officials themselves were saying that differences had emerged between this administration and the Soviets as to the interpretation and as to the verification procedure.

The delay is not something that I created, and the Senator has not charged that. I think it ought to be perfectly clear that the problems have arisen between this administration and the Soviets in which there is some indication the Soviets have reneged on previous understandings with this administration.

It seems to me that is serious enough to raise the caution light and it is in the hopes that the administration, working with the Soviets, can bring about a clarification of these problems before the Senate begins debate.

The Senate should not be under pressure to complete action on a treaty because of a calendar day, and when administration officials themselves raise doubts publicly that appeared in the New York Times and the Washington Post and raise concern that these differences were emerging and that top Soviets themselves were backing away from previous understandings, then I think it is time for us to ask what goes on here. Let us clean this up. Wherever the problems are, let us clean them up. If it is going to be this messy on this treaty, what is it going to be like on a START Treaty?

These are the things, may I assure the Senator, that concern the chairmen of the three committees and myself, and I spoke to the distinguished Republican leader about them on the last Friday we were in. Of course, as I say, the problems had become visible in the press.

I said then, that the Soviets, if they are really interested in the treaty, will do some work in the meantime before the Senate comes back into session and let us know really where they stand. Do they stand by what the previous understandings were or have they reneged? That should help the administration to get the Soviets to understand that this thing is not a fait accompli by any means.

I ask unanimous consent there be an additional 2 minutes. I have taken most of the time of the Senator under the previous 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, the Senator is recognized for an additional 2 minutes.

Mr. COCHRAN. Mr. President, I thank the distinguished majority leader.

This Senator is concerned that if delays continue to be announced in the consideration of the treaty here without any request being made by the administration to the Senate to delay its debate, then the suspicion is going to be that the Senate is dragging its feet.

I am not suggesting that that is the case now, and I have not made that suggestion in my remarks. My suggestion was simply that the Senate proceed to a discussion of the ratification process, and I hope that we will do that in a timely fashion. If there has been a request for a delay that has been submitted to the Senate by the administration, this Senator is not aware of it.

Mr. BYRD. Will the Senator yield?

Mr. COCHRAN. I will be happy to yield.

Mr. BYRD. This Senator is not going to be guided in the Senate's deliberation of a treaty by whether or not the administration has asked for delay. That is not the Senate's role under the Constitution. The administration has its work in making the treaty. The President makes treaties by and with the advice and consent of the Senate.

Now, if the administration's work has been messy, that is not the Senate's fault. If the Soviets are reneging on what they earlier pledged, that is not the Senate's fault.

It comes as somewhat of a surprise to me to learn that perhaps the Senate ought to go ahead unless it receives from the administration a request for delay. The Senate received this treaty quite a long time ago. My previous and earlier readings of it indicated to me that it was a good treaty, and I was one of those who, after reading it, came out strongly for it. I indicated at that time that on the surface it appeared to be a good treaty, and the only problem I really foresaw would be a verification problem, if indeed there happened to be one. I, of course, was in no position to know whether or not there might be a gap that had to be filled, but I did say that through careful committee probings if there were any verification problem, those committees would find it out. And then, if there is a verification problem, that can spell trouble. And that is what has developed.

Now, I have said that, "tentatively," I expect to go forward on Wednesday, and tentatively I do expect to go forward Wednesday, but that will be determined, as far as this Senator is concerned, by what has happened in the meantime to rectify the problems, and by what I am advised by these committees, especially the Intelligence Committee in this instance and the Armed Services Committee. Other problems have arisen that involve the Armed Services Committee's jurisdiction, and the chairman, who is on the floor right now, can speak for himself. It is my understanding that the problem as to futuristic weapons can be resolved by a reservation added on this floor. He may have further things to say about it.

But as to those problems which surfaced in the Nation's press indicating that the administration was having concerns because Soviet officials were backing away, appearing to reneg on their previous understandings caused me to feel that it is the responsibility of the Senate to see that these matters are first clarified, because a treaty is the supreme law of the land. It is not just a piece of paper. Once we approve the ratification of that treaty and the ratification takes place through the exchange of the appropriate instruments, the treaty is the law of this land. Under the Constitution, the Constitution itself, the laws that are enacted pursuant to the Constitution, and treaties constitute the supreme law of the land.

If we make a mistake in passing a bill, that can be fairly easily rectified simply by passing another bill repealing the first law. But when it comes to a treaty, if we make a mistake, we had better know it before we enter into its ratification; it is just that serious a matter.

I assure the Senator that I am not interested in delaying this treaty for the sake of delay. If there is any implication at all in what he is saying—and I do not infer that—then that ought to be debunked because I was one of the first who came out in support of this treaty. I feel that, eventually, this treaty will be ratified, but we have a responsibility in the meantime to fullfil our role under the Constitution. I do not intend to delay for the sake of delay, but neither do I intend for this Senate to rush into something here just because there has been a calendar deadline set somewhere by somebody. There is this danger. One may say, "Well, let's go ahead and call it up and let the thing be worked out in the meantime while the Senate is debating it." I am not oblivious to the pressure that can be brought on the Senate once we get something up. The pressure will be there, and every day it will intensify: "Oh, we have got to hurry, we have got to get through this because the summit is going to take place on such and such a date; the Senate should act; let all these things be worked out by our experts down the road. They can work out the verification regime. They can work out the details," and all that.

I think the time is now, and before we get into that pressure cooker, there are some things that can be done on this floor that will satisfy the Senate and——

Mr. WARNER. Will the majority leader yield for an observation?

Mr. COCHRAN. Mr. President, do I have control of the time?

Mr. BYRD. Mr. President, I ask unanimous consent that there be 5 additional minutes under the control of the Senator from Mississippi.

The ACTING PRESIDENT pro tempore. Without objection, the Senator is recognized for an additional 5 minutes.

Mr. BYRD. I ask that I may finish my sentence.

Mr. COCHRAN. I will be happy to yield to the majority leader.

Mr. BYRD. As to the futuristic weapons, the Senator from Georgia—and I share the belief—feels that the Senate can take care of that matter by a reservation. Now, it may be that the other matters can be likewise done. But I do not know today that it can be done, may I say to the distinguished Senator. I will know at some point once I have heard from the committee that is involved. After the Intelligence Committee members have had an opportunity to talk with the administration officials, we will know. But we remember very well what the President himself said: "Trust but verify." And I subscribe to that.

Mr. COCHRAN. Mr. President, I am happy to yield to the distinguished Senator from Virginia.

Mr. WARNER. Mr. President, I have served on two of the committees, the Armed Services Committee, where we have had 32 hearings, and the Intelligence Committee, which I think had a dozen or so, and I have been in attendance. There has been no foot-dragging in those two committees and none, to my knowledge, in the Foreign Relations Committee. Furthermore, and most significantly, there has been no partisanship, no display of partisanship that I have observed, and I think my chairman will corroborate that. I think the observations of the majority leader are well taken that the Senate is proceeding as expeditiously as it can in view of the unexpected problems that arose here in the final few days.

Over the course of the weekend I have dealt with this problem, and indeed the close of last week. It is my understanding the administration is moving diligently to try to resolve those issues that may remain in terms of interpretation between the United States and the Soviet Union.

So it seems to me, as they say in the Navy, we are all moving at flank speed to do the proper work necessary before the Senate completes its floor consideration of this treaty. Of course, that is a matter that is in the exclusive control of the majority leader in consultation with the minority leader. And it is my hope that perhaps on Wednesday, as was indicated, this matter can be brought to the full Senate, with the committees having completed their work.

I thank the Senator.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, let me thank the distinguished majority leader, and the Senator from Virginia for their assurances.

This Senator has been hopeful that we could proceed with dispatch to consider the treaty this year, as previously announced by the majority leader. So concerns had to be raised in the minds of some—at least in this Senator's mind there were—about how long we could expect the consideration of the treaty to be delayed.

I am hoping, as I know others are, that we can proceed on May 11, and that the committees can review whatever problems have developed and work them out.

This treaty has been under development since 1980 or 1981. Direct negotiations have been on again and off again over that period of time. A review of the record will clearly show that the treaty is not something that has been developed in just a matter of a few weeks in a haphazard way. I hope we can now proceed in due course to the consideration of the treaty, that it can be ratified, and that any problems can be worked out.

I yield the floor. I thank the Chair.

NO U.S. UNILATERAL DISARMAMENT

Mr. PROXMIRE. Mr. President, this Senator believes that there can be no real national security without military strength at least equal to the Soviet Union. So how can we reduce military spending? There is a way. I have written a number of my Senate colleagues in this body to propose that we take a long, hard look at the different military world we now face. For 43 years we have lived in a nuclear armed world. Unfortunately many in this country and even in this Congress have not fully recognized the implications of this fact. The prime new and different reality is that a nuclear war would bring total, and I mean total, material destruction to the warring factions on both sides. No one would win. Both contesting sides would lose. They would lose everything—material possessions, form of government, and, for most, life itself. A superpower war means double suicide. Nuclear war has not been fought for the 42 years of the nuclear age. And it almost certainly will not be in the next 42.

Does this mean we can and should sharply cut this cruel burden of military spending? No, not by itself. The answer is that we should only reduce military spending significantly if we do it in concert with our potential Soviet adversary. We must reduce military spending mutually. We must insist on verification of compliance provisions with the Soviet Union that are so thorough and intrusive that we will be certain to detect any militarily significant violation by the U.S.S.R. That's not all.

The agreement must preserve the nuclear deterrent on both sides. That deterrent is the force that has kept the peace for 42 years between the supperpowers. The massive nuclear arsenals of the United States and the U.S.S.R. are the grim threats that have given Europe the longest period of superpower peace in four centuries. No President should negotiate and no Senate should ratify a treaty that diminishes the credibility of our nuclear deterrent by one whit. If somehow we could eliminate nuclear weapons from the face of the Earth, thousands of years of history tells us that we would simply make the world safe for conventional war. And we know for an absolute certainty that the advances in conventional military weapons make it absoutely sure that unlike World War I and World War II, the United States would not be a safe and secure sanctuary removed from the certainty of devastation by conventional weapons that eventually would be every bit as terrible as the destruction of nuclear war. The destruction would simply take a little longer.

Mr. President, the knowledge that the mutual nuclear deterrents make a superpower war a sure double suicide and therefore highly unlikely does not—I repeat not—mean that we should engage in any unilateral conventional disarmament. It would be folly for the United States to reduce our own conventional—that is nonnuclear—military forces or our support of the North Atlantic Treaty Organization and the defense of free Europe unless we are absolutely certain that we will get a corresponding reduction in Soviet and Warsaw Pact conventional military forces. And just as we negotiated a substantially greater reduction in Soviet intermediate nuclear forces than in United States intermediate nuclear forces, we should insist on the same asymetrical reduction in the far greater Warsaw Pact conventional forces than the NATO conventional forces. Our target should be a treaty that requires an ultimate parity of tanks, planes, artillery, and troops.

Can we expect the Soviet Union to agree to give up their enormous present advantage in numbers? Yes. Three reasons why: First, the present Soviet numbers advantage means little. A major reduction would permit both sides to eliminate their oldest, lowest quality, least effective weapons and their least skilled and trained troops. The Soviets weapons and their personnel are both far below the standards of NATO. They would reduce more. They would also improve the quality of what remained more.

Second, both countries suffer enormously from the burden of military spending. The Soviet Union and its Warsaw Pact allies suffer more than the United States and NATO because the economies of the Warsaw Pact nations are only one-third as productive, their GNP is only one-third the size of the NATO countries' economies. And the Warsaw Pact countries are spending substantially more on their military than is NATO. So the incentive for economic relief from this painful military burden for the Communist bloc is far heavier. The incentive to negotiate is more than three times greater.

Third, both sides now recognize the utter idiocy of a clash between these two alliances and the virtual certainty that such a clash would swiftly escalate into a civilization ending nuclear holocaust. As the understanding grows that such a nuclear cold war is impossible to justify on any rational basis for either side, and that it guarantees total defeat for both, the confidence will increase that such a war is not going to take place. What does that mean? That means the military buildup on both sides is an absolutely sure, waste of money.

Once again this is not a plea for unilateral disarmament. We should not cut military strength unilaterally. It is a plea for a mutual agreement requiring verification of compliance provisions that will assure that any reduction in military power by the United States or NATO must require a fully corresponding reduction by the U.S.S.R. and the Warsaw Pact. The agreement must also bring both forces into an equal balance of weapons and troops. The agreements must assure both sides that the credibility of their nuclear deterrent is fully preserved and protected.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, commenting on the majority leader's comments, and the comments of the Senator from Mississippi and the Senator from Virginia, let me just say that I agree with everything the Senator from West Virginia has said about the importance of getting this treaty understood by both sides, making sure that the verification provisions are worked out, and making sure that we do not have any disagreements before we ratify the treaty or consent to its ratification.

I also would like to strongly support the majority leader in his determination to make certain that we understand these problems, and analyze these problems before we get out on the floor and try to debate them. We may not have to solve every one of them before we bring the bill up. Maybe we can at least work on some of them as we deliberate here on the floor. But at least we have to know what the scope of the problems are. And right before we went on the last break, which was a week ago, we found out about three or four new problems that we had never known about before in the area of verification.

So it is important that we have the treaty acted on by the Senate. It is even more important that we have a good understanding by both sides. Otherwise the arms control momentum that people talk about, the momentum for the START proposal, the momentum for a conventional arms control proposal, will not be a forward momentum. It will be a backward momentum.

I cannot think of anything worse than having a treaty rushed through the U.S. Senate, having a big ratification exchange at the summit, and a week or two later later, finding out that there is a major disagreement between the two superpowers on the treaty that was touted all over the world as being a step toward peace and a step toward stability.

So we have to do the job right. We have to do it thoroughly. Hopefully, we will be completed with this INF ratification debate in the Senate, and the consent of the Senate will be forthcoming so we can be proud of the summit conference. I think that would be better for everyone. I would certainly welcome that. I hope that can be done.

But I do not view that as an arbitrary deadline. I view the fundamental underlying premise as being to make sure that the Senate understands the treaty, that we are giving our consent to it in terms of ratification and making sure that we work out the disagreements between the two superpowers before we make this treaty, which will be before us, the supreme law of the land.

I also want to comment on the comments of the Senator from Virginia. He has been very, very diligent in his pursuit of not only the treaty and understanding of it but in pursuit of the questions that come up. The Senator from Virginia has been absolutely dedicated to knowing what this treaty means, getting into areas of ramifications of it that are important, and making sure that the administration witnesses are not only given an opportunity to explain it but also are asked tough questions when tough questions are in order.

So the Senator from Virginia has been I think a true example of bipartisan approach, and we have worked as a team, both the Senator from Virginia and myself as well as the members of the Armed Services Committee, in approaching this.

I know of no partisanship whatsoever in our committee. In serving with the Senator from Virginia on the Intelligence Committee, I can say the same thing about that committee. Senator COHEN and Senator BOREN have worked very closely together in that committee. There has been no partisanship in any of these committees that I know anything about. There have been individual disagreements, but it has not split along the party lines. I hope that will be the case as we bring the treaty on the floor of the Senate.

Mr. WARNER. Mr. President, if I might interrupt, I thank the distinguished chairman for his comments.

Mr. NUNN. I yield.

Mr. WARNER. Of course, he has been the leader of the effort. We embarked on this in the Armed Services Committee, thinking we might have 15 or 20 hearings. We only closed at the 30 mark.

Mr. NUNN. There were white flags of surrender. We had to get to the defense bill at some point. We finally got to the defense bill, both in committee and on the floor. Today we are both gratified that the leadership has agreed to bring this bill up.

I do not know how long we have been on this bill. I have made it clear that when the leader decides to bring up the INF Treaty, and begin debate on that, I am perfectly willing to take this bill down. Hopefully, we can take a number of steps toward completing this bill this week.

I would be perfectly agreeable to setting aside this bill, however, whenever the INF Treaty is ready to come up. So from that point of view we will be working as hard as we can on this defense bill which is enormously important in its own right. But we will recognize that the INF Treaty debate will take precedence when the debate is ready to be brought to the floor, by the majority leader and by the Senator from Kansas.

PUBLIC FINANCIAL DISCLOSURE FILING REQUIREMENT

Mr. BYRD. Mr. President, financial disclosure reports required by the Ethics in Government Act of 1978 and Senate rule 34 must be filed no later than close of business on Monday, May 16, 1988. The reports must be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510. The Public Records Office will be open from 8 a.m. until 6 p.m. for the purpose of accepting these filings. Written acknowledgement will be provided automatically for Senators' reports, and upon request for staff members. Any written request for an extension should be directed to the Select Committee on Ethics, 220 Hart Building, Washington, DC 20510.

All Senators reports will be made available simultaneously on Friday, May 20. Advance written requests for copies of these reports are now being accepted by the Public Records Office. Any questions regarding the availability of reports or their purchase should be directed to that office (224-0322). Questions regarding interpretation of the Ethics in Government Act of 1978 should be directed to the Select Committee on Ethics (224-2981).

THE BOOKS BY LARRY SPEAKES AND DONALD REGAN

Mr. ROCKEFELLER addressed the Chair.

The **PRESIDING OFFICER.** The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I was listening to national public radio this morning and I heard them devote some 10 to 12 minutes to a discussion of what had been revealed in a book that Donald Regan has recently written. I would like to denounce the kind of sensationalism, commercialism, and lack of public integrity.

I am profoundly disturbed and offended by the nature of these "kiss-and-tell" books. Sensationalism is easy in America. People love it. They particularly like to have news that comes from the inside that relates to personalities, and of course the more well-known the personality, and the higher ranking the public official, the more interesting it might be.

I am a Democrat, Mr. President, and I have many disagreements with the President of the United States. Those are not because I am a Democrat but because I represent a State, West Virginia, to which I believe he has not been either sympathetic or constructive. But he is the President of the United States, and he is therefore my President, the President of all of my people in West Virginia and of the people throughout the entire country.

We can debate differences of policy. We can have strong differences of feeling, but there is something in this business of public service which has to do with honor. It has to do with integrity. And it has to do with setting standards that young people can look up to.

I do not imagine that there has ever been a President or a Governor or a person in high public place with broad responsibilities who has not had many things that people could write or say about him or her. But to me the fact that a person who had been president of Merrill Lynch comes into the supposedly second most important position in the land—the chief of staff of the White House—and then probably every night takes notes thinking in the back of his mind that he can write a book, that he will be able to cut a pretty good deal for that book, maybe make a million dollars for that book, that he can do that because this is America and we are free, is shameful.

I think the President is a good man and a decent man. I can disagree with his policies but I cannot find it in myself to say that he is unkind or would wish to knowingly hurt people.

But that is precisely what the people who were closest to him have done, at least in the case of Donald Regan and Larry Speakes. And I suspect they have done it for profit. And I find that repugnant. I think they know perfectly well that they can take their notes, keep their diaries, prepare their books, negotiate their contracts, and make a lot of money. Then they will get on the lecture circuit, and I suspect that Donald Regan and Larry Speakes will go on the lecture circuit now for maybe $25,000-a-speech for Regan and maybe $15,000 for Speakes. I would not pay either one of them a nickel. I think it is despicable what they have done.

If there were things that were going on that they did not like, why did they accept the taxpayers' salary—and high ones at that—say nothing during the time about whatever it was that they did not like, maintain their office, get out in the last few months of the Presidency, and then frantically go to work on books? If they did not like it, why did they not resign? Why did they not tell the President that they did not like something he was doing, or some pattern that they did not approve of, either with respect to him or his wife?

We are talking about the President of the United States. There are people all over my State who look up to the Presidency, as they should. The Presidency cannot and should not be humiliated by people who seek to do so for their own commercial gain.

I was Governor for 8 years. I think a President or a Governor should be able to count on discretion and loyalty, particularly from people who they put at the very topmost ranks of their administration. Donald Regan met every single day with the President. He had the position of power. He was looked up to by millions. He was considered a man of great force who would bring order, admiration, and tight administration to the White House.

So he quits, writes a book, takes lots of notes, and probably now has lots of television interviews lined up.

I was watching Larry Speakes today, being interviewed by a TV network about his book. He goes to New York, Los Angeles, San Francisco, Chicago, Detroit, New Orleans and advertises his book.

Larry Speakes and Donald Regan have been in an office of public trust. They were lucky to be there. It is far more important to work for the President of the United States and, therefore, the people of this country than to be President of Merrill Lynch, at least in my judgment.

I thought that this country learned a lesson when Ivan Boesky was caught and sent to jail for greed. That was meant to send a message, I would have hoped that people have an alternative other than money, that there has to be some kind of a value system in this country other than money, and maybe that that value system should have something to do with public service and honor, neither of which are reflected by the actions of Donald Regan and Larry Speakes.

I have not read their books and I will not read their books, and I encourage people to not read their books. If they were so concerned, why did they not have the courage to quit? Where was that courage then? Was it the lure of the book, the lure of the dollar, the lure of fame? In the meantime the Presidency is weakened. The President gave his trust to them, and I must say the President has been extraordinary about that trust; I would argue too loyal in some cases. Nobody can argue that the President is not loyal to those whom he counts on and to whom he is a friend. Maybe it suggests that he has picked out people who have not had enough background in public service, and who do not understand the meaning of public service in the case of Mr. Speakes and Mr. Regan.

I happen to think that public service, whether it be elective or appointed, is a high calling and great honor, and should be carried out every day in that manner.

I have not spoken to Mr. Regan and I have not spoken to Mr. Speakes. But if I did, I would tell them that they had done a great disservice to their country, that they have done a great disservice to the Presidency, and they have done a great disservice to millions of young Americans who are looking at the concept of public service, either elected or appointed.

I despise that kind of behavior. I think one goes into public service for the honor and the privilege of it, not for the money that can be gained from it.

I do not think it makes much difference if one is a Democrat or a Republican, when it comes to supporting the office of the Presidency. Public service is not something that should be for sale. Public service ought to be a high calling.

There are two men, Donald Regan and Larry Speakes, who are wandering around this country now making a lot of money off the Presidency. I think they ought to be ashamed of themselves. I think a lot of us are ashamed of them.

Frankly, I have a great sense of sympathy for the President, who dismisses these matters with good humor and grace.

If they were taking notes, if they were keeping their secret logs, so that they some day could make money, I would hope there would be some way in the future that people who go to the White House and work for the Presidency understand that public service is an honor and is not meant to bring you money; and if it does, then there is something wrong with you.

In my judgment, Larry Speakes and Donald Regan set the standard of indecency for public service for the Presidency of the United States. It offends me deeply. It is not a relief to me to make these comments, but I hope they are heard, and I hope others will share them.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 2355, the National Defense Authorization Act.

The bill clerk read as follows:

A bill (S. 2355) to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate proceeded to consider the bill.

Mr. NUNN. Mr. President, I am pleased to bring before the Senate S. 2355, the National Defense Authorization Act for fiscal year 1989. This bill provides the authorization required in law for almost all of the major functions under the jurisdiction of our committee, including the activities of the Department of Defense, the Department of Energy nuclear weapons programs, and the military construction program.

Last year, Congress approved for the first time a 2-year defense authorization act for fiscal years 1988 and 1989. This act authorized approximately two-thirds of the defense programs for fiscal year 1989, which is the year we are now addressing in this bill. The budget request which the Defense Department submitted this year was a revision, or amendment, to the second year of last year's 2-year budget request.

Although the Congress last year did not appropriate any funds for the second year, I believe we demonstrated with the authorization bill that the 2-year approach will work. Our committee's review of the amended fiscal year 1989 budget request was carried out more promptly and more efficiently this year because of our work on the 2-year budget last year.

Last fall's deficit reduction agreement provides further proof of the benefits of the 2-year budget cycle. Because of that agreement, we started this year with a consensus on the overall level of national defense spending for fiscal year 1989.

I might add that this consensus is allowing the authorization and appropriation processes for defense programs to proceed in a more closely and timely fashion this year. If we do not have agreements on the overall budget, if we have to bring a defense authorization bill to the floor before the Budget Committee as acted, before there has been a conference report, before we have had any kind of agreement or even implicit agreement with the administration on the overall level of defense spending and the overall level of other component parts of the budget, it makes our task much more difficult, much more onerous, and much more time consuming. So we are making progress in this respect.

Secretary Carlucci has indicated that he intends to submit another 2-year budget for the Defense Department next year. Our committee remains committed to making further progress on implementing a 2-year budget for the Defense Department. I hope that we can convince others in Congress to move in this direction. I would like to see it spread to our entire approach to defense, for appropriation and authorization, but that remains as a challenge.

BUDGET IMPACT OF THE COMMITTEE BILL

Mr. President, the bill before the Senate today meets the budget authority target of $299.5 billion and outlay target of $294 billion contained in the deficit reduction agreement and in the fiscal year 1989 budget resolution.

This will be the first time we have addressed outlays in this authorization bill as such, the reason being that it is the first time we have known what the outlay total would be and should be, based on the budget resolution, and we have not had that information in the past when we started our process and when we marked up our bill. This year marks a new step in that respect.

We are on target in this bill both with respect to budget authority and with respect to what we call outlays, which, as the Members of this body well recognize, relate to the actual cash dollars spent in the fiscal year, as opposed to the budget authority, which means authority for entering into contractual relationships which commit the expenditure of funds, but for which expenditure may follow in the years ahead.

The total amount authorized for Defense appropriations in the committee bill for fiscal year 1989 is $221 billion. When the personnel levels authorized by the committee, as well as the remaining elements of the national defense function, are included. The committee bill results in a total of $299.5 billion in budget authority for the national defense function in fiscal year 1989. The Congressional Budget Office estimates the outlay impact of the bill at $294 billion in fiscal year 1989.

One additional benefit of the deficit reduction agreement is that we can report a bill that conforms to both the budget authority and outlay targets of the budget resolution. In previous years, there has been no budget resolution when we marked up so we had to make assumptions about the final numbers and we generally focused on the budget authority level only.

In meeting the budget targets I think it is important to emphasize that this level of defense spending marks the fourth consecutive year of real decline in national defense budget authority. Most people in this country do not recognize that, but it is accurate.

From fiscal year 1980 to 1985, national defense budget authority grew by 50 percent in real terms. But the $299.5 billion in budget authority authorized for fiscal year 1989 is an 11-percent real decline from the high point of fiscal year 1985. Last year's proposed budget for fiscal year 1989 was reduced by $33 billion, or 10 percent.

Although many of us would prefer otherwise, even under the most optimistic scenario it is difficult to see how defense spending will increase more than enough to cover inflation over the next several years. President Reagan's own budget figures do not meet the Gramm-Rudman deficit targets in fiscal year 1990 and beyond. This reality is beginning to dawn on the Pentagon, and I hope it is beginning to dawn on the Congress and perhaps even the White House: All of us are going to have to face hard choices that we have been postponing for several years. Some of these hard choices are contained in this bill.

Further, the defense budget is not going to be dislodged from the fiscal vice-grips until there is an overall consensus on revenues, deficit reduction, entitlements and defense spending. The Reagan administration's fiscal policies and their reluctance to deal with the deficit problem across the board have put defense right in the middle of the budget squeeze that does not show any signs of letting up.

So the next President of the United States and the next Secretary of Defense are going to face this problem, and the next Congress is going to face this problem. Until we have some overall approach to the fiscal problems of this Nation, to the fact that the operational budget of the Federal Government is not only in deficit but also is in deficit much more the numbers indicate because of the surpluses we now have in trust funds—until the American people, Congress, the White House, the Department of Defense, the Republican Party, and the Democratic Party face up to this, we are going to continue to see defense squeezed, and the squeeze will get tighter and tighter.

Make no mistake about it: We are into the muscle now. We are not cutting fat alone. Hopefully, we are putting the cuts in fat first and can find fat. It is not always easy to identify. We are cutting force structure. We are going to have a smaller force at the end of this fiscal year than at the beginning.

So we are into that era now, and I hope everyone recognizes the vise that the Defense Department is in, and I hope something will be done about it in terms of the overall approach to our fiscal affairs.

COMMITTEE'S REVIEW OF THE FISCAL YEAR 1989 BUDGET

Mr. President, in the view of many members of the committee, Secretary Carlucci submitted a reasonable amended budget request for fiscal year 1989. Secretary Carlucci and Deputy Secretary Taft told the military services that in preparing their budgets they should be prepared to reduce the size of their existing force structure to maintain a ready force; justify all new program starts; strive to maintain efficient production rates of existing weapons systems; and terminate older or marginal weapons programs. I think those are the right priorities.

Secretary Carlucci made some difficult decisions in putting this budget together. Some of these decisions are controversial. They were debated in the Armed Services Committee and they will be debated on the Senate floor. Secretary Carlucci deserves credit for facing these problems.

Now Congress has some tough decisions to make. If we do not like some of the actions the Pentagon is recommending to live within the budget summit spending levels, then it is up to us to propose realistic alternatives. For example, the Armed Services Committee carefully reviewed the force structure reductions and the program cancellations proposed by Secretary Carlucci in this budget. We did not particularly like some of the recommendations of the Department in these areas. But we concluded that these recommendations should be supported in light of the fiscal constraints on the defense budget over the next several years.

The committee also went further than the Defense Department's budget proposals in some areas. We reviewed some of the legislative requirements that we have created in areas like procurement of certain products or weapons systems, and base closures and consolidations. The committee bill includes some recommendations to repeal some of these directed procurement actions and to streamline on a one-time basis the cumbersome process to close military bases. These recommendations are controversial, but we ask our colleagues to carefully consider any objections to the committee's recommendations in light of the need to make our defense spending as efficient as possible and to make sure that our men and women in the military have every defense dollar we can possibly spare within the overall fiscal constraints, and that those dollars are spent wisely, efficiently, and effectively. We will have to make tough choices, and they are being made in this bill.

Mr. President, the committee's actions are described in detail in Senate report 100-326 which accompanies S. 2355. Our committee again this year attempted to focus our hearings and markup on major policy issues and avoid micromanagement. I want to take a few moments to highlight the committee's actions in the major functional areas of the committee's jurisdiction.

STRATEGIC FORCES AND NUCLEAR DETERRENCE

Again this year, the committee carefully reviewed the amended budget request for strategic programs in the context of the current severe budget constraints, the substantial progress that has occurred over the past several years in improving U.S. strategic capabilities, and the substantial unmet defense needs outside the strategic area.

The committee authorized full funding for a number of major programs, including the advanced technology bomber (B-2), the advanced cruise missile, the Trident submarine, and the Trident II (D-5) missile. The committee also approved a total of $4.55 billion for SDI research in the Defense and Energy Departments, a reduction of $291 million from the combined request. This represents 14 percent real growth over the fiscal year 1988 level of $3.9 billion.

The committee extended by 1 year the restriction on SDI development and testing that was enacted into law in the National Defense Authorization Act for fiscal years 1988 and 1989.

For ICBM modernization, the committee authorized $700 million for the Rail-Garrison MX Program and $50 million for the small ICBM Program, reductions of $93 million and $150 million, respectively, from the requested amounts. This recommendation preserves the option for the next administration to proceed with either or both programs.

The committee also authorized at requested levels most of the programs in the space launch, command-control-communications, and surveillance and warning areas. The committee approved the requested funds for chemical deterrent programs and for the demilitarization of older chemical weapons and agents. At the same time, the committee extended the deadline for completion of demilitarization until 1997 to accommodate the administration's new timetable.

In the national security programs in the Department of Energy, the committee fully funded the environmental, health and safety activities and authorized an additional $50 million for the environmental restoration of Energy Department defense facilities. Unfortunately, this area has traditionally been inadequately funded. The committee also proposed sweeping new legislation to provide independent safety oversight of the defense-related facilities and operations of the Energy Department.

I imagine that we will have some debate on that subject and possible amendments on that subject, but that was the committee recommendation.

I commend Senator Exon and Senator Thurmond for their strong and capable leadership on the Subcommittee on Strategic Forces and Nuclear Deterrence during the 100th Congress. They have done a very good job under extremely difficult circumstances.

CONVENTIONAL FORCES AND ALLIANCE DEFENSE

The committee focused on several critical conventional defense issues that have emerged in recent months. The committee increased funding in several areas to offset the deteriorating armor/antiarmor balance in NATO. The Army indicated that it has developed a comprehensive new antiarmor plan. Consistent with that plan, the committee authorized the procurement of 58 additional M-1 tanks and the transfer of more M-1 tanks to the National Guard. The committee also directed the Army to enter into multiyear procurement contracts on the M-1 tank and the AH-64 attack helicopter. Research and development funds to accelerate improvements on existing antitank missiles and the development of the hypervelocity missile were also provided.

The committee considered the continuing problems with Navy aviation again this year. We decided to accelerate the F-14D Remanufacture Program; increase the production rate on the EA-6B jammer aircraft, three above the request of nine; increase the number of air-to-air missiles, 300 above the request of 0; and initiate the ground attack radar upgrade for the F-18 aircraft. The committee concluded that Navy aviation requires serious attention within the Defense Department; therefore, we directed the Secretary of Defense to develop a comprehensive plan for the modernization of Navy and Air Force tactical aircraft.

The committee suspended procurement of the Army's forward area air defense system until the results of operational testing are provided to the Congress.

In order to facilitate improved coordination of joint service programs, the committee recommended the creation of joint program offices between the Navy and Air Force for future air-to-air missile programs and directed improved coordination between the two services on the advanced tactical aircraft and the advanced tactical fighter. The committee also concluded that the Air Force is not devoting sufficient attention to close air support modernization and specified that $15 million requested for the advanced tactical fighter be used to study alternatives for modernizing close air support aircraft.

Senator Levin and Senator Quayle, the chairman and ranking member of the Subcommittee on Conventional Forces and Alliance Defense, deserve a great deal of credit for their hard work in this area.

PROJECTION FORCES AND REGIONAL DEFENSE

The committee recommended authorization of $22.6 billion for programs within the jurisdiction of the projection forces and regional Defense Subcommittee. This funding level varies from the amended budget request by less than 1 percent.

For programs other than fleet ballistic missile submarines, the committee recommended $7.7 billion in the Navy shipbuilding and conversion account for the construction of 15 ships and the conversion of two others. Ships authorized for construction were two SSN-688 attack submarines, one SSN-21 attack submarine, three DDG-51 guided missile destroyers, one LHD-1 amphibious assault ship, two MHC-51 coastal minehunters, one AOE-6 fast combat support ship, two TAO-187 fleet oilers, and three TAGOS ocean surveillance ships. The conversions recommended for authorization were two jumbo oilers.

An AGOR oceanographic research ship was not authorized because the Navy reported that the ship's design work was unlikely to be completed in time to award the contract in fiscal year 1989.

For strategic airlift, the committee recommended authorization of $970.4 million in procurement and $961.1 million in research and development for the C-17 airlift aircraft. Finally, the funding levels requested for the research and development and procurement of equipment for special operations forces were fully approved.

I want to commend Senator Kennedy and Senator Cohen, the chairman and ranking member of the Projection Forces Subcommittee, for their leadership in this important area and I am sure we will be hearing from them in detail during the course of this day and this debate.

DEFENSE INDUSTRY AND TECHNOLOGY

The committee's review of the amended budget request revealed a continuing decline in defense technology base funding. To address this problem, the committee recommended increases in funding for certain technology base programs. This funding will provide $116 million to the Defense Advanced Research Projects Agency [DARPA] for research in, among other areas, high temperature superconductivity; gallium arsenide integrated circuit technology; materials; and software development. The committee sought to stress the linkage between research and manufacturing technology by clearly identifying $106 million of this funding as manufacturing technology. In another manufacturing technology project, the committee authorized $100 million for the semiconductor manufacturing technology initiative, or SEMATECH.

The committee also concluded that foreign governments, including our allies, pursue defense trade policies that result in an inefficient use of common defense resources. One of these policies is the insistence on concessions, or offsets, in the international sale of defense equipment. As a result, the committee directed the Defense Department to establish an offset policy and to enter into international negotiations with the goal of eventually eliminating such arrangements.

The committee recommended provisions that direct the Department of Defense to analyze, in a limited number of cases, the capability of the U.S. industrial base to support designated acquisition programs; establish a defense production innovation center in the Defense Department; increase reliance on commercial manufacturing processes; and authorize assistance in exporting defense-related products.

The committee adopted a number of acquisition policy initiatives to strengthen the defense industrial base. These measures include the requirement for the Defense Department to establish an integrated contract finance, investment, and risk-sharing plan; criteria governing fixed-price development contracts; and incentives for innovation. In view of the counterproductive, adversarial environment that recently has characterized Government-industry relations, the committee also took several steps to promote a healthy and creative armslength relationship, including initiatives for regulatory and legislative simplication.

Finally, the committee continued previous efforts to correct the imbalance in defense research, which has developed over the years, through the Balanced Technology Initiative. The committee recommended an authorization of $338 million for the balanced technology initiative. This funding will sustain advanced R&D programs begun in fiscal years 1987 and 1988 and initiate new efforts in fiscal year 1989.

Senator BINGAMAN has done a superb job in leading this new subcommittee which was created in the last 2 years. Senator GRAMM has been of sterling assistance to him as the ranking Republican on that committee. I commend the leadership of both of these Senators on the Defense Industry and Technology Subcommittee.

READINESS, SUSTAINABILITY AND SUPPORT

The readiness, sustainability and support area of the defense budget includes the operation and maintenance accounts; spare parts and ammunition procurement; defense stock funds; and military construction and family housing. The amended budget request included a total of $104.7 billion for these activities in fiscal year 1989.

In reviewing the amended budget in this area, the committee identified those programs where funding shortfalls will cause readiness and sustainability problems in the future, and, where possible, found offsets in lower priority programs in order to increase funding in these critical areas. Where reductions were necessary, the committee made them as broad and generic as possible in order to give Defense Department managers flexibility to implement the reductions.

The committee approved increases above the amended budget request for Army, Navy and Air Force depot maintenance programs; for Army National Guard flying hours; and for Army ammunition. These increases were offset by reductions in lower priority programs where the committee thought the amount of growth requested in the budget was excessive.

Even with these increases, though, there are still some problems left in the area of readiness and sustainability. In general, the committee found that the military services made a conscious attempt to protect near-term readiness in this amended budget at the expense of sustainability. And I know that there are a number of people in the Congress and in our committee, and others, that have emphasized this near-term readiness as a top priority. For example, the amended budget request preserves funding for training and operating tempo—flying hours, steaming days and training exercises—while funding for spare parts, depot maintenance and ammunition has been cut back.

This emphasis on readiness over sustainability, however, has a down side and I think we ought to all start thinking about that down side. It not only in the short term and long term begins to jeopardize the future combat staying power of our forces, but it will also ultimately result in lower readiness of our military forces as the supply and logistics base of the force is eroded.

So there are balances and tradeoffs between readiness and sustainability, and eventually the sustainable in our forces impact readiness itself, and, of course, we are going to have to pay more attention to that kind of crucial balance. It is not enough to simply talk about training and operating and steaming hours and flying hours; we also have to recognize that we are beginning to pay a price on sustaining those forces and we have to be careful that the balance is appropriate.

In the area of military construction, funding for four Navy homeports in the Gulf of Mexico region was increased above the levels in the amended budget request to those in the original budget request for fiscal year 1989. All funding requested for the Everett, WA homeport—$53 million—was deleted because continuing environmental problems have prevented obligation of a large part of the funds provided in fiscal years 1987 and 1988. The committee will continue to review this project over the next several months.

Senator DIXON and Senator HUMPHREY, the chairman and ranking member of the Subcommittee on Readiness, Sustainability and Support, deserve a great deal of credit for their strong efforts to preserve the readiness and sustainability of our military forces.

MANPOWER AND PERSONNEL

The committee's actions in the area of defense manpower were guided by an effort to ensure that the recent gains in personnel readiness were protected; that manning levels adequately supported the programmed force structure; and that military personnel were treated equitably in terms of compensation and benefits.

In the area of manpower strengths, the amended request proposed a reduction of 34,100 personnel from the currently authorized active duty strength levels for fiscal year 1989, with 23,100 of the decrease in the Air Force alone. The committee approved these reductions and mandated additional decreases of 500 officers in both the Army and the Air Force based upon a Department of Defense officer reduction plan.

With regard to Reserve and National Guard manpower, the amended request recommended a freeze in almost all components at current levels. This action is consistent with the guidance that the committee provided to the Department of Defense last year on the Reserve components' need to correct severe skill qualification problems, especially in combat support and combat service support units, before accepting any more missions. Accordingly, the committee approved the requested levels.

In a package of improvements in military pay and benefits, the committee approved a 4.3-percent pay raise for military personnel and an expanded aviator bonus for pilots to address retention problems in the Navy and the Air Force. In addition, the committee increased household goods weight allowances as a step toward reducing the out-of-pocket costs that military personnel currently absorb when they are required to move.

To correct severe manning problems in critical medical skills, the committee approved an increase for certain medical special pays for active duty physicians and a health professional affiliation bonus test program for the Reserve components. In the area of personnel management, the committee approved changes to statutory officer promotion procedures that clarify potential ambiguities in the process.

The committee also approved 19 modifications to the joint officer management policies of the Goldwater-Nichols Defense Reorganization Act. These changes would shorten joint tour lengths, provide more flexibility in the selection and assignment of joint specialty officers, and instititute more equitable policies for crediting officers with joint duty service.

I congratulate Senator GLENN and Senator WILSON for their customary excellent work as chairman and ranking member of the Manpower and Personnel Subcommittee.

Senator GLENN and Senator WILSON, the chairman, the ranking member of the Manpower Subcommittee, deserve a great deal of credit in this area. They also had several sensitive personnel matters that they had to handle over the course of the last 12 months. They have spent an enormous amount of time in this area, and they deserve a great deal of credit.

GENERAL PROVISIONS

There are several general provisions in the bill which I want to bring to the attention of my colleagues.

One of these provisions I have already alluded to, and that is the committee's initiative to provide the Secretary of Defense a one-time "window of opportunity" to make the current military base structure more efficient.

Secretary Carlucci recently announced the formation of a bipartisan commission to review the infrastructure of our military bases and to recommend candidates for closure or realignment. This commission would have the benefit of a parallel effort by the Secretary to examine Defense Department bases overseas. Savings from closing or realigning military bases have been estimated at between $1 and $5 billion per year.

So we are not talking about small change. Here we are talking about big savings if it is properly implemented as envisioned.

The committee strongly supports Secretary Carlucci's efforts to make our military base structure more efficient. However, we also realize that unless we streamline the existing procedures that apply to base closures, it is very unlikely that any major bases will be closed and any significant savings realized. For this reason, the committee bill includes a provision which would provide a one-time waiver of certain procedural requirements regarding those base closure and realignment actions recommended by the commission and approved by the Secretary of Defense. The provision requires an environmental evaluation by the Secretary and provides for concessionary or no cost conveyance of excess Federal property to State and local government jurisdictions if the property is part of a government-sponsored plan for the economic redevelopment of the closed military installation.

The committee bill also includes a provision repealing the requirement for the Department of Defense to purchase 300,000 short tons of anthracite coal in fiscal year 1988. The Defense Department currently has a 4-year supply of anthracite coal on hand, and there is no current or foreseeable requirement for the purchase of this anthracite coal. The committee concluded that the $20 million cost of purchasing this coal is a waste of scarce operation and maintenance resources in light of possible cutbacks in operating tempos and furloughs of civilian personnel in fiscal year 1988.

The committee approved a provision giving the Defense Department increased authority to transfer funds between accounts in fiscal year 1988. This enhanced authority is necessary to allow the Department to avoid furloughs of civilian personnel and to pay certain "must pay" bills for which funds were not requested in fiscal year 1988.

Finally, the committee bill provides a supplemental authorization for fiscal year 1988. This provision authorizes certain programs for which the amounts appropriated exceeded the amounts originally authorized in fiscal year 1988. In addition, the provision denies obligational authority for the following programs, projects and activities which were appropriated in fiscal year 1988: the Maxicube Cargo system, coastal defense augmentation, P-3C aircraft, and the AN/SQR-17A acoustic processor. The committee bill transfers the $233.8 million originally appropriated for these programs to the operation and maintenance accounts of the military services to meet the costs of civilian personnel and avoid furloughs in fiscal year 1988.

Mr. President, I want to reiterate my earlier comment that this bill meets the budget authority and outlay targets of the deficit reduction agreement and the fiscal year 1989 budget resolution. And that means that we are exactly on those targets. This means that any amendment that adds money to the bill will cause the bill to be over the budget targets. We have worked very hard in the committee to meet these budget targets. For that reason, the committee—and I cannot speak for everyone, but I think certainly the leadership of the committee, Senator WARNER and myself—will oppose any amendment that adds additional budget authority or outlays to the bill unless the amendment includes offsets to pay for the add-on. In other words, we have to have a zero sum approach to this bill on the floor if we are going to keep it within the budget targets. If we start having add-on amendments without an indication of where those amendments will find funding to prevent an overall increase in this budget, we are going to have real problems. So we will view any such amendment with a great deal of skepticism.

In closing, Mr. President, I again wish to thank the ranking member, Senator WARNER, for all of his assistance. The committee voted unanimously to report this bill, which is an indication of the strong sense of cooperation and coordination which marked the committee's work on this bill. It has been a pleasure to serve with Senator WARNER on the Armed Services Committee, as it has in past years. I congratulate him and his fine staff, Carl Smith and others, for their splendid work on this bill.

Mr. President, this National Defense Authorization Act for fiscal year 1987 represents the culmination of a great deal of hard work by the members and staff of our committee. It is a good bill which will strengthen the Nation's defense posture. I urge my colleagues to support this bill.

With that, I have given at least an overview of the bill. There are a lot of different provisions that I know the subcommittee chairmen are going to want to emphasize. I urge that the subcommittee chairmen be prepared to come over and present the subcommittees' detailed analysis of these various provisions as the day goes on. I know Senator WARNER is going to make remarks, but for those subcommittee chairmen who are observing the proceedings from their own office or listening in, or their staffs, I would say that in the neighborhood of 15 to 20 minutes we would be prepared to have the subcommittee chairmen and ranking members come over and make their presentations.

Mr. President, again I thank my colleague from Virginia.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I join the distinguished chairman of the committee in suggesting that our subcommittee chairmen join us on the floor. As a matter of fact, this Senator proposes to take a very brief time because our chairman, in a very fair and objective manner, has outline in considerable detail the work of the committee, and I shall try to avoid repetition. Furthermore, the chairman and I are due to be in the Intelligence Committee in about 25 minutes or so. I hope that some of our colleagues would come as soon as they can.

Mr. President, I again wish to commend the chairman and all members of our committee. We in the Senate take pride in our committees—but I somehow take special pride in the Armed Services Committee; indeed, the Presiding Officer is a distinguished member of our committee—of the bipartisan manner in which we attend to our responsibilities, which are not inconsiderable, indeed not only in terms of sums of money, but overall responsibility for the Nation's defenses. I am proud to be a member of this committee.

I, likewise, join with the distinguished chairman in praising the work of our staffs. All too often, we wait until the last minute—sometimes 2 or 3 or 4 o'clock in the morning—to acknowledge the work done by the staffs. So I think it is appropriate that the chairman and I, at the opening of this discussion of the bill, thank our staffs for their work.

First, Mr. President, I would like to commend the chairman of our committee, Senator NUNN, for his exemplary leadership and the bipartisan approach he has consistently taken in our committee proceedings. The Nation is well-served by his experience and wisdom, and it has been a pleasure to work with him during our committee's deliberations on the Defense Authorization bill.

I would also like to commend the Reagan administration and Defense Secretary Carlucci for submitting a balanced defense program, given the stringent fiscal constraints imposed by the budget summit agreement last year. It has not been easy for the Defense Department to produce the budget that is before us today. This budget, which was submitted in February, had to be reduced by $32.5 billion in order to meet the budget summit targets agreed to in November. This gave the Defense Department barely 2 months to amend the entire defense spending plan. I assure you, the past few months have been most difficult for Secretary Carlucci and his assistants.

I think the chairman would join with me—we are in our 10th year together and prior thereto I served across the river in the Department of Defense—in saying that there is something extraordinary about the qualifications of Secretary Carlucci in the manner in which he has come in and picked up the reins of this massive department and has shown not only the ability to lead but the ability to make some tough decisions. He has made himself available to the chairman and to me and other members of our committee and, indeed, members of the Appropriations Committee who have comparable responsibility in shaping up the Nation's defense.

As a matter of fact, I think I have met with the current Secretary of Defense in the past 3 months more than I have his predecessors in several years. I think that it is to his credit that we have a weekly or biweekly breakfast, and then he frequently comes to the Hill. All of this develops what I call a consultative process, a much closer working relationship between the administration and the Congress; that type of relationship which, if we had that in years past, we might have had fewer difficulties.

Mr. NUNN. Mr. President, could I say in response to my colleague that I completely agree with his remarks. I think Secretary Carlucci has not only made some tough decisions, but he has informed people of those decisions; he consulted on them. Although we may not always agree and we may not always end up on the same side of each individual issue, the procedure by which he has applied himself has been, I think, most unusual and commendable. He has the toughest job in town, as far as I am concerned. He is having to make decisions that we postponed for quite a while.

Mr. WARNER. Mr. President, indeed, the chairman is correct. And he listens. I know of a number of areas in which he has included the Members of the U.S. Senate in the decisionmaking process.

Mr. President, the committee is recommending a defense authorization bill which, in compliance with the budget agreement, represents the fourth consecutive year of real decline in defense spending. This is a worrisome trend which must be reversed if we are to maintain our global commitments and continue the modernization of our military forces. I observe that the chairman, perhaps pragmatically, noted that for the years in the future, if we were to make zero real growth, it might be considered the best that we can attain, but I still remain optimistic that perhaps the next administration can provide at least 1 or 2 percent real growth. I think it is important to reverse this trend of 4 consecutive years of decline.

The defense budget reductions mandated by the congressional summit have forced the Pentagon to make some very unpleasant decisions. The chairman referred to the reduction of more than 34,000 personnel from the fiscal year 1988 authorization levels. The Air Force has deleted two fighter wings from its force structure and the Navy has postponed the activation of one of their carrier air wings. Mr. President, the Congress and the Nation must realize that we cannot continue to cut defense and expect to maintain a robust defense posture. We must face up to the requirement for stable real growth in defense spending if we are to remain the guardians of democracy for ourselves and other nations of the free world.

Mr. President, I am pleased that, despite the stringent fiscal constraints imposed on this bill, we were able to recommend the full 4.3-percent pay increase requested by the President for our military personnel. As you know, our people are our most important asset. The committee is concerned that the difference between military and civilian pay is once again causing highly skilled military personnel to exit the armed services. I am happy to report that the proposed 4.3-percent pay raise will help lessen the pay disparity between our military personnel and their civilian counterparts, and I strongly urge passage of this provision.

You are seeing the first signs of percentage retention rates which portend a loss of the career structure. That is a very costly thing to rebuild, and it takes time. So I am hopeful that this action on behalf of the Congress will stem that otherwise negative trend.

Mr. President, as we begin debate on the defense authorization bill today, we are all aware that the Senate will soon take up consideration of the INF Treaty. I support that treaty but recognize its ratification may affect the balance of forces in NATO, and perhaps alter our future defense requirements. That is a matter future defense secretaries will have to grapple with.

But the INF Treaty does not mean that we can begin suddenly a reduction in our defense spending. To the contrary, it translates into increases, particularly for our conventional forces.

But, for today, I believe the defense bill before you is balanced with respect to the post-INF environment. However, all of us need to understand that an INF agreement alone does not necessarily equate to reduced defense expenditures. On the contrary, we may be required to increase defense spending in order to enhance our capabilities in other areas, such as conventional modernization and theater nuclear weapons, if we are to continue to deter Warsaw pact aggression.

In the conventional area, the committee was able to continue the modernization of key programs, albeit at a slower pace, and increase funding in the armor/anti-armor area to supplement ongoing research. In the strategic area, modernization of key programs such as rail garrison MX, the B-2 Stealth bomber and D-5 missile will continue. The committee has also recommended an adequate funding level of $4.5 billion for SDI, which will take us closer to determining the real potential of our space defense concept.

Mr. President, I would want to, at the conclusion of my remarks, have printed in the RECORD, and I so ask unanimous consent, a letter that the chairman and I and Chairman ASPIN sent the administration in connection with the strategic program; namely, to provide adequate funding so that the next President can make the decision with respect to a mobile system or mobile systems for our strategic forces.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. **WARNER.** We have both the rail garrison and the Midgetman before us in this budget. I think that, although our figures are different than those of the House, once we conclude a conference we will be able to live within the spirit and framework of that letter and preserve those options for the next President to make the decisions.

Mr. President, I am particularly pleased with the base closure legislation the committee has recommended. The chairman and I have worked closely in drafting this legislation which I believe is both necessary and long overdue. This provision, if passed, will reduce defense expenditures without compromising national security, and in future years, allow our military to run more efficiently. I recognize this legislation is a political "hot potato," but I ask all my colleagues to consider the long-term merit of this approach and urge that we join in bipartisan support of this initiative.

Finally, Mr. President, my colleagues will recall that last year a provision concerning the ABM Treaty delayed consideration of the fiscal year 1988 defense authorization bill for several months.

That was an unhappy chapter in the history of the Armed Services Committee. It is now a closed chapter and we have had no repetition this year nor do I anticipate on the floor any repetition.

I am happy to report that this year our bill has very few provisions relating to arms control. This is most important at a time when the President is negotiating major arms control agreements with the Soviets, particularly with reference to the START agreement, and I think it is important that the Congress give its support to our President and that support can be translated in not putting on to this bill, or other pieces of legislation, provisions which, in the judgment of many, erode the authority given under the Constitution for a President to be a chief spokesman in foreign relations for this country and the chief negotiator.

I would hope that the Senate will keep this in mind as we consider the defense authorization bill. It is imperative that the Congress not send conflicting signals to the Soviets as these negotiations proceed.

The committee has, however, included last year's bill provision on restricting SDI expenditures. Although I feel this provision is unnecessary, based on Secretary Carlucci's assurance that no tests planned for fiscal year 1989 are inconsistent with the development and testing described in the April 1987 SDIO report to Congress, I voted—as did all members of our committee—to report favorably the defense authorization bill which is now before you.

Mr. President, I look forward to working with the chairman and all Senators in passing the fiscal year 1989 defense authorization bill. It is a balanced and reasonable defense bill, which was carefully constructed through the efforts of the administration and all members of the committee. I urge my colleagues to join with Chairman NUNN and me in supporting this important legislation.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, January 28, 1988.

Hon. FRANK C. CARLUCCI,
Secretary of Defense,
The Pentagon,
Washington, DC.

DEAR MR. SECRETARY: Following your informal conversations with Senator Nunn and Senator Warner over the last few days, we have discussed among ourselves a number of issues relating to the ICBM modernization program in the FY 1988 and FY 1989 budgets.

We believe that enough funding should be provided in these two years for the small ICBM program (including its hard mobile launcher, and its command and control system) in order for the total small mobile ICBM program to be sustained in development. By this we mean at least keeping together the teams that are working on the basic essential parts of the overall program. The objective should be to ensure that all parts of the small mobile ICBM program, including the alternate guidance effort, are maintained and moved forward in such a way that it presents a credible option for the next President as he makes decisions prioritizing the ICBM modernization program.

We also believe that enough funding should be provided to keep the rail-garrison MX program in development so that the next President will be able to make a decision about it as well. Given the difficult budgetary choices we face, it may be necessary to adjust funding levels within the ICBM modernization program to accomplish the objective of preserving both ICBM modernization options for future decisions.

Sincerely,

JOHN W. WARNER,
Ranking Minority Member.
SAM NUNN,
Chairman.
LES ASPIN,
Chairman,
House Armed Services Committee.

The **PRESIDING OFFICER.** The Senator from Georgia.

Mr. **NUNN.** Mr. President, I thank my friend from Virginia for his splendid presentation and also, again, for his cooperative work on our committee and his leadership for our Nation's security.

I would just like to say that I do not know what the schedule is going to be for the rest of the week. I do know that we will be on this bill today and tomorrow.

I know that there are a lot of people who have amendments. We have a list of probably 30 amendments now. I hope we have nothing like we had last year. Last year I know we went over 120. We stayed on this bill many, many hours, even after we got by the procedural hurdles that the Senator from Virginia alluded to a few minutes ago. I do not anticipate we will have a repetition of that this year.

But I would say to those who are saying; Well, we may be on the INF Treaty on Wednesday. Why bring up their amendment now? I believe they are misreading the situation.

First of all, we do not know whether we are going to be on the INF Treaty Wednesday. We will not know until tomorrow afternoon and we get through the Intelligence Committee and we have an opportunity to discuss with the leadership the results of the Intelligence Committee's findings.

Second point, if we do not get involved in the INF Treaty, it would be my intent—and we will be discussing this—it will be my intent to try to finish this bill this week.

That means that Members who are sitting in the office on amendments would be better served to come on over this afternoon and begin debating those amendments. So far we do not have many takers so Senators have clear sailing today if they want to bring up amendments. We have two or three we know are likely to come up but there would be a chance to debate any amendment for as long as the author of the amendment would like to debate it within reason. Then we will have a chance to vote on the amendment or dispose of it in a satisfactory fashion.

So my point is, and I hope the Senator from Virginia would agree with this, I would hope that members would come over and offer their amendments today and tomorrow. Because if we do not get to the INF Treaty on Wednesday morning, we are going to be plowing on through and trying to finish this bill this week.

I think, with the cooperation of all Senators, we can finish this bill this week. We have a number of amendments but we do not have any that are going to take 8, 10, 12 hours to debate that I know of. We do have several that will take 2 or 3 hours.

So I just urge all Members to come over this afternoon and begin debating your amendments and let us see if we cannot make a lot of progress in the next 2 days. Hopefully we can finish this bill this week if we do not bring up the INF Treaty on Wednesday and, if the treaty is brought up, hopefully we can get back to this bill and finish it in a 2- or 3-day period.

We do not intend to spend weeks on this defense bill this year. We simply do not have the luxury of doing that.

It is not a matter of intent. If we do not get the authorization bill passed, the appropriation bills get held up. We all know we are working to get most of those appropriation bills passed this year. We know we are trying to avoid a continuing resolution this year and we know we have two major party conventions in the summer. We are trying to get through in time for the November elections.

So, it is not a matter of liking to get this bill completed. We have to get it completed. I would hope all Members would listen carefully to those suggestions and will come over this afternoon and have your amendments. We would like to handle five, six, seven, eight amendments between now and early evening tonight. I hope we can handle 10 or 12 or 14 amendments tomorrow.

If we can do that we will be within sight of finishing this bill with a couple of more days of hard work.

Does the Senator from Virginia want to make any comments on this point?

Mr. WARNER. Mr. President, I thoroughly support the comments made by the distinguished chairman. While there remains some uncertainty with respect to the scheduling of the INF Treaty and the present bill, that is above our pay grade, as we say in the military. Therefore, the responsibility of the chairman and myself is to proceed expeditiously with this bill.

We hope that our colleagues will view the responsibility that the chairman and I have in that light and come forward and give us their support and assistance by allowing the Senate, as a whole, to examine such amendments as they think appropriate.

PRIVILEGES OF THE FLOOR

Mr. NUNN. Mr. President, I ask unanimous consent that a list of key staff members of the Armed Services Committee be entered in the Record and that these members be permitted floor privileges during the course of debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The list of staff members is as follows:)

Gerald Kent Bankus, Robert F. Bayer, Robert G. Bell, Tiffany E. Berger, Robert F. Bott, Barbara B. Brown, Romie L. Brownlee, Lucia M. Chavez, Christine Cowart Dauth, Brian D. Dailey, Marie F. Dickinson, Andrew S. Effron, Jonathan L. Etherton, Richard D. Finn, Jr., Judith A. Freedman, Barbara C. Gallo, Colleen M. Getz, Sherri Wasserman Goodman, John J. Hamre, Elizbeth Ann Harlow, William E. Hoehn, Jr.

Lori M. Jackson, George K. Johnson, Jr., Mary J. Kampo, Ronald P. Kelly, James R. Locker III, David S. Lyles, John N. McConnell, Thomas K. McConnell, Michael J. McCord, Norman G. Mosher, Federick F.Y. Pang, Cindy Pearson, Pamela G. Powell, Debra A. Rice, Mark B. Robinson, Ann Elise Sauer, Inga B. Schoonover, Patrick A. Tucker, Patricia L. Watson, Daniel J. Wildfong, Mickie Jan Wise.

Mr. NUNN. Mr. President, I have looked over this list of key staff on both sides, and I hope under the splendid leadership of Mr. Smith and Mr. Punaro, that we can keep the staff on the floor to a minimum during this debate, recognizing this does cover a wide scope and we have a number of subcommittees. From time to time, each of these people on this very long list of staff members, I must say, will perhaps be needed on the floor. This is an inclusive list, and we hope we will keep the number of staff people down. Realizing the absolute essential nature of their work, we would like them to have access to the floor.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Sanford). Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I believe that our proposed fiscal year 1989 Defense Authorization Act represents a major milestone in restoring the kind of sound bipartisan consensus on defense that is absolutely essential if this Nation is to provide the military forces it needs to deter war and if it is to meet its major commitments at the time when it faces such serious constraints on defense spending.

Both the chairman of the Senate Armed Services Committee, our esteemed Senator Sam Nunn, and the ranking minority member, Senator John Warner, deserve high praise for the way in which they have focused our discussions and debates on the key issues that shape our Nation's defense policy in a bipartisan and patriotic fashion.

I also believe that they, and my colleagues on the committee, deserve praise for the way in which they have worked with the Secretary of Defense and the military services to focus on key priorities like the modernization of our conventional forces, and have done so without attempting to make major changes in a sound and well-reasoned defense budget submission.

"Micromanagement" is simply bad management, and I think it should already be clear to the rest of my colleagues in the Senate, that we have acted to strengthen an already sound defense budget, and to make it more cost-effective, rather than to reinvest or weaken it.

I must, however, note that this year's bipartisan cooperation is the result of two factors. The first is the effort of President Reagan and Secretary of Defense Frank Carlucci to find a defense program that will preserve our Nation's security in the face of the need to limit defense spending and cut our massive Federal deficits.

If we have not begun with a realistic budget submission, and if we had not accepted the painful price of 4 consecutive years of cuts in real defense spending, we could not have approached the quality of the Authorization Act we are now submitting to this House.

The second factor is that the Senate Armed Services Committee shared a common understanding of the threats this Nation faces, and of what must be done to preserve our current capability to limit and deter war.

Thanks to Senator Nunn and Senator Warner, we have developed a good working understanding of the strengths and weaknesses of arms control. We have come to realize that we must modernize and preserve our forces in ways that will lead the U.S.S.R. to accept and comply with arms reductions that really do reduce the risk and cost of war.

Unfortunately, this understanding does not exist on a national basis, or even within the Congress as a whole. We have become far too polarized on many issues where no clear picture exists of the trends in the balance or of the risks we face. We will always differ on many issues, but it is essential that we begin with a common set of facts, and that we clearly relate our defense spending and arms control debates to those facts.

This is why, as one of my contributions to this year's Defense Authorization Act, I have focused on strengthening the kind of budget submission and arms control compliance reporting that will help support such a consensus in the future. I must immediately state that in doing so, I have built on the work of my colleagues in both the Senate and House Arms Services Committees, and that I have had strong bipartisan support.

This is also why I am proud to call the attention of the Senate to the sections of the Authorization Act which call for future budget submissions to be accompanied with strong and comprehensive net assessments that show how these budget affect the military balance and our ability to meet our military commitments.

I believe that such changes are essential to complete the Goldwater-Nicholls reforms, and to preserving a focus on the real defense issues in future years.

I sincerely hope that in future years, we will not be driven to choose our level of defense spending by the size of the Federal deficit. Once we are free of the specter of the deficit, however, we again will have to make hard choices between security and domestic needs.

If we are to do this in a spirit of consensus, we will have to fully understand the impact, or output, of the budget on our ability to meet our commitments and not simply the cost of its inputs. We will also need to understand the trends in our forces, those of our allies, and those of the threat. We will need data that examine both the quantitative and qualitative trends in the balance, and we need data that are directly comparable and realistic.

At the same time, we will need to understand that we cannot divorce defense planning from the search for effective arms control agreements that can stand the test of time. This is why we need the new arms control reporting and enforcement language in the Defense Authorization Act.

We must make every effort to develop a bipartisan consensus around our arms control strategy, we need a common understanding of how arms control affects the trends in the military balance and the incentives to go to war or escalate a conflict. We need this in a form that will allow us to link our decision making on the defense budget with our foreign policy needs.

The Senate version of the fiscal year 1989 Defense Authorization Act thus can do more than simply reflect this year's effort to develop a "defense consensus." If the report language on net assessment and arms control is enacted, it will help us move toward a similar consensus in future years. It will help us avoid micromanagement and to focus on the real issues. And, it will help us to establish an essential linkage between defense planning and arms control.

I look foward to working with my colleagues in this body and in the House on this issue now and in the future.

Again, Mr. President, I express my appreciation for the outstanding work done by our distinguished chairman, Senator NUNN, and our distinguished ranking minority member, Senator WARNER. I believe we have put together a package that the American people will appreciate and that will ensure that we are addressing this Nation's vital national security interests not only in the year to come but in the decades ahead.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise to add my words of congratulations to the excellent job my friend, the senior Senator from Georgia, has done as chairman of the Armed Services Committee in fashioning what I believe to be strong, well-balanced legislation. I also commend the distinguished Senator from Virginia, Senator WARNER, the ranking member of the committee, for his bipartisan cooperation that was so necessary in putting together the bill now before the Senate.

I continue to believe that the amended budget request for $299.5 billion is not satisfactory to meet our defense needs. For 4 years in a row we have seen a real decline in defense budgets. However, I feel this bill well represents our national priorities and it certainly has my support.

As a member of the Armed Services Subcommittee on Manpower and Personnel, I am especially proud of the committee's recommendation of a 4.3-percent pay raise for military personnel. This represents the largest increase in basic pay since 1981. The committee also approved an expanded aviator bonus for Navy and Air Force pilots as well as an increase in certain medical special pays for active duty physicians. This was long overdue and much needed.

I mentioned earlier that this is well-balanced legislation. I believe that balancing our need for strong nuclear deterrence with well-equipped, well-trained conventional forces was the most difficult task before us. The committee's exhaustive set of hearings on the INF Treaty has served to highlight this need.

In regard to strategic programs, the committee authorized full funding for the MX missile, the advanced cruise missile, the Trident submarine, the advanced technology bomber and the Trident II missile; $700 million was authorized for the rail Garrison MX Program and $50 million for the small ICBM.

I am most pleased with the funding level for the strategic defense initiative. A total of $4.55 billion for SDI research, with a floor on funding for the advanced launch system, the ERIS and HEDI programs and BSTS represents a healthy increase in this most necessary program, while at the same time setting priorities.

After most compelling testimony in the conventional forces and Alliance Defense Subcommittee, the committee recommended an additional $208 million in funding toward a comprehensive set of programs to address critical armor/antiarmor deficiencies. I commend my friend from Michigan, the subcommittee chairman, Senator LEVIN for his leadership in this initiative and his concern about the imbalance.

With respect to Army missile programs, the committee augmented funding for the Pedestal mounted stinger by $25 million to a total figure of $117 million to procure additional units. The committee fully funded the Patriot air defense missile system, the Hawk air defense missile system, the multiple launch rocket system, the Stinger missile and the Army tactical missile system, as well as other Army missile programs. The committee also included an additional $50 million for extended air defense. Furthermore, the committee fully supported funding for research and development of the Fiber Optic guided missile [FOG-M].

In considering this legislation I ask my colleagues not to be deceived into thinking that we can get by on fewer defense dollars as the result of arms control. There has been no evidence of a Soviet shift in behavior. Soviet military spending has increased by 3 percent per year during General Secretary Gorbachev's reign. Dr. Brzezinski, National Security Advisor to President Carter, has stated that the Soviet Union is now spending 19 percent of its gross national product on their military. The U.S. share is about 6.5 percent.

Moreover, the Soviets have modernized their conventional forces across the board in the 1980's, including tanks, artillery, fighter aircraft and surface and submarine combatants. The Warsaw Pact continues to hold a significant advantage in divisions, tanks, artillery, fighter aircraft and bombers over NATO forces.

Mr. President, in an era of budget constraints, this legislation represents the best possible tradeoffs between strategic and conventional needs, while protecting gains in readiness, sustainability and manpower compensation. It was achieved in the true spirit of bipartisan cooperation. I intend to give it my full support. I ask my colleagues to do the same.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I am glad the defense authorization bill has come to the floor. I am glad to participate in this discussion about the major features of the bill that we have this year. I know we usually give our statements on these things and then we, at the end of the statement as an afterthought, give credit to the staff that has worked on this legislation.

I would like to reverse that at this time, because I think that our staff on the Manpower Subcommittee that I chair has done an outstanding job, I want to give full credit to Fred Pang, who is with me here, to Patty Watson, and David Lyles, who formerly was our staff director on this subcommittee and worked with us a lot this year even though he has moved into working on a broader gauge now with the whole committee; those three, and also Pat Tucker, the minority staff director, who have done an oustanding job in putting this whole piece of legislation together. We have had a lot of manpower considerations this year. I just wanted to give them due recognition.

Senator PETE WILSON, ranking minority member of the subcommittee, also has been outstanding in his efforts. We work together in a spirit of teamwork and cooperation in putting together what I feel is a truly responsible package that takes care of our manpower readiness requirements and our commitments to our individual service members.

So I want to thank all of those people up front for the excellent job they have done this year.

Mr. President, I want to commend the chairman of the Committee on Armed Services for his leadership in putting together a bill that I believe keeps faith with the investments and the commitments that the Congress has made toward improvements in our national security.

I believe we have a balanced bill that addresses both our longer term modernization and force structure needs. I think the bottom line is that we have placed a priority on combat readiness which is the muscle of our national security. Nothing else matters much beyond that. To me in our deliberations that is always the bottom line. Does it contribute to combat readiness or does it not? We can reorganize the Pentagon, we can do all sorts of things. We can take individual matters into consideration but do they sum up to a bottom line that says yes, we have increased combat readiness? I think we can say that this bill does this this year.

Mr. President, as chairman of the Subcommittee on Manpower and Personnel let me say that the actions we took on manpower and personnel were guided by the general philosophy that we should support the very hard, tough choices the Secretary of Defense had to make in arriving at the defense budget level agreed to at the budget summit last year in December.

In keeping with this philosophy, we sought to ensure that the gains in personnel readiness were protected, that manning levels adequately supported the programmed force structure and that military personnel were treated equitably in terms of compensation and benefits.

In the areas of manpower strengths, the amended request proposed a reduction of 34,100 from the currently-authorized active duty strength levels with 23,100 of the decrease in the Air Force. We have approved these reductions and mandated an additional decrease of 500 officers in both the Army and the Air Force based upon the Department of Defense officer reduction plan.

With regard to the Reserve and National Guard manpower, the amended request recommended a freeze in almost all components at current levels. This action is consistent with the guidance that we provided to the Department of Defense last year on the Reserve and Guard components need to correct severe skill qualification problems, especially in combat support and combat service support units before we accept any more missions for the Guard and Reserve. This was a prime consideration. But having taken those into consideration, than we approved the requested levels.

A contentious issue we had to deal with over the last couple of years is the 6 percent officer strength cut that we had mandated. I beleive we have finally breached the stonewall mentalities that the Department of Defense had taken on this issue. In a report submitted to the Congress in March, the Department of Defense indicated that 23 percent or 7,733 of the officers added between fiscal years 1980 and 1986 could not be validated based on identifiable requirements. This finding clearly indicates that we were justified in our concern over the lopsided growth in officers compared to the enlisted force over that period.

I might add that during that period there were some 60,000 enlisted, an increase in overall end-strength in the Department of Defense, and about 31,000 officers added, a 2-to-1 ratio. We worked on this the last several years, and I think this shows that we absolutely were justified and that the Department of Defense now has come around to indicate that they could not validate the 7,733.

In fact, the reductions the services took in fiscal year 1987 and fiscal year 1988 as a result of our mandate amounted to a total reduction of 6,176 officers or 2 percent from the fiscal year 1986 base. So these reductions have removed all but 1,557 of the excess DOD identified in its report. I am certain that this would not have happened had we not persevered in our demand for an accounting for this growth and sticking with our mandated reductions to put force behind this demand.

Since the report was submitted, the Department of Defense has identified officer conversions and reductions that would reduce officer strength by another 4,100 over fiscal year 1989 and fiscal year 1990. I point this out because these reductions show some responsible movement on the part of the Department of Defense to take officer reductions that are somewhat consistent with overall force reductions programmed over that period.

On the basis of this report and the further reductions identified, we repealed the fiscal year 1989 2-percent cut, and in its place directed the reduction of 1,000 officers, 500 in the Army and 500 in the Air Force, that the Department of Defense has identified as the fiscal year 1989 portion of its reduction plan. We would carry the 2-percent reduction for fiscal year 1990 into conference with the House because the House Armed Services Committee has recommended a straight repeal of the officer reductions. In conference, we would have the option of dropping the remaining 2-percent cut in fiscal year 1990 or taking the additional 3,100 reduction the Department of Defense has identified in its officer reduction plan for fiscal year 1990. In fairness to the House Armed Services Committee, the DOD officer reduction plan for fiscal years 1989 and 1990 on which the action we propose is based was not available to the House when it conducted its markup.

This is not to say that the DOD is out of the woods on this issue. At Manpower and Personnel Subcommittee hearings on March 17 and March 24, we got into the issue of overmanning in colonels in the Military Airlift Command in the Air Force. The Air Force has yet to refute with facts the indication in a Military Airlift Command letter that there is a surplus of 250 colonels in the Command. Accordingly, we reduced the Air Force by 125 colonels from its authorized number in fiscal year 1989, and by another 125 in fiscal year 1990, for a total reduction of 250.

Further, a study that was conducted at the direction of Secretary Carlucci on the manning of unified and specified commands and supporting component headquarters which indicates a potential surplus of 7,200 spaces indicates to me that we need to continue to keep a close eye on the officer strength issue.

In a package of improvements to military pay and benefits, we approved a 4.3-percent pay raise for military personnel and an expanded aviator bonus for pilots to address retention problems in the Navy and the Air Force. In addition, we increased household goods weight allowances as a step toward reducing the out-of-pocket costs that military personnel currently absorb when they are required to move. To correct severe manning problems in critical wartime medical skills, we approved an increase for certain medical special pays for active duty physicians and a health professional affiliation bonus test program for the Reserve components. Finally, in the area of personnel management, we approved changes to statutory officer promotion procedures that clarify potential ambiguities in the process.

Mr. President, this concludes my summary of the action we took in the manpower and personnel area.

Before I relinquish the floor, though, I would like to address an issue which I believe should be of concern to the Senate. It is indirectly related to the bill that we are considering, and I think it is appropriate to bring it up here.

Mr. President, one of the major concerns of both Federal civilian and military personnel this year is what the pay raises will be for each community. The amended budget the President has submitted for fiscal year 1989 proposes a 2 percent raise for Federal civilians and a 4.3 percent pay raise for military personnel.

As the chairman of the Subcommittee on Manpower and Personnel of the Committee on Armed Services, I strongly support the 4.3 percent pay raise for military personnel in the amended National Defense authorization request for fiscal year 1989 which we approved in our bill. I believe this pay raise, which has been identified by Secretary of Defense, Frank Carlucci, as the top Defense priority for fiscal year 1989, is needed to sustain the necessary recruiting and retention levels in our military forces. It is also needed to keep military pay from falling further behind private sector wage increases—an 11 percent deficit for military personnel even with the 4.3 percent pay raise for fiscal year 1989.

At the same time, as chairman of the Committee on Governmental Affairs, I am distressed that the President has budgeted only a 2 percent pay raise for Federal civilians in fiscal year 1989. It seems to me that Federal civilians are a forgotten community when it comes to pay equity, and this is unfortunate and discriminating.

Under current statutes, Federal civilians are supposed to be paid salaries that achieve comparability with their private sector counterparts. The index used as a measure of comparability is the Professional, Administrative, Technical, and Clerical [PATC] index. Because this was a stable system/military pay raises were linked to Federal civilian pay raises. This was done by the so called Rivers Amendment in 1967. The amendment provided an automatic mechanism for military personnel to get the same percentage pay raise and at the same time as Federal civilians. Before then, military pay raises were authorized separately at the pleasure of the Congress.

This system, which is still provided for in permanent law, was designed to provide an equitable system for taking care of the compensation of our Federal civilian and military personnel.

However, what has happened since 1977 is that the President, as he is authorized to do, has submitted an alternative plan every year that has proposed Federal civilian pay raises at rates less than called for by the PATC index. The Congress did not act to overturn these alternative pay plans. As a result Federal civilian pay is about 24 percent behind private sector pay as measured by the PATC index.

I repeat: Federal civilian pay is now 24 percent behind the private sector pay as measured by the PATC index, the index that was supposed to give us the comparability for setting these levels of pay.

The first community to feel the negative effects of the lower alternative pay raises the President has submitted each year, was the military. Because military pay raises were linked to civilian pay raises, military comparability eroded at the same rate as Federal civilian pay comparability to the private sector. The result for the military was literally a hemorhage of talent that caused severe manpower readiness problems, especially in the Army and Navy, and they were drastic.

To respond to these problems that we were losing all of our good people, the Congress enacted a 11.7-percent pay raise for military personnel in 1980 and another 14.3 percent pay raise for military personnel in 1981. These pay raises essentially restored military pay to private sector comparability. However, because the linkage between Federal, civilian, and military pay raises is only in one direction; that is, military pay is raised when Federal civilian pay is raised but not the reverse, Federal civilian pay raises continued to be based on the lower alternative pay plans submitted by the President.

Now I guess we could say the worm has turned and what happened to the military in the late 1970's is beginning to happen in the Federal civilian work force and I think it is time we recognize this and do something about it. I think the first step is for us to get back to the way permanent law is supposed to work. Obviously, it would be outside of budget reality for us to make up that 24 percent gap between Federal civilian pay and private sector pay in 1 year, and I do not propose this. However, I think the President needs to give serious consideration about what he does in his alternative plan for Federal civilians and attempt to make some progress in closing the gap.

We can make a good case that we are beginning to lose some of our finest people out of the civilian Federal workforce.

Finally, I think the linkage of military pay raises to Federal civilian pay raises, which has been rendered inoperative by the Congress since 1980 anyway, is no longer appropriate and should be repealed.

What we have are two unique communities who work under different terms and conditions of service. The compensation systems of these two communities are vastly different and there is no real comparability except both are part of the Federal Government. Therefore, it seems to me that there has never been a good reason for the linkage except for just convenience's sake.

So it seems to be that what we need to establish are equitable standards under which these communities ought to be paid. For Federal civilians, the PATC index is a reasonable standard and we should work toward that standard. On the other hand, the occupations covered by the PATC index are really not very representative of military occupations. So what we should be working toward is establishing a reasonable standard for the military, such as the Employment Cost Index [ECI] which the military refers to more than they do to PATC anyway and the ECI index, employment cost index, is much more representative of most military occupational specialities.

My bottom line is that we need to get back to a permanent system for determining pay raises for our Federal civilian and military personnel. This is an objective I intend to pursue vigorously as we deal with the budget in this and coming years.

Mr. President, I want to close again with the words I opened with today, and that is I want to give full credit to Fred Pang, who is with me here on the floor; and to Patty Watson, who did so much work on this; and David Lyles; and Pat Tucker, who is the staff director for the minority on this subject, who I see over on the other side of the aisle in the back of the Chamber.

I also recognize once again the efforts of Senator PETE WILSON, the ranking minority member of this subcommittee.

We worked together in a spirit of teamwork and cooperation in putting together a responsible package that takes care of our readiness requirements and our commitments to our individual service members. I want to thank the Senator from California for his hard work.

Mr. THURMOND. Mr. President, the bill that we are considering today, S. 2355, is the product of 4 months of review by the Senate Armed Services Committee. I would like to commend our able committee chairman, Senator SAM NUNN, and our able ranking minority member, Senator JOHN WARNER, for the work that they have done in bringing this bill to the floor.

The committee has held extensive hearings, briefings, and staff meetings during the review of S. 2355. The bill before us today totals $299.5 billion in budget authority and $294 billion in outlays. This is $33 billion less than the original fiscal year 1989 request submitted to the Congress last year as a part of the first biennial budget request for the Department of Defense. The lower figure is a product of the budget summit agreement entered into last year by the administration and the Congress.

The distinguished managers of the bill did an excellent job in setting committee priorities in a year that also saw our committee conducting numerous hearings on the Intermediate-range Nuclear Forces Treaty. The committee has sought to assess the impact of the INF Treaty on the conventional balance in Europe and provide a defense budget reflecting increased emphasis on certain important programs.

While we have undertaken an indepth review of many conventional forces issues, the committee recognizes that peace has been maintained to a large degree by nuclear deterrence. Accordingly, we are recommending full funding for critically important strategic programs. Among these programs are the Trident II or D-5 missile, the advanced technology bomber, the advanced cruise missile and the Trident submarine. The committee also recommends $4.55 billion for the strategic defense initiative, which is only $291 million less than the combined requests for the Departments of Defense and Energy.

Two strategic programs that have received much congressional scrutiny, Rail-Garrison MX and the small ICBM were reduced by the committee without prejudicing a decision for the next President to proceed with one or both programs. Given the huge costs of the small ICBM compared to Rail-Garrison MX, and the reduced defense budgets that we will be considering, I favor terminating the small ICBM Program now.

Mr. President, another area of serious concern for the committee has been the erosion of the value of military pay in recent years. Compensation for our service personnel has fallen farther and farther behind the private sector. Therefore, we are recommending full authorization of the 4.3-percent pay increase requested by the administration. Not requested by the administration, but recommended by the committee, are increased bonus pay for military doctors. The committee takes this action in an attempt to reduce the exodus of highly skilled military medical professionals from the military. The committee has also tasked the Department of Defense to forward to the Congress a comprehensive plan for adjusting the pay scales of military medical personnel.

This year, as we have done in past years, the committee recommends some additional funding for high priority National Guard equipment. In this budget is $160 million for eight C-130 H model aircraft, $150 million for unspecified equipment and $130 million for M-1 tanks.

Given the spending constraints imposed by last year's budget summit agreement, we have recommended a defense authorization bill that will protect vital programs during a period of force structure reduction. I urge all of my colleagues to support this bill.

Mr. President, I want to thank the able chairman of the subcommittee and the acting manager of the bill at this time, the distinguished Senator from Illinois, for his kind remarks.

Mr. GLENN. I thank the Senator and the staff members for their very hard work.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2003

(Purpose: To strike the provision in the bill concurring purchase of alcohol beverages for resale on military installations)

Mr. DIXON. Mr. President, at this time, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON] proposes an amendment numbered 2003.

On page 158, strike lines 8 through 25, and on page 159, strike lines 1 through 8 and renumber the remaining sections accordingly.

Mr. DIXON. Mr. President, the Senate has considered the amendment I sent to the desk on two prior occasions. As a matter of fact, in each of the last 2 years debate on the DOD authorization bill, this same amendment came before the U.S. Senate. Once again, the Armed Services Committee has provided that military installations around the country, could purchase beer and wine from any source in the United States, contrary to existing law which requires that the beer and wine for military installations would be purchased from within the State.

In the past 2 years, Mr. President, the amendment to delete the committee language has been adopted overwhelmingly—2 years ago, by a vote of 66 to 29 and last year by a vote of 56 to 41.

So, even though the committee has had a majority in favor of the provision in the bill, the Senate has, in both previous years, adopted by overwhelming majorities an amendment to delete it. While I am a member of the committee and chairman of one of the subcommittees, Mr. President, I voted against this provision in the bill in committee and reserved my right to speak against the provision on the floor.

The leader and others have indicated a desire to move as expeditiously as possible to amendments.

I am sure that every Member agrees with the leader because this bill takes a long time. My recollection is it took 12 days last year. We would like to expedite the bill.

So, as one of the managers on the floor, along with the distinguished chairman of the committee and the manager of the bill, Senator NUNN, I want to indicate we want Members to come over and offer their amendments.

So we are going to go to this amendment and dispose of one of the issues we know we will face along the line. I am going to conclude now, Mr. President, and let my distinguished friend from Ohio, who is one of the advocates of the provision in the bill in the committee, be heard. I would hope that we can conclude this matter rather expeditiously.

My friend from Texas, whose views are well known, will also express support for the committee position.

I am asking that the Members support the amendment I am offering. I hope we can get a rollcall on this within the next half hour to 45 minutes, Mr. President. I will keep my remarks very brief and would yield the floor, Mr. President, so others may be heard in opposition to my amendment.

Mr. BYRD. Mr. President, before the Senator yields, would he respond to an inquiry?

Mr. DIXON. I am delighted to respond to the leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator. Would it be possible to get a time limitation on this amendment so that Senators would know when a vote will occur?

Mr. DIXON. May I say to the leader I would be absolutely delighted to do that. I am looking at the clock. It is 1:50.

This Senator would be delighted to have a rollcall by, 2:30, 2:45, or whatever hour would suit the leader.

Mr. BYRD. Mr. President, would there be general agreement among Senators here that we could set a vote on this amendment to occur at 2:45?

Mr. DIXON. I would have no objection to that.

Mr. GRAMM. Or a motion to table, if there is one.

Mr. DIXON. I have no objection, Mr. President.

Mr. BYRD. Mr. President, I ask unanimous consent that a vote occur on or in relation to this amendment at the hour of 2:45 p.m. today and that the time between now and that point of time be equally divided between Mr. DIXON and Mr. GRAMM.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

Mr. BYRD. Mr. President, this kind of agreement does not bar an amendment to the amendment, does it?

Mr. DIXON. I am willing to do so, straight up and down, or a tabling motion.

Mr. GRAMM. We will want to table it.

The PRESIDING OFFICER. Yes, an amendment to the amendment would be in order.

Mr. BYRD. Mr. President, I believe that Senators are willing to agree that no amendment to the amendment be in order. I make that request.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

Mr. BYRD. Mr. President, I thank all Senators.

Mr. President, I thank the distinguished Senator for yielding.

Mr. DIXON. Mr. President, I thank the distinguished majority leader. Everything is agreeable. I ask for the yeas and nays at the appropriate time on this amendment and yield the floor.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. I yield the Senator from Ohio such time as he might consume.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I strongly oppose this amendment on the grounds that I think it is not the best thing to do for the welfare and recreation funds for the people in the military.

Section 920 of the committee bill, which this amendment would delete, simply requires the Department of Defense and the military services to purchase alcoholic beverages for resale on DOD installations in the most efficient and economic manner, without regard to the location of the source of the beverage.

It may seem strange that we have to include a provision in our bill requiring DOD to purchase something "in the most efficient manner." However, the reason the committee did this was to repeal provisions in permanent law and in last year's Defense Appropriations Act that have the opposite effect.

Specifically, currrent law requires military installations in the United States, except Alaska and Hawaii, to purchase beer and wine from in-State sources if the beverages are purchased for resale on military installations.

You cannot buy it across a State line. You cannot purchase on Federal centralized purchasing. For Alaska and Hawaii the law has been modified by Appropriations Act provisions over the last 2 years to require that all alcoholic beverages purchased for resale be purchased from in-State sources.

Mr. President, these provisions of law requiring in-State purchase of alcoholic beverages by the military clearly benefit special interests at the expense of benefits that would otherwise accrue to military personnel. This is what we are correcting in the committee bill.

It is in there now, and this amendment would try to knock it out. I would like to see this apply to other ways we ask the military to do their business. What a farce that would be.

What the amendment that has been offered does is to continue the special interest provisions. It would continue to benefit alcoholic beverage distributors in every State and some of the State governments at the expense of important morale, welfare and recreation programs for our military servicemembers and their families.

Today, all of the military services sell alcoholic beverages in military package stores, in officer and enlisted clubs, and in military exchanges located on military installations. Under Defense Department policies, the prices in military package stores must be within 10 percent of the average prices of local civilian commercial outlets to prevent unfair competition.

The profits from sales of alcohol in military package stores, like the profits from the military exchanges and officer and enlisted clubs, are used in supporting morable, welfare and recreation programs in each of the military services. These important programs operate physical fitness centers, libraries, child care centers, outdoor recreation programs and other activities which exist to improve the quality of life for military members and their families.

There is not a person, probably, in the Senate who has not made a statement at one time or another about improving the quality of life for military members and their families. Yet we cut back on the funding to do it by just such amendments as this.

In 1983, the U.S. Fifth Circuit Court of Appeals held that States cannot regulate where the military services purchase alcoholic beverages. Consequently, the military services developed consolidated alcohol purchasing programs to buy in volume directly from the most competitive sources, regardless of location.

That is what we tried to get the Department of Defense to do in every other line of activity, purchase in volume directly from the sources.

Unfortunately, this practice was stopped in fiscal year 1986 by a provision in the fiscal year 1986 Defense Appropriations Act that required military installations in the United States to purchase all alcoholic beverages for resale from in-State sources. However, this provision was modified in the fiscal year 1987 Defense Authorization Act to allow military installations in the United States to purchase alcoholic beverages for resale from the most competitive source, regardless of location, with the exception that malt and wine beverages purchased for resale in the contiguous States had to be purchased from in-State sources. This provision is currently codified in law.

The fiscal year 1987 Defense Appropriations Act further modified the provision by requiring military installations in Alaska and Hawaii to purchase all alcoholic beverages for resale from in-State sources. This additional provision was continued in the fiscal year 1988 Defense Appropriations Act last year.

So under current provisions, military installations in the United States, other than those in Alaska and Hawaii, can purchase alcoholic beverages other than beer and wine, from the most competitive source, regardless of location. On the other hand, these installations must purchase beer and wine from in-State sources. For Alaska and Hawaii, military installations must purchase all alcoholic beverages for resale from in-State sources.

Mr. President, this is lousy, terrible procurement policy, and it flies directly in the face of all of the pressure Congress is putting on the Defense Department to increase competition in Defense procurement. This provision has obviously restricted competition because it has eliminated the military services' ability to negotiate and purchase certain alcoholic beverages in volume from the most competitive source. It is not surprising that we have all been bombarded by frantic phone calls from the local alcoholic beverage distributors back home on this one; they know a good deal when they see it. They are willing to bring pressure to bear to continue it.

Current restrictions have reduced the profits from military package stores and thereby reduced the amount of funds available each year to support morale, welfare and recreation programs for our military members and their families. The Defense Department estimates that current restrictions have cost military morale, welfare and recreation programs about $25 million in fiscal year 1987 due to reduced package store profits.

This kind of money would not be missed in a lot of defense hardware programs, but we are talking about programs that have a direct and immediate impact on the day-to-day quality of life of military members and their families. Just to maintain the present level of morale, welfare and recreation programs, Congress will have to raise the level of appropriated funding for these activities, which is unlikely, or the military services will have to raise the current user fees and charges for these activities. That will come directly out of the pocketbooks of the service people that we are also supposed to represent.

Finally, current restrictions undermine the Federal Government's sovereign immunity from taxation by the States and provides an inequitable benefit only to certain States and provides an equitable benefit only to certain States. Each of the 32 States where State-licensed, commercial distributors serve as wholesalers are able to collect alcohol beverage taxes from the military—and the Federal Government—on a direct basis. But there are 18 States where the States themselves are the alcoholic beverage wholesalers and where the prices charged directly to the military cannot include States taxes because this would amount to illegal direct taxation of the Federal Government. These 18 so-called monopoly States are not able to share in the windfall tax collections that would be enjoyed by the 32 license States, as they are called.

Mr. President, I ask the sponsors of this amendment if they want to force the military services to buy everything they use on a military installation within the State in which the installation is located? Why stop at alcoholic beverages? Why not extend this in-State purchase requirement to fuel, food, and every other commodity that can have an organized lobby come in here and knock on doors like the alcoholic beverage distributors have done?

The Armed Services Committee included section 920 in the fiscal year 1989 defense authorization bill because the current special interest provisions reduce competition; undermine the sovereign immunity of the Federal Government by subjecting it to mandatory indirect taxation by some States; and significantly reduce funds for important morale, welfare and recreation programs for our military members and their families.

I urge my colleagues to support the committee position and restore the authority for DOD activities to purchase alcoholic beverages in the most efficient and economic manner possible. This amendment would fly right in the face of that, and a way to say DOD can make these purchases in the most efficient and economic manner possible is to vote against this amendment.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. ADAMS). The Senator from Texas.

Mr. GRAMM. I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized for 10 minutes.

Mr. GRAMM. Mr. President, I hope everyone listened to our distinguished colleague from Ohio. This amendment is about as special interest as you can be special interest. It is an amendment that says we want to violate the general principle of competitive purchase. We want to do it in such a way as to benefit special interests and to do it at the expense of the young men and women who are keeping Ivan back from the gate and making the world free. That is what this amendment is about.

Let me try to explain in simple terms how our current program worked prior to 1986 and 1987 when Congress changed the law, and what the bill is trying to take us back to. The amendment, of course, would reverse that.

First of all, existing regulations require that when alcohol is sold on a military base, whether it is at Fort Hood, TX, or whether it is Ramstein in Germany, it has to be sold on a basis competitive with local prices.

So the issue here is not what is alcohol going to cost on the bases. The issue is: Will the Defense Department be able to go out and buy beer, wine, and hard spirits competitively through competitive purchase, yet the best price possible, then charge on base the going market price in that area so that a minimum of $50 million a year is available to go into the morale, welfare, and recreation fund available to our troops around the world.

How this works, in essence, is as follows: You have a mechanic working up in Antarctica somewhere. It is cold outside. The machine is broken down. He has to go out and fix it. He goes out; he has frostbite on his fingers. He is out working hard doing this job, a very difficult job, and he comes back in and goes to the NCO club and orders a beer.

What the amendment would do is it would say that rather than the current process, which is competitive purchase of that beer at wholesale, about $50 million then being available to pay for programs like child care, libraries, playgrounds, to maintain the enlisted man's pool for his children, rather than that money going to that source, those funds that are now net returns to the morale, welfare, and recreation funds would be lost by the necessity to purchase on a noncompetitive basis.

Mr. President, I do not believe that is what we want to do.

Currently, we have been paying for things like child care, and that is vitally important because a lot of our enlisted men and officers now have their wives working; libraries, which are critically important to our bases; our playgrounds for the children of those who wear the uniform of the country; and the maintenance of various types of recreational facilities. Those have all been traditionally funded by the profits that come from selling alcohol on the local base.

If we come in now, as this amendment proposes, and we eliminate the provision that mandates competitive purchase, we are, in essence, taking $50 million away from the libraries, from child care programs, from playgrounds, from maintenance of recreational facilities that are currently available to the people who preserve the peace.

How are we going to make that up? Well, if we do not make it up, it is going to mean that the young men and women who are standing guard all over the world this afternoon are going to lose those facilities, and those facilities are important to them. The ability of their children to have child care, the ability of their children to have playgrounds on base to play on, the ability of the base to have libraries and other facilities that are available for recreation and that are available for various types of welfare for the troops, those facilities are going to be lost.

Why are we taking them away? Why are we taking this money away? Well, we are taking the money away because in 1986, a very clever special-interest group came up with the idea of doing something that has been done since the very beginning of the Republic, and that is robbing our service people. Robbing our service people by coming in and forcing them, through action of this Congress, to buy something noncompetitive so that they can have these funds rather than it going to the people in uniform.

I wonder, Mr. President, if this is not age old? I wonder if it has not been true from the beginning that people want the Army troops to come out to the frontier, they want a fort to be built, they want the soldier boys there to protect them, but as soon as they are out there, everybody tries to figure out ways they can rip them off and ways that they can cheat them.

I think this is unfair. I think it makes absolutely no sense to take $50 million away from the children of the people who are preserving freedom around the world to give it to a special interest group, no matter how nice that special interst group may be, no matter how many friends we all may have that are members of it. I do not believe that this makes sense, and I believe it is not fair.

So I want to ask my colleagues to think about the millions of young Americans who are today standing guard all over the world to keep Ivan back from the gate and to keep the world free. I want them to ask whether this $50 million is better spent on child care for their children, on libraries so that they might read the paper from back home or might check out a book, playgrounds for their children, operation expenses on recreational facilities. Should we take the money away from those uses by mandating a noncompetitive purchase so that some special interest group may have it.

Now, I think the answer is about as clear as an answer can be. We should not do this. We have an existing law, a requirement for competitive purchase. If someone got up on this floor and said, "Let's eliminate competition in buying the M-1 tank," there would be outrage.

If somebody said, "You have got to buy the M-1 tank from specific manufacturers; we are not going to have competitive bidding on various types of procurement," people would say, "Well, that's crazy." But yet when someone gets up and says, "You have to buy from a local distributor, you cannot use the ability that we have on every military base every day on every other item to buy competitively on the world market," somehow people think that makes sense.

So the issue here is the morale and the well-being of the young men and women who keep America free and who keep the peace. I urge my colleagues do not steal $50 million from them to give to a special interest group. If local sellers of alcoholic beverages are competitive, then they will have their product bought. If they are not competitive, if they do not offer the best price for available quality, they will not have their product bought. Why should we make our service people pay a noncompetitive price?

I urge my colleagues to think about the people who are out defending our freedom this afternoon and to vote for the motion to table which will be made against this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator reserves the remainder of his time.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I yield myself so much time as may be required.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, there are no more valuable members of the Armed Services Committee than the distinguished Senator from Ohio and the distinguished Senator from Texas, and in most cases I have the highest regard for their personal opinions on matters pertaining to our armed services.

So, with all due respect to them, there is a slight amount of misrepresentation in what they suggest. This amendment does not destroy competition.

Now, when this Senator came to the Senate of the United States, almost everything was sole source. There was no competition. It was this Senator, several years ago, who was the principal sponsor of the Competition in Contracting Act which has more than quadrupled competitive opportunities in America. I favor competition.

This amendment says beer and wine should be purchased for military installations within the State where the installation is located. There is plenty of competition in all such States. I do not know how many distributors there are of the various brands in my State, but wherever those distributors may be located, they may compete as ferociously as they want to compete, right down to selling it without a profit if they wish.

So there is plenty of competition in the distribution of beer to the military. I wish that everything was as competitive in the American military system as the purchase of beer and wine now is and will be after the adoption of this amendment.

Mr. President, they did not have very good competition for the $640 toilet seats, the $436 hammers, the $9,600 Allen wrenches, and the $716 coffee pots. I am not talking about that. I am talking about a situation in which, whatever brand of beer they want to buy or whatever brand of wine they want to buy, they buy it anywhere in the State. The State of New York, anywhere in the State; the State of California, anywhere in the length and breadth of the State. Hundreds and hundreds of distributors will be involved in the competitive process. So let us get it straight in the first place. We are not talking about sole sourcing. We are not talking about a lack of competition. We are talking about plenty of competition.

We do not know what kind of money we are talking about. This may save money. My friend from Texas says it will cost $50 million. My friend from Ohio says $10 million. As good as a guess is, it will cost nothing. The last House report that I have seen on this question said that with respect to the question of beer and wine in the past there was no evidence that there was any increased cost. It suggested that there should be purchases at large around the country for whiskey and other kinds of alcoholic beverages.

Mr. President, we do not touch those. This is just beer and wine. I quote from the last report on that question.

> The increased costs relate almost entirely to distilled spirits that were previously purchased directly from manufacturers . . .
>
> Purchases of malt beverages and wine are not affected to any extent by this provision because they are traditionally purchased from local sources.

And now let us talk about States' rights. I say this with the affection I always hold for my friend from Texas, who has always been noted as a great advocate of States' rights.

Eighteen States of the Union will actually lose revenue, positively, and that is a fact. If this amendment is not adopted, 18 States will lose tax revenue on these products.

So 18 States are directly affected adversely by what the committee does.

Let me read a letter. Two years ago the position that this Senator is taking was supported by a vote of 66 to 29. By over 3 to 1 the Senate agreed with the Senator now speaking 2 years ago.

Last year, the Senate agreed with what this Senator, is saying, 56 to 41. So both times we visited this question the amendment I am offering was adopted: Why?

Well, here is a letter from Governor Clinton, of Arkansas, dated September 7, 1985, the year we voted 66 to 29 in favor of the position advocated by this Senator. That year 36 of the 50 Governors in the United States supported this position. Here is what Governor Clinton said:

> An important issue has been brought to my attention that may have a substantial impact on one sector of the economy in many of our States. This issue is the right of states to regulate the importation of alcoholic beverages within their borders as is delegated by the Twenty-First Amendment to the United States Constitution. Recently the U.S. Department of Defense has taken the position that military reservations cannot be compelled by each state to purchase alcoholic beverages from licensed state wholesalers. In Arkansas, we have always imposed such a requirement on military bases as have many other states.
>
> Not only is this an important economic issue but also is important from the perspective of liquor regulation. The Arkansas Alcoholic Beverage Control Director has worked with his counterparts in other states to formulate a national policy on this issue. I encourage you to support your state Alcoholic Beverage Control director's efforts in this area and urge you to contact members of your Congressional delegation to seek their support of legislation that will be introduced in Congress to return this control to the states. I do not believe military installations should violate state regulations and possibly cause the loss of jobs in order to obtain liquor.

Mr. President, all this talk about how this will be a better system you know the system they want, do you not? My friends want a system that puts the Government in the beer business. They want a system where the Government would have all the facilities. I want to read something by the other Senator from Texas. I hope he takes no offense to my reading it. It is in the Record. He is a great Senator, one of the great Senators of our era. The Senator from Texas, August 9, 1986, the distinguished chairman of the Finance Committee, Senator BENTSEN said:

> . . . I am pleased to join the distinguished Senator from North Dakota [Mr. ANDREWS] and others in urging the Senate to reject the costly and unwise policy recommended in this bill for the purchase of alcoholic beverages for sale at military bases.

Current law requires purchase of such beverages within the State where the military installation is located. That law should be retained.

This amendment will avoid the costly duplication of the beverage distribution system already provided by the private sector.

Those are the friends of my Senator friend from Texas, the private sector, people business. Furthermore, Senator **BENTSEN** goes to say:

> The wholesale beer distributors of Texas have estimated that it would cost the Pentagon over $10 million a year to duplicate the existing beer distribution system in the State of Texas alone.

That is $10 billion in Texas alone, Mr. President, but it will not ever show on a balance sheet. It will be in the DOD authorization bill, all those ice houses and refrigerated warehouses, refrigerated trucks, and everything to put the Government in the beer business. They will all be in that nice fat DOD authorization bill. It will not be competitive. Oh, how many times have I heard the speech, for the private sector, keep it in the private sector, do not put the private sector in competition with the Government. That is what we are trying to prevent here, Mr. President. We are trying to prevent putting the Government in competition with the private sector. We are trying to prevent the setting up of a distribution system in the Department of Defense. It costs in Texas $10 million alone, according to the senior Senator from Texas. I take his word for it because he is, as chairman of the Finance Committee an authority on matters financial.

He says "Why should the Defense Department superimpose its own nationwide network on what already is an efficient localized system?" I ask the same question. Why do we want to put the Government in competition with any kind of a business when there is competition already? Everybody in Texas is competing, everybody in Ohio is competing, everybody in Illinois is competing, everybody in California, and everybody in New York is competing.

Here is the distinguished senior Senator from Texas. I quote him further:

> I reject the argument that centralized procurement is the free market way. On the contrary, it tips the scales in favor of big businesses over small ones and adds paperwork for additional levels of bureaucracy. It creates the illusion of cost savings by papering over the hidden subsidy for transportation from central warehouses.
>
> Mr. President, the current system works well in practice. It has the additional advantage of benefiting the local economy where the beverages are procured. This is a "good neighbor" policy which ought to be continued, and which will be preserved if this amendment is adopted.

Think of all of it. Lost revenue to 18 States of the Union without a question; competition in every State of the Union by private sector people fighting to make a dollar without a question, the competition is here; adoption of this amendment keeps the Government out of the beer and wine business with all the expected abuses that could occur.

Why, Mr. President, in my subcommittee this time, as chairman of the Subcommittee on Readiness, Sustainability and Support, I accepted an amendment by the distinguished Senator from California, Senator **WILSON**. He has been working for a long time on inventory. You ought to hear the testimony about inventory, and how much inventory we lose in this country, with the sloppiest system that ever existed. Now we want to let the Government start having a big inventory of beer and wine. I worry for America, Mr. President, when the Government has the inventory on beer and wine and the distribution system on beer and wine. Oh, I bet there will be a lot of cases of cold beer lost. Oh, boy. Oh, boy.

Well, Mr. President, that is the story.

I want to say in conclusion that this amendment advocates a position the Senate has supported twice in a row. I think it is the right position to take.

I ask the distinguished President how much time this Senator has remaining? I think he may have a colleague who wants time.

Mr. STEVENS. Will the Senator yield?

The PRESIDING OFFICER. The Senator has 10 minutes 45 seconds remaining.

Mr. DIXON. Is the distinguished Senator from Alaska on my side in this dogfight?

Mr. STEVENS. I am.

Mr. DIXON. I would like to yield whatever time he would like, I say to my friend from Alaska, of the 10 minutes remaining.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, we are returning to this issue once again. I hope the Senate will repeat itself and perhaps we will not have to have this battle year after year.

The difficulty I have with the position taken by my good friend from Texas is that if we purchase centrally for the Department of Defense and then ship the produce, whatever it might be, from the State of origin, what is hidden is the cost of transportation. In this instance, it is alcohol. I presume that the Department of Defense goes to Tennessee and picks up one brand of fairly good whiskey, in Kentucky it is another, and New York picks up some of the imports that come into the country of various kinds of alcohol, and then they ship those purchases to the bases throughout the United States and the world.

The central purchasing is a matter of convenience for the shipper. The deliveries come from all over the country. But when they come into the individual military bases, they come in as military shipments, either on military aircraft or on what we call cool barges in my State.

The State of the distinguished occupant of the chair (Mr. **ADAMS**) is the source of much of the foodstuffs and beer and alcohol that come into my State of Alaska. Yet, under the proposal of the Senator from Texas, the purchasing would be done in Texas, notwithstanding the fact that most of the items would be shipped from Seattle.

When they get to Alaska, what happens is that the cost of transportation is one part of the budget, the defense budget; the actual cost for the purchasing of the alcoholic beverage is another part of the budget; and what is charged on base is really the same price off base.

The service man or woman is not going to be affected by the amendment of the Senator from Texas. They pay the same price; it is a comparable price to off base. What happens is that the difference—and it is a vast difference where it is subsidized transportation with central purchasing—goes into the nonappropriated account, for use in various good services provided to the military. There is no question about that.

What is the interest of most Senators? The interest of most Senators ought to be directed toward State taxes. When those purchases are made off base in my State, the military purchasers pay my State taxes. It is the source of revenue that supports education and many other things in the State of Alaska.

However, if the on-base purchases are centrally purchased in Texas, where I presume there are no State taxes on those purchases in such vast amounts, then the military man or woman who is buying alcohol does not understand it, because they pay the same price for it, without regard to this amendment.

What happens is that the individual States get literally left out in terms of a substantial portion of the income they should be receiving from taxation on the consumption of alcoholic beverages within their State.

We do not charge taxes on base in most instances, but taxes are paid off base when they buy the alcoholic beverages through the local distributors. That is what is really at stake in most States.

In some States, I presume there are areas where they have what amounts to freight forwarding and certain types of taxes that are paid.

The State of Washington ships tremendous amounts of goods into my State, as the distinguished Presiding Officer realizes. There is an income to that State that would be lost by the position taken by the Senator from Texas.

I think the important thing for us is to look at the consumer. The service man or woman is not harmed by the arrangement that is in effect now. The people who would be harmed if the position taken by the Senator from Texas is approved are those institutions in each State that are supported by such taxes that are collected on alcoholic beverages.

I imagine that it would make just as much sense if we decided that all corn had to be purchased in Iowa, all furniture had to be purchased in North Carolina, and all beef had to be purchased in California, no matter where it was shipped from. That would be the same proposition. There would be a subsidy involved in that, too; because when it is purchased, it is Government property, and it is shipped through Government facilities, through Government aircraft and Government barges and vessels. But when it is shipped under current circumstances, it is shipped through the normal channels of commerce.

All the small business men and women of the country are employed in making certain that beef flows from the placed it is produced into the system, so that it finally gets up to Alaska, where the purchaser buys his beef locally, and that is part of the system.

The Senator from Illinois is absolutely right: If we allow the Department of Defense to have this central purchasing within our country and substitute a defense infrastructure for the distribution of alcoholic beverages, we will see the same thing in every commodity that has an advantage by central purchasing to someone who puts together these shipments and turns the product over to the defense infrastructure for distribution to military bases, rather than rely upon the existing private enterprise infrastructure that distributes our products and assists our country by maintaining the low prices.

I support the Senator from Illinois, and I hope the Senate once again rejects this amendment. It makes sense to me to require the Department of Defense to use, to the maximum extent possible, the existing infrastructure for distribution and for sales, in order to meet the needs of our service men and women on post.

Mr. DIXON. Mr. President, will the Senator from Alaska yield for a brief inquiry?

The PRESIDING OFFICER. The Senator from Illinois controls the time and has yielded to the Senator from Alaska. Is he retrieving the time?

Mr. DIXON. I will retrieve the time for this question.

I understand that the distinguished Senator from Alaska has agreed to cosponsor this amendment with me. Is that correct? I would be honored and delighted.

Mr. STEVENS. I would be happy to do that. I have done so each year.

Mr. DIXON. May the record show, Mr. President?

The PRESIDING OFFICER. Without objection, the record will so reflect.

Mr. DIXON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes and 15 seconds.

Mr. DIXON. I yield the floor.

Mr. GRAMM. Mr. President, we have had two great speeches that, on some subject to which they were relevant, might have been interesting; but, at best, they are a total attempt to whitewash the facts.

The bill before us has an amendment which allows competitive purchasing of alcoholic beverages. The amendment offered now by the Senator from Illinois and the Senator from Alaska strikes that provision and mandates that purchases be within the State where the alcohol is consumed. In no other product bought for the military do we have such a requirement.

We have heard about how the service man is not going to be affected; but, in fact, current procedures require comparative pricing on the purchase of alcohol, and that is correct. But what is not said is that the profits that currently go to the children of our service men—in libraries, in child care, in playgrounds—would not be siphoned off to wholesalers. So do not be confused.

If we want competitive purchase, as we purchase everything on the military bases—or should, competitively—then you want to preserve the Armed Services Committee, which has the requirement for competitive purchase. If you want to grant special privilege to people to be able to sell to the Federal Government on a noncompetitive basis, you want to vote for this amendment.

What this amendment does in essence is takes $50 million away from the children of our service people and gives it to wholesalers and gives some of it to States.

I do not believe that is what we ought to be doing at a time when we are trying to keep retention up, when we are trying to promote recruitment, to come in and steal $50 million from the service men and women of this country to give to special interests that have political power to come to the floor of the U.S. Senate and pass law mandating noncompetitive purchases so that funds currently going to playgrounds, child care and libraries can be stolen by special interest and then to stand up and call that free enterprise is an absolute outrage.

I know where the politics is on this issue. But I want it clear where I stand on this issue. I do not believe we ought to steal from those who are defending freedom all over the world this afternoon to give to some special interest group no matter how powerful it may be. I do not believe we ought to mandate noncompetitive purchases, and I do not think we ought to let $50 million be taken away from playgrounds, libraries, and child care to provide some special benefit to some special interest group that does not need or deserve this provision.

What is wrong with competitive purchase of alcohol so that the gains to be made through competitive, centralized purchasing can go to the children of the PFC's, privates, corporals, and sergeants who keep Ivan back from the gate and keep the world free?

Now, I know that we have all these special interest groups looking over our right shoulder who are going to be rating us when it comes time to put out all these ratings, but I hope somebody will keep in mind the sergeants, corporals, and privates who are out all over the world this afternoon risking their lives to preserve freedom, and I do not feel comfortable about stealing from their children and I do not think the people of the United States ought to feel comfortable about it either.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas has 1 minute remaining. The Senator from Illinois has 2 minutes and 10 seconds.

The Senator from Illinois.

Mr. DIXON. Mr. President, I just want to repeat what I said previously, very quickly, in summarizing the position of this Senator in support of the amendment.

First, there is competition now, competition in every State, among every distributor of beer and wine to sell this product to the bases at the lowest cost.

Second, if you take the position of the Senator from Texas, you are going to put the Department of Defense in the beer and wine business. They are going to set up all the necessary cooling facilities and distribution facilities to put them in the beer and wine business. There is nothing in their background concerning inventory management that indicates that they will be competent, one, and, second, all of the expenses of that would be hidden expenses to the taxpayers which are now borne by the private sector, and finally, remember this: that for 18 States, there is a tremendous revenue loss if you do not adopt this amendment because they collect taxes now under existing State law from the private sector. They would not collect taxes if this is done through the military installations and the Department of Defense.

So for all of these reasons, we should adopt this amendment. I would ask every Senator when they go to the desk and prepare to cast their vote, to look at the rollcalls from the last 2 years. By a vote of 66 to 29 2 years ago and 56 to 41 last year this amendment was adopted. The vast majority of Senators here have visited this question at least twice in the last 2 years and their positions are clear.

I urge the Senators to continue to advocate the correct position, the States rights position, the private sector position, the position that means revenue to the respective States, and vote for this Dixon-Stevens amendment.

I thank the President and yield back whatever time remains.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

The Senator from Texas.

Mr. GRAMM. Mr. President, the language of the bill, which is not my position, but the position of the Armed Services Committee, is that spirits will be purchased from the most competitive source, price and other factors taken into consideration.

What the bill says is we have competitive purchase. The Armed Services Committee decided to do that because we found that $50 million was being taken out of funds that were available for child care, libraries, and playgrounds. We did not think that that was justified. We thought competitive purchase on alcoholic beverages made sense, especially when you take into account not just the free enterprise and efficiency arguments but when you take into account that the profits were going to the children of our servicemen.

This amendment takes the profits away from the children and gives it to the wholesalers.

It is argued you could benefit States by doing this. You could benefit States by eliminating the base post exchange, but no one proposes that.

I urge my colleagues to defeat this amendment and to sustain the Senate Armed Services Committee.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois has an inquiry?

Mr. DIXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Illinois [Mr. Dixon]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from New Jersey [Mr. Bradley], the Senator from Florida [Mr. Chiles], the Senator from California [Mr. Cranston], the Senator from Connecticut [Mr. Dodd], the Senator from Kentucky [Mr. Ford], the Senator from Florida [Mr. Graham], the Senator from New Jersey [Mr. Lautenberg], the Senator from Hawaii [Mr. Matsunaga], and the Senator from Michigan [Mr. Riegle] are necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

I further announce that, if present and voting, the Senator from Kentucky [Mr. Ford] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Washington [Mr. Evans], the Senator from Utah [Mr. Garn], the Senator from Nebraska [Mr. Karnes], the Senator from Arizona [Mr. McCain], the Senator from Delaware [Mr. Roth], the Senator from Idaho [Mr. Symms], the Senator from Connecticut [Mr. Weicker], and the Senator from California [Mr. Wilson] are necessarily absent.

I further announce that, if present and voting, the Senator from Nebraska [Mr. Karnes] would vote "yea."

The PRESIDING OFFICER [Mr. Rockefeller]. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 29, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—53

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Breaux
Bumpers
Burdick
Chafee
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dixon
Domenici
Durenberger
Hatch
Hatfield
Hecht
Heflin
Heinz
Hollings
Inouye
Johnston
Kassebaum
Kasten
Kerry
Leahy
McClure
McConnell
Melcher
Mikulski
Murkowski
Packwood
Pell
Pressler
Proxmire
Pryor
Reid
Sanford
Sarbanes
Shelby
Simon
Simpson
Specter
Stafford
Stevens
Trible
Wallop
Warner

NAYS—29

Armstrong
Boschwitz
Byrd
Cochran
Dole
Exon
Fowler
Glenn
Gore
Gramm
Grassley
Harkin
Helms
Humphrey
Kennedy
Levin
Lugar
Metzenbaum
Mitchell
Moynihan
Nickles
Nunn
Quayle
Rockefeller
Rudman
Sasser
Stennis
Thurmond
Wirth

NOT VOTING—18

Biden
Bradley
Chiles
Cranston
Dodd
Evans
Ford
Garn
Graham
Karnes
Lautenberg
Matsunaga
McCain
Riegle
Roth
Symms
Weicker
Wilson

So the amendment (No. 2003) was agreed to.

Mr. BYRD. Mr. President, we cannot hear the Chair. We are trying to get order.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I take the floor at this time to inquire as to what the prospects are for the rest of the day.

Mr. DIXON. Will the majority leader indulge me for a motion?

I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. If I can say to the majority leader, there are a few more amendments that we understand may come up this afternoon, the most controversial of which will be an amendment which I hope can be brought up by Mr. Dixon, now that he is on a roll and has many votes to spare, as is obvious by that previous rollcall vote. I hope he will bring up the amendment on base closings this afternoon.

My feeling is that will take 2 or 3 hours of debate. We can have a good debate this afternoon and either vote on it this afternoon or first thing in the morning.

I also hope we can get two or three amendments up this afternoon. I see Mr. Pressler may have an amendment.

Mr. WARNER. Mr. President, Senator Pressler does have an amendment. We are working on a revision of it and have not had a chance to show it to the distinguished chairman. That one will be fairly expeditious, if Mr. Dixon wanted a brief respite here.

Mr. DIXON. May I say—and I thank the ranking member——

I will do anything to accommodate the managers and the leader, but I really need a little time to get started; maybe a half an hour or so.

Mr. NUNN. If I can suggest this order, based on the remarks of the Senator from Illinois, if we can take up the Pressler amendment and dispose of that, if he is ready now to take that up.

Mr. PRESSLER. In about 3 minutes.

Mr. NUNN. We will take it up whenever the Senator is ready. Later on this afternoon, we can take up the Dixon amendment and have a good debate on it. Also, we can try to take up several other amendments and perhaps vote tomorrow morning on the Dixon amendment.

It is my understanding the Senator will be ready after that vote, if he does not prevail, to move to other amendments.

Mr. DIXON. The Senator will agree to that general timeframe if I can have a moment to discuss it with the distinguished managers and the leader. But, I will accommodate him by laying down the first amendment, which will be an outright repeal. I am not too hopeful about its success, although perhaps there are some, like the chairman, who may have a quick change of heart, which would delight me.

Mr. SIMON. Will the Senator from Georgia yield?

Mr. NUNN. I do not have the floor.

Mr. SIMON. If the majority leader will yield, I have discussed with my colleague, Senator DIXON, asking unanimous consent to proceed for 5 minutes as if in morning business. I do not want to complicate things, but I want to preserve my right just to speak for a few minutes, if I may.

Mr. BYRD. Mr. President, the Senator can and will be accommodated. I hope we can get some understanding, though, and it will just take a moment to do so, where we are going for the rest of the afternoon. We have a good 2 hours at least remaining.

Mr. DIXON. May I respond to the majority leader?

Mr. BYRD. Yes.

Mr. DIXON. I am delighted to accommodate the majority leader and the two distinguished managers. It is an outright repeal to close military bases practically at the discretion of the Secretary of Defense.

Mr. NUNN. Will the Senator withhold debate on that?

Mr. DIXON. I would like to say more. We will do that later.

There also will be a succeeding number of amendments, perhaps a half a dozen or so, that, frankly, may be more well received by this body. However, I will be happy to lay down the amendment within the next 20 or 25 minutes when it is prepared and I have my material at hand, with the understanding we would not vote on it today, but perhaps sometime in the morning at a time convenient to the majority leader and with the understanding I would have other amendments if that one fails.

Mr. NUNN. If the majority leader will yield, if that is the course of action, from the floor manager's point of view, I think that would be an acceptable course of matter, particularly if we can vote on that first thing in the morning. I would like to get started as early tomorrow morning as we can, and the majority leader has business he has to attend to first.

And then we could take several other amendments this afternoon. We can certainly handle the amendment of the Senator from South Dakota. I do not know whether it will require a rollcall or not.

Mr. PRESSLER. I will not insist on a rollcall vote. I believe it has been cleared on this side. It depends on the minority manager on this side if he would like a rollcall. If the Senator from Virginia would want to have a rollcall vote on my amendment, I will have it.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The majority leader retains the right to the floor.

Mr. BYRD. Mr. President, I think the question as to whether or not there will be other rollcall votes this afternoon is one that is not answerable or predictable at this time. So we will just plow ahead. May I say before I yield the floor that tentatively the Senate is likely to take up the treaty on Wednesday, but that is no sure thing by any means at this point. I would say that if Senators are counting on that and for that reason if they are delaying calling up their amendments on this bill thinking that the Senate will not be on this bill after tomorrow, that is not an advisable approach.

This is an important bill. There are only 79 days left in this session before we adjourn sine die, including today, and we have a lot of business to conduct. We do need to get this bill passed. I hope that Senators will call up their amendments this afternoon and tomorrow and not wait until sometime in the future after the treaty is disposed of, because, I repeat, the Senate is only tentatively scheduled to go to the treaty on Wednesday. It may very well not go to the treaty on Wednesday, in which case the Senate would continue acting on this bill. So having said that, I ask unanimous consent that the distinguished Senator from Illinois [Mr. SIMON] may speak as if in morning business for not to exceed how long?

Mr. SIMON. I thank the majority leader. I am checking with my colleague——

The PRESIDING OFFICER. The request is not complete.

Mr. BYRD. For not to exceed?

The PRESIDING OFFICER. Will the Senator inform the majority leader how many minutes he wishes?

Mr. SIMON. I ask unanimous consent that I may proceed as if in morning business for 5 minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. SIMON. Mr. President, before I proceed, I would yield the floor for the purpose of considering the amendment of the Senator from South Dakota. Because I understand the Senator from Maryland wants to be leaving, I am going to proceed in that fashion if it is just going to take a few minutes. Will my colleague from South Dakota indicate how long it will take on his amendment?

Mr. PRESSLER. I believe my amendment has been agreed to on both sides.

Mr. SIMON. Mr. President, I will proceed and I will take just a few minutes. I will not take the full 5 minutes.

BRING ABE STOLAR HOME—PART I

Mr. SIMON. Mr. President, in these last few weeks before President Reagan's meeting with General Secretary Gorbachev, I would like to bring to your attention the plight of my good friend, Abe Stolar. Until the summit, I plan to speak daily on Abe's behalf in hope that President Reagan will bring Abe Stolar home with him. I join with the Union of Councils for Soviet Jewry in initiating this national campaign, as well as my friend and colleague, CARL LEVIN.

Each day I plan to highlight a different aspect of Abe's difficulties with the Soviet authorities. On this first day, I will review Abe's personal history.

Abe's story is an unusual one for he is part of handful of Americans who are in the Soviet Union and are having trouble emigrating. Abe's father, Moshe, left Czarist Russia in 1910 and brought his family to the United States. They settled in Chicago where Abe was born the following year in 1911. In the late 1920's, Moshe was invited to return to the fledgling worker's state to work for the English-language Moscow News. During the time of the Great Depression, the appeal and dream of a worker's state proved too strong to resist. Moshe moved his family back to the Soviet Union in 1931. However, the dream soon faded as the Stalinist purges began claiming their victims. Abe's father disappeared in 1936 and Abe's mother and older sister were arrested and sent to Siberia where they both died in concentration camps. Abe was drafted by the Red army during World War II. He performed frontline duty where he was blinded in the left eye by a Nazi grenade.

With all but one sister killed and his home life destroyed, Abe slowly began rebuilding his life. He met and married Gita and began dreaming of leaving the Soviet Union.

Mr. President, Abe Stolar, whose picture I have put up right here, has been trying to get out of the Soviet Union since 1974. They have told him, "You can get out but your family can't get out with you." Well, this is not something any husband-father would want to do.

We have come agonizingly close to getting Abe Stolar and his family out of the Soviet Union. My appeal to the leader of this country and the leaders of the Soviet Union is to let us bring Abe Stolar's case up when we have this summit meeting and let us see that justice is done for this family. You will receive a "Dear Colleague." I urge all of you to sign that "Dear Colleague." I hope we can have 100 Members of the Senate signing that "Dear Colleague" letter that will be addressed both to President Reagan and to Mr. Gorbachev saying let us put this on the table at the summit, let us see if we cannot in just 1 minute get justice for this family.

I have visited with Abe Stolar in the Soviet Union. It is an amazing thing to walk into an apartment in the Soviet Union and talk to this person who literally sounds like he just came off the streets of Chicago. He voted by absentee ballot, incidentally, for President Reagan in the last election. He is proud of his American citizenship. The leaders ought to permit him to come back. I just want to make sure it is taken care of, and I intend to remind whoever is listening day after day until the summit meeting takes place that here are some people who want justice, and we ought to get justice for them.

I thank my colleagues. I yield back the remainder of my time.

NATIONAL DEFENSE AUTHORIZATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2004

(Purpose: To provide commissary stores privileges to certain former spouses of members or former members of the Armed Forces)

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] proposes an amendment numbered 2004.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the amendment be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of part B of title VI of division A of the bill add the following:

SEC. 6 . COMMISSARY STORES PRIVILEGES

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1055. Commissary store privileges for custodial parents.

"The unremarried former spouse of a member or retired member of the armed forces may use commissary stores for the benefit of a dependent child (as described in section 1072(2)(D) of this title) of such member during any period when all of the following, conditions apply:

"(1) Such former spouse has legal custody of such a child;

"(2) Such a member or retired member is authorized to use commissary stores—

"(3) Such dependent child is unable to use commissary stores because of administrative restrictions on the use of commissary stores by dependent children.".

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of such chapter is included by adding at the end the following new item:

"1055. Commissary store privileges for custodial parents.".

Mr. PRESSLER. Mr. President, this amendment is aimed at giving commissary privileges to a former spouse who has legal custody of a child in certain circumstances. One of my constituents from South Dakota wrote to me about a case where a divorce had occurred and there were three small children. The wife did not qualify for commissary privileges because the husband had not served over 20 years, and in such cases a wife is entitled. But in this case there were three small children involved, and I felt strongly—and have consulted with the majority and minority—that this is a case where commissary store privileges for custodial parents, if it is an unremarried former spouse, should be extended. In this era of children frequently being at a disadvantage in a divorce situation, we need to think very carefully of giving them some help.

This amendment would provide that the unremarried former spouse of a member or retired member of the Armed Forces can use the commissary stores for the benefit of a dependent child, as described in section 10722(d) of this title, of such member during any period when certain conditions are met: When such former spouse has legal custody of the child; when such a member or retired member is authorized to use commissary stores; and when such dependent child is unable to use commissary stores because of administrative restrictions on the use of commissary stores by dependent children. This would fall under the commissary store privileges for custodial parents.

Mr. President, I reiterate that I have for some time been concerned with the difficulties faced by former military spouses. The Uniformed Services Former Spouses Protection Act of 1982 addressed some of the most serious problems faced by former military spouses, but left others unresolved.

I am most concerned about the fate of the children after a servicemember is divorced. These children are his after the divorce just as surely as they were before the divorce. Doesn't basic fairness demand that the children of a member of the military be treated equally regardless of the marital status of their parents?

These children currently are entitled to health care and post exchange privileges. The former military spouse, for example, is allowed to shop in the post exchange on behalf of her children. Commissary privileges, however, are denied these children if their military parent is not in a position to exercise these privileges for them. This is not unusual. After a divorce, the former spouse may move with the children to another location. Or she may remain in the same city after the military member is reassigned to another post. Once this geographical separation occurs, the military parent—or sponsor—is no longer in the position to use his commissary privileges on behalf of his children. And his spouse, under current regulations, is not allowed to either. This is wrong.

To correct this situation, I am proposing an amendment which would give unremarried former military spouses commissary privileges on behalf of their dependent children. These privileges would apply if all of the following conditions occur: The former spouse must have custody of the child, the military member—or retired member—must be authorized to use the commissary stores, and the dependent child must be unable to use the commissary stores because of administrative restrictions.

Children suffer in many ways when a family is broken up through divorce. We must do what we can to keep from adding to that burden. This amendment simply restores to these children a privilege which they should never have lost. It is the only fair and equitable approach to take.

I know that my colleague from Maryland is waiting to speak on another subject. I believe that this amendment has been cleared by both sides.

In the interest of time, I shall ask that the amendment be adopted.

Mr. NUNN. Mr. President, we have looked over the amendment. We have worked with the Senator from South Dakota on the amendment. We have made certain suggestions which he has incorporated in the amendment. We believe it should be accepted.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment of the Senator from South Dakota [Mr. PRESSLER].

The amendment (No. 2004) was agreed to.

Mr. PRESSLER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, I know that we have several statements that are going to be made by subcommittee chairmen. I know the Senator from Illinois is here. Would the Senator like to defer for a few more minutes? I know Senator EXON would like to make his opening statement.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I thank my colleague from Georgia, and I thank my friend from Illinois, who is about to lay down an amendment.

I do not wish to delay the proceedings. But I have a few things to say about the defense authorization bill before us.

Mr. President, I rise today in support of the amended Defense Department authorization bill for fiscal year 1989 as reported by the Committee on Armed Services. I am generally pleased with the action taken by the committee in its markup of this most important bill. Under the able leadership of the Senator from Georgia and my good friend, Senator NUNN, the committee has identified and funded our highest defense priorities. It has made many hard decisions with the realization that these difficult budgetary times preclude us from funding all that we would like to provide for national defense.

The committee was most fortunate that, through the efforts of Secretary of Defense Frank Carlucci, we were presented with a reasonable budget which both met our security needs and pressing fiscal constraints. Given the short time remaining in this administration, Secretary Carlucci could have chosen to sit back and fulfill the role of caretaker. Instead, he decided to act decisively and make the tough decisions the administration and the Congress have previously failed to do. Among other decisions, he made a choice between the MX and Midgetman missiles, proposed the closing of unneeded military bases, and terminated many programs of low priority.

Given the budget situation, I agree with the Secretary's selection of a smaller, but better equipped military force over a larger one with lowered readiness and poor sustainability. While I sincerely regret any reduction in force structure, the committee was absolutely correct in continuing this prioritization in its markup of this bill.

Although I am the chairman of the Subcommittee on Strategic Forces and Nuclear Deterrence, I, also, agree with the view of the majority of the committee that our greatest funding shortfalls and challenges remain in the conventional rather than the strategic area.

While our nuclear deterrent remains the bedrock of our Nation's security, we have invested considerably in strategic forces over the past 7 years and are now seeing the positive results of that investment. I recognize the need to maintain our deterrent and that will necessitate continued modernization efforts. However, I was able to identify some strategic programs where decreased funding was possible without jeopardizing national security. As a result over $700 million was released for use in our conventional modernization efforts.

I would like to caution my colleagues, however, that it is dangerous to ignore the strategic balance between the superpowers. Many would like to wish away the nuclear component of the military balance and focus only on the conventional imbalance. While I readily admit that we do face serious conventional shortfalls, that increases our reliance upon our nuclear deterrent. Furthermore, as long as the Soviet Union possesses nuclear forces, we will have to maintain a nuclear deterrent.

As always, the issue of ICBM modernization will prove controversial. After being closely involved with it for many years, I am satisfied that we are now, for the first time, on the right course.

The Rail Garrison MX Program makes good sense. First, it is affordable as the MX missile is fully developed and already operational. The Midgetman is neither, yet is largely supported by those who wish to further cut the defense budget, spend more on conventional modernization, or somehow do both.

Prior to the decision by Secretary Carlucci not to fund the Midgetman beyond this year, the estimated cost of the Midgetman Program was approximately $45 billion; at least three times that of the Rail Garrison MX Program.

It is difficult to narrow this down more precisely and the report accompanying this bill asks the Air Force to do so. In short, we do not know how much the Midgetman will ultimately cost. But we do know that the minimum estimates are already far too high for our budget. I submit there is no law of economics that I know of which will allow us to build the Midgetman without greatly increasing the defense budget or foregoing conventional modernization.

That is the choice.

Second, the Rail Garrison MX missile is survivable because it is mobile. It returns us to the original basing scheme which the administration so ill-advisedly abandoned when it placed MX missiles in already-vulnerable Minuteman III silos.

Yet, many dislike this program and argue that it is not as survivable as Midgetman. That is nonsense. The argument for Midgetman survivability centers on the danger of a "bolt-out-of-the-blue" attack—precisely the scenario our intelligence community believes to be the least likely of any Soviet action.

Furthermore, even should we fail to act on the strategic warning we would receive, our triad of bombers, ICBM's, and missile submarines is intended to ensure survivability and overwhelming retaliation upon the Soviets in the event of a surprise attack. Indeed, the heart of our nuclear deterrent is our force of *Trident* nuclear submarines. From this perspective, Midgetman is a duplicative system and one we cannot afford under any budget.

Others argue that MX is provocative in that by moving it out on the rail system, we compel the Soviets to launch a preemptive nuclear strike.

Again, a key point is missed. The Rail Garrison MX can be launched from either its garrison or out on the rail network in time of warning. Moving out on the rail system in time of crisis is no more provocative than dispersing our bombers or sending our in-port missile subs to sea. Would any of my colleagues argue that we should not take these prudent steps should tensions escalate? I think not. Would they also argue that we should not reinforce our troops in Europe and mobilize our Reserve components? If they do, they do not understand the fundamentals of American and NATO defense strategy.

I have also heard arguments that the American public will never accept a rail-based nuclear system. I think this exhibits little faith in the American people. For decades, our European allies have accepted the notion of mobile nuclear systems. They have not liked it but recognize the necessity of it. Are Americans any less interested in their own security? But most important is the fact the Rail Garrison MX trains would not be roaming the countryside in peacetime; they would deploy only in time of crisis. Again, this would be a prudent, nonescalatory act that I suggest most Americans would accept in a time of national emergency.

I do understand the strategic argument in favor of single-warhead missiles. However, I believe that it is not persuasive enough for us to tie up such a large percentage of our limited defense resources in the future. Given my choice, I would terminate the Midgetman Program today. Nonetheless, I understand the strong support for this program and will support a level of funding to keep the program alive for a decision by the next administration.

Another controversial issue is the funding level for the strategic defense initiative. The President requested $4.9 billion and the Strategic Subcommittee and Armed Services Committee have recommended a level of $4.6 billion. I expect that this number will come down in conference later with the House. As I would like to see a final figure of $4.2 to $4.3 billion, I recommend that the Senate retain this relatively high mark. I have embraced neither the President's unrealistic dream of an impervious shield nor phase 1 of a less grandiose SDI deployment plan.

To make deployment decisions now seems premature to me. Yet, I would like to see a robust SDI research program for the potential it offers for our future security and for the leverage it provides in arms control negotiations.

The funding levels approved for the Rail Garrison MX missile, small

ICBM, and the strategic defense initiative were reached after much careful study and thoughtful debate. I strongly support these levels and urge that they be retained on the floor of the Senate.

I would also like to warn my colleagues of several major funding disasters looming on the horizon. One has to do with the replacement of our aging nuclear weapons production complex. The facilities comprising this essential complex are old and increasingly risky to operate. Yet, as long as we need to maintain an adequate nuclear deterrent, we will need such facilities. To date, the Department of Energy has failed to seriously address the modernization of the complex.

Equally worrisome is the separate but related issue of the cleanup of our existing Energy Department nuclear materials facilities.

Once again, the Energy Department has failed to adequately plan for this. I am very disappointed that throughout the subcommittee's study of these issues, the Energy Department has been unable to provide even a "ball park" figure of the replacement and cleanup costs. There is no doubt that these necessary tasks will require billions. The $50 million added to the environmental restoration fund at my urging is a "drop in the bucket" but it is a start toward filling that very dry bucket. My subcommittee will be focusing more on these issues in the years ahead.

Mr. President, before concluding, I would like to congratulate our chairman and ranking minority member, Senators NUNN and WARNER, for the excellent job they have done in bringing this bill to the floor. I would also like to thank my colleague on the Strategic Subcommittee, the senior Senator from South Carolina and my good friend, Senator STROM THURMOND. Throughout the many lengthy hearings conducted by the Strategic Subcommittee, Senator THURMOND, in his capacity as ranking minority member, played an active and constructive role in the review of our Nation's Strategic Program.

Last, I would also like to thank Bill Hoehn, Bob Bott, Kirk McConnell, and Sherri Goodman of the Armed Services Committee staff. Their research and recommendations are greatly valued by me.

Overall, this bill as reported by the Armed Services Committee meets our defense needs. It deals with reduced spending in a responsible manner. The Secretary of Defense carried out his responsibilities, the Armed Services Committee met its, and I sincerely hope that the full Senate will approach this bill in the same responsible manner.

Mr. NUNN. Mr. President, I thank the Senator from Nebraska for his splendid work on this bill. He has done the lion's share of the pruning back of certain areas so that the overall budget can be accommodated within the budget guidelines. He has made tough decisions, more than any other subcommittee.

I would think that all our colleagues would want to be appreciative to the Senator from Nebraska for his great leadership. He has made good, sound recommendations for our committee; and the committee, in turn, has adopted most of those recommendations, which are reflected in this bill.

I express my deep appreciation to the Senator from Nebraska and to the Senator from South Carolina, the ranking Republican on the subcommittee.

Mr. EXON. Mr. President, I thank my friend and colleague from Georgia for his kind remarks.

Once again, I want to say that, under his leadership, I hope the Senate will realize and recognize that we held long and detailed hearings on all the subjects under my subcommittee—16 or 17—and it took weeks of time.

So the decisions we made, after deliberations in the subcommittee and the heated decisions that were made on a compromise basis in the full committee, are ones that were not taken lightly. Every item was gone into in great detail.

Therefore, I hope that as amendments are offered, as I suspect they will be, the Senate will realize and recognize that those on the Armed Services Committee, who have initial and first responsibility in this area, all take our work very seriously, and we have come forth with a package that we hope will remain intact.

Mr. WARNER. Mr. President, I join the distinguished chairman in recognizing the work done by our colleague from Nebraska and the ranking member, the senior Senator from South Carolina, in their leadership role on the Strategic Subcommittee.

As we look at this year's budget again, the fourth year of negative growth, this subcommittee's growth in its budget was, I think, around 14, 15, 16 or 17 percent.

Mr. EXON. I do not remember the exact figures, but the Senator is right in the heart of it.

We recognized that there had to be paring back to meet conventional demands, so we willingly gave up some of the money that was in there, because we thought there were higher priorities in other areas.

The Senator from Virginia well knows—since he chaired this committee at one time and I was the ranking member—that, traditionally, subcommittees do not give up one penny. They want more and more. But in these times of very difficult budget constraints, we were honest and forthright. We said that while we would like to have the money for programs, when you come down to budgetmaking and decisions, you have to take from one and give to another that needs more help.

Mr. WARNER. Mr. President, this subcommittee not only held the lines but actually had positive growth in its accounts this year, which I think is merited in view of the central nature of the strategic systems to our overall military preparedness, and I commend the chairman and the ranking member.

Mr. EXON. I thank my friend from Virginia.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Illinois.

Mr. DIXON. Mr. President, I wonder if my friend, the distinguished chairman, will accommodate me for a little discussion on how to proceed on this question.

In reviewing with staff and colleagues, who are concerned about the subject matter how we ought to proceed, it is our decision that we should not offer an outright repealer but should offer other amendments to better define what was done in committee.

I say to my good friend, the distinguished chairman of the committee, my own thought would be to proceed by first offering an amendment that would put into the mix some Members of the Congess, Members who are chairmen at least, of the subcommittees with jurisdiction. However I would be open to enlarging the scope.

I would like to again say I would like to accommodate the leader and the distinguished manager from each side, the chairman and the ranking member. But, I would like to proceed in that manner. It would take a little while to draft the amendment, but staff tells me that an amendment addressing the question of some congressional membership on the commission is already being done and could be ready shortly.

Mr. NUNN. If I could say to my friend from Illinois when he comes out on the floor totally unprepared on an amendment and gets ready on the debate and makes a very persuasive and articulate argument that he overwhelms the Senate with and wins by a 53-to-39 vote here on the floor of the Senate on the first amendment, I am afraid to give him very much longer to prepare for his second one. I do not know what kind of vote he would get with preparation.

Mr. DIXON. Having been appropriately stroked, Mr. President——

Mr. NUNN. I would say to the Senator that I understand he would like to bring up an amendment in a different form than that which we originally discussed on the floor which was a motion to strike.

I respect my friend and colleague for his position on this. He and I may not agree on the amendment, but he is one of our most valuable members in the committee. He has been very cooperative in getting the business of the Senate going this afternoon. We will certainly give him whatever time he needs to prepare.

I hope we could lay down and debate the type of amendment he has outlined here this afternoon and in the meantime I know that the Senator has remarks relating to his subcommittee responsibilities.

If he has a chance to do that he would go ahead and receive that statement.

So whatever the Senator would like to do is fine with the managers.

Mr. DIXON. I thank very much my friend, the distinguished Senator from Georgia and chairman of the committee, for his remarks. I know he understands the sense of discomfort that this Senator has in disagreeing with both the distinguished chairman and the distinguished ranking member, both of whom I hold in the highest possible esteem.

I happen to feel very strongly about this particular provision.

I'd like to indicate my problems initially about the provision while the amendment is being prepared.

Unless they have read about it in the newspaper, the average Member here in the Senate is not fully advised about what this provision in the bill will do.

I want to be a little bit simplistic when I explain it, but essentially what this base closing provision in the bill would do is simply say that the Secretary of Defense, Mr. Carlucci, may appoint a commission of a stated number of people who will look at this issue of base closing around the country and report back a list of bases to the Secretary of Defense that ought to be closed, and then he would be granted the authority to close those bases, essentially without any further congressional input by the U.S. Senate and the U.S. House of Representatives.

Now, interestingly enough, there has been a list that was given to members of the Armed Services Committee. I do not know if that was done with some premeditation by the Secretary of Defense and the administration and the distinguished chairman and ranking member of the committee if they are involved in that process, or how it came to be known, but there is a list.

Some of these names are known to people and to this Senator. Others are not that well known.

But we have not yet even established where every one of these particular members of the commission comes from. But one of the names is Abe Ribicoff, of Connecticut, a former distinguished Member of the Senate. Another is Jack Edwards, of Alabama, a former distinguished Member of the House; Donald Craib, former chairman of Allstate and currently a resident of California, Philip Cabot, of Boston; Martin Hoffman, of Washington, DC; General Poe, a retired general who lives in Alexandria, VA; General Starry—I do not know his address; Graham Claytor, who lives inside the beltway, we think, in the District of Columbia; and Russell Train, of Washington, DC.

Aside from the question of whether you ought to remove the Congress from this process, I think there ought to be a concern about some kind of regional representation. This is a great Nation of 50 States. I am not trying to make a regional argument here beyond suggesting that most of these Members are basically from Eastern States. There is one Southern State. One might argue it is a Southern State, but essentially this is pretty much of an eastern agenda.

I have nothing against the East. I live here now. I have a home in Washington. I still have a home in my hometown of Belleville, IL. I am a midwesterner and the Midwest has an interest in this question, the West does, the Southwest, the South, the North, all the regions of our country.

I am disturbed about that, and I hope that my colleagues will accept this statement when I make it. I realize it is always open to suspicion when you say something like this, but I admit to be the chairman of the jurisdictional subcommittee. The bases are under my jurisdiction. I admit that.

But, I would hope my colleagues believe me when I say that I am not worried about turf. I am not worried about jurisdiction. I am worried about having some kind of reasonable congressional input somehow into what happens here maybe even at a more modest level.

I do not want to assert that this commission would just accept whatever list the Secretary of Defense gave the commission and then give it right back to the Secretary of Defense. But I do want to suggest if the Secretary of Defense makes a list of commissioners and then if that list of commissioners looks at the bases and gives the list of bases back to the Secretary of Defense, it smacks of a fairly cooperative effort, Mr. President.

While most of my adult career has been involved in the legislative process, I was in the executive side of it for 10 years. I remember that when I was an executive and I told people to do things, I hoped they would do it. I suspect that that could come true with respect to this kind of a commission.

(Mr. CONRAD assumed the Chair.)

Mr. DIXON. So without any reflection on these noble gentlemen—I think this is a question of sufficient import and I think there ought to be some kind of congressional involvement in this process, Mr. President.

Mr. President, I visited earlier with the distinguished Senator from Alaska. That learned gentleman has been involved in this process a good while. He is a senior man here. He was a leader in the majority for some period of time. He is highly respected and understands this subject matter. Senator STEVENS said to me something I mentioned in the committee and would want to elaborate on here. He said,

> We are spending so much money in the world at large on bases and on military construction. Shouldn't we be looking at what we are expending overseas and all over the world in a very serious way before we look at what we are doing here in our country and the investments we are making here?

So I would minimally want the U.S. Senate to look at these issues. Certainly there should be some kind of congressional involvement. I do not ask for a majority vote, Mr. President. No; no, in fact, the amendment I offer would not constitute that. It would establish a minority on the commission, but would allow congressional input into the whole question.

I am proud of the fact that I am a Senator from Illinois, Mr. President. I do not make any bones about it when I go home. Look, I am here for Illinois. I am here to serve Illinois. The constituents of Illinois are my master. They speak to me and I listen. So, yes; I am a Senator for my State and I think that we ought to have regional balance to a commission that would look at this country.

I have no quarrel with the East. The East is a wonderful part of our great Nation. But I think this commission is terribly tilted toward the East. There is nothing the matter with any of these names, nothing the matter with any State, just the fact that there are 50 States in the Union and I would like to see some kind of regional representation.

I introduced a bill trying to change the primary selection for our President, setting up six regional primaries in the country. But every region of the country was represented, and they ought to be represented in policies that affect the Nation.

Closing these bases will affect parts of this country. Major communities will be affected, Mr. President. People that desperately want jobs will lose them. A lot of very, very sad, compelling things will occur in the country. I think we ought to have balance to what we do.

I had tears in my eyes, Mr. President, reading in the Chicago papers only last week about the closing of a big automobile plant in Kenosha, WI. And in all fairness, they were treated well by Chrysler, given a lot of advance notice and so forth. But the plant is going to close. I think it is going to last a few more months now, but it will close. People mentioned their plans, where they are going to go. Somebody said, "I heard there are jobs in Mississippi." Another said, "I know where I can get a job in California. I hope I can bring the wife and kids out later."

These are real things that happen to honest-to-goodness living people with blood going through their veins. They go home every night and eat supper with their wives and kids.

There is a human element to this problem. I would like to have some kind of understanding of that in this bill.

Let me tell you that I have been well pleased with the attitude of Secretary Carlucci. I have personal regard for that man. In my own experience as chairman of a major subcommittee of the Armed Services Committee—when I have dealt with these folks, I have always felt they do the best they know how.

But I see them come in with these requests for foreign military bases in foreign countries. A lot of money, Mr. President. A lot of it going to Japan. A lot of it going to Korea. I am not talking about dimes. I am talking about hundreds and hundreds and hundreds of millions of dollars.

They have different rules. You give the hundreds of millions in Japan, but if you give it it cannot be for military purposes. It must be for nonmilitary purposes when you give it to Japan. But in Korea, it is the other way. When you give the hundreds of millions of dollars, it cannot be for other purposes. it must be for military. But they will take the money. They all take the money, Mr. President. I found that out. They all take the money.

Now, let me say this—and I do not want to pick a fight with my colleagues on this. I represent Illinois, Mr. President, in the Midwest. Some of my colleagues represent States that have ports along our coast. I understand their views are different than mine. That is why we have a Senate representing all the States.

But a couple of years ago, a distinguished Secretary of the Navy developed the idea of home porting. I opposed that on the floor of this Senate. Oh, I remember that fight. It was a lalapalooza. We fought for a long time and I got beat, Mr. President. So be it.

Now, in my subcommittee that I have the honor of chairing, we authorized the money for home porting. I am against it, but I authorized it. My friend from California came to me as a member of my subcommittee for a little additional authorization this time. There was some controversy about it. I authorized it but I was not for it.

Home porting costs about $800 million. I am still looking at how much it costs us to maintain all these overseas bases.

In this last bill, the Navy wanted $50 million for Naples. In Italy.

There is nothing the matter with Naples. I have been there. It is a nice town.

When we went through this exercise several years ago, we found it would cost more to close most of the bases on the hit list than it would save.

Now, I appreciate the fact that there are different points of view. But I would like to offer an amendment that says: Wait now, before we keep sending all this money into all these other countries, let us look and see if all that is necessary. We just authorized in the Subcommittee on Readiness, Sustainability and Support, money which I think is necessary for quality of life in the Philippines. I do not say this practice is not right. But I say that all over the world, in the Philippines, in Japan, in Korea, in Europe, all over Europe, all those NATO forces in Europe and Italy and everywhere in the world, down in Central America—everywhere we turn we are spending billions and billions and billions of dollars of the taxpayers' money.

All I am saying, Mr. President, is before you close a base in some rustbelt State that feeds people and keeps a mom-and-pop grocery store and a mom-and-pop service station and a bunch of marginal people above water and off the welfare rolls and everything else, let us be sure we get the makeup of this commission right.

I would like to have a little heart in this commission, a little compassion in it, and a little common sense in it. I would like to have a commission that has members who are responsible for their actions. I like that idea. I like the process that says that you and I have got to go back home and defend what we do here.

I went through my State from top to bottom last week. I will bet the President was, too. That was our work week and I was back home and I was in Quincy, Canton, Mount Vernon, Sterling, Springfield, Peoria, Pekin, Rock Island, Rockford, Elmhurst, Addison, Bensenville, Chicago, and Carbondale doing town meetings. Sometimes you wonder after you get back home how you got here and how you stay here when they criticize the things you have done. But thank God for the process, Mr. President.

Thank God for the process where everybody in this country has an opportunity to say whether we come here in the first place and whether we stay here, most importantly, whether we stay here in the second place.

Here we have a proposition, Mr. President, where this commission—none of whose members are probably familiar to my distinguished colleague in the chair—is going to decide what bases are going to close down.

Holy cow, as my friend Harry Caray from Chicago always says: Holy cow. You know, I would like to have a time at bat somewhere. Maybe it is a broken bat single. Maybe I will strike out. But some opportunity somewhere for the 11½ million people I represent.

That is all I am saying. I would like to have the Senate look at these things a piece at a time and decide and I know there is a problem. I hear that. But if we could be reflective on these issues for a period of time and give them some careful thought, I will live with the result. But as a member of the committee, as a chairman of a subcommittee that is jurisdictional, I do not know how I could go back home and defend this. I expect I may some editorial criticism for the position I take here.

I have noticed in what many would consider to be the influence makers in the Nation, media that is nationally prominent media, they have suggested they think this is a good idea. I have respect for those papers. I read them all the time and they are fine newspapers. It is not with any great deal of pleasure that I invite a kick or two from them because the folks back home read them, too. But I can concerned about this process and so I want to say to the chairman, who I see is at his usual position of responsibility here, that I respect him very much; have a personal fondness for him as he well knows; and hold him in the highest regard. I cannot think of anybody I would rather entrust the security of this Nation to than the chairman of our committee; an outstanding American and a great leader.

Mr. NUNN. But, but——

Mr. DIXON. "But," I would like to offer a few amendments to see whether just a few of my colleagues are not concerned. To maintain land bases in Korea costs us $1 billion right now. That does not include the Navy.

You know, I support our Persian Gulf policy, Mr. President. It is probably not too surprising to hear that because my position on these issues is generally pretty conservative.

Mr. President, I say that in sincerity. We are absolutely stripping the Congress of any power in making these decisions.

I do not think I ever cast such a vote. Maybe, that is a good way to solve the whole budget problem. Take the Congress out of the process. I think that is what we ought to do if we want to do this. Take the last great step.

We ought to seriously think about it. I realize somebody says you always want to put it off. But I would like to see the numbers, Mr. President. I would really like to see the numbers. I honestly would and I do not think anybody has got them. I would like to see the numbers on how much we spend all over the world at large.

Let me say, Mr. President, a couple of years ago, I was sitting right over there, when my distinguished friend from New Mexico led a fight. The administration had sold a bunch of weapons to other countries, $3.5 billion worth of ammunition, guns, and weapons of all kinds. We forgave it all. We just forgave it here in one day, $3.5 billion. Spit it away.

You could have taken that $3.5 billion for all of those guns and all of those tanks and all that other weaponry that we sold to those countries, most of whom nobody cares about, and kept these bases that we are talking about open for years. Just that one thing.

Does the President know about my activity with respect to the Divad gun?

The Divad gun, Mr. President, was supposed to be a great air defense gun. I would like to tell the President this story.

I was a new member of the Armed Services Committee sitting down at the end of the table, and we were having one of those oversight hearings where they have in all the big military experts and they compare our strength vis-a-vis the Soviet Union. They say: "Well, they are much better here, we are much better here," and they went down the list, "about equal here."

Pretty soon, one of the generals said: "Well, in the case of the air defense gun, we are very fortunate. We are now much stronger than the Soviet Union because we have the Divad air defense gun."

I was about ready to doze off when until he said that. I said: "Wait a minute, Mr. Chairman," who was my friend, the Senator from Arizona, Barry Goldwater, a marvelous man and well loved by his colleagues here. I said: "Wait a minute, Mr. Chairman. I heard that is a lousy gun. I want to ask this general a question."

I said: "General, are you talking about that gun they call the Sergeant York?"

He said: "Yes, they do sometimes commonly call it that."

I said: "Mr. Chairman, I heard that gun can't hit anything."

"Well," he said, "if you think so, why don't you go down and shoot it?"

Now, let me tell you something. Barry Goldwater was that kind of a man, Mr. President. He was a man who flew the airplanes and shot the guns and rolled the tanks. He is a great American, a great Senator, and also a great patriot, and he knew these things.

He said: "I heard it's a pretty good gun." I did not say anything. I was walking back to my office from the committee meeting when I got mad. I got back to my office and called him up and said: "Barry, this is ALAN DIXON. Do you really mean that?"

He said: "Yes."

I said: "I will like to go."

He said: "I will call you back."

He called me back. "I tell you what, you go out to Andrews Air Force Base Thursday, and there will be a plane to take you to El Paso, TX. You go out to Fort Bliss, and you fire that gun."

Well, it was February. I thought, El Paso, TX; the weather will be nice anyway. Right? Wrong. I got out there, and it was 11 degrees above zero and snowing. But I went out to Fort Bliss the next day.

Oh, they had a fine breakfast for me. They said: "Senator, we are sure glad to have you here to look at our gun. Now, you are from Illinois, aren't you?"

I said: "Yes."

They said: "Isn't that town you are from Belleville?"

I said: "Yes."

They said: "Look at that young man right there; he is from Mascoutah. That is about 5 miles from your town."

I said: "Yes, it is."

They said: "That fine young man is part of this program. Tell the Senator about this gun."

"Oh, Senator, it is a fine gun."

I said thanks.

They said: "See this lieutenant over here, he is from another town in your State," and they all told me what a great gun it was.

When the breakfast was over, they started showing me slides. They showed me slides for 3 hours about how good the gun works. It was a big tank, about half of the size of the cloakroom. It had two big Bofors cannons on the front of it, and it had the radar set from an F-16 aircraft in it. It was supposed to be an idiot gun.

You got in there and you pressed one button to aim the thing, and then you pressed another one to get the distance. Then you fired it and you hit everything you wanted to hit. Right? No. Wrong. Never hit anything.

Anyway, to make a long story short, they then had a nice lunch, had cocktails and all.

Then they said: "We have bad news for you. The weather is so bad, we can't take you out in a chopper to where we shoot the gun. Sorry, we can't show you the gun itself. We really would have liked to have done that, but we hope that this slide presentation has been adequate."

I said: "Now we're in a mess because the chairman of the committee, Senator Goldwater, and the ranking member, Senator NUNN, sent me down here to shoot that gun and file a report, and I can't go back until I shoot that gun. The longer I sit here and don't get to shoot that gun, the madder I am probably going to get."

So they said: "Well, we will see how the weather looks in a little while."

We went on with the lunch, and then someone came back and said: "Looks like it cleared up enough we can take the chopper out." So we went out there in the chopper.

They had a bunch of house trailers around and maybe a couple hundred people. A lot of them had things on their ears, antennas coming out of their heads. They had a big Divad gun there, the tank and all, and they told me: "Now, you get in there and you shoot this cannon and you hit anything you want to hit."

So I went in there, Mr. President, and I shot it 88 times. Well, it never hit anything. I had all their best experts in there helping me, but we never hit a thing.

Why, that gun, if you aimed it at the John Hancock building down on the loop in Chicago—it shot a hole that long and big around—it would have shot down the John Hancock, if you could have hit it. It could not hit anything.

When I filed my report, we fenced that money. We had already built, I think, 55 of them, but we did not build any more, and that saved the American taxpayer $4.5 billion.

Add it up: $1 billion in Korea. Here $0.8 billion for home porting; $4.5 billion for Divad, and $3.5 billion we forgave on weapons and ammunition from 21 countries. We could maintain a lot of buses with this money.

Let me just say something delicate here. Social Security is quite an issue. Every Member knows that. Some of the campaigns in the country are decided by who is for Social Security the most. It is a very delicate political issue.

Now this is being done because it is a delicate political issue. What is the matter with saying someday, now we have the solution to the delicate question of Social Security? It is just too hot for the Members. All the COLA's cost money, and it is a tremendous issue in the country. The only thing we can possibly do to solve the problem is let us take the Congress out of the process.

We will just take somebody in the administration, the Secretary of Health and Human Services or whoever you want to pick, and have them take a list of the nine people. Just pick them anywhere.

The nine people will give us a solution. It will save money, and those nine people will give the solution to the Secretary and when he certifies it, that is the law.

I am not exaggerating. That is what this bill does in this section. It is exactly the same thing. Instead of Social Security, it is base closing.

I want to say to every American citizen, base closing may be a hot issue. I will not say it has not been, and I will not say Members do not have constituency interest, but I will say before anyone in America, and at the expense of being thought excessive in my remarks, I will say that if you can solve base closing by taking away congressional power, if you can take Congress out of it and solve that, if that is what you want to do and that is the answer, we can solve any problem that way.

I remember—it has been a little while ago, decades and decades ago—when I was a political science student. There was a great professor at the University of Illinois, and I am embarrassed to say that his name eludes me now. He was an exciting instructor who turned on the students.

He used to demonstrate also how it just makes common sense to have a dictatorship: they work a lot better; it does not take any time; you did not have a lot of people in the process; you do not hone everything down by accommodation, and so forth; you just get a quick result.

Well, we are going to get a quick result here. This bill will give us a quick result.

What concerns this Senator is that it is a process we will live to regret, in my view. It is a radical piece of surgery, and I can think of more malignant problems in our society than this one if we are going to use this kind of radical surgery.

Now, we are going to prepare an amendment in time, but here is essentially what my first amendment would say, Mr. President.

I see a distinguished friend from West Virginia. If he cares to talk, I will be glad to yield to him.

In addition to the other members appointed to the Commission by the Secretary of Defense, the chairmen of the following subcommittees of the Senate and the House of Representatives shall be members of the Commission and shall serve as members of the Commission ex officio: The chairman of the Subcommittee on Readiness, Sustainability, and Support of the Committee on Armed Services of the Senate, the chairman of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services of the House, the chairman of the Subcommittee on Military Construction of the Committee on Appropriations of the Senate, and the chairman of the Subcommitttee on Military Construction of the Committee on Appropriations of the House. Later I will offer another amendment that says members of the Commission shall be appointed from the different geographic regions of the United States, so as to give fair representation to the various regions of the United States as practicably as possible. I will offer those amendments shortly.

I do not want to unduly belabor this. I see two distinguished colleagues on the floor, the distinguished Senator from West Virginia and the Senator from Massachusetts. If they are here to say things, I would be happy to yield the floor because I am not yet ready to offer those amendments. But I hope, in conclusion, in a reasonably fair way I have expressed my very profound concerns about this without in any way reflecting on very distinguished people like the Secretary of Defense and the chairman and ranking member of the committee, whom I truly hold in very high regard.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as chairman of the Subcommittee on Projection Forces and Regional Defense, I want to present the portion of the Defense Department authorization that addresses conventional military missions in regions other than NATO.

Specifically, the subcommittee reviews the budget for shipbuilding and conversion, Marine Corps programs, airlift and sealift, and special operations forces. These programs amount to a total $22 billion, or about 7.6 percent of the defense request for 1989.

This year the administration requested funding authority for construction of 17 ships and 2 conversions. The committee is recommending authorization for all of these requests, with the exception of one oceanographic research ship whose design is not yet complete. Among the ships recommended for authorization are the new attack submarine, the *Seawolf*, as well as two SSN-688 class attack submarines.

Of particular concern to the subcommittee is the "Hollow Navy" problem—the growing imbalance of the Navy's force structure. The administration continues to fail to request authorization for construction of enough cruisers and destroyers to provide for a balanced mix of forces. For 4 years, the Secretary of Defense has testified that the number of Aegis antiair warfare ships would not keep pace with retirements.

The production of these ships below the rate of five per year will increase the 20-ship shortfall already forecast for the next decade. Nevertheless, the administration has requested only three Aegis ships this year, further exacerbating this already serious shortfall.

The Navy is also proceeding with its plans for 15 aircraft carriers, even though we will not have enough cruisers and destroyers to support them.

This force imbalance is not just a problem of a shortage of surface combatants. There also are not enough combat aircraft to outfit 15 carriers. CBO testified to the subcommittee that the naval aircraft shortfall will approach 200 in the early 1990's. We have a similar shortfall of modern munitions, meeting only 50 percent of requirements of some crucial air-to-air missiles.

These shortfalls could be significantly worsened by the problem of block obsolescence. Over the next 15 years, we face successive obsolescence of surface warships, amphibious ships, submarines and aircraft carriers. This wave of retirements is breaking over us at the same time that pressures for budget reductions are peaking.

These same concerns prompted us to include in last year's Authorization Act an amendment requiring a report on the impact of deferring the addition of a 15th aircraft carrier to the end of the decade. The Department of Defense, the General Accounting Office and the Congressional Budget Office all agreed that the savings from a 7-year deferral ranged from $1 billion to $5 billion.

That level of savings is substantial enough to form an important policy option. We should retire old, marginally effective forces in order to free money for procurement to redress force imbalances and to keep up the pace of technology renewal. It is in the latter area where America has a strong competitive, strategic advantage, and we need to find affordable ways to preserve and enhance this technological edge.

Accordingly, I plan to introduce an amendment to the bill that would require retirement of two older aircraft carriers in the early 1990's as two new nuclear aircraft carriers join the fleet. This amendment was rejected in committee on a close vote. But, in my view, it is crucial to synchronize carrier force levels with the overall modernization and expansion of the fleet. It makes no sense to add a 15th carrier to the fleet, when we lack the escorts, planes and munitions to make it effective.

Giving up force structure is the hardest choice for any military service. But, if we are to maintain an effective and balanced fleet, it is the right decision for the Navy now.

On Marine Corps programs, the subcommittee's most important action was to approve a 3-year procurement for the AV-8B aircraft. This plane is the heart of the Marine Corps' close air support capability. Procurement of 36 aircraft a year would be the most economic rate. But given the budget constraint, the optimal plan is a multiyear buy of 24 aircraft per year.

Similar concerns led us to examine the C-17 airlifter program and to ask whether there are economic procurement rates below the planned rate of 29 aircraft per year. That figure was determined at a time when defense spending levels were more optimistic than they are today. Our report requires the Secretary of Defense to examine this question. The total program costs for a transport airplane should not exceed the costs for our most advanced technology bomber—the B-2 "Stealth" bomber. But this could happen, if we do not exercise adequate oversight early in the C-17 program.

Our hearings this year revealed an important strategic gap in our capabilities which can only be filled by fast sealift. Gen. Glenn Otis, commander of U.S. Army forces in Europe, testified that we are currently unable to fulfill our NATO commitment to deploy 10 divisions to Europe in the first 10 days of a conflict. The only solution to this problem is additional fast sealift. The problem has been known for some time. But no program exists to address the deficiency. The time has come for the Department of Defense to give higher priority to fast sealift, and the next defense authorization bill should contain a recommendation for appropriate allocation of resources to this problem.

I urge the Senate to approve the subcommittee's recommendation in the authorization bill. This legislation makes a responsible transition to more restrained expectations about defense spending. The administration is also shifting its priorities. In that sense the bill lays the groundwork for the fiscal year 1990 and 1991 budget requests which are now being prepared in the Pentagon and which Congress will receive in the next 6 or 7 months.

Mr. President, we look forward to discussing these various programs with our colleagues during the debate on the defense authorization.

I ask for the attention of the Members on the whole issue and question about the deferral of the aircraft carrier issue. I will come back to that later in the debate on the defense authorization.

I yield the floor.

Mr. DIXON. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. DIXON. Mr. President, I just want to make the point, while we are waiting for an amendment that is presently being prepared, and before this Senator makes his statement on his subcommittee's work, that if anybody has an amendment they would like to bring over here now for consideration, we are prepared to deal with the amendment at this point. We are going to be in a little while longer this evening, and we invite amendments from any Senators who have amendments prepared and are willing to bring them to the floor at this time.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. DIXON. Mr. President, I support the fiscal year 1989 Defense Authorization Act reported by the Committee on Armed Services. There are, however, several provisions of the bill with which I disagree. I will expand on these concerns after I review some key sections of the Authorization Act. On the whole I believe that this is a good bill which deserves the support of the Senate.

As chairman of the Subcommittee on Readiness, Sustainability and Support, I would like to take a few minutes to describe the provisions of the bill under this subcommittee's jurisdiction.

The Subcommittee on Readiness, Sustainability and Support has a broad charter to oversee two key measures of our military capability—the ability to go to war today and the ability to sustain deployed forces as required during conflict. The subcommittee is responsible for reviewing those elements of the annual Defense authorization request which are associated with the operation and maintenance of our military forces and with those items of procurement particularly related to readiness and sustainability, such as conventional ammunition and spare parts. The subcommittee also oversees the operation of the revolving and management funds and reviews the budget request for military construction and family housing.

The good news this year is that the subcommittee and the full committee did not have to repeat last year's unpleasant task of making large reductions in the budget resolution targets. The bad news, however, is that there are still some important readiness and sustainability programs which are underfunded in the amendment fiscal year 1989 budget, and are still underfunded in the committee's bill.

I was very disappointed to learn that the administration had assumed savings of $310 million in the amended fiscal year 1989 request from enactment of legislation to raise to $1 million the dollar threshold for Defense contracts covered by the Davis-Bacon and Service Contract Acts. This assumption of savings was a very foolish move. The administration knows very well that these proposals would not be enacted by the Congress. The committee had no alternative but to offset these assumed savings by reductions in the appropriate accounts.

The operations and maintenance accounts are the largest area under the subcommittee's jurisdiction—$85.6 billion in fiscal year 1989. The committee recommendations provide for $299 million in increases above the budget. Most of this increase will offset underfunding of readiness and sustainability programs. The military services depot maintenance programs were increased $235 million in an effort to reduce the large and growing backlogs of equipment maintenance. Funding for Army supply operations was increased by $40 million. Army National Guard flying hours for helicopter crew training were increased by $8.3 million. And the committee provided $13 million to continue our initiative to provide humanitarian assistance to Afghan refugees and refugees in the Thai-Cambodian border area.

The committee offset these increases with reductions of $385 million from lower priority programs where we thought the amount of growth requested in the budget was excessive. These areas include command, control, and communications; the asset capitalization program; and administration. The committee's recommendations result in a net reduction of $128 million to the amended fiscal year 1989 budget request for the operation and maintenance accounts.

This minimal reduction was intentional, Mr. President. The operation and maintenance were cut deeply in the appropriations process for fiscal year 1988 to meet the outlay targets of the deficit reduction agreement. The impact of these reductions is being felt throughout the Defense Department, with lower operating levels, growing maintenance backlogs, and even the possibility of furloughs of civilian employees.

I think we have avoided the possibility of furloughs for civilian employees by the activities both in our subcommittee and the committees. One would profoundly hope so.

The committee bill will also include a provision to provide additional transfer authority to the Department to address these problems, which we hope will eliminate the need for any furloughs of civilian personnel. In light of the funding shortfalls in fiscal year 1988, the committee believed it was important to approve as much of the fiscal year 1989 operation and maintenance request as possible.

In the area of revolving and management funds, the committee recommended a 10 percent, or $70 million, reduction to the budget request for augmentation of existing stock fund inventories and buildup of war reserve stocks.

The committee recommended authorization of the full budget request in the area of spare parts. In the ammunition programs the committee used savings from several Army programs that could not be executed in fiscal year 1989 to speed up production of the new 105 millimeter armor-piercing tank round, and to increase production of a new, longer-range 155 millimeter artillery round.

In the military construction area, the committee recommendations result in a net reduction of $60 million to the budget request. Funding for four Navy homeports in the gulf was increased above the amended fiscal year 1989 request back up to the original fiscal year 1989 request. All funding requested for the Everett homeport—$53 million—was deleted because of the continuing environmental problems which have prevented obligation to date of most of the funds provided in fiscal years 1987 and 1988. We will continue to review the situation in this program as we go through floor action and conference.

The committee also adopted most of S. 1826, the bill introduced by Senator WILSON last fall to improve inventory control and security procedures in the Defense Department.

Mr. President, I mentioned earlier that the committee was not able to address all of the readiness and sustainability shortfalls we found in the budget request. Large backlogs of equipment and real property are going to have an impact on force readiness over the next several years. The progress we made in improving sustainability in the last decade is being eroded because the military services made a conscious effort to fund readiness programs at the expense of sustainability on the amended budget. General Hansen, the commander of the Air Force Logistics Command, told the subcommittee:

> As I look into the future, I portray the United States Air Force as a peacetime Air Force, as opposed to a warfighting Air Force with the capability to sustain itself.

The emphasis on readiness over sustainability not only jeopardizes the future combat staying power of our military forces, but it will also ultimately result in lower readiness of our military forces as the supply and logistics base of the force is eroded.

Mr. President, the Congress and the Pentagon are going to have to work together over the next several years to find ways to maintain the current readiness and sustainability of our military forces. This is not going to be an easy task with the current squeeze on the defense budget.

I would like to turn to another important section of this bill that deserves your support. I have sponsored legislation designed to preserve this Nation's defense industrial base. My staff and I have worked on this issue for over 2 years, and gone through six drafts. Quite frankly, I was very concerned that earlier drafts were protectionist in nature. I believe strongly in free trade, as long as it is fair trade. Problems with the defense industrial base are certainly not new. Congressman Richard Ichord held extensive hearings on this issue in 1979. Unfortunately, the deficiencies that were identified almost a decade ago have not been corrected. The deteriorating capabilities of U.S. industries to produce critical components for our weapon systems is a major national security issue. We must preserve the ability to produce essential items for our national defense at home. This legislation will not close the doors to our friends and allies overseas. The spirit and letter of our fair and open acquisition policies will remain intact. Compromises have of course had to be made. The final product of the Armed Services Committee deliberations does not include some of the provisions that I have advocated. But it is a critical first step in a long and arduous process to return American industry to the forefront of the world's producers and restore our advantages in cutting edge technology.

Let me provide a brief summary of committee language:

The key to this effort is to establish a focal point within the Department of Defense for the management, maintenance and readiness of the defense industrial base. That we have done. The Under Secretary of Defense for Acquisition will provide policy direction to the services and implement plans and programs to promote and expand the capabilities and requirements of the defense industrial base.

Designated acquisition programs may be required to conduct an analysis to determine if the U.S. defense industrial base can meet the requirements of those programs.

Test programs will be designated by each military service to conduct a thorough evaluation of the U.S. defense industry's ability to develop, produce, maintain and support the systems to be acquired under that program. A report on the results of these evaluations shall be submitted to Congress.

Another section provides authority to establish, within the Office of the Under Secretary of Defense for Acquisition, a defense production innovation center to serve as a focal point for plans and programs to improve the defense industrial base, promote industrial readiness and the use of advanced manufacturing technology and processes, and to propose and conduct tests of innovative industrial techniques.

In recent months, I have become increasingly concerned with the growing percentage of offsets required from defense producers as a condition of foreign sales. Offsets are an arrangement where industry shares the production of a military system, transfers technology, or purchases items from a foreign country, related or not to the original procurement, to offset an established percentage of the cost of a foreign sale. This is not only a problem for U.S. weapons producers. Defense firms in every industrialized country have been forced to complete, not on the basis of who has the best product, but by who can provide the best offset arrangements. Offsets have increased in the last decade from 50 percent to 160 percent of the value of the sale. I believe that setting up a marketing system for hams or foreign cars, or promoting tourism for a foreign country, has no place in the sale of weapon systems. However, offsets have produced far more serious consequences for the defense industry. U.S. firms have transferred technology to foreign governments used to develop critical defense systems as part of offset arrangements. We have helped set up production lines in foreign countries for U.S. weapon systems and their key subcomponents. The result of these deals has been increased competition for world markets, loss of business and jobs by subcontractors, who have been forced by prime contractors to bear the brunt of these offset agreements, and increased cost of weapon systems. All this adds up to declining industrial capacity.

I have heard both publicly and privately from industry and Government sources, both United States and foreign, that offsets have gone too far. Therefore, I sponsored provisions that have been included in this bill to reduce the negative impact on the American and world economy of offsets. The Department of Defense, in coordination with the Department of Commerce, will be responsible for establishing an offset policy to monitor and control offset arrangements that involve military systems. The Departments of Defense, Commerce, State, Treasury, and the U.S. Trade Representative, will be directed to enter into negotiations with foreign governments that require offset agreements. Countries will be required to limit offsets within 2 years, and eliminate offsets, within 4 years. We have made it clear in strong report language that Congress will be watching this process very closely and will enact appropriate sanctions if and when nations do not agree to eliminate this damaging practice.

The decline of the U.S. defense industrial base must be halted now. This legislation is not meant to be the final answer. I believe, that we have provided a logical and positive step in addressing a fundamental issue vital to our national security. For the first time we have directed that an industrial policy be developed and implemented. We have for the first time seriously addressed the issue of offsets. I will continue to work with Senator BINGAMAN, who as chairman of the Subcommittee on Defense Industry and Technology with jurisdiction over this issue. We will have more hearings and develop a more complete record to build support among Members of Congress and the public and private sector. This is an issue whose time has come, and we must not let it pass without taking positive action.

At the outset of my statement, I indicated that I take objection to some of the provisions of the bill. I must state my strong opposition to the committee's recommendation that we streamline the legislative procedures for closing military bases. I would like to express the reasons behind my disagreement with the committee and our distinguished chairman on this issue.

I have never in my entire professional career seen a piece of legislation so obviously contrived to strip away the prerogatives of a legislative body and hand those powers to the bureaucrats. With all due respect to my chairman, the issue of base closing is far too complicated and divisive to waive all the rules, including congressional oversight, without any hearings, and to try and push it through this body without due consideration and deliberation.

The provisions approved by the committee will support the Secretary of Defense decision to appoint a bipartisan commission to recommend military bases for closure. I believe that this commission will only have the thinnest veneer of bipartisanship. The Secretary of Defense shall have day-to-day contact with that commission, shall provide the resources to that commission, and to all intents and purposes control the access to information of that commission, and alone have final veto power over the recommendations of said commission. While I do not intend to question the integrity and fairness of the commission members, this process allows the Secretary of Defense unlimited access to that commission while excluding any participation by the elected Representatives of this Nation. I believe that passage of this section of the Defense Authorization Act as it now stands would constitute an abdication of the power and authority of this Congress.

It has been said that base closures are too difficult an issue for this Congress to reasonably address. There are a lot of difficult issues that come before this body. The legislative process itself is not easy to comprehend or to achieve accommodation with. But should we do away with the legislative process and the greatest deliberative body in the history of free and democratic nations because we face difficult tasks? The Congress must not abrogate its authority to the executive branch as a matter of expediency.

We have been told that base closings will save money. In this time of budget deficits and reduced expenditures that of course is a worthy objective. However, no recent study has been undertaken that shows that moving essential functions from one facility to another will save money. We must take the time to study this issue before irrevocable decisions are made.

I intend to offer amendments to the Authorization Act to rectify the precipitous actions of the Armed Services Committee. We must protect the rights of the Congress and its Members. No major Federal actions, that will impact the economic well-being of potentially millions of our citizens, and the national security of this Nation, should be undertaken without the advice and consent of the Congress.

Mr. President, we are preparing an amendment at this time, but may I urge my colleagues, if they have any amendments, to come to the floor. The managers of the bill, the distinguished chairman of the committee and the ranking member, are prepared still this evening to deal with any amendments that might be brought to the attention of the Senate.

In the meantime, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DECONCINI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, let me comment again that it is the considered feeling of those who are managing this bill, the distinguished chairman of the committee, and the distinguished senior Senator from Virginia, that this bill is not nearly as contentious as the bill we had last year and that we can dispose of this bill in a few days. This is also the profound hope of the majority leader, may I say, Mr. President, who has been on this floor diligently throughout the day trying to move along the business. He suggested he wants to finish this bill this week.

I am going to be on the bill here and on the floor a good portion of the time. After we finish this next exercise, I hope to be in complete agreement and accord with the managers for the balance of the week. We want to dispose of this bill. But, so far we only have two amendments. I know there are all kinds of amendments out there. I expect there is a SDI amendment; I suspect there is some kind of a chemical amendment out there; I suspect there are a few others that are the usuals. I wish the folks that are ready with these things will bring them over here, Mr. President.

So far I have only two amendments. I think as soon as we have a conference on this we are prepared to take one of them that is a relatively minor amendment. The other we may not be able to take. But the point is we would like to dispose of this bill.

Mr. President, as this goes on through the week we are not going to indulge our colleagues in a lot of time spent on the floor in quorum calls, quite candidly. So I would urge Members to be prepared. This is Monday, and we would like to complete this bill by Wednesday night. So I would urge Members to get their amendments over here.

We have disposed of one amendment today. We are going to lay down another amendment today. If we work hard tomorrow and into Wednesday, pretty well, and I think the leader wants to do that, I think we can complete this bill.

So I would urge Members to bring their amendments over here because we certainly want to proceed expeditiously.

Again, I have here at our desk only two amendments so far, Mr. President. Last year we had to stay on a Saturday and Sunday and everything else. I know the Members do not want to do that and this Senator does not want to. I do not think there is going to be anything like the number of amendments we had last year. There is not the same degree of great concern.

So, I would urge Senators and I would urge staff that are paying attention in every office, I would urge the aide in every office in charge of this bill to make known to the Senator that we are anxious to dispose of these amendments. We are waiting for them. We are going to keep calling for them. We are going to move the business and I would hope that some Senators has one in mind and would bring it over yet tonight so we could dispose of another amendment or two tonight.

I thank the President and I again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2005

(Purpose: To Modify the Provisions to Base Closure and Realignment)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois [Mr. Dixon] proposes an amendment numbered 2005.

On page 162, between lines 20 and 21, insert the following:

(2) In addition to any other members appointed to the Commission by the Secretary of Defense, the chairmen of the following subcommittees of the Senate and the House of Representatives shall be members of the Commission and shall serve as members of the Commission ex officio:

(A) The Chairman of the Subcommittee on Readiness, Sustainability, and Support of the Committee on Armed Services of the Senate and ranking member.

(B) The Chairman of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services of the House of Representatives and ranking member.

(C) The Chairman of the Subcommittee on Military Construction of the Committee on Appropriations of the Senate and ranking member.

(D) The Chairman of the Subcommittee on Military Construction of the Committee on Appropriations of the House of Representatives and ranking member.

Mr. DIXON. Mr. President, I ask unanimous consent that the amendment I have just offered be temporarily set aside for the purpose of offering another amendment on behalf of the distinguished Senator from Hawaii.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2006

Mr. DIXON. Mr. President, I send an amendment to the desk on behalf of the distinguished senior Senator from Hawaii [Mr. Inouye] and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois (Mr. Dixon), for the Senator from Hawaii (Mr. Inouye), proposes an amendment numbered 2006.

Mr. DIXON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following: "The Department shall, from within the funds authorized, establish a video teleconferencing center for the Tripler Army Medical Center."

Mr. INOUYE. Mr. President, the need for a satellite Earth station is unique to the Army's Health Service's Command because Tripler is the only Department of Defense Medical Center in the Pacific Theater. TAMC treats tertiary and acute care patients from all Pacific bases and from all services. TAMC is also the only DOD teaching hospital in the Pacific and the only one which has its own television production capabilities. This satellite Earth station would give TAMC the capability to produce and transmit medical training programs to other DOD medical facilities as well as the capability to receive mainland continuing medical education broadcasts from the Health Services Command and the American Hospital Satellite Network. TAMC also needs the Earth station to conduct video teleconferencing and medical consultation between Tripler and the mainland and between Tripler and other Pacific medical facilities.

In addition to this teleconferencing capability, this program will enable TAMC access to mainland television broadcasts and computer-based education systems which provide in-service medical training for physicians and nurses in support of intern, resident, and medical professional continuing education programs. This program will provide TAMC with the capability for transmission of x-ray images for review and consultation in support of Tripler's medical mission at Johnston Island.

Mr. DIXON. Mr. President, may I say this amendment is to enable the Army to acquire a teleconferencing satellite Earth station for communication from Hawaii, that is communication to mainland civilian and military medical institutions. The capability the Senator is seeking at Tripler is one component of the overall Army initiative. It would cost approximately only $1 million, and it is approved, I take it, by the Army. The majority side is prepared to accept the amendment. I have asked that it be cleared with the distinguished manager on the other side.

Mr. THURMOND. Mr. President, the Army has approved it? As I understand it, the Army has approved it?

Mr. DIXON. I understand that to be the case.

Mr. THURMOND. That is the case?

Mr. DIXON. I understand that to be the case, Senator, yes.

Mr. THURMOND. We have no objection if the Army has approved it, Mr. President.

The PRESIDING OFFICER. Is there any further debate on this amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2006) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. May I say, Mr. President, while I have this opportunity, that the distinguished Senator from South Carolina is a most able and beloved Senator. The people of his State should know that he takes his duties quite seriously.

I am the chairman of a subcommittee on which he serves. He is a great deal more senior than this Senator. I am privileged to say that he attends every subcommittee meeting. He asks profoundly meaningful questions and makes a very, very significant contribution.

I am indebted to him for enlarging my understanding of what I do as the chairman of that subcommittee.

Mr. THURMOND. I appreciate the kind words of the able Senator from Illinois. It has been a pleasure to serve on his subcommittee, and he has handled the subcommittee with dignity, ability, and dedication. I want to commend him for it.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER (Mr. Fowler). The Senator from Illinois.

Mr. DIXON. I thank the distinguished Senator from South Carolina who has been such a valuable member of my subcommittee and the committee.

Mr. President, it is my understanding the distinguished Senator from Indiana, who makes such a valuable contribution in the committee, has some remarks he would like to make. I yield the floor, and I will let my colleague from Indiana make whatever remarks he wishes.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. Mr. President, first I want to congratulate the chairman and ranking member for bringing us to this point and producing what I think is a good defense bill. It is not everything, obviously, I would like to see, but I think it is a good bipartisan defense bill, within the budget parameters and something all members of the Senate Armed Services Committee, and I think all Members of the Senate, can be proud to support and vote for, maybe even this week.

In looking at the defense bill and defense budget, I would like to go on record, as other Senators have today, in trying to debunk the myth that defense spending has grown astronomically during these last 6, 7, or 8 years.

As a matter of fact, back in fiscal year 1985, we had defense spending at $295 billion. In fiscal year 1988, 3 years later, budget authority was no higher. As a matter of fact, it went down. It went down to $292 billion.

So over a 3-year period of time, we actualy cut in real terms $3 billion. Add an inflation factor and it would be a lot more. This year it is back up to $299 billion in budget authority.

It is interesting to note that if, in fact, we would go back to 1970, use that as a benchmark, and fix defense at a zero growth rate, not 1 percent, not 2 percent, not 5 percent, just a zero real growth in defense spending, if we had done that since 1970—and those early years were Vietnam years where we had a lot of money in defense—we would still be $7 billion behind in fiscal year 1989.

In real terms, in the last 3 years, defense budgets have not increased; they've been cut by 12 percent. So this idea that somehow the defense budget has gotten the lion's share of the budget simply is not true. The percentage of the budget is around 26 percent or 27 percent. The increase in the budget has been in social spending.

In fiscal years 1981 through 1988, social spending alone has increased $60 billion more than defense spending; $60 billion we have spent in social spending. I am not counting farm programs and some of the other things. I am talking about social spending.

As you look at defense spending as a percentage of the gross national product, which I suppose is the fairest barometer of all, some say, "Well, gee, in the 1980's, defense spending has really grown astronomically."

Again, that is a myth. Again, that is not fact nor reality.

If you go back to average what we spent on defense in the 1950's as a percentage of GNP, the average in the 1950's was 10.2 percent of GNP. The average in the 1960's of GNP—we are not talking about on budget or off budget; we are talking about a percentage of our gross national product—in the 1960's, that average was 8.9 percent.

In the 1970's, the average defense spending, as a percentage of GNP, was 5.9 percent. Now in the 1980's, which everyone thinks is a great big increase, we are spending exactly an average of what we spent in the 1970's at 5.9 percent of GNP, 3 percentage points lower than the average in the 1960's and a considerable 4 percentage points lower than what we spent in the 1950's.

Therefore, as a percentage of our gross national product, defense spending has declined.

I understand that. I understand what our politics are. I know where our political concerns are. It is much more politically acceptable to spend money for domestic spending than it is to make an investment in national security. I understand that. But we also have certain obligations and responsibilities that we must meet.

Mr. President, we are going to hear a lot of debate during this week, and probably when we get into the INF Treaty, maybe this week, maybe next week—who knows exactly when, but we will get to the INF Treaty sooner rather than later—we are going to hear a lot of discussion about conventional forces, and the conventional imbalance and how we have got to focus and rely more on conventional forces than nuclear forces.

I agree with that. I can see the handwriting on the wall. I can see the need to modify our strategies. I can see the need to modify our doctrine. All of this was discussed clearly in the Wohlstetten-Ikle report on discriminate deterrence which said that for national security the United States of America ought to begin to rely more on more discriminate weapons and conventional forces rather than massive forms of retaliation and nuclear forces to provide for peace and stability.

I agree with that basic proposition, Mr. President, that we ought to focus more and we can do more in the area of conventional forces. But I can tell you that paying for that conventional capability is a costly proposition.

In our defense budget, we spend less than 14 percent on strategic or nuclear weapons including the R&D. The rest of it is spent on nonstrategic nonnuclear areas.

Mr. President, recently there was a net assessment that was put out by the Department of Defense which reaffirmed what I think is the majority feeling in this Senate, certainly the majority feeling on the Senate Armed Services Committee, that there is a conventional imbalance in Europe, that there is a conventional imbalance in Europe that is favorable toward the Soviet Union and the Warsaw Pact. This net assessment pointed out once again and reconfirmed for us that we have to examine what we are going to do about the conventional imbalance that we are confronted with in Europe.

We all know the beans, or the statistics, the disadvantages that we have: a tank disadvantage in the Central Front region of three to one: artillery disadvantage of three to one; a fighter interceptor disadvantage considering all of Europe of three to one; a multiple launch rocket system disadvantage of five to one; and a tactical ballistic missile deficiency of ten to one.

I know there are many people who say, "Well, let's not get carried away with the so-called bean count." I think the bean count is relevant. I do not think it is the sole criterion by which we need to measure whether in fact we can deter conflict or, if conflict would break out, that we would be able to stop the aggression, maintain the status quo and deny the Soviet Union or the Warsaw Pact victory. But I think beans are relevant and if in fact you asked me whether I would rather have more tanks than the other person, I would rather have more tanks. If you asked me whether I would rather have more and better artillery, I would rather have more and better artillery than my adversary.

So if you give me that choice of whether I would rather have more or less—that is a nice choice to have—I would like to have more rather than less when you are looking at the adversary and trying to deter that potential adversary from invading your territory and your sovereign responsibilities. But I think we do need to look, as they say "beyond the bean count," look at some of the other things, and the new assessment was very good at this. The net assessment did. It talked about doctrine, it talked about strategy. It said in an interesting comment that the Warsaw Pact has a doctrine of victory, the Warsaw Pact has a doctrine of offensive attack, the Warsaw Pact has a doctrine and strategy to begin the conflict and within a short period of time try to defeat and destroy NATO's forces. It is an offensive doctrine. Troops are deployed on an offensive basis. Our doctrine and our strategy is entirely different. Ours is a defensive strategy. If a conflict broke out, our objective is not victory. Our objective is to retain the status quo, to push Pact forces back across the Warsaw Pact-NATO, border, but no further.

Now, given the two, if you have somebody that is going to push and go on the offensive, as one compared to just trying to maintain the status quo, who has the upper hand in doctrine and strategy? Look at sustainability and reenforcements. The Soviet capability to reinforce, particularly where they are located in Europe, is much greater compared to our capability of having to airlift and sealift from the United States to the theater in Western Europe.

So I believe that as you look to this conventional imbalance, there are a lot of things that we need to do.

Mr. President, I would like to highlight what I think are emerging issues that do not get a lot of attention on this floor, do not get a lot of attention in the defense budget, but I think they are important. They are addressed in this legislation before us. One of the issues that I have worked on quite hard that is in this bill deals with extended air defense, and believe me, in a post-INF environment extended air defense is going to be far more important than it was before. The Soviets have a lot fewer targets they must hit with removal of the Pershing II's and ground-launched missiles. One of the key targets is going to be our airfields. We know that our airfields are going to be a critical target. We basically have about 10 airfields I believe that have the dual capable aircraft. That is not a whole lot of airfields. Those airfields will be the first targets to be hit in a conflict and we better be able to defend them.

The Soviets have and will have after the INF, thousands of tactical ballistic missiles. They will have cruise missiles. They will have advanced fighters and bombers that will target our airfields very early on. We need to improve our defensive capability of those assets and others, our command and control centers, air defense units, and nuclear storage sites, and as we look to defending Western Europe and look at the defense side of the equation, extended air defenses will be very important.

There is $50 million in this budget for extended air defense and I hope that it will be put to good use.

Another item that will be receiving a lot of attention, particularly as we begin the debate of the INF Treaty, is the advancement of our long-range conventional cruise missile efforts. There is in this budget $50 million for the long-range conventional cruise missile program. The Navy already has a temporary operation requirement for such a missile. The Air Force is beginning to look at a statement of need as well. Again, as we look to the Soviets' extensive air defenses and the amount of money that the Soviets invest in defenses, we have got to realize it is going to be very difficult for us to strike Warsaw Pact targets.

What we need to focus on is how our platforms, whether they be planes or whether they be ships or whether they be ground based, will be able to strike Warsaw Pact targets with nonnuclear weapons.

I believe that the cruise missile program offers us a tremendous advantage in trying to enhance our conventional capabilities. As a matter of fact, I personally believe that banning ground-launched INF-range missiles is one of the mistakes of the INF Treaty and I will debate that when the treaty comes before us.

Mr. President, the strategic defense initiative has $4.5 billion but it also has the language of prohibiting the testing and development that was worked out last year with the administration after a long hassle and harangue on this floor about whether we are going to reinterpret the treaty and apply interpretations to our strategic defense program.

The administration has not requested to go beyond the testing and development so it is not an issue, but I believe that as you look at SDI, if you are ever going to deploy defensive systems, whether it would be a limited SDI, whether it be ALPS, whether it be ERIS, whether it be HEDI, you name it, if we are going to deploy defensive systems against ballistic missiles, which I think we should do and I think is in the national security interests to deploy those systems, we are eventually going to have to test and develop.

Certainly, you just simply cannot do SDI on a gamble. You cannot take it out of the laboratory all of a sudden apply it. You have to test, and you have to develop it.

Finally, Mr. President, I want to emphasize a requirement that we have in the defense authorization bill that I think is very important. That is for the Department of Defense to complete a study it has begun on the lack of scientists and engineers that we have coming through our educational system in this country. We need to focus the Defense Department's attention and the future requirement for scientists and engineers, particularly as we get into very highly sophisticated technologies, computers, and things of that sort because right now the Soviet Union is graduating more than twice as many engineers as we are—nearly three times as many from graduate schools. Japan, a much smaller country, graduates nearly as many engineers as the United States does. Between now and 1990 we will have a 40-percent decline in aerospace engineers in this country—a decline of 40 percent of aerospace engineers. You tell me as we look to the strategic defense initiative, to cruise missiles, to Stealth bombers, to the many NASA space projects, and critical military space satellite programs, how are we going to proceed if we do not have the basic scientists and engineers and aerospace engineers? We cannot do it.

We simply cannot do it. In fact, we have a major demographic problem with our minorities. Recent studies show that 20 percent of our population is already of minority descent, and yet represent only 2 percent of our engineer, scientist, and aerospace engineer graduates. I can tell you where our population will grow in the future: three States, California, Texas, and Florida. In these States 50 percent of those that are graduating from high schools of minority population, and yet as scientists and engineers and aerospace engineers you have about only 3 percent coming from this pool.

We had better get smart. I think Bill Bennett is right on track when he starts talking about how we can do better than that in our education system. We not only can do better in our primary education system, but we can certainly do better in our higher education and graduate system, particularly with scientists, engineers, and aerospace engineers that we desperately need.

So, Mr. President, concluding the study will give the Department of Defense and the Nation some guidance on where we should be going on something that I feel, if we do not face up to in 1988, we will pay the price as we approach the turn of the century.

I yield the floor.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. I certainly thank my distinguished friend from Indiana for his very fine remarks, the large majority of which I agreed with, and I thank him for his service on the committee, which has been very, very valuable.

AMENDMENT NO. 2005

Mr. DIXON. Mr. President, we have at the desk, as the President knows, an amendment that I have offered to modify the provisions of the base closure section of the authorization bill before us to place some congressional representation on the Commission.

I made some remarks earlier about this Commission. I want to say again that I do not have any problem with any of these names. As far as I know, these are reputable people. Again, the names that I have been given that are on the Commission are Abe Ribicoff, of Connecticut; Jack Edwards, of Alabama; Donald Craib, who I understand lives in California; Philip Cabot, of Boston; Martin Hoffman, Washington, DC; General Poe, of Alexandria, VA; General Starry, who lives in Fairfax, VA; Graham Claytor, inside the beltway, we are not sure where, in the District of Columbia; and Russell Train, of Washington, DC.

Without any reflection on any of these men who I am sure are fine people all of them with a couple of exceptions here on the east coast, and all of them really right here in the capital city environment. Sometimes, those of us out here talk to each other so much that we begin to believe each other a little bit. That can be a danger because we are not necessarily always carefully reflective of the attitudes of the folks back home.

And I think a commission appointed by the Secretary of Defense with no congressional input which makes a report back to the Secretary of Defense and, boom, he closes bases without any congressional input of any type is not representative of the point of view of the country as a whole, and not responsive to the democratic system that we all love, or the system of a Republic, if you want to use the name of the other party that we all love.

So I do not think that it is a representative one. What this amendment would do is include the chairman and ranking member of the authorizing subcommittee in the Senate, the chairman, and ranking member of the appropriating subcommittee in the Senate, the chairman and ranking member of the authorizing committee in the House and finally, the chairman and ranking member of the appropriating subcommittee in the House. Four of the members would be from the House and four would be from the Senate; two from each political party in each house.

Incidentally, they would not be a majority, Mr. President. They would be a minority of the Commission. So they would not be in a position to control the vote. They would only be in a position to share in the expertise.

Mr. President, the distinguished majority leader is here on the floor. I had suggested to him quite frankly that it did not appear that there would be other amendments tonight. And the distinguished managers wanted to be heard on this issue probably in the morning. I wondered whether the majority leader wanted to suggest to this Senator his thoughts about how we might proceed in the morning on the issue.

I yield the floor.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I wonder if I might elicit from the distinguished Senator from Illinois a time for a vote tomorrow morning that would allow the managers to have an opportunity for some input.

Mr. DIXON. I may say in response to the distinguished majority leader that I understand that at least one Senator on this side wants to be heard in support of my position. I suspect that the chairman and the ranking member may want to be heard in opposition quite frankly. But I do not think anyone feels that it would take much time. I am just throwing out a number.

I think probably we could dispose of this amendment adequately in an hour evenly divided between the two sides. The distinguished manager could allocate the time in opposition if he is so inclined. And perhaps this Senator could allocate the time among the proponents.

Mr. BYRD. I think I know where I can reach the manager and the ranking member, and I will make a call and see if 1 hour of debate tomorrow morning, beginning at 10, and voting at 11, would be satisfactory.

Mr. DIXON. That would be satisfactory with this Senator, who advocates the amendment.

In view of that, and in view of the fact that I think there is no other business, I wonder whether it might be appropriate to indicate at 6 o'clock that the chances are that there will be no more rollcalls. Is that the feeling of the majority leader?

Mr. BYRD. Yes; it is appropriate. There will be no more rollcall votes today.

Mr. DIXON. I thank the majority leader.

In view of the fact that the majority leader is checking now, I ask what the pending business is. Is the pending business my amendment?

The PRESIDING OFFICER. The Senator is correct. His amendment is the pending business.

Mr. DIXON. Then, Mr. President, I say to those in their offices, first of all, that there clearly will be no more rollcalls tonight, and that is the decision of the majority leader. So the Cloakrooms can indicate on both sides that there will be no more rollcalls tonight.

I understand, if we can get an agreement—and I think we can—that there will be 1 hour of debate tomorrow. The majority leader suggested that the debate begin at 10 and end at 11 and that a rollcall will take place on this Senator's amendment at 11 o'clock, with the 1 hour to be equally divided between the proponents and the opponents of the amendment. That remains to be worked out, of course. The majority leader is off the floor with the managers, and we will shortly hear about that.

While we are awaiting the confirmation of that, I simply want to say that some other information came to me about base closing, and I will talk more about it tomorrow, and we will have a number of amendments.

I want to mention again the question of bases all around the world, outside this country. This bill, essentially, in the base-closing provisions, talks about closing domestic bases. I think Members will be interested in knowing this number: In fiscal year 1987, here is the Department of Defense operating cost of U.S. troops stationed overseas, overseas bases—$34.5 billion. In 1988, overseas bases, $35.5 billion. In fiscal year 1989, $37-plus billion.

Mr. President, I do not know, in my professional career, which spans now almost four decades, any kind of exceptional authority as immense, as dramatic, as overwhelming, as undemocratic as the provision in this bill that will permit the Secretary of Defense to appoint a commission of people of his choice to bring back to him a list of bases to be closed, and, boom, they are closed and Congress has nothing to say. That is unprecedented and has never been done on anything else.

Daddy always said: "Don't cure a minor headache with the strongest medicine. Don't kill a fly with a sledgehammer."

I think that is what we are doing here, Mr. President.

I have the greatest personal regard and highest admiration for Secretary Carlucci. If he would send over a bill like this to close foreign bases, I would not be for it. I have no constitutent interest in the Philippines or Korea. Not one constitutent ever talked to me about that. I would not be for doing this, to close a base in Korea, something this dramatic, something this powerfully undemocratic.

I do not believe I exaggerate the excessive nature of this. What is the purpose of this place, this wonderful institution that I stand in? What a great honor it is to be here. How few people in the course of a lifetime, however ambitious they might be politically, have the delight and the honor to spend 1 second in this place, speaking for a large constituency group in the country, in this very hallowed place, which has survived decades of arguments on a lot of immensely important and intensely fought issues.

Why should we give away the power of this institution, the power of the House, and the power of the congressional process—give it away to one person, essentially? That is what I am concerned about.

I am delighted to see that the majority leader has returned, and I will bet he has advice for this Senator.

AMENDMENT NO. 2005, AS MODIFIED

Mr. DIXON. Mr. President, at this time I would like to offer a modification to my amendment, that essentially simply clarifies the words "ranking member" to make it "ranking minority member." I am told that is a correct clarification. So it makes those very minor modifications in the amendment and I ask that that modification of the amendment offered by the Senator's own amendment be permitted.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment as modified, is as follows:

On page 162, between lines 20 and 21, insert the following:

(2) In addition to any other members appointed to the Commission by the Secretary of Defense, the chairmen and ranking minority members of the following subcommittees of the Senate and the House of Representatives shall be members of the Commission and shall serve as members of the Commission ex officio:

(A) The Chairman of the Subcommittee on Readiness, Sustainability, and Support of the Committee on Armed Services of the Senate and ranking minority member.

(B) The Chairman of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services of the House of Representatives and ranking minority member.

(C) The Chairman of the Subcommittee on Military Construction of the Committee on Appropriations of the Senate and ranking minority member.

(D) The Chairman of the Subcommittee on Military Construction of the Committee on Appropriations of the House of Representatives and ranking minority member.

Mr. DIXON. Now I think that the majority leader and minority leader have had a substantial conference on this question and with the managers.

I will yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

I have discussed this with the Republican leader and with Mr. NUNN. Mr. NUNN in turn discussed it with Mr. WARNER.

I ask unanimous consent that based on those discussions and understandings that there be 1 hour and a half for debate on the pending amendment, the time to begin running tomorrow morning at 9:30 a.m., and the time to be divided——

Mr. DIXON. I have already agreed. May I say that I feel I have spoken substantially on the issue and would be glad to allocate more time to my distinguished colleagues who are in opposition with the understanding that my distinguished friend from Michigan, Senator LEVIN and perhaps the Senator from Maine, may want to be heard supporting my point of view.

There might be some other than this Senator who may want to be heard as proponents. I think this Senator may have been heard more than enough. I am agreeable to whatever would accommodate the leader while being fair to my colleagues who may feel as deeply as I do on the subject matter.

Mr. BYRD. Would it be agreeable to have 60 minutes under the control of Mr. NUNN and——

Mr. DIXON. Thirty minutes under my control.

Mr. BYRD. Thirty minutes under the Senator's control.

Mr. DIXON. That would be satisfactory and I hope that if either Senator LEVIN or Senator COHEN had any problem with that possibly they could let us know. I know of no Senator who has a problem with it. This Senator has no problem with it.

Mr. DOLE. Mr. President, if the majority leader will yield, I had a call from one of my colleagues who wants to enter into this. He will be present. He will be here in 5 or 10 minutes. He is Senator SPECTER.

I have no objection myself and know of no other objection on this side.

Mr. BYRD. I withdraw the request.

JOINT UNITED STATES-SOVIET RECOMMENDATIONS FOR STABLE COEXISTENCE

Mr. PELL. Mr. President, over the last four decades United States-Soviet relations have drifted from the threats and bluster of the early cold war days, to the cordial tones of détente, to the harsh rhetoric of the early 1980's. This roller coaster approach to the United States-Soviet relationship is a dangerous one. Swinging from one extreme to another can too easily lead to disaster in the nuclear age. Because the United States and the Soviet Union wield the power to snuff out life on Earth, it behooves us to find a way to place our relations on a more stable footing.

In 1985, the American Committee on U.S.-Soviet Relations and the U.S.A.-Canada Institute agreed to undertake just such an effort. Their recently released joint report charts a steady course for the future development of superpower relations. This joint project is the first combined United States-Soviet effort to examine the requirements for our mutual survival and present recommendations for joint action. The study recommends 14 policy steps that would avoid the policy zigzags of the past and move both countries closer to the goal of stable coexistence.

I think the recommendations set forth in this report have considerable significance for the future of United States and Soviet foreign policy and I encourage my colleagues to study them. If adopted, these recommendations would substantially demilitarize the United States-Soviet competition and place the relationship on a more predictable, less volatile, course. As the bilateral study concludes, the United States and the Soviet Union "now stand on the threshold of an historic opportunity for a significant beneficial change in their relationship." I believe that is the case. But the opportunity for progress must be matched by the will to make progress. It is now up to the policymakers to begin to implement the thoughtful recommendations set forth in this study.

I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE REQUIREMENTS FOR STABLE COEXISTENCE IN UNITED STATES-SOVIET RELATIONS

INTRODUCTION

InN 1985 the USA-Canada Institute of the Academy of Sciences of the USSR and the American Committee on US-Soviet Relations agreed to sponsor jointly a study of the measures necessary to achieve and sustain a condition of stable coexistence in U.S.-Soviet relations. The USA-Canada Institute is the major center for research and study of the United States in the Soviet Union. The American Committee on U.S.-Soviet Relations is the principal private organization in the United States dedicated to improved dialogue and understanding between the US and USSR. This project is the first joint US-Soviet effort to examine the requirements for our mutual survival and to present recommendations for joint action.

The project director and principal author on the Soviet side is Georgi Arbatov, the director of the USA-Canada Institute. Mr. Arbatov is a member of the Central Committee of the Communist Party and of the Supreme Soviet of the USSR.

The project director and principal author on the United States side is Arthur Macy Cox, the secretary of the American Committee on U.S.-Soviet Relations. Mr. Cox is a specialist on U.S-Soviet relations and a former senior official of the State Department, the CIA, and the Brookings Institution.

The Soviet delegation, in additon to Mr. Arbatov, includes: Valentin Falin, director of Novosti; Fedor Burlatsky, author and journalist; Vitaly Zhurkin, director of the Institute of Europe; Henry Trofimenko, director of the US foreign policy division of the USA-Canada Institute; Pavel Podlesny, section chief of the USA-Canada Institute; Andrei Kortunov and Alexander Nikitin senior researchers of the USA-Canada Institute.

The American delegation, in addition to Mr. Cox, includes: George Ball, former Undersecretary of State; William Colby, former Director of the CIA; John Culver, former U.S. Senator; Townsend Hoopes, former Under Secretary of the Air Force; William Miller, President of the American Committee on US-Soviet Relations; and Adele Simmons, President of Hampshire College.

After adopting an outline, the two delegations prepared draft papers and discussed these at a series of joint meetings in Moscow and Washington. The subjects dealt with include: US-Soviet relations during World War II; the origins of the Cold War; the role of political theory and ideology in U.S.-Soviet relations; the rise and fall of detente; the major concerns which each side holds about the other's foreign policy; the background and sources of the "New Thinking" in the USSR; the concept of "reasonably sufficiency" in military defense, and the measures necessary to achieve stable coexistence and launch a progressive demilitarization of US-Soviet competition. There were often sharp differences of opinion, especially in the analysis of the roots of the Cold War, and the interpretation of various instances of military aggression during the Cold War. However, the joint conclusions and recommendations represent a remarkable concensus.

DISCUSSION

Both sponsoring organizations consider that the United States and the Soviet Union now stand on the threshold of an historic opportunity for significant beneficial change in their relationship. Our belief is based on the perception that the governments and citizens on both sides have now developed a deeper awareness of the controlling realities that underlie the world situation in our era. We believe, for example, there is now broad public understanding that the continued piling up of nuclear and conventional arms is both perilous and pointless; that the relentless arms race overburdens and distorts the economies of both countries; and that the tensions generated by the arms race serve primarily to obscure the need and the opportunity for cooperative action on security matters of vital concern to both sides, as well as on global problems relating to the preservation of the earth and the life of future generations.

We do not underestimate the major differences between the two social systems, and we recognize they make genuine understanding and agreement elusive under the best of circumstances. But we sense a deep mutual frustration in both societies over the sterilities of the Cold War and a new determination to break out of that rigid framework, to cut through propaganda and cant and candidly address the realities of our era, with the aim of achieving what both sides need—a relationship of stable coexistence. An important factor in our thinking is the special responsibility of the US and the USSR for the peace and security of mankind. Given their tremendous military power and the tensions inherent in mutual deterrence, this responsibility can be met only through determined mutual restraint.

Since World War II our two nations have been engaged in a bitter struggle to achieve political and strategic advantage over each other through measures short of all-out war. This has been called the Cold War. Direct confrontation has been avoided because, at each crisis point, the leaders on both sides realized the mortal danger of pressing a situation that could lead to an exchange of nuclear weapons. However, both sides have attempted to advance their political goals throughout the world through measures that have frequently involved the direct and indirect use of combat military force.

The Cold War has been driven by the fears that each side holds of the other's aggressive intentions, by the many instances of military intervention in international disputes by the superpowers. These fears and interventions have fueled the nuclear and conventional arms race.

We believe the most promising road to the desired condition of stable coexistence in US-Soviet relations lies in a progressive demilitarization of US-Soviet competition. We base this judgment on two central truths of our era: (a) that the arms race is stalemated by an inescapable mutual vulnerability to nuclear destruction, and (b) that the deepest, most enduring cause for fear and distrust is the assumption by each side that the other harbors hostile intentions, including the aggressive use of military force. Progress toward demilitarizing the U.S.-Soviet competition will require dramatic shifts of attitude and outlook on both sides. Both must give up lingering notions that they can gain any political or military advantage by adding to their arsenals, by intervening with their own military forces in regional conflicts, or by devising strategies that assume nuclear war can produce any favorable or acceptable outcome.

We do not underestimate the obstacles to developing new thinking on these matters, but neither do we regard them as insurmountable. For we believe that progress toward demilitarizing US-Soviet competition would be the natural result of rationally and honestly facing the military realities. And in no other area of US-Soviet relations would progress make a greater contribution to reduction and removal of the deepest mutual fear. Such progress could lead to sustained dialogue aimed at reinforcing the movement toward an enduring strategic stability, including the prospects for US-Soviet cooperation on regional conflicts. The dialogue could also encompass a range of global environmental issues like air, oceans and the world's food supply.

But the most compelling arguments for demilitarizing US-Soviet competition are the perilous, inescapable military realities of the nuclear era.

THE NUCLEAR DANGER

The central characteristic of the nuclear revolution is mutual vulnerability. Security is no longer attainable by unilateral national means. It has become mutual because the protection and survival of each society depends on he restraint and cooperation of the other. The concept of military superiority is a suicidal illusion. War—at least war between the major nuclear-armed nations—has ceased to be a rational option for the conduct of foreign policy. Strategists on both sides have struggled through the years to identify and justify rational uses for nuclear weapons, stubbornly trying to fit them into the pre-nuclear conventional patterns of applying military force. It is now the growing consensus among experts and general world opinion that they have failed.

Nuclear weapons have rendered traditional concepts of strategy and warfare obsolete. Clausewitz, the strategic thinker whose ideas had great influence on world politics, asserted that "war is a continuation of politics by other means". But the Clausewitzian dictum has ceased to be a rational guide to the pursuit of foreign policy; it has become a prescription for mutual suicide. Nuclear weapons have no useful military role beyond the deterrence of other nuclear weapons; they generate risk and destruction out of all proportion to any rational goal of policy, and their use could not be controlled by responsible political authorities.

These central truths compel recognition that the US and the USSR face a common security problem, and must actively and honestly cooperate to assure their mutual survival. Fortunately, there is growing awareness of these truths in both societies, not only in government, but also among a wide range of scientific and professional groups and other opinion leaders and among ordinary citizens. Reflecting this new dimension of awareness, President Reagan and General Secretary Gorbachev, at the 1985 Summit Meeting in Geneva, formally agreed that "a nuclear war cannot be won and must never be fought". They have reiterated this conclusion on several subsequent occasions.

Nevertheless, each side, fearing the hostile intentions of the other, continues to increase and modernize both its nuclear and conventional military forces. For their part, the Soviet leaders believe the US strives for military superiority in an effort to impose a "Pax Americana" on a global scale and to deny the legitimacy and permanence of the USSR. Many people in the Soviet Union, leaders and ordinary citizens, believe that somewhere deep in the American political conscience there still lives the thought that the Soviet state is illegitimate, created not by God but by the Devil, and that its existence should be ended somehow". For their part, most Americans believe the Soviet Union pursues an ideology backed by military force which aims to support the spread of communism throughout the world through conspiracy and coercion.

Underlying fear and mistrust have driven the arms race to even higher levels; the result however has not been to provide greater security for either side, but only to increase the danger of war. While there is now assurance that neither side will deliberately attack the other, there is a growing danger that nuclear weapons might be launched accidentally as a result of human miscalculation or mechanical error, especially during periods of crisis. Nuclear weapons in the U.S. and Soviet arsenals are now so numerous and so accurate and can reach their targets so rapidly that neither defense nor even a considered response is possible. As Secretary General Gorbachev has accurately put it: "the bigger the nuclear arsenals, the less chance they will be kept obedient . . . the constant risk of technical error, human failure and malice are all chance factors on which the survival of mankind depends."

As is known, some weapons can reach vital targets in less than 10 minutes, and the lethal power carried, for example, in one missile submarine could kill many times the number of people killed during the whole of World War II. In a situation where defense is not possible, but where fear of swift destruction from surprise attack exists, the search for a "credible" deterrent thus requires considering the radical policy of "launch on warning", which means launching nuclear weapons when there are strong indications of a surprise attack. But such a policy requires almost total reliance on computers. It involves removing the factor of human judgment and leaving the issue of war or peace, the death or survival of whole societies, to machines—machines which, however sophisticated, have demonstrated their inherent fallibility in the form of errors and false alarms over many years.

If this relentless trend continues toward greater speed and accuracy of weapons, it will drive the U.S. and the U.S.S.R. toward mindless, doomsday strategies. The United States and Soviet Union may fully agree that nuclear war is suicidal, and may separately decide never to launch a deliberate nuclear attack, but current trends in military technology could circumvent political controls. Through miscalculation or mechanical error, both socialism and capitalism could disappear in the ashes of an unintended nuclear exchange.

We believe that this situation cannot and must not be accepted by responsible nations or their leaders. All available resources of reason and common sense must be assembled and brought to bear to find a way out of the fatal box—to reverse the suicidal accumulation and refinement of weapons that threaten the immortality of the human race. We are fully agreed that efforts to build strategic defenses cannot provide an escape from this dilemma. On the contrary, they can only intensify the danger by adding a new dimension to the arms race, projecting U.S.-Soviet military competition into the vast uncertainties of space. The presumption that one side can achieve greater security by means of a technological fix is a delusion. Countermeasures are available and they promise to be far less expensive and less technically demanding to deploy than the defense systems themselves. Nuclear strategies based on offensive "war-fighting" or comprehensive defense systems are unacceptably threatening to stability. The superpowers must move in the opposite direction: to agree not to use military force, and to work toward deep, progressive reductions in their nuclear arsenals.

THE CONVENTIONAL FORCE BALANCE IN EUROPE

It is now recognized that a stable balance of conventional forces in Europe, between NATO and the Warsaw Pact, is a major element in a structure of stable coexistence and is related to the questions of nuclear balance and nuclear reductions. At the same time, we do not believe the present conventional force balance in Europe is an obstacle to an agreement embodying 50 percent cuts in strategic nuclear weapons.

Each year since 1983 the Warsaw Treaty members have proposed a treaty with NATO which would commit "both alliances not to be the first to use either nuclear or conventional arms against one another and thus not be the first to use against one another military force in general." Thus far, the United States and other NATO members have rejected this offer of a no-first-use pact, primarily on the grounds that they must retain the threat to use nuclear weapons in order to deter the threat of invasion by Soviet conventional forces. In recent months, Soviet leaders have indicated a new sensitivity to this core problem of East-West military competition, a new awareness of the intrinsic linkage between the conventional force balance and the prospects for deep cuts in strategic nuclear weapons. Secretary General Gorbachev has acknowledged the existence of "imbalances, and asymmetries" and has proposed "eliminating the inequality existing in some areas, but not through a build-up by those who lag behind, but through a reduction of those who are ahead." Other Soviet spokesmen have endorsed the need to move toward military doctrines of an "exclusively defensive character" and toward smaller forces that are adequate for defending against aggression but are incapable of sustained offensive operations. In this connection we agree that production of chemical weapons should be banned and that existing stockpiles should be destroyed.

We recognize that the long standing political problems in Central Europe, especially with respect to Berlin and Germany, involve major issues which transcend this discussion. However, by removal of existing asymmetries in conventional weapons that create concerns on both sides and by moving toward deployments that are mutually perceived as defensive and that removed the threat of surprise attack, the two sides could dramatically lower the level of confrontation in Europe and thus produce a beneficial alteration of the East-West competition in that crucial area. Such an achievement would in turn measurably improve conditions for further progress in the reduction of nuclear arms.

REGIONAL CONFLICTS

The Cold War has been characterized not only by a steady escalation of the nuclear arms race, but also by the use of conventional military forces by both sides in a range of international disputes. In these operations, the United States has endeavored to block the emergence of what it perceived as Soviet-supported communist movements, while the Soviet Union has sought to defend or advance the cause of national liberation being carried forward by Marxist-Leninist forces in various countries. There is a long record of direct and indirect military intervention in Third World conflicts by both the US and the Soviet Union, a record which has contributed to the perpetuation of mutual distrust.

The United States sent combat forces into South Korea (1950-1952) under the authority of the United Nations when South Korea was invaded by North Korean forces. The Soviet Union gave political and military support to North Korea's aggression, though it did not involve its own troops. Since then the United States has participated in the following military interventions involving combat force: Guatemala (indirect 1954); Lebanon (direct 1958 and 1983); Cuba (Bay of Pigs 1961 indirect, and Cuban Missile Crisis 1962 direct); Dominican Republic (direct 1965); Vietnam (direct 1965-1975); Angola (indirect 1975 and 1984 to present); Grenada (direct 1983); Nicaragua (indirect 1981 to present); Afghanistan (indirect 1981 to present); Libya (1986 direct).

The Soviets have participated in the following military interventions involving combat force: Hungary (direct 1956); Czechoslovakia (direct 1968); Vietnam (indirect 1965-1975); Angola (indirect 1974 to present); Ethiopia (indirect 1977-1978); South Yemen (indirect 1978); Cambodia/Kampuchea (indirect 1979 to present); Afghanistan (direct 1979 to present).

In particular, two major military actions, one by the United States and one by the Soviet Union, have been gross failures:

The Vietnam War, fought to halt the advance of communism in Asia, became a political, military and economic debacle for the United States, the most divisive event in US history since the Civil War. Dragged out for years after US public opinion had turned decisively against it, the war produced psychological and political repercussions that continue to affect American life adversely.

The Soviet military involvement in Afghanistan could have become an analogous political, military and economic trauma. However, after more than eight years of military and political stalemate the Soviet government decided to withdraw its forces.

Over the past 43 years the two powers have, with rare exceptions, avoided direct confrontation, but there have been perilous episodes. When the Soviet Union blocked all land access to Berlin in 1949, the United States responded by organizing an airlift and the USSR declined to challenge this. During the 1962 Cuban Missile Crisis, Soviet ships carrying missiles for installation in Cuba received orders from Moscow, at the last hour, to respect the US naval blockade, and the US did not retaliate when a US observation plane was shot down over Cuba. In 1972 during the Vietnam War, mines sown by the US in Haiphong harbor damaged some Soviet ships, but the Soviets did not retaliate, nor did they cancel the impending Nixon-Brezhnev Summit Meeting. Each side has employed intrusive intelligence measures to test the early warning systems of the other. Some aircraft have been shot down and some ships on spy missions have been fired on or captured. Because leaders on both sides were acutely aware of the fatal consequences of miscalculation, or perhaps because they were lucky, these crises did not escalate to direct war, conventional or nuclear. But the fate of the world was risked in deadly gambles.

In addition to these military operations, both powers have conducted clandestine political warfare, including efforts to overthrow legitimate governments. Throughout the Cold War both sides have conducted a wide range of covert political and paramilitary operations. Along with espionage, these have all contributed to tension and suspicion in US-Soviet relations.

We believe that military intervention by the superpowers in regional conflicts has reached a dangerous dead end and should be terminated by mutual agreement. For the world situation has reached a stage where such intervention entails far more costs and risks than gains for either side. Superpower intervention always raises tensions and exacerbates already complicated local conflicts, rendering a political solution ever more elusive; it also increases the risk of wider war. We agree with a recent statement by Anatoly Dobrynin, secretary for foreign affairs in the Central Committee of the USSR, that there is a need to establish "norms of behavior to limit military action and to regulate regional conflicts that could escalate into world war". But the development of such "norms" in US-Soviet conduct will depend upon persuasively demonstrating to each other that they no longer seek to advance or defend regional objectives through the use of direct or indirect military force. This constitutes a demanding new standard of conduct, a dramatic shift in operational philosophy, requiring a resolute renunciation of the Clausewitzian dictum, based on the clear mutual understanding that war is no longer an acceptable means of pursuing political goals.

We believe that stable coexistence requires both the US and USSR to accept the outcomes of regional conflicts without attempting to impose their own preferred political or ideological solution by military means. We recognize that a US-Soviet agreement to demilitarize their competition in the Third World would not put an end to coups, rebellions, revolutions or civil wars, but it could serve to constrain and limit their consequences.

The proposal to demilitarize US-Soviet competition in the Third World has far-reaching implications. To be effective it would have to include agreement (1) not to intervene directly or indirectly with military force, (2) not to transfer a specified list of sophisticated weapons, together with a mutual understanding to influence other major arms suppliers to adopt the same policy; (3) not to introduce proxy military forces or volunteer forces or covert paramilitary forces into regional conflicts; (4) not to organize, fund, equip or advise insurgencies or counterinsurgencies; (5) to limit military assistance programs to equipment and training necessary only for legitimate defense; (6) to offer military protection to friends and allies only against a cross-border invasion; (7) and to establish machinery to insure adequate verification of these agreements.

These actions would mean a reversal of certain operational doctrines on both sides:

The Soviet Union, for more than twenty-five years, has asserted the intention to support national liberation forces throughout the Third World, and if those forces are confronted by counter-revoluntary action or foreign intervention the Soviet Union has claimed the right to intervene with indirect or even direct use of military forces. Recently, though, General Secretary Gorbachev has stated that "the threat of universal destruction" means that coexistence can "no longer be treated as a form of class struggle." He says "Economic, political and ideological competition between capitalist and socialist countries is inevitable. However, it can and must be kept within a framework of peaceful competition."

In the containment doctrine the United States has claimed the right to use direct or indirect military force to block the emergence of Marxist-Leninist regimes. The "Reagan doctrine" goes further by providing military assistance to insurgent forces whose goal is to overthrow existing Communist governments in the Third World. Obviously there, cannot be a US-Soviet relationship of stable coexistence so long as the ideological competition is conducted with miliary force.

Another growing danger in regional conflicts is that more nations will produce or acquire nuclear weapons. Such "horizontal" proliferation of nuclear capabilities increases the risks of nuclear war, especially in the less stable areas of the world. The superpowers have continued nuclear arms production in violation of their own obligation under the Non-Proliferation Treaty. This has weakened their moral and legal position on the question of nuclear restraint by others. We believe an agreement to demilitarize US-Soviet competion should significantly increase the influence of the superpowers in their efforts to block further nuclear proliferation, in part by permitting them to act jointly.

THE UNITED NATIONS

Since World War II there have been several attempts to provide a framework for stable coexistence among the powers. The most important of these was the United Nations Charter, followed by the Basic Principles of US-Soviet Relations drawn up at the Moscow summit of 1972 and the Helsinki Final Act of 1975. All of these documents provide agreed principles calling for restraint of military competition. They call on the participating states to refrain from the threat or use of force against the territorial integrity or political independence of any State. However, both the United States and the Soviet Union have frequently invoked considerations to justify the use of military intervention in contravention of these agreements. In consequence, the agreed principles have had limited practical effect.

We believe that agreement to carry out specific measures which have the effect of progressively demilitarizing US-Soviet competion can restore these principles to the status of valid reference points for the conduct of international relations. Such action can also provide the necessary conditions for restoring the influence and effectiveness of the United Nations which have been steadily eroded by the Cold War and US-Soviet military rivalry.

The United Nations, created at the end of the second great war of this century, was intended by its founders to be the central forum for addressing and adjudicating the full range of problems and conflicts that require international cooperation if mankind is to survive and prosper. We believe that the historic opportunity now presented for beneficial change in the US-Soviet realtionship includes an opportunity to strengthen the United Nations.

A greater readiness by the superpowers to entrust regional peacekeeping in the UN, together with a joint effort to reinforce the role of the Security Council and the Secretary General, would make a significant contribution to reducing tensions and improving stability throughout the world. This in turn could lead to more productive use of the United Nations (and other international organizations) in addressing non-military global problems like famine, environmental pollution, epidemic disease, rapid depletion of non-renewable energy resources, poverty and over-population. a responsible role for the UN in dealing with such issues would strengthen the common bonds of the world community in ways that avoided the suspicion the US-Soviet cooperation was leading to a superpower condominium.

CONCLUSIONS

1. Because they possess the military capability to destroy the world the US and the Soviet Union bear a special responsibility to mankind for maintaining world peace.

2. Mutual vulnerability to nuclear destruction is an inescapable fact in US-Soviet relations. It means that nuclear war can never be a means for achieving any rational political goal.

3. Mutual vulnerability also means that neither the US nor the USSR can achieve security through unilateral military programs. This means that all preparation for nuclear war-fighting breeds insecurity. The security of each side depends directly upon the restraint and cooperation of the other. Military superiority is an illusion, but the quest for it undermines world security.

4. The principal reality in US-Soviet relations is interdependence and the need to cooperate for mutual survival. A deeper understanding of this reality on both sides now creates an historic opportunity to end the Cold War and establish a condition of stable coexistence.

5. A growing interdependence is also a fact of international relations throughout the World. This creates an urgent need for broad-ranging and sustained dialogue between the two superpowers and with other governments to examine the requirements for strategic stability and stable coexistence within a recognized framework of interdependence.

6. The most promising road to a reduction of mutual fear and distrust, and thus to a condition of stable coexistence, lies in a progressive demilitarization of US-Soviet competition.

7. The US and the USSR share a common interest in containing and resolving regional conflicts. Direct or indirect intervention in Third World conflicts by US or Soviet military forces raises tensions and risks dangerous miscalculations.

RECOMMENDATIONS

We believe the US and the USSR should take the following steps toward the goal of stable coexistence:

1. Reflecting the military realities of the nuclear era, they should begin a broad-ranging, continuing dialogue leading to agreements for stable coexistence within a recognized framework of mutual vulnerability and inderdependence.

2. They should adopt the concept of "reasonable sufficiency" in their defense planning. Consistent with this concept they should reduce their military forces to much lower levels, while preserving a stable balance at each level.

3. They should work toward substantial reductions and modifications in the NATO and Warsaw Treaty conventional forces facing each other in Europe. The aim here should be to eliminate present imbalances through asymmetrical reductions rather than compensating buildups, and to restructure forces on both sides to emphasize defensive capabilities and eliminate the threat of surprise attack.

4. With regard to nuclear arms, they should move forward from the recent INF agreement to an agreement embodying 50 percent cuts in strategic offensive nuclear weapons. Particular attention should be given to the elimination of first-strike weapons. Thereafter, they should move to further progressive reductions of the nuclear arsenals.

5. They should agree on and implement a comprehensive nuclear test-ban without delay.

6. They should conclude a verifiable ban on the production of chemical weapons and the destruction of existing chemical stockpiles.

7. They should strictly adhere to the established interpretation of the ABM Treaty, and take measures to assure that any development of strategic defensive systems is consistent with the preservation of that treaty.

8. They should formally agree not to use US or Soviet combat military forces in regional conflicts.

9. They should agree not to introduce proxy or volunteer military forces or covert paramilitary forces into regional conflicts.

10. They should agree to limit the number of military advisers or trainers sent to Third World countries to a specific small number.

11. They should develop a list of sophisticated weapons which they would agree not to transfer to any Third World nations. Concurrently, they should use their joint influence to ban similar transfers by other major arms exporters, such as Britain, France, West Germany, East Germany, Israel and Sweden.

12. They described agreements would need to be verifiable by existing US and Soviet intelligence assets. In order to enhance confidence they should establish agreed procedures to provide early warning of any potential violations. This could be facilitated by establishing permanent jointly manned intelligence centers in Moscow and Washington with the mission of constant exchange of information on all trouble spots, so that questions of fact or interpretation could be resolved through consultation and joint investigation if necessary. In those cases of continuing disagreement, the issues would be transmitted to a special joint commission for resolution or, if necessary, to a summit meeting.

13. They should agree to deal with regional conflicts and related international disputes primarily through international organizations. They should give high priority and full support to strengthening the role of the United Nations in mediating international disputes and employing the UN peacekeeping capability.

14. In carrying through all of these proposals, the two governments should speak and act in ways that contribute to a reduction of the tension and suspicion that have characterized the Cold War.

TRIBUTE TO ALOHA AIRLINES PILOTS

Mr. INOUYE. Mr. President, I wish to express my commendation to two citizens of Hawaii who are in Washington, DC, today to receive awards for their courage and remarkable professional abilities. These individuals are Robert Schornstheimer and Mimi Tompkins, the pilot and copilot who safely landed an Aloha Airlines jet that suffered major structural damage, in an incident that was the focus of international attention on April 28.

Mr. Schornstheimer and Ms. Tompkins received commendations today by their fellow professionals of the Air Lines Pilots Association for their deed, which has been praised as an outstanding tribute to their aviation skills.

Mr. Schornstheimer is originally from Marietta, OH, a former member of the U.S. Air Force, and has been an Aloha Airlines pilot for 11 years. Ms. Tompkins, who was raised in Port Arthur, TX, was the first female jet pilot with Aloha Airlines. She began her service in 1979.

Shortly after taking off from Hilo, Hawaii, Aloha Airlines flight 243 experienced sudden decompression when a large part of its roof was torn from the fuselage. A flight attendant, Clarabelle B. Lansing, of Honolulu, was tragically swept out of the aircraft. In the annals of aviation history, no commercial aircraft had ever suffered such massive damage and landed safely. Yet, Pilot Schornstheimer and Copilot Tompkins managed to bring the Boeing 737 jetliner, with 94 persons aboard, from its 24,000-foot altitude to a safe landing at the Kahului Airport, on the island of Maui. Their actions averted a tragedy of catastrophic dimensions.

I join her family, friends and colleagues of Aloha Airlines in mourning the loss of Ms. "C.B." Lansing, who was a veteran flight attendant of 37 years' service to the airline. As one who is a regular inter-island traveler, I have on many occasions been a passenger aboard flights served by Ms. Lansing, and her fellow crew mates. Her death is a tragedy for all of Hawaii.

Mr. President, I also wish to note the extraordinary medical service rendered by Maui Memorial Hospital, which treated the 61 injured Aloha Airlines passengers, some of whom received severe injuries from debris during the accident. The hospital's 35 physicians, 56 nurses and 45 volunteers performed with speed and skill—a tribute to their abilities and regular emergency disaster training regularly provided by hospital administrators.

Accidents like this are always unexpected, but it is reassuring to know that those in positions of responsibility for public safety have, in this instance, served the people of Hawaii with skill and distinction. On this occasion I wish to extend my commendation to them.

TRIBUTE TO WILLIAMSON HIGH SCHOOL ANTIDRUG EFFORT

Mr. ROCKEFELLER. Mr. President, I rise today to honor the drama students of Williamson High School in Mingo County. These young West Virginians, under the direction of their teacher, Ms. Rose McCoy, have produced and presented a play, entitled "Addict," in an effort to combat drug abuse among their fellow students and peers. This drama, written by Jerome McDonough, offers a startlingly powerful portrayal of some of the problems which today's youth face. Issues including drug abuse, peer-pressure, and family relationships are presented by this group of teenagers to assist their classmates.

"Addict" received such a positive response from the student body at Williamson High School that these fine young actors and actresses took their show on the road. Through their performances they have spread the antidrug message to most of the high schools in Mingo and Logan Counties in southern West Virginia. The drama has been incorporated into Mingo County's Drug Abuse Prevention Program, and other counties in West Virginia have shown an interest in bringing the performance to their schools. The viewing audience of "Addict" has been enlarged with Southern West Virginia Community College taping a performance and broadcasting it on the cable access channel during National Drug and Alcohol Awareness Week last month. The play serves as an outreach program as well. Audiences of the production are provided with a list of drug/alcohol support agencies and phone numbers. Counseling is also made immediately available to the viewers after each performance.

The initiative shown by Ms. McCoy and her students in their commitment against substance abuse provides an example for schools across the country to follow. Their dedication and enthusiasm serves as an inspiration to us all and reminds us that this battle which we face must be a collective one, involving young people in particular. If any progress is to be made, legislators, along with parents and children must combine their efforts and resources to combat the problem. It is necessary for students to see their peers in school rejecting these illicit substances so that they might understand that abusing drugs and alcohol is not considered "cool" behavior. The program sponsored by Williamson High School is a major step in the right direction.

Mr. President, we in Congress are indeed fortunate to have such outstanding students leading the charge against drugs. I am enormously pleased to recognize these young West Virginians and am certain they will have a positive effect on one of the most serious threats confronting Americans today.

EXTENSION OF TIME PERIOD UNDER A GOVERNING INTERNATIONAL FISHING AGREEMENT—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 135

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on May 3, 1988, during the adjournment of the Senate, received the following message from the President of the United States, together with accompanying papers; which, pursuant to 16 U.S.C. 1823(b), was referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement effected by exchange of notes April 12, 1988, extending for the period of 2 years from July 1, 1988, until July 1, 1990, and amending to conform with current United States law the Governing International Fishery Agreement between the Government of the United States of America and the Government of the German Democratic Republic, signed at Washington on April 13, 1983. The exchange of notes together with the present Agreement constitute a Governing International Fishery Agreement within the requirements of Section 201(c) of the Act.

United States fishing industry interests have urged prompt consideration of this Agreement, and, similarly, I request that the Congress give favorable consideration to this Agreement at an early date to avoid disruption of ongoing cooperative fishing ventures.

Since 60 calendar days of continuous session, as required by the legislation, may not be available before the current Agreement is scheduled to expire, I recommend that the Congress consider passage of a joint resolution to bring into force the Agreement of April 12, 1988.

RONALD REAGAN.

THE WHITE HOUSE, *May 3, 1988.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

SEVENTH REPORT ON THE STATE OF SMALL BUSINESS—MESSAGE FROM THE PRESIDENT—PM 136

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Small Business:

To the Congress of the United States:

This seventh report to the Congress on the state of small business continues the positive story of earlier messages. Small businesses continue to make significant contributions in expanding industries and in new job growth. Industries dominated by small firms created 1.3 million new jobs in 1987; over 600,000 businesses were incorporated. As the American people enjoyed the longest peacetime expansion in our history, the overall trend for small business remained clear: low interest rates, steady growth, and stable prices have allowed small businesses to thrive.

It is a pleasure to report that the small business news continues to be good news. A wider appreciation of the innovation, the competitive strength, and the quality of life that small firms bring to our economy is an important goal for all who are interested in the long-term economic health of our Nation. We need to understand the small business sector because ignorance of its contributions and inattention to the effect of government activities on it will result in policies that squelch the vitality of small firms.

Over the last 7 years, the policies of this Administration have dramatically improved opportunities for the millions of men and women who are our entrepreneurs. Inflation, which ran at double-digit rates in 1979 and 1980, has averaged 3.3 percent since the recovery began. The prime interest rate, which was 21.5 percent just before I came to Washington, has been below 10 percent for almost 3 years. Lower tax rates, reduced regulation, and streamlined government have made our small business economy the envy of other nations.

The continuation of this strong small business record is a national priority. There is still much to be done. Important changes in Federal policies can further increase the opportunities for businesses to start up and expand. At the same time, we must be wary of proposals that directly attack the flexibility, adaptability, and innovative abilities of small business. If we saddle employers with excessive burdens of economic and personal risk, if we direct the Nation's savings to excessively high levels of government consumption, if we fail to provide opportunities for coming generations of entrepreneurs, then our economic leadership is clearly at risk.

We have made choices in this Administration, choices in favor of innovation, in favor of private enterprise, and in favor of jobs for millions of men and women. In fact, since 1980, the private sector of our economy has produced 13.8 million new jobs. A majority of these jobs have been in small businesses, whose constant testing of new markets, new ideas, and new ways of doing things assures our future strength. Policies to allow this activity to flourish have been the cornerstone of our economic agenda.

Tax rates have been slashed, leaving more resources in the hands of millions of Americans who operate or invest in small businesses. Business tax rates are at their lowest level since 1941; individual rates, which apply to the greatest number of small business owners, are at their lowest since 1931. Changes in tax rules have reduced the impact of tax-induced acrobatics on business decision-making. Estate-tax reform has allowed thousands of family-owned businesses to stay under family ownership.

Continued deregulation in transportation, communications, and financial services has allowed thousands of new firms to flourish and many thousands of new jobs to be established as firms discover new markets and better ways of performing old tasks. Elimination of many hours of Federal paperwork has allowed business managers to devote more of their valuable time to managing the business. With improved economic analysis, pursuant to my Executive Order No. 12291 and the Regulatory Flexibility Act, millions of dollars in regulatory costs have been avoided or eliminated. In hundreds of individual regulatory proceedings, we chose to reduce regulations, to search for alternatives that promote responsible, independent decisions by businesses. We chose not to believe that blind faith in the efficiency of regulation is the only answer to society's problems.

Reforms of our Federal procurement system have opened up new opportunities for small businesses to compete and have ensured that the government is a responsible business partner. Today, we do a better job paying our bills on time, and we draw on small businesses for a greater share of the $380 billion of goods and services purchased in 1987 by the Federal Government. This increased competition in Federal procurement assures us that tax dollars are spent more wisely.

The emergence of the private sector as a major provider of research and development support is one of the most important developments in science and technology in the last two decades. Approximately one-half of U.S. R&D expenditures are funded by private sources, up from about one-third in 1965.

We have sought to draw on the energy of firms large and small. The Small Business Innovation Development Act, the National Cooperative Research Act, and the creation of a tax credit for research and development expenses have refocused efforts to develop new products and ideas. Reductions in patent fees for small firms and steps to automate the patent system are making it simpler for small companies to protect their inventions.

I count as one of the central accomplishments of this Administration the shift in the debate on these issues. The steps we have taken to improve the small business climate reflect a new and broader understanding by policymakers. Affordable credit, stable markets, simpler Federal regulations, and lower tax rates all combine to benefit thousands of people whose days—and sometimes nights—are occupied in pursuing their individual entrepreneurial dreams.

Much remains to be accomplished on the small business agenda. Many of the policy changes recommended by delegates to the 1986 White House Conference on Small Business are still before us. All of us must work to ensure that past gains are solidified and expanded.

Small business concern about the size of the Federal deficit is as warranted today as it was during the White House Conference in August 1986. I welcome small business support for a line-item veto, and I hope that the Congress will give future presidents the same authority that 43 governors have to pare the fat out of massive appropriations bills.

Similarly, our budget process needs the discipline of a constitutionally required balanced budget. Small business owners understand this, and I invite the Congress to join me and the plurality of Americans in supporting such a measure. A government that lives within its means will free billions of dollars in private resources for yet greater small businesses growth.

Progress in reducing Federal spending will allow more firms, large and small, to expand into world markets, a necessity as our economy becomes increasingly interconnected with those of other nations. Negotiations to reduce trade barriers around the world are underway. Small business owners will find considerable opportunity in new markets opened by the historic trade agreement we have signed with our largest trading partner, Canada. Legislative approval of the agreement with Canada and success in other negotiations will reduce tariff and other barriers to American products and expand opportunities for our service and agricultural sectors. Our economy is increasingly integrated into the world economy; we need the resources, talent, and energy of small business to meet the compeititive challenges ahead.

In addition to reducing barriers to trade among nations, we need to make sure that our domestic laws and regulations do not themselves act as barriers to increased competitiveness. Small business owners have felt the effects of such constraints quite sharply, and the small business agenda highlights the types of policies we must work toward. For example, product liability reform has been an important goal of both small firm owners and this Administration.

The Congress currently has before it several bills that aim at the heart of independent business decision-making. These are bills that layer rules, mandates, and employer obligations on top of each other in an effort to regulate the relationship between employers and their workers. Federally mandated leave and health care, duplicative notice requirements on workplace safety, advance notice of layoffs and plant closings or across-the-board increases in the minimum wage combine to limit the flexibility that is the strength of small firms and indeed the strength of our economy. Uniform, inflexible Federal requirements are not the best answer to the issues these bills address.

I urge the Congress to listen to the small business owners who have increased overall employment so dramatically, who have produced a disproportionate share of innovations, and who make our economy different from, and more lively than, that of other nations. Government did not create these jobs or produce these innovations. It cannot be presumed that this national resource—small business—can continue to flourish as it has in the past if it is overly burdened with mandates and obligations or with excessive taxation and regulation.

The report that follows, prepared by the Small Business Administration, details the latest information available on the state of the small business economy. It encourages all of us who have a hand in shaping Federal policy to redouble our efforts to ensure that all Americans who wish to can turn ideas and dreams into businesses and jobs.

RONALD REAGAN.

THE WHITE HOUSE, *May 9, 1988.*

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following enrolled bills and joint resolutions:

On April 18, 1988:

S.J. Res. 234. Joint resolution designating the week of April 17, 1988, as "Crime Victims Week."

On April 27, 1988:

S. 1609. An act for the relief of James P. Purvis.

On April 28, 1988:

S. 858. An act to establish the title of States in certain abandoned shipwrecks, and for other purposes; and

S.J. Res. 246. Joint resolution to designate the month of April 1988, as "National Child Abuse Prevention Month."

On April 29, 1988:

S. 90. An act to establish the Big Cypress National Preserve Addition in the State of Florida, and for other purposes;

S.J. Res. 227. Joint resolution to express gratitude for law enforcement personnel; and

S.J. Res. 247. Joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day."

On May 2, 1988:

S.J. Res. 235. Joint resolution deploring the Soviet Government's active persecution of religious believers in Ukraine.

On May 5, 1988:

S. 1378. An act to provide for setting aside the first Thursday in May as the date on which the National Day of Prayer is celebrated;

S.J. Res. 222. Joint resolution to designate the period commencing on May 1, 1988, and ending on May 7, 1988, as "National Older Americans Abuse Prevention Week"; and

S.J. Res. 242. Joint resolution designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week."

On May 6, 1988:

S.J. Res. 190. Joint resolution to authorize and request the President to issue a proclamation designating June 6-12, 1988, as "National Fishing Week."

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on May 2, 1988, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 1378. An act to provide for setting aside the first Thursday in May as the date on which the National Day of Prayer is celebrated.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 1811) to amend title 38, United States Code, to provide certain benefits to veterans and survivors of veterans who participated in atmospheric nuclear tests or the occupation of Hiroshima and Nagasaki and who suffer from diseases that may be attributable to low levels of ionizing radiation.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled bill and joint resolution:

S. 2273. An act to provide for the transfer of certain funds to the Secretary of the Interior for the benefit of certain members of the Crow Tribe; and

S.J. Res. 59. Joint resolution to designate the month of May, 1988, as "National Foster Care Month."

Under the authority of the order of the Senate of February 3, 1987, the enrolled bill and joint resolution were signed on May 4, 1988, during the adjournment of the Senate by the President pro tempore [Mr. STENNIS].

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on May 3, 1988, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill and joint resolution:

S. 1378. An act to provide for setting aside the first Thursday in May as the date on which the National Day of Prayer is celebrated; and

H.R. 2889. An act for the relief of Frances Silver.

Under the authority of the order of the Senate of February 3, 1987, the enrolled bills were signed on May 3, 1988, during the adjournment of the Senate by the President pro tempore [Mr. STENNIS].

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on May 4, 1988, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 393. An act for the relief of Emilie Santos.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 1811. An act to amend title 38, United States Code, to provide a presumption of service connection to veterans (and survivors of such veterans) who participated in atmospheric or underwater nuclear tests as part of the United States nuclear weapons testing program or the American occupation of Hiroshima or Nagasaki, Japan, and who suffer from certain diseases that may be attributable to exposure to ionizing radiation, and for other purposes;

H.R. 2616. An act to amend title 38, United States Code, to revise, improve, and extend various veterans' programs, and for other purposes;

H.R. 3025. An act to grant the consent of the Congress to the Appalachian States Low-Level Radioactive Waste Compact; and

H.R. 3606. An act for the relief of Brenda W. Gay.

Under the authority of the order of the Senate of February 3, 1987, the enrolled bills were signed on May 5, 1988, during the adjournment of the Senate, by the President pro tempore [Mr. STENNIS].

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on May 6, 1988, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the House has passed the following joint resolutions, without amendment:

S.J. Res. 212. Joint resolution to designate the period commencing on May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week"; and

S.J. Res. 240. Joint resolution to designate the period commencing on May 16, 1988 and ending on May 22, 1988, as "National Safe Kids Week."

MESSAGES FROM THE HOUSE

At 11:03 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 2558. An act to authorize the Secretary of the Interior to take corrective action to protect certain portions of the Franklin County, Washington, road system within the Federal Columbia Basin reclamation project;

H.R. 3679. An act to clarify the Federal relationship to the Lac Vieux Desert Band of Lake Superior Chippewa Indians as a distinct Indian tribe, to clarify the status of members of the band, to transfer title to trust lands, and for other purposes;

H.R. 3819. An act to prohibit additional appropriations for the analysis and study for the Shaws Bend site of the Colorado Coastal Plains project;

H.J. Res 137. Joint resolution designating the month of May as "National Asparagus Month"; and

H.J. Res. 530. Joint resolution designating May 1988 as "Take Pride in America Month."

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 1:08 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 393. An act for the relief of Emilie Santos;

S. 999. An act to amend title 38, United States Code, and the Veterans' Job Training Act to improve veterans' employment, counseling, and job-training services and programs, and for other purposes;

S.J. Res. 212. Joint resolution to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week"; and

S.J. Res. 240. Joint resolution to designate the period commencing on May 16, 1988, and ending on May 22, 1988, as "National Safe Kids Week."

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore [Mr. STENNIS].

MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2558. An act to authorize the Secretary of the Interior to take corrective action to protect certain portions of the Franklin County, Washington, road system within the Federal Columbia Basin reclamation project; to the Committee on Energy and Natural Resources.

H.R. 3819. An act to prohibit additional appropriations for the analysis and study for the Shaws Bend site of the Colorado Coastal Plains project; to the Committee on Environment and Public Works.

H.J. Res. 137. Joint resolution designating the month of May as "National Asparagus Month"; to the Committee on the Judiciary.

H.J. Res. 530. Joint resolution designating May 1988 as "Take Pride in America Month"; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3679. An act to clarify the Federal relationship to the Lac Vieux Desert Band of Lake Superior Chippewa Indians as a distinct Indian tribe, to clarify the status of members of the band, to transfer title to trust lands, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that he had presented to the President of the United States the following enrolled bills and joint resolutions:

On April 29, 1988:

S.J. Res. 222. Joint resolution to designate the period commencing on May 1, 1988, and ending on May 7, 1988, as "National Older Americans Abuse Prevention Week";

S.J. Res. 242. Joint resolution designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week"; and

S.J. Res. 250. Joint resolution designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week of 1988."

On May 4, 1988:

S. 1378. An act to provide for setting aside the first Thursday on May as the date on which the National Day of Prayer is celebrated;

S. 2273. An Act to provide for the transfer of certain funds to the Secretary of the Interior for the benefit of certain members of the Crow tribe; and

S.J. Res. 59. Joint resolution to designate the month of May 1988, as "National Foster Care Month."

On May 9, 1988:

S. 393. An act for the relief of Emilie Santos;

S. 999. An act to amend title 38, United States Code, and the Veterans' Job Training Act to improve veterans' employment, counseling, and job-training services and programs, and for other purposes;

S.J. Res. 212. Joint resolution to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week"; and

S.J. Res. 240. Joint resolution to designate the period commencing on May 16, 1988, and ending on May 22, 1988, as "National Safe Kids Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3165. A communication from the Acting Comptroller of the United States, transmitting, pursuant to law, a report entitled "Reports Issued in March 1988;" to the Committee on Governmental Affairs.

EC-3166. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, a draft of proposed legislation to authorize appropriations for the Emergency Food and Shelter Program for fiscal year 1989 and such sums as may be necessary for fiscal year 1990; to the Committee on Governmental Affairs.

EC-3167. A communication from the Assistant Secretary for Health, Department of Health and Human Services, transmitting, pursuant to law, a report of a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3168. A communication from Special Counsel, U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report on the findings and conclusions of the Secretary of the Navy relative to allegations of mismanagement, abuse of authority and a danger to public health and safety at the Naval Weapons Center, China Lake, CA; to the Committee on Governmental Affairs.

EC-3169. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Commission's Annual Report concerning the Government in Sunshine Act; to the Committee on Governmental Affairs.

EC-3170. A communication from the Chairperson, Navy Resale and Services Support Office, Department of the Navy, transmitting, pursuant to law, the Annual Pension Report for Years Ended December 31, 1986, and 1985; to the Committee on Governmental Affairs.

EC-3171. A communication from the Secretary of Health and Human Services, transmitting, the Department's position on the bill S. 1703; to the Select Committee on Indian Affairs.

EC-3172. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, amendments to the Federal Rules of Civil Procedure adopted by the Supreme Court; to the Committee on Judiciary.

EC-3173. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, amendments to the Federal Rules of Evidence adopted by the Supreme Court; to the Committee on the Judiciary.

EC-3174. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, amendments to the Federal Rules of Criminal Procedure adopted by the Supreme Court; to the Committee on the Judiciary.

EC-3175. A communication from the General Counsel, Executive Office of the President, transmitting, pursuant to law, the Annual Report of the Office of Administration, Executive Office of the President concerning the Freedom of Information Act; to the Committee on the Judiciary.

EC-3176. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, the Director's annual report on applications for court orders made to Federal and State courts to permit the interception of wire, oral, or electronic communications during the calendar year 1987; to the Committee on the Judiciary.

EC-3177. A communication from the Marshal of the Court, Supreme Court of the United States, transmitting, pursuant to law, a report on the cost of the protective function provided by the Supreme Court Police to Justices, official guest and employees of the Supreme Court; to the Committee on the Judiciary.

EC-3178. A communication from the Secretary of Education, transmitting, a draft of proposed legislation entitled "Education of the Handicapped Act Amendments of 1988;" to the Committee on the Labor and Human Resources.

EC-3179. A communication from the Chairman of the U.S. National Commission on Libraries and Information Science, transmitting, pursuant to law, the Commission's 16th Annual Report; to the Committee on the Labor and Human Resources.

EC-3180. A communication from the Administrator of the Veterans' Administration, transmitting, a draft of proposed legislation entitled "To amend title 38, United States Code, to authorize multiyear contracts in certain cases;" to the Committee on the Veterans' Affairs.

EC-3181. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, notification of a proposed foreign military sale to Saudi Arabia; to the Committee on Armed Services.

EC-3182. A communication from the Secretary of the Air Force, Department of Defense, transmitting, pursuant to law, a report on Abbreviated Unit Cost on Space Defense and Operations [ASAT] Program and the Small ICBM Program; to the Committee on Armed Services.

EC-3183. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, the ninth report of the Director on applications for delays of notice and customer challenges under provisions of the Right to Financial Privacy Act of 1978; to the Committee on Banking, Housing, and Urban Affairs.

EC-3184. A communication from the Chairman, Pennsylvania Avenue Development Corporation, transmitting, pursuant to law, the Corporation's 1987 Annual Report; to the Committee on Energy and Natural Resources.

EC-3185. A communication from the Assistant Secretary (Minerals Management), Department of the Interior, transmitting, pursuant to law, a report on leasing systems for the Chukchi Sea, required by the Outer Continental Shelf Lands Act; to the Committee on Energy and Natural Resources.

EC-3186. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, the 53d quarterly report on trade between the United States and nonmarket economy countries; to the Committee on Finance.

EC-3187. A communication from the Acting Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements other than treaties entered into by the United States; to the Committee on Foreign Relations.

EC-3188. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, a report on the Freedom of Information Act activities of the agency during 1987; to the Committee on the Judiciary.

EC-3189. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Annual Report on the Refugee Resettlement Program; to the Committee on the Judiciary.

REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of April 27, 1988, the following reports of committees were submitted on May 4, 1988; during the adjournment of the Senate:

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. 2355. An original bill to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. No. 100-326).

Under the authority of the order of the Senate of April 28, 1988, the following reports of committees were submitted on May 4, 1988:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

S. 1988. A bill to amend the Merchant Marine Act of 1920 (Rept. No. 100-327).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1943. A bill to amend the Public Health Service Act to revise and extend the authority of the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, including revising and extending the program of block grants for the provision of services with respect to mental health and alcohol and drug abuse (Rept. No. 100-328).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 1430. A bill to authorize decorations, medals, and other recognition for service in the U.S. merchant marine, and for other purposes (Rept. No. 100-329).

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute:

S. 1516. A bill to amend the Federal Insecticide, Fungicide and Rodenticide Act, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs, with amendments:

S. 1856. A bill to amend chapter 25 of title 44, United States Code, to provide an authorization for the National Historical Publications and Records Commission programs, and for other purposes (Rept. No. 100-330).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments and an amendment to the title:

S. 1632. An original bill to authorize appropriations for the National Science Foundation for fiscal years 1988 through 1992 (Rept. No. 100-331).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DeCONCINI (for himself, Mr. Cochran, Mr. Bentsen, Mr. Domenici, Mr. McCain, Mr. Bingaman, Mr. Gramm, Mr. Pryor, and Mr. Heflin):

S. 2356. A bill to amend the Agricultural Act of 1949 to extend the prohibition against a requirement of cross compliance for crops of extra long staple cotton; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HEINZ:

S. 2357. A bill to require that the Director of the Office of Management and Budget include a reference to Easton, PA, in the official title of the metropolitan statistical area of which it is a part; to the Committee on Governmental Affairs.

By Mr. MELCHER:

S. 2358. A bill to amend the Internal Revenue Code of 1986 to clarify that section 457 does not apply to certain deferred compensation; to the Committee on Finance.

By Mr. WILSON (for himself and Mr. Cranston):

S. 2359. A bill entitled the "California School Lands Act of 1988"; to the Committee on Armed Services.

By Mr. WALLOP (for himself, Mr. DeConcini, Mr. Gore, Mr. Hatch, Mr. D'Amato, Mr. Durenberger, Mr. Murkowski, Mr. Garn, and Mr. Nickles):

S.J. Res. 313. Joint resolution designating May 1988 as "Take Pride in America Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DeCONCINI (for himself, Mr. Cochran, Mr. Bentsen, Mr. Domenici, Mr. McCain, Mr. Bingaman, Mr. Gramm, Mr. Pryor, and Mr. Heflin):

S. 2356. A bill to amend the Agricultural Act of 1949 to extend the prohibition against a requirement of cross compliance for crops of extra long staple cotton; to the Committee on Agriculture, Nutrition, and Forestry.

ELS COTTON CROSS COMPLIANCE

● Mr. DeCONCINI. Mr. President, at a time when our Nation's trade deficit continues to worsen, it is encouraging to hear of a product which has a positive effect on the balance of trade at no cost to the taxpayer. I am speaking specifically of the export of extra long staple cotton.

I am extremely proud that the cotton growers of the State of Arizona have made and are continuing to make a significant contribution to improving the balance of trade. However, unless we provide legislative assistance, the positive accomplishments will stop after the 1988 crop.

In 1986 we enacted legislation prohibiting imposition of cross compliance for the 1987 and 1988 crops of extra long staple cotton—frequently called ELS cotton. Without an extension of this legislation, cross compliance could be imposed for 1989 and 1990 or both years. If imposed, it would inhibit the recent expansion in production and consumption of ELS cotton grown in the United States.

Exports of ELS cotton have increased sixfold since 1983 and continued growth in both export and domestic markets is anticipated. In 1987 ELS exports reached a record 225,000 bales, which is 80 percent of total U.S. production. A primary factor in this successful effort has been the significant increase in the production and availability of high quality ELS cotton grown in the United States. Neither increased production nor increased consumption would have been possible had ELS producers been subject to cross compliance.

Imposition of cross compliance would mean that planted acreage would be substantially reduced and would not likely result in sufficient production to meet the expected demand. A direct result of imposing cross compliance on ELS cotton would be lower exports. This is an intolerable outcome for Federal policy and totally inconsistent with the objective of the Food Security Act of 1985.

Therefore I am introducing legislation along with my colleagues, Senators Cochran, Bentsen, Domenici, McCain, Bingaman, Gramm, Pryor, and Heflin, to prohibit imposition of cross compliance on ELS cotton crops for 1989 and 1990.

I ask unanimous consent that the text of the bill be printed in the Record, at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 103(h)(16)(C) of the Agricultural Act of 1949 (7 U.S.C. 1444(h)(16)(C)) is amended by striking out "and 1988" and inserting in lieu thereof "through 1990".●

By Mr. HEINZ:

S. 2357. A bill to require that the Director of the Office of Management and Budget include a reference to Easton, PA, in the official title of the metropolitan statistical area of which it is a part; to the Committee on Governmental Affairs.

CHANGE IN NAME OF A STATISTICAL AREA

● Mr. HEINZ. Mr. President, I rise today to introduce legislation to correct a situation which many people in my State regard as a wrong. Easton, PA, is a vital city in my State, yet the Office of Management and Budget has recently eliminated Easton from the official title of the metropolitan statistical area. Easton is one of three major communities in the Lehigh Valley, which also includes Allentown and Bethlehem. They are hard working citizens, and justly proud of their community. So, neither they nor I can understand why they were striken from the MSA.

This move may not mean very much over at OMB, but it means a great deal to the residents. Perhaps they believe they have a more accurate classification of the valley. My view of this—a view that many in eastern Pennsylvania hold as well—is that OMB has fine-tuned their classification to the point that it no longer represents that geographical area.

Allentown, Bethlehem, and Easton are contiguous. All three are minutes away from each other by car. The international airport that serves the area uses all three cities in its designation. It seems almost absurd, therefore, that Easton will not be included in the title of the metropolitan statistical area, and thus will not be identified for census-taking purposes.

The legislation I am introducing is identical to H.R. 4183, introduced on the House side by Congressman DON RITTER. It requires OMB to include a reference to Easton in the official title of the metropolitan statistical area. The bill does not seek this designation for possible gains—Easton does not benefit monetarily from this. It does, however, make the people of Easton, quite literally, count.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2357

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Director of the Office of Management and Budget shall take appropriate action to provide that the official title of the metropolitan statistical area which includes Allentown, Bethlehem, and Easton, Pennsylvania, shall be the "Allentown-Bethlehem-Easton Metropolitan Statistical Area".●

By Mr. MELCHER:

S. 2358. A bill to amend the Internal Revenue Code of 1986 to clarify that section 457 does not apply to certain deferred compensation; to the Committee on Finance.

TAX TREATMENT OF CERTAIN DEFERRED COMPENSATION

● Mr. MELCHER. Mr. President, today I am introducing a bill to clarify that section 457 of the Internal Revenue Code does not apply to certain deferred compensation.

This provision was approved by the Senate Finance Committee last year. But it was never sent to the Senate because the President and congressional leaders agreed in the budget summit that Congress should consider only revenue-raising measures in the budget reconciliation package. All other taxation bills were to be deferred until this year.

The Joint Tax Committee has estimated that this bill is revenue neutral so there's no reason to delay passing this provision. In fact, there's no more time to delay as the Internal Revenue Service has issued Revenue Notice 87-13. I knew nothing about this Revenue notice until a few weeks ago when I started being deluged by letters such as this one from Sharon Powell, of Lewistown, MT. Mrs. Powell writes:

> I am very concerned about the IRS action which will tax state and local government employees' deferred benefits when they are earned, instead of when the benefits are actually used. This would be effective at the close of the year. I, as well as most employees in Montana, take our vacation time in the summer and save it up through the fall and winter, so for the past three years, I have had a total of 132 hours in 1985 for vacation and sick leave, 150 hours in 1986 and 113 hours in 1987. After my wages as an employee of Fergus County are taxes and things are deducted, I take home approximately $650. So if they taxed me for another ¾ of a month, I would have about $300 to live on in the month of January each year, which would definitely not meet my living expenses. Most of us do not utilize the sick leave unless we are sick, so it can pile up to quite a large amount by the end of the year. Some people never use their sick leave and, when they retire, they receive reimbursement for ¼ of the accrual. This would be very unfair to be taxed for the total amount as it was earned, and then receive only ¼ at their retirement.

My answer to Mrs. Powell is: It not only would be unfair; it would be unconscionable. It's just plain wrong for the IRS to think it can interfere with State and local governments' authority to set benefit levels for their employees. In fact, most States and localities are prohibited from diminishing benefits after they have been promised to employees. So why should the IRS be able to diminish these benefits?

The IRS is simply misinterpreting congressional intent. We never intended section 457 to apply to sick and vacation leave, severance pay, disability and death benefits, and compensatory time. Section 457 was enacted to govern deferred compensation which provided retirement benefits or taxfree growth of savings outside other code sections. It was not enacted to cover basic employee benefits. My bill makes it clear that these basic employee benefits are exempt.

Mr. President, I would like to ask unanimous consent at this point to insert in the RECORD the language from the Senate Finance Committee's report when it approved this provisions last year, and the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2358

Be it enacted by the Senate and House of Representatives of the United States of America,

SECTION 1. SHORT TITLE: AMENDMENT OF 1986 CODE.

This Act may be cited as the "Section 457 Clarification Act of 1988".

SEC. 2. SECTION 457 DOES NOT APPLY TO CERTAIN DEFERRED COMPENSATION.

(a) EXEMPTION FOR CERTAIN DEFERRED COMPENSATION.—Section 457(e) is amended by adding at the end thereof the following new paragraph:

"(11) EXEMPTIONS FOR CERTAIN DEFERRED COMPENSATION.—Under rules prescribed by the Secretary, this section shall not apply to deferred compensation under bona fide vacation pay, sick pay, compensatory time, severance pay, disability pay, and death benefit plans, or other similar benefits. In the case of benefits provided by a governmental unity, such benefits provided pursuant to state or local law, rule, regulation or procedure, or under a collective bargaining agreement, are compensation under bona fide plans."

(b) EFFECTIVE DATE.—The amendment made by paragraph (a) shall apply to taxable years beginning after December 31, 1978.

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6. ELIGIBLE DEFERRED COMPENSATION PLANS (Sec. 6801(f) OF THE BILL AND SEC. 457 OF THE CODE)

PRESENT LAW

Under present law, unfunded deferred compensation that is provided by a State or local government or by a nongovernmental tax-exempt organization is subject to certain special rules (sec. 457). Under these special rules, the treatment of unfunded deferred compensation depends on whether the deferred compensation is provided under an eligible deferred compensation plan. To qualify as an eligible deferred compensation plan, a plan is required to satisfy certan requirements with respect to, for example, the maximum amount of deferrals that may be made by any participant in any year.

Unfunded deferred compensation provided under an eligible deferred compensation plan is includible in the income of the individual performing services (or his or her beneficiary) in the year in which it is paid or made availabale. On the other hand, with respect to any State or local government or nongovernmental tax-exempt organization, any unfunded deferred compensation not provided under an eligible deferred compensation plan is includible in income when and to the extent that is not subject to a substantial risk of forfeiture.

REASONS FOR CHANGE

The committee believes that the restrictions under section 457 on unfunded dederred compensation should not apply to bona fide vacation pay, sick pay, compensatory time, severance pay, disability pay, and death benefit plans. Although in certain circumstances such plans may provide deferred compensation, the amount of deferred compensation is typically small. Moreover, the plans usually are broadbased, covering low- and middle-income employees as well as highly compensated employees.

EXPLANATION OF PROVISION

The bill exempts from section 457 bona fide vacation pay, sick pay, compensatory time, severance pay, disability pay, and death benefit plans. The committee intends that the Secretary prescribe rules to prevent use of this exemption to provide substantial unfunded deferred compensation. Thus, for example, the Secretary might provide that the aggregate deferrals with respect to an individual under all such plans in any year may not exceed the lesser of (1) 2 months of current compensation, or (2) 12 months of current compensation when combined with all amounts that were previously deferred under all such plans, but have not yet been paid.

Under the bill, amounts that are exempt from section 457 are disregarded in determining whether a plan is an eligible deferred compensation plan. Such amounts are also not subject to the rule, applicable to State and local governments and nongovernmental tax-exempt organizations, that includes in income unfunded deferred compensation when it is not subject to a substantial risk of forfeiture, if such unfunded deferred compensation is not provided under an eligible deferred compensation plan. Instead, unfunded deferred compensation that is exempt from section 457 is treated for tax purposes under the general principles of constructive receipt and economic benefit.

EFFECTIVE DATE

This provision is effective for taxable years beginning after December 31, 1978.●

By Mr. WALLOP (for himself, Mr. DeConcini, Mr. Gore, Mr. Hatch, Mr. D'Amato, Mr. Durenberger, Mr. Murkowski, Mr. Garn, and Mr. Nickles):

S.J. Res. 313. Joint resolution designating May 1988 as "Take Pride in America Month"; to the Committee on the Judiciary.

TAKE PRIDE IN AMERICA MONTH

● Mr. WALLOP. Mr. President, today I am introducing, along with my colleague from Arizona, Mr. DeConcini, and others, a joint resolution of Congress to designate the month of May as "Take Pride in America Month" to provide increased visibility and incentive for citizens to get involved in this initiative. "Take Pride in America" is a nationwide campaign to promote greater awareness of the value of our public lands and to curb abuses such as litter, vandalism, and wildlife poaching.

Though the majority of citizens in this country cherish America's lands and deal with them responsibly, others misuse them. Their carelessness is in part due to the belief that these lands belong to everyone and therefore no one has responsibility to take care of them. To discourage the thoughtless behavior of the few who spoil the enjoyment of many, "Take Pride in America" focuses public awareness and citizen involvement on the issue to reduce this destructive behavior.

I am particularly pleased to introduce this joint resolution as I currently have the honor of serving on the blue ribbon panel of judges for the 1987 Take Pride in America National Awards Program. I hope to see the pride in America exhibited by the 1987 finalists carried over to other businesses, individuals, groups, unions, educational institutions, and local and State governments in promoting good stewardship practices.

I encourage my colleagues' support of this joint resolution and further encourage them to promote "Take Pride" stewardship activities in their home States.●

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. Moynihan, the name of the Senator from California [Mr. Wilson] was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 430

At the request of Mr. Metzenbaum, the name of the Senator from West Virginia [Mr. Rockefeller] was added as a cosponsor of S. 430, a bill to amend the Sherman Act regarding retail competition.

S. 797

At the request of Mr. Metzenbaum, the name of the Senator from Florida [Mr. Graham] was added as a cosponsor of S. 797, a bill to require the Attorney General to collect data and report annually about hate crimes.

S. 840

At the request of Mr. Lautenberg, his name was added as a cosponsor of S. 840, a bill to recognize the organization known as the 82d Airborne Division Association, Inc.

S. 1124

At the request of Mr. Simon, the name of the Senator from North Dakota [Mr. Burdick] was added as a cosponsor of S. 1124, a bill to amend title 18, United States Code, to require that telephone monitoring by employers be accompanied by a regular audible warning tone.

S. 1239

At the request of Mr. Armstong, the name of the Senator from Nebraska [Mr. Exon] was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain short-term loans.

S. 1544

At the request of Mr. Metzenbaum, the name of the Senator from Arizona [Mr. DeConcini] was added as a cosponsor of S. 1544, a bill to amend the National Trails System Act to provide for cooperation with State and local governments for the improved management of certain Federal lands, and for other purposes.

S. 1727

At the request of Mr. Harkin, the name of the Senator from Arizona [Mr. McCain] was added as a cosponsor of S. 1727, a bill to amend the Public Health Service Act to establish within the National Institutes of Health a National Institute on Deafness and Other Communications Disorders.

S. 1776

At the request of Mr. Armstrong, the names of the Senator from Kentucky [Mr. McConnell] and the Senator from West Virginia [Mr. Rockefeller] were added as cosponsors of S. 1776, a bill to modernize United States circulating coin designs, of which one reverse will have a theme of the bicentennial of the Constitution.

S. 1797

At the request of Mr. Thurmond, the name of the Senator from Colorado [Mr. Armstrong] was added as a cosponsor of S. 1797, a bill to amend the Internal Revenue Code of 1986 to provide that service performed for an elementary or secondary school operated primarily for religious purposes is exempt from the Federal unemployment tax.

S. 1808

At the request of Mr. Bumpers, the name of the Senator from Wyoming [Mr. Simpson] was added as a cosponsor of S. 1808, a bill to require the Secretary of Health and Human Services to determine the appropriate regulatory classification of the transitional devices of the Medical Device Amendments, and for other purposes.

S. 2032

At the request of Mr. Breaux, the names of the Senator from South Dakota [Mr. Daschle] and the Senator from Rhode Island [Mr. Chafee] were added as cosponsors of S. 2032, a bill to authorize expenditures for boating safety programs, and for other purposes.

S. 2042

At the request of Mr. Durenberger, the name of the Senator from Oklahoma [Mr. Boren] was added as a cosponsor of S. 2042, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

S. 2083

At the request of Mr. Heinz, the name of the Senator from Montana [Mr. Melcher] was added as a cosponsor of S. 2083, a bill to ensure that certain Railroad Retirement benefits paid out of the Dual Benefits Payments Account are not reduced, and for other purposes.

S. 2098

At the request of Mr. Hollings, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 2098, a bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel.

S. 2115

At the request of Mr. DANFORTH, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 2115, a bill to amend the Internal Revenue Code of 1986 to eliminate tax credits from the passive activity rules, to modify the business credit limitation provisions, and for other purposes.

S. 2123

At the request of Mr. KENNEDY, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 2123, a bill to provide hunger relief, and for other purposes.

S. 2129

At the request of Mr. BAUCUS, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 2129, a bill to amend the Internal Revenue Code of 1986 to repeal the application of the uniform capitalization rules with respect to animals produced in a farming business.

S. 2156

At the request of Mr. LUGAR, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 2156, a bill to amend the National School Lunch Act of require eligibility for free lunches to be based on the nonfarm income poverty guidelines prescribed by the Office of Management and Budget.

S. 2167

At the request of Mr. METZENBAUM, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 2167, a bill to amend the Energy Policy and Conservation Act to provide for Federal energy conservation standards for fluorescent lamp ballasts.

S. 2195

At the request of Mr. HARKIN, the names of the Senator from Mississippi [Mr. STENNIS] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 2195, a bill to authorize the rail service assistance program under the Department of Transportation Act through fiscal year 1991.

S. 2200

At the request of Mr. SIMON, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 2200, a bill to amend Public Law 90-498 to provide for the designation of National Hispanic Heritage Month.

S. 2234

At the request of Mr. DURENBERGER, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 2234, a bill to provide special rules for health insurance costs of self-employed individuals.

S. 2255

At the request of Mr. DURENBERGER, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 2255, a bill to establish a program of demonstration projects, funded from the Federal Hospital Insurance Trust Fund under part A of title XVIII of the Social Security Act, to provide long-term care to elderly medicare beneficiaries residing in rural areas.

S. 2258

At the request of Mr. KARNES, the names of the Senator from Delaware [Mr. ROTH] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 2258, a bill to amend the Commercial Motor Vehicle Safety Act of 1986 to provide that the requirements for the operation of commercial motor vehicles will not apply to the operation of certain agricultural and firefighting vehicles.

S. 2278

At the request of Mr. ROTH, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 2278, a bill to amend the Internal Revenue Code of 1986 to allow the penalty-free early withdrawal of IRA funds for postsecondary educational expenses.

S. 2296

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2296, a bill to amend the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1986, to extend life of the Commission on the Ukraine Famine.

S. 2348

At the request of Mr. PRYOR, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 2348, a bill to amend title 31, United States Code, to permit the Comptroller General of the United States to review and decide protests of Federal Government employees relating to converting to contractor performance certain functions performed by such employees.

SENATE JOINT RESOLUTION 248

At the request of Mr. QUAYLE, the names of the Senator from Idaho [Mr. MCCLURE], the Senator from Arkansas [Mr. PRYOR], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 248, a joint resolution to designate the week of October 2, 1988, through October 8, 1988, "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 272

At the request of Mr. DURENBERGER, the names of the Senator from Georgia [Mr. NUNN] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 272, a bill to designate November 1988 as "National Diabetes Month."

SENATE JOINT RESOLUTION 278

At the request of Mr. GLENN, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of Senate Joint Resolution 278, a joint resolution designating November 20-26, 1988 as "National Family Caregivers Week."

SENATE JOINT RESOLUTION 288

At the request of Mr. BOREN, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of Senate Joint Resolution 288, a joint resolution to designate the week of June 5, 1988, through June 11, 1988, as "National Intelligence Community Week."

SENATE JOINT RESOLUTION 298

At the request of Mr. D'AMATO, the names of the Senator from New Jersey [Mr. LAUTENBERG] and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 298, a joint resolution designating September 1988 as "National Library Card Sign-Up Month."

SENATE JOINT RESOLUTION 312

At the request of Mr. D'AMATO, the names of the Senator from Florida [Mr. CHILES], the Senator from Idaho [Mr. MCCLURE], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of Senate Joint Resolution 312, a joint resolution designating the week beginning September 18, 1988 as "Emergency Medical Services Week."

SENATE CONCURRENT RESOLUTION 103

At the request of Mr. DECONCINI, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Senate Concurrent Resolution 103, a concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Charles E. Thornton, Lee Shapiro, and Jim Lindelof, citizens of the United States who were killed in Afghanistan.

SENATE CONCURRENT RESOLUTION 112

At the request of Mr. BAUCUS, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Concurrent Resolution 112, a concurrent resolution expressing the intent of Congress regarding certain provisions of Public Laws 100-202 and 100-223.

SENATE RESOLUTION 394

At the request of Mr. HEINZ, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Resolution 394, a bill expressing the sense of the Senate that funding in fiscal year 1989 for the Federal-aid highway and mass transit programs should be at the levels enacted in the Surface Transportation and Uniform Relocation Assistance Act of 1987.

SENATE RESOLUTION 408

At the request of Mr. Mitchell, the names of the Senator from Vermont [Mr. Stafford], the Senator from Wisconsin [Mr. Proxmire], and the Senator from South Dakota [Mr. Daschle] were added as cosponsors of Senate Resolution 408, a resolution to condemn the use of chemical weapons by by Iraq and urge the President to continue applying diplomatic pressure to prevent their further use, and urge the Administration to step up efforts to achieve an international ban on chemical weapons.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT—FISCAL YEAR 1989

DIXON (AND STEVENS) AMENDMENT NO. 2003

Mr. DIXON (for himself and Mr. Stevens) proposed an amendment to the bill (S. 2355) to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 158, strike lines 8 through 25, and on page 159, strike lines 1 through 8 and renumber the remaining sections accordingly.

PRESSLER AMENDMENT NO. 2004

Mr. PRESSLER proposed an amendment to the bill (S. 2355) supra; as follows:

At the end of part B of title VI of division A of the bill add the following:

SEC. 6 . COMMISSARY STORES PRIVILEGES.

(a) In General.—Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1055. Commissary store privileges for custodial parents

"The unremarried former spouse of a member or retired member of the armed forces may use commissary stores for the benefit of a dependent child (as described in section 1072(2)(D) of this title) of such member during any period when all of the following conditions apply:

"(1) Such former spouse has legal custody of such a child;

"(2) Such a member or retired member is authorized to use commissary stores;

"(3) Such dependent child is unable to use commissary stores because of administrative restrictions on the use of commissary stores by dependent children.".

(b) Technical Amendment.—The table of sections at the beginning of such chapter is included by adding at the end the following new item:

"1055. Commissary store privileges for custodial parents.".

DIXON AMENDMENT NO. 2005

Mr. DIXON proposed an amendment, which was subsequently modified, to the bill (S. 2355) supra; as follows:

On page 162, between lines 20 and 21, insert the following:

(2) In addition to any other members appointed to the Commission by the Secretary of Defense, the chairmen and ranking minority member of the following subcommittees of the Senate and the House of Representatives shall be members of the Commission and shall serve as members of the Commission ex officio:

(A) The Chairman of the Subcommittee on Readiness, Sustainability, and Support of the Committee on Armed Services of the Senate and ranking minority member.

(B) The Chairman of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services of the House of Representatives and ranking minority member.

(C) The Chairman of the Subcommittee on Military Construction of the Committee on Appropriations of the Senate and ranking minority member.

(D) The Chairman of the Subcommittee on Military Construction of the Committee on Appropriations of the House of Representatives and ranking minority member.

INOUYE AMENDMENT NO. 2006

Mr. DIXON (for Mr. Inouye) proposed an amendment to the bill (S. 2355) supra; as follows:

At the appropriate place insert the following: "The Department shall, from within the funds authorized, establish a video teleconferencing center for the Tripler Army Medical Center."

BREAUX AMENDMENT NO. 2007

(Ordered to lie on the table.)

Mr. BREAUX submitted an amendment intended to be proposed by him to the bill (S. 2355) supra; as follows:

On page 7, strike line 20 and all that follows thereafter through page 9, line 11, and redesignate subsequent provisions accordingly.

NOTICES OF HEARINGS

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES AND SUBCOMMITTEE ON NUTRITION AND INVESTIGATIONS

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Production and Stabilization of Prices and Subcommittee on Nutrition and Investigations Committee on Agriculture, Nutrition, and Forestry will hold a hearing on commodity availability for food distribution programs. The hearing will be held on May 10, 1988, at 10 a.m. in room 332 Russell Senate Office Building.

Senator Melcher and Senator Harkin will preside. For further information please contact David Voight of Senator Melcher's office at 224-2644 or Bob Andros of Senator Harkin's office at 224-3254.

SUBCOMMITTEE ON NUTRITION AND INVESTIGATIONS AND SUBCOMMITTEE ON CONSERVATION AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Nutrition and Investigations and Subcommittee on Conservation and Forestry of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on public safety issues surrounding marijuana production in national forests. The hearing will be held on May 12, 1988 at 9 a.m. in room 332, Russell Senate Office Building.

Senator Harkin and Senator Fowler will preside. For further information please contact Bob Andros of Senator Harkin's office at 224-3254 or Bob Redding of Senator Fowler's office at 224-3643.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that two additional field hearings have been scheduled before the Subcommittee on Public Lands, National Parks and Forests to receive testimony on S. 2148, the Oregon Omnibus Wild and Scenic Rivers Act of 1988.

The first hearing will take place Monday, May 30, 1988, at the Riverhouse, 3075 North Highway 97, in Bend, OR.

The second hearing will take place Wednesday, June 1, 1988, at the Grants Pass City Hall, 101 Northwest A Street, in Grants Pass, OR.

Both hearings will begin at 8 a.m. and conclude at approximately 12 noon.

Because of the large number of witnesses anticipated at both hearings, it will be necessary to place witnesses in panels and limit the oral testimony to 3 to 5 minutes. Witnesses testifying at the hearings are requested to bring 10 copies of their testimony with them on the day of the hearing. Please do not submit testimony in advance. Written statements may be submitted for the hearing record. It is necessary only to provide one copy of any material to be submitted for the record.

Those wishing to testify at either hearing must sign up in advance no later than Wednesday, May 25.

Should you need further information about the hearing, please contact Mike Salsgiver in the office of Senator Mark Hatfield in Portland at (503) 221-3386 or Tom Williams of the subcommittee staff in Washington, DC, at (202) 224-7145.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Monday, May 9, 1988, on the subject of United States-Canadian Free Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Monday, May 9, 1988, to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SKY HARBOR AIRPORT

Mr. DECONCINI. Mr. President, Money magazine recently rated the 20 busiest airports in the Nation using objective criteria such as flight performance and accessibility, as well as more subjective criteria such as "best to fly through," "best to fly to," and "best to get stuck at." I am proud to inform my colleagues that Phoenix Sky Harbor International Airport was ranked second overall.

Sky Harbor has grown tremendously since its beginnings in 1935. Spurred on by a healthy Valley economy, Sky Harbor served more passengers in the first half of the 1980's than it did throughout the entire 1970's. In 1986, Sky Harbor served a record 13.2 million passengers.

Since much of a passenger's actual traveling time is spent on the ground, the quality of an airport is crucial. Sky Harbor International Airport was rated second only to Washington DC's National Airport as most conveniently located. It is only 5 miles from downtown Phoenix, and is accessible by taxi, shuttle or bus at very reasonable rates.

Sky Harbor was rated first in the category "best airport to get stuck at." The airport offers special services and features 16 shops, many of which are characterized by a special Southwestern flavor. There are shops showcasing Indian crafts, handcrafted belts, boots, and pottery. The airport also has an office center, a health club, and seven airline lounges.

Ironically, few traveller's may have the opportunity to fully enjoy Sky Harbor's many attractions and benefits. While it is ranked as the "best airport to get stuck at," Sky Harbor also has the best on-time record of all the ranked airports. Thus the chances that a traveler will spend unscheduled time waiting for a late plane at Sky Harbor are minimal.

Mr. President, I ask that the article from Money magazine be printed in the RECORD at this point.

The article follows:

MONEY RATES THE 20 BIGGEST AIRPORTS—HEAD FOR NATIONAL, DALLAS/FORT WORTH AND PHOENIX, BUT AVOID NEW YORK'S JFK

(By Debra Wishik Englander)

Okay, the envelope, please. And the winner is . . . National Airport in Washington, D.C. *National* Airport? That's right, the homely little terminal our congressmen use to jet to and from the heartland. When Money ranked the 20 busiest U.S. airports on criteria ranging from flight performance to ease of access, humble National bubbled to the top (see pages 130-131). The main reason: it's so easy to get to (National is all of four miles from downtown, and if you don't like driving, there's always the subway).

Not surprisingly. National also headed our separate list of the best big airports "to fly to" (see page 134)—owing to convenience. Dallas/Fort Worth International, current holder of the nation's best on-time record, won honors as the easiest airport "to fly through." And Phoenix's Sky Harbor International was rated the "best to get stuck in," thanks to the distinctive Southwest flavor of its restaurants and shops.

As for the worst airports, Hartsfield Atlanta International, Newark International and John F. Kennedy International occupied the bottom three spots overall—mainly because of their lackluster performance on the "fly to," "fly through" and "get stuck in" rankings.

Why did we decide to rate airports? Because they have as much, if not more, to do with the quality of air travel as the airlines they serve. More than half the time you spend flying somewhere is spent on the ground, navigating to, from and around terminals. And the terminals can leave a lot to be desired. As travel-guide editor and frequent flier Robert Fisher puts it: "Most airports are like purgatory: they're meant to be gotten through as quickly as possible."

HOW THE MAJOR AIRPORTS STACK UP

Airport information number/passengers per year	Flight Information					Alternative airports nearby	Amenities
	Flights delayed		How long to change planes (minutes)	Served by how many major airlines	Hub for which airline(s)		
	Arrivals (percent)	Departures (percent)					
1—Washington National—202-685-8000/15.4 million	25	15	15	13	None	2	12 shops, 1 office center, 1 ATM, 1 medical clinic, 9 airline lounges.
2—Phoenix Sky Harbor International—602-273-3300/14.8 million.	26	19	15	12	America West. Southwest	0	16 shops 1 office center, 5 ATMs, 1 health club, 1 shower, 7 airline lounges.
3—Logan International (Boston)—800-235-6426/23.3 million.	28	20	20	11	Delta	3	45 shops, 5 ATMs, 1 child-care center, 1 medical clinic, 13 airline lounges.
4—La Guaradia (New York City)—718-476-5072/24.2 million.	24	16	15	12	None	2	22 shops, 1 office center, 8 ATMs, 1 child-care center, 1 medical clinic, 7 airline lounges.
5—Stapleton International (Denver)—800-247-2336/32.4 million.	29	23	20	11	Continental, United	0	37 shops, 1 office center, 3 ATMs, 2 child-care centers, 1 medical clinic, 7 airline lounges.
6—Miami International—305-871-7000/24 million	29	19	20	12	Eastern, Pan Am	2	60 shops, 1 ATM, 3 child-care centers, 2 showers, 6 airline lounges.
7—Dallas/Forth Worth International—214-574-8888/41.9 million.	21	18	20	12	American, Delta, Braniff	1	35 shops, 1 office center, 8 ATMs, 1 child-care center, 1 health club, 1 shower, 5 airline lounges.
8—Chicago O'Hare International—312-686-2200/57.5 million.	24	20	25	13	American, United, Piedmont	1	24 shops, 4 ATMs, 2 medical clinics, 12 airline lounges.
9—Minneapolis/St. Paul International—612-726-5555/17.9 million.	31	16	15	12	Northwest	0	13 shops, 1 office center, 3 ATMs, 1 child-care center, 1 medical clinic, 3 airline lounges.
10—Los Angeles International—213-646-5252/44.9 million.	34	23	25	14	Pan Am, PSA, Delta	4	22 shops, 3 office centers, 6 ATMs, 1 shower, 1 medical clinic, 20 airline lounges.
11—Philadelphia International—215-492-3000/15.4 million.	29	22	10	11	Eastern, US Air	0	14 shops, 3 ATMs, 1 medical clinic, 5 airport lounges.
12—Greater Pittsburgh International—412-778-2525/17.5 million.	27	21	15	11	US Air	1	34 shops, 1 office center, 3 ATMs, 1 child-care center, 1 medical clinic, 6 airline lounges.
13—San Francisco International—415-876-2421/29.8 million.	42	28	20	14	Pan Am PSA, United	1	25 shops, 3 ATMs, 1 child-care center, 1 shower, 1 medical clinic, 8 airline lounges.
14—Seattle/Tacoma International—206-433-5217/14.4 million.	37	19	15	12	None	0	14 shops, 2 office centers, 2 ATMs, 1 child-care center, 1 shower, 10 airline lounges.
15—Houston Intercontinental—713-230-3000/15.8 million.	29	20	20	10	Continental	1	6 shops, 6 ATMs, 1 medical clinic, 9 airport lounges.
16—Lambert/St. Louis International—314-426-8000/20.4 million.	25	20	20	8	TWA	0	12 shops, 1 office center, 3 ATMs, 1 child-care center, 9 airline lounges.
17—Detroit Metropolitan Wayne County—313-942-3550/19.7 million.	27	20	15	11	Northwest, Pan Am	0	17 shops, 4 ATMs, 5 airline lounges.
18—Hartsfield Atlanta International—404-530-6600/47.6 million.	23	17	20	10	Delta, Eastern, Southwest	0	5 shops, 1 office center, 3 ATMs, 6 airline lounges.
19—Newark International—201-961-2000/23.5 million	28	21	15	9	Continental	2	13 shops, 3 child-care centers, 1 health club, 1 shower, 1 medical clinic, 7 airline lounges.
20—John F. Kennedy Int'l (N.Y.C.)—718-656-4520/30.2 million.	30	21	35	14	Pan Am, TWA	2	58 shops, 10 ATMs, 1 health club, 2 medical clinics, 22 airline lounges.

Note.—All figures are approximate and updated through early April.

HOW THE MAJOR AIRPORTS STACK UP

	Number			Eating and sleeping			Ground transportation
	Number of restaurants	Cost of burger/cola	Cost of dinner	Easily accessible hotels and their cost		Distance to city (miles)	Cost to city ("shuttle" means van, limousine, etc. that serves only airport)
				Budget	Luxury		
(1)	8	$2.05/$1.65	$11	Days Inn/$73—703-920-8600	Hyatt Regency/$149—703-486-1234	4	Taxi $8, shuttle $7, train $1.
(2)	7	$2.85/$1.40	$8	Travelodge/$32—602-275-7651	Double Tree Suite/$100—602-225-0500	5	Taxi $7, shuttle $5, bus $1.
(3)	14	$2.50/90¢	$6 to $10	Quality Inn/$83—617-426-1400	Hilton/$135—617-569-9300	5	Taxi $10, shuttle $6, train 60¢.
(4)	8	$4.95/$1.25	$10 to $15	Kings Inn/$50—718-656-5133	Royce/$127—718-446-4800	7	Taxi $13, shuttle $8, bus $1.
(5)	38	$3.50/$1	$7 to $23	Ramada Inn/$56—303-388-6161	Stouffer's Concourse/$108—303-399-7500.	5	Taxi $8, shuttle $5, bus $1.
(6)	27	$2.75/$1	$13	Miami Springs/$27—305-888-8421	Miami International/$89—305-871-4100	7	Taxi $13, bus $1.
(7)	96	$4.40/$1.25	$5	La Quinta/$39—817-283-4613	Hyatt Regency/$135—214-453-8400	18	Taxi $22, shuttle $10.
(8)	10	$1.90/$1.50	$9	Holiday Inn/$63—612-854-9000	Hotel Sofitel/$129—612-835-1900	8	Taxi $16, shutle $6.50, bus 75¢.
(9)	64	$2.95/$1.05	$7	Winfield Inn/$51—231-678-0670	Westin Inn/$150—312-698-6000	17	Taxi $17, shuttle $9, train $1.
(10)	25	$4.95/$1.50	$17	Viscount/$85—213-645-4600	Sheraton Plaza/$120—213-642-1111	15	Taxi $26, shuttle $10, bus $6.50.
(11)	21	$2.75/$1	$14	Comfort Inn/$35—412-269-0990	Ramada Inn/$68—412-264-8950	12	Taxi $24, bus $8.
(12)	26	$1.95/85¢	$12	El Rancho Inn/$59—415-588-2912	Dunfey/$85—415-573-7661	12	Taxi $25, shuttle $8, bus $1.35.
(13)	16	$3.25/$1	$7 to $10	Ramada Inn/$32—314-426-4700	Stouffer's Concourse/$99—314-429-1100	9	Taxi $15, shuttle $5, bus 75¢.
(14)	57	$2.95/$1.10	$16	Scottish Inn/$20—404-762-8801	Marriott/$109—404-766-7905	10	Taxi $13, bus 75¢, train 75¢.
(15)	10	$3.95/60¢	$5 to $15	Motel 6/$22—206-241-1648	Marriott/$116—206-241-2000	13	Taxi $20, shuttle $4.50, bus 90¢.
(16)	24	$2.95/95¢	$17	Knights Inn/$37—313-722-8500	Holiday Inn/$88—313-728-2800	20	Taxi $22, shuttle $5, bus $1.
(17)	20	$2.50/$1.10	$5	Holiday Inn/$69—713-449-2311	Marriott/$108—713-443-2310	18	Taxi $20, shuttle $7.50.
(18)	25	$3/$1	$7 to $14	Days Inn/$69—215-492-0400	Guest Quarters/$130—215-365-6600	7	Taxi $15, shuttle $6, train $4.
(19)	27	$4/$1.15	$15	Days Inn/$81—201-242-0900	Marriott/$142—201-623-0006	16	Taxi $28, shuttle $16, bus $5, train $3.
(20)	53	$4.95/$1.25	$16	Skyway/$73—718-659-6300	Holiday Inn/$130—718-659-0200	13	Taxi $22, shuttle $11, bus $8, train $6.50

Worse, many airports are like limbo: they seem designed to detain you indefinitely. There's the traffic jam at the departure ring, the mob at the baggage check, the long wait at the gate and, likely as not, an equally long delay on the runway—not to mention the interminable wait to claim your bag at the other end.

Not all of this is the airports' fault, of course. Ridership on scheduled flights at domestic airports has risen 60% in the decade since the airline industry was deregulated, reaching about 450 million passengers last year. Yet no major new airport has been built in this country since Dallas/Fort Worth International opened in 1974. The larger cities are so overdeveloped that it would be hard to find land for a new terminal, not to mention tolerant neighbors. The result? Secondary airports absorb the overflow, to the detriment of airports and travelers alike.

Under the circumstances, the existing big airports constitute a natural resource as precious, and limited, as band space on the FM dial. And, like radio, they are a part of all of our lives. The 20 busiest of them, for example, represent only 7% of all U.S. airports yet account for nearly two-thirds of all passenger traffic.

In an effort to single out the best of this group for praise, and point a finger at some of the worst, we sent a team of 18 reporters and stringers to visit the 20 largest airports, interview officials and passengers, and gather data ranging from federal flight-delay figures to the number of automated teller machines and the price of a burger and a cola (which ranged from $2.80 in Pittsburgh to $6.45 in Los Angeles).

We did not try to rate the airports on flight safety, crime or terrorism; the odds of becoming a victim are so low that we felt a ranking would not be meaningful. (Your chances of being killed in the crash of a scheduled flight last year were one in 1.6 million per trip, for example.) Instead, we collected information appropriate to life's more prosaic emergencies: the airport information number, the phone number of an inexpensive hotel.

When all the data were weighed, National led the overall list, followed by Phoenix, Logan International in Boston, La Guardia Airport in New York City and Stapleton International in Denver. Though National is not long on ambience (it ranked only 10th on our "best to get stuck in" list), it nonetheless holds the nation's third-best on-time record, despite handling 245,000 flights and 15.4 million passengers a year. "As one of the Federal Aviation Administration's high-density airports, we are limited by law to just 37 flights per hour, comfortably within our capacity," explains James Wilding, general manager.

The airport's chief virtue, however, is convenience. "The great thing about National is its speed," says Richard Cowan, a reporter for the *Congressional Quarterly* in Washington. "You can get there from downtown in just 15 minutes by car or 20 minutes by subway." The cab ride costs only $8, the Metro $1, although you have to carry your bag the last 150 yards if you can't wait eight minutes for the shuttle bus. And when the airport's five-year renovation is finished, there will be double the number of parking spaces, new roads and cab stands, and a terminal at the subway stop.

Newark International and John F. Kennedy International, both in the New York City area, ranked next to last and last respectively. Both airports are expensive to reach from downtown Manhattan (a 13-mile, 45-minute taxi ride to JFK costs at least $22, for example; the cheapest alternative, the $6.50 Train to the Plane, really means spending 45 minutes lugging your bags from a subway to a bus). Neither airport scored especially high on amenities. And JFK, due in part to the lengthy connection time if you have to change terminals (one circuit of the shuttle bus takes 45 minutes during rush hour), placed third from the bottom on the "best to fly through" list. Tom Middlemiss, JFK spokesman, says the congestion will ease as the airport pursues a long-term renovation that will include revamped terminals plus new access roads and moving walkways.

Our "best to fly to" category was dominated by airports located close to their respective cities. Behind National came Denver's Stapleton, Phoenix's Sky Harbor and Boston's Logan, all about five miles from downtown. Fifth was New York's La Guardia, which is about seven miles distant—albeit, as at Logan, the trip involves crossing a river and usually paying a toll. At Logan and La Guardia, however, you can make the trip fun by taking a water shuttle from downtown. Cost at Logan $5, and at La Guardia $20.

In the "best to fly through" category, the nation's highest on-time record helped propel Dallas/Fort Worth to the top spot. Only 21% of DFW's arriving flights and 17% of its departures have been delayed more than 15 minutes since the Department of Transportation began keeping track in September. "We have six fully operational runways that work simultaneously," explains Joe Dealey Jr., chief of public relations, "and we've been shut down by weather less than 24 hours total in the past 14 years."

By comparison, San Francisco, with only four runways, placed second from the bottom of the "fly through" list largely because of the nation's worst record of delays: 28% of departures and 42% of all arrivals. Airport officials blame their dismal record partly on the airlines' habit of scheduling many departures at the same hour. As Manny Weiss, program manager for system capacity for the FAA's Eastern Region, explains: "Regardless of the technical efficiency of an airport, if four planes are supposed to leave at the same time each day, some of them will be delayed as much as 30 to 40 minutes." This is the case in spades at San Francisco, where 11 airlines schedule 28 flights to take off at 8 a.m. every morning.

Delays are compounded when an airport serves as a hub, or flight center, for an airline, as San Francisco does for Pan Am, Pacific Southwest and United. In the hub-and-spoke system, which has become the norm since deregulation, each airline schedules most flights to originate in or terminate at a limited number of hub cities where passengers change planes.

One solution to the airport squeeze: major renovations financed by the $6 billion Airport and Aviation Trust Fund, a money cache supported in part by the 8% U.S. tax you pay on airline tickets. The Administration authorized only $1.7 billion to be spent from the fund this year, half a billion dollars short of what Congress appropriated. Without needed overhauls, a federal task force predicted in March, the number of airports experiencing serious flight delays will more then double in the next eight years.

On the bright side, our "best airports to get stuck at" list (page 134) can at least indicate which airports will be the nicest ones to be delayed in. Phoenix's Sky Harbor, with its Indian handicrafts, leads the list. There are handmade belts ($15 to $80) and snakeskin boots ($45 to $150) at Porter's Western

Wear and Hopi Indian dolls ($72 to $140) at Godber's Indian shop. The fajitas and tortilla soup at the Fuente del Sol restaurant are recommended. And if you get bored, the city, the zoo, the Pueblo Grande Museum and two parks are all within a 30-minute drive. "Phoenix is definitely the nicest airport to spend time in," says Peter Tanous, co-owner of the travel newsletter *Frequent.* "You can even get terrific cactus plants [$10 to $45] at the gift shops packed for transport home."

Local specialties make San Francisco Airport a close second. There are California wine and cheese and Ghirardelli chocolate at the California Shoppe, not to mention the ever-present sourdough bread. Boston's Logan airport, with fresh lobsters and Steve's ice cream, placed third, Seattle/Tacoma (smoked salmon) fourth, and Denver (handmade silver jewelry) fifth.

Several terminals are trying to improve the deservedly baleful reputation of airport food. Some have gone for quality dining: examples include Stapleton's Signature Room and Oyster Bar (average dinner entree: $16) with its magnificent view of the Rockies, Chicago's Seven Continents ($16.25) and the Captain's Table in Pittsburgh ($15). We also welcome fast-food outlets such as McDonald's at Minneapolis/St. Paul. While the food is standard, the tab is too—a virtue compared with the inflated prices airport caterers sometimes charge.

Eleven airports picked up points for maintaining rent-an-office centers (LAX has three) where business travelers can find desk, telephone, computer, copying machine, fax and so forth. Sometimes the office center doubles as a health club, as at the Air Vita fitness/office center in Phoenix. "I like to have layovers in Phoenix," says Lauve Metcalfe of the Campbell Institute for Health & Fitness in Camden, N.J., "because I can rent clothes, work out, take a sauna and also make my business calls in a quiet setting." Others prefer to do it themselves: Fred Lebow, president of the New York Road Runners Club and a founder of the New York Marathon, sometimes spends his layovers jogging the airport perimeter.

THE BEST AND WORST AIRPORTS

Best	Worst
TO FLY TO—	
1. Washington	1. Dallas/Fort Worth
2. Denver	2. Los Angeles
3. Phoenix	3. Detroit
4. Boston	4. John F. Kennedy
5. La Guardia	5. Houston
TO FLY THROUGH—	
1. Dallas/Fort Worth	1. Seattle/Tacoma
2. Washington	2. San Francisco
3. Los Angeles	3. John F. Kennedy
4. La Guardia	4. St Louis
5. Atlanta	5. Denver
TO GET STUCK AT—	
1. Phoenix	1. Atlanta
2. San Francisco	2. Newark
3. Boston	3. Philadelphia
4. Seattle/Tacoma	4. St. Louis
5. Denver	5. Minneapolis

Fortunately for Lebow and his fellow travelers, seven of the airports also offer rooms where you can shower and nap by the hour (cost at LAX's Skytel: $16 an hour). And for the ultimate in relaxation, next time you get stuck in Dallas, hop the shuttle van to the Hyatt Regency next door for tennis, racquetball, a dip in the pool or a round of golf on one of the hotel's two 18-hole courses (costs range from $11 to $37, depending on the time and day of the week; clubs rent for $22, shoes for $7.50).

In addition to the usual diaper-changing areas, five airports—San Francisco, Logan, La Guardia, Pittsburgh and Seattle—feature play areas designed especially for the young. And if you are feeling sickly, you can get examined by a doctor during week-day business hours at 12 airports and have a tooth filled at two: Logan and JFK.

While drawing up our "best to get stuck in" rating, we also factored in a necessarily subjective quality-of-life score based on our more than 100 hours of in-person reporting. Atlanta and Chicago suffered, for example, when our visitors found their restrooms dirty. (NBC sportscaster Marv Albert says he avoids O'Hare because "the men's rooms are so disgusting.") James McIntyre, the terminal director at Atlanta, replies that "during our busiest times, with as many as 6,200 people on one concourse, we can't even get housekeeping into the bathroom to replace toilet tissue. We now use a dispenser that holds three rolls." Adds Cynthia-Val Jones at O'Hare: "We are starting a major maintenance blitz." On the other hand, O'Hare boasts the best newstands.

Crime statistics for the airports are hard to come by, in part because officials are even more sensitive about them than restrooms. But every airport has occasional problems with baggage, car thieves and pickpockets, so take the normal precautions that you would in any public place.

Another note of warning: Norman Crampton, author of the handy guide *How to Get from the Airport to the City All Around the World* (M. Evans, $4.95), advises that you ask the dispatcher how much the fare will be, then tell the driver what the dispatcher said. If the driver claims the fare is higher, resolve the dispute before the cab starts. Or avoid hassles altogether by waiting for a hotel-operated van.

Finally, if your budget can tolerate it, a healthy gratuity ($1.50 to $2 per bag rather than the normal $1) often can help speed you on your way—especially with overworked skycaps at the curbside check-in. The boost can be psychological as well as practical. Nancy Friedman, owner of Telephone Doctor, a St. Louis-based telephone consulting company, reports that a skycap there recently asked her, "Do you go first class or just look that way?" "It made me feel terrific," she says. "I didn't care if he said it to everybody, I still overtipped him."●

TRIBUTE TO FRANCES M. MORGAN

● Mr. WARNER. Mr. President, I rise today to pay tribute to Mrs. Frances M. Morgan, who is retiring from the Naval Facilities Engineering Command in Alexandria, VA, after almost 40 years of selfless public service to the Department of the Navy and the Nation.

Mrs. Morgan began her Federal civil service as a junior clerk-typist in 1941 with the Bureau of Ships. Mrs. Morgan steadfastly and persistently applied her talents and efforts toward progressively more demanding challenges and service to the U.S. Navy. After a short separation to raise her family, Mrs. Morgan has advanced to become the budget officer at the Naval Facilities Engineering Command with responsibility for policy and oversight of Navy and DOD programs in excess of $4 billion annually.

Among her contemporaries, Mrs. Morgan is considered the preeminent Navy budget officer today, not only in terms of seniority, but also professional reputation and exhibited accomplishments. She has served in this critical management position since 1975 during a time of burgeoning worldwide facilities construction and fleet base operating support requirements. Her numerous professional accomplishments and contributions to the effectiveness of her command will be enduring for many years to come.

As the senior woman professional in a command of over 25,000 personnel, Mrs. Morgan is a role model inspiring others to achieve similar accomplishments in their career.

Mrs. Morgan is the recipient of two Department of the Navy Meritorious Civilian Awards as well as the Department's Distinguished Civil Service Award.

It is with a certain amount of regret that I wish a fond farewell to such an able and respected civil servant. Her personal vision, clearly focused objectives and goals, her resourcefulness and perseverance, and her passionate interest in the people she so ably served will long be remembered. I join her family, many friends and colleagues in congratulating her on her well-earned retirement and wish her future "Fair Winds and Following Seas."●

LAW REVIEW ARTICLE OF WILLARD PEDRICK AND RICHARD DAHL

● Mr. DECONCINI. Mr. President, I want to take this opportunity to bring to my colleagues' attention an interesting article I recently read on the subject of the convention method for ratifying amendments to the U.S. Constitution. The article, entitled "Let the People Vote! Ratification of Constitutional Amendments by Convention," was written by two distinguished law professors at the Arizona State University College of Law and is to be published in the July 1988 edition of the University of Arizona Law Review.

I found the article interesting in two regards. First, it contains an excellent historical summary of the history of the amendment ratification process. Article V of the Constitution gives Congress two methods for ratification of a constitutional amendment whether proposed by Congress or by a constitutional convention. The first is ratification by the legislatures of three-fourths of the States. The second is by special ratifying conventions set up in each of the States.

Second, the article presents a framework for when Congress should submit proposed constitutional amendments to State legislatures for ratification and when it should submit them to State constitutional amendment ratifying conventions. It notes that proposed amendments to the U.S. Constitution fall into one of two categories. On one hand are proposals that relate to the machinery of government, the relationship between the States and the Federal Government and methods of election and terms of office for officials. The article suggests that State legislatures, because of their political and governmental expertise, are better qualified to evaluate these types of amendments. On the other hand, are proposed amendments that relate to the rights of individuals in relation to the Federal and State government and their fellow citizens. Professors Pedrick and Dahl argue that these amendments should be submitted to the people through the State ratification convention mode. The article notes that because the people would elect the delegates to these State ratifying conventions, the delegate election would be in effect a referendum on the proposed amendment.

While I do not agree with all the observations of Professors Pedrick's and Dahl's thesis, it presents a proposal that I think my colleagues will find both interesting and thought provoking.

Mr. President, I ask that Professor Pedrick's and Professor Dahl's paper be inserted in the RECORD.

The article follows:

LET THE PEOPLE VOTE! RATIFICATION OF CONSTITUTIONAL AMENDMENTS BY CONVENTION

(Willard H. Pedrick* and Richard C. Dahl**)

Would it be revolutionary to let the people vote on whether to amend the U.S. Constitution? It would be only about as revolutionary as the practice in virtually all of the states, where the electorate is normally and regularly polled on state constitutional amendments. It would be only about as revolutionary as the 21st Amendment repealing the 18th—where the people voted by states to select pledged or instructed delegates to state ratification conventions. The constitutional machinery for a vote by the people on ratification of constitutional amendments is in place, has been in place from the beginning. Isn't it time to democratize the amendment process in the way authorized by the founding fathers?

The amendatory process specified in Article V of the United States Constitution provides alternative channels for both proposals of constitutional amendments and ratification of such proposed amendments. With respect to proposal of amendments, one avenue is for two-thirds of each House of Congress to propose an amendment or, in the alternative, if two-thirds of the legislatures of the states request it, then Congress is to call a convention for proposing amendments. With respect to both avenues for proposals, the amendment only become a part of the Constitution upon ratification, which may be by the legislatures of three-fourths of the several states or by conventions in three fourths thereof "as one or the other mode of ratification may be proposed by the Congress." [1]

Over the years there has been a considerable amount of attention given to the question of whether a *proposing* constitutional convention convened on application of two-thirds of the several states could be restricted to a particular proposed amendment.[2] The other possibility is that such a constitutional convention, once convened, would have open season on the Constitution. That is an interesting subject. It is not the present subject of this paper.

Article V of the Constitution by its terms gives Congress two methods for *ratification* of an amendment whether proposed by Congress or by a constitutional convention—ratification by the state legislature route or by special ratifying constitutional conventions to be set up in each of the states. The Supreme Court in *United States* v. *Sprague* [3] (to be discussed herein) has settled the point that there is no legal restriction on the free choice Congress has as to the mode of ratification.

Surely, there ought to be a sensible way to approach the subject of whether ratification of a particular amendment should be by the state legislatures or by state conventions called to pass on the question of ratification. There ought to be functional factors that would give guidance on the choice. This article is concerned with developing a rationale for congressional choice of the mode for constitutional amendment ratification. It is, accordingly, policy, what ought to be, that will be discussed.

One of the strengths of the Constitution lies in its laconic, spare nature. There certainly is no indication in Article V itself as to what considerations should guide Congress in its choice of the alternative modes for ratification. In such a situation, the conventional approach is to turn to history, the proceedings of the original Constitution Convention insofar as such are reported, contemporaneous comment and subsequent practice to see whether any guiding principle or principles as to the choice of ratification mode can be extracted.

1. THE LESSON IF ANY FROM THE MURKY HISTORY OF ARTICLE V AND SUBSEQUENT PRACTICE

The provision for two modes of ratification did not appear until late in the discussion and debate in the Constitutional Convention of 1787. There was no such provision in the Virginia Plan submitted by Edmund Randolph on May 29, 1787.[4] Nor did it appear in the first report of the Committee of the Whole.[5]

It wasn't until September 10th, only a week before the convention finished its work, that there was any real debate on the amendment procedure. Madison offered a motion, seconded by Hamilton, that included the two modes of ratification. This motion was approved.[6] The Committee of Style and Arrangement was then responsible for the final wording of the constitutional document. On September 15th the complete constitution was approved by the convention. There was at this time some further discussion on Article V. Several motions were made that would have changed the mode of ratification or struck out Article V altogether. These were defeated although additions not affecting ratification of amendments were agreed upon.[7] The reports of discussions and debates offer no basis for a firm conclusion as to the delegates' intent with respect to the choice of one mode or other for ratification.

In the debates held in state conventions called to ratify the Constitution, the amending procedure was mentioned only occasionally. Patrick Henry argued that Article V made amendments impossible because of the difficulty of getting three-fourths of the states to concur.[8] Madison and Hamilton in their post-convention writings strongly supported Article V just as it had been drafted by the Constitutional Convention.[9]

During the last two hundred years the difficulties and delays encountered in amending the Constitution have led to various attempts in Congress to amend the amending process. As early as 1869 a proposal was made calling for popular ratification by a majority of the voters in three-fourths of the States.[10] Between 1917 and 1928 nineteen resolutions were introduced in Congress for popular ratification of all proposed amendments. In 1923, for example, Congress debated the merits of substituting ratification by the people for ratification by the legislatures.[11] Senator Ashurst of Arizona spoke in favor of ratification by the people: "If the consent of the voters in every State be required, and they are actually required, to alter and amend a State constitution, a fortiori the vote of citizens should be required to amend the Federal Constitution. Every argument in favor of election of Senators by a direct vote of the people is a stronger argument in favor of consulting the people on constitutional amendments." [12]

From the history and subsequent practice with respect to Article V a fair judgment would have to be that this material provides scanty guidance for Congress with respect to whether the legislative or the convention mode of ratification should be preferred in a particular case. The search for guiding principles must be pursued on other than historical grounds. It is signficant, of course, that the founding fathers did think it important to provide two alternative modes of ratification and obviously must have intended that both modes would be used in appropriate cases.

2. SIGNIFICANCE OF UNITED STATES V. SPRAGUE AS TO POLICY CONSIDERATIONS ON CHOICE OF RATIFICATION MODES

More than fifty years ago a prosecution for violation of the National Prohibition Act was challenged on the ground that the Eighteenth Amendment, authorizing the Act, was unconstitutional because it had been ratified by the state legislatures.[13] The defendant contended such a liberty depriving amendment could only be ratified by conventions specially called for that purpose. After reviewing the evidence put forward from the Journal of the Constitutional Convention bearing on the question of original intent, the district judge thought it proper on a constitutional question to approach the issue, not in terms of original intent, but rather to follow a functional approach seeking an interpretation that would be workable in light of the social setting in which that interpretation would create.[14] Later described by the Supreme Court as resorting to a "political science" or a "scientific approach to the problem of government," the district judge concluded that the Eighteenth Amendment should have been submitted to state conventions for ratification and that it was consequently of no force and effect and dismissed the indictment.

On appeal to the Supreme Court of the United States, the government argued that the plain meaning of the language of Article V authorizing Congress to select either rati-

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Footnotes at end of article.

fication by three-fourths of the state legislatures or by three-fourths of the state conventions "as . . . may be proposed by the Congress . . ." was not to be enlarged upon by reference to history or anything else.[15] The court accepted this plain meaning argument and pronounced that "the choice, therefore, of the mode of ratification, lies in the sole discretion of Congress."[16] Later in the opinion, court observed tartly that the framers of the Constitution knew how to use language and had they wished to limit the congressional choice of the mode of ratification, they could have said so.

"If the framers of the instrument had any thought that amendments differing in purpose should be ratified in different ways, nothing would have been simpler than to phrase Article V as to exclude implication or a speculation. The fact that an instrument drawn with such meticulous care and by men who so well understood how to make language fit their thought does not contain any such limiting phrase affecting the exercise of discretion by the Congress in choosing one or the other alternative motive ratification is persuasive evidence that no qualification was intended."[17] "Unless and until that Article can be changed by amendment, Congress must function as the delegated agent of the people in the choice of the method of ratification."[18]

The arguments put forward by the defendant in challenging the validity of the ratification of the Eighteenth Amendment were persuasive, but not persuasive enough. Those arguments were basically founded on rather scanty evidence of the intention of the founding fathers at the Constitutional Convention that ratification of amendments affecting individual rights and liberties should be submitted to the people rather than to the suspect state legislatures. The defendant also argued to the effect that the grant of authority to the national government over the rights and liberties of the individuals was a grant from the people as demonstrated by the Preamble to the Constitution and the Tenth Amendment and that only a submission to the people, through the convention method, would enable a valid ratification of an amendment to the Constitution affecting the rights and liberties of the individual citizen.[19] While the plain meaning argument won the day with the Supreme Court as a matter of law, the decision surely did no more than remit to the Congress all power and responsibility for choice of the mode for ratification of a proposed constitutional amendment—by state legislatures or by state conventions. It is accordingly appropriate and indeed incumbent upon Congress to consider in the light of history and functional factors whether one mode of ratification or the other is to be selected in the particular instance.[20]

It is submitted that the historical argument based on the Journal of the Constitutional Convention and contemporary statements by founding fathers, political leaders and commenters makes a rather slight case for the proposition that provision for ratification by state conventions was really the intended normal mode.[21] Further, as is well known, the Constitution itself was submitted to state conventions and submission to the state legislatures was expressly voted down by the Convention. On the other hand, it must be recognized that the practice following the adoption of the Constitution has been to submit amendments to the state legislatures in every instance save one—namely, the repeal of the Eighteenth Amendment by the Twenty First.[22] Congress seems to have swallowed the "connected modes concept."[23] If the proposal comes from a legislature, then ratification should be by legislatures! There is no logic in that proposition.

There is a certain irony in the fact that to repeal the Eighteenth Amendment, which was challenged on the ground that it ought to have been submitted to state conventions, both political parties and the Congress agreed that repeal of the Eighteenth Amendment should indeed be submitted to state conventions and the repeal was achieved through the mode of ratification.[24] Thus, despite the decision in *United States* v. *Sprague*,[25] The judgment of Congress in the end was that this particular amendment, affecting as it did the rights and liberties of the citizen should in that case, at least, indeed be subjected to a vote by conventions. But it must be conceded that the historical argument is most appealing to historians and in any case the question is not a matter of law but of policy. As a question of policy, the issue perhaps is better faced in terms of which mode of ratification makes the most sense in contemporary society from the viewpoint of political considerations.

3. DEVELOPING A RATIONALE FOR CONGRESSIONAL CHOICE OF THE MODE FOR RATIFICATION OF CONSTITUTIONAL AMENDMENTS

a. One certain lesson from history is that a restriction on personal liberty like that of the 18th Amendment cannot work unless it has the overwhelming support of the citizenry. As demonstrated by the 18th Amendment, state legislatures can, as a result of powerful pressure groups and interests, be out of touch with their constituents. Further, as respects use of the state legislatures for ratification of an amendment—members of a state legislature may have been elected prior to the proposal of the particular constitutional convention when its ratification or rejection would not have been an issue in the election campaign. Even as to proposed amendments submitted to the states prior to a particular election of the state legislature, the particular federal constitutional amendment proposed is unlikely to have been the only issue in the campaign. Moreover, with respect to those amendments that have been given a 7 year period for ratification,[26] there could be more than one intervening state election and the prospect that the federal constitutional amendment would figure very largely in the legislative elections in the state over several years is certainly speculative in the extreme.

On the other hand, a state convention to ratify or reject a particular proposed amendment to the Constitution can be structured in a way so as to make it, in effect, a referendum by the people on that particular issue. The possibilities are well exemplified by the process followed in the ratification of the Twenty First Amendment repealing the Eighteenth Amendment. On this occasion Congress left to the states the procedures for estalbishing the state constitutional conventions and a considerable diversity from state to state resulted. In some states delegates to the constitutional convention were elected at large and in other states from districts and in still others a combination of the two systems. For the most part in most of the states, delegates to the ratification convention ran on a pro or con platform. Thus, in net result the election of the membership of the state constitutional ratification convention was a plebiscite or referendum with the issue determined by a vote of the people.[27] The delegates to the ratification conventions were instructed delegates. Though speeches were made at some ratifying conventions, those speeches suffered from lack of suspense.[28] The result, after the election of pledged delegates was a forgone conclusion! Indeed, in one state the criminal law was enlisted to insure that a delegate would be true to the mandate of his electorate![29]

While there has been some discussion from time to time as to why the framers of the Constitution did not provide for a popular referendum on proposed amendments,[30] that seems a diversion. As the experience in the ratification of the Twenty First Amendment demonstrates, the ratification conventions in the states can be and were used as a vehicle for what amounted to a state by state referendum on the constitutional amendment. If ascertaining the will of the people on the proposed amendment is the object, it surely can be seen that the state ratification convention method is plainly superior.

b. There is also the point that members of the state legislatures are first of all a rather small segment of the population of the United States, numbering just 7392 in 1984.[31] State legislatures by reason of their relatively small numbers can be lobbied or influenced by special interest groups easier and at less expense than appeals addressed to the entire population. Legislators are often somewhat beholden to those who supply funds for their election campaigns. Accordingly, such legislators may be subject to influence from that source. With respect to a ratification convention of individuals elected solely because of their stand on a particular proposed constitutional amendment, if influence is to operate it must be influence over the people of the individual state, a rather more costly type of lobbying.

c. There is another consideration quite relevant as it relates to a congressional decision to choose the convention route rather than state legislature route.

Why did Congress choose to use the convention method with respect to the volatile issue of the repeal of the Eighteenth Amendment? On that issue passions were high and there were highly organized special interest groups both pro and con. Had Congress chosen the state legislature method of ratification, then every legislator would have had to stand up and be counted for or against the repeal of prohibition. With many voters that would represent a single but sufficient ground on which to elect or reject that particular member of the legislature at the next election. Surely Congress had in mind that their fellow political leaders in the state legislatures would appreciate being relieved of that embarrassing necessity for taking a stand one way or the other on the repeal of the Eighteenth Amendment.

The convention method not only provided a splendid mechanism for the ascertainment of the popular will on the subject. It also had the neat effect of relieving the states' legislative leaders from ever making a clear-cut public commitment on a very hot issue. That consideration is surely relevant to such proposed amendments as the anti-abortion proposal, prayer in the schools proposed amendment and a national gun control amendment, should one be proposed. One can anticipate that with respect to such future proposed amendments, leading members of state legislatures would piously intone how fortunate it is in their view that it is to be the "people" who will decide the explosive issues through elected conventions. The leaders can simply sit back and wait for the verdict without the necessity of making any real public commitment on the subject. Clearly there are times when the convention mode of ratification will be convenient as well as appropriate, but this is not to say that it is to be used in all cases.

Proposed amendments to the federal Constitution will fall into two basic groups. One group of proposals relate to the machinery of government, the relationship between the states and the federal government and methods of election and terms of office for particular officials. There are rather clearly governmental matters and are accordingly matters on which it may be argued that members of a state legislature, by virtue of political experience, are somewhat better situated to pass on the desirability of the proposed amendment, than the citizenry at large. The balanced budget amendment now being considered is an example of such an amendment.

On the other hand, there are matters that relate to the rights of the individual citizen in relation to government, either state or federal, or for that matter rights in relationship to other persons or institutions. An illustration would be a prohibition against abortion, if such an amendment were proposed by Congress. The individual citizen on the basis of life experience surely should be in a position to determine whether a proposed amendment affecting personal rights is desirable or undesirable. Accordingly, it is proposed to distinguish between those amendments which by their nature appropriately might be put to the state legislature and those amendments which would better be submitted to the people through the state ratification convention mode.

Something very similar to this analysis was submitted to the Supreme Court in *U.S.* v. *Sprague*[32] and there rejected only as a matter of law. The congressional choice of the mode of ratification for a particular amendment is open as a matter of policy and although the distinction between governmental relations and personal rights was not deemed compelling as a legal mandate then, it has great force as a policy argument in terms of what makes sense now.

It is submitted that as a matter of wise choice of alternatives, and not as a matter of law, that Congress would be well advised to submit to state conventions the ratification or rejection of proposed constitutional amendments relating to the rights and relationships of the individual. For amendments relating to the nature of the machinery of government and the election and terms of office, referral of a proposed amendment to the state legislatures would be appropriate.

We do not suggest that the stated guiding principle is self-defining or, for that matter, the exclusive factor to be considered in determining in the particular situation whether the convention or the legislative mode of ratification of amendments is to be chosen. Particular amendments to the Constitution may impact both directly on the individual and on government, state or federal. The Bill of Rights is an example of a series of amendments restricting governmental power and, of course, at the same time enlarging the rights of the individual citizen. To determine on the basis of the guiding principle that amendments affecting the rights of the individuals should go to conventions and amendments affecting the powers of government should go to the state legislatures is a guideline of inconclusive nature with respect to amendments of this mixed character. In fact, the Bill of Rights was ratified by state legislatures as amendments to the Constitution on the basis of a "political deal" made to effect a ratification of the original Constitution itself.[33] Similarly the Civil War amendments abolishing slavery and providing the guarantees of the Fourteenth Amendment were really, for the southern states, the price of reentry into the Union—a kind of agreement at the point of a pistol.[34] But it was undoubtedly "politic" in that situation in the aftermath of the Civil War to use the newly reconstituted state legislatures to effect ratification of these amendments. So it must be conceded that there are factors other than the impact on the individual and the impact on government to be taken into account in selecting the ratification mode. But it is submitted that consideration of the nature of a proposed amendment and its principal effects, whether on the individual citizen or on the machinery of government, is at least one of the powerful factors that should be weighed on the part of Congress in determining which mode of ratification should be selected.

Among the proposed constitutional amendments currently exhibiting some signs of life are a proposal to prohibit abortions, a proposal to authorize prayer in the schools, a proposal to require a balanced federal budget, and the equal rights amendment (the latter no longer a viable proposed amendment in light of the expiration of the allowed time for ratification). How would these proposed amendments fare under the proposed rationale for choice of ratification modes? Surely on issues like the right to abortion, vindicated by the United States Supreme Court in *Roe* v. *Wade*,[35] a proposed prohibition against abortion, however phrased, would impact very drastically on the individual citizen and in accordance with the rationale developed herein ought to go to ratification conventions, meaning in effect a popular vote on the issue in each of the states. Similarly for the proposed amendment that would authorize school prayer, the impact is primarily on the individuals and accordingly this proposal ought to go to state conventions rather than the state legislatures. Likewise, the ERA affecting the rights and relationships of women as citizens ought to have been submitted to state conventions rather than legislatures. Indeed, why not resubmit it to state conventions! On the other hand, the balanced budget amendment proposal affecting government directly in the first instance would seem an appropriate issue to put to the state legislatures.

4. POWER OF CONGRESS TO STRUCTURE RATIFICATION CONVENTIONS

If this "neglected" method for amendment ratification by conventions should be adopted by the Congress as to a particular amendment, the question then to be decided is whether the markup, the procedures and dates for the state constitutional conventions are to be left to the states as was done with respect to the Twenty First Amendment or whether, as proposed by some, Congress should undertake to secure uniformity and despatch by prescribing for all of the states the details of the selection of the ratification convention.

In the 1930s in connection with the repeal of the Eighteenth Amendment, there were spirited discussions of this point. Former Attorney General Palmer took the position that the federal government had the constitutional power to prescribe the procedures for the state constitutional conventions.[36] Others took the view that it would be beyond the competence of the federal government to enter into this subject matter area.[37] There may have been doubts that led Congress to eschew the matter and simply to leave it to the states with a resulting lack of uniformity—which Congress did.[38] The result eventually was ratification of the Twenty First Amendment (within the space of ten months)[39] by the state conventions variously selected.

Article V on amendments to the Constitution provides that ratification shall be by the legislatures of three fourths of the states, or by conventions therein "as one or the other mode of ratification may be proposed by the Congress." That language may not imply to some that Congress can prescribe the procedures for the state ratification conventions. On the other hand, in light of the fact that there are so many procedural matters to be resolved and the desirability of uniformity is so plain, a very strong case, it seems to us, can be made for the view that Congress, in proposing ratification or rejection by a convention as distinguished from a reference to the state legislatures should be seen as having the power to elaborate on the proposal by specifying the procedures to be followed by the states in selecting their conventions and taking their action on the proposed amendment.[40] But Article V of the Constitution does not stand alone. In Article I, Section 8 enumerating the Powers of Congress there is a grant of power to Congress "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other power vested by this Constitution in the government of the United States or in any department or officer thereof." This ancillary power to adopt necessary measures to make all the other powers effective surely embraces Article V. This, to us, carries the day in terms of the power of Congress to refer a proposed constitutional amendment to state conventions with a prescription as to procedure to be followed in selecting delegates to those conventions, their methods of proceeding and the reporting of their results.

Just as the Supreme Court has acquiesced in the congressional decision to limit the period for permissible ratification of a proposed amendment to a period of years, so also we believe that the Court would sustain action of Congress in prescribing the methods to be used for selecting and proceeding with respect to state conventions for ratification or rejection of a proposed amendment.[41] Indeed, the action of Congress in implementing its choice of ratification modes under Article V is peculiarly one the Court is likely to wish to eschew as a "political" question to be resolved by the Legislative Branch and not the Judicial.[42] In short, we believe with former Attorney General Palmer that "The Congress may provide for the number of delegates to each convention, . . . and for the assembly of the delegates at such time and place as may be fixed by the resolution" and ". . . it may prescribe how and when the delegates to the conventions may be elected, the date on which such conventions shall be held in the several states; the number of delegates to make a quorum and the number of affirmative votes necessary to ratify the amendments submitted to such Conventions and any other need or requirements."[43] Senator Sam Ervin of North Carolina in 1967 introduced a bill to "federalize" the proposing convention process. It passed the Senate but died in the House.[44]

If Congress were to prescribe the methods for selecting and procedures to be followed by state ratification conventions, a number of subsidiary questions would have to be resolved. On these questions, the experience of the states in setting up the ratification conventions under the Twenty First Amendment should be illuminating. The number of delegates prescribed by the state legislatures ranged from a minimum of 3 to a maximum of 329. In several states, delegates were selected at large, but in some states delegates were selected both at large and from districts. Such a convention is not to be conceived of as a "deliberative body."[45] Though we perhaps commonly think of a convention as a deliberative body, a convention whose sole task is to ratify or reject a proposed constitutional amendment on the basis of election of pro or con delegates may be seen as a convention comprised of "instructed delegates." We are familiar with the presence of instructed delegates in political conventions and we have long since abandoned any idea that the electoral college is a deliberative assembly. There is nothing in the nature of things that would forbid selection of instructed delegates to a convention whose task was solely to ratify or reject a proposed amendment.

One can visualize federally mandated election of delegates to ratification (or rejection) conventions in all the states on one common date with enough lead time for a true national debate through the media on the proposed amendment to the Constitution. The people would vote. Admittedly, such ratification conventions would not quite constitute a national referendum, because the results under Article V would be tallied on a state by state basis. But we have lived and prospered with the electoral college and the move to secure direct election of the president is moving with less than glacial speed. The real point is that Article V does authorize a vote by the people on a proposed constitutional amendment on a state by state basis. Surely it deserves regular usage.

5. CONCLUDING OBSERVATIONS

On many of the current proposals for amendments to the Constitution of the United States, the results of public opinion polls indicate a very sharp and frequently evenly balanced division of public opinion.[46] Pollsters can, of course, be wrong, but on the whole their reports of the state of public sentiment on particular issues is usually reasonably accurate. When public sentiment is sharply and relatively evenly divided on an issue, the circumstance would probably argue powerfully to the would-be proposers of amendments to the Constitution that the time is not ripe. Thus, either the state legislatures with respect to their power to petition for creation of a constitutional convention or the Congress of the United States most commonly can really take account of the apparent state of popular opinion in deciding in the first instance whether it is appropriate to invoke the machinery of proposal of a constitutional amendment. This concern about the public attitude no doubt explains to a large extent why such a relatively small number of amendment proposals have made their way through the obstacle course set up by the founders as respect amendments of the Constitution.

But on some matters interest groups persist in pressing strongly for submission of amendments to the federal Constitution, even in situations where the polls indicate sharply divided public opinion. In such cases it will be well to remember that the method of ratification which will assure that on a state-by-state basis the amendment will be ratified or rejected by popular vote is the convention method. In light of great popular support for ERA, as evidenced by public opinion polls, resubmission by Congress to state conventions would seem in order. This "neglected method" of constitutional amendment ratification was put into Article V with a purpose—a purpose that it be used. We commend the convention mode of ratification to Congress as appropriate in particular cases and have suggested herein at least a beginning rationale for one of the major factors to be weighed in making the choice of ratification modes.

We seem to be in an age where special interest groups, finance and the media play a very large role in the resolution of public issues. We submit that making the constitutional amendment ratification process more democratic through use of the convention alternatives would reduce somewhat perhaps the impact of these factors. It is difficult to believe that "true believers" would enthuse at the prospect of having to persuade a majority of the general public to their point of view on abortion or prayer in the schools. Further, if one believes the ultimate defender of constitutional right is not the legislature, not the executive, and not even the courts but the people themselves, then the state-by-state popularly elected ratification conventions provide an avenue for a more democratic constitutional society. We have considerable democracy in this country. Why not a bit more?118

FOOTNOTES

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[1] Article V—Amendment of Constitution:

"The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Convention in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress. . . ."

[2] For articles discussing the question as to whether a convention for proposing constitutional amendments once called can be limited to one particular proposed amendment *see* Black, Amending the Constitution: A letter to a Congressman, 82 Yale L.J. 189 (1972); Gunther, The Convention Method of Amending the United States Constitution, 14 Georgia Law Review 1 (1979); Noonan, Convention Method of Constitutional Amendment—Its Meaning, Usefulness and Wisdom, 10 Pacific L.J. 641 (1979): Voegler, Amending the Constitution by the Article V Convention Method, 55 N.D. L. Rev. 355, 388-396 (1979). For a relatively modern discussion of the issues relevant to a national proposing convention *see*, Report and Recommendation to the New York State Bar Association by the Committee on Federal Constitution, Article V and the Proposed Federal Constitutional Convention Procedures Bills, 4 Cardozo L. Rev., 592 (1982), summarizing the leading articles and discussing the relevant Supreme Court decisions on the issue of limiting a proposing convention to a particular subject matter, the extent of the judicial review on issues relating to Article V and the power of Congress with respect to Article V issues.

[3] 282 U.S. 716 (1931).

[4] 5 The Debates in the Several State Conventions on the Adoption of the Federal Constitution as Recommended by the General Convention at Philadelphia in 1787, 123 (J. Elliot ed. 1888).

[5] *Id.* at 376.

[6] 2 The Records of the Federal Convention of 1787, 557 (M. Farrand ed. 1937).

[7] *Id.* at 629. For more extended accounts of the formulation of Article V on the subject of proposing and ratifying amendments to the Constitution, see Martig, Amending the Constitution, Article V as Keystone of the Arch, 35 Mich. L. Rev. 1253 (1937) at 1257-1261; Voegler, Amending the Constitution by the Article V Convention Method, 55 N.D.L. Rev. 355 (1979) at 360-365.

[8] 3 J. Elliot, *supra* note 4, at 55.

[9] The Federalist No. 85 (A. Hamilton) and No. 43, at 296 (J. Madison) (J. Cooke ed. 1961).

[10] H. Ames, The Proposed Amendments to the Constitution of the United States During the First Century of its History 294 (1897).

[11] L. Orfield, The Amending of the Federal Constitution 192-203 (1942).

[12] 65 Cong. Rec. 3675 (1923).

[13] *United States* v. *Sprague*, 44 F.(2d) 967 (D. Ct. N. G. 1930), in the District Court. The case was reversed on appeal in United States v. Sprague, 282 U.S. 716 (1931).

[14] *Id.* at 981 *et seq.*

[15] *United States* v. *Sprague*, 282 U.S. 716 at 731-732 (1930).

[16] *Id.* at 730.

[17] *Id.* at 733.

[18] *Ibid.*

[19] *See* the opinion of Judge Clark in the District Court in the *United States* v. *Sprague*, 44 F.(2d) 967 (D. Ct. N.J. 1930) 967 at 980 "It seems indisputable that local self-government, popular sovereignty, and the convention system of drafting and amending Constitutions were the very 'warp and woof' of the political thought of the whole period prior to the drafting and adoption of the Federal Constitution." And *See* the argument for appellees in the *United States* v. *Sprague*, 282 U.S. 716 (1930) at 722-723 summarizing the historical argument with reference to the Constitutional Convention Debates.

[20] *See* Brown, The People Should be Consulted as to Constitutional Changes, 16 American Bar Association, 404 at 405-6 (1930), setting out extracts from the Journal of the Congress of the Confederation and from the Resolution of the Philadelphia Convention.

[21] See note 20, supra.

[22] Congressman Beck, of Pennsylvania, speaking on the floor of Congress on December 7, 1932, said: "There has grown up in the last 10 years, due to the Eighteenth Amendment, a sentiment that if any further modification or repeal of the Constitution be attempted, it must be by conventions, as more directly and authoritatively representative of the will of the people than a legislature. The two great parties have pledged themselves that any repeal of the Eighteenth Amendment shall be by the convention method. . . ." 76 Cong. Rec. 124.

[23] Martin, Convention Ratification of Federal Constitutional Amendments, 82 Pol. Sci. Q. (March, 1967), 61-71 at 62-63.

[24] *See* Dowling, A New Experiment in Ratification, 19 A.B.A.J. 383 (1933).

[25] 282 U.S. 716 (1931).

[26] "Congress has included in all proposed amendments since the Eighteenth, excluding the Nineteenth, a section stating that the amendment should be inoperative unless ratified within seven years. In *Dillon* v. *Gloss*, 256 U.S. 368, 375 (1921), the court sustained this limitation on the ground that it gave effect to the implication of Article V that ratification 'must be within some reasonable time after the proposal.'" Cong., Res. Serv., the Constitution of the United States of America, Analysis and Interrelation, Senate Document (1973) 92-82. P. 859.

[27] In Dowling, a New Experiment in ratification, supra note 25, a short summary of the various approaches taken with respect to election of delegates to the various state conventions for the purpose of ratifying the 21st Amendment is set forth including a chart showing the number of delegates at large, the number of district representatives and the total for each of the states.

[28] In an article by Andrews, A Check List of Records of State Conventions, etc., 29 Law Lib. J. 19 (1936), a checklist of records of state conventions held to ratify the 21st Amendment to the constitution of the United States provides a short description of the proceedings in each of the state conventions convened to ratify the 21st Amendment. The proceedings extended from a mere 4 pages in Arizona to 60 pages in Indiana. The length of the proceedings stands in stark contrast to the congressional record with its extended debates on all sorts of issues and non-issues.

[29] From Chapter 49, Section 7, of the Session Laws of Arizona 1933, at page 407, "Delegates elected upon a platform or a nomination petition statement as for or against ratification must vote at such convention in accordance with such platform or nomination petition statement, and upon failure to do so will be guilty of a misdemeanor, his vote not considered, and his office will be deemed vacate to be filled as herein provided for filling vacancies." In Arizona, at least, honor was reenforced by the criminal law!

[30] *See* Stasny, The Constitutional Convention Provisions of Article V: Historical Prospective, 1 Cooley Law Review, 73 (1982) at 95-100; Martig, Amending the Constitution, 35 Mich. L. Rev. 1253, 1284 (1937) (favoring a popular vote on Constitution Amendments).

[31] Statistical Abstract of the United States For 1987, P.239.

[32] 282 U.S. 716 (1931).

[33] District Judge Clark in *United States* v. *Sprague*, 44 F. (2d) 967 at 974 (1930), "The historical background of the first amendments to the Constitution is too well known to require a detailed repetition here. *Barron* v. *Baltimore* in 1833, 7 Pete. 243, at page 250, 8 L.Ed. 672. The state constitutions enacted prior to 1776 included various provisions borrowed from the English Bill of Rights (1689). Macaulay, History of England, Val. 3, P. 400. In the ratifying conventions in the larger states much was made by the opponents of the Constitution of the omission to include similar provisions therein. The Federalists finally secured a favorable vote by the promise that the first Congress would remedy these defects. Included with the Amendments guarding against personal oppression were two, the 9th and 10th, prompted by the desire to safeguard the smaller governmental units from oppression by the larger." For a similar account *see* Martig, amending the Constitution, Article V, The Keystone of the Arch, 35 Mich. L. Rev. 1253 (1937) at 1263-1266.

[34] Hamilton, The Legislative and Judicial History of the Thirteenth Amendment, 9 Nat. B. J. (1951) 26 at 47 (1951) . . . "there has been speculation about the legitimacy of the Southern ratifications. To sustain their validity one must accept (1) that the governments in each of the Southern States were competent to ratify the amendment, even though they were distinctly unrepresentative in their composition and were sustained by an army of occupation, and (2) that the subsequent refusal of Congress to recognize Johnson's reconstructed governments did not deny their ratifying capacity. It is a little difficult to see how provisional government which was not eligible to be granted seats in Congress was yet competent to express the will of a state on an amendment." Brown, The People Should Be Consulted as to Constitutional Changes, 16 A.B.A.J. 404 (1930) "the 13th, 14th and 15th (amendments came from the arbitrament of Civil War, and recorded its results. They were used as a substitute for a treaty with the Southern Confederacy."

[35] 410 U.S. 113 (1973).

[36] *See* Palmer, Brief—The Method of Ratification of Constitutional Amendments by Conventions in the States and Particularly the Power and Duty of the Congress to Create Such Conventions Without Action by State Legislatures, 76 Cong. Rec. 130-134 (1932).

[37] *See* the speech by Congressman Beck, 46 Cong. 76 Cong. Rec. 124-130 (1932).

[38] *See* Dowling, *supra* note 28 for a description of the varying systems that different states adopted with respect to their ratifying conventions.

[39] *Ibid.*

[40] Congressional Research Service, *supra* note 27 the Constitution of the United States of America, Analysis and Interpretation Supplement at S77, "At the same time it was positing this analysis in the context of passing on the question of Congress' power to fix a time limit, the Court in *Dillon* v. *Gloss* observed that Article V left to Congress the authority to 'deal with subsidiary matters of detail as the public interest and changing conditions may require' ". Citing *Dillon* v. *Gloss*, 307 U.S. 433, 452-454 (1939).

[41] *Ibid*: "In *Coleman* v. *Miller*, Chief Justice Hughes went further in respect to these 'matters of detail' being 'within the congressional province' in the resolution of which the decision by Congress would not be subject to review by the Courts' ". Congressional Research Service, the Constitution of the United States Supplement S77 (1979).

[42] The leading case on Article V questions as being "political" questions is *Coleman* v. *Miller*, 307 U.S. 433 (1939). There is not really a majority opinion in the case so there is some doubt as to the scope of the decision. Earlier writing on the subject finds the contending advocates sharply divided on the question whether the Federal Congress can prescribe the procedures for the ratification conventions or whether it necessarily must be left to the states. For the essence of these debates *See* Lincoln, Ratification by Convention, 18 Mass. L.Q. 287 (1932) supporting Congressman Beck's conclusion that there is no power in Congress to structure the ratification conventions. To a similar effect is Dean, The Roadway to Prohibition Repeal, 25 Lawyer and Banker N.S. 284 (1932). On the other side is the Brief by former Attorney General Mitchell Palmer, *supra* note 37, *see also* Bonfield, The Dirksen Amendment and the Article V Convention Process, 66 Mich. L. Rev. (1968) 949 at 987. On the subject of the Constitutional Amendment *proposing* convention, Professor Bonfield observes "Under its authority to call a convention, Congress has implied power to fix the time and place of meeting, the number of delegates, the manner and date of their election, their ratifications, the basis of apportioning delegates, the basis for voting in conventions, the vote required in convention to propose an amendment to the state and the financing and staffing of the convention."

It would seem to follow that Congress should have comparable authority with respect to the procedures of the ratification conventions. For a general discussion of "the political question doctrine" *see* Tribe, American Constitution Law (1978) at 71-79 especially at p. 76. For a later discussion *see* Report and Recommendation to the New York State Bar Association by the Committee on Federal Constitution, *supra* note 2.

[43] *See* Palmer Brief, *supra* note 37, at 76 Cong. Rec. at 132-133.

[44] The Ervin Bill was directed principally to "*proposing*" conventions and left to the states the matter of the creation of the state ratification convention. *See* the Senate Bill 2037 as reproduced in 113 Cong. Rec. 23005 (1967) and Senate Bill 1272 as reproduced in 119 Cong. Rec. 8355. The Ervin Bill is analyzed in a note, Proposed Legislation on the Convention Method of Amending the United States Constitution, 85 Harv. L. Rev. 1612 (1972). For Senator Ervin's explanation of his proposed bill *see* Ervin, Proposed Legislation to Implement the Convention Method of Amending the Constitution, 66 Mich. L. Rev. 875 (1968). The story of how the Ervin Bill finally perished despite repeated efforts to secure its passage is re-counted in Stasny, The Constitutional Convention Provision of Article V: Historical Perspective *supra* note 31, at pages 101-109 (1982).

[45] There is loose talk in *Hawke* v. *Smith*, 253 U.S. 221 (1920) at 227 referring to both state legislatures and state ratification conventions as "deliberative assemblies representing the people, which it was assumed would voice the will of the people." This statement was made in the context of a decision holding invalid the attempt by the State of Ohio to subject a Federal Constitutional Amendment to a state referendum—with the Court deciding that the procedure prescribed by Article V permitted only a vote by the state legislature or conventions and not a state popular referendum. Thus, the reference to "deliberative assemblies" was not required for the decision and should be given no significance. There is also an advisory opinion by the Supreme Court of Maine in re Opinion of the Justices, 167 Hat. Atl. 167 (1933), holding that a ratification convention must be a "deliberative" assembly. The Court offers no rationalization for this conclusion and the opinion, we think, is not to be taken seriously. We think it clear that a convention of instructed delegates will satisfy the terms of Article V as in the case of the 21st Amendment. There may be some question as to how far the state should go to insure that the elected delegate to the convention will vote in accordance with the mandate from the electorate. *See* Dowling *supra* note 28 at 384-387. We think that deliberation of ratification conventions after election on a pro or con pledge will be perfunctory to say the least. *See* Brown, The Ratification of the 21st Amendment, 29 Am. Pol. Sci. Rev. 105 at 114-115 (1935), to the effect that the 21st Amendment ratification conventions were not deliberative conventions in fact.

[46] The Gallup Report:

[In percent]

Proposal	Favor	Oppose
Roe v. Wade (Right to Abortion), Gallup Report Jan-Feb 1986, Report No. 244-245 at p. 18	45	45
Prayer in Public Schools, Gallup Report Oct 1984, Report No. 229 at p. 7	69	28
Equal Rights Amendment, Id. at p. 10	63	31
Balanced Budget Proposed Amendment, Gallup Report Oct 1985, Report No. 240 at p. 11	49	27
Stricter Handgun Control, Gallup Report May 1986	60	30

Report No. 248 at p. 17.●

CONGRESSIONAL CALL TO CONSCIENCE FOR SOVIET JEWRY

● **Mr. DURENBERGER.** Mr. President, I rise today to repeat a call many of my distinguished colleagues have issued—a call for accountability for the repeated human rights violations in the Soviet Union despite "glasnost" and "Perestroika." My call to conscience for the countless number of Jews, Christians, and all religious peoples in the Soviet Union who have been harassed, imprisoned, and denied freedom only because they chose to practice their religious beliefs. We have all heard the eloquent oratories of General Secretary Gorbachev describing the new glasnost and Perestroika, but we have yet to see the comprehensive results.

On April 21, refuseniks, including Vladmir Meshkov and Leonid Grossman, organized a demonstration at the steps of the Lenin Library in Moscow to coincide with Secretary Shultz' arrival. As the demonstrators appeared at a subway entrance, they were set upon by police in plain clothes. When Western reporters tried to document the assault and subsequent removal in police vans, they were obstructed by Soviet militia and police. This kind of behavior can be expected from petty despots, but it must not be tolerated from a nation expecting the benefits of improved relations.

In the first 3 months of 1988, 2,438 Soviet Jews have been granted exit visas. Compared with the last 5 years these numbers are an improvement, but we still are waiting for the "mass exodus" that has been suggested since the beginning of Secretary Gorbachev's administration in March 1985. The number of visas issued Soviet Jews in 1979—a preglasnost year—exceeds the total number of visas issued in the 8 years since. Three years of glasnost fail to compare with 1980, the year after the Soviet Union invaded Afghanistan. How long must we wait for human rights and personal freedoms in the Soviet Union to be acknowledged and respected?

Mr. President, I would like to bring to the attention of my colleagues the plight of Vladimir Meshkov and his family, who are prisoners in their own country. Vladimir first applied for an exit visa in 1977. Since that time he has been forced to leave his position as a mathematician for the institute for Teachers. Members of the Meshkov family have been repeatedly harassed by Soviet authorities and they have been prohibited from receiving mail from the United States.

The Meshkov family is now in a perilous situation. Valdimir's sight is failing and his wife and daughter suffer from the same congenital heart disease. In order to complicate the emigration of the Meshkovs, Soviet authorities have placed Vladimir in the "poor relative's group," which prevents Vladimir from emigrating until all of his relatives file financial waivers. This is the cruelest of ironies for a man who has been forced out of work. The Soviet response to the Meshkov's situation was clear. On April 11, 1988, they were again denied exit visas.

On April 21, Vladimir tried to participate in a demonstration criticizing the state of human rights in the Soviet Union and the Government's emigration policies. He was dragged off by police, bound and beaten. Soviet authorities systematically suppressed the demonstration in the presence of Western reporters.

Those of us who have fought for the recognition of human rights in the Soviet Union must comment on the failure of glasnost to significantly affect the plight of Soviet Jewry.

Glasnost has truly inspired hope in many observers. But we must address ourselves to the harsh reality, not just the promise of glasnost. The reality of Vladimir Meshkov, Father Tamkevicus, and all the peoples in the Soviet Union suffering because their convictions cannot be ignored.

The tragic condition of Soviet Jewry is symbolic for the overall state of human rights in the Soviet Union; their plight is a measure for us to separate reality from appearance. I urge my colleagues—and all Americans—to reflect on Soviet human rights policies and heed my call to conscience.●

AMERICA'S SMALL BUSINESSES

● Mr. DIXON. Mr. President, I rise today to pay tribute to America's small businesses. I do so because these hard-working partners have not received the recognition they so richly deserve.

Far too often our national attention is captured by big business. The public is made aware of their deeds through daily press coverage of earnings reports and contract negotiations, new product announcements, and personnel changes. Hence, we all know of the many contributions of companies such as Sears, Kraft, Caterpillar, and Zenith. Likewise, Government officials are made aware of the interests and concerns of big business because they possess the resources necessary to effectively present their viewpoint. As a result of this constant attention, the achievements of small businessess are often overshadowed. Thus, we tend to focus on big business when we look for solutions to the problems of unemployment, technological competitiveness, and economic growth.

If we are to be effective in addressing these problems we cannot afford to overlook the many significant successes of small businesses. We need to bring the significant achievements of small businesses out of the shadows and into the light. For example, small businesses have generated over 60 percent of all new jobs. Fully one-half of all major innovations in the past 30 years have come from small companies. And business services, the fastest growing sector of our economy, is dominated by small businesses. These are just a few highlights of the significant benefits small businesses bring to our economy.

In addition to the purely economic contributions of small businesses, we need to recognize the important role they also play in utilizing our human resources. First, they enhance the value of our labor pool. Small businesses are major employers of first-time job holders, recently unemployed workers, and those in need for training. By employing these individuals, small businesses increase our Nation's productivity through on-the-job training and work experience. Furthermore, they increase the prospects of these workers for sustained employment. Second, small businesses expand economic participation for all segments of our population. They employ a disproportionate share of the youngest and oldest workers, women and part-time workers. Minority-owned businesses continue to increase in number, and in the past 10 years the number of new businesses owned by women increased three times as fast as those owned by men.

The week of May 8-14 has been declared Small Business Week, 1988, by the President of the United States. Throughout this week, the problems, concerns, opportunities, and achievements of small businesses will be spotlighted in seminars and conferences across the Nation. It is my hope that as a result of this concentrated attention, our society will gain a better appreciation for the contributions—and continued potential—of America's small businesses.●

K.C. JONES

● Mr. HUMPHREY. Mr. President, when we think of excellence in professional basketball, we think of the Boston Celtics—the home team of the people of the great State of New Hampshire. No professional sports team has ever dominated its sport like the Celtics.

As in any business or profession, there is a reason that the same team keeps winning year after year. It's called teamwork, and that teamwork runs from top to bottom. The Boston Celtics excel year in and year out because they have the teamwork that is needed both on and off the court.

Many professional teams have had great individual players at different times in their history. But the true test of an excellent team is whether it wins year in and year out with a different set of players and coaches. The Boston Celtics—New Hampshire's beloved team—have the best record in the NBA because they have the best management. Good players come and go, and the Boston Celtics keep on winning.

There was a brief time several years ago that the famed Boston Celtics did hit rock bottom. The year was 1983 and the mighty Celtics were eliminated by the Milwaukee Bucks. The team was sold and the new owners wanted to restore the Celtics to the glory days of old.

The man they turned to was K.C. Jones. The response was more immediate than a turnaround jump shot. Under his leadership, the Celtics have won four straight divisional titles and are headed toward a fifth straight crown. His teams have been in the finals all 4 years, winning the championship in 1984 and 1986.

In 8 years as an NBA coach, his team have a record of 463-193—an incredible winning percentage of .706. In the 13 years that K.C. Jones has been a player and coach with the Boston Celtics, they have won 10 championships. Such a record is unparalleled.

But his success story does not end there. He played on the same University of San Francisco team with his Boston Celtics teammate Bill Russell, that won two NCAA basketball championships. He played on the Olympic team that won the gold medal for the United States in 1956.

He was drafted by the Los Angeles Rams football team but, fortunately for Boston Celtics fans, he chose basketball. In 9 years as a player, his team would win eight championships. He was not often the leading scorer but it was his teamwork and his defensive skills that led his team to the top.

Mr. President, those who win consistently in the game of basketball and in the game of life do so because they work at winning. There are no free throws here. Winning takes hard work, dedication, leadership, and teamwork.

Those are the qualities that made K.C. Jones a great basketball player, a great coach and most important of all a great human being.

Mr. President, last week K.C. Jones announced he will retire as a coach. He will retire a winner, a leader and a true champion. Today let us honor K.C. Jones, the player the coach and the man. Good luck K.C. from all of us who have admired you for so long.●

CHUCK WILLIAMS, EXEMPLARY NEVADAN

● Mr. HECHT. Mr. President, I rise today to recognize Charles "Chuck" Williams, a Nevadan of outstanding character. Charles Edward Williams was born on September 22, 1919, the beginning of a life that has been characterized by service to both country and community.

Mr. President, Chuck's philanthropic efforts have been the trademark of his life, a trademark that all who have worked with him know and admire. Yet, quiet generosity is often the sincerest charity. Without the desire to receive public thanks, Chuck has anonymously contributed to community causes for years. Such contributions are silent proof that Chuck's intentions are as selfless as his actions.

Mr. President, Chuck's most active community service has been through the Masons. He was made a "Master Mason" in Reno's Washoe Lodge No. 35 in 1952 and then became a member of both Kerak Temple and the Kerak Temple Guard in 1953. Today he is the oldest continuously active member of the Kerak Temple Guard. He has dedicated the last 36 years to the many charities that both the Masons and the Shriners sponsor. Mr. President, while Chuck has assisted in all these worthy causes, he has been especially active in helping children. Chuck's special bond with children has lead to many efforts for their benefit including generously giving his time and financial support to Mason charities such as the Shrine Crippled Children's Hospital and Children's Burn Center.

However, Mr. President, I would be amiss if I did not also mention Chuck's service to his country. He entered the Army on December 3, 1942, and was sent to Europe in December of 1944. He served as a corporal squad leader with the 269th Engineering Battalion, where he saw action in the Ardennes, the Rhineland and the Central European Campaigns. In 1945, he was honorably discharged and returned to Reno, NV where he has spent the balance of his adult life. But Mr. President, "spent" would be an inappropriate word for the life that Chuck Williams has chosen to live. "Spent" implies the passing of time in a routine fashion. Chuck Williams is not one to pass time but instead has continuously cultivated the ideals of dedication and service into his life. He has devoted his energies to his long career in the gaming industry, and the many community works he holds so dear.

This month of May, Mr. President, will mark two important dates for Chuck. The first is May 21, the day Chuck and his loving wife, Wilma, will celebrate their 48th wedding anniversary. A 48th wedding anniversary is in itself a milestone worthy of recognition, yet there is another notable day in May that will have significance for Chuck Williams.

The second occasion I speak of, Mr. President, falls on May 27, when Chuck will be honored as the Shriner of the Year. Mr. President, I can think of no honor more appropriate, no title more deserved, than to bestow on Chuck Williams the title of Shriner of the Year. Without a doubt, this is a fitting tribute to Chuck's selfless dedication to both country and community.●

POLISH CONSTITUTION DAY

● Mr. SIMON. Mr. President, on May 3, 1988, Polish people all over the world celebrated Polish Constitution Day. This marked the 197th anniversary of Poland's first democratic Constitution.

This historic document incorporated many of the ideas and principles that we put into our own Constitution. Freedoms that we all cherish such as religious tolerance, majority rule and equality under the law are all included in Poland's 1791 Constitution.

Unfortunately, the freedoms spelled out in Poland's Constitution were short-lived. Nevertheless, Poles and Americans of Polish descent have worked endlessly to ensure that the ideas contained in their Constitution are not forgotten. The courage and resilience shown by the Polish people in their present situation boldly demonstrate to us the desire that they have to live in a free and independent nation.

Mr. President, recently I introduced Polish American Heritage Month with my good friend Senator DONALD RIEGLE. This resolution pays tribute to the great contribution that Poles and Americans of Polish descent have made to the advancement of democracy. The historic importance of Polish Constitution is just one of the many achievements that Poles and Americans of Polish descent can be proud. I ask that my colleagues join me in honoring Polish Constitution Day.●

NATIONAL SMALL BUSINESS WEEK

● Mr. DURENBERGER. Mr. President, throughout my home State of Minnesota, the small business people on Main Street, in the plants, in the service centers, in offices and in homes continue to provide the economic backbone that is so vital to my State's business climate. I am pleased that during this Small Business Week, we as a nation, are taking special note of the unique role small businesses play in the Nation's economy.

In Minnesota alone, small businesses represent almost 90 percent of all business establishments or approximately half of the State's work force. In the first half of this decade, small businesses, firms with 500 or fewer employees, generated 61,000 of the 112,000 new jobs created. Of those 61,000 jobs, 47,000 were created in firms employing fewer than 20 people. The growth in small businesses has been the engine driving our 65-month-long economic expansion—the longest peace time expansion ever experienced in this country.

Minnesota recognizes the importance of small businesses, therefore, my State has many knowledgeable professionals working to facilitate small business ventures. Thanks to these dedicated individuals, Minnesotans who are interested in starting up a business have access to needed assistance, resources, and advice.

Mr. President, at this time I would like to congratulate the 10 small business persons who recently were recognized by the Small Business Administration for their outstanding business achievements. They are John "Jack" Rajala, Robert Ferche, Geraldine Vogt, Tom Regan, G. Sheldon Hanson, Esperanza Guerrero, Kathryn Keeley, Larry Fortner, Diane Weber, and Mary Yue. Each has unique talents, and each has a reputation of loyalty to ethics and fairness in business.

I particularly want to congratulate my good friend, Jack Rajala, on being named Minnesota's Small Business Person of the Year. Jack is president of the Rajala Lumber Co. I have known him and his family for years, and I am proud of the accomplishments that have earned him this prestigious award.

Jack's father and uncles founded the Rajala Mill Co. in 1942 in Big Ford, MN, with one steam sawmill. When Jack took over the family business in the early 1960's, the company employed only 20 people and had annual sales of only $350,000. Under Jack's leadership, the Rajala Lumber Co. has grown to provide 210 jobs, with annual sales of $18 million. Other Rajala companies include Rajala Ltd., Rajala Timber Co., and Liila Division of Rajala Lumber Co.

Mr. President, we can all recall the recession of the early 1980's with interest rates of over 20 percent and businesses struggling to survive. During this time, over 1,000 lumber mills nationwide were forced to shut down. Not Jack's. He had the determination to hang on during the difficult economic times, and he did so without laying off a single employee. Not only did the Rajala Lumber Co. survive the recession, it is now flourishing and exporting lumber all over the world.

Rajala has been a pioneer in long-term forestry management. Among other accomplishments, he developed a new procedure for regenerating white pine in northern Minnesota, which has earned him the respect of his colleagues in the forestry profession.

In addition to his many business accomplishments, Jack is also well reguarded for his contributions to his community. He heads the building committee at his church. He is on the board of directors for Minnesota Power and the Grand Rapids State Bank. In each of his endeavors, Jack is dedicated to achieving excellence and quality.

Mr. President, I ask that an article on Jack Rajala which appeared in the St. Paul Pioneer Press Dispatch on Sunday May 8, be included in the RECORD at the end of my remarks.

At this time, I would also like to congratulate the other nine Minnesotans who were honored for their achievements in and contributions to small business.

Working with wood is a perfected craft in Minnesota, and Robert Ferche of Ferche Millwork has spent his life building a company that produces custom orders. In addition to this successful operation, Robert has served the community of Rice, MN in numerous civic and professional positions.

Those familiar with the success of Mrs. Gerry's Kitchen, Inc., proclaim that Geraldine Vogt has literally built a business out of her kitchen. Today, she distributes over 7 million pounds of 55 different food items, and she employs over 50 people. Geraldine leads the Freeborn County Chamber of Commerce, the local United Way Organization, and she works to make the community of Albert Lea a better place in which to live and do business.

Tom Regan has been a true friend to the small businesses of the Twin Cities Metro Area. Regan provides a number of different services to small businesses—giving legal assistance, increasing public awareness and advising business owners. An attorney by profession, Regan has volunteered his time and expertise to hundreds of people in need of good business advice.

For Minnesota U.S. military veterans, assistance is now available from the Veterans Business Resource Council. This council was established by a congressional mandate, and is designed to foster entrepreneurial efforts and creativity in business ventures. G. Sheldon Hanson is Minnesota's man behind this successful operation. Sheldon has traveled throughout the State educating veterans on the business opportunities available to them, and encouraging veterans to continue serving our country through business ownership.

Esperanza Guerrero believes that opportunities to create and own a small business should be available to all Americans; therefore, she has dedicated her life to helping minorities take advantage of these opportunities. Esperanza has served on local, State, and national organizations that are designed to promote minority business involvement. And through her activity, she has established a network that produces results. Today, Esperanza is the Director of Business Development at the Metropolitan Economic Development Association, where she provides individuals with advice on profitability, management, and planning.

A recent phenomenon we have witnessed in the U.S. economy is the growth of small businesses begun by women. Women in Minnesota have found an excellent resource in Kathryn Kelley, president of the Women's Economic Development Corp. Kathryn helped establish a "Create Your Own Business" Program, which provides assistance to displaced homemakers, single parents and others interested in establishing their own business. Kathryn, too, has taken her expertise to every corner of our State, where she helped women become successful business owners.

According to Larry Fortner, public awareness often translates into public action. Therefore, this former editor of the Duluth News Tribune has made a concentrated effort to keep the small business people of northern Minnesota informed on issues of importance to them. Larry has worked hard to provide business tips and information on business trends to local organizations. Through Fortner's efforts, the Duluth News Tribune is now a daily paper, which serves the interests of small business.

Northern Minnesota has become a hub for business development over the last few years thanks, in part, to the dedicated efforts of Diane Weber. Diane is the executive director of the Itasca Development Corp., and has assisted in the creation of almost 300 additional jobs for the area. Given Diane's enthusiasm and commitment to small business growth, Grand Rapids can look forward to a rosy economic future. Diane counsels and educates business owners, and she oversees finance and incentive programs, which are vital to the attraction of new business ventures.

Finally, I believe that Mary Yue may best demonstrate the success an individual can achieve in Minnesota with hard work and dedication. She began her career with a small gift shop and restaurant operation, and she has since expanded into the area of venture capitalism. Mary is now providing expertise and seed money for start-up businesses. Mary uses her acute business sense to single out the most innovative, potentially successful ventures. Thus, she facilitates the realization of the dream many share: owning a business.

Mr. President, each one of these individuals deserves the special recognition that has been bestowed upon them by the Small Business Administration. Their dedication to their work and their communities serve as an example for all aspiring business persons in Minnesota and the Nation. I am pleased we have taken an opportunity to honor the small business persons in the United States this week. They are the foundation of our economy and deserve our support and encouragement.

The article follows:

FAITH PAID OFF FOR JACK RAJALA'S FORESTRY FIRM—BORROWING KEPT BUSINESS GOING

(By Lee Egerstrom)

Before Arthur Rajala died in 1974, he called his sons together and suggested they sell the family company. Tough times were coming, he warned. Trends in the lumber and forest products industries didn't favor small companies.

The senior Rajala was right about the forest industries. Forestry, after all, is a half-brother to agriculture and mining. It has seen depression as the broader economy slid into a recession.

But the Rajala brothers bucked the trends and started a new trend of their own.

This week, Jack Rajala, president of the Rajala Companies of Deer River will be honored as the Minnesota Small Business Person of the Year at ceremonies in Bloomington and Washington, D.C.

"There's presentation in Minneapolis, and I fly out immediately afterwards for three days of small business observances in Washington," he said.

A National Small Business Person of the Year will be announced on Wednesday in Washington, D.C.

For Rajala, the honor comes after times when, he admits, "I wished we had listened to Dad. We had tough times during the (1981-82) recession, but I'm glad we held on," Rajala said in a telephone interview.

George Saumweber, spokesman for the U.S. Small Business Administration office in Minneapolis, said more than 1,000 sawmill operations across the country went out of business during the recession, and U.S. sawmill production was cut back to 60 percent of plant capacity.

"The Minnesota Department of Natural Resources reports that Rajala was the only company that went through that period in Minnesota without laying off employees," Saumweber added.

The award acknowledges the fact that Rajala has led a small company through steady growth in both sales and jobs over the past 25 years. Sales have increased from about $350,000 in the early 1960s to more than $18 million this past year, and employment at Rajala lumber mills and wood products companies has increased from 30 to 160 workers in those same years.

It also could be a celebration of something that's right with Minnesota's rural, resource economy. It's as if the U.S. government went looking for someone whose success touches all the current objectives of the government's industrial, agricultural, jobs, rural development and trade policies.

The award actually could come from any number of departments of government, not just the SBA, said Robert Buckler, a St. Paul business and environment consultant who doesn't have business ties to Rajala.

"Jack hits all the buttons . . . rings all the bells," he said.

A look at the Rajala Cos., a holding company for several family-owned businesses, shows what Buckler means.

The company was founded in 1942 when Rajala's father purchased a small lumber mill at Bigfork, south of International Falls. In the late 1960s, the Rajala family developed a sawmill complex in nearby Deer River, which has become the corporate home.

Included in the holding company are Rajala Mill Co., Rajala Lumber Co., Liila Forest Products, Rajala Ltd., Rajala Timber Co., and Boundary Co. The latter is a forest management company for the timberlands the company owns in northern Minnesota. The other companies produce various wood products, from basic construction lumber to furniture quality hardwood to milling byproducts that are sold to Minnesota paper manufacturing mills.

One-fourth of Rajala's sales now comes from export markets—in fact that would warm the hearts of Commerce and Treasury departments officials. And most of the exports are shipped to Japan, recovering at least part of the United States' large trade deficit with that country.

Getting customers in and out of the northwoods isn't always easy, Rajala said. So the company has its major export office in Boston and a large sales office in Duluth.

"If we knew the direction our export sales were headed, I don't think we would have opened in Boston," he said. "It's great city and a good place to do business, but we probably would have our export office in Seattle or somewhere else on the West Coast."

Most of the Rajala lumber products are exported north into Canada, where there is a shortage of hardwood supplies, or to the Orient to make furniture, guitars and patio furnishings. Some of the guitars probably come back into the United States," he said, but the furniture doesn't, its grabbed up quickly in Japan."

The formation of several corporations reflects attempts to find uses and make products with Minnesota's hardwood trees. About 20 years ago, northern Minnesota's forest industry was primarily a pine, or softwood, lumber business.

"We were pioneers in using our adundant aspen and hardwoods, and I am proud of that every time I look at the other companies than have come in here to build new plants," Rajala said "Forestry is pretty healthy up here right now. The newest paper plant in Duluth is up to capacity, and there's talk every day about more paper and board plants coming."

One of the best aspects of developing Minnesota's forest resources is creating jobs. Unlike many forms of manufacturing, success in the forest industry means a healthier northern Minnesota economy. Jobs don't relocate to the Twin Citizen and other major urban centers.

"It is nice to be able to do a few things out here," Rajala noted.

But another big plus for northern Minnesota is the opportunity to improve forest management through broader use of tree species, Rajala said. "Now we can employ good, complete forest management techniques that were impossible when we had a pine economy," he said.

That means both the Interior and Agriculture departments, where different agencies hold responsibilities for public forest lands, should be pleased with Rajala's activities.

Regardless, there were moments about six years ago when Rajala and his brothers questioned whether a small family enterprise should be fighting through a recession against large U.S. and Canadian forest products companies.

Jack, trained as an accountant, is president and chief financial officer of the family company. He is 48.

Dean, 51, is vice president in charge of timber supplies and management. And Randy, 41, is vice president in charge of manufacturing.

They all were in the business in 1981 and 1982 when the U.S. recession slowed markets for lumber and wood products and squeezed operating margins "below tight," to use Jack Rajala's words.

"We thought about the potential markets and the recession. We figured the economy had to turn around, so we went out and borrowed money to keep going.

"We didn't lay off a job. We lived on borrowed money, and we took on more inventory than we would like.

"We became a small-time business borrowing big-time money."

In a sense, the Rajala family was betting on America and Minnesota's resources. With the SBA award, the United States is saying thanks.

Rajala will receive his Minnesota award Monday at a breakfast at the Decathlon Athletic Club in Bloomington. Robert Ferche of Rice and Geraldine Vogt of Albert Lea will be honored as runners-up for the Minnesota Small Business Person of the Year award.

Ferche is president of Ferche Millwork Inc., Rice, a custom-built and specialty millwork company that has received Minnesota and federal awards for business innovation and energy efficiency.

Vogt is president of Mrs. Gerry's Kitchen Inc., which she started by packaging salads in Albert Lea. Her company now employs 55 people who prepare, package and ship 7 million pounds of food products annually at a new food industry building in Albert Lea.

Special "advocate" awards for assistance to small business in special categories will go to: Thomas Regan, accountant; G. Sheldon Hanson, veteran; Esperanza Guerrero; Kathryn Keeley, women in business; Larry Fortner, media; Diane Weber and May Yue, financial services.●

RETIRED SENIOR VOLUNTEER PROGRAMS

● Mr. CHAFEE. Mr. President, I would like to take a moment to acknowledge the fine accomplishments of the Retired Senior Volunteer Programs [RSVP] across the Nation.

Our senior volunteers greatly deserve the thank you that they received during National Volunteer Week, April 17-23, 1988.

All over this country, our seniors are contributing their time and energy to desperately needed community work in hospitals, health agencies, senior centers, and nursing homes. They give of themselves to people of all ages.

In Rhode Island, there are 360 RSVP volunteers just in the Providence area. They range in age from 60 to 93 years and serve at 61 area nonprofit agencies and institutions. Their total time volunteered will add up to an incredible 70,000 hours this year.

Those valuable hours will be spent in a host of activities including helping with literacy programs, escorting wheelchair patients, knitting infant hats, teaching arts and crafts, and serving meals. In addition, RSVP participants volunteer in the business community as clerical aids, board members, mailers of newsletters, processors of campaign pledges, and consultants in engineering and public relations.

Not only are these senior volunteers helping others in their community, but they are also helping themselves. They feel productive and needed because they are productive and needed. They are role models to younger generations. I am certain their involvement will encourage younger people to involve themselves in their community and to take the time to make a difference.

These generous people are the backbone of our community. They deserve a resounding thank you for "sharing the experience of a lifetime."●

THE NEED FOR ADULT DAY HEALTH CARE SERVICES

● Mr. CHAFEE. Mr. President, I have joined Senator MELCHER, Senator BRADLEY, and Senator HEINZ in cosponsorng S. 1839, the Medicare Adult Day Health Care Amendments of 1987 which would provide additional funding for adult day care centers through Medicare part B health care coverage.

This legislation, Mr. President, would provide 100 days of adult day care coverage with a $5 a day copayment for functionally, medically or mentally impaired adults in licensed facilities. It would also establish specific eligibility requirements for programs to receive Medicare funding. Further, S. 1839 would authorize Medicare to conduct annual surprise inspections of certified centers to ensure ongoing quality care.

We are all keenly aware of the difficulties the elderly face in paying for long-term care. It is critical that we find a practical and financially sound solution so that elderly and disabled individuals will have high quality and appropriate long-term care services. I believe that adult day care must be a significant part of any solution.

One of our most important assets in this country is the family. I believe we should be doing everything possible to ensure that families can remain together as long as possible. Unfortunately, current Federal policies represent an "all or nothing" proposition. To get long-term assistance today an individual must spend all of his or her assets and go into a nursing home or institutional setting before Medicaid will help. We do nothing to give families assistance such as day care or respite care to support their efforts to help loved ones at home.

Recent business surveys have shown that 35 percent of employees are giving care to an elderly relative. "Burnout" is very high for these care givers, especially when under financial strain. It is not difficult to understand why these studies are also showing that care giver burnout is the most significant factor in placement of the elderly in nursing homes; the health of the elder relative is less important. S. 1839 would provide respite care for those families who wish to help their elderly relatives at home.

From both a humanitarian and financial standpoint, this legislation makes sense. It would provide a valuable community service to the elderly and their families and could potentially reduce the amount of inappropriate nursing home placement, which currently occurs.

Mr. President, I urge my colleagues to support S. 1839 and send a signal to the health care industry that we believe that adult day care is an important part of an overall solution to long-term care.●

MENTAL ILLNESS AWARENESS WEEK

● Mr. D'AMATO. Mr. President, I rise today in support of Senate Joint Resolution 248, a joint resolution designating the week of October 2-8, 1988, as "Mental Illness Awareness Week." I commend my colleague from Indiana [Mr. QUAYLE] for taking the lead in this effort to focus public attention on the concerns surrounding mental illness and the advances that have been made in treating this disease.

The impact of mental illness is felt throughout our society. Every year, between 31 and 41 million Americans experience significant disability with respect to employment, attendance at school, or independent living as the result of a clearly diagnosable mental disorder. More than 10 million Americans are disabled for extended periods of time by schizophrenia, manic depressive disorder, and major depression. Mental illness is a major contributor to homelessness; it is estimated that between 30 and 50 percent of the homeless suffer from serious, chronic forms of mental illness. The elderly are particularly vulnerable to mental illness; nearly one-fourth of the elderly who are thought to be senile actually have treatable mental disorders. Mental illness also impairs the healthy development of as many as 12 million of our children. All told, mental illness costs our Nation $106.2 billion annually in health care expenses and lost productivity.

Fortunately, research in recent decades has led to a wide array of treatments for some of the most incapacitating forms of mental illness, including schizophrenia, major affective disorders, phobias, and phobic disorders. These treatments—which may be pharmacological, or psychosocial—have been demonstrated to be highly effective. Nearly two-thirds of all mentally ill patients show significant signs of recovery with their initial treatment. Moreover, appropriate treatment of mental illness can result in restored productivity, reduced utilization of more costly medical services, and lessened social dependence—all of which help reduce the cost of mental illness to society.

By informing the public that mental illness is a disease—and that it can be treated—we can do much to diminish the fear and misunderstanding that commonly surrounds this disease. I commend Mr. QUAYLE for drawing attention to this disease and for recognizing the role of research in helping us to understand and treat mental illness. I encourage my colleagues to support this resolution, and I urge its immediate passage.

DR. FREDERICK DOUGLASS PATTERSON

● Mr. SIMON. Mr. President, on the way to speak at a meeting of the Phillips colleges of the Nation in Gulfport, MS, I read in the newspaper about the death of Dr. Frederick Douglass Patterson.

Most Americans do not recognize the name, but this country is infinitely richer for the service that he provided.

He was the inspiration for the founding of the United Negro College Fund.

When it was founded in 1944, there were 27 member colleges, and they able to secure $765,000 in contributions. That is no small contribution to schools desperate and in need of help.

This past year there were 42 colleges affiliated and they were able to secure $42 million in help.

What I particularly remember is working with him on establishing the endowment provisions in the Higher Education Act. I had expressed an interest in getting the endowment provisions of the Higher Education Act going, and he learned about that and we met in my office. I was then a Member of the House of Representatives. We worked on that as well as other features of the law to help the traditionally black colleges.

To no small degree, the law that has made millions of dollars in assistance available to these schools that contribute so much to the Nation is a tribute to Dr. Patterson.

I am pleased and honored that I had the privilege of knowing him.●

COLLINGSWOOD CELEBRATES ITS CENTENNIAL

● Mr. LAUTENBERG. Mr. President, I rise to congratulate Collingswood, NJ on its centennial. Since it was settled 100 years ago, Collingswood has seen many changes. The area was originally settled by five Irish, Quaker families in 1682—Newbies, Zane, Thakara, Sharp, Bates. However, by the 1700's many more families had moved to the region. The early settlers farmed and cultivated the land. The area remained largely agricultural, until the first railroads were built. During the period from 1852 to 1871, the community continued to grow and prosper. In 1884 the town broke away from Old Gloucester and became part of Camden County.

In 1887, an ancestor from one of the original families, Edward C. Knight founded the Collingswood Land Co. After making his fortune in Philadelphia, Edward Knight returned to purchase the land his ancestors had settled and even more of the region. In May 1888, the people living in the region voted to separate from Haddon township, and Collingswood borough was founded.

Collingswood has continued to prosper since the early 1900's, when it was the fastest growing town in the county. It has always been a progressive community in many areas. Although the original founders were Quakers, the borough houses churches from a wide variety of denominations. Collingswood schools are competitive and effective in educating the borough's youth. Since the 1900's, when printers, metal workers, and pattern makers provided labor to neighboring communities, Collingswood has been a source of talented labor for the metropolitan area.

After 100 years, Collingswood continues to prosper today. Mr. President, I wish the community of Collingswood well on its centennial celebration May 21 and continued prosperity in the years to come. ●

BILL PLACED ON THE CALENDAR—H.R. 3679

Mr. BYRD. Mr. President, I ask unanimous consent that H.R. 3679, a bill dealing with the Lac Vieux Desert Band of Lake Superior Chippewa Indians, just received from the House, be placed on the calendar.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

ORDERS FOR TUESDAY

RECESS UNTIL 9:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 tomorrow morning.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

MORNING BUSINESS AND RESUMPTION OF DOD AUTHORIZATION BILL

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow after the two leaders have been recognized under the standing order there be a period for morning business not to extend beyond the hour of 10 o'clock and that Senators may speak during that period for morning business for not to exceed 5 minutes each and that at the hour of 10 o'clock the Senate resume consideration of the DOD authorization bill.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, rollcall votes can occur early tomorrow, and the pending question at that time when the Senate resumes consideration of the DOD authorization bill will be on the amendment by Mr. DIXON.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9:30 tomorrow morning.

The motion was agreed to; and, at 6:19 p.m., the Senate recessed until Tuesday, May 10, 1988, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 9, 1988:

DEPARTMENT OF STATE

CHARLES A. GARGANO, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TRINIDAD AND TOBAGO.

JEFFREY DAVIDOW, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

DEPARTMENT OF DEFENSE

CHARLES S. WHITEHOUSE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE CHAPMAN B. COX, RESIGNED.

THE JUDICIARY

FERN M. SMITH, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA VICE SAMUEL CONTI, RETIRED.

DEPARTMENT OF COMMERCE

CHARLES E. COBB, JR., OF FLORIDA, TO BE UNDER SECRETARY OF COMMERCE FOR TRAVEL AND TOURISM, VICE DONNA F. TUTTLE.

JAMES P. MOORE, JR., OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE CHARLES E. COBB, JR.

FARM CREDIT SYSTEM ASSISTANCE BOARD

WILLIAM W. ERWIN, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FARM CREDIT SYSTEM ASSISTANCE BOARD, SUBJECT TO THE PROVISIONS PRESCRIBED BY PUBLIC LAW 100-233 (NEW POSITION).

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

EDWIN J. DELATTRE, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 1994, VICE GEORGE CAREY, TERM EXPIRED.

HELMUTH J. NAUMER, OF NEW MEXICO, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1992, VICE DONALD MONCRIEF MUCHMORE, TERM EXPIRED.

RICHARD J. SCHWARTZ, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1992, VICE LOUIS ROMAN DISABATO, TERM EXPIRED.

POSTAL RATE COMMISSION

HENRY R. FOLSOM, OF VIRGINIA, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR THE TERM EXPIRING OCTOBER 14, 1994, REAPPOINTMENT.

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be assistant surgeon

CHARLES H. BEYMER
HERMAN A. DOBBS III
DONALD A. DUBOIS
ANDERSON B. FUNKE
PAUL J. HEALEY, SR.
CYNTHIA B. PICCRILLI
GREGG MCNEIL

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. BURTON D. PATRICIK, [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. HENRY J. HATCH, [redacted], U.S. ARMY.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. ROGER F. BACON, [redacted], U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

ADM. POWELL F. CARTER, JR., [redacted]/1120, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. PETER M. HEKMAN, JR., [redacted]/1110, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. WILLIAM H. ROWDEN, [redacted]/1210, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. WILLIAM O. STUDEMAN, [redacted]/1630, U.S. NAVY.

IN THE COAST GUARD

THE FOLLOWING RESERVE OFFICERS OF THE U.S. COAST GUARD TO BE PERMANENT COMMISSIONED OFFICERS IN THE GRADES INDICATED:

To be lieutenant

DAVID E. BATES
MARK. F. BOEHM
FRED R. CALL III
MARK M. CAMPBELL
KENNETH D. CARKEET
MICHAEL A. CARNEY
ALAN B. CARR
CHRISTOPHER B. CARTER
HARRY T. CHELPON
PEYTON M. COLEMAN
JAMES M. CURRY
TROY DEGROOT
ROBER H. DEROCHE
CHRISTOPHER W. DOANE
ROGER E. DUBUC, JR.
RICHARD G. EHRET
THOMAS H. ENGLISH
JOHN R. GAFFNEY
LAWRENCE C. GOEB
MICHAEL A. HAMEL
JOSEPH M. HANSON
THOMAS M. HEITSTUMAN
STEPHEN M. HICKOK
RUDY T. HOLM
RANDALL D. JOHNSON
RONALD E. KAETZEL
RICHARD C. KAMMER
MICHAEL E. KENDALL
SHELBY R. KIRK
CURT A. LONG
JOHN G. MANGANARO
JAY E. MANTHORNE
ROBERT L. MCALLISTER
CATHERINE MCNALLY
DENNIS OTASHI
EGLEE W. PEREZ-RODRIGUEZ
HAL R. SAVAGE
PETER J. SIEMER
DAVID D. SIMMS
STEVEN C. TAYLOR
RAINER C. ULLRICH
JOHN A. URIBE
PAUL D. WALTON
KEITH D. WARD
BRYAN T. WELCH

To be lieutenant (junior grade)

RANDALL W. ADAMS
PAUL B. ANDERSON
DONALD S. ARLOTTA
JAMES C. BASHELOR
MICHAEL L. BEDARD
ROSLYN D. BURBANK
MATHEW O. CARR
NEAL M. CHANDLER
STEPHEN R. CLARK
ROBERT L. CLARKE, JR.
BRYAN A. COBBLE
LAWRENCE E. CORNWELL
LEHAN S. CRANE
SANDRA J. CROSS
STEVEN J. DANIELCZYK
BROOK A. DOTY
CHARLES R. DUDLEY
JAMES T. EASLEY
MARK J. FALLER
JOHN M. FELKER
SCOTT J. FERGUSON
PATRICK G. GERRITY
RONALD F. GREEK
JACK A. GRONKE
PAUL M. GUGG
JOHN M. GUILD
LAURA H. GUTH
STEVEN M. HANEWICH
RUSSEL L. HARRIS
THOMAS D. HARRISON
STUART P. HARTLEY
JOHN M. MARTZELL
KEITH D. HERCHENRODER
MICHAEL P. HOUTZ
RONALD J. JOHNSON
BRUCE C. JONES
KINGSLEY J. KLOSSON
JEFFREY S. LEE
RONALD J. LOGDAHL
THOMAS N. MCBETH
BRIAN J. MCCARTHY
WILLIAM E. MCCOLLUM
DAVID R. MCCORMICK
EVAN R. MCDOUGAL
PHILIP J. MCGAUGHEY
PATRICK MERRIGAN
JAMES M. MICHALOWSKI
ROCKY G. NELSON
DONN S. OLMSTED
STEVEN J. O'MALLEY
JOHN B. OWEN
CHARLES D. PEACOCK
ROBERTO A. PERALTA
KEVIN L. PETERSON
RUSSELL E. PICUS
GARY M. PRESLEY
JEFFREY S. RUVOLO
ALDA L. SIEBRANDS
LEORY P. SMART
BRIAN D. SMITH
THOMAS M. SPARKS
DAVID B. SPRACKLEN
ROBIN R. STARRETT
ANNE V. STEVENS
KIM B. SULLIVAN
LORNE W. THOMAS
KIP M. WALTON
ERIC A. WASHBURN

To be chief warrant, W–4

MILTON A. LEYKO, JR.
BARRY F. NORDBLOM
RICHARD W. HALL

To be chief warrant, W–3

JOHN D. GIRARD

THE FOLLOWING REGULAR OFFICERS TO BE MEMBERS OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY AS INSTRUCTORS IN THE GRADE OF LIEUTENANT:

BRUCE R. MUSTAIN
ROBERT C. AYER
MARK B. CASE
RICHARD J. HARTNETT

IN THE PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR PERMANENT PROMOTION:

To be medical director

PAUL A. BLAKE
ERNEST F. DOHERTY, JR
MITCHELL H. GAIL
LILLIAN GAVRILOVICH
STEPHEN F. JENCKS
JOHN A. KNIGHT, JR
RICHARD T. KOTOMORI
OSAMU H. MATSUTANI
KENNETH M. PETERSEN
HERBERT T. TAKASHIMA

To be senior surgeon

CARLOS C. CAMPBELL, III
EDWARD I. GINNS
ROBERT E. JOHNSON
SAMUEL LIN
EDWARD E. MAX
JOSEPH B. MCCORMICK
KENNETH P. MORITSUGU
ANTONIA C. NOVELLO
DAVID J. PETTITT
THEODORE M. PINKERT
TRENTON K. RUEBUSH, II
ALAN M. STEINMAN

To be surgeon

KENNETH A. SCHACHTER

To be senior assistant surgeon

MARGARET C. BASH
PHILIP E. COYNE, JR
FREDDIE R. GUYER, II
NOREEN A. HYNES
ELIZABETH A. WOODCOME

To be dental director

LYNN J. BROWN
GARY A. KELLAM
WILLIAM D. STRAUBE

To be senior dental surgeon

BRUCE J. BAUM
ROBERT J. COLLINS, JR
EDWARD S. COLYER
RICHARD D. CROCKETT
MERLE C. DREW
DAVID M. GABELMAN
GENE A. GERBER
JEFFREY W. HAGEN
RICHARD L. HETHERINGTON
ROBERT J. PARTAK
DANIEL L. PINSON
DONALD R. SCIAME

To be dental surgeon

ERIC G. BRUCE
JAMES R. CHEEVER
GEORGE CHIARCHIARO
FRED E. COY, III
ROBERT G. DOHERTY
WILLIAM E. EVANS
MICHAEL D. HARMON
ROBERT W. HENDRICKS, JR
JOHN V. KELSEY
MARK KODAY
THOMAS E. LENOIR
DAVID B. LLOYD
JOHN R. MEETH
STEVEN R. NEWMAN
LAWRENCE J. OCHFELD
EDWARD N. SAGUE
TIMOTHY W. SIZEMORE
HARVEY S. WILSON

To be nurse director

MARILYN K. VANDERVEN

To be senior nurse officer

PATRICIA L. CALLISON
SUZANNE DAHLMAN
PAUL A. DUCOMMUN
KATHLEEN A. MORSE
MARIE A. MOSES
JOAN K. MUELLER
SUSAN SIMMONS

To be nurse officer

ROBERT E. ADAMS
ROBERTA A. HOLDER-MOSLEY
GAYLYN J. HOSMER
THOMAS H. LOVE
MELVA V. OWENS
GLENN A. PRUITT
SUSAN L. B. ROGERS
REBECCA S. STANEVICH
LARRY R. TRIPP
MARCIA J. WITHIAM

To be engineer director

CHARLES R. BOWMAN
VIRGIL E. CARR
JOHN L. HANKINSON
WAYNE R. OTT
JAMES E. WARREN
CHARLES W. WHITMORE

To be senior engineer officer

GEORGE L. ALLEN, JR
MARK A. BRUMBAUGH
PATRICK A. CROTTY
RONALD D. DOBBIN
TED W. FOWLER
GERALD R. HARRIS
PAUL F. KANITZ
PETER C. KARALEKAS, JR
GARY D. MCCUTCHEN
WAYNE E. MOHLER
JOHN M. MOORE
DAVID C. SANCHEZ
GALE A. WRIGHT

To be engineer officer

KENNETH W. AYERS
RICHARD F. BARROR
JOSEPH C. COCALIS
KERRY M. GRAGG
FRANK J. HEARL
JOHN W. HUTCHISON
STEPHEN C. JAMES
TIMOTHY A. MCLAUGHLIN
CARL E. SULLENGER, JR
JOHN C. TAYLOR

To be scientist director

ROGER L. ANDERSON
JERRY L. CHANDLER
DUANE J. GUBLER
BOBBY J. GUNTER
JAMES C. HILL

To be senior scientist

STEPHEN P. BERARDINELLI
JOHN D. BOICE, JR
CHARLES K. BOWLES
EDWARD J. CONE
ROBERT B. DICK
ROBERT M. GAGNE
A. ROLAND GARCIA
VICTORIA M. HITCHINS
DANIEL A. HOFFMAN
FERDINAND W. HUI
FREDERICK J. MILLER
JEAN A. PENNINGTON
WILLIAM P. WOOD

To be scientist

RAYMOND E. BIAGINI
WILLIAM G. BROGDON
WILLIAM L. BUFORD, JR
WILLIAM T. DILL
ANDREA A. WARGO

To be sanitarian director

RAYMOND D. BEAULIEU
LEE A. BLAND, JR
WEBSTER YOUNG, JR

To be senior sanitarian

ROBERT E. GLENN
ELADIO PEREZ-ZAYAS
MICHAEL J. SACOMAN
RAY A. VAN OSTRAN

To be sanitarian

PIERRE L. BELANGER
JACK L. CHRISTY
JOHN M. FAJEN
JOHN W. FULLER
RICHARD M. TAFT

To be senior veterinary officer

DENNIS D. JURANEK
ROBERT M. WERNER

To be pharmacist director

EDGAR H. ADAMS
RICHARD J. BERTIN
TIMOTHY F. SVOBODA

To be senior pharmacist

CLETIS V. BONNETT
DAVID C. EWING
STEPHEN C. GROFT
EDGAR R. JETER
CHRISTOPHER P. KONRAD
KAY C. PEARSON
WILLIAM C. ROBINSON, JR
ROBERT J. TONELLI
JOHN M. TWITTY
JOSEPH C. WHITAKER

To be pharmacist

RUSSELL E. ALGER
TIMOTHY W. AMES
LAURA K. CARVER
DAVID C. CLARK
PATRICK J. HALTON
ANDREW G. JANCOSEK
ALAN R. JORGENSON
MICHAEL A. MANGIAPANE
ANNA M. MYERS
ROBERT C. NELSON
ROBERT B. OSHIDA
LARRY A. PFEIFER
RALPH H. RACK
GORDON W. REITER
MICHAEL A. REMPFER
WELDON B. ROBERTS
JAMES P. ROBEY
GEORGE R. SCHMIDT
LARRY C. STEWARD
WILLIAM P. TYLER, JR
PETER L. VACCARI
JOHN D. WARE, JR
DAVID S. WEICK

To be dietitian

ELOISE BEECHINOR
ROBERT S. MCLAUGHLIN

To be therapist director

ROGER M. NELSON

To be senior therapist

JUDITH A. BELL
MARGARET A. WILSON

To be therapist

MILTON T. LEVESQUE
PRINCE L. WATKINS

To be health services director

LILA R. DAVIS
ROBERT T. HANDREN, JR

To be senior health services officer

REBECCA S. ASHERY
ROBERT J. BATTJES
NEIL J. BERG, JR
RICHARD C. BOHRER
JOHN R. HEINZ
BRUCE A. HERMAN
JOHN C. HILLIARD
RICHARD E. LIPPMAN
GARY R. LOUNSBERRY
CLYDE E. MOSS, JR
JENNINGS E. PARTRIDGE
PAUL F. SCHULZE
DAVID R. SELBY
EDWIN L. SENSINTAFFAR
DONALD R. SOEKEN
STUART M. SWAYZE
THOMAS C. VOSKUHL
CHARLES P. WARR, JR

To be health services officer

SHELBY A. BIEDENKAPP
THOMAS H. BORNEMANN
GENE A. BRAYBOY
LINDA MORRIS BROWN
GUY E. BURROUGHS, JR
RAYMOND L. CLARK
FRANK G. COOPER
GORDON S. DANN
MICHAEL L. DAVIS
JEAN D. DOONG
ALFRED G. FAHLSTEDT
JOHN M. GARBER
GLENN A. HEGAMYER
GLORIA J. HOLDER
KENT E. JAFFE
EDWIN A. KNECHT
WILLIAM M. KRUSHAT
ANDREW P. LANZA
PAUL W. LICHTENSTEIN
CAROLEA LOGUN
PETER P. MAZZELLA
CLIFFORD L. MOSELEY
DOROTHEA MUSGRAVE
ROBERT P. NUGENT
MARTIN A. OBERLY
ARMANDO A. POLLACK
VINCENT A. PRZYBYSZEWSKI
EDWARD H. TAYLOR
MARVIN W. H. YOUNG

EXTENSIONS OF REMARKS

VANUATU: A SMALL COUNTRY WITH BIG CONNECTIONS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. CRANE. Mr. Speaker, I would like to bring to the attention of my colleagues the virtually unknown Republic of Vanuatu. Vanuatu is located in the South Pacific, some 1200 miles northeast of Australia. It is comprised of over 70 islands extending a full 560 miles. The economy is based primarily on mining and fishing industries as well as the vital influx of tourist dollars heavily dependent on Australian vacationers. Moreover, Vanuatu is run by a highly decentralized parliamentary form of government established when the people of Vanuatu were granted independence from the British and French governments in 1980.

On the surface, Vanuatu may appear to be just another tiny republic among the myriad of islands which dot the South Pacific horizon. However, recent events and revelations have thrust Vanuatu into the unforgiving world of international politics.

Vanuatu's past record of foreign policy has been quite erratic. While maintaining friendly relations with the West, Prime Minister Walter Lini has established ties with notorious instigators of political unrest. For example, Vanuatu was the first South Pacific nation to establish diplomatic ties with the Soviet Union and has recently signed a 1-year fishing agreement that would grant Soviet trawlers full access of Vanuatuan ports. Comparably, in a 5-year agreement, U.S. fishing vessels are only permitted access to Vanuatu's territorial waters. Yet, one can still argue that diplomatic recognition and a 1-year fishing agreement with the Soviet Union certainly does not warrant a threat to United States national security and to the stability of Vanuatu's neighbors.

The situation becomes much more alarming when one considers the unprecedented increase in Vanuatu's ties with Libya. Yes, Libya, a country which sponsors the murder of innocent, men, women, and children. A country which is supported in it's entirety by such outlaw states as the Soviet Union and Syria. The same country whose leader's name is synonymous with global terrorism and the worldwide anti-American movement. Certainly, no one can now argue that Vanuatu's current involvement with states that are the major brokers of terrorism in the world today does not warrant the immediate attention of the U.S. Government.

Specifically, it is believed that Prime Minister Lini was offered a whopping $40 million by the Libyan Government in exchange for the right to build a pacific base of naval operations on the Vanuatuan islands. A sobering thought indeed. Yet, the question then arises, why Vanuatu? In the past, Mr. Lini has openly supported revolutionary movements in West Irian and French controlled New Caledonia. Moreover, Vanuatu has been noted for being an international tax haven for investors. Thus, Colonel Qadhafi could establish a hidden but powerful terrorist base with relative ease. Furthermore, Vanuatu is in desperate need of funds to relieve it's debt problems. A need that the Soviets and Libyans would be more than happy to accommodate—in exchange for a favor or two.

Now consider these revelations with the presence of a Communist insurgency in the Philippines and established Communist regimes in Vietnam, Laos, Cambodia, and North Korea. The potential for Communist takeover of the South Pacific speaks for itself.

The South Pacific is the ultimate strategic naval foothold in the Pacific Ocean. It's multitude of islands form links in a geographical chain that when connected could be used to control every sea and air route of the Asian Hemisphere. It is quite evident that Soviet control of this area would be deadly to democracy in the Far East.

Few people realize that Communist expansion is much like a tiger stalking its prey. It is a slow, deliberate yet, relentless movement. It has its prey in sight, but waits patiently for an opportunity to strike. When that opportunity arises it strikes hard and fast, leaving its prey lifeless, while it moves on to continue its quest for the satiation of its endless hunger for conquest. We cannot allow the South Pacific to be communism's next hunting ground.

This Congress and administration both have the opportunity to confront this threat before it snowballs into another major foreign policy defeat for the West. By alleviating the economic hardships of the Vanuatuan people, we can save Vanuatu and her South Pacific neighbors from falling prey to propaganda and false promises that characterize every Communist movement. I urge my colleagues to consider the allocation of funds to be distributed to the people of the South Pacific. If we do not support the free and democratic elements of the South Pacific, one day we will surely squander any advantage we possessed in this obscure, but strategically vital part of the world.

VANUATU SPELLS TROUBLE IN THE SOUTH PACIFIC

In the late 1930's and early 1940's the rising sun of the Japanese Empire was stretching its rays across Asia and into the South Pacific. Slowly, island by island, Japan extended its control over the region. Meanwhile, the Roosevelt Administration watched and waited until it was almost too late. In the end America's policy in the Pacific required an outright Japanese attack against the American fleet based at Pearl Harbor, Hawaii before the U.S. moved to halt Japanese aggressions.

Pearl Harbor shocked and distressed the United States, but equally distressing was the degree to which the Japanese had ultimately gained control of the high seas from their heavily fortified "unsinkable carriers"—the islands of the South Pacific. The result was a Japanese Empire in such firm control of the Pacific that it required four years of intense fighting before the U.S. was able to liberate the region.

Thousands of brave men fought and died to wrest these islands from the grasp of the Japanese. Tarawa, Saipan, Guadalcanal—fierce battles fought on these once obscure islands of the South Pacific have forever etched their names in our history.

Today, new forces and new threats have begun to establish themselves on these same islands. In the tiny Republic of Vanuatu, agents of the Soviet Union and Libya have developed strong ties with the government and have threatened the surrounding island states of the South Pacific by supporting revolutionary elements within the native populations.

Vanuatu consists of 70 to 80 islands extending some 560 miles from north to south, and situated approximately 600 miles west of Fiji and 1200 miles northeast of Australia. The islands' 120,000 inhabitants, 80% of whom lie in rural and mountainous regions, are involved in a variety of industries, including mining and fishing, but are also heavily dependent upon tourist dollars from Australia.

The Republic of Vanuatu is governed by a unicameral legislature of 39 members who are elected to four year terms by universal adult suffrage. The President, the official head of state, is elected for a five year term by an electoral college; but political power is held by the Prime Minister, selected from the Parliament. The Prime Minister, in turn, appoints a Council of Ministers who compose the cabinet.

Many have appreciated Vanuatu's strategic importance. Located at an important crossroad in the South Pacific, Vanuatu could serve as an important stepping stone to further Soviet expansion in the region. In fact, Vanuatu has been used for military purposes before.

Settled by French and British missionaries during the 19th century, the New Hebrides, now Vanuatu, was shared politically between the two nations for over 90 years. In 1977, British, French and New Hebridean officials reached an agreement to grant the islands independence in 1980. This agreement failed to satisfy members of the native Vanuaaku Party, who had demanded immediate independence, so a provisional government was established in early 1978. Political stability was not achieved until 1980 when Father Walter Lini, Chief Minister of the National Assembly, and British and French officials agreed to finally grant the islands independence under the new name of Vanuatu.

In its seven years of independence, Vanuatu has slowly extended its contact with outside nations, with Prime Minister Lini leading the way. Great Britain continues to grant financial assistance to the island nation, but friendly diplomatic ties have also been established with Australia and Papua New Guinea. In late 1986, Vanuatu joined a number of other South Pacific island nations and concluded a five-year fishing agreement with the United States which gave the U.S. tuna fleet fishing rights in the territorial waters of Vanuatu. Different sources now estimate that Vanuatu has extended diplomatic relations with a total of 45 nations since its independence.

None of these foreign contacts, however, has aroused as much controversy as Prime Minister Lini's two recent agreements with the Soviet Union and Libya. Of the hundreds of islands in the region, Vanuatu was the first to establish diplomatic relations with the Soviets. In January of 1987, Vanuatu and the Soviet Union concluded a one-year fishing agreement that would grant Soviet trawlers access to several ports in Vanuatu. This agreement was bitterly opposed by a significant minority within Vanuatu's government, including President George Sokomanu and members of the National Democratic Party; but in the end, such opposition was insufficient to block passage of the treaty.

Criticism of the government's involvement with the Soviets has not been limited to native dissent; leaders from Australia and the United States have been particularly disturbed by the Kremlin's growing influence in the region. Officials of the Vanuatu government traveled to the United States early in 1987 to allay fears within the State Department following an announcement of the Soviet fishing agreement. During a brief meeting with Secretary of State George Shultz, Vanuatu's Foreign Minister Sela Molisa defended the pact as a strictly economic arrangement.

The Washington Post reported Molisa as saying that the agreement was "a way to obtain funds to assist with [Vanuatu's] $6.5 million budgetary deficit." Great Britain, Molisa explained, had reduced aid payments to Vanuatu to $750,000 for 1987, and France no longer contributed any funds to its former colony.

Prime Minister Lini has also been criticized for his contacts with Libyan leader Muammar Qaddafi. At a summit meeting of non-aligned nations in September of 1986, Lini was approached by members of the Libyan delegation who promised him, among other things, cheaper oil. Sources have also estimated that Qaddafi has offered Vanuatu as much as $40 million in exchange for the rights to build a Pacific base of operations on the island.

Qaddafi's intentions in tiny Vanuatu seem no more honorable than his other activities in the region, which were detailed in August of 1987 by David Lamb for the Los Angeles Times. Libya, Lamb explained, is alleged to be assisting revolutionary forces in New Caledonia, as well as guerillas in West Irian (the western half of the island of New Guinea, also known as Irian Jaya) and East Timor who are seeking their independence from Indonesia.

Although Libya lacks naval forces capable of performing operations in the region, several have predicted that Qaddafi intends to use the island as a base for terrorist activity against the United States and France (which has earned his wrath by supporting Chad in its war against Libya). Lamb noted that "Vanuatu has particular appeal for the Libyans because it is an international tax haven; nameless, numbered bank accounts can be opened their."

Qaddafi's efforts, in islands located so close to the Australian mainland, have aroused the attention of Australian Prime Minister Bob Hawke. Australia has expanded its intelligence gathering efforts in the South Pacific, in response to Libyan activity in the region, and recently closed the Libyan People's Bureau (embassy) in Canberra.

The Libyan connection has severely strained Vanuatu-Australian relations. In early 1987 when Lini completed an agreement with Qaddafi to grant Libya a diplomatic mission in the islands, both the Australian and New Zealand governments voted to censure Vanuatu diplomatically. On May 11, 1987, Vanuatu announced a ban on visits by Australian warships in response to Australia's increased intelligence activity in the region. According to a story in the May 12, 1987 issue of the Chicago Tribune, Prime Minister Lini "charged that Australian intelligence gathering [had] been interfering in the domestic affairs of Vanuatu."

Lini has greatly increased political contracts with the outside world, and his involvement in the non-aligned movement has earned him the label of a foreign policy maverick among Western analysts. A May 19, 1986 story in the New York Times drew immediate criticism and clarification from members of the Vanuatan delegation at the United Nations. The Times reporter described Vanuatu as "a haven for regional nationalist leaders" and went on to describe Vanuatu's strong ties with the Free Papua Movement in West Irian. Franzalbert Joku, editor of the Times of Papua New Guinea, detailed recent developments in the 20-year-old struggle by natives against Indonesia in a New York Times interview. The West Irian-born Joku believed that the "younger, better educated people taking over the movement will look to the East Bloc [for assistance]."

The Association of South East Asian Nations (ASEAN) has strongly urged the Reagan Administration to become more involved in the region. Kadir Sheikh Faszir, the Malaysian Deputy Foreign Minister expressed his concerns and hopes in an interview in 1986. "The U.S. has got to stop waiting until the last minute," Fadzir explained, "If the Americans acted now, they could nip these tendencies in the bud . . . just $10 million spread around the area would make some very beautiful people very happy."

The personality of Prime Minister Lini may explain Vanuatu's inconsistent foreign policy. In a nation with a very low literacy rate, it has been easy for a relatively small group of well-educated natives to control the nation's policy. Lini, an Anglican priest and a chief from the island of Pentecost is a uniquely aggressive leader among the loosely associated island nations of the South Pacific. Lini first distinguished himself as a national leader during Vanuatu's drive for independence. In the six years since that time, Lini has openly supported the revolutionary movements in West Irian and New Caledonia. He has stood tall against Australia, the regional power, and has declared Vanuatu a nuclear-free zone. He also convinced the members of the South Pacific Forum to protest French rule in New Caledonia at the United Nations.

Lini's support of the revolutionary elements in New Caledonia and West Irian may have a profound effect on the political character of the region. Joku explained that the Free Papua Movement in West Irian is small and poorly equipped, but he went on to say that the movement could pose a serious problem to Papua New Guinea if it were to become better organized. Others refuse to discount the amount of aid that Libya has provided to rebel groups. Lamb cited a source in Honolulu as saying, "The number of islanders going to Libya and the amount of money coming into the region are both still small, [but] let's not forget that it only took eleven men to overthrow the Fijian government in [May]."

There are many explanations for Vanuatu's growing ties with Libya and the Communist Bloc, but the most compelling arguments focus on economics. "Cuba sponsored Vanuatu to become the 155th member of the United Nations," wrote James P. Sterba for the Wall Street Journal, "[and the] two have been pals ever since . . ." Sterba concluded that "Vanuatu learned early that the fastest way to get the West's attention is to flirt with Communists."

Lini has done much to spur economic development within the islands, while at the same time holding dearly to ancient traditions. Vanuatu's strongly decentralized system of government, a holdover from colonial times, allows local leaders great autonomy from direct governmental control. In 1986, for example, villagers from the island of Espiritu Santo rejected an offer by a foreign gold mining company to develop the land.

Meanwhile, Vanuatu has been carefully developed as an international tax haven. Although some have seen this as a contributing factor to Libyan involvement in the nation, as has already been noted, others have taken advantage of the country's liberal tax policies. In the nation's capital of Port Vila, the government has established a satellite-connected finance center, similar to that which is operated on the Cayman Islands, which shelters millions of dollars. Vanuatu has also accumulated a fairly large commercial shipping fleet. A former officer of the Insurance Company of North America, Clayton Wentworth, has been named Deputy Commissioner of Maritime Affairs, and has developed a ship registry through Wall Street similar to Liberia's.

Lini's questionable foreign policy has threatened this carefully developed economic system. Recently, the Australian tourist trade has declined sharply due to concerns over the Libyan connection. Investors discount the remarkable stability of the vatu, the official currency of the islands, in light of the threatening revolutionary movements in New Guinea and New Caledonia; and have, in general, shied away from business ventures in the islands. Moreover, Prime Minister Lini's official statements that his foreign agreements are in the impoverished nation's best economic interest have failed to satisfy Western and native concerns. According to the "Europa Year Book 1987," President Sokomanu has "alleged that Lini's non-aligned foreign policy" has contributed to the "exacerbation of Vanuatu's domestic problems, particularly in the trade, development, and education sectors."

The crisis is far from being resolved. Vanuatu's economic problems, including a $60 million debt, have put Lini's back to the wall. Many diplomats now realize that economic aid from nations unfriendly to Western interests will be graciously accepted by Vanuatu's leaders, despite their officially non-aligned stance. Nonetheless, Western and Australian diplomats seen unwilling or unable to supersede the economic efforts of the Soviets and Qaddafi, and resolve against their expanding influence in the region remains weak.

The United States has had generally good relations with the natives of New Hebrides throughout history. U.S. servicemen pursuing the Japanese across the islands of the Pacific established close relations with the natives when they came to the New Hebrides and established a base for attacking Japanese fortifications in the Solomon Islands and New Guinea. Many natives still remember these incidents fondly, while others look to the second coming of a mysterious American known as John Frum, who brought appliances, canned food, whiskey and other trinkets. Many Americans, whether they know it or not, may have been first acquainted with the islands of Vanuatu from James Michener's "Tales of the South Pacific." The potential for good relations between the two countries is great, based upon our past history. However, leaders in Washington and Port Vila have been unable or unwilling to make a major step towards good relations up to this point.

Government officials, for obvious reasons, have tried to play down the educational shortcomings of the island population. But despite a core of well-educated natives and fortune-seeking foreigners working to dispel Vanuatu's image as a backward island, most indications suggest that that is all Vanutau is. Nonetheless, its geographic placement between two important islands that are being threatened by revolutionary movements, should concern Western policy makers.

In Vietnam, the Soviet Union has established an extensive naval base at Cam Rahn Bay, a former U.S. installation. In the Philippines, the actions of revolutionary forces on both the left and right have destabilized the political situation significantly. Many foreign policy analysts question whether or not the United States will be able to maintain the extensive Subic Bay Naval Base or the Clark Air Force Base. Farther south, the old ANZUS alliance, formed in 1951, has been shattered by New Zealand's refusal to accommodate U.S. naval vessels which carry nuclear weapons. On the island of Fiji, ethnic unrest and military coups have crippled political stability.

All of these incidents, which have concerned policy makers in the U.S. intent upon maintaining order in the vital region of the world, have been well-documented. Now Soviet and Libyan efforts in the Southwest Pacific basin focus on the small and seemingly insignificant island nation of Vanuatu.

American policy makers should learn from the mistakes made prior to World War II. For 40 years since the resolution of that bloody conflict, the United States has maintained stability in the Pacific. Japan, prohibited from maintaining a permanent offensive military force, no longer threatens the United States, but new forces have appeared to challenge the American presence in the region. Policy makers must re-examine the long-term implications of Soviet and Libyan activity in the region, and compare them with the actions of Imperial Japan prior to the outbreak of World War II. To the hundreds of thousands of men who risked their lives in the campaigns in that region during the war, no island can be seen as insignificant, no effort of aggression unimportant. The United States must take action now in order to stop the anti-American activity there; only then can the U.S. protect the independence of the region, and ensure that American lives and property will be safe from the threatening influences of terrorist states.

DIERUFF HIGH SCHOOL NEWSPAPER, TOPS IN QUALITY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. RITTER. Mr. Speaker, Dieruff High School of Allentown, PA, has brought journalistic renown to the Lehigh Valley and my congressional district for the second consecutive year. The student newspaper, the Leader, was again given the highest recognition bestowed by the Columbia Scholastic Press Association. With the Gold Crown Award, the Leader, places in the top 2 percent of all high school publications with only 20 other scholastic newspapers in that category.

Since I have initiated in my Lehigh Valley District a program to promote "quality" in our products and services, it is a special pleasure to give recognition for exceptional quality to the Leader.

What a terrific student newspaper. I have had the pleasure of working with their very professional staff on a number of stories since coming to Congress. I say the New York Times, Washington Post, and the Allentown Call Chronicle would be in deep difficulty if the Leader ever went commercial.

Mr. Speaker, it is indeed a pleasure to take this opportunity to recognize the highly successful efforts of their advisor, Ms. Rosemary Simpson, the editor-in-chief, Robert Richter, and the entire team of students-staff who worked to obtain this coveted award, and at this point, I include an article from the April 2, 1988 issue of the Bethlehem Globe-Times concerning the award.

[From the Globe-Times, Bethlehem, Pa., Apr. 2, 1988]

DIERUFF STUDENT NEWSPAPER WINS SCHOLASTIC PRESS AWARD

At the 64th annual Columbia Scholastic Press Association Convention held recently at Columbia University in New York City, the Dieruff High School student newspaper, The Leader, was presented with the Gold Crown Award for the second consecutive year.

The award places The Leader in the top 2 percent of high school publications entered in the 1987 CSPA contest/critique, the award was presented to 20 other scholastic newspaper publications in the country.

Sixth-year adviser to The Leader, Rosemary Simpson, and Editor-in-Chief Robert Richter accepted the award presented by CSPA Director Edmond Sullivan. Simpson said, "Having done well in our preliminary evaluations this fall, The Leader was nominated for a crown award. We endured a few anxious moments awaiting Ed Sullivan's announcement at the Columbia Convention."

"It's hard to put into words what this award means to me, personally and professionally. I'm so proud of The Leader staff. This award was truly earned by a hardworking, close knit team. I can't think of enough superlatives to describe the members of The Leader staff."

Concerning the newspaper's success, Principal Michael Meilinger said, "The Gold Crown is a tribute to the staff and the adviser for the work and time they have put into the school's newspaper." He continued, "You have to attribute the success to Mrs. Simpson. She puts so much of herself into the paper. The students cannot help but feel the motivation she possesses, that they become so highly motivated and have established a tradition excellence."

Simpson said many people can share this award with the staff. "This award pays tribute to many people who have helped us make The Leader an excellent student newspaper. First of all, The Morning Call's SNAP (Student Newspaper Advisory Program) certainly shares this award because of their benevolent contributions to scholastic journalism. We're blessed also with the support and cooperation of our teachers, administrators, business and community members," she said.

Explaining the award's personal meaning, Opinion Editor Kerry Peltz said, "For last year's Crown Award, I wasn't directly involved with the newspaper. But for this award, I was an editor, so it's really rewarding to realize I was capable of contributing to such a tremendous product."

Feature Editor Shannon Lehr agreed: "This Gold Crown Award means more personally because I was an editor, and I know just how hard we as a staff had to work, and how hard I personally had to persevere to earn this award."

Richter said the staff felt a big challenge after winning the Gold Crown last year to come up with new ideas and maintain excellence. "It's interesting how last year's award really challenged and motivated us to find ways to improve our newspaper. And I think this is the real value of critique contests." Richter said. "We made changes in our flag and logos, our coverage and size," he said, "so it's great to realize that even though we risked change, we didn't lower our standards."

In the individual 1988 Gold Circle Awards, in a first-time category for Health Reporting sponsored by the American Medical Association, sophomore Michele Kurtz was awarded second place in Health Feature for her article on hospital volunteers entitled "Volunteers find satisfaction in helping others." The winning articles had to show exemplary coverage of medical and health issues that affect the school community.

Also, eight Gold Circle Awards were presented to The Leader staff members. Erin Donohue, '87 graduate, received a First Place certificate for an informative graph and a Third Place certificate for sports page design for "Basketball Fever." Along with Donohue, seniors Shanon Lehr and Janet Licini won a First Place award for their work on the centerpage, "Art for Art's Sake." Lehr said, "Although I'm planning a science major for college, I really value this experience with writing. It's very reassuring to be recognized and awarded for my writing because I know in whatever I do, I will need to know how to write, whether it's data or a lab report."

Also, Donohue, seniors Kelly Leitgeb and Cynthia Panker received a Certificate of Merit for the baseball centerpage, "Team Warms Up for Playoffs." In other design categories, Richter and juniors Dana Lehr and Eric Tesche were awarded First Place for sports page, "On The Move," and Panker and Matt Reagan won Third Place in news page design for "Teachers and Upcoming Events." In addition, in feature page design, Shannon Lehr received a Certificate of Merit for the page, "VCR's."

Freshman Melissa Petruska was awarded Second Place in the general feature writing category for her article, "This group of kindergartners has unique distinction," Petruska said, "Since my career goals include writing, I'm very excited for the next three years to continue developing my writing skills with newspaper. Receiving this award my freshman year really reassures and inspires me to continue to write."

At the convention, Simpson presented a seminar, "Make Your Newspaper a Class Act," which provided various ideas and suggestions on staff management and newspaper organization. Shannon Lehr explained, "The Seminar teaches the things that work for The Leader staff and make us the newspaper that we are." She continued, "The seminar gives a lot of good hints as far as organization and time saving and just a lot of ideas to make newspaper production efficient and enjoyable."

CONGRATULATING THE FEDERAL ASIAN PACIFIC AMERICAN COUNCIL [FAPAC]

HON. BEN BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. BLAZ. Mr. Speaker, I rise to pay tribute to the Federal Asian Pacific American Council [FAPAC]. It is with great pleasure that I commend the outstanding accomplishments of this energetic group.

The Federal Asian Pacific American Council [FAPAC] is an interagency group organized to provide a focus for Asian Pacific American activities with the Federal Government. The Council, through its interagency membership, is responsible for:

Spearheading training conferences, heritage week observances, and developmental workshops which will aid in the advancement of Asian Pacific Americans; and

Promote overall awareness of the impacts of Asian and Pacific cultures, work ethics and behavior, as related to employment in the Federal work force.

Over the past 3 years, the ability of FAPAC to plan, coordinate, and carry our successful and ambitious activites, including the 1986 Training Conference and the 1987 recognition luncheon for Federal Asian senior executives, is attributed to the enthusiastic and dedicated efforts of Council members, and their overwhelming agency support. I can state with confidence that both are essential to FAPAC's continued success.

Asian Pacific Americans bring to the national workplace a diversity of cultural perspectives and work ethics; however, they are often misunderstood which often results in barriers to communication, productivity and advancement. In an effort to overcome these barriers, FAPAC is sponsoring the 2d National Federal Asian Pacific American Heritage Training Conference this week to explore these issues and address strategies and methods for improving working relationships and other related concerns. For their continuing contribution to American life, I congratulate them.

A SALUTE TO ROSE MARIE FIORE, ESSAY CONTEST WINNER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. STOKES. Mr. Speaker, I take great pride in saluting Rose Marie Fiore, the Cuyahoga County winner in the essay contest, "Create '88: What Growing Up in Ohio's Western Reserve Mean to Me." The essay contest included entries from students representing 45 area high schools. Ms. Fiore and other finalists were honored at an awards ceremony and reception on April 8, 1988. She is a senior at Chanel High School and resides in Garfield Heights, OH.

Mr. Speaker, I would like to take this opportunity to congratulate Ms. Fiore upon this important achievement. I am pleased to share her winning essay with my colleagues.

THE IMPORTANCE TO ME OF GROWING UP IN OHIO'S WESTERN RESERVE

(By Rose Marie Fiore)

Abraham Lincoln said, "I like to see a man proud of the place in which he lives; I like to see him live in it so that his place will be proud of him." The importance to me of growing up in Ohio's Western Reserve is the pride it has instilled in me which challenges me to use my gifts and talents to benefit my surroundings.

The history of the Western Reserve dates back to 1786 when Connecticut received a land charter from King Charles II. Connecticut gave all of the land to the federal government except a small strip of land bordering Lake Erie in Ohio. This strip of land is the Western Reserve. When Moses Cleaveland was hired to survey the land, he decided that the location where river, lake, low banks, and dense forests which provided both protection and shipping access, was the ideal location for the "capital city" of the Western Reserve. This city is known as Cleveland. This is important to me because I now see that Cleveland is endowed with all of the necessary attributes of a successful city.

Since that time, many devoted people have made the Western Reserve what it is today, a bastion of power known for its educational and cultural leadership. It boasts numerous leading schools, libraries, museums, churches, and organizations of every kind. I am enamored to think that such a powerful city is due to the hard work and devotion of certain people. When I see the greatness that comes from such devotion. I am encouraged to be one of those people.

I am proud to have the same birthplace as former Presidents Garfield and McKinley. They brought recognition to the Western Reserve, as did Edison, Goodrich, Goodyear, Hulett, and Rockefeller.

Although this area went through a transitional period of time when hardly any development took place, it is presently being totally renovated. One of the recent and most significant achievements of Cleveland is having been named the site of the future Rock-n-Roll Hall of Fame. This is certainly a national honor as well as an exciting tourist attraction. The renovation of the lakefront will restore Cleveland's beauty and widespread acclamation. I am certain that the people of Cleveland will always defend its nickname of "The Best Location in the Nation."

From living in Ohio's Western Reserve, I have learned that hard work pays off. I have gained the confidence and fortification I need to take risks and stand up for what I believe. Living in Cleveland, I know that I can easily enjoy access to some of the Nation's most impressive museums, symphonies, and theaters. I can admire the beautiful lakefront and think back on all that I have learned about its development. I have gained a sense of pride for Cleveland and all of its hardworking forefathers. They have set a compelling example for me to one day give back to the Western Reserve, all that it has instilled in me.

CALIFORNIA HIGH SCHOOL STUDENTS VISIT THE SOVIET UNION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. MILLER of California. Mr. Speaker, I rise today to recognize 13 high school students from my district in San Ramon, CA who recently toured the Soviet Union. These students were struck by both the similarities and differences between the United States and the Soviet Union.

I commend these students for their interest in learning about the Soviet Union first hand. In the spirit of glasnost, and the opening of both Russian and American eyes and minds, it is quite fitting that they should seek to expand their knowledge and understanding of the Soviet Union.

These students from San Ramon High can be an example to all about the value of replacing preconceptions with opinions based on fact and experience. In order to grow toward a greater world understanding and a further reaching peace, we will all need to step outside the bounds of what is familiar and explore new horizons as these students have done.

I would like to submit for the RECORD an interview with the students who attended the trip which appeared in the Contra Costa Times on April 11, 1988:

FROM BARE SHELVES TO REINDEER MEAT; CALIFORNIA STUDENTS DISCOVER DIFFERENT WORLD IN SOVIET UNION

(By Gina Abston)

SAN RAMON.—California High School student Melissa Cuevas was surprised by some of the things she found in the Soviet Union during Easter vacation. Even Moscow's largest department store, GUM, wasn't what she had expected.

"It's a little bit bigger than the Stoneridge mall, but it's all owned by the government and there's nothing but necessities in there. It's all basic items," she said. "We had planned to shop in (Soviet) stores and buy their stuff, but there was nothing for us to buy.

Cuevas was one of the 13 California High students who spent nine days in the Soviet Union and one day in Sweden for spring break. They visited the cities of Moscow, Leningrad, Kiev and Stockholm, and they took a nighttime train ride from Kiev to Moscow.

The $2,000-per-student trip, originally planned as a school-endorsed activity, wasn't sponsored by California High because the school has a policy against endorsing field trips that require students to miss school. Students who participated in the trip to the Soviet Union missed one day of school.

The students and teacher Rob Schmidt returned home last week to the U.S. lifestyle some say they were beginning to miss.

"We have such luxuries here, compared to there," Cuevas said. "I've been totally appreciative of everything I have."

Some of the things the group encountered in the Soviet Union include meals made with reindeer, elk and caribou meat; the constant presence of militiamen on city streets; lines that Soviet shoppers stood in for up to four hours; and widespread use of cigarettes that Schmidt described as "smelling like manure with diesel fuel poured on top."

While the group spotted hundreds of differences between the Soviet Union and the United States, it also noticed that some things are the same about the two countries.

"If I was going to describe (what it looked like) to anyone, I would say it was like Cleveland in the winter," Schmidt said. "there were a lot of differences, but there were a lot of similarities, too."

Student Lance Druba said Soviets and Americans are also similar.

Once he started talking to Soviet students, Druba said, he learned that residents of both countries also share a fear of each other.

"Americans are all afraid that Soviets are going to start a nuclear war with us, and Soviets are afraid that Americans are going to start one with them," Druba said. "It was really interesting to hear that the tables were turned. For once, we (Americans) were the bad guys."

Druba said many of the Soviets he spoke with could speak English.

For several students, the highlight of the trip was an excursion to Red Square, where Lenin's tomb and St. Basil's Church are located.

"I've never experienced anything like that before in the United States," said student Sandra Purdy.

"People there have such pride in their country. No one would talk or laugh in Red Square."

Druba said Red Square was his favorite part of the trip.

"We took the metro (subway) and then we climbed up this hill, and at the top of the hill, you look down and see it," Druba said. "It (Red Square) is so incredible."

Purdy said attending a performance of "Giselle" by the Bolshoi Ballet was her favorite part of the trip.

"That was the most incredible stage presentation I've ever seen," Purdy said. "It was beautiful and wonderful."

Schmidt bought four ballet tickets for the equivalent of $60 from a scalper in front of the theater where the ballet performs. Although "black market" purchases are forbidden by the Soviet government, Schmidt said, tour guides told him to do it after he failed to get tickets through the proper channels.

"The advice was don't do it, but if you do it, and they recommend you do or you won't get to do the things you want, don't do it in excess," Schmidt said.

After nine days of what they described as unappetizing food, the students were glad to arrive in Stockholm on the 10th day. Stockholm has a McDonald's.

"It was kind of sad," Druba said. "Our tour guide was trying to take us to Swedish restaurants, and we all ran to McDonald's."

In McDonald's, the weakness of the American dollar became apparent. Druba's four quarter-pound hamburgers, two large packages of French fries and two milkshakes cost the equivalent of about $40 in U.S. money.

"The kids each paid about $35 to $40 to eat there," Schmidt said. "And they gladly spent it."

REBURYING THE DEAD

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. KEMP. Mr. Speaker, Elie Wiesel has said "If we forget them, they will have died twice." He was speaking of the victims of the Holocaust.

There are many who raise their voices against reminders of the Holocaust, who say that it is best to forget that dark period of human history. There are even those who say that the Holocaust is the creation of a vast Zionist propaganda machine.

These are the people, who, more than anyone else, should go to Yad Vashem, the Holocaust memorial in Israel. To witness the photographs that no one could have staged. To read the names of people who once lived and breathed, and who died at the hands of the Nazis. So far, they have only died once.

We cannot forget that the potential for evil exists, that humankind has succumbed to it recently in this century, and that it can happen again unless we guard against it. If we do not learn history, we will be condemned to repeat our mistakes. The Holocaust is a tragic error which should never have occurred, and most certainly must not be repeated. The awareness of the Holocaust must always be with us to prevent its repetition.

I would like to share with my colleagues A.M. Rosenthal's illustrative impressions from his visit to Yad Vashem, as printed in the New York Times editorial section today, which captures the essence of these lessons in a moving article which all must read and remember.

The illustrative impressions follow:

REBURYING THE DEAD

(By A.M. Rosenthal)

The large halls of the museum were dark and cool, a relief from the bright sun of Jerusalem. But soon I noticed that an American visitor kept mopping himself as he walked, looking at the photographs and reading the captions. He was sweating terribly and his face grayed. He kept sighing deep and loud but seemed unaware.

Nobody paid attention. Others were also sweating in the cool halls and making sounds of pain.

The American walked out of the museum leaned against a tree, and then vomited; after a moment or two he returned to the museum.

An elderly volunteer attendant said not to worry about the visitor with the ashen face. She said it happened often, every day, that nausea drove people out for a while. They all returned after a few minutes, she said.

It was not until I was making plans to leave Jerusalem, that I realized I had never been to Yad Vashem, on this trip or ever. The words mean memorial, and something else—a place and a name to recall that which was meant to have been destroyed forever.

Yad Vashem is a memorial to the dead of the Holocaust. In neat bound books and in certificates filled out by survivors and relatives it lists the names of about two million of the six million Jews who died in the Germans' camps and ovens.

There are certificates for visitors to fill out, if they know somebody who has died in the camps. If not, take one with you please; you might meet somebody who knows a name not yet in the files.

One day the survivors will all be dead themselves. There is a sense of urgency: Should not those who died at least be listed in the memorial built for them?

Sometimes a survivor or relative does not want to fill out the certificate, which asks the name of the victim and place in which he was killed. They say to fill it out is like reburying the dead. Sometimes it is just too difficult to do, right there and then. The keepers of the files understand very well and say please come back when you are able to write the names.

That day, there was a man who had lost four brothers and sisters in the camps. He put the certificate of the dead in his pocket and left. His wife said she would ask him to come back before they left Jerusalem.

Yad Vashem is names, and pictures without names—hundreds of photographs of the murdered and those who murdered them, arranged carefully on the walls, room after room.

Some of the pictures are of Germans, taken by Germans. This is one: passers-by watch in amusement as a German soldier shears off the beard of an old religious Jew.

That soldier lives forever, on the wall and in the mind, because of the huge, delighted smile on his face. The old Jew stares at him and you know he is thinking the thought that makes your own mind ache, more than 40 years later: Who is this man that he can do this thing and smile? Is he human? Or is he a devil? It is known that devils walked the earth then, to do such things as were done.

Here is a picture of women, Jews being prepared for the gas chamber. They are all naked. Their clothes have been taken, to be piled up neatly and sold.

They stare blank-faced at the German who took the picture. Their faces say it cannot be that we are naked, about to die. How could this be? One young woman holds her arms across her breasts, modesty instinctive even as the murderers approach.

The most frightening thing, walking from room of horror to room of horror, is that everything is familiar.

Here are the sharp bones and taut skulls of the children of the Warsaw Ghetto, piled dead in a cart pulled by children with puzzled, exhausted faces. You have seen them before. Soon they will be in the carts of the naked dead themselves, is that not so?

Here—the Hungarian Jewish women, hundreds of them, with shaven skulls, in Auschwitz. They have been lined up, to look at each other and see themselves, shaven skulls, before they were killed. Could it have been a human who did this to them, really?

The skeletons waiting for the graves, before their death; yes, here on this other wall.

Next room. That little boy in short pants, holding up his hands in surrender to a German soldier with a rifle. Don't you know him from someplace, some other picture on some other wall, or were you there, watching, just there beyond the camera's range? No, peer at the little boy and his small peaked face once more. Now you know him, now you remember.

It is just an exhibition in a memorial museum. An old story; everybody knows it. Why write? Simply to do so.

SALUTE TO FREE MEDICINE FOR NEEDY HEART PATIENTS

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. GRAY of Pennsylvania. Mr. Speaker, I rise today to call my colleagues' attention to an article in the Philadelphia Inquirer that details the story of a pharmaceutical company's innovative program for needy heart patients. On Wednesday, April 6, 1988, G.D. Searle & Co. launched a nationwide program that endeavored to provide free cardiovascular medication to needy patients in my district. I applaud the efforts of G.D. Searle in their continued attempts to assist those in our community who are in need, and can benefit greatly from this program.

Mr. Speaker, at this time I wish to insert in the RECORD the April 7, 1988, article which details the dynamics of this very important program.

[From the Philadelphia Inquirer, Apr. 7, 1988]

COMPANY OFFERS FREE MEDICINE TO NEEDY HEART PATIENTS

(By Susan FitzGerald)

A nationwide program to provide free cardiovascular medication to patients who cannot afford it was launched yesterday by G.D. Searle & Co.

The program is for poor people who suffer from high blood pressure or heart disease and who do not have health insurance to pay for the often costly drugs needed for treatment.

"These are people who fall through the cracks of our public and private health-care system. They are denied life-saving therapies simply because they cannot afford them," Erwin Jansen, a regional sales director for Searle, said at a news conference yesterday at Temple University Hospital.

To mark the start of the program in Philadelphia, Jansen turned over to the hospital $100,000 worth of coupons that patients can redeem for free prescriptions of any of seven Searle drugs.

In all, the Illinois-based pharmaceutical company distributed $1 million worth of coupons yesterday to hospitals and clinics in 10 cities. Temple was selected as a site because it serves many poor people.

The other cities are Boston, Atlanta, Cleveland, Chicago, St. Louis, Dallas, Denver, Los Angeles and Washington.

Jansen estimated that more than 100,000 patients who suffer from high blood pressure, angina, heart-rhythm abnormalities, congestive heart failure or other cardiovascular problems could benefit from Searle's "Patients in Need" program. The company has placed no financial limit on the amount of free drugs it will provide, he said.

Under the program, it is up to the physician to determine whether a patient is eligible to receive free medication. If so, the doctor will give the patient a prescription coupon to redeem at a pharmacy. Searle will reimburse the pharmacy for the cost of the drug.

In a pilot project launched in February 1987, 20,000 patients, including some in Philadelphia, received $8 million worth of prescriptions of Calan and Calan SR, Searle drugs used to treat hypertension and angina, Jansen said.

"We know that there were 20,000 [people] that would not have gotten any drug if we had not supplied them," Dr. Sheldon Gilgore, Searle's president, chairman and chief executive officer, said Tuesday.

Gilgore said it was the company's social responsibility, as well as a "cost of doing business," to provide a broader range of cardiovascular drugs to people who cannot afford them, including the so-called working poor who often have no health insurance.

An estimated 31 million Americans are not covered by health insurance, Jansen said. A 1987 survey by Philadelphia Health Management Corp. found that 8.6 percent of all Philadelphians—or 139,000 people—were not covered by a private health insurance plan or by government-funded Medical Assistance or Medicare.

Dr. Allan Marks, co-director of Temple's Hypertension Center, said yesterday that about 150 of his patients received medication for high blood pressure under Searle's pilot program. He said his patients often failed to follow the lifelong drug therapy required to treat high blood pressure because they could not afford the medication, which can cost upward of $1,000 a year.

He called on other drug companies to follow Searle's lead in providing free drugs to needy patients.

Any physician, hospital or clinic can receive Searle coupons to distribute to patients by calling 800-542-2526. The seven drugs available under the program are: Calan and Calan SR; Norpace and Norpace CR, used to treat abnormal heart rhythms; Aldactone and Aldactazide, used to treat congestive heart failure, and Nitrodisc, a skin-patch drug therapy to treat angina.

THE MILITARY EDUCATION PROGRAM: A GOOD STEP TOWARD MUCH NEEDED REFORM

HON. BILL GRANT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. GRANT. Mr. Speaker, I rise today in appreciation for efforts led by our colleague, the gentleman from California, Mr. DYMALLY, to bring much needed reform to the military education program. For those of you unfamiliar with the program, I will tell you a little about it.

Our friends with the National Guard Council of the National Federation of Federal Employees tell me there are about 45,000 dual status technicians employed by the National Guard. They serve three separate functions in the Guard—that of full-time civil service technicians; part-time Guardsmen or weekenders; and full-time military members in a time of military mobilization. All civilian technicians complete active duty schools to be eligible for promotion and retention in the Guard. The military education programs last from from 10 and 26 weeks. During these schools times it is not unusual for technicians to exhaust their leave and enter into a leave-without-pay status, meaning a loss of pay, health benefits, life insurance, retirement and the reduction of annual and sick leave.

On the other hand, a weekender must only complete a short 2-week course to become eligible for the same promotion as one going to school for 26 weeks. In other words, when a civilian technician competes with a weekender for the same promotion and retention rights, the technician must fulfill a far greater training requirement, often at significant cost to himself and his family. To make matters worse, the Guard has refused to grant credit to technicians for the required skills if they were acquired in other training programs. In fact, some are even required to repeat courses they have taken in other programs such as those sponsored by the State bureaus.

I spoke with a guardsman at Camp Blanding, FL, in my district the other day. He told me he would lose $3,062.44 in attending the 72-day military school he is about to attend. He will lose $170 in pay differential; $625 in civilian health care benefits by transferring to CHAMPUS; $1,100 in annual leave; $450 in annual leave accrual; $250 in sick leave accrual; and $460 in drill pay. All this is for an additional $30.88 per pay period. At this rate it will take this guardsman 8 years and 3 months to get a return on his investment. This man summed it all up very well. He said, "I've been in the Guard for 20 years and they're going to send me to Aberdeen to teach me what I've been doing all of my adult life."

Clearly the Military Education Program must be reviewed. In passing the Dymally amendment en bloc on Monday, we have made significant progress toward reform. I applaud the efforts of the gentleman from California, and my constituents in the Army National Guard are grateful.

NO CONTRA AID-U.S. TROOPS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. CRANE. Mr. Speaker, once again Commandante Daniel Ortega has shown his true colors. Less than 2 months after many of my colleagues rallied around the cry that we must "give peace a chance" in Central America and denied aid to the Contras, Mr. Ortega has betrayed their trust. A trust that my more conservative colleagues never possessed and I guarantee that I never will.

Actually, Mr. Ortega may well have provided a great service to the cause of freedom and democracy in Central America. By attacking the Contras on the eve of cease-fire negotiations, Mr. Ortega has undermined the "peacemaker" image that American liberals have labored so hard to create for him. Moreover, the deployment of U.S. troops in Honduras is a sobering development. Most Americans now realize the importance of a well equipped Contra force. It is now common knowledge that without the Contras, we have no choice but to send American boys to stop Sandinista aggression.

Mr. Ortega has made America look like a fool in the eyes of the world. Yet, he still believes that he can continue to dupe our more liberal colleagues in Congress by holding a "successful" round of cease-fire negotiations with the Contras. Obviously, he still thinks this body is nothing but a bunch of fools that he can manipulate virtually at will. I challenge my colleagues to prove him wrong. Show him that America is a nation that cherishes those who fight oppression and sacrifice their lives in the name of freedom and democracy. Show him we will no longer tolerate his lies and propaganda. Show him our commitment to the people of Central America.

I urge my colleagues to support the allocation of military and humanitarian aid to the Nicaraguan Resistance. We must realize that support for the Contras is nothing less than a reaffirmation of our dedication to the beliefs upon which our forefathers built this great Nation.

In the March 21 edition of the Washington Times, Patrick Buchanan has written an excellent review of the current situation in Nicaragua and the options which the United States now has before it. "Reagan's Dwindling Options" should be read by every member of this body who is genuinely concerned with the consequences of denying aid to the Nicaraguan Freedom Fighters.

Reagan's Dwindling Options—Time to Confront the Deadly Strike Against the Contras

With 3,200 U.S. troops in Honduras, the new reality in Central America becomes stark and clear. The only force left that can prevent the communist consolidation of Nicaragua, and the rolling up of Central America, is the armed might of the United States.

What Nicaragua patriots volunteered in the thousands to do for themselves—rid North America of its Soviet beachhead—may have to be done by U.S. Marines.

Thank you, Jim Wright.

After years of sabotaging the president's policy, Speaker of the House Wright and his cloakroom colleagues finally managed, in January, to scuttle it. All weapons, all supplies, all ammunition were cut off—to the 15,000-man rebel army—to "give peace a chance." Two months later, Sandinista troops have crossed over into Honduras in a final offensive President Daniel Ortega himself has coded-named "Triumph or Death," and the Contras are dying in a "blood bath."

As The Wall Street Journal notes, it took the United States a decade to lose Vietnam; Jim Wright may have succeeded in delivering up Nicaragua in less than a year. Yet another triumph for the "useful idiots" of the American Congress.

Even as Mr. Ortega was signing the Arias peace plan last September, his army was secretly preparing to receive $100 million in new Soviet war material being used in this offensive. Nor could Soviet General Secretary Mikhail Gorbachev have been unaware of this new thrust at the land bridge of North America, as he and Raisa were being feted in Washington.

The truly mystifying question remains: Why is the Democratic Party collaborating in the Leninist consolidation of a small nation of 3 million people in Central America?

The proffered reasons seem absurd. "We have no right to undermine every government we dislike," they say; but liberal Democrats are as enthusiastic about undermining Gen. Manuel Antonio Noriega in Panama today as they were about toppling Ferdinand Marcos in the Philippines; though neither man, whatever his moral character, was a declared enemy of the United States.

"We believe in negotiations, not violence," they assure us. But, repeatedly, many of these same Democrats have voted to send massive weapons shipments to Afghanistan rebels to continue a war bloodier and more barbaric than anything in Central America.

"The Contras lack popular support; they can't win," we are told. But a squalid junta that has brutalized and impoverished the Nicaraguan people, while betraying a popular revolution, is surely more vulnerable than an Afghan regime supported by 12 divisions of Soviet troops. Had we given the Contras half the military aid we gave the Afghans, Nicaragua would be free.

Can the Democratic Party be so resentful, so bitter at President Reagan's success that it will give Moscow a strategic victory in Central America if that is the price of inflicting upon Ronald Reagan a policy defeat?

From the standpoint of naked self-interest, the Democrats' determination to shelter the Soviet colony in Nicaragua seems an act of insanity.

Already bearing culpability for having "lost China," and having "lost Vietnam," the Democratic Party will not survive Central America becoming an appendage of the Warsaw Pact.

What do they think Mr. Ortega, Tomas Borge and Fidel Castro have in mind down there? Why do they think Mr. Gorbachev has poured $2 billion worth of cannon, tanks and helicopter gunships into a tiny country in Central America?

If El Salvador falls, if Honduras is destabilized, if the 25 million people of Central America suddenly see communism as the wave of the future, they will flee north, by the millions, right into the United States. Mexico will be destabilized, and Mr. Wright will find himself in Fort Worth with thousands of new constituents.

But the political debacle the Democrats are courting is not what should concern the president.

With 10 months left in office, he must confront the painful truth in Central America. The Reagan-Wright peace plan is a shambles; the Arias peace plan is dead.

Mr. Ortega does not intend to negotiate with the Contras; he intends to kill the Contras. His mobs are running loose in the cities of Nicaragua, smashing the heads of those who took "the peace process" seriously.

It is too late for humanitarian aid now; it may be too late for military aid; but the president should demand all the military assistance Congress denied, all the military assistance required.

If Congress turns him down, he will have two options: Go home to California knowing that Central America will soon belong to the Soviet Empire, or put on his hat as commander in chief.

JIM GAFFNEY: MEMORIES OF WORLD WAR II

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. RITTER. Mr. Speaker, James B. Gaffney was city editor of the Globe-Times of Bethlehem, PA for two decades and a member of the newspaper staff for 29 years before retiring in 1983. He was the husband of Margaret M. Dorsey "Sis" Gaffney and they would have celebrated their 44th wedding anniversary March 31. But the Lehigh Valley's friend and renowned journalist, Jim Gaffney, passed away on March 2, 1988. I personally enjoyed his friendship and a good working relationship when I first came to Congress and he was city editor.

I never knew of his war record, no less that he was a kind of hero. Fortunately, he wrote to me on February 4 of this year, sharing his experiences as an aviation radioman first class. He had an outstanding service record and when it came to his attention that he was eligible for various medals designated to his air group and his torpedo plane specifically, he did not put this aside lightly. Jim had earned the right and was excited and proud in looking forward to the opportunity to appropriately display all his medals.

Jim Gaffney was not only a newsman's newsman but he give a lifetime of service and devotion to his church, to his community, and to his country. The former editor of the Globe-Times and Pulitzer Prize winner, John Strohmeyer said "Jim Gaffney was a breed apart in the newspaper business. He was completely dedicated to the mission of newspaper work, he was sensitive to the needs of the community. The world doesn't produce those kinds of dedicated professionals often enough." Jim, true to his Irish heritage, was a big-hearted, honest, family man and I was proud to call him my good friend. It is with respect to his memories of World War II, I include his last letter to me.

Mr. Speaker, with the assistance of the Department of the Navy, I was able to determine that Jim Gaffney had received additional recommendations for air medals and a Distinguished Flying Cross. I am pleased to report that I will receive Jim's additional medals from the Secretary of the Navy in the near future. Further, I look forward to the opportunity to arrange an appropriate ceremony at which time the medals will be presented to Jim's wife accompanied by family and friends. The letter follows:

BETHLEHEM, PA, *February 4, 1988.*

DEAR DON: I've debated for weeks with myself on writing this letter, a request which I hope will not be construed as self-vanity. It is a subject which I think more and more about as I grow older—memories of World War II.

I enlisted in the Navy, June 18, 1942. I spent 40 months in the Navy; 20 months in the States at training schools and in flight training. The other 20 months were spent in the Pacific in combat. I was a radio-radarman and gunner on a torpedo plane: three man crew; the pilot, turrent gunner and me. Our pilot was Harry F. Hynd. He retired as a lieutenant commander. I was aviation radioman first class when I was honorably discharged in 1945. In the 2½ years I flew with Hynd, we had 5 or 6 different gunners. But he and I were always together on all his flights. In 1948 I was awarded the Air Medal and 2 stars in lieu of second and third Air Medals.

Fifteen years ago my wife and I were in Florida and were invited by the Hynds to spend several days in their Vero Beach home. There, in their Florida room, unfolded an incident which prompted this letter. My wife noticed a display on one wall of their Florida room and went closer with Hynd's wife, for a better look. There on the wall in a tasteful framed display were the medals Harry earned during the war—the Navy Cross, 2 Silver Stars, 3 Distinguished Flying Cross', and 5 or 6 Air Medals. I was flabbergasted. Hynd was noticeably embarrassed. I flew with him on all of his 32 combat missions. In addition, I flew 2 more as a volunteer with pilots who had no crews at the time. I am not downgrading Harry Hynd. He not only was my pilot, but friend and confidant. After the war, we visited each other. He and his wife died 5 years ago.

I realize that Hynd, as the pilot, had a leading role in our missions. But the turret gunner and I also had responsibilities. The gunner's job was to fend off Japanese fighters. My job was to arm torpedoes and bombs before they were dropped and to guide our plane, via radar, to target and then home to our carrier. We were shot down over Kure, Japan on July 25, 1945. Hynd informed us we were about to crash into the Sea of Japan and would be taken prisoners. I asked for other options. He told me our submarines were in the Pacific just off shore and we had a picket line of destroyers beyond the subs. But he said he doubted we could make it to the destroyers because he was growing weaker, fighting the control stick, because the Japanese gunner straffed our plane's tail. Hynd had to exert all his strength trying to keep the plane's nose up.

I suggested a solution, that he tie something around the control stick, then fasten the other end to his seat. This would enable him to relax and regain strength. He liked the idea. I found 2 extra radio cords, squeezed through a small space and crawled forward to where he was sitting. I handed him the cords and together we tied them to the stick, then his seat and he relaxed. We were then able to fly closer to the destroyers. We made a water landing, got out of the plane safely and aboard our rubber boat. A destroyer spotted us, moved in and threw us a line. We spent the night aboard the destroyer and the next day were transferred to the carrier and resumed combat flights.

During the war, our unit, Torpedo Squadron 6 and Air Group 6, served aboard the carriers Enterprise, Intrepid, and Hancock. The Enterprise was bombed while we were aboard, the Intrepid was torpedoed and the Hancock was hit by a Kamikaze. A book is being written about our air group and I understand a TV documentary is due soon. I'm sure that our 3-man crew and plane did its share. But I'd like to know exactly what we were credited with as a crew in the 7 battles in which we took part. How many ships did we sink and how many planes on the ground did we destroy, etc.?

I'm sure that Harry Hynd, as an officer, was privy to that information especially since it had to be documented so he could get all those medals. But enlisted men didn't have access to that information and I'm so anxious to know. Possibly you could assign one of your staff to research and come up with answers to my questions, enabling me to sleep easier with my war memories.

Thanks and best personal regards,

JIM GAFFNEY.

CELEBRATING THE 1988 ASIAN PACIFIC AMERICAN HERITAGE WEEK, MAY 7-14, 1988

HON. BEN BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. BLAZ. Mr. Speaker, President Reagan has issued a proclamation proclaiming the week of May 7-14, 1988, as the Asian Pacific American Heritage Week and called upon all the people of this great country to observe the week with appropriate ceremonies and activities. This year's celebration marks the 10th anniversary of this special event.

There are 4 million Americans who can trace their ancestral roots to the Asian Pacific region. Although Asian Pacific Americans constitute a relatively small minority within the United States' population, their contribution to our American heritage has been significant, and their story is one which deserves telling and retelling. Their numbers include: Hawaiians, who established one of the first constitutional monarchies in the Pacific; the Chinese, who came to this country to help build the intercontinental railroad; the Japanese, including those who came to work on sugar plantations in Hawaii; Filipinos, who worked in the canneries of Alaska in the early 20th century; Vietnamese and Cambodians, who fled communism in Southeast Asia in the 1970's; and Korean, Thais, Asian Indians, Pakistanis, Samoan, Chamorros of Guam and the Northern Marianas, and residents of the new Pacific island nations of the Republic of the Marshall Islands and the Federated States of Micronesia, who sought for themselves and their children a better and more prosperous life in the United States of America. Despite economic hardships and racial discrimination which sorely tried their faith in American democracy, Asian Pacific Americans have distinguished themselves and have made notable contributions to our Nation in a wide range of fields, including science, the arts, medicine, literature, agriculture, industry, commerce, government and the Armed Forces. Their story, a story of courage and faith in the American dream, is one which continues to inspire and give hope to others. Through the rich and varied traditions and heritage of their homelands, and by sharing their cultures with other Americans, they have increased our Nation's rich cultural vitality.

At the signing ceremony of the proclamation of the Asian Pacific American Heritage Week last Tuesday at the White House, President Reagan commented that:

> Citizens of Asian and Pacific heritage have enriched America in irreplaceable ways, but at the same time each person's story is distinctly American, each is a reaffirmation of the kind of country we are and the values that makes us strong and free.
>
> Asian-Pacific Americans are part of the rich tapestry of American life. It is a tribute to the unifying power of America that such a diverse group whose members often have different national heritage, religious faiths, and historical experiences all come together to celebrate this occasion and to reaffirm our common bond as citizens of the United States * * *

Let me give special thanks and praise to the Asian Pacific American Heritage Council, whose abundant efforts, energies, and work help bring people together, and makes this special week of celebration a reality.

A SALUTE TO MURIEL ENTE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. STOKES. Mr. Speaker, I would like to take this opportunity to salute a valuable member of the education community, Mrs. Muriel Ente, who is retiring as principal of Coventry School in Cleveland Heights, OH. On Sunday, May 15, 1988, faculty and students at Coventry School will gather to pay tribute to this outstanding educator.

Mr. Speaker, it is an honor to salute Mrs. Ente on this special occasion. At this time, I would like to share some of her accomplishments with my colleagues.

Mrs. Ente is a graduate of Cleveland Heights School. She has taught at John Carroll University and Cleveland Heights High School. She also served as assistant principal at Belvoir, Canterbury, and Taylor Schools before assuming the leadership of Coventry School.

Mrs. Ente was inducted into the Cleveland Heights High School Hall of Fame in 1986 as a distinguished alumna. She was honored as "Outstanding Educator" by the Ohio General Assembly and is the recipient of the Administrative Leadership and Martha Holden Jennings Scholar Awards.

Mr. Speaker, I recently had an opportunity to visit with Mrs. Ente and her students at Coventry School. I witnessed firsthand her strong commitment to the educational development of our youth. I was also pleased to learn of Mrs. Ente's efforts to promote a greater understanding of the importance of world peace through the school system. As a member of Educators and Physicians for Social Responsibility, she has been concerned that children learn not only the ideals of peace, but also the skills of peacemaking. Students at Coventry have created art projects, poems, essays and dramas on this theme. Their artwork has been displayed at Ambiente Gallery, the Children's Museum, and the Cleveland Heights Public Library. The school has also established "The Muriel Ente Peace Award" in honor of Mrs. Ente. The award will be presented each year to a Coventry student who displays exceptional peacemaking behavior.

Mr. Speaker, I would like to join the faculty, students and parents of Coventry School in extending my best wishes to Mrs. Ente upon her retirement. She is a remarkable and dedicated individual.

SBA MARYLAND SMALL BUSINESS AWARDS BREAKFAST

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. MFUME. Mr. Speaker, scheduled as a finale to this Presidentially proclaimed Small Business Week, the Baltimore District Office of the U.S. Small Business Administration will hold its fourth annual Maryland Small Business Awards Breakfast on May 13, 1988. This breakfast serves to focus on the important achievements of Maryland small business owners and advocates and I rise to congratulate those awardees of my State.

Small business men and women throughout America have fostered the growth of our national economy and continue to remind us of the importance of economic freedom. Our country would not be the same without these truly talented and courageous men and women who are the backbone of the U.S. economy and I hope that all those deserving recognition will receive it during this week which is designated every year as Small Business Week.

The Maryland Small Business Awards program is recognized nationally as the best statewide program of its kind and I am proud that the State of Maryland is being recognized for its support to the small business entrepreneur.

The awardees were measured against such selection criteria as staying power, growth in number of employees, increase in sales and/or unit volume, current and past financial reports, innovativeness of product or service offered, response to adversity, and evidence of contributions to aid community-oriented projects. I commend all those awardees for the State of Maryland and thank you for making small business work for Maryland.

Awards will be presented to the following persons in Maryland: Small Business Person of the Year, George M. French, Sr., president of Arundel Housing Components, Inc.; Minority Advocate, Catherine Pugh, director of Strayer Business School; Women In Business Advocate, Marcia Ellen Weider, president of TVI Creative Specialists; Exporter of the Year, Dr. W.R. McElroy, president of Action Products, Inc.; Accountant Advocate of the Year, Daniel A. Giannini, partner with Coopers and Lybrand; Financial Services Advocate of the Year, Martin W. White, vice president of Signet Bank of Maryland; Media Advocate of the Year, John F. Gaburick and Gary B. Bassford, Media Dimensions, Inc.; and Young Entrepreneur, Marion G. Mullan, vice president of Mullan Landscape Co., Inc.

FOR A FREE POLAND

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. FLORIO. Mr. Speaker, I direct the attention of my colleagues to the deplorable events that have been taking place in recent days in Poland. Several days ago, a valiant group of workers began striking at the Lenin shipyard in Gdansk.

Their demands, which have been mirrored in other strikes in Poland, are requests to be treated fairly and with dignity. They are requests to be given the fundamental rights accorded to workers around the world. They are rights that are so important to the Polish workers that they are willing to put aside their livelihoods and strike, and willing to face the oppression and repression that materialized in 1980 when Lech Walesa and the Solidarity movement focused the eyes of the world on Poland. They are rights that go to the heart of the Solidarity movement and they are requests that Solidarity be accorded the official recognition of a labor union. To quote Lech Walesa, "Solidarity is Freedom."

The strikes in Poland are a cry for freedom and a cry for equity. In 1980, when Solidarity focused our attention on the problems in Poland, the international community was firm in indicating to Poland that the time had come to address the needs of the Polish people. Trade embargoes and economic sanctions and denunciation of the Polish Government's tactics were effective in forcing change and in forcing recognition of the rights of the Polish people.

Since 1980, positive changes have occured in Poland. As a result, the United States recently lifted economic sanctions against Poland, is resuming direct flights between the two countries, and is looking into joint trade ventures between the two nations. As chairman of the House Subcommittee on Commerce, I am interested in these developments. However, it is vitally imported that a settlement that will address the concerns of the labor strikers is reached soon and that the striking workers be treated with dignity and without oppression. To do less would be a signal to the world that Poland is not ready to participate in the world community in a meaningful way.

Mr. Speaker, I urge my colleagues to renew their support of Solidarity and the Polish people in their efforts.

TRIBUTE TO JANE BAGLEY LEHMAN

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mrs. BOXER. Mr. Speaker, recently the San Francisco Bay area and the Nation lost one of its brightest progressive forces with the passing of Jane Bagley Lehman.

I was privileged to have Jane as a friend as well as a skillful, committed ally in the fight to save the environment and help make the world a better place for all people.

Jane was born in Greenwich, CT, and educated at the Carnegie-Mellon Institute, Barmore College, and the New School for Social Research. Like many Americans of her generation, Jane was drawn into political idealism and activism in the late 1950's and early 1960's. She campaigned tirelessly for John F. Kennedy, Lyndon Johnson, Hubert Humphrey, and Jimmy Carter.

After moving to California in 1976, Jane continued her involvement in the Democratic Party, assisting my campaign tremendously and also working for Jerry Brown, Nancy Pelosi, and Roger Boas.

In addition to her numerous political activities, Jane served as a central mover and shaker in the world of philanthropy, expanding the traditional role of charity into new directions—support for environmental protection and social justice projects. She created the Tides Foundation, a powerful voice for supporters of the environment. An active businesswoman, Jane also served on the board of directors of Save the Children Federation, KQED Television, San Francisco's Institute of Medical Sciences, the Mount Zion Hospital, and the Institute of Policy Studies.

I will never forget Jane, and I join her many friends in extending my deepest condolences to her family.

THE SHIPPING SCORE: SOVIETS 2,029, UNITED STATES OF AMERICA 363

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. JONES of North Carolina. Mr. Speaker, on April 29, the Journal of Commerce carried a story that the merchant fleet of the Soviet Union is facing its worst crisis of the postwar era. As of the beginning of this year, merchantmen flying the hammer and sickle are at a postwar low of 2,029 vessels.

As the wag would say—we should have such a crisis in this country!

Mr. Speaker, I am almost ashamed to publish the statistics for the United States—the Maritime Administration currently reports that privately-owned active oceangoing vessels flying the Stars and Stripes number only 363.

We have roughly one-sixth the number of vessels of the Soviet Union. Study after study warns of the need to improve our fleet and our numbers of seagoing personnel. The most recent study, the President's Commission on Merchant Marine and Defense, issued the grave finding that there is a "clear and growing danger to the national security in the deteriorating condition of America's maritime industries."

U.S.-flag ships are crucial to the maintenance of a healthy sealift capability, and yet in the mad rush to build Star Wars and a high tech Navy, we have ignored this sector completely. In fact, so convinced is the Pentagon that the merchant marine is necessary, they recently upgraded sealift to one of the three critical functions of the U.S. Navy. That looks good on paper, but when it comes time to pay the bills, the Pentagon is nowhere to be found.

Promotional programs continue to be hacked to pieces by the administration. Funding requests for operating subsidies are lower each year, and Federal agencies don't bother to obey the Government-impelled cargo preference laws enacted to help the merchant marine stay alive. Realistic operating subsidy reform is facing enormous resistance from several different quarters. Construction subsidies for U.S. shipyards haven't been funded since 1981.

I think it's safe to say the U.S.-flag merchant marine is truly confronting a crisis of epidemic proportions, and it is time we pulled together, realized the magnitude of the problem we have on our hands, and committed the national resources necessary to turn back the tide of decline.

THE HOLY GHOST CHURCH CELEBRATES ITS 100TH ANNIVERSARY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. RITTER. Mr. Speaker, throughout the week of April 18, the Holy Ghost Church of Bethlehem, PA held special days for senior citizens, a youth day, an open house, and on Sunday, April 24, a special mass and dinner commemorating 100 years of serving the people of the Lehigh Valley. Construction started in 1887 and was completed in 1888 on Carlton Avenue, then known as Walnut Street.

Prior to that, Father Tanzer, pastor of the German Catholics of Easton in Northampton County, visited his parishioners in Bethlehem once a month. The celebration of mass first took place in a private home, then a room rented in the Town Hall on New Street, and subsequently in a church that was built on Union Street in 1856. The first Catholic school in Behtlehem was soon established in the basement of that church. In addition, mass was held more frequently by itinerant priests until 1871. IN that year, Rev. John Joseph Albert took up residency and celebrated the Sunday liturgy and other priestly duties on a regular basis.

By 1895, the membership had outgrown the structure on Carlton Avenue—Walnut Street—and therefore expanded the facilities. It is interesting to note that the 1895 expansion only takes up the space which is now the basement of the present structure.

The cornerstone was laid in 1906 and the church's three bells, the Holy Ghost Bell, the Benedictus Bell and the Magdalene Bell were installed in 1909. Bishop Prendergast formally blessed the Holy Ghost Church on September 25, 1910.

This impressive and beautiful church located on the south side of Bethlehem also was and still is very proud of its outstanding choir. The group directed by Francis L. Mies won wide acclaim as a result of two albums recorded while singing the high mass in the National Shrine in Washington, DC and at concerts in the Lehigh Valley region.

Vincent Brugger, parishioner, former altarboy and choir member fondly recalls that Rev. Aloysius Fretz organized the choir under the direction of Francis Mies who had a reputation for muscial excellence in addition to a beautiful baritone voice. Mies directed the choir for 52 years when, Cathy Sauers, his niece, took over the direction in 1985.

Mr. Speaker, this church remains an active source of inspiration for social and humanitarian development in our community. I am proud to have this opportunity to call attention to their centennial and wish the Holy Ghost Church continued success in the next century.

A SALUTE TO MR. GEORGE ANTHONY MOORE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. STOKES. Mr. Speaker, on Saturday, May 14, 1988, members of the private and public sector will gather at the Bond Court Hotel in Cleveland, OH, to pay tribute to one of Cleveland's most distinguished citizens, and a pioneer in the areas of education, religion, arts and culture and the media—Mr. George Anthony Moore. I am pleased to join our community in saluting Mr. Moore on this special occasion. Mr. Speaker, at this time I would like to share some of Mr. Moore's achievements with my colleagues.

George is best known for his extensive work in broadcast journalism. He served as news director, public service director and as an executive producer for WEWS-channel 5 in Cleveland. During his tenure, the station was the recipient of a Peabody Award for excellence in public service programming.

Currently, Mr. Moore is a professor of humanities at the Cuyahoga Community College Metropolitan Campus. Recently, the school established the "George Anthony Moore Award for Excellence in Journalism" in recognition of his numerous contributions to the field of journalism. A scholarship will be presented annually to an outstanding journalism student.

Mr. Speaker, George Anthony Moore can claim many "firsts" to his credit. He was the first black to graduate from a Jesuit College Preparatory school; the founder of the first black Negro theatre group at Ohio State University; and the first black to work full time for a newspaper, the Cleveland Press.

George lends his time and efforts to many community activities. He serves as a member of the Mayor's Community Relations Board, the Catholic Commission on Community Action, Karamu House, Greater Cleveland Boy Scouts Council, and Catholic Big Brothers. He is the recipient of the James J. Hoey Award for Catholic Interracial Justice, Urban League Six Most Distinguished Citizens Award, and the American Legion Distinguished Public Service Award.

Mr. Speaker, I would like to commend the membership of the George Anthony Moore Dinner Committee for their part in organizing this special tribute. It is an honor for me to salute Mr. Moore. He is an inspiration to our community and we take great pride in recognizing him on this joyous occasion.

EDWARD PETTINE ELECTED PRESIDENT OF MASSACHUSETTS SOCIETY OF CPA'S

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. FRANK. Mr. Speaker, recent events in a variety of fields have reminded us of how essential the function of accounting is for rational decision making in our society. The certified public accountants perform important services for all of us, and I am pleased to be able to work with them from time to time on important matters. Because I so highly value the contribution that this profession makes to us, I was especially pleased to learn that a constituent of mine, Edward "Ted" Pettine of Fall River has been elected president of the Massachusetts Society of Certified Public Accounts. Ted Pettine runs his own firm in Fall River. He graduated from Durfee High School, which is an institution of which the people of Fall River are justifiably proud. In addition to his work in the CPA Society, he performs important public service as a member of the board of regents of Bishop Connolly High School, a vice president and treasurer of the Bristol Community College, and as a director of the Fall River YMCA.

I have benefitted myself from conversations with Mr. Pettine in which he has given me the benefit of his considerable knowledge and experience in matters effected by, and effecting the practice of accounting. I believe that the Massachusetts CPA Society has chosen well in picking Ted Pettine as its president and I look forward to working closely with him and his colleages in the coming years.

THE 100TH ANNIVERSARY CELEBRATION PIEMONTE REALE BENEVOLENT SOCIETY

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. FAZIO. Mr. Speaker, I rise today to honor the Piemonte Reale Benevolent Society on its 100th anniversary celebration on May 15, 1988.

The Piemonte Reale Benevolent Society has maintained a presence in the Sacramento, CA community since its inception in 1888. This group of emigrants from the Piedmont region in northern Italy formed what was originally called the Alpi Il Lodge. In 1905, the name was changed to Piemonte Reale in honor of the king of the region.

The club is very special—it is the oldest independent Italian-American social service in California, and probably the west coast.

Three generations of the original officers and family members have carried on the tradition of the Italian culture through the Piemonte Reale. Without a national chapter or affiliation like many of the ethnic clubs throughout the country, it has survived many turbulent and challenging times—such as the hardships of the Depression; and, the post-World War I and II fear of and discrimination against Italians.

Its goal as a benevolent society is to provide health and death benefits to its members. In addition, since its inception, the group has continued to participate in and cosponsor activities to promote the Italian culture. The Piemonte Reale Benevolent Society was one of the first clubs to bring the Italian and other Sacramento communities together at its picnics and festivals featuring Italian food and entertainment. The society's accomplishments include: active participation in Sacramento's annual Camellia festival when "Italy" was the theme of the event; participation in various cultural events that sponsor groups from Italy and different parts of the United States; and, continued support for all things Italian in the community.

Mr. Speaker, as a fellow Italian-American, let me wish the members of the Piemonte Reale Benevolent Society "Felicita' e' Salute Sempre."

TRIBUTE TO CORNELIA LEACH, GOLDEN BELL AWARD WINNER

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. COELHO. Mr. Speaker, one of the greatest challenges facing our Nation's schools today and in the years to come is how to deal with the increasing number of limited English-proficient children in our country. Many schools see this as an insurmountable problem, and many teachers consider such studens a heavy burden. I am proud to report that at least one teacher in my district—Ms. Cornelia Leach of Chrysler School in Modesto, CA—is facing this problem, head-on and is succeeding in educating these limited English-proficient students.

Corny Leach has worked for the Stanislaus Union School District for more than 22 years. During this time, she has been a leader in the Stanislaus Union Teachers Association and the California Teachers Association. She is currently a second language supervisor at Chrysler, and has designed and instituted a unique program to serve the educational needs of the school's non-English-speaking students. Along with six aides, Ms. Leach is responsible for over 100 students who speak Spanish, Hmong, Korean, Chinese, Laotian, Hindu, and Cambodian—but very little English. She has risen to a challenge that most educators would find impossible, and has succeeded in motivating these children to learn. Her success at reaching these children is due in part to her philosophy that her relationship with these children cannot end at the classroom door. She often attends and participates in her students' cultural events, and is also active in many community service programs.

Mr. Speaker, Chrysler School is lucky to have as dedicated and creative and educator as Corny Leach. On May 13, her colleagues will gather to pay tribute to her in Modesto and award her with the California Teacher Associaton's Golden Bell Award for Stanislaus County in recognition of her outstanding work. I would like to join them in honoring Ms. Leach, and extend my deepest appreciation to her for all she is doing for Modesto's limited English-proficient students.

UNDERSTANDING AIDS

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. SYNAR. Mr. Speaker, from May 26 through June 30, the Department of Health and Human Services will mail a brochure called "Understanding AIDS" to every household in the United States. This mailing, in response to a congressional mandate, will provide more than 107 million households in the United States with information on AIDS and AIDS prevention.

"Understanding AIDS" offers us an opportunity to collectively focus on how to protect ourselves against AIDS and unite at the community level to care for those people who already have the disease. We can prevent AIDS and we can prevent prejudice—but only through education. That's why this mailing is an important step in fighting the disease.

The Department of Health and Human Services, the Public Health Service's Centers for Disease Control, and the Surgeon General are all to be commended for their role in developing materials to increase the public's knowledge through "Understanding AIDS."

An editorial in the Muskogee [OK] Phoenix provides a thoughtful response and valuable local perspective on this mailing. I would ask that it be inserted in the RECORD:

[From the Muskogee [OK] Phoenix, May 6, 1988]

INFORMATION IS ANSWER TO AIDS PROBLEM

Every American household will get a copy of the "Understanding AIDS" pamphlet in the mail from the government soon.

It is hoped the booklet won't get the same treatment as other mailbox-delivered mail. This brochure addressed to "Postal Patron" isn't junk mail. The information inside the literature must be read and talked about in families.

This is the first time in history a door-to-door mailing has addressed a public health issue.

We think it's a good idea.

It is hard for many to believe that people don't know that the major way AIDS is spread is through sexual contact, shared needles and syringes by drug users, infected blood or blood products or from infected pregnant women to their babies. But some don't.

Much dangerous misinformation is being circulated in publications and by word of mouth.

The numbers of persons dead or dying of the terminal disease multiplies daily. Millions of others are walking around undiagnosed—terminal timebombs.

The plain talk about a sexually transmitted disease may make some people uncomfortable. We can understand that uncomfortable feeling. But for your sake and the sake of the people who share your life, set your inhibitions aside. In the privacy of your own home, read the pamphlet and discuss it with your loved ones.

Your survival may depend on it.

SAVING THE FAMILY FARM: AMENDING SPECIAL USE VALUATION IN ESTATE TAX LAW

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. DORGAN of North Dakota. Mr. Speaker, today I and my colleagues, Mr. JACOBS and Mr. JONTZ of Indiana, Mr. PENNY of Minnesota, and Mrs. SMITH of Nebraska are introducing legislation which will help to solve an unfortunate problem for farm families. Despite congressional intent, farm widows and children are being forced to sell their farms in order to pay off large estate tax obligations. This legislation will help to keep these farms in the family and actively operating.

In 1976 Congress enacted section 2032A of the Internal Revenue Code. This provision allows for a special valuation of certain farm property for estate tax purposes. It is designed to provide Federal tax relief for the estates of decedents who died owning family farms. The purpose of this section is to allow the family to continue farming the land after the death of the owner/operator.

The special valuation that this section provided was necessary for several reasons. Generally, under estate tax principles, real property is valued at the fair-market value at the time of death. Under that general principle, a farm that has been in the family for many generations might have a very high fair-market value. If an heir had to pay taxes on that value upon the death of the owner, he or she might be forced to sell the farm in order to service this tax debt. To avoid the loss of so many family farms, the 1976 act changed the way farmland was valued for certain family farm operations. Section 2032A allows farm property to be valued based on the productivity of the present use of the land, which reflects a more accurate appraisal. Thus, the act provided for a more reasonable assessment of estate taxes.

In order to qualify for this special use valuation under section 2032A, a number of conditions must be met. For example, the family may take advantage of this provision if the land is to be retained within the decendent's family and actively farmed for at least 10 years. If, after the death of the owner, the family decided to sell or cash-lease part of the farm, it would be ineligible for the special use valuation. Further, the family must have actively farmed the land prior to the death of the owner. These conditions were meant to prevent any misuse of the law by those trying to avoid tax liability.

Regettably, some deserving farm families have been denied this special use valuation due to shortcomings in the construction of section 2032A. An heir could not use the special valuation if he or she cash-rented the property to another qualified heir after the death of the owner. For example, a husband might pass away and leave the farm to his wife, daughter, and son. The son actively operates the farm, and the wife and daughter decide that they will cash-rent their portions of the farm to him. Under this scenario, the family cannot qualify for the special use valuation, because the wife and daughter entered into a cash-lease arrangement with the son. Therefore, the land would be appraised at the higher fair-market value and the family would have to pay the higher tax liability. The family would have to sell the property to pay off this tax debt. Ironically, this is the situation Congress tried to change by passing section 2032A. The goal of section 2032A was to keep farms in the family after the death of the owner.

An additional problem also arises when farmowners cash rent to nonfamily members prior to their death. Currently, in order to qualify for the special use valuation, several conditions must be met prior to the death of the owner/operator. For example, for at least 5 of the 8 years prior to the death of the farmowner, the family must materially participate in the farm operation. For the remaining 3 of those 8 years the owner may cash rent the property to a family member or nonfamily member and still be eligible for the special use valuation. However, on the day a farmer dies, he is not eligible for the special use valuation if he is cash renting to a nonfamily member.

The predeath qualifications for special use valuation need to be amended in order to carry out the intent of Congress in passing section 2032A. Recently, I learned of a farmer who had actively operated his farm for several decades prior to his death. For personal reasons he was obliged to cash rent to a nonfamily member for 2 years before he died. The basic requirements to qualify for the special use valuation had therefore been met, that is, the farmer materially participated in the farm operation for at least 5 of the 8 years before his death and cash rented for not more than 3 of those 8 years. But, his family was denied the special use valuation after his death. Why? Because the law states that on the day of the farmer's death he cannot be cash renting to a third party and qualify. Thus, due to this shortcoming in the construction of section 2032A this farmer's heirs might be forced to sell the family farm in order to pay off a substantial tax debt, despite the fact they want to continue to actively operate the farm.

The intent of Congress in passing section 2032A was to provide relief from the highest valuation for land devoted to a family farming operation and to encourage the continued use of the land for farming by the decedent's heirs. These two examples I've provided clearly show that Congress did not completely accomplish what it set out to do.

The bill I am introducing today with my colleagues will amend section 2032A so that deserving surviving spouses and chidren will be eligible for the special use valuation. First, the bill allows a qualified heir to cash rent to another qualified heir during the 10 years following the death of the owner and still be able to take advantage of the special use valuation. Second, the bill allows a farmer to qualify for the special use valuation if the decedent cash rented to a nonfamily member on the day of his death. The bill is retroactive to 1976 so that farm families can amend their returns and retain the special use valuation.

This bill simply makes clear the original intent of Congress, which was to encourage family farms to remain within the family and operating after the death of the owner. I urge you to cosponsor this important family farm legislation.

THE 125TH ANNIVERSARY OF ST. JOHN'S CHURCH IN QUINCY, MA

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. DONNELLY. Mr. Speaker, I am pleased to call my colleagues' attention to a very special celebration this year at St. John the Baptist Parish in Quincy, MA. This fall, the church will celebrate its 125th anniversary.

Founded in 1863, the parish is planning a series of celebrations throughout the summer, culminating with a special anniversary mass to be celebrated by Bernard Cardinal Law, the archbishop of Boston, on October 9.

St. John's Church has had an important history in the development of Catholicism in Quincy and the entire South Shore area. Eleven dedicated pastors have served St. John's Church and its parishoners since 1863. According to church historians, in the early 1860's, there was no Catholic church in Quincy; to go to church, individuals had to travel by horse and carriage to the Church of Saint Peter and Paul in South Boston.

Today, 125 years later, we can see that much has changed—yet are reminded that so much transcends time and endures. In 1863, families traveled by horse to Boston to attend Sunday mass; today, families drive to St. John's and can go to mass on Saturday night if they choose. But still, much remains the same: the church built in 1863—and at one time nearly destroyed by religious bigots but rebuilt with the help of parishoners—still stands today.

That tradition of lending a helping hand and traditions of faith seem particularly evident in Massachusetts and at St. John's Parish. The old New England tradition of helping one's neighbor if their house was destroyed is that same tradition, I am sure, that helped rebuild St. John's Church. That willingness to help still exists here today, as witnessed by the efforts by hundreds of parishoners to plan the 125th anniversary celebration.

And so, Mr. Speaker, I am pleased to take this opportunity to pay tribute to St. John's Parish on this important occasion, as well as to Father Bill McCarthy who is planning the celebration of the church's 125th anniversary. I wish the church and all its parishoners happiness and success during the celebration this year.

MAJORITY OF PALAU'S LEGISLATURE ASKS FOR FEDERAL HELP TO INVESTIGATE CORRUPTION

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. DE LUGO. Mr. Speaker, the United States is fully responsible for the governing of the Western Pacific islands of Palau under a trusteeship agreement with the United Nations Security Council.

These responsibilities include, but are not limited to, developing political institutions, providing law, protecting fundamental freedoms, and controlling arms and drug traffic.

Under authority granted by Congress, the President has assigned these responsibilities to the Secretary of the Interior.

The President authorized the Secretary to reassign these responsibilities to persons within the Secretary's jurisdiction and the Secretary has delegated their exercise to a local Government in Palau.

The delegation itself was an important measure taken to meet these responsibilities. But it does not, of course, absolve the Secretary of his responsibility to see that they are met and it is not the only measure which must be taken to meet them.

Substantial assistance must also be provided if the trusteeship goal of replacing United States authority in Palau with self-governing authority is to be met.

Members of the Committee on Interior and Insular Affairs are concerned that not enough assistance is being provided to meet these responsibilities.

A committee investigation, assisted by the General Accounting Office, has revealed good reason to be concerned about serious allegations of corruption, heroin trafficking, and political violence and intimidation.

We are concerned about these problems both because of the ways that they affect the people of Palau and the United States and because the trusteeship agreement, the U.S. Constitution, and the rules of this House require that we be concerned.

We are also concerned that not providing the assistance needed to address these problems will impede implementation of a Compact of Free Association intended to replace U.S. governing authority in Palau with self-governing authority.

Chairman UDALL and I have raised our concerns several times with Secretary Hodel. After a meeting with the Secretary several weeks ago, I am hopeful that the assistance needed to address these problems and meet United States responsibilities in Palau will be provided.

A substantial majority of the members of Palau's Congress are also concerned about these problems and the failure to date to provide adequate assistance for addressing them. I ask that a letter to the Secretary signed by many of these members expressing these concerns be included in the RECORD at this point:

SECOND OLBIIL ERA KELULAU,
PALAU NATIONAL CONGRESS
Republic of Palau, April 15, 1988.

MR. DONALD P. HODEL,
Secretary of Interior, Office of the Interior, Washington, DC.

DEAR MR. HODEL: Many of us in Palau have grown weary of the continued insistence of yourself, and other officials of the United States Department of the Interior, in the face of mounting evidence of widespread corruption in our government, that this staggering problem is an internal matter for Palau. We do not have the means to solve it without United States assistance. How can you continue to insist that we have self-government, and the attendant rights and responsibilities, including law enforcement, when the United States Government has veto power over every law that we enact? Why is it necessary for us to have to remind you, again and again, that Palau is a Trust Territory and that the United States has responsibilities, as well as rights, in Palau?

This letter is signed by the majority of the thirty members of the Palau National Congress. We state to you now, clearly, so that there can be no misunderstanding: Our legislative branch lacks the means to carry out a thorough investigation into corruption in our government and we are powerless to prosecute our corrupt officials. Our legislative branch does not have its own auditor, nor does Palau have an independent prosecutor. Prosecutions are carried out strictly by the executive branch. There is no one to prosecute members of the executive branch.

For almost three months last year a large group of armed demonstrators camped outside the legislative chambers of the House of Delegates. An atmosphere of lawlesseness and intimidation, encouraged and fostered by the President of the Republic, prevailed. The police supported the demonstrators and refused to enforce the law. During this period of time, the members of the Olbiil Era Kelulau were coerced and threatened into passing several pieces of legislation, including one calling for a referendum to amend the Constitution. When a lawsuit was filed challenging the legality of that amendment, the father of the lawyer representing the plaintiffs was murdered. No one has ever been arrested in connection with that crime. As you know, the lawsuit was dismissed as a result of that violence and murder. Now, the lawsuit has been refiled. Meanwhile, another furlough of government workers is looming. The very conditions that led to violence and murder last year are developing again. We are well aware that our Constitution, as well as Secretarial Orders, give us the power to investigate corrupt government officials. Such "power" is meaningless when a gun is pointed at your head, or, as in the case of Speaker Olikong, shots are fired into your house while your children are inside.

It is a well known fact that it is the Federal Government that investigates and prosecutes corrupt State and local Government officials in the United States. This was done just recently in Guam when the former governor of Guam was tried and convicted of criminal acts. The prosecutors were not employees of the Government of Guam, they were federal prosecutors.

In the United States, no one would expect the Attorney General of the United States to investigate the President, or a State Prosecutor to investigate a Governor. Why do you continue to insist that we, in Palau, have the power to do what amounts to the same thing?

Why is the United States willing to send troops to Central America to help Latin Americans maintain their democracy, but continues to refuse law enforcement assistance to Palau, a Trust Territory of the United States?

You insult our intelligence by insisting that it is Secretarial Orders that prevent the United States from providing law enforcement assistance to Palau. Secretarial Order No. 3119 was amended on January 14, 1988, without our input or even our knowledge. This was done because it was in the interest of the United States.

Now you insist that when it is in the interest of *Palau* for a secretarial order to be amended, it simply cannot be done! You use your own Secretarial Orders in an obvious attempt to avoid your responsibilities.

It is interesting to note that United States Public Law 99-658 provides that the Compact of Free Association shall not take effect until agreements have been concluded that would provide needed law enforcement assistance to Palau. How ironic, that while Palau remains a Trust Territory of the United States, you claim that this same assistance *cannot* be provided. Do you think our heads are in the sand? Don't you think we know that if the worst possible event were to occur, and a United States government official was assassinated in Palau, that United States law enforcement assistance would be immediately available?

It has been a year since you were first requested to provide United States law enforcement assistance to Palau. The situation in Palau has gotten steadily worse since that time. It should be obvious to anyone that Palau is not capable of handling that wide-spread corruption internally.

Sincerely,

Santos Olikong, Speaker; HOD; Shiro Kyota, Vice Speaker, HOD; Surangel Whipps, Delegate; Ignacio Anastacio, Delegate; Minami Ueki, Delegate; George Ngirarsaol, Senator; Peter E. Sandang, Senator; Sam Y. Masang, Senator; Thomas Patris, Delegate; Florencio Yamada, Delegate; Isidoro Rudimch, Senator; Tommy Remengesau, Jr., Senator; Joseph T. Kintol, Delegate; Hideo S. Tell, Delegate; Mariano W. Carlos, Delegate; Kuniwo Nakamura, Senator; Laurentino Ulechong, Floor Leader, MOD.

PYTHIAN SISTERS CELEBRATE CENTENNIAL

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 9, 1988

Mr. McEWEN. Mr. Speaker, 1988 marks the centennial of the Order of Pythian Sisters—International. The Order was established as an independent auxiliary of the Fraternal Order Knights of Pythias in Cincinnati, OH, in July 1988 by Joseph Addison Hill who was born in Urbana, OH.

The work of the Pythian Sisters has done much to improve our State and Nation. Their efforts cover a broad field of civic and social service.

"Onward and Upward . . . Purity, Love, Equality and Fidelity"—the motto of the Pythian Sisters says it all.

Mr. Speaker, as they celebrate their first 100 years of community service for the good of humanity, it is appropriate that we recognize the great work of the Pythian Sisters. I commend to the attention of my colleagues a proclamation passed by the national order marking this great occasion.

PROCLAMATION

Whereas, the 1982 session of the Supreme Temple Pythian Sisters, by unanimous vote, did declare and proclaim the calendar year January 1 to December 31, 1988, the Centennial year of our Order's founding, and

Whereas, our Pythian Sister Ritual, written by Joseph Addison Hill was presented to the Supreme Lodge Knights of Pythias Session meeting in Cincinnati, Ohio, in July of 1888, for their approval, and

Whereas, said ritual was duly adopted by the Supreme Lodge Knights of Pythias in July of 1888 while in session, and

Whereas, Charles A. Bartol, Keeper of Records and Seals of Forest Lodge Number 47, Knights of Pythias of Warsaw, Indiana requested of Joseph Addison Hill permission that Warsaw be given Pythian Sister Temple Number One, thus bringing into existence the first Pythian Sister Temple on October 23, 1888 with the initiation of the first thirty-eight ladies into membership, and

Whereas, our Pythian Sister Order has served humanity with its beautiful teachings and inspiration as well as service to others through these one hundred years.

I, therefore, as Supreme Chief do proclaim January 1 through December 31, 1988 as the Centennial Year of the founding of the Order of Pythian Sisters.

Every Subordinate Temple in the Continental United States, Alaska, Hawaii and every Province in Canada is requested to join in the observance of this very special time.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, May 10, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 11

9:00 a.m.

Select on Indian Affairs

To hold hearings on S. 1976, to establish standards and procedures regarding the custody of Indian children.

SR-485

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for compensatory education for the disadvantaged, school improvement programs, impact, aid, bilingual, immigrant and refugee education, and vocational and adult education.

SD-192

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

*Environment and Public Works

Environmental Protection Subcommittee

Business meeting, to mark up S. 1751, to require vessels to manifest the transport of municipal or other vessels nonhazardous commercial wastes transported offshore to ensure that these wastes are not illegally disposed of at sea, S. 1629, to reduce the threat to human health posed by contaminants in the air indoors, S. Res. 389, to express the sense of the Senate that the Construction Grants Program under the Clean Water Act should be fully funded and implemented as authorized and intended by the Water Quality Act of 1987, and other pending calendar business.

SD-406

Special on Aging

To hold hearings to review biomedical advances in aging research.

SD-G50

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on S. 1869, Dairy Farm Protection Act, and milk marketing orders.

SR-332

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 with Air Force and medical facilities military construction programs.

SD-124

Banking, Housing, and Urban Affairs

To resume hearings on S. 2256, to provide a structure of coordination between the markets for stock, stock index futures and stock options, and to provide for an improved response to the international regulatory issues arising from the increasing worldwide linkage between markets.

SD-538

Judiciary

Antitrust, Monopolies and Business Rights Subcommittee

To hold hearings in conjunction with the Senate Steel Caucus on the U.S.-Canada Free Trade Agreement signed on January 2, 1988, to provide increased economic activity, higher trade levels, jobs, and enhanced competitiveness for the U.S. and Canada.

SD-226

Labor and Human Resources

To hold hearings on S. 2270, to provide financial assistance to State and local governments for high quality early childhood development programs for prekindergarten children.

SD-430

2:00 p.m.

Energy Natural Resources

Energy Research and Development Subcommittee

To resume hearings on S. 1480, to promote the integration of universities and private industry in the National Laboratory system of the Department of Energy in order to improve the development of technology in areas of economic potential, and Amendment No. 1627 proposed thereto.

SD-366

Judiciary

Constitution Subcommittee

Business meeting, to mark up proposed amendments to the U.S. Constitution to provide a balanced budget for the Federal Government, including S.J. Res. 3, S.J. Res. 4, S.J. Res. 8, S.J. Res. 11, S.J. Res. 25, S.J. Res. 50, and S.J. Res. 161.

SD-226

Small Business

Business meeting, to mark up S. 1993, to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and proposed legislation to authorize funds for fiscal year 1989 for the Small Business Administration.

SR-428A

3:00 p.m.

Appropriations

Business meeting, to consider subcommittee allocations of budget outlays and new budget authority allocated to the committee as contained in H. Con. Res. 268, setting forth the congressional budget for the United States Government for fiscal year 1989, 1990, and 1991.

S-128, Capitol

MAY 12

8:00 a.m.

Veterans' Affairs

To hold hearings on S. 1692, to provide for the payment of a veterans' disability benefit in the case of certain veterans who have non-Hodgkin's lymphoma, S. 1787, to prescribe certain presumptions in the case of veterans who performed active service during the Vietnam era, and to review other related agent orange issues.

SR-418

9:00 a.m.

Agriculture, Nutrition, and Forestry

Conservation and Forestry Subcommittee

Nutrition and Investigations Subcommittee

To hold joint hearings on public safety issues relative to the production of marijuana in national forests.

SR-332

Rules and Administration

To resume hearings on S. 2061, to establish national standards for voter registration for elections for Federal office.

SR-301

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for student financial assistance, guaranteed student loans, higher education, higher education facilities loans and insurance, college housing loans, education for the handicapped, rehabilitation services and handicapped research, Howard University, special institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, and Gallaudet), education research and statistics, and libraries.

SD-192

Governmental Affairs

To resume hearings on restructuring the Nuclear Regulatory Commission.

SD-342

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1989 for bilateral economic assistance programs.

S-128, Capitol

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for trade activities of the Department of Commerce and the U.S. Trade Representative.

S-146, Capitol

Foreign Relations

To hold hearings on the nomination of Walter L. Cutler, of Maryland, to be Ambassador to the Kingdom of Saudi Arabia.

SD-419

Judiciary

Business meeting, to consider pending calendar business.

SD-226

Rules and Administration

To hold hearings on S. 182 and H.R. 435, bills to establish a single poll closing time in the continental United States for Presidential general elections.

SR-301

2:00 p.m.

Energy and Natural Resources

To hold hearings on S. 2203, to extend the expiration date of title II of the Energy Policy and Conservation Act.

SD-366

Judiciary

To hold hearings on proposed legislation authorizing funds for the Department of Justice, focusing on activities of the Drug Enforcement Administration.

SD-226

MAY 13

9:00 a.m.

Armed Services

To hold hearings on the nominations of Gordon A. Smith, of Maryland, to be Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, Michael P.W. Stone, of California, to be Under Secretary of the Army, and Alan M. Elkins, of Maine, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences.

SR-222

9:30 a.m.
Governmental Affairs
To hold hearings on regulatory reform.
SD-342

10:00 a.m.
Finance
Social Security and Family Policy Subcommittee
To hold hearings on the long-term status of Social Security trust funds.
SD-215

Judiciary
To hold hearings on S. 1250, to provide assistance to State and local governments to strengthen the criminal justice system.
SD-226

MAY 17

9:00 a.m.
Rules and Administration
To hold hearings on S. Res. 260, to amend the rules of the Senate to revise current committee structure and designations, and S. 1835, to establish a procedure for consideration of conference reports on a bill or joint resolution making continuing appropriations for a period of 30 days or more.
SR-301

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1989 for bilateral economic assistance programs.
S-126, Capitol

MAY 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

10:00 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings to review the issue of cashing government checks by banks for non-customers, and S. 2110, to provide access to check cashing services.
SD-538

Governmental Affairs
Government Efficiency, Federalism, and the District of Columbia Subcommittee
To resume hearings on S. 1992, to promote intergovernmental and interagency cooperation in the development of groundwater policy.
SD-608

1:30 p.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on S. 1731, to establish a demonstration program to provide educational and job-training services for severely disadvantaged youths.
SD-430

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the President's proposed budget request for fiscal year 1989 for the Department of Energy, focusing on renewable energy and energy conservation programs.
SD-366

MAY 19

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

Energy and Natural Resources
To hold hearings on the Economic Regulatory Administration's prosecution of individuals in oil overcharge cases under the "central figure" theory of recovery in restitution, as adopted in Citronelle-Mobile Gathering, Inc. et al, v. Herrington, 826 F. 2d 16 (TECA 1987).
SD-366

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1989 for bilateral economic assistance programs.
S-126, Capitol

Banking, Housing, and Urban Affairs
To hold oversight hearings on the condition of the Federal Savings and Loan Insurance Corporation and the thrift industry.
SD-538

MAY 20

10:00 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1461, to convey certain lands to the YMCA of Las Vegas, Nevada, S. 1687, to correct historical and geographical oversights in the establishment and development of the Utah component of the Confederated Tribes of the Goshute Reservation, S. 1849, for the relief of Mr. Conwell F. Robinson and Mr. Gerald R. Robinson, and S. 2264, to exchange certain Federal mining rights for certain lands in New Mexico.
SD- 366

Finance
Social Security and Family Policy Subcommittee
To resume hearings on the long-term status of Social Security trust funds.
SD-215

MAY 23

8:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain activities of the Departments of the Interior and Energy.
S-128, Capitol

10:00 a.m.
Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold oversight hearings on the Department of the Interior's royalty management program.
SD- 366

MAY 24

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the President's proposed budget request for fiscal year 1989 for the Department of Energy, focusing on nuclear reactor and space nuclear power research and development programs.
SD-366

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the conclusions and recommendations of the President's "Working Group on Financial Markets."
SD-538

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Finance
To resume hearings on children's health care issues.
SD-215

2:30 p.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on tourism as an export.
SR-253

MAY 25

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

Commerce, Science, and Transportation
To hold hearings on insurance antitrust matters.
SR-253

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold oversight hearings on the condition of the banking industry.

SD-538

Veterans' Affairs

To hold hearings on S. 1997, to reduce the monthly reduction of an individual's basic pay for the provision of basic educational assistance and provide for the payment to survivors of basic educational assistance paid for, but unused, by the participant, provisions of H.R. 4213, Montgomery GI Bill Amendments of 1988, and S. 2307, to make certain improvements in the educational assistance programs for veterans and eligible persons.

SR-418

2:00 p.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings to review the local rail service assistance program and related measures, including S. 2174 and S. 2195.

SR-253

MAY 26

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-138

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1967, to provide for the establishment of the Tallgrass Prairie National Preserve in the State of Oklahoma.

SD-366

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold oversight hearings on the condition of the thrift industry.

SD-538

Finance

To resume hearings on children's health care issues.

SD-215

JUNE 7

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for export financing programs.

S-126, Capitol

JUNE 8

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

JUNE 9

9:00 a.m.

Veterans' Affairs

To hold hearings on S. 2011, to increase the rate of VA compensation for veterans with service-connected disabilities and dependency and indemnity compensation for the survivors of certain disabled veterans, S. 1805, to protect certain pensions and other benefits of veterans and survivors of veterans who are entitled to damages in the case of "In re: 'Agent Orange' Product Liability Litigation", and to hold oversight hearings on activities of the Board of Veterans' Appeals, and related matters.

SR-418

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

JUNE 10

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for defense security assistance programs.

S-126, Capitol

JUNE 14

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for foreign assistance programs.

S-126, Capitol

JUNE 16

9:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for foreign assistance programs.

SD-192

9:30 a.m.

Veterans' Affairs

To hold hearings on S. 2207, to authorize the Administrator of Veterans' Affairs to provide assistive simians and dogs to veterans who, by reason of quadriplegia, are entitled to disability compensation under laws administered by the Veterans' Administration, S. 2105, to extend for 4 years the authority of the VA to contract for drug and alcohol treatment and rehabilitation services in halfway houses and other certain community-based facilities, and S. 2294, to extend the authority of the VA to continue major health-care programs, and to revise and clarify VA authority to furnish certain health-care benefits, and to enhance VA authority to recruit and retain certain health-care personnel.

SD-418

JUNE 24

9:30 a.m.

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold hearings on Japanese patent policy.

SD-253

CANCELLATIONS

MAY 10

9:30 a.m.

Environment and Public Works

Hazardous Wastes and Toxic Substances Subcommittee

To hold oversight hearings on applying the National Environmental Policy Act to United States activities involving international financial institutions.

SD-406

SENATE—*Tuesday, May 10, 1988*

(Legislative day of Monday, May 9, 1988)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable ALBERT GORE, JR., a Senator from the State of Tennessee.

The PRESIDING OFFICER. Our prayer today will be offered by Rev. Sherman Davidson of Grafton, WV. Reverend Davidson is sponsored by Senator BYRD.

PRAYER

The Reverend Sherman Davidson offered the following prayer:

Let us pray:

Almighty God, who calls Your children of each generation to be Your servants: Lay upon these hearts of these Senators the task You have placed before them, the task of serving our generation and the people of this great land. We would pray that their faith in You and in the salvation of Christ may be a living response of those they serve.

Father, we have followed in the footsteps of our forefathers, anxious to learn more about Christ, and this great country. Sometimes when we discover that those footsteps lead to our calling as workers, leaders, and teachers, we hesitate to keep following with determination and zeal. Forgive us when we have been reluctant to commit ourselves to the service for which You have called us.

Cause each Senator to feel and accept the responsibility that rests upon each of them as servants of this great country, Your son, our Savior; through whom we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 10, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ALBERT GORE, JR., a Senator from the State of Tennessee, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. GORE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE GUEST CHAPLAIN

Mr. BYRD. Mr. President, I know that I speak for our colleagues in expressing appreciation for our guest chaplain this morning and for his inspiring invocations.

The Reverend Sherman Davidson is a member of the West Virginia Annual Conference of the United Methodist Church. Serving a four-point circuit of local churches near Grafton, WV, Mr. Davidson is also the current president of the Taylor County Ministerial Association.

The Reverend Davidson and his wife Aldene, have one daughter, Pamela Sue, and we are glad to have the Davidson family as our guests today. I hope that their visit to Washington will be interesting and memorable and enjoyable.

RESERVATION OF REPUBLICAN LEADER'S TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the distinguished Republican leader be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Wisconsin.

DOD INCREASES PROCUREMENT COMPETITION—A LITTLE, MAYBE

Mr. PROXMIRE. Mr. President, last March 31 the New York Times carried a front page story headlined: "Competition for Contracts Trims Pentagon Costs." The story quoted the Deputy Under Secretary of Defense for Procurement as saying: "Nothing has driven down prices as much as competition." When I read that story I asked Richard Kaufman, the counsel for the Congressional Joint Economic Committee and a longtime expert on defense procurement, to analyze the significance of this Pentagon claim. After all, here was an administration that had announced a vigorous campaign to increase efficiency and reduce defense procurement costs when it took office. How did competition rate as a tool for achieving this end at that time? The new team at the Department of Defense listed 31 policies it intended to press to achieve its lower cost aim. Where did competition rank? The answer is that competition literally ranked nowhere. The Defense Department could not find a place in its almost endless list of greater efficiency policies for competition. When this Senator pointed this out and complained about it, the Defense Department added a 32d category, to wit—increased competition.

Of course, this was no surprise. Competition and the Defense Department go together about the way a typical 6-year-old boy and taking a bath go together. They don't. DOD has had to be pushed, pulled, spanked, kicking and screaming into competition. This has been true under all administrations—Democratic and Republican. There is in DOD an overpowering tendency to reward old familiar friends of Pentagon officials with Defense contracts. After all the experts who are brought into the Pentagon to manage procurement come overwhelmingly from the defense industry. These experts are said to have the unique, practical experience in building the tanks and planes and ships and missiles the Defense Department must have. Some do have expertise. Some do not. But they almost all have that strong defense industry connection. Similarly when the corporations that produce the multibillion dollar weapons systems the Defense Department procures are looking for the best qualified salesmen where do they look? If the Defense contractors are realists there is only one place to look. Where is that? That is from among the current or very recent procurement officials at the Defense Department itself. Competition based on vigorously solicited formally advertised bidding rudely interrupts the chummy relationships between DOD procurement officials and their past or prospective employing corporations.

With this in mind, consider what Richard Kaufman, the Joint Economic Committee procurement expert, discovered in the investigation I requested of the New York Times story on the Defense Department's present romance with competition. In 1984 the Congress enacted the "Competition in Contracting" Act. Is it working? Yes and no. Since then the DOD has increased what they call "competition" significantly. That is, contracts awarded competitively, under the terms of the new law, increased in numbers and in dollar value in proportion to overall procurement.

If this is so why is my answer to whether competition is increasing at the Pentagon "yes and no" instead of just "yes"? Answer: competition is defined by the act to include negotiated contracts where two or more bids are received, as well as what used to be called "formally advertised," and is now referred to as "sealed bids." In this Senator's book formally advertised bidding or "sealed bids" represents a policy much closer to effective competition than contracts where only two or three firms bid. So what has been the record on formal advertising or sealed bids? The answer: not good. Only a very small percentage of contracts are awarded through sealed bids. In the early 1960's, only about 12 percent of total procurement was formally advertised. Now it is worse. Only about 5 or 6 percent of procurement is through what this Senator would call real competition.

There is also the matter of the accuracy and completeness of DOD's statistics. Is the Pentagon cooking the books? In 1982, the General Accounting Office questioned the way DOD was reporting the facts about competition, and the way the base was being changed from one period to another. GAO said then, "In our opinion, DOD's presentation of, and changes to, its statistics could decrease the credibility of the statistics and could even lead to a real decline in competition." DOD's presentation of the facts is still very much in question.

This puts a different spin on the formally released DOD figures that show competition has increased from 42.9 percent in 1984 to 57.2 percent in 1986. There is the appearance of increased competition partly because the law now requires it and partly because DOD is presenting the figures in a misleading way.

So yes competition for defense procurement may have increased since the passage of the 1984 act requiring more competition. But not by as much as is claimed by the DOD. There is still a very long way to go. Last year the General Accounting Office reported on the effects of the Competition in Contracting Act. It confirmed the fact that what the law now calls competition has increased. It criticized, however, DOD's manipulation of the data and the lack of compliance in some areas.

To be specific, DOD excludes a large part of its procurements which are not subject to competition. This shrinks the base and exaggerates the proportion of competitive awards. Other changes in the statistics suggest the current figures are not comparable with earlier figures. The improvement since 1984 in Defense procurement has certainly been overstated and comparisons with the years before 1984 may not now be possible. How does DOD classify a procurement in which only one contractor submits a proposal? This Senator would say that contract was not competitive. But that's not the way DOD classifies it. A contractor competing only with himself because only he submitted a proposal is considered by the Pentagon to have won a competitive bid. Some competition!

GAO found cases where DOD rigged the solicitation by restricting it to a product made by only one manufacturer. Yet DOD considered the awards to have been made competitively.

In all fairness there is one indicator that defense contracting is more competitive than it used to be. The Defense contractors are complaining about the policy. They don't like the fact that notices of DOD's intent to solicit proposals for a new contract are now published in the Commerce Daily. So what's new? Obviously to the extent that there is any competition defense industry profits are reduced. Would anyone really expect the Defense contractors to like that?

Mr. President, I ask unanimous consent that the article from the March 31 New York Times by Richard Stevenson "Competition for Contracts Trims Costs for Pentagon" be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 31, 1988]

COMPETITION FOR CONTRACTS TRIMS COSTS FOR PENTAGON

(By Richard W. Stevenson)

LOS ANGELES, March 30.—Since 1985, when the Navy ended the General Dynamics Corporation's monopoly on producing the Tomahawk cruise missile and encouraged competition from the McDonnell Douglas Corporation, the missile's average price has fallen to $653,000, from slightly more than $1 million.

The competition between the companies has been a major factor in reducing the program's total cost by more than $2 billion in the past three years, Navy officials said. In addition, many quality problems have disappeared.

The Tomahawk program, is one of the most dramatic examples of how the Pentagon, under pressure from Congress, has reduced the cost of many weapons systems in the last several years by pitting arms makers in head-to-head battles for production contracts. While cost overruns and other procurement horror stories have by no means been wiped out, the policy has produced similar successes for a variety of missiles, jet engines, electronic components and other hardware.

"Nothing has driven down prices as much as competition," said Eleanor Spector, the Deputy Assistant Secretary of Defense for procurement, in an interview.

For an industry long accustomed to single-source production contracts and almost guaranteed profits, the move toward rough-and-tumble competition has come as a rude shock.

The policy has also raised questions about whether companies will be discouraged from bidding on complex programs and about whether some will be driven out of the business.

NO MORE GUARANTEES

The armed services have always held competitions among companies wanting to design new weapons. But the winner used to be able to count on receiving a monopoly contract to manufacture what it designed. Now, in the wake of widely publicized procurement scandals and Congressional pressure for a tighter rein on contractors, that assurance is gone.

Last year, of the $49.4 billion spent on procuring goods and services by the Navy, 55.3 percent was awarded under competitive contracts, up from 30.5 percent in the 1983 fiscal year. Of the Air Force's procurement spending of $40.4 billion last year, 56.5 percent was competitively awarded, up from 32.4 percent in 1983.

Now, at a time when new military business is increasingly scarce, executives of most companies think they have no choice but to play the new game.

One such contractor is the Hughes Aircraft Company, a subsidiary of the GM Hughes Electronics Corporation, which has lost shares of several missile programs in the last few years to the Raytheon Corporation. Hughes is now turning around and suggesting to Congress that the building of Raytheon's Hawk and Patriot missiles be opened to competition from a second source.

"If our business gets second-sourced and we don't get other people's business, we're going to end up with less and less," said Donald H. White, president of Hughes. "You can't do that just because you disagree with the policy."

Similarly, executives at the Lockheed Corporation are rethinking their policy of not pursuing "second source" business. "We've been standing on the sidelines with a sneer," one Lockheed executive said. "Now our people are saying we should take a closer look."

THE SHAPES OF COMPETITION

In some cases the new push for competition has meant adding a second producer to compete with the original one. In others—including the Advanced Tactical Aircraft program, one of the Navy's biggest projects for the 1990's—it has meant letting contractors know from the beginning that two companies would vie for the lion's share of the production each year.

The winning bidder in most programs can be awarded anywhere from 51 percent of that year's business to all of it, though the losers can generally count on receiving something—often 30 percent or so. On the Tomahawk program, for example, General Dynamics will produce 70 percent of this year's allotment, McDonnell Douglas won 60 percent last year.

One criticism of the system, in fact, is that it could be more profitable for a company to be the high bidder and win a minority share of the production than to be an aggressive low bidder and win the majority.

While reducing prices is the primary motivation for competition, the policy also clearly helps the Pentagon motivate companies to clean up quality problems. "We have some leverage," said Rear Adm. Robert Moore, the Navy's Competition Advocate General."If one of the sources doesn't look like someone we should be doing business with, today at least we have a choice."

EXAMPLES OF SUCCESS

On both scores, the military claims many success stories.

Bringing in the General Electirc Company to compete with the Pratt & Whitney division of the United technologies Corporation to build engines for the F-15 and F-16 fighters could save the taxpayer up to $4 billion over 20 years, said Anthony J. DeLuca, the Air Force's Competition Advocate General.

The Air Force said the savings would come both from price and from major improvements in design, efficiency and reliability that have occurred since 1985, when G.E. entered the bidding.

The price of the Army's helicopter-launched Hellfire missile has fallen from $43,000 each in 1983 to $28,000 each, largely because of competition between the Rockwell International Corporation and the Martin Marietta Corporation.

The Air Force saved enough from the Maverick missile competition between Hughes and Raytheon to acquire 3,357 of the air-to-surface missiles last year, instead of the 2,000 it had planned.

The push for competition is also expanding to include subcontracts and spare parts. Rockwell, for example recently became a second producers of the guidance device for the MX missile. the Northrop Corporation has been the sole producer.

WARNINGS FROM THE INDUSTRY

For their part, industry executives say they support competition in many cases. But they increasingly think that the armed services are taking the policy too far, and warn of risks that extend beyond their own financial discomfort.

At a time when military contactors already face new procurement rules that increase their financial risk and lower their profits margins, critics of the competition policy contend many wars will discourage companies from investing in the research and technology needed to produce the most advanced and reliable weapons. Ultimately, they say, the combination of more competition and tougher contract terms will keep some companies from bidding on some projects, and could even force them out of the business altogether.

"They are destroying the opportunity for American industry to stay at the leading edge of technology," said Fred Wood, an executive vice president at General Dynamics.

In addition, industry executives note that the Pentagon's budget is likely to be flat or declining in coming years. This could mean that annual purchases of some types of weapons will no longer be high enough to enable more than one contractor to produce those weapons profitably.

CAUTION IN THE GOVERNMENT

Some Government officials and other experts agree that there is cause for concern.

"There have been cost savings from the increase in competition," said Senator Jeff Bingaman, a Democrat from New Mexico who is chairman of Defense industry and Technology subcommittee of the Senate Armed Services Committee. "At the same time, the concerns that some industry people raise are valid. You can get to the point where you're emphasizing cost at the expense of quality, and you can build in disincentives for a firm investing in research."

Industry executives say the cost savings exaggerated by the armed services because even a monopoly producer's prices often fall as assembly workers and technicians become more experienced on a project.

Analysts caution that not every competitive production program will generate savings in the long run. On those projects where rival companies must invest large sums in tooling and machinery, low bids may be followed by higher ones down the road as competitors scramble to recoup their outlays, analysts say.

THE LIMITS ON COMPETITION

On other projects, the Pentagon acknowledges that it is unclear whether its large investments to help new bidders get up to speed will pay off in the form of sufficiently low prices. "The jury is still out on some of the larger programs," said Mrs. Spector, the procurement official.

Military officials say they are aware of the limits to using dual sourcing.

Despite Congressional pressure that followed rumors of major problems with production of the B-2 Stealth bomber, the Air Force decided last year that, because only 132 are to be built, establishing another production source was not financially feasible. Northrop is the sole producer.

Similarly, the Air Force concluded last year that no company could match the efficiency of General Dynamics in building the 1,800 F-16 fighter jets it wants to acquire in the next 12-years.

Industry executives and analysts say the potential for the competition policy to be harmful and unfair is highest when a second producer is added after the original contractor has invested heavily in developing a particularly complex or difficult new product.

Hughes Aircraft spent more than $250 million developing the Advanced Medium-Range Air-to-Air missile on the assumption that it would recoup its investment in the production phase. But when Raytheon was given a share of the production, analysts said, it became clear that Hughes might never recover its investment.

Cases like that are making companies wary of competing in the expensive research and development phase of a program, which is where the technical breakthroughs usually come. "We have seen an added reluctance on the part of managements to commit resources to risky R&D, programs and then have someone come in and pick off half their production," said Jerry Cantwell, an analyst at Wertheim Schroder & Company, a securities firm.

Independent research and development spending by companies has been falling in recent years according to Defense Department figures published in a recent study sponsored by several industry associations. Those expenditures dropped to $4.9 billion, or 4.4 percent of the total value of military contracts, in 1986, from $5.1 billion, or 5.8 percent of the contracts, in 1984.

Mr. PROXMIRE. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

IMPACT OF SOVIET POLICY GOALS

Mr. COCHRAN. Mr. President, during the week after Easter I had the honor of being part of a Senate delegation led by the distinguished Senator from Ohio, Mr. GLENN, and the Senator from Alaska, Mr. STEVENS, to Czechoslovakia and Poland. The purpose of our trip was to examine the impact, if any, of the policy goals recently stated by the Soviet leader of glasnost and perestroika—openness and economic restructuring—on Eastern European and Central European countries. It was an interesting opportunity to talk with the Communist leaders of those countries to get their impressions of what may be the impact on their societies and also to talk with others, those who have been pushing for change for a good while in both the nations we visited.

An article in the Christian Science Monitor of May 4 by John Hughes presents an interesting discussion of the upheaval that is occurring in Poland today. I think the author captures the essence of the struggle there when he says:

> This jousting between workers and the ruling regime, however, is all part of a larger picture in which Poles keep testing and nudging, pressing for as much reform as can be permitted by a regime that must keep Moscow happy.

This, I think, describes the aspirations of those who live in these Communist regimes for more democracy and for more economic progress.

We found in Poland a great deal of economic hardship and a great deal of pressure for economic change.

In Poland, since 1981 at least, when Solidarity emerged as a focal point for resistance to the status quo, there has been a lot of openness and speaking out against some of the policies of the Communist regime, not only by the church, but by alternative newspapers and among rank and file citizens, a lot of pushing and nudging for change.

In Czechoslovakia, the Government is much more repressive and much more resistant to change of any kind, not tolerating in the least any expressions of opposition through newspapers, open meetings, or demonstrations of displeasure. There is really quite a contrast between Poland and Czechoslovakia.

I commend to the Senate the report of this delegation, which discusses the group's findings and observations.

I want to commend our Deputy Secretary of State, John Whitehead, for the initiative he has led in trying to find out more about the opportunities we may have for interaction with these Eastern European and Central European countries in trade, the discussion of arms control, and the ongoing mutual balance of force negotiations. All of these concerns are elements of the larger picture that John Hughes so clearly discusses in his recent article.

Mr. President, I ask unanimous consent that a copy of the article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Christian Science Monitor, May 4, 1988]

Poland's Upheaval

(By John Hughes)

Is Poland to be the flash point for change in Eastern Europe?

We have been witnessing the worst labor unrest there in years, with thousands of workers on strike. They have been striking for higher wages, in the face of escalating consumer prices, and also for some political concessions.

Gen. Wojciech Jaruzelski's ruling regime may have bought some temporary peace by capitulating to some of the workers' economic demands, and the workers do not appear to be pressing their political case. But it is difficult to believe that confrontation is at an end.

In theory, the labor unrest has developed because of the worsening economic situation. Last year the government offered a plan for economic reform, which included substantial increases in consumer prices. In a referendum, voters emphatically rejected the plan, but the government went ahead with it anyway. With prices up, workers demanded higher wages. Hence the strikes.

This jousting between workers and the ruling regime, however, is all part of a larger picture in which Poles keep testing and nudging, pressing for as much reform as can be permitted by a regime that must keep Moscow happy.

The Poles are Western-oriented and freedom-loving, but they live in a country that Moscow considers part of its East European preserve.

Much of Polish agriculture is private, the Roman Catholic Church is a powerfully significant factor, and despite all the hobblings of the regime, there is a lively and irreverent press. But still, Warsaw must pay allegiance to Moscow.

Poles may experiment with liberty, but it must be experimentation within a communist framework, lest the Red Army's tanks and legions be dispatched to teach the Poles a lesson and bring them to heel.

The restless Poles present an interesting challenge for Mikhail Gorbachev at this time. He has signaled that he is prepared to countenance a fair degree of economic restructuring and diversity in Eastern Europe if that will stimulate productivity and a better living standard. But he has also made it clear that this liberalization in the economic sphere does not extend to the political.

While there may be resistance to economic reform in some communist countries, there is none in Poland. But unleashing the Poles could mean sweeping away the Polish Communist Party, which is weak and ineffective. Mr. Gorbachev cannot afford to see Poland drift out of the communist bloc. He would face strong criticism from his conservative foes inside the Soviet hierarchy.

But a Soviet crackdown to maintain Poland in the communist fold would shatter the genial image Gorbachev has been projecting to the noncommunist world. It would be particularly embarrassing on the eve of his summit meeting with President Reagan.

For the first time in eight years, Western ambassadors attended the May Day parade in Moscow, ending the boycott caused by the Soviet invasion of Afghanistan. It would be disastrous for the Soviet image if, just after emerging from the Afghan sinkhole, they were to suffer world calumny for invading Poland.

All the indications are that Gorbachev wants General Jaruzelski to handle the recent troubles quietly and quickly, and without resort to embarrassing force. But beyond the traditional desire of the Poles for freedom, there is the whiff of glasnost, or openness, in the air. To Gorbachev, glasnost means the freedom to discuss more openly how to make communist societies work better. To many Poles, it is license to carve out a better society, communist-style or not.

It is this ongoing and larger confrontation that lies in back of the current labor unrest.

Mr. COCHRAN. I thank the Chair.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ABE STOLAR

Mr. SIMON. Mr. President, this morning's Washington Post has an article entitled "The Bitter Pilgrimage of Abe Stolar." Some of you may remember that yesterday I addressed the Senate for a few minutes talking about Abe Stolar. He is an American citizen who through a series of circumstances has found himself in the Soviet Union. He is from Chicago originally, went over to the Soviet Union as a very young man, his father thought communism was going to be paradise, all of a sudden his father was killed by Stalin, and they found themselves in a horrible situation.

Abe Stolar and his family want to emigrate from the Soviet Union. They ought to have that opportunity. I hope this summit meeting, and I hope the attendant publicity that goes with it, will result in some action.

I tried to call Ambassador Dobrynin yesterday to discuss this with him. I will probably be hearing from him today.

I visited with Abe Stolar in the Soviet Union. He has been trying to get out for 14 years now. He is given permission, but he cannot take his whole family with him. Obviously, he does not want to leave under those circumstances.

I want improved relationships with the Soviet Union. You want improved relationships, Mr. President. But one of the ways the Soviet Union improves relationships is to permit people to emigrate under situations in which Abe Stolar and his family find themselves. I hope the Soviet Union will take this action. I hope President Reagan and Secretary Shultz will bring this matter up when there is a summit meeting.

IN HONOR AND MEMORY OF MARTHA KIME PIPER, PRESIDENT OF WINTHROP COLLEGE

Mr. THURMOND. Mr. President, Winthrop College, as well as the State of South Carolina, suffered a great loss with the death of Mrs. Martha Kime Piper, who died on April 26, at age 56.

Mrs. Piper, the first woman president of a 4-year college or university in the Carolinas, was one of the most highly respected and capable presidents in the long history of Winthrop College. During her tenure, Mrs. Piper organized many significant programs that brought together local business leaders and students for the purpose of improving the quality of education. Winthrop became the Nation's first public college to participate in the NAACP fair share hiring and purchasing program, which promotes hiring and awarding contracts to minorities. Mrs. Piper's leadership was a great asset to Winthrop College, the community of Rock Hill and the entire State.

In February of this year, Mrs. Piper was named "South Carolina Career Woman of the Year" by the South Carolina Society of Business and Professional Women. She was a member and vice chairman of the Lieutenant Governor's task force for the future and a member of the State attorney general's antidrug task force.

We are deeply saddened by the death of Mrs. Piper, but we know that her life and accomplishments will serve as an outstanding example for future generations of South Carolinians. Mrs. Thurmond joins with me in extending our deepest sympathy to her daughter, Penna Piper, and her son, Mark Piper.

Mr. President, I ask unanimous consent that an article and an editorial from the State newspaper and an editorial from the Rock Hill Herald newspaper on Mrs. Martha Kime Piper be printed in the Record following my remarks.

There being no objection, the article and editorial was ordered to be printed in the Record, as follows:

[From the State, Apr. 26, 1988]

Winthrop Leader Dies

(By Scott Johnson)

Martha Kime Piper, the president of Winthrop College for less than two years, died Sunday of cancer and complications brought on by flu, the college said.

A Virginia native whose ties to Winthrop extended through three generations, Dr.

Piper, 56, died at 11:05 p.m. at Presbyterian Hospital in Charlotte, hospital officials said.

News of her death shook the state-supported liberal arts college Monday, although the president had been ill for more than a week from what was described as intestinal flu.

She had not participated in campus activities since an honors banquet April 10. But even close friends who learned last summer that she had cancer said Monday they were surprised by her death.

"When I talked with her Friday, she said she hoped to be home over the weekend or on Monday," said Mary Sue McElveen, chairwoman of the Winthrop board of trustees.

"I did not know this was imminent. I did know she underwent surgery last year, but she was a very private person and didn't discuss her illness. . . . It's a tragic loss."

Mrs. McElveen described Dr. Piper as a "super organizer" who accomplished much in her brief tenure. Others agreed and noted that the college again must search for a president—its fifth in six years, counting two interim presidents.

Dr. Piper was the first woman president of any four-year institution of higher education in the Carolinas. She was inaugurated as Winthrop's eighth president in November 1986 during ceremonies marking the college's 100th birthday.

"Her passing will leave a void among her family, her friends, and within the higher education community to which she was so devoted," Gov. Carroll Campbell said Monday.

"It was my privilege to work with her on several matters, and I found her to be a woman of high character and boundless energy who made a significant and lasting contribution to Winthrop College," Campbell said.

Fred Sheheen, state higher education commissioner, described Dr. Piper as a "person of great vision and courage" and an able college president.

Dr. Piper led Winthrop in several innovative directions, Sheheen said.

During her tenure, Winthrop became the nation's first public college to participate in the NAACP's Fair Share hiring and purchasing program, which promotes hiring and awarding contracts to minorities. Winthrop and York Technical College launched a joint remediation initiative. Winthrop also had emerged as a leader among state institutions on quality assessment.

Mike Smith, Winthrop's senior vice president for academic affairs, said Dr. Piper had a "remarkable impact" and accomplished a great deal—particularly in involving local business and community leaders in the college's affairs.

Smith will serve as acting president until a replacement is appointed.

Dr. Piper was active in community affairs and in promoting the college in the General Assembly. In February, the South Carolina Society of Business and Professional Women named her South Carolina Career Woman of the Year.

Smith said under her leadership, the college developed a five-year plan that included a new thrust in the visual and performing arts—an area in which Dr. Piper saw great promise.

Dr. Piper also was a member and vice chairman of the lieutenant governor's Task Force for the Future, and a member of the state attorney general's Anti-Drug Task Force.

Her career in higher education spanned more than 25 years. Besides her work in college and university administration, she had been involved in scholarly research and teaching. She was the author of more than 25 publications.

She once said her appointment as president was like coming home.

Dr. Piper's grandmother, Mary Phelps Walker, worked at the college about 90 years ago under D.B. Johnson, its founder and first president.

Her mother, Katerhine Walker Kime, graduated in the Winthrop class of 1917. Her sister, Florence Kime Logan, is a 1949 graduate.

In an interview after her appointment, Dr. Piper said she had planned to attend Winthrop, but changed her mind and decided not to follow in her older sister's footsteps.

She went instead to her father's alma mater, Roanoke College in her native Salem, Va. In 1987, she received the Distinguished Alumnus Award from Roanoke, where she was a member of the board of trustees.

[From the State, May 1, 1988]

Loss for Winthrop

During her 23 months as president of Winthrop College, Martha Kime Piper was an innovative and energetic educator. Her sudden death Sunday has left the state-supported liberal arts college again searching for a leader.

A native of Virginia, Dr. Piper was the first woman president of a four-year college in the Carolinas. She came to Winthrop after serving as chancellor of the University of Houston-Victoria in Texas. And during her quarter-century in the field of higher education, she not only was involved in college and university administration but also in scholarly research, teaching and writing.

At Winthrop, Dr. Piper led the way in developing innovative programs for quality assessment and for hiring and awarding contracts to minorities. She was active in community and state affairs and served as vice chairman of the lieutenant governor's Task Force for the Future and as a member of the state attorney general's Anti-Drug Task Force. In Feburary, the S.C. Society of Business and Professional Woman of the Year.

Winthrop trustees have appointed the college's senior vice president for academic afairs, Dr. Mike Smith, as interim president. He is the sixth person—including two other interim chiefs—to hold the position in as many years. This lack of continuity is especially difficult for a state-supported school that must set long-range goals for educational excellence and cope, at the same time, with the politics of government funding.

However, Winthrop trustees showed particular wisdom in choosing Dr. Piper, whom state Higher Education Commissoner Fred Sheheen described as a "person of great vision and courage." Thus, we are confident the board will seek someone with her outstanding qualities to guide Winthrop's future.

[From the Rock Hill (SC) Herald, Apr. 26, 1988]

Piper's Legacy of Caring

The death Sunday night of Winthrop College President Martha Kime Piper shocks and saddens. The college and our community have lost a genuine leader and friend.

Perhaps it's telling that so few people were aware of the severity of Dr. Piper's declining health; it was not her nature to focus attention on herself.

It was her nature, rather, to work hard and to see that things got done; especially those things that made for a better Winthrop College. In less than two years as the school's top administrator, the first woman president of this or any other four-year college or university in the Carolinas clearly made her impact felt. She leaves a legacy of caring about academic excellence in higher education and about Winthrop's role in our community and state, even our nation.

This, then, is a time to reflect on the good works she accomplished here. Winthrop's increased emphasis on academic standards, its fair-share agreement with the National Association for the Advancement of Colored People, its renewed interest in upgrading some of its fine old buildings and making the campus more picturesque, its higher profile in state government—all that and much more was spearheaded by Martha Piper.

As evidenced by her involvement in such activities as South Carolina's Task Force on the Future, she took seriously her responsibilities to make Wintrop, Rock Hill and South Carolina better places in which to learn, live and work. That she could put her personal stamp on important decisions affecting the future of our state without ruffling feathers is a testament to the grace and dignity with which she served as president, as well as the respect she engendered among those around her.

Perhaps of greatest import within the Rock Hill community, President Piper set a tone of involvement in, and interaction with, the city of Rock Hill and its many business and civic organizations. She took part in numerous community functions that, truth be known, she really didn't have to participate in. She wisely recognized that Winthrop isn't an island stuck in the middle of Rock Hill, that the college and city are inexorably linked as they face the future.

As the college and community mourn the death of President Piper, one hopes her example, her legacy will live on. Indeed, carrying on that legacy would be a fitting honor to someone who gave so much of herself to Winthrop and Rock Hill in such an amazingly short span of time.

UNEMPLOYMENT—5.4 PERCENT

Mr. CHAFEE. Mr. President, last week there were two pieces of news that garnered national attention. One should have garnered more attention than it did, and that was the unemployment rate nationally fell to 5.4 percent, an extraordinary achievement on the part of this administration—unemployment of 5.4 percent, the lowest unemployment in the Nation since 1974.

The other piece of news was about Mrs. Reagan consulting an astrologist. Now, when you put those two together, I would say the following. During the War Between the States, the Civil War, word was brought to President Lincoln that General Grant was drinking too much. Many citizens were reported to be disturbed about General Grant's drinking.

General Grant, had produced a series of victories for the Union.

President Lincoln's response was: "Tell me what brand he is drinking and I will send a barrel to each of the rest of my generals."

Well, in the same vein, let me say this. I do not know the astrologist who is being consulted, but whoever he or she is—I believe it is a she—we had better credit her with giving out some pretty good information if it can result in the condition of the Nation as it is now.

Let us concentrate on the things that count. That the unemployment rate has come down to 5.4 percent is good news and important news for our country, and I hope it continues.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

RECESS UNTIL 10 A.M.

Mr. **BYRD**. Mr. President, I ask unanimous consent that the Senate stand in recess until 10 a.m. today.

There being no objection, the Senate, at 9:49 a.m., recessed until 10 a.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore [Mr. Gore].

CONCLUSION OF MORNING BUSINESS

The **ACTING PRESIDENT** pro tempore. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT

The **ACTING PRESIDENT** pro tempore. The Senate will now resume consideration of S. 2355, which the clerk will report.

The bill clerk read as follows:

A bill (S. 2355) to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dixon Amendment No. 2005, as modified, to modify the provisions relating to base closure and realignments.

Mr. **BYRD**. Mr. President, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **NUNN**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

The **PRESIDING OFFICER** (Mr. Breaux). The Senator from Georgia.

Mr. **NUNN**. Mr. President, I know the Senator from Virginia, Senator Warner, is coming over in a few minutes. He and I have the challenge this morning of being in two places at one time, as so many of our colleagues do. I am supposed to be at the Intelligence Committee right now at 10 o'clock and present the Armed Services Committee views on the future question relating to the INF Treaty after which time the Intelligence Committee will consider whether or not those futures type weapons are indeed verifiable under the INF Treaty. That is a very important part of the deliberations we are having in consultation with the majority leader, Senator Byrd, and the minority leader about when we will be prepared to debate the INF Treaty.

So I find myself in the position of managing this bill on the floor, and also being mandated to appear before the Intelligence Committee.

It is my understanding that Senator Dixon is coming over in just a few minutes to continue the debate on the base closing issue which is one of the big issues that we have before our committee and before the Senate on this armed services bill.

It is also my understanding that Senator Roth will be coming over, and Senator Roth was the author of this base closing amendment last year. It has now been incorporated in a slightly different form in the bill we have before us.

So I assume we will be having debate on this question very shortly.

I would also inform the majority leader that it appears to me that we have about 10 what I would call major amendments. Of course everyone's amendment is a major amendment when they are presenting it. But as far as taking the time of the Senate on this bill, to give the majority leader some idea, we have a SALT II amendment that we have debated in the years past. That is always a time-consuming debate.

We also have a possible amendment relating to the Persian Gulf and a troop commitment in the Persian Gulf. That spills over to the war powers question. That could be a time-consuming debate.

We will have inevitable amendments on the question of use of military funding, perhaps military personnel in the battle against drugs. That is another amendment. That will require sometime; a series of amendments.

We have, of course, the base closure amendment that we have before us now. I am told there are four or five different parts of that amendment. I will be talking to Senator Dixon and others about that as we proceed. Those amendents will take probably the rest of the morning. That will be time well spent because that is an important question.

We have the nuclear testing amendment which we had debated in this body before but it nevertheless usually takes a couple of hours to debate. We will require a rollcall vote on that one.

We have a possible amendment on nuclear carriers, and the question of how many nuclear carriers we should have, whether we should indeed phase out certain carriers as we build new nuclear carriers, and replace some of the older carriers.

We have chemical amendments that relate to the Bigeye chemical weapon. That, again, is not a new subject for this Senate but nevertheless it takes quite a bit of time.

We have the possibility of a Davis-Bacon amendment which again is no stranger to this body. It requires a good bit of time. We will also, I am sure, have a rather vigorous debate on the strategic defense initiative concept and funding level.

Those represent about nine amendments that will take—my guess is some will take 3 or 4 hours. I do not anticipate extended debate on any of them although we know that is always a possibility. Some may take more than 2 hours. I guess we are talking about 20 or 25 hours of debate on those 10 amendments. Then we have another 15 or 20 amendments that we already know about. Those amendments will take anywhere from 30 minutes to an hour. Some of them will be accepted, and some of them will require rollcall votes.

So I guess I could summarize my view about where we stand on this bill by saying I think it is entirely possible, if we put in a good day today, if we have cooperation on both sides of the aisle—and I think we will—we can spend a day, early evening tonight, not very late tonight, put Members on notice that Wednesday night and Thursday night may go into the evening and we may need to spend a good bit of time in the evening both of those nights, and I think it is conceivable we could finish this bill on Thursday night.

I have talked to Senator Warner about this. I think he shares this assessment. If we do not finish it Thursday night at a reasonable hour, I suggest we go over into Friday and it would be my suggestion to the majority leader that we stay here as late Friday as necessary to complete this bill.

The majority leader has already indicated that we have really a limited amount of time between now and the time we adjourn sine die. We have two major conventions taking place this summer, the Democratic Convention and also the Republican Convention. We have this bill as a prelude to the appropriations bill which is very, very important to the military. We have the whole INF debate which is going to take a minimum of weeks, not days. There are all sorts of other things we have stacked up.

So my point is that it is entirely possible for us to finish this bill this week—Thursday night or Friday night or sometime Friday—if we get Senators over, beginning now, to debate and to present their amendments, if we can put in a good day today, and so forth. If we do not, I would ask that we stay in as late Friday night as necessary to finish this bill. Of course, if it is hopeless, it is hopeless, and we will have to face that fact when we get to it.

I think it is possible, and that is the best assessment at this moment, having talked to Senator WARNER.

Mr. BYRD. Mr. President, I thank the distinguished chairman of the Armed Services Committee for this frank assessment of the amendments that are going to be called up on this bill and of the time that will be required to deal with these amendments.

INF TREATY

Let me add to that, to what the chairman has said, by stating that, as I have said before on several occasions, the Senate is not guided by a calendar deadline for a summit in dealing with the INF Treaty. Certain problems have arisen, and I hope that those problems will be resolved this week.

The Secretary of State and General Powell are going to Geneva tonight, to meet tomorrow with Soviet leaders, in an effort to clear up some of these inspection problems in connection with the INF Treaty. It is possible that those can be cleared up. They can be cleared up in hours, they can be disposed of in days, or they can never be disposed of.

I should think it would be in the interests of the Soviets to quit scratching their heads and be candid and frank and up front and forthright with respect to the questions that are to be resolved. They, themselves, can expedite the action on this treaty. If they want this treaty, they can expedite the beginning of action in the Senate on this treaty. They are going to have their opportunity now, tomorrow and the next day, with General Powell and Secretary Shultz.

When those gentlemen come back, I think it would be well if the Senate awaits the assessment by the Intelligence Committee and, if necessary, the Armed Services Committee and the Foreign Relations Committee, as to where we then stand in connection with these inspection problems that have arisen.

If I am satisfied that those gaps have been closed, and if I am assured by the appropriate committees that they have been closed or that they can be closed during the debate on this floor, then it would be my inclination to go forward with the treaty. From the beginning, I have been a supporter of it, but I am not a supporter of it if it is going to have multitudinous gaps, or even one gap, through which the Soviets can cheat.

So what I am saying is that we will be on this DOD bill this week; but let no one be under any illusions as to our staying on this bill, if I am assured, through the committees that have jurisdiction, that we are indeed ready to go on that treaty. Once I get that assurance, that treaty will be taken up in the Senate. There is nobody who can keep this bill on the floor once we move to that treaty, because that treaty will be taken care of in executive session, whereas the DOD authorization bill, or any other legislation, is a matter for the legislative session. A motion to go into executive session to go to that treaty is not debatable.

So I say what I am saying to make it perfectly clear that I am going to do everything I can, as the leader, to help the chairman and the ranking member of this bill to get this bill through this week. But if there is anybody who has an idea that they can hold up the treaty simply by delaying this bill, that by delaying action on this bill they will be holding up the treaty, they should be debunked; their minds should be cleared of that mistaken idea.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. NUNN. I am delighted that the majority leader has clarified that. I have not had anyone threaten or state that they were going to hold up this bill. But sometimes, in parliamentary situations, there is a feeling that if you hold up the pending legislation, you delay the legislation that is coming after.

I assured the majority leader, as he already has said, that the INF Treaty is the priority. We are delighted to have this bill up, and we would like to finish it this week. But if we get everything worked out during this week, as the majority leader has outlined, on the INF problems, then I will certainly cooperate in every way to take this bill down and to bring up the INF Treaty.

I agree with the majority leader's assessment of the importance of the Soviet negotiators being forthcoming at this time, not only to clarify the problems we have before us—which I do not think are insurmountable but are important—but also to display the spirit with which we are entering into the arms control agreement. The removal of 3 or 4 percent of the warheads is not the significant part of this treaty. Frankly, it is only a marginal military effect. The most important part of this treaty is the coherence of NATO and the fact that we have displayed that coherence and that tenacity which is awfully important in terms of deploying missiles and sticking with a course of action on negotiations for the INF Treaty—that is one important element. The other important element relates to on-site verification, not so much because of this treaty alone, but because of the necessity for that kind of verification if we are going to make progress in other forms of arms control.

So we are going to learn a lot in the next 3 or 4 days about not only the INF Treaty but also about whether or not we indeed have a breakthrough in on-site verification; because, if on-site verification becomes a nightmare, we will not have made progress and we will have taken a step backward.

So I urge the negotiators for the Soviet Union and the high-level policymakers in the Soviet Union to follow the old adage that when all else fails, read the directions; and the directions are pretty clear in these three or four major policy disputes that we have right now. At least three of them were not unanticipated problems. They were problems that had been anticipated, that had been discussed, that had been dealt with, and that had been reduced to writing. They are part of the protocol verification attached to this treaty.

I do not know whether we have a case of sour grapes by one or two low-level people in the Soviet bureaucracy who now are trying to create obstacles, since they may have lost their original position inside the Soviet bureaucracy before the treaty was agreed to. I do not know whether that is the case or whether this is a high-level policy kind of decision, whether someone is basically making it a policy question when it has indeed already been dealt with.

I do not understand why this could not be solved this week. I told the majority leader privately, before we left, that I thought these problems were problems that could be solved while the Senate was gone last week, and I am surprised they were not solved.

I hope that our own people will be very diligent in pursuing those because I think it is important that both sides move forward in a spirit of cooperative effort in terms of the all-important precedent we are setting on on-site verification.

I agree with the majority leader's decision to withhold the debate on this treaty until such time as we get clarification. I am hopeful we will get clarification when Secretary Shultz, General Powell, and others return from Geneva.

I agree with the majority leader. This is important. We are struggling with the futures questions now. I plan to meet again with several Members who have been very involved in this in the Armed Services Committee, including Senator WARNER, and try to go over some of the suggested language, exactly what kind of weapons, what kind of weapons systems are covered, how we define "weapons systems," how we define the difference between warheads and future other types of possible weapons, and how we distinguish between those things that are prohibited in the treaty and those things that are permitted that are not weapons like surveillance, RPV. But we are working on that problem today.

I would say there are a lot of balls in the air on this in terms of the Senate. But I believe we all agree that the INF Treaty is the priority when we resolve these problems.

I was pleased yesterday that the administration acknowledged that these are indeed problems. The President made a radio address on Saturday—I read that address; I did not hear it—and after urging the Senate to go forward with ratification of the treaty never mentioned any of these problems.

I was concerned whether the President had been completely briefed on these matters, but I am told that he has.

I was delighted yesterday that we did get expressions of concern from the administration that these were indeed legitimate problems that had to be solved rather than simply urging the Senate to go forward independent of whether we had solved the problems or not.

So I think there has been a change on the part of the administration relating to these problems which I find to be healthy. I believe it is important for the Senate and the executive branch to move forward together in challenging misunderstandings in the way the on-site verification will work and in challenging and making sure we have clarification on the question like the futures questions.

These are not unimportant matters or incidental matters or details. They go to the very heart of the meaning of the treaty itself and the spirit in which it is going to be implemented.

So that was a long way of saying I agree with the majority leader's position.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Georgia.

I have resisted having the Senate pressured into premature action on this treaty. I felt and still feel that this is a matter of such significance that we ought to be sure where we are going before we head down the road.

If there are going to be mistakes made, if there are going to be gaps in the treaty, we ought to find out now rather than at a time after it has been approved by the Senate and ratified through the exchange of instruments.

Now, we find that there are problems and those problems have come to light through the committee system, through the work of the committees in this Senate. I hope that they can be rectified, and the Soviets have the key. This treaty can be expedited on this floor, at least we can begin work on it, if the Soviets will take every step that is necessary to clarify these questions and to close the gaps, and the administration has the responsibility here to stand firm because we do not want just a piece of paper, as the President has said, trust but verify, and the problem has arisen in the verification procedures, the on-site inspection, and so on.

So, Mr. President, having said that, I also say that once these problems have been resolved to the satisfaction of these committees and I have bipartisan guidance in the matter that clarifies this Senator's feelings and are indicative that those matters have been cleared up, the Soviets are agreeing to what our interpretations are and the Soviets are going to be bound by the same commitments to which this country will be bound under the treaty and that those matters have been cleared, or they can be nailed down during the debate, then we will proceed on the treaty.

Having been around for quite some time I try to put myself into the position of somebody who might be opposed to this treaty. If I were opposed to the treaty I would like to see action go on on the DOD bill for a couple 3 weeks if I thought that would hold up the treaty, but I am saying here that it will not hold up the treaty. Once we feel that the green light is on on this treaty then this bill, if it is still before the Senate, will be set aside and we will go to the treaty.

That brings me to the final point, and that is that I hope that Senators who have amendments on this bill will come to the floor and call them up.

As the chairman has outlined it, it is going to take about all week to dispose of this bill if we use the hours most efficiently.

I would urge Senators to be here early so that the Senate could get going on this bill. I hope that we can finish it this week.

I yield the floor now.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, first, throughout yesterday, Chairman NUNN, the majority leader, the minority leader [Mr. DOLE], the chairman and ranking member of the Intelligence Committee and I had certain communications with the Foreign Relations Committee and met with former Senator Baker, now Chief of Staff at the White House, Colin Powell, and others.

I think that the majority leader has very correctly stated the sequence of events and the outcome with respect to the postponement of the deliberations of this body on the INF Treaty.

I would simply add that also during the course of yesterday and again this morning I had opportunities to meet with the Secretary General of NATO, Lord Carrington. We discussed the impact of these most recent developments on the worldwide scene and primarily the NATO countries. We all recall it was the tremendous cohesion and solidarity among the NATO countries that indeed contributed substantially to the development of this treaty through the negotiations under the direction of President Reagan.

We are conscious here in this Chamber of their important contribution. I think that we would want to leave our allies, the NATO countries, with a sense of confidence in the judgments now being made with respect to the scheduling and it is done in a bipartisan manner and in the best of interest of trying to go forward on the treaty at the earliest possible date in the most expeditious manner we know how.

At the moment we are meeting in the Intelligence Committee on various aspects of this treaty. Therefore, until the work of the committees is concluded, as the majority leader stated and the minority leader has stated and concurred in by the chief of staff of the White House, we will just have to wait a while.

But it would be my expectation that during the course of this week, particularly the return of the National Security Advisor Thursday night, and the Secretary of State on Friday, we would be able to get a clear picture of the scheduling of this treaty.

Mr. BYRD. It will depend, as I said from the beginning, on whether or not these matters have been clarified to the extent that we can be confident that this country is going to be bound by no more than the Soviet Union will be bound and that the Soviet Union will be bound by the same commitments to which our country is bound. That will be the guiding light as far as I am concerned and I think it has proved to be a pretty wise course to take.

RECESS FROM 12:45 P.M. UNTIL 2 P.M. TODAY

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess today from the hour of 12:45 until the hour of 2 o'clock p.m. to accommodate the two party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska.

Mr. EXON. Mr. President, let me just take a moment to compliment the majority leader; the chairman of the Armed Services Committee, the Senator from Georgia; and the Senator from Virginia for the outstanding job they have done on this whole matter of the ratification of this treaty.

As the majority leader knows, I believe it was this Senator who stood back there for 15 or 20 minutes a few months ago and said that I was anxious to move the decision on this treaty ahead rapidly, that I was generally impressed with the job——

Mr. BYRD. Mr. President, I wonder if we might have order in the Senate while the Senator is speaking.

The PRESIDING OFFICER. The Senator will suspend.

Senators engaged in conversation will retire to the Cloakroom. The Senate will be in order so the Senator may make his debate on the floor. The Senator from Nebraska, Senator, EXON, has the floor.

The Senator from Nebraska.

Mr. EXON. I thought it was important that we take this matter up as soon as possible. I think that, with all deliberate speed and consideration, the majority leader has been trying to move this particular bill through.

As an early supporter of the thought behind this treaty—and I still feel that way very strongly—I think that we are now down to a situation where we are asking the Soviets to put up or shut up with regard to onsite inspections. I am very pleased to see the bipartisan support for laying this matter aside until those important issues are resolved. I thank all for their participation in that.

I would simply point out that sometimes we make less than thoughtful deliberations on all of these matters. We are giving a great deal of attention at the present time, Mr. President, to whether or not we can inspect the peripheral areas around the few places where we can indeed have onsite inspections in the Soviet Union.

One of the shortcomings of this treaty from the very beginning, in my view, has been that we can only inspect in the Soviet Union and they in turn can only inspect here on particular sites, very specified, very defined sites. I have always had the concern that if there is something that either side wanted to do to keep from the others, they would go someplace else where we would be specifically excluded from going to make onsite inspections. Some of that, of course, can be maintained by surveillance or can be maintained by other means.

Let us not oversell this concept of onsite inspections because at best it is a minor step in the right direction for onsite inspections which has been fundamental to verification of treaties with the Soviet Union for a long, long time.

I would just like to make one other suggestion, if I might, Mr. President. We wasted most of yesterday on this very important bill. We had one vote, if I recall, on a relatively minor matter. I find the majority leader and the leaders of this bill on the floor appealing as they always do on Mondays and Tuesdays of each week to "please come over and offer your amendments." I suspect that that must be one of the most frustrating jobs of all of the majority leader to have people come forth with amendments, even though the Senator from Georgia has just outlined a series of amendments that are going to take a lot of time.

I always ask myself: "Why can't people come to the floor and offer their amendments?" Sometimes the same people who will not offer their amendments are the ones that ask at 9 and 10 and 11 o'clock at night, "Why are we here?" We did not do much yesterday and we have not done anything today, and it is after 10:30 this morning.

I am just wondering if maybe we could ask, maybe right now, Mr. President, for some time agreements on some of the amendments and see if we could get unanimous consent that on amendments that are offered debate would go on for no more than an hour equally divided; if that will not sell, 2 hours equally divided; if that will not sell, 3 hours equally divided. If we could do that, at least we could get some placing of responsibility as to why it is we move at such a snail's pace.

Once again I harken back and I salute the Senate for the deliberate pace that it followed on the treaty ratification proposition. That is a place where the deliberations and the time-consuming rules of the U.S. Senate were used, I think, very wisely.

However, we are in a situation today where we have a whole lot of amendments. Many of them, in the opinion of this one Senator, are not going to be very well received by Members of the U.S. Senate; in other words, I think many of them will if offered for a rollcall vote and likely be voted down by a sizable majority. It would seem to me that amendments such as those, while every right of the individual Senator should be protected, should have some time agreements on them so we can move this bill ahead.

I am very fearful of the situation that if we do not move faster than we are now, we are going to go over into the next week, which I know will only complicate the difficulty in scheduling that the majority leader conventionally has. So I appeal to Senators to come to the floor to offer their amendments to this bill. I renew my suggestion that this is the time to ask for time agreements on some of these amendments, for no other reason than we might be able to dislodge Senators from wherever they are, doing whatever they are doing, which I am sure are important matters, but to move the bill ahead more speedily than it has thus far on the floor of the Senate.

Mr. BYRD. Mr. President, I thank the Senator. If that question were to be asked right now, there would only be four Senators on the floor who would hear it. So, obviously, we cannot get a time agreement at this moment. I would think there would be a propitious moment, however, when Senators are on the floor and we might inquire as to how many of them have amendments and as to whether or not they would agree on a time limit.

I observe the distinguished Senator from Delaware. I believe he may have an amendment. There is a pending amendment before the Senate.

One of the approaches that I have taken, in order to get the Senate in early and get started on a bill reasonably early, was that of having the Sergeant at Arms request the attendance of absent Senators. Now it has been very interesting to note that in many instances there are certain Senators who come to the floor and they do not want to vote for that motion. In other words, if I were their constituents I would say: "What's the matter? Don't you want to get those other Senators out of bed and get them up to Chamber and get to work?"

I do not get the support of all Senators even in asking the Sergeant at Arms to request the attendance of absent Senators. But one of the purposes of that motion that I make from time to time is to get Senators to the floor so those who have amendments will begin to work on them and those who want to talk against amendments will be here to start talking.

Perhaps I better put in a quorum call now.

Mr. DOLE. Will the distinguished majority leader yield?

Mr. BYRD. Yes, I yield to the distinguished Republican leader.

Mr. DOLE. I yield to the distinguished Senator from Nebraska.

Mr. EXON. If I might add just one other comment. Could we start the process by coming to an agreement, which I think probably could be established, that no amendment would be in order for consideration unless it is filed at the desk by some hour, say, noon tomorrow, something of that nature, so that we could begin to get some idea of how many amendments there possibly could be? It would seem to me anybody who has a serious amendment would at least be able to file or offer the amendment at this time. If not, it would not be in order for consideration during the time that would follow when we are considering this measure.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I certainly want to help the distinguished majority leader. I know the problem. I am making an effort on this side to get people over here with amendments, because as 8 or 9 o'clock in the evening rolls around, these same people who are not here in the morning will be saying, "Why are we in so late?" I understand what the problem is.

At our policy luncheon at noon I will get a list of four or five that we can rely on to expedite the process. This is a very important piece of legislation. It should be disposed of this week. I certainly want to be helpful to the distinguished majority leader and the managers who have been working on this legislation for weeks and weeks and weeks.

THE INF TREATY

Mr. DOLE. Mr. President, I report to the Senate that we have been visiting with the President this morning. The subject of the discussion was the INF Treaty. The President is in full accord with the bipartisan announcement yesterday afternoon, made by the majority leader, myself, and other Senators, that there are some problems that should be resolved and will be resolved.

General Powell and Secretary Shultz will be leaving for Geneva later today. It is my hope that they can resolve the legitimate questions which were raised by a number of Members in this body on both sides who are experts in various areas that affect the INF agreement. The President is in full accord with the announcement of last evening. He still is very hopeful of course that these matters can be resolved very quickly and, as indicated in the past, once they are, we will move ahead on consideration of the treaty.

But I wanted my colleagues to know that there is no disagreement. These are issues that must be resolved. The President understands that the Senate has the constitutional responsibility of dealing with this treaty. He understands that there are at least three committees that spent hours and hours and some days and days and weeks conducting hearings, looking at the treaty.

There are a number of my colleagues on both sides who have become expert in various phases of this treaty and other parts of the process. So that was the discussion this morning with myself; Senator STEVENS from Alaska; Senator SIMPSON, the assistant leader on this side; and Senator LUGAR of the Foreign Relations Committee.

Mr. President, I reserve the remainder of my time—of the leader's time.

NATIONAL DEFENSE AUTHORIZATION ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Illinois, Senator DIXON.

Mr. DIXON. What is the order of business, Mr. President?

The PRESIDING OFFICER. The order of business is the pending Dixon amendment.

Mr. DIXON. Mr. President, the issue before the Senate is the question of the provision in this bill regarding base closures, which I spoke upon at length yesterday. I said at that time, in an oversimplistic explanation of the provision in this bill, that what this bill says now is that the Secretary of Defense, Secretary Carlucci, may appoint a commission.

I am told, in effect, that he has actually done that; that there has been placed in the Federal Register the names of members that the Secretary of Defense, Mr. Carlucci, would suggest should be members of this commission.

Again, oversimplifying what the provisions of this bill state, that commission in cooperation with the Secretary of Defense would look at domestic bases in the United States, not foreign bases, and make a recommendation of a list of bases that should be closed to the Secretary of Defense, by December 31 of this year.

But I believe the report is to be made back to the Secretary of Defense by the end of this year, December 31.

A provision of this act then provides, that the Secretary of Defense may then close every one of those bases or none of them. He may not select an intermediate number. That was disputed in the committee but it was resolved in favor of the original language in this section of the bill. That he then closes all the bases or he closes none. So obviously he will close all of them.

That is essentially what this bill provides. In the event I did not make it clear yesterday, I want to make this point today because my friend from Michigan, for whom I have the highest regard, just made this statement in a private conversation between the chairman of the committee, the distinguished Senator from Georgia; and the ranking member, the distinguished Senator from Virginia. I want to echo what he said.

I am not against base closings. There should be some base closings in the country. Everybody would agree with that. I am against killing a gnat with a bat. And that is what this bill does. It kills a gnat with a bat. We are taking away all congressional power, giving up our involvement in the process, ceding it to the Secretary of Defense who picks the people who close the domestic bases without any involvement of the Congress. That bothers me a lot.

Mr. President, I want to address something that was said by someone else yesterday, I cannot remember who. I did a C-SPAN talk show last night for an hour after being on the floor. Many people who follow the Senate called in and had questions.

My colleagues have done this. They understand the process. Somebody called in from Bethesda, MD, saying they never closed a base—you do not close bases the way it is now.

I have a report from the Congressional Research Service of the Library of Congress that since 1969, 485 installations and activities have been closed in this country; 485. That is a fairly good number. Since this administration came to power, in 1980, they have never sent up an official request to the Congress for a base closure. Just think of that. We are contemplating the most dramatic, gross, finite, undemocratic step one can contemplate, a step that has never been undertaken on any other subject matter in my legislative experience going back to my election in the Illinois House in January 1950 on a subject where the record shows there has been a good deal of success in the past.

Mr. President, I did not come here to say that there is not some controversy involved in this. But every one of us are in public life; we understand controversy and the nature of it. I do not mind a little controversy.

If the Secretary of Defense, acting on the initiative of the administration, sends us a list of bases to be closed and if they are carefully selected, not partisan instruments but designed to save the taxpayers money and to close unneeded and unnecessary bases in this country on a selective basis, I would bet my reputation those bases will be closed—after a doggoned good fight, I would concede. Because those Congress people and those Senators affected are going to object to it.

But in my view, there would be a result that would close a substantial number of bases. I would hope that we could resolve this problem. I think this Senator's reputation for being a Senator who wants to enter into honorable accommodation is well known. I am willing to discuss changes in this legislation, meaningful changes, that keep the legislative process involved while achieving some base closings. I would like to say some things that I think ought to take place.

I think somehow the Congress has to be in the process. Maybe it is to be an expedited procedure and a vote by the Congress of disapproval. There are a variety of things that can be done in that connection. But the Congress sometime has to be involved, in my view. That is part of the democratic system we are involved in, in this great Nation of ours, and we ought not to give away the power of the Congress to be involved in the issue.

I think there has to be some kind of regional balance. I am not saying perfect regional balance, but I read the list the other day. Here is the list. I will read it again. These are good people. I am not in any way denigrating the reputation of any of these people.

Abe Ribicoff, of Connecticut. I do not know him personally. Everything I have ever heard about him is that he was an outstanding Senator and Governor of Connecticut and a fine public man; Jack Edwards, of Alabama, the same, a fine man; Donald Craib, of California, now; Philip Cabot, of Boston; Martin Hoffman here in the District; General Poe, retired, of Alexandria, VA; General Starry of Fairfax, VA; Graham Claytor, I understand inside the Beltway somewhere in the District of Columbia area; Russell Train of Washington. Mostly eastern representation. I have nothing against the East. A lot of nice people live out here in the East. I have a house on the Hill only a stone's throw away, and I like my neighbors, but I also have a home back in Belleville, IL. And 11.5 million citizens there I represent would like to have input in this process.

So I think the Commission has to have regional balance, Mr. President, so that all parts of our great Nation are represented in the process. I think there ought to be a finite number of commissioners, incidentally. This bill does not even call for the number the Secretary of Defense could select. He has given us nine here. Presumably he could add more. But I think there ought to be a finite number and there ought to be regional balance. I believe also, if we are looking at domestic base closures, we ought to look at foreign base closures.

When I was on C-SPAN last night, everybody called in and said: "Wait, maybe we could close a base here or there in this country, sure, but what about all of them all over the world?"

People called in and said: "Hey, we put those bases there, and we pay to have them there." We give foreign countries hundreds of millions of dollars to have them there, in addition to the cost of the base. And the President knows that is so. So that ought to be a consideration in this whole process.

The point I make is this one: I think that there are some people around here of a like mind as this Senator, including my distinguished friend from Michigan, who is on the floor.

I think it is a fair statement that my friend, the senior Senator from Alaska, has a like view. My friend, the senior Senator from Maine, indicated some concerns about this. There are people of both political persuasions, all of whom have been here longer than this Senator, who I think would be interested in working for a resolution to this problem.

The chairman of the committee, the distinguished senior Senator from Georgia, and the ranking member, the distinguished senior Senator from Virginia, have indicated a willingness to discuss a resolution of the problem.

I thank my colleague from Michigan who has so often, because of his insightful views, been helpful in these matters. It appears he might have some comments about this. I wonder if he would care to make some comments at this time because I think it would be useful to hear the different points of view about this. I believe my colleagues will yield the floor so my friend from Michigan can make some comments.

The PRESIDING OFFICER. The Senator yields the floor. The Chair recognizes the Senator from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. President, first of all, let me commend my friend from Illinois on what he is trying to do here. He is making an extremely important point, and that is that the base closing protections that we have in the law are there to make sure that when base closings are accomplished, and many of them have to be accomplished, that it is done so fairly; that it is not done for political reasons, for retaliation, retribution or whatever. If and when base closings take place, and again, I am of the opinion that some bases and facilities must be closed, it should be done in a way that public credibility is created and sustained. These are not easy things to do.

The people in our communities heavily rely on these bases, not just for the national security, but for the local economy. When bases are closed, there better be some credibility behind that decision. It better not look political.

Our base closing laws, as a matter of fact, are the result of what appeared to be some political base closings. My recollection is that the origin of the congressional restrictions on base closings, which we basically have retained in the law over the years, is what happened in Massachusetts in the early 1970's. Massachusetts was the only State to vote Democratic in 1972 and what happened in 1974? President Nixon's Pentagon came up with a list of bases to be closed, and Massachusetts was disproportionately and heavily impacted by that list.

That created some real problems of credibility and perception, and so there were some protections written into the law. Have we overdone it? Maybe. Maybe we ought to have some greater executive power.

But let me remind my colleagues that there was a reason for this protection. This country is based on a premise that we do not want all power in one branch of this Government. There was too much power for the executive branch to unilaterally close bases, and Congress did something about it. We have modified the law since then but we did something about it in the 1970's because of what appeared to be a hit list on the part of the Nixon Pentagon against a State, the only State, which had voted against President Nixon in 1972.

As I have indicated, Mr. President, we need to act, but we have to act in a balanced way.

I do not think too many Members of this Senate would vote for a provision which simply said to the Secretary of Defense: "You go ahead and close whatever bases you want. We are going to waive all the environmental protection laws. We are going to waive the protections that are put in law against adverse Federal actions. You just go ahead and close whatever bases you want unilaterally."

Mr. DIXON. Will my friend from Michigan yield?

Mr. LEVIN. I will be happy to yield.

Mr. DIXON. That is what this bill does.

Mr. LEVIN. That is exactly my next line.

Mr. DIXON. I am sorry to interrupt.

Mr. LEVIN. No, I am happy to have the Senator say it because he says it better than I can. I do not mean to interrupt. I yield to the Senator further, but that is precisely the point. That is what we are doing in this bill.

Mr. DIXON. Exactly right.

Mr. LEVIN. Because this Commission is not a commission that is independent of the Pentagon; it is not a commission that has its own staff. There is no provision for staff in this bill. This is a total delegation to the Department of Defense with but one little protection, and that is that the Secretary of Defense, if by chance he does not like his own commission's recommendation, which has been staffed by the people of the Secretary of Defense, cannot modify it. He has to take it or leave it.

That is not much of a protection when the members of the Commission have been selected by the Secretary of Defense, it is staffed by the Secretary of Defense, and there is no independent staff provided for in this bill. So, in effect, what we have done is given the Secretary of Defense the unilateral authority to close bases. It is too big a grant of power.

As my friend from Illinois has pointed out with his usual eloquence and pungency, what Congress is doing here is handing over exclusively to the Secretary of Defense the right to close whatever bases his commission, using his staff, has determined he wants to do.

This is an excessive delegation of power. It is not in keeping with our celebration of the Constitution, which calls for divided power. It says there should be balance to the exercise of power.

So one of the things that I would add to my friend's list of items that we ought to try to work on in a compromise provision is that the Commission should have the right to have its top staff selected by that Commission. They should not be members of the DOD staff. The only way we are going to have a semblance of confidence and credibility in the recommendations of this Commission is if in fact that Commission has some independence of the Pentagon. If it is simply an arm of the Secretary of Defense, we might as well not kid ourselves by appointing a Commission. We might as well simply tell the Secretary of Defense: Decide what you want to do and do it.

So if we want a bipartisan commission with an implication of independence, let us have a bipartisan commission with some possibility of independence. Let it have some of its top staffers appointed by that Commission. How in the name of Heaven do we really expect the Commission to look at all 3,800 facilities, about 500 of which are major, between now and December of this year? We are not creating the Commission, by the way. We are relying on a commission which has been created by the Secretary of Defense. We are simply incorporating his commission, already chartered by him, in our bill.

But should we really kid anybody that that Commission is able between now and December to look at every single military installation inside the United States and make a fair and objective analysis as to which ones should be kept open and which ones should be closed? Every member of the Commission which the Secretary of Defense has already selected, I believe are occupied with other things, and yet we have a provision in subsection 3(B) of this bill on page 162 which says:

> The Commission must certify that it has identified the military installations to be closed or realigned after reviewing all military installations inside of the United States.

"All military installations inside the United States." Our quick analysis is that there are about 3,800 such installations and perhaps 500 are major installations. Let us not kid ourselves as to what this language does. This language is a delegation, a total delegation to the Secretary of Defense through an arm of the Secretary of Defense, using the staff of the Secretary of Defense, totally dependent upon the Pentagon, of the power to unilaterally close bases inside this country without the protection that has been put into law to make sure that such power is not abused.

That is what this language does. It does it with a good motive, the motive being that we ought to close some bases; that there are some we cannot justify. I happen to agree with my good friend, Senator NUNN, and my good friend, Senator WARNER, in their determination that we try to make it more feasible to close some bases that should be closed. I happen to agree with that. But I am not in agreement with a total delegation of the power to close bases to the Secretary of Defense, as much as I like the Secretary of Defense and think he is a good Secretary of Defense, an honorable Secretary of Defense. I am not willing to cede that power to any Secretary of Defense, even one that I have as much confidence in as I do Secretary Carlucci.

So some of the things that we should do to make this provision more credible are the things which the Senator from Illinois has defined. There should be additional members of the Commission so that it can be more balanced geographically. I would think that this Commission and the Secretary of Defense ought to solicit recommendations from the National Governors Association. When you close a base, you have an economic impact, not just a security impact. Those economic impacts should be assessed and assessed fairly. At least there should be input from people who are directly affected. We should make sure that there is some voice heard, not dominate necessarily, that the merits of its argument dominate or not, but we ought to have at least some voice from people who represent localities.

I hope that if we add members to this Commission, the Secretary of Defense would solicit recommendations not just from the Congress, which I think would be very useful, but also solicit some recommendations from the National Governors Association.

I would suggest something else that we add to the list that my friend from Illinois has set forth for discussion and possible compromise, and that is that Congress be given the right to veto up or down the entire list. Just as the Secretary of Defense is given the right to veto the list of his own Commission, I would think that we ought to have a similar right. We should not have the right necessarily to amend that list. That is not what I am suggesting. What I am suggesting, however, is that since the Secretary of Defense can veto without amendment the recommendations of his own Commission, we should have a similar right with expedited procedures. It would be important that if we are going to in fact have the practical right to exercise a veto, if it were approprite, the usual expedited procedure be provided so that we could get to it without being delayed by filibuster or provision of some House rule.

Mr. President, what it comes down to is that we should act, that the chairman and ranking minority member of the Armed Services Committee and other members of the committee have approved a provision which is intended to do something we all ought to support, which is to make it possible to close some bases that need to be closed, but what we have to do is work on language to make sure that when we close bases, that decision has some credibility so that people whose lives are directly impacted by these base closings in fact feel that they had some voice somewhere along the line that could be heard. Maybe that voice will not be followed, and that always is a good possibility in a democracy, but at least let us have an opportunity for the voice of people impacted by base closings to be heard.

And so some of the changes we ought to make I believe are as follows: The changes that my friend from Illinois has identified. There should be broader regional representation.

There should be some congressional involvement. I believe that, in addition to the added members to this Commission, the Secretary of Defense should be urged to solicit recommendations for one or two members of the Commission coming from the National Governors Association list of recommendations. I believe there should be a veto possible by the Congress with expedited procedures, and it would be an up or down veto without the possibility perhaps of amending the list. I believe we should provide for some staff so that this Commission, if it is truly to take an independent look at these bases and these facilities, will at least have the opportunity to have its staff lead that effort. Otherwise, it is purely an arm of the Department of Defense.

Without these kinds of changes, we might as well acknowledge what it really is: an adjunct of the Secretary of Defense which is provided solely for the purpose of giving the appearance of some bipartisanship or independence but which in fact has very little of either.

We can do these things. We can provide this kind of balance to avoid the unilateral exercise of power of the Secretary of Defense. The chairman of the committee, Senator NUNN, and Senator WARNER, have already indicated a willingness to participate in some discussion to make some changes in this language so that we can come up with a product in which we would have greater confidence. I hope that those discussions would continue. They are very important because I think most of us are on the same side of this issue. Most of us are willing, provided it is done fairly and credibly and with local input, with opportunity for voices to be heard on the part of the people to be impacted by these closings—with those kinds of caveats, we are willing to see some changes in base closing law so that in fact some base closings could take place. That would protect national security interests and help to create at least in the long run some savings and also provide some element of fairness that we should guarantee to people in a democracy.

Mr. President, I commend my friend from Illinois for what he has done to bring this to our attention, for his insistence that we bring out these issues in a way which is fair to all people in our States. He again has shown the kind of leadership that we all are so accustomed to and cherish. I yield the floor.

(Mr. FOWLER assumed the chair.)

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, in his usual clear and concise manner, my warm friend, the distinguished Senator from Michigan, upon whom we rely so frequently in the Armed Services Committee, has demonstrated what ought to be the concern of every Member about the provisions of this bill.

Mr. President, you remember when he said in the beginning of his remarks no Senator here would agree to giving the Secretary of Defense absolute power to close bases all over the country without any input from the Congress; you remember when he said that. This Senator said but that is what this bill does. He said the Senator from Illinois is quite right.

I hope a lot of Senators or their staffs who are concerned about this subject matter are paying attention to what I am going to do now because, believe it or not, I am going to read from the bill. There is an enlightenment, Mr. President, in reading from the bill. Here is the bill. Here is page 161, section 923, "Closure and Realignment of Military Installations," and I read from the text:

> In general, the Secretary of Defense shall, one, close all military installations recommended for closure by the commission on base realignment and closure in the report transmitted to the Secretary—that is the Secretary of Defense—pursuant to the charter establishing such a commission.

That is a direct quote.

Now, I go to page 170 of the bill, line 8, section 3:

> The terms "commission on base realignment and closure" and "commission" mean the commission established by the Secretary of Defense in the charter signed by the Secretary on May 3, 1988.

This is May 10. A week ago on May 3, 1988, in the Register, the Secretary of Defense put these names. So page 161 says the Secretary of Defense may close all military installations recommended by the commission on base realignment, page 170 says he appoints a commission, and on May 3 he has done it. So this commission he selected, hand picked, chose as his people, now has the authority if we pass this bill to close these bases? By when? By December 31, 1988, see page 162, lines 9 and 10. By December 31 of this year.

What bases? "A statement certifying that the commission has identified the military installations to be closed or realigned after reviewing all military installations"—listen to this—"inside the United States."

And then, of course, elsewhere in the bill on page 170, the United States is defined as the 50 States, the District of Columbia, Commonwealths of Puerto Rico, Guam, the Virgin Islands, and American Samoa, but certainly no other bases in the world.

I stated yesterday, Mr. President, how much we are spending on bases in the world at large. It is $35 billion this year, and $37 billion next year. We are not looking at them. We are looking at bases in this country. And the Secretary has the authority to close these bases under this bill just as my friend from Michigan suggested he had that authority.

This bill, Mr. President—is representative of the greatest gift of power by the Congress to an administrative agency in the history of this democratic institution: I would have to say that we need to do something to correct that.

Mr. President, may I say at this point in time that if there are Senators who have amendments who would like to offer them to this bill, this amendment could be set aside. We are going to spend some time trying to resolve these differences. This first amendment, frankly, is only one in a series that delineate all of our concerns with this section of the bill. But if there are other amendments that any Senators have that they would like to bring over here at this point in time, either amendments that can be accepted, if they are noncontroversial ones, or other amendments that will require rollcalls, may I say in the absence of the two managers who are at an Intelligence Committee meeting I am prepared to say we are willing to consider other amendments at this point in time.

I do not see other Senators on the floor at this time prepared to address those other amendments. But I would hope that they would come forward.

Mr. President, another point I wanted to make is this: There have never been any hearings at all on this question. I guess that is what you hear most in this body when you are debating controversial things. People say we have not had adequate committee hearings. On this issue we have had no committee hearings, no hearings whatsoever in support of this process recommended by the Secretary of Defense. In the markup on this bill which was handled in the usual fair and constructive manner by the chairman and the ranking member, we brought this up last because everybody knew it would be somewhat controversial. But there were no oversight hearings or any input at any time by any people around the country who have concerns about this process. That again is a matter of some concern to this Senator.

I want to read a statement by a colleague of ours who is a very senior Member here and highly respected in connection with this whole question some years ago.

The Senator from Michigan alluded to the dispute about this in the Nixon era. President Nixon had a base closing effort that was considered in the context of that time and that era, a highly politicized attempt to close bases. A number of people were concerned and made speeches at that time, such as Senator CLAIBORNE PELL, the distinguished chairman of the Foreign Relations Committee, and Senator John Pastore made a statement about it at the time. But here is one I want to read from Senator EDWARD KENNEDY, in a statement before the subcommittee in which he attacked the Defense Department for failure to on a timely basis submit full complete data describing and justifying the Defense Department base closure and realignment program. Senator KENNEDY's statement in part, reads:

> First, I believe that there exists a clear and compelling Congressional responsibility, under Article 1, Section 8 of the Constitution, to play an equal role with the Executive Department in determining major deployment and support policies. This responsibility has been underlined in two statutory provisions.

And he names them.

The interesting thing about this, Mr. President, is that base closures have taken place as I indicated previously in large numbers right up until 1980. The fact is that this legislation at the end of the Reagan administration, in May of the last year, is an initiative to give absolute power to the Secretary of Defense and the Department of Defense when no effort has been made through the legislative process in the Congress to close bases since this administration came to power in 1980.

Here is a statement by the Secretary of Defense, prior to Secretary Carlucci, made in March 1985, and I guess March 1985 is the last time we visited this question. That is when there was a kind of hit list floating around here. I think there were 21 bases on it. It was never an official list. There was never an official request. Here is a list at that time of base realignment candidates:

New Cumberland Army Depot, PA, General Materiel and Petroleum Activity (materiel management); Philadelphia Support Activity, PA (materiel management); Fort Wingate Depot Activity, NM (ammo supply); Army Material Mechanic Research Center, Watertown, ME (R&D); Letterkenny Army Depot, PA; Fitzsimons Army Medical Center, CO (health care); Fort Ruger, HI (administration support); Fort Devens, MA; Cameron Station, VA (administration facility); Jefferson Proving Grounds, IN (ammo testing).

I can understand why the two Senators from Pennsylvania, who are at a funeral today for the mayor of Pittsburgh, want to be back before we vote this afternoon. I think that is about the fifth Pennsylvania installation I have indicated.

I continue with the list:

Naval Air Rework Facility, Alameda, CA (aeronautical maintenance); Naval Regional Medical Center, Oakland, CA; Camp Smith, HI; Naval Air Station, Seattle, WA; Navy Shipyard, Philadelphia, PA; Naval Complex, Great Lakes, IL; Naval Air Station, South Weymouth, MA; NADC, Warminster, PA; Chicago O'Hare, IL (Reserve component); W.K. Kellogg, Regional Airport, MI; Blytheville Air Force Base, AZ (bomb wing); McConnell Air Force Base, KS (refueling wing).

Here is what the Secretary said about this proposed issue of base closures in March, 1985:

> The Department has decided not to recommend base closures in the 1986 budget. This decision was made because closing installations involves large costs, and given the need to cut the budget deficit, the Department felt it had higher priorities for the required funds. If the Department were to undertake closing about 20 installations of various kinds—

There were 22 at that time.

> The one-time cost of such closing would be about $2.5 billion.

So when this administration was concerned about the budget deficit a couple of years ago, after floating that list all over the place, and the list is so well known that most of us have it and can read from it, they retreated from that finally and said that the cost is too great.

Mr. President, we would welcome input from Members—the Senator from Michigan has been very helpful; there are others involved—concerning changes in these provisions on pages 161 through 171 of the bill. I hope staff of various Senators are looking at that right now.

Does the Senator from Michigan have a statement?

Mr. LEVIN. Mr. President, will the Senator from Ohio yield for a question?

Mr. DIXON. I am delighted to yield.

Mr. LEVIN. I understand that an amendment I intend to offer has been cleared. It just duplicates language from last year's bill. I understand that it has been cleared, but if it has been and if Senator THURMOND is available, I wonder if the Senator from Illinois might be willing to lay aside the pending amendment so that we can dispose of this matter.

Mr. DIXON. Mr. President, I would be delighted to do that.

I indicate again to all my colleagues that if anyone has an amendment, they should bring it over here now.

I am told that the amendment of the Senator from Michigan has been cleared. I see the distinguished Senator from South Carolina here. If it has been cleared on the other side, we are prepared.

Mr. President, I ask unanimous consent to set aside the pending Dixon amendment, so that we can refer to the amendment of the Senator from Michigan.

The PRESIDING OFFICER. Is there objection to laying aside the amendment? The Chair hears none, and it is so ordered.

AMENDMENT NO. 2008

(Purpose: To authorize from funds appropriated pursuant to section 201, not more than $31 million for the purchase and installation of high technology manufacturing equipment in a private, non-profit center for advanced technologies)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2008.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the appropriate place in the bill insert the following new section:
>
> SEC. . TRAINING IN ADVANCED MANUFACTURING TECHNOLOGIES.
>
> (a) FUNDS FOR PURCHASE AND INSTALLATION OF EQUIPMENT.—Of the funds appropriated pursuant to section 201, not more than $31,000,000 of the amount appropriated for fiscal year 1989, may be obligated for the purchase of high technology manufacturing equipment and the installation of such equipment in a private, nonprofit center for advanced technologies for the purpose of training, in a production facility, machine tool operators in skills critical to the defense technology base to build, operate, and maintain such equipment.
>
> (b) REQUIREMENTS.—Funds may not be obligated for the purpose described in subsection (a) until—
>
> (1) the Secretary of Defense, the Secretary of Commerce, the Secretary of Labor, and the Secretary of Education enter into a memorandum of understanding concerning the participation of their respective departments in a project to demonstrate the training of machine technicians in a production facility;
>
> (2) the Secretary of Defense approves the obligation of such funds for such purpose; and
>
> (3) a period of 60 days elapses after the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report that sets forth a detailed explanation of proposed Federal expenditures, a description of the cost-sharing arrangements between the Government agencies concerned and the private sector, and a description of how the proposed program furthers the industrial and technological goals of the Department of Defense.

Mr. LEVIN. As part of the effort to regain their competitive edge, many businesses have invested heavily during the past few years in new and complex machinery. This investment is clearly important for the maintenance and reinvigoration of our defense industrial base. However, it has become increasingly apparent that businesses in particular, and the Nation in general are not receiving the full value of this investment because too much of this equipment is in need of repair and is not actually in use. To put it briefly, this Nation is suffering from a shortage of individuals who are trained to repair these very complex machines.

In recognition of this, the Congress last year authorized from the funds appropriated pursuant to section 201 of the DOD authorization bill for fiscal year 1989 not more than $31 million for both fiscal year 1988 and fiscal year 1989 for the Center for Advanced Technologies. This center would seek to assure a defense industrial base by training multiskilled machine technicians capable of building, installing, integrating, maintaining, diagnosing, and modifying technologically advanced equipment and systems.

No funds were appropriated last year for fiscal year 1988 or fiscal year 1989. It is, therefore, necessary to seek a reauthorization for fiscal year 1989 this year because under section 5 of last year's DOD authorization bill, authorizations for fiscal year 1989 were "effective only with respect to appropriations made during the first session of the 100th Congress."

The Nation's acute shortage of skilled craftsmen capable of servicing highly automated, computer-integrated and flexible manufacturing systems remains. The need for a Center for Advanced Technologies remains.

The language of this amendment is identical to the language in the authorization for fiscal year 1989 enacted last year, with the exception that references to fiscal year 1988 have been deleted since they are no longer applicable.

I understand that this amendment has been cleared on the other side.

Mr. THURMOND. Mr. President, as I understand it, the Defense Department has cleared this amendment.

Mr. LEVIN. I understand that it has been cleared.

Mr. THURMOND. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. LEVIN].

The amendment (No. 2008) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. I thank my friends.

Mr. DIXON. Mr. President, the staff advises that there are a number of amendments in hand, several of which have a possibility for adoption. Of course, there are the usual amendments we face every year which will require rollcalls. This is a good day, Tuesday. We would like to finish this bill this week, and we will make every effort to do so.

This is probably the stickiest wicket in this bill, and we are trying to resolve it. Work is being done on it now.

We invite others to please come here, and we will set aside the Dixon amendment from time to time on the base closing question to accommodate other Senators. It is 11:30, and we have the usual conference luncheons on both sides. Now would be a good time to come over here and get an amendment adopted.

AMENDMENT NO. 2005, AS MODIFIED

Mr. DIXON. Mr. President, returning to the amendment before us, the amendment before us, of course, would provide for congressional input on a bipartisan basis, by providing that the chairman and ranking member of the authorizing subcommittee in the Senate and the chairman and ranking member of the Appropriation Subcommittee in the Senate that are jurisdictional on the issue, the same in the House, be members of this Commission. It would be the first step in some repair work on this provision that encompasses pages 161 through 171, and it would be entirely bipartisan. There would be two Republicans and two Democrats from each House then involved on the Commission who have a degree of expertise in this issue and an understanding of the process and the concerns of Congress.

Now, let me just point out another concern I have. Here is a letter from the Secretary of Defense saying that in parallel with the Commission's work he is initiating a review of our overseas bases to determine if efficiencies can be realized through closures or realignments in our overseas base structure. "This review will be completed in the fall, enabling me to report the results of this review to the Commission before it completes its work and makes its final report."

My argument with respect to that would be why limit the jurisdiction of this Commission to the United States?

I can assure the President and the Members of the Senate that there is a great deal of concern in the country about wastefulness in bases all around the world, a proliferation of bases all over the world, substantial moneys spent in addition to those bases all over the world.

I believe if you polled the citizens of this country about their concerns, one of their highest priority would be those foreign bases.

Here we have a bill designed to contemplate domestic bases in the United States to the exclusion of what I think most Americans would consider to be a matter of higher priority, foreign bases, and certainly I think they would think that at least of equal priority ought to be concern for foreign bases and that that question ought to be incorporated into this whole Commission jurisdiction and be subject to review just like domestic bases.

I would like to put again the cost of overseas bases in the RECORD. This is from the Deputy Secretary of Defense to the distinguished chairman of the Committee on Appropriations, one of our great Senators in this body, Senator JOHN STENNIS, the distinguished Senator from Mississippi, and the letter is dated April 25, 1988, from the Deputy Secretary of Defense, Mr. William H. Taft IV, to the Honorable JOHN C. STENNIS, chairman, Committee on Appropriations, U.S. Senate, Washington, DC. 20510, April 25, 1988.

The cost of U.S. bases overseas: Fiscal year 1987, $34.580 billion; fiscal year 1988, $35.525 billion; fiscal year 1989, $37.080 billion.

That is a lot of money, Senator Dirksen, a distinguished Senator from my State, often said around here "a billion here, a billion there and pretty soon you are talking about real money"; and you are talking about a lot of money in those bases overseas.

So, I would think that if we can craft a compromise, we ought to be concerned about having one that would look at foreign as well as domestic bases and again regional balance so that all parts of the country are represented, a finite number of members on the Commission, perhaps subject not necessarily to the approval of the Senate, but I think perhaps the Senate ought to have some input into some members of that Commission. That is one of the things I would hope we could work out, that on that Commission not only the Secretary of Defense but the Congress would be involved in composition, as I say, a finite number, whatever that number would be with regional representation, and all of the things that the Senator from Michigan as well as this Senator talked about previously.

I am told, Mr. President, that the distinguished Senator from Washington, Senator BROCK ADAMS, will be over here with an amendment within the next 5 to 10 minutes. I understand that that amendment has been cleared on both sides.

The point I want to make again is the door is open. We are doing business and I hope other Senators will come over.

The Senator from Washington is coming over and we will shortly set aside once again this amendment to deal with the amendment of the Senator from Washington.

Mr. President, I yield the floor in view of the presence on the floor of my distinguished friend and such a valuable member of the committee and my Subcommittee on Readiness, the distinguished Senator from Arizona.

The PRESIDING OFFICER. The Senator form Arizona [Mr. MCCAIN] is recognized.

Mr. MCCAIN. Mr. President, I rise to discuss the pending amendment by the distinguished Senator from Illinois, Senator DIXON. I would like to, first of all, express the enormous appreciation that I have for the many kindnesses he has extended to me as a member of his subcommittee. I stand with great respect and awe of the dedication and outstanding work that he has displayed not only as a subcommittee chairman but as one of the most effective members of the Armed Services Committee.

As with all respected colleagues from time to time we find ourselves in disagreement, and on this amendment I respectfully disagree with my friend and colleague.

I think it is important to point out that the information that I have is the last time a major military installation in this country was closed was sometime in the early seventies and I believe that that was the Boston Naval Shipyard.

A lot of things have happened in the intervening years. A lot of missions and roles have changed, and technology has made a difference. We have phased in and out weapons systems. We have experienced reductions in some part of our military forces and we have expanded in others. We have responded to the shifting challenges and national security requirements that our Nation faces.

Mr. President, I know of no knowledgeable American who believes that there are defense bases and installations in this Nation that cannot be closed. I would hesitate to cite specific bases at this time because then we would quickly degenerate into a discussion as to the merits or demerits of particular installations.

At the same time, I think it does a great disservice to the taxpayers of America to make a case that the status quo must remain forever and no installation in this country can be closed. It also harms our image here in the Congress as to the depth of our commitment to saving the taxpayers money and reducing the waste and inefficiency in defense spending.

The biggest problem in obtaining support for the increased defense spending, that we need in some areas, is the perception of the American people that so many of their tax dollars is being fraudulently wasted and abused. I believe the American people are correct in this perception and that my distinguished friend from Illinois is in agreement with me as to the importance of this issue.

I do not pretend to argue that a few base closings will change this perception dramatically. I do, however, say to you that if we are to show the courage of our convictions and our commitment to the American people, if we are to show we are going to spend their tax dollars wisely, then the closings of extraneous and unnecessary military facilities is in order.

Mr. President, we all want to maintain the military facilities in our States. The very fact that there has not been a single major military installation closed in this country in more than 10 years demonstrates this fact and indicates that the system is in a state of grid lock. If we continue to operate under the same rules of the game—economic impact statements, environmental impact statements, employment impact statements and all of the myriad of hoops that the Department of Defense has to jump through to achieve the closing of a single facility—we will never close a major base in this country.

The present reliance on congressional approval has failed for the last 10 years. What in the world can make us believe that we will succeed during the next 10 years if we stick to present rules of the game? That is why I am supporting the proposal that we create a blue ribbon panel which is objective in nature, and which will make these decisions for us.

I think that my friend from Illinois does raise an important question. Why should the Congress give some outside body this kind of authority and responsibility? I think the answer is simple. We must do it because the Congress and the Department of Defense have not shown the courage to take those measures which in my view—and I think the view of the overwhelming majority of the American people—we need to impose these efficiencies.

I think the most important aspect of this issue is not whether we are going to close a few bases or not, although they need to be closed. We need to send a message to the American people that we are serious about saving their tax dollars, and I do not see a way we can do this unless we agree to what is presently contained in the Senate Armed Services Committee bill before us. I understand it is also contained in the House bill.

Mr. President, Oliver Cromwell once had the courage to close down a useless Parliament. He said at that time: "They have sat here too long for the good they do here. It is time for them to go and return here no more."

Mr. President, it is time that our useless bases went and return here no more. It is time, no matter whose State these bases are in, that we carry out our obligation to the American taxpayers. It is time to impose maximum efficiencies across the board. It is time to support a bill that will give us an objective, unbiased, and supportable decisionmaking process which will provide the efficiencies which the American taxpayers want and deserve.

I want to again thank my colleague from Illinois for his honest commitment and his deep concern about this issue. I know he is deeply concerned about the impact of base closings upon working men and women who have worked their entire lives in a certain State and certain area. I know he is also understandably concerned about the prospect of Draconian measures taking place, and bases being closed which can never be replaced under normal circumstances.

At the same time, I believe that if this bill is enacted as presently written, we will have appointed a group of Americans who are eminently qualified to make these decisions, and I believe it is time we moved forward in addressing this very vital issue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I understand my friend from Delaware wants to make a statement but may I first accommodate the Senator from Washington? He has an amendment both sides have agreed to take. It will be very brief, only a couple of minutes. The Senator from Washington does have an amendment. It has been cleared on this side. I understand it is cleared on the other side. We will be very brief in adopting it.

The PRESIDING OFFICER. Does the Senator ask to lay aside the pending amendment?

Mr. DIXON. I ask to lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2009

(Purpose: To authorize the Secretary of Defense to provide support to community adjustment activities required by the closure of the N-reactor and to authorize the Secretary of Energy to provide funds for such activities)

Mr. ADAMS. Mr. President, I want to express my deep gratitude to the manager of the bill and I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Washington [Mr. ADAMS], for himself and Mr. EVANS, proposes an amendment numbered 2009.

Mr. ADAMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following: The Secretary of Defense may make grants, conclude cooperative agreements, and supplement funds made available under Federal programs administered by agencies other than the Department of Defense in order to assist State and local governments and regional organizations composed of State and local governments, in planning and supporting community adjustments required by the closure of N-Reactor, Hanford, Washington. Provided further that the Department of Defense is authorized to provide funds for such activities.

Mr. ADAMS. Mr. President, I believe this amendment is acceptable to the managers of the bill but I would like to take just a few moments to explain its provisions and the history surrounding it.

Last year, it became clear that a combination of safety concerns and national defense needs would result in the closure of the N-reactor in Hanford, WA. It was also clear to me, as it has been for years, that the economy of the Tri-Cities, which surround the Hanford Reservation, had become excessively dependent on the continued operation of the defense facilities located there. Recognizing the inevitable fate of the N-reactor, I sought to minimize the impact that closure would have by requesting that the Defense Department's Office of Economic Adjustment—a small but effective organization designed to minimize the impact of changes in defense spending on communities—get involved. That request was made in September and I was pleased to have Senator NUNN, Senator WARNER, Senator STENNIS, Senator HATFIELD, and Senator JOHNSTON join me in making it. We were told back then that such a request was "premature" since no decision about the N-reactor had been made. Obviously, I disagreed. You shouldn't have to wait for a disaster to happen before you begin to plan for it. I renewed the request in January and again in February. Finally, I was told that DOD and DOE had agreed that it was a good idea. "Better late than never," I thought.

Since OEA became involved—and they are involved and being helpful—some have suggested that it would be wise to clarify their right to offer assistance to communities effected by changes in DOD facilities and the Hanford facility belongs to DOE. This is, in my mind, a minor problem since Hanford is designed to support a clear DOD mission and since both the Secretary of Defense and the Secretary of

Energy now support OEA involvement.

Still, in an effort to clarify the issue, this amendment simply recognizes OEA's right to be involved at Hanford and authorizes DOE support for OEA's effort there.

I appreciate the cooperation of the chairman and his staff throughout the process of dealing with this issue. Again, I think the amendment is acceptable to the managers of the bill and I yield the floor.

HANFORD DESERVES OFFICE OF ECONOMIC ADJUSTMENT ASSISTANCE

Mr. EVANS. Mr. President, I am pleased to join with my colleague from the State of Washington, Senator ADAMS, in proposing this amendment. It will provide authority to the Defense Department's Office of Economic Adjustment [OEA] to assist the citizens of the communities surrounding the Hanford Nuclear Reservation to adjust to changed economic circumstances resulting from the decision by the Department of Energy to close the N-reactor.

For more than 20 years the Office of Economic Adjustment has provided assistance to communities faced with the prospect of a military installation closure. The OEA serves a coordinating function by helping distressed communities identify various sources of economic assistance and development aid that will help them convert what otherwise might be a severe economic jolt into a positive shot in the arm.

This amendment is necessary because current law authorizes OEA assistance only when an installation owned and operated by the Department of Defense is shutdown or significantly realigned. The rationale for the law is that communities which have sprung up to support military installations or which have come to depend on a military installation should not have to bear the full brunt of a decision to terminate or greatly curtail military activity at the installation.

Although it is not technically a military reservation, the Hanford complex produces nuclear materials vital to maintaining our national security. Under longstanding policy, the Department of Energy—not the Department of Defense—operates all our defense nuclear production facilities. Accordingly, the rationale for the law which authorizes OEA support for closed DOD facilities would also support OEA assistance to communities affected by closure of a DOE defense facility.

Mr. President, much work needs to be done to help the Tri-Cities and other communities affected by the closure of the N-reactor. The goal is to save as many jobs as possible through a combination of increased activity in other programs at the Hanford Reservation and creation of new employment opportunities throughout the surrounding communities. OEA can help us reach that goal.

The PRESIDING OFFICER. Is there any further debate on the amendment? The Senator from Arizona.

Mr. McCAIN. Mr. President, this is a very important amendment of the Senator from Washington. It is an effort to take care of very fine people that are employed in his State and have suffered severe economic consequences as a result of an event that was not in any way their responsibility. This side of the aisle is pleased to support this very important amendment.

The PRESIDING OFFICER. Is there any further debate on this amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2009) was agreed to.

Mr. ADAMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ADAMS. Mr. President, I wish to express to the manager of the bill my thanks for the kindness, not to me but to the people who have been so deeply impacted by this, and my appreciation to the leadership for allowing us to do this.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Delaware.

BASE CONSOLIDATION

Mr. ROTH. Mr. President, over the last several years, I have sought to play a role in drawing the attention of the Senate and of the public to some of the more outrageous spending practices of the Department of Defense. My efforts, and those of my colleagues, have unearthed allen wrenches priced at almost $10,000, coffeepots for $7,600, and in one particular hilarious example, toilet seat covers for $640. At one stage, I was even able to decorate an entire Christmas tree with expensive examples of the carelessness of the Pentagon and the cupidity of several of our major defense contractors.

Some members of the Pentagon, confronted with these criticisms, decided that a good offense constituted the best defense. They sought to belittle these efforts as demeaning and fundamentally unimportant. Well, Mr. President, I do not think that these efforts were, in any sense, minor or demeaning. They uncovered serious abuses of the taxpayers' money and I, for one, am proud of the role I played in holding the Pentagon's feet to the fire and demanding reform.

However, let us face facts, if we are going to attack waste and abuse by the Pentagon, we cannot turn a blind eye to waste that emanates here, in this Chamber. We cannot assert that it is wrong for the Department of Defense to waste taxpayers' money but it is fine for elected politicans to play fast and lose with the taxpayers' dollars.

And let us face facts, this is exactly what we have been doing with military bases. This Government has been maintaining a number of military facilities which the Armed Forces simply do not require and which the Department of Defense wishes to close. Let me repeat that for the benefit of my colleagues. These are savings which the Department of Defense wishes to make. That agency of the Federal Government which so many of us have condemned as spendthrift wishes to make savings. The question before us now is only whether the Congress will stand in the way of such savings.

How much money will be saved by allowing the Department of Defense to close or consolidate its basing facilities? Of course, no one can answer that question with absolute certainty, because none of us know exactly how many bases should, or could, be closed. However, the Grace Commission said that a conservative estimate of potential savings amounted to at least $2 billion per year. Please note that these savings are not one-time savings, but annual savings and that the Commission pointed out that, according to DOD and OMB analyses, annual savings could be much greater.

Mr. President, we are not talking about a few savings here and a few savings there that may add up to some real money at the end of the day. We are talking about real money up front, a minimum of $2 billion per year. How can we, in all conscience, pass by the opportunity to save $2 billion a year in useless spending?

I might point out that there are some who estimate that it would go as high as $5 billion.

What is the mechanism by which such savings will be made? The mechanism is extremely important because the Congress should not, under any circumstances, risk allowing partisan politics to drift into the base consolidation issue. We do not want to run the risk of allowing a Republican administration to target only bases in democratically held States and constituencies or vice versa. Nor do we wish to allow a Republican or Democratic administration to play out base closing over a long period of time for political advantage.

I believe that the mechanism which has been established after long consultations between myself, Representative ARMEY, Senator NUNN, Senator WARNER, Representative ASPIN, and Secretary Carlucci truly solves this problem. I sincerely believe that this represents an honest, workable, bipartisan solution to the base consolidation question.

The Secretary of Defense already has appointed a nine-member Commission on Base Consolidation headed by former Senator Ribicoff and former Congressman Jack Edwards. I have in my possession lists of other Commission members if any Member wishes to see them.

The legislation which we are considering here today empowers the Secretary of Defense to act upon the recommendations of the Commission and lays down the manner in which he may do so.

First, and most important, the legislation provides that, if any consolidations of closures are to take place, the Secretary of Defense must, within 15 days of receipt of the Commission's report, himself report to the Congress that he intends to accept all of the Commission's recommendations.

I stress all, Mr. President, because the Secretary may not pick or choose among the Commission's recommendations. There is no danger of a Secretary playing politics here. He must accept the Commission's recommendations as a whole or not at all.

In addition, if the Secretary decides that closures are to be implemented, he may not drag them out for political purposes. Closures must be initiated no later than September 10, 1991, and all must be completed no later than September 30, 1995. In other words, we are not giving carte blanche to the Secretary of Defense. Rather, we are opening a window for a finite period of time in order that the Secretary may carry out a specific task which is vital to the security and the budgetary health of this Nation. When the task is completed, the window will be closed.

The work will proceed promptly and, in my opinion, efficiently. The Commission must report its findings to the Secretary no later than December 31, 1988, and, as I mentioned earlier, the Secretary then has 15 days within which to decide whether or not to accept all of its recommendations.

I do not believe that this strict timetable is unrealistic. The Department of Defense already has the necessary data on the financial position of its various bases and the roles they play, or do not play, in the preservation of U.S. national security. In short, I believe that the Commission can meet this deadline and turn in a top quality analysis.

The formulators of this initiative are fully aware that some local communities can be negatively impacted by the closure of military facilities. Consequently, this legislation allows the Secretary of Defense to make economic adjustment assistance available to impacted communities.

I suspect that some of my colleagues are particularly concerned about the local impact of a base closing. I would commend to their attention an editorial in the Wall Street Journal of May 4, 1988. The editorial points out the example of the closure of Kincheloe Air Force Base in Michigan in 1977. When the closure of the base went ahead, local residents feared the loss of the 650 civilian jobs which the base provided. Today, the former base is the site of an air/industrial park and provides three times more jobs than did the former Air Force base.

I would also draw my colleagues attention to the 1981 report of the President's Economic Adjustment Committee on completed military base economic adjustment projects between 1961 and 1981. The Economic Adjustment Committee assisted local communities to adjust to the economic impact of base closings and, in my opinion, has been remarkably successful. Former military bases have been successfully converted for productive civilian uses such as airports, schools, hospitals, recreational areas, and industrial parks.

Of the 94 military base economic adjustment projects, the committee made the following interesting findings. 87,703 former DOD or contractor jobs lost through closure were replaced by more than 123,000 civilian jobs. 109,262 of these are new jobs; over 14,515 jobs were relocated from the impacted local communities to improved sites on the former bases.

Eight 4-year colleges, 28 postsecondary vocational technical institutes or community colleges, and 11 high school vo-tech programs have been established at former bases. 46,000 college and postsecondary students, over 29,000 secondary vo-tech, and over 8,000 trainees are now receiving education and training at 50 former defense bases.

Sixty-eight of the defense bases closed between 1961 and 1981 are now the sites of industrial parks or plants.

The committee concludes its findings by informing us:

> The transition period, often 2-3 years, in securing new civilian uses can be difficult for many communities. Yet, the experience of communities affected by earlier base realignments clearly indicates that communities can successfully adjust to such dislocation.

The adjustment experience is aptly summarized in an April 27, 1979, Chicago Tribune editorial:

> If cities are not resistant to the utmost the loss of the local military payroll, they need to hear the message that more diversified, stable, and economically valuable civilian payrolls not only may but do follow the departure of the military payroll.

When, and if, the Secretary decides to act upon the recommendations of the Commission and a particular piece of property is determined to be available for sale, the Secretary of Defense shall first inform other Federal instrumentalities of the availability of the property and, if offers are received, the property shall be sold to these instrumentalities at fair market value, if all the necessary funding will be available within a reasonable period of time.

If no fair market value offers are received, the Secretary may convey DOD property to Federal agencies at less than fair market value if DOD can, nonetheless, prove that this course of action will produce savings. In addition, property may be conveyed to State or local governments at less than market value if the property in question is to be used for airport, education, or health purposes in accordance with a State or local reuse plan.

Mr. President, surely we all recognize that we are going to have to do something about the expense of U.S. military bases. Certainly, the media appears to think so. I ask unanimous consent that editorials on this subject from the Wilmington News Journal, the New York Times, the Washington Post, and the Wall Street Journal, all urging action on this issue and supporting the actions taken by the Senate Committee on Armed Services, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wilmington News Journal, Apr. 19, 1988]

SOUND SAVINGS

Air Force officials announced Wednesday that a facility in California is to be mothballed. The military shuttle launch pad at Vandenberg Air Force Base will be taken out of "caretaker status," which now costs taxpayers some $50 million a year, and placed in deep standby, which will only cost some $8 million. There will be savings of more than $40 million annually.

A mere 40 big ones aren't much in a $1 trillion federal budget, but 40 here and 40 there, we were told once by one of the U.S. Senate's most noted talkers, mount up.

Sen. William V. Roth Jr. and some fellow lawmakers figure that real military base "consolidation" can save us $2 billion a year. The Delaware Republican Wednesday called that conservative and cited a Congressional Budget Office study that put yearly savings at $5 billion.

Unarguably, some military facilities are just standing there, not contributing to our national security commensurately with the funds expended on them.

The Senate Armed Forces Committee this week took up legislation originally introduced by Mr. Roth, cosponsored in the House by Rep. Dick Armey, R-Texas.

It is designed to create a bipartisan commission which would submit to the secretary of defense a list of bases to be consolidated—read that closed in many cases. Some sites could be sold at as close to fair market value as possible, some might be transferred for use by states and localities for public purposes. The secretary would have to accept all or none of the consolidations. He could not pick and choose from the recommendations.

Sen. Roth on Wednesday said he is saddened to admit the bill will, "most likely prove extremely controversial" on the floor.

We all have known for many years that there was dead wood in the Pentagon inventory of facilities. The trouble has been that the most obvious bases to close were always in someone else's state or representative district.

Sen. Roth and his allies note properly that these facilities have been maintained "for selfish political reasons" to in turn maintain "a flow of defense dollars into our states." They have been the basis for "senators' statewide popularity campaigns."

Major steps for the Senate, in curbing defense spending are, in Mr. Roth's words, to "acknowledge that some of the Pentagon waste and abuse emanates from this chamber" and to stop it. This applies, of course, to the House too.

The legislation provides for the defense secretary to make adjustment help available to impacted communities.

The proposed program is indeed long overdue. The Congress should seize the chance to take most of the politics out of the issue and get on with it.

[From the Washington Post, Apr. 27, 1988]

PIE-SLICING

Every parent knows how to make two children split a piece of pie. One child divides, the other chooses. Never is a piece of pie cut more carefully in half.

Now Congress and the Pentagon may have found a similar formula for dealing with a different kind of dessert—an acceptable way, at long last, to close military bases. Obsolete bases have been a blot on the defense budget for years. For all the earthy reasons that you might expect, efforts to close some—even to come up with lists for closing—have been consistently foiled. The likely savings are doubtless exaggerated, but the targets should be closed anyway. Some critics on both left and right say as many as a tenth of the roughly 300 major domestic bases could be safely eliminated and as much as $2 billion to $5 billion a year eventually saved.

Part of the problem is, of course, that military bases mean jobs and payrolls, but part of it has also been institutional. Bases have been hard to close in the normal legislative process, but neither Congress nor the executive branch has been willing to entrust the other with the necessary power in a special process. Each feared, or professed to fear, that the resulting list would be political.

Last year a group of members—Rep. Dick Armey of Texas was a leader—proposed that the power be given on a one-time-only basis to a neutral commission jointly appointed. For various reasons, that idea didn't fly, but now a new one seems about to. Defense Secretary Frank Carlucci would name an independent and bipartisan commission; he has already circulated the respected names of former Democratic senator Abraham Ribicoff of Connecticut and former Republican representative Jack Edwards of Alabama as possible cochairmen. The panel would, by the end of the year, recommend a list of bases to be closed.

Mr. Carlucci would be free to close all or none of those on the list, but no combination between. He could not, therefore, make up a list of his own to punish or reward; and as the departing secretary, with no more business to conduct, he would be freer than his successor to disregard such considerations anyway.

The senior members of both the House and the Senate Armed Services committees are said to be agreeable to this. In a time when it's in everyone's interest to find a fair way to save defense funds, that's not surprising. The districts that would lose under such a procedure deserve to lose. Conservatives and liberals should both be willing to vote aye.

[From the New York Times, Apr. 29, 1988]

TO MOP UP MILITARY GRAVY

No waste in government is more obvious than keeping military bases open only to benefit a particular congressman's or senator's constituents. At last, leading members of Congress have come up with a sensible, nonpolitical antidote. They propose a bipartisan commission that would select bases to be closed, saving up to $5 billion a year.

There are 5,000 military installations in the United States. None have been closed since 1977. Consider Loring Air Force Base in far northeastern Maine. Building it there, as close as possible to Moscow, made sense in 1946. Modern bombers and intercontinental missiles have long since wiped out that justification.

But a 1977 law sponsored by Senator WILLIAM COHEN, the Maine Republican, requires an environmental impact study before any base is closed. Studies usually find that a shutdown would improve the environment. But they also say that base employees will lose jobs. That ends the discussion.

Other egregious examples abound: Fort Douglas in Utah was built to protect a stagecoach route. Fort Sheridan in Illinois provides Army brass with a golf course and two beaches. Virginia's Fort Monroe, moated against the British in 1812, now serves no essential military purpose. Three years ago, the Pentagon also proposed closing the Philadelphia Navy Yard and Fort Devens in Massachusetts.

Representative Dick Armey of Texas originated the new commission plan. He and Senator WILLIAM ROTH of Delaware, both Republicans, have offered identical bills, supported by the chairmen of both armed services committees. The Secretary of Defense would appoint a nonpartisan commission to designate bases for closing. The Secretary would have to accept or reject their whole list; he could not play politics by choosing among the recommendations. The commission would report by Dec. 31, and he would have 15 days to say yes or no.

The dates are well chosen: a decision between Election Day and Inauguration Day would come during the end of the Reagan Administration, with nothing to lose, and before the newly elected President could be exposed to blame or pressure.

To set the plan in motion, Congress has to waive the environmental requirement, thereby accepting the fact that some workers would lose their jobs. That's not necessarily disastrous. A Pentagon analysis of bases closed between 1961 and 1977 found that the new occupants created almost 50 percent more civilian jobs than the old bases.

Some opponents of the plan will argue that it costs more to shut a base than to keep it going, but closing costs are soon recouped. Still others will assert that Congress should not cede this power to a commission. Such talk might sound plausible if the taste of gravy were not so strong. The Armey plan is a sound solution to a costly political puzzle.

[From the Wall Street Journal, May 4, 1988]

RARE EVENT

When the Michigan congressional delegation failed to prevent the closing of Kincheloe Air Force Base back in 1977, residents of Chippewa County, Mich., and their congressional delegation feared that the 650 civilian jobs provided by the base never would be replaced. Today, the base is known as the Chippewa County Air/Industrial Park, and it provides more than three times the jobs formerly provided by Kincheloe. The apprehensions of the Chippewa County residents and their congressmen proved unfounded.

Kincheloe was one of the last major military bases to be closed in the U.S. For all the wailing in Congress about the defense budget, repeated attempts to close expensive, redundant bases have failed. Defense experts estimate that at least 10% of the nation's 900 major military bases could be shut. Congress won't allow it. Indeed the law that effectively prevents any such closures now is the handiwork of one of those Washington monuments who frequently has the word "respected" inserted in front of his name—Senator William Cohen of Maine.

A 1977 law sponsored by Senator Cohen to thwart the closing of his state's Loring Air Force Base requires prior "environmental" and economic impact studies. As veterans of the Environmental Protection Act know, these studies are basically a trampoline for extended litigation. So the Pentagon decided to let the Congressmen and their moribund pet bases alone.

It now appears, however, that all the stars in Washington's astrological sky currently are aligned in a way that makes closing the bases a possibility. Texas Congressman Dick Armey and Delaware Senator William Roth have made legislative proposals to close the most unnecessary bases. "We no longer need to guard the Pony Express routes to the Wild West," Senator Roth says. "We no longer need to maintain moated forts to guard against assault by British sailing ships."

One key to the Armey and Roth measures is that they allow an outside force to impose a discipline and responsibility of purpose on Congress that individual members have found impossible to assume themselves. It takes the decision of what bases to close out the hands of Congress or the Executive and places it with a bipartisan nine-member commission to be appointed by Defense Secretary Frank Carlucci. The commission will look at bases around the country and make recommendations of which 15 to 25 bases should be closed between 1991 and 1995. The Secretary of Defense can either approve the closings or reject them, but he cannot pick and choose bases from the list. This is meant to avoid charges of partisanship. For its part, Congress would waive the current onerous requirements for base closings, but would reserve the right to rescind a particular closing with a majority vote.

If all this happens, it will save between $2 billion and $5 billion annually. The Armey-Roth device is yet one more example of officials in Washington offloading onto a "commission" the responsibilities they are presumably elected to exericse themselves. Given that the closure of military bases is as rare now as an eclipse of the sun, we'll gladly welcome the event. We'll also believe it when we see it.

Mr. ROTH. The eye of the American public is upon us, and I do not think we should expect to escape criticism if we fail to act on this issue.

The Wall Street Journal closed its editorial with two sentences,

> Given that the closure of military bases is as rare now as an eclipse of the Sun, we'll gladly welcome the event. We'll also believe it when we see it.

Mr President, I call upon this body to prove the Wall Street Journal wrong, to prove that this body can act resolutely for the public good when the need arises. In the light of our current budgetary deficit, the need to save $2 billion a year is clear and obvious. Let us act resolutely for the public good and empower the Department of Defense to make the savings which this body has so long demanded.

Mr President, I have great respect for the distinguished senior Senator from Illinois, and I can well understand his concern, but I must rise in opposition to his amendment. As I said, I certainly understand and appreciate his desire to give Congress more control over the base-closing process. But to give Congress any real control over the mechanism under consideration would, in my judgment, be unconstitutional.

As my colleagues will recall, Congress also wanted greater control over the execution of our Federal election laws, a very sensitive matter, indeed. But in Buckley versus Valeo the Supreme Court held unconstitutional the Congressional effort to place Members on a commission with a duty to carry out laws. The Court held that this violated the appointments clause—article II, S2, clause 2—of the Constitution which states how officers of the United States are to be appointed and excludes Congress from participating in that process.

In Buckley versus Valeo, Congress tried to place Members on the Federal Election Commission to make sure it did the "right" thing. Here, the amendment would place congressional Members on the Base Closing Commission for the same reason. To me, the two situations are constitutionally indistinguishable.

The actions of the Base Closing Commission have legal effect, binding the United States. Their actions will allow certain statutory requirements to be waived. Therefore, their actions are not merely advisory. Since their actions have binding effect, the actors—the members—must be appointed in conformity with the appointments clause. Thus Congress may not place Members on the Commission, and for that reason the amendment must be rejected.

I yield the floor.

TRADE BILL CONFERENCE REPORT CORRECTIONS

Mr. THURMOND addressed the Chair.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, may I say to the distinguished Senator from South Carolina I will be brief.

The distinguished Republican leader and I have been awaiting an opportunity when we might have a discussion concerning the concurrent resolution that has come over from the House making corrections in the enrollment of the conference report on the trade bill, H.R. 3. The conference report on H.R. 3 had certain provisions in it which I think can correctly be considered to be discriminatory toward Alaska and also, which at least on the surface of those provisions, appear to be unconstitutional. These provisions have to do with shipments of oil and refining of oil in and by the State of Alaska.

The House has taken action to correct the enrollment of the conference report on the trade bill, and those corrections would remove these offending provisions from the conference report.

The President, when he has indicated that he is going to veto the trade bill, has cited the provisions that pertain to Alaska as being one of the problems that he has with the trade bill, and so the House has attempted to meet the President's objections in this respect by eliminating through this concurrent resolution these offending provisions. The concurrent resolution has come over to the Senate, and I will shortly ask unanimous consent that the Senate proceed to the consideration of the concurrent resolution. I do this hoping that the Senate will be in a position to take the same action as the House has taken to remove these offending provisions from the trade bill, so that when it reaches the President's desk, hopefully soon, and undoubtedly it will be soon, these provisions would not be a part of the bill and to that extent we would have removed that objection which the President has voiced.

There was considerable discussion of these provisions at the time the conference report was before the Senate.

I stated at that time that I sympathized with the Senators from Alaska who were very opposed to these provisions, and I also stated at that time that I agreed with them that the provisions were discriminatory toward Alaska and, at least on the surface, would appear to be unconstitutional.

The distinguished Republican leader and I have discussed this matter. He is on the floor, and I ask unanimous consent, Mr. President, that the Senate proceed to the immediate consideration of House Concurrent Resolution 293, making corrections in the enrollment of the conference report on the trade bill H.R. 3.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object, and as I have indicated to the distinguished majority leader, I will be constrained to object because I have a number of requests to do so. But as a matter of making a record, in the event there is no objection, and the concurrent resolution is then before the Senate, would it then be fully amendable?

The PRESIDING OFFICER. The Senator is correct. It would be fully amendable.

Mr. DOLE. So that other amendments dealing with other provisions in the trade bill that Members did not like on either side could be considered as amendments to the concurrent resolution?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. There would be no time restraint?

The PRESIDING OFFICER. Both the motion to proceed and the resolution will be fully debatable.

Mr. DOLE. Mr. President, under the reservation, I know there are a number of provisions that have been called to my attention, one dealing with ethanol, importing ethanol, which has an adverse impact on our domestic industry and agriculture in particular in States like Illinois, Iowa, and others, and will be opening up another loophole of the CBOI.

There are many of my colleagues who would like to strike that provision from the trade bill.

There are other provisions dealing with creation of new agencies, studies, a list of seven or eight that have been called to my attention. As I understand, they would all have that opportunity if there is no objection. If there is objection, is it correct that the resolution would then go to the Banking Committee?

The PRESIDING OFFICER. The Senator is correct. If enrolled, the resolution would go to the Banking Committee.

Mr. DOLE. I think I know the answer. But to make the record, is there any requirement that the Banking Committee take action on the resolution?

The PRESIDING OFFICER. There is no requirement for the Banking Committee to take action.

Mr. DOLE. If no action is taken, what happens then to the conference report on the trade bill? Can that be sent to the President or do we have to wait until action is taken on the concurrent resolution?

The PRESIDING OFFICER. The trade bill can be sent to the President and it is not dependent on action on the concurrent resolution.

Mr. DOLE. In the concurrent resolution itself, are there any corrections to the conference report, technical corrections, other than the elimination of the so-called Alaska provisions? Are there other corrections in the resolution?

The PRESIDING OFFICER. That is the only correction that the Chair is aware of.

Mr. DOLE. The question I guess would be whether or not that was a technical correction, but there are no other apparently technical corrections in the conference report. Is it correct then to assume that the Banking Committee would never take action, the conference report would go to the President, he has indicated he will veto the conference report, then it comes back to the Congress, and we would then act on the veto?

In other words, I guess what I am suggesting is once an objection is made, and the concurrent resolution goes to the committee, that could be the end. It probably would be the end.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. The majority leader may have further comments. I would interpose an objection at this time.

The PRESIDING OFFICER (Mr. PELL). Objection is heard.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader. I think that he has performed a service in the course of the parliamentary inquiries, laying into the RECORD the various ramifications of an objection to the request. The correction that would be made would be a substantive correction. It really does not conform to the definition of a technical correction. That is the reason the matter is not privileged and would go to the Banking Committee.

As the distinguished Republican leader has also made clear for the RECORD, this resolution, if it were called up before the Senate, would be subject to amendments, and that could involve quite a bit of time as the Senate proceeds to work its way through various and sundry amendments that would be offered on this resolution.

The purpose of making the request and in seeking to get the resolution before the Senate, of course, is to then, hopefully, get some kind of agreement that would allow the offending provisions to be dealt with without the Senate's having to deal with other amendments.

If the House were to send over the enrolled conference report or bill tomorrow, then it would be a matter for the Vice President or the President pro tempore or the Acting President pro tempore to sign, whereupon the measure would then go back to the originating House, the other body, which would then send the measure down to the President.

It is anticipated that that measure will be going down to the President within the next day or so, during this week, whereupon at midnight of the day it reaches the White House, the 10 days under the Constitution, excluding Sundays, will begin to run and end with midnight of the 10th day.

I think what is obvious here is that if this resolution were called up at the moment and we could not get unanimous consent to limit amendments to it, it would be around for several days, and we would have the whole trade debate or at least a good bit of it right here on the floor all over again.

The point I am trying to make here is that the President should not veto this bill. He ought to sign this bill. There is no question but that he has the right and the prerogative, the authority, and the power to veto it. There are those who say that if the President vetoes this bill, it could make a quick turnaround and the offending provisions to the President, to wit plant closings, could simply be eliminated and the bill could be quickly stripped down and sent back to the President.

It is obvious that while the House may be able to give the bill a quick turnaround, in the Senate where the rules are different, we can expect Senators to call up the same amendments they called up before. Our time is growing short. There are 78 days of session left in this session. We have to dispose of all the other measures that are incumbent upon us before the adjournment date which I hope will be no later than October 8.

So here is an effort to remove the offending provisions.

The trade bill is going to go down to the President, as I have said, this week. This is one last chance to remove one of those obstacles. If there is an objection, the resolution will go to the Banking Committee. It will likely die there. If it is reported out by the Banking Committee at any point, to get to it on the calendar requires unanimous consent or a motion, which, under most circumstances, would be debatable.

I thank the distinguished Republican leader. In carrying out his responsibilities to his side of the aisle, he has helped to make clear, as I have tried to make clear, the problems attendant to coming forward with another trade bill, with all the rules and time constraints we have.

I close by saying again that I hope that the President will not veto this bill and that those Senators who really want to see trade legislation enacted will consider very carefully their vote when the time comes to vote on the override of a veto. I hope the President will still see the light and not veto this trade bill. But if that happens, what has transpired here today should underscore the difficulties that will arise in any effort to strip away certain provisions from the trade bill and send a new trade bill to the White House.

Mr. President, I thank the distinguished Republican leader for his objection. He was constrained to object for the reasons he has stated, because there are Senators on his side who would want to offer amendments to this resolution if it were called up.

I yield the floor.

Mr. DOLE. Mr. President, I will take 1 minute.

I certainly have agreement with nearly everything the distinguished majority leader has said. But I do know that the Senator from Iowa [Mr. GRASSLEY], for example, if there were no objection, would be here with an ethanol amendment. He has already made an inquiry.

I know of others who would be here with amendments. Some would be here with an amendment on plant closings, to strike that provision. Some would be here with amendments with respect to transferring authority of the U.S. Trade Representative.

I think the majority leader correctly underscores that if there were no objection, we would have a full-scale trade debate here, probably for days.

That may portend what will happen if there is a veto. I am not suggesting that would happen. It seems to me that the issue is clearly drawn. The conference report, according to the majority leader, now will go to the President, within 2 or 3 days. The President will take whatever action he should take within 10 days. Then Congress and the administration will be faced with a larger question: Should we make an effort to have another trade bill this year?

I believe there is a genuine interest in passing trade legislation on both sides of the aisle and in the White House, and I believe that we have taken appropriate action by objecting to this request.

I thank the distinguished majority leader.

Mr. BYRD. I thank the Republican leader. I thank the distinguished Senator from South Carolina for his patience.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2005, AS MODIFIED

Mr. THURMOND. Mr. President, I rise in opposition to the amendment offered by my good friend from Illinois, Senator DIXON. The senior Senator from Illinois is one of the most dedicated, all hard working members of the Senate Armed Services Committee, and I have worked long and closely with him in his capacity as the chairman of the Subcommittee on Readiness, Sustainability and Support. I regret, however, that I must oppose him on this matter.

The legislation in the committee bill provides that if any consolidations or closures are to take place, the Secretary of Defense must, within 15 days of receipt of the Commission's report, report to Congress that he intends to accept all of the Commission's recommendations. He may not pick or choose among the Commission's recommendations. He must accept the Commission's recommendations as a whole or not at all.

If the Secretary decides that closures are to be implemented, he may not drag them out. Closures must be initiated no later than September 10, 1991, and all must be completed no later than September 30, 1995.

We are giving the Secretary a short period of time to carry out a task which is vital to the integrity of our defense budget. The work will proceed speedily. The Commission must report its findings to the Secretary no later than September 31, 1988, and the Secretary then has 15 days to decide whether or not to accept all of its recommendations. This strict timetable is not unrealistic.

The Department of Defense already has the necessary data on the financial position of those various bases and the roles they play or do not play in the preservation of U.S. national security. The Commission can meet this deadline and turn in a top-quality analysis.

We are fully aware that some local communities can lose some revenue as a result of the closure of military facilities. Consequently, this legislation allows the Secretary of Defense to provide economic adjustment assistance to impacted communities.

Mr. President, we will hear a great deal today about the responsibility of the Congress and how we are neglecting that responsibility through setting up an automatic mechanism for base closures. There is nothing automatic about the process. The Congress can act to repeal this legislation next year if we so choose.

The real issue is one that concerns each and every one of us, and that is the potential loss of jobs in our States, and other resulting economic dislocations. These are very real and important concerns. I would like to share with you, however, what happened in South Carolina in 1962.

In that year, the Department of Defense announced that Donaldson Air Force Base in Greenville, SC, was to be closed. At the time, I was a member of the Armed Services Committee, as I am today. I was also a member of the Democratic Party which I am not today. The chairman of the House Armed Services Committee was a fellow South Carolinan named L. Mendel Rivers. The Governor of South Carolina was our good friend and colleague, Senator FRITZ HOLLINGS.

We did not attempt to obstruct the base closure because we all knew that it was in the best interest of the United States, even if it was not perceived to be in the best interest of South Carolina at the time. We set to work with various Federal agencies that could assist us so that we could create an industrial park. Although we were concerned that the worst might happen, we have been very pleasantly surprised.

The current civilian jobs at the Donaldson Center exceed by a factor of 10 the number of jobs that were lost. Annual rental income nearly equals the original cost of the property. This is certainly not a bad return on the investment.

We used the planning and financial resources available through the Federal Government and the State and local government to make a transition that has proved to be very beneficial to our State. While such improvements cannot be guaranteed for every base, the money that can be saved through closures and consolidations is very much in the interest of the Nation.

Mr. President, I am convinced if we are going to get results we must pass this bill. We have had up the question of base closures in the Armed Services Committee in the Senate for many years. And Congressmen have been reluctant to pass such a measure unless the Members of Congress are on the Commission that acts on the matter. But in my opinion, it would be unconstitutional to have Congressmen who are supposed to make the law under the Constitution on the Commission which is to execute the law, and I feel it would be a mistake to have them on there.

Now, if we do not pass this type bill where the Secretary of Defense has the right to accept all of these recommendations or none, what kind of bill can we pass? When will we ever get a type of legislation that would get results?

Now the Secretary of Defense has appointed a Commission of very able people to make recommendations, people who are fair, reasonable, just, and in my opinion, unbiased.

He has appointed former Senator Abe Ribicoff, who sat in this Senate for years and for whom we all have great respect. He has appointed former Representative Jack Edwards from Alabama, who also is a man of great character, integrity, and ability. He has appointed Philip W. Cabot, a chemical manufacturing company executive. He has appointed Graham Claytor, the former Secretary of Defense and former Secretary of the Navy. He has appointed Donald E. Craib, Jr., chief executive officer of All State Insurance. He has appointed Martin R. Hoffman, former Secretary of the Army. He has appointed Gen. Bryce Poe II, U.S. Air Force retired. He has appointed Gen. Don Starry, U.S. Army retired. He has appointed Mr. Russell Train, environmentalist.

All of these people have reputations for being people of character, integrity, dedication, and fairness and, in my opinion, Mr. President, they will come up with recommendations that will be fair and just in this situation.

Of course, no Senator, no Congressman, desires to lose a base, Army camp, Navy installation or an air base. On the other hand, we do have many bases that can be dispensed with.

I believe it was pointed out here this morning by one of the speakers that one report says we could save $2 billion a year if we closed unnecessary bases. We ought to take this step whether we save that much or not. We can certainly save a large quantity of money.

Mr. President, it is my opinion that we should not hesitate to pass this bill which takes it out of politics.

Here is a committee that will look at these bases, camps, and stations in an unbiased manner and will make recommendations to the Secretary of Defense which ones should be closed and the Secretary of Defense cannot pick or choose. He cannot play politics. He has to accept that report in full or reject it in full. In that way, we take politics out of it. In that way we have the recommendation of a Commission that has studied the matter carefully, composed of able people, and have come up with the result which they think is in the best interest of the country.

Mr. President, I want to read a letter here to the chairman of the Senate Armed Services Committee, Senator NUNN, from the Secretary of Defense, Frank Carlucci.

Some Secretaries may have wanted the power to pick and choose. Secretary Carlucci does not want that power. In other words, he wants to rely on this Commission so that no one can accuse him of playing politics or showing a preference that he might have of his own. This letter reads this way.

DEAR MR. CHAIRMAN: Section 923 of the FY 1989 Defense Authorization bill as reported by the Committee on Armed Services provides a one-time waiver of certain procedural requirements regarding the closure or realignment of military bases. I strongly support this provision, and would like to commend the Committee for its leadership on this matter.

Substantial financial savings could be realized if the Department of Defense could close or realign certain marginal military bases. However, there are substantial political and legal barriers making it virtually impossible for us to do so. After consulting with Congressional leadership, and with the leadership of the Armed Services Committees, I established a Bipartisan Commission on Base Closures and Realignments. This Commission is chaired by former Senator Abe Ribicoff (D-CT) and former Congressman Jack Edwards (R-AL), and it consists of seven other distinguished Americans. This Commission will report its recommendations to me by December 31, 1988. Since I view this as an issue of great importance, and because of the political sensitivities involved, I have reluctantly agreed to give up my own discretion regarding the Commission's recommendations beyond adopting or rejecting their entire package.

In parallel with the Commission's work, I am initiating a review of our overseas bases to determine if efficiencies can be realized through closures or realignments in our overseas base structure. This review will be completed in the fall, enabling me to report the results of this review to the Commission before it completes its work and makes its final report.

At a time of severe constraints on defense resources, we must maximize the return on every tax dollar we invest in our nation's security. Continue investment in marginal military bases diverts limited resources from-other vital projects. While I recognize the political sensitivities involved, I strongly urge the Senate to support the Commission's action.

That is signed by Frank Carlucci.

Mr. President, I just want to say that everybody, I think, recognizes that steps should be taken to close some of these bases, some of these forts, or some of these camps or stations. But different people have different ideas: some feel they might retain a base in a certain State if we follow a certain course.

But here is a procedure, here is a plan that outsiders come in, able people, people who are familiar with defense. You have got on this committee people who understand defense and you have got other prominent people on here, former Members of Congress, former Senators and House Members and others. They can approach this from a viewpoint that I believe no Members of Congress can hardly do, because most of us feel we have a duty to our States to try to help our States will we can. Whereas this Commission will view this in a different light and can approach it in a way that will be best for our Nation.

I have seen many efforts to close these bases, as I stated. But they have been fruitless. This is a plan that we feel can get results. This is a plan that is fair and reasonable.

I would urge the Members of the Senate to pass this provision in the Senate Armed Services authorization bill as we have brought it out of committee. I do not think it is wise to adopt the amendment of the able Senator from Illinois; again, I say, for whom I have great respect. But I am convinced that we ought to adopt this plan that has been recommended here by the Secretary of Defense. The membership of the committee has gotten able, prominent people to serve. I think it will get results which will help our entire Nation.

I yield the floor, Mr. President.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2 p.m.

Thereupon, at 12:45 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

The PRESIDING OFFICER. In my capacity as a Senator from North Carolina, I suggest the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I rise today in support of S. 2355, the fiscal year 1989 Defense Authorization Act.

I want to commend the chairman of the committee, Senator NUNN, and the ranking member, Senator WARNER, for their leadership throughout the process of preparing the bill for floor debate. This year's markup proceeded more smoothly than any other in which I have been involved in my 6 years on the committee. The Senator from Georgia and the Senator from Virginia can be justly proud of the result that has come from the deliberations of the committee.

Mr. President, I would like to concentrate my remarks today on the actions taken by the committee in the areas within the jurisdiction of the Defense Industry and Technology Subcommittee, which I chair and on which Senator GRAMM serves very ably as ranking member. Those actions were focused primarily in four areas.

Strengthening our defense technology base; strengthening our defense industrial base; dealing with the complexities of defense trade and cooperation with our allies; and improving our defense acquisition system.

In essence, my subcommittee has been chartered by the chairman of the full committee, Senator NUNN, to take a long-term view of our defense needs and to ensure that our policies in these areas are compatible with one another and contribute to our overall national security strategy. Of course, a key element of that strategy is to rely on our technological and industrial capacity to produce qualitatively superior weaponry to offset the quantitative advantages our potential adversaries continue to have.

The subcommittee continued efforts begun last year to develop policies for sustaining and strengthening the Nation's defense industrial and technological bases.

Building on last year's hearings, the subcommittee this year examined tradeoffs in defining policies for our technological and industrial bases. We were especially interested in policy decisions affecting the defense acquisition system that strengthen quality, encourage innovation and risk taking, provide a framework for working with our allies, where possible, and speed the insertion of advanced technology into deployed weapons systems—including those of our allies.

Last year, we took several steps to more closely couple our defense industrial and technology base programs. We continue to believe the linkage between the industrial base and our technological strength must be understood and supported. Throughout the subcommittee's hearings, witnesses stressed the need to establish policies that recognize the U.S. defense industrial base as a national asset.

Our hearings and our review of the budget request revealed a continuing erosion in our defense technology base as a result of funding shortfalls in recent years. In addition, testimony provided evidence that the independent research and development [IR&D] programs of industry have suffered from congressionally imposed caps on IR&D and bid and proposal costs—and the problem for IR&D has been made worse by growing bid and proposal costs in an increasingly competitive environment. To address the funding problem, the subcommittee has proposed modest increases in funding for certain technology base program.

This funding included an addition of $130.5 million to the Defense Advanced Research Projects Agency for research in such areas as concurrent design, high temperature superconductivity, gallium arsenide integrated circuit technology, materials, and software development. We also added $55 million to the administration's $45 million request for Sematech. As will be seen, many of these programs focus on manufacturing technology in critical areas. We feel that DARPA is uniquely suited to tying our defense technology base and manufacturing technology programs together in a coherent fashion.

In addition, I should also note that we increased funding for university research programs by $50 million to a total of $145 million. We think this program has produced a wealth of innovative research and has helped to recouple our universities to our defense needs.

Finally, the subcommittee continued previous efforts to correct an imbalance in the defense research program through the balanced technology initiative. This program is designed to produce leap-frog conventional technologies that can be rapidly fielded. The subcommittee recommended an authorization of $100 million above the budget request for the balanced technology initiative. This authorization is to provide for new programs in fiscal year 1989, and will provide a total authorization for BTI of $338 million in fiscal year 1989.

With respect to the defense industrial base, witnesses before the subcommittee stressed that erosion of capability in our manufacturing sector is widespread and amply demonstrated by trade statistics in manufacturing and high technology products. Even in the defense area, where the U.S. defense R&D investment is considerably greater than the combined investment of our NATO and Japanese allies, the trends are adverse.

The hearings lead to the conclusion that foreign governments, including our allies, pursue protectionist defense industrial base and defense trade policies that result in an inefficient use of alliance defense resources. These governments use their monopsony power and the U.S. commitment to alliance defense to extract offset, technology transfer, and counter-trade arrangements from individual U.S. firms seeking to do business with them. The hearings also pointed to a clear trend toward internationalization of the Western defense industry.

The subcommittee concluded that the United States is ill-prepared to deal with these problems, that our defense industrial base and defense trade policies appear unfocused, and that the Defense Department needs to define realistic industrial base goals in the context of our national security strategy and likely military scenarios.

The Manufacturing Technology [Mantech] Program is an area of very high payoff. Yet, with the exception of the Air Force, the services do not fund a robust Mantech Program and the Office of the Secretary of Defense has not exercised a strong leadership role vis-a-vis the services in this regard. As the committee noted last year:

> Additional funding and centralized oversight are needed within the Office of the Secretary of Defense to develop a defense industrial strategy that coherently integrates defense industry and the technology base within the context of our international economic and defense policies.

This statement remains valid.

In terms of funding, the subcommittee sought to stress the linkage between research and manufacturing technology by clearly identifying as manufacturing technology $106 million of the $130.5 million for DARPA I previously discussed.

In addition to funding, the subcommittee has included several policy-related provisions that will affect the industrial base. One of these provisions directs the Defense Department to establish a policy on offsets, and to enter into bilateral and multilateral negotiations with the goal of eventually eliminating such arrangements. Another provision is included that requires certification by the department that a memorandum of understanding is in the security interests of the United States when that memorandum of understanding involves offsets.

We are also recommending a provision that requires the department to analyze, in a limited number of cases, the capability of the U.S. defense industrial base to support designated acquisition programs. And we have included language specifically intended to focus attention on the industrial base. This language will establish a Defense Production Innovation Center in the Defense Department; provide for increased reliance on commercial manufacturing processes; and provide authorization for assistance in exporting defense-related products.

There is also a provision that will ensure that the Department of Defense routinely consults with the Department of Commerce on the negotiation of MOU's with our allies on defense trade, cooperation on defense research, and production of defense equipment. The Secretary of Defense is directed to work with the Secretary of Commerce on implementation of these MOU's and to report on the effect of each MOU on our industrial base.

As our committee's report notes:

> This (previous) lack of interagency consultation within the U.S. Government can lead to the perception, if not the reality, that U.S. economic interests, and in particular, the effects on the U.S. defense industrial base, are not given great enough weight in these negotiations.

I should note that the committee is paying particular attention to the negotiation of the FSX/F-16 MOU with Japan and we have included directions in our report to the effect that the U.S. Government should ensure a meaningful workshare for U.S. industry on co-development and co-production of the FSX airframe and technology flowback to the United States before any detailed F-16 technical data receives an export license.

The committee has also expressed concern more broadly in the report about wasteful duplication of defense R&D among the United States and its allies. We are particularly concerned in the area of fighter aircraft where no less than six aircraft are currently entering development—Agile Falcon, F-16, Hornet 2000—F-18, ATF, European Fighter Aircraft, French Rafale, and Japanese FSX. If all six are carried through to production, the result is likely to be inefficient production rates for most, if not all, of them in the late 1990's. Each of these programs may make sense in terms of each individual nation's defense industrial policies, but they are terribly wasteful of alliance resources. We end up doing duplicative R&D and producing inefficiently, while the Soviets spend less and produce more aircraft. To break this cycle the committee has continued its strong support for NATO cooperative R&D programs, usually termed Nunn programs in honor of our chairman, and we have urged both the United States and our allies to show greater willingness to share emerging technology in these cooperative programs under appropriate security arrangements.

The subcommittee's major effort this year, however, was focused on acquisition policies and management. In the subcommittee's hearings, we heard repeated references to the hostile relationship between Government and industry. Witnesses from both Government and industry agreed that this was a significant problem that needed to be addressed.

In an effort to promote a constructive dialog between Government and industry, last year Senator GRAMM and I established an "ad hoc defense industry advisory group" to identify problems and recommend solutions. The advisory group identified a number of issues and submitted a report early this year, which was circulated widely to provide the subcommittee with a broad range of views. Senator GRAMM, Senator DIXON, Senator WIRTH and I then introduced a legislative package, S. 2254, the Defense Industry and Technology Act, on March 31 and this was reviewed in depth during the subcommittee's oversight hearings.

Based upon the advisory group's report, the numerous comments submitted on the report from both the public and private sectors, and the testimony received during the subcommittee's oversight hearings, several general themes emerged.

First, people are the key to the effectiveness of the acquisition process, and we must give priority attention to enhancing the quality of the procurement workforce. Second, the acquisition process is beset by cumbersome and contradictory policies that act as a disincentive to innovation and produce delay in fielding new weapons systems. Third, to achieve significant savings in defense expenditures, DOD must focus its attention on costs, which is the major component of contract prices, rather than on profit. Fourth, Government and industry must work together to foster a sense of trust and confidence in an environment that establishes clear lines of responsibility and firm procedures for accountability. Fifth, acquisition changes often have been justified in terms of addressing isolated elements of procurement policy without regard to the system-wide impact of such changes. Finally, the acquisition system is suffering from regulatory overload as a result of the demanding task of implementing numerous legislative and internal changes in recent years.

Although we believe the system must be allowed to fully digest recent changes before undertaking major system-wide innovations at this time, we are recommending a number of modifications to address these issues without placing an undue burden on either government or industry. These provisions are included in the bill reported last week.

They cover a variety of areas, which I will briefly enumerate. I have brought along a copy of the draft report language on these provisions and will be happy to leave that with you.

The acquisition provisions include:

First, a requirement for the Secretary of Defense to develop an integrated financing policy;

Second, limitations on fixed-price development contracts;

Third, a process for regulatory simplification and streamlining of oversight activities;

Fourth, allowability of foreign selling costs to the extent provided in advance agreements;

Fifth, a 40-hour work week standard for bid and evaluation purposes on professional and technical service contracts; and

Sixth, incentives for innovation exclusively at private expense.

Senator GRAMM and I believe that the advisory group process has worked well. We are indebted to John Rittenhouse of General Electric/RCA who chaired the group and to the other members of the group. We hope that we have set in place a process that will continue to help heal an acquisition system that is clearly not working very well at present.

Mr. President, these then are the issues with which we have been attempting to deal. In general, I am pleased with the results of the committee's deliberations. We have transferred resources from other defense programs to better meet our technology base and industrial base needs. We have begun to come to grips with defining rational defense industrial base and defense trade policies. We have made what I hope will be regarded as a constructive contribution to reforming our acquisition system with greater emphasis on quality, innovation, and timeliness in the process.

Mr. President, before concluding I want to take this opportunity to thank the other members of the subcommittee for their hard work and constructive contributions on these issues. Senator GRAMM has made major contributions to the acquisition portions of the bill and strongly supports the need to strengthen our technology base. On industrial base and defense trade issues, Senator DIXON has ably focused attention on the lack of coherence in our policies and the need for change. This is an area that the subcommittee will spend a great deal more time on in the coming year. Senator WIRTH has taken an active role in all aspects of the subcommittee's work. He is a strong advocate for our defense technology base and for a defense acquisition system that focuses more on quality, timeliness, and innovation than it does at present.

Mr. President, as we all know, good staff work is the underpinning of all good legislation. Senator GRAMM and I are deeply indebted to several members of the Armed Services Committee staff who have worked tirelessly to put meat on the bones of our legislative agenda. Kent Bankus, Andy Effron, Jon Etherton, John Wildfong, Rick Finn, and Judy Freedman have worked together constructively to provide suggestions and to frame issues for the members. I have also relied a great deal on Ed McGaffigan of my personal staff to help sort out the options for action. Without these dedicated professionals, we would not have made the progress we have made in this legislation toward sounder public policy in these vital areas.

Mr. President, let me conclude by once again commending the chairman and ranking member of the Armed Services Committee for their leadership on this bill. I want to thank them for all their support as the committee dealt with the complex issues within my subcommittee's jurisdiction. I would urge all my colleagues to support the bill. I hope we can proceed expeditiously to deal with any amendments and to pass this vital legislation.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2:54 P.M.

Mr. BYRD. Mr. President, various negotiations are going on with respect to an amendment or amendments.

I think after talking with the manager of the bill, Mr. NUNN, it would be better if the Senate stood in recess for a few minutes rather than in a quorum call.

I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, the Senate, at 2:38 p.m., recessed until 2:54 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, we are now engaged in a negotiation on the base closure amendments that have been proposed. While it may appear the Senate is not conducting business at the moment, I suggest that we may very well be saving literally hours of time because we have at least three or four, possibly five or six, of these amendments that are going to be presented. Each one is going to require an hour or two of debate. If we can work out this overall package and overall approach, we probably will save 4, 5, or 6 hours.

In the meantime, we are prepared to take other amendments. This base closure package may take a few more minutes, an hour, or may take 2 hours. We are prepared to debate amendments. All Members should be aware we need to get amendments on the floor. We have a long list of amendments to be taken up, and I hope that the staff who are listening to the Senate deliberations will inform the Senators, and the Senators who are listening will determine if they can come over and present amendments on this bill.

We know of at least 30 amendments. We know we are trying to get through this bill this week. We know there are at least 10 major amendments. We are talking to Members about scheduling those amendments this afternoon, tomorrow, and Thursday. We have an outside chance of finishing this bill on Thursday evening, if we are able to get Members to come over in an expeditious fashion and present their amendments.

But I request that any Member who has an amendment now be prepared to bring it over and let us know about it. We are delighted to debate them at this point in time.

We will continue to try to work out this base closure package, but we would like to do some business now.

Mr. WARNER. Mr. President, I join my distinguished chairman in this request. We are making every effort to move this bill along, and we need a little help.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Ms. Mikulski). Without objection, it is so ordered.

AMENDMENT NO. 2010

(Purpose: To procure electronic countermeasures equipment)

Mr. KENNEDY. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. Kennedy] for himself and Mr. Cohen proposes an amendment numbered 2010.

Mr. KENNEDY. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following: Of the funds appropriated pursuant to Section 102(a)(4), $54,000,000 shall be available for procurement of Sidekick electronic warfare equipment.

Mr. KENNEDY. Madam President, I ask unanimous consent that the pending amendment, the Dixon amendment, of the Senator from Illinois, be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELECTRONIC COUNTERMEASURES ON NAVY FRIGATES

Mr. KENNEDY. Madam President, I offer an amendment on behalf of myself and Senator Cohen to direct the Navy to use $54,000,000 of the funds contained in this bill for the procurement of the so-called Sidekick antimissile technology for our ships. This is a new technology that provides an improved electronic countermeasure capability for our smaller combat ships, such as the FFG-7 class frigates operating in the Persian Gulf.

This amendment responds to a request made by the Navy too late to be included in the bill.

Our ships operating in the hostile environment of the Persian Gulf deserve the most advanced defensive capabilities possible. The need for this new system was recognized in the aftermath of the attack on the U.S.S. *Stark,* and a rapid development program using off-the-shelf equipment was initiated.

The program has been successful. The equipment has demonstrated its effectiveness in testing, and the Navy has already begun procurement for a small number of units using below-threshold reprogramming authority.

The funding authority recommended by this amendment will allow contracting for 36 units with installations commencing in 1989.

Madam President, I urge my colleagues to support this amendment, which will ensure that frigates assigned to the Persian Gulf have this state-of-the-art technology.

I offer it, as I mentioned, on behalf of myself and the Senator from Maine. We have had an opportunity to talk to the majority and minority floor managers and would hope that they would accept the amendment.

Mr. WARNER. Madam President, I have before me the statement that the ranking member of the subcommittee over which our distinguished colleague from Massachusetts presides which has within its jurisdiction the subject matter of the amendment. Senator Cohen is detained on intelligence matters at the moment. Were he present he would say the following:

NAVY ELECTRONIC WARFARE

Madam President, I would like to join my subcommittee chairman, the distinguished Senator from Massachusetts, in sponsoring an amendment to allow the Navy to improve its electronic warfare capabilities.

This amendment would allow the Navy to spend $54 million for electronic warfare equipment known as Sidekick for its smaller surface combatants. These ships will benefit from an increased electronic warfare capability for defending against attack. These same ships are now serving in the Persian Gulf, a known hostile environment.

The Navy communicated a request for the authority to procure this equipment. It has merit. The Navy would have to find offsetting reductions from within the Navy other procurement account.

I urge my colleagues to support the amendment.

Unless there is further comment by Senators, I say to the distinguished chairman, this side accepts the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 2010) was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 2011

Mr. PRESSLER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. Pressler] proposes an amendment numbered 2011.

Mr. PRESSLER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 162, line 18: Strike the words "inside the United States"; and

On page 167, lines 15-21: Strike subsection (2) in its entirety.

Mr. PRESSLER. Madam President, I also ask unanimous consent that the pending Dixon amendment be temporarily laid aside.

The PRESIDING OFFICER. Is there objection to the Senator's request that the pending Dixon amendment be temporarily laid aside?

Mr. WARNER. Madam President, reserving the right to object, I would ask for a moment or two within which to discuss the parliamentary situation, and for that purpose I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Madam President, this Senator continues to object to setting aside the pending business of the Senate. However, to accommodate our distinguished colleague from South Dakota, I would have no objection, really I have no basis for an objection, if he wishes to take the floor and state such case as he may wish on behalf of his amendment or any subject .

The PRESIDING OFFICER. Objection is heard. The amendment of the Senator from South Dakota is out of order.

The pending question is the Dixon amendment.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Let me say that I hope my good friend sees fit to put my amendment in order because I think it is very important that the Commission have the authority to consider military bases worldwide. My amendment merely strikes "inside the United States." It also would strike the section which provides for the conduct of a study of overseas installations.

My feelings are very strong that the Commission should have the authority to deal with the closure of bases on a worldwide basis. I have just returned in a delegation headed by Senator Dole, visiting some of our bases in various countries. It is entirely possible that one of those countries will ask us to leave or something will happen, so that we will decide to relocate a base in the United States. There are two or three countries where that is being threatened and there is one country where it is happening.

I am not necessarily advocating this, but I do think we have to look at this base closure issue on a worldwide basis. Also, I think we need to consider whether or not some of the bases overseas should not be relocated in our own country to stimulate our own economy.

What this bill does, as drafted, is to limit the Commission that is considering base closure in the United States. It says that,

> A statement certifying that the Commission has identified the military installations to be closed or realigned after reviewing all military installations inside the United States, including all military installations under construction and all military installations planned for construction.

Then it goes on to deal with the bases overseas by saying,

> The Secretary shall conduct a study of actions planned with respect to military installations of the United States outside the United States which may affect the recommendations of the Commission, and shall no later than September 15, 1988, transmit a report of the findings and conclusions of such study to the Commission and to the appropriate committees of Congress.

In other words, this is merely another study, and I think one thing that we have in Washington is a plethora of studies. But the good thing about the Commission is that, as I understand it, it has the power to mandate the closure of certain facilities that are considered inefficient or considered unnecessary.

As I mentioned I have just come back from discussions in Greece, Turkey, and Portugal, three of the countries that have United States bases. I predict that there is a very good chance—I hope it does not happen—that we may be asked or we may decide to lessen our presence in some countries overseas.

Indeed, I do not know what will happen in the Philippines, for example. I hope our bases are there for a long time because we need them. But let us just envisage a situation where the Philippine Government at some future time were to ask us to leave; we would have to leave. What would we do? We would try to relocate elsewhere. It may be that we would have to relocate in the United States. It may be that we just closed a base in the United States and we would have to relocate one here from abroad.

The point I am making here is that this legislation says we are not really seriously considering closing any bases overseas. We are limiting the Commission's authority to inside the United States.

My amendment merely strikes "inside the United States." Then the Commission could take a worldwide approach.

Mr. **WARNER**. Madam President, could I ask a question? The effect of your amendment would be to put on a parallel status, overseas installations with domestic installations, as provided in law, with respect to the duties of the Commission; is that correct?

Mr. **PRESSLER**. Let me say that I very much appreciate the interest of the ranking member because he is so knowledgeable in these areas. The effect of my amendment would be to strike "inside the United States."

Therefore, the law would read:

> A statement certifying that the Commission has identified the military installations to be closed or realigned after reviewing all military installations including all military installations under construction and all military installations planned for construction.

Thus, the Commission would take a worldwide view.

Mr. **WARNER**. I think for the benefit of the Senators and staff members listening to the debate, essentially what your amendment would do is put on a parallel status overseas installations with domestic installations.

Mr. **PRESSLER**. I do not know if parallel is the right word. They would be within the same authority.

Mr. **WARNER**. The Commission could act on overseas installations in the same manner it could on domestic.

Mr. **PRESSLER**. That is correct.

Mr. **WARNER**. As they conduct their work, they would have a coequal responsibility to look inside America and outside America.

Mr. **PRESSLER**. That is my general intention, yes.

Mr. **WARNER**. I thank the Senator.

Mr. **PRESSLER**. Let me state the reason for that. According to my thinking at least, and based on the discussions we had with leaders in these countries, it was emphasized to us that we are there as the guests of those countries. Indeed, some installations even have a commander from the country.

There is political turbulence in some of the countries where we have bases. We also probably have differing needs. There are many Americans who feel that 30 years or more after the end of World War II, we are still spending $30 billion a year at least in Europe. The point is, should we not consider for efficiency closing some of these bases?

I am not in any way advocating they be closed. I am merely saying that it seems very strange to me that this commission is limited to inside the United States.

It would seem an efficient way would be to look at the worldwide military situation.

Madam President, a number of years ago I served overseas in our Army as a second lieutenant. I must admit that being a second lieutenant does not give one the type of vision as serving as a general officer, but it has been my observation that we need to closely relate what we do overseas and what we do at home.

I think part of the reason my amendment is objected to is there is another amendment being prepared which will say that we are going to do a parallel study. This is merely another study. This commission, as I understand it, has the force of law. It really digs into the real issue. What this commission recommends counts.

I do not think we should settle for a parallel study. The bill, as I read it, now calls for a study of the actions planned with respect to military installations of the United States outside the United States. That will merely be a study, and it will be by different people.

So I feel strongly that the Senate should have an opportunity to vote up or down on this amendment. May I say from a personal point of view that I had hoped to offer this amendment and get a vote on it. I think it deserves a vote. I hope a vote is delayed on this or ruled out by virtue of a procedural move because I am offering this in a very sincere fashion.

I have been urged to come to the floor to offer amendments. My amendment is ready for a vote, and I would like to see it brought up in a position that could be voted upon.

Mr. **WARNER** addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Virginia.

Mr. **WARNER**. I hope that this matter can be addressed, and I know it will be addressed by the Senate in due course, For the benefit of the Senator from South Dakota and others who may be listening, the distinguished Senator from Illinois, the chariman, myself, and several others have been working diligently on a proposed modification to the Dixon amendment, perhaps in the nature of a substitute amendment.

That substitute plans to deal with certain elements of the amendment being offered by the distinguished Senator from South Dakota. It is my belief that until such time as—we will refer to it as the package—the compromise package is properly fashioned and crafted, neither my good friend from Illinois nor anyone else can agree to it, and that is understandable.

Therefore, I am in a respectful way objecting to the Senator's amendment being brought up as business of the Senate until such time as the package is perfected and the Senator from Illinois can address that package, together with the chairman, myself, and others, so that the Senate, as a whole, has an understanding or an alternative that we believe is a better alternative than that contained in the proposed amendment of the Senator from South Dakota.

I have further comments, but I see my friend from Illinois wants to say a few words. If not, I would like to continue.

Mr. DIXON. I do not mean to interrupt my friend from Virginia.

Mr. WARNER. Go ahead.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Madam President, I think what the Senator from Virginia is saying is quite relevant to the whole question of how we proceed in this matter. As all of my colleagues know, I have been objecting for the last couple of days to the provisions of this bill on pages 161 through 171 on a variety of provisions in the base closing section of the Department of Defense authorization bill.

One of the things I have been stressing is the fact we are only talking here about bases in the United States and not about foreign bases. But as my friend from Virginia has pointed out since early yesterday afternoon the chairman of the committee and the ranking member of the committee, the distinguished Senator from Georgia and the distinguished Senator from Virginia, have been accommodating this Senator and the Senator from Michigan, the Senator from Alaska, the Senator from Maine, the Senator from Pennsylvania, and others who differed with them, in trying to reach a compromise.

We have, in fact, achieved, may I say to my good friend, the distinguished Senator from South Dakota who is discussing an amendment, a compromise that we think it at least a reasonable accommodation of the different points of view.

This first effort is not complete as written now, but we are presently in the process of rewriting that agreement in a form that can be offered to this Senator's pending amendment that would reflect an accommodation of the different points of view.

I am going to be very honest with you. I agree with the Senator from South Dakota. If it was up to me, I would treat foreign bases exactly like domestic bases in this particular bill. But the other side has some points as well.

My distinguished friend from Virginia has suggested the truth of the matter is the Secretary of Defense really has the authority now to close any foreign base. He does not have the problems with the Environmental Protection Act and other things that we have in connection with closing domestic bases, and so there are some arguments on both sides.

Madam President, my experience in the legislative arena over a period of years has been that accommodations are something less than the whole. It is not the whole loaf; it is a part of a loaf. I have here an accommodation that is part of a loaf. It is not everything I want, but it is at least a very substantial improvement over pages 161 through 171 of the bill as they now stand.

So my difficulty with my dear friend, with whom I fully agree on the issue, is that if I go that nice long step with my friend from South Dakota, and whether we win or lose, we then are on a course where I have a lot more amendments, my friend from Pennsylvania has some amendments in mind, my friend from Michigan has amendments in mind. I have an idea we are going to be on amendments for a long time, and nobody knows what the end result will be.

But we know for sure what the result is now with this accommodation. That is why I say to my friend from South Dakota, whose position in this matter I fully agree with, that I would l like to have us consider the amendment that will shortly be completed and will be brought to the floor and offered as an amendment to the bill. Once it is adopted, the Senator still has a right to try to further refine that with his own amendment on the question of foreign bases.

Frankly, I have said publicly during our discussions in the cloakroom, I will vote with him although I am candid to say I will not be an active participant in the debate.

But I do not think this: I think you can go right down the line with the members who are composing the commission. I have problems with that. But we have an accommodation. The question of the foreign bases: problems but an accommodation. The question of geographical representation: problems but accommodation.

All through this section of the bill, we have made some agreements that are at least a compromise of the disparative views of various members who were in the committee and fought this from the beginning and here on the floor.

That is the dichotomy I face. On the one hand, I support what the Senator is saying, and I think the Senator is right. On the other hand, I want to get a bill some day, I want to get something here.

Mr. PRESSLER. Will my colleague yield? I very much appreciate the remarks of my colleague. I frequently find myself voting for his amendments. I expressed earlier today support for one of his amendments.

Let me ask my good friend this. He speaks so eloquently, and others in the group who are reaching this compromise are the leaders in this Senate. All I am asking for is perhaps an agreement to debate my amendment for 10 minutes and get a rollcall vote on it. No doubt, from the eloquence that the Senator has shown in arguing against my amendment, it will be defeated. But I would like to offer it and get a vote on it. I was urged to bring my amendment to the floor this afternoon because we had a window. I spoke to the ranking member. He said now is the time to go. I am ready to go. I am ready to vote right now. I am sure, because of the eloquent argument the Senator has just made, it will be defeated, but I would like a vote on it. Could I get that?

Mr. DIXON. May I say to my dear friend, first he is kind to suggest that from time to time this Member is eloquent, but beyond that I would not be inclined to oppose his amendment because I agree with it.

But the point I make to my friend is the Senator's point of view was eloquently I think expressed by others in the conference discussions where we fought this through and got this compromise. This bill is far better now for those discussions with respect to foreign bases than it would have been prior to the discussion that took place. We are saying in here that the commission can deal with foreign bases. I would argue, as a man who has concerns here, that if they come back with a list of 12 domestic bases to be closed and this commission has not put one foreign base on it or made any recommendations about any foreign base, there will be a tremendous hue and cry on this floor to not close 14 or 12, whatever it is, domestic bases with no attention to foreign bases.

So I think some points have been made. Our problem now is if we turn to the Senator's amendment first, we have the difficulty that if it is adopted, the whole accommodation is going to go down the chute. On the other hand, if it is not adopted and is overwhelmingly defeated, it puts those of us who advocate the same point of view as the distinguished Senator from South Dakota in a very difficult position when we go to conference.

Mr. PRESSLER. My friend makes strong arguments for the Senate not voting on very many issues. There are many different sides to this. But my amendment is fairly straightforward. I think a lot of Senators would like a chance to vote on it. Now, it is true that there are many members of the Armed Services Committee and others who have been discussing it, and I have been discussing it with others. Some of us who are not on the committee are very interested in this bill also and want to be supportive and have been supportive of my friend from Illinois and others.

I would like to see a vote on this. If we do not vote, we will go into a quorum call and there will be calls for Senators to bring their amendments to the floor. I am ready to vote. I would ask my friends to remove their procedural objections and let us go to a vote.

Mr. DIXON. May I say to my friend that I am presently looking at the amendment that may represent the amendment that we are able to agree upon. It will take me a moment to look at it. If the distinguished Senator from South Dakota would accommodate me and permit me to look at this amendment for the time being, we will get back to this issue.

Mr. PRESSLER. If my friend will yield, I say to the ranking member, I would even be willing to have the amendment laid down now, have the amendment offered as a second-degree amendment, vote on this one first and the first one next.

Mr. WARNER. Madam President, this is a proposition which I am now going to convey to the chairman of the committee, out of respect, of course, to him. I would have to say at this time I do not have the flexibility to offer that, and even if I were to withdraw my objection to the Senator's laying aside the pending amendment, I know in the Chamber there are others who would interpose an objection, so do not, please, view this Senator as being the sole obstruction.

Mr. PRESSLER. My good friend from Virginia said if you have amendments, bring them to the floor and offer them.

Mr. WARNER. There is no question about that. The leadership of the Senate, together with the managers of the bill, asked our Members to come over, but I wonder if I may speak for a few minutes to the proposed amendment.

As my colleague and friend from Illinois stated in our conference over here, I acquainted the Members of the Senate with the existing situation with respect to overseas bases. There is a very sharp contrast between the authority of the Secretary of Defense with respect to an overseas base and a domestic base. An overseas base can be closed by the President, the Secretary of Defense acting on behalf of the President, subject to any treaty obligations, subject to a memorandum of understanding with another country, or subject to what we call operating force agreements, which we have. They are basically the three things that control overseas installations.

Now, you have to assume that we have had a succession of Secretaries of Defense. I have been privileged to serve under three and worked with another three since I have been privileged to be in the Senate, men of both parties, men of good intentions, that they would be closing overseas facilities if those facilities were not in the interest of our national defense and operating in a cost-effective and militarily effective way. So I do not want Members of the Senate to believe that all of a sudden if we throw into consideration on a—I continue to use the term parallel basis—overseas bases with domestic bases, suddenly there is a big grab bag of things overseas from which to make choices for closing. They simply do not exist, but the authority is in the Secretary of Defense right now to close those installations. The problem is domestic. A closure in the United States under the current law is surrounded by a number of obstacles and Members of the Congress can use those obstacles quite effectively to deter and literally block the Secretary of Defense from closing domestic installations. That is the reason for this bill. It is to give a one-time shot to a future Secretary of Defense to close a lot of bases and installations in the United States which are acknowledged not to be in the military interests of this country, either cost-effective or otherwise. So there is a sharp contrast between overseas and domestic.

You are not going to fund a grab bag of things overseas, but as we wrote into the bill and we now have in the compromise we are going to put some responsibility on the Secretary to make certain that the Commission has full knowledge of all the overseas installations such as they consider the closures domestically they can have in mind what is overseas and how the overseas installations do or do not impact on a domestic base.

Mr. PRESSLER. My friend argues very eloquently and is very knowledgeable in this area, and I would agree with everything he has said. Why would he fear letting a Commission make the same decisions regarding overseas bases? Surely they could consider the same things the Senator has outlined. They could consider the value of a base in Washington State as compared to a base in Germany or Portugal. They could consider the whole base situation worldwide. Why is my friend hesitant to have the Commission have the same authority? He merely wants to study the ones overseas. Everything he said is true. The Commission could consider everything he said. The Commission could do everything he said. I think this amendment would pass the Senate overwhelmingly if we could get it up to a vote, and I think it is only fair that we bring it up to a vote because I have not heard an argument against it. I agree with everything the Senator has said. The Commission should consider whether closing overseas bases is more complicated or less complicated. The Commission should consider all of the bases.

Mr. WARNER. Let me respond to my distinguished friend and colleague. The proposed amendment which we are soon to bring forth to the Senate would give the Commission, first, an affirmative duty to examine the recommendations of the Secretary of Defense with respect to the overseas structure.

They would have to look at it in the context of their work on the domestic bases. Then they have the option of recommending to the Secretary such closures or changes in the overseas installations as they deem appropriate. So it comes back, they are charged with the domestic scene and believe me, the quantum of work involved in analyzing the domestic scene is so large that we cannot put on them, as the Senator's amendment would, the affirmative duty to give an equal amount of time to the overseas situation. They simply could not get it done in the period.

Mr. PRESSLER. Why does not my friend make that argument against my amendment and let me have a vote on it? We have the time to make the argument against it. Give me a vote on my amendment.

Mr. WARNER. I want the opportunity for the Senate as a whole, before addressing the Senator's amendment, to have the chance to study the substitute, and study the substitute in the context of other aspects of this base closing package.

The Senator's amendment, quite frankly, has a lot of appeal. It will sell very well back home because our constituents have difficulty in understanding it. I do not say this in any pejoratic sense, but they have difficulty in understanding why we should close a base in, say, Crossroads, USA, and leave open the base in Germany, the Philippines, or Japan, because the base in Crossroads, USA is an integral part of the local economy, but not the base in Japan or the Philippines.

Mr. PRESSLER. But my amendment would not require it. It merely says the Commission would consider equally all bases worldwide at the same time.

Mr. WARNER. I understand the Senator's amendment quite clearly, and what it does. But my point is that we have to focus on the necessity to concentrate this Commission's efforts on the domestic scene. They will not have the adequate staff to do all the overseas survey. It would require practically a doubling of the staff.

I am not so sure that the Members who have thus far indicated a willingness to serve on this Commission and, as a matter of fact, I have reason to believe they would not want the added responsibility to take the extensive travel as would be required to do a proper evaluation of the overseas structure. Therefore, if the Senator's amendment were to pass, it may well bring down the whole base closure package.

That is why I want the Senate to have the opportunity to study this compromise in the context of all the provisions of this package of compromises, and hopefully their judgment will be that it is reasonable to have this Commission focus on the domestic scene.

Mr. **PRESSLER.** I understand my colleagues to say that they will object procedurally to a vote on my amendment.

Mr. **WARNER.** I am not objecting, but I understand there are persons in the Chamber who will object. As a courtesy to my classmate and friend in the Senate, I will not personally object because there are others who are prepared to do so.

Mr. **PRESSLER.** But the Senator has objected?

Mr. **WARNER.** I am perfectly willing to withdraw that objection momentarily, if that will help. But I assure the Senator objections will come from other quarters of this Chamber.

Mr. **PRESSLER.** Madam President, I guess there is not much point in taking up the time of the Senate, although I understand the Senate wanted amendments this afternoon. I have other amendments, but I will not offer them because they will probably be objected to.

But I do feel strongly that we should proceed. I feel strongly we should have a vote on this amendment. I found in talking to certain other Senators that they are very interested in a clean vote on this. I think what is being attempted here is to have a study, another study instead of letting the Commission really consider things worldwide.

If this Commission is going to close bases in the United States, we are going to be hard pressed to explain to our constituents why some overseas bases were not considered for closing because there was a study of that. Why can we not put them on the same basis? That is what my amendment would do.

I am not saying we should close the ones overseas; I am not saying we should close any domestically. I am merely saying if we are going to empower the Commission to have the authority to close a base in Virginia or Georgia or Washington we should empower that same Commission to close one in Germany or the Philippines or Portugal or Greece or Turkey. And without advocating that they be closed, I think there are inefficiencies in some of those bases. I think there are Americans who believe the time has come for us to consider our worldwide commitment and to consider making changes in it.

I also feel strongly that this Senate needs to take a clean vote on this, and it should not be objected to procedurally. We are told there is a compromise. Indeed, it is a good-sounding compromise, but the Commission still has the same powers. It can merely do a study. It does not get any power.

What I am talking about is giving it some power. I am very saddened that when this amendment comes up it is objected to procedurally and we can not get a vote on it. If it is a bad amendment, it would be defeated.

Here we have a group on the Armed Services Committee not allowing the rest of the Members of the Senate to have a vote on this issue. And I think many of us want such a vote.

I do not serve on the Armed Services Committee. I do not have a chance to offer amendments in committee. This is an amendment I am offering on the floor.

Indeed, I have not even a single cosponsor for this amendment. How can my distinguished colleagues, some of the most distinguished Members of the Senate, object to having a vote on this three-word, four-word amendment?

So I am perplexed at this. But it appears there is very little I can do about it.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Illinois.

Mr. **DIXON.** Mr. President, I want to discuss the compromise that we have been referring to in the course of this debate so that the Senators will know what has been accomplished. The original bill in pages 161 through 171 simply provided that the Secretary of Defense could appoint a Commission to be picked by the Secretary of Defense to study this whole question of base closing.

In the course of the compromise agreement, the advocates of this position have agreed to add additional language that says that there will be six additional members of the Commission who will be appointed after consultation with the chairman and ranking minority members of the appropriate committees of Congress, and the Military Construction Subcommittees thereof, and (B) national associations of State and local officials since obviously base closings affect State and local officials.

It further provides that members shall be chosen on the basis of knowledge and experience in matters relating to Federal property, national security affairs, or economic planning, and that they shall reflect a reasonable geographical balance.

Senators will remember that I complained about the fact that basically the nine members of the Commission, the names before us, were folks mostly from the Washington, DC area or here on the east coast.

Another important aspect of the compromise is that instead of using the Secretary of Defense staff and folks who are part of that system for this study, this compromise provides that the Secretary of Defense shall provide the Commission with a nonpartisan, independent staff, and the staff shall consist of Government employees and consultants who have not been employed by the Department of Defense during the calendar year 1988.

Further, we provide in respect to the question of base closings and the question of domestic and foreign bases, we add on page 162 of the bill at line 20 this language:

> And that no installation identified to be closed or realigned is of a higher priority to the national defense than any installation, domestic or foreign, that has not been identified by the Commission or the Secretary of Defense for closure or realignment.

We further have agreed that we will add this language:

> The Secretary shall conduct a study of the military installations of the United States outside the United States to determine if efficiencies can be realized through closure or realignment of the overseas base structure of the United States, and not later than September 15 of this year, 1988, the Secretary shall transmit a report of the findings and conclusions of such study to the Commission—
>
> That is the Commission that is set up with the 15 members, 6 of whom have input from the jurisdiction committees of the Congress—
>
> and the Secretary shall transmit a report of the findings * * * conclusions of such study to the Commission and to the appropriate committees of Congress. The Commission shall consider the impact of the Secretary's study in developing its recommendations.
>
> (b) Upon request of the Commission the Secretary shall provide the Commission with such information about overseas bases as may be helpful to the Commission in its deliberations.
>
> (C) The Commission, based on its analysis of military installations in the United States and its review of the Secretary's study of the overseas base structure, may provide the Secretary with such comments and suggestions as it deems appropriate regarding the Secretary's study of overseas base structure.

Finally, and very important, we add an entire section to the bill, consisting of five pages, entitled "Congressional Disapproval Procedures," which says:

Notwithstanding any other provision of this section, the Secretary of Defense may not take action with regard to the report of the Commission on base realignment and closure if within 45 session days after the date on which Congress receives the report of the Secretary described in subsection (B)(1)(a) Congress enacts a joint resolution disapproving the plan of the Commission.

The remainder of the agreement is the language for all the expedited procedure that permits this to be taken up immediately in both Houses and cuts through all the rules and redtape, to give us a finite, vote of disapproval in both Houses, in the event that is requested by a Member, and obviously it will be requested by a Member of the House or the Senate adversely affected by a Commission report.

So I say to my colleagues—and to my friend from South Dakota, in particular—that the provisions in the agreed amendment are certainly a substantial improvement over the existing language in the bill. At the appropriate time I expect to offer an amendment in the second degree to my existing pending amendment, to give the opportunity to my colleagues to vote on this agreed amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I would like to add my stamp of approval to this proposed compromise, one that has been worked out in a bipartisan spirit of attempting to move ahead with the legislation.

As I said earlier, the amendment of my distinguished friend and colleague from Illinois was unconstitutional, in my judgment, in the sense that it did mix up the executive and legislative functions in such a way that I doubt that the courts would uphold it. I do think that the proposed revision is a major step forward.

I ask the distinguished Senator from Illinois if he would agree with me that an additional six members would be appointed to the Commission by the President, after consulting with the chairman and the ranking member of the Armed Services Committee and, I believe, the Subcommittee on Construction. Is that correct?

Mr. DIXON. That is substantially correct. The additional members would be added by the Secretary of Defense, who, I presume, would file another amended charter in the Federal Register. I think that is the way it would be done from a practical standpoint.

Mr. ROTH. Second, there would be the opportunity for Congress to vote a resolution of disapproval on an expedited basis.

Mr. DIXON. The Senator is correct. May I say that this Senator wanted to do it on the basis of approval by Congress, but I was not able to exact that kind of exception, but I am accepting this as the best compromise I could get.

The Senator is correct: It would be a vote of disapproval in both Houses.

Mr. ROTH. Will the distinguished Senator from Illinois advise me what the expedited period of time would be?

Mr. DIXON. I will be delighted to do that. The expedited period of time is set forth in the agreement. Within 45 session days, that would take place.

Mr. ROTH. Within 45 days?

Mr. DIXON. Within 45 session days of the receipt of the report by the Secretary, and the Secretary is to receive the report by December 31. So, presumably, by the middle of February, approximately, of next year, the expedited procedure would take place.

Mr. ROTH. So, in effect, it assures prompt action and does not unnecessarily delay the entire proceedings.

Finally, will the distinguished Senator from Illinois clarify what would be done with respect to foreign bases? As I understand it, a study would be made.

Mr. DIXON. Yes. What would be done is this: By September 15, 1988, the Secretary of Defense would provide to that Commission, which would be in existence immediately upon the enactment of the Defense Department authorization bill, all information pertaining to base closures or other considerations, base realignments, in any foreign countries which would be considered by the Commission. The accommodation that we have arrived at in this amendment also says that the Commission, itself, voluntarily, on its own initiative, may look into these questions and may require more information from the Secretary of Defense. So that this Commission, of course, may act on its own initiative with respect to recommendations it might make.

The distinction is that this Commission cannot include a foreign base in the list it has the authority to file by December 31 that would mandate a closing unless disapproved by Congress. It would be a separate act of the Commission. But I would argue—and we discussed this in the Cloakroom—that at least if you had that information, one who took exception to a domestic base closing could say, "Why didn't they do it with respect to the foreign base that the Commission did mention in its report?"

Mr. ROTH. Is it not also true that there are not the same political problems?

Mr. DIXON. It is probably true that there are not the same political problems. I basically agree with the Senator from South Dakota. I would like to have the foreign bases in the Commission report just like domestic bases. But I say to the Senator from Delaware that I have been in the legislative process a little while, and an accommodation of honor is one in which each side gives a little.

Mr. ROTH. I say to the distinguished Senator, as one of the original cosponsors of the proposed Commission, that I find that I could support the proposed resolution of the Dixon amendment. I think it moves us along the legislative road and would provide a means of resolving the dispute. I congratulate him for his willingness to make a compromise in this area. I will be happy to support the proposal.

Mr. DIXON. It would be a great honor to have the Senator from Delaware as a cosponsor.

The distinguished Senator from Alaska [Mr. STEVENS], who feels strongly about foreign base closings, has just sent word to me that he also wants to be a cosponsor, which I think is indicative of the fact that there are a lot of people with strong views here who are willing to accept this accommodation as the best we can do.

I want to be careful to mention the name of my distinguished friend from Michigan, Mr. LEVIN, who played a part in this yesterday and today.

If you get an agreement and an accommodation between people of honor with different points of view, everybody gives a little.

This is not all I want, but it is a good deal less than my friends from Georgia and Virginia—who are the chairman and ranking member—wanted to give.

(At this point Mr. BINGAMAN assumed the chair.)

Mr. ROTH. I want to make the record very clear that I agree with the distinguished chairman and ranking member of the committee. It goes much further than I would have preferred, but I do think it is a reasonable compromise.

I would be happy to have my name added as a cosponsor.

Mr. President, earlier in this debate I recounted why the pending amendment is unconstitutional under the Buckley versus Valeo decision of the Supreme Court. I noted the Buckley case because I find a close analogy between the pending amendment and the unconstitutional provision in that case. But Buckley is not the only example that could be called to the attention of my colleagues.

Under the separation of powers doctrine, the Congress writes the laws and the President carries them out. While Congress may, by law, direct the executive branch how to carry out a law, it may not carry out the law itself.

In Buckley, Congress tried to carry out a law by appointing the people who carried it out. When that was ruled unconstitutional, Congress tried another approach. It statutorily assigned duties to executive officers appointed in conformity with the appointments clause, thereby complying with Buckley, but tried to keep its arm on the arm of the executive official through the legislative veto. In INS versus Chadha the Supreme Court struck that down.

Undaunted in our efforts to influence the execution of laws, Congress next sought to influence the action of an officer appointed by the President in conformity with the appointments clause over whom Congress would exercise no veto authority in this way; while complying with Buckley and Chadha, Congress would retain the power to remove such officer by joint resolution.

Now this influence was far more tenuous than the use of legislative appointees condemned in Buckley or the veto condemned in Chadha. Nevertheless, in Bowsher versus Synar, the Supreme Court struck down that effort as well.

The lesson is clear. Under the separation of powers doctrine Congress cannot take part in the execution of our laws. The pending amendment violates that doctrine. It would place eight Members of Congress on the Commission to determine which bases should be closed. The Commission's action is not advisory but has legal consequences. Therefore, under Buckley, Chadha, and Bowsher, congressional appointees cannot serve on the Commission.

The amendment must be rejected as unconstitutional.

Mr. DIXON. I want to thank the Senator from Delaware, whose fairness and impartiality in matters is well known to all Senators, and to say that the amendment is being redrafted. It will be momentarily here, I think within 1 minute or 2, may I say to the President.

Anybody who is opposed to the provisions of this bill would like to see more done. I could go through every section of this and say here is the way I would like to have done it.

The fact is that we at least have a congressional input into the process now. It is clear there. The foreign base question is before it. It has been thoroughly discussed here. The Commission is on notice and this CONGRESSIONAL RECORD is replete with remarks about the concerns of the Senators about foreign base closings and other initiatives of that kind. My concern about geographic balance has been placed in the RECORD.

I am sure that the Secretary of Defense, Mr. Carlucci, who is well known as a fair man and an honorable one, will take note of what we have done in this accommodation here.

Then I want to say while my distinguished friend, the chairman of the committee, is here, that as I said to my friend from South Dakota before I am going to be in the conference. I am going to be involved in this issue in the conference. And there is always an opportunity for further refinement and modification of this language so that points of view can be considered such as that presented by the South Dakota Senator.

Mr. NUNN. Mr. President, will the Senator from Illinois yield the floor?

Mr. DIXON. I am always delighted to yield to the chairman whose great contribution here is appreciated.

Mr. NUNN. I believe the suggestions made by the Senator from Illinois and things we have been working on for several hours now are reasonable. I think they probably improve the overall approach. I have some reluctance on a few of them, but I think overall we are striking a proper balance here. So I do plan to support this compromise that we have worked out.

I would like to ask, and I do not have the final draft, but this is a preliminary draft, it is my understanding that the words have not been changed. If this is the final draft I will direct the same questions to that draft. But the preliminary draft says the Secretary of Defense shall provide the Commission with a nonpartisan independent staff. The staff shall consist of Government employees and consultants who have not been employed by the Department of Defense during calendar year 1988.

I do not believe it is our intent to limit the staff to Government employees and consultants.

Could I pose that question to the Senator?

Mr. DIXON. It was not our intention to limit it in that way, no, I think not.

Mr. NUNN. I believe that the intent really was that once the staff was employed, they would indeed become either Government employees or consultants for the duration of this. But I am not sure that we intended to have that limit. If there was a staff person that they wanted to hire that was independent and nonpartisan, that was not a Government employee and would not be a consultant, I would want that person to be able to be hired.

Mr. DIXON. Yes, I agree with that and I think perhaps that correction should be made and can be made as the amendment is brought in momentarily.

Mr. NUNN. Is it the intent of the Senator from Illinois that there would be no one that is now employed by the Department of Defense on that staff? Is that the intent?

Mr. DIXON. That is the intent. This language actually was the language suggested by the distinguished Senator from Michigan, who felt that it would be important to have staff members doing this job who were not agents of the Secretary of Defense and had no obligation to the Secretary of Defense in connection with their work. That language results from his initiative and perhaps it would be valuable, though I do not see him here.

Mr. NUNN. I think these words need massaging a little bit. We use the word "nonpartisan" all the time. I am not sure what nonpartisan means in the sense of hiring somebody. Does that mean they never have been a Republican or Democrat? I do not know what it means. I think we need to massage these words a little bit.

Mr. DIXON. I would agree with the Senator.

Mr. NUNN. We certainly want an objective and independent staff and the intent is not to have employees of the Department of Defense, although I would not have suggested that. I think we have people in the Department of Defense who could perform this task. If that is part of the compromise, then I think we ought to find a way of describing those without describing them as Government employees and consultants.

Mr. McCAIN. Mr. President, will the Senator yield for a question along those lines?

Mr. DIXON. I yield.

Mr. McCAIN. Would it be the intent of the Senator from Illinois that no member or former member of a congressional staff would be a member of this commission as well?

Mr. DIXON. No, I do not think that is the intent at all, just that nobody who has been employed by the Department of Defense during the calendar year 1988 would be a member. And I agree wholeheartedly with the Senator from Georgia. I do not know what nonpartisan means. They have nonpartisan elections in some cities in Illinois that are more bitter than the Republican and Democratic confrontations I have observed. I do not know what nonpartisan means. We probably do need a better word there, may I say quite candidly, but I was not involved in that initiative and I think perhaps we could suggest that that be improved.

Mr. NUNN. Frankly, if the Secretary of Defense wants to get a package through, he would indeed be rather foolish to put someone on the Commission who had been, for instance, the chairman of the Democratic Party in the State of Illinois or chairman of the Republican Party in the State of Arizona, or something of that nature. I am not sure we need to spell it out. I think we get down to common sense on that. I do not think we want to disqualify someone who had a party affiliation of some sort.

Mr. DIXON. I fully agree with that, may I say to the distinguished chairman. Perhaps we can clean that up a little bit.

Mr. NUNN. I thank the Senator.

Mr. DIXON. I agree entirely with what the distinguished manager is saying.

May I respond to the concerns of the Senator from Arizona?

Mr. McCAIN. I also would like to follow up on what our distinguished chairman said. There are people who have served in previous administrations, both Republican and Democratic, that I think would be eminently qualified to serve on this commission, and I would hesitate to support language which would basically rule out all of those individuals.

Mr. DIXON. May I respond quickly by interrupting the Senator?

Mr. McCAIN. Yes.

Mr. DIXON. What we are talking about here is staff. As to the Commission itself, the language of the accommodation suggests the Commission will be the nine-member Commission already represented in the charter. Is the Senator familiar with the charter?

Mr. McCAIN. Yes, I am familiar with it.

Mr. DIXON. While we all have these names floating around, I do not guess that those nine names are exactly official, but there are nine people on the Commission. We enlarged that for an additional six people on the Commission, and then give to the chairman of the jurisdictional committees, of course, the chairman of the Armed Services Committee here and the chairmen of the jurisdictional subcommittees and representatives of the State and local officials organizations an opportunity to be consulted with respect to those additional six. They could presumably be partisans. For instance, on that list, the original commission list, I think you have Ribicoff and Edwards. They were certainly in their time partisan, I would say good partisans.

Mr. McCAIN. If the Senator will yield, my point is that in regard to members of the staff there are people who have served honorably in other administrations, whether they be Republican or Democrat, and I would not be supportive of such a move that would exclude them if at some point in their career they had been somehow politically involved.

Mr. DIXON. I do not have any problem with that observation.

Mr. McCAIN. I would hope that that language would be changed in order to reflect that. As the chairman pointed out, it would be foolishness to put a member on that staff who was somehow closely identified on a partisan basis.

Mr. DIXON. Sure.

Mr. McCAIN. Such an appointment would destroy a lot of the credibility of the Commission. At the same time, I would not want to see excluded someone who has a reputation for having expertise. After all, the staff of this Commission needs to have an enormous amount of knowledge and expertise. That may require us to draw upon someone who has served in a previous administration in the Department of Defense.

Mr. NUNN. Will the Senator yield on that point, because that is another point I wanted to make?

Mr. McCAIN. I yield.

Mr. NUNN. I agree that the top staff people—I do not know whether there be two or three staff people here or five or six or whatever—I would agree there is a case to be made for them to be independent to the extent of not being under the Secretary of Defense. Also knowing the bases as we all do, and the Senator from Illinois knows them very well, and the Senator from Arizona does—we dealt with them—there has to be a tremendous amount of information given to whatever staff is hired. Independent and objective as they may be, they have to have information flow. There is really only one place the information flow can come from, and that is the Department of Defense.

I would hope that we could identify the top staff people as not being part of the Department of Defense, but not preclude them assigning some other people who are not part of the Department of Defense, either staff or consultation, because that is where the information has to come from.

What I thought we were basically tentatively agreeing to is that the top staff people would be outside the Department, but they would be able to be some staffing. If they had to develop all this information independently, we would be talking about a 15- or 20-year project. I know nobody intends that. So we have to have the information flow come from the Department of Defense.

Mr. McCAIN. If the Senator will further yield, I understand we are to receive information in the Congress by December 31. That is a very short period of time. To ask people who have no knowledge or expertise on this issue to make those kinds of recommendations would be not only unlikely but impossible.

We need to work on that.

Mr. NUNN. I would suggest perhaps we can converse with the Senator from Michigan on that. But I think it is going to be necessary to go over that language rather carefully.

I do not believe it is his intent to prevent the flow of information coming from the Department of Defense to this Commission. I would hope they would be objective enough and independent enough to question it, to go back and demand additional information or clarifications or to challenge it where they feel it was in question. But nevertheless, that information flow has to come from the Department.

Mr. McCAIN. If the Senator from Illinois would yield, I request a moment to make two more comments to him on this compromise, which I did not help formulate.

I have no hard feelings about that lack of participation. I understand that time constraints and the issues at hand lend themselves to requiring a compromise which has been agreed to by the majority on both sides of the aisle. I would not stand in its way.

I would like to point out two concerns. One regards the compromise's wording concerning a vote of disapproval. I understand that given a 51-member vote of disapproval, if the President vetoed that disapproval, it would come back and require 67 votes, at least of this body.

Mr. DIXON. May I say candidly I did not want this. This is part of an agreement I yielded on and I am not happy with it. But I would rather have congressional input of some kind than no congressional input at all, so I have accepted what I consider to be a compromise. It is not a very good one in that area, may I say.

Mr. McCAIN. I understand. My concern is I can envision, as I think the Senator from Illinois can, enormous pressures being generated on those Senators from States that are experiencing a base closing. We work in this body on the basis of friendship and close relationships and I think it could place others in a very difficult position.

I see some dangers in the road ahead by doing this. But I am not standing to oppose it. I am voicing my deep concern about it.

The second issue I would like to mention to my distinguished friend from Illinois, is this whole issue of overseas bases. To some degree, I view it as a straw man in that the problems that lie ahead, as far as I view the situation throughout the world, if the loss of overseas bases for foreign political reasons rather than close them for domestic political reasons.

We see what is happening in the negotiations over the bases in Greece. We see the forced removal of an F-16 wing from Spain. In the opinion of most experts, if there was a referendum in the Philippines today, of the kind presently being planned by the Philippine Government, that would call for a removal of our bases in the Philippines.

I think we are mixing apples and oranges here because the reasons we have not been able to close domestic bases in the United States are largely domestic, political reasons. In contrast, our problems overseas are the lack of, or insufficiency of, bases. This shortfall is generated by an entirely different set of factors. I think that, including the overseas base issue in this compromise, will confuse the issue and divert the Commission to some extent from its basic purpose which is to examine bases within the United States.

I think the issue of overseas bases needs to be addressed. But I would suggest it should be best addressed in a separate context.

I, again, would like to congratulate my friend from Illinois on shaping what I would accept as a reasonable compromise. I know he has worked long and hard on this issue.

Mr. DIXON. May I first say to the Senator from Arizona, who I hold in the highest personal regard, for whom I have a very true, warm affection, that I would have been delighted to have had him as one of the participants in these discussions that took place.

Nobody was excluded, may I observe. Anybody that came along was welcome to join. I made a particular effort to call—

Mr. McCAIN. I say to my friend I did not mean to intimate that that was in any way the case.

Mr. DIXON. I received it in that fashion and I thank the Senator.

You just demonstrate once again what generated my response to my dear friend from South Dakota who very strongly feels we ought to address overseas bases here. I agree with him. You disagree with me.

Your position was expressed very strongly by the ranking member, the distinguished Senator from Virginia and the chairman, the distinguished Senator from Georgia.

Everybody was in the mix; everybody was presenting their point of view in the cloakroom. We achieved an accommodation of honor that I feel compelled to stand by, now, because I participated in the whole game. But that is not to say that others would not disagree with this and I guess, you know, we could be here a pretty long time.

That is already pretty clear, talking about base closure, because we are still on my first amendment, and I have got about 10 or 12 of them here, all of which I think have some value. But we probably will lay this to rest shortly when this compromise amendment is adopted. But the Senator from South Dakota has a right to offer his amendment.

There are some of us who will vote for it. I will not say anything, but I have an idea that this agreement will probably prevail. And then we will go to the conference and see what the White House thinks and there will be more refinements and modifications and ultimately I think we will get a result that most people will think is a result that has been honed by the legislative process.

What more could you ask for than that. We live in a great system where everything is discussed publicly, nothing behind closed doors, and everybody knows that is happening. I have the amendment here. There is one part of it, due to what you have said and the distinguished chairman of the committee has said, that may need refinement. I would be inclined then, Mr. President, at this time, to send an amendment to the desk which says "Strike all after paragraph 2 on line 3 and add the following."

I offer that as an amendment in the second degree, subject to my friend from Michigan having a look at it.

AMENDMENT NO. 2012 TO AMENDMENT NO. 2005, AS MODIFIED

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON] proposes an amendment numbered 2012 to Amendment 2005 as modified.

Mr. DIXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after parenthesis (2) on line 3 and add the following:

SEC. 923. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS.

(a) IN GENERAL.—The Secretary of Defense shall—

(1) close all military installations recommended by the Commission on Base Realignment and Closure in the report transmitted to the Secretary pursuant to the charter establishing such Commission;

(2) realign all military installations recommended for realignment by such Commission in such report; and

(3) initiate all such closures and realignments no later than September 30, 1991, and complete all such closures and realignments no later than September 30, 1995.

(b) CONDITIONS.—(1) The Secretary may not carry out the closure or realignment of any military installation under this section unless—

(A) within 15 calendar days after the date on which the Commission transmits the report described in subsection (a)(1) to the Secretary, the Secretary transmits to the appropriate committees of Congress a report containing a statement that the Secretary has approved and proposes to implement all of the military installation closures and realignments recommended by the Commission in the report described in subsection (a)(1);

(B) the Commission has recommended, in the report described in subsection (a)(1), the closure or realignment, as the case may be, of the installation; and

(C) The Secretary of Defense completes the study required by subsection (f)(2) and submits the certification required by subsection (c)(3)(B).

(2) The authority of the Secretary to carry out any closure or realignment under this section shall terminate on October 1, 1995.

(c) THE COMMISSION.—(1) The Commission shall consist of 15 members appointed by the Secretary of Defense. In addition to the members appointed by the Secretary of Defense on May 3, 1988, the Secretary shall appoint 6 additional members (and fill any subsequent vacancies on the Commission) after consultation with (A) the Chairmen and ranking minority members of the appropriate committees of Congress and the military construction subcommittees thereof and (B) national associations of state and local officials. The members shall be chosen on the basis of knowledge and experience in matters related to federal property or national security affairs, or economic planning, and shall reflect a reasonable geographic balance.

(2) The Secretary of Defense shall provide the Commission with an objective, independent staff. The senior staff shall consist of government employees and consultants who have not been employed by the Department of Defense during calendar year 1988.

(3) The Commission shall—

(A) transmit the report described in subsection (a)(1) to the Secretary no later than December 31, 1988; and

(B) on the same date on which the Commission transmits such report to the Secretary, transmit to the appropriate committees of Congress—

(i) a copy of such report; and

(ii) a statement certifying that the Commission has identified the military installations to be closed or realigned after reviewing all military installations inside the United States, including all military installations under construction and all military installations planned for construction,

and that no installation identified to be closed or realigned is of a higher priority to the national defense than any installation (domestic or foreign) that has not been identified by the Commission or the Secretary of Defense for closure or realignment.

(d) IMPLEMENTATION.—(1) In closing or realigning a military installation under this section, the Secretary—

(A) subject to the availability of funds authorized and appropriated to the Department of Defense for planning and design, minor construction, and operation and maintenance, and the availability of funds in the Account established under subsection (g)(1), may take all actions necessary to implement such closure or realignment, including acquiring land, constructing replacement facilities, relocating activities, and conducting advance planning and design;

(B) subject to the availability of funds authorized and appropriated to the Department of Defense for economic adjustment assistance and community planning assistance and the availability of funds in the Account, shall provide—

(i) economic adjustment assistance to any community located near a military installation being closed or realigned; and

(ii) community planning assistance to any community located near a military installation to which functions are to be transferred as a result of such closure or realignment;

if the Secretary determines that the financial resources available to the community (by grant or otherwise) are inadequate;

(C) subject to the availability of funds authorized and appropriated to the Department of Defense for environmental restoration and the availability of funds in the Account, may carry out activities for the purpose of environmental restoration, including reducing, removing, and recycling hazardous wastes and removing unsafe buildings and debris;

(D) except as provided in paragraph (2), may sell or exchange, at not less than fair market value, any real property or facility under the jurisdiction of the Department of Defense and located at such an installation; and

(E) shall deposit any amount received from such sale or exchange, and from any transfer or exchange made under paragraph (2), into the Account.

(2)(A) Before any sale or exchange or other conveyance of any real property or facility is made under this section, the Secretary shall inform other instrumentalities of the Federal Government of the availability of such property or facility and, in response to an offer submitted by such an instrumentality within a reasonable period specified by the Secretary, shall transfer such property or facility for fair market value to such instrumentality if such instrumentality agrees to reimburse the Secretary for such transfer in an amount equal to the fair market value of the property or facility and such instrumentality has the necessary funds available (within a reasonable period specified by the Secretary) for such purpose.

(B) After carrying out subparagraph (A) with respect to any real property or facility under the jurisdiction of the Department of Defense and located at an installation scheduled for closure or realignment under this section, the Secretary—

(i) may transfer such property or facility to any other instrumentality of the Federal Government at less than fair market value or without reimbursement; or

(ii) subject to subparagraph (C) and in any case in which savings will be realized by the Department of Defense from a conveyance of a property or facility, may—

(I) sell or exchange such real property or facility at less than fair market value if it is to be used for a commercial or industrial purpose in accordance with a reuse plan formulated by the community involved; or

(II) convey such property or facility without reimbursement to a State or local government if such property or facility is to be used by such government for airport, education, or health purposes in accordance with such a reuse plan.

(C)(i) Any property or facility conveyed under subparagraph (B)(ii) may be conveyed only as part of economic adjustment assistance made available to a community located near an installation scheduled for closure or realignment.

(ii) The Secretary shall provide that all right, title, and interest in and to any real property or facility conveyed under subparagraph (B)(ii) shall revert to the United States, which shall have right of immediate entry thereon, if such property or facility is used for any purpose other than the one for which it was conveyed under such clause.

(e) Waiver.—The Secretary may carry out the authority provided in subsection (d) without regard to—

(1) any provision of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) restricting the Secretary of Defense from disposing of real property and facilities;

(2) any provision of law restricting the use of funds for closing or realigning military installations included in appropriation or authorization Acts, other than this Act;

(3) the procedures set forth in sections 2662 and 2687 of title, 10, United States Code; and

(4) the National Environmental Policy Act of 1969 (42 U.S.C. et seq.).

(f) Reports.—(1) As part of each annual request for authorization of appropriations, the Secretary shall transmit to the appropriate committees of Congress—

(A) a schedule of the closure and realignment actions proposed to be carried out under this section in the final year for which the request is made and an estimate of the total expenditures required and cost savings to be achieved by each such closure and realignment and of the time period in which the savings are to be achieved in each case, together with the Secretary's assessment of the environmental consequences of such actions; and

(B) a description of the military installations, including military installations under construction and those planned for construction, to which functions are to be transferred as a result of such closures and realignments, together with the Secretary's assessment of the environmental consequences of such transfers.

(2)(A) The Secretary shall conduct a study of the military installations of the United States outside the United States to determine if efficiencies can be realized through closure or realignment of the overseas base structure of the United States. Not later than September 15, 1988, the Secretary shall transmit a report of the findings and conclusions of such study to the Commission and to the appropriate committees of Congress. The Commission shall consider the impact of the Secretary's study in developing its recommendations.

(B) Upon request of the Commission, the Secretary shall provide the Commission with such information about overseas bases as may be helpful to the Commission in its deliberations.

(C) The Commission, based on its analysis of military installations in the United States and its review of the Secretary's study of the overseas base structure, may provide the Secretary with such comments and suggestions as it deems appropriate regarding the Secretary's study of the overseas base structure.

(3) When a decision is made to carry out a construction project under subsection (d)(1) and the cost of the project will be greater than the maximum amount for a minor construction project, the Secretary shall notify in writing the appropriate committees of Congress of the nature of and justification for the project and the amount proposed to be expended for such project.

(g) Account.—(1) There is hereby established on the books of the Department of the Treasury the Department of Defense Base Closure Account which shall be administered by the Secretary as a single account.

(2) There shall be deposited into the Account—

(A) funds appropriated to the Account;

(B) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Defense for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the appropriate committees of Congress; and

(C) any amount described in subsection (d)(1)(E) and any other funds received by the Secretary in connection with any closure or realignment of a military installation under this section.

(3) There is authorized to be appropriated to the Account for any fiscal year after fiscal year 1989 the sum of $300,000,000.

(4) The Secretary may use the funds in the Account only for the purposes described in subsection (d).

(5) No later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this section, the Secretary shall transmit a report to the appropriate committees of Congress of the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount of expenditures made pursuant to subparagraphs (A) though (C) of subsection (d)(1).

(6) Unobligated funds which remain in the Account after the termination of the authority of the Secretary under this section shall be held in the Account until transferred by an appropriate Act enacted after the appropriate committees of Congress receive the report transmitted under paragraph (7).

(7) No later than 60 days after the termination of the authority of the Secretary to carry out an alignment or closure under this section, the Secretary shall transmit to the appropriate committees of Congress a report containing an accounting of—

(A) all the funds deposited into and expended from the Account or expended under subparagraphs (A), (B), and (C) of subsection (d)(1); and

(B) any amount remaining in the account.

(h) Congressional Disapproval Procedures.—(1) Notwithstanding any other provision of this section, the Secretary of Defense may not take any action with regard to the report of the Commission on Base Realignment and Closure if, within 45 session days after the date on which Congress receives the report of the Secretary described in subsection (b)(1)(A), Congress enacts a joint resolution disapproving the plan of the Commission.

(2) For the purpose of paragraph (1), "joint resolution" means only a joint resolution introduced after the date on which the report of the Secretary referred to in section (b)(1)(A) is received by Congress the matter after the resolving clause of which is as follows: "That Congress disapproves the recommendations of the Commission on Base Realignment and Closure established by the Secretary of Defense as submitted to the Secretary of Defense on —— (the blank space being appropriately filled in).".

(3) A resolution described in paragraph (2) introduced in the House of Representatives shall be referred to the Committee on Armed Services of the House of Representatives. A resolution described in paragraph (2) introduced in the Senate shall be referred to the Committee on Armed Services of the Senate. Such a resolution may not be reported before the 8th day after its introduction.

(4) If the committee to which is referred a resolution described in paragraph (2) has not reported such resolution (or an identical resolution) at the end of 15 calendar days after its introduction, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(5)(A) When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (4)) from further consideration of, a resolution described in paragraph (2), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to fiscal year, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to rconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(B) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(C) Immediately following the conclusion of the debate on a resolution described in paragraph (2), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (2) shall be decided without debate.

(6) If, before the passage by one House of a resolution of that House described in paragraph (2), that House receives from the other House a resolution described in paragraph (2), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee.

(B) With respect to a resolution described in paragraph (2) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(7) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (2), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(b) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(i) DEFINITIONS.—In this section:

(1) The term "Account" means the Department of Defense Base Closure Account established by subsection (g)(1).

(2) The term "appropriate committees of Congress" means the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives.

(3) The terms "Commission on Base Realignment and Closure" and "Commission" mean the commission established by the Secretary of Defense in the charter signed by the Secretary on May 3, 1988.

(4) The term "charter establishing such Commission" means the charter referred to in paragraph (3).

(5) The term "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Secretary of a military department.

(6) The term "realignment" includes any action which both reduces and relocates functions and civilian personnel positions.

(7) The term "Secretary" means the Secretary of Defense.

(8) The term "United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any other commonwealth, territory, or possession of the United States.

Mr. DIXON. Mr. President, we have discussed this amendment now at some length. This amendment represents a compromise that has been achieved over a full day's discussion. There is a little discussion going on about the language concerning members of the staff. Senators are advised that what we want to do here is have staff members who are independent from influence by the Department of Defense but not necessarily that all junior staff never have been employed or have been employed in the last year by the Department. We are going to clean up that language in a little bit with another modification.

Mr. President, I ask unanimous consent that this amendment be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DIXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, I wonder if the acting manager will yield for a question?

Mr. DIXON. I will yield, Mr. President.

Mr. LEVIN. We have drafted this language as carefully as we could under the circumstances, and my question is relative to that subsection (2) where it says:

> The Secretary of Defense shall provide the commission with an objective, independent staff.

I believe it is our intention as sponsors of this amendment that the Commission shall make the selection of their staff, and when we use the word "provide," we are talking about the process of getting them employed and paid for but not the selection process because the selection process would be the Commission itself. Is that your understanding?

Mr. DIXON. We had a discussion here about the word "nonpartisan." Everybody agreed there were not too many of those people around in Government, and we changed that to "objective."

Then I think the other sense of the discussion, and the distinguished manager, the chairman of the committee, is temporarily off the floor, but I think the Senator from Arizona was here. The intention was clearly that we would have an objective staff that is not in any way obligated to the Secretary of Defense or the Department of Defense. That he would provide available personnel to the extent needed, but that the senior staff, and so forth, will certainly not be a part of the Department of Defense and that the Commission itself would make the determination about the staff people it wanted.

May I say to my friend from Arizona, that was our understanding eventually, that the Commission of 15 people, the Commission having been expanded from 9 to 15, would be able to select their staff, much of which would probably be provided at the lower levels in particular from Defense.

Mr. LEVIN. As one of the authors of this amendment, in order to create some legislative history, it is my intention, so we all know that the Commission has that authority to select their staff and that the word "provide" relates to other parts of the employment process, such as getting people onto a Government payroll and paying for them, but does not apply to the word "select" since the selection is intended under this language to be left to the Commission.

That is my intention as one of the sponsors of this amendment.

Mr. DIXON. And may I say, Mr. President, I share the observations, and let the RECORD show from the standpoint of congressional intent, that it is clearly our intent that objective personnel selected by the Commission, but can be provided by the Secretary of Defense, can constitute staff for this Commission.

May I do a little cleanup work by asking unanimous consent that the distinguished Senator from Michigan, who has been one of the able Senators who has been principally involved in striking this accommodation, be joined as a sponsor; the distinguished Senator from Arizona, Senator MCCAIN, as a sponsor; the distinguished Senator from Delaware, Senator ROTH, as a sponsor; the distinguished Senator from Alaska, Senator STEVENS, as a sponsor?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I would like to state that it is also the understanding on this side of the aisle that the staff will be selected by the Commission. The Commission will be the sole arbiters as to who and with what qualifications they may acquire. This language is simply to clear up that the senior staff member will not be employees of the Department of Defense during the fiscal year 1988. I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I regret I have not been able to be on the floor during the day. Senator Boren, and I, and others have been tied up in the Intelligence Committee on matters pertaining to the INF Treaty.

I did want to come to the floor to make a few comments, and to commend the efforts of my colleague from Illinois. It seems that he has been waging almost a one-man battle on the floor to try and inject a congressional role into a process that I think is proceeding along in a very shortsighted fashion.

I would like to take a few moments to discuss the history behind the adoption of an amendment I helped pass when I was a Member of the House of Representatives back in 1976. It is no secret that I had a base, Loring Air Force Base, a SAC base in Maine. Senator Muskie was then a Member of this Chamber. We received a notice one day. The Air Force requested a meeting with us. We sat down with them. An Air Force official said:

> I am telling you in advance that Loring Air Force Base may be on a preliminary hit list, as such, for closure.

We said:

> Thank you for the advance notice, but can you tell us what the criteria are for the recommendations that this base be shut down?

The answer was:

> We can't tell you what the criteria are at this point, we can only advise you that your base may be subjected to closure.

Loring Air Force Base happened to be a major base in my State. We needed more information and were unable to get it until such time as the Air Force actually decided to designate Loring for reduction, about an 80 percent reduction—a significant reduction.

We decided at that point that Congress had at least an obligation to find out what the Department of Defense rationale really was. When we finally determined what the criteria were, one, of course, was national security interest, and no one can question that. But we asked what the rationale was: "Well, this particular base was close enough to the coastline that a Soviet submarine with a flat trajectory on an SLBM could take out Loring in very short notice."

"That is a fair comment, a fair observation. We certainly don't want to jeopardize the national security interest, but where are you going to move the bombers to?"

Well, the Air Force was going to move them to a base, we found, out later, that was even closer to a potential Soviet submarine attack. That rationale did not hold up.

We asked them for an environmental statement of what the impact was upon the community. The Air Force had the base located in the wrong part of the State. They had no idea where the base was.

Each criteria that was listed was found, upon analysis, to be faulty. We said: "Something is wrong here." Our people in Maine were fully prepared to accept the closure of that base or a substantial reduction of that base if they could satisfy us that a reason was offered that would hold up under analysis. The people of Maine were prepared to accept that. We had already begun to make alternative plans for the base.

But we said: "Wait, we are going to find out what the reason is."

It turned out the reason was more political than anything else. So we resisted that particular recommendation.

We did pass legislation, which I do not apologize for.

Mr. DIXON. May I say I do not apologize for it either. I think it is good legislation.

Mr. COHEN. The Department of Defense comes to the Congress to request the funds to open bases. Why do we not just create a commission? Why bother to come before the Congress to request the funds to open up a new base, to build the infrastructure, to make the substantial improvements that are necessary in runways and base facilities and schools and everything that goes with it? You build up a small town into a major operation by virtue of that base and then overnight you shut it down without any consultation, without really a justification that will withstand analysis, and say that is just too bad, that is the military's decision.

If that is the case, they do not need Congress to open the base. Yet the proposal in this bill takes us out of the process altogether, saying just give it to a commission.

Once again, when it comes to a tough decision, we abdicate our responsibility. If we do not like the legislation that is currently in effect, change it. If we do not like the criteria because DOD says it is too onerous, it is too burdensome, change the criteria.

But the answer, it seems to me, is not just to cut Congress out, is not to eliminate us altogether so that we have no voice, no veto, no participatory role in deciding whether or not a base that we helped to fund, is now being shut down with fairly serious consequences, not only to the national security interest, but to the local economic interest as well.

It seems to me we have a voice and we have to play a role. What we are doing here is typical of what we do everytime we have a tough decision to make, be it on Social Security or any other issue. We say, "Let's create a commission, let's just abdicate our responsibility and go to a commission." Far better that we come to the floor and say that each base that we recommend, we can justify its closure. It is not political; it is in the national security interest; yes, there are costs involved and here they are and we are asking for your support.

That is the way it ought to be done, but Congress is taking the cowardly way out in my judgment by simply shifting this off to a commission, and my friend from Illinois is trying his best to involve Congress back in the process. But we have all of these permutations we are trying to achieve in order to really duck the issue, and the fact is we are the ones who create these bases, and we are the ones who ought to have a voice at least, some role in deciding whether we shut them down, under what circumstances, and with how much notice. The original legislation requires 60-day notice. Why? To give Members of Congress an opportunity to make their case as to why the base ought to stay open, if they can. We just passed major legislation giving 60 days notice for plant closings with the private sector shutting down operations. Congress went on record overwhelmingly in favor of that. And yet here we are, when it comes to shutting down a base, for which Congress bears the responsibility of funding, we are saying, "Don't come to us; we can't afford to bear that kind of responsibility."

So I think what has taken place in the bill itself is a mistake. I commend my colleague from Illinois for trying at least to make the kinds of modifications which would give Congress some role as far as oversight, some participatory role, some check to make sure that it is not based upon political factors in the sense one base is favored over another depending on who is on a particular committee, or one region over another. Base it upon national security interests. Also take into account at least some of the economic factors: The Air Force said we will save millions of dollars in shutting a base down. The facts are quite the other way.

So I think that the Senator from Illinois has done a commendable job, but we are trying to patch up what essentially is a cowardly way out for the congress and that is that we will not measure up to the responsibility of whether we keep a base open or shut it down. We are taking ourselves out of the process. I think it is a mistake. We have done it on other tough issues. I think we are paid to make those tough decisions and we ought not be delegating them to commissions that are not elected and unaccountable to us.

Again I commend the Senator. I join in the effort. I commend Senator Levin. But I think it is a mistake to have done what we have done, and I hope the House will look very carefully before they agree to accept the Senate version.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER (Mr. SIMON). The Senator from Illinois.

Mr. DIXON. Mr. President, may I simply say that I endorse every word of the distinguished Senator from Maine. Were it up to this Senator, pages 161 through 171 would not be in the Department of Defense authorization bill. We fought that fight in committee and those 10 pages are in the bill. We fought this fight on the floor for a couple of days. We have achieved the best accommodation we could under the circumstances. Even the congressional input ultimately I would have the other way around, with approval, not disapproval, not the problems you are going to have with a veto and that sort of thing.

It is not all I wanted. At the same time, we have to resolve this thing, and I think it is clear that there is probably a majority here that wants a strong, useful provision in the bill. I think this is the best we can do.

I say to my friend from Maine, his valuable suggestions yesterday have been very helpful to this Senator. Some of the suggestions he gave me just before we entered into this whole subject matter yesterday were most useful to me, and I thank the Senator from Maine. We have employed his advice at every juncture in our discussions with the advocates of the other position on this issue, and I thank him for his help and that of the Senator from Michigan and others.

So far as I am concerned, Mr. President, this constitutes the best we can do with the problem that I think everyone recognizes is a national problem. I think there ought to be more congressional input than there is. I think there ought to be more congressional influence on the Commission than there is. I think there ought to be more concern about the foreign bases than there is in this compromise, but in the end it is a compromise, the best we could do, and I recommend it as being adequate for this purpose in the Senate. May I say to my friend from Maine, I hope that in the conference more modifications that make good sense can take place. I thank my friend from Maine.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I think my friend from Maine was entirely accurate in his remarks. The Congress has probably abdicated its responsibilities and the Congress is responsible for the funding of these bases. However, I would like to point out to my friend, for whom I have the utmost respect, that it is very clear that we are at a condition of gridlock as far as base closings are concerned. My information is that the last major military facility in this country to be closed was in the early 1970's. A great deal has changed in the intervening years, and there have clearly been changes in mission, roles, requirements; technology. These have driven us to need different installations and different basing requirements. All of the changes however, have not led to the closure of any major military installation in this country. Whether we in this body happen to like it or not, there is a perception around the country that the Congress cannot act to reduce the waste and inefficiency and the excess expenditure of taxpayers' dollars which results from having redundant or excess military installations in this country.

My colleague is right that in saying that by setting up a commission, and allowing that commission to do the work Congress should be doing, we are abdicating our responsibilities. At the same time, I think history indicates that we are incapable of acting in any other way because of the enormous political repercussions which result in each of our States as a result of a move to close a base or a military installation.

I would also like to point out to my friend that we have set up other commissions and they have provided us with useful information. For example, the Commission on Social Security. This Commission was set up recently and is going to report on the overall economy sometime this fall.

Mr. COHEN. Will the Senator yield?

Mr. McCAIN. Yes.

Mr. COHEN. We also set up the Packard Commission a year or so ago, but there was no suggestion made that the Packard Commission recommendations would be implemented without review of the Congress. There is something where we said, "No, no, wait a moment. Procurement, that is something we take a special interest in." We were not about to delegate that responsibility to the Packard Commission, notwithstanding the integrity of the members, the high respect that they enjoyed, and the expertise they brought to the job. It seems to me that we did precisely the right thing. We took the benefit of their recommendations. We acted upon some and we rejected others.

It seems to me that is the role of a commission, not to delegate to an unelected body the decisionmaking authority without review and without recourse by Members of this institution.

Mr. McCAIN. I think the Senator is correct in that statement, but I would like to point out that the results of the Packard Commission, at least in the minds of many of us, have been limited in the benefits we have received. The so-called Kissinger Commission on the CBI was perhaps the most talked-about and least followed Commission. Unfortunately, we seem to have a history of appointing commissions, expending the valuable time of some of our most distinguished Americans, receiving their recommendations, and doing very little about them.

Mr. COHEN. If the Senator will yield further, I would be prepared to accept the Senate Armed Services Committee language if the Senator from Arizona would agree that we make the Scowcroft Commission recommendations to Congress binding upon the Congress so that we could go forward, for example, with the Midgetman missile as well as the recommendations on the MX.

There is a case where we have distinguished gentlemen appointed by the President making recommendations to the Congress and I would be happy to delegate to them that decision, if the Senator from Arizona would join me in saying he would be fully in support of those recommendations.

Mr. McCAIN. I certainly would not be adverse to giving serious consideration to such a move although, as my colleague fully appreciates, it would be largely academic. There would be 2 of us as opposed to 98, and we would have some difficulty in convincing the other 98.

Mr. COHEN. The only point I am making is here you had a commission make a recommendation, and Congress justifiably reserved the judgment as to whether we go forward with MX, Midgetman, or a combination of the two. I think we create commissions for the purposes of advice. They serve an advisory function. That should be the desire here, but we should not abdicate our responsibility just as we have not done so with other commissions. I do not believe we should do so here.

That is the only point I wish to make as a rhetorical suggestion. I know the Senator is not in the position to commit other Members to that position. But nonetheless, I think we have a role.

The Senator from Illinois has done his best to inject the Congress back into that deliberative process. I salute him for that.

Mr. McCAIN. I again appreciate the comments of my friend from Maine. He makes an extremely valid point in that we have abdicated our responsibility. Perhaps we should evaluate the way that this entire body does business.

I would like to repeat and emphasize that it is thanks to the efforts of the Senator from Illinois that at least we have Congress playing a constructive role. Admittedly, it is somewhat in the form of a two-House legislative veto, as opposed to an affirmative action, in the case decisions and recommendations made by the commission.

I would also like to remind my friend from Maine that there is that perception, and I think there is an accurate one in the country, that the Congress cannot act to close a single military installation because of the political impact on the elected representatives in both bodies.

History indicates there is some accuracy in that perception. If my information is correct, the last time a major installation was closed was some 15 years ago, or more. If we accept the fact that there are installations which should be streamlined or made more efficient, and that some should even be closed, this bill is a way of attacking an issue that is for more important than just the fact that there are bases which are not necessary to maintain this Nation's national security requirements. If we cannot act, I greatly fear that the support for whatever level of defense spending the Congress decides on will be eroded. The American people need to perceive that their tax dollars are not being inefficiently and wastefully expended on military installations that are not necessary for national defense.

I share the disapproval of my friend from Illinois, and to some degree his disgust, that we are in a situation that we cannot act in an affirmative fashion, and that we abdicate our responsibilities.

At the same time I would suggest that we have another pressing problem, and that is to convince most of the taxpayers of this country their tax dollars are being most wisely and efficiently spent.

Mr. COHEN. Would the Senator yield for one final point? The times, of course, change. There may be requirements to either realign or indeed close certain bases. But I would call my colleague's attention to the fact that he, as did I, once served in the House of Representatives. A report was filed by the House Armed Services Committee some years ago in the mid-1970's indicating as a policy matter that we needed to maintain, perhaps even expand, our military presence in the country, and a greater dispersal was taking place as more bases were being concentrated in fewer areas to the point where many regions of the country were being totally excluded from any presence of our military personnel, men and women. And that the presence of those men and women in our armed services was serving a very positive impact, not only for our national security but for the commitment of this country to a strong national defense.

There was a policy decision to maintain a greater dispersal of those facilities. I think frankly there was great merit to it, that they are sometimes shortsighted for very marginal savings to start shutting bases down, and thereby depriving an opportunity for people to see exactly the kind of services that are being rendered.

So there was a policy recommendation coming from our colleague. I believe JACK KEMP was very instrumental in helping write that report. So it is not a situation where Congress has been resisting base closures. There were also policy factors involved and perhaps reasons for keeping them open as part of the national security debate itself.

I do not want to disagree with my friend from Arizona, but I would say there are times when cases can be made for the closure of a base. Certainly when you are talking about a major installation, the way the law was originally written there had to be at least 1,000 civilian personnel who were proposed to be eliminated or a 50-percent reduction. You are talking about a major installation.

There ought to be some notice given, some rationale given, some opportunity for Congress men and women and Senators to make their case for its continuation. If they cannot, it should be closed. But it seems to me that is the process we ought to follow, not what we are doing here by creating unelected commissions to make those decisions for us. I think this is the best we can do under the circumstances.

So I will support certainly my colleagues from Illinois and Michigan.

Mr. McCAIN. I agree with my friend from Maine in that there is a compelling case for dispersal throughout the country of our military installations. It is a terrible mistake, from a strategic as well as a moral standpoint, to concentrate our military bases in one section of the country. Indeed, that happens to be to a large degree the case today. I think that it could place us in some strategic peril over time.

I would also like to point out that there has been no more fierce or dedicated protector of the military installations in his State in my view than my colleague from the State of Maine.

Those of us who come from the Sun Belt have many other ways of improving our economies. Unfortunately, that does not happen to be true in the State of Maine, and my colleague from Maine is clearly aware and appreciative of the enormous economic dislocation and difficulties that would prevail in his State in the event of a closure of a very large and important military installation.

I happen to know that since 1979, when Senator COHEN came to this body, he has made it one of his highest priorities to keep that base open. I am sure the people of Maine are very grateful and appreciative. He has made a compelling case not only of the economic difficulties that would result from base closures, but of the strategic importance of the major military installation, in Maine, Loring Air Force Base.

Mr. COHEN. If I may offer one comment, let me thank the Senator for his comments, but point out that were it only the economic factors involved I would not be before this Chamber speaking on behalf of that particular facility. It was the strategic location, the implications for reinforcement and NATO, that the whole rationale was offered for the base in the first place. The primary factor has to be the consideration of national security interests. The economic factors were secondary, in my opinion, and no less important in terms of the impact. But I could not stand before this Chamber and urge my colleagues to keep it open solely as a job creation facility.

So it was really the strategic location, coupled with the economic factors, that would be involved in shutting it down for very marginal, if any, economic savings, and I think to the detriment of our ability to reinforce our European allies at a time of crisis that really has been the persuasive factor that has maintained Loring where it is today.

Mr. McCAIN. As I was saying, I believe my friend from Maine has made the case for the strategic importance of Loring Air Force Base. It is indeed crucial to our ability to resupply our NATO allies in the event of war in Western Europe. He has based his primary concerns on that issue.

I was trying to point out that he also has concern for the working men and women of his State, who would find it very difficult to find employment in other areas. I was also trying to point out that those of us from States that have more healthy and growing economies find life somewhat easier for those who are dislocated by a base closure. I think the human element of the base closure is something that must be considered whenever there is a base closure. That is why I hope if this Commission's recommendations are accepted, we will act together to minimize the economic impact no matter where that base closure takes place. I hope we will provide for the provision of such programs as employment and training assistance, and for assistance in other areas so that we could make sure that there is no significant economic impact in the area.

Let me just finally say to my friend from Maine that I have great confidence in this Commission.

I have seen the proposed membership of this Commission. I have every reason to believe, as I believe the Senator from Illinois does, that these people will attack this issue in a dedicated and nonpartisan fashion. I believe they have the confidence of the members of the Armed Services Committee on both sides of the aisle, and I have every confidence that they will do the job in an objective and patriotic fashion, as they are tasked to do by the legislation contained in this bill.

AMENDMENT NO. 2012, AS MODIFIED, TO AMENDMENT 2005, AS MODIFIED

Mr. DIXON. Mr. President, I am prepared to do a little bit of cleanup work. I am thankful for all the important discussions that have just transpired.

I ask unanimous consent to amend my amendment as follows:

In subsection (C)(2), strike out the period after the word "staff," at the end of the first sentence, and insert ", which shall be selected by the Commission.".

That reflects the colloquy that took place between the Senator from Michigan and others on the floor and definitely takes care of the question of clarification of that language.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

Mr. DIXON. I further ask unanimous consent that pages 3 and 4 of the amendment, which are duplicate pages, be deleted.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

Mr. DIXON. I ask unanimous consent that on page 5, line 16, the word "the" be stricken and the word "any" be inserted in lieu thereof. That was the intention, and the colloquy took place between the Senator from Michigan and myself.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The modification is as follows:

In subsection (C)(2), strike out the period after the word "staff" at the end of the first sentence and insert ", which shall be selected by the Commission.".

Pages 3 and 4 of the amendment, duplicate pages, be deleted;

On page 5, line 16, that the word "the" be stricken and the word "any" be inserted in lieu thereof.

Mr. LEVIN. Mr. President, will the Senator yield?

Mr. DIXON. I yield.

Mr. LEVIN. The purpose of that legislatively is to make it clear that we do not suggest or imply or direct that any bases be closed. This is supposed to be neutral. This Commission is supposed to determine if there are any bases that it recommends be closed, and that is the reason for the last change.

Mr. DIXON. The Senator from Michigan is absolutely correct.

Mr. DOLE. Mr. President, I commend the distinguished Senator from Illinois and the Senators from Michigan, Arizona, Virginia, and other Senators who have been working on this for a number of hours. I think it is a very important step in the right direction. As the Senator from Maine point out, national security has to be primary.

I can recall in 1965, when I was a young House Member, they closed Schilling Air Force Base in Salina, KS. I called each of my Senators to see who was going to make the announcement. I could not find one Senator, and the other Senator said, "I only announce openings." [Laughter.]

So I was a junior House Member, and I got to announce the closing of Schilling Air Force Base in Kansas. As it turned out, we had economic development, and it turned out well from the standpoint of the community.

I understand the importance of making the right decision, and that has been the purpose of this amendment. I certainly commend those who have been involved.

I hope we can close some bases. Obviously, there are some that should have been closed 10, 15, or 20 years ago, in addition to Schilling Air Force Base, and later the Air Force base in Topeka, KS. We do not have many left.

I support the amendment, and I congratulate the sponsor of the amendment.

Mr. DIXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I think the Senator from Colorado has a statement he wants to make at this point. Thereafter, in a matter of minutes, we will go through a rollcall vote.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Mr. President, this year under the very able leadership of our chairman, Senator NUNN, the Armed Services Committee worked in a bipartisan spirit of cooperation to develop a defense authorization bill that:

Begins to get control of runaway defense spending;

Seriously addresses the imbalance between strategic and conventional priorities;

Makes a start at correcting deficiencies in our conventional deterrent; and

Provides a number of initiatives to strengthen the defense industrial base, improve acquisition practices and address defense trade policies that result in the inefficient use of common defense resources.

During the course of our hearings and deliberations on this bill the committee, and particularly Senator LEVIN's Subcommittee on Conventional Forces and Alliance Defense, focused considerable attention on the subject of the conventional balance between NATO and the Warsaw Pact forces arrayed against each other in Europe.

The committee recommends that additional funds be authorized over and above the President's request for a number of armor and antiarmor programs that will begin to restore the ability of our forces to better deter and defend against a conventional attack on Europe.

We have made a good beginning at addressing the conventional balance in Europe and correcting imbalances that detract from our ability to deter war and defend against attack in that most vital region of the world, and I congratulate my colleagues on the committee, the members of the committee staff, and the personal staff members who have worked with us to prepare this bill for the Senate's consideration.

But I would be remiss if I did not remind the Senate that providing for the common defense involves more than raising and supporting armies or providing and maintaining a Navy. The pursuit of negotiated and verifiable arms control agreements, though a function of the executive branch, is also a concern of the Congress, especially of the Senate which must give its advice in and consent to that process.

While the committee's actions to improve conventional defense capabilities are important—and necessary at this time—I think the committee has given insufficient attention to a number of possible actions that could enhance conventional stability and increase the warning time for any Warsaw Pact attack that would be so necessary to enable NATO's member governments to make the political decisions to mobilize reserves and reinforce the forward deployed forces of NATO.

The actions to which I refer can be categorized as conventional arms control and stabilizing measures—with the latter term encompassing both confidence-building measures [CBM's], of the sort agreed to at the Stockholm Conference in 1986 which was part of the Conference on Confidence- and Security-Building Measures and Disarmament in Europe [CDE], and force constraints.

The committee's formal report to the Foreign Relations Committee on the INF Treaty recognized the promise of such measures, identifying them collectively as components of the second track of the roadmap to NATO strength in the report's section on "NATO in the Post-INF Environment." The committee gave further indication of its appreciation for the potential of conventional arms control and stabilizing measures when it adopted my amendment to this bill, cosponsored by Senators NUNN and LEVIN, expressing the sense of the Congress that an expansion of confidence-building measures should enjoy a high priority in the administration's plans to proceed with conventional arms control initiatives in Europe.

Nevertheless, much more can be done in this area.

To date, what attention the United States and NATO arms control negotiators have devoted to stabilizing measures has focused on confidence-building measures of the Stockholm Agreement genre.

That agreement permits each side to observe and inspect military operations of the other side. These inspections and observations are viewed with great promise in Europe.

Two new rounds of Western bloc-Eastern bloc talks are anticipated to begin later this year: a follow-on to the CDE talks and the resulting Stockholm Agreement; and a new series of talks, the Conventional Stability Talks [CST].

Enhanced CMB's will be discussed at the follow-on to the Stockholm meeting. Force constraints as well as force reductions can be considered in the framework of the CST.

Since becoming a member of the Armed Services Committee last year, I have devoted a great deal of attention to this subject and have concluded that expanding the current regimen of CBM's to include force constraints and limitations will enhance our conventional defense system in Europe, provide some early success in the new discussions, and build the infrastructure for a verification regime for future conventional disarmament.

Taking such steps—which some have labled "operational arms control"—will be stabilizing, beneficial to the security of the Western alliance and its members, and more easily achievable than actual reductions in weapons systems or forces—traditional arms control—or "structural" arms control.

IN the area of Stockholm-type CBM's, we should consider a number of new initiatives at both the CDE and CST negotiations. For example:

We should seek an increase in the number of demand inspections permitted annually;

We should attempt to expand the scope of activities subject to inspection and observation. All military operations, including movements of aviation units and naval maneuvers, should be brought under the provisions of the Stockholm Agreement in ways that enhance mutual security;

Building on the intrusive inspection regime of the INF Treaty, we should attempt to establish on-site monitoring facilities at the entrances to major rail yards, ammunition and fuel storage depots, and international transshipment points.

A different kind of CBM we should pursue immediately is the exchange of NATO and Warsaw Pact officers for the purposes of discussing strategy and doctrine and breaking down barriers to better understanding between the competing alliances. Both sides contribute to the continuing suspicion and distrust:

Throughout the post-war period the Soviet Union has maintained forces in Eastern Europe, and in the Western portions of the Soviet Union, deployed, equipped, and trained in a manner to facilitate offensive operations.

Despite recent encouraging rhetoric from Soviet officials, the Soviet Union's forces remain guided by an offensive doctrine and appear to be implementing that doctrine.

United States and other NATO forces are also forward deployed and offensive-capable, and the Warsaw Pact claims it believes NATO has offensive intentions and objectives.

Recent changes in U.S. doctrine—such as shifting from active defense to AirLand Battle—and the adoption of the follow-on forces attack [FOFA] doctrine by NATO apparently are a matter of considerable concern to the Soviets and their allies.

NATO and Warsaw Pact officers I met in Europe, including General Galvin, the SACEUR; General Otis, USAREUR Commander; and General Dachowski, First Deputy Chief of Staff of the Polish Army, told me that they would welcome exchanges and the opportunity to discuss concerns about each other's doctrine.

As we become more familiar with the other side's doctrine, we can use these exchanges to help us discriminate between routine and premobilization or mobilization activities. Ultimately, we can use the exchange of information on strategy and doctrine to reduce border tension.

The first steps toward instituting such exchanges between senior NATO and Warsaw Pact officers already has occured. Secretary of Defense Carlucci and Soviet Defense Minister Yazov's recent meeting will be followed by an exchange of visits between Admiral Crowe and his Soviet counterpart Marshal Akhromeyev. We should seek to expand on these meetings and make them routine.

All of these measures could reduce tension and the possibility for misunderstanding and misinterpretation of the other side's activities while simultaneously increasing warning time and certainty in case of Pact mobilization. Exchanges between NATO and Warsaw Pact officers and an expanded regimen of CBM's need not wait for tangible reductions or redeployment of conventional forces.

Finally, given the prospect that the new conventional stability talks will take several years to produce any actual force reductions, we should attempt to negotiate force constraints and limitations which, along with enhanced CBM's, could serve as stepping stones toward actual reductions in Warsaw Pact and NATO conventional forces.

Such measures would be aimed at complicating preparations for short-warning attacks, making unreinforced offensive operations less feasible, and installing a variety of cooperative inspection procedures that could help monitor compliance with any eventual arms reduction accord.

Such measures would give both sides the opportunity to demonstrate in tangible ways that their intentions and objectives are truly defensive.

Such force constraints are still in the early stages of conceptual development in the West. In the past, we have seen constraints largely as measures to accompany and augment arms reduction accords. We do not yet know which ones most effectively would reduce the options for attack while preserving the legitimate capabilities for defense.

A number of ideas appear worth exploring. For example:

We could consider setting limitations on the size of maneuver units, making it more difficult in exercises to prepare the sorts of formations necessary for attack;

We could also seek constraints on the time that maneuver units spend out of garrison, a measure that would build confidence in stated intentions as well as inhibit attack potential;

Another useful measure to consider would be establishing limits on the number and size of maneuver units that could be moved into specified geographic areas from other regions;

We should look into the possibility of negotiating restrictions on the location of fuel and ammunition depots, ensuring that such facilities are not located near the East-West dividing line.

These and other measures, might require asymmetrical limitations to take into account the much greater geographic depth of the Eastern side.

Moving closer to actual arms reductions, we should explore schemes for taking certain equipment out of units and storing it in depots monitored by the other side.

Logical candidates for storage include tanks, self-propelled artillery, and bridging equipment. The engines could be removed from the tanks and stored separately, requiring additional time to bring the units back into service and increasing the visibility of any aggressive intentions.

Storing equipment, taking into account the need to equalize imbalances in current deployments of such systems, would not require destruction of those systems. But storage arrangements could complicate any preparations to attack the other side with short warning.

Such measures, if negotiated, could help establish patterns of East-West security cooperation that would improve the prospects for actual reductions. Perhaps more importantly, by limiting the potential of the Warsaw Pact to mount an attack on short-warning, such measures would permit the NATO countries to concentrate resources on defending against other scenarios.

The early negotiation, implementation, and use of confidence building measures and of force constraints and limitations could help stabilize the military situation in Europe, reduce the risk of war—conventional or nuclear—between NATO and the Warsaw Pact, facilitate progress toward arms reduction agreements, and build the foundation for the verification regimen such accords would require.

Confidence building measures can play a crucial role in furthering progress in United States-Soviet relations in the arena of strategic arms, as well as in the European/conventional arena.

Already there have been discussions between President Reagan and Soviet General Secretary Gorbachev concerning inspections of each other's laser technology developments—in the hope that such confidence building steps can ease the concerns of both sides sufficiently to permit us to achieve a substantial reduction in strategic nuclear weapons. I understand that the summit-level discussions have been followed up with staff-level discussions.

This appears to offer considerable promise for sidestepping some of the problems that the President's strategic defense initiative—SDI—have posed for the progress in the start talks that so many hope will be successful in the very near future. It is yet another example of how confidence-building measures and force constraints can play central roles not only in reducing tensions and facilitating more relaxed relations between the United States and the Soviet Union in and of themselves, while assuring that our national security is fully protected—but also in smoothing the way toward true arms reductions which is the ultimate objective of our arms control efforts.

As we consider the committee's recommendations on authorizations for the Department of Defense for fiscal year 1989 we should be mindful that national security involves more than forces and weapons. The INF Treaty, which we will consider shortly, is the first step in a new directioon to enhance national security. The active pursuit of responsible arms control combined with a balanced national defense establishment in support of a clear set of national security priorities is the surest guarantor of our continued peace and prosperity.

Mr. President, I yield the floor.

Mr. DIXON. Mr. President, everyone has indicated they are prepared to vote and I think there is no other debate on the issue.

I thank my colleagues for their attention to the details of this amendment.

The PRESIDING OFFICER. If there is no further debate the question occurs on the amendment of the Senator from Illinois.

Mr. NUNN. Are the yeas and nays ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from North Carolina [Mr. Sanford] is necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden], is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Nebraska [Mr. Karnes] and the Senator from Kansas [Mrs. Kassebaum] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 83, nays 13, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—83

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Grassley
Harkin
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Inouye
Johnston
Kasten
Kennedy
Kerry
Lautenberg
Levin
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stennis
Stevens
Symms
Thurmond
Trible
Warner
Weicker
Wilson
Wirth

NAYS—13

Armstrong
Boschwitz
Chafee
Danforth
Durenberger
Gramm
Hatch
Humphrey
Leahy
Lugar
Proxmire
Stafford
Wallop

NOT VOTING—4

Biden
Karnes
Kassebaum
Sanford

So the amendment (No. 2012), as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment as modified, was agreed to.

Mr. NUNN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The point is well taken. The Senate will be in order.

Mr. BYRD. Mr. President, I have sought recognition at this time to inquire of the managers of the bill as to what the outlook is for the rest of the day.

Mr. NUNN. Mr. Leader, if I could have the attention of our colleagues, it is my understanding that the Senator from Connecticut, Senator Weicker, has an amendment that has been discussed with both sides. I do not think that will take long. I do not think it will require a rollcall vote.

I also understand the Senator from South Dakota [Mr. Pressler] has an amendment that the committee will oppose relating to the same subject we just voted on. I do not know how long that debate will take, but it would be my view that we should complete that tonight, hopefully within the next hour, and that will be the last amendment tonight.

Mr. BYRD. May we have order. Mr. President? I cannot hear the chairman. I am sure some others cannot.

The PRESIDING OFFICER. The Senator will suspend until we have order. Will Members please be seated?

I will also advise the majority leader that we have not fully disposed of the Dixon amendment yet. We have amended the amendment but not disposed of the final amendment.

Mr. NUNN. I would say to the majority leader as soon as we finish the amendment, the Dixon amendment which has not yet been finally passed—I believe it was in the nature of a second-degree amendment—as soon as we dispose of that, I believe the Senator from Connecticut is prepared to go forward with an amendment. The Senator from South Dakota, Senator Pressler, I believe would like to have an amendment on the same subject relating to base closing. I believe that will require a rollcall vote. We have been trying to line up business all day and we have been spinning our wheels to some extent, except this will be one of the most important areas we will be discussing. I hope with the Pressler amendment we will be completed with this one.

Tomorrow morning I would like to have what I will call the bigger amendments up so we can make progress on this bill. The Senator from Louisiana, Senator Johnston, has agreed to bring up his SDI amendment at approximately 10:30 in the morning. That could be our first order of business. Then we have Mr. Bumpers who is willing to bring up the amendment on SALT which we are all familiar with, I think, and then we follow that, the Johnston amendment, with the Bumpers amendment.

It is my understanding that Senator Kennedy will be prepared to bring up two amendments, including an amendment on the test ban, which is another one of the big ones, and that those two can come up tomorrow also.

So that is four amendments that are in the big 10, as I would say.

Mr. HEINZ. Will the Senator yield?

Mr. NUNN. Yes.

Mr. HEINZ. Sometime tomorrow afternoon, I will be prepared to bring up an amendment having to do with the elimination of the domestic preference by DOD that was stricken in the committee.

Mr. NUNN. Does the Senator want to go further in eliminating the preference, or does the Senator want to go in the other direction?

Mr. HEINZ. I think the Senator understands many of us——

Mr. NUNN. I understand. I have been heard on that subject myself. I believe the Senator from California has an amendment that relates to base housing.

Mr. WILSON. That is correct. Since the Senator is talking about tomorrow, Senator D'AMATO and I and others will be offering an amendment, and we have no idea how much time it will take, that relates to the military powers for the interdiction of drugs on the southern border of the United States.

Mr. NUNN. That is also, I would say, one of the big amendments, I would like to take that one up. I would like to proceed in this order, but if you could be ready on that one perhaps tomorrow afternoon.

Mr. WILSON. That will be fine.

Mr. NUNN. We can certainly take that up tomorrow, I hope. I say to the majority leader, we have a very full day tomorrow. We have a number of important amendments. That makes 5 of the big 10 amendments. That is one of them here. That is six of them, if we can have that agenda, we can dispose of by tomorrow, and perhaps many others.

I would like to have the SDI amendment laid down tonight as the first order tomorrow morning.

Mr. BYRD. Mr. President, as I understand the distinguished chairman, Mr. WEICKER will shortly call up an amendment which will not require a rollcall, unless he, the offeror——

Mr. WEICKER. No rollcall.

Mr. BYRD. It has been indicated there will be no rollcall vote on that. Then Mr. PRESSLER has an amendment which the chairman would hope to dispose of today and which would require a rollcall vote. Is Mr. PRESSLER prepared to call it up?

Mr. DOLE. Will the majority leader yield? We are in the process of contacting Senator PRESSLER. I think he is attending a reception. We are sending a messenger to see if he will come and present his amendment.

Mr. WARNER. I might advise the leadership, he has told me he does want a rollcall vote.

Mr. BYRD. And he will call it up after Mr. WEICKER's amendment.

Mr. DOLE. There is no time limit. It could take an hour or 2 hours.

Mr. WARNER. Mr. President, my estimate is the Pressler amendment can take less than half an hour.

Mr. BYRD. There will be one more rollcall vote today. I wonder if we can get agreements that the following amendments will be locked in? May I ask the distinguished Republican leader and manager on that side, would it be possible to lock in the amendments which have been enumerated by Mr. NUNN in the following order: Mr. JOHNSTON, beginning at 10 o'clock, to be followed by the amendment by Mr. BUMPERS, to be followed by two amendments by Mr. KENNEDY, to be followed by the amendments by Mr. HEINZ and Mr. WILSON.

Mr. NUNN. Mr. HEINZ and then Mr. WILSON.

Mr. BYRD. Mr. HEINZ and then Mr. WILSON without any time limitations.

Mr. DOLE. Without any other limitations, like second-degree amendments; just the order is all we are talking about?

Mr. BYRD. In other words, there could be amendments in the second degree offered to them but no time limitations. At least we would have a sequence in which amendments would be called up, and that sequence has been rather carefully worked out today by the manager and ranking manager.

This would mean that on tomorrow, we could begin at 10 o'clock and have an orderly procedure whereby these amendments would be called up and the Senators who are offering the amendments would be put on notice they would be expected to be on the floor offering their amendments.

Mr. STEVENS. Will the distinguished leader yield on that point?

Mr. BYRD. Yes.

Mr. STEVENS. I do not have any objection to the order. I would like to know if we can have an indication of what are the subject matters of these amendments because individual Senators have several different amendments, and I would like to know what the order is, if we can have that. Maybe we can know more information about whether we should be here.

Mr. BYRD. I will ask Mr. NUNN to respond.

Mr. NUNN. I think the Senator from Alaska is certainly entitled to that information. My understanding is Senator JOHNSTON will have an amendment on SDI that will transfer certain funds from SDI to the NASA Program. I am not sure of the amount. I believe it is $700 million.

Mr. BUMPERS will have the SALT II amendment compliance which we debated in this body several times. I think that one is pretty much the same amendment we talked about last year. Senator KENNEDY will have an amendment on the test ban, which is also an amendment we have discussed in the past and voted on in the past. I believe Senator KENNEDY has also indicated he will have an amendment which has been discussed in the past and I believe voted on in the past relating to combat troops in Central America. I am not sure of the exact nature of that one.

Does Senator KENNEDY want to describe that amendment?

Mr. KENNEDY. I have two amendments. One is an amendment which we have considered before about American combat troops in Central America requiring action by the Congress. We have visited that issue a number of times, so I think we can dispose of it in a relatively short period of time.

The other deals with threshold limits on nuclear testing. We have debated this issue previously. It would be somewhat different from the testing amendment debated in the House of Representatives. It would basically follow the testing limitation bill that we introduced last year, incorporating some new material contained in a forthcoming OTA report.

I will be glad to ensure that both amendments will be filed tonight so the Members will be able to examine them. We have visited both those amendments on other occasions. But, I think those matters ought to be debated here on the floor. At an appropriate time, I will be glad to enter into a time agreement on both of those measures.

Then I indicated to the leader that on Thursday morning I will propose an amendment requiring that retirement of older aircraft carriers be phased so as to maintain our current level of 14 carriers, until 1997, rather than expanding the force to 15 carriers in 1990.

Mr. NUNN. I thank the Senator from Massachusetts. If I can further add, it is my understanding the Heinz amendment relates to a "buy American" provision which had been in the law formerly, which has been stricken and substituted in our bill.

He is attempting to amend the bill, attempting to add back the "buy American" provision. It is my understanding Senator WILSON's amendment relates to drugs, and he will be joined by Mr. D'AMATO, relating to military involvement in fighting drugs.

We are not asking for time limits on any of these amendments tonight. We are not asking for blocking of second-degree amendments tonight. We are trying to get some order. Once we see the amendments and people are familiar with them, tomorrow we might shoot for some time agreement, but it would be helpful and will expedite the activity on this floor if we can get this sequence.

Mr. DIXON. Will the manager yield for one question, please, Mr. President? Would it be an accurate statement of this manager that anybody who has an amendment that can be agreed to we would continue to deal with from time to time through the day?

Mr. NUNN. That is right.

Mr. DIXON. To make that clear, the shop is open for business for those amendments we can take.

Mr. STEVENS. Mr. President, that was going to be my next question, whether this scheduling of amendments was to preclude amendments that could be agreed to.

Mr. NUNN. We would try to work those amendments in during the day so when we have any lull in the other activity, we will keep Senators informed and Senators will let us know—Senator WARNER and myself—which amendments they have and make sure they are cleared with staff.

We will get in touch with Senators and let them know there is an opening, and they can come over and present them.

I hope we will be able to handle these amendments and 8 or 10 others, or more, tomorrow.

Mr. STEVENS. Mr. President, one more item if I may. I think that the Senate should know that the Defense Appropriations Subcommittee members have been discussing some amendments, and I know that Senator STENNIS has some concerns. I have expressed some concerns. We would like to put Senators on notice that we may have some amendments that we will offer. We are not going to bring them up now and I see no reason to list them in order at this time.

Mr. NUNN. I thank the Senator from Alaska. We will be glad to discuss them with the Senator from Alaska.

Mr. QUAYLE. Will the Senator yield?

Mr. WILSON. Will the Senator yield?

Mr. BYRD. Mr. President, I have the floor. Does the Senator wish me to yield?

Mr. WILSON. Yes, I would appreciate that.

Actually, I wanted the majority leader to yield to ask this question. As I understand the order that is being proposed for tomorrow, it is the wish of the chairman and the majority leader to deal with some of the larger amendments. The amendment that the chairman described, having to do with school construction, is one that I would therefore like to deal with tonight. Now, if that is not going to be accepted, then I will probably want a rollcall vote.

Mr. NUNN. I say to the Senator from California that that one will require some debate. I have not seen it, but I believe the committee will be opposing that amendment. I had indicated that the Pressler amendment, if it comes up, would probably be the last rollcall of the evening, but I am prepared to stay if Senators want to stay and if the majority leader would like to stay this evening.

Mr. WILSON. While I have no desire to keep anybody, it does not sound like there is any room in tomorrow's schedule for that kind of rollcall vote.

Mr. NUNN. If we keep this agenda going tonight and tomorrow, we probably will have a full agenda for tomorrow. I do not know whether the Senator from South Dakota is going to present that amendment. If not, we could perhaps use the time to discuss this amendment. But we had been waiting here for a couple of hours during this deliberation, and I would feel that although there is no order on this, he would be entitled to be recognized on his amendment just as a matter of taking it in sequence based on the discussion we have already had on base closure, but I leave that up to the leadership.

Mr. BYRD. Mr. President, my request has only to do with tomorrow. Could we have the request put?

The PRESIDING OFFICER (Mr. LEVIN). Is there objection?

Mr. DOLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. As I understand, there will be at least four amendments sequenced tomorrow?

Mr. BYRD. Four or five or six, perhaps.

Mr. NUNN. I did not understand the question.

Mr. DOLE. If the Senator will list the names of the amendments, I think we understand what they are.

Mr. NUNN. We have a Johnston amendment on SDI, a Bumpers amendment on SALT, a Kennedy amendment on Central America combat troops, a Kennedy amendment on test ban, a Heinz amendment on buy American, and a Wilson amendment on drugs. I believe that is six.

The PRESIDING OFFICER. Is there objection?

Mr. QUAYLE. Reserving the right to object——

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. What is the request?

Mr. DOLE. Just to bring them up in that order, no limit on debate. So we can get something done.

The PRESIDING OFFICER. Is there an objection?

Mr. NUNN. Just a schedule, no time agreement.

The PRESIDING OFFICER. Hearing none, it is so ordered.

Mr. BYRD. Mr. President, I thank all Senators.

Mr. DOLE. I am advised the distinguished Senator from South Dakota may not want to bring up his amendment. Maybe we could bring up the amendment of the Senator from California.

Mr. NUNN. Let me suggest that we finish the Dixon amendment, which was amended in the second degree. We have to complete the amendment as the pending business. Then the Weicker amendment has been waiting and we can handle that one in about 5 minutes, and then get the amendment of the Senator from California.

Mr. BYRD. May I ask, if there will be a rollcall vote yet today, that would be on the Wilson amendment?

Mr. NUNN. It would be my view of it there would be a rollcall vote on it, but I have not looked at the amendment and we would have to reserve that judgment. But my guess is there will be.

Mr. STEVENS. Will the leader yield on this point before he gives up the floor? Do we have some idea how long the Wilson amendment is going to take?

Mr. WILSON. From my standpoint, it will take a very brief period of time. I would say, if you wanted to, we could set a time limit of 30 minutes, and probably not use that.

Mr. NUNN. The problem is the committee has not seen the amendment so there is no way we can enter into a time agreement.

Mr. WILSON. Copies have been furnished some time ago.

Mr. NUNN. We have not gotten a copy. We need a copy, if we can get one.

The PRESIDING OFFICER. The question now occurs on the amendment of the Senator from Illinois, as modified, as amended.

The amendment (No. 2005), as modified and as amended, was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DIXON. Mr. President, before the Senator proceeds, if I may, I ask unanimous consent that the distinguished Senator from New Mexico, Senator DOMENICI, be added as a cosponsor to my amendment. That information came to me a little late.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. I thank the Senator.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 2013

(Purpose: To provide for the nomination of commercial air travel agreements relating to the cost of air travel of Department of Defense contractor personnel)

Mr. WEICKER. Mr. President, I have an amendment. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Mr. Senator from Connecticut [Mr. WEICKER] proposes an amendment numbered 2013.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 171, after line 2, insert the following:

SEC. 924. AIR TRAVEL EXPENSES OF DEFENSE CONTRACTOR PERSONNEL.

IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4118. Air travel expenses of contractor personnel

"(a) NEGOTIATED AIR FARE DISCOUNTS.—The Administrator of General Services shall enter into negotiations with commercial air carriers with a view to achieving agreements that permit personnel of contractors traveling solely in the performance of contracts awarded by the Department of Defense to be transported by such carriers at the same discount air passenger transportation rates as such carriers charge for travel by Federal Government employees traveling at Government expenses.

"(b) REQUIREMENT TO USE DISCOUNT FARES.—Each contract awarded by the Department of Defense shall include a clause that requires contractor personnel, when traveling by commercial air carrier solely in the performance of one or more contracts awarded by the Deparmtment of Defense (including such contract), to travel under conditions that qualify such personnel for a discount rate available under an agreement entered into under subsection (a). Travel under such conditions shall not be required under such clause if it is determined, under regulations prescribed by the Secretary of Defense, that travel under other conditions is necessary for performance of one or more of such contracts.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4118. Air travel expenses of contractor personnel.".

(c) EFFECTIVE DATE.—Subsection (b) of section 4118 of title 10, United States Code (as added by subsection (a)), shall apply with respect to contract solicitations issued on or after the date on which the first agreement between the Administrator of General Services and a commercial air carrier is entered into under subsection (a) of such section 4118.

Mr. WEICKER. Mr. President, I rise to offer an amendment related to air travel expenses of defense contractor personnel.

My amendment is very simple and straightforward.

It consists of two provisions:

First, it calls on the General Services Administration [GSA] to enter into negotiations with the airlines for the purpose of achieving agreements that would make contractor personnel traveling in connection with defense contracts eligible for the same discount airfares available to Government personnel traveling on official business.

Second, once those agreements are negotiated, each Department of Defense [DOD] contract would contain a clause that would require contractor air travel at prevailing Government discount rates.

The amendment does not mandate the use of discount air fares by DOD contractors—unless the airlines agree to give them access to discount fares as a result of negotiations. The amendment will put pressure on DOD and GSA to seek negotiated agreements that cover DOD contractors. If the negotiations fail, then the contractors would not be required to use discount air fares. But there is no reason why those negotiations should fail.

As the Government's largest travel customer, DOD should have some leverage with both the GSA and the airline industry.

The genesis for my amendment is a recommendation made by the inspector general [IG] of the Department of Defense. It is contained in a DOD IG report entitled "Audit of Contractors' Use of Government Transportation Requests" issued on May 12, 1987.

The inspector general's audit was made in response to an allegation by a travel agency that DOD was losing $500 million annually by not requiring contractors to use discount air fares available to Government personnel. To determine the validity of the allegation, the IG audited trips billed to the Government in 1985 by major defense contractors.

The DOD IG report found that defense contractors were not taking advantage of available discount air fares but determined that the alleged loss of $500 million per year was somewhat overstated. The IG estimated that air travel costs incurred by the major contractors could have been reduced by $135.1 million through the use of discount air fares. The IG further concluded that the administrative costs of implementing such a policy would be minimal.

In late 1987, the airlines withdrew agreements that permitted DOD contractors working on Government cost-reimbursable contracts to use discount air fares available to Government personnel. They did so for two reasons: First, concern over the volume of such travel, and second, concern about potential abuse by contractor personnel.

The DOD IG believes that the airlines' concerns are unfounded.

The DOD IG contends that the volume of travel by contractor personnel is minuscule in relation to total airline passenger revenues. For calendar year 1985, the 90 major defense contractors accounted for about 1.3 million trips costing $362 million in air fares—or less than 1 percent of total airline revenues. Furthermore, existing statutory law contains ample penalties for those who might attempt to abuse the system.

The DOD IG believes that the airlines' concerns can and should be laid to rest and in December 1987 urged the Secretary of Defense to work with GSA to restore Government discount air fares for contractors.

I have complete confidence in the integrity of the IG's office. If the DOD IG says the savings are there, the savings exist. I am sure of that. Now, there could be some disagreement as to the exact savings involved. Even if it is $100 million instead of $135 million, we are still talking about a considerable chunk of money. We cannot in good conscience ignore the IG's recommendations. We have a responsibility to act on them, particularly in view of impending cuts in defense and Secretary Carlucci's plan to carve $300 billion from the 5-year defense program.

We must find ways to economize—to cut costs, and that is exactly what this amendment would do—so that the money saved could be used to buy something the military really needs.

Mr. President, I ask unanimous consent that the inspector general's report and related documents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INSPECTOR GENERAL,
DEPARTMENT OF DEFENSE,
Arlington, VA, March 2, 1988.

Mr. CHARLES MURPHY,
Senate Rayburn Office Building, Washington, DC.

DEAR MR. MURPHY: This is in reply to your January 28, 1988 note regarding potential cost savings from contractor's use of Government discount airfares.

In July 1980, the General Services Administration established the Federal Contract Airline Program to reduce the cost of Federal Government employee travel in the United States. The airlines signed contracts with the General Services Administration to provide discount airfares to Government employees between designated city pairs. Also, the airline contracts provided the discount airfares to contractors, at the airline's discretion, when their travel was charged as direct costs on Government cost-reimbursable contracts. In October 1984, the General Services Administration signed agreements with six airlines that permitted contractors working on Government cost-reimbursable contracts unconditional use of Government discount airfares. By December 1985, 14 of the 25 airlines that had contracts to provide Federal employees discount airfares had also signed agreements to permit Government cost-reimbursable contractors to travel on the discount air fares.

In October 1985, an audit was initiated in response to a travel agency allegation that DoD was losing $500 million annually by not requiring Government contractors to use the General Services Administration negotiated discount airfares. In May 1987, Audit Report No. 87-145, "Final Report on the Audit of Contractors' Use of Government Transportation Requests" was issued (Enclosure 1). The report describes how DoD could save $135 million of the estimated $362 million in annual air travel costs that 90 major Defense contractors incur in support of DoD contracts. Also, the President's Council on Integrity and Efficiency (PCIE) initiated a Government-wide audit of contractor use of Government Travel Requests. As part of the PCIE audit, the Inspector General, Department of Energy, issued a report in April 1987, "Contractor Use of Government Contractor Carriers Western Region," stating that $3 million could be saved if the Department's contractors in the Western Region used the discount airfares.

In late 1987, before the recommendations in the referenced audit reports were fully implemented, the major airlines withdrew their agreements that permitted contractors access to Government discount air fares. The airlines withdrew their agreements because of concerns that Government contractor's traveling on discount airfares would significantly reduce revenues, and the belief that contractors had abused the discount airfares.

We believe the airline's concerns can be resolved. Accordingly, in December 1987, the Inspector General wrote to the Assistant Secretary of Defense (Production and Logistics) (Enclosure 2) providing suggestions for resolving the concerns and asking his office to work with the General Services Administration to restore Government discount airfares for contractors.

Until the airlines agree to allow contractors to use Government discount airfares, there is no possibility that saving can be achieved through that procedure. I would appreciate any efforts by your office to encourage Mr. Terry Angelo (557-1261), Director of Travel and Transportation Management, General Services Administration, to seek agreements with the airlines that would allow contractor use of Government discount airfares.

If you have any questions or if my staff can assist you with these issues, please call Mr. Jackie Crawford (694-8508) or Mr. David Steensma (693-0186).

Sincerely,

DEREK J. VANDER SCHAAF,
Deputy Inspector General.

MEMORANDUM FOR ASSISTANT SECRETARY OF DEFENSE (PRODUCTION AND LOGISTICS)

Subject: Contractors' Use of Government Discount Air Fares.

On May 12, 1987, we issued audit report No. 87-145, "Contractors' Use of Government Transportation Request." The report described how DoD could save $135 million of the estimated $362 million in annual air travel costs that 90 major defense contractors incur in support of DoD contracts. Specifically, the report included recommendations for (1) expanding the use of Government discount air fares under cost-reimbursable contracts (savings potential of $26.1 million), (2) arranging for the use of Government discount air fares for travel that would be a direct charge under fixed-price contracts along with all DoD related travel that will be charged as indirect cost regardless of contract type (savings potential of $61.6 million), and (3) expanding the routes subject to discount fares by considering the travel of the 90 major defense contractors in support of Government business (savings potential of $47.4 million).

Your office agreed with the first recommendation, but expressed varying degrees of disagreement with the latter two recommendations. We had initiated the audit resolution process to resolve these disagreements. However, before the process could be completed, the major airlines withdrew the agreements that allowed contractors any use of Government discount air fares. Since the action precluded implementation of the recommendations, we closed the report.

Discussions with the Director of Travel and Transportation Management at the General Services Administration disclosed that the air carriers withdrew their agreements because of two major concerns. One concern was the lack of information on the number of trips that would be covered by discount air fares. Another concern was the absence of controls to prevent contractors from misusing discount air fares. To our knowledge, the General Services Administration has not taken or planned any actions to resolve these concerns and regain agreements for contractor use of discount air fares.

We believe there is good potential for resolving the airlines' concerns. Our report identified the amounts of contractor travel subject to the Government discount air fares. To illustrate, for calendar year 1985 the 90 major defense contractors accounted for about 1.3 million trips involving $362 million in air fares. These fares represent less than 1 percent of the airlines' total revenues. Updated contractor travel volume in the necessary detail can be developed. To avoid contractor abuses of the discount fares, several avenues are available. One approach would be to apply Public Law 98-473 (as amended), Section 641 of Title 18, United States Code which provides for up to a $10,000 fine or ten years of imprisonment, or both, for misuse of anything of value to the Government.

Although we are not pursuing resolution of the audit report, we are still concerned that DoD may be missing a savings opportunity. As the Government's largest travel customer, DoD should have some leverage with both the General Services Administration and the airline industry. Therefore, we suggest you work with the General Services Administration (possibly through the Military Traffic Management Command) to restore Government discount fares for contractor travel.

If you have any questions, or if my staff can assist you with these issues, please call Mr. Jackie Crawford (694-8508) or Mr. David Steensma (693-0186).

Signed,

JUNE GIBBS BROWN,
Inspector General.

[Department of Defense audit report]

May 12, 1987.

FINAL REPORT ON THE AUDIT OF CONTRACTORS' USE OF GOVERNMENT TRANSPORTATION REQUESTS

INSPECTOR GENERAL,
DEPARTMENT OF DEFENSE,
Arlington, VA.

Memorandum for Assistant Secretary of Defense for Production and Logistics; Assistant Secretary of the Army (FM); Assistant Secretary of the Navy (FM); Comptroller of the Air Force; Director, Defense Logistics Agency.

Subject: Report on the Audit of Contractors' Use of Government Transportation Requests (Report No. 87-145)

The audit was made from October 1985 to June 1986 in response to an allegation made by a travel agency that DoD was losing $500 million, annually, by not requiring contractors to use the discount air fares when traveling on trips in support of Government cost-reimbursable contracts. The objective of the audit was to determine the validity of the allegation by determining the extent that General Services Administration negotiated contract air fares were available to DoD contractors for travel in support of their Government cost contractors and quantifying the potential savings. We also evaluated the potential for expanding contractors' use of the discount air fares to other types of Government contractors. To accomplish these objectives, we evaluated air travel incurred by 90 major Defense contractors with collocated Service and Defense Logistics Agency plant representative offices. In 1985, these contractors spent $466.5 million for air travel on commercial airlines, including $362 million in support of Government contracts.

We concluded that the allegation was valid in that Defense contractors were not using the discount air fares when traveling in support of Government cost-reimbursable contracts. However, the alleged losses of $500 million per year appeared to be overstated. Overall, we concluded that, in 1985, DoD could have reduced the $362 million incurred by the 90 Defense contractors for air travel in support of Government contracts by an estimated $135.1 million if (1) available discount air fares were used on all travel charged as direct costs on cost-reimbursable contracts ($26.1 million); (2) discount fares were allowed and used for travel charged as direct costs on Government fixed-price contracts and as indirect costs on all types of Government contracts ($61.6 million); and (3) discount fares were established for all routes traveled by these contractors in support of Government business ($47.4 million). These savings could be realized with only minimal offsetting costs for implementing the use of discount air fares. The results of the audit are summarized in the following paragraphs, and the details, together with audit recommendations and management comments, are contained in Part II of this report.

Defense contractors did not use the General Services Administration's discount air fares for travel charged as direct costs on Government cost-type contracts. By projecting the results of the audit at 15 of 90 Defense contractors, we estimated that during calendar year 1985, the 90 contractors could have used the discount fares on about $77.8 million of trips, but did so only on $611,000 of the trips. If the contractors had taken advantage of available discount fares, DoD could have saved an estimated $26.1 million, or 24 percent of the $107.4 million it reimbursed the 90 contractors for air travel costs charged directly to Government cost-reimbursable contracts (page 5).

During calendar year 1985, discount air fares were not allowed for $163.3 million in air travel costs incurred by the 90 Defense contractors in sole support of Government contracts and charged as direct costs on fixed-price contracts and as indirect costs on all types of Government contracts. If Government contractors had been eligible for and used discount fares on the $163.3 million of noncost-reimbursable contract travel, the air fares paid by the 90 contractors in 1985 could have been reduced by $61.6 million (page 15).

Discount air fares did not exist for $120.9 million of the $362 million in 1985 travel taken in support of Government work by the 90 contractors. If discount air fares had been established for all routes traveled by the contractors in 1985, DOD could have saved an estimated $14.7 million on trips charged as direct costs on cost contracts. An additional $32.7 million could have been reduced from the air fares paid by the contractors if discount rates existed for all travel charged as direct costs on fixed-price contracts ($14 million) and as indirect costs on all types of Government contracts ($18.7 million) and if the contractors were permitted to use discount air fares (page 25).

On September 30, 1986, a draft of this report was provided to the Assistant Secretary of Defense for Production and Logistics (formerly the Assistant Secretary of Defense [Acquisition and Logistics]), the Assistant Secretary of the Army (Financial Management), the Assistant Secretary of the Navy (Financial Management), Comptroller of the Air Force (formerly the Assistant Secretary of the Air Force [Financial Management]), and the Director, Defense Logistics Agency. Comments received from the Assistant Secretary of Defense for Production and Logistics were dated January 8, 1987; the Army Director for Transportation, Energy and Troop Support, Office of the Deputy Chief of Staff for Logistics, December 4, 1986; the Assistant Secretary of the Navy (Shipbuilding and Logistics), January 8, 1987; the Assistant December 2, 1986; and the Deputy Director (Acquisition Management), Defense Logistics Agency, November 26, 1986. Complete texts of managements' comments are included as Appendixes I through M.

The Assistant Secretary of Defense for Production and Logistics concurred in Recommendations A.1., A.2., B.3., and B.4. in our report. However, management comments provided by the Assistant Secretary were not fully responsive to the recommendations. Specifically, management comments did not explain what and when actions would be taken to incorporate subparts a. through f. of Recommendations A.1. in DoD-wide policies and procedures. The comments also did not specify when actions planned for Recommendations A.1., A.2., B.3., and B.4. would be completed. We ask that the Assistant Secretary provide the planned completion dates of actions planned or underway.

The Assistant Secretary of Defense for Production and Logistics partially concurred in Recommendations B.1., suggested that the recommendation be reworded, and stated that action had been initiated to revise the Federal Acquisition Regulation so that contracting officers would be required to authorize contractors to use discount air fares on trips charged to cost and other types of contracts. We reworded Recommendation B.1. Also, we recognize that action has been initiated to revise the Federal Acquisition Regulation; however, the proposed revision does not specifically address contractors' use of discount air fares on trips which are in sole support of Government contracts and charged as indirect costs. As such, we ask the Assistant Secretary to address how contractors will use discount air fares on trips which are in sole support of Government contracts and charged as indirect costs.

The Assistant Secretary of Defense for Production and Logistics concurred in Recommendation B.2., which provided for the development of criteria explaining the extent that contractors could use discount air fares on trips charged to indirect cost accounts. The Assistant Secretary stated that it would be administratively burdensome and not economically feasible to establish such criteria. We disagree and have explained our reasons in Part II of this report; therefore, we ask that the Assistant Secretary provide final comments on Recommendation B.2.

The Director for Transportation, Energy and Troop Support in the Office of the Army Deputy Chief of Staff for Logistics concurred in Recommendations C.1. and C.2. but did not provide estimated dates for completing actions planned on the recommendations. As such, we ask the Director to provide those dates in his response to this final report. The Director also commented on other recommendations in the report, although they were not addressed to the Army. On Recommendations A.1. and A.2., the Director concurred. On Recommendations B.1. and B.3., the Director concurred. On Recommendations B.1. and B.3., the Director partially concurred that the Federal Acquisition Regulation and the General Services Administration's contracts with airlines should be expanded to provide for contractors' use of discount air fares on all travel solely in support of Government contracts. He stated that expanded use would result in smaller discounts. The Director nonconcurred in Recommendation B.2., which provided for the development of criteria that specified the extent that contractors would be permitted to use discount air fares on trips charged to indirect cost accounts. He thought that it would be difficult to monitor such contractors' use of discount air fares. The Director also nonconcurred with Recommendation B.4., which provided for the use of cost-reimbursable line items for travel in fixed-price contracts as a means of increasing contractors' use of discount air fares. He stated that the use of cost-reimbursable line items would result in increased costs to DoD. In Part II of this report, we have provided responses to the Director's comments on Recommendations B.1. through B.4.

The Assistant Secretary of the Navy (Shipbuilding and Logistics) concurred in Recommendation C.1., but did not provide an estimated date for completing actions planned on the recommendation. The Assistant Secretary also provided comments on all other recommendations in the report, although they were not addressed to the Navy. His comments included concurrence in all the recommendations, but he suggested that the wording of Recommendation B.1. be revised so that contractors would be required to use discount air fares when air carriers permit such use. Based on his suggestion, we revised the recommendation.

The Assistant Secretary of the Air Force (Research, Development and Logistics) concurred in Recommendation C.1. and stated that action on the recommendation would be completed by March 31, 1987. Accordingly, additional management comments on this final report are not required from the Air Force.

The Deputy Director for Acquisition Management, Defense Logistics Agency, concurred in Recommendation C.1., but did not provide an estimated date for completing actions on the recommendation. We ask that the Deputy Director provide an estimated completion date in response to this report.

DoD Directive 7650.3 requires that all audit recommendations be resolved within 6 months of the date of the final report. In order to satisfy that requirement, we ask that you provide your final position on each recommendation within 60 days of the date of this report. We also request comments on the potential monetary benefits that we have identified in the report. We are claiming potential monetary benefits of $40.8 million, consisting of $26.1 million to be derived by contractors' use of discount air fares on trips charged to cost-reimbursable contracts and $14.7 million to be derived by establishing discount fares for additional routes traveled by contractors on cost contracts. While we believe that the potential exists for another $94.3 million in savings, we are not claiming these savings at this time since their realization is dependent upon approval by specific air carriers. Distribution of this report is shown in Appendix O.

The courtesies extended to the audit staff are appreciated. If you have any questions on this audit, you may call Mr. Robert Pennisi, the Program Director, at (202) 693-0186 or Autovon 223-0186 or Mr. Rayburn H. Stricklin, the Project Manager, at (202) 693-0392 or Autovon 223-0392.

STEPHEN A. TRODDEN,
Assistant Inspector General for Auditing.

REPORT ON THE AUDIT OF CONTRACTORS' USE OF GOVERNMENT TRANSPORTATION REQUESTS

PART I—INTRODUCTION

Background

In July 1980, the General Services Administration established the Federal Contract Airline Program to reduce the cost of Federal Government employee air travel within the continental United States, Alaska, and Hawaii. The General Services Administration, in coordination with Federal agencies, identified city pairs that were frequently traveled by Government employees and requested the commercial airlines to propose discount air fares for Government travel over those routes. The airlines' proposals were evaluated by the General Services Administration based on elapsed flight time, fares and frequency of service. The General Services Administration awarded contracts to airlines that offered the most economical fares and frequent service for the city pairs. Normally, one airline was awarded a specific city pair. However, if one airline's flight schedule did not sufficiently cover the Government's estimated travel requirements for a particular city pair, contracts were established with more than one airline for the same route. By July 1981, the Federal Contract Airline Program included 18 commercial airlines that offered discount air fares to Government employees traveling between 160 city pairs.

The airline contracts provided discount air fares for Federal Government and other designated employees traveling on official business and also included provisions for contractors to use the fares when their travel was charged as direct costs on Government cost-reimbursable contracts. These contractors were authorized to obtain the discount fares for such official Government travel, and the airlines could, but were not required to, furnish the discount fares. In October 1982, the General Services Administration issued Bulletin A-22 that encouraged contractor use of the fares and informed all Federal departments and agencies that contractors could use contract air fares at the airlines' discretion.

In October 1984, a significant change occurred in the contract terms governing Government contractors' use of discount air fares. In coordination with the Military Traffic Management Command, the General Services Administration negotiated definitive agreements with six airlines on contractors' use of discount air fares. The six airlines signed agreements that unconditionally provided contractors the use of the discount air fares on trips charged directly to Government cost-reimbursable contracts. In April 1985, the General Services Administration issued Bulletin A-87 that again encouraged contractor use of the fares and informed all Federal departments ad agencies that six airlines had signed agreements unconditionally allowing contractors with cost-reimbursable Government contracts the right to use contract air fares on trips charged directly to the cost-type contracts.

By December 1985, the Federal Contract Airline Program had grown to include 25 airlines that provided Government employees discount air fares for travel between 1,083 city pairs. Additionally, 14 of the 25 airlines had formally agreed to allow Government contractors to use the discount air fares for travel between 685 of the 1,083 city pairs. The remaining 11 airlines retained the option to provide contractors with travel at discount air fares (Appendix A).

Objectives and scope

The audit was made in response to a travel agency allegation that DoD was losing $500 million, annually, by not requiring Government contractors to use General Services Administration negotiated contract air fares. Our objective was to determine the validity of the allegation by determining the extent that DoD contractors used General Services Administration negotiated contract air fares for travel charged directly to their cost contracts and by quantifying the potential savings. We also evaluated the potential for expanding contractors' use of negotiated contract air fares to other types of Government contracts.

To accomplish our objectives, we randomly selected 15 of the 90 contractors with collocated Service or Defense Logistics Agency plant representative offices and determined whether they were participating in the Federal Contract Airline Program. At the 15 contractor sites, we randomly selected a total of 2,531 contractor employee trips billed in calendar year 1985. Our objective at each contractor location was to determine (1) the extent that they used available Government discount air fares; (2) the amount that DoD lost when the contractors did not use the available Government fares; and (3) the potential for saving travel costs that were incurred on other types of Government contracts. We determined to what account the contractors charged the cost of each trip (cost contract, fixed-price contract, indirect cost account, or commercial account); the extent that the trips were in support of Government and commercial contracts or progams; and the availability of discount air fares for routes traveled on trips in support of Government contracts. We also evaluated the regulations and guidance related to the use of the General Services Administration's discount air fares and any actions taken throughout DoD to initiate contractor participation in the Federal Contract Airline Program.

This economy and efficiency audit was made from October 1985 through June 1986 and was accomplished in accordance with generally accepted government auditing standards. Activities visited during the audit are listed on Appendix N.

Prior audit coverage

General Accounting Office Report No. FPCD-82-35, "Federal and Contractor Employee Travel and Relocation Cost Reimbursements Differ," July 20, 1981, compared actual travel reimbursements of selected Federal contractors with rates authorized for Federal employees to determine whether there was fair reimbursement and whether there might be opportunities to reduce travel costs incurred by contractor personnel on Government cost-reimbursable contracts. In part, the General Accounting Office concluded that contractors with cost-reimbursable contracts were not using the General Services Administration's Federal Contract Airline Program because the General Services Administration had not developed procedures for contractors to use this service and Federal agencies had not informed contractors of its existence. The General Accounting Office recommended that the General Services Administration provide information on the Federal Contract Airline Program to all Federal agencies for dissemination to their contractors.

PART II—FINDINGS AND RECOMMENDATIONS

A. *Use of discount air fares on cost-reimbursable contract travel*

Finding

Defense contractors had not used the General Services Administration's discount air fares for travel charged as direct costs on Government cost-reimbursable contracts. The discount air fares were not used because DoD had not established Defense-wide policies that required Service and Defense agency contracting personnel to require contractors to use the discount travel rates. Furthermore, there were no Defense-wide procedures explaining how contractors could request and pay for the fares. By taking advantage of available discount fares, DoD could have saved an estimated $26.1 million, or 24 percent of the $107.4 million it reimbursed to the 90 contractors for air travel costs charged directly to cost-reimbursable Government contracts during 1985.

Discussion of Details

Basis for Use of Discount Fares.—Since the inception of the Federal Contract Airline Program in 1980, the General Services Administration has negotiated discount air fares with commercial airlines for Federal Government employee air travel within the United States, including Alaska and Hawaii. These discount air fares were substantially less than airlines' regular coach fares as shown in the following schedule of selected round-trip fares in effect in December 1985.

Routes	Regular coach fare	Discount air fare	Amount of discount
Los Angeles, CA-Washington, DC-Los Angeles, CA	$980	$348	$632
Seattle, WA-Chicago, IL-Seattle, WA	820	392	428
Honolulu, HI-Los Angeles, CA-Honolulu, HI	618	318	300
Seattle, WA-Dayton, OH-Seattle, WA	860	608	252
Philadelphia, PA-Chicago, IL-Philadelphia, PA	318	218	100
Denver, CO-Washington, DC-Denver, CO	360	262	98
San Jose, CA-Ontario, CA-San Jose, CA	123	104	19
Albuquerque, NM-Los Angeles, CA-Albuquerque, NM	98	94	4

In addition to Federal employees, contractor employees were entitled to use the discount air fares provided by the General Services Administration's airline contracts for travel charged as direct costs on Government cost-reimbursable contracts. Contractor use of the fares had been encouraged through the General Services Administration issuance in October 1982, for Federal Property Management Regulation A-22, and again in an April 1985 publication of Federal Property Management Regulation A-87.

The authorization to implement the discount fare program was contained in the Federal Acquisition Regulation. Part 51 of the Regulation vested authority in contracting officers to provide contractors and subcontractors use of Government supply sources, which includes the General Services Administration's contracts for discount air transport service. Specifically, section 51.101(a) of the Regulation stated:

"If it is in the Government's interest, and if supplies or services required in the performance of a Government contract are available from Government supply sources, contracting officers may authorize contractors to use these sources in performing (1) Government cost-reimbursable contracts; (2) other types of negotiated contracts when the agency determines that a substantial dollar portion of the contractor's contracts are of a Government cost-reimbursable nature."

Notwithstanding the provisions of the Federal Acquisition Regulation, there were no Department-wide policies and procedures requiring Defense contractors to use the contract air fares available to their employees for travel charged directly to cost-reimbursable Government contracts.

Use of Discount Air Fares.—Defense contractors were generally not usng the discount air fares available to them when their employees traveled on trips charged directly to cost-reimbursable Government contracts. Some actions were taken by contract administration personnel to initiate contractor use on a test basis. However, these were isolated, unilateral steps by Defense components and not Defense-wide initiatives. Nonetheless, the contractors' use of the air fares in these instances resulted in significant savings in reimbursable travel costs. For example, the following table shows the savings that were realized through the use of discount air fares at three contractor sites that we visited while preparing for the audit.

[Dollar amounts in thousands]

Contractors and period	Cost of regular air fare	Total air fares paid	Estimated savings	
			Amount	Percent
Aerospace Corp.—Nov. 1984–Sept. 1985	$9,258.2	$5,694.1	$3,564.1	38.5
Mitre Corp.—May 1985–Sept. 1985	1,189.1	759.1	430.0	36.2
ITT-Gilfillan—Jan. 1985–Sept. 1985	1,140.3	852.1	288.2	25.3
Total	11,587.6	7,305.3	4,282.3	37.0

Only minimal offsetting costs were necessary to realize the $4.3 million of savings. Offsetting costs at Aerospace Corporation amounted to about 3 percent of their estimated $3.6 million of savings. No offsetting costs were incurred by either Mitre Corporation or ITT-Gilfillan during their test periods.

To determine the extent of the Defense contractors' actual use of the negotiated contract air fares, we analyzed the air travel incurred by 90 contractors with collocated DoD plant representative offices. During calendar year 1985, these 90 contractors spent about $466.5 million for air travel on commercial airlines (Appendix B). Based on our analyses of 2,531 randomly selected trips ($806,674) by 15 of the 90 contractors, we found that 443 of the trips ($134,439) were charged as direct costs on cost-reimbursable Government contracts, and that discount air fares (city pairs) existed for 269 of these trips. However, only 1 of the 15 contractors, on 7 of the 269 trips, used the discount air fares.

We projected the results of the statistical sample to the universe of 90 contractors, and estimated that during 1985 contractors' employees took 389,700 trips, valued at $107.4 million, that were charged as direct costs on cost-reimbursable Government contracts (Appendix B). Further, we projected that discount air fares existed for 250,400 of the 389,700 trips, valued at about $77.8 million (Appendix C). The discount fares, however, were used only on 4,700 trips, costing about $611,000. Based on the difference between the fares that the contractors paid and the discount air fares that existed at the time of the trips, we projected that DoD could have saved an estimated $26.1 million, or about 24 percent of the $107.4 million it reimbursed to the 90 contractors for air travel costs charged as direct costs on cost-reimbursable Government contracts (Appendix D).

Reasons for Not Using Discount Air Fares.—The primary reason Defense contractors were not using the discount air fares was because they were not required to use the fares. Although Part 51 of the Federal Acquisition Regulation allowed contracting officers to authorize Government contractors to use the discount air fares, contracting officers were not required to provide such authorization.

Based on discussions with 27 contracting officials in Army, Navy, and Air Force buying activities and contract administration officials in each of the 15 plant representative offices visited during our audit, we concluded that there were two overriding reasons for them not authorizing contractors to use the fares. First, there was no Defense-wide policy requiring contractors' use and, secondly, there were no Defense-wide procedures explaining how contractors could request and pay for the fares.

Defense components unilaterally had developed procedures; however, implementation of the procedures was either delayed or administratively restrictive.

Army.—In a June 1985 message, the Army directed its transportation and contracting personnel to immediately implement contractor use of air fares (Appendix E). However, few actions were taken in response to that direction. Two of the 15 plant representative offices visited during our audit were Army activities but neither had implemented the fares. Additionally, in June 1986, we contacted 12 contracting officials at 4 of 5 Army buying commands to discuss discount air fare implementation. Nine of the 12 contracting officials at 3 of the 4 Army buying activities contacted were not aware of the Army's year old direction. On the other hand, one of the Tank Automotive Command's contracting officials familiar with the Army guidance, pointed out that the Army's implementing procedures limited contractors' use of the fares to travel arranged through Government activities. As a result, this Command issued an implementing instruction that required contractor air travel arrangements be handled through Government transportation officials and restricted fare usage to contractors within a 60-mile radius of the Command. In effect, this local policy severely restricted contractor use of the discount fares to those nearby contractors willing to use the Government travel office.

Navy.—In February 1986, the Office of the Assistant Secretary of the Navy (Shipbuilding and Logistics) issued a memorandum to all Navy systems commands that encouraged the use of Government contract air fares by contractors (Appendix F). In part, the memorandum provided that:

"In view of the potential significant savings which would accrue to the Navy, Contracting Officers should advise all cost reimbursable contractors (including contractors performing under fixed price incentive contracts) of the city-pair air fare program and encourage such contractors and their cost reimbursable subcontractors to take advantage of the lower air fares whenever possible. Contracting Officers also should attempt to negotiate into future cost reimbursable contracts which will involve commercial air travel, a provision by which the contractor argrees to use the city-pair air fares whenever feasible. A proposed clause for this purpose has been prepared by this office and will be forwarded by separate correspondence if, and when, the DAR Council grants the Navy a DAR deviation to use the clause on a repetitive basis."

However, discussions with 10 contracting officials at 3 systems commands in June 1986 disclosed that limited use had been made of the fares. Procurement officials had not received detailed implementing guidance and did not know which procedures to follow to initiate the fare program. Additionally, the officials stated that they were awaiting Defense Acquisition Regulatory Council approval of a standard contract clause for fare usage, and to avert inconsistent practices, they had deferred drafting Navy instructions pending clause approval.

Notwithstanding the Navy's guarded approach to initiating contractor use of discount fares, the one example of contractor use from our sample was arranged by a Navy program office for all travel that one contractor charged directly to six Navy contracts.

Air Force.—Of the Defense components, Air Force actions resulted in the most use of discount air fares by contractors. From November 1984 to December 1985, Air Force Systems Command arranged for five contractors to use the fares. Currently, the Air Force plans to direct five of its plant representative offices to initiate their respective contractors' use of the discount fares. To arrange for contractors' use of the fares, Air Force Systems Command directed its contract administration officials to work jointly with each contractor in developing procedures that specified the extent contractors were required to use the fares and actions required for contractors to obtain and pay for the fares. Also, the Air Force Systems Command required contractors to report the extent that discount air fares were used and the savings resulting from such use. The reports provided Air Force Systems Command with good indicators of the extent of contractors discount fare use.

Defense Logistics Agency.—In May 1985, the Defense Logistics Agency forwarded the General Services Administration's Federal Property Management Regulation Bulletin A-87, "Use of Government Contract Air Fares By Cost-Reimbursable Contractors," to its Defense Contract Administration Services Regions for their use in administering contracts with contractor travel requirements (Appendix G). During our audit, we found that one contractor under the cognizance of the Defense Contract Administration Services Region, Los Angeles, California, had participated in the discount fare program since February 1984. For the 9-month period ended September 1985, savings of $288,200 resulted from the contractor's use of discount air fares.

Based on results of this effort, officials at the Region recommended that the General Services Administration airline contracted travel rates be required, whenever possible, for all contractors traveling in support of their Defense contracts. On December 16, 1985, the Defense Logistics Agency proposed to the Director, Defense Acquisition Regulatory Council, that Paragraph 31.205-46(d) of the Defense Federal Acquisition Regulation Supplement be amended by incorporating the following rule:

"The difference in cost between first-class air accommodations and less-than-first-class air accommodations is unallowable except when less-than-first-class accommodations are not reasonably available to meet necessary mission requirements (such as when less-than-first-class accommodations would require circuitous routing, require travel during unreasonable hours, excessively prolong travel, result in increased cost that would offset transportation savings, or would offer accommodations not reasonably adequate for the physical or medical needs of the traveler). [Less-than-first-class air accommodation is allowable only if GSA travel rates are not available. All contractors performing travel requirements under a DoD contract are required to use whenever available the GSA travel rates available to Federal employees traveling at Government expense whenever available.]"

Department of Defense.—The latest effort to initiate use of reduced air fares by Defense contractors was the issuance of an April 1, 1986, memorandum from the Assistant Secretary of Defense for Production and Logistics (formerly the Assistant Secretary of Defense [Acquisition and Logistics]) to the Services and Defense Logistics Agency (Appendix H). The memorandum encouraged the components to take advantage of the contract rates and provided suggested procedures for using the fares. Those procedures, however, did not answer all questions that contractor and plant representative office personnel had on the use of discount fares. As an indicator, we visited one contractor and plant representative office after the memorandum was issued and we were asked questions very similar to questions from other sources before the memorandum was issued.

Actions Needed to Achieve Contractors' Use of Discount Air Fares.—The individual actions taken by Defense managers were positive steps in that they recognized the potential for savings through use of reduced air fares by Defense contractors. However, these actions had not achieved the significant savings that are available because they did not provide adequate guidance to implement the discount fare program.

If DoD is to realize the optimum cost benefits available from contractors' use of discount air fares, certain DoD-wide actions are required. First, DoD needs to establish a policy that requires maximum use of discount air fares by contractors for travel charged as direct costs on Government cost contracts. Second, coordinated, Department-wide procedures must be developed to effect and maintain contractors' use of the fares. The procedures should provide specific instructions on how to establish, operate, and maintain contractors' use of the fares and must be flexible enough to be incorporated into each contractor's existing travel system. For example, for those existing programs reviewed during the audit, we noted at least four different methods of issuing Government Transportation Requests to contractors. The methods ranged from a plant representative office issuing a Government Transportation Request for each requested trip to a Defense transportation officer providing a contractor with a monthly Government Transportation Request number for all travel of that period. There also were different methods used to pay for airline tickets. One contractor was billed and paid for discount air fares in the same manner as it did other airline billings. At another contractor site, the plant representative office funded each Government Transportation Request and the airlines billed a nearby Government transportation office for payment.

Technical assistance may also be required to implement the fare program. During our discussions with contracting officers and administrative contracting officers, we were asked many questions about how to arrange for the contractors to use and pay for the fares. Also, questions were presented about whether contractors' use actually would be cost beneficial to DoD.

DoD has gained enough experience through the limited use of discount air fares by contractors to develop a system to inform responsible officials in the Services and Defense agencies on methods to implement and monitor the fare program. Those officials could then ensure that the information was presented in a proper and timely manner to officials in subordinate organizations as well as to contractor personnel. In summary, officials that will be directly responsible for effecting contractors' use must be informed of the actions that have to be taken to use the fares and the cost benefits of doing so.

Recommendations for Corrective Action

We recommend that the Assistant Secretary of Defense for Production and Logistics:

1. Establish DoD-wide policies and procedures that require DoD components to achieve effective use of the General Services Administration's discount air fares by Government contractors for travel charged as direct costs on cost-reimbursable contracts. To achieve this objective, the procedures should explain how:

a. Contracting officers and administrative contracting officers can authorize contractors to use discount air fares on travel charged as direct costs on existing cost-type contracts;

b. Contractors can obtain Government Transportation Requests, which some airlines require as authorizations for obtaining the discount air fares;

c. Contractors can request discount air fares from the airlines;

d. Contractors will pay for discount air fares obtained with Government Transportation Requests;

e. Contractors' use will be monitored and controlled to ensure full and proper use of the discount air fares; and

f. Services and Defense agencies will monitor their organizations' efforts to arrange for contractors to use the fares.

2. Require the Services and Defense agencies to provide guidance to their subordinate organizations to give them a complete understanding of the policies and procedures pertaining to contractors' use of the discount air fares.

Management Comments

The Assistant Secretary of Defense for Production and Logistics (ASD[P&L]) concurred with both recommendations, stating that DoD had begun to expand the use of the General Services Administration's discount air fare program to include contractors traveling under cost-reimbursable contracts, and that the Military Departments and the Defense agencies have disseminated guidance on contractor use of discount air fares to their contracting organizations. With respect to Recommendation 1., the ASD(P&L) stated that on April 1, 1986, he issued a memorandum to the Military Departments and the Defense Logistics Agency that encouraged greater utilization of discount air fares by eligible contractors and provided suggested procedures to be used by contractors and contracting officers. The ASD(P&L) also stated that on August 8, 1986, the Defense Acquisition Regulatory (DAR) Council approved DAR Case 85-280, which proposed a new subpart to Part 51 of the Federal Acquisition Regulation (FAR) entitled "Contractor Use of Government Discount Air Passenger Transportation Rates." The subpart prescribed policies and procedures for contractors' use of discount air passenger transportation rates on cost reimbursement contracts and cost reimbursement line items in other contracts. Finally, the ASD(P&L) stated that a proposed policy memorandum for signature of the Under Secretary of Defense (Acquisition) (USD[A]) is currently being developed that reiterates the aforementioned April 1, 1986, policy memorandum.

With respect to Recommendation 2., the ASD(P&L) stated that field personnel have been and will be provided both general and specific guidance pertaining to contractors' use of the discount air fares. Specifically, the Military Departments and the Defense agencies have disseminated the guidance prescribed in the proposed new FAR subpart and the April 1, 1986, policy memorandum to their subordinate organizations. Moreover, contractor use of discount air fares will be a major item of discussion at Defense Contract Administration Services travel and transportation workshops. Finally, the ASD(P&L) provided that the forthcoming USD(A) policy memorandum will request the Military Departments and Defense agencies to provide appropriate guidance to their subordinate commands to ensure contractors' use of discount air fares.

We did not address Recommendations 1. and 2. in the draft report to the Military Departments. However, the Director for Transportation, Energy and Troop Support in the Office of the Army Deputy Chief of Staff for Logistics, the Assistant Secretary of the Navy (Shipbuilding and Logistics), and the Assistant Secretary of the Air Force (Research, Development and Logistics) did respond to the draft report and concurred with the finding and recommendations. Complete texts of their comments are at Appendixes J through L, respectively.

Audit Response to Management Comments

The Assistant Secretary of Defense for Production and Logistics reply did not fully respond to the recommendations. Specifically, the response to Recommendation 1. did not address how the recommendation's subparts a. through f. would be considered in the DoD-wide policies and procedures for effective use of the General Services Administration's discount air fare program. We adjoined these specific subparts to Recommendation 1. because we concluded that neither the April 1, 1986, ASD(P&L) policy memorandum nor the proposed subpart to the Federal Acquisition Regulation (51-3) fully explained how government contracting officers would arrange for immediate use of discount air fares on existing cost-type contracts and how the DoD components will monitor their organizations' efforts to make such arrangements. Specifics follow:

The guidance in the April 1, 1986, memorandum and the proposed revision to the Federal Acquisition Regulation did not provide an approach or explain how contracting officers should arrange for contractors to use the fares on all existing cost-reimbursable contracts (subpart a.). The guidance concentrated on what actions were required to arrange for contractors' use on newly awarded contracts. If DoD is to realize immediate benefits from the discount air fares, contracting officers or their administrative contracting officers need to be informed of how to arrange for contractors' use of the discount air fares on trips charged directly to existing cost-reimbursable contracts.

Guidance in the April 1, 1986, memorandum on how contractors will pay for discount air fares was misleading and too limited (subpart d.). The guidance provided for contractors to use Government Transportation Requests as the method of payment for discount air fares, on the basis that "most" airlines required such a method. However, our audit showed that the airlines treated Government Transportation Requests as authorizing documents rather than a method of payment. If DoD is to gain immediate cooperation of contractors in using the fares, we believe the payment guidance provided in the April 1, 1986, memorandum should be clarified and expanded to include acceptable practices.

Finally, neither the April 1, 1986, memorandum nor the proposed revision to Part 51 of the FAR addressed how contractors' use would be monitored and controlled (subpart e.) or how the Services and Defense Agencies would monitor progress made in arranging contractors'' use (subpart f.). We believe the procedures described in subpart f. are critical for DoD to achieve timely implementation of contractors use of the discount air fares, as well as the savings which will result from such implementation.

The ASD(P&L) comments to Recommendations 1. and 2. concerning a forthcoming policy memorandum for signature of USD(A) did not provide the estimated date of implementation. Finally, in response to Recommendation 2., the ASD(P&L) did not provide the estimated date(s) of the Defense Contract Administration Services travel and transportation workshops.

We request that the ASD(P&L), in responding to the final report, identify the specific actions taken or planned and the estimated date of implementation to incorporate subparts a. through f. of Recommendation 1. in DoD-wide policies and procedures on achieving effective use of the General Services Administration's discount air fares by Government contractors. We also request that the ASD(P&L) provide the estimate date(s) for implementing the proposed Under Secretary of Defense (Acquisition) policy memorandum and the Defense Contract Administration Services travel and transportation workshops.

B. *Potential For Increased Use of Discount Air Fares*

Finding

Air travel costs incurred by 90 Defense contractors in sole support of Government contracts and charged as direct costs on fixed-price contracts and as indirected costs on all types of Government contracts were not eligible for the General Services Administration's discount air fares. This occurred because the General Services Administration's contracts with the airlines limited Government contractors' use of discount fares to air travel that was chargeable as direct costs on cost-reimbursable contracts. During calendar years 1985, about $163.3 million of air travel by the 90 contractors was charged as direct costs on fixed-price contracts and as indirect costs on all types of Government contracts. If Government contractors had been eligible for and used discount fares on the $163.3 million of noncost contract travel, the air fares paid by the 90 contractors in 1985 could have been reduced by an estimated $61.6 million.

Discussion of Details

Background.—In an October 1981 ruling, the Civil Aeronautics Board allowed airlines to negotiate discount air fares. Previously, the airline industry had been regulated and all air fare rates were standardized under tariff regulations. With the 1981 ruling, companies could negotiate special discounts with the airlines for air travel over designated routes or contract for reduced fares effective for specified periods of time.

Government transportation and procurement officials, however, have not negotiated with the airlines to give Government contractors full participation in the Federal discount air service program. Instead, airline agreements have limited use of the discount fares for contractors' travel that was charged as direct costs on Government cost-reimbursable contracts.

Potential Use of Noncost-Type Contracts.—Based on our review at 15 Defense contractors with collected plant representative offices, we projected that about $362 million, or 78 percent of the $466.5 million in air travel cost incurred in 1985 by 90 such contractors was in sole support of Government contracts or programs. Of the $362 million, $91.4 million was spent on trips charged as direct costs on Government fixed-price contracts, and $163.2 million was spent on trips taken in sole support of all Government contracts or programs but charged as indirect costs. The remaining $107.4 million was charged as direct costs on cost-reimbursable contracts (Appendix B). In addition, $50.1 million of the $91.4 million charged as direct costs on fixed-price contracts and $113.2 million of the $163.2 million charged as indirect costs on all types of Government contracts were incurred on air travel routes covered by the General Services Administration's discount air fare program (Appendix C). However, these trips were not eligible for the reduced fares because the discount air fare program was limited to air travel chargeable to cost-reimbursable contracts.

Reasons for Limited Contractor Eligibility.—No single factor was responsible for limiting contractors' use of the discount air fares to trips charged directly to Government cost-reimbursable contracts. Rather, a confluence of historical factors and restrictive interpretations of enabling regulations led to the exclusion of all contractor travel from the fare program other than that which could be charged as direct costs on cost-reimbursable contracts.

Airline Industry 1980.—In part, the limitation on contractor participation in the fare program reflected the environment of the airline industry at the time of the initial Government contract with the airlines in 1980. The airline industry was regulated, all air fares were fixed and airlines were not allowed to deviate from rates prescribed by tariff regulations. Additionally, there was no benefit to the airlines in offering discount fares since both the routes and fares were protected by the regulation. In this regulated environment, the Government negotiated with the airlines. The objective of the airline contract was to provide Government employees with discount fares. Although contractors were included as limited participants in the initial discount air service program, no action was taken to draft an agreement for more comprehensive Government contractor eligibility.

Federal Acquisition Regulation.—The primary factor that limited contractor eligibility for fare usage was Section 51.101 of the Federal Acquisition Regulation, which identified eligible users of Government sources of supplies and services. Contractors' use of the fares on trips in support of cost-reimbursable contracts was the criterion for eligibility. However, an additional qualifier for use of Government sources was presented. According to the regulation, contractors performing under "other types of negotiated contracts . . . of a Government cost-reimbursement nature" are considered eligible to use Government supply sources. The purpose of enabling contractors to use Federal supply sources was to achieve Government cost savings through decreased contractor expense. The provisions in the Federal Acquisition Regulation, expanding contractor eligibility to use Federal supply sources, therefore, recognized that some contractor expenses, incurred under other than cost-type contracts, were reimbursable Government expenses. However, Defense acquisition officials had not provided an official interpretation of Part 51 of the Federal Acquisition Regulation to clarify what types of contract effort, other than cost-type contracts, were authorized use of the Federal supply sources.

Government Cost Savings.—Finally, additional rationale for not initiating wider fare application was the belief that the Government achieved cost savings only when travel was charged as direct costs on cost-reimbursable contracts. The General Services Administration had interpreted contractors' eligibility for the fares as applicable only to that travel which was in support of Government cost-reimbursable contracts. Their restricted interpretation did not recognize the existence of indirect travel costs, which are allocated to both cost as well as fixed-price contracts. It also did not address travel costs charged as direct costs on negotiated fixed-price contracts. For indirect travel expense and negotiated fixed-price contract travel, the Government could achieve cost savings through contractors' use of the Federal discount fare program.

Action Needed to Qualify Fixed-Price and Indirect Travel Costs for the Government Fares.—The greatest potential savings from contractors' use of the Federal Contract Airline Program could be achieved through applying discount rates to trips charged as direct costs on fixed-price contracts and as indirect costs on all types of Government contracts. Whereas 23 percent of the contractor travel sampled in our audit was charged as direct costs on cost-type contracts, 20 percent was charged as direct costs on Government fixed-price contracts and 35 percent was charged as indirect costs on all types of Government contracts (Appendix B). To obtain savings from all contractor Government-related travel, procurement officials must clarify regulations enabling contractors to use the fares and establish criteria for fare eligibility.

Travel Charged as Direct Costs on Fixed-Price Contracts.—We reviewed the methods used by Government contracting officers to negotiate travel expenses under fixed-price contracts. One contracting site used a forward pricing rate agreement in which air travel expenses had been negotiated at full coach fares. At other activities, air travel expenses were negotiated based on similar fares or historical costs. For these contractors, the Government accepted in the negotiated price of fixed-price contracts, air travel costs that were higher than those available through the Government discount air fare program. In negotiating fixed-price contracts, the Government has the opportunity to achieve cost savings through contractors' use of the discount air fare program. Government fare rates rather than historical or coach fares could be used in negotiating travel expenses. For example, one contractor sampled during our audit had a forward pricing rate agreement in which the 1985 negotiated rate for travel between Los Angeles, CA, and Washington, DC was $920. In 1985, the Federal discount fare for the city-pair was $340. Had the Federal fare been available to the contractor, the Government could have negotiated about a $580 reduction in contract price for each proposed transcontinental trip.

To achieve savings for travel charged as direct costs on Government fixed-price contracts, regulations must be revised and clarified. In particular, Part 51 of the Federal Acquisition Regulation must clearly identify contract effort under negotiated fixed-price contracts as a candidate for Federal supply source use. Also, the General Services Administration's contract with airlines needs revision. For negotiated fixed-price contract effort to qualify for the discount fares, the airline agreement should state that all contractor travel in sole support of Government business is eligible for discount fare usage.

Under current guidance, there is an option for contracting officers to achieve cost savings for travel charged as direct costs on fixed-price contracts. By establishing cost-reimbursable provisions for travel expenses in fixed-price contracts, contractors would be eligible for the discount fares. At one contractor site, we found that fixed-price contract has been modified to include a provision for contractor participation in the Federal discount air fare program. Direct travel costs were segregated under a separate cost-reimbursable provision in the fixed-price contract.

Travel Charged as Indirect Costs to All Types of Government Contracts.—Similarly, for indirect travel expenses, the Government would benefit from discount fare usage. Indirect expenses, like cost-reimbursable contract charges, are based on actual expenses. Further, for trips charged as indirect costs, contractors could determine readily which of the trips were in sole support of Government contracts or programs. Any decrease in travel costs associated with use of the Government's discount air fares would result in Government cost savings. From our sample of contractor air travel expenses, we found that about 35 percent of all contractor travel was charged as indirect costs on all types of Government contracts (Appendix B).

Government savings from use of the discount fares for travel charged as indirect costs however, were dependent on the contractor's mix of Government-commercial business. Since travel expenses charged as indirect costs were allocated to all contracts, the Government would benefit most when fare use is provided to contractors performing predominantly Government work. Because of the cost-sharing involved in indirect expense allocation, there was the potential for inequity in granting discount fares for indirect travel to contractors with low volume Government business. The amount of Government cost savings was dependent on the distribution factors for allocating indirect expenses to Government and commercial contracts. We determined that about 90 percent of the contractor business at sites visited was attributable to Government contract effort. At such high levels of Government business, the benefits of discount fare use significantly accrue to the Government.

Potential Savings.—The Government would gain additional cost savings if contractors were permitted to use Government discount fares for travel charged as direct costs on Government fixed-price negotiated contracts and as indirect costs on all types of Government contracts. Such travel represented 55 percent of all contractor travel sampled during our audit. To determine the potential savings, we compared the fares that our 15 sample contractors paid for air travel on trips charged as direct costs on fixed-price contracts and as indirect costs on all types of Government contracts to the applicable discount air fares that existed at the time of each trip and projected the results to all 90 contractors. Based on this statistical projection, air fares paid by the 90 contractors in 1985 could have been reduced by an estimated $61.6 million if applicable discount air fares had been used on the $163.3 million of noncost contract travel. Specifically, contractors could have saved $17.4 million of the $50.1 million charged as direct costs on fixed-price contracts and an additional $44.2 million of the $113.2 million charged as indirect costs on all types of Government contracts (Appendix D).

Recommendations for Corrective Action

We recommend that the Assistant Secretary of Defense for Production and Logistics (formerly the Assistant Secretary of Defense [Acquisition and Logistics]):

1. Request that the Defense Acquisition Regulatory Council propose to the Federal Acquisition Regulation Secretariat that Part 51 of the Federal Acquisition Regulation be clarified and expanded so that contractors are required to use the General Services Administration's discount air fares on all travel that is solely in support of all types of Government contracts when air carriers have extended such fares to DoD contractors.

2. Establish criteria, based on the level of Government business, for contractor use of the Government discount air fares for travel charged as indirect costs to all types of Government contracts.

3. Upon completion of Recommendations 1. and 2., request that the General Services Administration negotiate discount air fares that apply to all contractors air travel solely in support of Government contracts.

4. Pending revision of Part 51 of the Federal Acquisition Regulation, require contracting officers to negotiate air travel expenses in fixed-price contracts under a separate cost-reimbursable provision in which contractors are enabled to use Government discount fares and are required to contain air travel expenses to costs equivalent to or less than the Government fares, whenever practical.

Management Comments

Office of the Secretary of Defense

Recommendation 1.—The Assistant Secretary of Defense for Production and Logistics (ASD[P&L]) partially concurred with the recommendation, stating that in August 1986, the Defense Acquisition Regulatory (DAR) Council approved DAR Case 85-280 and sent it to the Civilian Agency Acquisition Council for consideration. This case required contracting officers to include a provision in cost reimbursement contracts and contracts with cost-reimbursable line items to require the contractor to use the General Services Administration discount air fares to the maximum extent practicable. ASD(P&L) also stated that the proposed Federal Acquisition Regulation (FAR) coverage allows contracting officers to insert a similar clause in other contracts involving air travel by contractor employees when advantageous to the Government. On the other hand, the ASD(P&L) questioned whether air carriers would favor widespread contractor use of the General Services Administration's discount air fares and provide the same discount air fares if contractors' use was expanded. The ASD(P&L) felt that business travel is the "bread and butter" of the air carrier industry and widespread application of discounts to a large segment of its prime business market may not be palatable. Finally, the ASD(P&L) provided a clarification to the recommendation, stating:

"In regards to your recommendation that FAR Part 51 be revised to 'authorize' contractors to use GSA discount air fares, it is important to note that the FAR cannot 'authorize' contractors eligibility, rather it is the air carrier's willingness to extend the GSA discount air fares to DoD contractors. The newly approved FAR coverage does not restrict the types of contracts for which contractors use of the GSA discount air fare is allowed."

Recommendation 2.—The Assistant Secretary of Defense for Production and Logistics nonconcurred with the recommendation, stating that the establishment of detailed procedures that would be required for contractors' use of Government discount air fares for travel charged as indirect costs, along with the burdensome administrative requirements to properly administer this recommendation, would not be economically feasible. It was the Assistant Secretary's opinion that extending the coverage to travel charged as indirect cost could cause further concerns on the part of the airlines with potential further reductions in the program. Also, depending on the mix of business, such a policy could give a competitive advantage to certain contractors.

Recommendation 3.—The Assistant Secretary of Defense for Production and Logistics concurred with the recommendation, stating that the Military Traffic Management Command will request the General Services Administration to negotiate with participating airlines to expand the terms of the discount air fare contracts so that all contractors' air travel in support of Government contracts is eligible for the discount air fares.

Recommendation 4.—The Assistant Secretary of Defense for Production and Logistics concurred with the recommendation, stating that the proposed Under Secretary of Defense (Acquisition) memorandum to the Military Departments and Defense agencies will recommend that contracting officers give consideration to negotiating air travel requirements in fixed-price contracts under a separate cost-reimbursable provision, where such a practice is determined to be in the best interest of the Government.

Military departments

We did not address Recommendations 1. through 4., in the draft report to the Military Departments. However, the Director for Transportation, Energy and Troop Support in the Office of the Army Deputy Chief of Staff for Logistics, the Assistant Secretary of the Navy (Shipbuilding and Logistics), and the Assistant Secretary of the Air Force (Research, Development and Logisitics) did respond to the draft. Their pertinent comments are summarized in the following paragraphs and complete texts of their comments are at Appendixes J through L, respectively.

Recommendation 1.—Army, Navy, and Air Force management concurred with the recommendation; however, the Army provided a partial concurrence and the Navy recommended that we clarify the text of the recommendation.

Recommendation 2.—Navy and Air Force management concurred with the recommendation. The Army, however, nonconcurred with the recommendation, stating that it would be difficult to monitor indirect costs at discount rates, particularly in fixed-price contracts. A contractor could charge indirect costs for travel that was not really essential for performance of that contract.

Recommendation 3.—Army, Navy, and Air Force management concurred with the recommendation, although the Army's concurrence was restricted to cost-type contracts.

Recommendation 4.—The Army nonconcurred with the recommendation, stating that the use of discount air fares should not be mandated for fixed-price contracts. Army management felt that a separate reimbursable line item for travel would reduce the cost risk to the contractor, open up the potential for excess costs, and result in unnecessary contract administration costs. The Navy concurred with the recommendation as long as contracting officers retained some flexibility to not include a separate cost-reimbursable provision if such a provision was inappropriate for a particular contract. The Air Force nonconcurred because it believed the disadvantages of including a cost-reimbursable provision in all fixed-price contracts outweighed the advantages. The Air Force also stated that there may be circumstances when it is appropriate to include a cost-reimbursable provision for travel expenses in a fixed-price contract, but normally this would be an exception.

Audit Response to Management Comments

Recommendation 1.—The concerns of the Assistant Secretary of Defense for Production and Logistics and the Director of Transportation, Energy and Troop Support in the Office of the Army Deputy Chief of

Staff for Logistics, that the air carriers will not be receptive to expanding contractors' use of the General Services Administration's discount air fares appear premature and unfounded. Until the General Services Administration solicits discount air fares for all types of Government contracts, the air carriers' official position will not be known. We believe there is potential for expanding the program beyond cost-reimbursable contracts. For example, the total amount of contractors' air fares addressed in this audit as solely in support of Government contracts was $362.0 million. This represented only 1 percent of the $36.9 billion in scheduled air carriers' 1984 passenger revenue. This low percentage of business travel does not appear to represent the air carriers' "bread and butter" market. Also, 3 of the 15 sample contractors had been successful in negotiating discount air fares directly with air carriers for selected routes. While the discounts were not as large as those received by the General Services Administration, their presence indicated that air carriers were open to discounts. We recognize that expansion of the Government discount program is in the hands of the air carriers. However, if we do not ask, we will never realize the potentially available savings.

Notwithstanding the concerns of the Assistant Secretary of Defense for Production and Logistics and the Director of Transportation, Energy and Troop Support in the Office of the Army Deputy Chief of Staff for Logistics, the action taken by the Defense Acquisition Regulatory Council partially satisfies the intent of our recommendation. On August 26, 1986, the Defense Acquisition Regulatory Council proposed to the Federal Acquisition Regulation Secretariat policies and procedures on contractor use of Government discount air passenger transportation rates. The proposed policy stated that:

(a) If it is in the Government's interest, the contracting officer shall authorize eligible contractors to use the same Government discount air passenger transportation rates available to Federal Employees traveling at Govenrment expense.

(b) Government contractors are eligible to use these rates (if the air carrier has agreed to the arrangement) in performance of a cost-reimbursement contract or a contract with a cost-reimbursement line item for Government-authorized travel, or in other contracts as agreed to by specific air carriers.

(c) Contracting officers shall structure contracts with eligible contractors so as to allow contractors to use Government air passenger transportation rates to the maximum extent practicable in accordance with contractual provisions.

This proposed revision to the Federal Acquisition Regulation partially satisfies the recommendation since it requires contracting officers to authorize contractors to use discount air fares on trips charged directly to cost and other types of contracts when agreed to by specific air carriers. However, the revision does not specifically address contractors' use of discount air fares on trips which are in sole support of Government contracts and charged as indirect costs. As such, we ask that the Assistant Secretary of Defense for Production and Logistics to address how contractors will use discount air fares on trips which are in sole support of Government contracts and charged as indirect costs.

With regard to the Assistant Secretary of Defense for Production and Logistics and Assistant Secretary of the Navy (Shipbuilding and Logistics) comments on the wording of Recommendation 1., we revised the wording so that the recommendation now concludes with the words "when air carriers have extended such fares to DoD contractors."

Recommendation 2.—We believe the Assistant Secretary of Defense for Production and Logistics should reconsider his nonconcurrence with this recommendation for two reasons. First, it is not possible for the Assistant Secretary to carry out the actions that he agreed to take on Recommendation 3. without first determining the extent that DoD plans to increase contractors' use of discount air fares. According to the Military Traffic Management Command, before the General Services Administration can solicit additional fares for contractors' use, DoD must provide the General Services Administration with the volume of contractor traffic expected over each route or city pair for which a discount air fare will be solicited. Such volume, as it relates to contractor travel charged directly to cost and fixed-price contracts, is established based on direct charges. However, to determine the volume pertinent to travel charged to indirect cost accounts, DoD must decide which contractors will be permitted to use discount air fares on government travel charged to indirect cost accounts. We believe the level of government business in each contractor's organization should weigh heavily in the decision because that level determines the extent that the government will realize the savings resulting from the contractors' use of the discount air fares.

The other reason that we believe the Assistant Secretary would reconsider his nonconcurrence is that we do not foresee any major difficulty in establishing the recommended criteria. Sales data were readily available on the amount of Government and commercial business at each of our 15 sample contractors. The major effort required to establish the recommended criteria would be to gather the sales data and decide which Government/commercial sales ratios would be acceptable in the discount air fares program. Moreover, our audit found that it was not difficult to determine the purpose and applicability of air fare costs charged to indirect cost accounts. Further, we believe that any competitive advantage, afforded a major Defense contractor because of the discount air fares program, would be negligible. Basically, a large percentage of major Defense contractors' sales are to the Government, and air fare costs charged to an indirect cost account are only a small fraction of total sales. If it was evident that use of the discount air fares would result in a significant competitive advantage, contracting officers could specify limitations on such use.

We ask that the Assistant Secretary reconsider his nonconcurrence with Recommendation 2. Also, we ask that estimated completion date(s) be provided for any actions planned for on the recommendation.

Recommendation 3.—The action planned by the Assistant Secretary of Defense for Production and Logistics is responsive to the recommendation. However, the Assistant Secretary did not provide an estimated completion date of the action. We request that he provide the estimated date of implementing the planned action.

Recommendation 4.—Although the Department of the Army and the Department of the Air Force nonconcurred with the recommendation, we consider the action planned by the Assistant Secretary of Defense for production and Logistics to be responsive to the intent of the recommendation. However, the Asssistant Secretary did not provide an estimated completion date of his planned action. We request that he provide the estimated date of implementing the planned action.

C. *Potential for Additional Discount Air Fares*

Finding

Discount air fares were not available on flights frequently used by Defense contractors. Discount air fares did not exist for $120.9 million of the $362 million in 1985 travel taken in sole support of Government work by the 90 contractors in our audit. The fares did not exist because Government contractors' travel patterns were not considered by Government managers when soliciting discount air fare routes from airlines. If discount air fares had been established for all routes traveled by these contractors in 1985, DoD could have saved an estimated $14.7 million on trips charged as direct costs on cost-reimbursable contracts. An additional $32.7 million could have been saved if discount air fares rates were available for all travel charged as direct costs on fixed-price contracts ($14 million) and as indirect costs on all types of Government contracts ($18.7 million), and if contractors were permitted to use discount air fares on such trips.

Discussion of Details

Background.—The Military Traffic Management Command has the responsibility for proposing discount fare routes to the General Services Administration for inclusion in its annual solicitation for discount air fares from the airlines based on recommendations from DoD and other Federal agencies and analysis of air traffic requirements.

Potential For Additional Discount Fares—While determining the extent that Defense contractors used discount air fares on cost-reimbursable contracts (Finding A), we noted that fares did not exist for 877 or 44.8 percent of the 1,957 trips in our sample taken in sole support of Government contracts. The following table shows the extent that discount fares did not exist in each type of travel:

Travel charged as:	Number of sample trips		
	Reviewed	Without discount fares	Percent without discount fares
Direct costs:			
Cost contracts	443	174	39.3
Fixed-price contracts	586	295	50.3
Indirect costs	928	408	44.0
Total	1,957	877	44.8

Based on statistical projections, we estimated that $120.9 million of the $362 million for travel in support of Government contracts was over routes for which there were no discount air fares. The $120.9 million of travel consisted of $29.6 million charged as direct costs on cost-reimbursable contracts, $41.3 million charged as direct costs on fixed-price contracts, and $50.0 million charged as indirect costs on all types of Government contracts (Appendix C).

Reason for the Lack of Discount Air Fares.—According to Military Traffic Management Command officials, the primary reason discount air fares did no exist for the $120.9 million of travel was that contractors' travel patterns were not considered by either the Military Traffic Management Command or the General Services Administration when determining the routes for which discount air fares would be solicited from the airlines. The main source used to gather and consolidate potential routes for solicitation purposes was routes shown on Government Transportation Requests used by Government employees for air travel. Since contractors had made only limited use of Government Transportation Requests, the routes traveled by contractors' employees were not considered. The other sources used to identify new routes were requests from Defense and other Federal activities for air transport service based on travel patterns of their personnel. However, no action had been taken to identify air travel requirements of Defense contractor personnel.

Actions Needed to Provide Contractors with Government Fares.—In March 1986, the General Services Administration's FY 1987 discount air fare solicitation requested discount air fares for 1,490 routes. Although the solicitation included 174 of the routes we had identified as not having discount fares and the Military Traffic Management Command stated that it would request the General Services Administration to solicit 12 additional discount air fares based on our audit results, additional effort will be necessary to increase the number of contractor routes without discount air fares. Since 877 of the routes we found were identified by random sampling at 15 contractors sites, we believe that DoD could determine a need for a substantial number of additional discount air fares for routes traveled by contractors. The results of this determination should be reported to the Military Traffic Management Command, who in turn, should request the General Services Administration to solicit these additional discount air fares from the airlines.

Potential Savings.—If the General Services Administration had been able to negotiate discount air fares for all routes traveled by the 90 contractors during 1985 in support of government business, and the discount fares had been comparable to those existing at the time of our audit, we estimated that contractors could have reduced expenditures in support of Government contracts by about $47.4 million. For travel charges as direct costs on cost-reimbursable contracts, savings would have been about $14.7 million. An additional $32.7 million could have been reduced from the air fares paid by the contractors if discount air fare routes were available for all travel charged as direct costs on fixed-price contracts ($14 million) and as indirect costs on all types of Government contracts ($18.7 million), and if the contractors were permitted to use discount air fares on such trips (Appendix D).

Recommendations for Corrective Action

We recommend that the:

1. Army Deputy Chief of Staff for Logistics, the Assistant Secretary of the Navy (Shipbuilding and Logistics), the Assistant Secretary of the Air Force (Research, Development and Logistics), and the Director, Defense Logistics Agency require their contract administration activities to obtain data that show air routes traveled by their major contractors and report that data to the Commander, Military Traffic Management Command.

2. Commander, Military Traffic Management Command request the General Services Administration to negotiate additional discount air fares based on air routes traveled by major Defense contractors.

Management Comments

Recommendation 1.—The Director for Transportation, Energy and Troop Support within the Office of the Army Deputy Chief of Staff for Logistics concurred, stating that data on air routes can be obtained for current contracts. The Assistant Secretary of the Navy (Shipbuilding and Logistics) concurred, provided reporting is for a limited time only, or alternatively, that reporting is based only on routes not identified in the Federal Travel Directory. The Assistant Secretary of the Air Force (Research, Development and Logistics) concurred, stating that Air Force Systems Command will be tasked to identify the most frequently traveled air routes used by its major contractors, and in turn, furnish this information to the Commander, Military Traffic Management Command. Expected completion date was March 31, 1987. The Deputy Director of the Defense Logistics Agency concurred, stating that the agency will work with the Military Traffic Management Command as recommended. However, this will be an ongoing effort and no completion date can be provided.

Recommendation 2.—The Director for Transportation, Energy and Troop Support within the Office of the Army Deputy Chief of Staff for Logistics, concurred in the finding and recommendation that was addressed to the Commander, Military Traffic Management Command.

Audit Response to Management Comments

Recommendation 1.—The Army concurred, but their statement that "data on air routes can be obtained for current contracts" was not responsive to our recommendation. Specifically, the response did not state what or if corrective actions have been or will be taken to fully implement the recommendation. We request that the Army Deputy Chief of Staff for Logistics, in responding to the final report, identify the action taken or planned and its estimated date of implementation. The Navy's concurrence, provided that reporting is based only on routes not identified in the Federal Travel Directory, meets the intent of the recommendation. However, the Navy did not indicate what actions have been or will be taken to fully implement the recommendation. We request that the Assistant Secretary of the Navy (Shipbuilding and Logistics), in responding to the final report, identify the action taken or planned and its estimated date of implementation. The Defense Logistics Agency's reply was not fully responsive to the recommendation. Specifically, the Agency needs to identify the actions taken or planned, and its estimated or planned completion date(s) for obtaining and providing data to the Military Traffic Management Command on air routes traveled by major contractors. We request that the Director, Defense Logistics Agency identify the action taken or planned and its estimated date of implementation.

Recommendation 2.—The general concurrence from the Army was not responsive to our recommendation. The response did not state what or if corrective actions have been or will be taken to fully implement the recommendation. We request that the Army Deputy Chief of Staff for Logistics identify the action taken or planned and its estimated date of implementation.

[Appendix A]

AIRLINES PROVIDING DISCOUNT AIR FARES THROUGH FEDERAL CONTRACT AIRLINE PROGRAM AS OF DEC. 31, 1985

Airlines	Number of discount fares (city-pairs)	
	Total	Contractors [1]
Air California	15	15
Alaska Airlines	5	5
American Airlines	16	
Braniff Airlines	16	16
Brockway Air	9	
Continental Airlines	208	208
Delta Air Lines and Delta Connection	55	55
Eastern Airlines	219	219
Empire Airlines	10	
Empire Airways	1	
Frontier Airlines	27	27
Hawaiian Airlines	9	
Mid Pacific Airlines	3	3
Midway Airlines	5	5
New York Air	17	
Northwest Orient Airlines	38	38
Ozark Airlines	37	37
Pacific Southwest Airlines	2	2
Pan American World Airways	26	
Piedmont Airlines and Piedmont Regional	76	
Republic Airlines	42	
Southwest Airlines	48	48
Trans World Airlines	126	
US Air and Allegheny Commuter	66	
World Airways	7	7
Totals	1,083	685

[1] Number of discount air fares unconditionally available to Government contractors traveling in support of Government cost-reimbursable contracts. The airlines that have not formally agreed to provide discount air fares to such contractors still have the option to provide the fares when requested by the contractors.

[Appendix B]

TOTAL PROJECTED AIR TRAVEL TRIPS AND COSTS INCURRED BY 90 DEFENSE CONTRACTORS DURING CALENDAR YEAR 1985

[Dollar amounts in millions]

Contractor travel charged as—	Number of trips	Percent	Cost of trips	Percent
Government:				
Direct costs:				
Cost contracts	389,700	25	$107.4	23
Fixed price contracts	316,200	20	91.4	20
Indirect costs	557,200	35	163.2	35
Subtotal	1,263,100	80	362.0	78
Government/commercial: indirect costs (joint)	245,700	16	80.4	17
Commercial	43,900	3	19.5	4
Indeterminable	11,000	1	4.6	1

TOTAL PROJECTED AIR TRAVEL TRIPS AND COSTS INCURRED BY 90 DEFENSE CONTRACTORS DURING CALENDAR YEAR 1985—Continued

[Dollar amounts in millions]

Contractor travel charged as—	Number of trips	Percent	Cost of trips	Percent
Total	1,563,700	100	466.5	100

[Appendix C]

COMPARISON OF AVAILABLE CONTRACT AIR FARES TO 1985—TRIPS TAKEN BY 90 DEFENSE CONTRACTORS IN SOLE SUPPORT OF GOVERNMENT BUSINESS

[Dollar amounts in millions]

Contractor travel charged as—	Total trips	Cost of total trips	Trips with available contract fares	Cost of trips with available contract fares	Trips without available contract fares	Cost of trips without available contract fares
Direct costs:						
Cost contracts	389,700	$107.4	250,400	$77.8	139,300	$29.6
Fixed Price contracts	316,200	91.4	179,900	50.1	136,300	41.3
Indirect costs	557,200	163.2	364,700	113.2	192,500	50.0
Total	1,263,100	362.0	795,000	241.1	468,100	120.9

[Appendix D]

POTENTIAL SAVINGS IF GOVERNMENT DISCOUNT AIR FARES HAD BEEN MADE AVAILABLE AND/OR UTILIZED FOR CONTRACTOR TRAVEL IN SUPPORT OF ALL GOVERNMENT CONTRACTS

[Dollar amounts in millions]

Contractor travel charged as—	Number of trips	Cost	Authorized use of cost contracts	Type of potential savings		
				Other DOD travel	Additional discount fares	Total potential savings
Government:						
Direct costs:						
Cost contracts	389,700	$107.4	$26.1		$14.7	$40.8
Fixed price contracts	316,200	91.4		$17.4	14.0	31.4
Indirect costs	557,200	163.2		44.2	18.7	62.9
Subtotal	1,263,100	362.0	26.1	61.6	47.4	135.1
Government/commercial: Indirect costs (joint)	245,700	80.4				
Commercial	43,900	19.5				
Indeterminable	11,000	4.6				
Total	1,563,700	466.5	[1] 26.1	[2] 61.6	[3] 47.4	135.1

[1] Can be realized by implementing contractors' use of discount air fares for cost-reimbursable contracts. Includes $13.1 million not covered by definitive airline agreements but the carriers can provide contractors discount air fares.

[2] Can be realized by increasing discount fares to include all travel solely in support of Government contracts. Includes $40.2 million not covered by definitive airline agreements but the carriers can provide contractors discount air fares.

[3] Can be realized by increasing the number of discount air fares to include routes flown by contractor personnel.

[Appendix E]

PENTAGON,
TELECOMMUNICATIONS CENTER,
Washington, DC.

Subject: Use of Government Contract Air Fares by Cost-reimbursable Contractors. Pass to Transportation and Contracting Officers.

1. The Contract Air Program provides for transportation of Army travelers on official business between specific city pairs at substantially discounted rates. The program also provides that cost-reimbursable contractors working for the Army may use the same contract air fares available to Army employees traveling at Government expense if the contract airline agrees to the arrangement. GSA, by ref A, announced agreement from six contract carriers to allow Government cost-reimbursable contractors on official Government travel, with proper identification supplied by authorizing agencies, to obtain the contract fares by use of a Government transportation request (GTR), cash or credit card.

2. Those contract airlines which permit employees of cost-reimbursable Government contractors to use GSA contract discount fares are:

Contract Airline—Payment Method Required

Aircal (OC)—GTR, cash, or credit card.

Braniff Airlines (BN)—GTR, cash, or credit card.

Delta Airlines (DL)—GTR, cash, or credit card.

World Airways (WO)—GTR, cash, or credit card.

Continental Airlines (CO)—GTR, cash, or credit card.

Northwest Orient Airlines (NW)—GTR, cash, or credit card.

3. Since contractor use of contract air fares represents a potentially large savings to the Government, Army transportation and contracting personnel will take steps to immediately implement the following policy/procedures.

4. GSA C-TY pair contract rates may be used by Army cost-reimbursable contractors for travel of their employees located on or in close proximity to an Army scheduled airline ticket office (SATO) or authorized commercial travel office (CTO).

5. Through coordination with installation transportation officers (ITO), installation contracting officers will identify those Army cost-reimbursable contractors on or near a SATO/CTO site whose contracts provide for reimbursement of allowable contractor employee air transportation direct costs.

6. Contracting officers will provide each cost-reimbursable contractor's employee with documentation certifying that the contractor's employee is under contract to the Department of the Army, including the specific time period, and is eligible and authorized to use discount contract fares. Documentation should also include the contract number, contractor's name, and billing address.

7. ITOs will confirm that the on-or-near site cost reimbursable contractor purchases airline tickets from the installation SATO/CTO. If the cost-reimbursable contractor is not using the SATO/CTO for purchase of airline tickets, ITOs, through the contracting office, will request that the contractor purchase tickets at the GSA contract rates from the SATO/CTO. Contracting officers are encouraged to amend existing contracts to require contractors to use GSA contract fares. New contracts should require that cost-reimbursable contractors will, whenever possible, use GSA contract air fares when traveling on official Government business.

8. ITOs, in conjunction with the contracting officer, will provide the SATO/CTO with contractor identification codes so that the tickets issued to the contractor at the GSA contract rates will be reflected in the monthly SATO/CTO furnished travel management reports. Those management information reports pertaining to contractor travel should also be made available to the contracting officer.

9. ITOs will ensure that tickets issued by the SATO/CTO to cost-reimbursable contractors at the GSA contract rates reflect the contractor's billing address.

10. In those instances where GTRs are used, ITOs will, upon verifying the traveler's identification letter, issue a GTR for the contractor travel. GTR will reflect the applicable contract number, contractor's name and billing address. Where there is a sufficient volume of contractor travel, the ITO may designate a GTR number to be used by the SATO/CTO for a specified billing period determined by the contractor and the SATO/CTO. All airline tickets issued to

the contractor at the GSA contract rates will be issued against that GTR. At the close of the billing period, the SATO/CTO will bill the contractor for tickets issued against the GTR using SF 1113, public voucher for transportation charges, attaching the original GTR copy to the SF 1113. A copy of the GTR and the SATO/CTO bill will be furnished to the ITO.

11. Upon completion of each applicable cost-reimbursable contract the contracting officer will notify the ITO who will, in turn, notify the SATO/CTO that issuance of tickets at the GSA Government rates to the contractor for the completed contract is no longer authorized.

12. Transportation and contracting personnel are encouraged to work together to take maximum advantage of this opportunity to save transportation dollars.

13. This message has been coordinated with ASA (RD&A) who will issue additional detailed policy in the near future.

14. POC for transportation issue is Ms. Phyllis Broz, DALO-TSP-P6, Autovon 224-4375. POC for contracting issue is Mr. Kenneth Loehr, ASA (RD&A), Autovon 227-2630. Bt.

[Appendix F]

Department of the Navy,
Office of the Assistant Secretary,
Washington DC, February 14, 1986.

Memorandum for distribution:

Subject: Use of Government contract airfares by cost reimbursable contractors.

Enclosures (1) List of Airlines that Allow Cost Reimbursable Contractors to Use Government Contract Airfares, (2) Standard Identification Letter.

1. Since 1980, the General Services Administration (GSA) has been contracting with various commercial airlines to provide reduced airfares between specified city-pairs for government employees traveling on official business. A number of the airlines have agreed to make their reduced airfares also available to contractor personnel traveling on official government business under contracts that provide for cost reimbursement of direct travel costs.

2. Enclosure (1) is a list of the airlines that will allow cost-reimbursable contractor personnel to use the reduced airfares. Enclosure (1) also indicates the method(s) of payment that contractors may use to obtain tickets, as well as whether an authorization/identification letter is required from the agency that awarded the contract. Additional information, including schedules and fares for all flights covered by the city-pair reduced fare program, is set forth in the Federal Travel Directory. This directory is published monthly and is available to government personnel through administrative channels and to contractors for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, telephone (202) 783-3238. A standard letter of authorization/identification which contracting officers can provide to contractor personnel is included in enclosure (2). This particular letter was included in a bulletin issued by the GSA concerning the city-pair airfares and covers information which GSA indicated is require by the airlines.

3. In view of the potential significant savings which would accure to the Navy, Contracting Officers should advise all cost reimbursable contractors (including contractors performing under fixed price incentive contractors) of the city-pair airfare program and enclosure such contractors and their cost reimbursable subcontractors to take advantage of the lower airfares whenever possible. Contracting Officers also should attempt to negotiate into future cost reimbursable contractors which will involve commercial air travel, a provision by which the contractor agrees to use the city-pair airfares whenever feasible. A proposed clause for this purpose has been prepared by this office and will be forward by separate correspondence if, and when, the DAR Council grants the Navy a DAR deviation to use the clause on a repetitive basis.

4. As shown in enclosure (1), many of the airlines require cost reimbursable contractors to use Government Transportation Requests (GTRs) to buy city-pair reduced airfare tickets. Although there may be instances when it is possible to provide a GTR to a contractor for official travel, it is generally not feasible to do so. As a result, the current usefulness of the city-pair reduced airfare program is very limited. In time, however, more airlines should accept payment by cash or credit card. In addition, the Military Traffic Management Command is considering procedures which would make it administratively practical to provide contractor personnel with GTRs or which would eliminate the need for GTRs through an alternate simplified travel authorization and payment method.

5. The CBM point of contact for this matter is Mr. S. Tronic, (202) 692-3558/9.

W.R. Adams,
Deputy Director,
Contracts & Business Management.

AIRLINES THAT ALLOW COST REIMBURSABLE CONTRACTORS TO USE GOVERNMENT CONTRACT AIR FARES (AS OF 1 NOV. 1985)

Airline	Payment method	Agency ID letter required
Air Cal (OC)	GTR, cash or personal credit card	Yes.
Alaska (AS)	GTR	Yes.
Braniff (BN)	GTR, cash or personal credit card	Yes.
Continental (CO)	GTR	Yes.
Delta (DL)	GTR, cash or personal credit card	Yes.
Frontier (FL)	GTR	No.
Mid Pacific (HO)	GTR, cash or personal credit card	No.
Midway (ML)	GTR, cash or personal credit card	Yes.
Northwest (NW)	GTR	No.[1]
Pacific Southwest (PS)	GTR	Yes.
Southwest (WN)	GTR	Yes.
World (WO)	GTR, cash or personal credit card	Yes.

[1] Will accept valid corporate identification in lieu of agency identification letter.

Standard Identification Letter

(To be typed on agency official letterhead)

To: Participating GSA Contract Airlines.

Subject: Official travel of cost-reimbursable contractor.

(Full name of traveler), the bearer of this letter, is an employee of (Company name) which is under contract to this agency under the cost-reimbursable contract (contract number). During the period of the contract, (give dates), the employee will be performing direct, reimbursable travel in performance of the contract. The employee is thereby eligible and authorized to use the GSA contract discount fares in accordance with your city-pairs contract with the General Services Administration.

[Appendix G]

Defense Logistics Agency,
Alexandria, VA, May 28, 1985.

Subject: Use of Government Contract Air Fares by Cost-Reimbursable Contractors.

To: Region Commanders. Attention: Directors, Contract Management Chiefs, Transportation and Packaging.

1. Reference: GSA Bulletin FPMR A-87 General, 9 April 1985, subject as above.

2. Referenced Bulletin is forwarded for your use in administering contracts with contractor travel requirements.

For the Director:

Walter Groome, Jr.,
Chief, Transportation and Packaging Division Contract Management.

General Services Administration,
Washington, DC, April 9, 1985.

To: Heads of Federal agencies.

Subject: Use of Government contract air fares by cost-reimbursable contractors.

1. Purpose: This bulletin announces the conditions of availability of the General Services Administration's contract airline discount fares to Government cost-reimbursable contractors.

2. Expiration date: This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. Background:

a. In July 1980, the General Services Administration (GSA) initiated the contract airline program for discount air fares between selected city-pairs. In fiscal year 1985, GSA contracted with 22 airlines to furnish passenger service for official Government travel in 643 city-pairs at discount fares. Regulations governing the use of the contract airlines are contained in Federal Property Management Regulations (FPMR) Temporary Regulation A-22. The Federal Travel Directory (FTD), which GSA publishes monthly, identifies current contract airlines, flight schedules, and contract fares.

b. FPMR Temporary Regulation A-22 provides that cost-reimbursable contractors working for the Government may use the same contract fares available to Federal employees traveling at Government expense if the contract airline agrees to the arrangement. The regulation further provides that cost-reimbursable contractors on official government travel and with proper identification supplied by authorizing agencies may obtain the contract fares by use of a Government Transporation Request (GTR) (Standard Form 1169), cash, or a personal credit card.

c. This bulletin identifies contract airlines which permit employees of cost-reimbursable Government contractors to use GSA contract discount fares in accordance with FPMR Temporary Regulation A-22.

4. Contract airline practices:

a. GSA asked the contract airlines to outline their current practices on the use of GSA contract discount fares by employees of cost-reimbursable Government contractors, their required payment method, and the documentation required for employees of cost-reimbursable contractors to qualify for the GSA contract discount fares. Attachments A and B incorporate the results of the survey taken.

b. Changes in airline practices will be announced by supplement to this bulletin.

5. Agency responsibilities:

a. Agencies should ensure that cost-reimbursable contracts include a provision that other savings achieved through the contractor's use of the GSA contract discount fares accrue to the Government.

b. Agencies should furnish the cost-reimbursable contractor the required identification letter(s), illustrated in attachment B, for presentation to the contract airline as indicated in attachment A.

6. Availability of the FTD. Cost-reimbursable contractors may obtain copies of the FTD from the contracting agency or from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Telephone (202) 783-3238.

7. Information. Inquiries concerning this bulletin may be directed to Mr. John J. Whalen, Jr., General Services Administration, Travel and Transportation Services Division (FTE), Washington, DC 20406. Telephone: FTS 557-1264/(703) 557-1264.

8. Action. All agency heads are requested to make this information available to contracting officers and, where appropriate, cost-reimbursable contractors, and to encourage the use of GSA contract discount fares whenever possible in order to achieve savings in passenger airline transportation expenses.

By delegation of the Assistant Administrator.

JAMES G. GRADY, JR.,
Director of Policy
and Agency Assistance.

[Attachment A]

CONTRACT AIRLINES THAT AGREE TO PROVIDE PASSENGER TRANSPORTATION TO COST-REIMBURSABLE CONTRACTORS PURSUANT TO FPMR TEMPORARY REGULATION A-22, TO THE EXTENT NOTED BELOW

Contract airline	Payment method required	Agency identification letter [1]
AirCal (OC)	GTR, cash, or personal credit card	Yes.
Braniff Airlines (BN)	GTR, cash, or personal credit card	Yes.
Continental Airlines (DL)	GTR,	Yes.
Delta Air Lines (DL)	GTR, cash, or personal credit card	Yes.
Northwest Orient Airlines (NW).	GTR	No.[2]
World Airways (WO)	GTR, cash, or personal credit card	Yes.

[1] Attachment b required.

[2] This airline will accept a valid corporate identification in lieu of the agency identification letter.

[Attachment B]

Agency Letter for Identification Required for Cost-Reimbursable Contractors to Qualify for GSA Contract Discount Fares

(To be typed on agency official letterhead)

To: GSA Contract Airline.

Subject: Official travel of cost-reimbursable contractor.

(Full name of traveler), the bearer of this letter, is an employee of (Company name) which is under contract to this agency under the cost-reimbursable contract (contract number). During the period of the contract, (give dates), the employee will be performing direct, reimbursable travel in performance of the contract. The employee is thereby eligible and authorized to use the GSA contract discount fares in accordance with your city-pairs contract with the General Services Administration.

[Appendix H]

ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, April 1, 1986.

Memorandum: For Assistant Secretary of the Army (I&L), Assistant Secretary of the Navy (S&L), Assistant Secretary of the Air Force (SAFAL), Director of the Defense Logistics Agency.

Subject: Use of Reduced Airfares by DoD Contractors.

The General Services Administration (GSA) has contracted with several commercial airlines to provide reduced airfares to government employees on official business. The contract also provides that the airlines may provide the reduced fares to contractor employees as well, in accordance with FAR Part 51, when they are traveling on official government business.

The potential savings through use of the above fares is significant. Suggested procedures for using these fares have been developed by the Military Traffic Management Command in collaboration with the airlines and other Government Agencies. A copy is attached for your use. Also attached is a publication which lists the routes and fares available under this program. The publication is available through normal distribution channels. I encourage you to take advantage of the GSA contract rates and implement the procedures in negotiation of all cost reimbursement type contracts with defense contractors.

Please effect the coordination necessary between the acquisition and logistics communities to ensure effective implementation of this program.

JAMES P. WADE, Jr.

PROCEDURES FOR COST REIMBURSABLE CONTRACTORS USE OF CONTRACT AIRFARES

1. The General Services Administration (GSA) negotiates contracts with air carriers for reduced fares between specific city pairs. Many airlines also authorize use of these fares by certain contractors, but in most cases require payment to be made by Government Transportation Requests (GTRs).

2. The information on carriers participating in this program, along with the city-pairs and contract fares is contained in the Federal Travel Directory published by the Government Printing Office (enclosed). Additional copies of the directory can be obtained by calling the Superintendent of Documents at (202) 783-3283.

3. Following are suggested procedures for issuing GTRs to accommodate cost reimbursable contractors' use of Government air fares. Variations are authorized provided an audit trail is maintained.

a. The contractor may order Government fare services through travel agencies currently providing travel services to the contractor, travel agents under contract to the Department of Defense (DoD) or GSA, or Scheduled Airline Traffic Offices (SATOs) providing services to GSA or DoD. Whichever source is selected will be required to furnish monthly management information reports to the Military Traffic Management Command (MTMC) and the military service component concerned. Report format and submission dates can be obtained by contacting the Program and Regulation Division of MTMC at (703) 756-1393.

b. Government Transportation Requests will be used to procure Government fares as follows:

(1) The contractor will designate in writing one or more persons in the organization who will be responsible for authorizing travel at Government rates and issuing GTRs to purchase tickets. This information will be provided to the transportation officer providing support to the Administrative Contracting Officer.

(2) The transportation officer will forward a suitable number of GTRs and instructions for use to the contractor. One GTR should be used for each airline per billing period. GTRs provided to the contractor will reflect the applicable contract number, contractor's name, and billing address. GTRs will not be issued to contractor employees for their use in securing alternative or additional tickets while on travel. GTRs are accountable forms, therefore, acknowledgement of receipt by the contractor is required. The transportation officer's register of GTRs used will reflect all issuances to contractors.

(3) The transportation officer will confirm that the contractor purchase airline tickets from a source that has agreed to provide management data and will identify the billing frequency (weekly, monthly, etc.).

(4) The transportation officer will ensure that tickets issued to contractors at Government rates reflect the applicable GTR number in the form of payment box, and the contractors billing address.

c. The contractor will prepare a form letter as follows to be reproduced on company letterhead:

To: Name of entity issuing tickets.

Subject: Official Travel of Cost Reimbursable Government Contractor.

(Full name of traveler), the bearer of this letter, is an employee (Company name) which is under contract to (Name of Government contracting office) under cost reimbursable contract number ——. The employee is thereby eligible and authorized to use contract airfares in accordance with (Name of airline) city-pair contract with the General Services Administration.

(Signature, title and telephone number of authorized company representative)

A copy of the above letter will be forwarded to the office or agency for each ticket issued or presented at the time of ticket pick up. The ticket issuing agency will file a copy of the letter with the agent's or auditor's copy of the ticket coupon and will be subject to audit by the Government.

d. An SF 1170 Redemption of Unused Tickets will be used to obtain refunds for tickets ordered by the contractor, issued but not used. The transportation officer will provide a suitable number of SF 1170's to the contractor. The SF 1170's provided to the contractor will reflect the contractor's name, billing address, and contract number in the block entitled "name and address of the agency to which refund is to be made." When the contractor submits an SF 1170, the unused ticket coupons, for which a refund is being requested, will be attached to the SF 1170.

e. The contractor will provide one GTR for each applicable contract for each billing period. Before the contractor furnishes the GTR, the contractor official responsible for ordering tickets will present the GTR to the transportation officer for signature in the space entitled "Issuing Government Officer." During the billing period, all airline tickets issued to the contractor at Government rates will be issued against the GTR. Each airline ticket issued under this procedure will contain at least one flight coupon at the Government rate. Tickets issued which do not meet this qualification shall not be issued against the GTR. At the close of the billing period, the travel agency or SATO will bill the contractor for tickets issued using a SF 1113, Public Voucher for Transportation Charges, attaching the blue GTR copy to the SF 1113. A copy of the GTR and the bill will be furnished to the installation transportation/travel office.

f. The contractor will promptly notify the transportation officer of lost or stolen GTRs. The notification will include a complete statement of facts. If a lost or stolen GTR was partially complete and contained the name of a carrier, service ordered or point of origin, the contractor shall also provide written notification to the travel agency or SATO. If a GTR which had been reported as lost or stolen is subsequently located, it shall not be used. It shall be marked "cancelled" and returned to the transportation officer.

g. A GTR spoiled in preparation, cancelled, or prepared for issuance but not used, shall be marked "cancelled" and returned to the transportation officer.

h. The contractor will maintain a register of GTRs received by GTR number so that the use and disposition of each GTR can be detemined. For the first fiscal year, at the end of each fiscal year quarter, the transportation officer will reconcile the GTR register with the contractor and reflect the result of the reconciliation on the installation register. Based on the experience gained during the first year, reconciliation may be performed less frequently but in no case shall less than one reconciliation per fiscal year be performed.

i. Upon completion of each applicable contract, the contractor will return all unused GTRs to the transportation officer. In addition, upon completion of a contract, the transportation officer will notify the SATO or travel agency that issuance of tickets at government rates to the contractor for the completed contract is no longer authorized.

j. Government fares will not be used by the contractor if commercial fares that are less or equal to the contract fare are available.

[Appendix I]

ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, January 8, 1987.

Memorandum for Assistant Inspector General for Auditing, DOD.

Subject: Draft Report on the Audit of Contractors' Use of Government Transportation Requests (Project 6AC-012).

This is in response to your memorandum of September 30, 1986, subject as above.

The purpose of the audit was to review and evaluate the utilization of the General Services Administration's (GSA) discount air fares program by Defense contractors. The draft report recommended that the Department of Defense (DoD) expand the use of the GSA discount air fare program by our contractors.

In general, we have already implemented most of the recommendations with which we concur. GSA discount air fare has been available to contractors for only two years. During that time Military Traffic Management Command (MTMC) has worked continuously with GSA concerning route negotiations with airlines; the ASD(A&L) issued a relevant policy memorandum; and the DAR council completed Case No. 85-280 which (when implemented) establishes FAR guidance to contracting officers.

The enclosure includes a detailed response to each specific recommendation, including the recommendation for which we partially concur and the recommendation for which we nonconcur.

Thank you for the opportunity to comment on the draft report.

THOMAS P. CHRISTIE
(For the Assistant Secretary of Defense (Acquisition & Logistics)).

DRAFT REPORT ON THE AUDIT OF CONTRACTORS' USE OF GOVERNMENT TRANSPORTATION REQUESTS (PROJECT 6AC-012)

RECOMMENDATIONS

Recommendation A. 1.—Establish DoD-wide policies and procedures that require DoD components to achieve effective use of the General Services Administration's discount air fares by government contractors traveling in support of cost-reimbursable contracts. To achieve this objective, the procedures should explain how:

a. Contracting officers and administrative contracting officers can authorize contractors to use discount air fares on travel charged to existing cost-type contracts;

b. Contractors can obtain Government Transportation Requests, which some airlines require as authorizations for obtaining the discount air fares;

c. Contractors can request discount air fares from the airlines;

d. Contractors will pay for discount air fares obtained with Government Transportation Requests;

e. Contractors' use will be monitored and controlled to ensure full and proper use of the discount air fares, and,

f. Services and Defense agencies will monitor their organizations' efforts to arrange for contractors to use the fares.

ASD(A&L) Response.—Concur.—Prior to the IG's release of the "Draft Report on the Audit of Contractors' Use of Government Transportation Requests" (Project 6AC-012), the DoD began expanding the use of the General Services Administration's (GSA) discount air fare program to include contractors traveling under cost reimbursable contracts when such travel cost is a direct charge to the contract. On April 1, 1986, the Assistant Secretary of Defense (Acquisition and Logistics) (ASD(A&L)) issued a memorandum (see attachment A) to the Military Departments and the Defense Logistics Agency (DLA) encouraging greater utilization of GSA discount air fares by eligible contractors. The memorandum heralded the potential savings which were available through the program. The memorandum also provided suggested procedures to be used by contractors and contracting officers.

Further, the Defense Acquisition Regulatory (DAR) Council initiated DAR Case 85-280 entitled "Use of Government Contract Air Fares" in December of 1986 (see attachment B). The DAR case as approved by the DAR Council on August 8, 1986, creates a new subpart to the Federal Acquisition Regulation (FAR) 51-3 entitled "Contractor Use of Government Discount Air Passenger Transportation Rates." This FAR subpart prescribes policies and procedures for contractors' use of discount air passenger transportation rates on cost reimbusement contracts and cost reimbursement line items in other contracts.

A proposed policy memorandum for signature of the Under Secretary of Defense (Acquisition) (USD(A)) is currently being developed that reiterates the aforementioned policy memorandum issued by the ASD(A&L).

Recommendation A. 2.—Require the Services and Defense agencies to provide guidance to their subordinate organizations to give them a complete understanding of the policies and procedures pertaining to contractors' use of the discount air fares.

ASD(A&L) Response.—Concur.—The aforementioned new FAR subpart 51.3 provides both general and specific guidance to field personnel pertaining to contractors' use of the discount air fares. Additionally the policy memorandum signed by the ASD(A&L) on April 1, 1986, attached suggested procedures to assist field personnel in implementing this program. The Military Departments and the Defense agencies have disseminated the guidance prescribed in the ASD(A&L) April 1, 1986, memorandum to their subordinate organizations. This guidance has been further disseminated through various correspondence to DOD contracting organizations. Contractor use of discount air fares will also be a major item of discussion at Defense Contract Administration Services (DCAS) travel and transportation workshops. To ensure maximum coverage of this issue the forth coming USD(A) policy memorandum will reiterate and re-enforce the guidance provided in our April 1, 1986, memorandum. The proposed USD(A) policy memorandum will request the Military Departments and Defense agencies to provide appropriate guidance to their subordinate commands to ensure contractors' use of GSA discount air fares.

Recommendation B. 1.—Request that the defense Acquisition Regulatory Council propose to the Federal acquisition Regulation Secretariat that Part 51 of the Federal Acquisition regulation be clarified and expanded so that contractors can be authorized to use the General Services Administration's discount air fares on all travel that is solely in support of all types of government contracts.

ASD(A&L) Response.—Partially Concur.—In August of 1986, the DAR Council approved Case 84-280 and sent it to the Civilian Agency Acquisition Council (CAAC) for their consideration. This coverage would require contracting officers to include a provision in cost reimbursement contracts and contracts with cost reimbursable line items to require the contractor to use GSA discount air fares to the maximum extent practicable. The proposed FAR coverage also allows the contracting officer to insert a similar clause in other contracts involving air travel by contractor employees when advantageous to the Government.

In regards to your recommendation that FAR Part 51 be revised to "authorize" contractors to use GSA discount air fares, it is important to note that the FAR cannot "authorize" contractor eligibility, rather it is the air carrier's willingness to extend the GSA discount air fares to DoD contractors. The newly approved FAR coverage does not restrict the types of contracts for which contractors use of the GSA discount air fare is allowed.

According to the GSA Director for Travel and Transportation Management Division, Federal Supply Service, airlines are not required to extend to government contractors the government discount air fare program. Only 16 out of the 27 airlines participating in the government discount air fare program have agreed to extend this privilege to government contractors in FY 1987. In fact, two major airlines (Delta and Eastern) which allowed this extension in FY 1986, have withdrawn the privilege in 1987 because of perceived contractor abuses, that is, contractors traveling under the government discount program for other than government business. The GSA Director further noted that in FY 1986 government contractors were authorized discounts on 700 (68.0%) of the 1030 city pairs routes available to government travelers. In FY 1987, however, only 350 (24.1%) routes were available for contractors in spite of an increase in the number of routes available to government travelers from 1030 to 1450. This drastic drop appears to result from air carriers concerns about perceived abuses by contractors and the issue of control.

The fact of the matter is that business travel is the "bread and butter" of the air carrier industry. The evidence seems to indicate that the air carriers do not find widespread application of GSA discounts to a large segment of their prime business market palatable. If we push too hard to expand application of our discounts to a larger and larger population of contractors travel, we are likely to see more airlines dropping out of the GSA system or we may see a rise in the rates for air travel by Government employees. A discount to all is a discount to none.

Recommendation B. 2.—Upon completion of Recommendation 1, request that the General Services Administration negotiate discount air fares for all contractor air travel solely in support of government contracts.

ASD(A&L) Response.—Concur.—In conjunction with recommendation C2 the Military Traffic Management Command will request GSA to negotiate with participating airlines to expand the terms of the discount air fare contracts to include contractors air travel in support of government contracts.

Recommendation B. 3.—Pending revision of Part 51 of the Federal Acquisition Regulation, require contracting officers to negotiate air travel expenses in fixed-price contracts under a separate cost-reimbursable provision in which contractors are enabled to use government discount fares and are required to contain air travel expenses to cost equivalent to or less than the government fares, whenever practical.

ASD(A&L) Response.—Concur.—The proposed USD(A) memorandum to the Military Departments and Defense agencies will recommend that contracting officers give consideration to negotiating air travel requirements in fixed-price contracts under a separate cost-reimbursable provision, where such a practice is determined to be in the best interest of the government.

Recommendation B. 4.—Establish criteria, based on level of government business, for contractor use of the government discount air fares for trave charged as indirect costs to all types of government contracts.

ASD(A&L) Response.—Nonconcur.—We do not believe that establishing the detailed procedures that would be required, along with the burdensome administrative requirements to properly administer this recommendation, would be economically feasible. In addition, as stated in our response to recommendation B.1 above, only 16 out of 27 airlines have agreed to extend this coverage to government contractors, plus 2 major airlines have withdrawn the coverage because of possible contractor abuses. In our opinion, extending the coverage to travel charged as indirect cost could cause further concerns on the part of the airlines with potential further reductions in the program. Lastly, depending upon the mix of business, such a policy could give a competitive advantage to certain contractors.

[Appendix J]

DEPARTMENT OF THE ARMY,
Washington, DC, December 4, 1986.

Memorandum thru Robert W. Allen, LTC, GS, ADAS, Assistant Secretary of the Army (Installations and Logistics).

For Deputy Assistant Inspector General for Auditing, Department of Defense, Eric A. Orsini, Deputy Assistant Secretary of the Army (Logistics) OASA (I&L)

Subject: Draft Report on the Audit of Contractors' Use of Government Transportation Requests (Project 6AC-012)—Information memorandum.

1. This is the response to your memorandum of 30 September 1986, requesting information on subject DOD-IG Draft Report.

2. The Army position for each finding and recommendation is at Tab A.

3. Point of contact for this office is MAJ Donna D. Lightfoot, 44376.

PAUL C. HURLEY,
Brigadier General, GS, Director for Transportation, Energy and Troop Support.

DEPARTMENT OF THE ARMY, DODIG DRAFT AUDIT REPORT NO. 6AC-012, CONTRACTOR'S USE OF GOVERNMENT TRANSPORTATION REQUESTS

Finding A.—Defense contractors had not used the General Services Administration's discount air fares when traveling in support of Government cost-reimbursable contracts. The discount air fares were not used because DoD had not established Defense-wide policies that required Service and Defense agency contracting personnel to require contractors to use the discount travel rates. Furthermore, there were no Defense-wide procedures explaining how contractors could request and pay for the fares. By taking advantage of available discount fares, DoD could have saved an estimated $26.1 million, or 24 percent of the $107.4 million it reimbursed to the 90 contractors for air travel costs incurred in support of cost-reimbursable Government contracts during 1985.

Additional facts.—None.

Recommendations and actions taken:

Recommendation 1.—Establish DoD-wide policies and procedures that require DoD components to achieve effective use of the General Services Administration's discount air fares by Government contractors traveling in support of cost-reimbursable contracts. To achieve this objective, the procedures should explain how: (a) Contracting officers and administrative contracting officers can authorize contractors to use discount air fares on travel charged to existing cost-type contracts; (b) Contractors can obtain Government Transportation Requests, which some airlines require as authorizations for obtaining the discount air fares; (c) Contractors can request discount air fares from the airlines; (d) Contractors will pay for discount fares obtained with Government Transportation Requests; (e) Contractors' use will be monitored and controlled to ensure full and proper use of the discount air fares; and (f) Services and Defense agencies will monitor their organizations' efforts to arrange for contractors to use the fares.

Army position.—Concur. DAR Council has approved implementing policies and procedures under DAR Case 85-280.

Recommendation 2.—Require the Services and Defense agencies to provide guidance to their subordinate organizations to give them a complete understanding of the policies and procedures pertaining to contractors' use of the discount air fares.

Army position.—Concur. Upon completion of above DAR case, further guidance will be provided.

Finding B.—Air travel costs incurred by 90 Defense contractors in sole support of Government contracts and charges as direct costs on fixed-price contracts and as indirect costs on all types of Government contracts were not eligible for the General Services Administration's discount air fares. This occurred because the General Services Administration's contracts with the airlines limited Government contractors' use of discount fares only to air travel that was chargeable as direct costs on cost-reimbursable contracts. During calendar year 1985, about $163.3 million of air travel by the 90 contractors was charged as direct costs on fixed-price contracts and as indirect costs on all types of Government contracts. If discount fares had been eligible and used on the $163.3 million of noncost contract travel, the air fares paid by the 90 contractors in 1985 could have been reduced by an estimated $61.6 million.

Additional facts.—None.

Recommendations and actions taken.

Recommendation 1.—Request that the Defense Acquisition Regulatory Council propose to the Federal Acquisition Regulation Secretariat that Part 51 of the Federal Acquisition Regulation be clarified and expanded so that contractors can be authorized to use the General Services Administration's discount air fares on all travel that is solely in support of all types of Government contracts.

Army position.—Partially concur. This recommendation should be addressed to an OSD office rather than the DAR Council. GSA's agreements with air carriers would have to address access to discounted rates for all types of contracts. It should be noted that the larger the base of "discounted" users the smaller will be the discount available.

Recommendation 2.—Upon completion of Recommendation 1, request that the General Services Administration negotiate discount air fares for all contractor air travel solely in support of Government contracts.

Army position.—Concur for cost type contracts.

Recommendation 3.—Pending revision of Part 51 of the Federal Acquisition Regulation, require contracting officers to negotiate air travel expenses in fixed-price contracts under a separate cost-reimbursable provision in which contractors are enabled to use Government discount fares and are required to contain air travel expenses to costs equivalent to or less than the Government fares, whenever practical.

Army position.—Nonconcur. Use of discount air fares should not be mandated for fixed price contracts. A separate reimbursable line item for travel would reduce the cost risk to the contractor, open up the potential for excess costs, and result in unnecessary contract administration costs.

Recommendation 4.—Establish criteria, based on level of Government business, for contractor use of Government discount air fares for travel charged as indirect costs to all types of Government contracts.

Army position.—Nonconcur. It would be difficult to monitor indirect costs at discount rates, particularly in fixed price contracts. A contractor could charge indirect costs for travel which was not really essential for performance of that contract.

Finding C.—Discount air fares were not available on flights frequently used by Defense contractors. Discount air fares did not exist for $120.9 million of the $362.0 million in 1985 travel taken in sole support of Government work by the 90 contractors in our audit. The fares did not exist because Government contractors' travel patterns were not considered by Government managers when soliciting discount air fare routes from airlines. If discount air fares had been established for all routes traveled by these contractors in 1985, DoD could have saved an estimated $14.7 million on trips charged as direct costs on cost-reimbursable contracts. An additional $32.7 million could have been saved if discount air fare rates were available for all travel charged as direct costs on fixed-price contracts ($14.0 million) and as indirect costs on all types of Government contracts ($18.7 million), and if contractors were permitted to use discount air fares on such trips.

Additional facts.—None.

Recommendations and actions taken.

Recommendation 1.—The Army Deputy Chief of Staff for Logistics, the Assistant Secretary of the Navy (Shipbuilding and Logistics), the Assistant Secretary of the Air Force (Research, Development and Logistics), and the Director, Defense Logistics Agency require their contract administration activities to obtain data that shows air routes traveled by their major contractors and report that data to the Commander, Military Traffic Management Command.

Army position.—Concur. Data on air routes can be obtained for current contracts.

Recommendation 2.—The Commander, Military Traffic Management Command request the General Services Administration to negotiate additional discount air fares based on air routes traveled by major Defense contractors.

Army position.—Concur.

[Appendix K]

DEPARTMENT OF THE NAVY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, DC, January 8, 1987.

Memorandum: For Department of Defense Inspector General (AIG(A))

Subject: Draft report on the audit of contractors' use of Government transportation requests (project 6AC-012).

As requested by TAB A, we have reviewed the subject report. Our comments concerning each finding and recommendation are set forth in TAB B.

EVERETT PYATT,
Assistant Secretary of the Navy,
(Shipbuilding and Logistics).

NAVY COMMENTS

1. Finding A—"Defense contractors had not used the General Services Administration discount air fares when traveling in support of Government cost-reimbursable contracts. The discount air fares were not used because DoD had not established Defense-wide policies that required Service and Defense agency contracting personnel to require contractors to use discount travel rates. Furthermore, there were no Defense-wide procedures explaining how contractors could request and pay for the fares. By taking advantage of available discount fares, DoD could have saved an estimated $26.1 million or 24 percent of the $107.4 million it reimbursed to the 90 contractors for air travel costs incurred in support of cost-reimbursable Government contracts during 1985."

Comment—Navy agrees that contractors have not used the discount air fares widely and that this is chiefly because there is no Defense-wide policy mandating use of the fares and detailing procedures to use the fares. Navy takes no position on the estimated savings that DoD might have experienced since we cannot track specifically how these estimated savings were calculated.

2. Recommendation A.1.—"We recommend that the Assistant Secretary of Defense (Acquisition and Logistics) establish DoD-wide policies and procedures that require DoD components to achieve effective use of the General Services Administration's discount air fares by Government contractors traveling in support of cost-reimbursable contracts. To achieve this objective, the procedures should explain how: . . . ."

Comment—Navy concurs.

3. Recommendation A.2.—"We recommend that the Assistant Secretary of Defense (Acquisition and Logistics) require the Services and Defense agencies to provide guidance to their subordinate organizations to give them a complete understanding of the policies and procedures pertaining to contractors' use of the discount air fares."

Comment—Navy concurs to the extent that the Services would be required to provide guidance to their subordinate activities only after the DoD-wide policies referred to in recommendation A.1. are promulgated.

4. Finding B—Air travel costs incurred by 90 Defense contractors in sole support of Government contracts and charged as direct costs on fixed-price contracts and as indirect costs on all types of Government contracts were not eligible for the General Services Administration's discount air fares. This occurred because the General Services Administration's contracts with the airlines limited Government contractors' use of discount fares only to air travel that was chargeable as direct costs on cost-reimbursable contracts. During calendar year 1985, about $163.3 million of air travel by the 90 contractors was charged as direct costs on fixed-price contracts and as indirect costs on all types of Government contracts. If discounted fares had been eligible and used on the $163.3 million of noncost contract travel, the air fares paid by the 90 contractors could have been reduced by an estimated $61.6 million."

Comment—Navy concurs that the reason that contractors could not use the reduced air fares under fixed-price contracts and for indirect costs is that the GSA contracts with the airlines do not permit them to. Navy takes no position with respect to the amount by which contractor travel expenses might have been reduced because we can not track specifically how these amounts were calculated.

5. Recommendation B.1.—"The Assistant Secretary of Defense (Acquisition and Logistics) request the Defense Acquisition Regulatory Council propose to the Federal Acquisition Regulation Secretariat that Part 51 of the Federal Acquisition Regulation be clarified and expanded so that contractors can be authorized to use the General Services Administration's discount air fares on all travel that is solely in support of all types of Government contracts."

Comment—Navy concurs with the intent of this recommendation, but recommends that the words "Part 51 of" be deleted. The DAR Council should have the flexibility to determine where and how best to address this issue in the FAR. In addition, to achieve maximum benefit, Navy recommends that the words "authorized to used" be revised to read "required to use when feasible". Our rationale is that if GSA is able to negotiate changes in its contracts with the airlines which would permit contractors to use the reduced fares for fixed-price contracts and indirect costs, then contractors should be required to use the reduced fares to the same extent as they would be required to use them for cost-type contracts.

6. Recommendation B.2.—"The Assistant Secretary of Defense (Acquisition and Logistics), upon completion of Recommendation B.1., request that the General Services Administration negotiate discount air fares for all contractor air travel solely in support of Government contracts."

Comment—Navy concurs.

7. Recommendation B.3.—"The Assistant Secretary of Defense (Acquisition and Logistics), pending revision of Part 51 of the Federal Acquisition Regulation, require contracting officers to negotiate air travel expenses in fixed-price contracts under a separate cost-reimbursable provision in which contractors are enabled to use Government discount fares and are required to contain air travel expenses to costs equivalent to or less than the Government fares, whenever practical."

Comment—Navy concurs, provided contracting officers can retain some flexibility to not include a separate cost-reimbursable provision if such provision is inappropriate for a particular contract.

8. Recommendation B.4.—"The Assistant Secretary of Defense (Acquisition and Logistics) establish criteria, based on level of Government business, for contractor use of the Government discount air fares for travel charged as indirect costs to all types of contracts."

Comment—Navy concurs.

9. Finding C—"Discount air fares were not available on flights frequently used by Defense contractors. Discount air fare did not exist for $120.9 million of the $362.0 million in 1985 travel taken in sole support of Government work by the 90 contractors in our audit. The fares did not exist because Government contractors' travel pattens were not considered by Government manager when soliciting discount air fare routes from airlines. If discount air fares had been established for all routes traveled by these contractors in 1985, DoD could have saved an estimated $14.7 million on trips charged as direct costs on cost-reimbursable contracts. An additional $32.7 million could have been saved if discount air fare rates were available for all travel charged as direct costs on fixed-price contracts ($14.0 million) and as indirect costs on all types of Government contracts ($18.7 million), and if contractors were permitted to use discount air fares on such trips."

Comment—Navy concurs that certain routes used by DoD contractors are not covered by GSA air fares. We take no position with respect to the number of routes in that category, nor with the estimated savings that DoD might have experienced had all contractor air travel been on routes covered by the discount fares.

10. Recommendation C.1.—"The Army Deputy Chief of Staff for Logistics, the Assistant Secretary of the Navy (Shipbuilding and Logistics), the Assistant Secretary of the Air Force (Research, Development, and Logistics), and the Director, Defense Logistics Agency require their contract administration activities to obtain data that shows air routes traveled by their major contractors and report that data to the Commander, Military Traffic Management Command."

Comment—Navy concurs, provided reporting is for a limited time only, or alternatively that reporting is on an exception basis only (i.e., only for routes not identified in the Federal Travel Directory).

11. Recommendation C.2.—"The Commander, Military Traffic Management Command request the General Services Administration to negotiate additional discount air fares based on air routes traveled by major Defense contractors."

Comment—Navy concurs.

[Appendix L]

DEPARTMENT OF THE AIR FORCE,
Washington, DC, December 2, 1986.

Memorandum: For Assistant inspector general for auditing, Office of the Inspector General, Department of Defense.

Subject: DOD/IG Report on the Audit of Contractors' Use of Government Transportation Requests (Project 6AC-012), (Your Memo, September 30, 1986)—information memorandum.

This is in reply to your memorandum to Assistant Secretary of the Air Force (FM) requesting comments on the findings and recommendations made in the subject report.

As you are aware, in November 1984, the Air Force initiated procedures whereby cost-reimbursable contractors would travel using a Government Transportation Request (GTR) to procure General Services Administration (GSA) city-pair fares. Our prototype was Aerospace Corporation, Los Angeles, CA. The first 30-day cost avoidance was $192,329. Since that time, we have expanded the program to include seven other defense contractors. We have achieved cost-avoidance of over $8.6 million through September 30, 1986. In addition, we have identified other defense contractor locations and are currently in the staffing process to bring these on line.

The Air Force has reviewed the subject report and concurs with all the findings and recommendations except recommendation A.3 in which you have recommended that contracting officers negotiate air travel expenses in fixed-price contracts under a separate cost-reimbursable provision until the Federal Acquisition Regulation (FAR) is changed allowing contractors to use GSA discount fares on all types of contracts.

As you are aware, cost-reimbursable contracts are the least desirable contract type, not only from a standpoint of increased Government risk, but also because of the large administrative burden associated with cost-reimbursable contracts. Inclusion of a cost-reimbursable provision in a fixed price contract essentially transforms the contract into a cost-reimbursable type contract for administrative purposes and complicates the contracting process. In addition, there would be little incentive for a contractor to control their travel expenses under a cost-reimbursable arrangement, and programs would be vulnerable to cost growth in those cases where a contractor's actual travel costs exceeded the cost estimate.

Overall, we believe the disadvantages of including a cost-reimbursable provision in all fixed price contracts outweigh the advantages, and therefore do not agree with this specific recommendation. There may be circumstances when it is appropriate to include a cost-reimbursable provision for travel expenses in a fixed price contract, but normally this would be an exception. Since the required change to the FAR to allow the use of GSA discount fares on all types of contracts is relatively minor, we suggest that the change be given top priority in the Defense Acquisition Regulation council to allow speedy implementation.

With regards to Recommendation C.1, Air Force Systems Command will be tasked to identify the most frequently traveled air routes used by their major contractors, and in turn, furnish this information to the Commander, Military Traffic Management Command. Expected completion date is March 31, 1987.

We appreciate the opportunity to comment on the subject report and are fully supportive of the Department of Defense's goal of conserving valuable travel dollars.

THOMAS E. COOPER,
Assistant Secretary,
Research, Development, and Logistics.

[Appendix M]

DEFENSE LOGISTICS AGENCY,
Alexandria, VA, November 26, 1986.

Memorandum For Assistant Inspector General for Auditing, Department of Defense.

Subject: Draft Report, "Contractors' Use of Government Transportation Requests" (Project No. 6AC-012).

This is in response to your 30 September 1986 draft report, subject as above. We have reviewed subject report. Our comment is as follows:

Recommendation: 1. The Army Deputy Chief of Staff for Logistics, the Assistant Secretary of the Navy (Shipbuilding and Logistics), the Assistant Secretary of the Air Force (Research, Development and Logistics), and the Director, Defense Logistics Agency require their contract administration activities to obtain data that shows air routes traveled by their major contactors and report that data to the Commander, Military Traffic Management Command.

Comment: We concur in the Department of Defense Inspector General's finding and recommendation. Defense Contract Administration Services Transportation offices are implementing the program as rapidly as feasible, but must do so by voluntary agreement of the contractor. Currently, there is no contractural requirement for a contractor to use Government air fares.

Defense Acquisition Regulation Case 85-28, Use of Government Contract Air Fares, is expected to be approved soon and will provide the mandatory Federal Acquisition Regulation clause necessary to require a contractor to use the reduced fares.

We will work with the Military Traffic Management Command as recommended.

This will be an ongoing effort and no completion date can be provided.

D.W. MCKINNON, Jr.,
RADM, SC, USN, Deputy Director
(Acquisition Management).

[Appendix N]

ACTIVITIES VISITED

OFFICE OF THE SECRETARY OF DEFENSE

Office of the Deputy Assistant Secretary of Defense, (Procurement), Washington, DC.

Office of the Deputy Assistant Secretary of Defense, (Logistics and Materiel Management), Washington, DC.

Defense Acquisition Regulatory Council, Arlington, VA.

DEPARTMENT OF THE ARMY

Office of the Assistant Secretary of the Army, (Research, Development and Acquisition), Washington, DC.

Office of the Deputy Chief of Staff for Logistics, Washington, DC.

Military Traffic Management Command, Falls Church, VA.

Plant Representative Offices:

Bell Helicopter Textron, Fort Worth, TX.

Boeing Vertol Company, Philadelphia, PA.

DEPARTMENT OF THE NAVY

Office of the Assistant Secretary of the Navy (Shipbuilding and Logistics), Arlington, VA.

Naval Air Systems Command, Arlington, VA.

Naval Sea Systems Command, Arlington, VA.

Naval Military Personnel Command, Arlington, VA.

Space and Naval Warfare Systems Command, Washington, DC.

Plant Representative Offices:

Grumman Aerospace Corporation, Bethpage, NY.

Lockheed-California Company, Burbank, CA.

Lockheed Missile and Space Company, Sunnyvale, CA.

Westinghouse Electric Corporation, Annapolis, MD.

DEPARTMENT OF THE AIR FORCE

Office of the Deputy Assistant Secretary of the Air Force (Acquisition Management), Washington, DC.

Air Force Systems Command, Andrews Air Force Base, MD.

Air Force Space Division, Los Angeles, CA.

Plant Representative Offices:

Aerojet General Corporation, Sacramento, CA.

Aerospace Corporation, Los Angeles, CA.

Boeing Company, Seattle, WA.

Hughes Aircraft Company, Los Angeles, CA.

Lockheed Missile and Space Company, Sunnyvale, CA.

Martin Marietta Denver Aerospace, Denver, CO.

Mitre Corporation, Beford, MA.

Rockwell International Corporation, Anaheim, CA.

Military Airlift Command, Scott Air Force Base, IL.

DEFENSE AGENCIES

Defense Logistics Agency, Alexandria, VA.

Defense Contract Administration Services Region, Los Angeles, CA.

Defense Contract Administration Services Plant Representative Offices:

American Telephone and Telegraph Technologies, Incorporated, Burlington, NC.

FMC Corporation, San Jose, CA.

International Business Machine, Incorporated, Owego, NY.

McDonnell Douglas, Huntington Beach, CA.

Rockwell International, Tulsa, OK.

Singer-Link, Binghamton, NY.

Defense Contract Administration Management Area, Resident Office:

ITT Gilfillan, Van Nuys, CA.

Defense Contract Audit Agency, Alexandria, VA.

OTHER ACTIVITIES

General Services Administration, Washington, DC.

[Appendix O]

FINAL REPORT DISTRIBUTION

OFFICE TO THE SECRETARY OF DEFENSE

Office of the Assistant Secretary of Defense (Production and Logistics).

Assistant Secretary of Defense (Comptroller).

Assistant Secretary of Defense (Public Affairs).

DEFENSE AGENCIES

Defense Advanced Research Projects Agency.

Joint Tactical Command, Control and Communication Agency.

Defense Communication Agency.

Defense Contract Audit Agency.

Defense Intelligence Agency.

Defense Investigative Service.

Defense Logistics Agency.

Defense Logistics Studies Information Exchange.

Defense Mapping Agency.

Defense Nuclear Agency.

Defense Security Assistance Agency.

National Security Agency.

MILITARY DEPARTMENTS

Army Inspector General.

Comptroller of the Navy.

Auditor General, Air Force Audit Agency.

OTHER

Office of Management and Budget

Congressional Committees:

Senate Subcommittee on Defense, Committee on Appropriations.

Senate Committee on Armed Services.

Senate Committee on Governmental Affairs.

Senate Ranking Minority Member, Committee on Armed Services.

House Committee on Appropriations.

House Committee on Defense, Committee on Appropriations.

House Ranking Minority Member, Committee on Appropriations.

House Committee on Armed Services.

House Committee on Government Operations.

House Subcommittee on Legislation and National Security, Committee on Government Operations.

Administrator, General Services Administration.

Mr. WEICKER. Mr. President, I understand the amendment has been cleared by both sides. Hopefully, if agreement can be arrived at, and it should be, the cost savings here are estimated at anywhere between $100 million and $135 million to the Government. I would hope the amendment is agreed to.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. The amendment has been reviewed on this side. We think it is a constructive amendment and clear it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. WARNER. Mr. President, I think the chairman has not had an opportunity to speak.

Mr. NUNN. Mr. President, we urge the approval of the amendment. We think it is a good amendment and deserves the Senate's support.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2013) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I might make inquiry of the Senator from Illinois. Is the Senator from Illinois prepared to go forward with the balance of his work or should we have Mr. WILSON proceed?

Mr. DIXON. As far as I am concerned, I think now we should go to the amendment of the distinguished Senator from California.

My amendment has been adopted. I thank the Senator from Virginia.

Mr. WARNER. Mr. President, I think we will be ready momentarily to proceed with the amendment of the Senator from California.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

AMENDMENT NO. 2014

(Purpose: To amend title 10, United States Code, to provide Federal financial assistance for public school districts affected by military family housing projects).

Mr. WILSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California [Mr. WILSON], for himself, Mr. HATCH, Mr. PELL, Mr. PRESSLER, Mr. MOYNIHAN, Mr. DASCHLE, Mr. MURKOWSKI, and Mr. STEVENS, proposes an amendment numbered 2014.

Mr. WILSON. Mr. President, I ask unanimous consent that reading of the amendment by dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 232, between lines 14 and 15, insert the following:

SEC. 2811. FINANCIAL ASSISTANCE TO PUBLIC SCHOOL DISTRICTS AFFECTED BY MILITARY FAMILY HOUSING PROJECTS

(a) IN GENERAL.—(1) Subchapter II of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2835. Assistance to public school districts affected by military family housing projects

"(a) PAYMENT OF ASSISTANCE.—If a project for the acquisition of family housing subject to this subchapter affects one or more public school districts in the United States as described in subsection (b), the Secretary of the military department carrying out such project shall, subject to subsection (e), pay to the public school district or districts, as the case may be, the amount determined by multiplying the total number of square feet of the floor space of the family housing acquired in such project by $1.50, as adjusted under subsection (k).

"(b) SCHOOL DISTRICTS ELIGIBLE FOR PAYMENT.—A public school district is eligible to receive a payment under subsection (a) in connection with a family housing project only if such school district demonstrates to the Secretary concerned that—

"(1) the total number of students enrolled in public schools in such school district is likely to be substantially increased over the number of students that would otherwise be enrolled in such public schools except for the enrollment of students whose parents are employed (or will be employed) on such project or live (or will live) in the family housing proposed to be acquired; and

"(2) such school district does not have sufficient financial resources or facilities to provide adequately for the educational needs of the increased number of students.

"(c) ALLOCATION OF PAYMENT.—(1) In the event that a family housing project under this subchapter affects more than one public school district as described in subsection (b)(1), the Secretary concerned shall allocate among such districts the total amount required to be paid under subsection (a).

"(2) The amount of the allocation of a public school district referred to in paragraph (1) shall be determined by multiplying the total amount to be paid under subsection (a) by the percentage determined by dividing—

"(A) the total number of students enrolled in public schools in such school district that exceeds the number of students that would otherwise be enrolled in such public schools except for the enrollment of students whose parents are referred to in subsection (b)(1), by

"(B) the total number of students enrolled in public schools in all school districts referred to in paragraph (1) that exceeds the number of students that would otherwise be enrolled in such public schools except for the enrollment of students whose parents are referred to in subsection (b)(1).

"(d) SOURCE OF FUNDS.—Amounts required to be paid under subsection (a) in connection with a family housing project carried out by the Secretary of a military department may be paid out of funds available to such department for military construction.

"(e) PAYMENTS SUBJECT TO AVAILABILITY OF FUNDS.—Payments under this section shall be subject to the availability of funds in accordance with subsection (d). If sufficient funds are not available for payment under this section in any fiscal year, school districts otherwise eligible for the payment shall be paid under this section in the first succeeding fiscal year. Payment of such school districts shall be made in the order in which applications for payment are received under this section.

"(f) NOTICE OF FAMILY HOUSING PROJECT; ADDITIONAL INFORMATION.—(1) At least 45 days before awarding a contract in connection with a family housing project referred to in subsection (a), the Secretary concerned shall transmit application materials for payment under subsection (a) and the following information to each public school district that may realize a substantial increase in its student population as the result of such project:

"(A) A written description of the proposed project, including the number of persons from outside the school district concerned who are expected to be employed on such project.

"(B) Instructions for making application for payment under subsection (a).

"(C) An estimate of the number of families that will occupy the family housing.

"(D) A description of the matters that the school district must demonstrate to the Secretary in order to establish eligibility under subsection (b).

"(E) Any other information the Secretary considers appropriate.

"(2) The Secretary concerned shall furnish a public school district such information (in addition to the information furnished under paragraph (1)) as the school district may request for the purpose of facilitating preparation of documents necessary to establish the eligibility of such school district under subsection (b).

"(g) APPLICATIONS.—(1) Application for payment under this section must be submitted by a public school district to the Secretary concerned not later than 60 days after the date on which the Secretary transmits to such school district the information described in subsection (f)(1). The Secretary may, under exceptional circumstances (as determined by the Secretary), increase the period within which an application may be submitted by a school district.

"(2) Each application submitted by a public school district under this section in connection with a family housing project shall contain such documentation as the Secretary concerned may require to establish the eligibility of such school district under subsection (b).

"(3) Not later than 30 days after the date on which the Secretary concerned receives an application for a payment under this section, the Secretary shall approve or disapprove the application.

"(h) TIME FOR PAYMENT.—Subject to subsection (e), a payment required under subsection (a) in the case of any public school district shall be made not later than 30 days after the date on which the application for such payment is approved by the Secretary concerned.

"(i) USE OF FUNDS.—Funds received by a public school district under this section in connection with a family housing project may be used only for the construction or other acquisition of educational facilities for schools affected by such project (as determined pursuant to subsection (b)(1)).

"(j) RELATIONSHIP TO OTHER SOURCES OF FUNDS.—(1) A public school district may use amounts received under this section only to supplement and, to the extent practicable, increase the level of funds that would, without regard to payments under this section, otherwise be made available to such school district from sources outside the Federal Government for the acquisition of educational facilities by such school district, and in no case may such amounts be used to supplant such funds.

"(2) The Secretary of Education shall take into consideration, for the purposes of determining the priority of a school district for assistance under the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), and the amount of assistance to be paid to such school district under such Act, the amount of any payment made to such school district under this section. The Secretary of a military department shall furnish the Secretary of Education such information as may be necessary to carry out this paragraph.

"(k) ANNUAL ADJUSTMENT OF AMOUNT OF PAYMENT.—Effective on January 1 of each year, the rate per square foot paid under subsection (a) shall be increased by the percentage by which the Consumer Price Index (all items-United States city average) published for September of the preceding year by the Department of Commerce exceeds such index for September of the year before such preceding year.

"(l) CONSULTATION REQUIREMENT.—The Secretary of each military department shall consult with the Secretary of Education in carrying out this section.

"(m) DEFINITION.—In this section, the term 'acquisition', with respect to family housing or educational facilities, includes construction, leasing, addition, extension, expansion, alteration, and relocation of family housing or educational facilities, respectively.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2811 the following:

"2835. Assistance to public school districts affected by military family housing projects.".

(b) EFFECTIVE DATE.—(1) The amendment made by subsection (a) shall take effect with respect to family housing projects for which contract solicitations are issued on or after October 1, 1988.

(2) The first adjustment under section 2835(k) of title 10, United States Code (as added by subsection (a)) shall take effect on January 1, 1990, and shall be computed on the basis of a comparison of the Consumer Price Index (referred to in such section) published for September 1989 with the Consumer Price Index published for September 1988.

Mr. WILSON. Mr. President, I offer this amendment on behalf of myself and Senators HATCH, PELL, PRESSLER, MOYNIHAN, DASCHLE, STEVENS, and MURKOWSKI.

This amendment would correct a Defense Department policy which is seriously flawed, a policy which puts the Department of Defense in a somewhat schizophrenic position—schizophrenic because, on the one hand, the department has acknowledged that it is not meeting a real need, and, on the other hand, apparently continues to refuse to do so.

At present, when a military family moves onto a base and then their children are required to attend a local school district, there is clearly an impact upon the local school district. Many in this Chamber are familiar with what has been termed impact aid. The fact is that impact aid has not met the needs of many school districts as they seek to accommodate the additional student load generated by families which have a military connection. As a result, there is a growing backlog of communities in which schools are seeking assistance. They are compelled to confront the problem, and yet their financial ability does not limit them to do so properly. We have literally had the situation where certain children of military personnel have actually been found undergoing their schooling in cardboard shacks.

At present, when military family housing contracts are awarded, DOD does not assist school districts in offsetting costs associated with educating the resultant influx of federally connected children. Yet, the affected school districts are required to provide educational facilities and services to these children.

This amendment seeks to address simply the subject of construction of shelter—shelter needed so that the children of military personnel, like any other children, can literally have a decent roof over their heads in what we call a school. Otherwise, clearly, their learning would be impaired, as it would be with any other child.

Because the Department of Defense has not been contributing to these costs, the result has been overcrowded classrooms, literally educational facilities made of cardboard in certain communities.

Mr. President, I am sure that the majority of my colleagues would agree that this is neither an acceptable situation nor one that we, as civilized people, can tolerate. How do we address that problem? We sought to address it with impact aid; and, as I have stated, the result is a growing backlog of communities waiting on a list, hoping that they will one day be able to participate in the very limited amount of funds available for school construction.

As a result of this situation, a joint study was requested of the Department of Defense and the Department of Education, as a first step toward developing a solution to this problem. Last November, the final draft of this study, this joint DOD-Department of Education study, known as the Dole Report—it having been requested by the senior Senator from Kansas—was finally released.

The report recognized the responsibility of the Department of Defense to assist in the education of military dependents. Mark this, Mr. President, because this is the Department of Defense together with the Department of Education speaking. This is a quotation from their report:

> The Department of Defense and the Education Department recognize the need to address the school facility requirements identified in the study. Failure to correct these deficiencies may deprive military dependent schoolchildren of suitable educational facilities equivalent to those provided in the civilian community and may have a detrimental effect on the Department of Defense mission and will only lead to greater costs in the future.

Mr. President, that was indeed prophetic. It is right on the mark. Unhappily, it is having a detrimental effect on the DOD mission, and quite understandably.

Military personnel who are parents, whose children are inadequately housed as they are attempting to learn, are not learning as well as they ought to.

We all spend a great deal of time every year, and quite properly, on the defense authorization bill. We do so because we are concerned that the Nation's security, and therefore the credibility of its foreign policy, be what it should be. We will spend some $300 billion—or at least authorize that much—in round figures, in this authorization bill. Is it asking too much that we take from a portion of that, that budget which is allocated for military construction, a tiny fraction, and use that to at least keep pace with the needs, so that we do not have this growing backlog that has resulted from the inadequacy of the impact aid program? The answer, obviously, is, "No."

We surely are in no position to say we cannot afford to do that.

Let me make clear, Mr. President, what is at stake. Military dependents deserve high quality education. They deserve the same education and the same educational environment as children of civilians in the same communities in which their military parents serve and indeed their parents do and should demand.

But actions speak a good deal louder than words and the funding mechanism in the Dole report as a revenue source to address this educational facility shortage is simply inadequate, and the report makes that quite clear.

The funding mechanism chosen was the school construction program under the Department of Education, and it does not take a genius to discover that there is a waiting list of 120 schools for school construction funding.

Well, at a rate of three to four funding approvals annually, we have addressed the construction needs of all schools presently on the list by the year 2028, which is a bit academic for some of the children who we would hope to provide with that roof over their heads.

Mr. President, today we can take action to ensure that there will be no 121 or 122 or 123 schools added to the Education Department's waiting list. We can offer that hope and in fact we can make that hope a reality.

It is unfortunate, to say the least, that the backlog exists and it needs to be addressed.

What we are attempting with this amendment is to see that the backlog does not increase, that instead by taking new action, by taking a fraction, a very small fraction, nine ten-thousandths to be exact, we are in a position to use the military budget for military construction to go forward and keep pace with school construction needs that are occasioned by the student load generated by military families on bases in America's communities.

Essentially, the amendment before us would just require that the Secretary of Defense make a payment to those school districts that are impacted by the acquisition of family housing projects on or after October 1, 1988. Payments to school districts would be determined by multiplying the total amount of square footages of these on-base housing units by a rate of $1.50, $1.50 per square foot. That is pretty modest. It is similar to what a number of civilian school districts are charging developers in my home State of California in order to keep pace with growing student loads and the new school construction needs that are generated.

Additionally the schools would be required to meet basic eligibility requirements for funding and the moneys received under the amendment could be used for only construction of school facilities.

Acquisition of family housing would include the construction, the leasing, addition, extension, expansion, alteration, or relocation of family housing. It would not, however, under the term "alteration" include basic maintenance. It would not include the kind of general maintenance of existing housing such things as the installation of new floors or the replacement of windowpanes. That would not be included.

According to the Congressional Budget Office the total cost of this amendment in this next year is expected to be $5 million and that is the annual cost projected on the basis of an expectation that we will add about 3,600 new units of military housing.

Mr. President, that is nine ten-thousandths of the total military construction budget, not the total military budget, just the MilCon budget, nine ten-thousandths. That is not much.

So to oppose this amendment solely on the basis of cost really is unfounded. There is no good reason to oppose this amendment.

What will be argued by some who are concerned about the backlog, those on the list under the Department of Education program, is that they have been waiting sometime and it is really not fair for others to go first.

Mr. President, my response to that is there does need to be a means of addressing that problem. This amendment does not purport to do that. It does not deal with that backlog. Rather, it says that we will simply keep pace with needs, as many civilian school districts are doing in their own communities and attempt to deal with growth in growth communities.

This is not just a local problem in California. I have here a statement which I have been asked to insert by one of the cosponsors, Mr. PRESSLER, that recites the present need that exists at Ellsworth Air Force Base located near Rapid City.

Mr. PRESSLER. Mr. President, I would like to express my strong support for Senator WILSON's amendment to the Department of Defense reauthorization bill.

Under this amendment, all new military housing projects would be assessed a construction fee of $1.50 per square foot. The money generated from this fee would be used to assist school districts which experience an increase in student enrollment as a result of a military construction project. This amendment would address a serious problem facing many school districts which educate military dependents.

The Federal ownership of property reduces local tax revenue for school purposes and Federal activities cause an influx of persons into these communities, resulting in an increased number of children to be educated. Such problems exist at Ellsworth Air Force Base which is located near Rapid City, SD. Since the arrival of the B-1B bomber at Ellsworth, the number of authorized personnel has increased by more than 600. Over the past 4 years, Douglas School System has experienced a 21-percent increase in student enrollment. Currently, approximately 770 students are located in makeshift classrooms such as a supply room and a remote renovated missile site. An additional 500 military personnel are expected at Ellsworth upon completion of the strategic training center [STC] and the strategic warfare center [SWC] in the next few years. This school system's already is bursting at the seams and currently is being forced to use abandoned Nike missile sites for classrooms. Additional students will add to this system's urgent need for adequate teaching facilities.

Under normal procedure, Douglas School District could apply for school construction funds under Public Law 81-815. However, the School Construction Program is authorized to receive only $25 million in fiscal year 1989. Currently, the Department of Education has over 120 applicants awaiting funds for school construction. Considering the enormous cost of building new schools, very few applicants receive school construction funds in any given year. Thus, it could be years before Douglas School System would reach the top of this long waiting list. In the meantime, this district must continue using makeshift classrooms, such as the abandoned Nike missile sites, and look for alternative classrooms.

I always have maintained that the education of our youth must be a top government priority. Funding for education is a wise investment in our future. It affects our productivity, our economic competitiveness, and our national security. Unfortunately, due to Federal activity, many children are forced to study in inadequate teaching facilities—whether in a closet converted into a classroom, or in a building that is so rundown it should be condemned. It believe it is extremely unfair to penalize these federally impacted school districts. The time has come for the Federal Government to fulfill its obligation to pay its property taxes.

I am committed to working hard to ensure that every federally connected child is educated in a proper teaching facility. School districts face numerous problems in educating federally connected children. This amendment is the first step in guaranteeing that all children in impacted school districts are educated in adequate teaching facilities.

I am pleased to be a cosponsor of this important amendment and urge its adoption.

Mr. WILSON. Mr. President, as Senator PRESSLER's statement indicates, there has been an increase in the number of authorized personnel by more than 600 over the past 4 years. The Douglas School System has experienced a 21-percent increase in student enrollment and currently approximately 770 students are located in makeshift classrooms.

He did not say "temporarily," Mr. President. He said "makeshift." Makeshift classrooms such as a supply room and a remote renovated missile site. An additional 500 military personnel are expected at Elsworth soon upon the completion of the strategic training center there. This school system already bursting at the seams and currently is being forced to use abandoned Nike missile sites for classrooms.

It is facing an even more critical situation with the obvious aggravation that will occur as their population of students grows along with the military population coming to the base.

Mr. PRESSLER goes on to state that under normal procedure the Douglas School District could apply for school construction funds under Public Law 81-815. However, that program is authorized to receive only $25 million in fiscal year 1989. That means that his school, which is far down on the list, is not going to get much help soon. They will have to continue using the supply rooms. They will have to continue using the abandoned Nike missile site. That is not an optimum educational environment, Mr. President.

No one contends that it is. If we are going to address the problem of the backlog, fine. I think that we are obligated to do so, the Department of Education and the Department of Defense. But what we are talking about is a problem which the Pentagon creates for local school districts.

Now if someone wants to tell me that a lot of money is spent by military personnel, that they bring payrolls to a community, of course, they do, and they are welcome there on that account as well as many others.

But I will tell you that not much of that payroll finds its way to the local school district. Tavern keepers will do well on pay day. Grocers will do well. Recreation understandably and justifiably does well. Clothing will be purchased. There is no question about the contribution that is made economically as well as in terms of good citizenship by the military personnel who many communities are proud to host.

But the effect of the matter is it does not do them very much good in trying to finance their schools because property taxes for the most part finance school districts in America and on-base housing does not pay property taxes. Therefore, how do the school districts meet this new requirement that is placed on them that is in no other way compensated for?

The tavern keeper may pay some property taxes but it is not in proportion. It is not something that the school district can count on to make up the load that they are having to experience.

Let me just say there is every reason to try to prevent the aggravation of a very real and serious problem. The children of military personnel come first with them. That is true of most of us. We care about our kids. We care about their education. That is of the greatest importance. We do not want them having to go to school in an abandoned missile site or in an abandoned supply shed or in a cardboard classroom, if you can dignify that as a classroom, and that is what was literally found by the senior Senator from Kansas which is what occasioned his demand for the report. The report vindicated his worst fears.

This is a quote from the Dole report.

> There are 68 schools on 29 military installations that are owned by the Department of Education and operated by local educational agencies. The Education Department has some authority to construct and repair these facilities under sections 310 and 14(c) of Public Law 81-815. Funds are provided by ED appropriations. A total of 49 schools currently have construction, repair, or rehabilitation needs. This represents 72 percent of all the Department of Education schools and 26 percent of all own-base schools. Current enrollment in the Education Department-owned schools is approximately 24,000. There are 36 schools with health or safety needs.

Mr. President, that is a disgrace.

> A variety of modifications are required to correct these deficiencies at a total cost of $13 million. In 23 of these schools, current enrollments exceed the capacity of the facilities. These schools require classroom, administrative, or other type of additional capacity.

Mr. President, I am not going to detail this further. I think the point is clear. The young men and women whom we ask to serve in the armed services we now recognize are not the bachelors and the bachelorettes of a bygone era. These are people that have families. They have children. And because they care about the education of their children, it is absolutely true, as was concluded by the Department of Defense itself jointly in that Dole report with the Department of Education, that there is a need that is an unmet need that is an obligation on the part of the Pentagon and they are not meeting it.

Mr. President, when it costs us every year just nine ten-thousandths of the military construction budget, we have no good reason to oppose this legislation.

In all the years that I have been on this floor and heard discussions about how much we are spending for defense, I have not heard very much about what we are spending for school construction. Because we have not been spending a dime.

Well, the time has come to begin. It is a very simple thing to do. A dollar and a half per square foot of on-base housing for off-base school construction is a very simple proposition. It is an equitable proposition. We should be ashamed, Mr. President, not to go forward with this minimal effort to at least avoid the aggravation of this disgrace.

Mr. President, I will at this point yield the floor to those who may wish to oppose it.

Mr. DIXON. Mr. President, I must reluctantly say that we oppose this amendment offered by the distinguished Senator from California. He is a very valuable member of the committee and a valuable member of the subcommittee I have the honor to chair.

Frankly, it is not so much the money involved. There is about $5 million involved here that would come out of the Department of Defense money for educational purposes. But that is not the significant concern here.

The problem with the Senator's amendment is that that amendment favors school districts which will have construction, as the bill says, "after October 1, 1988." New construction in school districts in the future at the expense, Mr. President, of old school districts, school districts that have been waiting for years for money. Now that is school districts all over America.

I hold in my hand a list of 105 school districts in America, all over America, that have been waiting for money for similar purposes for years. And, believe it or not, of these 105 school districts, 84 of these school districts have been waiting for money in excess of 10 years. Mr. President, I did say "in excess of 10 years."

My distinguished friend from California wants to take some school districts where they are going to have new construction, put them in the front of the line, give them new money, while 105 school districts I am going to read to you in a minute have been waiting for years, and 84 have been waiting for more than a decade. That is school districts in New York, South Dakota, New Jersey, Virginia, Oklahoma, Texas, Mississippi, California, Virginia, Illinois, Maryland, Arizona, Florida, Utah, Vermont, Wisconsin; here are two more in California; Nebraska, Alabama, California.

Now, all these districts I am reading are waiting while we take care of the school district referenced by my friend from California with this simple amendment.

Nevada, Alaska, Texas, three more in Illinois—I am a little concerned about that, Mr. President—Texas, California, Missouri, Texas, California, Pennsylvania, Virginia, California, Missouri, Colorado, North Carolina, Alabama, Michigan, Maryland, Florida, Kansas, Nevada, California, Oklahoma, South Dakota, Oklahoma, California, Idaho, Utah, Texas, California twice, Arizona, Louisiana, Illinois—again I am still concerned—Colorado, California twice, Illinois—again I am still concerned—Oklahoma, Alaska, Texas, California, Illinois—again I am still concerned—every State in the Union, Mr. President.

Now, wait. Do you have any Indians in your State? I hold in my hand a list of 73 Indian schools in America that have been waiting for years and years and years for their money.

Now, Mr. President, at South Dakota twice, Arizona, Oklahoma, Arkansas—these are Indian schools—New Mexico, Arizona twice, New Mexico, Montana, New Mexico, North Dakota, Oklahoma, Arizona, South Dakota—I could go on at length.

My point is, as I said to the Senator in the committee and as I said to the Senator on the floor, is there some way we can do this in an equitable way?

I want to just say to my colleagues one more time and then I will yield, we are taking care of people after October 1, 1988 with new school districts while 105 school districts and 73 Indian school districts in America are not being taken care of, some who have waited for 10 years.

Now, in addition to that, the Department of Defense objects. The DOD has formally objected to this provision.

> The Department believes that the proper Federal forum for funding school construction remains primarily with the U.S. Department of Education under P.L. 81-815. Defense moneys have been made available in unusual circumstances by rare exception only.

Now why does that make sense? Well, it makes sense, of course, because my friend from California, for whom I have the greatest personal affection and highest regard, wants to start a new system at the expense of a system that has been thought out for years. The education committee and the education people for years have been working on this.

The administration for the last several years has cut funding. It has cut funding, Mr. President. And all these old districts, 105 of them in every State of the 50 States of the Union and all of these Indian school districts around America in all the States that have Indian school districts, are waiting for their money and we are going to start a new program for the new folks on the block and put them ahead of the line of all these people who have waited for 10 years.

That is why I think the amendment should not be adopted and, with the highest personal regard for the Senator whom I retain as a friend of the finest standing, I must reluctantly say that we are prepared to file a motion to table, and I will make that motion as soon as the Senator has concluded his remarks.

Mr. WILSON. Will the Senator yield?

Mr. DIXON. Yes.

Mr. WILSON. Is the Senator aware, as he rattled off that list of States representing the schools on that list, that those schools are represented by an association called the National Association of Federally Impacted Schools?

Mr. DIXON. I am sorry. I apologize to my dear friend from California.

Mr. WILSON. The question was, is my friend from Illinois aware, as he rattled off that list of schools in those different States, that they were represented by the National Association of Federally Impacted Schools?

Mr. DIXON. Well, I do not know whether they are represented in such a fashion or not. I only know they are school districts. I have the list here. I could tell you the number of the school districts and everything, and the amount of money they are waiting for.

Mr. WILSON. Well, that will be my next question. After telling you that they are represented by that National Association of Federally Impacted Schools——

Mr. DIXON. I will take your word for it.

Mr. WILSON. Well, take my word for this as well. The director of the National Association of Federally Impacted Schools, speaking for the association and its member schools, has endorsed this legislation. And the reason is very simple. it is because he recognizes full well there is no need or reason to penalize anyone else because the existing program under the Department of Education, which DOD thinks so much of, is grossly inadequate.

What they are saying is that while we work to develop solutions to the admitted problems of the backlog, it makes no sense to allow the backlog to grow worse, to let that list grow longer. That is why the National Association of Federally Impacted Schools is in favor of this legislation.

Mr. DIXON. My friend is putting his schools at the front of that list. I do not have any objection to my friend putting his schools at the bottom of the list.

The only problem I have is my friend put his schools ahead of 105 schools that have been waiting for years, and 75 of the schools have been waiting for decades.

Mr. WILSON. May I remind my friend there are more California schools on it than for any other State which is on that backlog list.

Mr. DIXON. I bet my friend will be able to explain it.

Mr. WILSON. Let me ask my friend this question: Can you tell me how many of the schools on that list would be beneficiaries of this program? In other words, they are in the situation of having an existing problem, but also in the situation that they are adding new housing, new military families, and, therefore, would be immediate recipients of at least some assistance under the proposal? Can my friend tell me?

Mr. DIXON. Well, I can only tell my friend this: That this is the list of schools that are waiting. There are quite a few California schools on the list, and my friend, the distinguished Senator from California, knows there are more people in California.

Mr. WILSON. I tell my friend from Illinois, the point I was making is if anyone should be protecting a backlog school, it is I, because there are more California schools on that list. But we are not going to do anything for them by taking no action. And I will not even ask my friend this question. It is a rhetorical question. I do not wish to be unfair to him. I will simply state the point.

Rather than asking you what would your motion to table do for those people on that list, that backlog list, I will simply tell my friend: It will do nothing. We will continue to do nothing. The Department of Defense, having admitted in the Dole report that it has a responsibility, will continue to, with the other head, say: However, we are going to let the Department of Education do it. And the Department of Education will continue to be unable to do it, to meet that need.

So, what I would have to say to my friend is that what he is proposing is that there be no solution to this problem. He is bemoaning a backlog. He is saying that there are schools on a list that will not be taken care of by this proposal.

Well, I will only tell him that that list is going to rapidly grow to a length that will be an even greater national disgrace and we will have done nothing about it.

What we ought to do is both pass this amendment, which will allow us to stop the list where it is now, and keep pace with the need, and also by some separate proposal, address that backlog.

But I will tell the Senator from Illinois that that list is so old—and it is growing longer—so that the people who were first on it cannot benefit now from so-called impact aid. They are not there any longer. They have gone.

Mr. President, I will just say there is no reason to adopt a course of action that is no course of action. Rather, we should adopt this amendment. What we are being counseled to do is nothing. In the interest of fairness. The people who are the members of the National Association of Federally Impacted Schools, the people who are on that list rattled off by my friend from Illinois, support this amendment because they recognize that tabling it will not in any way benefit them. It will simply aggravate their bad situation.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. EXON). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I have discussed this matter with both the Senator from California and the manager of the bill. A $5 million bill ought not to even require a rollcall vote as far as this circumstance is concerned. Every one of these children has been moved because of orders that the Federal Department of Defense has given to the parent involved. It is not the same thing. I represent some of the areas that have Indian schools on that backlog list that has been mentioned. These children are moved because their parents, at least one of them, has an order from the Department of Defense to move into an area where the schools are inadequate. At a cost of $5 million—I looked into it—I am told this primarily is temporary facilities, leasing of facilities to provide schools now for the kids that are moved because their parents get orders under the Department of Defense.

I will tell you very frankly this is what causes the add-on problems we get on the Department of Defense appropriations bill. Because if it is not authorized, we will take care of it anyway. It ought to be authorized. This is the kind of thing that comes up every year and we have to face an appropriations process because the appropriators are unwilling to listen to this kind of a problem and not solve it.

This is a chance for the authorization committee to solve it and I intend to support the Senator from California.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I will try to be brief. After listening to this discussion, I can see why there was such an outpouring of support to make closing bases easy. It must be a terrible tragedy to be a community in America and have a military base in your midst. All those costs that are imposed on you. I can see why, when we try to set up a commission to shut down military bases, that have not been used since the War of 1812, that there was such a great outpouring—because these communities are literally being robbed by having to provide public services.

Well, you all know that that is an insane concept. We all fight to the death around here to get military bases and to keep them when we do get them. And we do that because they are absolute gold mines, especially for those of us who are in States where people believe in a strong defense and are proud to provide for that common defense.

Now, Mr. President, let me define the issue very clearly here. The issue here is simply this: Do we want to start a new concept, a user fee on military housing, to pay for public schools? That is the issue.

First of all, we have a great dearth of military housing. I do not know of a military base in America where we do not have a problem with either the quality or the quantity of our military housing. Should we be coming in and taking on a new burden to pay for the local schools at the expense of military housing? I say no.

Second, we have impact aid to compensate the local community for the cost of providing educational services that the distinguished Senator from California talks about. Well, when you have a military base, people go out and buy clothes, they buy food, they buy services. But somehow that is not supposed to convert into the local tax base? Well, Mr. President, I reject that. It does convert into the local tax base.

What we are being asked to do here is for the Federal taxpayer to come in and pick up another cost and another service for another community that is already a big beneficiary of the Federal taxpayers' outlay. This is another verse in an old song that started back at the beginning of the Republic when people at the frontier said: Bring those soldier boys out here. Build that fort. Defend us from the Indians. We would love to have them out here and we will treat them real good when we get them here.

And then the soldier boys in blue came out, built the fort and then the community immediately spent the rest of their existence trying to cheat them; trying to rip them off; trying to get more money out of the Federal taxpayers.

Mr. President, I am deeply concerned about education. I am deeply concerned about schools. But this proposal is like going out, buying a hamburger—and we are doing that—with impact aid. Then suddenly you come back and say: Now, the hamburger is 75 cents. But now you know the meat, that is another 30 cents. You want pickles on that? That is another 10 cents. We are paying for the same thing twice.

If we want to eliminate aid and go to a school construction program, maybe we ought to do it. But we ought not to add on another program that is going to cut the quality of military housing, and not help military personnel.

We ought to ask these communities to provide the schools, and if they are not willing to provide the schools, maybe we ought to move some of these bases to places where they will provide the schools. I assert, Mr. President, that all we have to do is mention that once and we will have school houses built as great temples to learning all over our country.

So I urge my colleagues to reject this amendment. This amendment has no merit and does not deserve to be accepted. I understand there will be a motion to table. I hope my colleagues will vote for that motion.

The PRESIDING OFFICER. Is there further debate?

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I have not been able to be here for all the debate. I heard Senator GRAMM's, I think, very powerful arguments against this amendment. I understand the Senator from Illinois has really gone through in considerable detail a list of schools that are on the waiting list. Basically what we are being asked to do, I understand, with this amendment, is to leap over everybody on the waiting list and to put certain schools up front.

We promised people we would vote around 7 o'clock. I would say if this amendment is tabled, that this will be the last vote this evening, and we will start back tomorrow morning on SDI.

I suggest to my friend from California, I do not want to preempt him, but I do move to table.

Mr. WILSON. The Senator from Illinois had already moved to table.

Mr. DIXON. I have not done it yet.

Mr. NUNN. I do not want to cut him off.

Mr. President, I move to table the amendment.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from California.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. Chiles], the Senator from Tennessee [Mr. Gore], the Senator from North Carolina [Mr. Sanford] and the Senator from Mississippi [Mr. Stennis] are necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden], is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Nebraska [Mr. Karnes], the Senator from Kansas [Mr. Kassebaum], and the Senator from Washington [Mr. Evans] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 59, nays 33, are as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—59

Adams
Baucus
Bentsen
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Cochran
Cohen
Conrad
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Graham
Gramm
Grassley
Harkin
Heflin
Humphrey
Inouye
Johnston
Kasten
Kennedy
Kerry
Lautenberg
Levin
Matsunaga
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nickles
Nunn
Packwood
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Rudman
Sarbanes
Sasser
Shelby
Simon
Stafford
Wallop
Warner
Wirth

NAYS—33

Armstrong
Bond
Chafee
Cranston
D'Amato
Danforth
Daschle
Dole
Domenici
Durenberger
Garn
Hatch
Hatfield
Hecht
Heinz
Helms
Hollings
Leahy
Lugar
McCain
McClure
Murkowski
Pell
Pressler
Quayle
Simpson
Specter
Stevens
Symms
Thurmond
Trible
Weicker
Wilson

NOT VOTING—8

Biden
Chiles
Evans
Gore
Karnes
Kassebaum
Sanford
Stennis

So the motion to lay on the table amendment No. 2014 was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, if I could get the attention of my colleagues, that will be the last rollcall on the bill that the managers anticipate this evening. We will come in tomorrow morning at whatever time the majority leader decides, but we will be prepared to begin debate on the SDI amendment at approximately 10 o'clock tomorrow morning.

Mr. DOLE. Will the Senator yield? I failed to mention—in fact I had forgotten about it, to be very honest about it—yesterday I told the majority leader that tomorrow evening we have a problem on this side. We have what we call the President's dinner.

I am not certain. The dinner itself starts at 7:30. It is black tie. So if we could maybe have some way to stay and work on those, but otherwise it is going to be probably hard to keep many Republicans here.

Mr. NUNN. I would say I certainly understand. We certainly will cooperate in every way possible. What I would like to do is get through as many of these big amendments tomorrow as we possibly can, and then if we can line up some debate with an understanding that we will withhold rollcall votes until the following day, delay as many amendments as we can until about 8 or 8:30 tomorrow night, so we do not lose that couple of hours. But if we could work with the minority leader tomorrow along that line, we will cooperate.

The question I am receiving is, What will be the first amendment tomorrow? The first amendment tomorrow will be the amendment by the Senator from Louisiana on SDI.

AMENDMENT NO. 2005 LANGUAGE

Mr. NUNN. Mr. President, I have been informed on the Dixon amendment which was earlier adopted on base closures that through an inadvertent error there was left in the bill certain duplicative language because it was not stricken and the amendment had intended to strike the original committee provision that it was intended to replace.

So the Dixon amendment was correct as it was adopted but there was left in the bill certain language that should have been stricken.

So I ask unanimous consent that the Dixon amendment, No. 2005, as amended, adopted earlier today, be deemed to have stricken the underlying bill text beginning on line 1, page 161, through line 2 on 171.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business, and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BICENTENNIAL MINUTE

MAY 3, 1951: SENATE BEGINS INQUIRY INTO MACARTHUR DISMISSAL

Mr. DOLE. Mr. President, 37 years ago this month, on May 3, 1951, the Senate began an extraordinary series of hearings into President Truman's dismissal of General of the Army Douglas MacArthur from his Far Eastern command. This highly charged issue began, in the midst of the Korean war, with the general's firing on April 11, 1951, for insubordination. On April 14, the enormously popular general, returning to Washington following a 14-year absence, addressed a joint meeting of Congress.

In this super-heated atmosphere, the Senate Committees on Armed Services and Foreign Relations announced hearings into the events that led to MacArthur's ouster. Under the leadership of Armed Services Chairman Richard Russell, the majority of both committees established ground rules that barred the public as well as other Senators from these sessions. In response, the Senate's Republican leadership urged open sessions.

By the time the hearings began on the morning of May 3, the committees had agreed to allow the 70 Senators who did not belong to either panel to attend as observers. In this status, those Senators were not permitted to participate in the questioning of either MacArthur or the many witnesses who followed him. However, they were allowed to submit their questions to any committee member. That member could then decide whether to pose the question. Although the press was barred, the joint committee released copies of the hearing transcript, page by page, during the sessions to waiting reporters outside the caucus room. This came immediately after review by a Defense Department censor.

The hearings lasted for 7 weeks with a witness list that included the Secretaries of State and Defense, and the Joint Chiefs of Staff. In August, the joint committee put the matter to rest by deciding not to issue a formal report.

125TH ANNIVERSARY OF BRYANT COLLEGE

Mr. PELL. Mr. President, I would like to share with my colleagues the happy news that Bryant College, an educational institution which was founded in Rhode Island during the Civil War period, is celebrating its 125th anniversary this year.

Abraham Lincoln had just signed the Emancipation Proclamation when Ezra Mason became the principal of the Providence franchise of the Bryant & Stratton National Commercial College, which had pioneered commercial education in the United States.

The college has been through many changes since that time, including a move to autonomy and larger downtown quarters in 1866. By 1935, Bryant had moved to the former Hope Hospital and had been renamed Bryant Colllege.

By 1949, the Rhode Island General Assembly, which earlier had empowered Bryant to grant degrees, passed a bill to incorporate Bryant as a nonprofit institution. That year, the college had 3,000 students.

In 1965, Bryant received accreditation from the New England Association of Schools and Colleges.

By 1971, Bryant had moved to a new and quite modern campus created on a 220-acre estate in Smithfield, RI, donated by Earl S. Tupper, the Tupperware magnate.

Bryant's enrollment now exceeds 6,000 students: 3,000 in the undergraduate day school; 1,200 in the graduate school; and 1,800 in the evening division.

Bryant College's Center for Management Development also provides continuing education for an additional 6,000 business executives annually.

In addition, the Rhode Island Small Business Development Center, operated by Bryant through a partnership with the Federal Small Business Administration, also offers free consulting and seminars to more than 1,000 small business operators each year.

Bryant's president now is William T. O'Hara, an attorney who served as counsel to the Postsecondary Education Subcommittee of the U.S. House of Representatives. Judge Bruce M. Selya, of the U.S. Court of Appeals for the First Circuit, is chairman of the board of trustees.

Under their able leadership, Bryant is charging a course to enhance its academic programs and quality of student life, and to develop additional partnerships with the business community. We wish them well and congratulate the entire college community as the members celebrate 125 years of growth.

REGARDING THE 125TH ANNIVERSARY OF BRYANT COLLEGE

Mr. CHAFEE. Mr. President, I rise today to recognize one of the Nation's foremost colleges of business administration, Bryant College. Located in my own State of Rhode Island, Bryant this year celebrates its 125th anniversary of providing quality business education.

Bryant College makes its home in Smithfield. Its enrollment consists of 3,000 undergraduate day students, 2,000 undergraduate evening students, and 1,400 graduate school students. In all, more than 6,000 of some of our Nation's brightest students flock to Bryant's strikingly contemporary campus. There they receive the academic preparation needed to become the business leaders of tomorrow.

Bryant also helps established business people by empowering them with the skills necessary to cope with an everchanging global economy. The college is a leading center for executive education and a major resource for the New England business community. Its center for management development provides seminars and workshops on diverse management topics to 6,000 business executives annually. The Rhode Island Small Business Development Center [SBDC], administered and partially funded by Bryant through a partnership with the Federal Small Business Administration, offers free consulting and seminars to more than 1,000 small business operators each year.

Bryant was the first private college in the Nation to establish an SBDC in its State. Bryant recognized the importance of small business, which today accounts for 97 percent of all new businesses and annually creates over 80 percent of all net new jobs. The Rhode Island SBDC was one of the first nine certified in the United States.

One can only fully appreciate Bryant's 125 years of providing excellence in education by looking back at its distinguished past. In 1863, as the Civil War raged, the Providence, RI, franchise of the Bryant & Stratton National Commercial College was founded. This institution pioneered education in the United States and the Providence was an instant success. Veterans returning from the Civil War used their mustering-out pay to study bookkeeping, commercial calculation, correspondence, and practical business disciplines.

In 1866, the college moved to larger downtown headquarters. At about the same time, the Bryant and Stratton chain pulled apart and the college became autonomous. Later, it was sold to William W. Warner who changed the school's name to Warner's Polytechnic Business College. One of Warner's faculty members purchased the college from him in 1878 and resumed use of the Bryant and Stratton name.

The college continued to prosper and in 1915 merged with the R.I. Commercial School. In 1935 the school moved to Providence's fashionable East Side and was renamed Bryant College. After World War II Bryant again experienced another postwar boom as its reputation spread beyond Rhode Island. By the late 1960's, Bryant had outgrown its Providence campus. The remedy for Bryant's growing pains was provided by Tupperware executive Earl S. Tupper. Impressed with the school's long time "campus-to-careers" educational approach, Tupper donated his 220-acre estate on Memory Ridge in Smithfield to the college.

Today the school is engaged in an ambitious strategic planning process to enhance its academic programs and quality of student life. It is truly an educational innovator. Strategic planning at Bryant was initiated by President William T. O'Hara, a former counsel to the U.S. House of Representatives Postsecondary Education Subcommittee. Included among O'Hara's publications are "The Student/The College/The Law" and "John F. Kennedy on Education."

Strategic planning called for bold new initiatives including development of further partnerships with the business community, creation of an international studies component, expansion of internship opportunities, specific training in leadership, and an instructional development center for faculty. But the school has not stopped there. Bryant has continued to expand, adding new residence halls and a new student union, and converting the old student center into a computer technology center.

The Labor Department recently released a report showing that in the year 2000 most jobs will require at least a college degree. This report also concludes that most persons will make three or four career changes in their lifetime. Against this background, institutions like Bryant College that provide quality education needed for such an economy are presented with an immense opportunity to thrive as educational leaders in the 21st century.

On its 125th anniversary, I join with all Rhode Islanders in congratulating Bryant College and in sending my best wishes to its administrators, faculty, staff, students, and alumni for great success in the years ahead.

MILITARY SECURITY IN EUROPE

Mr. WIRTH. Mr. President, in laying out his views on the INF Treaty and the prospects for future conventional arms control efforts with the Soviets, Ambassador Jonathan Dean declares that the Warsaw Pact's quantitative advantage in major weapons and troop divisions does not necessarily translate into superiority in actual combat. According to Dean, the postwar era has seen the Soviets squander important political assets in Western Europe as Eastern European armed forces have continued to be of questionable strategic value given their uncertain loyalties. Moreover, NATO air forces are widely regarded as qualitatively superior and better trained than their Warsaw Pact counterparts. NATO's defense expenditures have exceeded those of the Warsaw Pact and convey the fact that NATO has made useful improvements in its forces. For its part, the Soviet Union lacks the combat-ready divisions needed to successfully launch the minimum preparation attack NATO most fears, and, perhaps more significantly, the second echelon of Soviet troops in the western U.S.S.R. capable of reinforcing such an attack within 2 weeks are not nearly as numerous as is commonly thought.

Following is a summary of Ambassador Dean's recent article in Foreign Affairs, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY

Given the clear numerical superiority of the Warsaw Pact over NATO in most classes of major conventional armaments, including heavy tanks, self-propelled artillery, attack helicopters and interceptor aircraft, the question is this: Would elimination of American INF weapons increase the possibility of a sudden Soviet attack or a more effective Soviet political intimidation of Western Europe? These possibilities clearly exist. But they require a closer look. The real question is whether the Warsaw Pact's superiority in numbers of weapons and troop divisions converts to superiority in actual combat.

Whatever the chances were, in NATO's formative period in the early 1950s, of a Soviet attack on Western Europe, the passage of time has deprived the Soviet Union of some important potential assets. Moscow can no longer count on the willing assistance of West European communist parties. Strong and loyal in the 1950s, these parties are now much weakened—and, as in the case of the Italian Communist Party, disaffected from Moscow. And uncertain loyalties of the armed forces of the Eastern European states have converted them from a meager advantage into a probable hindrance in most potential situations of East-West conflict.

The West's main concern remains the possibility of surprise attack by Soviet forces—or, more precisely, of attack with minimum preparation. Yet Soviet capacity for such an attack may not be as great as feared. NATO's expenditures on defense have exceeded those of the Warsaw Pact for more than two decades. While not all these funds have been spent in an optimal way, they have not been wasted, and NATO has made many useful improvements in its forces. In the region from the Atlantic to the Urals, active-duty personnel of NATO ground and air forces are just as numerous as those of the Soviet Union and the Warsaw Pact. Exercise after exercise has demonstrated that the Warsaw Pact air forces are incapable of gaining control of NATO airspace against qualitatively superior NATO air forces; this would be essential for successful attack.

The contingency which continues to cause the greatest concern to NATO leaders is that the Soviets, in the hope of securing their objectives before the United States could become fully involved in conventional battle or decide to use nuclear weapons, would launch a minimum-preparation attack against NATO's central front in Germany. The Soviet Union has increased the firepower and mobility of its ground forces in the last two decades. But at least half of the Pact's numerical superiority in units and major armaments is in reserve divisions which take a month of more to ready for combat. There are too few combat-ready Soviet divisions to permit the U.S.S.R. to launch, with any confidence, the feared minimum-preparation attack.

Only 30 combat-ready Soviet divisions in Eastern Europe are positioned for such an attack; probably a third of these would have other essential missions during the initial phases of a minimum-preparation attack against NATO's vital central front. Even if augmented by over half of the East German, Polish and Czechoslovak first-category forces (of uncertain quality and loyalty), the resulting force of some thirty-odd divisions would be no larger in divisional manpower than the U.S., U.K. and Western German ground forces in the area.

The Soviet second echelon in the western U.S.S.R. capable of reinforcing a minimum-preparation attack within the first two weeks is also surprisingly small—fewer than ten ground force divisions. Soviet tanks in active-duty forces in central Europe number only about 8,000, not many more than those of active-duty NATO forces, which would moreover have the advantage of defensive positions. The recent landing of a small West German private plane in Red Square, flying unscathed through dense Soviet air defenses, once again raises well-documented doubts about the quality of Soviet forces, less well trained and led than those of the West German Bundeswehr and of U.S. and U.K. forces in Europe. The chances of success of a sudden attack would be slight.

Other contingencies, such as that of a slow, full mobilization of East and West, are possible. But the outcome of these is also uncertain, in part because the dimensions of the resulting conflict, including the participation of ten or more additional U.S. divisions, would ensure that the engagement would be worldwide in scope and make it all the more likely that it would escalate to nuclear war. Soviet leaders fully realize this.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal, which were referred to the Committee on the Judiciary.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING—MESSAGE FROM THE PRESIDENT—PM 137

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the Communications Act of 1934, as amended (47 U.S.C. 396(i)), I transmit herewith the Annual Report of the Corporation for Public Broadcasting for Fiscal Year 1987. The report implies that funding to the Corporation should be expanded. This does not reflect my views. My budget requests that the Congress freeze funding to the Corporation at its 1988 level of $214 million. I request that the Congress appropriate no more than the level I have proposed.

RONALD REAGAN.

THE WHITE HOUSE, *May 10, 1988.*

MESSAGES FROM THE HOUSE

At 10:51 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 293. A concurrent resolution correcting the enrollment of H.R. 3.

At 12:26 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3896. An act to amend title 5, United States Code, to change the position of the Director of the Census Bureau to level IV from level V in the Executive Schedule;

H.R. 3987. An act to designate the United States Post Office Building located at 500 West Chestnut Expressway in Springfield, Missouri, as the "Gene Taylor Post Office Building";

H.R. 4433. An act to designate the United States Post Office Building in Jeannette, Pennsylvania, as the "John Dent Post Office Building"; and

H.R. 4448. An act to designate the Cleveland Ohio General Mail Facility and Main Office in Cleveland, Ohio, as the "John O. Holly Building of the United States Postal Service".

The message also announced that pursuant to section 407 of Public Law 99-498, the Speaker appoints Mr. Stephen C. Biklen of Pittsford, NY, as a member from the private sector, to the Advisory Committee on Student

Financial Assistance, on the part of the House, vice Mr. Jeffrey A. Flatten, terminated.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3896. An act to amend title 5, United States Code, to change the position of the Director of the Census Bureau to level IV from level V in the Executive Schedule; to the Committee on Governmental Affairs.

H.R. 4433. An act to designate the United States Post Office Building in Jeannette, Pennsylvania, as the "John Dent Post Office Building"; to the Committee on Governmental Affairs.

The following concurrent resolution was read, and referred as indicated

H. Con. Res. 293. A concurrent resolution correcting the enrollment of H.R. 3; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 3987. An act to designate the United States Post Office Building located at 500 West Chestnut Expressway in Springfield, Missouri, as the "Gene Taylor Post Office Building"; and

H.R. 4448. An act to designate the Cleveland Ohio General Mail Facility and Main Office in Cleveland, Ohio, as the "John O. Holly Building of the United States Postal Service".

REPORT OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. 1790. A bill to authorize the expansion of the National Air and Space Museum at Washington Dulles International Airport (Rept. No. 100-332).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BRADLEY:

S. 2360. A bill to establish a National Park System Review Board, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Mr. Grassley, Mr. Simon, and Mr. Simpson):

S. 2361. A bill to amend title 18, United States Code, to preserve personal privacy with respect to the rental, purchase, or delivery of video tapes or similar audio visual materials and the use of library materials or services; to the Committee on the Judiciary.

By Mr. MITCHELL (for himself, Mr. Chafee, Mr. Cohen, Mr. Pell, Mr. Kerry, and Mr. Kennedy):

S. 2362. A bill to enhance the enforcement of laws conserving American lobster; to the Committee on Finance.

By Mr. FORD:

S. 2363. A bill for the relief of certain individuals to settle certain claims filed against the Federal Deposit Insurance Corporation; to the Committee on the Judiciary.

By Mr. BOSCHWITZ:

S.J. Res. 314. A joint resolution designating October 1988 as "Pregnancy and Infant Loss Awareness Month;" to the Committee on the Judiciary.

By Mr. DeCONCINI (for himself, Mr. Pell, Mr. Moynihan, Mr. Stevens, Mr. Hatfield, Mr. Conrad, Mr. Grassley, Mr. Mitchell, Mr. McCain, Mr. Cochran, Mr. Sarbanes, Mr. Burdick, Mr. Gramm, Mr. Durenberger, Mr. Melcher, Mr. Matsunaga, Mr. Reid, Mr. Stennis, Mr. Dodd, Mr. Chiles, Mr. Packwood, Mr. Lugar, Mr. Inouye, Mr. Simon, Mr. Hatch, Mr. Proxmire, and Mr. Wirth):

S.J. Res. 315. A joint resolution designating 1989 as "Year of the Young Reader;" to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS (for himself, Mr. Chafee, Mr. Mitchell, Mr. Stafford, Mr. Durenberger, Mr. Matsunaga, Mr. Pell, and Mr. Kerry):

S. Res. 426. A resolution expressing the sense of the Senate that the seven major industrial nations of the world must take immediate action to protect the earth's stratospheric ozone layer; to the Committee on Foreign Relations.

By Mr. DOLE (for himself and Mr. Byrd):

S. Res. 427. A resolution to direct the Senate Legal Council to represent Members of the Committee on the Judiciary in Monte Lee versus Joseph R. Biden, Jr., et al.; considered and agreed to.

By Mr. CHILES (for himself and Mr. Graham):

S. Con. Res. 117. A concurrent resolution to express the sense of the Congress regarding relief for the United States Citrus Industry under section 301 of the Trade Act of 1974 and other appropriate relief; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BRADLEY:

S. 2360. A bill to establish a National Park System Review Board, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL PARK SYSTEM REVIEW BOARD

Mr. BRADLEY. Mr. President, I rise today to introduce the National Park Service Review Board Act. This legislation elevates the Park Service mission and gives the Park Service the autonomy and independence necessary to protect America's national heritage.

This Nation's vast land and variety of natural resources have been critical factors in our history and have shaped our development. The Old World was a place of kings and castles and beggars. The New World has been a place of abundance. In their crowded cities, the Europeans dreamed of a land of great riches and eternal youth. They sought the Fountain of Youth. They sought El Dorado. And they found these places, here, in America.

Our lands are themselves a clear window to the past. Geologists talk of "deep time." When you go from the Grand Canyon to Zion and Bryce Canyon National Parks, you proceed up the stairsteps of hundreds of millions of years—recorded in the layers of earth as if some ancient force wanted us to know its story and to remind us how, against that backdrop, the evening news, the musings of pundits, and even our lives seem but the tiniest fraction of a second. Indeed, all of human history is represented on the canyon wall as just one narrow slice of rock.

A few years ago, I visited Mesa Verde and Chaco Canyon and discovered the mystery of the Anazazi culture. Standing in the kiva of Casa Bonito late one spring afternoon, I tried to imagine the full impact of the ancient apartment houses and magnificent roads that lay before me. I could hear the noise and shouts. I could smell the smoke. I could see the people. I could sense the panic and abandonment that relentless drought would bring.

The land is our teacher. It teaches us the value of things that can't be bought or sold, traded or exchanged. What's the dollar value of the desert? What price tag would you put on the endless grasses of the Everglades? In an earlier time, we might have said: Zero, nothing, they're worthless. Today, we look at the lonely beauty of the desert or the cypress swamp and say: It's priceless.

Our national parks are unique. They grew from an enlightened vision which acknowledged the land's importance to all of us. We've set aside vast amounts of land, from seashores to mountaintops. We celebrate particular places interwoven with our history: The battlefield at Gettysburg, the Statue of Liberty, Ford's Theater. And we entrust these lands, these pieces of heritage, to the National Park Service to protect and foster.

This job is a critical one. Every year, the concrete creeps closer. The subdivisions move nearer. Pesticides and biocides pollute the waters. Today, there's even a man-made haze over the Grand Canyon. As Roderick Nash reminds us, "wild land will remain wild only as the result of human choice. The blank spaces are being filled in. Today, not in 1890, could be the real closing of the American frontier."

When the national parks were created, they were created for us, for our children and for our children's children. Each generation has used the parks, and each generation has used them in different ways. In the early days of the parks, Americans who couldn't afford a fancy tour could get there in the family's model-T. Today, thanks to Gore-Tex, and freeze-dried foods, many people leave their cars to hike along trails and streambeds.

We don't know how our children will use the parks. But we do know that neither we nor they will ever be able to create more wilderness. If what is available today is lost through lack of resolve or mismanagement, it will be lost forever.

The battle to keep a standard of excellence in our parks is difficult and complex. More and more, the issues which shape parks grow from local to regional to national. In this procession, the decisions that are made become increasingly political. This is, of course, neither unexpected nor necessarily unwise. The successful resolution of conflicting interests almost always demands compromise. However, to weave politics and compromise into the mission of the Park Service is a perilous step and a threat to this land heritage.

Mr. President, the Park Service is the steward of our park lands. Their role should be an uncompromising one and their goal should be of simple excellence. Too much is at stake. If politics or compromise is to be part of the policy calculus, it should enter the equation in the full light of day. And we should never expect or hope that the National Park Service adopts an agenda which is less than complete or flawed by external pressure.

This legislation emphasizes a politically independent National Park Service. The bill creates a three-person Review Board. The members which will be appointed by the President to staggered 4-year terms. The Park Service Director would be appointed by the President and serve for a term of 5 years. The Director could be renominated but could serve only two consecutive terms.

The Review Board would report annually to the President and Congress on the management and budget of the Park Service. The Board is to address the resource needs of the Park Service and make recommendations that best serve the mission of the Park Service and the American public.

During my years at the Energy Committee, I've taken a long look at the Park Service. I've also had a personal involvement in a number of park issues, national as well as those linked specifically to New Jersey's parks. Too often, field recommendations have been reversed by higher Department officials in accordance with national park policies that seem at odds with the preservation of this fantastic resource heritage. For example, this administrator refuses to provide significant funding for land acquisition, historic preservation or basic construction projects within national park units. This policy is defended as fiscally responsible. Yet, the effect of these policies and this "responsibility" guarantee that precious resources will be lost forever. In New Jersey, historical records and artifacts have been destroyed or damaged due to inadequate preservation. The price of acquiring land inholdings has skyrocketed. And millions of visitors to Sandy Hook beaches must rely on bathroom facilities installed as temporary facilities years ago that are a disgrace.

The Review Board will not necessarily lead to more money for preservation, land acquisition, or even Sandy Hook's bathrooms. Yet, if we are to make the proper decisions, the Congress needs a clear, untarnished statement of the Park Service's mission and needs. Such a statement is not available today, and would be developed by the Park Service Review Board.

This bill's purpose is very simple: To create a safeguard against heavy-handed political meddling or compromise which threatens the fabric of the Park System. Obviously, this bill does not remove the Park Service from the direction of the President. The President nominates all of the members of the Board and the Director. Also, this bill is not just an indictment of the current administration's practices. Rather, the bill deals with issues that would be inevitably raised, regardless of the political persuasion of the occupant of the White House.

Mr. President, this bill is not complicated. There's no hidden agenda. The legislation seeks to maintain the standard of excellence that has characterized the National Park System over its long history. The President needs to maintain a dedicated core of Park Service employees. The Congress needs clear information and guidance. The Park Service needs consistent direction and purpose. A Park Service muzzled by political whim is of no use to the American public. This bill is a necessary first step in response to a complex problem, and I urge my colleagues' support.

I ask unanimous consent that the text of the bill be printed in full in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL PARK SYSTEM REVIEW BOARD.

(a) ESTABLISHMENT AND FUNCTIONS.—

(1) ESTABLISHMENT.—There is hereby established a National Park System Review Board (hereinafter in this Act referred to as the "Board").

(2) FUNCTIONS.—The Board shall maintain a continuing review of programs and activities of the National Park Service and of existing and proposed national park system units.

(3) REPORTS.—The Board shall transmit to the President and to each House of the Congress an annual report containing the results of its review, together with any recommendations for the management of the national park system or any proposed additions to such system, as it considers appropriate. Concurrently with the submission of the annual budget of the United States by the President, the Board shall submit to the President and to the Congress budget recommendations for the National Park Service and for the Board. Notwithstanding any other provision of law or any rule, regulation, or policy directive, the Board shall transmit such annual report and budget recommendations, and provide any other information on the request of any committee or subcommittee of Congress, by report, testimony, or otherwise, without review, clearance, or approval by any other administrative authority except to the extent that the Board may deem such review, clearance, or approval appropriate.

(b) MEMBERSHIP AND TERMS OF OFFICE.—The President shall appoint members of the Board from among persons who, because of education or experience, are considered knowledgeable regarding policy issues affecting the natural or cultural resources of the Nation. The Board shall consist of 3 members serving for terms of 4 years, except that the terms of the members first taking office shall expire (as designated by the President at the time of appointment) as follows: one member after 3 years, one member after 5 years, and one member after 7 years. Members of the Board may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

(c) ADMINISTRATIVE PROVISIONS.—The Board shall elect a Chairman from among its members. A majority of the Board serving at any one time shall constitute a quorum for the transaction of business. The Board shall have an official seal, which shall be judicially noticed. The Board shall meet at the call of the Chairman. Any member of the Board may, with the authorization of the Chairman, conduct public meetings. There shall be at least 6 meetings of the Board each year. In carrying out its functions, the Board may adopt bylaws, rules, and regulations necessary for the administration of its functions and may contract for any necessary services.

(d) PUBLIC MEETINGS; PUBLIC COMMENT.—All meetings of the Board shall be open to the public and the Board shall solicit, and review, public comments on all recommendations to be made by the Board.

(e) COMPENSATION.—Members of the Board shall each be paid annual compensation at a rate equal to the rate of basic pay payable for level V of the Executive Schedule. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(f) STAFF; EXPERTS AND CONSULTANTS.—

(1) STAFF.—The Board may appoint and fix the pay of such personnel as it considers appropriate, including at least a chief of staff, a secretary to the Board, a legal counsel, 5 investigators, and 10 support staff. The staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) EXPERTS AND CONSULTANTS.—The Board may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed basic pay payable for GS-13 of the General Schedule. Upon request of the Board, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Board to assist the Board in carrying out its duties under this Act.

(g) OBTAINING DATA.—Notwithstanding sections 552 through 552b of title 5 of the United States Code, the Board may secure directly from the National Park Service information necessary to enable it to carry out this Act. Upon request of the Chairman of the Board, the Director of the National Park Service shall furnish such information to the Board.

(h) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request. The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 2. NATIONAL PARK SERVICE.

(a) DIRECTOR OF NATIONAL PARK SERVICE.—There shall be within the Department of the Interior, a National Park Service headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons qualified, by training and experience and by demonstrated ability, to administer, protect, and preserve the natural and cultural resources of the United States. The Director shall be paid at the rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5 of the United States Code. The Director shall hold office for a term of 5 years and may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office. No Director shall be appointed to more than two consecutive terms.

(b) FUNCTIONS.—The Secretary of the Interior shall delegate to the Director of the National Park Service appointed under this Act all functions and authorities of the Secretary regarding the administration of the national park system and all other functions and authorities exercised by the Director of the National Park Service as of the enactment of this Act. The Secretary shall retain all authorities not so delegated and shall have the authority and responsibility to convey information regarding the national park system to the cabinet. In the performance of his functions, the Director and the officers and employees of the National Park Service shall not be responsible to, or subject to the supervision or direction of, any officer or employee, or agent of any other part of the Department of the Interior.

(c) EMPLOYEES.—

(1) APPOINTMENT AND COMPENSATION.—The Director shall appoint and fix the compensation of all officers and employees of the National Park Service.

(2) TRANSFER OF PERSONNEL.—Upon appointment of the Director of the National Park Service under this Act, the Director of the Office of Management and Budget shall provide for the transfer to the administrative jurisdiction of such Director to such personnel, property, funds, and records of the service created by the first section of the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1), as are under the administrative jurisdiction of the Department of the Interior. Salaries, grades, and benefits of employees so transferred shall not be affected adversely thereby, except that no employee of the National Park Service shall be appointed from or under schedules excepted from the competitive Civil Service.

(3) PERFORMANCE APPRAISALS.—No person whose position has been excepted from the competitive service, other than the Director or an individual holding a senior executive position, may conduct, or participate in the conduct of, any performance appraisal under chapter 43 of title 5 of the United States Code for any officer or employee of the National Park Service.

(d) INDEPENDENCE IN PROVIDING BUDGET AND OTHER INFORMATION.—Notwithstanding any other provision of law or any rule, regulation, or policy directive, the Director may transmit the budget request recommended by him for the National Park Service to the Congress, and provide any other information on the request of any committee or subcommittee of Congress, by report, testimony, or otherwise, without review, clearance, or approval by any other administrative authority.

By Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. SIMON, and Mr. SIMPSON):

S. 2361. A bill to amend title 18, United States Code, to preserve personal privacy with respect to the rental, purchase, or delivery of video tapes or similar audiovisual materials and the use of library materials or services; to the Committee on the Judiciary.

VIDEO AND LIBRARY PRIVACY PROTECTION ACT

Mr. LEAHY. Mr. President, I rise today to introduce the Video and Library Privacy Protection Act of 1988. This measure will ensure that the choice of books we read and the movies we view will be protected against unlawful disclosure. It is a timely response to the need to protect private activities in an era of increasing information collection and dissemination.

During the nomination hearing of Judge Robert Bork, a reporter obtained a list of the video tapes Judge Bork and his family had rented at a local video store, and then published an article in The City Paper. I joined with members of the Judiciary Committee and others in denouncing this unwarranted invasion of personal privacy. I said at the time this story broke and I repeat today that it is no one's business what video tapes Judge Bork or anyone else chooses to view. Few Americans will undergo the scrutiny given a Supreme Court nominee, but Judge Bork and all of us are entitled to a reasonable expectation of privacy.

I have worked with Senator SIMON, Senator GRASSLEY, and Senator SIMPSON to draft a comprehensive bill that would prohibit this type of disclosure and I believe it will be an important piece of our statutory protection of the right to privacy.

Commentators and courts have struggled with the meaning of a "right to privacy." Some have said that it is the right of autonomy or personhood. Others have described it as the freedom from outside intrusion. Justice Brandeis said simply that it is the "right to be let alone."

In practical terms, our right to privacy protects the choice of movies that we watch with our family in our own homes. And it protects the selection of books that we choose to read. These activities are at the core of any definition of personhood. They reveal our likes and dislikes, our interests and our whims. They say a great deal about our dreams and ambitions, our fears and our hopes. They reflect our individuality, and they describe us as people.

Who would have imagined that the video tapes that one watches at home or the books that one reads in the evening might become matters of public record? Not even George Orwell anticipated this.

When people rent video tapes they might reasonably expect that their names will be exchanged with other video dealers as video purchasers. They might even expect to receive special notices about adventure films, educational films, or exercise tapes, if they have joined specialized film groups. What they do not expect, and what the law should not allow, is that a detailed list of their previous rentals—the titles of the films, the dates they were rented—will be disclosed to other, without their consent.

Mr. President, we know that the transfer and compilation of this computerized information has become easier as the costs for data storage have diminished, and the sophistication of information collection has increased. We know also that statutory safegruards for privacy protection confront powerful institutional and economic pressure. For example, the growth of computer matching between Federal agencies undercut the protections embodied in the Privacy Act of 1974. But we in the Congress will have to confront these issues more and more in the years ahead.

David Burnham, a New York Times reporter who followed computer issues for several years, described this problem of transactional data in his book, The Rise of the Computer State. Our information society is generating an enormous record of personal activity. Every stop at an ATM machine, every car rental transaction, and, now it seems, every purchase at a grocery store places us in space and time. It provides a history of our comings and goings. People can find out where you were, what you were doing, and possibly who you were with. Who is to say that someday this information could not be compiled and elaborate dossiers on individual activity prepared?

Alexander Solzhenitsyn, a Vermont resident, described this danger in the most vivid terms. He wrote:

> As every man goes through life he fills in a number of forms for the record, each containing a number of questions . . . There are thus hundreds of little threads radiating from every man, millions of threads in all. If these threads were suddenly to become visible, the whole sky would look like a spider's web, and if they materialized like rubber bands, buses and trams and even people would lose the ability to move and the wind would be unable to carry torn-up newspapers or autumn leaves along the streets of the city.

The subtlety of this problem was only barely envisioned by Justice Brandeis when he warned us of the dangers to privacy that new technologies bring. In that famous dissent in the Olmstead decision, Judge Brandeis warned that:

> Subtler and more far reaching means of invading privacy have become available to the Government . . . the progress of science in furnishing the Government with the means of espionage is not likely to stop with wiretapping. Ways may some day be developed by which the Government, without removing papers from secret drawers, can reproduce them in court, and by which it will be enabled to expose to a jury the most intimate occurrences of the home.

Today, Mr. President, that capability exists. It does not require an elaborate listening device of the kind that Justice Brandeis might have imagined, but a much more subtle and much more pervasive form of surveillance. That is the trail of information generated by every transaction that is now recorded and stored in sophisticated recordkeeping systems.

Mr. President, the principle this bill embodies is a simple one: A person maintains a privacy interest in the transactional information about his or her personal activities. The disclosure of this information should only be permissible under well-defined circumstances.

This bill sets out comprehensive protection for personal information held by video store dealers and public libraries. It prohibits the disclosure of video rental records and library borrower records except to the person, to another with the person's consent, or under court order. Any person who is aggrieved by a violation may bring a civil action for damages.

Video stores will be allowed to sell customer lists, but they cannot disclose the particular films their customers have rented. Disclosure is permitted for the purpose of debt collection or the transfer of ownership.

Information unlawfully obtained cannot be used in a court proceeding.

Recognizing that many states have enacted legislation to protect this information, the bill explicitly preserves the rights of customers and patrons under state and local law.

Finally, the bill requires destruction of personal information one year from the date the information is no longer necessary for the purpose it was collected.

Mr. President, last Congress we enacted the first major privacy legislation in over a decade. The Electronic Communications Privacy Act extended privacy protection to increasingly widespread digitized communications. That bill was supported by over twenty organizations, including the National Association of Manufacturers, the Chamber of Commerce, the Direct Marketing Association, the ACLU and the Department of Justice.

Every major computer and telecommunications company in the United States supported that effort. They knew that electronic communication services would be more attractive if the companies could ensure the privacy of their customers' electronic mail.

The bill before us provides a similar opportunity to establish privacy safeguards. I look forward to working with the video dealers and the library associations in strengthening privacy protection for their customers and patrons. I applaud efforts that have already been taken by trade associations, professional groups, and others to establish information privacy protection with confidentiality provisions, record destruction policies, and enhanced security for automated systems containing personal information. All of these measures help safeguard the right of information privacy.

Let me also thank the staff—Melissa Patack with Senator GRASSLEY, Susan Kaplan with Senator SIMON, and Marc Rotenberg of my staff—who worked hard to craft a bill that provides comprehensive protection. The bill now enjoys broad support and is ready for prompt consideration thanks to their efforts.

Mr. President, this bill is a significant step in extending the right of privacy, and, in so doing, makes each of us a little freer to read and watch what we choose without public scrutiny, and once again strengthens the rights of individual liberty that lie at the heart of our system of government.

Mr. President, I ask that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Video and Library Privacy Protection Act of 1988".

SEC. 2. CHAPTER 121 AMENDMENT.

(a) IN GENERAL.—Chapter 121 of title 18, United States Code, is amended—

(1) by redesignating section 2710 as section 2711; and

(2) by inserting after section 2709 the following:

"§ 2710. Wrongful disclosure of video tape rental or sale records and library records

"(a) DEFINITIONS.—For purposes of this section—

"(1) the term 'patron' means any individual who requests or receives—

"(A) services within a library; or

"(B) books or other materials on loan from a library;

"(2) the term 'consumer' means any renter, purchaser, or subscriber of goods or services from a video tape service provider;

"(3) the term 'library' means an institution which operates as a public library or serves as a library for any university, school, or college;

"(4) the term 'ordinary course of business' means only debt collection activities and the transfer of ownership;

"(5) the term 'personally identifiable information' includes information which identifies a person as having requested or obtained specific materials or services from a video tape service provider or library; and

"(6) the term 'video tape service provider' means any person, engaged in the business of rental, sale, or delivery of pre-recorded video cassette tapes or similar audio visual materials.

"(b) VIDEO TAPE RENTAL AND SALE RECORDS.—(1) A video tape service provider who knowingly discloses, to any person, personally identifiable information concerning any consumer of such provider shall be liable to the aggrieved person for the relief provided in subsection (d).

"(2) A video tape service provider may disclose personally identifiable information concerning any consumer—

"(A) to the consumer;

"(B) to any person with the informed, written consent of the consumer given at the time the disclosure is sought;

"(C) to a law enforcement agency pursuant to a court order authorizing such disclosure if—

"(i) the consumer is given reasonable notice, by the law enforcement agency, of the court proceeding relevant to the issuance of the court order and is afforded the opportunity to appear and contest the claim of the law enforcement agency; and

"(ii) such law enforcement agency offers clear and convincing evidence that the subject of the information is reasonably suspected of engaging in criminal activity and the information sought is highly probative and material to the case;

"(D) to any person if the disclosure is solely of the names and addresses of consumers and if—

"(i) the video tape service provider has provided the consumer with the opportunity, in a writing separate from any rental, sales, or subscription agreement, to prohibit such disclosure; and

"(ii) the disclosure does not reveal, directly or indirectly, the title, description, or subject matter of any video tapes or other audio visual material;

"(E) to any person if the disclosure is incident to the ordinary course of business of the video tape service provider; or

"(F) pursuant to a court order, in a civil proceeding upon a showing of compelling need for the information that cannot be accommodated by any other means, if—

"(i) the consumer is given reasonable notice, by the person seeking the disclosure, of the court proceeding relevant to the issuance of the court order; and

"(ii) the consumer is afforded the opportunity to appear and contest the claim of the person seeking the disclosure.

If an order is granted pursuant to subparagraph (C) or (F), the court shall impose appropriate safeguards against unauthorized disclosure.

"(c) LIBRARY RECORDS.—(1) Any library which knowingly discloses, to any person, personally identifiable information concerning any patron of such institution shall be liable to the aggrieved person for the relief provided in subsection (d).

"(2) A library may disclose personally identifiable information concerning any patron—

"(A) to the patron;

"(B) to any person with the informed written consent of the patron given at the time the disclosure is sought;

"(C) to a law enforcement agency pursuant to a court order authorizing such disclosure if—

"(i) the patron is given reasonable notice, by the law enforcement agency, of the court proceeding relevant to the issuance of the court order and is afforded the opportunity to appear and contest the claim of the law enforcement agency; and

"(ii) such law enforcement agency offers clear and convincing evidence that the subject of the information is reasonably suspected of engaging in criminal activity and that the information sought is highly probative and material to the case;

"(D) to any person if the disclosure is solely of the names and addresses of patrons and if—

"(i) the library has provided the patron with a written statement which affords the patron the opportunity to prohibit such disclosure; and

"(ii) the disclosure does not reveal, directly or indirectly, the title, description, or subject matter of any library materials borrowed or services utilized by the patron;

"(E) to any authorized person if the disclosure is necessary for the retrieval of overdue library materials or the recoupment of compensation for damaged or lost library materials; or

"(F) pursuant to a court order, in a civil proceeding upon a showing of compelling need for the information that cannot be accommodated by any other means, if—

"(i) the patron is given reasonable notice, by the person seeking the disclosure, of the court proceeding relevant to the issuance of the court order; and

"(ii) the patron is afforded the opportunity to appear and contest the claim of the person seeking the disclosure.

If an order is granted pursuant to subparagraph (C) or (F), the court shall impose appropriate safeguards against unauthorized disclosure.

"(d) CIVIL ACTION.—(1) Any person aggrieved by any act of a person in violation of this section may bring a civil action in a United States district court.

"(2) The court may award—

"(A) actual damages but not less than liquidated damages in an amount of $2,500;

"(B) punitive damages;

"(C) reasonable attorneys' fees and other litigation costs reasonably incurred; and

"(D) such other preliminary and equitable relief as the court determines to be appropriate.

"(3) No action may be brought under this subsection unless such action is begun within 2 years from the date of the act complained of or the date of discovery.

"(4) No liability shall result from lawful disclosure permitted by this section.

"(e) Personally identifiable information obtained in any manner other than as provided in this section shall not be received in evidence in any trial, hearing, arbitration, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, a State, or a political subdivision of a State.

"(f) DESTRUCTION OF OLD RECORDS.—A person subject to this section shall destroy personally identifiable information as soon as practicable, but no later than one year from the date the information is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to such information under subsections (b)(2) or (c)(2) or pursuant to a court order.

"(g) SELECTION OF A FORUM.—Nothing in this section shall limit rights of consumers or patrons otherwise provided under State or local law. A Federal court shall, in accordance with section 1738 of title 28, United States Code, give preclusive effect to the decision of any State or local court or agency in an action brought by a consumer or patron under a State or local law similar to this section. A decision of a Federal court under this section shall preclude any action under a State or local law similar to this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 121 of title 18, United States Code, is amended—

(1) in the item relating to section 2710, by striking out "2710" and inserting "2711" in lieu thereof; and

(2) by inserting after the item relating to section 2709 the following new item:

"2710. Wrongful disclosure of video tape rental or sale records and library records.".

Mr. GRASSLEY. Mr. President, the concept of privacy and its limitations is much debated among my colleagues. Privacy is something we all value. The bill of rights protects important aspects of privacy in several ways. Congress has enhanced other aspects of personal privacy by statute.

Privacy can, however, be an elusive concept. Justice Brandeis once defined the right of privacy as, simply, "the right to be let alone." And Justice Anthony Kennedy, during his nomination hearings, noted:

> We are very much in a state of evolution and debate. * * * We are still in a rudimentary state of the law so far as the right of privacy is concerned.

The right of privacy is not, however, a generalized undefined right; it is a specific right, one which individuals should understand. And it is the role of the legislature to define, expand, and give meaning to the concept of privacy. Toward that end, I am, along with Senators LEAHY and SIMON, pleased to introduce legislation intended to prevent and redress certain intrusions into personal privacy. The Video and Library Privacy Protection Act of 1988 recognizes that individuals should be protected in their personal use of videotapes and library books. This bill will give specific meaning to the right of privacy, as it affects individuals in their daily lives.

The bill prohibits those who rent, sell, or otherwise provide videotapes from disclosing the identity of the individuals and the tapes rented or bought, except in certain limited circumstances. Likewise, a library would be prevented from revealing the identity of its patrons and the books they borrow or services they use.

My colleagues and I recognize that some States, such as my own home State of Iowa, have begun to enact legislation similar to our Video and Library Privacy Protection Act. We do not want to preempt the States from acting in this area. In fact, the State legislatures are particularly well suited to respond to technological changes and trends in society. Thus, under our bill, citizens in States with similar legislation will merely have an alternative in the Federal remedy.

Likewise, we share a concern about imposing penalties upon those who are in the business of renting or selling videofilms and who own libraries. However, privacy, as defined in this bill, requires protection. We expect that video store and library owners will educate their employees to refrain from disclosure so as to minimize the possibility of unauthorized discloure.

I know that many of my colleagues are concerned with the notice of personal privacy and what it means for Americans. Passage of this legislation will help define and as a result, enhance individual privacy.

Mr. SIMON. Mr. President, today I join with my colleagues Senator LEAHY, Senator GRASSLEY, and Senator SIMPSON in introducing legislation to protect one of the most treasured liberties of all, the right to privacy. There is no denying that the computer age has revolutionized our world. Over the past 20 years we have seen remarkable changes in the way each one of us goes about our lives. Our children learn through computers. We bank by machine. We watch movies in our living rooms. These technological innovations are exciting and as a nation we should be proud of the accomplishments we have made.

Yet as we continue to move ahead, we must protect time honored values that are so central to this society, particularly our right to privacy. The advent of the computer means not only that we can be more efficient than ever before, but that we have the ability to be more intrusive than ever before. Every day Americans are forced to provide to businesses and others personal information without having any control over where that information goes. Computer records are kept on where we travel, what we eat, what we buy, what we watch, and what we read. These records are a window into our loves, likes, and dislikes. As Justice Brandeis predicted over 40 years ago in his famous dissent in the Olmstead wiretap case:

> Time works changes, brings into existence new conditions and purposes * * * Subtler and more far reaching means of invading privacy have become available * * * Ways may some day be developed by which the Government, without removing papers from secret drawers, can reproduce them in court and by which it will be enabled to expose to a jury the most intimate occurrences of the home.

This point was brought home to me during the course of the confirmation hearings on Judge Bork when I learned that a reporter had received from a local video store a list of the movies that Judge Bork and his family had rented. Who would guess that the choice of movies one watches in the privacy of the home would not be confidential?

The legislation being introduced today takes an important step in ensuring that individuals will maintain control over their personal information when renting or purchasing a movie or when borrowing a library book. The bill specifically provides for a Federal cause of action in the event a list which identifies the books we read or the movies we watch is released. Since there are certain circumstances in which it may be necessary for this information to be divulged, the bill provides for some limited exceptions to the prohibition, including an exemption to cover legitimate law enforcement activities.

No doubt in the days and years ahead we will continue to make much progress in developing new technologies. While I am fully supportive of innovation and growth, I remain committed to protecting those principles which are so central to America. The legislation being introduced today strikes the necessary balance to ensure that our privacy will not be lost as we move ahead.

By Mr. MITCHELL (for himself, Mr. CHAFEE, Mr. COHEN, Mr. PELL, Mr. KERRY, and Mr. KENNEDY):

S. 2362. A bill to enhance the enforcement of laws conserving American lobsters; to the Committee on Finance.

CONSERVATION OF AMERICAN LOBSTERS

● Mr. MITCHELL. Mr. President, I today am introducing legislation intended to strengthen conservation and management of lobsters in the United States.

Maine and the rest of New England is famous for lobsters. In 1987, total U.S. landings of lobsters weighed 45 million pounds, and were valued at $133 million. Maine, Massachusetts, and Rhode Island led the region's fishing industry in lobster landings, followed by Connecticut and New Hampshire.

What few people realize is the careful balance of scientific and technical considerations which are necessary to preserve lobsters as a vital and abundant ocean resource. New England lobsters—also known as American lobsters—are of a distinct species, homarus americanus, found in waters of the northwest Atlantic, from Labrador to Cape Hatteras. Stocks are concentrated in the Gulf of Maine, and waters off southern New England.

Conservation and management of the lobster fishery occurs under a combination of Federal and State law. State laws regulate in-shore catches up to 3 miles from the coast. Under the Magnuson Act, Federal regulations apply to catches from 3 to 200 miles off-shore. However, Federal regulations require that anyone holding a State lobster permit which is endorsed for lobstering in Federal waters must observe the more restrictive—that is, Federal—requirements for all lobsters caught.

Federal regulations for the American Lobster Fishery are contained in the Code of Federal Regulations (50 CFR 649). One of the most important conservation measures in the management plan is a minimum legal size for a harvested lobster's body shell length. The current minimum size is $3\frac{7}{32}$ inches, but is scheduled to increase to 3¼ inches in 1989; $3\frac{9}{32}$ inches in 1990; and $3\frac{5}{16}$ inches in 1991.

The Federal regulation follows minimum size increases mandated by changes in State laws during 1987 in Maine, Massachusetts, and Rhode Island. These changes represent a critical effort to strengthen and enhance the conservation of American lobster stocks.

New Hamsphire and Connecticut are expected to move also to match these increases in their State laws. However, only a small number of lobster fishermen are not already subject to the Federal minimum size requirements. In New Hampshire, for example, which accounts for less than 3 percent of New England lobster landings, 76 percent of all lobsters are landed by fishermen with federally endorsed permits.

An appropriate balance exists between Federal and State laws for fisheries conservation and management. Within the United States, the lobster management plan is working. However, the Federal plan is threatened by imports of American lobsters which are below its minimum size.

Approximately 50 percent of American lobsters sold in the United States are imported. In 1987, total U.S. landings of American lobsters weighed 45 million pounds, and were valued at $133 million. Total imports were 39 million pounds, valued at $178 million. Of these imports, 10 percent are estimated to be below the Federal minimum size. As the minimum size increases, the number of imports estimated below the minimum size will increase to approximately 30 percent.

In the U.S. market, where domestic and imported lobsters are intermingled in the stream of commerce, it is virtually impossible to enforce compliance with the Federal minimum size—particularly in places outside of New England, such as Chicago or Los Angeles. There also is an open risk of a "black market" developing in subminimum lobsters of U.S. origin.

The New England lobster industry also sees itself as forced to comply with minimum size requirements which do not apply to imports. It does not make sense, from the point of view of basic fairness. Let any foreign nation observe whatever minimum size it wants within its own waters. But within the United States, such a nation should respect our law and our minimum lobster size.

The legislation which I am introducing today would accomplish this conservation purpose. It would prohibit importation of lobsters which do not comply with the Federal minimum size.

With respect to two other provisions of the Federal lobster management plan, the legislation also would prohibit imports of "berried" or scrubbed" lobsters, which are respectively, egg-bearing lobsters, or lobsters with visible evidence of eggs having been forcibly removed. The legislation also would apply to both whole lobsters or lobster parts. However, the most urgent concerns for enforcement definitely are whole lobsters and the minimum size requirement.

This legislation is urgently necessary if the legitimacy of the Federal lobster management is to be maintained.

Unless imported lobsters sold in the United States are held to the same conservation standards as our own fishermen, New England industry leaders fear that sentiment will grow soon to repeal the Federal and State minimum lobster sizes. This would reverse the steady progress in enhancing conservation in recent years. It also would jeopardize the long-term future of the resource.

I emphasize that the purpose of this legislation is conservation. It does not prohibit imports of lobsters, but rather, only those lobsters which do not meet our conservation and management standards. New England lobster dealers depend on imports to meet market demand, and I would not support any real restriction on the flow of such trade.

There even have been recent suggestions that Canadian lobstermen—who are the source of imported lobster for the United States—may seek a Canadian minimum size to match the United States standard.

I do not know whether such reports are correct. Such action would be encouraging news, and might obviate the immediate need for legislation. However, it is impossible to assess that prospect at this time.

For now, urgent action is needed.

And I intend to take all necessary action to enhance lobster conservation and management under U.S. law, and to require adherence by imports to our Federal minimum lobster size.●

● Mr. CHAFEE. Mr. President, I rise today in strong support of legislation which is designed to promote the conservation of one of the finest delicacies in the American diet: the lobster.

The United States has already taken steps to protect this resource by establishing a minimum conservation size of lobsters which can be taken as part of a U.S. Fisheries Management Plan for North America.

However, while we have taken strong steps to protect young lobsters in the reproductive stage, we are still allowing the importation of lobsters below the minimum size. This importation creates a strong incentive for the creation of a "black market" for under-sized lobsters, caught in U.S. waters but marketed as imported lobsters.

Importing lobsters below the minimum standard size creates a sense of unfairness. The New England lobster industry is required to adhere to a standard which does not apply to imports. This has created a sentiment among U.S. lobstermen to simply do away with the minimum size requirement altogether, an action which would have serious long term consequences for the industry.

Mr. President, the legislation which Senator MITCHELL, Senator COHEN, myself and others are introducing today will prevent the importation of lobsters into the United States that do not meet the minimum size requirements of the U.S. fisheries management and conservation system.

The purpose of this legislation is not to unduly restrict trade, but to provide a strong incentive for preserving a $300 million industry. Rhode Island alone harvests over 5 million pounds of lobster per year, worth close to $17 million. Over 800 lobstermen are employed in my State, and their livelihood depends on the continued regeneration of a healthy lobster population. This can only occur if we take adequate steps to prevent the taking of lobsters below the minimum size, and encourage this sound management practice along the North American coast.

I urge my colleagues to join with us in supporting this legislation.●

● Mr. COHEN. Mr. President, I am pleased to join my colleague from Maine, Senator MITCHELL, and other New England Senators, in sponsoring legislation to enhance the ongoing Federal effort to protect the North Atlantic lobster (homerus americanus).

In 1986, the New England lobster industry and the Department of Commerce took a giant step toward the conservation of this lobster species by approving a Lobster Fishery Management Plan [FMP] which included a gradual increase in the minimum size of lobsters caught in North Atlantic waters. The purpose of this regulation is to allow mature lobsters to reproduce, thus leading to an increase in the lobster population.

Approval of this important conservation measure followed years of discussion and controversy over the need and effectiveness of such a measure. It was a difficult step for the lobster industry to take, because it meant that many under-sized lobsters previously caught and sent to market had to be tossed back in the water. However, it was a step the lobstermen were willing to take because they recognized that the depletion of the lobster species would result in the elimination of their livelihood. Allowing lobsters to reach maturity is a vital element in the protection of this important species.

I want all of my colleagues to think long and hard of what life would be like without lobster. A truly enjoyable experience—the lobster dinner—would become a thing of the past, and the world would be a darker place because of it.

While New England fishermen have found no difficulty with the new minimum size regulations, a problem has arisen because Canada does not have similar minimum size regulations even though Canadian lobsters account for roughly 50 percent of the U.S. market. As long as Canada continues to catch and market undersize lobsters in the United States, the effectiveness of U.S. conservation measures is reduced, and the lobster population in the North Atlantic will continue to decline.

The legislation we are proposing today would prohibit the importation of North Atlantic lobsters that do not meet the U.S. standard for minimum size. I hope that this measure will be approved by the Senate, so that lobstermen along the east coast will not see their attempts at conservation circumvented. I fear that if we do not implement this import prohibition, the New England industry will give up and repeal its own conservation measures. What will follow is the decline of a species very important to Maine lobstermen and to the Nation as a whole.

I urge the Senate to expedite passage of this bill.●

By Mr. DECONCINI (for himself, Mr. PELL, Mr. MOYNIHAN, Mr. STEVENS, Mr. HATFIELD, Mr. CONRAD, Mr. GRASSLEY, Mr. MITCHELL, Mr. MCCAIN, Mr. COCHRAN, Mr. SARBANES, Mr. BURDICK, Mr. GRAMM, Mr. DURENBERGER, Mr. MELCHER, Mr. MATSUNAGA, Mr. REID, Mr. STENNIS, Mr. DODD, Mr. CHILES, Mr. PACKWOOD, Mr. LUGAR, Mr. INOUYE, Mr. SIMON, Mr. HATCH, Mr. PROXMIRE, and Mr. WIRTH):

S.J. Res. 315. Joint resolution designating the year 1989 as the "Year of the Young Reader"; referred to the Committee on the Judiciary.

YEAR OF THE YOUNG READER

● Mr. DECONCINI. Mr. President, today I am introducing with Senators PELL, MOYNIHAN, STEVENS, HATFIELD, CONRAD, GRASSLEY, MITCHELL, MCCAIN, COCHRAN, SARBANES, BURDICK, GRAMM, DURENBERGER, MELCHER, MATSUNAGA, REID, STENNIS, DODD, CHILES, PACKWOOD, LUGAR, INOUYE, SIMON, HATCH, PROXMIRE, and WIRTH a joint resolution declaring 1989 as the "Year of the Young Reader." This resolution calls upon the President to issue a proclamation encouraging parents, educators, librarians, government officials, corporations, and associations to observe the year with programs and activities to spark a reading habit in our young people. I think we can all agree that developing our children and young adults into readers today is the best way to ensure a literate and informed society tomorrow.

One of the themes for the year will be "Give Us Books, Give Us Wings" from Paul Hazard's "Books, Children, and Men." Like the Year of the Reader campaign in 1987, the 1989 campaign will focus on the positive and upbeat aspects of reading, rather than the negatives of the neglect of reading. Too often our children are conditioned to believe that reading is work. We need to remind them that books open doors to new worlds which can provide hours of personal enjoyment. After all, to master the skill of reading is a joy, not a chore.

Promotion of the Year of the Young Reader has already begun. Organizations and corporations that have agreed to participate in this important campaign include the American Library Association, the Association of Booksellers for Children, CBS Television, the Children's Book Council, the International Reading Association, NBC Television, Pizza Hut, and Reading is Fundamental, Inc. In addition, the 15 State centers for the book, each affiliated with the Library of Congress, will sponsor activities and programs to stimulate a love of books and reading among our Nation's youth.

Mr. President, I have heard it said many times on this floor that our children are our future. That future will be seriously compromised if we do not educate our children to the joy, the thrill, truly the intoxication of reading. I urge all my colleagues to join me in cosponsoring this resolution.

Mr. President, I ask unanimous consent that the entire text of the resolution be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 315

Whereas books and reading are the basic nourishment of a growing mind and the foundation of a child's future education and enrichment;

Whereas developing children into readers today is the best way to ensuring a literate and informed citizenry tomorrow;

Whereas the Book Industry Study Group and others have reported a decline in book reading among young people in recent years;

Whereas since 1983 the National Commission on Excellence, the Commission on Reading, and the Librarian of Congress have urged this Nation to give renewed attention to encouraging a love of books and reading among our young people; Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That 1989 is designated the "Year of the Young Reader," and the President is authorized and requested to issue a proclamation encouraging parents, educators, librarians, government officials, members of the book community, corporations, associations, and the people of the United States to observe such year with appropriate programs, ceremonies, and activities aimed at giving our children and young adults the gift, the joy, and the promise of reading.●

Mr. SARBANES. Mr. President, I am very pleased to join in introducing a resolution to designate 1989 as the "Year of the Young Reader." It has long been my view that young people are our Nation's greatest resource, and as we confront a world that is increasingly complex, both technologically and economically, it becomes even more important to do all we can to encourage and stimulate a love of reading and an appreciation of the importance of books and literature in our youth of today. Books and reading are critical elements in providing useful nourishment for growing minds. Instilling in our children a joy of reading and an understanding of its importance is one of the finest gifts we can offer. It is also the best way to ensure the continuation of an informed and literate populace which is critical to a democratic society.

The introduction of this resolution seems especially appropriate as we come to the conclusion of the 31st annual observation of "National Library Week," which as you know was celebrated April 17-23. Libraries have always been an integral part of all that our country embodies; freedom of information, an educated citizenry, and an open and enlightened society—and of course libraries provide a unique and vital service in our communities by making available a multitude of resources and programs to every citizen in the community. But libraries are not merely passive repositories of materials. They are engines of learning, and are at the very center of efforts to develop our Nation's young people into enthusiastic and thoughtful readers. I am pleased to meet regularly with members of the Maryland Library Association, and I am proud that Maryland's library community has expressed its strong support for this legislation.

The passage of this resolution would provide a unified theme to support national activities focused on effective reading promotional strategies. Such activities might include programs and special events to highlight especially important authors and books, educate parents on the variety and characteristics of good children's books, and illustrate the special, enduring qualities of children's literature.

Our Nation's young readers, who develop an interest in the ability to understand and apply the vast sum of knowledge and information available in books, are likely to enter our society as productive and contributing adults. Such efforts deserve every support and encouragement our Government can provide, and I urge the prompt passage of this important resolution.●

ADDITIONAL COSPONSORS

S. 182

At the request of Mr. RIEGLE, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 182, a bill to amend title 3, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time in the continental United States for Presidential general elections.

S. 909

At the request of Mr. REID, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 909, a bill to require that all amounts saved as a result of Federal Government contracting pursuant to Office of Management and Budget Circular A-76 be returned to the Treasury, that manpower savings resulting from such contracting be made permanent, and that employees of an executive agency be consulted before contracting determinations by the head of that executive agency are made pursuant to that circular.

S. 1052

At the request of Mr. SPECTER, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1052, a bill to establish a National Center for the United States Constitution within the Independence National Historical Park in Philadelphia, PA.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1301, a bill to amend title 17, United States Code, to implement the Berne Convention for the Protection of Literary and Artistic Works, as revised on July 24, 1971, and for other purposes.

S. 1346

At the request of Mr. MATSUNAGA, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 1346, a bill to amend the National Labor Relations Act to give employers and performers in the performing arts rights given by section 8(e) of such act to employers and employees in similarly situated industries, to give employers and performers in the performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 1511

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 1511, a bill to amend title IV of the Social Security Act to replace the AFDC Program with a comprehensive program of mandatory child support and work training which provides for transitional child care and medical assistance, benefits improvement, and mandatory extension of coverage to two-parent families, and which reflects a general emphasis on shared and reciprocal obligation, program innovation, and organizational renewal.

S. 1522

At the request of Mr. RIEGLE, the names of the Senator from Illinois [Mr. DIXON] and the Senator from Florida [Mr. CHILES] were added as cosponsors of S. 1522, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage certificates may be issued.

S. 1751

At the request of Mr. LAUTENBERG, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1751, a bill to require vessels to manifest the transport of municipal or other nonhazardous commercial wastes transported offshore to ensure that these wastes are not illegally disposed of at sea.

S. 2075

At the request of Mr. DASCHLE, the name of the Senator from Nevada

[Mr. REID] was added as a cosponsor of S. 2075, a bill to amend the Internal Revenue Code of 1986 to permit tax-free purchases of certain fuels, including purchases by farmers.

S. 2082

At the request of Mr. MATSUNAGA, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 2082, a bill to amend the Internal Revenue Code of 1986 to exempt retired public safety officers from the early withdrawal tax on pension distributions.

S. 2111

At the request of Mr. HATFIELD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 2111, a bill to amend the patent law, title 35, United States Code, to prohibit the patenting of genetically altered or modified animals.

S. 2174

At the request of Mr. BURDICK, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 2174, a bill to amend the Department of Transportation Act so as to reauthorize local rail service assistance.

S. 2195

At the request of Mr. HARKIN, the names of the Senator from Washington [Mr. ADAMS], the Senator from Arkansas [Mr. BUMPERS], the Senator from Illinois [Mr. SIMON], the Senator from Connecticut [Mr. DODD], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 2195, a bill to authorize the Rail Service Assistance Program under the Department of Transporation Act through fiscal year 1991.

S. 2205

At the request of Mr. DECONCINI, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of S. 2205, a bill to enact the Omnibus Antidrug Act of 1988, and for other purposes.

S. 2256

At the request of Mr. PROXMIRE, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 2256, a bill to provide for intermarket coordination.

S. 2282

At the request of Mr. REID, the name of the Senator from Indiana [Mr. QUAYLE] was added as a cosponsor of S. 2282, a bill to require reauthorizations of budget authority for Government programs at least every 10 years, to provide for review of Government programs at least every 10 years, and for other purposes.

S. 2298

At the request of Mr. GLENN, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from North Dakota [Mr. CONRAD], the Senator from Iowa [Mr. HARKIN], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Montana [Mr. MELCHER] were added as cosponsors of S. 2298, a bill to require the Administrator of the General Services Administration to encourage the development and use of plastics derived from certain commodities, and to include such products in the General Services Administration inventory for supply to Federal agencies, and for other purposes.

SENATE JOINT RESOLUTION 141

At the request of Mr. NICKLES, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of Senate Joint Resolution 141, a joint resolution designating August 29, 1988, as "National China-Burma-India Veterans Appreciation Day."

SENATE JOINT RESOLUTION 264

At the request of Mr. RIEGLE, the names of the Senator from New Hampshire [Mr. HUMPHREY] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Joint Resolution 264, a joint resolution to designate the period commencing May 8, 1988, and ending May 14, 1988, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 270

At the request of Mr. RIEGLE, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Tennessee [Mr. SASSER], the Senator from Washington [Mr. ADAMS], the Senator from South Dakota [Mr. DASCHLE], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 270, a joint resolution designating June 26 through July 2, 1988, as "National Safety Belt Use Week."

SENATE JOINT RESOLUTION 294

At the request of Mr. TRIBLE, the names of the Senator from Virginia [Mr. WARNER], the Senator from Montana [Mr. MELCHER], the Senator from Tennessee [Mr. GORE], the Senator from Mississippi [Mr. COCHRAN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 294, a joint resolution designating August 9, 1988, as "National Neighborhood Crime Watch Day."

AMENDMENT NO. 2005

At the request of Mr. DIXON, the names of the Senator from Delaware [Mr. ROTH] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of amendment No. 2005 proposed to S. 2355, an original bill to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SENATE CONCURRENT RESOLUTION 117—SENSE OF THE CONGRESS RELATIVE TO RELIEF FOR THE CITRUS INDUSTRY

Mr. CHILES (for himself and Mr. GRAHAM) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 117

Whereas the Government of Japan has imposed quotas on over 200 agricultural and non-agricultural products, including citrus and beef products, as recently as the mid-1960s justified on a claimed balance of payments problem despite a determination by the International Monetary Fund in 1963 that Japan's balance of payments difficulties had been corrected;

Whereas the Strauss-Ushiba Agreement between the United States and Japan entered into in 1979 provided for some liberalization of Japanese import quotas, including a liberalization of a quantitative restriction on citrus and beef imports, over a five year period ending in April 1984, such liberalization was gradual and looked not to elimination of such citrus and beef restrictions by Japan but another agreement in 1984;

Whereas, on August 14, 1984, United States Trade Representative, William E. Brock, announced another agreement (the "Brock-Yamamura Understanding") concluded with Japan to increase United States access to Japanese markets for citrus (as well as beef) products based on a U.S. understanding looking to the elimination of quantitative restrictions on citrus imports: "This concludes negotiations on beef and citrus, as I anticipate all import restrictions will be eliminated on April 1, 1988.";

Whereas frequent negotiations were held between the United States and Japanese governments during 1987 and early 1988 with regard to United States insistence on the elimination of Japanese import barriers with respect to citrus and beef products by April 1, 1988, such negotiations were concluded without success on March 31, 1988, and since that time the Japanese Government has announced the imposition of interim quotas for 1988 on oranges and orange juice at the same levels in effect in 1987;

Whereas, the United States-Japan Agreement on trade for citrus and beef products expired March 31, 1988 without Japanese agreement relating to the elimination of their quotas and restrictions on citrus and beef products, the United States requested an emergency meeting of the General Agreement on Tariffs and Trade (GATT) Council on April 8, 1988, to request the formation of an independent GATT panel to review the United States complaint against Japan;

Whereas, the Japanese Government objected to the GATT Council on April 8, 1988 with respect to the United States request for the formation of an independent panel to review the U.S. complaint that the Japanese quotas on citrus and beef were "GATT illegal";

Whereas on May 3, 1988, the United States Trade Representative, Ambassador Clayton Yeutter, announced that trade talks with Japanese Agriculture Minister

Takishi Sato had broken off without a bilateral solution wherein the United States has sought elimination of the "Japanese citrus and beef quotas" by a date certain as well as "an immediate end" to the GATT-illegal citrus juice blending requirement as well as substantial cuts in Japan's citrus tariffs;

Whereas on May 4, 1988 the GATT Council met in Geneva, Switzerland and the United States sought for the second time for the establishment of a panel to review its complaint concerning Japan's obstructive citrus and beef import practices whereupon such a panel was established;

Whereas on May 6, 1988, Florida Citrus Mutual and others filed a petition under chapter 1 of title III of the Trade Act of 1974, alleging that Japan's restrictive quantitative quotas on citrus (oranges and orange juice) and beef products are in violation of the General Agreement on Tariffs and Trade; and Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the United States Trade Representative should continue to vigorously pursue the United States complaint against Japan's obstructive citrus and beef import practices with the GATT Council seeking a favorable decision on behalf of the United States that Japan is in violation of the General Agreement on Tariffs and Trade,

(2) the United States Trade Representative is urged to initiate an investigation under chapter 1 of title III of the Trade Act of 1974 in response to the petition filed by the Florida Citrus Mutual and others,

(3) the United States Trade Representative should expeditiously pursue, once initiated, its investigation of the alleged unfair trade practices described in such petition,

(4) the President should use the authority provided in section 301 of the Trade Act of 1974 to restore the benefits due the United States citrus industry which arise from Japan's nonconformity with the GATT provisions in the imposition of its quantitative restrictions maintained on oranges and orange juice as described in petitioners' section 301 complaint, and

(5) the President should take appropriate action, assuming there is a favorable GATT panel determination on citrus and beef products, to obtain the recommendation of the GATT Contracting Parties that Japan eliminate or otherwise bring into conformity with the GATT provisions its citrus and beef import practices maintained on imports from the United States.

● Mr. CHILES. Mr. President, I rise today to offer a sense of the Congress resolution regarding Japan's continued imposition of illegal quotas on United States orange juice, fresh oranges, and beef produced in the United States.

I met with Japanese Ambassador Nobuo Matsunaga in March and I told him that if his Government refused to eliminate these quotas, I would encourage the United States Trade Representative to take whatever actions are necessary to remove these barriers to free trade. I have joined with the Florida citrus industry and other members of the Florida congressional delegation in submitting for review a draft 301, unfair foreign trade practices, petition to Clayton Yeutter, U.S. Trade Representative.

I am very pleased with Ambassador Yeutter's actions so far, but he needs our support to fight these illegal quotas. I am told that Japan's Agriculture Minister Takashi Sato has received a petition signed by 25 million Japanese people against removing the quotas on beef and citrus.

Mr. President, this resolution calls on the President and the United States Trade Representative to pursue complaints against Japan's obstructive citrus and beef import practices, seeking a favorable decision on behalf of the United States that Japan is in violation of the General Agreement on Tariffs and Trade.

Assuming that the GATT panel does determine that the Japanese quotas are illegal, the President is encouraged to obtain a recommendation from the GATT contracting parties that Japan eliminate or otherwise bring into conformity with the GATT provisions its citrus and beef import practices.

I hope that an agreement acceptable to U.S. beef and citrus producers can be negotiated to make the 301 petition null and void. In the meantime, Mr. President, Congress must show its strong opposition to Japan's continued system of illegal quotas.●

SENATE RESOLUTION 426—PROTECTION OF THE EARTH'S STRATOSPHERIC OZONE LAYER

Mr. BAUCUS (for himself, Mr. Chafee, Mr. Mitchell, Mr. Stafford, Mr. Durenberger, Mr. Matsunaga, Mr. Pell, and Mr. Kerry) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 426

Whereas the Montreal Protocol on Substances that Deplete the Ozone Layer provides a framework for all nations of the world to protect the earth's ozone shield;

Whereas the Ozone Trends Report completed in March 1988 through the effort of over 100 international scientists sponsored by the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the Federal Aviation Administration, the World Meteorological Organization and the United Nations Environment Program found undisputed observational evidence that the atmospheric concentrations of source gases important in controlling stratospheric ozone levels (chlorofluorocarbons, halons, methane, nitrous oxide, and carbon dioxide) are increasing on a global scale as a result of human activities and that observed losses of ozone since 1970 are significantly greater than computer models had predicted, especially over the northern hemisphere during the winter months where losses ranging from 2.3% to 6.2% were observed;

Whereas the computer models used in the formulation of the Montreal Protocol predicted that global ozone depletion would reach 0.8% by 1986, the Ozone Trends Report measured global ozone depletion of 2.5%;

Whereas there has been a large, sudden, and unexpected decrease in spring-time Antarctic ozone with decreases greater than 50% in the total column, and greater than 95% between an altitude of 15 to 20 kilometers;

Whereas the Ozone Trends Report found that, since 1979, ozone appears to have decreased by 5% or more at all latitude south of 60 degrees south throughout the entire year;

Whereas the Ozone Trends Report has raised serious questions about the adequacy of the control measures that are set forth in the Montreal Protocol;

Whereas ozone depleting chlorofluorocarbons are powerful greenhouse gases projected to be responsible for 15-20% of expected global warming and uncontrolled climate change;

Whereas the seven major industrial nations including Canada, England, France, Italy, Japan, West Germany and the United States represent over two-thirds of the world's use of chlorofluorocarbons;

Whereas the leaders of these seven nations will conduct a Summit in June to discuss matters of mutual concern;

Whereas at last year's summit meeting the leaders of these nations committed to take effective action to address the worldwide impact of stratospheric ozone depletion: Now therefore, be it

Resolved, That it is the sense of the Senate that the President of the United States should call upon the leaders of the major industrial nations of the world at the June Summit to take effective action to protect the earth's stratospheric ozone layer by agreeing to (1) deposit, not later than 1 October 1988, all instruments of ratification, acceptance, approval of the Montreal Protocol; (2) immediately call for a meeting of the parties to the Protocol as soon as possible to consider the latest scientific evidence and to consider the necessity for further control measures; and (3) implement, within one year, domestic prohibitions on all non-essential uses of ozone depleting substances listed in Annex A of the Montreal Protocol.

● Mr. BAUCUS. Mr. President, today I am introducing a sense of the Senate resolution calling on the seven leading economic nations of the world to take forthright action to address the threat posed to the Earth's atmosphere by chlorofluorocarbon.

Last September, the world's countries entered into an agreement to control CFC's. This agreement known as the Montreal protocol is a monumental achievement of worldwide cooperation to protect the Earth's atmosphere. Yet the protocol has not gone into force.

The Montreal protocol to date has only been ratified by the United States and Mexico. Eleven countries representing two-thirds of the world's production must ratify the protocol for it to take effect. The protocol must be enacted this year if CFC production will be frozen on January 1, 1989.

When the protocol was negotiated, we were told by the scientific community that by acting quickly long-term damage to the Earth's protective ozone shield could be avoided. The adequacy of the protocol is now being questioned.

Last month, the ozone trends report representing the views of over 100 scientists concluded that the Antarctic ozone hole had become a permanent tear in the Earth's atmosphere and that significant depletion was occurring in the Northern Hemisphere during the winter months.

Time is running out. Action is needed to begin addressing this problem.

At the economic summit of the seven economic nations of the world last year, a commitment was made to take effective action to address the problem.

As of today, the protocol has not gone into force. Yet, serious questions are being raised as to the adequacy of this agreement.

The seven nations who will participate in the upcoming summit in June are responsible for over two-thirds of the world's production and use of ozone-depleting substances.

These nations must immediately ratify the protocol, agree to review the scientific basis of the protocol and begin to immediately cease nonessential uses of these substances.●

SENATE RESOLUTION 427—DIRECTING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. BYRD (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 427

Whereas, in the case of *Monte Lee* v. *Joseph R. Biden, Jr., et al.*, Civil Action No. 88-2090, pending in the United States District Court for the Central District of California, the plaintiff has named all Members of the Committee on the Judiciary as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(1) (1982), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to represent the Members of the Committee on the Judiciary in the case of *Monte Lee* v. *Joseph R. Biden, Jr., et al.*

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT

LEVIN AMENDMENT NO. 2008

Mr. LEVIN proposed an amendment to the bill (S. 2355) to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place in the bill insert the following new section:

SEC. . TRAINING IN ADVANCED MANUFACTURING TECHNOLOGIES.

(a) FUNDS FOR PURCHASE AND INSTALLATION OF EQUIPMENT.—Of the funds appropriated pursuant to section 201, not more than $31,000,000 of the amount appropriated for fiscal year 1989, may be obligated for the purchase of high technology manufacturing equipment and the installation of such equipment in a private, nonprofit center for advanced technologies for the purpose of training, in a production facility, machine tool operators in skills critical to the defense technology base to build, operate, and maintain such equipment.

(b) REQUIREMENTS.—Funds may not be obligated for the purpose described in subsection (a) until—

(1) the Secretary of Defense, the Secretary of Commerce, the Secretary of Labor, and the Secretary of Education enter into a memorandum of understanding concerning the participation of their respective departments in a project to demonstrate the training of machine technicians in a production facility;

(2) the Secretary of Defense approves the obligation of such funds for such purpose; and

(3) a period of 60 days elapses after the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report that sets forth a detailed explanation of proposed Federal expenditures, a description of the cost-sharing arrangements between the Government agencies concerned and the private sector, and a description of how the proposed program furthers the industrial and technological goals of the Department of Defense.

ADAMS (AND EVANS) AMENDMENT NO. 2009

Mr. ADAMS (for himself and Mr. EVANS) proposed an amendment to the bill S. 2355, supra; as follows:

At the appropriate place in the bill, insert the following:

The Secretary of Defense may make grants, conclude cooperative agreements, and supplement funds made available under Federal programs administered by agencies other than the Department of Defense in order to assist State and local governments and regional organizations composed of State and local governments, in planning and supporting community adjustments required by the closure of N-Reactor, Hanford, Washington. Provided further that the Department of Energy is authorized to provide funds for such activities.

KENNEDY (AND COHEN) AMENDMENT NO. 2010

Mr. KENNEDY (for himself and Mr. COHEN) proposed an amendment to the bill S. 2355, supra; as follows:

At the appropriate place in the bill, insert the following:

Of the funds appropriated pursuant to section 102(a)(4), $54,000,000 shall be available for procurement of SIDEKICK electronic warfare equipment.

PRESSLER AMENDMENT NO. 2011

Mr. PRESSLER proposed an amendment to the bill S. 2355, supra; as follows:

On page 162, line 18: Strike the words "inside the United States"; and

On page 167, lines 15-21: Strike subsection (2) in its entirety.

DIXON AMENDMENT NO. 2012

Mr. DIXON proposed an amendment which was subsequently modified, to amendment No. 2005, as modified, proposed by him to the bill S. 2355, supra; as follows:

Strike all after parenthesis (2) on line 3 and add the following:

SEC. 923. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS.

(a) IN GENERAL.—The Secretary of Defense shall—

(1) close all military installations recommended by the Commission on Base Realignment and Closure in the report transmitted to the Secretary pursuant to the charter establishing such Commission;

(2) realign all military installations recommended for realignment by such Commission in such report; and

(3) initiate all such closures and realignments no later than September 30, 1991, and complete all such closures and realignments no later than September 30, 1995.

(b) CONDITIONS.—(1) The Secretary may not carry out the closure or realignment of any military installation under this section unless—

(A) within 15 calendar days after the date on which the Commission transmits the report described in subsection (a)(1) to the Secretary, the Secretary transmits to the appropriate committees of Congress a report containing a statement that the Secretary has approved and proposes to implement all of the military installation closures and realignments recommended by the Commission in the report described in subsection (a)(1);

(B) the Commission has recommended, in the report described in subsection (a)(1), the closure or realignment, as the case may be, of the installation; and

(C) The Secretary of Defense completes the study required by subsection (f)(2) and submits the certification required by subsection (c)(3)(B).

(2) The authority of the Secretary to carry out any closure or realignment under this section shall terminate on October 1, 1995.

(c) THE COMMISSION.—(1) The Commission shall consist of 15 members appointed by the Secretary of Defense. In addition to the members appointed by the Secretary of Defense on May 3, 1988, the Secretary shall appoint 6 additional members (and fill any subsequent vacancies on the Commission) after consultation with (A) the Chairmen and ranking minority members of the appropriate committees of Congress and the military construction subcommittees thereof and (B) national associations of state and local officials. The members shall be chosen on the basis of knowledge and experience in matters related to federal property or national security affairs, or economic planning, and shall reflect a reasonable geographic balance.

(2) The Secretary of Defense shall provide the Commission with an objective, independent staff which shall be selected by the

Commission. The senior staff shall consist of government employees and consultants who have not been employed by the Department of Defense during calendar year 1988.

(3) The Commission shall—

(A) transmit the report described in subsection (a)(1) to the Secretary no later than December 31, 1988; and

(B) on the same date on which the Commission transmits such report to the Secretary, transmit to the appropriate committees of Congress—

(i) a copy of such report; and

(ii) a statement certifying that the Commission has identified any military installations to be closed or realigned after reviewing all military installations inside the United States, including all military installations under construction and all military installations planned for construction,

and that no installation identified to be closed or realigned is of a higher priority to the national defense than any installation (domestic or foreign) that has not been identified by the Commission or the Secretary of Defense for closure or realignment.

(d) IMPLEMENTATION.—(1) In closing or realigning a military installation under this section, the Secretary—

(A) subject to the availability of funds authorized and appropriated to the Department of Defense for planning and design, minor construction, and operation and maintenance, and the availability of funds in the Account established under subsection (g)(1), may take all actions necessary to implement such closure or realignment, including acquiring land, constructing replacement facilities, relocating activities, and conducting advance planning and design;

(B) subject to the availability of funds authorized and appropriated to the Department of Defense for economic adjustment assistance and community planning assistance and the availability of funds in the Account, shall provide—

(i) economic adjustment assistance to any community located near a military installation being closed or realigned; and

(ii) community planning assistance to any community located near a military installation to which functions are to be transferred as a result of such closure or realignment;

if the Secretary determines that the financial resources available to the community (by grant or otherwise) are inadequate;

(C) subject to the availability of funds authorized and appropriated to the Department of Defense for environmental restoration and the availability of funds in the Account, may carry out activities for the purpose of environmental restoration, including reducing, removing, and recycling hazardous wastes and removing unsafe buildings and debris;

(D) except as provided in paragraph (2), may sell or exchange, at not less than fair market value, any real property or facility under the jurisdiction of the Department of Defense and located at such an installation; and

(E) shall deposit any amount received from such sale or exchange, and from any transfer or exchange made under paragraph (2), into the Account.

(2)(A) Before any sale or exchange or other conveyance of any real property or facility is made under this section, the Secretary shall inform other instrumentalities of the Federal Government of the availability of such property or facility and, in response to an offer submitted by such an instrumentality within a reasonable period specified by the Secretary, shall transfer such property or facility for fair market value to such instrumentality if such instrumentality agrees to reimburse the Secretary for such transfer in an amount equal to the fair market value of the property or facility and such instrumentality has the necessary funds available (within a reasonable period specified by the Secretary) for such purpose.

(B) After carrying out subparagraph (A) with respect to any real property or facility under the jurisdiction of the Department of Defense and located at an installation scheduled for closure or realignment under this section, the Secretary—

(i) may transfer such property or facility to any other instrumentality of the Federal Government at less than fair market value or without reimbursement; or

(ii) subject to subparagraph (C) and in any case in which savings will be realized by the Department of Defense from a conveyance of a property or facility, may—

(I) sell or exchange such real property or facility at less than fair market value if it is to be used for a commercial or industrial purpose in accordance with a reuse plan formulated by the community involved; or

(II) convey such property or facility without reimbursement to a State or local government if such property or facility is to be used by such government for airport, education, or health purposes in accordance with such a reuse plan.

(C)(i) Any property or facility conveyed under subparagraph (B)(ii) may be conveyed only as part of economic adjustment assistance made available to a community located near an installation scheduled for closure or realignment.

(ii) The Secretary shall provide that all right, title, and interest in and to any real property or facility conveyed under subparagraph (B)(ii) shall revert to the United States, which shall have right of immediate entry thereon, if such property or facility is used for any purpose other than the one for which it was conveyed under such clause.

(e) WAIVER.—The Secretary may carry out the authority provided in subsection (d) without regard to—

(1) any provision of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) restricting the Secretary of Defense from disposing of real property and facilities;

(2) any provision of law restricting the use of funds for closing or realigning military installations included in appropriation or authorization Acts, other than this Act;

(3) the procedures set forth in sections 2662 and 2687 of title, 10, United States Code; and

(4) the National Environmental Policy Act of 1969 (42 U.S.C. et seq.).

(f) REPORTS.—(1) As part of each annual request for authorization of appropriations, the Secretary shall transmit to the appropriate committees of Congress—

(A) a schedule of the closure and realignment actions proposed to be carried out under this section in the fiscal year for which the request is made and an estimate of the total expenditures required and cost savings to be achieved by each such closure and realignment and of the time period in which the savings are to be achieved in each case, together with the Secretary's assessment of the environmental consequences of such actions; and

(B) a description of the military installations, including military installations under construction and those planned for construction, to which functions are to be transferred as a result of such closures and realignments, together with the Secretary's assessment of the environmental consequences of such transfers.

(2)(A) The Secretary shall conduct a study of the military installations of the United States outside the United States to determine if efficiencies can be realized through closure or realignment of the overseas base structure of the United States. Not later than September 15, 1988, the Secretary shall transmit a report of the findings and conclusions of such study to the Commission and to the appropriate committees of Congress. The Commission shall consider the impact of the Secretary's study in developing its recommendations.

(B) Upon request of the Commission, the Secretary shall provide the Commission with such information about overseas bases as may be helpful to the Commission in is deliberations.

(C) The Commission, based on its analysis of military installations in the United States and its review of the Secretary's study of the overseas base structure, may provide the Secretary with such comments and suggestions as it deems appropriate regarding the Secretary's study of the overseas base structure.

(3) When a decision is made to carry out a construction project under subsection (d)(1) and the cost of the project will be greater than the maximum amount for a minor construction project, the Secretary shall notify in writing the appropriate committees of Congress of the nature of and justification for the project and the amount proposed to be expended for such project.

(g) ACCOUNT.—(1) There is hereby established on the books of the Department of the Treasury the Department of Defense Base Closure Account which shall be administered by the Secretary as a single account.

(2) There shall be deposited into the Account—

(A) funds appropriated to the Account;

(B) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Defense for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the appropriate committees of Congress; and

(C) any amount described in subsection (d)(1)(E) and any other funds received by the Secretary in connection with any closure or realignment of a military installation under this section.

(3) There is authorized to be appropriated to the Account for any fiscal year after fiscal year 1989 the sum of $300,000,000.

(4) The Secretary may use the funds in the Account only for the purposes described in subsection (d).

(5) No later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this section, the Secretary shall transmit a report to the appropriate committees of Congress of the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount of expenditures made pursuant to subparagraphs (A) though (C) of subsection (d)(1).

(6) Unobligated funds which remain in the Account after the termination of the authority of the Secretary under this section shall be held in the Account until transferred by an appropriate Act enacted after the appropriate committees of Congress re-

ceive the report transmitted under paragraph (7).

(7) No later than 60 days after the termination of the authority of the Secretary to carry out an alignment or closure under this section, the Secretary shall transmit to the appropriate committees of Congress a report containing an accounting of—

(A) all the funds deposited into and expended from the Account or expended under subparagraphs (A), (B), and (C) of subsection (d)(1); and

(B) any amount remaining in the account.

(h) CONGRESSIONAL DISAPPROVAL PROCEDURES.—(1) Notwithstanding any other provision of this section, the Secretary of Defense may not take any action with regard to the report of the Commission on Base Realignment and Closure if, within 45 session days after the date on which Congress receives the report of the Secretary described in subsection (b)(1)(A), Congress enacts a joint resolution disapproving the plan of the Commission.

(2) For the purpose of paragraph (1), "joint resolution" means only a joint resolution introduced after the date on which the report of the Secretary referred to in section (b)(1)(A) is received by Congress the matter after the resolving clause of which is as follows: "That Congress disapproves the recommendations of the Commission on Base Realignment and Closure established by the Secretary of Defense as submitted to the Secretary of Defense on —— (the blank space being appropriately filled in).".

(3) A resolution described in paragraph (2) introduced in the House of Representatives shall be referred to the Committee on Armed Services of the House of Representatives. A resolution described in paragraph (2) introduced in the Senate shall be referred to the Committee on Armed Services of the Senate. Such a resolution may not be reported before the 8th day after its introduction.

(4) If the committee to which is referred a resolution described in paragraph (2) has not reported such resolution (or an identical resolution) at the end of 15 calendar days after its introduction, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(5)(A) When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (4)) from further consideration of, a resolution described in paragraph (2), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to fiscal year, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to rconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(B) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(C) Immediately following the conclusion of the debate on a resolution described in paragraph (2), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (2) shall be decided without debate.

(6) If, before the passage by one House of a resolution of that House described in paragraph (2), that House receives from the other House a resolution described in paragraph (2), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee.

(B) With respect to a resolution described in paragraph (2) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(7) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (2), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(i) DEFINITIONS.—In this section:

(1) The term "Account" means the Department of Defense Base Closure Account established by subsection (g)(1).

(2) The term "appropriate committees of Congress" means the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives.

(3) The terms "Commission on Base Realignment and Closure" and "Commission" mean the commission established by the Secretary of Defense in the charter signed by the Secretary on May 3, 1988.

(4) The term "charter establishing such Commission" means the charter referred to in paragraph (3).

(5) The term "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Secretary of a military department.

(6) The term "realignment" includes any action which both reduces and relocates functions and civilian personnel positions.

(7) The term "Secretary" means the Secretary of Defense.

(8) The term "United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any other commonwealth, territory, or possession of the United States.

WEICKER AMENDMENT NO. 2013

Mr. WEICKER proposed an amendment to the bill S. 2355, supra; as follows:

On page 171, after line 2, insert the following:

SEC. 924. AIR TRAVEL EXPENSES OF DEFENSE CONTRACTOR PERSONNEL.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

§ 4118. Air travel expenses of contractor personnel

"(a) NEGOTIATED AIR FARE DISCOUNTS.—The Administrator of General Services shall enter into negotiations with commercial air carriers with a view to achieving agreements that permit personnel of contractors traveling solely in the performance of contracts awarded by the Department of Defense to be transported by such carriers at the same discount air passenger transportation rates as such carriers charge for travel by Federal Government employees traveling at Government expense.

"(b) REQUIREMENT TO USE DISCOUNT FARES.—Each contract awarded by the Department of Defense shall include a clause that requires contractor personnel, when traveling by commercial air carrier solely in the performance of one or more contracts awarded by the Department of Defense (including such contract), to travel under conditions that qualify such personnel for a discount rate available under an agreement entered into under subsection (a). Travel under such conditions shall not be required under such clause if it is determined, under regulations prescribed by the Secretary of Defense, that travel under other conditions is necessary for performance of one or more of such contracts.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end the following new item.

"4118. Air travel expenses of contractor personnel.".

(c) EFFECTIVE DATE.—Subsection (b) of section 4118 of title 10, United States Code (as added by subsection (a)), shall apply with respect to contract solicitations issued on or after the date on which the first agreement between the Administrator of General Services and a commercial air carrier is entered into under subsection (a) of such section 4118.

WILSON (AND OTHERS) AMENDMENT NO. 2014

Mr. WILSON (for himself, Mr. HATCH, Mr. PELL, Mr. MOYNIHAN, Mr. PRESSLER, Mr. DASCHLE, Mr. STEVENS, and Mr. MURKOWSKI) proposed an amendment to the bill S. 2355, supra; as follows:

On age 232, between lines 14 and 15, insert the following:

SEC. 2811. FINANCIAL ASSISTANCE TO PUBLIC SCHOOL DISTRICTS AFFECTED BY MILITARY FAMILY HOUSING PROJECTS.

(a) IN GENERAL.—(1) Subchapter II of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2835. Assistance to public school districts affected by military family housing projects

"(a) PAYMENT OF ASSISTANCE.—If a project for the acquisition of family housing subject to this subchapter affects one or more public school districts in the United States as described in subsection (b), the Secretary of the military department carrying out such project shall, subject to subsection (e), pay to the public school district or districts, as the case may be, the amount determined by multiplying the total number of square feet of the floor space of the family housing acquired in such project by $1.50, as adjusted under subsection (k).

"(b) SCHOOL DISTRICTS ELIGIBLE FOR PAYMENT.—A public school district is eligible to receive a payment under subsection (a) in connection with a family housing project only if such school district demonstrates to the Secretary concerned that—

"(1) the total number of students enrolled in public schools in such school district is likely to be substantially increased over the number of students that would otherwise be enrolled in such public schools except for the enrollment of students whose parents are employed (or will be employed) on such project or live (or will live) in the family housing proposed to be acquired; and

"(2) such school district does not have sufficient financial resources or facilities to provide adequately for the educational needs of the increased number of students.

"(c) ALLOCATION OF PAYMENT.—(1) In the event that a family housing project under this subchapter affects more than one public school district as described in subsection (b)(1), the Secretary concerned shall allocate among such districts the total amount required to be paid under subsection (a).

"(2) The amount of the allocation of a public school district referred to in paragraph (1) shall be determined by multiplying the total amount to be paid under subsection (a) by the percentage determined by dividing—

"(A) the total number of students enrolled in public schools in such school district that exceeds the number of students that would otherwise be enrolled in such public schools except for the enrollment of students whose parents are referred to in subsection (b)(1), by

"(B) the total number of students enrolled in public schools in all school districts referred to in paragraph (1) that exceeds the number of students that would otherwise be enrolled in such public schools except for the enrollment of students whose parents are referred to in subsection (b)(1).

"(d) SOURCE OF FUNDS.—Amounts required to be paid under subsection (a) in connection with a family housing project carried out by the Secretary of a military department may be paid out of funds available to such department for military construction.

"(e) PAYMENTS SUBJECT TO AVAILABILITY OF FUNDS.—Payments under this section shall be subject to the availability of funds in accordance with subsection (d). If sufficient funds are not available for payment under this section in any fiscal year, school districts otherwise eligible for the payment shall be paid under this section in the first succeeding fiscal year. Payment of such school districts shall be made in the order in which applications for payment are received under this section.

"(f) NOTICE OF FAMILY HOUSING PROJECT; ADDITIONAL INFORMATION.—(1) At least 45 days before awarding a contract in connection with a family housing project referred to in subsection (a), the Secretary concerned shall transmit application materials for payment under subsection (a) and the following information to each public school district that may realize a substantial increase in its student population as the result of such project:

"(A) A written description of the proposed project, including the number of persons from outside the school district concerned who are expected to be employed on such project.

"(B) Instructions for making application for payment under subsection (a).

"(C) An estimate of the number of families that will occupy the family housing.

"(D) A description of the matters that the school district must demonstrate to the Secretary in order to establish eligibility under subsection (b).

"(E) Any other information the Secretary considers appropriate.

"(2) The Secretary concerned shall furnish a public school district such information (in addition to the information furnished under paragraph (1)) as the school district may request for the purpose of facilitating preparation of documents necessary to establish the eligibility of such school district under subsection (b).

"(g) APPLICATIONS.—(1) Application for payment under this section must be submitted by a public school district to the Secretary concerned not later than 60 days after the date on which the Secretary transmits to such school district the information described in subsection (f)(1). The Secretary may, under exceptional circumstances (as determined by the Secretary), increase the period within which an application may be submitted by a school district.

"(2) Each application submitted by a public school district under this section in connection with a family housing project shall contain such documentation as the Secretary concerned may require to establish the eligibility of such school district under subsection (b).

"(3) Not later than 30 days after the date on which the Secretary concerned receives an application for a payment under this section, the Secretary shall approve or disapprove the application.

"(h) TIME FOR PAYMENT.—Subject to subsection (e), a payment required under subsection (a) in the case of any public school district shall be made not later than 30 days after the date on which the application for such payment is approved by the Secretary concerned.

"(i) USE OF FUNDS.—Funds received by a public school district under this section in connection with a family housing project may be used only for the construction or other acquisition of educational facilities for schools affected by such project (as determined pursuant to subsection (b)(1)).

"(j) RELATIONSHIP TO OTHER SOURCES OF FUNDS.—(1) A public school district may use amounts received under this section only to supplement and, to the extent practicable, increase the level of funds that would, without regard to payments under this section, otherwise be made available to such school district from sources outside the Federal Government for the acquisition of educational facilities by such school district, and in no case may such amounts be used to supplant such funds.

"(2) The Secretary of Education shall take into consideration, for the purposes of determining the priority of a school district for assistance under the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), and the amount of assistance to be paid to such school district under such Act, the amount of any payment made to such school district under this section. The Secretary of a military department shall furnish the Secretary of Education such information as may be necessary to carry out this paragraph.

"(k) ANNUAL ADJUSTMENT OF AMOUNT OF PAYMENT.—Effective on January 1 of each year, the rate per square foot paid under subsection (a) shall be increased by the percentage by which the Consumer Price Index (all items-United States city average) published for September of the preceding year by the Department of Commerce exceeds such index for September of the year before such preceding year.

"(l) CONSULTATION REQUIREMENT.—The Secretary of each military department shall consult with the Secretary of Education in carrying out this section.

"(m) DEFINITION.—In this section, the term 'acquisition', with respect to family housing or educational facilities, includes construction, leasing, addition, extension, expansion, alteration, and relocation of family housing or educational facilities, respectively.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2811 the following:

"2835. Assistance to public school districts affected by military family housing projects.".

(b) EFFECTIVE DATE.—(1) The amendment made by subsection (a) shall take effect with respect to family housing projects for which contract solicitations are issued on or after October 1, 1988.

(2) The first adjustment under section 2835(k) of title 10, United States Code (as added by subsection (a)) shall take effect on January 1, 1990, and shall be computed on the basis of a comparison of the Consumer Price Index (referred to in such section) published for September 1989 with the Consumer Price Index published for September 1988.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding the following:

A hearing on Wednesday, May 11, 1988, in Senate Russell 485, beginning at 9 a.m., on S. 1976, the Indian Child Welfare Act Amendments;

A markup on Friday, May 13, 1988, in Senate Russell 485, beginning at 10 a.m., on S. 555, a bill to provide for Federal regulations of gaming activities on Indian lands, and for other purposes;

A hearing on Wednesday, May 18, 1988, in Senate Russell 485, beginning at 9 a.m., on S. 2250, a bill to amend the Indian Religious Freedom Act; and

An oversight hearing on Thursday, May 26, 1988, in Senate Russell 485, beginning at 2 p.m., on the Federal acknowledgement petition [FAP] process for Federal recognition of Indian tribes.

Those wishing additional information should contact the Indian Affairs Committee at 224-2251.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Production and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on the wheat supply situation; reviewing current stocks and production estimates for the upcoming harvest season on May 17, 1988, at 10 a.m. in room 332 Russell Senate Office Building.

Senator JOHN MELCHER will preside. For further information please contact George Paul of the subcommittee staff at 224-5207.

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Production and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on current and expected world wheat demand and the status of the U.S. marketing tools on May 25, 1988, at 10 a.m. in room 332 Russell Senate Office Building.

Senator JOHN MELCHER will preside. For further information please contact George Paul of the subcommittee staff at 224-5207.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will hold a hearing at 9 a.m., on Tuesday, May 17, in SR-301, Russell Senate Office Building. The committee will be receiving testimony on Senate Resolution 260, introduced by Senators KASSEBAUM and INOUYE, to amend standing rule XXV of the Senate to improve legislative efficiency, and for other purposes; and S. 1835, introduced by Senator EVANS, the Individual Appropriations Act, to provide that each title of any bill or joint resolution making continuing appropriations that is reported by a committee of conference and is agreed to by both Houses of the Congress in the same form during a 2-year period shall be presented as a separate joint resolution to the President.

Senators who wish to testify or submit a statement for the hearing record are requested to have their staffs contact Carole Blessington of the Rules Committee staff on extension 40278. Interested individuals and organizations who wish to submit a statement for the hearing record are also requested to contact Ms. Blessington.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 10, 1988, to consider recommendations to the administration for the implementation of the United States-Canada Free Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 10, 1988, to hold a hearing on the nomination of Lemoine V. Dickinson, Jr., of Virginia, to be a member of the National Transportation Safety Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, May 10, 1988, to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES AND SUBCOMMITTEE ON NUTRITION AND INVESTIGATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production and Stabilization of Prices and the Subcommittee on Nutrition and Investigations of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, May 10, 1988, to hold a joint hearing on commodity availability for food distribution programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE HANDICAPPED

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on the Handicapped, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Tuesday, May 10, 1988, to conduct a hearing on "Protection and Advocacy for Mentally Ill Individuals."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO TAYLOR, MI

● Mr. RIEGLE. Mr. President, I rise today to pay tribute to the city of Taylor, MI on its 20th anniversary. Taylor—named after the 12th President of the United States, Zachary Taylor—became a city on May 13, 1968. The history of Taylor is one of continued economic expansion. From WW II to 1970 the population of Taylor Township grew from 5,000 to 70,200. Due to the population boom, there was an increased need for municiple services that a township could not provide, such as police and fire departments. Taylor has now proven to be self sufficient on all of these fronts.

Taylor has been a vital asset to this country. Before the 1960's Taylor was primarily a farming and dairy community, producing much of the State's agriculture. Many of the residents also worked on the construction of many of the huge ships that sailed the Great Lakes. One of those ships, the U.S.S. *Columbia*, had been designated as an historical site and can be found on Boblo Island, located on the Detroit River.

In the last 20 years, the growth in Taylor has been primarily commercial and residential with many of its residents working for the auto industry. Throughout the ups and downs of the auto industry, Taylor has managed to stand tall and steady as an independent city. Today Taylor is stronger than ever. After visiting recently with some of the residents, I have realized that their community spirit is alive and well. I feel it fitting to pay tribute to Taylor and wish them a festive week of celebration during their 20th anniversary.●

THE PUBLIC PRINTER

● Mr. HATFIELD. Mr. President, in the April 1988 issue of the publication Government Executive there is an article that can make Government managers proud. It contains a description of the work done at the Government Printing Office by the Public Printer, Ralph Kennickell, Jr., since he took up his responsibilities there in 1984.

I commend this account of his remarkable successes to my colleagues for their reading pleasure. I also congratulate the Public Printer for his achievements in making a Government agency run more efficiently and for creating the environment for a new cooperative relationship between labor and management at the GPO.

Mr. President, I ask that the article to which I have referred be printed in the RECORD at this point.

The article follows:

[From Government Executive, April 1988]

PUBLIC PRINTER TURNS HIS AGENCY AROUND

(By Alan Paller)

He may not be charged with securing the nation's defense, providing economic security for the elderly or improving the health of the American populace, but from a management perspective, the public printer has one of the tougher jobs in Washington.

Confronting muscular unions and demanding, perpetually unsatisfied customers, he controls the largest job printing shop in the world. His shop had revenues of $871 million in 1987.

Though armed with a congressional mandate to print most government documents, the public printer and his agency, the Government Printing Office (GPO), were increasingly shunned by their clientele during the 1970s. Federal agencies with printing needs invested endless hours and truly innovative thinking to avoid having to rely on GPO. Customer comments about GPO service were unprintable. GPO employees were characterized as shirkers, as people who simply did not care about quality, accuracy or timeliness.

Today, much of that has changed. Workers at all levels of GPO are going out of their way to serve. In what must be considered one of the most impressive turnarounds in government service, GPO's reputation for service is at its highest level in a decade. Though there is still much to be done, GPO provides a case study from which other government leaders may learn.

AN UNLIKELY NEW LEADER

The revolutionary who brought about this change was an unlikely candidate to turn around an organization employing about 5,100 people. He was a small-businessman from Savannah, Ga., running a family-owned printing company with 50 employees. Few would have expected GPO's predominantly black work force, which is represented by 17 of the toughest labor unions in government, to rally to this Southerner's goals. But rally they did.

When Ralph E. Kennickell, Jr. was confirmed by the Senate as the public printer in December 1984, at age 39, he was the youngest person ever to hold the position. But in his first three years leading GPO, Kennickell has compiled an impressive record of success.

Some of the measures of success are easy to see. Cash balances have gone up 150 percent. Employment has dropped by about 300 workers, without reductions in output. Waste is down.

Harder to see, but perhaps more important, is the change in mood around GPO. Employees seem excited about their work and their organization.

Kennickell took a four-pronged approach to turning GPO around. His first task was to tear up the four-page GPO mission statement and replace it with one sentence. "GPO," Kennickell wrote, "will be a demand-driven, service oriented agency." In that one sentence, he told his customers that their needs came first, and he told his people that service to GPO's customers was his and their top priority. To make certain GPO employees knew their mission, he put it on a 40-foot banner mounted in the GPO cafeteria.

Complaints among GPO client agencies often had centered on communication. With a view to improving service through better communication, Kennickell put GPO account representatives on the road, visiting clients to show them how they could reduce their printing costs by, for example, ordering standard-size publications. The account reps also help their clients fill out GPO paper work and choose the paper and ink that will produce the best-looking product within the agency's budget.

INVESTING IN PEOPLE

Kennickell's second step was an investment in the rank-and-file workers. He met with career leaders of the agency and asked for their ideas on improving service. Then he implemented those ideas.

He also met with more than 4,000 of GPO's employees to press the flesh and to let them know who he was. Many of those employees had never before seen a Public Printer, except in a photograph. In those meetings, he spoke of fairness and equal opportunity.

And he did more than just talk about equal opportunity. He tripled the training budget, expanded the upward mobility program, and rewrote the incentive program so that managers could give instant bonuses for outstanding performance.

The upward mobility program focuses on employees below GS 9, although comprehensive career guidance services are provided for all grades. Formal programs have been set up to enable clerical employees to advance to technical positions and on to the professional ranks, and semi-skilled workers to advance to journeymen in the crafts. As often as they can, agency managers fill vacancies by promoting from within, waiving requirements for gathering outside applicants for the slots.

As part of the upward mobility effort, headquarters and field employees can get assistance in filling out SF-171 forms, attend career planning seminars and receive periodic publications on steps to enhance their competitiveness for higher level positions. GPO's career guidance publications have been used by other government agencies for their employees, and the latest, The ABC's of Career Advancement, was picked up by the Office of Personnel Management for distribution to small agencies.

Kennickell's concern for opportunity is emphasized again and again through his personal monitoring of the use each manager makes of the training and bonus budgets. "I get antsy and make comments when a manager is not spending enough in those areas."

His investment in the employees paid off quickly. The most important effect was improved customer service. But it also became apparent when one GS 7 artist spontaneously created a poster celebrating the agency's work, staying late so that he could still get his other work done.

Although the unions represented at GPO are strong and occasionally militant—they were among these that staged a bitter strike against The Washington Post Co. in the mid-1970s—Kennickell's relations with them seem good. "He has not always agreed with us, and we have not always agreed with him, but we have been able to work out amicable understandings when we do disagree," says Robert Petersen, president of the Columbia Typographical Union.

George E. Lord, chairman of the Joint Council of Unions, which represents all the unions with workers at GPO, says, "Ralph has a real feel for people, which comes from his experience in a small business. Mr. K. brought that with him to GPO."

The third Kennickell move was a commitment to his managers that they would not be punished for failure. There was a big "but," however. He also told them, "If you repeat a historical mistake, you are dead meat."

Most of the GPO managers had never before been given the freedom to innovate, to use their experience and knowledge, and try out new ideas.

The managers knew what the problems were, and they were just as concerned about them as were GPO's customers. They also knew how to solve those problems. By giving his managers freedom and confidence, Kennickell unleashed their creativity and energy for tackling the service problems faced by the agency's clients.

COMPUTER CONTROL

Kennickell's fourth important action was an on-line computer system that gave him and every GPO manager down to the supervisory level immediate access to all key GPO performance information. "My executive information system (EIS)," says Kennickell, "is an extension of my personality."

The EIS concept emerged out of Kennickell's frustration with lengthy computer printouts that did not answer even simple management questions.

A few days after he arrived on the job, a pile of printouts was put on Kennickell's desk. He asked an assistant what he was supposed to do with it and was told, "That's how you run GPO."

He looked through a few pages, decided he wasn't smart enough to use the listings, and threw them away.

A month later, he received the next edition of the same listings. This time he telephoned his personnel director and asked "Who's responsible for preparing these? I am going to abolish their jobs!"

"I couldn't manage GPO with those reports," says Kennickell. "No one could."

In place of the useless printouts, GPO implemented its new EIS, a computer system that makes tabular and graphic summaries of key data available at the touch of a button. The new system offers data that's much more timely and comprehensive than that provided by the old system. It provides instant, easily understandable analysis of leave-time used, inventory turnover and cash balance control. Spoilage of printed products was not tracked by computer in the old system, but is now, allowing quicker action to deal with spoilage problems.

The EIS is not for Kennickell's use alone. Instead, it is used to show managers throughout GPO the data that the public printer considers necessary to effectively manage the organization.

To establish the EIS, Kennickell set up a team of information systems people and told them the key business problems he wanted monitored: responsiveness to customer needs, cash and revenue improvements, performance and several others. He asked them to ask his managers how they wanted to see the data relating to each business goal. All he demanded was that the data be accurate and the graphics be interesting and easy for anyone to read and understand.

When the team had the first version of the system together, they asked Kennickell where he wanted his terminal. He said he didn't want the first terminal; instead, the terminals were to go on supervisors' desks, where the data could do the most good.

"I am not afraid of data, and I don't want my people to be," says Kennickell. "Information is cheap. I just had to get the right information to the right people and I knew they could do a better job."

The impact was immediate. One supervisor came to Kennickell to say that he had always known there was a problem in his area, but it wasn't until he saw the charts that he recognized that it could be fixed. "We knew that there was a press-downtime problem, and with EIS we could track it," says Jim Hickey, superintendent of the GPO press division. "We showed our supervisors the system, and they could see where the problems were. That improved productivity."

After a few weeks, during which his managers got comfortable with the system, Kennickell got his own terminal and immediately started making changes. He made certain that every performance chart also showed standards, so his people could see how well they were doing. He also added "high-interest charts" to monitor short-term problems.

Today he uses the system to monitor costs and performance and to show visitors graphic summaries of the results of his management program.

Kennickell's management program is not a magic wand that has erased all problems. Some of GPO's customers still complain of contracting officers at GPO who contract-out printing to commercial companies that produce shoddy work. They are particularly frustrated by GPO's habit of allowing the same office that made the contract decide whether a customer's claim of shoddy work is valid.

But overall, GPO's clients laud the agency for a turnaround in customer service.

Government's job is providing services and Kennickell has drawn a road map to improved service that other agencies may wish to follow.

(*Alan Paller is president of AUI Data Graphics in Washington. He is a director of the National Computer Graphics Association, with responsibility for education and training. Books he has written include* "If You Have to Give a Presentation, Why Not Make It a Success?") ●

TRIBUTE TO CANTON TOWNSHIP

● Mr. RIEGLE. Mr. President, I rise today to pay tribute to the accomplishments and growth of Canton Township, MI. During these economically trying times, Canton has forged ahead creating residential, commercial, and industrial growth. Approximately $20 million in private projects have been successfully planted in the community in the last few years. Canton has also expanded its industrial tax base by millions of dollars and created more than 1,000 new jobs.

For these and many other reasons, the 1,200-member Michigan Townships Association honored Canton Township with their prestigious Excellence Award. This honor demonstrates the hard work and dedication of the township employees and the immeasurable contributions by many local volunteers.

Canton Township was also honored for its outstanding environmental efforts. Last November, Canton received the Michigan Plaque from the Keep Michigan Beautiful Committee for its tree-planting program. The township recognizes the need to provide pleasant surroundings for everyone.

These are no small accomplishments. Canton Township is the only community in the entire State of Michigan which has received both of these distinguished awards. I believe the continuing growth and advancement of this community deserves special recognition and it is for this reason that I rise today to honor Canton Township.●

PATIENTS IN NEED

● Mr. DANFORTH. Mr. President, I am submitting an article to the RECORD that appeared in the St. Louis Post Dispatch on April 7, 1988, concerning G.D. Searle & Co.'s recently expanded patients in need program. Mr. President, this is an extremely important program that may save hundreds, even thousands, of lives. G.D. Searle & Co. is offering free hypertension drugs to those who earn too much to qualify for public programs, but cannot afford private insurance. These are honest, hard working people who often are forced to choose between necessities, such as heat and food, and medicine that could save lives. Mr. President, I am very proud to represent the State of Missouri where companies like G.D. Searle are doing such important humanitarian work.

The article follows:

DRUG GIVEAWAY PRAISED

The expansion of a drug company's program of free medicine for the working poor will help curb a significant problem in treating high-blood pressure victims, a St. Louis blood pressure specialist said Wednesday.

"Money, or the lack of it, is a major issue in patients not taking life-saving medicine," said Dr. H. Mitchell Perry Jr., director of the hypertension division and hypertension clinic at the Washington University School of Medicine.

Perry was commenting on the announcement in St. Louis and nine other cities that G.D. Searle & Co. was expanding its Patients in Need Program, which offers free drugs to persons who cannot qualify for Medicare or Medicaid but cannot afford private insurance.

Searle, the drug subsidiary of Monsanto Co., says it will provide seven heart disease and blood pressure drugs to patients who have an annual household income of $8,000 or less for one or two people, or $11,000 or less for three or more people.

"The poor have the most severe kinds of hypertension," said Perry, a past president of the St. Louis and Missouri heart associations. "Some patients have to choose between hunger and hypertension. A significant number of patients slip through the net." He was referring to patients who earn too much to qualify for government aid but not enough to buy private insurance.

According to state statistics, more than 580,000 Missouri residents have incomes below the poverty level and nearly 700,000 under age 65 lack health insurance. Searle officials estimated that 1.5 million state residents suffer from high blood pressure, including 425,000 in St. Louis and St. Louis County. Heart disease killed more than 18,000 Missourians in 1986.

At a press conference at Washington University School of Medicine, a Searle official presented certificates worth $25,000 each in free medicine to representatives of four area clinics—Metro Community Health Center, Family Care Center of Carondelet, People's Clinic and the Washington University Clinics. The company distributed $100,000 in certificates in each of nine other cities.

Physicians give the certificates and prescriptions to patients, who take them to a pharmacist. Searle pays the pharmacist to fill the prescription.

Searle launched its free drug program in February 1987 by making two drugs available to the working poor for the treatment of high blood pressure and angina, which is chest pain associated with heart disease. The company said 33,000 certificates for 20,000 patients have been redeemed.

The new Patients in Need program includes five other medications which treat irregular heartbeats, angina, high blood pressure and congestive heart failure. The company said it will place no time limit or dollar restriction on the program.●

WARTIME REPARATIONS

● Mr. NUNN. Mr. President, on April 20, the Senate considered and passed S. 1009, a bill to accept the findings and implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

It was, Mr. President, a difficult decision for me to vote against the bill. The internment and relocation of the Japanese Americans on the west coast during World War II was a grievous error but it was an error made in good faith by American leaders who were engaged in a world war. The U.S. Government should make an official apology to those who suffered this indignity and breach of their constitutional rights. It is a very sad chapter in our history. I was therefore pleased that S. 1009 included such an apology.

Although I believe the United States owes these citizens and resident aliens a formal apology, I regretfully came to the conclusion that, taken in its entirety, S. 1009 was not wise. I was troubled by the condemnation in the bill of our war-time leaders and the compensation aspects of the bill.

Many of these Americans fought with great valor and distinction in the European theater later in the war, including our colleagues Senators INOUYE and MATSUNAGA. As everyone in this Chamber knows, both served with honor and were decorated for heroism in combat. Senator INOUYE lost his arm in combat. All of us who enjoy freedom today must be thankful for their service and valor. I proudly salute them and all other Japanese Americans who served this country with such great distinction.

It is clear that if we knew then what we know now, we would not have interned these Americans. But it is also important to understand the setting in which this decision was made. One must remember that the Government of Japan launched an unprovoked, surprise attack on Pearl Harbor on December 7, 1941, resulting in the deaths of hundreds of American servicemen.

The decision to intern these Americans of Japanese ancestry was based on an Executive order issued by President Roosevelt in February 1942. The Congress enacted legislation authorizing enforcement of that order and the Supreme Court sustained the internment of the Japanese Americans. Thus, all three branches of Government approved and authorized this action.

As I understand it, the decisions of the President and the military officers who carried it out were based on military intelligence information which suggested that the Government of Japan had organized networks among ethnic Japanese in this country for the purpose of espionage and sabotage. I also understand that the FBI took a contrary view; namely, that they had no information supporting that conclusion.

We now know that the military intelligence was wrong, but in those early days of World War II, I believe that our national leaders made the decisions that they thought best for our country. We now know that the decision to intern the Japanese Americans on the west coast was wrong. An apology is clearly needed. But I am troubled by the tone of the language in S. 1009. It is one thing to conclude that the decision was wrong, but it is quite another thing to condemn those who made it. I, for one, do not wish to associate myself with a condemnation of President Roosevelt, General Marshall and the others who led us to victory in that terrible war.

With respect to the compensation question, I agree that more than an apology is needed. But S. 1009 goes too far.

Congress has previously approved several measures to compensate these individuals for their losses. For example:

The 1948 Japanese-American Claims Act which established a procedure for affected individuals to file a claim for the loss of real and personal property. Over $37 million was paid in settlement of 26,578 claims.

An amendment to the Social Security Act in 1972 which provided that those persons who were over 18 when they were in the relocation camps are deemed to have earned and contributed to the Social Security system for work performed in the camps.

An amendment to the Federal civil service retirement provisions in 1978, to allow civil service retirement credit for the time spent in detention after the age of 18.

S. 1009 goes much further. It provides for the payment of a $20,000 tax free payment to each individual who was interned. No one knows the total cost, but the bill authorized $1.3 billion for this program.

The bill, in section 206, also established the "Civil Liberties Public Education Fund Board of Directors" which will be responsible for disbursing up to $100 million to sponsor public education about the relocation and internment of the Japanese Americans, to fund comparable studies of similar civil liberties abuses, and for the general welfare of the ethnic Japanese community of the United States.

Those are worthy goals, Mr. President, but there are other ethnic groups in this country who have been the victims of Government misconduct in the past. In particular American Indians and American blacks have cause for complaint against past actions of our Government. Is it fair to do this for Japanese Americans and not do the same for other Americans?

Mr. President, money cannot restore the loss of liberty and the indignation suffered by the loyal Americans who were interned during the war. And money cannot bring to life the Americans who died during the war. There is much we can learn from history, but we must also be honest about history and recognize that those who made and enforced these decisions in the early days of World War II thought they were doing what was right.

Finally, Mr. President, I am troubled by the great cost of this program when there are so many other pressing demands on our budget. We do not have adequate money for child support, the war against drugs, and other urgent social and defense needs. Under these circumstances, I have reluctantly concluded that although the Japanese Americans suffered a grievous breach of their constitutional rights, S. 1009 is not the appropriate remedy.●

RETIRED SENIOR VOLUNTEER PROGRAM

● Mr. DANFORTH. Mr. President, on April 20, 1988, residents of Barton, Jasper, Newton, and McDonald counties participated in a nationwide balloon launch sponsored by the national RSVP Association honoring the significant contributions of our Nation's senior volunteers.

The Retired Senior Volunteer Program seeks opportunities for people age 60 and over to better their communities through creative use of their energy and expertise. Beginning locally in 1981 with 31 volunteers, there are currently over 300 senior volunteers throughout the four counties. The volunteers are involved in projects ranging from carpentry work to helping others with tax forms to friendly visitation and ombudsman services. In addition to serving in over 50 public and nonprofit settings, RSVP volunteers increase community knowledge about senior citizens through their skit troupe, "The Street Players." They are also the key to the success of such annual events as the Over 60 Olympics and the Missouri Silver Haired Legislature.

Last year volunteers contributed approximately 40,000 hours of community service. Their efforts represent a significant contribution to their communities' quality of life and should be a model of community involvement for all Americans.●

KESSLER INSTITUTE FOR REHABILITATION

● Mr. BRADLEY. Mr. President, Sunday, May 22, is a special day in New Jersey. The Kessler Institute for Rehabilitation is celebrating its 40th year of work on behalf of the physically disabled of New Jersey.

As New Jersey's largest and oldest rehabilitation hospital, the Kessler Institute has long been at the forefront of medical technology. It has been a pioneer in the effort to provide people with the highest quality of medicine and rehabilitation services. The Kessler Institute has grown from a small rehabilitative hospital into a large teaching institution with an international reputation for providing a wide range of rehabilitative services.

For 40 years, the Kessler Institute has helped people to overcome physical handicaps. By removing physical barriers, the doctors and staff of the Kessler Institute give new independence, mobility, and hope to the disabled.

I commend the Kessler Institute for improving the lives of thousands of New Jerseyans, and wish them well as they continue their valuable work. I am sure we will be hearing a lot more from the Kessler Institute in the years to come.●

CONNECTICUT'S SMALL BUSINESS PERSON OF THE YEAR

● Mr. WEICKER. Mr. President, as a devoted proponent of small business in America, it is with pride that I rise today in recognition of the achievements of N. Don Edwards, the "Small Business Person of the Year" from Connecticut. Here is an entrepreneur who epitomizes all the virtues of small business. He began his specialty advertising business in 1962 in the basement of his family's home with money from a second mortgage against that home and as much as he could borrow elsewhere. Twenty-five years later, his firm employs 20 and generates total sales of just under $5 million.

A tireless advocate of small business, Mr. Edwards was selected as one of three small business advocates to testify before the Senate Committee on Small Business in support of a permanent White House Conference on Small Business. He was also a conference delegate to both the first and second White House Conferences on Small Business and has been a recipient of numerous awards, including the "Small Business Person of the Year Award" in 1984 presented by the Southwestern Area Connecticut Commerce and Industry Association and the "Jaycee's Outstanding Young Man of the Year Award" for Distinguished Community Service in 1967. Mr. Edwards is a valued member of my Small Busines Advisory Committee, as well as a member of the State of Connecticut Small Business Development Center Advisory Board. And this is only the tip of the iceberg. The list of Mr. Edward's contributions to strengthen the role of small business in the State of Connecticut and in the Nation is far longer than I can cite here. Let me just give you a clue as to his reputation in Connecticut: he is referred to as "Mr. Motivation."

While the N. Donald Edwards Co. is now a well established enterprise in Stamford, CT, providing specialty promotional items, motivational marketing services, incentives, awards and corporate recognition products, the path to his current success was not devoid of struggle. The son of an Italian immigrant, Mr. Edward's childhood surroundings were humble. In a factory-owned apartment without running water—the plumbing consisted of a hand-pump well in the backyard—Mr. Edwards learned a valuable lesson from his father: If you give more than is expected, you will be successful. The N. Donald Edwards Co. slogan today echoes those fine sentiments: "With More Service Than Seems Necessary."

Perhaps it was also Mr. Edward's father who inspired him to state recently, and I quote:

> The whole theme—today in America—is entrepreneurship * * * I think the change has come about because people want to grow to their full potential. There's a burning desire to be the captain of their own ship, to control their own destiny and to be able to direct their business from stem to stern, from tears to cheers of creating and managing a business.

It is those sentiments—magnified by Mr. Edward's ceaseless devotion to the rightness of small business in America—that I salute today. I extend my warmest congratulations to Mr. Edwards on his selection as "Connecticut's Small Business Person of the Year" and look forward to hearing about his future contributions and success.●

TRIBUTE TO BOB BALHORN

● Mr. PRYOR. Mr. President, last month one of my constituents, Bob Balhorn, of Little Rock, AR, was cited by the Director of the Little Rock Office of the Department of Housing and Urban Development [HUD] for his work on behalf of fair housing and equal opportunities in the real estate field. Bob serves as executive director of the Arkansas Realtors Association.

I applaud Bob's efforts in fostering the spirit of cooperation between the State Realtors Association and the Little Rock HUD Office in the fair housing arena, as well as other housing and real estate concerns.

I offer my sincerest congratulations to Bob for this distinct award, and join with all Arkansas realtors, indeed the entire State, in wishing him continued success.●

1987 ROLLCALL OF HEROES

● Mr. HEINZ. Mr. President, I rise today for a most solemn and somber purpose. On behalf of the Fraternal Order of Police, I would like to take this opportunity to pay tribute to the 143 law enforcement officials who lost their lives last year while diligently performing their duties. Almost half of these deaths were the result of felonious assault; the rest were caused by tragic accidents and mishaps. Although the cause of death may have varied from officer to officer, the quality of conscientious service they rendered did not. For these dedicated men and women, and for the officers who gave their lives in years past, we express our deepest thanks for their great courage and willingness to go to such lengths to protect our citizens and communities.

The finest public servants and the most outstanding citizens make up our country's policy forces. They are the individuals who man the thin blue line that protects law-abiding citizens from injury and loss of property and life. I can only hope that the recognition we give here today will help their family and friends realize that these officers did not die in vain.

Since 1969, FOP National Chaplain Virgil D. Penn, Jr., has conscientiously compiled an annual roll of officers around the country who gave their lives in the course of duty during the previous year. Known as the "Rollcall of Heroes," it is an acknowledgement of their sacrifice and a small way for us to give support to their families and loved ones who must carry on with their own lives, notwithstanding their and our tragic loss.

Mr. President, I ask that the remarks of Chaplain Penn be placed in the RECORD, along with the list of slain officers, the "Rollcall of Heroes."

The material follows:

REMARKS OF CHAPLAIN PENN

Once again it is our solemn duty to report the demise of our law Enforcement Officers who have given their lives while protecting the lives and property of the citizens of American.

During 1987 143 Officers made the supreme sacrifice in the line of duty. There were 71 fatalities due to felonious assault and 72 accidently, a total of 143. In 1986, 70 men and women were killed feloniously and 56 accidently, a total of 126 who sacrificed their lives while protecting the citizens of America.

As we have pointed out in the past, this does not include all the Law Enforcement Officers who have suffered physical and mental injuries which will continue to plague them the rest of their lives. They are unknown heroes who deserve honors that are never bestowed upon them.

Each year we are privileged and honored to have Senator JOHN HEINZ of Pennsylvania read "The Rollcall of Heroes" before Congress. We owe him the respect and gratitude of all our Officers for performing this poignant duty. It makes our Legislators aware of the hazards of police work, and the sacrifices made in this line of our profession.

1987 NATIONAL POLICE PRAYER 1987

Almightly God Father of all mercies we pray that you will welcome these brave Officers in your heavenly home. They have proved their dedication to God and Country, manifested by their supreme sacrifice. We pray you will comfort their families and friends who mourne their departure. Give them the strength to endure their loss and remove all rebellion from their hearts, knowing these heroes are now in the care of Thy Almighty hands. For this we beg in the honor of Your name and Thy Son our Saviour Jesus Christ. AMEN.

FELONIOUS POLICE KILLINGS—1987 PRELIMINARY INFORMATION

Patrolman Richard James Davidson, Shreveport, Louisiana, Police Department, 01/02/87.

Lieutenant Grover C. Cooper, Fort Pierce, Florida, Police Department, 01/12/87.

Deputy Sheriff Dale Conway Stiles, Pecos County, Texas, Sheriff's Department, 01/12/87.

Patrolman James Adrian Wouters, Fort Pierce, Florida, Police Department, 01/13/87.

Officer Robert L. Smith, Charlotte, North Carolina, Police Department, 01/15/87.

Trooper Alexander M. Cochran, III, Virginia State Police, 01/15/87.

Patrolman Jeffrey Manning Phegley, Morrow, Ohio, Police Department, 01/12/87.

Texas Ranger Stanley Keith Guffey, Texas Department of Public Safety, 01/22/87.

Special Agent Raymond J. Stastny, Drug Enforcement Administration, Atlanta, Georgia, 01/26/87.

Sergeant Kenneth John Koeller, Jr., Jennings, Missouri, Police Department, 01/28/87.

Private Bruce Williford, Richmond County, Georgia, Sheriff's Department, 02/02/87.

Sergeant Willie Donald Cameron, Atlanta, Georgia, Police Department, 02/06/87.

Patrolman Russell Wynn Harper, Missouri State Highway Patrol, 02/08/87.

Deputy Sheriff David R. Clark, Onondaga County, New York, Sheriff's Department, 02/11/87.

Patrolman John A. Carrillo, Albuquerque, New Mexico, Police Department, 02/21/87.

Deputy Robert Lewis Elliott, Miami County, Ohio, Sheriff's Department, 02/25/87.

Detective Louis R. Miller, New York City, New York, Police Department, 03/11/87.

Deputy Sheriff Craig D. Dodge, Lancaster County, Nebraska, Sheriff's Department, 03/14/87.

Conservation Officer Robert C. Banker, Kentucky Department of Fish and Wildlife, 03/19/87.

Officer Benjamin Warren Worchester, Hayward, California, Police Department, 03/25/87.

Chief Deputy Melvin Kenneth Drum, Ochiltree County, Texas, Sheriff's Department, 03/28/87.

Patrolman Daniel Scott Wasson, Milford, Connecticut, Police Department, 04/12/87.

Trooper David Bruce Ladner, Mississippi Highway Safety Patrol, 04/12/87.

Sergeant John E. Hatfull, Indiana, State Police 04/13/87.

Officer Clifford W. George, Cincinnati, Ohio, Police Department, 04/16/87.

Officer Ronald Midgley Grogan, Palm Bay, Florida, Police Department, 04/23/87.

Officer Gerald Douglas Johnson, Palm Bay, Florida, Police Department, 04/23/87.

Deputy Sheriff Donald Ray Hayes, Marion County, South Carolina, Sheriff's Department, 05/03/87.

Patrolman William F. Brey, Pennsauken Township, New Jersey, Police Department, 05/15/87.

Officer Robert Remington, Metropolitan Police Department, Washington D.C. 05/19/87.

Patrolman James Edward Wier, Denver, Colorado, Police Department, 06/03/98.

Trooper Robert G. Dunning, New York State Police, 06/14/87.

Officer David Nicholas Ronk, Honolulu, Hawaii, Police Department, 06/15/87.

Officer James H. Pagliotti, Los Angeles, California, Police Department, 06/22/87.

Sergeant Walker Kevin Artz, Vigo County, Indiana, Sheriff's Office, 07/01/87.

Sergeant Ronald D. Slockett, Sugar Land, Texas, Police Department, 07/04/87.

Sergeant Ira Parker, Inkster, Michigan, Police Department, 07/09/87.

Patrolman Daniel John Dubiel, Inkster, Michigan, Police Department, 07/09/87.

Patrolman Clay Hoover, Inkster, Michigan, Police Department, 07/09/87.

Officer George Scheu, New York City, New York, Police Department, 07/11/87.

Deputy Wesley Scott Alford, Grimes County, Texas, Sheriff's Department, 07/19/87.

Sergeant Alberto Alvarado Velez, Police of Puerto Rico, 07/22/87.

Sheriff Charles Albert LaRew, Cedar County, Missouri, Sheriff's Department, 07/26/87

Deputy Robert S. Insalaco, Erie County, New York, Sheriff's Department, 08/13/87.

Officer Jeffrey Dale Young, Florida Highway Patrol, 08/18/87.

Officer Myron Parker, New York City, New York, Police Department, 08/20/87.

Deputy Daniel Ralph Stilwell, Denver County, Colorado, Sheriff's Department, 09/06/87.

Sergeant Joseph Daniel Bock, Corpus Christi, Texas, Police Department, 09/09/87.

Chief of Police Samuel A. Johnson, Dexter, New York, Police Department, 09/11/87.

Lieutenant John Eaton Bradshaw, Tempe, Arizona, Police Department, 09/20/87.

Agent Edward John Hockom, Aurora, Colorado, Police Department, 09/21/87.

Patrolman Timothy Thomas Pollard, Ponce Inlet, Florida, Police Department, 09/21/87.

Patrolman Paul J. Durkin, Youngstown, Ohio, Police Department, 09/22/87.

Officer Robert Venable, New York City Transit Police Department, 09/22/87.

Officer Gregory R. Edwards, Chicago, Illinois, Police Department, 09/29/87.

Deputy Sheriff John Mullen Sack, Peoria County, Illinois, Sheriff's Department, 10/01/87.

Deputy Sheriff Howard Edward Dutton, Baldwin County, Alabama, Sheriff's Department, 10/01/87.

Officer George William Raffield, Jr., Midlothian, Texas, Police Department, 10/23/87.

Patrolman Roy Joseph Sergei, Boston, Massachusetts, Police Department, 10/26/87.

Officer Andre Barksdale, Detroit, Michigan, Police Department, 11/02/87.

Deputy Sheriff John Robert Saxerud, Island County, Washington, Sheriff's Office, 11/14/87.

Deputy Sheriff William Joseph Heffernan, Island County, Washington, Sheriff's Office, 11/14/87.

Officer Ray Lynn Barnes, Florida Game and Fresh Water Fish Commission, 11/21/87.

Officer LaVerne Daniel Schulz, South Miami, Florida, Police Department, 11/27/87.

Deputy Sheriff Lonny Gene Brewer, San Diego County, California, Sheriff's Office, 12/05/87.

Patrolman John Drew Seifert, Ozark, Alabama, Police Department, 12/19/87.

Patrolman Charlie Ray Alcuri, Ozark, Alabama, Police Department, 12/19/87.

Patrolman Lee R. Seward, Chicago, Illinois, Police Department, 12/30/87.

Public Safety Officer Rossevelt Ferrell, Public Safety Services, Compton, California, 3/16/87.

Patrolman Roy Lee Stanley, Navajo Division of Public Safety, Windowrock, Arizona, 12/5/87.

Patrolman Andy Begay, Navajo Division of Public Safety, Windowrock, Arizona, 12/5/87.

ACCIDENTAL POLICE KILLINGS—1987

PRELIMINARY INFORMATION

Officer Francis J. LaSala, New York City, New York, Police Department, 01/05/87.

Officer Patrick L. Grun, Village, Texas, Police Department, 01/06/87.

Dep. Town Marshal Richard C. White, Colorado City, Arizona, Town Marshal's Office, 01/14/87.

Chief of Police David Coty Williams, Ryan, Oklahoma, Police Department, 01/18/87.

Deputy Sheriff Charles Robert Anderson, Los Angeles County, California, Sheriff's Department, 01/24/87.

Deputy James Stoltenow, Shanawo County, Wisconsin, Sheriff's Office, 01/27/87.

Detective Steven Garibay, Mohave County, Arizona, Sheriff's Office, 02/10/87.

Corporal Henry Corwin Bruns, Missouri State Highway Patrol, 02/16/87.

Officer Jeffrey Norman Ritchey, Duval County, Florida, Sheriff's Office, 02/23/87.

Patrol Agent John Robert McCravey, U.S. Border Patrol, El Centro, California, 02/23/87.

Sergeant Theodore Moos, New Jersey State Police, 02/27/87.

Trooper James S. Gain, Washington State Patrol, 03/02/87.

Public Safety Officer Manuel Lopez, Jr., Sunnyvale, California, Department of Public Safety, 03/03/87.

Officer James David Ketchum, Costa Mesa, California, Police Department, 03/10/87.

Officer John William Libolt, Costa Mesa, California, Police Department, 03/10/87.

Trooper Larry Eugene Small, Maryland State Police, 03/10/87.

Trooper John Edward Sawa, Maryland State Police, 03/10/87.

Deputy Sheriff Waymon D. Allen, Polk County, Florida, Sheriff's Office, 03/15/87.

Trooper Harry Lee Henderson, Virginia State Police, 03/17/87.

Patrolman John Henry Kerr, Picher, Oklahoma, Police Department, 03/18/87.

Patrolman Dennis, J. Gorlewski, Milwaukee, Wisconsin, Police Department, 03/25/87.

Detective Lynn Russell Sutter, Bethel Park, Pennsylvania, Police Department, 03/28/87.

Trooper Stephen G. Rouse, Florida Highway Patrol, 03/28/87.

Captain Otis Grier, Greenwood, South Carolina, Sheriff's Office, 04/02/87.

Traffic Officer Michael Allen Brandt, California Highway Patrol, 04/06/87.

Patrolwoman Maria Michelle Groves, Houston, Texas, Police Department, 04/10/87.

Deputy Keith D. Farley, San Bernardino County, California, Sheriff's Office, 04/12/87.

Trooper Robert Paul Perry, Jr., South Carolina Highway Patrol, 04/15/87.

Deputy Sheriff Frederick Thomas Clark, Sr., Hillsborough County, Florida, Sheriff's Office, 05/08/87.

Officer Donna M. Miller, Hillsborough County, Florida, Sheriff's Office, 05/08/87.

Patrolman Jeffrey Lee Bull, Lebanon, Maine, Police Department, 05/09/87.

Officer Roger A. Sterling, Milwaukee, Wisconsin, Police Department, 05/11/87.

Lieutenant Walter Lee Harden, Macon, Georgia, Police Department, 05/11/87.

Officer Randol L. Marshall, Los Angeles, California, Police Department, 06/02/87.

Deputy Harold E. Vanderoef, Suffolk County, New York, Sheriff's Department, 06/04/87.

Patrolman John J. Stoll, South Milwaukee, Wisconsin, Police Department, 06/07/87.

Deputy Sheriff Stephen Paul Miller, Jefferson County, Colorado, Sheriff's Department, 06/17/87.

Officer Richard L. Fortin, Detroit, Michigan, Police Department, 06/21/87.

Patrolman Robert A. Medina, National City, California, Police Department, 06/24/87.

Lieutenant Gerry Lanell Ivie, Duchesne County, Utah, Sheriff's Office, 07/02/87.

Patrolman Timothy Edward Langley, Hollywood, Florida, Police Department, 07/14/87.

Deputy Sheriff Benito Eduardo Bravo, Hidalgo County, Texas, Sheriff's Department, 07/21/87.

Trooper Clifford Raymond Hansell, Washington State Patrol, 07/22/87.

Trooper James E. Boland, Michigan State Police, 07/26/87.

Sergeant George S. Covert, Tolleson, Arizona, Police Department, 07/30/87.

Trooper William Howard Phillips, West Virginia Department of Public Safety, 07/30/87.

Deputy Sheriff Charles Lee Dillion, Comanche County, Oklahoma, Sheriff's Department, 08/13/87.

Trooper Clinton Wayne Crawford, Pennsylvania State Police, 08/17/87.

Agent Arthur L. Cash, Drug Enforcement Administration, Phoenix, Arizona, 08/25/87.

Patrolman Thomas M. Phillips, New Orleans, Louisiana, Police Department, 08/28/87.

Officer William M. Morrison, Jr., Chicago, Illinois, Police Department, 09/04/87

Special Agent Jude P. O'Dowd, Federal Bureau of Investigation, New York, 09/12/87.

Officer Alvin P. Kurdys, New York State Police, 09/15/87.

Officer George Todd Herring, Mountain Brook, Alabama, Police Department, 09/19/87.

Officer William D. McCarthy, Philadelphia, Pennsylvania, Police Department, 09/22/87.

Deputy Wade Alexander Hansen, Emery County, Utah, Sheriff's Department, 09/24/87.

Trooper Charles Andrew Fry, Colorado State Patrol, 09/26/87.

Deputy Robert Nicol, Jr., Brevard County, Florida, Sheriff's Department, 09/30/87.

Officer Terry Wayne Autrey, California Highway Patrol, 09/30/87.

Officer John James Fitzpatrick, Detroit, Michigan, Police Department, 10/09/97.

Patrolman Lester J. Guishard, Buena Burough, New Jersey, Police Department, 10/14/87.

Sheriff Wallace L. Larson, Barron County, Wisconsin, Sheriff's Department, 10/28/87.

Patrolman Patricia E. Quinn, Washington Township, New Jersey, Police Department, 11/04/87.

Patrolman Albert O. DeSmet, Roseville, Michigan, Police Department, 11/05/87.

Officer Robert Wilson Santos, Police of Puerto Rico, 11/11/87.

Officer Jackson Elmer, Murray City, Utah, Police Department, 11/13/87.

Pilot James D. Taylor, U.S. Customs Service, San Diego, California, 11/15/87.

Pilot David L. Crater, U.S. Customs Service, San Diego, California, 11/15/87.

Trooper David B. Pulling, Delaware State Police, 11/18/87.

Trooper Thomas J. Consorte, New York State Police, 11/23/87.

Traffic Officer Mark Thomas Taylor, California Highway Patrol, 11/26/87.

Officer Janice M. Vanderveer, Burleson, Texas, Police Department, 12/27/87.

DRUG ABUSE IN AMERICA

● Mr. RIEGLE. Mr. President, the Senate recently passed legislation designating May 8-14 as "Just Say No Week" in an effort to increase the public's awareness of the problems related to drug abuse.

As a former chairman of the Senate Subcommittee on Alcoholism and Drug Abuse, I am alarmed by the growing incidence of drug abuse and drug related crimes in Michigan and in the United States, and believe we must commit our Nation to an all out war on drugs. In stopping drug abuse, our Nation faces one of its greatest single challenges in our history.

Drug abuse is eroding the very foundations of our society that have made us a great nation. Drugs rob our children of their opportunity to achieve their potential. Drugs steal from our Nation the contributions of individuals whose lives are cut short through their drug dependency. Drugs threaten our economic stability and our ability to compete in international markets. Drugs promote crime and encourage disregard for the law by well-intentioned citizens who are frustrated and desperate to stop the flow of drugs into their neighborhoods.

How well we meet this challenge in the next few months and in the coming years will have a lasting effect on our Nation well into the next century. We must wage war against drugs, and we must act now.

Statistics on drug abuse show the epidemic size of the problem. Experts tell us that nearly 10 percent of all Americans or 26 million people use illegal drugs. A recent study entitled "Controlling Drug Abuse: A Status Report" by the General Accounting Office (GAO) reports that the number of cocaine related emergencies reported by hospitals jumped by 167 percent between 1983 and 1986 and that the number of cocaine-related deaths rose by 124 percent during the same period.

It is estimated that during 1987 alone Americans spent some $140 billion to purchase 178 tons of cocaine, 12 tons of heroin, and over 60,000 tons of marijuana. The use of illegal drugs further costs our Nation about $60 billion a year in lost employment, for prison and other criminal justice expenses, and for drug treatment programs.

In 1986 the Congress passed and the President signed into law the $1.7 billion Anti-Drug Abuse Act designed to aid drug education and rehabilitation programs and Federal, State, and local law enforcement efforts to combat drugs. As a cosponsor of this legislation in the Senate, I believe it gave us a good start in addressing the problems of drug abuse. But the most recent data suggest that much more needs to be done.

To its credit, the administration, largely through the efforts of Mrs. Reagan, has conducted the energetic "Just Say No" to drugs campaign, and I commend Mrs. Reagan for her efforts in this area. But if we are to fight an effective and meaningful battle against drugs, I believe we need to say yes to a range of action steps that actually cuts down on drug supply and drug use.

We need stronger programs that educate our children about the horrors of drug addiction. We need more drug rehabilitation programs that help people rid themselves of their drug dependency. We need new initiatives that give Federal, State, and local law enforcement the tools they need to get tough with the drug pushers on the street and drug suppliers wherever they are.

We can and must win the war against drugs, but to be successful, we must have the commitment of every man, woman, and child in the United States. If our Federal Government will mount a new and much stronger effort to fight the drug war, I believe our citizens will come forward to do everything they can to help us meet this national challenge.●

SPRING COMMENCEMENT AT SOUTH CAROLINA STATE COLLEGE

● Mr. HOLLINGS. Mr. President, I had the pleasure of joining the students and faculty of South Carolina State College for their spring commencement this past Saturday in Orangeburg. There were two highlights to the occasion, which I would like to share with my colleagues in the Senate.

First, I was pleased to make the acquaintance of Lt. Gen. Henry Doctor, Jr., Inspector General of the U.S. Army, who was presented with an honorary degree. Since entering the Army as a second lieutenant after graduating from South Carolina State in 1954—where he earned an ROTC commission—General Doctor has distinguished himself both in combat and in a succession of peacetime leadership roles. His many decorations and badges include the Distinguished Service Medal, Legion of Merit, and Bronze Star. General Doctor is an American of exceptional character and achievement, and it was an honor to meet him.

Incidentally, Mr. President, I would point out that South Carolina State College has an extraordinary record of turning out talented military officers. Its alumni include a brigadier general, a lieutenant general, and a major general currently on active duty, as well as a brigadier general retired. The fact is, no other ROTC program in the United States has produced more black officers than the program at South Carolina State. ROTC enrollment at the college currently stands at 683 cadets. And, since the ROTC battalion was established at South Carolina State in 1947, 1,584 students have received commissions in the U.S. Armed Forces. The entire State of South Carolina takes pride in this record of service.

Mr. President, the second highlight of Saturday's festivities was the commencement address delivered by Dr. Harvey B. Gantt. Of course, Harvey Gantt is well-known in the Carolinas as the first black graduate of Clemson University and former mayor of Charlotte, NC. I have valued his friendship for a quarter century. His remarks on Saturday—an appeal to the graduates to involve themselves in politics and public service—were characteristic in their passion and eloquence.

Mr. President, I ask that the full text of Dr. Gantt's remarks be printed in the RECORD at this point.

The remarks follow:

COMMENCEMENT REMARKS—HARVEY B. GANTT, SOUTH CAROLINA STATE COLLEGE, ORANGEBURG, SC

To the distinguished dais members, Chairman of the Board of Trustees, President Smith, faculty, parents, friends, and members of the 1988 graduating class, I am privileged that you honor me by asking me to speak to you on such a significant occasion as this day. As a boy growing up in Charleston, South Carolina, the name State College was a revered institution, spoken of with great pride. And rightly so, for indeed much of the leadership cadre for black South Carolinians came from this institution. Our doctors and teachers, our lawyers and preachers, our business leaders and engineers—for the most part came from State. We followed her athletic teams, marched to the beat of her bands, and sampled the many cultural programs that offered enlightenment. It has been, and still is, a beloved institution that contributes much to the well-being and quality of life of this state and nation—notwithstanding the fact that her initial reason for existence stems from the legacy of South Carolina's history of segregation.

You young men and women today then join a long line of special citizens, and I want to congratulate you on your significant achievement, and would sincerely hope that your new status as State graduates will be meaningful and generate pride for you, the alumni you will join, and the people you will serve in the years ahead.

I hope before the day is over that sometime between the celebration and the tears of leaving this place, you will find that special person—be it your parents, a relative, a spouse, or friend—that helped you when the going got tough, when you wanted to give up—that gave you encouragement to hang in there to the end. Say thank you, for it is a good reminder that none of us reach levels of achievement without the help and encouragement of others. You owe that moment to yourself and to those who cared so much.

If you can assume that I will be relatively brief in my remarks, you will all be conferred your degrees in about fifteen to twenty minutes. You will then become certified members of what I call the "educated gentry." Of great concern to me is how you will use this education to respond to the world that will beckon to you. For many of you, you are a first in your family with a college degree. The critical questions for all of you is how you wear this new mantle of distinction.

Sad to say that too many people don't wear it very well. Some see a college degree as a meal ticket—and while that is clearly a practical concern, the degree represents much more than that.

Others see the degree as a first step to getting more degrees; and while more formal education is good, there is a greater value than just being a scholar for life. And then there are some who view the degree as a distinct dividing line—that defines an elite class that separates you from the masses of those less learned . . . and in my opinion, those folk are the saddest and most misguided, for they totally miss the real significance and potential of what an educated gentry can mean for our society.

I see you all differently. I see before me a cadre of men and women who are ready to do battle, in a world that desparately needs your help. I see men and women who have just been taught over four years or more the basic rudiments of how to think, to solve problems, to inquire and search for truth. I see a vital force ready to bring fresh new ideas to old problems, to offer fresh perspectives and creativity on issues of eliminating injustices and equity. I see an educated gentry that could challenge tired old concepts, and relieve tired warriors weary from years of long struggle. So my expectations for you are considerably higher than what you may be holding out for yourselves.

In 1988, we live in the best of times and the worst of times. There is an excitement in the air, largely generated by the fact that the winds of change in our national government is about to occur. For black Americans, many of us are excited and buoyed by the challenge being made by a great South Carolinian—Jesse Jackson—as he makes a serious run for the Presidency. We see clear signs that many of us are making it successfully into the middle class as evidenced by advances in our personal wealth, our movement up the political ladder, and our steady quest for first class citizenship. Without question, you graduates and all of us stand on the shoulders of many who have sacrificed and gone before us—and we reap the harvest from the seeds that our forebears planted over the last 400 years.

But these are also the worst of times. There is a fire that is beginning to burn out of control in communities across America—whether they be rural hamlets and villages of the South or large urban centers of the North and Midwest. That fire manifests itself in a terrible human toll of people who are increasingly becoming mired in a condition of hopelessness. This is the second America. Their numbers are still comparatively small—but they are growing in numbers. Their race is disproportionately black. Their characteristics are all too familiar. Children who go to school but never learn to read. Homeless and ill housed families. Prisons loaded with young black males who have turned to crime as a way of life. Teenage babies giving birth to babies. Single parent households trapped by a system that consigns them to a life of poverty. The rampant use of drugs being sold to young and old. AIDS killing off people at an alarming rate. I could go on—but you know what I'm talking about.

Without question, the folks who reside in this second America have not appreciably benefited from the progress we've made over all these years. And their lack of progress threatens the well-being of all Americans, no matter your race, or whether you're a Republican, Democrat, Liberal, or Conservative.

And while it might be easy to point fingers of blame—none of us are blameless for allowing this second America to burn out of control. Racism and discrimination are still very much alive—and may in fact be much more overt because of the quality of leadership we have had in recent years. But I must hasten to add, that the educated gentry—our own leadership has sometimes lacked the vision and the courage to stem this tide of human destruction—and that is why I see you graduates as fresh troops that can help join the battle to address the environment we face today. Oh, you will not solve these problems that have been identified simply because you have had four years of College. You will not become overnight great civil rights leaders, great politicians, great businessmen, etc.

But as an energetic new army of the educated gentry—what W.E.B. Dubois called the talented tenth—you can join the battle to help save our community if you have your priorities in order and if you realize your potential to bring change.

There are only three things that I want to share with you that I think are important:

First, wherever you go—be it town, city, village or hamlet, don't ever forget the history of your people and the struggle we have been engaged in for 400 years in America. That legacy of determination and commitment to make it against great odds ought not be an excuse for bitterness nor an albatross around your neck. It ought to be a source of pride that your forebears were strong enough mentally, physically, and spiritually to persevere to a better day. Our history ought to be a call to arms, a rallying cry to deal with the current politics of this day and time. You have a moral responsibility and obligation to pass it on to those who don't know who we are. Too many people today walk around aimless and misguided, and without pride because they don't know who they are—or where they came from.

It does not matter that none of you experienced the degradation of drinking from a "colored" water fountain. It does not matter that you never were forced to sit at the back of the bus. It really isn't important that you never felt the humiliation of eating a lunch standing up, or sitting in the crow's nest of a movie theater. The fact is that your forebears paid a high price to make sure you didn't . . . and it is incumbent upon you to deal today with current problems to make sure that we never suffer those indignities ever again.

So don't become so enamored with your new status and ignore the essential issues. First, you should all be registered voters. That ought to be a requirement for graduation! Second, don't let me hear that you are so busy moving into the black bourgeousie that you don't have time to support civil rights organizations. That's an obligation you can't ignore. And don't become so self-centered in your quest for material wealth that you grow conservative and fail to support those politicians who are genuinely concerned with improving the education, training, and social well-being of those who are the least among us. If you do, you dishonor the soldiers of the movement who fought to preserve your right to vote.

The point is that if we appreciate who we are, we will fight on the battleground of the political world today, to preserve and enhance the work of our forebears.

The second priority I want to share has to do with being good stewards of your money. Achieving a measure of political strength without having economic strength is like having a nice car with no gas. You can't go anywhere—or at least not very far. As a people we need stronger economic institutions in the black community. That has been talked about for generations—and at one time during the segregation era, we had relatively stronger black businesses and institutions. But to reverse a troubling trend, today, we must reverse our attitudes toward our brethern who aspire to be producers and businessmen in our society. We must alter our thinking with regard to supporting black institutions that will improve the social well-being of our citizens—particularly those in need of help. In short, we must love and trust us more. That must come from nurturing a habit to spend more money with our own.

We make more money now than we ever have before in our history—and yet we spend less than 10% in our own communities. Our charitable contributions to church, social and civic organizations, educational institutions, etc. are disproportionately low compared to other groups in our society. We use the excuse that we are poorer—but that does not always hold water. For we consume goods and services disproportionately higher than many others in our nation for clothes, cars, homes, etc.

But if we spend our dollars at home—look at how much good we could do in helping the poor, or helping a boy's club, or starting a home for unwed teenage mothers. Look at how much more we could demand of wealthy black businesses in supporting worthwhile causes that need financial resources in our community.

There is a challenge here for you graduates. First, I hope that some of you will become producers and businessmen and women and lend new status to that profession. But since most of you are likely to be consumers, I challenge you to measure your first year's expenditures in a new way and see where you are placing your spending priorities. Check the amount of dollars you will have given to worthwhile charitable black institutions and organizations. Check the amount of dollars you will have spent with black businesses. If you are not increasing that amount proportionately in the years ahead, then you are contributing to the economic paralysis of black America. And friends—we can't afford that, for in remaining mere midgets in the economic arena, we perpetuate a slave mentality of dependency.

Finally, let me suggest to you that it is important that you go home to the ghetto communities across America. I want to challenge you to accept the responsibility and obligation of being role models. It is sad but true that those who need to see us most often in the black community never get much of a chance anymore. It is ironic, but in the desegregated world of today, it is so easy for the educated middle class black to become physically so removed from the masses of black people . . . that eventually they can also easily remove themselves mentally and spiritually. As a matter of fact, black middle class America may well be losing its ability to command the respect and leadership it needs to have among those who are at the bottom of the economic ladder.

There used to be a time that we lived together—doctor with sanitation workers, teachers with janitors, preachers with domestic worker. Today, many youngsters never see those middle class role models. In their places are those who would exploit the plight of the poor—drug pushers, pimps, con men, etc.

Young people, go home. You will find that you must make a conscious effort to do so. Oh, I know you won't give up your nice condo, or house, in some nice neighborhood. I don't expect you to—but I do expect that you will not become so busy and so sophisticated that you can't attend and participate actively in that Baptist or Methodist Church you grew up in. I do expect that you will give up some time from the golf course, or card party, to work with a group of youngsters needing encouragement and motivation. I do expect that you will miss a fraternity or sorority meeting to spend some time working with senior citizens who can benefit from your youth and enthusiasm. And I believe I ought to expect that you could provide some leadership in working to increase voter registration and participation.

I am an optimist, and I expect great things from you. Your generation has the potential for leading us to greater heights than we've ever known. But it will require your joining forces with those already doing battle and to make that education you've received these years here at State really count for something. Congratulations and may God bless you.●

COSPONSORSHIP OF S. 1511, THE FAMILY SECURITY ACT

● Mr. D'AMATO. Mr. President, I rise today in support of S. 1511, the Family Security Act, introduced by my colleague, the senior Senator from New York [Mr. MOYNIHAN]. This bill was recently reported out of the Finance Committee and is awaiting action on the Senate floor. S. 1511 reforms our current welfare system through the enforcement of child support and expanded opportunities in education and training.

S. 1511 is designed to restructure public assistance programs in order to promote fundamental American values—a strong sense of family and individual self-worth. This legislation strengthens the child support enforcement system. By increasing penalties for abandoning children, this legislation creates an incentive to keep families intact.

In addition, S. 1511 promotes training and employment for individuals who are unable to find work. Specifically, the legislation encourages states to provide work, training, and education activities to help welfare recipients to move off of welfare assistance to employment. The main targets of this program will be those who have been, or are likely to remain, on welfare for an extended period of time, and, custodial parents under the age of 24 who have little or no work experience or who have not completed high school.

This legislation is expected to cost about $2.85 billion over the next 5 years. However, these costs are to be offset by measures included within this bill to make it budget neutral. It is my belief that this bill could eventually save money as increased numbers of individuals are released from the burden of welfare and start contributing to society.

Generational dependency upon welfare must be broken. I am hopeful that S. 1511 will break this cycle. I commend my fellow New Yorker on his bill and his long-time dedication to the desire for welfare reform. I am pleased to lend my support to this legislation, and I look forward to working with my colleague to overcome our serious welfare problems.●

A TRIBUTE TO MICHIGAN LAW ENFORCEMENT OFFICIALS KILLED IN THE LINE OF DUTY

● Mr. RIEGLE. Mr. President, on May 18, law enforcement officials in the State of Michigan will gather in Lansing to honor the memory of their fellow officers who were killed in the line of duty during 1987.

It is with a great sense of loss that we remember these 10 dedicated men and women. Their bravery and single-minded commitment to a dangerous task makes this loss very difficult to accept. The great personal loss to their families, friends, and communities can never be filled or compensated.

Mr. President, every officer in every city throughout the country recognizes that his or her own safety is continuously at risk. Those we remember were no different. It was a challenge they faced with their families each and every day. Officers James Boland of Owosso, Albert Desment of Roseville, Julie Englehardt of Lansing, Ronald Unger of Roscommon, Andre Barksdale, John Fitzpatrick and Richard Fortin of Detroit, Daniel Dubuiel, Clay Hoover and Ira Parker of Inkster made the ultimate sacrifice in fulfilling their duty. Truly, we lost somebody exceptional when we lost them.

Many officers continue to face great peril to ensure a safe Michigan for all of us. The impact of losing these officers must move us forward with a greater strength than ever, a strength forged by the memory of those who died sharing our vision of a society where we can walk our streets, travel our highways and play with our children free from fear. Their sacrifice was in the hope that someday we might all realize that dream.●

IN RECOGNITION OF MR. ROY H. HUNT, KENTUCKY SMALL BUSINESS PERSON OF THE YEAR

● Mr. FORD. Mr. President, I rise today to pay tribute to Mr. Roy H. Hunt of Louisville, KY, who has been named "Kentucky Small Business Person of the Year" by the Small Business Administration. He will be honored in Washington along with those other individuals who have been recognized from across the Nation during this "Small Business Week," which began yesterday.

Roy Hunt is currently president of Hunt Tractor, Inc., which markets farm and construction equipment. He has been successful through the good times and bad times of those sectors of the economy, offering customers a variety of alternatives in the purchase or rental of this equipment.

Mr. Hunt joined this family business in 1946. At that time, it was operated in a rented facility on a part-time basis, with one employee. Today, Hunt Tractor employs more than 50 individuals, with locations in Louisville and Clarkson, KY. Its growth has been impressive, with sales increasing by more than 100 percent over the last 10 years.

Mr. Hunt has also demonstrated strong leadership for the business community and a commitment to the economic growth of the Louisville area. His dedication has clearly transcended his interest in the development of his own business. Roy Hunt has served as a delegate to the White House Conference on Small Business, as chairman of the Center for Small Business in the Louisville Chamber of Commerce, and currently serves as chairman of the Kentucky Small Business Advisory Council. He has been actively involved in the reform of the worker's compensation system that has recently taken place in Kentucky, and has advocated the interests of small business entrepreneurs in many contexts, legislative and otherwise.

Mr. President, Roy Hunt's leadership, dedication, integrity, and innovation have made him a role model for small business persons across my State. In being named "Kentucky Small Business Person of the Year," I believe he now can be recognized as a fine example for aspiring entrepreneurs nationwide.

Although it has been said many times, it is still quite true that small business is the backbone of our economy. And with the efforts of individuals like Roy H. Hunt, this will continue to be the case in my State for some time into the future.

As we continue Small Business Week, I rise to recognize and congratulate Roy Hunt and the other "State Small Business Persons of the Year" for their distinguished achievements.●

CONGREGATION AHAVAS ACHIM BREAKS NEW GROUND

● Mr. LAUTENBERG. Mr. President, I rise to congratulate the congregation of Ahavas Achim which broke ground on April 24, 1988 for their new synagogue in Highland Park, NJ.

The congregation has been in existence for almost 100 years. In 1889 a group of recently arrived immigrants, as charter members, established Ahavas Achim—Beloved Brothers. From 1889 to 1990, members met in private homes or rented stores. A building they bought from the Salvation Army finally became their house of worship. Over time the building was renovated and modernized, and in 1961 a beautiful new sanctuary was rededicated.

Ahavas Achim thrived as an institution dedicated to Jewish life, which included the founding of a Sisterhood, an active Hebrew School, and a leading area day school, Rabbi Pesach Raymon Yeshiva. But in 1980, on Yom Kippur, a tragic fire destroyed the sanctuary. An adjacent vestry room has served this purpose since.

But the congregation did not despair its loss. Ground was broken recently for a new synagogue. Its new location will be Highland Park, NJ.

Mr. President, I am pleased to honor the efforts of Congregation Ahavas Achim and its spiritual leader, Rabbi Ronald L. Schwarzberg. I extend my warmest wishes for a bright future in their new house of worship and continued success as a dynamic force in the community as they approach their centennial anniversary in 1989.●

ROMANIAN AMERICANS

● Mr. SIMON. Mr. President, today May 10, 1988, Romanian Americans and Romanians the world over celebrate the 111th anniversary of independence from the Ottoman Empire. Romanian immigrants have made an invaluable contribution to our rich cultural diversity.

Over the past 111 years, Romanian Americans have made significant contributions to the development and progress of our country. Although the greatest number of Romanians settled in the industrial heartland of America, their contributions have been felt nationwide. The proud descendants of the first Romanian immigrants to this country continue to assert their ethnic identity through Romanian newspapers and cultural festivals.

Unfortunately, as an independent state, Romania has had little opportunity to assert its self-determination. At the close of World War II, the Soviet Union occupied Romania. Since then, communism has stifled and continues to limit Romania's economic and political freedom.

Mr. President, I have proudly sponsored legislation including "Polish American Heritage Month," "Baltic Freedom Day," and other resolutions that commemorate our country's ethnic celebrations. America is enriched by people from all walks of life and all nationalities. Let us acknowledge this diversity for what it is: a continual source of strength and greatness. I commend Romanian Americans and congratulate them on their anniversary of independence.●

JOHN O. HOLLY BUILDING OF THE U.S. POSTAL SERVICE

Mr. BYRD. Mr. President, I understand that the Senate has received from the House H.R. 4448. On behalf of Mr. GLENN, I ask that the bill be read for the first time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4448) to designate the Cleveland, Ohio General Mail Facility and Main Office in Cleveland, Ohio, as the "John O. Holly Building of the United States Postal Service".

Mr. BYRD. Mr. President, I now ask that the bill be read a second time.

Mr. DOLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

GENE TAYLOR POST OFFICE BUILDING

Mr. DOLE. Mr. President, I understand the Senate has received H.R. 3987. On behalf of Mr. DANFORTH, I ask the bill be read for the first time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3987) to designate the United States Post Office Building located at 500 West Chesnut Expressway in Springfield, Missouri, as the "Gene Taylor Post Office Building";

Mr. DOLE. Mr. President, I ask unanimous consent that the bill be read for the second time.

Mr. BYRD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Both bills will lay over for 1 legislative day pending their second reading.

The PRESIDING OFFICER. The majority leader.

DIRECTING SENATE LEGAL COUNSEL TO TAKE CERTAIN ACTION

Mr. BYRD. Mr. President, on behalf of Mr. DOLE and myself, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 427) to direct the Senate Legal Counsel to represent Members of the Committee on the Judiciary in *Monte Lee* v. *Joseph R. Biden, Jr., et al.*

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, a plaintiff in an action in the U.S. District Court for the Central District of California has named all members of the Committee on the Judiciary as defendants in a suit for damages. The plaintiff opposed the appointment of Anthony M. Kennedy as an Associate Justice of the Supreme Court and alleges that the members of the Judiciary Committee wrongfully voted to report the nomination favorably to the Senate.

Every individual has a right, of course, to petition the Congress and to communicate to Members of the Senate views about matters pending before the Senate. However, those individuals who are dissatisfied with votes cast by Members of the Senate may not ask the judiciary to review responsibilities committed to the Senate by the Constitution.

This resolution will authorize the Senate legal counsel to represent the Members named in this case.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 427) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 427

Whereas, in the case of *Monte Lee* v. *Joseph R. Biden, Jr., et al.*, Civil Action No. 88-2090, pending in the United States District Court for the Central District of California, the plaintiff has named all Members of the Committee on the Judiciary as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(1) (1982), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Members of the Committee on the Judiciary in the case of *Monte Lee* v. *Joseph R. Biden, Jr., et al.*

Mr. BYRD. Mr. President, does the distinguished Republican leader have any further business he would wish to transact or any statement he would wish to make?

Mr. DOLE. I have no further business, I say to the majority leader. I will make every effort tomorrow to speed things along because there are major amendments. We will try to be helpful on this side. I would like to finish the bill this week.

Mr. BYRD. I thank the distinguished leader.

Mr. DOLE. Do we come in at 9:30?

Mr. BYRD. We come in at 9:30 a.m.

ORDERS FOR WEDNESDAY

RECESS UNTIL 9:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow after the two leaders or their designees have been recognized under the standing order, there be a period for morning business not to extend beyond 10 o'clock, that Senators may speak therein for not to exceed 5 minutes each, and that at the hour of 10 a.m. the Senate resume consideration of the DOD authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, various amendments have already been sequenced for action on tomorrow. The first amendment under the order would be by Mr. Johnston on SDI; to be followed by an amendment by Mr. Bumpers, the SALT II amendment; an amendment by Mr. Kennedy, a test ban amendment; a second amendment by Mr. Kennedy dealing with combat troops in Central America; an amendment by Mr. Heinz involving a buy American provision; and a drug interdiction amendment by Mr. Wilson.

There will be other amendments that will follow these amendments, and these amendments may be laid aside from time to time by unanimous consent, temporarily, in order to accommodate Senators who may wish to call up amendments. But these amendments I have enumerated have been ordered in, and therefore the Senate can count on a full day tomorrow, with rollcall votes.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BYRD. Mr. President, there being no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9:30 tomorrow morning.

The motion was agreed to; and at 7:38 p.m., the Senate recessed until tomorrow, Wednesday, May 11, 1988, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 10, 1988:

THE JUDICIARY

JAN E. DUBOIS, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA VICE CLIFFORD SCOTT GREEN, RETIRED.

DEPARTMENT OF JUSTICE

RICHARD W. CAMERON, OF CALIFORNIA, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF 4 YEARS VICE JAMES R. LAFFON, DECEASED.

WITHDRAWAL

Executive message, transmitting a withdrawal of a nomination from further Senate consideration, received on May 10, 1988:

THE JUDICIARY

DAVID C. TREEN, OF LOUISIANA, TO BE U.S. CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE ALBERT TATE, JR., DECEASED, WHICH WAS SENT TO THE SENATE ON JULY 22, 1987.

HOUSE OF REPRESENTATIVES—*Tuesday, May 10, 1988*

The House met at 12 noon.

The Reverend Dorothy Watson Tatem, St. Matthew's United Methodist Church, Trevose, PA, offered the following prayer:

O God, who governs the world in righteousness and whose judgments are true and righteous altogether: Grant that these persons who represent us and legislate for us may be of one mind to establish justice and promote the welfare of all our people. Endow all Members of this body with a right understanding, pure purposes, and sound speech. Enable them to rise to the noble concerns of public good and human unity. Cleanse our public life of every evil; subdue in our Nation all that is harmful; and make us a disciplined and devoted people, that we may do Thy will on Earth as it is done in heaven. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Emery, one of his secretaries.

WELCOMING VISITING CHAPLAIN, REV. DOROTHY WATSON TATEM

(Mr. KOSTMAYER asked and was given permission to address the House for 1 minute.)

Mr. KOSTMAYER. Mr. Speaker, Rev. Dorothy Watson Tatem is the pastor at St. Matthew's United Methodist Church in Trevose, Bucks County, PA.

Reverend Tatem has served the people of St. Matthew's and the people of her community for the last 3 years.

Joining her today are nearly 50 members of her congregation. They join the House of Representatives in honoring Reverend Tatem in celebrating her achievements and in hearing her prayer for each of us. I welcome Reverend Tatem to Washington and to this sacred Chamber.

All the people of Pennsylvania's Eighth District are honored by her presence.

TRIBUTE TO THE LATE STEWART B. McKINNEY

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute.)

Mr. GEJDENSON. Mr. Speaker, on May 7 was the anniversary of our good friend and colleague, Stewart McKinney's, passing. Stewart's wife, Lucie, and five children, Stewart, Jr., Lucie, Jean, Libby, and John are my good friends in Connecticut, and for all of us here, those of us in the Connecticut delegation want to take but just a minute to remember the great work that he has done here and that his work is continuing, that Stewart McKinney's legacy for housing for the poor, for those who are victims in this society is work that did not end with his passing.

All of us in the Connecticut delegation and his many friends in the House of Representatives take this moment to remember Stewart and all the great deeds that he had accomplished in his 17 years in the House of Representatives.

TRIBUTE TO THE LATE STEWART B. McKINNEY

(Mr. ROWLAND of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND of Connecticut. Mr. Speaker, it was 1 year ago this past Saturday that our colleague and friend, Stewart McKinney, passed away. But indeed his legacy lives on. His compassion, his diligent efforts on behalf of the poor, and the homeless and the less fortunate lives on. It lives on in the tireless efforts of Stew's wife, Lucie, and his entire family.

Mr. Speaker, Lucie has dedicated herself to long-term health care for AIDS patients. She has spoken out and educated the American people to the true realities of AIDS. Our heartfelt thanks and praise go out to Lucie and her family.

Yes indeed, Mr. Speaker, the good works of Stew McKinney live on.

RE-REFERRAL OF H.R. 4159 TO COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the bill, H.R. 4159, which was referred to the Committee on Armed Services on March 15, 1988, be re-referred to the Committee on Public Works and Transportation.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

TRIBUTE TO THE LATE STEWART B. McKINNEY

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, I rise to pay respects today to a former Congressman from Connecticut who passed away a year ago Saturday.

Stewart McKinney was an incredibly hard working, respected Member of this body. He was dean of the Connecticut delegation. And he was a close personal friend.

Stew represented Connecticut's Fourth District for 16 years, and during that time he was an advocate for poor people from his district, his State and across the Nation. As a ranking member on the Housing and Community Development Subcommittee, Stew was instrumental in focusing attention on housing for the poor. And his work culminated on behalf of the homeless when we passed the Stewart B. McKinney Homeless Relief Act of 1987.

Although Stew has not been in this Chamber now for over a year, we certainly can say that we still miss Stewart McKinney. His work has not been forgotten. My favorite instance is a home for the homeless, people who have no home in Hartford, CT, the Stewart B. McKinney Shelter for the Homeless. And I know that Lucie McKinney and her children are especially proud that his name and work continues, whether it be across this Nation, in the State of Connecticut or in his own home district.

TRIBUTE TO THE LATE STEWART B. McKINNEY

(Mr. SHAYS asked and was given permission to address the House for 1 minute.)

Mr. SHAYS. Mr. Speaker, a year ago last Saturday we lost Stewart McKinney. It was a surprise and a shock to those of us in the Fourth Congressional District. He was such a good Congressman during his 17 years of service.

Mr. Speaker, he is missed in this Chamber for the work he has done,

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

but he is also missed in our district. He is missed because he was a man, even throughout his 17 years, who changed very little. He was a Congressman who remained natural and always made those around him feel comfortable. He never carried an aura about him. He just wanted to do good works. And he did.

Mr. Speaker, I know he is missed. I know he is loved, and I know that his impact on our district and Nation will never be forgotten.

□ 1210

A BILL TO RESTORE WORKER'S DIGNITY

(Mr. BRENNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRENNAN. Mr. Speaker, today I am introducing legislation to restore the spirit of the collective bargaining process. I do so out of respect for the rights and the human dignity of the American worker.

Over the past couple of years in my State of Maine, workers who exercised their right to strike under the law were in effect fired. This took place under the guise of permanent replacement workers being brought in soon after the beginning of a work stoppage. There is really no difference between being fired and permanently replaced.

I expect labor and management to bargain aggressively. Further, I do not object to a company using supervisory or other personnel during a work stoppage. But what I do object to, strongly, is the almost immediate permanent replacement of workers who are exercising their rights to withhold their services in a labor dispute.

Workers should have the right to withhold their services without the fear of being permanently replaced within a matter of days. Therefore, I am sponsoring legislation which will prohibit such permanent replacement within 10 weeks of the beginning of a strike.

This legislation is fair and reasonable, and will give the workers involved in the labor dispute 10 weeks of protection before they can in effect be fired by management by the hiring of permanent replacements.

I urge my colleageus to support this important legislation.

IN REMEMBRANCE OF THE LATE HONORABLE STEWART McKINNEY

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank my colleagues for allowing me to go out of order so that the comments about our colleague, the late Honorable Stewart McKinney, can all appear in the RECORD at the same point.

Mr. Speaker, it is a year since Stewart died. The measure of a man can be taken in what follows as a consequence of his life and work. Certainly here in this body, our focus on homelessness, our dedication to AIDS research, to the care of AIDS patients, to the rights of AIDS victims, is in some real measure the consequence of our respect for and understanding given us by Stewart McKinney, a man of remarkable capabilities and remarkable dedication, who made real contribution to this body. But Stewart lives on uniquely in Connecticut as well.

Again, the measure of the man is in part his legacy, and Stewart lives on through his remarkable family. I pay tribute today to his widow, Lucy McKinney, and her efforts to lead in Connecticut those efforts to expand shelters for homeless individuals and families and to expand AIDS research, education, and hospice care programs. Expansion of programs providing care of AIDS patients, a crying need in all urban areas, is something that Lucy McKinney had dedicated herself to and provided badly needed leadership for in the nonmedical community. We pay tribute today to our colleague, Stewart McKinney, and to his marvelous, strong family.

WELCOME BACK, GUS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I rise today to welcome back to our midst one of the finest people in Washington, a loyal employee and a transplanted Ohioan, by the name of Charles "Gus" Gustafson, and we all know him. He is the chief reporter of our own Reporters of Debates. He had major surgery about 5 weeks ago and he has been recuperating at home. Boy, he has been missed by his many friends and colleagues, because his expertise in the coordination and preparation of the CONGRESSIONAL RECORD each night is well known by all of us, and especially our Parliamentarian, and the fine staff that we have here in the House.

He is also known for his ability to inject wry humor into a very tedious task, and down here in the Congress that is really something, Gus. You ought to be commended.

I know Gus would agree with me when I say that though he may live here now and work here now, his heart will always be in Ohio.

I say welcome back, Gus; stay well. Keep up the good work, not only here in Congress, but for all the people and taxpayers of this great Nation. Welcome back, Gus.

HELP FOR MIDDLESBORO, KY, TORNADO VICTIMS

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, last night a terrible tornado whipped through the city of Middlesboro, KY, in my district, killing 1 person and injuring 15 others. Another person is said to be missing.

Gov. Wallace Wilkinson has called out the National Guard to assist the city in its cleanup operations. Reports indicate that many buildings in the downtown area have received considerable damage, and at least 20 airplanes at the local airport were apparently destroyed by the storm.

Mr. Speaker, I want the people of Middlesboro to know that my office is prepared to take whatever action we can to assist them. Should Governor Wilkinson declare a disaster area in the city, I will be following up that request for assistance with Federal officials to try and get as much disaster aid as we can for the people there.

I also want the people of Middlesboro to know that we share in their loss and feel their pain today. This city on the Tennessee and Virginia borders, right near the famous Cumberland Gap, is one of the shining lights of our State and our region. I intend to do everything possible to assist Middlesboro and its residents as they begin to rebuild their city and their lives, and I call on my colleagues to join me in helping in their effort.

POLITICAL PRESSURE REPORTED AS THREATENING CBO'S NONPARTISAN STATUS

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, I want to call everyone's attention to the Warren Brookes column in today's Washington Times. It provides new information on the political subversion of the supposedly nonpartisan Congressional Budget Office.

The column reports that the former Acting Director of the CBO lost his job because he chose to be intellectually honest about the issue of free trade, rather than cave in to the political demands of the House leadership and to protectionist shills at the supposedly nonpartisan Office of Technology Assessment.

Further, the column suggests that one of CBO's top economists, Jacob Dreyer, recently resigned because he didn't want to knuckle under to political pressure.

Former Acting CBO Director Ned Gramlich is quoted as saying:

> * * * there is ample precedent for this kind of pressure and manipulation, and if it continues it could irreparably damage CBO's credibility.

Mr. Speaker, we need a strong, nonpartisan Congressional Budget Office to help us confront the deficit problem in an honest manner. We cannot let the CBO be destroyed by political manipulation.

There should be a complete and unbiased investigation of this entire scandal.

THE TRUTH AND THE WHITE HOUSE MEMOIRS

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Speaker, for the past 4 years the Nation has been treated to a parade of memoirs of the Reagan years. The cast is star-studded: Alexander Haig, David Stockman, Michael Deaver, Terrell Bell, Larry Speakes, Donald Regan, to say nothing of Patti Davis and Michael Reagan.

Inevitably, the White House tries to ignore these books. Haig's "Caveat" was dismissed as a "process story," and as Lou Cannon pointed out at the time, the White House was afraid that the book would show that there was no process in White House decisionmaking.

David Stockman's "The Triumph of Politics" was labeled fiction. But the President has never been able to deny the truth of his deficits "as far as the eye can see."

President Reagan had "no comment" on Larry Speakes' "Speaking Out." Marlin Fitzwater, speaking for himself, of course, called the book a "damn outrage" and assured us that the President "does not approve of making up statements or of misleading in any way." This would have been more reassuring if the President had read those lines himself.

And now Donald Regan tells us, "For the Record," that the Gipper follows the Big Dipper much more closely than he does any briefing memo.

When all the jelly beans have been spilled, Mr. Speaker, we are left with the fact that the White House has never denied the facts in these books, it has simply dismissed them as profit-making ventures of disgruntled employees. Sadly, we come to the realization that there is no one in control at 1600 Pennsylvania Avenue, that, as Gertrude Stein once said, "there is no there there."

LEGISLATION EXPRESSING SUPPORT FOR U.S. CITRUS INDUSTRY

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, today I am introducing legislation expressing congressional support for the U.S. citrus industry under the 301 petition recently filed with the U.S. Trade Representative.

I believe this resolution will further assist Ambassador Yeutter in removing Japan's barriers to free, fair, and open trade. This bipartisan pledge of support is much needed in the wake of Japan's continued reluctance to liberalize trade in citrus and beef products.

Furthermore, this action is timely in that Japan's Agriculture Minister told Ambassador Yeutter that 25 million Japanese people signed a petition against removing the quotas on citrus and beef. Ambassador Yeutter needs a pledge of support from each Member of Congress.

I urge my colleagues to join with me in showing our trading partners that the United States is committed to removing barriers and opening markets for trade.

SUPPORT ANTIETAM LEGISLATION

(Mrs. BYRON asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. BYRON. Mr. Speaker, the Civil War represents an integral part of American history, and yet preserving some of the fields upon which so many lives were lost has become a modern-day battle in itself. Antietam Battlefield, in Maryland's Sixth District, is one of the best preserved of the remaining battlefields. Keeping the grounds within Antietam's boundaries intact, for present and future generations to enjoy, should certainly be a national priority.

With that in mind, I am introducing legislation today that will enable Antietam Battlefield to acquire additional fee simple acreage within its authorized boundaries. Under current law, the battlefield is only able to own up to 600 acres outright. The remaining acres within the park were to be protected under scenic easements to be acquired from private landowners, however, there are currently about 1,200 unprotected park acres.

Scenic easements do not always serve the interests of either the landowners or the park. In certain cases, owners have been willing to sell their land outright, but unwilling to sell scenic easement rights for fear that it would decrease their property value. Scenic easements do not allow the park to follow through on certain construction projects, such as the restoration of woodlands. In order to do this, the park must own the land.

Some of Antietam's unprotected lands are of great historic significance. Should they be willingly offered up for sale by landowners or even offered for donation, the battlefield under current law would be unable to acquire them.

The legislation that I am introducing today would simply allow Antietam Battlefield to acquire outright from willing sellers and donors, additional lands within its boundaries that park officials deem necessary to preserve the park's integrity. The bill does not expand the park boundaries, but will give the Park Service the means to better fulfill Antietam's mission.

Mr. Speaker, I ask all my colleagues to support this important legislation.

NEAR TRAGEDY OF FIRE IN LONGWORTH BUILDING

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, at 6:10 p.m., last Thursday, in preparation of leaving, I tried my office door to see if it was locked. It opened onto a seventh floor hall of the Longworth Building so filled with smoke that it was difficult to see or breathe. Choosing to risk our lives in a dash down the stairs, instead of flight to the roof, two ladies of my staff and I made it down and out through the acrid choking smoke, guided in the darkness only by the brass rails of the stairs. Throughout this life-threatening experience no alarm sounded, no phone call came, no one rapped at our door, nor was any evacuation procedure observed by us. With apparently no smoke alarms, questionable firefighting equipment, no sprinkler system, no evacuation plan, the Longworth Building must qualify as one of our Nation's greatest fire traps. If it catches those responsible, no tears will be shed by me. But don't we owe our staffers and the thousands of our people who visit us daily safety in this important public building. Imagine the enormity of the tragedy had the fire occurred and filled the building with killer smoke when it was crowded with humanity earlier in the day.

Shortly, the gentleman from Pennsylvania [Mr. WELDON] will offer a privileged motion on this matter.

THE CONTINUING POPULARITY OF PRESIDENT REAGAN

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, I guess I can understand some of those on the other side of the aisle who are frustrated at the continuing popularity of this President. But maybe there are some reasons they ought to look at for his continuing popularity. I would like to speak about one of those today. The American job boom continues to expand as the number of unemployed persons dropped last month to 5.4 percent, the lowest level since June 1974.

□ 1225

In addition, the Bureau of Labor Statistics data indicates that the percentage of the population employed has reached an all-time high of 62.3 percent. Along with healthy gains in the factory work week, manufacturing jobs jumped by 44,000 last month. In the last year we have created 2.9 million new jobs. Contrary to the popular myth, most of these have been high-paying jobs, 1.8 million managerial and professional specialties and 700,000 in the technical sales and administrative support level.

The message is increasingly clear, that economic growth, not a reversion to higher taxes and protectionism, provides the key to opportunity at home and abroad. While there are those who stress that we must consume less, the better approach is to produce more. Competitiveness, the new catchword, is not fleeing from the competition. I hope the President will veto the trade bill because at a time we are creating 7½ times as many jobs as all of our trading partners in the world put together, it is no time to adopt a misguided economic policy. Perhaps only in Washington, DC, at a time when we have created 15.3 million new jobs, could the cry go out for protectionism because we are supposedly exporting jobs. That does not make sense here, that does not make sense anywhere. But the miracle of job creation is a clue to why this President may be so popular and perhaps my friends on the other side of the aisle ought to look at the facts.

CITRUS TRADE WITH JAPAN

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, today I join my colleagues from Florida and around the Nation in introducing a resolution expressing the concern of Congress over Japanese quotas on citrus and beef products. We urge the administration to use every available recourse to open Japan's markets and to obtain compensation for the losses suffered by our industries under Japan's illegal quotas. This resolution comes just days after we joined the Florida citrus industry in filing a trade complaint against Japan under section 301 of the Trade Act of 1974. I am confident that the recently constituted panel of the General Agreement on Tariffs and Trade will rule in our favor and against Japan's intolerable quotas and nontariff barriers. The resolution we have introduced today should add considerable weight to our efforts to open Japan's markets to American citrus and beef products. The Japanese have nothing to lose in abiding by the rules of free and fair trade—Japanese consumers would finally have access to quality citrus and beef products at affordable prices, and our industries would have a chance to compete in a lucrative market. I hope that this resolution helps the Japanese Government to see the light—before we have to turn up the heat.

DESECRATION OF THE VIETNAM VETERANS MEMORIAL

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, the recent desecration of the Vietnam Veterans Memorial here in Washington is horrible and reprehensible.

We are ashamed to see grafitti in our streets or posters ridiculing some of the leaders of our country on bridges and the sides of buildings. This grafitti defaces property and attacks a select few. But vandalizing a national memorial that people come from all over the world to see, defaces our Nation's pride and attacks all Americans.

The Vietnam Veterans Memorial, just like Arlington National cemetery, is a solemn and heartfelt memorial reflecting the gratitude of our Nation for a debt that we can never repay. Many men and women who left their homes and families to fight for American values in Vietnam never made it home to enjoy the fruits of the democratic values for which they were fighting. The Vietnam Veterans Memorial is a tribute to them. The vandalism at the memorial is a dishonor to those who fought and died and to some who are still missing in Southeast Asia.

As a member of the House Veterans' Affairs Committee and the Subcommittee on Housing and Memorial Affairs and as a citizen, it is my sincere hope that the person or persons responsible for this are quickly apprehended and justly punished.

BEGINNING OF THE END OF THE GENOCIDE IN AFGHANISTAN

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, history is being rewritten and it is happening in large part because of President Ronald Reagan. Beginning this Sunday, May 15, the beginning of the end of the genocide which has taken place since the 27th of December, 1979, in Afghanistan is going to move ahead. This afternoon following legislative business my colleague the gentleman from Texas [Mr. WILSON] and I will be talking about led up to that genocide and what led up to the beginning of this end which will take place starting this Sunday, May 15.

I urge my colleagues to join in and participate in this special order.

REMEMBER TENNESSEE

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, "Remember the Alamo!" was the cry of Gen. Sam Houston and the Texans who fought for freedom.

Among those who died defending the Alamo were a contingent of Tennesseans—led by Davey Crockett, a man who was once a Member in this House.

This week's cover of the U.S. News & World Report, which shows the flag of the Rising Sun planted firmly in Tennessee, would have greatly troubled the honorable gentleman from Tennessee.

The implications of the U.S. News cover trouble, and frighten, me greatly.

A foreign flag planted on American soil. Is this why Americans over two centuries have died: To have this country spend itself into bankruptcy to defend the free world only to have the free world buy this country out from under its own citizens?

How much do our allies have to buy of this country before someone takes notice?

It is odd that our allies are the only ones who do buy American—American assets that is.

We should, and must, remember Mr. Crockett's legacy. He died to plant a flag of freedom over a Spanish mission.

We should Remember the Alamo, and Remember Tennessee—the next invaders are the rising yen.

AMERICA'S BRIGHT ECONOMIC CONDITION

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, unemployment figures show that not since 1974 has unemployment been so low. In fact we remember having done things to discourage capital formation and job creation, and unemployment rose all during the latter 1970's and early 1980's; evening news broadcasts brought to us the trauma of losing jobs, homes, farms, and dignity as unemployment rose by 50,000 jobs per month every month for that period of time. Yet, by doing what was right for America, cutting inflation, cutting interest rates, and encouraging capital investment, we began to create new jobs. In 1983 we hit a 35-year high in long-term capital investment. In 1984 we hit a 38-year high in long-term capital investment.

As of this month we are now in the 65th consecutive month of creating an average of 280,000 jobs per month. In fact in April 1988, the United States of America created 606,000 new jobs, more than all of Europe has created in the last decade.

So, Mr. Speaker, having gone from 90 million jobs in America to 115 million jobs, the Washington Post was generous enough to explain to us why.

Yesterday's Washington Post explains that, "Now in the late 1980's unemployment is coming down because the population is not growing as fast as it did a decade ago."

Mr. Speaker, if all of these new jobs were going to be created because of a declining population, we in the Congress could have saved ourselves a whole boatload of work.

PROLONGING THE WAR IN CENTRAL AMERICA

(Mr. MOODY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOODY. Mr. Speaker, 1 week after the Contras and Sandinistas reached their temporary cease-fire in Sapoa, the Congress approved $47.9 million in aid with one overriding goal which was to further the peace process and achieve a permanent cease-fire in Central America. The bill the House approved stated clearly that the assistance and support for which this joint resolution provides shall be administered consistent with the Sapoa agreement.

But, Mr. Speaker, the administration seems to be doing what it can at this time to undermine that congressional intent. Instead of working with the Contras and Sandinistas to deliver assistance inside Nicaragua as agreed to by Congress, the administration has begun distributing supplies to Contras inside Honduras.

The plan sold to Congress was to establish cease-fire zones inside Nicaragua and bring assistance to the Contras in those cease-fire zones. Instead, some 5,000 Contras are being assisted in Honduras, according to the Washington Post, and thousands more are now on their way from Nicaragua to Honduras to take advantage of the aid.

Mr. Speaker, this directly undermines the whole intent of the purpose of the congressional action. The current method of administering the aid is not what Congress intended. It will simply prolong the war, but let us remember that is precisely what the administration has intended all along.

PRIVILEGES OF THE HOUSE—SELECT COMMITTEE TO INVESTIGATE FIRE SAFETY IN THE CAPITOL AND HOUSE OFFICE BUILDINGS

Mr. WELDON. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 440) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 440

Whereas on Thursday, May the 5th, a fire occurred in the congressional office of the Speaker of the House, Representative Jim Wright of Texas, located on the second floor of the Longworth House Office Building; and

Whereas after smelling the smoke from said fire, Representative Curt Weldon of Pennsylvania attempted to assist in extinguishing it, only to find fire suppression equipment was not fully functional and available; and

Whereas it was further discovered that the Longworth House Office Building had no manual or automatic fire alarm system to notify the Members, staff, and visitors in the building; and

Whereas the occupants of the Longworth Building had to be notified of the potential danger by someone going to each individual office; and

Whereas some occupants of the Longworth Building were improperly evacuated by way of the elevator which actually stopped on the fire floor; and

Whereas some occupants of the Longworth Building were forced to exit through smoke filled stair towers none of which were enclosed; and

Whereas preplanning and training for such emergencies was clearly lacking; and

Whereas the Capitol, Cannon, Longworth, and Rayburn House Office Buildings are not required to comply with any Federal, State, or District of Columbia fire codes; and

Whereas the safety of the Members of the House of Representatives, as well as staff and visitors to these buildings cannot be assured; and

Whereas the security of the files and records of the House of Representatives is in jeopardy because of the inability to respond to any fire situation; and

Whereas the Congressional Fire Services Caucus, comprised of over 150 Members of Congress, was recently established to advance the cause of fire safety in our Nation's Capitol and across the United States; and

Whereas pursuant to the provisions of rule IX of the Rules of the House of Representatives any measure affecting the safety of the proceedings of the House represents a question of the privileges of the House: Now, therefore, be it

Resolved, That a Select Committee of the House be appointed, comprised of two members from the majority party and two members from the minority party of the House of Representatives to inquire into the origin of the fire which occurred in the Office of the Speaker, and to meet with Federal and local fire officials to report and list any Federal or local fire code violations or any other potential fire or life safety hazards, and report back to the House any recommendations or measures which they deem necessary to assure the safety of the Members, officers, staff, and visitors in the Capitol, Cannon, Longworth, and Rayburn House Office Buildings.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The resolution offered by the gentleman from Pennsylvania [Mr. WELDON] does state a privilege of the House.

Under the rule, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 1 hour.

Mr. WELDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last Thursday evening at a little after 6 o'clock, as I was sitting in my office and smelled smoke in my office, I ran out with two staff people to find that smoke was billowing from the congressional office of the Speaker. Using the instincts of my background as a firefighter, I proceeded to check to see whether or not there were any staff members in the Speaker's office. We subsequently found out that there were none.

At that point in time we attempted to extinguish what in fact had been a small fire growing very rapidly and consuming one section of the Speaker's suite of his congressional office complex.

At this point in time I would like to extend special congratulations to Tom Powell, a Capitol Hill police officer who risked his life in trying to extinguish the fire, who worked his way through the heavy smoke that was billowing out of the Speaker's offices on his hands and knees, as well as Eric Gaull, a staffer with the Democratic Study Group, both of whom were volunteer firefighters who joined in an effort to control and extinguish this fire.

□ 1240

When we found out that the fire could not be extinguished because of a lack of adequate fire-suppression equipment, we proceeded to close off the Speaker's suite to protect the Speaker's office from any additional ventilation which could have spread the fire throughout the second floor of the Longworth complex. At that time, we switched our attention to the building.

Mr. Speaker, I might add that we met with complete frustration, with no automatic alarm system or obvious preparation for evacuation, and as the hallways were filling with smoke to a point where we could not see 10 feet in front of us in the Longworth Building, we had to manually send people to each floor to evacuate those Members and staff who were in their offices. In addition, as these Members and staff tried to evacuate, some used the elevators which should have been recalled to the first floor, and we had several elevators stop on the fire floor, and as the elevator doors opened, gushes of smoke enveloped the people on the elevators, and as people tried to evacuate through the stair towers, none of which are enclosed which is a code violation, members of the public, staff and Members of Congress were greeted with toxic smoke and conditions which were certainly intolerable.

As a matter of fact, following the incident, the Capitol Hill Police and the D.C. Fire Department cordoned off the Longworth Building for 3 hours because of the toxicity levels in that building generated from the fire in the building and would not allow the public or Members to go back to their offices.

While the fire damage itself in the Speaker's office was relatively small and there was no loss of life, thank goodness only two minor injuries occurred, smoke inhalation by two Capitol Hill police officers.

I would like to thank the Capitol Hill Police for the job they performed as well as the D.C. Fire Department. They did an outstanding job once they arrived on the scene and were able to get to the cause of the fire.

I would also like to congratulate and commend those staff members who stood by who have firefighting experience and who worked to control this blaze.

There were certainly some concerns raised in my mind about the entire incident, concerns that I feel have to be looked at and have to be investigated. No building in today's climate, 7stories high with 130 congressional offices and 2,000 people inhabiting that building on a daily basis, can be allowed to go without any alarm system, no panel pool stations, no automatic fire alarm systems; no building should be allowed to exist without sprinkler systems, automatic suppression systems; no building should be allowed to have elevators be used for purposes of fire evacuation when, in fact, the users of those elevators could in fact stop on the floor where the fire itself is. Stairwells should certainly be protected for those people trying to rush out to the outside in time of an emergency.

In addition, any building of this type on Capitol Hill and which involves this body should have adequate preplanning taking place in terms of evacuation, in terms of coordination of suppression. From what I saw last Thursday evening, none of that took place, and the preplanning that had not taken place was certainly obvious in what ensued.

In addition, Mr. Speaker, what I have seen since I have been here for a year and 3 months has been a lack of ongoing awareness of the fire and safety issue and life safety concerns in this body, and the best evidence of our beginning to address that was the formation of the Fire Services Caucus on April 19 where the Speaker and minority leader both attended which currently enjoys the support of 150 Members of Congress.

Mr. Speaker, while there are plans underway and efforts underway at this point in time to install fire-suppression and protection devices in the Longworth Building as well as other buildings, these measures will not be in effect for several months and perhaps several years. During this time period, we have to be prepared for any emergency and, therefore, my privileged resolution calls for a bipartisan effort to look at this one incident, to study the situation, to speak to those people who were directly involved and to report back to this body as to steps that we can take to better prepare ourselves in times of emergency and especially in times of a fire situation.

I would hope that this body in fact would support my panel in terms of investigating this incident to make constructive suggestions back to this body so that all of our Members, so that all of our staff people, and so that the general public that uses our facilities can in fact feel secure that we are providing adequate measures for protection of fire as well as life safety.

The lack of agency coordination and committee jurisdiction requires this special privileged resolution to provide for a very quick overview and a quick assessment that we can report back to the House, and I ask that this body and the Speaker consider the support and adoption of my privileged resolution.

Mr. COELHO. Mr. Speaker, will the gentleman yield?

Mr. WELDON. Mr. Speaker, I am happy to yield to the gentleman for purposes of debate to the gentleman from California.

Mr. COELHO. Mr. Speaker, I appreciate the gentleman bringing up this resolution on behalf of the majority. We accept it and encourage our colleagues to join in support of it. We applaud the gentleman also for his diligence and his foresight.

The gentleman's experience, based on his background as a fire chief, in this area would make a good member of this select committee. We look forward to a good report.

Mr. WELDON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

ANNUAL REPORT OF CORPORATION FOR PUBLIC BROADCASTING FOR FISCAL YEAR 1987—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Tuesday, May 10, 1988.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GRAY of Illinois). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has been concluded on all motions to suspend the rules.

AUTHORIZATION FOR WEB RURAL WATER DEVELOPMENT PROJECT IN SOUTH DAKOTA

Mr. MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4267) to authorize additional appropriations for the WEB rural water development project, as amended.

The Clerk read as follows:

H.R. 4267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—WEB PIPELINE PROJECT, SOUTH DAKOTA

SEC. 101. INCREASE IN AUTHORIZATION OF APPROPRIATIONS.

In addition to the funds authorized to be appropriated for the construction of the WEB Rural Water Development project, authorized by section 9 of the Rural Development Policy Act of 1980 (Public Law 96-355, 94 Stat. 1175), as amended by section 2 of Public Law 97-273 (96 Stat. 1181), there are authorized to be appropriated therefor an additional sum of $18,500,000 (March 1988 price levels), plus or minus such amounts, if any, as may be required by engineering cost indices applicable to such construction.

SEC. 102. USE OF PICK-SLOAN POWER.

Section 5 of Public Law 97-273 (96 Stat. 1182) is amended by inserting: (1) after "Omaha" the phrase "Lower Brule," and (2) a period after the phrase "irrigation developments" and deleting the remainder of the sentence.

TITLE II—NAME CHANGE

SEC. 201. B.F. SISK SAN LUIS DAM.

(a) The San Luis Dam of the San Luis Unit, Central Valley project, California, constructed, operated, and maintained under the Act of June 3, 1960 (Public Law 86-488, 74 Stat. 156), hereafter shall be known and designated as the "B.F. Sisk San Luis Dam".

(b) Any reference in any law, regulation, document, record, map, or other paper of the United States to the dam referred to in subsection (a) is hereby deemed to be a reference to the "B.F. Sisk San Luis Dam".

SEC. 202. WILLIAM R. GIANELLI PUMPING-GENERATING PLANT.

(a) The San Luis Pumping-Generating Plant of the San Luis Unit, Central Valley project, California, constructed, operated, and maintained under the Act of June 3, 1960 (Public Law 86-488, 74 Stat. 156), hereafter shall be known and designated as the "William R. Gianelli Pumping-Generating Plant".

(b) Any reference in any law, regulation, document, record, map, or other paper of the United States to the plant referred to in subsection (a) is hereby deemed to be a reference to the William R. Gianelli Pumping-Generating Plant.

SEC. 203. CLAIR A. HILL WHISKEYTOWN DAM.

(a) The Whiskeytown Dam of the Central Valley project, California, constructed, operated, and maintained under the Act of August 26, 1937 (50 Stat. 850), and Acts supplementary and amendatory thereto, hereafter shall be known and designated as the "Clair A. Hill Whiskeytown Dam".

(b) Any reference in any law, regulation, document, record, map, or other paper of the United States to the plant referred to in subsection (a) is hereby deemed to be a reference to the "Clair A. Hill Whiskeytown Dam".

The SPEAKER pro tempore. Is a second demanded?

Mr. PASHAYAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. MILLER] will be recognized for 20 minutes and the gentleman from California [Mr. PASHAYAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to urge my colleagues to join me in supporting H.R. 4267.

This bill addresses three issues.

First, it authorizes additional appropriations to enable completion of the WEB rural water development project, South Dakota.

Second, it authorizes the use of Pick-Sloan Missouri basin electric power by the Lower Brule Sioux Indian Tribe.

Third, it renames certain facilities of the Central Valley project, California.

The WEB rural water development project was authorized in 1980. Construction was initiated 2 years later.

When completed, the project will distribute Missouri River water through 3,700 miles of pipeline to farms and towns throughout north-central South Dakota.

The project is now more than 60 percent complete. Slightly more than $81 million in Federal funds has been spent to date. The total project cost is now estimated at $117 million.

H.R. 4267 was introduced to increase the appropriations ceiling for the project. This increase was needed because of errors by the Bureau of Reclamation resulted in a significant overstatement of the indexed cost ceiling of the project.

As the Bureau testified at the subcommittee's hearing:

> After development of the fiscal year 1989 budget proposal, it was discovered that incorrect indexing procedures had been used in computations to update the appropriations ceiling.

H.R. 4267 would increase in the cost ceiling of $18.5 million. This will enable completion of the project.

At hearings on the bill, the Bureau of Reclamation testified that the administration did not oppose enactment of H.R. 4267.

After H.R. 4267 was introduced, and prior to hearings on the bill, the Lower Brule Sioux Indian Tribe wrote to the committee. The tribal chairman pointed out that technical problems prevented the tribe from using low-cost, project pumping electric power for operation of the tribe's irrigation facilities.

The Secretary has determined, based on a narrow reading of the law, that he cannot provide low-cost power to operate pumps in some areas outside an existing irrigation development, but wihtin the boundaries of the reservation.

Section 102 of H.R. 4267 would correct this oversight and authorize the delivery of Pick-Sloan pumping power for irrigation developments within the entire reservation.

Finally, H.R. 4267 would rename three features of the Central Valley project, California, for distinguished individuals who were instrumental in authorization and construction of the project.

Section 201 would rename the San Luis Dam of the San Luis unit, Central Valley project the "B.F. Sisk San Luis Dam."

One of Mr. Sisk's first actions after being elected to Congress in 1954 was to introduce authorizing legislation for the San Luis unit. Through his dedication and hard work, the project became a reality.

Section 202 would rename the San Luis pumping-generating plant for William R. Gianelli, the former director of the California Department of Water Resources.

Bill Gianelli's career in California water resources issues spans more than 35 years. He was instrumental in development of the California State water project. He has served as director of the State water resources department and Assistant Secretary of the Army for Civil Works.

Section 203 would rename the Whiskeytown Dam near Redding, CA, for Clair A. Hill.

Clair Hill has held numerous positions in State and local government and helped guide development of the Federal Central Valley project. He presently serves as the chairman of the California Water Commission.

An identical amendment to rename the Whiskeytown Dam for Clair Hill was adopted by the House earlier this year as an amendment to S. 640.

Mr. Speaker, I urge my colleagues to join me in support of H.R. 4267.

□ 1250

Mr. PASHAYAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4267, a bill:

First, to correct a miscalculation in updating the appropriation ceiling for the WEB rural water development project;

Second, to expand the authorization to use Pick-Sloan power for irrigation purposes within the reservation; and

Third, to rename several water development facilities in California.

The WEB project is about 60 percent complete. There will be insufficient authorization granted to finish the project because incorrect procedures were used to update the appropriation ceiling. An additional $18.5 million needs to be authorized to complete the project. In addition the bill authorizes the use of Pick-Sloan Missouri basin electric power for irrigation developments at the Sioux Reservation and renames three facilities of the Central Valley project in California.

WEB CEILING INCREASE

The ceiling increase is purely a technical correction. It is not for new or additional costs. The Bureau estimates the total cost to complete the project at $117.1 million. To date $81.5 million have been made available. I have no objection to the correction.

AUTHORIZING USE OF POWER

With regard to power use for irrigation, only a portion of the reservation is served. This technical correction would authorize the use of Pick-Sloan power for irrigation pumping within the entire reservation. This is in keeping with the intent of the original authorization, and I have no objection. Power is needed to pump and bring water to an additional 2,000 acres within the reservation, but not covered in the original projection authorization.

RENAMING FACILITIES

The bill would also rename three Central Valley project facilities for Californians who have made a significant contribution to the development of water resources. Specifically:

First, the San Luis Dam of the San Luis unit of the Central Valley project would be renamed the B.F. Sisk San Luis Dam;

Second, the San Luis pumping-generating plant would be renamed William R. Gianellii Pumping-Generating Plant; and

Third, the Whiskeytown Dam would be renamed the Clair A. Hill Whiskeytown Dam.

Former Congressman Sisk is one of my constituents and a friend. He sponsored the authorizing legislation for the San Luis unit. This feature is important in supporting the agricultural, municipal, and recreational needs of the San Joaquin Valley residents.

Mr. Gianellii has had a long career in water resources development. He is the former director of the California Department of Water Resources and in recent years served as the Assistant Secretary of the Army for Civil Works.

Clair Hill is the chairman of the California Water Commission and he was instrumental in guiding the development of the Federal Central Valley project and specifically the Whiskeytown Dam.

It is only fitting to honor these men for their efforts.

Mr. Speaker, I urge my colleagues to vote in favor of this bill as reported by the committee.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 4267 and urge the House to adopt this legislation.

The need for this bill arises from miscalculations made by the Bureau of Reclamation in applying inflation adjustments to figure the level of the funding ceiling for the WEB rural water development project.

The WEB project, authorized in section 9 of the Rural Development Policy Act of 1980 (Public Law 96-355, 94 Stat. 1175), brings clean, safe drinking water to north-central and northeastern South Dakota. It has received continued strong support in Congress since authorization, and H.R. 4267 would ensure that continued support.

Recently Bureau of Reclamation analysts discovered that they had inflated the authorized level of the WEB project through application of incorrect inflationary indices. Upon this discovery, the Bureau notified the WEB board of the mistake and took administrative action to lower the authorization level. This administrative action, taken 6 years into the construction schedule, would end authorization for the project before its completion. Fully one quarter of the intended project recipients would not receive clean drinking water because of this action by the Bureau.

This inflated funding ceiling came about not through any mistake of the WEB project. This is not a cost overrun. WEB is a perfect example of a federally authorized project that is on time and under budget. The Bureau has admitted its culpability in this case and fully supports H.R. 4267, which would restore the funding ceiling for WEB so that the project may be completed.

Again, I rise in support of this legislation and urge approval by my colleagues, so that this project may proceed toward completion as Congress intended.

Mr. PASHAYAN. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I rise in strong support of this legislation and thank the gentleman for yielding me this time.

Mr. Speaker, I want to commend the gentleman from California [Mr. MILLER], chairman of the subcommittee, and the other gentleman from California [Mr. PASHAYAN], the ranking member, for their efforts, and also commend the variety of South Dakota legislators, past and present of both parties, and especially including my colleague and neighbor, the gentleman from South Dakota [Mr. JOHNSON] for their continued effort on this water development project.

This is as stated, a technical correction still. South Dakota and Nebraska have had their differences over the years, especially with respect to Missouri River water. Today is one effort on the part of this Member to try to be cooperative and supportive in the relationship between our two States on this valuable resource—the water of the Missouri River.

I know that the Lower Brule Sioux Tribe has had related irrigation project planned and development activities for quite a period of time. They have run into many difficulties and delays on this irrigation project. The passage of this legislation will facilitate the completion of this project as well as completing crucial water development efforts for non-Indians in various parts of South Dakota.

Mr. Speaker, this is a very appropriate technical corrections bill and I rise in support of it.

Mr. MILLER of California. Mr. Speaker, I would simply like to thank the gentleman from Nebraska [Mr. BEREUTER] for his comments and for his help on this matter, and also I thank the gentleman from South Dakota [Mr. JOHNSON]. Without him this legislation would not have come to the floor.

There is some urgency in this legislation in order to keep the projects on schedule and not have cost increases because of delays in time. I thank the gentleman and his staff for their help in working with the subcommittee and seeing to it that we get this legislation to the Senate.

Mr. COELHO. Mr. Speaker, H.R. 4267 comes before the House today with an amendment unanimously approved by the House Interior Committee to name units of the Central Valley projects for those who helped guide Federal and State water resources development in California.

I am especially pleased that the committee voted to pay tribute to former Congressman Bernie Sisk, my mentor and predecessor as the representative of California's 15th Congressional District.

As reported by the Committee, title II of the bill would designate the Central Valley project's San Luis Dam near Los Banos, CA, as the "B.F. Sisk San Luis Dam."

It is only fitting that the San Luis Dam also bear the name of Bernie Sisk because if it were not for him, the project and all it represents to the economy of the region would not exist. One of Bernie Sisk's first actions after being elected to Congress in 1954 was to introduce authorizing legislation for the San Luis project. He worked tirelessly on behalf of that legislation for several years. His political skills, perserverance and dedication were finally rewarded in 1962 when President John F. Kennedy attended the ground breaking for the San Luis project.

The San Luis project is an engineering milestone; a water storage and conveyance system with a capacity of more than 2 million acre-feet, yet it was built without damming any freeflowing stream. It has been vital to the economic growth of the San Joaquin Valley, meeting the agricultural, residential, and recreational water needs of hundreds of thousands of citizens.

The San Luis Dam was originally named for Rancho Luis Gonzaga, a Spanish land grant that encompssed the site of the present-day dam complex. Because of the great historical significance that the San Luis name has for area residents, I have no doubt that the dam will continue to be popularly known as the "San Luis Dam." Yet, I believe it entirely appropriate to recognize Bernie Sisk's singular contribution to the San Luis project by adding his name to the original.

The expense of designating the dam as the B.F. Sisk San Luis Dam will be minimal, according to the Congressional Budget Office, the U.S. Bureau of Reclamation and the California Department of Water Resources, which operates the project. Only four signs at the dam site will have to be altered, and the cost of the work will be shared by the Federal and State governments under an existing operations and maintenance agreement. One

State highway sign also will have to be changed. No costs are expected to be associated with changing references to the dam in maps, brochures and the like because revisions can be made during routine updates of those documents.

Mr. Speaker, I also want to point out that this bill is intended to alter the name of only the dam; it is not intended to affect the names of the San Luis Reservoir or the San Luis Reservoir State Recreation Area.

Title II of the bill also would name the San Luis Pumping-Generating Plant for William A. Gianelli, the former director of the California Department of Water Resources. Bill Gianelli began his career in California water resources development more than 35 years ago. He was instrumental in development of the massive State Water Project, and was appointed director of the State water resources department in 1967. He held that post until 1972. After helping lead water resources development in California, Bill Gianelli took on a national role, heading the U.S. Army Corps of Engineers as Assistant Secretary of the Army for Civil Works in the early 1980's

Finally, the legislation would rename the Whiskeytown Dam near Redding, CA, the "Clair A. Hill Whiskeytown Dam." Clair Hill, a native of Redding, has held numerous positions in State and local government, and helped guide development of the Federal Central Valley project. As a result of his work, the Federal Government included the Whiskeytown Dam and reservoir on Clear Creek as part of the Central Valley project. The reservoir provides water supplies for lands on both sides of the Sacramento River. Clair Hill now serves as the chairman of the California Water Commission, which supports all three name changes in H.R. 4267.

An identical amendment to rename the Whiskeytown Dam for Clair Hill was offered to a water resources development bill (S. 640) by my colleague from California, Congressman WALLY HERGER, whose district includes the project. Mr. HERGER's amendment and S. 640 were approved by the House on October 22, 1987.

I want to thank the chairman of the Water Resources Subcommittee, Mr. MILLER, for his support of this legislation. I also appreciate the bipartisan support of my fellow Californians in the House.

Mr. PASHAYAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MILLER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the bill, H.R. 4267, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize additional appropriations for the WEB Rural Water Development Project, South Dakota, authorize the use of Pick-Sloan Missouri Basin electric power by the Lower Brule Sioux Indian Tribe, and to rename certain facilities of the Central Valley Project, California."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4267, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NUCLEAR POWER EMERGENCY RESPONSE DATA SYSTEM ACT OF 1987

Mr. HUCKABY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1570) to establish an Emergency Response Program within the Nuclear Regulatory Commission, as amended.

The Clerk read as follows:

H.R. 1570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Power Emergency Response Data System Act of 1988".

SEC. 2. NUCLEAR POWER EMERGENCY RESPONSE DATA SYSTEM.

(a) ESTABLISHMENT.—The Nuclear Regulatory Commission shall establish a nuclear power emergency response data system for the purpose of responding, in accordance with section 4, to a qualified nuclear power reactor emergency occurring at any commercial nuclear power reactor.

(b) SYSTEM REQUIREMENTS.—

(1) IN GENERAL.—The data system shall enable each person licensed to operate a commercial nuclear power reactor to transmit, and the Commission to receive, such electronic transmissions of data as may be necessary for the licensee and the Commission to meet the requirements of section 4.

(2) DATA.—Data transmitted under paragraph (1), with respect to a commercial nuclear power reactor at which a qualified nuclear power reactor emergency is occurring, shall include information on—

(A) the condition of the reactor systems;

(B) the condition of the containment building

(C) the monitored release of radioactive material; and

(D) relevant meteorological conditions.

(c) OPERATION.—The data system shall be operational not later than 5 years after the date of the enactment of this Act.

SEC. 3. REQUIREMENTS OF LICENSEES.

Not later than 5 years after the date of the enactment of this Act, commercial nuclear power reactor licensees shall—

(1) maintain and store a continuous 24-hour per day record of the data described in section 2(b)(2);

(2) be capable of transmitting such data as may be necessary for the licensee to meet the requirements of the incident response role described in section 4(a); and

(3) upon the request of the Commission, transmit such data as the Commission determines to be necessary to carry out scheduled tests of such system.

SEC. 4. INCIDENT RESPONSE.

(a) LICENSEE.—In the event of a qualified nuclear power reactor emergency, the licensee of the commercial nuclear power reactor at which such emergency is occurring shall transmit to the Commission such stored and real time data as is necessary for the Commission to meet the requirements of subsection (b).

(b) THE COMMISSION.—In the event of a qualified nuclear power reactor emergency, the Commission shall—

(1) monitor the data received through the data system;

(2) assess the severity of the condition of the commercial nuclear power reactor at which such emergency is occurring;

(3) assess the actions necessary to minimize any onsite and offsite consequences of such emergency;

(4) assess the adequacy of actions of the licensee of such reactor to respond to such emergency;

(5) ensure that the appropriate State and local officials receive information about offsite radiological conditions; and

(6) make recommendations to the licensee based on the assessments made under paragraphs (2) through (5).

(c) LIMITATIONS ON AUTHORITY OF COMMISSION.—The Commission may not under this Act—

(1) require any commercial nuclear power reactor licensee to take any action recommended under subsection (b)(6); or

(2) relieve such a licensee of the responsibility to maintain such reactor in accordance with applicable standards of safety.

(d) COMMISSION AUTHORITY.—Nothing in subsection (c) shall be construed to limit the authority of the Commission under any other law.

SEC. 5. EXCLUSIVITY OF FEDERAL NUCLEAR POWER EMERGENCY RESPONSE DATA SYSTEM.

(a) IN GENERAL.—Except as provided in subsection (b), the data system shall be the exclusive such system in the United States. After the date of the enactment of this Act, a State, or a public or private entity, may not require a commercial nuclear power reactor to implement any electronic data system that is—

(1) capable of transmitting the data described in section 2(b); and

(2) connected to any commercial nuclear power reactor.

(b) EXCEPTION FOR EXISTING SYSTEMS.—Any non-Federal electronic data system implemented before the date of the enactment of this Act that is capable of transmitting the data described in section 2(b) and connected to any commercial nuclear power reactor may continue to operate after such date and may operate independently of the data system implemented under section 2.

SEC. 6. AVAILABILITY OF INFORMATION TRANSMITTED THROUGH DATA SYSTEM.

(a) IN GENERAL.—During a qualified nuclear power reactor emergency, the Commission shall, subject to subsection (b) and upon the request of a qualified State, electronically transmit to such State all data received through the data system regarding such emergency immediately upon the receipt of such data by the Commission.

(b) LIMITATIONS.—

(1) COST.—The Federal Government may not pay any cost of providing data to a State under subsection (a).

(2) INTERFERENCE.—

(A) TRANSMISSION OF DATA.—The Commission may transmit data under subsection (a) only if such transmission does not interfere with the incident response role described in section 4.

(B) USE OF DATA.—No State receiving data under this section shall interfere with the incident response role of the Commission or the licensee of the commercial nuclear power reactor at which the qualified nuclear power reactor emergency is occurring.

(3) MEANS OF TRANSMISSION.—The Commission may determine the most practical manner by which to transmit data under subsection (a).

SEC. 7. DEFINITIONS.

As used in this Act:

(1) The term "commercial nuclear power reactor" means any commercial nuclear power reactor licensed by the Commission under section 103 or 104 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133 or 2134(b)).

(2) The term "Commission"—

(A) in the event of a qualified nuclear power reactor emergency, means the Chairman of the Nuclear Regulatory Commission in whom all the functions of the Nuclear Regulatory Commission with respect to such emergency are vested in accordance with Reorganization Plan Number 1 of 1980; and

(B) in all other cases, such term means the Commission of 5 members, or a quorum thereof sitting as a body, as provided by section 201 of the Energy Reorganization Act of 1974 (42 U.S.C. 5841) or any officer to whom authority has been delegated under section 161 n. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(n)).

(3) The term "data system" means the nuclear power emergency response data system required under section 2.

(4) The term "qualified nuclear power reactor emergency" means an emergency determined by the Commission, or by the licensee of the commercial nuclear power reactor at which such emergency is occurring, to be any of the classes of emergency established by regulation by the Commission, including an unusual event, alert, site area emergency, or general emergency, as such terms are used in appendix E of part 50, title 10, Code of Federal Regulations.

(5) The term "qualified State" means a State—

(A) in possession of electronic equipment capable of receiving transmissions of data described in section 2(b); and

(B) whose boundaries include any part of the emergency planning zone of a commercial nuclear power reactor at which a qualified nuclear power reactor emergency is occurring.

The SPEAKER pro tempore. Is a second demanded?

Mr. LUJAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

Mr. ECKART. Mr. Speaker, may I inquire is the gentleman from New Mexico [Mr. LUJAN] opposed to the bill?

The SPEAKER pro tempore. Is the gentleman from New Mexico opposed to the bill?

Mr. LUJAN. I am not, Mr. Speaker.

The SPEAKER pro tempore. Is the gentleman from Ohio [Mr. ECKART] opposed to the bill?

Mr. ECKART. Mr. Speaker, this gentleman is opposed to the bill.

The SPEAKER pro tempore. Does the gentleman from Ohio demand a second?

Mr. ECKART. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. With objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. HUCKABY] will be recognized for 20 minutes and the gentleman from Ohio [Mr. ECKART] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. HUCKABY].

GENERAL LEAVE

Mr. HUCKABY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. HUCKABY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to my colleagues today the bill, H.R. 1570, the Emergency Response Data System.

This is the best insurance that this country can buy to prohibit a catastrophic nuclear accident. The purpose of this legislation is to establish an electronic data system to be able to instantaneously transmit to NRC headquarters timely operating information for many commercial nuclear power reactors during an emergency.

Currently the NRC communicates with nuclear powerplants by phone during an emergency. This has proven to be very slow and error prone.

Faulty information can lead to loss of precious time and inaccurate advice by the NRC. The ERDS instant video display would provide real time information, temperature, pressure, water level and more in the core and coolant systems, in the containment building, on radioactivity release rates and on meteorological effects.

In addition, Mr. Speaker, a black box recorder would make available data from the past 24 hours in the event of an emergency.

Mr. Speaker, there has been a concern expressed about States' rights issues involved in this emergency response data system. Presently one State, Illinois, has its own separate monitoring system to monitor the nuclear powerplants in the State of Illinois.

This legislation provides that any other State that wishes to set up a nuclear monitoring system can set up the identical system, can have access to the identical data that the Nuclear Regulatory Commission would have under this proposed legislation.

In addition to this, the legislation grandfathers in the existing system.

Mr. Speaker, let me also point out that the ERDS system is to be used only in the event of emergencies, and the licensees would activate the system, not the NRC. NRC's role would be to monitor the emergency and to offer technical advice.

Mr. Speaker, the cost of this legislation is only $7 million, only $7 million.

Mr. Speaker, we have been fortunate here in the United States that we have not had any really major, catastrophic nuclear occurrences, only Three Mile Island, nothing on the order of Chernobyl. But this legislation would enable us, the NRC, to have some of the very best minds in the country available 24 hours a day, 7 days a week so that when a powerplant or nuclear plant gets in trouble, when things are not as they appear to be we can have some of the very finest minds in this country advising our field engineers and the operators of what actions they might wish to consider taking.

Mr. Speaker, I yield such time as he may consume to the gentleman from new Mexico [Mr. LUJAN].

Mr. LUJAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in support of H.R. 1570, legislation which would improve the quality and timeliness of data transmission from our Nation's nuclear powerplants to the Nuclear Regulatory Commission in the event of an emergency.

Currently, we have a system of communication between NRC and our nuclear powerplants that employs nothing more than two people talking over our domestic telephone system.

H.R. 1570 would replace this antiquated and potentially dangerous system of communication with a new electronic data transmission system employing computers and automatic monitoring devices. In the event of a reactor emergency it would transmit from the reactor to NRC the condition of the reactor systems, the condition of the containment building, the monitored release of radioactive material, and relevant meteorological conditions.

Let me point out, Mr. Speaker, before I go any further that the utilities would pay for this new response data system.

H.R. 1570 provides that the system shall become operational within 5 years of the date of enactment of this act.

Finally, it should be noted that this legislation allows for and authorizes the continued operation of any other electronic data system currently on line.

There is one provision in H.R. 1570 which I find to be more important that the rest. That is the section which very clearly states that this act neither authorizes the NRC to take over the operation of a nuclear powerplant in the event of an emergency nor relieves a licensee of the responsibility to maintain its reactor in a safe condition at all times.

I urge my colleagues to support this legislation and reserve the balance of my time.

Mr. ECKART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the bill, H.R. 1570. My colleague, the gentleman from Louisiana [Mr. HUCKABY], has expended a great deal of time in a laudable effort of trying to coordinate and centrally systematize a system of data sharing that would provide for appropriate utilization and sharing of information between the Nuclear Regulatory Commission, State regulatory agencies and the relevant nuclear powerplants.

□ 1305

I am concerned that the substitute for the Interior-Committee-passed bill would require the NRC to establish an emergency response data system for use in responding to emergencies as opposed to continuous data sharing. While I believe the gentleman from Louisiana's proposal is laudable, I believe there are fundamental problems that urge for its rejection.

First, I think the bill, as presented to us, would preempt any State or locality from establishing its own electronic data system in the future. States and localities would thus be forced to rely on the NRC to obtain data during only a nuclear emergency. The bill contains numerous restrictions on the States' ability to collect the data.

First, the NRC would have to find that providing information to the States would not interfere with the NRC's own role, a highly subjective and, I believe, ambiguous standard given the performance of the Nuclear Regulatory Commission. And second, the NRC would have to find that the State would have to pay for the information to be provided.

Mr. Speaker, my own State recently executed an agreement with a major northeastern Ohio utility, a nuclear utility, for an electronic data system covering the operation of a newly licensed powerplant. This will provide parameters for information on a continual basis of between 5 dozen and 8 dozen important functions ongoing at a nuclear powerplant are critical for understanding the parameters of a problem, if any occurs, at that particular facility. This bill would preempt that agreement before it has an opportunity to be utilized.

Further, I think the bill weakens the Committee on the Interior agreement requiring the continuous recording of data at the powerplants and the transmission subsequently of that data to the NRC.

In short, Mr. Speaker, I believe that H.R. 1570, as presented to the House today, is a matter of some controversy. I believe it would restrict the ability of States and localities to respond to the safety concerns of their citizens. I believe further that it would restrict the ability of local regulatory agencies, those who are responsible for implementing any kind of response plan to any particular incident at a facility, to know exactly what is going on at that facility, data that could be important to it.

I would submit to you, Mr. Speaker, that the provisions of this bill as it comes before us today, without the ability of Members to address the important States rights concerns evidenced in H.R. 1570, would merit a no vote giving the States an opportunity to insure that their particular programs and parameters of those programs would be reflected in the deliberations of the NRC's activities, and its dealings with nuclear powerplants argues for a "no" vote on H.R. 1570.

Mr. HUCKABY. In response to the gentleman let me point out that this legislation in no way preempts States and States rights. It clearly grandfathers all existing systems that States have in place today are in process of putting in place for monitoring existing nuclear powerplants, and keep in mind that we have had nuclear powerplants in this country in excess of 30 years today.

In addition to this, the bill specifically gives States the ability to receive the same information that the Nuclear Regulatory Commission would be receiving in the event of an accident—the exact same parameters. And the bill asks the States to pay for their share of this information, of collecting this. What is wrong with that?

And finally, Mr. Speaker, let me respond by saying that we do collect data other than instantaneously. The legislation specifies that information shall be made available for the prior 24 hours leading up to a nuclear event.

So, I feel like I have addressed all three of the gentleman from Ohio's [Mr. ECKART] concerns that he has raised.

Mr. Speaker, Section 1 entitles the act the "Nuclear Power Emergency Response Data System Act of 1988."

Section 2, subsection (a) requires the Nuclear Regulatory Commission [NRC] to establish a nuclear power emergency response data system to facilitate the NRC's response to emergencies at commercial nuclear powerplants.

Subsection (b) provides general design standards for the data system. The system is to enable commercial nuclear powerplant licensees to transmit, and the NRC to receive, electronic transmissions of such data as may be necessary for the NRC to perform its emergency response functions. Such data includes information on the conditions of reactor systems, the condition of the containment building, the release of radioactive material, and relevant meteorological conditions.

Subsection (c) requires the data system to be operational within five years after the date of enactment.

Section 3 sets forth the requirements of commercial nuclear power reactor licensees with respect to routine operation of the data system. Licensees are to:

First, continuously record the requisite data and retain the record for 24 hours;

Second, be prepared to transmit the requisite data in the event of a nuclear emergency; and

Third, transmit the data to the NRC in the course of periodic tests of the system.

Section 4 sets forth the requirements of commercial nuclear power reactor licensees and the NRC with respect to operation of the data system during a nuclear emergency.

Subsection (a) requires the licensee of the reactor experiencing the emergency to transmit the data, both current and that recorded over the preceding 24 hours, to the NRC.

Subsection (b) requires the NRC to:

First, monitor the data;

Second, assess the severity of the emergency;

Third, assess the actions necessary to minimize onsite and offsite consequences of the emergency;

Fourth, assess the adequacy of the licensee's response;

Fifth, ensure that appropriate State and local officials are adequately informed about offsite radiological conditions; and

Sixth, advise the licensee based upon the chairman's assessment of the situation.

Although subsection (b) charges "the Commission" with specific emergency response functions, it is intended that authority to perform emergency response functions under this act would vest in the NRC Chairman in accordance with section 3 of Reorganization Plan No. 1 of 1980 (5 U.S.C. App.) Reorganization Plan No. 1 of 1980 transfers to the NRC Chairman all of the Commission's functions pertaining to an emergency at a licensed facility. Section 7 (2) defines the term "Commission" as used in this act to reaffirm and reflect the policy established in Reorganization Plan No. 1.

Subsection (c) makes clear that, under the authority of the Nuclear Emergency Response Data System Act, the NRC may only make recommendations to the licensee. The NRC may not require the licensee to take any recommended action and it may not relieve the licensee of the responsibility of maintaining the reactor in safe operating condition.

Subsection (d) provides that, notwithstanding subsection (c), the NRC may take whatever action it deems necessary, based on information received through the data system, pursuant to authority the NRC may possess under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the Energy Reorganization Act of 1974 (42 U.S.C. 5811 et seq.), or any other law.

Subsection 5, subsection (a) preempts State and local government authority to require commercial nuclear powerplants to install electronic data transmitting systems following the enactment of the Nuclear Power Emergency Response Data System Act.

Subsection (b) provides that any electronic data transmitting system implemented before the date of enactment would not be preempted. This subsection permits the continued operation of data systems, such as the one operated by the State of Illinois, installed before the date of enactment.

Subsection 6, subsection (a) authorizes the NRC to share with qualified States data the NRC receives through the data system during a nuclear emergency. As defined in section 7(5), a "qualified State" is one possessing electronic equipment capable of receiving data from the NRC and in which the nuclear powerplant experiencing the emergency or any part of the plant's emergency planning zone lies.

Subsection (b), paragraph (1) prohibits the Federal Government from paying the cost of providing data to a State under subsection (a).

Paragraph (2) relieves the NRC of any obligation to transmit data to a State if the transmission would interfere with the NRC's efforts to respond to an emergency, and prohibits any State receiving the data from interfering with the efforts of the NRC or licensee to respond to the emergency.

Paragraph (3) gives the NRC discretion in determining the most practical means to transmit data under this section.

Subsection 7 defines the terms used in the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I think the choice we have here is whether or not we are going to start and establish a system that is nationwide or whether we will do what we did in the construction of nuclear powerplants, and that is to establish a hodgepodge of State systems that someday will have to be unified in one Federal system. The States do deserve information, and this particular piece of legislation provides that information to each and every State. It grandfathers the existing communications systems between States and nuclear powerplants within their borders, but most importantly I think what it does is that it establishes for the first time an electronic link between nuclear power facilities and the Nuclear Regulatory Commission and makes that very same information available simultaneously to the States.

Mr. Speaker, if there is one mistake I think we all understand that we have made in producing nuclear power in this country, it is that we have no standardized plants. Each and every plant is a turnkey operation, and whether it is the NRC or the industry, each and every plant has new problems and new challenges. We do not want to find ourselves 10 years from now with 100 different systems representing each kind of facility or 50 different systems representing each of the various States.

I believe that we are best served by establishing the legislation the gentleman from Louisiana [Mr. HUCKABY] has offered, and, if we need to improve on it, we ought to do it at a future date.

We generally have a choice in this body, and the choice is between taking what is doable and reaching out for accomplishments that may never occur. I think, if we try to seriously amend this piece of legislation, we will find that we end up with no data link system at all, that the debate between the industry and the environmentalists will leave us without any system for the majority of the plants in this country.

We have here an agreement that I believe can become law this year, and that advantage, for all the systems, for all the States is well worth it. If you want improvements in the data link system that is proposed in this legislation, offer them in following years. If you want more coverage, as I believe we ought to have, if you want constant coverage, let us take that fight up in the next session of Congress. Let us take the victory that we have here in beginning a nationwide data linkage system for nuclear power facilities and take it home.

Mr. Speaker, I am pleased to rise in support of H.R. 1570, the Nuclear Power Emergency Response Data System Act of 1988. H.R. 1570 authorizes the establishment of an electronic data-link between commercial nuclear power reactors and the Nuclear Regulatory Commission [NRC]. I commend my colleague, Congressman HUCKABY, for his efforts on behalf of this legislation.

An electronic data-link is needed because at present the only communications link between nuclear plants and the NRC in an emergency is voice communication by telephone. I find it disturbing that in this age of sophisticated communications technology, the NRC and nuclear utilities are relying on the telephone to transmit vital information on reactor conditions in the event of an accident. H.R. 1570 will significantly improve communications between NRC and nuclear utilities and, as a result, will improve safety.

In July 1987 I successfully offered an amendment to H.R. 1570 which required the data-link to be on continuously, 24 hours a day. I offered this amendment because I was concerned that if the system was activated after an accident was already in progress valuable information about conditions leading up to the accident would be lost. I also was concerned that an irresponsible reactor operator might not turn the data-link system on during an emergency. For example, when the Three Mile Island accident occurred the operators did not inform the NRC or the State of Pennsylvania until many hours after the accident began.

The substitute to H.R. 1570 which we are considering today replaces the 24-hour amendment with two provisions that address the concerns which prompted me to originally offer the amendment. The substitute requires that the data-link "maintain and store a continuous 24-hour per day record" which will be transmitted upon the activation of the data-link system. This will allow the NRC and States to analyze what conditions led up to an accident.

The substitute also requires the reactor operator to turn the data-link on if an unusual event occurs at a nuclear reactor. The original version of H.R. 1570 required the data-link to be activated if an "emergency alert" occurred. Unusual events occur, on average, about 200 times a year, whereas emergency alerts occur, on average, less than 5 times per year. Consequently, the lower unusual event threshold will help ensure that the data-link is activated by the operator in the event of an accident.

H.R. 1570 also provides that any State that is capable of receiving transmissions of the data system and that requests access to the NRC system shall be granted access to the data immediately upon the receipt of the data into the data system. This provision ensures that the States, which have the primary responsibility for emergency response and evacuation in the event of a nuclear accident, will have access to information on the condition of a reactor.

Mr. Speaker, I believe that H.R. 1570 will significantly improve communications between nuclear utilities and the NRC in the event of an accident. This improvement in communications will contribute to the safe operation of nuclear reactors in the United States.

Mr. HUCKABY. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman from Louisiana for yielding this time to me.

Mr. Speaker, I rise in strong support of this legislation, introduced and championed by my friend and colleague, JERRY HUCKABY. This is good legislation—responsible legislation—aimed at increasing the public safety by increasing monitoring of our Nation's nuclear powerplants.

The bill makes sense because it calls for the Nuclear Regulatory Commission to set up an ongoing computerized data system which would constantly monitor all nuclear plants, so that they can respond quickly and directly in the event of a nuclear incident.

Nuclear energy is a very important part of our energy mix.

Every kilowatt of nuclear energy produced offsets imported oil from the violent and unstable Persian Gulf. This bill addresses nuclear power in a positive light—it increases the public safety by increasing information about plant operations.

It is time Congress takes a stand in favor of energy in this country, and this is just such a stand. That's why this bill is responsible—instead of wringing our hands about all the downsides of energy production, as many do, JERRY HUCKABY has put together a bill to improve on the safety of this technology. That's what effective legislating is all about. With more bills like this, and fewer press conferences about the evils of energy, and with passage of a bill to open the Arctic National Wildlife Refuge to environmentally sound oil and gas leasing, this country will be less vulnerable to maniacs in the Persian Gulf.

Mr. ECKART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Connecticut [Mr. GEJDENSON] called this bill a victory. The question is: a victory at whose expense?

I suspect it is a victory at the expense of those in the community who have a right to know about what is going on in their backyard. I suspect it is a victory at the expense of the States' disaster service agencies who ought to understand for their ability to respond most thoughtfully on these matters that they understand what is going on.

I would like to refer to a letter I recently received just a few days ago on May 7 from the Department of Nuclear Safety, the State of Illinois, not exactly a runaway, liberal, crazy, antinuke bashing agency who said, and I quote, "Particularly the last sentence of subsection (4) of section 3 of the bill would preempt a State from having a system similar to the Illinois Department of Nuclear Safety's direct datalink." And the point that they make is a very significant one. We are talking about continuous data linkage. We are not talking about, as this bill provides for, the transmission of data only when the utility decides to declare an emergency, and we know that that has particularly been a sense and source of some controversy in the operation of nuclear powerplants.

The letter goes on to say that "under the system required under H.R. 1570, data would be provided only after declaration of an emergency by the plant operator. By that time, valuable and reliable information would be lost."

"By independently monitoring the data," the letter goes on to say, "problems can be indentified even before an emergency is declared."

We have similar letters of objections from other State regulatory agencies including New York, Illinois, and my own State of Ohio.

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Mr. GEJDENSON. Mr. Speaker, will the gentleman yield?

Mr. ECKART. I yield to my friend, the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, I think what we have to take a look at, and the gentleman is right, my preference is to have this system up and running 24 hours a day on a continuous basis.

We have a choice here today. We can either pass this bill, which I think has an excellent chance of passing the other body and being signed into law, or we can fail to do anything, and that is the real choice, and have the development of 50 different systems in 50 different States. In some States it may happen and in other States it may not happen.

What we do have in this bill is a threshold at which information has to be transmitted that I think most reasonable people believe is a good start.

I would ask the gentleman from Ohio to join with me in helping to pass this bill and then join with me in trying to get this system expanded in future years.

My fear with the gentleman's approach is that we would have a great system in Ohio, or we may have a lousy system in Ohio, but the danger to the national interest and to Ohio's interest in having a hodgepodge of 50 systems is clear. We want to have one system. We want to have that system shared with the States so that the NRC and the States are functioning on the same basis of information.

Do not dilute the opportunity for establishing a national standard and then expanding it by scuttling this piece of legislation today.

Mr. HUCKABY. Mr. Speaker, will the gentleman yield?

Mr. ECKART. I am happy to yield to the gentleman from Louisiana.

Mr. HUCKABY. Mr. Speaker, I thank the gentleman from Connecticut for his support.

I would like to point out to my colleagues, we have no system today, as the gentleman from Connecticut is saying. If we get into a nuclear incident, and the way this legislation is written, we will have in excess of 200 look-sees each year at the NRC headquarters where we will be seeing what is going on, something is not quite right in our nuclear powerplant, over 200 a year.

Today we do not have the ability to monitor at all. So if you are concerned with safety, if you want some of our very best minds looking at these incidents when they occur, support this legislation.

As far as States rights are concerned, any State that is out there now that has a system, they can keep in place exactly what they have, and if they want to get in on this, they can have the same system as what the NRC has.

Mr. ECKART. Mr. Speaker, I would just conclude my remarks, before I yield back the balance of my time, that I agree with the sentiment of my friend, the gentleman from Connecticut. My fear is that the floor becomes the ceiling, and in so doing States that want to monitor this on a continuing basis, and in so doing States that want to do something more than just when there is an emergency when a fire has broken out and folks are scrambling around, will be precluded from so doing.

In conclusion, Mr. Speaker, I would urge defeat of H.R. 1570.

Mr. HOCHBRUECKNER. Mr. Speaker, I rise to voice my concern about a bill on the Suspension Calendar today, H.R. 1570, the Nuclear Power Emergency Response Data System Act.

Mr. Speaker, as I understand it, the bill before us today is not the same bill approved by the Interior Committee. A key compromise provision that had been included by that committee is absent from the bill being offered by our colleague from Louisiana. Since H.R. 1570 is being presented on the Suspension Calendar, Members have no opportunity to offer amendments to the bill.

The chief problem I see with the version of H.R. 1570 being considered today is that it does not guarantee access by States to control room data transmitted from nuclear powerplants to the NRC. Under the measure offered by the gentleman from Louisiana, it is uncertain whether States will have access to data for the critical 24-hour preemergency period.

Mr. Speaker, in order to protect the public, it is essential that States have access to data concerning conditions inside a nuclear powerplant prior to an emergency. State and local governments are charged with the responsibility of handling off-site responses to nuclear emergencies. In order to accurately predict the scope and nature of a nuclear emergency and implement appropriate response measures, State and local agencies must have access ot the same in-plant information available to the NRC.

Frankly, I do not understand why such a controversial bill has been placed on the Suspension Calendar. Amendments ought to be in order from the floor. Since we have no opportunity to improve the legislation, I will oppose H.R. 1570 and urge my colleagues to oppose the bill as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana [Mr. HUCKABY] that the House suspend the rules and pass the bill, H.R. 1570, as amended.

The question was taken.

Mr. ECKART. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the

Chair's prior announcement, further proceedings on this motion will be postponed.

INDIAN HOUSING ACT OF 1988

Mr. GONZALEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3927) to amend the United States Housing Act of 1937 to establish a separate program to provide housing assistance for Indians and Alaska Natives, as amended.

The Clerk read as follows:

H.R. 3927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Housing Act of 1988".

SEC. 2. ESTABLISHMENT OF SEPARATE PROGRAM OF ASSISTED HOUSING FOR INDIANS AND ALASKA NATIVES.

The United States Housing Act of 1937 is amended by adding at the end the following new title:

"TITLE II—ASSISTED HOUSING FOR INDIANS AND ALASKA NATIVES

"SEC. 201. ESTABLISHMENT OF SEPARATE PROGRAM OF ASSISTED HOUSING FOR INDIANS AND ALASKA NATIVES.

"(a) GENERAL AUTHORITY.—The Secretary shall carry out programs to provide lower income housing on Indian reservations and other Indian areas in accordance with the provisions of this title.

"(b) APPLICABILITY OF TITLE I.—

"(1) IN GENERAL.—Except as otherwise provided in this title, the provisions of title I shall apply to lower income housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority.

"(2) PUBLIC HOUSING.—No provision of title I (or of any other law specifically modifying the public housing program under title I) that is enacted after the date of the enactment of the Indian Housing Act of 1988 shall apply to public housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority, unless the provision explicitly provides for such applicability.

"(c) INAPPLICABILITY OF CERTAIN REQUIREMENTS.—Lower income housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority shall not be subject to section 227 of the Housing and Urban-Rural Recovery Act of 1983 (relating to pet ownership in assisted housing for the elderly or handicapped).

"SEC. 202. MUTUAL HELP HOMEOWNERSHIP OPPORTUNITY PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall carry out a mutual help homeownership opportunity program for Indian families in accordance with this section. The program shall be designed to meet the homeownership needs of Indian families on Indian reservations and other Indian areas, including Indian families whose incomes exceed the levels established for lower income families.

"(b) FINANCIAL ASSISTANCE.—The Secretary may, to the extent provided in appropriation Acts, enter into contracts with Indian housing authorities under title I to provide financial assistance for the development, acquisition, operation, and improvement of housing projects under this section.

"(c) ELIGIBLE PROJECTS.—

"(1) PROJECT TYPES.—Projects for which assistance may be provided under this section may include single-family detached dwellings and other single-family dwellings (including row houses).

"(2) FORMS OF OWNERSHIP.—In addition to fee simple ownership and other forms of ownership, the Secretary may permit and facilitate cooperative ownership for any project assisted under this section, if the Indian housing authority requests cooperative ownership and the Secretary determines such ownership to be appropriate for the project.

"(3) PROPERTY STANDARDS.—Property standards for projects assisted under this section shall be established by regulation, in accordance with section 205. The standards shall—

"(A) provide sufficient flexibility to permit the use of different designs and materials; and

"(B) include cost-effective energy conservation performance standards designed to ensure the lowest total construction and operating costs.

"(d) ELIGIBLE FAMILIES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), assistance under this section shall be limited to Indian lower income families on Indian reservations and other Indian areas.

"(2) EXCEPTION.—

"(A) DEMONSTRATED NEED.—An Indian housing authority may provide assistance under this section to families on Indian reservations and other Indian areas whose incomes exceed the levels established for lower income families, if the Indian housing authority demonstrates to the satisfaction of the Secretary that there is a need for housing for such families that cannot reasonably be met without such assistance. An Indian housing authority may provide assistance under this section to any non-Indian family on an Indian reservation or other Indian area if the Indian housing authority determines that the presence of the family on the Indian reservation or other Indian area is essential to the well-being of Indian families and the need for housing for the family cannot reasonably be met without such assistance.

"(B) LIMITATION ON NUMBER OF UNITS.—The number of dwelling units in any project assisted under this section that may be occupied by or reserved for families on Indian reservations and other Indian areas whose incomes exceed the levels established for lower income families may not exceed whichever of the following is higher:

"(i) 10 PERCENT.—10 percent of the dwelling units in the project.

"(ii) 5 UNITS.—5 dwelling units.

"(e) MUTUAL HELP AND OCCUPANCY AGREEMENT.—Each Indian housing authority operating a program under this section shall require each family selected for housing under this section to enter into a mutual help and occupancy agreement. The agreement shall provide the following:

"(1) FAMILY CONTRIBUTION.—

"(A) GENERAL REQUIREMENT.—The family shall agree to contribute toward the development cost of a project in the form of land, labor, cash, or materials or equipment. The value of the contribution of each family shall not be less than $1,500.

"(B) CONTRIBUTION BY INDIAN TRIBE.—Contributions other than labor may be made by an Indian tribe on behalf of a family.

"(2) MONTHLY PAYMENT.—

"(A) CALCULATION.—The family shall agree to make a monthly payment to the Indian housing authority that is equal to whichever of the following is higher:

"(i) PERCENTAGE OF ADJUSTED INCOME.—An amount computed by—

"(I) multiplying the monthly adjusted income of the family by a percentage that is not less than 15 percent and not more than 30 percent, as determined by the Indian housing authority to be appropriate; and

"(II) subtracting the estimated monthly payments of the family for the reasonable use of utilities (excluding telephone service).

"(ii) ADMINISTRATION CHARGE.—The amount budgeted by the Indian housing authority for monthly operating expenses on the dwelling of the family, excluding any operating cost for which operating assistance is provided by the Secretary under section 9.

"(B) OTHER APPLICABLE LAW.—Monthly payments under this section shall be subject to section 203 of the Housing and Community Development Act of 1974.

"(3) MAINTENANCE AND UTILITIES.—The family shall be responsible for the maintenance and monthly utility expenses of the dwelling. The Indian housing authority shall have in effect procedures determined by the Secretary to be sufficient for ensuring the timely periodic maintenance of the dwelling by the family.

"(4) HOMEOWNERSHIP OPPORTUNITIES.—The Indian housing authority shall afford the family an opportunity to purchase the dwelling under a lease-purchase, mortgage, or loan agreement with the Indian housing authority or any other qualified entity, if the Indian housing authority determines (in accordance with objective standards and procedures established by the Secretary after consultation with Indian housing authorities) that the family is able to meet the obligations of homeownership.

"(f) SELF-HELP HOUSING PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a self-help housing program for projects assisted under this section.

"(2) REQUIREMENTS.—In the case of any project approved by the Secretary for participation in the self-help housing program—

"(A) each family shall make a contribution under subsection (e)(1) in the form of labor in accordance with labor contribution requirements similar to the requirements applicable under the mutual self-help housing program established in section 523 of the Housing Act of 1949; and

"(B) the Secretary shall provide each family with technical and supervisory assistance similar to the assistance available under the mutual self-help housing program established in section 523 of the Housing Act of 1949.

"(3) APPLICATIONS.—Any Indian housing authority may submit an application to the Secretary for inclusion of a project assisted under this section in the self-help housing program.

"SEC. 203. ADDITIONAL PROVISIONS.

"(a) PUBLIC HOUSING MAXIMUM CONTRIBUTIONS.—In determining the maximum contributions that may be made by the Secretary to an Indian housing authority for development of a public housing project (including a mutual help homeownership opportunity project under this title), the Secretary shall consider all relevant factors, including—

"(1) the logistical problems associated with projects of remote location, low density, or scattered sites; and

"(2) the availability of skilled labor and acceptable materials.

"(b) Related Facilities and Services.—The Secretary shall take such actions as may be necessary to ensure the timely and efficient provision, through the Interdepartmental Agreement on Indian Housing, of any roads, water supply and sewage facilities, and electrical and fuel distribution systems that are required for completion and occupancy of public housing projects assisted under this title (including mutual help homeownership opportunity projects).

"(c) Accessibility to Physically Handicapped Persons.—The Secretary shall, in accordance with Public Law 90-480 (42 U.S.C. 4151 et seq.; commonly known as the Architectural Barriers Act of 1968) and other applicable law, require each Indian housing authority to give proper consideration to the needs of physically handicapped persons for ready access to, and use of, lower income housing assisted under this title.

"SEC. 204. ANNUAL REPORT.

"The Secretary shall include in the annual report under section 8 of the Department of Housing and Urban Development Act—

"(1) a description of the actions taken to carry out the provisions of the Housing and Community Development Act of 1987 that relate to Indian housing;

"(2) an evaluation of the status of the program of single-family mortgage insurance for Indians and Alaska Natives under section 248 of the National Housing Act;

"(3) an assessment of the housing needs of native Hawaiians and an evaluation of current Federal programs designed to meet the needs, including programs of housing assistance for lower income families and the program of single-family mortgage insurance for native Hawaiians under section 247 of the National Housing Act;

"(4) recommendations for resolving concerns relating to Indian housing authorities that are authorized to serve both Indians and non-Indians; and

"(5) a description of actions taken to ensure the timely and efficient provision, through the Interdepartmental Agreement on Indian Housing, of any roads, water supply and sewage facilities, and electrical and fuel distribution systems that are required for completion and occupancy of public housing projects assisted under this title (including mutual help homeownership opportunity projects).

"SEC. 205. REGULATIONS.

"(a) Issuance.—The Secretary shall issue regulations to carry out this title and the amendments made by the Indian Housing Act of 1988. The regulations shall be issued in accordance with subsections (b) through (e) of section 553 of title 5, United States Code.

"(b) Consultation With Indian Housing Authorities.—In formulating proposed regulations under this section, the Secretary shall consult with Indian housing authorities.

"(c) Effective Date.—The Secretary shall issue regulations under this section to become effective before the expiration of the 90-day period beginning on the date of the enactment of the Indian Housing Act of 1988.".

SEC. 3. CONTINUED AVAILABILITY OF FUNDS.

Section 5(c) of the United States Housing Act of 1937 is amended by adding at the end the following new paragraph:

"(8) Any amount available for Indian housing under subsection (a) that is recaptured shall be used only for such housing.".

SEC. 4. DEFINITIONS.

(a) Adjusted Income.—Section 3(b)(5)(D) of the United States Housing Act of 1937 is amended—

(1) by inserting "(i)" after "(D)"; and

(2) by inserting before the period at the end the following: "; or (ii) excessive travel expenses, not to exceed $25 per family per week, for employment or education related travel, except that this clause shall apply only to families assisted by Indian housing authorities".

(b) Public Housing Agency.—Section 3(b)(6) of the United States Housing Act of 1937 is amended by adding at the end the following: "The term includes any Indian housing authority.".

(c) State.—Section 3(b)(7) of the United States Housing Act of 1937 is amended by striking all that follows "Indian tribes" and inserting a period.

(d) Indian.—Section 3(b) of the United States Housing Act of 1937 is amended by adding at the end the following new paragraph:

"(9) The term 'Indian' means any person recognized as being an Indian or Alaska Native by an Indian tribe, the Federal Government, or any State.".

(e) Indian Area.—Section 3(b) of the United States Housing Act of 1937 (as amended by subsection (d) of this section) is further amended by adding at the end the following new paragraph:

"(10) The term 'Indian area' means the area within which an Indian housing authority is authorized to provide lower income housing.".

(f) Indian Housing Authority.—Section 3(b) of the United States Housing Act of 1937 (as amended by subsection (e) of this section) is further amended by adding at the end the following new paragraph:

"(11) The term 'Indian housing authority' means any entity that—

"(A) is authorized to engage in or assist in the development or operation of lower income housing for Indians; and

"(B) is established—

"(i) by exercise of the power of self-government of an Indian tribe independent of State law; or

"(ii) by operation of State law providing specifically for housing authorities for Indians, including regional housing authorities in the State of Alaska.".

(g) Indian Tribe.—Section 3(b) of the United States Housing Act of 1937 (as amended by subsection (f) of this section) is further amended by adding at the end the following new paragraph:

"(12) The term 'Indian tribe' means any tribe, band, pueblo, group, community, or nation of Indians or Alaska Natives.".

SEC. 5. CONFORMING AMENDMENTS TO TITLE I.

The United States Housing Act of 1937 is amended by inserting before section 1 the following title heading:

"TITLE I—GENERAL PROGRAM OF ASSISTED HOUSING".

SEC. 6. APPLICABILITY.

The Secretary of Housing and Urban Development may carry out programs to provide lower income housing on Indian reservations and other Indian areas only in accordance with the amendments made by this Act, commencing on whichever of the following occurs earlier:

(1) Effective date of regulations.—The effective date of regulations issued under section 205 of the United States Housing Act of 1937.

(2) 90 days.—The expiration of the 90-day period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas [Mr. Gonzalez] will be recognized for 20 minutes and the gentlewoman from New Jersey [Mrs. Roukema] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. Gonzalez].

Mr. GONZALEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3927, the Indian Housing Act of 1988.

This legislation amends the Housing Act of 1937 to provide a separate program of housing assistance for Indians and Alaskan Natives and other native Americans. This bill is strongly supported by Indian tribes and other native Americans in all areas of the Nation. It has received broad bipartisan support among our colleagues on both sides of the aisle from its introduction to mark up in subcommittee and full committee. In this regard, Mrs. Roukema, the ranking minority member of the subcommittee, deserves recognition for the crucial role she took in perfecting all aspects of this important bill. I also wish to commend my colleague from Ohio, Mr. Wylie, the ranking minority member of the committee, for his support and invaluable assistance. Finally, Mr. Speaker, I commend my chairman, Mr. St Germain, for his support and expeditious handling of this bill. Because of his efforts we will be able to act on this important bill in this Congress without further delay.

This bill is designed to simplify the Indian Housing Program as it is now operating under the Department of Housing and Urban Development [HUD], provide it with more flexibility and make it more cost-effective. The bill contains the following key provisions.

The first section, section 201, creates a new, separate title under the Housing Act of 1937 for the Indian Housing Program. Through this change, any future actions taken on the regular Public Housing Program will not apply to the Indian Housing Program unless specifically stated. Mr. Speaker, since the inception of the current Indian Housing Program in 1961 as a part of the regular Low-Income Housing Program under the 1937 act, many provisions amending the regular program that applies to the urban areas of our Nation automatically applied to the Indian Housing Program. This created a great deal of confusion and complicated the successful and efficient implementation of the Indian Housing Program. Efforts made to undo these inadvertent applications of the law were cumbersome and often left HUD and the Indian housing authorities at a great disadvantage until Congress amended such actions. Section 201 will alleviate this serious problem.

Section 202 codifies the existing Mutual Help Homeownership Opportunity Program, which accounts for more than 50 percent of the housing built under the Indian Housing Program. In almost all instances, the only available source of owner-occupied housing for residents of Indian reservations and Alaskan Native villages has been the Mutual Help Homeownership Program. However, Mr. Speaker, this program is not even stipulated in law or in published regulation. Thus far it has been operated from the HUD Indian Housing Program handbook, with a considerable amount of uneven interpretation. Provisions in this bill make clear that it may be used for all Indians in need of housing and not merely the lowest income members of reservations. This recognizes that in reality there is no other program to provide homeownership opportunities on Indian reservations and in Native villages. Provision is also made to encourage row-house design, in addition to single family dwellings, that achieve economies of scale. It provides further that HUD establish general performance standards that provide flexibility for using different design and materials, and that encourage effective energy conservation and performance. It also provides that the Secretary encourage cooperative ownership and a self-help program with technical assistance similar to that which is so successful under the rural housing programs engendering community pride and cooperation. Provisions under the Mutual Help Homeownership Program assure that families are responsible for maintenance and utilities. Indian housing authorities are required to have in effect procedures for insuring the periodic and timely maintenance of these homes.

Section 203 of the bill, Mr. Speaker, contains additional provisions that apply to the entire Indian Housing Program. They clarify that there must be a recognition of the extremely difficult problems that are often associated in providing housing in remote locations of Indian reservations. Such logistical problems apply to Native villages distributed throughout the vast area of the State of Alaska, as well as to remote places in reservations in the lower 48 States, where skilled labor and adequate materials must be obtained from places far distant from the site of the project. This results in relatively high, but unavoidable, unit costs.

Section 203 also directs HUD to improve coordination with the Bureau of Indian Affairs in the Department of the Interior, and with the Indian Health Service, a part of the Department of Health and Human Services, in providing essential services for the development of Indian housing projects. Despite interagency task force and other coordinating attempts, far too often the roads and water and sewer facilities are not available at the time the HUD housing is ready for construction. This has contributed substantially to the so-called excessive pipeline of units under reservation in the Indian Housing Program. These three agencies, as we all know, have their own program policy and budget imperatives and priorities but they must do better in working together to develop Indian housing.

Mr. Speaker, we have added to the original bill I introduced, a provision to make clear that the needs of handicapped native Americans should be given appropriate attention, as well as a provision to exempt the Indian Housing Program from a provision barring pets in public housing. Both were unanimously supported and will assist in perfecting this legislation.

Mr. Speaker, the bill is endorsed by the National American Indian Housing Council, which took the lead in making sure that the interests of all the tribes and native groups were represented. The bill has broad bipartisan support and it is our understanding that the other body used our language to markup its Indian housing bill which it intends to report next week.

Mr. Speaker, I urge my colleagues in the House to pass this important bill to aid our native American brothers and sisters to meet their serious housing needs in their homelands.

Mrs. ROUKEMA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3927, the Indian Housing Act of 1988, and ask unanimous consent to revise and extend my remarks.

I commend our subcommittee chairman, Mr. GONZALEZ, for his outstanding work in producing a much-needed Indian housing bill, the measure which we have under consideration today.

This legislation will provide important recognition in Federal law for a specialized housing assistance program, which will continue to deliver essential housing for low-income Indian and Alaskan Native families.

The bill establishes distinct legislative authority for the Indian housing programs now under the U.S. Housing Act of 1937, thereby separating the Indian housing programs from those of the basic Public Housing Program.

Separating Indian housing from public housing will affirm the Federal Government's commitment to provide housing in Indian areas and recognize the unique relationship between the U.S. Government and the Indian tribes and the special housing problems of Indians.

This legislation is consistent with our efforts to restrain Government spending because it does not create any additional direct spending. There is a potential cost of up to $750,000 resulting from a provision of the bill which encourages employment and education for Indian families living on reservations by allowing for a $25 per week rental deduction to income.

I should note that there have been instances of less than perfect coordination between the three principal agencies involved in Indian housing. The committee report strongly directs HUD to continue to strive for better interagency coordination between HUD, the Bureau of Indian Affairs [BIA], and the Indian Health Service [IHS] for delivery of essential roads and sanitation facilities. This is a critically important issue which the subcommittee will monitor closely.

Overall, H.R. 3927 is most acceptable and will produce clarity and better efficiency for the delivery of much-needed housing assistance to Indian housing authorities.

While HUD still opposes this legislation and objects to a few of its provisions, I believe the most significant objection is addressed in the committee report in a reasonable manner. Specifically, HUD's legal advisers have raised questions relating to the legality of limiting the bill's assistance to only Indian families. The authority for Congress to establish and target assistance to Indians in Federal legislation is a longstanding policy which has been upheld by the U.S. Supreme Court on numerous occasions. The committee report contains strong support for this policy and refers to a supporting analysis provided by the American Law Division of the Library of Congress.

I introduce into the RECORD the analysis.

As the ranking minority member of the subcommittee, I am satisfied that this legislation, which is strongly supported by the Indian tribal councils and Indian housing authorities, is cost-effective and necessary. I urge my colleagues to support the measure.

Mr. Speaker, I include the following material:

LIBRARY OF CONGRESS,
Washington, DC, May 4, 1988.

To: House Committee on Banking, Finance and Urban Affairs.

Attention: Hon. Fernand J. St Germain, Chairman, Hon. Chalmers P. Wylie.

From: American Law Division.

Subject: Constitutional Question in re Indian Housing Provision.

This memorandum responds to your inquiry with respect to constitutional objections raised by the Department of Housing and Urban Development (HUD) to section 202(a) of H.R. 3927, 100th Congress. The Department objects to the provision for assistance to low income Indian families through Indian Housing Authorities created under State law off reservations. The thought is that in such circumstances limitation of assistance to Indians raises equal protection problems.

Because of time constraints, we must deal with the question quite briefly. For two reasons, it does not appear that a successful constitutional argument could be made against the provision.

First, there is the historic tradition of Federal concern for the welfare of Indians. This concern is manifested in the Constitution itself, in the Indian commerce clause, Article I, section 8, cl. 3, and in the authority, now unused, to enter into treaties with Indian tribes. Favored special treatment of Indians, on and off the reservations, has long been Federal policy. See *Morton* v. *Ruiz*, 415 U.S. 199 (1974). Upholding a preference for Indians over all other persons in eligibility for employment in the Bureau of Indian Affairs, the Supreme Court noted that the standard for adjudicating the validity of distinctions is whether "the special treatment can be tied rationally to the fulfillment of Congress' unique obligation toward the Indians." *Morton* v. *Mancari*, 417 U.S. 535, 555 (1974). See also *Delaware Tribal Business Comm.* v. *Weeks*, 430 U.S. 73, 85 (1977) (applying the same standard to distinctions drawn among Indian groups). To be sure, in *Mancari*, the preference was to Indians who were members of "Federally recognized" tribes and excluded other individuals who could racially be considered "Indians," but it would certainly appear to be within the congressional competence to determine that its "unique obligation toward the Indians" extends to individuals and nonmembers of tribes because of difficulties arising at least in part out of their status as Indians. Cf. *McClanahan* v. *Arizona State Tax Comm.*, 411 U.S. 164, 179-181 (1973) (distinguishing between interest in tribal welfare and welfare of individual Indians).

Second, even if the designation of Indian families in section 202(a) is to be perceived as racial rather than political, the precedents would support the provision's validity. In *Fullilove* v. *Klutznick*, 448 U.S. 448 (1980), the leading case on the use of Congress' spending power to remedy the disadvantages visited upon minorities, the Court recognized both the authority to make racial classifications, within limits, for remedial purposes and the authority to distinguish among minority groups all of whose members might generally qualify for remedial preferences. When Congress' responsibilities for Indians are combined with its discretion to target its spending to particular disadvantaged groups, the validity of the challenged section would seem much more than likely to survive equal protection challenge.

JOHNNY H. KILLIAN,
Senior Specialist,
American Constitutional Law.

Mr. GONZALEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I merely wish to add that there really is no budgetary impact on this legislation.

Also, I want to acknowledge that invaluable assistance and leadership offered by our distinguished colleague, the gentleman from Nebraska [Mr. BEREUTER] who is a very effective member of the subcommittee. I would like to recognize the gentleman's presence here.

I also want to commend the hard and diligent work on the part of the staff, the director of the staff, Mr. McMurray, but particularly Mr. Destefano, who is considered our Indian housing expert.

I did want to recognize for the record the most valuable leadership and help in shaping and molding this legislation that these gentlemen have given, with particular reference to the gentleman from Nebraska [Mr. BEREUTER], because we have had absolutely nothing but a genuine consensus. The reason for that is because of the tremendous leadership of the gentlewoman from New Jersey [Mrs. ROUKEMA], the gentleman from Nebraska [Mr. BEREUTER] and others on both sides of the subcommittee membership.

Mrs. ROUKEMA. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I am pleased to lend my support today to the pending measure, H.R. 3927, the Indian Housing Act of 1988. As a cosponsor of H.R. 3927, I view the measure as an important step for numerous reasons including the fact that this legislation would establish a separate and necessary program within the Department of Housing and Urban Development to meet the housing needs of Indian people. I would particularly address comments of commendations to the subcommittee chairman, the gentleman from Texas [Mr. GONZALEZ] for his initiative, persistence, and timely action in bringing this landmark housing and Indian legislation to the House floor. Praise is also due to the supportive and helpful attitude displayed by the ranking minority member of the subcommittee, the gentlewoman from New Jersey [Mrs. ROUKEMA] and to the excellent staff assistance from both sides of the aisle. This Member also appreciates the cooperation of the committee chairman, the gentleman from Rhode Island [Mr. ST GERMAIN] and the ranking minority member, the gentleman from Ohio [Mr. WYLIE] for facilitating the consideration of this bill.

As the Congressman for the First District in Nebraska, I represent the residents of three Indian tribes: the Santee Sioux, the Winnebago, and the Omaha. The housing needs of my Indian constituents on their respective reservations often vary from those individuals residing in traditional public or private housing. These differences include cultural, religious, political, and settlement or geographic factors. This bill recognizes these factors through pragmatic changes in order to successfully address the housing needs of Indian people.

I am especially supportive of the provisions which authorize the Secretary of HUD to take such actions as may be necessary, utilizing the interdepartmental agreement on Indian housing, to ensure the timely installation of roads, plumbing, electricity, and related facilities which are necessary to the completion and occupancy of Indian housing projects. The lack of budgetary and programmatic coordination for the prompt and efficient delivery of these services has long been a problem with many Indian housing projects, including those in my own district, but I am hopeful that H.R. 3927 can go a long way toward correcting this deficiency.

We have long needed the changes which are found in the Indian Housing Act of 1988. The current organization and general housing legislation is very often not efficient or cost-effective in serving the housing need of native Americans; a change for a specific statutory basis for Indian housing very clearly is needed. This legislation makes many important improvements. Therefore, I urge my colleagues to support passage of this legislation.

Mr. ST GERMAIN. Mr. Speaker, I rise in strong support of H.R. 3927, the Indian Housing Act of 1988, as reported by the Committee on Banking, Finance and Urban Affairs.

This legislation amends the Housing Act of 1937 to provide a separate program of housing assistance for Indians and Alaskan Natives. This legislation is strongly supported by Indian tribes and their representatives in all areas of the Nation and enjoys broad bipartisan support among my colleagues on both sides of the aisle.

I wish to commend the gentleman from Texas [Mr. GONZALEZ], the chairman of the Subcommittee on Housing and Community Development, who is the author and original sponsor of this legislation. I also wish to commend the gentleman from Ohio [Mr. WYLIE], the ranking minority member of the committee, and the gentlelady from New Jersey [Mrs. ROUKEMA], the ranking minority member of the subcommittee, who strongly supported this legislation and played a crucial role in perfecting all of its aspects. The efforts of the two gentlemen and the gentlelady were invaluable in drafting this important piece of legislation in a spirit of cooperation and gracious bipartisanship.

Mr. Speaker, we have an excellent piece of legislation before us today and I urge all my colleagues to support it.

Mr. AKAKA. Mr. Speaker, I rise in support of H.R. 3927, the Indian Housing Act of 1988.

H.R. 3927 is a vital and necessary piece of legislation that addresses the longstanding need of affordable and decent housing for our Nation's native Americans.

I would like to commend the members of the committee, Chairman ST GERMAIN, and subcommittee Chairman HENRY GONZALEZ for their able and sensitive leadership in this endeavor. Likewise, I would like to commend the staff who have worked diligently in addressing this very serious problem.

Mr. Speaker, I am particularly grateful for the attention that the committee has paid to the native Hawaiian population of our country in its deliberation of H.R. 3927. While the primary focus of this measure is housing assistance for Indians and Alaska Natives, the committee has taken this opportunity to recognize the housing needs of native Hawaiians.

H.R. 3927 directs the Secretary to include in the annual report an assessment of the housing needs of native Hawaiians and an evaluation of current Federal programs designed to meet their needs, including programs of housing assistance for lower income families and the program of single-family mortgage insurance for native Hawaiians under section 247 of the National Housing Act.

This information is vital to the Federal and State government housing agencies, as it will set the stage for improving the quality of life for our native Hawaiians. I have come to the committee, in the past, asking that the housing needs of our native Hawaiians be addressed, and the committee has always been quick to respond. Here, again, the committee has responded to my request, and I am extremely grateful.

I am confident that we must remain vigilant in our oversight of programs affecting native Hawaiians if ever we are to achieve success, and I wholeheartedly support the committee's direction as envisioned in H.R. 3927.

Mr. SMITH of Florida. Mr. Speaker, H.R. 3927, the Indian Housing Act, is vitally important to the Miccosukee and Seminole Tribes of Florida because it would establish separate statutory authority for the Indian Housing Program in the Department of Housing and Urban Development [HUD].

Currently, the Indian Housing Program is governed by the same regulations which are applied to the other low-income, public housing program in the Public Housing Program of HUD. As a result, changes made to the regulations of the U.S. Public Housing Act of 1937, administered by HUD, affect both the Public Housing Program and the Indian Housing Program simultaneously, with little regard for the distinction between the two.

The Indian Housing Act offers us the opportunity to recognize the distinctions between the Public Housing Program and the Indian Housing Program. As it stands now, little consideration is given to the following distinctions:

Public housing program	Indian housing program
(1) 95 percent urban environment........................	100 percent rural environment.
(2) Water and sewer for low income are tied to municipal systems.	Individual wells and septic tanks.
(3) Centrally located and often constructed as multifamily units.	Scattered sites with few multifamily units.

Although there are numerous others, these distinctions clearly underscore the importance of the separation of these two programs as mandated under the Indian Housing Act.

I urge my colleagues to vote in favor of this bill which has widespread, bipartisan support. Enactment of H.R. 3927 would enable the Miccosukee and Seminole Tribes of Florida, as well as other tribes throughout our Nation, to protect the cultural values in which they rightfully take pride.

Mr. ST GERMAIN. Mr. Speaker, I rise in strong support of H.R. 3927, the Indian Housing Act of 1988, as reported by the Committee on Banking, Finance and Urban Affairs.

This legislation amends the Housing Act of 1937 to provide a separate program of housing assistance for Indians and Alaskan Natives. This legislation is strongly supported by Indian tribes and their representatives in all areas of the Nation and enjoys broad bipartisan support among my colleagues on both sides of the aisle.

I wish to commend the gentleman from Texas [Mr. GONZALEZ], the chairman of the Subcommittee on Housing and Community Development, who is the author and original sponsor of this legislation. I also wish to commend the gentleman from Ohio [Mr. WYLIE], the ranking minority member of the committee, and the gentlelady from New Jersey [Mrs. ROUKEMA], the ranking minority member of the subcommittee, who strongly supported this legislation and played a crucial role in perfecting all of its aspects. The efforts of the two gentlemen and the gentlelady were invaluable in drafting this important piece of legislation in a spirit of cooperation and gracious bipartisanship.

Mr. Speaker, we have an excellent piece of legislation before us today and I urge all my colleagues to support it.

Mr. DORGAN of North Dakota. Mr. Speaker, I rise in support of H.R. 3927, the Indian Housing Act. This bill embodies long-needed reforms of the Indian housing programs. The bill enjoys widespread support among Indian tribes and organizations because it places Indian housing on a firmer footing on North Dakota reservations and all others, too.

For one thing, the bill provides separate statutory authority for Indian housing programs. These are now grouped unceremoniously and inappropriately under the general rubric of public housing. But Indian housing has not fit well in that suit. The problems and needs of public housing—usually urban—do not match with those in Indian country, a predominantly rural environment.

As a result of this mismatch, rentals for Indian housing have often exceeded the ability of Indian families to make payments. Nor has the total stock of Indian housing grown sufficiently to meet current needs—largely because Indian housing has been pitted against urban public housing in the competition for the same resources. The economic, social, and cultural characteristics of Indian reservations, however, cry out for their own housing program.

The bill properly emphasizes homeownership over subsidized rentals. Given the opportunity to own a home, Indian families will respond like others across the Nation and take pride in the maintenance of their dwellings. The legislation before us today codifies the Mutual Help Ownership Program, which accounts for about 65 percent new housing units developed by the Department of Housing and Urban Development [HUD]. This will save tax dollars and improve the quality of life on the reservations.

I have been assured, too, that HUD will continue to administer the new, separate Indian Housing Program, even though it now would have its own authority under this bill. Tribes have expressed concern about transferring housing programs from HUD to another department or agency and this bill would not take that step.

Finally, this measure takes an innovative stride in meeting the critical shortage of housing for non-Indian professionals like doctors and teachers who provide invaluable services on reservations. The bill gives tribes the authority to permit non-Indian families to participate in the self-help program in instances where other housing is not available and where these professionals offer services essential to the well-being of Indians in the area.

In conclusion, this bill is no panacea for the staggering housing problems in Indian country. No program can take the place of tribal leadership and self-determination, but neither can the latter flourish when outmoded and ineffective programs get in the way. That it is why I urge my colleagues to support this needed reform in Indian housing.

Mrs. ROUKEMA. Mr. Speaker, I have no more request for time, and I yield back the balance of my time.

☐ 1330

Mr. GONZALEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from Texas [Mr. GONZALEZ] that the House suspend the rules and pass the bill, H.R. 3927, as amended.

The question was taken.

Mr. LUNGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL SCHOOL LUNCH ACT AMENDMENTS

Mr. HAWKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4306) to amend the National School Lunch Act to require eligibility for free lunches to be based on the nonfarm income poverty guidelines prescribed by the Office of Management and Budget, as amended.

The Clerk read as follows:

H.R. 4306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FREE LUNCH PROGRAM ELIGIBILITY.

Section 9(b)(1)(A) of the National School Lunch Act (42 U.S.C. 1758(b)(1)(A)) is amended—

(1) in the second sentence, by striking out "For the school years ending June 30, 1982,

and June 30, 1983, the" and inserting in lieu thereof "The"; and

(2) by striking out the third sentence.

SEC. 2. COMPUTATION OF CASH COMPENSATION TO DISTRICTS UNDER SECTION 14(g)(3) OF THE NATIONAL SCHOOL LUNCH ACT.

(a) In General.—Section 14(g)(3)(A) of the National School Lunch Act is amended by adding at the end the following: "The Secretary, in computing losses sustained by any school district under the preceding sentence, shall base such computation on the actual amount of assistance received by such school district under this Act for the school year ending June 30, 1982, including—

"(i) the value of assistance in the form of commodities provided in addition to those provided pursuant to section 6(e) of this Act; and

"(ii) the value of assistance provided in the form of either cash or commodity letters of credit.

The Secretary may provide cash compensation under this subparagraph only to eligible school districts which submit applications for such compensation not later than May 1, 1988.".

(b) Authorization of Appropriations.—Section 14(g)(3)(B) of the National School Lunch Act is amended by striking "$50,000" and inserting "such sums as may be necessary".

(c) Time for Payment of Claims.—Section 14(g)(3) of the National School Lunch Act is amended by adding at the end the following new subparagraph:

"(C) The Secretary shall complete action on any claim submitted under subparagraph (A) not later than 45 days after the date of the enactment of this subparagraph.".

SEC. 3. FARMERS' MARKET COUPONS DEMONSTRATION PROJECT.

(a) Purpose.—The purpose of this section is to authorize the establishment of a grant program to encourage the establishment of State demonstration projects designed to—

(1) provide resources to persons who are nutritionally at risk in the form of fresh nutritious foods from farmers' markets; and

(2) expand the awareness of and use of farmers' markets, resulting in an increase in sales at such markets.

(b) General Authority.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by adding at the end the following new subsection:

"(m)(1) The Secretary of Agriculture may award a 3-year grant to each of 7 States for the establishment of a demonstration project designed to provide recipients of assistance under subsection (c) with additional coupons which may be exchanged for foods at farmers' markets.

"(2) A grant provided to any State under this subsection shall be provided to the Governor, who shall—

"(A) designate the appropriate State agency or agencies to administer the program in conjunction with the appropriate non-profit organizations; and

"(B) assure coordination of the program among the appropriate agencies and organizations.

"(3) The Secretary may not make a grant to any State under this subsection unless such State agrees to provide for the project to be assisted under the grant an amount from State funds that is equal to not less than 30 percent of the cost of the program.

"(4)(A) The Secretary shall establish a formula for determining the amount of the grant to be awarded under this subsection to each State for which an application is approved under paragraph (6), according to the number of proposed recipients specified in the State's application.

"(B) Except as provided in subparagraph (C), no grant may be awarded under this subsection for less than $75,000 or more than $400,000.

"(C) If the sums appropriated pursuant to the authorization contained in paragraph (10) for any fiscal year for grants under this subsection are not sufficient to pay to each State for which an application is approved under paragraph (6) the amount to which the Secretary determines each such State is entitled under this subsection, each such amount shall be ratably reduced.

"(D) For any fiscal year to which subparagraph (C) applies, each State shall ratably reduce the number of recipients served under the grant.

"(5) Each State that receives a grant under this subsection shall ensure that the demonstration project for which the grant is received complies with the following requirements:

"(A) Persons who are eligible to receive benefits under the project shall only be persons who are receiving assistance under subsection (c).

"(B) Construction or operation of a farmer's market may not be carried out with the use of funds—

"(i) provided under the grant; or

"(ii) required to be provided by the State under paragraph (3).

"(C) Except as provided in paragraph (4)(D), recipients of benefits under the project shall include not less than 25 percent of persons who—

"(i) receive assistance under subsection (c); and

"(ii) live in the State or the area designated to be served by the project, as appropriate.

"(D) The value of the Federal share of the benefit received by any recipient under the project may not be—

"(i) less than $10 per year; or

"(ii) more than $20 per year.

"(E) The coupon redemption process under the project shall be designed to ensure that coupons may be redeemed—

"(i) only by producers authorized by the State to participate in the project; and

"(ii) only to purchase unprepared food for human consumption.

"(F)(i) Except as provided in clause (ii), the State may not use for administration of the project for any fiscal year more than 10 percent of funds provided to the project from any source in such fiscal year.

"(ii) In the case of a project that is in its first year of operation, the State may use for administration of the project for the first fiscal year not more than 15 percent of funds provided to the project from any source in such fiscal year.

"(G) The State shall ensure that no State or local taxes are collected within the State on purchases of food with coupons distributed under the project.

"(6)(A) A State that desires to receive a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

"(B)(i) Each application submitted under this paragraph shall contain—

"(I) the estimated cost of the program;

"(II) a description of the State plan for complying with the requirements established in paragraph (5); and

"(III) criteria developed by the State with respect to authorization of producers to participate in the program.

"(ii) The criteria developed by the State as required by clause (i)(III) shall require any authorized producer to sell to recipients, in exchange for coupons distributed under the project, only foods produced by such producer.

"(C) The Secretary shall establish objective criteria for approval of applications submitted under this paragraph.

"(D) In approving applications submitted under this paragraph, the Secretary shall—

"(i) give preference to applications that propose projects that are determined by the Secretary to—

"(I) have possible national significance; or

"(II) show unusual promise in promoting similar projects;

"(ii) give preference to applications that show promise of continued operation of the project for which the grant is requested after the grant expires;

"(iii) require that if any State receives a grant under this section and that State is operating a similar project with State or local funds, that State shall not reduce the amount of State and local funds available to the project after receiving funds for the project under this subsection; and

"(iv) give preference to applications for projects that would serve areas in the State which have the greatest percentage of persons who receive assistance under subsection (c) as compared to the total population of such areas.

"(7)(A) The value of the benefit received by any recipient under any project for which a grant is received under this subsection may not be included as income in determining the eligibility of such recipient for assistance under any other State or Federal program.

"(B) Any projects for which a grant is received under this subsection shall be supplementary to the food stamp program carried out under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) and to any other Federal or State program under which foods are distributed to needy families in lieu of food stamps.

"(8) Each State that receives a grant under this subsection shall submit a report to the Secretary for each year of the grant period. Each such report shall include—

"(A) the number of recipients served under the project for which the grant is received;

"(B) the rate of redemption of coupons distributed under the project;

"(C) the types of foods purchased with the coupons;

"(D) the average amount distributed in coupons to each recipient;

"(E) any change in the amount of food purchased at farmers' markets after the establishment of the project;

"(F) any change in the number of farmers participating in farmers' markets after the establishment of the project; and

"(G) any other information determined to be necessary by the Secretary.

"(9)(A) The Secretary shall evaluate the projects for which grants are received under this subsection and submit to Congress a report on such evaluations.

"(B) Such report shall be submitted before the end of the 2-year period beginning on the date that the last grant is awarded under this subsection.

"(10) There are authorized to be appropriated to carry out this subsection $2,000,000 for each of the fiscal years 1989, 1990, and 1991.

"(11) For purposes of this subsection:

"(A) The term 'recipient' means a person who is chosen by a State to receive benefits under a project.

"(B) The term 'State agency' has the meaning provided in subsection (b)(13), except that such term also includes the agriculture department of each State.".

The **SPEAKER** pro tempore (Mr. Gray of Illinois). Is a second demanded?

Mr. GOODLING. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The gentleman from California [Mr. Hawkins] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. Goodling] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. Hawkins].

GENERAL LEAVE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4306, the bill under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HAWKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4306 which amends the National School Lunch and the Child Nutrition Acts.

Mr. Speaker, there are three sections in this bill.

The first section is a minor amendment and is needed to change a date. When the Stewart B. McKinney Homeless Assistance Act was enacted last year, it changed the date for the annual determination of the gross income eligibility standards for the Food Stamp Program from July 1 to October 1.

The National School Lunch Act is tied into the eligibility standards for the Food Stamp Program. Therefore, the enactment of the Homeless Act, inadvertently also changed the date for determining eligibility standards for the school lunch program from July 1 to October 1.

For years, food service administrators have used July 1 for determining eligibility guidelines for the school lunch program. The July 1 date is particularly timely for food service administrators because the school year has not yet begun making it possible for more efficient planning for children involved with the school lunch program. If eligibility guidelines are not established until October 1, it requires that food service administrators determine eligibility twice a year, once based on the former year's guidelines, and then again in October after the school year has begun. It is very obvious to me, Mr. Speaker, that determining eligibility twice in 1 year instead of just once involves a more time consuming and more costly process.

In summary, Mr. Speaker, section 1 of this legislation is a minor amendment that would restore in statute the July 1 date for free meal income eligibility determinations in the school lunch and child nutrition programs.

Section 2 of this legislation will provide cash compensation to five eligible school districts for losses sustained by their school districts as a result of the alterations which occurred in the methodology used to conduct a congressionally required study. These school districts participated in this study which is designed to test cash and commodity letters of credit as alternatives to the traditional commodities program in the National School Lunch Program. The Department of Agriculture which administers the program altered the methodology being used in the study, and as a result losses were sustained by some school districts participating in the study.

Section 3 of this legislation which is the Farmers' Market Nutrition Enhancement Act establishes a 3-year national demonstration project which will provide families participating in the Special Supplemental Food Program for Women, Infants, and Children [WIC] with additional resources to purchase fresh fruits, produce, and other products from farmers' markets.

The provisions in section 3 attempt to reach the most vulnerable groups in this Nation in terms of poor nutrition by introducing WIC recipients to a new food market whereby they can obtain fresh and highly nutritious products at a price lower than they would pay in a commercial market. This provision will make it possible for many low-income individuals in our Nation to have access to fresh and reasonably priced produce.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4306 which is a bill that I cosponsored with the gentleman from California [Mr. Hawkins], because it corrects a problem with the administration of the National School Lunch Program. For years we always determined the eligibility for participation in free lunches under this National School Lunch Act at the beginning of each school year. All of a sudden we seem to have a change, and the guidelines now for determining eligibility would be issued on July 1 and would run through June 30. That is the way it was. The year for determining eligibility then would coincide with our regular school year.

Last year, however, for some reason or another the guidelines were changed so that if the school was going to participate in the free lunch program, it would be from July 1 to October 1. This change means that schools would already be in session 2 months before these new guidelines would go into effect, so what it means is they would have to take the first 2 months based on last year's eligibility and then have to file for eligibility all over again on October 1. It really does not make sense.

Mr. Speaker, the program worked well the way we had always done it. I see no reason to change it.

I am pleased to say that the chairman has added to this bill a section that will clarify a provision in current law with regard to the cash and commodity letter of credit, the CLOC pilot program sites.

As my colleagues know, we have been trying to carry this program out in some specified areas to see how a cash in lieu of, or a letter of credit would work. It seems that there are those in the Department and elsewhere that would do everything they can to sabotage this study, and so one way I suppose to do that was to change horses in the middle of the stream, so that in the 1982-83 school year they changed methodology for this study and the result is that of course those who were in the study suffered financially rather considerably. As a matter of fact we just found out how considerably some of them may have suffered, and that is apparently all of them.

We have apparently smoked out the Department because when we had this before us in committee, there were only five school districts that had filed at that time for damage done to them because of the change of the methodology and that amounted to about $82,000. All of a sudden when we took action in committee the Department got excited and as a matter of fact we then found that the Congressional Budget Office said, "If you would have compensated all of them, you are talking about more than $1 million."

For the first time, I believe, the Department is saying, "Boy, we sure were snookering you guys, but now it's out in the open and I suppose it won't work now."

At any rate, we made sure that it would be just the $82,000 and just for five districts that filed before May 1 with the understanding that we would look seriously at just exactly what did happen when the program comes up for reauthorization.

Mr. Speaker, I rise in support of my chairman's effort to make these changes in the National School Lunch Program.

Mr. Speaker, I rise in support of H.R. 4306, a bill that I cosponsored with Chairman HAWKINS, which corrects a problem with the administration of the National School Lunch Program. For years, schools have determined eligibility for participation in free lunches under the National School Lunch Program at the beginning of each school year and based on eligibility at that time, a child could participate for the entire school year. The guidelines for determining eligibility were issued on July 1 and were the determinant of eligibility for the year starting on July 1 and running through the following June 30. The year for determining eligibility coincided with the school year and made administration of the program easier.

Last year, the effective dates of the guidelines for participation in the free lunch program were changed from July 1 to October 1. This change, which is to begin this coming July, would create severe problems for administering the National School Lunch Program by requiring that schools determine eligibility for participation in the school lunch program for the first 2 months of the school year based on the previous year's eligibility and then reassess eligibility based on the new October 1 guidelines. This October 1 date would require schools throughout the country to assess a child's eligibility twice within 1 school year.

This bill amends the National School Lunch Act by requiring the Secretary of Agriculture to prescribe income guidelines according to the nonfarm income poverty guidelines prescribed by the Office of Management and Budget. These guidelines are to be issued no later than June 1 of each fiscal year. The income guidelines would be in effect from July 1 to June 30. These dates would require a school to make a determination of eligibility for participation only once in a school year and consequently they are consistent with the smooth operation and administration of the program within schools.

Furthermore, I am pleased that this bill will also clarify a provision in current law with regard to the cash and commodity letters-of-credit [CLOC] pilot program sites. In the 1982-83 school year, methodological changes occurred in the Study of the Alternatives to Commodity Donation for the National School Lunch Program. For some pilot projects the change resulted in a loss. In order to compensate those school districts suffering from a loss, Congress passed legislation to reimburse these school districts; however, the full intent of the legislation was never realized. In order to adequately compensate those school districts, the committee accepted an amendment to clarify the original intent of the legislation in reimbursing school districts for losses they sustained as a result of the change.

At the time of the full committee consideration, we were aware that five school districts had submitted claims for compensation of losses they believed they had suffered. If all of these school districts claims were honored, compensation to these school districts would total $81,240. Subsequent cost estimates provided to the committee by the Department of Agriculture indicate that, in fact, most of the school districts which participated in the study of alternatives to USDA commodities sustained losses that would be eligible for compensation under the terms of my amendment. Based on USDA data, the Congressional Budget Office estimates that if all of the affected school districts were to submit claims for losses, the total cost would be approximately $1 million in fiscal year 1989.

The committee amendment clarifies the intent of the original legislation and narrows committee reported bill to include losses sustained by those school districts that as of May 1, 1988, have submitted claims for losses. This will limit the cost to no more than $81,240. This is in keeping both with the committee's intent and the total authorization of appropriations contained in the committee amendment before us.

Nonetheless, equitable treatment for the remaining school districts which have sustained losses must be forthcoming. Therefore, I intend to pursue this matter when the committee reauthorizes those child nutrition programs that will expire on September 30, 1989.

Again, I rise in support of H.R. 4306 and urge my colleagues to join me in voting for its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. HAWKINS. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I commend the gentleman from California [Mr. HAWKINS], the chairman of the Committee on Education and Labor, and I also commend the ranking Republican member, the gentleman from Pennsylvania [Mr. GOODLING], for their support of this legislation, which is an excellent piece of legislation. I would particularly like to emphasize my happiness at seeing the incorporation of the Farmers Market Nutritional Enhancement Act within this legislation. In our own State of Connecticut, when a pilot program was begun we had over 80,000 pounds of locally grown produce, and a 25-percent increase in consumption at the farmers market giving a better return for the dollar to those people on the WIC Program, for which they got more nutrition for less money. This is a program that helps people that are in need. It helps the small farmers in our country and it is an excellent piece of legislation.

Mr. Speaker, I commend the chairman for his inclusion of this legislation within the particular act.

Mr. ATKINS. Mr. Speaker, the language of this amendment mirrors legislation that was introduced earlier this year by myself and my colleagues from Connecticut and Texas, Mr. GEJDENSON and Mr. LELAND. I would like to express my appreciation of the efforts of these gentlemen, particularly Mr. LELAND, who, as chairman of the Select Committee on Hunger, has done great work in helping to craft workable farmers market coupon legislation. I would also like to compliment JIM JEFFORDS of Vermont and WILLIAM GOODLING of Pennsylvania. Their efforts are to a large measure responsible for our consideration of this provision today.

Mr. Speaker, in 1986, Massachusetts established a program that provides WIC recipients with $10 in coupons that are redeemable only for fresh produce at farmers markets. Last year, similar programs were started in Iowa, Connecticut, and Vermont. All of these programs have been very successful in achieving their objective of introducing needy or nutritionally at risk individuals to sources of fresh produce. At the same time, Mr. Speaker, farmers markets have seen a rise in sales which can be attributed directly to the coupon programs.

In plain terms, we are talking about a program with a low cost, a small administrative burden, and a large payback on all fronts. In Massachusetts, we have seen young farmers who can't get large supermarket contracts being exposed to new buyers. In inner-city areas, these farmers have been brought together with mothers who have young children, nutritionally at risk, who can benefit the most from their product.

The plight of the small farmer and the horrors of hunger in America have been printed on the pages of our newspapers for years. The farmers market coupon program has addressed the needs of both the small farmer and the low-income family. It provides new markets for those farmers feeling the greatest pressure, while at the same time offering families with limited incomes sources of nutrition at reasonable prices.

The coupon program has provided WIC recipients with an additional market option, one in which they are guaranteed to receive fresh, nutritious produce. At the same time, the proliferation of farmers markets have helped to revitalize inner-city areas.

Mr. Speaker, there are too many people in this country who do not eat well. How many times have we heard it said that the farms of America could feed the world, yet there are still children who go to bed at night without a proper dinner. We have an opportunity today to inaugurate a program that will ensure that some children who did not eat well yesterday will do so tomorrow.

Mr. Speaker, there has been a lot of talk about "the Massachusetts miracle" and the prospects of bringing the success my State has seen to the rest of the Nation. If we are to export any of the Massachusetts miracle, it should be in this program.

I would like to stress that the coupon program does not take away from existing WIC benefits. The legislation specifically stipulates that the farmers market coupon program is a supplement, not a substitute.

The farmers market coupon program works. This is not an untested theory that we are considering, but a project that has met with success in every State where it was attempted. I urge my colleagues to support H.R. 4306 as amended.

Mr. NAGLE. Mr. Speaker, I rise today in support of the School Lunch and Child Nutrition Act amendments. I especially applaud the Committee on Education and Labor for including the farmers' market coupon demonstration project.

Last year the State of Iowa conducted a pilot project to provide WIC recipients with coupons redeemable at farmers' markets. With a budget of only $15,000, the Iowa Department of Agriculture and Land Stewardship, targeted Waterloo, IA, a city in my district with a relatively high proportion of WIC recipients.

The purpose of the project was twofold: To provide Iowans at nutritional risk with fresh Iowa-grown fruits and vegetables; and to expand the marketing opportunities for Iowa producers by exposing a new group of consumers to farmers' markets. The project successfully met both goals.

Each WIC recipient was given a pack of 10 $1 coupons. Recipients were provided with factsheets and an verbal explanation of how the coupons could be used. Of the coupons distributed, 68.4 percent were redeemed for fresh produce. Vendors also reported that cash sales increased up to 20 percent of normal volume. In a followup recipient survey, 74 percent of the respondents indicated that they had never been to a farmers' market before.

This year the Iowa Legislature appropriated $100,000 to expand the coupon demonstration program for the 1988 market season. Each recipient in up to three areas will receive 20 to 30 dollars' worth of coupons over a 2- to 3-month period. This will measure the effects of an increase in the scale of the program and of the interest in repeated use of the coupons by the recipients.

The grant program envisioned in this bill will enable the Iowa program to reach many more who are nutritionally at risk. If the $400,000 cap were lifted, Iowa could conceivably appropriate sufficient matching dollars to reach all WIC recipients in the State.

There are 100 farmers' markets in 81 Iowa counties. These markets provide an opportunity for Iowa farmers to diversify their income, and for consumers to purchase fresh, locally grown produce. Dollars spent at farmers' markets remain in the local community, where they multiply and add to the economic well-being of rural areas. By making these markets accessible to Iowans at nutritional risk, the State is able to meet the dual goals of providing fresh produce and expanding market awareness.

I urge passage of this bill and appropriation at the level of authorization. Further, I encourage the Secretary of Agriculture to implement this worthwhile program as expediently as possible once it becomes law.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 4306, the National School Lunch Act amendments. I commend the distinguished committee chairman, Mr. HAWKINS, and the ranking minority member of the subcommittee, Mr. GOODLING, for their commitment to our schools and for their contributions to rid our classrooms and playgrounds of hunger.

The National School Lunch Program currently requires that annual inflation adjustments for determining eligibility for free and subsidized school lunches be made at the same time as adjustments for the food stamp program. However, the McKinney Homeless Assistance Act changed the date from July 1 to October 1. I have heard from many food service directors in my congressional district that this new date will cause major administrative complications. To avoid such a disruption, H.R. 4306 retains the current July 1 adjustment date.

The National School Lunch Act amendments also establishes a 3-year demonstration project allowing families who participate in the WIC supplemental food program to purchase products from farmers' markets. This grants the participants greater flexibility in meeting the nutritional needs of their families, while providing additional business for our ailing farmers.

The National School Lunch Program has addressed the nutritional needs of millions of children yearly. It has proven to be cost-effective in helping to alleviate hunger at home. Accordingly, I urge my colleagues to join in support of H.R. 4306.

Mr. LELAND. Mr. Speaker, on Thursday, April 28, 1988 the Education and Labor Committee approved, with broad bipartisan support, H.R. 4306, legislation amending the National School Lunch Act to require that eligibility for free lunch be based on the nonfarm income poverty guidelines prescribed by OMB. This legislation incorporates an amendment establishing grants to encourage the creation of State demonstration programs which would provide resources to assist persons who are nutritionally at risk purchase nutritious foods from farmers' markets. I am joined by Mr. GEJDENSEN and Mr. ATKINS as an original sponsor of the amendment.

This amendment will provide low-income women, infants, and children participating in the special supplemental food program for women, infants and children [WIC] with an opportunity and the resources to purchase fresh produce and other foods from farmers' markets.

Since 1986, the Massachusetts Department of Food and Agriculture has operated a pilot program through which a number of families participating in the WIC Program receive coupons valued at $10 to purchase food items from farmers' markets to supplement the commodities they already receive. Similar programs targeting assistance to WIC families have been developed and implemented in Connecticut and Iowa. Another demonstration project, operational in Vermont, provides supplemental resources to needy families. These programs all have demonstrated solid achievements in expanding the purchase and consumption of nutritious foods among participants. Based on the successes of these programs, States across the country are looking into ways to develop their own farmers' market projects.

This provision offers a variety of benefits to States, WIC recipients, and to small farmers. It calls for a 70/30 Federal matching fund to States interested in participating in the pilot. This provision will help States implement projects without inflicting any extraordinary financial stress.

According to those States already operating a project, the program helps the WIC recipients by increasing awareness of farmers' markets where they can obtain nutritious fresh commodities at a relatively inexpensive price. This is important because the low-income individual is considerably more vulnerable to vitamin deficiencies than are moderate and upper income individuals. By introducing low-income consumers to farmers' markets, we are addressing a serious problem in an efficient and practical manner.

Finally, the program helps small-scale farmers expand their markets and, accordingly, improves their sales. Last year, $18,000 from coupons were redeemed at farmers' markets in Massachusetts. This money went directly to the farmers. It was also reported that the program participants returned to the farmers' markets even after their coupons had been exhausted. The other States with projects had similar results, which has led each of them to expand their programs.

Mr. Speaker, this language proposes modest authorization. It will cost $2 million annually for 3 years and will provide women, infants, and children with the vitamins and nutrients which are essential to their development and will help our farmers by introducing new consumers to their markets.

By reaching out to the those who are vulnerable to, or suffer from, malnourishment, and providing them with a means to improve their nutritional status, we will clearly be contributing to the well-being of the whole community.

Mr. DE LA GARZA. Mr. Speaker, H.R. 4306, a bill to amend the National School Lunch Act to require eligibility for free lunches to be based on the nonfarm income poverty guidelines prescribed by the Office of Management and Budget, was introduced on March 30, 1988, and referred to the Committee on Education and Labor. On May 5, 1988, the bill was reported with amendments, one of which contains subject matter of jurisdictional interest to the Committee on Agriculture. This amendment is section 2 of H.R. 4306, that will clarify the nature of certain losses sustained resulting from a change in methodology used in the pilot projects using cash and commodity letters of credit as alternatives to USDA-donated commodities in the National School Lunch Program.

Prior to consideration of H.R. 4306 today, the Committee on Agriculture and the Committee on Education and Labor exchanged letters that stated the Committee on Agriculture's intent not to request a sequential referral of section 2 of H.R. 4306 with the understanding that this procedure in no way diminishes or sets a precedent with respect to the jurisdictional division of responsibility between the Committee on Agriculture and the Committee on Education and Labor in regard to the CASH/CLOC pilot projects, and the Committee on Education and Labor's understanding that such procedure respects the jurisdictional interests and concerns of the Committee on Agriculture.

I believe this is a satisfactory resolution of this issue and join in supporting passage of the bill. In addition, I thank Chairman HAWKINS for his gracious cooperation in resolving the matter.

Printed below are the texts of the letters exchanged by the Committee on Agriculture and the Committee on Education and Labor:

COMMITTEE ON AGRICULTURE,
Washington, DC, May 10, 1988.
Hon. AUGUSTUS F. HAWKINS,
Chairman, Committee on Education and Labor, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I understand that the Committee on Education and Labor has reported H.R. 4306, a bill to amend the National School Lunch Act to require eligibility for free lunches to be based on the nonfarm income poverty guidelines prescribed by the Office of Management and Budget, and that this bill may be considered under suspension of the rules today.

Section 2 of the bill will clarify the nature of certain losses sustained resulting from a change in methodology used in the pilot projects using cash and commodity letters of credit as alternatives to USDA donated commodities in the National School Lunch Program. I have been informed that the substitute bill that will be offered for consideration by the House tightens the scope of section 2, as reported by your Committee.

Due to the busy schedule of the Agriculture Committee the next few weeks, I will not request sequential referral to section 2 of H.R. 4306 and will not object to consideration of the bill under suspension of the rules. However, I do so with the understanding that this procedure in no way diminishes or sets a precedent with respect to the jurisdictional division of responsibility between the Committee on Agriculture and the Committee on Education and Labor in regard to the CASH/CLOC pilot projects.

As always, I deeply appreciate your willingness to work with the Committee on Agriculture on matters of mutual concern.

With best wishes,
Sincerely,
E (KIKA) DE LA GARZA,
Chairman.

COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, May 10, 1988.
Hon. E DE LA GARZA,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you very much for your letter of today's date notifying me that the Agriculture Committee will not request a sequential referral of Section 2 of H.R. 4306, a bill to amend the National School Lunch Act and for other purposes. I also appreciate knowing that you have no objection to the House considering that bill today under suspension of the rules.

I understand from your letter that this decision was based on your understanding that this procedure as regards Section 2 of H.R. 4306 respects fully the jurisdictional interests and concerns of the Committe on Agriculture with regard to the CASH/CLOC pilot projects.

Thank you for your letter and I appreciate your cooperation in this matter.

Sincerely,
AUGUSTUS F. HAWKINS,
Chairman.

Mr. LIGHTFOOT. Mr. Speaker, I'd like to bring to my colleagues' attention a particular provision in H.R. 4306 which is of interest to my State of Iowa.

Contained in this legislation is a provision providing 3-year grants to up to seven States to establish demonstration projects providing WIC—women, infants, and children—with vouchers to purchase produce at farmers markets. Iowa is one of the four original States that had a demonstration project of this kind.

In 1986, the Iowa General Assembly appropriated $15,000 to conduct a farmers market coupon demonstration project with two goals: To expand market opportunities for Iowa producers, and to provide Iowans at nutritional risk with fresh Iowa-grown fruits and vegetables. The project was tremendously successful in 1987, and an expansion of the 1987 program is planned for 1988 with a $100,000 appropriation from the Iowa State Legislature.

Unfortunately, it is my understanding that a clause originally inserted in the bill to grandfather in the original States participating in this demonstration program has been deleted from the bill. Because Iowa's success with the program, I am hopeful that the bill will be amended to allow Iowa to continue its efforts to expand this program. The State of Iowa has demonstrated strong commitment to this program. The potential for reducing WIC Program costs and for expanding economic opportunities for farmers and their rural communities are excellent and I would like to see this type of program continue.

Mr. JEFFORDS. Mr. Speaker, I rise in support of H.R. 4306, a bill that makes some minor changes in the school lunch and child nutrition acts.

H.R. 4306 makes a change in the National School Lunch Act that will ensure that school districts continue to receive data within an appropriate time frame that will enable them to make determination of eligibility for free meals prior to the beginning of each school year. In essence, the legislative change incorporated in H.R. 4306 corrects an inadvertent statutory change made in the Stewart B. McKinney Homeless Act that would place unnecessary paperwork burdens on local school administrators and parents as well.

In addition, the bill provides for a new WIC discretionary grant authority to allow interested States to compete for funds to operate demonstration projects in which WIC clients will be provided with special coupons or vouchers that may be used to purchase fresh foods at authorized local farmers' markets.

H.R. 4306 embodies the concept originally incorporated in H.R. 3879 that was introduced by Congressmen LELAND, GEJDENSON, and ATKINS and which I was pleased to subsequently cosponsor. I am also pleased to note that this demonstration authority is based on successful WIC-Farmers Market Programs now operating in my own State of Vermont as well as in Connecticut, Massachusetts, and Iowa. Clearly, this provides an opportunity for low-income, nutritionally at-risk WIC participants to have increased access to inexpensive and fresh produce. And, at the same time, it assists local small farmers through increased sales.

Finally, the bill before us attempts to clarify an earlier statutory change designed to ensure that certain school districts who participated in the congressionally mandated study of alternatives to commodities in the National School Lunch Program are fully compensated for any losses they may have sustained as a result of their participation in this study.

I would urge my colleagues on both sides of the aisle to vote for H.R. 4306.

Mr. AUCOIN. Mr. Speaker, I want to express my support for H.R. 4306, the National School Lunch Act amendments, and I especially want to call attention to the provision which promises to enhance the Special Supplemental Food Program for Women, Infants, and Children.

The bill establishes a 3-year demonstration project providing vouchers to WIC participants to buy fresh fruits and vegetables at local farmers markets. The program will be created in seven States which agree to pay 30 percent of the costs. Because the WIC Program in Oregon has provided leadership to other States in other ways, I hope Oregon is one of the States chosen for this project.

WIC has proven its effectiveness in improving the nutrition and health of newborns and avoiding the tragedies of premature birth and poor development that continue to afflict too many families in this country. As a report of the House Select Committee on Children, Youth, and Families has shown, $1 invested in prenatal nutrition saves up to $3 in short-term hospital costs for newborns.

This new program will provide an incentive for WIC mothers to expand their horizons a little further. Not only will fresh produce provide better nutrition to mothers and children at risk and educate parents to cost-effective ways of feeding their families, it will also give a boost to farmers markets in places like Hillsboro, OR, in my district. The idea has already been successfully tested in the State of Massachusetts.

Oregon's WIC Program, under program director Betsy Clarke, has already led the way in devising a new way to make WIC even more cost-effective than it already is. Looking for a way to serve more clients even in the face of soaring prices for infant formula, the State went to competitive bidding. Simply put, the manufacturer who gives the State the best price for baby formula gets the exclusive right to supply WIC participants.

Through this method alone Oregon has generated savings enough to add 4,000 new participants to the program, for a total of about 37,000. And competitive bidding has begun creating similar savings in other States, including Texas and Florida.

Because we recognize that WIC is an investment that pays off, and because the program still serves fewer than half of those eligible due to the inadequate resources, many of my colleagues and I strongly support increased funding for the WIC Program. In this connection, I wanted my colleagues to know about Oregon's pioneering the way in making savings the stretch WIC dollars even further. And the new farmers markets projects made possible by this bill today will provide yet more examples of local and grassroots innovation at its best.

Mr. GOODLING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAWKINS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. HAWKINS] that the House suspend the rules and pass the bill, H.R. 4306, as amended.

The question was taken.

Mr. LUNGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The **SPEAKER** pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

REREFERRAL OF H.R. 3806 TO COMMITTEE ON FOREIGN AFFAIRS

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that the bill, H.R. 3806, which was initially referred to the Committee on Education and Labor, be rereferred to the Committee on Foreign Affairs.

Mr. Speaker, I have discussed this with both the ranking minority members of the Committee on Education and Labor and of the subcommittee involved, and it was merely a procedural mistake that the bill was referred to the Committee on Education and Labor.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

OVERSEAS TEACHERS ACT OF 1988

Mr. FORD of Michigan. Mr. Speaker, I move to suspend the rule and pass the bill (H.R. 3424) amending the Defense Department Overseas Teachers Pay and Personnel Practices Act and the Defense Dependents' Education Act of 1978, as amended.

The Clerk read as follows:

H.R. 3424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Overseas Teachers Act of 1988".

SEC. 2. UNIFORM SYSTEM RELATING TO THE TRANSFER AND APPOINTMENT OF TEACHERS.

Section 1403 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 922) is amended by adding at the end the following:

"(e)(1) For purposes of this subsection—

"(A) each of the terms 'teaching position' and 'teacher' shall have the meaning given it under section 2 of the Defense Department Overseas Teachers Pay and Personnel Practices Act;

"(B) each of the terms 'recruited in the United States' and 'recruited outside the United States' shall be defined under regulations which shall be prescribed by the Director, taking into account the respective roles of the central office and the applicable regional or area offices of the Office of Dependents' Education in the appointment of the individual involved, except that such regulations may not require that a teacher be residing in, or interviewed in, the United States during the recruitment and hiring process in order to be treated as a teacher 'recruited in the United States'; and

"(C) the term 'school' shall mean a school operated by the Department of Defense as described in section 2(1)(A) of the Defense Department Overseas Teachers Pay and Personnel Practices Act.

"(2)(A) Subject to the approval of the Secretary of Defense, the Director shall by regulation establish a uniform system for filling vacant teaching positions. Under the system, vacancies will, to the maximum extent practicable, be filled as follows:

"(i) First, by the voluntary transfer of an individual already appointed to a teaching position, except that if such individual was recruited outside the United States, such individual may not be considered under this paragraph unless, under section 4(d)(3) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (disregarding subparagraph (b)(iii) thereof), such individual is entitled to be treated in the same way as an individual recruited in the United States. This clause shall apply until the first Tuesday following May 15 of the school year preceding the school year for which the vacancy occurs.

"(ii) Second, if there is no such individual available, by the appointment of an individual recruited in the United States. This clause shall apply until the first Tuesday following June 15 of the school year preceding the school year for which the vacancy occurs.

"(iii) Third, if none of the above, by the appointment of an individual recruited outside the United States.

Nothing in this subsection shall be considered to authorize the filling of a vacant position by the transfer or appointment of any individual who is not fully qualified for such position.

"(B) The priority of appointment established under subparagraph (A) shall not apply in the case of filling any vacancy that occurs during a school year for the remainder of that school year.

"(3)(A) Under the system, notification relating to vacant teaching positions for which application for transfer may be submitted shall be provided by any means reasonably designed to provide notice to potential applicants in timely fashion.

"(B) In order to carrry out this paragraph, the Director shall establish procedures under which each school will be required to inform the Director at least annually of any vacant positions (existing or anticipated) and to provide any other information which the Director may reasonably require. Information received by the Director under this subparagraph shall be compiled and prepared in a form appropriate for distribution throughout the defense dependents' education system, consistent with subparagraph (A).

"(4) The Director shall submit a written report to Congress annually on the implementation of this subsection. The report shall include—

"(A) the total number of teaching positions for which applications were sought during the most recent school year;

"(B) of the number reported under subparagraph (A), the total number which were filled;

"(C) of the number reported under subparagraph (B), the percentage which were filled by each of the respective methods described in paragraph (2);

"(D) a list of all vacant teaching positions reported to the Director under paragraph (3)(B) during the period covered by the report, including the name (or other appropriate identification) of the school having each such vacancy and the date on which the Director received notice with respect to each such vacancy; and

"(E) any other information which the Director considers appropriate.

"(5) In order to ensure the equitable and uniform implementation of this subsection, the Director shall provide that the central office of the Office of Dependents' Education shall be responsible for coordinating all activities under this subsection, including those relating to the recruitment, evaluation, professional certification, appointment, transfer, and recertification of teachers. The central office's functions under this subsection shall be in addition to any other functions of such office.".

SEC. 3. TEACHERS NOT TO BE DENIED PAY BECAUSE OF ADMINISTRATIVE DELAYS.

Section 4 of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 902) is amended by adding at the end the following:

"(c) The Secretary of Defense shall prescribe and issue regulations to provide that any individual who is employed as a teacher or who has accepted an offer of employment to serve as a teacher, but who is unable to commence that employment in a timely manner because of administrative delays in processing the appointment or providing transportation, shall, for purposes relating to basic pay, retirement, health benefits, and any other form of compensation or benefits, be considered to have begun employment at the beginning of the school year. However, such regulations shall not apply in the case of any individual whose scheduled term of employment is for less than the entirety of the school year involved.".

SEC. 4. CONDITIONS FOR EMPLOYMENT AS A TEACHER.

Section 4 of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 902), as amended by section 3, is further amended by adding at the end the following:

"(d)(1)(A) The Secretary of Defense shall prescribe and issue regulations under which an individual recruited outside the United States for appointment to a teaching position shall, if such individual is the spouse of a member of the Armed Forces (hereinafter in this subsection referred to as the 'sponsoring spouse') serving on active duty in the region or area wherein the position is located, cease to be eligible to serve as a teacher if any of the contingencies described in subparagraph (B) occurs.

"(B) The contingencies under this subparagraph are as follows:

"(i) Divorce, annulment, or legal separation from the sponsoring spouse.

"(ii) The reassignment of the sponsoring spouse, for a period in excess of 90 days, to a post outside the region or area wherein the teaching position is located.

"(iii) The discharge of the sponsoring spouse from service in the Armed Forces.

"(C) If a teacher becomes ineligible to serve under this paragraph because of a contingency which occurs during any school year, such teacher may be permitted to complete such year.

"(2) The Secretary of Defense shall prescribe and issue regulations under which any individual recruited outside the United States for appointment to a teaching position, other than an individual subject to paragraph (1), shall be ineligible to serve as a teacher in more than 1 school year, except in a substitute capacity.

"(3)(A) The Secretary of Defense shall prescribe and issue regulations under which any individual described in subparagraph (B) of this paragraph shall, for purposes of any determination as to eligibility for an allowance or other benefit under the defense dependents' education system (including those relating to travel, living quarters, and storage of household goods) be treated in the same way as an individual recruited in the United States.

"(B) The regulations under this paragraph shall apply with respect to any individual—

"(i) who is serving as a teacher on the effective date of the Overseas Teachers Act of 1988;

"(ii) who, considering any service performed before, on, or after that date (whether on a continuous basis or otherwise), completes the equivalent of at least 3 school years of service as a teacher; and

"(iii) who is not eligible for similar benefits based on marital or other familial relationship to a member of the Armed Forces or civilian employee of the United States.

"(4) Paragraphs (1) and (2) shall apply with respect to individuals first appointed to serve beginning after the effective date of the Overseas Teachers Act of 1988.

"(e) The Secretary of Defense shall prescribe and issue regulations under which an individual may not, on or after the effective date of the Overseas Teachers Act of 1988, be appointed to a teaching position (other than in a substitute capacity) unless such individual has performed duties and responsibilities of a type described in clause (i), (ii), or (iii) of section 2(1)(B) For at least 1 complete school year.

"(f) For purposes of this section—

"(1) the terms 'recruited in the United States' and 'recruited outside the United States' each has the meaning given such term pursuant to section 1403(e)(1)(B) of the Defense Dependents' Education Act of 1978; and

"(2) the term 'defense dependents' education system' refers to the program established under section 1402(a) of the Defense Dependents' Education Act of 1978.".

SEC. 5. CLARIFICATION OF DEFINITION.

Section 2(1) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901(1)) is amended—

(1) by striking the period and inserting in lieu thereof a comma; and

(2) by adding at the end the following: "including the duties and responsibilities of an instructor in a unit of the Junior Reserve Officers' Training Corps within a school described in subparagraph (A).".

SEC. 6. TEACHERS' LEAVE PROGRAM.

Section 6(c) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 904(c)) is amended—

(1) by striking "earned by any" and inserting in lieu thereof "available to a";

(2) in paragraph (1), by inserting "or paternity" after "maternity"; and

(3) in the second sentence, by striking "three" and inserting in lieu thereof "4".

SEC. 7. MAKING THE POSITION OF THE DIRECTOR OF DEPENDENTS' EDUCATION A CAREER RESERVED POSITION.

Paragraph (2) of section 1403(a) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 922(a)(2)) is amended—

(1) by redesignating such paragraph as paragraph (2)(A); and

(2) by adding at the end the following:

"(B) The Director's position shall be considered to be a career reserved position under section 3132(a)(8) of title 5, United States Code, and shall be subject to all provisions of such title relating to career reserved positions.".

SEC. 8. BUDGET AND APPROPRIATIONS.

Section 1406 of the Defense Dependents' Education Act of 1978 is amended to read as follows:

"BUDGET AND APPROPRIATIONS

"SEC. 1406. (a) The President shall include in his budget for each fiscal year a separate request for funds for the operation of the Department of Defense school system for dependents in overseas areas and a separate request for funds for construction of school facilities by the Director.

"(b) To the end of affording the Director of Dependents' Education adequate notice of available funds for the school system for dependents in overseas areas, appropriations are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation. In order to effect a transition to this method of timing appropriation action, the preceding sentence shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

"(c) Appropriations for any fiscal year may, in accordance with regulations of the Secretary, be made available for expenditure by the Director of Dependents' Education on the basis of an academic or school year differing from such fiscal year.

"(d) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds from appropriations to carry out any programs to which this Act is applicable during any fiscal year which are not obligated and expended by the Director of Dependents' Education prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure by the Director during such succeeding fiscal year.".

SEC. 9. TECHNICAL AMENDMENTS.

(a) Section 5(b) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 903(b)) is amended—

(1) by striking "section 203 of the Classification Act of 1949 (5 U.S.C. 1083)," and inserting in lieu thereof "section 5103 of title 5, United States Code,";

(2) in paragraph (1), by striking "paragraph (33) of section 202 of such Act, as added by section 3 of this Act," and inserting in lieu thereof "section 5102(c)(22) of such title"; and

(3) in paragraph (2), by striking "such paragraph (33)" and inserting in lieu thereof "such section 5102(c)(22)".

(b) Section 6(e) of such Act (20 U.S.C. 904(e)) is repealed.

(c) Section 7 of such Act (20 U.S.C. 905) is amended by striking "the Act of June 26, 1930 (5 U.S.C. 118a)" each place it appears and inserting in lieu thereof "sections 5912 and 5923 of title 5, United States Code, respectively".

(d) Section 10(b) of such Act (20 U.S.C. 907) is amended by striking "section 301 of the Dual Compensation Act" and inserting in lieu thereof "section 5533 of title 5, United States Code,".

SEC. 10. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. HENRY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. FORD] will be recognized for 20 minutes and the gentleman from Michigan [Mr. HENRY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio [Ms. OAKAR], the original author of this bill 5 years ago.

Ms. OAKAR. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, I want to first of all compliment the gentleman from Michigan [Mr. FORD], the chairman of the Committee on Post Office and Civil Service, for reporting out the bill and working with the minority on this compromise.

Mr. Speaker, we have more than 140,000 American children living abroad for which the Federal public school system is responsible. Many of us have visited schools abroad, and they are all over the world, Japan, Okinawa, Korea, Panama, Norway, and so on. The children in these schools are dependents of those individuals who serve our country in the military services. They deserve a decent education. We sometimes forget that a part of what we are doing is providing a Federal public school system to provide education, and educating the children of the individuals in the armed services. I think we ought to give special consideration to this group.

I am a former schoolteacher and I know, having met the dedicated schoolteachers in this Federal school system, that it is a special sacrifice for them to want to work in some of these areas. They are at the disposal of the Department of Defense in terms of where they are located. Oftentimes they never move from an area that may not be particularly desirable, but they as teachers want to educate our young people and they never get a chance to move on to areas that are somewhat more desirable.

□ 1345

I believe that the spirit of fairness demands that they have an opportunity to pay their dues and move up to another location, and I think those teachers who serve the children of the members of the armed services, if they are not treated fairly, that is what this bill attempts to do is it attempts to say to the schoolteachers working abroad on behalf of our Government that, "We value your profession, we value your service, and we believe that if you want to dedicate your life to this kind of service, we ought to be fair." This bill is fair.

I have had hearings on this bill for years when I chaired the Subcommittee on Compensation and Employee Benefits.

The gentleman from Michigan [Mr. Ford], the distinguished chairman, took the bill and made it his bill because he wanted to add to the prestige of the teachers that serve us his stamp of approval, and I am personally deeply grateful for that, and I urge the Members in this House to vote for this bill. If they want to solve the problem that we have in terms of shortage of teachers abroad serving our children who are the children of armed services members, then they are going to vote for this bill.

I know that there is a difficulty that some people have with respect to having spouses of members of the armed services who are temporary employees being pushed up front. Honestly, no one has tried to do more for the spouses who are so important to us of the armed services members than I have and other members of the committee like the gentlewoman from Colorado [Mrs. Schroeder], but I say to them that what we are really interested in doing is to have permanent people in these slots and then if there are other positions, they ought to be regarded first in line as temporaries, and I honestly agree with that.

One of the provisions that the chairman made which was a tremendous compromise was to grandfather in all of the people who were temporary teachers, in this bill. I want to give my full statement for the Record.

I think it is an important piece of legislation, and really and truly they are the people that we neglect, the people who are career public servants who go abroad and try to serve Americans who are living and working abroad. Let us give them a break and let us pass this bill overwhelmingly.

Mr. Speaker, as you know, many of us have sought to improve the working conditions for Department of Defense dependents' schoolteachers. We have also attempted to maintain the integrity of the teacher work force and protect the compensation program from unwarranted budgetary reductions.

This legislation is a modest proposal to help ensure that we attract and retain superior teachers in the overseas school system in order to guarantee the finest possible education for the children of the members of our armed services and civilian employees serving abroad.

The Federal public schools are responsible for the education of 140,000 American children living abroad—they are the sons and daughters or our service men and women who contribute so much to the defense of our country, and who deserve nothing less than the best education for their children. It is important that our military families be able to stay together, with their children assured of a quality public education regardless of where they are stationed around the world.

Most of us would view the prospect of living in Japan, Okinawa, Korea, the Philippines, Italy, Panama, Bermuda, Norway, Germany, or Holland—to name but a few of the locations of the over 270 schools—with the excitement of children visiting Disneyland—faraway places, with faraway names, castles, and knights of old.

Mr. Speaker, in some countries, however, the realities of life are far less pleasant for our overseas personnel due to the high cost of living and the modest salaries paid them. Many of the employees also encounter substandard housing, language difficulties, cultural adjustments, poor medical facilities, and less sophisticated communications systems. We sometimes forget that Americans have the world's highest standard of living.

Two years ago, I chaired a hearing of the Subcommittee on Compensation and Employee Benefits on legislation concerning the overseas school system that I introduced in Congress. From this hearing it became clear that there are problem areas where the Department of Defense could act administratively and those where legislation is required.

The most common complaint of career teachers in the overseas system is the denial of transfers. Most teachers would be willing to experience difficult living conditions for a year or two if they had reasonable expectations of moving to another less demanding assignment. The inadequate housing, nonpotable water, and crowded classrooms are more tolerable if the prospect of better surroundings and working conditions are foreseeable.

Finally, Mr. Speaker, it is fitting that the Federal Government recognize the true worth of the teaching professional by establishing within that profession the means to attain reasonable financial rewards consistent with the contribution teachers make to our society.

We ask so much of our armed service members and their families: They suffer frequent dislocations and family separations. They are the true servants of the public—volunteers from every part of America dedicated to the freedom of our great Republic. I urge my colleagues to join us in supporting this legislation to help ensure that their children continue to have the best public education possible.

Mr. HENRY. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. Goodling], a distinguished member of the Committee on Education and Labor.

Mr. GOODLING. Mr. Speaker, I rise in support of H.R. 3424, the Overseas Teachers Act of 1988. I wish to commend the gentleman from Michigan [Mr. Ford] for proposing the legislation and particularly thank him for those exceptions he made when I asked for several amendments which were agreed to.

In this business of legislation, of course, the art of compromise is all-important, particularly if you are part of a 2-to-1 minority, so that if you get two out of three you ought to be pretty satisfied and think that you contributed something worthwhile. I am satisfied, because I think there is some real misunderstanding as to what the bill does now in relationship to a couple of amendments which the gentleman from Michigan [Mr. Ford] accepted that I had proposed.

First of all, I think you have to understand that that administrator needs flexibility, that an administrator will find many times that it is in the summer that he has to fill a lot of the jobs because you do not know before that. I have had 17 years of experience along those lines, and with my amendment, those people, as a matter of fact, if they are local people, if they are spouses, they get hired in the summer. They do not have to go through this long process which, if they did, may assume that there will be nobody teaching in that classroom when school opens and, furthermore, they continue as long as they are there, as long as they are married.

I think there is a misunderstanding about this. It is important also, it seems to me, that if one decides to be a Conus teacher that they have an understanding that they are not stuck in Iceland for ever and ever, and I am sure there were some abuses on the part of local administrators not to look toward Conus, not to look toward those career people, but, as a matter of fact, take the easy way out when perhaps they did not have to take the easy way out. If I were a Conus teacher, I should have an understanding that, as a matter of fact, when I serve my time out in the middle of nowhere, someday I may be able to get a shot at Germany or France or someplace like that, someplace I perhaps might consider more desirable, and I think that is what this bill does.

If there is one objection which is being raised by some of the military families, I suppose it is the fact that we hire the transfers first, other than the summer hire, and other than hired during the school term when one hires whoever one can get, but the transfers, new Conus and then locals. I understand their objection, and perhaps if I were one of them, it may be one of mine, but they would prefer that it is the transfers, then the locals, then the new Conus people, but, again, I think as the bill is amended, we are protecting the flexibility of that administrator who has to make that decision late in the summer many times and also has to fill slots because of death or people moving or people retiring as you do back home, and I do not see much difference of hiring them the way this bill says one hires those during the school year than the way we do back home, because many times back home we hire a substitute to finish the year, and then we determine who it is we want to teach, and basically that is what this bill does also.

I think the bill, as amended, is a very acceptable bill, and I again support the chairman's effort to pass this legislation.

Mr. Speaker, I rise in support of H.R. 3424, the Overseas Teachers Act of 1988. I wish to commend Mr. FORD for proposing legislative changes to the current system for hiring teachers in the Department of Defense Dependent Schools [DODDS]. I share his desire to help improve the system for hiring teachers in the DODDS. H.R. 3424 attempts to alleviate some of the problems with the current system.

The purpose of the DODDS system is to provide educational services to dependent children of military and to some extent civilian personnel. Under the current system teachers are hired in two different ways. First, in order to adequately staff the teaching force around the world and to get the highest qualified teachers for specialized positions, we had devised a system known as the continental United States or Conus system. These teachers are hired through a rigorous national competitive process and are available for worldwide hire.

Second, dependent military spouses, who are qualified teachers, were given the opportunity to be hired for these teaching positions. Hiring military spouses serves a dual purpose of giving these spouses an opportunity for employment, which as foreign nationals are generally prohibited from employment within the foreign country, and of enhancing the teaching force with qualified teachers who would want the best possible educational system for their own children.

I am most pleased that H.R. 3424 puts a priority for hiring teachers who are currently in the system. I believe teachers who "pay their dues" should be considered first for positions which open in the system. Some teachers are located in very desirable areas like England and Germany. Others serve in what may be considered less appealing places. Requiring that teachers currently in the system be considered first for positions is most fair and equitable to those currently serving as teachers in DODDS. Furthermore, this requirement will help encourage new teachers to join the DODDS system knowing that even though they may not be stationed in an area of their first choice, they will have the opportunity to move.

Furthermore, H.R. 3424 corrects a problem in the current Conus system. Current law requires that these Conus teachers be physically located within the United States to be considered for employment. H.R. 3424 allows United States citizens, who are teachers, to apply and be considered for employment no matter where they currently reside. I am hopeful that this will encourage teachers residing within a foreign country to apply to the Conus system. Even though these teachers must still be available for worldwide hire, I am hopeful this provision will encourage military spouses as well as spouses of other American personnel to apply through the system.

Finally, I am pleased that H.R. 3424 as amended will allow local administrators the flexibility to hire from any of the groups of teachers available for positions that arise within the school year and over the summer. Classrooms need teachers immediately. As amended, this bill allows administrators to fill those positions as they arise.

Again, I rise in support of this bill and urge you to join me in voting for its passage.

Mr. FORD of Michigan. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, I would like to thank the gentlewoman from Ohio [Ms. OAKAR] who did conduct hearings and field investigations over a number of years on this issue and did all of the basic hard work that put the bill in a position so that we could work out the compromises between the teachers' organizations and the administrators of the system so that everybody thought they could live with it.

There is another basic big compromise involved. Through our failure to exercise the kind of oversight we did between 1965 and the middle 1970's for several years, the personnel offices out around the world began to reconstruct the world according to their own convenience. As a result of this, a number of people who were eligible to be hired as temporary hires were hired as a temporary employee and then rehired as a temporary employee and then rehired again as a temporary, a practice which is absolutely forbidden elsewhere in the civil service, everywhere in the civil service. Normally we will only give an agency authority to hire a temporary employee for not to exceed, and they are called NTE's, 90 days. But in the case of these schools, we stretched that out to the length of a school year and said that if they had to hire somebody as a temporary employee, because they did not have a permanent employee available, that they have a person who is otherwise qualified, they can hire them for the balance of the school year. What has happened is that if there is a friendly relationship that has developed with the school administrator, they will tell them to come back again next August, and "I will hire you again," and they never bothered to notify Washington that there was a vacancy which should be filled with a permanent status civil service teacher. This results not only in the loss of a permanent job to a fully qualified teacher. It also adversely affects permanent teachers already employed in the system. A teacher who has been hired as a full-time professional from a stateside school system and has taken an assignment where he or she was sent to Iceland. That teacher was told that he or she would have the opportunity one day to transfer to a more desirable area of the world. But that teacher never hears about a vacancy in one of the more desirable spots in Europe or Japan, because these positions are immediately filled with a temporary local hire.

This bill will assure that the transfer system works in the future. The bill will also assure that more teachers will be hired from the largest competitive pool of stateside applicants, thus assuring higher quality of education.

Each year the Department of Defense receives about 6,000 applications for teaching positions overseas, and of these, 4,000 applicants are considered fully and highly qualified.

□ 1355

From the 4,000 applicants on file, between 500 and 600 new teachers are hired.

Now last year they hired only 600 teachers from this 6,000 applicant pool, but they hired over 1,100 from the pool of temporary local hires, indicating that the cart is now being pushed by the horse instead of pulled by the horse. They are filling the jobs with all the available temporaries first, and than taking permanent employees.

That has to stop because we do not permit that anyplace else in the civil service. The civil service is designed to be operated to end and end for once and for ever the spoils system. If my colleagues want to see a spoils system that has grown just because we and everybody else with responsibility have neglected our duty toward it, I can show them this one has done that. If we had found this anyplace in any other agency of the Federal Government we would put a stop to it.

What do we do about these people who were led down the garden path, if you will, and were hired, and rehired and rehired? We start off on the assumption that that should not have been done and that they were improperly hired, but it is not their fault. So this bill grandfathers these people in and gives them permanent status. We believe it to be someplace between 300 and 400 people who would have that status and who would choose to stay with the system. We cannot say for sure how many there will be, but it will be at least 300 and we expect it would not go over 400, and that is basically the first year cost involved because when we grandfather them in they then get housing allowances and travel allowances, medical care and all of the other things that a permanent employee has.

The bill is intended and we believe it will improve teacher morale and educational quality by improving the present transfer system and by assuring that we are populating the schools as much as possible with permanent teachers and not temporary hires.

The bill addresses some longstanding inequities in the benefits accorded to some locally hired teachers. Any teacher who was hired locally and is employed on the effective date of this bill would be eligible to receive full housing and transportation benefits if he or she does not receive comparable Government benefits through a spouse.

A teacher must teach or must have taught for 3 years to qualify. Some 300 teachers we think would qualify immediately, and others would come in during the coming school year.

The bill would require that future permanent hires be selected from the stateside pool of applicants. Under the provision of the bill, teachers need not be residing in the United States in order to be considered among the stateside applicants. In other words, anybody who wants to stay with the system who has gotten into it temporarily over there can apply from over there.

The bill would create a nonpolitical position for the director of the Department of Defense Dependent Schools. I should point out that when the director of DODDS retired in 1986, four different acting directors were appointed in less than 1 year. That is part of the reason that we have been having these problems. It has been a political job in the past, and we have tried to depolicize it, and we have been told that one of the reasons we cannot get experienced school superintendents to take this position is because it depends on the whim of the Secretary, whoever that might be, and Secretaries do not stay very long normally, as recently has been demonstrated in this administration.

The bill would also provide for forward funding of the schools and separate line-item requests for operations and construction. This is what we did for all of the Federal aid to education civilian schools across the country, and we would simply treat these schools the same way so that their administrators can have the same lead time for planning that we give to local school districts across the country.

This bill was reported favorably by a bipartisan majority of both committees. In the case of the Post Office and Civil Service Committee, it was a unanimous vote. In the case of the Education and Labor Committee, it was not unanimous, but there was a majority on both sides voting to report the bill.

Mr. Speaker, I will respond later to problems that some people who have not had a great deal of opportunity to explore this problem or this bill may raise, but there is no reason for me to raise them for them.

Mr. Speaker, I reserve the balance of my time.

Mr. HENRY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am pleased to rise in support of this measure that directs the Department of Defense to establish a uniform system for filling vacant teaching positions for Department of Defense Dependent Schools, and sets forth conditions for employment of these teachers.

I believe that the bill will accomplish a number of important benefits. It will regularize the status of all current locally hired teachers who are employed for 3 years in the schools operated by the Department of Defense. Locally hired teachers are currently without any of those benefits that are provided for teachers hired in the United States, and if this measure becomes law teachers will be treated as if they were hired in the United States.

Another important benefit is that it will achieve an increased opportunity for teachers in hardship locations to be able to transfer to more desirable locations after fulfilling their obligations in the hardship assignment. Currently transfers are quite difficult to obtain.

In addition, the bill will also restore the method of hiring and locating Department of Defense school teachers that the Congress initially intended. The practice of relying on local hires rather than regularly hired teachers has become the rule rather than the exception.

Accordingly, I urge my colleagues to support this measure.

Mr. HENRY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, The majority of the committee believes that there is a civil service problem with the current hiring practices of the Department of Defense Dependents' Schools. Unfortunately, this proposal to fix the civil service problem conflicts with good educational policy, and with a helpful approach toward our military families and families of other U.S. employees stationed overseas. The cure is worse than the suspected disease.

The proposed legislation takes away much of the current flexibility of DODD school principals to engage local hires for teaching in DODD schools. Currently teachers—all U.S. citizens—are hired through one of two routes—either by applying, being approved, and then assigned to a particular school by the centralized stateside system headquartered near Washington, DC, or directly by the local principal as a local hire—and de facto, neither is given a preference in terms of hiring. According to testimony, 30 to 40 percent of current staff in DODD schools are local hires, the predominance of whom are military spouses. The major change this legislation would make is to give these local hires third preference for positions, after transfers within the system and those who apply through the centralized stateside system [Conus].

There will, thus, be fewer positions for spouses of our military personnel stationed overseas. There is no evidence that this change is necessary from an educational point of view; in fact the evidence is to the contrary. Students in DODD schools, under the existing system, consistently score well above the national norms on tests such as the SAT. Locally hired teachers are fully qualified as teachers by DODDS criteria. This is not a question of hiring unqualified local individuals versus qualified individuals sent from Washington. It is a question of who is preferred by virtue of various entrance requirements that would disfavor military spouses.

In fact, in many ways local hires are better qualified, in ways that would not show up on paper, than those assigned by the central office in Washington. As a recent joint report by the Education and Labor and Post Office and Civil Service Committees said:

> The military spouses have at least two advantages over Conus-hires. They have usually already adjusted to living overseas, and they understand and are acclimated to being part of the Armed Forces establishment. The adjustment to life overseas and to being part of the military are sometimes significant problms for teachers newly-hired from the United States. These problems can detract from their effectiveness in the classroom and their ability to relate well to their students, their students' parents and their colleagues.

Further, as the same report cited, local hires are far more likely to be members of minority groups than those assigned by the Conus system. Thus local hires contribute to a more racially and ethnically representative teaching force in these DODD schools.

From the schools' point of view, local hires allow the principal some ability to personally interview prospective teachers. Under the centralized, stateside system, qualifying teachers make application and are interviewed by a panel of school principals brought to Washington for this purpose. But there is no opportunity for the principal or the prospective teacher to interview one on one for a particular position; teachers are simply assigned to vacancies by the Washington office. One thing should be clear from the countless educational reform reports, that taking away authority from the principal of the school to have a say in such things as hiring of staff works against effective education. There are obviously special problems with operating a very diverse and geographically diffused system such as the DODD schools. But that is not an excuse for moving against accepted educational practices, particularly when there is no demonstrated educational reason for doing so.

The committee points out that Congress has made special allowance in the past for military spouses, in recognition of the fact that in many areas in which the military is stationed, teaching in the DODD school is one of the very few jobs available to U.S. citizens. The committee suggests that this bill is consistent with that past recognition. It is not. Military spouses are given third priority for hiring, after transfers and those hired through the centralized stateside system. Furthermore, these spouses are put on notice that should their marital status change, by divorce, separation, or death, they will have no protection, and in fact will not be eligible to continue teaching in the DODD schools. The National Military Family Association, which represents the families of our military personnel, is opposed to this legislation as currently written.

Finally, it should be noted that the change proposed by the bill in giving preference to transfers and Conus-hires will cost the Department of Defense an additional $25 million per year—again, for no demonstrated educational or military reason.

This is an unnecessary bill, and one that is not helpful to the educational effort in the DODD schools, or to the families of our military personnel. It runs contrary to local control of schools. It will reduce job opportunities for spouses of military personnel. It will reduce the number of minorities teaching in DODD schools. It increases defense spending. I urge its defeat.

Mr. FORD of Michigan. Mr. Speaker, I include at this point in the RECORD an article from Stars and Stripes dated Tuesday, March 22, 1988, entitled "Decline in SAT Scores Worries DODDS."

The article referred to follows:

DECLINE IN SAT SCORES WORRIES DODDS

(By Dave Walczak)

KAISERSLAUTERN.—The director of the military's overseas school system promised Monday to take "a close look" at declining Scholastic Aptitude Test scores among the school system's collegebound population.

John Stremple said the Department of Defense Dependents Schools system is concerned about the decline because "students need the scores in order to get into the universities they want to attend."

The SAT, given six times during the school year, is used by most U.S. colleges and universities to help determine admissions. Top score is 800 in both the math and verbal portions of the multiple-choice test.

Although the school system's average verbal score still exceeds the national average, DODDS students have fallen behind the national math average for the first time since the school system began compiling figures in 1976.

In 1985, DODDS students averaged 442 in the verbal section and 480 in the math section. A year later, scores fell to 441 and 475.

In 1987, verbal scores fell to 437 and math scores dropped to 474.

The national average in 1987 was 430 in the verbal portion and 476 in the math section.

Stremple cited increasing numbers of college-bound students as part of the reason for the decline. Studies have shown that scores decline as more students sign up for the test. An estimated 57 percent of DODDS students eligible to take the test did so last year.

Although Stremple declined to offer specific plans to deal with the falling SAT scores, he said the DODDS curriculum will be adjusted if school system educators agree on the need for more emphasis on the SAT.

In an interview midway through Monday's one-day educators' conference in the Kaiserslautern District, the DODDS director:

Announced that Bart Logomarisino of Elk Grove, Calif., has been appointed deputy director for the school system, which serves more than 152,000 students worldwide. Logomarisino replaces Steve Motta, who resigned to take a job with a federal agency in Florida.

Predicted a new systemwide contract with the Overseas Education Association by the end of the year. The current three-year contract expires this summer. Both parties will adhere to that contract's provision until a new one can be hammered out.

DODDS officials in Washington have asked region-level officials for people to represent DODDS in the Washington, DC, negotiations.

Pointed to a revised teacher evaluation system as the school system's top priority. Stremple said a new system should be in place by the summer of 1989.

Promised a more standardized curriculum throughout DODDS' five regions.

"As director," he said, "I don't know what's going on in the English classes—what's being taught. If we decide, for instance, that Shakespeare needs to be taught, then we need to get those materials into the teachers' hands."

Predicted the Atlantic Region will have a permanent director by May 1 to replace Joe Larkin, who retires Friday.

Mr. FORD of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HAWKINS].

Mr. HAWKINS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am somewhat shocked by some of the arguments that have been used in opposition to H.R. 3424. I will say this in terms of having traveled to the overseas school in the company of the gentleman from Michigan [Mr. FORD] and other Members for almost two decades, I would certainly like to commend the ranking minority member, the gentleman from Pennsylvania [Mr. GOODLING], and the gentleman from Michigan [Mr. FORD], for the dedication that they have displayed in making sure that children overseas are treated with the highest quality education to the extent that we also try to do that here as well.

I am a little shocked because to base the education and the hiring of teachers on the basis of a spoils system, and to speak in terms of somehow adding to a family income rather than judging the quality of the teaching or to speak in terms of social benefits that certain families may receive as a result of the method by which we approach the education of children overseas, I think that is a shocking departure from what we look upon as the right education for the children. It just seems to me in this debate we have lost altogether the fact that the schools exist for children to learn and for teachers to teach.

I think in a proposal advanced by the Education and Labor Committee and by the Post Office and Civil Service Committee we have gone through this process and have determined that this proposal before us is the best proposal to make sure that the children who are affected are certainly receiving competent and caring teachers. I think that is the bottom line, and therefore I urge my colleagues to support the bill, H.R. 3424.

Mr. HENRY. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BATEMAN], a member of the Armed Services Committee.

Mr. BATEMAN. Mr. Speaker, in the 3 minutes allotted to me, and I will not take them to repeat most of the very excellent messages brought to us by the gentleman from Michigan [Mr. HENRY], in his remarks, but as the ranking Member of the Subcommittee on Military Personnel and Compensation of the Armed Services Committee I rise to urge my colleagues to vote against this measure.

It has been commented that somehow or another to oppose this measure is to oppose quality in our Department of Defense schools overseas. This I think is a very inaccurate observation.

The local hires in these school systems must rise to the same level of competence and capability as any other personnel who are hired by these school systems. All of the headlines in Stars and Stripes do not change the immutable fact that the quality of education being delivered by these schools is very high.

☐ 1410

As indicated by the gentleman from Michigan [Mr. HENRY] if the system is not broke, why try and fix it? Why, especially, to try and fix something at a cost totalling $27.5 million that gives no assurance of improving the quality of the educational product being delivered? Why, certainly, should this Congress which under the leadership of the gentlewoman from Colorado has been leading a charge and would have us constantly trying to get the Department of Defense to create more job opportunities for military spouses, should we now do something that is totally destructive of that objective, a very commendable objective if you care about the total moral and well being of our military families who serve this country throughout the world?

Certainly no reason to do that when there is no problem that is going to be addressed by denying them those opportunities.

I would urge my colleagues, as I have said at the outset, to oppose this bill. "If it ain't broke, don't fix it."

Mr. HENRY. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. GUNDERSON], a member of the Committee on Education and Labor.

Mr. GUNDERSON. I thank the gentleman for yielding.

Mr. Speaker, I was one of those Members who looked at this piece of legislation in front of us and really started out quite neutral. Yet I have come to the conclusion that this is bad legislation, it ought not be passed for four very distinct reasons. First of all, this bill does not meet the basic premise of any education bill, which is "Are we doing everything possible to make sure that the best teacher is hired first and foremost?" The answer to that is "no," we are not. We are setting up a process where the best is not the top priority.

Second, it eliminates any local control by that local school administrator or principal. I do not know one of us in this Congress, Democrat or Republican, liberal or conservative, who does not go back home and say, "We believe you ought to have maximum power within your local school to determine what kind of teachers and who those teachers ought to be."

Now we are setting up a bureaucratic process which in essence takes that discretion away from that local superintendent in that Department of Defense school.

Third, despite the fact that we have eliminated local control and despite the fact that we have set-aside quality as our top priority, we still have legislation before us today that will increase the cost of that education without increasing the quality.

This bill, some $27 million annually would be needed to fully implement it.

Fourth, and I think equally important, this bill has to be called antiwomen, antiequal rights, and antifamily when it sets up the kind of selective bureaucratic rules and regulations that say:

> If you have a divorce, if you have a separation or if you have a death, regardless of whether or not you happen to be the most qualified teacher in that school system, you lose your job so we can go back to the bureaucratic process that was established by the Congress of the United States for selecting teachers in foreign defense schools.

This is not good legislation. It does not meet the standards of quality and fairness and equity and local control that we want in our educational systems. If we are committed to excellence in education in any way, shape, or form by how any of us might define it, then we ought to defeat this bill, not only today in the suspension but we probably ought to defeat it at all times.

Mr. FORD of Michigan. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. I thank the gentleman for yielding time to me.

Mr. Speaker, as chairman of the Subcommittee on Military Personnel and Compensation, I rise in opposition to H.R. 3424. I share the desire of the gentleman from Michigan [Mr. FORD] to improve the quality of education offered to dependents of military personnel stationed overseas. Unfortunately, I do not believe that the bill before us today accomplishes that goal.

Last November, I led a delegation of House Armed Services Committee members to the Far East. We spent Thanksgiving with American troops stationed at the demilitarized zone in Korea and then held a field hearing/town meeting at both Okinawa and at Clark Air Base in the Philippines.

We did not sit around and talk to the colonels and generals: Nearly all of our witnesses were enlisted personnel and their families. And, let me assure you that we got an ear full. Two topics that emerged repeatedly were employment opportunities for military spouses and the need for greater local input into the operation of the Department of Defense Dependents' Schools—or DODDS, as it is commonly called.

Spouse employment opportunities are becoming an increasingly important part of the decisionmaking process by a service member in determining whether or not to make the military a career. The subcommittee has recently pursued corrective measures to deal with a situation in the Air Force where some senior officers' wives had been pressured to give up their paid civilian employment in order to perform onbase volunteer work. That situation, no matter how serious, pales before the problem faced by a military spouse stationed in one of the far outposts of the world—where she may be lucky to get a job as a commissary bagger, regardless of her education and training. Believe me, until you have talked with military families stationed in places like Okinawa and the Philippines, you don't know how isolated they are from those of us on the home front.

I know that the intent of H.R. 3424 is to ensure the quality of teachers in the DODDS system. We couldn't agree more; but let me say that local—military spouses—should be first, not last, as in current law. We did not hear a single complaint about the quality of teachers during our visit to the Far East. We did, however, hear a lot of complaints about the need for greater local input into the dependents' schools. Locally hired teachers—particularly military spouses—help substantially to provide that local input. They understand the unique strains and stresses that a military career puts on the family, because they live that life themselves each day. They are part of the local community and attuned to the needs and concerns of that community. Rather than detracting from the quality of education in the DODDS system, carefully chosen local hires improve the quality.

In conclusion, I want to commend the gentleman from Michigan for his longstanding support of quality education for military dependents overseas. I do not believe that H.R. 3424, in its present form, will achieve its stated goals.

Mr. HENRY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I rise in opposition to H.R. 3424, the Overseas Teachers Act. This legislation proposes to establish a "uniform system to fill vacant teaching positions in Department of Defense Dependent [DODD] schools." This is being done without an obvious educational or military need.

DODD teachers are currently hired under three different methods. These include selection in the United States, transfers from within other DODD schools or local hires. The current system provides the school principal with a flexible hiring system and provides employment opportunities for many military spouses.

The Department of Defense began hiring military spouses in the 1970's. Today, these military spouses represent about 33 percent of the overseas teaching force. Studies show that there is no difference in the quality or qualifications of teachers hired locally versus teachers hired in the United States and sent overseas.

Military spouses are adjusted to the military style of life and can better meet the needs of children who experience frequent transfers and moves.

And finally, military spouses are a bargain. As noted during House committee hearings, an average move from the United States to a DODD school is $10,000. Living and housing expenses add an additional $8,000 to this cost. The local military spouse does not receive either of these benefits. Yet H.R. 3424 will send $27 million a year not to improve the quality of education for military children but to pay for the transportation and housing to send other teachers overseas. In paying for these travel and relocation expenses, will education spending in the DODD classroom suffer?

Military spouses, who teach are well-qualified and accustomed to military life style. These teachers offer substantial savings to the Federal Government simply because they already live where they are needed and possess the qualifications to teach.

Yet, H.R. 3424 would restructure current hiring practices so that local teachers would be the last hired, behind transfers and those hired directly in the United States. Furthermore, if there is a change in the status of a military spouse, by divorce, separation, death, or retirement from the military these teachers will lose their opportunity to teach at DODD schools. These are arbitrary requirements that do not consider the quality of the teacher or rapport with the students.

The military has no complaints with the current system. The National Military Family Association, the only organization whose sole focus is the military family and whose goal is to influence the development and implementation of policies which will improve the lives of its members, is also opposed to the bill.

I urge my colleagues to stick with a system that is working and not implement a costly plan that is not needed and that will not help the education of military children. Please vote "no" on H.R. 3424.

Mr. FORD of Michigan. Mr. Speaker, I reserve the balance of my time in order to close debate.

Mr. HENRY. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois [Mrs. Martin].

Mrs. MARTIN of Illinois. Mr. Speaker, I wonder if I might ask the sponsor of the bill a question. This is not a committee of my jurisdiction, so I do not claim expertise. But in reading the bill on page 7, if I may ask the question by example. We fiddle around here with words but most military spouses are women. OK.

Now you are at Clark Air Force Base in the Philippines and you and your husband, for whatever reason, decide to get a divorce. Let us say he decides to get the divorce. He has met someone.

You have got two kids. You are going to have custody of the two kids and you have been teaching. You have given up your career at stateside but you are still able to teach.

Now according to this bill, as I understand it, you are dead meat. I mean, you know, that is it. You do not—

Mr. FORD of Michigan. Mr. Speaker, does the gentlewoman want an answer to her question?

Mrs. MARTIN of Illinois. Yes, page 7, divorce, annulment, or legal separation.

Mr. FORD of Michigan. Mr. Speaker, will the gentlewoman yield?

Mrs. MARTIN of Illinois. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. I thank the gentlewoman for yielding.

Mr. Speaker, the answer is very simple: We do not in this bill do anything to change the law that was passed in 1985 by the gentlewoman from our committee as a member of the Committee on Armed Services. Section 806 of that law says, "Employment opportunities for military spouses." It limits the time that they can have that opportunity when they are accompanying a spouse. The status has to be that they are with a spouse when they are working. That is not in this bill, that is the law that we are operating under.

Mrs. MARTIN of Illinois. So the answer is "Yes." What a terrible idea.

Mr. FORD of Michigan. Well, that was done in 1985, not in this bill.

The SPEAKER pro tempore (Mr. Montgomery). The gentleman from Michigan [Mr. Henry] has 1 minute remaining.

Mr. HENRY. Mr. Speaker, just by way of closing, I read from the committee report, itself: "Administrators and teachers perceived no significant differences between the two groups," local hires and overseas hires. "There were no complaints about the quality of military wives as teachers. Thus, it seems on balance from the evidence and opinion available that military wives as teachers do not diminish the quality of the DODDS teacher force."

Further, I read in closing, "It would seem perverse to deny qualified individuals the opportunity to be full-time teachers so they could be part-time teachers as substitutes instead."

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield?

Mr. HENRY. I do not have the time.

Mr. FORD of Michigan. I will give the gentleman time if he will yield.

Mr. HENRY. Fine, I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Speaker, the gentleman is reading from a staff report, not from a committee report, and I wish he would correct the record.

Mr. HENRY. Fine, I stand corrected. It is the staff report from Codel Ford.

I repeat, "It would seem perverse to deny qualified individuals the opportunity to be full time teachers so they could be part time teachers as substitutes." There we have it, Mr. Speaker. $27 million a year additional, a loss of up to 3,500 jobs for our military spouses and nothing to be gained in the education of our children.

Mr. Speaker, I urge a "no" vote.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. Ford] has 3 minutes remaining to close the debate.

Mr. FORD of Michigan. Mr. Speaker, we have been treated, unfortunately, to a good deal of confusion leading us nowhere here. First of all, these schools existed ever since the end of World War II by virtue of an annual one line that used to be in the appropriations bill saying, "Here is 'a given fixed amount of money,' now run a school system for them." They did not have kindergarten, they did not have education for the handicapped, they did not have any of the things they have now.

The Committee on Education and Labor was called in under the Johnson administration to go look at them. Mr. Erlenborn, Mr. Esch from our committee as well as Mr. Hawkins, Mr Clay, myself, and Mrs. Mink traveled and saw a lot of them over the years. Finally, in 1978 the bill passed, the committee passed the first authorizing legislation actually authorizing these schools in law.

Now with respect to the remarks of the gentlewoman who was at Clark Field, I suggest that if she had looked at the law creating the schools, she could have been helpful to us because she said the principal complaint she got was the inability of the parents to influence local administrators. That law provides in section 1410(a)(1) "The director shall provide for the establishment of an advisory committee for each school in the defense dependents education system." It goes on to describe that advisory committee. It specifies that the members of that committee will be selected from voting-age Americans resident in the area of the school, to wit: parents.

Second, in 1985 the gentlewoman from Colorado put a long provision in the military DOD authorization which I believe still stands saying "Employment opportunities for military spouses" as follows: "The President shall order such measures as the President considers necessary to increase employment opportunities for spouses of members of the armed forces." Then it goes on to say, "To provide preference hiring to qualified spouses of Members of the armed forces in hiring for any position in the Department of Defense above grade GS-7 (or its equivalent) if the spouse is among persons determined to be best qualified for the position and if the position is located in the same geographical area as the permanent duty station of the member." It was this law that said that this preference would be extended to a spouse for only that time that the spouse was actually accompanying the uniformed person, male or female. The statement of managers language which accompanied the DOD authorization bill clarified this point stating; "The conferees wish to clarify that any preference granted is not lifetime preference, and thus, would terminate when the spouse loses his or her connection with the military through the service member's discharge, retirement or death, or through divorce."

Now our bill does not change that. Under this bill the military spouse will be given special consideration that no other person or group of people will enjoy. The military spouse will be able to be picked up as a "temporary" local hire and will be able to remain in the school system as long as he or she is accompanying the sponsor on active duty. He or she will not be restricted by her status of having bypassed the main door of entry into the school system. He or she can keep that job for the duration of the military tour. All other local hires will be treated as they should have been from the beginning—as temporary hires—and may not teach for more than a single year.

□ 1425

Finally, you have got to understand these are Federal employees, and, if you want to turn the Federal civil service system into a patronage system, then listen to those groups asking you to do that. If you want to keep purity, as nearly as it is possible to do, support the bill.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of H.R. 3424, the Overseas Teachers Act of 1988. This legislation would amend the Defense Department Overseas Teachers Pay and Personnel Practices Act.

H.R. 3424 would improve the method of recruiting and employing teachers working for the Department of Defense Dependent Schools. Moreover, it would legislate a more effective and ongoing transfer system.

The legislation eliminates the inequities that have been allowed to develop in which teachers hired overseas work year after year, but continue to remain forever in a second-class status. Under this bill, teachers hired overseas prior to enactment of this bill who complete, or have completed, 3 years of teaching will qualify for full benefits, if not receiving comparable benefits through a spouse. These benefits include housing and transportation allowances. Some 300 teachers who were initially hired overseas and who are not receiving the benefits through a spouse would immediately qualify for full entitlement to these allowances.

In addition, in order to prevent discriminatory treatment of certain overseas teachers from being repeated and to bring more uniformity into the hiring process, H.R. 3424 would require any future long-term hires to be selected from a single pool of applicants made up of both stateside and local applicants. All teachers hired in this manner would be eligible for the same benefits. The one exception to this rule is made for fully qualified spouses of military personnel on active duty. Because of their unique circumstances, military spouses may be hired locally without competing with all other stateside or other overseas applicants. This approach will bring consistency into the system of hiring and it helps assure that the best teachers possible are teaching in our overseas schools.

Both the Overseas Federation of Teachers and the Overseas Education Association have expressed their firm support of the bill. In addition, last fall, the National Military Family Association testified before a joint hearing of the Post Office and Civil Service Committee and the Education and Labor Committee in support of the bill.

Mr. Speaker, I urge my colleagues to vote in favor of H.R. 3424.

Mr. JEFFORDS. Mr. Speaker, I rise in support of H.R. 3424, the Overseas Teachers Act, and would like to commend my colleague from Michigan, Mr. FORD, for his leadership in this area.

The Department of Defense Dependents Schools [DODDS], if ranked by enrollment with school districts in the United States would be among the top 15 in size. It operates approximately 270 schools in 20 nations for about 135,000 students. Funding for these schools comes from the Department of Defense budget.

H.R. 3424 would improve upon the current procedure by which teachers are hired in the DODDS system. First, a priority is given to teachers already in the DODDS system who wish to transfer. I feel that this provides a needed incentive for teachers to serve in less desirable locations by providing the opportunity to move. In addition, it allows qualified teachers to apply through DODDS for job openings whether they are in the United States or living overseas. Finally, a school may choose to hire from locally available teachers if none of the previous sources of applicants works out.

I would commend my colleague from Pennsylvania, Mr. GOODLING, for his input into the bill. By providing timelines allowing DODDS schools to hire from local applicants, Mr. GOODLING has ensured that students will not return to an empty classroom in September. This makes good educational sense.

H.R. 3424 would also provide all teachers currently in the DODDS system the same benefits, so long as they remain in the system 3 years, thus creating a more equitable situation than that currently in place.

This legislation contains other important provisions which will add to the smooth operation of the DODDS system and, most importantly, improve the educational program for the thousands of students in these schools. I urge my colleagues to join me in support of this legislation.

Mr. DELLUMS. Mr. Speaker, I rise in support of H.R. 3424, the Overseas Teachers Act of 1988. This bill would help assure that the children of military families stationed overseas are provided the highest quality of education.

Under the provisions of H.R. 3424, newly recruited teachers would be selected from the most competitive pool of applicants. Currently, prospective teachers enter the school system in two ways. They are recruited from a vast pool of applicants in the States and are offered permanent positions overseas; or, they are selected from a local site overseas to fill unexpected vacancies on a temporary basis. The locally hired teachers are being converted more and more frequently to a regular status teacher. Furthermore, the less competitive "local-hire" method for finding teachers is being used more often.

H.R. 3424 requires that future teacher vacancies be filled first from the more competitive stateside pool of applicants, before selecting a "temporary" local-hire.

This bill also provides special consideration to the spouses of members of our Armed Forces stationed overseas who wish to teach in the overseas schools. Under this bill a local hire may only teach for 1 year. However, a military spouse who is hired from the local pool of applicants may teach for the duration of his or her military sponsor's tour. No other group is afforded this exception to the 1-year rule.

Mr. Speaker, I believe this bill addresses one of the most pressing issues of military families stationed overseas—that their children receive the highest quality education possible. At the same time, the bill offers advantages to the military spouse teacher that no other group would receive. I urge my colleagues to vote in favor of H.R. 3424.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Michigan [Mr. FORD] that the House suspend the rules and pass the bill, H.R. 3424, as amended.

The question was taken.

Mr. FORD of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks, and include extraneous matter on, H.R. 3424, as amended, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LOTTERY ADVERTISING CLARIFICATION ACT OF 1988

Mr. FRANK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3146) to clarify certain restrictions on distribution of advertisements and other information concerning lotteries and similar activities, as amended.

The Clerk read as follows:

H.R. 3146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lottery Advertising Clarification Act of 1988".

SEC. 2. AMENDMENTS RELATING TO IMPORTATION, TRANSPORTATION, MAILING, AND BROADCAST OF ADVERTISEMENTS FOR LEGAL LOTTERIES AND SIMILAR ENTERPRISES OFFERING PRIZES DEPENDENT ON CHANCE.

(a) AMENDMENT TO TITLE 18, UNITED STATES CODE.—Subsection (a) of section 1307 of title 18, United States Code, is amended by striking out "conducted by" and all that follows through the end of the subsection and inserting in lieu thereof ", gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance, if the lottery, gift enterprise, or similar scheme is authorized or not otherwise prohibited by the State in which it is conducted. In a case in which such a prohibition by a State would not apply to Indian country located in that State, the provisions of section 1304 of this title shall apply with respect to such Indian country.".

(b) AMENDMENT TO TITLE 39, UNITED STATES CODE.—Section 3005(d)(1) of title 39, United States Code, is amended by striking out "a newspaper" and all that follows through "such a lottery," and inserting in lieu thereof "(A) an advertisement, list of prizes, or information concerning a lottery, gift enterprise, or scheme for the distribution of money or of real or personal property, by lottery, chance, or drawing of any kind, if the lottery, gift enterprise, or scheme is authorized or not otherwise prohibited by the State in which it is conducted, or (B) a newspaper of general circulation containing an advertisement, list of prizes, or information referred to in clause (A),".

SEC. 3. TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE 18, UNITED STATES CODE.—Chapter 61 of title 18, United States Code, is amended as follows:

(1) The section heading of section 1307 is amended to read as follows:

"**§ 1307. Exceptions relating to certain advertisements and other information and to State-conducted lotteries**".

(2) The item relating to section 1307 in the table of sections at the beginning of chapter 61 is amended to read as follows:

"1307. Exceptions relating to certain advertisements and other information and to State-conducted lotteries.".

(3) Subsection (d) of section 1307 is amended by inserting after "purposes of" the following: "subsection (b) of".

(4) The first sentence of section 1304 is amended by inserting after "radio" the following: "or television".

(b) AMENDMENT TO TITLE 39, United States Code.—Subsection (d)(2) of section 3005 of title 39, United States Code, is amended by striking out "such a lottery" and inserting in lieu thereof "a lottery conducted by a State acting under authority of State law".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall take effect 18 months after the date of the enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. SHAW. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. FRANK] will be recognized for 20 minutes and the gentleman from Florida [Mr. SHAW] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was a little surprised to learn there is some opposition to this bill that has lately surfaced on the Republican side. It passed with no serious opposition at the subcommittee level, and I was surprised because this is a bill to end one of the few socialist monopolies in the United States.

Today, Mr. Speaker, you may advertise through the mails or on the broadcast media socialist gambling. That is gambling which is wholly owned by the public, gambling which is entirely government run in which the funds are all kept by the government. That form of activity may be advertised. But purely private activity may not be advertised.

Mr. Speaker, if a State has a lottery, it may, and we know in fact States are very prolific advertisers; they have jingles, and graphics and the best of advertising. People who watch television or open up a newspaper will see a great deal of advertising for socialized gambling.

But the poor private enterprise gambler, Mr. Speaker, is driven from the list. There is no fair competition between the private and the public gambling in this country because the public gambling is given a 100 percent monopoly in advertising that is either sent through the mail or which is broadcast.

If you have a church bingo, if you have a Veterans of Foreign Wars raffle, or if you have a private gambling casino in a State which makes it legal, you may not profane the airwaves with notice of your activity. But the States can run their lottery advertising. I do not think that serves any rational public purpose.

People will say, "well, what of those who have some weakness when it comes to gambling?" I regret that there are among us individuals who have various kinds of weaknesses. As a general rule, we do not ban the advertising of an entirely legal product because some people might be prone to abuse of it. Even if we did, however, it would be too late in this instance. If you are in fact someone who has a problem with gambling, you have no protection against repeated and frequent advertising of public lotteries. That has been legal for a long time. You can watch them on television, you can listen to them on the radio, you can read them in the newspapers. But, if a church has a bingo, you cannot do it. Or, if a casino advertises, you cannot do it.

Now let me just give Members a history. Apparently sometime in the last century Congress banned all lottery advertising because they had problems with sweepstakes. Then the States go into the gambling business, and we made it an exception for socialized gambling. That was giving them the legal right to advertise.

We now believe the time has come to treat private enterprise gambling the same as we treat public gambling, and it has the following restrictions: You may not under this bill mail people tickets to participate. This is not a piece of legislation that would allow you to open up an envelope and participate in that manner. It advertises the availability of gambling.

We also have a very strong States rights clause in here. This explicitly is not meant to be preemptive. This says that, if a State wishes to ban gambling advertising within its borders from the broadcast media, it passes a law, and it does so, and in fact we delay the effective date of this act 18 months for that sole purpose. The only reason for the delay in the effective date is to give States the time to act.

Now the ranking minority Member and I had originally preferred an alternative in which the States would have had the initiative to let it happen. We were outvoted by a bipartisan membership drive of our subcommittee. The ranking minority Member and I could be more careful about letting those Members get together in the future, but in this one instance Democrats and Republicans in this subcommittee preferred this. We then put in as a compromise an 18-month delay period so, if this bill passes, every State will have 18 months, which we believe is enough for every State to have had a legislative session in which it can act, and, if it wants to, it can ban this kind of gambling activity. If, by the way, a gambling activity is illegal in this State, it may not then be broadcast, or any other means, be advertised in that State except through the mail.

Mr. Speaker, I would like to say how I first heard of this. I was touring my district in 1982, and I was meeting with the editor of a weekly newspaper in one of the towns, and he said, "You know, I cannot accept any advertising for a church bingo or for any kind of gambling, whether it is charitable or profit-making, because I mailed a couple copies of my newspaper," and if one wishes to mail any copy of a publication, and most newspapers and magazines are mailed, then one may not accept any advertising.

This is not a bill that mandates any State to make gambling legal or not. It fully recognizes, it gives full weight to any State policy with regard to gambling.

We now have a situation where, if a State allows gambling and has no objection to it, certain forms of wholly legal gambling cannot be broadcast and cannot be mailed. This form of monopoly for the socialized form of gambling, in contradistinction to the free enterprise form, seems to me hard to understand. It does not protect people who are prone to be misled by gambling advertising because they are surfeited with it now by State gambling. What it does is put a hindrance in the way of private enterprise and the charitable and religious organizations that may seek to gamble.

People who do not like to gamble should not gamble. People who want to where it is lawful ought to have the right to advertise their projects.

Mr. Speaker, I reserve the balance of my time.

☐ 1435

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as has been stated here today, H.R. 3146 would amend the United States Code to provide that not just State-conducted lotteries may be advertised through our interstate mails and airwaves, but that any form of gambling activity which is authorized by a State may be so advertised. As the ranking member of the Subcommittee on Administrative Law and Governmental Relations, through which this legislation was initiated, I had an opportunity to participate in the debate at subcommittee and full committee regarding this bill. I do have some concerns regarding this legislation; however, my concerns were, for the most part, not shared by other members of the Administrative Law Subcommittee.

I think it is important to note, as has been mentioned already in the debate, that this legislation only applies to the advertising of gambling activities; it does not provide for the interstate transport of gambling-related equipment, tickets, or material concerning a lottery game or other gambling activity. Essentially, all we are doing here today with this legislation is broadening the exemption which applies to the advertising of State-conducted lotteries to provide for the advertising of other gambling activities authorized by a State.

However, during subcommittee debate and hearings on this bill, I became concerned over what I perceive as a State's rights issue. That is the issue of a State's right to prohibit the advertising of gambling activities from another State into its State if it so wishes. Consequently, in subcommittee, I offered an amendment which would have provided that his legislation would only affect those States which acted affirmatively through their State legislatures to allow the advertising of gambling activities into their States. However, that amendment was defeated and in its place a compromise amendment was offered by Mr. FRANK, the chairman of the subcommittee, to delay the effective date of this legislation for 18 months after the date of enactment in order to allow those States who wish to prohibit the advertising of such activity to so act to prohibit such advertising.

Obviously, there are States that are opposed to gambling activities within their borders and have laws which prohibit such activity. There is nothing in this legislation which would prohibit those States from acting pursuant to their own State legislatures to prohibit the advertising of such activity from other States into their State borders, should they so desire.

The broadcast industry has been actively supporting this legislation. I can understand their interest here, in that new opportunities will undoubtedly open for them to broadcast advertising of gambling activities once this legislation is approved. It was my hope that the interests of the broadcast industry and the concerns of those opposed to the promotion of gambling activities would have been addressed by this legislation. If this bill should fail under suspension, it would be my intention to work with Mr. FRANK to draft a rule to allow an amendment which would require affirmative action by nongambling States to allow such advertising.

Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. FISH], the ranking minority member on the Committee on the Judiciary.

Mr. FISH. Mr. Speaker, I rise in support of H.R. 3146, the Lottery Advertising Clarification Act of 1987. As has been stated here today, H.R. 3146, if enacted, would amend title 18 of the United States Code with respect to prohibitions on the advertising of gambling-related activities. The relevant sections of title 18, sections 1301 through 1303, regarding prohibitions on gambling activities, were enacted in the early 1900's to protect the public from fraud and they have served a good purpose. However, the purpose of section 1304, which was added in the 1930's with regard to advertising of such activities, is today impractical and somewhat antiquated.

Title 18, United States Code, sections 1301 and 1302 prohibits importing into the United States or transporting interstate, lottery-related materials and using the mail system to advertise lotteries or distribute lottery-related information. These laws were first enacted when lotteries were for the most part privately run and unregulated. They were enacted to protect the public from the spread of potentially fraudulent lottery and wagering schemes. Section 1304 of the law, which was added after radio became popular, was aimed at prohibiting the advertising of this information by broadcast radio.

In 1976, Congress acted to create an exemption, section 1307, to these prohibitions for State-conducted lotteries. This was done because State-conducted lotteries were rightly perceived as State governmental agencies that are directly accountable to the State legislatures and the voters. That is, they carry with them the credibility of the individual State governments and are publicly regulated by the State in which they were conducted. Consequently, section 1307 provided an exception to the prohibitions of title 18 for State-sponsored lotteries only. That section provides that the prohibitions of title 18 shall not apply to advertisements or information concerning "State conducted" lotteries if the newspaper or broadcast is published or made in the lottery State or in an adjacent State which also conducts a lottery. I strongly supported the enactment of section 1307 to provide for this exemption when this body so acted during the 96th Congress. My own State of New York has had a very successful experience with the New York State Lottery—which was produced large revenues for needed programs.

I believe our decision during the 96th Congress to create an exemption for State-conducted lotteries was a good one, and I believe our actions here today pursuant to H.R. 3146, to expand that exemption, is also wise. H.R. 3146 would expand the exemptions provided in section 1307 of title 18 so that the prohibitions contained in that title will not apply to the advertising or distribution of any lotteries, gift enterprises, or similar gambling schemes which are authorized and regulated by the State in which they are conducted. If enacted, H.R. 3146 would lift restrictions which currently apply to the advertising of charitable activities such as church bingo games or an American Legion raffle. The discrepancy that exists in the law which allows a State-conducted lottery to advertise, but prohibits the advertising of other gaming activities which are lawful in that State, appears unfair and unnecessary. Advertising for horse racing, greyhounds, jai alai and other gambling related sports events is permitted because "skill," not "chance," is thought to be involved. This legislation is clear in providing that the lottery activity, gift enterprise, or similar scheme which will be allowed to advertise pursuant to this bill must be specifically and affirmatively authorized by State law.

While radio and television broadcast advertising of "State-conducted" lotteries is permitted pursuant to current law, this bill makes clear that both forms of advertising would now be permitted for all legal forms of gambling activity. I think it is further important to point out that this legislation has a delayed effective date of 18 months after enactment in order to provide the States with reasonable time within which to react and change their State statutes according to their wishes.

With these observations in mind, I would urge my fellow colleagues to support the legislation.

Mr. FRANK. Mr. Speaker, I yield 5 minutes to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I thank the distinguished gentleman from Massachusetts, the chairman of the Subcommittee on Administrative Law and Governmental Relations for yielding me this time.

I appreciate the opportunity to express my support of H.R. 3146.

Last year, the distinguished chairman of this subcommittee introduced legislation similar to the measure before us today. H.R. 3146 if enacted would remove Federal prohibitions on advertising by legal gaming enterprises. This legislation is particularly timely in light of a recent Supreme Court ruling.

Current law makes the broadcasting or mailing of information concerning legal gaming wagering a Federal offense. With the single exception of State run and owned lotteries, legal gaming establishments are restricted or otherwise impaired in the method in which they distribute information regarding their activities. I see no reason to continue this antiquated practice and urge that these restrictions be eliminated.

The Supreme Court has indicated that legal public gaming, as sanctioned and regulated by States such as my home State of Nevada, is a legitimate business and should not be treated any differently than other legitimate businesses. While I am not an expert on constitutional law and cannot present myself as such, I do believe the first amendment as it pertains to protecting speech should be extended to gaming—just as it is to lumber, computers, and countless other industries.

Current Federal law, moreover, represents an unwarranted Federal intrusion into one of the most heavily regulated and most scrutinized industries in our Nation. Passage of this legislation will ensure current State regulation of gaming. Further still, a second layer of scrutiny will be in place, as most major competitors in the industry are publicly traded corporations and are subject to Securities and Exchange Commission regulations.

H.R. 3146 addresses only the broadcasting or mailing of information by State-authorized and regulated wagering enterprises and does not affect current laws prohibiting advertising by illegal or unregulated lotteries or wagering through the mails. These Federal bans will remain unchanged.

Mr. Speaker, recognizing the police powers of the States, this measure provides that no provisions of H.R. 3146 will take place for 18 months after enactment so that those States opposed to permitting the advertisement of legal gaming can pass a ban on such activities.

H.R. 3146 makes no judgment as to the morality of gaming. Rather, it simply allows any State that has sanctioned a form of wagering to allow truthful advertising of these legal activities. For example, New Jersey has regulations setting forth guidelines and constraints on the content of advertising by casinos operating in that State.

H.R. 3146, if enacted, would not tamper with the ability of any State to regulate its own industry.

Passage of H.R. 3146 would not mean gaming would proliferate. States not having legal wagering would not be forced to legalize such. The best example of this is my own State: If legalized gaming spurred a proliferation of gaming, States surrounding Nevada would have long ago legalized gaming. Such has not been the case, and there is no reason to believe that passage of this bill would serve as a sort of national catalyst for nongaming States to approve gaming.

In conclusion, Mr. Speaker, I am not asking special treatment for gaming, but rather, I am asking for equal treatment. I respectfully urge favorable consideration of H.R. 3146 by the House.

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I rise in strong support of H.R. 3146, the Lottery Advertising Clarification Act of 1988. This bill will allow the interstate advertising of legal lotteries, gift enterprises, and similar activities, such as casinos and bingo, through radio, television, newspaper, and mail.

As you know, in 1895, the Federal Government prohibited the importation of lottery tickets or prize lists into the United States, as well as the transportation and mailing of such materials. The Government did this because lotteries were primarily privately run and unregulated. After several States adopted lotteries in the 1960's and 1970's, the law was amended to allow advertisement of State-conducted lotteries in States where the lottery was conducted or in adjacent States conducting lotteries, but interstate advertisement remains prohibited.

H.R. 3146 allows the advertising in interstate commerce of all legitimate lotteries and gaming activities emanating from States that have legalized gaming activities, whether they are conducted by public, private, or charitable entities. The effective date is 18 months after enactment to allow States which prohibit gaming activities time to enact legislation prohibiting gaming advertisements within the State. The bill removes Federal restrictions only; individual States may still restrict such advertising under State law.

Such activities today are strictly regulated and no longer primarily privately run, therefore, there is no compelling reason to continue to prohibit the advertisement of these activities. This bill is important to the economy of the State of Nevada and the people of Nevada strongly support it. I urge that the House pass this bill today.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 3146, the Lottery Advertising Clarification Act and I commend our distinguished colleague, the gentleman from Massachusetts [Mr. FRANK], for introducing this legislation.

H.R. 3146 provides an important clarification regarding our Nation's century-old Federal lottery statutes to permit advertisements for fundraising events that benefit nonprofit groups such as churches and charities. The current Federal ban on lottery advertising was enacted in the 19th century at a time when lotteries were illegal in virtually every State. However, in 1988, we face a different era. The majority of States which currently allow State-run lotteries would seem to indicate a transition in outlook on the merits of sweepstakes, raffles, and drawings.

While the current Federal laws contain loopholes that permit the advertising of State-run lotteries within the State and with adjacent States that also run lotteries, the laws nonetheless sanction unwarranted discrimination against different media and different types of lotteries. Nonprofit groups, in particular, such as churches and charities that raise funds through raffles and bingo, may not advertise their events simply because they come within the Federal definition of lotteries. I know that broadcasters in my area, for example, may not accept advertising for church bingo but may make a news or public service announcement that church bingo has been canceled due to a heavy snowfall.

It should be noted, finally, that H.R. 3146 will not override any contrary

State law which bans either the use or the advertising of lotteries. While removing Federal restrictions on the advertising of legally sanctioned gaming, the legislation makes no attempt to limit the rights of individual States to restrict such advertising, should they choose to do so. I believe that H.R. 3146 represents a reasonable approach to update our Nation's antiquated lottery laws and allow full rights and protection to our Nation's charitable organizations. Accordingly, I urge my colleagues to approve the Lottery Advertising Clarification Act.

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Mr. SHAW. Mr. Speaker, I yield 8 minutes to the gentleman from Virginia [Mr. Wolf].

Mr. WOLF. Mr. Speaker, the issue here is not exactly what some of my colleagues have stated. We are not asking for a "no" vote with regard to the State-run lotteries. That part of the bill is fine. We are not asking for a no vote for bingo games and charitable games. That is fine.

What we are asking for is a no vote the following reasons, and I will try to lay it out briefly for my colleagues.

First of all, if one votes yes on this bill, that yes vote is going to allow the casinos in Las Vegas and in Atlantic City to advertise on radio and television in your congressional districts perhaps taking away tourism from your area, but also what it is going to do is it is going to be able to be use the mails to bring advertising materials into your States.

If my colleagues look at the current situation, they will see the current situation is as follows. This is a suspension, which means that it is noncontroversial. However, this bill is controversial. This bill ought not be under suspension.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. WOLF. Mr. Speaker, I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, I would say as chairman that if I had had any indication from the minority members on either the subcommittee or the full committee that they wished this bill not to be on suspension, it would not have been put on suspension. I understand what the gentleman from Virginia is saying. I would like to make it clear that this was not put to a rollcall vote in the subcommittee or in the full committee.

I agree with the gentleman from Virginia, if it is a terribly controversial bill it should not be put under suspension, but I would just like it clear in the Record that at no point did any of the minority members object to its being on suspension from the committee and since there was no rollcall, it went through by virtually unanimous voice vote. We had no notice of this until the letter of the gentleman from Virginia [Mr. Wolf] which arrived a day or two ago.

Mr. WOLF. Mr. Speaker, reclaiming my time, I thank the gentleman from Massachusetts. Let me say that is why I would ask everyone, in the interests of bipartisanship and fairness, to vote no so we have an opportunity next week or the week after to come up and offer an amendment that I think would make it a much, much better bill.

Second, and I cannot yield further because I am running out of time, let me read a letter from the Southern Baptist Convention in a letter dated May 10, 1988:

> Dear Representative: Today you will be asked to vote in support of the Lottery Advertising Clarification Act, H.R. 3146. We urge you to vote against this bill, which is not in reality a bill that is noncontroversial, and one which should not be passed by unanimous consent.
>
> The bill serves less to clarify than to change. By inserting the phrase "gift enterprise of similar scheme" the bill expands the advertising issue far beyond State-operated lotteries to also include casino and other forms of gambling.

This is a relief bill for the Golden Nugget in Atlantic City or wherever it is, to come in and advertise. What we are saying is let us not do that.

Next, let me read from some letters. In 1984 when this legislation came up, we had contacted some attorneys general to ask them what they thought of this legislation.

The State of Kansas, in a letter dated June 28, 1984, stated:

> We would urge that no authorization of gambling advertisement through the U.S. mail be enacted. We would oppose such legislation even though limitations such as those of H.R. 4020 would apply since the "raffle" is under Kansas law a lottery and a crime.

The attorney general for the State of North Dakota in a letter dated June 28, 1984, stated:

> A Federal law allowing advertising of lotteries and actual solicitation of lottery participants across State lines into North Dakota will cause us great concern. A law such as this will have one or two results. It will either cause us to change our State law or will create an enforcement problem of a very large magnitude. Therefore we would oppose any such legislation.

That is from the attorney general of North Dakota concerning similar legislation.

For those of my colleagues from South Carolina, the attorney general said:

> Article XVII, section 7 of the South Carolina Constitution provides, in pertinent part, "No lottery shall ever be allowed or be advertised by newspapers, or otherwise, or its tickets sold in this state. * * *"

Then went on to say further in their letter dated June 29, 1984, that:

> To the extent that S. 1876 would permit the advertisement in South Carolina of lotteries authorized by other States, I express my opposition to S. 1876 of the State Constitution.

The attorney general of the State of California in a letter dated July 18, 1984, concerning similar legislation, stated, "I do not believe either measure would be in the best interest of the people of California."

He went on further to say, "This rapidly increasing competition for gambling dollars is forcing fundamental changes in California's heretofore relatively stable gaming industry, prompting serious concerns by law enforcement."

The attorney general of the State of California further went on to say, "Nationwide mail order gambling would not only substantially increase the magnitude of the problems faced by law enforcement, it would change the very nature of the beast. I strongly oppose these proposals."

We have a letter from the State of Hawaii, dated June 22, 1984, from the department of the attorney general in which he says:

> We, therefore, would oppose any legislation which would permit advertising in our State of gambling and gaming even though conducted in other States.

The office of the attorney general from the State of Tennessee, the great Volunteer State of Tennessee, stated that, "Public policy in Tennessee remains in fundamental opposition to the legalization or conduct of such gambling activities." He went on further to say, "Any Federal legislation permitting the advertising in Tennessee of such activities would be contrary to the public policy of this State."

I have another letter from the department of justice, State of Nebraska, in which he states his opposition to similar legislation.

I have a letter from the attorney general of the State of Arizona in which he states:

> I would vehemently oppose these two bills which would allow interstate and foreign advertising of specific gambling options in private, for-profit establishment such as those in Las Vegas and in Atlantic City without regard to the laws of the State in which the advertisement appears. If Nevada and New Jersey wish to allow casino gambling and all other types of gambling in their States, that is their right to do so, but for these two States to be allowed to advertise, etc., their type of gambling into States that have laws prohibiting such type of gambling would be wrong since these two bills would be flying directly in the face of State statutes that prohibit that type of gambling.

The attorney general of the State of Louisiana in a letter dated July 2, 1984, concerning similar legislation, stated:

I cannot support legislation which recruits gambling customers from within States where gambling is illegal.

Mr. Speaker, I would ask the gentleman from Massachusetts [Mr. FRANK] to, first, withdraw; or second, to give us a "no" vote so we can come back and change the burden with regard to what the States would have to do.

Last, I would ask all of the Members to call their Governor and call their attorney general to find out what this legislation would do and what their opinion is because I think they will find that most Governors of most States would say "no."

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. WOLF. Mr. Speaker, I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, I thank the gentleman from Virginia for yielding. I just want to say to the gentleman from Virginia that I do not really think it is the casinos that are really going to benefit from this legislation. Casinos already advertise, as the gentleman from Virginia well knows. One cannot view television any night of the week that we do not see the hotels advertising the shows that they have at their casinos, and people understand we are talking about casino hotels.

This legislation is going to benefit the people that operate bingo games.

One broadcaster was telling me that he could not even broadcast certain meetings that were canceled, such as bingo games that were canceled because of snow, because of Federal restrictions. That is the thrust of this legislation.

Mr. WOLF. Mr. Speaker, reclaiming my time, I thank the gentleman from New Jersey for his comments.

In closing, Mr. Speaker, the gentleman from New Jersey makes a very good point. We are not dealing with lotteries here. We are not dealing with bingo games. Those are perfectly appropriate.

This legislation ought to be amended, as the gentleman from Massachusetts [Mr. FRANK] well knows, to be able to deal with the casino gambling section and to change the burden with regard to the States. That is what I would ask. I urge a "no" vote on this legislation.

Mr. FRANK. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I just want to say that in the final analysis we are talking about basic equity. The gentleman from Virginia [Mr. WOLF] has read off from letters from a lot of States, and many of those States that the gentleman from Virginia referred to as being in opposition actually have monopolies on State gambling. They benefit from the advertising of those States that put forth the advertising. Tens of millions of dollars is spent across this country advertising State lotteries, legal State lotteries. They are permitted to do that.

However, some little church group that has a bingo game is not permitted to advertise their bingo and as I indicated just previously, there is some question as to whether they can even advertise the fact that a bingo game has been canceled because of the Federal prohibitions. Insofar as the casino advertising is concerned, the gentleman from Virginia knows because the gentleman has visited my area often and he sees the big billboards that advertise the casinos, and he cannot watch television any night of the week coming out of Philadelphia that he would not see some advertisement of some of the shows in the hotels in Atlantic City. I suspect the same thing occurs concerning Nevada. In the final analysis, what the gentleman from Virginia is concerned about is the fact that he does not want to lose any more of his tourism perhaps to the beautiful shores of New Jersey. I understand that. That is a legitimate reason to oppose the bill. That is the basic opposition. This gentleman from New Jersey understands that because we are providing a great deal of competition to many of the beautiful resorts that exist in your beautiful State of Virginia.

Mr. SHAW. Mr. Speaker, I yield my remaining 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I support this legislation. In the normal course of my thinking when it comes to a question of Federal and State comparative rights, it always leads me to start off with a strong feeling in favor of States rights. The saving feature of this is even though they flow back and forth, the 18-month provision that remains in the bill is the saving feature. That gives every State the opportunity to take action where it might be necessary to rectify what they feel is a too-broad interpretation of this particular statute. In the long run, because my ox is not being gored at the present time in this particular legislation, I am in favor of leaving the States decide their future within the 18-month period that would be allotted them by this bill.

Mr. FRANK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. GEKAS] for his comments because he makes the point that this is very much a States rights bill. I want to pick up the point that my friend the gentleman from New Jersey [Mr. HUGHES] has made. My friend the gentleman from Virginia [Mr. WOLF], who worked so hard on this bill, quoted the attorney general of California as being opposed to the advertising of gambling, and I commend the gentleman for his research. But the attorney general of California is not opposed to the California lottery. The attorney general of California is apparently all in favor of advertising for the California lottery. They have a lottery in California. The profits go to the California treasury. The attorney general wants to keep a monopoly through advertising the lottery in his State.

Mr. WOLF. Mr. Speaker, will the gentleman from Massachusetts yield?

Mr. FRANK. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, I think the gentleman from Massachusetts is accurate. That is why most people are concerned about this, because of the casino gambling. That is our only concern. The gentleman from Massachusetts is accurate, and I agree with that. The casino gambling is where the concern is coming from.

Mr. FRANK. Reclaiming my time, I have to disagree with the gentleman from Virginia on several points. First of all, he quoted the attorney general of Kansas, and they just decided to go into the lottery business. What I mean to say is that the attorneys general often are very good people and very useful, but they are defending their own State's monopoly, defending their own budgets which are enhanced by the profit from the State lotteries. When there is a State lottery involved and they advertise that State lottery and then turn around and say, "Oh, my goodness, let us not advertise gambling," I do not think the gentleman is credible.

Then the gentleman from Virginia cited the State of Louisiana. The State of Louisiana has a lot of very great qualities, but the notion that the rest of us would be offending prevailing morality in the State of Louisiana by allowing them to hear that there was such a thing in the world as gambling is not credible. I think they already know in Louisiana that there is gambling and from time to time they may even do a little of it themselves.

I want to say to my friend the gentleman from Virginia [Mr. WOLF] that there are a couple of problems with his approach. He said he only wants a little amendment, but he expressed opposition in several cases even to things being mailed in. Some of these attorneys general he quoted said do not mail in notices.

Mr. Speaker, that is the heart of the bill. People must be permitted to use the mails that way. I do not think we ought to be censuring the U.S. mails.

The next question is will we let the church bingo and others advertise, and concerning that point I submit for the RECORD a letter from the Veterans of Foreign Wars asking that we vote for this bill.

Mr. Speaker, I include for the RECORD the letter dated April 20, 1988, from the chairman of the Committee on Post Office and Civil Service, and the accompanying letter from the Veterans of Foreign Wars:

COMMITTEE ON POST OFFICE
AND CIVIL SERVICE,
Washington, DC, April 20, 1988.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to advise you that I have no objection to floor consideration of H.R. 3146, the "Lottery Advertising Clarification Act of 1987", under Suspension of the Rules despite the fact portions of the bill are within the jurisdiction of the Committee on Post Office and Civil Service which has not yet reported the bill.

I would appreciate your including a copy of this letter in the record during debate on H.R. 3146 so that the record will fully reflect the jurisdictional interests of this Committee in H.R. 3146.

With kind regards,
Sincerely,
WILLIAM D. FORD,
Chairman.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
OFFICE OF THE DIRECTOR,
Washington, DC, May 6, 1988.

Hon. BARNEY FRANK,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN FRANK: On behalf of the more than 2.9 million men and women of the Veterans of Foreign Wars of the United States and its Ladies Auxiliary, I wish to voice our strong support for H.R. 3146, the "Lottery Advertising Clarification Act of 1987." This bill, introduced by you, provides for removing the current federal restrictions on the advertisement of lawful lotteries and other games of chance through the mail, print or electronic media, or interstate commerce.

As I am sure you are aware, the VFW relies heavily on bingo, raffles and other related legal activities to raise revenue in support of community projects. Under current law, our Posts cannot mail or broadcast information about these fundraising activities. It is our understanding restricting statutes were enacted around the turn of the century when practically every state banned lotteries and other gaming activities. Today, lotteries of some sort are legal in all but four states. Because H.R. 3146 addresses only those activities that are deemed legal and would not preempt the state's right to legalize or prohibit gaming activities, the VFW supports the enactment of this legislation.

Sincerely,
JAMES N. MAGILL,
Director, National Legislative Service.

Mr. Speaker, the point is, and this is why the U.S. Postal Service, the Reagan Justice Department, and the Federal Communications Commission support this bill, is because if there were an amendment adopted which said that gambling which is for profit cannot be advertised, but nonprofit gambling can be advertised, we would get into enormous problems of enforcement. It is not fair to the postal authorities or to the Federal Communications Commission or to the others to say simply let profitmaking gambling be in, and not nonprofit gambling. We would really run into very, very difficult enforcement situations under those circumstances. What we are saying is very simple, if in your State gambling is not desired, if the State wishes to ban it, the State can ban it. If the State wants to prevent people from advertising by billboard or radio and television, we give that authority for an 18-month period.

This is an unusually flexible statute in that respect to accommodate the States. If the States have a sincere objection to gambling, they can institute that policy.

There are people in this society who do not like smoking, and let me say I have opposed the proposal that would say one cannot advertise smoking. I think that is an unfair restriction.

I think that if something is going to be lawful, it is a mistake to be that discriminatory.

I will yield to the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, I think the gentleman knows many State legislatures meet only once every 2 years, and 18 months is too——

Mr. FRANK. Mr. Speaker, I am going to take back my time. We said 18 months in the first place. We started on the bill last year, and legislatures are on notice. They have had already about a year of notice. We are giving them 18 months precisely because we know they meet only every other year, but by the time they enact this and it will be that if a State runs into the deadline, we are giving them more time.

That is not the gravamen of the objection. The objection is that of people who sincerely do not like gambling, and I must state that if people do not like gambling, they should fight it State by State, but do not try to do it by stealth and discrimination.

The gentleman from Virginia has had a lot of time.

Do not let these attorneys general engage in what seems to me to be inconsistent reasoning, that we may have a State lottery but may not advertise one and do not mail in any advertising. As the gentleman said before, the gentleman from New Jersey picked up on, we take away their tourism, but we do not allow one State to block the advertising of another because it might interfere with their tourism.

Mr. Speaker, I yield to the gentleman from Virginia one more time.

Mr. WOLF. Mr. Speaker, the point is the States do not even know that this is going on.

Mr. FRANK. Mr. Speaker, I take back my time. I have to say to the gentleman the fact is the gentleman is repeating points that are inaccurate. We have informed States that this is going on, and on the one hand the gentleman reads the letters from the attorneys general, and on the other hand says that the States do not know that this is going on. The attorneys general know that this is going on, and this is a matter of public record. The argument that these poor States do not know that this is going on, and the gentleman has had plenty of time to state his points, and if he does not want them refuted, he should not have made them in the first place, and that is the nature of debate.

The fact is that you quote the attorneys general and say that the States do not know what is going on is inconsistent.

If the gentleman does not like gambling, or if that State wants to ban gambling, State after State do, and I am told Virginia is going to have a lottery, but if people do not like that, we have a situation where the following takes place: States have lotteries, and they advertise them vigorously. The people are exposed through the mail, through radio, through television, through State lotteries. Private charitable groups, private profitmaking groups are at a disadvantage, and they may not do what the States may do monopolistically.

The administration, the Justice Department of this administration, the Federal Communications Commission, the Postal Service, the Veterans of Foreign Wars, a whole lot of groups say that does not make sense. Let a State make up its mind what it wants to do, but do not let a State extraterritorially ban gambling from elsewhere.

Right now in the States that want to allow it, you cannot put on the radio any notice of gambling, and to say we are going to allow it where it is profitmaking and not profitmaking is to impose on the administration a degree of difficulty of enforcement they do not want, and I think they are entitled not to have.

I yield to the gentleman again.

Mr. WOLF. The burden that has been put on the State is the burden that ought to be on the gambling casinos.

Mr. FRANK. We are talking about the gambling casinos.

Mr. WOLF. That is a very fair——

Mr. FRANK. The gentleman had 8 minutes and made all of these points and now he wants to make them again.

The fact is that debate consists of his point being answered. No, it is not just the gambling casinos.

The gentleman is talking about legislation that also deals with church raffles and bingos and VFW's and the members say that legislation has not been brought forward, and the gentleman said in his own comments in opposition to this that the attorneys general were not just saying do not allow casino gambling, they are saying, "Do not let this be mailed into my State." The second thing the gentleman says is tell the Postal Department and the FCC and the Justice Department that they have to now distinguish between gambling for profit and gambling not for profit which is an unfair enforcement burden.

What we say is this: the States have and continue to have the coverage here. They make the laws about what is legal in terms of gambling and what is not. They also make the laws about what can be publicly advertised, and I would disagree with the suggestion of some of the attorneys general quoted that the State should be able to censor the mail, and we do not believe that.

Mr. RODINO. Mr. Speaker, I rise in support of H.R. 3146, the Lottery Advertising Clarification Act of 1988.

The purpose of H.R. 3146 is to allow the advertising in interstate commerce of lotteries, gift enterprises, and similar activities—including casino gambling and bingo halls—if the activity being advertised is legal in the State in which it is being conducted. The bill also allows for the mailing of such advertisements and materials, if the activity being advertised is legal in the State in which it is being conducted and so long as the material being mailed is nonparticipatory. H.R. 3146 does not allow for the participation in gambling activities through the mail.

In 1895, when the lottery statutes were enacted, lotteries and gambling activities were privately run, largely unregulated, and mostly illegal. Now almost all States authorize some form of lottery or gambling activity.

If the activity is being legally conducted, there is no legitimate reason to prevent its being advertised. In addition, I strongly believe that legal privately run or charitable activities, such as church bingo games and charitable raffles, should enjoy the same rights as State-conducted lotteries.

H.R. 3146 makes no attempt to limit the rights of the individual States to restrict such advertising within a State under State law. In fact, the bill includes an 18-month delayed effective date in order to allow each State time to enact legislation to prohibit this type of advertising within its boundaries.

The Department of Justice, the U.S. Postal Service, the Federal Communications Commission support the enactment of this legislation. In addition, the American Civil Liberties Union, the Veterans of Foreign Wars, the National Association of Broadcasters, the American Newspapers Publishers Association, and the National Newspapers Association support this legislation.

I urge you to vote in favor of H.R. 3146.

Mr. PENNY. Mr. Speaker, as a cosponsor of H.R. 3146, a bill to lift the ban on advertising of games of chance and lotteries, I strongly urge my colleagues to support the measure. This bill would modernize and clarify outdated Federal lottery statutes. When statutes banning advertising of lotteries were enacted around the turn of the century, lotteries were illegal in most States. Times have changed. It should be up to the States to decide if they will permit lotteries or the advertising of lotteries. This bill would not override any State laws. In fact, the effective date of the legislation is 18 months following enactment, allowing States ample time to pass new laws prior to the effective date.

In addition, this bill will allow charitable and community organizations to advertise their fundraisers.

I urge you to support a bill consistent with current law legalizing lotteries and give States the right to set their own laws regarding this issue.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Massachusetts [Mr. FRANK] that the House suspend the rules and pass the bill (H.R. 3146), as amended.

The question was taken.

Mr. WOLF. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. FRANK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3146, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

BERNE CONVENTION IMPLEMENTATION ACT OF 1988

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4262) to amend title 17, United States Code, to implement the Berne Convention for the Protection of Literary and Artistic Works, as revised at Paris on July 24, 1971, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4262

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Berne Convention Implementation Act of 1988".

SEC. 2. REFERENCES TO TITLE 17, UNITED STATES CODE.

Whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of title 17, United States Code.

SEC. 3. DECLARATIONS.

The Congress makes the following declarations:

(1) The Convention for the Protection of Literary and Artistic Works, signed at Berne, Switzerland, on September 9, 1886, and all acts, protocols, and revisions thereto, up to and including the revision done at Paris, France, in 1971, (hereafter in this Act referred to as the "Berne Convention") are not self-executing under the Constitution and laws of the United States.

(2) The obligations of the United States under the Berne Convention may be performed only pursuant to appropriate domestic law.

(3) The amendments made by this Act, together with the law as it exists on the date of the enactment of this Act, satisfy the obligations of the United States in adhering to the Berne Convention; no rights or interests in addition to those arising under such amendments or existing law shall be recognized or created for the purpose of satisfying such obligations.

SEC. 4. CONSTRUCTION OF THE BERNE CONVENTION.

(a) RELATIONSHIP WITH DOMESTIC LAW.—

(1) Subject to the provisions of subsection (b) of this section, section 104(c) of title 17, United States Code, as added by section 6(2) of this Act, and section 301(e) of title 17, United States Code, as added by section 7 of this Act, the provisions of the Berne Convention shall be given effect under title 17, United States Code, as amended by this Act, and any other relevant provision of Federal or State law, including the common law.

(2) The provisions of the Berne Convention shall not be enforceable in any action brought pursuant to the provisions of the Berne Convention itself.

(b) CERTAIN RIGHTS NOT AFFECTED.—The adherence of the United States to the Berne Convention, and satisfaction of United States obligations thereunder, do not expand or reduce any right of an author of a work—

(1) to claim authorship of the work; or

(2) to object to any distortion, mutilation, or other modification of, or other derogatory action in relation to, the work, that would prejudice the author's honor or reputation.

SEC. 5. DEFINITIONS.

(a) PICTORIAL, GRAPHIC, AND SCULPTURAL WORKS.—Section 101 is amended in the definition of "Pictorial, graphic, and sculptural works" by striking out in the first sentence "technical drawings, diagrams, and models" and inserting in lieu thereof "diagrams, models, and technical drawings, including architectural plans".

(b) BERNE CONVENTION AND BERNE CONVENTION WORK.—Section 101 is amended by inserting after the definition of "audiovisual works" the following:

"The 'Berne Convention' is the Convention for the Protection of Literary and Artistic Works, signed at Berne, Switzerland, on September 9, 1886, and all acts, protocols, and revisions thereto, up to and including the revision done at Paris, France, in 1971.

"A work is a 'Berne Convention work' if—

"(1) in the case of an unpublished work, one or more of the authors is a national of a state adhering to the Berne Convention, or in the case of a published work, one or more of the authors is a national of a state adhering to the Berne Convention on the date of first publication;

"(2) the work was first published in a state adhering to the Berne Convention, or was simultaneously published in a state adhering to the Berne Convention and in a foreign nation that does not adhere to the Berne Convention;

"(3) in the case of an audiovisual work—

"(A) if one or more of the authors is a legal entity, that author has its headquarters in a state adhering to the Berne Convention; or

"(B) if one or more of the authors is an individual, that author is domiciled, or has his or her habitual residence in, a state adhering to the Berne Convention; or

"(4) in the case of a pictorial, graphic, or sculptural work, such work is incorporated

in a building or other structure located in a state adhering to the Berne Convention.

For purposes of paragraph (1), an author who is domiciled in or has his or her habitual residence in, a state adhering to the Berne Convention is considered to be a national of that state. For purposes of paragraph (2), a work is considered to have been simultaneously published in two or more nations if its dates of publication are within 30 days of one another.".

SEC. 6. NATIONAL ORIGIN.

Section 104 is amended—

(1) in subsection (b)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following:

"(4) the work is a Berne Convention work; or"; and

(2) by adding at the end the following:

"(c) Effect of Berne Convention.—No right or interest in a work eligible for protection under this title may be claimed by virtue of, or in reliance upon, the provisions of the Berne Convention or the adherence of the United States thereto. Any rights in a work eligible for protection under this title that derive from this title, other Federal or State statutes, or the common law, shall not be expanded or reduced by virtue of, or in reliance upon, the provisions of the Berne Convention or the adherence of the United States thereto.".

SEC. 7. PREEMPTION WITH RESPECT TO OTHER LAWS.

Section 301 of title 17, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) The scope of Federal preemption under this section is not affected by the adherence of the United States to the Berne Convention or the satisfaction of the obligations of the United States thereunder.".

SEC. 8. SCOPE OF EXCLUSIVE RIGHTS IN NONDRAMATIC MUSICAL WORKS.

(a) Negotiated Licenses.—Chapter 1 is amended by inserting after section 116 the following new section:

"§116A. Negotiated licenses for public performances by means of coin-operated phonorecord players

"(a) Applicability of Section.—This section applies to any nondramatic musical work embodied in a phonorecord.

"(b) Limitation on Exclusive Right if Licenses Not Negotiated.—

"(1) Applicability.—In the case of a work to which this section applies, the exclusive right under clause 4 of section 106 to perform the work publicly by means of a coin-operated phonorecord player is limited by section 116 to the extent provided in this section.

"(2) Determination by Copyright Royalty Tribunal.—The Copyright Royalty Tribunal, at the end of the 1-year period beginning on the effective date of the Berne Convention Implementation Act of 1988, and periodically thereafter to the extent necessary to carry out subsection (f), shall determine whether or not negotiated licenses authorized by subsection (c) are in effect so as to provide permission to use a quantity of musical works not substantially smaller than the quantity of such works performed on coin-operated phonorecord players during the 1-year period ending on the effective date of that Act. If the Copyright determines that such negotiated licenses are not so in effect, the Tribunal shall, upon making the determination, publish the determination in the Federal Register. Upon such publication, section 116 shall apply with respect to musical works that are not the subject of such negotiated licenses.

"(c) Negotiated Licenses.—

"(1) Authority for Negotiations.—Any owners of copyright in works to which this section applies and any operators of coin-operated phonorecord players may negotiate and agree upon the terms and rates of royalty payments for performance of such works and the proportionate division of fees paid among copyright owners, and may designate common agents to negotiate, agree to, pay, or receive such royalty payments.

"(2) Arbitration.—Parties to such a negotiation, within such time as may be specified by the Copyright Royalty Tribunal by regulation, may determine the result of the negotiation by arbitration. Such arbitration shall be governed by the provisions of title 9, to the extent such title is not inconsistent with this section. The parties shall give notice to the Copyright Royalty Tribunal of any determination reached by arbitration and any such determination shall, as between the parties to the arbitration, be dispositive of the issues to which it relates.

"(d) License Agreements Superior to CRT Determinations.—License agreements between one or more copyright owners and one or more operators of coin-operated phonorecord players, which are negotiated in accordance with subsection (c), shall be given effect in lieu of any otherwise applicable determination by the Copyright Royalty Tribunal.

"(e) Negotiation Schedule.—Not later than 60 days after the effective date of the Berne Convention Implementation Act of 1988, if the Chairman of the Copyright Royalty Tribunal has not received notice, from copyright owners and operators of coin-operated phonorecord players referred to in subsection (c)(1), of the date and location of the first meeting between such copyright owners and such operators to commence negotiations authorized by subsection (c), the Chairman shall announce the date and location of such meeting. Such meeting may not be held more than 90 days after the effective date of that Act.

"(f) Copyright Royalty Tribunal To Suspend Various Activities.—The Copyright Royalty Tribunal shall not conduct any ratemaking activity with respect to coin-operated phonorecord players unless, at any time more than one year after the effective date of the Berne Convention Implementation Act of 1988, the negotiated licenses adopted by the parties under this section do not provide permission to use a quantity of musical works not substantially smaller than the quantity of such works performed on coin-operated phonorecord players during the 1-year period ending on the effective date of that Act.

"(g) Transition Provisions; Retention of Copyright Royalty Tribunal Jurisdiction.—Until such time as licensing provisions are determined by the parties under this section, the terms of the compulsory license under section 116, with respect to the public performance of nondramatic musical works by means of coin-operated phonorecord players, which is in effect on the day before the effective date of the Berne Convention Implementation Act of 1988, shall remain in force. If a negotiated license authorized by this section comes into force so as to supersede previous determinations of the Copyright Royalty Tribunal, as provided in subsection (d), but thereafter is terminated or expires and is not replaced by another licensing agreement, then section 116 shall be effective with respect to musical works that were the subject of the terminated or expired license.".

(b) Technical and Conforming Amendments.—

(1) Section 116 is amended—

(A) in the section caption by striking out "**Public**" and inserting in lieu thereof "**Compulsory licenses for public**";

(B) in subsection (a) in the matter preceding paragraph (1), by inserting after "phonorecord," the following: "the performance of which is subject to this section as provided in section 116A,"; and

(C) in subsection (e), by inserting "and section 116A" after "As used in this section".

(2) The table of sections at the beginning of chapter 1 is amended by striking out the item relating to section 116 and inserting in lieu thereof the following:

"116. Scope of exclusive rights in nondramatic musical works: Compulsory licenses for public performances by means of coin-operated phonorecord players.

"116A. Negotiated licenses for public performances by means of coin-operated phonorecord players.".

SEC. 9. NOTICE OF COPYRIGHT.

(a) Visually Perceptible Copies.—Section 401 is amended—

(1) in subsection (a) by striking out "shall" and inserting in lieu thereof "may";

(2) in subsection (b) by striking out "The notice appearing on the copies" and inserting in lieu thereof "If a notice appears on the copies, it"; and

(3) by adding at the end the following:

"(d) Evidentiary Weight of Notice.—If a notice of copyright in the form specified by this section appears on the published copy or copies to which a defendant in a copyright infringement suit had access, then no weight shall be given to such a defendant's interposition of a defense based on innocent infringement in mitigation of actual or statutory damages, except as provided in the last sentence of section 504(c)(2).".

(b) Phonorecords of Sound Recordings.—Section 402 is amended—

(1) in subsection (a) by striking out "shall" and inserting in lieu thereof "may";

(2) in subsection (b) by striking out "The notice appearing on the phonorecords" and inserting in lieu thereof "If a notice appears on the phonorecords, it"; and

(3) by adding at the end the following:

"(d) Evidentiary Weight of Notice.—If a notice of copyright in the form specified by this section appears on the published phonorecord or phonorecords to which a defendant in a copyright infringement suit had access, then no weight shall be given to such a defendant's interposition of a defense based on innocent infringement in mitigation of actual or statutory damages, except as provided in the last sentence of section 504(c)(2).".

(c) Publications Incorporating United States Government Works.—Section 403 is amended by striking out "the notice of copyright" and all that follows through "title" and inserting in lieu thereof "such copies or phonorecords shall prominently display a statement identifying those portions of the copies or phonorecords that constitute a work of the United States Government, in accordance with regulations issued by the Copyright Office".

(d) Contributions to Collective Works.—Section 404 is amended—

(1) in subsection (a) by striking out "to satisfy the requirements of sections 401 through 403" and inserting in lieu thereof "to invoke the provisions of section 401(d) or 402(d), as applicable"; and

(2) in subsection (b) by striking out "Where" and inserting in lieu thereof "With respect to copies and phonorecords publicly distributed by authority of the copyright owner before the effective date of the Berne Convention Implementation Act of 1988, where".

(e) Omission of Notice.—Section 405 is amended—

(1) in the section caption by inserting "on certain copies and phonorecords" after "notice";

(2) in subsection (a) by striking out "The" and inserting in lieu thereof "With respect to copies and phonorecords publicly distributed by authority of the copyright owner before the effective date of the Berne Convention Implementation Act of 1988, the"; and

(3) in subsection (b) by inserting "before the effective date of the Berne Convention Implementation Act of 1988" after "has been omitted".

(f) Error in Name or Date.—Section 406 is amended—

(1) in the section caption by inserting "on certain copies and phonorecords" after "date";

(2) in subsection (a) by striking out "Where" and inserting in lieu thereof "With respect to copies and phonorecords publicly distributed by authority of the copyright owner before the effective date of the Berne Convention Implementation Act of 1988, where";

(3) in subsection (b) by inserting "before the effective date of the Berne Convention Implementation Act of 1988" after "distributed";

(4) in subsection (c)—

(A) by inserting "before the effective date of the Berne Convention Implementation Act of 1988" after "publicly distributed"; and

(B) by inserting after "405" the following: "as in effect on the day before the effective date of the Berne Convention Implementation Act of 1988".

(g) Clerical Amendment.—The table of sections at the beginning of chapter 4 is amended by striking out the items relating to sections 405 and 406 and inserting in lieu thereof the following:

"405. Notice of copyright: Omission of notice on certain copies and phonorecords.
"406. Notice of copyright: Error in name or date on certain copies and phonorecords.".

SEC. 10. DEPOSIT OF COPIES ON PHONORECORDS FOR LIBRARY OF CONGRESS.

Section 407(a) is amended by striking out "with notice of copyright".

SEC. 11. COPYRIGHT REGISTRATION.

Section 408 is amended—

(1) in the second sentence of subsection (a) by striking out "Subject to the provisions of section 405(a), such" and inserting in lieu thereof "Such"; and

(2) in subsection (c)(2)—

(A) by striking out "under all of the following conditions—" and inserting in lieu thereof "under the following conditions:";

(B) by striking out subparagraph (A); and

(C) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

SEC. 12. COPYRIGHT ROYALTY TRIBUNAL.

(a) Determinations Concerning Copyright Royalty Rates.—Section 801(b) is amended by adding at the end the following:

"In determining, under paragraph (1)(B), whether a return to a copyright owner under section 116 is fair, substantial deference shall be given to—

"(I) the rates in effect on the day before the effective date of the Berne Convention Implementation Act of 1988, and

"(II) the rates contained in any license negotiated under section 116A(c).".

(b) Petitions for Adjustment of Rates.—Section 804(a)(2)(C) is amended to read as follows:

"(C) In proceedings under section 801(b)(1) concerning the adjustment of royalty rates under section 116—

"(i) such petition may be filed in 1990 and in each subsequent tenth calendar year, or

"(ii) if no petition is filed in 1990 on account of the applicability of negotiated licenses under section 116A, and thereafter section 116 becomes effective with respect to musical works under subsection (b)(2) or (g) of section 116A, then a petition under this paragraph may be filed in the year in which section 116 becomes so effective and in each subsequent tenth calendar year.

If clause (ii) becomes applicable, then clause (i) shall thereafter no longer be effective.".

SEC. 13. WORKS IN THE PUBLIC DOMAIN.

Title 17, United States Code, as amended by this Act, does not provide copyright protection for any work that is in the public domain in the United States.

SEC. 14. EFFECTIVE DATE; EFFECT ON PENDING CASES.

(a) Effective Date.—This Act and the amendments made by this Act take effect on the day after the date on which the Berne Convention enters into force with respect to the United States.

(b) Effect on Pending Cases.—Any cause of action arising under title 17, United States Code, before the effective date of this Act shall be governed by the provisions of such title as in effect when the cause of action arose.

The SPEAKER pro tempore. Is a second demanded?

Mr. MOORHEAD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. Kastenmeier] will be recognized for 20 minutes and the gentleman from California [Mr. Moorhead] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. Kastenmeier].

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House meets for what might be termed an historic occasion: To determine whether and under what conditions the United States should adhere to the Berne Convention for the Protection of Literary and Artistic Works. The convention—the most important copyright treaty in the world—recently celebrated its centennial. Berne implementing legislation has never before reached the House floor. Today, the time has come for us to pass a bill that would allow us to join the Berne Union.

The Berne Convention Implementation Act of 1988—H.R. 4262—was reported favorbly by the House Committee on the Judiciary on April 28, 1988. The vote was unanimous, no exceptions being heard.

I am thankful to the ranking minority member of the subcommittee, the gentleman from California [Mr. Moorhead] who has been unwavering in his support for this legislative initiative. He not only sponsored the administration's bill but joined me as the principal cosponsor of my original bill and the bill we bring before the House today. I would also like to recognize the leadership efforts of my full committee chairman, the gentleman from New Jersey [Mr. Rodino]; the ranking minority member of the committee, the gentleman from New York [Mr. Fish]; and two key members of my subcommittee, the gentleman from Illinois [Mr. Hyde] and the gentleman from California [Mr. Berman].

During the 100th Congress, my subcommittee—the Subcommittee on Courts, Civil Liberties and the Administration of Justice—held 6 days of hearings on legislation pertaining to U.S. adherence to Berne. Moreover, five committee members—all of whom are on the floor today—participated in 5 days of meetings with European experts on the subject. In this latter regard, 2 days of roundtable consultations at the World Intellectual Property Organization [WIPO] in Geneva, Switzerland, were particularly useful. Members met with and heard the views of 15 experts on foreign and international copyright law. I am particularly thankful to the Director General of the WIPO, Dr. Arpad Bogsch, for his assistance and cooperation in furthering our understanding of the treaty and its administration.

H.R. 4262 is premised on the proposition that adherence of the United States to the Berne Convention can be accomplished with only minimal changes to U.S. law. U.S. adherence, using the minimalist approach, is our overall goal.

The United States has chosen not to join the Berne Union in the past because we did not want the kind of copyright laws that the convention then required. When I introduced my initial piece of legislation (H.R. 1623) approximately 1 year ago, I thought that amending our copyright law to permit entry into the Berne Union would be a lengthy, uphill climb. I am now persuaded that the enactment of implementing legislation for Berne adherence—legislation which satisfies the standards of the treaty, maintains the essential balance of rights and privileges under the 1976 Copyright

Act and promotes the public interest—is close to being attained.

The House and the other body have been working together on adherence legislation. In this regard, I note the excellent work being done in the other body by Senator LEAHY, Senator DECONCINI, and Senator HATCH. The Senate Judiciary Committee has favorably reported a bill.

It is impossible for me to thank all the individuals and organizations that have assisted in the legislation. I would like the record to reflect the excellent work of the Ad Hoc Working Group on U.S. Adherence to the Berne Convention, and most particularly its chair, Mr. Irwin Karp, and its Government liaison from the U.S. Department of State, Mr. Harvey Winter. The Copyright Office and its excellent staff—most particularly, the Register of Copyrights, Mr. Ralph Oman, general counsel Dorothy Schrader, and attorney-adviser Lewis Flacks—deserve our commendation.

The administration has been a constructive player in the process. Three executive branch entities—the U.S. Trade Representative, the U.S. Department of State, and the U.S. Department of Commerce—have been very cooperative in the process. In this regard, under leave by unanimous consent, I insert the following letter to me from the Honorable Clayton Yeutter:

THE U.S. TRADE REPRESENTATIVE,
Washington.

Hon. ROBERT W. KASTENMEIER,
Chairman, Subcommittee on Courts, Civil Liberties and Administration of Justice, House Judiciary Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am delighted to hear that legislation making it possible for the United States to adhere to the Berne Convention is now scheduled for floor consideration by the House of Representatives.

I would like to take this opportunity to reiterate my strong support for Berne adherence.

The Administration is firmly committed to improving protection of intellectual property rights at home and abroad. Over the past years we have undertaken numerous bilateral negotiations and consultations aimed at improving protection of U.S. copyrights in the markets of our trading partners. We have also succeeded in making intellectual property a principal topic of the Uruguay Round of Trade Negotiations now ongoing in the General Agreement on Tariffs and Trade. But, as I testified before your Subcommittee, our failure to join the Berne Convention diminishes our effectiveness in international negotiations. Many countries interpret our non-adherence to Berne as an indication of lack of commitment to the issue of improved protection of intellectual property rights. As we have seen with Korea, which chose to adhere to the UCC instead of Berne, it is often hard to convince other countries to provide strong copyright protection when we do not belong to the premier international treaty in the area of copyrights.

I am convinced adhering to the Berne Convention would give a temendous boost to our worldwide efforts to improve intellectual property protection.

Many thanks for your leadership and hard work on this issue.

Sincerely,

CLAYTON YEUTTER.

Ambassador Yeutter reiterates the strong support of the administration for legislation making it possible for the United States to adhere to Berne. He also underlines the positive impact that Berne adherence will have on improving protection of U.S. copyrights in the markets of our trading partners.

There is a strong consensus behind H.R. 4262. All parties believe that the convention is not self-executing and that some legislative action by the Congress is essential. Almost everyone agrees that any legislation should employ the minimalist approach. Legislative efforts to perfect this or that feature of our copyright law, unnecessary to secure Berne membership, can and should deferred for another day. Everyone agrees that the legislation should not be retroactive and that the public domain should not be disturbed.

During committee and subcommittee consideration of the proposed legislation, we examined four specific subject areas: the jukebox compulsory license; the protection of architectural works; formalities; and moral rights of authors. Let me briefly summarize these areas of interest.

1. THE JUKEBOX COMPULSORY LICENSE

The performing rights societies and the jukebox operators have, on the matter of Berne, put their deep-seated differences aside and are prepared to accept a revision of the present law along the essential lines proposed in H.R. 4262. In brief, the legislation creates a system for negotiating the licensing of works played on jukeboxes. If negotiations fail, the parties will fall back on the current compulsory license system.

2. ARCHITECTURAL WORKS

The protection of architectural works found in current copyright law is adequate to comport with Berne requirements on this matter. Rather than moving precipitously on an issue which touches very fundamental lines, long drawn in our copyright law, with respect to the nonprotection under copyright of creativity more appropriately protected by design or patent protection, H.R. 4262 adds a short amendment to current law, clarifying that architectural works are protected under the general category of pictorial, graphic, and sculptural works.

3. FORMALITIES

The central feature of Berne is its prohibition of formalities. Everyone appears to be in agreement that the copyright notice requirement must be eliminated. Again, library and educational communities have joined with authors and proprietors in agreeing that such a step can and should be taken.

The one remaining area regarding formalities where there is some disagreement concerns the need to remove the requirement of registration as a precondition to an infringement suit. Using the minimalist approach, H.R. 4262 opts not to amend our law on this point.

4. MORAL RIGHTS

In order to stimulate discussion, my original bill proposed a moral rights provision. My subcommittee heard—and will continue to hear—from a wide variety of parties involved in the artistic and business aspects of the creative process. After hearing from all of these parties, I came to respect the view that the best course was to avoid statutory treatment of moral rights in the context of Berne. This conclusion rested in part on the political reality that legislation with a moral rights provision simply would not pass. Furthermore, amendments to the Copyright Act relating to moral rights are not required in order to secure U.S. adherence to Berne. Most observers agree that current law, including the Lanham Act and laws relating to defamation, privacy, publicity, and unfair competition, contains the basic elements of moral rights sufficient to comply with Berne.

The committee came to agree with these propositions, and concluded that no changes to current law were necessary. "No changes" means no changes in either direction. While we do not add a moral rights provision to the law, we also do not intend to freeze current law or to preempt it. The committee has determined that Berne requires neither of these approaches. H.R. 4262 leaves the law exactly where it is, and allows it to develop—or not develop—in exactly the same way it would have developed—or not developed—had we not adhered to Berne.

By way of conclusion, in 1976 we revised our law to move away from many of the rules which had kept us apart from the Berne Union. The net effect of the 1976 act was to bring Berne adherence within reach. Today, the prospects are all favorable for U.S. adherence. Timing is essential and we do not have much time. Let us act now, and vote affirmatively to send this very important piece of legislation to the Senate.

□ 1515

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset I would like to commend the chairman of the Subcommittee on Courts, Civil Liberties and the Administration of Justice, the gentleman from Wisconsin, BOB KASTENMEIER, for his leadership on this issue. He has guided the subcommittee through several days of thought-provoking and productive hearings on what is a very complex issue. By the same token, the gentleman from Wisconsin was the architect of the 1976 revision of the Copyright Act that layed the foundation for the action that we are taking today. Based on the sound record we have compiled, I believe that we have fashioned a responsible bill in H.R. 4262, that enjoys very strong support from the administration and nearly all of the copyright community.

If the United States adheres to the Berne Convention it will assure the highest available level of international protection for U.S. authors and copyright holders. As the largest exporter of copyrighted works, it only makes sense for the United States to provide American creators with the best protection available. In a recently released study prepared by the U.S. International Trade Commission, entitled "Foreign Protection of Intellectual Property Rights and the Effect on U.S. Industry and Trade" respondents estimated their aggregate worldwide losses as a result of inadequate intellectual property protection in 1986 at $23.8 billion.

Membership in Berne will also serve to strengthen the credibility of the U.S. position in trade negotiations with countries that are havens for piracy. As the late Secretary of Commerce, Malcolm Baldrige, noted in his testimony before our subcommittee:

> Governments of other countries repeatedly criticize the United States for advocating that they conform to Berne standards when we ourselves have failed to join. U.S. adherence to Berne will provide a major boost to this country's efforts to get other countries to increase their levels of copyright protection and enforcement. By the same token our adherence will allow the United States to effectively participate in the formulation and management of international copyright policy.

With regard to moral rights, the subcommittee has received testimony from many experts including representatives of 11 countries who are members of Berne and their opinions are almost unanimous, in the Berne is not self-executing and present U.S. law concerning moral rights is adequate and no change in law or practice need be made. The Congress can adopt legislation changing the law regarding moral rights, but it can do that at any time, regardless of whether or not the United States adheres to Berne.

In a letter of June 16, 1987, the very capable Director General of the World Intellectual Property Organization, Dr. Arpad Bogsch, concluded that:

> In my view, it is not necessary for the United States of America to enact statutory provisions on moral rights in order to comply with Article 6bis of the Berne Convention. The requirements under this Article can be fulfilled not only by statutory provisions in a copyright statute but also by common law and other statutes. I believe that in the United States the common law and such statutes (section 43(a) of the Lanham Act) contain the necessary law to fulfill any obligation for the United States under Article 6bis.
>
> There are several countries of the common law system, and among them the United Kingdom (that joined the Convention exactly 100 years ago) that are bound by the Berne Convention, including its Article 6bis, which have never had and do not have at the present time statutory provisions on moral rights.

I am aware that the directors of motion pictures feel strongly that the use of colorization, panning and scanning, and time compression have impaired the integrity of the art of film making. I have joined with the chairman of the subcommittee, Mr. KASTENMEIER, in sending letters to Ralph Oman, the Register of Copyrights, and Don Quigg, the Commissioner of Patents and Trademarks, requesting that they study the relevant provisions of the copyright law and the Lanham Act, as they relate to the aforementioned technologies.

Rather than reiterate the long list of individuals and organizations that have made significant contributions to this legislation, I would like to join in the remarks of the gentleman from Wisconsin [Mr. KASTENMEIER] and extend my sincerest thanks to all those who were part of this effort. I think H.R. 4262 is important and historic and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. KASTENMEIER. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I am pleased to rise in support of H.R. 4262, legislation to implement the Berne Convention for the Protection of Literary and Artistic Works. After careful consideration of the testimony presented at hearings chaired by the gentleman from Wisconsin, and my own conversations with many of the most thoughtful observers of the state of intellectual property protection, I conclude that U.S. adherence to the Berne Convention makes sense.

By choosing at long last to adhere to Berne, the United States faces the prospect of significant gains in our efforts to combat piracy and in our bilateral and multilateral trade relations concerning goods protected by copyright. The United States enjoys a positive balance of trade in the area of cultural products, and adherence provides an opportunity to increase that trade advantage.

I am convinced that adherence will strengthen U.S. efforts to encourage foreign countries to enact more effective copyright laws, and will afford enhanced copyright protection to American intellectual property in countries which adhere to Berne but do not have copyright treaty relations with the United States.

The bill before us makes no statutory changes in Federal law in the moral rights area. Clearly article 6bis has been the focus of much attention:

First. Independently of the author's economic rights, and even after the transfer of the said rights, the author shall have the right to claim authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, would be prejudicial to his honor or reputation.

Second. The rights granted to the author in accordance with the preceding paragraph shall, after his death, be maintained.

Third. The means or redress for safeguarding the rights granted by this article shall be governed by the legislation of the country where protection is claimed.

The Berne Convention signatory nations and the World Intellectual Property Organization staff with whom I have met, including Director General Arpad Bogsch, claim that each country is the judge of the adequacy of its own laws under Berne, and that the United States does not have to change its laws in order to be in compliance with Berne. It was the view of most of the witnesses before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice that the combination of State law, case law, and trademark law constitute a body of U.S. law which is adequate for the purposes of the moral rights provisions of Berne.

I am troubled, however, that we may not be intellectually honest when we conclude that we can join Berne by deeming U.S. laws to be in compliance, but assuming none of the responsibilities under the Convention to enhance the rights of authors.

For that reason, I am delighted that the gentleman from Wisconsin, the distinguished chairman of our subcommittee, has announced his intention to hold a hearing next month on the subject of artists' rights, including the important question of whether we should create statutory protections against the material alteration of artists' works.

With regard to protecting films in particular from material alteration, the approaches to the issue which have been broached thus far by directors and screenwriters strike me as unworkable. We are not really solving any perceived problem if screenwriters and directors can effectively be coerced into waving the rights afforded by statute.

Those directors and screenwriters who are sufficiently prominent can achieve the rights in question through the vehicle of their contracts, and those who are not strong enough in their respective fields can easily be coerced into relinquishing those rights as a condition of being hired. I continue to have concerns on this point, and have not seen a statutory approach that addresses my concerns.

At the same time, I am convinced that it is essential that those who put up the money and take the financial risk in making motion pictures be able to exploit those films in many markets. Getting American films made is in the interest of the entire creative community, and equally important, in the interest of the filmviewing public around the world.

I remain open to the prospect that there may be a legislative approach in the spirit of article 6bis which will not kill the goose that lays the golden egg. I can support a solution that is workable, achievable, and that will not undermine U.S. adherence to Berne.

Important questions have been raised in the critical area of moral rights, and I congratulate the gentleman from Wisconsin for the leadership he has shown in scheduling a hearing at which these questions can be explored. I will continue to work with my colleagues and the interested parties on this issue.

In the meantime, I urge support for H.R. 4262, which I am convinced is in both the national interest and the best interest of all of the parties to the creation of American intellectual property.

□ 1530

Mr. MOORHEAD. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 4262, legislation to enable the United States to join the Berne Convention. It is important for this country to take its rightful place among nations which provide the strongest protection and the strongest incentive to our creators and to our inventors. Our citizens are among the most creative in the world. The U.S. film and video industry alone return to this country each year, more than $1 billion in surplus balance of trade. Our books, our music, our computer software, our art and the industry that helps produce them consistently results in a large trade surplus for this country. A positive trade balance also sustains millions of American jobs thereby stimulating our domestic economy. This is a very valuable national trade asset that has to be protected.

We do not want or need tariffs, or quotas, or barriers of any kind. Americans can compete openly and win, in every market in the world, but our creative material must be protected and that is what this legislation is all about.

The Berne Treaty provides the highest form of international copyright protection available and the United States, as one of the leading exporters of copyrighted works it is only fitting that we belong to this World Copyright Organization.

In conclusion, I also would like to commend the subcommittee, particularly its chairman, Mr. KASTENMEIER, and its ranking minority member, Mr. MOORHEAD and Mr. FISH for their outstanding leadership in this difficult but very important area of the law. In addition, I would also like to thank the Gentleman from Wisconsin [Mr. KASTENMEIER] for the patience and understanding that he has exhibited to the members of his subcommittee who do not possess his background or his expertise in this complicated area of the law, for his help, let me say to the chairman, I am particularly grateful.

I urge support of the bill.

Mr. MOORHEAD. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. I thank the gentleman for yielding.

Mr. Speaker, I would like to commend the chairman of the Courts Subcommittee, the gentleman from Wisconsin, BOB KASTENMEIER, and the ranking minority member, the gentleman from California, CARLOS MOORHEAD, for their work on H.R. 4262, which I strongly support. Not only is the leadership of our colleagues recognized in our committee, but they are also recognized and respected in the international copyright community.

I had the opportunity to sit with Chairman KASTENMEIER and the subcommittee for 2 days of hearings it held on U.S. Adherence to Berne in Geneva, as well as to participate in several consultations. During the hearings, we heard testimony from witnesses of 11 different countries that are all members of Berne. The consensus of opinion among the witnesses was that the United States need make only minimal changes in its laws to become a member of Berne. H.R. 4262 adopts this minimalist approach, making changes in U.S. law only where necessary.

On July 15, 1987, the gentleman from California, CARLOS MOORHEAD and I introduced the administration's Berne bill, H.R. 2962. On the important issue of moral rights, H.R. 2962 would leave the law where it is today and continue to allow it to evolve. This approach is premised on the recognition that existing U.S. common law and statutory law, such as section 43(a) of the Lanham Act, are sufficient to fulfill any moral rights obligation for the United States under the Berne Convention. I am pleased to note that the subcommittee adopted a comparable approach in H.R. 4262. An amendment adopted in full committee further clarifies the neutrality of this legislation with respect to State and common law.

U.S. adherence to Berne is a top priority for the administration in that adherence to Berne will put the United States in a stronger position to argue for better protection of U.S. copyrighted works overseas. Ambassador Clayton Yeuter, U.S. Trade Representative, highlighted this point during his testimony before the Courts Subcommittee:

> Too often we have found that our nonadherence to Berne is the basis for foreign resistance to making changes in their inadequate laws . . . Achieving meaningful results in negotiations requires leverage. In this area, the leverage comes from setting the right example for the rest of the world, and that requires adherence to the Berne Convention.

This legislation along with what we have completed in the trade bill on process patents is going to be very helpful in our dealings with our trading partners. I urge my colleagues' support for the bill.

Mr. MOORHEAD. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this bill.

As has been said, this is an esoteric area of the law and that is why the Members who have been commended are being commended. They have done a lot of work in this area, in an area that most Members know little about or spend any time on.

I would just say that as we in the United States look at the trade situation, it is obvious to us that intellectual property rights are a major portion and will be an even greater portion of our trade equation.

It is something in which we have every reason to wish to expand. Oftentimes when discussions are held with other countries about proper protection of intellectual property rights, they have observed that the United States has failed to deal with the Berne Convention, that is to ratify the Berne Convention and become a party to it.

Therefore, this legislation is particularly important for all Members from all parts of the country.

I would just mention one particular area of concern that arose early on which I think has been dealt with in this legislation. That deals with the juke box compulsory licenses.

Currently juke box operators must obtain a compulsory license to publicly play records without violating copyright laws.

There was a concern that with adoption of this type of legislation we would somehow remove that particular circumstance from present day law. Section 7 of the bill allows for changes in the juke box compulsory license but it allows continued protection. It allows negotiations to ensue to try to establish the grounds under which those sorts of things can continue to take place. But it also says that if that is not done within a year, current law essentially will remain. It seems to me that is a reasonable compromise.

It protects legitimate property interests of the performers and it also allows the continuation of what is a tradition in the United States of juke boxes being in different locations. This is, of course, very different than perhaps the experience in other parts of the world.

For that reason, I think we have reached an adequate compromise.

Mr. Speaker, I hope that my colleagues would support this bill.

Mr. MOORHEAD. Mr. Speaker, I yield the remaining portion of our time, the 9 minutes remaining, to the gentleman from North Carolina [Mr. Coble].

Mr. COBLE. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 4262.

This legislation, as has been pointed out, may appear esoteric to the casual observer, but to those people in this country who create our music, who create our literature, who create our art, who create our film classics, it is very important indeed.

The issue of moral rights was dealt with directly by the Subcommittee on Courts, Civil Liberties, and the Administration of Justice. We do not intend to change the law in this country regarding moral rights by this legislation. But this issue itself will not go away. Our subcommittee will continue to deal with it. As we become more familiar with its complexities, we will be better able to participate in its development. For clearly the issue of moral rights is an important and dynamic one.

As the House report points out, the committee recognizes that protection of the rights of paternity and integrity in this country have gradually been increasing.

In recent years eight States have enacted legislation to protect these rights at least as they pertain to certain artists.

I, too, would like to commend the chairman of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, the gentleman from Wisconsin [Mr. Kastenmeier], also Mr. Moorhead, the ranking member of the subcommittee for announcing hearings on this issue and for their leadership on H.R. 4262 which I urge my colleagues to support today.

Mr. Speaker, as the Berne ship prepares to leave the dock today, I do not want the issue of moral rights to be cast adrift in her wake. The issue is too important and, as has previously been indicated, will not go away.

Mr. Speaker, I yield back the balance of my time.

Mr. KASTENMEIER. Mr. Speaker, at this point, let me say that I know that the chairman of the full committee, the gentleman from New Jersey [Mr. Rodino], would like to have made a statement which I will offer for the Record under general leave.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will only say in conclusion that this is an extremely important piece of legislation for this country; I would point out that the films that we send abroad, the computer software, the records, the music, and the culture of this country, along with its knowledge, are the dollar-winners for this Republic even though we are in hard times with respect to trade.

This act of adhering to the Berne Convention will advance the cause of this country.

Mr. RODINO. Mr. Speaker, I rise in strong support of H.R. 4262, the Berne Convention Implementation Act of 1988.

At the outset, I would like to recognize the leadership of the subcommittee chairman, the gentleman from Wisconsin [Mr. Kastenmeier], who has provided a guiding hand for this important legislation. Having worked together over the years on many important copyright bills—including the historic Copyright Revision Act of 1976, the Computer Software Amendments Act, and the Semiconductor Chip Protection Act—we have strived to legislate a strong and dynamic copyright system for this country.

The purpose of the legislation before us today, H.R. 4262, is to pave the way for U.S. adherence to the Berne Convention for the Protection of Literary and Artistic Works. Since the treaty has several provisions that conflict with current American copyright law, certain minimal changes to American copyright law required under the treaty's provisions are made by the bill. H.R. 4262 amends provisions of current copyright law relating to formalities (registration, recordation and notice), the jukebox compulsory license, and architectural works. As relates to the "moral rights" of authors, no changes are made to current law. In the near future, the Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice will hold hearings on this subject.

Enactment of this legislation—and subsequent membership of the United States in the Berne Union—will result in significant benefits to American authors and the public. We will establish multilateral relations in the area of copyright with 24 countries with whom such relations do not currently exist.

U.S. membership in Berne is a positive step forward in a legal area that is increasingly international. The United States is a leader in creating and exporting copyrighted works, and we should be a leader in promoting international legal norms.

The Berne Convention Implementation Act of 1988 is one of the most important pieces of intellectual property legislation that will be considered by the 100th Congress. I urge your support for this measure.

Mr. KASTENMEIER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Gray of Illinois). The question is on the motion offered by the gentleman from Wisconsin [Mr. Kastenmeier] that the House suspend the rules and pass the bill, H.R. 4262, as amended.

The question was taken.

Mr. LUNGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to revise and extend their remarks on H.R. 4262, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MAJOR FRAUD ACT OF 1988

Mr. HUGHES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3911) to amend title 18, United States Code, to provide increased penalties for certain major frauds against the United States, as amended.

The Clerk read as follows:

H.R. 3911

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Major Fraud Act of 1988".

SEC. 2. CHAPTER 47 AMENDMENT.

(a) In General.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1031. Major fraud against the United States

"(a) Whoever knowingly executes, or attempts to execute, any scheme or artifice—

"(1) to defraud the United States; or

"(2) to obtain money or property from the United States by means of false or fraudulent pretenses, representations, or promises;

in any procurement of property or services for the Government, if the value of the contract for such property or services is $1,000,000 or more, shall be fined under this title or imprisoned not more than 10 years, or both.

"(b) If the offense involves a foreseeable and substantial risk of personal injury, the term of imprisonment imposed under subsection (a) of this section shall not be less than 2 years. The fine imposed for an offense under this section may exceed the maximum otherwise provided by law, if such fine does not exceed $10,000,000 and—

"(1) the amount of the fraud is substantial in relation to the value of such contract and the gross loss to the Government or the gross grain to a defendant is $250,000 or greater; or

"(2) the offense involves a foreseeable and substantial risk of personal injury.

"(c) A prosecution of an offense under this section may be commenced any time not later than 7 years after the offense is committed.

"(d)(1) Upon application by the Attorney General, the court may order a payment from a criminal fine under this section to an individual who furnished information leading to the conviction under this section. The amount of such payment shall not exceed $250,000.

"(2) An individual is not eligible for such a payment if—

"(A) that individual is an officer or employee of a government who furnishes information or renders service in the performance of official duties;

"(B) that individual failed to furnish the information in a timely manner to the individual's employer, unless the court determines the individual had justifiable reasons for that failure; or

"(C) that individual participated in the violation of this section with respect to which such payment would be made.

"(e) Any individual who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by an employer because of lawful acts done by the employee on behalf of the employee or others in furtherance of a prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such a prosecution) may, in a civil action, obtain all relief necessary to make such individual whole. Such relief shall include reinstatement with the same seniority status such individual would have had but for the discrimination, 2 times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

"1031. Major fraud against the United States.".

The **SPEAKER** pro tempore. Is a second demanded?

Mr. **McCOLLUM.** Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The gentleman from New Jersey [Mr. HUGHES] will be recognized for 20 minutes and the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. HUGHES].

Mr. **HUGHES.** Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Major Fraud Act of 1988, H.R. 3911, which was reported favorably to the House of Representatives by the Committee on the Judiciary by voice vote on May 3, 1988. This major criminal procurement fraud bill is a needed complement to action taken in the 99th Congress on the civil side when we passed the False Claims Amendment Act of 1986 and the Program Fraud Civil Remedies Act.

The motivating force behind this new criminal antifraud bill is that the development and enforcement of what is called white collar crime statutes is not only demanded in the interest of justice in this area, but can often result in substantial cost savings in the form or reduced losses in fraud to the Government.

A striking example of this phenomenon occurred in the late seventies and early eighties when the Department of Justice participated in wide-ranging prosecutions of bid rigging by highway contractors throughout the United States. As a result of this concentrated effort there were prosecutions in over 15 States which produced indictments of over 180 companies and 200 executives. Numerous jail sentences and fines totaling $41 million resulted from this effort with a conviction rate of over 90 percent. In early 1983 the Wall Street Journal, in a followup story, reported that the cost of constructing highways in the Nation had fallen significantly, in some cases by as much as 25 to 30 percent below the engineering estimates. This was attributed, in part, to this massive law enforcement effort which had disrupted an illegal way of life in the highway construction business. This experience added credence to the theory that the deterrent power of the law when enforced can be very strong, especially in the area of white collar crime.

H.R. 3911 is just such a bill. It is based upon hearings by the Subcommittee on Crime and a review of numerous other congressional, Department of Justice and Department of Defense investigations of procurement fraud over the last two decades. I will not here reiterate the litany of successive scandals in spare parts, overhead overcharges, malfunctioning equipment, product substitution, and so forth that have been exposed in this testimony. But, to say the least, it documents a story of greed, malfeasance and other fraudulent schemes that bilk the American taxpayers of billions of dollars and at the same time diminish our citizen's confidence in the executive branch's ability to efficiently administer essential governmental functions.

These investigations are not merely a history lesson, but are a collection of facts that describe a relatively small, but extremely malignant blight on our society which is continuing. For instance, the GAO just released a report in January 1988 in which it estimated a loss due to procurement fraud of $387 million in but 148 open procurement cases reported to the Secretary of Defense from April 1, 1985, through March 31, 1986. The report also noted that in fiscal year 1986 there were some 1,919 new fraud investigations as compared with fiscal year 1983 when there were 870 such investigations.

This GAO study, by the way, included only 32 product substitution cases which are a priority for DOD. In the product substitution area alone, cases where contractors deliberately provide inferior products on DOD contracts which can directly cost Americans their lives, investigations have increased to the point where there have been 85 indictments since January 1986. As of October 1987 the Defense Criminal Investigative Service [DCIS] was actively involved in another 231.

H.R. 3911, as amended, is fashioned to meet many of these problems and to create a new deterrent to criminal fraud. It creates a new Federal procurement fraud offense involving contracts of $1 million or more and is patterned after the Bank Fraud Act, 18 U.S.C. 1344. This, I am told, would cover some 9,900 prime contracts under current conditions.

The maximum prison sentence that could be imposed is 10 years. This is consistent with the maximum in comparable legislation. The bill adds a clause providing for a mandatory minimum sentence of 2 years if the offense involves a "foreseeable and substantial risk of personal injury". This is to cover those egregious situations, usually in product substitution cases, where a contractor provides such items as defective parachute cords, faulty jet ejection seat valves or defective nozzles for fire fighting equipment on ships. These provisions should act as an additional deterrent to individuals.

The bill then proposes an alternate fine that could be imposed upon conviction of up to $10 million which should be a new deterrent to corporate fraud. The bill also would provide an extension of the statute of limitations in which prosecutions could be initiated to 7 years, rather than the normal 5 years, to accommodate the extensive investigation often required in this type of fraud.

In addition the bill establishes a new system of rewards under which up to $250,000 can be paid from the criminal fine to individuals who provide information leading to a conviction as well as private "whistleblowers" protection for these informants based upon provisions included in the False Claims Act Amendments of 1986, 31 U.S.C. 3730H.

The bill does set limitations on who can receive these rewards, above and beyond the fact that the DOJ must recommend and the court must approve such a reward. Those ineligible are: First, Government employees performing their official duties; second, workers who could have come forward with information to an employer at the formative stage of an offense and could have prevented it or stopped it; and third, individuals who participated in the offense.

I believe the Major Fraud Act of 1988 will become not only a major deterrent to procurement fraud but an incentive for responsible individuals to come forward with information in the prosecution of major fraud when it occurs.

This bill will protect the taxpayers, the honest businessman and our procurement process. I urge my colleagues to support this important legislation.

□ 1545

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the problems of the Government contract have been around for a long time, and I suppose that any numbers of Congresses have tried to tackle it with various forms of deterrent legislation. But this is a particularly onerous time for us as we look at some of the examples the gentleman from New Jersey [Mr. HUGHES] raised a couple minutes ago about how many of these frauds are going on today especially in the area where there is product substitute and the lives of individuals are placed in such great danger, especially the lives of our servicemen, who many times are on the wrong end of whatever it may be that has been substituted as a result of this product fraud in the Government area.

It is also a very bad time for us when we consider the losses in dollars and cents, dollars and cents that we could use in the Federal Treasury both from the standpoint of balancing a deficit or for perhaps working for some project such as fighting the war on drugs that we really need the moneys for, but instead somebody rips us off.

So, this legislation that is here today on major fraud contracts is an effort to provide an additional deterrent, a really substantial deterrent, to make some people think twice whenever they are setting about methods that might result and would result in fraud on the Government in the contract area.

Mr. Speaker, it is a bipartisan bill. It had the unanimous cosponsorship of every member of the Subcommittee on Crime. I would like to go over for a minute the various aspects of this bill just to talk about what it consists of and explain it a little more.

Mr. Speaker, we are talking now about procurement contracts of $1 million or more, very visible contracts, not the really tiny contracts with the Government. In addition to the fines that are already in existence, under two conditions that have to exist, one of two, there would be a new additional optional fine of up to $10 million imposed for a single act of fraud. The conditions involve one of two things. The first would be that the amount of the fraud has to exceed $250,000, or it must be substantial in relation to the value of the contract. The other condition is that the fraud, if it were not $250,000 or substantial in relationship to the value of the contract, it must involve a foreseeable and substantial risk of permanent injury.

Mr. Speaker, both of these conditions on the $10 million new fine were placed in the bill as a result of amendments that I offered in committee and subcommittee designed to protect the small businessman to make sure that what we are dealing within this bill is what we intended to deal with, and that is truly major fraud in the contract arena. The objective here is not to bankrupt small companies, but the objective here is to deter major fraud and to stop a lot of this stuff going on from going on.

I think that is what we have in this product, and I am very proud of what has come out in the end.

We also have in this bill a 10-year maximum prison sentence or a 2-year mandatory sentence for frauds involving the foreseeable and substantial risk of personal injury. It is long overdue that we have a minimum mandatory sentence that really puts some teeth into the law in the area where somebody is substituting a product and he can foresee that that substitute product is likely to result in injury to somebody because that product is simply not suitable for the purpose for which it was intended.

In addition to that, as the chairman of the subcommittee has mentioned, the reward provisions of this I think will go a long way to deterring as well. There is a $250,000 provision for an individual who furnishes information leading to a conviction under this bill, however, there is an escape clause if that individual does not provide the same information beforehand to his company because we are concerned about the self-governing clauses that private industry has today in efforts to clean up Government fraud, and we do not want to do anything to upset those provisions. So, if somebody does not report whatever he observes and just goes greedily after the reward of this, he is not going to be eligible for the reward.

Mr. Speaker, I compliment the gentleman from New Jersey [Mr. HUGHES] for this legislation, for the hard work that he has put in on it and for the staff members who have worked on the bill. It is a good product.

I reserve the balance of my time.

Mr. RODINO. Mr. Speaker, I rise in support of H.R. 3911, the Major Fraud Act of 1988. This bill was crafted in the Judiciary Committee with bipartisan support and is a needed complement to the Congress' action in the 99th Congress when we passed the False Claims Amendment Act of 1986 and the Program Fraud Civil Remedies Act.

This bill was developed in order to address fraudulent activity by the private sector and inefficiency and acquiescence by the Federal Government in the area of procurement fraud that is documented in numerous congressional, Department of Justice, and Department of Defense investigations over the last 15 years.

H.R. 3911 creates a new Federal procurement fraud offense involving contracts of $1 million or more and is patterned after the existing bank fraud statute.

The maximum prison sentence that could be imposed is 10 years. This is consistent with the maximum in the act prohibiting conspiracy to defraud the Government with respect to a claim. The bill further provides for a mandatory minimum sentence of 2 years if the offense involves a "foreseeable and substantial risk of personal injury." These two provisions should act as an additional deterrent to individuals.

The bill also proposes an alternate fine of up to $10 million which would be used in aggravated situations and should be a new deterrent to fraud for large corporations. The bill would provide an extenstion of the statute of limitations to 7 years in which prosecutions must be initiated, rather than the current 5 years. This will enable the Department of Justice more time to thoroughly investigate these complicated cases.

In addition, the bill establishes a new system of rewards under which up to $250,000 can be paid from the criminal fine to individuals who provide information leading to a conviction, and provides protection for these whistleblowers in a manner similar to protections included in the False Claims Act Amendments of 1986.

The prosecution of white collar crime, which silently robs millions of dollars from all of us, must remain a high priority for Federal law enforcement. I believe the Major Fraud Act of 1988 will assist and encourage Federal law enforcement in the Nation's procurement business.

I urge my colleagues to support this needed legislation.

Mr. HUGHES. Mr. Speaker, I have no further requests for time.

Mr. McCOLLUM. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from New Jersey [Mr. HUGHES] that the House suspend the rules and pass the bill, H.R. 3911, as amended.

The question was taken.

Mr. HUGHES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 3911, as amended, the bill just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

TERRORIST FIREARMS DETECTION ACT OF 1988

Mr. HUGHES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4445) to amend title 18, United States Code, to prohibit certain firearms especially useful to terrorists, as amended.

The Clerk read as follows:

H.R. 4445

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorist Firearms Detection Act of 1988".

SEC. 2. PROHIBITION; DETERMINATION OF TERRORIST FIREARMS.

Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(p)(1) Except as otherwise provided in this chapter, it shall be unlawful for any person to manufacture, import, sell, transfer, or possess any plastic firearm.

"(2) As used in this subsection—

"(A) the term 'plastic firearm' means any firearm described in section 921(a)(3)(A) of this title—

"(i) containing less than 3.7 ounces of electromagnetically detectable metal; or

"(ii) of which any major component, when subjected to inspection by x-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component; and

"(B) the term 'major component' means—

"(i) the barrel;

"(ii) the slide or cylinder; or

"(iii) the frame or receiver.

"(3) It suffices, for the purposes of the requirements of paragraph (2)(A)(ii), that the required image results from the infusion into the component of barium sulfate or other compound.

"(4) This subsection does not apply to any conduct by or under the authority of the United States or any department or agency thereof, of a State, or a department, agency or political subdivision thereof.".

SEC. 3. PENALTY.

(1) Section 924 of title 18, United States Code, is amended—

(1) in subsection (a), by striking out "or (c)" and inserting ", (c), or (f)" in lieu thereof; and

(2) by adding at the end the following:

"(f) In the case of a person who knowingly violates section 922(p) of this title, such person shall be fined under this title, or imprisoned not more than five years, or both.".

SEC. 4. EXEMPTION FOR CERTAIN EXISTING FIREARMS.

Section 925 of title 18, United States Code, is amended by adding at the end the following:

"(f) The prohibition of section 922(p) does not apply with respect to any firearm possessed in the United States before the date of the enactment of the Terrorist Firearms Detection Act of 1988.".

SEC. 5. REPORT.

The Secretary of the Treasury shall, after consultation with other appropriate Federal agencies, report every two years to the Congress regarding the state of the art of firearm manufacture and firearm detection technology.

SEC. 6. EFFECTIVE DATE AND SUNSET PROVISION.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect on the 180th day beginning after the date of the enactment of this Act.

(b) SUNSET PROVISION.—Effective five years after such day—

(1) subsection (p) of section 922 of title 18, United States Code, is repealed;

(2) subsection (f) of section 924 of title 18, United States Code, is repealed;

(3) section 924(a) of title 18, United States Code, is amended by striking out ", (c), or (f)" and inserting "or (c)" in lieu thereof; and

(4) subsection (f) of section 925 of title 18, United States Code, is repealed.

The SPEAKER pro tempore. Is a second demanded?

Mr. McCOLLUM. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. HUGHES] will be recognized for 20 minutes and the gentleman from Florida [Mr. McCOLLUM] wil be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I yield myself such time as I may consume.

Mr. HUGHES. Mr. Speaker, the Committee on the Judiciary reports favorably by unanimous vote the bill H.R. 4445, the Terrorist Firearms Detection Act.

Mr. Speaker, one of the menaces of the modern age is the threat of terrorism that shadows us in our daily lives. Air passengers traveling around the country and around the world are always under some threat of a possible air hijacking. In the United States we have substantially eliminated that threat through our civil air security program.

Similarly, those of us in public service are acutely aware of the terrorist threat to our national institutions and to our governmental offices. Those of us who work in and with law enforcement are very aware of the need for security in courthouses and prisons. Thus we have installed sophisticated equipment to detect weapons at the entrances of such facilities. However, we must always be alert to new circumstances that can be exploited by terrorists and criminals.

□ 1555

The benefits of technology are shared by all of us, law-abiding and criminal alike. Thus, we must act to protect against the innovations that have the potential to be misused by criminals and terrorists.

The Crime Subcommittee has taken extensive testimony, Mr. Speaker, and there are performance advantages from constructing firearms out of plastics. Firearms components are now being manufactured from plastics and polymers, and in the near future the technology will permit the manufacture of a virtually all-plastic handgun.

The danger is that currently a plastic firearm will not alert a metal detector nor be visible in an xray examination of carry-on luggage. It has been reliably predicted that the development of an undetectable plastic firearm is just around the corner.

To address this threat, the Subcommittee on Crime has held four hearings to learn more about firearms which can potentially escape detection at security checkpoints. We have determined that plastic firearms, unless they can be detected, are an unacceptable threat to the safety of airline passengers and to the security of facilities such as the White House, Federal, and State office buildings, prisons, and courthouses, to mention just a few.

We have found sophisticated magnetometers are now being programmed to discriminate between weapons containing suprisingly small amounts of metal and innocuous objects, and pick up the weapons. Thus, we have reported a bill that bans firearms containing less than 3.7 ounces—a very small amount—of electromagnetically detectable metal because such firearms are not detectable at strict levels of security.

At the 3.7-ounce level, we are not banning any metal handguns that are currently on the market; nor are we creating any ambiguity about whether a particular firearm is legal or not.

Plastic does not generate a sharp, distinct x-ray image. Accordingly, our legislation requires firearm components to generate x-ray images that accurately depict the shape of the components. These accurate images will enable security operators to identify firearms.

If a firearm does not meet these tests, if it contains less than 3.7 ounces of metal, or if it does not generate accurate x-ray images, then it may not be manufactured, sold, imported, transferred or possessed. A knowing violation would be a felony carrying up to 5 years imprisonment and a fine up to $250,000 for an individual and up to $1 million for an organization.

In the interest of protecting the technological benefits for the use of law enforcement and national security, the bill excepts the military and law enforcement activities of Federal, State, and local governments from its prohibitions.

The final provision is a sunset provision. The recent innovation in magnetometer technology demonstrates that firearms detection technology is advancing quickly.

I am happy to report that much of that technology is being advanced in my own congressional district in Pomona, NJ.

Thus, at the urging of the gentleman from Florida [Mr. McCollum], the ranking Republican member of the subcommittee, the prohibition is repealed after 5 years. In the interim, the bill directs the Secretary of the Treasury to report to the Congress after 2 years and after 4 years on the state of the art with respect to firearms manufacture and firearms detection technology. If plastic handguns remain a threat because they are not detectable, at that time it will be a simple matter to repeal the repealer.

I commend the gentleman from Florida [Mr. McCollum] for his outstanding cooperation and excellent work in reaching a solution to this complex problem.

In addition, the staff, both Ed O'Connell on the majority staff, and on the minority staff Paul McNulty, have done an outstanding job in fashioning this legislation.

I want to acknowledge the outstanding efforts of the gentleman from New York, Mr. Mario Biaggi, the gentleman from New York, Mr. Mrazek, the gentleman from New York, Mr. Schumer, the gentleman from New York, Mr. Weiss, and Senator Howard Metzenbaum, and in particular the other members of the subcommittee for building the foundation for the solution we have developed.

It was a consensus that we worked out over a period of about 3 months, but it demonstrated that the process can work.

Finally, I want to commend the Nation's police community and their Representatives on the Law Enforcement Steering Committee. They have worked very hard on this legislation and deserve a great deal of credit in a number of respects. First of all, they made sure that arriving at a solution to the threat of plastic firearms remained a high national police priority.

Second, they played a major role in helping to bring about a consensus. Their work with the administration in encouraging the Department of Justice and the Department of the Treasury to agree upon a proposal helped to break the impasse that seemed to have surrounded this legislation for a long time.

The Nation's police have been in the forefront of this battle. They have demonstrated that they are a strong, effective and rational voice for a firearms policy that makes protection of the public safety the first priority. I will not mention all of the dozen groups in the Steering Committee, but the work of the Fraternal Order of Police, the International Association of Chiefs of Police, the Police Executive Research Forum, the International Brotherhood of Police Officers, and the Federal Law Enforcement Officers Association, in the day-to-day effort to develop a legislation solution certainly deserves special recognition.

There are a number of other groups, Mr. Speaker, and individuals who made significant contributions to our committee. Times does not permit me to mention them all; however, I do want to single out one great lady, Sara Brady. She was simply superb.

Mr. Speaker, this is a good bill, a good solution to what has been a difficult problem. I do not have to tell you, Mr. Speaker, gun legislation often develops more than light. I am happy to report there is general consensus behind this bill. It is a good bill and I urge my colleagues to support it.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this act is appropriately entitled the Terrorist Firearms Detection Act of 1988. What we are concerned with is terrorism. What we are concerned with is somebody who would take a weapon aboard a plane by taking it through a detection device in an airport and that weapon be some type of new model that we have not yet seen, but one which is made out of plastic or some product which is not detectable in the devices which are presently in our airports. That is all we are concerned about. Nobody wants to prohibit or ban firearms. Nobody wants to control or regulate the use of firearms by American citizens in this legislation, and it does not do that.

What this legislation simply does is to define a plastic firearm. We could have gone about it in another way. We could have defined an undetectable firearm. We could have said you just cannot manufacture, possess, have or whatever, something that currently does not exist, and spell out what we mean; but in the public eye today the product, the concerns because of a lot of press that has been generated, is over the image of a plastic firearm, something that has no metal in it at all.

First of all, let me say there is no such thing as an all-plastic firearm today. It does not exist. I hope it never does, but it does not today.

The second thing I think that needs to be pointed out is that for all known firearms in existence today, the Federal Aviation Authority reports, and I believe from our testimony we had in front of our subcommittee, that the devices currently in our airports are capable of detecting those particular firearms.

Last but not least, I think it should be pointed out that even if this were not so, this legislation specifically exempts all known existing firearms, all of them that have already been produced and are in existence today.

Now, that having been said, let me read precisely the language that we are talking about in defining the plastic firearm which is being banned by this bill.

It means any firearm which contains less than 3.7 ounces of electromagnetically detectable metal; or of which any major component, when subjected to inspection by x-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component; and the term "major component" means the barrel, the slide or cylinder, or the frame or receiver.

It suffices, for the purposes of these requirements, that the image results from the infusion into the component of barium sulfate or other compound which will show up an image on that x-ray machine.

I think everyone hopes, and frankly I think it is going to happen, that one of these days before long we will actually have x-ray machines in our airports that can detect any pure plastic weapon, whether it has the barium in it or not. It appears that technology is available, but it is very expensive. It is not in our airports today. It is not clear when it will occur.

It is also not clear when or if we will actually have a truly plastic firearms; but it is clear that we need to have legislation that is on the books well in advance of such a thing occurring.

We need to deter the terrorist. We also need to make sure that those in law enforcement have every weapon and tool or device at their disposal in order to catch a terrorist before he or she gets on a plane in an effort to hijack the plane or to disrupt or to damage the lives of any individual. That is a very, very precious security for the American public and which I think is the reason why that everybody got together behind this legislation.

It is no longer a controversial subject. Every interest group that I am aware of supports this legislation. There may be some who want to see a little bit of this or a little bit of that changed about it, but nothing substantial and nothing which would deter their support of it.

Mr. Speaker, I want to commend the gentleman from New Jersey who worked tirelessly with the staff he mentioned, and Paul McNulty of our minority staff who also labored seriously in the vineyards to come up with some of the specific language that resulted in this compromise and this product that I think is the best piece that is out there on the table. Obviously, we have this today under suspension of the rules, which is the finest tribute to the bill that suddenly turns noncontroversial.

Again, I thank the gentleman. It has been a real pleasure to work with the gentleman from New Jersey on this legislation.

Mr. HUGHES. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. Staggers], a very valued member of the subcommittee.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want to congratulate my colleagues, the gentleman from New Jersey [Mr. Hughes] and the gentleman from Florida [Mr. McCollum] for their leadership in arriving at the consensus bill that we have here today. I am sure the chairman will tell you that I am not a real fan of gun control, but this bill does not ban any current firearms. It does not provide discretion to any Government official to do so, so I rise in support of the bill. I think it is not the total solution to the problem, but this legislation would combine with better pay and training for security personnel and improved detection technology and a commitment by the American people to combat terrorism, even if it does mean some inconvenience to airports, will provide an effective solution to this affliction on public safety.

Mr. Speaker, I rise in support of the terrorists firearms detection act and congratulate my colleagues, Bill Hughes and Bill McCollum, on their efforts to arrive at the consensus bill we have before us today.

As a member of the subcommittee on crime, I have participated in the hearing process on the issue of firearms that can escape detection. During these hearings, it was brought to light that firearms technology is rapidly advancing to the stage where manufacturers will soon be capable of producing plastic firearms which will be undetectable by our current detection systems. In attempting to combat the expanding threat of terrorism, the subcommittee drafted H.R. 4445. The bill does not ban any current firearm, nor does it provide discretion to any Government official to do so.

While this measure attempts to address the problem of terrorist activity through a narrowing of the gap between the advancing firearms manufacturing technology and the lagging detection system technology, it is only the first step toward a solution. We must close this gap by devoting the resources needed to improve the current state of detection technology, as well as enhancing our current security procedures. During the hearings on this issue, one witness demonstrated the inadequacies of today's detection devices by strapping on conventional metal handguns and walking, undetected, through a metal detector which was set to FAA standards. Such a telling demonstration points to the need for improving our present detection system. Also, we shouldn't forget the need to detect plastic explosives, as well.

In addition to upgrading our detection technology, we must also focus on the personnel operating these devices and the procedures employed. If the detection device is not being operated properly there is no weapon, plastic or metal, that will be detected. We cannot continue to expect the poorly paid and inadequately trained personnel who operate these devices to ensure the public safety alone.

The American public shares in the responsibility of combating terrorism, as well. The public must be willing to exchange the inconvenience of more thorough detection methods at airports and public buildings for insuring the safety of all.

Terrorism will not be stopped by the enactment of this bill. Just as criminals obtain their guns through illegal means, terrorists will do the same. But this legislation, when combined with better pay and training for security personnel, improved detection technology, and a commitment by the American public to combat terrorism even if it means inconvenience at airports, will provide an effective solution to this affliction on the public safety. I urge my colleagues to support H.R. 4445.

Mr. McCOLLUM. Mr. Speaker, I yield 6 minutes to the gentleman from Idaho [Mr. Craig].

Mr. CRAIG. Mr. Speaker, the Terrorist Firearms Detection Act of 1988, as the chairman has so appropriately described and as the ranking member of that subcommittee, the gentleman from Florida [Mr. McCollum], has described, is a valuable piece of legislation that brings the right of the law-abiding gunowner of this country in balance with the concern of some for security and detection of potential—I repeat the word "potential"—terrorist weapon.

I think the bill addresses the concern that myself, the gentleman from Michigan [Mr. Dingell], and the leadership of the House expressed earlier this year in H.R. 4014 in which the leadership of the House supported and a substantial number of Members of this body supported. We worked in cooperation with this committee to produce this piece of legislation.

In examining the aspects of H.R. 4014 versus H.R. 4045, which is the bill we have before us, there are a good many similarities. I think it is important to recognize, as the chairman has said, that this is a compromise effort with a lot of interests involved to bring about a piece of legislation that recognizes and addresses itself to detectability as the ultimate issue in dealing with firearms in this country.

H.R. 4445 requires the Secretary of the Treasury, as has been mentioned, to report biennially to Congress regarding the state of the art of firearms manufacture and firearms technology.

It is important that there be a 5-year sunset provision, because we are now being told by those who specialize in the area of detection and security that with the advancement in the science of this effort, that clearly within a few years we will be able to detect that which might not be detectable today.

The 3.7-ounce requirement for metal of electromagnetocology or detectability of metals is clearly important, because what that says to the gun-owning public of this country is that there is not a gun on the market today that will be banned, and that is consistent with the law of this land. That is consistent with the Constitution of this country that has historically said it is the right of the citizen of this country to own firearms, and clearly this speaks to it. There is also a penalty provision involved.

What I think is important, though, and it must be said, Mr. Speaker, is that in the effort to build this compromise, there was a great deal of hysteria that in fact there were guns on the market that could somehow make it through the current detection systems of this country. I believe that is simply not the case.

I would like to give you an example, and I will repeat very clearly that what I am about to hold up is a toy, a toy plastic gun in the image of a gun, a toy that would be about the size of a small handgun.

Now, this is all plastic, Mr. Speaker, except for a small spring mechanism here and a small spring in the lower handle. As I came from my office this afternoon, I stopped at the x-ray machines in the front of the Longworth House Office Building and put in this toy plastic gun and the container box it was in. This toy gun is called a potato gun, one that shoots little bits of potatoes that children can play with and designed so it will not harm them.

□ 1610

This gun's image was vividly seen as it moved through the x-ray device. This gun is more plastic than any gun could ever be manufactured by current technology today. It is basically all plastic and yet for our own security, our own x-ray devices which the public must pass through as they enter our office buildings, this gun is vividly detectable.

I asked our Capitol Hill Police to stop the x-ray machine so that we could look at it clearly. The outline was very visible and I said to the Capitol Police at that time, "What do you see on the screen of the x-ray machine?"

They said, "Mr. CRAIG we see very clearly the outline of a handgun, the image of a plastic gun."

The reason I bring that up is because I think it is important that the RECORD show that all of the parties working to bring about this compromise now recognized that detectability is the issue. That is why this does not attempt to ban, rather attempts to address the question of being able to detect.

Having said that, let me compliment the gentleman from New Jersey [Mr. HUGHES], the chairman of the Subcommittee on Crime. Oftentimes on this issue we find ourselves at odds, but today on this particular piece of legislation it has been my privilege to be able to stand on the floor in support of it, as well as with the National Rifle Association, police organizations, and handgun control groups across the country, all of whom can stand in support of this legislation.

Mr. Speaker, I also especially thank my colleague, the gentleman from Florida [Mr. MCCOLLUM], who has worked relentlessly to build this legislation in cooperation with the chairman of the Subcommittee on Crime, bringing together the bits and pieces to craft the ultimate compromise that we have before us today.

Mr. Speaker, in closing I include for the RECORD a letter that we submitted to the chairman of the Committee on the Judiciary, the gentleman from New Jersey [Mr. RODINO], supporting this particular piece of legislation and comparing it with H.R. 4014. It is signed by the leadership of the House.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 28, 1988.

HON. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN RODINO: We wish to commend you and Messrs. Hughes, McCollum, and Fish for favorably reporting from the Committee on Judiciary H.R. 4445, the "Terrorist Firearms Detection Act of 1988," legislation to prohibit the manufacture, transfer, sale and possession of undetectible firearms.

As you are aware, our concern with the potential misuse of undetectible firearms prompted us to introduce H.R. 4014, the "Firearms Detection Act of 1988." We firmly believe H.R. 4014 would accomplish the desirable objectives of prohibiting the manufacture and use of undetectible firearms and enhancing airport security, while protecting the legitimate rights of firearms owners. As you know, H.R. 4014 is cosponsored by more than 85 Members of Congress and is supported by the National Rifle Association.

As a result, we applaud the Committee in responding to our concerns by crafting compromise legislation that, for the most part, accomplishes the same objectives as set forth in H.R. 4014. For this reason, we support the adoption in H.R. 4445 of a minimum metal content standard of 3.7 ounces because it is below the content level of all currently manufactured firearms. H.R. 4445 is also similar to H.R. 4014 because it allows no discretion on the part of any executive branch official in determining the detectability of existing firearms. Your agreement to include a provision protecting firearms owners by "grandfathering" any firearms lawfully possessed prior to the date of enactment is also appreciated.

We also commend you for responding to our concerns by including in H.R. 4445 a provision that provides for the injection of barium sulfate or other substances in the event that any given component of a firearm does not generate an image accurately depicting the shape of that component on a cabinet x-ray screen. We also support the inclusion in the bill of a five year sunset clause.

In conclusion, we believe that you have adequately addressed our concerns by crafting a compromise that is worthy of our full support. Forthis reason, we believe it is in the best interests of all parties concerned that H.R. 4445 be passed expeditiously by the House, without amendment, and that the bill be placed on the Suspension Calendar at the earliest opportunity.

Once again, thank you for working with us on this important issue.

Sincerely,

Thomas S. Foley, Majority Leader; Tony Coelho, Majority Whip; John D. Dingell, Member of Congress; Robert H. Michel, Republican Leader; Trent Lott, Minority Whip; Larry Craig, Member of Congress.

Mr. HUGHES. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, as an original cosponsor, I strongly support H.R. 4445, the Terrorist Firearms Detection Act. I want at the outset to express my deep appreciation to the distinguished gentleman from New Jersey for the tremendous leadership he has provided in getting this bill before us.

The technology now exists to produce firearms that will escape detection by standard airport security equipment. This means that unless we act immediately, terrorists may soon use these extraordinarily dangerous weapons to threaten innocent victims here and around the globe.

As one of the first Members of Congress to point out the enormous threat posed by this new generation of undetectable firearms, I joined other Members of Congress in introducing the first bill to ban these unthinkably hazardous devices. We were quickly joined in this battle by other Members of Congress and by almost every law enforcement organization in the country.

However, the Reagan administration was slow to respond to this very serious threat. At one point, the administration was on the verge of endorsing legislation to ban undetectable weapons, but the National Rifle Association [NRA] met with Attorney General Meese to oppose the administration's decision. Shortly thereafter, the administration withdrew its support.

The legislation before us today is a major step forward. It prohibits the manufacture, importation, sale, transfer or possession of firearms that contain less than a specified amount of metal, or that contain any major component that is not detectable by x-ray machines commonly used at airports. The bill imposes fines and jail terms for violators.

These provisions will be of considerable assistance in the battle against undetectable firearms. However, in light of the strong pressure applied by opponents of any such legislation, it is not surprising that some compromises were made in drafting this legislation. Some of these compromises were serious and resulted in continued expressions of concern by the law enforcement community. The restrictions contained in the pending bill can and should be strengthened in order to fully protect the American public from these dangerous weapons.

For instance, alternative legislation introduced in both the House and the Senate would prohibit weapons that are not as detectable as a "standard exemplar," a test firearm made of a specified amount of stainless steel.

The pending bill ensures that each and every gun contains a certain amount of metal, but it does not specify what kind of metal. This could produce a variation in the detectability standard. The alternative legislation is preferable because it would require that each and every gun meet an identical detectability standard.

In addition, the alternative legislation mandates that airports phase in metal detectors that have improved capabilities in comparison to those now in use. The present legislation does not contain any such provision. I believe that it is urgent that we make very effort to ensure that our x-ray equipment is the most technologically advanced and highest quality equipment available.

The pending legislation is an unquestionable advance and should be supported by all Members of the House. However, there is still time to make needed improvements. It is likely that the Senate will pass a stronger bill than the one the House is considering today. It is my hope that the House-Senate conferees will pay serious attention to meeting the concerns of the law enforcement community. They should endeavor to craft the strongest possible protections against misuse of undetectable handguns by terrorists.

Mr. Speaker, it is not very often that Congress has the opportunity to get ahead of the curve and prevent a tragedy before it occurs. This is one of those moments, and I congratulate all those who have participated in the battle against undetectable firearms for their efforts to date. We must now ensure that fully effective legislation is adopted by the Senate and enacted into law.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. Fish], a distinguished ranking member of the Committee on the Judiciary.

Mr. FISH. Mr. Speaker, I rise today in support of H.R. 4445, the Terrorist Firearms Detection Act of 1988. This legislation represents a truly bipartisan effort of the Judiciary Committee. I commend Bill Hughes, the chairman of the Subcommittee on Crime, and Bill McCollum, the ranking minority member of the subcommittee for developing a bill which strikes a fair balance between protecting the public and the interests of gunowners.

The bill prohibits the manufacture, importation, sale, transfer or possession of a plastic gun. A plastic gun is carefully defined as one which contains less than 3.7 ounces of metal. No existing firearm meets this definition. Second a plastic gun is one which has major components that do not generate a distinct image when subjected to x-ray machine inspection. This is in contrast to an earlier, extreme proposal—S. 465—legislation that would have banned at least 500,000 existing, legal firearms. H.R. 4445 provides an exception for military and law enforcement use. Importantly, it does not include any delegation of authority to the Secretary of the Treasury, an ill-advised provision in earlier legislative proposals (such as S. 465). Because magnetometer and x-ray technology is steadily changing, this bill also contains a 5-year sunset provision. This unusual provision will force Congress to revisit this issue at a time when it is likely that firearms and detection technology will have progressed.

I have also received several inquiries, Mr. Speaker, regarding the differences between H.R. 4445 and S. 2327, a bill introduced by Senator McClure on behalf of the Law Enforcement Steering Committee, and the Department of Justice. These two groups announced their agreement on this issue on the same day the House reported H.R. 4445.

There are essentially two differences between H.R. 4445 ad S. 2327. With regard to the issue of defining the plastic or undetectable weapon, H.R. 4445 employes an objective standard while S. 2327 contains a subjective standard. The bill being considered today defines a plastic gun in an objective manner. It is one having less than a specific amount of metal, or it is one constructed from a material that is not "seeable" by an x-ray machine. The prohibitions in S. 2327 apply to a firearm that is not as detectable as an exemplar used by the Federal Aviation Administration to test airport magnetometers. Given the way magnetometers operate, the language "as detectable as" is inherently a subjective determination. Similarly, S. 2327 prohibits a firearm that is not detectable by an x-ray machine. X-ray machines do not detect anything. They simply generate an image of an object which must be analyzed by an operator. A firearm's "detectability" will be determined on the basis of the operator's judgment. We rightly conclude, therefore, that H.R. 4445 provides the public with clearer notice of the conduct prohibited by this legislation.

The other difference involves the sunset clause in H.R. 4445, to which I briefly alluded a few minutes ago. S. 2327 does not have a sunset clause, but it does provide the Secretary of the Treasury with the authority to amend the subjective standard I just described because of a change in technology.

Mr. Speaker, I strongly support H.R. 4445 because of its simple and clear language, and I urge my colleagues to join me in this support. I am confident the differences in our bill and the present Senate version can be reconciled in conference.

Mr. HUGHES. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. Feighan], a very valued member of the Subcommittee on Crime, and a Member who worked very hard on this issue.

Mr. FEIGHAN. Mr. Speaker, I stand in strong support for H.R. 4445, the Terrorist Firearms Detection Act. The bill makes manufacture and sale of undetectable plastic firearms a felony but appropriately exempts military and law enforcement agencies from its prohibitions. It will ensure greater security for the public and the police, and enhance U.S. antiterrorism efforts.

There are a number of people and groups to whom this bill owes a debt of gratitude: Handgun Control, Inc., for its tireless work on behalf of sane firearms restrictions; representatives of the law enforcement community, for their continued support of plastic gun prohibitions; and Members of the Subcommittee on Crime and the subcommittee's staff, for their thoughtful advice and draftsmanship.

But the person who deserves the greatest amount of credit is my colleague and friend, Bill Hughes. He was among the first in Congress to recognize that gun manufacturers would soon be capable of producing firearms that could avoid security detection. And he acted decisively by scheduling a series of hearings on the issue as early as the 99th Congress. Finally, when it looked bleak for a plastic gun prohibition, he forged a consensus in the committee for this important bill. Throughout, he has shown courage in standing up to the gun lobby and speaking out for sensible handgun laws.

Mr. Speaker, last year a friend suggested to me that holding back the manufacture of plastic firearms in the United States would be about the equivalent of sweeping back Lake Erie with a broom. Well, we are now on the verge of proving him wrong. I anticipate the historic enactment of a bill to restrict plastic handguns this Congress. And I look forward to passing other legislation in the near future that will save lives by keeping handguns out of the wrong hands.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. Gilman].

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 4445, the Terrorist Firearms Detection Act of 1988. I commend the distinguished members of the Judiciary Committee, the gentleman from New Jersey, [Mr. Rodino] and the gentleman from New York, [Mr. Fish], the chairman and ranking minority member of the full committee, and Mr. Hughes and Mr. McCollum, the distinguished chairman and ranking minority member of the Subcommittee on Crime, for bringing this important measure before the House in such an expeditious manner. In addition, I also thank the Members of Congress and concerned citizens on both sides of this controversy who have labored so diligently to craft and achieve a favorable compromise to the difficult problem of airport security.

The recent terrorist hijacking of the Kuwaiti Airlines jet serves to underscore the importance of interdiction techniques which preserve the integrity of our airport security efforts. It is evident that we need to deal with the troubling prospect of undetectable weapons, or so-called plastic firearms, and H.R. 4445 begins this process through an approach that is at once both responsible and effective.

While it is not clear that an all-plastic firearm is capable of being produced under current technology constraints, our rapid technological advances would seem to indicate that at some point we may develop the capability of producing a nonmetallic handgun. H.R. 4445 prepares for this contingency by establishing a required minimum amount of metal which must be manufactured into the handguns components. The minimum metal requirement of 3.7 ounces set forth in H.R. 4445 would eliminate the obvious threat posed by the prospect of all-plastic firearms. The manufacture, importation, or possession of any handgun containing less than this amount would be outlawed. After many hearings and extensive investigation, I am pleased that the Judiciary Committee has mandated a requirement that will prevent future weapons technologies from escaping detection by airport magnetometers and yet will not prohibit the further production of other currently manufactured firearms.

As an additional security H.R. 4445 will require that all firearm component parts generate an image which accurately depicts the shape of the part on cabinet x-ray machines. To accomplish this goal, the measure provides that all future nonmetallic components must be injected with barium sulfate, a chemical which is visible under x-ray scrutiny. This will help forestall a potential terrorist from disassembling the firearm in an attempt to smuggle through nonmetal components.

In conclusion, H.R. 4445 takes a significant step to further ensure the safety, it should help to alleviate the substantial controversy and concern which has been generated over the topic of plastic handguns. It is important to note, however, that all security measures are only as effective as the human operators charged with implementing the program. With respect to airport safety, therefore, it is highly important that security professionals be competent, alert, and well-trained. While H.R. 4445 does not attempt to address this ambitious topic, I am pleased that the legislation establishes a reporting requirement for the Secretary of the Treasury on the state of firearm manufacturing technology and its effect on airport safety. I believe that this report will become the basis for future inquiry into this subject, and I trust that, if necessary, Congress will pursue further action to safeguard our Nation's airline passengers in every respect.

Mr. Speaker, I urge my colleagues to vote in favor of the Terrorist Firearms Detection Act of 1988.

Mr. HUGHES. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Michigan [Mr. Dingell].

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 4445, the Terrorist Firearms Detection Act of 1988, and I urge my colleagues to do the same.

I would like to commend my good friend and colleague, Peter Rodino, chairman of the House Judiciary Committee, for his masterful handling of this legislation and for expediting the passage of the bill on today's Suspension Calendar. I also wish to commend the chairman of the Crime Subcommittee, Bill Hughes, and the ranking minority of that subcommittee, Bill McCollum, for crafting an excellent compromise—a compromise that has won the support of the National Rifle Association, Handgun Control, Inc., and the National Coalition to Ban Handguns. The Democratic and Republican leadership of the House also deserve special recognition in their efforts in helping to bring about this compromise.

My concern, and the concern of the House leadership, with the potential misuse of the undetectable firearms, prompted the introduction of H.R. 4014, the Firearms Detection Act of 1988, by Congressman Thomas Foley, the distinguished House majority leader. Those of us who were original cosponsors of that legislation firmly believed H.R. 4014 would accomplish the desirable objectives of prohibiting the manufacture and use of undetectable firearms and would have enhanced airport security, while protecting the legitimate rights of firearms owners. Our legislation was cosponsored by more than 85 Members of Congress and supported by the National Rifle Association.

The House Judiciary Committee responded to our concerns by crafting compromise legislation that, for the most part, accomplishes the same objectives as set forth in H.R. 4014. For this reason, we support the adoption in H.R. 4445 of a minimum metal content standard of 3.7 ounces because it is below the content level of all currently manufactured firearms. H.R. 4445 also is similar to H.R. 4014 because it allows no discretion on the part of any executive branch official in determining the detectability of existing firearms. To our satisfaction, the committee also included a provision protecting firearms owners by "grandfathering" any firearms lawfully possessed prior to the date of enactment.

H.R. 4445 also contains a provision that provides for the injection of barium sulfate or other substances in the event that any given component of a firearms does not generate an image accurately depicting the shape of that component on a cabinet x-ray screen. We also support the inclusion in the bill of a 5-year sunset clause.

This compromise legislation represents the hard work of many individuals and organizations, including the National Rifle Association which supports adoption of its provisions. I therefore ask my colleagues to support this important legislation.

For the Record, I am inserting a letter to House Judiciary Committee Chairman Peter Rodino signed by myself, House Majority Leader Thomas Foley, House Republican Leader Bob Michel, House Majority Whip Tony Coelho, House Minority Whip Trent Lott, and Congressman Larry Craig commending the committee for working out a compromise.

House of Representatives,
Washington, DC., April 28, 1988.

Hon. Peter W. Rodino, Jr.,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

Dear Chairman Rodino: We wish to commend you and Messrs. Hughes, McCollum, and Fish for favorably reporting from the Committee on Judiciary H.R. 4445, the "Terrorist Firearms Detection Act of 1988," legislation to prohibit the manufacture, transfer, sale and possession of undetectible firearms.

As you are aware, our concern with the potential misuse of undetectible firearms prompted us to introduce H.R. 4014, the "Firearms Detection Act of 1988." We firmly believe H.R. 4014 would accomplish the desirable objectives of prohibiting the manufacture and use of undetectible firearms and enhancing airport security, while protecting the legitimate rights of firearms owners. As you know, H.R. 4014 is cosponsored by more than 85 Members of Congress and is supported by the National Rifle Association.

As a result, we applaud the Committee in responding to our concerns by crafting compromise legislation that, for the most part, accomplishes the same objectives as set forth in H.R. 4014. For this reason, we support the adoption in H.R. 4445 of a minimum metal content standard of 3.7 ounces because it is below the content level of all currently manufactured firearms. H.R. 4445 is also similar to H.R. 4014 because it allows no discretion on the part of any executive branch official in determining the detectability of existing firearms. Your agreement to include a provision protecting firearms owners by "grandfathering" any firearms lawfully possessed prior to the date of enactment is also appreciated.

We also commend you for responding to our concerns by including in H.R. 4445 a provision that provides for the injection of barium sulfate or other substances in the event that any given component of a firearm does not generate an image accurately depicting the shape of that component on a cabinet x-ray screen. We also support the inclusion in the bill of a five year sunset clause.

In conclusion, we believe that you have adequately addressed our concerns by crafting a compromise that is worthy of our full support. For this reason, we believe it is in the best interests of all parties concerned that H.R. 4445 be passed expeditiously by the House, without amendment, and that the bill be placed on the Suspension Calendar at the earliest opportunity.

Once again, thank you for working with us on this important issue.

Sincerely,

Thomas S. Foley, Majority Leader; Tony Coelho, Majority Whip; John D. Dingell, Member of Congress; Robert H. Michel, Republican Leader; Trent

Lott, Minority Whip; Larry Craig, Member of Congress.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

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Mr. GEKAS. Mr. Speaker, congratulations for the drafting of this miracle on Capitol Hill where a bill could be fashioned by so many diverse interests and have everybody come out smiling.

At the same time, I must record for the CONGRESSIONAL RECORD my regret that again the Committee on the Judiciary chose to ignore or to reject the amendment that I offered to append the death penalty to the improper use of the plastic gun. Why are we concerned about the plastic gun or any gun except with its ability to kill, and its ability to kill whether it be a plastic gun or whatever kind of gun in the proper aggravating circumstances should permit the jury that is trying a particular case to have the option of imposing the death penalty, death for a terrorist, where this particular legislation has led and been targeted, the death penalty for one who would use a plastic gun or any other gun to assassinate the President of the United States or to commit mass murder, all those heinous kinds of acts which have caused the American public to cry out for stricter law enforcement in these homicides?

That was the intent and the purport of the amendment which I offered. I understand fully the gentleman from New Jersey and the gentleman from Florida who cooperated and fashioned this bill. They did not want anything to endanger its final passage, and I understand that perfectly.

Each of them has voted in the past in favor of a pro-death-penalty bill when it came before them in the House of Representatives, but still it is using sophistry to a degree that I feel is unwarranted to beat down the death penalty at the subcommittee and the Committee on the Judiciary level continuously on the strength of assertions that this should be the kind of an issue that should come up in full on its own before the Committee on the Judiciary. They will know, and I will continue to preach, that the Committee on the Judiciary is philosophically bent against consideration of, let alone the imposition of, the death penalty, and they in their own proper way are hoping for some breakthrough, as I am, on this issue, I know.

I simply maintain that I believe that no terrorist plastic gun bill is complete until we append to it the ultimate weapon that the public has at its disposal to subject a terrorist who would kill with a plastic gun or any other kind of gun, to expose him to the possibility of the death penalty.

Mr. McCOLLUM. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I am happy to yield to the gentleman.

Mr. McCOLLUM. Mr. Speaker, I certainly agree with the gentleman. We have not had the opportunity to place into law at the Federal level the constitutional requirement that most States have since the Supreme Court said several years ago that the death penalty provisions were unconstitutional in this country, and I urge my colleagues in the committee as well as on the floor to have that opportunity to do it.

I think this gentleman is performing a good service.

Mr. HUGHES. Mr. Speaker, I yield to the gentleman from Connecticut [Mr. GEJDENSON].

PERSONAL EXPLANATION

Mr. GEJDENSON. Mr. Speaker, due to circumstances beyond my control, on Monday, May 2, 1988, I was late and forced to miss a vote on the Senate amendments to H.R. 1811, the Atomic Veterans Compensation Act, which were considered under suspension of the rules.

Had I been present, I would have voted for the Senate amendments to H.R. 1811.

Mr. RODINO. Mr. Speaker, I rise in strong support of H.R. 4445, the Terrorist Firearms Detection Act of 1988.

This bill is an important step in improving the safety of the traveling public and to enhance the security of prisons, jails, courthouses, and other Government buildings.

Plastic firearms which can escape detection fortunately are not yet being manufactured or marketed. However the Congressional Office of Technology Assessment has advised us that the technology will soon be in place to manufacture such weapons. We must act now to assure the American people that they will not be taken hostage by a new generation of weapon. It is rare that Congress has the opportunity to legislate before a tragedy occurs, but this legislation gives us that opportunity.

The bill before us would prohibit the manufacture, sale, or importation of firearms that contain less than 3.7 ounces of electromagnetically detectable metal or that do not generate x-ray images which accurately depict the shape of the firearm's major components.

This prohibition coupled with the new generation of metal detectors will provide a comprehensive level of screening for weapons.

I want to commend the outstanding efforts of Mr. HUGHES and Mr. McCOLLUM for the work on this bill and the prime sponsors of earlier bills who have done a great deal to achieve a workable solution to this issue: Congressmen BIAGGI, MRAZEK, SCHUMER, WEISS, and FEIGHAN. I also want to commend the police community and the Law Enforcement Steering Committee. They played a major role in helping to bring about a consensus and bringing the Attorney General and the administation on board.

Mr. Speaker, this bill is a long awaited measure that will provide an important measure of safety to air travelers, and improve security at important government facilities. I urge the passage of this bill.

Mr. BIAGGI. Mr. Speaker, as a cosponsor of the Terrorist Firearms Detection Act of 1988, I rise in strong support and urge my colleagues to take prompt action on this vital measure. I would also like to commend my friend, BILL HUGHES, who has again displayed his outstanding commitment to those in law enforcement through his work at developing an acceptable legislation aimed at stopping the development of so-called plastic firearms which pose such a dire threat to law enforcement.

I consider it especially appropriate that the House considers this measure on the eve of our Nation's observance of "National Police Week" which begins this Sunday with a major memorial service on the Ellipse to honor those brave law enforcement personnel killed in the line of duty. As Congress did with the passage of legislation to outlaw armor-piercing ammunition, we are sending out a message of solidarity to our law enforcement personnel around this Nation and the message is a clear one—Congress wants to do all it can to protect law enforcement personnel in the line of duty.

I approach my support of this legislation with an active history of involvement with this issue. It was more than 2 years ago when I introduced legislation to require the U.S. Treasury to test all nonmetal firearms to determine if they were detectable by standard airport security devices. Further under my bill, H.R. 4223, should the weapon fail the detection test, it would be banned from manufacture, import or sale except for use by law enforcement.

At that time and today my concern is motivated by one ominous reality—these weapons are in fact capable of evading standard airport security and as a result we are inadvertently or otherwise giving the terrorist the edge over law enforcement. Whenever that is done, innocent people can and do suffer.

My particular concern at that time was one specific nonmetal firearm known as the Glock 17 which have been imported into the United States mostly from Austria. I had this particular weapon tested and it was able to evade detection by the security system right here in the U.S. Capitol.

It was imperative at the time when I first authored my bill that we needed to act because it was apparent that gun manufacturers would soon be capable of producing firearms which are made of plastic parts and which can avoid detection at security checkpoints. Now more than 2 years later it is absolutely compelling that we act.

After almost 20 years in the House, I fully recognize that compromise is the key ingredient to any legislative product that reaches the full House for a vote. This bill is no exception. Yet this is a compromise bill which does not compromise on the central issue—we must act to curb the spread of existing plastic weapons and to put an end to any future production.

Specifically, the bill before us would prohibit the manufacture, importation, sale transfer or possession of firearms that contain less then 3.7 ounces of electromagnetically detectable metal or that contain any major component which cannot be detected when inspected with x-ray machines commonly used at airports. It makes it a felony to violate its prohibitions. The bill exempts military and law enforcement agencies from its prohibitions.

Is this the best bill possible? Certainly not. Yet, we must take action on this problem and that we are doing. If we are to do true justice to this cause, we must go forward before the sunset provisions of this bill take effect and develop an even stronger bill. Let us also take into account the views of our law enforcement agencies when developing this or any kind of similar legislation which has as its main objectives to aid law enforcement. All too often we hear only certain voices and they sometimes work to confuse rather than compromise, to distort rather than direct us toward a solid legislative agenda.

We are doing more than the right thing today with the passage of this legislation. This should be a catalyst toward further and more aggressive legislation that allows us to stay ahead of terrorists rather than always waiting to respond to a tragedy they might and most certainly can cause.

At this point in the RECORD and as a means of establishing an historical perspective on this issue I wish to insert the testimony I delivered on May 15, 1986, before the Subcommittee on Crime on my antiplastic gun legislation, H.R. 4223. I again commend Mr. HUGHES for his leadership as well as my colleague from New York, Mr. MRAZEK, who has worked hard on this issue as well.

TESTIMONY IN SUPPORT OF H.R. 4223 DEALING WITH NONMETAL FIREARMS, PRESENTED BEFORE THE HOUSE SUBCOMMITTEE ON CRIME BY HON. MARIO BIAGGI, May 15, 1986

Mr. Chairman, on this, the occasion of National Peace Officers Memorial Day, I welcome the opportunity to testify here today about an issue of great concern to law enforcement—plastic handguns. This subcommittee has demonstrated a strong advocacy over the years for making the job of law enforcement easier and safer and this hearing is consistent with that record.

I want to especially salute you, Mr. Chairman, for the leadership role you played in responding to the concerns of law enforcement during the consideration of the firearms law reform legislation, and in achieving House and Senate passage of a bill we co-authored together to outlaw armor-piercing ammunition.

As I have said before, and no doubt will have to say again, the criminals and terrorists of this world remain one step ahead of law enforcement with their access to sophisticated weaponry. I appeal to this subcommittee, as I have before, let's make life as difficult as we can for terrorists and other criminals; let's go after the non-sporting weapons which have given the criminals such a clear advantage in our society.

One of those weapons is the plastic handgun and that is why I have authored a bill, H.R. 4223, to require the U.S. Treasury Department to test all nonmetal firearms to determine if they are detectable by standard airport security devices. If a weapon fails the detection test, it would be banned from manufacture, importation or sale in the United States, except for police, military or other government use. In that respect, my bill is virtually identical to H.R. 4194. However, my bill would also go an important step further. It would direct the Federal Aviation Administration to conduct research and development activities aimed at improving airport weapon detection systems.

Why should we be concerned about nonmetal weapons? Consider these facts. Since a rash of hijackings resulted in mandatory security screening procedures being put into effect at U.S. airports in January 1973, more than 33,000 firearms have been detected; almost 14,000 related arrests have been made; and 113 hijackings have been prevented. But, what has become a very effective security system against terrorists will become totally obsolete if we allow plastic weapons to enter our marketplace. Now, more than ever, we must improve airport security, not lose what we already have.

Make no mistake about it, terrorists fully recognize the capabilities and limitations of current airport security devices. That is why terrorists planted plastic explosives aboard the TWA jetliner that exploded in mid-air two months ago, killing four people, including three Americans. And, that is why reports strongly indicate that Libyan madman Muammar Qaddafi has attempted to obtain hundreds of plastic handguns. We cannot and must not bury our heads in the sand and pretend that plastic weaponry is not a problem.

I want to emphasize that my bill does not prejudge any weapon that may now exist. It simply directs the Treasury Department to establish standards for determining a weapon's detectability. It would then be up to the Treasury Department to determine which firearms are undetectable and should be banned.

However, there is a particular weapon that aroused my concerns and led me to introduce my legislation. It is the Glock 17, a mostly plastic Austrian-made weapon that was widely publicized in this country by a Jack Anderson/Dale Van Atta column in January. According to a recent Office of Technology Assessment report, "The Glock 17 is . . . made mostly of plastic with several metal parts, including the barrel." Officials at Glock, Inc., which has an office in Smyrna, Georgia, have informed me that about 100,000 of these weapons have been sold in Europe and "less than 10,000" have been imported to the United States, with U.S. sales on the increase. The Glock was first developed in 1981 for the Austrian Army.

Some have suggested that the Glock 17 is just as detectable as any other conventional metal weapon, and they are quick to point out that the Glock's mass is 83% metal. Well, my own experience suggests something far different. First, it is a totally false impression to say the Glock 17 is 83% metal. In weight, the gun's metal parts weigh more than the plastic parts, but that simply supports the law of physics. In truth, only the barrel, slide and spring of the weapon are metal; everything else is plastic, and the Office of Technology Assessment has confirmed this fact.

I wish to speak from first-hand knowledge about the Glock's detectability. In February, I tested the Glock 17 against the U.S. Capitol's security equipment, which is comparable to what we have at airports, under the supervision of the Capitol Police. When fully assembled, the Glock was spotted by the metal detector, and by the X-ray machine when placed in an empty briefcase. However, it occurred to me that the terrorist might not be quite so accommodating for the security people, so I decided to dismantle the Glock into three major parts—a process that takes no more than a couple of seconds. When dismantled, the frame and magazine of the weapon, which are made of plastic, went undetected through the metal detector, and the metal barrel created a very unsuspicious image on the x-ray screen. This test proved to me that the Glock 17 can beat U.S. Capitol security, and if it can beat U.S. Capitol security, it can certainly beat U.S. airport security.

Other facts support my findings. Consider, for example, that on March 17 at National Airport, a Russian-born individual named Leonid Avrashov was arrested attempting to smuggle a Glock 17 aboard a People Express airliner. According to FAA police officials I spoke to at National, the Glock 17 was not detected by the airport X-ray equipment, but another metal weapon, also carried by Avrashov, was spotted. A subsequent search of the man's carry-on baggage turned up the Glock and 126 rounds of ammunition.

A recent Jack Anderson/Dale Van Atta report stated that "the Pentagon's top expert on counterterrorism, Noel Koch, the Principal Deputy Assistant Defense Secretary . . . had succeeded twice in carrying a dismantled Glock 17 through the human and mechanical weapons detectors at Washington's National Airport." But, Mr. Chairman, your Subcommittee need not rely solely on my findings or those of Mr. Koch. As they say, Mr. Chairman, a picture is worth a thousand words, and I believe the pictures I have with me today tell the whole story. These photos, which are unretouched, were prepared for me by American Science and Engineering, of Cambridge, Massachusetts, the world's second largest provider of airport X-ray machines. They reveal beyond any shadow of a doubt that the Glock 17 can be totally concealed from conventional airport X-ray equipment.

Significantly, these same photos also reveal that American Science and Engineering has developed a new and improved type of X-ray equipment, called the Z System, which can detect plastic weapons. Their new system can turn a totally concealed weapon into a totally detectable weapon. The Office of Technology Assessment has acknowledged and confirmed the Z System's ability. It is a revolutionary development, and something I have formally requested the Federal Aviation Administration to consider requiring at all U.S. airports. The FAA has the matter under review. However, the Z System X-ray equipment does not provide us with an immediate answer to the plastic gun dilemma. First, it is not being used at U.S. airports and the fact that it costs approximately $20,000 more (Z System costs about $50,000) than the X-ray equipment now being used suggests that we might not see this improved X-ray equipment at U.S. airports anytime soon. But, perhaps even more discouraging is that even if we had an X-ray machine that could detect plastic guns, we are still not close to a metal detector that can spot plastic weapons.

This problem is made worse when we consider that there appears to be a totally plastic weapon on the near horizon. In fact, the Office of Technology Assessment has reported that a company by the name of Byron, Inc., in Castleberry, Florida, has developed an all-plastic firearm. They state that the handgun is "plastic except for seven metal springs," and would cost about $200 on the commercial market, far less than the $443 now being charged for the Glock. The OTA report states that this all-plastic handgun will be ready for marketing in one to two years.

I would like to reiterate that it is not my main intention to ban the Glock 17 or any other firearm. My main intent is to maintain an adequate level of security at our nation's airports, the U.S. Capitol, and so many other security-conscious facilities in our country. It may require prohibiting the Glock or other similar weapons, but my objective can be achieved through other means. For example, the makers of plastic firearms could add small particles of metal, or some other detectable feature when they make their weapons; or, as my legislation proposes, we could simply upgrade our airport weapon detection systems so that they could detect plastic guns. My bill is not anti-gun, it is anti-terrorist and that is a tough position to argue against.

There are some here today who will contend that the problem is not plastic weapons, nor the technology to detect those weapons; rather, it is the people who man the security checkpoints at our airports. I would agree that we need better trained, better paid security people at our nation's airports. However, no matter how much we train them or pay them, their job is going to be tough enough without having to worry about plastic guns.

Finally, Mr. Chairman, I think the plastic gun issue raises a broader question—namely, where do we draw the line between free enterprise and public safety. Just yesterday, I publically revealed the facts about a newborn cousin of the plastic gun named the Ballistic Knife. This new type of "super knife" is the latest in cop killing technology. It is marketed by a Florida-based company that recently began selling the weapon through the mail at a cost of $79.95. The four and one-half inch blade of the knife can be propelled 30 feet by a spring-operated mechanism at the push of a button. It was first developed in the Soviet Union for elite Soviet guerrilla forces, and it is advertised to "kill swiftly and silently." I recently ordered my own Ballistic Knife and received it through the mail a week later. There were no questions asked, except my credit card number and address. I could have been anybody. The Ballistic Knife is totally accessible to anyone who wants it, and that is a shocking fact.

Mr. Chairman, I know that later today you will be speaking to hundreds of police survivors who will be assembling in Senate Park. There is no better message we can give those survivors than the assurance that we are doing everything we can to make the job of law enforcement easier and safer. We can start by banning the Ballistic Knife and undetectable nonmetal firearms.

Mr. FAZIO. Mr. Speaker, I rise today in strong support of H.R. 4445, the Terrorist Firearms Detection Act of 1988.

We are faced with the realization that the technology now exists to produce an all-plastic handgun capable of avoiding detection at security checkpoints, including those at airports, government buildings, courthouses, and prisons. Further, it is our existing detection equipment which has been effective in deterring the entry of terrorists into our country. Production of these guns has serious implications in this regard. We must act now, before the proliferation of undetectable handguns produces tragic results.

I believe that we can stop some of the senseless handgun tragedies by passing legislation making it more difficult to obtain and transport these firearms. H.R. 4445 is an important step in this effort as it would prohibit the manufacture, importation, sale, transfer or possession of firearms that contain less than 3.7 ounces of metal. The bill also imposes tough penalties by making it a felony to violate its prohibitions, with a fine of up to $250,000 for individuals and $1 million for an organization, and up to 5 years in jail. I urge my colleagues to support this bill.

Mrs. MORELLA. Mr. Speaker, I want to express my strong support for the Terrorists Firearms Detection Act of 1988, which will prohibit the manufacture, transfer, sale or possession of undetectable firearms. This issue is one of continuing concern to me, and I am pleased to see that the National Rifle Association, Handgun Control, Inc., and the National Coalition to Ban Handguns all back this necessary legislation. Our technology has made the manufacture of these guns possible, but, unfortunately, the technology to detect these guns is not yet perfected. Without this legislation, we have the potential for serious security problems at airports, government buildings, and prisons.

I urge my colleagues to vote for this legislation. Who among us can forget reports of recent airplane hijackings? I believe this bill is a essential measure to protect us from the possibility of future hijackings. I ask quick passage of this bill, H.R. 4445.

Ms. PELOSI. Mr. Speaker, I rise today in support of H.R. 4445, the Terrorist Firearms Detection Act. I believe that it is time for Congress to act to stop the increase in handgun violence throughout our country.

H.R. 4445 would prohibit the manufacture, importation, sale, transfer, or possession of handguns containing such small amounts of metal that they are undetectable by security devices. By implementing these measures, we will take steps to ensure the safety of our airports, government buildings, courthouses, and prisons. All too often we have seen tragedy strike as the result of a firearm being carried undetected into a public place. We must act to secure the safety of our communities from this type of weapon.

We cannot ignore the fact that plastic handguns create a serious and continuous threat to law enforcement officials and the general public. The existence of plastic guns provides inexpensive, lightweight, easily concealable weapons to anyone desiring to purchase one.

With the proliferation of handguns and the increase in violent crime, we must work to ensure the safety of our Nation's citizens. Passage of this bill would be a moderate, sensible solution to the problems posed by plastic handguns.

I urge my colleagues to support H.R. 4445.

Mr. TRAFICANT. Mr. Speaker, I rise in strong support of H.R. 4445, the Terrorist Firearms Detection Act of 1988. As a former sheriff, I recognize the strong concerns the law enforcement community has about the future production of firearms which can avoid detection at security checkpoints at airports, government buildings, courthouses, and prisons. The technology to manufacture these firearms has arrived and it's only a matter of time before these weapons make their way to the marketplace—and into the hands of terrorists and criminals.

The threat posed by these weapons is very real and very potent. We live in a dangerous world where terrorism has evolved into a new and deadly form of warfare. Plastic firearms represent a new weapon in the terrorists' arsenal. H.R. 4445 will put a brake on the manufacture and distribution of these weapons. We need to take every step possible to assist and protect the law enforcement community. As the criminal and terrorist community becomes more sophisticated, the threat to law enforcement grows. This legislation is one way to give an edge to our officers in the field.

H.R. 4445 prohibits the manufacture, importation, sale, transfer, or possession of firearms that contain less than 3.7 ounces of electromagnetically detectable metal—the minimum amount of metal that can be detected by most existing security devices—or that contain any major component which cannot be detected by x-ray machines commonly used at airports. The bill makes it a felony to violate its prohibitions, with a fine of up to $250,000 for individuals and $1 million for organizations, and up to 5 years in jail.

I am gratified that this bill is supported by the law enforcement community, the Reagan administration, the National Rifle Association, and the handgun control lobby. It is an encouraging sign that finally all of us are working together to protect and help the law enforcement community. The legislation before us today was developed after a long and tenuous road. I commend the chairman of the Judiciary Subcommittee on Crime, BILL HUGHES, for the fine job he did guiding this bill through and arriving at a consensus that ensures maximum protection for our law enforcement community.

I urge all of my colleagues to support this legislation.

Mr. HUGHES. Mr. Speaker, I have no further requests for time.

Let me just say that the subcommittee worked very hard on this legislation, the Terrorists Firearms Detection Act, H.R. 4445. It is worthy of the Members' consideration, and I want to again commend, in particular, the staff, Eric Sterling of the majority staff, and the general counsel, Hayden Gregory, who worked very hard on this, along with Paul McNulty.

Mr. Speaker, I yield back the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from New Jersey [Mr. HUGHES] that the House suspend the rules and pass the bill, H.R. 4445, as amended.

The question was taken.

Mr. HUGHES. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ADDITION OF OHIO TO THE MIDDLE ATLANTIC INTERSTATE FOREST FIRE PROTECTION COMPACT

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2756) to amend the Middle Atlantic interstate forest fire protection compact to include the State of Ohio, as amended.

The Clerk read as follows:

H.R. 2756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ADDITION OF OHIO TO THE MIDDLE ATLANTIC INTERSTATE FOREST FIRE PROTECTION COMPACT

The Act entitled "An Act granting the consent and approval of Congress to the Middle Atlantic Interstate Forest Fire Protection Compact", approved July 25, 1956 (70 Stat. 636), is amended—

(1) by redesignating section 2 as section 3; and

(2) by inserting after the first section the following new section:

"SEC. 2. The consent and approval of Congress is hereby given to the addition of the State of Ohio as a party to the Middle Atlantic Interstate Forest Fire Protection Compact. For the purposes of this section, Article II of such Compact shall be deemed to include the State of Ohio.".

The SPEAKER pro tempore. Is a second demanded?

Mr. MORRISON of Washington. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes and the gentleman from Washington [Mr. MORRISON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, this legislation does exactly what the title stipulates: it allows the State of Ohio to join the Middle Atlantic interstate forest fire protection compact.

Mr. Speaker, H.R. 2756, introduced by the gentleman from Ohio [Mr. SAWYER] would provide congressional consent to add Ohio to the forest fire protection compact which currently exists among Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia. The compact provides for coordination and mutual aid among member States in fighting forest fires in the Middle Atlantic region. The original compact was approved by Congress in 1956, pursuant to the constitutional requirement that agreements between States are subject to Congress' consent.

Mr. Speaker, this bill was considered by the Subcommittee on Forests, Family Farms, and Energy of the Committee on Agriculture on May 4, 1988, and an amendment in the nature of a substitute was adopted. H.R. 2756, as amended, has been favorably reported to the House by a unanimous vote of the full Agriculture Committee. Ohio's entry into the compact is supported by the member States and the State of Ohio whose general assembly passed a resolution, subsequently signed by Gov. Richard Celeste, authorizing Ohio's participation.

This measure is supported by the administration and warrants passage by the House. I move its immediate adoption.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. SAWYER], the author of the original resolution.

Mr. SAWYER. Mr. Speaker, as the sponsor of H.R. 2756, I would like to thank the subcommittee chairman, HAROLD VOLKMER, and the full committee chairman, Mr. DE LA GARZA, for acting so quickly on this measure which is of great importance to the State of Ohio.

As events here in the House demonstrated last Thursday, a fire can be a force of incredible power, difficult to battle under the best of circumstances, when all preparations have been made. And as we all know, that is usually not the case.

Very often, firefighters begin their battles at a distinct disadvantage, struggling to gain an edge with superior equipment and trained personnel. This is particularly the case with forest fires. Frequently, they are raging out of control before the first line of defense is sent out.

The legislation that is before us today, will allow my State of Ohio to join the Middle Atlantic interstate forest fire compact. This will grant the compact's member States—Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia plus Ohio—important tools in their firefighting arsenals. Through reciprocal agreements, these States can draw upon appropriately trained and equipped personnel and equipment at a moment's notice. This is extremely important since any delay can mean precious acres of timber and forestland lost for many years. In other words, the sharing of these firefighting resources over a broader geographic base can provide a pool for effective and efficient responses to meet emergency conditions. Through training, predetermined methods of notification and planned dispatch, response to requests for wildlife assistance can be accomplished in a timely manner.

The need for, and benefits of, such a broad-based regional wildlife effort was recognized by Congress in 1956 when Public Law 84-790 was enacted, establishing the Middle Atlantic States forest fire compact. The purpose of this compact is to promote effective prevention and control of forest fires in the Middle Atlantic region of the United States. This is accomplished by the development and integration of forest fire plans, by the maintenance of adequate forest firefighting services among the States of the compact area, by establishing procedures for facilitating such aid, and by the establishment of a coordinating organization to administer relationships between the fire control organizations of the member States.

Mr. Speaker, Ohio has accepted the invitation of member States to join the compact. This enabling legislation is needed to allow that process to go forward. As a member, Ohio will contribute available resources to assist member States in responding to a wildlife emergency and will also be afforded access to resources of other members in time of need. Dealing with tasks and problems common to the Mid-Atlantic region through planned response to wildfire incidents, participating in training exercises and sharing prevention opportunities will further extend the efficient and effective use of available resources of Ohio and other member States.

Once again, I would like to offer special thanks to my colleagues on the Agriculture Committee for their assistance on this legislation; and urge the Members of the House to approve this measure.

Mr. MORRISON of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before us at this time enables the State of Ohio to join the Middle Atlantic interstate forest fire compact. The compact, created by the Congress in 1956, promotes effective forest fire prevention and control in the Middle Atlantic region of our country by the pooling of resources of member States. The six present member States of the compact are Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia.

This legislation is necessary because the Constitution requires congressional consent for a State to enter into an agreement or compact with another State.

The General Assembly of Ohio has enacted legislation accepting the invitation of the compact member States to join.

The Subcommittee on Forests, Family Farms and Energy held a hearing and markup session on this legislation last Wednesday. The witnesses and letters entered into the record support enactment of H.R. 2756. The administration has no objection to its enactment. In fact, I am aware of no opposition to the bill.

The full Committee on Agriculture held a business meeting on the bill on Thursday, May 5, and passed it by voice vote.

Mr. Speaker, many of my colleagues, especially those from the West, know first hand the devastation forest fires can cause. Last year, we experienced the worst fires in this country in 40 years. Our forests provide recreation and employment for many Americans and environmental enhancement for people and fish and wildlife. Any and all efforts should be made to protect these natural resources and this bill will help in that attempt. Fire season is almost upon us again. Cooperation among States, such as that which occurred in the West last year, should be encouraged across country. This bill is one way to accomplish such cooperation.

H.R. 2756 is not expected to have a budgetary or inflationary impact.

I thank the chairmen of both the subcommittee and full committee for their expeditious handling of this matter and urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 2756, as amended.

The question was taken.

Mr. LUNGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1635

DIRECTING SECRETARY OF AGRICULTURE TO RELEASE CERTAIN RESTRICTIONS ON LAND LOCATED IN HENDERSON, TN

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2835) to direct the Secretary of Agriculture to release certain restrictions on a parcel of land located in Henderson, TN, as amended.

The Clerk read as follows:

H.R. 2835

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELEASE OF REVERSIONARY INTEREST.

(a) RELEASE.—In order to facilitate a land exchange between the Bethel Baptist Church of Henderson, Tennessee, and the State of Tennessee, the Secretary of Agriculture shall release the restriction described in subsection (b) if, in consideration of such release, the State of Tennessee agrees to transfer to the United States a vested future interest, similar to such restriction, in the land identified as "Lands Subject to Future Vested Interest" on the map referred to in subsection (c).

(b) RESTRICTION.—The restriction referred to in subsection (a) is a reversionary interest of the United States in the two parcels of land identified as "Lands Divested of Reversionary Interest and Mineral Interests" on the map referred to in subsection (c) that—

(1) requires that such land be used for public purposes; and

(2) is contained in a deed—

(A) granting such land from the United States to the State of Tennessee;

(B) dated August 12, 1955; and

(C) registered on page 588 of book 48 of the record of deeds for Chester County, Tennessee.

(C) MAP AND LEGAL DESCRIPTION.—The lands and interests in lands that are subject to this Act are those lands identified as "Lands Divested of Reversionary Interest and Mineral Interests" and "Lands Subject to Future Vested Interest" as generally depicted on a map entitled "Chickasaw State Park Exchange, Chester County, Tennessee", dated May 27, 1988, numbered page 1 of 3, and filed, together with a legal description of such lands, in the Office of the Chief of the Forest Service, United States Department of Agriculture. Such map and legal description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made by the Secretary of Agriculture.

SEC. 2. SALE OF MINERAL RIGHTS.

(a) In General.—Subject to any valid existing rights of third parties, the Secretary of the Interior shall convey to the State of Tennessee all of the undivided mineral interests of the United States in the land identified as "Lands Divested of Reversionary Interest and Mineral Interests" on the map referred to in section 1(c) as soon as practicable after the date of the compliance by the State of Tennessee with the provisions of subsection (b)(2).

(b) TERMS OF CONVEYANCE.—(1) Within 90 days after the date of the enactment of this Act, the Secretary of the Interior shall determine—

(A) the mineral character of the land identified as "Lands Divested of Reversionary Interest and Mineral Interests" on the map referred to in section 1(c); and

(B) the fair market value of the mineral interests referred to in subsection (a).

(2) The State of Tennessee shall pay to the United States—

(A) any administrative costs incurred by the United States in conveying such mineral interests to the State of Tennessee, including the costs of making the determinations required by paragraph (1); and

(B)(i) the fair market value of such mineral interests; or

(ii) $1, in the case of the mineral interests in any land determined by the Secretary of the Interior to have no value and to be under no active mineral development or leasing.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is a second demanded?

Mr. MORRISON of Washington. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes and the gentleman from Washington [Mr. MORRISON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2835, introduced by the gentleman from Tennessee, Mr. SUNDQUIST, would release the reversionary interest in a parcel of land, less than 1 acre in size, the Chickasaw State Park, TN, to permit the State to exchange this parcel for other property adjacent to the park. The property to be acquired in the exchange is owned by Bethel Baptist Church. The land to be transferred to the church includes a reversionary interest which stipulates that the land be returned to the United States if it is no longer used for public purposes, and is contained in the deed which granted the land to the State of Tennessee in accordance with the Bankhead-Jones Farm Tenant Act.

The bill, as introduced, would have simply eliminated this reversionary interest. However, as the Committee on Agriculture has required with similar bills in the past, the interests of the public must be fully protected in enacting such an exchange. For this reason, an amendment in the nature of a substitute was drafted that would provide for the reversionary interest to be transferred to the new parcel being acquired by the State in the exchange. The substitute also provides that the exchanged parcels be of equal value and that the Secretary of the Interior convey the mineral rights of the property to the State of Tennessee for their market value or $1, whichever is more. I understand that the Forest Service has done a preliminary assessment of the value of these subsurface minerals and determined their value to be minimal. In addition, the Committee on Interior and Insular Affairs was notified of this provision of the bill and has expressed no objections.

Mr. Speaker, this bill was considered in hearings by the Agriculture Subcommittee on Forests, Family Farms, and Energy on May 4, 1988, and the amendment in the nature of a substitute was adopted. The bill was favorably reported by a unanimous vote of the Committee on Agriculture on May 5, 1988. The administration has expressed no objections to enactment of the bill.

I move that the House pass the bill, H.R. 2835, as amended.

Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. SUNDQUIST].

Mr. SUNDQUIST. Mr. Speaker, I thank the gentlemen for yielding time to me.

Mr. Speaker, I want to thank the fine leadership of the Agriculture Committee for their support and consideration of my legislation. The chairman of our committee, the gentleman from Texas [Mr. DE LA GARZA], the distinguished gentleman from Missouri [Mr. VOLKMER], our distinguished subcommittee chairman, and the gentleman from Washington [Mr. MORRISON], my friend and our distinguished ranking member of the subcommittee, have been strongly supportive of this, and I am appreciative of their assistance. It is appreciated also by my constituents in Chester County, TN.

Mr. Speaker, I appreciate consideration of my legislation today. It is a very simple land exchange bill. However, it is of great importance to many of my constituents in Chester County, TN.

Bethel Baptist Church in Chester County is seeking to expand its activities and facilities by adding a new educational building. The church is currently full to capacity. The land 15 feet directly behind the Bethel Baptist building belongs to the State of Tennessee. The property is part of Chickasaw State Forest. This is where Bethel Baptist would like to expand.

Bethel Baptist Church currently owns a parcel of land on its south side that is equal in size and value as the land directly behind the church building. Bethel Baptist would like to exchange these two properties.

Mr. Speaker, the State of Tennessee is fully supportive of this exchange; however, the property falls under the provisions of section 32, title 3 of the Bankhead-Jones Farm Tenant Act. This provision restricts the transfer of former Federal Property unless a waiver is granted. My legislation simply directs the Secretary of Agriculture to release these restrictions. Additionally, the Bankhead-Jones Act reversionary clauses would be transferred to the new property.

The State of Tennessee has assessed that the Chickasaw State Park land is $27.65 more valuable than the Bethel Baptist Church land. I can assure you, Mr. Speaker, that my good friend Paster Ron Davis is only too anxious to write that check.

This proposed land exchange is for a very good purpose. It is also very important to many of Chester County's citizens. It is an exchange that is fair to the State, the Federal Government and the congregation of Bethel Baptist. It also keeps intact the intent of the Bankhead-Jones Act.

I am most grateful for my colleagues' consideration. And I am most hopeful for all of your support.

Mr. MORRISON of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, some of us on the subcommittee hearing this bill decided that the gentleman from Tennessee [Mr. SUNDQUIST] was one of the first to come before us hoping to remove the line between church and state.

Mr. Speaker, the bill before us would release a restriction that land deeded to the State of Tennessee in 1956 under the Bankhead-Jones Act be used for public purposes. When the land ceases to be used for public purposes, title reverts back to the United States

Two parcels of land, totaling less than 1 acre, are involved in this case. The State of Tennessee is willing to apply the restriction to land it owns, part of the Chickasaw State Forest, in exchange for the release of land belonging to the United States that Bethel Baptist Church in Henderson, TN, would like to acquire for expansion.

Any cost associated with the exchange will be borne by the church in Henderson and the State of Tennessee.

We have enacted six similar laws in the past 4 years.

The Subcommittee on Forests, Family Farms, and Energy held a hearing and business meeting on H.R. 2835 on last Wednesday. The administration stated several concerns which were adequately addressed in the substitute subsequently adopted on the same day.

The full Committee on Agriculture passed the measure by voice vote on Thursday, May 5.

This bill is not expected to have any budgetary or inflationary impact.

I urge my colleagues to vote in favor of H.R. 2835.

Mr. SUNDQUIST. Mr. Speaker, I want to thank the fine leadership of the Agriculture Committee for their support and consideration of my legislation. The chairman has been most generous with his assistance, and it is greatly appreciated by myself and my constituents in Chester County, TN.

Mr. Speaker, thank you for considering my legislation today. It is a very simple and exchange bill. However, it is of great importance to many of my constituents in Chester County, TN.

Bethel Baptist Church in Chester County is seeking to expand its activities and facilities by adding a new educational building. The church is currently full to capacity. The land 15 feet directly behind the Bethel Baptist building belongs to the State of Tennessee. The property is part of Chickasaw State Forest. This is where Bethel Baptist would like to expand.

Bethel Baptist Church currently owns a parcel of land on its south side that is equal in size and value as the land directly behind the church building. Bethel Baptist would like to exchange these two properties.

Mr. Speaker, the State of Tennessee is fully supportive of this exchange; however, the property falls under the provisions of section 32, title III of the Bankhead-Jones Farm Tenant Act. This provision restricts the transfer of former Federal property unless a waiver is granted. My legislation simply directs the Secretary of Agriculture to release these restrictions. Additionally, the Bankhead-Jones Act reversionary clauses would be transferred to the new property.

The State of Tennessee has assessed that the Chickasaw State Park land is $27.65 more valuable than the Bethel Baptist Church land. I can assure you, Mr. Speaker, that my good friend Pastor Ron Davis is only too anxious to write that check.

This proposed land exchange is for a very good purpose. It is also very important to many of Chester County's citizens. It is an exchange that is fair to the State, the Federal Government and the congregation of Bethel Baptist. It also keeps intact the intent of the Bankhead-Jones Act.

I am most grateful for my colleagues consideration. And I am hopeful for all of your support.

Mr. MORRISON of Washington. Mr. Speaker, I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 2835, as amended.

The question was taken.

Mr. LUNGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of the bills, H.R. 2756 and H.R. 2835.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 1570, by the yeas and nays;
H.R. 3927, by the yeas and nays;
H.R. 4306, by the yeas and nays;
H.R. 3424, by the yeas and nays;
H.R. 3146, by the yeas and nays;
H.R. 4262, by the yeas and nays;
H.R. 3911, by the yeas and nays;
H.R. 4445, by the yeas and nays;
H.R. 2756, by the yeas and nays;
H.R. 2835, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

NUCLEAR POWER EMERGENCY RESPONSE DATA SYSTEM ACT OF 1987

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1570, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana [Mr. HUCKABY] that the House suspend the rules and pass the bill, H.R. 1570, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 341, nays 77, not voting 13, as follows:

[Roll No. 111]

YEAS—341

Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Archer
Armey
Aspin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Bonker
Bosco
Boucher
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Cheney
Clarke
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Cooper
Coughlin
Courter
Craig
Crane
Crockett
Dannemeyer
Darden
Davis (IL)
Davis (MI)
de la Garza
DeLay
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dornan (CA)
Dowdy
Dreier
Dwyer
Dyson
Early
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Foley
Ford (MI)
Ford (TN)
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Gregg
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Holloway
Hopkins
Horton
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kemp
Kennelly
Kildee
Kolbe
Kolter
Konnyu
Kyl
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Manton
Marlenee
Martin (IL)
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (WA)
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Olin
Ortiz
Owens (UT)
Packard
Parris
Pashayan
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Saiki
Savage
Sawyer
Saxton
Schaefer
Schroeder
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swift
Swindall
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Watkins
Weber
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wortley
Wylie
Yatron
Young (AK)
Young (FL)

NAYS—77

Ackerman
Applegate
Atkins
AuCoin
Bates
Bevill
Borski
Boxer
Brennan
Chappell
Clay
Collins
Conte
Conyers
DeFazio
Dellums
Derrick
DeWine
Dorgan (ND)
Downey
Durbin
Dymally
Eckart
Evans
Florio
Foglietta
Frank
Garcia
Gephardt
Gray (PA)
Hall (OH)
Hayes (IL)
Hochbrueckner
Jacobs
Jontz
Kastenmeier
Kennedy
Kleczka
Kostmayer
LaFalce
Leland
Levin (MI)
Lewis (GA)
Lowry (WA)
Luken, Thomas
Markey
Martinez
Mavroules
McHugh
Miller (OH)
Moakley
Morrison (CT)
Mrazek
Obey
Owens (NY)
Oxley
Panetta
Pelosi
Rahall
Sabo
Scheuer
Schneider
Schumer
Shays
Sikorski
Slaughter (NY)
Solarz
Stokes
Studds
Synar
Towns
Traficant
Walgren
Waxman
Weiss
Wolpe
Wyden

NOT VOTING—13

Biaggi
Boland
Boulter
Coyne
Daub
Duncan
Hubbard
MacKay
Martin (NY)
Mica
Spence
Traxler
Yates

□ 1702

Messrs. STUDDS, SYNAR, SABO, SCHUMER, APPLEGATE, CLAY, KLECZKA, MARTINEZ, CHAPPELL, BEVILL, DEWINE, THOMAS A. LUKEN, WOLPE, EVANS of Illinois, OBEY, ACKERMAN, MILLER of Ohio, TOWNS, JONTZ, FLORIO, BORSKI, CONYERS, CONTE, LOWRY of Washington, DORGAN of North Dakota, HAYES of Illinois, DOWNEY of New York, DURBIN, RAHALL, SHAYS, LAFALCE, GRAY of Pennsylvania, and DYMALLY, Mrs. BOXER, and Miss SCHNEIDER changed their votes from "yea" to "nay."

Mr. RHODES and Mr. SAWYER changed their votes from "nay" to "yea."

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1710

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GRAY of Illinois). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all the additional motions to suspend the rules on which the Chair has postponed further proceedings.

INDIAN HOUSING ACT OF 1988

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3927, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. GONZALEZ] that the House suspend the rules and pass the bill, H.R. 3927, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 312, nays 106, not voting 13, as follows:

[Roll No. 112]

YEAS—312

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bliley
Boehlert
Boggs
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bunning
Bustamante
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Courter
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gunderson
Hall (OH)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hiler
Hochbrueckner
Holloway
Horton
Houghton
Hoyer
Huckaby
Hughes
Hutto
Inhofe
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Lowry (WA)
Lujan
Luken, Thomas
Mack
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pashayan
Patterson
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Richardson
Ridge
Robinson
Rodino
Roe
Rose
Rostenkowski
Roth
Roukema
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert (OR)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stokes
Stratton
Studds
Sweeney
Swift
Swindall
Synar
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yatron
Young (AK)

NAYS—106

Archer
Armey
Badham
Baker
Ballenger
Barton
Bentley
Bilirakis
Broomfield
Brown (CO)
Buechner
Burton
Byron
Cheney
Coats
Combest
Coughlin
Craig
Crane
Dannemeyer
Davis (IL)
DeLay
Derrick
DeWine
Dickinson
Dornan (CA)
Dreier
Emerson
Fawell
Fields
Gallegly
Gallo
Gekas
Gibbons
Gradison
Gregg
Guarini
Hall (TX)
Hammerschmidt
Hansen
Hastert
Hefley
Herger
Hopkins
Hunter
Hyde
Ireland
Johnson (CT)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Lent
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lott
Lowery (CA)
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
McCollum
McEwen
McGrath
Meyers
Miller (OH)
Moorhead
Nielson
Oxley
Packard
Parris
Pease
Petri
Regula
Rhodes
Rinaldo
Ritter
Roberts
Rogers
Rowland (CT)
Schaefer
Sensenbrenner
Shaw
Shumway
Shuster
Skelton
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Stenholm
Stump
Sundquist
Tallon
Tauke
Thomas (CA)
Upton
Vucanovich
Walker
Whittaker
Young (FL)

NOT VOTING—13

Biaggi
Boland
Boulter
Coyne
Daub
Duncan
Hubbard
MacKay
Martin (NY)
Mica
Spence
Traxler
Yates

□ 1718

Mr. HALL of Texas changed his vote from "yea" to "nay."

Mr. McCANDLESS changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SCHOOL LUNCH AND CHILD NUTRITION AMENDMENTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4306, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. HAWKINS] that the House suspend the rules and pass the bill, H.R. 4306, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 389, nays 27, not voting 15, as follows:

[Roll No. 113]

YEAS—389

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Buechner
Bunning
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Craig
Crockett
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lungren
Mack
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)

Oxley
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NAYS—27

Archer
Armey
Badham
Barton
Brown (CO)
Burton
Cheney
Combest
Crane
Dannemeyer
DeLay
Hansen
Hefley
Herger
Ireland
Kyl
Lukens, Donald
McCandless
Nielson
Packard
Petri
Rhodes
Sensenbrenner
Shumway
Shuster
Smith, Denny (OR)
Stump

NOT VOTING—15

Biaggi
Bilbray
Boland
Boulter
Carr
Coyne
Daub
Duncan
Hubbard
MacKay
Mica
Owens (UT)
Spence
Traxler
Yates

□ 1726

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend the National School Lunch Act and the Child Nutrition Act of 1966."

A motion to reconsider was laid on the table.

OVERSEAS TEACHERS ACT OF 1988

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3424, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. FORD] that the House suspend the rules and pass the bill, H.R. 3424, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 157, nays 262, not voting 12, as follows:

[Roll No. 114]

YEAS—157

Ackerman
Akaka
Alexander
Anderson
Atkins
Beilenson
Bereuter
Berman
Boggs
Bonior
Borski
Bosco
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Campbell
Cardin
Carr
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Crockett
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dingell
Dixon
Donnelly
Dorgan (ND)
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Erdreich
Evans
Fascell
Feighan
Fish
Flake
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Gonzalez
Goodling
Gray (IL)
Gray (PA)
Guarini
Harris
Hawkins
Hayes (IL)
Hertel
Hochbrueckner
Hoyer
Jeffords
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Manton
Markey
Martinez
Mavroules
McHugh
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Moody
Morella
Mrazek
Murphy
Natcher
Nowak
Oakar
Oberstar
Obey
Owens (NY)
Patterson
Pelosi
Penny
Perkins
Pickle
Rangel
Rinaldo
Robinson
Rodino
Rostenkowski
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schumer
Sikorski
Slattery
Slaughter (NY)
Smith (FL)
St Germain
Staggers
Stallings
Stark
Stokes
Studds
Swift
Torres
Torricelli
Towns
Traficant
Vento
Visclosky
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wyden
Yatron
Young (AK)

NAYS—262

Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Bennett
Bentley
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Bonker
Boucher
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Carper
Chandler
Chapman
Chappell
Cheney
Clarke
Clement
Clinger
Coats
Coble
Coleman (MO)
Combest
Coughlin
Courter
Craig
Crane
Dannemeyer
Darden
Davis (IL)
DeLay
DeWine
Dickinson
Dicks
DioGuardi
Dornan (CA)
Dowdy
Downey
Dreier
Dyson
Edwards (OK)
Emerson
English
Espy
Fawell
Fazio
Fields
Flippo
Frenzel
Frost
Gallegly
Gallo
Gekas
Gibbons
Gingrich
Glickman
Gordon
Gradison
Grandy
Grant
Green
Gregg
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jenkins
Johnson (CT)
Kaptur
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Lancaster
Latta
Leach (IA)
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morrison (CT)
Morrison (WA)
Murtha
Myers
Nagle
Neal
Nelson
Nichols
Nielson
Olin
Ortiz
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Pepper
Petri
Pickett
Porter
Price
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Ritter
Roberts
Roe
Rogers
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter (VA)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Udall
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weber
Weldon
Whittaker
Wolf
Wolpe
Wortley
Wylie
Young (FL)

NOT VOTING—12

Biaggi
Boland
Boulter
Coyne
Daub
Duncan
Hubbard
MacKay
Mica
Spence
Traxler
Yates

□ 1735

Messrs. MATSUI, McMILLEN of Maryland, PEPPER, and VOLKMER changed their votes from "yea" to "nay."

Mr. BEILENSON and Mr. FLORIO changed their votes from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

LOTTERY ADVERTISING CLARIFICATION ACT OF 1988

The SPEAKER pro tempore (Mr. GRAY of Illinois). The pending business is the question of suspending the rules and passing the bill, H.R. 3146, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. FRANK] that the House suspend the rules and pass the bill, H.R. 3146, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 259, nays 159, not voting 13, as follows:

[Roll No. 115]

YEAS—259

Ackerman
Alexander
Anderson
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Ballenger
Barnard
Bates
Beilenson
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Bonker
Borski
Bosco
Boucher
Brennan
Broomfield
Brown (CA)
Brown (CO)
Bruce
Buechner
Bunning
Bustamante
Callahan
Carper
Carr
Chapman
Cheney
Clarke
Clay
Clinger
Coble
Coelho
Collins
Combest
Conte
Courter
Coyne
Crane
Crockett
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
Dellums
DeWine
Dicks
Dingell
Dixon
Dorgan (ND)
Downey
Dreier
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Erdreich
Evans
Fascell
Fazio
Feighan
Fish
Flake
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Gallegly
Gallo
Garcia
Gekas
Gephardt
Gilman
Glickman
Gonzalez
Gradison
Grandy
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hamilton
Harris
Hastert
Hawkins
Hayes (IL)
Hertel
Hiler
Hochbrueckner
Horton
Houghton
Hoyer
Huckaby
Hughes
Hyde
Johnson (SD)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kleczka
Kolbe
Kolter
Kostmayer
Lagomarsino
Lantos
Leach (IA)
Lehman (CA)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Lowry (WA)
Lujan
Luken, Thomas
Lungren
Mack
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Mavroules
Mazzoli
McCloskey
McCurdy
McGrath
McHugh
McMillen (MD)
Meyers
Michel
Miller (CA)
Miller (OH)
Mineta
Moakley
Molinari
Mollohan
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Myers
Nagle
Natcher
Nowak
Oakar
Oberstar
Obey
Owens (NY)
Panetta
Pease
Pelosi
Penny
Perkins
Pickett
Quillen
Rahall
Rangel
Ray
Richardson
Ridge
Rinaldo
Roberts
Rodino
Roe
Rogers
Rostenkowski
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sawyer
Saxton
Schneider
Schroeder
Schuette
Schumer
Shuster
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
St Germain
Staggers
Stangeland
Stark
Stokes
Stratton
Studds
Sweeney
Swift
Swindall
Synar
Tauke
Tauzin
Thomas (CA)
Torres
Torricelli
Towns
Traficant
Upton
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolpe
Wortley
Wyden
Yatron
Young (FL)

NAYS—159

Akaka
Andrews
Archer
Armey
Badham
Baker
Bartlett
Barton
Bateman
Bennett
Bevill
Boxer
Brooks
Bryant
Burton
Byron
Campbell
Cardin
Chandler
Chappell
Clement
Coats
Coleman (MO)
Coleman (TX)
Conyers
Cooper
Coughlin
Craig
Dannemeyer
DeLay
Derrick
Dickinson
DioGuardi
Dornan (CA)
Dowdy
Dyson
Edwards (OK)
Emerson
English
Espy
Fawell
Fields
Flippo
Frenzel
Frost
Gaydos
Gejdenson
Gibbons
Gingrich
Goodling
Gordon
Grant
Gregg
Hall (OH)
Hall (TX)
Hammerschmidt
Hansen
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Holloway
Hopkins
Hunter
Hutto
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Jones (NC)
Kemp
Kennelly
Kildee
Konnyu
Kyl
LaFalce
Lancaster
Latta
Leath (TX)
Lehman (FL)
Lewis (FL)
Livingston
Lloyd
Lott
Lowery (CA)
Lukens, Donald
Marlenee
Matsui
McCandless
McCollum
McCrery
McDade
McEwen
McMillan (NC)
Mfume
Miller (WA)
Montgomery
Moorhead
Murtha
Neal
Nelson
Nichols
Nielson
Olin
Ortiz
Owens (UT)
Oxley
Packard
Parris
Pashayan
Patterson
Pepper
Petri
Pickle
Porter
Price
Pursell
Ravenel
Regula
Rhodes
Ritter
Robinson
Rose
Roth
Roukema
Sabo
Saiki
Savage
Schaefer
Scheuer
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Skeen
Skelton
Smith (TX)
Spratt
Stallings
Stenholm
Stump
Sundquist
Tallon
Taylor
Thomas (GA)
Udall
Valentine
Walker
Watkins
Waxman
Weber
Wolf
Wylie
Young (AK)

NOT VOTING—13

Biaggi
Boland
Boulter
Daub
Donnelly
Duncan
Hubbard
MacKay
Mica
Shumway
Spence
Traxler
Yates

□ 1744

Mr. LIVINGSTON changed his vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

□ 1745

BERNE CONVENTION IMPLEMENTATION ACT OF 1988

The SPEAKER pro tempore (Mr. GRAY of Illinois). The pending business is the question of suspending the rules and passing the bill, H.R. 4262, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. KASTENMEIER] that the House suspend the rules and pass the bill, H.R. 4262, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 11, as follows:

[Roll No. 116]

YEAS—420

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan

Luken, Thomas
Lukens, Donald
Lungren
Mack
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NAYS—0

NOT VOTING—11

Biaggi
Boland
Boulter
Daub
Duncan
Hubbard
MacKay
Mica
Spence
Traxler
Yates

□ 1752

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MAJOR FRAUD ACT OF 1988

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3911, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. Hughes] that the House suspend the rules and pass the bill, H.R. 3911, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 12, as follows:

[Roll No. 117]

YEAS—419

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Bonker
Borski
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NAYS—0

NOT VOTING—12

Biaggi
Boland
Bosco
Boulter
Daub
Duncan
Hubbard
MacKay
Mica
Spence
Traxler
Yates

□ 1800

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TERRORISTS FIREARMS DETECTION ACT OF 1988

The SPEAKER pro tempore (Mr. Gray of Illinois). The pending business is the question of suspending the rules and passing the bill, H.R. 4445, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. HUGHES] that the House suspend the rules and pass the bill, H.R. 4445, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 4, not voting 14, as follows:

[Roll No. 118]

YEAS—413

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Dannemeyer
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NAYS—4

Cheney
Crane
Shumway
Vucanovich

NOT VOTING—14

Biaggi
Boland
Boulter
Daub
Duncan
Hall (TX)
Hubbard
MacKay
Madigan
Mica
Pursell
Spence
Traxler
Yates

□ 1807

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The results of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ADDITION OF OHIO TO THE MIDDLE ATLANTIC INTERSTATE FOREST FIRE PROTECTION COMPACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2756, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 2756, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 14, as follows:

[Roll No. 119]

YEAS—417

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
Madigan
Manton
Markey
Marlenee

Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins

Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)

Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NAYS—0

NOT VOTING—14

Biaggi
Boland
Boulter
Daub
Duncan

Goodling
Hubbard
Leland
MacKay
Mica

Sisisky
Spence
Traxler
Yates

☐ 1815

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill granting the consent and approval of Congress to the addition of the State of Ohio as a party to the Middle Atlantic Interstate Forest Fire Protection Compact."

A motion to reconsider was laid on the table.

DIRECTING SECRETARY OF AGRICULTURE TO RELEASE CERTAIN RESTRICTION ON LAND LOCATED IN HENDERSON, TN

The SPEAKER pro tempore (Mr. GRAY of Illinois). The pending business is the question of suspending the rules and passing the bill, H.R. 2835, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 2835, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 13, as follows:

[Roll No. 120]

YEAS—418

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho

Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia

Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee

Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers

Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Skaggs

Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NAYS—0

NOT VOTING—13

Biaggi
Boland
Boulter
Daub
Duncan

Hubbard
MacKay
Mica
Sisisky
Spence

Traxler
Udall
Yates

☐ 1822

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4471, INTERNATIONAL AFFAIRS AUTHORIZATIONS ACT OF 1988

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 100-615) on the resolution (H. Res. 441) providing for the consideration of the bill (H.R. 4471) to amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation, to make supplemental authorizations of appropriations for the Board of International Broadcasting, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1801, JUVENILE JUSTICE AND DELINQUENCY PREVENTION AMENDMENTS OF 1988

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 100-616) on the resolution (H. Res. 447) providing for the consideration of the bill (H.R. 1801) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1989 through 1992, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3193, HATE CRIME STATISTICS ACT

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 100-617) on the resolution (H. Res. 443) providing for the consideration of the bill (H.R. 3193) to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, sexual orientation, or ethnicity, which was referred to the House Calendar and ordered to be printed.

AUTHORIZING PRINTING OF RECORD OF PROCEEDINGS OF COMMITTEE ON THE BUDGET INCIDENT TO PRESENTATION OF PORTRAIT OF THE HONORABLE JAMES R. JONES

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the resolution (H. Res. 432) authorizing printing of the record of proceedings of the Committee on the Budget incident to presentation of a portrait of the Honorable James R. Jones, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. GINGRICH. Mr. Speaker, reserving the right to object, I yield to the gentleman from Tennessee so that he might explain the resolution.

□ 1825

Mr. JONES of Tennessee. Mr. Speaker, I thank my colleague for yielding.

This resolution authorizes the printing of a House document of the transcript of proceedings upon the presentation of a portrait of the Honorable James R. Jones to the Committee on the Budget.

Mr. GINGRICH. Mr. Speaker, the minority has no objection, and I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. VISCLOSKY). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 432

Resolved, That the record of proceedings of the Committee on the Budget on October 7, 1987, incident to presentation of a portrait of the Honorable James R. Jones to the committee, shall be printed as a House document with illustrations and suitable binding.

SEC. 2. In addition to the usual number, there shall be printed, for the use of the Committee on the Budget, 650 copies of such document, of which 150 copies shall be casebound.

AMENDMENT OFFERED BY MR. JONES OF TENNESSEE

Mr. JONES of Tennessee. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Tennessee: On page 2, lines 2 and 3, strike "650 copies of such document, of which 150 copies" and insert in lieu thereof "190 copies of such document, of which 90 copies".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Tennessee [Mr. JONES].

The amendment was agreed to.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF THE HOUSE OF REPRESENTATIVES ELECTION LAW GUIDEBOOK, 1988

Mr. JONES of Tennessee. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 296) authorizing printing of the House of Representatives Election Law Guidebook, 1988, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. GINGRICH. Mr. Speaker, reserving the right to object, I yield to the gentleman from Tennessee [Mr. JONES] so that he might explain the resolution.

Mr. JONES of Tennessee. Mr. Speaker, I thank my colleague for yielding this time to me.

Mr. Speaker, this Election Law Guideline Book has not been reprinted since April 1980, and currently there are very few copies available. There have been no changes in the basic laws since that time. However, the guidebook will contain some important State law provisions and reflects some changes in permissible campaign activities for congressional employees.

Mr. GINGRICH. Mr. Speaker, the minority has no objection, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 296

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives Election Law Guidebook, 1988, shall be printed as a House document. In addition to the usual number, 2,000 copies of the document shall be printed for the use of the Committee on House Administration of the House of Representatives.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE HONORABLE DAN COATS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable DAN COATS, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 9, 1988.

Hon. JIM WRIGHT,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that I have been served with a subpoena issued by the State of Indiana, County of Allen. After consultation with the General Counsel to the Clerk, I will notify you of my determinations as required by the House Rule.

Sincerely,

DAN COATS,
Member of Congress.

COMMUNICATION FROM THE HONORABLE MARCY KAPTUR, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable MARCY KAPTUR, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 5, 1988.
Hon. JIM WRIGHT,
Speaker of the House, Longworth House Office Building, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that an employee in my office has been served with a Notary deposition subpoena *duces tecum* issued by a notary public in the State of Ohio.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
MARCY KAPTUR,
Member of Congress.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 390

Mr. LOWRY of Washington. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Joint Resolution 390.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington [Mr. LOWRY]?

There was no objection.

LEGISLATION INTRODUCED TO REQUIRE ALERTING AND LOCATING EQUIPMENT ON U.S. UNINSPECTED VESSELS OPERATING ON THE HIGH SEAS OR GREAT LAKES

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, as chairman of the Subcommittee on Coast Guard and Navigation, I am today, at the request of the administration, introducing legislation that will require alerting and locating equipment on all U.S. uninspected vessels operating on the high seas or on the Great Lakes.

Joining me as original cosponsors of this legislation are the gentleman from North Carolina [Mr. JONES], chairman of the Committee on Merchant Marine and Fisheries, and the gentleman from Michigan [Mr. DAVIS], ranking minority member of both the Committee on Merchant Marine and Fisheries and the Subcommittee on Coast Guard and Navigation.

This bill would amend section 4102 of title 46, United States Code, which currently requires uninspected fishing, fish processing, and fish tender vessels operating on the high seas to be equipped with emergency position indicating radio beacons [EPIRB's]. This amendment to section 4102 would extend the section to all uninspected vessels; would apply to the Great Lakes as well as the high seas; and, instead of requiring EPIRB's, it would authorize the Secretary of the Department in which the Coast Guard is operating to require other alerting and locating equipment. which includes EPIRB capability. This would enable the Department to require equipment, functionally equivalent to EPIRB's, which may be developed as technology advances.

The bill would also change the civil penalty from $100 to "not more than $1,000" for violation of any of the provisions of chapter 41 of title XLVI, United States Code, or of any regulation prescribed thereunder. This would make the penalty provision consistent with the civil penalty provisions in chapter 43—recreational vessels—and chapter 45—fish processing vessels—for similar safety infractions.

This bill will enhance safety by including an estimated 16,000 vessels, such as towing vessels and vessels that carry less than six passengers for hire. It would not impact recreational boaters.

EPIRB's are intended as the alerting means of last resort when circumstances do not permit other communications and as a homing or locating device. This legislation should reduce the search and rescue costs of the Coast Guard with only a nominal cost to the owners of uninspected vessels. Most importantly, more lives should be saved.

A single mission best illustrates the national benefits of this bill. On November 14, 1984, the U.S. fishing vessel *Amazing Grace* sank approximately 80 nautical miles east of Delaware with seven people aboard. The Coast Guard was not notified for 24 hours because the crew either did not, or was unable to, transmit a distress message. The Coast Guard conducted a 16-day search for the vessel and crew without success. The search effort included U.S. Navy and Air Force aircraft and is estimated to have cost more than $12 million, which is in excess of the estimated cost to outfit all uninspected vessels with EPIRB's.

The administration supports enactment of this bill. We hope this legislation can be expedited in the short time remaining before Congress adjourns for the year so that not one life will be lost needlessly.

IN TRIBUTE TO CHICAGO RESTAURATEUR ELI SCHULMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in tribute to one of Chicago's great humanitarians, and my very dear friend, restaurateur Eli Schulman, who died on May 7, 1988, at the age of 78.

Around the country, Eli Schulman is famous as the creator of Eli's Chicago's Finest Cheesecake, which he first concocted in 1977. But to Chicagoans and to many who have visited our city, he is legendary as the proprietor of Eli's The Place for Steak, on East Chicago Avenue. With a menu as honest and engaging as its owner, Eli's stands as an institution, and now as a memorial, to a man who exemplified everything good that the city has to offer.

Eli was a friend of my family since I was a boy. My wife, LaVerne, and our daughters enjoyed so much those occasions when Eli would reminisce about his days in the Democratic organization of which he was such a fixture. My favorite times were when he would recount how, "in the old days," the work of a precinct captain was so important and so rewarding. Eli was a precinct captain most of his life. What came through most clearly from Eli's stories was that, although he took great joy in producing Democratic votes of course, it was the satisfaction of helping the needy which was most satisfying to him.

He was proudest of the assistance he was able to direct to poor immigrants. Here were people who, out of fear of deportation, or out of the habits formed from being oppressed in their native lands, were unable to come forward for the clothes, food, and jobs they needed to take care of their families. Up rose great Democratic leaders like Ed Kelly, Jacob Arvey, and Joe Rostenkowski, my father, to reach out and help pull the immigrant family up into open society. And Eli Schulman was right there helping them, every step of the way.

I'll always remember his reaction when the wearing of what are now called "faded Levi's" became the fashion. He looked back to a day when the clothes of the people he was trying to help looked just like that—from hard wear and repeated washings—a sign of poverty, struggle, and a pride in cleanliness. His respect for the poor and the hardworking was born in those days, and it lived with him until the last.

Eli always said his greatest reward was the appreciation which was shown by those who came to the Democratic ward offices as workers for the party. This makes great sense because, over the years, Eli Schulman came to embody the very principles of the Democratic Party—especially in regard to its care for the poor.

To be in Eli's restaurant was, therefore, a great pleasure—not just because of the great food and the entertaining stories and reminiscences, but also because we were in the company of a great humanitarian. His standing in the community was reaffirmed on Monday, May 9, at his funeral, where the outpouring of public dignitaries and many of those Eli had helped through the years came to pay their last respects. The life of each of us in that large gathering had been lifted up in some way by Eli Schulman.

I think the story of Eli Schulman is a great American story. The obstacles he overcame, his dedication to his country, family, friends, and neighbors, and his resounding success on all fronts is something which should be entered into the permanent record of our Nation. It is a life to be emulated. Accordingly, I ask unanimous consent that the following piece published in the Chicago Tribune, in appreciation of Eli Schulman, be entered into the CONGRESSIONAL RECORD at the conclusion of my remarks.

My sympathy, and that of my wife and daughters, goes to Eli's wife Esther, to his son Marc, and to all his family and friends. I note with respect and pleasure Marc Schulman's decision to carry on the career of his father, and I wish him the very best.

RESTAURATEUR ELI SCHULMAN, 78

(By Rick Kogan)

Eli Schulman, a poor West Side kid who became one of the city's most colorful and influential personalities, died Saturday morning in his Near North Side apartment, apparently of a heart attack. He was 78.

To most, he was known as a restaurateur. But Eli's The Place for Steak on East Chicago Avenue was no ordinary restaurant. It was a gathering place for luminaries from the worlds of sports, show business and politics—especially politics—drawn as much by the food as by the personality of the owner.

He was no ordinary man. A high school dropout, he gave lectures in finance at De Paul University and large amounts of money to such organizations as the Community Assistance for Secondary Education, which provides scholarships for Israeli students, and the Juvenile Diabetes Foundation. A former Democratic precinct captain, he helped elect a Republican governor.

Equally conversant with machine politics or the vagaries of the ponies, he was an enthralling storyteller. Though the center of a star-studded milieu, he clung firmly to the simple values of friendship and honesty. He was a Chicago original.

"He is the nicest man to walk the face of this earth," said U.S. Atty. Anton Valukas.

"To know this man is to love him," said Chicago Bears coach and restaurant owner Mike Ditka.

But even those who did not know him personally knew his name, thanks to the success of Eli's Chicago's Finest Cheesecake, a dessert he invented a decade ago and one that has grown into an $8 million company that spreads his name into more than 30 states.

The man who proudly wore a watch given him by Frank Sinatra and who could count such people as Jack Brickhouse, Irv Kupcinet, George Dunne, Ingrid Bergman, Joe DiMaggio and virtually every Chicago "name" among his friends and admirers was born in Chicago in 1910 and reared in the Greater Lawndale area on the West Side.

His father, who owned a bakery on Roosevelt Road, died in 1927, and Mr. Schulman was forced to leave Marshall High School. He sold newspapers and delivered packages, hawked 10-cent windup toys on street corners in the winter and sold scorecards and seat cushions at the ballparks in the summer. He was the manager of a shoe store. He sold dresses.

In 1934, he became a precinct captain in the 22d Ward. He remained a precinct captain for 25 years and also was deputy coroner from 1948 to 1952.

"I never thought of politics as a career," he said. "I wanted to be a businessman, like Hershey or Wrigley. Politics was just a hobby."

He entered the restaurant business—"I'd never cracked an egg in my life"—shortly before World War II, opening the Ogden Huddle, at Ogden and Kedzie Avenues.

His charitable ways began in earnest on Pearl Harbor Day, when he put a pair of signs in his window: "25 percent discount for men in uniform" and "If you are hungry and don't have any money, come in and we'll feed you free."

He served in the Army as a mess sergeant, and shortly after his return married the former Esther Nettis and opened a grill at Sheridan Road and Argyle Street. In 1958, he opened Eli's Stage Deli on Oak Street, and it became a favorite haunt of the Rush Street crowd and the Lake Shore Drive set. But even with the success of the Stage Deli, Mr. Schulman longed to be something more than "a salami surgeon. . . . I wanted a white-tablecloth place."

In 1966 he got it, opening his current establishment in what was then a luxury hotel called the Carriage House.

From the beginning, Eli's was a mandatory stop for visiting stars, sports heroes and political powerhouses. Part of the reason was the food: a no-nonsense meat-and-potatoes menu, including the famous calf's liver, which came smothered in onions and green peppers.

And Mr. Schulman was always around, moving from table to table, chatting, joking, making friends. He took a special liking to a young federal attorney named Jim Thompson. He introduced the lawyer to his powerful friends and prodded him to run for political office, even printing and distributing buttons.

"Eli is the man more responsible than any other for convincing me that I could be governor of this state," Thompson said at Mr. Schulman's 76th birthday.

It was in 1977 that Mr. Schulman came upon the idea that would bring him his greatest fame. It happened when a customer complained that the cantaloupe he had been served "tasted like a potato." After weeks of experimentation, Mr. Schulman developed a recipe for a dessert that pleased everyone.

Eli's Chicago's Finest Cheesecake was the hit of the first and subsequent Tastes of Chicago, and was soon being produced for other restaurants and retail outlets. In 1984 his only son, Marc, left a career as a historic preservation attorney to become president of the operation, housed in a North Side plant, and sales have grown steadily since.

Marc Schulman plans to continue with the operation of the restaurant and cheesecake company.

"To have come from where I came from, to have known the people I've known. . . . I'd have to say that I'm the luckiest man in the world," he said in a recent interview.

Funeral services will be held at noon Monday at the chapel at 111 Skokie Blvd., Skokie. In addition to his wife and son, Mr. Schulman is survived by two sisters, Bertha and Florence; and two granddaughters.

ADVANTAGES OF THE INCUMBENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 5 minutes.

Mr. GINGRICH. Mr. Speaker, I just want to draw Members' attention to three articles that I think are related that have occurred in the last few days.

First of all, there was a David Broder essay in the Washington Post on May 8 entitled, "An Unchanging House," which noted that the recent process of developing a powerful incumbency advantage of making sure that incumbents have federally financed, tax-paid campaigns is very, very dangerous for the country. As Mr. Broder says, that is not competition. That is like a lifetime guaranteed contract. It is no service to the country to take the House of Representatives out of competitive politics, and he made the point that between the average incumbent's advantages in terms of tax-paid services, including 759 million pieces of taxpayer-paid mail in 1986, and the advantages incumbents have of getting money from political action committees, that in fact the House has now become an institution in which most incumbents cannot be effectively challenged.

At the same time, Mr. Speaker, the Washington Post on Sunday, May 8, also had an article entitled "Banking on Politics, a Texas Tale, How S&L's With Troubles Made Friends With People in High Places," and the Wall Street Journal had an editorial today entitled, "Where Is the Investigation?"

Mr. Speaker, I would suggest to every citizen that, they read these articles together, Mr. Broder's description of the degree to which the House of Representatives has become unchallengeable, Mr. Babcock's article in the Washington Post on how those who have power in Congress work with those who have money in the savings and loan business in Texas and the Wall Street Journal's note that we have a double standard in the Congress that rules that are broken or violated, rules that, if they were in the executive branch, would lead to a special investigator to not lead to an investigation in the Congress.

□ 1835

These three articles between them I think will trouble every citizen and make them look more carefully at what is going on in the U.S. House of Representatives.

FUNCTIONAL ILLITERACY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, on May 25, 1988, the Academic Advisory Council of the U.S. Government Printing Office and the Adult Literacy Initiative of the U.S. Department of Education are hosting a symposium in Washington, DC, for the graphic arts industry, on "The Image of Print Media and the Problem of Functional Illiteracy in the United States."

Recent studies conclude that approximately 30 million Americans are functionally illiterate. At 1 of over 200 literacy breakfasts held last October throughout the Nation, it was noted that as many as 20 percent of the adults in the United States cannot read or write without major difficulty, and that reading problems are believed to be particularly responsible for the United States slipping to 15th place in productivity worldwide.

Within the graphic arts community, illiteracy becomes an economic, as well as a human problem. William A. Hohns, executive vice president of Waldman Graphics, notes in an issue of Graphic Communications World,

> More than one-third of our potential market place is already unable to effectively use our products and the problem is not improving. In a real sense, this portends a declining future for the industry."

Through this symposium, the resources of the graphic arts community are being brought to bear in the nationwide war against illiteracy. Not only will the industry address its own economic concerns, but, in so doing, it will deal with the far more devastating toll illiteracy takes in terms of human resources.

We should not only commend the efforts being put forth by GPO, the Department of Education, and the many supporting organizations within the academic and printing world, but we should urge other industries and individuals to join in combating one of America's rapidly growing problems, that of the illiteracy of her people.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MACKAY] is recognized for 5 minutes.

Mr. MACKAY. Mr. Speaker, due to a previous commitment I was unable to record my vote on several bills considered under Suspension of the Rules. Had I been able to vote, I would have voted for the motion to suspend the rules and passed the bills: H.R. 1570, H.R. 3927, H.R. 4306, H.R. 3424, H.R. 4262, H.R. 2835, H.R. 3911, H.R. 4445, and H.R. 2756. I would have voted against the motion to suspend the rules and pass H.R. 3146.

I appreciate having this opportunity to state my position on these measures.

PLANT CLOSINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. WOLPE] is recognized for 60 minutes.

Mr. WOLPE. Mr. Speaker, 10 days ago I was here in this well, together with other of my colleagues, urging President Reagan to support the basic rights of America's working men and women and sign the trade legislation that was being sent to him. That legislation is critical to this country's economic future. It represents the most comprehensive effort by this Congress aimed at addressing the trade and economic problems that this country has been facing for much too long. It not only puts some teeth behind the enforcement of our fair trade laws, but it also offers up a comprehensive approach to the issues including productivity, research and development, worker education, and job retraining that are vital to improving this country's economic performance. It is legislation that is needed by this Nation, and yet despite the compromise that the House so generously offered to the President by dropping the bill's provisions concerning Alaskan oil last Tuesday, he is still threatening to veto this vital piece of legislation.

The basis of the President's opposition is a provision of the bill that should not even be controversial, a provision of the bill that does nothing more than ask of America's employers that they provide 60 days notice to their workers if they should be faced with a plant closing.

Mr. Speaker, it is extraordinary that this provision of the legislation should be the one to attract the opposition of the President. It is equally remarkable that there are some organizations that have seen fit to make that issue a rallying cry for their membership.

More than 2 million Americans are losing their jobs every year due to plant closings and relocations. What happens to those blue collar workers who receive only 1 week's notice of a plant closing or permanent layoff, or to those nonunion blue collar workers who receive only 2 days notice? That is what the statistical averages are for this country, 2 days notice.

The statistics tell us that half of them will be jobless for more than 6 months. One in five will go without work for over 2 years. Those who do find work will earn an average of 16 percent less in their new jobs and nearly a third will earn 25 percent less.

The plant closing provision of this trade legislation provides an opportunity to lift part of this burden from those who are faced with that kind of catastrophic action.

Advance worker notification of a plant closing works. It is not a novel or radical idea. It works for the employee. It works for the community. It works for the company.

For over 15 years Canada, our neighbor to the north, has required 3 to 6 months advance notice of a plant closing. A labor management committee identifies the problems that face the workers and the company in adjusting to the contemplated closing, and then devises appropriate responses to assist in that adjustment. Under the Canadian program, most workers are placed within 6 months at an average cost of $250 per placement.

Compare the Canadian experience with that of our own country. Our principal program that is designed to assist dislocated workers, title III of the Job Training Partnership Act, reaches fewer than 1 displaced worker in 20.

If workers are given only a few days notice of a shutdown, they are likely to be scattered before anyone can reach them to provide services and assistance. Those who are able to be reached and placed are done so at an average cost of $3,500 per placement.

A recent demonstration project that has been conducted by the Michigan Department of Labor has shown that the Canadian process can work here in this country as well.

ORE-IDA Foods, Inc., located in Greenville, MI, closed its doors last May, putting 517 employees out of work. This closing would have meant economic devastation to the workers and the community. But there was a difference in the experience of that particular plant due to the experiment undertaken by the Department of Labor. The workers in the community were notified 6 months in advance of the closing. This allowed time for a joint labor-management committee to establish a job services center to provide workers with new skills training and with placement assistance. The results of that experiment, which can only be described as common sense transitioning, are impressive. When the project ended 8 months later, 86 percent of those workers had been placed in new jobs, with an average wage rate of 81 percent of their previous wage. The placement cost per worker was less than $1,500 and only 3 of those 517 dislocated workers are receiving public assistance funds today.

Advance worker notification makes sense. It makes sense for the workers. It makes sense for the companies. It is good business.

I suspect it is that recognition that led the Wall Street Journal not long ago to present this article under the authorship of Walter Mossberg. Mr. Mossberg argues that there is probably no provision of this legislation less deserving of the criticism it has received than the plant closing provision. Coming from the Wall Street Journal, I think that is an observation that ought to be heeded.

Let me read for a moment Mr. Mossberg's article. He writes:

> In fact, the plant closings language is nothing more than a modest effort to make sure that the few companies inclined to do so don't hide plans to close a plant until the last minute, leaving workers and communities in the lurch. It is squarely in the tradition of such social reforms as child labor and minimum wage laws. These act to soften the social consequences of free market decisions and thus permit the market continued public acceptance without the sort of deep government involvement often practiced abroad. As social reforms go, the plant closings provision appears fairly minor. According to business and labor, many big companies already offer some form of advanced layoff notice.

Mr. Mossberg continues:

> In the smoke of ideological charge and countercharge, it is important to note what the plant closing provision would not accomplish. It wouldn't bar a single closing or layoff. It wouldn't require companies to get worker or government approval to close plants or conduct layoffs. It wouldn't affect companies with under 100 workers or any company laying off less than one-third of its work force, unless some 500 workers are involved. It merely requires stable companies that know well beforehand of plans to close plants or order mass layoffs to share this information 60 days in advance with the affected workers and local governments. That's all.

I find it very difficult to understand the kind of opposition that has been generated among some circles within the business community to this legislation.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Speaker, first I want to commend my colleague on the record for taking this timely position on a very important subject matter.

I can speak with some authenticity, based upon the practical personal arms length experience as to what the gentleman is talking about. I am from the Mon Valley in the Pittsburgh area where in the last 5 years we lost over 30,000 jobs, with the demise of the steel industry in this country.

I can tell the gentleman, as he has so properly mentioned and spread upon the record, what he talked about actually occurred. The dislocation was frightful. It was almost impossible to describe the complete chaos and havoc that was wreaked upon the people involved when a major corporation, such as United States Steel, does not give advance notice of a plant closing.

Now, we were fortunate in our area because United States Steel at the time did give some notice. It gave the notification, but it was not on the basis and under the auspices of the legislation we are talking about. It was helter-skelter, give or take it. Some was given properly and some was not.

I can tell you that in those areas where for instance in a companion plant, Continental Can, in that particular area closed, it gave notice 6 months plus in advance, a very orderly closing, there was no chaos.

I have experienced both sides of what the gentleman is talking about. I think he is so correct. I think it is the most essential legislation that we could ever pass and it is the only right, humane, proper, and equitable thing to do under the circumstances.

I commend the gentleman for taking out this special order to allow our colleagues here to spread their feelings upon the record so that maybe somebody down at the White House might take some notice.

Mr. WOLPE. I thank the gentleman for his observations.

I just hope the President will reconsider his announced intention to veto this critical legislation over this provision.

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield?

Mr. WOLPE. I yield to my distinguished colleague, the gentleman from Michigan, who has been the leader in this effort for many years. It is an issue that should have been addressed by this Congress long ago and hopefully we will have an opportunity to do so this year.

Mr. FORD of Michigan. Mr. Speaker, I thank the gentleman, and I want to thank him on behalf of all those who have worked for so many years to finally get us to this point, for taking this time to focus attention on what the President says he is going to do. I do hope that he will rethink his position. I hope that he can at least follow the polls that indicate that 86 percent of Americans when polled think that it is only fair to give a little notice.

I wonder if I could impose on the gentleman's time to talk a little bit about the evolution of this issue. Back in about 1972 in my district of southeastern Michigan where we have had historically in this century a lot of smaller supplier plants that supply the automobile industry and other basic industries, like steel and others, we began to find that because of outsourcing and a lot of other things that we were losing plants that were closing or relocating to right-to-work States and other conditions of that kind, and the whole Midwest was beginning to feel it and the Northeast.

In 1973, we finally worked with some of our friends, and Senator Mondale of Minnesota and I put together a bill that was for many years known as the Mondale-Ford bill. He introduced it in December 1973 in the Senate.

I am sorry to say that in that first Senate we did not have a single cosponsor.

I introduced it when the House came in at the beginning of February 1974. We did have a few cosponsors.

We held the first hearings on the legislation in Detroit in the spring of 1974. I talked to former Vice President Mondale a week or so ago and he reminded me that at that hearing there were only three labor unions yet awakened to this new phenomena that was beginning to grow so rapidly. That was the UAW, largely because of the regional director in our district, Bard Young, now deceased, who represented an area where a lot of these little plants were being lost, the steelworkers and the rubber workers.

Now, over the years the issue was early on defined as a problem for the Rust Belt and it did not bother the rest of the country, they said.

Well, as the phenomena has grown across the country, concern has grown across the country. I would like to observe that while it was frequently said in some parts of the country that what Mr. Mondale and I were trying to do was keep our plants from moving to their part of the country, one should look at the list now of where the closings are taking place.

I would recall for the gentleman that in 1985 we had a plant-closing bill on the floor. It lost by five votes. The day that the bill came to the floor, every Member received from the Secretary of Labor, Mr. Brock, a letter saying, "If you will vote against this bill, I will appoint a high level task force to look into this matter and see if the loss jobs through plants closings is really a problem."

□ 1850

Mr. Speaker, I have to say that Secretary Brock played it completely straight with us. He did appoint a high-powered blue-ribbon commission that 1 year later came back with a report. Those of us who had been concerned about this for very long frankly were surprised to find that the Brock report developed bigger figures than we had known about, and the Brock report for example found that between 1981 and 1985 over 11.5 million people lost their jobs in this country because of plant closings and relocations. That was much bigger than any figure we had ever asserted in support of the bill before that time.

They also found that if a person had notice that they were going to lose their job, they probably went back to work soon after the job was gone into another job, and in a much shorter period of time.

Mr. Speaker, it is clear that early notice cuts down the cost of unemployment compensation for all employers, not just the employers that are closing but for all employers who pay into those unemployment funds.

Then they looked at where the plants had been closing, and in the period from 1981 to 1985 one has to go all the way down to number nine on the list before Michigan appears.

First on the list in total dislocations was West Virginia. First in plant closings was also West Virginia.

Second in total dislocations was Alaska, and second in plant closings is Alabama.

Third in total dislocations is the State of Washington, third in plant closings is Mississippi.

Fourth, in total dislocations is Mississippi, fourth in plant closings is the State of Washington.

Fifth, in both total dislocations and plant closings is Louisiana.

Sixth, in dislocation is Oklahoma, and down the line.

Mr. Speaker, I include for the RECORD a document including these figures along with many others titled, "Plant Closing Provisions Promote Economic Growth":

In addition to being humane and alleviating the hardship that plant closings and mass layoffs can cause, advance notice also significantly enhances the success of retraining programs, thereby promoting economic flexibility and growth.

Advance notice promotes competitiveness: A key to remaining competitive is a well trained workforce. All the studies show that a worker who receives notice is far more likely to receive appropriate re-training in a timely manner. (Studies by the GAO, the OTA, the National Academy of Science and even an Administration task force all found that a key to successful training programs is notice.)

Advance notice promotes economic flexibility: The ability of workers to quickly and efficiently acquire new skills is essential in maintaining a flexibile economy. The likelihood that a displaced worker will acquire new and useful skills without undue delay increases substantially with notice.

Advance notice is cost effective: Advance notice shortens the period a worker is unemployed by an average 3.8 weeks. This reduced period of unemployment would save more than $400 million a year in unemployment insurance costs. The direct benefit to workers of the shortened period of unemployment is $1.5 billion a year in additional wages.

Advance notice increases overall productivity: The reduction in the period of unemployment that results from notice means workers will be producing more.

ADVANCE NOTICE REQUIREMENTS OF FOREIGN COUNTRIES

Sweden

30-day notice if fewer than 5 dismissals; 60-day notice if 5 to 25 dismissials; 120-day notice if 26 to 100 dismissals; 180-day notice if over 100 dismissals.

United Kingdom

30-day notice if 10 to 99 dismissals in a 30-day period; 90-day notice if 100 or more dismissals in a 90-day period.

Japan

30-day notice if 30 or more dismissals within a 30-day period.

Canada

120-day notice if 50 or more dismissals; lesser amounts of notice for fewer dismissals, with a minimum notice period of 60 days.

West Germany

30-day notice if there are 6 dismissals in a workforce of 21 to 49, over 25 dismissals or 10% of a workforce of 50 to 499, or 50 dismissals in workforce of 500+. 12-month notice for firms employing 2000 or more workers.

France

30-day notice for workers employed between 6 months and 2 years. 60-day notice for workers employed for 2 years or more. (Can be extended through labor bargaining.)

Notes.—In addition to notice requirements, each of these countries also requires severance payments and consultation with the employees who are to be laid off. Neither consultation nor severance is required by the Trade Bill provisions.

1. The public overwhelmingly favors advance notice. 86% of the American people favor a law requiring companies to give advance notice of a plant closing.

The Plant Closing provisions are supported by: Conference of Mayors, National League of Cities, Lutheran Council, National Council of Churches, National Urban League, Women's Equity Action League, Catholic Conference, United Methodist Church, American Association of Retired Persons, Presbyterian Church USA, AFL-CIO and many others.

2. American workers are being laid off without notice. Of the 2 million workers who lose their jobs each year because of shutdowns or layoffs, 2 out of 3 receive no notice. Average blue collar workers receives only seven days of notice. Unorganized blue collar workers receive an average of 2 days notice. (Majority of workers do not belong to unions.)

3. Advance notice is cost effective. Advance notification reduces unemployment for dislocated workers by an average of 27%. Office of Technology Assessment (OTA) estimates that, because it reduces unemployment, the bill will save $300 million each year in unemployment compensation costs. National Academy of Sciences issued a report which concluded: "Substantial advance notice of permanent plant shutdowns and large permanent layoffs offers significant benefits to workers who are displaced and to the nation by reducing the average duration of unemployment and lessening the public costs of such unemployment."

4. Early notice makes it twice as likely that worker adjustment programs will succeed in finding new jobs for displaced workers.

5. Reagan Administration task force has acknowledged the importance of giving notice of closings and mass layoffs. In praising the Canadian system of mandatory advance notice, Brock task force stated it "virtually pays for itself by shortening duration of unemployment". Task force also stated that advanced notice "is an essential component of a successful adjustment program."

6. Plant closing and mass layoffs are a national problem. South has a higher rate of plant closing than either the Midwest or New England.

7. Plant closing provision in trade bill is a substantially modified version of the bill considered by the House in the 99th Congress. Requires 60 days instead of 90 days notice. Applies to employers with more than 100 workers instead of 50. Covers layoffs of ⅓ of the workforce or more than 500 workers instead of layoffs of 50 or more. Contains a new section that exempts firms from the duty to notify when the firm has a reasonable belief that notice would cause an avoidable shutdown.

DIFFERENCES BETWEEN H.R. 3 AND H.R. 1616

H.R. 3	H.R.1616
Covers only employers of 100 or more workers.	Covered employers of 50 or more workers.
Provides for 60 days notice	Provided for 90 days notice.
Notice applicable to layoffs of ⅓ of workforce or 500 or more workers.	Notice applicable to any layoff of 50 or more workers.
Exempts unforeseeable layoffs or closings.	Exempted unforeseeable layoffs or closings.
Applicable to layoffs of six months or more.	Applicable to indefinite layoffs as well as layoffs of six months or more.
Exempts notice for faltering employers where the notice may be reasonably felt by the employer to jeopardize company.	No equivalent provision.
Explicit provision terminating any employer liability where employer provides wages and benefits in lieu of notice.	Do.
Remedy expressly limited to backwages for period of violation.	Provided Secretary of Labor may seek injunctive relief where an employer was acting in violation.
No equivalent provision	Required employers to consult in good faith with organized workers as to reasons for layoff or closing.

IN SUPPORT OF ADVANCE NOTICE PROVISIONS OF TRADE BILL

Advance notice of closings and layoffs is necessary: The National Academy of Sciences, NaCOR, GAO, OTA, and the Reagan Administration have all stated advance notice is essential to promoting efficient adjustment for dislocated workers; advance notice reduces the duration of unemployment by 27%; OTA estimates the bill will save $300 million in unemployment compensation costs alone; 86% of the American people favor a law requiring companies to provide advance notice.

American workers do not receive adequate notice: 2,000,000 workers a year lose their jobs due to layoffs and closings; nonunion blue collar workers receive 2 days notice on average; 2 out of 3 workers receive no notice.

Notice provisions are carefully drafted to protect employers: bill only covers employers of 100 or more, more than 90% of all employers are completely exempted; bill only requires 60 days notice; notice only applies to layoffs of at least one-third of the workforce or 500 or more employees; notice is not required when a faltering company may be hurt by providing it; notice is only required the closing or layoff is foreseeable; exclusive remedies do not permit any layoff or closing to be delayed.

REGIONAL DISLOCATION AND RATES OF DISLOCATION, 1981–85

BLS Region [1]	Worker Disclocation [2]		Rate of Dislocation [3]	
	Plant closings (thousand)	Total (thousand)	Plant closings (percent)	Total (percent)
New England	246	454	4.5	8.2
Middle Atlantic	695	1,411	4.7	9.6
East North Central	950	2,185	5.8	13.3
West North Central	396	865	5.4	11.8
South Atlantic	790	1,603	5.0	10.2
East South Central	367	763	6.6	13.7
West South Central	681	1,525	6.6	14.7
Mountain	327	701	6.5	13.8
Pacific	774	1,703	5.6	12.3
Total	5,224	11,210	5.5	11.8

[1] Regions are: New England (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut); Middle Atlantic (New York, New Jersey, Pennsylvania); East North Central (Ohio, Indiana, Illinois, Michigan, Wisconsin); West North Central (Iowa, Missouri, Nebraska, Kansas, Minnesota, North Dakota, South Dakota); South Atlantic (Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida); East South Central (Kentucky, Tennessee Alabama, Mississippi); West South Central (Arkansas, Louisiana, Oklahoma, Texas); Mountain (Montana, Wyoming, Colorado, Utah, Idaho, Arizona, Nevada, New Mexico); Pacific (California, Hawaii, Washington, Oregon, Alaska).

[2] Dislocation is all workers (aged 20+) permanently dislocated because of a plant closing or because of a position or shift being abolished, slack work or self-employed business failure.

[3] Rate calculated as number of adult workers dislocated between 1981 to 1985 per adult employee in state or region in 1983.

Source: Bureau of Labor Statistics January 1986 Dislocated Worker Survey and Geographic Employment Profile, 1983 (Bulletin 2215).

STATES WITH HIGHEST RATES OF DISCLOCATION AND JOBS LOST FROM PLANT CLOSINGS, 1981–85

Rank	Total dislocation	Plant closings
1	West Virginia	West Virginia.
2	Alaska	Alabama.
3	Washington	Mississippi.
4	Mississippi	Washington.
5	Louisiana	Louisiana.
6	Oregon	Maine.
7	Oklahoma	Oregon.
8	Alabama	Wyoming.
9	Michigan	Michigan.
10	Tennessee	Colorado.
11	Illinois	Nebraska.
12	Wyoming	Utah.
13	Missouri	Montana.
14	Utah	Alaska.
15	Pennsylvania	Tennessee.
16	Arizona	Indiana.
17	Kentucky	Pennsylvania.
18	Texas	Missouri.
19	Montana	Texas.
20	Colorado	Arizona.

Mr. Speaker, we see Texas, North Carolina, and many States that are not usually thought of as being part of the Midwest-Northeastern Rust Belt as some people refer to us. So the phenomenon has now become a national phenomenon and that explains why people of all kinds are concerned about it. There were a total, between 1981 and 1985, of 5,224 plants that closed forever. They closed their doors and they are gone.

The rate of dislocations rose very steadily during the 1981–85 period, and this is all coming from Secretary Brock's figures, these are not labor figures, these are not our figures, these are the Department of Labor figures under the direction of President Reagan's Secretary Mr. Brock.

Mr. Brock recommended that since we were losing about 1.5 million jobs a year, that we ought to appropriate about $980 million per year to provide training money for the people who lost their jobs. We took that recommendation and introduced it as House bill 1122 which has been reported and is waiting action here.

The Senate picked up the bill and added it to the trade bill, but in the process to get it added to the trade bill, they had to compromise the notification down to 60 days and 100 employees. In fact it is not even 60 days notice unless the employer knows more than 60 days beforehand that he is going to have to lay off people or he is going to have to close. If he finds out that he has lost a contract, say, tonight and that he is going to lose the contract by the end of the week, that is adequate notice under the provisions of this bill.

What the Brock task force discovered was that the average blue-collar worker in this country in the period when I described the job loss, that job loss of 11.5 million people, they got 2 days notice.

The average white-collar worker in that period got 1 week's notice.

So if anybody tells my colleagues that out of the goodness of their heart American employers are sharing this valuable information with their employees, it is just no so. The big employers who have union contracts are giving up to 90 days with severance pay, retraining benefits, and a lot of other things. I applaud them for that.

The U.S. Chamber of Commerce began in 1973 to oppose this bill right off the bat. They have not relented. They are using the same speeches against it today that they used then.

I remind the gentleman from Michigan [Mr. WOLPE] that in 1973 and 1974 one of the central concerns we had in the legislation was the fact that we had numerous plants closing or going out of business leaving behind pension funds that were broke. In the 1970's during the Nixon administration we passed legislation which was signed into law by a Republican President which legislation created the organization known as ERISA, so it is not now likely that a company will go out of business and leave the employees with no assets in the pension that they thought they had earned. In the case where they do in fact leave one that is defunct, other employers pick up the cost through the premiums levied and which they pay for ERISA insurance to insure the weak companies that go out of business.

That big center of controversy has not been around since the middle 1970's, and yet they still continue to oppose blindly.

What I suggest is happening is that instead of consulting the other sources that the President has most recently suggested in the press that he consults, he has been consulting with his friends at the U.S. Chamber of Commerce whom he thinks actually speak for American business. I have yet to meet a small businessman in my area who has benefited when a large factory closes its doors, whether it is the person who no longer sells the gasoline to the workers who purchase gasoline for their vehicles, the little place that they used to get their lunches, the place where they used to stop for a beer after work, and it goes on and on and on.

Mr. Speaker, in Youngstown, OH, when they closed that steel mill they lost 9,000 jobs at the plant. A year later when Yale University studied that town they found that an additional 11,000 jobs were lost by other people because the payroll from the plant had left that community.

Who supports this "crazy" idea? Mr. Speaker, we find the National Conference of Mayors, the National League of Cities, the Catholic Conference, United Methodist Church, American Association of Retired Persons, the Presbyterian Church, National Council of Churches, the Lutheran Council, National Urban League, Women's Equity Action League, AFL–CIO, and many, many other organizations. Why have they come together to support this legislation? Because over the years as this issue has evolved and people have come to understand the magnitude of its impact on our economy, the support for it has spread more broadly. Why do we say to give notice to a city? The city has to pick up the pieces when a major source of income to that city and a major source of tax revenue to that city for its school district makes a decision and frequently the decisions are not made there either. For example in our State the oldest chemical company in Michigan was purchased by a German company called BASF. The city of Wyandotte, MI had grown up around that plant. It had been the employer for generation after generation. One day when they were down to the last 600 employees, the board of directors in Bonn, Germany decided that they were going to move the operation from Wyandotte, MI in toto. They not only moved it, but to avoid taxes they bulldozed all the buildings to the ground. There was no longer any tax base, no longer any jobs. That was not a decision made by American businessmen who had any interest in American workers and American communities. That decision was made by a computer that told some directors on a board of directors in Bonn, Germany that the computer said the bottom line is that we can make money if we close that plant and bulldoze the buildings. There was nobody to worry about what happened to the workers and what happened to that community except the people that were left behind. That is the new dimension of this phenomenon that is coming home bitterly to roost. That is that these decisions to close are not always made by Americans but are indeed more and more made by people in other countries who are buying controlling interests in American companies or basing their companies here in America. It is an increasing phenomenon that that will increase public demand that we in the Congress do something to make sure that those decisions are handled in an atmosphere of some kind of humane corporate responsibility. That is all we are asking for, that everybody do what the good guys already do as a matter of conscience and humane corporate responsibility.

Let us ask the competitors of the good guys to live by the same rules that the good guys are living by. Let us ask the Chamber of Commerce to protect the good corporate citizens belonging to their organization and not make them continue to pay the increased costs for supporting the bad corporate citizens within their own organization.

I think if the President would listen to America and not listen to a few rather, from my point of view at least, narrow interpretations of the imposition of this kind of corporate citizenship on people that he will do the right thing and sign this bill.

I join my colleagues here in complimenting the gentleman from Michigan [Mr. WOLPE] for keeping his attention and the country's attention on this very important issue. It is too much to hope, but I hope somebody over in the White House will hear some of your words of wisdom here today.

Mr. WOLPE. Mr. Speaker, I wish to thank the gentleman from Michigan [Mr. FORD] for his remarks this evening. There is probably no issue that the gentleman from Michigan [Mr. FORD] has wrestled with longer than that of plant closing legislation. I expect there is probably no issue that has been more difficult to comprehend than the opposition generated by the plant closing provision. We are facing a genuine economic crisis in this country. We know that there are many facets to that crisis, including our trade deficit, our low savings rate, our declining infrastructure, and our productivity problems, but clearly one aspect of our difficulties relates to the adversarial nature of the relationship that exists between management and labor in this country.

If we are ever going to be serious about turning America into a competitive player again and restoring our economic performance, we are going to have to join together. We will really have to create the teamwork that we talk a lot about. Yet, when there is an organization like the U.S. Chamber of Commerce which continues to essentially promote confrontation with the working men and women of this country over an issue that is so reasonable, I submit that it is terribly counterproductive. It is in that sense that I think the National Chamber's opposition to this legislation is harmful to business. It is harmful because it will further the process of polarization between management and labor, and make more difficult the effort of putting together a cooperative approach to the economic problems we are facing.

Mr. GAYDOS. Mr. Speaker, will the gentleman from Michigan yield?

Mr. WOLPE. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Speaker, I appreciate the gentleman from Michigan yielding. I think it is important that we speak on the record, and I want to compliment my friend the gentleman from Michigan [Mr. FORD], for making such a clear explanation of the background of this bill. I think the salient point that he made was the fact that here we have a computer speaking out in Bonn, Germany, and doing something in this country which we think is at best mischievous and probably practically dangerous.

I say that we should look at our Canadian partners above the border, the Canadian Acquisition Corporation. It is a government corporation funded by the government, by the taxpayers, and their main order of business and reason for existence is to acquire foreign interests in Canada to make Canada for the Canadians, meaning that those people in this country that advocate that our borders should be open, and because of the weak dollar everybody comes in and they own all kinds of businesses in this country and everything is going to be rosy because they are coming in here and establishing businesses and we then have employment, that is a fictitious argument. Canada has gone through it. Right now, as I say, Canada is spending large amounts of government money to try to get Canada for the Canadians and do away with foreign interest in Canadian corporations. If only one item comes out of this special order, I think that item is the most salient that one could imagine. It is very important to this American economy.

Mr. WOLPE. Mr. Speaker, I believe the gentleman from Pennsylvania is on target. The Canadian experience is instructive. It reminds us that there is no uniqueness to this provision. Other countries have used it. Other States within America already have plant closing legislation, most notably, Massachusetts, and they have done that with cooperation between business and labor.

Mr. Speaker, I yield to the distinguished gentlewoman from Ohio [Ms. KAPTUR] who is a cosponsor of the legislation that we have been working on together for some time.

□ 1905

Ms. KAPTUR. Mr. Speaker, I join our other friends here this evening in commending the gentleman for this special order on this very important section of the trade bill. We are awaiting the President's response.

I, like everyone else and the people of my district, have been concerned about the hook that they have tried to use on this plant-closing legislation as a reason for possible veto. It seems to me that there are certain actions that we take as a Congress that are done because they are humane, they are proper and they are right, and they are in the traditions of a constitutional form of government which talked about forming a more perfect union and securing the blessings of liberty to ourselves and our posterity.

I think that the plant-closing notification is an idea that follows in that great tradition. It certainly makes sense to the workers who stand to lose their very livelihood. It makes sense for our Nation as a world leader in the area of business and in the face of the global international marketplace.

I think one of the interesting things about this bill and about this provision as we have heard it debated is that all of our trading partners, Germany, Japan and Canada, which the gentleman from Pennsylvania [Mr. GAYDOS] just talked about, Sweden, all have notice which is longer than that of this bill, which is 6 weeks' notice, 60 days.

One of the reasons that we are often given as we debate this trade bill that America is not as competitive as she should be is because we have treated our workers so poorly, and as I sat in committee and heard, it takes the American family no more than 2 months to use up its savings when the main wage earner loses a job. It just seems that 60 days is such a small period of time to be asking for. Many of our companies do this willingly already.

It is amazing to me that this pressure has come from certain interest groups to try to deep six this wonderful trade bill just on the basis of this one provision. It also amazes me, because the vast majority of Americans support this provision, people from all walks of life, and close to 90 percent of the American people if allowed to vote on this provision would vote for it overwhelmingly.

We know there are over 2 million American workers every year who lose their jobs because of shutdowns or layoffs, and two out of three of those receive no notice. The average worker receives about 7 days' notice, and that is the blue-collar worker. Even the white-collar worker receives less than 2 weeks' notice, so what we are asking for is some humane treatment of our fellow citizens.

The Federal Government is saying it is time that we caught up with our other allied trading partners. I think it would go a long way to helping America become competitive, because all of the studies now show the way that management and labor work together improving the quality of life in the workplace and the treatment of the worker through such things as quality circles does improve productivity and America's position worldwide.

The arguments, finally let me just say, that have been offered by certain opponents to this legislation and certain opponents to this legislation do not make much sense to me, because it seems to me the committee has done such a marvelous job of meeting the concerns of those initially opposed to the legislation.

The Wall Street Journal did a wonderful job, as others, in a story they printed on page 1 about a week ago, and I just wanted to place on the record that this amendment would not bar a single closing or layoff. It is not setting any kind of a standard for business in that regard. It would not require companies to get worker or Government approval to close plants or to conduct layoffs. It would not affect companies with under 100 workers or, in fact, any company laying off less than one-third of its work force unless 500 people are affected, and then there is a formidable list of exceptions that say to companies that may be faltering because they cannot raise enough capital in the marketplace they do not have to abide by these rules, that we know that advance notice might pose financial problems for them. There are plant closings that may be due to unforeseeable business developments or strikes or lockouts or maybe a company gets cut off from its major company that may supply into it.

As the gentleman from Michigan [Mr. Ford] mentioned, that would not apply, so it seems to me that in all of these instances we have taken care of the exceptions, and now we have a very clean amendment that basically says the average American worker, be they blue collar or white collar, deserves the courtesy and the humane treatment of 60 days of notice.

I commend the gentleman and strongly support this provision and urge the President to listen to his astrologer, and pay a little bit more attention to the American people as we move forward with this legislation.

Mr. WOLPE. Mr. Speaker, I thank the gentlewoman from Ohio for her very cogent observations and for all of her help in moving this legislation forward.

I want to quote one more passage from the Wall Street Journal article that was just referenced. As the gentleman from Michigan [Mr. Ford] noted, elements of the business community recognize the plant-closing provision as good for business and are not opposed to it. I think that is the significance of the Wall Street Journal column. The columnist writes:

> There are many items in the trade bill that will, indeed, affect America's ability to compete in world markets, but the plant-closings measure is not one of them. And it is strange, indeed, that the fate of the massive bill is turning on language that has nothing to do with trade. The ideological debate over the provision does not bode well for the ability of the Nation's leaders to grapple with the really important economic issues that America surely will face in the years just ahead.

I come back to the point made earlier, that the plant-closing provision simply is a method of having management and labor come together to assist workers, to assist the firms themselves and to assist the communities in adjusting to economic change. Simple justice demands that workers who have invested their lives in their factories be given a fair notice that calamity will strike.

Corporate executives protect themselves with golden parachutes, with inside information as to the timing of layoffs or of plant closings. The corporate employees and their communities today too often must rely on the mere hope that they will be treated fairly, and that is simply not right.

The provision that has been crafted in this legislation is reasonable. It will be good for workers. It will be good for business. It will be good for communities across this country.

I hope that the President will reconsider this question and that he will lend in his final judgment his signature to this vitally needed trade legislation.

GENERAL LEAVE

Mr. WOLPE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order today.

The SPEAKER pro tempore (Mr. Visclosky). Is there objection to the request of the gentleman from Michigan?

There was no objection.

TEXAS AIR INVESTIGATION UNPRECEDENTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. Fields] is recognized for 60 minutes.

Mr. FIELDS. Mr. Speaker, last week the Committee on Public Works and Transportation reported a resolution which condemns Texas Air Corp. and calls for the immediate investigation of its corporate management and its safety practices.

Mr. Speaker, this resolution, which is called House Concurrent Resolution 262, calls essentially for the same things that are already part and parcel of the present ongoing investigation of Texas Air announced by the Department of Transportation several weeks ago. While this resolution was introduced over a month ago, I consider the resolution overly broad, overreaching, and unprecedented in its scope and the manner in which it singles out a single company for unilateral governmental action.

Despite its breadth, however, I was impressed by the number of cosponsors the bill gathered and the concern of those in the Congress about whether Texas Air's two subsidiaries, Eastern and Continental, were operated in a safe manner.

As everyone in this Chamber knows, however, the circumstances which were present at the introduction of this resolution have dramatically changed. Who can forget the front-page headlines and the leadoff stories on the evening news reporting the announcement by the Department of Transportation of an unprecedented investigation into the management and the safety practices of Texas Air and its subsidiaries, Eastern and, later, Continental Airlines? I think the reaction of most Americans to this news was, in the first instance, one of relief, perhaps one of not knowing, because I think the American public is concerned that the airline industry is operated in a safe manner, and in this vein the Department of Transportation investigation into Texas Air and its safety practices is tangible evidence of Government concern for safety which promotes public confidence in Government.

□ 1915

I want to state emphatically that airline safety must never be compromised.

I was also pleased at the same time that Texas Air announced that it fully supported the investigation and agreed to cooperate in every way possible to expedite what is concededly an enormous undertaking. On April 28, FAA Administrator Alan McArtor announced that they had made more than 2,000 inspections of Eastern and Continental Airlines jets, and that the inspections were not over. The inspections cover each one of Eastern's 267 planes, and in addition a 5-member executive level FAA team is undertaking an indepth review of Eastern's ability to comply with FAA safety standards, including an examination of any recurring trends of noncompliance and an evaluation of the effectiveness of FAA's current inspection and enforcement program. Continental contains a fleet of 362 planes across the Nation, and together with Eastern the 2 carriers make up nearly 20 percent of the Nation's air passenger market.

The question that is very appropriate at this time is what have the inspections uncovered? The FAA Administrator, Alan McArtor said on April 29 that out of 2,000 inspections of over 600 aircraft, only 5 percent of the inspections uncovered "minor" safety infractions that required planes to be taken out of service and at times flights delayed. Mr. McArtor went on to say that the FAA had found no "grossly unsafe" aircraft, calling the 5 percent minor infraction percentage "not unusual," and what they would expect to find at other airlines.

Mr. Speaker, admittedly the Department of Transportation and FAA investigations are not over. We do not have a full record of what kinds of safety matters may yet be uncovered and brought to the record. But against the current record, it is very difficult for me to understand why the sponsors of this resolution insist on pushing for its adoption. Surely it makes more sense to wait for the completion of the official investigation by the FAA before we take any action which the American public would notice and perhaps respond to. Surely we should examine the results of the investigation by professionals before we move on legislation which is broad and comprehensive.

Mr. Speaker, the general investigation called for in the concurrent resolution is already being done by the Department of Transportation and the FAA. The review of safety issues called for in the concurrent resolution is a principal feature of the DOT investigation. Indeed, the hands-on investigation announced by the Department of Transportation is plane specific and more comprehensive than the inspection called for in the resolution that we are being asked to consider. The Department of Transportation is already looking into the resolution's called-for examination of the probable and future effects on the availability of adequate, efficient and low-priced airline service. Further, the FAA review of Texas Air compliance with statutory requirements and labor-related agreements has been made an express and integral part of the Department of Transportation's investigation and is redundant to the labor compliance investigation called for in the resolution.

Moreover, the Department of Transportation is presently considering in a separate proceeding the need for imposition of labor protective provisions in connection with Texas Air's purchase of Eastern. The language in the resolution calling for such an investigation merely restates the ongoing proceedings under present law.

Finally, the two transactions which have received the most attention, the sale of the Eastern Shuttle to a Texas Air related third party, and the contract between Eastern and Orion Air for piloting of Eastern aircraft in the event of a strike, are no longer at issue. They are no longer issues, I repeat. The sale of the shuttle has been blocked by a Federal court order, and the application has been withdrawn.

Furthermore, over a week ago Texas Air announced that it had unilaterally canceled its contract with Orion, so those two issues have simply gone away.

If this is beginning to sound like a broken record which keeps repeating itself, it is. This resolution is completely repetitive of actions already taken by the Secretary of Transportation and of issues which have already effectively disappeared. Many Americans who are not familiar with the workings of the Congress and the nature of politics may be wondering aloud why this resolution is still being pushed despite the overwhelming evidence which begs the conclusion that it is unnecessary and it should at least be delayed. Mr. Speaker, I will tell my colleagues why this resolution is still being pushed. This resolution is being pushed because of the existence of a very contentious labor dispute at Eastern Airlines, a labor dispute which could determine the future of that airline, but also of Continental Airlines.

In connection with that dispute, the labor unions call Frank Lorenzo, the chairman of Texas Air Corp., a union buster and enemy of union labor. They are convinced that Mr. Lorenzo's sole purpose and his overriding goal at the negotiating table as chairman of the airline is to bust the union at Eastern just like he did at Continental.

Perhaps the labor situation at Eastern should be the subject of congressional hearings because it has been the subject of some congressional hearings, and surely Members of Congress have a right to take an active role in providing their own independent counsel and political representation to members of labor organizations and air employee constituents. But each of us as a Member of Congress has a responsibility to ensure that we treat businesses and citizens with an even hand. Indeed, the Constitution prescribes that we give every citizen the "equal protection" of the law. So it is with this theme that I return to ask what every Member of Congress should ask in this debate: Have we treated Texas Air Corp. fairly by singling it out with a congressional resolution, although that resolution is nonbinding, which condemns its business practices and calls for an investigation that is already being undertaken by the Department of Transportation and the FAA? To me, that is the most important question that all of us should consider and answer.

Mr. Speaker, the evidence shows that there is only one answer to that question. As the Supreme Court said when it struck down the Federal Communications Commission cross-ownership provision which was aimed at Ruppert Murdock, this resolution singles out Texas Air with the precision of a laser beam.

If we were to enact appropriate legislation in this instance, Mr. Speaker, it would not separate out a single carrier or its holding company. Instead, it would look to the entire industry on the issue of airline safety.

One might ask why the resolution finds it more prudent to condemn the actions of a particular airline instead of reviewing the practices of an industry as a whole. One may further ask why this resolution is being pushed now while other matters of public importance and the completion of the Eastern and the Continental safety investigations take a back seat.

It all seems extremely confusing, Mr. Speaker. But I imagine the most confused person in the world, if I might be so presumptious, must be Secretary Burnley. Put yourself in the shoes of the Secretary and you might understand my statement, because he is proceeding with a very comprehensive and yet unprecedented investigation of a particular airline. Now he is faced with this Public Works and Transportation Committee resolution, which is nonbinding, in effect telling him to do what he is already doing. One of the criticisms of the Department of Transportation investigation, and therefore one of the reasons put forth for the passage of the resolution which is now before us, is that the resolution should pass because the Department of Transportation investigation is too abstract. It is too abstract. I can tell my colleagues what I think abstract is. Abstract is a nonbinding resolution calling for an investigation which has already taken place. That is abstract.

I hope that this resolution will not further undermine what has already become a rather shaky economic base in Eastern and Continental Airlines, thereby affecting people who live and work in my congressional district in Houston. I hope that we do not undeservedly and gratuitously fan the fires of publicity to the point that the public no longer wants to fly Continental and Eastern before the results of a 30-day investigation which will be made public.

I suppose with all of this attention, Eastern and Continental Airlines are the most watched airlines in the sky. I just hope that if the results of the investigation are favorable that Congress and the American people will recognize them as the safest, and that people will come to the floor and talk about the safe nature of Eastern and Continental Airlines.

Mr. Speaker, I am glad to yield to the gentleman from Colorado [Mr. SCHAFER].

Mr. SCHAEFER. Mr. Speaker, first, let me commend the gentleman from Texas [Mr. FIELDS] for taking out this special order. I think the gentleman has very eloquently explained the situation as is, and I just want to add a few comments from my perspective as far as Denver goes.

Mr. Speaker, it is my understanding that next week we will be considering House Concurrent Resolution 262, calling for the Secretary of Transportation to conduct an investigation into the management of Texas Air and Eastern Air Lines. I am opposed to this measure for a number of reasons; it interferes with the ongoing collective bargaining process between labor and management; it singles out one airline for unprecedented congressional scrutiny and political pressure; and its intent is to threaten the Texas Air Corp. in such a way as to force upon them certain opinions as to what management practices and pay scale in a private enterprise ought to be. I an particularly disturbed that we may be considering this resolution in a hurried fashion under suspension of the rules.

Mr. Speaker, I first want to explain something to my colleagues who may not have had the opportunity to see the positive impact the Texas Air Corp. has had by acquiring and restructuring Eastern and Continental. As you may know, Denver is the largest hub facility in Continental's system. I have personally witnessed the growth of Continental in Denver and the positive effects such growth has had on the Denver community and the State of Colorado as a whole. When Texas Air acquired Continental Airlines in 1981, it was plagued with postderegulation economic turmoil. Continental filed for bankruptcy, shed its union contracts and restructured the airline. In 3 years, it was not only paying 100 cents on each dollar of debt, but was continuing to act as the industry fare-setter offering unprecedented bargain fares. Lowering costs and cutting fares paid off for Continental, which in 1984 began showing million dollar profits. As one of its largest corporations, Continental Airlines provides substantial direct economic benefits to the people of Colorado.

In 1986 Contintental employed 3,565 Denver-based workers. With the integration of hundreds of former Frontier employees together with the overall growth of the company, over 8,000 employees currently work for Continental in Denver. As you may know, the State of Colorado is currently suffering an economic downturn causing high unemployment. Through a progressive arrangement between Continental and the State of Colorado, the company agreed to target unemployed Colorado workers for newly created jobs. As a result of the acquisition of Frontier assets, Denver has become one of the largest maintenance centers in Continental's system. Denver will be the primary maintenance base for three types of aircraft: The MD-80, the Boeing 727, and the Boeing 737. These maintenance operations provide additional employment opportunities for Coloradans. Continental provides over $172 million in annual payroll and benefits to the Denver metropolitan area. In addition, Continental pays in excess of $30 million annually to Denver area vendors.

The local and State revenue is greatly enhanced by Continental's Denver presence. Its Denver operations pay more than $25 million in local taxes. In 1987 alone, Continental paid $30 million to the city and county of Denver for use and lease fees at Stapleton Airport.

Continental Airlines has also demonstrated local commitment through its efforts in airport development. As a group which spends so much time in and out of hometown airports, we all see the difference a well-funded, well-run airport can make in terms of convenience, quality of life and the impression left on visitors to our cities. Continental supports the new international airport for the Denver area and is currently negotiating an agreement with the city and county of Denver in support of the new airport. Through surcharges on its operations at Stapleton, Continental has already paid in excess of $2.8 million for new airport development. By recently launching a $55 million major improvement program Continental has demonstrated its commitment to maintaining Stapleton as a viable facility until a new airport can be developed.

The point I am trying to make, Mr. Speaker, is that I have seen the good a company such as Continental can do for an economically troubled State. I realize that Continental is nonunion; however, I also understand that Texas Air Corp. took Continental airlines out of bankruptcy and made it into a viable competitive airline. Now Texas Air is trying to make Eastern strong and competitive as well. One element of this approach is to lower operating costs by reducing wages and benefits that have been inflated through prederegulation union contracts. Whether Congress likes current wage and benefit packages is not the issue. As an editor of The Rocky Mountain News wrote, "so long as Eastern violates no Federal wage, safety or environmental law, fair pay is a matter of opinion, nothing more." Compensation structure should be left to the collective bargaining process. Yet House Concurrent Resolution 262 sends a clear message to the NMB that Congress will be closely watching the current labor/management proceedings. It is no secret that Congress holds the pursestrings for funding all Government agencies including the DOT and the NMB. I think this measure is unorthodox, unfair and just plain bad congressional policy. There are elaborate procedures in place for the NMB to handle labor disputes. These procedures are set by law passed by the Congress. If we don't like what has been established then I urge the sponsors of House Concurrent Resolution 262 to introduce a bill to accomplish their goals. Otherwise, we have done our job and we should now let the NMB do its job.

One particularly sensitive area that could be affected by adopting this measure has to do with what is known as the single carrier issue. All the unions at Eastern Airlines have requested that the NMB determine whether Eastern is now part of a larger single transportation system which includes Continental Airlines. An NMB determination that Eastern and Continental constitute a "single carrier" would enable Eastern unions to force the unionization of Continental. The truth is that Continental employees have repeatedly rejected unionization. The Eastern pilots spent millions of dollars in a campaign to encourage Continental pilots to join their union [ALPA] but that effort failed. Continental employees have formed an organization called "Continental by Choice." They want to make clear their desire to remain nonunion. This group of Continental employees feels that unionization will impede, not enhance their ability to communicate with management. I do not think any member here believes that Continental employees do not have the right to choose to reject union representation. If anyone here believes that those employees have been coerced or threatened by Continental management, then the issue would be whether the Texas Air or Continental has violated the law. If I am not mistaken the proper forum for such a determination is within the judiciary.

If we pass this resolution, we will, in effect, be telling the NMB that we are quite suspicious of Texas Air right at a time when the board is supposed to be rendering an impartial decision on, among many matters, the single carrier issue. It is not our role to legislate those decisions.

I would like to raise another point, that while obvious, still deserves mention. The DOT is currently conducting a highly publicized safety inspection of Eastern and Continental Airlines. The mainstay of the measure we will consider calls for the Secretary to do the same thing all over again. Mr.

Speaker, the current investigation is not yet complete and the results have not been analyzed. Our consideration of House Concurrent Resolution 262, if nothing else, is obviously premature.

Putting aside the issue of whether my colleagues agree with Frank Lorenzo's way of operating his company; whether they think wages are too high at Eastern or too low at Continental; whether they think that Texas Air is capable of running safe air carriers; or whether they like the way Texas Air has developed its corporate structure: our opinions on these matters can be voiced in many ways but we are going beyond our proper role in telling other branches of Government how to handle their current proceedings. All of these issues are being played out in our courts and within our Federal agencies. What we are being asked to consider next week represents congressional interference in an improper form in matters that are currently outside of the scope of our authority. I urge my colleagues to oppose House Concurrent Resolution 262.

□ 1930

Mr. FIELDS. I want to thank the gentleman for coming over. I know his schedule is extremely busy. But as he was talking about Denver, I should like to talk a bit about Houston because I am personally concerned about the situation at Texas Air because it contributes to Houston, just as it does in Denver, significant revenues and jobs.

Continental employs approximately 10,000 people in Houston amounting to an approximate annual payroll of almost $15 million. In 1987, this meant that over $1.5 million were paid to Houston vendors. In addition, Continental Airlines paid $53 million in commissions to travel agents in Houston alone.

Continental and Continental Express have more than 260 daily flights from the Houston area. Texas Air carries nearly 1 million passengers to and from the Houston area every day. I will say I have been one of those passengers twice a week for the last 8 years. During the first 3 months of 1988, Continental Express alone deplaned 1.3 million passengers and enplaned another 1.3 million passengers for a total of nearly 2.7 million passengers in and out during that period.

Eastern's traffic pushes the average number of monthly passengers in and out of Houston to close to the 1 million mark.

In addition, as a supplier of annual charitable contributions to the Houston area, Texas Air contributes in the tens of millions of dollars.

That Continental and Texas Air are an important and viable part of the Houston economy is extremely obvious. What is not obvious, however, is the resolve, the drive and the dedication of Continental employees who want to see their airline evolve into the safest and most efficient airline in the business. However, the resolution that we have been talking about, House Concurrent Resolution 262, and other congressional efforts which are duplicative of the Department of Transportation investigation, are making it difficult for the airline to get back on its feet.

Now the Department of Transportation investigation was applauded, as I mentioned earlier, by Texas Air as a unique chance to flush all of the issues concerning Eastern, Continental and safety out in the open and to discuss those issues according to the facts.

Indeed, Texas Air has been troubled in its attempts to discount rumors and allegations of unsafe operating practices by repeated media campaigns and events which compromise their ability to get their story heard. Unfortunately, the resolution that we are talking about tonight robs Texas Air Corp. and employees of Continental and Eastern of that chance. This resolution calls for an open-ended investigation on the exact issues which have either already been made a part of the Department of Transportation investigation or have already disappeared. I think the principal consequence and effect if this resolution becomes law will be the continued erosion of public confidence in Texas Air, Eastern, and Continental Airlines.

I yield to the gentleman from Colorado.

Mr. SCHAEFER. The point the gentleman was making pertaining to the economic situation in Houston and the importance of the figures that Continental is providing in Houston as well as in Denver, on that point we have had an economic turndown and we cannot afford to lose any part of what we have. I think this is not only true in Denver, but in Houston. I think the gentleman makes a good point by expounding on these figures that they do contribute into Houston even more than they do into the hub city of Denver. That is a very important factor.

I can recall we spent 2½ years in a fight just trying to save an Army hospital in Denver which we finally got done to the tune of about $80 million a year into the economy. Here we are talking about drastically different figures and we cannot afford, neither Houston nor Denver, or a lot of other areas, to lose this type of income.

Mr. FIELDS. I thank the gentleman for making that point. The point is well made, particularly for Houston. We have been hit by the downturn in the price of oil. We have been an energy-based economy. If you look at the pillars that need to prop up our economy as we move toward diversification, you look at things like international trade. You must have a viable airline entity such as Continental and Eastern to be able to actually effectuate that particular goal. We have just built a brand new convention center in Houston that is world class. We are building world class hotels to bring large conventions to Houston which give us the opportunity to diversify. But we cannot accomplish that unless we have a viable carrier that is based in Houston such as Continental.

So when I talked a while ago of what is currently the effect of Continental, you can immediately think about the spin-offs and the additions and the enhancements that will be brought to our city in the very near future because of having that particular air carrier in Houston.

Mr. Speaker, I yield to the gentleman from Texas.

Mr. DeLAY. Mr. Speaker, I appreciate the gentleman from Texas [Mr. FIELDS], my neighbor, taking this special order on this, what I think is the most unjust situation I have witnessed in 10 years of being in a legislative body, of singling out one company and seemingly echoing one group's opinion who came up here and lobbied for this House Concurrent Resolution 262.

I particularly appreciate the gentleman from Texas bringing this special order so that we might really look at the history, especially the labor history of Texas Air and what is going on in this situation.

Mr. Speaker, airline labor contracts were exceedingly easy to negotiate during regulation—the carrier simply acceded to most union demands and passed the cost through to the consumer. With little or no competition in the industry, there was little incentive to keep costs—and fares—low. Deregulation put the industry on a collision course with the unions who would strive to maintain and increase the high wage and benefit levels and relatively poor productivity that characterized regulation. The airlines that collided first were the ones that were financially weak or who had poor competitive strengths. Texas Air, which is an amalgamation of weak and failing airlines, has become the target for the unions' frustration and anxiety because its management has been compelled to vigorously pursue the wage concessions and productivity increases necessary to succeed in the new marketplace.

Although there were four strong unions in place at Texas International Airlines when Frank Lorenzo bought it, he was able to negotiate and administer collective-bargaining agreements without fanfare. When he decided to enter the northeastern shuttle market with a nonunion new entrant carrier, however, the unions rose up in opposition. They claimed that the flying performed by New York Air was "theirs"—that they owned the jobs by right of their Texas International contracts. They utilized both the Federal courts and the National Mediation Board in their effort to prevent New York Air from doing business without unions, as well as work slowdowns, sickouts, and picket lines. Despite these efforts, New York Air survived as a nonunion carrier. The unions never pursued any ordinary union organizational activity among the New York Air employee groups, instead focusing their energies on legal and economic pressures to force the discharge of New York Air's employees. It has become the hallmark of the unions' approach to Texas Air that, rather than simply campaign for employee support and sign up members among the Texas Air work forces in the traditional way, they have tried to prove that operating an airline without giving the employees to a union is evidence of some unspecified act of unlawful conduct.

When Texas International acquired a rapidly failing Continental and thus dramatically expanded the scope of its enterprise, the unions shifted into high gear. First, they tried to establish an employee buyout of Continental to fend off the acquisition. That effort failed, and the unions hardened their resistance to the Texas Air proposals for wage concessions and productivity increases that were necessary to save the merged carrier—operating as Continental Air Lines—from financial catastrophe.

Concessions bargaining failed, despite last-minute desperation pleas from management on the eve of bankruptcy in September 1983. The IAM was already on strike and ALPA spurned Continental's last request for concessions on September 23. The unions failed to appear for a negotiations session on the morning of the 24th, and that afternoon, with its cash dwindling and its debt service payments now exceeding its resources, Continental sought the protection of chapter 11. The reorganization petition filed on the afternoon of September 24, 1983, was held by the U.S. Bankruptcy Court to be Continental's only alternative to forced liquidation by its creditors.

The Continental unions—ALPA, IAM, and UFA—refused to believe that the airline's finances were at a crisis even though management offered to open its books to union auditors. The unions tried to prove that the bankruptcy was a sham, but failed when the court held that Continental had no alternative but to seek reorganization in bankruptcy. The decision came after 6 months of discovery, evidentiary hearings, and argument in which Continental provided the unions with almost a half million documents related to its financial condition and bargaining history.

□ 1945

Regardless of the court's findings, those unions continued to insist that the bankruptcy was actually a trumped-up scheme to rid Continental of union representation. Their conviction ignores the fact that concession agreements would have forestalled that bankruptcy and probably prevent it all together.

Now the unions decided to fight rather than compromise. Shortly after the bankruptcy, ALPA and UFA joined the IAM in a bitter and sometimes violent strike with the publicly announced intention, the publicly announced intention to destroy the airline and its jobs. The rhetoric, and dirty tricks and those kinds of strategies espoused by ALPA in particular presented an almost insurmountable obstacle to the carrier's survival. Two ALPA pilots sit in a Texas prison today as the result of an attempt to bomb the homes of nonstriking pilots. Against all odds, thousands of pilots, flight attendants and mechanics crossed their union's picket lines and braved the hateful threats of the strikers. Continental was able to attract thousands of new employees. And with their loyalty and their determination that company has been able to grow and withstand the unions attacks.

The unions filed claims in bankruptcy exceeding $3 billion forcing Continental into extremely costly legal defenses. Nonetheless, virtually sham claim that was filed was dismissed by the courts. The few remaining claims, which had some arguable merit, were settled in agreements reached between the company and all three unions in 1985 and 1986, and under those supplemental settlement agreements Continental lawfully withdrew its recognition with ALPA and IAM and continues to operate today with a work force of approximately 38,000 employees who are for the most part unrepresented by any union.

Now when Texas Air acquired Eastern Airlines in 1986, it inherited labor strife that had sent Eastern Airlines to the brink of bankruptcy before Texas Air even arrived on the scene. The Eastern unions, ALPA and IAM, again and the TWU representing its flight attendants redoubled their efforts to resist the economic reforms that were essential to Eastern's survival. ALPA pilots embarked on a strategy they called the max safety in which they essentially sacrificed the carrier's reputation to defeat its management by planting that idea that Eastern was an unsafe airline. The IAM covertly endorsed a variety of dirty tricks, such as tying up the company's reservation lines, that would further endanger Eastern's public image and reduce its efficiency and its quality of service. All three union contracts come up for renegotiation this year. And the unions are primed for battle.

When Eastern prepared wage concessions to the IAM, for example, the union countered with a proposal for a 35-percent wage increase while publicly acknowledging that its proposal was a sham intended to highlight the proported absurdity of the company's proposal. The unions have pursued a vigorous battle slandering Eastern's name and reputation in a misguided attempt to drive Eastern to the verge of bankruptcy, driving down the price of Texas air stock and pursue their own desire for a takeover.

In addition to these damaging strategies, ALPA and AIM have enlisted the aid of the media, the National Mediation Board and Congress now in their battle. IAM president William Winpisinger stated to the press that IAM is at war with Eastern management, and he states that he would rather see the airline destroyed and all the jobs lost then give in to concession, and I hope the Eastern employees on that line out there understand that kind of quote. ALPA publications described the union's strategy against Eastern as a preparation for nuclear war in which their will be no survivors. To say that the unions anti-Texas Air rhetoric is inflammatory is certainly an understatement, and it is an understatement of the modern era of labor management relations. It will end only when the unions decide to abjure their kamikaze philosophy and face up to the economic fact that the excessively costly labor contracts of the regulated era cannot survive in the competitive marketplace that now characterizes the airline industry.

And they ought to look at their counterpart, the trucking industry. When it was partially deregulated, the same sorts of things happened. The teamsters pulled the same sort of antinegotiating types of approaches. In fact, we had a teamster member when I was at the time a member of the Committee on Public Works and Transportation, the Subcommittee on Surface Transportation, and we were holding hearings on deregulation of trucking and its effect on the economy and individuals in companies. And the teamster representative came before our committee, and he was talking about the long list of companies that went bankrupt and all these people that were put out of jobs. And I made the fatal mistake up here that one never does. I asked a question that I did not know the answer to while sitting behind that panel, and I asked the teamster representative how many of those companies that he listed and turned into the subcommittee were teamster companies, and his reply was, "Every one of them."

And I asked him also, "Are you telling this committee that, rather than bring your union into modern marketplace philosophy and be competitive with other companies, you would rather than give concessions which put all your members out of jobs and make these companies fail?"

The answer was, "Yes," and that is in the record.

The same thing is happening here. Yes, it is hard times to have been living under a regulated environment and all of a sudden have to compete in the marketplace. But we have to do it. It is here, and we have to compete, and we have to compete like everybody else. And if the unions are going to be obstinate, then the ultimate result in the long-term is the loss of jobs for its members.

Mr. Speaker, I would hope that this will be resolved sometimes in the near future. I would hope that management and labor would come together realizing that they are in a competitive marketplace, and get together and make the kinds of concessions that will make Texas Air, a Houston-based Texas Air, a viable and winning, No. 1 airline in the United States.

Mr. Speaker, I thank the gentleman for allowing me to participate in his special order.

Mr. FIELDS. Mr. Speaker, I thank the gentleman from Texas, [Mr. DeLay], who is my good friend, and I certainly appreciate him coming tonight and giving of his time. I know he has a beautiful and a lovely daughter at home, but he is doing what he does so well, and that is coming and representing his constituents. I know that I speak on behalf of many people in saying, "Thanks so much," and I know he would agree with me that the principle consequence of this resolution that we have been talking about will be the continued erosion of public confidence in Texas Air, Eastern and Continental Airlines, and this erosion of confidence is intending, I think, to pressure management in its present negotiations, with the machinist union at Eastern Airlines

Mr. Speaker, I think more is at stake in those negotiations in the amount that an average baggage handler, who at present makes approximately $47,000 a year, will be paid. To be sure, the future of both Eastern and Continental Airlines hang in the balance of those negotiations. And, as my friend has stated, the labor unions at Eastern have petitioned the National Mediation Board to consider whether Continental, or Eastern or a single airline for purposes of labor representations at the ongoing negotiations and the net effect of an affirmative ruling by the National Mediation Board on that question could be the incorporation of Continental Airlines employees into the labor debate at Eastern.

□ 1955

The labor unions at Eastern hope to succeed by that path because it would give them the opportunity to do what they have thus far been unable to do, and that is to unionize Continental.

Mr. Speaker, I am not here to advocate whether Continental Airlines should be represented by a union or should not be represented; however, I will fight to insure that Continental employees retain their own individual right to make that choice.

This resolution injects Congress in the midst of the labor negotiation process and it encourages the National Mediation Board to foster the status quo and prolong the labor negotiations until management, faced with uncompromising losses, has to go out of business.

Well, Mr. Speaker, I appreciate my colleagues who have joined me tonight in setting forth some of the implications of House Concurrent Resolution 262, which has been adopted by the Public Works and Transportation Committee, and also in discussing the single carrier proceeding which involves the employees of Continental Airlines and is about to be considered by the National Mediation Board.

Over the last several months, I have heard from hundreds of Continental employees, both while I was traveling back and forth from Washington, calls to my office in Houston, letters to my office in Washington and Houston, and each time I visit with them or read a letter I am struck by how different their message is from so many of the messages that we oftentimes hear in the Congress. They do not come here asking for this or that special favor from Congress. They just want to be treated fairly, that is all, just to be treated fairly.

Many of my constituents are afraid that there are efforts afoot to cause Continental to fail and that many supposedly independent third parties, like this House, have unwittingly or perhaps wittingly joined forces with those people who would like to see Continental vanish from the face of the airline world.

I am here tonight to join with the 38,000 Continental employees, over 10,000 of whom are based in Houston, in their struggle to make Continental Airlines the best airline in our country.

Continental has come through some very hard times. If we look all the way back to the dark days of the bankruptcy in late 1983, when there was no certainty that Continental would emerge at all from the protection of the courts, it is astonishing that Continental has grown as large and successful as it has in the last 5 years, but its growth has come with a lot of growing pains. Employees are very candid about service problems they have had and other difficulties that have come from taking on the burdens of People Express and Frontier Airlines.

In fact, I was told of some of those problems today by some of the flight attendants who served the flight that I was on; but despite those problems, the Continental employees are very proud of what they have built, and I am proud, too. I am proud that their airline is situated and located in Houston, because it has become one of the largest employers in Houston and it makes a very major contribution to my district.

Mr. Speaker, the gentleman from Wisconsin [Mr. Petri] was also scheduled to be here tonight, but he had a conflict, so I want to enter his statement into the Record.

Also, last month the Wall Street Journal ran a rather lengthy article criticizing the way Texas Air is run. The article had the tone of an expose, when in fact it was just putting an unfavorable or dishonest plant on information contained in Texas Air's own public filings.

I would also like to submit for the Record as part of my statement the response of Texas Air to that article, which appeared in the Wall Street Journal today, May 10, 1988, on page 39.

The article is as follows:

[From the Wall Street Journal, May 10, 1988]

Texas Air's Track Record

Re your April 7 front-page story "House of Mirrors": The major theme is that Texas Air has created a one-way financial street running from the subsidiaries to the parent company and thereby advantaged itself at the expense of its operating subsidiaries. A thorough analysis produces a much different picture.

Texas Air is a traditional holding company—very similar to holding companies of other airlines and hundreds of U.S. corporations. Texas Air was established to facilitate the expansion of its subsidiaries in the rapidly changing environment brought about by airline deregulation.

There are numerous examples of Texas Air's financial assistance to the subsidiaries that controvert the article's thesis. Texas Air has, for example, provided the financial backing for Continental to acquire more than 100 new quiet, fuel-efficient aircraft at prices below those available to Continental alone and at a time when Continental itself could not acquire the aircraft. In the process, Texas Air committed to guarantee more than $750 million of Continental's debt and leases.

Texas Air invested $365 million of equity capital in Continental during 1987; these funds were expended upon capital projects to restore Continental's service levels to those for which Continental has been justly proud. Texas Air invested another $130 million in Continental during the first quarter of 1988. Previous, Texas Air had guaranteed $110 million of Continental's debt, which allowed it to emerge from Chapter 11 in 1986 as one of the must successful reorganizations ever.

Financial assistance has not been limited to Continental. Pointedly, the article refers to the fact that Eastern just raised $200 million in cash but fails to note that Texas Air guaranteed $70 million of debt service.

These facts illustrate that the article's main thesis—that Texas Air has disregarded the needs of its subsidiaries—is inaccurate. Texas Air has in fact structured its financial activities specifically to be able to assist its subsidiaries.

Let me turn to the article's fascination with "upstreaming" cash. Of the $150 million that Texas Air received from its subsidiaries in 1987, $120 million is for aircraft leased from Texas Air; virtualy this entire amount is passed through by Texas Air to the owners of this equipment.

An additional $19 million of the fees to Texas Air are fuel-management fees. In 1987, Texas Air formed a fuel-management subsidiary that is reducing noticeably the cost of buying fuel for both Continental and Eastern. The bulk of that $19 million amount is earmarked for future capital programs such as the acquisition of inground oil reserves or refining capacity to benefit both Continental and Eastern.

Of the fees to Texas Air, all that remains is $14 million. These fees consist of standard holding-company charges for services rendered to the subsidiaries.

The article next chooses to classify $7 billion in lease-related liabilities as "invisible" on the balance sheet. These liabilities are disclosed in Note 4 to Texas Air's consolidated financial statement. Equally important, the story fails to point out that this type of treatment is standard in our business and approved by the accounting profession. U.S. Air has, for example, approximately $5.8 billion of such obligations. These are not "invisible" to any knowledgeable financial institution.

There is also a theory espoused in the article that management is not subject to challenge. This conclusion seems to be premised on the fact that Jet Capital holds 1% of Texas Air's equity but 34% of the voting control. Based upon this fact, the authors conclude that Texas Air has a "corporate defense that makes poison pills look like candy."

There are a number of relevant points that this conclusion doesn't take into account. A 34% voting arrangement doesn't prevent a party from putting forth an attractive, bona fide financial offer for taking control of Texas Air. The provision in question simply prevents someone from assuming a minority position that would not be in the best interest of our shareholders. It ensures that in the event of a takeover attempt, shareholders will receive value when the stock is undervalued.

The Jet Capital voting preference was specifically approved by a majority of the Texas Air common stock voted on the subject—other than those shares held by Jet Capital. In short, the voting preference is a hurdle to be gotten over in any takeover attempt; it is not a bar to a takeover attempt.

The authors make a point of classifying Frank Lorenzo's personal investment in Texas Air as "virtually nil." This assertion overlooks the fact that he has a substantial investment in Jet Capital and thus indirectly in Texas Air. I would add that the other officers of Texas Air also hold significant investment positions in Texas Air that, of course, have sharply declined in value over the past year.

The authors claim that Mr. Lorenzo "quietly" pleaded for a better bond rating at a Standard & Poor's presentation. As chief financial officer of Texas Air, I have attended every presentation that we have made and can't recall any such alleged occurrence.

The authors also intimated that asking debt holders of People Express to accept reduced terms was somehow an "iron fist" approach. It is a standard business practice to ask debt holders to accept a reduced amount when contemplating the acquisition of a failing company. The proposition is straightforward: if the acquired company is to shoulder the risk of the failing company, then its debt holders who would otherwise lose most, if not all, of their investment are better off entering into an agreement to receive less than the face value owed them. The federal government sanctioned a similar procedure in the recent First City Bank bailout.

The authors are critical of certain route transfers including the Miami-London route to Continental from Eastern. They fail to note that Eastern had lost millions of dollars on the route and ceased service for eight months before Continental applied for the route. In those intervening eight months, any carrier could have claimed the route; none did so.

There is one other notable route transfer—Continental assumed Eastern's routes to Mexico. Eastern had not served Mexico for 18 months before Continental took over the service because of a dispute between Eastern and a Mexican union. This dispute and attendant service cessation (October 1985) predated Texas Air's acquisition of Eastern. After several trips to Mexico by Eastern executives, it was determined that there was no settlement in sight. Accordingly, service over these routes was undertaken by Continental.

Related to the route-transfer question is aircraft transfer. Contrary to popular expectation, there has been been a net of only two aircraft transferred from Eastern to Continental. (Five DC-9-51s to Eastern, and one DC-10-30 and six A-300s to Continental.) All of these transactions were at fair market value.

One of the most noticeable inaccuracies is the description of the sale of System One. The authors claim that System One generated "profits" that merely subsidized Eastern's huge overall deficits prior to Texas Air's acquisition. System One was an integral part of Eastern, not a separate profit center. As best as can be determined, System One was not profitable at the time it was owned by Eastern. In the short period of time that System One has been owned by Texas Air, its net income has been $2 million.

The article also makes reference to $130 million in fees that Eastern now pays System One. The actual number is closer to $120 million but the more relevant point is that this is essentially only a pass through of expenses previously borne by Eastern. When Texas Air Corp. acquired System One, it also acquired System One expenses in the form of more than 2,000 employees, computer leases and other items. Thus, the $120 million is simply expenses that Eastern would have borne itself had it retained System One. It is merely an expense transfer not a windfall to Texas Air as the story implies.

The authors next describe the transaction so as to leave the impression Texas Air underpaid for System One. It is true that these properties were valued by studies commissioned under Eastern's former management at $200 million based upon breakup value, but this assumed that Eastern no longer had a marketing and usage preference—that it would no longer use the system.

Texas Air's purchase price was lower than $200 million because Eastern needed to maintain the operational preference and marketing relationship. The $100 million valuation and the method of payment were approved by one appraisal firm and two major investment houses. Also, the Texas Air note was convertible upon issuance into Texas Air stock. This issue was similar to securities that previously had been issued publicly and were routinely traded on the public market.

The article also makes critical reference to $25 million in debentures that Eastern purchased from Texas Air. In fact, the investment had a $30 million base value and a $25 million fair market value at the time of acquisition. Underlying this transaction is an investment bankers' opinion and the fact that Eastern could have sold these debentures at any time and realized full market value. Recently, these debentures have traded at a value of approximately $24 million and it is not to be forgotten that these securities had a 12% to 13% yield to maturity at the time of the transaction. (Lately, these securities have had a 20% current yield.) As such, this makes it an attractive investment for Eastern.

Finally, the article refers to the fact that Continental acquired Bar Harbor for $1.5 million and that Eastern made a $1 million payment to Continental in conjunction with this transaction. What is missing is the fact that Eastern, because of its route system, is the primary recipient of feed revenue from this relationship. The $1 million payment was in fact based upon the realization of this relationship.

Texas Air is a dedicated airline builder with a substantial track record. To date the 66,000 employees of the airlines whose jobs have been saved by Texas Air and the public who have saved billions in air fare on Continental have been principal beneficiaries of Texas Air's investment in its subsidiaries.

ROBERT SNEDEKER,
Senior Vice President,
Texas Air Corp.

WASHINGTON.

Mr. Speaker, I include the following remarks by the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Speaker, Wisconsin is proud to be the house of two of the fastest growing airlines in America, Mid-West Express and Air Wisconsin—also known as United Express. The Sixth District does not, however, contain within its boundaries a major center for air transportation, and certainly the plight of Texas Air Corp. is not among the greatest of my or my constituents' concerns. However, I am here today because of my belief that House Concurrent Resolution 262, passed by our committee, is poor public policy.

In his "History of England", Thomas MacAuley recounted the attainder in 1696 of Sir John Fenwick before the House of Commons in England:

> Some hundreds of gentlemen, everyone of whom had much more than half made up his mind before the case was open, performed the office both of judge and jury. They were not restrained, as a judge is restrained, by the sense of responsibility. * * * They were not selected, as a jury is selected, in a manner which enables a culprit to exclude his personal and political enemies. The arbiters of the prisoner's fate came in and went out as they chose. They heard a fragment here and there of what was said

> against him, and a fragment here and there of what was said in his favor. During the progress of the bill they were exposed to every species of influence. One member might be threatened by the electors of his borough with the loss of his seat; another might obtain a frigate for his brother from Russell. * * * In the debates arts were practised and passions excited which are unknown to well-constituted tribunals, but from which no great popular assembly divided into parties ever was or ever will be free.

This account was contained in a case decided by the Supreme Court in 1965 in which the Court discussed the prohibition against bills of attainder contained in the Constitution.

Recognizing full well that House Concurrent Resolution 262 lacks certain of the technical ingredients essential to a bill of attainder—most significantly, it lacks the force of law—I cannot escape seeing in the resolution most of the dangers that motivated the framers to proscribe bills of attainder in the first place. So powerful was the sentiment of the Constitutional Convention in opposition to the dangers of bills of attainder that the provision barring them passed the convention unanimously.

The Supreme Court has elegantly defined a bill of attainder as "legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial." [*U.S.* v. *Lovett,* 328 US 303.] Simply put, a bill of attainder is legislative punishment. With that view in mind of what the Constitution intended to prohibit, the instant resolution would seem clearly to violate the spirit if not the letter of the prohibition.

The troubles of Texas Air are too known to attempt to recount in these brief remarks. On one hand, Texas Air has become the black sheep of American industry for its persistent labor unrest and unconventional labor relations. In this regard, management has attributed many of its problems to uncooperative workers. On the other hand, Texas Air's two principal subsidiaries, Eastern and Continental, have experienced service problems so severe that probably every frequent flyer in America has suffered in some fashion at their hands. Service problems as severe as this must have a multitude of explanations, many of which I am sure would have nothing to do with its workers. The point of all this is that Texas Air and its airline subsidiaries present the perfect example of the risk inherent in legislative punishment. Texas Air has done enough things wrong to deserve some form of penalty, and it has made enough enemies to assure a strong lobby in favor of its being severely penalized.

I am concerned with Congress being used as the tribunal of choice for punishing Texas Air, whether or not the punishment is deserved. Let's look at what 262 calls for: As a general matter, it requests the Department of Transportation to perform an investigation of the management of Texas Air and Eastern to determine its effect on the public interest in matters ranging from attention to safety to promotion of fair wages and equitable working conditions. The concern of the public with such matters is beyond dispute. In fact, the public's interest is so great that the Federal Aviation Act and the regulations that have been promulgated under it are replete with continuing supervisory functions for the agencies that have oversight responsibility for airlines. In other paragraphs of the resolution, the Secretary of Transportation is requested to do other things which are governed substantially by existing law and regulations.

While certain instructions could be regarded as a legitimate direction of the Secretary's discretion, most matters addressed by the resolution seem to have an intent other than to help guide the Secretary. For example, paragraph 5, a now moot provision, reads, "The Secretary should not authorize Orion Air to provide services under contract with Eastern unless Orion establishes conclusively that it is capable of conducting such operations with the highest degree of safety." Since such a determination goes to the very heart of the Federal Aviation Administration's function, to suggest that it might need the exhortation of Congress to fulfill its mandate is to attribute either great incompetence to the Administration or great perfidity to Eastern. Since I am aware of the great esteem in which the FAA is held by members of our subcommittee, I must conclude that it was the possible perfidity of Eastern that motivated the passage of House Concurrent Resolution 262.

I am not here to argue the virtues of Texas Air or Eastern. with apologies to the thousands of employees who make up these companies, I have to acknowledge that I lack the information upon which to base a judgment about whether these companies are good or bad, virtuous or wicked, worthy of support or deserving of termination. Even if I did have such information, though, it would not be my responsibility as a Member of Congress to sit in judgment over persons who are governed by laws of general application which this body enacts.

To the extent that Congress takes actions which inflict a punishment upon private companies, and does so in a way that catches only the specified company, and not others that may be similarly situated, Congress has usurped the roles of the judicial branch to judge and the executive branch to punish. The separation of powers envisioned in our Constitution was intended to allocate to each branch of Government the power it was most capable of safely administering. The passage of laws to reflect the will of the people was seen as the strength of the popularly elected legislative branch. The meting out of punishment pursuant to these laws was thought to be a task best removed from the legislature. Thus the bill of attainder clause in the Constitution. As the Supreme Court has said, that clause "not only was intended as one implementation of the general principle of fractionalized power, but also reflected the Framers belief that the Legislative Branch is not so well suited as politically independent judges and juries to the task of ruling upon the blameworthiness of, and levying appropriate punishment upon, specific persons." [U.S. against Brown.]

House Concurrent Resolution 262 is clearly punitive in its effect. To be singled out by name in even a nonbinding congressional resolution is to be stigmatized in the public mind in a way that no company can welcome. When the singling out occurs in the context of instructing Federal agencies to perform tasks to which they are already substantially obligated, aspersions are cast upon the company so as to cause real punishment. This is especially true where the company is an airline and the implications relate to safety.

Texas Air and its subsidiaries may be deserving of censure or stronger penalties. Then again, they may be wholly blameless. Congress has established rules and procedures for making such a determination. If the rules we have enacted are inadequate to deal with a problem of the magnitude of Texas Air, then I am confident that we can devise better rules. When we eschew the difficult task of legislation and choose the easier job of condemnation, we have missed the high calling of Congress, and we tread near to unconstitutional territory.

To conclude, I fear that House Concurrent Resolution 262 is an example of the pettiness we can indulge in when we let well-intentioned concerns get in the way of defensible public policy. I exhort my colleagues to take the higher road of good policy. And leave the punishment—or praise—of individual companies to the other branches. I am certain they are up to the task.

SANTA RITA PUBLIC LANDS EXCHANGE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 10 minutes.

Mr. UDALL. Mr. Speaker, for several years now, Arizona has benefited from the creative and aggressive use of land exchanges to promote greater efficiency in government, conservation of natural and cultural resources and commercial development.

Today, I am introducing legislation that furthers this exemplary record. The Santa Rita Public Lands Exchange Act is a multifaceted land swap between the Bureau of Land Management, the U.S. Forest Service, the U.S. Fish and Wildlife Service, and the Arizona State Lands Department. In a single stroke, the package achieves tangible benefits to all these agencies and more importantly, to the taxpayers, the public interest and the public lands.

Briefly, this is what the legislation authorizes: BLM will transfer to State Lands almost 51,000 acres south of Tucson now withdrawn for the Santa Rita Experimental Range. The site has been used for important research on range ecology for more than seven decades. Actions by the State of Arizona and others will assure that the research continues under the direction of the University of Arizona for as long as the State and university desire.

In return, the United States receives many benefits. Catalina State Park is an extremely popular recreation area for the people of Tucson. Unfortunately, due to its increasing potential for development and a State constitutional requirement that the economic potential of State lands be maximized for the benefit of schools, the future of Catalina Park is in grave danger. The legislation transfers the park to the Coronado National Forest, which will join with the State Parks Department in a cooperative management agreement.

The Buenos Aires National Wildlife Refuge would gain 82,000 of State lands. This acquisition is important not only to the conservation values of the refuge but to the taxpayers as well. The State of Arizona is about to charge commercial rates for the grazing leases held by the Fish and Wildlife Service on these lands, at a cost of more than $400,000 per year. Addition of the lands to the refuge eliminates this cost while helping to assure the future of a unique refuge with exceptional promise for the people of Southern Arizona and the Nation.

About 58,000 acres of State lands with extremely interesting archaeological sites in the Black Canyon corridor will come to the Bureau of Land Management, as will other State lands bordering the soon-to-be-expanded Lake Pleasant. These lands will eventually be intensively developed for recreation.

Finally, the bill transfers about 82,000 acres in the Tinajas Altas Mountains from the BLM to the Cabeza Prieta National Wildlife Refuge. These sensitive and delicate lands will benefit greatly from Fish and Wildlife Service management.

Mr. Speaker, this is a rare package. Not only does the Federal Government acquire a very substantial roster of lands much needed for conservation, cultural protection, and developed recreation, it does so virtually without cost to the taxpayers. In fact, it promises to save the taxpayers future expenditures.

Special thanks for this superlative effort go to three special public servants—Dean Bibles, BLM's Arizona State director, whose extraordinary service on behalf of the public lands I have previously brought to the attention of the House, Mike Spear, Southwest Regional Director of the U.S. Fish and Wildlife Service, and Jean Hassle, Arizona State land commissioner and formerly the Chief of the Southwest region of the U.S. Forest Service. Their vision, skill, and determination in addressing these and many other problems we face in Arizona are very deeply appreciated.

I cannot conclude, Mr. Speaker, without making mention of one very unfortunate controversy that has arisen with regard to this legislative package. The Reagan administration has conditioned its support of this package on inclusion of a provision to transfer jurisdiction over more than 40,000 acres of the Kofa National Wildlife Refuge to BLM. This proposal bears no substantive relation whatsoever to the Santa Rita exchange. Its purported necessity is occasioned by the proposed location of a 500-kV powerline along a utility corridor through the refuge. However, this powerline proposal is now inactive, having been turned aside by the California Public Utilities Commission, and will not be a live issue for several years, if then.

Many conservationists in my State are strongly opposed to this major deletion of lands from a long-established refuge and worry about its impact on management of wildlife, especially bighorn sheep.

The administration's insistence on this provision is unnecessary and divisive, and I do not support it. It has made what should be a harmonious legislative effort a difficult and contentious one. I urge the administration to reconsider their position.

I am aware, however, that S. 2352, the Senate companion bill, includes this provision and that many of my colleagues in the Arizona delegation support it. All of us in the delegation, I believe, share a firm determination to see that the Santa Rita exchange is legislated in this Congress. We have worked together on many occasions to resolve controversies when it is necessary to achieve a larger good, and I am confident we will be able to do so in this case.

JAPANESE TRADE BARRIERS MAKE IT TOUGH FOR THEM TO BUY AMERICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, throughout the 20 years I have served in Congress, the most vocal advocates of a free and open American market have been organizations representing consumers.

These consumer advocates have argued that when we allow foreign goods into our stores, American workers and their families benefit from a wider range of choices and more competitive pricing.

Congress has recognized the importance of choice and price for American consumers, and we have rarely closed the American market to any foreign goods.

But, whether or not there are equally effective consumer advocates in Japan is a good question.

Just last week the latest in a series of trade negotiations between the United States and Japan on our access to their beef and citrus markets collapsed.

In fact, the American negotiators are so upset that they are taking the case to GATT, the international agency which resolves trade and tariff disputes. Unfortunately, GATT could take up to 5 years before it makes a decision on the case, and even then GATT has no power to enforce its rulings.

So here we are. American consumer organizations complain that H.R. 3 and all other trade legislation will hurt the American consumer. But what about our allies on the other side of the Pacific?

What about the Japanese consumer? Isn't he entitled to the same freedom of choice and price as an American shopper?

In Japan, beef sells for about $25 a pound, compared with about $2 a pound in Washington, and meat is only one of the items which costs Japanese shoppers far more than Americans.

According to a recent Japanese Government publication:

A dozen eggs in Japan costs about $2.08. The same dozen eggs in the United States would cost about 85 cents.

Bananas in Japan cost about 89 cents a pound. Bananas here are 50 cents a pound.

Japanese shoppers pay about $8.78 a gallon for milk. Here it only costs $1.95.

In Japan, potatoes cost 81 cents a pound. In the United States the same potatoes sell for 45 cents a pound.

Chicken costs a Japanese shopper about $4.07 a pound. A shopper here pays less than $1 a pound.

Rice, one of the most important staples of the Japanese diet, sells for about $1.90 cents a pound there. Rice costs us $1 a pound.

I could go on all day, but these few examples clearly show how much Japanese consumers are suffering because their Government restricts the flow of goods from other countries.

Right now, Japanese farmers hold tremendous political clout within Japan's ruling Liberal Democratic Party [LDP]. When the LDP came to power in 1955, its political strength was tied to Japan's farmers. And even though Japan's rural population has declined from 45 percent to less than 15 percent over the past three decades, this change has not lessened the influence of their farmers.

Despite their democratic one-man-one-vote political system, the LDP has stayed in power by giving a disproportionate share of parliamentary representation to Japan's rural areas.

For example, in one farming area 80,000 citizens vote to elect a Member to Japan's House of Representatives. Meanwhile, in an urban area, a Member may represent as many as 285,000 citizens. This means that every rural vote is worth 3.5 votes in a city.

This unfair apportionment allows the LDP to stay in power, but all of Japan pays for it. Farmers are kept happy with public works projects in their areas, lower tax rates, and protections against foreign competition for agricultural goods.

The agricultural population represents about 4 percent of the Japanese population, and their average farm is less than 3 acres. By contrast, farmers make up 2.2 percent of the American population and the average U.S. farm is sprawled out over 461 acres.

So, since the average American farmer owns more than 150 times more land than his Japanese counterpart, it only makes sense that we should be able to produce more goods at a lower price, and this is certainly the case.

Japanese farmers currently raise almost 5 million head of cattle, compared with 100 million raised in the United States. Since we raise 20 times more cattle, one would expect our beef prices to be lower. But it's outrageous that beef sells for $25 a pound in Tokyo and only $2 a pound in Washington.

Japan doesn't operate by the rules of free trade, and it's ridiculous for anyone to claim otherwise. Japanese consumers suffer from their Government's restrictive trade policies, and they see the problems with these policies each time they go to the grocery store.

Faced with everyday reminders of the drawbacks of protectionism, it's surprising that Japanese officials object so strongly to H.R. 3, the omnibus trade bill. They have opposed the bill since it was first introduced 3 years ago, and they are pleased that Mr. Reagan has vowed to kill it.

The bill contains a number of provisions designed to improve American access to foreign markets, but a spokesman for Prime Minister Takeshita of Japan said the bill "will have a serious impact on bilateral and multilateral economic cooperation and may hinder the development of the world economy."

These strong remarks seem to be prompted by the fear that H.R. 3 might hurt Japanese merchants by opening their domestic market to lower priced American goods.

A more open market in Japan certainly might hurt their farmers and middlemen who are protected by Japan's restrictive agricultural import policies, but the benefits to the average Japanese consumer would be immeasurable.

If their Government lowered the trade barriers which keep American food products out of the Japanese market, I'm sure United States farmers would line up to sell them our high-quality, low-priced cattle and crops.

For years, the Commerce Department has been negotiating with the Japanese to open their markets to American farm products. The most recent talks have focused on United States exports of beef and citrus to Japan. These negotiations collapsed because Japan's ruling party's strength lies with Japanese farmers, and those farmers are not about to give up their generous subsidies, tax preferences, and other Government perks.

So, the issue will go to GATT and that agency will inevitably decide that, indeed, American farmers should be able to sell more beef, oranges, and grapefruit to the Japanese.

At a time when Japanese consumers pay anywhere from $13 to $50 a pound for beef, one would think that Japanese officials would open their market to American beef—but they haven't.

I firmly believe that the Democratic Government of Japan should listen to the majority of its citizens. Japanese consumers want lower food prices and American farmers want to be able to sell their cattle and produce in Japan.

The solution is obvious, but difficult for the Japanese Government to put into practice because of its dependence upon Japan's farmers. Politicians in Japan need to realize that the extraordinary clout which their farming minority wield is trying the patience of Japan's trading partners and hurting Japanese consumers.

Less expensive imported food would raise the standard of living for every Japanese wage earner, since food is such a major expense for the average Japanese family. An increase in the volume of food imports could also reduce the enormous bilateral trade imbalance between the United States and Japan.

Last year's $170 billion trade deficit has created tension between the United States and our major trading partners, but a more open Japanese market could ease some of these tensions.

Mr. Speaker, H.R. 3, our omnibus trade bill, was designed to help America reduce our trade deficit and improve our competitiveness. Considering how jealously the Japanese protect their agricultural market, it is outrageous that they have the audacity to criticize H.R. 3.

If, in fact, the President does veto H.R. 3, I urge all of my colleagues to vote in favor of an override so this important bill can become the law of the land. The bill is a fine piece of legislation which took 3 years of labor and negotiation to produce, and I am convinced that it will strengthen our position in the world market.

But we cannot do it alone. International trade is a give-and-take relationship, and now is the time for the Japanese to open their markets to our farm products.

We grant the Japanese the privilege of selling their goods in the United States, and American farmers and businessmen expect and deserve the same free access to the Japanese market.

Without a doubt, American farmers can deliver the quality and price which Japanese consumers demand, and it is simply up to their Government to allow us to compete in the Japanese market.

Many American industries have taken a beating because of competition with the Japanese, and millions of American workers have lost their jobs because Japanese imports have forced their employers out of business. Japanese officials should be sensitive to this fact, and they should appreciate that the United States of America is still the largest and most open market in the world.

The least they can do is allow us to compete with their farmers on a fair and level playing field. Access to their farming market is not a lot to ask, and it would go a long way toward improving trade and diplomatic relations between the United States and Japan. I am convinced that our farm products are competitive. All we need is the opportunity to sell American farm goods freely and openly in the Japanese market.

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Mr. Speaker, that concludes my very diplomatic remarks involving the Japanese and their farm people. At another time I will take some other items up which I have talked about in the past, but let me just make a couple of observations at this time.

First of all, the Japanese have been trying to fool the whole world. They have kept themselves free from any imports. They have subsidized their own industry. They do everything that breaks every regulation, real or imagined, binding or nonbinding, more than any other country in the world which has to adhere to and respond to. We have caught the Japanese cheating time and time again, cheating on television sets, stealing in this country, and I say that without reservation. They have been fined repeatedly but because of their diplomatic negotiations those fines have been reduced or almost eliminated.

The record speaks for itself. It is not me speaking. It is the record speaking. The Japanese have not been fair in international trade since we beat them in the last war. I have my own particular thoughts of what I would like to do with Japan but those are a subject matter for another discussion. The fact remains that most of my colleagues, and most of those in the economic community of ours, calls Japan our "trading partner."

They are no more a partner than if we could expand it to its *n*th degree, and they are a trading enemy really because we are at war with Japan economically, and anybody who reads it any differently does not understand. That is not speaking again, it is the record. I can go back seriatim and point out in the record what they have done over the years. They even have not become party to a joint international agreement on a voluntary restraint agreement. They have not done that basically. They keep putting things off. They say, "We are going to take care of your agricultural products."

Who wants to exchange? Of course our trade people, our negotiators, the

International Trade Ambassador keeps using excuses and explanations that he would like to get our farm products in, and that was the basis of my special order this evening but who wants to be in a position whereby we give our natural resources, we send lumber to Japan in its natural state, we send minerals to Japan, we send coal to Japan, and we send farm products, and that is not labor intensive. We get back cameras, high-labor-intensive products such as automobiles, and I think that is absurd, as it is for anyone who even has a smidgen of understanding of international trade. They are not treating us fairly. Every time we catch them with their hand in the cookie jar, and every time they are caught cheating, and they have been cheating on patents and everything else, and it is not me speaking again, it is a matter of record, everytime they are caught they go back again saying:

> We are a defeated nation. You cannot do this to us. International trade negotiations should take the place of all this severe penalty and things of that nature.

In the meantime they have 18,000 to 20,000 economic spies in this country all over the country. It is a matter of record. We have caught them so many times I do not know how long this Nation can put up with it.

What is going to happen, has already happened. The low value of the American dollar has allowed all the foreigners to come in and buy up our industry. They are buying it up.

The Japanese own Pearl Harbor, 80 percent of the hotels and all the business in Pearl Harbor is owned by the Japanese. I am not anti-Japanese or anti-Canadian or whatever, all I know is that it is a bad sign.

For example, the Canadian Acquisition Corporation over in Canada, they are spending large sums of money in Canada through their Parliament, and they are making that money available so that the Canadian Acquisition Corporation can in turn try to acquire for Canada all foreign interests in these companies including a lot of United States interests up in Canada. The Canadian Government has finally concluded that it is not to their best interests that foreign governments own so much of their industrial activity.

We had a special order earlier this evening on plant closings. Here there is a decision made on a computer in Bonn, Germany, to close a plant in this country. That is crazy, it is crazy to have this country find itself in such an inexplicable position that they would be the victim of a movement such as that. That is foolish. We cannot even get through the Congress here a reasonable legislative enactment which would allow us to know exactly how many companies, or how much of our economy already has been purchased by foreigners.

Mr. Speaker, I have spread on the record as of last week, or the week before, a Japanese publication in the Japanese language which indicated all of the Japanese ownerships in this country and the facts in that article were shocking.

I had an interpreter interpret the columns and I spread it on the record last week or 2 weeks ago and in there it says such and such a corporation with so many employees and located in such a place, how much business they do, every conceivable statistic, and it is all listed in that Japanese publication. We have to find out what is going on in this country, and we better do that because if we do not, I think we are destined to become a colony again and may have to fight another war to remove the yoke from our necks. This country is not the richest nation in the world, that is another matter of record. This country is not the richest nation. I think we are No. 3 supposedly.

We are the biggest debtor nation if that is some accomplishment.

Next week or so I will be taking up another aspect of this subject in another special order.

Mr. Speaker, I would like to close by urging the Japanese representatives in this country, and urge the Government of Japan, because they read this Record, that they better give some practical consideration to the existing trade inequities and that they better take a little suffering their way because we just cannot do it any longer.

There is diplomacy, and there is delay, and there is fast talking and things like that, and I do not know how else they do it but they are doing a pretty good job of it because they are still doing what they have been doing and that is excluding American products. I have the whole litany laid out. We know how many American cars are sold in Japan, which is 3,000 or 4,000. We know how many they sell here, and it is in the millions. They have 25 percent of our market. That is crazy.

It is not understandable and it is indefensible and absolutely bad international economics.

Back many years ago I gave a name to international trade with the Japanese, and I called it by a certain name. I was criticized very regularly for it, and very profoundly so because I said the Japanese at that time were not authentic in what their trade position was, their posture, and their supposed desire to negotiate as our trading partner.

As I mentioned before, I do not think we are trading partners. Many years ago I called it samurai economics. I gave it that name, samurai economics, meaning that in international economics one would accomplish one's end at any cost. If you have to lie and cheat, whatever you have to do, do it, and apparently that is what is happening. There is no question about it. It has been proven time and time again that they have dumped on the American market, and they subsidize. It has been proven. It is not me saying it, it is the fact.

Mr. Speaker, I would say that they would be well advised, if those in their proper positions would take a second look at their obstinance, and negotiate sincerely with this government and try to equalize our international trade imbalance which is now $40 billion to $50 billion and heading to $60 billion in favor of the Japanese.

Mr. Speaker, that is all I have to say at this time. I will be back in a week or two on another aspect of this subject matter.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Boland (at the request of Mr. Foley) for today, on account of a death in the family.

Mr. Spence (at the request of Mr. Michel), from May 9, on account of convalescence from surgery.

Mr. Yates (at the request of Mr. Foley) for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Gallegly) to revise and extend their remarks and include extraneous material:)

Mr. Dreier of California, for 60 minutes, today.

Mr. Cheney, for 60 minutes, on May 24.

Mrs. Martin of Illinois, for 60 minutes, on May 24.

Mr. Craig, for 60 minutes, on May 11.

Mr. Dornan of California, for 60 minutes, on May 11.

Mr. Ginrich, for 5 minutes, today.

(The following Members (at the request of Mr. Gonzalez) to revise and extend their remarks and include extraneous material:)

Mr. Rostenkowski, for 5 minutes, today.

Mr. Brennan, for 5 minutes, today.

Mr. Penny, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.
Mr. MacKay, for 5 minutes, today.
Mr. Udall, for 10 minutes, today.
Mr. Gaydos, for 60 minutes, today.
Mr. Brennan, for 5 minutes, on May 11.
Mr. Lipinski, for 60 minutes, on May 11.
Mr. Brown of California, for 60 minutes, on May 11.
Mr. Levin of Michigan, for 60 minutes, on June 7 and 8.
Mr. Wise, for 60 minutes, on May 11.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Gallegly) and to include extraneous matter:)

Mr. Pursell.
Mr. Porter in two instances.
Mr. Gilman in two instances.
Mr. Schuette.
Mr. Wolf.
Mr. Kemp.
Mr. Packard.
Mr. Fields.
Mr. Frenzel.
Mr. Fish in two instances.
Mr. McEwen.
Mr. Cheney.
Mr. Craig.
Mr. Conte.
Mr. Hyde.
Mr. Lowery of California.
Mr. Lightfoot.
Mr. Solomon.
Mr. Kolbe in two instances.
Mr. Donald E. Lukens in four instances.
Ms. Snowe.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Smith of Florida.
Mr. Mavroules.
Mr. Nelson of Florida.
Mr. Yatron.
Mr. Tallon in three instances.
Mr. de Lugo.
Mr. Dwyer of New Jersey in two instances.
Mr. Kleczka.
Ms. Oakar.
Mr. Pepper.
Mrs. Boxer.
Mr. Traficant in two instances.
Mr. Matsui in four instances.
Mr. Ortiz.
Mr. Fazio.
Mr. Bonker.
Mr. Dymally.
Mr. Foley.
Mr. Guarini in two instances.
Mr. Penny.
Mr. Berman.
Mr. Manton.
Mr. Obey.
Mr. Vento.
Mr. Roe.
Mr. Florio.
Mr. Sawyer.
Mr. Waxman.
Mr. Ford of Michigan.
Mr. Edwards of California.
Mr. Solarz in two instances.
Mr. Lehman of California.
Mr. Wyden.
Mr. Biaggi.
Mr. Morrison of Connecticut.

ADJOURNMENT

Mr. GAYDOS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 21 minutes p.m.), under its previous order, the House adjourned until Wednesday, May 11, 1988, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3587. A letter from the Assistant Secretary of the Air Force (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to provide the Service Secretary concerned the option to order a cadet or midshipman to reimburse the United States without first ordering such cadet or midshipman to active duty; to the Committee on Armed Services.

3588. A letter from the Secretary of Housing and Urban Development, transmitting a report on the evaluation of the neighborhood development demonstration, pursuant to 42 U.S.C. 5318 nt.; to the Committee on Banking, Finance and Urban Affairs.

3589. A letter from the Secretary of Health and Human Services, transmitting the Department's annual report on the status and accomplishments of the runaway and homeless youth centers for fiscal year 1986, pursuant to 42 U.S.C. 5715; to the Committee on Education and Labor.

3590. A letter from the Chairman, National Endowment for the Arts, transmitting a report on arts education, "Toward Civilization", pursuant to 20 U.S.C. 954(m); to the Committee on Education and Labor.

3591. A letter from the Secretary of Education, transmitting a draft of proposed legislation to amend the Higher Education Act of 1965, to achieve greater accountability in Federal student assistance programs, to enhance the equity and effectiveness of Federal programs in support of higher education, to expand and improve the Income Contingent Loan Program, to reduce waste and abuse, and for other purposes; to the Committee on Education and Labor.

3592. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer to Pakistan for defense articles and services estimated to cost $240 million (Transmittal No. 88-27), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3593. A letter from the Director, Defense Security Assistance Agency, transmitting notification of a proposed memorandum of understanding with the Government of the United Kingdom concerning digital target material capabilities (Transmittal No. 02-88), pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

3594. A letter from the Archivist, National Archives and Records Administration, transmitting a report on a proposed archival depository for the Presidential and other historical materials of the Reagan administration, pursuant to 44 U.S.C. 2112(a)(3); to the Committee on Government Operations.

3595. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3596. A letter from the Acting Attorney General, transmitting notice certifying the region comprised of the Federal judicial district for the State of Arizona, to the Court of Appeals for the Ninth Circuit, pursuant to 28 U.S.C. 581 nt.; to the Committee on the Judiciary.

3597. A letter from the Acting Assistant Attorney General, transmitting a draft of proposed legislation entitled, "Terrorist Alien Removal Act of 1988"; to the Committee on the Judiciary.

3598. A letter from the Administrator, Federal Aviation Administration, transmitting status report on aircraft safety rulemaking procedures for the period January 1988 through April 1988, pursuant to 49 U.S.C. app. 1421 nt.; to the Committee on Public Works and Transportation.

3599. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorization appropriations under the Disaster Relief Act of 1974, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Public Works and Transportation.

3600. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to provide for the recovery by the U.S. Customs Service of the cost of Customs processing of imported articles, and for other purposes; to the Committee on Ways and Means.

3601. A letter from the Board of Trustees, transmitting the 1988 annual report of the Board of Trustees of the Federal Hospital Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), 1395t(b)(2) (H. Doc. No. 100-193); to the Committee on Ways and Means and ordered to be printed.

3602. A letter from the Under Secretary of Defense (Acquisition), transmitting a report of actions taken to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; jointly, to the Committees on Government Operations and Armed Services.

3603. A letter from the Administrator of the Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to authorize the appointment of Veterans' Administration-trained graduates in certain health-care professions or occupations by the Veterans' Administration without regard to civil service hiring procedures; jointly, to the Committees on Veterans' Affairs and Post Office and Civil Service.

3604. A letter from the Board of Trustees, transmitting the 1988 annual report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), 1395t(b)(2) (H. Doc. No. 100-194); jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2203. A bill to increase the amount authorized to be appropriated with respect to the Sewall-Belmont House National Historic Site; with an amendment (Rept. 100–611). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUGHES: Committee on the Judiciary. H.R. 4445. A bill to amend title 18, United States Code, to prohibit certain firearms especially useful to terrorists; with an amendment (Rept. 100–612). Referred to the Committee of the Whole House on the State of the Union.

Mr. de la GARZA: Committee on Agriculture. H.R. 2756. A bill to amend the Middle Atlantic Interstate Forest Fire Protection Compact to include the State of Ohio; with an amendment (Rept. 100–613). Referred to the Committee of the Whole House on the State of the Union.

Mr. de la GARZA: Committee on Agriculture. H.R. 2835. A bill to direct the Secretary of Agriculture to release certain restrictions on a parcel of land located in Henderson, Tennessee; with an amendment (Rept. 100–614). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALL of Ohio: House Resolution 441. A resolution providing for the consideration of H.R. 4471, a bill to amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation, to make supplemental authorizations of appropriations for the Board for International Broadcasting, and for other purposes (Rept. 100–615). Referred to the House Calendar.

Mr. MOAKLEY: House Resolution 442. A resolution providing for the consideration of H.R. 1801, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1989 through 1992 (Rept. 100–616). Referred to the House Calendar.

Mr. FROST: House Resolution 443. A resolution providing for the consideration of H.R. 3193, a bill to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, sexual orientation, or ethnicity (Rept. 100–617). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GILMAN (for himself and Mr. Rangel):

H.R. 4549. A bill to provide for the appointment of the congressional members of the Mexico-United States Intergovernmental Commission on Narcotics and Psychotropic Drug Abuse and Control, and to clarify the purposes of the commission; to the Committee on Foreign Affairs.

By Mr. BONKER (for himself, Mr. Dymally, Mr. Roybal, Mrs. Morella, Mr. Gonzalez, Mr. Sikorski, and Mrs. Boxer):

H.R. 4550. A bill to amend title 13, United States Code, to improve the administration of decennial censuses of population, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BORSKI (for himself and Mr. Kostmayer):

H.R. 4551. A bill to direct the Secretary of the Interior to conduct a study of existing Revolutionary War fortifications and to prepare and publish a study of the life and career of Thaddeus Kosciuszko; to the Committee on Interior and Insular Affairs.

By Mr. BRENNEN:

H.R. 4552. A bill to amend the National Labor Relations Act to make it an unfair labor practice for an employer to hire, or threaten to hire, permanent replacement workers during the first 10 weeks of any strike; to the Committee on Education and Labor.

By Mr. BRENNEN (for himself, Ms. Snowe, and Mr. Studds):

H.R. 4553. A bill to enhance the enforcement of the laws relating to the conservation of the American lobster; jointly, to the Committees on Ways and Means and Merchant Marine and Fisheries.

By Mrs. BYRON (for herself, Mr. Mrazek, Mrs. Morella, Mr. Cardin, Mr. McMillen of Maryland, Mrs. Bentley, Mr. Dyson, and Mr. Hoyer):

H.R. 4554. A bill to remove certain restrictions on land acquisitions for Antietam National Battlefield; to the Committee on Interior and Insular Affairs.

By Mr. FRENZEL:

H.R. 4555. A bill to provide that certain nonprofit hospital insurers shall not be required to discount unpaid losses in computing taxable income for taxable years beginning before January 1, 1989; to the Committee on Ways and Means.

By Mr. HUCKABY (for himself, Mr. de la Garza, Mr. Espy, Mr. Jones of Tennessee, Mr. Stallings, Mr. Stangeland, Mr. Stenholm, Mr. Stump, Mr. Tallon, and Mr. Udall):

H.R. 4556. A bill to amend the provisions of the Agricultural Act of 1949 relating to certain cross compliance requirements under the Extra Long Staple Cotton Program; to the Committee on Agriculture.

By Mr. HUTTO (for himself (by request), Mr. Jones of North Carolina, and Mr. Davis, of Michigan):

H.R. 4557. A bill to direct the Secretary of the department in which the Coast Guard is operating to require alerting and locating equipment, including emergency position indicating radio beacons, on United States uninspected vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HUTTO (for himself (by request), Mr. Jones of North Carolina, Mr. Davis of Michigan, Mr. Anderson, Mr. Hammerschmidt, Mr. Nowak, and Mr. Stangeland):

H.R. 4558. A bill to transfer administration of bridges and causeways over navigable waters from the Secretary of Transportation to the Secretary of the Army, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Ms. KAPTUR:

H.R. 4559. A bill to change the status of the Veterans' Administration outpatient clinic in Toledo, OH, to that of an independent clinic; to the Committee on Veterans' Affairs.

By Mr. LOTT:

H.R. 4560. A bill to designate the National Space Technology Laboratories in Bay St. Louis, MS, as the "John C. Stennis Space Center"; to the Committee on Science, Space and Technology.

By Mr. NELSON of Florida (for himself, Mr. McCurdy, Mr. Walker, and Mr. Lewis of Florida):

H.R. 4561. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes; to the Committee on Science, Space and Technology.

By Mr. OBEY (for himself, Mr. Hayes of Illinois, Mr. Oberstar, Mr. Kleczka, Mr. Roth, Mr. Vander Jagt, Mr. Moody, Mr. Gray of Illinois, Mr. Vento, Mr. Kastenmeier, Mr. Sabo, Ms. Oakar, Mr. Stangeland, Mr. Conyers, Mr. Roberts, Mrs. Collins, Mr. Penny, Mr. Dorgan of North Dakota, and Mr. Whittaker):

H.R. 4562. A bill to enable certain U.S.-flag vessels to engage temporarily in trade within the Great Lakes, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RODINO (by request):

H.R. 4563. A bill to provide authorization of appropriations to the Department of Justice for U.S. National Central Bureau [USNCB] of Interpol for hosting periodically the General Assembly of Interpol and to allow the Attorney General to solicit, receive and make gifts and bequests for official Interpol activities; to the Committee on the Judiciary.

By Mr. SHAW:

H.R. 4564. A bill to amend title 10, United States Code, to provide for assistance to foreign countries for enforcement of drug laws; jointly, to the Committees on Armed Services and Foreign Affairs.

By Mr. UDALL:

H.R. 4565. A bill to provide for the transfer of certain lands in the State of Arizona, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. DIXON (for himself, Mr. Mineta, Mr. Matsui, Mr. Torres, Mr. Lewis of California, Mr. Fauntroy, Mr. Clay, Mr. Fazio, Mr. Towns, Ms. Pelosi, Mr. Lehman of California, Mr. Dellums, Mr. Bosco, Mr. Dymally, Mr. Lewis of Georgia, Mr. Kostmayer, Mrs. Saiki, and Mr. Lungren):

H.J. Res. 564. Joint resolution designating the first week of April 1989 as "National Earthquake Awareness Week"; to the Committee on Post Office and Civil Service.

By Ms. OAKAR (for herself, Mr. Broomfield, Mr. Cardin, Mr. Emerson, Mr. Fuster, Mr. Goodling, Mr. Gray of Pennsylvania, Mr. Hatcher, Mr. Hutto, Mr. Jones of Tennessee, Mr. Kostmayer, Mrs. Martin of Illinois, Mr. McEwen, Mr. Shaw, Mr. Skelton, Mr. Slattery, Mr. Traficant, Mr. Walker, Mr. Frost, and Mr. Cooper):

H.J. Res. 565. Joint resolution designating 1989 as the "Year of the Young Reader"; to the Committee on Post Office and Civil Service.

By Mr. JONES of Tennessee:

H. Con. Res. 296. Concurrent resolution authorizing printing of the House of Representatives Election Law Guidebook, 1988; considered and agreed to.

By Mr. BIAGGI:

H. Con. Res. 297. Concurrent resolution to call for an end to the use of plastic bullets by British security forces in Northern Ireland; to the Committee on Foreign Affairs.

By Mr. LEWIS of Florida (for himself, Mr. Ireland, Mr. MacKay, Mr. Mack, Mr. Mica, Mr. Bilirakis, Mr. McCollum, Mr. Shaw, Mr. Grant, Mr. Lehman of Florida, Mr. Nelson of Florida, Mr. Fascell, Mr. Hutto, Mr. Emerson, Mr. Smith of Florida, Mr. Chappell, Mr. Roberts, Mr. Madigan, Mr. Robert F. Smith, Mr. Bennett, Mr. Herger, Mr. Hunter, Mr. Grandy, Mr. Young of Florida, Mr. Pepper, Mr. Leath of Texas, Mr. Packard, Mr. Jontz, and Mr. Huckaby):

H. Con. Res. 298. Concurrent resolution to express the sense of Congress regarding relief for the U.S. citrus industry under section 301 of the Trade Act of 1974 and other appropriate relief; to the Committee on Ways and Means.

By Mr. SHAW:

H. Con. Res. 299. Concurrent resolution expressing the sense of Congress on suppression of international narcotics trafficking; to the Committee on Foreign Affairs.

By Mr. WELDON:

H. Res. 440. Resolution providing for a select committee to investigate fire safety in the Capitol and House Office Buildings; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII.

362. The SPEAKER presented a memorial of the Senate of the State of Illinois, relative to removal of asbestos from school buildings; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. PICKETT introduced a bill (H.R. 4566) for the relief of Charlotte S. Neal; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 593: Mr. DeFazio.

H.R. 722: Mr. Shays and Mr. Flake.

H.R. 757: Mr. Davis of Illinois, Mrs. Collins, Mr. Buechner, Mr. Brown of California, Mr. Smith of Florida, Mr. Owens of New York, and Mr. Chapman.

H.R. 1078: Mr. Lantos, Ms. Pelosi, Mr. Lungren, Mr. Shumway, Mr. Levin of Michigan, Mr. LaFalce, Mr. Stark, and Mr. Mrazek.

H.R. 1158: Mr. Ford of Tennessee and Mr. Hughes.

H.R. 1580: Mrs. Kennelly and Mr. Hochbrueckner.

H.R. 1842: Mr. Fauntroy, Mr. Staggers, Mr. Bosco, Mr. McGrath, Mr. Murphy, Mr. Ackerman, Mr. Latta, Mr. Ford of Tennessee, Ms. Oakar, Mr. Sundquist, Mr. Jeffords, Mr. Ravenel, Mr. Beilenson, Mr. Sikorski, Mr. Coyne, Mr. Shays, Mr. Stokes, Mr. Feighan, Mr. Mazzoli, Mr. Udall, Ms. Kaptur, and Mrs. Vucanovich.

H.R. 1885: Mr. Stenholm and Mr. Hayes of Louisiana.

H.R. 1950: Mr. Flake, Mr. Shays, Mr. Spratt, Mr. Wyden, Mr. Wheat, Mr. McHugh, Mr. Jones of Tennessee, Mr. Yatron, Mr. Tallon, Mr. Roybal, Mr. Baker, Mr. McEwen, Mr. Studds, Mrs. Patterson, Mr. Smith of New Jersey, and Mr. Huckaby.

H.R. 2148: Mr. Matsui, Mr. Gray of Illinois, Mr. Donnelly, Mr. Olin, Mr. DeFazio, Mr. Skeen, Mr. Towns, Ms. Pelosi, Ms. Kaptur, Mr. Stark, Mr. Smith of New Jersey, Mr. Davis of Illinois, Mr. Smith of Texas, Mr. Derrick, Mr. Boland, Mr. Mica, Mr. Livingston, Mr. Murphy, Mr. Fazio, and Mr. Roe.

H.R. 2238: Mr. Darden, Mr. Johnson of South Dakota, Mr. Montgomery, and Mr. Grant.

H.R. 2246: Mr. Conte and Mr. Evans.

H.R. 2489: Mr. Chapman, Mr. Bateman, Mr. Lancaster, Mr. Neal, Mr. Dwyer of New Jersey, and Mr. Lehman of California.

H.R. 2586: Mr. Olin.

H.R. 3048: Mr. Chapman, Mr. Hamilton, Mr. Nowak, Mr. Perkins, Mr. McMillen of Maryland, Mr. Price of North Carolina, Mr. Nagle, Mr. Hayes of Louisiana, Mr. Skaggs, and Mr. Glickman.

H.R. 3065: Mrs. Meyers of Kansas, Mr. Pashayan, Mr. Obey, Mr. Wolpe, Mr. Bates, Mr. Studds, Mr. Tauke, Mr. Craig, Mrs. Collins, Mr. Sunia, Mr. Erdreich, Mr. Johnson of South Dakota, and Mr. Schuette.

H.R. 3132: Mr. Downey of New York.

H.R. 3314: Mr. Foglietta and Mr. Dreier of California.

H.R. 3375: Mr. Gregg.

H.R. 3454: Mr. Pepper, Mr. Darden, and Mr. Lewis of Georgia.

H.R. 3699: Mr. Upton, Mr. Bereuter, Mr. Scheutte, and Mr. Penny.

H.R. 3719: Mr. Gingrich, Mr. Spence, Mr. Waxman, Mr. Anderson, Mr. Lehman of Florida, Mr. Smith of New Hampshire, Mr. Foglietta, Mr. Studds, Mr. Lujan, Mr. Ray, Mrs. Morella, Mr. Tauke, Mr. Swindall, Mr. Erdreich, Mr. Richardson, Mr. Tallon, Mr. Jeffords, Mr. McCollum, Mr. Hubbard, Mr. Frost, Mr. Martinez, Mr. Dowdy of Mississippi, Mr. DioGuardi, Mr. Lancaster, and Mr. Levine of California.

H.R. 3724: Mr. Bonker.

H.R. 3730: Mr. Courter.

H.R. 3809: Mr. Weiss, Mrs. Meyers of Kansas, and Mr. Atkins.

H.R. 3810: Mr. Owens of New York, Mr. Ackerman, Mr. Hawkins, Mr. DeFazio, Mr. Fauntroy, Mr. Smith of Florida, Ms. Kaptur, Mr. Frank, Mrs. Johnson of Connecticut, Mr. Lancaster, Mr. Studds, Mr. Lantos, Mr. Hamilton, Mr. Rangel, Mr. Lewis of Georgia, Mr. Hoyer, Mr. Glickman, Mr. Chapman, Mr. Wise, Mr. Garcia, Mr. Evans, Mr. Campbell, Mr. Ford of Tennessee, Mr. Frost, Mr. Harris, Mr. Hughes, Mr. Morrison of Connecticut, and Mr. de Lugo.

H.R. 3848: Mr. Dwyer of New Jersey, Mr. Oberstar, and Mrs. Meyers of Kansas.

H.R. 3891: Mr. Glickman, Mr. Rangel, Mr. Flake, Mr. Fauntroy, Mr. Miller of California, Mr. Savage, Mr. Bruce, Mrs. Boggs, Mr. Hoyer, Mr. Moakley, Mr. Hertel, Mr. Vento, Mr. Sikorski, Mr. Hochbrueckner, Mr. Feighan, Mr. Ortiz, Mr. Bonker, and Mr. Levine of California.

H.R. 3893: Mr. Applegate.

H.R. 3903: Mr. Gingrich.

H.R. 3907: Mr. Madigan, Mr. Skaggs, and Mr. Aspin.

H.R. 3915: Mr. Rangel.

H.R. 3944: Mr. Emerson and Mr. Hutto.

H.R. 3988: Mr. Dannemeyer, Mr. Packard, Mr. Moorhead, Mr. Lungren, Mr. Bates, and Mr. Dreier of California.

H.R. 4070: Mr. Mollohan, Mr. McEwen, and Mr. Crockett.

H.R. 4074: Mr. Hochbrueckner, Mr. Mollohan, Mrs. Martin of Illinois, Mr. Montgomery, and Mr. McCurdy.

H.R. 4090: Mr. Ritter.

H.R. 4113: Mr. DioGuardi, Mr. Shays, Mr. Dwyer of New Jersey, Mr. Martinez, and Mrs. Bentley.

H.R. 4127: Ms. Snowe, Mrs. Johnson of Connecticut, Mr. Atkins, Mr. Gilman, Mr. Sawyer, Ms. Pelosi, Mr. Akaka, Mr. Hammerschmidt, Mr. Shaw, Mr. Johnson of South Dakota, Ms. Kaptur, Mr. Traxler, Mr. Feighan, Mr. Morrison of Washington, Mr. Anthony, Mrs. Boggs, Mr. Espy, Mr. Bereuter, Mr. DeWine, Mr. Smith of New Hampshire, and Mr. de la Garza.

H.R. 4131: Mrs. Meyers of Kansas, Mr. Lancaster, Mr. Bilirakis, Mr. Dannemeyer, Mr. Skelton, and Mr. Wolpe.

H.R. 4132: Mr. de Lugo, Mr. Rangel, Mr. Frost, Mr. Mfume, and Mr. Stark.

H.R. 4139: Mr. Owens of Utah.

H.R. 4140: Mr. Owens of Utah.

H.R. 4150: Mr. Shuster, Mr. Lightfoot, Mr. Emerson, Mr. Ford of Tennessee, Mr. Ray, Mr. Ritter, Mr. Jones of Tennessee, Mr. Lewis of Florida, Mr. Brennan, Mr. Goodling, Mr. Flippo, Mr. Gephardt, Mrs. Bentley, Mr. Dellums, Mr. Bilirakis, Mr. Miller of California, Mr. Kanjorski, Mr. Skaggs, Mr. Mica, Mr. Dixon, Mr. Campbell, Mr. Upton, Mr. Derrick, Mr. Kastenmeier, Mr. Nichols, Mr. Erdreich, Mr. Whitten, Mr. Sundquist, Mr. Anderson, Mr. Eckart, Mr. Anthony, Mr. Darden, Mr. Bereuter, Mr. Jenkins, Mr. Grandy, Mr. AuCoin, Mr. Bevill, Mr. Waxman, Mr. Hatcher, Mr. Conte, Mr. MacKay, Mr. Stark, Mr. Frost, Mr. Fields, Mr. Price of North Carolina, Mr. Dickinson, Mr. Huckaby, Mr. Savage, Mr. Holloway, Mr. Lantos, Mr. Sharp, Mr. Valentine, Mr. Bunning, and Mr. Durbin.

H.R. 4178: Mr. Fauntroy, Mr. Frank, Mr. DeFazio, Mr. Gray of Illinois, Mr. Fazio, and Mr. AuCoin.

H.R. 4198: Mr. Lantos, Mr. Dymally, Mr. Perkins, Mr. Lagomarsino, Mr. Barnard, Mr. Flippo, Mr. Hatcher, Mr. Levin of Michigan, and Mr. Lewis of Florida.

H.R. 4200: Mrs. Bentley, Mr. Bonker, Mr. Bosco, Mr. Brennan, Mr. Carper, Mr. Foglietta, Mr. Hochbrueckner, Mr. Hutto, Mr. Manton, Mr. Ortiz, Mr. Studds, Mr. Tallon, Mr. Young of Alaska, and Mr. Bennett.

H.R. 4221: Mr. Chandler, Mr. Yatron, and Mr. Sisisky.

H.R. 4247: Mrs. Johnson of Connecticut, and Mr. Atkins.

H.R. 4277: Mr. Kildee, Mr. Crockett, Mr. Fuster, Mr. Pickle, Mr. Jontz, and Mr. Lagomarsino.

H.R. 4279: Mr. Levin of Michigan, and Mr. Lipinski.

H.R. 4289: Mr. Petri.

H.R. 4314: Mr. Emerson.

H.R. 4324: Mr. Swift.

H.R. 4325: Mr. Atkins, and Mr. Rangel.

H.R. 4340: Mr. Olin.

H.R. 4361: Mr. Saxton, Mr. Hall of Ohio, and Mr. Hatcher.

H.R. 4402: Mr. Frost, Mr. Hochbrueckner, Mr. Konnyu, Mr. Rangel, and Mr. Jontz.

H.R. 4409: Mr. Mavroules, Mr. Campbell, Mr. Thomas of Georgia, and Mr. Tallon.

H.R. 4445: Mr. Obey, Mr. Gordon, Mr. Rahall, Mr. Frost, and Mr. Wheat.

H.R. 4446: Mr. Holloway, Mr. Tauzin, Mr. Slaughter of Virginia, Mr. Oxley, Mr. McCrery, Mr. Bateman, Mr. Baker, Mr. Archer, Mr. Hutto, Mr. Parris, Mr. Emerson, and Mr. Blaz.

H.R. 4455: Mr. Young of Alaska.

H.R. 4462: Mr. Gonzalez.

H.R. 4501: Mr. Chapman and Mr. Sunia.

H.R. 4526: Mr. Miller of California, Mr. Darden, Mr. Kostmayer, Mr. Downey of New York, Mr. AuCoin, Mrs. Boxer, Mr. Dellums, Mr. Bates, Mr. Hochbrueckner, Mr. Durbin, Mr. Dorgan of North Dakota, Mr. Brennan, Mr. Spratt, Mr. McCloskey, Mr. Harris, Mr. Flippo, Mr. Rowland of Georgia, Mr. Hefner, Mr. Applegate, Mr. Jones of Tennessee, Mr. Dingell, Mr. LaFalce, Mr. Dicks, Mr. Erdreich, Mr. MacKay, Mr. McCurdy, Mr. Brooks, Mr. Penny, Mr. Thomas of Georgia, Mr. Dowdy of Mississippi, Mr. Walgren, Mr. Mavroules, Mr. Hertel, Mr. Donald E. Lukens, Mr. Davis of Illinois, Mr. Valentine, Mr. Kildee, Mr. Levin of Michigan, Mrs. Boggs, Mr. Scheuer, Mr. DeWine, Mr. Shays, and Mr. Levine of California.

H.J. Res. 145: Mr. Vento, Mrs. Byron, Mr. Walgren, and Mr. MacKay.

H.J. Res. 374: Mr. Dellums and Mrs. Morella.

H.J. Res. 456: Mr. Lagomarsino, Ms. Pelosi, Mr. Annunzio, Mr. Hunter, Mr. Wortley, Mr. Fuster, Mr. Harris, Mr. Vander Jagt, Mr. Bustamante, Mr. Lehman of Florida, Mr. Ravenel, Mr. Morrison of Connecticut, Mr. Sisisky, Mr. Pickle, Mr. Emerson, Mr. Owens of New York, Mrs. Boxer, Mr. Horton, Mr. Espy, Mr. Fascell, Mr. Wilson, Mr. de Lugo, Mr. Lungren, Miss Schneider, Ms. Oakar, Mr. Mack, Mr. Towns, Mr. DeFazio, Mr. Volkmer, Mr. Neal, Mr. Coughlin, Mr. Smith of New Hampshire, Mr. Grant, Mr. Swift, Mr. McGrath, Ms. Kaptur, Mr. Fazio, Mr. Dorgan of North Dakota, Mr. Gejdenson, Mr. Hayes of Louisiana, Mr. Roe, Mr. Cardin, Mr. Upton, Mr. Lott, Mr. Eckart, Mr. Smith of Florida, Mr. Frost, Mr. AuCoin, Mr. Levin of Michigan, Mr. Mineta, Mr. Young of Florida, Mr. Fawell, Mr. Lewis of Florida, Mr. Shaw, Mr. Miller of California, Mr. Porter, Mr. Conte, Mr. McMillen of Maryland, Mr. Baker, Mrs. Meyers of Kansas, Mr. Holloway, and Mr. Mavroules.

H.J. Res. 464: Mr. Bartlett, Mr. Hutto, Mr. DeLay, Mr. Goodling, Mr. Torricelli, Mr. Nelson of Florida, Mr. Roybal, Mr. Spratt, Mr. Stokes, Mr. Daub, and Mr. Gregg.

H.J. Res. 489: Mr. Skaggs, Mrs. Vucanovich, Mr. Davis of Illinois, Mr. Donald E. Lukens, Mr. Schuette, Mr. Bruce, and Mr. Akaka.

H.J. Res. 553: Mr. Kasich, Mr. Gray of Illinois, and Mr. Sawyer.

H. Con. Res. 5: Ms. Pelosi.

H. Con. Res. 223: Mr. Bryant, Mr. Coyne, Mr. Daub, Mr. Frenzel, Mr. Gingrich, Mr. Gregg, Mr. Kleczka, Mr. McMillen of Maryland, Mr. Morrison of Connecticut, Mr. Penny, Mr. Skeen, Mr. Tauke, and Mr. Tauzin.

H. Con. Res. 232: Mr. Shaw and Mr. Goodling.

H. Con. Res. 258: Mr. Hyde, Mr. Gray of Illinois, Mr. Hayes of Louisiana, Mr. Smith of Florida, Mr. Fauntroy, Mr. Mack, Mr. Pepper, and Mr. Dyson.

H. Con. Res. 262: Ms. Oakar, Mr. Garcia, Mr. Conyers, Mr. Stokes, Mr. Dixon, Mr. Crockett, Mr. Murtha, Mr. Derrick, Mr. Darden, Mr. Bilirakis, Mr. Kennedy, Mr. Davis of Illinois, Mr. Levin of Michigan, Mr. Sunia, Mr. Bevill, Mr. Dicks, Mr. Shaw, and Mr. Madigan.

H. Con. Res. 281: Mr. Traficant, Mr. Huckaby, Mr. Wortley, Mr. Davis of Illinois, Mr. Boulter, Mr. Weber, Mr. Gregg, and Mr. Herger.

H. Res. 437: Mr. Shays, Mr. Smith of Florida, Mr. Clarke, Mr. Burton of Indiana, Mr. Frank, Mr. Mack, Mr. Carr, and Mr. Gardin.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 390: Mr. Lowry of Washington.

PETITIONS, ETC.

Under clause 1 of rule XXII,

169. The Speaker presented a petition of Richard Swiklinski, Arnold, PA, relative to individual rights; which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

H.R. 4549, THE MEXICO-UNITED STATES INTERGOVERNMENTAL COMMISSION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. GILMAN. Mr. Speaker, today I am introducing along with the gentleman from New York [Mr. RANGEL] a bill (H.R. 4549) that provides for the appointment of congressional members to the Mexico-United States Intergovernmental Commission on Narcotics and Psychotropic Drug Abuse and Control.

In 1986, as the ranking minority member of our Select Committee on Narcotics Abuse and Control, along with the distinguished chairman of our select committee [Mr. RANGEL], I attended the 26th Mexico-United States Interparliamentary Conference, which was chaired by the distinguished gentlemen from Texas, Mr. DE LA GARZA and Senator GRAMM. The Conference called for creating a bilateral intergovernmental commission that would consist of representatives from the executive and legislative branches of both our nations, an idea that was included in section 2024 of the Anti-Drug Abuse Act of 1986 (P.L. 99-570). That section also authorizes the President to direct the Department of State, in conjunction with the National Drug Enforcement Policy Board, to enter into negotiations with the Government of Mexico to create such a joint intergovernmental commission.

For over a year the Department of State, and especially its Bureau of International Narcotics Control Matters, has refused to participate in helping to create the bilateral intergovernmental commission. The Bureau has, however, stated its willingness to provide us with briefings and reports prior to our meetings with our Mexican colleagues.

Mr. Speaker, despite the refusal of the administration to participate with us in creating the Mexico-United States Intergovernmental Commission, we believe it is important to go forward with this bilateral commission.

The bill I am introducing today is straightforward. It is intended to help improve relations between Mexico and the United States on narcotics-related issues. Although the bilateral commission could make recommendations to their respective executive and legislative bodies, the commission, which would meet semiannually, is not authorized to make binding policy decisions. It is, however, intended to help identify contentious drug-related issues confronting our two nations and to help resolve those problems by suggesting constructive solutions.

The bill would also authorize the Speaker of the House, in consultation with the minority leader, to appoint at least five members to the House delegation. At least one member of the delegation would be a member of the Committee on Foreign Affairs and at least one member would be a member of the Judiciary Committee. The Speaker would also designate the chairman and vice chairman of the House delegation.

With respect to the Senate, the majority leader of the Senate, in consultation with the minority leader, would be authorized to appoint five members to the Senate delegation, at least one Senator of the Senate delegation would be from the Senate Committee on Foreign Relations, and one Senator from the Senate Judiciary Committee. Similarly, the Senate majority leader would authorize the appointment of a chairman and vice chairman of the Senate delegation. The House and Senate delegations would reflect the ratio in party membership in their respective legislative bodies.

Members of the House and Senate appointed to the bilateral intergovernmental commission would be appoointed to serve as members of the commission during the Congress in which they are appointed.

Expenses of the House and Senate delegations would be limited to $25,000 per delegation for each fiscal year and would be appropriated from the Department of State's International Conferences and Contingencies account. A report on the use of those funds is to be submitted to the Congress.

Mr. Speaker, for over a year Mexican officials have urged us to implement section 2024 of the Anti-Drug Abuse Act and we have been hindered by the refusal of the administration to join with us in creating this bilateral intergovernmental commission. I believe that my measure to implement section 2024 of the Anti-Drug Abuse Act of 1986 will help improve relations between Mexico and the United States in jointly combating the illicit production, trafficking, and consumption of drugs in both our nations.

Mr. Speaker, in an effort to better inform my colleagues on the details of this proposal, I am inserting at this point in the RECORD the complete text of my bill and I would welcome the support of my colleagues.

H.R. 4549

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2024 of the International Narcotics Control Act of 1986 is amended by adding at the end the following:

"(d) PURPOSE OF THE COMMISSION.—The purpose of the Mexico-United States Intergovernmental Commission on Narcotics and Psychotropic Drug Abuse and Control should be to review narcotics-related issues between the United States and Mexico, to improve relations between the two countries with respect to these issues, and to make recommendations with respect to these issues to the appropriate executive and legislative agencies and bodies of each country.

"(e) APPOINTMENT OF CONGRESSIONAL MEMBERS.—

(1) HOUSE MEMBERSHIP.—(A) The Speaker of the House of Representatives is authorized to appoint, in consultation with the minority leader of the House, at least 5 Members of the House to serve as members of the commission. Of the Members so appointed, at least one shall be a member of the Committee Foreign Affairs and at least one shall be a member of the Committee on the Judiciary. The Members of the House so appointed shall be known as the House delegation to the commission.

"(B) The Speaker shall designate one of the Members so appointed as chairman of the House delegation and one of the Members so appointed as vice chairman of the House delegation.

"(C) The membership of the House delegation shall reflect the ratio in party membership in the House.

"(2) SENATE MEMBERSHIP.—(A) The majority leader of the Senate is authorized to appoint, in consultation with the minority leader of the Senate, at least 5 Members of the Senate to serve as members of the commission. Of the Members so appointed, at least one shall be a member of the Committee on Foreign Relations and at least one shall be a member of the Committee on the Judiciary. The Members of the Senate so appointed shall be known as the Senate delegation to the commission.

"(B) The majority leader of the Senate shall designate one of the Members so appointed as chairman of the Senate delegation and one of the Members so appointed as vice chairman of the Senate delegation.

"(C) The membership of the Senate delegation shall reflect the ratio in party membership in the Senate.

"(3) TERM OF EACH APPOINTMENT.—Members of the House and Senate appointed to the Commission under this subsection shall be appointed to serve as members of the commission during the Congress in which they are appointed.

"(4) FUNDING.—(A) Of the amounts appropriated to the Department of State for 'International Conferences and Contingencies' for each fiscal year, $25,000 may be used for the expenses of the House delegation and $25,000 may be used for the expenses of the Senate delegation.

"(B) Funds made under subparagraph (A) shall be disbursed on vouchers to be approved—

"(i) by the chairman of the House delegation in the case of House delegation, and

"(ii) by the chairman of the Senate delegation in the case of the Senate delegation.

"(C) The certificate of the chairman of the House delegation, and the certificate of the chairman of the Senate delegation, shall be final and conclusive upon the accounting officers in the auditing of all accounts of their respective delegations.

"(5) REPORTS.—The House delegation and the Senate delegation shall submit to the Congress a report for each fiscal year for which funds are made available to that delegation under paragraph (4).

"(f) INITIAL MEETING OF THE COMMISSION.—The Members of Congress initially appointed as members of the commission under subsection (e), together with any

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

members of the executive branch appointed as members of the commission, shall make the necessary arrangements with their counterparts in the Government of Mexico (as designated by the Mexican Chamber of Deputies and Senate and the Mexican executive branch) for the initial meetings of the commission.".

IN TRIBUTE TO ISRAEL AND DAVID HOFFER

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. GUARINI. Mr. Speaker, the Bayonne Zionist District recently paid tribute to community leader and businessman extraordinaire David Hoffer at a celebration of Jewish heritage and the 40th anniversary of the great State of Israel. Mr. Hoffer is an outstanding leader in the Bayonne Jewish community who is dedicated to work on behalf of Zionism and his precious homeland. In the 15 short years since his arrival to Bayonne, David's presence has been felt by many through his widespread involvement in civic and religious affairs.

In the 40 years that Israel has been in existence its wide and varied history has had a lasting impact. Since its inception, its story has been colored by major achievements despite continual military and political tension and deep concerns about the future. Through its 40 year history Israel has grown as a nation and as a symbol to the world.

As a society, the Nation's great technological and social strides are evidenced by significant discoveries and the development of techniques that have been exported to other countries. It has raised the standard of living of its people and successfully absorbed immigrants and refugees from diverse regions of the world.

It gives me great pleasure to note that Israel is a very reliable pro-Western ally with a strong defense system that serves Western and American interests. Their level of cooperation in times of crisis shows that we have a true friend indeed. At home, Israel remains a functioning democracy very much committed to preservation of democracy even when strong policy differences surface.

Likewise, the highest traditions of social justice are exemplified by the Middle Eastern state. A recent trial of a Nazi war criminal symbolizes their commitment to ensuring that there will never be another Holocaust again. And rightly so.

In the United States, members of the American Jewish community have left their mark in virtually every arena. Perhaps the best example in the 14th Congressional District of New Jersey, which I have the privilege of representing, is David Hoffer. David is a life member and a past president of the Bayonne Zionist District and serves on the boards of directors of the Bayonne Jewish Community Center and Council and the Jewish Family and Counseling Service. He is a vice president of the South Hudson Lodge of B'nai B'rith as well as a member of Liberty Lodge, Knights of Pythias. He is also a member of Congregation Talmud Torah, Congregation Ohav Zedek, and Temple Emanu-El.

Professionally, David is the owner and president of MD Respiratory Services, Inc., a medical supply company specializing in respiratory care services and equipment, having graduated from Bloomfield College and Saint Barnabas Medical Center School of Respiratory Therapist. He is a certified respiratory therapist through the National Board of Respiratory Care and a member of the National Board of Respiratory Care and the National Association of Medical Equipment Suppliers.

I am truly honored to have represented in my district a remarkable community which has made vast contributions to American society and the world. I am certain that my colleagues in the House of Representatives will join me in hailing the achievements of Israel, the American Jewish community, and David Hoffer.

RED RIBBON WEEK

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. SMITH of Florida. Mr. Speaker, the week of May 9 through May 15 has been named Red Ribbon Week in Florida. This is a yearly event in which the children and adults of Florida "just say no" to drugs and the terrible crimes which result from drug abuse. By wearing campaign buttons and T-shirts, or by just wearing red, Florida families are demonstrating that they realize how drugs can ruin lives and destroy futures. By saying "no" to drugs, they are saying "no" to cocaine producers who terrorize villages in Latin America, they are saying "no" to smugglers who murder at will, and they are saying "no" to pushers who threaten our children. In addition, wearing red symbolizes the positive statement that the children of Florida and their parents are making. They are saying "yes" to the belief that young people can make a difference. They are saying "yes" to a bright future free of drugs.

I congratulate the children of my district who are participating in the Red Ribbon Campaign. I would also like to thank the families and businesses which are making this year's Red Ribbon Campaign a success as they demonstrate their commitment to our common war against drugs by "just saying no."

Finally, I congratulate the children from Miramar Elementary School who have participated in this campaign by writing essays and designing posters. Their efforts are deeply appreciated by all of us.

REPRESENTATIVE GILMAN'S TRIBUTE TO CAPT. STEPHEN C. LESLIE

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. FISH. Mr. Speaker, our colleague from New York [Mr. GILMAN] recently performed the solemn duty of eulogizing a young man at an Arlington National Cemetery memorial service.

Capt. Stephen C. Leslie of Goshen, NY, a member of our Marine Corps, was killed in action on April 18 in the Persian Gulf. Congressman GILMAN, a long-time friend of the Leslie family, paid final tribute to this fine American serviceman at the memorial service at Arlington on May 9.

Captain Leslie was posthumously awarded the Distinguished Flying Cross and the Navy Commendation Medal.

I was so impressed with Congressman GILMAN'S heartfelt remarks that I would like to share them with our colleagues by inserting into the RECORD at this point:

REMARKS BY HON. BENJAMIN A. GILMAN

Next month, the American people will solemnly commemorate the one hundred and twenty-fifth anniversary of the battle of Gettysburg. This historic battle was the most terrible clash of arms in the history of North America. Some six months after that most bloody battle in our Nation's history, President Abraham Lincoln said of the brave soldiers who fell on the fields of Gettysburg: "It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced . . ."

Today, we have gathered to commemorate the loss of a courageous, heroic American officer whose death is just as hallowed, as those who fell at Gettysburg in 1863.

Those of us who knew Captain Stephen Leslie fully recognized his manifold capacities. His capacity of living, his capacity for laughing; his capacity for loving, and his devotion to our country.

At Goshen High School, Stephen Leslie early gained a reputation not only as one of our region's outstanding linebackers, but also as a student whose name was consistently found on Goshen's honor rolls. At Colgate, Stephen continued his outstanding scholastic achievements, in addition to gaining fame as the first Colgate wrestler to earn the Eastern Collegiate Championship. As a family man, Steve Leslie was devoted to his loving wife, Lisa, and looked forward to the birth of their first child this coming summer.

Steve loved his wife with the mutual affection that can come about only from a strong, affectionate family background. And, as a marine, Captain Leslie was a credit to the service, and to his country.

After some 125 years, we sometimes forget that the thousands of American casualties in the battle of Gettysburg were also young, vibrant heroes who left loved ones and families heartbroken behind them. They, like Stephen Leslie, were mourned in their homes and by the friends and classmates they had cherished. But, the famous words Abraham Lincoln spoke then about them are just as appropriate today as we remember Stephen Leslie: "The world will little note, nor long remember, what we say here, but it can never forget what (Stephen Leslie) did . . ."

To Stephens widow, Lisa; to his parents, Robert and Ruth; to his brother Bob; and to his sister Kris, we extend our heartfelt condolences. Although nothing we can say today alleviated the deep felt hurt, we hope and pray that you may find some consolation in the knowledge that many share your grief. And that your Nation recognizes and honors Captain Leslie's supreme sacrifice. Stephen Leslie, in the words of Abraham

Lincoln, "shall not have died in vain, that this Nation, under God, shall have a new birth of freedom."

Thank you and God bless.

THE 100TH ANNIVERSARY OF SAN RAFAEL HIGH SCHOOL

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mrs. BOXER. Mr. Speaker, I wish to offer my congratulations to the student body, faculty, alumni, and administrators of San Rafael High School as they celebrate the 100th anniversary of the founding of Marin County's first public high school.

I want all those associated with San Rafael High School to know how important I believe the high school is to the history and quality of our community. I want to commend the San Rafael High School Alumni Association which, under the inspired leadership of Mr. Angelo Columbo, has initiated a voluntary program of donated services and fund raising to restore, remodel, and rehabilitate the high school. Their goal is to have the association's contributions cover such things as asbestos removal, which will save the school district's scarce funds for quality education of the students.

San Rafael High School was founded in August 1888 with 1 teacher and 23 students. It was accredited by the University of California in 1891 and had its first graduating class of eight students in 1892. The present high school building had its first classes in 1925 with an enrollment just under 400. Today the campus is one of seven public high schools in Marin County and it serves a student body of 1,106, declining from the peak of 2,400 in 1962.

A hundred years of dedicated and talented teachers and administrators has provided an outstanding legacy. Thousands of students have passed through San Rafael High School during this past century and its graduates have gone on to successful careers in the business world, public and community service, the professions, and academia. It is truly impressive to see its alumni and the community celebrate the past, and commit their energies to the future well-being of a beloved and distinguished institution of learning. I join them in this celebration of the past and their commitment to that distinguished future.

TRIBUTE TO THE MINISTERS COUNCIL FOR MINORITY GROUPS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. MATSUI. Mr. Speaker, today I would like to draw my colleagues' attention to the outstanding efforts of the Ministers Council for Equal Opportunity for Minority Groups of Sacramento, CA. On Thursday, May 19, 1988, this distinguished group will award two scholarships to minority college or university students.

This project is just one of the many ways in which the ministers council plays an important role in the Sacramento community. Members of the council have taken an active role in community task forces on drug abuse, youth gangs and at-risk students. Now in its 22d year, the ministers council has always advocated equality in housing, education, employment and all facets of life.

Mr. Speaker, the Ministers Council for Equal Opportunity for Minority Groups is a vital force in the Sacramento community, and I congratulate them on undertaking this fine scholarship program.

THE NATION NEEDS THE SUPER COLLIDER

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. KOLBE. Mr. Speaker, building the superconducting super collider represents an extraordinary opportunity to exercise and maintain the U.S. leadership in the high-energy physics field. The SSC would provide new insights into the origin of matter and valuable technological advances in such areas as medical treatments, computers, electronic and superconducting magnets.

We have already seen incredible advancements in medical and scientific research and high technology due to our past commitments to projects like the SSC. Medical research devices, like the PET and CAT scans and magnetic resonance imaging, came from linear accelerator research. Currently, a proton accelerator is being designed and built at Fermi National Laboratory in Illinois that will be used at the Loma Linda Medical University in California for cancer therapy. Semiconductor manufacturers are utilizing technology gained from light accelerators to make smaller computer chips and remain competitive in the international computer market. None of these benefits were ever imagined when Congress was appropriating money to build Fermilab or Brookhaven's synchrotron light source accelerator in New York. Now we have the chance to expand our research in an area of science that offers unlimited potential.

Today we are at a crossroad in the decision as to whether the SSC will be built in the United States. Without adequate funding and a commitment from this Congress, foreign cost-sharing in this project will not be forthcoming. Because of the cost of this critically important project and the current budgetary restraints we are facing, foreign cost-sharing is vital to ensure the SSC's completion.

Now is the time to act. This Congress must make a firm commitment to go ahead with the SSC. This is an investment in America's future that will benefit generations to come.

ORTEGA'S CRACKDOWN ON FREEDOM

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, last February this House rejected the President's request to give the Nicaraguan freedom fighters the help they needed—instead we were told to "give peace a chance" by trusting the Sandinistas.

Yesterday the Sandinistas arrested the top leaders of 14 major opposition parties. They arrested them for trying to meet with the labor union leaders now on a hunger strike.

The three radio stations that covered the hunger strike story were closed by the Communist Sandinistas.

At this point I would like to insert the following articles about Ortega's recent crackdown on freedom in the CONGRESSIONAL RECORD.

[From the Washington Times, May 5, 1988]

SANDINISTAS HOLD LEADERS OF OPPOSITION AFTER MARCH

(By Glenn Garvin)

Many of Nicaragua's top opposition leaders were arrested yesterday after marching to a labor union headquarters in an attempt to see 35 union members who are on a hunger strike.

The arrests were non-violent. Diplomats in Managua said they expected the opposition leaders to be released within 48 hours. But the diplomats said the arrests would seriously worsen a labor problem that is rapidly turning into a crisis.

The hunger strike began April 24 to protest the Marxist Sandinista government's refusal to negotiate with strike unions of construction workers, mechanics and waiters.

It already has led to the collapse of the "national dialogue" and democratization between the government and opposition political parties, and yesterday the Sandinistas suspended news programming at several radio stations in retaliation of coverage of the hunger strike.

Details of yesterday's arrests were difficult to come by, since the government-owned telephone company cut off thousands of telephones over the weekend.

But opposition and diplomatic sources said 12 to 25 leaders of the largest 14 opposition parties were arrested at 10 a.m. when they marched to the headquarters of the CGT-1 union, where the hunger strikers are staying.

Among those reported arrested are Erick Ramirez, a senior leader of the Social Christian Party; Guillermo Potoy, general secretary of the Social Democratic Party; Gustavo Tablada, general secretary of the Socialist Party; and Eli Altamirano, head of the Communist Party.

The opposition leaders had announced the march Monday afternoon. They said they wanted to protest a police cordon that was thrown up around the union headquarters last week.

The police have refused to allow anyone to enter or leave the building since they surrounded it, and reportedly are refusing to allow any water to enter the building.

Temperatures in Managua have been hovering around 100 degrees all week. Several of the hunger strikers reportedly are seriously ill.

The labor situation has been festering for about a year. It turned serious in February when the Sandinistas, seeking to comply with a Central American peace plan, lifted a state of emergency that made strikes and labor organizing illegal.

The three unions immediately went on strike, and the Sandinistas retaliated by firing hundreds of workers. In March, the government promised that if opposition parties would join in a "national dialogue" on democratization—also required by the Central American peace plan—it would settle the labor dispute amicably.

But there has been no settlement. Last week, 15 opposition parties—the 14 largest and a small Maoist party—walked out of the national dialogue to protest what they called the government's broken promise.

Tomas Borge, Nicaragua's minister of the interior, has been so enraged by press coverage of the hunger strike that last week he summoned the director of the largest opposition radio station, Radio Corporacion, to his home and reportedly punched him in the mouth.

Yesterday the government announced that all news programming at that station would be suspended for eight days. The station can appeal.

The government also suspended individual news programs at three other opposition radio stations, including the one belonging to the Roman Catholic Church.

Barricada, the newspaper of the ruling Sandinista National Liberation Front, said the radio stations were accused of "spreading false information" about the hunger strike and of violating public-order laws.

Meanwhile, in an interview with The Associated Press, Mr. Borge said the Sandinistas had agreed to negotiate with the Nicaraguan Resistance because of the high cost in lives of Nicaragua's civil war and as a way of holding indirect talks with the United States.

But he cautioned that if the cease-fire talks failed, the entire nation would be called to battle the U.S.-supported insurgents.

Mr. Borge described the Sandinista government as "the Nicaragua we dreamed of," despite opposition from an American "administration that is particularly aggressive, visceral, expansionist and reactionary."

A fragile 60-day truce remains in effect until the end of this month. The resistance has refused a Sandinista offer to extend it an additional 30 days.

If the truce ends without an agreement to either prolong the cease-fire or a lasting peace plan, "we'll mobilize the entire nation," Mr. Borge said.

He said Nicaragua agreed to negotiations with the rebels because it "has paid a high cost in blood" in the war.

"But if the Contras were not badly beaten militarily, or held land, they would never negotiate with us," he said.

He said the Sandinistas would give up power if they lost in elections, but said that would be the end of the Nicaraguan revolution.

"And this is impossible. Nothing can kill the revolution," he added.

[From the Washington Post, May 4, 1988]

SANDINISTAS CRACK DOWN ON THREE RADIO STATIONS

MANAGUA, NICARAGUA, May 4—The Sandinista government said today it ordered a privately owned radio station off the air for a day and temporarily barred two others from broadcasting news programs because of their reports on a workers' hunger strike.

An official of the Interior Ministry, who spoke on condition of anonymity, said the ministry last night ordered Radio Corporacion to suspend service immediately for 24 hours. The ministry had earlier said the suspension would last eight days.

The official said Radio Catolica, operated by the Roman Catholic Church, and Radio Mundial were prohibited from broadcasting their regular news programs for eight days. They can appeal the order.

COLLECTION OF HOUSING CHARACTERISTICS DATA IN THE 1990 DECENNIAL CENSUS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. DYMALLY. Mr. Speaker, today, my colleague from Washington, Congressman DON BONKER, introduced legislation which will restore critical questions on housing characteristics to the 1990 decennial census.

As chairman of the Subcommittee on Census and Population, and an original cosponsor of this bill, I would like to express my support of this measure and share with the Members of this body the importance of this proposal.

Prior to the 1988 census dress rehearsal which is currently underway, the Office of Management and Budget ordered the Bureau of the Census to make the following changes on the census questionnaires: shift seven housing questions from the 100 percent form to the sample form; eliminate three utility questions from the sample form; reduce the sample size from 16 million to 10 million households.

After extensive negotiations between OMB and the Census Bureau, however, a compromise was reached before the final 1990 decennial census questionnaires were submitted to Congress on April 1.

The compromise includes restoring four housing questions to the 100 percent form, restoring two of the utility questions to the sample form, and increasing the sample size to 17.7 million households with variable sampling rates.

These new changes will certainly improve the quality of housing information to be gathered in the upcoming census. They do not, however, improve data on the quality of homes, rural area housing and housing development.

The measure introduced by Mr. BONKER restores the questions on plumbing facilities and condominium status to the 100 percent form, and the question on the type of heating equipment to the sample form.

Data on complete plumbing facilities and the type of heating equipment used in a home is used to determine the quality of housing.

These questions are of particular importance to rural and disadvantaged areas because housing in these communities tends to lack adequate plumbing and heating.

The condominium status question, while not an item directly related to quality of housing, is a factor in development of homes for renters—particularly low income persons—who have been confronted by a steady conversion of apartment complexes to condominiums.

I and many other Members including Mr. BONKER, have attempted to make these changes administratively. Unfortunately, OMB is resistant to further changes.

The significance of the information on the quality and development of housing, however, makes it absolutely essential that legislation is adopted to restore these questions.

I commend Congressman BONKER for his active and responsive work on the decennial census. The measure he introduced will certainly improve data on the housing needs of rural America, disadvantaged Americans, and our elderly population.

Mr. Speaker, I intend to move this bill expeditiously through my subcommittee. I hope that my colleagues will review this proposal and support it when it is considered in the House.

JACKI WALKER TO BE HONORED FOR HER SERVICE TO THE COMMUNITY

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. DWYER of New Jersey. Mr. Speaker, it is with great pleasure that I rise today to bring to the attention of the House an event which will honor one of the Sixth District's leading citizens, Jacki Walker of Matawan.

Jacki Walker has compiled a record of accomplishment which serves as a model for citizens everywhere. She is best known for her service in the New Jersey General Assembly, but her role in the community is even more extensive.

She has served as the president of the Broad Street PTA, president of the Matawan Zoning Board, president of the Monmouth County Women's Political Caucus, an officer in the Matawan League of Women Voters, and on the board of both the Center for Molecular Medicine and Immunology and the Monmouth County Day Care Center.

Currently, Jacki is hosting a current affairs program which airs statewide on the cable television network in New Jersey. This half hour show tackles many of the difficult public affairs issues which confront the residents of our State.

Mr. Speaker, when Jacki Walker is honored on May 24 by her friends and neighbors in Matawan, it will not be for a single achievement. Rather, it will be for her total commitment to serving her neighbors. Her selfless dedication to her community stands as a monument to all that is good in this country and I am sure you would like to join with me in thanking Jacki Walker for her efforts, congratulating her for a job well done and wishing her nothing but the best for many more years of accomplishment.

TRIBUTE TO DR. KHAN

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. PORTER. Mr. Speaker, soon the city of Chicago will be honored with a bronze sculpture of Dr. Fazlur Rahman Khan and the skyline of Chicago. This sculpture by Carlos Marinas will feature many of the buildings that were designed by Dr. Khan.

Until Dr. Khan's death in 1982, he was the Nation's leading engineer and was responsible for the structural design of some of the most important structures throughout the world. In Chicago alone he was chief structural engineer for the design of the Sears Tower, the John Hancock Center, Onterie Center, and One Magnificent Mile. Dr. Khan helped initiate a new era of skyscraper design by inventing the tubular-framing concept which necessitates less structural steel and reinforcing concrete.

The Structural Engineers Association of Illinois, by commissioning this sculpture of Dr. Khan, will bring to the attention of the public the important role of the structural engineer in the design of our buildings and, thus, our environment.

I invite my friends and constituents to view this beautiful piece of art on May 20, 1988, at 5 p.m. in the lobby of the building at 222 North LaSalle and Wacker.

LISTEN TO THE BRIDGES

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. PACKARD. Mr. Speaker, I recently read an important editorial regarding the daily deterioration of our national infrastructure. In the April 25, 1988, edition of Newsweek magazine, George Will eloquently states the case for a national effort to rebuild our decaying infrastructure.

As a Member of the Public Works and Transportation Committee, I am well aware of the problems we are facing in maintaining our bridges, highways, dams, and airports. Frankly, it will take billions of dollars to rehabilitate and adequately maintain these structures. Yet, we cannot afford to delay any longer. Each day we delay in addressing this problem only increases the eventual cost.

This is an issue that must be addressed in the current Presidential campaign. I believe it is time for Congress to pass comprehensive legislation to take care of our Nation's structural decay. Where is the political fortitude that is necessary on this issue? We must reclaim the vision that earlier fueled the dreams of creating an Interstate Highway System, a national aviation infrastructure, and other major public works endeavors.

This is a problem that will not go away. It is a problem that touches every aspect of American life from driving to work every morning to flying to visit relatives at Christmas. I would urge my colleagues to read this editorial and join the fight to revitalize our national infrastructure.

[From Newsweek magazine, Apr. 25, 1988]

LISTEN TO THE BRIDGES—YOU ARE DRIVING WARILY DOWN A STREET CRATERED WITH POTHOLES DEEP ENOUGH TO BE MX SILOS

(By George F. Will)

New York, New York, it's a wonderful town [songwriters are not under oath], the Bronx is up and the Battery's down. And so, almost, is the Williamsburg Bridge. That 85-year-old suspension span across the East River connects Manhattan with America, which may not be in the national interest, but nearly a quarter of a million people use it daily. Used it. Since last Tuesday only pedestrians and bicyclists do. It is not quite collapsing—yet—but it is unsafe for vehicular traffic, and that is a considerable defect in a bridge.

The discovery last week of its corroded condition was serendipitous. The discovery occurred while the three surviving Democratic presidential candidates were careering around the Empire State promising to make America into a paradise and, in their spare time, pacify the Middle East. The mere crumbling of a bridge is too mundane a matter to arrest the attention of candidates who are bent on the betterment of all mankind. However, the sounds made by that tired old bridge (it was screeching and squealing ominously) should be listened to. It tells us more about our future than the candidates do. The nation has a huge bill coming due for the neglect of its infrastructure, meaning bridges, roads, airports, waterways, water and sewer systems—all the things that make everything else possible.

This neglect, which reflects a weak ethic of common provision, may be a consequence of our individualism. Individually, Americans are exercising more and eating more sensibly to maintain their personal infrastructures while the nation's physical plant deteriorates. In the years dead ahead that physical plant is going to force itself upon our attention. It will be something to think about while we creep along in increasingly congested traffic, or wait for our delayed flights to take off at overburdened airports.

The National Journal reports that one out of four bridges is considered dangerous. More than 4,100 are closed. Every two days a bridge collapses. Sixty-five percent of the Interstate Highway System is in need of rehabilitation. The average age of the 184 principal locks on the inland waterway system is 40 years. The Army Corps of Engineers says 3,000 dams in populated areas are hazardous. Air traffic has doubled in the 14 years since the last new commercial airport (Dallas-Ft. Worth) opened. Los Angeles needs to spend $111 million more every year just repairing streets or 60 percent of them will be unusable by the end of the century. The Environmental Protection Agency says $108 billion will be needed between now and then just for construction of new sewage treatment plants.

OK, some of these numbers may involve overreaching and attention seizing and an appetite for pork. Still, there are many needs and not enough money. The cost of public-works investment is substantial, but so is the cost of under-investment. Millions of worker-years are lost as congestion and detours sap economic efficiency. The cost of Los Angeles County congestion is estimated to be nearly half a million hours a day and half a billion dollars' worth of working time (and 72 million gallons of gas) a year. Unfortunately, blocking the road to a solution is a mountain—Mount Deficit.

The deficit is the numerical expression of a cultural tendency, the national tendency to live for the moment and beyond our means, consuming more than we produce and investing too little, heedless about the future. A government devoting 14 percent of its budget to pay interest on its debts—to rent money—has not enough money for the physical prerequisites of efficient and commodious living. Four federal trust funds—highway, transit, aviation and waterways—had a combined cash balance of about $24 billion at the end of 1987, all of it from user fees that can be spent only on infrastructure. But our leaders, ever imaginative at cooking the books to make the deficit seem smaller than it is, are hoarding the money. This is done so that deficit estimates will be smaller and the Gramm-Rudman knife will be easier to avoid.

"Internal improvements": An earlier, more robust America had more energetic leaders regarding "internal improvements." On March 9, 1832, a candidate for the Illinois General Assembly distributed an open letter to the people of his country. The first plank in his platform was: "Time and experience have verified . . . the public utility of internal improvements," such as roads and navigable streams. Lincoln lost, but he soon won and authored a flurry of bills such as those pertaining to "a state road from the Wabash to the yellow banks of the Mississippi River" and "a canal upon the valley of the Sangamon River."

In 1808 Jefferson's Treasury secretary, Albert Gallatin, issued his "Report on Roads and Canals," a proposed network of projects, most of which were built over 60 years. It is unfortunate they were not built sooner. In 1916 John C. Calhoun, who eventually would sow seeds of secession, introduced a bill for internal improvements at federal expense. He warned that New York and other Northern states had public and private financial resources sufficient for such improvements, but that the South did not. Without federal help, the South would be consigned to inferiority, and "disunion" might result. President Madison, taking a crabbed view of federal power, vetoed the bill as unconstitutional. Denied federal help, the South's dependence on slavery grew, as did its sense of separateness.

Disunion is not a danger today. Decay is. That is a pity because public works are the sort of things government is good at. The Tennessee Valley Authority and the Interstate Highway System were not just good in themselves, they were good for the morale of government, which periodically needs some inspiring successes. Alas, in election years we have this sort of dispiriting experience.

You are driving warily down a street cratered with potholes deep enough to serve as silos for the MX missile. Your car radio is emitting the sounds of candidates promising to provide "meaningful jobs" and "a sense of community" in "model cities" in a disarmed world. And you are thinking (if thinking is possible as you jolt along, your radio chattering and radial tires disintegrating): Thanks a lot, but could we please start our trip to utopia on a well-paved street leading to a structurally sound bridge?

TRIBUTE TO THE TRUMBULL MEMORIAL HOSPITAL SCHOOL OF NURSING

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to the Trumbull Memorial School of Nursing's class of 1988, the final class to graduate from this outstanding institution located in my 17th Congressional District of Ohio.

The Trumbull Memorial School of Nursing is remarkable for several reasons. The Trumbull Memorial Hospital enrolled its first two students on September 25, 1907, and since its early beginnings has provided a diploma education program for its students. On October 21, 1910, the school held its first graduation. Four students graduated on that day. In the years that have since followed, 1,838 students have graduated from the school, and the class of 1968 boasts the largest graduating class with 65 graduates. The final graduation ceremony of the Trumbull Memorial School of Nursing will be held on May 26, 1988 when 28 students will graduate. The school celebrated its 80th anniversary on September 26, 1987.

Mr. Speaker, I am honored and privileged to represent such a fine institution which has met the needs of its community for 81 years. I wish the class of 1988 all the best in the future.

IMMIGRATION PROBLEM FOR JEWISH WOMEN AND CHILDREN

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. MORRISON of Connecticut. Mr. Speaker, I urge my colleagues to read the following document that speaks to the problems that Jewish women and children have in trying to emigrate to Israel. It was brought to my attention by my constituents, Michael and Caryl Kligfield.

THE PROBLEM OF BEING REFUSED PERMISSION TO EMIGRATE FOR WOMEN AND CHILDREN

(By Victoria Gorelikova Khassina)

In the conditions of Soviet reality, a Jewish family's decision to go to Israel means setting out on a road of psychological conflict with Soviet society. Distorted, one-sided facts about Israel appearing regularly in periodicals, branding Zionism as fascism; as well as outright assertions that leaving the USSR for permanent residence in Israel is unpatriotic, brainwash the population into seeing the category of refusenik citizens as disloyal to the State and ready to collaborate with a class enemy.

Often enough, a decision to participate in the affairs of one's people, to contribute one's bit to the buildup of the Jewish State, is received with fear and condemnation in one's own family. In the eyes of relatives, we become a source of danger and a threat to their welfare, since they fear that the powers that be will suspect them of endorsing our decision and sharing our views. Arguments and threats flare up within families; there are accusations and quarrels, often leading to a total break between relatives. Fathers and sons, brothers and sisters become alien to each other, harboring feelings of hostility.

Friends are wary of people who make the decision. Though no one asks them for notarized documents, they read the press, hear the radio and see television. Well-versed in the sad lessons of Soviet history, they prefer to break with us, just in case . . . And certainly, any manager of a workplace will be unenthusiastic about an employee's asking for his civil rights to go to Israel. The management's possible response to such a request may range from persuasion "not to take such a step," to advice that you "quit your job," to outright dismissal for fabricated reasons.

There has been an increase of instances lately, when a place of employment has given an authorized affidavit for emigration. But even in the best of instances, there is a sharp change in the attitude of the management and personnel toward an applicant to leave. We are usually demoted to work at lower pay, stripped of our academic degrees, and deprived of all hope of advancing in our careers or earning bonuses and privileges. Most of our fellow employees become wary of us, some even hostile. It is not considered rude when they voice their opinion on a problem of our deep personal concern. They brand us as traitors to our country. Those who oppose us see themselves and are seen by others as true patriots.

As a result, many of us have been deprived of the possibility of working in our speciality. Former scientists and specialists work as watchmen, elevator operators, scrub women. This is quite common among refuseniks. The hostility of our relatives and colleagues, the loss of friendships, and professional deterioration, all breed discomfort and psychological tension. When a family is refused permission to leave, stress becomes chronic, lasting years, even decades. An area of scorched earth spreads around the refusenik, and few risk entering it. Cooperation between people disappears and one feels estranged from them, ties are broken. Social attitudes alter as situations alienate one and form new dependencies between people.

Due to the disruption of the old way of life and the break with old ties, things that used to be satisfactory become the opposite. Often emotions become deficient, the spectrum of life narrows, and a tendency appears to see the world as black and white. A new style of living must be formed.

Some people, especially the introverts, are able to overcome the barriers. For most extroverts, overcoming the barriers is extremely difficult. The authorities draw the refusenik into a psychological war. They deliberately heat up the lengthy tension of waiting. Illogical reasons are given for a refusal; there is no explanation of those reasons, and the impossibility of complaining through due process of law frustrates one into helplessness. When a refusenik grows active in his fight for his rights (by demonstrations or hunger strikes), the state machine attacks him through mass media with false charges of hooliganism, parasitism, fraud, and the carrying out of instructions of American and Israeli "special services". The newspaper Sovietskaya Rossiya carried an article entitled "Magnanimity and a Break-In" last April 3, calling the departure of Jews from the USSR ". . . a large-scale spy operation. As a result, America pumps $1,000 worth of Soviet military and other secrets out of refuseniks for every dollar invested in the operation." The newspapers have never printed a single one of the countless letters they receive refuting their routine slanderous inventions and attacks on refuseniks.

Dependence on unforeseeable international events, of whose mechanisms we have only sparse information at best, and the constant cat-and-mouse fight, rouses hopelessness and uncertainty. A constant, endless psychological burden traumatizes our personality; it makes the refusenik's condition a highly risky one.

Refuseniks constitute a relatively new stratum of Soviet society. We are people in whom national feelings have awakened, feelings which have repeatedly saved the Jewish people from destruction and extinction. These people, who feel themselves to be part of their nation, have managed throughout the ages to appreciate in full their rich, though tragic history during centuries of exile. Now they want to go home to their own land, to their brothers and sisters, to wipe out forever the bitter taste of classification as aliens.

We are refuseniks, those who are prevented from realizing our dream of joining our own people in our own land.

Is it we who are to blame for the fact that we are so prevented? Perhaps thinking too long of well-being and careers, accepting alien cultures and loving alien landscapes has dampened in us what should have awakened long ago. Perhaps. If so, we are paying dearly for it. We are paying with what is dearest to us: our children, whose future is now being crippled before our eyes while we can do nothing to help them.

Most of us have been refused permission to go to Israel for many years. Many of us applied to leave when our children were still charming and tiny tots who were thrilled by the shining buttons on the police uniform that now and then made an appearance in our homes. How were we to explain to the tiny member of the big community in a day-care center that he must not say anything to anyone about those wonderful buttons he heard about at home, that fired his best friends? How are we to explain to the tiny member of our family why his beloved Dad, who has so many friends, was seized on the street by ruffians and carried off in a glooomy, ugly van? Where did they take him? When will he come home? Why do strangers suddenly break into our home and turn it upside down looking for something, even in his little bed?

What if the family is religous, if it observes the Jewish family laws, the Sabbath, the laws of Judaism, the very foundation of our existence? Not a single children's establishment in the USSR provides kosher food or respects the Sabbath. Every attempt to form our own Jewish children's groups where our children could be together for fun and play, to learn the history of the Jewish people and our traditions, holidays, culture, and language, is suppressed by official authority on any pretext. People who self-sacrificingly undertake the arduous work of forming such groups are threatened with dire consequences.

Now the child has passed the first stage of acquaintance with actuality. What scar has it left on the as yet unstable psychology of the little one?

Then our children, the offspring of refuseniks, go to school. What stamina the child must have to be silent when everything in his home, everything he is used to, everything he considers his own and good, is trampled upon in school, is criticized and damned by those whom he is supposed to respect and even admire?

At this moment, the little member of Soviet society is forced into a duel with an enormous State machine. It's well if the family's aspirations are unknown to the teachers and other children, or "re-education" begins to reshape our child's soul and consciousness. For many children, especially those from religious families, the duel is beyond their powers. What about the Sabbath, a day on which all Soviet schools function? How can he wear his skullcap without being ridiculed for it? There is constant conflict between the parents and school. The life of both children and parents is transformed into a constant struggle for dignity, for the chance to live by Judaic laws in one's own interests.

Naturally, parents try to fight for the Sabbath by any means, legal and illegal. But how is the child to understand the deceit he is forced to practice in order to celebrate his family's wonderful day of festivity? The duality persists throughout all the years of schooling, becoming more complicated in the upper grades when the time comes to join the Young Communist League.

No one can win this conflict between the little refusenik and the big school community. The school loses morally, by closing its eyes and retreating from a persistent social phenomenon instead of assessing and understanding it. The child bears, for the rest of his life, a bad school character and an unhealing moral trauma.

Our children, even before entering a life of independence, have thus experienced a psychological tragedy, that not even every adult can bear. They grow up knowing that they are ostracized. They have done everything they can. They have acquired knowledge, testified by diplomas that show their educational accomplishments. No one was able to take that away from them.

But with their increased and, new moral problems arise.

For the Jewish refusenik, direct entry into a school of higher learning is blocked. There is, however, a roundabout way. You can conceal that you are a refusenik. Again deceit, again duality. And that's still not the worst of it. There is always the army: it postpones permission to leave for an indefinitely long period, up to two years of service, followed by many years of refusal for so-called possession of state secrets. Its not for nothing that in trying to make us stop our fight to get out, the KGB doesn't threaten us with jail, as you'd expect, but with calling up our sons. They realize well that the worst tragedy for parents is to see their children's lives ruined.

The way out could be so simple. Couldn't our adult children apply to go to Israel independently? This simplest of solutions turns out to be the most complex. Their applications are blocked by any and every means, and they are not allowed to go on any pretext.

Is there any other country in the world where children must bear responsibility for the work done by their parents who may have worked at a "secret" factory 10, 15 or 20 years ago, before they were even born?

Our children, like us, are hostages. Our fate is a target for speculation, while the life of our children, is wrecked.

In this difficult situation, the lofty mission rests on us women of preserving our Jewish home, repelling evil from it, and standing up as its spiritual bulwark.

We have given life to our children. We have awakened national awareness in them. Today they cannot imagine a normal life outside Israel.

What do they have to look forward to? Will they ever be rid of their childhood experiences? How will these experiences end for them, and when? Why must we fight for their future with desperate, unnatural, abnormal steps like demonstrations and hunger strikes?

When we see no real chance for our family to go to Israel, we seek the right for our adult children to leave separately, though this poses a risk of our never seeing them again.

We Jewish women, like all human beings, thirst for peace. For the Jewish people, peace has special meaning. Throughout the centuries, our people have constantly fought for our spiritual and physical survival. We remember the lessons of history well. We will never forget the Holocaust. We therefore appeal to you and to all people of good will to support our demand for our people to be let go, to support our fight to go to Israel.

BIAGGI RESOLUTION CALLS FOR END TO USE OF PLASTIC BULLETS IN NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. BIAGGI. Mr. Speaker, as chairman of the bipartisan Ad Hoc Congressional Committee for Irish Affairs I am today reintroducing a resolution which expresses the opposition of Congress to the use of plastic bullets by British security forces in Northern Ireland and which urges the President to call on the British Government to terminate its use of plastic bullets in the six counties of northeast Ireland.

This resolution must be reintroduced, because the scandal involving the indiscriminate use of plastic bullets in Northern Ireland continues. I have chosen to reintroduce this resolution at this time to coincide with a dramatic tour which is now underway in the United States by four women who make up the United Campaign Against Plastic Bullets. Three of these women have been victimized by plastic bullets, one of them Emma Groves, was blinded by a plastic bullet fired at her for the "crime" of playing Irish Republican music. The second woman, Brenda Downes, lost her husband John to a plastic bullet during a nonviolent Belfast rally. The third woman is Eileen Kelly whose 12-year-old daughter Carol Ann was murdered as she returned home from purchasing milk.

The moral anger of the world must be activated to help put an end to this outrage by the British Government against innocent civilians. The British Government refused to use plastic bullets in conflicts in Manchester, England, yet have fired tens of thousands of rounds of plastic bullets in Northern Ireland.

On Wednesday, May 11, Brenda Downes and Eileen Kelly will meet with members of the ad hoc congressional committee in room 2428 in the Rayburn Building. I hope that all those who become aware of this meeting may join as cosponsors of my resolution. At this point in the RECORD I wish to insert the full text of the resolution.

H. CON. RES. 297

Concurrent resolution to call for an end to the use of plastic bullets by British security forces in Northern Ireland

Whereas since April 1981, at least eight people, including five children under the age of fifteen have been killed in the six counties of Northern Ireland by plastic bullets fired by British security forces;

Whereas since January 1981, more than two hundred persons have been seriously injured by plastic bullets including several American citizens injured on August 12, 1984;

Whereas many of the aforementioned deaths and injuries were among innocent civilians in nonriot situations;

Whereas official statistics from the Northern Ireland office indicate that more than twenty-four thousand eight hundred plastic bullets were fired during the first seven months of 1981;

Whereas the European Parliament on two occasions, the most recent in 1984, overwhelmingly adopted a resolution calling for a ban on the use of plastic bullets by member countries: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby expresses its opposition to the use of plastic bullets by British security forces in the six counties of Northern Ireland and urges the President to call on the British Government to terminate its use of plastic bullets in the six counties of Northern Ireland.

GLORIA MILLER: FEDERAL WORKER OF THE MONTH

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. SOLARZ. Mr. Speaker, I wish to pay tribute to Ms. Gloria Miller, who has been declared "Federal Worker of the Month" in New York for May, 1988.

Ms. Miller has been employed by the Veterans' Administration for the last several years. Her concern and compassion for others best exemplifies the kind of conscientious human being she really is. In her capacity as congressional liaison, she has proven invaluable in attempting to resolve the difficulties faced by many veterans. She diligently follows up on her casework load until problems are ultimately rectified. In addition, she takes the time and trouble to continually inform individuals of the progress of their case.

Ms. Miller's broad knowledge of the rules and regulations of the Veterans' Administration, as well as the considerate and individual attention she devotes to veterans, make her efforts truly exemplary. She really cares about the people she's trying to help out.

Her enthusiasm in the performance of her job, her commitment to the resolution of veterans' problems, and her devotion to the highest standards of public service distinguish her as one of the most outstanding people in the Federal Government today.

Our community and the Veterans' Administration are, indeed, fortunate to have such a kind and compassionate woman in their midst.

I am proud to recognize her tremendous achievements on behalf of our veterans.

FACING UP TO BUDGET DEFICIT REALITIES

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. TALLON. Mr. Speaker, regardless of our political inclinations, I think all of us would agree that disputes over foreign, defense, social and economic policies have hurt our country. This has certainly been true for budget issues.

The President and Congress have wrangled over budget differences until practically the last minute of every session. It was not until Christmas of 1987 that a compromise 2-year $75 billion deficit reduction package was finally agreed on.

The October stock market crash alerted the country to the fact that the Nation's credit binge had gone on too long, that recession was a distinct possibility, and that tough, swift action was needed to reduce deficits.

Twelve digit annual deficits in the range of $150 billion or more have become commonplace in recent years. They now add up to a national debt that exceeds $2.4 trillion and will soon have tripled in this decade alone.

These deficits and our suffocating debt are not simply numbers on a piece of paper. They are a major factor in our recent trade deficits; they affect the living standard of every American; they represent debts that will have to be paid by our children and grandchildren; and they eat up the resources this Nation needs if we are to respond to our most urgent priorities now and in the future.

The solution to the deficit crisis is clear, but not easy. We need to focus on areas that make up the great portion of the Nation's $1 trillion Federal budget.

The numbers are painfully clear. Defense spending has increased by 40 percent over inflation since 1981 and takes up nearly 30 percent of the budget. Entitlements—agriculture, Medicare, retirement programs and others—have advanced less quickly but make up 40 percent of the budget.

Interest on the debt alone is a whopping $150 billion annually, and that's more than all the Federal Government spends for farm aid, housing, education, unemployment compensation, veterans benefits, the post office, and highways—combined!

That annual interest bill (which buys us nothing but time) would cover our military payroll and all our Medicare expenses. Instead, we're sending billions to banks in Japan and Europe.

Without a doubt we've got to get this interest and spending under control. Again, obvious, but certainly not easy.

The reason, of course, is that sacrifices in each of these areas potentially affect every American, and neither Congress nor the President has had the political courage to make the tough, but necessary choices.

What is needed is a broad effort which addresses each of these areas and spreads sacrifice throughout all groups in our society. Real savings must be matched by real revenues. The policy of "spend and borrow" must be replaced by a new policy: "Spend only what you can afford."

In reluctant recognition that our track record in Congress on deficit reduction is sorely lacking, we created a messenger, something called the National Economic Commission.

Two Senators, two Congressmen, and eight people from the real world began meeting March 1 to make the hard decisions necessary to reduce the Federal deficit. Members of this Commission include Lee Iacocca; Robert Strauss, former chairman of the Democratic National Committee; Budget Chairman, BILL GRAY; former Transportation Secretary, Drew Lewis; and former Defense Secretary Donald Rumsfeld.

Their mission is to cut the deficit. To do that, nothing is sacred and off the table. Politics and party labels have to put on the shelf. If they get bogged down trying to fix the blame for this mess, or look under every rock for $600 hammers or argue the pros and cons of every special interest that's come before Congress, they'll go nowhere.

That's No. 1. But there are other requirements too. The Commission will have to agree on the facts. Some ways to cut spending make good sense, and others just make good rhetoric. Some tax changes can help the American economy grow and become more competitive, and others can hurt it. They've got to agree on what's smart and what's not.

Then they'll have to spread the pain around. The Commission's recommendations will be a blueprint for sacrific that will make this country stronger, but there had better be some equality to that sacrifice or nobody will go along with it.

In the end, of course, the 12 people on the Commisison must be willing to take the heat. The Commission will also have to be credible enough that the people will understand and accept that the recommendations must be implemented.

Finally the Commission will have done its job if it simply gets the political machinery moving to reverse the debt build-up of the eighties. That will be a huge contribution, all by itself. But I hope it can also find some time to look at how all this red ink shows up in the first place, and recommend some changes to avoid it in the future. That would be an even more lasting contribution.

UNAVOIDABLE ABSENCE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Ms. OAKAR. Mr. Speaker, I deeply regret my absences on Monday, May 2, and Tuesday, May 3, 1988, due to the Ohio primary election in which I had an opponent. I would like to make my position clear on those matters considered by the House.

On May 2, had I been present I would have voted "aye" to final passage of H.R. 1811, the Atomic Veterans Compensation Act; "aye" to the Hunter amendment of the defense authorization bill; "aye" to the Foley amendment; "nay" to the Lowery amendment; "aye" to the Markey amendment; "aye" to the Boxer amendment; "nay" to the Kyl amendment.

On May 3, had I been present I would have voted "aye" on the Murphy amendment to the defense authorization bill; "nay" on the Stenholm amendment; "aye" on the Kennedy amendment and "nay" on the Solomon amendment to the defense authorization bill.

I especially would like to emphasize my vote for the Murphy amendment on Davis-Bacon reform, as I truly believe that this amendment will establish real and necessary reform and further the principles on which Davis-Bacon was initially enacted.

A THREAT TO NEW ENGLAND'S NORTH WOODS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. VENTO. Mr. Speaker, key to New England's quality of life is the region's beautiful north woods. These forests with their abundant wildlife, lakes, and rivers have given New Englanders a rugged outdoor lifestyle that is the envy of people in many other parts of the country. But today the north woods are threatened. Almost a million acres of private forest lands in Maine, Vermont, and New Hampshire are for sale. Diamond International Corp. and Diamond Occidental, Inc., both subsidiaries of General Occidentale of France, are selling all their land holdings in New England. Furthermore, millions of additional acres of private forests are expected to come on the market in the near future.

Traditionally, the residents of the densely populated greater New England area have had access to these lands for hunting, fishing, boating, camping, picnicking, hiking, and riding. These outdoor recreation opportunities are essential to the New England lifestyle. The pending land sales, however, could close off the most beautiful and popular portions of these lands to the general public forever. Lakeshores, river frontage, and scenic areas could be sold to developers for condominiums, luxury resorts, and golf courses. The Diamond Lands include 264 miles of lake and river shorelines and 65 islands, obvious candidates for this type of development. In fact, they have been highlighted as such in the real estate brochures advertizing the sale. The end result could well be the subdividing of large blocks of forests into small plots of intensively managed tree farms surrounded by private development closed off to most New Englanders.

The trend already has begun. In Maine, corporations are developing the shorelines of Moosehead Lake, Donald Pond, and other scenic bodies of water at an alarming rate. They have converted backcountry camps, used for decades by hunters and fishermen, into condominiums. Tracks of forest that have been open to everyone for years now are exclusive corporate hunting preserves. Locked gates block roads once popular with recreationists. The sale of a million acres of forest lands could greatly accelerate this trend and close down large portions of the north woods to the thousands of rural and urban people who know and love them.

There is a solution. The lands for sale with valuable outdoor recreation, wildlife, and watershed resources could become national forest. As national forest, all the traditional uses of these lands including timber harvesting, hunting, fishing, grazing, mining, and general outdoor recreation could continue in perpetuity. As national forest, these activities would be managed by the Forest Service with all the public involvement and environmental sensitivity required by the basic national forest laws. As national forest, all of the public, not just corporations and the well to do, would have the opportunity to enjoy these lands forever.

The long-term price is cheap. The Diamond holdings are selling for approximately $200 per acre. And there is a precedent. Most of the 46 national forests in the Eastern United States were purchased from private timber companies who cut their lands and moved on. Under the Forest Service's stewardship, these logged over, once barren acres now are mature forests providing the East with most of its fish, wildlife, and outdoor recreation.

It would not be practical or desirable for all or even most of the private timber lands on the market to become national forest. An initial survey, however, indicates two outstanding opportunities for new national forest lands. In New Hampshire, Diamond is selling 3,000 acres within the boundary of the White Mountains National Forest and a 50,000 acre block contiguous to it. In Maine, Diamond is selling 800,000 acres, 61,000 of which the corporation has identified as having outstanding recreational values. Several large blocks are in close proximity to each other and could be tied together within a national forest boundary. If, as expected, other timber companies place their lands on the market as well, other acres within the encompassing national forest boundary could be acquired over time. The legislation designating any new national forest lands, whether in Maine or New Hampshire, could include special provisions protecting the traditional uses of these forests so important to the people of New England.

Some individuals have suggested that these lands become some sort of pseudonational forest in which the Forest Service would acquire the land, but private companies would continue to own the timber. This confuses the question and in the main is unacceptable. The Forest Service cannot be a good and proper steward of the land providing wildlife habitat, outdoor recreation, and watershed protection if all the trees are owned and managed by corporations seeking profit. An ecosystem cannot be cut up into pieces, torn between differing and antagonistic public policies. These mountains, rivers, and lakes deserve to be real national forests with professional multiple use management that coordinates and integrates the needs of all the resources. Halfway measures will not work. The trees belong with the land.

With a million acres of the north woods for sale today and with millions more soon to join them, seldom has the outdoor way of life of many New Englanders been so threatened. But, at the same time, seldom has there been such an opportunity to protect that way of life far into the future. We can turn a potential disaster into a triumph for those who want to continue to enjoy the north woods. It has been over 25 years since the Nation has designated new national forests. Now is our opportunity to take a big step forward toward safeguarding the heritage of New England as well as a truly national resource.

EXEMPT FARMERS FROM COMMERCIAL DRIVERS LICENSE REQUIREMENTS

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. WYDEN. Mr. Speaker, farmers in Oregon and throughout the country have raised concerns over the testing and licensing requirements of the Commercial Motor Vehicle Safety Act of 1986.

Department of Transportation regulations to implement the act would require drivers of farm vehicles to obtain a commercial drivers license—even though farmers are not commercial motor vehicle operators as this term is generally understood.

I have written to the DOT urging that farmers be exempted from the act's testing and licensing requirements, provided that public safety is not compromised. I would like to have the text of that letter entered into the RECORD.

The text of the letter follows:

HOUSE OF REPRESENTATIVES,
Washington DC, May 10, 1988.

Re FHWA Docket No. MC-88-8.
Hon. JAMES H. BURNLEY,
Secretary of Transportation,
Washington, DC.

DEAR SECRETARY BURNLEY: I am writing to request that the Department of Transportation consider exempting drivers of farm vehicles from the testing and licensing requirements established by the Commercial Motor Vehicle Safety Act of 1986.

Regulations implementing the Act require that drivers obtain a commercial drivers license if they operate vehicles with a Gross Vehicle Weight Rating of more than 26,000 pounds, or transport certain regulated hazardous materials. These regulations will apply to many drivers of farm vehicles. However, the Secretary of Transportation has authority to waive any and all of the Act's provisions if the waiver serves the public interest and does not diminish public safety.

There are several reasons why consideration should be given to exempting drivers of farm vehicles from the testing and licensing requirements. Farmers are not commercial motor vehicle operators as this term is generally understood. In contrast to over-the-road-truckers, many farmers use their vehicles on a limited and mostly seasonal basis, often driving less than 15,000 miles per year. In addition, many farms are small, family operations, which depend on all members of the family to transport supplies or take products to market. For these reasons, the Act's testing and licensing requirements would likely create undue hardships and impose additional costs on the agricultural community.

I understand that the Department of Agriculture and the Federal Highway Administration are working together to gather additional data on the safety records of farm vehicles—data which should be available this spring. If this information provides further proof that farm vehicles do not represent a significant public safety threat, I would urge you to exempt them from the testing and licensing requirements under the Commercial Motor Vehicle Safety Act of 1986.

Thank you for your consideration.

Sincerely,

RON WYDEN,
Member of Congress.

SISTER ANN SAKAC IS HONORED

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. GILMAN. Mr. Speaker, I have been afforded the distinct honor—along with the gentleman from New York [Mr. FISH]—of serving as honorary cochairman of an upcoming event honoring an incredible and loving woman, whose devotion to others knows no bounds.

Sister Ann Sakac, the president of Mount Saint Mary College in Newburgh, NY, is being awarded the Americanism Award by the Anti-Defamation League of B'nai B'rith. This presentation is well deserved and long overdue, for Sister Ann's entire career has been the epitome of understanding and brotherhood.

Sister Ann Sakac is the ideal recipient of this award. Her devotion to others knows no bounds of creed, race, color, or belief. We all know that her door is always open to anyone in need. Sister Ann has made the education of all her major goal in life, because she is well aware that only through education, will bigotry, misunderstanding and hatred be conquered. It is her belief that, through education, love shall conquer all.

Sister Ann has been affiliated with Mount Saint Mary's College since 1969, first in the capacity of an instructor with the English department, and then in a variety of administrative posts.

Sister Ann has served as president of Mt. St. Mary's College since 1977. In this role, Sister Ann has become a living legend throughout the mid-Hudson Valley of New York for her humanitarian works and her sterling leadership. As the president of Mount Saint Mary's she has enhanced that institution's already widespread respect.

Sister Ann Sakac, who earned her Ph.D. from Catholic University right here in Washington, DC, and as the living embodiment of the old adage, "If you want something done, ask a busy person," has devoted herself to numerous worthy pursuits. She is the president of the Associated Colleges of the Mid-Hudson Area, and serves as a Trustee of St. Luke's Hospital in Newburgh. Sister Ann had served on the board of trustees of the Commission of Independent Colleges and Universities of the State of New York, and has also served on its Finance Committee. She is a former member of the Orange County Charter Study Commission, and served a 3-year term on the board of directors for the Orange County Area United Fund, Inc.

Sister Ann, on the appointment of the Governor of New York State, served on the Education Consolidation and Improvement Act Advisory Committee. During her 6-year term on this body, she earned a statewide reputation for her knowledge of educational needs and for her humanity.

The B'nai B'rith banquet honoring Sister Ann will be held on May 19. People of all faiths and ages, from near and far, will assemble to pay their respects to a person whose every deed and action is an inspiration to all of us.

Mr. Speaker, I invite our colleagues to join in saluting this outstanding educator, Sister Ann Sakac, as she is recognized by the Anti-Defamation League of B'nai B'rith.

FEDERAL CIVIL SERVICE SYSTEM SALUTED ON 105TH ANNIVERSARY AS NEW JERSEY MARKS ITS 80TH

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. GUARINI. Mr. Speaker, I wish to take this occasion to pay honor and tribute to the civil service system which has provided an army of dedicated civilian employees which has supplied our communities, and indeed our Nation, for so many years.

The year 1988 marks the 105th year for Federal civil service and in New Jersey it marks the 80th year of its civil service system. Last year, the New Jersey Civil Service Commission, through State legislation, was re-established as the "Merit System Board." It is headed by Commissioner Eugene J. McCaffrey, Sr., who was the head for many years of the New Jersey Civil Service Commission.

The New Jersey Civil Service Department is now known as the New Jersey Personnel Department, with Eugene J. McCaffrey, Sr., as its commissioner of personnel.

Public Law 97-420 of the 97th Congress, in joint resolution, passed January 4, 1983, proclaimed a designation as Public Employees' Appreciation Day. It is applicable today as it was then. It is repeated herewith:

> "Whereas public employees have made great contributions to American society in many areas, including health care, crime prevention, science, transportation, agriculture, housing energy, and the national defense:
>
> "Whereas public employees are the often forgotten individuals who make government run smoothly;
>
> "Whereas professionals in the public work force provide continuity and security in government operations in times of national emergency and stress;
>
> "Whereas the merit system of employing public employees has provided our Federal, State, and local governments with the finest public work force in the world; and
>
> "Whereas the Congress of the United States recognizes the dedication, talents, and contributions made by public employees at all levels of government; Now, therefore, be it
>
> "*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* that we designate 'Public Employees' Appreciation Day' and the President is requested to issue a proclamation inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe that day with appropriate ceremonies and activities."

The U.S. civil service system is celebrating its 105th anniversary this year, while in New Jersey the 80th anniversary is being celebrated.

To further honor these dedicated employees, I asked the U.S. Postal Service to issue a commemorative stamp, which paid a tribute as well as being inspirational. It was issued in 1983 on the 75th anniversary of the civil service.

An important arm of assuring the proper administration of laws and regulations to the employees in New Jersey is its excellent New Jersey Civil Service Association, whose officers are: president, Betty Lisovsky, first vice president, Daniel Bragg; second vice president, Ernest Stapleton; third vice president; Peter Bruyere; fourth vice president, Stephen Stiansen; fifth vice president, John Shelbrick; sixth vice president, Cam Walker, financial secretary-treasurer, Nicholas Castellano; sergeant-at-arms, Hank Hotalen; secretary, Elizabeth Kern.

The presidents of the local subordinate councils are: Essex No. 1, Ernest Stapleton; Hudson No. 2, Robert Van Ingen; Passaic No. 3, Charles Arangio; Morris No. 6, Betty Lisovsky, Middlesex No. 7, Sharon Breiner; Union No. 8, Daniel Bragg; Monmouth No. 9, John Shelbrick; Camden No. 10, David Polniak, Kearny No. 11, Ed Tintle; Ocean No. 12, Mary MacDonald; Warren No. 17, Paul Kainas; Cumberland No. 18, Ernest DiPalma; Sussex No. 20, Stanley Utter, Newark No. 21, Evelyn Laccitiello.

The watchdog of the civil service in New Jersey is The Shield, a viable newpaper, which was founded in 1935 by Irving "Steve" Brody, a former Hudson Dispatch reporter. He was covering the State House in Trenton at the time he began the paper.

After Brody's death in 1948, Milton E. Goldman, who had been advertising manager of The Shield assumed command of the paper. He died in 1979.

The Shield staff is composed of Beatrice Z. Goldman, publisher; Jack Hasbrouck, editor; Caye Bolte Jehn, staff writer and graphic arts coordinator; Stephen R. Goldman, general manager; Richard Miller, assistant editor; Russell T. Jehn, circulation manager; and Madeline Goldman, office administrator.

Civil Servants have manned our hospitals, operated our vehicles, provided programs of social, cultural, recreational, historical, and economic enrichment.

They have fed our Nation, they have participated in America's battles, in its social, economic, religious, and historical growth. They have given thousands of hours and millions of dollars in voluntary efforts to aid causes aimed at relieving human suffering.

They have worked in the causes of peace, knowing that this is the noblest work of God-fearing men and women. They have worked for the success of our State and Nation, knowing that if they make this a great land to live in, reflecting our energy and strength and vitalities throughout the world, then and only then, will the cause of freedom, human dignity, and freedom of opportunity be strengthened.

The Shield, in an editorial reminds us:

> The dramatic adoption of Civil Service for the national public work force—a direct result of the murder of President Garfield by a disappointed office seeker—showed in the clearest of terms how the U.S.A. was shocked by the powerplay of job seeking and job rewards for political services. As an antidote America wanted merit, competence, as shown in competitive examinations.
>
> States, counties, municipalities, school districts joined the procession—all by popular referendum, thus proving that what the people wanted was not politics as usual but appointees to public jobs who deserved their appointments because of their competence, not because they could line up votes or contribute large sums of money for campaign purposes or even worse, to line pockets.

It is my privilege to prepare this tribute in time for the New Jersey Civil Service Association's 77th annual convention at Atlantic City from May 17-20, 1988.

It was my deep pleasure to be informed today that I am to receive the highest award by the State council, New Jersey Civil Service Association at its annual convention later this month in Atlantic City. This award, which I so gratefully receive, is their symbol of their appreciation for efforts made on behalf of the working men and women of their association in the 21 counties of the Garden State.

I am asking my colleagues in the House of Representatives to join me in this salute to my fellow New Jerseyites who will spotlight their 80th year in the civil service system, at the convention, while joining their fellow civil service workers on a Federal level, working in the system, which has helped America work so effectively for the past 105 years.

THE RABBIS OF SOUTH FLORIDA—THE FINEST IN THE WORLD

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. SMITH of Florida. Mr. Speaker, on Sunday, May 15, 1988, the Jewish National Fund [JNF] will be honoring the rabbis of south Broward County. This is the first time such a celebration will take place in south Florida.

On this occasion, members of the south Florida Jewish community will be able to plant trees in Israel, in honor of their rabbi. The trees will be planted in the Children's Forest which was destroyed by fire last summer. Originally, the Children's Forest was planted in the memory of the millions of Jews who died at the hands of the Nazis.

I would like to take this opportunity to pay personal tribute to a number of the outstanding rabbis who will be honored this Sunday:

Rabbi Edward Davis of Young Israel.

Rabbi Robert Frazin of Temple Solel (my family rabbi).

Rabbi Bennett Greenspon of Temple Beth Emet.

Rabbi Samuel Jaffe of Temple Beth El.

Rabbi Avraham Kapnek of Temple Beth Ahm.

Rabbi Carl Klein of the Hallandale Jewish Center.

Rabbi Morton Malavsky of Temple Beth Shalom.

Rabbi Richard Margolis of Temple Sinai.

Rabbi Bernard Presler of Temple Israel.

Rabbi Chaim Richter of the Jewish Federation of South Broward.

Rabbi Emeritus David Shapiro of Temple Sinai.

Rabbi Raphael Tennenhaus of Congregation of Levi Yitzhak.

As I noted earlier, these dedicated rabbis are being honored by the JNF. For decades, the JNF has been at the forefront of the reclamation and development of the land of Israel. Specifically, the funds raised by the JNF are spent on construction of roads, parks and recreational areas; and preparation of land for new communities and industrial facilities. The JNF helps emphasize the importance of Israel in schools and synagogues throughout the world.

Mr. Speaker, I commend the rabbis and the JNF of the United States for their support for Israel and contributions to the American Jewish community.

EDUCATION REFORM: A BLUEPRINT FOR THE FUTURE

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. FISH. Mr. Speaker, with the release of Education Secretary William Bennett's new report on school reform, "American Education: Making It Work," I would like to share with my colleagues an exciting new educational reform program, developed in the Mid-Hudson Valley by the Poughkeepsie City School District, which is going to make it work.

Entitled "Blueprint for the Future," this innovative project will be a comprehensive redesign of the city's school district, both in curriculum and physical structure, which promises to be a major breakthrough in educational reform.

James B. Clarke, Jr., superintendent of the Poughkeepsie City School District, has graciously prepared the following outline of the program. Poughkeepsie should be proud of the job James is doing, and I hope other school districts can benefit from this model.

POUGHKEEPSIE CITY SCHOOL DISTRICT—BLUEPRINT FOR THE FUTURE

SUMMARY

The 3800 pupil Poughkeepsie City School District is a microcosm of the larger urban districts in the Northeast. Characteristics which constrain efforts to repond to the educational challenges of preparing the next generation for productive adulthood in the year 2000 include:

Aging elementary facilities, an average of 65 years old. Problems with facility infrastructure flexibility, accessibility, fire code mandates.

Increasing enrollments at the elementary level, up by 300 students since 1981. High population density, limited tax base growth potential. 63% of students receive free or reduced price lunch. 61.83% of students are from minority groups.

Over 30% of the students receive special education or compensatory programs. High teen-age pregnancy rate.

Poughkeepsie City School District has developed a plan for district re-design. This blueprint for the future includes the following major components:

Changing the present K-5 elementary structure to:

Neighborhood community schools that provide programs for parents and children from birth through grade 2.

A district-wide center for grades 3-5 in the current high school consisting of three specialized focus "schools within a school."

Maintaining the current Middle School as a 6-8 building. Modifying the Middle School programs to introduce less rigid ability grouping, more adult/student contact.

Building one to three new high school buildings designed for maximum flexibility in responding to emerging space and technology concerns. Creating a specialized vocational emphasis for each building or wing: Science/Math Technology, Civic/Law/Cultural Arts, Health/Human Services. Designing vocationally oriented coursework for each specialized area.

To complete the first stages of comprehensive program planning, two steering committees, composed of citizens, students, parents, staff, representatives from businesses, agencies and higher education will be established. One committee will oversee the Birth through grade 2 component, the other the 9-12 component. Each steering committee will work collaboratively with a work committee composed of professional staff, who will develop written program plans. A similar process will be undertaken with the 3-5 and 6-8 components once the initial sections have been completed.

We are confident that comprehensive district reorganization, accomplished in a manner that combines forecasts of future trends with community input, will create a greatly strengthened educational system for the City of Poughkeepsie.

TRIBUTE TO DR. PRESTON J. STEGENGA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Dr. Preston J. Stegenga, who is retiring from his current position as director of the international center at California State University, Sacramento, after 20 years of distinguished service. He will become the special assistant to the dean.

Dr. Preston J. Stegenga is a man of education. He studied at Hope College and Columbia University, en route to earning his Ph.D. at the University of Michigan in 1952. He was an instructor of history and political science at Berea College, KY, and from 1955 to 1966, held the position of president of Northwestern College. He has also held various positions at California State University, Sacramento, since his arrival in 1968. Dr. Stegenga has been the author of books and a contributor to various historical, educational, and international periodicals. With his arrival, Sacramento gained a fine addition to its distinguished citizenry and has, in turn, shown its appreciation by honoring Dr. Stegenga with various awards and recognitions.

Mr. Speaker, I would like to emphasize that throughout his life, Dr. Stegenga's dedicated acts of service not only occurred within the boundaries of our country, but also on an international level. Dr. Stegenga is a veteran of World War II, where he served with the U.S. Army Counter-Intelligence Corps in Europe. He has also traveled to virtually all parts of the world and, as a result, has gleaned a superior understanding of the international arena. He was an educational consultant for President William R. Tolbert of the Republic of Liberia and has received awards for outstanding service from such countries as Germany, Venezuela, and West Africa. His representation of the American desire to help others has been exemplary.

Dr. Stegenga has spent his career as an outstanding citizen, performing the important task of educating his fellow man. I join his friends, colleagues, children, and wife Marcia in congratulating him on his well earned retirement and wish him well in his future endeavors.

ON THE U.S.S. "NIMITZ"

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. KOLBE. Mr. Speaker, on May 1 and 2, I had the pleasure of visiting the nuclear carrier U.S.S. *Nimitz*. I'm a former naval officer myself, but a sailor on destroyers and coastal patrol craft in Vietnam. The *Nimitz* is a different world, and it was a great thrill for me to spend time on one of these super carriers. It was also an eye-opening experience.

The average age of the men on the *Nimitz* is 20.5 years. In a space the size of my personal office they berth 18 sailors. In all, 6,000 men live, work and sleep on the ship for as long as 9 months at a time. During the brief time I was on board the *Nimitz,* I had an opportunity to meet and have dinner with some 35 or 40 of the men who call Arizona home. I am proud to represent many of them and their families in Congress.

One of the men I met was AOAN Jerry Wood from West Phoenix. Jerry graduated from Tolleson High School in 1984 and has spent the last 2 years serving on the *Nimitz*. He gave me a copy of something he wrote for this year's Valley Forge Freedom Foundation writing contest. It's about America and about freedom. It demonstrates Jerry's great pride in serving his country on the U.S.S. *Nimitz*. I'm pleased to be able to share with my colleagues these words written by an outstanding young man. And I wish Jerry well in the Valley Forge competition.

FREEDOM

(By AOAN Jerry Wood)

Standing tall, proud and gracious she guards our country with life and liberty. Majestically she lights the way for many people who have dreams. Dreams that can only be fulfilled by freedom. Trapped in a society that they'll never escape, waiting for the day when they can call America home.

Flying the colors that we all know, our country is filled with laws, laws that govern, laws that protect, laws that stand. Just as she stands with all her colors. Crimson for the blood our veterans shed, white for the purity of our heritage that shall stand forever, and blue for the skies that shall always shine on this great country of ours.

Our symbol of the American bald eagle is a symbol of strength and unity. Born with the ease of movement and the aura of power she flies the American skies, free. That is what the United States is all about. Freedom.

It's something we all take for granted, most of us don't even realize it's there. If we stopped for just a moment and thought about what we have, and other countries have, famine, disease, dictatorships, wars and poverty, we might learn to appreciate freedom just a little more.

Sometimes it takes a little more than freedom to make a country what it is. It takes pride, professionalism, leadership, and one of the worlds most sought for aspects, peace. Out of all the countries in the world, I believe there is only one that stands up to these aspects. The United States of America. Because it is a free country, a country that can make its own laws, through its own people not through one leader. People make a country what it should be, peacefully free. Freedom through peace.

CINCO DE MAYO

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I would like to rise today to commemorate Cinco de Mayo, a day which has come to represent the pursuit of freedom and fighting spirit of Mexicans everywhere.

On May 5, 1862, under the leadership of Gen. Ignacio Zaragoza, the outnumbered and underequipped Mexican Army met one of the most powerful armies in the world, that of Napolean III. Although they were forced to fight against overwhelming odds, the Mexican armies refused to give in to the enemies and succeeded in repelling the French troops several times. It is this undying patriotic spirit and victory that it produced which has led Cinco de Mayo to becoming one of Mexico's most important national holidays.

For Mexicans in their homeland and everywhere, May 5 is a day of celebration. In the town of Puebla, the site of the original battle, a reenactment is held through which Mexicans can relive the glorious victory achieved on this day over a century ago. In other cities throughout Mexico and the United States, one may find parades, fiestas, and other events commemorating Cinco de Mayo. Much like our Fourth of July, Mexicans have come to look upon Cinco de Mayo as a day to celebrate their patriotic spirit and the victories that it has caused throughout history.

On this day of celebration, I would like to commend Mexican people everywhere for remembering the ideals and spirit of patriotism embodied in Cinco de Mayo.

SETTING THE RECORD STRAIGHT

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. DYMALLY. Mr. Speaker, I bring to the attention of the Members of the House a statement on the fight against drugs in the Commonwealth of the Bahamas.

The statement appeared in the Washington Post, on Tuesday, May 10, 1988, and was signed by the Honorable Paul L. Adderley, attorney general and minister responsible for the Bahamas police and defense forces.

The statement deserves to be taken seriously:

A REPORT FROM THE COMMONWEALTH OF THE BAHAMAS ON THIS NATION'S WAR AGAINST DRUG TRAFFICKING

Something very complicated and very serious is happening.

In a recent advertisement placed by New York City Mayor Edward Koch, The Bahamas was grouped with other countries referred to as "drug source" countries.

This is not true!

The Bahamas produces no drugs, refines no drugs and we are not a significant market for drugs. To be compared with a major producer of opium, heroin and marijuana such as Mexico, and the world's third-ranking illicit producer of coca and largest clandestine manufacturer and distributor of cocaine, Colombia, and with other drug producers is regarded as an outrage by the citizens of The Bahamas.

The Commonwealth of The Bahamas is, by any social, political or economic measure you choose to use, the most successful small nation on earth. We are by no means perfect, but, measure for measure, we are as good as any nation on this earth. Our people are healthy; we have no serious ethnic or social divisions; we have complete freedom of worship; we have an open and vigorous parliamentary democracy; we have absolute press freedom; we have no political prisoners; we have no debt problems; we are at peace with every nation; there is no class warfare; we have a sound and sophisticated private enterprise economy; our nation is beautiful; our people are proud.

By any account, we are a shining example of a country that has successfully evolved over 259 years of representative government, from colonialism to stable and progressive independence; a model of the kind of country large foreign governments, particularly the United States, are spending billions of dollars around the world trying to encourage. We pride ourselves on the capable leadership of the longest-serving, freely-elected head of government in the Western Hemisphere. We are not and have never been a military dictatorship. For 14½ years of independence from Britain, close friendship with the United States has been the cornerstone of our foreign policy.

Strangely, we can get little recognition for our success. Instead, the attention we receive centres around drug trafficking and its attendant evils. This is doubly strange since our accusers know that the size, scope, sophistication and wealth of the international drug trade dwarfs the limited resources of our 250,000 people.

There are 700 islands and cays which make up the Bahamian archipelago, scattered over 70,000 square miles (about twice the size of the state of Florida), extending some 500 miles in the world's most beautiful and clear waters in a near-perfect climate, from Bimini to the Turks and Caicos Islands (imagine the area from Georgia to Key West).

We have the geographical misfortune to be located directly in the path of drugs flowing from many drug source nations in South America to the world's biggest drug demand nation, the United States, our closest neighbour.

Despite our small population, there are 1,600 Royal Bahamas Police Officers and 670 members of the Royal Bahamas Defense Force, all faced with the difficult law enforcement task of controlling 73 private/public airstrips as well as 110 small boat harbours, usually a haven for peaceful and law-abiding tourists.

If it were not for drugs transitting The Bahamas to the United States, our law enforcement capacity would be sufficient for maintaining law and order.

Surveillance and law enforcement of this area is a monumental task, and we have cooperated 100 percent with any and all parties wishing to assist us.

As recorded in the Congressional Record of April 14 this year, P.A. Yost, Admiral, U.S. Coast Guard, Commandant, credits The Bahamas "in the drug interdiction program (The Bahamas) is superior to any other country." In addition, John C. Whitehead, Acting Secretary of State, is quoted in the same record ". . . cooperation in 1987 between U.S. and Bahamian law enforcement agencies has been excellent." On the same date, U.S. Commissioner of Customs, Willian von Raab, was quoted that in fact, "the cooperation we have received in our day-to-day interdiction operations from the Bahamas is far greater than any other country in the Western Hemisphere."

Cocaine seized in 1987 by Bahamain law enforcement and in cooperation with U.S. agencies exceeded 11 tons which is 30 percent of cocaine seized in 1987 in the U.S. according to New York Times figures.

The truth is, The Bahamas has worked cooperatively with the United States since 1975 in trying to stop the flow of drugs through our country. To date, no U.S. government request for U.S. participation in law enforcement has been denied. And the number and scope of cooperative efforts has continuously expanded.

The Bahamas has also put its money where the problems are. We currently expend more on law enforcement than on tourism, our most important product. While tourism is responsible for two-thirds of the gross national product, 70 percent of employment and nealry all foreign exchange earnings, The Bahamas expends fully 1 percent of its national budget on law enforcement. Such expeditures would be unnecessary but for the drug trafficking problem.

The Bahamas is the only country in the world which allows unlimited, hot pursuit of drugs traffickers by U.S. agencies, carried out in cooperation with Bahamian law enforcement officers in Bahamian waters and air space. Bahamian and U.S. law officers participate in helicopter strike force teams which pursue and arrest transitting traffickers.

No country, not even the United States, could honestly say that the enormous lure of profit from the movement of drugs has not taken its toll on the morality of some of its citizens. Allegations of corruption remain a serious concern. But we have no more to answer for than other countries known to us.

In reviewing the facts, as far back as 1983, some Bahamians were found to have been corrupted by traffickers. And allegations of drug corruption among government officials in the international media prompted an immediate inquiry. The Bahamas government called for an independent panel to investigate all allegations. This Commission of Inquiry was given wide ranging terms of reference, including the extraordinary power to take hearsay evidence, and to arrive at conclusions on a "balance of probabilities" rather than the conventional criminal law test "beyond a reasonable doubt".

Nevertheless, in its December 1984 report the Commission of Inquiry states "there is no doubt that the United States Government could have, had it wished, cooperated more fully with this Commission . . . the quality of the evidence and the details of what could be done in order to deal with the problem could have been much greater. They chose not to. And for that . . . they should be criticized."

In one celebrated case before our courts arising out of that Commisison of Inquiry, a convicted American drug trafficker who said he had personally given a former Minister a $100,000 bribe, could not and did not, in open court, identify the former Minister as the person to whom he had given his money. And there were other cases that failed for the lack of direct, conclusive evidence.

Despite continued media references to the allegations already investigated by the Commission, no new evidence with the slightest credibility has been forthcoming. Yet we have been besieged with allegations which are 8 and 9 years old, and of very doubtful credibility.

A witness who made certain allegations recently in the Ledhar trial held in Florida has been requested by this Attorney General to be made available to the Bahamian Police for interrogation. I have requested time and time again of U.S. Attorney General Edwin Meese information on any Bahamian officials believed to be involved in corruption, no matter how improbable the accusations or how dubious the source of the accusations.

In addressing his colleagues in the Senate on April 14th, Utah Senator Orrin Hatch echoed our frustration in these matters. "The Assistant Secretary of State for International Narcotics Matters testified both in the Senate and the House that there is absolutely no evidence for such corruption (by high Bahamian officials). The Bahamian Attorney General has on more than one occasion asked our Justice Department to turn over any evidence so that investigations and, if warranted, indictments could be brought. To date, no response has been received."

We do resent those in the United States who have not accurately reported the facts of our cooperative law enforcement efforts. However, acting Secretary of State John Whitehead has acknowledged that "the Bahamian Government appears to be moving in the right direction to address the problem. Two special drug courts should relieve the overburdened legal system. A police internal corruption unit has investigated and presented cases for prosecution."

The Bahamas is committed to the war against trafficking through our beautiful country. We intend to win that war. We have passed laws providing for the freezing and forfeiture of proceeds from drug trafficking and assets of convicted drug traffickers in The Bahamas. Investigations are proceeding satisfactorily and prosecutions have been commenced.

Recently, the British Government which has a similar law, agreed with the Bahamian government for the reciprocal enforcement of forfeiture orders in each others' country. We have requested the same reciprocity with the United States but the U.S. government has yet to respond.

A Mutual Legal Assistance Treaty (MLAT), requested by the U.S. on a country-by-country basis, has been agreed upon and ratified in The Bahamas but is still awaiting ratification by the U.S. Senate.

Negotiations on a new and stronger Extradition Treaty between the U.S. and The Bahamas have been under consideration for a number of years. This Treaty has been agreed by the Bahamas government and is awaiting response from the U.S.

Despite these problems, our drug enforcement and criminal justice systems are viable and working—arresting, prosecuting, convicting and sentencing, where appropriate, drug traffickers all within the rule of law.

Recently, The Bahamas requested that the United Nations International Narcotics Control Board send a mission to study and report on the nature of our drug trafficking problems to enable The Bahamas to invite necessary assistance from the international community under the 1961 Convention on Narcotic Drugs.

It is clear that more technology, manpower and operational funding is necessary to police our extensive borders. We in The Bahamas have done what the United States has not yet done in spite of the seriousness of the drug issue around the world and the lack of success in the war to date.

The Bahamas has put its armed forces, small though it may be, into the battle against drugs.

Surely there can be no doubt that a similar commitment by the U.S. to employ its Navy and other forces in the war against drugs would greatly reduce the supply, flow and demand, not only through The Bahamas but also throughout the United States.

What we need are more air search radar installations, more joint bases strategically located with helicopter strike force teams, more air reconnaissance patrols, more sea patrols, and intensified joint undercover and conspiracy investigations.

With or without the absolutely indispensable assistance of the United States and the international community, we shall continue unabated our war on drugs destined for the United States, but we cannot win this war without that assistance. In the words of Winston Churchill, quoting Longfellow:

" 'Put your confidence in us. Give us your faith and your blessing and under Providence all will be well. We shall not fail or falter. . . . Give us the tools and we will finish the job!' "

DR. A. PETER CAPPARELLI TO RETIRE AFTER 30 YEARS OF SERVICE

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. DWYER of New Jersey. Mr. Speaker, I rise today to bring to the attention of my colleagues in the House an event which will be occurring in my district in the near future which speaks to the high level of dedication we all see every day in public servants.

On May 20, Edison Township will honor Dr. A. Peter Capparelli on the occasion of his retirement after 30 years as the township's health officer. His is a record of great success and remarkable accomplishment.

Dr. Capparelli began his employment in Edison Township in 1958 and the intervening years have seen a record of success and accomplishment as the health department, in reflection of the township, has grown in size and sophistication.

Beginning in 1961 with the enactment of a comprehensive health code, Dr. Capparelli has always acted with the best interests of the health of Edison residents in mind. His expansion of child health clinics, creation of a dental clinic, use of a mobile health clinic, construction of an animal shelter, and special programs for senior citizens and the handicapped have all been actions taken to provide the residents of a growing community with the kind of public health service they want and need.

On a more personal note, Dr. Capparelli has been a guest lecturer at Rutgers University and Middlesex County College, he has served as president of the New Jersey Health Officers Association and been a member of a variety of professional associations in New Jersey. He is active in community organizations and is one of the founders of the John F. Kennedy Medical Center in Edison.

Dr. A. Peter Capparelli has dedicated the last 30 years to serving the residents of Edison Township. On the occasion of his retirement, Mr. Speaker, I am sure you would like to join with me in extending to Dr. Capparelli a hearty congratulations for a job well done, along with our most sincere best wishes for a happy and healthy retirement.

CYPRIOT-AMERICANS RALLY BEHIND PHILIP CHRISTOPHER

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. PORTER. Mr. Speaker, I rise today in tribute to Mr. Philip Christopher, who on Saturday, May 14, 1988, will be honored by the Pancyprian Association of America, as its president over the past 14 years.

Mr. Christopher has been peerless in his commitment and dedication to the Greek-American and Greek-Cypriot communities. His efforts to preserve Hellenic culture have been extraordinary.

In 1975, when Mr. Christopher founded the association, he had very specific ideas as to what the goals of the organization were to be as it evolved.

In an effort to accomplish these goals, Phil Christopher included in the preamble of the association a list of objectives and purposes under which to operate:

First, to serve the interests of the Greek-American community in this great nation, the United States of America;

Second, to conduct and sponsor various activities in order to support and assist worthy student members of our youth, athletic, and cultural divisions;

Third, to promote and preserve the Hellenic culture of both Greece and Cyprus;

Fourth, to defend freedom, democracy, and human rights; and

Fifth, to assist in the struggle for the Cypriot people for freedom and justice.

Under these precepts, and with Phil Christopher's guidance, the Pancyprian Association of America grew and now represents the largest group of Greek-Cypriots in the United States.

He is one of the key people supporting peaceful and equitable ways to heal the wounds that divide Cyprus. I am sure that many of my fellow Members of Congress would like to congratulate Mr. Christopher for his work as president of the Pancyprian Association of America and wish him the best of luck in the future.

FOR THE RELIEF OF THE VESSEL "PILGRIM"

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. PACKARD. Mr. Speaker, today I am introducing legislation that would exempt the brig *Pilgrim* from a law that prohibits foreign built or registered vessels from doing business in the United States. Similar exemptions for a dozen other historic ships have been granted in the past and I anticipate no difficulty in exempting the *Pilgrim*.

The *Pilgrim* is owned by the Orange County Marine Institute. This ship is a historic replica of the original two-masted square rigger from which Richard Henry Dana first described the beautiful bluffs of what is now known as Dana Point, CA. The vessel is primarily used for educational and historical purposes.

The *Pilgrim* was built in Portugal, with a wooden hull that was purchased in Denmark. It is for this reason that I am requesting that the *Pilgrim* be exempted from the Merchant Marine Act of 1920. The Merchant Marine Act prohibits commercial ships with foreign built hulls from traveling between U.S. ports. Unfortunately, this law does not take into consideration the numerous historical vessels that by their very nature are different.

As a part of the centennial of Orange County, the *Pilgrim* is scheduled to set sail later this summer to retrace the voyage of the original *Pilgrim* along the California coast. To allow this voyage and subsequent historical trips, I am requesting that the House pass this special legislation as soon as possible.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding—

(1) section 12106(a)(2) of title 46, United States Code; and

(2) the requirement specified in section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) that a vessel be built in the United States to engage in the coastwise trade;

the Secretary of Transportation may issue to the vessel Pilgrim, owned by the Orange County Marine Institute, a coastwise license under section 12106(a) of title 46, United States Code, which authorizes such vessel to be employed in the coastwise trade.

TRIBUTE TO OHIO SENIOR CITIZENS DAY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to Ohio Senior Citizens Day, a designated day to honor senior citizens and the vital role they play in the community. This year Ohio Senior Citizens Day will be celebrated on May 17, 1988, and will include activities at the Multipurpose Senior Center in Youngstown in my 17th Congressional District of Ohio.

Senior Citizens Day has been celebrated throughout the State of Ohio since 1973, and the theme of this year's celebration is "Celebration of Age," a theme we should all live by every day, not just designated holidays. I believe that the seniors of this country do not receive the recognition they rightly deserve, and we should all embrace the opportunity to take part in this special day and recognize those for whom it has been named.

Mr. Speaker, it is with great pride and honor that I pay tribute to Ohio Senior Citizens Day and to the senior citizens in my district and throughout this great land of ours. I would like to thank them for the wisdom, inspiration, and heritage they have given to the generations which have followed them and looked up to them.

MISTREATMENT OF SOVIET JEWS

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. MORRISON. Mr. Speaker, in conjuction with the "Congressional Call to Conscience," I am honored to have the opportunity to voice my concern over the mistreatment of Soviet Jews who wish to emigrate from the Soviet Union.

As we all know, the relationship between the United States and Soviet Union, in regard to the emigration of Soviet Jews, has seen warm and cold trends. The signing of the Helsinki accords in August 1, 1975 marked a dramatic increase in the number of Soviet Jews permitted to leave the Soviet Union, at one point reaching an all time high of 51,333. However, between 1981 and 1986, the number of Jews allowed to leave the Soviet Union drastically declined. In fact, the 1979 figure of 51,333 sharply declined to 896 in 1984.

This drastic decrease in the number of Soviet Jews permitted to emigrate can be attributed to several factors. The application process has become increasingly more difficult. The applicants are required to list all family members, which enables the Soviet authorities to keep a close and watchful eye on all relatives listed. The majority of the applications are caught in a web of bureacratic redtape, thus leaving many waiting for months, even years. Meanwhile, they are dismissed from their jobs and forced to take menial jobs or risk criminal prosecution. Sometimes their children are expelled from colleges or universities. Many applicants are denied the right to leave on the grounds that they may have access to state secrets or served in the Soviet Armed Forces.

In addition to the small number of Soviet Jews allowed to emigrate from the Soviet Union, there is a continuous effort made by the Soviet Government to thwart Jewish religious and cultural practices. Hebrew schools are nonexistent; instruction of the Yiddish language and Yiddish journals are few and far between; and no more than 60 synagogues are open for religious service. As a result of this anti-Semitic and oppressive behavior, basic human rights, including the freedom to practice one's religion, are virtually impossible.

Mr. Speaker, I am honored to join with my colleagues in continuing to dramatize the plight of prisoners of conscience and others who seek to emigrate from the Soviet Union.

GREEK INDEPENDENCE DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. BIAGGI. Mr. Speaker, March 25, 1988, commemorated Greek Independence Day. It is a national day of celebration of Greek and American democracy. In looking back in history, we observe events which have uniquely tied together the democracies of Greece and the United States.

Greece has been coined "the birthplace of U.S. democracy," because our Founding Fathers used the Greek democracy as a model for our present government. Thomas Jefferson better explains this when he wrote, "* * * to the ancient Greeks * * * we are all indebted for the light which led ourselves (American colonists) out of Gothic darkness." Yet during the time when the United States was successfully establishing its democracy, the Greeks were being oppressed by the Ottoman Empire for a period of almost 400 years. In the 1820's, the situation was reversed, as the Greeks looked to the United States and the American Revolution as a role model for independence. Greek intellectuals translated the United States' Declaration of Independence and used it as their own declaration. Many United States patriots sailed to Greece to aid them in their quest for independence.

It is easy to see the strong bond of friendship which has developed between the Greeks and Americans as a result of their past histories. Greeks have become extremely respected in the United States as a result of their successful accomplishments and of their compatability with Americans. During the 1900's, one out of four Greek males between the ages of 15 and 45 immigrated to the United States. The first Greeks who became citizens ranked only 18th out of the 24 nationalities in their median educational attainment. Their children, however, in 1970, ranked No. 1 among the American ethnic nationalities regarding their median attainment.

Will Durant summed up the respect and admiration that the United States holds for Greece when he wrote:

> Greek civilization is alive; it moves in every breath of mind that we breath; so much of it remains that none of us in one lifetime could absorb it all. Greece is the bright morning star of that western civilization which is our nourishment and life.

A TRIBUTE TO SOME OF "NEW YORK'S FINEST"

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. SOLARZ. Mr. Speaker, I rise today to pay tribute to six of "New York's Finest" from Brooklyn's 66th Precinct. These six police officers, commanded by Capt. Michael Scagnelli, are: Lt. Joseph Esposito, a 17-year veteran; Detective George Klingberg, a 15-year veteran; Detective Robert J. Addonizio, another 15-year veteran; Police Officer Gregory Boyle, 7-year veteran; Police Officer Stephen Corrado, 6-year veteran; and Police Officer Joseph Bisogna, 4 years on the force.

The diligent work of these officers culminated in the arrest of two ruthless drug addicts who repeatedly stabbed and killed Mr. Eli Wald, a U.S. postal worker. Mr. Wald, an observant Jew, was a hard-working man and a well-known community friend and neighbor. He was returning home from work on the morning of December 24 when he was viciously attacked and killed.

This community, already embroiled in racial strife, was further outraged by this latest act of violence. However, these dedicated and diligent police officers quickly defused this dangerous situation. They effectively subdued the tension and anger which existed throughout the neighborhood.

These policemen are thoroughly acquainted with this community and were fully aware of the explosive crisis they faced. Even under these frightening circumstances, they did not cease or diminish their investigation. Within the next 3 months, their relentless efforts paid off; and they apprehended the two addicts.

While perseverance, cunning, and concern are characteristics which have always been displayed by "New York's Finest," these six brave policemen went above and beyond the call of duty to calm a volatile situation.

I am, indeed, proud and honored to pay tribute to these outstanding police officers who demonstrated courage in the face of adversity.

TRADING IN ON PROTECTIONISM

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. TALLON. Mr. Speaker, we talk about "competitiveness" and "protectionism" versus "free trade" as if we discovered these issues. Well, we didn't and I think it's useful to put this debate in the proper perspective.

This means taking a look back in our Nation's history, two centuries to be exact, to correspondence between the British economist David Ricardo and Colonial leader Alexander Hamilton.

Ricardo's argument was the same as that of the so-called free traders of today. The colonies, which were 96-percent agricultural, should depend on their natural resources and hope that the comparative advantage would shift their way while the British mopped up.

Fortunately, Hamilton, the "protectionist," believed that our industrial base needed developing. And, the very first measure passed by America's young Congress was a trade bill that placed a 50-percent tariff on over 70 different items.

On this foundation was built the strongest, most competitive economy the world has ever seen. An economy that went from agricultural to industrial base strong enough to defend the free world.

America today, like the America of 200 years ago, must compete in an international economy under the burden of growing international indebtedness.

Yet, for the first time, it seems we are unwilling to control our own economic fate. This country's workers are the most productive in the world. But, our Government is paralyzed from responding to foreign nations that simply won't let our products through the gate.

So, the Japanese pay $40 for a steak in the grocery store. The European Economic Community subsidizes soybeans at the rate of $15 a bushel. And, we shrink from responding because we're afraid other governments will label us as "protectionist." Where would we be now if this had been Alexander Hamilton's response?

What after all do we really mean by free trade? By protectionism? Is it protectionist when we provide urban development action grants that help industries compete more effectively in the world market?

Does free trade suffer when we provide funds to improve our infrastructure through funds for water and sewer facilities, and transportation improvements?

Are we subsidizing when we provide for worker training programs or low interest loans for a particular company? No. We are doing these kinds of things all the time. So are our competitors: at the State level, at the national level, internationally.

Our competitors aren't afraid of labels. As a result, the mountain of global productivity has grown but we are sliding farther and farther away from the pinnacle.

Lacking a strategic response, we have watched our great manufacturing enterprises falter. Seventy percent of American manufactured products are subject to foreign competition in the United States.

Until now we have been unable to provide productive work for large numbers of our citizens, we have been unwilling to invest adequately in the plant, equipment, education, and technology essential to international competitiveness; and we borrow more than we are willing to save.

Prior efforts to open foreign markets to American goods have failed. Take American agriculture which has long been acknowledged as the world's finest, but cannot compete with EEC subsidies in third country markets.

Within the EEC itself, the subsidy is so high that it effectively cuts off the market from U.S. agricultural products. A recent study estimated the cost of this policy to U.S. farm producers to be as much as $2 billion.

Take the American semiconductor industry which wins 60 percent of market shares outside Japan, but can't get more than an 11 percent market share in Japan. We can no longer sit idly by and watch Japan steadily overtake American manufacturers at home and abroad.

The threat from Japan of a retaliatory trade war is an empty one, not because they won't start one but because they already have. For a decade or more the Japanese have dumped their products in the United States market on a consistent and widespread basis.

Finally, we have the opportunity to begin to change all this. The Trade and International Economic Policy Reform Act provides a comprehensive, constructive response to the trade deficit by focusing on education, retraining, and industrial efficiency.

This bill promotes the expansion of fair, free trade. It provides for remedies for unfair trade practices, import relief, dumping prohibitions, export promotion, domestic training and education, and special executive trade negotiating authority.

I believe the trade bill will position America to take full advantage of changes in the world economy and meet the trade challenges of tomorrow. Let's get this $170 billion trade deficit under control. Let's get on with our future.

RATIONAL UNITED STATES POLICY TOWARD MEXICO

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. EDWARDS of California. Mr. Speaker, this year marks not only the end of the Reagan administration, but also the end of a U.S. policy toward Central America based purely on anti-Communist paranoia. The end of control over our policy by the likes of William Casey and Elliott Abrams gives us the opportunity to repair our relations with our neighbors in Central America.

As our colleague Ronald Coleman states in an op-ed piece in the Christian Science Monitor, our relations with Mexico are in particular need of repair as a result of the administration's blind pursuit of military aid to the Nicaraguan Contras. After years of promoting instability in Mexico, it is time for the United States to recognize the value of Mexico as an ally and a trading partner. The recent Mexican debt relief plan is an important first step toward a policy based on mutual respect, not paranoia. Now the United States must continue to work with Mexican leaders in helping to establish a stable economy in that country.

I would like to insert Mr. Coleman's piece in the RECORD, and I commend it to the attention of my colleagues.

[From the Christian Science Monitor, Mar. 21, 1988]

AT LAST—A RATIONAL UNITED STATES POLICY TOWARD MEXICO!

(By Ronald D. Coleman)

The administration's support for the new Mexican debt relief plan signals a complete turnaround in US policy from the ideological and confrontational approach toward Mexico demanded by William Casey, the late director of central intelligence. At the same time, the triumph of the so-called moderates within the Reagan administration provides the United States with a rare opportunity to establish a rational, pragmatic policy toward Mexico, one not based on perceived ideological needs frequently bordering on paranoia.

Bob Woodward's "Veil" confirmed publicly what some of us have known privately for some time: that Mr. Casey deliberately slanted US intelligence reports on Mexico, including key National Intelligence Estimates, and fired the top intelligence officer for Mexico who refused to endorse politically generated conclusions unsupported by intelligence data from the field.

Why? Because US policy toward Mexico—our third-largest trading partner—was not based on political, social, or economic realities within Mexico, but on an ideological approach focused on Nicaragua.

The domino theory had been advanced for some time by those passionately and emotionally committed to the contra war. If the contras lose, the logic went, then communism would sweep right through Central America and end up on the southern doorstep of the US.

The linchpin of the theory was an unstable Mexico. So Casey and the rest of the administration's ideological zealots concocted the "Mexico-and-the-next-Iran" theory, a process documented by career intelligence analyst John Horton, who opposed it. Without the picture of an "unstable" Mexico, the Iran analogy would have no basis, and Casey felt he couldn't sufficiently frighten the American public with a threat that didn't or couldn't reach the Rio Grande.

The only problem: The CIA and the rest of the administration's foreign policy professionals didn't buy it.

So Mr. Horton was fired. Casey deliberately rewrote the intelligence estimates to predict an "unstable" Mexico. Scare stories were planted in the news media. Dire predictions were voiced by right-wing think tanks. Mexico-bashing became a popular Washington Sport.

The administration's public efforts were led by fellow zealot Elliott Abrams, whose emotionalism produced further unnecessary rancor and only lessened Mexican cooperation in the war on drugs.

Today, however, Casey is dead. Few listen to or believe Mr. Abrams. And the U.S. now has the opportunity to put its strategic mistakes behind it and establish a policy toward Mexico based on facts instead of fantasy.

Several factors make this opportunity possible:

Mexico's next president is likely to be the ruling party's candidate, Carlos Salinas de Gortari. He is committed to current priorities: Keeping stability through economic growth, managing the debt situation, increasing export earnings, resisting inflationary wage and price increases, and diversifying the economy beyond petroleum and agriculture.

The nation now has an actual surplus of foreign earnings; debate is under way on how best to use it.

A historic U.S.-Mexican trade framework has just been signed. Negotiations on textiles and other trade and economic issues are in the works.

The prospect of a regional diplomatic solution to the war in Nicaragua has brought Mexico and the U.S. closer together than at any point in this decade.

Mexico will continue to have major problems. But no thoughtful and objective analyst has ever equated Mexico with Iran; that analogy has no basis in fact.

So the stage has been set by this unique—and fleeting—set of circumstances. Can the U.S. rid itself of the Casey-Abrams baggage of ideological zealotry and establish an enlightened policy toward and with Mexico? The Mexican press speculated that when Frank Carlucci was national-security adviser, he ordered a reassessment of our policy toward Mexico as one of his first major actions on the job. If true, the administration's support for the new debt relief plan would have been the logical next step. After all, the U.S. shouldn't finance Mexican debt relief with U.S. Treasury bonds if it believed Mexico were on the verge of collapse.

So far, then, the odds are favorable that the moderates' success within the administration means good news for those who live along the U.S.-Mexican border and have to live with the decisions made in distant Washington and Mexico City.

The new debt relief plan may or may not be good policy. It may not even work. But it is the first rational policy concerning Mexico to be embraced by the administration in a long time. That in itself is grounds for optimism.

HOUSING THE HOMELESS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. FLORIO. Mr. Speaker, in our communities, there is room for improvement, especially in the area of affordable housing. Unfortunately, the need for inexpensive housing for our Nation's citizens still has not been fully met.

The numbers simply do not add up. There are not enough affordable homes for every family to call home.

Toward the goal of promoting affordable housing, Federal, State, and local governments need to adopt policies encouraging the development of affordable housing.

I recently met a family in Williamstown, NJ, with a nominal roof over their heads. But even though they have a roof over their heads, they are still homeless. That roof consists of no more than a two-room efficiency in a motel at the side of the road. Two rooms do not constitute a place to raise a family of 10.

Unfortunately, the circumstances faced by that family in Williamstown are also faced by thousands of families across the Nation. For the thousands who call the streets home, that is no home at all.

Assemblyman David Schwartz of New Jersey, together with one of his aides, Rich Ferauto, and Daniel Hoffman, a consultant on urban affairs and housing, has written an authoritative book dealing with the Nation's housing crisis.

This book, "A New Housing Policy for America: Recapturing the American Dream," is a primer in redirecting the Nation's efforts to full housing for the Nation's needy.

Assemblyman Schwartz has long advocated a 10-point housing policy that includes both traditional and innovative approaches to meet the Nation's housing needs.

Those approaches combine the Government's resources with the resourcefulness of the Nation's citizens to create affordable housing for those who do not have homes, to maintain public housing, and to plan for housing in the future.

That goal comprises dealing with those who are homeless and with those who are at risk of homelessness. Indeed, the poor are at the greatest risk of falling into homelessness.

For many families, buying a house or paying the rent is increasingly out of the question. That is no answer for those individuals and their families.

Additionally, as the cost of housing goes higher and higher, young families who are just now entering the search for shelter are being priced out of the market. For these young families and for those without housing, the housing crisis is far too urgent to ignore.

The numbers of those who are at risk of homelessness are increasing each year. Those statistics have a human side. The elderly, the single mothers, and the low- and middle-income families looking for a place to live make up those rising statistics.

The continued growth of our Nation is at risk as long as the homeless and those at risk of becoming homeless continue to be neglected. To meet the demand for housing requires the involvement and cooperation of Federal, State, and local governments on behalf of these people.

Assemblyman Schwartz' proposals and the recently published book illustrate how the Government and the community can work together to alleviate homelessness.

Those proposals are a good starting point for a creative and effective housing policy in the Nation. Indeed, a concrete housing policy is integral to building the foundations of housing for the needy.

The success of that housing policy depends on how hard the Nation works at helping the homeless. The following article from the AFL-CIO News describes the Nation's housing needs and the constructive approach to alleviating homelessness used by Assemblyman Schwartz and the coauthors of "A New Housing Policy for America":

[From the AFL-CIO News, Apr. 16, 1988]

REAGAN HOUSING POLICY FOSTERS HOMELESSNESS—COALITION STUDY CITES IMPACT ON YOUNG FAMILIES

Reagan Administration policies have virtually wiped out the American dream of home ownership and have contributed to an "explosive increase" in homelessness in America, three nationally recognized experts in the housing field charged.

To restore housing to the nation's social agenda requires a combination of federal, state and local initiatives, according to David C. Schwartz, professor of political science at Rutgers University; Richard C. Ferlauto, a community organizer and legislative analyst who concentrates on housing and community economic development issues, and Daniel N. Hoffman, a consultant on housing and urban economic development in New Jersey.

Their proposal on ways to put housing back within reach of the average family budget parallels the position taken by the 17th AFL-CIO convention last October. Delegates urged a program to revitalize public housing for low-income families, the elderly and the handicapped; direct government loans to nonprofit organizations for rental housing, and low-interest mortgages for moderate-income families, particularly first-time housing buyers.

HOUSING STUDY

The recommendations are contained in a 326-page study, "A New Housing Policy for America: Recapturing the American Dream," published in cooperation with the National Center for Policy Alternatives, a nonprofit, nonpartisan coalition that focuses on making state legislatures the laboratories for change in the face of the declining federal role in the social arena.

After 35 years of steady increase, the authors note, the percentage of Americans able to buy a home of their own plunged every year from 1980 to 1987, with the impact falling most heavily on young families trying to buy their first homes.

At the same time, the nation's rental housing stock has shriveled to the point where "a majority of America's 30 million tenants now live in dwelling units that the government considers to be inadequate, overcrowed" or so costly that they take a disproportionate share of family income.

DEEPENING CRISIS

In the absence of government action, the crisis will deepen in the 1990s, the study shows. The ranks of the elderly are increasing the number of single-parent, female-headed households is expanding and there is rapid growth of young families that want, but can't afford, home ownership.

The authors point to innovative state and local actions that offer hope that the housing problem can be resolved. A partnership of federal, state and local governments with unions, industry and community groups, they emphasize, is vital to developing a coordinated policy to insure "a better housing future for America."

In a foreword to the study, Sen. Bill Bradley (D-NJ.) hailed the recommendations as "an excellent starting point" for formulating a new housing policy that recognizes "the diverse housing needs of this very diverse country of ours."

And President M. Carl Holman of the National Urban Coalition called the recommendations "a compelling case for housing construction as the centerpiece of economic strategies in urban America."

TWO WINNING ESSAYS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. HYDE. Mr. Speaker, it is my privilege annually to honor two young writers from northern Illinois, a high school and a junior high school student each, who submit winning essays in a contest sponsored jointly by my office and schools in the Sixth Congressional District.

Bensenville resident Julieta Morales, a graduating senior at Fenton High School, won first place among high school participants for her essay entitled, "The Constitution: The Strength of the United States For Over 200 Years."

Eighth grader Mike Marcinkowski of Villa Park, a student at St. Alexander School, won first place in the junior division with his essay entitled, "Bill of Rights: An American Stronghold."

I congratulate these and other participants who took the time to research, write and edit their papers. It is through programs such as this one that students develop an appreciation for the traditions of this great and enduring representative democracy.

I commend the following essays to my colleagues for their study:

THE CONSTITUTION: THE STRENGTH OF THE UNITED STATES FOR OVER 200 YEARS

(By Julieta Morales)

In early 1786, the colonists saw the government they had dedicated their lives to build begin to crumble under the weak foundations of the Articles of Confederation: soldiers, rebelling over the lack of pay, forced Congress to flee from Philadelphia to Princeton; farmers' mutinies, like Shay's Rebellion, protested the seizing of farmland by the courts; states quarreled over the land claims to the west and taxed each other mercilessly. When colonists began to talk of returning to the tyrannical rule of England from which they struggled to free themselves, people realized that they must rebuild the government to save their freedom from falling to defeat. On September 17, 1787, the Constitutional Congress brought forth the Constitution of the United States, a document that has lasted over 200 years because it meets the needs of the people. The Constitution provides for sovereign states to coexist peacefully within a federal union, while guaranteeing individual rights to every citizen, regardless of his opinions and beliefs. The Constitution preserves the Union by allowing the government to react to internal conflicts and external attacks. More importantly, however, the Constitution establishes a government that can create, apply and interpret jurisdiction, while providing amendments to satisfy the changing needs of the people. By recognizing its vulnerability against time, and meeting its weakness with a solution and provision to adjust, the Constitution has given strength to its country, allowing the United States to prevail as a great nation.

When the constitution was written, the authors entrusted Congress to secure the rights of the people, but many people felt that the new government might infringe upon the citizens' basic rights as the British government had done, and demanded a Bill of Rights to guarantee the rights of the people. The Bill of Rights protects fundamental freedoms against any abuse of governmental powers. The foremost amendments include the freedom to criticize the government: the freedoms of speech, press, assembly, and petition. These freedoms allow citizens to voice their opinions, ideas, and grievances without fearing imprisonment, including the expressions of unpopular viewpoints, because the freedom to express limited opinions is not a freedom at all. The other rights protect citizens from unjust prosecution by promising a fair and speedy trial, a jury, and protection against excessive punishment, so that Americans would never suffer the injustices of England again. The colonists fought for these truths, and once gained, the citizens intended to keep these rights for themselves and future generations to come.

Throughout its existence, the Constitution has provided a strong structure to withstand conflicts detrimental to the Union and the institution of democracy. The President has the power over foreign affairs, to make and break treaties, but only the people, as represented in Congress, can declare war, so that if Congress objects to war, it can refuse to comply, allowing the citizens' voice to overrule the President's. In 1860, when the Southern states began to secede from the United States, protesting that sovereign states had a right to withdraw, the Congressional body declared war, not to defeat the South, but to conserve the Union, realizing that the strength of the nation ultimately comes from the indivisibility the states provide together. Nearly a century later, the National Guard was called to protect citizens from racial violence that opposed Constitutional civil rights. Upon restoring order, the National Guard proved that what the Constitution declared must be upheld by all people throughout the country.

When the Articles of Confederation failed, the delegates rebuilt the government and found that a federal system could work effectively. According to the Constitution, the national government consists of three separate Branches, balancing the federal powers among themselves. The Legislative Branch, a compromise between large and small states in electing the national representatives, consists of a bicameral Congress with equal representation in the Senate and proportional representation in the House. Each body has the power to block the other to prevent absolute power, and together they check the actions of the Executive Branch, whose duty is to administer Congress' laws. The Constitution provides maximum powers to the President allowable. These powers concern foreign affairs, domestic administration, legislation, and the appointment and removal (pardons and reprieves) of officials. The Judicial Branch interprets the laws and administers justice, with three types of courts: the Supreme court, district courts, and circuit courts, to check the powers of the other Branches.

The balance and separation of power between the three Branches, and between state and federal government, under the Constitution, has provided protection, people's rights, and prosperity. America has dedicated itself to its people, and when the people find a need for change, the Constitution meets their needs by allowing amendments to be added, whether they concern women's and civil rights, election policies, or income tax. The Constitution continually meets the needs of the people, in times of crisis and of peace. The reason the Constitution has endured for 200 years comes from its first words: We, the people. By the people, for the people, the Constitution has given the United States the strength to prevail in the past, in the present, and in the future years to come.

BILL OF RIGHTS: AN AMERICAN STRONGHOLD

(By Mike Marcinkowski)

A man is arrested without being told the reason for his arrest. A lady is forced to speak about a scandal that she wishes to keep to herself. An officer searching for evidence, barges into a home and ransacks the possessions of the residence. A coalition of teachers has congregated outside a school and the police forcefully remove their assembly. This is the way it is in some countries, where the central government has complete power over its people. As a Federal Democratic Republic, the United States has power vested in a central government and in its people. Through these carefully planned investments of power, our government cannot dominate or take control of its people in any way. One protection that has been effective since 1791 is the Bill of Rights. The Bill of Rights was developed to insure the security of the citizens of America from possible abuse of power by the central government.

There are ten amendments to the Bill of Rights which will always remain effective. The government can't change or take away these rights from Americans. Our freedoms have been protected and guaranteed.

The first amendment guarantees five freedoms, which are the followlwing: freedom of speech, religion, assembly, petition and press. These five freedoms show how basic, yet vital, the Bill of Rights is.

The second, third, and fourth amendments guarantee us rights to bear arms, deny soldiers quartering, and protect us from unlawful arrests and searches. In these three amendments protection is given against unrighteous authority.

The fifth, sixth, and seventh amendments guarantee due process rights to those accused of crime and on trial. One point stated in the fifth amendment is, "No person shall be deprived of life, liberty or happiness without the due process of law". This point is the source of these three amendments.

The eighth amendment restricts any excessive punishment or consequences against a person convicted of a crime. The eighth infers that a just and fitting punishment, equal to the crime committed, should be given.

The ninth and tenth amendments state that the government can't take the freedoms of the Bill of Rights away from the American citizens. They also state that any other power, not declared in the Constitution, is freely a power of the United States people.

The Bill of Rights was developed in America, because the English-Americans knew how it was to be a citizen of England. They knew that the English government wouldn't guarantee the people their rights. These freedoms guaranteed in the Bill of Rights were denied in England. One major reason people came to America was for freedom. Because the United States wanted to stay clear of English influence regarding government, a Democracy was formed. Since power is vested in the people, the Bill of Rights is a major contribution to our standards as a Democratic nation. Any central government can gain an excessive amount of power, but in America we have special protection systems—one being the Bill of Rights.

To me the Bill of Rights is justice. As Ronald Reagan states, "It is the people who grant the government its powers". Isn't that the way it should be?

A SALUTE TO THE COM-BIN-NATIONS OF JERSEY CITY, NJ

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. GUARINI. Mr. Speaker, on Saturday, May 14, 1988 at the Casino in the Park, Jersey City, a women's organization of tremendous significance is having its annual luncheon.

The group is a social and civil club called the Com-Bin-Nations, which was organized in January 1967 by a group of civic-minded women who felt the need of giving aid to underprivileged children and the needy of the Jersey City community in my district.

According to the leader of the group, Mrs. Izetter McDuffy, the following information is provided:

With professional knowledge and help from Mr. William (Buster) Brahame, founder and president of the Continental Civic Club of Hudson County, goals were set to achieve this end. The organization received a state certificate of incorporation, 1968 and functioned as a viable and meaningful group in the community. The trustees and members at that time were: Izetter McDuffy, Mamie Williams, Addie Jackson, Willie May Heard, Joan Thomas, Lynn Smith, Gloria Watson, Shirley Connell, Virginia Cabassa, Ruth Dixon and Ruth Rice.

With the aid of its founder and president, the Hon. Izetter H. McDuffy, along with its hardworking members their dreams have been established, "A Purpose for Living" in order to help your brothers and sisters in the community.

In more than 12 years of existence, the members have given of their time, money and spirit a successful effort in promoting constructive charitable aid in the community. Such efforts coming from: cocktail sips, social dances, raffles, dinners, bus rides, private donations. Personages from high place in the government, educators, church, labor, business, civil, fraternal, radio-television media, and just plain folks have responded to their cause. Letters from the people in the community, state and nation have come to THE Com-Bin-Nations praising their work. They knew they were doing good!

Initiating their annual Black Women's Day back in 1979 was another first! Famous people from throughout the country have come to Jersey City to wine and dine these Black Women honorees. Good wishes have poured in from the President, the Governor, the Mayor, along with acknowledgements from other dignitaries.

And what has the organization been doing since 1969 for the children and helpless in the community? Since 1967.

Sponsored a bus ride to Allaire State Park for children day trip and lunches.

Christmas Party for children, refreshments and gifts given;

Helped to raise funds for fire victims;

Donated to March of Dimes;

Dresses donated to children at St. Joseph's Home for the Blind;

Coats for Headstart program;

Children dressed completely for their first day of school;

Aid colleges, senior citizens, high school students for college,

As the Com-Bin-Nations continue to grow in strength, they thank their well wishers in the community for their spirit of giving. Without your help our success in the community would not be possible. May the Lord bless all of our supporters.

Over the years the organization has honored individuals who were of assistance to the goals and aspirations of their group. The honorees were:

1970—Hon. Shirley Chisholm, U.S. Congresswoman.

1971—Hon. Dr. Wynona Lipman, New Jersey State Senator.

1972—Hon. Rev. Walter E. Fauntroy, U.S. Congressman.

1973—Hon. Harrison A. Williams, Jr., U.S. Senator.

1974—Hon. Frank J. Guarini, U.S. Congressman.

1975—Miss Ruby Dee, star of stage and screen, and Hon. Golden Johnson, Municipal Court Judge, Newark, NJ.

1976—Mr. William (Buster) Brahame, community leader, and Ms. Bernice Bass, radio station WNJR news commentator.

1977—Hon. Shirley Tolentino, Municipal Court Judge, Jersey City.

1978—Sister Alma V. John, TV and radio personality.

1979—Dr. Pearl L. Rosser, M.D., chief instructor, Howard University Medical School—Howard University Medical School (donation).

1980—Dr. Carolyn C. Holmes, commissioner, New Jersey State Department of Education.

1981—Irene Smith, president NAACP State of New Jersey.

1982—Mary Thomas, Broadway and TV star.

1983—Trish Morris, TV personality.

1984—Gustav Hiningburg, journalist and TV personality.

1985—Debra Partridge Wolfe, professor at Queens College.

1986—Larry Stalkes, Essex County College Registrar.

1987—Carol Davis, radio personality and Consumer Information Specialist.

1988—To be chosen in October.

At Saturday's function, some members of the group will be honored, with a special memorial to Mr. William (Buster) Brahame, founder and president, of the group will be observed. Those members of the COM-BIN-NATIONS to be recognized are: Izetter McDuffy, co-founder and president; Virginia Cabassa, vice president; Carolyn Edwards, recording secretary; Paula Jones, treasurer; Evelyn Poindexter, historian; Estella Robinson, parliamentarian; Tillie Servance, corresponding secretary; Bertha Smallwood, financial secretary; Mamie Williams, chaplain and second past president; and William (Buster) Brahame, founder, who passed May 1976.

I am sure my fellow members in the House of Representatives wish to thank the Com-Bin-Nations with a hope that they continue to grow in strength maintaining their community spirit of giving and helping. Indeed they have not extended a helping hand, they have extended a reaching hand, which has gone into many areas of deprivation, helping with the severe problems of family situations, child abuse and the homeless.

Izetter McDuffy, when asked, "What modivates this group?" she reminded me of the well-known statement in the bible, "We are our brothers' keepers."

May the work of this group be duplicated by others while they continue for many years to come.

THE GRANT UNION HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. MATSUI. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to 12 distinguished members of the Sacramento community who were instrumental in leading the Grant Union High School Girls Basketball Team to the Division II State crown. It is an honor to salute such fine examples of scholar athletes.

When looking back at Grant Union's athletic teams in the past decade, one can easily see what an enormous success story the girls basketball team has been. In addition to the State crown this past season, Grant Union has been the State runnerups three times in the past 9 years while compiling an impressive 237 wins out of 278 tries. If that is not enough, the girls basketball team has won nine straight Capital Athletic League championships while posting 9 consecutive 20 win campaigns. It is with great pleasure that I receive the opportunity to salute the 11 members of the team along with their fine coach. Hard work and dedication has netted them their first State championship.

Mr. Speaker, it is with particular pride that we recognize the efforts of these young women for their contributions on the athletic field. Their family members and classmates should take pride in their accomplishments and for accepting the challenge of being the best they can be. I hope you will all join me in congratulating these women for their outstanding achievements. I want to thank them for their efforts and I wish them the best of luck in all of their future endeavors.

REPRESSION OF SIKHS IN INDIA

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, the Sikh inhabitants of the Punjab region of India have been suffering blatant denials of their human rights for years. They have been persecuted for their religious beliefs, put into political prisons without a trial or even a charge, and had their holiest shrines destroyed, among many other things. This treatment of the basically peaceful people of the Punjab is tragic and must be stopped. Although I don't agree totally with all the issues covered in the following article, I believe they need to be addressed and I would like to submit for the RECORD the following by Dr. Gurmit Singh Aulakh, president of the Council of Khalistan:

BACKGROUND REPORT ON INDIA, THE UNITED STATES, THE U.S.S.R., AND THE SIKHS

People seem to have forgotten that India and the Soviet Union have a treaty of Peace, Friendship and Cooperation in force which was signed on August 9, 1971, of which Article 9 reads:

"Each of the high contracting parties undertakes to refrain from giving any assistance to any third party taking part in an armed conflict with the other party. In case any of the parties is attacked or threatened with attack the high contracting parties will immediately start mutual consultations with a view to eliminating this threat and taking appropriate measures to ensure peace and security for their countries."

Perhaps this treaty explains why India has supported the Soviet invasion of Afghanistan on the grounds of "external interference" (presumably American) in that country. In fact, the growing Indo-Soviet military and political alliance has gone well beyond the text of the treaty. India has:

Voted against the United States at the U.N. 94 percent of the time, a voting record which is even more hostile to the U.S. than that of the U.S.S.R. India was instrumental in preventing U.N. consideration of human rights abuses in Cuba.

While receiving over $1 billion in U.S. aid since 1982, India has turned some of this aid around to our declared enemies in this hemisphere by pledging $10.4 million to the Sandinista regime in Nicaragua. President Daniel Ortega honored Prime Minister Rajiv Gandhi, as he has Fidel Castro and other leaders, with Nicaragua's highest award, the Order of Augusto Cesar Sandino.

Bought Cuban sugar-cane and turned this also around by selling Cuban sugar to the United States, thus circumventing the U.S. embargo against Cuba.

Taken over the strategically located deep-water port of Trincomalee in Sri Lanka. The Indo-Sri Lanka agreement of July 29, 1987 states that: "Trincomalee or any other ports in Sri Lanka will not be made available for military use by any country in a manner prejudicial to India's interests."

According to India's special relationship with the USSR and their treaty, however, we can expect Trincomalee to be open to Soviet warships and closed to American ones. Indian troops invaded northern Sri Lanka in 1987 in order to help quell the rebellion of the Tamil Tigers of Eelam. It is an open secret, on the other hand, that India trained and supplied some of the Tamil guerrillas in the first place.

As a symbol of Indo-Soviet friendship, erected a statue to Vladimir Lenin in New Delhi's Nehru Park. Gandhi extolled Lenin as a "visionary revolutionary" and "a towering figure of history" who "outlined new horizons for humanity," and called the current Soviet leader Mikhail Gorbachev, "the great and dynamic leader of a great and friendly country."

Has relied almost entirely on Soviet aid and cooperation for its military strength. Eighty percent of India's armaments are either bought from the Soviet Union or built in India under Soviet license. This includes the Soviet T-72 battle tank, one of the best in the world. The U.S.S.R. supplies India with the advanced MIG-29 "Fulcrum" fighter with look-down, shoot-down radar, which it does not entrust even to its Warsaw Pact allies facing NATO forces in Europe. India has been promised Soviet AWACs-type planes and recently took delivery of a nuclear-powered submarine, the first of a projected three. It has been identified as a Charlie 1 sub armed with 14 torpedoes and short-range cruise missiles which can be fired submerged. As is well known, India possesses nuclear weapons. Rowland Evans and Robert Novak wrote in a February 1, 1988, column that the Soviet fleet, with one base at Aden, another at Camranh Bay in South Vietnam and a third at Trincomalee, thanks to India, in the Indian Ocean, "* * * has given nightmares to Pentagon planners."

India has a grave internal human rights problem. Amnesty International has called attention to the massive abuse of human rights in regard to the Sikhs of the Punjab. Thousands of innocent Sikhs were slaughtered during and after the attack on their holiest religious shrine, the Golden Temple at Amritsar, on June 6, 1984. Repressions against the Sikhs continue. These include inprisonment without trial, the shooting of suspects, staged "encounters," torture and killings. The Punjab, about the size of South Carolina, is occupied by some 200,000 Indian para-military troops. The area has been sealed off to foreign visitors. Not only journalists are prohibited from entering, but even U.S. congressmen, some of whom have recently tried to investigate the situation for themselves. At the same time, the Indian government conducts a massive propaganda and disinformation campaign using Soviet-style "active measures" in an effort to portray Sikhs primarily as "terrorists" to world public opinion. Dispatches issued by Indian government and press agencies with a New Delhi dateline are often mindlessly repeated in the western press. Thus, we nearly always hear the Indian government version of the story and almost never that of the Sikhs.

Most of India's 16 million Sikhs live in the Punjab. Although they make up only about 2 percent of the total population, the Sikhs produce 73 percent of India's wheat reserve, 48 percent of the rice reserve, and account for 26 percent of India's Gross National Product. Twenty-five percent of the officer corps in India's armed forces are Sikhs. Their fighting prowess has been legendary since colonial days. The only troops the Pakistanis truly feared during their wars against India were the Sikh regiments.

The Punjab has always been the home of the Sikhs and belongs to the Sikhs. The Sikhs ruled the Punjab from 1770 to 1849 when they were conquered by the British.

When the Indian sub-continent achieved independence from Great Britain in 1947, three nations were recognized: the Muslims, the Hindus and the Sikhs. The Muslims got Pakistan, the Hindus got India and the Sikhs opted to join India with their share on the solemn assurance of Mahatma Gandhi and Jawaharlal Nehru that the Sikhs would have equal rights in India. Mahatma Gandhi promised India will not pass any laws which would not be acceptable to the Sikhs and Nehru declared that he did not see anything wrong in a state in northern India where the Sikhs could have their "glow of freedom." The promises of Gandhi and Nehru were never kept.

The Sikhs are a deeply religious people, neither Hindu nor Moslem. Their religion is monotheistic, fundamentally non-nationalistic, believing all the human race as one, and built on the tenets of hospitality to strangers and sharing with one's neighbors. The caste system of the Hindus does not exist among the Sikhs. The Sikhs are traditionalistic and conservative by nature with a strong work ethic. This, to a great extent, accounts for their success. It may also account for a certain jealousy among their neighbors on the Indian sub-continent.

Promises made as India was gaining independence remain unfulfilled in the Punjab today. Racial, political and economic discrimination has mounted instead. Water supplies needed for the irrigation of crops were diverted away from the Punjab to other areas. Sikh farmers were not given a fair price for their crops. The Punjab was split into three small states under the old colonial principle of "divide and rule." Finally, all vestiges of autonomy disappeared with the imposition of direct rule from New Delhi. As a result, the movement for greater independence gained momentum. There are now strong separatist sentiments, fueled by the massacre at the Golden Temple, subsequent massacres of Sikhs throughout India and the continuing violent repressions which Rajiv Gandhi calls his "iron fist" policy. All this has culminated in a call for a new, free and independent nation called Khalistan. Indeed, on October 7, 1987, an eleven-member Council of Khalistan was formed and declared in Amritsar. Five of its members were living abroad and six in the Punjab. One of them has been killed and the life expectancy of the remaining five in India is currently estimated at six months. Dr. Gurmit Singh Aulakh, a medical research scientist who has worked at Harvard University and at the National Institute of Health and who is a U.S. citizen, was nominated President of the Council of Khalistan.

The growing Soviet-Indian alliance (despite India's claim to be a non-aligned nation) and the potentially explosive situation in the Punjab, pose a number of very important questions which the United States must sooner or later confront. Slowly but surely, Americans are becoming aware of the situation and its inherent dangers. In their recent column Evans and Novak disclose India's ambitions of becoming (with Soviet help) a "regional superpower." They find this "* * * highly disturbing for U.S. and Western security beyond the Persian Gulf." In November 1987, Congressman Robert Dornan of California introduced an amendment in the House which read:

"Foreign assistance may not be provided to any country which has in effect a Treaty of Friendship and Cooperation with the Soviet Union, except to the extent that the President determines that such assistance is in the national interest of the United States."

Although U.S. aid to India continues, Congress last year cut this aid by $15 million. This can be interpreted as a beginning of a reassessment of American attitudes towards India and as a warning. An increasing number of members of Congress are disturbed by the human rights abuses against the Sikhs and are expressing sympathy for their plight. On June 2, 1987 a Special Order of Congress focused on this. Congressman Norman Shumway of California stated in the House:

"When you consider this long history of oppression, it is easy to understand why many Sikhs today support the creation of Khalistan, an independent Sikh nation in the Punjab region, as the only hope for a peaceful future." Congressman Shumway continued: "In my opinion the time has come for the Sikhs, and indeed the international community, to focus on India's unfulfilled promises to the Sikhs in the Punjab and to challenge Rajiv Gandhi's claim to be a man of peace and democracy."

The growing concern among U.S. legislators is bi-partisan and goes across the political spectrum. On August 5, 1987, seventeen members of Congress from both parties addressed a letter to the U.S. Ambassador to the United Nations, Vernon Walters, spelling out, point by point, "the continuing disregard and systematic abuse of the most fundamental rights by the government of India," and calling on the ambassador to raise the issue at the United Nations.

In October last year, the National Republican Heritage Groups Council passed a strong resolution at its annual convention which said:

"A free Sikh homeland should be established: human rights and civil liberties of the Sikh people should be restored. Punjab should be open to the international media. Desecration of Sikh temples must be stopped. The universally-recognized principle of the right to self-determination, which inspired Mahatma Gandhi to bring independence to India itself, should be recognized and accorded to the Sikh population by the Indian government."

That same month, on October 14, and on the eve of Rajiv Gandhi's visit to the United States, 18 members of Congress wrote to President Ronald Reagan asking him to raise three major areas of "grave" concern with the Indian Prime Minister: "increasing nuclear proliferation in the region, suppression of human rights in the Punjab and India's increased dependency on Soviet guidance in areas of foreign policy." A second letter, signed by 23 members of Congress, stressing the "political and religious violence against the Sikhs and quoting the Amnesty International report of 1987, was sent to the President on the following day.

In December 1987, Congressman Dan Burton of Indian introduced an amendment in the House which called for: "the return to home rule in the Punjab, while guaranteeing religious freedom and respect for the human rights of all the people of India."

On February 17, 1988, Congressman Bernard Dwyer of New Jersey made a strong statement in the House on behalf of the Sikhs. "Clearly, the state of events in the Punjab is no 'internal matter,' " he said:

"The turmoil in the Punjab is increasingly causing tensions between India and its neighbors. American interests for peace in south Asia are vital. We cannot allow for clashes there to become an excuse for further Soviet intervention in the region."

In the best interests of the United States and the free world, all of the above should be considered in our future relations with India. One day, India's alarming internal and external policies and attitudes could spill over and assume geo-strategic importance. If India continues on its present course of a stealthy alliance with the Soviet Union and promoting a creeping communism in South Asia and elsewhere, it might find itself on a collision course with the Sikhs of the Punjab. Their proud traditions, their religion, their work ethic, make the Sikhs natural opponents of communism and natural allies of the United States so long as America remains the last bastion of freedom. Due to their great potential economic and military strength, they could serve as a human barrier and could neutralize almost overnight any joint Indo-Soviet strategic ambitions. In the event of a communist conflagration on the Indian sub-continent, the Sikhs could mobilize 800,000 well-trained and highly capable fighting men, defending yet another frontier of the free world.

It must be assumed that the Soviet invasion of Afghanistan in 1979 was a step towards achieving an age-old ambition—access to the warm waters of the Indian Ocean and the Persian Gulf. India is the only so-called "democratic" nation which continues to justify this invasion. At present, Soviet intentions are not clear. They may genuinely withdraw, effect a temporary withdrawal or a phoney withdrawal. But they cannot be expected to abandon altogether their ultimate ambition and leave without a trace. Perhaps if this ambition cannot be realized for the time being militarily, it can be achieved politically. India has already rendered considerable political help to the U.S.S.R. and appears willing to do so in the future. For more than eight years of the Afghan war, the United States has had only two friends in the region: Pakistan and the Afghan freedom fighters who depend on American support. If the United States plays its cards wisely and with foresight today, it could have another friend—the Sikhs. Due to their fight for liberty at home the Sikhs have joined the freedom fighters of the world.

In light of the above, it is my belief that the United States should weigh all the facts and give serious consideration to recognizing a free and independent Khalistan. Due to the tragic events of the past and a natural desire of all people to be masters of their own destiny, I believe that the movement towards an independent Khalistan is now irreversible. It is only a question of time America should not wait until it is too late.

The United States should, at the very least, support the idea of a referendum in the Punjab. In his statement of February 17 Congressman Dwyer urged the U.S. administration: "to convey to the Indian government the need to renounce violence and find an early, democratic solution." He continued:

"We have heard for a long time that seperatists are extremists. Perhaps it is time to test that theory with a test of the popular will."

The Sikhs always remember their friends. If the United States help to free the Sikh homeland, Khalistan, the Sikhs will be eternally grateful to the American people.

As for the Indian government, if it is the democracy it claims to be, and if it keeps to its own solemn promises, it would not hesitate in allowing a referendum to take place. Until and unless it does so, India will continue to demonstrate to the rest of the world that it is not the world's largest democracy, but the world's largest hypocrisy.

NAMIBIA INDEPENDENCE

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. DYMALLY. Mr. Speaker, during 3 days last week, the World Council of Churches held a conference here on Capitol Hill to talk about the situation in Namibia. The conferees heard from a number of persons who gave moving accounts of the brutal repression of the Namibian people by South Africa. For over 20 years, South Africa has illegally occupied Namibia, in defiance of the United Nations and the international community.

The United States is signatory to U.N. Security Council Resolution 435, which calls for the withdrawal of South African troops and free and fair elections. Recently I introduced House Resolution 131, which sets out the guidelines for United States policy toward Namibia. Mr. Speaker, I wish to share with my colleagues the closing report of the World Council of Churches. It is a document I urge them to read:

REPORT OF THE WORLD COUNCIL OF CHURCHES WASHINGTON HEARINGS ON NAMIBIA, MAY 2-4, 1988

PART I.—INTRODUCTION

May 4, 1988 marks the tenth anniversary of the Kassinga massacre, in which South African troops killed more than 600 Namibian refugees, mostly women and children. This year also marks the tenth anniversary of U.N. Resolution 435 demanding an end to South Africa's illegal occupation of Namibia and U.N.-supervised elections for an independent Namibia.

For Namibians, their colonial history has been both traumatic and tragic, beginning with German colonization in 1884. In 1919, the League of Nations mandated Namibia to South Africa with the expectation that South Africa would prepare the colony for eventual self-determination and independence. In 1966 the United Nations terminated South Africa's mandate over Namibia and assumed the trust responsibility itself. In the intervening years, however, South Africa has continued to brutalize Namibia's people, deplete the country's natural resources, and has refused to end its illegal occupation. In spite of mounting violence, the people of Namibia have continued to maintain their self-respect and dignity.

In 1971 leaders of Namibian churches sent an open letter to the Prime Minister of South Africa deploring racial discrimination and demanding that South Africa end its illegal occupation of Namibia. Since that time, the black church has been a consistent prophetic voice in Namibia.

In May 1987 the liberation movements of Southern Africa met in an historic dialogue with international church leaders in Lusaka, Zambia. The Lusaka participants called for the churches and the international community to affirm the inalienable right of the people of Namibia and South Africa to pursue justice and peace through liberation movements. While remaining committed to peaceful change, the participants recognized that, because of the nature of the South African regime, the use of force could be a legitimate means to remove injustice and oppression. They also recognized the need for unity of purpose and action among those concerned with the process of liberation in the region. They covenanted together to move from resolution to action.

Recognizing the criminal nature of South Africa's illegal occupation of Namibia, under which people are routinely brutalized, slaughtered and dehumanized, the WCC adopted the Lusaka Statement as its own. The WCC directed its Program to Combat Racism to implement a series of actions in support of the Namibian people, of which the Washington hearings were one.

The specific objectives of the hearings were: (1) to focus world attention on the issue of Namibia; (2) to make the world aware of the urgency of achieving Namiban independence; (3) to recommend to the WCC actions that governments and the churches of the world might take to achieve the immediate independence of Namibia; and (4) to call on the United States and other Western nations to fully support the U.N.'s efforts to implement UNR 435.

PART II.—WHAT WE HAVE HEARD

South Africa's illegal occupation of Namibia must be dealt with as an issue in its own right and must not wait for the eradication of apartheid in South Africa.

The struggle against the violation of human rights imposed by apartheid and the struggle for the independence of Namibia is a matter of faith for the churches. Absolute evil cannot be reformed. Therefore, apartheid must be totally uprooted and the illegal occupation of Namibia ended.

We need to listen to the plight of the oppressed. In Namibia, those people are the communion of believers. The communion is women who have been raped, young people who have been tear-gassed and rubber-bulleted, the sick and the lame who have been killed, the families who have been destroyed, and those traumatized by continuous fear.

Rather than continuing to approach governments, churches need to confront governments.

Any form of support for the racist South African government is itself racism.

The strength of the church is found in its very powerlessness. The church takes its direction from God, not from human law. God gives the church the resources necessary to face each situation. We have not yet encountered in Namibia a situation in which we despair. We have been to the mountaintop and have seen the Promised Land. We do not fear death as the struggle continues because victory is ours.

We know we will have to pay a big price, but there is such dignity and honor in paying the price that it keeps us going.

Namibian people ask if the reason for Western reluctance to act decisively against South Africa's illegal occupation of Namibia is found in racism. Would the West react differently if Namibia were an essentially white nation colonized by a minority black regime? Would the Western media's conspiracy of silence on Namibia exist in such a situation?

South Africa is one to the most brutal regimes in the world. The terrorism exercised by the South African government upon its own people and its neighbors represents the most vicious form of terrorism found anywhere. If we believe that terrorism has made the world unsafe, we need to mark the terrorism of the South African government, which endangers the life and freedom of us all.

South Africa has 100,000 troops in Namibia, one soldier for every 15 Namibians. An equivalent occupation force in the United Kingdom would be 4 million soldiers and, in the United States, 16 million.

Women, children, the elderly and the sick are the main victims of the terrorist South African regime because they cannot easily run away. Our children are stolen from the schools, indoctrinated by the army and then sent home to spy on their families. Our women are forcibly injected with contraceptives to limit the number of children born and to gradually eliminate our people. Our schools and hospitals are bombed and our villages overrun and destroyed. In killing our children, they are destroying the future of our country. This is genocide and it cannot be tolerated.

For nine years, most of the Namibian people have lived under a dusk to dawn curfew. They are prevented from leaving their homes to seek medical attention in emergencies, even for the birth of a child.

The moral fabric of the nation is being seriously undermined as the occupation regime sows the seeds of confusion among the youth. Young men have been forcibly conscripted into the South African army. Their religious beliefs have been destroyed, and they have become drug abusers, rapists and sadists. Many are led by pseudo-religious propaganda and have lost a sense of direction about who they are.

"Our children are SWAPO. The people are SWAPO, and the people are the church."

SWAPO's vision for an independent Namibia is a democratic state with freedom of the press, freedom of assembly, equal access for all citizens to quality education and competent health care, economic policies that benefit all citizens, and a policy of positive neutrality and non-alignment.

SWAPO is willing to accept from any nation genuine assistance aimed at ending the exploitation of the people by South Africa.

The illegal occupation of Namibia has been facilitated by Namibians who have collaborated with South Africa and have been traitors to the cause of a free Namibia. Yet SWAPO is willing to accommodate those people in a free Namibia and forgive their misguided behavior.

The self-interest of the United States will be best served by the U.S. totally alienating itself from the system of apartheid and from the people who perpetuate it.

The U.S. policy of linking Cuban troop withdrawal to the independence of Namibia has become a major obstacle to the implementation of Resolution 435 and has made the U.S. a partner in the perpetuation of apartheid and the death it causes.

The United Nations is the legal guardian of the rights of the Namibian people. However, because of the unwillingness of some Western nations to support the U.N.'s authority and efforts to fulfill its responsibilities, the programs of the U.N. including the Council for Namibia, have been undermined.

How can a person who has never spoken a word of concern for the children dying daily be taken seriously when he speaks about a concern for the black suffering that will result from sanctions? Our only concern should be to end the suffering we are already experiencing. Without sanctions, this suffering will be prolonged as long as South Africa wants.

Until the costs outweigh the benefits, South Africa will continue to maintain its illegal occupation of Namibia. Comprehensive sanctions, both economic and political, may be the last non-violent option available to bring about an independent Namibia.

Transnational corporation, which own 90-95 percent of the mining industry and significant portions of the agriculture and fishing industries, are depleting Namibia of its natural resources. Western nations, particularly the United States, Great Britain, West Germany, France and Japan, are profiting from this destruction.

International law makes it illegal for any person or corporation to exploit Namibia's natural resources without the permission of the U.N. Council for Namibia. Governments, such as the United States, that either exploit those resources themselves or allow corporations based in their countries to do so violate international law. If they tax the profits of such corporations, those governments are condoning and profiting from an illegal act.

PART III.—RECOMMENDATIONS

The WCC should call upon the governments of the world to:

1. Support by all means necessary the U.N.'s efforts to exercise its mandate as guardian of the rights of the Namibian people and its efforts to implement U.N. Resolution 435. While remaining committed to non-violent methods for change, governments should recognize that, in addition to the resistance of the Namibian people, the international use of force may be necessary to remove the terrorist South African regime from Namibia.

2. Adhere to U.N. Decree Number 1, which makes it illegal to exploit Namibia's natural resources without U.N. approval.

3. Provide all necessary forms of support to SWAPO in its struggle to end the illegal occupation of Namibia by South Africa and in its efforts to prepare Namibians to lead a free and democratic Namibia.

4. Cooperate in the implementation of mandatory, comprehensive political, diplomatic and economic sanctions against South Africa.

5. Guarantee the Namibian people the resources necessary to develop social, economic and political security once independence is achieved.

6. Cease linking the freedom of Namibia to external issues.

7. Increase humanitarian support for Namibian refugees in the frontline states.

The WCC should call upon the United States in particular to:

1. Make the immediate independence of Namibia under U.N. Resolution 435 a priority for U.S. foreign policy.

2. Disassociate itself completely from the system of apartheid and from the racist South African government that perpetuates it through the enactment into U.S. law of comprehensive political, diplomatic, economic and social sanctions against South Africa.

3. Increase its funding to all U.N. programs directed toward the achievement of U.N. Resolution 435.

4. Cease linking the freedom of Namibia to external issues.

The WCC should call upon the United Nations Security Council and the General Assembly to:

1. Take necessary measures to ensure that the Commissioner for Namibia and the Council for Namibia exercise their responsibilities on-site in Namibia in spite of South Africa's intransigence.

2. Exercise its right to call for mandatory, comprehensive sanctions against South Africa.

3. Offer to all Namibians wishing to travel abroad a U.N. sponsored Namibian passport.

4. Cause the membership of the Council for Namibia to reflect the distribution of power within the U.N.

5. Direct all U.N. agencies to take a special interest in Namibia within the parameters of their authorities.

The WCC should call upon its member churches to:

1. Continue in solidarity with the people of Namibia through regular prayers, material support and on-site accompaniment of the Namibian people.

2. Declare May 4 as an annual day of remembrance for Namibia until Namibia is free.

3. Raise the issue of Namibia to a high level of consciousness among the people of each nation through all possible means.

The WCC itself should make Namibia a priority concern, directing all program units to cooperate in the development of a comprehensive program to reflect that priority.

Panel members included: His Excellency Olusegun Obasanjo, Chair person, Nigeria; Mrs. Lisbeth Palme, Sweden; Mr. Howard Cooke, Jamaica; and the Reverend Karl Mau, U.S.A.

THE TOURISM INDUSTRY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. PACKARD. Mr. Speaker, I rise today in support of one of our Nation's fastest growing industries. In 1986, it was second only to health services in the amount of employment generated in the United States, 6.4 percent of our GNP was due to this important industry. In my State of California alone, it was responsible for $34 billion worth of expenditures.

Is this industry manufacturing? No. Is this industry agriculture? No. This industry is tourism, a $260-billion economic miracle. In celebration of the enormous importance of tourism to the United States. And to my home State of California, I would like to invite all Members to join with me in supporting "National Tourism Week" on May 15–21, 1988.

It is important we remember the influence travel and tourism has on this country. In 1987, foreign visitors consumed an amount of beef equivalent to all the cattle in Utah. If you were to take the amount of sausages consumed by foreign travelers, it would stretch from Washington, DC, to Bangkok, Thailand. In 1987, foreign tourists consumed over 28 million chickens, 24 million pounds of cheese, and 27 million gallons of ice cream. We should be proud to support "National Tourism Week", and proud so many choose to visit our great Nation.

STATUS OF BANKING LEGISLATION AND LITIGATION

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. MORRISON of Connecticut. Mr. Speaker, I appreciate this opportunity to inform my colleagues the legislative situation that exists with respect to various bills introduced in the House to repeal or substantially modify the Glass-Steagall Act's separation of commercial and investment banking, and the relationship those proposals bear to litigation of great importance now pending before the Supreme Court.

The House Committee on Banking, Finance and Urban Affairs has seven bills pending before it which if enacted would grant banks and banking organizations increased securities powers. The staff, pursuant to the direction of Chairman ST GERMAIN, has drafted and circulated among the committee members a committee print embodying various provisions of these proposals in an effort to find a consensus that would enable the committee to report a bill. Because of the highly complex and controversial nature of the issue, however, this is not an easy task and a second committee print is now being drafted. This is not surprising in view of the fact that bills to give banks additional securities powers have been introduced in the House for many years but none have been enacted.

The Supreme Court litigation to which I have referred is in the form of a petition to review a decision of the U.S. Court of Appeals for the Second Circuit in the case known as Securities Industry Association versus Board of Governors of the Federal Reserve System, et al. Last year the Board authorized Citicorp and other large financial center banking organizations to engage, through a securities affiliate, in underwriting and dealing in municipal bonds, mortgage and consumer-related securities, commercial paper and Government securities. Prior to this Board order all except Government securities had been deemed "ineligible securities" for banks and bank affiliates, this is securities they could not underwrite or deal in as principal. The Board's order was based upon an interpretation of section 20 of the Glass-Steagall Act which prohibits banks from affiliating with firms that are "engaged principally" in underwriting and dealing in securities. The applicants agreed to limit the total revenue the securities affiliate would derive from doing business in ineligible securities to 10 percent of its entire revenues. The remainder of the affiliate's revenues would come from underwriting and dealing in Government securities, a business Glass-Steagall permits banks to engage in. Notwithstanding the fact that this formula would allow the applicant banking organizations to do a volume of business in ineligible securities greater than that of all but the largest investment firms the applications were approved by a 3 to 2 vote. The implementation of the order was stayed, however, to allow the Securities Industry Association to appeal to the U.S. Court of Appeals for the Second Circuit. That Court affirmed the Board's order this past February, but the stay remains in effect pending the decision of the Supreme Court on the association's petition for review of the case.

Frankly, I hope the Supreme Court will not decline to grant review on the assumption that this Congress will enact legislation resolving the issues in the case. While this is what we should and perhaps can do, realistically speaking, the enactment of banking legislation in this Congress is very uncertain. There may not be more than 50 legislative days remaining, and even if our committee succeeds in reporting a bill within the next few weeks the probability is that the Committee on Energy and Commerce will seek referral to the extent any such bill affects legislation under its jurisdiction. Following that the bill must go to the Rules Committee, and a conference with the Senate undoubtedly will be required.

The question of whether banks or banking organizations should be granted increased securities powers is most assuredly one that should be decided by the Congress, but if we are unable to do so in this term of the Congress, then hopefully the Supreme Court will tell us whether the Board's decision in Citicorp, et al, is consistent with the intent of the Congress that passed the Glass-Steagal Act in 1933.

BETTER HEARING AND SPEECH MONTH

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. TALLON. Mr. Speaker, this is Better Hearing and Speech Month. This is a time for all Americans to appreciate the ability to communicate as well as a time to reach out to those who cannot.

Three out of every one hundred school children are affected by hearing impairments. In addition, over one-quarter of the Nation's senior citizens suffer from some hearing loss. However, if the problem is appropriately diagnosed, medical and surgical treatment, hearing aids, and rehabilitation can contribute to better communication skills.

More than 24 million Americans must live with hearing and speech impairments. While these physical impairments might range from slight to severe, their effect on an individual's life often causes isolation and loneliness.

This month is the perfect opportunity for all Americans to learn about these problems and to take efforts to eliminate the communication difficulties associated with hearing and speech impairments.

In the Sixth District of South Carolina, several educational initiatives are being taken this month to bring this problem to the attention of the public. For example, the Pee Dee Speech and Hearing Center is conducting free hearing, speech, and language screenings at several locations in the district. Local civic organizations, such as the Sertoma Club, are also organizing instructional and screening clinics.

These organizations are to be congratulated for their commitment to easing the frustrations associated with the Nation's No. 1 handicapping disorder—speech and hearing impairments. I encourage all Americans to support these efforts with their time, patience, and understanding during May.

THE ARMY AND NAVY CLUB OF WASHINGTON CHANGE OF COMMAND CEREMONY

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. BENNETT. Mr. Speaker, with other Members of the Congress, I am a member of the Army and Navy Club of Washington, DC. This famous club, founded in 1885, recently completed rebuilding its clubhouse on Farragut Square and on June 7, 1987, opened its new facilities.

On January 12, 1988, President Ronald Reagan participated in the ceremonies formally dedicating the new clubhouse.

Subsequently, on April 20, 1988, of the annual meeting of the club members, the club's president, Brig. Gen. James D. Hittle, USMC (Ret), completed 5 years as president and passed the presidency to Maj. Gen. Donald S. Dawson, USAF (Ret). General Hittle, incidentally, had served as president of the club longer than any other president in the club's 103 years of existence. During his tenure, he ably directed the club's rebuilding project.

General Dawson, who assumed the presidency paid tribute to his predecessor, General Hittle, for the leadership and hard work. In appreciation for his services to the club, its board of governors has designated General Hittle president emeritus.

General Dawson's eloquent and well-deserved tribute to his predecessor is, I believe, most appropriate, and I insert these comments at this point for the RECORD:

REMARKS OF MAJ. GEN. DONALD S. DAWSON

As vice president during General Hittle's five years of outstanding service, as president of the Army and Navy Club I have been happy to bask in the reflected glory of his shining success in guiding our fortunes in the building of this great new Army and Navy Club House and setting the course for our future operations.

But now my time has come—and I want to express in no uncertain terms my praise publicly for Don Hittle.

I shall be everlastingly proud to have been on his team.

It gave me the opportunity to see at first hand,

The genius,

The creativity,

The wisdom,

The unselfishness,

The continual hours of hard work for five years crowned by the results that were inevitable under his leadership.

Someone has said "if you wanted the Pentagon moved a foot in any direction, the man most likely to accomplish it—by the following day—would be Don Hittle.

I have taken many guests through our club from the Architect of the Capitol to Clem Conger, who directed the furnishing of the White House and the diplomatic receptions rooms of the Department of State—and the man who lives in the White House and I have never once heard anything but praise for what has been accomplished here.

Thanks to Don Hittle.

Remember that our beloved old building was totally taken apart until only the two street walls were left intact without any interior support.

Three additional floors were excavated below grade and four added on top. Everything structurally is new, but the beautiful original paneling of the last of the native American chestnut from the old lounge was restored even more beautifully than before.

With the Paxton allegorical Army and Navy murals still lovingly looking down on us as they did in the days gone by, and the gracious columns from the old dining room now in our new grand ballroom reminding us of other happy days past—and of others to come.

Thanks to Don Hittle.

And something new has been added—we now have in addition to the George Washington and the John Paul Jones rooms—

A Marine Corps room and an Air Force room.

The Iwo Jima and Hap Arnold rooms, and a new health facility complete with squash courts—for our Tarzans and our Janes.

And much, more more—thanks to Don Hittle.

I cannot begin to tell you in this short time of the careful attention that was given every detail from moving out to moving back.

The eagle eye of the Marine saw it all, knew what had to be done, and did it.

Old furniture sold or restored and much of it was because it was found to be solid mahogany of old time quality.

New furniture, interior decoration, planning, acquisition, and installing a totally new kitchen and all the accoutrements of the finest dining service.

Thanks to Don Hittle.

Our collection of military art, paintings, prints, all restored to pristine condition and sculpture added to by Felix De Weldon creator of the immortal Iwo Jima Monument, who gave many of his masterpieces—the busts of our commanders in chief—Truman and Eisenhower, the message to Garcia—among them—all are the envy of everyone interested in history and art—they are irreplaceable treasures.

Thanks to Don Hittle.

And when it was all done and the day of final accounting came there was a remaining bill of $252,000 against us, but which, as you have been told, was settled—not by the club paying $252,000, but by the club being paid $25,000, due not only to the superb negotiation skill of our president, but because our records, our accounting and everything to do with the building had been kept meticulously with nothing left to chance.

Thanks to Don Hittle.

In calling attention to all of these accomplishments—and there is much, much more—I am fully mindful of the prodigious work that former presidents did to make all this possible.

Colonel James McGee, president 1975–1976 is with us and I ask that he stand for recognition and our applause.

Without their vision—without their ideas and steadfast support, we would not be here today.

I say to all of them—"may the future be as bright as you have made the past."

I am also fully conscious of the prodigious work done by the officers—the various committees, their chairmen and our members.

Our general manager, Mr. Charles Graham, must be singled out for distinction especially so, because of the outstandingly successful reciprocity program he organized with other clubs—during the period of restoration.

And the work—hard work of every member of our staff which provides the backbone of all we accomplish. Their support cannot be over-valued.

All of this was climaxed when the invitation of the Army and Navy president to our Commander in Chief—the President of the United States—Ronald W. Reagan—was accepted to dedicate the new building—the new vigor—the new spirit of our club—the Army and Navy Club—in its second century—building on the glory traditions of the past.

As our fellow club member, the former Secretary of the Air Force, Gene Zuckert, said to President Hittle, after that wonderful ceremony, at which President Reagan spoke so feelingly—"Don there is nothing left for you now but to die and go to Heaven."

That Heaven—Don—tonight is in the gratitude and good wishes all of us feel in our hearts for you.

Whereas these past few years have been occupied with building and justifiably and gloriously so, we must concentrate our efforts this coming year to service to our members, club activities, and the perpetuation of the traditions that have made this club what it is.

And that will be a job for everyone of us to pitch into!

It is sometimes said when a great leader is moving on—that he leaves big shoes to fill.

I say thank God for those big shoes tonight—without them we wouldn't be here.

The man who filled them made all this possible, but he also gave us the challenge to go forward and to continue to build—to serve our members so that in the year and the years ahead—we will be able to look Don Hittle in the eye and say "sir, the club is secure—we have kept the faith."

STATEMENT OF PATRICIA WORTHY, CHAIRMAN OF THE DISTRICT OF COLUMBIA PUBLIC SERVICE COMMISSION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. MARKEY. Mr. Speaker, for the benefit of my colleagues, I would like to insert into the RECORD the statement of Ms. Patricia Worthy, chairman of the District of Columbia Public Service Commission. Ms. Worthy testified before the Subcommittee on Telecommunications and Finance on April 20, 1988. Her remarks are vital to the debate on allowing the Regional Bell Operating Companies to enter the information services marketplace.

The statement follows:

STATEMENT OF PATRICIA WORTHY, CHAIRMAN OF THE DISTRICT OF COLUMBIA PUBLIC SERVICE COMMISSION

Ms. WORTHY. Mr. Chairman, I want to first thank you and the members of the Subcommittee for the opportunity to appear before you this afternoon to discuss Judge Greene's recent March 7th decision as it relates to information services and the regional holding companies.

I would request, given the amount of time this Committee has already given to the subject today, that my full remarks be incorporated into the record, and I will just highlight for you briefly some matters that I had wanted to raise in my testimony. I am too excited however, about hearing these most interesting comments of the former panel and I would be remiss if I did not attempt to at least respond to a few things that they said that I thought was most interesting.

With regard to NARUC, the full Communications Committee, which I am vice chairman of, has not had an opportunity to meet since the March 7th decision, so that I cannot say that we have had an opportunity to analyze the opinion, but I will say this. The state regulators have reviewed what has been happening in Judge Greene's court rather carefully, and have indicated that if in fact the Judge is going to lift any of the restrictions on the BOCs that it be done with the assurance of some additional safeguards, so that we can monitor what is happening at the state level.

Judge Greene has made it very clear in both his September 10th decision and his March 7th orders, that the role of the antitrust court is really very different from the role of state regulators. We are concerned with universal service, affordable rates, nondiscriminatory rates, and cross-subsidization issues. Judge Greene is dealing with the competitive marketplace. Though he indicates a tremendous concern for consumers, he indicates that he is not concerned, that it is not his primary goal, to be concerned with price gauging and universal service.

He said where the anti-trust court can render decisions that are compatible, fine, but if there is a conflict, then the anti-trust laws are the laws that he is obligated to uphold. I agree that the judge is absolutely correct. Our rules are very different.

But as a result of the fact that our rules are very different, the state commissions are faced with very serious concerns, and it is more serious now, given the judge's decision to allow the companies to embark in information services areas that they were prohibited from doing before, because of the recent activity of the FCC.

The FCC, as you know, in its *Computer* decisions has finally taken us to the point where state commissions are pre-empted from regulating enhanced service providers, the provision by BOCs of enhanced services. We have also been precluded from instituting safeguards we might want to impose. We have now been precluded from imposing separate subsidiary requirements on the BOCs. We have been precluded from enforcing any kinds of safeguards other than those the FCC deems to be appropriate, and that is, as you know, the ONA, CEI provisions to eliminate discrimination and the Part 64 or cost allocation manuals to protect against cross-subsidization.

The fact, Mr. Chairman, that the FCC commissioners can sleep nights, given the statement that they think that ONA, CEI and Part 64 is going to protect ratepayers from cross-subsidization and discrimination in my opinion is unbelievable.

First of all, the cost allocation or accounting procedures that the FCC now embraces so warmly are the very cost allocation procedures in Computer II that they rejected. They said it was in no way possible to determine and safeguard against cross-subsidization by cost allocation or accounting methods.

For some unbelievable reason, they have changed their mind, but the fact is still the same. The state regulators are not comfortable with purely and only cost allocation procedures for determining whether or not there is cross-subsidization.

But most interesting is that the FCC admits that it does not have the capability in terms of staff resources, to carry out the auditing and monitoring function of the accounting procedures that they have put in place and have indicated that they are going to give this responsibility to the Big 8 accounting firms. However, the FCC would not even have the wherewithal to read—in fact, any report in its completion that the Big 8 firms would issue with regard to the regional holding companies. They not only don't have the staff, but I don't think they have the inclination, and more importantly, they have not made it clear that this information that is going to be developed during these audits will be available to the state regulators. In fact, when that question is posed, they just smile and do not answer.

With regard to ONA, Mr. Chairman, let me just say this to you. The comment about the waste of trees, I think, is accurate, and fair. I have reviewed the ONA filings myself, personally. I think the problem, Mr. Chairman, is not the BOCs. I think what has happened is the FCC was sold a story, that there was technology out there that would allow for a type of departmentalization or breaking up of the network that would allow for these BSEs, or as U.S. West used to call them—primitives, that would allow for utilization of the network in such a way to avoid discrimination.

In reality, Mr. Chairman, the technology is not there. So if the technology is not there, then ONA plans should not be approved, and I would suggest to you, Mr. Chairman, that this Committee would be very, I think, encouraged by the state regulators to insist that the FCC not approve ONA plans but instead require the BOCs to continue to go through the CEI process for all enhanced services that they want to provide until technology is out there and they can provide to the other enhanced service providers the access to the network contemplated by ONA.

Well, I've talked about the FCC, which I love to do. I've told you that there is nothing in place to provide safeguards. I have told you that the FCC has pre-empted the states. We have sued them. We are in the Ninth Circuit and hopefully we will prevail. If we do not prevail, Mr. Chairman, then all I can say to this Congress is that no matter what the BOCs tell you they want, and no matter what they say in terms of the future of this country in terms of information services, and that how poorly we stand next to France or anyone else, that the bottom line is going to be whether or not your constituents should be allowed to be abused with regard to cross-subsidization, whether or not customers of BOCs who are other enhanced service providers or information service providers should be given the responsibility of having to litigate before Judge Green or any other court anti-trust violations, or whether or not this Congress is going to, before they allow any other freedoms to the BOCs, to ensure that safeguards are in place that the states feel comfortable with, so that they can protect your constituents, and that would be the highlights of my comments, Mr. Chairman.

AWARD OF DISTINGUISHED SERVICE AWARD TO REPRESENTATIVE DON BONKER

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. PEPPER. Mr. Speaker, I rise today to bring to the attention of our colleagues in the House an honor that was bestowed upon our distinguished friend and colleague, Representative DON BONKER.

Mr. BONKER, together with Senator ALAN CRANSTON, was recently awarded the American Association of Homes for the Aging's [AAHA] Distinguished Service Award. AAHA, the national organization for not-for-profit nursing homes, retirement homes, and other types of housing for the elderly, honored Mr. BONKER and Senator CRANSTON for their commitment and leadership in advocating for the housing needs of the poor and the elderly.

As you know, DON BONKER has fought hard on behalf of the elderly throughout his 14 years in Congress. As chairman of the Aging Committee's Subcommittee on Housing and Consumer Interests, he has repeatedly brought to our attention a wide variety of issues of great importance to the elderly. In particular, he has championed the need for maintaining our commitment to the production of federally assisted housing for older Americans. DON BONKER has been the House's leading advocate for congregate housing programs, which link housing with health and social services to enable older Americans disabled to remain in their homes and not be forced into nursing homes when they become frail.

Rather than describing Representative BONKER'S list of accomplishments related to housing, I would like to share with our colleagues the words that AAHA used in giving him their Distinguished Service Award. The following statement was made by Mr. Jaak Juhkenthal, an AAHA member from Washington State, at their recent award ceremony here in Washington, DC:

DISTINGUISHED SERVICE AWARD TO CONGRESSMAN DON BONKER

On behalf of the American Association of Homes for the Aging, it is a great honor for me to present our association's Distinguished Service Award to Congressman Don Bonker. The Distinguished Service Award honors a national leader who has provided extraordinary service to the elderly citizens of this country—service that has had a significant impact on the total field of care to the aging.

Some background on our distinguished guest is indeed appropriate.

Congressman Don Bonker is serving his 7th term in Congress from the Third District of Washington State. First elected in 1974, Representative Bonker has gained stature and seniority as a member of the Foreign Affairs Committee as well as the Select Committee on Aging.

As a member of the Foreign Affairs Committee, he specializes in trade and international economic issues, and has worked to promote U.S. exports as a means of economic recovery, both in the Northwest and nationwide.

As a member of the Select Committee on Aging, he has served as chairman of the Subcommittee on Housing and Consumer Interest. He has served as a tireless advocate on issues of Social Security, health care, and housing programs for older citizens.

It is especially appropriate for us to honor Congressman Bonker in this housing policy forum this morning.

During the first session of the 100th Congress, Congressman Bonker worked with other members of the Aging Committee to improve the funding levels and provisions for aging programs in both the housing authorization bill and the housing appropriations bill. Representative Bonker worked successfully with the members of the Appropriations Committee to increase the number of section 202 units, as well as increase funding for the Congregate Housing Services Program.

Representative Bonker achieved a major goal last year, when Congress made the Congregate Housing Services Program a permanent program, with the passage of the first free-standing housing reauthorization bill since 1981. As part of his subcommittee's on-going oversight of the Congregate Housing Services Program, Chairman Bonker conducted a series of hearings and issued a report on the great benefits that Congregate Housing Services provide to older Americans who are "aging in place."

In addition to these new activities, Congressman Bonker is currently spear-heading efforts to examine the growing crisis regarding the lack of affordable and adequate housing for low-income older Americans. He has shown special concern over the potential loss of low-income housing units due to prepayment of mortgages by private owners and the expiration of contracts which subsidize the rent of low-income tenants. Congressman Bonker has held hearings on the prepayment issue, and is actively exploring the potential for legislative solutions to this growing problem.

In addition to his work on housing, Congressman Bonker has had a great interest in providing for the health care needs for the elderly. At the beginning of the 100th Congress, he introduced H.R. 784, the Supplementary Medical Insurance Improvement Act of 1987. This bill was designed to fill gaps in benefits resulting from Medicare's failure to provide full catastrophic insurance protection for older people. It is interesting to note that many of the provisions of his legislation have been incorporated into the Medicare Catastrophic Protection Act which is currently being considered by the Joint Senate/House Conference Committee. Clearly Congressman Bonker's efforts have helped to highlight the growing need for a Comprehensive Long-Term Care Program for our older citizens.

Congressman Bonker has worked diligently to improve programs under the Older Americans Act; has been an advocate for improved legislation for the elderly homeless; and has initiated a wide variety of oversight proceedings to protect the rights of the elderly in a wide variety of consumer activities.

Congressman Bonker, it is indeed an honor for us to bestow upon you our association's Distinguished Service Award. We appreciate your work on behalf of our Nation's elderly and your friendship with the American Association of Homes for the Aging. We look forward to a continued strong relationship with you.

LEGISLATION INTRODUCED TO TRANSFER BRIDGE ADMINISTRATION PROGRAM FROM COAST GUARD TO CORPS OF ENGINEERS

HON. EARL HUTTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. HUTTO. Mr. Speaker, as chairman of the Subcommittee on Coast Guard and Navigation, I am today introducing legislation that will transfer the administration of bridges and causeways over navigable waters from the Secretary of Transportation to the Secretary of the Army.

Joining me as original cosponsors of this legislation are the gentleman from North Carolina, Mr. JONES, chairman of the Committee on Merchant Marine and Fisheries; the gentleman from Michigan, Mr. DAVIS, ranking minority member of both the Committee on Merchant Marine and Fisheries and the Subcommittee on Coast Guard and Navigation; the gentleman from California, Mr. ANDERSON, chairman of the Committee on Public Works and Transportation and a long-time member of the Merchant Marine and Fisheries Committee; the gentleman from Arkansas, Mr. HAMMERSCHMIDT, ranking minority member of the Committee on Public Works and Transportation; the gentleman from New York, Mr. NOWAK, chairman of the Subcommittee on Water Resources; and the gentleman from Minnesota, Mr. STANGELAND, ranking minority member of the Subcommittee on Water Resources.

More specifically, the bill we are introducing today will transfer bridge administration from the Coast Guard to the Army Corps of Engineers, from which the function was transferred at the time of the creation of the Department of Transportation in 1967.

This legislation also provides for the incidental transfer from the Federal Highway Administration to the Army Corps of Engineers of jurisdiction over approval of the location and plans of privately owned highway toll bridges when State highway departments fail to agree on such location and plans.

This bill has been prepared by the Coast Guard with the concurrence of the Army Corps of Engineers. The purpose of the transfer is to simplify bridge administration for both the Government and the public.

There is no attempt in this bill to recodify present bridge statutes. Recodification of these statutes would be a complex and controversial process that would make it difficult to accomplish this transfer of authority within a reasonable period.

There are limited personnel and budgetary implications associated with this transfer. There will be a permanent transfer of 55 positions from the Coast Guard to the Army Corps of Engineers, at an estimated one-time cost of $611,000. Upon transfer of the program, funds allocated to the Coast Guard Bridge Program will be reallocated to the Army Corps of Engineers, without a change in the amount of permanent funding.

Mr. Speaker, the administration supports the transfer of this program back to the Corps of Engineers, and we hope that approval of this legislation can be expedited in the short time remaining before Congress adjourns for the year.

FIGHTING GANGS AND DRUGS WITH JOBS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. DYMALLY. Mr. Speaker, as we face the dilemma of the drug and gang war in this country, I call to the attention of my colleagues and the administration a success story in the midst of what is reputed to be this Nation's leading gang activity area.

Mr. Baxter Sinclair, a Los Angeles business man, found himself faced with having to incoporate the elements of Los Angeles' most notorious gangs into his business and was pleasantly surprised.

He offered the former group members, responsibility, wages, and opportunity. In return for his investment, he was rewarded with about 20 gang members who are reformed now.

In one instance, Mr. Sinclair has helped to transform one of Los Angeles' oldest gang member into a supervisor and informal counselor.

No, he has not reformed each and every individual gone astray. However, he has found an effective way to combat our latest national crisis. The message to Mr. Reagan is: "The way to combat drugs and gangs are decent jobs!"

JOHN L. SALTER—AN APPRECIATION

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. FOLEY. Mr. Speaker, I would like to submit for the record the remarks of Helen Jackson, widow of the late Senator Henry J. "Scoop" Jackson of Washington State, at the funeral service of John Salter on April 21, 1988. In submitting Mrs. Jackson's eloquent comments, I would like to add my own brief observations on a man—John L. Salter of Seattle—whose passing marks the end of a political era in Washington State.

John Salter was a childhood friend, longtime administrative assistant, and chief political adviser to the late Senator Henry M. Jackson. For more than two decades they formed a rare team combining the Senator's idealism and John's pragmatism—a duo which left its mark on Washington State, the Halls of Congress, and the Nation. The Democrats among us will not soon forget the personal energies they both devoted in 1964 to transforming Washington State's congressional delegation from six Republicans and one Democrat to five Democrats and two Republicans—a ratio that closely parellels the current delegation. It was a partisan transformation with a bipartisan attitude toward State and regional issues.

Until his retirement and decision to join the private sector, John's wit and humor, along with his political judgment and ability to see things as they were, provided all those who knew him with lasting memories and gratitude for this help. John's assistance to me was a family affair—my wife, Heather, got her first job on Capital Hill from him.

The work of a public servant is frequently shrouded by the mantle of anonymity. While John's contributions to the larger American public may dim with the passage of time, such will not be the case in Washington State where his loyalty, judgment, and wit will long be remembered.

REMARKS OF HELEN JACKSON AT THE FUNERAL SERVICE OF JOHN SALTER, APRIL 21, 1988

John Salter was the quintessential Democrat, Possessing a keen understanding of human nature, a sharp wit, realistic view of the world as it is rather than as it should be, John was the politican's politician.

He and Scoop were a good team, forming a perfect combination of earnest Norwegian work ethic and Irish street-smart politics. The ideals of one needed the practicality of the other. Driven by their dedication to serving others, their careers in public service were inextricably intertwined.

Growing up in Everett, they were such close friends that in 1938 John abandoned his studies for the priesthood to manage Scoop's campaign for Snohomish County Presecutor. So successful was the election that two years later they teamed up for Scoop's race for the U.S. House of Representatives. A far more challenging experience, compaigning in the 2nd District was difficult, long and lonely. Most of the candidate's time was spent shaking hands with dairy farmers in Skagit County, courting the vote of the wood choppers' union or attending concerts of the Norwegian male chorus. Then one day he was summoned by John to "get down here right away. There are 20,000 people in a tent, and you can be introduced." A bit skeptical but trusting his manager's political acumen, Scoop hastened to north King County and the waiting multitude. He was even more skeptical when he arrived and learned the event was an Oral Robert's revival meeting. Nevertheless, Oral not only introduced Scoop, but gave him his blessing. His victory was assured, but without John, his election to Congress would not have been possible.

Together they made that first trip back to Washington, D.C. Arriving at Union Station, they asked where the Capitol was located only to be told it was right in front of them.

As an Administrative Assistant, John saw to it that the Congressional office ran smoothly, that constituents' problems were resolved, that political contacts were maintained, and that the staff worked together in harmony, thereby freeing Scoop to master the complicated political processes of government. This teamwork continued into the Senate years.

After the nomination of John F. Kennedy to the presidency, Scoop accepted the chairmanship of the Democratic National Committee with the stipulation that John became the Executive Director of the DNC. It was a job for which Salter was especially well-suited, with his natural talent of bringing together diverse factions of the party and persuading them to work together as a team.

He did such a good job that in 1961 President Kennedy appointed him Associate Director of the Agency for International Development. The President needed John's political expertise to obtain Congressional support for the restructuring of the foreign aid program, a task John successfully accomplished. In 1963 he returned to Seattle to start a political public relations and consulting business.

One wonders what qualities are the prerequisites of a life dedicated to public service. Surely, a certain amount of idealism tempered with realism is required as well as unstinting loyalty to a candidate and tireless devotion to a cause. John not only had these characteristics, he added a special bonding agent of his own: a sense of humor. When his friends get together, as we will after this service, the discussion is not a somber recitation of his accomplishments—though they are many—but an exchange of wonderful stories exemplifying his dry wit. The number of these stories continues to grow. My favorite occurred when John lay gravely ill in the hospital following a stroke, unable to communicate with anyone. Bettye visited him daily, and despite his lack of response, would read to him or tell him the latest news of family and friends. Her efforts were unfailingly met with silence. One day she happened to mention that due to John's long absence from his daily luncheons at Rosellini's 410, Victor had assigned his regular table to some of the Democratic cronies. Bettye expected no reply, but after several minutes, a single word was audible as he answered, "Peasants!"

When Scoop and I were married, John was a member of our wedding party. I always suspected it was he who wryly observed, "It must be true love or Scoop would never have married a girl from a state with so few electoral votes."

We all loved these stories; but even as we laughed, we knew that beneath the protective veneer of ascerbic wit, lay a warm and sentimental Irish heart. I first realized this that day the Scoop and I were married. As we stood at the altar, I looked over at John, our best man, and realized, with a start, that he was crying. The tough pol was a softy after all.

Scoop always depended on John's political judgment, and John's loyalty to Scoop continued throughout his life. As many of you remember, he attended the gala, commemorating Scoop's birthday last May. The delight he radiated as he was greeted by the members of the Congressional delegation, life-long friends from Everett, and Democratic stalwarts was evident to us all. In the years ahead, we shall continue to retell the stories about John and remember the humor, the biting wit, and the underlying element of compassion disguised as cynicism that was uniquely his own. Our memory of him will continue to enrich our lives and bring us joy.

During the coming Presidential election, when our eyes glaze over with boredom, let us recount to each other stories of that great team, Salter and Jackson, and recall those halcyon days when politics was fun. After, all doesn't John deserve the last laugh?

THE YEAR OF THE YOUNG READER

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Ms. OAKAR. Mr. Speaker, today, I, along with several of my colleagues from both sides of the aisle, are introducing a resolution to designate 1989 as "The Year of the Young Reader." This Library of Congress initiative urges our Nation to focus attention on encouraging a love of books and reading among our young people.

Promotion of "1989—The Year of the Young Reader," a joint effort of the Center for the Book and the Children's Literature Center in the Library of Congress, has already begun. Organizations and corporations that already have agreed to participate include: the American Library Association, the Association of Booksellers for Children, CBS Television, the Children's Book Council, the International Reading Association, NBC Television, Pizza Hut, and Reading is Fundamental, Inc.

Moreover, the 15 State centers for the book, each affiliated with the Center for the Book in the Library of Congress, will use the theme. The 15 centers are in California, Connecticut, Florida, Illinois, Indiana, Iowa, Kansas, Michigan, my own State of Ohio, Oklahoma, Oregon, Upper Midwest—Minnesota, North Dakota, South Dakota—Texas, Virginia, and Wisconsin. It is anticipated that two new State centers, Arizona and Colorado, will be established later this year; they also will sponsor activities in 1989 aimed at giving our children and young adults the gift, the joy, and the promise of reading.

Mr. Speaker, developing children into readers today is the best way of ensuring a literate and informed citizenry tomorrow. If we are to become a nation of readers, we must encourage organizations now fighting illiteracy for persons of all ages, enlist the help of more individuals and groups, and increase awareness of the importance of books and reading throughout the country. A joint resolution of Congress would greatly strengthen this national effort for our young readers.

Mr. Speaker, I had the distinct opportunity of introducing legislation during the 99th Congress, that declared 1987 as "The Year of the Reader," drawing attention to adult illiteracy in this country. Many of my colleagues cosponsored that legislation, and I hope that during this Congress, they will think about adding their name to this worthwhile legislation.

AN OUTSTANDING CITY MANAGER

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. FAZIO. Mr. Speaker, I rise today to salute an individual that I have the utmost respect for, Mr. B. Gale Wilson. In 1956, at the age of 26, Mr. Wilson was appointed city manager of Fairfield, CA. Prior to his appointment, Mr. Wilson served 2 years as the Buena Park, CA, city manager. For 32 years, a tenure considered remarkable for city managers, Mr. Wilson has diligently served Fairfield and established a relationship of trust and mutual respect with each of the city's 14 mayors and 23 council members that have served during this time.

While he retired this month, Mr. Wilson's long tenure is a testament to his skills as an efficient administrator, an innovator, and as a planner with a good sense of future needs. These skills have been put to excellent use as he successfully guided Fairfield from a small town of less than 11,000 to the commercial center of Solano County with more than 73,000 residents. He has recruited large successful corporations and small businesses to the area which has brought jobs and prosperity to the region.

Besides managing the city matters for Fairfield for 32 years, Mr. Wilson has been very active in local community organizations, including service on the North Bay Healthcare Corp. Board and the California State Commission on Peace Officer Standards and Training. Named the "Public Administrator of the Year" in 1975 by Brigham Young University Institute of Public Management, Mr. Wilson has received numerous awards and honors during his career including recognition from the International City Management Association and the League of California Cities.

I know that Fairfield has been very fortunate to have an administrator of Mr. Wilson's ability directing the city for 32 years, and I hope that future city managers will use his career as a textbook lesson of a successful city administrator.

TRIBUTE TO MR. JIMMY LYLES

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. ORTIZ. Mr. Speaker, I rise today in order to pay tribute to an individual whose tremendous dedication and hard work have resulted in innumerable benefits for the citizens of my congressional district. I speak of Mr. Jimmy Lyles who for more than 10 years served as the president of the Chamber of Commerce in Corpus Christi, TX.

It would be difficult to overstate the enormous contributions Mr. Lyles has made to the entire Corpus Christi community. During his tenure as president, his selfless commitment and inspired leadership have aided in the economic development of Corpus Christi in countless ways. Jimmy's foresight and ability to convince others to work together toward a common goal have made him a vital force for positive change and progress.

Perhaps his greatest achievement was his crucial role in securing the designation of Corpus Christi as a site for the U.S. Navy Strategic Homeporting Program. Under this plan, the U.S.S. *Wisconsin* battleship, the U.S.S. *Lexington* training aircraft carrier, and several support ships will be permanently stationed at the Ingleside homeport site in Corpus Christi Bay. Jimmy was among the first to realize the enormous economic potential of attracting such a project to Corpus Christi. He played a major and indispensable part in spearheading a communitywide effort to convince the Navy, Federal and State officials, and local residents of the many advantages and benefits of bringing homeporting to the Corpus Christi area. And today we are already beginning to reap the benefits of his forethought and determination as construction begins on Naval Station Ingleside.

While homeport may be the most obvious and recent accomplishment in which Jimmy Lyles has had a hand, we must be sure to remember that many other important projects and programs owe their existence largely to his devoted efforts. Jimmy helped to establish the Junior Leadership Program, which involves high school students in leadership roles in the community; the Corpus Christi Area Economic Development Corp.; Leadership Corpus Christi, which helps area residents to become community leaders; and the Crime Stoppers Program to mention just a few. From the most significant far-reaching plans to the smallest details, Jimmy's energetic commitment to developing the enormous potential of our "Shining city by the Sea" has been a source of inspiration to leaders throughout south Texas.

And so, while all of us who care deeply about the future of Corpus Christi are saddened by his departure, we must at the same time be thankful that we were able to benefit from Jimmy Lyles' many abilities and talents for so long. It is my sincere hope that all of us can learn from Jimmy's example and the lessons he has taught us. Among these is the principle that it is vital to have an understanding of the future needs and aspirations of our community, and to put aside our differences and work together to achieve those important ambitions.

Thus, as Jimmy Lyles moves on to new challenges and new horizons I believe I can speak for all who have had the good fortune to work with him when I say that our very best wishes and profound thanks and affection go with him.

SOLOMON, STRATTON LEAD TRIBUTE TO WRGB-TV

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. SOLOMON. Mr. Speaker, after WRGB (Channel 6) in Schenectady, NY, began the first television program in the world in 1928, it didn't rest on its laurels, but continued to be a broadcasting pioneer with a long list of firsts.

Mr. Speaker, that is why my good friend SAM STRATTON of Schenectady and I hope this House will join us in paying tribute to "America's Television Station."

By 1928, a General Electric electronics wizard, Dr. E.F.W. Alexanderson, had been working for 2 years in Schenectady to develop what today we cannot imagine living without—television. Alexanderson's invention, a large, clumsy mechanical device with a perforated "rotating scanning disc" and tiny screen, would give way to the electronic picture tube of today.

The first television program was broadcast in Dr. Alexanderson's home at 1132 Adams Road in Schenectady on January 13, 1928. On May 10, 1928, the first regular television program schedule began twice a day, 3 days a week, with the world's first televised newscasts. Station Manager Kolin Hager read farm and weather reports.

That August, Gov. Al Smith announced his acceptance of the democratic nomination for President of the United states, broadcast live from the capital in Albany.

The following month saw the first dramatic presentation, carried into four area homes equipped with 3-inch screens.

The thirties was a period of bold innovation, with the first public demonstration of a large screen, a 7-foot picture projected on stage at Proctor's Theatre in Schenectady. Long-distance television experiments astounded the scientific world, including a broadcast from Schenectady to Berlin, and a roundtrip transmission of a rectangular object from Schenectady to Australia and back again. This was 50 years before satellites were commonplace.

With a complete and more regular schedule, WRGB is said to have introduced modern television on November 6, 1929.

Not even World War II stopped experimentation at WRGB. When the war ended, the manufacturing of sets and transmitters resumed. The commercial potential of television was becoming clear to everyone. Between 1945 and 1948, the number of sets in the Albany-Schenectady-Troy area increased from 300 to 1,919.

By the fifties, WRGB was broadcasting 18 hours of programming each week day. That decade also gave us color television and other technical changes. In 1957, WRGB moved to its present location in Niskayuna.

More recently, WRGB introduced the area's first 1-hour newscasts, and in 1981, became the first station in the market to provide programming 24 hours a day. Ownership of WRGB changed hands from General Electric to Universal Communications Corp. in 1983, and to Freedom Newspapers, Inc. in 1986.

Today, WRGB is recognized as the country's pioneer television station. Locally, WRGB is recognized as a leader in community service, synonymous throughout the capital district, and indeed the great Northeast, for civic spirit and communications excellence.

Mr. Speaker, WRGB will celebrate its 60th anniversary on May 26. Please join SAM STRATTON and me in saluting this pioneer of the television industry, and in wishing many more decades of success, progress, and innovation.

A SALUTE TO BILLY LEONARD, FRESNO AND MADERA COUNTIES' LABOR LEADER OF THE YEAR

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. LEHMAN of California. Mr. Speaker, today, I rise before the House to honor and commend Mr. Billy R. Leonard, Fresno and Madera Counties' "Labor Leader of the Year." Mr. Leonard, a long time participant in organized labor, is an appropriate recipient of this award.

A native of Oklahoma, Mr. Leonard moved to the Fresno area with his family in 1948. His long history of efforts for labor interests began in 1951 when he joined the Laborers' International Union Local 294. Mr. Leonard was a member of the Teamsters Union from 1954 to 1959 and became field representative for local 294 in 1978, serving in this capacity until 1987. He is currently serving as business manager for local 294.

Billy Leonard's contributions to the protection and promotion of worker interests and rights is extensive. He is currently president of the Fresno, Madera, Kings, Tulare Counties Building Trades Council, is on the Executive Board of the Fresno-Madera Central Labor Council, and is a member of the Northern California District Council of Laborers. Mr. Leonard also serves on the negotiating committee of the 46 counties Northern California District Council of Laborers.

Mr. Leonard's positive attitude, hard work, and rapport with his colleagues have played a fundamental role in local union cohesiveness and influence on issues of importance to labor. His leadership qualities, however, are not limited to the labor arena. His contributions to the Korean war effort earned him 2 bronze stars and a silver star for bravery. In addition, he has been influential in recruiting efforts of union members for local projects to which he is committed; namely, the Meux Home historical restoration project and Fresno's Ronald McDonald House.

I ask my colleagues in the House to join me in congratulating Billy Leonard for his recent distinction and wish him the best as he continues his efforts for labor and the communities of the Fresno and Madera area.

LEGISLATION TO PROTECT OUR NATION'S LOBSTER FISHERY

HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. BRENNAN. Mr. Speaker, today my colleague, OLYMPIA J. SNOWE and I are introducing legislation to protect our Nation's lobster fishery.

The lobster fishery is an important natural resource. Nationwide, the value of lobster landings totaled $133 million in 1987.

In my own State of Maine, the lobster fishery supports an industry that does more than provide a vital source of income to the State. Lobstermen embody values that we cherish—self-reliance, hard work, and an understanding of our natural resources.

The lobster fishermen understand better than anyone the importance of protecting the fishery on which they rely.

The lobster fishery is currently managed under the American lobster fishery management plan, in which lobstering States regulate harvesting in coordination with the Federal Government.

To preserve the health of this fishery, the management plan has enacted a series of increases in the minimum size. The first increase took effect this year, and further increases are scheduled for 1989, 1990, and 1991.

The plan requires coordination between lobstering States and the Federal Government. Although this coordination has not always been easy to achieve, the current schedule of size increases has received widespread support.

Maine, Massachusetts, and Rhode Island have mandated the increases within the 3-mile coastal limits under their jurisdiction, and the Federal Government has followed suit in the offshore zone. New Hampshire and Connecticut are expected to pass similar measures.

But the management plan is in serious jeopardy.

Similar minimum size increases have not been enacted in Canada, which currently supplies about half of the lobsters sold in the United States.

About 10 percent of imported lobsters are estimated to be below the Federal minimum size. As the minimum size increases, the number of imports below minimum size is expected to increase to 30 percent.

The availability of these undersized lobsters could seriously undermine the American lobster fishery management plan.

American lobstermen cannot compete effectively in a market that is open to foreign, undersized imports.

Recently representatives of the Maine lobster industry met with me and the other Members of the Maine Congressional Delegation. They told us that the American lobster fishery management plan is in danger.

They told us that unless the problem of undersized Canadian imports is addressed, opposition to the management plan will rise. This opposition could lead to the repeal of the plan at the State level.

We cannot afford to allow undersized imports to destroy a vital management plan that we have worked so hard to achieve.

The measure Congresswoman SNOWE and I are introducing would prohibit the import of undersized or egg-bearing lobsters, or the parts of such lobsters. It would require an annual study by the National Marine Fisheries Service on the effect of the availability of undersized lobsters on the American lobster fishery management plan.

Maine's lobstermen do not want to tell anyone else their business.

All they want—and the industry is united on this—is fair play from the Canadians.

IN MEMORY OF JAMES E. OLSON, CHAIRMAN AND CEO OF AT&T

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. RITTER. Mr. Speaker, on April 18 of this year, Jim Olson, chairman and CEO of

AT&T died at the age of 62. With his passing, American business, indeed America, lost one of its visionary leaders. Jim Olson was my friend and my own life and career were enriched by his actions and his example.

As the representative of the Lehigh Valley of Pennsylvania, which is the home of AT&T's Bell Labs, AT&T Technology Systems and the soon to be completed Solid State Technology Center and a member of the House Telecommunications and Finance Subcommittee, I worked closely with Jim on a number of issues. His down-to-earth, man-of-the-people persona mixed with his grasp of high-technology telecommunications issues made Jim a force to be reckoned with in the information age.

It was that force which Jim brought to the troubled times following divestiture and which gained recognition as one of America's top business leaders.

Jim was an example of the great American dream, literally working his way from the bottom up. A barber's son from Devil's Lake, ND., he started in the telephone and telecommunications business since 1943 when he was hired as a splicer's helper with the Northwestern Bell Telephone Co. in Grand Forks, ND. Twenty-three years later, Jim had moved through the ranks of the Company to become a vice president, and general manager in its Iowa area. He was transferred to Indiana Bell as vice president operations, in 1970, and became president of that company 2 years later.

In 1974, he assumed the presidency of Illinois Bell, and in 1977, became executive vice president of AT&T headquarters in New York City. He was made president and chief operating officer in June 1985, after serving as vice chairman of the board since 1979.

In his 20-month tenure, Jim had many challenges as the first chairman and CEO in the post-divestiture era. He reshaped AT&T by improving its core business of long-distance service and phone equipment. He got its computer business into the black and increased its overseas revenues. And he used his powerful personality to bring about these changes through cooperation, not confrontation.

Jim never did lose the common touch. In an era when total commitment to quality is essential to competitiveness, Jim Olson's AT&T was out front.

Jim instilled AT&T employees with a fighting spirit and left the company strong, both financially and strategically. Through his leadership, the company is perfectly positioned in growing fields of technology, such as wide-area networking and distributed network intelligence.

Jim Olson will be missed. I will miss him. People who knew him will miss his "short-sleeve" management style and the fervor he displayed for the beliefs he held. And, America and the world will miss his leadership efforts to fulfill the vision for the information age.

SALUTE TO THE PRESBYTERIAN CHURCH AT FRANKLIN LAKES ON THE DEDICATION OF ITS NEW BUILDING

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. ROE. Mr. Speaker, it is with great pride that I rise today to salute a great house of worship in my Eighth Congressional District of New Jersey which, for nearly three decades, has not only served as a beacon of faith to countless numbers of our people in the greater northern New Jersey area, but also as a pillar of service to the community.

I am speaking of the Presbyterian Church at Franklin Lakes, NJ, which will be marking a truly historic occasion on Sunday, May 15. On that day, Mr. Speaker, Pastor John F. Lohr and his parishioners will dedicate their completely renovated church and, in so doing, celebrate a bright new beginning for this outstanding congregation.

Since 1960, when this fine congregation formed and signed its charter, the Presbyterian Church at Franklin Lakes has been devoted to serving those in need in the greater Bergen-Passaic area, and has touched the lives of too many people to count. In the words of Pastor Lohr, who recently wrote to me:

> We are very excited about the completion of our completely renovated church building * * * this has been a transforming time in the life of our church and we look forward to being able to reach out in new ways to our community. Our mission has always included a concern for the needs of the residents of the City of Paterson.

Mr. Speaker, this renovation was begun in June 1987, and caused the congregation's displacement for nearly a year, but it was a hardship I know all will have considered most worth while, for it will allow the church to serve its worshippers and the community even more effectively than in the past.

This is the first renovation of the church since it was originally built in 1968. Ideas for its reconstruction were developed from a church growth study headed by Elder Suzanne Ross. Recommendations included replacing flat roofs over the library and sanctuary with peaked ones and raising the Narthex. The renovation also includes new carpeting, new wall covering and a new organ.

I would also like to commend, in highest terms, the hard work supplied by the planning committees of the congregation as well as the designing advice of Commercial Interiors of Franklin Lakes and the architectural skill of Albin Rothe of Ramsey. These combined efforts serve not only to renew the building, but also the pride of all those who participate in the church and its activities.

Mr. Speaker, I invite you and my colleagues to join me in saluting and congratulating the Presbyterian Church at Franklin Lakes on its new home, a home that I know will allow it to continue to be a vital part of its community, State, and Nation.

H.R. 4150, A BILL TO RESTORE THE POSTAL SERVICE TO OFF-BUDGET

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. FORD of Michigan. Mr. Speaker, I want to report that over 300 Members of the House have cosponsored H.R. 4150, a bill to restore the Postal Service to off-budget status.

The bill today was approved for full committee consideration by the Subcommittee on Postal Operations and Services, chaired by MICKEY LELAND. It will come before the full committee tommorrow.

I want to commend Congressman LELAND for the speedy way he has proceeded with this important legislation.

The bill is aimed at halting the kind of political interference that has led to the cancellation or deferment of more than 700 badly needed construction projects.

The Postal Service, which has received no appropriations for operating costs since 1982, is not a part of the budget problem because it pays its own way and therefore should not be forced to help solve the fiscal crisis at the expense of postal customers.

I introduced the off-budget legislation last March to return the Postal Service to the position it enjoyed before fiscal year 1986. It would ensure that receipts and disbursements no longer would be counted for the purpose of determining the Federal deficit.

ENHANCEMENT OF LOBSTER CONSERVATION LAWS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Ms. SNOWE. Mr. Speaker, today the Maine congressional delegation is introducing very important legislation to improve the conservation management of lobsters sold in the U.S. marketplace. This legislation will assure that imported lobsters will also be required to meet domestic conservation policies.

Lobster conservation laws in Maine and other New England States, combined with policies under the Federal American Lobster Fishery Management Plan, are currently working well to preserve the proper conservation of the lobster species. The minimum size standard helps to assure that the lobster stocks are not depleted to the point of endangering the vitality of the species in future decades.

Unfortunately, however, through a loophole in the law, imported lobsters, originating primarily from Canada, have been shipped into this country without the requirement that they meet U.S. conservation standards. As a result, a quantity of these imports are subminimum size. Egg-bearing and "scrubbed" (where the eggs have already been physically removed) lobsters, which are also restricted by U.S. policies, are allowed entry as well for sale in the U.S. marketplace.

This legislation, which is similar to a bill introduced by Congressman McKernan in 1985, requires that imported lobsters and lobster parts meet our Federal minimum size standards. Thus, for entry purposes, lobsters would be required to meet the standards as outlined in the American Lobster Fishery Management Plan, implemented under title III of the Magnuson Fishery Conservation and Management Act.

Our lobster industry in Maine believes strongly that the conservation efforts they are living by are a lot less effective than would otherwise be the case if the imports were held to the same conservation standards. Maine fishermen have always been supportive of conservation measures that are fairly directed at assuring the future vitality of fish stocks. By keeping imported lobsters to the same standards our industry lives by, we will establish a greater degree of fairness to this important resources conservation effort.

I wish to also emphasize that no prohibition for entry or competition in the U.S. market would be created by this legislation. Dealers and pound owners throughout New England actually depend on lobster imports to meet market demand from December through June every year.

I believe this bill makes a sensible and perfecting improvement to our lobster conservation policy; I urge my colleagues in the House to support its enactment.

THANK YOU, LT. COL. JOHN HAY

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. McEWEN. Mr. Speaker, this week Lt. Col. John Hay is retiring after 30 years of faithful and dedicated service in the U.S. Army. It has been my privilege to know Colonel Hay during his assignment with the Army Liaison Office at the U.S. House of Representatives. During his tenure on Capitol Hill, the Congress has asked much of him, and Colonel Hay has always met or exceeded our requests. In my view, his service record is a shining example to all junior officers.

Throughout his Army career, Colonel Hay has been supported by his wife, Sue. They have three beautiful children, Suzy, John and Matt, and three precious grandchildren.

Mr. Speaker, Colonel Hay and his wife have served America well. They have provided an outstanding example of selflessness, dedicated service, and love of country to countless young men and women over the past 30 years. I ask my colleagues to join with me in expressing our thanks and appreciation to John and Sue Hay. We wish them God speed in the years to come.

The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 10, 1988.

Lt. Col. JOHN F. HAY,
House Liaison Division, Office of Legislative Liaison, Office of the Secretary of the Army, Washington, DC.

DEAR COLONEL HAY: For the past 30 years you have served our Nation with distinction as both an enlisted man and an officer in the U.S. Army. I don't want your retirement from the Army to pass without taking this opportunity to express my personal appreciation for the many kindnesses and courtesies which you have extended to my staff and me.

Colonel Hay, I would also like to say a special "thank you." Thank you for your years of service to our Nation. Thank you for your years away from home. Thank you for your service in the Texas National Guard, in the Special forces, in the Rangers, and in the Infantry. Thank you for your years of service as a Military Policeman. Thank you for your dedication to duty, honor, and country during times of war and peace. Above all, thank you for being a soldier's soldier.

The Congress has asked much of you over the years, and you have always met or exceeded our requests. Upon your retirement, please know that all you have done for the Army, the Congress, and our Nation is recognized, and deeply appreciated.

With warmest personal regards,

Sincerely,

BOB McEWEN,
Member of Congress.

THE ANTI-DEFAMATION LEAGUE HONORS CHARLES "CHUCK" T. MANATT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. WAXMAN. Mr. Speaker, on May 25, 1988, 75 years of effort and commitment to human rights shall be celebrated at a gala dinner dance in Beverly Hills. I am pleased that the distinguished honoree for the Jurisprudence Award of the Legal Division of the Anti-Defamation League is my good friend, Charles "Chuck" T. Manatt.

Concurrent with Chuck's extensive legal business and political responsibilities, Chuck has always made time to give his energy, resources and knowledge to a variety of civic and community-oriented endeavors. In the recent past, he has served on the board of the Los Angeles Performing Arts Council; as chairman of the board of counselors of the University of Southern California School of Public Administration; and on the board of governors of the UCLA Foundation. In addition, he serves as a board member of the Los Angeles Council of Boy Scouts and the World Affairs Council.

Born in Chicago and raised in Iowa, Chuck received a B.S. degree from Iowa State University, as well as a J.D. degree from George Washington University Law School. He began a law practice specializing in the field of banking law. The firm which he now heads has over 100 attorneys in its Los Angeles and Washington, DC offices. Chuck also co-founded the First Los Angeles Bank and has served as chairman of the board since its inception. He served as president of the California Bankers Association 1979-80 and on the Government Relations Council and American Bankers Association Council.

Chuck currently serves on the boards of directors of Tiger International Corp. and General Telephone Co. of California. He is a member in good standing of the Los Angeles County, San Fernando Valley, Federal, and American Bar Associations, and the Washington, DC and California Bars. He also serves on the board of directors of the National Endowment for Democracy.

Chuck has devoted himself and his boundless talents to the political process. He has held many prominent positions in the political arena, including chairman of the California/Southern California Democratic Party, 1971-77; chairman of the Western States Conference Democratic Party, 1972-76; Democratic Party National Committeeman, 1976-present; chairman of the National Finance Council of the Party, 1978-81; and chairman of the Democratic National Committee, 1981-85.

Charles "Chuck" T. Manatt is married to the former Kathleen Klinkefus, with whom he has had three children.

The Anti-Defamation League has, for the past 75 years, striven to secure justice and fair treatment for all Americans. Chuck Manatt is certainly a most deserving individual who exemplifies the noble ideals and goals for which the ADL was founded.

I ask the Speaker and all my esteemed colleagues in the House of Representatives to join me in saluting Charles "Chuck" T. Manatt on this most auspicious occasion, and in wishing him and members of the ADL continued success in their efforts on behalf of human rights.

APPEAL TO ISRAELI PRIME MINISTER ON BEHALF OF MUBARAK AWAD

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. BROWN of California. Mr. Speaker, as a Member of Congress concerned over the security of the State of Israel, I rise to express my opposition to the decision of Prime Minister Yitzhak Shamir to expel Mubarak Awad. Mr. Awad was born in Jerusalem and became a United States citizen after attending college in the United States. In 1983 Mr. Awad returned to Jerusalem where he founded the Palestinian Center for the Study of Nonviolence, in addition to running a counseling program for parents, teachers, and students on the West Bank. Mr. Awad's most notable characteristic, however, is his belief in nonviolent political expression as a means of protesting Israel's continued occupation of the West Bank and Gaza Strip. Mr. Awad has sought to apply the nonviolent philosopy of Mahatma Gandhi and the Reverend Martin Luther King, Jr., to the volatile realm of Israeli-Palestinian relations.

Last week, Israeli authorities served Mr. Awad with a deportation order because of activities which they deemed harmful "to the security of the state and to public order." Although Israeli officials allege that Mr. Awad "is one of the main contributors to the violent disturbances" in the Occupied Territories, their efforts to deport him date back to the spring of 1987. Israel's Interior Ministry first ordered Mr. Awad out of the country last November, but stayed its action after concerned Israeli citizens, some members of the Knesset, and the United States Government protested. The Israeli Government is now attempting to tie Mr. Awad with the continued violence in the occupied territories on the basis of evidence which some informed diplomats have described as "circumstantial."

The legalities of Mr. Awad's case are complex and reflect the precarious status of Palestinians residing in the occupied territories. Although Mr. Awad is a naturalized United States citizen, he was born in East Jerusalem and considers that his home. He is not a citizen of Israel, however, and, like many of his fellow Palestinians, is subject to deportation by Israeli authorities.

The legal technicalities surrounding Mr. Awad's deportation proceedings are less significant, however, than the implications of Israel's decision to expel him from the country. For at issue is not the unresolved legal status of Palestinians living in the occupied territories, but the willingness of Israel to tolerate nonviolent political protests. The Government of Israel has consistently offered to negotiate with Palestinian leaders willing to renounce the use of violence and recognize the legitimacy of the State of Israel. The tragic violence which has gripped the occupied territories over the past 6 months should provide ample reminder of the urgent need to identify and initiate a dialog with such leaders. That Israeli authorities should detain and deport any Palestinian explicitly committed to nonviolence should be of grave concern to any American worried over the long-term security of Israel.

Israel has faced serious threats to its security since its founding in 1948. Since that time, the United States has remained staunchly committed to preserving Israel's security. This commitment has enjoyed the support of every administration, virtually all sectors of American society, and most Members of Congress, including myself. I cannot but conclude, however, that deporting Mr. Awad will represent a shortsighted act, the ultimate effect of which will be to deprive the Palestinian people of a sorely needed source of nonviolent protest. I am pleased to note that the State Department shares my concerns. In reference to Mr. Awad's case, the State Department stated that "the principles of peaceful change and nonviolence in the occupied territories deserve strong support and encouragement."

During the years to come, Israel will confront a complex political challenge to complement the military threat it has faced for the past 40 years. A growing Arab minority within Israel, combined with a restive and increasingly hostile Palestinian population in the occupied territories, will pose a daunting challenge to Israel's traditional identity as a nation both Jewish and democratic in nature. While I would not underestimate the difficulty of successfully meeting this challenge, I cannot believe that Mr. Awad's expulsion will be a contribution. Peaceful means of political expression are a vital necessity for any society undergoing profound transformation. Now more than ever, the philosophy espoused by Mr. Awad must be embraced and nurtured if Israel is to enjoy a more secure and peaceful future.

I am writing to Prime Minister Shamir to urge him to reconsider his deportation proceedings against Mr. Awad. My actions represent no lack of appreciation for Israel's predicament, but rather, my sincere belief that nonviolent avenues of political opposition must remain open to all parties—Arabs and Jews alike—with a stake in Israel's future. I hope that my colleagues share my concern over this issue, and will join my appeal on behalf of Mr. Awad. Reconciling the legitimate political rights of a minority with the security of the state is a difficult and painful process. Silencing those who advocate peaceful change, however, will invite only a violent and tragic future which no one desires. I hope my letter will lead Prime Minister Shamir to give closer examination to the long-term implications of his actions against Mr. Awad.

SUPREME COURT SECTION 1981 RULING

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. KLECZKA. Mr. Speaker, with the defeat of Judge Bork's nomination and the twilight of the Reagan Presidency, civil rights advocates thought our Nation's basic civil rights laws were safe. Maybe we were wrong. Last week we learned that the Supreme Court may decide to roll back the coverage of an important civil rights law.

The Supreme Court decided to reconsider its 1976 Runyon decision which allowed victims of discrimination to sue private parties. If the Supreme Court overturns its earlier decision, victims of discrimination would lose some of current law's most potent legal remedies against discrimination. Victims of the most blatant discrimination would lose their ability to sue for damages.

If the Court decides to roll back the coverage of section 1981 the Congress should not stand idly by. We should add explicit language to restore the original coverage of the law. The Congress could also use this opportunity to widen the coverage of this law. Currently, only victims of racial discrimination can use this law; victims of sex discrimination can't.

Section 1981 has become an important part of our Nation's civil rights laws. The Congress should be prepared to act to protect the current coverage of the law and to extend it to women. In 1988, we should be trying to make our society more just, not trying to roll back the advances of the last 25 years.

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. MANTON. Mr. Speaker, I join with a number of my colleagues in participating in the Congressional Call to Conscience Vigil for Soviet Jews. The purpose of the vigil is to continue to call regular attention to the plight of Soviet Jews who are desperately seeking their freedom and permission to emigrate from the Soviet Union.

I am greatly concerned about the Soviet Union's continued use of security considerations for denying legitimate and deserving exit visa applications. Today, I would like to share with my colleagues the story of a particular refusnik, Gregory Gimpelson. Mr. Gimpelson's wife and son reside in my congressional district. The Gimpelson family has been separated since 1977. In 1977, Bronislava and Gregory Gimpelson divorced in order that Bronislava, and their son, Alexander, could emigrate to the United States. The Gimpelsons knew if they applied for emigration as a family, they would be refused by Soviet authorities. The family has been working diligently to be reunited ever since. Alexander has sent his father an invitation to join him in the United States.

Gregory Gimpelson's application for an exit visa has been refused 20 times. In the most recent refusal, Mr. Gimpelson was told the earliest he would be allowed to leave the Soviet Union was 1995. The Soviet authorities base their denial on the claim Mr. Gimpelson may have obtained access to sensitive information while working at the Central Research Institute of Ship Automation in Leningrad. However, he has not been employed at the institute since 1973. General Secretary Gorbachev has publicly stated several times that denying an exit visa because an applicant has been in possession of state secrets should be a relevant concern for only 5 or 10 years. By Mr. Gorbachev's own criteria, Mr. Gimpelson should be allowed to be reunited with his family.

Mr. Speaker, too many Soviet Jews have waited too long for their freedom. As the date of the Moscow summit approaches and relations between the United States and the Soviet Union continue to improve, I hope meaningful progress will be realized on this issue. Members of Congress must continue their efforts on behalf of the Gregory Gimpelsons of the Soviet Union. Furthermore, I urge President Reagan and his representatives to make the plight of Soviet Jewry a topic of high priority in their discussions with General Secretary Gorbachev and his representatives. The time has come to grant the Jewish people of the Soviet Union their freedom. I urge the leaders of the Soviet Union to do so.

PERSONAL EXPLANATION

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. NELSON of Florida. Mr. Speaker, I was unable to be present and voting on May 5, 1988, for Roll No. 104, on the motion to approve the Journal. Had I been present, I would have voted "aye."

THE DARE PROGRAM

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. LOWERY of California. Mr. Speaker, in the war against drugs it is important that we not only stop drug use, but we prevent it. The family unit plays a key role in this process, however, there are a number of specialized assistance programs available for school age children to help bridge the gap in learning how to "Just Say No." One such program is known as the Drug Abuse Resistance Education [DARE] Program.

The Drug Abuse Resistance Education Program was formed in 1983. The Los Angeles Unified School District and Los Angeles Police Department formed a partnership to develop a comprehensive drug prevention education program for the elementary school children of Los Angeles.

Although DARE was developed in Los Angeles, it did not end there. DARE is currently in 33 States and 3 foreign countries. It is mandatory that all DARE officers are thoroughly trained in Los Angeles in a special program. This keeps worldwide continuity of the program's ultimate goal—unite the child, school, and police department to form a strong bond against drug abuse.

DARE deals with peer pressure resistance techniques, decisionmaking skills, problem-solving exercises, positive lifestyles, and alternatives to drug use. All of these are creatively taught by uniformed, unarmed police officers.

The DARE Program consists of 17 1-hour-a-week sessions over a semester. The program participants are generally fifth or sixth graders, in their last year of elementary school. These children are young enough to have not been exposed to a vast drug problem, yet old enough to understand the following concepts: Drug use and misuse, resisting pressures to use drugs, building self-esteem, assertiveness—a response style, managing stress without taking drugs, decisionmaking and risk taking, alternatives to drug use, and positive role modeling.

The San Diego Police Department has developed a DARE program in my congressional district. The results are proving to be very effective, and, the program has opened doors to improved communication among youth. DARE in San Diego consists of seven SDPD Officers and was implemented in January 1988.

I would like to commend Sgt. Ed Zitter and his staff, for the excellent program they provide for the San Diego Community. The DARE Program speaks for itself, but, it is out of selflessness these officers dedicate their concern and caring for America's children.

TRIBUTE TO MRS. EDNA ELAINE AVERY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to an outstanding member of my community, Mrs. Edna Elaine Avery. Mrs. Avery began her career with the Los Angeles Police Department on March 24, 1957. Throughout her tenure, her superiors have always commented on her dedication to duty, her loyalty and outstanding leadership qualities.

Under the supervision of Mrs. Avery, the Van Nuys Records Unit reached a level of efficiency that it had never before attained. Although the unit is continually understaffed, it was responsible for work generated from 10 separate entities within the Valley Headquarters. Because of her leadership qualities, Mrs. Avery's staff was well trained and operated at maximum efficiency.

Mrs. Avery unselfishly rescheduled her vacations on many occasions to ensure that the Van Nuys Records Unit would maintain their high caliber of service. She worked overtime and on her scheduled days off to assist with the ever increasing workload associated with law enforcement, refusing compensation for her time. Mrs. Avery feels that it is her responsibility to get the job done and help not only the personnel of the Police Department in Van Nuys, but all department personnel requesting her assistance.

During the city's financial crisis as a result of proposition 13, Mrs. Avery responded to the Department's needs to conserve resources by utilizing her ingenuity. Repeatedly, Mrs. Avery has shown the inclination to take on the tough jobs herself and see them through. Her leadership and supervisorial abilities set standards for all of us who strive for excellence.

It is my distinct honor and pleasure to ask my colleagues to join me in honoring Mrs. Edna Elaine Avery, an outstanding public servant.

EQUITY FOR GREAT LAKES SHIPPING

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. OBEY. Mr. Speaker, today, I am introducing legislation to address an increasingly damaging problem that is affecting shipping in the Great Lakes, and which has developed as a consequence of the lack of oceangoing American-flag service to Great Lakes ports and a deliberate misinterpretation, by the Department of Agriculture and the Maritime Administration, of the cargo preference provisions of the 1985 Food Security Act.

Since 1986, there has been no oceangoing U.S.-flag service in the Great Lakes, placing our region at a competitive disadvantage in bidding for federally impelled cargoes such as food aid under the Food-for-Peace Program.

In addition, the absence of U.S.-flag service means we have lost valuable Federal cargoes which should have been exported from Great Lakes ports but which have ended up being exported from other port ranges. Already this year, millions of pounds of food aid which had been allocated to Great Lakes ports for export through the St. Lawrence Seaway has been diverted to other port ranges, resulting in the loss of income and economic activity to the Great Lakes region.

The Department of Agriculture says it needs to divert cargo from the Great Lakes to meet the U.S.-flag preference requirement for federally impelled cargoes, which increased this year to 75 percent from 50 percent 3 years ago under the 1985 farm bill. However, in diverting these cargoes to meet its U.S.-flag preference requirement, USDA is ignoring a second mandate in the bill which established a Great Lakes set-aside, a minimum tonnage amount of food aid that must be exported from Great Lakes ports through the St. Lawrence Seaway. This set-aside was included in the legislation to ensure that shipping on the Great Lakes would not be harmed by the increased cargo preference requirement, and the CONGRESSIONAL RECORD makes it very clear that under the set-aside cargoes were to be shipped through the St. Lawrence Seaway.

USDA is ignoring this mandate by, in effect, classifying the Mississippi River as part of the St. Lawrence Seaway, and counting cargoes barged down the river from Chicago for eventual export from gulf ports on U.S.-flag vessels as exports from the Great Lakes.

This absurd and damaging situation could be remedied if there was oceangoing U.S.-flag service in the Great Lakes, but private ship operators are effectively prohibited from providing such service because of current law mandating a 3-year waiting period for reflagged vessels before they can become eligible to carry Federal cargoes.

Certain requirements relating to the reflagging of foreign vessels were waived last year in the case of 11 Kuwaiti tankers, and it is vital if we are to preserve international shipping service in the Great Lakes that the current 3-year waiting period be waived to allow Great Lakes ports to enjoy the benefits of U.S.-flag service.

My legislation will:

Authorize the Secretary of Transportation to waive the 3-year waiting period for reflagged vessels to allow up to six vessels to serve Great Lakes ports in international trade;

Require American crews on such vessels, in accordance with current requirements for U.S.-flag vessels, and;

Require that all repair or reconditioning work to bring the reflagged vessels up to Coast Guard specifications be done in U.S. shipyards.

This legislation is essential to enable Great Lakes ports to compete on an even basis with other port ranges. It will also benefit American seamen and American shipyards, and may result in savings to the Federal Government through the elimination of the additional expense of shipping midwestern grain to the Gulf of Mexico for export.

MISSING A "DAY" IN NORTHVILLE

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. PURSELL. Mr. Speaker, it is with great pride that I bring to the attention of Congress and the Nation the recent retirement of Jean Day.

Jean Day has been with the Northville Record (Michigan) for 25 years, having served as editor since 1980.

The quaint community of Northville has enjoyed the skill and talents of Jean Day through her diligent work in keeping us informed on events and trends throughout our area and the State of Michigan.

A graduate of the University of Michigan, Jean Day worked previously to her experience in Northville for newspapers in Flint and Birmingham, MI, as well as a society writer for the Detroit News.

Under Jean's direction as editor, the Northville Record received general excellence awards from the Michigan Press Association in 1985 and 1987. In addition, further honors were bestowed on the publication in 1985, with the National Press Association's General Excellence Award.

As the Congressman from the Second Congressional District, I greatly appreciate the many years of tireless efforts Jean Day has provided to the community of Northville. I am sure the citizens of this hamlet share my most sincere best wishes to Jean Day upon her retirement, and hope her retirement will be blessed with an abundance of happiness.

VETERANS TO GATHER AT HOUSTON'S "REUNION '88"

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. FIELDS. Mr. Speaker, this Memorial Day weekend, more than 100,000 people are expected to attend "Reunion '88," a 2-day celebration in Houston, TX, that is designated to honor veterans of all our Nation's wars. "Reunion '88" represents an opportunity for Houstonians to tell our veterans—from the doughboys of World War I to Vietnam-era veterans—that we are deeply indebted to them for the sacrifices they have made to defend our Nation and all that it represents.

"Reunion '88" is an extension of the "welcome home" festivities held in Houston last year. The "welcome home" activities of 1987 which resulted in greater acceptance of, healing among and pride for veterans in the greater Houston area, the State of Texas and our Nation as a whole. "Reunion '88" should further improve the image of veterans and will give all of us an opportunity to tell our veterans that we appreciate the sacrifices they have made—and continue to make—to defend our country and the values and principles we Americans share.

Americans owe much to our veterans. Unfortunately, too infrequently do we take time to express our thanks publicly. "Reunion '88" will give those of us in the Houston area, and those of us from throughout Texas, an opportunity to make our feelings known to veterans attending the event. Moreover, the display of a replica of the Vietnam Veterans Memorial wall will serve as a tangible symbol of those brave individuals who have given their lives so that we Americans may live in freedom and peace.

But "Reunion '88" need not be and will not be a morbid event. Indeed, it should be a celebration of life—a celebration of the kind of life our Nation's veterans have made possible not only for us Americans, but for tens of millions of men, women and children around the globe as well. In keeping with that spirit, musical groups will perform at the Miller Outdoor Theatre during "Reunion '88."

Mr. Speaker, I know that you and my colleagues join with me in wishing the organizers of "Reunion '88" every possible success as they make arrangements for this event. They promise us an exciting event over the Memorial Day weekend, and I am confident that they will succeed.

A COMPREHENSIVE ENERGY POLICY

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. RAHALL. Mr. Speaker, I am taking this opportunity to insert into the RECORD an article which appeared in the April 9, 1988, issue of the National Journal on the president of the National Coal Association, Richard Lawson.

I would like to commend Mr. Lawson for his efforts to establish a comprehensive energy policy for this Nation. Of particular note is his attempt to initiate a dialog with the other fossil fuel producing sectors such as oil and natural gas.

In this regard, I would also like to commend Mr. Jerry V. Halvorsen, the president of the Interstate Natural Gas Association of America, for his expression of support of Mr. Lawson's efforts. This indication by Mr. Halvorsen to cooperate with the coal association, unlike certain other natural gas groups, is constructive and deeply appreciated by this Member of Congress.

LEADING A COAL GROUP OUT OF WASHINGTON'S PITS

(By Rochelle L. Stanfield)

From his steel-gray hair to his polished black shoes, Richard L. Lawson is still the picture of the four-star Air Force general that he used to be. That he now is the president of the National Coal Association tells a lot about both Lawson and the coal industry.

The 58-year-old Lawson, who joined the association last July, said his post has given him "the opportunity to put my energies to work on a long-range energy security policy." As deputy commander-in-chief of the U.S. European Command from 1983-86 (he retired from the service in December 1986), Lawson said he discovered that "what we've done over the past is try to deal with [energy as] a very serious problem of tactics. What we need is a long-term strategy."

Lawson gives the association more of an image of professionalism and respectability, reflecting fundamental changes that have taken place in the industry over the past decade. A new class of corporate executive—more managerial and analytical, less rough-and-tumble—has taken over. "The godfathers of the industry are no longer on the board. Most of them have retired," said a coal executive. "[The new leaders] wanted a guy with a more businesslike approach, who'd get more respect."

Lawson is the antithesis of his predecessor, Carl E. Bagge, a flamboyant lobbyist of the old backslapping school, sometimes labeled "Falstaffian" and "blustering" by his critics. *(See NJ, 3/30/85, p. 703.)*

We were looking for someone with a demonstrated ability to solve a lot of complicated problems, with a global view, who would provide good leadership, with presence and the ability to compete in the Washington environment," said James G. Randolph, president of Kerr-McGee Coal Corp., who initially suggested Lawson to the association's search committee.

Lawson was what the association was looking for, even though he knew nothing about the coal industry. Born on an Iowa farm, he joined the National Guard when he was 16 and remained in the military for 40 years, rising up through the ranks. He did take time out to earn a bachelor's degree in chemical engineering from Parsons College in Fairfield, Iowa, and a master's in public administration from the George Washington University.

In a sense, the military prepared him for his new civilian duties. As deputy chief of the European forces, he was a high-level manager; as director of plans and policy for the Organization of the Joint Chiefs of Staff from 1978-80, he acquired planning experience aplenty; and as a military assistant to President Ford in the mid-1970s, he learned his way around Capitol Hill.

Lawson said his overarching goal for a comprehensive energy policy is to "line up all the resources we have available and try to figure out what resources make the most sense to use in what way and then to rationalize the use of those resources," he said. Surprisingly, for an energy association executive, Lawson looks first to conservation to achieve that. "Do we really need to use all that energy?" he asked.

Each sector of the energy business has a major role in Lawson's energy scheme. So he has reached out to the oil, gas and electricity associations. "We need to network with other energy groups," he said. "So we have worked pretty hard to establish connectivity with all the organizations in the area."

Lawson hopes that his efforts will produce, among other things, an energy coalition white paper on energy independence. The reception, he said, "early on has been fairly good. It's a concept everybody is thrilled about."

Jerald V. Halvorsen, president of the Interstate Natural Gas Association of America expressed interest and enthusiasm for the project. Other oil and gas association staffs were skeptical, however.

Similarly, Lawson's reception on Capitol Hill has been mixed. For the most part, Members of Congress and their aides say they are impressed with his credentials and his approach. "He certainly seems smart, and he's very well respected," said one. Others were less enthusiastic, "He came in and said he was going to make a lot of changes," said another. "I don't see that he's changed anything yet."

Short-term setbacks don't appear to bother Lawson. Neither does criticism. "The single most important problem that has affected energy policy is that everyone keeps saying, 'In my lifetime, it won't happen.' The next year's fiscal statement for each company directs everything," he said. Lawson wants to take a longer look. "I believe we could have a comprehensive policy in place by 2010. That doesn't say we would have totally achieved [the results], but we would have the mechanism working toward energy independence. I believe we can do it."

TRIBUTE TO BETTY SHENEBERGER

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. SCHUETTE. Mr. Speaker, I would like to take this opportunity to congratulate Mrs. Betty Sheneberger, who is celebrating her 20th anniversary of teaching at the Epworth Cooperative Nursery School at the United Methodist Church in Midland, MI, for dedicating her life to improving the lives of our young people.

Mrs. Sheneberger, a resident of Midland, MI, since 1955, first became active at Epworth Cooperative Nursery School as a parent when her two children, Jeffrey and Joyce, attended the school. When her children went to school full time, Betty had the opportunity to join the staff as a full-time teacher. She has now been teaching there for 20 years.

In her 20 years of teaching service at Epworth, Betty Sheneberger has been instrumental in improving the level of education for 3- and 4-year-olds that have attended Epworth Cooperative Nursery School. Her love for children and preparing these youngsters for kindergarten is most apparent in the children she teaches.

Therefore, it is a privilege for me to join with Mrs. Betty Sheneberger's husband Jack, and all of her family and friends in extending my most sincere best wishes for continued success and happiness in the years to come.

HONORING COJO OF BAY PARK ON THEIR PARADE CELEBRATING ISRAEL'S 40TH ANNIVERSARY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to recognize the Council of Jewish Organizations of Bay-Park on the commemoration of the 40th anniversary of the State of Israel and the 21st anniversary of the reunification of Jerusalem.

On Sunday May 15, Jerusalem Day, the Council of Jewish Organizations of Bay-Park, in conjunction with the Kings Bay YM-YWHA is holding a parade that will wind through the heart of Sheepshead Bay. COJO Bay-Park has organized the entire Jewish community in southern Brooklyn to join in this event. Over 40 synagogues, community groups, and schools in the Sheepshead Bay, Marine Park, and Manhattan Beach area of Brooklyn will participate.

Brooklyn became home to thousands of new Jewish immigrants at the turn of the century. Preserving their own culture and customs was important as it is with any immigrant group. The community organizations like COJO Bay-Park and the Kings Bay Y are still the center of many lives. They have been bringing people together for years and are the backbone of the Sheepshead Bay-Marine Park community.

Their gala parade this year will be the culmination of events celebrating the 40th anniversary of Israel's independence and the 21st anniversary of the reunification of Jerusalem. I would like to extend my warmest thanks and congratulations to Arliene Stempler, the president of COJO Bay-Park, Rabbi Moshe Portnoy, its executive director, Edna Wildman, director of the Kings Bay Y, and Judith Shapiro, the coordinator of this year's 40th anniversary celebration. I would also like to thank all of the participants and volunteers who have given their time and resources to make this year's celebration a success.

GOVERNMENT LOSSES ON THE HONEY PROGRAM

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. CONTE. Mr. Speaker, the Commodity Credit Corporation [CCC] is a wholly owned Government corporation created in 1933 to stabilize, support, and protect farm income and prices; to help maintain balanced and adequate supplies of agricultural commodities, including products, foods, feeds, and fibers; and to help in the orderly distribution of these commodities. The principal operations conducted by the CCC are support programs for a small number of agricultural commodities. Under existing law, the CCC is required to support the price of corn, cotton, wheat, rice, peanuts, tobacco, dairy products, honey, barley, oats, rye, grain sorghum, sugar, and soybeans. Income support in the form of direct payments is also required by law to be available to wool and mohair producers.

The CCC has an authorized capital stock of $100 million held by the United States, with the authority to have outstanding borrowings of up to $30 billion at any one time. Commencing with fiscal year 1961, annual appropriations were authorized to reimburse the Corporation for net realized losses. Over the past 11 fiscal years, we have appropriated $124,876,066,000 to reimburse the CCC for such losses as sustained or anticipated. The appropriations record shows that these reimbursements break down as follows, by fiscal year:

Fiscal year:	
1978	$524,342,000
1979	990,900,000
1980	3,056,189,000
1981	3,299,887,000
1982	7,043,229,000
1983	16,173,514,000
1984	9,673,636,000
1985	12,285,790,000
1986	24,932,926,000
1987	25,761,995,000
1988	21,133,658,000
Total Enacted fiscal year 1978—Present	124,876,066,000

During these last 3 fiscal years, including the current one, we have reimbursed the CCC for $71.8 billion in losses. This reflects an estimated average loss of $65.9 million a day—every day, including holidays and weekends—since October 1, 1985.

The U.S. Department of Agriculture, in its fiscal year 1989 Budget Justifications, reported that direct government losses on the Honey Program totlled $72,612,000 in fiscal year 1987 and estimated losses of another $69,549,000 in fiscal year 1988.

Among the many concerned American taxpayers who have written in support of my efforts to phase out or limit the maximum gains that may be received by an individual producer is one from Fremont, MI. His remarks relate specifically to the Honey Program, and I am pleased to provide the full text of his letter for the review of our colleagues.

The letter follows:

FREMONT, MI,
March 22, 1988.

Representative SILVIO CONTE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN: I read in tonight's paper of your fight to limit the Federal Government's honey support program and I am writing to express my support for your efforts.

With the obscene budget deficits of recent years, we are certainly beyond the point of being able to squander the Nation's resources on these kinds of special interest bailouts. To say that the Congress has acted irresponsibly in allowing these kinds of programs to continue belabors the obvious.

While I'm pessimistic about your chances of being able to halt this program, I certainly wish you every success. In any event, this is one taxpayer who appreciates what you are trying to do.

Very truly yours,

JOHN A. PELEHACH.

1988 AAA SCHOOL SAFETY PATROL LIFESAVING MEDAL

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. WOLF. Mr. Speaker, this month the American Automobile Association is presenting five young people the highest award given to members of school safety patrols throughout the United States, the AAA School Safety Patrol Lifesaving Medal.

The Lifesaving Medal Program was initiated in 1949 by the American Automobile Association to recognize and honor selected school patrol members for their heroic lifesaving contribution to their communities. These awards are presented annually to selected members of the school safety patrol who, while on duty, have saved the lives of persons in imminent danger.

Since its inception, more than 280 boys and girls from 30 States and the District of Columbia have been honored with the Lifesaving Medal.

An award review board composed of representatives from active national organizations in the fields of education, law enforcement, and safety selects deserving medal recipients from those candidates who have been officially nominated for consideration.

The 1988 recipients of the AAA School Safety Patrol Lifesaving Medal are:

Shane Gill, 11, Oak Park Elementary, Tampa, FL.

Kristin L. Godown, 11, Hybla Valley Elementary, Alexandria, VA.

Tyler J. Pearson, 12, Wake Robin Elementary, Bellevue, NE.

Benjamin D. Duncan, 11, Gilder Elementary, Omaha, NE.

Shane A. Treat, 12, Gilder Elementary, Omaha, NE.

THE LIABILITY INSURANCE CRISIS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. FRENZEL. Mr. Speaker, today I urge all my colleagues to support a bill that I believe is necessary to ensure that our Nation's nonprofit hospitals may continue to operate fully and provide the kind of medical services that afford us the high standard of health care we enjoy today.

We are all familiar with the liability insurance crisis that in recent years has faced both hospitals and other institutions. Nonprofit hospitals have reacted in many ways, including the establishment of hospital-formed or sponsored insurance groups. The operation of nonprofit hospitals is now jeopardized by an inappropriate and unfair tax burden that was placed on their insurers by the Tax Reform Act of 1986. The harsh tax treatment of those insurers, most of which are owned or sponsored by the nonprofit hospitals, will substantially reduce, and may eliminate, their earnings. One company, the American Continental Insurance Co., had an effective tax rate of 71 percent in 1987 and will have a rate of 144 percent in 1988.

Accordingly, these insurers may be forced to dramatically increase premiums to the hospitals. If that were to happen, the nonprofit hospitals would likely choose to cease high risk but necessary services because they are unable to pass on the substantially higher insurance premiums to their patients. Few costs can be passed along to Medicare patients in that, due to Federal budgetary constraints, diagnostic-related-group [DRG] payments are not expected to be greatly increased. Costs are now also difficult to pass on to non-Medicare patients because many private health care insurers base reimbursable expenses on DRG payments or some other form of discount.

The provision creating this hardship for nonprofit hospital-formed insurers arises because they no longer can fully deduct additions made to reserve accounts established to provide for future claims. As a result of the Tax Reform Act, these insurers can only deduct the discounted value of those reserves.

It is clear that, in adopting this provision, the Congress intended to ensure that commercial insurance carriers assumed their fair share of taxes. Discounting was adopted to reflect the fact that some claims are paid in the future and that premiums can be invested until needed to pay those claims. Commercial insurers may offset the increased tax liability brought about by reserve discounting with net operating losses or can spread increased costs among many lines of business. With hospital-formed insurers, companies that were formed as a result of the insurance crisis and provide medical malpractice insurance only, this is unfortunately not the case.

This narrowly crafted legislation merely delays the start of discounting of the loss reserve deduction for qualified nonprofit hospital insurers for 2 years. The relief is elective, because certain insurers, whose business is declining, would be harmed by such a delay. In this time, the Department of the Treasury will complete a study of the effect of discounting on the different segments of the insurance industry, so permanent solutions may be adopted in the future.

The Committee on Ways and Means last year did acknowledge that workers compensation funds were uniquely situated and provided, among other things, a similar 2-year deferral to those insurers in the 1986 act. The relief afforded in this bill should be given effect, not only out of fairness, but to also avert the discontinuation of the high risk yet vital operations of our country's nonprofit hospitals.

A CONGRESSIONAL TRIBUTE TO ADAMSTOWN, PA

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to the citizens of Adamstown, PA. For some time, the entire Adamstown community has been involved in an outstanding volleyball exchange program with citizens from the city of Hannover, West Germany. On May 29, 1988, everyone in the borough will be celebrating their great success with the program during a pig roast and community dedication service.

The community will be sending a group of 15 young people to Hannover to participate in a number of volleyball games. Team Adamstown's trip comes on the heels of last summer's visit to Pennsylvania by a volleyball team from Hannover. We all expect Team Adamstown to have great success in the upcoming games and we are proud that they will be ably representing our area.

The best thing about Team Adamstown's trip is that it is a true communitywide effort. Contributions for the trip have come from throughout the community and surrounding area; no outside sources of funding have been used. Under the able leadership of James L. Leisey, the trip is sure to be a huge success. Everyone is enthusiastic about the program and completely united behind the team. As a result of this year's accomplishments, plans for next year's events are already under consideration.

Nowadays, it is rare to see an entire community unite behind a project. It is impressive to see nearly every Adamstown citizen supporting Team Adamstown. The dedication and spirit behind this effort is something for which every community should strive. Mr. Speaker, I know that my colleagues will join me in honoring Team Anderstown and all of the citizens of Adamstown and in wishing them continued success and good fortune in the years to come.

CONGRESSMAN MAVROULES SALUTES DR. CARL E. MUELLAR

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. MAVROULES. Mr. Speaker, during this Small Business Week, I think it is appropriate that we reflect on the successes of the Small Business Innovation Research [SBIR] Program. In particular, I wish to bring to the attention of my colleagues the accomplishments of Dr. Carl E. Muellar during his tenure as the Director of the Navy's SBIR Program. The reason I do so at this time is because Dr. Muellar has recently moved on to another assignment for the Navy at the Naval Surface Warfare Center.

Dr. Muellar took responsibility for the Navy's SBIR Program in September 1985. He served as a creative and effective advocate for the program with the Pentagon, small businesses and large businesses, universities, and the Congress. During his tenure, the scope of the Navy SBIR Program grew from $25 million to $60 million.

The success of the Navy SBIR Program and its strong support in the small business and defense community, as well as in the Congress, can be attributed to Dr. Muellar's excellent management skills and diverse technical background. The SBIR Program has become a major contributor to the Navy's mission and our national defense technology base.

I congratulate Dr. Muellar on his promotion and wish him every success in this new assignment. I do hope that he will also remain an active participant in the SBIR Program.

A BILL TO IMPROVE THE DECENNIAL CENSUS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. BONKER. Mr. Speaker, I am pleased to introduce today legislation to amend title 13 of the United States Code, to improve the administration of the decennial censuses of population and housing, and to add three essential housing questions to the 1990 census.

Before I briefly describe this bill and why it is necessary, I would like to take this opportunity to congratulate several of my colleagues who have done a superb job of advocating the need to gather accurate housing data in the 1990 decennial census. Mr. DYMALLY, chairman of the Subcommittee on Census and Population, has played a crucial role on a number of census issues. He has been completely supportive of my efforts in behalf of the elderly and others who rely on the integrity of the census. I look forward to continuing this work with my distinguished friend from California.

Mr. Speaker, I must also congratulate Mr. ROYBAL, chairman of the Select Committee on Aging, for his excellent leadership in improving the census. He conducted a very successful hearing last fall to examine the census and its impact on minorities. In February, he cochaired with me a joint hearing of the Aging Committee and my Subcommittee on Housing and Consumer Interests to evaluate the changes that the Office of Management and Budget [OMB] made to the 1990 census relating to housing questions and sample size. Mr. ROYBAL, I am sure, will continue to push for an effective census.

In addition, I commend Mr. GONZALES, the distinguished chairman of the Subcommittee on Housing and Community Development, for his strong support for protecting housing questions on the census. And I thank Mr. DYMALLY, Mr. ROYBAL, Mrs. MORELLA, Mr. GONZALES, Mr. SIKORSKI, and Mrs. BOXER for joining me as original cosponsors of this bill.

Mr. Speaker, I have worked for months with housing advocates and colleagues in the House and Senate to dissuade OMB from making our hearings and this type of legislation necessary by urging them to withdraw their proposed changes to the census. We have not been completely successful. Therefore, the bill I am introducing today is a straightforward effort to improve the 1990 decennial census. First, the bill directs the Secretary of Commerce to add two crucial questions to the short questionnaire form of the census, which goes to 100 percent of the households. One of these questions relates to the quality of each housing unit's plumbing facilities, and the other question assesses whether each housing unit is a part of a condominium. These two questions are currently on the long questionnaire form of the census, which goes to only a sample of the households.

At OMB's insistence, the plumbing facilities and condominium questions were moved from the 100-percent questionnaire to the sample survey. Unfortunately, this will change the data available on these topics from actual counts to inadequate estimates. We will no longer have relevant significant housing characteristics on a city block by city block basis or for very small areas. With regard to the plumbing question, the usefulness of the questions in identifying substandard housing will be greatly diminished if it is not asked of every household. I believe it is important for Congress and others to have available data which shows how many housing units in our wealthy Nation lack complete plumbing facilities. We need to have those facts at our disposal and we need to act to correct these problems. In the past, plumbing facilities have been good indicators of substandard housing conditions, and we need to be able to identify areas where such housing problems exist.

In addition, if this question is moved to the short questionnaire, as I suggest, our ability to measure housing quality for subgroups, such as the elderly and minorities, within particular census tracts will be improved.

Mr. Speaker, as I mentioned, my legislation also places the question regarding whether a housing unit is a part of a condominium back on the 100-percent questionnaire. This question was asked on the 100-percent questionnaire in 1980 because condominiums are still not found very often and would be measured inaccurately with the long form which is a sample survey. I have been informed that urban data users and others who are interested in the housing patterns and trends of their communities will benefit greatly from obtaining this data again in the 1990 census. My bill will make this possible.

Second, the bill directs the Secretary of Commerce to include on the long questionnaire one or more questions to assess the type of hearing equipment used by households. This area is not addressed on either questionnaire at this time. The question regarding heating equipment was eliminated by OMB during their negotiations with the Bureau of the Census, but I believe that it is extremely important. Not only does the data it creates provide an historical perspective of how our Nation has progressed in heating equipment use, it can also reveal potentially dangerous situations regarding outdated heating equipment to local health and safety officials. The information obtained from this question also provides needed data to those who are in the critical fields which assess our reaction to energy crises and the consultants of limited energy resources.

Third, the bill amends title 13, United States Code to allow the Secretary of Commerce to administer the decennial censuses without interference from other agencies. All of us who have been involved during this past year with the census process know far too well the negative effect that those outside the Bureau of the Census can have on the professional development of the census. It is my understanding that the process used to develop the 1990 decennial census as proposed by the Census Bureau was the most extensive, thorough, and professional effort to date. In fact, the Census Bureau held meetings and conferences in all States with diverse groups and organizations and data users to determine the census content. Despite this extensive 3-year process used to develop the questionnaires, OMB interfered with the excellent work of the Bureau. My hope is that this will not happen in the future.

I believe that the small changes that my bill makes will significantly improve the 1990 census, particularly for those living in rural areas and for the poor and elderly who have serious housing problems. I would like to set the record straight, however, on who does benefit from the data gathered by the census. The 1990 census will provide data that will be used by Federal agencies, State and local governments, utility companies, developers, health officials, builders, mortgage bankers, and many more, including organizations with interests in many fields. Census generated data benefits the public and private sectors, and the proprietary and not-for-profit sectors. It seems to me that the census data benefits almost everyone in our Nation, and my legislation will make a good thing even better. I do want to note, however, that the 1990 census has already been reduced by about 10 questions; so there have been professional efforts made by Census to eliminate some questions.

Mr. Speaker, suffice it to say, I believe we have learned, through our hearings and other information that we have gathered, that my proposed changes for the census are necessary. I would like to submit for the RECORD a copy of a letter and its attachment written to me by the Housing Statistics Users Group. This important group of professional staff persons from 11 major private and public sector organizations concerned with housing data has been extremely helpful during the census development process. The attachment is a letter to Mr. DYMALLY, which calls for the efforts that I am undertaking today with this bill.

Mr. Speaker, the decennial census is an extremely important function of the Federal Government. In fact, the Constitution of our Nation states that the census should be conducted in the manner that Congress chooses, and Congress actually directly supervised the writing of the questionnaire itself until about 1920. Therefore, this legislation is appropriate and timely. Quite frankly, our census is the envy of much of the world. Congress with this bill can correct a few small, but significant, problems that now exist with the 1990 decennial census plan, and can make sure that these problems are minimized in the future. I ask my colleagues to join me in this effort.

HOUSING STATISTICS USER GROUP,
Washington, DC, April 15, 1988.

Hon. DON BONKER,
Chairman, Subcommittee on Housing and Consumer Interests, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As the attached letter to Chairman Dymally of the Subcommittee on Census and Population indicates, major issues concerning the housing questions in the 1990 Decennial Census are now on the way to resolution. While we still have selective concerns that are now under consideration by the Subcommittee, the major threats to the viability of the Housing Census have been eliminated.

Much credit for this turn-around of the earlier OMB proposals goes to those, including yourself, who signed the March 15 letter to the President outlining your concerns in a very statesmanlike fashion. The result is a victory for professionalism in the way the 1990 Census will be conducted.

The Housing Statistics Users Group (HSUG), representing staff members of the organizations listed below, express their sincere appreciation for your support.

Sincerely yours,
MARY K. NENNO,
Chairperson.

Housing Statistics User Group,
Washington, DC, April 12, 1988.
Hon. Mervyn M. Dymally,
Chairman, Subcommittee on Census and Population, Committee on Post Office and Civil Service, Washington, DC.

Dear Mr. Chairman: The Housing Statistics Users Group (HSUG) is deeply gratified by the recent decision authorizing the Census Bureau to restore some essential questions to the 1990 Census of Housing and to utilize a sample of 17.7 million housing units. HSUG represents professional staff persons from 11 major private and public sector organizations concerned with housing data. We commend you and the Subcommittee for your strong support of these changes.

Only one major area remains unresolved—the need to restore the questions on "plumbing" and "heating equipment" to the 100 percent form. These questions are essential for assessing the housing stock in rural areas; they also provide more flexibility in designing the variable sample to be used for the long form, assuring greater accuracy for urban and rural areas. We urge the Subcommittee to support these two additions to the 1990 Census.

Even with these changes, the 1990 Census of Housing will cover significantly fewer questions than in 1980. Specific questions dropped from 1980 would be: Access to housing unit; water heating fuel; number of stories in building; presence of elevator; cooking fuel; number of bathrooms; air conditioning; and number of units at address.

In addition, the sample of 17.7 million housing units for 1990, to be used for the long form, would be less than the sample of 19.3 million households in 1980. This is despite the increase in the total number of U.S. households from 95 million to over 100 million during the decade.

Through the strong support of the Subcommittee, the 1990 Census of Housing will be restored to a satisfactory, if not optimum, level; and HSUG is deeply appreciative of the Subcommittee's actions.

Looking back to the past year and ahead to the future, HSUG has some observations that we believe should be noted:

1. The process by which changes were proposed by the Office of Management and Budget (OMB) is troublesome. A small group in the OMB proposed to make changes in the 1990 Census of Housing in a very short review period in the summer of 1987, bypassing the intensive three-year development process undertaken by the experienced, professional staff of the Census Bureau.

2. An official "Housing Advisory Committee" to the Census Bureau, which had been authorized for the last three decennial censuses, was eliminated for the 1990 Census. Other advisory groups (for population, marketing, economics, statistics, and three minority groups) were continued. Thus, those interested in housing data had no official relationship and no direct access to census planning. HSUG was created to try and fill this gap, but lacks the status of an official advisory group.

HSUG believes that this recent experience should stimulate measures to restore the responsibility for decennial census to the experienced, professional staff of the Census Bureau, and to re-authorize a "Housing Advisory Committee" as an official committee to the Census Bureau.

Housing should have a recognized, important status in the information-gathering agencies of the federal government.

We respectfully request that this letter be filed for your hearing record.

Sincerely yours,

Mary K. Nenno,
Chairperson.

THE TRADE BILL: END GAME

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1988

Mr. KEMP. Mr. Speaker, I would like to call my colleagues' attention to an incisive article on the trade bill, written by Mr. Richard Billmire, a Washington-based economist. In the article, which was published by Polyconomics, Inc., Mr. Billmire articulately justifies a veto of the bill based on the trade provisions. While extraneous issues such as the plant-closing provision have drawn most of the attention, the bill contains significantly damaging changes in our trade laws, which Mr. Billmire astutely points out would "predispose the U.S. towards confrontation, domestic inefficiency, and retaliation."

Because of the article's length, I am submitting it in two parts, with the second installment appearing tomorrow. I commend the article to my colleagues:

After nearly three and a half years of work, the Congress this week will send President Reagan the trade bill. Barring any last minute changes in the plant-closing provision, the Administration has given notice it will veto the bill. Congressional leaders have made it clear that a successful veto makes it very unlikely a trade bill will be acted on this year and have stated they intend to delay action on the Canada/U.S. free trade agreement. In addition, no action would be taken to extend the President's GATT negotiating authority.

Unfortunately, public debate and media attention have centered almost exclusively on a narrow range of issues such as foreign investment registration and plant closing notification. Imbedded in the bill are major changes in trade legislation that could have a very negative impact on both the U.S. and global economy. Although seemingly innocuous, these changes constitute ticking time bombs that, given the realities of trade politics, predispose the U.S. towards confrontation, domestic inefficiency, and retaliation. The Reagan administration has thus far allowed itself to be outmaneuvered by Congress. In their eagerness to produce a bill the President could sign, Administration negotiators have agreed to a series of compromises, removing item after item from the "veto bait."

The great threat to world trade and the financial markets lies in the clear possibility the President will be mousetrapped into signing a bill. This would occur if the present bill that passed the House April 21 by a 3-to-1 margin is stripped of the plant-closing issue and a few others that do not really bear on international trade, while permitting the submerged time bombs to slip into law. This could happen, for example, if the Senate were to delay action on the conference report through a filibuster until the bill is stripped of the non-trade provisions. The President would be advised he had "won" and urged by his chief advisors to sign the legislation. More likely, the bill will be passed as is by the Senate and sent to a certain veto, but with the President writing a veto message that leaves open the possibility of a "fix" by Congress. The net result would be the same: a stripping of the less important measures that have been publicly discussed. The President would be trapped into signing the bill, his conditions having been met.

The grave danger of such a bill lies in the fact that the conference agreement makes major changes in the principles of governing U.S. trade policy. In general, the bill shifts the balance of power on trade matters from the President to Congress and the trade bureaucracy, creates a predisposition to retaliation, and greatly increases the power of special interest groups. The combined effect of these changes will be an explosion of trade actions and an escalating round of trade retaliation. To avoid the trap awaiting him, the President must be able to write a veto message that covers the submerged time bombs or simply write a generic veto message that indicates acceptance of only a bill that extends his negotiating authority. The President's advisors at Treasury and Commerce, as well as trade negotiator Clayton Yeutter, may counter that such a stance will produce a certain veto override.

THE SUBMERGED TIME BOMBS

Generally, trade controversies are resolved through a three-stage process: Initiation of investigations of alleged unfair trade actions; the findings and determination of injury, if any; if so, the awarding of import relief or retaliatory action. A process of bilateral or multilateral negotiations are usually initiated following a finding of injury. The provisions of the trade bill make it infinitely easier for an alleged victim of unfair trade practices to spur a government investigation, to obtain a positive finding that unfairness exists, and to have retaliatory action taken.

A. Investigations: The bill directs the trade bureaucracy to conduct almost a hundred separate studies on global trade practices and flows. Many are harmless, but others are designed to provide ammunition at taxpayer expense to those who wish to engage in an all-out attack on U.S. trade partners. The most important of these are in the Section 301 provisions of the bill that deal with retaliatory actions. The U.S. Trade Representative (USTR) is directed to identify priority trade practices whose removal will increase U.S. exports. After identifying the countries, the USTR is directed to conduct formal investigations. On questions of intellectual property rights, the USTR is directed, on his own initiative, to launch investigations of possible unfair trade practices. In the realm of international finance, the Secretary of the Treasury is directed to conduct a myriad of studies on the "proper" level of exchange rates and to conduct a feasibility study of a new debt management authority that could lead to the purchase of privately held sovereign debt. Clearly, this information is not to be gathered for analytical purposes, but is intended to serve as a basis for action. The vast expense of gathering such data and drafting it into a case against a specific foreign trading partner or foreign firm is thereby shifted to the government.

B. Lower Injury Standards: The value of this warchest of information to those seeking U.S. trade actions is immediately apparent when other provisions of the bill are examined. "Priority practices," for example, are longstanding issues that have not been resolved, as with Japan's citrus and beef and

Europe's fabricated steel, a "hit list." The criteria for identifying "priority practices" in the new Section 301, the enforcement section of the basic trade law, are purposely vague. The stated intentions of the bill's authors, the debate reveals, are to target certain countries in this "Super 301" framework. Injury standards under Section 201, which determines who gets relief and how, (i.e., tariff imposition on competing products) are explicitly lowered. The injury factors have been broadened to include problems of a firm that cannot simply be blamed on trade practices: declining market share or inability to maintain existing R&D expenditures, to name two examples. The determination of material injury leading to imposition of countervailing duties in antidumping cases is broadened as well. This includes the ability of a U.S. firm to develop and produce subsequent generations of a product. A new cause for action, the denial of workers' rights in other countries, also remains in the bill. In intellectual property rights cases, the injury requirement is simply eliminated.

C. Shift in the Balance of Power: An expanded data base and lowered injury standards do not in themselves guarantee an explosion of U.S. trade actions or a breakout of serious trade conflicts. This requires a major shift of the balance of power from the executive branch to Congress and the trade bureaucracy. Additionally, new authority would have to be accompanied by legislative direction that trade action is mandatory. The bill that will go to the President meets both requisites.

Existing trade law is correctly based on the assumption that it is the President who would have the authority to retaliate against foreign nations. The President is the only elected official charged with the responsibility to protect the national economic interest. As the nation's chief foreign policymaker, the President must also balance off national economic interests with national security concerns.

The trade conferees did not see it this way. The bill transfers Section 301 authority to the USTR from the President, essentially making the trade representative the trade czar, clearly dominant over the other Cabinet officers in trade matters. The USTR is given authority to determine whether foreign trade practices meet Section 301 criteria and to determine whether and what type of retaliation is to be taken. The bill states that the USTR is subject to the direction, "if any," of the President on retaliatory matters. This provision seems to provide a safety valve. But in practice, it underestimates the power of the USTR. To be worthy of the President's attention, a trade matter has to achieve a critical mass. The process the trade bill sets up invites action on many smaller matters that could combine to cause massive foreign retaliation.

The most critical change is to have findings of injury by the International Trade Commission take effect unless the President directs otherwise. At present, such findings must be confirmed by the President. They can be killed by the President simply doing nothing, as have all but ten of 200 ITC findings in the Reagan years. Given the strongly held beliefs of many of the trade conferees that the President has been too passive on trade, this action was to be expected. What is surprising is that administration officials did not draw the line on this issue, focusing on lesser matters in warning of a veto. Any transfer of authority away from the President is a serious matter because it affects all future Presidents, whatever their political party. Beyond the obvious problems that would arise through a President's reduced ability to affect economic events, the new trade bill could seriously circumscribe the ability of a future President to conduct foreign policy. Imagine a situation where a future Secretary of State is involved in discussion with a West German Chancellor on strategic defense modernization. Imagine then a trade bomb being lofted at Bonn by the USTR, retaliating against German agricultural products.

Other provisions of the bill mirror the Section 301 transfer of authority. While not as explicitly threatening, they nonetheless contribute to an erosion of the executive's power. Many of these provisions are in the nature of reporting requirements and would seem at first glance to be innocuous. The specific direction provided by the bill, though, is critical. In directing the President to prepare trade objectives on specific products, it will require extensive consultations with Congress on all trade matters. Directing the Secretary of the Treasury to conduct foreign-exchange negotiations furthers the idea that monetary manipulation will affect trade flows, and implicitly holds an exchange-rate report card over Treasury's head. These provisions, scattered through the bill, set the stage for future conflicts between the executive and legislative branches. Congress would set the terms of the debate in much the same way as it did in passing the Humphrey-Hawkins Act, holding money-supply targets over the head of the Federal Reserve as a report card on its actions. In the worst cases, though, the narrow parochial interests of congressional constituencies will dominate the administration's trade policy agenda. It is a wonder that Treasury Secretary Baker, who is said to be headed to the State Department in a Bush administration, would be silent on so many of these issues that would make life difficult for him or any secretary of state.